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Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1—GENERAL RULES OF PRACTICE

Revision of Part

The general rules of practice before the Commission adopted July 31, 1942, as amended by numerous orders of the Commission are hereby reissued with all amendments which will be in effect on July 16, 1962. Continuing the format of the 1956 issue, certain special rules are included in this issue.

Editorial changes to correct inadvertent discrepancies have been made. Included among these are the following within the form for *Verification for Statements of Fact Filed Under Modified Procedure*, which is Form No. 6 of Appendix B:

(a) Following the expression "the foregoing statement," the word "and" has been deleted and a comma has been substituted in lieu thereof;

(b) The footnote reference has been corrected to read, "See § 1.50."

HAROLD D. McCOY,
Secretary.

JUNE 19, 1962.

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Appendix A—Code of ethics for practitioners before the Interstate Commerce Commission.
Appendix B—Approved forms.

AUTHORITY: §§ 1.1 to 1.243 issued under secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 304, 54 Stat. 933, sec. 403, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003.

GENERAL INFORMATION

§ 1.1 Scope of rules.

The rules in this part govern procedure before the Interstate Commerce Commission in proceedings under the Interstate Commerce Act and related acts, unless otherwise directed by the Commission in any proceeding.

§ 1.2 Liberal construction.

The rules in this part shall be liberally construed to secure just, speedy, and inexpensive determination of the issues presented.

§ 1.3 Information; special instructions.

Information as to procedure under the rules in this part, and instructions supplementing these rules in special instances, will be furnished upon application to the Secretary of the Commission, Washington, D.C.

§ 1.4 Communications and pleadings generally.

(a) *How addressed.* All communications, including correspondence concerning matters referred to boards, should be addressed to the Commission unless otherwise specifically directed. All communications should clearly designate the docket number, if any, and short title. The person communicating shall state his address, the party he represents, and how response should be sent to him if not by first class mail.

(b) *Timely filing required.* Pleadings, requests, or other papers or documents required or permitted to be filed under this part must be received for filing at the Commission's offices at Washington, D. C., within the time limits, if any, for such filing. The date of receipt at the Commission and not the date of deposit in the mails is determinative.

(c) *Disposition of; when defective.* In any proceeding when upon inspection the Commission is of the opinion that a pleading, document, or paper tendered for filing does not comply with this part or, if it be an application, does not sufficiently set forth required material or is otherwise insufficient, the Commission may decline to accept the pleading, document, or paper for filing and may return it unfiled, or the Commission may accept it for filing and advise the person tendering it of the deficiency and require that the deficiency be corrected.

(d) *Objectionable matter.* The Commission may order any redundant, immaterial, impertinent, or scandalous matter stricken from any pleading, document, or paper filed with it.

§ 1.5 Definitions.

As used in this part:

(a) The terms "act" and "part" mean the Interstate Commerce Act and the several parts thereof, respectively. The term "act" also means, unless the context otherwise indicates, any other statute which the Commission administers in whole or in part.

NOTE: References to parts designated by Roman numerals refer to the Interstate Commerce Act. References to "this part," "the rules in this part or to parts designated by Arabic numerals," refer to this Code.

(b) The term "proceeding" shall include: (1) An informal or formal "complaint" alleging violation of any provision of the act or of any regulation or requirement made pursuant to a power granted by such act, including petitions on the special docket; (2) an "application" for (i) the granting of any right, privilege, authority, or relief under or from any provision of the act or of any regulation or requirement made pursuant to a power granted by such act, or (ii) the consideration of any submission required by law to be made to the Commission; and (3) an "investigation" instituted or requested to be instituted by the Commission, including, among other, matters on the valuation and investigation-and-suspension dockets.

(c) The term "complainant" means a person filing a complaint; "defendant" means a carrier or other person against whom complaint is filed; "applicant" means a person filing an application; "respondent" means a person designated in an investigation; "protestant" means a person opposed to a tentative valuation, to the granting of an application, or to any tariff or schedule becoming effective; "intervener" means a person permitted to intervene as provided in § 1.72 and "petitioner" means any other person seeking relief otherwise than by complaint or application.

(d) The term "pleading" means a complaint, answer, reply, application, protest, motion (other than motion orally made at hearing or argument), petition, document supplementing oral hearing as described in § 1.86 and all documents filed under modified and shortened procedure.

(e) The term "practitioner" means a person authorized by the Commission to appear before it in a representative capacity.

(f) The term "officer," except as a different meaning is indicated in §§ 1.17 (b), 1.57 to 1.66, inclusive, 1.71(a), and 1.78 (civil and corporate functionaries), includes: (1) a Commissioner, a board of employees (called an "employee board" in this part), an examiner, or special board composed of State representatives (called a "joint board" in this part), to which a proceeding (called "referred matter" in this part) is by order assigned or referred for hearing, consideration, or recommendation of an appropriate order thereon pursuant to provisions of law;[1] and (2) a Commissioner, an examiner, or other Commission employee before whom, without entry of an order of reference, a proceeding is assigned for hearing. The term "board" means either an employee board or a joint board as the context requires.

[1] Such as sections 17 and 205 of the Interstate Commerce Act.

(g) The term "proposed report" means an officer's written statement of the issues, the facts, and the findings the officer proposes that the Commission should make, with the reasons therefor, but with no recommended order. Such term also means, and shall include, a "recommended decision" and a "tentative decision" as these last two terms are used in the Administrative Procedure Act.

(h) The term "report and recommended order" means an officer's written statement in a referred matter of the issues, the facts, the findings, reasons for such findings, and a recommended order. Such term also means, and shall include, an "initial decision" as the latter term is used in the Administrative Procedure Act.

(i) The term "officer's report" or "board's report" means a proposed report or report and recommended order.

(j) The term "shortened procedure" means the procedure specified in § 1.44 and rules therein mentioned. Such rules provide, upon written consent of the parties, and upon the Commission's initiative or its approval of a request therefor made prior to hearing by any party, for the filing and serving of pleadings in proceedings with a view to avoiding an oral hearing.

(k) The term "modified procedure" means the procedure specified in §§ 1.45 to 1.54, inclusive, which rules provide for the filing and serving of pleadings in proceedings with a view to limiting the matters upon which subsequent oral evidence, if any, will be introduced.

§ 1.6 Use of gender and number.

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender may be applied to females.

PRACTITIONERS

§ 1.7 Register of practitioners.

A register is maintained by the Commission in which are entered the names of all persons entitled to practice before the Commission. Corporations and firms will not be admitted or recognized.

§ 1.8 Practitioners' qualifications and classes.

The following classes of persons whom the Commission finds, upon consideration of their applications, to be of good moral character and to possess the requisite qualifications to represent others may be admitted to practice before the Commission:

(a) *Attorneys at law.* Attorneys at law who are admitted to practice before the highest court of any State or Territory or the District of Columbia.

(b) *Persons not attorneys.* Any person not an attorney at law who is a citizen or resident of the United States and who shall satisfy the Commission that he is possessed of the necessary legal and technical qualifications to enable him to render valuable service before the Commission, and that he is otherwise competent to advise and assist in the presentation of matters before the Commission.

§ 1.9 Applications for admission to practice.

An application under oath for admission to practice shall be addressed to the Commission, Washington, D.C., and must state the name, residence address, and business address of the applicant, and the time and place of his admission to the bar, or the nature of his qualifications. Such application shall also state whether the applicant has ever been suspended or disbarred as an attorney, or whether his right to practice has ever been revoked by any court, commission, or administrative agency, in any jurisdiction. Such application shall be accompanied by a certificate of the clerk of the court in which applicant is admitted to practice to the effect that he has been so admitted and is in good standing; or by a certificate signed by three or more practitioners as sponsors for the applicant, which certificate shall recite that applicant possesses all the requisite qualifications under this section, and the sponsors shall incorporate in their certificate a recommendation and motion that applicant be admitted to practice under this section.

§ 1.10 Additional certificates by practitioner's sponsors; hearing; abandonment of application.

The Commission in its discretion may call upon the practitioners making such certificate for a full statement of the nature and extent of their knowledge of the qualifications of the applicant. If upon consideration of the papers filed by the applicant and the statements submitted by his sponsors, or otherwise, the Commission is not satisfied as to the sufficiency of the applicant's qualifications under these rules, it will so notify him by registered mail, whereupon he may request a hearing for the purpose of showing his qualifications. If he presents such requests, the Commission will accord him a hearing. If he presents to the Commission no request for such hearing within 20 days after receiving the notification above referred to, his application shall be deemed to be withdrawn.

§ 1.11 Application fee.

An application filed after this section becomes effective must be accompanied by a fee of $10. Payment must be made either in cash or by New York draft, certified check, express or postal money order payable to the order of the Treasurer of the United States. The fee will be returned if applicant is not admitted to practice.

§ 1.12 Practitioner's oath.

No person shall be admitted to practice before the Commission until he shall have subscribed to an oath or affirmation that he will demean himself, as a practitioner before this Commission, uprightly, and accordingly to law; and that he will support the Constitution of the United States and laws of the United States and will conform to the rules and regulations of the Commission.

§ 1.13 Denial of admission, censure, suspension, or disbarment of practitioners.

The Commission may, in its discretion, deny admission, censure, suspend, or disbar any person who, it finds, does not possess the requisite qualifications to represent others, or is lacking in character, integrity, or proper professional conduct. Any person who has been admitted to practice may be suspended or disbarred only after he is afforded an opportunity to be heard. All persons, whether or not admitted to practice under § 1.9, must, in their representations before the Commission, conform to the code of ethics published by the Association of Interstate Commerce Commission Practitioners as of April 1, 1955, which code is reprinted in Appendix A to this part.

SPECIAL RULES RESPECTING BOARDS

§ 1.14 Special rules respecting boards.

(a) *Organization.* After a joint board has been created it shall select one of its members to act as chairman for all purposes concerning matters which may be referred to it. In the event the member so selected is absent from any meeting of the joint board the members attending shall select one of such members, except as provided in paragraph (b) of this section, temporarily to act as chairman.

(b) *Waiver by absence of a joint-board member.* The failure of a duly appointed member of a joint board to participate in any hearing after notice thereof on a matter referred to such joint board shall be considered to constitute, as to the matter referred, a waiver of action on the part of the State from which such member was appointed.

(c) *Procedural rulings in case of disagreement.* If the members of a board or a majority thereof in actual attendance at a hearing shall be unable to agree upon the disposition of a procedural question arising therein, the chairman (or acting chairman) of the board shall decide the question and rule or order accordingly.

(d) *Form of board's report; service.* For the sake of uniformity the board's report shall conform as nearly as may be practicable to the form of report issued by the Commission in similar cases. The board's report will be served by the Commission.

(e) *Termination of joint board jurisdiction; subsequent procedure.* The jurisdiction of a joint board over a referred matter shall be terminated in the event of: (1) service of a report as provided in paragraph (d) of this section; (2) submission of the board's conclusions without written report; (3) waiver of action in writing by appropriate authority of each State from which a member is entitled to be appointed; (4) failure of all members of the board to appear at the hearing; (5) failure of a majority of the board to agree; or (6) entry of order vacating the order of reference to the joint board. Except where a report is served as provided in paragraph (d) of this section, in which event the subsequent procedure will be as provided in § 1.96 and subsequent sections, a referred matter, after termination of joint-board jurisdiction, will be decided by the Commission or be made the subject of another officer's report on the record theretofore made or after such hearing or further hearing as may be required.

PLEADING SPECIFICATIONS GENERALLY

§ 1.15 Typographical specifications generally.

Except as otherwise provided respecting applications (§ 1.38(a)), exhibits (§ 1.84(a)), and informal complaints (§ 1.24(a)), all pleadings, documents, and papers to be filed under these rules shall be on opaque, unglazed, durable paper not exceeding 8½ by 11 inches. To permit binding in covers of uniform size, margins of at least 1½ and 1 inch, respectively, shall be allowed on the left and right margins. Binding shall be on the left margin. Reproduction may be by printing, printing by offset press, multigraphing, or mimeographing, or by any other process, provided the copies are clear and permanently legible. White-line blueprints which cannot be reproduced by photography are not acceptable. If directly typewritten, or if in facsimile reproduction of typewriting, the impression must be on one side of the paper and must be double-spaced, except that long quotations shall be single-spaced and indented. Nothing less in size than Elite type shall be used. If printed, adequate leading and nothing less than 10-point type shall be used, except that 8-point type may be employed in footnotes and in tabular matter where printing limitations so require. A pleading or brief in excess of 50 pages (except a pleading under modified or shortened procedure), including cover pages, indexes, and appendixes, must be printed. Printing by offset press will be accepted: *Provided*, That the type used is not reduced in size smaller than that required for typewritten documents and that where the pleading or brief exceeds 50 pages, the impression is on both sides of the paper. Failure to observe these specifications will result in rejection.

§ 1.16 Copies.

(a) *Generally.* The original and 14 copies of every pleading, document, or paper permitted or required to be filed under this part shall be furnished for the use of the Commission except as a different number is required under paragraph (b) of this section, or as otherwise provided respecting: answers (§ 1.35 (c)); applications (§§ 1.38(b) and 1.40 (c)); complaints, formal (§§ 1.26 and 1.37) and informal (§§ 1.24(a) and 1.25 (d)); depositions (§ 1.64); exhibits (§§ 1.84(c) and 1.86); modified and shortened procedure (§§ 1.44(c) and 1.52); petitions in intervention (§ 1.72 (d)); prepared statements (§ 1.77); protests in investigation-and-suspension proceedings (§ 1.42(c)); replies (§ 1.23 (b)); and matters respecting oral argument (§ 1.98); subpenas (§ 1.56(a)); time modification (§ 1.21(b)); transcript correction (§ 1.90(b)), and petitions for

rehearing, reargument, or reconsideration (§ 1.101(a)).

(b) *In bankruptcy proceedings.* Except as otherwise provided in an application form or instruction (§ 1.38) and respecting exhibits (§1.84 (c)), the original and 19 copies of every pleading, document, or paper filed in a proceeding arising under the Uniform Bankruptcy Act shall be furnished for the use of the Commission.

§ 1.17 Attestation and verification.

(a) *Practitioner's signature.* If a party is represented by a practitioner each pleading, document, or paper of such party shall be signed in ink by one such practitioner whose address shall be stated. The signature of a practitioner constitutes a certificate by him that he has read the pleading, document, or paper; that he is authorized to file it; that to the best of his knowledge, information, and belief there is good ground for it; that it is not interposed for delay; and that with respect to a complaint he files it with the distinct knowledge and specific consent of complainant. A pleading document, or paper thus signed need not be verified or accompanied by affidavit except as otherwise provided respecting applications (§ 1.38), modified and shortened procedure (§§ 1.44(c) and 1.50), and statements of claimed damages (§ 1.100).

(b) *When no practitioner's signature.* A pleading, document, or paper not signed by a practitioner must be signed in ink, the address of the signer shall be stated, and the facts alleged in a pleading must be verified under oath by the person in whose behalf it is filed. Signature and verification in such manner must be by at least one complainant if the pleading is a complaint. A pleading document, or paper filed on behalf of a corporation or other organization authorized to make complaint under the act, which is not signed by a practitioner must be signed in ink, and the facts alleged in a pleading must be verified by an executive officer of such corporation or organization.

§ 1.18 Affirmation in lieu of oath.

Whenever under this part an oath is required, an affirmation in judicial form will be accepted in lieu thereof.

§ 1.19 Pleadings part of record.

Recitals of material and relevant facts in a pleading filed prior to oral hearing in any proceeding, unless specifically denied in a counterpleading filed under these rules, shall constitute evidence and be a part of the record without special admission or incorporation therein, but if request is seasonably made, a competent witness must be made available for cross-examination on the evidence so included in the record. Pleadings may contain specific references to or quotation from the tariffs or schedules containing the several rates, fares, charges, schedules, classifications, regulations or practices alleged to be material.

§ 1.20 Amendments.

Leave to file amendments to any pleading will be allowed or denied as a matter of discretion.

§ 1.21 Time.

(a) *Computation.* In computing any period of time prescribed or allowed by this part, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is Saturday, Sunday or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. A half holiday shall not be considered as a holiday.

(b) *Modification.* Except as to the maximum time periods provided by law or specified in this part respecting informal complaints seeking damages (§ 1.25), any time period prescribed or permitted in this part may, upon request and for good and sufficient cause, be modified by the Commission in its discretion. Requests for extension or modifications of time must be served upon all parties of record at the same time and by the same method of communication as service is made on the Commission. A request for postponement of date for filing briefs or other documents must be filed not less than 10 days before the date in question, except in extraordinary circumstances, and where such requests are filed less than 10 days before the due date the petitioning party shall state the reasons for his failure to make such request within the prescribed 10 days. The original only of the request and certificate of service need be filed with the Commission. If granted, the party making the request shall promptly so notify all parties to the proceeding and so certify to the Commission.

§ 1.22 Service; pleadings and papers to show.

(a) *Generally.* Except as otherwise provided in paragraph (b) of this section, or as otherwise provided respecting applications (§ 1.38(b)), formal complaints (§ 1.34), and informal complaints (§ 1.24(b)), every pleading, document, or paper must, when filed, or tendered to the Commission for filing, include a certificate showing simultaneous service thereof upon all parties to the proceeding. Such service shall be made by delivery in person, or by first-class or air mail, or by express, properly addressed with charges prepaid, one copy to each party. Service shall be effected upon the parties to the proceeding by the same means of communication and class of service that is employed in making delivery to the Commission: *Provided, however,* That when delivery is made to the Commission in person, and it is not feasible to serve the other parties in person, service shall be made upon parties 1000 or more miles distant from the party effecting service by air mail and upon parties less than 1000 miles distant by first-class or air mail. When any party is represented by a practitioner, service upon such practitioner will be deemed service upon the party.

(b) *Exceptions as to letter.* Copies of letters to the Commission relating to oral argument (§ 1.98) and subpenas (§ 1.56 (a)) need not be served upon other parties to the proceeding.

§ 1.23 Replies.

(a) *Time for filing.* Except that a reply to a reply is not permitted, and except as otherwise provided in paragraph (b) of this section and respecting answers (§ 1.35(c)), modified and shortened procedure (§§ 1.44(c) and 1.51), and briefs (§§ 1.92 and 1.93), an adverse party may file and serve a reply to any pleading permitted under the rules in this part within 20 days after filing at the Commission.

(b) *Replies to petitions under rule 101 and exceptions.* A reply to a petition filed under rule 101 seeking a change in a decision, order, or requirement may be filed and served within 20 days after the final date for filing such petitions, and a reply to exceptions filed under rule 96 may be filed and served within 20 days after the final date for filing such exceptions.

(c) *Copies.* The original of the reply should be accompanied by the same number of copies as required respecting the pleading to which the reply is responsive.

COMMENCEMENT OF PROCEEDINGS

§ 1.24 Informal complaints not seeking damages.

(a) *Form and content.* Informal complaint may be by letter or other writing, and will be serially numbered and filed as of the date of its receipt. No form of informal complaint is suggested, but in substance the letter or other writing (original and one copy shall be filed) must contain the essential elements of a formal complaint as specified in §§ 1.28 and 1.30. It may embrace supporting papers.

(b) *Correspondence handling.* If the informal complaint appears to be susceptible of informal adjustment, a copy or a statement of the substance thereof will be transmitted by the Commission to each person complained of in an endeavor to have it satisfied by correspondence and thus obviate the filing of a formal complaint.

(c) *Discontinuance without prejudice.* A proceeding thus instituted on the informal docket is without prejudice to complainant's right to file and prosecute a formal complaint, in which event the proceeding on the informal docket will be discontinued.

§ 1.25 Informal complaints seeking damages.

(a) *Actual filing required.* Notification to the Commission that an informal complaint may or will be filed later seeking damages is not a filing within the meaning of the statute except as provided in paragraph (e) of this section.

(b) *Content.* An informal complaint seeking damages, when permitted under the act, must be filed within the statutory period, and should contain such data as will serve to identify with reasonable definiteness the shipments or transportation services in respect of which damages are sought. Such complaint should state: (1) that complainant makes claim for damages, (2) the name of each individual claimant seeking damages, (3) the names of defendants against which claim is made, (4) the commodities, the rate applied, the date when the charges were paid, by whom paid, and by whom borne, (5) the period of time within which or the specific dates upon which the shipments were made, and the dates when they were delivered or tendered for delivery, (6) the points of origin and destination, either specifically or, where they are numerous, by definite indication of a defined territorial or rate group of the points of origin and destination and, if known, the routes of movement, and (7) the nature and amount of the injury sustained by each claimant.

(c) *Statement of prior claim.* If a complaint filed under paragraph (b) or (e) of this section contains a claim on any shipment which has been the subject of a previous informal or formal complaint to the Commission, reference to such complaint must be given.

(d) *Copies.* The original of an informal complaint seeking damages must be accompanied by copies in sufficient number to enable the Commission to transmit one to each defendant named.

(e) *Special-docket proceedings.* Where the act provides for an award of damages for violation thereof and a carrier is willing to pay them, or to waive collection of undercharges, petition for appropriate authority should be filed by the carrier on the special docket in the form prescribed by the Commission. If the petition is granted an appropriate order will be entered. Such petition, when not filed in connection with an informal complaint pending before the Commission, must be filed within the statutory period and will be deemed the equivalent of an informal complaint and an answer thereto admitting the matters stated in the petition. If a carrier is unable to file such petition within the statutory period and the claim is not already protected from the operation of the statute by informal complaint, a statement setting forth the facts may be filed by the carrier within the statutory period. Such statement will be deemed the equivalent of an informal complaint filed on behalf of the shipper or consignee and sufficient to stay the operation of the statute.

(f) *Six months' rule.* If an informal complaint seeking damages cannot be disposed of informally, or is denied, or is withdrawn by complainant from further consideration, the parties affected will be so notified in writing by the Commission. The matter in such complaint will not be reconsidered unless, within six months after the date such notice is mailed, either a formal complaint as to such matter is filed, or it is informally resubmitted on an additional fact basis.

Such filing or resubmission will be deemed to relate back to the date of the original filing, but reference to that date and the Commission's file number must be made in such resubmission or in the formal complaint filed. If the matter is not so resubmitted, or included in a formal complaint, as provided in this section, complainant will be deemed to have abandoned the complaint and no complaint seeking damages based on the same cause of action will thereafter be placed on file or considered unless itself filed within the statutory period.

§ 1.26 Formal complaints; copies.

(a) *Generally.* The original of each formal complaint, amended or supplemental formal complaint, or cross complaint, must be accompanied by copies in sufficient number to enable the Commission to serve one upon each defendant, including each receiver or trustee, and retain six copies in addition to the original.

(b) *Provision for State authorities.* If complaint is made under part II, or respecting State-made rates (§ 1.30(b)), sufficient copies in addition to those required under paragraph (a) of this section shall be furnished to permit the Commission to supply one to the appropriate authority in each of the States included in the scope of the complaint.

§ 1.27 Formal complaints; joinder.

(a) *Causes of action.* Two or more grounds of complaint concerning the same principle, subject, or state of facts may be included in one complaint, but should separately be stated and numbered.

(b) *Complainants.* Two or more complainants may join in one complaint if their respective causes of action are against the same defendant or defendants and concern substantially the same alleged violation of the act and a like state of facts.

(c) *Defendants.* If complaint is made with respect to through transportation by continuous carriage or shipment, all persons subject to the act participating therein, and against which an order is sought, should be made defendants. If complaint is made of a classification or any provision thereof, ordinarily it will suffice to make defendants the persons operating one or more through routes between representative points of origin and destination.

(d) *Correct designation of parties.* The unabbreviated names of all parties complainant and defendant must be stated correctly.

§ 1.28 Formal complaints; allegations generally.

A formal complaint should be so drawn as fully and completely to advise the parties defendant and the Commission in what respects the provisions of the act have been or are violated or will be violated, and should set forth briefly and in plain language the facts claimed to constitute such violation. If two or more sections or subsections of the act or requirements established pursuant thereto are alleged to be violated, the facts claimed to constitute violation of one section, subsection, or requirement should be stated separately from those claimed to constitute a violation of another section, subsection, or requirement whenever that can be done by reference or otherwise without undue repetition.

§ 1.29 Formal complaints; when damages sought.

A formal complaint that includes a request for an award of damages should contain the information specified for an informal complaint seeking damages (§ 1.25, paragraphs (b) and (c)).

§ 1.30 Formal complaints; discrimination, preference, and prejudice.

(a) *Generally.* A complaint that alleges the act is violated because of an undue or unreasonable preference or advantage, undue or unreasonable prejudice or disadvantage, or unjust discrimination should specify clearly the particular elements stated in the act[1] as constituting such violation, and the facts which complainant relies upon to establish it.

(b) *State-made rates.* A complaint that brings in issue any rate, fare, charge, classification, regulation, or practice, made or imposed by authority of any State, upon the ground that it violates provisions of the act which prohibit undue or unreasonable advantage preference, or prejudice as between persons or localities in intrastate commerce and persons or localities in interstate or foreign commerce, or any undue, unreasonable or unjust discrimination against interstate or foreign commerce, should bring in issue the justness and reasonableness of the rate, fare, charge, classification, regulation, or practice applicable to the interstate or foreign commerce involved in such complaint. Such complaint should also bring in issue the question as to what should be the rate, fare, or charge, or the maximum or minimum, or maximum and minimum, thereafter to be charged, and the classification, regulation, or practice that should be established so as to remove any such advantage, preference, prejudice, or such unjust discrimination.

§ 1.31 Formal complaints; other specifications.

(a) *Tariff or schedule references.* The several rates, fares, charges, schedules, classifications, regulations, or practices on which complaint is made should be set out by specific reference to the tariffs or schedules in which they appear, whenever that is practicable.

(b) *States in which transportation occurs.* A formal complaint under part II should specifically name the States in and through which the transportation which gives rise to the complaint is performed.

(c) *Hearing place.* A formal complaint should be accompanied by a statement of the place at which hearing is desired.

§ 1.32 Formal complaints; prayers for relief.

(a) *Generally.* A formal complaint in which relief for the future is sought should contain a detailed statement of the relief desired. Relief in the alternative or of several different types may be demanded, but the issues raised in the formal complaint should not be broader than those to which complainant's evidence is to be directed at the hearing.

(b) *Specific prayer for damages.* Except under unusual circumstances, and for good cause shown, damages will not

[1] Special rate, rebate, drawback, or other device; and particular person, company, firm, corporation, association, port, port district, gateway, transit point, locality, region, district, territory, or description of traffic.

be awarded upon a complaint unless specifically prayed for, or upon a new complaint by or for the same complainant which is based upon any finding in the original proceeding.

§ 1.33 Amended and supplemental formal complaints.

An amended or supplemental complaint may be tendered for filing by a complainant against a defendant or defendants named in the original complaint, stating a cause of action alleged to have accrued within the statutory period immediately preceding the date of such tender, in favor of complainant and against the defendant or defendants.

§ 1.34 Service of formal and cross complaints.

The Commission will serve formal complaints. It will also serve supplemental, amended, and cross complaints when it has granted leave to file such pleadings. Such service will be made personally upon a carrier or freight forwarder or upon an agent thereof designated for purposes of service, or by mail addressed to the carrier or freight forwarder or to the agent thereof at the address filed. If no agent has been designated, service may be made by posting in the office of the Secretary of the Commission, and if the defendant be a carrier subject to part II of the act, by also posting in the office of the secretary or clerk of the motor-carrier regulatory board of the State wherein the motor carrier maintains headquarters. If the complaint involves only the lawfulness of rates, fares, charges, classifications, or practices, service in the manner indicated in the third sentence of this section may be made upon an attorney in fact of a carrier or freight forwarder who has filed a tariff or schedule in behalf of such carrier or freight forwarder, but such service will not be made upon a carrier subject to part I unless such carrier has failed to designate an agent for service in the city of Washington.

§ 1.35 Answers and cross complaints to formal complaints.

(a) *Generally.* An answer may simultaneously be responsive to a formal complaint and to any amendment or supplement thereof. It should be drawn so as fully and completely to advise the parties and the Commission of the nature of the defense, including, if a departure from the requirements of section 4(1) of the act is involved, the number of the particular application or order, if any, which protects such departure; and should admit or deny specifically and in detail each material allegation of the pleading answered. An answer may embrace a detailed statement of any counter-proposal which a defendant may desire to submit. Unless the issue is such that separate answers are required, answer for all defendants may be filed on their behalf by one defendant in one document, in which event the answer must show clearly the names of all defendants joining therein, and their concurrence.

(b) *Cross complaints.* A cross complaint alleging that other persons, parties to the proceeding, have violated the act or requirements established pursuant thereto, or seeking relief against them under the act, may be tendered for filing by a defendant with its answer.

(c) *Time for filing; copies.* Unless otherwise directed by the Commission, an answer to a complaint should be filed within 20 days after the day on which the complaint to which answer is filed was served. The original and six copies of an answer shall be filed with the Commission.

(d) *When issue joined.* If any defendant answers or fails to file and serve answer within the period specified in paragraph (c), issue thereby is joined as to such defendant.

§ 1.36 Motions to dismiss or to make more definite and certain.

(a) *As to complaint.* Defendant may file with his answer, or with his statement under modified or shortened procedure, a motion that the allegations in the complaint be made more definite and certain, such motion to point out the defects complained of and details desired. Defendant may also file with his answer a motion to dismiss a complaint because of lack of legal sufficiency appearing on face of such complaint.

(b) *As to answer.* No replication to the answer shall be filed, but any party may file, within 10 days after the filing of an answer, or, in the case of modified or shortened procedure, complainant may file with his statement in reply, a motion that the answer, or defendant's statement, as the case may be, be made more definite and certain, such motion to point out the defects complained of and the details desired.

§ 1.37 Satisfaction of complaint.

If a defendant satisfies a formal complaint, either before or after answering, a statement to that effect signed by the opposing parties must be filed (original only need be filed), setting forth when and how the complaint has been satisfied. This action should be taken as expeditiously as possible.

§ 1.38 Applications.

(a) *Forms and instructions.* An application filed with the Commission shall be prepared in accord with and contain the information called for in the form of application, if any, prescribed by the Commission, or any instructions which may have been issued by the Commission with respect to the filing of an application.

(b) *Copies; service.* Copies of an application shall be furnished in such number, and be filed and served in the manner and upon the persons specified in the form or instruction.

§ 1.39 Applications; notice.

Appropriate notice of the filing of an application will be given by the applicant or by the Commission to the States, to State authorities, or to other persons as may be required by the form or instruction or by the act.

§ 1.40 Protests against applications.

(a) *Content.* A protest against the granting of any application shall set forth specifically the grounds upon which it is made and contain a concise statement of the interest of protestant in the proceeding.

(b) *When filed.* Any protest shall be filed with the Commission promptly after the application is filed. If the proceeding be one respecting which the Commission has issued a notice advising the public of the filing of the application, the protest shall be filed within the time specified in such notice. Failure to file a protest shall not prejudice subsequent participation in the proceeding.

(c) *Copies; service.* A protest filed under this section shall be served upon applicant and, unless otherwise specified in the public notice, the original and six copies of the protest shall be filed with the Commission.

(d) *When rule disregarded.* An application may be set for hearing without awaiting the filing of a protest or of a reply thereto, and also may be disposed of without regard to the prior paragraphs of this section unless the act provides that the particular application may be granted only upon hearing.

§ 1.41 Valuation proceedings; protests.

A protest of a tentative valuation shall contain a concise statement of the essential elements of protest with particular reference to the matters in the tentative valuation concerning which protest is made and shall include a statement of the changes therein desired by protestant. When practicable each object of protest should be set up as a separate item in a separately numbered paragraph. Each item of protest against land values or areas must state the valuation section and zone on the Commission's maps in which the land is located. When protestant claims that property owned or used has been omitted, a full description of such property and its location must be included in the protest.

§ 1.42 Petitions for suspension of tariffs or schedules.

(a) *Content.* The protested tariff or schedule sought to be suspended should be identified by making reference to the name of the publishing carrier, freight forwarder, or agent, to the Interstate Commerce Commission number, and to the specific items or particular provisions protested. Reference should also be made to the tariff or schedule, and the specific provisions thereof, proposed to be superseded. The protest should state the grounds in support thereof, indicate in what respect the protested tariff or schedule is considered to be unlawful, and state what protestant offers by way of substitution. Such protests will be considered as addressed to the discretion of the Commission and no protest shall include a prayer that it also be considered a formal complaint. Should a protestant desire to proceed further against a tariff or schedule which is not suspended, or which has been suspended and the suspension vacated, a separate later formal complaint or petition should be filed.

(b) *When filed.* Protests against, and requests for suspension of, tariffs or schedules filed under the act will not be considered unless made in writing and filed with the Commission at Washington, D.C. Such protests and requests for suspension shall reach the Commission at least 12 days before the effective dates of the tariffs, schedules, or parts thereof to which they refer, unless the protested publications were filed on less than 30-days notice under the authority of this Commission, in which event the protests should be filed not less than 5 days before such effective dates. In an emergency, telegraphic protests will be acceptable if received within the time limits herein specified, provided they also fully comply with paragraph (a) of this section and copies thereof are immediately telegraphed by protestants to the respondent carriers or their publishing agents. Six copies of such telegrams should immediately be mailed by the protestants to the Commission at Washington.

(c) *Copies; service.* Seven copies of each protest or reply filed under this section must be filed with the Commission and one copy of the protest simultaneously be served upon the publishing carrier, freight forwarder, or agent, and upon other persons known by protestant to be interested.

(d) *Reply to protest.* A reply to a protest filed under this section should be filed and served promptly.

§ 1.43 Service of investigation order; default where failure to comply.

An order instituting an investigation will be served by the Commission upon respondents. If within a time period stated in that order a respondent fails to comply with any requirement specified therein respondent shall be deemed in default and to have waived any further hearing. Thereafter the investigation may be decided without further proceedings.

SHORTENED AND MODIFIED PROCEDURE

§ 1.44 Shortened procedure.

(a) *Consent; notice.* In shortened procedure (see § 1.5(j)) the Commission will request all the parties thereto to advise the Commission within a time to be specified by it whether they consent to presentation under shortened procedure. Such advice should include, if the party is to be represented by a practitioner, the name and address of such practitioner. If all parties consent to the procedure, they will be advised that it will be followed.

(b) *Declination; hearing.* If any party declines to consent to shortened procedure, such declination shall not affect or prejudice the right or interest of such party. The proceeding will thereupon be conducted under modified procedure or be set for oral hearing as the Commission may direct. At the request of any party, received prior to service of an officer's report in a proceeding being conducted under shortened procedure, the Commission in its discretion may set the proceeding for oral hearing.

(c) *Other applicable rules.* The provisions for modified procedure in §§ 1.46 (a), 1.47, 1.48, 1.49, 1.50, 1.51, 1.52, and 1.54 shall also apply to shortened procedure. The time periods specified in § 1.51 shall begin to run from the date the Commission advises the parties that shortened procedure will be followed.

§ 1.45 Modified procedure; how initiated.

(a) *Petition on Commission's initiative.* Modified procedure (see § 1.5 (k)) will be ordered in a proceeding upon the Commission's initiative or upon its approval of a petition filed by any party that the modified procedure shall be observed.

(b) *Order directing modified procedure.* An order directing modified procedure will list the names and addresses of the persons who at that time are parties to the proceeding, and direct that they comply with the modified-procedure rules. As used in §§ 1.49, 1.51, and 1.53 (a) the term "complainant" shall comprehend the term "respondent" or "applicant," and the term "defendant" shall include the term "protestant," according as procedure under §§ 1.45 to 1.54, inclusive, may be ordered in a particular proceeding.

§ 1.46 Modified procedure; effect of order.

(a) *Relief from answer rule.* Issuance of an order directing modified procedure shall relieve defendant from the obligation of answering as provided in § 1.35.

(b) *Default where failure to comply.* If within any time period provided in the modified-procedure rules a party fails to file a pleading required by those rules, or otherwise fails to comply therewith, such party shall be deemed to be in default and to have waived any further hearing. Thereafter the proceeding may be disposed of without further notice to the defaulting party, and without other formal proceedings as to such party.

§ 1.47 Modified procedure; intervention.

Persons permitted to intervene under modified procedure shall file and serve pleadings in conformity with the provisions relating to the parties in whose behalf they intervene.

§ 1.48 Modified procedure; joint pleadings.

Parties having common interests shall arrange for joint preparation of pleadings filed under modified procedure.

§ 1.49 Modified procedure; content of pleadings.

(a) *Generally.* A statement filed under the modified procedure after that procedure has been directed shall state the facts and include the exhibits upon which the party relies. If no answer has been filed pursuant to the waiver provision of § 1.46, defendant's statement should admit or deny specifically and in detail each material allegation of the complaint. In addition defendant's statement and complainant's statement in reply shall specify those statements of fact of the opposite party to which exception is taken, and include a statement of the facts constituting the basis for such exception. Complainant's statement of reply shall be confined to rebuttal of the defendant's statement.

(b) *Exhibit identification.* In addition to being in compliance with § 1.84 (a) and (b), an exhibit which is part of any pleading filed under modified procedure shall serially be numbered and bear the notation, properly filled out, in the upper right-hand corner: "Complainant (Defendant) _____, Exhibit No. _____, Witness _____."

(c) *Damages.* If an award of damages is sought the paid freight bills or properly certified copies thereof should accompany the original of complainant's statement when there are not more than 10 shipments, but otherwise the documents should be retained.

§ 1.50 Modified procedure; verification.

The facts asserted in any pleading filed under modified procedure must be sworn to by persons having knowledge thereof, which latter fact must affirmatively appear in the affidavit. Except under unusual circumstances, such persons should be those who would appear as witnesses orally to substantiate the facts asserted should hearing become necessary. The original of any pleading filed under modified procedure must show the signature, capacity, and impression seal, if any, of the person administering the oath, and the date thereof.

§ 1.51 Modified procedure; when pleadings filed and served.

Within 20 days from the date of an order requiring modified procedure, complainant shall serve upon the other parties a statement of all the evidence upon which it relies. Within 30 days thereafter defendant shall serve its statement. Within 10 days thereafter complainant shall serve its statement in reply. No further reply may be made by any party except by permission of the Commission.

§ 1.52 Modified procedure; copies of pleadings.

The original and six copies of any statement made pursuant to § 1.51 shall be filed with the Commission. Subsequent pleadings are subject to § 1.54.

§ 1.53 Modified procedure; hearings.

(a) *Request for cross examination or other hearing.* If cross examination of any witness is desired the name of the witness and the subject matter of the desired cross examination shall, together with any other request for oral hearing, including the basis therefor, be stated at the end of defendant's statement or complainant's statement in reply as the case may be.

(b) *Hearing issues limited.* The order setting the proceeding for oral hearing, if hearing is deemed necessary, will specify the matters upon which the parties are not in agreement and respecting which oral evidence is to be introduced.

§ 1.54 Modified procedure; subsequent procedure.

Procedure subsequent to that provided in the modified-procedure rules shall be the same as that in proceedings not handled under modified procedure.

NOTICE OF HEARING; SUBPENAS; DEPOSITIONS

§ 1.55 Notice of hearing.

(a) *Assignment; service and posting of notice; requests for postponement.* In

those proceedings in which a hearing is to be held, the Commission will, by order or otherwise, assign a time and place for hearing. Notice of such hearing will be posted in the office of the Secretary of the Commission and will be served upon the parties and such other persons as may be entitled to receive notice under the act. A party should be prepared for hearing at its assigned time. Requests for postponement of dates thereof should be made sparingly, and will not be granted except for good and sufficient cause.

(b) *Change of assignment.* The Commission may confine the service of notice of a change of time or place assigned for hearing (other than by publication or posting), or of any adjourned, further, or supplemental hearing to those only who have indicated to the Commission a desire to be notified, at their own expense if telegraphic advice becomes necessary, of any such change.

§ 1.56 Subpenas.

(a) *Requests; particularity.* Unless directed by the Commission upon its own motion, a subpena to compel a witness to produce documentary evidence will be issued only upon petition showing general relevance and reasonable scope of the evidence sought, which petition must also specify with particularity the books, papers, or documents desired, and the facts expected to be proved thereby: *Provided, however,* That for good cause shown, in lieu of a petition, the request for such a subpena may be made orally upon the record to the officer presiding at the hearing. A request for issuance of a subpena other than to compel the production of documentary evidence may be made either by letter (original only need be filed with the Commission) or orally upon the record to the officer presiding at the hearing. A showing of general relevance and reasonable scope of the evidence sought may be required and the subpena will be issued or denied accordingly.

(b) *Issuance.* A subpena may be issued by the Commission or by the officer presiding at the hearing, but only under the signature of the Secretary or of a member of the Commission.

(c) *Service.* The original subpena shall be exhibited to the person served, shall be read to him if he is unable to read, and a copy thereof shall be delivered to him by the officer or person making service.

(d) *Return.* If service of subpena is made by a United States marshal or his deputy, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereof, stating the date, time, and manner of service; and return such affidavit on, or with, the original subpena in accordance with the form thereon. In case of failure to make service the reasons for the failure shall be stated on the original subpena. The written acceptance of service of a subpena by the person named therein shall be sufficient without other evidence of return. The original subpena, bearing or accompanied by the required return, affidavit, statement, or acceptance of service, shall be returned forthwith to the Secretary of the Commission, or, if so directed on the subpena, to the officer presiding at the hearing at which the person subpenaed is required to appear.

(e) *Witness fees.* A witness who is summoned and responds thereto is entitled to the same fee as is paid for like service in the courts of the United States. Such fee is to be paid by the party at whose instance the testimony is taken at the time the subpena is served, except that when the subpena is issued on behalf of the United States or an officer or agency thereof, fees and mileage need not be tendered at the time of service.

§ 1.57 Depositions; preliminary.

(a) *When permissible.* The Commission will either upon its own initiative, or for good cause shown by a party to a proceeding, issue an order to take a deposition.

(b) *Officer before whom taken.* Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held. Within a foreign country a deposition may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Commission.

(c) *When taken.* Unless under special circumstances and for good cause shown, no deposition shall be taken within 10 days prior to the assigned date of the hearing in such proceeding, and when the deposition is taken in a foreign country it shall not be taken within 30 days prior to such date of hearing.

(d) *Fees.* A witness whose deposition is taken pursuant to these rules and the officer taking same, unless he be employed by the Commission, shall be entitled to the same fee paid for like service in the courts of the United States, which fee shall be paid by the party at whose instance the deposition is taken.

§ 1.58 Depositions; petitions.

A petition requesting an order to take a deposition shall be filed with due regard to the time periods specified in § 1.57(c) and shall set forth the name and address of the witness, the place where, the time when, the name and office of the officer before whom, and the cause or reason why such deposition should be taken.

§ 1.59 Depositions; order; interrogatories.

(a) *Order.* If the petition requesting an order to take a deposition is granted which action may be taken without awaiting the possible filing of a reply, the Commission will serve upon the parties an order which will name the witness whose deposition is to be taken, and specify the time when, the place where, and the officer before whom the witness is to testify, but such time and place, and the officer before whom the deposition is to be taken, so specified in the Commission's order, may or may not be the same as set out in the petition.

(b) *Interrogatories.* In lieu of participating in the oral examination, parties served with the order for the taking of a deposition may promptly transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim, but it is not necessary that such interrogatories be served upon the party at whose instance the deposition is taken.

§ 1.60 Depositions; recordation of testimony.

The officer before whom the deposition is to be taken shall observe the provisions respecting appearances (§ 1.71 (a)), and typographical specifications (§ 1.15), put the witness on oath, and shall personally, or by some one acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise to record the evidence.

§ 1.61 Depositions; objections.

All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections.

§ 1.62 Depositions; deponent's signature.

When the testimony is fully transcribed or otherwise recorded the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing, or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall state at the foot thereof the fact of the waiver or of the illness or absence of the witness, or the fact of the refusal to sign, together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless, on a motion to suppress, the Commission finds that the reasons given for the refusal to sign are sufficient to require rejection of the deposition in whole or in part.

§ 1.63 Depositions; officer's attestation.

The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and that the officer is not of counsel or attorney for any of the parties, and that he is not interested in the event of the proceedings.

§ 1.64 Depositions; return to Commission.

The officer shall securely seal the deposition in an envelope endorsed with the title of the proceeding, and shall promptly send the original and one copy thereof, together with the original and one copy of all exhibits, by registered

mail to the Secretary of the Commission. The deposition must reach the Commission not later than 5 days before the date of the hearing at which it is to be offered as evidence.

§ 1.65 Depositions; notice of filing.

The party taking the deposition shall give prompt notice of its filing to all other parties.

§ 1.66 Depositions; copies.

Upon payment of reasonable charges therefor, the officer before whom the deposition is taken shall furnish a copy of it to any interested party or to the deponent.

§ 1.67 Depositions; inclusion in record.

At the oral hearing, if one is held, the deposition shall be offered in evidence by the party at whose instance it was taken. If not offered by such party, it may be offered in whole or in part by the adverse party. If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce all of it, which is relevant to the part introduced, and any party may introduce any other parts. Such deposition shall be admissible in evidence subject to such objections as to competency of the witness, or to the competency, relevancy, or materiality of the testimony as were noted at the time of taking of said deposition, or are made at the time it is offered in evidence.

HEARINGS

§ 1.68 Prehearing conferences.

(a) *Purposes.* Upon written notice by the Commission in any proceeding, or upon written or oral instruction of an officer, parties or their attorneys may be directed to appear before an officer at a specified time and place for a conference, prior to or during the course of a hearing, or in lieu of personally appearing to submit suggestions in writing, for the purpose of formulating issues and considering:

(1) The simplification of issues;

(2) The necessity or desirability of amending the pleadings either for the purpose of clarification, amplification, or limitation;

(3) The possibility of making admissions of certain averments of fact or stipulations concerning the use by either or both parties of matters of public record, such as annual reports and the like, to the end of avoiding the unnecessary introduction of proof;

(4) The procedure at the hearing;

(5) The limitation of the number of witnesses;

(6) The propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits; and

(7) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

(b) *Facts disclosed privileged.* Facts disclosed in the course of the prehearing conference are privileged and, except by agreement, shall not be used against participating parties either before the Commission or elsewhere unless fully substantiated by other evidence.

(c) *Recordation and order.* Action taken at the conference, including a recitation of the amendments allowed to the pleadings, the agreements made by the parties as to any of the matters considered and defining the issues, shall be recorded in an appropriate order, unless the parties enter upon a written stipulation as to such matters, or agree to a statement thereof made on the record by the officer.

(d) *Objection to the order; subsequent proceedings.* If an order is entered a reasonable time shall be allowed to the parties to present objections on the ground that it does not fully or correctly embody the agreements reached at such conference. Thereafter the terms of the said order or modification thereof, the written stipulation, or statement of the officer, as the case may be, shall determine the subsequent course of the proceedings, unless modified to prevent manifest injustice.

§ 1.69 Stipulations.

Apart from the procedure contemplated by the prehearing provisions (§ 1.68), and upon permission granted, the parties may in the discretion of the officer, by stipulation in writing filed with the Commission at any stage of the proceeding, or orally made at the hearing, agree upon any pertinent facts in the proceeding. It is desired that the facts be thus agreed upon so far as and whenever practicable.

§ 1.70 Authority of officers.

An officer may grant leave to amend or to file any pleadings, or to intervene, upon request tendered at the hearing, but in no event shall an officer grant such leave if thereby the issues would be so narrowed as to make a referred matter one which should properly be referred to a different officer. An officer shall have no power to decide any motion to dismiss the proceeding or other motion which involves final determination of the merits of the proceeding. The officer shall regulate the procedure in the hearing before him and take all measures necessary or proper for the efficient performance of the duties assigned him.

§ 1.71 Appearances; standard of conduct; absence from hearing.

(a) *Who may appear.* Any individual may appear for himself and any member of a partnership which is a party to any proceeding may appear for such partnership upon adequate identification. A bona fide officer or a full-time employee of a corporation, association, or of an individual may appear for such corporation, association, or individual by permission of the officer presiding at the hearing. A party also may be represented by a practitioner.

(b) *Appearances.* An appearance may be either general, that is, without reservation, or it may be special, that is, confined to a particular issue or question. When a practitioner enters an appearance at a hearing he will be expected to represent his client faithfully until the completion of the proceeding in which he has been retained, or until the completion of the part of the proceeding for which he has specially appeared. A practitioner who has entered his appearance at the hearing shall not be permitted to withdraw from the hearing, or wilfully to absent himself therefrom, except for good cause and, wherever practicable, only with the permission of the presiding officer. If a person desires to appear specially, he must expressly so state when he enters his appearance and at that time he shall also state the questions or issues to which he is confining his appearance; otherwise, his appearance will be considered as general.

(c) *Standard of conduct.* Contemptuous conduct by any person appearing at a hearing shall be ground for his exclusion by the presiding officer from the hearing.

(d) *Absence from hearing.* If a party or his representative shall, after entering an appearance, attempt to withdraw from the hearing in a manner other than that specified in paragraph (b) of this section, the Commission on its own motion, or on motion of any party to the proceeding, may take such action as, in the interest of justice and the protection of the lawful rights of all parties to the proceeding, the circumstances of the case may warrant, including the striking out of all or any part of any pleading of the offending party, and including the possible dismissal of the action or proceeding, or any part thereof, the entry of an order of default against that party, or the disciplining of the practitioner concerned.

§ 1.72 Intervention; petitions.

(a) *Content generally.* A petition for leave to intervene must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, and whether petitioner's position is in support of or opposition to the relief sought. If the proceeding be by formal complaint and affirmative relief is sought by petitioner, the petition should conform to the requirements for a formal complaint.

(b) *When filed.* A petition for leave to intervene in any proceeding should be filed prior to or at the time the proceeding is called for hearing, but not after except for good cause shown.

(c) *Broadening issues; filing.* If the petitioner seeks a broadening of the issues and shows that they would not thereby be unduly broadened, and in respect thereof seeks affirmative relief, the petition should be filed in season to permit service upon and answer by the parties in advance of the hearing.

(d) *Copies; service; replies.* When tendered at the hearing, sufficient copies of a petition for leave to intervene must be provided for distribution as motion papers to the parties represented at the hearing. If leave be granted at the hearing, one additional copy must be furnished for the use of the Commission. When a petition for leave to intervene is not tendered at the hearing, the original and two copies of the petition shall be submitted to the Commission together with a certificate that service in accordance with § 1.22 has been made by petitioner. Any reply in opposition to a petition for leave to intervene not tendered at the hearing must be filed within 20 days after service. In the discretion of the Commission leave to intervene

may be granted or denied before the expiration of the time allowed for replies.

(e) *Disposition.* Leave will not be granted except on averments reasonably pertinent to the issues already presented and which do not unduly broaden them. If leave is granted the petitioner thereby becomes an intervener and a party to the proceeding.

§ 1.73 Participation without intervention.

In an investigation proceeding, in a proceeding under paragraphs (18) to (20) inclusive of section 1, or sections 5 and 13a of Part I, in application proceedings under parts II, III, and IV, and in a proceeding of any one of the characters herein enumerated when heard on a consolidated record with a complaint proceeding, but in no other proceeding, an appearance may be entered at the hearing without filing a petition in intervention or other pleading, if no affirmative relief is sought, if there is full disclosure of the identity of the person or persons in whose behalf the appearance is to be entered, if the interest of such person in the proceeding and the position intended to be taken are stated fairly, and if the contentions will be reasonably pertinent to the issues already presented and any right to broaden them unduly is disclaimed. A person in whose behalf an appearance is entered in this manner becomes a party to the proceeding.

§ 1.74 Witness examination; order of procedure.

Witnesses will be orally examined under oath before the officer unless their testimony is taken by deposition or the facts are presented to the Commission in the manner provided under modified or shortened procedure. In formal-complaint, application, and investigation proceedings complainant, applicant, and respondent, respectively, shall open and close at the hearing, except at further hearings granted on petition the petitioner requesting further hearing shall open and close; and except, further, that parties other than the respondent shall open and close in investigations in which the burden of proof is not upon the respondent. Interveners shall follow the party in whose behalf the intervention is made. The foregoing order of presentation may be varied by the officer, who also shall designate the order of presentation in any other type of proceeding, of any other party to any proceeding, or of parties to several proceedings being heard upon a consolidated record.

§ 1.75 Evidence; admissibility generally.

Any evidence which would be admissible under the general statutes of the United States, or under the rules of evidence governing proceedings in matters not involving trial by jury in the courts of the United States, shall be admissible in hearings before the Commission. The rules of evidence shall be applied in any proceeding to the end that needful and proper evidence shall be conveniently, inexpensively, and speedily produced, while preserving the substantial rights of the parties.

§ 1.76 Evidence; cumulative restriction.

It shall be the duty of the officer before whom any proceeding is being heard to limit the number of witnesses whose testimony may be merely cumulative. And in order to enforce this section, the officer may require a clear statement on the record of the nature of the testimony to be given by any witness proffered.

§ 1.77 Evidence; prepared statements.

With the approval of the officer, a witness may read into the record, as his testimony, statements of fact or expressions of his opinion prepared by him, or written answers to interrogatories of counsel, or a prepared statement of a witness who is present at the hearing may be received as an exhibit, provided that the statement shall not include argument; that before any such statement is read, or admitted in evidence the witness shall deliver to the officer, the reporter, and to opposing counsel as may be directed by the officer, a copy of such statement or of such interrogatories and his written answers thereto; and that the admissibility of the evidence contained in such statement shall be subject to the same rules as if such testimony were produced in the usual manner, including the right of cross-examination of the witness. Such approval ordinarily will be denied when in the opinion of the officer the memory or demeanor of the witness may be of importance.

§ 1.78 Evidence; official records.

An official record or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by a judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office and having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office. A written statement signed by an officer having the custody of an official record or by his deputy that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as above provided, is admissible as evidence that the records of his office contain no such record or entry. This section does not prevent the proof of official records or of entry or lack of entry therein or official notice thereof by a method authorized by any applicable statute or by the rules of evidence.

§ 1.79 Evidence; entries in regular course of business.

Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence, or event, will be admissible as evidence thereof if it shall appear that it was made in the regular course of business, and that it was the regular course of business to make such memorandum or record at the time such record was made, or within a reasonable time thereafter.

§ 1.80 Evidence; documents containing matter not material.

When material and relevant matter offered in evidence is in a document containing other matter not material or relevant, the offering party shall produce the document at the hearing, shall plainly designate the matter so offered, and shall accord to the officer and to participating counsel an opportunity to inspect it. Unless it is desired to read such matter into the record, and the officer so directs, true copies in proper form of the material and relevant matter taken from the document may be received as an exhibit, but other parties shall be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant. The document itself will not be received.

§ 1.81 Evidence; documents in Commission's files.

(a) *In general.* If any matter contained in a report or other document, not a tariff or schedule, open to public inspection in the files of the Commission is offered in evidence such report or other document need not be produced, but in other respects the provisions of § 1.80 will apply.

(b) *Tariffs and schedules; official notice in investigation proceedings.* If any matter contained in a tariff or schedule on file with the Commission is offered in evidence, such tariff or schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity in such manner as to be readily identified and may be received in evidence subject to check by reference to the original tariff or schedule. Official notice will be taken without offer or production of that portion of any tariff or schedule which is the subject matter of an order of investigation and suspension.

§ 1.82 Evidence; records in other Commission proceedings.

If any portion of the record before the Commission in any proceeding other than the one on hearing is offered in evidence a true copy of such portion shall be presented for the record in the form of an exhibit unless:

(a) The party offering the same agrees to supply such copy later at his own expense, if and when required by the Commission; and

(b) The portion is specified with particularity in such manner as to be readily identified; and

(c) The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any other portion offered by any other party may be incorporated by like reference subject to paragraphs (a) and (b) of this section; and

(d) The officer directs such incorporation. Any such portion so offered, whether in the form of an exhibit or by reference, shall be subject to objection.

§ 1.83 Evidence; abstracts of documents.

When documents, such as freight bills or bills of lading, are numerous, the officer may refuse to receive in evidence other than a limited number of such documents said to be typical. Instead he may instruct, if the proffer be for the purpose of proving damage, that introduction be deferred until there is opportunity to comply with § 1.100. If the proffer be for other purpose the officer may require the party in orderly fashion to abstract the relevant data from the documents, affording other parties reasonable opportunity to examine both the documents and the abstract, and thereupon offer such abstract in evidence in exhibit form.

§ 1.84 Evidence; exhibits.

(a) *Generally.* Exhibits of a documentary character may have a maximum width of 22 inches by 12½ inches in height. Whenever practicable the sheets of each exhibit and the lines of each sheet should be numbered. If the exhibit consists of five or more sheets the first sheet or title-page should be confined to a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained therein. The exhibit should bear an identifying number, letter, or short title which will readily distinguish it from other exhibits offered by the same party. It is desirable that, whenever practicable, rate comparisons and other evidence should be condensed into tables. Whenever practicable, especially in proceedings in which it is likely that many documents will be offered, all the documents produced by a single witness should be assembled and bound together, suitably arranged and indexed, so that they may be identified and offered as one exhibit. Exhibits should not be argumentative and should be limited to statements of fact, and be relevant and material to the issue, which can better be shown in that form than by oral testimony.

(b) *Reference to tariff authority, routes, and distances.* All exhibits showing rates, fares, charges, or other tariff or schedule provisions must, by appropriate Interstate Commerce Commission number reference, indicate the tariff or schedule authority therefor, and if distances are shown must also show the authority therefor and, by lines, highways, or waterways, and junction points, the routes over which the distances are computed; except that the routes over which the distances are computed need not be shown when such distances are specifically published in a tariff or schedule lawfully on file with the Commission, or definitely ascertainable from a tariff or schedule on file with the Commission showing rates prescribed by the Commission and based on short-line distances, or short-highway distances, provided the exhibit makes specific reference to such tariff or schedules as provided by this section.

(c) *Copies.* Unless the officer shall otherwise direct, the original and one copy of each exhibit of a documentary character shall be furnished for the use of the Commission—original to be delivered to the reporter, and the copy to the officer. If the hearing be before a board, a copy of the exhibit shall be furnished to each member of the board, unless the board otherwise directs. Unless the officer for cause directs otherwise, a reasonable number of copies shall be furnished to counsel in attendance at the hearing. Unless the officer shall otherwise direct, in proceedings under the Uniform Bankruptcy Act, the original and three copies of every exhibit of a documentary character shall be furnished for use of the Commission—original to be delivered to the reporter, and the three copies to the officer.

(d) *Interchange prior to hearing.* Whenever practicable, the parties should interchange copies of exhibits or other pertinent material or matter before or at the commencement of the hearing; and the Commission or presiding officer may so direct.

(e) *When excluded how treated.* In case an exhibit has been identified, objected to, and excluded, the officer will develop whether the party offering the exhibit withdraws the offer, and if so, permit the return of the exhibit to him. If the excluded exhibit is not withdrawn it should be given an exhibit number for identification and be incorporated in the record. Exhibit numbers once used for identification will not be duplicated thereafter.

§ 1.85 Record in referred matter unaffected by a second reference.

If for any reason an order referring a matter to a particular officer is vacated and the matter referred to a different officer, any testimony already taken in such proceeding shall be part of the record along with any testimony which thereafter may be taken.

§ 1.86 Evidence; filing of subsequent to hearing; copies.

Except as provided below or as expressly may be permitted in a particular instance, the Commission will not receive in evidence or consider as part of the record any documents, letters, or other writings submitted for consideration in connection with any proceeding after close of the hearing, and may return any such documents to the sender. Before the close of a hearing the officer may, at the request of a party or upon his own motion, or upon agreement of the parties, require that a party furnish additional documentary evidence supplementary to the existing record, within a stated period of time. Documentary evidence thus to be furnished will not be assigned an exhibit number at the hearing, but the document will be given an exhibit number at the time of filing and the parties accordingly advised. Unless otherwise directed by the officer, the original and one copy of such submission shall be filed with the Commission.

§ 1.87 Evidence; objections to.

Formal exception to a ruling of an officer at a hearing is unnecessary. It is sufficient that a party, at the time the ruling is made or sought, make known to the officer on the record the action which he desires the officer to take or his objection to the action of the officer and his grounds therefor. An objection not pressed in brief will be considered as waived. Where no brief is filed an objection will be considered as waived if not pressed in exceptions or reply to exceptions, if filed, or in a separate petition dealing only with that objection.

§ 1.88 Oral argument before officer.

If oral argument before the officer is desired, he should be so notified at or before the hearing and may arrange to hear the argument at the close of the testimony within such limits of time as he may determine, having regard to other assignments for hearing before him. Such argument will be transcribed and bound with the transcript of testimony, and will be available to the Commission for consideration in deciding the case. The making of such argument shall not preclude oral argument before the Commission and request therefor may be made as provided in § 1.98.

§ 1.89 Continuance for further hearing.

A continuance may be granted by the presiding officer if it is impossible to conclude a hearing within the time available, or for any reason a continuance is necessary or advisable, but a joint board shall not set a date and place for a continued hearing without first consulting the Commission. If consultation with the Commission is impracticable, the hearing shall be adjourned by the joint board to such time and place as the Commission subsequently shall determine.

§ 1.90 Transcript of record.

(a) *Filing.* After the close of the hearing the complete transcript of testimony taken and the exhibits shall be filed with the Commission.

(b) *Corrections.* A suggested correction in a transcript ordinarily will be considered only if offered not later than 20 days after the date each transcript is filed with the Commission. A copy of the letter (original only need be filed with the Commission) requesting the suggested corrections shall be served upon all parties of record and with 2 copies to the official reporter.

(c) *No free copies.* No free copies of transcript will be furnished to any party to any proceeding.

BRIEFS; REPORTS; ORAL ARGUMENT

§ 1.91 Briefs; content and arrangement.

(a) *Due date.* The due date of each brief must appear on its front cover or title page.

(b) *Table of contents; citations.* A brief of more than 20 pages shall contain on its front flyleaves a table of contents and points made with page refer-

ences, the table of contents to be supplemented by a list of citations, alphabetically arranged, with references to the pages where they appear.

(c) *Sketch or chart.* In proceedings wherein misrouting or undue prejudice or preference are alleged, the complainant should include as part of the brief a small sketch or chart adequately reflecting the situation.

(d) *Evidence abstract.* A brief filed after a hearing should contain an abstract of the evidence relied upon by the party filing it, preferably assembled by subjects, with reference to the pages of the record or exhibit where the evidence appears. The abstract should follow the statement of the case and precede the argument. In the event the party elects not to include a separate abstract in his brief, he should give specific reference to the portions of the record, whether transcript or otherwise, relied upon in support of the respective statements of fact made throughout the brief.

(e) *Requested findings.* Each brief should include such requests for specific findings, separately stated and numbered, as the party desires the Commission to make.

(f) *Exhibit reproduction.* Exhibits should not be reproduced in the brief, but may, if desired, be shown, within reasonable limits, in an appendix to the brief. Analyses of such exhibits should be included in the abstract of evidence under the subjects to which they pertain.

§ 1.92 Briefs; when officer's report is served.

In a proceeding which has been the subject of hearing, and in which an officer's report is to be prepared and served, which fact will be stated by the officer on the record, only one brief shall be filed by each party. The officer shall fix for all parties the same time within which to file briefs. Reply briefs are not permitted at this stage.

§ 1.93 Briefs; when officer's report is not served.

If no officer's report is to be prepared and served, which fact will be stated by the officer, in a proceeding which has been the subject of hearing the officer may, subject to variation for cause shown, fix times for filing and serving the respective briefs as follows: for the opening brief, 30 days from the close of hearing; for the brief of any opposing party, 15 days after the date fixed for the opening brief; for reply brief, 10 days after the date fixed for the brief of the opposing party; or he may fix the same time for filing and serving of briefs of all parties. Where the same time is fixed, within 15 days after expiration of the time so fixed reply briefs may be filed, and such briefs must be confined strictly to reply and contain no new matter: *Provided, however,* That no reply brief may be filed in an investigation-and-suspension proceeding.

§ 1.94 Briefs of interveners.

Briefs of interveners shall be filed and served within the time fixed for the brief of the party in whose behalf the intervention is made or as may be otherwise directed by the officer.

§ 1.95 Officer's report; when and how served.

After expiration of the time set for filing briefs, if the proceeding be one in which a hearing has been held, the officer's report will be prepared and served by mailing a copy to each party. An officer's report prepared in a proceeding in which a hearing has not been held will be served by mailing a copy to each party of record and to any other persons not parties to the proceeding who are believed to have an interest in the proceeding.

§ 1.96 Exceptions to officer's report.

(a) *Generally.* Exceptions to the officer's report with respect to statements of fact or matters of law must be specific and must be stated and numbered separately. If exception is taken to conclusions in the report, the points relied upon to support the exception must be stated and numbered separately. When exception is taken to a statement of fact contained in the report, reference also must be made to the page or part of the record relied upon to support the exception and a corrected statement must be incorporated.

(b) *When filed.* Within 30 days after service of the officer's report, any party may file and serve exceptions thereto and reasons in support thereof. Replies may be served and filed as provided in § 1.23. In any case the Commission may, in its discretion, upon notice to the parties reduce or extend the time for filing exceptions or replies.

(c) *Exceptions and request for hearing by person not party.* If the proceeding is one in which no oral hearing has been held, any person not a party to the proceeding, but having an interest therein, may file and serve upon applicant, or complainant, as the case may be, exceptions to the officer's report and reasons in support thereof. A request for hearing may be included therein but the exceptions need not include a request for hearing if none is deemed necessary.

§ 1.97 Effect of exceptions or absence thereof.

(a) *Upon report and recommended order.* The filing of exceptions to a recommended order operates to stay the effectiveness of the order and thereafter decision by the Commission will be made in due course. If no exception is filed to the recommended order and the Commission does not stay it, the recommended order becomes the order of the Commission upon expiration of the period for filing exceptions provided in § 1.96 (b), or of any postponement of such period, or postponement of the effective date of such order, and a notice stating that the recommended order has, giving the date, become the order of the Commission will be mailed to the parties by the Commission.

(b) *Upon proposed report.* A proposed report will not become the decision of the Commission through failure to file objections, but in the absence of exceptions or of ascertained error the officer's statement of the issues and of the facts ordinarily will be taken by the Commission as the basis of its decision.

§ 1.98 Oral argument before Commission.

(a) *Request; how made.* If no officer's report is to be served, request for oral argument before the Commission must be made at hearing or by letter (original only need be filed with the Commission) within 10 days after the hearing. If an officer's report is to be served, the request for oral argument must be included as part of the exceptions brief or reply thereto.

(b) *Request for time allotment.* If the petition is granted a notice will be served by the Commission upon the parties setting the date for the oral argument. At least 10 days before that date any party desiring to participate in the oral argument must make request by letter (original only need be filed with the Commission) for an allotment of time. Only those making request in this manner will be permitted to participate.

ORDER COMPLIANCE; DAMAGE STATEMENTS

§ 1.99 Compliance with Commission's orders.

When in consequence of proceedings under the act, the Commission has by its order directed a defendant or a respondent to do or desist from doing a particular thing, such defendant or respondent must notify the Commission on or before the date upon which such order becomes effective whether or not compliance has been made therewith. If a change in rates or schedules is required the notification must be given in addition to the filing of proper tariffs or schedules, and must specify the Interstate Commerce Commission numbers of the tariffs or schedules so filed.

§ 1.100 Statements of claimed damages based on Commission findings.

When the Commission finds that damages are due, but that the amount cannot be ascertained upon the record before it, the complainant should immediately prepare a statement showing details of the shipments on which damages are claimed, in accordance with the form No 5. (See Appendix B.) The statement should not include any shipment not covered by the Commission's findings, or any shipment on which complaint was not filed with the Commission within the statutory period. The filing of a statement will not stop the running of the statute of limitations as to shipments not covered by complaint or supplemental complaint. If the shipments moved over more than one route a separate statement should be prepared for each route, and separately numbered, except that shipments as to which the collecting carrier is in each instance the same may be listed in a single statement if grouped according to routes. The statement, together with the paid freight bills on the shipments, or true copies thereof, should then be forwarded to the carrier which collected the charges for verification and certification as to its accuracy. If the statement is not forwarded immediately to the collecting carrier for certification, a letter request from defendants that forwarding be expedited will be considered to the end that steps be taken to have the statement forwarded immediately. All discrepancies, duplications, or other errors in the statements should be adjusted by the parties and correct agreed statements submitted to the Commission. The certificate must be signed in ink by a general accounting officer of the carrier and should cover all of the information shown in the statement. If the carrier which collected the charges is not a defendant in the case its certificate must be concurred in by like signature on behalf of a carrier defendant. Statements so prepared and certified shall be filed with the Commission whereupon it will consider entry of an order awarding damages.

REHEARING; REARGUMENT; OR RECONSIDERATION

§ 1.101 Petitions for rehearing, reargument, or reconsideration.

(a) *In general.* (1) A petition seeking any change in a decision, order, or requirement of the Commission should specify whether the prayer is for reconsideration, reargument, rehearing, further hearing, modification of effective date, vacation, suspension, or otherwise.

(2) *Administrative finality of division decisions.* All decisions, orders, or requirements of a division of the Commission in any proceeding shall be considered administratively final, except those involving issues of general transportation importance, those wherein the division reverses, changes, or modifies a prior decision by a hearing officer, and those wherein the initial decision is made by a division: *Provided, however,* That this subparagraph shall not preclude the seasonable filing of a petition for relief under paragraphs (b) and (c) of this section, to be considered and disposed of by the division or appellate division which made the decision, order, or requirement as to which relief is sought.

(3) *Limitations on petitions for review of division decisions.* Pursuant to authority granted in section 17(6) of the Interstate Commerce Act, the right to apply to the entire Commission for rehearing, reargument, or reconsideration of a decision, order, or requirement of a division of the Commission in any proceeding shall be limited and restricted to those proceedings in which the entire Commission, on its own motion, determines and announces that an issue of general transportation importance is involved. In proceedings in which no such announcement has been made, but in which a division reverses, changes, or modifies a prior decision by a hearing officer or where the initial decision is made by a division, a petition to the same division for rehearing, reargument, or reconsideration of its decision will be permitted and will be considered and disposed of by such division in an appellate capacity and with administrative finality.

(4) *Petitions seeking a finding that an issue of general transportation importance is involved; 3-page limitation; time for filing; no reply permitted.* In any proceeding which has involved the taking of evidence at oral hearing or by modified procedure in which the Commission has not noted the presence of an issue of general transportation importance, any party may, within 15 days after the service of a final decision, order, or requirement of a division or appellate division, as to which the filing of a petition for rehearing, reargument, or reconsideration is not permitted, file a petition requesting the Commission to find on its own motion that the proceeding is one involving an issue of general transportation importance. Any petition seeking such a finding shall not be considered an application for rehearing, reargument, or reconsideration within the meaning of section 17 of the act and shall not exceed 3 pages. No reply thereto may be filed and the ruling thereon will be final. Petitions seeking the relief specifically covered herein will not be entertained at any other stage of the proceeding.

(5) *Copies of petitions and replies.* In cases in which it has been determined and announced that an issue of general transportation importance is involved, there shall be furnished for the use of the Commission the original and 14 copies of each petition filed under this section and of replies to such petitions. A like number of copies shall be furnished of petitions seeking a finding that the proceeding involves an issue of general transportation importance. In all other cases, the original and 6 copies of such petitions and replies shall be furnished for the use of the Commission.

(b) *Rehearing or further hearing.* When in a petition filed under this section opportunity is sought to introduce evidence, the evidence to be adduced must be stated briefly, such evidence must not appear to be cumulative, and explanation must be given why such evidence was not previously adduced.

(c) *Modification of effective date.* A petition under this section seeking only modification of the effective date of a decision, order, or requirement, or in the period of notice, or other period or date prescribed therein, must be filed seasonably, except that, in case of unforeseen emergency satisfactorily shown by petitioner, such relief may be sought informally by telegram or otherwise, provided like notice is simultaneously communicated to all parties of record.

(d) *Reconsideration.* If relief under this section other than under paragraphs (b) and (c) is sought, the matters claimed to have been erroneously decided and the alleged errors or relief sought must be specified with the particularity respecting exceptions as outlined in § 1.96 (a), as should also any substitute finding or other substitute requirement desired by petitioner.

(e) *Time for filing.* Except for good cause shown, and upon leave granted, petitions under this section must be filed within 30 days after the date of service of a decision or order.

(f) *Successive petitions on same grounds, not entertained.* A successive petition under this section submitted by the same party or parties, and upon substantially the same grounds as a former petition, which has been considered and denied by the entire Commission will not be entertained.

(g) *Petitions for reconsideration of appellate division decisions on review of board decisions.* When an appellate division has denied a petition seeking a reversal, change, or modification of an original determination by a board of employees, any further petition for reconsideration by the same party or parties upon substantially the same grounds will not be entertained. If in the consideration of such a petition, however, by the appellate division, the previous determination of the board of employees has been reversed, changed, or modified, a further petition may be filed by any party to the proceeding adversely affected by the decision of the appellate division, within the time specified in paragraph (e) of this section, and the petition will be considered and disposed of by the same appellate division which passed upon the initial petition.

§ 1.102 Petitions not otherwise covered.

When the subject matter of any desired relief is not specifically covered by the rules in this part, a petition seeking such relief and stating the reasons therefor may be served and filed.

SPECIAL RULES OF PRACTICE

§ 1.200 Special rules of practice governing procedure in certain suspension and fourth-section matters.

(a) The proceedings of the Board of Suspension and the Fourth Section Board shall be informal. No transcription of such proceedings will be made. Subpoenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) Petitions for reconsideration of orders of the following may be filed by any interested person within 20 days after the date of the service of the order:

(1) Board of Suspension,

(2) Fourth Section Board,

(3) Appellate Division 2 reversing, changing, or modifying a previous determination of an employee board, and

(4) Division 2 suspending schedules or granting or denying fourth-section relief prior to hearing in proceedings not subject to a prior determination by an employee board.

Except as to said subparagraph (4) of this paragraph, respecting which an original and 14 copies are required, the original and six copies of every pleading, document or paper filed under this section shall be furnished for the use of the Commission. Any interested person may file and serve a reply to any petition for reconsideration permitted under this paragraph within 20 days after the filing of such petition with the Commission but if the facts stated in any such petition disclose a need for accelerated action, such action may be taken before expiration of the time allowed for reply. In all other respects, such petitions and replies thereto will be governed by the Commission's general rules of practice.

(c) When the Board of Suspension has declined to suspend a proposed tariff or schedule, or any part thereof, a petition

in writing by any protestant or protestants may be filed with the Commission for reconsideration by the designated appellate division provided it reaches the Commission at least two work-days prior to the effective date of the tariff or schedule in question. For the purposes of this section, a work-day shall be considered any day except Saturday, Sunday, or a legal holiday in the District of Columbia. (A legal holiday of less than one day shall be considered a work-day within the meaning of this section.) Petitions submitted under this section shall be filed with the Secretary of the Commission by 4:00 p. m., United States Standard Time (or by 4:00 p. m., Local Daylight Saving Time if that time is observed in the District of Columbia). Telegraphic notice or the equivalent thereof must be given by the petitioners to the respondent or respondents. As no replies to the petitions for reconsideration are contemplated under this rule, petitioners will be expected, except in unusual circumstances, to rely wholly on the information previously filed with the Board of Suspension. Written or telegraphic communication in intelligible form requesting reconsideration will be sufficient. Such request shall contain the following prefatory statement: "This matter requires expedited handling under the Commission's Special Rules of Practice." A petition not timely filed shall be rejected by the Secretary.

§ 1.225 Special rules of practice governing the procedure of the Temporary Authorities Board, the Transfer Board, Finance Boards[1] Nos. 1, 2, and 3, the Safety and Service Boards, the Motor Carrier Boards, the Special Permission Board, the Released Rates Board, and Operating Rights Boards[1] Nos. 1 and 2.

(a) The proceedings of the Temporary Authorities Board, the Transfer Board, Finance Boards Nos. 1, 2, and 3, the Safety and Service Boards, the Motor Carrier Boards, the Special Permission Board, the Released Rates Board, and Operating Rights Boards Nos. 1 and 2 shall be informal. No transcription of such proceedings will be made. Subpenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) A petition for reconsideration of an order of (1) the Temporary Authorities Board, the Transfer Board, a Safety and Service Board, a Motor Carrier Board, the Special Permission Board, the Released Rates Board, or Operating Rights Board No. 2 may be filed by any interested person, and (2) Operating Rights Board No. 1 and the Finance Boards may only be filed by a party to the proceeding. Such petition and reply thereto will be governed by the Commission's general rules of practice, except as otherwise provided in paragraphs (c), (d), and (e) of this section.

(c) The original and six copies of every pleading, document, or paper permitted or required to be filed under this section, shall be furnished for the use of the Commission.

(d) A petition seeking reconsideration of an order of the Temporary Authorities Board entered under section 210a(a) or of a Finance Board entered under sections 210a(b) or 311(b) of the Interstate Commerce Act must be filed within 20 days after the date of service of the order. Within 20 days after the filing of such petition with the Commission any interested person may file and serve a reply thereto.

(e) A petition seeking reconsideration of an affirmative order of the Transfer Board entered pursuant to the rules and regulations governing transfers of property brokers' licenses, Part 167 of this chapter, passenger brokers' licenses, Part 169 of this chapter, motor carrier operating rights, Part 179 of this chapter, water carrier operating rights, Part 306 of this chapter, and freight forwarder permits, Part 415 of this chapter, must be filed within 20 days following publication of a synopsis of such order in the FEDERAL REGISTER. In such a petition the matters claimed to have been erroneously decided and the alleged errors must be specified with particularity. If the petition contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted in affidavit form. Within 20 days after the final date for filing of such petitions with the Commission, any interested person may file and serve a reply thereto.

§ 1.240 Special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(2) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto.

(a) *Scope of special rules.* These special rules govern the filing and handling of (1) applications under section 5(2) of the Interstate Commerce Act respecting control, lease, and unification of operating rights and properties of motor carriers of property or passengers, and (2) applications for temporary authority respecting the transportation of property or passengers under section 210a (b) of the act. Except as otherwise herein provided, the general rules of practice shall apply. Amendments to applications which broaden the scope of proposed operations are deemed to be "applications" for the purpose of this part. Such amendments will not be allowed if tendered after an application has been assigned for oral hearing.

(b) *Notice to interested persons.* Notice of the filing of such applications to interested persons shall be given by the publication of a summary of the authority sought in the FEDERAL REGISTER. Such summaries will be prepared by the Commission. No other notice by applicants to interested persons is required, except that applicants are not relieved from the obligations to file copies of applications with Governors, State Boards, and District Directors of the Commission's Bureau of Motor Carriers as required by the instructions which are a part of the prescribed form of application.

(c) *Protests and requests for hearing.* (1) Protests to the granting of an application shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Any interested person filing a protest to an application under section 5(2), or appearing at a hearing in opposition thereto, shall be entitled to participate in proceedings upon any application for temporary authority under section 210a(b) filed in the same docket.

(2) Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held.

(3) In addition to other requirements of § 1.40 of the general rules of practice, protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected.

(4) Any request for an oral hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form of affidavits. The Commission will determine whether or not assignment of the application for hearing is necessary or desirable.

(5) Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of the notice of the filing of the application.

(6) Except when circumstances require immediate action, an application for approval under section 210a(b) of the act of the temporary operation of motor carrier properties sought to be acquired in an application under section 5(2) will not be disposed of sooner than 10 days from the date of publication of the notice of the filing of the application. If a protest is received prior to action being taken, it will be considered.

§ 1.241 Special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto.

(a) *Scope of special rules.* These special rules govern the filing and handling of applications for certificates, permits, and licenses respecting the transportation of property or passengers under sections 206, 209, and 211 of the Interstate Commerce Act. Except as otherwise herein provided, the general rules of practice shall apply. Amendments to applications which broaden the scope of proposed operations will not be allowed if tendered after notice of the filing of an application has been published in the FEDERAL REGISTER.

(b) *Notice to interested persons.* (1) Notice to interested persons of the filing of such applications shall be given by publication in the FEDERAL REGISTER of a summary, prepared by the Commission, of the authority sought.

(2) If an oral hearing or a prehearing conference is to be held, the date, hour, and place of the hearing or prehearing conference, together with the name of the examiner or number of the joint board before whom the matter is assigned, shall be made a part of the notice. Notice of a change in the time or place of hearing will be given as provided in paragraph (e) of this section, and may or may not be published in the FEDERAL REGISTER.

(3) If the Commission, acting upon request of an applicant for handling without oral hearing or upon its own motion, determines that an oral hearing is not necessary, that fact shall be made a part of the notice. Such a proceeding is hereinafter referred to as a "no oral hearing proceeding."

No other notice by applicants to interested persons of the filing of the applications is required, except that applicants are not relieved from the obligation to file copies of applications with Governors, State Boards, and District Directors of the Commission's Bureau of Motor Carriers, as required by the instructions which are a part of the prescribed form of application.

(c) *Protests to applications assigned for hearing.* (1) Any person opposed to an application assigned for oral hearing need not file a formal protest, but may become a party protestant at the oral hearing provided he has notified the applicant and the Commission of his intention to protest the application. Such notification shall be made by letter or telegram dispatched so as to reach applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing) at least 10 days prior to the date of hearing. Two dated copies of such notification simultaneously shall be mailed to the Commission.

(2) No person who fails to notify the applicant of his intention to protest will be permitted to intervene in a proceeding except upon a showing of substantial reasons in a petition submitted in accordance with § 1.72.

(3) Any person opposed to an application assigned for prehearing conference may become a party protestant at the prehearing conference.

(4) Section 1.73 relating to participation without intervention is inapplicable to proceedings subject to this paragraph.

(d) *Handling of applications without oral hearing.* (1) An applicant who believes his application is susceptible of handling without oral hearing may request such handling when the application is filed. If such a request is made, the applicant shall submit with his application verified statements of the facts to which his witnesses would testify at an oral hearing if one were held. Applicant shall furnish copies of his verified statements to interested persons upon request from such interested persons.

(2) Protests to the granting of an application in a no oral hearing proceeding shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER.

(3) Failure seasonably to file a protest in a no oral hearing proceeding will be construed as a waiver of opposition and participation in the proceeding except as hereinafter provided in paragraph (d)(6) of this section.

(4) A protest in a no oral hearing proceeding shall include a request for an oral hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected.

(5) The Commission will determine whether an assignment for oral hearing should be made.

(6) If it is determined that an oral hearing should be assigned, notice thereof will be published in the FEDERAL REGISTER. Subsequent participation in such proceeding will be governed by the provisions of paragraph (c) of this section.

(7) If the Commission determines that assignment of an application for oral hearing is unnecessary, thereafter the procedure shall be in accordance with §§ 1.45(b), 1.46(b), 1.47–1.54, inclusive.

(e) *Notice of changes in time or place of hearing.* Those who file notice of opposition to an application and any person who requests notice of changes in the time or place of hearing will be informed of such changes if notice is given by mail. If telegraphic notice becomes necessary, notice of such changes will be given by telegram only to those who request telegraphic notice at their expense.

(f) *Drafting of recommended order and report by prevailing party.* Applications in which oral hearings are held and in which the hearing officer can announce his decision on the record after the close of the taking of testimony may be made the subject of a recommended order and report, prepared by the party or parties in whose favor the hearing officer decides, upon a form prepared by the Commission, within a period specified by the hearing officer. The hearing officer will make such changes as he considers appropriate in the draft prepared for him.

§ 1.242 Special rules governing notice of institution of proceedings under section 212(c) of the Interstate Commerce Act, and certain other procedural matters with respect thereto.

(a) *Scope of special rules.* These special rules govern the institution of proceedings upon the Commission's own initiative or upon application of the holder of motor contract-carrier authority issued on or before August 22, 1957, for the revocation of such outstanding motor contract-carrier authority and issuance in lieu thereof of a certificate of public convenience and necessity, under section 212(c) of the Interstate Commerce Act. Except as otherwise herein provided, the general rules of practice shall apply.

(b) *Notice to interested persons.* Notice to interested persons of institution of such proceedings shall be given by publication in the FEDERAL REGISTER of a summary, prepared by the Commission, of the authority in issue. No other notice to interested persons of the institution of the proceeding is required, except that applicants are not relieved from the obligation to file copies of their applications with Governors, State Boards, and District Directors of the Commission's Bureau of Motor Carriers, as required by the instructions which are part of the prescribed form of application.

(c) *Protests to issuance of a common carrier certificate*—(1) *Content.* A protest against the issuance of a certificate in lieu of contract carrier authority outstanding as of August 22, 1957, shall set forth with particularity the facts, matters, and things relied upon, and contain a concise statement of the interest of protestants in the proceeding. It shall not include issues or allegations phrased generally, but shall include a request for oral hearing if one is desired. Protests containing general allegations may be rejected.

(2) *When filed.* Any protest shall be filed with the Commission within 30 days after the date notice of the proceeding is published in the FEDERAL REGIETER.

(3) *Copies, service.* A protest filed under this section shall be served upon the carrier seeking conversion of its contract-carrier authority, and the original and six copies of the protest shall be filed with the Commission.

(4) *Failure to file protest.* Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding except in proceedings assigned for oral hearing.

(d) *Hearing*—(1) *Oral, determination.* The Commission will determine whether an assignment for oral hearing should be made, after notice to interested persons has been published in the FEDERAL REGISTER and the period for filing protests has expired.

(2) *Oral hearing, notice.* If it is determined that an oral hearing should be assigned, or if a pre-hearing conference is to be held, the date, hour, and place of the hearing or pre-hearing conference, together with the name of the examiner or number of the Joint Board before whom the matter is assigned, shall be served on all parties of record. Notice of a change in the time or place of hearing will be given as provided in paragraph (f) of this section.

(3) *Notice of intent to protest.* Any person opposed to a proceeding assigned for oral hearing who previously has not filed a formal protest may become a party protestant at the oral hearing provided he has notified the applicant or respondent and the Commission of his intention to protest. Such notification shall be made by letter or telegram dispatched so as to reach the representative of applicant or respondent (or applicant or respondent if no practitioner representing him is named in the notice) at least 10 days prior to the date of hearing. Two dated copies of such notification simultaneously shall be mailed to the Commission. No persons other than those who file a formal protest or those who notify the applicant or respondent of their intention to protest will be permitted to intervene in a proceeding except upon a showing of substantial

[1] The general rules of practice apply to the procedure of all employee boards except to the extent specifically provided for in §§ 1.200 and 1.225.

reasons in a petition submitted in accordance with § 1.72.

(e) *Modified procedure*—(1) *Uncontested proceedings.* Proceedings in which no protests are filed within 30 days after publication of notice in the FEDERAL REGISTER and which are not assigned for oral hearing will be determined on the basis of the verified statements contained in response to the questionaire filed by the carrier in connection with whose operations the proceeding is instituted.

(2) *Contested proceedings.* Proceedings in which protests are filed but which are not assigned for oral hearing will be handled in accordance with §§ 1.45(b), 1.46(b), and 1.47 to 1.54, inclusive.

(f) *Notice of changes in time or place of hearing.* Those who file protests or notice of intention to protest and any person who requests notice of changes in the time or place of hearing will be informed of such changes if notice is given by mail. If telegraphic notice becomes necessary, notice of such changes will be given by telegram only to those who request telegraphic notice at their expense.

§ 1.243 Special Rules governing notice of filing of applications by motor carriers of property under section 7(c) of the Transportation Act of 1958, by motor and water carriers of persons and property under sections 206(a)(4), 206(a)(5), 209(a)(4), 209(a)(5), 309(a) and 309(f), and by freight forwarders of property under sections 410(a)(2) and 410(a)(3) of the Interstate Commerce Act, as amended July 12, 1960, and certain other procedural matters with respect thereto.

(a) *Scope of special rules.* These special rules govern the filing and handling of "grandfather" and "interim" applications by motor carriers of property under section 7(c) of the Transportation Act of 1958, by motor and water carriers of persons and property under sections 206(a)(4), 206(a)(5), 209(a)(4), 209(a)(5), 309(a) and 309(f), and by freight forwarders of property under sections 410(a)(2), and 410(a)(3) of the Interstate Commerce Act, as amended July 12, 1960. Except as otherwise herein provided, the general rules of practice shall apply.

(b) *Notice to interested persons.* Notice of the filing of such applications to interested persons shall be given by the publication of a summary of the authority sought in the FEDERAL REGISTER. Such summaries will be prepared by the Commission. No other notice by applicants to interested persons is required, except that applicants are not relieved from the obligations to file copies of the applications with State Boards and the District Directors of the Commission's Bureau of Motor Carriers as required by the instructions which are a part of the prescribed form of application.

(c) *Protests.* (1) Protests to the granting of an application shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER, except protests to the granting of an application involving operations from, to, or between points in Alaska or Hawaii shall be filed with the Commission within 75 days after the date notice of the filing of the application is published in the FEDERAL REGISTER.

(2) Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding.

(3) Protests should set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Protests containing general allegations may be rejected.

(4) A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing published in the FEDERAL REGISTER). The original and six copies of the protest shall be filed with the Commission.

(5) Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, conference, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of the publication of the notice of the filing of the application in the FEDERAL REGISTER.

(d) *Notice of hearing, conference, or other proceedings.* Notice of the time and place of any hearing, conference, or other proceeding will be given to applicant's representative, applicant, protestants, and other interested parties by mailing to them the order or notice assigning the application for hearing, conference, or other proceeding.

(e) *Intervention.* Section 1.73 relating to participation without intervention is inapplicable to applications subject to this paragraph. No person who fails to file a protest as provided in this paragraph will be permitted to intervene in a proceeding except upon a showing of substantial reasons in a petition submitted in accordance with § 1.72.

(f) *Notice of changes in time or place of hearing, conference, or other proceeding.* The applicant's representative (or applicant if he has no representative), protestants, and those who request notice of changes in time or place of hearing, conference, or other proceeding will be informed of such changes if notice is given by mail. If telegraphic notice becomes necessary, notice of such changes will be given by telegram only to those who request telegraphic notice at their expense.

APPENDIX A—CODE OF ETHICS FOR PRACTITIONERS BEFORE THE INTERSTATE COMMERCE COMMISSION

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43. Titles.

PREAMBLE

No rules of conduct can be framed which will particularise all the duties of the practitioner in the varying phases of litigation or in his relations to clients, adversaries, other practitioners, the Commission and the public. The following canons of ethics are adopted as a general guide for those admitted to practice before the Interstate Commerce Commission.

It will be remembered that the practitioners before the Commission include (a) lawyers, who have been regularly admitted to practice law, and (b) others having traffic or other technical experience qualifying them to aid the Commission in administration of the Interstate Commerce Act and related acts of Congress. The former are bound by a broad code of ethics and unwritten rules of professional conduct which apply to every activity of a lawyer; for the latter, no code of ethics has been written heretofore. The following canons do not release the lawyer from any of the duties or principles of professional conduct by which lawyers are bound. They apply alike to all practitioners before the Commission and the setting forth therein of particular duties or principles of conduct should not be construed as a denial of the existence of others equally imperative although not specifically mentioned. The word "Commission" as used herein includes Divisions of the Commission, and the representatives of the Commission, whether members, examiners, or other employees connected with the matter in hand.

CANONS OF ETHICS

1. *Standards of ethical conduct in courts of United States to be observed.* These canons are in furtherance of the purpose of the Commission's rules of practice which enjoin upon all persons appearing in proceedings before it to conform, as nearly as

may be, to the standards of ethical conduct required of practitioners before the courts of the United States; and such standards are taken as the basis for these specifications, modified in so far as the nature of the practice before the Commission requires.

2. *The duty of the practitioner to and his attitude towards the Commission.* It is the duty of the practitioner to maintain towards the Commission a respectful attitude, not for the sake of the temporary incumbent of the office, but for the maintenance of the importance of the functions he administers. In many respects the Commission functions as a Court, and practitioners should regard themselves as officers of that Court and strive to uphold its honor and dignity. The Commission, not being wholly free to defend itself is peculiarly entitled to receive the support of the practitioner against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a member or employee of the Commission it is the right and duty of the practitioner to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

3. *Punctuality and expedition.* It is the duty of the practitioner not only to his client, but also to the Commission and to the public, to be punctual in attendance, and to be concise and direct in the trial and disposition of causes.

4. *Attempts to exert political influence on the Commission.* It is unethical for a practitioner to attempt to sway the judgment of the Commission by propaganda, or by enlisting the influence or intercession of members of the Congress or other public officers, or by threats of political or personal reprisal.

5. *Attempts to exert personal influence on the Commission.* Marked attention and unusual hospitality on the part of a practitioner to a Commissioner, examiner, or other representative of the Commission, uncalled for and unwarranted by the personal relations of the parties, subject both to misconstruction of motive and should be avoided. A self-respecting independence in the discharge of duty, without denial or diminution of the courtesy and respect due the official station is the only proper foundation for cordial personal and official relations between Commission and practitioners.

6. *The selection of Commissioners.* The nomination of Commissioners is a duty of the President, and confirmation, of the Senate. It is the duty of the practitioners in so far as they attempt to advise the appointing or confirming officers, to endeavor to prevent any consideration from outweighing fitness in the selection.

7. *The practitioner's duty in its last analysis.* No client, corporate or individual, however powerful, no cause, civil or political however important, is entitled to receive, and no practitioner should render, any service or advice involving disloyalty to the law or disrespect of its official ministers, or corruption of any person or persons exercising a public office or employment or private trust, or deception or betrayal of the public. In rendering any such improper service or advice the practitioner invites and merits stern and just condemnation. Correspondingly, he advances the honor of his calling and the best interests of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law, although until a statute shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all he will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

8. *Private communications with the Commission.* In the disposition of contested proceedings brought under the Interstate Commerce Act the Commission exercises quasi-legislative powers, but it is nevertheless acting in a quasi-judicial capacity. It is required to administer the Act and to consider at all times the public interest beyond the mere interest of the particular litigants before it. To the extent that it acts in a quasi-judicial capacity, it is grossly improper for litigants, directly or through any counsel or representative, to communicate privately with a commissioner, examiner or other representative of the Commission about a pending cause, or to argue privately the merits thereof in the absence of their adversaries or without notice to them. Practitioners at all times should scrupulously refrain in their communications to and discussions with the Commission and its staff from going beyond ex parte representations that are clearly proper in view of the administrative work of the Commission.

9. *Adverse influences and conflicting interests.* It is the duty of a practitioner at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of the person to represent or assist him.

It is unethical to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this canon a practitioner represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.

10. *Joint association of practitioners and conflicts of opinion.* A client's proffer of the assistance of additional practitioner should not be regarded as evidence of want of confidence, but the matter should be left to the determination of the client. A practitioner should decline association as colleague if it is objectionable to the practitioner first retained, but if the client should relieve the practitioner first retained, another may come into the case.

When practitioners jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to him for his final determination. His decision should be accepted by them unless the nature of the difference makes it impracticable for the practitioner whose judgment has been overruled to cooperate effectively. In this event it is his duty to ask the client to relieve him.

Efforts, direct or indirect, in any way to encroach upon the business of another practitioner are unworthy of those who should be brethren, but, nevertheless, it is the right of any practitioner, without fear or favor, to give proper advice to those seeking relief against an unfaithful or neglectful practitioner, generally after communication with the practitioner of whom the complaint is made.

11. *Withdrawal from employment.* The right of a practitioner to withdraw from employment, once assumed, arises only from good cause. Even the desire or consent of the client is not always sufficient. The practitioner representing him should not throw up the unfinished task to the detriment of his client except for reasons of honor or self-respect. If the client insists upon an unjust or immoral course in the conduct of his case, or if he persists over the practitioner's remonstrance in presenting frivolous defenses, or if he deliberately disregards an agreement or obligation as to fees or expenses, the practitioner may be warranted in withdrawing on due notice to the client, allowing him time to employ another. So also when a practitioner discovers that his client has no case and the client is determined to continue it; or even if he finds himself incapable of conducting the case effectively. Sundry other instances may arise in which withdrawal is to be justified. Upon withdrawing from a case after a retainer has been paid, he should refund such part of the retainer as has not been clearly earned.

12. *Advising upon the merits of a client's cause.* A practitioner should endeavor to obtain full knowledge of his client's cause before advising thereon, and he is bound to give a candid opinion of the merits and probable result of pending or contemplated litigation. He should beware of bold and confident assurances to clients, especially where employment may depend upon such assurance. Whenever the controversy will admit of fair adjustment, the client should be advised to avoid or to end the litigation.

13. *Negotiations with opposing party.* A practitioner should not in any way communicate upon the subject of controversy with a party represented by another practitioner except upon express agreement with the practitioner representing such party; much less should he undertake to negotiate or compromise the matter with him, but should deal only with the practitioner who represents the other party. It is incumbent upon the practitioner most particularly to avoid everything that may tend to mislead a party not represented by a practitioner, and he should not undertake to advise him as to the law.

14. *Fixing the amount of the fee.* In fixing fees, practitioners should avoid charges which overestimate their advice and services, as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the service, although his poverty may require a less charge, or even none at all.

15. *Compensation, commission and rebates.* A practitioner should accept no compensation, commissions, rebates, or other advantages from parties to the proceeding other than his client without the knowledge and consent of his client after full disclosure.

16. *Contingent fees.* Contingent fees should be such only as are sanctioned by law. In no case, except a charity case, should they be entirely contingent upon success.

17. *Division of fees.* No division of fees for services is proper, except with a member of the bar or with another practitioner, based upon a division of service or responsibility. It is unethical for a practitioner to retain laymen to solicit his employment in pending or prospective cases, and reward them by a division of fees, and such a practice cannot be too severely condemned.

18. *Suing clients for fees.* Controversies with clients concerning compensation are to be avoided in so far as compatible with self-respect and with the right to receive reasonable recompense for services; and lawsuits against clients should be resorted to only to prevent injustice, imposition or fraud.

19. *Acquiring interest in litigation.* The practitioner shall not purchase or otherwise acquire any pecuniary interest in the subject matter of the litigation which he is conducting.

20. *Expenses.* A practitioner may not properly agree with a client that the practitioner shall pay or bear the expenses of litigation. He may in good faith advance expenses as a matter of convenience but subject to reimbursement by the client.

21. *Witnesses.* A practitioner shall not undertake that the compensation of a witness shall be contingent upon the success of the cause in which he is called. If the

ascertainment of truth requires that a practitioner should seek information from one connected with or reputed to be biased in favor of an adverse party, he is not thereby deterred from seeking to ascertain the truth from such person in the interest of his client.

22. *Dealing with trust property.* Money of the client or other trust property coming into the possession of the practitioner should be reported promptly, and, except with the client's knowledge and consent, should not be commingled with the practitioner's private property or be used by him.

23. *How far a practitioner may go in supporting a client's cause.* Nothing will operate more certainly to create or foster popular prejudice against practitioners as a class, and deprive them of that full measure of public esteem and confidence which belongs to the proper discharge of their duties than does the false claim, often set up by the unscrupulous in defense of questionable transactions, that it is the duty of the practitioner to do whatever may enable him to succeed in winning his client's cause.

The practitioner owes "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights, and the exertion of his utmost learning and ability," to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied. No fear of the disfavor of the Commission or public unpopularity should restrain him from full discharge of his duty. The client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his counsel to assert every such remedy or defense. But it is to be steadfastly borne in mind that this great trust is to be performed within and not without the bounds of the law. Admission to the privilege of appearing before the Commission as representing another does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicane. He must obey his own conscience and not that of his client.

24. *Restraining clients from improprieties.* A practitioner should use his best efforts to restrain and to prevent his clients from doing those things which he himself ought not to do, particularly with reference to their conduct towards the Commission, other practitioners, witnesses and suitors. If a client persists in such wrong-doing the practitioner should terminate their relations.

25. *Ill-feeling and personalities between advocates.* Clients, not their representatives, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence practitioners in their conduct and demeanor toward each other or toward suitors in the case. All personalities between practitioners should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncrasies of practitioners on the other side. Personal colloquies between practitioners which cause delay and promote unseemly wrangling should also be carefully avoided. Their statements should be addressed to the Commission.

26. *Treatment of witnesses and litigants.* A practitioner should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudice of a client in the trial or conduct of a cause. The client cannot be made the keeper of the practitioner's conscience in such matters. He has no right to demand that the practitioner representing him shall abuse the opposing party or indulge in offensive personalities. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

27. (None.)

28. *Discussion of pending litigation in public press.* Attempts to influence the action and attitude of the members and examiners of the Commission through propaganda, or through colored or distorted articles, in the public press, are more apt to react against than in favor of the parties resorting to such measures. On the other hand, it is not against the public interest or unfair to the Commission that the facts of pending litigation shall be made known to the public through the press in a fair and unbiased manner and in dispassionate terms. Practitioners should themselves avoid, and should counsel their clients against, giving to the public press any press notices or statements of a nature intended to inflame the public mind, to stir up possible hostility toward the Commission, or to influence the Commission's course and judgment as to pending or anticipated litigation. When the circumstances of a particular case appear to justify a statement to the public through the press, it is unethical to make it anonymously.

29. *Candor and fairness.* The conduct of practitioners before the Commission and with other practitioners should be characterized by candor and fairness. The non-technical character and liberality of the Commission's practice call for scrupulous observance of the principles of fair dealing and just consideration for the rights of others.

It is not candid or fair for a practitioner knowingly to misstate or misquote the contents of a paper, the testimony of a witness, the language or the argument of an opposing practitioner, or the language or effect of a decision or a text book; or, with knowledge of its invalidity to cite as authority a decision which has been overruled or otherwise impaired as a precedent or a statute which has been repealed; or in argument to assert as a fact that which has not been proved, or to mislead his opponent by concealing or withholding positions in his opening argument upon which his side then intends to rely.

It is dishonorable to deal other than candidly with the facts in taking the statements of witnesses, in drawing affidavits and other documents, and in the presentation of causes.

A practitioner should not offer evidence, which he knows the Commission should reject, in order to get the same before the Commission by argument for its admissibility, or arguments upon any point not properly calling for determination. He should not introduce into an argument remarks or statements intended to influence the by-standers.

These and all kindred practices are unethical and unworthy of a practitioner.

30. *Right of practitioner to control the incidents of the trial.* As to incidental matters pending the trial, not affecting the merits of the cause or working substantial prejudice to the rights of the client, such as forcing the opposing practitioner to trial when he is under affliction or bereavement, forcing the trial on a particular day to the injury of the opposing practitioner when no harm will result from trial at a different time, agreeing to extensions of time and the like, the practitioner and not the client, must be allowed to judge. In such matters no client has a right to demand that his practitioner shall be illiberal or do anything therein repugnant to the practitioner's sense of honor and propriety.

31. *Taking technical advantage of opposing practitioner; agreements with him.* A practitioner should not ignore known customs or practice of the Commission, even when the law permits, without giving timely notice to the opposing practitioner. In so far as possible, important agreements affecting the rights of clients should be reduced to writing; but it is dishonorable to avoid performance of an agreement fairly made because it is not reduced to writing.

32. *Advertising, direct or indirect.* The most worthy and effective advertisement possible is the establishment of a well-merited reputation for capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not improper. But solicitation of employment by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unethical. It is equally unethical to procure business by indirection through touters of any kind. Indirect advertisement for employment by furnishing or inspiring newspaper comments concerning causes in which the practitioner has been or is engaged, or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the practitioner's positions, and all other like self-laudation, lower the tone of the calling and are intolerable.

33. *Professional card.* The simple professional card mentioned in Canon 32 may with propriety contain only a statement of the practitioner's name (and those of his associates), occupation, address, telephone number, and special branch or branches of practice. Such cards may be inserted in reputable lists and may give authorized references, or name clients with their permission.

34. *Stirring up litigation, directly or through agents.* It is unethical for a practitioner to volunteer advice that a proceeding be brought before the Commission, except in rare cases where ties of blood, relationship or trust make it his duty to do so. Stirring up strife and litigation is not only unethical but it is indictable at common law. It is disreputable for a practitioner to hunt up defects or other causes of action and disclose them in order to be employed to bring complaint, or to breed litigation by seeking out those having claims for damages or any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward, directly or indirectly, those who bring or influence the bringing of such cases to his office to seek his services. No complaint should be brought before the Commission by a practitioner except with the distinct knowledge and specific consent of the client in the particular case. A duty to the public and to the Association devolves upon every member having knowledge of such practices upon the part of any practitioner, immediately to inform thereof to the end that the offender may be disciplined or disbarred.

35. *Justifiable and unjustifiable litigation.* The practitioner must decline to conduct a cause or to make a defense when convinced that it is intended merely to harass or to injure the opposing party, or to work oppression or wrong. But otherwise it is his right, and having accepted retainer, it becomes his duty, to insist upon the judgment of the Commission as to the merits of his client's claim. His appearance should be deemed equivalent to an assertion upon his honor that in his opinion his client's case is one proper for determination.

36. *Responsibility for litigation.* No practitioner is obliged to act either as adviser or advocate for every person who may seek to become his client. He has the right to decline employment. Every practitioner upon his own responsibility must decide what employment he will accept, what causes he will bring before the Commission for complainants, or contest for defendants or respondents. The responsibility for advising as to questionable transactions, for bringing questionable proceedings, for urging questionable defenses is his alone. He cannot escape it by urging as excuses that he is only following his client's instructions, or that he is under a stated retainer or in the regular employment of his client.

37. *Discovery of imposition and deception.* When a practitioner discovers that some fraud or deception has been practiced, which has unjustly imposed upon the Commission or a party, he should endeavor to rectify it; first by advising his client to forego any advantage thus unjustly gained and, if his client refuses, by promptly informing the injured person or his counsel (practitioner), so that appropriate steps may be taken.

38. *Upholding the honor of the calling.* Practitioners should expose without fear or favor before the proper tribunals corrupt or dishonest conduct and should accept without hesitation employment against a practitioner who has wronged his client. The practitioner upon the trial of a cause in which perjury has been committed owes it to the Commission and to the public to bring the matter to the knowledge of the prosecuting authorities. The practitioner should aid in guarding the bar of the Commission against admission thereto of candidates unfit or unqualified because deficient in either moral character or education. A practitioner should propose no person for admission to practice before the Commission unless from personal knowledge or upon reasonable inquiry he sincerely believes and is able to vouch that such person possesses the qualifications prescribed in the Commission's rules of practice. He should strive at all times to uphold the honor and maintain the dignity of his calling and to improve not only the law but the administration of justice.

39. *Intermediaries.* The services of a practitioner should not be controlled or exploited by any lay agency, personal or corporate, which intervenes between client and practitioner. His responsibility and qualifications are individual. He should avoid all relations which direct the performance of his duties in the interest of such intermediaries. His relation to the client should be personal, and the responsibility should be direct to the client.

He may accept employment from any organization such as an association, club or trade organization, authorized by law to be a party to proceedings before the Commission, to render services in such proceedings in any matter in which the organization, as an entity, is interested. This employment should only include the rendering of such services to the members of the organization in respect to their individual affairs as are consistent with the free and untrammeled performance of his duties to the Commission.

Nothing in this canon shall be construed as conflicting with canon 17.

40. *Retirement from public employment.* A practitioner, having once held public office or having been in the public employ, should not after his retirement, accept employment as an advocate or adviser in the same proceeding or as to the same, or substantially the same, facts as were involved in any specific question which he investigated or passed upon in a judicial or quasi-judicial capacity while in such office or employ, whether the same or different parties are concerned.

41. *Confidences of a client.* The duty to preserve his client's confidences in the course of his employment outlasts the practitioner's employment, and extends as well to his employees. None of them should accept employment which involves the disclosure or use of these confidences, either for the private advantage of the practitioner or his employees or to the disadvantage of the client, without knowledge and consent of the client even though there are other available sources of such information. A practitioner should not continue employment when he discovers that this obligation prevents the performance of his full duty to his former or to his new client.

If a practitioner is falsely accused by his client, he is not precluded from disclosing the truth in respect to the false accusation. The announced intention of a client to commit a crime is not included within the confidences which a practitioner is bound to respect. He may properly make such disclosures as to prevent the act or protect those against whom it is threatened.

42. *Partnerships-names.* Partnerships among practitioners for the practice of their calling are very common and are not to be condemned. The rules of the Commission provide that corporations or firms will not be recognized. Practitioners before the Commission should therefore appear individually and not as members of partnerships. In the formation of partnerships care should be taken not to violate any law locally applicable; care should also be taken to avoid any misleading name or representation which would create a false impression as to the position or privileges of a member not locally admitted, or who is not duly authorized to practice, and as such amenable to discipline. No person should be held out as a practitioner or member who is not so admitted. No practitioner who is not admitted to practice in the courts should be held out in a way which will give the impression that he is so admitted. No false or assumed or trade name should be used to disguise the practitioner or his partnership. The continued use of the name of a deceased or former partner is or may be permissible by local custom, but care should be taken that no imposition or deception is practiced through this use. If a member of the firm becomes a Commissioner, or an Examiner or other employee of the Commission his name should not be retained in the firm name, as such retention may give color to the impression that an improper relation or influence is continued or possessed by the firm.

This canon does not inhibit the association of a practitioner with a mercantile, manufacturing, or other commercial institution, in the capacity of its representative or adviser.

43. *Titles.* No member of the Association not admitted to the bar shall use the title "Attorney" or "Counsel" but should use the title "Traffic Manager," "Practitioner before the Interstate Commerce Commission," "Registered Practitioner," or other appropriate title or designation.

APPENDIX B—APPROVED FORMS

TABLE OF CONTENTS

1. Complaint; verification.
2. Answer.
3. Certificate of service.
4. Petition for leave to intervene.
5. Form of reparation statement under § 1.100.
6. Verification for statements of fact filed under modified procedure.

[These forms may be used in cases to which they are applicable, with such alterations as the circumstances may render necessary. Before using such forms the pertinent rules, particularly those referred to in the footnotes, should carefully be studied.]

No. 1. Complaint[1]

Before the Interstate Commerce Commission

COMPLAINT

---

v.

[Insert without abbreviation the names of complainant and defendant (including each of the receivers, operating trustees, or other legal representatives of defendant), and whether a corporation, firm, or partnership, specifying the individual names of the parties composing the partnership; and the postoffice address of any motor-carrier defendant.]

The Complaint of the above-named complainant respectfully shows:

I. That [complainant should here state nature and place of business, also whether a corporation, firm, or partnership, and if a firm or partnership, the individual names of the parties composing the same.]

II. That the defendant above named is [here state whether: (a) carrier by railroad, express, motor vehicle (common or contract), water (common or contract), a freight forwarder, or otherwise; (b) the transportation is of property or passengers, or both; and (c) the transportation involves a freight forwarder or more than one type of carrier, specifying particulars] between points in the State of_____ and points in the State of_____ [a complaint under part II should specifically name the States in and through which the transportation which gives rise to the complaint is performed] and as such defendant is subject to the provisions of the Interstate Commerce Act.

III. That [state in this and subsequent paragraphs to be numbered IV, V, etc., the matter or matters intended to be complained of, naming every rate, fare, charge, classification, regulation, or practice the lawfulness of which is challenged, and also, if practicable, the points between which the rates, etc., complained of are applied. Where it is impracticable to designate each point, describe clearly the rate territory or rate group involved. Whenever practicable tariff or schedule reference should be given.]

[Where unlawful discrimination, preference, or prejudice is alleged the particular elements specified in the act as constituting such violation (see sections 2, 3, 4, 13, 216, 217, 218, 305, and 406) and the facts upon which complainant relies to establish the violation should be stated clearly. Where any provision of the act other than those just mentioned, or any requirement established pursuant to the act, is alleged to be violated, the pertinent statutory provision, or established requirement, together with the facts which are alleged to constitute the violation, should be stated. If two or more subsections of the act or requirements established pursuant thereto are alleged to be violated, the facts claimed to constitute violation of one subsection, or requirement, should be stated separately from those claimed to constitute a violation of another subsection, or requirement, wherever that can be done by reference or otherwise without undue repetition.]

X. That by reason of the facts stated in the foregoing paragraphs complainant has been subjected to the payment of rates [fares or charges, etc.] for transportation which were when exacted and still are (1) unjust and unreasonable in violation of section _____ of the Interstate Commerce Act, and (2) unjustly discriminatory in violation of section_____, and (3) unduly preferential or prejudicial in violation of section_____, and (4) in violation of the long-and-short haul [or aggregate of intermediate rates] provision of section 4 thereof. [Use one or more of the allegations numbered (1), (2), (3), (4), or other appropriate allegation according to the nature of the complaint.] That [if recovery of damages is sought] complainant has been injured thereby to his damage in the sum of $_____

Wherefore complainant prays that defendant be required to answer the charges herein; that after due hearing and investigation an order be made commanding said defendant [and each of them] to cease and desist from the aforesaid violations of said act, and establish and put in force and apply in future to the transportation of_____ between the origin and destination points named in paragraph_____hereof, in lieu of the rates [fares, or charges, etc.], named in said paragraph, such other rates [fares, or charges, etc.], as the Commission may deem reasonable and just [and also, if recovery of damages is sought, pay to complainant by

[1] See §§ 1.26 to 1.33, inclusive.

way of reparation for the unlawful charges hereinbefore alleged the sum of $ _____, or such other sum as, in view of the evidence to be adduced herein, the Commission shall determine that complainant is entitled to an award of damages under the provisions of said act for violation thereof], and that such other and further order or orders be made as the Commission may consider proper in the premises.

Dated at _____, 19____.

_____
(Complainant's signature [2])

_____
(Office and post-office address)

_____
(Signature of practitioner)

_____
(Post-office address)

VERIFICATION [3]

STATE OF _____ }
County of _____ } ss:

_____, being duly sworn, deposes and says: that he is the complainant (or, one of the complainants; or, is the (insert title of the affiant if complainant is a corporation) of the _____ company, complainant) in the above-entitled proceeding; that he has read the foregoing complaint, and knows the contents thereof; that the same are true as stated, except as to matters and things if any, stated on information and belief, and that as to those matters and things, he believes them to be true.

_____

Subscribed in my presence, and sworn to before me, by the affiant above named, this _____ day of _____, 19____.

[USE AN L. S. IMPRESSION SEAL]

_____
[Title of Officer]

Commission expires _____

No. 2. ANSWER [4]

Before the Interstate Commerce Commission

ANSWER

Docket No. _____

_____

v.

_____

The above-named defendant, for answer to the complaint in this proceeding, respectively states:

I. [Here set forth appropriate and responsive admissions, denials, and averments, specifically answering the complaint paragraph by paragraph.]

Wherefore defendant prays that _____

Dated _____, 19____.

_____
[Name of defendant]

By [5] _____

_____
[Title of officer]

_____
[Office and post-office address]

_____
[Signature of practitioner]

_____
[Post-office address]

No. 3. CERTIFICATE OF SERVICE [6]

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by (here state the precise manner of making service, which must be consistent with the provisions of Rule 22).

Dated at _____, this ____ day of _____, 19__.

(Signature) _____

No. 4. PETITION FOR LEAVE TO INTERVENE [7]

Before the Interstate Commerce Commission

PETITION

_____ }
v. } Docket No. _____
_____ }
[or state other title]

Comes now your petitioner, _____, and respectfully represents that he has an interest in the matters in controversy in the above-entitled proceeding and desires to intervene in and become a party to said proceeding, and for grounds of the proposed intervention says:

I. That [petitioner should here state nature and place of business, and whether a corporation, firm, or partnership, etc., as in form No. 1].

II. [Petitioner should here set out specifically his position and interest in the proceeding.]

III. [If affirmative relief is sought see paragraphs III and X and prayer in form No. 1]

Wherefore said _____ prays leave to intervene and be treated as a party hereto with the right to have notice of and appear at the taking of testimony, produce and cross examine witnesses, and be heard in person or by counsel upon brief and at the oral argument, if oral argument is granted.

[If affirmative relief is sought insert appropriate prayer here.]

Dated at _____, 19____.

[See forms Nos. 1 and 3 as to subscription, verification, and certificate of service.]

No. 5. FORM OF REPARATION STATEMENT UNDER § 1.100

Claim of _____ under decision of the Interstate Commerce Commission in Docket No. _____

Date of shipment	Date of delivery or tender of delivery	Date charges were paid	Car initials	Car number	Origin	Destination	Route	Commodity	Weight	As charged		Should be		Reparation on basis of the Commission's decision	Charges paid by [1]
										Rate	Amount	Rate	Amount		

Claimant hereby certifies that this statement includes claims only on shipments covered by the findings in the docket above described and contains no claim for reparation previously filed with the Commission by or on behalf of claimant or, so far as claimant knows, by or on behalf of any other person, in any other proceedings, except as follows: (Here indicate any exceptions, and explanation thereof).

_____, Claimant

By _____, Practitioner

_____, Address

_____, Date

Total amount of reparation $ _____

The undersigned hereby certifies that this statement has been checked against the records of this company and found correct.

Date _____ Concurred [2] in: _____ Company

_____, Company, Defendant Collecting Carrier, Defendant.[4] _____, Auditor.

By _____, Auditor. By _____

[1] Substitute "Vessel" if water carrier involved. [2] Substitute "Voyage No." if water carrier involved.

[3] Here insert name of person paying charges in the first instance, and state whether as consignor, consignee, or in what other capacity.

[4] If not a defendant, strike out word "defendant."

[5] For concurring certificate in case collecting carrier is not a defendant.

No. 6. VERIFICATION FOR STATEMENTS OF FACT FILED UNDER MODIFIED PROCEDURE [8]

STATE OF _____,
County of _____, ss:

_____ being duly sworn, deposes and says that he has read the foregoing statement, knows the contents thereof, and that the same are true as stated.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____.

Notary Public of _____.

My Commission expires _____.

[1] See footnote to Verification.

[2] Signature and verification by complainant unnecessary if complaint is signed by a practitioner. See § 1.17.

[3] See §§ 1.35 to 1.37, inclusive.

[4] See § 1.17.

[5] See § 1.22.

[6] See § 1.72.

[7] See § 1.50.

[F.R. Doc. 62-7569; Filed, July 31, 1962; 8:54 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (j) of § 6.112 is amended as set out below.

§ 6.112 Department of Commerce.

• • • • • •

(j) *Office of the Assistant Secretary for International Affairs.* • • •

(2) Not to exceed 40 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7567; Filed, July 31, 1962; 8:53 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (1) is added to § 6.204 as set out below.

§ 6.204 Department of Defense.

• • • • • •

(b) *Defense Supply Agency.*

(1) Until July 1, 1963, three positions of Intergroup Relations Specialist above GS-12.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7565; Filed, July 31, 1962; 8:52 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (e) of § 6.311 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7566; Filed, July 31, 1962; 8:53 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Announcement CN-EX-15, Amdt. 1]

PART 482—COTTON

Subpart—1962-63 Cotton Export Program—Payment-in-Kind Regulations

MISCELLANEOUS AMENDMENTS

In order to provide that cotton purchased under Announcement CN-EX-16, 1962-63 Cotton Export Program—Sales, may be exported under this subpart and that Cotton Export Payment Certificates earned under this subpart may be used in payment for upland cotton purchased under any CCC sales announcements providing for acceptance of such certificates, the 1962-63 Cotton Export Program—Payment-In-Kind Regulations (Announcement CN-EX-15) dated April 4, 1962, (27 F.R. 3309) are hereby amended as follows:

1. Paragraph (f) of § 482.503 is amended, effective as to all export sales and consignments registered under this subpart on or after June 26, 1962, to read as follows:

§ 482.503 General conditions of eligibility.

• • • • • •

(f) Cotton exported pursuant to any program wherein the CCC sales price reflects an export allowance (except for cotton purchased under an announcement allowing for payment under this subpart), cotton which is sold by CCC under conditions specifically excluding such cotton from exportation under this subpart, cotton exported pursuant to a CCC barter contract, cotton exported under an export sale financed under Title I or IV of Public Law 480, 83d Congress (unless the applicable purchase authorization specifically provides that such cotton shall be eligible for a payment under this subpart), and cotton shipped as offset cotton in connection with Proclamation 2544 of the President of the United States shall not be eligible for a payment under this subpart.

2. Paragraph (c) of § 482.511 is amended, effective as to all Cotton Export Payment Certificates issued under this subpart, to read as follows:

§ 482.511 Cotton Export Payment Certificates.

• • • • • •

(c) *Redemption.* The certificate will be redeemable by CCC at face value (1) in payment for upland cotton purchased under CCC sales announcements providing for acceptance of such certificate, (2) in repayment of upland cotton loans which are outstanding under CCC cotton loan programs, or (3) for cash, if it has not been used to obtain cotton under subparagraph (1) or (2) of this paragraph and if it is presented to the New Orleans office for payment not earlier than 60 days after issuance and not later than the expiration date of the certificate. CCC will offer to execute agreements with commercial banks under which such banks may present certificates to the New Orleans office through Federal Reserve banks or branch banks for cash redemption, and certificate holders may arrange with the commercial banks which execute such agreements with CCC to have their certificates presented for cash redemption through banking channels.

(Sec. 4, 5, 62 Stat. 1070, as amended; sec. 203, 70 Stat. 188; 15 U.S.C. 714b, 714c, 7 U.S.C. 1853)

Signed at Washington, D.C., on July 26, 1962.

RAYMOND A. IOANES,
Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-7550; Filed, July 31, 1962; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 990—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Setaside; Storage of High Proof in Same Container

Notice was published in the July 10, 1962, issue of the FEDERAL REGISTER (27 F.R. 6500) that there was under consideration a proposal recommended by the Grape Crush Administrative Committee to amend § 990.154 of the Subpart—Administrative Rules and Regulations (27 F.R. 3158) by the addition of a new paragraph (d) pertaining to the handler storage, and withdrawal therefrom, of setaside high proof from grapes for crushing of one crop year in the same container with other high proof, whether or not such other high proof has been set aside pursuant to § 990.54, from grapes for crushing of any other crop year(s). Said subpart is effective under the provisions of the marketing agreement and Order No. 990 (7 CFR Part 990), regulating the handling of Central California grapes for crushing. This marketing order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Said notice afforded interested persons a 15-day period to submit written data, views, or arguments pertaining to the proposal. No such comments were submitted and such time has expired.

After consideration of all relevant matters presented, including information and recommendations submitted by the Committee, and other available information, it is hereby found that to amend § 990.154, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, it is hereby ordered, That § 990.154 be amended by adding a new paragraph (d) to read as follows:

§ 990.154 Setaside.

• • • • • •

(d) *Storage of high proof in the same container*—(1) *Simultaneous storage.* No handler shall store setaside high proof from grapes for crushing of any crop year in the same container with other high proof, whether or not set aside pursuant to § 990.54, from grapes for crushing of any other crop year(s) except in accordance with the requirements of § 990.54 and the following: Such handler (i) stores in such container only marketable high proof of not less than 185 degrees proof or only high proof within the lesser range of alcohol at which setaside storage is permitted by the Committee pursuant to § 990.54;

(ii) stores all high proof in such container to preserve the quality of the setaside high proof and maintain its condition as required by § 990.54; (iii) attaches near the outlet of such container a tank card furnished by the Committee and showing currently the number of proof gallons, by crop year, of the setaside high proof being held in such container for the account of the Committee; and (iv) makes no withdrawal from such container below the handler's then effective aggregate setaside therein.

(2) *Substitution.* Pursuant to § 990.54, each handler holding setaside high proof may substitute therefor only products of the same crop year eligible for setaside. If such setaside high proof of a particular crop year is in the same container with other high proof, the handler may, upon the setting aside of the requisite proof gallons of eligible product(s) of that crop year, withdraw the applicable proof gallon quantity of high proof. No substitution may be made except upon prior notice to the Committee.

(3) *Disposition.* Whenever setaside high proof in simultaneous storage is included in a disposition of the Committee, pursuant to § 990.62, the withdrawal gallonage shall be deemed to be from the setaside of the crop year specified by the Committee in its disposition action.

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) Handlers are producing high proof from grapes for crushing received during the 1962–63 crop year which began July 1, 1962; (2) handlers must plan their operations and provide for storage of such high proof as well as high proof set aside during the 1961–62 crop year; and (3) this clarifying and enabling action will reduce the need for storage space for high proof and thereby benefit handlers and the industry.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 27, 1962, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–7547; Filed, July 31, 1962; 8:48 a.m.]

PART 993—HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Establishment of More Restrictive Grade Regulation for Application When Estimated Season Average Price to Producers Does Not Exceed Parity

Notice was published in the July 17, 1962, issue of the FEDERAL REGISTER (27 F.R. 6754) that consideration was being given to a proposal to establish more restrictive grade regulation for application to handlers' receipts of natural condition prunes and their shipments or other final dispositions of natural condition or processed prunes whenever the estimated season average price to producers does not exceed the parity level specified in section 2(1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The regulation was recommended by the Prune Administrative Committee, and is in accordance with the provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the said act. The notice afforded interested persons the opportunity to submit written data, views, or arguments on the proposal. None were received.

Based on information submitted by the Prune Administrative Committee, and other available supply and demand information, it is estimated that the season average price to producers for prunes for the 1962–63 crop year will not be in excess of the estimated average parity price for prunes for such crop year. The more restrictive grade regulation hereinafter set forth will, upon becoming effective, be operative for the 1962–63 crop year beginning August 1, 1962, and for any other crop year for which the estimated season average price to producers for prunes does not exceed the estimated average parity price for that crop year.

After consideration of all relevant matters presented in the notice, the recommendation of the Prune Administrative Committee, and other available information, it is concluded that establishment of more restrictive grade regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, more restrictive grade regulation is hereby established as follows:

§ 993.601 More restrictive grade regulation.

(a) *Incoming and outgoing regulation.* Whenever the estimated season average price to producers for prunes does not exceed the parity level specified in section 2(1) of the act, the minimum standards which handlers' receipts of natural condition prunes are required to meet pursuant to § 993.49(a) shall be the standards specified in § 993.49(a) and § 993.97I, and the minimum standards which handlers' shipments or other final dispositions of prunes are required to meet pursuant to § 993.50(a) shall be the applicable standards set forth in § 993.97 *Exhibit A; minimum standards,* except that the following combined tolerance allowance for certain defects shall apply in lieu of the tolerance allowance prescribed in paragraph I C(5) of § 993.97 and also in lieu of that prescribed in paragraph II C(6) of § 993.97:

The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed fifteen percent (15%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(b) *Above parity situations.* Whenever the estimated season average price to producers for prunes exceeds the parity level specified in section 2(1) of the act, the minimum standards set forth in § 993.97 shall apply in their entirety.

It is hereby determined that good cause exists for not postponing the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) This action is being taken as soon as practicable after reasonably reliable information for the 1962–63 crop year became available; (2) it is necessary that the more restrictive grade regulation established herein become effective promptly so it may apply from the beginning (August 1, 1962) of the 1962–63 crop year or as soon thereafter as possible and thus improve consumer and manufacturer acceptance of prunes and returns to producers; and (3) handlers have been notified of the proposed regulation and should require no additional time to prepare for compliance with the regulation.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 27, 1962, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–7548; Filed, July 31, 1962; 8:48 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

MILK IN CERTAIN MARKETING AREAS

Orders Amending Orders

[Milk Order No. 5]

PART 1005—MILK IN TRI-STATE MARKETING AREA

§ 1005.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in § 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1005.22(j), subparagraph (1) is revised to read as follows:

§ 1005.22 Duties.

* * * * * * *

(j) * * *

(1) On or before the 5th day of each month, the Class I price and the Class I butterfat differential for the month and the Class II and Class III prices and the Class II and Class III butterfat differentials for the preceding month, as computed pursuant to §§ 1005.50 through 10005.55; and

2. Section 1005.50 is revised to read as follows:

§ 1005.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture for the month. The basis formula price shall be rounded to the nearest full cent.

3. The introductory text of § 1005.51 is revised to read as follows:

§ 1005.51 Class I milk prices.

Subject to the provisions of §§ 1005.54 through 1005.57, the minimum price per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk for the month, shall be the basic formula price for the preceding month determined pursuant to § 1005.50 adjusted as follows:

4. Paragraph (b) of § 1005.53 is revised to read as follows:

§ 1005.53 Class III milk prices.

* * * * * *

(b) For each month except April, May, June and July, the price for Class III milk shall be the price (rounded to the nearest one-tenth cent) computed pursuant to subparagraph (1) or subparagraph (2) of this paragraph, whichever is higher:

(1) The average of the basic (or field) prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price computed by adding together the plus values determined pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average price per pound of butter for the month as described in § 1005.50, subtract three cents, add 20 percent thereof, and then multiply by 3.5; and

(ii) From the average of the carlot prices per pound of nonfat dry milk for human consumption, spray and roller process, f.o.b. manufacturing plants in the Chicago area, as published by the Department of Agriculture for the period from the 26th day of the previous month through the 25th day of the current month, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

5. Section 1005.54 is amended by revising paragraph (a) and paragraph (b) to read as follows:

§ 1005.54 Butterfat differentials to handlers.

* * * * * *

(a) *Class I milk.* Add 1.0 cent to the butterfat differential for Class II and Class III milk for the preceding month computed pursuant to paragraph (b) of this section;

(b) *Class II and Class III milk.* Subtract 3.0 cents from the average price per pound of butter for the month as described in § 1005.50 and multiply by 0.119.

[Milk Order No. 11]

PART 1011—MILK IN APPALACHIAN MARKETING AREA

§ 1011.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedures governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Appalachian marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Appalachian marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1011.50 is revised to read as follows:

§ 1011.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1011.51 paragraphs (a) and (b) (1) and (2) are revised to read as follows:

§ 1011.51 Class price.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.67 during the months of March through July; and $2.11 during all other months.

(b) * * *

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the month, less five times the butterfat differential for the month computed pursuant to § 1011.52(b):

Company and Location
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S.C.
Carnation Co., Galax, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N.C.
Franklin Milk, Co., Jonesboro, Tenn.
Kraft Foods Co., Independence, Va.
Kraft Foods Co., Greeneville, Tenn.
Pet Milk Co., Greeneville, Tenn.
Pet Milk Co., Abingdon, Va.

(2) Add the amounts obtained pursuant to subdivisions (i) and (ii) of this subparagraph, subtract 75 cents and subtract five times the butterfat differential for the month computed pursuant to § 1011.52(b).

(i) Multiply the Chicago butter price by 4.8;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department.

§§ 1011.52, 1011.71, 1011.72, 1011.91 [Amendment]

3. In §§ 1011.52, 1011.71, 1011.72 and 1011.91, "4.0" is changed to "3.5" wherever it appears.

[Milk Order No. 65]

PART 1065—MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

§ 1065.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nebraska-Western Iowa marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective

August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Nebraska-Western Iowa marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1065.50 is revised to read as follows:

§ 1065.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

[Milk Order No. 66]

PART 1066—MILK IN SIOUX CITY, IOWA, MARKETING AREA

§ 1066.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Sioux City, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Sioux City, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1066.50 is revised to read as follows:

§ 1066.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1066.51 the introductory text of paragraph (a) is revised to read as follows:

§ 1066.51 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight of Class I milk containing 3.5 percent butterfat shall be the basic formula price for the preceding delivery period, plus $1.40.

* * * * *

[Milk Order No. 71]

PART 1071—MILK IN NEOSHO VALLEY MARKETING AREA

§ 1071.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1071.50 is revised to read as follows:

§ 1071.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1071.51, paragraph (a) and the introductory text of paragraph (b) are revised to read as follows:

§ 1071.51 Class prices.

* * * * *

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding delivery period plus the following amounts per hundredweight: $1.00 during the delivery periods April through June, and $1.45 during the delivery periods of July through March: *Provided,* That for each of the delivery periods of September through December, such price shall not be less than that for the preceding delivery period, and that for each of the delivery periods of April through June such price shall be not more than that for the preceding delivery period: *And provided further,* That the price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of the following:

(1) The price for Class I milk of 3.5 percent butterfat content established for the same month or delivery period pursuant to Part 1106 of this chapter regulating the handling of milk in the Oklahoma Metropolitan marketing area less 33 cents; or

(2) The price for Class I milk of 3.5 percent butterfat content established for the same month or delivery period under Part 1067 of this chapter regulating the handling of milk in the Ozarks marketing area, plus 15 cents.

(b) *Class II milk.* The price per hundredweight for Class II milk shall be the higher of the price computed pursuant to subparagraphs (1) and (2) of this paragraph, less 5 times the butterfat differential for the respective month computed pursuant to § 1071.52(b).

§§ 1071.52, 1071.71, 1071.72, 1071.91 [Amendment]

3. In §§ 1071.52, 1071.71, 1071.72, and 1071.91, "4.0" is changed to "3.5" wherever it appears.

[Milk Order No. 72]

PART 1072—MILK IN SIOUX FALLS-MITCHELL, S. DAK., MARKETING AREA

§ 1072.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. A new § 1072.50 is added to read as follows:

§ 1072.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1072.50 is redesignated as § 1072.51 and paragraph (a) therein is revised to read as follows:

§ 1072.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.30.

§ 1072.51 [Redesignation]

3. Section 1072.51 is redesignated as § 1072.52 and the reference "§ 1072.50" therein is revised to "§1072.51".

§ 1072.52 [Redesignation]

4. Section 1072.52 is redesignated as § 1072.53.

§ 1072.55 [Amendment]

5. In § 1072.55 the reference "1072.51" is revised to "1072.52".

[Milk Order No. 73]

PART 1073—MILK IN WICHITA, KANSAS, MARKETING AREA

§ 1073.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wichita, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Wichita, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1073.50 is revised to read as follows:

§ 1073.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1073.51, the introductory texts of paragraph (a) and of paragraph (c) are revised to read as follows:

§ 1073.51 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.57 during all months of the year, plus or minus a supply-demand adjustment computed as follows: *Provided,* That the Class I price so computed shall not be less than the Class I price for milk containing 3.5 percent butterfat for the same period pursuant to Federal Order No. 64 (Greater Kansas City) during each month of the period August through March and plus ten cents for each of the months of April through July, nor more than the Kansas City Class I price (3.5 percent butterfat content) plus fifty cents during each of the months of the period August through March and plus sixty cents for each of the months of April through July.

* * * * *

(c) *Class III milk.* The price per hundredweight shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, less three times the butterfat differential for the respective month computed pursuant to § 1073.52(c).

§§ 1073.52, 1073.71, 1073.80, 1073.81 [Amendment]

3. In §§ 1073.52, 1073.71, 1073.80 and 1073.81, "3.8" is changed to "3.5" wherever it appears.

[Milk Order No. 74]

PART 1074—MILK IN SOUTHWEST KANSAS MARKETING AREA

§ 1074.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southwest Kansas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southwest Kansas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1074.50 is revised to read as follows:

§ 1074.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1074.51 the introductory text of paragraph (a), that part of paragraph (a) following subdivision (iii) of subparagraph (3) and paragraph (b) are revised to read as follows:

§ 1074.51 Class prices.

* * * * * *

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.65 during all months of the year plus or minus a supply-demand adjustment, computed as follows:

* * * * * *

The price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of, the price for Class I milk of 3.5 percent butterfat content established for the same month or delivery period pursuant to Part 1073 of this chapter regulating the handling of milk in the Wichita, Kansas, marketing area or the price of Class I milk of 3.5 percent butterfat content established for the same month or delivery period pursuant to Part 1132 of this chapter regulating the handling of milk in the Texas Panhandle marketing area during the months of March, April, May and June and 25 cents less than such price computed for the Texas Panhandle marketing area in all other months.

(b) *Class II milk.* The price per hundredweight shall be the average price reported by the Department for the current month for milk for manufacturing purposes, f.o.b. plant, United States, adjusted to a 3.8 percent butterfat basis by direct ratio, less three times the butterfat differential for the respective month computed pursuant to § 1074.52 (b).

§§ 1074.52, 1074.71, 1074.81 [Amendment]

3. In §§ 1074.52, 1074.71, and 1074.81, "3.8" is changed to "3.5" wherever it appears.

[Milk Order No. 75]

PART 1075—MILK IN THE BLACK HILLS, SOUTH DAKOTA, MARKETING AREA

§ 1075.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Black Hills, South Dakota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Black Hills, South Dakota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1075.50 is revised to read as follows:

§ 1075.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. Paragraph (b) of § 1075.51 is revised to read as follows:

§ 1075.51 Class prices.

* * * * * *

(b) *The Class II milk price.* The Class II milk price shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Subtract 6.5 cents from the Chicago butter price for the month and multiply the remainder by 4.2.

(2) From the simple average, as computed by the market administrator, of the arithmetical average of the carlot prices per pound of nonfat dry milk solids, spray and roller process for human consumption delivered at Chicago as reported for the month by the Department, subtract 6.5 cents and multiply the remainder by 7.913: *Provided,* That if the Department does not publish the above stated price for nonfat dry milk solids there shall be used in lieu thereof the price for nonfat dry milk solids, spray and roller process for human consumption, f.o.b. manufacturing plants in the Chicago area as published by the Department for the period from the 26th day of the preceding month through the 25th day of the current month.

[Milk Order No. 76]

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

§ 1076.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern South Dakota marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Eastern South Dakota marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1076.50 is revised to read as follows:

§ 1076.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

[Milk Order No. 90]

PART 1090—MILK IN CHATTANOOGA, TENNESSEE, MARKETING AREA

§ 1090.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chattanooga, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficent quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chattanooga, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1090.50 is revised to read as follows:

§ 1090.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1090.51, the introductory text and paragraph (b) are revised to read as follows:

§ 1090.51 Class prices.

Subject to the provisions of §§ 1090.52 and 1090.53, the minimum prices per hundredweight of milk containing 3.5 percent butterfat, to be paid by each handler for milk received at his pool plant from producers during the month, shall be as follows:

* * * * * *

(b) *Class II milk price.* For the months of February through August, the Class II milk price shall be the price computed pursuant to subparagraph (1) of this paragraph, and for all other months, the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, adjusted in each case to a 3.5 percent butterfat basis by subtracting five times the butterfat differential for the month computed pursuant to § 1090.52(b) and rounding to the nearest cent.

(1) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from dairy farmers during the month at the following plants or places, for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location

Kraft Foods Co., Fayetteville, Tenn.
Pet Milk Co., Greeneville, Tenn.
Carnation Co., Murfreesboro, Tenn.
Borden Co., Lewisburg, Tenn.

(2) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.8 and add to such sum 3¾ cents for each full one-half cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f.o.b. Chicago area manufacturing plants, for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, is above 5 cents.

3. Paragraph (b) of § 1090.52 is revised to read as follows:

§ 1090.52 Butterfat differentials to handlers.

* * * * *

(b) *Class II milk price.* Multiply the Chicago butter price for the month by 0.115: *Provided*, That for the months of February through August, such butterfat differential shall not exceed the result obtained by dividing the price computed pursuant to subparagraph (1) of § 1090.51(b) by 40, and for all other months, by dividing the higher of the prices computed pursuant to subparagraphs (1) and (2) of § 1090.51(b) by 40.

§§ 1090.52, 1090.71, 1090.72, 1090.73 [Amendment]

4. In §§ 1090.52, 1090.71, 1090.72 and 1090.73, "4.0" is changed to "3.5" wherever it appears.

[Milk Order No. 96]

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

§ 1096.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northern Louisiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determination.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northern Louisiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1096.50 is revised to read as follows:

§ 1096.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1096.51 is revised to read as follows:

§ 1096.51 Class prices.

Subject to the provisions of §§ 1096.52 and 1096.53, the minimum prices per hundredweight to be paid by each handler for milk received from producers during the month shall be as follows:

(a) *Class I milk price.* For the months of June 1962 through August 1963 the Class I milk price shall be the basic formula price for the preceding month plus $2.27.

(b) *Class II milk price.* The Class II milk price shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph, subtracting five times the butterfat differential computed pursuant to § 1096.52 (b), rounding to the nearest one-tenth cent and, during the months of March through June, deducting 5 cents.

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0;

(2) From the simple average as computed by the market administrator of the weighted average of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct $.5 cents and multiply by 8.16.

§§ 1096.52, 1096.71, 1096.72, 1096.73, 1096.74 [Amendment]

3. In §§ 1096.52, 1096.71, 1096.72, 1096.73, and 1096.74, "4.0" is changed to "3.5" wherever it appears.

[Milk Order No. 98]

PART 1098—MILK IN NASHVILLE, TENNESSEE, MARKETING AREA

§ 1098.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nashville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or sub-

stantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1098.50 is revised to read as follows:

§ 1098.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1098.51 the introductory text of paragraph (a); and paragraph (b) are revised to read as follows:

§ 1098.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.53 during the months of August through January, plus $1.23 during all other months and plus or minus a supply-demand adjustment calculated for each month as follows:

* * * * *

(b) *Class II milk price.* The Class II milk price shall be the price determined pursuant to subparagraph (1) of this paragraph not to exceed the highest of the prices computed pursuant to subparagraphs (2), (3), and (4) of this paragraph, and adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential for the month computed pursuant to § 1098.52(b), and rounding to the nearest cent.

(1) To the average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the month:

Present Operator and Location

Carnation Co., Murfreesboro, Tenn.
Kraft Foods Co., Gallatin, Tenn.
Kraft Foods Co., Pulaski, Tenn.
Borden Co., Fayetteville, Tenn.
Borden Co., Lewisburg, Tenn.
Borden Co., Carthage, Tenn.
Summer County Cooperative Creamery, Gallatin, Tenn.
Swift and Co., Lawrenceburg, Tenn.
Wilson and Co., Murfreesboro, Tenn.

Add 25 cents during the months of February through August and add 35 cents during all other months.

(2) To the average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the butterfat differential computed pursuant to § 1098.52(a) by 5.

(3) The price per hundredweight obtained by adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Multiply by 4 the average price per pound of butter as described in § 1098.50 and add 20 percent thereof;

(ii) From the simple average, as computed by the market administrator, of the weighted averages of the carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area for the period from the 26th day of the immediately preceding month through the 25th day of the current month, as published by the Department, subtract 5 cents and multiply by 7.5.

(4) The price per hundredweight computed as follows:

(i) Multiply by 6 the average price per pound of butter as described in § 1098.50;

(ii) Add 2.4 times the average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange: *Provided,* That if the price of "Twins" is not quoted on such Exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 4.

§§ 1098.52, 1098.71, 1098.72, 1098.83 [Amendment]

3. In §§ 1098.52, 1098.71, 1098.72 and 1098.83, "4.0" is changed to "3.5" wherever it appears.

[Milk Order No. 101]

PART 1101—MILK IN KNOXVILLE, TENNESSEE, MARKETING AREA

§ 1101.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Knoxville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Knoxville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1101.50 is revised to read as follows:

§ 1101.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

2. Paragraph (b) of § 1101.51 is revised to read as follows:

§ 1101.51 Class prices.

* * * * *

(b) *Class II milk price.* The price for Class II milk shall be the price determined pursuant to subparagraph (1) of this paragraph not to exceed the highest of the prices computed pursuant to subparagraphs (2), (3) and (4) of this paragraph, and adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential for the month computed pursuant to § 1101.52(b) and rounding to the nearest cent.

(1) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture, on or before the 6th day after the end of the month:

Company and Location

Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greeneville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N.C.
Carnation Co., Galax, Va.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S.C.
Kraft Foods Co., Greeneville, Tenn.

Add 10 cents in the months of February through August and add 25 cents in all other months.

(2) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the butterfat differential pursuant to § 1101.85(a) by 5.

(3) The price per hundredweight computed as follows:

(i) Multiply by 6 the average price per pound of butter as described in § 1101.50;

(ii) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange: *Provided,* That if the price of "Twins" is not quoted on such Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 4.

(4) The price per hundredweight obtained by adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph.

(i) Multiply by 4 the average price per pound of butter as described in § 1101.50 and add 20 percent thereof;

(ii) From the arithmetical average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f.o.b. Chicago area manufacturing plants, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, subtract 5 cents and multiply by 7.5.

3. Paragraph (b) of § 1101.52 is revised to read as follows:

§ 1101.52 Butterfat differentials to handlers.

* * * * *

(b) *Class II milk.* Multiply the average price per pound of butter for the month as described in § 1101.50 by 0.115: *Provided,* That such butterfat differential shall not exceed the result obtained by dividing the price computed pursuant to subparagraph (1) of § 1101.51(b) by 40; nor exceed the result obtained by dividing the highest of the prices, computed pursuant to subparagraphs (2), (3) and (4) of § 1101.51(b), by 40.

§§ 1101.52, 1101.71, 1101.72, 1101.85 [Amendment]

4. In §§ 1101.52, 1101.71, 1101.72 and 1101.85, "4.0" is changed to "3.5" wherever it appears.

[Milk Order No. 102]

PART 1102—MILK IN FORT SMITH, ARKANSAS, MARKETING AREA

§ 1102.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Smith, Arkansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and

wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fort Smith, Arkansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1102.50 is revised to read as follows:

§ 1102.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1102.51 is revised to read as follows:

§ 1102.51 Class prices.

Subject to the provisions of § 1102.52 the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.45 for the months of April, May and June, and plus $1.85 for all other months: *Provided,* That for each of the months of October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June, such price shall not be more than that for the preceding month.

(b) *Class II milk.* The price for Class II milk shall be the average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, less five times the butterfat differential for the respective month computed pursuant to § 1102.52(b):

Present Operator and Location

Pet Milk Co., Siloam Springs, Ark.
Sugar Creek Creamery, Russellville, Ark.
Ozark Creamery, Ozark, Ark.

§§ 1102.52, 1102.71, 1102.72, 1102.81 [Amendment]

3. In §§ 1102.52, 1102.71, 1102.72 and 1102.81, "4.0" is changed to "3.5" wherever it appears.

[Milk Order No. 103]

PART 1103—MILK IN CENTRAL MISSISSIPPI MARKETING AREA

§ 1103.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Central Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1103.50 is revised to read as follows:

§ 1103.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1103.51 is revised to read as follows:

§ 1103.51 Class prices.

Subject to the provisions of §§ 1103.52 and 1103.53, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $2.16.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the plants or places listed below for which prices have been reported to the market administrator or to the Department of Agriculture subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph;

Present Operator and Location

McClendon Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

(1) Subtract five times the butterfat differential computed pursuant to § 1103.52(b); and

(2) Add 10 cents during each of the months of March through June and 20 cents during all other months.

§§ 1103.52, 1103.71, 1103.72, 1103.91 [Amendment]

3. In §§ 1103.52, 1103.71, 1103.72, and 1103.91, "4.0" is changed to "3.5" wherever it appears.

[Milk Order No. 105]

PART 1105—MILK IN MISSISSIPPI DELTA MARKETING AREA

§ 1105.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Mississippi Delta marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Mississippi Delta marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1105.50 is revised to read as follows:

§ 1105.50 Class prices.

Subject to the provisions of §§ 1105.51 and 1105.52, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the Class I milk price established pursuant to § 1103.51(a) of this chapter regulating the handling of milk in the Central Mississippi marketing area less 16 cents.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from dairy farmers during the month at the plants or places listed below for which prices have been reported to the market administrator or to the Department of Agriculture, subject to the adjustment provided in subparagraph (1) and (2) of this paragraph;

Present Operator and Location

Kraft Cheese Co., Houston, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

(1) Subtract five times the butterfat differential computed pursuant to § 1105.51(b); and

(2) Add 10 cents during each month of February through August and 20 cents during all other months.

§§ 1105.51, 1105.71, 1105.72, 1105.73, 1105.74, 1105.75 [Amendment]

2. In §§ 1105.51, 1105.71, 1105.72, 1105.73, 1105.74, and 1105.75 "4.0" is changed to "3.5" wherever it appears.

[Milk Order No. 106]

PART 1106—MILK IN THE OKLAHOMA METROPOLITAN MARKETING AREA

§ 1106.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order

and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Oklahoma Metropolitan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Oklahoma Metropolitan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1106.50 is revised to read as follows:

§ 1106.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1106.51, the introductory text of paragraph (a) is revised to read as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $1.48 during the months of April, May and June and plus $1.88 during all other months: *Provided,* That for each of the months of September, October, November and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June such price shall not be more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" of not more than 50 cents, computed as follows:

[Milk Order No. 107]

PART 1107—MILK IN MISSISSIPPI GULF COAST MARKETING AREA

§ 1107.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Mississippi Gulf Coast marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means

pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Mississippi Gulf Coast marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1107.50 is revised to read as follows:

§ 1107.50 Class prices.

Subject to the provisions of §§ 1107.51 and 1107.52, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the Class I milk price established pursuant to § 1103.51(a) of this chapter regulating the handling of milk in the Central Mississippi marketing area plus 10 cents.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from dairy farmers during the month at the plants or places listed below for which prices have been reported to the market administrator or to the Department of Agriculture, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph;

Present Operator and Location
McClendon Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

(1) Subtract five times the butterfat differential computed pursuant to § 1107.51(b); and

(2) Add 10 cents during each of the months of March through July and 20 cents during all other months.

§§ 1107.51, 1107.71, 1107.72, 1107.80, 1107.81 [Amendment]

2. In §§ 1107.51, 1107.71, 1107.72, 1107.80 and 1107.81 "4.0" is changed to "3.5" wherever it appears.

[Milk Order No. 120]

PART 1120—MILK IN LUBBOCK-PLAINVIEW, TEXAS, MARKETING AREA

§ 1120.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Lubbock-Plainview, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Lubbock-Plainview, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1120.50 the introductory text of paragraph (b) is revised as follows:

§ 1120.50 Class prices.

* * * * *

(b) *Class II price.* The Class II milk price shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph, subtracting five times the butterfat differential computed to § 1120.51(b), rounding to the nearest full cent and, during the months of March through June, deducting 13 cents.

§§ 1120.51, 1120.71, 1120.72, 1120.73, 1120.74 [Amendment]

2. In §§ 1120.51, 1120.71, 1120.72, 1120.73 and 1120.74, "4.0" is changed to "3.5" wherever it appears.

[Milk Order No. 126]

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

§ 1126.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the

Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1126.50 is revised to read as follows:

§ 1126.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1126.51 paragraph (b) is revised to read as follows:

§ 1126.51 Class prices.

* * * * *

(b) *Class II milk price.* The Class II milk price shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph for the months of July through March and for all other months the higher of the price computed pursuant to subparagraph (1), less 14 cents, and the price computed pursuant to subparagraph (2) of this paragraph, all adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential computed pursuant to § 1126.52(b):

(1) The price per hundredweight, rounded to the nearest one-tenth cent, computed by adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0;

(ii) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

(2) The price per hundredweight, rounded to the nearest one-tenth cent, computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month.

§§ 1126.52, 1126.55, 1126.71, 1126.72, 1126.73, 1126.91 [Amendment]

3. In §§ 1126.52, 1126.55, 1126.71, 1126.72, 1126.73, and 1126.91, "4.0" is changed to "3.5" wherever it appears.

[Milk Order No. 127]

PART 1127—MILK IN THE SAN ANTONIO, TEXAS, MARKETING AREA

§ 1127.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the San Antonio, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the San Antonio, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1127.52, the introductory text of subparagraph (1) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1127.52 Class II and Class II–A milk.

(a) *Class II milk.* * * *

(1) The sum of the amounts computed pursuant to subdivisions (i) and (ii) of this subparagraph, adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential computed pursuant to § 1127.53(b) and rounding to the nearest full cent:

* * * * *

(b) *Class II-A milk.* The minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II-A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month involved, adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential computed pursuant to § 1127.53(b), and rounding to the nearest full cent.

§§ 1127.53, 1127.71, 1127.81 [Amendment]

2. In §§ 1127.53, 1127.71, and 1127.81, "4.0" is changed to "3.5" wherever it appears.

[Milk Order No. 128]

PART 1128—MILK IN CENTRAL WEST TEXAS MARKETING AREA

§ 1128.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central West Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central West Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1128.51 the introductory text of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1128.51 Class II and Class II–A milk.

(a) *Class II milk.* Subject to the provisions of § 1128.52, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II milk shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph and subtracting five times the butterfat differential computed pursuant to § 1128.52(b):

* * * * *

(b) *Class II-A milk.* Subject to the provisions of § 1128.52, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II-A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month involved and subtracting five times the butterfat differential computed pursuant to § 1128.52(b).

§§ 1128.52, 1128.71, 1128.72, 1128.73, 1128.92 [Amendment]

2. In §§ 1128.52, 1128.71, 1127.72, 1128.73 and 1128.92, "4.00" is changed to "3.5" wherever it appears.

[Milk Order No. 129]

PART 1129—MILK IN AUSTIN-WACO, TEXAS, MARKETING AREA

§ 1129.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Austin-Waco, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Austin-Waco, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1129.51 the introductory text of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1129.51 **Class II milk.**

* * * * *

(a) The sum of the plus values of subparagraphs (1) and (2) of this paragraph, less five times the butterfat differential computed pursuant to § 1129.52(b):

* * * * *

(b) The price per hundredweight computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month, and subtracting five times the butterfat differential computed pursuant to § 1129.52(b).

§§ 1129.52, 1129.71, 1129.72, 1129.91 [Amendment]

2. In §§ 1129.52, 1129.71, 1129.72 and 1129.91, "4.0" is changed to "3.5" wherever it appears.

[Milk Order No. 130]

PART 1130—MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

§ 1130.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Corpus Christi, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1130.50 the introductory text of subparagraph (1) of paragraph (b) and paragraph (c) are revised to read as follows:

§ 1130.50 **Class prices.**

* * * * *

(b) *Class II milk price.* * * *

(1) The sum of the plus values of subdivisions (i) and (ii) of this subparagraph, less five times the butterfat differential computed pursuant to § 1130.52(b):

* * * * *

(c) *Class II–A milk price.* The minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II–A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month and subtracting five times the butter fat differential computed pursuant to § 1130.52(b).

§§ 1130.52, 1130.71, 1130.72, 1130.81 [Amendment]

2. In §§ 1130.52, 1130.71, 1130.72 and 1130.81, "4.0" is changed to "3.5" wherever it appears.

[Milk Order No. 132]

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

§ 1132.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1132.50 is revised to read as follows:

§ 1132.50 **Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1132.51, paragraph (b) is revised to read as follows:

§ 1132.51 **Class prices.**

* * * * *

(b) *Class II milk price.* The Class II milk price shall be computed by adding together the plus value of subparagraphs (1) and (2) of this paragraph, subtracting five times the butterfat differential computed pursuant to § 1132.52(b), rounding to the nearest full cent and, during the months of March through June, deducting 13 cents.

(1) Subtract 3 cents from the Chicago butter price and multiply the remainder by 4.8;

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.16.

§§ 1132.52, 1132.55, 1132.71, 1132.72, 1132.73, 1132.81 [Amendment]

3. In §§ 1132.52, 1132.55, 1132.71, 1132.72, 1132.73 and 1132.81, "4.0" is changed to "3.5" wherever it appears.

[Milk Order No. 134]

PART 1134—MILK IN WESTERN COLORADO MARKETING AREA

§ 1134.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Western Colorado market-

ing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore, ordered, that on and after the effective date hereof, the handling of milk in the Western Colorado marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1134.50 is revised to read as follows:

§ 1134.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1134.51(b) is revised to read as follows:

§ 1134.51 Class prices.

* * * * *

(b) *Class II milk.* The Class II price shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph for the current month rounded to the nearest one-tenth cent:

(1) The average of the basic or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location

Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this paragraph:

(i) From the butter price specified in § 1134.50 for the month subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

[Milk Order No. 135]

PART 1135—MILK IN COLORADO SPRINGS-PUEBLO MARKETING AREA

§ 1135.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Colorado Springs-Pueblo marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined

that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Colorado Springs-Pueblo marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1135.50 is revised to read as follows:

§ 1135.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. Paragraph (b) § 1135.51 is revised to read as follows:

§ 1135.51 Class prices.

* * * * *

(b) *Class II milk.* During the months of March through July, the price per hundredweight specified in subparagraph (1) of this paragraph, and during all other months such price plus 10 cents: *Provided,* That in no event shall such price exceed the higher of the prices computed pursuant to subparagraphs (1) and (2):

(1) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the butter price specified in § 1135.50 for the month, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

(2) The average of the basic, or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location

Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

§ 1135.53 [Amendment]

3. In § 1135.53 (a) and (b) "§ 1135.50 (b)(1)" is revised to "§ 1135.50".

[Milk Order No. 137]

PART 1137—MILK IN EASTERN COLORADO MARKETING AREA

§ 1137.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Colorado marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued July 6, 1962, and the final decision containing all amendment provisions of this order has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Eastern Colorado marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Revise § 1137.50 to read as follows:

§ 1137.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for

manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. Paragraph (b) of § 1137.51 is revised to read as follows:

§ 1137.51 Class prices.

* * * * *

(b) *Class II milk.* During the months of March through July, the price per hundredweight specified in subparagraph (1) of this paragraph, and during all other months such price plus 10 cents: *Provided*, That in no event shall such price exceed the higher of the prices computed pursuant to subparagraphs (1) and (2):

(1) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the butter price specified in § 1137.50 for the month subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

(2) The average of the basic or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location

Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

§ 1137.53 [Amendment]

3. In § 1137.53 (a) and (b) "§ 1137.50 (b)(1)" is revised to "§ 1137.50".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1962.

Signed at Washington, D.C., on July 27, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62–7573; Filed, July 31, 1962; 8:55 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

Motions to Reopen or Reconsider

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Section 103.5 is amended, by adding a sentence immediately preceding the last sentence thereof, so that the section reads as follows:

§ 103.5 Reopening or reconsideration.

Except as otherwise provided in Part 242 of this chapter, a proceeding authorized under this chapter may be reopened or the decision made therein reconsidered for proper cause upon motion made by the party affected and granted by the officer who has jurisdiction over the proceeding or who made the decision. When the alien is the moving party, a motion to reopen or a motion to reconsider shall be filed in duplicate, accompanied by a supporting brief, if any, and the appropriate fee specified by and remitted in accordance with the provisions of § 103.7, with the district director in whose district the proceeding was conducted for transmittal to the officer having jurisdiction. When an officer of the Service is the moving party, a copy of the motion shall be served on the alien or other party in interest and the motion, together with proof of service, shall be filed directly with the officer having jurisdiction. The party opposing the motion shall have 10 days from the date of service thereof within which he may submit a brief, which period may be extended. If the officer who originally decided the case is unavailable, the motion may be referred to another officer. A motion to reopen shall state the new facts to be proved at the reopened hearing and shall be supported by affidavits or other evidentiary material. A motion to reconsider shall state the reasons for reconsideration and shall be supported by such precedent decisions as are pertinent. Motions to reopen or reconsider shall state whether the validity of the order has been or is the subject of any judicial proceeding and, if so, the nature and date thereof, the court in which such proceeding took place or is pending, and its result or status. Rulings upon motions to reopen or motions to reconsider shall be by written decision.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order relates to agency procedure.

Dated: July 27, 1962.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 62–7563; Filed, July 31, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1314, Amdt. 470]

PART 507—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft JT3C–12 Turbojet Engines

There have been failures of the eighth stage compressor rotor disc in Pratt & Whitney Aircraft JT3C–12 turbojet engines. As this condition is likely to occur in other such engines, an airworthiness directive is being issued to require inspection of the discs and replacement of any which are cracked. A service life of the discs also is established.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PRATT & WHITNEY. Applies to all JT3C–12 turbojet engines.

Compliance required as indicated.

To preclude fatigue cracking in the rear face of the P/N 359708 eighth stage compressor rotor disc, accomplish the following:

(a) For discs previously inspected by the procedure described in paragraph (c), reinspect in accordance with paragraph (c) every 90 hours' time in service from the last inspection.

(b) For discs not previously inspected by the procedure described in paragraph (c), inspect in accordance with paragraph (c) as follows:

(1) Inspect discs with 1,000 or more hours' time in service within the next 90 hours' time in service and every 90 hours' time in service thereafter.

(2) Inspect discs with less than 1,000 hours' time in service prior to the accumulation of 1,090 hours' time in service and every 90 hours' time in service thereafter.

(c) Incorporate an inspection hole and plug in the compressor case and eighth stage stator shroud in accordance with Pratt & Whitney Aircraft letter dated June 21, 1962, and its attached sketch number L–53852. Using an American Cystoscope Markers, Inc. Model B–175–AS–15 or FAA approved equivalent viewing instrument inserted through this hole, inspect each eighth stage compressor rotor disc rear blade dovetail area and the entire circumferential area of the eighth stage disc spacer for possible cracks. If any

crack indications are found, remove the engine prior to further flight and disassemble for confirmation of the indications. Replace cracked discs.

(d) Remove all eighth stage compressor rotor discs P/N 359708 from further service after 3,200 hours' time in service.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Pratt & Whitney Aircraft telegraphic message dated June 13, 1962, to Eastern Air Lines and Pratt & Whitney Aircraft letter dated June 21, 1962, and attached sketch L–53852 to Eastern Air Lines covers the same subject.)

This amendment shall become effective August 1, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 26, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–7530; Filed, July 31, 1962; 8:45 a.m.]

[Reg. Docket No. 1316, Amdt. 471]

PART 507—AIRWORTHINESS DIRECTIVES

Fairchild F–27 Series Aircraft

Amendment 295, 26 F.R. 5035, requires inspection of the elevators on Fairchild F–27 Series aircraft. Aircraft with Modification No. 1 are required to be inspected each 75 hours' time in service and those with Modification No. 2, each 150 hours' time in service. A reevaluation based on inspection records since the issuance of Amendment 295, has substantiated an increase in the inspection intervals for Modification No. 1 and elimination of the special repetitive inspections for Modification No. 2. Accordingly, Amendment 295 is being superseded by a new directive.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

FAIRCHILD. Applies to all F–27 Series aircraft.

Compliance required prior to the accumulation of 4,000 hours' time in service of the elevators and thereafter at intervals not exceeding 700 hours' time in service from the last inspection.

(a) On elevators incorporating Modification No. 1 in accordance with Fairchild Drawing 27–220001–91, –101, –111, –131, –141, –151, –181, –191, –231, or –241, accomplish the following:

(1) Remove the bottom cover at the outboard hinge, Station 156.65. Using a mirror and light, inspect the structure on the forward side of the middle spar in the area of the outboard hinge bracket for cracks in the spar web, cracks in the upper and lower flange radii of the spar, and cracks in the two adjacent ribs at their attachment to the forward side of the middle spar.

(2) Remove the plugs or buttons from the three holes in the bottom skin adjacent to the outboard hinge. Using a borescope or equivalent, inspect for cracks in the middle spar, cracks in the two ribs adjacent to the hinge at their attachment to the aft side of the middle spar, and for cracks in the channel aft of the hinge.

(b) Replace cracked parts with new parts or repair in accordance with FAA Engineering approved methods.

NOTE: Inspections on elevators with Modification No. 2 in accordance with Fairchild Drawing 27–220001–251, –261, –271, or –281 are not required.

(c) Upon request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Fairchild Service Bulletin No. 27–21 revised May 26, 1962, covers this subject.)

This supersedes Amendment 295, 26 F.R. 5035 (AD 61–12–3).

This amendment shall become effective August 1, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 26, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–7531; Filed, July 31, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–EA–41]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of these amendments to Part 600 and § 600.1685 of the regulations of the Administrator is to redesignate that segment of Intermediate altitude VOR Federal airway No. 1685 from the intersection of the Salisbury, Md., VOR 340° and the Baltimore, Md., VORTAC 097° True radials to the Salisbury VOR as Intermediate altitude VOR Federal airway No. 1757.

The above action is being taken to eliminate misunderstanding created by the existence of multiple transition points between Victor 1685 and Intermediate altitude VOR Federal airway No. 1505. As presently designated Victor 1685 forms junctions with Victor 1505 at the New Castle, Del., VORTAC and the intersection of the Kenton, Del., VORTAC 220° and the Salisbury VOR 340° True radials. In the absence of specific flight plan information it becomes necessary to solicit additional information to determine the exact point of transition between these two airways. This creates an additional workload in the processing of flight plans at both manual and electronic computer equipped facilities. This action, in effect, will result in the reidentification of a segment of an existing airway, and does not involve designation of any additional airspace.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

§ 600.1685 [Amendment]

1. Section 600.1685 (26 F.R. 1091) is amended as follows:

In the caption "Salisbury, Md." is deleted and "Price, Md." is substituted therefor.

In the text "From the Salisbury, Md., VOR; 10 mile wide airway to the INT of the Salisbury VOR 340° and the Baltimore, Md., VOR 097° radials; thence via the New Castle, Del., VOR;" is deleted and "From the INT of the Salisbury, Md., VOR 340° and the Baltimore, Md., VOR 097° radials via the New Castle, Del., VOR;" is substituted therefor.

2. Part 600 (14 CFR Part 600) is amended by adding:

§ 600.1757 VOR Federal airway No. 1757 (Salisbury, Md., to Price, Md.).

From the Salisbury, Md., VOR 10-mile wide airway to the INT of the Salisbury VOR 340° and the Baltimore, Md., VOR 097° radials.

These amendments shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 25, 1962.

W. THOMAS DEASON,
Assistant Chief, Airspace Utilization Division.

[F.R. Doc. 62–7536; Filed, July 31, 1962; 8:46 a.m.]

[Airspace Docket No. 62–EA–50]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of this amendment to § 600.6093 of the regulations of the Administrator is to realign VOR Federal airway No. 93 from the Chester, Mass., VOR via the intersection of the Chester VOR 040° and the Keene, N.H., VOR 231° radials; to the Keene VOR. This will improve air navigation and aeronautical charting by locating the changeover point between navigation facilities associated with this airway segment at the Colrain Intersection (INT of the Keene VOR 231° and the Gardner, Mass., VORTAC 284° radials). At present, this

change-over point is located 3 miles southwest of the Colrain Intersection. The control areas associated with this airway segment are so designated that they will automatically conform to the altered airway. The vertical extent of these control areas will remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Since this change is minor in nature and imposes no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following action is taken:

In the text of § 600.6093 (14 CFR 600.6093) "INT of the Albany, N.Y., VORTAC 099°" is deleted and "INT of the Chester VOR 040°" is substituted therefor.

This action will become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 25, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–7537; Filed, July 31, 1962; 8:47 a.m.]

[Airspace Docket No. 62–WE–31]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Transition Area

On May 17, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4703) stating that the Federal Aviation Agency proposed to designate a transition area at Tobe, Colo.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.10057 **Tobe, Colo., transition area.**

That airspace extending upward from 1,200 feet above the surface within 7 miles NE and 10 miles SW of the Tobe, Colo., VORTAC 327° and 147° radials extending from 9 miles SE to 20 miles NW of the VORTAC.

This amendment shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 25, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–7534; Filed, July 31, 1962; 8:46 a.m.]

[Airspace Docket No. 62–KC–6]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Transition Area

On May 17, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4703) stating that the Federal Aviation Agency proposed to designate a transition area at Escanaba, Mich.

No adverse comments were received regarding the proposed amendment. However, the Air Transport Association recommended the designation of a part-time control zone at Escanaba in addition to the transition area, and Mr. I. W. Stephenson of Menominee, Mich., suggested that an airway be designated from Green Bay, Wis., to Escanaba coincident with the establishment of the transition area at Escanaba. The Federal Aviation Agency will explore the feasibility of these suggestions and, if warranted, initiate appropriate rule-making action.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.10056 **Escanaba, Mich., transition area.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Escanaba Municipal Airport (latitude 45°43'25" N., Longitude 37°05'40" W.), and within 2 miles either side of the 265° bearing from the Escanaba Municipal Airport extending from the 5-mile radius area to 8 miles W. of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles N and 8 miles S. of the 085° and 265° bearings from the Escanaba Municipal Airport extending from 7 miles E. to 14 miles W. of the airport.

This amendment shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a). 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 25, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–7535; Filed, July 31, 1962; 8:46 a.m.]

[Airspace Docket No. 62–SO–44]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2148 of the regulations of the Adminstrator is to alter the description of the Jackson, Miss., control zone.

The Federal Aviation Agency will convert the Jackson radio range to a radio beacon with transcribed weather broadcast facilities on or about August 20, 1962. The action taken herein reflects the conversion of this facility.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective August 20, 1962.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2148 (14 CFR 601.2148) is amended to read:

§ 601.2148 **Jackson, Miss., control zone.**

Within a 5-mile radius of the Hawkins Airport (latitude 32°20'01" N., longitude 90°13'19" W.), Jackson, Miss.; within 2 miles either side of the 002° bearing from the Jackson RBN extending from the 5-mile radius zone to 12 miles N. of the RBN; and within 2 miles either side of the Jackson VORTAC 195° radial extending from the 5-mile radius zone to the VORTAC.

This amendment shall become effective 0001 e.s.t., August 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on July 25, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–7538; Filed, July 31, 1962; 8:47 a.m.]

[Airspace Docket No. 62–WA–80]

PART 602—DESIGNATION OF JET ROUTES, JET ADIVSORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Advisory Area

The purpose of this amendment to § 602.300 of the regulations of the Administrator is to alter the portion of the Miami, Fla., terminal jet advisory area as described in paragraph (d).

The Miami terminal jet advisory area (d) is presently designated from the Miami VORTAC via the Marathon, Fla., RBN; thence via Control Area Extension 1234 to the boundary of the continental control area. In Airspace Docket No. 61-FW-20 (27 F.R. 3881), which was effective June 28, 1962, Control Area Extension 1234 was revoked. Therefore, action is taken herein to redescribe this portion of the Miami terminal jet advisory area from the Miami VORTAC via the Marathon RBN; thence via the 219° True bearing from the Marathon RBN to the boundary of the continental control area.

Since the change effected by this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 602.300 *Terminal jet advisory areas* (14 CFR 602.300) is amended as follows:

Under Miami, Fla., jet advisory area—Radar (d), "Control Area Extension 1234" is deleted and "Marathon RBN 219° bearing" is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 25, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–7539; Filed, July 31, 1962; 8:47 a.m.]

[Airspace Docket No. 62–WA–77]

PART 608—SPECIAL USE AIRSPACE

Correction

In Federal Register Document 62–7209, published at page 7321 of the issue dated Thursday, July 26, 1962, the entry for "R–3602", under § 608.36, was inadvertently omitted. The entry reads as follows:

§ 608.36 **Kansas.**

R–3602 Manhattan, Kans.

Boundaries. Beginning at latitude 39°13'00" N., longitude 96°49'42" W.; thence to latitude 39°13'00" N., longitude 96°42'35" W.; thence to latitude 39°12'17" N., longitude 96°40'55" W.; thence to latitude 39°10'43" N., longitude 96°40'55" W.; thence to latitude 39°09'23" N., longitude 96°43'00" W.; thence to latitude 39°06'20" N., longitude 96°43'00" W.; thence to latitude 39°04'24" N., longitude 96°47'30" W.; thence to latitude 39°04'24" N., longitude 96°52'22" W.; thence to latitude 39°07'54" N., longitude 96°49'42" W.; thence to the point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Kansas City ARTC Center.

Using agency. Commanding General, Fort Riley, Kans.

Amendments: On publ. (8–10–61) 26 F.R. 7194 (Rewritten); 1–11–62 26 F.R. 11860 (Rewritten);

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

In § 200.68 paragraph (f) is revoked as follows:

§ 200.68 **Assistant Commissioner for Administration and Deputy.**

* * * * * *

(f) [Revoked].

Section 200.71 is amended by adding paragraph (j) as follows:

§ 200.71 **Director of the General Services Division and Deputy.**

* * * * * *

(j) To act for the Commissioner in approving the settlement of tort claims for and against the Commissioner and the execution of releases or other instruments required in connection therewith.

(Sec. 2, 48 Stat. 1246, as amended; Sec. 211, 52 Stat. 23, as amended; Sec. 607, 55 Stat. 61, as amended; Sec. 712, 62 Stat. 1281, as amended; Sec. 907, 65 Stat. 301, as amended; Sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f).

Issued at Washington, D.C., July 27, 1962.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 62–7561; Filed, July 31, 1962; 8:51 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Bayou Des Cannes and Contraband Bayou, La.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (j) by revoking subparagraphs (15) and (23), concerning Bayou Des Cannes and Contraband Bayou in Louisiana, effective upon publication in the FEDERAL REGISTER, since the drawbridges have been replaced by fixed bridges, as follows:

§ 203.245 **Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.**

* * * * * *

(j) *Waterways discharging into Gulf of Mexico west of the Mississippi River.*

* * * * * *

(15) [Revoked]

* * * * * *

(23) [Revoked]

* * * * * *

[Regs., July 19, 1962, 285/111–ENGCW–ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–7528; Filed, July 31, 1962; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5 of Title 41 is amended as follows:

PART 5–1—GENERAL

Subpart 5–1.6—Debarred and Ineligible Bidders

Sections 5–1.602(b)(1), 5–1.603, 5–1.604, 5–1.606–55, 5–1.606–58 are revised to read as follows:

§ 5–1.602 **Establishment and maintenance of a list of firms or individuals debarred or ineligible.**

* * * * * *

(b) * * *

(1) Publication of the GSA Debarred Bidders List shall be based, in the case of GSA administrative debarments on determinations made by the service performing the debarment, or confirmation of such determination by the Administrator (or his designee), and, in the case of statutory debarments, on appropriate notification by the Comptroller General, the Secretary of Labor or other debarring agency, or in the case of ineligibility due to violations of the nondiscrimination provisions of contracts, on appropriate notification by the Executive Vice Chairman, President's Committee on Equal Employment Opportunity.

§ 5–1.603 **Bases for debarment and ineligible list entry.**

All firms and individuals within the categories specified in § 1–1.603, and those which the Executive Vice Chairman of the President's Committee on Equal Employment Opportunity has declared ineligible (see Subpart 5–53.7), shall be placed on the GSA Debarred Bidders List by the Compliance Division as soon as official information is received of debarment or ineligibility. Administrative debarments under § 1–1.603(d) are subject to determinations by GSA under § 5–1.606, pursuant to § 1–1.605.

§ 5–1.604 **Treatment to be accorded firms or individuals in debarred or ineligible status.**

* * * * * *

(d) Bids shall not be invited, nor proposals solicited from firms or individuals which have been found ineligible by the President's Committee on Equal Employment Opportunity because of violations

of the nondiscrimination provisions of Government contracts.

§ 5–1.606–55 Institution of debarment proceedings.

If a Commissioner decides to institute debarment proceedings, he shall send a letter, by certified mail (return receipt requested) to the firm or individual proposed for debarment. The letter shall summarize the facts on which the debarment is predicated, specify a reasonable and definite period for the debarment, and advise that, unless a request for a hearing is received within 15 days from the date of receipt of such letter, the debarment will become effective when the 15-day period has elapsed. When debarment action is based on debarment by another agency, the firm or individual shall be so notified. However, no hearing is required in such cases, pursuant to § 1–1.605(b) (4) and (6). The Compliance Division shall be notified of this action.

§ 5–1.606–58 Inquiries from debarred or ineligible bidders.

Inquiries presented by debarred or ineligible bidders shall be referred, without comment, to the Office of General Counsel.

PART 5–12—LABOR

Subpart 5–12.50—Nondiscrimination in Employment

Subpart 5–12.50 is added, to read as follows:

Sec.

5–12.5001	General.
5–12.5002	Definitions.
5–12.5003	Use of the provisions.
5–12.5003–1	Exemption from use of the provisions.
5–12.5003–2	Exemptions from the requirements of the provisions.
5–12.5003–3	Exemptions from certain requirements of the provisions.
5–12.5004	Bidders representation relating to previous Government contracts.
5–12.5005	Certificates of merit.
5–12.5005–1	General.
5–12.5005–2	Recommendation for Certificate of Merit.
5–12.5005–3	Suspension or revocation of Certificate of Merit.
5–12.5006	Award considerations.

AUTHORITY: §§ 5–12.5001 to 5–12.5006 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 5–12.5001 General.

This subpart contains instructions relative to the use of the nondiscrimination in employment provisions prescribed by Executive Order No. 10925 of March 6, 1961, to exemptions therefrom, and to the responsibility of bidders and prospective contractors in connection with such provisions. The nondiscrimination in employment provisions are set forth in § 1–7.101–18 and reproduced for convenience as GSA Form 1714, Nondiscrimination in Employment. For administration of the nondiscrimination provisions see Subpart 5–53.7.

§ 5–12.5002 Definitions.

The following definitions, as prescribed by the President's Committee on Equal Employment Opportunity, shall be applicable to this Subpart 5–12.50.

(a) "Committee" means the President's Committee on Equal Employment Opportunity.

(b) "Chairman" means the Chairman of the Committee.

(c) "Vice Chairman" means the Vice Chairman of the Committee.

(d) "Executive Vice Chairman" means the Executive Vice Chairman of the Committee.

(e) "Executive Order" or "Order" means Executive Order No. 10925 of March 6, 1961 (26 F.R. 1977).

(f) "Provisions" means the Nondiscrimination in Employment provisions prescribed by section 301 of Executive Order No. 10925 of March 6, 1961 (26 F.R. 1977).

(g) "United States" as used herein shall include the Commonwealth of Puerto Rico, the Panama Canal Zone, and the possessions of the United States.

(h) "Standard commercial supplies" means an article:

(1) Which in the normal course of business is customarily maintained in stock by the manufacturer or any dealer, distributor, or other commercial dealer for the marketing of such article; or

(2) Which is manufactured and sold by two or more persons for general commercial or industrial use or which is identical in every material respect with an article so manufactured and sold.

§ 5–12.5003 Use of the provisions.

(a) Except as provided in this § 5–12.5003 every contract or contract modification shall include the provisions set forth in § 1–7.101–18. Notwithstanding the inclusion in any contract of such provisions, the contractor or subcontractor shall be exempt from compliance therewith if the contract or subcontract is exempt under this § 5–12.5003. Contractors and first-tier subcontractors shall be required to include paragraphs (a) through (f) of the provisions in its subcontracts or purchase orders; however, subcontractors below the first-tier shall not be required to comply with this requirement except upon special instructions of the GSA Nondiscrimination Officer or the Executive Vice Chairman. Where forms contain provisions differing from that in § 1–7.101–18, contracting officials shall include an appropriate statement in the invitation for bids, or request for proposals, to delete such provisions and make applicable the GSA Form 1714 prior to awarding, or entering into the contract.

(b) GSA Form 1714 may be included by reference on any invitation for bids or request for proposals or other purchasing instrument. Each purchasing activity shall provide for availability of sufficient copies to satisfy requests for copies from prospective contractors and subcontractors.

(c) Until such time as U.S. Government bill of lading forms are appropriately revised to include the nondiscrimination provisions prescribed by the Order, the following words shall be incorporated by means of typewriter, rubber stamp, or other similar impression, in all bill of lading forms before issuance:

EQUAL EMPLOYMENT OPPORTUNITY

Condition 9 hereof is revised as follows: The contract clauses in Sec. 301 of Executive Order No. 10925 (26 F.R. 1977) are incorporated herein, but carriers are exempted from paragraphs 3–7 thereof unless otherwise specifically ordered (26 F.R. 6586, Sec. 60–1.3(b)(4)).

§ 5–12.5003–1 Exemption from use of the provisions.

The use of the provisions are not required when the Executive Vice Chairman determines that it is in the national interest to exempt a contracting agency from inclusion of the provisions in a specific contract, subcontract, or purchase order. Exemptions may also be granted to groups or categories of contracts of the same type where it is impracticable to act upon each request individuallly, or group exemptions will contribute to convenience in the administration of the Order. Requests for exemptions shall be submitted, with a complete justification to the GSA Nondiscrimination Officer for appropriate transmission to the Executive Vice Chairman. Exemptions may be requested for any specific contract, subcontract, or purchase order or for groups or categories of contracts of the same type where it is impracticable to act upon each request individually, or group exemption will contribute to convenience in the administration of the Order.

§ 5–12.5003–2 Exemptions from the requirements of the provisions.

The following are exempt from the requirements of the provisions:

(a) Contracts, subcontracts, purchase orders, and other transactions not exceeding $10,000, other than Government bills of lading.

(b) Contracts, subcontracts, purchase orders, and other transactions when work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved. The provisions shall, nevertheless, be applicable to the extent that work pursuant to such contracts is done within the limits of the United States.

(c) Contracts, subcontracts, and purchase orders not exceeding $100,000 for standard commercial supplies or raw materials are exempt from the requirements of the provisions except that the Executive Vice Chairman may from time to time by order provide that specified articles or raw materials shall be subject to the Order and the rules and regulations promulgated pursuant thereto, when he finds that the inclusion thereof is necessary or appropriate to achieve the purposes of the Order. Contracting officers shall not procure, or approve the procurement of, supplies in less than usual quantities in order to avoid application of the Order to any transaction which would normally be subject to its provisions.

§ 5–12.5003–3 Exemptions from certain requirements of the provisions.

When acting pursuant to Government bills of lading carriers are exempt from complying with paragraphs (a) through (g) of the provisions set forth in § 1–7.101–18 unless otherwise specifically ordered by the Executive Vice Chairman or the GSA Nondiscrimination Officer.

§ 5–12.5004 Bidders representation relating to previous Government contracts.

Except where a prospective contract would be exempt from the provisions under § 5–12.5003, bidders or prospective contractors shall be required as a part of their bid or negotiation of a contract to state, for themselves and for each of their subcontractors, whether they have participated in any previous Government contract subject to the nondiscrimination provisions. This may be accomplished by the inclusion in the invitation for bids or request for proposals of a representation to be completed by the bidder or offeror substantially as follows:

I ☐ have, ☐ have not, participated in a previous contract subject to the provisions of section 301 of Executive Order No. 10925 of March 6, 1961 (Nondiscrimination in Employment provisions). I have attached identical representations signed by each of my proposed subcontractors.

§ 5–12.5005 Certificates of merit.

§ 5–12.5005–1 General.

(a) The Committee acting through the Chairman or Vice Chairman may award United States Government Certificates of Merit to employers or employee organizations which are or may hereafter be engaged in work under Government contracts, if the Committee is satisfied that the following conform to the purposes and provisions of the Order:

(1) Personnel and employment practices of the employer; or

(2) The personnel, training, apprenticeship, membership, grievance and representation, upgrading, and other practices and policies of the employee organization.

(b) Holders of the United States Government Certificates of Merit are entitled to exemption from submitting compliance reports.

(c) Holders of the Certificate of Merit seeking exemption from reporting in connection with a contract or subcontract are required to identify their Certificate by number or otherwise.

§ 5–12.5005–2 Recommendation for Certificate of Merit.

Requests or recommendations for Certificate of Merit shall be forwarded to the GSA Nondiscrimination Officer for consideration and appropriate action.

§ 5–12.5005–3 Suspension or revocation of Certificate of Merit.

Contracting officers shall be notified by the GSA Nondiscrimination Officer of the suspension or revocation of a Certificate of Merit. After receipt of notification of such suspension or revocation, the firm or individual shall be treated in the same manner as other nonholders of the Certificate for the suspension period, or permanently upon revocation.

§ 5–12.5006 Award considerations.

In determining the responsibility of a prospective contractor, in accordance with §§ 1–1.310 and 5–1.310, the contracting officer shall consider whether the prospective contractor will be able to, and will, conform to the requirements of the nondiscrimination provisions when applicable. The contracting officer shall make appropriate inquiry concerning the prospective contractor's employment policies and practices, and shall request an investigation by the Compliance Division of any adverse information regarding such policies and practices coming to his knowledge as a result of Government contracts previously or currently held by the prospective contractor, or from other sources. The contracting officer may, prior to award of a contract, require a prospective contractor to submit names of its proposed subcontractors and other information regarding employment policies and practices of such subcontractors. The contracting officer or his authorized representative shall, in doubtful cases, endeavor by conference, conciliation, mediation, or persuasion to induce the prospective contractor to undertake full compliance, but shall deny an award of the contract on the ground that the prospective contractor is not a responsible bidder or offeror if he is satisfied that the prospective contractor cannot, or will not, comply with the nondiscrimination provisions. When such action is taken by the contracting officer, the matter shall be handled in the manner prescribed in §§ 1–1.310 and 5–1.310.

PART 5–16—PROCUREMENT FORMS

Subpart 5–16.8—Miscellaneous Forms

Subpart 5–16.8 is added to read as follows:

Sec.

5–16.850	Report on GSA procurement from small business.
5–16.851	Request for release of classified information to U.S. industry.
5–16.852	Security requirements check list.
5–16.853	Identical bid report for procurement.
5–16.854	Notice of award of contract.
5–16.855	Department of Labor form letter (Walsh-Healey Public Contracts Act).
5–16.856	Department of Labor poster (Walsh-Healey Public Contracts Act).
5–16.857	Nondiscrimination in employment.
5–16.858	Notice to labor unions or other organizations of workers.
5–16.859	Compliance Report (Nondiscrimination Provisions of U.S. Government Contracts).
5–16.860	Certificate of Submission of Current Compliance Report (Nondiscrimination Provisions of U.S. Government Contracts).

AUTHORITY: §§ 5–16.850 to 5–16.860 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 5–16.850 Report on GSA procurement from small business.

GSA Form 1734, Report on GSA Procurement from Small Business, is prescribed for use in accordance with § 5–1.5007.

§ 5–16.851 Request for release of classified information to U.S. industry.

GSA Form 1720, Request for Release of Classified Information to U.S. Industry, is prescribed for use in accordance with § 5–53.202.

§ 5–16.852 Security requirements check list.

DD Form 254, Security Requirements Check List, is prescribed for use in accordance with § 5–53.203.

§ 5–16.853 Identical bid report for procurement.

Form DJ 1500, Identical Bid Report for Procurement, is prescribed for use in accordance with § 5–1.5009.

§ 5–16.854 Notice of award of contract.

Standard Form 99, Notice of Award of Contract, is prescribed for use in accordance with § 5–12.603.

§ 5–16.855 Department of Labor form letter (Walsh-Healey Public Contracts Act).

Form PC–12, a Department of Labor form letter is prescribed for use in accordance with § 5–12.603.

§ 5–16.856 Department of Labor poster (Walsh-Healey Public Contracts Act).

Form PC–13, a Department of Labor poster is prescribed for use in accordance with § 5–12.603.

§ 5–16.857 Nondiscrimination in employment.

GSA Form 1714, Nondiscrimination in Employment, is prescribed for use in accordance with § 5–12.5003.

§ 5–16.858 Notice to Labor Unions or Other Organizations of Workers.

Standard Form 38, Notice to Labor Unions or Other Organizations of Workers, is prescribed for use in accordance with § 5–53.709.

§ 5–16.859 Compliance Report (Nondiscrimination Provisions of U.S. Government Contracts).

Standard Form 40, Compliance Report (Nondiscrimination Provisions of U.S. Government Contracts) is prescribed for use in accordance with § 5–53.702.

§ 5–16.860 Certificate of Submission of Current Compliance Report (Nondiscrimination Provisions of U.S. Government Contracts).

Standard Form 40–A, Certificate of Submission of Current Compliance Report (Nondiscrimination Provisions of U.S. Government Contracts) is prescribed for use in accordance with § 5–53.702.

PART 5–53—CONTRACT ADMINISTRATION

Subpart 5–53.5—Termination

Section 5–53.501–5 is revised to read as follows:

§ 5–53.501–5 Notice of intent to terminate for default.

(a) When the contract so requires or when urgent action to terminate for default is not required and, in any event, the contractor has not been excused from the specific failure to perform, the contractor shall be furnished a preliminary notice in writing advising that termina-

tion action will be taken after the expiration of 10 days (or longer period as authorized by the contracting officer) unless the contractor has cured the failure within that period of time. The preliminary notice shall be specific with respect to the contract number and date, the contract provision under which action is contemplated, the failure which will cause termination action unless corrected, and the length of time for corrective action. If the need for performance is urgent, and the specific failure to perform has not been excused, the contracting officer may take immediate termination action without issuance of a preliminary notice unless the notice is required by the terms of the contract (e.g., paragraph 11(a)(ii), Standard Form 32, General Provisions (Supply Contract) requires such a notice).

(b) No contract shall be terminated for failure to comply with the nondiscrimination provisions of a contract, either in whole or in part, until the expiration of 10 days from the date of receipt of notice of such proposed termination to the contractor or subcontractor involved, affording him an opportunity to comply with the provisions of the Executive order. A longer period may be fixed by the contracting officer with the approval of both the GSA Nondiscrimination Officer and the Executive Vice Chairman of the Committee.

Subpart 5–53.7—Equal Employment Opportunity in Government Contracts

Subpart 5–53.7 is added, to read as follows:

Sec.

5–53.701 General.
5–53.702 Compliance reports.
5–53.703 Routine compliance review.
5–53.704 Special compliance review.
5–53.705 Complaints.
5–53.705–1 Receipt of complaints.
5–53.705–2 Contents of complaints.
5–53.705–3 Investigation of complaints.
5–53.705–4 Resolution of complaints.
5–53.705–5 Requests for hearings.
5–53.705–6 Alleged erroneous orders issued to contractors and subcontractors.
5–53.705–7 Disposition of case records.
5–53.705–8 Complaints referred by the Committee.
5–53.706 Referral to the Department of Justice.
5–53.707 Contract ineligibility cases.
5–53.708 Nondiscrimination hearings.
5–53.708–1 General.
5–53.708–2 Hearing notice.
5–53.709 Posters and notices.
5–53.709–1 General.
5–53.709–2 Requirements for use.
5–53.709–3 Exceptions.
5–53.709–4 Acquisition of posters and notices.
5–53.709–5 Inability or unwillingness to display posters and notices.

AUTHORITY: §§ 5–53.701 to 5–53.709–5 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 5–53.701 General.

Contracting officers or their authorized representatives shall use all reasonable means in the administration of contracts to promote adherence to the requirements of Executive Order No. 10925 of March 6, 1961, and the rules and regulations of the President's Committee on Equal Employment Opportunity where applicable to such contracts.

(a) Compliance reviews shall be made as prescribed in §§ 5–53.703 and 5–53.704 to ascertain the extent to which the Executive order is being implemented to provide equal employment opportunity for all qualified persons in accordance with the national policy. When violations are found, such means as conference, persuasion, mediation, and conciliation should be used in an effort to effect compliance. When appropriate, discussions of the employment practices of contractors or subcontractors should be held with management, employees, minority groups, and interested civic groups. Compliance reviews are not intended to interfere with the responsibilities of employers to determine the competence and qualifications of employees and applicants for employment. Compliance reviews shall be made by the contracting officer or his authorized representatives, such as the GSA Nondiscrimination Officer, a representative of the Compliance Division, a representative of the Quality Control Division, FSS, or others.

(b) If it is found that a contractor has a contract with other Government agencies, the contracting agency having the predominant interest shall normally conduct the compliance review. That agency having the largest aggregate dollar value of contracts at the time of filing of the most recent compliance report shall be deemed to have the predominant interest.

(c) The definitions contained in § 5–12.5002 shall apply to this Subpart 5–53.7.

§ 5–53.702 Compliance reports.

Standard Form 40, Compliance Report (Nondiscrimination Provisions of U.S. Government Contracts) and Standard Form 40–A, Certificate of Submission of Current Compliance Report (Nondiscrimination Provisions of U.S. Government Contracts), shall be required of contractors and subcontractors subject to the Order in accordance with the detailed instructions contained in Standard Form 40. Procuring activities shall take such action as will preclude the unnecessary duplicate submission of the Report and the Certificate.

§ 5–53.703 Routine compliance review.

(a) A routine compliance review is a general review of the practices of a contractor or subcontractor to ascertain compliance with the requirements of the Executive order. A routine compliance review shall be considered a normal part of contract administration. This type of review shall include a verification that posters and notices are appropriately placed and the nondiscrimination provisions are included in subcontracts, when applicable. In addition, where the contractor or subcontractor has solicited or advertised for employees, the review shall determine whether such solicitation or advertisement meets the following standards:

(1) States expressly that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin;

(2) Includes an appropriate insignia prescribed by the Committee;

(3) Is grouped with other advertisements under a caption which clearly states that all employers in the group assure all qualified applicants equal consideration for employment without regard to race, creed, color, or national origin; or

(4) Uses in clearly distinguishable type the phrase "an equal opportunity employer."

(b) Routine compliance reviews shall be made of all contracts subject to the provisions except wherein another agency has the predominant interest (see § 5–53.701(b)). Only in exceptional circumstances should the Compliance Division be requested to make a routine compliance review. The results of a routine compliance review shall be documented by memorandum or other appropriate method and shall become a part of the procurement file. If, however, a violation of the requirements set forth in this § 5–53.703 is found, and action has not been taken by the contractor to correct such violation, a written finding shall be forwarded to the GSA Nondiscrimination Officer by the contracting officer. If, based on the findings, the GSA Nondiscrimination Officer determines that a special compliance review, in accordance with § 5–53.704, is warranted, he shall request the Compliance Division to make such review. (However, where inability or unwillingness to display posters and notices is involved, see § 5–53.709–5.)

§ 5–53.704 Special compliance review.

(a) A special compliance review consists of a comprehensive review of the employment practices of a contractor or subcontractor to determine compliance with the requirements of the Executive order. When GSA is the predominant interest contracting agency, special compliance reviews shall be conducted from time to time, when special circumstances (including complaints) warrant, or when so requested by the Executive Vice Chairman. Special compliance reviews shall be conducted by the Compliance Division. Three copies of the results of such reviews shall be furnished to the GSA Nondiscrimination Officer who shall forward one copy to the Executive Vice Chairman and one copy to the contracting officer with appropriate recommendations. The Compliance Division shall evaluate the information gained from special compliance reviews to determine if there is justification for inclusion of a contractor or subcontractor on the Review List of Bidders and, if such justification exists, the matter shall be handled in accordance with § 5–1.310–50(c).

(b) The books, records, and accounts of a contractor or subcontractor may be examined as provided in the contract provisions for the purpose of ascertaining compliance with the rules, regulations, and orders of the Committee, and the examination shall be limited as follows:

(1) Examinations shall be performed during normal business hours of the contractor or subcontractor.

(2) Examinations shall be limited to books, records, and accounts pertinent to compliance with the Executive order, and the rules, regulations, and orders promulgated pursuant thereto by the Committee, the Executive Vice Chairman, the Secretary of Labor, and this Subpart 5–53.7.

(3) Information obtained by such examination shall be used only in connection with the administration of the Executive order.

(c) Upon receipt of findings and recommendations resulting from a special compliance review, the contracting officer shall determine the action to be taken under the contract terms. Such action may consist of termination of the contract in accordance with § 5–53.501–5(b), proposing ineligibility (in such cases the contractor or subcontractor shall be given an opportunity for a hearing in accordance with §§ 5–53.707 and 5–53.708), referral to the Department of Justice in accordance with § 5–53.706, or a determination that there has been adequate compliance and no further action is necessary. No ineligibility or other sanctions may be imposed against a contractor or subcontractor (except termination in accordance with § 5–53.501–5(b)) without prior approval of the Committee.

§ 5–53.705 Complaints.

§ 5–53.705–1 Receipt of complaints.

Any employee of any contractor or subcontractor or applicant for employment with such contractor or subcontractor who believes himself to be aggrieved under the nondiscrimination provisions of the contract or subcontract may, by himself or by an authorized representative, file in writing a complaint of alleged discrimination. Complaints received in GSA shall be forwarded to the GSA Nondiscrimination Officer for appropriate action. When a complaint is received by the GSA Nondiscrimination Officer, one copy thereof shall be forwarded to the Executive Vice Chairman within 10 days of receipt and, if the GSA Nondiscrimination Officer finds GSA to be the predominant interest contracting agency, one copy to the Compliance Division for investigation. The Compliance Division shall proceed with the investigation without further notification from the GSA Nondiscrimination Officer or the Committee.

§ 5–53.705–2 Contents of complaints.

(a) The complaint must be signed by the complainant and should contain the following information:

(1) The name, address, and telephone number of the complainant;

(2) The name and address of the contractor or subcontractor committing the alleged discrimination;

(3) A description of the acts considered to be discriminatory;

(4) Any other pertinent information which will assist in the investigation and resolution of the complaint; and

(5) A statement by the complainant that he may be identified in discussions with the contractor.

(b) When the GSA Nondiscrimination Officer receives incomplete complaints, he shall seek promptly the needed information from the complainant. The complainant shall be advised that such information must be furnished in writing, and signed; and, if the desired information is not received within 60 days of the date of request, the case may be closed. The records of such closed cases shall be treated in a manner similar to that set forth in § 5–53.705–7.

§ 5–53.705–3 Investigation of complaints.

(a) The Compliance Division shall investigate all complaints except where GSA is not the predominant interest agency. If GSA is not the predominant interest agency the complaint shall be forwarded to such agency by the GSA Nondiscrimination Officer for appropriate action.

(b) Investigations conducted by the Compliance Division should include, where appropriate, a review of the pertinent personnel practices and policies of the contractor or subcontractor, the circumstances under which the alleged discrimination occurred, and other factors relevant to a determination as to whether the contractor or subcontractor has complied with the nondiscrimination provisions of the contract.

§ 5–53.705–4 Resolution of complaints.

(a) The Compliance Division shall forward the report of investigation in duplicate to the GSA Nondiscrimination Officer, who shall determine whether or not the investigation shows a violation of the nondiscrimination provisions of the contract. If the GSA Nondiscrimination Officer determines that no violation has been shown, he shall forward one copy of the report to the Executive Vice Chairman for concurrence. If the Executive Vice Chairman concurs in the determination of the GSA Nondiscrimination Officer that the investigation shows no violation, the Compliance Division, the contracting officer, the complainant, and the appropriate contractors and subcontractors shall be so notified by the GSA Nondiscrimination Officer and the case shall be closed pursuant to § 5–53.705–7.

(1) If the GSA Nondiscrimination Officer determines that additional facts are necessary to enable him to reach a decision, he may request further investigation by the Compliance Division.

(2) If the Executive Vice Chairman does not concur in the determination of the GSA Nondiscrimination Officer, he may request further investigation by GSA or he may undertake such investigation by the Committee as he may deem appropriate. If the Executive Vice Chairman requests further investigation by GSA, the GSA Nondiscrimination Officer shall forward such request to the Compliance Division for appropriate action.

(b) If the GSA Nondiscrimination Officer determines that the investigation indicates an apparent violation of the nondiscrimination provisions, he shall refer a copy of the report to the contracting officer. The matter should then be resolved by informal means by the contracting officer or his authorized representative, whenever possible. When a complaint cannot be resolved by informal means, the contractor or subcontractor complained against may be given an opportunity for a hearing and the matter treated in a manner similar to that prescribed in § 5–53.704(e).

§ 5–53.705–5 Requests for hearings.

Requests for hearings received by GSA personnel from firms or individuals shall be forwarded to the GSA Nondiscrimination Officer who shall normally conduct such hearings in accordance with § 5–53.708.

§ 5–53.705–6 Alleged erroneous orders issued to contractors and subcontractors.

If a contractor or subcontractor complies with recommendations or orders of the Executive Vice Chairman or the contracting officer (or his authorized representative), without a hearing and believes such recommendations or orders issued in connection with complaints to be erroneous, he shall be afforded an opportunity for a hearing upon request. Such hearing will be held before the GSA Nondiscrimination Officer or the Executive Vice Chairman, whoever issued the basic recommendation or order.

§ 5–53.705–7 Disposition of case records.

Within 30 days after the completion of processing of a complaint case, the report of investigation and a summary report shall be forwarded to the GSA Nondiscrimination Officer for transmittal to the Executive Vice Chairman. The summary report shall contain the following information:

(a) Name and address of the complainant;

(b) Brief summary of the findings; and

(c) A statement of the disposition of the case, including any corrective action taken and any sanctions (e.g., continuance of the contract conditioned upon a program for future compliance approved by the GSA Nondiscrimination Officer) or penalties (e.g., termination of the contract or portion thereof) imposed in connection with any termination action taken under the contract nondiscrimination provisions or, wherever appropriate, the recommended corrective action and sanctions or penalties.

§ 5–53.705–8 Complaints referred by the Committee.

(a) Whenever the Executive Vice Chairman processes complaints affecting GSA contractors or subcontractors, and where ineligibility is proposed, the GSA Nondiscrimination Officer may be called upon to hold hearings on such complaints. When such hearings are requested by the Executive Vice Chairman, findings and recommendations shall be forwarded to the Executive Vice Chairman promptly after the completion of the hearings, for determination of the corrective action to be taken.

(b) The Executive Vice Chairman will notify GSA of the corrective action to be taken or sanctions to be imposed. A report of action taken shall be made through the GSA Nondiscrimination Officer to the Executive Vice Chairman as provided in the notice of corrective action from the Executive Vice Chairman.

§ 5–53.706 Referral to the Department of Justice.

Contracting officers may initiate a recommendation to the Department of Justice that appropriate proceedings be brought against a contractor or subcontractor to enforce the nondiscrimination provisions because of material or substantial violations of the provisions or the threat of such material or substantial violations. The following actions shall be taken by the contracting officer before referral to the Department of Justice.

(a) A report of investigation and recommendation shall be forwarded through the GSA Nondiscrimination Officer to the Executive Vice Chairman for approval of the recommended action.

(b) After approval by the Executive Vice Chairman, the contractor or subcontractor involved shall be given a notice of intent to refer the case to the Department of Justice by the contracting officer. Such notice shall allow a period of 10 days (unless a longer period is fixed by the GSA Nondiscrimination Officer with the approval of the Executive Vice Chairman) from the date of receipt of the notice for the contractor or subcontractor to comply with the provisions of the Executive order. The contracting officer or his authorized representative shall make reasonable efforts to persuade the contractor to comply with the provisions of the Executive order and to take such corrective action as may be appropriate.

(c) If, at the end of the 10-day period (or longer period as authorized), the contractor or subcontractor has not complied with the Executive order, the contracting officer shall forward the case, completely documented, through channels to the Office of General Counsel for referral to the Department of Justice. When referral is made by the Office of General Counsel, a copy of the letter of transmittal shall be forwarded to the GSA Nondiscrimination Officer, the Compliance Division, and the contracting officer.

§ 5–53.707 Contract ineligibility cases.

When ineligibility due to violations of the nondiscrimination provisions is proposed the following procedures shall be followed:

(a) A notice of the proposed determination in writing, signed by the GSA Nondiscrimination Officer, shall be sent to the contractor or subcontractor by certified mail, return receipt requested. The notice shall contain the proposed determination of ineligibility for further Government contracts, supported by instances of violation of the nondiscrimination provisions in sufficient detail as to person, place, and time, to inform the contractor of the justification for the proposed determination.

(b) The contractor has 10 days to request a hearing on the proposed determination. In this request, he may ask for a written statement of further facts in reasonable detail regarding the specific charges.

(c) If, at the end of such 10-day period, no request for a hearing has been received by the GSA Nondiscrimination Officer, it may be assumed that the contractor or subcontractor does not desire to be heard; in which event the case file shall be appropriately annotated of this fact and a summary of the case, including any appropriate recommendations, shall be forwarded to the Executive Vice Chairman.

§ 5–53.708 Nondiscrimination hearings.

§ 5–53.708–1 General.

(a) A contractor or subcontractor shall be afforded an opportunity for a hearing where, after investigation, ineligibility is proposed. They may also be afforded an opportunity for a hearing in connection with complaints which cannot be resolved by informal means even though no ineligibility is involved but where an investigation indicates the existence of an apparent violation of the provisions. Such hearings shall be conducted by the GSA Nondiscrimination Officer, or such other person or committee as the Administrator may designate. (Hearings in connection with appeals from decisions of contracting officers are handled by the GSA Board of Contract Appeals. (See Subpart 5–53.6.)

(b) The designated hearing officer shall regulate the course of hearings conducted by GSA. The following general rules shall apply to such hearings:

(1) Hearings shall be informally conducted.

(2) Every party shall have the right to counsel, and a fair opportunity to present his case or defense including such cross-examination and confirmation as may be appropriate in the circumstances.

(3) The hearing officer shall make his findings and recommend conclusions upon the basis of the record and evidence presented.

(c) No decision made by the hearing officer with respect to an ineligibility hearing shall be final without prior approval of a panel of the Committee. Therefore, all findings and recommendations in such cases shall be forwarded to the Executive Vice Chairman, who upon approval may enter an order declaring the contractor or subcontractor ineligible for further Government contracts, or extension or other modification of existing contracts until such contractor or subcontractor shall have satisfied the Committee that he has established and will carry out personnel and employment policies in compliance with the provisions of the Order.

§ 5–53.708–2 Hearing notice.

Whenever hearings are to be held, reasonable advance notice thereof shall be given by certified mail, return receipt requested, to the contractor or subcontractor complained against. The notice shall include the following:

(a) A convenient time and place of hearing.

(b) A statement of the provisions of the Executive order and regulations pursuant to which the hearing is to be held.

(c) A concise statement of the matters pursuant to which the action forming the basis of the hearing has been taken or is proposed to be taken.

§ 5–53.709 Posters and notices.

§ 5–53.709–1 General.

The Committee has prescribed a standard nondiscrimination poster and Standard Form 38, Notice to Labor Unions or Other Organizations of Workers, to be used in effecting compliance with the nondiscrimination provisions. Posters and notices are to be acquired, distributed, and used in accordance with this § 5–53.709.

§ 5–53.709–2 Requirements for use.

(a) Except as provided in § 5–53.709–3, contracting officers shall furnish a sufficient quantity of nondiscrimination posters and notices (Standard Form 38) to prime contractors to satisfy their requirements.

(b) The posters and notices shall be furnished by contracting officers with the notification of award and, at the same time, the contractor shall be advised that:

(1) He is required to furnish the nondiscrimination posters to his subcontractors;

(2) The nondiscrimination posters must be posted in all employment offices, on bulletin boards, and other conspicuous places available to employees and applicants for employment;

(3) The nondiscrimination posters must be similarly displayed by subcontractors;

(4) He is required to complete, sign, and furnish the notice (Standard Form 38) to each labor union or organization of workers with which he has a collective bargaining agreement or other contract or understanding;

(5) His subcontractors are also required to execute and furnish such notice in the same manner to each labor union or organization of workers with which they have a collective bargaining agreement or other contract or understanding;

(6) The notice (Standard Form 38) must be posted in all employment offices, on bulletin boards, and other conspicuous places available to employees and applicants for employment and must be similarly displayed by his subcontractor; and

(7) Additional supplies of the posters and notices will be supplied upon request.

§ 5–53.709–3 Exceptions.

Contracting officers need not furnish, and contractors and subcontractors need not use, the posters and notices under the following circumstances:

(a) Contracts and purchase orders exempt from the use of the nondiscrimination provisions as set forth in §§ 5–12.5003–1 and 5–12.5003–2;

(b) Certain types and classes of contracts and purchase orders which have been exempt from certain paragraphs of the nondiscrimination provisions (see § 5–12.5003–3): Provided, That such exemptions specifically include an exemption from the requirements to display posters and notices; or

(c) Any specific contract, subcontract, or purchase order where a request for such exemption has been approved by the Executive Vice Chairman. (Requests for exemptions shall be forwarded to the GSA Nondiscrimination Officer.)

§ 5–53.709–4 Acquisition of posters and notices.

The nondiscrimination posters and the notice (Standard Form 38) are available in all GSA Stores Depots and may be ordered by GSA personnel in the usual manner. Stock numbers and descriptions of these items are as follows:

Stock No.	Description
7530–338–5437	Nondiscrimination poster, 12½" x 18¼".
7530–338–5448	Nondiscrimination poster, 8½" x 12".
7540–823–7871	Standard Form 38—Notice to Labor Unions or Other Organizations of Workers.

§ 5–53.709–5 Inability or unwillingness to display posters and notices.

(a) If during the conduct of a routine compliance review, or by other means, a contracting officer (or his authorized representative) becomes aware of the inability or unwillingness of a contractor or subcontractor to display posters or furnish notices in accordance with this § 5–53.709 or, where the labor unions or other organizations of workers have refused or otherwise declined to accept such notices from a contractor or subcontractor, a report of such instances shall be made by the contracting officer to the GSA Nondiscrimination officer for transmittal to the Committee.

(b) The report referred to in (a), above, shall contain the pertinent circumstances of the case and the action taken in the matter by the contracting officer or his authorized representative.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: July 25, 1962.

LAWSON B. KNOTT, Jr.,
Acting Administrator.

[F.R. Doc. 62–7553; Filed, July 31, 1962; 8:49 a.m.]

PART 5–51—CONTRACT FINANCING

Miscellaneous Amendments

Subpart 5–51.2 is revised and Subpart 5–51.3 is added, to read as follows:

Subpart 5–51.2—Progress Payments

Sec.
5–51.200 Scope of subpart.
5–51.201 Applicability.
5–51.202 Definition.
5–51.203 Policy.
5–51.204 Requirement for use of progress payments.
5–51.205 Provision for invitations for bids or requests for proposals.
5–51.206 Progress payment clause for use in contracts.
5–51.207 Eligibility for progress payments.
5–51.208 Liquidation of progress payments.
5–51.209 Administration of the progress payment clause.
5–51.210 Suspension or reduction of payments or liquidation at an increased rate.
5–51.211 Unusual matters.
5–51.212 Explanation of limitations and illustrations of their application.
5–51.212–1 Total costs basis.
5–51.212–2 Direct labor and materials (either or both) costs basis.
5–51.212–3 Examples.

Subpart 5–51.3—Advance Payments

Sec.
5–51.300 Scope of subpart.
5–51.301 Authority.
5–51.302 Approval.

AUTHORITY: §§ 5–51.200 to 5–51.302 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 5–51.2—Progress Payments

§ 5–51.200 Scope of subpart.

This subpart prescribes basic policies and procedures in providing contract financing in the form of progress payments.

§ 5–51.201 Applicability.

The policies and procedures of this Subpart 5–51.2 are applicable only to fixed-price contracts for domestically produced supplies and for nonpersonal service (other than construction, or the engineering and architectural contracts pertinent to construction). Provision is made for progress payments for construction contracts in Standard Forms 19 and 23A, which are prescribed in Subpart 1–16.4.

§ 5–51.202 Definition.

"Progress payment" means a payment made from time to time during the performance of a contract on the basis of costs to the contractor, or percentage of completion, or particular stage of completion, in connection with which the Government takes title to property acquired and work performed under the contract.

§ 5–51.203 Policy.

To the maximum practicable extent, the need for progress payments shall not be treated as a handicap in awarding contracts to concerns which qualify as responsible suppliers. A prospective contractor deemed reliable, competent, and otherwise responsible shall not be regarded as any less responsible because of the need for progress payments.

§ 5–51.204 Requirement for use of progress payments.

(a) The contracting officer shall include in the invitation for bids or request for proposals the provision set forth in § 5–51.205, unless he determines that progress payments would be impractical or not reasonably necessary. Except in the formation of indefinite quantity contracts, it shall generally be considered practical or reasonably necessary to make progress payments, unless one or more of the following factors are present:

(1) The procurement is expected to result in a contract for less than $10,000.

(2) The contracting officer determines that the time between starting performance (usually immediately following the date of award) and delivery of the first end items is of such short duration (90 days or less) as to obviate the need for progress payments.

(3) The contract provides for the placing of orders and the making of payments by more than one office.

(b) In unusual conditions, progress payments may be considered practical or reasonably necessary even though one or more of the exceptions of (a) (1), (2), or (3), above, may be applicable. In such cases a written determination by the contracting officer is required. Such a determination would be warranted if previous experience indicates that contract performance is likely to involve expenditures which have a material impact on the supplier's working funds prior to delivery of the first end items.

§ 5–51.205 Provision for invitations for bids or requests for proposals.

The following provision shall be included in invitations for bids or requests for proposals under the circumstances set forth in § 5–51.204.

AVAILABILITY OF PROGRESS PAYMENTS

The Government will make provision for progress payments in any contract resulting from this invitation for bids (or request for proposals) by including an appropriate clause in the contract if:

(a) The period of time between starting performance and delivery of the first end items will exceed 6 months; or contract performance is likely to involve, prior to delivery of the first end items, expenditures having a material impact on the Contractor's working funds, or, in the case of progress payments first requested subsequent to award, involves expenditures having such impact; and

(b) The bidder (offeror) or Contractor makes a written request for progress payments and is found eligible for such payments under applicable regulations.

The need for progress payments on the foregoing basis will not be considered a handicap or an adverse factor in awarding contracts.

If a bidder (offeror) desires progress payments, and accompanies his bid (offer) with a written request therefor, the bidder (offeror) shall also check the appropriate box below:

☐ Progress payments are desired but bid (offer) is not conditioned on receiving progress payments.

☐ Bid (offer) is conditioned on receiving progress payments.

(NOTES: 1. If bid (offer) is conditioned on the availability of progress payments and bidder (offeror) is found ineligible for progress payments, the bid (offer) will be rejected. 2. Submission of a bid (offer) without requesting progress payments does not preclude the bidder (offeror) from later requesting progress payments in accordance with applicable regulations, prior to or after award of a contract.)

§ 5–51.206 Progress payment clause for use in contracts.

(a) When progress payments are to be authorized, an appropriate clause shall be included in the contract at the time of award or subsequent thereto, as appropriate.

(b) Progress payment clauses shall be based upon percentage of cost. See § 5–51.212. The contracting officer shall establish the form of progress payment clause (based upon percentage of costs) that is to be used, after coordinating with appropriate legal counsel and the Office of Financial Management, OFA. Provision for progress payments based on costs at rates in excess of 90 percent of direct labor and materials (either or both) costs, or 75 percent of total costs, may be made only with the approval of the head of the procuring activity and the Director of Financial Management, or their designees. Full consideration shall be given to the clauses shown as exhibits in GSA Personal Property Management Regulation No. 33, December 31, 1956 (which are illustrative only, and intended as guides for developing appropriate progress payment clauses).

(c) Progress payment clauses shall be in accordance with section 8 of PPMR No. 33.

§ 5–51.207 Eligibility for progress payments.

(a) Contracting officers shall determine the eligibility of contractors or prospective contractors to receive progress payments. The determination shall be in writing and approved by the head of the procuring activity or his designee, and the contractor or prospective contractor and the Office of Financial Management, OFA, shall be so notified.

(b) To be eligible to receive a progress payment, a contractor or prospective contractor must have

(1) Submitted a written request;

(2) Been found responsible under the provisions of § 1–1.310, §5–1.310, and § 5–51.203;

(3) Been found in line for an award or received a contract that includes a provision for progress payments; and

(4) An accounting system and controls adequate for the proper administration of the progress payment clause.

§ 5–51.208 Liquidation of progress payments.

Progress payments shall be liquidated at the rates specified in section 8c of Personal Property Management Regulation No. 33. Recovery at rates lower than those so specified may only be made with the approval of the head of the procuring activity and the Director of Financial Management or their designees. With respect to clauses based on direct labor and materials, the appropriate Credit and Finance Division will provide assistance to contracting officers in estimating costs for the purpose of establishing the liquidation rate.

§ 5–51.209 Administration of the progress payment clause.

(a) Contracting officers shall keep informed regarding the overall operations and financial condition of contractors that are receiving progress payments so as to preclude overpayments and losses. The Office of Financial Management, OFA, shall promptly report to the contracting officer the date and amount of each progress payment made to a contractor. Controls shall be established to provide timely knowledge of circumstances that affect performance and liquidation. This would ordinarily include periodic checks on physical progress to determine whether payments are supported by the value of work actually accomplished, and also on the contractor's inventory to insure that it does not exceed reasonable requirements for the contract involved. The extent of the supervision required will vary with the nature and value of the contract.

(b) The appropriate Credit and Finance Division serving the contracting office shall institute adequate fiscal controls and shall inform the contracting officer, in writing, whenever its findings may warrant action by the Government.

(c) See also section 10, PPMR No. 33, regarding supporting data required of contractors when submitting requests for progress payments.

§ 5–51.210 Suspension or reduction of payments or liquidation at an increased rate.

(a) When an inexcusable failure to perform is established or a report of an adverse nature is received with respect to the contractor's condition or conduct of business, the contracting officer shall determine whether progress payments should be suspended or reduced. When actual or future costs of performance are higher than the estimated costs used to establish liquidation rates, the contracting officer shall determine whether the liquidation rate should be increased. Actions to suspend or reduce payments or to increase the liquidation rate should not be taken capriciously or arbitrarily, but shall be predicated upon an appropriate provisions in the contract (see section 8.e.(4), PPMR No. 33) and a thorough review of the pertinent facts as well as a notice to and discussion with the contractor. Such actions should be coordinated with and based upon other official actions, if any, affecting contract performance, such as termination of the contractor's right to proceed with deliveries.

(b) The contracting officer shall document actions to suspend or reduce progress payments or to increase the liquidation rate with a written determination, concurred in by legal counsel and the Director of Financial Management, and approved by the head of the procuring activity, or his designee.

§ 5–51.211 Unusual matters.

Problems or inquiries concerning progress payments that cannot be resolved by regional procuring activities shall be referred to the Commissioner of the appropriate service, or his designee, with all relevant facts.

§ 5–51.212 Explanation of limitations and illustrations of their application.

In accordance with § 5–51.206, all progress payment clauses must include limitations, expressed in terms of percentages, controlling the total amount of progress payments, the amount of unliquidated progress payments, and the rate of liquidation of progress payments, all of which limitations are described in (a) through (d), below:

(a) A limitation on the aggregate amount of progress payments at any one time, expressed in terms of a percentage of the cumulative costs of the contractor which are allocable to the contract (referred to in this § 5–51.212 as "percentage A").

(b) A limitation on the total amount of progress payments, expressed in terms of a percentage of the total contract price (referred to in this § 5–51.212 as "percentage B").

(c) A limitation, expressed in terms of a percentage, prescribing the minimum portion of the payments for delivered items which must be applied toward the reduction of unliquidated progress payments (referred to in this § 5–51.212 as "percentage C").

(d) A limitation on the amount of unliquidated progress payments at any one time, expressed in terms of a percentage of the contract price for all undelivered items (referred to in this § 5–51.212 as "percentage D").

§ 5–51.212–1 Total costs basis.

When the progress payment clause is based on total costs, the maximum payments made (percentage A) may not ordinarily exceed 75 percent of the cumulative total cost allocable to the contract. Under this type of clause, percentage A is established first, and percentages B, C, and D are always the same as percentage A.

§ 5–51.212–2 Direct labor and materials (either or both) costs basis.

When the progress payments clause is based on costs of direct labor and materials, the maximum progress payments made (percentage A) may not ordinarily exceed 90 percent of the cumulative direct labor and materials costs allocable to the contract. Under this type of clause, percentage A is established first. The percentage used for B, C, and D is computed from the ratio of the estimated direct labor and materials costs to the estimated total costs, multiplied by percentage A.

§ 5–51.212–3 Examples.

(a) In (b) and (c), below, the following hypothetical contract values are used to illustrate the computation and application of the limiting percentages described in this § 5–51.212:

(1) Total contract value: $100,000.

(2) Total costs estimated to be: $90,000.

(3) Direct labor and materials costs estimated to be: $63,000.

(4) Value of delivered items, at contract price: $60,000.

(5) Value of undelivered items, at contract price: $40,000.

(6) Value of invoice submitted for payment of delivered items: $60,000.

(7) Percentage A (total costs basis): 75 percent.

(8) Percentage A (direct labor and materials basis): 90 percent.

(b) Under a total costs clause, percentage A is 75 percent by hypothesis (see (a)(7), above), and percentages B, C, and D are 75 percent by definition. Accordingly, the dollar values of the factors corresponding to the limiting percentages are as follows:

Factor limited by percentage	Computation	Limit value of factor
A	($90,000) (75%)	$67,500
B	($100,000) (75%)	75,000
C	($60,000) (75%)	45,000
D	($40,000) (75%)	30,000

(c) Under a direct labor and materials (either or both) costs clause, percentage A is 90 percent by hypothesis (see (a)(8), above). By definition, percentages B, C, and D are computed:

(1) $\frac{\text{Estimated direct labor and materials costs}}{\text{Estimated total costs}} = \frac{\$63,000}{\$90,000} = 0.70$; and

(2) (0.70) (90 percent) = 63 percent (percentages B, C, and D);

(3) Accordingly, the dollar values of the factors corresponding to the limiting percentages are as follows:

Factor limited by percentage	Computation	Limit value of factor
A	($63,000) (90%)	$56,700
B	($100,000) (63%)	63,000
C	($60,000) (63%)	37,800
D	($40,000) (63%)	25,200

Subpart 5–51.3—Advance Payments

§ 5–51.300 Scope of subpart.

This subpart prescribes policies and procedures relating to advance payments. Advance payments are payments made by the Government to a contractor in the form of advances prior to and in anticipation of performance under a contract.

§ 5–51.301 Authority.

Pursuant to the authority contained in section 305 of the Federal Property and Administrative Services Act of 1949, advance payments may not exceed the unpaid contract price and may be made only upon adequate security and a determination that to do so would be in the public interest. It must also be determined that provision for such advance payments is necessary and appropriate in order to procure required supplies or services under the contract.

§ 5–51.302 Approval.

(a) If the procuring activity receives a request for an advance payment, the contracting officer concerned shall request the appropriate Credit and Finance Division to determine if there is adequate security for such advance payment. The determinations required under § 5–51.301 shall be prepared by the contracting officer in cooperation with the appropriate legal counsel and Director of Financial Management's representatives. Each determination shall be based on written findings made by the official making such determination or decision, which findings shall be final and shall be available for a period of at least six years following the date of the determination or decision. A copy of the findings shall be filed with the General Accounting Office copy of the contract.

(b) Appropriate advance payment clauses recommended for inclusion in the proposed contract shall be prepared by the contracting officer in cooperation with the appropriate legal counsel and Director of Financial Management's representatives. The determinations and findings, together with the recommended advance payment clauses and other pertinent information, shall be submitted to the Head of the Procuring Service or Staff Office, or his designee, for review and approval prior to award.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: July 25, 1962.

LAWSON B. KNOTT, Jr.,
Acting Administrator.

[F.R. Doc. 62–7554; Filed, July 31, 1962; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2735]

[50443]

IDAHO AND UTAH

Power Site Restoration No. 579; Partly Revoking Power Site Reserve No. 373

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to determinations of the Federal Power Commission in combined DA–129–Utah and DA–528–Idaho, it is ordered as follows:

1. The Executive order of July 3, 1913, which established Power Site Reserve No. 373, is hereby revoked so far as it affects the following-described lands:

UTAH

SALT LAKE MERIDIAN

T. 13 N., R. 5 E.
Sec. 10, lots 2, 3, and 4;
Sec. 15, lots 1, 2, 3, and 4;
Sec. 22, lot 3;
Sec. 23, lots 1 and 2;
Sec. 24, lot 4 (designated on official plats as lot 1).
T. 14 N., R. 5 E.,
Sec. 9, lot 1.
T. 13 N., R. 6 E.,
Sec. 5, lots 1, 2, 3, and 4;
Sec. 8, lots 1, 2, 3, 4, and 5;
Sec. 17, lot 1.
T. 14 N., R. 6 E.,
Sec. 9, lots 1, 2, 3, and 4;
Sec. 21, lots 1, 2, 3, and 4;
Sec. 28, lot 1;
Sec. 29, lot 1.
T. 15 N., R. 6 E.,
Sec. 34, lot 4.

IDAHO

BOISE MERIDIAN

T. 14 S., R. 44 E.,
Sec. 12, S½SE¼;
Sec. 21, lots 1, 2, 3, and 4;
Sec. 22, lots 1 and 2;
Sec. 26, S½NE¼;
Sec. 35, lots 3 and 4.
T. 15 S., R. 44 E.,
Sec. 1, lots 5, 6, 9, and 10;
Sec. 6, lots 1, 2, 3, 4, and 5;
Sec. 12, lots 2, 3, 6, and 7;
Sec. 13, lots 2, 3, and 6;
Sec. 14, lot 1.
T. 16 S., R. 44 E.,
Sec. 1, lots 1 and 2;
Sec. 12, lots 1, 2, 3, 4 and NE¼NE¼;
Sec. 13, lots 1, 2, 3, and 4;
Sec. 24, lots 1, 2, 3, 4 and SW¼SE¼;
Sec. 25, lots 1, 2, 3, and 4.

The areas described total in the aggregate approximately 2,354 acres, of which approximately 762 acres are in Utah, and 1,592 acres in Idaho. Some of the lands are withdrawn for other purposes, and some are patented.

2. Until 10:00 a.m. on January 26, 1963, the States of Utah and Idaho shall have (1) a preferred right of application to select the public lands within their respective borders released from withdrawal by this order in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to the State, or to any of its political subdivisions, as appropriate, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways.

3. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on January 26, 1963. At that time they shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws, subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

4. As to the lands which may be affected, any disposals shall be subject to all rights in the grant for the Bear Lake Reservoir and canals made April 1, 1907, by the Department of the Interior to L. L. Nunn, under the Acts of March 3, 1891, and May 11, 1898, which rights are now held by the Utah Power and Light Company.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah, or Boise, Idaho, as appropriate.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 26, 1962.

[F.R. Doc. 62–7544; Filed, July 31, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 945]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98, as amended, and Order No. 945, as amended (7 CFR Part 945).

This marketing order regulates the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

§ 945.215 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and this part, both as amended, to enable such committee to perform its functions, pursuant to the provisions of the aforesaid amended marketing agreement and order, during the fiscal period June 1, 1962, through May 31, 1963, will amount to $30,000.00.

(b) The rate of assessment to be paid by each handler shall be seventy cents per carload or fraction thereof or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 27, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–7549; Filed, July 31, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1313]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive superseding AD 57–7–3, 22 F.R. 6049, which requires inspection and replacement of the wing flap attachment fittings and bolts on Vickers Viscount 700 Series aircraft. Continued investigations by the manufacturer has resulted in substantiation of an increase in bolt life after incorporation of a modification changing the attachment of the flap beam units. It is proposed to supersede AD 57–7–3 with a new directive providing for the increased bolt life when the modification is incorporated. In addition, it is proposed that an inspection of the top flap beam attachment fittings aft of the trailing edge member be made until accomplishment of the modification.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 31, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. The proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

VICKERS. Applies to all Viscount 700 Series aircraft.

Compliance required as indicated.

As a result of wing flap attachment difficulties the following is required for both flap assemblies:

(a)(1) Replace bolts P/N's 72403–2445, 70103–2645 and 70103–2639, at flap support bracket units Nos. 2 and 3 respectively, right and left side with new bolts every 1,500 landings.

(2) Replace bolts P/N's 70003–2359 and 70107–467, at flap support bracket units Nos. 1 and 4 respectively, right and left side with new bolts every 2,500 landings.

(3) When Modification D.2175 is incorporated and provided the bolts referred to in paragraphs (a)(1) and (a)(2) are replaced with new bolts at the same time, the life of these new bolts is extended as specified in the overhaul schedule listed below:

Part number	*Retirement time*
72403–2445	4,500 landings.
70103–2645	4,500 landings.
70103–2639	4,500 landings.
70003–2359	7,500 landings.
70107–467	7,500 landings.

(b) Flap beam (supporting bracket) attachment fitting at wing trailing edge false spar member inspection.

(1) Within the next 135 hours' time in service after the effective date of this AD and each 135 hours' time in service thereafter, visually inspect for cracks all four lower flap support attachment fittings aft of the wing trailing edge member (false spar) on the right and left sides. The initial inspection is not required if these fittings were thoroughly examined at the time of bolt replacement of paragraph (a).

(2) Within the next 385 hours' time in service after the effective date of this AD and each 1,080 hours' time in service thereafter, visually inspect for cracks all the flap support attachment fittings forward of the trailing edge member (false spar), top and bottom, right and left sides at flap positions 2 and 3.

(3) Within the next 385 hours' time in service after the effective date of this AD and each 385 hours' time in service thereafter, visually inspect for cracks all top flap beam attachment fittings aft of the trailing edge member (false spar) on the right and left sides.

(4) Replace cracked fittings.

(5) Incorporate Vickers Modification D.2175 within the next 400 hours' time in service after the effective date of this AD on aircraft exceeding 3,000 landings, or within 400 hours' time in service upon the accumulation of 3,000 landings on aircraft not exceeding 3,000 landings on the effective date of this AD. Upon incorporation of this modification, the inspections called for in (b) (1), (2), and (3) may be discontinued.

(Vickers Viscount 700 Series PTL No. 151, Issue 4 covers this subject.)

This supersedes AD 57–7–3 (22 F.R. 6049).

Issued in Washington, D.C., on July 26, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–7532; Filed, July 31, 1962; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1315]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring modification of the Convair Models 22 and 22M aircraft to eliminate mechanical interference which makes it impossible to apply brakes with the rudder pedals adjusted to the full forward position and the rudder fully deflected.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 31, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

CONVAIR. Applies to all Models 22 and 22M Series aircraft.

Compliance required within the next 350 hours' time in service after the effective date of this AD, unless already accomplished.

With the rudder pedals adjusted to the full forward position and the rudder fully deflected, mechanical interference can make it impossible to apply brakes on the side with the deflected rudder.

To correct this interference problem, P/N's 22–41202–1 LH and 22–41202–2 RH located at fuselage Station 192 shall be reworked in accordance with General Dynamics/Convair Service Bulletin A27–53 for the Model 22 and A27–22 for the Model 22M or in accordance with an FAA engineering approved equivalent modification.

(General Dynamics/Convair Alert Service Bulletin A27–53 for the Model 22 and A27–22 for the Model 22M cover this same subject.)

Issued in Washington, D.C., on July 26, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–7533; Filed, July 31, 1962; 8:46 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 32]

WIRE ROPE INDUSTRY

Proposed Trade Practice Rules; Notice of Hearing and of Opportunity to Present Views, Suggestions or Objections

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations and other parties, affected by or having an interest in the proposed trade practice rules for the Wire Rope Industry to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises.

For this purpose copies of the proposed rules may be obtained upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than August 27, 1962.

Opportunity to be heard orally will be afforded at the hearing beginning at 9 a.m., e.d.t., on Monday, August 27, 1962, in Room 532, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D.C., to any persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry is composed of persons, firms, corporations, and organizations, engaged in the manufacture, sale or distribution of wire rope, wire cable and/or fabricated assemblies consisting primarily of wire rope, cable and strand.

The proceedings are directed to the elimination and prevention of certain acts and practices deemed violative of statutes administered by the Federal Trade Commission.

Authorized: July 18, 1962.

By the Commission:

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–7496; Filed, July 31, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC–6]

[49 CFR Part 170]

REDEFINITION OF THE PHILADELPHIA, PA., COMMERCIAL ZONE

Notice of Proposed Rule Making

JULY 27, 1962.

Petitioners: Delaware Valley Industrial Properties, Inc., Philadelphia Wholesale Drug Co., The Carpenter Steel Co., Burroughs Corp. (Todd Co., Inc.), Hewitt-Robbins, Inc., National Aeronautical Corp., American Cyanamid Co., Minneapolis-Honeywell Regulator Co., Melrose Lighting Co.

Petitioners' attorneys: Richard H. Rea, Commerce Building, Harrisburg, Pa., and Richard E. McDevitt, 1421 Chestnut Street, Philadelphia 2, Pa.

By petition filed May 3, 1962, petitioners request the Commission to reopen this proceeding for oral hearing and to redefine the Philadelphia, Pa., commercial zone which was originally established in this proceeding July 21, 1939, reported at 17 M.C.C. 533, and was modified by order entered March 19, 1962 (49 CFR 170.6). As presently defined, the commercial zone of Philadelphia includes points in Lower Moreland, Abington, Cheltenham, Springfield, Whitemarsh, and Lower Merion Townships in Montgomery County, Pa. The instant petition requests the Commission to enlarge and redefine the Philadelphia commercial zone to include points in an area of Upper Dublin Township, Montgomery County, Pa., bounded by a line "beginning at the intersection of Pennsylvania Avenue and Commerce Drive, thence along the northeast line of Commerce Drive to U.S. Highway 309, thence north on U.S. Highway 309 to Madison Avenue, thence northeast on Madison Avenue to Hartranft Avenue, thence east on Hartranft Avenue to Highland Avenue, thence southeast on Highland Avenue to Camphill Road, thence northeast on Camphill Road to Susquehanna Road, thence southeast on Susquehanna Road to Limekiln Pike (Pennsylvania Highway 152), thence north on Limekiln Pike (Pennsylvania Highway 152) to Dreshertown Road, thence northeast on Dreshertown Road to Welsh Road, thence southeast on Welsh Road to the right of way of The Pennsylvania Railroad Co., thence west along the right of way of the Pennsylvania Railroad Co. to U.S. Highway 309 to Pennsylvania Avenue, thence northwest on Pennsylvania Avenue to Commerce Drive, the point of beginning."

The area proposed for inclusion within the zone is said to comprise the northern portion of an industrial and commercial center known as Ft. Washington Industrial Park, the southern portion of which lies in Whitemarsh Township within the Philadelphia commercial zone as presently defined.

This proceeding is assigned for oral hearing on September 24, 1962, before Examiner A. Lane Cricher at Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–7559; Filed, July 31, 1962; 8:51 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-0183861]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, United States Department of the Interior, has filed an application, serial number Wyoming 0183861, for the withdrawal of lands described below, from all forms of appropriation under the first form of withdrawal as provided by section 3 of the Act of July 17, 1902 (32 Stat. 388), subject to valid existing rights.

The applicant desires the lands for reclamation purposes in connection with the Yellowtail Reservoir, Yellowtail Unit, Lower Bighorn Division, Missouri River Basin Project, Wyoming.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 56 N., R. 94 W.
Lots 6S–C and 6S–D (Secs. 6 and 7).

Containing 78.98 acres.

ED PIERSON,
State Director.

[F.R. Doc. 62-7545; Filed, July 31, 1962; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55676]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN ISRAEL, UNITED ARAB REPUBLIC, PORTUGAL, AND REPUBLIC OF CHINA

Restrictions on the Entry or Withdrawal From Warehouse

JULY 26, 1962.

There are published below a letter of July 17, 1962, and two letters of July 19, 1962, from the Interagency Textile Administrative Committee, recommending and requesting the taking of specified action relating to certain cotton textiles and cotton textile products produced or manufactured in Israel, the United Arab Republic, Portugal, and the Republic of China, which were exported from any of the aforesaid countries on or after certain dates.

Accordingly, it is hereby ordered that cotton textiles and cotton textile products produced or manufactured in Israel included in Category 3 and exported from Israel on or after July 20, 1962, produced or manufactured in the United Arab Republic included in Category 3 and exported from the United Arab Republic on or after July 20, 1962, produced or manufactured in Portugal included in Categories 3, 19, and 26, and exported from Portugal on or after July 20, 1962, and produced or manufactured in the Republic of China included in Category 9 and exported from the Republic of China on or after July 27, 1962, shall not be permitted to be entered for consumption, or withdrawn from warehouse for consumption, at any port of entry in the United States (including the Commonwealth of Puerto Rico). The categories involved are described in detail in the "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories," attached to the aforesaid letters. This order is not applicable to samples which would otherwise be eligible for duty-free importation pursuant to title 19, United States Code, section 1201, paragraph 1821(b). The procedures of §§ 12.70 to 12.73 of the Customs Regulations (19 CFR 12.70 to 12.73), governing importations of restricted textiles, are applicable to importations of merchandise affected by this decision.

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON 25, D.C.

THE INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

JULY 17, 1962.

The Honorable C. DOUGLAS DILLON,
The Secretary of the Treasury,
Washington 25, D.C.

DEAR MR. SECRETARY: In accordance with the letters of March 16, 1962, and June 21, 1962, to you from the President of the United States delegating authority under certain parts of section 204 of the Agricultural Act of 1956 as amended by P.L. 87-488 and in accordance with the authority granted to the Interagency Textile Administrative Committee in those letters, the Interagency Textile Administrative Committee recommends and requests, in accordance with Articles IA and ID of the Arrangements Regarding International Trade in Cotton Textiles done at Geneva July 21, 1961, that you take the actions listed below to prevent disruption or threatened disruption of the markets of listed textile products in the United States and to prevent circumvention or frustration of the said Arrangements by nonparticipants. These Arrangements were concluded under authority of section 204 of the Agricultural Act of 1956 on a multilateral basis by countries accounting for a significant part of the world trade in cotton textiles and cotton textile products.

Actions Recommended and Requested

Cotton textile and cotton textile products included in Category 3, produced or manufactured in the United Arab Republic and exported therefrom on or after July 20, 1962, produced or manufactured in Israel and exported therefrom on or after July 20, 1962, or produced or manufactured in Portugal and exported therefrom on or after July 20, 1962, shall be refused entry into the United States for consumption.

The products included in Category 3 are described in detail in the attached "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories." The foregoing restraint should not be made applicable to samples otherwise eligible for duty-free importation pursuant to paragraph 1821 of Section 1201 of Title 19 of the United States Code. Furthermore, in carrying out the above-described recommendations, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

This recommendation was arrived at on the 6th day of July 1962, by unanimous vote of the Interagency Textile Administrative Committee.

Sincerely yours,

HICKMAN PRICE, JR.,
Chairman.

Enclosure:

Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories

Category	Schedule A Number	U.S.I.D.A. Number
3. Cotton yarn, singles, combed, not ornamented, etc.	3021 200	0901 22**

**The last two digits represent yarn number groups (e.g., 05 represents yarn numbers 1 through 5; 30 represents yarn numbers 26 through 30; 90 represents yarn numbers from 81 through 90, etc.).

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON 25, D.C.

THE INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

JULY 19, 1962.

The Honorable C. DOUGLAS DILLON,
The Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: In accordance with the letter of March 16 to you from the President of the United States delegating authority under certain parts of Section 204 of the Agricultural Act of 1956 and in accordance with the authority granted to the Interagency Textile Administrative Committee in that letter, the Interagency Textile Administrative Committee recommends and requests, in accordance with Article IA of the Arrangements Regarding International Trade in Cotton Textiles done at Geneva July 21, 1961, that you take the actions listed below to prevent disruption or threatened disruption of the markets of listed textile products in the United States. These Arrangements were concluded under authority of Section 204 of the Agricultural Act of 1956 on a multilateral basis by countries accounting for a significant part of the world trade in cotton textiles and cotton textile products.

Actions Recommended and Requested

Cotton textile and cotton textile products included in Categories 19 and 26, produced or manufactured in Portugal and exported therefrom on or after July 20, 1962, shall be refused entry into the United States for consumption. Because of the critical circumstances that arose from importation of these categories of cotton textiles, the United States found it necessary to inform Portugal that the United States would not accept entry for consumption of goods in these categories shipped from this country on or after July 20, 1962.

The products included in Categories 19 and 26 are described in detail in the attached "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories." The foregoing restraint should not be made applicable to samples otherwise eligible for duty-free importation pursuant to paragraph 1821 of Section 1201 of Title 19 of the United States Code. Furthermore, in carrying out the above-described recommendations, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

This recommendation was arrived at on the 6th day of July 1962, with respect to Category 19, and on the 9th day of July 1962, with respect to Category 26, by unanimous vote of the Interagency Textile Administrative Committee.

Sincerely yours,

HICKMAN PRICE, JR.,
Chairman.

Enclosure:

Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories

Category	Schedule A Number	U.S.I.D.A. Number
19. Print cloth type shirting, other than 80 x 80 type, carded yarn	3048 500	0904 152*
	3058 500	252*
	3068 500	352*
		0905 152*
		252*
		352*
26. Fabrics, n.e.s., carded yarn	3048 900	0904 192*
	3058 900	492*
	3068 900	792*
	3075 010	292*
	3078 010	592*
	3080 210	892*
	3081 350	392*
	3081 410	692*
	3968 010	992*
		0905 192*
		492*
		792*
		292*
		592*
		892*
		392*
		692*
		992*
		0906 1000
		0908 4520
		0909 4520
		5020
		0520
		2020
		2520
		3020
		1122 1000

*The last digit represents average yarn number groups (e.g., 0 represents average yarn numbers 10 or lower; 3 represents average yarn numbers 21 through 25; 8 represents average yarn numbers over 60, etc.).

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON 25, D.C.

THE INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

JULY 19, 1962.

The Honorable C. DOUGLAS DILLON,
The Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: In accordance with the letter of June 21, 1962, to you from the President of the United States delegating authority under certain parts of Section 204 of the Agricultural Act of 1956 as amended by P.L. 87-488 and in accordance with the authority granted to the Interagency Textile Administrative Committee in that letter, the Interagency Textile Administrative Committee recommends and requests, in accordance with Articles IA and ID of the Arrangements Regarding International Trade in Cotton Textiles done at Geneva July 21, 1961, that you take the actions listed below to prevent circumvention or frustration of the said Arrangements by non-participants. These Arrangements were concluded under authority of Section 204 of the Agricultural Act of 1956 on a multilateral basis by countries accounting for a significant part of the world trade in cotton textiles and cotton textile products.

Actions Recommended and Requested

Cotton textile and cotton textile products included in Category 9, produced or manufactured in the Republic of China and exported therefrom on or after July 27, 1962, shall be refused entry into the United States for consumption.

The products included in Category 9 are described in detail in the attached "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories." The foregoing restraint should not be made applicable to samples otherwise eligible for duty-free importation pursuant to paragraph 1821 of Section 1201 of Title 19 of the United States Code. Furthermore, in carrying out the above-described recommendations, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

This recommendation was arrived at on the 6th day of July 1962, by unanimous vote of the Interagency Textile Administrative Committee.

Sincerely yours,

HICKMAN PRICE, JR.,
Chairman.

Enclosure:

Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories

Category	Schedule A Number	U.S.I.D.A. Number
9. Sheeting, carded yarn	3048 210	0904 110*
	3048 230	112*
	3058 200	212*
	3068 200	312*
		0905 110*
		112*
		212*
		312*

*The last digit represents average yarn number groups (e.g., 0 represents average yarn numbers 10 or lower; 3 represents average yarn numbers 21 through 25; 9 represents average yarn numbers over 60, etc.).

[F.R. Doc. 62-7544; Filed, July 31, 1962; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

AGREEMENT WITH AMERICAN SHEEP PRODUCERS COUNCIL, INC.

Notice of Referendum Among Producers and Procedure for Conduct of Such Referendum

The following procedure will be applicable to the producers' referendum held for the purpose of determining whether producers approve execution by the Secretary of Agriculture of an agreement with the American Sheep Producers Council, Inc., for the advertising and sales promotion of lamb and wool pursuant to section 708 of the National Wool Act of 1954, as amended (68 Stat. 912, 7 U.S.C. 1787).

1. *Definitions.* For the purpose of this notice, the following terms shall have the following meaning:

(a) *ASC County Committee.* The group of persons elected within a county as the County Committee pursuant to the regulations governing the election and functioning of the County Agricultural Stabilization and Conservation Committees.

(b) *ASC State Committee.* The group of persons designated within any State to act as the State Agricultural Stabilization and Conservation Committee.

(c) *Cooperative association.* An incorporated group of producers which (1) is operated for the mutual benefit of its members as producers; (2) markets the members' sheep or wool; (3) does not deal in sheep and wool for non-members to an amount greater in value than the amount representing the value of sheep and wool handled by the association for members, and (4) permits every member to have only one vote irrespective of the amount of stock or membership capital he may own in the association.

(d) *Deputy Administrator.* The Deputy or Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(e) *Eligible voter.* A producer who owned sheep or lambs, 6 months of age or older, located in the United States for any one period of at least 30 days between January 1, 1962, and the date his ballot is cast. Two or more producers who are required by § 472.1144 of the wool payment program regulation (27 F.R. 938) to apply jointly for a payment constitute an eligible voter and only one ballot may be cast for all. A producer in either category who casts a ballot in this referendum is referred to hereinafter as an "individual voter". A cooperative association may cast one vote for eligible producers who on the date the vote is cast are members of, stockholders in, or are under contract to sell their wool or lambs through the association in the 1962 marketing year (April 1, 1962, through March 31, 1963).

(f) *Individual Voter.* See paragraph (e).

(g) *Producer.* An individual, partnership, corporation, association, business trust, any organized unincorporated group of persons, or a state or any subdivision thereof, having an interest as owner or part owner of sheep or who, by agreement with such owner, furnishes labor in connection with caretaking, lamb production, or feeding and is entitled either to a share of the wool or lamb production or the sales proceeds thereof.

(h) *Secretary of Agriculture.* The Secretary or Acting Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

2. *Agreement considered in this referendum.* The agreement being considered in this referendum would be between the Secretary of Agriculture and the American Sheep Producers Council, Inc., a non-profit membership corporation organized under the laws of the State of Illinois, for the purpose of developing and conducting an advertising and sales promotion program for wool, sheep, and products thereof, subject to the determination by the Secretary that the agreement has the approval of the producers as provided in section 708 of the National Wool Act of 1954, as amended (68 Stat. 912, 7 U.S.C. 1787). The text of the agreement follows:

AGREEMENT

By agreement made as of March 17, 1955, between the United States Secretary of Agriculture (hereinafter referred to as "Secretary") and the American Sheep Producers Council, Inc. (hereinafter referred to as "Council"), a nonprofit membership corporation, organized under the laws of the State of Illinois, provision was made for the conduct of sales and promotion programs pursuant to Section 708 of the National Wool Act of 1954, financed by deductions from producer wool payments made under the Act for the marketing years commencing April 1, 1955 and ending March 31, 1959. As of October 23, 1959, a new agreement was entered into which covered the marketing years beginning April 1, 1959, and ending March 31, 1962. The following agreement, made as of the ------ day of ----------, 1962 between the Secretary and the Council, provides, upon approval by producers in a referendum, for a continuation of advertising and sales promotion programs pursuant to that Act, as amended, financed by deductions from payments for the marketing years through March 31, 1966, being four additional years following the period during which deductions were made under the prior agreements. This agreement

WITNESSETH

Whereas, the Secretary, pursuant to the National Wool Act of 1954 (Title VII of the Agricultural Act of 1954, 68 Stat. 910, as amended 72 Stat. 994 and 75 Stat. 306), hereinafter referred to as the "Act", has announced a price support program for wool marketed during the marketing year April 1, 1962 to March 31, 1963, by means of payments to be made by the Commodity Credit Corporation to the producers of such wool as soon as practicable after the close of such marketing year;

Whereas, it is anticipated that similar programs will be instituted for subsequent marketing years under the Act;

Whereas, Section 708 of the Act authorizes the Secretary to enter into agreements with marketing cooperatives, trade associations or other organizations engaged or whose members are engaged in the handling of wool, sheep, and the products thereof for the purpose of developing and conducting on a National, State, or a regional basis advertising and sales promotion programs for wool, sheep, and the products thereof;

Whereas, it is desirable that there be continued an advertising and sales promotion program or programs beneficial on a National basis, for wool, she p, and products thereof to be financed by pro rata deductions from such price support payment to wool producers; and

Whereas, the Council is qualified to conduct such a program, being so organized, having the necessary powers under its charter and by-laws, having for its members marketing cooperatives and other associations who are engaged in or whose members are engaged in handling wool, sheep, and products thereof, and who are represented at meetings of the Council's membership by wool and sheep producers selected on a basis affording nationwide representation, and having a Board of Directors who also are producers of wool and sheep selected to afford nationwide representation;

Now, therefore, the parties hereto agree as follows:

1. This agreement shall become effective only upon determination by the Secretary that this agreement has approval of the producers as provided in section 708 of the Act. The Secretary will notify the Council in writing as to whether the producers have approved this agreement and as of what day the agreement shall become effective, such effective date to be not later than the 20th day after the date of the notification.

2. The Council shall, from time to time, develop and submit to the Secretary for approval advertising and sales promotion programs and supporting budgets for wool and lambs and the products thereof and such amendments thereto as may be needed. Each such submission shall describe, among other things, the plan of operation and the benefits to be derived on a National basis by producers, commodities to be promoted, the proposed media and methods which the Council intends to use in advertising and otherwise promoting (including related educational and developmental activities) the sale of wool and lambs and the products thereof. After such program and budget have been approved by the Secretary, and in accordance therewith, the Council will enter into such agreements with advertising and promotional agencies, radio and television stations and others, will employ such personnel and will take such other action as the Council deems appropriate or necessary to effectuate such program.

3. When price support payments are made to producers pursuant to the Act, the Secretary will make a pro rata deduction from such payments and pay the amount so deducted to the Council in order to provide the funds necessary to defray the expenses of the Council incurred pursuant to this agreement: Provided, however, That deductions will only be made from payments, if any, which are made to producers for marketing during the marketing years beginning April 1, 1962, and ending March 31, 1966. The deductions from payments for marketings during the marketing year April 1, 1962–March 31, 1963, shall be at the rate of 1 cent per pound of shorn wool marketed, and shall be made at a comparable rate as determined by the Secretary on unshorn lambs and yearlings (pulled wool) marketed; thereafter the deductions shall be at such rates as the Secretary and Council may agree upon, but in no event shall be in excess of a rate of 1 cent per pound in the case of shorn wool marketed and a comparable rate in the case of unshorn lambs and yearlings marketed, as determined by the Secretary.

4. The charter and bylaws of the Council having been approved by the Secretary, any amendments or additions to the charter or bylaws shall be subject to his approval.

5. The Council shall submit annually for the approval of the Secretary proposed budgets for the administration of the advertising and sales promotion programs and, from time to time, any amendments thereto that it may determine to be necessary.

6. The Council shall furnish the Secretary with a report of its activities semiannually beginning with the period in which the Council either receives any funds from the Secretary under this agreement or undertakes obligations as part of its advertising and sales promotion program, whichever event is the earlier. Such reports shall be furnished within 15 days following the close of each such period. On or before September 15, 1962, and each September 15th thereafter during the life of this agreement, the Council shall furnish a statement of assets and liabilities to the Secretary as of the preceding June 30th. The Council shall also furnish the Secretary with such other reports and with such information as he may from time to time request. The Council shall keep accurate records of all its transactions, and these records shall be subject to inspection and audit by representatives of the Secretary at all times during regular business hours after the date of this agreement and for 3 years after the Council has completed performance of all contracts made and obligations incurred.

7. This agreement shall terminate June 30, 1969, unless extended by agreement of the parties hereto. Prior to such date, either party may terminate this agreement by delivering, or mailing by registered mail, a written notice of such termination effective on the date to be specified therein, but not earlier than 30 days after giving of such notice. If the Secretary, on or after April 1, 1963, upon petition or referendum of the wool producers, or otherwise, determines that this agreement is no longer favored by the requisite number of producers, he shall so declare and no deductions from payments to producers shall thereafter be made to defray expenses of the Council, under this agreement, except deductions from such payments as are being made in connection with marketings of a prior year.

8. Funds obtained by the Council pursuant to the agreement of October 23, 1959, and unobligated on the date when this agreement becomes effective shall become subject to the terms and conditions of this agreement and be available to finance either separately or in combination with other funds made available under this agreement, sales promotion and advertising programs established pursuant to this agreement.

9. Upon termination of this agreement, if all the funds of the Council were derived from deductions from wool payments, all such funds remaining unobligated in the hands of the Council shall be returned to the Secretary of Agriculture, together with a statement explaining the various items which entered into the amount returned to the Secretary; if the Council received funds for advertising and promotion purposes, and general administrative purposes from other sources than the Secretary acting pursuant to this agreement, the Council shall return to the Secretary the same proportion of the unobligated funds as the funds contributed by the Secretary bore to all funds received by the Council for these advertising and sales promotion programs and general administrative purposes. A statement of the assets and liabilities of the Council shall be furnished to the Secretary within 60 days after such termination becomes effective. The provision with respect to the return of unobligated funds shall also apply in case of dissolution or liquidation of the affairs of the Council.

10. The authority reserved to the Secretary under the provisions of this agreement may be exercised by an official or officials of the Department of Agriculture designated by him for such purpose.

3. *Agencies conducting referendum.* The Deputy Administrator shall be in charge of conducting this referendum. Each ASC State Committee shall be in charge of conducting the referendum in its State and each ASC county committee shall be in charge of conducting the referendum in its county.

4. *Period of referendum.* The period of this referendum will be from September 10, 1962, to September 21, 1962, both dates inclusive.

5. *Notice of referendum.* The ASCS State and county offices will provide full and accurate public notice, without incurring advertising expense, of the time and place of balloting in the referendum and the rules governing the eligibility to vote, by means of newspapers, radio, etc., or any other method they deem desirable.

6. *Voting.* (a) *Mailing of ballot to eligible voters.* Each ASCS county office will mail ballots to all producers, of whom the committee has knowledge, having ranch or farm headquarters located in its county. The mailing of a ballot is not a determination of eligibility to vote and if a producer has not received a ballot, he can obtain one in the ASCS State or county office upon request. The Livestock, Dairy and Poultry Division, Agricultural Stabilization and Conservation Service, will mail ballots to all cooperative associations which qualify to vote on behalf of their members and others in accordance with paragraph (c) hereof.

(b) *Place and manner of voting by individuals.* The ASCS county office serving the county in which the producer's farm or ranch headquarters is located shall be his polling place. A ballot may be cast on Form CCC 1160 by personal delivery to the polling place on or before the close of business September 21, 1962, or mailing it to the polling place on or before September 21, 1962. The date of the postmark will be considered the date of mailing.

(c) *Place and manner of voting by cooperative associations.* A cooperative association may cast only one vote. The vote shall be cast for all eligible producers who on the date the vote is cast are members of, stockholders in, or are under contract to sell their wool or lambs through the association in the 1962 marketing year. A cooperative association must qualify for voting by filing with the Director of the Livestock, Dairy and Poultry Division, ASCS, Washington 25, D.C., not later than September 5, 1962, each of the following: (1) A certified copy of the Articles of Incorporation of the Association and bylaws of the association and, (2) a certified copy of the resolution adopted by the association's Board of Directors authorizing such vote. The Livestock, Dairy and Poultry Division will distribute a ballot to each cooperative association that establishes eligibility to vote. The cooperative association shall return the marked ballot to the Director of the Livestock, Dairy and Poultry Division so that it will reach that office not later than September 14, 1962. Each ballot cast by a cooperative association shall be accompanied by the original and two copies of a listing showing the names and addresses of all producers, otherwise eligible to vote, who on the date the vote is cast are members of, stockholders in, or under contract to sell their wool or lambs through the association in the 1962 marketing year. The producers' names shall be arranged alphabetically, on separate sheets for each county. The listing for each county shall be headed by the name and address of the cooperative association and show whether voting "Yes" or "No" in the referendum. In preparing the listings, the cooperative association shall show for each producer the number of sheep and lambs, 6 months of age or older, located in the United States, which the producer owned for any one period of at least 30 days from January 1, 1962, through the date of voting. After checking the ballots and lists received from cooperative associations for completeness, the lists of producers for whom cooperative associations have voted will be forwarded by the Livestock, Dairy and Poultry Division to the ASCS State offices concerned for distribution to the respective ASCS county offices.

7. *Determining volume of production represented.* The volume of production represented by each producer voting will be determined by the number of sheep, 6 months of age or older, which he owned for any one period of at least 30 days from January 1, 1962, through the date his ballot is cast.

8. *Challenge of ballots.* A ballot may be challenged on the basis of the knowledge of any ASC State, county, or community committeeman; employee of an ASCS State or county office; or any other person. Before a challenged ballot is either counted or declared invalid, a determination shall be made by the ASC county committee in connection with such challenged ballot. The determination shall cover all questions as to the eligibility of the individual voter or any producer for whom a cooperative association has cast a ballot and the accuracy of the number of sheep represented. If two or more cooperative associations cast ballots for the same producer, and the ballots take the same position with reference to the agreement which is the subject of the referendum, the producer's vote will be counted only once. If they take different positions, his vote will not be counted.

9. *Canvass of ballots.* The ASC county committees will make a count of the eligible voting producers, determining (a) the number of eligible voting producers favoring the agreement and the number of sheep represented by them, (b) the number of eligible voting producers disapproving the agreement and the number of sheep represented by them, and (c) the number of voting producers found to be ineligible. All ballots shall be treated as confidential and the contents of the ballots shall not be divulged, except as provided herein or as the Secretary may direct.

10. *Reporting results of referendum.* Each ASCS county office will transmit a written summary of the results of the referendum in its county to its ASCS state office. Each ASCS state office will transmit a written summary of the referendum results received from the ASCS county offices within its State to the Director of the Livestock, Dairy and Poultry Division, ASCS, Washington 25, D.C., and maintain one copy of the summary in the ASCS state office where it shall be available for public inspection for a period of 5 years following the end of the referendum period. The Director of the Livestock, Dairy and Poultry Division, Agricultural Stabilization and Conservation Service, shall prepare and submit to the Secretary a report as to the results of the referendum.

11. *Additional instructions and forms.* The Deputy Administrator is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this notice to govern the procedure to be followed in the conduct of this referendum.

(Sec. 708, 68 Stat. 912; 7 U.S.C. 1787)

Signed at Washington, D.C., on July 26, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-7572; Filed, July 31, 1962; 8:54 a.m.]

Office of the Secretary

COLORADO AND NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87–128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the States of Colorado and North Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COLORADO

Weld

NORTH CAROLINA

Chowan

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 23d day of July, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-7551; Filed, July 31, 1962; 8:49 a.m.]

NEW YORK

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87–128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of New York a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEW YORK

Albany.	Oneida.
Allegany.	Onondago.
Broome.	Orange.
Chemung.	Oswego.
Chenango.	Otsego.
Clinton.	Rensselaer.
Columbia.	St. Lawrence.
Cortland.	Saratago.
Delaware.	Schenectady.
Dutchess.	Schoharie.
Essex.	Schuyler.
Franklin.	Steuben.
Fulton.	Sullivan.
Greene.	Tioga.
Hamilton.	Tompkins.
Herkimer.	Ulster.
Jefferson.	Warren.
Lewis.	Washington.
Madison.	Yates.
Montgomery.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 24th day of July, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-7574; Filed, July 31, 1962; 8:55 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-140]

GRACE LINE INC.

Notice of Hearing and Prehearing Conference

Notice is hereby given that a hearing has been authorized and directed to be held concerning an application filed by Grace Line Inc., 3 Hanover Square, New York 4, New York, for written permission of the Maritime Subsidy Board, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, (A) to allow this company's two (2) owned C3 type containerships (the "Santa Eliana" and "Santa Leonor" or any replacements thereof) operating in its subsidized service on Trade Route No. 4 to call on a weekly basis at a port or ports in the Commonwealth of Puerto Rico on a total of not to exceed 53 outbound and 53 inbound containership sailings per annum, and (B) also to allow this company's five (5) owned combination ships (three of the C2 type—the "Santa Monica," "Santa Sofia" and "Santa Barbara"—or any replacements thereof, and two of the P2 type—the "Santa Rosa" and "Santa Paula") operating in its subsidized service on Trade Route No. 4 to call on a weekly basis at a port or ports in the Commonwealth of Puerto Rico on a total of not to exceed 53 outbound and 53 inbound combination ship sailings per annum.

The hearing will be conducted by the Chief Hearing Examiner, Maritime Administration/Maritime Subsidy Board, in accordance with the rules of practice and procedure of the Maritime Administration/Maritime Subsidy Board at a time and place to be announced and an initial decision will be issued.

Interested parties may inspect said application in the Office of the Chief Hearing Examiner, Room 3095 of the General Accounting Office Building, 441 G Street NW., Washington 25, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on August 15, 1962, notify the Secretary, Maritime Administration/Maritime Subsidy Board in writing, in triplicate, and file a Petition for Leave to Intervene which shall state clearly and concisely the grounds of interest, and the alleged facts in support thereof. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration/Maritime Subsidy Board, Petitions for Leave to Intervene received after the close of business on August 15, 1962, will not be granted in this proceeding.

Notice is further given that a Prehearing Conference in this proceeding will be held in Room 4458 of the General Accounting Office Building at 10:00 a.m., e.d.t., on Thursday, September 6, 1962, before the Chief Hearing Examiner.

In order to facilitate conduct of the Prehearing Conference, Petitioners for Leave to Intervene are requested to file with the Chief Hearing Examiner (with copies to the Applicant and the Hearing Counsel Branch, Division of Operating Subsidy Contracts, Office of General Counsel, Maritime Administration/Maritime Subsidy Board) on or before August 29, 1962:

1. Motions pertaining to the scope of the proceeding.
2. Proposed stipulations.
3. Statements of position.
4. Requests for evidence.
5. Proposed procedural dates.

Service of the foregoing documents should also be made by each Petitioner for Leave to Intervene upon all other Petitioners for Leave to Intervene. Their names may be obtained from the Docket Clerk in the office of the Chief Hearing Examiner from and after August 16, 1962.

Dated: July 27, 1962.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 62-7635; Filed, July 31, 1962; 8:55 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-200]

BABCOCK AND WILCOX CO.

Notice of Application for Construction Permit and Utilization Facility License

Please take notice that The Babcock and Wilcox Company, 161 East 42d Street, New York, New York, under section 104(c) of the Atomic Energy Act of 1954, as amended, has submitted an application for license authorizing construction and operation of a testing reactor at a site in Campbell County, Virginia located near Lynchburg, Virginia. The facility has been designated by the applicant as the "B&W Test Reactor" and is proposed to be initially operated at power levels up to 6 megawatts, (thermal), with an ultimate power level of 12 megawatts.

A copy of the application is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 25th day of July 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-7527; Filed, July 31, 1962; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 62-EA-3]

PROPOSED ALTERATION OF TELEVISION ANTENNA STRUCTURE

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: Rollins Broadcasting, Inc., Wilmington, Delaware, proposes to increase by 300 feet the overall height of an existing television antenna structure near Charleston, West Virginia, at latitude 38°24'28" north, longitude 81°54'13" west. The new overall height of the structure would be 2,349 feet above mean sea level (1,299 feet above ground).

Objections were made in response to the circularization by the following: West Virginia State Aeronautics Commission, Air Transport Association of America, National Pilots Association, Department of the Air Force, Air Line Pilots Association and Aircraft Owners and Pilots Association. At the FAA New York Informal Airspace Meeting the Aircraft Owners and Pilots Association, Department of the Air Force, Air Transport Association and Air Line Pilots Association reaffirmed their previous objections. In summary, the objectors concluded that the proposed structure would:

1. Be hazardous to aircraft operating in accordance with Visual Flight Rules during marginal weather or during the normal haze condition of this area.
2. Violate the criteria as contained in § 626.12(a) (1), (2) and (3) of the regulations of the Administrator.
3. Increase the minimum en route altitudes.
4. Increase altitudes of instrument approach procedures.

The existing structure is located approximately 17 miles west of the Kanawha Airport, Charleston, West Virginia; seven miles west of the Charleston low frequency radio range station; and eight miles northwest of the Charleston VORTAC.

Although there was considerable objection to the proposed structure from a hazard to VFR flight standpoint, no substantial evidence of adverse effect upon such operations was shown nor do Agency records indicate a significant volume of VFR flight activity in proximity to the proposed structure. The FAA report of VFR general aviation operation for fiscal year 1961, indicates that there were approximately 20 VFR flight plans filed for direct route between the Kanawha Airport and the Downtown Airport, Huntington, West Virginia, and 80 VFR flight plans filed for direct route between the Kanawha Airport and the Tri-State Airport, Huntington, West Virginia. The aircraft which file VFR via direct route between the above airports, a distance of fifty miles, should pass one to two miles south of the proposed structure.

The proposed increase in height of the television antenna would affect instrument flight rules, altitudes and instrument approach procedures as follows:

1. It would require an increase in the minimum en route altitude from 2,500 feet to 2,600 feet on the segment of VOR Federal airway No. 133 between Charleston VOR and Hometown Intersection. The Agency study disclosed, however, that this increase would have no adverse effect upon aeronautical operations as the cardinal altitude of 3,000 feet would be retained.
2. It would require an increase in the minimum en route altitude from 3,000 feet to 3,300 feet on the segment of Victor 128 between Charleston VOR and the Milton Intersection.
3. It would require an increase in the procedure turn altitude from 3,000 feet to 3,300 feet and an increase in the final approach altitude from 2,500 feet to 2,800 feet from AL–852–ADF–2 instrument approach procedure.
4. It would require an increase from 3,000 feet to 3,300 feet in the missed approach altitudes for the AL–852–ADF–1, AL–852–ILS–RWY–23 and AL–852–VOR instrument approach procedures.

The Agency study disclosed that the use of 3,000 feet as the minimum flight altitude in the above IFR procedures (except Item 1) would be hazardous since insufficient vertical obstruction clearance in accordance with applicable Agency criteria would exist between the aircraft and the proposed structure. The study further disclosed that the affected minimum flight altitudes cannot be increased to provide sufficient vertical obstruction clearance in accordance with applicable Agency criteria without producing adverse effects upon aeronautical operations as follows:

1. The altitudes of 3,000 feet and 4,000 feet are allocated to Huntington, West Virginia, and Charleston, West Virginia, approach control facilities for Tower En Route Control Service for traffic operating between these facilities via direct route and via Victor 128 from Crown City, West Virgina, Intersection to Charleston VOR. The loss of 3,000 feet on the segment of Victor 128 affected would seriously curtail IFR traffic departing and arriving at Kanawha Airport via the Milton Intersection and the Charleston VOR. The FAA 1961 peak day IFR traffic count for the affected airway segment at the Tower En Route Control altitudes was 24 flights.
2. Increasing the procedure turn and missed approach altitudes to 3,300 feet would require aircraft approaching the Charleston VOR at 3,000 feet or 4,000 feet via V–128 or via direct route to be stopped short of the instrument approach area at any time an instrument approach was being conducted until the aircraft on approach had reported leaving 3,000 feet and there was no danger of a missed approach. This would have a substantial adverse effect upon aeronautical operations in the Charleston area. There were 36,641 instrument operations in the Charleston area and 4,167 instrument approaches at the Kanawha Airport during Calendar Year 1961.

The study has disclosed that any structure at this location with an overall height greater than that of the existing antenna structure (2049' MSL) would result in the loss of the 3,000 foot cardinal altitude and have a substantial adverse effect upon IFR aeronautical operations, procedures and minimum flight altitudes in the Charleston, West Virginia, area as described above.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33), it is concluded that the proposed increase in structure height to the mean sea level elevation specified herein, would have a substantial adverse effect upon aeronautical operations, procedures and minimum flight altitudes; and it is hereby determined that this structure with an overall height greater than 2,049 feet MSL would be a hazard to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (14 CFR 626.34). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on July 19, 1962.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-7529; Filed, July 31, 1962; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

COPELAND SHIPPING, INC., ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended. Each of the parties is an independent ocean freight forwarder eligible to carry on the business of forwarding pursuant to section 44 of the Shipping Act, 1916.

Agreement No. 8922 between Copeland Shipping, Inc. of New York and Wm. R. Filbin & Co., Inc. of Detroit, is a mutual arrangement between the parties under which each will complete the shipping documents on shipments referred to it by the other party. On shipments routed to Filbin by Copeland, compensation received from the ocean carrier is to be divided equally, and in addition Filbin is to receive a $5.00 service fee per shipment. On shipments routed by Filbin to Copeland, the latter will retain the entire ocean compensation, plus the same service fee.

Agreement No. 8966 between Gallagher & Ascher Co. of Chicago and Judson Sheldon International Corporation of New York (with various branches), provides for the completion by Judson Sheldon of shipping documents on shipments referred to it by Gallagher & Ascher. As compensation, Judson Sheldon will receive a minimum fee of $8.50 per shipment, in addition to half the compensation obtained from the ocean carrier.

Agreements 8969 and 8972 have identical terms, and W. R. Zanes & Co. of La., Inc. (New Orleans) is party to each. The other parties are Pan Maritime Cargo Service, Inc. of New York (No. 8969) and W. J. Byrnes & Co. of La., Inc. (Los Angeles). These agreements are cooperative arrangements between the parties covering the performance of forwarding services for each other. Forwarding fees and ocean compensation will be divided after negotiation on each transaction.

Agreement No. 8971 between H. L. Ziegler, Inc. (Houston) and Wall Shipping Co., Inc. (Washington, D.C.) is a reciprocal arrangement under which the parties will perform freight forwarding services for each other, dividing freight compensation equally. The forwarding fee will be retained by the party performing the service.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., or at the Commission's District Offices at:

45 Broadway, New York, N. Y.
333 St. Charles Street, New Orleans, La.
180 New Montgomery Street, San Francisco, Calif.

They may submit, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements, and their position as to approval, disapproval,

or modification thereof, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Commission.

Dated: July 25, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-7568; Filed, July 31, 1962; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP60-5]

EAST TENNESSEE NATURAL GAS CO.

Notice of Petition To Amend

JULY 24, 1962.

Take notice that on June 18, 1962, East Tennessee Natural Gas Company (Petitioner), Knoxville, Tennessee, filed in Docket No. CP60-5 a petition to amend the Commission's order issued May 3, 1961, in Docket No. CP60-5, by authorizing Petitioner to transport and deliver on an interruptible basis up to 6,000 Mcf of natural gas per day to Monsanto Chemical Company (Monsanto) in lieu of the presently authorized interruptible volumes of up to 1,200 Mcf per day, all as more fully set forth in the petition on file with the Commission and open to public inspection.

The subject order authorized Petitioner to construct and operate 1.8 miles of 6-inch lateral pipeline, a measuring and regulating station, and to transport and deliver on an interruptible basis up to 1,200 Mcf of natural gas per day to Monsanto for use in the latter's phosphate processing plant near Columbia, Tennessee.

The petition shows that Monsanto has installed additional facilities and will require increased volumes of gas for drying coke in its rotary coke driers where a uniform temperature must be maintained at all times. The estimated third year peak day requirements of Monsanto upon completion of the foregoing installations are stated to be 6,000 Mcf.

Petitioner states further that the proposed increased industrial interruptible load will assist it to fill the valley to be created by the probable loss this year of interruptible sales to the Atomic Energy Commission, Oak Ridge, Tennessee.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 20, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7540; Filed, July 31, 1962; 8:47 a.m.]

[Docket No. CP62-177]

EAST TENNESSEE NATURAL GAS CO.

Notice of Petition To Amend

JULY 24, 1962.

Take notice that on May 23, 1962, East Tennessee Natural Gas Company (Petitioner), Knoxville, Tennessee, filed in Docket No. CP62-177 a petition to amend the Commission's order, issued May 18, 1962, in Docket No. CP62-177 by authorizing Petitioner to construct and operate 1.21 miles of 4-inch lateral pipeline and a meter station, and to transport and deliver, on an interruptible basis, up to 1,200 Mcf of natural gas per day to Olin Mathieson Chemical Corporation (Olin) in lieu of the facilities and the volumes of natural gas presently authorized by said order, all as more fully set forth in the petition on file with the Commission and open to public inspection.

The order of May 18, 1962, authorized Petitioner to construct and operate 1.21 miles of 2-inch lateral pipeline and a meter station and to transport and deliver, on an interruptible basis, up to 360 Mcf of natural gas per day to Olin for use in the latter's new plant near Charleston, Tennessee. Petitioner states that Olin has advised that the additional volumes of natural gas will be required for a new plant producing high-test calcium hypochlorite, the principal uses of which are in sanitation.

The petition shows Olin's estimated third year peak day natural gas requirements to be 1,200 Mcf at 14.9 psia.

Petitioner states that the proposed modification of facilities will increase the cost of such facilities from $23,100 to $31,929.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 20, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7541; Filed, July 31, 1962; 8:47 a.m.]

[Docket No. CP62-298]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

JULY 25, 1962.

Take notice that on June 14, 1962, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62-298 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the 15-month period commencing October 1, 1962, and the operation of taps on its existing transmission system to sell gas to new and existing customers for resale to rural customers along and in the vicinity of said system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the subject deliveries will not exceed 300,000 Mcf per year and that such sales will not require any expansion or enlargement of Applicant's presently existing system. The proposed facilities will not exceed a cost of $12,000, with no single project to exceed a cost of $600, to be financed from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 6, 1962, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 27, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7542; Filed, July 31, 1962; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

MARINE MIDLAND CORP.

Order for Public Proceeding

In the matter of the application of Marine Midland Corporation, Buffalo, New York, pursuant to section 3 of the Bank Holding Company Act of 1956.

The Board of Governors has pending before it an application filed by Marine Midland Corporation, Buffalo, New York, a registered bank holding company, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956, for prior approval of the acquisition by Applicant of 100 percent of the voting shares of Security National Bank of Long Island, Huntington, New York. Notice of the Board's receipt of this application was published in the FEDERAL REGISTER affording interested persons an opportunity to submit written views and comments regarding the application.

It now appears to the Board to be in the interest of the public, as well as the Applicant, to afford further opportunity for the expression of views and opinions by interested persons in a public proceeding before the Board. Accordingly,

It is hereby ordered, That an oral presentation before the Board be held commencing at 2:30 p.m. on September 17, 1962, at the offices of the Board of Governors, Washington, D.C., and that such presentation be public except for any portion thereof which the Board may determine should, in the public interest, be conducted in private.

It is further ordered, That any person desiring to express orally a view or opinion on the application before the Board should file with the Secretary of the Board, 20th and Constitution Avenue NW., Washington 25, D.C., on or before August 15, 1962, a written request relative thereto, setting forth therein a general statement of the nature of the views he wishes to express. Persons submitting such requests will be notified of the Board's decision thereon.

Dated at Washington, D.C., this 25th day of July 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-7543; Filed, July 31, 1962; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 392]

KENTUCKY

Declaration of Disaster Area

Whereas, it has been reported that during the month of July 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Kenton County in the State of Kentucky;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about July 15, 1962.

OFFICES

Small Business Administration Regional Office,
Standard Building, Fourth Floor,
1370 Ontario Street,
Cleveland 13, Ohio.

Small Business Administration Branch Office,
Commonwealth Building, Room 1900,
Fourth and Broadway,
Louisville 2, Kentucky.

2. A temporary office will be established in the Town Hall in Covington, Kentucky.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1963.

Dated: July 20, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-7552; Filed, July 31, 1962; 8:49 a.m.]

TARIFF COMMISSION

[7-116]

SOFTWOOD LUMBER

Notice of Investigation and Hearing

Investigation instituted. Upon application of the Lumbermen's Economic Survival Committee, Seattle, Washington, received July 23, 1962, the United States Tariff Commission, on the 26th day of July 1962, under authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to determine whether sawed lumber and timber of fir, spruce, pine, hemlock, or larch (not including dowels), provided for in paragraph 401 of the Tariff Act of 1930, as amended, or in section 4551 of the Internal Revenue Code of 1954, as amended (items 202.03-.24, 202.45, 202.50, 202.52, or 202.63 of the Tariff Schedules of the United States the adoption of which is provided for in Public Law 87-456, approved May 24, 1962), are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t., on October 2, 1962, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse, where it may be read and copied by persons interested.

Issued July 26, 1962.

By order of the Commission.

DONN N. BENT,
Secretary.

[F.R. Doc. 62-7560; Filed, July 31, 1962; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 221]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 27, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3379 (Deviation No. 2), SNYDER BROS. MOTOR FREIGHT INC., 363 Stanton Avenue, P.O. Box 830, Akron 9, Ohio, filed July 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Richmond and Petersburg, Va., over Interstate Highway 95, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Richmond over U.S. Highway 1 to Petersburg, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Deviation No. 20), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed July 23, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highway 140 and Interstate Highway 695, near Pikesville, Md., over Interstate Highway 695 to junction U.S. Highway 1, southwest of Baltimore, Md., thence over Interstate Highway 695 to junction Baltimore-Washington Expressway (with an access route from Baltimore over U.S. Highway 40 to said interstate highway), and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to

transport passengers over pertinent service routes as follows: From Baltimore over U.S. Highway 140 to Westminster, Md.; from Baltimore over U.S. Highway 1 to Washington, D.C.; and from Baltimore over the Baltimore-Washington Expressway to Washington, D.C., and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-7556; Filed, July 31, 1962; 8:50 a.m.]

[Notice 461]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 27, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 1641 (Sub-No 53), filed May 25, 1962. Applicant: PEAKE TRANSPORT SERVICE, INC., Chester, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry manufactured fertilizers and fertilizer mixes*, in bulk, using equipment requiring loading and unloading devices, (1) from Lawrence, Kans., and points within ten (10) miles thereof, to points in Arkansas, Colorado, Missouri, Nebraska, Oklahoma, and South Dakota; (2) from St. Joseph, Mo., and points within ten (10) miles thereof, to points in Iowa, Kansas, and Nebraska; (3) from Horn, Mo., and points within ten (10) miles thereof, to points in Arkansas, Colorado, Iowa, Kansas, Nebraska, and Oklahoma; and (4) from Muskogee, Okla., and points within ten (10) miles thereof, to points in Arkansas, Colorado, Kansas, and Missouri.

HEARING: September 12, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

No. MC 2974 (Sub-No. 22), filed April 5, 1962. Applicant: O.I.M. TRANSIT CORPORATION, Commerce Drive, Fort Wayne 7, Ind. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the Grand Valley State College (south of Grand Rapids) and points within two (2) miles thereof, as offroute points in connection with carrier's authorized regular route operations to and from Grand Rapids, Mich.

HEARING: September 27, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 2998 (Sub-No. 23), filed February 28, 1962. Applicant: WOLVERINE EXPRESS, INCORPORATED, 701 Erie Avenue, Muskegon, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of Grand Valley State College (located south of Grand Rapids, Mich.) and points within two miles thereof as offroute points in connection with carrier's authorized operations to and from Grand Rapids, Mich.

HEARING: September 27, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 3151 (Sub-No. 12), filed March 7, 1962. Applicant: BENDER & LOUDON MOTOR FREIGHT, INC., 3024 North Cleveland Massillon Road, West Richfield, Ohio. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of Grand Valley State College located South of Grand Rapids, Mich., and points within two (2) miles thereof, as offroute points in connection with carrier's authorized regular route operations to and from Grand Rapids, Mich.

HEARING: September 27, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 10761 (Sub-No. 116) filed March 7, 1962. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of Grand Valley State College located South of Grand Rapids, Mich., and points within two (2) miles thereof, as offroute points in connection with carrier's authorized regular route operations to and from Grand Rapids, Mich.

HEARING: September 27, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate before Examiner William R. Tyers.

No. MC 13700 (Sub-No. 5), filed March 7, 1962. Applicant: ROOKS TRANSFER LINES, INC., 650 East 16th Street, Holland, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Grand Valley State College located south of Grand Rapids, Mich., and points within two (2) miles thereof, as offroute points in connection with applicant's regular-route operations to and from Grand Rapids, Mich.

Hearing: September 27, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 28478 (Sub-No. 16), filed February 28, 1962. Applicant: GREAT LAKES EXPRESS CO., a corporation, 172 Davenport Street, Saginaw, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of Grand Valley State College (located south of Grand Rapids, Mich.) and points within two miles thereof as offroute points in connection with carrier's authorized operations to and from Grand Rapids, Mich.

HEARING: September 27, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 30897 (Sub-No. 13), filed March 14, 1962. Applicant: CONSOLIDATED FREIGHT COMPANY, a corporation, 321 South Franklin Street, P.O. Box 970, Saginaw, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate *as a common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of Grand Valley State College located south of Grand Rapids, Mich., and points within two (2) miles thereof, as offroute points in connection with carrier's authorized regular route operations to and from Grand Rapids, Mich.

NOTE: Common control may be involved.

HEARING: September 27, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate before William R. Tyers.

No. MC 35628 (Sub-No. 243), filed March 19, 1962. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids 2, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the Grand Valley State College, located south of Grand Rapids, Mich., and points within two miles thereof, as offroute points in connection with carrier's authorized operations to and from Grand Rapids, Mich.

HEARING: September 27, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 41192 (Sub-No. 7), filed February 28, 1962. Applicant: GRAND RAPIDS MOTOR EXPRESS, INC., 1520 Steele Avenue SW., Grand Rapids 2, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of Grand Valley State College, located south of Grand Rapids, Mich., and points within two (2) miles thereof, as offroute points in connection with applicant's authorized regular route operations to and from Grand Rapids, Mich.

HEARING: September 27, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 46280 (Sub-No. 46), filed June 18, 1962. Applicant: DARLING FREIGHT, INC., 4000 Division Avenue South, Grand Rapids, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment, (1) between Grand Rapids, Mich., on the one hand, and, on the other, the Grand Valley State College and Allendale Township, Mich., and (2) between Detroit, Mich., on the one hand, and, on the other, the Grand Valley State College and Allendale Township, Mich.

HEARING: September 27, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 52460 (Sub-No. 65), filed May 25, 1962. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9515, Tulsa, Okla. Applicant's attorney: Louis I. Dailey, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer*, dry, in bags and in bulk (hopper or auger trailers), from Horn (Jasper County), Mo., to points in Oklahoma, Kansas, Colorado, South Dakota, Iowa, Nebraska, Arkansas, and Wyoming.

HEARING: September 12, 1962, at The Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

No. MC 59117 (Sub-No. 19), filed May 25, 1962. Applicant: ELLIOTT TRUCK LINES, INC., P.O. Box 1, Vinita, Okla. Applicant's attorney: Carll V. Kretsinger, Suite 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer compounds*, dry, in bulk, bags and in containers, and in mixed shipments of bulk, bags and containers, from Horn, Mo., to points in Kansas, Nebraska, Iowa, Oklahoma, Arkansas, and Texas, and *empty containers and damaged or rejected shipments* of the above specified commodities, on return.

HEARING: September 12, 1962, at The Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

No. MC 59206 (Sub-No. 17), filed February 28, 1962. Applicant: HOLLAND MOTOR EXPRESS, INC., 1 West Fifth Street, Holland, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of Grand Valley State College (located south of Grand Rapids, Mich.) and points within two miles thereof as offroute points in connection with carrier's authorized operations to and from Grand Rapids, Mich.

HEARING: September 27, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 61396 (Sub-No. 89) (REPUBLICATION), filed April 30, 1962, published FEDERAL REGISTER, issue of June 20, 1962, and republished this issue to show handling under special rules and new hearing date. Applicant: HERMAN BROS., INC., P.O. Box 189, Downtown Station, Omaha 1, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in hopper and pneumatic trailers, (1) from Horn, Mo., and points within 10 miles thereof, to points in Arkansas, Oklahoma, Colorado, Kansas, Nebraska, Iowa, South Dakota, and Wyoming, (2) from St. Joseph, Mo., and points within 10 miles thereof, to points in Nebraska, Iowa, Kansas, Colorado, South Dakota, and Wyoming, (3) from Muskogee, Okla., and points within 10 miles thereof to points in Arkansas, Kansas, and Missouri, and (4) from Lawrence, Kans., and points within 10 miles thereof, to points in Missouri, Oklahoma, Colorado, South Dakota, Nebraska, Iowa, and Wyoming, and *returned and rejected shipments*, in connection with routes (1), (2), (3), and (4), above on return.

HEARING: September 12, 1962, at The Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

No. MC 65920 (Sub-No. 1), filed June 22, 1962. Applicant: PETER BISHOP, WILLIAM BISHOP AND HATTIE BISHOP, doing business as BISHOP MOTOR EXPRESS, 607 Century Avenue SW., Grand Rapids, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority

sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); serving the Grand Valley State College and points within two (2) miles thereof located on or near Michigan Highway 50 west of Grand Rapids, Mich., as offroute points in connection with applicant's presently authorized regular-route operations to and from Grand Rapids, Mich.

HEARING: September 27, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 69833 (Sub-No. 60), filed February 28, 1962. Applicant: ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids 7, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of Grand Valley State College (located south of Grand Rapids, Mich.) and points within two miles thereof as offroute points in connection with carrier's authorized operations to and from Grand Rapids, Mich.

HEARING: September 27, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 111401 (Sub-No. 130) (REPUBLICATION), filed June 4, 1962, published FEDERAL REGISTER, issue of June 20, 1962, and republished this issue to show handling under Special Rules and new hearing date. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in hopper and pneumatic trailers, (1) from Lawrence, Kans., and points within ten (10) miles thereof, to points in Colorado, Iowa, Missouri, Nebraska, Oklahoma, South Dakota, and Wyoming, (2) from Horn, Mo., and points within ten (10) miles thereof, to points in Arkansas, Colorado, Iowa, Kansas, Nebraska, Oklahoma, South Dakota, and Wyoming, (3) from St. Joseph, Mo., and points within ten (10) miles thereof, to points in Colorado, Iowa, Kansas, Nebraska, South Dakota, and Wyoming, and (4) from Muskogee, Okla., and points within ten (10) miles thereof, to points in Arkansas, Colorado, Kansas, Missouri, and Texas and *rejected shipments only*, on return.

HEARING: September 12, 1962, at The Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

No. MC 112822 (Sub-No. 34), filed May 17, 1962. Applicant: EARL BRAY, INC., P.O. Box 910, Linwood and North Street, Cushing, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer, dry*, in truckloads, from the plant site of the Farmers Chemical Company at Horn, Mo., approximately six (6) miles west of Joplin, Mo., to points in Iowa, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, and Colorado, and *damaged and rejected shipments of dry manufactured fertilizer*, on return.

NOTE: Common control may be involved.

HEARING: September 12, 1962, at The Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

No. MC 117094 (Sub-No. 7), filed May 31, 1962. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. Applicant's attorney: John E. Jandera, 641 Harrison St., Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer compounds*, dry (restricted against the use of tank or hopper vehicles), between Horn, Mo., on the one hand, and on the other, points in Kansas, Arkansas, Colorado, Wyoming, and Nebraska.

NOTE: Applicant states the above described operations are limited to a transportation service to be performed under a continuing contract, or contracts, with the Consumers Cooperative Association of Kansas City, Mo.

HEARING: September 12, 1962, at The Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

No. MC 118535 (Sub-No. 10), filed May 14, 1962. Applicant: JIM TIONA, JR., 603 Lee Street, Butler, Mo. Applicant's attorney: Tom B. Kretsinger, Suite 510, Professional Building, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer compounds*, dry, in bulk, bags, and in containers, and in mixed shipments of bulk, bags, and containers, (1) from Horn, Mo., to points in Kansas, Nebraska, Colorado, Iowa, South Dakota, Oklahoma, and Arkansas, and (2) from East St. Louis, Ill., to points in Iowa, Kansas, and Missouri, and *empty containers*, and *damaged and rejected shipments* of the commodities specified above, and *other such incidental facilities* (not specified), on return.

HEARING: September 12, 1962, at The Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

No. MC 119630 (Sub-No. 5), filed May 14, 1962. Applicant: VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, Kans. Applicant's representative: H. V. Eskelin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer*, dry, from Horn, Mo., to Oklahoma, Kansas, Colorado, Wyoming, Nebraska, South Dakota, Iowa, and Arkansas, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 115036 and subs thereunder; therefore, dual operations may be involved.

HEARING: September 12, 1962, at The Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-7557; Filed, July 31, 1962; 8:50 a.m.]

[Notice 462]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 27, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 139), filed May 31, 1962. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals, plastics, ores and ore concentrates, glues, resins, industrial vegetable flours, dusts and powders, animal blood and meals, furafil*, and *petroleum additives and catalysts*, in bulk, (1) between points in Oregon, Washington, and Idaho, and (2) between points in Oregon, Washington, and Idaho, on the one hand, and, on the other, points in California.

HEARING: September 20, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner William E. Messer.

No. MC 2989 (Sub-No. 29), filed March 30, 1962. Applicant: DAYS TRANSFER, INC., 730 East Beardsley, Elkhart, Ind. Applicant's attorney: Homer E. Bradshaw, Suite 510 Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V, *Descriptions in Motor Carriers Certificates*, Ex Parte MC-45, from points in Kankakee County, Ill., to points in Indiana, Ohio, and points in the lower peninsula of Michigan.

NOTE: Applicant states "Brady Motorfrate, Inc., operates and controls Days Transfer, Inc. pursuant to authorization by the Commission in MC-F-7584."

HEARING: September 20, 1962, at The Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 11220 (Sub-No. 78), filed July 20, 1962. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except automobiles set up on wheels, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving the Village of Champ, Mo. (also known as Champ Industrial Village) as an off-route point in connection with applicant's authorized regular route operations.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 13235 (Sub-No. 9) filed July 20, 1962. Applicant: CENTRALIA CARTAGE CO., a corporation, P.O. Box 128, Centralia, Ill. Applicant's representative: R. W. Burgess, 1507 Papin Street, St. Louis 3, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between St. Louis, Mo., and points in the Commercial Zone thereof, and Champ, Mo.-Industrial Village; (1) from the St. Louis terminal at 1700 North 11th Street to Interstate Highway 70, thence over Interstate Highway 70 to Champ, Mo.-Industrial Village, and return over the same route, serving no intermediate points, and (2) from the Western boundary of the St. Louis Commercial Zone to the junction of By-Pass 66 and Interstate Highway 70, thence over Interstate Highway 70 to Champ, Mo.-Industrial Village, and return over the same route, serving no intermediate points.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 18738 (Sub-No. 28), filed March 15, 1962. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Chicago 27, Ill. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Kentucky, Indiana, Wisconsin, Michigan, Ohio, Pennsylvania, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: September 19, 1962, at The Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 42487 (Sub-No. 550), filed May 9, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: J. G. McLaughlin, 625 Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals, plastics, ores and ore concentrates, glues, resins, industrial vegetable flours, dusts or powders, animal blood and meals, furafil, and petroleum additives and catalysts*, in bulk, (1) between points in Oregon, Washington, and Idaho, and (2) between points in Oregon, Washington, and Idaho, on the one hand, and, on the other, points in California.

NOTE: Common control may be involved.

HEARING: September 20, 1962, at the Interstate Commerce Commission Hearing Room, 410 SW. 10th Avenue, Portland, Oreg., before Examiner William E. Messer.

No. MC 42487 (Sub-No. 557), filed June 11, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: R. E. Poelman, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phenol*, in bulk, in tank vehicles, from Riverview (Marietta), Ohio, to points in California, Oregon, and Washington.

NOTE: Common control may be involved.

HEARING: September 25, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner William E. Messer.

No. MC 52110 (Sub-No. 74), filed March 30, 1962. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carriers Certificates*, Ex Parte MC-45, from points in Kankakee County, Ill., to points in Iowa, Minnesota, Nebraska, and South Dakota.

NOTE: Common control may be involved.

HEARING: September 20, 1962, at The Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 52709 (Sub-No. 164), filed March 30, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum wax*, in bulk, in tank vehicles, from Beaumont, Tex., to points in Arizona.

NOTE: Common control may be involved.

HEARING: October 1, 1962, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 127, or, if the Joint Board waives its right to participate before Examiner F. Roy Linn.

No. MC 52709 (Sub-No. 167), filed April 23, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning compound*, in bulk, in tank vehicles, from Hawthorne, Calif., to Hutchinson, Kans.

NOTE: Applicant states it controls United Freight, Inc. (Docket FF 155) and Inter State Express, Inc. (Docket FF 102), both of which are wholly owned by applicant.

HEARING: September 24, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner William E. Messer.

No. MC 68909 (Sub-No. 60), filed July 23, 1962. Applicant: DECATUR-SEAWAY MOTOR EXPRESS, INC., 3537 Broadway, Kansas City, Mo., Applicant's attorney: Frank W. Taylor, Jr., 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and commodities injurious or contaminating to other lading), serving Champ, Mo., Industrial Village as an offroute point in connection with applicant's regular-route operation to and from St. Louis, Mo.

NOTE: Applicant states it is wholly owned by Indianapolis-Kansas City Motor Express Company, a common motor carrier of freight, as authorized by the Commission in MC-F-7324.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 69116 (Sub-No. 65), filed March 28, 1962. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 294, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Kentucky, Indiana, Wisconsin, Michigan, Ohio, Pennsylvania, and West Virginia.

HEARING: September 19, 1962, at The Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 80504 (Sub-No. 10) (AMENDMENT), filed December 6, 1961, pub-

lished FEDERAL REGISTER issue December 20, 1961, amended March 7, 1962, and republished as amended this issue. Applicant: HERMAN SHEIN, HOWARD M. SHEIN, JULES Y. SHEIN, PHILLIP SHEIN, AND SAMUEL SHEIN, a partnership, doing business as, SHEIN'S EXPRESS, 1225 Calhoun Street, Trenton, N.J. Applicant's attorney: John C. Bradley, Suite 618, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); (1) between Buffalo, N.Y., and junction of New York Highway 5 and U.S. Highway 20 near Avon, N.Y.; from Buffalo over U.S. Highway 20 to junction of U.S. Highway 20 and New York Highway 5 near Avon, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present regular-route operations; (2) between Auburn, N.Y., and Trenton, N.J.; from Auburn over U.S. Highway 20 to Lafayette, N.Y., thence over U.S. Highway 11 to Scranton, Pa., thence over U.S. Highway 611 to junction of U.S. Highway 611 and U.S. Highway 46, thence over U.S. Highway 46 to Buttzville, N.J., thence over New Jersey Highway 69 to Trenton, and return over the same route, serving no intermediate points (except Lafayette, N.Y., for purposes only of joinder with route (5) below), as an alternate route for operating convenience only in connection with applicant's present regular-route operations; (3) between Auburn, N.Y., and Philadelphia, Pa.; from Auburn to junction of U.S. Highway 611 and U.S. Highway 46 as specified above, thence over U.S. Highway 611 to Philadelphia, and return over the same route, serving no intermediate points (except Lafayette, N.Y., for purposes only of joinder with route (5) below), as an alternate route for operating convenience only in connection with applicant's present regular-route operations; (4) between Auburn, N.Y., and junction of New Jersey Highway 3 and New Jersey Highway 17; from Auburn to Buttzville, N.J., as specified above, thence over U.S. Highway 46 to junction of U.S. Highway 46 and New Jersey Highway 3, thence over New Jersey Highway 3 to junction New Jersey Highway 3 and New Jersey Highway 17, and return over the same route, serving no intermediate points (except Lafayette, N.Y., for purposes only of joinder with route (5) below), as an alternate route for operating convenience only in connection with applicant's present regular-route operations; and (5) between Syracuse, N.Y., and Lafayette, N.Y., for purposes of joinder only at Lafayette, with routes (2), (3), and (4) above, from Syracuse, N.Y., over U.S. Highway 11 to Lafayette, and return over the same route, serving no intermediate points.

NOTE: The purpose of this republication is for clarification purposes only and in no way meant to alter applicant's original intent; also to include applicant's attorney as shown above.

HEARING: September 21, 1962, at the U.S. Court Rooms, Trenton, New Jersey, before Examiner A. Lane Cricher.

No. MV 95540 (Sub-No. 431) (REPUBLICATION), filed May 28, 1962, published FEDERAL REGISTER issue of July 25, 1962, and republished this issue to show correct hearing date. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga.

HEARING: Reassigned September 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks, along with No. MC 107107 Sub-217.

No. Mc 98216 (Sub-No. 1), filed May 9, 1962. Applicant: SAMUEL MOORE, MURRAY MOORE AND NATHAN MOORE, a partnership doing business as MOORE TRUCKING COMPANY, 18 North Sixth Street, Brooklyn, N.Y. Applicant's attorney: Arthur J. Piken, 160 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat* and *packinghouse products*, including but not limited to *animal bladders, butter, cheese, shortening, cured pork in barrels, dried beef, corned beef in cans and barrels, lard, lard components, lard substitutes, meats* (cooked, cured, canned, dried, pickled, preserved, smoked, salted) *oils, oleomargarine, oleomargarine stock, poultry, sausage* (fresh, cooked, cured, and preserved) *sausage casings, sterine, soaps, washing compounds and animal tallow*, from points in the New York, N.Y., commercial zone as defined by the Commission in 1 M.C.C. 665, to points in Nassau, Suffolk and Westchester Counties, N.Y., and Newark, Elizabeth, Passaic, and Paterson, N.J., and *empty containers and other such incidental facilities* (not specified) used in transporting above commodities, on return.

NOTE: Applicant presently operates within the State of New York under authority of the Second Proviso of 206(a)(1). That authority would be canceled upon the granting of authority sought herein.

HEARING: September 12, 1962, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 98707 (Sub-No. 10), filed May 7, 1962. Applicant: MILES MOTOR TRANSPORT SYSTEM, P.O. Box 510, Stockton, Calif. Applicant's attorney: Marshall G. Berol, 100 Bush Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined by the Commission, Classes A and B explosives, liquid commodities in bulk, articles of unusual value, livestock, poultry, and unprocessed agricultural commodities (poultry and unprocessed agricultural commodities being excepted only when moving in mixed loads with other commodities not named in section 203(b)(6) of the Interstate Commerce Act), (1) between Los Angeles, Calif., and Ukiah, Calif., serving all intermediate points and the off-route points of Davenport, Antioch, and Watsonville, Calif., as follows: From Los Angeles over U.S. Highway 101 and alternate U.S. Highway 101 to junction of said highways near Montalvo, Calif., thence over U.S. Highway 101 to Ukiah, and return over the same route; (2) between Los Angeles, Calif., and Sacramento, Calif., serving all intermediate points and the offroute points of Lyoth, Lathrop, Davenport and Antioch, Calif., as follows: From Los Angeles over U.S. Highway 99 to Sacramento, and return over the same route; and (3) between Stockton, Calif., and San Francisco, Calif., serving all intermediate points and the off-route points of Lyoth, Lathrop, Davenport and Antioch, Calif., as follows: From Stockton over U.S. Highway 50 to San Francisco, and return over the same route.

NOTE: Applicant states that under its MC 98707 Sub 2 it presently holds authority to transport the commodities specified herein over the routes and between the points set forth in this application, but with limitations as to minimum weight of shipments to be transported, and that shipments shall move from one consignor to one consignee. This application seeks to remove the said two restrictions, i.e., as to minimum weight and movement from one consignor to one consignee. It does not seek authority to transport "any commodities over any route or between any points or service to any point not presently authorized under its Sub 2." Note further that applicant's two shareholders are also shareholders in Miles & Sons Trucking Service (MC-92806 and MC-F-6773).

HEARING: September 26, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner William E. Messer.

No. MC 103435 (Sub-No. 112), filed April 25, 1962. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, 900 East Omaha Street, Rapid City, S. Dak. Applicant's attorney: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Missouri, and Kansas.

HEARING: September 21, 1962, at The Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 103435 (Sub-No. 117), filed July 2, 1962. Applicant: UNITED BUCKINGHAM FREIGHT LINES, A corporation, E. 915 Springfield Street, Spokane 2, Wash. Applicant's attorney: George LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except

articles of unusual value, livestock, Classes A and B explosives, commodities in bulk, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467), (1) between Missoula and Helena, Mont., as follows: From Missoula over U.S. Highway 10 to its junction with U.S. Highway 10N at or near Garrison, Mont., and thence over U.S. Highway 10N to Helena, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; and (2) between Butte and Billings, Mont., over U.S. Highway 10, serving no intermediate points, as an alternate route for operating convenience only.

HEARING: September 7, 1962, at the Board of R.R. Commissioners, Helena, Mont., before Joint Board No. 82.

No. MC 105461 (Sub-No. 44), filed July 20, 1962. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum furniture, wooden furniture, wooden toys, and wooden gates, ironing tables, and clothes dryers* from Wellsville and Whitesville, N.Y., to points in Connecticut, Massachusetts, and Rhode Island.

HEARING: September 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 105813 (Sub-No. 69) (REPUBLICATION), filed May 29, 1962, published FEDERAL REGISTER issue of July 25, 1962, and republished this issue to show correct hearing date. Applicant: BELFORD TRUCKING CO., INC., 1299 NW. 23d Street, Miami 42, Fla. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C.

HEARING: Reassigned September 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks, along with No. MC 107107 Sub 217.

No. MC 107107 (Sub-No. 201), filed March 1, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Charleston, S.C., and Savannah, Ga., to points in Ohio.

HEARING: September 12, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William R. Tyers.

No. MC 107107 (Sub-No. 225), filed July 19, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes and potato products, frozen and unfrozen, cooked, uncooked and blanched*, from points in Nebraska (except Omaha and Lincoln) on the east of U.S. Highway 383 and 183 and points on and south of U.S. Highway 30 and Carthage, Mo., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Missouri, Arkansas, and Mississippi.

HEARING: September 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 107162 (Sub-No. 11), filed April 20, 1962. Applicant: NOBLE GRAHAM, Brimley, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mined rock*, (2) *lumber* (excluding plywood dimension stock and built-up wood), from points on the International Boundary Line between the United States and Canada at or near Sault Sainte Marie, Mich., and the Upper Peninsula of Michigan, to points in Michigan, and Wisconsin on and east of U.S. Highway 51, and Chicago, Ill.

HEARING: September 26, 1962, at the Federal Building, Lansing, Mich., before Examiner William R. Tyers.

No. MC 107515 (Sub-No. 401) (REPUBLICATION), filed May 27, 1962, published FEDERAL REGISTER issue of July 25, 1962, and republished this issue to show correct hearing date. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Grant Building, Atlanta, Ga.

HEARING: Reassigned September 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks, along with No. MC 107107 Sub-217.

No. MC 107643 (Sub-No. 59), filed May 11, 1962. Applicant: St. JOHNS MOTOR EXPRESS CO., a corporation, 7220 North Burlington Avenue, Portland, Oreg. Applicant's attorney: John G. McLaughlin, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals, plastics, ores and ore concentrates, glues, resins, industrial vegetable flours, dusts or powders, animal blood and meals, furafil*, and *petroleum additives and catalysts*, in bulk, (a) between points in Oregon, Washington, and Idaho; and (b) between points in Oregon, Washington, and Idaho, on the one hand, and, on the other, points in California.

HEARING: September 20, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before William E. Messer.

No. MC 108053 (Sub-No. 39) (REPUBLICATION), filed May 29, 1962, published FEDERAL REGISTER issue of July 25, 1962, and republished this issue to show correct hearing date. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 310, Fremont, Nebr. Applicant's attorney: Clarence D. Todd 1825 Jefferson Place NW., Washington 6, D.C.

HEARING: Reassigned September 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks, along with No. MC 107107 Sub-217.

No. MC 108207 (Sub-No. 95), filed June 11, 1962. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses* as defined by Commission, from Clovis, N. Mex., and points within five (5) miles thereof to points in Arizona and California.

HEARING: September 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 108586 (Sub-No. 53), filed March 28, 1962. Applicant: STEFFKE FREIGHT CO., a corporation, P.O. Box 990, Wausau, Wis. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 294, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Indiana, and Wisconsin.

HEARING: September 19, 1962, at The Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 109689 (Sub-No. 132), filed May 23, 1962. Applicant: W. S. HATCH COMPANY, a corporation, 643 South 800 West, Woods Cross, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, (1) from points in Utah to points in Washington and points in Multnomah County, Oregon, and (2) between points in Nevada on the one hand, and on the other, points in Oregon, Washington, and Montana.

NOTE: Restricted against liquid fertilizers and liquid fertilizer solutions from Geneva and Garfield, Utah, and points within 10 miles of each to points in Washington.

HEARING: September 26, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Alton R. Smith.

No. MC 109689 (Sub-No. 133), filed May 28, 1962. Applicant: W. S. HATCH COMPANY, a corporation, 643 South 800 West, Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, between points in California, Nevada, Arizona, and Utah.

NOTE: Applicant states that it holds some authority within the scope of this application, and duplicating authority is not being

requested. The above description is used to simplify the application.

HEARING: September 25, 1962, at The Utah Public Service Commission, Salt Lake City, Utah, before Examiner Alton R. Smith.

No. MC 110264 (Sub-No. 25), filed July 6, 1962. Applicant ALBUQUERQUE PHOENIX EXPRESS, INC., P.O. Box 404, Albuquerque, N. Mex. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as shown in Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Clovis, N. Mex., and points within five (5) miles thereof, to points in Arizona, California, El Paso, Tex., and Las Vegas, Nev.

HEARING: September 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 110625 (Sub-No. 4), filed May 28, 1962. Applicant: CLARENCE VOGT, doing business as VOGT TRANSFER & STORAGE CO., 63 East Idaho Avenue, Ontario, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and Classes A and B explosives), (1) between Ontario and Burns, Oreg., from Ontario over U.S. Highway 20 to Burns, and return over the same route, (2) between Burns and John Day, Oreg., from Burns over U.S. Highway 395 to John Day, and return over the same route, and (3) between John Day and Ontario, Oreg., from John Day over U.S. Highway 26 to Ontario, and return over the same route, serving all intermediate points on the highways named above and all offroute points in Malheur, Harney, and Grant Counties, Oreg., and points in Baker County, Oreg., south of the Burnt River.

HEARING: September 17, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 111434 (Sub-No. 39), filed May 4, 1962. Applicant: DON WARD, INC., P.O. Box 1488, Durango, Colo. Applicant's attorney: Peter J. Crouse, Equitable Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pozzolan*, in bulk, from Laramie, Wyo., to points in Colorado, points in Nebraska, on and west of U.S. Highway 83, and points in New Mexico, north of U.S. Highway 66, and *rejected shipments* of commodities specified above, on return.

NOTE: Common control may be involved.

HEARING: September 21, 1962, at The New Customs House, Denver, Colo., before Examiner Alton R. Smith.

No. MC 112020 (Sub-No. 161) (AMENDMENT), filed June 4, 1962, published FEDERAL REGISTER issue July 25, 1962, and republished as amended this issue. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Forth Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil and fish by-products*, in bulk, from points in Texas, Louisiana and Mississippi, to points in Alabama, Arkansas, Louisiana, Mississippi, Georgia, South Carolina, Tennessee, Oklahoma, Missouri, Illinois, Colorado, Iowa, Kentucky, Kansas, Nebraska, and Texas.

NOTE: The purpose of this republication is to add the origin state of Mississippi and the destination states of Colorado, Nebraska, Iowa, Kentucky, Tennessee, Mississippi, Alabama, Georgia, and South Carolina to the proposed authority previously sought.

HEARING: Remains as assigned September 20, 1962, at the Texas State Hotel, Houston, Tex., before Examiner Parks M. Low.

No. MC 112504 (Sub-No. 3), filed April 3, 1962. Applicant: LEO J. HANDY, P.O. Box 148, Heyburn, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from points in Camas, Cassia, Custer, Blaine and Minidoka Counties, Idaho, to points in Utah, Wyoming, and Colorado.

HEARING: September 14, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner William E. Messer.

No. MC 112553 (Sub-No. 1), filed April 16, 1962. Applicant: VAN'S TRANSPORTATION, INC., Vine and Webster Streets, Middletown, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel buildings*, knocked down and *fabricated metal products*, (1) between points within three (3) miles of Washington Court House, Ohio, on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Tennessee, Illinois, Wisconsin, Michigan, those in that part of Indiana north of a line beginning at the Ohio-Indiana state line and extending thence along Indiana Highway 37 to Indianapolis, Ind., and thence along U.S. Highway 40 to the Indiana-Illinois state line; those in that part of Pennsylvania east of U.S. Highway 15, and those in that part of West Virginia south of U.S. Highway 60, and the District of Columbia, and (2) from points in that part of Indiana on and south of a line beginning at the Ohio-Indiana state line and extending thence along Indiana Highway 37 to Indianapolis, Ind., and thence along U.S. Highway 40 to the Indiana-Illinois state line; those in that part of Pennsylvania on and west of U.S. Highway 15; those in that part of West Virginia on and north of U.S. Highway 60, and Kentucky to points within three (3) miles of Washington Court House, Ohio.

HEARING: September 10, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William R. Tyers.

No. MC 113434 (Sub-No. 8) (AMENDMENT), filed May 31, 1962, published FEDERAL REGISTER issue July 4, 1962, amended July 20, 1962, and republished as amended this issue. Applicant: GRABELL TRUCK LINE, INC., 679 Lincoln Avenue, P.O. Box 511, Holland, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cider vinegar stock*, and *vinegar and cider*, in bulk, from points in Kent County, Mich., to Chicago, Ill.

NOTE: The purpose of this republication is to add "in bulk" to the proposed transportation service.

HEARING: Remains as assigned September 14, 1962, at the Federal Building, Lansing, Michigan, before Joint Board No. 73.

No. MC 114045 (Sub-No. 95), filed July 18, 1962. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, from Clovis, N. Mex. to points in Connecticut, Delaware, District of Columbia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia.

HEARING: September 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 114364 (Sub-No. 64), filed April 20, 1962. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition lumber*, from Craig, McCurtain County, Okla., to points in Arizona, Colorado, Utah, and Wyoming.

NOTE: Applicant states that Craig, Okla., is within 10 miles of Broken Bow, Okla., and in MC-114364 (Sub-No. 52), it is authorized to transport lumber from Broken Bow, and points within 10 miles thereof, to points in Colorado and Wyoming. This application is filed due to the question as to whether the commodity "lumber" includes "composition lumber". Applicant further states that it is acquiring authority by purchase, which would authorize service between points in Colorado, New Mexico, Arizona, and Oklahoma. Common control may be involved (MC-F-6985).

HEARING: September 17, 1962, at the New Customs House, Denver, Colo., before Examiner Alton R. Smith.

No. MC 114569 (Sub-No. 50), filed May 1, 1962. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), beginning at the intersection of Pennsylvania Highways 14 and 325, thence over Pennsylvania Highways 325, 209, 125, 49010, 336 and 14 to the intersection of Pennsylvania Highway 14 and Pennsylvania Highway 325, including points within three (3) miles of the Borough of Tower City, Schuylkill County, Pa., on the one hand, and, on the other, Harrisburg, Lancaster, Pottsville, Sunbury, York, and the Townships of Hampden and Silver Springs, Cumberland County, Pa.

HEARING: September 26, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner A. Lane Cricher.

No. MC 114818 (Sub-No. 6). Applicant: BARTON TRUCK LINE, INC., 455 West Fourth South, Salt Lake City, Utah. Applicant's attorney: J. Reed Tuft, Attorney At Law, Suite 202 Newhouse Realty Building, 53 East 4th South, Salt Lake City 11, Utah. Assigned for hearing to determine whether the motor vehicle operations of Barton Truck Line, Inc. are and will be managed and operated in a common interest, management, and control with those of Bonanza Trucking Company, a multiple-State carrier holding Certificate No. MC 123594, and whether Barton Truck Line, Inc., is eligible to engage in operations in interstate or foreign commerce within the State of Utah under the second proviso of section 206(a)(1) of the Interstate Commerce Act.

HEARING: September 24, 1962, at The Utah Public Service Commission, Salt Lake City, Utah, before Examiner Alton R. Smith.

No. MC 118407 (Sub-No. 8), filed May 7, 1962. Applicant: NEBRASKA, ILLINOIS, COLORADO EXPRESS, INC., doing business as N.I.C.E., INC. and NATE'S TRUCK LINE, INC., 780 East 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, dairy products and articles distributed by meat packinghouses* as described in Appendix I to *Descriptions in Motor Carrier Certificates* 61 MCC 209, (except commodities in bulk in tank vehicles), from Denver and Colorado Springs, Colo., to points in Arizona, California, and Nevada.

HEARING: September 20, 1962, at the New Customs House, Denver, Colo., before Examiner Alton R. Smith.

No. MC 115331 (Sub-No. 28) (CORRECTION), filed June 28, 1962, published in FEDERAL REGISTER July 4, 1962, republished this issue as corrected. Applicant: TRUCK TRANSPORT, INC., Room 719 Buder Building, St. Louis, Mo. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. This republication is for the purpose of including among the commodities listed in (1) *"ammonium nitrate"* which was incorrectly published as two items, namely, *"ammonia, nitrate."*

HEARING: Remains as assigned August 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 118318 (Sub-No. 4), filed May 8, 1962. Applicant: IDA-CAL FREIGHT LINES, INC., 1798 Floral Avenue (P.O. Box 455), Twin Falls, Idaho. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, as described in paragraphs (a) and (c) of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Caldwell, Idaho, to San Francisco, San Jose, Santa Clara, Modesto, Stockton, Yuba City, San Diego, San Fernando, San Bernardino, El Monte, Riverside, Whittier, Fullerton, Pomona, Santa Ana, Calif., and points in the Los Angeles, Calif., Commercial Zone and the Los Angeles Harbor Commercial Zone.

NOTE: Applicant states it already has a certificate to transport fresh meat from Caldwell, Idaho, to San Francisco, San Jose, and Santa Clara, Calif. No duplicating authority is requested. Applicant further states "the controlling stockholder of applicant controls, through stock ownership, the operation of Ambrose Refrigerated Service which is a motor common carrier, principally of general commodities between Idaho Falls, Idaho, Butte, Mont., and intermediate points—Docket No. MC 118648 and Docket No. MC 118648 Sub 1."

HEARING: September 28, 1962, at the New Mint Building, 133 Herman Street, San Francisco, Calif., before Examiner William E. Messer.

No. MC 118330 (Sub-No. 3), filed June 19, 1962. Applicant: G. B. INVESTMENT INC., 356 Terminal Building, Phoenix, Ariz. Applicant's attorney: Marion R. Smoker, Suite 303, Luhrs Tower, Phoenix 3, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Frozen juices, frozen fruit pies, and frozen meat pies*, from Ontario, Torrance, and points in Los Angeles County, Calif., to Phoenix, Ariz., and *exempt commodities*, on return.

NOTE: Applicant states, the proposed service will be under continuing contract or contracts with Associated Grocers of Phoenix, Ariz., and Bashas' Markets of Arizona.

HEARING: October 2, 1962, at the Arizona Corporation Commission, Phoenix, Arizona, before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 119968 (Sub-No. 1), filed April 16, 1962. Applicant: A. J. WEIGAND, INC., 1008 North Tuscarawas Avenue, Dover, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sheet steel and sheet steel products*, from the site of Reeves Steel and Manufacturing Co. plant located near Dover, Ohio, to points in the District of Columbia, points in New Jersey, Peoria, Ill., points in that part of Maryland on and east of U.S. Highway 11, and points in that part of New York east of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pensylvania State Line, and (2) *machinery, equipment, materials, supplies and all other items commonly used in the manufacturing, sale, packing and shipping of sheet steel and sheet steel products*, from points in New York, Maryland, Pennsylvania, West Virginia, Kentucky, Michigan, Illinois, Indiana, New Jersey, and the District of Columbia, to the site of Reeves Steel and Manufacturing Company plant located near Dover, Ohio.

HEARING: September 11, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William R. Tyers.

No. MC 123061 (Sub-No. 10), filed May 24, 1962. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, 721 Continental Bank Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in packages, in bulk or in mixed shipments of packages and bulk, from Flux (Solar), Utah, to points in Washington and that part of Oregon west of Harney, Grant, and Umatilla Counties, and *exempt commodities*, on return.

HEARING: September 27, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Alton R. Smith.

No. MC 123061 (Sub-No. 11), filed May 24, 1962. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in packages, in bulk or in mixed shipments of packages and bulk, from Silsbee, Utah, to points in Idaho, Montana, Colorado, Wyoming, Nevada, Oregon, and Washington, and *exempt commodities*, on return.

HEARING: September 27, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Alton R. Smith.

No. MC 123061 (Sub-No. 12), filed May 24, 1962. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated wood trusses*, with steel braces therein known as "trusdecks" from Boise, Idaho, to points in Colorado and Wyoming, and *exempt commodities*, on return.

HEARING: September 28, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Alton R. Smith.

No. MC 124241, filed February 26, 1962. Applicant: REX WELLS AND RAY WELLS, a partnership, doing business as WELLS BROTHERS, 584 Sparks

Street, Twin Falls, Idaho. Applicant's attorney: Raymond D. Givens, Columbia Building, 500 Washington Street, P.O. Box 964, Boise, Idaho. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Meat* and *meat products*, (1) from Buhl, Idaho, to points in the Los Angeles, Calif., Commercial Zone; from Buhl over U.S. Highway 30 to junction U.S. Highway 93 near Twin Falls, Idaho; from Twin Falls to Wells, Nev., over U.S. Highway 93; over U.S. Highway 40 to Carlin, Nev.; over U.S. Highway 20 south to junction U.S. Highway 50; over U.S. Highway 50 to junction U.S. Highway 8A; over U.S. Highway 8A to junction U.S. Highway 6; over U.S. Highway 6 to Los Angeles, serving Lancaster, Calif., as an intermediate point, and (2) from Buhl, Idaho, to Sacramento and San Francisco, Calif.; from Buhl over U.S. Highway 30 to junction U.S. Highway 93 near Twin Falls, Idaho; from Twin Falls to Wells, Nev., over U.S. Highway 93; from Wells to Sacramento and San Francisco, over U.S. Highway 40, serving no intermediate points.

NOTE: Applicants state they propose to transport exempt commodities on return.

HEARING: September 13, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 175, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 124318 (Sub-No. 2), filed May 31, 1962. Applicant: M. J. MERLE & SONS, INC., 521 Riverside Avenue, Lyndhurst, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Excavating, loading, hauling, dumping, and spreading earth fill*, consisting in part of clay, sand, and gravel, between points in Connecticut, New Jersey, New York, and Pennsylvania, under individual contracts and agreements with persons, who operate in the business of constructing highways.

HEARING: September 17, 1962, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner A. Lane Cricher.

No. MC 124462, filed May 21, 1962. Applicant: RICHARD M. KORNER, 3380 North Pacific Highway, Medford, Oreg. Applicant's attorney: Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, when moving by wrecker-type equipment, (1) from points in Siskiyou and Del Norte Counties, Calif., to points in Oregon and Washington; and (2) from points in Jackson, Josephine, and Douglas Counties, Oreg., to points in California and Washington.

HEARING: September 19, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 5, or, if the Joint Board waives its right to participate before Examiner William E. Messer.

No. MC 124464, filed May 21, 1962. Applicant: LORIN A. WALDRON, 10 Jackson Street, Placerville, Calif. Applicant's representative: Pete H. Dawson, 1261 Drake Avenue, Burlingame, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from lumber mills located at points in California bounded by the following highways: Beginning at the Nevada-California State line, thence over California Highway 88 to junction California Highway 49, thence over California Highway 49 to junction California Highway 16; thence over California Highway 16 to junction alternate U.S. Highway 40; thence over alternate U.S. Highway 40 to junction U.S. Highway 395; thence over U.S. Highway 395 to Nevada-California State line; thence southward, along Nevada-California State line to California Highway 88, including points situated on the above named highways, to Sacramento, Stockton, Oakland, Placerville, Roseville, Bishop, Lone Pine, and San Francisco, Calif. (for shipment beyond in interstate or foreign commerce), and Carson City, Reno, Sparks, Eureka, Fallon, Minden, Las Vegas, and the site of the U.S. Atomic Energy Commission Base, located at Mercury, Nev. (Mercury is situated approximately five miles north of U.S. Highway 95 at a point sixty miles northwest of Las Vegas).

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificates MC 116445 and 116445 and Sub-1. If the authority sought herein is granted, then applicant desires to cancel the above numbered Certificates.

HEARING: September 18, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate before Examiner William E. Messer.

No. MC 124470, filed May 22, 1962. Applicant: GRAIN & FEED TRANSPORTATION COMPANY, INC., 738 Majestic Building, Denver, Colo. Applicant's attorney: Herbert M. Boyle, 738 Majestic Building, Denver 2, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal* and *soybean meal*, in bulk or in sacks, between Kansas City, Mo., Wichita and Emporia, Kans., and Lubbock, Tex., on the one hand, and on the other, points in El Paso, Rio Grande, Denver, Arapahoe, Jefferson, Adams, Boulder, Larimer, Weld, Morgan, Lincoln, Logan, Sedgwick, Washington, and Yuma Counties, Colo.

HEARING: September 19, 1962, at the New Customs House, Denver, Colo., before Examiner Alton R. Smith.

No. MC 124479, filed May 28, 1962. Applicant: RALPH W. SHRADER, doing business as, BAYSHORE AIR FREIGHT AND MESSENGER SERVICE, P.O. Box 122, Morganville, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk and commodities requiring special equipment) between Newark Airport, N.J., on the one hand, and on the other, points in Monmouth and Ocean Counties, N.J., and points in Middlesex County, N.J., south of the Raritan River and east of the New Jersey turnpike.

NOTE: Applicant states restricted to shipments having a prior or subsequent movement by air.

HEARING: September 19, 1962, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner A. Lane Cricher.

No. MC 124534, filed June 13, 1962. Applicant: LLOYD R. CULLENY, doing business as DYOLL DELIVERY SERVICE, 95 Jackson Avenue, Rockaway, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between New York International Airport, N.Y., La Guardia Airport, N.Y., and Newark Airport, N.J., on the one hand, and, on the other, points in Morris, Sussex, and Passaic Counties, N.J.

NOTE: Applicant states the proposed service will be restricted to shipments having a prior or subsequent movement by air.

HEARING: September 20, 1962, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark, New Jersey, before Examiner A. Lane Cricher.

No. MC 124544, filed June 18, 1962. Applicant: BOISE-WHITE TRUCK AND EQUIPMENT, INC., 212 South 15th Street, Boise, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled trucks, truck tractors, trailers, semitrailers* and *buses* loaded or empty, and *wrecked and disabled road grading equipment*, all weighing in excess of 6,500 pounds, and *trucks, truck tractors, trailers, semitrailers and buses*, when being transported as replacements for wrecked and disabled vehicles, in wrecker tow-away service, between Boise, Idaho, and points within 5 miles of Boise, on the one hand, and, on the other, points in Malheur, Harney, Grant, Baker, and Union counties, Oreg., and that portion of Elko, Eureka, Lander, Humboldt, and Pershing Counties, Nev., lying on and north of U.S. Highway 40 and Interstate Highway 80.

HEARING: September 12, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 260, or, if the Joint Board waives its right to participate before Examiner William E. Messer.

No. MC 124621, filed July 16, 1962. Applicant: CLEMENT RISBERG, doing business as RISBERG TRUCK SERVICE, 2339 Southeast Grand Avenue, Portland, Oreg. Applicant's attorney: John G. McLaughlin, Pacific Building,

Portland 4, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), between Portland, Oreg., on the one hand, and, on the other, the Fred Meyer, Inc., retail store located at Hazell Dell, Wash., approximately 1½ miles north of Vancouver, Wash.

NOTE: Applicant states service is to be performed for the account of Fred Meyer, Inc., *only*, and it is intended by applicant that any permit granted will be so restricted. Applicant further states that Clement Risberg is the major stockholder and President of Risberg Truck Line, a corporation, holding authority as a regular and irregular route common carrier in docket No. MC 28905 and subs thereof.

HEARING: September 24, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 327), filed May 23, 1962. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, 180 Boyden Avenue, Maplewood, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicles with passengers, as follows: (1) From Borough of Bronx, Bronx County, N.Y., over city streets to the New York International Airport, Borough of Queens, Queens County, N.Y., and return, serving all intermediate points; and (2) from Borough of Manhattan, New York County, N.Y., over city streets to the New York International Airport, Borough of Queens, Queens County, N.Y., and return, serving all intermediate points.

HEARING: September 13, 1962, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 43267 (Sub-No. 12), filed May 14, 1962. Applicant: MOHAWK COACH LINES, INC., 143 Liberty Street, Little Ferry, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers*, in the same vehicle with passengers, between New York, N.Y., and Babylon, N.Y., as follows: From New York City over New York Highway 24 (Long Island Expressway) in Nassau County, N.Y., to junction with access roads leading to Guinea Woods Road, thence over access roads to Guinea Woods Road, thence over Guinea Woods Road to its junction with Jericho Turnpike, thence over Jericho Turnpike to its junction with Mineola Boulevard, in Mineola, N.Y., thence over Mineola Boulevard to its junction with Franklin Avenue, thence over Franklin Avenue through Garden City, N.Y., to its junction with North Franklin Street, thence over North Franklin Street to its junction with New York Highway 24A in Hempstead, N.Y., thence over New York Highway 24A through East Meadow, Levittown, Plainedge and Farmingdale to its junction with New York Highway 110 in Suffolk County, N.Y., thence over New York Highway 110 to its junction with New York Highway 27A in Amityville, N.Y., thence over New York Highway 27A to Babylon, and return over the same route, serving all intermediate points.

NOTE: Applicant states that some of its officers and stockholders are officers and stockholders in Manhattan Transit Company and Westwood Transportation Lines, Inc.; "and therefore, to some extent there is common control."

HEARING: September 10, 1962, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 116611 (Sub-No. 2), filed July 17, 1962. Applicant: PAN AMERICAN MOTOR COACHES, a corporation, P.O. Box 1870, Harlingen, Tex. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Migrant workers* as defined in section 203(a)(23) of the Interstate Commerce Act, *and their baggage*, in the same vehicle, (1) between points in Texas, Louisiana, and Washington, (2) between points in Texas, Arizona, California, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, Delaware, New Jersey and Florida, and (3) between points in El Paso County, Tex., and points in Texas, Alabama, Arkansas, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Ohio, Oklahoma, Tennesesee, Wisconsin, Wyoming, Arizona, California, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, Delaware, New Jersey, Michigan, and New Mexico.

NOTE: Applicant holds common authority in MC 112157 and Subs thereunder; therefore, dual operations may be involved.

HEARING: September 27, 1962, at the Granado Hotel, San Antonio, Tex., before Examiner Parks M. Low.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 2998 (Sub-No. 25), filed July 12, 1962. Applicant: WOLVERINE EXPRESS, INC., 701 Erie Avenue, Muskegon, Mich. Applicant's representative: James F. Nolan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, articles in bulk, livestock, automobiles, and those requiring special equipment), between Scottville, Mich., and Clare, Mich.; from Scottville over U.S. Highway 10 to Clare, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations.

No. MC 58885 (Sub-No. 21), filed July 5, 1962. Applicant: ATLANTA MOTOR LINES, INC., 1268 Caroline Street, Atlanta, Ga. Applicant's attorney: Paul M. Daniell, 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Canton, Ga., and Chattanooga, Tenn., from Canton over Georgia Highway 20 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chattanooga, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

No. MC 66562 (Sub-No. 1905), filed July 5, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Railway Express Agency, Inc., Law Department, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, moving in express service, between junction U.S. Highway 219 and New York Highway 39 and Arcade, N.Y., over New York Highway 39, serving no intermediate points.

NOTE: Applicant states the proposed route is an extension of and will be operated in connection with its existing authorized operation in MC 66562 (Sub-No. 1275).

RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and shipments to be transported will be limited to those moving on a through bill of lading or express receipt covering in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air.

No. MC 95743 (Sub-No. 20), filed July 19, 1962. Applicant: WILLIAM FREDERICK MEHRING, doing business as, WILLIAM F. MEHRING, Post Office, Keymar, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed industrial lime and limestone*, in bulk, in dump and hopper vehicles from Le Gore, Md., to Washington, D.C.

No. MC 113410 (Sub-No. 37), filed July 20, 1962. Applicant: DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul 4, Minn. Applicant's attorneys: Leonard A. Jaskiewicz, and Ronald N. Cobert, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wrenshall, Minn., to Duluth, Minn., and that part of Minnesota on and east of U.S. Highway 53 between Duluth and the

Port of Entry on the International Boundary line between the United States and Canada at or near International Falls, Minn.

NOTE: Applicant states "joint control of applicant and Dahlen Transport of Iowa, Inc. approved in Docket MC-F-6554".

No. MC 113908 (Sub-No. 100), filed July 20, 1962. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, MPO Box 706, Springfield, Mo. Applicant's attorney: Turner White, 809 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brandy, wine, and rum*, in bulk, in tank vehicles, from Lake Alfred, Fla., to points in Pennsylvania.

No. MC 124626, filed July 19, 1962. Applicant: SMULOFSKY BROS., INC., 238 Junius Street, Brooklyn 12, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bags, brooms, aluminum foil and plates, plastic and wooden forks, knives and spoons, paper, paper goods, and incandescent and flash bulbs* between New York, N.Y., on the one hand, and, on the other, points in Fairfield County, Conn., and Bergen, Essex, Hudson, Union, Morris, Monmouth, Passaic, Somerset, and Middlesex Counties, N.J.

NOTE: Applicant states that proposed service is to be conducted under a continuing contract with Scheck Bros, Inc., Dahill, Road and Avenue I, Brooklyn, N.Y., exclusively.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIERS OF PASSENGERS

No. MC 12818, filed July 18, 1962. Applicant: PAUL LLOYD, doing business as PAUL LLOYD TOURS, 1660 North Oak Lane, Provo, Utah. For a license (BMC 5) to engage in operations as a *broker* at Provo, Utah, in arranging for transportation in interstate or foreign commerce of *passengers and their baggage* in the same vehicle, in special and charter, all expense tours, beginning and ending at Provo, Utah, and extending to points in the United States, including Ports of Entry on the International Boundary Lines between the United States and Mexico and the United States and Canada.

NOTICE OF FILING OF PETITIONS SEEKING MODIFICATION OF COMMODITY DESCRIPTIONS IN PERTINENT ACTIVE OPERATING AUTHORITIES HELD BY PETITIONERS

In a report on reconsideration, decided October 16, 1962, and served November 9, 1961, in the No. MC 109637 (Sub-No. 74), Southern Tank Lines, Inc., Extension—St. Bernard, Ohio, the Commission concluded generally that the commodity descriptions utilized in granting operating authority to motor carriers of liquid chemicals, including those prescribed in *Descriptions in Motor Carrier Certificates*, 61 M.C. 209, 766, and *Maxwell Co. Extension—Addyston*, 63 M.C.C. 677, should be revised for use in making future grants, and as a basis for modifying outstanding certificates and permits upon application of the holders thereof in accordance with approved procedure. The Commission found with respect to the commodity descriptions at issue, that the generic heading "liquid chemicals, in bulk, in tank vehicles," is a proper and reasonable commodity description for use in motor carrier operating authorities issued by the Commission; and that where such commodity description described is utilized, the following will be a reasonable and proper definition thereof for determining the commodities which are embraced in such description:

Liquid chemicals, as used in the foregoing commodity description are those substances or materials resulting from a chemical or physical change induced by processes employed in the chemical industry, including uniting, mixing, blending, and compounding.

The subject report provided: "All motor carriers holding certificates or permits authorizing the transportation in bulk, in tank vehicles, of 'liquid chemicals as defined in the *Maxwell* case', of 'Acids and chemicals as described in the *Descriptions* case', or of liquid chemicals under any other commodity description, are hereby notified that petitions will be entertained requesting the modification of such authorities to reflect the revised commodity description promulgated herein. Such petitions should refer to the specific authority which the carrier desires to have modified, and should contain a certification that there is, in fact, traffic available for the transportation from and to the points it is authorized to serve, and that its operations are not dormant. The petitions should be filed in the proceedings in which the authority held was granted, these petitions will be published in the FEDERAL REGISTER, and if no objections are filed thereto, they will be disposed of without extended further proceedings. If protests are received, a hearing may be required for their disposition; but, in such event, every effort will be made to conclude the proceedings promptly." The following petitions seeking modification of the pertinent operating authorities identified by number below have been received:

No. MC 64932 (Sub-Nos. 133, 152, 168, 169, 177, 178, 210, 211, and 269), filed July 5, 1962. Petitioner: ROGERS CARTAGE CO., a corporation, Chicago, Ill. Petitioner's attorneys: Axelrod, Goodman and Steiner, 39 South LaSalle Street, Chicago 3, Ill.

No. MC 103378 (Sub-No. 80), filed July 9, 1962. Petitioner: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Petitioner's attorney: Martin Sack, 500 Atlantic Bank Building, Jacksonville 2, Fla.

No. MC 109637 (Sub-Nos. 147 and 200), filed July 12, 1962. Petitioner: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Petitioner's representative: H. N. Nunnally (same address as petitioner).

No. MC 111401 (Sub-Nos. 56, 96, and 102), filed July 18, 1962. Petitioner: GROENDYKE TRANSPORT, INC., Enid, Okla. Petitioner's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Any person or persons desiring to participate in this proceeding may file replies to said petitioners (original and fourteen (14) copies each) within 30 days from the date of this publication in the FEDERAL REGISTER. In the event it is deemed necessary or desirable, informal conferences between our staff members and the tank truck carriers, and any other persons who may have an interest in the matter, can be arranged for the purpose of implementing the matter. Persons responding to this publication should specifically advise whether an informal conference is desired.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 2770 (Sub-No. 5), filed July 23, 1962. Applicant: SANBORN'S MOTOR EXPRESS, INC., Fore Street Road, Oxford, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Brewer, Maine, and Norcross, Maine; from Brewer over U.S. Highway 2, to its junction with Maine Highway 157, thence over Maine Highway 157 to its junction with Maine Highway 11, thence over Maine Highway 11 to Norcross, and return over the same route, serving all intermediate points and the off-route points of Grindstone and Millinocket Lake, Maine, (2) between Old Town, Maine, and Norcross, Maine; from Old Town over Maine Highway 16 to its junction with Maine Highway 11, thence over Maine Highway 11 to Norcross, and return over the same route, serving no intermediate points, and (3) between Augusta, Maine and Norcross, Maine; from Augusta over Interstate Highway 95 or U.S. Highway 201 to Waterville, Maine, thence over Maine Highway 11 to Newport, Maine, thence over Maine Highway 7 to Dover-Foxcroft, Maine, thence over Maine Highway 16 to Milo, Maine, thence over Maine Highway 11 to Norcross, and return over the same route, serving the intermediate point of Pittsfield, Maine, only.

NOTE: This application is directly related to section 5 application of Sanborn's Motor Express, Inc., to purchase property of Bemis Express, Inc., MC-F 8194 published this issue.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b), of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8160 (MORRIS MOTOR EXPRESS, INC.—PURCHASE—CHARLES WOLLENWEBER), published in the June 13, 1962 issue of the FEDERAL REGISTER on page 5645. Application filed July 24, 1962 for temporary authority under section 210a(b).

No. MC-F-8192. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., of the operating rights and certain property of BELNAP FREIGHT LINES, INC., 350 South First West Street, Salt Lake City, Utah, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., also of Menlo Park, Calif., of control of such rights and property through the purchase. Applicants' attorneys: Wood R. Worsley, 701 Continental Bank Building, Salt Lake City, Utah, Ronald E. Poelman, 175 Linfield Drive, Menlo Park, Calif., and Eugene T. Liipfert, 801 National Grange Building, 1616 H Street NW., Washington 6, D.C. Operating rights sought to be transferred: (A) *General commodities*, except livestock, Class A and B explosives, and liquids in bulk, as a *common carrier* over regular routes, between Los Angeles, Calif., and Kingman, Ariz., serving all intermediate points in California on U.S. Highway 66 between Los Angeles, Calif., and the California-Arizona State line, serving all points within 50 miles of Kingman, Ariz., and all points in Los Angeles County, Calif., as intermediate or off-route points, and serving the off-route points of Fullerton, Huntington Beach, and Santa Ana, Calif., and between Los Angeles, Calif., and Kingman, Ariz., serving the intermediate point of Las Vegas, Nev., restricted to tacking with the operating authority described in (B) below for the movement of traffic which has originated at or is destined to points beyond Nevada; serving all points within 50 miles of Kingman, Ariz., and all points in Los Angeles County, Calif., as intermediate or off-route points; and the off-route points of Fullerton, Huntington Beach, and Santa Ana, Calif. RESTRICTION: The authority granted herein above over the several routes between California points and Kingman, Ariz., shall not be construed as conferring more than one rights and such routes shall not be severable by sale or otherwise; (B) *general commodities*, excepting, among others, household goods and commodities in bulk, between Salt Lake City, Utah, and Boulder City, Nev., serving certain intermediate and off-route points, and between Kingman, Ariz., and Boulder City, Nev., serving all intermediate and certain off-route points; *mining machinery, supplies and equipment, ore and ore concentrates, and empty ore sacks*, between Salt Lake City, Utah, and Kingman, Ariz., serving certain intermediate and off-route points, and between Las Vegas, Nev., and Goodsprings, Nev., serving all intermediate and certain off-route points; *hides, pelts, wool, furs*, and *junk*, from Las Vegas, Nev., to Salt Lake City, Utah, serving no intermediate points; *building materials*, from Boulder City, Nev., to Chloride, Ariz., serving intermediate and off-route points within 12 miles of Chloride, Ariz., restricted to delivery. Vendee is authorized to operate as a *common carrier* in Utah, Idaho, Montana, North Dakota, Oregon, Washington, California, Nevada, Minnesota, Wisconsin, Illinois, Wyoming, Iowa, Arizona, Michigan, Pennsylvania, West Virginia, New Mexico, Colorado, Ohio, Indiana, South Dakota, Nebraska, Kansas, Louisiana, Texas, Kentucky, Missouri, Virginia, Maryland, Arkansas, Florida, New York, Tennessee, Georgia and Oklahoma. Application has been filed for temporary authority under section 210a (b).

No. MC-F-8193. Authority sought for merger into M. & G. CONVOY, INC., 590 Elk Street, Buffalo 10, N.Y., of the operating rights and property of HULBERT FORWARDING COMPANY, INC., 590 Elk Street, Buffalo 10, N.Y., and for acquisition by EDWARD J. HAND, 731 West Ferry Street, Buffalo 22, N.Y., of control of such rights and property through the transaction. Applicants' attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be merged: *Automobiles*, as a *common carrier* over irregular routes, through Pennsylvania, when necessary, with (a) no seasonal restriction, from Buffalo, N.Y., and Cleveland, Ohio, to Rome and Cooperstown, N.Y., points in New Hampshire, Massachusetts, Rhode Island, and Connecticut (other than those in Litchfield, New Haven, and Fairfield Counties), and those on New York Highway 5, and (b) during the season extending from the 10th day of December to the 1st day of April, inclusive, *automobiles*, from points in Macomb and Wayne Counties, Mich., to Rome and Cooperstown, N.Y., and points on New York Highway 5; *new automobiles, automobile bodies, automobile chassis* and *automobile parts and accessories* moving in connection therewith, *automobile show equipment and paraphernalia*, and *farm and garden tractors and parts and accessories thereof*, moving in connection therewith, during the seasons extending from the 10th day of December to the 1st day of April, inclusive, of each year in initial movements, in truckaway and driveaway service, from Willow Run in Washtenaw County, Mich., to Rome and Cooperstown, N.Y., and points in New York on New York Highway 5; *new automobiles*, by truckaway service, in secondary movements, from Buffalo, N.Y., and Cleveland, Ohio, to points in Litchfield, New Haven and Fairfield Counties, Conn., and those in Maine and Vermont; *new automobiles* and *new trucks*, by truckaway service, in initial movements, during the season of closed navigation on the Great Lakes, from points in Wayne County, Mich., to points in Litchfield, New Haven, and Fairfield Counties, Conn., and those in Maine and Vermont; *new trucks, new truck-tractors, new ambulances, new truck and bus chassis, and new station wagons*, in secondary movements, in truckaway and driveaway service, from Buffalo, N.Y., and Cleveland, Ohio, to Rome and Cooperstown, N.Y., points in Connecticut, New Hampshire, Maine, Vermont, Massachusetts, Rhode Island, and those on New York Highway 5, traversing Pennsylvania for operating convenience only. M. & G. CONCOY, INC., is authorized to operate as a *common carrier* in Michigan, Delaware, Maryland, New Jersey, Pennsylvania, Rhode Island, Maine, New York, Ohio, North Carolina, Virginia, New Hampshire, Massachusetts, Connecticut, Florida, Georgia, South Carolina, Vermont, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8194. Authority sought for purchase by SANBORN'S MOTOR EXPRESS, INC (mailing adress) Box 312, Norway, Maine, Fore Street Road, Oxford, Maine, of a portion of the operating rights and property of BEMIS EXPRESS, INC., 35 Market St., Bangor, Maine, and for acquisition by HOWARD L. SANBORN, DWIGHT L. SANBORN, both of 99 Pine Street, South Paris, Maine, and H. BLAINE SANBORN, 51 Pleasant Street, Norway, Maine, of control of such rights and property through the purchase. Applicants' attorneys: Merrill R. Bradford, 6 State Street, Bangor, Maine, and Mary E. Kelley, 10 Tremont Street, Boston, Mass. Operating rights sought to be transferred: *General commodities*, with no exceptions, as a *common carrier* over regular routes, between Bangor, Maine, and Castine, Maine, serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, between junction of Maine Highways 175 and 166 and Orland, Maine, and Brooklin, Maine, serving all intermediate and certain off-route points; a portion of the operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of Maine, covering the transportation of *general commodities*, excepting, among others, household goods and commodities in bulk, (A-1) Millinocket to Bangor-Brewer as follows: Between Millinocket and Winn including Millinocket, East Millinocket, Grindstone, Medway, Mattawamkeag, Winn, serving to and/or from all points, and from or to North Lincoln, Lincoln Center, Lincoln, South Lincoln, Howland, West Enfield, Passadumkeag, Olamon, Greenbush, Costigan, Milford, Great Works, Old Town, Webster, Orono, Basin Mills, Veazie, Bangor, Brewer, and East Hampden, serving with only such freight as is shipped from or destined to the points Millinocket to Winn as named above, (A-2) Lincoln to Bangor-Brewer as follows: between Lincoln, Lincoln Center, South Lincoln, and Basin Mills inclusive, serving to and/or from all points, and from or to Bangor, Brewer, East Hampden, South Brewer, Orono, Old Town, Milford, Costigan, Greenbush, Olamon, Passadumkeag, West Enfield, serving with only such freight as is shipped from or destined to South Lincoln, Lincoln, Lincoln Center, and Basin Mills, (A-3) Millinocket Lake and Norcross with shipments originating at or destined to points set forth in A-1 and A-2. Vendee is authorized to operate as a *common carrier* in Maine, New Hampshire, and Massachusetts. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-2770 Sub-5 is a matter directly related.

No. MC–F–8195. Authority sought for purchase by PRICHARD TRANSFER, INC., P.O. Box 690, Price, Utah, of a portion of the operating rights and certain property of ARNOLD A. WEISS, doing business as WEISS TRUCKING COMPANY, Rangley, Colorado, and for acquisition by BERT L. PRICHARD, Price, Utah, GUY LEGRANDE PRICHARD, Moab, Utah, and LEON K. PRICHARD, Vernal, Utah, of control of such rights through the purchase. Applicants' attorney: Fred L. Finlinson, Riter, Cowan, Finlinson & Daines, Suite 822 Kearns Building, Salt Lake City, Utah. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* except gilsonite used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, not including the stringing or picking up of pipe in connection with the construction or dismantling of pipe lines, as a *common carrier*, over irregular routes, between points in Garfield, Mesa, Moffat, and Rio Blanco Counties, Colo., on the one hand, and, on the other points in Utah, and between points in Utah; *machinery, materials, supplies, and equipment* incidental to, or used in, the the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Moffat, Rio Blanco, Mesa, and Garfield Counties, Colo., and between points in the counties named above, on the one hand, and, on the other, points in Colorado. Vendee is authorized to operate as a *common carrier* in Utah, and under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act, in the State of Utah. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8196. Authority sought for control by SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans., of DIRECT TRANSPORTS, INC., 801 East 17th Street, Kansas City 8, Mo., and for acquisition by JOSEPH E. GRINPAS, 1400 Kansas Ave., Kansas City, Kans., of control of DIRECT TRANSPORTS, INC., through the acquisition by SOUTHWEST FREIGHT LINES, INC. Applicants' attorneys: Lee Reeder and W. E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo., and R. G. May, 316 Security Bank Building, Sioux Falls, S. Dak. Operating rights sought to be controlled: *General commodities*, except money and jewelry, as a *common carrier* over regular routes, between Leon, Iowa, and St. Joseph, Mo., serving the intermediate points of Bethany, Mo., and those between Bethany, Mo., and Leon, Iowa, and the off-route point of Ridgeway, Mo., without restriction, and intermediate points between Bethany and St. Joseph, Mo., restricted to southbound traffic only, and between Leon, Iowa, and Des Moines, Iowa, serving all intermediate and certain off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, between Eagleville, Mo., and Kansas City, Kans., serving the intermediate points of Bethany, Pattonsburg, and Kansas City, Mo., and the off-route points of Ridgeway, New Hampton, and Civil Bend, Mo., without restriction, and intermediate and off-route points within 10 miles of Bethany (except Ridgeway, Mo.), restricted to pick-up of livestock, between Eagleville, Mo., and St. Joseph, Mo., serving certain intermediate and offroute points, between St. Joseph, Mo., and Albany, Mo., serving all intermediate points, between Albany, Mo., and McFall, Mo., serving all intermediate points, and between junction U.S. Highways 169 and 136 and Grant City, Mo., serving certain intermediate and off-route points; butter, from Ravenwood, Mo., to Kansas City, Mo., serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Decatur and Ringgold Counties, Iowa, on the one hand, and, on the other, Kansas City, Kans., St. Joseph and Kansas City, Mo., and points in Harrison, Mercer and Worth Counties, Mo., and between King City, Mo., and points within 10 miles thereof, on the one hand, and, on the other, points in Iowa, Kansas, and Nebraska; *candy*, in truckload lots, from St. Joseph, Mo., to points in Kansas; *coal*, from points in Putnam and Schuyler Counties, Mo., to points in Decatur County, Iowa; *emigrant movables*, between Bethany, Mo., and points within 10 miles thereof, on the one hand, and, on the other, points in Iowa, Kansas, and Illinois; *flour and seed*, from Beatrice, Crete, Wymore, and Nebraska City, Nebr., to Lamoni, Iowa, and Unionville, Princeton, Cainsville, and Ridgeway, Mo.; *household goods* as defined by the Commission, between points in Decatur and Ringgold Counties, Iowa, on the one hand, and, on the other, points in Missouri, and between St. Joseph, Mo., and points in Missouri within 30 miles of St. Joseph, on the one hand, and, on the other, points in Kansas. Carrier may combine two or more of the above-described irregular-route authorities provided the authorities have a point common to both to which the carrier may transport a given commodity under one authority and from which the carrier may transport the same commodity under the other, and establish through service under such combination provided in each instance the shipment is transported through the common or gateway point. SOUTHWEST FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Illinois, Kansas, Missouri, Iowa, Arkansas, Oklahoma, Nebraska, Colorado, Wyoming, Indiana, South Dakota, Texas, Kentucky, and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8197. Authority sought for control by CECIL A. PELTS, 2500 North 24th Avenue, Phoenix, Ariz., of B LINE TRANSPORTATION CO., INC., 2500 North 24th Avenue, Phoenix, Ariz. Applicants' attorney: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix 12, Ariz. Operating rights sought to be controlled: Operations under the Second Proviso of section 206(a) (1) of the Interstate Commerce Act, in the State of Arizona, covering the transportation of *freight, ore, mining machinery, houses and supplies*, in Bouse, Arizona, vicinity, and to include the territory in Yuma County, lying south of Williams in Santa Maria River, and from the junction of the latter river with the Colorado River on the West, thence East to the Yavapai County Line, thence South along the Western Line of Yavapai and Maricopa Counties to a point directly East of Deep Well, thence Westerly to the Colorado River. CECIL A. PELTS operates under the Second Proviso of section 206(a) (1) of the Interstate Commerce Act, in the State of Arizona. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8198. Authority sought for purchase by LIGHTNING EXPRESS, INC., 2701 Railroad Street, Pittsburgh 22, Pa., of a portion of the operating rights of CHARLES J. DICKMAN, JR., doing business as C. J. DICKMAN TRANSFER (ROBERT B. DICKMAN, EXECUTOR), 1715 Jacob Street, Wheeling, W. Va. Applicants' attorney and representative respectively: Henry M. Wick, Jr., Delisi and Wick, 1515 Park Building, Pittsburgh 22, Pa., and David L. Bennett, Methodist Building, Wheeling, West Virginia. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Brook, Marshall, and Ohio Counties, W. Va., and those in Ohio situated on Ohio Highway 7 between and including Steubenville and Shadyside, Ohio, on the one hand, and, on the other, points in that part of Pennsylvania, Ohio, and West Virginia within a territory bounded by a line beginning at Florence, Pa., and extending along U.S. Highway 22 to Smyrna, Ohio, thence along Ohio Highway 8 to Griffith, Ohio, thence along Ohio Highway 255 to Sardis, Ohio, thence along Ohio Highway 7 to Duffy, Ohio, thence across the Ohio River to New Martinsville, W. Va., thence along West Virginia Highway 7 to junction U.S. Highway 250, thence along U.S. Highway 250 to Hundred, W. Va., thence along West Virginia Highway 70 to the West Virginia-Pennsylvania State line, thence along Pennsylvania Highway 18 to Waynesburg, Pa., thence along U.S. Highway 19 to Washington, Pa., thence along Pennsylvania Highway 18 to point of beginning including points on the indicated portions of the highways specified; *corrugated and paper fibre boxes*, between points in Ohio County, W. Va., and those in Ohio, Pennsylvania, and West Virginia, within 75 miles of Wheeling, W. Va. Vendee is authorized to operate as a *common carrier* in Pennsylvania, West Virginia, and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8199. Authority sought for control and merger by M & M TANK LINES, INC., P.O. Box 4174, North Station, Winston Salem, N.C., of the operating rights and property of RELIABLE TRANSPORT, INCORPORATED, P.O. Box 2323, Raleigh, N.C., and for acquisition by S. H. MITCHELL, P.O. Box 612, Winston Salem, N.C., of control of such rights and property through the transaction. As a result of the merger, if approved, M & M TANK LINES, INC., would control RELIABLE TRANSPORT OF VIRGINIA, INCORPORATED, P.O. Box 2323, Raleigh, N.C., through stock ownership. Applicants' attorneys and representative respectively: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C., A. W. Flynn, Jr., Box 127, Greensboro, N.C., Vaughan S. Winborne, Capital Club Building, Raleigh, N.C., and Frank C. Philips, Box 612, Winston Salem, N.C. Operating rights sought to be controlled and merged: *Liquid petroleum products*, in tank trucks, as a *common carrier* over irregular routes, from Richmond, Va., and points within 10 miles of Richmond, to points in that part of North Carolina on and east of U.S. Highway 21; *petroleum gasoline*, in bulk, in tank vehicles, from Richmond, Va., to points in North Carolina on and west of U.S. Highway 21, and points in South Carolina on and west and north of U.S. Highway 1; *diesel fuel oil*, in bulk, in tank vehicles, from Cheatham Annex, Va., to Raleigh, N.C. RELIABLE TRANSPORT OF VIRGINIA, INCORPORATED, is authorized to operate as a *common carrier* over irregular routes liquid petroleum products, in tank trucks, from Norfolk, and Hopewell, Va., and Wilmington, N.C., and points within 10 miles of each, to points in that part of North Carolina on and east of U.S. Highway 21. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8200. Authority sought for purchase by R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville 1, Ind., of a portion of the operating rights of ECK MILLER CONTRACT CO., INC., 1125 Sweeney Street, Owensboro, Ky., and for acquisition by R. L. JEFFRIES, 3015 Hartig Avenue, Evansville, Ind., C. R. JEFFRIES, 4209 Jennings Lane, Evansville, Ind., and O. E. JEFFRIES, 2926 Hartig Avenue, Evansville, Ind., of control of such rights through the purchase. Applicants' attorney: Ernest A. Brooks II, 1311 Ambassador Building, St. Louis 1, Mo. Operating rights sought to be transferred: *Such commodities* as require the use of special equipment by reason of size or weight, but not including motor vehicles, as a *common carrier* over irregular routes, from points in Ohio, Indiana, Illinois, Missouri, Virginia, West Virginia, and the lower peninsula of Michigan to points in Indiana, and Kentucky within 150 miles of Owensboro, Kentucky, including Owensboro, and from points in Tennessee to points in Kentucky within 150 miles of Owensboro, Kentucky, including Owensboro, RESTRICTIONS: (1) The transportation service authorized above is restricted against the transportation of traffic moving between any two points both of which are in Indiana, and (2) the above specified authority may not be joined with any of the other authority granted herein for the purpose of rendering through service; *such commodities* as require the use of special equipment by reason of size or weight and *parts* thereof, when moving in connection therewith, from points in Illinois and Kentucky to points in Ohio, Indiana, Illinois, Missouri, Tennessee, Virginia, West Virginia, and the lower peninsula of Michigan, from points in Indiana to points in Indiana, Illinois, Virginia, and the lower peninsula of Michigan, and from points in Tennessee within 150 miles of Owensboro, Kentucky, to points in Indiana, Illinois, Missouri, Tennessee, and Virginia; *oil well and mine machinery, pipe, and supplies*, between points in Indiana, Illinois, and Kentucky on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Tennessee, Mississippi, and Georgia, between points in Tennessee within 200 miles of Owensboro, Kentucky, on the one hand, and, on the other points in Tennessee, Mississippi and Georgia, and between points within 35 miles of Owensboro, Kentucky on the one hand, and, on the other, points in West Virginia. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, Kentucky, Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–7558; Filed, July 31, 1962; 8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 27, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37847: *Fresh peaches to points in Michigan and Wisconsin.* Filed by O. W. South, Jr., Agent (No. A4213), for interested rail carriers. Rates on fresh peaches (not cold-packed nor frozen), in carloads, as described in the application, from points in southern territory, to points in Michigan and Wisconsin.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 38 to Southern Freight Association tariff I.C.C. S–75.

FSA No. 37848: *Asphalt to St. Peter, Minn.* Filed by Trans-Continental Freight Bureau, Agent (No. 390), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproducts of petroleum (other than paint, stain or varnish), in tank-car loads, subject to aggregate shipment of not less than 20 tank-car loads, from Billings, East Billings, Great Falls and Laurel, Mont., to St. Peter, Minn.

Grounds for relief: Carrier competition.

Tariff: Supplement 70 to Trans-Continental Freight Bureau tariff I.C.C. 1644.

FSA No. 37849: *Common lime to points in Louisiana.* Filed by Southwestern Freight Bureau, Agent (No. B–8241), for interested rail carriers. Rates on lime, common, hydrated, in bags in box cars, in carloads, from specified points in Arkansas, Missouri, Oklahoma, and Texas, to specified points in Louisiana.

Grounds for relief: Market competition.

Tariff: Supplement 93 to Southwestern Freight Bureau tariff I.C.C. 4021.

FSA No. 37850: *Brick or tile raw materials between points in southern territory.* Filed by O. W. South, Jr., Agent (No. A4212), for interested rail carriers. Rates on crude earth suitable only for use in the manufacture of brick or tile, as described in the application, in carloads, between points in southern territory, also Ohio and Mississippi River crossings, Virginia cities, and Washington, D.C.

Grounds for relief: Truck competition and short-line distance formula.

Tariff: Supplement 46 to Southern Freight Association tariff I.C.C. S–144.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–7555; Filed, July 31, 1962; 8:50 a.m.]

THE UNIVERSITY OF MICHIGAN

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VOLUME 27 NUMBER 149

Washington, Thursday, August 2, 1962

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UNITED STATES STATUTES AT LARGE

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

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Presidential Documents

Title 3—THE PRESIDENT

Memorandum of August 1, 1962

[AMENDMENT OF DETERMINATION OF OCTOBER 18, 1961, UNDER SECTION 604(a) OF THE FOREIGN ASSISTANCE ACT OF 1961]

Memorandum for the Administrator, Agency for International Development

THE WHITE HOUSE,
Washington, August 1, 1962.

The first sentence of the fifth paragraph of the memorandum of October 18, 1961 (26 F.R. 10543), is amended to read as follows:

Therefore, I hereby direct that funds made available under the Foreign Assistance Act of 1961 for non-military programs not be used for procurement from the following countries: Australia, Austria, Belgium, Canada, Denmark, France, Germany, Italy, Japan, Luxembourg, Monaco, Netherlands, New Zealand, Norway, South Africa, Spain, Sweden, Switzerland, and United Kingdom.

JOHN F. KENNEDY

[F.R. Doc. 62-7728; Filed, Aug. 1, 1962; 10:32 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Veterans Administration

Effective upon publication in the FEDERAL REGISTER, subparagraph (4) of paragraph (a) of § 6.322 is amended as set out below.

§ 6.322 Veterans Administration.

(a) *Office of the Administrator.* * * *

(4) Two Confidential Assistants to the Special Assistant to the Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7647; Filed, Aug. 1, 1962; 8:59 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 112—DOMINIC NUCLEAR TEST SERIES, 1962

Revocation of Definition

On July 31, 1962, the Department of Defense and the Atomic Energy Commission issued public notice of the temporary disestablishment of the Dominic nuclear test series danger area surrounding Johnston Island. The following amendment to Part 112 is issued to effect this temporary disestablishment.

Inasmuch as this action is intended to relieve from, rather than to impose restrictions under regulations currently in effect, the Atomic Energy Commission has found that general notice of proposed rule-making and public procedures thereon are unnecessary and that good cause exists why this amendment should be made effective without the customary period of notice.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d Session, the following amendment is published as a document subject to codification, to be effective upon filing with the Federal Register.

§ 112.3 [Amendment]

Section 112.3(a)(3) is hereby revoked.

(Sec. 161p, 72 Stat. 337; 42 U.S.C. 2201 (p). Interpret or apply secs. 2, 3, 91, 68 Stat. 921, as amended, 922, 936; 42 U.S.C. 2012, 2013, 2021)

Dated at Germantown, Md., this 31st day of July 1962.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 62-7726; Filed, Aug. 1, 1962; 10:18 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55677]

PART 6—AIR COMMERCE REGULATIONS

International Airports; Change in Official Name of Baudette Municipal Airport, Baudette, Minnesota

The official name of the Baudette Municipal Airport, Baudette, Minn., which is a designated international airport (airport of entry), was changed by the Village Council of the Village of Baudette on March 12, 1962, to "Baudette International Airport." Section 6.13 of the Customs regulations is amended by substituting the name "Baudette International Airport" for the name "Baudette Municipal Airport" opposite Baudette, Minn.

(R.S. 161, sec. 1109, 72 Stat. 799; 5 U.S.C. 22; 49 U.S.C. 1509.) (FM 192-36.31 H)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: July 25, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-7639; Filed, Aug. 1, 1962; 8:57 a.m.]

[T.D. 55678]

PART 6—AIR COMMERCE REGULATIONS

International Airports, Designation of Sloulin Field (Municipal), Williston, North Dakota, as an International Airport

Under the authority of section 1109(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1509(b)), the Sloulin Field (Municipal), Williston, N. Dak., is designated as an international airport (airport of entry) for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 101(33) of said Act (49 U.S.C. 1301 (33)), effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

The list of international airports in § 6.13 of the Customs regulations is amended to include the name and location of this airport.

Notice of the proposed designation of the Sloulin Field (Municipal), Williston, N. Dak., as an international airport was published in the FEDERAL REGISTER of June 28, 1962 (27 F.R. 6093), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No comments or arguments were received.

The designation of this airport is based upon a determination that a sufficient need exists to justify such action and the designation is made for the purpose of providing for convenient compliance with customs requirements. For these reasons, it is found desirable to make the international airport available to the public as soon as possible and to dispense with the delayed effective date provision of section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)).

(R.S. 161, sec. 1109, 72 Stat. 799; 5 U.S.C. 22; 49 U.S.C. 1509.) (FM 192-36.31 H)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: July 25, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-7640; Filed, Aug. 1, 1962; 8:58 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1157; Amdt. 1]

PART 50—AIRMAN AGENCY CERTIFICATES

PART 51—GROUND INSTRUCTOR RATING

PART 52—REPAIR STATION CERTIFICATES

PART 53—MECHANIC SCHOOL CERTIFICATES

PART 54—PARACHUTE LOFT CERTIFICATES AND RATINGS

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PART 145—REPAIR STATIONS [NEW]

PART 147—MECHANIC SCHOOLS [NEW]

PART 149—PARACHUTE LOFTS [NEW]

Schools and Other Certificated Agencies; Postponement of Effective Date

Subchapter H, "Schools and Other Certificated Agencies" [New], was pub-

lished in the FEDERAL REGISTER on July 13, 1962 (27 F.R. 6655) with an effective date of August 13, 1962.

It has now been determined that the publication and distribution of the new subchapter cannot be accomplished sufficiently in advance of its effective date to permit affected persons to become familiar with it before that date. Accordingly, the effective date of Subchapter H [New] and the recision of the parts on which it is based must be deferred.

As this amendment imposes no additional burden on any person, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecesary, and good cause exists for making this amendment effective in less than 30 days.

In view of the foregoing, the effective date of the amendment of Chapter I of Title 14 of the Code of Federal Regulations adding Subchapter H, "Schools and Other Certificated Agencies" [New], and deleting Parts 50, 51, 52, 53, and 54, published in the FEDERAL REGISTER on July 13, 1962 (27 F.R. 6655) is hereby changed from August 13, 1962 to September 17, 1962.

This amendment is effective August 2, 1962.

(Sec. 313(a), 314, 601, 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1427))

Issued in Washington, D.C., on July 30, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-7645; Filed, Aug. 1, 1962; 8:58 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-199]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways

On February 9, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1220) stating that the Federal Aviation Agency (FAA) proposed to realign low altitude VOR Federal airway No. 45 and its associated control areas from the Jackson, Mich., VORTAC via the intersection of the Jackson VORTAC 137° and the Waterville, Ohio, VORTAC 329° True radials to the Waterville, Ohio, VORTAC, and to redesignate low altitude VOR Federal airway No. 10 and its associated control areas from the Litchfield, Mich., VORTAC to the Carleton, Mich., VORTAC via the intersection of the Litchfield VORTAC 107° and the Carleton VORTAC 247° True radials.

The Air Transport Association of America (ATA) objected to the proposed redesignation of Victor 10 on the basis of additional mileage and circuity to facilitate airspace at the Bridgewater Intersection (the intersection of Victor 90 and the Salem VORTAC 227° radial), which may contain holding traffic a minimum amount of time and recommended two alternatives as follows:

(1) Utilize the Bridgewater Intersection as a feeder fix for both Willow Run and Detroit Metropolitan Airport arrivals and designate a transition from Bridgewater to Detroit Metropolitan Instrument Landing System course for Runway 3, left; or

(2) Do not alter Victor 10 as it is presently designated between Litchfield and Carleton and designate a south alternate to Victor 10 between Litchfield and Carleton for use when aircraft are holding or are expected to hold at Bridgewater Intersection.

The FAA has evaluated both of the counter proposals submitted by the ATA. This evaluation indicates that the use of the Bridgewater Intersection as a clearance limit fix for aircraft en route to Willow Run and Detroit Metropolitan Airports would increase the number of aircraft cleared to Bridgewater thereby increasing the number of altitudes utilized at that fix. This in turn would result in an increase in the number of delays and impose an additional communication burden on pilots and controllers for flights descending from higher altitudes from the fix to the airports. In addition, aircraft en route to Detroit Metropolitan Airport from the Bridgewater clearance limit fix would be required to cross the arrival path of aircraft en route to Willow Run Airport thereby establishing a point of convergence which is not desirable. In evaluating the second alternative recommendation, the FAA agrees with the ATA that the segment of Victor 10 between Litchfield and Dundee, Ohio, could be retained for use when aircraft are not executing holding procedures at the Bridgewater Intersection, and that Victor 10, as proposed in the Notice, could be used as an alternate route when the Bridgewater Intersection is in use for holding aircraft. Accordingly, action is taken herein to designate the airways proposed in the Notice except that the existing alignment of Victor 10 between the Litchfield VORTAC and the Carleton VORTAC will be retained and redesignated as an extension of VOR Federal airway No. 98, which is designated in part from the Carleton VORTAC to the Windsor, Ontairo, VOR. It should be noted that the proposed Victors 10 and 98 could not be used simultaneously without the use of radar due to less than the standard 15° separation at the Litchfield VOR.

The present description of V-45 contains reference to the exclusion of the airway airspace that overlaps Restricted Area R-109 (now R-5503). This restricted area and the airway airspace no longer conflict and action is taken herein to delete this exclusion.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 600.6045 (14 CFR 600.6045) is amended as follows:

(a) In the caption "and Tipton, Mich., to Saginaw, Mich.)." is deleted and "and Waterville, Ohio, to Saginaw, Mich.)." is substituted therefor.

(b) In the text "From the INT of the Litchfield, Mich., VORTAC 096° True and the Jackson VOR 131° True radials via the Jackson, Mich., VOR; Lansing, Mich., omnirange station; to the Saginaw, Mich., omnirange station. The portions of this airway which overlap the Wilmington Restricted Area (R-109) are excluded." is deleted and "From the Waterville, Ohio, VORTAC via the INT of the Waterville VORTAC 329° and the Jackson, Mich., VORTAC 137° radials; Jackson VORTAC; Lansing, Mich., VOR to the Saginaw, Mich., VOR." is substituted therefor.

2. In the caption of § 601.6045 (14 CFR 601.6045) "and Tipton, Mich., to Saginaw, Mich.)." is deleted and "and Waterville, Ohio, to Saginaw, Mich.)." is substituted therefor.

3. Section 600.6098 (14 CFR 600.6098) is amended as follows:

(a) In the caption "Carleton, Mich.," is deleted and "Litchfield, Mich.," is substituted therefor.

(b) In the text "Carleton, Mich., VORTAC via the" is deleted and "Litchfield, Mich., VORTAC via the INT of the Litchfield VORTAC 096° and the Carleton, Mich., VORTAC 247° radials; Carleton VORTAC;" is substituted therefor.

4. In the caption of § 601.6098 (14 CFR 601.6098) "(Carleton, Mich., to" is deleted and "(Litchfield, Mich., to" is substituted therefor.

5. In the text of § 600.6010 (14 CFR 600.6010) "Litchfield, Mich., VORTAC; INT of the Litchfield VORTAC 096° True and the Carleton, Mich., VORTAC 247° True radials; Carleton VORTAC;" is deleted and "Litchfield, Mich., VORTAC; INT of the Litchfield VORTAC 107° and the Carleton, Mich., VORTAC 247° radials; Carleton VORTAC;" is substituted therefor.

These amendments shall become effective 0001 e.s.t. September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 27, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7581; Filed, Aug. 1, 1962; 8:47 a.m.]

[Airspace Docket No. 62-CE-49]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2113 of the regulations of the Administrator is to alter the description of the Milwaukee, Wis., control zone.

The Milwaukee control zone is designated, in part, with reference to the Milwaukee radio range. The Federal Aviation Agency is proposing to convert this facility to a combined transcribed weather broadcast station and nondirectional radio beacon and cancel the General Mitchell Field, Milwaukee, Wis., radio range approach procedure which is no longer required. Therefore, action is taken herein to revoke the control zone extension based on the Milwaukee radio range.

Since the change effected by this amendment is less restrictive in nature than present requirements, and imposes no burden on any person, notice and public procedure hereon are unnecessary and it may be made effective September 20, 1962.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the text of § 601.2113 (14 CFR 601.2113) is amended to read:

Within a 5-mile radius of General Mitchell Field, Milwaukee, Wis. (latitude 42°56'51" N., longitude 87°53'58" W.), and within 2 miles either side of the Milwaukee ILS localizer S course extending from the 5-mile radius zone to 12 miles S. of the OM.

This amendment shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 27, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7578; Filed, Aug. 1, 1962; 8:46 a.m.]

[Airspace Docket No. 62-EA-56]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2299 of the regulations of the Administrator is to alter the description of the Limestone, Maine, control zone.

The Limestone control zone is designated, in part, with reference to the Presque Isle, Maine radio range. The Federal Aviation Agency is proposing to decommission this facility as it is no longer required for air traffic control purposes. Therefore, action is taken herein to substitute geographical coordinates for the Presque Isle radio range in the description of the Limestone control zone.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 601.2299 is amended to read as follows:

§ 601.2299 Limestone, Maine, control zone.

Within a 6-mile radius of Loring AFB (latitude 46°57'05" N., longitude 67°53'10" W.) Limestone, Maine, within 2 miles either side of a direct line extending between the Loring AFB and the Loring AFB VOR, and within 2 miles either side of a direct line between the Loring AFB and latitude 46°44'46" N., longitude 68°-04'01" W., excluding the portion which coincides with the Presque Isle, Maine, control zone and the portion outside the United States.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 27, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7579; Filed, Aug. 1, 1962; 8:46 a.m.]

[Airspace Docket No. 62-WA-85]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Alteration of Reporting Points

The purpose of these amendments to §§ 601.4101, 601.4201, and 601.4401 is to revoke and modify some existing reporting points and designate other reporting points.

Air traffic control requirements periodically change with regard to specific reporting points due to modifications to operating procedures or alterations to airway configurations. Recent changes of this nature obviate the requirement for the Fantail, Cortez, and Vanda low frequency intersections. They also require that the Lithonia and Southgate intersections be modified and the Blue Fin, Sailfish and Idaho intersections be designated. Therefore, action is taken herein to cancel, modify or designate, as appropriate, these reporting points.

Since these amendments are procedural in nature and do not involve the designation of airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 601.4101 (27 F.R. 5760) "Lithonia INT: The INT of the McDonough, Ga., 345° and the Atlanta, Ga., 053° radials; VOR Federal airway No. 5E, VOR Federal airway No. 51." is deleted and "Lithonia INT: The INT of the McDonough, Ga., 345° and the Atlanta, Ga., 053° radials; VOR Federal airway No. 5E, VOR Federal airway No. 51, VOR Federal airway No. 819." is substituted therefor.

2. In the text of § 601.4201 (27 F.R. 5765) "Fantail INT: The INT of the 187° bearing from the Key West, Fla., RR with latitude 24°00'00" N." and "Cortez INT: The INT of the 209° bearing from the Marathon, Fla., RBN with latitude 24°00'00" N." are deleted and "Blue Fin INT: The INT of the San Juan, P.R. radials.", "Sailfish INT: The INT of the San Juan, P.R. 333° and the Ramey AFB, P.R. 036° radials." and "Idaho INT: The INT of the Ramey AFB, P.R. 326° and the 012° bearing from the Mona Island, P.R. RBN." are added.

3. In the text of § 601.4401 (27 F.R. 5766) "Vanda INT: The INT of the 288° bearing from the Port Allen, Hawaii, RBN and longitude 161°15'00" W." and "Southgate INT: The INT of the Honolulu, Hawaii, 179° and the Molokai, Hawaii, 268° radials or a bearing of 241° from the Makapuu Point, Hawaii, RBN." are deleted and "Southgate INT: The INT of the Honolulu, Hawaii, 179° and the Molokai, Hawaii, 268° radials." is substituted therefor.

These amendments shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 27, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7580; Filed, Aug. 1, 1962; 8:46 a.m.]

[Reg. Docket No. 1287; Amdt. 280]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Peabody FM (Final)	BS-LFR	Direct	800	T-dn% C-dn* A-dn	300-1 600-1 800-2	300-1 600-1 800-2	200-½ 600-1½ 800-2

Radar vectoring authorized in accordance with approved patterns. All fixes may be supplemented by radar.
Procedure turn W side of crs, 031° Outbnd, 211° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 234°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mile after passing LFR, make a climbing left turn to 1500′ on E crs of Boston LFR to East Boston Int,# hold east 1-minute right turns, 283° Inbnd.
CAUTION: 370′ stack 1.2 mi SW of airport; 1349′ BWZ-TV tower 10.5 mi WSW of airport, and 505′ building 1.4 miles W of airport.
%Except where radar vectoring is used, and when weather is 1000-3 or below, departures from Runway 27 make left or right turn as soon as practicable, and departures from Runways 22 and 33 climb straight ahead to at least 1000′ prior to proceeding toward 1349′ WBZ-TV tower.
*800-1 required when circling west of the airport.
#East Boston Int: Int E crs Boston LFR and R-056 Whitman VOR.

City, Boston; State, Mass.; Airport Name, Logan International; Elev., 19′; Fac. Class., SABRAZ; Ident., BS; Procedure No. 1, Amdt. 7; Eff. Date, 11 Aug. 62; Sup. Amdt. No. 6; Dated, 23 Feb. 57

				T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1 800-2	200-½ 500-1½ 800-2

Procedure turn W side NW crs, 337° Outbnd, 157° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 144°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LFR, climb to 1600′ on SE crs within 10 miles, then reverse crs returning to MV LFR. Hold SE MV LFR, 1-minute, right turns, inbound crs 324.
NOTE: Night operations authorized on E-W and NW-SE runways only.

City, Millville; State, N.J.; Airport Name, Millville Municipal; Elev., 87′; Fac. Class., SBRAZ; Ident., MV; Procedure No. 1 Amdt. 7; Eff. Date, 11 Aug. 62; Sup. Amdt. No. 6; Dated, 8 July 61

PROCEDURE CANCELLED, EFFECTIVE JULY 26, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Pueblo; State, Colo.; Airport Name, Pueblo Memorial; Elev., 4725′; Fac. Class., SBRAZ; Ident., PUB; Procedure No. 1, Amdt. 1; Eff. Date, 3 Dec. 55; Sup. Amdt. No. Orig.

PROCEDURE CANCELLED, EFFECTIVE AUG. 11, 1962, OR UPON DECOMMISSIONING OF LFR.

City, Yuma; State, Ariz.; Airport Name, MCAAS/Municipal; Elev., 213′; Fac. Class., SBMRAZ; Ident., YUM; Procedure No. 1, Amdt. 6; Eff. Date, 4 July 59; Sup. Amdt. No. 5; Dated, 9 July 55

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Plattsburg VOR Causeway Int*	BT LOM BT LOM	Direct Direct	1500 1800	T-du C-dn S-dn-15 A-dn	300-1 600-1 600-1 800-2	300-1 600-1 600-1 800-2	200-½ 600-1½ 600-1 800-2

Radar transitions authorized in accordance with established minimum radar vectoring altitudes.
Procedure turn N side of crs, 326° Outbnd, 146° Inbnd, 1800′ within 10 miles. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 146°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing LOM, make climbing right turn to 2500′ and proceed direct to Burlington LOM. Hold NW of LOM, left turns, 1-minute pattern, 146° Inbnd.
NOTE: Southeastbound departures cross the BTV-VOR at 4000′ or above.
*Causeway Int.: Int PLB-VOR R-180 and NW crs ILS or brng 146° to LOM.

City, Burlington; State, Vt.; Airport Name, Municipal; Elev., 335′; Fac. Class., LOM; Ident., BT; Procedure No. 1, Amdt. 7; Eff. Date, 11 Aug. 62; Sup. Amdt. No. 6; Dated, 2 Sept. 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
TM-LFR OLM-VOR Burton Int Bayside Int Rosedale Int Vashon Int	GRF RBn GRF RBn GRF RBn GRF RBn GRF RBn GRF RBn	Direct Direct Direct Direct Direct Direct	2000 2000 2000 2000 2000 2000	T-dn C-dn A-dn	300-1 600-1 800-2	300-1 600-1 800-2	200-½ 600-1½ 800-2

Radar transitions and vectoring utilizing McChord RAPCON Radar or Gray AAF Radar authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000′ within 10 mi. NA beyond 10 mi.
Minimum altitude over GRF RBn on final approach crs, 1500′.
Crs and distance, GRF RBn to airport, 144°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing GRF RBn, turn left, climb to 2000′ direct to GRF RBn or, when directed by ATC, turn right, climb to 3000′ on crs 270° to R-020 OLM-VOR, thence direct to OLM-VOR.
NOTE: Authorized for military use only except by prior arrangement.
CAUTION: Restricted area 6.8 mi north of airport. 624′ MSL tower located 0.9 mi from approach end of Runway 14, 550′ MSL trees 0.8 mi from approach end of Runway 14, 385′ MSL tower 0.1 mi east of Runway 14/32.
Change: Deletes repeated course and distance information.

City, Fort Lewis; State, Wash.; Airport Name, Gray AAF; Elev., 301′; Fac. Class., MH; Ident., GRF; Procedure No. 1, Amdt. 5; Eff. Date, 11 Aug. 62; Sup. Amdt. No. 4; Dated, 14 July 62

				T-dn C-d C-n S-dn-13 A-dn	300-1 400-1 400-1½ 400-1 800-2	300-1 500-1 500-1½ 400-1 800-2	200-½ 500-1½ 500-1½ 400-1 800-2

Procedure turn N side of crs, 310° Outbnd, 130° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach 2100′.
Crs and distance, facility to airport, 130°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2500′ on 130° crs proceed to Grandby Int* and hold or, when directed by ATC, make left turn, climbing to 2400′ and proceed to LOM.
*Grandby Int: Int SE crs JLN ILS and SW crs SF-LFR.

City, Joplin; State, Mo.; Airport Name, Joplin Municipal; Elev., 980′; Fac. Class., LOM; Ident., JL; Procedure No. 1, Amdt. 5; Eff. Date, 11 Aug. 62; Sup. Amdt. No. 4; Dated, 20 Jan. 62

				T-dn C-dn S-dn-35 A-dn	300-1 600-1 600-1 800-2	300-1 600-1 600-1 800-2	200-½ 600-1½ 600-1 800-2

Procedure turn E side, 172° Outbnd, 352° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach, 1100′.
Crs and distance, facility to airport, 352°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing RBn, make right climbing turn to 2000′, return to MHT RBn, hold SE 1-minute right turns, 310° Inbnd.
NOTE: Facility must be monitored aurally during this procedure.
Facility owned and operated by State of New Hampshire.
Other change: Deletes transition from Concord LFR.

City, Manchester; State, N.H.; Airport Name, Grenier Field-Manchester Municipal; Elev., 233′; Fac. Class., MHW; Ident., MHT; Procedure No. 1, Amdt. 1; Eff. Date, 11 Aug. 62; Sup. Amdt. No. Orig.; Dated, 22 Feb. 58

Oklahoma City RBn Oklahoma City VOR Oklahoma City LOM Cashion Int Bethany Int Edmond Int	TWO RBn TWO RBn TWO RBn TWO RBn TWO RBn (Final) TWO RBn (Final)	Direct Direct Direct Direct Direct Direct	2500 2500 2400 2500 2300 2300	T-dn C-dn S-dn-17 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Radar transitions authorized in accordance with approved patterns.
Procedure turn W side crs, 350° Outbnd, 170° Inbnd, 2500′ within 10 mi. Beyond 10 mi NA. Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 170°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2400′ on 170° crs from TWO RBn within 20 mi or, when directed by ATC, turn right, climb to 2500′ direct to OKC-VOR or direct to OC-LFR.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers; Elev., 1284′; Fac. Class., MHW; Ident., TWO; Procedure No. 2, Amdt. 7; Eff. Date, 11 Aug. 62; Sup. Amdt. No. 6; Dated, 21 July 62

Billings Int Sparta Int* SGF VOR SF LFR	LOM LOM LOM LOM	Direct Direct Direct Direct	2700 2800 2700 2700	T-dn C-dn S-dn A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Procedure turn E side S crs, 195° Outbnd, 015° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 015°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 2500′ on crs 015°. Proceed to the SGF VOR.
*Sparta Int: Int R-139 SGF VOR and R-283 Dogwood VOR.

City, Springfield; State, Mo.; Airport Name, Springfield Municipal; Elev., 1267′; Fac. Class., LOM; Ident., SG; Procedure No. 1, Amdt. 2; Eff. date, 11 Aug. 62; Sup. Amdt. No. 1; Dated, 31 Dec. 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				A–dn	800–2	800–2	800–2

Radar transitions authorized in accordance with established minimum radar vectoring altitudes.
Procedure turn W side of crs, 213° Outbnd, 033° Inbnd, 2000′ within 10 mi. Nonstandard to avoid high terrain east.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 033°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing BTV–VOR, make a left climbing turn and return to BTV–VOR at 2200′. Hold SW on BTV–VOR R–213, 1-minute left turns.
NOTE: Southeast departures cross the BTV–VOR at 4000′ or above.

City, Burlington; State, Vt.; Airport Name, Burlington Municipal; Elev., 335′; Fac. Class., BVOR; Ident., BTV; Procedure No. 1, Amdt. 1; Eff. Date, 11 Aug. 62; Sup. Amdt. No. Orig.; Dated, 20 Sept. 58

				T–d	800–1	800–1	800–1
				C–d	800–2	800–2	800–2
				S–d	NA	NA	NA
				A–d	NA	NA	NA

Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 4600′ within 10 miles of PSK–VOR.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, 032°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing PSK–VOR, make a right (South) climbing turn and return to PSK–VOR at 4600′. Hold SW PSK–VOR R–212, 032° crs, 1-minute right turns.
NOTE: Runway lights not installed.

City, Dublin; State, Va.; Airport Name, New River Valley; Elev., 2105′; Fac. Class., BVOR; Ident., PSK; Procedure No. 1, Amdt. 2; Eff. Date, 11 Aug. 62; Sup. Amdt. No. 1; Dated, 31 Mar. 62

				T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				S–dn–35	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 157° Outbnd, 337° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 337°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing MHT–VOR, make right climbing turn to 2000′, return to MHT–VOR, hold SE on R–132, 1-minute right turns, 312° Inbnd.
Other change: Deletes transition from Concord LFR.

City, Manchester; State, N.H.; Airport Name, Grenier Field-Manchester Municipal; Elev., 233′; Fac. Class., BVOR; Ident., MHT; Procedure No. 1, Amdt. 1; Eff. Date, 11 Aug. 62; Sup. Amdt. No. Orig.; Dated, 26 Dec. 59

Quincy RBN	UIN–VOR	Direct	1900	T–dn	300–1	300–1	200–½
				C–d	500–1	500–1	500–1½
				C–n	500–2	500–2	500–2
				S–d–3	500–1	500–1	500–1
				S–n–3	500–2	500–2	500–2
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 209° Outbnd, 029° Inbnd, 1900 within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 029°—6.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing VOR, climb to 1900′ on R–029 from Quincy VOR within 20 mi.
CAUTION: 1560′ tower located 6.0 miles WNW of airport.

City, Quincy; State, Ill.; Airport Name, Quincy-Municipal, Baldwin Field; Elev., 769′; Fac. Class., BVORTAC; Ident UIN; Procedure No. 1, Amdt. 2; Eff. Date, 11 Aug. 62; Sup. Amdt. No. 1; Dated, 30 June 54

Cotton Int#	MGR–VOR	Direct	1600	T–dn	300–1	300–1	200–½
				C–dn	1000–3	1000–3	1000–3
				A–dn*	NA	NA	NA

Procedure turn W side of crs, 018° Outbnd, 198° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 198°—11.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing MGR–VOR, make left turn, climb to 1500′ on R–090 within 20 miles and contact Valdosta Approach Control.
NOTES: Aircraft will not enter IFR conditions without prior approval of ATC. Pilot will close IFR flight plan with Valdosta Approach Control or Valdosta, Ga. FSS when reaching VFR conditions on approach and will proceed VFR from contact point (6 mi after passing MGR–VOR) to airport.
*No weather available to public. Alternate minima NA.
#Cotton Int: Int ABY–VOR R–151 and MGR–VOR R–270.

City, Thomasville; State, Ga.; Airport Name, Municipal; Elev., 264′; Fac. Class., LBVOR; Ident., MGR; Procedure No. 1, Amdt. 1; Eff. Date, 11 Aug. 62; Sup. Amdt. No. Orig.; Dated, 7 July 62

				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–17	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 347° Outbnd, 167° Inbnd, 3000 within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 167°—6.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing YUM–VOR, climb to 2000′ on R–167 within 15 miles of VOR.
Change: Deletes transition from Yuma LFR.

City, Yuma; State, Ariz.; Airport Name, MCAAS/Yuma County; Elev., 213′; Fac. Class., BVOR; Ident., YUM; Procedure No. 1, Amdt. 5; Eff. Date, 11 Aug. 62; Sup. Amdt. No. 4; Dated, 4 July 59

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PWE–VOR	BIE–VOR	Direct	2700	T–dn	300–1		
O'Dell Int	BIE–VOR	Direct	2900	C–dn	600–1		
				S–dn–13	600–1		
				A–dn	NA		

Procedure turn W side of crs, 310° Outbnd, 130° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1960′.
Crs and distance, breakoff point to Runway 14, 133°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished execute climbing left turn to 3000′. Return to BIE–VOR. Hold on R–310, 1-minute pattern, all turns to the right.
CAUTION: 1688′ MSL tower 5.5 mi NE of airport. 1590′ MSL tower 3.2 mi SSW of airport. 1585′ MSL tower 3.5 mi SE of airport. 1508′ MSL tower 3.0 mi SSW of airport.
NOTES: 1. Facility monitored Category III 2100 to 0600. 2. Final approach from holding pattern at VOR not authorized, procedure turn required.

City, Beatrice; State, Nebr.; Airport Name, Municipal; Elev., 1318′; Fac. Class., VOR (State-owned); Ident., BIE; Procedure No. TerVOR–13, Amdt. 2; Eff. Date, 11 Aug. 62; Sup. Amdt. No. 1; Dated, 28 Oct. 61

				T–dn	300–1	300–1	200–½
				C–dn*	500–1	500–1	500–1½
				S–dn–4*	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn S side of crs, 225° Outbnd, 045° Inbnd, 1500′ within 10 mi of LOM.
Minimum altitude over facility on final approach crs, 526′. Maintain at least 900′ until abeam Norfolk LOM.
Crs and distance, breakoff point to approach end of runway, 044°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished, turn right and climb to 1500′ on R–228 ORF–VOR within 10 miles.
*If Norfolk LOM not received, minimums of 900–1 apply.

City, Norfolk; State, Va.; Airport Name, Norfolk Municipal; Elev., 26′; Fac. Class., BVORTAC; Ident., ORF; Procedure No. TerVOR–4, Amdt. 4; Eff. Date, 11 Aug. 62; Sup. Amdt. No. 3; Dated, 22 Apr. 61

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
20-mile DME Fix R–078	16-mile DME Fix R–078	Direct	7000	T–dn*	300–1	300–1	200–½
16-mile DME Fix R–078	10-mile DME Fix R–078	Direct	5300	C–dn	400–1	500–1	500–1½
10-mile DME Fix R–078	4.6-mile DME Fix R–078	Direct	4000	S–dn–27	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 080° Outbnd, 260° Inbnd, 5300′ between 6 miles and 16 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.6 mile-DME Fix R–078, climb to 5300′ on R–250 within 10 miles.
NOTE: When authorized by ATC, DME may be used within 20 miles at 7000′ to position aircraft for straight-in approach with the elimination of procedure turn.
*Takeoff below 300–1 prohibited on all runways except 9–27.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3606′; Fac. Class., BVORTAC; Ident., BIL; Procedure No. VOR/DME No. 2, Amdt. 1; Eff. Date, 11 Aug. 62; Sup. Amdt. No. Orig.; Dated, 7 July 62

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Plattsburgh VOR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Causeway Int*	LOM (Final)	Direct	1800	C-dn	500–1	600–1	600–1½
				S-dn-15#	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2

Radar transitions authorized in accordance with established minimum radar vectoring altitudes.
Procedure turn N side NW crs, 226° Outbnd, 146° Inbnd, 1800′ within 10 miles. Nonstandard due to terrain.
Minimum altitude at glide slope intercept inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM 1755′—4.9 mi, at MM 600′—0.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing right turn to 2500′ and proceed direct to Burlington LOM. Hold NW of LOM on Burlington ILS localizer course, left turns, 1-minute pattern, 146° Inbnd.
NOTE: Southeastbound departures cross the BTV-VOR at 4000′ or above.
#400–1 required with glide slope inoperative.
*Int PLB R-180 and NW crs ILS or brng 146° to LOM.

City, Burlington; State, Vt.; Airport Name, Municipal; Elev., 335′; Fac. Class., ILS; Ident., I-BTV; Procedure No. ILS-15, Amdt. 6; Eff. Date, 11 Aug. 62; Sup. Amdt. No. 5; Dated, 12 Aug. 61

Grandby Int*	LOM	Direct	2500	T-dn	300–1	300–1	200–½
				C-d	400–1	500–1	500–1½
				C-n	400–1½	500–1½	500–1½
				S-dn-18	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2

Procedure turn N side NW crs, 310° Outbnd, 130° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope int inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at LOM, 2122′—3.8 mi; at LMM, 1158′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on SE crs ILS, proceed to Grandby Int* and hold or, when directed by ATC, make left turn, climbing to 2400′ and proceed to LOM.
*Grandby Int: Int SE crs JLN landing and SW ILS crs SF-LFR.

City, Joplin; State Mo.; Airport Name, Joplin Municipal; Elev., 980′; Fac. Class., ILS; Ident., I-JLN; Procedure No. ILS-13, Amdt. 5; Eff. Date, 11 Aug. 62; Sup. Amdt. No. 4; Dated, 20 Jan. 62

Grandby Int*	Webb City Int# (Final)	Direct	1800	T-dn	300–1	300–1	300–1
LOM	Webb City Int#	Direct	2700	C-dn	500–1½	500–1½	500–1½
				S-dn-31	500–1½	500–1½	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side of SE crs, 130° Outbnd, 310° Inbnd, 2300′ within 10 miles of Webb City Int.#
No glide slope. Minimum altitude over Webb City Int# on final approach crs, 1800′.
Crs and distance, Webb City Int# to airport, 310°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Webb City Int,# climb to 3100′ on the NW crs of JLN localizer to JL LOM and hold.
NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
Other change: Deletes transition from Int NW crs ILS and E crs CU-LFR.
*Grandby Int: Int SE crs JLN ILS and SW crs SF-LFR.
#Webb City Int: Int EOS-VOR R-351 and SE crs JLN localizer.

City, Joplin; State, Mo.; Airport Name, Joplin Municipal; Elev., 980′; Fac. Class., ILS; Ident., I-JLN; Procedure No. ILS-31, Amdt. 5; Eff. Date, 11 Aug. 62; Sup. Amdt. No. 4; Dated, 14 July 62

MAF VOR	LOM	Direct	4500	T-dn	300–1	300–1	*200–½
Goldsmith Int	LOM (Final)	Direct	4500	C-dn	400–1	500–1	500–1½
Pipe Line Int	LOM	Direct	5000	S-dn-10	200–½	200–½	200–½
Mustang Int	LOM	Direct	5000	A-dn	600–2	600–2	600–2

Procedure turn S side of W crs, 283° Outbnd, 103° Inbnd, 4500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope intercept inbnd, 4500′.
Altitude of glide slope and distance to approach end of runway at OM, 4500′—6.1 mi; at MM, 3055′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 4500′ on the ILS E crs within 20 miles.
CAUTION: 4049′ msl TV tower 9.5 mi NW and 3356′ msl tower 5.5 mi NE of airport.
*300–1 required Runways 16L and 34R. Glide slope angle 2°30′.

City, Midland; State, Tex.; Airport Name, Midland Air Terminal; Elev., 2867′; Fac. Class., ILS; Ident, I-MAF; Procedure No. ILS-10, Amdt. Orig.; Eff. Date, 11 Aug. 62, or upon completion of all components

Norfolk VOR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-4	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn S side SW crs, 225° Outbnd, 045° Inbnd, 1500′ within 5 mi of LOM.
Minimum altitude at glide slope int inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at OM 1050′—3.6 mi, at MM 220′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1000′ on crs of 045°, then right climbing turn to 1500′, return to OM.
Other change: Deletes transition from Int SW crs ILS and S crs Langley LFR.

City, Norfolk; State, Va.; Airport Name, Norfolk; Elev., 26′; Fac. Class., ILS; Ident., I-ORF; Procedure No. ILS-4, Amdt. 7; Eff. Date, 11 Aug. 62; Sup. Amdt. No. 6; Dated, 22 Oct. 60

These procedures shall become effective on the dates specified therein.
(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 6, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-6825; Filed, Aug. 1, 1962; 8:45 a.m.]

[Reg. Docket No. 1292; Amdt. 281]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE AUG. 18, 1962, OR UPON DECOMMISSIONING OF LFR.

City, Bridgeport; State, Conn.; Airport Name, Bridgeport; Elev., 9′; Fac. Class., MRLWZ; Ident., BDR; Procedure No. 1, Amdt. 9; Eff. Date, 9 July 60; Sup. Amdt. No. 8; Dated, 7 Nov. 59

PROCEDURE CANCELLED, EFFECTIVE AUG. 18, 1962, OR UPON DECOMMISSIONING OF LFR.

City, Bridgeport; State, Conn.; Airport Name, Bridgeport Airport; Elev., 9′; Fac. Class., MRLWZ; Ident., BDR; Procedure No. 2*, Amdt. Orig.; Eff. Date, 29 Sept. 56

Burlington VOR	BR-LFR	Direct	1900	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Radar transitions authorized in accordance with established minimum radar vectoring altitudes.
Procedure turn W side NW crs, 349° Outbnd, 169° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 155°—1.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing BR-LFR, make climbing right turn to 3000′ and proceed direct to the BR-LFR. Hold NW, right turns, 1-minute pattern, 169° Inbnd.
CAUTION: Antenna towers 525′ and 635′ 1.7 mi West of airport.
NOTE: Southeastbound departures cross the BTV-VOR at 4000′ or above.

City, Burlington; State, Vt.; Airport Name, Municipal; Elev., 335′; Fac. Class., SABRAZ; Ident., BR; Procedure No. 1, Amdt. 11; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 10; Dated, 21 Apr. 62

PROCEDURE CANCELLED, EFFECTIVE AUG. 18, 1962, OR UPON DECOMMISSIONING OF LFR.

City, Jackson; State, Miss.; Airport Name, Hawkins Field; Elev., 343′; Fac. Class., SBRAZ; Ident., JAN; Procedure No. 1, Amdt. 10; Eff. Date, 14 June 58; Sup. Amdt. No. 9; Dated, 13 June 54

PROCEDURE CANCELLED, EFFECTIVE AUG. 18, 1962, OR UPON DECOMMISSIONING OF LFR.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 980′; Fac. Class., SBRAZ; Ident., TS; Procedure No. 1, Amdt. 13; Eff. Date, 29 Apr. 61; Sup. Amdt. No. 12; Dated, 21 Jan. 61

PROCEDURE CANCELLED, EFFECTIVE AUG. 18, 1962.

City, Lansing; State, Mich.; Airport Name, Capital City; Elev., 859′; Fac. Class., SBMRAZ; Ident., LAN; Procedure No. 1, Amdt. 10; Eff. Date, 21 Feb. 59; Sup. Amdt. No. 9; Dated, 3 Dec. 58

PROCEDURE CANCELLED, EFFECTIVE AUG. 18, 1962, OR UPON DECOMMISSIONING OF BRIDGEPORT LFR.

City, New Haven; State, Conn.; Airport Name, Municipal; Elev. 15′; Fac. Class., MRLWZ; Ident., BDR; Procedure No. 1, Amdt. 1; Eff. Date, 4 June 60; Sup. Amdt. No. Orig.; Dated, 23 June 56

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
BHM VOR	BHM RBn	Direct	2500	T–dn	300–1	300–1	*200–½
Trussville Int	BHM RBn	Direct	2500	C–dn	900–1	900–1	900–1½
Bessemer Int	BHM RBn	Direct	2800	A–dn	1000–2	1000–2	1000–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn West side of crs, 358° Outbnd, 178° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 178°—2.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 mi after passing RBn, climb to 3000′ on 178° mag. brng from BHM RBn within 20 miles or, when directed by ATC, climb to 3000′, turn left, proceed direct to ROE RBn. Hold NE, 1-minute, right turns.
AIR CARRIER NOTE: No reduction in minimums authorized.
CAUTION: 1902′ MSL Tower 4 miles SSW of airport.
*Runway 5/23 only.

City, Birmingham; State, Ala.; Airport Name, Municipal; Elev., 643′; Fac. Class., NDB; Ident., BM; Procedure No. 3, Amdt. Orig; Eff. Date, 18 Aug. 62

BLH VOR	BLH RBn	Direct	3100	T–d	500–1	500–1	500–1
				T–n	800–2	800–2	800–2
				C–dn	1100–2	1100–2	1100–2
				A–dn	1100–2	1100–2	1100–2

Procedure turn West side of crs, 165° Outbnd, 345° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 256°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of BLH RBn make 180° left turn, climb via the 166° brng from the BLH RBn to 8000′ within 20 mi.
CAUTION: 1160′ msl terrain 2.0 miles WNW of airport, rising rapidly to 3100′.
NOTE: Provisions for reduction in visibility minimums not authorized.

City, Blythe; State, Calif.; Airport Name, Municipal, Elev., 397′; Fac. Class., SABH; Ident., BLH; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Aug. 62, or upon commissioning of facility

Wolcottsville Int	LOM (Final)	Direct	1500	T–dn	300–1	300–1	200–½
Buffalo VOR	LOM	Direct	1900	C–dn	400–1	500–1	500–1½
Buffalo MHW	LOM	Direct	2000	S–dn–23	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn North side of crs, 062° Outbnd, 232° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 232°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, climb to 2000′ on 232° crs from LOM within 10 miles, make left turn direct to BU LOM. Hold on BU LOM, 1-minute right turns. 232° Inbnd.

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Elev., 711′; Fac. Class., LOM; Ident., BU; Procedure No. 1, Amdt. 3; Eff. Date, 18 Aug. 62; Sup Amdt. No. 2 Dated, 7 July 62

APE VOR	CMH RBn	Direct	2500	T–dn	300–1	300–1	200–1
				C–dn	500–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn North* side of crs, 257° Outbnd, 077° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 070°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mile after passing CMH "H" fac. climb straight ahead to 2500′ and proceed direct to CM LOM and hold East, 1-minute, right turn.
*Nonstandard procedure turn due to traffic.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816′; Fac. Class., SABH; Ident., CMH; Procedure No. 4, Amdt. Orig.; Eff. Date, 18 Aug. 62 or upon conversion to RBn

PROCEDURE CANCELLED, EFFECTIVE AUG. 18, 1962, OR UPON DECOMMISSIONING OF XTO RBN.

City, East Hampton; State, N.Y., Airport Name, East Hampton; Elev., 55′; Fac. Class., HW; Ident., XTO; Procedure No. 1, Amdt. Orig.; Eff. Date. 31 Mar. 62

Jackson VOR	Jackson RBn	Direct	1700	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn West side of crs, 356° Outbnd, 176° Inbnd, 1700′ within 10 mi.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 182°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing RBn, turn left, climb to 1800′ on 088° crs from JN RBn within 20 miles or, when directed by ATC, climb to 2000′ on 179° crs from JN RBn within 20 miles.
CAUTION: Tower 1051′ msl located 3.4 miles SW of airport.

City, Jackson; State, Miss.; Airport Name, Hawkins Field; Elev., 343′; Fac. Class., NDB; Ident., JN; Procedure No. 2, Amdt. Orig; Eff. Date, 18 Aug. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Knoxville RBn	LOM	Direct	2300	T–dn	300–1	300–1	200–½
Rasar Int	LOM	Direct	3700	C–d	500–1	500–1	500–1½
Loudon Int	LOM	Direct	2300	C–n	500–1½	500–1½	500–1½
TYS VOR	LOM	Direct	2400	S–dn–4L	400–1	400–1	400–1
Tallassee Int	LOM	Direct	2300	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side SW crs, 225° Outbnd, 045° Inbnd, 2700′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 045°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, climb on mag heading 045° until intercepting 070° mag brng from TS RBn. Continue climb to 3000′ on 070° mag brng from TS RBn within 20 miles or, when directed by ATC, turn left, climb to 3000′ on 350° mag brng from TS RBn within 20 miles, or climb to 3000′ on R–069 TYS–VOR within 20 miles.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989′; Fac. Class., LOM; Ident., TY; Procedure No. 1, Amdt. 19; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 18; Dated, 31 Dec. 60

				T–d	300–1	300–1	NA
				C–d	600–1	600–1	NA
				S–d	NA	NA	NA
				A–d	NA	NA	NA

Procedure turn NW side of crs, 040° Outbnd, 220° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 220°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing Lancaster MHW, climb on crs 220° to 1500′ within 10 mi., then make climbing left turn to 2300′ and proceed direct to the MHW. Hold NE 1-minute right turns, 220° Inbnd.
NOTE: No tower Unicom available 122.8 mc. ATC communications with Harrisburg approach control.

City, Lancaster; State, Pa.; Airport Name, Garden Spot Airpark; Elev., 423′; Fac. Class., MHW; Ident., LRP; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Aug. 62

PROCEDURE CANCELLED, EFFECTIVE AUG. 18, 1962, OR UPON RELOCATION OF LOM AT RBN SITE.

City, Midland; State, Tex.; Airport Name, Midland-Air Terminal; Elev., 2867′; Fac. Class., LOM; Ident., MA; Procedure No. 1, Amdt. 12; Eff. Date, 30 June 62; Sup. Amdt. No. 11; Dated, 25 Nov. 61

PROCEDURE CANCELLED, EFFECTIVE AUG. 18, 1962, OR UPON DECOMMISSIONING OF RBN.

City, Midland; State, Tex.; Airport Name, Midland Air Terminal; Elev., 2867′; Fac. Class., MHW; Ident., MDL; Procedure No. 2, Amdt. Orig.; Eff. Date, 28 Apr. 62

MAF VOR	LOM	Direct	4500	T–dn	300–1	300–1	*200–½
Goldsmith Int	LOM (Final)	Direct	4500	C–dn	400–1	500–1	500–1½
Pipe Line Int	LOM	Direct	5000	S–dn–10	400–1	400–1	400–1
Mustang Int	LOM	Direct	5000	A–dn	800–2	800–2	800–2

Procedure turn South side of crs, 283° Outbnd, 103° Inbnd, 4500′ within 10 mi.
Minimum altitude over facility on final approach crs, 4500′.
Crs and distance, facility to airport, 103°—6.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing LOM, climb to 4500′ on brng 103° from LOM within 20 mi.
CAUTION: 4049′ msl TV tower 9.5 mi NW, and 3356′ msl tower 5.5 mi NE of Midland Airport.
*300–1 required for takeoffs on Runways 16L and 34R.

City, Midland; State, Tex.; Airport Name, Midland Air Terminal; Elev., 2867′; Fac. Class., LOM; Ident., MA; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Aug. 62 or upon commissioning of LOM

NAS–VOR	LOM	Direct	1500	T–dn	300–1	300–1	200–½
PNS–RBn	LOM	Direct	1500	C–dn	400–1	500–1	500–1½
Gonzales Int	LOM (Final)	Direct	1300	S–dn–16	400–1	400–1	400–1
Harold Int	LOM	Direct	1400	A–dn	800–2	800–2	800–2
Elberta Int	LOM	Direct	1400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn* E side N crs, 343° Outbnd, 163° Inbnd, 1300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 163°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1200′ on crs of 163° from the LOM within 10 miles or, when directed by ATC, climb to 1200′ on crs of 100° from the Pensacola RBn within 15 miles.
CAUTION: Warning area 10 mi S of PNS range.
AIR CARRIER NOTE: Sliding scale not applicable for landings on Runways 8 and 12.
*Nonstandard due control area limits.

City, Pensacola; State, Fla.; Airport Name, Municipal; Elev., 121; Fac. Class., LOM; Ident., PN; Procedure No. 1, Amdt. 6; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 5; Dated, 13 Aug. 60

Cedarwood Int	LOM	Direct	8000	T–dn	300–1	300–1	*200–1½
PUB VOR	LOM	Direct	6800	C–d	800–1	800–1	800–1½
Midway Int	LOM	Direct	6800	C–n	800–2	800–2	800–2
Hanover "II"	LOM	Direct	7300	A–dn	800–2	800–2	800–2
Valley Int**	LOM	Direct	7000				

Procedure turn North side of crs, 255° Outbnd, 075° Inbnd, 6800′ within 10 mi of LOM. (All turns North side of crs, high terrain to South.)
Minimum altitude over facility on final approach crs, 5600′.
Crs and distance, facility to airport, 075°—6.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing LOM, climb to 6000′ on crs 075° within 20 miles or, when directed by ATC, right climbing turn and climb to 7000′ on PUB VOR R–163 within 15 mi.
CAUTION: 5119′ msl radio tower 4.6 mi WNW of Runway 7.
*300–1 required for takeoff Runways 26 and 35.
**Valley Int: Int R–216 PUB–VOR, R–300 Tobe VOR and R–170 COS–VOR.

City, Pueblo; State, Colo.; Airport Name, Memorial; Elev., 4725′; Fac. Class., LOM; Ident., PU; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Aug. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Fishers Int	LOM	Direct	2000	T-dn	300–1	300–1	200–½
Rochester VOR	LOM	Direct	2000	C-dn	500–1	600–1	600–1½
Marion Int	LOM	Direct	2000	A-dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn N side of E crs 097° Outbnd, 277° Inbnd, 2000′ within 10 mi of LOM.
Minimum altitude over facility on final approach crs, 1500′; over MM, 1300′.
Crs and distance, facility to airport 277°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 2000′ on 277° brng from LOM. Turn left, return to LOM at 2000′. Hold at LOM. Right turn 1-minute pattern 097° Inbnd.
Other change: Deletes transition from Rush VHF Int.

City, Rochester; State, N.Y.; Airport Name, Rochester-Monroe County; Elev., 560′; Fac. Class., LOM; Ident., RO; Procedure No.1, Amdt. 10; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 9; Dated, 23 Sept. 61

SI-LFR	LOM	Direct	2000	T-dn	200–1	300–1	200–½
SPI-VOR	LOM	Direct	2000	C-dn	400–1	500–1	500–1½
Waverly Int	LOM	Direct	2000	S-dn-4	400–1	400–1	400–1
Dawson Int	LOM	Direct	2800	A-dn	800–2	800–2	800–2
Tallula Int	LOM	Direct	2000				

Procedure turn South side of crs, 218° Outbnd, 038° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 038°—5.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing LOM, make left turn, climb to 2200′ and proceed to SPI LOM.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 593′; Fac. Class., LOM; Ident., SP; Procedure No. 1, Amdt. 6; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 5; Dated, 23 Apr. 60

Coweta Int	LOM	Direct	2500	T-dn	200–1	300–1	#200–½
TUL VOR	LOM	Direct	2400	C-dn	400–1	500–1	500–1½
Haskell Int	LOM	Direct	2500	S-dn-35R	400–1	400–1	400–1
Glenpool Int	LOM	Direct	2400	A-dn	800–2	800–2	800–2
Stebbins Int	LOM	Direct	2500				
OKM VOR	LOM (Final)	Direct	2500				

Radar vectoring authorized in accordance with approved procedures.
Procedure turn E side S crs, 174° Outbnd, 354° Inbnd, 2400′ within 10 miles.
Minimum altitude over LOM inbnd final 1900′.
Crs and distance, facility to airport 354°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM climb to 1900′ on crs 354° within 20 miles, or when directed by ATC, climb to 2000′ on R-035 TUL VOR within 20 mi.
Other change: Deletes caution note.
#300–1 required on Runways 3L, 21R, 17R, 35L.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674′; Fac. Class., LOM; Ident., TU; Procedure No. 1, Amdt. 9; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 8; Dated, 4 Feb. 61

Stebbins Int	OWS–RBn	Direct	2200	T-dn	300–1	300–1	*200–½
Watova Int	OWS–RBn	Direct	2200	C-dn	400–1	500–1	500–1½
Big Cabin Int	OWS–RBn	Direct	2200	S-dn-17L	400–1	400–1	400–1
Tulsa VOR	OWS–RBn	Direct	2200	A-dn	800–2	800–2	800–2
Will Rogers Int	OWS–RBn	Direct	2200				
Murnan Int	OWS–RBn (Final)	Direct	2200				
Ramona Int	OWS–RBn (Final)	Direct	2200				

Radar vectoring authorized in accordance with approved procedures.
Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 2000′ within 10 miles.
Minimum altitude over OWS RBn on final approach crs, 1900′.
Bearing and distance, OWS RBn to Runway 17L, 174°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing OWS RBn, climb to 2200′ on S crs 174° from OWS RBn within 20 miles.
*300–1 required on Runways 3L, 21R, 17R, and 35L.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674′; Fac. Class., MHW; Ident., OWS; Procedure No. 2, Amdt. 4; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 3; Dated, 7 Jan. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
MYR-VOR	Skipper Int* (Final)	Direct	700	T-dn	300–1	300–1	200–½
				C-d	700–1	700–1	700–1½
				C-n	700–2	700–2	700–2
				S-d-5	700–1	700–1	700–1
				S-n-5	700–2	700–2	700–2
				A-dn#	800–2	800–2	800–2
				If aircraft equipped with VOR and ADF receivers operating normally and Skipper Int* received, the following minimums are authorized:			
				C-dn	400–1	500–1	500–1½
				S-dn-5	400–1	400–1	400–1

Procedure turn West side of crs, 241° Outbnd, 061° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′; over Skipper Int, 700′.
Crs and distance, facility to airport, 061°—9.2 mi; Skipper Int* to airport, 061°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing Skipper Int* or 9.2 miles after passing MYR-VOR, climb to 1500′ on R-056 of MYR-VOR or, when directed by ATC, turn left, climb to 1500′ and proceed to MYR-VOR via MYR R-061.
NOTE: Procedure may be authorized for air carriers having approval of their arrangement for communications and weather service at this airport.
*Skipper Int: Int MYR-VOR R-061 and 123° crs from MTL "H".
#Alternate usage authorized for air carrier only.

City, Crescent Beach; State, S.C.; Airport Name, Crescent Beach/Myrtle Beach; Elev., 33′; Fac. Class., BVOR; Ident., MYR; Procedure No. 1, Amdt. 3; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 2; Dated, 7 July 62

MJ-LFR	MKG-VOR	Direct	2000	T-dn#	500–1	500–1	500–1
MKG LOM	MKG-VOR	Direct	2000	C-dn	1000–2	1000–2	1000–2
				A-dn	NA	NA	NA
				The following minimums are authorized for aircraft capable of receiving VOR and ILS or ADF simultaneously and Spring Int* identified:			
				C-d	700–1	700–1	700–1½
				C-n	700–2	700–2	700–2

Procedure turn North side of crs, 042° Outbnd, 222° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 2200′; over Spring Int,* 1600′.
Crs and distance, facility to airport, 222°—10.7 mi; Spring Int* to airport, 222°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.7 miles after passing MKG-VOR or 4.6 miles after passing Spring Int,* make climbing right turn to 2000′ and proceed direct to MKG-VOR or, when directed by ATC, climb to 2000′ on MKG-VOR R-222 and proceed to Bullfrog Int via MKG-VOR R-222 and PMM-VOR R-336.
CAUTION: Rapid rising terrain 960′ msl 1.2 mi W&W of airport.
*Spring Int: Int MKG-VOR R-222 and SE crs MKG-VOR localizer or 137° brng from MK LOM.
#For takeoffs on Runways 18 and 27, climb to 1300′ msl before proceeding Southwestbound.

City, Grand Haven; State, Mich.; Airport Name, Grand Haven Memorial Airpark; Elev., 604′; Fac. Class., BVORTAC; Ident., MKG; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Aug. 62

Sylvan Int	HGR VOR	Direct	3100	T-dn	300–1	300–1	200–½
THS VOR	HGR VOR	Direct	3500	C-dn*	400–1	500–1	500–1½
MBR VOR	HGR VOR	Direct	3100	S-dn-9	400–1	400–1	400–1
				A-dn	NA	NA	NA

Procedure turn S side of crs, 246° Outbnd, 066° Inbnd, 3100′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 091°—5.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 mi after passing VOR, make climbing left turn to 3100′ and return to HGR VOR. Hold SW, 1-minute right turns, inbnd crs 066°.
*Circling approaches to Runway 2/20 authorized during daylight hours only.

City, Hagerstown; State, Md.; Airport Name, Hagerstown Municipal; Elev., 704′; Fac. Class., VOR; Ident., HGR; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Aug. 62

Armstrong Int	HRL VOR	Direct	1600	T-dn	300–1	300–1	NA
Armstrong Int	Lasara Int#	Direct	2000	C-dn	400–1	500–1	NA
McAllen VOR	HRL VOR	Direct	1600	S-dn-17	400–1	400–1	NA
McAllen VOR	Lasara Int#	Direct	1600	A-dn	800–2	800–2	NA
Lasara#	Lyford Int** (Final)	Direct	800				

Procedure turn West side of crs, 310° Outbnd, 130° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 148°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing VOR, climb to 1600′ on R-148 HRL VOR, then turn left direct to HRL VOR, maintain 1600′ on R-310 HRL VOR within 20 miles.
CAUTION: 853′ msl TV tower 4.6 mi and 1049′ msl TV tower 5.5 mi SW of airport.
NOTE: Pilots using this approach shall, as soon as practicable, advise ATC when contact or executing a missed approach.
#Lasara Int: Int HRL VOR R-310 and MFE VOR R-035.
**Lyford Int: Int HRL VOR R-310 and MFE VOR R-050.

City, Harlingen; State, Tex.; Airport Name, Harlingen Municipal (Richards Field); Elev., 45′; Fac. Class., BVOR; Ident., HRL; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Aug. 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Jackson RBn	JAN-VOR	Direct	1700	T-dn	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn W side crs, 009° Outbnd, 189° Inbnd, 1500' within 10 mi.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 189°—10.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing JAN-VOR, climb to 2100' on R-189 within 20 miles or, when directed by ATC, turn left, climb to 2000' on R-090 within 20 miles.

City, Jackson; State, Miss.; Airport Name, Hawkins; Elev., 343'; Fac. Class., BVORTAC; Ident., JAN; Procedure No. 1, Amdt. 2; Eff. Date, 18 Aug. 62; Sup Amdt. No. 1; Dated, 28 May 60

TS-LFR	TYS-VOR	Direct	3100	T-dn	300-1	300-1	200-½
				C-d	800-1	800-1	800-1½
				C-n	800-1½	800-1½	800-1½
				S-dn-22R	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2
				If aircraft has operating VOR and ADF receivers and Rockford Int* is received, following minimums authorized:			
				C-d	600-1	600-1	600-1½
				C-n	600-1½	600-1½	600-1½
				S-dn-22R	500-1	500-1	500-1

Radar vectoring authroized in accordance with approved patterns.
Procedure turn E side of crs, 042° Outbnd, 222° Inbnd, 3100' within 10 miles.
Minimum altitude over facility on final approach crs, 2500': over Rockford Int,* 1800'.
Crs and distance, facility to airport, 222°—6.6 mi; Rockford Int* to airport, 222°—2.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 miles after passing TYS-VOR, turn right, climb to 3000' on R-248 TYS-VOR within 20 miles or, when directed by ATC, climb to 3000' on 225° mag brng from LOM within 15 miles.
*Rockford Int: Int R-222 TYS-VOR and 281° brng to TS RBn.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989'; Fac. Class., H-BVORTAC; Ident., TYS; Procedure No. 1, Amdt. 2; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 1; Dated, 24 Mar. 62

				T-d	300-1	300-1	NA
				C-d	700-1	700-1	NA
				S-d	NA	NA	NA
				A-d	NA	NA	NA

Procedure turn N side of crs, 053° Outbnd, 233° Inbnd, 2400' within 10 mi.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 233°—7.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.2 miles after passing LRP-VOR, climb on crs 233° to 1500' within 10 mi. Then make climbing left turn to 2400' and proceed direct to VOR. Hold north 1-minute right turns, 233° Inbnd.
NOTE: No tower. Unicom available 122.8 mc. ATC communications with Harrisburg approach control.

City, Lancaster; State, Pa.; Airport Name, Garden Spot Airport; Elev., 423'; Fac. Class., BVOR; Ident., LRP; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Aug. 62

PROCEDURE CANCELLED, EFFECTIVE AUGUST 18, 1962.

City, Lansing; State, Mich; Airport Name, Capital City; Elev., 859'; Fac. Class., BVOR; Ident., LAN; Procedure No. 2, Amdt. 2; Eff. Date, 11 Apr. 59; Sup. Amdt. No. 1; Dated, 7 Mar. 59

				T-dn*	300-1	300-1	200-½
				C-dn	600-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

Radar transitions authorized by Burlington Radar in accordance with established radar vectoring altitudes.
Procedure turn N side of crs, 048° Outbnd, 228° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 228°—8.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing PLB-VOR, make a left climbing turn and return to Plattsburgh VOR at 1600'. Hold NE of PLB-VOR on R-048, 1-minute right turns.
*300-1 required for takeoff Runway 1.

City, Plattsburgh; State, N.Y.; Airport Name, Municipal; Elev., 371'; Fac. Class., BVOR; Ident., PLB; Procedure No. 1, Amdt. 6; Eff. Date, 18 Aug 62; Sup. Amdt. No.5; Dated, 2 July 60

Springfield LFR	SPI-VOR	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
Broadwell Int	SPI-VOR	Direct	1900	S-dn-22	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 036° Outbnd, 216° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 216°—8.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing SPI-VOR, make right turn, climb to 2100' and proceed to SPI-VOR.
NOTE: Final approach from holding pattern at VOR not authorized. Procedure turn required.
Other change: Deletes transition from Int R-156 PIA-VOR and R-036 SPI-VOR.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 593'; Fac. Class., BVOR; Ident., SPI; Procedure No. 1, Amdt. 7; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 6; Dated 16 Apr. 60

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
OWS RBn	TUL-VOR	Direct	2200	T-dn	300-1	300-1	*200-½
Inola Int (Final)	TUL-VOR	Direct	1900	C-dn	500-1	500-1	500-1½
Haskell Int	TUL-VOR	Direct	2200	S-dn-26	500-1	500-1	500-1
Will Rogers Int (Final)	TUL-VOR	Direct	2000	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with current procedures.
Procedure turn N side of crs, 080° Outbnd, 260° Inbnd, 1900' within 10 mi.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 260°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing TUL-VOR, climb to 2400' on R-288 within 20 miles or, when directed by ATC, climb to 2500' on R-236 within 20 mi.
CAUTION: Silos 1 mile west of VOR 881' MSL.
*300-1 required on Runways 3L, 21R, 17R, and 35L.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674'; Fac. Class., BVORTAC; Ident., TUL; Procedure No. 1, Amdt. 12; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 11; Dated, 3 June 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	200-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with radar patterns.
Procedure turn E side of crs, 177° Outbnd, 357° Inbnd, 2000' within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, breakoff point to approach end of Runway 1, 007°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000' on R-357 within 10 miles, turn left, proceed direct to ROC-VOR at 2000'. Hold west ROC-VOR 1-minute right turns, 118° Inbnd.
AIR CARRIER NOTE: Takeoff on Runway 12 and landing on Runway 30 NA.

City, Rochester; State, N.Y.; Airport Name, Rochester-Monroe County; Elev., 560'; Fac. Class., BVOR; Ident., ROC; Procedure No. TerVOR-1, Amdt. 6; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 5; Dated, 16 June 62

				T-dn	200-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				S-dn-10	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with radar patterns.
Procedure turn S side of crs, 280° Outbnd, 100° Inbnd, 1900' within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, breakoff point to approach end Runway 10, 097°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000' on R-100 within 10 miles. Turn right, proceed direct to ROC-VOR at 2000'. Hold west ROC-VOR 1-minute right turns, 118° Inbnd.
AIR CARRIER NOTE: Takeoff on Runway 12 and landing on Runway 30 not authorized.

City, Rochester; State, N.Y.; Airport Name, Rochester-Monroe County; Elev., 560'; Fac. Class., BVOR; Ident,. ROC; Procedure No. TerVOR-10, Amdt. 3; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 2; Dated, 16 June 62

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
8-mile DME Fix R-256	BGM-VOR	Direct	2500	T-dn	300-1	300-1	200-½
Binghamton VOR	3-mile DME Fix R-076	Direct	2200	C-dn*	400-1	500-1	500-1½
3-mile DME Fix R-076	7-mile DME Fix R-076 (Final)	Direct	*2000	S-dn-10*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 256° Outbnd, 076° Inbnd, 3000' within 10 mi. No procedure turn required with DME.
Minimum altitude over facility on final approach crs, 2500'; over 7-mile DME Fix R-076, 2000'.*
Crs and distance, facility to airport, 076°—7.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 7.0-mile DME Fix R-076, climb to 3500' on R-076 within 10 mi. Return to the BGM-VOR. Hold west 1-minute right turns, inbound course 095°.
*Minimums of 600-2 (2200' MSL) without DME.

City, Binghamton; State, N.Y.; Airport Name, Broome County; Elev., 1629'; Fac. Class., BVORTAC; Ident., BGM; Procedure No. VOR/DME. No. 1, Amdt. 5; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 4; Dated, 14 July 62

29-mile DME Fix R-079	18-mile DME Fix R-079	Direct	3000	T-dn	300-1	300-1	200-½
18-mile DME Fix R-079	13-mile DME Fix R-079	Direct	2500	C-dn	400-1	500-1	500-1½
13-mile DME Fix R-079	8-mile DME Fix R-079 (Final)	Direct	2000	S-dn-28	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
No procedure turn. Final approach crs, 259° Inbnd.
Minimum altitude over 8-mile DME Fix R-079 on final approach crs, 2000'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 8-mile DME Fix R-079, proceed to Binghamton VOR on R-079, climbing to 3500'. Hold west 1-minute right turns, inbound course 095°.
NOTE: This procedure authorized only with DME.

City, Binghamton; State, N.Y.; Airport Name, Broome County; Elev., 1629'; Fac. Class., BVORTAC; Ident., BGM; Procedure No. VOR/DME No. 2, Amdt. 2; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 1; Dated, 14 July 62

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Coxsackie FM	Delmar FM (Final)	Direct	1700	T-dn	300-1	300-1	200-½
Albany LFR	Delmar FM	Direct	2200	C-dn	500-1	600-1	600-1½
Albany VOR	Delmar FM	Direct	2200	S-dn-1	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side S crs, 191° Outbnd, 011° Inbnd, 2200' within 10 mi of Delmar FM.
No glide slope. Minimum altitude over Delmar FM on final approach 1700'.
Crs and distance to Runway 1, 011°—4.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles of Delmar FM, climb to 1800' on N crs ILS and proceed to LOM or, when directed by ATC, climb to 3000' on W crs Albany LFR within 20 mi.
AIR CARRIER NOTE: 300-1 required for all takeoffs on Runways 10, 28, 15, and 33.
Other change: Deletes transition from Castleton Int.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 288'; Fac. Class., ILS; Ident., I-ALB; Procedure No. ILS-01, Amdt. 3; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 2; Dated, 26 Aug. 61

HSV VOR	LOM	Direct	3000	T-dn	300-1	300-1	200-½
Gurley Int	LOM	Direct	3000	C-dn#	800-1½	900-1½	900-2
Hobbs Island Int	LOM	Via R-158 HSV-VOR and brng 357° to LOM.	3000	S-dn-18*	400-¾	400-¾	400-¾
				A-dn	1000-2	1000-2	1000-2
Princeton Int	LOM	Direct	3000				
Fayetteville Int%	LOM (Final)	Via ILS N crs	2700				

Procedure turn W side of crs, 357° Outbnd, 177° Inbnd, 2600' within 10 mi.
Minimum altitude at glide slope interception inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at OM, 2558'—6.2 mi; at MM, 827'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000' on R-158 HSV-VOR within 15 miles or, when directed by ATC, climb to 3000' on crs of 177°, turn right and return direct to LOM.
NOTE: No approach lights.
#CAUTION: Circling approaches avoid high terrain 1.3 mi E of airport.
*700-1 required when glide slope not utilized.
%Fayetteville Int: Int HSV-VOR R-004, MSL-VOR R-055 and HSV ILS N crs.

City, Huntsville; State, Ala.; Airport Name, Huntsville; Elev., 619'; Fac. Class., ILS; Ident., I-HSV; Procedure No. ILS-18, Amdt. 2; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 1; Dated, 13 Jan. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Knoxville RBn	LOM	Direct	2300	T-dn	300-1	300-1	200-½
Tallassee Int	LOM	Direct	2300	C-d	500-1	500-1	500-1½
Knoxville VOR	LOM	Direct	2400	C-n	500-1½	500-1½	500-1½
Rasar Int	LOM	Direct	3700	S-dn-4L*	200-½	200-½	200-½
Loudon Int	LOM	Direct	2300	A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side SW crs, 225° Outbnd, 045° Inbnd, 2700' within 10 miles.
Minimum altitude at glide slope interception inbnd, 2700'.
Altitude of glide slope and distance to approach end of runway at OM 2650'—5.4 mi, at MM 1160'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb on mag heading 045° until intercepting 070° mag brng from TS RBn. Continue climb to 3000' on 070° mag brng from TS RBn within 20 miles or, when directed by ATC, turn left, climb to 3000' on 350° mag brng from TS RBn within 20 miles, or climb to 3000' on R-069 TYS-VOR within 20 miles.
*400-¾ required when glide slope not utilized.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989'; Fac. Class., ILS; Ident., I-TYS; Procedure No. ILS-4L, Amdt. 21; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 20; Dated, 4 Feb. 61

LIT VOR	Stack Int*	Direct	1500	T-dn	300-1	300-1	**200-½
SW crs localizer	Stack Int*	Direct	1500	C-dn	500-1	600-1	600-1½
Radar vector	6-mile Radar Fix	Direct	1500	S-dn-22	500-1	500-1	500-1
6-mile Radar Fix	Stack Int* (Final)	Direct	800	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 040° Outbnd, 220° Inbnd, 1500'# within 10 mi of Stack Int.*
Minimum altitude over Stack Int* on final approach crs, 800'.
Crs and distance, Stack Int* to airport, 220°—1.7 NM.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles after passing Stack Int,* climb to 2000' on the localizer SW course within 20 mi.
*Stack Int: Int NE crs LIT localizer and R-345 LIT-VOR or 1.7-mi radar fix.
**300-1 required for takeoff on Runways 17, 35, 32.
#Without radar vectoring dual omnirange receivers required. Descent below 1500' NA until well established on localizer course inbound.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257'; Fac. Class., ILS; Ident., I-LIT; Procedure No. ILS-22, Amdt. 1; Eff. Date, 18 Aug 62; Sup. Amdt. No. Orig.; Dated, 30 June 62

Downey FM-RBn	LOM (Final)	Direct	1800	T-dn	300-1	300-1	200-½
La Habra Int	Downey FM-RBn	Direct	3000	C-dn	500-1	600-1	600-1½
LGB VOR	Downey FM-RBn	Direct	3000	S-dn-25R	#200-½	#200-½	300-¾
LGB VOR	LOM	Direct	3000	A-dn	600-2	600-2	600-2
Hollywood Hills FM	LOM	Direct	3000				
LAX VOR	LOM	Direct	3000				
LAX RBn	LOM	Direct	3000				

Radar vectoring to final approach crs authorized.
Procedure turn S side of crs, 068° Outbnd, 248° Inbnd, 3000' within 10 miles of OM.
Minimum altitude at glide slope interception inbnd, 2000'. (Aircraft will maintain 3,000' until intercepting glide slope unless otherwise advised by ATC.)
Altitude of glide slope and distance to approach end of runway at OM, 1830'—5.4 mi; at MM, 335'—0.65 mi. (LOM and LMM located 750' to left of runway centerline.)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on W crs LAX ILS within 20 miles.
NOTES: 1. Narrow localizer course 4 degrees. 2. If glide slope not received, minimums shall be 500-¾.
#AIR CARRIER NOTE: Due to lack of PAR coverage below 300', privileges of CAR 40.406(c) (Look-see) may be exercised only down to 200-¾.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126'; Fac. Class., ILS; Ident., I-LAX; Procedure No. ILS-25R, Amdt. 1; Eff. Date, 18 Aug. 62; Sup. Amdt No. Orig.; Dated, 1 Feb. 62

LAX RBn	LOM	Direct	3000	T-dn*	300-1	300-1	200-½
La Habra Int	Downey FM/RBn	Direct	3000	C-dn	500-1	600-1	600-1½
LGB VOR	Downey FM/RBn	Direct	3000	S-dn-25L#	200-½	200-½	200-½
LGB VOR	LOM	Direct	3000	A-dn	600-2	600-2	600-2
Hollywood Hills FM	LOM	Direct	3000				
LAX VOR	LOM	Direct	3000				
Downey FM-RBn	LOM (Final)	Direct	1800				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 068° Outbnd, 248° Inbnd, 3000' within 10 miles.
Minimum altitude at glide slope int inbnd, 2000'. (Aircraft will maintain 3,000' until intercepting glide slope unless otherwise advised by ATC.)
Altitude of glide slope and distance to approach end of runway at OM, 1830'—5.4 mi; at MM, 335'—0.65 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on W crs LAX ILS within 20 mi.
NOTES: 1. Narrow localizer course 4 degrees. 2. If glide slope not received, minimums shall be 500-¾.
*Runway Visual Range 2600' also authorized for takeoff on Runways 25L and 25R; providing high-intensity runway lights are operational and runways are marked in accordance with TSO-N10a (all weather runway markings).
#Runway Visual Range 2600' also authorized for landing on Runway 25L; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 326' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126'; Fac. Class., ILS; Ident., I-LAX; Procedure No. ILS-25L, Amdt. 23; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 22; Dated, 1 Feb. 62

Bayshore Int*	Uptown Int# (Final)	Direct	1400	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	600-1½
				S-27R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 1400' within 10 mi.
No glide slopes.
Minimum altitude over Uptown Int# on final approach crs, 1400'.
Crs and distance, Uptown Int# to airport, 266°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Uptown Int,# climb to 1200 on W crs of ILS within 20 miles.
NOTE: Approach from Bayshore Int* may be used in lieu of procedure turn when authorized by Miami Approach Control.
*Bayshore Int: Int BSY-VOR R-020 and E crs MFA ILS localizer.
#Uptown Int: Int BSY-VOR R-350 and E crs MFA ILS localizer.

City, Miami; State, Fla.; Airport Name, International; Elev., 9'; Fac. Class., ILS; Ident., I-MFA; Procedure No. ILS-27R, Amdt. Orig.; Eff. Date, 18 Aug. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Norfolk VOR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-4	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn S side SW crs, 225° Outbnd, 045° Inbnd, 1500′ within 10 mi of LOM.
Minimum altitude at glide slope int inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at OM 1050′—3.6 mi, at MM 220′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1000′ on crs of 045°, then right climbing turn to 1500′, return to OM.
Other change: Deletes transition from Int SW crs ILS and S crs Langley LFR.

City, Norfolk; State, Va.; Airport Name, Norfolk; Elev., 26′; Fac. Class., ILS; Ident., I-ORF; Procedure No. ILS-4, Amdt. 8; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 7; Dated, 11 Aug. 62

Marion Int	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Rochester VOR	LOM	Direct	2000	C-dn**	500-1	600-1	600-1½
Fishers Int	LOM	Direct	2000	S-dn-28*	300-¾	300-¾	300-¾
Fishers Int	ILS E crs (Final)	Via crs 345°	2000	A-dn#	600-2	600-2	600-2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn N side E crs, 097° Outbnd, 277° Inbnd, 2000′ within 10 mi of LOM.
Minimum altitude at glide slope intercept inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 2000′—4.5 mi; at MM, 780′**—0.5 mi; at MHW, 990′—1.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on R-298 ROC-VOR. Turn left, return to VOR at 2000′. Hold R-298 ROC-VOR, 1-minute right turns, 118° Inbnd.
NOTE: Glide slope provides approximately 183′ clearance over smoke spire 756′ MSL located 3.2 mi W of the LOM.
AIR CARRIER NOTE: Takeoff on Runway 12 and landing on Runway 30 not authorized.
Other changes: Deletes transition from Rush VHF Int.
*Circling minimum applicable with glide slope inoperative.
**Minimum altitude 1300′ over MM with glide slope inoperative.
#All installed components of the ILS must be operating otherwise alternate minimums of 800-2 apply.

City, Rochester; State, N.Y.; Airport Name, Rochester-Monroe County; Elev., 560′; Fac. Class., ILS; Ident., I-ROC; Procedure No. ILS-28, Amdt. 10; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 9; Dated, 23 Sept. 61

SGF-VOR	Spring Int*	Direct	2300	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-19	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				The following minimums apply for aircraft having ADF receiver and Glidewell Int** identified:			
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-19	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W of N crs, 015° Outbnd, 195° Inbnd, 2300′ within 10 mi of Spring Int.*
Minimum altitude over Spring Int* on final approach crs, 2000′; over Glidewell Int,** 1800′.
Crs and distance, Spring Int* to Runway 19, 195°—6.8 mi; Glidewell Int** to Runway 19, 195°—2.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing Spring Int,* climb to 3200′ on R-203 SGF-VOR and proceed to Billings Int or, when directed by ATC, climb to 2600′ on S crs ILS and hold south of OM.
*Spring Int: Int R-090 SGF-VOR and SGF ILS S crs.
**Glidewell Int: 270° brng SF-LFR and SGF ILS S crs.

City, Springfield; State, Mo.; Airport Name, Springfield Municipal; Elev., 1267′; Fac. Class., ILS; Ident., I-SGF; Procedure No. ILS-19, Amdt. 2; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 1; Dated, 1 Apr. 61

SI-LFR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
SPI-VOR	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Waverly Int	LOM	Direct	2000	S-dn-4	200-½	200-½	200-½
Dawson Int	LOM	Direct	2600	A-dn	600-2	600-2	600-2
Tallula Int	LOM	Direct	2000				

Procedure turn S side of crs, 218° Outbnd, 038° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope intercept inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM 2077′—5.1 mi, at MM 797′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2100′ and proceed to SPI-VOR.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 593′; Fac. Class., ILS; Ident., I-SPI; Procedure No. ILS-4, Amdt. 8; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 7; Dated, 18 Nov. 61

SP-LOM	Sherman Int	Direct	2000	T-dn	300-1	300-1	200-½
SPI-LFR	Sherman Int	Direct	2000	C-dn	400-1	500-1	500-1½
				S-dn-22	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 038° Outbnd, 218° Inbnd, 1900′ within 10 miles of Sherman Int.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 218°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Sherman Int, climb to 2200′ and proceed to SP LOM.
NOTE: ILS procedure not authorized unless aircraft equipped to receive ILS/VOR simultaneously.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 593′; Fac. Class., ILS; Ident., I-SPI; Procedure No. ILS-22, Amdt. 1; Eff. Date, 18 Aug. 62; Sup. Amdt. No. Orig.; Dated, 5 Aug. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Stebbins Int	OWS-RBn	Direct	2200	T-dn	300-1	300-1	*200-½
Watova Int	OWS-RBn	Direct	2200	C-dn	400-1	500-1	500-1½
Tulsa VOR	OWS-RBn	Direct	2000	S-dn-17L	400-1	400-1	400-1
Big Cabin Int	OWS-RBn	Direct	2200	A-dn	800-2	800-2	800-2
Will Rogers Int	OWS-RBn	Direct	2200				
Murnan Int	OWS-RBn (Final)	Direct	2200				
Ramona Int	OWS-RBn (Final)	Direct	2200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 2000′ within 10 mi of OWS RBn.
No glide slope. Minimum altitude over OWS RBn on final approach crs, 1900′.
Bearing and distance, OWS RBn to Runway 17L, 174°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing OWS RBn, climb to 2200′ on S crs ILS within 20 miles or, when directed by ATC, climb to 2200′ on R-113 TUL VOR within 20 miles.
Other changes: Deletes transitions from Nowata Int, Tulsa LFR, Adair Int, and Int R-327 TUL and N crs ILS.
*300-1 required on Runways 3L, 21R, 17R, and 35L.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674′; Fac. Class., ILS; Ident., I-TUL; Procedure No. ILS-17, Amdt. 5; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 4; Dated, 7 Jan. 61

Coweta Int	LOM	Direct	2500	T-dn##	300-1	300-1	#200-½
Glenpool Int	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
TUL VOR	LOM	Direct	2500	S-dn*-35R**	200-½	200-½	200-½
Stebbins Int	LOM	Direct	2500	A-dn	600-2	600-2	600-2
Haskell Int	LOM	Direct	2500				
OKM VOR	LOM (Final)	Direct	2500				

Radar vectoring authorized in accordance with current procedures.
Procedure turn E side of S crs, 174° Outbnd, 354° Inbnd, 2500′ within 10 mi.
Minimum altitude at glide slope int inbnd 2500′.
Altitude of glide slope and distance to approach end of runway at OM 2450′—5.4 mi, at MM 880′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1900′ on N crs ILS (354) within 20 miles, or when directed by ATC, climb to 2000′ on R-035 TUL VOR within 20 mi.
Other change: Removes caution note.
#300-1 required on Runway 3L, 21R, 17R, 35L.
*400-¾ required when glide slope not utilized.
##Runway visual range 2600′ also authorized for takeoff Runway 35R in lieu of 200-½ when 200-½ is authorized provided high intensity runway lights are operational.
**Runway visual range 2600′ also authorized for landing on Runway 35R; provided that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below 874′ MSL shall not be made unless visual contact with the approach lights has been established or aircraft is clear of clouds.

City Tulsa; State, Okla.: Airport Name, Municipal; Elev., 674′; Fac. Class., ILS; Ident., I-TUL; Procedure No ILS-35R, Amdt. 10; Eff. Date 18 Aug. 62; Sup. Amdt. No. 9; Dated, 4 Mar. 61

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes: From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
														Surveillance approach			
														T-dn*	300-1	300-1	200-½
														C-dn#	500-1	500-1	500-1½
														C-dn#	500-1½	500-1½	500-1½
														A-dn#	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runways 18 and 22R: Proceed to LOM, climbing to 2300′. Runway 4L: Proceed to VOR, climbing to 3000′ or, when directed by ATC, climb to 3000′ on 070° brng from TS RBn or VOR R-069 within 20 miles.
*All runways.
#Runways 18, 4L, and 22R.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989′; Fac. Class. and Ident., Knoxville Radar; Procedure No. 1, Amdt. 4; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 3; Dated, 31 Dec. 60

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 12, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-6965; Filed, Aug. 1, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, and Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Sweetpotatoes [1]

On January 18, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 516) regarding a proposed issuance of United States Standards for Grades of Frozen Sweetpotatoes.

Statement of consideration leading to the new grade standards. Since the first commercial freezing of sweetpotatoes, processors have cooperated with the Department in studies toward development of grade standards for the product. Starting in 1958, and continuing through 1961, informal discussions were held with processors and others. The proposed grade standards were published and during the period from January 18, 1962, to May 19, 1962, the Department invited views of interested persons. As a result of the Department's studies and the views of processors and other interested parties, the standards as hereby issued adopt only minor changes from the proposed grades.

The new grade standards provide for the means by which the product may be officially inspected and certified as to a specific grade or used in quality control by processors. They also provide a basis on which the product may be more effectively labeled and marketed as to quality.

The changes from the proposal, and included in the final issuance, provide an allowance of 1 defective unit per package provided the tolerance for defective units in the entire sample is not exceeded.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Sweetpotatoes are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

PRODUCT DESCRIPTION, COLOR, STYLES, GRADES

Sec.
52.5001 Product description.
52.5002 Colors of frozen sweetpotatoes.
52.5003 Styles of frozen sweetpotatoes.
52.5004 Grades of frozen sweetpotatoes.

FACTORS OF QUALITY

52.5005 Ascertaining the grade.
52.5006 Color.
52.5007 Uniformity of size.
52.5008 Defects.
52.5009 Character.

EXPLANATION AND METHOD OF ANALYSIS

52.5010 Preparation by heating.

LOT INSPECTION AND CERTIFICATION

52.5011 Ascertaining the grade of a lot.

SCORE SHEET

52.5012 Score sheet for frozen sweetpotatoes.

AUTHORITY: §§ 52.5001 to 52.5012 issued under sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, COLOR, STYLES, GRADES

§ 52.5001 Product description.

Frozen sweetpotatoes is the product prepared from the clean, sound root of sweetpotatoes (Ipomoea batatas) by washing, sorting, trimming, draining, and peeling, as the case may be. The product may or may not be cooked; may be prepared with the addition of suitable seasoning ingredient(s), sweetening ingredient(s), antioxidant(s), edible oil(s), spices, or other suitable additives permissible under the Federal Food, Drug, and Cosmetic Act. Such ingredients may or may not be admixed with the sweetpotatoes or they may be contained separately from the sweetpotato ingredient. When the sweetpotatoes have been cooked or partially cooked prior to freezing and are packed with a high density sirup and/or sugar to produce a "candied" effect, the frozen sweetpotatoes may be considered "Candied Sweetpotatoes" for the purposes of this subpart. In lieu of peeling, the product may be prepared as unpeeled sweetpotatoes in baked or stuffed form, with or without the addition of edible fat or oil to the peel. "Stuffed" form consists of cooked potatoes where the flesh has been removed from the peel, has been comminuted or crushed, and has been replaced in the peel or a preformed shell. The product is frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.5002 Colors of frozen sweetpotatoes.

(a) Golden.
(b) Yellow.
(c) Mixed (golden and yellow).

§ 52.5003 Styles of frozen sweetpotatoes.

(a) *Whole.* (1) Peeled.
(2) Baked (unpeeled).
(3) Stuffed (in peel or preformed shell).

(b) *Halved (or halves).* (1) Peeled.
(2) Stuffed (in peel or preformed shell).

(c) *Sliced.* This style consists of peeled units, cut longitudinally and/or crosswise, with flat-parallel or corrugated-parallel surfaces.

(d) *French-cut.* This style consists of peeled units cut into strips, commonly called French-style cut, which may have flat or corrugated surfaces.

(e) *Diced.* This style consists of peeled units cut into recognizable cube-shape units.

(f) *Cut (or chunks).* This style consists of peeled units of irregular sizes and shapes which do not conform to any of the foregoing single styles.

(g) *Mashed (or Souffle).* This style consists of peeled, cooked, and wholly comminuted or crushed sweetpotatoes, which may be molded or formed into pre-determined size and shape.

(h) *Mixed (or combination).* This style consists of peeled units which are a combination of two or more of the foregoing styles.

§ 52.5004 Grades of frozen sweetpotatoes.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen sweetpotatoes that (1) possess similar varietal characteristics, (2) have a normal flavor and odor; (3) have a good or reasonably good color, (4) are practically uniform, or reasonably uniform, in size for the applicable style, (5) are practically free from defects, (6) possess a good character, and (7) score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen sweetpotatoes that (1) may possess similar or mixed varietal color characteristics, (2) have a normal flavor and odor, (3) have a reasonably good color, (4) are reasonably uniform in size for the applicable style, (5) are reasonably free from defects, (6) possess a reasonably good character, and (7) score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen sweetpotatoes that fail to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 52.5005 Ascertaining the grade of a sample unit.

(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points.*
(i) Varietal characteristics, as applicable.
(ii) Flavor and odor. A representative sample of the product is cooked to determine flavor and odor. "Normal flavor and odor" means that the flavor of the product before and after cooking is characteristic of properly prepared sweetpotatoes and is free from objectionable flavors and objectionable odors of any kind.

(2) *Factors rated by score points.* (i) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Uniformity of size	20
Absence of defects	40
Character	20
Total score	100

(ii) Quality factors of color, uniformity of size, and absence of defects are determined by observing the product in the frozen or partially frozen state as soon as the units are separable into individual units, as the case may be, and after the product has been prepared by heating in a suitable manner; the factors of color and character (including consistency, as applicable) and flavor are evaluated after the product has been prepared by heating in a suitable manner as prescribed in this subpart.

§ 52.5006 Color.

(a) *General.* The color of the product (before and after heating) is evaluated on the internal color in whole baked, whole stuffed, and halved stuffed styles and on the overall external color appearance for all other styles. Color variations due to packing media consisting of brown sugar or sweetening mixtures including brown sugar and spices are considered characteristic.

(b) *(A) classification.* Frozen sweetpotatoes that possess a good color may be given a score of 18 to 20 points. "Good color" means a reasonably bright characteristic color (either yellow or golden, but not mixed) and that there may be reasonable variations of such characteristic color among the units, in each unit, or in the mass.

(c) *(B) classification.* If frozen sweetpotatoes possess a reasonably good color, a score of 16 or 17 points may be given. "Reasonably good color" means that the color (yellow, golden, or mixed) may be variable among the units, in each unit, or in the mass and that the color may be no more than slightly dull. Mixed color types shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule).

(d) *(SStd) classification.* If frozen sweetpotatoes possess an off-color, a score of 0 to 15 points may be given. "Off-color" means that the over-all color is extremely dull, such as, but not limited to the presence of units that are extremely oxidized or the presence of units that are green colored. Frozen sweetpotatoes that score in this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5007 Uniformity of size.

(a) *General.* The factor of uniformity of size for the styles of mashed and mixed frozen sweetpotatoes is not scored; the other three factors (color, absence of defects, and character) are scored and the total multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *Definition of a "small unit."* A unit that weighs less than 1/10 ounce is considered a "small unit" when contained in sliced, French-cut, or cut styles.

(c) *(A) classification.* Frozen sweetpotatoes that are practically uniform in size may be given a score of 18 to 20 points. "Practically uniform in size" in styles other than mashed or mixed means that:

(1) The frozen sweetpotatoes comply with the size and uniformity requirements for (A) classification in Table I of this subpart; and, in addition

(2) The over-all appearance of the product for the applicable style is not materially affected by units of abnormal size and shape.

(d) *(B) classification.* If the frozen sweetpotatoes are reasonably uniform in size, a score of 16 or 17 points may be given. "Reasonably uniform in size" in styles other than mashed or mixed means that:

(1) The frozen sweetpotatoes comply with the size and uniformity requirements for (B) classification in Table I of this subpart; and, in addition

(2) The over-all appearance of the product for the applicable style is not seriously affected by units of abnormal size and shape.

(e) *(SStd) classification.* Frozen sweetpotatoes that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—UNIFORMITY OF SIZE REQUIREMENTS FOR CERTAIN STYLES OF FROZEN SWEETPOTATOES

Styles, as applicable	(A) Classification		(B) Classification	
	Uniformity of size		Uniformity of size	
Whole: (1) Peeled; (2) Baked (unpeeled); (3) Stuffed	May vary moderately in size. The weight of the smallest unit is no less than ⅔ the weight of the largest unit.		May vary considerably in size. The weight of the smallest unit is no less than ½ the weight of the largest unit.	
Halves: (1) Peeled; (2) Stuffed	May vary moderately in size. The weight of the smallest unit is no less than ⅔ the weight of the largest unit.		May vary considerably in size. The weight of the smallest unit is no less than ½ the weight of the largest unit.	
		Small units		Small units
Sliced; French-cut; Cuts (or chunks)	May vary moderately in size except that the thickness of slices are reasonably uniform.	Composite weight does not exceed 5% by weight of all units.	May vary considerably in size except that the thickness of slices are fairly uniform.	Composite weight does not exceed 10% by weight of all units.
Diced	May vary moderately in size.	No limits.	May vary considerably in size.	No limits.

§ 52.5008 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from particles of peel in peeled styles; broken skins and broken or distorted preformed shells in whole baked, whole stuffed, and halves stuffed styles; primary and secondary rootlets, fibrous ends, discolored areas, and corky areas, or from other defects that detract from the appearance or edibility of the unit or product.

(b) *(A) classification.* Frozen sweetpotatoes of any style that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" has the following meaning for the applicable styles:

(1) *Whole baked; whole stuffed; halves stuffed.* The peel or shell is not broken nor the shell distorted to any noticeable extent other than in the opening in whole stuffed style; and the units are practically free from primary and secondary rootlets, internal fibers, internal corky areas, and any other defects which do not affect materially the appearance or the edibility of the product.

(2) *Whole peeled; halves peeled; mashed.* The product may contain not more than a slight amount of particles of peel, primary and secondary rootlets, untrimmed fibrous ends, discolored areas, corky areas, and any other defects which do not affect materially the appearance or the edibility of the product.

(3) *All other styles.* The aggregate weight of all defective units does not exceed 5 percent, by weight, of all the units. One unit in a container is permitted to be defective if such unit exceeds the allowance of 5 percent, by weight: *Provided,* That in all containers comprising the sample such defective units do not exceed 5 percent, by weight, of all the units, and the overall appearance and edibility of the product is not materially affected by the presence of defective units.

(c) *(B) classification.* If the frozen sweetpotatoes of any style are reasonably free from defects, a score of 32 to 35 points may be given. Frozen sweetpotatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meaning for the applicable styles:

(1) *Whole baked; whole stuffed; halves stuffed.* The peel or shell may be broken or the shell distorted to some extent other than in the opening in whole stuffed style; and the units are reasonably free from primary and secondary rootlets, internal fibers, internal corky areas, and any other defects which do not affect seriously the appearance or edibility of the product.

(2) *Whole peeled; halves peeled; mashed.* The product may contain not more than a moderate amount of particles of peel, primary or secondary rootlets, untrimmed fibrous ends, discolored areas, corky areas, and any other defects which do not affect seriously the appearance or edibility of the product.

(3) *All other styles.* The aggregate weight of all defective units does not exceed 10 percent, by weight, of all the units. One unit in a container is permitted to be defective if such unit exceeds the allowance of 10 percent, by weight: *Provided,* That in all containers comprising the sample such defective units do not exceed 10 percent, by weight, of all the units, and the overall appear-

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

ance and edibility of the product is not seriously affected by the presence of defective units.

(d) *(SStd) classification.* Frozen sweetpotatoes that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5009 Character.

(a) *General.* The factor of character refers to the texture or consistency and condition of the flesh, the degree of freedom from pithy units and tough or coarse fibers, the uniformity of tenderness of the frozen sweetpotatoes after heating in a suitable manner, and the tendency of the frozen sweetpotatoes (except for mashed style) to retain their apparent original conformation and size without disintegration.

(b) *(A) classification.* Frozen sweetpotatoes that possess a good character may be given a score of 18 to 20 points. "Good character and consistency" has the following meaning for the applicable styles:

(1) *Whole baked.* The flesh is not soggy nor dry and is practically free from tough or coarse internal fibers.

(2) *Whole stuffed; halves stuffed; mashed.* The mass or stuffing possesses a uniformly smooth texture and consistency and is free from lumps and tough or coarse fibers.

(3) *All other styles.* The units possess a uniformly smooth texture, are practically free from tough or coarse fibers, and may be firm to soft but hold their apparent original conformation and size without material disintegration.

(c) *(B) classification.* If the frozen sweetpotatoes possess a reasonably good character, a score of 16 or 17 points may be given. "Reasonably good character and consistency" has the following meaning for the applicable styles:

(1) *Whole baked.* The flesh is not excessively dry and is reasonably free from tough or coarse internal fibers.

(2) *Whole stuffed; halves stuffed; mashed.* The texture and consistency of the mass or stuffing may be coarse and stiff but practically free from lumps, and not more than a few tough or coarse fibers may be present.

(3) *All other styles.* The units possess a reasonably uniform smooth texture, are reasonably free from tough or coarse fibers, and 75 percent, by weight, or more of the units hold their apparent original conformation and size without material disintegration.

(d) *(SStd.) classification.* Frozen sweetpotatoes that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATION AND METHOD OF ANALYSIS

§ 52.5010 Preparation by heating.

"Prepared by heating in a suitable manner" means by either of the following applicable methods:

(a) *Oven method.* (Applicable to any style.)

(1) Place the product and packing media, if any, in a shallow pan (or use the open carton if suitable for heating) of sufficient size so that the product may be spread to a uniform thickness of not more than 1½ inches; and

(2) Place pan (or open carton) and frozen contents into a properly ventilated oven, preheated to 375 degrees F., and allow to remain 30 minutes or longer until the interior portions of the larger units are thoroughly heated and cooked; or

(b) *Pot method.* (Not applicable to baked and stuffed styles). Place the product while still in the frozen state in a stainless steel cooking utensil and add enough water to cover the product. Bring to a boil, cover, and simmer until the larger units are thoroughly cooked.

LOT INSPECTION AND CERTIFICATION

§ 52.5011 Ascertaining the grade of a lot.

The grade of a lot of frozen sweetpotatoes covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (7 CFR §§ 52.1 through 52.87).

SCORE SHEET

§ 52.5012 Score sheet for frozen sweetpotatoes.

Size and kind of container _____
Container mark or identification _____
Label _____
Package contents (ounces) _____
Weight of media (ounces)—if contained separately _____
Style of pack of sweetpotatoes _____
Count (whole; halves) _____
Type of media (if any) _____
Brix measurement of media (if liquid and contained separately) _____
Color (yellow; golden; mixed) _____

Factors		Score points	
Color	20	(A)	18–20
		(B)	[1] 16–17
		(SStd.)	[1] 0–15
Uniformity of size	20	(A)	18–20
		(B)	16–17
		(SStd.)	[1] 0–15
Absence of defects	40	(A)	36–40
		(B)	[1] 32–35
		(SStd.)	[1] 0–31
Character	20	(A)	18–20
		(B)	[1] 16–17
		(SStd.)	[1] 0–15
Total score	100		

Flavor and odor _____
Grade _____

[1] Limiting rule.
[2] "Mixed Color" limited to Grade B or lower grade (partial limit limiting rule).

The United States Standards for Grades of Frozen Sweetpotatoes (which is the first issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: July 30, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-7665; Filed, Aug. 1, 1962; 9:01 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 130]

PART 1130—MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Corpus Christi, Texas, marketing area (7 CFR Part 1130), it is hereby found and determined that:

(a) The following provision of the order, no longer tends to effectuate the declared policy of the Act:

(1) In § 1130.12(b) "During any of the months of March through July".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension action was requested by Coastal Bend Milk Producers Association, representing more than 75 percent of the producers delivering to fluid milk plants. At a public hearing held in Corpus Christi, Texas, on Thursday, July 19, 1962, proposals to amend provisions of Order No. 130 relating to the diversion of producer milk and the handling of milk by an equalization plant operated by a cooperative association were considered. However, there is not sufficient time to determine the action to be taken with respect to the proposed amendments.

(4) This suspension action will continue to permit the diversion of milk by handlers to nonpool plants after July and thus allow the economic movement of milk in excess of fluid milk requirements to manufacturing facilities during the time necessary to issue an amending order.

Therefore, good cause exists for making this order effective August 1, 1962.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective August 1, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1962.

Signed at Washington, D.C., on July 27, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-7631; Filed, Aug. 1, 1962; 8:57 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Nonimmigrant Documentary Waivers

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Section 212.1 is amended by adding paragraph (g) so that when taken with the introductory material it will read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

A valid unexpired visa and an unexpired passport, valid for the period set forth in section 212(a)(26) of the Act, shall be presented by each arriving nonimmigrant alien except that the passport validity period for an applicant for admission who is a member of a class described in section 102 of the Act is not required to extend beyond the date of his application for admission if so admitted, and except as otherwise provided in the Act, this chapter, and for the following classes:

* * * * *

(g) *Natives and residents of the Trust Territory of the Pacific Islands.* A visa and a passport are not required of a native and resident of the Trust Territory of the Pacific Islands who has proceeded in direct and continuous transit from the Trust Territory to the United States.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment relieves restrictions and is clearly advantageous to persons affected thereby.

Dated: July 25, 1962.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 62-7630; Filed, Aug. 1, 1962; 8:57 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

1. Effective July 28, 1962, Part 204 is revised to read as follows:

REGULATIONS

Sec.
204.1 Definitions.
204.2 Computation of reserves.
204.3 Deficiencies in reserves.
204.4 (Reserved)
204.5 Supplement.

CLASSIFICATION OF CITIES

204.51 Classification of reserve cities.
204.52 Designation of reserve cities.
204.53 Designation of an additional reserve city.

AUTHORITY: §§ 204.1 to 204.53 issued under sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply secs. 11 (c), (e), 19, 38 Stat. 262, 270; 12 U.S.C. 248 (c), (e), 461, 462, 462a–1, 462b, 464, 465.

REGULATIONS

§ 204.1 Definitions.

(a) *Demand deposits.* The term "demand deposits" includes all deposits except "time deposits" as defined below.

(b) *Time deposits.* The term "time deposits" means "time certificates of deposit," "time deposits, open account" and "savings deposits," as defined below.

(c) *Time certificates of deposit.* The term "time certificate of deposit" means a deposit evidenced by a negotiable or nonnegotiable instrument which provides on its face that the amount of such deposit is payable to bearer or to any specified person or to his order—

(1) On a certain date, specified in the instrument, not less than 30 days after the date of deposit, or

(2) At the expiration of a certain specified time not less than 30 days after the date of the instrument, or

(3) Upon notice in writing which is actually required to be given not less than 30 days before the date of repayment,[1] and

(4) In all cases only upon presentation and surrender of the instrument.

(d) *Time deposits, open account.* The term "time deposit, open account" means a deposit, other than a "time certificate of deposit" or a "savings deposit," with respect to which there is in force a written contract with the depositor that neither the whole nor any part of such deposit may be withdrawn, by check or otherwise, prior to the date of maturity which shall be not less than 30 days after the date of the deposit,[2] or prior to the expiration of the period of notice which must be given by the depositor in writing not less than 30 days in advance of withdrawal.[3]

(e) *Savings deposits.* The term "savings deposit" means a deposit

(1) which consists of funds deposited to the credit of one or more individuals, or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit; [4] or in which the entire beneficial interest is held by one or more individuals or by such a corporation, association, or other organization; and

(2) with respect to which the depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than 30 days before such withdrawal is made.

(f) *Gross demand deposits.* The term "gross demand deposits" means the sum of all demand deposits, including demand deposits made by other banks, the United States, States, counties, school districts and other governmental subdivisions and municipalities, and all outstanding certified and officers' checks (including checks issued by the bank in payment of dividends), and letters of credit and travelers' checks sold for cash.

(g) *Cash items in process of collection.* The term "cash items in process of collection" means:

(1) Checks in process of collection, drawn on a bank, private bank, or any other banking institution, which are payable immediately upon presentation in the United States, including checks with a Federal Reserve bank in process of collection and checks on hand which will be presented for payment or forwarded for collection on the following business day;

(2) Government checks and warrants drawn on the Treasurer of the United States which are in process of collection;

(3) Such other items in process of collection, payable immediately upon presentation in the United States, as are customarily cleared or collected by banks as cash items.

Items handled as noncash collections may not be treated as "cash items in process of collection" within the meaning of this part.

(h) *Net demand deposits.* The term "net demand deposits" means gross demand deposits as defined in paragraph (f) of this section less the deductions allowed under the provisions of § 204.2(b).

(i) *Currency and coin.* The term "currency and coin" means United States currency and coin owned and held by a member bank, including currency and coin in transit to or from a Federal Reserve bank.

§ 204.2 Computation of reserves.

(a) *Amounts of reserves to be maintained.* (1) Every member bank shall maintain on deposit with the Federal Reserve bank of its district an actual net balance equal to 3 percent of its time

[1] A deposit with respect to which the bank merely reserves the right to require notice of not less than 30 days before any withdrawal is made is not a "time certificate of deposit".

[2] Deposits such as Christmas club accounts and vacation club accounts, which are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than three months constitute "time deposits, open account" even though some of the deposits are made within 30 days from the end of such period.

[3] A deposit with respect to which the bank merely reserves the right to require notice of not less than 30 days before any withdrawal is made is not a "time deposit, open account".

[4] Deposits in joint accounts of two or more individuals may be classified as savings deposits if they meet the other requirements of the above definition, but deposits of a partnership operated for profit may not be so classified. Deposits to the credit of an individual of funds in which any beneficial interest is held by a corporation, partnership, association or other organization operated for profit or not operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes may not be classified as savings deposits.

deposits, plus 7 percent of its net demand deposits if it is not located in a reserve city or 10 percent of its net demand deposits if it is located in a reserve city, or such different percentages of its time deposits and net demand deposits as the Board of Governors of the Federal Reserve System, pursuant to and within the limitations contained in section 19 of the Federal Reserve Act,[4] may prescribe from time to time in § 204.5 (the Supplement to this part); *Provided*, That a member bank's currency and coin shall be counted as reserves in determining compliance with such requirements to such extent as the Board of Governors of the Federal Reserve System, pursuant to section 19 of the Federal Reserve Act, may permit from time to time in § 204.5.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, a member bank located in a reserve city may hold and maintain the reserve balances which are in effect for member banks not located in reserve cities if, upon application to the Board of Governors, the Board grants permission for the holding and maintaining of such lower reserve balances after consideration of all factors relating to the character of such bank's business, including, but not limited to, the amount of such member bank's total assets, the amount of its total deposits, the amount of its total demand deposits, the amount of its demand deposits owing to banks, the nature of its depositors and borrowers, the rate of activity of its demand deposits, its geographical location within the city, and its competitive position with relation to other banks in the city. Any such permission shall be subject to revocation by the Board at any time in the light of changed circumstances, and all such grants of permission may be subject to annual review by the Board.

(3) For the purposes of this part, a member bank shall be considered to be in a reserve city if the head office or any branch thereof is located in a reserve city.

(b) *Deductions allowed in computing reserves.* In determining the reserve balances required under the terms of this part, member banks may deduct from the amount of their gross demand deposits the amounts of balances subject to immediate withdrawal due from other banks and cash items in process of collection as defined in § 204.1(g). Balances "due from other banks" do not include balances due from Federal Reserve banks, balances (payable in dollars or otherwise) due from foreign banks or branches thereof wherever located, or balances due from foreign branches of domestic banks. The word "banks" in the term "due from other banks" refers to incorporated banks and does not include private banks or bankers.[5]

(c) *Availability of cash items as reserve.* Cash items forwarded to a Federal Reserve bank for collection and credit cannot be counted as part of the minimum reserve balance to be carried by a member bank with its Federal Reserve bank until the expiration of such time as may be specified in the appropriate time schedule referred to in part 210 of this chapter. If a member bank draw against items before such time, the draft will be charged against its reserve balance if such balance be sufficient in amount to pay it; but any resulting impairment of reserve balances will be subject to the penalties provided by law and by this part: *Provided, however*, That the Federal Reserve bank may, in its discretion, refuse at any time to permit the withdrawal or other use of credit given in its reserve account for any item for which the Federal Reserve bank has not received payment in actually and finally collected funds.

(d) *Reserves against trust funds.* A member bank exercising trust powers need not maintain reserves against trust funds which it keeps properly segregated as trust funds and apart from its general assets or which it deposits in another institution to the credit of itself as trustee or other fiduciary. If, however, such funds are mingled with the general assets of the bank, as permitted to national banks under authority of section 11(k) of the Federal Reserve Act (40 Stat. 969; 12 U.S.C. 248(k)), a deposit liability thereby arises against which reserves must be maintained.

(e) *Continuance of "time deposit" status.* A deposit which at the time of deposit was a "deposit evidenced by a time certificate of deposit," "time deposit, open account," or "savings deposit" continues to be a "time deposit" until maturity or the expiration of the period of notice of withdrawal, although it has become payable within 30 days. After the date of maturity of any time deposit, such deposit is a demand deposit. After the expiration of the period of notice given with respect to the repayment of any savings deposit or other time deposit, such deposit is a demand deposit, except that, if the owner of such deposit advise the bank in writing that the deposit will not be withdrawn pursuant to such notice or that the deposit will thereafter again be subject to the contract or requirements applicable to such deposit, the deposit will again constitute a savings deposit or other time deposit, as the case may be, after the date upon which such advice is received by the bank.

[4] Any such different percentages prescribed by the Board may not be less than 3 percent of time deposits, 7 percent of net demand deposits of banks not located in reserve cities, or 10 percent of net demand deposits of banks located in reserve cities, nor more than 6 percent of time deposits, 14 percent of net demand deposits of banks not located in reserve cities, or 22 percent of net demand deposits of banks located in reserve cities.

[5] A member bank exercising fiduciary powers may not include in balances "due from other banks" amounts of trust funds deposited with other banks and due to it as trustee or other fiduciary. If trust funds are deposited by the trust department of a member bank in its commercial or savings department and are then redeposited in another bank subject to immediate withdrawal they may be included by the member bank in balances "due from other banks," subject to the provisions of § 204.2(b).

§ 204.3 Deficiencies in reserves.

(a) *Computation of deficiencies.* (1) Deficiencies in reserve balances of member banks in reserve cities shall be computed on the basis of average daily net deposit balances and average daily currency and coin covering weekly periods.[7] Deficiencies in reserve balances of other member banks shall be computed on the basis of average daily net deposit balances and average daily currency and coin covering biweekly periods.

(2) In computing such deficiencies the required reserve balance of each member bank at the close of business each day shall be based upon its net deposit balances and currency and coin at the opening of business on the same day; and the weekly and biweekly periods referred to in paragraph (1) hereof shall end at the close of business on days to be fixed by the Federal Reserve banks with the approval of the Board of Governors of the Federal Reserve System. When, however, the reserve computation period ends with a nonbusiness day, or two or more consecutive nonbusiness days, of the member bank or its Federal Reserve bank, such nonbusiness day or days may, at the option of the member bank, and whether or not it had a reserve deficiency in such computation period, be included in the next reserve computation period.

(b) *Penalties.* (1) Penalties for such deficiencies will be assessed monthly on the basis of average daily deficiencies during each of the reserve computation periods ending in the preceding calendar month.

(2) Such penalties will be assessed at a rate of 2 percent per annum above the Federal Reserve bank rate applicable to discounts of 90-day commercial paper for member banks, in effect on the first day of the calendar month in which the deficiencies occurred.

(c) *Notice to directors of banks deficient in reserves.* Whenever it shall appear that a member bank is not paying due regard to the maintenance of its reserves, the Federal Reserve bank shall address a letter to each director of such bank calling attention to the situation and advising him of the requirements of the law and of this part regarding the maintenance of reserves.

(d) *Continued deficiencies.* If, after the notice provided for in paragraph (c) of this section has been given, it shall appear that the member bank is continuing its failure to pay due regard to the maintenance of its reserves, the Federal Reserve bank shall report such fact to the Board of Governors of the Federal Reserve System with a recommendation as to whether or not the Board should:

(1) In the case of a national bank, direct the Comptroller of the Currency to bring suit to forfeit the charter of such national bank pursuant to section 2 of the Federal Reserve Act (38 Stat. 252; 12 U.S.C. 501a); or

(2) In the case of a State member bank, institute proceedings to require such bank to surrender its stock in the Federal Reserve bank and to forfeit all rights and privileges of membership pursuant to section 9 of the Federal Reserve Act (46 Stat. 251; 12 U.S.C. 327); or

(3) In either case, take such other action as the Federal Reserve bank may recommend or the Board of Governors of the Federal Reserve System may consider advisable.

[7] However, deficiencies in reserve balances of member banks in reserve cities which have been authorized by the Board of Governors, under the provisions of § 204.2(a)(2), to hold and maintain the reserve balances in effect for member banks not in reserve cities will be computed on the basis provided for such latter member banks.

§ 204.4 [Reserved]

§ 204.5 Supplement.

(a) *Reserve percentages.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2(a), but subject to paragraph (b) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve bank of its district:

(1) If not in a reserve city—

(i) 5 percent of its time deposits, plus

(ii) 12 percent of its net demand deposits.

(2) If in a reserve city (except as to any bank located in such a city which is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in subparagraph (1) of this paragraph)—

(i) 5 percent of its time deposits, plus

(ii) 16½ percent of its net demand deposits.

(b) *Counting of currency and coin.* The amount of a member bank's currency and coin shall be counted as reserves in determining compliance with the reserve requirements of paragraph (a) of this section.

CLASSIFICATION OF CITIES

§ 204.51 Classification of reserve cities.

(a) The city of Washington, D.C., and every city in which there is situated a Federal Reserve bank or a branch of a Federal Reserve bank are hereby classified (and continued) as reserve cities.

(b) The following are also classified as reserve cities:

(1) Every city in which, on the dates of official call reports of condition in the two years ended June 30, 1947, member banks of the Federal Reserve System, exclusive of their offices in other cities, held an aggregate amount of demand deposits owing to banks equal, on the average, to one-third of 1 percent or more of the aggregate amount of demand deposits owing to banks by all member banks of the Federal Reserve System; and

(2) Every city in which, on the dates of official call reports of condition in the two years ended June 30, 1947, member banks of the Federal Reserve System, exclusive of their offices in other cities, held an aggregate amount of demand deposits owing to banks equal, on the average, to one-fourth of 1 percent or more of the aggregate amount of demand deposits owing to banks by all member banks of the Federal Reserve System and also equal, on the average, to 33⅓ percent or more of the aggregate amount of all demand deposits held by the member banks in such city.

On the basis of subparagraphs (1) and (2) of this paragraph, the following cities, in addition to the reserve cities classified as such under paragraph (a) of this section are hereby classified (and continued) as reserve cities: Columbus, Ohio; Des Moines, Iowa; Indianapolis, Indiana; Milwaukee, Wisconsin; St. Paul, Minnesota; Lincoln, Nebraska; Tulsa, Oklahoma; Wichita, Kansas; Fort Worth, Texas; Cedar Rapids, Iowa; and Sioux City, Iowa; the following city is hereby added and is hereby classified as a reserve city: National City (National Stock Yards), Illinois; and the designation of the following cities as reserve cities is hereby terminated (unless the present classification of such cities is continued in accordance with paragraph (c) of this section): Toledo, Ohio; Dubuque, Iowa; Grand Rapids, Michigan; Peoria, Illinois; Kansas City, Kansas; Pueblo, Colorado; St. Joseph, Missouri; Topeka, Kansas; Galveston, Texas; Waco, Texas; Ogden, Utah; and Spokane, Washington.

(c) The Board of Governors of the Federal Reserve System, prior to March 1, 1948, will also designate (and continue) as a reserve city any city now classified as a reserve city (although not within the scope of paragraphs (a) or (b) of this section) if a written request for the continuance of such city as a reserve city is received by the Federal Reserve bank of the district in which the city is located on or before February 16, 1948, from every member bank which has its head office or a branch in such city (exclusive of any member bank in an outlying district of such city permitted by the Board of Governors to maintain reduced reserves) together with a certified copy of a resolution of the board of directors of such member bank duly authorizing such request.

(d)[8] Effective as of March 1 of each third year after March 1, 1948, the Board of Governors (1) will continue as reserve cities or designate as additional reserve cities all cities then falling within the scope of paragraph (a) of this section and all cities which then meet the standard prescribed in paragraph (b) of this section based upon official call reports of condition in the two-year period ending on June 30 of the year preceding such third year; and (2) will terminate the designation as reserve cities of all other cities, except that the Board will continue the designation as a reserve city of any city which then has the designation of a reserve city and does not then fall within the scope of paragraphs (a) or (b) of this section based upon the new two-year period if a request for the continuance of such designation is made by every member bank (as specified in paragraph (c) of this section) in such city and, together with a certified copy of a resolution of the bank's board of directors authorizing such request, is received by the Federal Reserve Bank of the district not later than the 15th day of February of such third year: *Provided*, That the designation of any city as an additional reserve city under this paragraph because it meets the standard prescribed in paragraph (b) of this section, shall not become effective until after one year, or such longer period as the Board of Governors may determine, from the date as of which such designation would be effective in the absence of this proviso.

(e) In any case in which a city is classified as a reserve city solely by reason of the continuance of its designation as such, effective March 1, 1957, pursuant to § 204.52(c), the reserve city designation of such city will be terminated, effective as of such time as the Board may prescribe, if a written request for such termination is received by the Federal Reserve bank of the district in which the city is located from one or more member banks with head offices in such city and if such request is granted by the Board of Governors.

§ 204.52 Designation of reserve cities.

Acting in accordance with § 204.51, and pursuant to authority conferred upon it by section 11(e) of the Federal Reserve Act (73 Stat. 264; 12 U.S.C. 248(e)) and other provisions of that Act, the Board of Governors has taken the following actions to become effective March 1, 1957:

(a) The city of Washington, D.C., and every city in which there is situated a Federal Reserve bank or a branch of a Federal Reserve bank are hereby continued as reserve cities.

(b) The following cities fall within the scope of § 204.51(b) based upon official call reports of condition in the two-year period ending on June 30, 1956, and, therefore, such cities, in addition to the reserve cities classified as such under paragraph (a) of this section, are hereby continued as reserve cities: Milwaukee, Wisconsin; Fort Worth, Texas; Indianapolis, Indiana; St. Paul, Minnesota; National City (National Stock Yards), Illinois; Tulsa, Oklahoma; Des Moines, Iowa; and Columbus, Ohio.

(c) The following cities do not fall within the scope of § 204.51(b) based upon official call reports of condition in the two-year period ending June 30, 1956, but a written request for the continuance of each such city as a reserve city was received by the Federal Reserve bank of the district in which the city is located on or before February 15, 1957, from every member bank having its head office or a branch in such city (exclusive of any member bank in an outlying district in such city permitted by the Board to maintain reduced reserves), together with a certified copy of a resolution of the board of directors of such member bank duly authorizing such request; and, accordingly, in accordance with § 204.51(c), the following cities, in addition to the reserve cities classified as such under paragraphs (a) and (b) of this section, are hereby continued as reserve cities: Wichita, Kansas; Kansas City, Kansas;

[8] The provisions of this paragraph were suspended by the Board of Governors of the Federal Reserve System until further notice. (25 F.R. 1397, Feb. 17, 1960)

Toledo, Ohio; Topeka, Kansas; and Pueblo, Colorado.

(d) The following cities do not fall within the scope of § 204.51(b) based upon official call reports of condition in the two-year period ending June 30, 1956, and written requests for their continuance as reserve cities were not received from all member banks in such cities; and, accordingly, the designation of such cities as reserve cities is hereby terminated: Cedar Rapids, Iowa, and Sioux City, Iowa.

(e) The Board has deferred, pending further consideration and for a period not exceeding three months from March 1, 1957, the question whether the city of Miami, Florida, will be designated as a reserve city in accordance with § 204.-51. (See § 204.53.)

§ 204.53 Designation of an additional reserve city.

Acting in accordance with § 204.51, as amended effective March 1, 1957, and pursuant to authority conferred upon it by section 11(e) of the Federal Reserve Act and other provisions of that Act, the Board of Governors has taken the following action: The city of Miami, Florida, falls within the scope of § 204.-51(b) based upon official call reports of condition in the two-year period ending on June 30, 1956, and, therefore, such city is hereby designated and classified as a reserve city effective May 15, 1958.

2a. The purposes of this revision are (1) to reflect changes in the law, effective July 28, 1962, abolishing the designation of "central reserve cities," (2) to set forth in § 204.2(a) the factors considered by the Board in acting upon applications by individual member banks in reserve cities for permission to maintain the lower reserves applicable to member banks not in reserve cities ("country banks"), (3) to make possible the termination of the reserve city designation of certain cities which, at the request of member banks in such cities, were continued by § 204.52 as reserve cities effective March 1, 1957, although such cities did not fall within the standards for classification of reserve cities set forth in § 204.51, and which do not presently fall within such standards, and (4) to make certain minor clarifying changes in §§ 204.1 (i), 204.2(a), 204.-3(a), and 204.5.

b. With respect to the changes indicated in clause (2) above, this revision was the subject of a notice of proposed rule making published in the FEDERAL REGISTER (26 F.R. 1956) and was adopted by the Board after consideration of all relevant views and arguments received from interested persons. With respect to other changes made by this revision, the notice and public procedure described in sections 4 (a) and (b) of the Administrative Procedure Act and the prior publication described in section 4(c) of such act are not followed in connection with this amendment for the reasons and good cause found as stated in § 262.1 (e) of the Board's rules of procedure (Part 262) and especially because such notice procedure and prior publication are unnecessary since they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11, 38 Stat. 261, as amended; 12 U.S.C. 248. Interprets or applies sec. 19, 38 Stat. 270, as amended, sec. 19, 42 Stat. 54, as amended; 12 U.S.C. 461, 462, 462b, 464, 465; Public Law 86-114, July 28, 1959)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 62-7562; Filed, Aug. 1, 1962; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 1]

PART 103—APPEARANCES AND COMPENSATION OF PERSONS APPEARING BEFORE SBA

Suspension or Revocation of the Privilege to Appear

Part 103, Chapter I, of Title 13, Code of Federal Regulations is hereby amended by revising § 103.13–4 thereof. As revised, § 103.13–4 reads as follows:

§ 103.13–4 Suspension or revocation of the privilege to appear.

The Administrator, for good cause, (see § 103.13–5) may suspend, pending a hearing and decision, the privilege of any Applicant or Agent, to appear before SBA, and may also revoke such privilege of any Applicant or Agent, in accordance with procedures contained in Part 104 of this chapter.

Effective date: July 25, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-7625; Filed, Aug. 1, 1962; 8:56 a.m.]

[Amdt. 1]

PART 104—PROCEEDINGS TO SUSPEND OR REVOKE THE RIGHT OF ANY AGENT TO APPEAR BEFORE SBA

Miscellaneous Amendments

Part 104, Chapter I, of Title 13, Code of Federal Regulations is hereby amended by revising §§ 104.3, 104.5, and 104.8 thereof. As revised, the said sections read as follows:

§ 104.3 Notice.

(a) The notice shall set forth, specifically the charges upon which the Administrator bases the suspension or revocation of the privilege of Respondent to appear before SBA. Any suspension of the privilege of the Respondent to appear before SBA shall become effective as of the date of the service of the notice upon the Respondent. Any revocation of the Respondent's privilege to appear before SBA shall not become effective earlier than 20 days from the date of service of the notice on Respondent.

(b) In the event that a Respondent whose privilege to appear has been suspended pursuant to the notice provided for in paragraph (a) of this section, fails to file an answer or request to be heard in response to the charges made against him within 20 days from the effective date of the suspension, the Administrator may revoke such privilege.

§ 104.5 Answer and request to be heard.

At any time prior to the effective date of a revocation of the Respondent's privilege to appear or within 20 days after his receipt of a notice of suspension, he may file an answer with SBA, or request in writing an opportunity to be heard in answer to the charges, or both. If the Respondent files an answer or requests such a hearing, the effective date of the revocation shall be stayed pending the decision of the Administrator (see § 104.8).

§ 104.8 Decision.

The decision of the Adminstrator shall be served upon the Respondent. If the Administrator determines that revocation is warranted, the decision shall set forth the reasons therefor and its effective date.

Effective date: July 25, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-7626; Filed, Aug. 1, 1962; 8:57 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-107]

PART 13—PROHIBITED TRADE PRACTICES

Admiral Exchange Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–40 *Federal Trade Commission Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–40 *In general.* Subpart—Using misleading name—Goods: § 13.2280 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Admiral Exchange Co., Inc., et al., San Diego, Calif., Docket C-107, Apr. 2, 1962]

In the Matter of Admiral Exchange Co., Inc., a Corporation, Gail Edwards, Dean L. Edwards, and Kathryn M. Redding, Individually and as Officers of Said Corporation

Consent order requiring San Diego, Calif., distributors of combs to retailers to cease misrepresenting their nonrubber combs by such practices as branding them as "Rubber", "Hard Rubber", and "Rubber-Resin", and using the same terms on boxes, packages, circulars, invoices, and other advertising matter.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Admiral Exchange Co., Inc., a corporation, and its officers, and Gail Edwards, Dean L. Edwards, and Kathryn M. Redding, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of combs designed for use on human hair, do forthwith cease and desist from:

1. Using the word rubber, or any other word of similar import or meaning, alone, or in combination with any other word or words, to designate, describe or refer to such combs which are not in fact made entirely of vulcanized hard rubber.

2. Representing in any manner that said combs are rubber or hard rubber or are made of rubber or hard rubber unless they are in fact made of vulcanized rubber.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 2, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7583; Filed, Aug. 1, 1962; 8:47 a.m.]

[Docket C-111]

PART 13—PROHIBITED TRADE PRACTICES

Batavia Mills, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–235 *Producer status of dealer or seller:* § 13.15–235(m) *Manufacturer.* Subpart—Using misleading name—Vendor: § 13.2445 *Producer or laboratory status of seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Batavia Mills, Inc., et al., New York, N.Y., Docket C-111, Apr. 6, 1962]

In the Matter of Batavia Mills, Inc., a Corporation, and William Horwitz, and Abraham L. Schneider, Individually and as Officers of Said Corporation

Consent order requiring New York City distributors of textile fabrics to various branches of the Armed Forces, the Veterans Administration, and others, to cease representing falsely, through use of the word "Mills" in their corporate name, that they operated factories in which their products were manufactured.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Batavia Mills, Inc., a corporation, and its officers, and William Horwitz and Abraham L. Schneider, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of textile fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly, using the word "Mills", or any other word of similar import or meaning, in or as a part of respondents' corporate or trade name, or representing in any other manner that respondents are manufacturers of the textile fabrics sold by them unless and until respondents own and operate, or directly and absolutely control, the manuafcturing plant wherein said fabrics are woven or made.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 5, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7584; Filed, Aug. 1, 1962; 8:48 a.m.]

[Docket C-105]

PART 13—PROHIBITED TRADE PRACTICES

John Flynn & Sons, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–40 *Federal Trade Commission Act.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, John Flynn & Sons, Inc., et al., Salem, Mass., Docket C-105, Mar. 28, 1962]

In the Matter of John Flynn & Sons, Inc., a Corporation, and Patrick H. Flynn, and Michael F. Flynn, Individually and as Officers of Said Corporation

Consent order requiring Salem, Mass., processors of leathers for manufacture into ladies' shoes and other articles to cease representing falsely that their leathers were produced from deer and elk hides by such practices as using in advertisements in trade publications and on invoices and hangtags distributed to purchasers the terms "Deerelk by Flynntan" and "Flynntan GluvElk".

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, John Flynn & Sons, Inc., a corporation, and its officers, and Patrick H. Flynn and Michael F. Flynn, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the terms "Deerelk" or "GluvElk" or the words "deer" or "elk", or any colorable simulation or any other representation thereof, to designate, describe or refer to a product not composed of those respective hides; provided, however, that in the case of a leather or other product containing leather which has been processed to simulate or imitate the appearance of deer leather or elk leather, the words "deer" or "elk" may be used to describe truthfully the simulated appearance of the product as, for example, "Simulated Elk Grain", when immediately accompanied by a clear and conspicuous disclosure of the kind of leather of which the product is made.

2. Misrepresenting in any manner the composition of any of their products.

3. Furnishing to others any means or instrumentalities by or through which the public may be misled with respect to any of the matters prohibited under paragraphs 1 and 2 hereof.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7585; Filed, Aug. 1, 1962; 8:48 a.m.]

[Docket C-106]

PART 13—PROHIBITED TRADE PRACTICES

Harvey Laurent, et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–235 *Producer status of dealer or seller:* § 13.15–235(m) *Manufacturer.* Subpart—Using misleading name—Vendor: § 13.2445 *Producer or laboratory status of seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Harvey Laurent, etc., trading as United States Mills Co., New York, N.Y., Docket C-106, Mar. 28, 1962]

In the Matter of Harvey Laurent, Also Known as Harvey S. Levine, Trading as United States Mills Co.

Consent order requiring a New York City distributor of textile fabrics which he purchased, to cease representing falsely by use of the word "Mills" in his trade name that he operated factories in which his fabrics were manufactured.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Harvey Laurent, also known as Harvey S. Levine, an individual trading as United States Mills Co., or under any other trade name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of textile fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly, using the word "Mills", or any other word of similar import or meaning, in or as a part of respondent's trade name, or representing in any other manner that respondent is the manufacturer of the fabrics sold by him unless and until respondent owns and operates, or directly and absolutely controls, the manufacturing plant wherein said fabrics are woven or made.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: March 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7586; Filed, Aug. 1, 1962; 8:48 a.m.]

[Docket 7346o.]

PART 13—PROHIBITED TRADE PRACTICES

Rayex Corp. et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055–50 *Pretricketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1280 *Price;* § 13.1320 *Scientific or other relevant facts;* § 13.1330 *Specifications or standards conformance.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious pretricketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Rayex Corporation et al., Flushing, Queens, N.Y., Docket 7346, Apr. 2, 1962]

In the Matter of Rayex Corporation, a Corporation, and Ray Tunkel, Harry Kramer, and William Jonas, Individually and as Officers of Said Corporation

Order requiring assemblers of sunglasses in Flushing, Queens, N.Y., to cease representing falsely—as they did on shipping containers and on tickets and labels affixed to the sunglasses—that the glasses contained lenses having a diopter curve of 6 and met the specifications and standards of the United States Air Force or Department of Defense; and to cease preticketing their sunglasses with fictitious prices, represented thereby as the usual retail selling prices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents, Rayex Corporation, a corporation, and its officers, and Ray Tunkel, Harry Kramer, and William Jonas, individually, and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sunglasses, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

(a) That their sunglass lenses have a given dioptic curve unless such is the fact; provided, however, that in the case of ground and polished sunglass lenses a tolerance not to exceed minus or plus one-sixteenth diopters in any meridian and a difference in power between any two meridians not to exceed one-sixteenth diopter and a prismatic effect not to exceed one-eighth diopter shall be allowed.

(b) That their sunglasses, or the lenses thereof, meet or comply with the specifications and standards of the United States Air Force or Department of Defense.

And further, That in the sale of any merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, that respondents do forthwith cease and desist from the act or practice of preticketing merchandise at an indicated retail price, or of otherwise conveying an impression to the public concerning retail prices, when there is no generally prevailing retail price for such merchandise in the trade area, or when the indicated retail price is in excess of the prices at which such merchandise is sold at retail in a substantial segment of the trade area.

And further, That respondents do forthwith cease and desist from placing in the hands of jobbers, retailers, dealers, and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in the respects set out above.

And further, That the charges set forth in Paragraphs Seven and Eight of the Commission's complaint be, and they hereby are, dismissed.

It is further ordered, That respondents, Rayex Corporation, Ray Tunkel, Harry Kramer, and William Jonas, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 2, 1960.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7587; Filed, Aug. 1, 1962; 8:49 a.m.]

[Docket C-109]

PART 13—PROHIBITED TRADE PRACTICES

Sofskin, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for Services or Facilities for Processing or Sale Under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Sofskin, Inc., New York, N.Y., Docket C-109, Apr. 2, 1962]

Consent order requiring a manufacturer of hand creams and related products, with principal place of business in New York City, to cease violating section 2(d) of the Clayton Act by such practices as paying promotional allowances of $1400 to McKesson & Robbins, Inc., while not making such payments available on proportionally equal terms to all competing customers.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Sofskin, Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in the course of business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for advertising or any other services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of hand creams and related products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution of such products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: April 2, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*

[F.R. Doc. 62-7588; Filed, Aug. 1, 1962; 8:49 a.m.]

[Docket 6927]

PART 13—PROHIBITED TRADE PRACTICES

Swanee Paper Corp.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for Services or Facilities for Processing or Sale Under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Modified order to cease and desist, Swanee Paper Corporation, Ransom, Pa., Docket 6927, Mar. 16, 1962]

Order modifying—in accordance with the decree of the Court of Appeals for the Second Circuit (291 F. 2d 833) which held that "the order should be limited to the particular practice found to violate the statute"—desist order of Mar. 22, 1960 (25 F.R. 3622, Apr. 27, 1960), requiring cessation of violation of section 2(d) of the Clayton Act.

Said modified order to cease and desist is as follows:

It is ordered, That respondent Swanee Paper Corporation, a corporation, its officers, employees, agents or representatives, directly or through any corporate or other device, in connection with the sale or offering for sale in commerce (as "commerce" is defined in the Clayton Act) of paper products, do forthwith cease and desist from: Paying or contracting to pay anything of value to any third person as compensation or in consideration for any advertising or promotional display services or facilities if such services or facilities are furnished by or through any customer of Swanee in connection with the sale or offering for sale of Swanee's products, and such compensation or consideration paid or contracted to be paid to said third person is used in whole or in part to provide benefits for said customer, unless the benefits thus derived by said customer are made available on proportionally equal terms to all other customers of Swanee competing in the distribution of its products.

Issued: March 16, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7589; Filed, Aug. 1, 1962; 8:50 a.m.]

[Docket 8409]

PART 13—PROHIBITED TRADE PRACTICES

Transair, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.185 *Refunds, repairs, and replacements;* § 13.235 *Source or origin:* § 13.235–50 *Maker or seller, etc.;* § 13.235–60 *Place:* § 13.235–60(a) *Domestic products as imported.* Subpart—Neglecting unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–70 *Textile Fiber Products Identification Act.* (Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Transair, Inc., et al., Hollywood, Calif., Docket 8409, Apr. 5, 1962]

In the Matter of Transair, Inc., and Prudential Manufacturing, Inc., Corporations, and Morris Kaplan, Individually and as an Officer of Said Corporations; Barilen Corp., a Corporation, and Harold C. Schlosberg, Individually and as an Officer of Said Corporation; and Nathan Katz, Miles Shefferman, and Jack Blagman, Individually and as Copartners, trading as The Blackwood Company

Order requiring sellers of women's shoes and wearing apparel in Hollywood, Calif., to cease violating the Federal Trade Commission Act by advertisements in newspapers, magazines, and catalogs which read in part: "Values to $39.95 each! 3 pairs brand new shoes . . . only $9.95" along with depictions of women's late style shoes with well-known brand names, ". . . Petite Panties . . . Imported from France", and "Thousands of beautiful blouses . . . all gorgeous imports . . .", when the shoes offered were not late style or of the name brands listed and the lingerie and some of the blouses were not imports; and by stating falsely "you must be 100% satisfied . . . or your money back"; and to cease violating the Textile Fiber Products Identification Act by failing to label women's wearing apparel as required and to maintain proper records showing the fiber content of the textile fiber products they manufactured.

The order to cease and desist is as follows:

1. *It is ordered*, That respondents Transair, Inc., and Prudential Manufacturing, Inc., corporations, and their officers, and Morris Kaplan, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of women's shoes, women's wearing apparel, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

a. Representing, directly or by implication, that women's shoes, or any other product, are of a certain brand or style, or that they have any other attribute, unless such is the fact.

b. Representing, directly or by implication, that women's blouses, lingerie, or any other products, are imported, unless such is the fact.

c. Representing, directly or by implication, that respondents will make refunds for unsatisfactory goods or merchandise unless such refunds are made promptly upon demand by the purchaser.

2. *It is further ordered*, That respondents Transair, Inc., and Prudential Manufacturing, Inc., corporations, and their officers, and Morris Kaplan, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of textile fiber products, or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of textile fiber products which have been advertised or offered for sale in commerce, or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of textile fiber products, whether in their original state or contained in other textile fiber products (as "commerce" and "textile fiber products" are defined in the Textile Fiber Products Identification Act), do forthwith cease and desist from:

a. Misbranding textile fiber products by:

(1) Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein;

(2) Failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

b. Failing to maintain records of fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations thereunder.

3. *It is further ordered*, That the complaint be, and the same hereby is, dismissed as to Barilen Corp., a corporation, and Hyman C. Schlosberg (erroneously named in the complaint as Harold C. Schlosberg), individually and as an officer of said corporation, and Nathan Katz, Miles Shefferman and Jack Blagman, individually and as copartners trading as The Blackwood Company.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents, Transair, Inc., a corporation, and Prudential Manufacturing, Inc., a corporation, and Morris Kaplan, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 5, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7590; Filed, Aug. 1, 1962; 8:50 a.m.]

[Docket C-108]

PART 13—PROHIBITED TRADE PRACTICES

Gerald M. Wormser et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* §13.155–45

Fictitious marking; § 13.285 *Value.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act;* § 13.1280 *Price.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Gerald M. Wormser et al, trading as Wormser's of Lafayette, Lafayette, La., Docket C–108, Apr. 2, 1962]

In the Matter of Gerald M. Wormser, and Jack C. Wormser, Individually and as Copartners Trading as Wormser's of Lafayette

Consent order requiring Lafayette, La., furriers to cease violating the Fur Products Labeling Act by labeling fur products with fictitious prices; failing to use the term "natural" on labels and invoices and in newspaper advertising to describe furs not artificially colored; failing to show the true animal name of fur, on labels and invoices; failing to show on labels when furs were artificially colored and to use the term "Persian Lamb" as required; making price and value claims in advertising without maintaining adequate records as a basis therefor; and failing in other respects to comply with requirements of the Act.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Gerald M. Wormser and Jack C. Wormser, individually and as copartners, trading as Wormser's of Lafayette, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying such products as to the regular prices or values thereof by any representation that the regular or usual prices of such products are any amount in excess of the prices at which respondent has usually and customarily sold such products in the recent regular course of business.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

C. Failing to set forth the term "Persian Lamb" on labels in the manner required, where an election is made to use that term instead of the word "Lamb".

D. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

E. Failing to disclose that fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored are natural.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Failing to set forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

C. Failing to disclose that fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored are natural.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Represents through the use of percentage savings claims that prices of fur products are reduced in direct proportion to the percentage of savings stated, when such is not the fact.

B. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent and regular course of business.

C. Represents directly or by implication that the volume of merchandise to be offered for sale is higher than is the fact.

D. Represents in any manner that savings are available to purchasers of respondents' fur products when contrary to fact.

E. Fails to disclose that fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored are natural.

4. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 2, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–7591; Filed, Aug. 1, 1962; 8:51 a.m.]

[Docket 8426 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Zenith Laboratories, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–230 *Plant and equipment;* § 13.40 *Conditions of manufacture:* § 13.40–10 *In general;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Zenith Laboratories, Inc., et al., Englewood, N.J., Docket 8426, Mar. 30, 1962]

In the Matter of Zenith Laboratories, Inc., a Corporation, and Benjamin Wiener, Harry Wiener, and Thomas Baty, Individually and as Officers of Said Corporation

Consent order requiring Englewood, N.J., distributors of drugs to wholesale and retail sellers, to cease representing falsely in advertisements in periodicals and catalogs, letters, and other mailing pieces, that they had "quality control" and exercised "exacting controls and assays"; that their timed disintegration capsules disintegrated over a stated period and at an even rate; and that their laboratory was equipped with experimental animals.

The order to cease and desist is as follows:

It is ordered, That respondents, Zenith Laboratories, Inc., a corporation, and its officers, and Benjamin Wiener and Harry Wiener, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of drugs or food do forthwith cease and desist, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement:

(a) Uses the terms "quality control" or "exacting controls", or any other words or terms of similar import or meaning; or

(b) Represents, directly or indirectly:

(1) That respondents have an adequate control system, or misrepresents the nature or extent of the procedures used by them in the manufacture, preparation or distribution of drugs or food.

(2) That respondents' timed disintegration capsules disintegrate over a period of eight (8) to ten (10) hours, unless such is the fact, or otherwise misrepresents the time periods or manner in which timed disintegration capsules disintegrate.

(3) That respondents' laboratory includes experimental animals.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of drugs or food, which advertisement contains any of the terms or representations prohibited in Paragraph 1 hereof.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to Thomas Baty, individually and as an officer of Zenith Laboratories, Inc., a corporation.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents, Zenith Laboratories, Inc., a corporation, and Benjamin Wiener and Harry Wiener, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 30, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–7592; Filed, Aug. 1, 1962; 8:51 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.482]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to provide a waiver of visa and passport requirements for an alien who is a native and a resident of the Trust Territory of the Pacific Islands who has proceeded in direct and continuous transit from the Trust Territory to the United States.

Section 41.6 is amended by the addition of the following paragraph:

§ 41.6 **Nonimmigrants not required to present passports, visas, or border-crossing identification cards.**

* * * * * *

(g) *Natives and residents of the Trust Territory of the Pacific Islands.* A visa and a passport shall not be required of a native and resident of the Trust Territory of the Pacific Islands who has proceeded in direct and continuous transit from the Trust Territory to the United States.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: July 18, 1962.

MICHEL CIEPLINSKI,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

Dated: July 25, 1962.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

[F.R. Doc. 62–7629; Filed, Aug. 1, 1962; 8:57 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

Vessels Operated by Pacific Micronesian Lines, Inc.

CROSS REFERENCE: For promulgation of waiver order § 19.35, see Title 46, Chapter I, Part 154, *infra.*

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2786]

[Oregon 012322]

OREGON

Revoking Timber Preservation Areas

By virtue of the authority contained in sections 1 and 5 of the act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181a), it is ordered as follows:

1. The departmental order of February 23, 1945, which withdrew the following described Revested Oregon and California Railroad grant lands in Oregon as timber preservation areas, and for protection of their recreational and scenic values, is hereby revoked:

WILLAMETTE MERIDIAN

Area No. 1

T. 16 S., R. 6 W.,
Sec. 7, lots 1, 2, SE¼NW¼, NE¼SW¼, and NW¼SE¼.
T. 16 S., R. 7 W.,
Sec. 1, SE¼SE¼.

Area No. 2

T. 16 S., R. 7 W.,
Sec. 19, SE¼SW¼ and S½SE¼.

The areas described, aggregating 366.49 acres, are in part withdrawn for power and other purposes.

2. At 10:00 a.m. on September 1, 1962, the lands shall be open to such forms of disposition as may by law be made of Revested Oregon and California Railroad grant lands.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 27, 1962.

[F.R. Doc. 62–7615; Filed, Aug. 1, 1962; 8:54 a.m.]

[Public Land Order 2787]

[Washington 04431]

WASHINGTON

Revoking Certain Reclamation Withdrawals (Big Bend Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of June 24, 1903; August 25, 1903; September 4, 1903; October 17, 1903, and December 2, 1903, which withdrew lands for reclamation purposes under the provisions of the act of June 17, supra, in connection with the Big Bend Project, Washington, are hereby revoked so far as they affect the following described lands:

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

Correction

In F.R. Doc. 62–7376, appearing at page 7375 of the issue for Friday, July 27, 1962, the following changes are made in the alphabetical list of components of adhesives in paragraph (c)(5) of § 121.2520:

1. The entry reading "Ethoxyproponal butyl ether" should read "Ethoxypropanol butyl ether".

2. The entry reading "Lauryl peroxide" should read "Lauroyl peroxide".

3. The entry reading "2,2-Methylenebis (4-methyl-6-*tert*-butyl-phenol)" should read "2,2-Methylenebis (4-ethyl-6-*tert*-butyl-phenol)".

WILLAMETTE MERIDIAN

a. Order of June 24, 1903:

T. 13 N., R. 27 E.,
Sec. 25, lot 1.
T. 22 N., R. 27 E.,
Secs. 18 to 22, incl.;
Secs. 29 to 32, incl.
T. 11 N., R. 28 E.,
Sec. 35, lots 1, 2, 3, and 4.

b. Order of August 28, 1903:

T. 21 N., R. 38 E.,
Secs. 28 and 32.
T. 18 N., R. 40 E.,
Sec. 27, W½SW¼ and SE¼SW¼;
Sec. 28, E½SE¼;
Sec. 32, SW¼ and S½SE¼;
Sec. 33, S½SW¼ and E½SE¼;
Sec. 34, W½.
T. 19 N., R. 40 E.,
Sec. 12, S½NW¼.
T. 19 N., R. 41 E.,
Sec. 6, lots 1 to 10, incl., and SE¼NW¼.
T. 20 N., R. 41 E.,
Sec. 12;
Sec. 22, lot 3;
Sec. 28, lots 3 and 4;
Sec. 32, lots 1 to 6, incl., SE¼NE¼, and E½SE¼.

c. Order of September 4, 1903:

T. 17 N., R. 40 E.,
Secs. 1 and 2;
Sec. 3, lots 3, 4, S½N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 4;
Sec. 5, lots 1 to 4, incl., S½N½, N½SW¼, SE¼SW¼, and SE¼;
Secs. 6 and 7;
Sec. 8, E½, E½W½, and SW¼SW¼;
Sec. 9, N½NE¼;
Sec. 10, NE¼, N½NW¼, and SE¼NW¼;
Sec. 11, S½N½ and N½SW¼;
Sec. 12, N½S½, SE¼SW¼, and S½SE¼;
Secs. 13, 14, and 15;
Secs. 17 to 36, incl.

d. Order of October 17, 1903:

T. 14 N., R. 31 E.,
Sec. 36.
T. 19 N., R. 37 E.,
Secs. 10, 14, 16, and 20.
T. 20 N., R. 41 E.,
Sec. 28, lots 3 and 4.

e. Order of October 30, 1903:

T. 17 N., R. 31 E.,
Sec. 2, S½;
Sec. 10;
Sec. 12, W½;
Secs. 16, 18, 20, 28, 30, and 32.
T. 17 N., R. 32 E.,
Sec. 26, SW¼;
Secs. 30 and 34.
T. 22 N., R. 32 E.,
Secs. 12, 14, 26, and 34.

f. Order of December 2, 1903:

T. 17 N., R. 32 E.,
Sec. 18, SE¼.

The areas described, including the public and nonpublic lands, aggregate approximately 42,400 acres. The public lands remain withdrawn for other reclamation projects, or for power purposes in Power Site Classification No. 216 of January 3, 1929.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 27, 1962.

[F.R. Doc. 62-7616; Filed, Aug. 1, 1962; 8:55 a.m.]

[Public Land Order 2738]

[Riverside 691]

CALIFORNIA

Revoking Departmental Order of November 9, 1916

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and as Secretary of the Interior, it is ordered as follows:

1. The departmental order of November 9, 1916, temporarily reserving and setting aside the following described lands for use of the El Tejon Band of Indians, is hereby revoked:

SAN BERNARDINO MERIDIAN

T. 11 N., R. 17 W.,
Sec. 2, W½NW¼, SW¼SW¼ (lot 5);
Sec. 12, NW¼NE¼;
Sec. 26, S½S½;
Sec. 28, SE¼SE¼, SW¼SW¼;
Sec. 34, E½, W½W½.
Containing 868.92 acres.

2. The lands which have never been used and are not needed by the Indians for any purpose, are in scattered tracts about 14 to 16 miles southwest of the town of Tehachapi. They are accessible only by foot, and are steep and rough in topography.

3. The lands are hereby restored to the operation of the public land laws, subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided, that until 10:00 a.m. on January 26, 1963, the State of California shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The lands shall be open to applications and offers under the mineral leasing laws and to location under the United States mining laws, beginning at 10:00 a.m. on January 26, 1963. Lease applications received prior thereto will be considered as filed at that time.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Riverside, California.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 27, 1962.

[F.R. Doc. 62-7617; Filed, Aug. 1, 1962; 8:55 a.m.]

[Public Land Order 2739]

[1651612]

OREGON

Partly Revoking Executive Order No. 7430 of August 17, 1936

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), it is ordered as follows:

1. Executive Order No. 7430 of August 17, 1936, so far as it reserved the following-described lands for use of the Forest Service as a lookout site, is hereby revoked:

WILLAMETTE MERIDIAN

T. 37 S., R. 14 W.,
Sec. 4, lot 16.
Containing 36.68 acres.

2. The lands are a part of the Siskiyou National Forest. At 10:00 a.m. on September 1, 1962, they shall be subject to such forms of disposition as may by law be made of national forest lands, subject to the use and occupancy by the Forest Service of a portion of the lands appropriated for and in use as a radio remote station.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 27, 1962.

[F.R. Doc. 62-7618; Filed, Aug. 1, 1962; 8:55 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER O—REGULATIONS APPLICABLE TO CERTAIN VESSELS DURING EMERGENCY

[CGFR 62-23]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS [1]

Vessels Operated by Pacific Micronesian Lines, Inc.

The Assistant Secretary of Defense, Installations and Logistics, in a letter to the Secretary of the Treasury dated July 3, 1962, requested a general waiver of navigation and vessel inspection laws of the United States as follows:

Each year since 1951, the Department of Defense has recommended waiver of the vessel inspection laws of the United States for certain vessels operating in the Trust Territory pursuant to a contract with the Government of the Trust Territory. This is to recommend a limited waiver similar to that applicable through June 30, 1962.

In the interest of national defense and pursuant to the provisions of Public Law 891, 81st Congress, it is requested that there be waived the requirements of the navigation inspection laws relating to licensed and unlicensed personnel, passenger quarters, crew quarters, the number of passengers allowed to be carried on freight vessels, the technical requirements for stowage of certain dangerous cargo, the requirements for U.S. Coast Guard type approval of lifeboats and their stores, and the making of repairs, alterations or replacement ordinarily requiring Coast Guard approval in foreign countries.

This waiver is requested until June 30, 1963.

Section 1 of the act of December 27, 1950 (64 Stat. 1120, 46 U.S.C., note preceding 1), states in part as follows:

That the head of each department or agency responsible for the administration of the navigation and vessel-inspection laws is directed to waive compliance with such laws upon the request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense. * * *

[1] This is also codified as 33 CFR Part 19.

By Department of Defense Directive 5100.21, dated April 9, 1959 (24 F.R. 2912), as amended by Department of Defense Directive 5126.22 (26 F.R. 1922-1924), the Secretary of Defense delegated to the Assistant Secretary of Defense, Installations and Logistics, full power and authority to act for and in the name of the Secretary of Defense, and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to Public Law 891, 81st Congress, 2d Session (64 Stat. 1120; 46 U.S.C. note preceding 1) except as delegated to the Secretary of the Army insofar as such act is related to the St. Lawrence Seaway Power Project, the St. Lawrence Seaway Navigation Project, and the Great Lakes Connecting Channels Project.

As the previous waiver in 46 CFR 154.35, as well as 33 CFR 19.35, had expired by virtue of its own terms on June 30, 1962, the Commandant on July 13, 1962, instructed the Officer in Charge, Marine Inspection, United States Coast Guard, Guam; that a waiver was granted as requested.

The purpose of the following waiver designated § 154.35, as well as 33 CFR 19.35, is to waive the navigation and vessel inspection laws and regulations issued pursuant thereto which are administered by the United States Coast Guard as requested by the Assistant Secretary of Defense, Installations and Logistics; to confirm the waiver on this subject sent to the Officer in Charge, Marine Inspection, United States Coast Guard, Guam; and to publish this waiver in the FEDERAL REGISTER. It is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon and effective date requirements thereof) is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury dated January 23, 1951, identified as CGFR 51-1, and published in the FEDERAL REGISTER dated January 26, 1951 (16 F.R. 731), the following waiver is promulgated and shall be in effect to and including June 30, 1963, unless sooner terminated by proper authority, and § 154.35 is revised as follows:

§ 154.35 Department of the Interior vessels operated by Pacific Micronesian Lines, Inc.

Pursuant to the request of the Assistant Secretary of Defense, Installations and Logistics, in a letter dated July 3, 1962, made under the provisions of section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U.S.C., note preceding 1), and this waiver having been deemed necessary in the interest of national defense, I hereby waive compliance with the provisions of the navigation and vessel inspection laws relating to licensed and unlicensed personnel, passenger quarters, crew quarters, the number of passengers allowed to be carried on freight vessels, technical requirements for stowage for certain dangerous cargoes, and, in addition for vessels of United States registry, the requirements for U.S. Coast Guard type approval of lifeboats and their stores, and the making of repairs, alterations, or replacements (ordinarily requiring U.S. Coast Guard approval) in foreign countries, administered by the United States Coast Guard, as well as the regulations issued thereunder and published in 33 CFR Chapter I or in this chapter, to the extent necessary to permit the operation of vessels of the Department of the Interior and now operated by Pacific Micronesian Lines, Inc., or other vessels which may be used as substitutes for such vessels, in the Trust Territory of the Pacific Islands, as well as between the Trust Territory of the Pacific Islands, and all the ports of the United States, including its territories and possessions, and foreign ports. In the case of United States registered vessels, the making of repairs, alterations or replacements in foreign countries applies only to structural features and not to portable equipment requiring U.S. Coast Guard type approval. This waiver shall be in effect from July 13, 1962, to and including June 30, 1963.

(Sec. 1, 64 Stat. 1120; 46 U.S.C., note prec. 1)

Dated: July 30, 1962.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard Commandant.

[F.R. Doc. 62-7648; Filed, Aug. 1, 1962; 8:59 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14657; FCC 62-817]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 9—AVIATION SERVICES

Aeronautical Multicom Station

In the matter of amendment of Parts 2 and 9 of the Commission's rules to establish a new class of station operating on the frequency 122.9 Mc/s, called aeronautical multicom station, Docket No. 14657.

1. The notice of proposed rule making in the above-entitled matter, released by the Commission on June 1, 1962 (FCC 62-576), made provision for the filing of comments and was duly published in the FEDERAL REGISTER on June 6, 1962 (27 F.R. 5345).

2. The notice proposed to amend Parts 2 and 9 of the Commission's rules to establish a new class of station (Aeronautical Multicom Station) and to make provision for the use of the frequency 122.9 Mc/s by such stations. The multicom station will provide, among other things, ground-to-air communications pertaining to agricultural, ranching, and conservation activities; forest fire fighting; aerial application; aerial advertising; and parachute jumping.

3. Comments in this proceeding were filed by: Aero Agricultural Service, Inc.; Aeronautical Radio, Inc. and Air Transport Association; Aerospace Flight Test Radio Coordinating Council; Aero Union Corp.; Aircraft Owners and Pilots Association; American Petroleum Institute, Control Committee on Communications Facilities; Anderson Aviation Co., Inc.; Atlantic Aviation Corp.; Aztec Aircraft Sales; California Aeronautics Division; California Agricultural Association, Inc.; Dusters, Inc.; Emmett Hamilton Dusters; Farmers Crop Dusters, Inc.; Forest Industries Radio Communications; Fry Aviation Industries; Gran-Aire, Inc.; Helicopter Association of America; Hodge Aero, Inc.; Home Acres Sky Ranch; Independent Dusting Service, Inc.; King Rhiley, Jr.; Lincoln Aviation Institute; Mercedes Dusting Service; Michigan Department of Aeronautics; Mid Continent Aerial Sprayers, Inc.; Midwest Aero Service; Minnesota Commission of Aeronautics; Mississippi Valley Helicopters, Inc.; Montana Aviation Trades Association; Moore Aviation, Inc.; NAM Committee on Manufacturers Radio Use; National Aeronautical Corp.; National Association of State Aviation Officials; National Aviation Trades Association; National Pilots Association; Nebraska Aviation Trades Association; Pierce Aviation; Quasdman Dusters; Rose Flying Service; The Normal Larson Co.; Santa Barbara Aviation, Inc.; Special Industrial Radio Service Association; Ueding Flying Service; Upjohn Co.; and Volusia Aviation Service, Inc. In addition to the formal comments filed in this proceeding, the Commission received numerous letters from various aviation interests. Comments in general favored the proposal. Those comments which differed from, or favored substantial changes in, the proposal are treated in the following paragraphs.

4. The California Aeronautics Division, Department of Public Works, State of California, indicates a need for a frequency to accommodate communications relating to aircraft collision avoidance, weather, search and rescue, emergencies, and aerial pursuit of fugitives. § 9.331, as revised, provides for communication between private aircraft for safety purposes which includes voice transmissions for collision avoidance, as well as the exchange of weather information. A similar provision is made in § 9.1504 defining the scope of service for aeronautical multicom stations. Communications pertaining to emergency and search and rescue operations, are provided for on the frequencies 121.5 and 121.6 Mc/s on a priority basis. Since ground stations guard 121.5 Mc/s and search and rescue mobile stations are licensed on 121.6 Mc/s, the Commission does not find that communications pertaining to these activities should be transferred to the aeronautical multicom service. Inasmuch as police communications are conducted under an already well-established service which includes law enforcement activities and the respondent does not supply information beyond a simple assertion of need, it is the view of the Commission that the scope of service relating to the use of the frequency 122.9 Mc/s should

not be enlarged to include aerial pursuit of fugitives. This does not preclude a law enforcement agency from obtaining a multicom station license; however, it must conduct its communications in accordance with the scope of service as set forth in § 9.1504 of the rules.

5. The State of California also expresses the feeling that the rulemaking should be broadened to include "public" as well as private aircraft. In this connection, the Commission has received a letter from the Office of Emergency Planning (OEP) requesting that the proposed rules be amended in order to provide for the integrated operation of Federal Government aeronautical activities with those of the Commission's licensees in the proposed multicom service. The Commission agrees with the comments of the State of California and the Office of Emergency Planning that Government stations should be allowed limited participation in the multicom service and the Appendix reflects an appropriate amendment to Parts 2 and 9 of the Commission's rules.

6. The comments of Forest Industries Radio Communications contains that organization's interpretation of the proposed scope of service as it applies to the forest industries. In this connection, the Commission is of the opinion that agriculture includes growing, harvesting and protecting a renewable forest crop; therefore, the phases of these operations which require the direction of aerial activities from the ground and ground activities from the air as well as air to air are included in the scope of service.

7. The comments of Forest Industries Radio Communications, the Central Committee on Communications Facilities of the American Petroleum Institute and the Special Industrial Radio Service Association, Inc. (SIRSA) were concerned with the eligibility of their members for aeronautical multicom stations to be used in the dispatching of aircraft. The eligibility requirements of the rules pertaining to multicom stations authorized to provide advisory service, are general in nature and do not exclude, per se, any person or industry.

8. American Petroleum Institute stated that the use of aeronautical advisory channels for dispatch traffic contributes greatly to the congestion which the Commission's proposal is designed to relieve; and, therefore, the Institute appears to propose that dispatch traffic in the petroleum industry be transferred to 122.9 Mc/s. The Commission's primary purpose in this rule making is the establishment of a new service and not the transfer of functions from an already established service. Concerning the congestion that respondent speaks of, some of the air-to-air communications previously conducted on the frequency 122.8 Mc/s are expected to be conducted on the new multicom frequency in accordance with provisions of § 9.331(c). Dispatching and other advisory communications will be permitted on 122.9 Mc/s only where eligibility cannot be established for an aeronautical advisory station license.

9. Both the Special Industrial Radio Service Association, Inc. (SIRSA) and the American Petroleum Institute urge the Commission to broaden the scope of service to include aircraft used by the petroleum industry in the protection of life and property from fire, pipeline patrol and other petroleum servicing, pipeline construction, field explorations, and production activities. The Commission's objective in § 9.1504 was generally to provide for activities of a temporary, seasonal, or emergency nature and to exclude those activities which are of a continuing or permanent nature, particularly where provision is already made for communications under another part of the rules. The scope of service therefore, does not include the activities suggested for the petroleum industry except as explained in paragraph 7 above and where aerial application is involved. For the purpose of this rule making, aerial application includes operations such as the spraying of insecticides, herbicides, and fire retardents and the dropping of seeds, supplies, personnel, and equipment from aircraft.

10. Aeronautical Radio, Inc. (ARINC) and the Air Transport Association (ATA) filed a joint comment which points out that the potential widespread and diverse uses of multicom and advisory stations, and the potential interference between multicom and air traffic control stations utilizing adjacent 50 kc channels would preclude the foreseeable future the use of the frequencies 122.85, and 122.95 Mc/s for air traffic control purposes. ARINC and ATA, therefore, recommend that these two frequencies be made available for multicom or advisory purposes.

11. The State of Minnesota, Department of Aeronautics, suggests that 122.85 and 122.95 Mc/s be assigned so that more than one advisory and multicom station could be authorized at a landing area.

12. The National Association of State Aviation Officials (NASAO) agrees with the State of Minnesota, recognizing, however, that the assignment of adjacent 50 kc channels would pose a problem at this time and suggesting that the Commission consider these assignments as a long-range possibility.

13. Aircraft Owners and Pilots Association (AOPA) suggests the frequency 123.05 Mc/s as a secondary channel for the multicom service assignable for use in some specialized services suitably equipped for 50 kc operations.

14. National Aeronautical Corporation (NARCO) points out that when the advisory service was initiated, utilization of the frequencies in the 122 Mc/s portion of the aviation spectrum was on a 200 kc basis. As a result, receivers which were not sufficiently selective to reject signals on an adjacent 100 kc channel have been manufactured in considerable quantity. NARCO suggests, therefore, that the rule making should consider the existence of hundreds of ground stations using such equipment.

15. The National Pilots Association also recognizes the problem of receiver selectivity and states that receivers having poor receiving characteristics will have to be withdrawn from use if proper service is to be maintained. National Pilots Association feels that in spite of this disadvantage, the multicom service, as proposed, is a desirable improvement. On this subject, the AOPA feels that the benefits which would be derived from the use of 122.9 Mc/s will more than compensate for interference that may occur to older equipment on 122.8 Mc/s.

16. The Commission's proposal states in § 9.1501 that the frequency 122.9 Mc/s is available on the condition that no harmful interference is caused to the aeronautical advisory service. In spite of the many uses to which aeronautical advisory stations are put, the safety aspect of this service makes the previously mentioned requirement necessary. Therefore, in view of the interference potential as expressed in the comments above, and the fact that the Commission feels the frequency 122.9 Mc/s can adequately serve the present requirements for the new multicom service, no additional frequencies are being provided at this time.

17. The Department of Aeronautics of the State of Minnesota, and NASAO propose that the rules be amended to provide that aeronautical multicom stations may be authorized at locations where aeronautical advisory stations are authorized. The comments of these organizations point out that there are times when aeronautical advisory station service is not available or not in operation when air-ground communications are needed. The Upjohn Company and the NAM Committee on Manufacturers Radio Use have interpreted § 9.1504 to mean that since aeronautical advisory service is not available at certain times, then an applicant would be eligible for multicom station license at the same location.

18. The State of Minnesota stressed the importance of advanced communications to arrange for surface transportation, repair, service and other necessities for aircraft operation and suggests that where more than one operator desires communications, that the first one who applies be assigned 122.8, the second 122.85, the third 122.9 and the fourth 122.95 Mc/s, etc.

19. The Commission has consistently followed the provision of § 9.1001 which states that only one aeronautical advisory station will be authorized at any landing area. Again it is emphasized that the advisory service is primarily for safety and, therefore, the possibility of conflicting advisory information and interference between stations precludes the operation of more than one advisory station or an advisory and a multicom station, authorized to provide advisory service, at the same landing area at the same time. The Commission also recognizes that maximum use may not be made of aeronautical advisory stations when those stations are not in operation at all times; however, it does not feel that this problem is one that can be adequately solved by enlarging of the scope of the multicom station. It is a matter to be considered in revising the aeronautical advisory rules—a task not envisioned in the instant rule making. Therefore, the language that lead NAM and Upjohn Company to a conclusion contrary to that intended by the Commission has been revised and clarified.

20. Agriculture Aircraft Association, Inc. states that it would be of extreme economic benefit if the frequency 122.9 Mc/s could be used for ground-to-ground communications with a maximum power output of 50 watts.

21. The frequency involved in this rule making is allocated to the aeronautical mobile service internationally, and to private aircraft in the United States. The present rule making, therefore, only establishes ground-to-air and air-to-ground and air-to-air communications involving private aircraft. Communication between points on the ground will not be provided in the multicom service.

22. In view of the diverse activities provided for in the scope of service for aeronautical multicom stations, and the interest shown by the large number of comments received, the Commission anticipates that there would be considerable difficulty in administering this service should each authorization permit operation in all of the activities provided for in the scope of service. Each authorization issued, therefore, will limit communications to those for which a need is shown in the application.

23. The Office of Emergency Planning has requested that the Commission take expeditious action in this matter so that the new class of station and the frequency will be available for forest fire fighting during the forthcoming time of the year when forest fires are most prevalent. The Commission concurs in the concern of the OEP and in view of the rapidly approaching summer dry season, in many areas of the United States, which is conducive to forest fires finds that good cause exists for excepting the present rule making from the provisions of section 4C of the Administrative Procedure Act.

24. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in section 303 (a), (b), (c), (f), and (r) of the Communications Act of 1934, as amended, that effective July 25, 1962, Parts 2 and 9 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 25, 1962.

Released: July 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 2.1 is amended by adding the following new definitions in alphabetical order:

§ 2.1 Definitions.

* * * * *

Aeronautical multicom land station. An aeronautical station operating in the aeronautical multicom service.

Aeronautical multicom mobile station. A mobile station operating in the aeronautical multicom service.

Aeronautical multicom service. A mobile service not open to public correspondence, used to provide communications essential to conduct of activities being performed by or directed from private aircraft.

* * * * *

2. In § 2.106, Footnote designator US 80 is added to the band 121.975–123.075 Mc/s in Column 5, Footnote US31 is amended, and new Footnote US80 is added to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

5	6	7	8	9	10	11
121.975–123.075 (US29) (US30) (US31) (US80)	NG.	121.975–123.075	AERONAUTICAL MOBILE.	Aeronautical Aircraft.	122.0–123.05 (NG34).	Private aircraft.

* * * * * * *

US31 The band 121.975–123.075 Mc/s is for use by private aircraft stations. In addition, the frequencies 122.8 and 123.0 Mc/s may be used by aeronautical advisory stations and the frequency 122.9 Mc/s may be used by aeronautical multicom stations.

* * * * * * *

US80 Government stations may use the frequency 122.9 Mc/s subject to the following conditions:
(a) All operation by Government stations shall be restricted to the purpose for which the frequency is authorized to non-Government stations, and shall be in accordance with the appropriate provisions of the Commission's rules and regulations, Part 9, Aviation Services;
(b) Use of the frequency is required for coordination of activities with Commission licensees operating on this frequency; and
(c) Government stations will not be authorized for operation at fixed locations.

3. Section 9.3 is amended to add the following definitions in alphabetical order:

§ 9.3 Definition of terms.

* * * * *

Aeronautical multicom land station. An aeronautical station operating in the aeronautical multicom service.

Aeronautical multicom mobile station. A mobile station operating in the aeronautical multicom service.

Aeronautical multicom service. A mobile service not open to public correspondence, used to provide communications essential to conduct of activities being performed by or directed from private aircraft.

4. Section 9.193 is amended to read as follows:

§ 9.193 Permissible communications.

All ground stations in the aviation services shall transmit only communications for the safe, expeditious and economical operation of aircraft and the protection of life and property in the air: *Provided, however*, That aeronautical public service stations, aeronautical advisory stations, aeronautical multicom stations, and Civil Air Patrol land and mobile stations may communicate in accordance with the particular sections of this part which govern the operation of these classes of stations, and any station in the Aviation Services in Alaska, regardless of class in which licensed, may transmit messages concerning sickness, death, weather, ice conditions, or other matters relating to safety of life and property if:

(a) There is no established means of communication between the points in question;

(b) No charge is made for the communication service; and

(c) A copy of each message so transmitted is kept on file at the transmitting station in accordance with § 9.153.

5. In § 9.331, paragraphs (b) and (c) are amended to read as follows:

§ 9.331 Frequencies available.

* * * * *

(b) These frequencies are available to private aircraft for air traffic control operations:

122.00, 122.05, 122.10, 122.15, 122.20, 122.25, 122.30, 122.35, 122.40, 122.45, 122.50, 122.55, 122.60, 122.65, 122.70, 122.75, 122.85, 122.95, and 123.05 Mc/s.

(c) 122.9 Mc/s, 6A3 emission: Private aircraft stations to aeronautical multicom stations and to Government stations in accordance with the scope of service set forth in § 9.1504. Between private aircraft stations and between private aircraft stations and Government aircraft stations while in flight for communications pertaining to safety; agricultural, ranching and conservation activities; forest fire fighting; aerial application; aerial advertising; and parachute jumping.

6. Part 9 is amended by the addition of the following new Subpart Y:

Subpart Y—Aeronautical Multicom Stations

Sec.
9.1501 Frequency available.
9.1502 Power output.
9.1503 Eligibility.
9.1504 Scope of service.

AUTHORITY: §§ 9.1501 to 9.1504 issued under sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.

Subpart Y—Aeronautical Multicom Stations

§ 9.1501 Frequency available.

122.9 Mc/s, 6A3 emission: This frequency is available on the condition that no harmful interference is caused to the aeronautical advisory service.

§ 9.1502 Power output.

The power output of aeronautical multicom stations shall not exceed 10 watts.

§ 9.1503 **Eligibility.**

An authorization for an aeronautical multicom station will be granted only to a person requiring communications within the scope of service for this class of station. A showing, satisfactory to the Commission, of the need for such communication shall accompany each application for license.

§ 9.1504 **Scope of service.**

Communications pertaining to agricultural, ranching, and conservation activities; forest fire fighting; aerial application; aerial advertising; and parachute jumping are permitted. Such communications shall be limited to the directing of ground activities from the air, the directing of aerial activities from the ground and air-to-air communications where such communications are otherwise not provided for in the part: *Provided, however,* That where advisory service is not authorized at a landing area and an applicant is unable to meet the special requirements for an aeronautical advisory station under § 9.1001, the Commission, upon a proper showing by the applicant, and until such time as an aeronautical advisory service is established at the landing area on 122.8 or 123.0 Mc/s, may authorize service at such landing areas on the frequency 122.9 Mc/s in accordance with the following provisions:

(a) Shall not be used for air traffic control purposes;

(b) Shall be limited to the necessities of safe and expeditious operation of private aircraft, pertaining to the conditions of runways, types of fuel available, wind conditions, weather information, dispatching or other necessary information: *Provided, however,* That on a secondary basis, communications may be transmitted which pertain to the efficient portal-to-portal transit of which the flight is a portion, such as requests for ground transportation and food or lodging required during transit.

[F.R. Doc. 62-7658; Filed, Aug. 1, 1962; 9:00 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 6—FEES, FOR COPYING, CERTIFICATION AND SERVICES IN CONNECTION THEREWITH

Transcript of Testimony and of Oral Argument

JULY 1, 1962.

Paragraph (h) of § 6.1 *Charges,* of the Commission's regulations in the matter of fees for copying, certification and services in connection therewith, is amended to read as follows:

(h) Transcript of testimony and of oral argument, or extracts therefrom, may be purchased by the public from the Commission's official reporter. For the fiscal year beginning July 1, 1962, the official reporter is the CSA Reporting Corporation, 939 D Street NW., Washington 6, D.C., and transcripts will be furnished to the public at the rate of 45 cents per page of approximately 200 words. Application for copies and payment therefor should be made direct to the official reporter.

(Sec. 501, 65 Stat. 290; 5 U.S.C. 140)

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-7636; Filed, Aug. 1, 1962; 8:57 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER on May 1, 1962 (27 F.R. 4153), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, certain closed seasons, hunting methods, shooting hours, transportation and importation controls, and bag and possession limits for migratory game birds for the 1962–63 hunting seasons.

In this connection all interested persons were invited to submit their views, data, or arguments regarding proposed amendments, in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days following the date of publication of the Notice.

Subsequently, after due consideration of migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife and State game departments, and from other sources, the several State game departments were informed concerning the shooting hours, season lengths, and daily bag and possession limits proposed to be prescribed for the 1962–63 seasons on rails, gallinules, mourning and white-winged doves, band-tailed pigeons, woodcock, and Wilson's snipe, and on waterfowl, coots, and little brown cranes in Alaska. The State game departments were invited to submit recommendations for hunting seasons on applicable species in their respective States; such hunting seasons to conform to the shooting hours, daily bag and possession limits, and season lengths within frameworks of opening and closing dates, as established by this Department.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it has been determined that Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. These amendments will permit the taking of these species within specified periods of time beginning as early as September 1, as has been the case in past years. Since these amendments benefit the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER.

1. Section 10.41 is amended to read as follows:

§ 10.41 **Seasons and limits on doves and wild pigeons.**

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and daily bag and possession limits on the species of doves and wild pigeons designated in this section are prescribed between the dates of September 1, 1962, and January 15, 1963, as follows:

(a) *Mourning doves—Eastern Management Unit.*

Daily bag limit	12.
Possession limit	24.
Shooting hours	See footnote 1.
Seasons in:	
Alabama	Oct. 1–Nov. 10.
	Dec. 13–Jan. 10.
Connecticut	Oct. 20–Nov. 3.
Delaware	Sept. 15–Nov. 23.
District of Columbia	Closed season.
Florida	Oct. 6–Nov. 4.
	Nov. 22–Dec. 9.
	Dec. 22–Jan. 12.
Georgia	Sept. 15–Oct. 14.
	Dec. 7–Jan. 15.
Illinois	Sept. 1–Nov. 9.
Indiana	Closed season.
Kentucky	Sept. 1–Oct. 31.
	Dec. 1–Dec. 9.
Louisiana	Sept. 1–Sept. 16.
	Oct. 13–Oct. 28.
	Dec. 7–Jan. 13.
Maine	Closed season.
Maryland	Sept. 10–Oct. 13.
	Nov. 28–Dec. 15.
	Dec. 24–Jan. 10.
Massachusetts	Closed season.
Michigan	Closed season.
Mississippi	Sept. 8–Oct. 12.
	Nov. 24–Dec. 28.
New Hampshire	Closed season.
New Jersey	Closed season.
New York	Closed season.
North Carolina	Sept. 8–Oct. 13.
	Dec. 13–Jan. 15.
Ohio	Closed season.

[1] Shooting hours are from 12 o'clock noon until sunset (standard time).

Seasons in:	
Pennsylvania	Sept. 1–Nov. 9.
Rhode Island	Oct. 1–Oct. 9.
	Nov. 1–Dec. 31.
South Carolina	Sept. 14–Oct. 6.
	Nov. 12–Dec. 1.
	Dec. 17–Jan. 12.
Tennessee	Sept. 1–Sept. 30.
	Oct. 20–Nov. 18.
	Jan. 1–Jan. 10.
Vermont	Closed season.
Virginia	Sept. 15–Nov. 3.
	Dec. 17–Jan. 5.
West Virginia	Oct. 13–Dec. 21.
Wisconsin	Closed season.

(b) *Mourning doves—Central Management Unit.*

Daily bag limit	12.[2]
Possession limit	24.[2]
Shooting hours	See footnote 1.
Seasons in:	
Arkansas	Sept. 1–Oct. 8.
	Dec. 20–Jan. 10.
Colorado	Sept. 1–Oct. 30.
Iowa	Closed season.
Kansas	Sept. 1–Oct. 30.
Minnesota	Closed season.
Missouri	Sept. 1–Oct. 10.
	Nov. 10–Nov. 29.
Montana	Closed season.
Nebraska	Closed season.
New Mexico[3]	Sept. 1–Oct. 30.
North Dakota	Closed season.
Oklahoma	Sept. 1–Oct. 30.
South Dakota	Closed season.
Texas[1][3]	See footnote 3.
Wyoming	Closed season.

[1] Shooting hours are from one-half hour before sunrise until sunset (standard time) in all States except Texas. In Texas, shooting hours are 12 o'clock noon until sunset (standard time) on all days in all counties: Except, in those counties having an open season on white-winged doves the shooting hours on September 7 and on September 9 will be from 2 p.m. until sunset (standard time).

[2] In New Mexico and Texas, the daily bag limit on mourning and white-winged doves is 12, in the aggregate of both kinds, of which not more than 10 may be white-winged doves, and the possession limit is 24, in the aggregate of both kinds, of which not more than 20 may be white-winged doves.

[3] Texas: Mourning doves in Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof, Sept. 1–Oct. 30; in the rest of the State (but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy Counties), Sept. 25–Nov. 23, in these latter counties, Sept. 7 and 9 and Sept. 25–Nov. 21.

(c) *Mourning doves—Western Management Unit.*

Daily bag limit	10.[2]
Possession limit	20.[2]
Shooting hours	See footnote 1.
Seasons in:	
Arizona[2]	Sept. 1–Sept. 24.
	Dec. 8–Jan. 2.
California[2]	Sept. 1–Sept. 30.
Idaho	Sept. 1–Sept. 15.
Nevada[2]	Sept. 1–Oct. 20.
Oregon	Sept. 1–Sept. 30.
Utah	Sept. 1–Sept. 30.
Washington	Sept. 1–Sept. 30.

[1] Shooting hours are from one-half hour before sunrise until sunset (standard time).

[2] In Arizona, the daily bag and possession limit is 10 mourning doves. In California, the daily bag and possession limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds. In Clark County, Nevada, the daily bag limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds, and the possession limit is 20, singly or in the aggregate of both kinds.

(d) *White-winged doves.*

Daily bag and possession limits.	See footnote 2.
Shooting hours	See footnote 1.
Seasons in:	
Arizona[2]	Sept. 1–Sept. 24.
	Dec. 8–Jan. 2.
California:[2]	
Counties of Imperial, Riverside, and San Bernardino.	Sept. 1–Sept. 30.
Remainder of State.	Closed season.
Nevada:[2]	
Clark County	Sept. 1–Oct. 20.
Remainder of State.	Closed season.
New Mexico[2]	Sept. 1–Oct. 30.
Texas:[2]	
Counties of Brewster, Brooks, Cameron, Culberson, Dimmit, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kenedy, Kinney, La Salle, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, and Zapata.	Sept. 7 and 9.
Remainder of State.	Closed season.

[1] Shooting hours are from one-half hour before sunrise until sunset (standard time) in Arizona, New Mexico, and the open counties in California and Nevada. In the open counties in Texas, the shooting hours are from 2 p.m. until sunset (standard time).

[2] In Arizona, the daily bag and possession limit is 25 white-winged doves. In California, the daily bag and possession limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds, and the possession limit is 20, singly or in the aggregate of both kinds. In Nevada, the daily bag limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds, and the possession limit is 20, singly or in the aggregate of both kinds. In New Mexico and Texas, the daily bag limit on mourning and white-winged doves is 12, in the aggregate of both kinds, of which not more than 10 may be white-winged doves, and the possession limit is 24, in the aggregate of both kinds, of which not more than 20 may be white-winged doves.

(e) *Band-tailed pigeons.*

Daily bag limit	8.
Possession limit	8.
Shooting hours	See footnote 1.
Seasons in:	
California:	
Counties of Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity.	Sept. 29–Oct. 28.
Remainder of State.	Dec. 15–Jan. 13.
Oregon	Sept. 1–Sept. 30.
Washington	Sept. 1–Sept. 30.

[1] Shooting hours are from one-half hour before sunrise until sunset (standard time).

2. Section 10.46 is amended to read as follows:

§ 10.46 **Seasons and limits on gallinules, rails, woodcock, and Wilson's snipe.**

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1962, and January 15, 1963, as follows:

(a) *Atlantic Flyway States.*

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8
Possession limit	25	30	8	8
Shooting hours[1]	Sunrise until sunset (standard time) on all species.			
Seasons in:				
Connecticut	Sept. 1–Nov. 9	Oct. 20–Nov. 28		Oct. 20–Nov. 17.
Delaware	Sept. 1–Nov. 9	Nov. 16–Dec. 25		Nov. 16–Dec. 15.
District of Columbia	Closed season	Closed season		Closed season.
Florida	Sept. 15–Nov. 18	Dec. 15–Jan. 13		Dec. 15–Jan. 13.
Georgia	Sept. 15–Nov. 23	Dec. 7–Jan. 15		Dec. 17–Jan. 15.
Maine	Sept. 1–Nov. 9	Oct. 1–Nov. 9		Oct. 1–Oct. 30.
Maryland	Sept. 1–Oct. 20	Nov. 15–Dec. 24		Nov. 15–Dec. 14.
Massachusetts	Sept. 1–Nov. 9	Oct. 10–Nov. 18		Sept. 1–Sept. 30.
New Hampshire	Sept. 1–Nov. 9	Oct. 1–Nov. 9		Oct. 1–Oct. 30.
New Jersey	Sept. 1–Nov. 9	Oct. 20–Nov. 28		Nov. 10–Dec. 8.
New York[1]	Sept. 1–Nov. 9	Oct. 8–Nov. 16		Oct. 8–Nov. 6.
North Carolina	Sept. 30–Nov 18	Nov. 22–Dec. 31		Nov. 22–Dec. 21.
Pennsylvania	Sept. 1–Nov. 9	Oct. 13–Nov. 21		Oct. 1–Oct. 30.
Rhode Island	Nov. 1–Dec. 31	Nov. 1–Dec. 10		Nov. 1–Nov. 30.
South Carolina	Sept. 14–Nov. 22	Dec. 4–Jan. 12		Dec. 14–Jan. 12.
Vermont	Sept. 1–Nov. 9	Oct. 1–Nov. 9		Oct. 1–Oct. 30.
Virginia	Sept. 13–Nov. 21	Nov. 19–Dec. 28		Nov. 19–Dec. 18.
West Virginia	Oct. 18–Dec. 21	Oct. 13–Nov. 21		Oct. 13–Nov. 10.

[1] In New York, shooting hours for woodcock are from 7 a.m. to 5 p.m. based on official prevailing time.

(b) ***Mississippi Flyway States.***

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8
Possession limit	25	15	8	8
Shooting hours	Sunrise until sunset (standard time) on all species. [1] [2] [3] [4]			
Seasons in:				
Alabama	Oct. 1-Nov. 19		Dec. 7-Jan. 15	Dec. 17-Jan. 15.
Arkansas	Sept. 1-Oct. 20		Dec. 1-Jan. 9	Dec. 17-Jan. 15.
Illinois [2] [3]	Closed season		Nov. 17-Dec. 26	See footnote 2.
Indiana	Sept. 1-Oct. 20		Oct. 16-Nov. 24	Oct. 16-Nov. 14.
Iowa [2]	Closed season		Closed season	See footnote 2.
Kentucky	Nov. 15-Jan. 3		Nov. 15-Dec. 24	Nov. 15-Dec. 14.
Louisiana	Oct. 6-Nov. 24		Dec. 7-Jan. 15	Dec. 15-Jan. 13.
Michigan: [3] [4]				
Zone 1 and 2	See footnote 3		Oct. 1-Nov. 9	See footnote 4.
Zone 3			Oct. 20-Nov. 9	
Minnesota	Sept. 22-Nov. 10		Sept. 22-Oct. 31	Sept. 22-Oct. 21.
Mississippi	Oct. 1-Nov. 19		Dec. 1-Jan. 9	Dec. 17-Jan. 15.
Missouri	Sept. 1-Oct. 20		Nov. 10-Dec. 19	Oct. 1-Oct. 30.
Ohio	Sept. 1-Oct. 20		Oct. 2-Nov. 10	Oct. 2-Oct. 31.
Tennessee [1] [2]	See footnote 1		Nov. 19-Dec. 28	See footnote 2.
Wisconsin [1] [2]	do		Oct. 1-Nov. 9	Do.

[1] Rails and gallinules: Season will open concurrently with the first day of the open season on ducks prescribed for the State and will run for 50 consecutive days. Shooting hours on opening day are from 12 o'clock noon until sunset (standard time).

[2] Wilson's snipe: Season will open concurrently with the first day of the open season on ducks prescribed for the State and will run for 30 consecutive days. Shooting hours on opening day are from 12 o'clock noon until sunset (standard time).

[3] In Michigan, the open season on rails and gallinules will open and run concurrently with the open season on ducks: *Provided*, That the open season shall not extend beyond the last day of the duck season or 50 consecutive days, whichever is the shorter period. Shooting hours on the opening day are from 12 o'clock noon until sunset (standard time). Shooting hours on the opening day are from 12 o'clock noon until sunset (standard time).

[4] In Michigan, the open season on Wilson's snipe will open and run concurrently with the open season for ducks: *Provided*, That the open season shall not extend beyond the last day of the duck season or 30 consecutive days, whichever is the shorter period. Shooting hours on the opening day are from 12 o'clock noon until sunset (standard time).

[4] In Illinois, shooting hours on the opening day of the woodcock season are from 12 o'clock noon until sunset (standard time).

(c) *Central Flyway States.*

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8
Possession limit	25	15	8	8
Shooting hours	Sunrise until sunset (standard time) on all species.			
Seasons in:				
Colorado	Sept. 1-Oct. 20		Closed season	Sept. 1-Sept. 30.
Kansas	Sept. 1-Oct. 20		Oct. 1-Nov. 9	Oct. 1-Oct. 30.
Montana	Closed season		Closed season	Closed season.
Nebraska	Oct. 6-Nov. 24		do	Oct. 6-Nov. 4.
New Mexico	Sept. 1-Oct. 20		do	Sept. 1-Sept. 30.
North Dakota	Closed season		do	Oct. 12-Nov. 10.
Oklahoma	Sept. 11-Oct. 30		Nov. 20-Dec. 29	Nov. 20-Dec. 19.
South Dakota	Closed season		Closed season	Oct. 1-Oct. 30.
Texas	Sept. 1-Oct. 20		Dec. 7-Jan. 15	Dec. 3-Jan. 1.
Wyoming	Closed season		Closed season	Closed season.

(d) *Pacific Flyway States.*

	Wilson's snipe
Daily bag limit	8
Possession limit	8
Shooting hours	One-half hour before sunrise until sunset (standard time).
Seasons in:	
Arizona	Dec. 8-Jan. 6.
California	Dec. 1-Dec. 30.
Idaho	Nov. 1-Nov. 30.
Nevada	Nov. 1-Nov. 30
Oregon	Oct. 27-Nov. 25.
Utah	Oct. 13-Nov. 11.
Washington	Oct. 27-Nov. 25.

3. Section 10.51 is amended to read as follows:

§ 10.51 Seasons and limits on waterfowl and coots, and on Wilson's snipe and lesser sandhill (little brown) cranes in Alaska.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species of waterfowl and on coot, Wilson's snipe, and lesser sandhill crane as designated in this section are prescribed between the dates of September 1, 1962, and January 31, 1963, as follows:

(a) *Alaska.*

	Ducks	Geese	Coots	Brant	Wilson's snipe	Little brown cranes
Daily bag limit	[1] 5	[2] 6	15	3	8	2
Possession limit	[1] 10	[2] 12	15	3	8	4
Season dates	Sept. 1-Dec. 14				Sept. 1-Oct. 15	Sept. 1-Sept. 30.
Shooting hours	One-half hour before sunrise until sunset (standard time) on all species.					

[1] Ducks: No open season is prescribed on canvasback and redhead ducks. In addition to the daily bag and possession limits prescribed in the above table, a daily bag limit of 15 and a possession limit of 30, singly or in the aggregate of the following species is permitted: scoter, eider, harlequin, old-squaw, and American and red-breasted mergansers.

[2] Geese: The daily bag and possession limits may not include more than 3 daily and 6 in possession, singly or in the aggregate, of white-fronted geese and Canada geese or subspecies of Canada or white-fronted geese.

(b) *Eider, old-squaw, and scoter ducks—Atlantic Flyway.*

Daily bag limit	7 singly or in the aggregate, in addition to 14 other ducks. [3]
Possession limit	
Shooting hours: Sunrise until sunset (Standard time), including the opening day of the special season on these species.	
Special season in open coastal waters beyond outer harbor lines only, in: [1] Connecticut, Maine, Massachusetts, New Hampshire, New York, and Rhode Island	Oct. 1-Jan. 8 [1]

[1] In areas other than those beyond outer harbor lines in these six States, and in all other States in the Atlantic Flyway, elder, old-squaw, and scoter ducks may be taken only during the open season for other ducks.

[3] During the open season in all States in the Atlantic Flyway, a daily bag limit of 7 and a possession limit of 14 elder, old-squaw, and scoter ducks, singly or in the aggregate of these species, are permitted in addition to the daily bag and possession limits on other ducks.

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704; E.O. 10250, 16 F.R. 5385, 3 CFR 1949–1953 Comp. p. 757)

STEWART L. UDALL,
Secretary of the Interior.

JULY 27, 1962.

[F.R. Doc. 62-7593; Filed, Aug. 1, 1962; 8:51 a.m.]

PART 32—HUNTING

Aleutian Islands National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Aleutian Islands National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: ptarmigan.

(b) Open season: August 10 to April 15.

(c) Daily bag limits: 20 a day.

(d) Methods of hunting: weapons and means as permitted by State of Alaska regulation.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands within the Aleutian Island National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through June 30, 1963.

RAY WOOLFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 26, 1962.

[F.R. Doc. 62-7594; Filed, Aug. 1, 1962; 8:52 a.m.]

PART 32—HUNTING

Aleutian Islands National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE, REFUGE

Hunting of big game on the Aleutian Islands National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: caribou and brown bear.

(b) Open season: caribou—no closed season; brown bear—October 1 to May 31.

(c) Bag limits: caribou—no limit; brown bear—one of either sex a year, provided that the taking of cubs or females accompanied by cubs is prohibited.

(d) Methods of hunting: weapons, equipment and means as provided by State of Alaska regulation.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on those areas of the Aleutian Islands National Wildlife Refuge described as follows:

(1) Caribou may be taken on Atka Island only.

(2) Brown bear may be taken on Unimak Island only.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32,

(2) A Federal permit is required to take brown bear on Unimak Island. Permits obtainable from Refuge Manager, Cold Bay, Alaska or U.S. Game Management Agent, Box 280, Anchorage.

(3) The provisions of this special regulation are effective through June 30, 1963.

RAY WOOLFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 27, 1962.

[F.R. Doc. 62-7595; Filed, Aug. 1, 1962; 8:52 a.m.]

PART 32—HUNTING

Arctic National Wildlife Range, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

ALASKA

ARCTIC NATIONAL WILDLIFE RANGE

Hunting of big game on the Arctic National Wildlife Range, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: black bear, polar bear, grizzly bear, wolf, caribou, sheep, and moose.

(b) Open season: black bear—no closed season; polar bear—October 15 to April 30; grizzly bear—September 1 to December 31 and May 15 to June 15; wolf—no closed season; caribou—no closed season; sheep—August 1 to September 20; moose—August 1 to September 30 and November 1 to November 30.

(c) Bag limits: black bear—3 a year; polar bear—1 a year, provided, that residents may take polar bears without regard to limit or season for food; grizzly bear—1 of either sex a year, provided that the taking of cubs or females accompanied by cubs is prohibited; wolf—no limit; caribou—no limit; sheep—1 ram of ¾ curl horn or larger a year; moose—1 bull a year.

(d) Methods of hunting: weapons, equipment and means as permitted by State of Alaska regulation.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on lands within the Arctic National Wildlife Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through June 30, 1963.

RAY WOOLFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 27, 1962.

[F.R. Doc. 62-7596; Filed, Aug. 1, 1962; 8:52 a.m.]

PART 32—HUNTING

Arctic National Wildlife Range, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game for individual wildlife refuge areas.

ALASKA

ARCTIC NATIONAL WILDLIFE RANGE

Hunting of upland game on the Arctic National Wildlife Range, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: grouse, hare, and ptarmigan.

(b) Open season: grouse—August 10 to March 15; hare—no closed season; ptarmigan—August 10 to April 15.

(c) Daily bag limits: grouse—15; hare—no limit; ptarmigan—20 a day.

(d) Methods of hunting: weapons and means as permitted by State of Alaska regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands within the Arctic National Wildlife Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through June 30, 1963.

RAY WOOLFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 26, 1962.

[F.R. Doc. 62-7597; Filed, Aug. 1, 1962; 8:52 a.m.]

PART 32—HUNTING

Clarence Rhode National Wildlife Range, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game for individual wildlife refuge areas.

ALASKA

CLARENCE RHODE NATIONAL WILDLIFE RANGE

Hunting of upland game on the Clarence Rhode National Wildlife Range, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: hare and ptarmigan.

(b) Open season: hare—no closed season; ptarmigan—August 10 to April 15.

(c) Daily bag limits: hare—no limit; ptarmigan—20 a day.

(d) Methods of hunting: weapons as permitted by State of Alaska regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands within the Clarence Rhode National Wildlife Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through June 30, 1963.

RAY WOOLFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 26, 1962.

[F.R. Doc. 62-7599; Filed, Aug. 1, 1962; 8:52 a.m.]

PART 32—HUNTING

Izembek National Wildlife Range, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game for individual wildlife refuge areas.

ALASKA

IZEMBEK NATIONAL WILDLIFE RANGE

Hunting of upland game on the Izembek National Wildlife Range. Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: hare and ptarmigan.

(b) Open season: hare—no closed season; ptarmigan—August 10 to April 15.

(c) Daily bag limits: hare—no limit; ptarmigan—20 a day.

(d) Methods of hunting: weapons and means as permitted by State of Alaska regulation.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands within the Izembek National Wildlife Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through June 30, 1963.

RAY WOOLFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 26, 1962.

[F.R. Doc. 62-7600; Filed, Aug. 1, 1962; 8:53 a.m.]

PART 32—HUNTING

Kenai National Moose Range, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

Hunting of upland game on the Kenai National Moose Range, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: grouse, ptarmigan, and snowshoe hare.

(b) Open season: grouse—August 10 to March 15; ptarmigan—August 10 to April 15; snowshoe hare—no closed season.

(c) Daily bag limits: grouse—15 a day; ptarmigan—20 a day; snowshoe hare—no limit.

(d) Methods of hunting: weapons and means as permitted by State of Alaska regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all lands within the Kenai National Moose Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through June 30, 1963.

RAY WOOLFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 26, 1962.

[F.R. Doc. 62-7603; Filed, Aug. 1, 1962; 8:53 a.m.]

PART 32—HUNTING

Kodiak National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game for individual wildlife refuge areas.

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Kodiak National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: ptarmigan and hare.

(b) Open season: ptarmigan—August 10 to April 15; hare—no closed season.

(c) Daily bag limits: ptarmigan—20 a day; hare—no limit.

(d) Methods of hunting: weapons and means as permitted by State of Alaska regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands of the Kodiak National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through June 30, 1963.

RAY WOOLFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 26, 1962.

[F.R. Doc. 62-7604; Filed, Aug. 1, 1962; 8:53 a.m.]

PART 32—HUNTING

Nunivak Island National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game for individual wildlife refuge areas.

ALASKA

NUNIVAK ISLAND NATIONAL WILDLIFE REFUGE

Hunting of upland games on the Nunivak Island National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: ptarmigan.

(b) Open season: August 10 to April 15.

(c) Daily bag limits: 20 a day.

(d) Methods of hunting: weapons and means as permitted by State of Alaska regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands within the Nunivak Island National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through June 30, 1963.

RAY WOOLFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 26, 1962.

[F.R. Doc. 62-7606; Filed, Aug. 1, 1962; 8:54 a.m.]

PART 32—HUNTING

Bering Sea National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

ALASKA

BERING SEA NATIONAL WILDLIFE REFUGE

Hunting of big game on the Bering Sea National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: caribou.

(b) Open season: no closed season.

(c) Bag limits: as prescribed by permit issued by Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Kenai, Alaska.

(d) Methods of hunting: weapons, equipment and means as permitted by State of Alaska regulation.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands of the Bering Sea National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation, supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Kenai, Alaska.

(3) The provisions of this special regulation are effective through June 30, 1963.

RAY WOOLFORD,
Acting Regional Director Bureau of Sport Fisheries and Wildlife.

JULY 27, 1963.

[F.R. Doc. 62-7598; Filed, Aug. 1, 1962; 8:52 a.m.]

PART 32—HUNTING

Izembek National Wildlife Range, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

ALASKA

IZEMBEK NATIONAL WILDLIFE RANGE

Hunting of big game on the Izembek National Wildlife Range, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: caribou and brown bear.

(b) Open season: caribou—August 20 to March 31; brown bear—October 1 to May 31.

(c) Bag limits: caribou—3 a year; brown bear—1 of either sex a year, provided that the taking of cubs or females accompanied by cubs is prohibited.

(d) Methods of hunting: weapons, equipment and means as permitted by State of Alaska regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands within the Izembeck National Wildlife Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through June 30, 1963.

RAY WOOLFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 27, 1962.

[F.R. Doc. 62-7601; Filed, Aug. 1, 1962; 8:53 a.m.]

PART 32—HUNTING

Kenai National Moose Range, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

Hunting of big game on the Kenai National Moose Range, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: moose, sheep, mountain goat, black and grizzly bears.

(b) Open season: moose (general)—August 20 to September 30 and November 1 to November 30; moose (antlerless)—November 1 to November 7; sheep—August 10 to August 31; mountain goat—August 10 to November 30; black bear—August 10 to June 30; grizzly bear—September 1 to September 30.

(c) Bag limits: moose (general)—1 bull a year; moose (antlerless by registration)—1 cow a year; (*in no case may the total bag per hunter exceed 1 moose per year*); sheep—1 ram with ¾ curl or larger horn a year; mountain goat—2 a year; black bear—3 a year; grizzly bear—1 of either sex a year provided that the taking of cubs or females accompanied by cubs is prohibited.

(d) Methods of hunting: weapons, equipment and means as permitted by State of Alaska regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all lands within the Kenai National Moose Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through June 30, 1963.

RAY WOOLFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 27, 1962.

[F.R. Doc. 62-7602; Filed, Aug. 1, 1962; 8:53 a.m.]

PART 32—HUNTING

Kodiak National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Hunting of big game on the Kodiak National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: brown bear and deer.

(b) Open season: brown bear—October 1 to May 31; deer—August 1 to December 15.

(c) Bag limits: brown bear—1 of either sex a year provided that the taking of cubs or females accompanied by cubs is prohibited; deer—2 a year.

(d) Methods of hunting: weapons equipment and means as permitted by State of Alaska regulation.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands within the Kodiak National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through June 30, 1963.

RAY WOOLFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 27, 1962.

[F.R. Doc. 62-7605; Filed, Aug. 1, 1962; 8:53 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1001, 1006, 1007, 1014, and 1015]

[Docket Nos. AO-14 A-35, AO-203 A-17, AO-204 A-17, AO-302 A-9, AO-305 A-9]

MILK IN GREATER BOSTON, SPRINGFIELD, AND WORCESTER, MASSACHUSETTS; SOUTHEASTERN NEW ENGLAND; AND CONNECTICUT MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be convened at the Hotel Bradford, Boston, Mass., at 10 a.m., e.s.t., on November 13, 1962, with sessions at other New England locations as may be appropriate, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Boston, Springfield and Worcester (Mass.), Southeastern New England and Connecticut marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

This hearing notice contains, in addition to proposed amendments to individual orders, several proposals which relate to the consolidation of certain or all of the New England orders. Such proposals suggest the following order consolidations:

(1) Greater Boston, Springfield, Worcester, Southeastern New England and Connecticut;

(2) Greater Boston, Springfield and Worchester;

(3) Greater Boston, Worcester and Southeastern New England; and

(4) Springfield and Connecticut.

Issues raised by these proposals include (a) whether the present provisions of the New England orders, if amended and consolidated in accordance with the proposals set forth below, would tend to effectuate the declared policy of the Act, and, if not, what modifications are appropriate to effectuate the declared policy of the Act, and (b) appropriate disposition of the respective producer-settlement funds, marketing service funds, and administrative funds accumulated under orders consolidated into a single regulation should such action be taken. The proposals relative to redefinition of the marketing areas raise in each instance the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

I. Proposals for consolidation of orders.

Proposed by the Cooperative Dairy Economics Service in behalf of Bellows Falls Cooperative Creamery, Inc., et al.:

Proposal No. 1. Consolidate the five New England orders and provide that the terms and provisions of the combined order be the same as now contained in the Greater Boston order, with the following exceptions:

1. The marketing area shall be the territory as now included in the marketing areas under the five New England orders.

2. "City plant"—Any plant which is located in the marketing area, any plant which is located not more than 80 miles from the State House in Boston, and any plant which is located in the Massachusetts counties of Franklin, Hampshire and Hampden, and in the Massachusetts towns of Mount Washington, Sheffield, New Marlboro and Sandisfield, shall be considered to be a city plant and subject to city plant differentials.

3. "Country plant"—Any plant which does not meet the location requirements of a "city plant" shall be considered to be a country plant.

4. Amend the farm location differential provisions so that such differential rates shall more properly reflect their association with Class I milk by providing that the differential rates be determined on a month-by-month basis by multiplying the percentage of Class I milk in the pool by the current differential rates of 46 cents in the nearby zones, and by 23 cents for the intermediate zones.

5. Amend the schedule "Differentials for Determination of Zone Prices" as it applies to the payment of blended prices at "city plants" when such plants do not meet the requirements of a "distributing plant" under the proposed New England order by reducing the blended price differential of 54 cents to 5.8 cents.

6. Delete from the provisions for basic pooling requirements the provisions that provide automatic pool plant status for a plant located in the marketing area which is operated by an association of producers.

Proposed by Mutual Federation of Independent Cooperatives, Inc.:

Proposal No. 2. Consolidate into one marketing area the respective marketing areas now contained in the Greater Boston, Springfield, Worcester, Southeastern New England and Connecticut Federal milk orders and make appropriate revisions in country plant freight zone differentials, freight zone basing points, nearby farm location zone differentials, rules for pool participation, basis of accounting for milk and assignment of milk among classes, and such other coordinating amendments as are necessary to provide consistent and rational regulation throughout this New England regional area, using the terms of the present Greater Boston order as a guide. Also include in the consolidated marketing area the Towns of Harvard, Bolton and Berlin in Worcester County, Massachusetts, and the remaining towns east of the aforementioned towns located in Middlesex County, Massachusetts, which are not now included in any Federal order marketing area, and also the Towns of Douglas, Northbridge and Uxbridge in Worcester County, Massachusetts.

Proposed by New England Milk Producers' Association, Northern Farms Cooperative, Inc., and Maine Dairymen's Association, Inc.:

Proposal No. 3. Consolidate the Greater Boston, Springfield, and Worcester orders and amend the present Greater Boston order as follows to effectuate the consolidation of the three orders:

1. Redesignate the marketing area as the "Massachusetts marketing area" to include all of the cities and towns presently included in the Greater Boston, Springfield, and Worcester marketing areas.

2. Amend the definitions of "city plant" and of "country plant," and amend the schedule of zone price differentials, to provide that any plant located within 80 miles from Boston, or in Franklin, Hampden, or Hampshire Counties in Massachusetts, or in Hartford County in Connecticut, shall be considered as a city plant, and subject to the zone price differentials applicable to the "city plant" zone.

3. Amend the schedule of zone price differentials to conform to the proposed changed definitions of "city plant" and of "country plant," and to eliminate the present Zones 6 through 8.

4. Amend the nearby farm location differential provisions to provide for payments as follows:

a. Any producer whose farm location would now entitle him to a differential of 46 cents per hundredweight under the Greater Boston, Springfield, or Worcester orders shall be entitled to a differential of 46 cents under the combined order.

b. Any other producer whose farm location would now entitle him to a differential of 23 cents per hundredweight under the Greater Boston, Springfield, or Worcester orders shall be entitled to a differential of 23 cents under the combined order.

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

Proposal No. 4. Amend the Greater Boston, Worcester and Southeastern New England orders to provide for the consolidation of the present marketing areas along with any appropriate extensions of area, and the consolidation of the various regulations into one order with appropriate regulating provisions in the order to reflect the general structure and conditions of the marketing area involved, such provisions to include the following:

1. Zone price differentials.

a. Provide for determining the zone price differential applicable to each country plant by using the highway mileage to Boston, Massachusetts.

b. Provide for a Class I and producer zone price differential at the same rates included presently under the Greater Boston order.

c. Provide for a Class II zone price differential at 0.4 cents per each 10-mile zone as measured from Boston.

d. Provide for a definition of a city plant within a radius measured from Boston, Massachusetts, which would include all plants presently designated as city plants under the Greater Boston and Worcester orders and all plants located within 100 miles of Providence, R.I.

e. Provide for zone price differentials applicable to city plants to reflect the variable cost of transportation from country plant zones to the city plant.

2. Pooling requirements.

a. Provide for distributing plant requirements as presently contained in the Greater Boston order.

b. Provide for the pooling of supply plants if the shipments of producer milk to pool distributing plants during the months of July through November are equal to 30 percent.

c. Provide for the automatic pooling of supply plants during December through June if the plant was a pool plant during the months of July through November.

3. Location differentials.

Provide for nearby farm location differentials that will generally reflect returns to both nearby and upcountry producers in line with their respective returns before the institution of Federal regulation and in line with such differentials under the separate orders.

4. Method of accounting and assignment.

a. Provide for the accounting for milk and milk products on a skim milk and butterfat accounting basis.

b. Provide for the assignment of the skim milk and butterfat received from the following sources in the following priority: (1) receipts of producer milk, (2) receipts from other Federal order plants, (3) receipts from plants under other Federal orders, and (4) receipts of all other "other source milk." (This is a general principle of priority and does not preclude other assignments necessary for the internal structure of the order.)

Proposal No. 5. Amend the Connecticut and Springfield orders to provide for the consolidation of the present marketing areas along with any appropriate extensions of area, and the consolidation of the various regulations into one order with appropriate regulating provisions in the orders to reflect the general structure and conditions of the marketing area involved, such provisions to include the following:

1. Zone price differentials.

a. Provide for determining the zone price differential applicable to each country plant by using the highway mileage to Hartford, Connecticut.

b. Provide for a Class I and producer zone price differential at the same rates included presently under the Springfield order.

c. Provide for a Class II zone price differential at 0.4 cents per each 10-mile zone as measured from Hartford, Connecticut.

d. Provide for a definition of a city plant within a distance measured from Hartford, Connecticut, which would include all plants presently designated as city plants under the Springfield order and all plants located within 50 miles of Hartford.

e. Provide for zone price differentials applicable to city plants to reflect the variable cost of transportation from country plant zones to the city plant.

2. Pooling requirements.

a. Provide for distributing plant requirements as presently contained in the Greater Boston order.

b. Provide for the pooling of supply plants if the shipments of producer milk to pool distributing plants during the months of July through November are equal to 30 percent.

c. Provide for the automatic pooling of supply plants during December through June if the plant was a pool plant during the months of July through November.

3. Location differentials.

Provide for nearby farm location differentials that will generally reflect returns to both nearby and upcountry producers in line with their respective returns before the institution of Federal regulation and in line with such differentials under the separate orders.

4. Method of Accounting and Assignment.

a. Provide for the accounting for milk and milk products on a skim milk and butterfat accounting basis.

b. Provide for the assignment of the skim milk and butterfat received from the following sources in the following priority: (1) receipts of producer milk, (2) receipts from other Federal order plants, (3) receipts from plants under other Federal orders, and (4) receipts of all other "other source milk." (This is a general principle of priority and does not preclude other assignments necessary for the internal structure of the order.)

5. Diversions of producer milk.

Provide for diversion provisions that will be identical in effect to those in the present Springfield order.

6. Take out—Pay back plan.

Provide for provisions such as § 1015.51 (c) and (d) of the present Connecticut order.

II. Proposals to amend, in a similar manner, two or more of the New England Federal milk orders.

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

Proposal No. 6. Revise §§ 1001.2(j), 1006.2(j), 1007.2(j), 1014.2(i), and 1015.2 (i) of the Greater Boston, Springfield, Worcester, Southeastern New England and Connecticut orders, respectively, to read as follows:

"Producer-handler" means any person meeting the conditions of subparagraph (1) or (2) of this paragraph, who is both a dairy farmer and a handler who processes milk from his own farm production, distributing all or a portion of such milk as Class I milk in the marketing area on routes: *Provided*, That the maintenance, care and management of the dairy herd and other resources and facilities necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and risk of such person and a greater proportion of fluid milk products are distributed in this marketing area on routes than in any other Federal order marketing area: (1) Whose own farm production or Class I sales, whichever is less, does not exceed 1,612 pounds on a daily average during the month and whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products not to exceed five percent of his own farm production from regulated plants under any of the New England Federal orders, or (2) whose only source of supply for fluid milk products is milk of his own farm production: *Provided*, That for the purpose of determining whether such person's sources and quantities of receipts meet the requirements of this subparagraph any fluid milk products received (other than from his own plant) at retail or wholesale outlets (including vending machines) located in any Federal marketing area and operated by such person, by an affiliate, or by any person who controls or is controlled by such person, shall be considered as a part of such person's supply of fluid milk products.

Proposed by New England Milk Dealers, Inc.:

Proposal No. 7. Amend all the New England orders to eliminate the producer-handler definition, substitute an exemption of 1,500 quarts per day for any handler's own farm production, and require administrative assessments on all milk.

Proposed by Massachusetts Cooperative Milk Producers Federation, Inc.:

Proposal No. 8. Amend §§ 1001.2(j), 1006.2(j), 1007.2(j) and 1014.2(i) of the Greater Boston, Springfield, Worcester, and Southeastern New England orders, respectively, by inserting the words "another producer-handler under this Federal order or" immediately before the words "regulated plants" where they appear in subparagraphs (1) and (2).

Proposal No. 9. Amend §§ 1001.4(j), 1006.4(j) and 1007.4(j) of the Greater Boston, Springfield and Worcester orders, respectively, by adding a new subparagraph to read as follows:

Milk received at not more than one plant regulated under the Greater Boston, Worcester and Springfield, Massachusetts, orders from the dairy farmer who produced it, in the amount, not exceeding 2,150 pounds daily average during the month, of any packaged fluid milk products returned to such dairy farmer for distribution on routes of his own, provided that the dairy farmer has elected nonproducer status by written notification to the market administrator and to the handler to whom he delivers, such election to be effective for a minimum of 12 months beginning with the month in which the election is made and continuing for each subsequent month until cancelled in writing.

2. In § 1001.16(e) of the Greater Boston order, delete the words "the Boston, Connecticut, Southeastern New England" and substitute therefor the words "any New England Federal order."

3. Delete subparagraph (d) of § 1007.25 of the Worcester order and of § 1006.25 of the Springfield order; delete subsequent references to said subparagraph (d); and redesignate the remaining ensuing subparagraphs, making the necessary changes in any references thereto.

Proposed by H. P. Hood & Sons, Inc.:

Proposal No. 14. Amend the Greater Boston, Springfield, Worcester and Southeastern New England orders as follows:

1. Add a proviso to § 1001.42(c) of the Greater Boston order to read: "*Provided*, That an amount of Class II milk equal to 5 percent of Class I utilization at such plant, or actual Class II use at such plant, whichever is less, shall be assigned to available direct receipts of producer milk at such transferee plant, and then to transferor plant in sequence beginning with the plant nearest to Boston. The assignment of the remaining Class II milk to transferor plants shall be made in sequence according to the zone price differential applicable at each plant beginning with the plant most distant from Boston."

2. Add the same proviso to § 1006.42 (b) of the Springfield order, substituting the word "Springfield" for the word "Boston" as above.

3. Add the same proviso to § 1007.42 (b) of the Worcester order, substituting the word "Worcester" for the word "Boston" as above.

Proposed by Whiting Milk Company:

Proposal No. 10. Amend the five New England orders to allow exempt milk status to any handler with respect to the first 1,000 quarts of his own farm production and sales on a daily basis.

Proposed by New England Milk Dealers, Inc.:

Proposal No. 11. Provide for volume accounting in all the New England orders (as presently exists in the Greater Boston, Springfield and Worcester orders).

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

Proposal No. 12. Amend all the New England orders to provide for the following:

That when non-fat solids derived from non-fat dry milk, condensed skim milk or any other product condensed from milk or skim milk are utilized in dietary weight control products, milk, skim milk and butter milk, the handler shall pay a differential equivalent to the difference between the Class II and Class I prices on a volume equivalent to the skim milk used to produce the non-fat milk solids so utilized.

Proposed by Massachusetts Cooperative Milk Producers Federation, Inc.:

Proposal No. 13. Amend the classification provisions of the Greater Boston order and the assignment provisions of the Worcester and Springfield orders substantially as follows:

1. In § 1001.16(d) of the Greater Boston order, insert the words "Worcester, Springfield," immediately after the words "Southeastern New England."

4. Add the same proviso to § 1014.42(b) of the Southeastern New England order, substituting the word "Providence" for the word "Boston" as above.

Proposed by New England Milk Producers' Association, Northern Farms Cooperative, Inc., and Maine Dairymen's Association, Inc.

Proposal No. 15. Consider the need for a downward adjustment in the Class I differential applicable at city plants under the Greater Boston, Springfield and Worcester orders, or at plants to which no zone differential to handlers applies under the Southeastern New England or Connecticut orders.

Proposed by Garelick Brothers Farms, Inc.:

Proposal No. 16. Amend the Greater Boston, Worcester and Southeastern New England orders as follows:

1. In the Greater Boston order, change the number "80" in § 100.13 (b) and (c) to "100" and delete the first three lines of the table in § 1001.42(c) and substitute therefor in Column A the phrase "Within 100"; in Column B, the words "City plant"; in Column C, the number "+37.0"; and in Column D, the number "+3.8".

2. In the Worcester order, delete the phrase "10 miles of the marketing area" in § 1007.3 (b) and (c) and substitute therefor the phrase "100 miles of the City of Worcester", change the number "54" in § 1007.40 to "37", change the number "5.8" in § 1007.41 to "3.8", and delete the first seven lines of the table in § 1007.42(b) and reduce the deductions in Column C uniformly by 17 cents and in Column D uniformly by 2 cents.

3. In the Southeastern New England order, change the number "54" in § 1014.40(a) to "37", reduce all amounts listed in § 1014.40(b)(2) by 2 cents, and in the table in § 1014.42(b) reduce all deductions in Column C uniformly by 17 cents, and in Column D uniformly by 2 cents.

Proposed by Local Dairymen's Cooperative Association, Inc.:

Proposal No. 17. Consider revising the seasonality of Class I prices under all the New England orders.

Proposal No. 18. Amend the Greater Boston, Springfield, Worcester and Connecticut orders by adding to each order the provisions as they appear in § 1014.60 (b) and (c) of the Southeastern New England order.

Proposed by New England Milk Dealers, Inc.:

Proposal No. 19. Amend all the New England orders to require handlers to pay cooperative associations the same prices at the same time as producers must be paid.

Proposed by Dairymen's League Cooperative Association, Inc.:

Proposal No. 20. Amend the Greater Boston and Southeastern New England orders to provide for twice-a-month payments to an association of producers serving in its capacity as collecting agent for its members or as a handler delivering fluid milk products to other handlers.

Proposed by New England Milk Producers' Association, Northern Farms Cooperative, Inc., and Maine Dairymen's Association, Inc.:

Proposal No. 21. Amend the nearby farm location differential provisions of all the New England Federal orders to provide that payments for milk produced on farms located in New England will be subject to differentials to the following extent:

1. Any producer whose farm location would now entitle him to a differential of 46 cents per hundredweight under any New England order shall be entitled to a differential of 46 cents under whichever New England order the milk is delivered.

2. Any other producer whose farm location would now entitle him to a differential of 23 cents per hundredweight under any New England order shall be entitled to a differential of 23 cents under whichever New England order the milk is delivered.

Proposed by Local Dairymen's Cooperative Association, Inc.:

Proposal No. 22. Amend all the New England orders by increasing farm location differentials in the nearby zone by whatever reduction may be made in the zone price differential for the 21st zone and by increasing farm location differentials in the intermediate zone by one-half the zone price differential reduction in the 21st zone.

Proposed by Garelick Brothers Farms, Inc.:

Proposal No. 23. Delete §§ 1001.70, 1007.70, and 1014.69(a) of the Greater Boston, Worcester and Southeastern New England orders, respectively, to eliminate from these orders provisions for non-member marketing service deductions.

Proposed by New England Milk Dealers, Inc.:

Proposal No. 24. Amend all the New England orders to eliminate the marketing service payments on non-member milk.

Proposed by Massachusetts Cooperative Milk Producers Federation, Inc.:

Proposal No. 25. Amend the Worcester, Greater Boston and Southeastern New England marketing area definitions by adding to the Worcester marketing area the city of Marlborough and the town of Southborough now in the Greater Boston marketing area and the towns of Hopedale, Mendon and Milford now in the Southeastern New England marketing area.

III. Proposals to amend the Greater Boston order.

Proposed by E. M. Dwyer:

Proposal No. 26. Amend the "producer-handler" definition of the Greater Boston order to provide that any producer of milk who also processes and/or

distributes the same shall not be subject to the pooling provisions with respect to his own production and shall not be restricted in his purchase of supplemental supplies from regulated sources.

Proposed by Richardson's Dairies:

Proposal No. 27. Amend the "producer-handler" definition of the Greater Boston order as follows:

"Producer-handler" means any dairy farmer who receives milk of his own production only from farms located within 80 miles of the State House in Boston, and who operates a processing and packaging plant from which Class I milk is disposed of in the marketing area, and who receives no milk, other than exempt milk, from other dairy farmers except producer-handlers.

Proposed by Independent Cooperative Association, Inc.:

Proposal No. 28. Delete § 1001.70 of the Greater Boston order.

IV. Proposals to amend the Springfield order.

Proposed by Norwood's Superettes, Inc.:

Proposal No. 29. Amend the Springfield order to provide that all exemptions for paying into the pool be removed on any producer-dealer for any milk sold above 1,000 quarts per day.

V. Proposals to amend the Worcester order.

Proposed by Deary Brothers, Inc.:

Proposal No. 30. Amend the Worcester marketing area definition by adding the Massachusetts towns of Sturbridge in Worcester County and Holland, Wales and Brimfield in Hampden County.

Proposed by Twin Dairy Farm, A. Racette and Sons, and Baker's Dairy, Inc.:

Proposal No. 31. Amend the Worcester marketing area definition by deleting the cities and towns of Fitchburg, Gardner, Leominster, Lunenburg, Princeton, Sterling and Westminster.

Proposed by Uplook Farm:

Proposal No. 32. Amend § 1007.25 of the Worcester order by adding a new paragraph to precede paragraph (a) to read: "Receipts of own farm production not in excess of 800 pounds daily average basis for the month." Make any other changes in the order to provide that a pool handler shall have at least 800 pounds per day of own farm production exempt from pooling.

VI. Proposals to amend the Southeastern New England order.

Proposed by The Martha's Vineyard Cooperative Dairy:

Proposal No. 33. Amend the Southeastern New England marketing area definition by deleting Dukes County.

Proposed by Rhode Island Milk Dealers Association:

Proposal No. 34. Amend the Southeastern New England order by substituting for the present producer-handler provisions the provision that any handler have exempt status on the first 1,000 quarts of his own production and sales.

Proposal No. 35. Amend the Southeastern New England order to provide for volume accounting in place of separate butterfat and skim accounting.

Proposed by Local Dairymen's Cooperative Association, Inc.:

Proposal No. 36. Amend the Southeastern New England order to provide that receipts of milk from Southeastern New England and other Federal order country plants shall be treated equally as to its classification and the application of transportation allowances.

Proposal No. 37. Amend the Southeastern New England order to provide that milk received by a handler at his distributing plant from such handler's pool country plant shall be assigned to Class I insofar as possible prior to milk received from country plants of such handler under other Federal orders.

Proposed by Garelick Brothers Farms, Inc.:

Proposal No. 38. Amend the Southeastern New England order to provide for individual-handler pooling rather than the present marketwide pooling.

Proposed by Fall River Milk Producer's Association, Inc.:

Proposal No. 39. Amend the Southeastern New England order to provide for a "base-excess" plan as follows:

Beginning on July 1, 1962, and extending until November 30, 1962, the milk of each producer qualified to be pooled under the appropriate provisions of the order should be rated by dividing the total pounds of milk delivered to a pool handler by the number of days of delivery. In the event the producer failed to deliver over the entire period, his deliveries should be divided by such number of days or by 120, whichever is greater, to determine his base. The total of base or rated milk should be 110 percent of the Class I sales in the marketing area during the rating period. Each year after 1962, producers should be given an opportunity to establish a new base as set forth above; but, in no case should the new base exceed the previous base by more than 25 percent. Producers entering the market during the months of January through June of any year should be paid the Class II price for their production. The base should apply to the farm on which the milk was produced and should not be transferable unless the ownership of the farm be transferred. Any producer whom the market administrator determines to have violated his base by transferring milk should be paid the Class II price for all the milk he delivered to a handler during the month or months in which the violation took place.

Producers should be paid on base and excess only during the months of January through June of each year. Their payment for the months of July through December should be computed as at present on the basis of utilization of milk subject to the pooling provisions of the order.

The market administrator should announce the bases to be effective during January through June not later than January 16th of the effective year. In the event of hardships, as determined by the market administrator, such adjustment in the base otherwise calculated should be made.

Proposal No. 40. Amend the Southeastern New England order to provide for the payment to producers on the basis of solids-not-fat.

VII. Proposals to amend the Connecticut order.

Proposed by Sealtest Foods:

Proposal No. 41. Amend the Connecticut order to provide for a change in the producer-handler status which will result in the first 1,000 quarts of daily sales having exempt status.

Proposal No. 42. Amend the Connecticut order to provide for volume accounting rather than the separate butterfat and skim accounting.

Proposed by Connecticut Milk Producers Association:

Proposal No. 43. Amend the Connecticut order to provide for pricing diverted milk at the location of the plant to which the milk is diverted.

Proposed by Connecticut Milk Producers Association and Modern Milk Marketing Association:

Proposal No. 44. Amend the Connecticut order to provide that cooperative associations that direct the flow of bulk tank milk from the farms of members to dealer's plants be permitted to elect to become the handlers for such milk.

Proposal No. 45. Permit and require a handler in the marketing area under the Connecticut order to file reports and be the pool handler for a producer for the entire month if the milk was received at his plant more than half the delivery days in the month.

Proposal No. 46. In the assignment of other Federal order milk to Class I ahead of direct-delivery milk under the Connecticut order, reduce 15 percent to 10 percent in September–November; also, in the assignment of pool country plant milk to Class I ahead of direct-delivery milk, reduce 15 percent to 10 percent in September–November, and eliminate the 5 percent priority of assignment to Class I of pool country plant milk over direct-delivery milk in December–June.

Proposal No. 47. Make the Boston Federal order schedule of Class II transportation differentials applicable to the Connecticut Federal order, so that the deduction from city plant prices to the 201–210 mile zone will be 5.8 cents, not 7.0 cents, with similar changes in the other mileage zones.

Proposal No. 48. Change the butterfat price differentials on Class I, Class II, and blend prices under the Connecticut order to full cents per point.

Proposed by Modern Milk Marketing Association:

Proposal No. 49. Amend the Connecticut order by amplifying and extending the seasonal incentive aspect of the order so that 25 cents shall be taken out in the months of January, February, March, April and May and paid back as follows: Forty percent in July, 30 percent in August, 20 percent in September, and 10 percent in October.

Proposed by Jackson Bros. Dairy:

Proposal No. 50. Amend the Connecticut order to provide that producer-subdealers who do not produce more than they retail be exempt from regulation.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 51. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the respective orders may be procured from the Market Administrator for the respective markets at Room 403, 230 Congress Street, Boston, 10, Massachusetts; Room 408, 145 State Street, Springfield 3, Massachusetts; Room 403, 107 Front Street, Worcester 8, Massachusetts; 57 Eddy Street, Providence 3, Rhode Island; and 1049 Asylum Avenue, Hartford 5, Connecticut; or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on July 27, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Commodity Service.

[F.R. Doc. 62-7667; Filed, Aug. 1, 1962; 9:01 a.m.]

[7 CFR Part 1136]

MILK IN THE GREAT BASIN MARKETING AREA

Notice of Proposed Suspension or Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension or termination of certain provisions of the order regulating the handling of milk in the Great Basin marketing area is being considered.

The provisions proposed to be suspended or terminated are: in the introductory text of § 1136.66(a) all the provisions following the phrase "month of transfer" and § 1136.66(a) (1), (3), and (4) in their entirety, relating to the transfer of bases.

This action has been requested by the principal cooperative associations in the market to provide a more equitable distribution of the proceeds of the sale of milk.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than 5 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Signed at Washington, D.C., on July 27, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Commodity Service.

[F.R. Doc. 62-7666; Filed, Aug. 1, 1962; 9:01 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 541]

EXECUTIVE, ADMINISTRATIVE AND PROFESSIONAL EXEMPTIONS IN RETAIL AND SERVICE ESTABLISHMENTS

Section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)), provides an exemption from the minimum wage and overtime requirements of the Act for any employee employed in a bona fide executive, administrative, or professional capacity. The Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor is authorized to define and delimit these terms. The regulations established pursuant to this authority (29 CFR Part 541) provide specific duty and salary tests prerequisite to exemption. The application of the Act in the retail and service industries was extended substantially by the Fair Labor Standards Amendments of 1961. I have decided, therefore, to give specific consideration to the appropriateness of these tests in those industries.

Oral proceedings will be held beginning Monday, October 15, 1962, at 10 o'clock a.m. in Conference Room B, Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets NW., Washington, D.C., before Hearing Examiner, E. West Parkinson, at which time interested persons may submit oral data, views, or arguments on the following question: What, if any, additions or changes should be made in Subpart A of 29 CFR, Part 541 for determining the exemption from the minimum wage and overtime requirements of the Act for bona fide executive, administrative, and professional employees in the retail and service establishments or industries? Similar proceedings on this question as it pertains to such employees in Puerto Rico and the Virgin Islands will be held beginning Monday, October 29, 1962, at 10 o'clock a.m. on the 7th Floor of the Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico.

All persons wishing to be heard shall file with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C., not later than September 15, 1962, notice of intention to appear which shall contain the following information:

1. Name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the persons or organization he is representing.

3. Whether he is appearing in support of changes in the tests and, if so, the nature of the changes suggested.

4. The approximate length of time he will need for his presentation.

Written data, views, or arguments may be filed at the above address in lieu of personal appearances at any time prior to or at the oral proceedings.

In connection with the question presented, interested persons are requested to submit the following kinds of data:

1. Identification of the localities, type of communities, and branches of the retail and service industries for which data is presented.

2. Job descriptions of any types of executive, administrative, or professional positions which are characteristic of retail and service establishments or industries only, and which are not likely to be found in any other industry. These descriptions should clearly show the actual work performed and the degree of responsibility involved.

3. Any other information relating to the duties of executive, administrative, and professional personnel in retail and service establishments or industries which is basic to those establishments or industries.

4. Salaries or fees currently paid to executive, administrative, and professional employees, including entrance and minimum salaries and fees and ranges of salary and fee rates.

The oral proceedings shall be stenographically reported. Transcripts will be made available to interested persons on such terms as the hearing examiner shall prescribe. The hearing examiner shall regulate the proceedings, dispose of procedural requests, objections, and related matters, and confine the proceedings to matters pertinent to those hereinabove stated. He shall have discretion to keep the record open after the close of the hearing to permit any person who participated in the oral presentation to submit additional data, views, and arguments responsive to the oral presentations made by other persons. After the record has been closed, the hearing examiner shall certify it to me after which I will make any appropriate changes in 29 CFR Part 541.

Signed at Washington, D.C., this 27th day of July 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-7646; Filed, Aug. 1, 1962; 8:59 a.m.]

FEDERAL AVIATION AGENCY

Air Traffic Service

[14 CFR Part 601]

[Airspace Docket No. 62-WA-75]

CONTROLLED AIRSPACE

Proposed Alteration of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

Effective August 23, 1962 (Airspace Docket No. 62-SW-24, 27 F.R. 6541), the El Paso transition area will be designated as that airspace extending upward from 1,200 feet above the surface

bounded by a line beginning at latitude 32°06'30" N., longitude 106°34'00" W.; to latitude 32°06'30" N., longitude 106°17'-15" W.; to latitude 32°06'15" N., longitude 106°15'15" W.; to latitude 32°06'15" N., longitude 105°50'30" W.; to latitude 32°00'00" N., longitude 105°57'00" W.; to latitude 32°00'00" N., longitude 106°-34'00" W.; to point of beginning. The portions of this transition area which coincide with Restricted Areas R–5103A and R–5107A shall be used only after obtaining prior approval from appropriate authority.

The Federal Aviation Agency has under consideration the alteration of the El Paso transition area to add the airspace extending upward from 2,000 feet above the surface bounded by a line beginning at latitude 32°06'30" N., longitude 106°-34'00" W.; to latitude 32°18'00" N., longitude 106°34'00" W.; to latitude 32°18'-00" N., longitude 106°39'00" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 32°19'30" N., longitude 106°09'15" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°-36'00" N., longitude 106°06'00" W.; to latitude 32°36'00" N., longitude 105°30'-00" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°06'-15" N., longitude 105°50'30" W.; to latitude 32°06'15" N., longitude 106°15'-15" W.; to latitude 32°06'30" N., longitude 106°17'15" W.; to point of beginning.

The portions of this transition area which would coincide with the McGregor, N. Mex., Restricted Area R–5103A, Orogrande, N. Mex., Restricted Area R–5106, and the White Sands, N. Mex., Restricted Area R–5107A would not be used without obtaining prior approval from appropriate authority. (R–5103 and R–5107 were subdivided and renumbered in Airspace Docket Nos. 62–SW–24 and 62–SW–25, 27 F.R. 6542.)

The action proposed herein would provide protection for aircraft operating within joint-use Restricted Areas R–5103A, R–5106 and R–5107A while executing IFR arrival, departure and radar vector procedures to airports within the El Paso terminal area. These flight operations include large numbers of jet aircraft operating on congested east-west routes to and from the El Paso area which are restricted to the airspace north of Mexican territory.

The proposal contained herein is being issued in advance of the implementation of Amendments 60–21 and 60–29 to the Civil Air Regulations, Part 60, Air Traffic Rules, in the entire El Paso terminal area to permit fulfillment of the urgent airspace requirements at the earliest practicable date. Upon completion of the area review of the airspace requirements attendant to full implementation of Amendments 60–21 and 60–29 in the El Paso area, separate airspace action will be taken proposing the conversion of the control area extensions in this area to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 27, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–7576; Filed, Aug. 1, 1962; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62–WA–86]

JET ROUTES AND JET ADVISORY AREAS

Proposed Alteration of Jet Route and Jet Advisory Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 602.100 and 602.200 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 500, in conjunction with Canadian High Level Airway 500, is designated in part from the Megantic, Quebec, RR via the Millinocket, Maine, RR to the intersection of the east course of the Millinocket RR with the United States/Canadian Border. The jet advisory area associated with this segment of J–500 (HL 500) is designated from the United States/Canadian Border west of the Millinocket RR to the United States/Canadian Border northeast of the Millinocket RR.

The FAA has under consideration the alteration of the above segment of J–500 (HL 500) and its associated jet advisory area as that airspace over United States territory from the Sherbrooke, Quebec, VOR via the Millinocket VOR to the Fredericton, New Brunswick, VOR. The Canadian Department of Transport has advised that the Sherbrooke VOR will be commissioned on or about August 2, 1962, at latitude 45°11'00" N., longitude 71°56'00" W.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 27, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–7577; Filed, Aug. 1, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14745 (RM–843); FCC 62–872]

TELEVISION BROADCAST STATIONS IN HATCH, NEW MEXICO

Proposed Table of Assignments

1. Notice is hereby given in the above-entitled matter.

2. The Commission has before it for consideration a request for rule making filed June 14, 1962, by the Board of Regents, New Mexico State University, University Park, New Mexico (hereinafter Board of Regents), requesting the reassignment of Channel 12 from Silver City, New Mexico to Hatch, New Mexico and its reservation for noncommercial educational use.

3. Silver City, with a 1960 population of 6,972, currently has Channels *10 and 12 assigned to it. There are neither applications for use nor licenses outstanding for these channels.[1] Las Cruces, with a population of 29,367, has Channel 22 assigned to it. There is neither application nor license outstanding for this channel.

4. By the proposed change, the Board of Regents hopes to serve Hatch, having a population of 888, with the minimum signal required over the principal community, as well as Las Cruces and the University Park area with a Grade A or better signal.

5. The petitioner asserts that the reservation of Channel 12 as a noncommercial educational station in Hatch will implement one part of a statewide program for educational TV to serve all levels of education throughout the state and that it is prepared to commence early operation of such a channel with an initial programming load of 40 hours per week. Petitioner is interested in operating on VHF Channel 12 because a great deal of the station's programming is planned for at-home viewing. There are few or no sets in the area equipped to receive a UHF signal.

6. Comments are requested on the petitioner's proposal and also on the desirability of removing the reservation on Channel 10 at Silver City or of reserving Channel 6, instead of Channel 10, since Channel 12 to Hatch would delete the only commercial VHF assignment to Silver City, except as noted in footnote the proposed transfer of commercial (1).

City	Channel No.	
	Present	Proposed
Hatch, N. Mex.		*12
Silver City, N. Mex.	*10+, 12:	
	(Alternative 1)	*10+
	(Alternative 2)	10+
	(Alternative 3)	*6, 10+
Silver City-Truth or Consequences, N. Mex.	6:	
	(Alternative 1)	6
	(Alternative 2)	*6
	(Alternative 3)	

7. The channel changes proposed are within 250 miles of the border and are therefore subject to the approval of the Mexican Government.

8. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

9. Pursuant to the applicable procedures set out in § 1.213 of the Commission rules, interested parties may file comments on or before August 31, 1962, and reply comments on or before September 10, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 25, 1962.

Released: July 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–7662; Filed, Aug. 1, 1962; 9:01 a.m.]

[1] In the April 18, 1962 U.S.-Mexican VHF Television Agreement, Channel 6 has been made available for assignment to Silver City-Truth or Consequences. However, because of co-channel limitations, the transmitter must be located some distance east of Silver City and it has not been determined if a site in the location is available which would provide satisfactory coverage to Silver City.

[47 CFR Part 3]

[Docket No. 14711]

MULTIPLE OWNERSHIP OF STANDARD, FM AND TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

1. In a petition, filed July 26, 1962, the National Association of Broadcasters requests that the time in which to file comments in the above-captioned proceeding be extended to October 15, 1962. Comments are presently due on August 20, 1962, and reply comments are due on September 4, 1962.

2. Petitioner states that because of the rather complex nature of the proposal herein involving different standards in each of the three broadcast services in time allotted is insufficient for adequate study and analysis and the preparation of comments which may be significantly helpful to the Commission in arriving at a decision in this matter.

3. We are of the opinion that petitioner has shown good cause for an extension of time, but believe that an extension to September 20, 1962, rather than to October 15, 1962, should provide ample time in which to prepare comments herein. The present date for filing reply comments is two weeks beyond that for filing comments. With an extension of time for filing comments, it will therefore be necessary to extend the time for filing reply comments accordingly.

4. In view of the foregoing: *It is ordered*, This 27th day of July 1962, That the "Request for Extension of Time to File Comments" filed by the National Association of Broadcasters is granted insofar as it is consistent with the action taken herein and in other respects is denied; and that the time for filing comments in this proceeding is extended from August 20, 1962, to September 20, 1962, and the time for filing reply comments is extended from September 4, 1962, to October 4, 1962.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.241 (d)(8) of the Commission Rules.

Released: July 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–7663; Filed, Aug. 1, 1962; 9:01 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Notice of Proposal to Amend the Definition of Small Business for the Dairy Products Industry

On September 27, 1961, there was published in the FEDERAL REGISTER (26 F.R. 9091) a notice of a hearing to be held on the definition of small business in the dairy products industry, including cooperatives, for the purpose of Government procurements and SBA loans. On October 17, 1961, such hearing was held and testimony received.

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the definition of a small business for the dairy products industry, including cooperatives, for the purpose of Government procurements and SBA business loans based on the aforementioned hearing and written comments received prior to and subsequent to said hearing.

The present definition of a small business for the dairy products industry, including cooperatives, for the purpose of Government procurements and SBA business loans is 500 employees or less. In the case of cooperatives, members and their employees are not included when computing total employees.

The proposed amendment would change the definition so that a small business in this industry would be defined as a concern which, together with its affiliates, has annual receipts of not more than $5,000,000, less receipts from sales of raw milk.

Interested persons may file with the Small Business Administration within 30 days after publication in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the proposed definition. All correspondence shall be addressed to:

Samuel S. Solomon, Director,
Office of Small Business Size Standards,
Small Business Administration,
Washington 25, D.C.

It is proposed to change the definition of a small business for the dairy products industry, including cooperatives, for the purpose of Government procurements and SBA loans as follows:

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812), as amended (26 F.R. 1441, 1983, 2778, 3064, 5708, 6642, 8592, 10633, 10634, 12069) is hereby further amended by:

1. Adding new subparagraph (13) to § 121.3–8(a) as follows:

§ 121.3–8 Definition of small business for Government procurement.

(a) *Small business definitions.* * * *

(13) *Dairy products contracts.* For the purpose of bidding on contracts for dairy products, any concern, including cooperatives, is small if its annual re-

ceipts, less receipts from sales of raw milk or cream, do not exceed $5,000,000.

2. Redesignating § 121.3–10(m), § 121.3–10(n); and adding new paragraph (m) to § 121.3–10 as follows:

§ 121.3–10 Definition of small business for SBA loans.

* * * * *

(m) *Dairy products industry.* Any concern, including cooperatives, primarily engaged in the dairy products industry is small if its annual receipts, less receipts from sales of raw milk or cream, do not exceed $5,000,000.

Dated: July 26, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–7626; Filed, Aug. 1, 1962; 8:57 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

FIRST AGRICULTURAL NATIONAL BANK OF BERKSHIRE COUNTY AND FIRST NATIONAL BANK OF ADAMS

Notice of Decision Granting Application To Merge

On May 23, 1962, the First Agricultural National Bank of Berkshire County, Pittsfield, Massachusetts, filed an application requesting consent of the Comptroller of the Currency to its consolidation with The First National Bank of Adams, Adams, Massachusetts, under the charter and title of the First Agricultural National Bank.

On July 24, 1962, the Comptroller of the Currency granted this application, effective on or after July 31, 1962.

Copies of this decision are available upon request to the Comptroller of the Currency, Washington 25, D.C.

Dated: July 26, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62–7641; Filed, Aug. 1, 1962; 8:58 a.m.]

Office of the Secretary

[Dept. Circular; Public Debt Series No. 12–62]

3½ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES C–1963

Offering of Certificates

JULY 30, 1962.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, subject to allotment, at par and accrued interest, from the people of the United States for certificates of indebtedness of the United States, designated 3½ percent Treasury Certificates of Indebtedness of Series C–1963. The amount of the offering under this circular is $6,500,000,000, or thereabouts. The following notes maturing August 15, 1962, will be accepted at par in payment or exchange, in whole or in part, for the certificates subscribed for, to the extent such subscriptions are allotted by the Treasury:

4 percent Treasury Notes of Series B–1962; or

3¼ percent Treasury Notes of Series G–1962.

The books will be open only on July 30, 1962, for the receipt of subscriptions for this issue.

II. *Description of certificates.* 1. The certificates will be dated August 15, 1962, and will bear interest from that date at the rate of 3½ percent per annum, payable semiannually on February 15 and August 15, 1963. They will mature August 15, 1963, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington 25, D.C. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital, surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from commercial and other banks for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Government Investment Accounts, and the Federal Reserve Banks. Subscriptions from all others must be accompanied by payment (in cash or in notes of the two issues enumerated in section I hereof, which will be accepted at par) of 2 percent of the amount of certificates applied for, not subject to withdrawal until after allotment. Registered notes submitted as deposits should be assigned as provided in section V hereof. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of certificates allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any certificates of this issue, until after midnight July 30, 1962.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of certificates applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions from States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Government Investment Accounts, and the Federal Reserve Banks will be allotted in full. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for certificates allotted hereunder must be made or completed on or before August 15, 1962, or on later allotment. In every case where payment is not so completed, the payment with application up to 2 percent of the amount of certificates allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any certificates allotted hereunder in cash or by exchange of notes of the two series enumerated in Section I hereof, which will be accepted at par. Where payment is made with bearer notes, coupons dated August 15, 1962, should be detached and cashed when due by holders. In the case of registered notes, the final interest due on August 15, 1962, will be paid by check drawn in accordance with the assignments on the notes surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered notes.* 1. Treasury Notes of Series G–1962 in registered form tendered as deposits and in payment for certificates allotted hereunder should be assigned by the registered payees or assignees thereof to "The

Secretary of the Treasury for 3½ percent Treasury Certificates of Indebtedness of Series C–1963 to be delivered to _____", in accordance with the general regulations of the Treasury Department. Notes tendered in payment should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington 25, D.C. The notes must be delivered at the expense and risk of the holder.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62–7642; Filed, Aug. 1, 1962; 8:58 a.m.]

[Dept. Circular; Public Debt Series No. 13–62]

4 PERCENT TREASURY BONDS OF 1969

Offering of Bonds

JULY 30, 1962.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, subject to allotment, at par and accrued interest, from the people of the United States for bonds of the United States, designated 4 percent Treasury Bonds of 1969. The amount of the offering under this circular is $1,500,000,000, or thereabouts. In addition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to allot up to $100,000,000 of these bonds to Government Investment Accounts. The following notes maturing August 15, 1962, will be accepted at par in payment or exchange, in whole or in part, for the bonds subscribed for, to the extent such subscriptions are allotted by the Treasury.

4 percent Treasury Notes of Series B–1962; or

3¼ percent Treasury Notes of Series G–1962.

The books will be open only on July 30, 1962, for the receipt of subscriptions for this issue.

II. *Description of bonds.* (1) The bonds will be dated August 15, 1962, and will bear interest from that date at the rate of 4 percent per annum, payable semiannually on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1969, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The Bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington 25, D.C. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 10 percent of the combined amount of time and savings deposits, including time certificate of deposit, or 25 percent of the combined capital, surplus and undivided profits of the subscribing bank, whichever is greater. Subscriptions will be received without deposit from commercial and other banks for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States hold membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Government Investment Accounts, and the Federal Reserve Banks. Subscriptions from all others must be accompanied by payment (in cash or in notes of the two issues enumerated in Section I hereof, which will be accepted at par) of 10 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Registered notes submitted as deposits should be assigned as provided in Section V hereof. Following allotment, any portion of the 10 percent payment in excess of 10 percent of the amount of bonds allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any bonds of this issue, until after midnight July 30, 1962.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made or completed on or before August 15, 1962, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any bonds allotted hereunder in cash or by exchange of notes of the two issues enumerated in section I hereof, which will be accepted at par. Any qualified depositary will be permitted to make payment by credit in its Treasury Tax and Loan Account for bonds allotted to it for itself and its customers which are paid for in cash up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District. Where payment is made with bearer notes, coupons dated August 15, 1962, should be detached and cashed when due by holders. In the case of registered notes, the final interest due on August 15, 1962, will be paid by check drawn in accordance with the assignments on the notes surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered notes.* 1. Treasury Notes of Series G–1962 in registered form tendered as deposits and in payment for bonds alloted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department, in one of the forms hereafter set forth. Notes tendered in payment should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington 25, D.C. The notes must be delivered at the expense and risk of the holder. If the bonds are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for 4 percent Treasury Bonds of 1969"; if the bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 4 percent Treasury Bonds of 1969 in the name of _____"; if bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 4 percent Treasury Bonds of 1969 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62–7643; Filed, Aug. 1, 1962; 8:58 a.m.]

[Dept. Circular; Public Debt Series No. 14–62]

4¼ PERCENT TREASURY BONDS OF 1987–92

JULY 30, 1962.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, subject to allotment, at 101 percent of their face value and accrued interest, from the people of the United States for bonds of the United States, designated 4¼ percent Treasury Bonds of 1987–92. The amount of the offering under this circular is up to $750,000,000, or thereabouts. In addition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to allot up to $50,000,000 of these bonds to Government Investment Accounts. The following notes maturing August 15, 1962, will be accepted at par in payment or exchange, in whole or in part, for the bonds subscribed for, to the extent such subscriptions are allotted by the Treasury:

4 percent Treasury Notes of Series B–1962; or

3¼ percent Treasury Notes of Series G–1962.

The books will be open only on July 30, 1962, for the receipt of subscriptions for this issue.

2. Deferred payment for bonds allotted hereunder may be made as provided in Section IV hereof by any of the following subscribers, who for this purpose are defined as savings-type investors:

Pension and Retirement Funds—public and private.
Endowment Funds.
Common Trust Funds under Regulation F of the Board of Governors of the Federal Reserve System.
Insurance Companies.
Mutual Savings Banks.
Fraternal Benefit Associations and Labor Unions' insurance funds.
Savings and Loan Associations.
Credit Unions.
Other Savings Organizations (not including commercial banks).
States, Political Subdivisions or instrumentalities thereof, and Public Funds.

II. *Description of bonds.* 1. The bonds will be dated August 15, 1962, and will bear interest from that date at the rate of 4¼ percent per annum, payable semiannually on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1992, but may be redeemed at the option of the United States on and after August 15, 1987, in the whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment,[1] *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at _____ for credit on Federal estate taxes due from estate of _____." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date;[2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[3] properly completed, signed and certified, and by proof of the representatives' authority in the form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certificate or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the District Director of Internal Revenue.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington 25, D.C. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 10 percent of the combined amount of

[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from January 16 through February 15, and from July 16 through August 15 (both dates inclusive) in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington 25, D.C.

time and savings deposits, including time certificates of deposit, or 25 percent of the combined capital, surplus and undivided profits of the subscribing bank, whichever is greater. Subscriptions will be received without deposit from commercial and other banks for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Government Investment Accounts, and the Federal Reserve Banks. Subscriptions from all others must be accompanied by payment (in cash or in notes of the two issues enumerated in Section I hereof, which will be accepted at par) of 10 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Registered notes submitted as deposits should be assigned as provided in Section V hereof. Following allotment, any portion of the 10 percent payment in excess of 10 percent of the amount of bonds allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any bonds of this issue, until after midnight July 30, 1962.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at 101 percent of their face value and accrued interest for bonds allotted hereunder must be made or completed on or before August 15, 1962, or on later allotment, in cash or by exchange of notes of the two issues enumerated in Section I hereof, which will be accepted at par; provided, however, that where a subscriber eligible to defer payment under Section I hereof elects to defer payment for part of the bonds allotted, not less than 30 percent of the bonds allotted must have been paid for by August 15, 1962, not less than 60 percent must have been paid for by September 15, 1962, and full payment must be completed by October 15, 1962. All payments made subsequent to August 15, 1962, must be accompanied by accrued interest from that date, at the rate of $0.12 per $1,000 per day. In the event allotments are less than a rate of 10 percent of the amount subscribed for, the amount of the deposit in excess of the par amount of the bonds allotted hereunder will be returned to the subscriber. Where partial payment for bonds allotted is to be deferred beyond August 15, 1962, delivery of 5 percent of the total par amount of bonds allotted, adjusted to the next higher $500, will be withheld from all subscribers (except States, political subdivisions or instrumentalities thereof, and public pension and retirement and other public funds) until payment for the total amount allotted has been completed. In every case where payment is not so completed the 5 percent so withheld shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. In all other cases where payment is not completed on or before August 15, 1962, or on later allotment, the payment with application up to 10 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment in its Treasury Tax and Loan Account for bonds allotted to it for itself and its customers which are paid for in cash up to any amount for which it shall be qualified in excess of existing deposits when so notified by the Federal Reserve Bank of its District. Where payment is made with bearer notes, coupons dated August 15, 1962, should be detached and cashed when due by holders. In the case of registered notes, the final interest due on August 15, 1962, will be paid by check drawn in accordance with the assignments on the notes surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered notes.* 1. Treasury Notes of Series G–1962 in registered form tendered as deposits and in payment for bonds allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department, in one of the forms hereafter set forth. Notes tendered in payment should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington 25, D.C. The notes must be delivered at the expense and risk of the holder. If the bonds are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for 4¼ percent Treasury Bonds of 1987–92"; if the bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 4¼ percent Treasury Bonds of 1987–92 in the name of ----------"; if bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 4¼ percent Treasury Bonds of 1987–92 in coupon form to be delivered to --------".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62–7644; Filed, Aug. 1, 1962; 8:58 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 031541]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The United States Department of Justice, Bureau of Prisons, has filed an application, Serial Number Arizona 031541 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, subject to existing valid rights.

The applicant desires the land for enlargement of the Federal Prison at Safford, Arizona, and improvements to be placed thereon.

Grazing use of the lands will be administered by the Bureau of Land Management under the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315–315r), consistent with the primary purpose for which the lands are proposed to be withdrawn.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix 25, Arizona.

If circumstances warrant it a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 8 S., R. 26 E.,
Sec. 19: SE¼SE¼.
Sec. 30: N½NW¼NE¼, N½NE¼NW¼.

The area described aggregates 80 acres.

Dated: July 26, 1962.

FRED J. WEILER,
State Director.

[F.R. Doc. 62–7608; Filed, Aug. 1, 1962; 8:54 a.m.]

[Group 355]

ARIZONA

Notice of Filing of Plat of Survey

JULY 24, 1962.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m. on August 29, 1962:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 N., R. 24 W.,
Sec. 23, lots 1 and 2;
Sec. 24, lots 2 and 3;
Sec. 25, lot 5, NE¼NW¼ and SW¼NW¼;
Sec. 26, lots 2, 3, 4, 5, 6, 7, S½NE¼, NE¼SE¼.

The areas described aggregate 477.04 acres.

2. The lands in T. 1 N., R. 24 W., are level bottom lands and the soils are river silt.

3. All of the foregoing lands described were withdrawn by Secretary's Order of January 31, 1903, under second form, for the Colorado River Project and withdrawn first form by Secretary's Order of February 19, 1929, for the Colorado River Storage Project.

4. In view of the foregoing, none of the lands described in this notice will be subject to disposition under the general public land laws by reason of the official filing of the plat.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 62-7612; Filed, Aug. 1, 1962; 8:54 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Additional Lands

JULY 25, 1962.

The National Park Service, Department of the Interior, has amended its application, Serial No. Los Angeles 0153533, for the withdrawal of the additional lands described below, from entry under the mining laws, subject, however, to existing withdrawals and to valid existing rights. Notice of proposed withdrawal and reservation of the land under this application, LA 0153533, was published as F.R. Doc. 59–7557; Filed September 10, 1959; 8:47 a.m., on page 7337 of the issue of September 11, 1959. These lands have previously been withdrawn for National Monument purposes by Executive Order of February 11, 1933, as amended by the Act of June 13, 1933 (48 Stat. 139, 16 U.S.C. 447), which extended the mining laws to Death Valley National Monument.

The applicant desired the exclusion of mining activity to permit proper administration of scenic, historic and scientific areas of the National Monument that could be modified or destroyed if entry under the mining laws were permitted. The uses allowed for National Monument purposes would continue to be permitted if the withdrawal is accomplished.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the amended application are:

SAN BERNARDINO MERIDIAN

T. 27 N., R. 1 E.,
Sec. 3, Lot No. 2 of NE¼, Lot No. 2 NW¼ (N½N½).
T. 28 N., R. 1 E.,
Sec. 35, S½, S½N½.

MOUNT DIABLO MERIDIAN

T. 11 S., R. 42 E.,
Sec. 13, SW¼;
Sec. 14, E½SE¼;
Sec. 24, W½;
Sec. 26, S½SE¼;
Sec. 35, N½NE¼.
T. 16 S., R. 44 E.,
Sec. 13, NE¼.
T. 16 S., R. 45 E.,
Sec. 18, Lots 1 and 2, W½NW¼.
T. 16½ S., R. 44 E.,
Sec. 31, E½SE¼;
Sec. 32, W½SW¼.
T. 20 S., R. 45 E.,
Sec. 2, S½;
Sec. 3, SE¼;
Sec. 10, W½, NE¼.
Sec. 11, N½N½;
Sec. 15, E½NW¼, W½NE¼, SE¼;
Sec. 22, E½, SW¼;
Sec. 27, N½.

The total area of additional lands in the amended application contains approximately 4,077.55 acres.

ROLLA E. CHANDLER,
Manager, Land Office, Riverside.

[F.R. Doc. 62–7607; Filed, Aug. 1, 1962; 8:54 a.m.]

CALIFORNIA

Notice of Termination of Proposed Withdrawal From Entry Under the Mining Laws

JULY 25, 1962.

The National Park Service filed an application for withdrawal from entry under the mining laws, serial number Los Angeles 0153533, on November 15, 1957. These lands have previously been withdrawn for National Monument purposes by Executive Order of February 11, 1933, as amended by the Act of June 13, 1933 (48 Stat. 139, 16 U.S.C. 447), which extended the mining laws to Death Valley National Monument.

Notice of proposed withdrawal and reservation of the land under this application, LA 0153533, was published as F.R. Doc. 59–7557; Filed September 10, 1959; 8:47 a.m., on page 7337 of the issue September 11, 1959.

The applicant agency has amended its application to delete therefrom certain of the lands originally filed for. Therefore, pursuant to the regulations contained in 43 CFR Part 295, those lands deleted from the original application will at 10:00 a.m., on August 25, 1962, be relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

SAN BERNARDINO MERIDIAN

T. 18 N., R. 5 E.,
Sec. 2, W½W½NW¼;
Sec. 3, NE¼.
T. 19 N., R. 5 E.,
Sec. 34, SE¼.
T. 21 N., R. 4 E.,
Sec. 11, SE¼;
Sec. 14, E½.
T. 23 N., R. 1 E.,
Sec. 3, NE¼.
T. 24 N., R. 1 E.,
Sec. 5, SE¼, SW¼, S½NW¼;
Sec. 21, NW¼, W½NE¼.
T. 24 N., R. 2 E.,
Sec. 14, W½.
T. 25 N., R. 2 E.,
Sec. 21, S½S½.
T. 26 N., R. 1 E.,
Sec. 14, S½;
Sec. 15, E½;
Sec. 23, All;
Sec. 24, S½;
Sec. 25, All;
Sec. 26, All;
Sec. 35, All.
T. 26 N., R. 2 E.,
Sec. 9, SE¼NE¼, NE¼SE¼;
Sec. 10, SW¼NW¼, NW¼SW¼;
Sec. 30, W½.
T. 27 N., R. 1 E.,
Sec. 14, All;
Sec. 15, N½;
Sec. 16, All.
Sec. 17, NE¼;
Sec. 21, N½NE¼;
Sec. 22, S½NE¼, S½;
Sec. 23, All;
Sec. 24, All;
Sec. 25, N½;
Sec. 26, NE¼;
Sec. 27, W½;
Sec. 28, E½;
Sec. 34, N½NW¼;
Sec. 35, S½;
Sec. 36, E½.
T. 27 N., R. 2 E.,
Sec. 31, W½.
T. 28 N., R. 1 E.,
Sec. 13, E½NE¼;
Sec. 34, N½N½;
Sec. 36, W½NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.
T. 28 N., R. 2 E.,
Sec. 7, E½NW¼;
Sec. 18, W½NW¼.

MOUNT DIABLO MERIDIAN

T. 11 S., R. 42 E.,
Sec. 7, All;
Sec. 27, NE¼.
T. 13 S., R. 45 E.,
Sec. 8, S½.
T. 14 S., R. 40 E.
Sec. 24, SE¼.

T. 14 S., R. 41 E.,
Sec. 19, S½;
Sec. 20, SW¼;
Sec. 29, W½;
Sec. 32, NW¼, E½SW¼.
T. 15 S., R. 40 E.,
Sec. 1, SE¼.
T. 15 S., R. 41 E.,
Sec. 5, E½NW¼, SW¼.
T. 15 S., R. 46 E.,
Sec. 31, N½.
T. 16 S., R. 46 E.,
Sec. 6, S½.
T. 17 S., R. 44 E.,
Sec. 8, NW¼.
T. 18 S., R. 45 E.,
Sec. 24, NW¼, S½.
T. 19 S., R. 44 E.,
Sec. 24, SW¼;
Sec. 25, W½;
Sec. 26, E½.
T. 19 S., R. 45 E.
Sec. 32, SE¼;
Sec. 33, SW¼.
T. 20 S., R. 45 E.,
Sec. 4, NW¼;
Sec. 5, NE¼.
T. 21 S., R. 46 E.,
Sec. 20, S½S¼.
T. 22 S., R. 47 E.,
Sec. 32, W½.

The total area terminated contains approximately 18,480 acres.

ROLLA E. CHANDLER,
Manager, Land Office, Riverside.

[F.R. Doc. 62-7611; Filed, Aug. 1, 1962; 8:54 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

The United States Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 079609 for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a recreation area and administrative site located in the Routt National Forest.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Gas and Electric Building, 910 15th Street, Denver 2, Colo.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROUTT NATIONAL FOREST

Lost Park Administrative Site

T. 10 N., R. 88 W.,
Sec. 29, E½SW¼, W½SE¼.

Total area 160 acres, more or less.

Slavonia Recreation Area

T. 10 N., R. 88 W., Unsurveyed,
In approximate Sec. 32, Beginning at Corner No. 1 from which the center of the intersection of Gold Creek and Gilpin Creek bears S. 16° E. a distance of 15 chains, thence S. 74° W. 40 chains to Corner No. 2, thence S. 16° E. 20 chains to Corner No. 3, thence N. 74° E. 40 chains to Corner No. 4, thence N. 16° W. 20 chains to Corner No. 1, the point of beginning.

Total area 80 acres, more or less.

The above described area in Routt National Forest aggregates approximately 240.00 acres.

HAROLD T. TYSK,
Chief, Division of Lands and Minerals.

[F.R. Doc. 62-7614; Filed, Aug. 1, 1962; 8:54 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 26, 1962.

The Federal Aviation Agency has filed an application, Serial Number Idaho 013404 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws, subject to valid rights. The applicant desires the land for protection and proper operation of an existing VORTAC facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 14 S., R. 34 E.,
Sec. 14: N½NE¼SW¼, S½NE¼NW¼SW¼, SE¼NW¼SW¼, NE¼SW¼SW¼, N½SE¼SW¼SW¼, S½SE¼SW¼, S½NW¼NW¼SE¼, SW¼NW¼SE¼, NW¼SW¼SE¼, N½SW¼SW¼SE¼.

The area described aggregates 100 acres of public land in Oneida County.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 62-7613; Filed, Aug. 1, 1962; 8:54 a.m.]

WASHINGTON

Notice of Filing of Washington State Protraction Diagrams

Notice is hereby given that effective August 30, 1962, the following protraction diagrams, approved May 31, 1962, are officially filed of record in the Washington Land Office. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagrams have been placed in the open files and are available to the public for information only.

WASHINGTON PROTRACTION DIAGRAMS NOS. 1 AND 2

WILLAMETTE MERIDIAN

No. 1

T. 35 N., R. 34 E.
T. 35 N., R. 35 E.
T. 35 N., R. 36 E.,
Sec. 2, W½;
Secs. 3 through 11;
Secs. 14 through 20.
T. 36 N., R. 35 E.
T. 36 N., R. 36 E.,
Secs. 1 through 13;
Secs. 30, 31, 32.
T. 37 N., R. 34 E.,
Secs. 1 through 4;
Sec. 5, E½;
Sec. 8, E½;
Secs. 9 through 16;
Sec. 17, E½;
Sec. 20, E½;
Secs. 21 through 28;
Sec. 29, E½;
Sec. 32, E½;
Secs. 33, 34, 35, 36.
T. 37 N., R. 35 E.

No. 2

T. 39 N., R. 35 E.,
Secs. 1 through 24;
Secs. 27, 28, 29, 30.
T. 40 N., R. 35 E.
T. 40 N., R. 36 E.,
Secs. 4 through 9;
Sec. 10, W½;
Sec. 15, W½;
Secs. 16 through 21;
Sec. 22, W½;
Secs. 28 through 31.

Copies of these diagrams are for sale at the Washington State Land Office, Bureau of Land Management, Room 670 Bon Marche Building, Spokane 1, Washington.

W. F. MEEK,
Manager.

[F.R. Doc. 62-7609; Filed, Aug. 1, 1962; 8:54 a.m.]

[Field Administrative Office Order No. 63-2]

COLORADO

Redelegation of Authority for Contracts and Leases, Transfer and Disposal of Personal Property, and Real and Related Personal Property

SECTION 1. Pursuant to the authority contained in section 1(d) of Bureau Order 679 of the Director of the Bureau of Land Management and amendments thereto, the following are authorized to enter into contracts for construction, equipment, supplies or services, including equipment rental and leases for space without regard to amount:

Chief, Division of Administrative Services, Supply Specialist.

Delegation of authority under Administrative Field Office Order No. 1 to Administrative Services Officer for this function is hereby rescinded. The above delegation is effective July 26, 1962, and may not be redelegated.

SEC. 2. Pursuant to the authority contained in section 3 of Bureau Order 680 of the Director of the Bureau of Land Management, the following persons are redelegated the authority to sign, transfer and dispose of real property and related personal property in accordance with sections 1 and 2 of said order:

Chief, Division of Administrative Services, Supply Specialist.

The delegation of authority contained in Field Administrative Office Order No. 2 to the Field Administrative Services Officer is hereby rescinded. The above delegation is effective July 26, 1962, and may not be redelegated.

SEC. 3. Pursuant to the authority contained in section 2 of Bureau Order 681 of the Director of the Bureau of Land Management, the following are authorized to transfer and dispose of personal proper excess to the needs of the Department of the Interior; including the authority to donate and to execute transfers and deliveries of donable property in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and regulations issued thereunder by the General Services Administration in accordance with section 1 of said order:

Chief, Division of Administrative Services, Supply Specialist.

The delegation of authority for this function to the Field Administrative Services Officer contained in Field Administrative Order No. 3 is hereby rescinded. The above delegation is effective July 26, 1962, and may not be redelegated.

RALPH J. MITCHELL,
Acting Field Administrative Officer, Denver, Colorado.

JULY 26, 1962.

[F.R. Doc. 62-7610; Filed, Aug. 1, 1962; 8:54 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN EXPORT LINES, INC.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that American Export Lines, Inc., acting pursuant to Public Law 87-45, has applied to the Maritime Administration for approval of the following listed cruises:

Ship; Sailing Date; and Itinerary

"Independence"; Jan. 26, 1963; New York, La Guaira, Curacao, Port of Spain, Barbados, Fort-de-France, St. Thomas, San Juan, New York.
"Independence"; Feb. 11, 1963; New York, San Juan, Fort-de-France, Barbados, Port of Spain, La Guaira, Curacao, Kingston, New York.
"Independence"; Feb. 26, 1963; New York, San Juan, St. Thomas, Fort-de-France, Curacao, La Guaira, Cristobal, Kingston, New York.
"Independence"; July 3, 1963; New York, Bermuda, New York.
"Constitution"; Aug. 29, 1963; New York, Bermuda, New York.

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington 25, D.C., by close of business on August 15, 1962. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: July 26, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-7632; Filed, Aug. 1, 1962; 8:57 a.m.]

TRADE ROUTE NO. 13, U.S. SOUTH ATLANTIC AND GULF/MEDITERRANEAN AND BLACK SEA AND TRADE ROUTE NO. 22, U.S. GULF/FAR EAST

Notice of Conclusions and Determinations Regarding United States Flag Freight Ship Service Requirements

Notice is hereby given that on July 27, 1962 the Maritime Administrator acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined United States flag freight ship service requirements of Trade Routes Nos. 13 and 22 and ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said Trade Routes be published in the FEDERAL REGISTER:

United States flag freight ship service requirements on Trade Route No. 13 are approximately 9 sailings per month serving the route exclusively or predominantly, with some additional service by other regularly scheduled United States flag sailings serving the route in part only.

United States flag service requirements on Trade Route No. 22 are approximately 12 sailings per month of United States flag freight ships serving the route exclusively or predominantly, with some additional service by other regularly scheduled United States flag sailings serving the route in part only.

By order of the Maritime Administrator.

Dated: July 27, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-7633; Filed, Aug. 1, 1962; 8:57 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14724, 14725; FCC 62M-1071]

CAPITOL TELECASTING CO. AND AUSTIN BROADCASTING CO., INC.

Order Continuing Hearing

In re applications of Dalton Homer Cobb tr/as Capitol Telecasting Company, Austin, Texas, Docket No. 14724, File No. BPCT-2947; Austin Broadcasting Company, Inc., Austin, Texas, Docket No. 14725, File No. BPCT-2985; for construction permits for new television broadcast stations (Channel 24).

It is ordered, This 27th day of July 1962, that the prehearing conference herein now scheduled for September 11, 1962, be and the same is hereby rescheduled for September 17, 1962, 9:00 a.m. in the Commission's Offices, Washington, D.C.

Released: July 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7649; Filed, Aug. 1, 1962; 8:59 a.m.]

[Docket No. 14518; FCC 62-827]

DOLPH-PETTEY BROADCASTING CO. (KUDE)

Memorandum Opinion and Order Amending Issues

In the matter of Dolph-Pettey Broadcasting Company (KUDE), Oceanside, California, Docket No. 14518, File No. BP-14324; for construction permit.

1. The Commission has before it for consideration (a) a petition for enlargement of issues filed May 22, 1962, by E. L. Cord, tr/as Los Angeles Broadcasting Company (KFAC), Los Angeles, California; (b) an opposition of Dolph-Pettey Broadcasting Company (KUDE) filed June 4, 1962; and (c) a statement of the Commission's Broadcast Bureau filed June 4, 1962.

2. On February 15, 1962, the order designating the application of KUDE for hearing was published in the FEDERAL REGISTER (27 F.R. 1429). By its application, KUDE seeks to increase the nighttime power of its existing station in Oceanside. The hearing issues would inquire into the area and population to be served; interference to existing stations and the availability of other services; efficient utilization of channel in accordance with § 3.24(b); blanketing issue as to § 3.24(g); and overlap of 2 and 25 mv/m contours with that of KFAC, in contravention of § 3.37 of the rules.

3. On May 22, 1962, KFAC filed a petition to enlarge the issues to inquire into whether, because of interference received, the proposed operation of KUDE would be consistent with § 3.28(d) of the rules. KFAC stated that it accepted the Commission's statement that the KUDE

proposal fell within the expressed exception of § 3.28(d) of the rules, and that it only recently discovered that two Los Angeles stations would provide the nighttime service to Oceanside. It argues that neither the exceptions nor the exemptions to the "10% rule" would apply to the KUDE application since the proposed operation would not provide Oceanside with its first local transmission facility or the only primary nighttime service to 25 percent or more of the proposed primary service area. For good cause for late filing, petitioner points to its recent discovery of other services available to Oceanside at night, and argues that there is no burden placed on the petitioner to discover that other stations serve the predicted nighttime service area of KUDE prior to the exchange of exhibits scheduled for June 4, 1962.

4. The petition was not filed within fifteen days after publication of the designation Order, and the underlying objective of § 1.141 of the rules of crystallizing the hearing issues at an early date will not be promoted by accepting as good cause the reasons assigned by petitioner for the late filing of its petition. The petition will, therefore, be denied. The matters discussed in the pleadings before us raise, however, a fundamental question as to the scope of one of the exceptions to the "10% rule" (§ 3.28(d) of the rules), and the Commission will, therefore, on its own motion, consider them.

5. KUDE contends that its proposal is excepted from the requirements of § 3.28(d) of the rules. In making this argument, it relies upon that provision of the rule which excepts from its requirements a "proposed station [which] would provide a standard broadcast nighttime facility to a community not having such a facility. . . ." KUDE's reliance upon the quoted excerpt is misplaced. The objective of the cited exception to the efficiency requirements of § 3.28(d) of the rules is to permit the establishment of a first nighttime transmission facility in a community even though excessive interference is received by such facility. Where a community receives a satisfactory signal from its existing nighttime transmission facility, it is not the intention of the cited exception to the rule to authorize a relaxation of the efficiency requirements of the rule in order to permit the existing facility to increase power. Such further relaxation does not promote the objective of the exception; its objective was fulfilled when the existing nighttime facility was authorized.

Accordingly, it is ordered, This 25th day of July 1962, that the petition for enlargement of issues of E. L. Cord, tr/as Los Angeles Broadcasting Company, filed May 22, 1962, is denied, and

It is further ordered, That, on the Commission's own motion, the designation order, released February 12, 1962 (FCC 62–158) is amended by the addition of the following issue:

To determine whether, because of the interference received, the proposed nighttime operation of KUDE would be consistent with section 3.28(d) of the rules, and, if not, whether circumstances exist which would warrant a waiver of said Section.

Released: July 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–7650; Filed, Aug. 1, 1962; 8:59 a.m.]

[Docket Nos. 14608, 14609; FCC 62M–1077]

GOODWILL STATIONS, INC., AND LAKE HURON BROADCASTING CORP.

Order Continuing Hearing

In re applications of The Goodwill Stations, Inc., Flint, Michigan, Docket No. 14608, File No. BRCT–505, for renewal of license of Television Station WJRT (including TV auxiliary Stations KD–9611, KE–4899, KQK–47 Main and Alternate Main, KQK–52 and KQK–53); Lake Huron Broadcasting Corporation, Flint, Michigan, Docket No. 14609, File No. BPCT–2954; for construction permit for new television broadcast station (Channel 12).

It is ordered, This 27th day of July 1962, that the hearing now scheduled for September 10 is continued to September 25, 1962.

Released: July 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–7651; Filed, Aug. 1, 1962; 8:59 a.m.]

[Docket Nos. 14269, 14270; FCC 62M–1069]

HERSHEY BROADCASTING CO., INC., AND READING RADIO, INC.

Order Rescheduling Hearing

In re applications of Hershey Broadcasting Company, Inc., Hershey, Pennsylvania, Docket No. 14269, File No. BPH–3246; Reading Radio, Inc., Reading, Pennsylvania, Docket No. 14270, File No. BPH–3322; for construction permits.

Because of the urgency of another commitment on the part of the Hearing Examiner, which has priority: *It is ordered,* This 26th day of July, 1962, that the hearing in the above-entitled matter now scheduled for September 12, 1962, be and it hereby is rescheduled to commence at 10 a.m., September 4, 1962, in the Commission's offices in Washington, D.C.

Released: July 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–7652; Filed, Aug. 1, 1962; 8:59 a.m.]

[Docket No. 14730; FCC 62–812]

W. A. HENLEY AND KIMBLE COMMUNICATIONS

Order Designating Applications for Hearing on Stated Issues

In re applications of W. A. Henley, d/b as Kimble Communications, Docket No. 14730, File Nos. 2397/2398–C1–P–62; for construction permits to establish stations in the Point-to-Point Microwave Radio Service near Kerrville, and at Midway, Texas.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of July 1962;

The Commission having under consideration the above-entitled applications of W. A. Henley, d/b as Kimble Communications (hereinafter called Kimble) for construction permits to establish fixed (video) point-to-point microwave stations near Kerrville and at Midway, Texas; and

It appearing, that the only communications service to be provided over the proposed facilities is to Junction Cable View, a partnership, which owns and operates the community antenna television system serving Junction, Texas and that W. A. Henley is a partner in Junction Cable View; and

It further appearing, that there is a question as to whether Junction Cable View is a public subscriber, i.e., a subscriber not directly controlling or controlled by, or under direct or indirect common control with the applicant; and

It further appearing, that in the event Junction Cable View is not a public subscriber, there will be a question as to whether there is a need for a holding out of this communication common carrier service in view of the apparent absence of any present or prospective demand for such service from any public subscriber, as previously defined; and

It further appearing, that the Commission is unable to find that a grant of the applications would serve the public interest, convenience or necessity;

It is ordered, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above entitled applications are designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the nature and extent of the interests existing between the applicant, W. A. Henley, d/b as Kimble Communications and Junction Cable View.

(b) To determine whether Junction Cable View is a public subscriber, i.e., a subscriber not directly controlling or controlled by, or under direct or indirect common control with the applicant.

(c) To determine, in the event Kimble fails to meet the burden of proof under issue (b), the need for Kimble's holding out of this particular common carrier service in view of the apparent absence of any present or prospective demand for such service from any public subscribers, as defined in issue (b).

(d) To determine, in the light of the evidence adduced on the foregoing issues, whether a grant of the applications would serve the public interest, convenience or necessity.

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceeding herein;

It is further ordered, That the parties desiring to participate shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: July 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–7653; Filed, Aug. 1, 1962; 8:59 a.m.]

[Docket Nos. 14639, 14640; FCC 62–828]

OLNEY BROADCASTING CO. AND JAMES R. WILLIAMS

Memorandum Opinion and Order Amending Issues

In re applications of Harwell V. Shepard tr/as Olney Broadcasting Company, Olney, Texas, Docket No. 14639, File No. BP–10494; James R. Williams, Anadarko, Oklahoma, Docket No. 14640, File No. BP–13635; for construction permits.

1. The Commission has before it for consideration a petition to enlarge issues, filed May 25, 1962, by James R. Williams, together with pleadings properly filed in reply thereto.

2. Submitting with its petition an engineering study to show that there is substantial (25 percent) overlap of the proposed Olney and Station KDNT 0.5 mv/m service contours, petitioner requests addition of the following issue: To determine whether a grant of the instant proposal of Harwell B. Shepard tr/as Olney Broadcasting Company would be in contravention of § 3.35 of the Commission rules with respect to multiple ownership of standard .broadcast stations.

According to Williams the existence of the above-mentioned overlap raises the question as to whether a grant of the Olney application would be in the public interest.

3. Olney, in opposing the petition, does not deny that there would be considerable overlap. Instead, it argues that because of the location of the overlap area, the distance between the principal communities, etc., this overlap would not stand in the way of a grant of its application. These arguments by Olney might well be pertinent to a resolution of the overlap issue after hearing; they do not, however, eliminate the basis of the petitioner's request or remove the need for an evidentiary hearing to determine whether, under the circumstances presented, a grant of its application would be in the public interest not withstanding the overlap which concededly is present.

[1] Dissenting statement of Commissioner Cross filed as part of original document.

Accordingly, it is ordered, This 25th day of July, 1962, That the petition to enlarge issues in the above-captioned proceeding, filed May 25, 1962, by James R. Williams is granted; and

It is further ordered, That the designation order released May 14, 1962 (FCC 62–506) is amended by adding the following issue: To determine whether a grant of the application of Harwell V. Shepard tr/as Olney Broadcasting Company, for a new standard broadcast station at Olney, Tex., would be in contravention of § 3.35 of the Commission's rules.

Released: July 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–7654; Filed, Aug. 1, 1962; 8:59 a.m.]

[Docket Nos. 14626, 14627; FCC 62M–1068 Corrected]

REDDING-CHICO TELEVISION, INC., AND NORTHERN CALIFORNIA EDUCATIONAL TELEVISION ASSOCIATION, INC.

Order Continuing Hearing

In re applications of Redding-Chico Television, Inc., Redding, California, Docket No. 14626, File No. BPCT–2875; for a construction permit for a new commercial television broadcast station (Channel 9); Northern California Educational Television Association, Inc., Redding, California, Docket No. 14627, File No. BPCT–2890; for a construction permit for a new noncommercial educational television broadcast station (Channel 9).

Pursuant to a joint verbal motion on behalf of the applicants herein: *It is ordered,* This 26th day of July 1962, that the hearing herein scheduled for September 18, 1962, be and the same is hereby rescheduled for November 13, 1962, 10:00 a.m. in the Commission's Offices, Washington, D.C.

Released: July 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–7655; Filed, Aug. 1, 1962; 9:00 a.m.]

[Docket No. 14728; FCC 62–806]

ROBERT W. SELTZER

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In the matter of the application of Robert W. Seltzer, Docket No. 14728, File No. 2913–C2–P–62; for a construction permit to establish a new station for one-way signaling communications in the Domestic Public Land Mobile Radio Service at Hartford, Connecticut.

1. The Commission has before it (1) an application by Robert W. Seltzer (hereinafter called Seltzer or applicant) for a construction permit to establish a new station for one-way signaling in the Domestic Public Land Mobile Radio Service at Hartford, Connecticut; (2) a petition by Mobilfone System, Inc. (hereinafter called Mobilfone or petitioner), licensee of station KCC484, providing two-way and one-way signaling communications in the Domestic Public Land Mobile Radio Service at Hartford, Connecticut, to deny the aforesaid application of Seltzer, which petition was timely filed on May 21, 1962; (3) an opposition to the said petition timely filed by Seltzer on June 12, 1962; (4) a reply to the said opposition was filed late by Mobilfone on June 22, 1962.

Preliminary statement. 2. On February 23, 1962, Seltzer applied for a construction permit for the one-way signaling service mentioned in paragraph 1 above. The Petition to Deny the said application, filed by Mobilfone on May 21, 1962 alleges that it offers the same service, in addition to the two-way mobile service offered by Mobilfone, and that the applicant, Seltzer, failed to show a need for a competing common carrier in the subject area. Seltzer's opposition to the Petition to Deny, filed on June 12, 1962, denies the material allegations of the Petition to Deny and asserts that the proposed service would be the only one operating on a frequency specifically allocated to one-way signaling communications, since the petitioner offers one-way service, on a secondary basis to its two-way authorization. Mobilfone's reply, filed late on June 22, 1962, does not allege any additional facts.

Mobilfone's petition to deny. 3. Mobilfone alleges that it is a common carrier serving the Hartford area with both two-way and one-way communications services; and that the proposed service would compete directly with its service. The petitioner further states that in spite of its active promotion of its one-way paging services, the demand has not been great enough to utilize Mobilfone's capacity for additional subscribers, nor is there any need for additional or competing facilities. Mobilfone asserts that any such competition would result in a deterioration of service to the area.

Seltzer's opposition to petition to deny. 4. Seltzer alleges that the Petition to Deny is based on conclusory statements regarding the issue of need for additional service in the Hartford area; and that his own survey shows a potential of more than 100 new subscribers, noting that Mobilfone's Form L report filed on December 31, 1961, showed 82 subscribers (two-way and one-way) to petitioner's service, which Seltzer regards as near capacity for the petitioner's authorization as a two-way mobile service. In addition, the applicant contends that he proposes the first service on a frequency assigned exclusively to one-way signaling; that since Mobilfone's offering of the same service on its two-way frequency authorization is a secondary service, it is really not entitled to status of a competing party.

Mobilfone's reply to opposition. 5. Mobilfone's reply was not filed within the time prescribed by § 1.13 of our rules and is not entitled to consideration. It

is noted, however, that the said Reply does not allege any new facts, rather it is argumentative and, as such does not serve any useful purpose at this stage of the proceedings.

Disposition of application and petition to deny. 6. Whereas the public interest, convenience and necessity are basic requirements for granting of the application by Seltzer and the need for the proposed one-way signaling facilities has been placed in issue by the petitioners and since Mobilfone is authorized, under the terms of its current license for station KCC484, to offer a one-way signaling service, as well as a two-way mobile service, the Petition to Deny presents allegations which suffice, in a case involving common carriers, to afford Mobilfone standing to object to a possible grant of Seltzer's application and forms a basis for a hearing under the provisions of section 309(e) of the Communications Act of 1934, as amended. Further, the competitive status of Mobilfone, authorized to operate on a frequency assigned to two-way mobile services, as against an applicant seeking authority to use a frequency assigned exclusively to one-way signaling services, requires the adduction of evidence on the nature and availability of services presently offered to potential one-way subscribers in the Hartford area.

7. Accordingly, in the light of our conclusions in paragraph 5 above, and in order to carry out the intent of Congress with respect to section 309(e) of our Act: *It is ordered*, That this matter is designated for hearing upon the following issues:

(a) To determine the nature and extent of services proposed by Seltzer, including the rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

(b) To determine the nature and extent of service now rendered by Mobilfone, including the rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

(c) To determine the area and population to be covered by the service proposed by Seltzer.

(d) To determine the area and population presently covered by the one-way service offered by Mobilfone.

(e) To determine the need for the service proposed by Seltzer, and the nature and extent of any benefits to the public which will accrue from establishment of Seltzer's proposed service.

(f) To determine whether any disadvantages to the public will accrue from establishment of Seltzer's proposed service.

(g) To determine whether Mobilfone, operating on a frequency assigned to two-way mobile communications, is entitled to priority or protection as a common carrier in the one-way signaling service.

(h) To determine, in the light of the evidence adduced on all the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of the subject application.

8. *It is further ordered*, That the burden of proof on issues (a), (c), (e) and (h) are placed on the applicant; the burden of proof on issues (b), (d), (f) and (g) are placed on the petitioner; and

9. *It is further ordered*, That Mobilfone System, Inc. and the Chief, Common Carrier Bureau, are made parties to the proceedings herein; and

10. *It is further ordered*, That the hearing herein, upon the issues specified in paragraph 6 above, shall be held at the Commission's offices in Washington, D.C. on a date and at a time to be announced later; and

11. *It is further ordered*, That the parties desiring to participate herein shall file their appearances in accordance with the provisions of § 1.140 of the Commission's rules.

Adopted: July 25, 1962.

Released: July 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7656; Filed, Aug. 1, 1962; 9:00 a.m.]

[Docket No. 14731; FCC 62-819]

ISAAC J. RUSSELL AND RUSSELL'S TAXI

Order Designating Application for Hearing On Stated Issues

In re application of Isaac J. Russell, d/b as Russell's Taxi, 19 North Street, Calais, Maine, Docket No. 14731, File No. 00993-LC-62; for authorization in the Citizens Radio Service to operate a Class D radio station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of July 1962.

The Commission, having under consideration the captioned application for a license in the Citizens Radio Service and a request for waiver of § 1.551 of Part 1 of the Commission's rules; and

It appearing, that on May 11, 1962, Isaac J. Russell, doing business as Russell's Taxi, filed an application for an authorization in the Citizens Radio Service to operate a Class D station, to consist of four mobile units, in Calais, Maine, and a petition for waiver of § 1.551 of the Commission's rules, which provides, inter alia, that the Commission will not consider the application for a station license of a person whose license has been revoked until the lapse of one year from the effective date of the revocation order; and

It further appearing, that the applicant held a license in the Citizens Radio Service, call sign 1W6601, which license was revoked effective April 14, 1962, by order adopted March 15, 1962, in Docket No. 14278, on the ground that Isaac Russell was an alien when such license was issued and when the revocation proceedings were instituted, and he was ineligible to hold a radio station license by virtue of section 310(a) of the Communications Act of 1934, as amended; and

It further appearing, that the applicant is now a naturalized United States citizen and has submitted satisfactory proof thereof, and that he has stated that his obtaining his previous license contrary to the prohibition of the Communications Act was due to the fact that he did not then realize that he, as an alien, was not eligible for a station license and that his representation that he was a United States citizen was in error and was made unintentionally; and

It further appearing, that the Commission has information indicating that the applicant, Isaac Russell, operated a radio station subsequent to April 24, 1962, the effective date of the revocation of his citizens license, without a valid authorization, in violation of section 301 of the Communications Act of 1934, as amended, and of § 19.11 of the Commission's rules; and

It further appearing, that by letter dated June 18, 1962, the Commission, pursuant to section 308(b) of the Communications Act, requested the applicant to state, inter alia, whether he operated a radio station subsequent to April 24, 1962, and that the applicant, in response thereto, stated that he had not operated the station subsequent to that date; and

It further appearing, that substantial and material questions of fact are raised with respect to the instant application and the Commission is unable to find that the public interest, convenience and necessity would be served by the grant of the application, and that § 1.551 of the Commission's rules should be, and is hereby, waived so as to enable resolution of these questions of fact and consideration of the instant application on its merits;

It is ordered, Pursuant to section 309 (e) of the Communication's Act of 1934, as amended, and § 1.549(b) of the Commission's rules, that the captioned application is designated for hearing, at a time and place to be specified by a subsequent order, upon the following issues:

1. To determine the facts and circumstances concerning the obtaining by the applicant of his previous license in the Citizens Radio Service, call sign 1W6601.

2. To determine whether the applicant, Isaac J. Russell, operated a radio station without proper license subsequent to April 24, 1962, in violation of Section 301 of the Communications Act of 1934, as amended, and § 19.11 of the Commission's rules;

3. To determine whether the applicant submitted false statements to the Commission by his undated letter, received by the Commission on June 27, 1962, wherein he stated that he has not operated a radio station after April 24, 1962;

4. To determine whether the applicant possesses the requisite qualifications to be, and may be relied upon to carry out his responsibilities and obligations as, a Commission radio station licensee.

5. To determine, in the light of the evidence adduced under the foregoing issues, whether the public interest, convenience and necessity would be served by the grant of the application of Isaac J. Russell for a station license in the Citizens Radio Service.

It is further ordered, That to avail himself of the opportunity to be heard, the applicant, in person or by his attorney, shall, pursuant to § 1.140(c) of the Commission's rules, within twenty days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating that he will appear on the date fixed for hearing and present evidence on the issues specified in this Order.

Released: July 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7657; Filed, Aug. 1, 1962; 9:00 a.m.]

[List No. 37]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

JULY 30, 1962.

Eastside Broadcasting Company, licensee of standard broadcast Station KNBX, Kirkland, Washington, has established that the loss of its studio and transmitter site is imminent due to prospective action of municipal and county authorities. Therefore, the Commission has waived § 1.354(c) of its rules to permit early consideration of its application to change transmitter site and station location. Accordingly, notice is hereby given that on September 4, 1962, this application:

KNBX, Seattle, Wash., L. N. Ostrander and G. A. Wilson d/b as Eastside Broadcasting Co. Has: 1050 kc., 1 kw., Day, Kirkland, Wash. Req: 1050 kc., 1 kw., Day, Seattle, Wash.

will be considered as ready and available for processing, and that pursuant to § 1.106(b)(1) and § 1.361(c) of the Commission rules, an application, in order to be considered with this application or with any other application on file by the close of business on August 31, 1962, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on August 31, 1962, or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with application appearing on previous lists.

The Commission hereby waives the provisions of the Interim Criteria to Govern Acceptance of Standard Broadcast Applications adopted May 10, 1962 (see note to § 1.354 of the Commission's rules) to the extent necessary to permit the acceptance of applications specifying substantially the same facilities requested by the Eastside Broadcasting Company.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.359(f) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: July 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7659; Filed, Aug. 1, 1962; 9:00 a.m.]

[Docket No. 14743; FCC 62-863]

CAROL MUSIC, INC.

Order to Show Cause

In the matter of revocation of license and subsidiary communications authorization of Carol Music, Inc., for FM Broadcast Station WCLM, Chicago, Illinois.

The Commission having under consideration (1) the outstanding license issued to Carol Music, Inc., to operate FM Broadcast Station WCLM on a frequency of 101.9 megacycles at Chicago, Illinois; (2) the Subsidiary Communications Authorization to conduct a background music service and a storecasting service on a multiplex basis on sub-carrier frequencies of approximately 41 and 67 kilocycles, respectively; and (3) information which has come to the Commission's attention with respect to the operations on the main channel and multiplex channels of Station WCLM; and

It appearing, that the Subsidiary Communications Authorization was originally granted on May 21, 1958, in consideration of an application (BSCA-107) which, as amended, proposed:

One sub-channel to be used for transmitting background music without spoken material available on a subscription basis to any firm or individual who desires to create an atmosphere favorable to the conduct of activities at his location. The second channel to be used for storecasting, the program format to consist of music interspersed with news, weather reports, shopping and home hints and commercial announcements regarding particular products for sale in the stores being reached. This service is specifically for public markets and stores for the purpose of creating a more desirable atmosphere and to encourage the purchase of products on sale at the point of sale.

and that the Subsidiary Communications Authorization was renewed on January 14, 1959, and November 13, 1961, on the representations in applications that there had been no change in the particular purposes of the SCA operation; and

It further appearing, that a background music service is being provided on sub-carrier frequency 41 kilocycles, but that since January, 1962, sub-carrier frequency 67 kilocycles has been used for a different purpose than proposed, without first having obtained the permission of the Commission as required by § 3.295(a) of the Commission's rules, in that instead of providing a storecasting service of music interspersed with commercial announcements and other talk programming directed to public markets and stores, the sub-carrier has been used to provide an all-talk service directed to an entirely different category of subscribers; and

It further appearing, that the service provided over sub-carrier frequency 67 kilocycles has included the announcement of the order of finish and the parimutuel prices in horse races at tracks in various parts of the country; that, with the exception of tracks located in States which required a delay in their dissemination, such results were generally given within 10 to 12 minutes after the start of the race; and that such announcements appear likely to be of substantial use to persons engaged in illegal gambling activities; and

It further appearing, that the service on sub-carrier frequency 67 kilocycles has been provided by Newsplex, Inc., pursuant to a lease agreement with Carol Music, Inc., which lease agreement had not been reported to the Commission as required by § 1.342(d) of the Commission's rules; and

It further appearing, that the licensee has failed to maintain logs of the operations on the sub-carrier frequencies 41 and 67 kilocycles, as required by § 3.295 (g) of the Commission's rules; and

It further appearing, that renewal of license for the main channel operation of Station WCLM was granted on November 16, 1961, on the representation in the application for renewal that the licensee would provide a program service consisting of Entertainment, 88.26 percent; Religious, 2.42 percent; and News, 9.32 percent, but that since March 5, 1962, no news programs have been broadcast, and that the programming from 9 a.m. to 9 p.m., Mondays through Saturdays consists of music and commercial announcements and is directed primarily to chain grocery stores; and

It further appearing, that on or about March 5, 1962, Carol Music, Inc. entered into a contractural arrangement with Merchants Broadcasting Systems of America whereby Merchants was granted special volume rates for announcements placed on the station between the hours of 9 a.m. to 9 p.m., Mondays through Saturdays; that Merchants in turn entered into contracts with chain grocery companies for the placing of receivers in stores operated by the chains; that one of the chains had the right to reject spot announcements for products not sold in its stores; that announcements were made during said period indicating that the programs were broadcast through the facilities of Merchants Broadcasting System; and that Carol Music, Inc., had no effective control over the material broadcast over the facilities of Station WCLM during said periods, particularly with respect to the content of commercial spot announcements; and

It further appearing, that by its contractual arrangement with Merchants, Carol Music, Inc., had, without prior approval of the Commission, disposed of its rights under its license during the periods 9 a.m. to 9 p.m., Mondays through Saturdays, in violation of section 310(b) of the Communications Act of 1934, as amended; or had entered into a contract relating to the sale of broadcast time to a time broker for resale without filing such contract with the Commission, in violation of § 1.342(c) of the Commis-

sion's rules; or had entered into a time sale contract with the same sponsor for 4 or more hours per day without filing such contract with the Commission, in violation of § 1.342(e) of the Commission's rules; and

It further appearing, that, although requested both orally and in writing so to do, Carol Music, Inc., has failed to submit to the Commission the following material: a copy of a written agreement between Carol Music, Inc., and Newsplex, Inc., executed on or about January 1, 1962; the names of the stockholders of Newsplex, Inc.; the names and addresses of all subscribers to Newsplex, Inc.; the addresses at which special receivers for the Newsplex service had been installed; and a questionnaire concerning the broadcast of horse racing information on sub-carrier frequency 67 kilocycles, said failures being in violation of section 308(b) of the Communications Act of 1934, as amended; and

It further appearing, that as a result of an inspection of Station WCLM on April 12, 1962, an Official Notice of Violation was isued for violations of §§ 3.252 (frequency monitor erratic), 3.319(d) (percentage of modulation), and 17.23 (painting of antenna structure) of the Commission's rules, and that corrective action has not yet been taken; and

It further appearing, That the above described conditions, which have come to the Commission's attention since the last renewal of license for Station WCLM, would warrant a refusal to grant a license on an original application; that they constitute willful or repeated failure to operate substantially as set forth in the license; and that they involve willful or repeated violations of provisions of the Communications Act of 1934, as amended, and the Commission's rules;

It is ordered, This 25th day of July 1962, that pursuant to sections 312(a)(2), 312(a)(3), 312(a)(4), and 312(c) of the Communications Act of 1934, as amended, Carol Music, Inc., is directed to show cause why an order revoking its license and subsidiary communications authorization for FM Broadcast Station WCLM, Chicago, Illinois, should not be issued, and to appear and give evidence at a hearing [1] to be held at Chicago, Illinois, at a time and place to be specified by subsequent order, said time in no event to be less than 30 days after receipt of this Order; and

It is further ordered, That the Acting Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Carol Music, Inc.

Released: July 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7660; Filed, Aug. 1, 1962; 9:01 a.m.]

[1] Section 1.77(c) of the Commission's rules provides that a licensee in order to avail itself of the opportunity to be heard shall, in person or by its attorney file with the Commission, within thirty days of the receipt of the Order to Show Cause, a written statement stating that it will appear at the hearing and present evidence on the matter specified in the Order. In the event it would not be possible for respondent to appear for hearing in the proceeding scheduled to be held in Chicago, Illinois, it should advise the Commission of the reasons for such inability within five days of the receipt of this Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. See § 1.78(a) of the Commission's rules as amended December 12, 1960. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the Order to Show Cause. See § 1.78(b) of the Commission's rules as amended December 12, 1960. In the event the right to a hearing is waived, the Chief Hearing Examiner will terminate the hearing proceeding and certify the case to the Commission. Thereupon the matter will be determined by the Commission in the regular course of business and an appropriate order will be entered. See § 1.78 (c), (d), and (e) of the Commission's rules as amended December 12, 1960.

[Docket No. 14710]

PUBLIC INSPECTION OF NETWORK AFFILIATION CONTRACTS

Order Extending Time for Filing Comments and Reply Comments

1. In a petition, filed July 26, 1962, the National Association of Broadcasters requests that the time in which to file comments in the above-captioned proceeding be extended to October 15, 1962. Comments are presently due on August 20, 1962, and reply comments are due on September 4, 1962.

2. Petitioner states that the time allotted by the Commission is not sufficient because summer vacation schedules which to a great extent are related to the Commission's August recess make it difficult to hold meetings to discuss this proposal (which was only recently released) and file by August 20, 1962, intelligent, worthwhile comments that will be useful to the Commission.

3. We are of the opinion that petitioner has shown good cause for an extension of the time, but believe that an extension to September 20, 1962, rather than to October 15, 1962, should provide ample time in which to prepare comments herein. The present date for filing reply comments is two weeks beyond that for filing comments. With an extension of time for filing comments, it will therefore be necessary to extend the time for filing reply comments accordingly.

4. In view of the foregoing: *It is ordered*, This 27th day of July, 1962, That the "Request for Extension of Time to File Comments" filed by the National Association of Broadcasters is granted insofar as it is consistent with the action taken herein and in other respects is denied; and that the time for filing comments in this proceeding is extended from August 20, 1962, to September 20, 1962, and the time for filing reply comments is extended from September 4, 1962, to October 4, 1962.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.241 (d)(8) of the Commission rules.

Released: July 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7661; Filed, Aug. 1, 1962; 9:01 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JULY 27, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 28, 1962, to August 5, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7619; Filed, Aug. 1, 1962; 8:55 a.m.]

[File No. 811-1073]

DELTA VENTURE CAPITAL CORP.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JULY 25, 1962.

In the matter of Delta Venture Capital Corporation, 1011 North Hill Street, Hopkins, Minnesota.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), for an order of the Commission declaring that Delta Venture Capital Corporation ("Applicant"), a management closed-end non-diversified company, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a complete statement of the facts which are summarized below.

Applicant represents that its outstanding securities are beneficially owned by twenty-five persons, and that it is not making and does not intend to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Notice is further given that any interested person may, not later than August 10, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provdied by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7623; Filed, Aug. 1, 1962; 8:56 a.m.]

[File No. 24W-2492]

DIOTRON, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 26, 1962.

In the matter of Diotron, Incorporated, 3650 Richmond Street, Philadelphia, Pennsylvania.

I. Diotron, Incorporated, a Pennsylvania corporation, filed with the Commission on March 29, 1961, a notification on Form 1-A and an offering circular relating to a proposed public offering of 100,000 shares of no par value common stock at $3 per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. Royer Securities Co. was named as underwriter on a best-efforts basis. The filing was completed on June 21, 1961 and the offering was commenced on June 26, 1961 and completed on June 27, 1961. On December 26, 1961, the Form 2-A was filed and an amendment thereto was filed on March 6, 1961.

II. The Commission has reasonable cause to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The offering circular fails to disclose the true position of the company with respect to debt and the financial statements of the Company contained in the offering circular at the time the offering began were false and misleading in view of the existing facts.

2. The offering circular fails to disclose that Laird, Bissell & Meeds was to be an underwriter and that a member of that firm would be on the board of directors of the company.

3. The offering circular fails to disclose accurately and adequately the intended disposition of the proceeds from the issue.

4. The offering circular fails to disclose that $12,374.34 was due as commissions to salesmen.

5. The offering circular fails to disclose that $79,435.13 was due immediately to The Broad Street Trust Bank of Philadelphia.

6. The offering circular fails to disclose accurately and adequately that officers salaries were to be paid from the proceeds of the offering.

B. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order: that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7621; Filed, Aug. 1, 1962; 8:56 a.m.]

[File No. 812-1510]

INVESTORS SYNDICATE OF AMERICA

Notice of Filing of Application for an Order Exempting Proposed Transaction From the Provisions of Section 17(a) of the Act

JULY 25, 1962.

In the matter of Investors Syndicate of America, Investors Building, Minneapolis, Minnesota.

Notice is hereby given that Investors Syndicate of America ("ISA"), a Minnesota corporation and a registered face-amount certificate company, has filed an application under section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed sale by ISA of 30,000 shares of Class A common stock of North American Life and Casualty Company ("North American") to H. P. Skoglund ("Skoglund"), the President and Chairman of the Board of Directors of North American. All interested persons are referred to the application on file with the Commission for a complete statement of the application which is summarized below.

North American is an insurange company organized under the laws of Minnesota. It has outstanding 100,000 shares of Class A common stock, the only class of stock outstanding, of which ISA owns 30,000 shares or 30 percent, and Skoglund, together with members of his family, owns approximately 18,000 shares or 18 percent. By reason of these respective security holdings and Skoglund's positions as the President and a Director of North American, Skoglund is an affiliated person of an affiliated person of ISA within the meaning of section 2(a)(3) of the Act.

The interest of ISA in North American was originally acquired in December 1948 (in the form of nonvoting stock, later increased by a stock dividend and converted in 1958 to the present Class A shares) for $375,000, in order to give North American the capital required for operation in the sale of completion insurance covering face-amount certificates sold by ISA. The original acquisition of stock of North American by ISA and the subsequent conversion to the Class A shares were exempted by the Commission from the provisions of section 12(d)(2) of the Act (Investment Company Act Release Nos. 1401, January 18, 1950, and 2722, June 4, 1958). The latter order exempting the conver-

sion of nonvoting shares to the Class A (voting) shares was subject to the condition that so long as the Class A shares are held by ISA, or by its parent, Investors Diversified Services, Inc., or by any person controlled by either of them, such shares will not be voted for the election of directors of North American. In addition, ISA entered into an agreement with North American under which ISA agreed, among other things, that it would not sell all or any part of the 30,000 Class A shares without giving written notice to North American, which would then have fifteen days to require that such sale be by means of a public offering. If North American did not so require, ISA would be entitled to sell the Class A shares in any manner it saw fit. The application states that North American will not so require in connection with the transaction now proposed.

The application states that Skoglund first approached ISA in 1960 with an offer to buy the Class A shares, and thereafter from time to time he renewed such offer to ISA. The application further states that after several months of negotiations, a purchase and sale agreement was entered into between ISA and Skoglund on May 15, 1962. The contract provides for an aggregate purchase price of $8,475,000 for the 30,000 Class A shares, payable in the amount of $750,000 on the first closing date which shall take place within thirty days after the issuance of the order which is the subject of the instant application. The balance of $7,725,000 shall be payable in its entirety on or before March 1, 1963, and it shall be reduced by $25,000 for each full calendar month remaining between the date of payment in full and March 1, 1963. In effect, the consideration to be paid represents a basic price of $275 per share or an aggregate of $8,250,000, adjusted upward at the approximate rate of $25,000 per month on the aggregate balance for each month of delay in paying the total price up to March 1, 1963. As security for payment of the total purchase price, Skoglund will have paid the $750,000 cash down payment and will pledge 33,500 Class A shares of North American.

North American as of December 31, 1961, had admitted assets of $50,045,236 and liabilities of $43,825,623, and its capital stock and surplus amounted to $6,219,613. The application states that North American's earnings for the year ended December 31, 1961, as taken from "Convention Statements" as filed with state insurance commissioners, amounted to approximately $684,000, or approximately $6.84 per share. North American had approximately $1,155,497,000 of life insurance in force at December 31, 1961, and it had a net increase in life insurance in force for 1961 of approximately $122,096,000. Of North American's total insurance in force at December 31, 1961, approximately 47 percent was term insurance, 32 percent group insurance, and 21 percent whole life and endowment insurance.

The application states that the month-end high and low bid prices for the North American stock during 1961 were $260 and $130, respectively. During the period from January to June 1962, month-end high and low bid prices for the stock were $310 and $250, respectively. The application states that the market price of the stock was a marginally important consideration in determining the basic contract price of $275; further, that the market for such stock is very "thin" and the bid prices do not necessarily reflect current market evaluation.

In considering the proposed price for the stock of North American, comparisons were made by ISA of such stock with those of other life insurance companies. The ratio of the basic contract price of $275 to 1961 reported per share earnings of $6.84 for North American is 40.2, as compared with average ratios of market prices at May 9, 1962, to reported per share earnings, of 37.1 for ten larger, better-known life insurance companies and 36.5 for four so-called regional life insurance companies. Based on market prices at July 16, 1962, the average ratios of price to 1961 reported earnings were 30.0 for the ten large life insurance companies and 28.2 for the four regional companies.

Comparison of price-earnings ratios was also made by ISA after adjustments to reported earnings to reflect estimated future earnings on increase in insurance in force, on a basis which the application states is fairly standard for analyzing life insurance stocks. Comparisons on such basis indicate that the ratio of the contract price to adjusted earnings of North American, while lower than the average ratios of market prices to adjusted earnings of the ten large life insurance companies, was in the lower part of the range of such ratios. The application indicates that the lower than average ratio of price to adjusted earnings are justified for North American in view of the lower earnings of North American relative to its insurance in force, the stronger capital positions of the comparison companies, and the fact that the stocks of such companies are better known with wider public markets.

The application states that except for the respective interests of ISA and Skoglund in North American, there is no affiliation between ISA and Skoglund, and that the terms of the proposed transaction were fixed after extensive negotiations at arm's length.

Section 17(a) of the Act prohibits, among other things, an affiliated person of an affiliated person of a registered investment company from purchasing any security from such registered company, with certain exceptions not applicable here, unless the Commission upon application pursuant to section 17(b) of the Act grants an exemption from section 17(a) of the Act, after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than August 8, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–7624; Filed, Aug. 1, 1962; 8:56 a.m.]

[File No. 24W–2469]

THE SEALANDER, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, Notice of Opportunity for Hearing

JULY 27, 1962.

I. The Sealander, Inc. (Issuer), a Maryland corporation, incorporated on June 17, 1958 with its principal office and plant located at 2228 McElderry Street, Baltimore 5, Maryland, filed with the Commission on December 19, 1960, a notification on Form 1–A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 150,000 shares of Class A, common stock, par value 10 cents per share, at a public offering price of $2 per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. Robinette & Company and Conrad A. Lippman (d.b.a. Investment Securities Co. of Maryland) initially agreed to underwrite the offering on a best efforts basis. R. Baruch & Company, Inc. was later substituted as an underwriter for Conrad A. Lippman (d.b.a. Investment Securities Company of Maryland) pursuant to an agreement dated May 5, 1961.

II. The Commission has reasonable grounds to believe that:

A. The offering circular and amended offering circular contain untrue statements of material facts, and omits to state material facts necessary, in order to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The designation of certain persons as officers and directors when such persons, at the time the notification was filed, were no longer connected or associated with the company in such capacities.

2. The designation of certain persons as serving the company in specified capacities, when in fact such persons had severed all relations with the company except for ownership of shares of Class B common stock prior to the time the notification was filed.

3. The representation that Miles E. McCord was working on the design of a new-type compact boat which implied that the company would have rights to same, when in fact Miles E. McCord and the company had severed relations and had executed mutual releases which included releases of rights to future inventions and patent applications.

B. False representations were made to investors by the Underwriters with respect to the issuer and its securities, in order to induce investors to purchase the securities being offered and sold, with respect to:

1. A backlog of orders;

2. A contract with the government;

3. An increase in the price of the shares to a specific price;

4. The quality of the issuer's management;

5. The sale of issuer's boats by Sears Roebuck & Company; and

6. The listing of issuer's securities on a national securities exchange.

C. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–7622; Filed, Aug. 1, 1962; 8:56 a.m.]

[File No. 24D–2567]

TRANSMOUNT MINING VENTURE, INC.

Order Canceling Hearing and Making Suspension Permanent

JULY 25, 1962.

In the matter of Transmount Mining Venture, Inc., 219 Independence Building, Colorado Springs, Colorado.

I. Transmount Mining Venture, Inc. (issuer), incorporated in Colorado on October 25, 1960, filed with the Commission on February 19, 1962 a notification on Form 1–A and an offering circular relating to a public offering of 68,187 shares of its 10 cents par value common stock at an offering price of $1 per share for an aggregate of $68,187 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission by order dated May 17, 1962, having temporarily suspended the Regulation A exemption of the issuer, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, a written request for hearing having been made by the issuer, a hearing upon the allegations set forth in the aforementioned order having been ordered by the Commission to commence on July 25, 1962, at 10:00 a.m., m.s.t., at the Denver Regional Office of the Commission, 802 Midland Savings Building, 444 17th Street, Denver, Colorado, before Hearing Examiner Sidney Ullman, and the issuer on July 24, 1962, having filed a request for withdrawal of its request for hearing;

It is hereby ordered, That the hearing in this matter is canceled.

Pursuant to the provisions of Rule 261 (b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by the issuer becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–7620; Filed, Aug. 1, 1962; 8:56 a.m.]

FEDERAL MARITIME COMMISSION

ALASKA STEAMSHIP CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 7565–3 between Alaska Steamship Company, a common carrier by water, and Railway Express Agency, Incorporated, engaged in carriage of express matter between Seattle, Washington and Alaska, modified basic agreement 7565 between said parties by deleting Article IV of basic agreement of March 1, 1911 and substituting therefor a new Article IV, providing that Railway Express Agency, Incorporated, shall pay to Alaska Steamship Company, for the transportation of express matter, the following rates and charges:

1. Between Seattle and any express point in Alaska regularly served by Alaska Steamship Company vessels, $5 per 100 pounds.

2. Between points in Alaska regularly served by the steamship company on direct movements between Alaska ports without transshipment, $3.75 per 100 pounds.

3. Dogs, cats or other small domestic animals to be computed on the basis of two times their actual weight.

4. Corpses to be computed on the basis of two times their actual weight.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should one be desired.

Dated: July 30, 1962.

THOMAS LISI, *Secretary.*

[F.R. Doc. 62–7664; Filed, Aug. 1, 1962; 9:01 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 30, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37851: *Class and commodity rates from and to Armstrong, Ga.* Filed by O. W. South, Jr., Agent (No. A4214), for interested rail carriers. Rates on various commodities moving on class and commodity rates, in carloads and less-than-carloads, from and to Armstrong, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–7637; Filed, Aug. 1, 1962; 8:57 a.m.]

[Notice No. 671–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 31, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64913. By order of July 30, 1962, the Transfer Board approved the transfer to Safeway System, Inc., Newport, R.I., of a portion of Certificate No. MC 108410 issued July 7, 1948, to M. C. M. Transportation Company, Inc., Newport, R.I., authorizing the transportation of: Household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, over irregular routes, between points in Newport County, R.I., on the one hand, and, on the other, points in Virginia, Georgia, New York, Maryland, Kansas, Pennsylvania, North Carolina, Illinois, Massachusetts, New Jersey, Connecticut, Kentucky, Delaware, Ohio, South Carolina, Vermont, West Virginia, and the District of Columbia; between points in Rhode Island, on the one hand, and, on the other, points in Florida, Indiana, Louisiana, Maine, Michigan, Missouri, New Hampshire, Tennessee, and Wisconsin, traversing Arkansas, Mississippi, Alabama, and Iowa, for operating convenience only. Francis E. Barrett, 25 Bryant Avenue, East Milton, Mass., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–7687; Filed, Aug. 1, 1962; 9:01 a.m.]

SMALL BUSINESS ADMINISTRATION

CLAREMONT POLYCHEMICAL CORP.

Notice of a Small Business Concern Which Has Become a Member of a Small Business Research and Development Pool

Pursuant to section 9(d) of the Small Business Act (72 Stat. 391), the name of the following small business concern is herewith published. This small business concern became a member of The N.Y.R.A.D. Team, Inc., to participate in the joint program of the pool. The original list of applicants was published in 26 F.R. 10010 (October 25, 1961).

Claremont Polychemical Corp.,
39 Powerhouse Road,
Roslyn Heights, New York.

Dated: July 26, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62–7627; Filed, Aug. 1, 1962; 8:57 a.m.]

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VOLUME 27 NUMBER 150

Washington, Friday, August 3, 1962

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1962–63 Edition

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

The President's Committee on Juvenile Delinquency and Youth Crime

Effective upon publication in the FEDERAL REGISTER, § 6.176, paragraph (a), is added to Part 6 as set out below.

§ 6.176 The President's Committee on Juvenile Delinquency and Youth Crime.

(a) Until July 30, 1964, all positions on the Staff.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7706; Filed, Aug. 2, 1962; 8:54 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Sup. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Barley Loan and Purchase Agreement Program

CORRECTION

In F.R. Doc. 62-6749 appearing at page 6459 of the issue for Tuesday, July 10, 1962, the following change is made:

1. In § 421.1252(a)(4) the listing of terminal markets starting with the terminal of Kalama should read: "Kalama, Longview, Seattle, Tacoma and Vancouver, Washington Superior, Wisconsin"

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 31, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-7715; Filed, Aug. 2, 1962; 8:56 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 719; Amdt. 40-37]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Extension of Period Allowed for Compliance With the Recurrent Training Requirements of Air Carrier Training Programs

Paragraph (b) of § 40.289, Recurrent training, requires that each air carrier shall, at intervals established as part of the training program, but not to exceed 12 months, check the competence of each crewmember and dispatcher with respect to procedures, techniques, and information essential to the satisfactory performance of his duties.

The Federal Aviation Agency has received recommendations that the time interval between competence checks of crewmembers and dispatchers be specified in the same manner as in § 40.302, which permits pilot line and proficiency checks to be given in the month before or following the month in which they are due. Such flexibility will simplify recordkeeping and administration of the crewmember and dispatcher competence check requirements of § 40.289(b) in the same way that the pilot line and proficiency check requirements have been simplified.

The FAA has considered the foregoing recommendations and believes that the requirements with respect to the frequency of crewmember and dispatcher competence checks should be amended to provide the flexibility recommended.

Civil Air Regulations Draft Release No. 61-7, dated April 14, 1961, subject "Qualification and Training Requirements for Pilots Other Than Pilots in Command," proposed, among other matters, to amend Parts 40, 41, and 42 to permit the competence checks of crewmembers and dispatchers to be given at any time during the month preceding or following the month in which they become due.

No adverse comments were received with respect to this particular portion of Draft Release 61-7. Accordingly, since it will permit more efficient administration of air carrier training programs and will not adversely affect safety of the carriers' operations, it is being adopted at this time separately from the other proposals which were included in the draft release. The phrase "not to exceed 12 months" contained in the present regulations and in Draft Release No. 61-7 has been changed to "each 12 months" to make the wording consistent with that of revised Part 41 (27 F.R. 1977), which was circulated as Draft Release No. 60-19 (26 F.R. 12299) prior to its adoption. The remaining proposals and the comments received thereon are being evaluated by the Agency in conjunction with comments received in response to Draft Release 61-17, "Use of Aircraft Simulators for Pilot Training and Proficiency Checks," and Draft Release 62-9, "Approval of Air Carrier Training Programs."

Interested persons have been afforded an opportunity to participate in the making of this regulation (26 F.R. 3438), and due consideration has been given to all relevant matter presented. Since this regulatory action imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, § 40.289(b) of Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) is hereby amended to read as follows, effective August 3, 1962:

§ 40.289 Recurrent training.

* * * * *

(b) Each air carrier shall, as a part of the training program, check the competence of each crewmember and dispatcher each 12 months with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. The competence check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where the check of the pilot in command or second in command requires actual flight, such check shall be considered to have been met by the checks accomplished in accordance with §§ 40.302 and 40.305, respectively.

(Secs. 313(a), 601, 604; 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424)

Issued in Washington, D.C., on July 30, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-7670; Filed, Aug. 2, 1962; 8:45 a.m.]

[Reg. Docket No. 719; Amdt. 41-45]

PART 41—CERTIFICATION AND OPERATION RULES FOR CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA

Extension of Period Allowed for Compliance With the Recurrent Training Requirements of Air Carrier Training Programs

Paragraph (b) of § 41.53g, Recurrent training, requires that each air carrier shall, at intervals established as part of the training program, but not to exceed

12 months, check the competence of each crewmember and dispatcher with respect to procedures, techniques, and information essential to the satisfactory performance of his duties.

The Federal Aviation Agency has received recommendations that the time interval between competence checks of crewmembers and dispatchers be specified in the same manner as in § 41.53j, which permits pilot line and proficiency checks to be given in the month before or following the month in which they are due. Such flexibility will simplify recordkeeping and administration of the crewmember and dispatcher competence check requirements of § 41.53g in the same way that the pilot line and proficiency check requirements have been simplified.

The FAA has considered the foregoing recommendations and believes that the requirements with respect to the frequency of crewmember and dispatcher competence checks should be amended to provide the flexibility recommended.

Civil Air Regulations Draft Release No. 61–7, dated April 14, 1961, subject "Qualification and Training Requirements for Pilots Other Than Pilots in Command," proposed, among other matters, to amend Parts 40, 41, and 42 to permit the competence checks of crewmembers and dispatchers to be given at any time during the month preceding or following the month in which they become due.

No adverse comments were received with respect to this particular portion of Draft Release 61–7. Accordingly, since it will permit more efficient administration of air carrier training programs and will not adversely affect safety of the carriers' operations, it is being adopted at this time separately from the other proposals which were included in the draft release. The phrase "not to exceed 12 months" contained in the present regulations and in Draft Release No. 61–7 has been changed to "each 12 months" to make the wording consistent with that of revised Part 41 (27 F.R. 1977), which was circulated as Draft Release No. 60–19 (26 F.R. 12299) prior to its adoption. The remaining proposals and the comments received thereon are being evaluated by the Agency in conjunction with comments received in response to Draft Release 61–17, "Use of Aircraft Simulators for Pilot Training and Proficiency Checks," and Draft Release 62–9, "Approval of Air Carrier Training Programs."

Interested persons have been afforded an opportunity to participate in the making of this regulation (26 F.R. 3438), and due consideration has been given to all relevant matter presented. Since this regulatory action imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, § 41.53g(b) of Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) is hereby amended to read as follows, effective August 3, 1962:

§ 41.53g Recurrent training.

* * * * *

(b) Each air carrier shall, as a part of the training program, check the competence of each crewmember and dispatcher each 12 months with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. The competence check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where the check of the pilot in command or second in command requires actual flight, such check shall be considered to have been met by the checks accomplished in accordance with §§ 41.53j and 41.53k, respectively.

(Secs. 313(a), 601, 604; 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424)

Issued in Washington, D.C., on July 30, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–7671; Filed, Aug. 2, 1962; 8:45 a.m.]

[Reg. Docket No. 719; Amdt. 42–41]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Extension of Period Allowed for Compliance With the Recurrent Training Requirements of Air Carrier Training Programs

Paragraph (b) of § 42.45f, Recurrent training, requires that each air carrier shall, at intervals established as part of the training program, but not to exceed 12 months, check, the competence of each crewmember with respect to procedures, techniques, and information essential to the satisfactory performance of his duties.

The Federal Aviation Agency has received recommendations that the time interval between competence checks of crewmembers be specified in the same manner as in § 42.44a, which permits proficiency checks to be given in the month before or following the month in which they are due. Such flexibility will simplify recordkeeping and administration of the crewmember competence check requirements of § 42.45f in the same way that the proficiency check requirements have been simplified.

The FAA has considered the foregoing recommendations and believes that the requirements with respect to the frequency of crewmember competence checks should be amended to provide the flexibility recommended.

Civil Air Regulations Draft Release No. 61–7, dated April 14, 1961, subject "Qualification and Training Requirements for Pilots Other Than Pilots in Command," proposed, among other matters, to amend Parts 40, 41, and 42 to permit the competence checks of crewmembers and dispatchers to be given at any time during the month preceding or following the month in which they become due.

No adverse comments were received with respect to this particular portion of Draft Release 61–7. Accordingly, since it will permit more efficient administration of air carrier training programs and will not adversely affect safety of the carriers' operations, it is being adopted at this time separately from the other proposals which were included in the draft release. The phrase "not to exceed 12 months" contained in the present regulations and in Draft Release No. 61–7 has been changed to "each 12 months" to make the wording consistent with that of revised Part 41 (27 F.R. 1977), which was circulated as Draft Release No. 60–19 (26 F.R. 12299) prior to its adoption. The remaining proposals and the comments received thereon are being evaluated by the Agency in conjunction with comments received in response to Draft Release 61–17, "Use of Aircraft Simulators for Pilot Training and Proficiency Checks," and Draft Release 62–9, "Approval of Air Carrier Training Programs."

Interested persons have been afforded an opportunity to participate in the making of this regulation (26 F.R. 3438), and due consideration has been given to all relevant matter presented. Since this regulatory action imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, § 42.45f(b) of Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) is hereby amended to read as follows, effective August 3, 1962:

§ 42.45f Recurrent training.

* * * * *

(b) Each air carrier shall, as a part of the training program, check the competence of each crewmember each 12 months with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. The competence check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where the check of the pilot in command or second in command required actual flight, such check shall be considered to have been met by the checks accomplished in accordance with §§ 42.44(a)(2) and 42.44(a)(3), respectively.

(Secs. 313(a), 601, 604; 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424)

Issued in Washington, D.C., on July 30, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–7672; Filed, Aug. 2, 1962; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1311; Amdt. 472]

PART 507—AIRWORTHINESS DIRECTIVES

Vertol 107–2 Helicopters

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on July 20, 1962, and made effective immediately because of the safety emergency involved as to all known United States operators of Vertol Model 107–2 helicopters. The directive requires inspection of the rotor shaft assembly and replacement of any cracked parts, as well as replacement of the mixing gearbox collector gear.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Vertol Model 107–2 helicopters by individual telegrams dated July 20, 1962. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

VERTOL. Applies to all Model 107–2 helicopters, Serial Numbers 2 and up.
Compliance required as indicated.

As a result of fatigue cracks which have occurred in service on the aft rotor vertical drive shaft and a fatigue failure of the mixing gearbox collector gear during bench testing, accomplish the following:

(a)(1) Remove rotor blades, hub, rotor controls and slider guide. Inspect aft rotor shaft assembly P/N 107D8011 and forward rotor shaft assembly P/N 107D1210, for indications of cracks prior to the accumulation of 150 hours' time in service and reinspect thereafter at intervals not exceeding 25 hours' time in service.

(2) Penetrant inspect per MIL–I–6866 the entire circumference of each drive shaft below the spline section including the shoulder and relief undercut area. Shafts with crack indications shall be removed from service.

(3) Replace shafts with new shafts prior to the accumulation of 200 hours total time in service.

(b) At not more than 150 hours total time in service or 8 hours of gearbox cumulative single engine time, whichever occurs first, retire from service collector gear P/N 107D2066–4 (shot peened). If replacement gear is same part number, same retirement time applies. If improved design gear P/N 107D2066–10 is installed, the above retirement time does not apply. If P/N 107D2066–10 gear is installed change mixing gearbox P/N to 107D2003–10. Recording of accumulated single engine time is to be continued.

(Vertol Service Bulletins Nos. 107–3 and 107–2 cover these same subjects.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated July 20, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 30, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–7673; Filed, Aug. 2, 1962; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–CE–48]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2505 of the regulations of the Administrator is to alter the time of designation of the Oshkosh, Wis., control zone.

The effective hours of the Oshkosh control zone are from 0600 to 2200 hours local time, daily. Control tower service at the Oshkosh Airport is currently offered during these hours. A survey of the air traffic movements at the Oshkosh Airport by the Federal Aviation Agency has shown that considerably more activity is occurring between 2200 to 2300 hours than between 0600 to 0700 hours. A change in the hours of operation of the control tower from 0700 to 2300 hours local time, daily, in conformance with the periods of greatest airport activity would be in the best public interest. Therefore, action is taken herein to redesignate the effective hours of the Oshkosh control zone from 0700 to 2300 hours local time, daily.

Since this amendment is minor in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the text of § 601.2505 (27 F.R. 3539, 5423) is amended to read: "Within a 5-mile radius of the Winnebago County Airport, Oshkosh, Wis. (latitude 43°59'20" N., longitude 88°33'15" W.), and within 2 miles either side of the Oshkosh VOR 176° radial extending from the 5-mile radius zone to 8 miles S of the VOR, from 0700 to 2300 hours local time, daily."

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 27, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–7674; Filed, Aug. 2, 1962; 8:46 a.m.]

[Airspace Docket No. 62–EA–47]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to § 601.2375 and § 601.1147 of the regulations of the Administrator is to alter the description of the Islip, N.Y., control zone and the New York, N.Y., control area extension.

The Islip control zone and the New York control area extension (§ 601.1147) are designated, in part, with reference to the Hempstead, N.Y., radio range. The Federal Aviation Agency is proposing to decommission this facility as it is no longer required for air traffic control purposes. Therefore, action is taken herein to substitute, as a base reference point, the location of the Islip ILS outer marker for the Hempstead radio range in the description of the Islip control zone and substitute geographical coordinates for the intersection of the southeast course of the Newark, N.J., radio range and the southwest course of the Hempstead radio range in the description of the New York control area extension.

Since these amendments are editorial in nature, and impose no additional burden on any person, notice and public procedure hereon are unnecessary, and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 601.2375 (14 CFR 601.2375) is amended to read:

§ 601.2375 Islip, N.Y., control zone.

Within a 5-mile radius of the MacArthur Airport, Islip, N.Y. (latitude 40°47'50" N., longitude 73°06'00" W.), and within 2 miles either side of the Islip ILS localizer SW course extending from the 5-mile radius zone to 8.2 miles SW of the OM.

2. Section 601.1147 (14 CFR 601.1147) is amended to read:

§ 601.1147 Control area extension (New York, N.Y.).

That airspace within tangent lines drawn from the circumference of a circle 5-miles in radius centered at latitude 40°18'30" N., longitude 73°45'00" W., to the circumference of a circle 15 miles in radius centered at the INT of the Newark, N.J., RR SE course and the western boundary of the ICAO control area, excluding the portion below 2,000 feet except that airspace which lies within the confines of Federal airways.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 27, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7675; Filed, Aug. 2, 1962; 8:46 a.m.]

[Airspace Docket No. 62-WA-59]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Amendment

On June 19, 1962, there were published in the FEDERAL REGISTER (27 F.R. 5759) amendments to Part 601 of the regulations of the Administrator which revoked some existing reporting points and redesignated the remaining reporting points under a single subpart.

Upon publication of the amendments, it was noted that Chanute, Kans., Oakland, Calif., and St. Johns, Ariz., were inadvertently listed as Chanute, Ill., Oakland, Fla., and St. John, Ariz. in the text of § 601.4101, Ardmore, Okla., Tucson, Ariz., and Wilmington, N.C., were listed as Ardmore, Tex., Tucson, Ariz., and Wilmington, Del., in the text of § 601.4102, and Coghlan Island, Alaska, RBN and Copper Intersection were listed as Coghland Island, Alaska, RBN and Cooper Intersection in the text of § 601.4301. In addition, high altitude reporting points for the Fort Worth Air Route Traffic Control Center area were omitted from § 601.4103. Therefore, action is taken herein to correct these errors.

Since these changes are editorial in nature and impose no additional burden on any person, the effective date of the rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately Airspace Docket No. 62-WA-59 (27 F.R. 5759) is modified as follows:

1. In the text of § 601.4101 (27 F.R. 5760) "Chanute, Ill.", "Oakland, Fla." and "St. John, Ariz." are deleted and "Chanute, Kans.", "Oakland, Calif." and "St. Johns, Ariz." are substituted therefor.

2. In the text of § 601.4102 (27 F.R. 5762) "Ardmore, Tex.", "Tucson, Ariz." and "Wilmington, Del." are deleted and "Ardmore, Okla.", "Tucson, Ariz." and "Wilmington, N.C." are substituted therefor.

3. In the text of § 601.4301 (27 F.R. 5765) "Cooper INT: The INT of the Homer, Alaska, 269° and the King Salmon, Alaska, 051° radials." and "Coghland Island, Alaska, RBN." are deleted and "Copper INT: The INT of the Homer, Alaska, 269° and the King Salmon, Alaska, 051° radials." and "Coghlan Island, Alaska, RBN." are substituted therefor.

4. § 601.4103 (27 F.R. 5764) is amended by adding the following to the text:

Abilene, Tex.
Dallas, Tex.
Oklahoma City, Okla.
Shreveport, La.
Texarkana, Ark.
Waco, Tex.
Wichita Falls, Tex.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 27, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7676; Filed, Aug. 2, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Ronnel; Addition to List of Cholinesterase-Inhibiting Compounds

No objections having been received on the proposal of the Commissioner of Food and Drugs published in the FEDERAL REGISTER of June 8, 1962 (27 F.R. 5438), with reference to adding ronnel to the list of cholinesterase-inhibiting compounds, and no request having been received for referral of the proposal to an advisory committee: *It is ordered*, That the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.3) be amended, as follows:

§ 120.3 [Amendment]

By adding in alphabetical order, to the list of cholinesterase-inhibiting compounds in paragraph (e)(5) of § 120.3 *Tolerances for related pesticide chemicals*, the item "Ronnel" immediately after the item "Parathion."

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), and delegated to the Commissioner by the Secretary (25 F.R. 8625).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: July 30, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-7699; Filed, Aug. 2, 1962; 8:53 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 80

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Dietene Company, Highway 100 at West Twenty-third Street, Minneapolis 16, Minnesota, and other relevant material, has concluded that the following amendments to § 121.1009 should issue with respect to the food additive polysorbate 80 as a solubilizing and dispersing agent of edible fats in special dietary foods. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1009 of the food additive regulations (21 CFR 121.1009; 27 F.R. 1252) is amended by changing the section heading to delete the chemical name, and changing the words, "edible oils" to "edible fats and oils". As amended the affected portions of § 121.1009 read as follows:

§ 121.1009 Polysorbate 80.

* * * * *

(c) * * *

(6) In special dietary foods, as an emulsifier for edible fats and oils, with directions for use which provide for the ingestion of not more than 360 milligrams of polysorbate 80 per day.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 27, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-7697; Filed, Aug. 2, 1962; 8:52 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Administrator, Housing and Home Finance Agency

PART 3—SLUM CLEARANCE AND URBAN RENEWAL

Subpart B—Relocation Payments Under Section 106(f) of the Housing Act of 1949, as Amended

MISCELLANEOUS AMENDMENTS

The regulations governing the making of relocation payments under section 106(f) of the Housing Act of 1949, as amended, 42 U.S.C. 1456, prescribed pursuant to that section, as of June 27, 1961 (26 F.R. 5712, June 27, 1961), as amended (26 F.R. 7826, August 23, 1961), are hereby further amended in the following respects:

1. Section 3.105 is amended by adding at the end thereof the following paragraph (e):

(e) *Notice of intention to move.* Except as provided below, no relocation payment shall be made to a business concern unless the LPA has received, at least 30 days but not earlier than 90 days prior to the moving date, written notice from the business concern of its intention to move the property designated generally therein and the date of such intended move, and the business concern has permitted, at all reasonable times, the inspection by or on behalf of the LPA of all such property at the site from which it was removed. For the purpose of this paragraph (e), "moving date" shall mean the date on which the first item of such property is intended to be moved. The LPA may make a relocation payment notwithstanding nonreceipt of such timely notice only if the LPA has determined that there was reasonable cause for the failure of the business concern to give such notice; the LPA has adequately verified the facts pertaining to the move and the requested relocation payment; and (3) HHFA has concurred in such payment.

2. Section 3.110(b) is amended to read as follows:

(b) *Maximum amount—business concerns.* The maximum relocation payment to a business concern, whether for moving expenses or actual direct losses of property, or both, for which reimbursement or compensation is not otherwise made, shall not exceed $2,000 with respect to moving expenses incurred or direct losses of property suffered prior to July 12, 1957, or $2,500 with respect to moving expenses incurred or direct losses of property suffered between July 12, 1957, and September 22, 1959, both dates inclusive, or $3,000 with respect to moving expenses incurred or direct losses of property suffered on or after September 23, 1959. If the total of the actual moving expenses incurred on or after June 30, 1961, and prior to October 2, 1962, is greater than $3,000, the maximum relocation payment to a business concern, for which reimbursement or compensation is not otherwise made, shall be the total of such actual moving expenses. If the total of the actual moving expenses incurred on or after October 2, 1962, is greater than $3,000, the maximum relocation payment to a business concern, for which reimbursement or compensation is not otherwise made, shall be the total of such actual moving expenses or $25,000, whichever is less.

3. Section 3.110 is amended by adding at the end thereof the following paragraph (d):

(d) *Approval by HHFA—business concerns.* No relocation payment in excess of $10,000 shall be made without approval by HHFA.

Effective as of the 2d day of October 1962.

WILLIAM L. SLAYTON,
Urban Renewal Commissioner.

[F.R. Doc. 62-7705; Filed, Aug. 2, 1962; 8:54 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. Section 3.551 is revised to read as follows:

§ 3.551 Reduction because of hospitalization.

(a) *General.* Pension, compensation or retirement pay in excess of $30 monthly is subject to reduction when a veteran who has neither wife, child nor dependent parent is hospitalized, unless the veteran is hospitalized for Hansen's disease. The provisions of this section apply to initial periods of hospitalization and to readmissions following discharge from a prior period of hospitalization. If the veteran is hospitalized for observation and examination, the date treatment began is considered the date of admission. Special rules governing discontinuance of aid and attendance allowance are contained in § 3.552 and for discontinuance of awards for incompetent veterans in § 3.557. The term "hospitalized" in § 3.551 through § 3.556 means:

(1) Hospital treatment in a Veterans Administration hospital or in any hospital at Veterans Administration expense.

(2) Institutional or domiciliary care in a Veterans Administration institution or domiciliary or at Veterans Administration expense.

(b) *Reduction after 6 months.* Pension (except as provided in paragraph (c) of this section, compensation or retirement pay in excess of $30 monthly for a veteran who has neither wife, child nor dependent parent shall continue at the full monthly rate until the end of the sixth calendar month following the month of admission for hospitalization. The rate payable will be reduced effective the first of the seventh calendar month to $30 monthly or 50 percent of the amount otherwise payable, whichever is greater. Payment of the amount withheld may be made on termination of hospitalization, as provided in § 3.556. (38 U.S.C. 3203(a)(1))

(c) *Reduction after 2 months.* Where pension is being paid to a veteran under 38 U.S.C. 521 or to a Spanish-American War veteran or an Indian War veteran who was not receiving pension for June 30, 1960, or who elected pension as prescribed by 38 U.S.C. 521 pursuant to 38 U.S.C. 511(c) or 512(a)(3), the pension shall continue at the full monthly rate until the end of the second calendar month (except as provided in paragraph (d) of this section) following the month of admission for hospitalization. The rate payable will be reduced effective the first of the third calendar month to $30 monthly. Where the veteran has been discharged from a period of hospitalization of not less than 2 full calendar months and is readmitted within 6 months, the award will be reduced effective the date of readmission. The amount not paid to the veteran may be apportioned for a wife, child or children, as provided in § 3.454(b). (38 U.S.C. 3203(d))

(d) *Computation of period.* In computing the period of hospitalization prior to reduction under paragraph (c) of this section, the period will be extended by reason of time spent on leave, regularly authorized furlough or trial visit, regardless of length after the month of admission. Absence on pass is included as part of the period of hospitalization. For the purposes of paragraph (c) of this section, the veteran will be considered to have been hospitalized for 2 calendar months when he has received a total of 60 days of treatment or care, exclusive of specified absences.

(e) *Readmission*—(1) *Approved discharge.* Where a veteran has been given an approved discharge or release, readmission the next day to the same or any other Veterans Administration institution begins a new period of hospitalization, except where the veteran was released for purposes of admission to another Veterans Administration institution.

(2) *Unapproved discharge.* When a veteran subject to reduction under paragraph (b) of this section has been discharged or released from a hospital against medical advice or as the result of disciplinary action, reentry within 6

months from the date of prior admission, constitutes a continuation of that period of hospitalization. If such a veteran is readmitted and 6 months or more have elapsed from date of his original admission, his award will be reduced as of the date of readmission. If less than 6 months have elapsed from date of his original admission reduction will not be prior to the first day of the seventh calendar month following the month of his original admission, exclusive of furloughs.

(f) *Proof of dependents.* The veteran will be considered to have neither wife, child nor dependent parent in the absence of satisfactory proof.

(1) For the purposes of paragraph (b) of this section, statements contained in the claims folder concerning the existence of such dependents will be considered a prima facie showing. If the necessary evidence is not received within 60 days after the date of request, the veteran's award will be reduced on the basis of no dependents. The full rate may be authorized from the date of reduction if the necessary evidence is received within 1 year after the date of request.

(2) For the purposes of paragraph (c) of this section, if proof of the existence of a wife or child is not of record apportionment will not be authorized. If the evidence necessary to establish entitlement is received within 1 year after the date of request, the apportioned share may be authorized effective the day following reduction of the veteran's pension.

2. Following § 3.551, a new cross reference is added and one deleted so that the cross references read as follows:

CROSS REFERENCES: Time limits. See § 3.109. Effective dates. See § 3.400(e)(2). Reductions and discontinuances; general. See § 3.500. Incompetents; hospitalized. See § 3.557. Incompetents; resumption. See §3.558.

3. In § 3.552, paragraph (a), the introductory portion of paragraph (b) preceding subparagraph (1), and paragraphs (d), (h), and (i) are amended to read as follows:

§ 3.552 Adjustment of allowance for regular aid and attendance.

(a) The additional aid and attendance allowance authorized by 38 U.S.C. 314(r) is not payable for any period when the veteran is hospitalized at United States Government expense.

(b) Except as provided in subparagraph (1) of this paragraph, when a veteran is hospitalized, additional pension or increased compensation for regular aid and attendance is not payable. Additional compensation for dependents allowed under § 3.4(b)(2) (38 U.S.C. 315, 335) is payable during hospitalization in addition to the rates authorized by this section. The rates specified will also be increased by amounts authorized by 38 U.S.C. 314(k) based on independently ratable disability, subject to the statutory ceiling on the total amount of compensation payable ($450 or $360).

• • • • •

(d) Where entitlement by reason of need for regular aid and attendance is the basis of the monthly rate under 38 U.S.C. 314(1) or the peacetime rate the award will be reduced to the rate payable under 38 U.S.C. 314(s), unless there is entitlement under 38 U.S.C. 314(k). In the latter cases, the basic rate payable is $272 (or $218). (38 U.S.C. 314(s))

• • • • •

(h) If, because of blindness, a veteran requires regular aid and attendance, but has better vision than "light perception only" his award under 38 U.S.C. 314(m) ($359 or $287) will be reduced while hospitalized to the rate payable under 38 U.S.C. 314(1) ($309 or $247).

(i) If the disability meets the requirements of 38 U.S.C. 314(1) the intermediate or next higher rate may be assigned for disability independently ratable at 50 percent or 100 percent. An award based on such entitlement will be reduced to the amount payable under 38 U.S.C. 314(s), unless there is entitlement under 38 U.S.C. 314(k). In the latter cases, the basic rate payable is $272 (or $218). (38 U.S.C. 314(s))

• • • • •

4. Section 3.556 is revised to read as follows:

§ 3.556 Adjustment on discharge or release.

(a) *Temporary absence—30 days.* Where a competent veteran whose award was reduced under § 3.551(b) is placed on trial visit status or other authorized absence of 30 days or more, the full monthly rate, excluding any allowance for regular aid and attendance, will be restored effective the date of reduction. The full monthly rate for an incompetent veteran, or for a competent veteran whose pension was reduced under § 3.551(c), will be restored effective the date of departure from the hospital. In all instances, any allowance for regular aid and attendance will be restored effective the date of departure from the hospital. The award will again be reduced, if in order, effective the date of the veteran's return to the hospital. Apportioned awards authorized by § 3.551(c) will be discontinued for the period the full rate is payable to the veteran.

(b) *Temporary absence—less than 30 days.* A temporary absence of less than 30 days, including the day of departure, will not require adjustment of the award. This includes furlough, trial visit or similar approved absence. Any allowance for regular aid and attendance for such periods will be authorized after the veteran has been discharged from the hospital.

(c) *Adjustment based on need.* Where an award of pension was reduced under § 3.551(c), the full rate covering absences of less than 30 days may be restored, subject to prior payments, prior to discharge from hospitalization at the request of the Director of the hospital, center or domiciliary, where this action is necessary to meet the veteran's financial needs, if he has been hospitalized for more than 6 months and the periods of absence exceed a total of 30 days.

(d) *Unapproved discharge.* When a competent veteran is given a disciplinary discharge or is discharged against medical advice, the full rate will be restored effective the date of release from the hospital. Payment of any amount withheld under § 3.551(b) will not be authorized until the expiration of 6 months after termination of hospitalization unless the prior release is changed to an approved release. However, amounts not paid under paragraph (c) of this section covering absences of less than 30 days where the award was reduced under § 3.551(c) will be authorized immediately.

(e) *Approved discharge.* When a veteran, either competent or incompetent, is given an approved discharge or release, the full rate, including any allowance for regular aid and attendance will be restored effective the date of release from the hospital, subject to prior payments. The award will be based on the most recent rating and, where the award was reduced under § 3.551(b), will include, in the case of a competent veteran, any amounts withheld because of hospitalization. The amount withheld for an incompetent veteran will not be authorized until the expiration of 6 months following a rating of competency by the Veterans Administration or 6 months following removal of legal disability, whichever is later. Any institutional award will be discontinued effective date of last payment, as provided in § 3.501(j). Where an apportionment was made under § 3.551(c), the apportionment will be discontinued effective the day preceding the date of the veteran's release from the hospital, unless an overpayment would result. In the excepted cases, the awards to the veteran and apportionee will be adjusted as of date of last payment.

(f) *Types of discharges.* A discharge or release is considered as approved if it is granted because of completion of bed occupancy care or having received maximum hospital benefit. A disciplinary discharge in lieu of an enforced furlough or for other reasons and a discharge against medical advice are considered unapproved.

5. Following § 3.556, the cross reference "Release from hospital. See § 3.668" is deleted.

6. In § 3.557, paragraphs (b) and (d) are amended to read as follows:

§ 3.557 Incompetents; estate over $1,500 and hospitalized.

• • • • •

(b) Effective December 1, 1959, where a veteran:

(1) Is rated incompetent by the Veterans Administration by reason of mental illness, and

(2) Has neither wife nor child, and

(3) Is hospitalized by the United States or any political subdivision, with or without charge, and

(4) Has an estate, derived from any source, which equals or exceeds $1,500,

further payments of pension, compensation or emergency officers' retirement pay will not be made, except as provided in paragraph (d) of this section, until the estate is reduced to $500. If the veteran is hospitalized for observation and examination, the date treatment began is considered the date of admission.

• • • • •

(d)(1) Payment of pension, compensation or emergency officers' retirement pay to a veteran subject to the provisions of paragraph (b) of this section will be discontinued November 30, 1959, or the end of the month, whichever is later, in which evidence is received showing that the veteran does not have a wife or child and that his estate equals or exceeds $1,500. All or any part of the benefit not paid to the veteran may be apportioned for his dependent parents on the basis of need as determined by the Chief Attorney. If the veteran is not hospitalized by the Veterans Administration there may be paid out of any remaining amounts so much of the pension, compensation or emergency officers' retirement pay as equals the amount charged to the veteran for his current care and maintenance in the institution in which treatment or care is furnished him, but not more than the amount determined to be the proper charge.

(2) For the purposes of this section and § 3.558 date of receipt of evidence that the estate is $1,500 or more, or is reduced to $500, means the first date such evidence was received in any office of the Veterans Administration. (38 U.S.C. 3203(b)(2), (3))

7. Following § 3.557, four new cross references are added so that the revised cross references read as follows:

CROSS REFERENCES: Veterans disability pension. See § 3.454(c). Reductions and discontinuances; general. See § 3.500. Reductions and discontinuances; veterans. See § 3.501. Amounts withheld or not paid incompetent veteran. See § 3.1007. Estate $1,500. See § 13.108 of this chapter. Report of income and assets. See § 13.109 of this chapter.

8. Section 3.558 is revised to read as follows:

§ 3.558 Resumption; incompetents $1,500 estate cases.

(a) Where payment has been discontinued by reason of § 3.557(b), it will not be resumed during hospitalization except as provided in paragraph (b) of this section until proper notice has been received showing the estate is reduced to $500 or less. Payments will not be made for any period prior to the first day of the month in which the notice is received.

(b) Payments for the veteran will be resumed and apportionment awards discontinued under the applicable provisions of § 3.556(a), (d), and (e) upon authorized leave from the hospital for 30 days or more or an authorized or unauthorized discharge or release. Care and maintenance payments to an institution will not be made for any period the veteran is not receiving such care and maintenance.

(c) Any amount not paid because of the provisions of § 3.557 will be awarded 6 months following a rating of competency by the Veterans Administration or 6 months following removal of legal disability, whichever is later. (38 U.S.C. 3203(b)(2), (3))

9. Following § 3.558, the cross reference "Release from hospital. See § 3.668" is deleted.

10. Section 3.668 is revoked.

§ 3.668 Release from hospital. [Revoked]

11. Immediately following § 3.668, the cross reference "Adjustment on discharge or release. See § 3.556" is deleted.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective August 3, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-7707; Filed, Aug. 2, 1962; 8:54 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 613, 687, 699]

[Administrative Order No. 564]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment to Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint Industry Committee No. 54–A for the Textile and Textile Products Industry in Puerto Rico; Industry Committee No. 54–B for the Hosiery Industry in Puerto Rico; and Industry Committee No. 54–C for the Straw, Hair, and Related Products Industry in Puerto Rico.

The definitions of the industries for which industry committees are appointed by this order are set forth below.

The Textile and Textile Products Industry in Puerto Rico is defined as:

The preparation of textile fibers, including the ginning and compressing of cotton; the manufacture of batting, wadding, and filling; the manufacture, including dyeing and finishing of yarn, cordage, twine, felt, woven and knitted fabrics, and lace-machine products, from cotton, jute, sisal, coir, maguey, silk, rayon, nylon, wool or other vegetable, animal, or synthetic fiber, or from mixtures of these fibers; and the manufacture of blankets, textile bags, mattresses, quilts, pillows, hairnets, oilcloth and artificial leather containing a textile base, woven carpets and rugs, and hooked or punched rugs and carpeting: *Provided, however,* That the industry shall not include the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber; and *Provided, further,* That the industry shall not include any of the activities defined and described in 29 CFR, Parts 699.2(a) and 699.2(g).

The Hosiery Industry in Puerto Rico is defined as:

The manufacture and processing of full-fashioned and seamless hosiery, including, among other processes, the knitting, seaming, looping, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture or processing of yarn or thread.

The Straw, Hair, and Related Products Industry in Puerto Rico is defined as:

The manufacture of products made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers, and similar materials: *Provided, however,* That the industry shall not cover products or activities included in the artificial flower, decoration, and party favor industry (29 CFR Part 688), the button, jewelry, and lapidary work industry (29 CFR Part 616), the children's dress and related products industry (29 CFR Part 610), the men's and boys' clothing and related products industry (29 CFR Part 615), the shoe and related products industry (29 CFR Part 601), or the textile and textile products industry (29 CFR Part 699).

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene each of the above-appointed industry committees;

(b) Refer to each of these industry committees the following: (1) The question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned for employees who are engaged in commerce or in the production of goods for commerce, and (2) the question of the minimum rate or rates of wages to be fixed for any employees covered by the Act by reason of the Fair Labor Standards Amendments of 1961;

(c) Give notice of the hearing to be held by each of them at the times and places indicated below. Each industry committee shall investigate conditions in its industry, and each industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 54–A shall meet in executive session to commence its investigation at 10:00 a.m. on September 10, 1962, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 2:00 p.m. on the same date at the same place. Following this hearing Industry Committees Nos. 54–B and 54–C shall meet seriatim at the same place at hours designated by the committee chairmen to conduct their investigation and to hold their hearings.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of this Department the highest minimum wage rates (in the case of question (1) referred to the committee, not exceeding the minimum wage rate of $1.15 prescribed in paragraph (1) of section 6(a) of the Act, and in the case of question (2) referred to the committee, not exceeding the minimum wage rate of $1.00 prescribed in section 6(b) of the Act) which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa.

Whenever any industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for the industry committee containing such data as he is able to assemble pertinent to the matters referred to the committees. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each industry committee shall take official notice of the facts stated in the economic report to the extent that they are not refuted at the hearings.

The procedure of industry committees shall be governed by 29 CFR, Part 511. As a prerequisite to participation in the hearings, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than September 1, 1962.

Signed at Washington, D.C., this 27th day of July 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62–7681; Filed, Aug. 2, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO—AREA NO. 3

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth which were recommended by the area committee for Area No. 3 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in the State of Colorado and issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 948.239 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, to enable such committee to perform its functions pursuant to the provisions of aforesaid amended agreement and order during the fiscal period ending May 31, 1963, will amount to $3,125.00.

(b) The rate of assessment to be paid by each handler in Area No. 3 pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, shall be $0.00125 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 31, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–7713; Filed, Aug. 2, 1962; 8:55 a.m.]

[7 CFR Part 958]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to the Marketing Agreement No. 130 and Marketing Order No. 958 (7 CFR Part 958).

This marketing program regulates the handling of onions grown in designated counties in Idaho and Malheur County, Oregon, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

§ 958.206 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Onion Committee, established pursuant to the Marketing Agreement No. 130 and Order No. 958, to enable such committee to perform its functions, pursuant to provisions of the aforesaid marketing agreement and order, during the fiscal period beginning July 1, 1962, and ending June 30, 1963, will amount to $4,991.00.

(b) The rate of assessment to be paid by each handler shall be three-tenths of one cent ($0.003) per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 31, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–7714; Filed, Aug. 2, 1962; 8:56 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7B7) has been filed by Hercules Powder Company, Inc., 910 Market Street, Wilmington 99, Delaware, proposing the issuance of a regulation to provide for the safe use of the polymer of bis(chloromethyl) oxetane as an article or component of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food.

Dated: July 27 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–7689; Filed, Aug. 2, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 866) has been filed by Food Machinery and Chemical Corporation, 161 East Forty-second Street, New York 17, New York, proposing the amendment of paragraph (b)(3)(viii)(a) of § 121.2514 *Resinous and polymeric coatings* by adding thereto the new item "Epoxy polybutadiene."

Dated: July 27, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–7690; Filed, Aug. 2, 1962; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 876) has been filed by Hercules Powder Company, Inc., 910 Market Street, Wilmington 99, Delaware, proposing the amendment of § 121.2506 *Industrial starch-modified* to provide for the use of industrial starch modified by treatment with not more than 3.0 percent propylene oxide and 4.0 percent *beta*-diethylamino-ethylchloride hydrochloride, individually or in combination.

Dated: July 27, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–7691; Filed, Aug. 2, 1962; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 856) has been filed by Rohm and Haas Company, Washington Square, Philadelphia 5, Pennsylvania, proposing the issuance of a regulation to provide for the safe use of the following substances as components of emulsion coat-

ings for paper and paperboard intended for use in food packaging and processing:

Copolymers of the following monomers:
Acrylic acid and its methyl, ethyl, and butyl esters.
Itaconic acid.
Methacrylic acid and its methyl and ethyl esters.
Vinyl acetate.
Vinylidene chloride.
Ammonium persulfate.
tert-Butyl hydroperoxide.
p-tert-Octylphenoxypolyethoxyethanol (40 mols ethylene oxide).
Sodium lauryl sulfate.

Dated: July 27, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-7692; Filed, Aug. 2, 1962; 8:50 a.m.]

[21 CFR Part 121]
FOOD ADDITIVES
Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 865) has been filed by Norden Laboratories, Inc., Lincoln 1, Nebraska, proposing the issuance of a regulation to provide for the safe use of virginiamycin in oil for the treatment of mastitis in milk-producing animals.

Dated: July 27, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-7693; Filed, Aug. 2, 1962; 8:50 a.m.]

[21 CFR Part 121]
FOOD ADDITIVES
Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 871) has been filed by Dawe's Laboratories, Inc. 4800 South Richmond Street, Chicago 32, Illinois, proposing the issuance of a regulation to provide for the safe use of choline xanthate as a source of choline in poultry feeds.

Dated: July 27, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-7694; Filed, Aug. 2, 1962; 8:51 a.m.]

[21 CFR Part 121]
FOOD ADDITIVES
Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 893) has been filed by Merck Chemical Division, Merck and Company, Inc., Rahway, New Jersey, proposing the amendment of § 121.210 of the food additive regulations to permit the use of from 10 grams to 50 grams of chlortetracycline per ton of amprolium-medicated chicken and turkey feeds for growth promotion.

Dated: July 27, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-7695; Filed, Aug. 2, 1962; 8:51 a.m.]

[21 CFR Part 121]
FOOD ADDITIVES
Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 875) has been filed by General Electric Company, Silicone Products Department, Waterford, New York, proposing the amendment of § 121.2514 *Resinous and polymeric coatings* to provide for the use of tin oleate and dibutyltin dilaurate as catalysts for curing the silicone polymers described under § 121.2514(b)(3)(xxviii).

Dated: July 27, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-7696; Filed, Aug. 2, 1962; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]
[Reg. Docket No. 1318]
CANADAIR MODEL CL-44D4 AIRCRAFT
Proposed Airworthiness Directive

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring installation of a high pressure turbine bearing scavenge oil temperature indicating system in Canadair CL-44D4 aircraft incorporating Rolls Royce Tyne engines. This will permit detection of reductions in oil flow before failure of the high pressure turbine bearing.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, 25, D.C. All communications received on or before Sept. 4, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

CANADAIR. Applies to all Model CL-44D4 aircraft equipped with Rolls Royce Tyne engines.

Compliance required within the next 350 hours' time in service after the effective date of this AD.

To preclude bearing failure resulting from sludge deposited in oil ways which feed the high pressure turbine bearing, accomplish the following:

(a) Install high pressure turbine bearing scavenge oil temperature indicating system in accordance with Rolls Royce Modification 959 (Service Bulletin Ty 72-384) and Canadair Service Information Circular No. 216-CL44D4.

(b) If the oil flow through the scavenge line has not been checked within 100 hours prior to the installation of the temperature indicating system specified in (a), check the oil flow in accordance with the procedures outlined in sections 2A and 2B of Rolls Royce Alert Service Bulletin No. A-Ty 79-15 at the time the temperature indicating system is installed.

(c) Appropriate changes to the airplane flight manual shall be made covering the applicable provisions of section 2D of Service Bulletin A-Ty 79-15 regarding feathering of an engine if the turbine bearing scavenge oil corrected temperature exceeds 180° C. during cruise.

(d) When the oil temperature indicating system is installed per paragraph (a) the inspections required in AD 62-9-2 as amended, may be discontinued.

Issued in Washington, D.C., on July 27, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-7668; Filed, Aug. 2, 1962; 8:45 a.m.]

[14 CFR Part 507]
[Reg. Docket No. 1319]
BOEING MODELS 707 AND 720 SERIES AIRCRAFT
Proposed Airworthiness Directive

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the flight control systems of Boeing Models 707 and 720 Series aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the

Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 4, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BOEING. Applies to Models 707 and 720 Series aircraft.

Compliance with certain service bulletins pertaining to the Model 707 and Model 720 flight control systems is considered necessary to provide for the continuing safety and reliability of operation of those aircraft models. Accordingly, the aircraft models listed below shall be inspected and/or modified within the compliance times and in accordance either with the service bulletins as indicated or with equivalent methods approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region. Aircraft modified in accordance with later FAA approved revisions of the service bulletins listed below will be considered to have complied with the appropriate provisions of this AD.

(a) Compliance required within the next 400 hours' time in service following the effective date of this AD:

Modification	Model	Service Bulletin No.
1. Stabilizer trim actuator auxiliary brake retaining nut	707 and 720	984

(b) Compliance required within the next 650 hours' time in service following the effective date of this AD:

Modification	Model	Service Bulletin No.
1. Rudder pedal pushrod attachment	707	337
2. Inboard aileron tab nose weight attaching screws	707	860
3. Spoiler and emergency flap switch placard installation	707 and 720	[1] 1524

[1] Placard arrangement per BAC Drawing No. 10 60424-621 (Type 1) is an approved equivalent.

(c) Compliance required within the next 2,700 hours' time in service following the effective date of this AD:

Modification	Model	Service Bulletin No.
1. Bearing retainer installation for center and inboard hinges for inboard aileron tab.	707	307 (R-1) and 307 (R-1)A.
2. Guard installation for chain in stabilizer trim unit.	707	655 and 655B.
3. Flap drive torque tube guard installation in wheel well area.	707	680 and 680A.
4. Rudder control input stop modification and directional bushing replacement.	707	735 (R-1).
5. Replacement of stabilizer trim actuator.	707 and 720	889.
6. Flap takeoff warning switch relocation.	707 and 720	1016 (R-1) and 1016 (R-1) C.
7. Stabilizer trim actuator brake unlock gear ball bearing adapter addition.	707 and 720	1128 and 1128A.
8. Stabilizer trim actuator brake pawl spring.	707 and 720	1237.
9. Stabilizer trim actuator motor replacement.	707	1247.
10. Emergency flap switch installation.	707 and 720	1251.
11. Outboard spoiler shutoff valve consolidation.	707 and 720	1336 (R-1) and 1336 (R-1) B.
12. Inboard aileron centering spring cartridge.	707 and 720	1344.
13. Control wheel stabilizer trim switch installation.	707 and 720	[1] 1410 and 1410B.
14. Rudder power control unit replacement, "Extension Sleeve Revision."	707 and 720	1479 (R-1) Part I only.
15. Rudder pressure control valve bypass installation.	707 and 720	1482 (R-1).
16. Replacement of spoiler hydraulic system shutoff valve.	707 and 720	1484.
17. Replacement of rudder hydraulic system solenoid valve.	707 and 720	1490 (R-1).
18. Rudder control centering spring cable modification.	707 and 720	1625.
19. Rudder control centering spring cable guard installation.	707 and 720	1680 and 1680A.

[1] Modification per BAC Drawing No. 10-3265 is an approved equivalent.

Issued in Washington, D.C., on July 27, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-7669; Filed, Aug. 2, 1962; 8:45 a.m.]

[14 CFR Part 601]
[Airspace Docket No. 62-SW-12]
CONTROLLED AIRSPACE
Alteration of Proposal Designating Transition Area

In a notice of proposed rule making published in the FEDERAL REGISTER on May 22, 1962 (27 F.R. 4812), it was stated that the Federal Aviation Agency proposed to designate a transition area at Borger, Tex. A floor of 7,000 feet MSL was proposed for this transition area.

Subsequent to the publication of the notice, a review of the holding airspace requirements at the Borger Intersection indicates that the controlled airspace floor of the proposed transition area should be lowered to 1,200 feet above the surface. This would provide protection for aircraft in DME holding patterns at lower altitudes at the Borger Intersection.

Accordingly, the notice is hereby amended to propose that the Borger transition area be designated to extend upward from 1,200 feet above the surface within 12 miles northwest and 8 miles southeast of the Amarillo, Tex., VOR-TAC 038° True radial extending from 24 miles northeast to 56 miles northeast of the VORTAC.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to August 30, 1962.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 62-SW-12 is extended to August 30, 1962. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; U.S.C. 1348).

Issued in Washington, D.C., on July 27, 1962.

W. THOMAS DEASON,
Assistant Chief, Airspace Utilization Division.

[F.R. Doc. 62-7677; Filed Aug. 2, 1962; 8:47 a.m.]

[14 CFR Part 601]
[Airspace Docket No. 62-SW-30]
CONTROL ZONE
Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2211 of the regulations of the Administrator, the substance of which is stated below.

The Beeville, Texas, control zone is designated within a 5-mile radius of NAAS Chase Field, and within 2 miles either side of the 139° bearing from Chase Field extending from the 5-mile radius zone to 8 miles south of Chase Field.

The Federal Aviation Agency has under consideration the alteration of the Beeville control zone by revoking the control zone extension based on the 139° bearing from Chase Field and designating extensions within 2 miles either side of the NAAS Chase TACAN 129° and 321° True radials extending from the 5-mile radius zone to 7 miles southeast and northwest of the TACAN; and within 2 miles either side of the NAAS Chase VOR 349° True radial extending from the 5-mile radius zone to 8 miles north of the VOR. The proposed control zone extensions would provide protection for aircraft executing prescribed TACAN and VOR instrument approach procedures at Chase Field, and would eliminate the requirement for the control zone extension based on the 139° bearing from Chase Field.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn:

Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 27, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7678; Filed, Aug. 2, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13852, RM-102, RM-188; FCC 62-870]

TELEVISION BROADCAST STATIONS, AUGUSTA, BANGOR, CALAIS AND PRESQUE ISLE, MAINE

Table of Assignments

1. In a Report and Order (FCC 61-522) released on April 24, 1961, in this rule making proceeding the Commission amended § 3.606 of the rules by reserving for educational use Channel 10 in Augusta and Channel 10 in Presque Isle, and by reassigning Channel 7 from Calais to Bangor, Maine. After considering petitions for reconsideration of that part of the order pertaining to Channel 7, we released a Memorandum Opinion and Order (FCC 62-66) on January 12, 1962, assigning Channel 7 to Calais instead of Bangor. Petitions for stay were filed, a study of which led to our releasing on February 26, 1962, an "Order of Stay and Further Notice of Proposed Rule Making" (FCC 62-227) in which the aforementioned order assigning Channel 7 to Calais was stayed and comments were invited on a proposal to leave that channel in Bangor and assign Channel 3 to Calais with no educational reservation.

2. We pointed out in the latter document that since both Bangor and Calais are within 250 miles of the U.S.-Canadian border the proposal would require concurrence of Canadian authorities in accordance with the U.S.-Canadian Agreement of 1952. Such concurrence has been sought, but the two countries have been unable to reach agreement on the matter.

3. An alternative plan suggested by Canadian authorities would assign Channel 13- to Calais (instead of Channel 3) provided that the transmitter site for such an assignment is located in Zone I of the United States and that it is at least 170 miles from Station CJBR-TV-1, Edmundston, New Brunswick.

4. Since this plan appears to be worthy of exploration, we desire to give parties to this proceeding an opportunity to examine it and comment thereon. Accordingly, comments and reply comments are invited upon the following proposal:

City	*Channel No.*
Bangor, Maine	2-, 5+, 7-, *16-
Calais, Maine	13-, 20-

It is understood that the assignment of Channel 7 to Bangor and of Channel 13 to Calais would be subject to the Working Arrangement under the U.S.-Canadian Agreement with limitation of Channel 7 at Bangor toward Station CHLT-TV, Sherbrooke, Quebec, and limitation of Channel 13 at Calais toward Station CJBR-TV-1, Edmundston, New Brunswick, as indicated in paragraph 3, above.

5. By inviting comments on this proposal we do not pass judgment on any proposals now pending before us in this proceeding nor do we intend to affect the present order of stay herein. At such time as comments and reply comments have been received on the instant proposal, the Commission will evaluate the record before it and make a decision that might involve assignment of Channel 3, or Channel 7 or Channel 13 to Calais or some other appropriate action in the public interest.

6. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested parties may file comments on or before August 31, 1962, and reply comments on or before September 10, 1962. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: July 25, 1962.

Released: July 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7717; Filed, Aug. 2, 1962; 8:56 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-6864]

GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 10b-9 (§ 240.10b-9) under the Securities Exchange Act of 1934. The proposed rule would make it unlawful to represent that a security is offered or sold on an "all-or-none" basis unless the offering is made on the condition that unless a definite number of units of the security are sold at a specified price within a specified time and the total amount due is received by the seller the amount due to the purchaser will be promptly refunded to him.

Section 10(b) of the Act makes it unlawful for any person to use or employ, in connection with the purchase or sale of any security, any manipulative or deceptive device or contrivance in contravention of any rule which the Commission prescribes as necessary or appropriate in the public interest or for the protection of investors.

It has come to the attention of the Commission that some persons distributing securities have been representing that securities are being offered on an "all-or-none" basis when, because of ambiguities in the contractual arrangement, it is not clear whether the conditions have been met if the underwriter finds persons who agree to purchase all of the securities within the specified time, but he is unsuccessful in collecting payment for all of the securities. It is the purpose of the proposed rule to prohibit any person from making any representation to the effect that the security is being offered on an "all-or-none" basis unless it is clear that the amount due to the purchaser is to be refunded to him unless all of the securities being offered are sold and the seller receives the total amount due to him in connection with the distribution.

The text of the proposed rule, which would be adopted pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 10(b) and 23(a) thereof, § 240.10b-9 would be substantially as follows: "It shall constitute a 'manipulative or deceptive device or contrivance', as used in section 10(b) of the Act, for any person, directly or indirectly, in connection with the offer or sale of any security, to make any representation to the effect that the security is being offered or sold on an 'all-or-none' basis unless the security is part of an offering or distribution being made on the condition that all or a specified amount of the amount paid for any such security will be promptly refunded to the purchaser if a definite number of units of the security is not sold at a specified price within a specified time and the total amount due to the seller is not received by him by a specified date."

All interested persons are invited to submit their views and comments in writing on the proposed rule on or before August 31, 1962.

All such communications will be available for public inspection.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

JULY 30, 1962.

[F.R. Doc. 62-7682; Filed, Aug. 2, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

COMPTROLLER OFFICE OF CIVIL DEFENSE

Amendment to Delegation of Administrative Authorities for Civil Defense Functions

References: (a) E.O. 10952, dated July 20, 1961, assigning Civil Defense responsibilities to the Secretary of Defense and others; (b) Department of Defense Organizational Statement, Assistant Secretary of Defense (Civil Defense), filed September 13, 1961 (26 F.R. 8604).

Subparagraph (e) of Paragraph 2. *Comptroller, Office of Civil Defense*, Delegation of Administrative Authorities for Civil Defense Functions, filed January 30, 1962 (27 F.R. 903), is amended by deleting the last sentence reading, "This authority cannot be redelegated."

This amendment is effective immediately.

Dated this 28th day of July 1962.

STEUART L. PITTMAN,
Assistant Secretary of Defense, Civil Defense.

[F.R. Doc. 62-7704; Filed, Aug. 2, 1962; 8:54 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[Case No. 305]

EGON WILHELM BRAUN ET AL.

Order Temporarily Denying Export Privileges

In the matter of Egon Wilhelm Braun, Wielandstrasse 32, Hamburg-Eilbeck, Federal Republic of Germany; Georges Anton de Puoz, Haldenbachstrasse 10, Zurich, Switzerland; and Gerhard William Grund, Bundesalle 48 A, West Berlin-Wilmersdorf, Germany; respondents; Case No. 305.

By letter dated May 9, 1962 the abovenamed respondents were charged by the Director, Investigations Staff, Bureau of International Programs, with violations of the U.S. Export Control Act of 1949, as amended, and regulations issued thereunder. The charges relate to the improper diversion by respondents of commodities of U.S. origin to a Soviet bloc customer. A copy of the charging letter was duly served on each respondent. The respondents Braun and Grund have failed to file answers to the charges, as required by the regulations, and they are considered to be in default. The respondent de Puoz has filed a reply to the charges and, for reasons given, has requested an extension of time until September 1, 1962, within which to file an answer and present evidence. It is hereby found that the respondent de Puoz has presented good cause for the extension requested, and such request is hereby granted.

In accordance with § 382.11(b)(2) of the regulations under the Export Control Act, the Director, Investigations Staff, Bureau of International Programs, has now requested that a temporary order be issued against each of the respondents denying to each of them export privileges pending the completion of compliance proceedings. The matter was referred to the Compliance Commissioner and he, being fully advised of the matters, has reported thereon and made his recommendation that such application be granted. It appears from the report and evidentiary material presented that the respondents acting in concert knowingly diverted and caused to be diverted beryllium, a strategic material of U.S. origin to a Soviet bloc customer.

On the basis of the record concerning the request for the issuance of a temporary denial order, I find: (1) That administrative proceedings are pending against the above-named respondents for violations of regulations relating to export control; (2) that it is reasonably necessary to protect the public interest pending final disposition of the compliance proceedings that the respondents be denied export privileges.

Accordingly, it is hereby ordered:

(1) The respondents, their agents and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondents' participation (a) as a party to or representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, or disposing of any commodities and technical data in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other serving of exports from the United States.

(2) Such denial of export privileges shall apply not only to each of said respondents, but also to any other person, firm, corporation, or business organization with which any respondent may be now or hereafter related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

(3) This order shall take effect forthwith and shall remain in effect until the completion of administrative compliance proceedings which are now pending, unless sooner modified or vacated.

(4) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from the Bureau of International Programs shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities or technical data from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a re-exportation of any commodity or technical data exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (1) and (2) hereof may receive any benefit or have any interest or participation of any kind or nature, direct or indirect.

(5) A certified copy of this order shall be served upon the respondents.

(6) In accordance with the provisions of § 382.11(c) of the Export Regulations, any respondent may move at any time to vacate or modify this Temporary Denial Order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: July 31, 1962.

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 62-7710; Filed, Aug. 2, 1962; 8:55 a.m.]

Office of the Secretary

ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority

The material appearing at 26 F.R. 12044-12045 of December 15, 1961, is superseded by the following:

Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, there is hereby delegated to the Assistant Secretary of Commerce for Administration the authority to process policy issuances of the Department of Commerce for publication in the FEDERAL REGISTER.

Dated: July 24, 1962.

LUTHER H. HODGES.

[F.R. Doc. 62-7700; Filed, Aug. 2, 1962; 8:58 a.m.]

[Dept. Order No. 109 (Rev.); Amdt. 1]

BUREAU OF PUBLIC ROADS

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on July 9, 1962. The material appearing at 26 F.R. 12536-12539 of December 27, 1961, is amended as follows:

This amendment establishes an Office of Right-of-Way and Location and an Office of Audit and Investigations in the Bureau of Public Roads. Accordingly, Department Order No. 109 (Revised) of December 6, 1961, is hereby amended as follows:

Section 2 is amended by:

1. Substituting in 2.04 2(1) the title "Project Coordination Division" for "Route and Project Coordination Division."
2. Deleting 2.04 2(4) and the title "Right-of-Way Division."
3. Renumbering 2.04 2 (5), (6), and (7) as 2.04 2 (4), (5), and (6).
4. Deleting 2.04 6(7) and the title "Project Examining Division."
5. Add a new 2.04 9 and the title "Office of Right-of-Way and Location."
6. Add a new 2.04 10 and the title "Office of Audit and Investigations."
7. Renumber the current 2.04 9 "Field Organization" as 2.04 11 "Field Organization."

Section 6, *Functions of the Office of Engineering*, is amended to read: "The Office of Engineering is responsible for performing all functions relating to the programing, design, and construction of projects on the Federal-aid primary and secondary highway systems, and the Interstate System, and to the maintenance of roads on such systems. The Office of Engineering includes the divisions listed under Section 2.04, above, which divisions plan, implement, and supervise activities relating to (1) annual programs of projects proposed by the States; (2) development of Federal-aid highway design criteria and standards for the location and geometric and structural design of highways, including pavement and base design, highway signing and lighting, aerial surveying and photogrammetry, and roadside development; (3) development of design criteria, standards, policies and practices for bridges, tunnels and incidental structures of Federal-aid highways, including hydraulic and hydrological design features; (4) engineering supervision of construction and maintenance phases of Federal-aid highway programs, including development of standards of performance and improvements thereof for use of States in Federal-aid highway construction and maintenance projects; (5) administration of training and promotion activities relating to the secondary roads programs of the States; and (6) development of cost estimates on the National System of Interstate and Defense Highways, engineering analysis of comprehensive data on the progress of the System, and preparation of reports relating thereto."

Section 7, *Functions of the Office of Research*, is amended as follows: Delete item (6) and renumber current items (7) and (8) as (6) and (7).

Section 10, *Functions of the Office of Administration* is amended as follows:

1. In item (1)(c) delete the word "auditing."
2. Delete item (6).

Add a new Section 13 to read as follows:

SEC. 13. *Functions of the Office of Right-of-Way and Location.* The Office of Right-of-Way and Location is responsible for performing all engineering and operational functions relating to (1) determination of specific route locations for Federal-aid Interstate, primary, and secondary systems; and the extensions of such systems into urban areas; (2) acquisition of rights-of-way for Federal-aid highway projects, including administration of utilities matters pertaining to right-of-way; (3) development of standards and minimum requirements for use of States in right-of-way acquisition, utilization and administration; and (4) review of State laws relating to right-of-way.

Add a new Section 14 to read as follows:

SEC. 14. *Functions of the Office of Audits and Investigations.* The Office of Audit and Investigations is responsible for (1) audit of State's claim for reimbursement of the Federal share of the cost of approved highway projects; (2) comprehensive audit of all of the Bureau's activities and programs to (a) promote orderly and effective administration and prosecution of Federal-aid highway programs, proper and judicious expenditure of highway funds, and safeguards to Federal Government interests with respect to Federal highway programs, and (b) determine compliance with laws and with established Public Roads policies, regulations, engineering standards, approved specifications and operating procedures; (3) review and evaluation of State and Bureau administrative and accounting practices and procedures to determine the adequacy and effectiveness of management controls; (4) investigating reports or information from any source alleging irregularity, fraud, land speculation, collusion, impropriety of action on the part of Public Roads employees, State Highway personnel, or others; or any other violation of or noncompliance with requirements of legislation and administrative rules and regulations pertaining to the highway programs administered by the Bureau of Public Roads; and (5) reporting the findings of these reviews and making such recommendations as may be appropriate to the Federal Highway Administrator for his use in determining the action to be taken in the correction of deficiencies or unsatisfactory conditions.

The Director, Office of Audit and Investigation shall report directly to the Federal Highway Administrator and control all activities of the field auditors, including the preparation of performance ratings, transfers, promotions, scope of audit program and work assignments. However, division and regional auditors shall be responsible to division and regional engineers for compliance with local administrative regulations.

Renumber current sections 13 and 14 as sections 15 and 16.

In the renumbered section 15.022 delete the words "and auditing" in the last line.

Effective date: July 9, 1962.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 62-7701; Filed, Aug. 2, 1962; 8:53 a.m.]

[Dept. Order No. 117 (Rev.) Amdt. 1]

MARITIME ADMINISTRATION

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on July 10, 1962. The material appearing at 27 F.R. 3637-3641 of April 17, 1962 is amended as follows:

Department Order No. 117 (Revised) of April 9, 1962, section 2.02 is amended to read as follows:

SEC. 2. *Establishment and Organization.* .02 *Maritime Subsidy Board.* There is hereby established within the Maritime Administration a Maritime Subsidy Board which performs the functions described in Sections 4 and 6 hereof. The Board is composed of the Maritime Administrator, the Deputy Maritime Administrator and the General Counsel of the Maritime Administration, and in the case of a vacancy in the Board or the absence or disability of one of its members the Comptroller shall act as a member of the Maritime Subsidy Board, each of whom while serving as a member of the Maritime Subsidy Board acts pursuant to direct authority from the Secretary of Commerce and exercises judgment independently of authority otherwise delegated to the Maritime Administrator. The Maritime Administrator or the Acting Maritime Administrator serves as Chairman of the Maritime Subsidy Board. The concurring votes of two members shall be sufficient for the disposition of any matter which may come before the Board."

Effective date: June 25, 1962.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 62-7702; Filed, Aug. 2, 1962; 8:54 a.m.]

[Dept. Order No. 134 (Rev.)]

ASSISTANT SECRETARY OF COMMERCE FOR ADMINISTRATION

Organization and Functions

The following order was issued by the Secretary of Commerce, effective June 26, 1962, and supersedes the material appearing at 26 F.R. 12047-12048 of December 15, 1961.

SECTION 1. *Purpose.* The purpose of this order is to define the authorities, responsibilities, and duties of the Assistant Secretary of Commerce for Administration.

SEC. 2. *Administrative designation.* Pursuant to the authority vested in the Secretary of Commerce, the position of Assistant Secretary of Commerce, established by Section 304 of Public Law 471, 83d Congress, 2d Session, approved July 2, 1954, is hereby designated as Assistant Secretary of Commerce for Administration.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, the Assistant Secretary of Commerce for Administration is hereby authorized to perform the functions and to exercise the authority of the Secretary of Commerce on all matters of administration and management within the Department of Commerce.

.02 The Assistant Secretary of Commerce for Administration may redelegate the authority conferred herein, with such conditions and limitations as he deems appropriate, to any officer or employee of the Department of Commerce.

SEC. 4. *Organization of Office of Assistant Secretary of Commerce for Administration.* The Office of the Assistant Secretary for Commerce for Administration shall comprise:

Assistant Secretary of Commerce for Administration.
Deputy Assistant Secretary of Commerce for Administration.
Office of Administrative Operations.
Office of Budget and Management.
Office of Personnel Management.
Office of Publications Management.
Office of Investigations and Security.
Office of Emergency Readiness Planning.
Office of Internal Audit.

The Appeals Board for the Department of Commerce shall, for administrative purposes, be deemed to be a part of the Office of the Assistant Secretary of Commerce for Administration.

SEC. 5. *Duties and responsibilities of the Assistant Secretary of Commerce for Administration.* .01 The Assistant Secretary of Commerce for Administration is the principal deputy and adviser to the Secretary of Commerce on all matters of administration and management and is the chief officer of the Department on such matters.

.02 The Deputy Assistant Secretary of Commerce for Administration shall be the principal assistant to the Assistant Secretary of Commerce for Administration and shall assume the full responsibility of the Assistant Secretary during the latter's absence.

.03 The Assistant Secretary of Commerce for Administration shall:

1 Prescribe the Department's policies, regulations, and programs with respect to all administrative and management activities and shall direct their execution;

2 Perform all other functions and exercise all other powers, authorities, and discretions vested in the Secretary with respect to administrative and management matters as delegated to the Assistant Secretary of Commerce for Administration by this or any other order;

3 Provide for the direction and supervision of all staff service offices in the Office of the Secretary;

4 In collaboration with other Secretarial officers and officers of the primary organization units of the Department, define the basic objectives, programs, functions, relationships, and plans of organization of the Department;

5 Develop and carry out defense mobilization programs for Government continuity and civil defense; and

6 Carry out such duties and responsibilities as the Secretary of Commerce may assign.

.04 More specifically, but not by way of limitation, the Assistant Secretary of Commerce for Administration shall:

1 Prescribe the policies and programs and provide departmental leadership for the following major activities of the Department:

(1) Budget planning and administration.
(2) Management research and planning.
(3) Organization planning.
(4) Personnel administration.
(5) Internal audit program.
(6) Administrative operations and services.
(7) Publications program.
(8) Security program.
(9) Civil defense program.

2 Be responsible for and direct the evaluation of all the Department's programs and activities in terms of efficiency of management and economy of operations with a view to improving management and effecting economies in operations;

3 Be responsible for and direct all activities of the Department relating to interdepartmental coordination of administrative and management matters;

4 Serve as the representative of, and upon designation as the alternate to, the Secretary of Commerce on all committees, boards, commissions, services, and organizations constituted with authority or responsibilities in the fields of administration and management; and

5 Develop and provide for the execution of (1) plans to insure continuity of essential functions of the Department in event of attack upon the United States, and (2) civil defense plans and programs covering facilities and self-protection, and civil defense assistance.

SEC. 6. Saving provision. .01 This order supersedes Department Order No. 134 (Revised) of October 11, 1961. References in other orders to the title "Assistant Secretary of Commerce for Administration and Public Affairs" or "Executive Assistant to the Secretary" shall be construed to mean Assistant Secretary of Commerce for Administration.

.02 All orders, delegations of authority and other actions heretofore issued or taken by the Assistant Secretary of Commerce for Administration and Public Affairs or Executive Assistant to the Secretary and in effect immediately prior to the effective date of this order shall remain in full force and effect until hereafter amended or revoked under appropriate authority.

Effective date: June 26, 1962.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 62-7703; Filed, Aug. 2, 1962; 8:54 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (20 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Albert of Arizona, Inc., 234 South Extension Road, Mesa, Ariz.; effective 7-18-62 to 7-17-63; 10 percent of the total number of factory production workers engaged in the production of underwear and sleepwear from woven fabrics for normal labor turnover purposes (women's woven lingerie).

Beatform Foundations of Pa., Inc., Baumer and Cherry Streets, Johnstown, Pa.; effective 8-3-62 to 8-2-63 (brassieres, girdles, and corselettes).

Butler Garment Co., 422 South McKean Street, Butler, Pa.; effective 7-16-62 to 7-15-63 (women's blouses).

Edinburg Manufacturing Corp., Edinburg, Va.; effective 7-20-62 to 7-19-63 (infants' and children's dresses, shirts, and pants).

The Foster Co., Greenville, Ala.; effective 7-23-62 to 7-22-63 (men's pants).

Holly Hill Dress Corp., Holly Hill, S.C.; effective 7-20-62 to 7-19-63 (children's dresses).

Hortex Manufacturing Co., Inc., 100 South Cotton, El Paso, Tex.; effective 7-27-62 to 7-26-63 (boys' single pants).

Johnnye Manufacturing Co., Fourth and Walnut, Albion, Ill.; effective 7-19-62 to 7-18-63 (ladies' dresses).

LaCrosse Sportswear Corp., LaCrosse, Va.; effective 7-20-62 to 7-19-63 (knitted sport shirts).

L'Aiglon Apparel, Inc., Lurgan Avenue, Shippensburg, Pa.; effective 7-16-62 to 7-15-63 (ladies' dresses).

Lee County Mills, Inc., Leesburg, Ga.; effective 7-23-62 to 7-22-63 (ladies' and children's underwear).

Moyer Co., Commerce and Walnut Streets, Youngstown, Ohio; effective 7-19-62 to 7-18-63 (men's slacks).

Royal Manufacturing Co., Inc., Washington, Ga.; effective 7-22-62 to 7-21-63; 10 percent of the total number of factory production workers engaged in the production of men's and boys' woven sport shirts for normal labor turnover purposes (men's and boys' woven sport shirts).

Seamprufe, Inc., McAlester, Okla.; effective 7-17-62 to 7-16-63; 10 percent of the total number of factory production workers engaged in the production of ladies' woven underwear for normal labor turnover purposes (ladies' woven underwear).

Toby Manufacturing Co., Inc., 620-6 Franklin Avenue, Essex-Baltimore, Md.; effective 8-4-62 to 8-3-63 (work pants).

Tropical Garment Manufacturing Co., 2508 Ivy Street, Tampa, Fla.; effective 7-20-62 to 7-19-63 (men's and boys' shirts and vests).

Weatherbee Coats, Inc., 461 East Federal Street, Youngstown, Ohio; effective 7-30-62 to 7-29-63 (ladies' rainwear).

Wilson Shirt Co., 2804 Wilco Avenue, Augusta, Ga.; effective 7-24-62 to 7-23-63 (men's shirts and pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Altamont Garment Co., North Third and Division Streets, Altamont, Ill.; effective 7-20-62 to 7-19-63; 10 learners (boys' trousers).

A. Brash & Sons, Inc., 110 South Hanover Street, Baltimore, Md.; effective 7-23-62 to 7-22-63; 10 learners (men's and boys' outdoor jackets).

Calico Lane Dress Co., Inc., 9 School Street, Jermyn, Pa.; effective 8-1-62 to 7-31-63; five learners (women's dresses).

F & F Outerwear, Inc., 312 Penn Avenue, Scranton, Pa.; effective 7-19-62 to 7-18-63; five learners (men's and boys' outdoor type coats).

Miller & Co., 1549 Lawrence Street, Denver, Colo.; effective 7-20-62 to 7-19-63; 10 learners (men's and ladies' western shirts).

Nahas of Texas, Inc., 10 Second Street SW., Paris, Tex.; effective 7-23-62 to 7-22-63; 10 learners (children's blouses, whole and half slips).

So-Rite Lingerie, Bright Building, Keyser, W. Va.; effective 7-31-62 to 7-30-63; 10 learners (ladies' pajamas and house dusters).

Wildwood Clothing Co., Inc., 112 East Schellenger Avenue, Wildwood, N.J.; effective 8-1-62 to 7-31-63; 10 learners (ladies' sportswear—slacks and shorts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Butler Garment Co., 422 South McKean Street, Butler, Pa.; effective 7-16-62 to 1-15-63; 60 learners (women's blouses).

Charleston Manufacturing Co., Stark Industrial Park, Charleston Heights, S.C.; effective 7-25-62 to 1-24-63; 35 learners (ladies' dresses).

Columbo Garment Co., 158 West Harrison Street, Columbus, Wis.; effective 7-17-62 to 1-16-63; 10 learners (ladies' slacks).

Ralston-Harwood Manufacturing Corp., Marion, Va.; effective 7-17-62 to 1-16-63; 20 learners (men's and boys' woven pajamas).

Metro Pants Co., Bridgewater, Va.; effective 7-16-62 to 1-15-63; 12 learners (boys', juniors' and men's pants).

Ridgely Manufacturing Co., Ridgely, Tenn.; effective 7-19-62 to 1-18-63; 25 learners (outdoor quilt-lined jackets).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Adams-Millis Corp., Bodenhamer Street, Kernersville, N.C.; effective 7-20-62 to 7-19-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Mayo Knitting Mill, Inc., Tarboro, N.C.; effective 7-22-62 to 7-21-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Albert of Arizona, Inc., 234 South Extension Road, Mesa, Ariz.; effective 7-18-62 to 7-17-63; 5 percent of the total number of factory production workers engaged in the production of underwear and sleepwear from knitted fabric for normal labor turnover purposes (ladies' knitted lingerie).

Movie Star of Ellisville, Ellisville, Miss.; effective 7-30-62 to 7-29-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' slips, pants, petticoats).

Royal Manufacturing Co., Inc., Washington, Ga.; effective 7-22-62 to 7-21-63; 5 percent of the total number of factory production workers engaged in the production of men's and boys' woven shorts for normal labor turnover purposes (men's and boys' woven shorts).

Seamprufe, Inc., McAlester, Okla.; effective 7-17-62 to 7-16-63; 5 percent of the total number of factory production workers engaged in the production of ladies' knitted underwear for normal labor turnover purposes (slips and lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

Horace Small Manufacturing Co., Cap Division, 1319 Lewis Street, Nashville, Tenn.; effective 7-19-62 to 1-18-63; 25 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 240 hours at the rate of not less than $1.00 an hour (uniform caps).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Semiconductor Industries, Inc., 611 Carpenter Road, Santurce, P.R.; effective 7-9-62 to 1-8-63; 120 learners for plant expansion purposes, in the occupation of assembler; solderer for a learning period of 480 hours at the rates of 89 cents an hour for the first 240 hours and 99 cents an hour for the remaining 240 hours (shooting games, megaphones, amplifiers, walkie-talkies, fish callers, and tape recorders).

Star Kist Caribe, Inc., Marina Station, Mayaguez, P.R.; effective 7-5-62 to 1-4-63; 50 learners for plant expansion purposes, in the occupation of tuna fish cleaner and packer for a learning period of 160 hours at the rates of 87 cents an hour for the first 80 hours and $1.01 an hour for the remaining 80 hours (canned tuna fish and byproducts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 26th day of July 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-7708; Filed, Aug. 2, 1962; 8:54 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001) the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulations, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to 29 CFR 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region III

W. T. Grant Co., 1541 Lehigh Street, Allentown, Pa.; effective 6-26-62 to 6-25-63 (variety store; 43 employees).

W. T. Grant Co., 260 Delaware Avenue, Palmerton, Pa.; effective 6-29-62 to 6-28-63 (variety store; 32 employees).

W. T. Grant Co., 108 West Fourth Street, Williamsport, Pa.; effective 7-10-62 to 7-9-63 (variety store; 37 employees).

W. T. Grant Co., 2541 East Market Street, York, Pa.; effective 6-26-62 to 6-25-63 (variety store; 41 employees).

McCrory Stores, 117 North Howard Street, Baltimore, Md.; effective 7–10–62 to 7–9–63 (variety store; 66 employees).

McCrory-McLellan Stores, 609 Edgmont Avenue, Chester, Pa.; effective 6–10–62 to 6–9–63 (variety store; 32 employees).

McCrory-McLellan Stores, 1205–7–9 Market Street, Philadelphia 7, Pa.; effective 6–10–62 to 6–9–63 (variety store; 63 employees).

McCrory-McLellan Stores, 644 Penn Street, Reading, Pa.; effective 6–29–62 to 6–28–63 (variety store; 24 employees).

McCrory-McLellan Stores, 47–35 West Main Street, Waynesboro, Pa.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

G. C. Murphy Co. (#51), 518–20 Chartiers Street, McKees Rock, Pa.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

F. W. Woolworth Co., 247 Seneca Street, Oil City, Pa.; effective 6–27–62 to 6–26–63 (variety store; 22 employees).

F. W. Woolworth Co., 427 Lacka Avenue, Scranton, Pa.; effective 6–29–62 to 6–28–63 (variety store; 72 employees).

Region IV

S. H. Kress & Co., 1900 Third Avenue North, Birmingham, Ala.; effective 6–10–62 to 6–9–63 (variety store; 76 employees).

Region V

S. S. Kresge Co. (#240), Cleveland, Ohio; effective 7–10–62 to 7–9–63 (variety store; 21 employees).

J. J. Newberry Co., Lima, Ohio; effective 7–10–62 to 7–9–63 (variety store; 29 employees).

Region VI

Kohl's Food Stores, Brookfield, Inc., 2315 North 124th Street, Milwaukee 10, Wis.; effective 6–29–62 to 6–9–63 (food store; 92 employees).

Kohl's Food Stores, Burleigh, Inc., 4623 West Burleigh Street, Milwaukee 10, Wis.; effective 6–29–62 to 6–9–63 (food store; 84 employees).

Kohl's Food Stores, Capitol, Inc., 5500 West Capitol Drive, Milwaukee 10, Wis.; effective 6–29–62 to 6–9–63 (food store; 125 employees).

Kohl's Food Stores, Forest Home, Inc., 7530 West Forest Home Avenue, Milwaukee 10, Wis.; effective 6–29–62 to 6–9–63 (food store; 76 employees).

Kohl's Food Stores, Fox Point, Inc., 6940 North Santa Monica Boulevard, Milwaukee 10, Wis.; effective 6–29–62 to 6–9–63 (food store; 51 employees).

Kohl's Food Stores, Hadley, Inc., 2777 North Teutonia Avenue, Milwaukee 10, Wis.; effective 6–29–62 to 6–9–63 (food store; 50 employees).

Kohl's Food Stores, Holton, Inc., 3334 North Holton Street, Milwaukee 10, Wis.; effective 6–29–62 to 6–9–63 (food store; 67 employees).

Kohl's Food Stores, Lisbon, Inc., 9210 West Lisbon Avenue, Milwaukee 10, Wis.; effective 6–29–62 to 6–9–63 (food store; 80 employees).

Kohl's Food Stores, Loomis, Inc., 3555 South 27th Street, Milwaukee 10, Wis.; effective 6–29–62 to 6–9–63 (food store; 112 employees).

Kohl's Food Stores, 1301 West Forest Home Avenue, Milwaukee 10, Wis.; effective 6–29–62 to 6–9–63 (food store; 62 employees).

Kohl's Food Stores, North Co., 8616 West North Avenue, Milwaukee 10, Wis.; effective 6–29–62 to 6–9–63 (food store; 96 employees).

Kohl's Food Stores, Oakland, Inc., 4145 North Oakland Avenue, Milwaukee 10, Wis.; effective 6–29–62 to 6–9–63 (food store; 88 employees).

Kohl's Food Stores, Oklahoma, Inc., 5801 West Oklahoma Avenue, Milwaukee 10, Wis.; effective 6–29–62 to 6–9–63 (food store; 64 employees).

Kohl's Food Stores, Port Road, Inc., 5656 North Port Washington Road, Milwaukee 10, Wis.; effective 6–29–62 to 6–9–63 (food store; 84 employees).

Kohl's Food Stores, Teutonia, Inc., 3728 North Teutonia Avenue, Milwaukee 10, Wis.; effective 6–29–62 to 6–9–63 (food store; 41 employees).

Kohl's Food Stores, Vliet, Inc., 3824 West Vliet Street, Milwaukee 10, Wis.; effective 6–29–62 to 6–9–63 (food store; 35 employees).

Kohl's Food Stores, W. Allis, Inc., 7546 West Greenfield Avenue, Milwaukee 10, Wis.; effective 6–29–62 to 6–9–63 (food store; 30 employees).

S. S. Kresge Co. (#387), 216 East Broadway, Centralia, Ill.; effective 7–2–62 to 6–9–63 (variety store; 25 employees).

S. S. Kresge Co. (#168), 622 St. Germain Street, St. Cloud, Minn.; effective 7–2–62 to 6–9–63 (variety store; 25 employees).

McCrory-McLellan-Green Stores, 116 M. Washington, Green Bay, Wis.; effective 6–25–62 to 6–9–63 (variety store; 16 employees).

Neisner Brothers, Inc. (#26), 417 Main Street, Evansville, Ind.; effective 7–2–62 to 6–9–63 (variety store; 37 employees).

Skinner, Chamberlain & Co., Inc., 225 South Broadway, Albert Lea, Minn.; effective 7–10–62 to 6–9–63 (department store; 73 employees).

Region VII

C. R. Anthony Co. (#11), Liberal, Kans.; effective 7–9–62 to 7–8–63 (department store; 10 employees).

Hested's Store (#719), 216 West Third Street, Grand Island, Nebr.; effective 6–11–62 to 6–10–63 (variety store; 13 employees).

F. W. Woolworth Co. (#247), 18–22 North Tejon Street, Colorado Springs, Colo.; effective 6–26–62 to 6–25–63 (variety store; 47 employees).

Region VIII

C. R. Anthony Co. (#165), 1228 Grape Street, Abilene, Tex.; effective 7–9–62 to 7–8–63 (department store; 12 employees).

C. R. Anthony Co. (#62), Big Spring, Tex.; effective 7–9–62 to 7–8–63 (department store; 25 employees).

C. R. Anthony Co. (#20), Borger, Tex.; effective 7–9–62 to 7–8–63 (department store; 19 employees).

C. R. Anthony Co. (#40), Elk City, Okla.; effective 7–16–62 to 7–15–63 (department store; 12 employees).

C. R. Anthony Co. (#66), Enid, Okla.; effective 7–9–62 to 7–8–63 (department store; 11 employees).

C. R. Anthony Co. (#161), Hobbs, N. Mex.; effective 7–9–62 to 7–8–63 (department store; 18 employees).

C. R. Anthony Co. (#187), Lobington, N. Mex.; effective 7–9–62 to 7–8–63 (department store; 13 employees).

C. R. Anthony Co. (#170), 340 East Side Boulevard, Muskogee, Okla.; effective 7–16–62 to 7–15–63 (department store; 17 employees).

C. R. Anthony Co. (#103), 3436 SW. 29th, Oklahoma City, Okla.; effective 7–9–62 to 7–8–63 (department store; 22 employees).

C. R. Anthony Co. (#61), Victoria, Tex.; effective 7–12–62 to 7–11–63 (department store; 15 employees).

C. R. Anthony Co. (#84), Dumas, Tex.; effective 7–9–62 to 7–8–63 (department store; 11 employees).

Food Mart (#26), Box 578, Carrizzozo, N. Mex.; effective 7–10–62 to 7–9–63 (food store; six employees).

Food Mart (#29), 4430 Marsalis, Dallas, Tex.; effective 7–10–62 to 7–9–63 (food store; 28 employees).

Food Mart (#30), 2366 Oates Drive, Dallas, Tex.; effective 7–10–62 to 7–9–63 (food store; 20 employees).

Food Mart (#34), 4511 McKinney, Dallas, Tex.; effective 7–10–62 to 7–9–63 (food store; 31 employees.)

Food Mart (#31), 910 Delaware, Alamogordo, N. Mex.; effective 7–10–62 to 7–9–63 (food store; 10 employees).

Food Mart (#36), 2632 West Davis, Dallas, Tex.; effective 7–10–62 to 7–9–63 (food store; 22 employees).

Food Mart (#37), 201 Keist Village, Dallas, Tex.; effective 7–10–62 to 7–9–63 (food store; 33 employees).

Food Mart (#41), 4311 Live Oak, Dallas, Tex.; effective 7–10–62 to 7–9–63 (food store; 28 employees).

Food Mart (#23), 524 South Stanton, El Paso, Tex.; effective 7–10–62 to 7–9–63 (food store; 10 employees).

Food Mart (#24), 7444 Gateway Boulevard, El Paso, Tex.; effective 7–10–62 to 7–9–63 (food store; 16 employees).

Food Mart (#27), 303 South Stanton, El Paso, Tex.; effective 7–10–62 to 7–9–63 (food store; eight employees).

Food Mart (#2), 3204 Camp Bowie, Fort Worth, Tex.; effective 7–10–62 to 7–9–63 (food store; 13 employees).

Food Mart (#3), 3724 Decatur, Fort Worth, Tex.; effective 7–10–62 to 7–9–63 (food store; 14 employees).

Food Mart (#4), 3107 Hemphill, Fort Worth, Tex.; effective 7–10–62 to 7–9–63 (food store; 17 employees).

Food Mart (#5), 2005 North Main, Fort Worth, Tex.; effective 7–10–62 to 7–9–63 (food store; 13 employees).

Food Mart (#7), 2001 Eighth Avenue, Fort Worth, Tex.; effective 7–10–62 to 7–9–63 (food store; 16 employees).

Food Mart (#38), 805 East Seminary, Fort Worth, Tex.; effective 7–10–62 to 7–9–63 (food store; 21 employees).

Food Mart (#39), 2406 Azle, Fort Worth, Tex.; effective 7–10–62 to 7–9–63 (food store; 13 employees).

Food Mart (#42), 202 Orchard Hills, Garland, Tex.; effective 7–10–62 to 7–9–63 (food store; 21 employees).

Food Mart (#32), 300 West Hurst Boulevard, Hurst, Tex.; effective 7–10–62 to 7–9–63 (food store; 20 employees).

Food Mart (#35), 100 Village Center, Irving, Tex.; effective 7–10–62 to 7–9–63 (food store; 20 employees).

Food Mart (#30), Main and Picacho, Las Cruces, N. Mex.; effective 7–10–62 to 7–9–63 (food store; 20 employees).

Food Mart (#29), West Second, Roswell, N. Mex.; effective 7–10–62 to 7–9–63 (food store; 33 employees).

Food Mart (#31), 310 South Main, Weatherford, Tex.; effective 7–10–62 to 7–9–63 (food store; 16 employees).

T. G. & Y. Stores Co., d/b/a T. G. & Y. Stores Co. (#174), 1219 South 34th Street, Fort Smith, Ark.; effective 7–9–62 to 7–8–63 (variety store; 16 employees).

Region IX

C. R. Anthony Co., 5050 West Indian School Road, Phoenix, Ariz.; effective 7–6–62 to 7–5–63 (department store; 15 employees).

S. H. Kress & Co., 1117 Fort Street, Honolulu, Hawaii; effective 7–5–62 to 7–4–63 (variety store; 142 employees).

Willow Variety, Inc., d/b/a T.G. & Y. Stores Co., 5020 West Indian School Road, Phoenix, Ariz.; effective 7–11–62 to 7–10–63 (variety store; 19 employees).

Region X

Big Star Discount Food Center, 2398 Rossville Boulevard, Chattanooga, Tenn.; effective 6–11–62 to 6–10–63 (food store; 63 employees).

Hofheimer's, Inc., Newmarket Shopping Center, Newport News, Va.; effective 7–5–62 to 7–4–63 (shoe store; 25 employees).

Hofheimer's, Inc., 3215 Washington Avenue, Newport News, Va.; effective 7–5–62 to 7–4–63 (shoe store; 16 employees).

Hofheimer's, Inc., 7531 Granby Street, Norfolk, Va.; effective 7–5–62 to 7–4–63 (shoe store; 39 employees).

Hofheimer's, Inc., 325 Granby Street, Norfolk, Va.; effective 7–5–62 to 7–4–63 (shoe store; 65 employees).

Hofheimer's, Inc., 127 Church Street, Norfolk, Va.; effective 7–5–62 to 7–4–63 (shoe store; 10 employees).

Hofheimer's, Inc., 90 Janaf Shopping Center, Norfolk, Va.; effective 7–5–62 to 7–4–63 (shoe store; 24 employees).

Hofheimer's, Inc., 3920 George Washington Highway, Portsmouth, Va.; effective 7–5–62 to 7–4–63 (shoe store; eight employees).

Hofheimer's, Inc., 228 High Street, Portsmouth, Va.; effective 7–5–62 to 7–4–63 (shoe store; 18 employees).

Hofheimer's, Inc., 1120 Fredrick Boulevard, Portsmouth, Va.; effective 7–5–62 to 7–4–63 (shoe store; 25 employees).

Hofheimer's, Inc., 300 East Broad Street, Richmond, Va.; effective 7–5–62 to 7–4–63 (shoe store; 10 employees).

Hofheimer's, Inc., 7021 Three Chopt Road, Richmond, Va.; effective 7–5–62 to 7–4–63 (shoe store; 15 employees).

Hofheimer's, Inc., 3120 West Cary Street, Richmond, Va.; effective 7–5–62 to 7–4–63 (shoe store; 14 employees).

Hofheimer's, Inc., 417 East Broad Street, Richmond, Va.; effective 7–5–62 to 7–4–63 (shoe store; 30 employees).

Hofheimer's, Inc., 305 South Jefferson Street, Roanoke, Va.; effective 7–5–62 to 7–4–63 (shoe store; 10 employees).

Lerner Shops Store (#124), 12–14 North Sycamore Street, Petersburg, Va.; effective 7–6–62 to 7–5–63 (apparel store; 21 employees).

Rose's 5–10–25¢ Store, Barracks Road Shopping Center, Charlottesville, Va.; effective 6–30–62 to 6–29–63 (variety store; 40 employees).

Sterling's-Airways, Inc., 2240 Lamar Avenue, Memphis, Tenn.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates below $1.00 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Bonifay Shopworth Store, Inc., 226 North Waukesha Street, Bonifay, Fla.; effective 7–14–62 to 7–13–63; bag boy, carry-out; between 9.2 percent and 9.9 percent (food store; 12 employees).

Colonial Stores, Inc., 5756 Brainerd Road, Chattanooga 11, Tenn.; effective 7–12–62 to 7–11–63; bagger, carry-out, clerk, checker; between 6.9 percent and 10 percent (food store; 17 employees).

Colquitt Piggly Wiggly, Inc., 209 West College Street, Colquitt, Ga.; effective 7–14–62 to 7–13–63; bag boy, carry-out; between 9.2 percent and 9.8 percent (food store; 10 employees).

Evergreen Piggly Wiggly, Inc., 2–6 Cooper Street, Evergreen, Ala.; effective 7–14–62 to 7–13–63; bag boy, carry-out; between 9.5 percent and 10 percent (food store; 17 employees).

Graceville Piggly Wiggly, Inc., Cotton Street, Graceville, Fla.; effective 7–14–62 to 7–13–63; bag boy, carry-out; between 9.1 percent and 9.9 percent (food store; 15 employees).

Jupiter (#4533), 2330 North Front Street, Philadelphia 33, Pa.; effective 7–14–62 to 7–13–63; sales clerk; 10 percent each month. (variety store; 17 employees).

Jupiter Discount Store, 101 First Avenue East, Newton, Iowa; effective 7–14–62 to 7–13–63; sales clerk; between 0 and 5.1 percent (variety store; 12 employees).

K–Mart, 108 South Adams Street, Peoria, Ill.; effective 7–14–62 to 7–13–63; sales clerk; between 3.9 percent and 10 percent (variety store; 67 employees).

Marianna Piggly Wiggly, Inc., n/e West Lafayette Street, Marianna, Fla.; effective 7–14–62 to 7–13–63; bag boy, carry-out; between 8.9 percent and 9.7 percent (food store; 21 employees).

McCrory-McLellan-Green Stores (#337), Jackson Heights Plaza, Murfreesboro, Tenn.; effective 7–10–62 to 7–9–63; selling, porter, clerk; between 1.8 percent and 10 percent (variety store; 32 employees).

Neisner Brothers, Inc. (#184), 1101 Eighth Avenue, Palmetto, Fla.; effective 7–14–62 to 7–13–63; sales clerk, stock clerk, porter; between 9.8 percent and 10 percent (variety store; 24 employees).

J. J. Newberry Co. (#559), 400 North Main Street, Mitchell, S. Dak.; effective 7–12–62 to 7–11–63; sales clerk, stock clerk, office clerk; between 6.1 percent and 10 percent (variety store; 82 employees).

Raylass Department Store, 232 South Elm Street, Greensboro, N.C.; effective 7–13–62 to 7–12–63; clerical, selling, stock-work, marking, janitorial; between 9.9 percent and 10 percent (department store; 14 employees).

Sam Glass Minimax, Inc., 2000 North 10th, McAllen, Tex.; effective 7–10–62 to 7–9–63; carry-out, bagger, porter; between 8.9 percent and 10 percent (food store; 37 employees).

F. W. Woolworth Co. (#2476), 5840 South Pulaski Road, Chicago 29, Ill.; effective 7–10–62 to 7–9–63; sales clerk; 10 percent each month (variety store; 41 employees).

F. W. Woolworth Co., 2545–55 East 79th Street, Chicago 49, Ill.; effective 7–9–62 to 7–8–63; sales clerk; 10 percent each month (variety store; 65 employees).

F. W. Woolworth Co., 39 Meadowview Center, Kankakee, Ill.; effective 7–9–62 to 7–8–63; sales clerk; between 4.1 percent and 10 percent (variety store; 27 employees).

F. W. Woolworth Co., 200 East Sangamon Avenue, Rantoul, Ill.; effective 7–10–62 to 7–9–63; sales clerk; stock clerk; between 2.5 percent and 10 percent (variety store; 32 employees).

F. W. Woolworth Co. (#2551), Southern Plaza Shopping Center, 4200 South East Street, Indianapolis, Ind.; effective 7–6–62 to 7–5–63; sales clerk; between 6.7 percent and 10 percent (variety store; 65 employees).

F. W. Woolworth Co., Perry Hall Shopping Center, 4327 Joppa Road, Baltimore, Md.; effective 7–10–62 to 7–9–63; sales clerk; between 7.1 percent and 10 percent (variety store; 34 employees).

F. W. Woolworth Co. (#2585), Reisterstown Road Plaza, 6550 Reisterstown Rd., Baltimore, Md.; effective 7–7–62 to 7–6–63; sales clerk; between 6.0 percent and 10 percent (variety store; 31 employees).

F. W. Woolworth Co., Reisterstown Shopping Center, 11933 Reisterstown Rd., Reisterstown, Md.; effective 7–7–62 to 7–6–63; sales clerk; between 6.0 percent and 10 percent (variety store; 20 employees).

F. W. Woolworth Co. (#1085), 201 South Front Street, Dowagiac, Mich.; effective 7–14–62 to 7–13–63; sales clerk; between 8.4 percent and 10 percent (variety store; 20 employees).

F. W. Woolworth Co., Crest Plaza Shopping Center, 1500 Cedar Crest Blvd., Allentown, Pa.; effective 7–12–62 to 7–11–63; sales clerk, stock clerk; between 2.2 percent and 10 percent (variety store; 34 employees).

F. W. Woolworth Co., Plymouth Square Shopping Center, Ridge Avenue and Butler Pike, Conshohocken, Pa.; effective 7–7–62 to 7–6–63; sales clerk; between 8.4 percent and 10 percent (variety store; 35 employees).

F. W. Woolworth Co., Duquesne Village Shopping Center, 1868 Homeville Road, Duquesne, Pa.; effective 7–7–62 to 7–6–63; sales clerk, stock clerk; between 2.3 percent and 10 percent (variety store; 16 employees).

F. W. Woolworth Co., Colonial Park Shopping Center, U.S. Route 22 and Colonial Road, Harrisburg, Pa.; effective 7–9–62 to 7–8–63; sales clerk, stock clerk; between 0 and 10 percent (variety store; 26 employees).

F. W. Woolworth Co., Knights-Haven Shopping Center, Knights Road and Woodhaven Avenue, Philadelphia, Pa.; effective 7–7–62 to 7–6–63; sales clerk, stock clerk; between 2.3 percent and 10 percent (variety store; 27 employees).

F. W. Woolworth Co., Keyser Oak Shopping Center, 1700 North Keyser, Scranton, Pa.; effective 7–9–62 to 7–8–63; sales clerk; between 3.9 percent and 10 percent (variety store; 34 employees).

F. W. Woolworth Co., 160a South Oak Cliff Shopping Center, Dallas 16, Tex.; effective 7–9–62 to 7–8–63; sales clerk; between 0 and 10 percent (variety store; 65 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 25th day of July 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–7709; Filed, Aug. 2, 1962; 8:54 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from April 16, 1962, to July 15, 1962, inclusive. These lists are supplementary to the lists of licensed establishments and products in effect on April 15, 1962, published on June 8, 1962, in 27 F.R. 5440.

ESTABLISHMENT LICENSES ISSUED

Establishment	License No.	Date
Scientific Blood Bank, Inc., Chicago, Ill.	345	May 29, 1962
Ohio Valley Blood Service, Inc., Evansville, Ind.	346	June 15, 1962
Aurora Area Blood Bank, Aurora, Ill.	222	July 11, 1962

PRODUCT LICENSES ISSUED

Product	Establishment	License No.	Date
Anti-Lus Serum (Anti-Lutheran)	Knickerbocker Biologicals, Inc.	164	Apr. 30, 1962
Packed Red Blood Cells (Human)	Milwaukee Blood Center, Inc.	187	May 17, 1962
Single Donor Plasma (Human)	Aurora Blood Bank and Donors Society	222	Do.
Heparinized Whole Blood (Human)	Interstate Blood Bank, Inc.	173	Do.
Poliovirus Vaccine, Live, Oral, Type 3	Wyeth Laboratories, Inc.	3	Do.
Packed Red Blood Cells (Human)	Philadelphia Serum Exchange	139	May 29, 1962
Citrated Whole Blood (Human)	Scientific Blood Bank, Inc.	345	Do.
Anti-Rh Typing Serum, Anti-rh′ (Anti-C)	Spectra Biologicals, Inc.	344	May 29, 1962
Anti-Rh Typing Serum, Anti-rh″ (Anti-E)	do		Do.
Anti-Rh Typing Serum, Anti-h′ (Anti-c)	do		Do.
Anti-Rh Typing Serum, Anti-rh‴ (Anti-C″)	do		Do.
Heparinized Whole Blood (Human)	Belle Bonfils Memorial Blood Bank	166	June 8, 1962
Single Donor Plasma (Human)	do		Do.
Heparinized Whole Blood (Human)	Knickerbocker Biologicals, Inc.	164	Do.
Heparinized Whole Blood (Human)	Community Blood and Plasma Service, Inc.	224	Do.
Packed Red Blood Cells (Human)	Community Blood Bank and Serum Service	295	June 11, 1962
Single Donor Plasma (Human)	Brooklyn Donor Center, Inc.	278	Do.
Citrated Whole Blood (Human)	Ohio Valley Blood Service, Inc.	346	June 15, 1962
Packed Red Blood Cells (Human)	Brooklyn Donor Center, Inc.	278	June 21, 1962
Heparinized Whole Blood (Human)	Interstate Blood Bank, Inc. of Chicago, Ill.	305	June 28, 1962
Heparinized Whole Blood (Human)	Michael Reese Research Foundation	113	July 3, 1962
Anti-Rh Typing Serum, Anti-Rh$_o$′ (Anti-CD).	Spectra Biologicals, Inc.	344	July 11, 1962

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE

Establishment	License No.	Date
Universal Blood Service, Inc., Jamaica, N.Y.	335	Apr. 30, 1962
Passaic Blood Bank, Inc., Passaic, N.J.	293	June 6, 1962
Aurora Blood Bank and Donors Society, Aurora, Ill.	222	July 11, 1962

ESTABLISHMENT LICENSES REVOKED

Establishment	License No.	Date
Cappel Laboratories, Inc., West Chester, Pa.	307	Apr. 30, 1962

PRODUCT LICENSES REVOKED WITHOUT PREJUDICE

Product	Establishment	License No.	Date
Citrated Whole Blood (Human)	Universal Blood Service, Inc.	335	April 30, 1962
Normal Human Plasma	Merck Sharp & Dohme	2	May 29, 1962
Bacterial Vaccines made from Colon Bacillus, Friedlander Bacillus, Influenza Bacillus, Micrococcus Catarrhalis, Pneumococcus, Staphylococcus Albus, Staphylococcus Aureus, and Streptococcus.	do		Do.
Sensitized Bacterial Vaccines made from Cholera Vibrio and Colon Bacillus.	do		Do.
Staphylococcus Toxoid	do		Do.
Rocky Mountain Spotted Fever Vaccine	do		Do.

PRODUCT LICENSES REVOKED

Product	Establishment	License No.	Date
Anti-Human Serum	Cappel Laboratories, Inc.	307	April 30, 1962

Approved: July 16, 1962.

RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U.S. Department of Health, Education, and Welfare.

Approved: July 24, 1962.

J. STEWART HUNTER,
Assistant to the Surgeon General for Information, Public Health Service, U.S. Department of Health, Education, and Welfare.

[F.R. Doc. 62-7698; Filed, Aug. 2, 1962; 8:52 am.]

CIVIL AERONAUTICS BOARD

[Docket No. 13390]

SLICK AIRWAYS, INC.

Notice of Hearing

In the matter of Slick Airways, Inc. Enforcement Proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on August 28, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., July 31, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-7711; Filed, Aug. 2, 1962; 8:55 a.m.]

SERVICE TO SPOKANE

[Docket No. 9093]

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on August 16, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Thomas L. Wrenn.

Dated at Washington, D.C., July 30, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-7712; Filed, Aug. 2, 1962; 8:55 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14739, 14740; FCC 62-845]

EDINA CORP. AND TEDESCO, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Edina Corp., Edina, Minnesota, Docket No. 14739, File No. BP-14018, requests 1080 kc, 10 kw, DA-1, U, Class II; Tedesco, Inc., Bloomington, Minnesota, Docket No. 14740, File No. BP-15272, requests 1080 kc, 10 kw, 50 kw-LS-, DA-2, U, Class II; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned and described applications; (b) a "Petition for Reconsideration" filed on May 3, 1962, by Edina Corporation, directed against the Commission's Memorandum Opinion and Order, 23 R.R. 458 (FCC 62-390), of April 11, 1962, accepting for filing the above-captioned application of Tedesco, Inc.; (c) pleadings responsive to the petition for reconsideration; (d) a "Petition to Deny" filed on December 14, 1961, by the Times Herald Printing Company, licensee of Station KRLD, Dallas, Texas, and supplemented on March 15, 1962, directed against the above-captioned application of Edina Corporation; and (e) responsive pleadings to the petition to deny.

2. Edina grounds its petition for reconsideration on the theory that the Commission did not rule specifically on the applicability of § 1.309(b) of the Commission's rules to the Tedesco application, by its action of April 11, 1962, supra, accepting for filing the above-captioned application of Tedesco, Inc. Section 1.309 of the rules deals with repetitious applications. Section 1.309(a) applies to applications for new stations or any modifications of existing services or facilities that were dismissed with prejudice. Section 1.309(b) provides that applications filed by the same class of station in the same area will not be considered until final disposition of an appeal taken upon denial of the original application. The original application that Edina claims is the basis for the applicability of § 1.309 to the Tedesco application was an application for assignment of license and permit of Station WMIN, St. Paul, Minnesota; thus, the Tedesco application is not one for a new station or a modification of facilities. Section 1.309(a) therefore, would not be applicable. Section 1.309(b) must be read in pari materia with § 1.309(a) of the rules, thus limiting its applicability to proposals for new stations or modifications of existing stations. The petition must be denied.

3. KRLD, in its petition, and supplement thereto, claims standing because the proposed operation of Edina will cause obectionable interference to its nighttime operation in violation of § 3.182 of the Commission's rules. The Edina application as amended, indicates on the basis of the proposed maximum expected operating values of radiation in pertinent directions toward the nighttime secondary service area of Station KRLD, that adequate protection would be afforded. However, in consideration of the wide angle suppression proposed towards KRLD, a grant of the Edina Corporation proposal will be appropriately conditioned upon the submission of a study, based upon anticipated variations in phase and magnitude of currents in the individual antenna towers, with the application for a license, to clearly indicate that the inverse distance field strength at one mile can be maintained within the maximum expected operating values of radiation specified on the radiation pattern.

4. The proposals of Edina Corporation and Tedesco, Inc., would receive nighttime interference affecting more than 10 percent of the population within their normally protected primary service areas; but both comply with the exception contained in § 3.28(d)(3) of the Commission's rules in that both proposals would provide the first standard broadcast nighttime service to Edina and Bloomington, Minnesota, respectively, provided that for the provisions of said § 3.28(d)(3), the listed cities are determined to be separate communities. A contingent § 3.28(d)(3) issue is included.

5. On February 14, 1962, the Commission designated for hearing in Docket No. 14528 (FCC 62-187) an application for a new standard broadcast station at Chisholm, Minnesota on the following issue, inter alia, "To determine whether Nicholas and Victor J. Tedesco have 'trafficked' or attempted to 'traffick' in broadcast authorization."; and a grant of the application of Tedesco, Inc., should be appropriately conditioned on the outcome of the proceedings in said Docket No. 14528.

6. The following additional matters are to be considered in connection with the issues specified below:

a. The subject applications are mutually exclusive.

b. A substantial question exists as to whether the operation proposed by Edina Corporation represents sound engineering practice in that a portion of the city of Edina is located in the area of maximum signal suppression.

c. The RSS nighttime limitation contour of the Edina Corporation proposal does not appear to serve all of the city sought to be served as required by section 3.188 of the Commission's rules.

d. It has yet to be determined whether the antenna system proposal by Edina Corporation would constitute a menace to air navigation.

e. The aerial site photographs submitted by Tedesco, Inc., are of insufficient clarity to determine whether the proposed antenna system would be reasonably free of deleterious effects from nearby structions.

f. A substantial question exists as to whether the proposals of Edina Corporation and Tedesco, Inc., are designed to serve the Minneapolis-St. Paul area rather than Edina and Bloomington respectively, and it must initially be determined whether or not a choice can be made between the subject applications on the basis of the criteria set forth in section 307(b) of the Communications Act of 1934. If a choice cannot be made on the aforementioned basis then the determination will be made on the basis of a comparative issue.

g. Victor J. Tedesco and his brother Nicholas, hereinafter referred to as the Tedesco brothers, are President and Vice President respectively and together own 28.6 percent of the subject applicant's voting stock. The Tedesco brothers are also officers, directors and stockholders of the licensees of Station WIXK, New Richmond, Wisconsin and Station KCUE, Red Wing, Minnesota. Together the Tedesco brothers own 45 and 40 percent of the voting stock of the aforementioned stations. Stations WIXK and KCUE are located approximately 45 miles from Bloomington, Minnesota and both of their normally protected service areas (0.5 mv/m contours) are almost entirely enclosed by the 0.5 mv/m contour of the instant proposal. There is also substantial overlap of the 2 mv/m contours. Due to the proximity of Bloomington, Minnesota, New Richmond, Wisconsin, and Red Wing, Minnesota, it will be necessary to determine the hearing ordered below whether a grant of the instant application would be in contravention of § 3.35(a) of the Commission's rules. In addition to the overlap situation, a substantial question exists regarding the geographical concentration of the broadcast interests of the Tedesco brothers within a radius of 280 miles of Minneapolis-St. Paul. Their holdings, including the instant proposal are as follows:

Percent interest	Call	Location	Power
28.6	BP-15151	Depre, Wis.	1 kw, 10 kw-LS.
28.6	BP-15272	Bloomington, Minn.	10 kw, 50 kw-LS.
28.6	KWKY	Des Moines, Iowa.	1 kw.
100.0	BP-14416	Chisholm, Mtnn.	5 kw.
40.0	KCUE	Red Wing, Minn.	1 kw.
45.0	WIXK	New Richmond, Wis.	5 kw.
100.0	KFNF	Shenandoah, Iowa.	500 w, 1 kw-LS.

Accordingly, in considering the Bloomington proposal and § 3.35 of the rules, it appears appropriate to consider the size, extent and location of the areas served and to be served, the extent of the overlap involved; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designated to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other facts as will tend to demonstrate that the overlap and/or concentration of control involved will or will not be in contravention of § 3.35 of the Commission's rules.

h. The operations proposed by Edina Corporation and Tedesco, Inc., meet the criteria of § 1.351 of the Commission's rules, as amended January 31, 1962.

i. In view of the outstanding proposed rule making proceeding, Docket No. 14419, with respect to presunrise operation Class II and III stations with daytime facilities, and grant of the application of Tedesco, Inc., in this proceeding should be appropriately conditioned.

7. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of Edina Corporation and Tedesco, Inc., and the availability of other primary service to such areas and populations.

2. To determine whether a portion of the city sought to be served by the proposal of Edina Corporation is in an area of maximum signal suppression, and, if so whether the proposed directional antenna system represents good engineer-

ing practice, especially in light of the normally expected wide variations, in signal strength occuring in null areas of directional pattern.

3. To determine whether, for the purposes of § 3.28(d)(3), Bloomington, Minnesota, and Edina, Minnesota, are separate communities.

4. To determine, in the event it is concluded pursuant to Issue No. 3, that Bloomington, Minnesota, and Edina, Minnesota, are not separate communities as contemplated by § 3.28(d)(3) of the Commission's rules, whether the interference received by each instant proposal from any of the proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether a grant of the instant proposal of Tedesco, Inc., would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

6. To determine whether a grant of the instant proposal of Tedesco, Inc., would be in contravention of § 3.35(b) of the Commission rules with respect to concentration of control.

7. To determine whether there is a reasonable possibility that the tower height and location proposed by Edina Corporation would constitute a menace to air navigation.

8. To determine whether the instant proposal of Edina Corporation would provide coverage of the city sought to be served, as required by § 3.188 of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

9. To determine the transmitter site proposed by Tedesco, Inc., is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna pattern.

10. To determine in light of § 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would provide a fair, efficient and equitable distribution of radio services.

11. To determine, in the event it is concluded that a choice between the instant applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

b. The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the instant applications.

12. To determine, in the light of the evidence adduced pursuant to the foregoing issues which if either, of the instant applications should be granted.

It is further ordered, That the Petition for Reconsideration filed by Edina Corporation is hereby denied.

It is further ordered, That the Petition to Deny filed by the Times Herald Printing Company is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That in the event of a grant of the application of Edina Corporation, the construction permit shall be conditioned as follows:

Permittee shall submit a study, based upon anticipated variations in phase and magnitude of current in the individual antenna towers, with the application for a license, to clearly indicate that the inverse distance field intensity at one mile can be maintained within the maximum expected operating values (M.E.O.V.) of radiation specified on the radiation pattern.

This authorization is subject to compliance by permittee with any applicable procedures of the Federal Aviation Agency.

It is further ordered, That, in the event of a grant of the application of Tedesco, Inc., the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

Final action with respect to this application shall be withheld until disposition action is taken with respect to the proceedings in Docket No. 14528, an application for a construction permit for a new standard broadcast station in Chisholm, Minnesota.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Adopted: July 25, 1962.

Released: July 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7716; Filed, Aug. 2, 1962; 8:56 a.m.]

[Docket Nos. 14736, 14737; FCC 62-843]

FIVE CITIES BROADCASTING CO., INC., AND DOUGLAS COUNTY BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Five Cities Broadcasting Co., Inc., Austell, Georgia, Docket No. 14736, File No. BP-14410, requests 1520 kc, 1 kw (500 w C.H.), Day, Class II; Bolling Branham tr/as Douglas County Broadcasting Company, Douglasville, Georgia, Docket No. 14737, File No. BP-14731, requests 1520 kc, 1 kw (500 w C.H.), Day, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of July 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the above-captioned applications are mutually exclusive; and

It further appearing that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the above-captioned applications and the availability of other primary service to such areas and populations.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the instant applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant difference between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed stations.

(c) The programing services proposed in each of the instant applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of any of the instant proposals, the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7718; Filed, Aug. 2, 1962; 8:56 a.m.]

[Docket No. 14733; FCC 62-840]

HUDSON VALLEY BROADCASTING CORP. (WEOK)

Order Designating Application for Hearing on Stated Issues

In re application of Hudson Valley Broadcasting Corp. (WEOK), Poughkeepsie, New York, Docket No. 14733, File No. BP-14590, has 1390 kc, 5 kw, DA-D, Class III, requests 1390 kc, 1 kw, 5 kw-LS, DA-2, U Class III-B; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of July 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that, the following matters are to be considered in connection with the aforementioned issues specified below:

1. The subject proposal causes interference to and receives interference from the following proposals with which it is not timely filed:

BP-12266, Ellenville, N.Y., and BP-12742, Ellenville, N.Y., Docket No. 13257 et al.

2. The normally protected nighttime contour of the proposed Class III-B operation would be 4 mv/m. According to the applicant's figures, however, the nighttime interference free service area will be limited to the 25.7 mv/m contour. A total of 22,117 persons within the normally protected service area, or 30.4 precent, would fail to receive nighttime service from the proposed operation. Since this figure exceeds the permissible percentage in § 3.28(d)(3) of the Commission's rules, the subject application must be denied unless it can be determined that a waiver of this section would be in the public interest. The applicant has requested waiver of this provision and therefore, an issue will be included to develop such facts as may indicate that a waiver of the rule would, or would not be in the public interest.

3. According to the applicant's figures, a total of 126 square miles within the normally protected service contour or 85.6 percent of this area would fail to receive nighttime service from the proposed operation. It would appear therefore that the subject proposal may be inefficient within the meaning of § 3.24 (b) of the rules.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WEOK and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WEOK would cause objectionable interference to the proposed operations in applications File Nos. BP-12266 and BP-12742 Ellenville, New York, or any existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether circumstances exist which would warrant a waiver of § 3.28(d)(3) of the Commission's rules with regard to the nighttime operation proposed by the subject application.

4. To determine because of interference received, whether the nighttime proposal of Station WEOK would be consistent with the requirements of § 3.24 (b) of the Commission's rules.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, Catskills Broadcasting Company and Ellenville Broadcasting Company applicants for new standard broadcast facilities at Ellenville, New York, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the subject application, the construction permit shall contain the following conditions:

Permittee shall accept such interference as will result from a grant of either BP-12266 or BP-12742 for new standard broadcast stations in Ellenville, New York.

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the pub-

lication of such notice as required by § 1.362(g) of the rules.

Released: July 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7719; Filed, Aug. 2, 1962; 8:56 a.m.]

[Docket No. 14735; FCC 62-842]

MANCHESTER BROADCASTING CO. (WMSR)

Order Designating Application for Hearing on Stated Issues

In re application of Murray Chumley tr/as Manchester Broadcasting Company (WMSR), Manchester, Tennessee, Docket No. 14735, File No. BP-14659, has 1320 kc, 1 kw, Day, Class III, requests 1320 kc, 500 w, 5 kw-LS, DA-N, U, Class III-B, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of July, 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

The proposed operations will apparently be limited to an interference-free nighttime contour of 15.77 mv/m resulting in an area loss of approximately 81 percent and a population loss of approximately 43 percent within its normally protected nighttime contour. This proposal complies with nighttime first service exception to § 3.28(d)(3) of the Commission's rules, but a question obtains as to whether the proposed nighttime operation represents an efficient utilization of the channel, pursuant to § 3.24(b) of the rules.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WMSR and the availability of other primary service to such areas and populations.

2. To determine whether, because of the interference received, the proposed nighttime operation would be consistent with § 3.24(b) of the Commission's rules.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That in the event of a grant of the above-captioned application, the construction permit shall be conditioned as follows:

Permittee shall accept any interference that may result to the subject proposal in event of a subsequent grant of the Childress Broadcasting Corporation of Murphy proposal, File No. BP-13061, Murphy, North Carolina or the McLendon Birmingham Broadcasting Company Incorporated proposal, File No. BP-14778, Birmingham, Alabama.

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commision's rules are not extended to this authorization, and such operation is precluded.

Before program tests are authorized, permittee shall submit sufficient field intensity measurement data to establish that the daytime radiation has been reduced to essentially 392 mv/m 5 kw, as proposed.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: July 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7720; Filed, Aug. 2, 1962; 8:57 a.m.]

[Docket No. 14742; FCC 62-848]

MARLIN T. OBIE AND HENRY G. TWETEN

Order Designating Application for Hearing on Stated Issues

In re application of Marlin T. Obie and Henry G. Tweten, Mayville, North Dakota, Docket No. 14742, File No. BP-14248, requests 1520kc, 250w, Day; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of July 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the instant proposal would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, in the event of a grant of the application of Marlin T. Obie and Henry G. Tweten the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: July 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7721; Filed, Aug. 2, 1962; 8:57 a.m.]

[Docket No. 14741; FCC 62-847]

NEW MADRID COUNTY BROADCASTING CO. (KMIS)

Order Designating Application for Hearing on Stated Issues

In re application of J. Shelby McCallum, Smith J. Dunn and Jewel P. White, d/b as New Madrid County Broadcasting Company (KMIS), Portageville, Missouri, Docket No. 14741, File No. BP-14758; has 1050 kc, 250 w, Day, Class II, requests 1050 kc, 1 kw, Day, Class II, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of July 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposal would cause objectionable interference to Station WNES, Central City, Kentucky.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KMIS and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Station KMIS would cause objectionable interference to Station WNES, Central City, Kentucky, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Muhlenberg Broadcasting Company, licensee of Station WNES, Central City, Kentucky, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the applications of KMIS, the construction permit shall contain the following conditions:

Permittee shall submit with the application for license, antenna resistance measurements made in accordance with § 3.54 of the Commission rules.

Permittee shall accept any interference received in the event of a subsequent grant of the application of Mid-States Broadcasting Company requesting authority to change the facilities of Station WDZ, Decatur, Illinois, to 1050 kc 5 kw, DA-D (BP-15040).

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: July 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7722; Filed, Aug. 2, 1962; 8:57 a.m.]

[Docket No. 14734; FCC 62-841]

STAR BROADCASTING CORP. (WFLS)

Order Designating Application for Hearing on Stated Issues

In re application of Star Broadcasting Corporation (WFLS), Fredericksburg, Virginia, Docket No. 14734, File No. BP-14752, has 1350 kc, 500 w, Daytime, requests 1350 kc, 1 kw, Daytime, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of July 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially; and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the following matter is to be considered in connection with the aforementioned issues specified below:

The proposal of Star Broadcasting Corporation, licensee of WFLS, will cause additional interference to Tidewater Teleradio, Inc., licensee of Station WAVY (1350 kc, 5 kw, DA-2, U, Class III), Portsmouth, Virginia. Station WAVY filed a "Petition to Deny" alternatively requesting that the application be denied or that it be designated for hearing.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

[1] Mayville has a population of 2168 (1960 Census), and therefore a signal strength of 1 mv/m provides primary service to Mayville. See § 3.182(g) of the Commission's rules.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WFLS and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Station WFLS would cause objectionable interference to Station WAVY, Portsmouth, Virginia, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Tidewater Teleradio, Inc., licensee of Station WAVY, Portsmouth, Virginia is made a party to the proceeding.

It is further ordered, That, to the extent indicated herein, Station WAVY's Petition to Deny is granted, and in all other respects, is denied.

It is further ordered, That, in the event of a grant of the application of Station WFLS, the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

Permittee shall submit with the application for license antenna resistance measurements made in accordance with § 3.54 of the Commission rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: July 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7723; Filed, Aug. 2, 1962; 8:57 a.m.]

[Docket No. 14732; FCC 62-834]

WGLI, INC. (WGLI)

Order Designating Application for Hearing on Stated Issues

In re application of WGLI, Inc. (WGLI), Babylon, New York, Docket No. 14732, File No. BP-14196, has 1290 kc, 1 kw, DA-1, U, requests 1290 kc, 1 kw, 5 kw-LS, DA-2, U; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of July 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to construct and operate its proposal but that the proposed operation of Station WGLI would cause interference to Stations WADO, New York, New York, and WAVZ, New Haven, Connecticut; and

It further appearing that the licensees of Stations WADO and WAVZ have filed objections to the WGLI application, WADO by petition to deny the application filed on September 14, 1961, and WAVZ by letter of September 27, 1960; and

It further appearing that WGLI filed an opposition to the WADO petition on September 25, 1961, claiming that the WADO petition was not timely filed in accordance with the provisions of § 1.359(f) (now § 1.359(i)) of the Commission's rules and that the interference which would be caused to Station WADO would be minimal; and

It further appearing that WGLI concedes that interference to WAVZ would affect approximately 2000 persons or 0.364 percent of the population within the WAVZ normally protected primary service area and that interference to WADO would affect approximately 9147 persons or 0.085 percent of the population within the WADO normally protected primary service area; and

It further appearing, that, in view of the outstanding proposed rulemaking proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, a grant of the proposal in this proceeding, prior to final decision in Docket No. 14419, should be appropriately conditioned; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WGLI and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station WGLI would cause objectionable interference to Stations WAVZ, New Haven, Connecticut, and WADO, New York, New York, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That the petition of Bartell Broadcasters of New York, Inc., is hereby dismissed as untimely pursuant to the provisions of § 1.359(i) of the Commission's rules.

It is further ordered, That, on the Commission's own motion, The WAVZ Broadcasting Corporation and Bartell Broadcasters of New York, Inc., licensees of Stations WAVZ and WADO, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application, the construction permit shall be conditioned as follows:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

Permittee shall submit sufficient field intensity measurement data after adjustment of the daytime directional antenna system to establish that the nighttime radiation pattern remains adjusted within authorized limits.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein, shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: July 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7724; Filed, Aug. 2, 1962; 8:57 a.m.]

[Docket No. 14738; FCC 62-844]

WRIGHT AND MALTZ, INC. (WBRB)

Order Designating Application for Hearing on Stated Issues

In re application of Wright and Maltz, Inc. (WBRB), Mt. Clemens, Michigan, Docket No. 14738, File No. BP-14561; has 1430 kc, 500 w, DA-Day, III, requests 1430 kc, 500 w, DA-2, U, III-B; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of July 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The instant application is for operation as a Class III-B station, the normally protected nighttime contour of which is 4 mv/m (§ 3.182(a)(3)(ii)). Because of interference received from Stations WIRE and WFOB, Indianapolis, Indiana, and Fostoria, Ohio, respectively, the proposal will be limited to the 21.16 mv/m contour nighttime, and based on such limitations, the loss between the normally protected and the actual service contours will be 230.1 square miles (85.2 percent) and 230,387 persons (80.5 percent).

2. Although the proposed operation complies with one of the exceptions to § 3.28(d)(3) of the rules, since a first nighttime standard broadcast facility would be provided for Mt. Clemens, Michigan, a substantial question exists as to whether an efficient utilization would be provided. Hence, it is necessary to determine whether Station WBRB's proposed nighttime service will be satisfactory as required by § 3.24(b) of the rules.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WBRB and the availability of other primary service to such areas and populations.

2. To determine whether, because of interference received, the nighttime proposal of Station WBRB would be consistent with the requirements of § 3.24(b) of the Commission's rules.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: July 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7725; Filed, Aug. 2, 1962; 8:57 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP63-2]

MISSISSIPPI RIVER FUEL CORP.

Order Providing for Hearing and Suspending Proposed Increased Rates and Charges

JULY 27, 1962.

On June 29, 1962, Mississippi River Fuel Corporation (Mississippi) tendered for filing Eighth Revised Sheet No. 4, Ninth Revised Sheet No. 5, Original Sheets Nos. 5.1, 5.2, 5.3, and 5.4, and Second Revised Sheet No. 5a to its FPC Gas Tariff, Original Volume No. 1, whereby it proposes, for sales of natural gas subject to Commission jurisdiction, an annual increase in its rates and charges[1] amounting to about $3 million or 3.04 cents per Mcf to be effective as of August 1, 1962.

In support of its proposed increased rates and charges Mississippi claims, among other things:

(1) Increase in the cost of purchased gas from United Gas Pipeline Company (United) as a result of United's filing of June 15, 1962; (2) Sustained decline in volume of sales due to a recent Commission decision;[2] (3) a shift of costs allocable to utility customers resulting from the Commissions Opinion No. 355 which allocated more pipeline capacity to wholesale customers; (4) a need for a 7½ percent rate of return.

The proposed increased rates and charges would be applicable to customers purchasing gas under Mississippi's Rate Schedule F-1, General Service and Interruptible Service. In addition Mississippi's filing proposes a new section to Rate Schedule F-1, designated Minimum Bill Adjustments, under which Mississippi is to be reimbursed by its utility customers for payments which it may be required to make to United for gas not taken.

The increased rates and charges tendered for filing by United on June 15, 1962, have been suspended until January 1, 1963. Furthermore, Mississippi has not fully supported its proposed increased rates and charges in several respects, including but not limited to, the aforementioned claims, the estimates of annual and peak day volumes, claimed allowance for income taxes, cost or allowance for company produced gas, and working capital requirements.

The proposed increased rates and charges contained in the revised tariff sheets tendered for filing on June 29, 1962, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Mississippi's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by the revised tariff sheets tendered for filing on June 29, 1962, and that said revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held pursuant to the procedures to be prescribed by further order, concerning the lawfulness of the rates, charges, classifications, and services contained in Mississippi's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by the aforementioned revised tariff sheets tendered for filing on June 29 1962.

(B) Pending such hearing and decision thereon, Mississippi's revised tariff sheets, as tendered for filing on June 29, 1962 and the rate and charges contained therein, are hereby suspended and the use thereof deferred until January 1, 1963, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Notices and petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure, §§ 1.8 and 1.37(f) (18 CFR 1.8 and 1.37(f)) on or before August 20, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7679; Filed, Aug. 2, 1962; 8:47 a.m.]

[1] The proposed increase is over and above the rates presently effective subject to refund in Docket No. RP61-21.

[2] Arkansas-Louisiana Gas Company et al., vs. Mississippi River Fuel Corporation, Docket Nos. G-17567 et al., Opinion 355, 27 F.P.C.—.

[Docket No. CP62-227]

POWELL-CLINCH UTILITY DISTRICT OF ANDERSON, CAMPBELL, CLAIBORNE, GRAINGER AND UNION COUNTIES, TENNESSEE

Notice of Application

JULY 27, 1962.

Take notice that on March 29, 1962, as supplemented on April 11 and May 28, 1962, The Powell-Clinch Utility District of Anderson, Campbell, Claiborne, Grainger and Union Counties, Tennessee (Applicant), Lake City, Tennessee, filed in Docket No. CP62-227 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing East Tennessee Natural Gas Company (East Tennessee) to establish physical connection with the proposed facilities of and to sell natural gas to Applicant for resale and distribution in Applicant's proposed service area in the five counties, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the necessary distribution facilities within the district, consisting of approximately 7.38 miles of 10-inch, 21.3 miles of 3-inch, 16 miles of 6-inch, 6.1 miles of 4-inch and 6.6 miles of 3-inch pipeline to points within the area to be served.

The estimated peak day requirements for the proposed service are 4,000 Mcf of natural gas in the third year. Total annual requirements are estimated to be 510,209 Mcf in the third year of service.

The estimated cost of Applicant's proposed project is $3,280,000, which cost will be financed by the sale of revenue bonds.

On April 13, 1962, East Tennessee filed an answer to the subject application stating that it is willing and able to render the proposed service.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 23, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7680; Filed, Aug. 2, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-234]

C. E. BURLINGAME CORP. ET AL.

Order Approving Plan Declaring That Company Has Ceased To Be a Holding Company Under the Act

JULY 30, 1962.

C. E. Burlingame Corporation ("Burlingame") Bartlesville, Oklahoma, a registered holding company, its subsidiary public-utility and nonpublic-utility companies, and the Executor of the Estate of Clarence E. Burlingame, deceased, have filed a joint application and amendments thereto for the approval of a plan, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act"), which plan is designed to simplify the holding-company system as incident to compliance with the will of Clarence E. Burlingame. The application, as amended, also requests an order, pursuant to section 5(d) of the Act, declaring that Burlingame has ceased to be a holding company, and that its registration cease to be in effect.

Due notice of the filing of the application and plan has been given (Holding Company Act Release No. 14663), and no hearing in respect thereof has been requested of or ordered by the Commission.

The Commission having examined the application, as amended, and the record in respect thereof finds:

Under the provisions of the will of Clarence E. Burlingame (admitted to probate in Washington County, Oklahoma, August 23, 1961) certain cash bequests are made, and the remainder of the estate is given to a nephew, Harry W. Burlingame, as testamentary trustee, in trust for the benefit of certain members of the family of the decedent, including the widow and a daughter; the testamentary trust is to terminate on December 31, 1972, or on the date of the death of the survivor of the widow and daughter, whichever is the later date; within ten years the trustee is to dispose of all controlling interest in any public-utility companies; upon termination of the trust, the remainder of the trust property is to be distributed among the members of the decedent's family and their descendants, designated in the will.

At the time of his death, on July 29, 1961, Clarence E. Burlingame owned all of the outstanding shares of the capital stock of Burlingame, a Delaware corporation. Burlingame owns directly and indirectly all or almost all of the outstanding shares of the capital stocks of eight gas public-utility companies, operating in south central and southeastern Kansas and in northern Oklahoma, and of two nonutility companies; the remaining outstanding shares of the capital stock of such public-utility and nonutility companies are owned by the system companies and affiliates; one nonutility company is a real estate and office building owner and operator, and the other, Bartlesville Hotel Company ("Bartlesville") (formerly the owner of a hotel and apartment building) has no assets other than cash, investments securities, and notes receivable; and there are outstanding no securities of any of the system companies held by the public.

The amended plan provides for (1) the contribution by the executor to Burlingame of 331 shares of the common stock of Bartlesville; (2) the dissolution and liquidation of Bartlesville and, after the payment of its liabilities, the distribution of the remaining assets to Burlingame and its subsidiary company, the American Gas Company, in the proportions of their ownership, in exchange for the surrender of all of Bartlesville's outstanding shares of capital stock; (3) the dissolution and liquidation of Burlingame and, after the payment of its liabilities, the distribution of the remainder of its assets to the Executor; (4) after the payment of the costs of administration of the estate, including taxes, and the cash bequests, the distribution of the remaining property of the estate to the testamentary trustee. The foregoing transactions have all been authorized by the Probate Court of Washington County, Oklahoma, by its order, issued April 30, 1962, and consented to by all companies affected thereby; and Burlingame and Bartlesville have been dissolved.

The transactions provided for by the plan are necessary and appropriate to effectuate compliance with section 11(b) of the Act, and are fair and equitable to the persons affected thereby within the meaning of section 11(e) thereof.

It is ordered, Pursuant to section 11 (e) and other applicable sections of the Act, that the plan, as amended, and the transctions therein proposed to consummate the plan, be, and they hereby are approved, and applicants are authorized to effectuate such transactions and consummate the plan.

It is further ordered, Pursuant to section 5(d) of the Act, that, upon the disposition by Burlingame of its assets as provided in the plan, including the transfer to the testamentary trustee, Burlingame shall cease to be a holding company, and its registration as such shall cease to be in effect upon notification to the Commission that such disposition and transfer have been consummated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7683; Filed, Aug. 2, 1962; 8:48 a.m.]

[File No. 70-4053]

LYNN ELECTRIC CO. ET AL.

Notice of Proposed Transactions Related to Merger of Subsidiary Companies and Intrasystem Sales of Utility Assets

JULY 30, 1962.

Notice is hereby given that New England Electric System ("NEES"), 441 Stuart Street, Boston 16, Massachusetts, a registered holding company, and five of its electric public-utility subsidiary companies, namely, Lynn Electric Company ("Lynn"), Massachusetts Electric Company ("Mass Electric"), Merrimack-Essex Electric Company ("Merrimack"), Suburban Electric Company ("Suburban"), and New England Power Company ("NEPCO"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(c), 12(d), and 12(f) of the Act and rules 42(a), 42(b)(2), 43(a), 44(a), and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

It is proposed that Lynn, Merrimack, and Suburban be merged into Mass Electric. All of the outstanding common stocks of the four companies are held by NEES, and each of such companies is a Massachusetts corporation distributing electric energy within said State.

To effect the merger, Mass Electric will increase its authorized $25 par value common stock by 941,068 shares, having an aggregate par value of $23,526,700, and will issue such additional shares in exchange for and cancellation of all the common stocks, having an aggregate par value of $23,526,720, of the other three companies. (In lieu of issuing any fractional shares, an aggregate of $20 will be added by Mass Electric to its premium on capital stock account.) After the merger, the common stock and premium on common stock accounts of Mass Electric will be equal to the aggregate amount of those respective accounts on the books of Mass Electric and of the other merged companies immediately prior to the merger. There will be no change in the amount of NEES' investment account when it acquires the additional Mass Electric common shares, since its investment in the other three merged companies will be transferred to its investment in Mass Electric.

Upon consummation of the merger, Mass Electric will acquire all of the assets of Lynn, Merrimack, and Suburban and will assume their liabilities, including the outstanding first mortgage bonds of Merrimack and Suburban, the long-term debt of Lynn, and the short-term notes payable of each of these companies, as well as the liability for the payment of the preferred stock of Merrimack, which is to be called for payment prior to the time the merger is consummated.

Mass Electric proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $60,000,000 principal amount of ____ percent Series G Bonds, to be dated September 1, 1962, and to mature September 1, 1992. The interest rate on the new bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Mass Electric (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The Series G bonds will be issued under Mass Electric's First Mortgage Indenture and Deed of Trust dated as of July 1, 1949, as heretofore amended and supplemented, and as to be further supplemented by a Sixth Supplemental Indenture to be dated as of September 1, 1962. The bonds will be secured along with all other bonds issued under said Indenture by a first mortgage on substantially all properties owned at the time of issuance thereof, including properties acquired through the proposed merger, and, to the extent permitted by law, hereafter acquired by Mass Electric.

Mass Electric also proposes to increase its authorized preferred stock by 75,000 shares with a par value of $100 per share. Such additional shares, to be designated Cumulative Preferred Stock, __ percent Series, will be issued and sold pursuant to the competitive bidding requirements of Rule 50 under the Act. The dividend rate of the new preferred stock (which will be a multiple of 0.04 of 1 percent and not in excess of 5 percent) and the price, exclusive of accrued dividends, to be paid to Mass Electric (which will be not less than $100 nor more than $102.75 per share) will be determincd by the competitive bidding.

If the interest and dividend rates specified for the new bonds and preferred stock exceed 4¾ percent and 5 percent, respectively, a further order or orders of the Massachusetts Department of Public Utilities will be necessary.

The net proceeds from the issue and sale of the Series G Bonds and the new preferred stock, which are estimated at $67,500,000, will be applied as follows: (a) To the redemption of $25,000,000 principal amount of First Mortgage Bonds of Merrimack and $8,500,000 principal amount of First Mortgage Bonds of Suburban; (b) to the payment of $2,199,000 face amount of long-term notes of Lynn; (c) to the redemption of $7,500,000 par value of Merrimack preferred stock; (d) to the redemption of $7,500,000 principal amount of Series E Bonds of Mass Electric; and (e) to reduction of short-term notes payable of Lynn, Merrimack, Suburban, and Mass Electric, which are expected to aggregate over $17,000,000 at the time of the issue of new bonds and preferred stock. The redemption premiums on the bonds and preferred stock to be redeemed will aggregate $2,784,300.

Immediately following the merger, Mass Electric proposes to purchase from NEPCO, and NEPCO proposes to sell to Mass Electric, certain 23 KV properties, related equipment, and materials and supplies; and NEPCO proposes to purchase from Mass Electric, and Mass Electric proposes to sell to NEPCO, certain 69 KV properties, related equipment, and materials and supplies, all pursuant to an agreement between NEPCO and Mass Electric dated June 28, 1962. The properties being purchased by Mass Electric are used for the delivery of electricity to distribution areas to be served by the enlarged Mass Electric, and the properties being purchased by NEPCO are used in the NEPCO high tension transmission line network. The purchase price in each case will be the net book value of the lines and related equipment plus the cost of materials and supplies as at the closing date. Such amounts at March 31, 1962, aggregated $601,388 for the sale by NEPCO and $220,180 for the sale by Mass Electric.

It is stated that the consummation of the proposed transactions is desired to reduce the number of corporate entities in the NEES system, and to facilitate economies and uniformity in operations and in the financing of permanently capitalizable construction expenditures. The companies anticipate that, as a result of the merger, there will be savings in future operating and financing costs.

Estimated expenses to be incurred by the merged Mass Electric company in connection with the proposed transactions will aggregate $367,900. Of this amount, $111,500 is applicable to the merger and the issuance of common stock; $186,000 to the issuance of the new bonds; $49,000 to the issuance of the new preferred stock; $20,000 (exclusive of call premiums) to the redemption of outstanding bonds and preferred stock; and $1,400 to the proposed exchange of properties with NEPCO. Of such total expenses, approximately $149,000 will be paid to New England Power Service Company, an affiliate, for legal, accounting, and other services stated to be rendered at cost. NEPCO will incur estimated expenses of $1,600 in connection with the exchange of properties with Mass Electric, and NEES will incur estimated expenses of about $500 in connection with the merger.

The compensation and disbursements of counsel for the underwriters of the new bonds and preferred stock will be paid by the successful bidders; the amounts thereof will be furnished by amendment.

The joint application-declaration states that the Massachusetts Department of Public Utilities has jurisdiction over the merger and related matters, over the issuance of preferred and common stock and bonds by Mass Electric, and over the sales and purchases of property between Mass Electric and NEPCO; and that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The requisite order of the Massachusetts Department of Public Utilities is to be filed by amendment.

Notice is further given that any interested person may, not later than August 16, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7684; Filed, Aug. 2, 1962; 8:48 a.m.]

[File No. 24W-2558]

NATIONAL CAPITAL ACCEPTANCE CORP.

Order Canceling Hearing and Making Suspension Permanent

JULY 30, 1962.

I. National Capital Acceptance Corporation (issuer), a District of Columbia Corporation, with its principal office located at 1925 K Street NW., Washington, D.C., filed with the Commission on October 20, 1961, a notification on Form 1–A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 150,000 shares of 10¢ par Class A Common Stock at $2.00 per share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of Securities Act of 1933, as amended, under Regulation A.

II. The Commission by order dated May 17, 1962, having temporarily suspended the Regulation A exemption of National Capital Acceptance Corporation, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, a written request for a hearing having been made by the issuer on June 14, 1962, and a hearing upon the allegations set forth in the aforementioned order having been ordered by the Commission to commence on July 30, 1962, at 10:00 a.m. e.d.s.t. at the Main Office of the Commission, 425 Second Street NW., Washington, D.C., before Hearing Officer William W. Swift, and

The Commission, pursuant to Rule 7 of the Commission's rules of practice (17 CFR 201.7), having directed issuer to file an answer to the allegations set forth in the aforementioned order within 15 days of service upon issuer, which service was made on July 2, 1962, and

The issuer having failed to file an answer to the allegations in the aforementioned order within 15 days of service upon it,

It is hereby ordered, That the hearing scheduled for July 30, 1962, on this matter be and it hereby is canceled.

Pursuant to the provisions of Rule 261(b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the public offering of securities by the issuer becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7685; Filed, Aug. 2, 1962; 8:48 a.m.]

SAN FRANCISCO MINING EXCHANGE

Order for Public Proceedings and Notice of Hearing

JULY 20, 1962.

I. The Commission's public official files disclose that:

A. The San Francisco Mining Exchange (Exchange), an unincorporated business association is registered as a national securities exchange pursuant to section 6 of the Securities Exchange Act of 1934 (Exchange Act), and has been so registered since October 1, 1934.

B. The officers and committee members of the Exchange for the period 1950 to date are as listed in Exhibit A[1] hereto, which is hereby incorporated by reference.

C. The present members of the Exchange, the dates of their election to membership, the names of the firms which they represent and the functions which they perform are as stated in Exhibit B[1] hereto, which is hereby incorporated by reference.

D. The companies listed on the Exchange; their net assets, source of income, expenses and net earnings for the periods therein stated; their shares outstanding as of January, 1962; and the number of shares traded on the Exchange during 1961; and the other Exchanges on which such shares are traded, are as stated in Exhibit C[1] hereto, which is hereby incorporated by reference.

E. The market value and the volume of stock sales effected on the San Francisco Mining Exchange together with certain other information relating thereto are as stated in Exhibit D[1] hereto, which is hereby incorporated by reference.

F. The number of shares outstanding for each stock issue listed on the San Francisco Mining Exchange, the number of stockholders of record of each such issue, the number of such shares held by officers, directors, and beneficial owners of more than 10 percent of such shares and the percent thereof of the total shares outstanding, all as of the dates therein specified, are as stated in Exhibit E[1] hereto, which is hereby incorporated by reference.

II. As a result of an examination of the public official files of the Commission and other relevant material and an investigation, the Division of Trading and Exchanges has obtained information which tends to show and it alleges that:

A. The Exchange has failed to enforce compliance with the Exchange Act and the rules and regulations thereunder by issuers of securities registered thereon, in respect to the following matters:

(1) Operator Consolidated Mining Company (Operator), of which George J. Flach, Exchange President, was President and a major stockholder, and of which Frank J. Carter, Exchange Secretary, was also a stockholder, failed to file annual reports for the years 1942, 1943, 1944, 1945, 1946, and 1950 as required under section 13(a) of the Exchange Act and Rule 13a–1 thereunder.

(2) Operator violated section 13(a) of the Exchange Act and Rule 13a–11 thereunder in that it failed to report as required by such section and rule the following reportable events occurring during 1956: The levy of an assessment on its outstanding stock, a sale of stock the holders of which were delinquent in paying the assessment, and a charter amendment.

[1] Filed as part of original document.

(3) Reorganized Carrie Silver Lead Mines Corporation failed to file annual reports for the years 1939, 1940, 1942, 1944, 1945, and 1946 as required under section 13(a) of the Exchange Act and Rule 13a–1 thereunder.

(4) Consolidated Virginia Mining Company (Consolidated), of which Archie H. Chevrier, former Chairman of the Governing Committee of the Exchange and former Vice President, was a major stockholder, failed to report issuances of stock in 1956 as required by section 13(a) of the Exchange Act and Rule 13a–11 thereunder.

(5) Consolidated failed to file annual reports for the years 1953, 1955, 1957, and 1958 as required by section 13(a) of the Exchange Act and Rule 13a–1 thereunder.

(6) Apex Minerals Corporation (Apex) violated section 14(a) of the Exchange Act and the rules and regulations thereunder in connection with the solicitation of proxies in 1961.

(7) Apex violated section 13(a) of the Exchange Act and the rules and regulations in that its current report filed in April, 1961 was not responsive to the requirements of Form 8–K.

(8) Ambrosia Minerals, Inc., violated Rule 12b–2 of the Exchange Act in connection with the certification of financial statements filed with its Form 10 filed in 1956.

(9) Comstock, Ltd. (Comstock), of which the three Directors and officers were Frank J. Carter, Exchange Secretary, Arnold Toews, an Exchange member and brother-in-law of Archie H. Chevrier, and Myron Grotyohn, a friend of Chevrier, filed a false and misleading current report in 1957 in violation of section 13(a) of the Exchange Act and the rules and regulations thereunder. The Board of Directors, constituting the above three persons, issued a letter to stockholders which was false and misleading and contained material omissions in violation of sections 10(b) and 15(c) of the Exchange Act and Rules 10b–5 and 15c–1 thereunder.

(10) Comstock violated section 13(a) of the Exchange Act and the rules and regulations thereunder in connection with annual reports for the years 1955 and 1956 because Chevrier rendered compliance in respect to financial statements impossible by withholding relevant company records.

(11) Eureka Company failed to file its annual report for 1955 as required under section 13(a) of the Exchange Act and Rule 13a–1 thereunder.

B. The Exchange has failed to enforce compliance with the Exchange Act and the rules and regulations thereunder by members in that no appropriate disciplinary action pursuant to Article XXIII of the Exchange Constitution has been taken against its members in respect to the following violations:

(1) George J. Flach, Exchange President, violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as President of Manhattan Gold Mines he failed to report as required thereby his election in 1949 as President of said company, the equity securities of such company of which he was the beneficial owner, and his transactions in the stock of said company occurring during the period 1949 through 1959.

(2) George J. Flach violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as a Director of Operator Consolidated Mines Company he failed to report as required thereby his election in 1941 as a Director of said company, the equity securities of such company of which he was the beneficial owner, and his transactions in the stock of said company occurring during 1947.

(3) Paul W. Schwarz, Chairman of the Governing Committee of the Exchange and its Vice President, violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as Vice President and a Director of Manhattan Gold Mines he failed to report as required thereby his election in 1949 to these offices, the equity securities of such company of which he was the beneficial owner, and his transactions in the stock of said company occurring during the period 1949 through 1951.

(4) Paul W. Schwarz violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as Secretary, Treasurer and Director of Pony Meadows Mining Company he failed to report as required thereby his transactions in the stock of said company occurring during the period 1950 through 1960.

(5) Paul W. Schwarz violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as Secretary, Treasurer and Director of Silver Divide Mines Company he failed to report as required thereby his transactions in the stock of said company occurring during the period 1953 through 1955.

(6) Paul W. Schwarz violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as Secretary, Treasurer and Director of Smuggler Mining Company, Ltd., he failed to report as required thereby his election in 1958 to these offices and the equity securities of such company of which he was the beneficial owner.

(7) Paul W. Schwarz violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as President and Director of Comstock-Keystone Mining Company he failed to report as required thereby his election in 1948 to these offices, the equity securities of such company of which he was the beneficial owner, and a transaction in the stock of said company occurring in 1955.

(8) Archie H. Chevrier, former Chairman of the Governing Committee of the Exchange and its former Vice President, violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as President and a Director of Industrial Enterprises, Inc., he failed to report and falsely reported transactions in the stock of said company occurring during the period 1958 into 1962.

(9) Archie H. Chevrier violated the reporting requirements of section 16(a) of

his transactions in the stock of said company occurring during the period 1949 through 1959.

(2) George J. Flach violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as a Director of Operator Consolidated Mines Company he failed to report as required thereby his election in 1941 as a Director of said company, the equity securities of such company of which he was the beneficial owner, and his transactions in the stock of said company occurring during 1947.

(3) Paul W. Schwarz, Chairman of the Governing Committee of the Exchange and its Vice President, violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as Vice President and a Director of Manhattan Gold Mines he failed to report as required thereby his election in 1949 to these offices, the equity securities of such company of which he was the beneficial owner, and his transactions in the stock of said company occurring during the period 1949 through 1951.

(4) Paul W. Schwarz violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as Secretary, Treasurer and Director of Pony Meadows Mining Company he failed to report as required thereby his transactions in the stock of said company occurring during the period 1950 through 1960.

(5) Paul W. Schwarz violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as Secretary, Treasurer and Director of Silver Divide Mines Company he failed to report as required thereby his transactions in the stock of said company occurring during the period 1953 through 1955.

(6) Paul W. Schwarz violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as Secretary, Treasurer and Director of Smuggler Mining Company, Ltd., he failed to report as required thereby his election in 1958 to these offices and the equity securities of such company of which he was the beneficial owner.

(7) Paul W. Schwarz violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as President and Director of Comstock-Keystone Mining Company he failed to report as required thereby his election in 1948 to these offices, the equity securities of such company of which he was the beneficial owner, and a transaction in the stock of said company occurring in 1955.

(8) Archie H. Chevrier, former Chairman of the Governing Committee of the Exchange and its former Vice President, violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as President and a Director of Industrial Enterprises, Inc., he failed to report and falsely reported transactions in the stock of said company occurring during the period 1958 into 1962.

(9) Archie H. Chevrier violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as the beneficial owner of more than 10 percent of the equity securities of Pony Meadows Mining Company he failed to report as required thereby his acquisition of stock in this amount in 1960, the equity securities of such company of which he was the beneficial owner, and his transactions in the stock of said company occurring during 1960.

(10) Frank J. Carter, Exchange Secretary, violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as a Director and Vice President of Comstock, Ltd., he failed to report his election in 1956 to these offices and the equity securities of such company of which he was the beneficial owner as required thereby.

(11) Frank J. Carter violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as Director of Industrial Enterprises, Inc., he failed to report as required thereby a transaction in the stock of said company.

(12) Arnold Toews, Exchange member, and brother-in-law of Archie H. Chevrier, has violated the reporting requirements of section 16(a) and Rule 16a–1 thereunder in that as President and a Director of Comstock, Ltd. he failed to report as required thereby his election in 1955 to these offices and the equity securities of such company of which he was the beneficial owner.

(13) Arnold Toews violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as Vice President and Director of Industrial Enterprises, Inc. he failed to report as required thereby his election in 1958 to these offices, the equity securities of such company of which he was the beneficial owner, and his transactions in the stock of said company occurring during 1958.

(14) Arnold Toews violated the reporting requirements of section 16(a) of the Exchange Act and Rule 16a–1 thereunder in that as Vice President and Director of Sunburst Petroleum Corporation he failed to report as required thereby his transactions in the stock of said company occurring during the period 1959 through 1960.

(15) Archie H. Chevrier, during the period when he was Chairman of the Governing Committee and Exchange Vice President, violated sections 9(a)(2), 9(a)(4), 10(b), 11(d)(2), and 15(c) of the Exchange Act and Rules 10b–5, 10b–6, and 15c1–2 thereunder in connection with transactions in the stock of Industrial Enterprises, Inc. in 1961 and 1962. Chevrier falsified his records in 1961 and 1962 in connection with transactions in said stock in violation of section 17(a) of the Exchange Act and Rules 17a–3 and 17a–4 thereunder.

(16) Members of the Exchange violated sections 10(b) and 15(c) of the Exchange Act and Rules 10b–5 and 15c1–2 thereunder in connection with representations made to customers with respect to transactions in the stock of issuers the securities of which have been registered on the Exchange.

(17) There are incorporated herein by reference paragraphs 1, 9 and 10 of section A of this Article II.

C. The Exchange has violated section 6(b) of the Exchange Act in that the Exchange has failed to enforce Article XXIII of the Constitution of the Exchange against its members for the violations set forth in section B of this Article II.

D. The Exchange has violated sections 6(a) and 17(a) of the Exchange Act and Rule 6a–3 thereunder in that a written notification reflecting changes effected in the form of supplemental listing application was not filed as required by such rule.

E. Withdrawal of registration of the Exchange is necessary and appropriate for the protection of investors because of the information set forth in Article I hereof and the allegations of sections A, B, C, and D of this Article II and further because:

(1) Members of the Exchange and of its Governing Committee and its officers have violated or been involved in violations of the Securities Act of 1933 and the rules and regulations thereunder in the following instances:

(a) Archie H. Chevrier violated section 17(a) of the Securities Act of 1933 in connection with representations made in the offer and sale of stock of Industrial Enterprises, Inc. in 1961 and 1962.

(b) Archie H. Chevrier, as a controlling stockholder in Industrial Enterprises, Inc. in 1961 and 1962 violated sections 5(a) and 5(c) of the Securities Act of 1933 in offering to sell, selling, and delivering after sale securities of said company when no registration statement had been filed or was in effect with respect to such securities under said Act.

(c) Frank J. Carter and Arnold Toews violated section 17(a) of the Securities Act of 1933 in issuing in 1957, false and misleading information, containing material omissions, to stockholders to promote the sale of stock in Comstock, Ltd., by H. Carroll & Co. and Archie H. Chevrier.

(d) The Exchange by approving in 1961 the listing of 2,500,000 shares of Apex Minerals Corporation issued in connection with a merger (shareholder approval of which merger was obtained in violation of the proxy requirements of section 14(a) of the Exchange Act and the rules and regulations thereunder) facilitated a distribution of such shares to the public without registration in violation of section 5 of the Securities Act of 1933.

(2) The Exchange lent its facilities in 1957 to a planned distribution of the stock of Wilson Oil and Gas Company to the public in violation of section 5 of the Securities Act of 1933 by certifying an application on Form 10 to list such securities shortly after an allegedly exempt intrastate offering under section 3(a)(11) of the Securities Act of 1933.

(3) During the period 1934 through 1961 it was necessary for the Commission pursuant to section 19(a)(2) of the Exchange Act to remove from listing and registration the securities listed in Exhibit F[1] hereto, which is hereby incorporated by reference. These 27 securities

[1] Filed as part of original document.

constitute more than one-third of the 72 securities removed from listing on all exchanges during the same period.

(4) The Exchange is not properly organized to discharge its responsibilities as a national securities exchange. No Committee other than the Governing Committee has performed any of its functions and the Exchange has only two paid employees. The Exchange has retained no legal counsel for about 30 years and has not had adequate legal advice during this entire period.

(5) The Exchange does not have adequate listing or delisting standards. It has not delisted securities which were unsuitable for trading, and it has not enforced its delisting rule upon companies that have been delinquent in filing annual reports.

(6) The Exchange does not have adequate standards for listing additional shares and in 1962 approved an application to list additional shares of Industrial Enterprises, Inc., without obtaining any financing statements with respect to Caloric Foods, Inc., a controlling interest in which was acquired by Industrial Enterprises, Inc., for the stock issued.

(7) According to figures as of December 31, 1960, and 1961 (see Exhibit C hereto), 22 or more than half of the 42 companies listed on the Exchange are substantially inactive or dormant. Of the remaining 20 active companies, 16 have net losses.

(8) According to Exhibit E hereto, 20 of the 42 listed companies have less than 500 stockholders. In 28 companies holdings by officers, directors and beneficial owners of more than 10 percent of the outstanding stock are in excess of 20 percent of the outstanding stock and in 10 of these holdings by such persons amount to over 50 percent of the outstanding stock.

(9) In an attempt to justify its continued existence the Exchange has announced that it intends to change its status from that of a mining exchange to one dealing in industrial companies. The only way in which this has, in fact, been done is by conveying dubious industrial assets to one of the dormant listed corporations, and then attempting to distribute and distributing substantially worthless securities to the investing public. Examples of the foregoing are the transactions of Comstock, Ltd., in 1957 and of Industrial Enterprises, Inc., in 1962.

III. In view of the allegations made by the Division of Trading and Exchanges, the Commission deems it necessary and appropriate for the protection of investors, that public proceedings be instituted to determine:

(a) Whether the allegations set forth in Article II hereof are true; and

(b) Whether pursuant to section 19 (a) (1) of the Exchange Act, it is necessary or appropriate for the protection of investors to withdraw the registration of the Exchange.

It is ordered, That a public hearing on the questions set forth in Article III hereof be held at a time and place to be fixed, and before a hearing officer to be designated, by further order as provided by Rule 6 of the rules of practice of the Commission.

This order shall be served upon the Exchange by personal service or by registered mail forthwith.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon this matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4(c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of that section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7686; Filed, Aug. 2, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 672]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 30, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64897. By order of July 26, 1962, the Transfer Board approved the transfer to Gerald J. Butler, doing business as Lost Trail Stages, Salmon, Idaho, of Certificate in No. MC 113730 Sub-1, issued January 18, 1962, to Jesse M. Fulkerson, doing business as Lost Trail Stage, Salmon, Idaho, authorizing the transportation of: Passengers and their baggage, and express, mail, newspapers in the same vehicle with passengers, between Salmon, Idaho and Darby, Mont., serving all intermediate points.

No. MC-FC 65208. By order of July 26, 1962, the Transfer Board approved the transfer to Ingram Trucking Co., Inc., Ball Ground, Georgia, of Permits Nos. MC 110804, MC 110804 Sub-1, and MC 110804 Sub-2, issued April 7, 1959, May 7, 1959, and July 26, 1961, to Cecil L. Ingram, doing business as Ingram Trucking Co., Ball Ground, Georgia, authorizing the transportation, over irregular routes, of monumental, building, and crushed marble, between Canton, Marblehill, Nelson, and Tate, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, complete prefabricated marble water closet stall partitions, from Nelson, Ga., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, and monumental and building marble, other than crushed marble, from Marblehill, Nelson, and Tate, Ga., to points in New Hampshire and Vermont. Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga., applicants' attorney.

No. MC-FC 65225. By order of July 25, 1962, the Transfer Board approved the transfer to Emanuel Winter, Parkston, South Dakota, of Certificate No. MC 104018, issued July 31, 1943, to N. K. Isaak, Parkston, South Dakota, authorizing the transportation, over irregular routes, of livestock, between Parkston, S. Dak., and points within 15 miles of Parkston, except incorporated cities and towns, on the one hand, and, on the other, Sioux City, Iowa, feed, seed, farm machinery and implements, and parts therefor, and twine, from Sioux City, Iowa, to Parkston, S. Dak., and points within 15 miles of Parkston, except incorporated cities and towns. Laird Rasmussen, 131 North Main Avenue, Sioux Falls, S. Dak., applicants' attorney.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-7638; Filed, Aug. 2, 1962; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 31, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37852: *Soda ash to Hillsboro and Lincoln, Ill.* Filed by O. W. South, Jr., Agent (No. A4215), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk, in covered hopper cars, from Baton Rouge and North Baton Rouge, La., to Hillsboro and Lincoln, Ill.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 249 to Southern Freight Association tariff I.C.C. 452.

FSA No. 37853: *Class and commodity rates from and to Elliot, S.C.* Filed by O. W. South, Jr., Agent (No. A4216), for interested rail carriers. Rates on various commodities moving on class and commodity rates, in carloads and less-than-carloads, from and to Elliot, S.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

FSA No. 37854: *Empty returned aluminum beer cans from and to points in IFA territory.* Filed by Illinois Freight Association, Agent (No. 181), for interested rail carriers. Rates on cans, aluminum, beer, in bags, in mixed carloads with other empty containers, returned, the weight of aluminum beer cans not to exceed 1,000 pounds, between points in Illinois Freight Association territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 10 to Illinois Freight Association tariff I.C.C. 988.

FSA No. 37855: *Vinyl chloride to Beverly, N.J.* Filed by O. W. South, Jr., Agent (No. A4218), for interested rail carriers. Rates on vinyl chloride, with or without inhibitor, in tank-car loads, from Baton Rouge and North Baton Rouge, La., to Beverly, N.J.

Grounds for relief: Market competition.

Tariff: Supplement 250 to Southern Freight Association tariff I.C.C. 452 (Marque series).

FSA No. 37856: *Vermiculite to Manville, N.J.* Filed by O. W. South, Jr., Agent (No. A4217), for interested rail carriers. Rates on vermiculite, broken, crushed or ground, dried or not dried, not expanded, in carloads, from Kearney and Travelers Rest, S.C., to Manville, N.J.

Grounds for relief: Modified short-line distance formula.

Tariff: Supplement 51 to Southern Freight Association tariff I.C.C. S-126.

FSA No. 37857: *Iron or steel ingots from Steelton, Ky.* Filed by O. W. South, Jr., Agent (No. A4219), for interested rail carriers. Rates on iron or steel ingots, in carloads, from Steelton, Ky., to Coraopolis, Ellwood City, McKees Rocks, Midland, Oakmont, Pittsburgh, Pittsburgh (West End), and Washington, Pa.

Grounds for relief: Truck-barge-rail competition.

Tariff: Supplement 8 to Southern Freight Association tariff I.C.C. S-224.

FSA No. 37858: *Sulphuric acid from East St. Louis, Ill., to Calvert, Ky.* Filed by O. W. South, Jr., Agent (No. A4221), for interested rail carriers. Rates on sulphuric acid, in tank-car loads, from East St. Louis, Ill., to Calvert, Ky.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 35 to Southern Freight Association tariff I.C.C. S-162.

FSA No. 37859: *Sand to points in Kansas.* Filed by O. W. South, Jr., Agent (No. A4220), for interested rail carriers. Rates on sand, as described in the application, in carloads, from Camden, Bruceton, Hollow Rock, Lipe, Sawyers Mill and Lexington, Tenn., also Tishomingo, Miss., to specified points in Kansas.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 49 to Southern Freight Association tariff I.C.C. 1634.

FSA No. 37860: *Empty returned aluminum beer cans between points in IFA territory.* Filed by Illinois Freight Association, Agent (No. 179), for interested rail carriers. Rates on cans, aluminum, beer, in bags, in mixed carloads with other empty containers, returned, the weight of aluminum beer cans not to exceed 1,000 pounds, between points in Illinois Freight Association territory.

Grounds for relief: Short-line distance formula and grouping.

FSA No. 37861: *Scrap iron or steel from Louisville, Ky., to Ironton, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2626), for interested rail carriers. Rates on scrap or pieces of iron and steel, having value for remelting purposes only, in carloads, from Louisville, Ky., to Ironton, Ohio.

Grounds for relief: Market competition.

Tariff: Supplement 7 to Chesapeake and Ohio Railway Company tariff I.C.C. 13824.

FSA No. 37862: *Dense soda ash to Oklahoma points and Fort Smith, Ark.* Filed by Southwestern Freight Bureau, Agent (No. B-8242), for interested rail carriers. Rates on dense soda ash, in bulk, or in bulk in bags, barrels, boxes or pails, in carloads, from specified points in Michigan, New York, also Saltville, Va., to specified points in Oklahoma, also Fort Smith, Ark.

Grounds for relief: Carrier competition.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-7688; Filed, Aug. 2, 1962; 8:49 a.m.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 24]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.324 Valencia Orange Regulation 24.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 2, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 5, 1962, and ending at 12:01 a.m., P.s.t., August 12, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 400,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 3, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–7877; Filed, Aug. 3, 1962; 8:57 a.m.]

[Lemon Reg. 33]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.333 Lemon Regulation 33.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 31, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 5, 1962, and ending at 12:01 a.m., P.s.t., August 12, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 1, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–7781; Filed, Aug. 3, 1962; 8:57 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 138]

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Rio Grande Valley marketing area (7 CFR Part 1138), it is hereby found and determined that:

(a) The following provision of the order (§ 1138.7(b)) does not tend to effectuate the declared policy of the Act for July 1962:

(b) Thirty days notice of effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will permit the diversion of producer milk in excess of the present 9-day limitation during the month of July 1962. This suspension is necessary because:

(i) A plant in the market which could have qualified as a supply plant elected to become a nonpool plant. For many producers the transition period of rerouting milk into pool plants has used up a large portion of the allowable nine days production that may be diverted to nonpool plants;

(ii) The bid to a large military base was recently acquired by a handler who receives his milk supply from outside the local area. This has required the movement of an equivalent quantity of producer milk to nonpool plants;

(iii) Some handlers have refused to accept milk from the Dairy Farmers Association, a cooperative association representing more than two-thirds of the producers on the market, while continuing to receive nonmember milk. This has compounded the cooperative's diversion problems; and

(iv) The most economical and orderly manner to handle the surplus in the market is diversion to a nonpool plant. In view of the current marketing problems the diversion limitations should be suspended for the month of July 1962. This will enable the cooperative to keep its milk in the market pool and thus share the surplus and Class I sales equally with nonmember producers.

(4) The cooperative association representing more than two-thirds of the producers in the market requested suspension of this provision.

(5) An invitation to all interested parties to submit written data, views, or arguments in connection with this suspension was issued on July 18, 1962, and published in the FEDERAL REGISTER on July 21, 1962 (27 F.R. 6940). No data, views, or arguments opposing the suspension were received.

Therefore, good cause exists for making this order effective for the period July 1962.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period July 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601.674)

Effective date: July 1, 1962.

Signed at Washington, D.C., on July 31, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62–7780; Filed, Aug. 3, 1962; 8:57 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 246—RESCISSION OF ADJUSTMENT OF STATUS

PART 322—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN OF CITIZEN PARENT

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Section 246.13 is amended to read as follows:

§ 246.13 Decision by the regional commissioner.

When action has been completed by the regional commissioner, a copy of the decision shall be served upon the alien. If the decision of the regional commissioner is that adjustment of status, which was acquired through suspension of deportation, be rescinded, he shall report the case to Congress as provided in section 246 of the Immigration and Nationality Act.

2. Section 322.1 is amended to read as follows:

§ 322.1 Petition.

An application to file a petition for naturalization under section 322 or 323 of the Act in behalf of a child shall be submitted on Form N–402. The petition for naturalization shall be filed on Form N–407, in duplicate. A child under this part is not required to establish any particular period of residence in a state. A United States citizen adoptive parent of the class described in section 323(c) of the Immigration and Nationality Act shall establish an intention in good faith, upon naturalization, to have the beneficiary child reside abroad with the United States citizen adoptive parent and to take up residence in the United States immediately upon the termination of the service or employment abroad of such adoptive citizen parent.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: July 31, 1962.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 62–7770; Filed, Aug. 3, 1962; 8:54 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1321; Amdt. 473]

PART 507—AIRWORTHINESS DIRECTIVES

Edo Model 249A2870 Floats Used on Certain Cessna Models 180 and 185 Series Aircraft

There have been cases of cracking of the Edo streamlined attachment strut P/N 6061T6 of Model 249A2870 floats used on certain Cessna Models 180 and 185 Series aircraft. Failure of these struts can result in serious damage to the aircraft. Since this condition is likely to occur in other such aircraft, and airworthiness directive is being issued to require inspection of the struts and replacement of any which are cracked.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

EDO. Applies to Model 249A2870 (A model only) float installations, float Serial numbers 1 to 280, installed on Cessna Model 180 Series per STC SA1–622 and Cessna Model 185 seaplanes.

Compliance required within the next 5 hours' time in service after the effective date of this AD, unless already accomplished.

Longitudinal cracks have been found on Edo streamlined struts P/N 6061T6, in the area near the 30 and 60 percent chord sections. To preclude operation with defective struts accomplish the following:

Visually inspect each side of the full length of the attachment strut, P/N 6061T6, for longitudinal cracks. Replace cracked struts prior to further flight.

Note: Report the details on any defective struts found to the FAA Engineering and Manufacturing Branch, ATTN: EA–212, Hangar 18, Room 210, New York International Airport, Jamaica 30, New York.

(Edo telegram of July 7, and Edo letter of July 9, 1962, cover the same subject.)

This amendment shall become effective August 14, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 30, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–7734; Filed, Aug. 3, 1962; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–NY–2]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On February 22, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1728) stating that the Federal Aviation Agency (FAA) was considering the designation of a segment of Intermediate altitude VOR Federal airway No. 1683 from the Tappahannock, Va., Intersection via Hopewell, Va., to Rocky Mount, N.C. Subsequently, a supplemental notice of proposed rule making was published on June 5, 1962, in the FEDERAL REGISTER (27 F.R. 5269) stating the FAA was considering an amendment to Airspace Docket No. 62–NY–2, by altering the width of a segment of Victor 1683 proposed between Tappahannock Intersection and Rocky Mount and to alter and extend Intermediate altitude VOR Federal airway No. 1731 from Greensboro, N.C., via Richmond, Va., to Washington, D.C.

The Air Transport Association of America submitted a comment concurring with the proposals. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice and supplemental notice the following actions are taken:

1. Section 600.1683 (26 F.R. 1091) is amended to read:

§ 600.1683 VOR Federal airway No. 1683 (Rocky Mount, N.C., to Tappahannock, Va., and Baltimore, Md., to Buffalo, N.Y.).

From the Rocky Mount, N.C., VOR to the Hopewell, Va., VOR; thence 12-mile-wide airway to the intersection of the Hopewell VOR 019° and the Cape Charles, Va., VOR 313° radials. From the Baltimore, Md., VOR; 10-mile-wide airway to the Harrisburg, Pa., VOR; thence via the Philipsburg, Pa., VOR; Bradford, Pa., VOR; to the Buffalo, N.Y., VOR.

2. Section 600.1731 (26 F.R. 1092) is amended to read:

§ 600.1731 VOR Federal airway No. 1731 (Greensboro, N.C., to Washington, D.C.).

From the Greensboro, N.C., VOR; to the intersection of the Greensboro VOR 051° and the Richmond, Va., VOR 239° radials; thence 20-mile-wide airway to the intersection of the Richmond VOR 239° and the Raleigh-Durham, N.C., VOR 005° radials; thence to the intersection of the Richmond VOR 239° and the Rocky Mount, N.C., VOR 345° radials; thence 12-mile-wide airway to the Richmond VOR; thence to the intersection of the Richmond VOR 009° and the Gordonsville, Va., VOR 074° radials; thence 8-mile-wide airway to the Washington, D.C., VOR.

These amendments shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 30, 1962.

W. THOMAS DEASON,
Assistant Chief, Airspace Utilization Division.

[F.R. Doc. 62–7739; Filed, Aug. 3, 1962; 8:47 a.m.]

[Airspace Docket No. 62–CE–26]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On May 10, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4487) stating that the Federal Aviation Agency proposed to alter VOR Federal airway No. 214 by designating a new segment from Richmond, Ind., to Liberty, Ohio.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6214 (14 CFR 600.6214) is amended as follows:

(a) In the caption "(Columbus, Ohio," is deleted and "(Richmond, Ind., to Liberty, Ohio; and Columbus, Ohio," is substituted therefor.

(b) At the beginning of the text "From the Richmond, Ind., VOR to the INT of the Richmond VOR 090° and the Rosewood, Ohio, VORTAC 202° radials." is added.

2. In the caption of § 601.6214 (14 CFR 601.6214) "(Columbus, Ohio," is deleted and "(Richmond, Ind., to Liberty, Ohio; and Columbus, Ohio," is substituted therefor.

These amendments shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 31, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–7740; Filed, Aug. 3, 1962; 8:47 a.m.]

[Airspace Docket No. 62–CE–27]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On May 15, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4596) stating that the Federal Aviation Agency proposed the alteration of low altitude VOR Federal airway No. 263 by designating a new segment and its associated control areas between Pierre, S. Dak., and Aberdeen, S. Dak.

The Air Transport Association of America and the South Dakota Aeronautics Commission concurred in the proposed action and no other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice the following actions are taken:

1. Section 600.6263 (14 CFR 600.6263) is amended as follows:

(a) In the caption "to Thurman, Colo.)." is deleted and "to Thurman, Colo.; and Pierre, S. Dak., to Aberdeen, S. Dak.)." is substituted therefor.

(b) In the text "From the Pierre, S. Dak., VOR to the Aberdeen, S. Dak., VOR (11-mile-wide airway from a point 45 nautical miles from the Pierre VOR to a point 45 nautical miles from the Aberdeen VOR)." is added.

2. In the caption of § 601.6263 "to Thurman, Colo.)." is deleted and "to Thurman, Colo.; and Pierre, S. Dak., to Aberdeen, S. Dak.)." is substituted therefor.

These amendments shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 30, 1962.

W. THOMAS DEASON,
Assistant Chief, Airspace Utilization Division.

[F.R. Doc. 62–7741; Filed, Aug. 3, 1962; 8:47 a.m.]

[Airspace Docket No. 62-EA-14]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway, Associated Control Areas and Reporting Points

On May 17, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4702) stating that the Federal Aviation Agency proposed to revoke the segment of Red Federal airway No. 25 and its associated control areas from the Baker Intersection (intersection of the northwest course of the Bangor, Maine, radio range and the west course of the Millinocket, Maine, radio range) to the intersection of the northwest course of the Bangor radio range and the southwest course of the Millinocket radio range. In addition, it was proposed to alter the caption of § 601.4225, reporting points associated with Red 25. Action to alter this section will not be necessary since it was revoked by action in Airspace Docket No. 62-WA-59 (27 F.R. 5759) which altered reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice the following actions are taken:

1. Section 600.225 (14 CFR 600.225) is amended to read:

§ 600.225 Red Federal airway No. 25 (United States-Canadian Border to Baker Mountain, Maine).

From the Quebec, Canada RR to the INT of the NW course of the Bangor, Maine RR and the W course of the Millinocket, Maine RR, excluding the portion within Canada.

§ 601.225 [Amendment]

2. In the caption of § 601.225 (14 CFR 601.225) "Bangor, Maine" is deleted and "Baker Mountain, Maine" is substituted therefor.

These amendments shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 30, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7742; Filed, Aug. 3, 1962; 8:48 a.m.]

[Airspace Docket No. 62-CE-45]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2074 of the regulations of the Administrator is to alter the description of the Sioux City, Iowa, control zone.

The Sioux City control zone is presently designated, in part, with reference to the Sloan fan marker. The Federal Aviation Agency is proposing to decommission this facility as it is no longer required for air traffic control purposes. Therefore, action is taken herein to substitute a position established by measurement from the Sioux City radio range for the Sloan fan marker in describing the southern boundary of the control zone extension based on the Sioux City radio range south course.

Since the change effected by this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2074 (14 CFR 601.2074) is amended to read:

§ 601.2074 Sioux City, Iowa, control zone.

Within a 5-mile radius of the Sioux City Municipal Airport (latitude 42°24'-10'' N., longitude 96°23'10'' W.), within 2 miles either side of the Sioux City RR S course extending from the 5-mile radius zone to 8 miles S of the RR, within 2 miles either side of the Sioux City VORTAC 142° and 322° radials extending from the 5-mile radius zone to 10 miles SE of the VORTAC, and within 2 miles either side of the 136° and 316° bearings from the Sioux City OM compass locator, extending from the 5-mile radius zone to 10 miles SE of the OM.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 30, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7735; Filed, Aug. 3, 1962; 8:46 a.m.]

[Airspace Docket No. 62-CE-46]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2067 of the regulations of the Administrator is to alter the description of the Rapid City, S. Dak., control zone.

The Rapid City control zone is designated, in part, with reference to the Rapid City radio range. The Federal Aviation Agency is proposing to convert this facility to a combined transcribed weather broadcast station and nondirectional radio beacon and cancel the Ellsworth AFB and Rapid City Municipal Airport radio range approach procedures which are no longer required. Therefore, action is taken herein to revoke the control zone extensions based on the Rapid City radio range.

Since the change effected by this amendment is less restrictive in nature than present requirements, and imposes no burden on any person, notice and public procedure hereon are unnecessary and it may be made effective September 20, 1962.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the text of § 601.2067 (14 CFR 601.2067) is amended to read:

§ 601.2067 Rapid City, S. Dak., control zone.

Within a 5-mile radius of Ellsworth Air Force Base (latitude 44°08'40'' N., longitude 103°06'10'' W.), within 2 miles either side of the extended centerline of the Ellsworth AFB runway 30 extending from the 5-mile radius zone to 17 miles SE of the approach end of runway 30, within a 5-mile radius of the Rapid City Municipal Airport (latitude 44°02'35'' N., longitude 103°03'30'' W.), and within 2 miles either side of the Rapid City VOR 335° and 155° radials extending from the 5-mile radius zone to 10 miles SE of the VOR.

This amendment shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 30, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7736; Filed, Aug. 3, 1962; 8:47 a.m.]

[Airspace Docket No. 62-EA-57]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2004 of the regulations of the Administrator is to alter the description of the Bangor, Maine, control zone.

The Federal Aviation Agency has decommissioned the East Corinth, Maine, fan marker. Therefore, action is taken herein to substitute a position established by measurement from the site of the Bangor radio range for the East Corinth fan marker in the description of the Bangor control zone extension presently based on the radio range. In addition, geographic coordinates are substituted for the radio range throughout the control zone description.

Since the changes effected by this amendment impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is nccessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the text of § 601.2004 (14 CFR 601.2004) is amended to read:

§ 601.2004 Bangor, Maine, control zone.

Within a 5-mile radius of the Dow AFB (latitude 44°48'20'' N., longitude 68°49'32'' W.), Bangor, Maine; within 2 miles either side of the 333° bearing from latitude 44°50'35'' N., longitude 68°50'55'' W., extending from the 5-mile radius zone to 13.5 miles NW of latitude 44°50'35'' N., longitude 68°50'55'' W.; within 2 miles either side of the 314° bearing from Dow AFB extending from the 5-mile radius zone to 15 miles NW of the AFB; within 2 miles either side of the 356° bearing from Dow AFB extending from the 5-mile radius zone to 10 miles N of the Bangor VORTAC; and within 2 miles either side of the extended centerline of Runway 15 extending from the 5-mile radius zone to 10 miles SE of the lift-off end of the runway. The portion of this control zone which coincides with R-3903 shall be used only after obtaining prior approval from appropriate authority.

This amendment shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 30, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7737; Filed, Aug. 3, 1962; 8:47 a.m.]

[Airspace Docket No. 62-SO-41]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zones and Control Area Extension

The purpose of these amendments to Part 601 of the regulations of the Administrator is to alter the descriptions of the Memphis, Tenn, control zone (§ 601.2154), NAS Memphis control zone (§ 601.2383) and the Memphis control area extension (§ 601.1086).

The Federal Aviation Agency is converting the Memphis radio range to a radio beacon on or about August 13, 1962, and the Department of the Navy is decommissioning the NAS Memphis radio range. The actions taken herein reflect the changes to these facilities.

Since these amendments are editorial in nature, and impose no additional burden on any person, notice and public procedure hereon are unnecessary, and they may be made effective August 13, 1962.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 601.2154 (14 CFR 601.2154) is amended to read:

§ 601.2154 Memphis, Tenn. (Memphis Municipal Airport), control zone.

Within a 5-mile radius of the Memphis Municipal Airport (latitude 35°03'40'' N., longitude 89°58'15'' W.); within 2 miles either side of the 185° bearing from the Memphis RBN extending from the 5-mile radius zone to 12 miles S of the RBN; within 2 miles either side of the Memphis VORTAC 112° radial extending from the 5-mile radius zone to 12 miles E of the VORTAC; within 2 miles either side of the ILS localizer W course extending from the 5-mile radius zone to 12 miles W of the Brooks, Tenn., RBN; and within 2 miles either side of the ILS localizer E course extending from the 5-mile radius zone to 12 miles E of the INT of the ILS localizer E course and the Memphis VORTAC 035° radial.

2. Section 601.2383 (14 CFR 601.2383) is amended to read:

§ 601.2383 Memphis, Tenn. (NAS Memphis), control zone.

Within a 5-mile radius of NAS Memphis (latitude 35°21'44'' N., longitude 89°47'36'' W.) and within 2 miles either side of the 248° and 068° bearings from latitude 35°21'44'' N., longitude 89°47'-36'' W., extending from the 5-mile radius zone to the Gainesville, Tenn., RBN.

§ 601.1086 [Amendment]

3. In the text of § 601.1086 (14 CFR 601.1086, 27 F.R. 4735) "Within a 50-mile radius of the Memphis, Tenn., RR in the SE, SW and NW quadrant of the RR and within an arc of a 45-mile radius circle centered on the Memphis NAS RR" is deleted and "That airspace within the arc of a 50-mile radius circle centered at the Memphis RBN extending clockwise from the 066° to the 002° bearing from the Memphis RBN; within the arc of a 45-mile radius circle centered at latitude 35°21'44'' N., longitude 89°-47'36'' W." is substituted therefor.

These amendments shall become effective 0001 e.s.t., August 13, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 30, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7738; Filed, Aug. 3, 1962; 8:47 a.m.]

[Airspace Docket No. 62-SO-34]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Routes

The purpose of these amendments to § 602.100 of the regulations of the Administrator is to alter the segments of Jet Routes Nos. 75, 85, and 89 between Gainesville, Fla., and Alma, Ga.

Jet Route No. 75 is described in part from the Gainesville VOR via the intersection of the Gainesville VOR 354° and the Alma VORTAC 179° True radials to the Alma VORTAC. Jet Routes Nos. 85 and 89 are described in part from the Gainesville VOR via the intersection of the Gainesville VOR 353° and the Alma VORTAC 179° True radials to the Alma VORTAC.

Realigning these three jet route segments from the Gainesville VOR via the intersection of the Gainesville VOR 350° and the Alma VORTAC 182° True radials to the Alma VORTAC will make them coincide; provide additional lateral separation from Restricted Area R-2903D; and will make them superjacent to the low and intermediate airway structure thereby facilitating transition to and from the jet routes.

Accordingly, action is taken herein to realign Jet Routes Nos. 75, 85, and 89 as described above. The en route jet advisory areas associated with these segments are so designated that they will automatically conform to the altered route.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

In § 602.100 *Jet routes* (14 CFR 602.27 F.R. 2174, 5496) the following changes are made:

1. In Jet Route No. 75 "Gainesville, Fla.; INT of the Gainesville 354° and the Alma, Ga., 179° radials; Alma;" is deleted and "Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma;" is substituted therefor.

2. In Jet Routes Nos. 85 and 89 "Gainesville, Fla.; INT of the Gainesville 353° and the Alma, Ga., 179° radials Alma;" is deleted and "Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 30, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7743; Filed, Aug. 3, 1962; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–114]

PART 13—PROHIBITED TRADE PRACTICES

Adams Drug Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Adams Drug Co., Inc., et al., Pawtucket, R.I., Docket C–114, Apr. 16, 1962]

In the Matter of Adams Drug Company, Inc., a Corporation, and Leonard Salmanson and Donald Salmonson, Individually and as Officers of Said Corporation

Consent order requiring the corporate operators of a number of retail drug stores in the New England states and New York to cease representing falsely, in advertisements in newspapers, that excessive amounts were the usual retail prices by such statements, among others, as "Steel Construction Caulking Gun Usually 1.49 88¢", "• • • Cellulose Sponge Mop Reg. 3.95 2.99", and "Electric Shavers at Discount Prices 28.50 Schick '3-Speed' ---- 18.88."

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Adams Drug Co., Inc., a corporation, and its officers, and Leonard Salmanson and Donald Salmanson, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of drugs, appliances, mops, wax, scales, electric razors, or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly:

(a) That any amount is respondents' usual and regular retail price for said merchandise when such amount is in excess of the price at which said merchandise is usually and regularly sold by respondents in the recent regular course of business.

(b) That any amount is the usual and customary retail price for said merchandise in the trade area or areas where such representation is made, when such amount is in excess of the price at which said merchandise is usually and customarily sold at retail in said trade area or areas.

(c) That any savings are afforded in the purchase of said merchandise from the respondents' selling price or from the selling price in respondents' trade area unless the price at which the merchandise is offered constitutes a reduction from the price at which said merchandise is usually and regularly sold at retail by the respondents or at which said merchandise is usually and regularly sold at retail in said trade area.

2. (a) Using the words "usually", "reg.", or any other words of similar import or meaning in connection with a stated amount higher than that at which merchandise is being offered for sale by respondents when such stated higher amount is in excess of the price at which said merchandise has been sold at retail by respondents in the recent regular course of business.

(b) Using the words "Mfg.'s List Price", "List Price", or any other words of similar import or meaning in connection with a stated amount higher than that at which merchandise is being offered for sale by respondents when such stated higher amount is in excess of the usual and customary retail price of said merchandise in the trade area or areas where the representation is made.

3. Misrepresenting, in any manner, the amount of savings available to purchasers of respondents' merchandise or the amount by which the price of said merchandise has been reduced from the price at which it is usually and regularly sold at retail by the respondents, or in the trade area or areas where the representations are made.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued: April 16, 1962.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–7745; Filed, Aug. 3, 1962; 8:49 a.m.]

[Docket No. C–110]

PART 13—PROHIBITED TRADE PRACTICES

Coopchik-Forrest, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation:* § 13.1255–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Coopchik-Forrest, Inc., et al., New York, N.Y., Docket C–110, Apr. 5, 1962]

In the Matter of Coopchik-Forrest, Inc., a Corporation, and Robert Coopchik, Alex Coopchik, and Milton R. Forrest, Individually and as Officers of Said Corporation

Consent order requiring New York City manufacturing furriers to cease violating the Fur Products Labeling Act by labeling and invoicing furs as "natural" when they were actually artificially colored, and failing to show on labels and invoices when furs were artificially colored; and by furnishing false guaranties that certain of their fur products were not misbranded, falsely invoiced, or falsely advertised.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Coopchik-Forrest, Inc., a corporation, and Robert Coopchik, Alex Coopchik, and Milton R. Forrest, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce of fur products; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution, of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing directly or by implication, on labels that the fur contained in fur products is natural, when such is not the fact.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Representing directly or by implication on invoices that the fur contained in fur products is natural, when such is not the fact.

B. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

3. Furnishing a false guaranty that any fur or fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur or fur product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 5, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–7746; Filed, Aug. 3, 1962; 8:49 a.m.]

[Docket No. C–128]

PART 13—PROHIBITED TRADE PRACTICES

Hudson Vitamin Products, Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170–52 *Medicinal, therapeutic, healthful, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hudson Vitamin Products, Inc., New York, N.Y., Docket C–128, Apr. 19, 1962]

Consent order requiring a New York City distributor of drug products to cease making misleading therapeutic claims in advertising for its preparations, as in the order below indicated.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Hudson Vitamin Products, Inc., a corporation, and its officers, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparations designated "Hudson Geriban Liquid", "Hudson Vitamin B–12 (5 mcg.)", "Hudson Vitamin B–12 (10 mcg.)", "Hudson Vitamin B–12 (25 mcg.)", "Hudson Vitamin B–12 (50 mcg.)", "Hudson Enzotoc" and "Hudson Femtabs", or any other preparations of substantially similar composition or possessing substantially similar properties, under whatever name or names sold, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That "Hudson Geriban Liquid" will be of benefit in the treatment of tiredness, poor appetite or feelings of being below par, unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms have been caused by an established deficiency of one or more of the nutrients provided by the preparation and, further, unless the advertisement clearly and conspicuously reveals the fact that in the great majority of persons these symptoms are caused by conditions other than those which may respond to treatment by the use of the preparation, and that in such persons the preparation will not be of benefit.

(b) That "Hudson Vitamin B–12 (5 mcg.)", "Hudson Vitamin B–12 (10 mcg.)", "Hudson Vitamin B–12 (25 mcg.)" or "Hudson Vitamin B–12 (50 mcg.)" will be of benefit in the treatment of tiredness, poor appetite or weakened resistance, unless such advertisement expressly limits the effectiveness of the preparations to those persons whose symptoms have been caused by an established deficiency of the nutrient provided by the preparations and, further, unless the advertisement clearly and conspicuously reveals the fact that in the great majority of persons these symptoms are caused by conditions other than those which may respond to treatment by the use of the preparations, and that in such persons the preparations will not be of benefit.

(c) That "Hudson Enzotoc" will be of benefit in the treatment of indigestion, nausea, distention, belching or "heartburn", unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms have been caused by an established deficiency of one or more of the enzymes or bile derivatives provided by the preparation and, further, unless the advertisement clearly and conspicuously reveals the fact that in the great majority of persons these symptoms are caused by conditions other than those which may respond to treatment by the use of the preparation, and that in such persons the preparation will not be of benefit.

(d) That "Hudson Femtabs" will be effective in relieving presently existing anxiety, depression, irritability or headache due to premenstrual tension or any other presently existing symptom of premenstrual tension.

2. Disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1, above, or which fails to comply with the affirmative requirements of Paragraph 1, above.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: April 19, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–7747; Filed, Aug. 3, 1962; 8:49 a.m.]

[Docket No. C–122]

PART 13—PROHIBITED TRADE PRACTICES

Irving Kaufman and Style Scarf Co.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Irving Kaufman trading as Style Scarf Co., Docket C–122, Apr. 19, 1962]

Consent order requiring an importer in New York City to cease violating the Flammable Fabrics Act by importing and selling in commerce, silk scarves and fabric which were so highly flammable as to be dangerous when worn.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Irving Kaufman, an individual, trading under his own name or as Style Scarf Co., or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

any article of wearing apparel which, under the provisions of section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

2. (a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported in commerce, as the term "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

any fabric which under the provisions of section 4 of said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

3. Selling or offering for sale any article of wearing apparel made of fabric, which fabric has been shipped or received in commerce, and which, under section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: April 19, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–7748; Filed, Aug. 3, 1962; 8:50 a.m.]

[Docket No. C–120]

PART 13—PROHIBITED TRADE PRACTICES

Krauss Bros. Fur Mfg., Inc., and Carl Krauss

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation:*

§ 13.1255–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Krauss Bros. Fur Mfg., Inc., et al., New York, N.Y., Docket C–120, Apr. 16, 1962]

Consent order requiring New York City manufacturing furriers to cease violating the Fur Products Labeling Act by labeling artificially colored fur as natural and failing to show on labels when furs were bleached, dyed, etc., by invoicing which failed to show the true animal name of furs and to disclose when furs were artificially colored; and by furnishing false guaranties that their furs were not misbranded, falsely invoiced, or falsely advertised.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Krauss Bros. Fur Mfg., Inc., a corporation, and its officers, and Carl Krauss, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing, directly or by implication, on labels that the fur contained in fur products is natural, when such is not the fact.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

3. Furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 16, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–7749; Filed, Aug. 3, 1962; 8:50 a.m.]

[Docket No. C–121]

PART 13—PROHIBITED TRADE PRACTICES

Phillip Hausfeld

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Phillip Hausfeld trading as Phillip Hausfeld, New York, N.Y., Docket C–121, Apr. 16, 1962]

Consent order requiring a New York City furrier to cease violating the Fur Products Labeling Act by failing to show on invoices the true animal name of furs and the country of origin of imported furs, and to disclose when furs were artificially colored; using the term "blended" improperly on invoices; and failing in other respects to comply with invoicing requirements.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Phillip Hausfeld, an individual trading as Phillip Hausfeld, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of any fur, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing furs or fur products by:

A. Failing to furnish invoices to purchasers of furs or fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Setting forth the term "blended" as part of the information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing, tip-dyeing or otherwise artificial coloring of furs contained in fur products.

B. Failing to set forth the item number or mark assigned to a fur product.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: April 16, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–7750; Filed, Aug. 3, 1962; 8:50 a.m.]

[Docket No. C–112]

PART 13—PROHIBITED TRADE PRACTICES

Marquette Corp.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–125 *Individual or private business being:* § 13.15–125(s) *Institute;* § 13.70 *Fictitious or misleading guarantees;* § 13.205 *Scientific or other relevant facts.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Using misleading name—Vendor: §13.2430 *Non-profit character.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Marquette Corporation, Minneapolis, Minn., Docket C–112, Apr. 16, 1962]

Consent order requiring a Minneapolis, Minn., manufacturer of home food freezers to cease making unwarranted claims, purportedly based on statistics of the Department of Agriculture and the Bureau of Labor Statistics, that a family could save money on food purchases by using a freezer; and representing falsely that the compressors in their freezers were backed by an unconditional lifetime replacement guarantee, and, through use of the name "Blue Ribbon Freezer—Food Institute", that it was a non-profit organization.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Marquette Corporation, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of freezers in commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from:

1. Representing directly or by implication that any data or promotional material was compiled or prepared by, or prepared from information supplied by, the United States Department of Agriculture, Bureau of Labor Statistics or any other department or agency of the United States Government; or otherwise misrepresenting the source of any such data or material.

2. Representing directly or by implication that information compiled or supplied by the United States Department of Agriculture, Bureau of Labor Statistics or any other department or agency of the United States Government establishes that a family of four can save $310.32, or that any family can save any specific amount, a year on food purchases by the use of a freezer; or otherwise representing that any savings, or savings in any amount, have been established in any manner or are supported by any data unless such representations have been authoritatively established or are supported by such data.

3. Using the word "institute" to designate, describe or refer to respondent's business or representing that it is any type of non-profit organization.

4. Placing in the hands of others the means and instrumentalities whereby they may mislead or deceive the public in the manner or as to the things herein prohibited and from continuing to permit others to use any advertising or promotional material, owned by it or over which it has control, which may mislead or deceive the public in the manner or as to the things herein prohibited.

It is further ordered, That respondent Marquette Corporation, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of freezers or any other products in commerce as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from:

Representing directly or by implication that any such products or any parts thereof are guaranteed in any manner unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction with any such representation.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: April 16, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–7751; Filed, Aug. 3, 1962; 8:50 a.m.]

[Docket No. C–113]

PART 13—PROHIBITED TRADE PRACTICES

Solomon Klein and Sol Klein Furs

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act;* § 13.1255 *Manufacture or preparation:* § 13.1255–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Solomon Klein trading as Sol Klein Furs, New York, N.Y., Docket C–113, Apr. 16, 1962]

Consent order requiring a New York City furrier to cease violating the Fur Products Labeling Act by labeling and invoicing artificially colored furs as natural and failing to show on labels and invoices when fur was bleached, dyed, etc.; and by stating falsely on invoices that he had a continuing guaranty on file with the Commission.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That Solomon Klein, an individual trading as Sol Klein Furs, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce; as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing directly or by implication on labels that the fur contained in fur products is natural, when such is not the fact.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Representing directly or by implication on invoices that the fur contained in fur products is natural, when such is not the fact.

B. Failing to furnish invoices to purchasers of fur products showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

3. Falsely or deceptively invoicing fur products by representing directly or by implication that respondent has a continuing guaranty on file with the Federal Trade Commission, when such is not the fact.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: April 16, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–7752; Filed, Aug. 3, 1962; 8:51 a.m.]

[Docket No. 8445]

PART 13—PROHIBITED TRADE PRACTICES

Quality Thrift Furs, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* § 13.30–30 *Fur Products Labeling Act;* § 13.155 *Prices:* § 13.155–40 *Exaggerated* as regular and customary. Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1810 *Fictitious marking.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Quality Thrift Furs, Inc., et al., St. Louis, Mo., Docket 8445, Apr. 6, 1962]

In the Matter of Quality Thrift Furs, Inc., a Corporation, and Hopper Fur Company, Inc., a Corporation, and Sylvia B. Hopper, and Earl Hopper, Individually and as Officers of Both Corporations, and Edward Hopper, Individually and as Manager of Both Corporations, and Sig Tulper, Individually and as a salesman of Quality Thrift Furs, Inc.

Order requiring St. Louis, Mo., furriers to cease violating the Fur Products Labeling Act by representing falsely on labels on fur products that fictitiously high sums were the regular retail prices, and that certain fur products were "samples"; failing to disclose in advertising the proper names of fur-producing animals, when furs were artificially colored, and the country of origin of imported furs, and naming an animal other than that producing certain furs; falsely advertising that purchasers would "save ½ and more" and that furs offered were "rental garments", and failing to keep adequate records to substantiate pricing

claims; and failing in other respects to comply with requirements of the Act.

The order to cease and desist is as follows:

It is ordered, That Quality Thrift Furs, Inc., a corporation, and its officers, and Hopper Fur Company, Inc., a corporation and its officers, and Sylvia B. Hopper and Earl Hopper, individually and as officers of both corporations, and Edward Hopper, individually and as manager of both corporations, and Sig Tulper, individually and as a salesman of Quality Thrift Furs, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying such products as to the regular prices or values thereof by any representation that the regular or usual prices of such products are any amount in excess of the prices at which respondents have usually and customarily sold such products in the recent regular course of business.

B. Representing directly or by implication on labels that fur products are "samples" or words of similar import, when such is not the fact.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representations, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(3) The name of the country of origin of any imported furs contained in a fur product.

B. Sets forth the name or names of any animal or animals other than the name or names specified in the Fur Products Name Guide and as prescribed under the rules and regulations.

C. Represents directly or by implication through percentage savings claims that prices of fur products are reduced in direct proportion to the percentage of savings stated when such is not the fact.

D. Represents directly or by implication that fur products offered for sale are "rental garments" or words of similar import when such is not the fact.

E. Fails to set forth the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

3. Making pricing claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the regulations under the Fur Products Labeling Act, unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 6, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7753; Filed, Aug. 3, 1962; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of Thiram

A petition was filed with the Food and Drug Administration by E. I. du Pont de Nemours & Co., Wilmington 98, Delaware, requesting the establishment of a tolerance for residues of the fungicide thiram (tetramethyl thiuram disulfide) in or on bananas at 7 parts per million, of which residue not more than 1 part per million shall be in the pulp after the peel is removed and discarded.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding to § 120.132 (21 CFR 120.132) a tolerance for residues of thiram on bananas.

As amended, § 120.132 reads as follows:

§ 120.132 Tolerances for residues of thiram.

A tolerance of 7 parts per million is established for residues of the fungicide thiram (tetramethyl thiuram disulfide) in or on each of the following raw agricultural commodities: Apples, bananas (of which residue not more than 1 part per million shall be in the pulp after the peel is removed and discarded), celery, peaches, strawberries, tomatoes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 30, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-7761; Filed, Aug. 3, 1962; 8:53 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Dow Chemical Company, Midland, Michigan, and other relevant material has concluded that the food additive regulation with respect to calcium disodium EDTA should be amended to permit use of the additive in processed dried pinto beans, to prevent discoloration. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1017 is amended by inserting in paragraph (b)(1), after "Potato salad", a new item reading as follows:

§ 121.1017 Calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate; calcium disodium (ethylenedinitrilo) tetraacetate).

• • • • •

(b) • • •

(1) • • •

Food	Limitation (parts per million)	Use
• • •	• • •	• • •
Processed dry pinto beans.	800	Promote color retention.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 30, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-7763; Filed, Aug. 3, 1962; 8:53 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SYNTHETIC GLYCERIN

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Atlas Chemical Industries, Inc., Wilmington 99, Delaware, and other relevant material, has concluded that the following regulation should issue with respect to the food additive synthetic glycerin, made by the hydrogenolysis of carbohydrates, as a component of articles that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2552 Synthetic glycerin.

Synthetic glycerin may be safely used as a component of articles intended for use in packaging materials for food, subject to the provisions of this section:

(a) It is produced by the hydrogenolysis of carbohydrates, and shall contain not in excess of 0.2 percent by weight of a mixture of butanetriols.

(b) It is used in a quantity not to exceed that amount reasonably required to produce its intended physical or technical effect, and in accordance with any limitations prescribed by applicable regulations in this Subpart F. It shall not be intended to, nor in fact accomplish, any direct physical or technical effect in the food itself.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 30, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-7762; Filed, Aug. 3, 1962; 8:53 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 710—ADMISSION OF CANDIDATES INTO THE NAVAL ACADEMY AS MIDSHIPMEN

Miscellaneous Amendments

Scope and purpose. Part 710 is amended to conform with the current edition of Regulations Governing the Admission of Candidates Into the United States Naval Academy as Midshipmen in 1963, NAVPERS 15010.

1. Section 710.2(c) is revised to read as follows:

§ 710.2 Service obligation for enlisted and other candidates appointed as midshipmen.

• • • • •

(c) Candidates entering the Naval Academy from civil life who had not previously acquired a military obligation will automatically do so upon acceptance of appointment as midshipman at the United States Naval Academy. Under certain of the provisions of the Universal Military Training and Service Act (62 Stat. 604) as amended (10 U.S.C. 651, 50 U.S.C. App. 451–454, 455–471), and person who is enlisted, inducted, or appointed in any of the Armed Services or Reserve Components acquires automatically a six-year military obligation. Section IV. B. 3.f of Department of Defense Directive 1200.3 of May 23, 1958 (§ 50.4(b)(3)(vi) of this title) includes appointees to the Service Academies among those who are subject to the six-year obligation. Such candidates will be required to execute the following statement of understanding of this obligation prior to appointment as midshipmen:

I understand that if my appointment as a midshipman is terminated other than for the purpose of accepting a commission, I shall if qualified be transferred to a ready reserve component of the United States Navy or the United States Marine Corps, in a grade deemed appropriate by the Secretary of the Navy. I fully understand the requirement for satisfactory participation in the ready reserve. I also understand that upon completion of a period of satisfactory ready reserve service which, when added to my service as a midshipman, totals five years, I shall if I request be transferred to the standby reserve to complete the total military service obligation of six years acquired under section 4(d)(3) of the Universal Military Training and Service Act as amended (50 U.S.C. App. 454(d)(3), 10 U.S.C. 651).

I understand further that if, after termination of my appointment as a midshipman, I should complete my total 6 year military service obligation without serving the minimum period of active duty required for exemption I may be liable for induction under Selective Service regulations to complete the 2 year active duty obligation prescribed by section 4(b) of the Universal Military Training and Service Act as amended (50 U.S.C. App. 454(b)).

See also the Engagement to Serve as set forth in § 710.28.

2. Section 710.13 is revised to read as follows:

§ 713.13 Presidential at large.

The President may appoint seventy-five midshipmen each year to be selected by competitive examination from the United States at large. These appointments are limited by law to the sons and adopted sons of officers and enlisted personnel of the Regular Army, Navy, Air Force, Marine Corps, and Coast Guard. Adopted sons to be eligible must have been adopted prior to their fifteenth birthday. The Secretary of the Navy is authorized to approve waivers of this policy where adoption proceedings had been initiated but the adoption had not occurred prior to the fifteenth birthday through circumstances beyond the control of the foster parents. Stepsons are not eligible. Applications should be addressed to the Chief of Naval Personnel, Navy Department, Washington 25, D.C. They should contain the full name, date of birth, home address, and present address of the candidate, the full name, grade or rate of his parent,

and in the case of an adopted son, evidence as to the date of adoption. There is no limit on the number that may be nominated to compete for appointment from this source.

3. Section 710.14 is revised to read as follows:

§ 713.14 Regular Navy and Marine Corps.

The Secretary of the Navy may appoint each year one hundred sixty enlisted men of the Regular Navy and Marine Corps. These men must meet all requirements including the age limitations. In addition they must have enlisted in the Navy or Marine Corps on or before July 1 of the year preceding the desired date of entrance to the Naval Academy. Enlisted men who can fulfill the age and service requirements should make known to their commanding officers early in their enlistments their desire to go to the Naval Academy. The Bureau of Naval Personnel usually begins in the spring of each year to select the men who will attend the U.S. Naval Preparatory School which convenes its classes in September. Recruits enlisted before July 1 are eligible to qualify for assignment to the Preparatory School. Only men who are assigned to this school are eligible to compete for appointments in this quota. Enlisted men failing to qualify for admission will be required to serve out their terms of enlistment. For further information about enlisting in the Navy or Marine Corps, apply to your nearest Navy or Marine Corps Recruiting Station.

4. Section 710.17 is revised to read as follows:

§ 710.17 Sons of deceased veterans.

In addition to the Presidential at-large quota discussed in § 713.13, the President is authorized to have a maximum of forty midshipmen, who are the sons of deceased veterans, attending the Naval Academy at any one time. Eligibility for nomination under this quota is confined to sons of members of the Armed Forces of the United States who were killed in action or have died of wounds or injuries received, or disease contracted, or preexisting injury or disease aggravated, in active service during (a) World War I or World War II (as each is defined by laws providing service-connected compensation or pension benefits for veterans of World War I or World War II and their dependents; see 38 U.S.C. 101 (7–8)); or (b) the period beginning June 27, 1950, and ending January 31, 1955. The determination in each case of the Veterans' Administration as to the service connection of the cause of death is binding upon the Secretary of the Navy. Applications for nomination under this quota should be addressed to the Chief of Naval Personnel, Navy Department, Washington 25, D.C. They should include the full name and date of birth of the applicant and the full name, grade or rate, service, veteran's claim number, and date of death of the parent.

5. Section 710.21 is revised to read as follows:

§ 710.21 Additional nominations to fill vacancies at the Naval Academy: Qualified alternates and competitors.

Admission of candidates under the foregoing quotas and procedures often fails to produce the total number of candidates authorized to enter the Naval Academy in any year. This is caused by failures to pass physical examinations, and by other unforeseeable factors. Title 10, U.S. Code, section 6956 provides for this contingency. Under this law, when it is determined that upon the admission of a new class to the U.S. Naval Academy, the total number of midshipmen will be less than the number authorized for that class, the Secretary of the Navy may within his discretion appoint additional midshipmen to be admitted to provide the number authorized for the new class. Those appointed are selected from qualified candidates holding alternate nominations and other qualified candidates holding competitive nominations as described in §§ 710.6 to 710.20. At least two thirds of those so appointed must be from among qualified alternate candidates nominated by nominators cited in §§ 710.6 to 710.11 and not more than one third may be from competitive sources. The Academic Board of the U.S. Naval Academy considers the qualifications of candidates to be selected and forwards a recommended list of qualified candidates, in order of merit, to the Secretary of the Navy. In due course, successful candidates are advised by the Chief of Naval Personnel. In preparing this list, the Academic Board considers not only the scores made by the candidate in his qualifying mental examination but also his previous school record and all evidence of the candidate's character, citizenship qualities, participation in extracurricular activities, part- or full-time employment, church or club activities, physical aptitude and, in general, his predicted ability to develop into a competent naval officer. Each candidate aspiring to be appointed under this method should insure that the U.S. Naval Academy is in possession of a transcript of his previous school record (to include academic marks, class standing or estimated class standing for the final year), and recommendations from his high school principal, teachers, extracurricular advisors and coaches. The above documents should be addressed to the Admissions Office, U.S. Naval Academy and should be submitted as early as practicable but not later than March 30. Documents received after this date cannot be considered in the evaluation of the candidate. Although not mandatory, completion of high school credits as set forth in § 710.30 is an important factor. The only candidates eligible for consideration under this law are those found mentally and physically qualified for admission under alternate or competitive nominations from authorized sources in the year for which they are being considered. Special application for consideration is unnecessary because the Academic Board at the Naval Academy will automatically review the available records and classify in order of merit all eligible candidates in this category in each year that additional admissions are possible. As processing of candidates under this law must follow the processing of congressional principals and competitors admitted under their various quotas, successful candidates under the provisions of this law cannot expect notification until some time in June, or even later. Appointments made under this law are in addition to and not in lieu of appointments otherwise authorized. For example, an appointment of a senatorial alternate whose principal has already entered is not charged to the senator.

6. Section 710.29 (a) and (b) is revised to read as follows:

§ 710.29 Scholastic requirements.

(a) Graduation from secondary school (or its equivalent), with a secondary school certificate acceptable to the Academic Board in terms of subject matter and level of achievement, is a requirement for admission to the Naval Academy. In addition, candidates must qualify scholastically by one of two methods for admission to the Naval Academy: Either by qualifying on the entrance examination which is composed of specified College Entrance Examination Board tests administered in December, January or March of the school year preceding admission; or by presenting college work acceptable to the Naval Academy. These two methods are described in §§ 710.31 and 710.32.

(b) A candidate who receives unacceptable scores on the entrance examinations may not qualify by the College Certificate Method for admission to the same class.

7. Section 710.31 (a), (e), and (f) is revised to read as follows:

§ 710.31 Scholastic entrance examination method.

(a) Subject to provisions of law, the basic method of qualifying is by presenting an acceptable secondary school certificate and by taking the scholastic entrance examination consisting of the December, January or March administrations of the following tests of the College Entrance Examination Board: The Scholastic Aptitude Test (verbal and mathematics sections), the English Composition Test, and either the Intermediate Mathematics Test or the Advanced Mathematics Test. These tests must be taken during the school year preceding admission. Candidates are encouraged to choose the Mathematics achievement test in which they feel they can attain the higher score. No additional weight is given to results of the test in Advanced Mathematics over those in Intermediate Mathematics. Candidates who fail to score acceptably in the tests will be rejected. All candidates for appointment from the various competitive sources and all other candidates not qualifying by the College Certificate Method must take the College Board tests at at least one of the applicable administrations. Each such duly nominated candidate must register with the College Entrance Examination Board for the tests as promptly as possible after receiving the necessary instructions from the Bureau of Naval Personnel, Navy Department, Washington, D.C. These instructions will include the provision for payment by the Navy for these tests.

* * * * *

(e) It should be noted that only the December, January or March administrations of the College Entrance Examination Board tests taken during the school year preceding admission may be used to establish scholastic qualification. Administrations earlier or later than the prescribed ones, whether in part or in whole, are not acceptable for scholastic qualification. Duly nominated candidates who have registered for and are unable to take the December, January or March administrations because of sickness, injury, weather, or other extenuating circumstances should promptly advise the Chief of Naval Personnel.

(f) Satisfactory scores in the College Entrance Examination Board tests will be determined by the Academic Board of the Naval Academy. No candidate shall be admitted to the Naval Academy unless in the opinion of the Academic Board he shows the requisite mental qualifications.

8. Section 710.33 is revised to read as follows:

§ 710.33 Qualified in previous year.

Candidates who qualified scholastically for appointment in a preceding year will not be required to qualify mentally again in the event of renomination. There are two exceptions to this rule: (a) Candidates who hold competitive nominations, and (b) former midshipmen who may be nominated for readmission to the Naval Academy and who were deficient in the academic work of the first year of the course at the time of separation. The latter must requalify by scoring acceptably in the College Entrance Examination Board Scholastic Aptitude Test and achievement tests in English and Intermediate or Advanced Mathematics. Any candidate who intends to use a qualification from a previous year should verify the validity of such qualification with the U.S. Naval Academy sufficiently in advance of the CEEB tests to permit registration for them if necessary.

9. Section 710.36(a) is revised to read as follows:

§ 710.36 Formal physical examinations.

(a) The formal physical examination will be scheduled at the activities listed in Appendix VI(a) (§ 710.47(a)) during the period September 1, 1962, through February 28, 1963. Every eligible candidate will be notified by the Bureau of Naval Personnel when and where to report for examination. Normally, such an examination will require only one day. Each candidate receiving official notification authorizing him to report for a formal physical examination must bear all expenses for travel and subsistence incident to this examination. In cases of urgent necessity for change in the place and date for the examination, the candidate shall make a written or telegraphic request to the Chief of Naval Personnel, Navy Department, Washington 25, D.C., for change. Those candidates who are unable to obtain a formal physical examination during the foregoing period will be scheduled for examination during the week beginning March 4, 1963, at activities listed in Appendix VI (a) and (b) (§ 710.47 (a) and (b)).

10. Section 710.37 is revised to read as follows:

§ 710.37 Physical reexamination.

(a) Candidates rejected by a medical examining board may be given a reexamination by a Board of Medical Review at U.S. Naval Hospitals in Annapolis, Great Lakes, Oakland, Pensacola, the Naval Air Station in Dallas, and at the U.S. Naval Academy, upon authorization by the Chief of Naval Personnel. Candidates desiring to avail themselves of this privilege must make written request to the Chief of Naval Personnel within ten days after their formal physical examination. The physical reexaminations will be conducted early in May. The cost of travel to and from the reexamination, and subsistence, must be borne by the candidate.

(b) The results of reexaminations are final with the following exception: The Board of Medical Review may recommend to the Bureau of Naval Personnel waiver of a very minor physical defect for a candidate who is outstanding in all other respects.

NOTE: Where the disqualifying defect is subject to medical or dental correction, the candidate may be conditionally rejected subject to later certification by a registered physician or dentist that the defect has been corrected with complete restoration of function. Such certification must be forwarded to the Chief of Naval Personnel by way of the Chief, Bureau of Medicine and Surgery prior to May 1.

11. Section 710.42 (d–g and i) is revised to read as follows:

§ 710.42 Appendix I—Entrance procedure, equipment and pay.

* * * * *

(d) The pay of the midshipman is $1,333.80 a year, commencing at the date of his admission. Its purpose is to permit him to cover his expenses; i.e., distinctive uniforms, books, equipment, laundry, income tax, etc., while at the Naval Academy.

(e) Midshipmen, immediately upon entrance, will be required to obtain from the midshipmen's storekeeper a regulation entrance outfit. Slide rules and drawing sets are furnished as part of the outfit. Candidates are advised, therefore, not to purchase these items prior to entering the Academy.

(f) Each candidate accepted for admission will, before being admitted as a midshipman, deposit with the midshipmen's storekeeper the sum of $300, to be used in part payment to cover cost of uniforms, clothing, etc. In cases of extreme hardship this sum may be reduced to $100 in which case money allowances for the individual will be at reduced levels until the individual account reaches prescribed levels. The amount deposited is not refunded, but is expended for entrance outfit, clothing, uniforms, etc., which become the property of the midshipman.

(g) The required regulation entrance outfit, plus the additional uniforms, clothing, and textbooks required the first year, are valued at approximately $1,700. The deposit made at the time of entrance is supplemented by an entrance credit of $600 upon first admission to the Naval Academy. The $600 credit is an interest free loan advanced by the Government to defray the cost of the uniforms and equipment essential during the first year. Repayment of the indebtness is accomplished by monthly deductions of $20 from the midshipman's pay, beginning in October of the second year at the Naval Academy and continuing until the indebtedness is liquidated. Any midshipman desiring to do so may repay this $600 entrance credit from personal funds immediately after appointment as midshipman. This sum is not required and only that portion of it that is not expended is recoverable should a midshipman subsequently be separated. Midshipmen who are involuntarily separated from the Naval Academy prior to repayment of the entrance credit, are required to turn in all articles of uniform and equipment deemed suitable for reissue, to an amount sufficient to liquidate the indebtedness. If reclaimed articles are insufficient to cover the indebtedness, parents will be given an opportunity to liquidate the remaining debt; failing this, the remainder of the debt is canceled. Midshipmen applying for voluntary separation for their own convenience are required to repay in full the amount of indebtedness prior to such separation.

* * * * *

(i) Candidates are usually sworn in as midshipmen on the day they are accepted for admission, i.e., the date of reporting at the Naval Academy as designated in the authorization to report issued by the Bureau of Naval Personnel. Due to limited living accommodations in the city of Annapolis candidates are urged to time their arrival at Annapolis to coincide as closely as possible with the reporting date, keeping in mind, however, that transportation facilities between Washington and Baltimore and Annapolis are not unlimited. Those arriving in Annapolis a day or two prior to their reporting date may take advantage of berthing and messing facilities usually made available in the Naval Academy at a cost of $1.00 per night. Additionally, candidates may take their meals in the Midshipmen's Mess at a cost equal to the cost of a midshipman's daily ration allowance.

12. Section 710.43 (a)(1), (a)(2)(ii), b(1), b(2)(i)(c)(1)(ii), and b(2)(ii) is revised to read as follows:

§ 710.43 Appendix II—Foreign students.

(a) *Appointments from the Republic of the Philippines.* (1) Title 10, United States Code, section 6957, provides the Secretary of the Navy is authorized to permit, for the President of the United States, not exceeding four Filipinos at a time to receive instruction at the United States Naval Academy at An-

napolis, Md. The Filipinos receiving instruction under authority of this law shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, and, subject to such exceptions as may be determined by the Secretary of the Navy, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as midshipmen at the Naval Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the United States Navy by reason of their graduation from the Naval Academy. The entrance deposit will be required of all foreign students. Applications for appointment under provisions of this law must be addressed through diplomatic channels of the applicant's country. Nominations must reach the State Department in Washington, D.C., by January 1.

(2) • • •

(ii) The Government of the Republic of the Philippines should submit the names of candidates as early as possible in order that they may qualify for entrance by the end of March and enter the Naval Academy in late June or early July except in the cases of candidates attending secondary schools and colleges in the United States whose school records for the current year are essential to fulfillment of admission requirements. In this case candidates may be granted until June 25 in order to permit completion of the required certificates. The nomination of the candidate should contain a statement of the method of admission under which he wishes to qualify.

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(b) *Appointments from American Republics (other than the United States).* (1) Title 10, United States Code, section 6957, provides that the Secretary of the Navy is authorized to permit, upon designation of the President of the United States, not exceeding 20 persons at a time from the American Republics (other than the United States) to receive instruction at the United States Naval Academy at Annapolis, Md. Not more than three persons from any one of such Republics shall receive instruction under authority of this law at the same time. The persons receiving instructions under authority of this law shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, and, subject to such exemptions as may be determined by the Secretary of the Navy, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as midshipmen at the Naval Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the United States Navy by reason of their graduation from the Naval Academy. The entrance deposit will be required of all foreign students. Application for appointment under the provisions of this law must be addressed through the appropriate diplomatic channels of the applicant's country. Nominations must reach the State Department in Washington, D.C., by January 1.

(2) • • •

(i) • • •

(c) • • •

(i) • • •

(ii) Taking the College Entrance Examination Board Scholastic Aptitude Test and achievement tests in English Composition and Intermediate or Advanced Mathematics. See § 710.31. Detailed certificates covering schoolwork will not be required of candidates from the other American Republics qualifying by the examination method.

• • • • • • •

(ii) Each Government concerned should submit the names of candidates as early as possible in order that they may qualify for entrance by the end of March and enter the Naval Academy in late June or early July except in the cases of candidates attending secondary schools and colleges in the United States whose school records for the current year are essential to fulfillment of admission requirements. In this case candidates may be granted until June 25 in order to permit completion of the required certificates. The nomination of the candidate should contain a statement of the method of admission under which he wishes to qualify.

13. Section 710.44 (k)(6) and (l) is revised to read as follows:

§ 710.44 Appendix III—Additional details concerning acceptable secondary school certificates and the college certificate method of qualifying scholastically.

• • • • • • •

(k) • • •

(6) If an informal opinion is rendered which involves modification of the candidate's schedule of courses, or if the quality of his work is such that special additional requirements must be imposed, it will be the responsibility of the candidate himself to decide whether to persevere in trying to gain admission by this method, or to elect to take the mental entrance examination. This is an important decision since if he does not take the College Entrance Examination Board tests on any of the applicable dates and subsequently has his college certificate rejected, he has irrevocably failed to qualify mentally, at least for entry that year. The decision should depend on his ability to effect such changes in his courses as may be necessary or, as the case may be, upon his own estimate of his ability to meet such other specific requirements as may have been imposed.

• • • • • • •

(l) *Caution.* If you take the December, January, or March series of the College Entrance Examination Board tests and have the results sent to the U.S. Naval Academy and they do not meet the required standards for admission, your college certificate will not be acceptable for entry in that year.

14. Section 710.45(d)(3)(v) is revised to read as follows:

§ 710.45 Appendix IV—Physical standards and disqualifying defects.

• • • • • • •

(d) • • •

(3) The following miscellaneous conditions are causes for rejection:

• • • • • • •

(v) All diseases and conditions which are not easily remediable or that tend physically to incapacitate the individual, such as: chronic malaria or malarial cachexia; tuberculosis; leprosy, actinomycosis; authenticated history of rheumatic fever within the previous five years, rheumatic heart disease, rheumatoid arthritis; osteomyelitis; malignant diseases of all kinds in any location; hemophilia; purpura; leukemia of all types; pernicious anemia; sickle cell anemia; trypanosomiasis; filariasis which has produced permanent disability or deformity, history of any acute attack of filariasis within 6 months of date of examination, or the finding of microfilaria in the blood stream; chronic metallic poisoning, allergic manifestations such as hay fever, if more than mild or if likely to cause more than minimal loss of time from duty or if associated with nasal polyps or hyperplastic sinusitis; asthma or a history of asthma, including so-called "childhood" asthma, unless there is a trustworthy history of freedom from seizures since six or seven years of age and provided that seizures prior to that time were not severe or prolonged and did not require extensive therapy; allergic conjunctivitis, allergic dermatoses, or allergic rhinitis particularly if there is associated hyperplastic sinusitis or nasal polyps, or a history thereof, when in the opinion of the examiner, the condition is likely to frequently recur, or to cause more than minimal loss of time from duty or otherwise is of present or future clinical significance.

15. Section 710.46 is amended by revising below portions to read as follows:

§ 710.46 Appendix V—Installations conducting preliminary physical examinations for the U.S. Naval Academy.

• • • • • • •

Hawaii, Honolulu:
Hickam AFB.
Tripler U.S. Army Hospital.
USN Base, Pearl H.
USNAS, Barbers Pt.

Illinois:
Belleville—Scott AFB.
Chicago—USN Recruiting Station.
Glenview—USNAS.
Great Lakes—USNH, USNTC.

• • • • • • •

Mississippi, Biloxi—Keesler AFB.

• • • • • • •

Ohio:
Cincinnati—USN Recruiting Station.
Cleveland:
USN Finance Center.
USN Recruiting Station.
Columbus—USN Recruiting Station.
Dayton—Wright-Patterson AFB.

• • • • • • •

Washington, D.C.:
U.S. Army Dispensary, Pentagon.
U.S. Naval Dispensary.
Walter Reed AH—Physical Examining Section (Outpatient Clinic).

16. Section 710.47(b) is revised to read as follows:

§ 710.47 Appendix VI—Installations conducting formal physical examinations for the U.S. Naval Academy.

• • • • • • •

(b) The below installations conduct formal physical examinations only on specified days in the month of March when additional naval medical and dental officers are furnished:

U.S. Naval Air Station, Dallas, Tex.
U.S. Naval Air Station, Olathe, Kans.
Fitzsimons General Hospital, Denver, Colo.
Tripler U.S.Army Hospital, Honolulu, Hawaii.

(R.S. 161, secs. 651, 5031, 6951–6974, 70A Stat. 27, 278, 428–436, sec. 516, 72 Stat. 1439, as amended; 5 U.S.C. 22, 10 U.S.C. 516, 651, 5031, 6951–6974)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, JR.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

JULY 31, 1962.

[F.R. Doc. 62–7774; Filed, Aug. 3, 1962; 8:55 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

PART 1–14—INSPECTION AND ACCEPTANCE

Chapter 1 of Title 41 is amended as set forth below:

1. The part table of contents is amended by adding a reference to Part 1–14 as follows:

1–14 Inspection and acceptance.

2. New Part 1–14 is added to read as follows:

Sec.
1–14.000 Scope of part.

Subpart 1–14.1—Inspection

1–14.100 Definitions.
1–14.101 General.
1–14.102 Responsibility for inspection.
1–14.103 Use of Government inspection facilities.
1–14.103–1 General.
1–14.103–2 Inspection interchange agreements.
1–14.103–3 Inspection services available from Federal agencies.
1–14.103–4 Furnishing inspection services.
1–14.103–5 Reimbursement for services.
1–14.104 Contractor responsibility.
1–14.105 Places of inspection.
1–14.105–1 General.
1–14.105–2 Inspection at source.
1–14.105–3 Inspection at destination.
1–14.106 Inspection of small purchases ($2,500 or less).
1–14.107 Rejection of nonconforming supplies or services.
1–14.108 Government inspection of supplies under subcontracts.
1–14.109 Inspection for foreign governments.

Subpart 1–14.2—Acceptance

1–14.201 General.
1–14.202 [Reserved]
1–14.203 Point of acceptance.
1–14.204 Responsibility for acceptance.
1–14.205 Certificates of conformance.
1–14.206 Acceptance of supplies or services not conforming with contract requirements.

AUTHORITY: §§ 1–14.000 through 1–14.206 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 1–14.000 Scope of part.

This part deals with inspection and acceptance under contracts for supplies or services (other than construction contracts).

Subpart 1–14.1—Inspection

§ 1–14.100 Definitions.

(a) "Inspection" means the examination (including testing) of supplies and services (including, when appropriate, raw materials, components, and intermediate assemblies) to determine whether the supplies and services conform to contract requirements.

(b) "Testing" is an element of inspection and generally denotes the determination by technical means of the properties or elements of supplies, or components thereof, and involves the application of established scientific principles and procedures.

§ 1–14.101 General.

(a) Inspection on behalf of the Government shall be conducted in all cases prior to acceptance, except as permitted by § 1–14.205. Inspection shall be accomplished by or under the direction or supervision of Government personnel. The contractor may be required under the terms of the contract to establish and maintain an acceptable inspection or quality control system (see § 1–14.104) to assure compliance with contract specifications with a minimum of Government inspection. Except as otherwise provided in the contract, testing required to be performed by the contractor may be performed in the contractor's or subcontractor's laboratory or any other laboratory acceptable to the Government. A manufacturer's certificate or other statement of quality or quantity may be considered in determining whether supplies or services are in conformity with the contract. In no event shall any contract preclude the Government from performing inspection.

(b) The type and extent of inspection needed depend on the particular procurement. For example, when items which would involve small losses in the event of defects or when knowledge of the contractor's reputation or past performance provides assurance that the supplies would be replaced or corrected without contest, and the cost of detailed inspection is not justified, inspection may consist only of checks for identity, quantity, and shipping damage.

§ 1–14.102 Responsibility for inspection.

Inspection, or the arrangement therefor, is the responsibility of the contracting activity. Where a contracting activity uses the inspection services of another Federal agency, the agency performing such inspection has primary inspection cognizance, and its inspection determinations are binding on the contracting activity for which the inspection services are performed. In interdepartmental procurements where Government inspection is to be made at source, it generally will be made by inspectors of the contracting agency; but this general rule does not alter inspection interchange agreements or preclude the use of inspectors of another agency located at or servicing the contractor's plant. Where Government inspection at destination is required in interdepartmental procurements, the agency requiring the supplies may be requested to arrange for the inspection.

§ 1–14.103 Use of Government inspection facilities.

§ 1–14.103–1 General.

By appropriate inspection agreements, executive agencies shall provide for the use of inspection services of other agencies when such use will assure the most economical and effective inspection consistent with the best interest of the Government.

(a) Inspection services may be arranged for on the basis of individual plants, geographic areas, specified contracts, or groups or classes of contracts or commodities.

(b) Inspection agreements shall set forth the arrangements regarding reimbursement, if any, for inspection services (see § 1–14.103–5) and shall include specific provisions for (1) use of the practices, records, and forms of the activity performing inspection, unless the use of others is mutually agreeable; (2) channels of communications; and (3) designation of source and delivery date of any Government inspection equipment to be supplied.

§ 1–14.103–2 Inspection interchange agreements.

(a) Wherever there are multiple Government inspection assignments in a supplier's plant, the agencies involved shall by an inspection interchange agreement provide for the interchange of inspection services. Specific contracts may be exempted from interchange agreements if they are:

(1) Contracts for research, development, testing, or experimental work involving inspection tasks that the contracting agency determines can be most effectively performed by its own inspection activity; or

(2) Production contracts which can be effectively serviced only by the contracting agency's inspectors because they have acquired special skills required to perform the unusual or highly technical tasks involved.

(b) Inspection interchange agreements shall be designated to eliminate duplication, overlapping, or multiple assignments of Government inspection activities in any one plant.

(c) Agency procedures should permit detailed inspection interchange agreements to be initiated and completed at the operating level which is in a position to insure coordinated and effective implementation. Where operating level activities are unable to reach inspection interchange agreements or the propriety

of exemptions is questioned and cannot be resolved, such matters shall be referred independently by each operating level activity through channels to the head of its agency for resolution.

§ 1–14.103–3 Inspection services available from Federal agencies.

(a) *General Services Administration.* (1) Agencies may arrange with the nearest General Services Administration regional Quality Control Division for inspection services (including sampling and laboratory, chemical, and physical testing) and advice required for the proper acceptance of purchased supplies and services. Requests which involve unusually large or continuing inspection programs should be made to the General Services Administration, Federal Supply Service, Quality Control Division, General Services Regional Office Building, Washington 25, D.C. Such inspection services and advice will be rendered to the maximum extent that current workload permits and in accordance with the reimbursement policy outlined in § 1–14.103–5. Special attention will be given to assisting ordering offices in the inspection of supplies and services procured under Federal Supply Schedule contracts.

(2) If the General Services Administration is unable to render the inspection assistance requested, it will endeavor to arrange for another Federal agency to provide the required services.

(b) *Other agencies.* In addition to the General Services Administration, many Federal agencies have quality control or inspection organizations which provide inspection services. Information as to the type of services available from these agencies, their policy on performing services for other Federal agencies, and the making of arrangements for their services, is contained in the Directory of U.S. Government Inspection Services and Testing Laboratories (see (c) of this § 1–14.103–3).

(c) *Directory of U.S. Government Inspection Services and Testing Laboratories.* The "Directory of U.S. Government Inspection Services and Testing Laboratories," issued by the General Services Administration, contains pertinent information concerning the major inspection offices and testing laboratories of the Federal Government. It should be used by all Federal agencies when requiring inspection services. The Directory will be helpful in determining the facility best equipped, staffed, and geographically located to perform the desired services most economically. Copies of the Directory are available to Federal agencies upon request to the General Services Administration Region 3, Reproduction and Distribution Division, General Services Regional Office Building, Washington 25, D.C. Copies of the Directory may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

§ 1–14.103–4 Furnishing inspection services.

Executive agencies should, upon request, provide inspection services to any Federal agency, any mixed ownership corporation (as defined in the Government Corporation Control Act), the District of Columbia, the Senate, the House of Representatives, and the Architect of the Capitol and any activity under his direction.

§ 1–14.103–5 Reimbursement for services.

(a) Any executive agency may supply, without reimbursement or transfer of funds therefor, services, work, materials, and equipment to another executive agency in connection with the inspection of supplies being purchased by the latter agency. The determination whether or not to require monetary reimbursement for inspection services rendered rests with the agency performing the services. Such determinations should be made in accordance with the following:

(1) Agencies may, and should, to the maximum extent practicable, exchange inspection services on a reimbursement-in-kind basis without requiring cross billing or monetary reimbursement.

(2) Agencies may perform inspection services of any value without requiring reimbursement where resident or itinerant inspectors are available in a manufacturing plant or nearby and where the additional work will not necessitate personnel increases.

(3) Agencies should, generally, waive reimbursements of less than $100 and, in any event, should not seek reimbursement if the cost of the administrative procedures attendant to billing and collecting for inspection services would equal or exceed the cost of the services performed.

(b) Whenever inspection services are performed for other than an executive agency, reimbursement therefor shall be in accordance with applicable laws and regulations.

§ 1–14.104 Contractor responsibility.

(a) The standard inspection clause in § 1–7.101–5 (and in Standard Form 32, General Provisions (Supply Contract)) requires the contractor to maintain an inspection system acceptable to the Government and records of all inspection work performed by the contractor. The contractor's inspection system should be such as to provide reasonable assurance that the supplies subject to inspection will conform to contract requirements and should include any quality control procedures necessary to this end.

(b) Where quality control procedures are considered necessary (as may be the case, for example, when complex items are being purchased), a clause specifically requiring the contractor to maintain a quality control system acceptable to the Government shall be included in the contract unless the items are being purchased under specifications which in themselves contain adequate quality control provisions. In addition, the contract shall specify the quality control requirements to be complied with by the contractor, including control measures for manufacturing processes and documentation pertinent to quality, testing and inspection, fabrication, and delivery.

(c) Government inspection activities shall plan and conduct systematic evaluation and verification of contractors' inspection systems, quality control systems, and supplies, to the extent necessary to obtain maximum assurance of quality production by the contractor consistent with efficient use of manpower and facilities. In any case, however, the contractor shall be required to perform all examinations and tests called for by the contract requirements except those which are reserved for performance by the Government.

§ 1–14.105 Places of inspection.

§ 1–14.105–1 General.

(a) Inspection of supplies and services shall be made at such times and places (including any stage and period of manufacture, and including subcontractors' plants) as are necessary to determine that the supplies and services conform to contract requirements. Each contract shall designate the place or places at which the Government intends to perform inspection. Where the contract provides for inspection at source, the place or places of inspection may not be changed without the authorization of the contracting officer.

(b) Where a contract provides for delivery and acceptance at destination (see § 1–14.203) and the Government inspects the supplies for conformance with contract specifications at a place other than destination, the supplies shall not be reinspected at destination for such conformance. However, such supplies should be examined at destination for damage in transit, quantity, and possible substitution or fraud.

§ 1–14.105–2 Inspection at source.

Supplies and services shall be inspected at source where:

(a) Inspection at any other point would require uneconomical disassembly or destructive testing;

(b) Considerable loss would result from the manufacture and shipment of unacceptable supplies or from the delay in making necessary corrections;

(c) Special instruments, gauges, or facilities required for inspection are available only at source;

(d) Inspection at any other point would destroy or require the replacement of costly special packing and packaging;

(e) A quality control system is required by the contract or inspection during performance of the contract is essential;

(f) Supplies requiring technical inspection are destined for points of embarkation for overseas shipment; or

(g) It is otherwise determined to be in the best interest of the Government.

§ 1–14.105–3 Inspection at destination.

Supplies and services shall be inspected at destination where:

(a) Deliveries of supplies purchased "off the shelf" are made from a point other than that of manufacture;

(b) Necessary testing equipment is located only at destination;

(c) Products being purchased are processed under direct control of the National Institutes of Health or the Food and Drug Administration, Department of Health, Education, and Welfare;

(d) Perishable subsistence supplies are purchased within the United States, except that perishable subsistence supplies destined for overseas shipment will normally be inspected for condition and quantity at points of embarkation;

(e) Brand name products are purchased for authorized resale (through commissaries or similar facilities), except that where supplies are destined for direct overseas shipment, inspection (and acceptance) may be accomplished by the contracting officer or his authorized representative on the basis of a tally sheet evidencing receipt of shipment signed by the port transportation officer or other designated official at the transshipment point; or

(f) It is otherwise determined to be in the best interest of the Government.

§ 1–14.106 Inspection of small purchases ($2,500 or less).

(a) This § 1–14.106 applies to all small purchases, including items described in Federal and military specifications, and qualified products. In determining the type and extent of Government inspection to be required on small purchases, the smallness of possible losses and the likelihood of uncontested replacement of defective articles shall be considered.

(b) Generally, inspection of small purchases shall be at destination. Purchasers, users, and installers may be considered inspectors for small purchase inspection purposes.

(c) Unless detailed technical inspection is necessary, inspection shall consist of examination of (1) type and kind; (2) quantity; (3) damage; (4) operability, if readily determinable; and (5) packaging and marking, if applicable.

(d) Detailed technical inspection shall be performed if special specifications are involved or if defective supplies are likely to harm personnel or equipment. Such inspection may also be necessary for other reasons (e.g., where the use of defective supplies may cause significant loss in program time or significant increase in program costs).

(e) Detailed technical inspection may be limited to those characteristics which are special or which are likely to cause harm. Where repetitive purchases are made of the same item from the same manufacturing source and there is good reason to rely upon the integrity of the manufacturer because of known safeguards and a significant history of defect-free purchases, such inspection may be further limited to a check of occasional purchases.

§ 1–14.107 Rejection of nonconforming supplies or services.

(a) Contractors ordinarily shall be given an opportunity to correct or replace nonconforming supplies or services if this can be done within the required delivery schedule. Unless the contract provides otherwise (as may be the case in some cost-reimbursement type contracts), such correction or replacement shall be without additional cost to the Government. The standard inspection clause in § 1–7.101–5 reserves to the Government the right to charge the contractor the cost of Government reinspection and retests because of prior rejection.

(b) Notices of rejection of nonconforming supplies or services shall be in writing if (1) the supplies have been delivered to a point other than the contractor's plant; (2) the contractor persists in offering nonconforming supplies or services for acceptance; or (3) delivery or performance is, or is likely to be, overdue without excusable cause. The reasons for rejection shall be stated. Since under certain circumstances acceptance may be implied where timely notice of rejection is not furnished, notices of rejection should be furnished promptly to contractors.

§ 1–14.108 Government inspection of supplies under subcontracts.

Government inspection of subcontracted supplies shall be made only when required in the interest of the Government. The primary purpose of subcontract inspection is to assist the Government inspector at the prime contractor's plant in determining the conformance of supplies with contract requirements. It does not relieve the prime contractor of any of his responsibilities under the contract. Supplies that do not qualify under the criteria in § 1–14.105–2 for Government inspection at source shall not be inspected by the Government at the subcontractor's plant. Supplies for which certificates, records, reports, and similar evidence of quality are available at the prime contractor's plant shall not be Government inspected at the subcontractor's plant except occasionally to verify such evidence. However, Government inspection shall be performed at a subcontractor's plant whenever the Government contract requires. All oral and written statements and contract provisions relating to the inspection of subcontracted supplies shall be so worded as not to (a) affect the contractual relationship between the prime contractor and the Government or between the prime contractor and the subcontractor, (b) establish a contractual relationship between the Government and the subcontractor, or (c) constitute a waiver of the Government's right to inspect or reject supplies.

§ 1–14.109 Inspection for foreign governments.

Inspection will be performed only for friendly foreign governments or international agencies and shall be administered in accordance with the foreign policy and security objectives of the United States. Such inspection will be provided only where consistent with or required by legislation, executive orders, or any agency policies concerning mutual security programs, setting forth foreign policy and security objectives.

Subpart 1–14.2—Acceptance

§ 1–14.201 General.

As used in Government contracts, "acceptance" generally means the act of an authorized representative of the Government by which the Government assents to ownership by it of existing and identified supplies, or approves specific services rendered, as partial or complete performance of the contract. Except as provided in § 1–14.206, and subject to other terms and conditions of the contract, the Government thereby acknowledges, among other things, that the supplies or services are in conformity with contract requirements, including those of quality, quantity, packaging, and marking. Depending upon the provisions of the contract, acceptance may be effected before delivery, at the time of delivery, or after delivery. However, supplies and services shall not be accepted prior to inspection, except as permitted by § 1–14.205. Acceptance shall ordinarily be evidenced by execution of an acceptance certification on an inspection or receiving report form. Where acceptance is accomplished at a point other than destination, supplies shall not be reinspected at destination for acceptance purposes. However, such supplies should be examined at destination for damage in transit, quantity, and possible substitution or fraud.

§ 1–14.202 [Reserved]

§ 1–14.203 Point of acceptance.

Each contract shall specify the point of acceptance. Contracts which provide for delivery f.o.b. destination shall provide for acceptance at destination whether inspection is to occur at destination or at source. Contracts which provide for delivery f.o.b. origin shall ordinarily provide for acceptance (and inspection) at source.

§ 1–14.204 Responsibility for acceptance.

Acceptance is the responsibility of the contracting officer or his authorized representative. Where a contracting activity uses services of another Federal agency for the purpose of acceptance, the acceptance by the other agency is binding on the activity for which the services are performed.

§ 1–14.205 Certificates of conformance.

A contractor's certification that supplies or services comply with contract requirements may be considered a proper element incident to acceptance of supplies or services. Standard or commercial items, or supplies of a simple, noncritical nature, may be accepted solely on the basis of a contractor's certificate of conformance if:

(a) The contracting officer or his authorized representative determines (1) that acceptance on that basis is in the best interest of the Government, and (2) that, because of knowledge of the supplier's reputation or past performance, it is very likely that the supplies furnished will be acceptable and that any defective supplies would be replaced or corrected by the supplier without contest; and

(b) The contract (initially, or by amendment) (1) reserves to the Government the right after acceptance to inspect the supplies within a reasonable time after delivery and to reject defective items, and (2) imposes upon the contractor the obligation, in the event of such rejection, to promptly replace or correct the defective items or to reimburse the Government therefor.

§ 1–14.206 Acceptance of supplies or services not conforming with contract requirements.

Except as provided in this § 1–14.206, supplies or services tendered for acceptance which do not conform with contract requirements shall be rejected (see § 1–14.107). However, if it is in the Government's best interest, for reasons of economy or the urgency of the requirement, acceptance of supplies or services which do not meet all contract requirements may occasionally be desirable. Prior to such acceptance, the contracting officer shall obtain the approval of the requiring activity. If the nonconformity is a significant deviation from contract requirements, or if the contracting officer determines that a price reduction is appropriate, the acceptance of nonconforming supplies or services shall be covered by an appropriate modification of the contract. A deviation is significant if it adversely affects safety; durability; performance; interchangeability of parts or assemblies; weight, where weight is a significant consideration; or any other basic objective of the specification. Where acceptance of nonconforming supplies or services is to be at a reduction in price, the amount of the reduction shall be fair and reasonable (see paragraph (b) of the standard inspection clause in § 1–7.101–5).

Effective date. These regulations are effective October 1, 1962 but may be observed earlier.

Dated: July 27, 1962.

LAWSON B. KNOTT, JR.,
Acting Administrator of General Services.

[F.R. Doc. 62–7771; Filed, Aug. 3, 1962; 8:55 a.m.]

Chapter 5—General Services Administration

PART 5–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

A new part 5–5 is added to 41 CFR Ch. 5 as follows:

Subpart 5–5.50—Government Sources of Supply

Sec.
5–5.5001 GSA sources.
5–5.5001–1 GSA stores stock.
5–5.5001–2 Federal Supply Schedule contracts.
5–5.5001–3 Consolidated procurement program.
5–5.5002 Government Printing Office.
5–5.5003 Federal Prison Industries.
5–5.5004 Schedule of Blind-Made Products.
5–5.5005 Department of Defense contract bulletins.
5–5.5006 District of Columbia Government—Department of Corrections.
5–5.5007 District of Columbia Government term contracts.

AUTHORITY: §§ 5–5.5001 to 5–5.5007 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 5–5.50—Government Sources of Supply

§ 5–5.5001 GSA sources.

§ 5–5.5001–1 GSA stores stock.

Items listed in the GSA Stores Stock Catalog shall be acquired from GSA stores distribution facilities pursuant to the instructions contained in the GSA Stock Catalog.

§ 5–5.5001–2 Federal Supply Schedule contracts.

Articles and services covered by Federal Supply Schedule contracts shall be procured from such contracts in accordance with the provisions of the appropriate Federal Supply Schedule.

§ 5–5.5001–3 Consolidated procurement program.

Items covered by GSA consolidated procurement programs shall be obtained in accordance with the requirements of such programs (e.g., GSA Reg. 1–II–304.00, 305.00, and 306.00).

§ 5–5.5002 Government Printing Office.

(a) Printing, binding, and blankbook work shall be acquired from the Government Printing Office (GPO) through the appropriate organizational element in accordance with the GSA Administrative Manual, 2–36.

(b) Items for use within the District of Columbia which are listed in the GPO Catalog and Price List (Blank Paper and Envelopes, Inks, Glues, Miscellaneous Supplies, and Services) shall be acquired from GPO or GSA stores stock.

(c) Although acquisition from GPO of blank paper, envelopes, inks, glues, miscellaneous supplies, and services listed in the GPO Catalog and Price List for use outside the District of Columbia is not mandatory, purchase should be from this source when, after considering administrative costs of procurement, etc., it is more economical than purchase from commercial sources.

§ 5–5.5003 Federal Prison Industries.

All items manufactured by, and all services rendered by, Federal Prison Industries, Inc., shall be acquired from that source in accordance with the provisions and ordering procedures contained in the Schedule of Products made in Federal Penal and Correctional Institutions, unless the items are available from GSA stores stock. Items available from GSA stores stock shall be acquired in accordance with § 5–5.5001–1.

§ 5–5.5004 Schedule of Blind-Made Products.

(a) Except for acquisition of stores stock items (see § 5–5.5001–1), supplies listed in the Schedule of Blind-Made Products shall be procured in accordance with the ordering procedures contained in the Schedule.

(b) When supplies manufactured by a nonprofit-making agency for the blind are similar to those manufactured by Federal Prison Industries, Inc., priority of procurement shall be given to the Federal Prison Industries, Inc.

§ 5–5.5005 Department of Defense contract bulletins.

(a) The Defense Petroleum Supply Center (DPSC), Defense Supply Agency, Department of Defense, prepares annual contracts for lubricating oils and transformer oil which are available for use by all Federal agencies. These contracts are described in the Oil Contract Bulletin which is issued by the DPSC. Requirements for the types of lubricating oils and transformer oil covered by the Bulletin shall be obtained from such contracts in accordance with the instructions contained in the Bulletin.

(b) The DPSC also contracts for other petroleum and petroleum products for use by Federal agencies in Alaska and Hawaii and announces these contracts through contract bulletins, which should be used to the fullest extent feasible. (GSA Region 10 makes certain contracts for miscellaneous petroleum products in Alaska which are not covered by DPSC contracts.) Ordering offices in these States should contact the Defense Petroleum Supply Center, Washington 25, D.C., if further information concerning these bulletins is required.

§ 5–5.5006 District of Columbia Government—Department of Corrections.

The Commissioners of the District of Columbia are authorized to sell to Federal agencies industrial products and services of the Workhouse and Reformatory at prices as determined by the District Commissioners. Products and services available are listed in the Price List of Industrial Products and Services. Except as provided in paragraphs (a) and (b) of this § 5–5.5006, the supplies and services available from the Department of Corrections may be procured on an optional basis. Procuring activities having requirements for these supplies or services should utilize this source when available and more economical than commercial sources. Purchase orders for such supplies and services shall be submitted in accordance with the instructions contained in the Price List.

(a) Laundry services for Federal agencies in the Washington, D.C., metropolitan area, should be acquired from the Department of Corrections, Lorton, Virginia, except when that Department issues clearance to procure such services elsewhere.

(b) Official U.S. Government tags for use on motor vehicles shall be acquired in accordance with GSA Reg. 1–V–202.00.

§ 5–5.5007 District of Columbia Government term contracts.

(a) The District of Columbia Government enters into term contracts for sand, gravel, pre-mixed concrete, Portland cement, slag, and slag screenings, which may be used on an optional basis in the Washington, D.C., area. Details concerning these contracts may be obtained from the Purchasing Officer, D.C. Government, 300 Indiana Avenue NW., Washington 25, D.C.

(b) Items covered by District of Columbia term contracts shall be ordered directly from the contractors in accordance with the terms of such contracts.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: July 26, 1962.

LAWSON B. KNOTT, JR.,
Acting Administrator.

[F.R. Doc. 62–7765; Filed, Aug. 3, 1962; 8:54 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2740]

[Fairbanks 026976]

ALASKA

Amending Public Land Order No. 2344 of April 24, 1961

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Paragraph 3 of Public Land Order No. 2344 of April 24, 1961, which withdrew public lands in Alaska for use of the Department of the Navy for purposes of the Arctic Research Laboratory, is hereby amended to read as follows: "The native inhabitants of Barrow shall have the right of ingress and egress and the right to use the areas in their usual and accustomed manner in conducting their hunting, trapping, and related activities in accordance with applicable law, provided, that such rights shall not be exercised in such manner as to interfere with the purpose for which this withdrawal is made."

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 31, 1962.

[F.R. Doc. 62–7571; Filed, Aug. 3, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

[Docket No. AO–192–A4]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Decision With Respect to Proposed Amendment of the Marketing Agreement and Order and Referendum Order

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in San Francisco, California, on April 5, 1962, on a proposed amendment of the marketing agreement, as amended, and order, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington. Notice of the hearing was published March 15, 1962, in the FEDERAL REGISTER (27 F.R. 2471). The amended marketing agreement and order are effective pursuant to the provisions of the said act.

On the basis of the evidence adduced at the hearing and the record thereof, a recommended decision in this proceeding was filed on June 22, 1962, with the Hearing Clerk, United States Department of Agriculture, and notice thereof, affording opportunity to file written exception thereto, was published June 29, 1962, in the FEDERAL REGISTER (27 F.R. 6149).

Material issues, findings, conclusions, and rulings. The material issues, findings, conclusions, rulings, and the general findings of the recommneded decision set forth in the FEDERAL REGISTER (F.R. Doc. 62–6277; 27 F.R. 6149) are hereby approved and adopted as the material issues, findings, conclusions, rulings, and the general findings of this decision as if set forth in full herein.

Rulings on exceptions. The period during which interested persons were afforded opportunity to file written exceptions to the recommended decision with the said Hearing Clerk expired on July 14, 1962; and no such exception was filed.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Amended Marketing Agreement Regulating the Handling of Walnuts Grown in California, Oregon, and Washington" and "Amended Order Regulating the Handling of Walnuts Grown in California, Oregon, and Washington" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1961, through June 30, 1962 (which is hereby determined to be a representative period for the purpose of such referendum), were engaged within California, Oregon, and Washington in the production of walnuts for market to ascertain whether such producers favor the issuance of an amended order regulating the handling of walnuts grown in California, Oregon, and Washington. Such amended order is annexed to this decision and referendum order.

Dower T. Mohun, David B. Fitz and Joseph C. Genske of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally. The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176; 19 F.R. 35), except that paragraph (a)(3) thereof is hereby modified for the purpose of this referendum to read as follows:

(3) Any individual casting a ballot in such referendum on behalf of a producer shall submit, with the ballot, evidence of his authority to cast such ballot, which evidence (i) in the case of a cooperative association shall be in the form of a certified copy of a resolution of the Board of Directors and (ii) in the case of a corporation, other than a cooperative association, or in the case of an institution, school, or college may be in the form of the following certification, on the ballot so cast: "My signature above constitutes my certification that I am an officer or employee of the corporation, institution, school or college for whom this ballot is cast, and that I have authority to take such action on its behalf."

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendment.

Any producer entitled to vote in the referendum who does not receive a copy of the aforesaid annexed order, voting instructions, ballot or other necessary forms may obtain them from the Berkeley Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 2082 Center Street, Berkeley 4, California or the Northwest Marketing Field Office, 1218 Southwest Washington Street, Portland 5, Oreg.

It is hereby ordered, That all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the amended marketing agreement are identical with those contained in the annexed amended order which will be published with this decision.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 31, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

Amended Order[1] *Regulating the Handling of Walnuts Grown in California, Oregon, and Washington*

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984.0 Findings and determinations.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

Sec.
984.42 Expenses.
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AUTHORITY: §§ 984.0 to 984.90 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 984.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations which were made in connection with the issuance of the order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such previous findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 13 F.R. 4344, 19 F.R. 4214, 20 F.R. 5387, 22 F.R. 7885 and 22 F.R. 8775.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was held in San Francisco, California, on April 5, 1962, on a proposed amendment of the amended marketing agreement and order (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon and Washington. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of walnuts grown in California, Oregon and Washington in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act and issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) The order, as amended, and as hereby further amended, prescribes, so far as is practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to differences in the production and marketing of the walnuts covered thereby; and

(5) All handling of walnuts as defined in the order is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

It is, therefore, ordered, That, on and after the effective time hereof, all handling of walnuts grown in California, Oregon, and Washington shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 984.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 984.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.)

§ 984.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 984.4 Area of production.

"Area of production" means the States of California, Oregon, and Washington, of which the State of California shall be District 1, and the States of Oregon and Washington District 2.

§ 984.5 Grower.

"Grower" is synonymous with "producer" and means any person engaged in a proprietary capacity in the commercial production of walnuts.

§ 984.6 Board.

"Board" means the Walnut Control Board established pursuant to § 984.35.

§ 984.7 Marketing year.

"Marketing year" means the twelve months from August 1 to the following July 31, both inclusive.

§ 984.8 Walnuts.

"Walnuts" means only walnuts of the "English" (Juglans regia) varieties grown in the States of California, Oregon, and Washington.

§ 984.9 Inshell walnuts.

"Inshell walnuts" means walnuts the kernels of which are contained in the shell.

§ 984.10 Shelled walnuts.

"Shelled walnuts" means walnut kernels after the shells are removed.

§ 984.11 Merchantable walnuts.

(a) *Inshell.* "Merchantable inshell walnuts" means all inshell walnuts meeting the minimum grade and size regulations set forth in § 984.50.

(b) *Shelled.* "Merchantable shelled walnuts" means all shelled walnuts meeting the minimum grade and size regulations effective pursuant to § 984.50.

§ 984.12 Substandard walnuts.

"Substandard walnuts" means all walnuts (whether inshell or shelled) the kernels of which do not meet the minimum standard prescribed for merchantable shelled walnuts.

§ 984.13 To handle.

"To handle" means to sell, consign, transport or ship (except as a common or contract carrier of walnuts owned by another person), or in any other way to put walnuts, inshell or shelled, in the current of commerce either within the area of production, or from such area to any point outside thereof, or for a manufacturer or retailer within the area of production to purchase directly from a grower: Except, that the term "to handle" shall not include sales and deliveries within the area of production by growers to handlers, or the authorized disposition of merchantable restricted, surplus, or substandard walnuts.

§ 984.14 Handler.

"Handler" means any person who handles inshell or shelled walnuts.

§ 984.15 To pack.

"To pack" means to bleach, clean, grade, or otherwise prepare walnuts for market as inshell walnuts.

§ 984.16 Packer.

"Packer" means any person who is engaged in the business of packing walnuts or has walnuts packed for his account and handles them as inshell walnuts, categorized as either:

(a) *Cooperative packer*, meaning any packer which is a cooperative marketing association of growers regardless of where or under what laws it may be organized; or

(b) *Independent packer*, meaning any packer who is not a cooperative packer.

§ 984.17 Pack.

"Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition, of merchantable inshell walnuts, packed in accordance with the pack specifications prescribed pursuant to § 984.50.

§ 984.18 Sheller.

"Sheller" means any person who is engaged in the business of shelling walnuts or has walnuts shelled for his account and handles them as shelled walnuts.

§ 984.19 Manufacturer.

"Manufacturer" means any person who uses walnuts in the production of bakery goods, ice cream, candy, or other food products, except walnut oil.

§ 984.20 Kernelweight.

"Kernelweight" means the total weight of the kernels in a quantity of walnuts regardless of their quality.

§ 984.21 Handler carryover.

"Handler carryover," as of any date, means:

(a) *Inshell.* All merchantable inshell walnuts (except those held in satisfaction of control obligations) wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable inshell walnuts in lots then held by a handler for packing as merchantable inshell walnuts;

(b) *Shelled.* All merchantable shelled walnuts (except those held as surplus) wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable shelled walnuts to be produced from inshell and shelled walnuts then held by a handler.

§ 984.22 Trade demand.

(a) *Inshell.* The quantity of merchantable inshell walnuts which the trade will acquire from all handlers during a marketing year for distribution in the United States, Puerto Rico, and the Canal Zone.

(b) *Shelled.* The quantity of merchantable shelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the United States, Puerto Rico, and the Canal Zone.

(c) *Inclusion of Canada and Cuba in trade demand.* Whenever there is reasonable probability that distribution of inshell and shelled walnuts may be made to the trade in either Canada or Cuba at prices reasonably comparable with prices received in the United States, either or both may be included in the trade demand.

§ 984.23 Free walnuts.

"Free walnuts" means those inshell walnuts which are included in the free percentage established by the Secretary pursuant to § 984.49.

§ 984.24 Restricted walnuts.

"Restricted walnuts" means those inshell walnuts which are withheld in satisfaction of a restricted obligation arising from application of a restricted percentage.

§ 984.25 Marketable walnuts.

"Marketable walnuts" means those walnuts, inshell or shelled, which are included in the marketable percentage established by the Secretary pursuant to § 984.49.

§ 984.26 Surplus walnuts.

"Surplus walnuts" means those inshell or shelled walnuts which are withheld in satisfaction of a surplus obligation arising from application of a surplus percentage.

§ 984.27 Allocation percentage.

"Allocation percentage" means the quotient, expressed as a percentage with applied accuracy to the nearest pound, that results from dividing the restricted percentage by the free percentage.

§ 984.28 Diversion percentage.

"Diversion percentage" means the quotient, expressed as a percentage with applied accuracy to the nearest pound, that results from dividing the surplus percentage by the marketable percentage.

§ 984.29 Control percentages.

"Control percentages" means free, restricted, marketable, and surplus percentages established by the Secretary pursuant to § 984.49.

§ 984.30 Control obligations.

"Control obligations" means the quantity of walnuts each handler must withhold to meet the restricted or the surplus percentage established by the Secretary pursuant to § 984.49.

§ 984.31 Part and subpart.

"Part" means the order regulating the handling of walnuts grown in California, Oregon, and Washington, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of walnuts grown in California, Oregon, and Washington shall be a "subpart" of such part.

ADMINISTRATIVE BODY

§ 984.35 Walnut Control Board.

(a) A Walnut Control Board is hereby established, consisting of ten members, selected by the Secretary, each of whom shall have an alternate nominated and selected in the same way and with the same qualifications as the member. One member and one alternate member shall be selected by the Secretary from nominees submitted by each of the following groups or from among other eligible persons belonging to such groups:

(1) The cooperative packers doing business within the State of California;

(2) The independent packers doing business within the State of California;

(3) The group of cooperative packers or independent packers doing business within the State of California, who, during the preceding marketing year, handled more than 50 percent of the merchantable inshell walnuts handled by packers located within the State of California;

(4) Walnut growers whose orchards are located in California and who market their walnuts through cooperative packers;

(5) All other walnut growers whose orchards are located in California;

(6) Walnut growers whose orchards are located in California and whose walnuts were marketed during the preceding marketing year through the packer group specified in subparagraph (3) of this paragraph;

(7) Walnut packers whose plants are located within the States of Oregon or Washington;

(8) Walnut growers whose orchards are located within the States of Oregon or Washington;

(9) Walnut shellers within the area of production who are handlers but who are not packers.

(b) The tenth member shall be selected after the selection of the nine members from the above specified groups and after opportunity for such nine members to nominate the tenth member.

§ 984.36 Term of office.

The term of office of Board members and alternate members shall be for a period of two years ending on June 30 of odd-numbered years, but they shall serve until their respective successors are selected and have qualified.

§ 984.37 Nominations.

(a) Each of the nine groups specified in § 984.35 may nominate one person as member and one person as alternate, and the nine members selected to represent such groups may nominate by majority vote one person as member and one person as alternate for the tenth member position. Nominations for each group of handlers shall be submitted on ballots mailed by the Board to all handlers in such groups. Nominations on behalf of growers who market their walnuts through cooperative handlers shall be submitted on ballots cast by each such handler for its growers: Except, that growers in group 8 shall vote individually. Nominations on behalf of growers in groups 5 (and 6 when group 3 represents independent packers) and 8 shall be submitted after ballot by such growers pursuant to announcements by press releases of the Board to the principal papers in the walnut producing area in California, Oregon, and Washington. Such releases shall provide pertinent voting information, including the names of the candidates and the locations where ballots may be obtained. The ballots shall be accompanied by full instructions as to their marking and mailing and shall include the names of the incumbents who are willing to continue serving on the Board and such other candidates as may be proposed pursuant to methods established by the Board, with the approval of the Secretary. All packer votes shall be weighted by the quantity (rounded upward to the nearest whole ton) of merchantable inshell walnuts handled by each packer during the preceding marketing year and all grower votes shall be given equal weight. Sheller votes shall be weighted by the quantity of merchantable shelled walnuts handled by each sheller during the preceding marketing year. The packer, sheller, or grower receiving the highest vote for each position shall be the nominee.

(b) Nominations received in the foregoing manner by the Board shall be reported to the Secretary on or before June 15 of each odd-numbered year, together with a certified summary of the results of the nominations. If the Board fails to report nominations to the Secretary in the manner herein specified by June 15 of any such year, the Secretary many select the members without nomination. If nominations for the tenth member are not submitted by August 1 of any such year, the Secretary may select such member without nomination.

§ 984.38 Eligibility.

No person, other than the tenth member and alternate, shall be selected or continue to serve on the Board more than 30 days after he ceases to be a member of or employed by a member of the group he represents.

§ 984.39 Qualify by acceptance.

Each person selected by the Secretary as a member or alternate of the Board shall, prior to serving; qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of such selection.

§ 984.40 Alternates.

(a) An alternate for a member of the Board shall act in the place and stead of such member in his absence or in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

(b) In the event any member of the Board and his alternate are both unable to attend a meeting of the Board, any alternate for any other member representing the same group as the absent member may serve in the place of the absent member, or in the event such other alternate cannot attend, or there is no such other alternate, such member, or in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place of such member. For the purposes of this paragraph, a cooperative handler group and a cooperative grower group in the same state shall be considered the same group.

§ 984.41 Vacancy.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member or alternate, or any need to select a successor through failure of any person selected as a member or alternate member to qualify, shall be recognized by the Board causing a nomination to be made by the appropriate group and certifying to the Secretary a new nominee within 60 calendar days.

§ 984.42 Expenses.

The members of the Board shall serve without compensation, but shall be allowed their necessary expenses.

§ 984.43 Powers.

The Board shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 984.44 Duties.

The duties of the Board shall be as follows:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

(c) To furnish to the Secretary a complete report of all meetings and such other available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries, define the duties, and fix the bonds of such employees;

(e) To cause the books of the Board to be audited by one or more competent public accountants at least once for each marketing year and at such other times as the Board deems necessary or as the Secretary may request, and to file with the Secretary three copies of all audit reports made;

(f) To investigate the growing, shipping and marketing conditions with respect to walnuts and to assemble data in connection therewith;

(g) To investigate compliance with the provisions of this part; and

(h) To recommend rules and regulations for the purpose of administering this subpart.

§ 984.45 Procedure.

(a) The members of the Board shall select a chairman from their membership, and shall select such other officers and adopt such rules for the conduct of Board business as they deem advisable. The Board shall give the Secretary the same notice of its meetings as is given to members of the Board.

(b) All decisions of the Board, except where otherwise specifically provided, shall be by majority vote of the members present. A quorum of six members shall be required for the conduct of Board business.

(c) The Board may vote by mail or telegram upon due notice to all members. When any proposition is submitted for voting by one of such methods, one dissenting vote or failure of a member or alternate to vote, shall prevent its adoption until submitted to a meeting of the Board.

RESEARCH AND DEVELOPMENT

§ 984.46 Research and development.

The Board, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote marketing, distribution, and consumption of walnuts, the expense of such projects to be paid from funds collected pursuant to § 984.69.

MARKETING POLICY

§ 984.48 Marketing estimates and recommendations.

(a) Each marketing year prior to September 20, the Board shall hold a meeting for the purpose of recommending to the Secretary a marketing policy for such year. Such recommendation shall be adopted by the affirmative vote of at least six members of the Board and shall include the following:

(1) Its estimate of the orchard-run production in each district for the marketing year;

(2) Its estimate of the quantity of merchantable inshell walnuts likely to be produced and be available for inshell use during such year, expressed in pounds, inshell weight, and kernelweight;

(3) Its estimate of merchantable inshell walnut handler carryover as of August 1, expressed in pounds, inshell weight, and kernelweight;

(4) Its estimate of merchantable inshell walnut trade demand for such year, taking into consideration trade carryover at the beginning and end of the year, imports, prices, prospective shelled walnut market conditions, and other factors affecting inshell trade demand during such year, expressed in pounds, inshell weight, and kernelweight;

(5) Its recommendation for inshell walnut handler carryover on July 31 of such year expressed in pounds, inshell weight, and kernelweight;

(6) Its estimate of merchantable shelled walnut production during such marketing year;

(7) Its estimate of merchantable shelled walnut handler carryover as of August 1;

(8) Its estimate of merchantable shelled walnut trade demand, taking into consideration trade carryover, at the beginning and end of the year, imports, prices, and other factors affecting shelled walnut trade demand;

(9) Its recommendation for shelled walnut handler carryover on July 31 of such year;

(10) Its recommendation as to the merchantable free and restricted percentages to be fixed for inshell walnuts produced in each district. In recognition of differences in production and marketing, the Board shall recommend that the restricted percentage in District 2 be one-half of the percentage in District 1;

(11) Its recommendation as to the marketable and surplus percentages to be fixed for walnuts produced in each district. In recognition of differences in production and marketing, the Board shall recommend that the surplus percentage in District 2 be one-half of the percentage in District 1; and

(12) Its recommendation as to grade and size regulations.

§ 984.49 Control percentages.

(a) *Free and restricted percentages.* Whenever the Secretary finds on the basis of the Board's recommendations or other information that limiting the quantity of merchantable inshell walnuts which may be handled during a marketing year would tend to effectuate the declared policy of the Act, he shall establish for District 1 a free percentage to prescribe the portion of such walnuts which may be handled as inshell walnuts and a restricted percentage to prescribe the portion that must be withheld from such handling and similarly for District 2 except that the restricted percentage shall be one-half that of District 1.

(b) *Marketable and surplus percentages.* Whenever the Secretary finds on the basis of the Board's recommendations or other information that limiting the quantity of merchantable inshell and shelled walnuts which may be handled during a marketing year would tend to effectuate the declared policy of the Act, he shall establish for District 1 a marketable percentage to prescribe the portion of such walnuts which may be handled in normal markets and a surplus percentage to prescribe the portion that must be withheld from handling in such markets and similarly for District 2 except that the surplus percentage shall be one-half that of District 1.

(c) *Revision of percentages.* In the same manner, at any time prior to February 15 of the marketing year, the Board may recommend that the marketable and free percentages be increased and the surplus and restricted percentages decreased. On the basis of the Board's recommendation or other information, the Secretary may establish revised control percentages. Upon revision, all control obligations theretofore accrued on walnuts handled or declared for handling during such year on the basis of previously effective percentages shall be adjusted accordingly.

QUALITY CONTROL

§ 984.50 Grade and size regulations.

(a) *Minimum standards for inshell walnuts.* No handler shall handle inshell walnuts unless such walnuts are equal to or better than the requirements of U.S. No. 3 grade and baby size as defined in the then effective United States Standards for Walnuts (Juglans regia) in the Shell. This minimum standard may be modified by the Secretary on the basis of a Board recommendation or other information.

(b) *Minimum standard for shelled walnuts.* No handler shall handle shelled walnuts unless such walnuts are equal to or better than the requirements of the U.S. Commercial grade as defined in the then effective United States Standards for Shelled Walnuts (Juglans regia) and the minimum size shall be pieces not more than 5 percent of which will pass through a round opening 9/64 inch in diameter. This minimum standard may be modified by the Secretary on the basis of a Board recommendation or other information.

(c) *Effective period.* The minimum standards established pursuant to paragraphs (a) and (b) of this section and the provisions of this part relating to the administration thereof, shall continue in effect irrespective of whether the season average price for walnuts is above the parity level specified in section 2(1) of the Act.

(d) *Additional grade and size regulations.* The Board may recommend to the Secretary additional grade and size regulations in the form of more restrictive minimum standards than those specified in this section, or pack specifications as to grades and sizes that may be handled. Different regulations may be recommended for each district when necessary due to significant differences in the quality of walnuts produced in each district. If the Secretary finds, on the basis of such recommendation or other information, that additional grade and size regulations for a district would tend to effectuate the declared policy of the Act, he shall establish such regulations.

(e) *Minimum requirements for surplus.* The Board, with the approval of the Secretary, may specify the minimum kernel content and related requirements for any lot of walnuts acceptable in satisfaction of a surplus obligation: *Provided,* That surplus walnuts exported must meet the requirements of paragraph (a) of this section, if inshell, or paragraph (b) of this section, if shelled.

§ 984.51 Inspection and certification of inshell and shelled walnuts.

(a) Before or upon handling or withholding any walnuts, each handler, at his own expense, shall cause such walnuts to be inspected and certified as meeting the then effective grade and size regulations or the quality requirements for walnuts withheld, by the inspection service designated, with approval of the Secretary, by the Board. Each certificate shall show the identity of the handler, the quantity of walnuts, the date of inspection, and for inshell walnuts, the kernelweight, and the grade and size of such walnuts as set forth in the United States Standards for Walnuts in the Shell. Certificates covering surplus shelled walnuts for export shall also show the grade, size, and color of such walnuts as set forth in the United States Standards for Shelled Walnuts. The Board may prescribe such additional information to be shown on the inspection certificates as it deems necessary for the proper administration of this part. Handlers shall cause a copy of each certificate issued by the inspection service to be furnished to the Board.

(b) Upon inspection, all certified walnuts shall be identified by seals, stamps, or other means of identification prescribed by the Board and affixed to the container by the handler under the supervision of the Board or a designated inspector and such identification shall not be altered or removed except as directed by the Board. The Board may, with the approval of the Secretary, prescribe such other requirements as may be necessary to insure adequate identification of such certified walnuts.

(c) Whenever the Board determines that the length of time in storage or conditions of storage of any lot of walnuts which has been previously inspected have been or are such as normally to cause deterioration, such lot of walnuts shall be reinspected at the handler's expense and recertified as merchantable prior to shipment.

§ 984.52 Processing of shelled walnuts.

(a) No handler shall slice, chop, grind, or in any manner change the form of shelled walnuts unless such walnuts have been certified as merchantable or as suitable for processing pursuant to paragraph (b) of this section. The Board shall establish such procedures as are necessary to insure that all such walnuts are inspected and certified prior to any such processing.

(b) Any lot of shelled walnuts which, upon inspection, fails to meet the minimum standard effective pursuant to § 984.50 solely due to excess shriveling may be certified for processing provided that the total amount of shrivel does not exceed 20 percent, by weight, of the lot. All such walnuts must be reinspected after processing and shall be certified as merchantable if the processed material meets the effective minimum standard. The provisions of this paragraph may be modified by the Secretary, upon recommendation of the Board or other information.

CONTROLLED WALNUTS

§ 984.54 Withholding obligation.

(a) *Restricted obligation.* No handler shall handle inshell walnuts unless prior to or upon shipment thereof (or purchase if applicable), he has withheld a quantity, by weight, of certified merchantable inshell walnuts equal to the allocation percentage of the inshell walnuts handled or declared for handling by him: *Provided,* That such withholding may be temporarily deferred pursuant to the bonding provisions of § 984.57 and that the Board, with the approval of the Secretary, may modify the merchantable requirements for walnuts withheld for shelling.

(b) *Surplus obligation.* No handler shall handle walnuts unless prior to or upon shipment thereof (or purchase if applicable) he has withheld a quantity of walnuts meeting the requirements of § 984.50(e) and having a certified kernelweight equal to the diversion percentage of the kernelweight of all inshell walnuts handled or declared for handling and the actual net weight of all shelled walnuts handled or declared for handling by him: *Provided,* That such withholding may be temporarily deferred pursuant to the bonding provisions of § 984.57.

(c) Walnuts withheld as surplus shall be set aside and thereafter held for the account of the Board at the expense of the handler and, from the date of withholding, shall be available for inspection during reasonable business hours by the Board or its designees. Such walnuts shall be stored in such manner as to maintain them in the same condition as when certified for surplus, except for loss through conditions beyond the handler's control. Upon demand of the Board, they shall be delivered to the Board f.o.b. rail car or truck at handlers' warehouse or point of storage. All such surplus walnuts so withheld by the handler shall be at the time of withholding placed by the handler, at his own expense, in suitable containers, which may be prescribed by the Board and identified by appropriate seals, stamps, or other means of identification to be furnished by the Board and to be affixed to the containers by the handler under the direction or supervision of the Board or a designated inspector.

(d) The requirement for withholding a quantity of walnuts pursuant to paragraphs (a) and (b) of this section shall be the restricted and surplus obligations, respectively. The control obligations applicable to the district of production shall apply to any walnuts transferred to the other district prior to handling. Merchantable walnuts handled in accordance with the provisions of this subpart shall be deemed to be such handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act.

(e) Any handler may at any time prior to the end of the marketing year satisfy his control obligations with respect to a specified quantity of certified merchantable walnuts which he then owns and has on hand and on which he declares to the Board his intention to handle, by withholding a quantity of walnuts sufficient to meet the obligations on the walnuts so declared for handling. Such declared quantity, if not handled, and the applicable withholding may be canceled by the handler prior to the end of the marketing year.

(f) Any handler withholding restricted or surplus walnuts in excess of his respective obligations may have excess walnuts of his choice freed from withholding by complying with such procedures as the Board may require to insure compliance with his obligations and identification of the remaining walnuts withheld. Similarly, he may exchange other eligible walnuts for walnuts withheld.

§ 984.55 Interhandler transfers.

(a) Within the area of production inshell walnuts other than free walnuts may be sold or delivered by one handler to another for packing or shelling and the receiving packer or sheller shall comply with the regulations made effective pursuant to this part with respect to such walnuts.

(b) A handler may, for the purposes of meeting his control obligations, acquire walnuts from another handler, and any assessments, control obligations, and inspection requirements with respect to walnuts so transferred shall be waived insofar as the seller is concerned. The Board, with the approval of the Secretary, may establish methods and procedures including necessary reports for such transfers.

(c) Except as provided in paragraphs (a) and (b) of this section, whenever transfers of walnuts are made from one handler to another, the first handler thereof shall comply with all of the regulations effective pursuant to this part.

§ 984.56 Deferment of withholding.

(a) *General.* Compliance by any handler with the requirements of § 984.54 as to the time during the marketing year when restricted and surplus walnuts shall be withheld may be deferred to any date desired by the handler up to December 31 for restricted and March 31 for surplus obligations. Such deferment shall be granted only upon the execution and delivery by such handler to the Board of a written undertaking that on or prior to the dates specified he will have fully satisfied his control obligations.

(b) *Filing of bond.* Such undertaking shall be secured by a commercial surety bond or a personal bond with surety to be filed with, and acceptable to, the Board in the amount stated in paragraph (c) of this section, conditioned upon full compliance with such undertaking. The amount of the bond for deferment of compliance with a restricted or surplus obligation shall be the total weight of the applicable obligation multiplied by the applicable bonding rate. The cost of the bond shall be borne by the handler.

(c) *Bonding rates*—(1) *Establishment.* The bonding rate for restricted walnuts shall be the price per pound for bulk pack, U.S. No. 2, medium size inshell walnuts, f.o.b. shipping point, and for surplus walnuts the price per pound for bulk U.S. Commercial grade light amber halves and pieces, f.o.b. shipping point as determined by the Board to be prevailing at the time bonding rates are established, which shall be not later than October 15 of any marketing year in which control percentages are recommended to the Secretary.

(2) *Effective period.* The bonding rates established for any marketing year shall continue in effect after the end of such marketing year until such bonding rates are modified. After bonding rates are established for the new marketing year, the new rates shall be applicable and any bonds theretofore given for that marketing year shall be adjusted to the new rates.

(d) *Disposition of bond collections.* (1) Any sums collected through default of a handler on his bond shall be used by the Board to purchase from handlers walnuts not to exceed the total quantity of default referable to such bond or that represented by the sums collected, whichever is lesser. The Board shall at all times purchase the lowest priced walnuts offered.

(2) Any unexpended sums, which have been collected by the Board through default of a handler on his bond, remaining in the possession of the Board at the end of a marketing year shall be used to reimburse the Board for its expenses, including administrative and other costs, incurred in the collection of such sums and in the purchase of walnuts. Any balance remaining after reimbursement of such expenses shall be returned to the defaulting handler.

(3) Walnuts purchased as provided for in this section shall be turned over to the defaulting handler for restricted or surplus disposition, as appropriate. If the quantity of walnuts represented by the bond collection cannot be purchased, the Board shall distribute any unexpended sum collected, after deducting necessary expenses, to all handlers on the basis of their respective inshell handlings with respect to a restricted obligation default or total handlings, kernelweight basis, with respect to a surplus obligation default.

(e) *Satisfaction of control obligations.* Collection by the Board upon any bond filed pursuant to the provisions of this section shall be deemed a satisfaction of the control obligations represented by such collection and the handler shall be credited on his control obligation with that quantity of walnuts represented by the bond sums collected on account of such default.

DISPOSITION OF CONTROLLED WALNUTS

§ 984.60 Shelling restricted walnuts.

(a) Any handler may shell restricted walnuts which he has withheld pursuant § 984.54 or deliver them for shelling to another handler or an authorized sheller (i.e., a person other than a handler).

(b) Any person within the area of production who desires to become an authorized sheller may submit an application to the Board. Such authorization shall be granted to the applicants for a period of one year upon submission to the Board of an agreement, in writing, to:

(1) Shell restricted walnuts within the area of production or deliver them as inshell walnuts only to another authorized sheller for shelling;

(2) Comply fully with all requirements of this part, applicable to the shelling of walnuts;

(3) Permit such audits and inspections as the Board may require to determine compliance with provisions of this part; and

(4) Make such reports, certified to the Board and the Secretary as to their correctness, as the Board may require.

§ 987.61 Export.

(a) Sale or shipment of merchantable restricted and merchantable surplus walnuts in export to destination outside of the United States, Puerto Rico, and the Canal Zone, and Canada and Cuba when included in the trade demand, shall be made only by the Board. The Board shall be obligated to export only such quantities for which it is able to find satisfactory outlets. Any handler may be designated an agent of the Board under such terms and conditions as the Board may specify for export sales. Proceeds of any export sales made by the Board after deducting all expenses actually and necessarily incurred shall be paid to the handler withholding the walnuts.

(b) The respective kernelweights of restricted and surplus walnuts so exported shall be credited against the applicable withholding obligations of the

withholding handler. Upon a handler's written request during a marketing year, the Board shall transfer any part or all of such handler's exports in excess of his withholding obligations to such other handlers as he may designate.

§ 984.62 Surplus pool.

(a) Surplus walnuts which are not disposed of pursuant to § 984.61 shall be pooled not later than August 31 of the next marketing year and shall be disposed of by the Board upon the best terms and highest prices obtainable consistent with the ultimate complete disposition of surplus, subject to the following conditions:

(1) No such surplus walnuts shall be sold in the United States, Puerto Rico, or the Canal Zone, other than to Government agencies or to charitable institutions for charitable purposes or for diversion into walnut oil, poultry or animal feed, or such other uses as the Board finds to be non-competitive with normal markets and with proper safeguards in each case to prevent such walnuts thereafter entering the channels of trade in such normal markets.

(2) The Board shall not accept delivery of any surplus walnuts for pooling and disposition prior to making a determination on or before December 15 of any marketing year as to the percentage of a handler's withholding obligation which may be accepted for pooling and disposition prior to February 15 of such year.

(b) *Disposition of proceeds from sales of pooled surplus.* Expenses incurred by the Board in receiving, handling, holding, and disposing of the pooled surplus walnuts shall be charged against the proceeds of the sales of such surplus walnuts. The remaining proceeds from the disposition of pooled surplus walnuts shall be distributed by the Board to handlers in proportion to their contribution thereto, measured in kernelweight.

(c) *Surplus pool credits.* Upon a handler's written request during a marketing year, the Board shall transfer any part or all of a handler's surplus pool credits in excess of his surplus withholding obligation to such other handler as he may designate.

§ 984.63 Storage facilities.

The Board may rent and operate, or arrange for the use of facilities for storage and handling of surplus walnuts withheld.

§ 984.64 Disposition of substandard walnuts.

Substandard walnuts may be disposed of only for manufacture into oil, livestock feed, or for such other uses as the Board determines to be noncompetitive with existing normal markets for walnuts and with proper safeguards to prevent such walnuts from thereafter entering the channels of trade in such normal markets.

§ 984.65 Compliance.

Except as provided in this subpart, no person shall handle walnuts, inshell or shelled, during any marketing year in which this subpart and any regulations issued by the Secretary hereunder are in effect, unless such person has previously met the obligations imposed by each such regulation and the provisions of this subpart.

§ 984.66 Assistance of Board in meeting control obligations.

The Board, on written request, may assist handlers in accounting for their control obligations and may aid any handler in acquiring walnuts to meet any deficiency in a handler's control obligation, or in accounting for and disposing of walnuts withheld.

§ 984.67 Exemptions.

(a) *Exemption from volume regulations.* Control percentages shall not apply to lots of merchantable inshell walnuts which are of Mammoth size or larger as defined in the then effective United States Standards for Walnuts in the Shell, or to such quantities as the Board may, with the approval of the Secretary, prescribe.

(b) *Exemptions from assessments, quality, and volume regulations—(1) Sales by growers direct to consumers.* Any walnut grower may handle walnuts of his own production free of the regulatory and assessment provisions of this part if he sells such walnuts in the area of production directly to consumers under the following types of exemptions:

(i) At roadside stands and farmers' markets;

(ii) In quantities not exceeding an aggregate of 500 pounds of inshell walnuts or 200 pounds of shelled walnuts during any marketing year (at locations other than those specified in subdivision (i) of this subparagraph) ; and

(iii) If shipped by parcel post or express in quantities not exceeding 10 pounds of inshell walnuts or 4 pounds of shelled walnuts to any one consumer in any one calendar day.

(2) *Green walnuts.* Walnuts which are green and which are so immature that they cannot be used for drying and sale as dried walnuts may be handled without regard to the provisions of this part.

(3) *Noncompetitive outlets.* Any person may handle walnuts, free of the provisions of this part, for use by charitable institutions, relief agencies, governmental agencies for school lunch programs, and diversion to animal feed or oil manufacture pursuant to an authorized governmental diversion program.

(c) *Rules and modifications.* The Board may establish, with the approval of the Secretary, such rules, regulations and safeguards and such modifications as will promote the objectives of this subpart.

EXPENSES AND ASSESSMENTS

§ 984.68 Expenses.

The Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for the maintenance and functioning of the Board, and for such other purposes as the Secretary may, pursuant to this part, determine to be appropriate. Such expenses shall be allocated between inshell and shelled walnuts handled or declared for handling on the basis of the estimated costs of the respective operations. The Board shall file a proposed budget of expenses and rates of assessment for inshell and shelled walnuts with the Secretary as soon as practicable after the beginning of each marketing year.

§ 984.69 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the Board, on demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro rata share shall be the rate of assessment per pound for inshell or shelled walnuts fixed by the Secretary times the respective quantity of merchantable inshell or shelled walnuts he has handled or declared for handling. At any time during or after a marketing year the Secretary may increase the assessment rates as necessary to cover authorized expenses and each handler's pro rata share shall be adjusted accordingly.

(b) *Surplus walnut pool expenses.* The Board is authorized temporary use of funds derived from assessments collected pursuant to paragraph (a) of this section to defray expenses incurred in disposing of surplus walnuts pooled. All such expenses shall be deducted from the proceeds obtained by the Board from the sale or other disposal of pooled surplus walnuts.

(c) *Refunds.* At the end of a marketing year, funds in excess of the marketing year's expenses shall be refunded to handlers from whom collected and each handler's share of such excess funds shall be the amount of assessments he has paid in excess of his pro rata share of the actual expenses of the Board. Excess funds may be used temporarily by the Board to defray expenses of the subsequent marketing year: *Provided,* That each handler's share of such excess shall be made available to him by the Board within five months after the end of the year.

(d) *Termination.* Any money collected from assessments hereunder and remaining unexpended in the possession of the Board upon termination of this part shall be distributed in such manner as the Secretary may direct.

REPORTS, BOOKS, AND OTHER RECORDS

§ 984.71 Reports of handler carryover.

Each handler, on or before August 15 and January 15 of each marketing year, shall file with the Board a written report of his handler carryover of inshell and shelled walnuts as of August 1 and January 1 on such forms as the Board may prescribe.

§ 984.72 Reports of merchantable walnuts handled.

Each handler who handles merchantable walnuts, inshell or shelled, at any time during a marketing year shall submit to the Board in such form and at such intervals as the Board may prescribe, reports showing the quantity so handled and such other information pertinent thereto as the Board may specify.

§ 984.73 Reports of disposition of controlled walnuts.

Each handler who disposes of restricted or surplus walnuts shall submit to the Board in such form and at such intervals as the Board may prescribe reports showing the quantity so disposed of and such other information pertinent thereto as the Board may specify.

§ 984.74 Reports of interdistrict shipments of walnuts.

Any shipments of walnuts between District 1 and District 2 for sale or delivery to a handler shall be reported to the Board by the receiving handler, upon receipt, on forms prescribed by the Board, showing the net weight of each shipment and such other information pertinent thereto as the Board may specify.

§ 984.75 Reports of disposition of substandard walnuts.

Each handler shall submit, in such form and at such intervals as the Board may determine, reports of (a) his production and holdings of substandard walnuts and (b) the disposition of all substandard walnuts, including all deliveries of such walnuts to any other person, showing the quantity, lot, date, name and address of the person to whom delivered, the approved use and such other information pertaining thereto as the Board may specify.

§ 984.76 Other reports.

Upon request of the Board, made with the approval of the Secretary, each handler shall furnish to the Board in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for herein) such other information as will enable the Board to perform its duties and exercise its powers hereunder.

§ 984.77 Verification of reports.

For the purpose of checking and verifying reports filed by handlers or the operations of handlers under the provisions of this part, the Board, through its duly authorized agents shall have access to any handler's premises wherein walnuts may be held by such handler and, at any time during reasonable business hours, shall be permitted to inspect any walnuts so held by such handler and any and all records of the handler with respect to the holding or disposition of all walnuts which may have been disposed of by such handler, including records with respect to acquirements, packing, shelling, and shipment of both inshell and shelled walnuts, as applicable. Each handler shall furnish all labor necessary to facilitate such inspections as the Board may make of such handler's holdings of any walnuts. Each handler shall store all restricted and surplus walnuts held by him in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to inspection certificates of respective lots and of all such walnuts held or disposed of theretofore.

§ 984.78 Certification of reports.

All reports submitted to the Board as required in this part shall be certified to the Secretary and the Board as to the completeness and correctness of the information contained therein.

§ 984.79 Confidential information.

All reports and records submitted by handlers to the Board, which include data or information constituting a trade secret or disclosing the trade position, or financial condition or business operations of the handler shall be kept in custody of one or more employees of the Board and shall be disclosed to no person except the Secretary.

§ 984.80 Books and other records.

Each handler shall maintain such records of walnuts received, held and disposed of by him as may be prescribed by the Board for the purpose of performing its functions under this subpart. Such books and records shall be retained and be available for examination by authorized representatives of the Board and the Secretary for a period of two years after the end of the marketing year in which the recorded transactions are completed.

MISCELLANEOUS PROVISIONS

§ 984.83 Rights of the Secretary.

The members and alternates of the Board and any agent or employee appointed or employed by the Board, shall be subject to removal or suspension by the Secretary, at his discretion, at any time. Each and every decision, determination, or other act of the Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

§ 984.84 Personal liability.

No member or alternate of the Board nor any employee or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate, employee or agent, except for acts of dishonesty.

§ 984.85 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 984.86 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 984.87 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination hereof except with respect to acts done under and during the existence hereof.

§ 984.88 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any subdivision of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 984.89 Effective time and termination.

(a) *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this subpart at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers of walnuts who during the preceding marketing year have been engaged in the production for market of walnuts in the States of California, Oregon, and Washington: *Provided,* That such majority have during such period produced for market more than 50 percent of the volume of such walnuts produced for market within said States, but such termination shall be effected only if announced on or before July 1 of the then current marketing year.

(4) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions of this subpart, the members of the Board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Board, of all funds and property then in the possession or under the control of the Board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall from time to time, account for all receipts and disbursements and deliver all property on hand, to-

gether with all books and records of the Board and the joint trustees to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Board or the joint trustees pursuant hereto.

(3) Any person to whom funds, property or claims have been transferred or delivered by the Board or its members, pursuant to this section, shall be subject to the same obligation imposed upon the members of the said Board and upon said joint trustees.

§ 984.90 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

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Agricultural Stabilization and Conservation Service

[7 CFR Part 1065]

[Docket No. AO-86-A13]

MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Omaha, Nebraska, on June 5, 1962, pursuant to notice thereof issued on May 16, 1962 (27 F.R. 4812), as subsequently amended pursuant to notice which was issued May 23, 1962 (27 F.R. 4967).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on July 6, 1962 (27 F.R. 6560; F.R. Doc. 62-6753) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing relates to the classification of sterilized cream in hermetically sealed containers.

Findings and conclusions. The following findings and conclusions on the material issue are based on the evidence presented at the hearing and the record thereof.

The classification of sterilized cream in hermetically sealed containers. Sterilized cream in hermetically sealed containers which is received at pool plants and which is not reprocessed or converted to a fluid milk product during the month should be classified as Class II milk. This change may be accomplished by excluding the item from the list of products specified as "fluid milk products".

Under the present terms of the order, although concentrated milk products similarly packaged are excluded from the definition of fluid milk products, sterilized cream in hermetically sealed containers is not specifically excluded. Under the classification provisions of the order, items enumerated as fluid milk products which are disposed of on routes during the month by fully regulated handlers are classified as Class I.

Handlers operating pool plants at which sterilized cream in hermetically sealed containers is received for subsequent disposition on routes proposed that the product be excluded from the scope of the fluid milk product definition.

The product in question presently is not processed and packaged at any pool plant. Instead it is processed in California from manufacturing grade milk produced in that state. The processing consists of sterilizing cream with a small amount of a vegetable stabilizer added and packaging the product aseptically under vacuum with a hermetic seal. Some is packaged under the label of the milk distributor. Other batches are packaged under the label of the processor.

Those opposed to changing the classification of the product held that the product was competitive with whipping cream (it is labeled "sterilized cream for whipping"), which is required to be made from Grade A sources. Following the introduction of the product into the market, sales of fresh cream (27 percent or more butterfat) declined significantly. Opponents further contended that in an important portion of the marketing area the product was required to be made from Grade A sources of milk and to be labeled Grade A under the applicable health regulations.

The product in fact is not made from Grade A milk and does not carry a Grade A label. If the local health authorities were to require that it be made from locally approved Grade A sources of milk supply, it is evident that the product would no longer be sold in their jurisdictions. The volume of pool handlers' sales of the product to which producer milk is now allocated as Class I would not then be available for such purpose.

Under the classification plan of this order, products which are required to be produced from locally approved milk are in Class I. Milk used for products which need not be produced from approved milk are in Class II. Milk for this product thus should be in Class II.

Since the product is not produced from pooled milk the change in classification will not affect the production of this item but affects the classification of producer milk through the allocation procedure.

The revision of the fluid milk products definition by excluding from the scope of that term products named therein which are sterilized and packaged in hermetically sealed containers will accomplish the desired effect.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. While a document was filed within the period reserved for exceptions, it took no exception to any of the findings, conclusions or amendatory provisions of the recommended decision. No ruling is necessary with respect to such document.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Nebraska-Western Iowa Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Nebraska-Western Iowa Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of May 1962 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Nebraska-Western Iowa marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on July 31, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Nebraska-Western Iowa Marketing Area

§ 1065.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nebraska-Western Iowa marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Nebraska-Western Iowa marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1065.16 is revised to read as follows:

§ 1065.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, yogurt, milk drinks (plain or flavored), concentrated milk (frozen or fresh), cream, cultured or sour cream or any mixture in fluid form of milk or skim milk and cream (except frozen cream, aerated cream products, ice cream mix, frozen dessert mixes, eggnog, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

[F.R. Doc. 62-7779; Filed, Aug. 3, 1962; 8:57 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, proposing the establishment of tolerances for residues of *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate in or on alfalfa hay and clover hay at 5 parts per million and in or on green alfalfa and green clover at 1 part per million.

The analytical method proposed in the petition for determining residues of *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate is that published in Agricultural and Food Chemistry, Volume 8, page 282 (1960), with slight modification.

Dated: July 30, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-7760; Filed, Aug. 3, 1962; 8:52 a.m.]

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 605) has been filed by The Dow Chemical Company, Midland, Michigan, proposing to establish a tolerance of 950 parts per million (0.095 percent) for residues of mineral oil in or on meat from the use of mineral oil as a component of a hot melt plastic coating applied to frozen meat.

Dated: July 30, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-7759; Filed, Aug. 3, 1962; 8:52 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 61-LA-46]

JET ROUTE AND JET ADVISORY AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 602.100 and 602.200 of the regulations of the Administrator, the substance of which is stated below.

The FAA has under consideration the designation of a jet route from the Lakeview, Oreg., VORTAC via the Lakeview VORTAC 342° and the Newberg, Oreg., VORTAC 132° True radials to the Newberg VORTAC. In addition, it is proposed to designate a radar jet advisory area within 16 statute miles either side of the proposed jet route from flight level 240 to flight level 390 inclusive.

The jet route as proposed herein would overlie Intermediate altitude VOR Federal airway No. 1705 and Low altitude VOR Federal airway No. 283 which would facilitate transition of aircraft from Jet Route No. 5 to the Portland, Oreg., terminal area. The Newberg VORTAC is used as a feeder fix for approaches to the Portland International Airport. The radar jet advisory area proposed herein would provide a defined area along the route wherein jet advisory service would be available.

Interested persons may submit such written data, views, or arguments as they

may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 31, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7732; Filed, Aug. 3, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62-WA-14]

JET ROUTE AND JET ADVISORY AREA

Proposed Alteration and Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 602.100 and 602.200 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 65 presently extends in part from the Bakersfield, Calif., VORTAC to the Fresno, Calif., VORTAC. The Federal Aviation Agency has under consideration realigning this segment via the Bakersfield VORTAC 345° and the Fresno VORTAC 150° True radials. Additionally, the FAA has under consideration the designation of an en route radar jet advisory area within 16 statute miles either side of J-65 from Palmdale, Calif., to Red Bluff, Calif., from flight level 240 to flight level 390 inclusive. The realignment of J-65 proposed herein would provide lateral spacing between this route and aircraft maneuvering in terminal operations at the Lemoore Naval Air Station. The designation of the proposed en route radar advisory area would provide defined areas wherein jet advisory service would be provided to civil turbojet aircraft while operating between Palmdale and Red Bluff.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 30, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7733; Filed, Aug. 3, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 188]

[Ex Parte No. MC-1]

PAYMENT OF RATES AND CHARGES OF MOTOR CARRIERS

Proceedings on Proposed Extension of Credit Period

JULY 25, 1962.

Notice is hereby given that petition filed April 6, 1962 (27 F.R. 3770), by the B.D.C. Corporation requesting modification of the Commission's findings in Ex Parte MC-1 to permit extension of credit for a period of thirty days, rather than seven days, as provided in § 188.1 issued under 49 Stat. 565; 49 U.S.C. 323 will be handled under modified procedure by order of the Commission dated July 24, 1962.

All parties interested in this proceeding shall comply with §§ 1.45 to 1.54, inclusive, of the Commission's general rules of practice, the filing and service of pleadings to be as follows: (a) Not later than August 27, 1962, opening statement of facts and argument by petitioner, and any party supporting petitioner; (b) 30 days thereafter statement of facts and argument by any party opposing the relief sought; (c) 10 days thereafter reply by party described in (a).

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-7768; Filed, Aug. 3, 1962; 8:54 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release 40-3509]

REPORTS TO STOCKHOLDERS OF MANAGEMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to Rule 30d-1 under the Investment Company Act of 1940 (§ 270.30d-1). This rule relates to reports required to be furnished to stockholders of management companies pursuant to section 30(d) of the Act.

Paragraph (a) of the existing rule provides that the first report of a registered management company shall be made as of a date not later than the close of the fiscal year or half-year first occurring on or after December 31, 1940. Since that date no longer has any significance, it is proposed to amend this provision to require that the first such report shall be made as of a date not later than the close of the fiscal or half-year occurring on or after the date on which the company's notification of registration under the Act is filed with the Commission.

Another amendment to paragraph (a) would provide that, with certain exceptions, reports shall be mailed to stockholders within 45 days after the date as of which the report is made. At the present time, such reports must be mailed within 30 days after the close of the period. The purpose of the amendment would be to give companies subject to the rule more time in which to prepare and transmit the required reports to their stockholders. The procedure for securing an extension of time in certain cases would also be simplified.

It is proposed to amend paragraph (b) of the rule to provide expressly that the financial statements included in such reports for the company's fiscal year shall be certified by independent public accountants. The existing rule has been consistently construed to require such certification and the proposed amendment would merely make the requirement explicit.

As proposed to be amended, paragraphs (a) and (b) of § 270.30d-1 read as follows:

§ 270.30d-1 Reports to stockholders of management companies.

(a) At least semiannually every registered management company shall transmit by mail, postage prepaid, to each stockholder of record, a report containing all of the information and financial statements, or their equivalent, specified in clauses (1) to (6) inclusive of section 30(d) of the Act. The first such report shall be made as of a date not later than the close of the fiscal year or half-year first occurring on or after the date on which the company's notification of registration under the Act is filed with the Commission. Each report shall be mailed within 45 days after the date as of which the report is made; except that if the reporting company is a non-diversified company having one or more majority-owned subsidiaries which are not investment companies, the report may be mailed within 60 days after the date as of which it is made, or within such longer period of time as the Commission may permit upon application. Section 270.8b-25 shall apply to any such application.

(b) Reports made as of the close of the reporting company's fiscal year shall cover the whole fiscal year (or the life of the company if less than a whole fiscal year) and shall be accompanied by a certificate of an independent public accountant or accountants. Reports made as of any date other than the close of the fiscal year shall cover a period commencing either (1) with the beginning of the fiscal year (or the date of organization, if a newly organized company) or (2) with a date not later than the day after the close of the period covered by the last report conforming with the requirements of section 30(d) of the Act and the rules and regulations thereunder.

(Secs. 38, 39, 54 Stat. 841, 15 U.S.C. 80a-37, 80a-38)

All interested persons are invited to submit their views and comments on the proposed amendments, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before August 27, 1962. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 27, 1962.

[F.R. Doc. 62-7754; Filed, Aug. 3, 1962; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 4]

[Docket No. 14744; FCC 62-868]

NEW CLASS OF EDUCATIONAL TELEVISION SERVICE

Notice of Proposed Rule Making

In the matter of amendment of Parts 2 and 4 of the Commission rules and regulations to establish a new class of educational television service for the transmission of instructional and cultural material to multiple receiving locations on channels in the 1990-2110 Mc/s or 2500-2690 Mc/s frequency band, Docket No. 14744.

1. In considering the contemplated uses of television for educational purposes, we find that two general types of operation are involved. There is a need for a broadcast type of operation whereby educational and cultural material as well as selected types of entertainment are transmitted for the purpose of being received by the general public on conventional television receivers located in individual homes. There is also a need for the transmission of instructional material to selected receiving locations for display on conventional TV receivers located in classrooms, lecture halls, industrial plants, hospitals, rehabilitation centers, and other similar places, as well as a limited number of private homes. The broadcast type of operation obviously has to be carried on in the television broadcasting bands. Although the second type of operation is technically feasible on television broadcasting channels, it requires the use of more than one channel if courses in different subjects are to be given simultaneously. The total number of channels allocated for television broadcasting is inadequate to provide channels for broadcastng, both educational and commercial, and still leave multiple channels for classroom instruction and other special uses.

2. Although television broadcasting is being used to a limited extent for classroom instruction it falls far short of meeting the actual needs of education, mainly because of the cost. The alternative, closed circuit systems which depend upon physical conductors or narrow beam microwave radio for distribution of instructional material, is also costly and lacks the ubiquity of broadcasting. There is a real need for a service that can reach a number of scattered receiving locations from a central transmitting point and which at the same time can be controlled in such a manner as to make possible the assignment of several channels for a single system in a single area.

3. There are two frequency bands in the present frequency-service allocations which might be suitable for such a service. The television broadcast auxiliary band 1990-2110 Mc/s is only a little more than twice the frequency of the upper UHF television broadcast band and its propagation characteristics should not be markedly different. Since the contemplated service is in the nature of a supplement to educational television broadcasting, sharing with TV broadcast auxiliary fixed circuits, i.e., television STL and television intercity relay stations, which now occupy this band, would seem to be feasible. The 120 Mc/s in this band would provide 20 standard 6 Mc/s television channels. The fact that the licensees have control of both the transmitting and receiving installations in the present service and the proposed new service, will permit considerable engineering planning to secure maximum efficiency in the use of the band.

4. The band 2500-2690 Mc/s is currently allocated to International Control and Operational Fixed stations. Very little use is being made of this band at the present time. As an alternative to the 1990-2110 Mc/s band, this band might be allocated to the proposed new service on an exclusive basis. Existing licensees in the International Control and Operational Fixed Services would be permitted to continue use of the band but no new authorizations in those services would be granted. The propagation characteristics of this band should be approximately the same as those of the 2000 Mc/s band. The band would provide 31 standard 6 Mc/s television channels and thereby offers the promise of more available assignments. We invite comments as to the advantages and disadvantages of using this band for the proposed new service in lieu of the band 1990-2110 Mc/s.

5. Should the Commission eventually reallocate the 2500-2690 Mc/s band for this new educational service, it is further proposed that existing licensees in this band would be given a reasonable period of time in which to amortize their investment. Concomitant with such action, the Commission would consolidate the bands 1850-1990 Mc/s and 1990-2110 Mc/s into a single band, 1850-2110 Mc/s, with operational fixed available from the low end of the band upward and television STL and intercity relay from the top end downward. This would permit added flexibility to both services wherein specific congestion may develop.

6. Under either alternative, the Commission proposes to delete the spectrum space between 1990-2110 Mc/s from availability to television pickup stations, with suitable provision to be made for such of the stations in this classification as currently are authorized to operate in this band.

7. During the preliminary exploration of this concept of a new class of educational television service, the matter was discussed with a manufacturer of a translator type device designed to operate in the 1990-2110 Mc/s band. The manufacturer volunteered to conduct certain experiments to determine the technical feasibility of an educational TV system in that band. With the cooperation of the Union Free School District Number 18 of New York, an experimental system has been established at Plainedge, Long Island, New York, with a transmitter operating in the channel 2008-2014 Mc/s. The transmitter provides 10 watts peak visual power output and 1 watt average aural power. The transmitter output is fed into two broadbeam directive transmitting antennas, mounted on the Plainedge High School Building, 72 feet above ground, and aimed in approximately opposite directions. Each antenna provides an effective radiated power of 136 watts and an excellent signal is provided to seven individual school buildings scattered through the town. At each school building, a single receiver-converter is installed which picks up the 2,000 Mc/s signal, converts it to Channel 6 and feeds it into a master antenna distribution system where it goes to the individual classrooms for display on conventional TV receivers.

8. Preliminary reports from this experimental operation show that no unusual difficulties have been encountered and that the low power transmitter pro-

vides an adequate signal at all receiving locations. The receiving antennas employed at all but the most distant school are relatively simple and are mounted at rooftop level. At the most distant school a parabolic antenna is employed for receiving but it is only a four foot "dish" conveniently mounted on the roof. In an engineered system, particularly in congested areas, it would probably be desirable to employ more directive receiving antennas—not for the sake of additional gain, which might not be needed, but primarily to minimize interference from unwanted signals. Exact cost figures for such a system are not available but it has been estimated that a single-channel system of this type serving approximately 25 separate schools would require an investment of from one-fifth to one-third of the cost of a moderately powered TV broadcasting station serving the same purpose. This includes the special receiver-converters required at each receiving location to convert the signals to regular TV channels so that conventional TV receivers can be used in the individual classrooms.

9. Aside from its lower cost, such a system would have other advantages over a similar system operated on broadcast channels. Special types of material not intended for reception by the general public could be transmitted without employing special "scrambling" devices on the transmitter and receivers to provide the needed control since the average home would not be equipped for reception of the 2,000 Mc/s signals. On the other hand, if reception is desired in selected homes of persons directly interested in the instructional material or at industrial plants, hospitals, clinics, rehabilitation centers, or private offices of professional people, the licensee could arrange to lend, lease, or sell the special receiver-converters for such purposes.

10. Operated as a private system rather than a broadcasting system, transmissions could include subject material for supervised instruction; training material in special skills; safety programs; material designed for the rehabilitation of the aged, infirm, or mentally disturbed; clinical studies; new arts and crafts; material intended to keep professional and semi-professional people abreast of the state of the art in various fields; in-service training for teachers; instructional material for shut-ins; program material for purposes of entertainment or cultural advancement; as well as administrative traffic.

11. There are a number of technical advantages to the use of this band for this purpose. The twenty channels which can be established in the band provide a high degree of flexibility in making assignments thus increasing the possibility of providing multiple-channels for individual areas. The rapid attenuation of the signal beyond the service range reduces its interfering capability substantially and this will make possible the duplication of assignments on the same channel in relatively nearby areas. Likewise, the low transmitter power required and the highly directive receiving antennas that are conventional in this band plus the use of needed directivity in the transmitting antennas not only further reduces the hazard of interference between systems but also provides the equivalent of substantially greater transmitting power and thus lengthens the service area. Other techniques such as the use of cross-polarization or rotating polarization are quite practical at 2,000 Mc/s and provide added means of minimizing interference thereby increasing the total number of possible assignments. The use of this band offers the prospect of meeting all of the reasonable requirements of educators.

12. In the material below, we have set forth proposed rules to govern this new class of educational TV service. The service is classed as a multiple-address fixed service and will operate as a supplement to the educational television broadcasting service. The service will be administered under Part 4 of the Commission Rules. The rules are designed to meet the needs of educators in several ways. The simplest system will consist of a central transmitting station or stations transmitting instructional and cultural material to one or more school buildings for use in classroom instruction. If needed, receivers can also be located at other selected locations including the homes of individual students. In some cases, the nature of the terrain or the extent of the area to be served will make it impossible to provide the needed service from a single central location. In such instances, transmitters will be licensed as "repeaters" placed at strategic locations to serve areas that are not served by the central station. In some areas it will be desirable to interconnect systems operated by different jurisdictions or operated in different areas by the same jurisdiction. The rules will permit the use of transmitters as relay stations to interconnect such systems. Finally, there may be a need to deliver the instructional programs carried by the school system, to an educational or commercial broadcasting station or to bring selected program material from an educational or commercial broadcasting station to the closed circuit system. The rules will provide for such use.

13. We have given careful consideration to the matter of transmission standards and have concluded that those which apply to television broadcasting stations should apply generally to this service. This will permit the use of conventional TV receivers for displaying the programs in individual classrooms. It may be possible to relax some of the more strict tolerances that broadcasting stations must observe. We have, as a matter of fact, proposed a less stringent frequency tolerance; a lower aural to visual power ratio; less attenuation of spurious emissions; considerable latitude in the choice of polarization; and, provision for remote control and in some cases unattended operation of the transmitters. These measures are intended to reduce the cost of installation and operation of these stations. Informed parties are invited to suggest other changes with due regard for the impact of such changes on the quality of the service and the efficient use of the channels. Changes in other of the proposed rules may be warranted or additional rules may be needed. Suggestions supported by factual data will be most helpful. Manufacturers or prospective manufacturers of transmitters, antennas, receivers, studio equipment, and any other apparatus that might be used in this service are invited to supply data as to technical characteristics, reliability, and costs. Experimental data on propagation, quality of reception, and other experience in actual service use, if such data can be obtained promptly, will be most useful. We are particularly interested in data on the needed desired to undesired signal ratios at receiving points where the desired signal has the characteristics of those employed in the television broadcast auxiliary services and the undesired signal has transmission characteristics as proposed in these rules. We desire similar data for two cochannel signals having the transmission characteristics proposed in these rules, the amount of discrimination obtainable by the use of cross-polarization or right-hand and left-hand rotating polarization and similar data with respect to plane polarization versus rotating polarization; the amount of discrimination against unwanted signals which may be provided by various kinds of directive receiving antennas; and such other data as would make possible a more accurate assessment of interference potential.

14. Educational interests are invited to comment as to contemplated uses for a service of this kind, the number of channels that might be needed in a single system, typical areas to be covered, the kinds of material that may be transmitted over the system, the extent to which interconnection of systems may be employed, time schedules of when such service might be inaugurated, and such other data as may be helpful to the Commission. Television broadcast interests are invited to comments as to the feasibility of the proposed sharing of this band with TV auxiliaries, the extent to which they will cooperate in planning and engineering their auxiliary systems to permit the fullest use of this band both by broadcast auxiliaries and educational fixed systems, the advantages or disadvantages of employing 6 Mc/s channels with suitable equipment for broadcast auxiliary purposes, and other matters of concern to broadcasters.

15. Eligibility for licensing in the proposed service will be restricted to nonprofit educational organizations engaged primarily in supervised instruction. In general, the criteria applied in our rules for educational FM and television broadcast stations will be used to determine eligibility. A special application form will be designed for this service. The exact contents of this form cannot be determined until a decision is made as to whether the proposed rules will be adopted as proposed, with modification, or not adopted at all.

16. Comments by interested parties shall be filed no later than September 17, 1962, and replies to such comments no later than October 1, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commisison may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

17. Authority for adoption of the rules proposed herein is contained in sections 4(i), 303, and 316 of the Communications Act of 1934, as amended.

18. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 25, 1962.

Released: July 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 4.1 is amended by adding a new paragraph (d) to read as follows:

§ 4.1 Broadcast services covered by this part.

* * * * *

(d) *Supplemental broadcast service.* Educational television fixed (Subpart I).

2. Section 4.15 is amended by adding a new paragraph (f) to read as follows:

§ 4.15 License period.

* * * * *

(f) Licenses for educational television fixed stations will be issued for a period of 5 years beginning with the date of grant.

3. A new Subpart I is added to Part 4 to read as follows:

Subpart I—Educational Television Fixed Stations

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.901 Definitions.

Educational television fixed station. A fixed station operated by an educational organization and used for the transmission of visual and aural instructional, cultural, and other types of educational material to one or more fixed receiving locations.

Attended operation. Operation of a station by a qualified operator on duty at the place where the transmitting apparatus is located with the transmitter in plain view of the operator.

Remote control. Operation of a station by a qualified operator at a control position from which the transmitter is not visible but which control position is equipped with suitable control and telemetering circuits so that the essential functions that could be performed at the transmitter can also be performed from the control point.

Unattended operation. Operation of a station by automatic means whereby the transmitter is turned on and off and performs its functions without attention by a qualified operator.

§ 4.902 Frequency assignments.

(a) The following frequency channels are available for assignment to educational television fixed stations:

Channel No.	Frequency band Mc/s	Channel No.	Frequency band Mc/s
101	1990–1996	111	2050–2056
102	1996–2002	112	2056–2062
103	2002–2008	113	2062–2068
104	2008–2014	114	2068–2074
105	2014–2020	115	2074–2080
106	2020–2026	116	2080–2086
107	2026–2032	117	2086–2092
108	2032–2038	118	2092–2098
109	2038–2044	119	2098–2104
110	2044–2050	120	2104–2110

(b) The frequency band 1990–2110 Mc/s is shared with television broadcast auxiliary stations and assignments to new educational television fixed stations will not be made where interference would be caused to any existing television broadcast auxiliary station. Similarly assignments to new television broadcast auxiliary stations will not be made where interference would be caused to any existing educational television fixed station. It should be noted that a different channelling is employed for television broadcast auxiliary stations as set forth in § 4.602. In assessing potential interference this fact should be kept in mind.

(c) Although no numerical limit is placed upon the number of channels which may be assigned to a single licensee, applicants are expected to plan systems so as to use the fewest number of channels needed to perform the required service. The Commission may require applicants to review proposed systems if in its opinion the number of channels requested is excessive. Furthermore, in congested areas it may be necessary to limit the number of channels assigned to a single licensee to insure a fair and equitable apportionment of the available channels.

NOTE: If the alternative proposal to use the band 2500–2690 Mc/s is adopted, paragraphs (a) and (b) of this section will be made to conform to that decision.

(d) The same channel may be assigned to more than one station or more than one licensee in the same area if the geometric arrangement of the transmitting and receiving points or the times of operation are such that interference is not likely to occur.

§ 4.903 Interference.

(a) Since interference in this service will occur only when an unfavorable desired to undesired signal ratio exists at the antenna input terminals of the affected receiver, the directive properties of receiving antennas can be used to minimize the hazard of such interference. Interference may also be controlled through the use of directive transmitting antennas, geometric arrangement of transmitters and receivers, and the use of the minimum power required to provide the needed service.

(b) An applicant for a new educational television fixed station is expected to take full advantage of such techniques to prevent interference to the reception of any existing television broadcast auxiliary station or educational television fixed station at authorized receiving locations. In cases where it can be demonstrated that potential interference could be effectively controlled with practical refinements at such existing receiving locations, the user of the receiving installation is expected to make the needed refinements if interference-free reception is desired.

(c) Existing licensees and prospective applicants are expected to cooperate fully in attempting to resolve problems of potential interference before bringing the matter to the attention of the Commission.

ADMINISTRATIVE PROCEDURE

§ 4.911 Cross reference.

See §§ 4.11 to 4.16

LICENSING POLICIES

§ 4.931 Purpose and permissible service.

(a) Educational television fixed stations provide a means whereby instructional and cultural material in visual and aural form may be transmitted to one or more selected receiving locations in places such as public and parochial schools, college and university buildings, hospitals, nursing homes, training centers, clinics, rehabilitation centers, assembly halls, offices, business establishments, industrial plants, private homes, and other similar places, for the purpose of formal education, in-service training, instruction in special skills and safety programs, extension of professional training, keeping professional and semi-professional persons abreast of current developments in particular fields, and other similar endeavors. During periods when the circuits are not being used for the foregoing purposes, administrative traffic may be transmitted. However, educational television fixed stations will not be authorized for the sole purpose of handling administrative traffic.

(b) The transmissions of educational television fixed stations shall be intended for reception at specified receiving locations. However, such transmissions may also be directed to unspecified receiving locations if the material transmitted is intended for use by the recipients.

(c) Educational television fixed stations may be operated as relay stations to interconnect educational television fixed station systems in different areas, to deliver educational television program material to commercial and non-commercial educational television broadcasting stations, and to obtain program material from commercial and non-commercial educational television broadcasting stations for use by an educational television fixed station system.

§ 4.932 Eligibility and licensing requirements.

(a) A license for an educational television fixed station will be issued only to a nonprofit educational organization engaged primarily in supervised instruction and which is otherwise qualified un-

der the statutory provisions of the Communications Act of 1934, as amended.

(1) In determining the eligibility of publicly supported educational organizations, the accreditation of the appropriate state department of education will be taken into consideration.

(2) In determining the eligibility of privately controlled educational organizations, the accreditation of the appropriate state department of education or the recognized regional and national accrediting organizations will be taken into consideration.

(b) No numerical limit is placed on the number of stations which may be licensed to a single licensee. However, the Commission may impose such a limit in individual cases if such is found to be necessary to insure a fair and equitable distribution of available assignments to meet the needs of educational organizations for educational television fixed station systems and the needs of television broadcasting stations for television auxiliary services. Applicants are expected to support proposals with adequate engineering data to show that the proposed operation will be accomplished by the use of the smallest number of channels required to provide the needed service.

(c) An application for a new educational television fixed station or for changes in the facilities of an existing station shall specify the location of the transmitter and all proposed receiving locations which will be under the control of the applicant or will be equipped for reception by the applicant. If reception is also intended at unspecified receiving locations which are not under the control of the applicant, the application shall include a complete statement as to the purpose of such additional reception.

§ 4.933 Remote control operation.

(a) An educational television fixed station may be operated by remote control if the following conditions are met:

(1) The transmitter and associated control system shall be installed and protected in a manner designed to prevent tampering or operation by unauthorized persons.

(2) An operator meeting the requirements of § 4.965 shall be on duty at the remote control position and in actual charge thereof at all times when the station is in operation.

(3) Facilities shall be provided at the control position which will permit the operator to turn the transmitter on and off at will. The control position shall also be equipped with a carrier actuated device which will give a continuous visual indication whenever the transmitting antenna is radiating a signal.

(4) The control circuits shall be so designed and installed that short circuits, open circuits, other line faults, or any other cause which would result in loss of control of the transmitter, will automatically cause the transmitter to cease radiating.

(b) An application for authority to construct a new station or to make changes in the facilities of an existing station and which proposes operation by remote control, shall include an adequate showing of the manner of compliance with the requirements of this section.

§ 4.934 Unattended operation.

(a) An educational television fixed station used solely for relaying the signals of another educational television fixed station or a commercial or noncommercial educational television broadcasting station by automatic means, may be operated unattended if the following requirements are met:

(1) The transmitter shall be equipped with automatic circuits which will permit it to radiate only when a signal is present at the input terminals of the apparatus on the channel which it is intended to retransmit. The automatic circuit may be provided with a reasonable time-delay factor to prevent the transmitter from being turned off during momentary failures of the incoming signal.

(2) The transmitter shall accomplish the relaying of the incoming signal by direct heterodyne frequency conversion to a different channel, or linear amplification of the incoming signal. The use of a common oscillator to convert the incoming signal to a low frequency for amplification and to reconvert it to its original channel, will be considered to be the same as linear amplification. In cases where frequency conversion to a different channel is employed, the electrical characteristics of the incoming signal when retransmitted shall not be significantly altered except as to frequency and amplitude. In cases where linear amplification is employed, the electrical characteristics of the incoming signal when retransmitted shall not be significantly altered except as to amplitude. Care shall be taken in the design and installation of an unattended relay station to prevent instability which could result in spurious or other unwanted radiation.

(3) If the transmitting apparatus is located at a site which is not readily accessible at all hours and in all seasons, means shall be provided for turning the transmitter on and off at will from a location which can be reached promptly at all hours and in all seasons.

(4) The transmitter and any associated control circuits shall be installed and protected in a manner designed to prevent tampering or operation by unauthorized persons.

(5) In cases where the antenna supporting structure of an unattended station is required to have aeronautical hazard markings pursuant to the provisions of Part 17 of this chapter, the licensee shall provide for inspection and logging of observations of such markings as required by §§ 17.37 and 17.38 of this chapter.

(b) An application for authority to construct a new station or to make changes in the facilities of an existing station and which proposes unattended operation, shall include an adequate showing as to the manner of compliance with the requirements of this section.

§ 4.935 Power limitations.

(a) The power of an educational television fixed station will be limited to that required to perform the proposed service. Applicants are expected to take full advantage of the power-concentrating properties of directive transmitting antennas and the collective properties of directive receiving antennas to provide the needed service.

(b) An application for a new educational television fixed station or for changes in the facilities of an existing station proposing a peak visual power output from the transmitter in excess of 10 watts, shall include a showing as to the distance and direction to each specified receiving point, the elevation above ground and the power gain of each receiving antenna at such receiving points, the vertical and horizontal directive patterns of the proposed transmitting antenna system in terms of power gain, the elevation of the transmitting antenna above ground and the nature of significant terrain features over the transmission path or paths.

(c) The operating power (peak visual) of an educational television fixed station shall not be permitted to exceed the authorized power by more than 10 percent at any time.

(d) The transmitter power output of the aural signal shall not be more than 70 percent nor less than 10 percent of the peak power output of the visual signal.

§ 4.936 Emissions and bandwidth.

(a) An educational television fixed station shall normally employ amplitude modulation (A5) for the transmission of the visual signal and frequency modulation (F3) for the transmission of the aural signal.

(b) The average power of radio frequency harmonics of the visual and aural carriers, measured at the output terminals of the transmitter, shall be attenuated no less than 60 decibels below the peak visual output power within the assigned channel. All other emissions appearing on frequencies more than 3 Mc/s above or below the upper and lower edges, respectively, of the assigned channel shall be attenuated no less than:

(i) 30 decibels for transmitters rated at less than 10 watts power output.

(ii) 40 decibels for transmitters rated at 10 watts or more power output.

(c) Should interference occur as the result of emissions outside the assigned channel, greater attenuation may be required.

§ 4.937 Antennas.

(a) In order to minimize the hazard of harmful interference from other stations, directive receiving antennas should be used at all receiving points. The choice of receiving antennas is left to the discretion of the licensee. However, should interference occur and it can be demonstrated that such interference could be eliminated through the use of a more suitable but practical directive receiving antenna, the licensee of the station causing the interference is absolved of the responsibility of correcting the interference condition.

(b) Directive transmitting antennas shall be used wherever feasible so as to minimize the hazard of harmful interference to other licensees. The radiation pattern shall be designed to minimize radiation in directions where no reception is intended.

(c) In selecting a location for the transmitting antenna it should be borne in mind that interference to the reception of its transmissions is most likely to come from the direction in which receiving antennas must be aimed to receive its transmissions. Whenever possible the location should be chosen so that the receiving antennas in its system are aimed in directions from which interfering signals are least likely to come.

(d) The use of elevated receiving antennas is preferable to the use of elevated transmitting antennas or greater power to provide the desired service.

(e) The use of vertical or horizontal plane polarization or right-hand or left-hand rotating (circular) polarization may be used to minimize the hazard of harmful interference between systems. The Commission reserves the right to specify the polarization to be used.

(f) The power gain compared to a half-wave dipole and the directive properties of the transmitting receiving antennas proposed to be employed as well as the geometric distribution of the transmitting and receiving points, shall be supplied with each application for a new educational television fixed station or for changes in the antenna facilities of an existing station.

§ 4.938 Transmission standards.

The transmission standards of § 3.682 of this chapter shall be employed with the following exceptions:

(1) The provisions of § 4.937(e) apply with respect to the polarization of the radiated signal.

(2) The provisions of § 4.935(d) apply with respect to the ratio of aural to visual power output.

§ 4.950 Equipment performance and installation.

(a) The requirements of § 3.687 of this chapter regarding the performance of transmitters and of their installation shall apply to transmitters employed at stations in the Educational Television Fixed Service with the following exceptions:

(1) The provisions of § 4.961 apply with respect to the frequency tolerance.

(2) The provisions of § 4.936 apply with respect to spurious emissions and radio frequency harmonics.

(b) The requirements of § 4.750 (c), (e), and (f) regarding the performance of translators and of their installation shall apply to translators employed at stations in the Educational Television Fixed Service.

§ 4.951 Equipment changes.

(a) Formal application (FCC Form ____) is required for any of the following changes:

(1) Replacement of the transmitter as a whole except replacement with an identical transmitter, or any change in equipment which could result in a change in the electrical characteristics or performance of the station.

(2) Any change in the transmitting antenna system including the direction of radiation, directive pattern, antenna gain or transmission line.

(3) Any change in the height of the antenna above ground or any horizontal change in the location of the antenna in excess of 500 feet.

(4) Any change in the transmitter control system.

(5) Any change in the location of the transmitter except a move within the same building or upon the same tower or pole.

(6) Any change of frequency assignment.

(7) Any change of authorized operating power.

(b) Other equipment changes not specifically referred to in paragraph (a) of this section may be made at the discretion of the licensee, provided that the Engineer in Charge of the radio district in which the station is located and the Commission in Washington, D.C., are notified in writing upon the completion of such changes and provided further, that the changes are appropriately reflected in the next application for renewal of license of the station.

6. Suggested wording for proposed new § 4.952 to accommodate provision for type acceptance of transmitters and translators in Educational Television Fixed Service.

§ 4.952 Acceptability of equipment for licensing.

(a) In order to facilitate the filing of, and action on, applications for station authorizations, transmitting equipment will be accepted for licensing by the Commission under one of the following conditions:

(1) A transmitter or translator may be type accepted upon the request of any manufacturer of such equipment built in quantity by following the type acceptance procedure set forth in Part 2 of this chapter, provided that the date and information submitted indicates that the equipment meets all technical requirements applicable to this Service. If accepted, such transmitting equipment will be included on the Commission's "Radio Equipment List, Part C, Equipment Acceptable for Licensing in the Radio Services Other than Broadcast." Applicants specifying equipment included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified, provided that the equipment proposed is identical with that accepted. Copies of the Radio Equipment List, Part C, are available for inspection at the Commission's office in Washington, D.C., and at each of its field offices.

(2) An application specifying a transmitter or translator not included on the Radio Equipment List, Part C, may be accepted upon the request of a prospective licensee submitting with the application for construction permit a complete description of the equipment, including the circuit diagram, listing of all tubes used, function of the each, multiplication in each stage, plate current and voltage applied to each tube, and a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization. However, if this data has been filed with the Commission by a manufacturer in connection with a request for type acceptance, it need not be submitted with the application for construction permit but may be referred to as "on file." Measurement data for type acceptance made in accordance with subparagraph (1) of this paragraph shall be submitted with the license application.

(b) Additional rules with respect to withdrawal of type acceptance, modification of type accepted equipment and limitations on the findings upon which type acceptance is based are set forth in Part 2 of this chapter.

TECHNICAL OPERATION

§ 4.961 Frequency tolerance.

(a) The frequency of the visual carrier shall be maintained within 0.0005 percent of the assigned frequency at all times when the station is in operation.

(b) The frequency of the aural carrier shall be maintained within 1 kilocycle-per-second of the frequency that is 4.5 megacycles-per-second above the operating frequency of the visual carrier.

§ 4.962 Frequency monitors and measurements.

(a) Suitable means shall be provided to insure that the operating frequencies of the station are within the prescribed tolerances.

(b) The operating frequencies shall be checked as often as is necessary to insure that they are within the prescribed tolerances at all times and in all cases the operating frequencies shall be checked at intervals of no more than one month.

§ 4.963 Time of operation.

(a) An educational television fixed station is not required to adhere to any regular schedule of operation. Unless otherwise specified in the license, the hours of operation are not limited.

(b) Except for purposes of tests and adjustments, the transmitter shall not be permitted to radiate unmodulated carriers or otherwise make unnecessary transmissions for extended periods of time.

§ 4.964 Station inspection.

The station and all records required to be kept by the licensee shall be made available for inspection upon request by any authorized representative of the Commission.

§ 4.965 Posting of station and operator licenses.

(a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation shall be posted at the place where the transmitter is located, so that all terms thereof are visible except as otherwise provided in paragraphs (b) and (c) of this section.

(b) In cases where the transmitter is operated by remote control, the documents referred to in paragraph (a) of this section shall be posted in the manner described at the control point of the transmitter.

(c) In cases where the transmitter is operated unattended, the name of the licensee and the call sign of the unattended station shall be displayed at the

transmitter site on the structure supporting the transmitting antenna, so as to be visible to a person standing on the ground at the transmitter site. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition at all times by the licensee. The station license and other documents referred to in paragraph (a) of this section shall be kept at the nearest attended station operated by the licensee of the unattended station or in cases where the licensee of the unattended station does not operate attended stations, at the point of destination of the signals relayed by the unattended station.

(d) The original of each station operator license shall be posted at the place where he is on duty: *Provided, however,* That if the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing the class of station and is there available for inspection by a representative of the Commission, a verification card (FCC Form 758–F) is acceptable in lieu of the posting of such license: *Provided further, however,* That if the operator on duty holds an operator permit of the card form (as distinguished from the diploma form), he shall not post that permit but shall keep it in his personal possession.

§ 4.966 Operator requirements.

(a) An educational television fixed station used for the origination of visual and aural program material or the transmitter of which is modulated with visual and aural program material received from other sources, shall not be operated unless there is one or more operators holding a valid radiotelephone first-class or second-class operator license or radiotelephone third-class operator permit, on duty at the place where the transmitter is located or at an authorized control point established pursuant to the provisions of § 4.933, and in actual charge thereof.

(b) Except when under the immediate supervision of a radiotelephone first-class or second-class operator, the radiotelephone third-class operator permit holder may perform only the following functions:

(1) Those necessary to turn the transmitter on and off.

(2) Such adjustments as may be made by means of external controls and which are necessary to maintain modulation of the transmitter within the prescribed limits.

(3) Such adjustments as may be made by means of external controls and which are necessary to compensate for fluctuations of the power supply voltage which would otherwise result in changes in the authorized operating power.

(4) Make routine meter readings and inspection of antenna hazard marking for logging purposes.

(c) In cases where a transmitter is operated unattended pursuant to the provisions of § 4.934, an operator of the grade specified in paragraph (a) of this section shall observe the transmissions at the receiving point for the station or some other suitable place where the transmissions of the unattended station can be observed, at intervals of no more than 1 hour whenever the station is in operation. Should any condition of improper operation be observed, immediate measures shall be instituted to correct the condition of improper operation.

(d) Any tests, adjustments or repairs made while the transmitter is in operation and which require technical skill and knowledge to avoid improper operation, shall be made by or under the immediate supervision of an operator holding a valid radiotelephone first-class or second-class operator license.

(e) The licensed operator on duty and in charge of an educational television fixed station may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator license or permit which he holds and the rules and regulations governing such stations. However, such duties shall in no way interfere with the operation of the educational television fixed station.

§ 4.967 Marking and lighting of antenna structures.

The marking and lighting of antenna structures authorized by the Commission, where required, will be specified in the authorization issued by the Commission. Part 17 of this chapter sets forth the circumstances under which such marking and lighting will be required and the responsibility of the licensee with regard thereto.

§ 4.968 Additional orders.

In case the rules of this part do not cover all phases of operation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

§ 4.969 Copies of the rules.

The licensee of an educational television fixed station shall have current copies of Part 3 of this chapter and this part, and in cases where aeronautical hazard marking of antennas is required Part 17, of this chapter, available for use by the operator in charge. Both the licensee and the operator or operators responsible for the proper operation of the station are expected to be familiar with the pertinent rules governing educational television fixed stations.

§ 4.970 Modulation limits.

(a) *Visual transmitter.* The maximum excursion of the luminance signal in the white direction shall not exceed the value specified for the reference white level.

(b) *Aural transmitter.* The maximum frequency swing of the aural carrier shall not be permitted to exceed ±25 kc/s on sound peaks of frequent occurrence during any transmission. This is defined as 100 percent modulation.

§ 4.971 Modulation monitors and measurements.

Suitable means shall be provided to insure that the modulation limits specified in § 4.970 are observed.

§ 4.981 Logs.

(a) The licensee of an educational television fixed station shall maintain an operating log showing the following:

(1) The date and time of the beginning of each period of operation of the transmitter.

(2) The date and time of any unscheduled interruptions to the transmissions of the station, the duration of such interruptions, and the causes thereof.

(3) The date and time of the end of each period of operation of the transmitter.

(4) A record of all repairs, adjustments, maintenance, tests, and equipment changes, showing the date and time of such events, the name and qualifications of the person or persons performing such tasks, and a brief description of the matter logged.

(5) Where an antenna structure is required to have aeronautical hazard markings, the information required by § 17.38 of this chapter.

(b) The log entries shall be made by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty.

(c) The log shall be kept in an orderly and legible manner, in suitable form and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

(d) No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention required by rule. Any necessary correction may be made only by the person who made the original entry who shall strike out the erroneous portion, initial the correction made, and show the date the correction was made.

(e) Operating logs shall be retained for a period of not less than two years. The Commission reserves the right to order, in individual cases, retention of logs for a longer period of time. In cases where the licensee has notice of any claim or complaint to which information contained in the log may be pertinent, the log shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 4.982 Station identification.

(a) Call signs for educational television fixed stations will consist of three letters and two digits pursuant to the provisions of § 2.302 of this chapter relating to fixed stations.

(b) Except as otherwise provided in paragraphs (c) and (d) of this section, each educational television fixed station shall transmit its call sign at the beginning and end of each period of operation and during operation, on the hour. Visual and aural transmissions shall be employed.

(c) The hourly station identification announcement during operation may be deferred if it would interrupt a single consecutive demonstration, lecture, or other similar discourse or otherwise impair the continuity of a program in progress. In such cases the station identification announcement shall be made at the first normal break in the continuity of the program.

(d) In cases where an educational television fixed station is operating as a relay for signals originating at some other station operated by the same licensee, its call sign shall be announced by the originating station at the times and in the manner prescribed in paragraph (b) of this section.

(e) In cases where an educational television fixed station is operating as a relay for signals originating at a station operated by some other licensee, its call sign may be transmitted by the originating station if suitable arrangements can be made with the other licensee or in lieu thereof, means shall be provided for the transmission of the call sign by the relay transmitter itself. If the transmitter is operating unattended or if it is not equipped for direct modulation by a locally generated signal, the transmission of the call sign may be made automatically in international Morse telegraphy by interrupting the carrier.

§ 4.983 [Reserved]

§ 4.984 Rebroadcasts.

(a) An educational television fixed station may retransmit the signals of any television broadcasting station provided that prior written consent or certification of consent is obtained from the station originating the signals which are retransmitted.

(b) An educational television fixed station may not retransmit the signals of any other class of station without prior authority of the Commission and consent of the station originating the signals to be retransmitted. Requests for such authority shall be submitted in writing to the Commission in Washington, D.C., at least 10 days prior to the commencement of such retransmissions and the request shall certify that consent for the retransmission has been obtained from the originating station.

[F.R. Doc. 62–7775; Filed, Aug. 3, 1962; 8:56 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 62-19]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice and Amendment of Prior Document

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and a termination of approval was made, as described in this document, during the period from May 1 to May 31, 1962. These actions were taken in accordance with procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120 dated July 31, 1956 (15 F.R. 6521), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-15 dated January 3, 1955 (20 F.R. 840), 167-20 dated June 18, 1956 (21 F.R. 4894), CGFR 56-28 dated July 25, 1956 (21 F.R. 5659), or 167-38 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b, sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document is listed the approval which has been terminated. Notwithstanding this termination of approval of the item of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

8. The Federal Register document CGFR 62-15, Federal Register document 62-4773, regarding approval and termination of approval notice for equipment, installation or materials is amended by correcting Approval No. 160.018/5/1 and Approval No. 160.035/121/2 as set forth in Part III of this document.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS)

Approval No. 160.026/21/1, container for emergency provisions, dwg. No. A-101-F dated March 11, 1957, manufactured by H & M Packing Corp., 913 Ruberta Avenue, Glendale 1, California, effective May 29, 1962. (It is an extension of Approval No. 160.026/21/1 dated May 29, 1957.)

LIFEBOATS

Approval No. 160.035/10/2, 14.0' x 5.2' x 2.3' steel oar-propelled lifeboat, 10-person capacity, identified by general arrangement dwg. No. G-1410 dated August 20, 1951, and revised March 5, 1957, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, New York, effective May 29, 1962. If mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant. (It is an extension of Approval No. 160.035/10/2 dated May 29, 1957.)

Approval No. 160.035/91/2, 18.0' x 6.0' x 2.6' steel, oar-propelled lifeboat, 18-person capacity, identified by general arrangement and construction dwg. No. 49R-1815 dated August 8, 1951, and revised March 27, 1957, manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, New York, effective May 29, 1962. (It is an extension of Approval No. 160.035/91/2 dated May 29, 1957.)

Approval No. 160.035/363/0, 24.0' x 8.0' x 3.5' steel, hand-propelled lifeboat, 46-person capacity, identified by construction and arrangement dwg. No. 24-9G dated December 10, 1956, and revised March 6, 1957, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective May 29, 1962. (It is an extension of Approval No. 160.035/363/0 dated May 29, 1957.)

Approval No. 160.035/419/0, 26.0' x 7.88' x 3.55' fibrous glass reinforced plastic, oar-propelled lifeboat, 41-person capacity, identified by construction and arrangement dwg. No. 80323, Rev. C dated April 23, 1962, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective May 22, 1962.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/93/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushions, 20-oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Liberty Cork Co., Inc., South River, N.J., for A. Goldman & Sons, Inc., 625 Broadway, New York 12, New York, effective May 29, 1962, approval limited to 15" x 15" x 2" size only. (It is an extension of Approval No. 160.048/93/0 dated May 29, 1957.)

Approval No. 160.048/94/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by The Peoples Co., 712 Buffington Street, Huntington 2, West Virginia, effective May 29, 1962. (It is an extension of Approval No. 160.048/94/0 dated May 29, 1957.)

Approval No. 160.048/95/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushions, 20-oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Siegmund Werner Inc., 225 Belleville Avenue, Bloomfield, N.J., for Imperial Sports, 205 Belleville Avenue, Bloomfield, N.J., effective May 29, 1962. Approval limited to 15" x 15" x 2" only. (It is an extension of Approval No. 160.048/95/0 dated May 29, 1957.)

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/49/0, sound powered telephone extension bell relay, with indicator lights, two-station type, self-locking, splashproof, dwg. B-196 dated November 5, 1956; for connecting in parallel with hand generator bells to operate separately powered audible signals, 115 volts A.C.; manufactured by Sig-Trans, Inc., Haverhill Road, Amesbury, Massachusetts, effective May 29, 1962.

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/41/1, Type S-1011 safety relief valve, flanged inlet "O" ring synthetic gasket type, for liquefied compressed gas service, dwg. No. 317-23713, Rev. A. dated August 8, 1952, and dwg. No. 317-24837, Rev. A. dated March 21, 1957, approved for a maximum set pressure of 260 p.s.i., flow-rated at 110 percent of the following set pressures (discharge in cubic feet per minute of free air measured at 60° F. and 14.7 pounds per square inch absolute):

Set pressure, p.s.i.:	Discharge capacity, c.f.m., air
100	5,500
110	6,060
125	6,770
200	10,260
215	10,870
220	11,120
250	12,420
260	12,820

manufactured by American Car and Foundry Division, ACF Industries, Inc., 750 Third Avenue, New York 17, New York, effective May 29, 1962. (It is an extension of Approval No. 62.018/41/1 dated May 29, 1957.)

NOZZLES, FIRE HOSE, COMBINATION SOLID STREAM AND WATER SPRAY (1½" AND 2½")

Approval No. 162.027/4/0, 1½-inch Model CG 15 combination solid stream and water spray fire hose nozzle, Style HV 15 high-velocity head, and either Style 415 4'-60° applicator or Style 1015 10'-90° applicator with Style LV 15 low-velocity head; dwg. Nos. 5106 dated December 6, 1956, 5087 dated December 6, 1956, 5134 dated December 31, 1956, 5135 dated December 31, 1956, and 5093 dated December 6, 1956; manufactured by Akron Brass Manufacturing Co., Inc., Wooster, Ohio, effective May 29, 1962. Due to orifice sizes, no special self-cleaning strainer is required. The 4'-60° applicator is intended for nozzle installations in propulsion machinery spaces containing oil-fired boilers, internal combustion machinery, or oil fuel units. (It is an extension of Approval No. 162.027/4/0 dated May 29, 1957.)

Approval No. 162.027/5/0, 2½-inch Model CG 25 combination solid stream and water spray fire hoze nozzle, Style HV 25 high-velocity head, and Style 1225 12'-90° applicator with Style LV 25 low-velocity head; dwg. Nos. 5107 dated December 7, 1956, 5090 dated December 6, 1956, 5136 dated December 31, 1956, and 5098 dated December 6, 1956; manufactured by Akron Brass Manufacturing Co., Inc., Wooster, Ohio, effective May 29, 1962. Due to orifice sizes, no special self-cleaning strainer is required. (It is an extension of Approval No. 162.027/5/0 dated May 29, 1957.)

FIRE EXTINGUISHING SYSTEMS, FOAM TYPE

Approval No. 162.033/3/0, Pyrene Marine Air Foam Systems using Pyrene Foam Compound, Type R-2 (6% Low Expansion), design data book JF-1758, Rev. 6 dated February 12, 1962, manufactured by The Fyr-Fyter Co., 221 Crane Street, Dayton 1, Ohio (Plant: Newark, New Jersey), effective May 15, 1962. (It supersedes unnumbered approval File JJ/162.021/Fyr-Fyter, published in FEDERAL REGISTER March 15, 1959.)

Approval No. 162.033/4/0, Pyrene Marine Air Foam Systems using Pyrene Foam Compound, Type R-5 (3% Low Expansion), design data book RHT-36, Rev. 2 dated February 12, 1962, manufactured by The Fyr-Fyter Co., 221 Crane Street, Dayton 1, Ohio (Plant: Newark, New Jersey), effective May 15, 1962. (It supersedes unnumbered approval File JJ/162.021/Pyrene dated May 4, 1961.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/43/0, "Thermobestos" asbestos-hydrous calcium silicate type pipe and block insulation identical to that described in Commandant, U.S. Coast Guard, letter dated April 9, 1957, file 164.009/43, manufactured by Johns-Manville Sales Corp., 22 East Fortieth Street, New York 16, New York, effective May 29, 1962. (It is an extension of Approval No. 164.009/43/0 dated May 29, 1957.)

PART II—TERMINATION OF APPROVAL OF EQUIPMENT

SEA ANCHORS, LIFEBOAT

Termination of Approval No. 160.019/9/0, Type B Sea Anchor, U.S.C.G. dwg. MMI-562 and specifications dated November 1, 1943, Rev. August 24, 1944, manufactured by McIlwaine Canvas Company, 247 West Sixth Street, San Pedro, California, effective May 31, 1962. (Termination of Approval No. 160.019/9/0 dated April 30, 1959, manufacturer no longer in business.)

PART III—AMENDMENT OF PRIOR DOCUMENT

The Federal Register document CGFR 62-15, Federal Register document 62-4773, concerning approval and termination of approval notice of equipment, installations, or material published in the FEDERAL REGISTER May 17, 1962 (27 F.R. 4705-4707), is amended as follows:

LIFERAFTS

Under Approval No. 160.018/5/1, Type B Liferaft, there shall be inserted after the date "September 5, 1959," the phrase "manufactured by Frank Morrison & Son Company, 1330 West Eleventh Street, Cleveland, Ohio." (27 F.R. 4705, 3rd column)

LIFEBOATS

Under Approval No. 160.035/121/2, 22.0' x 6.67' x 3.0' steel, oar-propelled lifeboat, change the drawing number from "22-6/3-25-2A" to "22-6/8-25-2A" (27 F.R. 4706, second column).

Dated: July 30, 1962.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard Commandant.

[F.R. Doc. 62-7772; Filed, Aug. 3, 1962; 8:55 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

REGIONAL DIRECTORS ET AL.

Redelegation of Authorities

References: (a) Department of Defense Organizational Statement, Assistant Secretary of Defense (Civil Defense) published at 26 F.R. 8604 (DOD Directive 5140.1) as amended by Change 1 thereto published at 27 F.R. 905; (b) Department of Defense, Office of the Secretary, Delegation of Administrative Authorities for Civil Defense Functions, published at 27 F.R. 903.

The following redelegation of authorities is hereby approved:

(1) *Regional Directors:* Pursuant to the authority vested in the Director, Administrative Services, Office of Civil Defense, by reference (b), the Regional Directors, or, in the absence of any or all of them, the persons acting for them, respectively, are hereby delegated authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Procure all items of required expendable equipment and supplies stocked by the Federal Supply Services within the Regional office area.

(b) Procure authorized and approved items of non-expendable equipment stocked by the Federal Supply Services, provided that administrative office equipment will not exceed use standards of the General Services Administration.

(c) Issue U.S. Government Bills of Lading.

(d) Enter into contracts for supplies or services in an amount not in excess of $500 per purchase order, on Standard Form 44a, "U.S. Government Purchase Order-Invoice-Voucher," or DD Form 1155, "Order for Supplies or Services."

(e) Issue GSA Form 1354 to the General Services Administration in an amount not in excess of $500 per job order, for minor facility services, maintenance, and modifications identified as reimbursable under GSA Regulations II-304.04.

(f) Arrange for and acquire through General Services Administration authorized and approved space and facilities for Regional Headquarters and field offices.

(2) *Director, and Deputy Director, Procurement Services Division; Director, Contract Branch; Director, Procurement Branch:* Pursuant to the authority vested in the Director, Administrative Services, Office of Civil Defense, by reference (b), the Director, and Deputy Director, Procurement Services Division, the Director, Contract Branch, and Director, Procurement Branch are hereby delegated authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Enter into contracts and agreements for the loan or grant of civil defense supplies and equipment to support approved programs as may be authorized by law.

(b) Enter into contracts for supplies, equipment and services for Civil Defense purposes requiring the expenditure of not

more than $100,000.00 in the case of the Director and Deputy Director, Procurement Services Division, and $50,000.00 in the case of the Director, Contract Branch, and $25,000.00 in the case of the Director, Procurement Branch, and, subject to the limitation contained in section 2311, Chapter 137, Title 10 U.S.C., to make the necessary determinations and findings required under that chapter. To the maximum practicable extent, procurement of supplies and equipment will be accomplished through established Defense procurement agencies.

(c) Enter into support and service agreements with the military departments, other DOD agencies, or other Governmental agencies as required for the effective performance of assigned civil defense responsibilities and functions.

(3) *Directors, Training Centers and Staff College:* Pursuant to the authority vested in the Director, Administrative Services, Office of Civil Defense, by reference (b), the Directors of Training Centers, Director, Staff College, or, in their absence, the persons acting for them, are hereby delegated authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Procure small or emergency purchases of supplies or services in an amount not in excess of $100 per purchase order, on Standard Form 44a, "U.S. Government Purchase Order—Invoice—Voucher."

(b) Issue U.S. Government Bills of Lading.

These authorities shall be exercised subject to the direction, authority, and control of the Assistant Secretary of Defense (Civil Defense), and in accordance with Department of Defense policies, directives, and instructions, pertinent OSD regulations, and pertinent OCD instructions, and can be redelegated, as appropiate, in writing, except as otherwise specifically indicated above, or as otherwise provided by law or regulations, with the approval of the Director, Administrative Services.

This delegation of authority is effective immediately.

Dated this 30th day of July 1962.

CHARLES T. WESTCOTT,
Director, Administrative Services.

[F.R. Doc. 62-7758; Filed, Aug. 3, 1962; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

PENNSYLVANIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of Pennsylvania a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

PENNSYLVANIA

Armstrong.	Lackawanna.
Beaver.	Lawrence.
Bedford.	Lebanon.
Berks.	Lycoming.
Blair.	Luzerne.
Bradford.	Mifflin.
Butler.	Monroe.
Cambria.	Montour.
Carbon.	Northampton.
Centre.	Northumberland.
Clarion.	Perry.
Clearfield.	Pike.
Clinton.	Potter.
Columbia.	Schuylkill.
Cumberland.	Snyder.
Dauphin.	Somerset.
Elk.	Sullivan.
Fayette.	Susquehanna.
Franklin.	Tioga.
Fulton.	Union.
Greene.	Washington.
Huntingdon.	Wayne.
Indiana.	Westmoreland.
Jefferson.	Wyoming.
Juniata.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of July, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-7766; Filed, Aug. 3, 1962; 8:54 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order No. 109 (Revised), Amdt. No. 2]

BUREAU OF PUBLIC ROADS

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on July 24, 1962. The material appearing at 26 F.R. 12536-12539 of December 27, 1961 is amended as follows:

Department Order No. 109 (Revised) of December 6, 1961 is hereby amended as follows:

1. Section 2.04 3, delete "Office of Research" and insert in lieu thereof "Office of Research and Development."

2. Section 2.04 3 (5), delete "Equipment and Methods Division" and insert in lieu thereof "Development Division."

3. Section 7, delete section 7 in its entirety and insert in lieu thereof:

SEC. 7. *Functions of the Office of Research and Development.* The Office of Research and Development is responsible for performing all functions relating to highway research and development policy and programs relating to all phases highway construction, modernization, development, design, maintenance, financing, and traffic operations, including the effect thereon of State laws, and including assistance in the testing and developing of any material, invention, patented article, or process. The Office of Research and Development includes the divisions listed under Section 2.04, above, which divisions plan, implement and supervise specific research and development programs, independently and in collaboration with the several States, and including (1) laboratory and field physical research into the properties and most effective use of highway construction materials, and the practical application of findings to experimental highways projects; (2) appraisal of economic aspects of highway systems, including such factors as fiscal policies, tax bases, financial aspects of highway needs, production and maintenance costs, user and non-user benefits and other aspects of transport economics, and revenue planning; (3) traffic operations research, including studies of such factors affecting highway safety as driver behavior, highway capacity, vehicle characteristics and performance, and traffic control; (4) research in hydraulics and hydrology as applied to design, construction, maintenance and operation of highways; (5) development and promotion of the application of research findings with respect to highway equipment and methods, including road equipment, construction methods, and application of computer, electronic and nuclear developments to various aspects of highway construction and maintenance programs; (6) responsibility for coordinating and approving State research projects using Federal funds; and (7) such other research as will promote safety, efficiency and economy in the conduct of Federal-aid highway programs.

Effective date: July 24, 1962.

[SEAL] HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 62-7727; Filed, Aug. 3, 1962; 8:45 a.m.]

ASSISTANT SECRETARY OF COMMERCE FOR SCIENCE AND TECHNOLOGY

Delegation Relating to Certain Patent Matters

Pursuant to authority of Reorganization Plan No. 5 of 1950, 64 Stat. 1263, as amended, there is hereby delegated to the Assistant Secretary of Commerce for Science and Technology, and he is authorized to perform the following functions:

A. The approval of regulations established by the Commissioner of Patents in accordance with section 6 of Title 35 of the United States Code for the conduct of proceedings in the Patent Office.

B. The certification in accordance with Section 266 of Title 35 of the United States Code of the use or likely use in the public interest of an invention for which a patent is being applied.

Effective date: July 30, 1962.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 62-7729; Filed, Aug. 3, 1962; 8:45 a.m.]

ASSISTANT SECRETARY OF COMMERCE FOR SCIENCE AND TECHNOLOGY

Delegation of Authority to Issue Patent Licenses

Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, the Assistant Secretary of Commerce for Science and Technology is hereby authorized to approve and issue royalty free, non-exclusive, revocable licenses of Government-owned patents available from the Department of Commerce.

Effective date: July 30, 1962.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 62-7730; Filed, Aug. 3, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13391 etc.]

FORT WAYNE-MUNCIE AREA INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 5, 1962, at 10:00 a.m., local time, in the Chamber of Commerce Building, 826 Ewing Street, Fort Wayne, Indiana, before the undersigned Hearing Examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to Board Orders E-18014, dated February 12, 1962, E-18185, dated April 5, 1962, E-18365, dated May 25, 1962, the prehearing conference report served May 15, 1962, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 31, 1962.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 62-7773; Filed, Aug. 3, 1962; 8:55 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14684-14686; FCC 62M-1085]

NORTHFIELD BROADCASTING CO. ET AL.

Order Re Procedural Dates

In re applications of Kingsley H. Murphy, Jr. and Carroll E. Crawford, d/b as Northfield Broadcasting Company, Northfield, Minnesota, Docket No. 14684, File No. BP-13872; Hastings Broadcasting Company, Hastings, Minnesota, Docket No. 14685, File No. BP-14823; Albert Lea Broadcasting Company (KATE), Albert Lea, Minnesota, Docket No. 14686, File No. BP-14870; for construction permits.

Pursuant to agreement of counsel for all participants on the record at the prehearing conference held on July 30, 1962:

It is ordered, This 30th day of July, 1962, that the following procedural dates are established:

Informal engineering conference on or before—September 10, 1962.
Preliminary exchange of all engineering exhibits and final exchange of all nonengineering exhibits with copies of the latter to the Hearing Examiner—October 1, 1962.
Further informal engineering conference—October 10, 1962.
Final exchange of all engineering exhibits with copies to the Hearing Examiner—October 19, 1962.
Notification of witnesses desired for cross-examination—October 24, 1962.
Commencement of hearing—October 29, 1962.

It is further ordered, That the hearing, now scheduled to commence on September 19, 1962, is continued to 10:00 a.m., October 29, 1962.

Released: July 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7666; Filed, Aug. 3, 1962; 8:56 a.m.]

FEDERAL RESERVE SYSTEM

FIRST BANCORPORATION OF FLORIDA, INC.

Order Denying Application Under Bank Holding Company Act

In the matter of the application of First Bancorporation of Florida, Inc., for permission to become a bank holding company by acquiring stock of four banks in Florida.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 22.4(a)(1) of Federal Reserve Regulation Y (12 CFR 222.4(a)(1)), an application on behalf of First Bancorporation of Florida, Inc., Orlando, Florida, for the Board's prior approval of action whereby First Bancorporation of Florida, Inc., would become a bank holding company through acquisition of not less than 51 percent of the voting shares of The Barnett National Bank of Jacksonville, Jacksonville, Florida, The First National Bank of Miami, Miami, Florida, The First National Bank at Orlando, Orlando, Florida, and The Exchange National Bank of Tampa, Tampa, Florida.

A notice of receipt of application was published in the FEDERAL REGISTER on December 12, 1961 (26 F.R. 11881), which provided an opportunity for submission of comments and views regarding the proposed acquisitions, and the time for filing such comments and views has expired and all comments and views filed with the Board have been considered by it.

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is denied.

Dated at Washington, D.C., this 30th day of July, 1962.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 62-7744; Filed, Aug. 3, 1962; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 359; Revocation]

SECRETARY OF DEFENSE

Fixed Price Sale of Commercially Salable Aircraft and Supporting Spare Parts

Delegation of Authority No. 359, dated November 19, 1958 (23 F.R. 9201), is hereby revoked, effective as of the date hereof.

Dated: July 27, 1962.

LAWSON B. KNOTT, Jr.,
Acting Administrator.

[F.R. Doc. 62-7764; Filed, Aug. 3, 1962; 8:53 a.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. No. 562; Taylor's I.C.C. Order No. 146]

CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Rerouting and Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, the Chicago, Burlington & Quincy Railroad Company, due to bridge damage at Atchison, Kansas, is unable to transport traffic routed over its lines.

It is ordered, That:

(a) Rerouting traffic: The Chicago, Burlington & Quincy Railroad Company and its connections, being unable to transport traffic in accordance with shippers routing because of bridge damage at Atchison, Kansas, are hereby authorized to divert or reroute traffic moving over its lines over any available routes to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Atlanta. Dissenting statements of Governors Mills and Shepardson also filed as part of the original document and available upon request.

shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is diverted or rerouted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carrier; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3:00 p.m., July 24, 1962.

(g) Expiration date: This order shall expire at 11:59 p.m., August 31, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D.C., July 24, 1962.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 62-7769; Filed, Aug. 3, 1962; 8:54 a.m.]

OFFICE OF EMERGENCY PLANNING

SOUTH DAKOTA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated July 27, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the State of South Dakota, adversely affected by floods and tornadoes beginning on or about March 27, 1962, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of South Dakota to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 27, 1962:

The counties of:

Aurora.	Kingsbury.
Bon Homme.	Lawrence.
Brule.	Lincoln.
Buffalo.	McCook.
Butte.	Meade.
Charles Mix.	Miner.
Clay.	Sanborn.
Davison.	Tripp.
Douglas.	Turner.
Gregory.	Union.
Hanson.	Yankton.
Hutchinson.	

Dated: July 30, 1962.

JUSTICE M. CHAMBERS,
Deputy Director.

[F.R. Doc. 62-7731; Filed, Aug. 3, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1505]

FRANKLIN CUSTODIAN FUNDS, INC.

Notice of Filing of Application for Exemption

JULY 31, 1962.

Notice is hereby given that Franklin Custodian Funds, Inc. ("Applicant"), 37 Wall Street, New York 5, New York, a management, open-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order exempting Applicant from the provisions of section 16(a) of the Act to the extent that such section requires the election of directors by shareholders at an annual or special meeting called for that purpose. All interested persons are referred to the application on file with the Commission for a complete statement of the facts which are summarized below.

The application states that in April 1962, one of the five persons then serving as Directors had been appointed by the other Directors to fill a vacancy and the remaining four Directors had been elected by the shareholders; that these four Directors resigned and prior to such resignations, appointed three other persons as Directors so that the Board then consisted of four persons, all of whom had been appointed. During the period from April 4, 1962, to May 22, 1962, when a new Board of Directors was elected, the appointed Board of Directors carried on the day-to-day business of the Applicant and called a special meeting of the shareholders for the purpose of electing a Board of Directors and acting on new management and underwriting contracts.

Section 16(a) of the Act provides that no person shall serve as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company, at an annual meeting or a special meeting duly called for that purpose; except that vacancies occurring between such meetings may be filled in any otherwise legal manner if immediately after filling any such vacancy at least two-thirds of the directors then holding office shall have been elected to such office by the holders of the outstanding voting securities of the company at such an annual or special meeting.

In order that the appointment and service of the appointed Board of Directors shall be deemed to have been lawful, Applicant requests that the Commission enter an order under section 6(c) of the Act retroactively exempting it and its Board of Directors from the provisions of section 16(a) of the Act during the period from April 4, 1962, to May 22, 1962.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 14, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7755; Filed, Aug. 3, 1962; 8:51 a.m.]

[File No. 811-959]

INVESTMENT CAPITAL CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JULY 31, 1962.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Investment Capital Corporation, 136 Hamilton Avenue, No. Quincy 17, Massachusetts, a management closed-end diversified investment company, has ceased to be an investment company.

Applicant states that it has not been able to secure the $150,000 required by the Small Business Administration for the establishment of a small business investment company. The company further states that it has not issued any securities of any kind to incorporators or others and does not intend to engage in any business activities as an investment company.

Section 8(f) of the Act provides, in part, that whenever the Commission upon application finds that an investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Notice is further given that any interested person may, not later than August 15, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7756; Filed, Aug. 3, 1962; 8:51 a.m.]

[File No. 24W-2589]

WESREB OIL CO.

Notice and Order for Hearing

JULY 31, 1962.

I. Wesreb Oil Company, Inc. (issuer), 422 Washington Bldg., Washington 5, D.C., a Delaware corporation, incorporated on September 7, 1961, with principal offices located at 422 Washington Building, Washington 5, D.C., filed with the Commission on March 20, 1962, a notification on Form 1-A and an offering circular relating to an offering of 300,000 shares of $.10 par value capital stock at $1.00 per share for an aggregate total of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on June 21, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, which temporarily suspended the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at the Main Office of the Commission, 425 Second Street NW., Washington, D.C., at 10:00 a.m., e.d.s.t., on September 17, 1962, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have been complied with and whether the notification on Form 1-A and the offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the failure to disclose that Francis Taylor Canon, president and director of the issuer, is the subject of two decrees of the Supreme Court of the State of New York, entered on November 30, 1937 and November 27, 1939, permanently enjoining and restraining said subject from engaging in securities activities within and from the State of New York.

B. Whether an exemption is available under Regulation A for the issuer under the provisions of Rule 252(d)(2) of the general rules and regulations under the Securities Act of 1933, as amended, in that Francis Taylor Canon, an officer and director of the issuer, is subject to a decree of a court of competent jurisdiction permanently enjoining and restraining such person from engaging in the purchase or sale of any security.

III. *It is further ordered*, That the designated Hearing Examiner, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Wesreb Oil Company and that a notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise participate in the hearing, shall file with the Secretary of the Commission on or before September 14, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That Wesreb Oil Company, pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II hereinabove. Such answer shall be filed in the manner, form, and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Wesreb Oil Company does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II hereinabove.

Notice is hereby given that if Wesreb Oil Company fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Wesreb Oil Company by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7757; Filed, Aug. 3, 1962; 8:51 a.m.]

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Washington, Tuesday, August 7, 1962

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Title 3—THE PRESIDENT

Executive Order 11039

EXTENSION OF THE PRESIDENT'S COMMISSION ON CAMPAIGN COSTS

By virtue of the authority vested in me as President of the United States, it is ordered that Executive Order No. 10974 of November 8, 1961, be, and it is hereby, amended, effective as of July 1, 1962, as follows:

(1) By inserting before the period at the end of the first sentence of Section 5 a comma and the following: "and from any thereto corresponding appropriation available for the fiscal year 1963".

(2) By substituting for the last sentence of the order the following: "The Commission shall terminate as of November 1, 1962."

JOHN F. KENNEDY

THE WHITE HOUSE,
August 3, 1962.

[F.R. Doc. 62–7878; Filed, Aug. 3, 1962; 2:35 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Farm Marketing Quotas for Upland Cotton (Bulletin 1), Amdt. 7)]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops

FARM NORMAL YIELD

The purpose of this amendment is to clarify the definition of the "Normal yield" for any year for a farm. Such amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). In order that such amended definition may be used by county committees in connection with determination of farm normal yields it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.2(b)(4) of the Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops (26 F.R. 3672, 5489, 7755, 8069, 9899, 27 F.R. 4418, 5027, 6117) is amended to read as follows:

§ 722.2 Definitions.

* * * * *

(b) *Terms relating to farms.* * * *

(4) "Normal yield" for any year means the average yield per harvested acre of lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year, actual yield data are not available or there was no actual yield, the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the county normal yield for the year for which the farm normal yield is being established, and the actual yield for the farm for the years for which acceptable data are available. The burden shall be upon the producer to prove the accuracy of the yield data furnished by the producer for any year for the farm and such data shall be subject to review and approval by the county committee. If the producer fails to prove to the satisfaction of the county committee that the yield data made available for any year are accurate or complete, the county committee shall appraise a normal yield for the farm taking into consideration the factors set forth above. In the case of new cotton farms, the county committee may also take into consideration the normal yields for other farms in the locality which are similar with respect to soil and other physical factors affecting the production of cotton. The determination made by the county committee under this subparagraph shall be subject to the approval of a representative of the State committee.

(Secs. 301, 375; 52 Stat. 38, 66, as amended; 7 U.S.C. 1301, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on August 2, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-7853; Filed, Aug. 6, 1962; 8:58 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (e) of § 6.311 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7832; Filed, Aug. 6, 1962; 8:54 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, subparagraph (18) is added to paragraph (d) of § 6.312 as set out below.

§ 6.312 Department of Commerce.

* * * * *

(d) ***Business and Defense Services Administration.*** * * *

(18) One Secretarial Assistant to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7833; Filed, Aug. 6, 1962; 8:54 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (j) of § 6.302 as set out below.

§ 6.302 Department of State.

* * * * *

(j) *Bureau of European Affairs.* * * *

(5) One Deputy Assistant Secretary for Atlantic Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7834; Filed, Aug. 6, 1962; 8:55 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS)

Payment of Indemnities

Pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (21 U.S.C. 114, 114a), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), § 51.9(i) of Part 51, Subchapter B, Title 9, Code of Federal Regulations, relating to payment of indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis, is amended to read as follows:

§ 51.9 Claims not allowed.

* * * * *

(i) If all structures, holding facilities or materials on premises occupied by or

used by cattle that were destroyed or which have been infected or exposed have not been properly cleaned and disinfected, with a disinfectant permitted by the Division in accordance with recommendations of the proper State and Division official, within 15 days from date reactors were removed from premises, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the period to 30 days and the Director, for reasons satisfactory to him, may extend it beyond 30 days, and except that premises may be exempted from such cleaning and disinfecting requirements when the appropriate Veterinarian in Charge determines that there are no buildings, holding facilities or other materials on the premises that would require such disinfection.

(Sec. 3-5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 112, 113, 114, 114a, 120, 125)

The amendment delegates authority to the appropriate Veterinarian in Charge to exempt, for reasons satisfactory to him, premises with no buildings, holding facilities or other equipment or materials, from the cleaning and disinfecting requirements of § 51.9(1). The amendment is considered necessary in order to clarify the purpose and intent of the regulation.

Effective date. The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of August 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-7810; Filed, Aug. 6, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1328]

[Special Civil Air Regulation No. SR-452]

PART 60—AIR TRAFFIC RULES

Prohibition of Flight During Operation Sky Shield III

A large-scale military aerial exercise known as "Sky Shield III" will be conducted in the contiguous 48 States between 1900Z, September 2, 1962, and 0030Z, September 3, 1962, and in the State of Alaska between 1900Z and 2230Z, Septmber 2, 1962. This exercise will be executed over the entire North American land and water north of the Mexican border. The conduct of this exercise is in the interest of the national defense.

The number of participating military aircraft, the types of maneuvers conducted, the widespread use of electronic counter measures and chaff and the consequent jamming of Agency air traffic control radars and air-ground communications, all combine to render unsafe the simultaneous use of the navigable airspace by civil aircraft. Therefore, nonparticipating aircraft shall not be permitted to operate in the continental United States including Alaska during the exercise, unless specifically exempted in this regulation.

Information is available in all Agency air route traffic control centers which will enable pilots to determine the latest times that aircraft intending to depart from the continental United States and Alaska will be authorized to take off so as to be clear of the exercise area when the exercise begins. Similar information is available to pilots who intend to depart overseas points at a time which will insure arrival in the contiguous United States or Alaska after the exercised has terminated. Pilots must plan their flights so as to be either on the ground or outside the exercise area by 1900Z, September 2, 1962, giving consideration to such delay factors as weather and air traffic delays.

This regulation permits certain operations which may be required in the interest of health or safety, such as those which may be necessary to prevent or to provide relief from fire, flood, or accidents or for emergency medical treatment or assistance. It is emphasized that during the period of Sky Shield III, air traffic separation service by the FAA will not be provided to any nonparticipating aircraft; however, advisory information will be provided to the extent possible.

In addition, provision is made in this regulation to exempt pilots, participating in Sky Shield III, from certain other regulations in consonance with the requirements of the exercise. Such action is considered justified as necessary for the national security and in consideration of the fact that nonparticipating pilots are required to avoid the exercise area.

I have determined that a situation exists which requires the immediate adoption of this regulation for the safety of air commerce. Accordingly, I find that notice and public procedure hereon are impracticable, and that good cause exists for making this regulation effective immediately.

In consideration of the foregoing, the following Special Civil Air Regulation is adopted:

1. A person shall not operate an aircraft within the contiguous 48 States of the United States during the period 1900Z, September 2, 1962, through 0030Z, September 3, 1962, and in the State of Alaska during the period of 1900Z through 2230Z, September 2, 1962, except:

a. Aircraft operated under the auspices of the Department of Defense in the military exercise known as "Sky Shield III" or any other operation accorded a higher priority by DOD, and

b. Aircraft operated in the interest of health or safety, such as those which may be necessary to prevent or to provide relief from fire, flood, accident or for emergency medical treatment or assistance: *Provided*, That air traffic control is advised by the operator prior to take-off of the point of departure, route, altitude, destination and purpose of flight.

2. To the extent necessary, aircraft operated under the auspices of the Department of Defense in the military exercise known as Sky Shield III are exempted from the following Civil Air Regulations:

a. Special Civil Air Regulation No. SR-424C.

b. Special Civil Air Regulation No. SR-444.

c. Civil Air Regulations, § 60.44 (b) and (c).

This regulation is effective upon issuance and is terminated at 0030Z, September 3, 1962.

(Sec. 307, 72 Stat. 749, 49 U.S.C. 1348)

Issued in Washington, D.C., on August 3, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-7874; Filed, Aug. 6, 1962; 8:58 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. No. OR-2]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NON-HEARING MATTERS

Miscellaneous Amendments

AUGUST 2, 1962.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of August 1962.

Reorganization Plan No. 3 of 1961 confers upon the Board authority to delegate to any of its employees "by published order or rule" any of its functions, including those which may be performed without notice and hearing. Part 385 was adopted by the Board to implement this aspect of the Reorganization Plan. In further implementation of the Plan, the Board is herein making additional delegations authorizing staff designees to approve or disapprove (1) applications of persons seeking approval of a consolidation, merger, purchase, lease, operating contract, or acquisition of control which does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition, (2) applications of air carriers or foreign air carriers to do business in names other than those already authorized, and (3) applications of air carriers for changes in approved service plans for foreign air transportation.

In addition, the Board is expanding the scope of existing delegations authorizing staff designees to approve or disapprove (1) applications of air carriers for changes in service patterns for local service air transportation, (2) applications of air carriers for operating authorizations by exemption from certificate limitations, (3) contracts or agreements filed pursuant to Section 412 of the Act, (4) requests of air carriers to use their own reporting forms, and (5) applications pertaining to modification of guaranteed loan agreements.

With respect to the delegation last mentioned, the change is, essentially, to provide express authority herein, in lieu of existing implied authority, for passing on modifications of loan agreements which for merely technical reasons should be accomplished by amendment of agreement provision(s) rather than by waiver thereof.

Further, the Board is withdrawing its delegation of authority to the Alaska Liaison Representative, Bureau of Economic Regulation, to extend the period of suspension of a tariff filed by any Alaskan air carrier. As a result, this authority is now included in the delegation under § 385.15(g).

On the occasion of these amendments, two minor amendments of a clarifying nature are being made in the general provisions of Part 385. Section 385.3 now provides that "each staff member may determine any procedural matters which may arise, including inter alia • • • dismissal of incomplete or otherwise defective applications." This provision is being clarified by addition of express authority to dismiss applications at the applicant's request or to dismiss applications which are moot. Section 385.4 now provides that staff action under delegated authority "shall be signed by the person exercising the delegated function." In practice it has been found desirable that staff action taken in the form of letters shall be signed by the delegatee while orders under delegated authority are issued in the name of the delegatee and signed by the Secretary. To remove a seeming inconsistency, the quoted phrase is being reworded to read "shall be in the name of the person exercising the delegated function." This more general language will cover the form of letters as well as that of orders.

Since these amendments are not substantive rules but rules of agency organization and procedure, notice and public procedure hereon are unnecessary, and the amendments may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 385 of the Organization Regulations (14 CFR Part 385) effective August 2, 1962 as follows:

§ 385.3 [Amendment]

1. By amending the second sentence of § 385.3 through adding after the words "dismissal of" the words "applications upon the applicant's request, moot applications, or," so that it reads as follows: "In such proceedings, each staff member may determine any procedural matters which may arise, including, inter alia, service of documents on additional persons; filing of otherwise unauthorized documents; waivers of procedural requirements; requests for hearing; requests for additional information; dismissal of applications upon the applicant's request, moot applications, or incomplete or otherwise defective applications; and extensions of time."

§ 385.4 [Amendment]

2. By amending the second sentence of § 385.4 through substituting the words "in the name of" for the words "signed by" so that said sentence reads as follows: "Such orders or informal writings shall contain a recital that action is taken pursuant to delegation; shall, in cases where there are 'parties or interveners,' contain a brief reference to the

right of aggrieved parties to petition the Board for review pursuant to applicable procedural rules, including a statement of the time within which petitions must be filed (§ 385.51); and shall be in the name of the person exercising the delegated function."

§ 385.12 [Amendment]

3. By amending § 385.12 through adding a new paragraph (b) after paragraph (a) as follows:

(b) Approve, when no person disclosing a substantial interest protests, or deny applications of certificated route air carriers for exemptions to perform any other operation prohibited by a term, condition or limitation in a certificate.

§ 385.13 [Amendment]

4. By redesignating § 385.13 (j), (k), (l), (m), (n), (o), and (p) as § 385.13 (k), (l), (m), (o), (p), (q), and (r), respectively, and adding new § 385.13 (j) and (n) to read as follows:

(j) Approve or disapprove applications of air carriers or foreign air carriers for permission to do business in names other than those authorized pursuant to regulation or order of the Board.

(n) Approve, when no person disclosing a substantial interest protests, or disapprove applications filed under § 203.2 of this chapter (Economic Regulations) by air carriers certificated to engage in foreign air transportation to a general area, for authority to effect changes in approved service plans.

5. By amending redesignated § 385.13 (1) to substitute new subparagraphs (2) and (3) so that subparagraphs (1), (2), and (3) of paragraph (1) read as follows: "(1) Approve or disapprove all applications filed under § 202.4 of this chapter (Economic Regulations) by local service carriers for authority to effect temporary or seasonal changes in service patterns; (2) approve, when no person disclosing a substantial interest protests, or disapprove such applications to effect any other changes in service patterns; and (3) revoke, modify or renew, prior approval of (i) temporary or seasonal changes, or (ii) in the absence of protest by third persons disclosing a substantial interest, any other changes in service patterns."

6. By amending redesignated § 385.13 (o) through modifying the qualifications in subparagraph (1) by amending said subparagraph, adding a new subparagraph (2), and renumbering former subparagraph (2) to (3) and amending the same to read as follows:

(o) With respect to section 412 contracts and agreements:

(1) Approve contracts or agreements, or modifications, terminations, or cancellations thereof, filed by air carriers under section 412 of the Act, except:

(i) Those which are concerned with the establishment of rates, fares, or charges; or

(ii) Those protested by a person disclosing a substantial interest and which are concerned with (*a*) standardization of equipment; (*b*) schedules; (*c*) substantial limitations on competition; or (*d*) interchange of equipment and "Trackage rights"; or

(iii) Those protested by a person disclosing a substantial interest and which are industry-wide or substantially industry-wide in effect, other than those on which there are clear Board precedents, or which do not involve substantial questions of policy.

(2) Disapprove contracts or agreements, or modifications, terminations, or cancellations thereof, filed by air carriers under section 412 of the Act, except those involving the establishment of rates, fares, or charges.

(3) Terminate matters relating to contracts and agreements (except those concerning rates, fares or charges) which, prior to review thereof, have expired, been terminated, or been superseded.

7. By amending redesignated § 385.13 (q) through adding a second subparagraph and revising the section to read as follows:

(q) With respect to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control:

(1) Grant or deny applications for exemption from section 408 of the Act; and

(2) Grant or deny pursuant to the third proviso of section 408(b) of the Act applications for approval of transactions which are found not to affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, not to result in creating a monopoly, and not to tend to restrain competition.

§ 385.16 [Amendment]

8. By amending § 385.16 through substituting the words "approve or disapprove" and "found" for the words "issue letters approving or disapproving" and "believed," respectively, in subparagraph (a) and otherwise revising said section, so that it reads as follows:

§ 385.16 Delegation to the Chief, Subsidy Division, Bureau of Economic Regulation.

The Board hereby delegates to the Chief, Subsidy Division, Bureau of Economic Regulation, the authority to:

(a) Approve or disapprove waivers and amendments of provisions in guaranteed loan agreements; approval to be granted in cases where it is found that such waivers or amendments will not adversely affect the obligation of the Board under the guarantee and will not increase the risk that the Board will have to make payment on the guarantee.

9. By amending § 385.17 through deleting the reference to § 385.15(g) (extension of tariff suspension periods), so that it reads as follows:

§ 385.17 Delegation to the Alaska Liaison Representative, Bureau of Economic Regulation.

The Board hereby delegates to the Alaska Liaison Representative, Bureau of Economic Regulation, the authority cited in §§ 385.15(a) and 385.15(b) insofar as it relates to Alaskan air carriers.

§ 385.18 [Amendment]

10. By amending § 285.18(e) to read:

(e) Grant or deny requests by air carriers for substitution of their own forms or adaptation of Board forms to meet special needs where Board approval of such forms is required by the Economic Regulations.

(Sec. 204(a) 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481, and Reorganization Plan No. 3 of 1961, 26 F.R. 5989)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-7830; Filed, Aug. 6, 1962; 8:54 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 1335; Amdt. 474]

PART 507—AIRWORTHINESS DIRECTIVES

Curtiss-Wright C-46 Series Aircraft

Investigation has shown that extensions of the compliance times may be granted to some operators of Curtiss-Wright C-46 Series aircraft in complying with AD 62-10-2, Amendment 427, 27 F.R. 3799, as amended by Amendment 458, 27 F.R. 6197. Accordingly, this amendment is being published to permit extension of compliance times where justified. It is also making provision for acceptance of FAA approved equivalent fire detectors.

Since this amendment provides a procedure by which a different inspection interval may be established for the operators concerned, and thus relieves a present restriction, compliance with notice and public procedure hereon is unnecessary, and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 427, 27 F.R. 3799, as amended by Amendment 458, 27 F.R. 6197, Curtiss-Wright C-46 Series aircraft, is further amended as follows:

1. By adding ", or FAA approved equivalent." at the end of the first sentence of paragraph (b)(4).

2. By adding paragraph (c) to read:

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Southern Region, may adjust the compliance times specified in this Airworthiness Directive if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective August 7, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 3, 1962.

G. S. MOORE, *Acting Director, Flight Standards Service.*

[F.R. Doc. 62-7885; Filed, Aug. 6, 1962; 8:58 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-118]

PART 13—PROHIBITED TRADE PRACTICES

Berdav, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act; § 13.1325 *Source or origin:* 13.1325-70 Place: 13.1325-70(k) Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.-1845-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Berdav, Inc., et al., New York, N.Y., Docket C-118, Apr. 16, 1962]

In the Matter of Berdav, Inc., a Corporation, and Kenneth Rivlin and Shirley Rivlin, Individually and as Officers of Said Corporation

Consent order requiring New York City distributors of wool products to cease violating the Wool Products Labeling Act by labeling "Made in England", woolen fabrics which were made in Japan; representing falsely that they had a place of business in London through use on labels of the name "London" and an emblem resembling the Royal Arms of the British Empire in conjunction with their corporate name; and labeling certain fabrics "Mohair and Wool" without setting forth the percentages of such fibers.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Berdav, Inc., a corporation, and its officers, and Kenneth Rivlin and Shirley Rivlin, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment in commerce, of wool products, as the terms "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the country of manufacture.

2. Falsely or deceptively, stamping, tagging, labeling or otherwise identifying such products so as to represent in any manner, directly or by implication, contrary to fact, that respondents own, operate or control a place of business in London, England, or any other place.

3. Failing to affix stamps, tags or labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

4. Stamping, tagging, labeling or otherwise identifying such products as containing "mohair" without setting forth the actual percentage of the mohair contained therein.

It is further ordered, That the respondents Berdav, Inc., a corporation, and its officers, and Kenneth Rivlin and Shirley Rivlin, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of fabrics or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Misrepresenting the country of manufacture of such products on invoices, shipping memoranda or in any other manner.

B. Furnishing means and instrumentalities to others by and through which they may mislead the public as to the country of origin of such products.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 16, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7793; Filed, Aug. 6, 1962; 8:47 a.m.]

[Docket No. C-117]

PART 13—PROHIBITED TRADE PRACTICES

BGS Shoe Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods.* Subpart—Using misleading name—goods: § 13.2280 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, BGS Shoe Corp. et al., Manchester, N.H., Docket C-117, Apr. 16, 1962]

In the Matter of BGS Shoe Corporation, a Corporation, and Eli A. Cohen, William Lubell, Peter S. Freedman, and Arnold J. Cohen, Individually and as Officers of Said Corporation

Consent order requiring manufacturers of ladies' shoes and slippers in Manchester, N.H., to cease representing falsely in advertisements in trade publications and on their shoe boxes—by such wording as "• • • Deerskin casuals • • •" and "• • • fabulous Deertan casuals • • •"—that their shoes were made from leather produced from deer hides.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents BGS Shoe Corporation, a corporation, and its officers, and Eli A. Cohen, William Lubell, Peter S. Freedman and Arnold J. Cohen, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of shoes or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words Deerskin, Deertan, Deer Tan, or any other word or words of of similar import or meaning, to designate or describe products which are not in fact made from the hides of deer; or otherwise misrepresenting in any manner the composition of any of their products.

2. Furnishing to others any means or instrumentalities by or through which the public may be misled with respect to any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 16, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7794; Filed, Aug. 6, 1962; 8:47 a.m.]

[Docket No. C-115]

PART 13—PROHIBITED TRADE PRACTICES

Korma Textile Mills, Inc., and Julius Mauler

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-235 Producer status of dealer or seller: 13.15-235 (m) Manufacturer. Subpart—Using misleading name—Vendor: § 13.2445 *Producer or laboratory status of seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Korma Textile Mills, Inc., et al., New York, N.Y., Docket C-115, Apr. 16, 1962]

Consent order requiring New York City jobbers of textile fabrics to cease representing falsely, through use of the word "Mills" in their corporate and trade names, that they manufacture their fabrics in their own factories.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That Korma Textile Mills, Inc., a corporation, and its officers, and Julius Mauler, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of textile fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly, using the word "Mills", or any other word of similar import or meaning, in or as a part of respondents' corporate or trade name, or representing in any other manner that respondents are manufacturers of the fabrics sold by them unless and until respondents own and operate, or directly and absolutely control, the manufacturing plant wherein said fabrics are woven or made.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 16, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7795; Filed, Aug. 6, 1962; 8:47 a.m.]

[Docket No. C-116]

PART 13—PROHIBITED TRADE PRACTICES

Orton P. Hesser and O. P. Hesser Broker

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Orton P. Hesser, doing business as O. P. Hesser Broker, Salt Lake City, Utah, Docket C-116, Apr. 16, 1962]

Consent order requiring a broker in Salt Lake City, Utah, to cease violating sec. 2(c) of the Clayton Act by receiving and accepting brokerage on numerous and substantial purchases of food products for his own account for resale, such as a discount, usually at the rate of 10 cents per 1⅗ bushel box, on purchases of citrus fruit from a number of Texas packers.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Orton P. Hesser, individually and doing business as O. P. Hesser Broker, and respondent's agents, representatives, and employees, directly or through any corporate, partnership, sole proprietorship, or other device, in connection with the purchase of citrus fruit or produce in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or produce for respondent's own account, or where respondent is the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: April 16, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7796; Filed, Aug. 6, 1962; 8:47 a.m.]

[Docket No. C-119]

PART 13—PROHIBITED TRADE PRACTICES

Railroad Communications School, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15-30 *connections or arrangements with others;* § 13.15-195 *Nature;* § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Railroad Communications School, Inc., et al., Kansas City, Mo., Docket C-119, April 16, 1962]

In the Matter of Railroad Communications School, Inc., a Corporation, Arthur C. Henry, Victor Pardun and Eugene Kane, Individually and as Officers of Said Corporation

Consent order requiring Kansas City, Mo., sellers of correspondence courses intended to prepare students for jobs with railroads as telegraph operators, station agents, etc., to cease representing falsely by such means as advertisements in the "Help Wanted" columns of newspapers and statements of solicitors that they were offering employment and guaranteeing jobs in chosen areas and at high starting salaries to trainees, among other things, as in the order below indicated.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Railroad Communications School, Inc., a corporation, and its officers, and Arthur C. Henry, Victor Pardun and Eugene

Kane, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of study, training and instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Employment is being offered when, in fact, the purpose is to obtain purchasers of such courses of study, training and instruction;

2. Positions of employment as railroad station agents or telegraphers are open to all those who complete such courses;

3. Respondents are a railroad company or are affiliated with a railroad company;

4. Respondents' said courses qualify purchasers thereof to become railroad station agents or telegraphers on completion of said courses;

5. Respondents guarantee employment to persons completing said course;

6. There is a great demand for graduates of respondents' school to fill positions of railroad station agent or telegrapher or otherwise misrepresenting the employment demand in the railroad field;

7. Respondents place their graduates in positions as railroad station agents or telegraph operators; or that the starting salaries of respondents' graduates will be any amounts in excess of those customarily received by such graduates;

8. Respondents will obtain employment as station agents or telegraph operators for its graduates at locations selected by such graduates.

9. Respondents will obtain employment for their students to enable them to defray expenses while taking in residence training in their school;

10. Respondents' course of study will not interfere with a person's present employment;

11. The student can complete the entire course of study and training in seven months or any other period of time which is less than that usually required by respondents' students who actually complete the course;

12. The in residence training at respondents' school can be completed in a period of time which is less than the time usually required for graduates of respondents' school;

13. The number of railroad station agents and telegraphers retiring at any time or any period of time is a given number or percentage which is in excess of those actually retiring;

14. The number of enrollees to take the training in respondents' school is limited to a specified number of persons from a particular area, contrary to fact.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 16, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7797; Filed, Aug. 6, 1962; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 201—RULES OF PRACTICE

Hearings for Taking Evidence; Procedure

Effective upon publication in the FEDERAL REGISTER, the first sentence of paragraph (d) of § 201.11 is amended by substituting "201.14(b)" for "201.4(b)" to correct the reference. As so amended, paragraph (b) reads as follows:

§ 201.11 Hearings for the purpose of taking evidence; procedure.

* * * * * *

(d) *Functions of hearing officer.* The hearing officer shall regulate the course of the hearing and during the course of such hearing shall rule upon procedural matters relating to the hearing, including applications for the issuance, modification or quashing of subpoenas and the taking of depositions and interrogatories pursuant to §§ 201.14(b) and 201.15. Upon notice to all parties, the hearing officer may reopen any hearing prior to the filing of a recommended decision therein, or if no recommended decision is to be filed, prior to the time for filing briefs with the Commission.

(Secs. 19, 23, 48 Stat. 85 and 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 77sss, 78w, 79t, 80a-37, 80b-11)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 1, 1962.

[F.R. Doc. 62-7801; Filed, Aug. 6, 1962; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VIII—Transport Mobilization Staff, Interstate Commerce Commission

[Administrative Order DTA 3; revocation]

AO DTA 3—APPOINTMENT AND OPERATION OF INDUSTRY ADVISORY COMMITTEES

Revocation of Administrative Order

Administrative Order DTA 3 (17 F.R. 3804) is hereby revoked.

(64 Stat. 816; 74 Stat. 282; 50 U.S.C. App. Supp. 2154, 2166(a); Organization Order DTA 1, as amended June 27, 1955, 15 F.R. 6728, 20 F.R. 4550; 20 F.R. 4780)

This revocation is effective immediately.

Issued at Washington, D.C., this 25th day of July 1962.

[SEAL] RUPERT L. MURPHY, *Chairman, Interstate Commerce Commission.*

[F.R. Doc. 62-7816; Filed, Aug. 6, 1962; 8:51 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department in Part 168—Directory of International Mail, are amended as follows:

§ 168.1 [Amendment]

I. In § 168.1 *Postal union mail*, paragraph (b) is amended to reflect the minimum dimensions which will apply to outgoing postal union mail, effective January 1, 1963. As so amended, paragraph (b) reads as follows:

(b) *Dimensions.* The following general dimensions apply to the various classes of postal union articles:

(1) *Post cards.* Maximum 6 by 4¼ inches; minimum, 4 by 2¾ inches. (Effective January 1, 1963 the minimum dimensions will be 4¼ by 3 inches.)

(2) *All other postal union articles*—(i) *Maximum.* Length, breadth, and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches.

(ii) *Minimum.* The address side must measure at least 4 inches in length and 2¾ inches in width. (Effective January 1, 1963, the minimum dimensions will be 4¼ by 3 inches.) When in the form of a roll, the length may not be less than 4 inches, or the length plus twice the diameter less than 6¾ inches. Articles having lesser dimensions are accepted on condition that a rectangular address tag is attached whose length and width together measure not less than 6¼ inches, with the shorter side not less than 1½ inches.

§ 168.5 [Amendment]

II. In § 168.5 *Individual country regulations* make the following changes:

A. In country "Bolivia", under Parcel Post, the item *Observations* is amended to show new invoice requirements. As so amended, the item reads as follows:

Observations. Transportation of surface parcels to Bolivia involves not only a long sea transit but also a difficult overland trip from Arica, Chile. Careful packing is essential.

Commercial invoices legalized by a Bolivian Consulate are required for all parcels, regardless of value. The invoices must be in the form prescribed by the Bolivian consular regulations. If senders are not familiar with the requirements, they should be advised to consult one of the Bolivian Consulates located in principal cities of the United States. Information may also be obtained from the American Republics Division, Bureau of International Programs, Department of Commerce, Washington 25, D.C., or any field office of that Department.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however, may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 137 of this chapter.

B. In country "Germany", as amended by 27 F.R. 2102-2103, under Parcel Post, amend the item *Observations* by inserting a new paragraph immediately following the second paragraph therein to read as follows:

Observations—Western Germany (including the western sector of Berlin).

* * *

The customs treatment of gift parcels will be facilitated if the customs declaration is marked by the sender, "Private Geschenksendung" (personal gift package).

C. In country "Ivory Coast (Republic of)" as amended by 27 F.R. 5659, 27 F.R. 6977, make the following changes:

1. Under Postal union mail, add a new item immediately following the item *Special delivery* to read as follows:

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

2. Under Parcel Post, strike out the item *Prohibitions and import restrictions* and insert in lieu thereof the following:

Prohibitions. Arms, etc.: Daggers, sword-canes, brass knuckles, blackjacks, and other secret weapons.

For other reasons: Foreign products, natural or manufactured, having markings, labels, or wrappings of any kind which may give the impression that they are of Ivory Coast origin. Articles bearing the "Red Cross" or "Geneva Cross" as a trademark.

Preserved fish, vegetables, and plums must bear on each container an indication of the country of origin in raised or sunken letters at least 4 millimeters (⅜ inch) high, in the middle of the lid and of the bottom, in a space not bearing any inscription. Cases and wrappers containing these products must bear adhering letters indicating the country of origin.

Weights and measures not of the metric system.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

The following articles are subject to special regulations upon importation: Mineral waters. Stills and other distilling apparatus. Saccharine and other sweetening substances whose use is restricted to therapeutics, pharmacy, and the preparation of beverages. Firearms and airguns.

Arabic books and prints are subject to special control.

D. In country "Madagascar (Malagasy Republic)", as amended by 27 F.R. 5659, make the following changes:

1. Under Postal union mail, add a new item immediately following the item *Money orders* to read as follows:

Prohibitions. Coins, manufactured or unmanufactured platinum, gold and silver; jewels and other precious articles. Articles prohibited as parcel post are prohibited in the postal union mail.

2. Under Parcel Post, add a new item immediately following the item *Indemnity* to read as follows:

Prohibitions—Saccharine. Compound medicines not appearing in an official pharmacopoeia.

Playing cards—Tobacco sauce (praiss). Articles violating the copyright laws. Products bearing false indications of origin. Preserved fish, vegetables, and plums not bearing on each receptacle a stamp showing their origin. Boxes of preserved sardines weighing more than 1 kilogram.

E. In country "Netherlands", make the following changes:

1. Under Postal union mail, the item *Observations* is amended by striking out "precious metals" where it appears therein and inserting in lieu thereof "gold". As so amended, the item reads as follows:

Observations. See the item "Import restrictions" under "Parcel Post", concerning authorization required to be obtained by the addressee for the importation of currency; gold or diamonds, manufactured or not; art treasures; postage stamps; instruments of payment, valid or not; paper values; and public credit documents and securities.

2. Under Parcel Post, delete the item *Observations.*

3. Under Parcel Post, amend the item *Import restrictions* to read as follows:

Import restrictions. Authorization from the "Nederlandsche Bank" is required to be obtained by the addressee for the importation of coins and paper money; gold or diamonds, manufactured or not; art treasures; postage stamps; instruments of payment, valid or not (including checks); paper values; and public credit documents and securities. Prospective senders should be advised that, unless the addressee possesses the necessary authorization, which should be secured before the articles are mailed, the articles may be confiscated by the Netherlands customs authorities.

F. In country "Pakistan", under Parcel Post, amend the item *Import restrictions* to read as follows:

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees in Pakistan are required to obtain import licenses for all types of merchandise except books, magazines and medicines for the addressee's personal use and not exceeding 150 rupees ($31.50) in value plus postage.

Shipments for which licenses are not issued when required are liable to confiscation.

Special permission is required for the importation of the following: Unmanufactured silver; wireless telegraph apparatus; yellow-fever virus.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE, *General Counsel.*

[F.R. Doc. 62-7815; Filed, Aug. 6, 1962; 8:51 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5-10—BONDS AND INSURANCE

PART 5-50—BONDS AND INSURANCE

Chapter 5 is amended by deleting Part 5-50—Bonds and Insurance, and adding Part 5-10—Bonds and Insurance, to read as follows:

PART 5-10—BONDS AND INSURANCE

Part 5-10.50—Bid Guarantees and Contract Bonds

Sec.

5-10.5001	Applicability.
5-10.5002	Bid guarantees.
5-10.5002-1	Definition.
5-10.5002-2	Construction contracts.
5-10.5002-3	Supply and service contracts.
5-10.5003	Performance bonds.
5-10.5003-1	Definition.
5-10.5003-2	Construction contracts.
5-10.5003-3	Supply and service contracts.
5-10.5004	Payment bonds.
5-10.5004-1	Definition.
5-10.5004-2	Construction contracts.
5-10.5004-3	Supply and service contracts.
5-10.5004-4	Furnishing information to subcontractors and suppliers.
5-10.5005	Other types of bonds.

Subpart 5-10.51—Sureties on Bonds

5-10.5101	General.
5-10.5102	Corporate sureties.
5-10.5103	Individual sureties.
5-10.5104	Determination of acceptability.
5-10.5105	Consent of surety.
5-10.5106	Options in lieu of sureties.

Subpart 5-10.52—Insurance

5-10.5201	Scope of subpart.
5-10.5202	General.
5-10.5203	Supply and service contracts.

AUTHORITY: §§ 5-10.5001 to 5-10.5203 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 5-10.5001 Applicability.

This Subpart 5-10.50 is applicable to negotiated and formally advertised procurements of supplies and services, including construction. In its application

to negotiated procurements, the terms "bid" and "invitation for bids" used in this Subpart 5–10.50 shall be construed to include their counterparts, i.e., "proposal" and "request for proposals."

§ 5–10.5002 Bid guarantees.

§ 5–10.5002–1 Definition.

The term "bid guarantee," as defined in § 1–10.101–1, is applicable to this § 5–10.5002.

§ 5–10.5002–2 Construction contracts.

Instructions covering the use of bid guarantees in construction contracts are set forth in § 1–10.102.

§ 5–10.5002–3 Supply and service contracts.

(a) Bid guarantees may be required in connection with supply and service contracts only when the invitation for bids specifies that the contract must be supported by a performance bond and the contracting officer has determined that the Government needs the type of protection set forth in § 1–10.101–1. However, in no event shall a bid guarantee be required to support a bid covering supplies and services amounting to $2,500 or less.

(b) Where a bid guarantee is determined to be necessary, the invitation for bids shall contain:

(1) A statement requiring that the bid guarantee be submitted with any bid in excess of $2,500 and containing details as are necessary to enable bidders to determine the proper amount of bid guarantee to be submitted; and

(2) The provision set forth in § 1–10.102–4(a)(2), modified by deleting the word "work" in the third paragraph and using the word "supplies" or "services," as appropriate.

(c) Where an invitation for bids requires that bids be supported by a bid guarantee, noncompliance with such requirement will require rejection of the bid except in the situations set forth in § 1–10.102–5.

§ 5–10.5003 Performance bonds.

§ 5–10.5003–1 Definition.

"Performance bond" means a bond executed in connection with a contract to assure fulfillment of all the contractor's obligations under such contract.

§ 5–10.5003–2 Construction contracts.

(a) Pursuant to the Miller Act, as amended (40 U.S.C. 270a–270e), a performance bond shall be required in connection with any construction contract exceeding $2,000 in amount, except that this requirement may be waived by the contracting officer for so much of the work as is to be performed in a foreign country if he finds that it is impracticable for the contractor to furnish such bond. The penal amount of the performance bond shall be 100 percent of the contract price at the time of award.

(b) Whenever the successful bidder is to furnish a performance bond, the invitation for bids shall so state and shall specify the penal amount (or percentage) required. Failure to furnish a required performance bond, after acceptance of the bid, will make the successful bidder liable to the Government for any difference by which the cost of procuring the work exceeds the amount of the bid.

(c) Additional performance bond protection shall be required in connection with any contract for which a performance bond is required in each instance where the contract is modified to include work which is beyond the scope of the existing contract.

(d) In each instance cited in paragraph (c) of this section, the performance bond protection shall be increased so as to provide the 100 percent bond required. The increased penal amount may be secured either by increasing the bond protection provided by the existing surety or sureties or by obtaining an additional performance bond from a new surety. See § 5–10.5105 with respect to obtaining consent of surety.

§ 5–10.5003–3 Supply and service contracts.

(a) Generally, performance bonds shall not be required in connection with supply and service contracts. However, performance bonds may be required in individual procurements when the contracting officer determines the need therefor.

(b) Whenever the successful bidder is to furnish a performance bond, the invitation for bids shall so state and shall specify the penal amount (or percentage) required. A performance bond for 100 percent of the contract price should be required except when a lesser amount will result in a reduction in cost and afford adequate protection to the Government. An appropriate clause may be included in the invitation, however, permitting the Government to reduce the amount of the bond requirement to the successful bidder, at appropriate reduction in price, where adequate security is deemed to exist.

(c) The requirement for a performance bond shall not be waived when the invitation for bids requires such bond. Failure to furnish a required performance bond constitutes a basis for termination of the contract.

(d) When a performance bond is required, the invitation should normally provide that upon award the contractor will not proceed with performance until a notice to proceed is given after compliance with the performance bond requirement.

§ 5–10.5004 Payment bonds.

§ 5–10.5004–1 Definition.

"Payment bond" means a bond executed in connection with a contract to assure payment of all persons supplying labor and material in the prosecution of the work provided for the contract.

§ 5–10.5004–2 Construction contracts.

(a) Pursuant to the Miller Act, as amended (40 U.S.C. 270a–270e), a payment bond shall be required in connection with any construction contract exceeding $2,000 in amount, except that this requirement may be waived by the contracting officer for so much of the work as is to be performed in a foreign country if he finds that it is impracticable for the contractor to furnish such bond. The penal amount of the payment bond shall be as follows:

(1) When the contract price is not more than $1 million, the penal amount shall be 50 percent of the contract price; and

(2) When the contract price is more than $1 million but not more than $5 million, the penal amount shall be 40 percent of the contract price.

(3) Where the contract price is more than $5 million, the penal amount shall be $2½ million.

(b) The requirement for a payment bond shall not be waived when the invitation for bids requires such a bond.

(c) Additional payment bond protection shall be required in connection with any contract for which a payment bond is required in each instance where the contract is modified to include work which is beyond the scope of the existing contract. The penal amount of the additional bond protection should generally be such that the total payment bond protection, based on the revised contract price, is in accordance with the limitations prescribed in paragraph (a) of this section.

§ 5–10.5004–3 Supply and service contracts.

Payment bonds shall not be used in connection with supply and service contracts unless a performance bond is required; and then only if there is no additional charge for a payment bond and the contracting officer determines that there is a need therefor.

§ 5–10.5004–4 Furnishing information to subcontractors and suppliers.

Where a payment bond has been provided, the contracting officer may furnish the name and address of the surety or sureties thereon to persons who have furnished, or have been requested to furnish, labor or material in the prosecution of the work. In addition, the contracting officer may furnish to persons who satisfy him that they have provided labor or material, and have not received payment, additional general information on such matters as the progress of the work, payments, and the estimated percentage of completion.

§ 5–10.5005 Other types of bonds.

Types of bonds other than those provided for in this subpart may be used only when, in the opinion of the head of the procuring activity concerned, such bonds are necessary or desirable in connection with the particular procurement.

Subpart 5–10.51—Sureties on Bonds

§ 5–10.5101 General.

Except when other types of security are furnished (see § 5–10.5106) every bond furnished in connection with the procurement of supplies or services, including construction, shall be supported by good and sufficient surety (corporate or individual).

§ 5–10.5102 Corporate sureties.

(a) Corporate sureties holding certificates of authority from the Secretary of the Treasury to do business under the Act of July 30, 1947 (6 U.S.C. 6–13) are listed in Treasury Department Circular 570 as acceptable sureties on Federal bonds. Circular 570 (including any changes thereto) is published in the FEDERAL REGISTER and contains a listing which gives the name and location of the surety, the maximum net limit the surety is permitted to write on any one risk, and other pertinent information. Any surety listed in the current edition of Circular 570 is acceptable within the limits of such approval.

(b) The current edition of Circular 570 shall be prominently displayed in bid opening rooms, in GSA Business Service Centers, and in all places where bid forms and information are regularly available. Copies should be made available to officials having a need therefor.

(c) The acceptability of a corporate surety bond and the surety shall be determined in accordance with § 5–10.5104.

§ 5–10.5103 Individual sureties.

Individual sureties are acceptable as sureties for all types of bonds. At least two responsible individuals are required on any bond and the individual surety must execute Standard Form 28, Affidavit of Individual Surety, in accordance with the instructions on the reverse of the form. The acceptability of individual sureties shall be determined in accordance with § 5–10.5104.

§ 5–10.5104 Determination of acceptability.

(a) Upon receipt of a required bond, the contracting officer shall determine whether the bond and the surety are acceptable. If the acceptability of a bond involves a question as to its validity, the contracting officer shall refer the matter to appropriate legal counsel. For any question other than validity, the contracting officer shall refer the bond and such questions to the appropriate financial management office for necessary action. The office to which the bond is referred shall take such action as necessary and promptly return the bond with advice as to its acceptability.

(b) When a contracting officer has verified the acceptability of the surety on a bond, he shall so certify by placing the words, "Acceptability of Bond Verified," with his signature immediately thereunder, on the bond or on a properly identified attachment. The bond shall be retained with the original of the contract.

(c) When the bond or surety is not acceptable, the contracting officer shall return the bond to the bidder notifying him that the bond or surety is not acceptable.

§ 5–10.5105 Consent of surety.

(a) In connection with any amendment, modification, or supplemental agreement which would otherwise affect the release of a surety, the contracting officer shall obtain the written consent thereto of the surety or sureties on the existing bond or bonds (notwithstanding the fact that there may be an additional bond supported by a new surety): *Provided*, That no such consent need be obtained if there is an increased or additional bond supported by the same surety or sureties.

(b) The consent of surety required by paragraph (a) of this section, shall be worded substantially as follows:

CONSENT OF SURETY

Date ----------
Contract No. ------
Amendment or Supplemental Agreement No. ------

Consent of surety is hereby given to the foregoing contract modification and the surety agrees that its bond or bonds shall apply to the contract as so modified. The principal and surety further agree that on and after the execution of this consent, the penalty of the aforementioned performance bond or bonds is hereby increased by $------, and the penalty of the aforementioned payment bond or bonds is increased by $------.

(Name and address of principal)

(Affix seal, if corporation)
By: ----------
Attest: ----------

(Name and address of surety)

(Affix seal, if corporation)
By: ----------
Attest: ----------

§ 5–10.5106 Options in lieu of sureties.

Any one or more of the following types of security may be deposited by the contractor in lieu of furnishing corporate or individual sureties on bonds.

(a) Any person required to furnish a bond has the option, in lieu of furnishing surety or sureties thereon, of depositing United States bonds or notes in an amount equal at their par value to the penal sum of the bond, together with an agreement authorizing the collection or sale of such bonds or notes by the Government in the event of default on the bond.

(b) Any person required to furnish a bond has the option, in lieu of furnishing surety or sureties thereon, of depositing to the order of GSA a certified or cashier's check, a bank draft, a Post Office money order, an irrevocable letter of credit, or currency in an amount equal to the penal sum of the bond, together with an agreement that the Government would have the right to apply the proceeds of such deposit in accordance with the terms of the contract.

Subpart 5–10.52—Insurance

§ 5–10.5201 Scope of subpart.

This Subpart 5–10.52 sets forth the general principles and policy applicable to insurance under contracts for supplies or services.

The policy of the Government, in general, is not to take out insurance coverage on its own operations. The Comptroller General has maintained consistently that the established policy of the Government is to assume its own risks of loss on the theory that the quantity of its transactions, together with the magnitude of the Government's resources, makes it more advantageous for the Government to carry its own risks than to have them assumed by private insurers, whose rates are based on recovery of possible losses, estimated operating expenses, and anticipated profit. Exceptions to this principle exist where Government property is not under the direct control and custody of the Government or other special circumstances are present. Where Government property is in the custody of a contractor, there is no objection to requiring or permitting the contractor to carry insurance against loss or damage to Government property. The need for such coverage and the extent of protection required shall be based on the circumstances in each case.

§ 5–10.5203 Supply and service contracts.

(a) Ordinarily, no insurance requirement is necessary in contracts for the procurement of supplies. In the case of service contracts involving Government property, insurance may be required for theft, loss, damage, or destruction of Government property, or personal injury to employees or other persons, arising as a result of the performance of such contracts.

(b) Insurance requirements should be adequate, but at the same time just and reasonable. Generally, such requirements will be predicated on potential loss or damage and not necessarily on the value of the contract. When it is determined that insurance coverage should be required, the invitation and resultant contract shall contain a suitable provision requiring the contractor to carry insurance of a type and in an amount necessary to provide adequate protection to the Government. Determination as to type of insurance, amount, and any related insurance requirements for inclusion in invitations and resultant contracts shall be made jointly by the contracting officer and the appropriate financial management office, after clearance with the appropriate legal counsel. All premiums or costs incident to compliance with an insurance requirement shall be paid by the contractor.

(c) Insurance policies, or endorsements thereto, submitted by successful bidders shall be referred to the appropriate financial management office for examination, approval, and servicing.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: July 31, 1962.

LAWSON B. KNOTT, JR.,
Acting Administrator.

[F.R. Doc. 62–7831; Filed, Aug. 6, 1962; 8:54 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14185; FCC 62–866]

PART 1—PRACTICE AND PROCEDURE

PART 3—RADIO BROADCAST SERVICES

First Report and Order

In the matter of revision of FM broadcast rules, particularly as to allocation

and technical standards, Docket No. 14185; petition of FM Unlimited, Inc., for changes in FM station assignment rules, RM-94.

I. *Introduction.* 1. The Commission has under consideration its notice of inquiry, notice of proposed rule making, and memorandum opinion and order in the above-entitled matters (FCC 61-833, issued July 5, 1961), and the comments and reply comments submitted in the proceeding by interested persons. This proceeding was instituted for the purpose of determining what changes in the FM rules and technical standards are necessary for the optimum development of this broadcast service, and how the expansion of the service can be achieved with the least amount of delay and burden on the Commission, applicants, and other parties. Some tentative conclusions were drawn from our preliminary studies and experience and set forth in the notice, especially with regard to the need for a fixed "go-no go" type of processing procedure, new FM propagation curves, and for an over-all plan designed to make the best possible use of the respective channels in the FM band (a table of fixed minimum mileage separations between co-channel and adjacent channel stations was proposed). Specific proposals, in some instances in the alternative, were advanced and outlined in the Appendix to the notice. In addition, questions were asked about specific matters such as antenna and receiver performance, and the matter of the extent of AM-FM program duplication to be allowed was raised.

2. A number of parties submitted comments. These ranged from views on one or two specific topics, such as duplication of AM programs on FM stations, to opinions on many of the subjects covered in the notice. The parties included such varied segments of the industry as networks, broadcasters, educational organizations, and equipment manufacturers.[1] Unfortunately, very little supporting data was submitted by most of the parties. In the important area of station assignment principles, for example, while some parties made specific suggestions as to re-shuffling of channels among certain large cities, no one submitted any specific data, even on a sample basis, showing possible allocation over an area as a whole. However, the comments and replies were helpful to the Commission, and have been given careful consideration in connection with all of the decisions reached.

3. The present document represents the Commission's conclusions as to many of the matters raised in the earlier notice, including adoption of minimum mileage separations between co-channel and adjacent channel stations, which will be strictly adhered to as in the television service, classification of stations and maximum and minimum facilities for each class, division of the country into Zones different from the present Area 1 and Area 2, and similar matters. However, further consideration of this matter has led us to the belief that the long-term optimum use of this band of frequencies may well be best insured by a Table of Assignments, assigning particular channels to individual communities, similar to that in television (see § 3.606 of our rules).

4. We are issuing simultaneously herewith a further notice of proposed rule making with respect to the concept of such a Table and the principles and priorities to be used in working it out. Work on a tentative table has been begun, and it is expected that a tentative Table will be released shortly. The further notice also relates to other subjects set forth therein.

II. *Over-all objectives.* 5. While differing in their recommendations, the commenting parties in general agreed that there is need to examine the FM situation, with a view to providing for the orderly and efficient development of that service. No one quarreled with the over-all objectives set forth in the notice as those to be pursued in this development, as in the standard broadcast service—(1) provision of some service to all of the nation, or as much as possible; (2) provision of as many program choices to as many listeners as possible; and (3) service of local origin to as many communities as possible (see the earlier notice, paragraphs 6 and 7). As we pointed out in the earlier notice, these objectives are in part in conflict with each other, as is true with any broadcast service where the number of channels is insufficient to meet the possible demands of all communities. This problem is most sharply focused by the situation prevailing in the northeast section of the country. Most of this area, and probably all of it which is heavily populated, receives at least one usable FM service, and to this extent our first objective has been achieved. But FM assignments have been concentrated to a great extent in the larger cities and surrounding metropolitan areas, precluding in many instances the making of Class B assignments, or even lower-power Class A assignments, in other communities in the same area. While this assignment process up to now has provided the residents of many of the larger cities and metropolitan areas with a plenitude of service to choose from, and thus worked toward achievement of the second objective mentioned, at the same time it has worked to prevent achievement of the third objective, provision of local outlets for as many communities as possible. At present it is not possible to provide a first FM station to some sizable communities in this region, to serve as an outlet for local expression, although service is available to these communities from stations in other places. Some larger cities are limited to fewer channels than their population warrants. Likewise, it appears that achievement of the second objective—plentiful choice of services—has been hindered as far as area and populations outside of the immediate vicinity of the larger population centers is concerned.

III. *Fundamental considerations and basic assignment tools.* 6. In the earlier notice herein (paragraph 20) we set forth tentative conclusions as to two basic concepts which, we believed, might well be those which should govern future FM station assignments. The first of these was that any future assignments should be based on an over-all plan, designed to achieve maximum and optimum use of each channel and take into account total effect on over-all service, rather than the present system under which an applicant selects a particular frequency and (absent conflicting applications or basic qualification questions) generally the only consideration is a case-to-case weighing of service gains against whatever interference the proposed station would cause, individually, to existing stations. The second was that applications should be considered strictly on a "go-no go" basis, by which an application will either be granted or rejected depending on its compliance with fixed rules, without elaborate case-to-case weighing of various factors as at present.

7. Our earlier notice (paragraphs 26 to 29) also set forth specific proposals with respect to two fundamental tools to be used in future FM station assignments—the propagation curves to be used, and signal ratios to be employed for determination of objectionable interference, co-channel and up to three channels (600 kc) removed.

8. The concept of an over-all plan is discussed later in connection with the more specific question of the type of plan to be adopted. As to the three other basic matters just mentioned, after

[1] Parties filing comments in Docket 14185: Gainsville Broadcasting Co., Inc., Gainsville, Texas; Radio Station WFAH, Alliance, Ohio; KXTR-FM, Kansas City, Mo.; WOHI and WOHI-FM, East Liverpool, Ohio; WPBC, Minneapolis, Minn.; University of Connecticut, Storrs, Conn.; KAMA-FM, Dallas, Tex.; WKFM, Chicago, Ill.; High Fidelity Broadcasters, Inc., Bethesda, Md.; Rutgers University, New Brunswick, N.J.; Jampro Antenna Co., Sacramento, Calif.; Western Slope Broadcasting Co., Inc. (KREX-FM), Grand Junction, Colo.; Bruce F. Elving, Duluth, Minn.; KFML-AM and FM, Denver, Colo.; Burden Associates, Mount Kisco, N.Y.; Intercollegiate Broadcasting System, Washington, D.C.; Association of Federal Communication Consulting Engineers, Washington, D.C.; Donald J. Lewis, New York, N.Y.; Meredith Broadcasting Co., KCMO-FM, Kansas City, Mo.; National Association of Broadcasters, Washington, D.C.; WIBF, Jenkintown, Pa.; KMLA Broadcasting Corp., Los Angeles, Calif.; WTAX, Inc., Springfield, Ill.; American Broadcasting Company; WKRG-TV, Inc., Mobile, Ala.; Washington Post Company; Southern Broadcasting Corp. (KTOD-FM), Sinton, Tex.; Havens and Martin, Inc. (WCOD), Richmond, Va.; KCBH (FM), Los Angeles, Calif.; Columbia Broadcasting System, Inc.; A. Earl Cullum, Jr., Dallas, Tex.; National Broadcasting Company, Inc.; Radio Corporation of America, New York, N.Y.; Zenith Radio Corp., Chicago, Ill.; FM Unlimited, Inc., Chicago, Ill.; Storer Broadcasting Co., Bulletin Co. (WPBS), Philadelphia, Pa.; Lohnes and Culver, Washington, D.C.; Time-Life Broadcast, Inc. (WFBM-TV), Indianapolis, Ind.; WOOD-FM, Grand Rapids, Mich.; KLZ-FM, Denver, Colo.; Department of Education, Puerto Rico; Group of licensees of FM stations (FM broadcasters); WBEN, Inc., Buffalo, N.Y.; Capitol Broadcasting Co., Inc. (WRAL-FM), Raleigh, N.C.; Concert Network, Inc. (WBCN), Boston, Mass.; National Association of Broadcasters; King Broadcasting Co. (KING-FM), Seattle, Wash.; WYZZ, Wilkes-Barre, Pa.; WUOM, Ann Arbor, Mich. (noncom); R. A. Isberg, San Francisco, Calif.

consideration of the views expressed we are of the opinion that our earlier proposals are correct. The reasons for these conclusions are set forth in the following paragraphs.

Need for a "go-no go" approach; undesirability of using measurements. 9. In our earlier notice (paragraphs 9, 18, 19) we set forth at length the reasons leading to our tentative conclusion that future FM assignments, like television assignments, should be on a "go-no go" basis, with both potential applicants and the Commission being in a position to predict, through use of criteria and procedures set forth in our rules, whether a particular proposed operation will be granted or must be denied. The absence of such a concept in the AM service necessitates, in many cases, the elaborate consideration of various factors on a case-to-case basis in connection with each application. Service gains must be weighed against losses in each case; populations must be counted; field strength measurements and often counter-measurements are submitted to attempt to determine the exact location of contours; extent of other service available must be considered. The controversies over all of these matters often result in long, involved, and costly hearings. The whole process has led to the great delays and burdens, on the Commission, on private parties, and on the public, all too familiar in the standard broadcast service. Moreover, the absence of the fixed standards leads to the generation and filing of marginal applications.

10. Most of the parties commenting on this question agreed with this basic "go-no go" concept (although some parties also favored use of assignment tools, such as field-strength measurements, which would be difficult to fit into such a system). However, some parties believed that the Commission should retain "flexibility" even in consideration of individual cases, e.g., making grants where warranted even though the proposed operation would cause interference to existing stations within their "normally protected" contours (on the theory that the gains in service would exceed the losses from such interference). This argument must be rejected. Nearly a generation of experience with such "flexibility" in the AM field (a concept embodied in § 3.24(b) of the rules) demonstrates that, whatever advantages may accrue therefrom in some individual cases, these are outweighed by drawbacks, burdens, and delays involved, discussed in the earlier Notice and summarized in the previous paragraph. Moreover, as a practical matter such "flexibility," permitting case-to-case weighing of gains and losses in connection with each proposed operation, is incompatible with consideration of other, broader factors which should be taken into account if the FM service is to experience optimum development—the cumulative effect of a series of new operations on the service of an existing station or stations, possible later expansion of the facilities of existing stations, possible other uses of the channel sought more consistent with our general objectives, the efficiency of the proposed assignment, and, in sum, the general relationship of the proposed grant to the present and future over-all situation of the medium. These matters, it appears, must be resolved on the basis of fixed rules, generally applicable, which can be used by the Commission, its staff, and by private parties, to determine the disposition to be made of an application or potential proposal.

11. As to use of field strength measurements, the rules presently provide for their use in FM assignments (though they are seldom if ever used), but in the earlier notice (footnote 9) we proposed to delete all reference to measurements in the rules so that assignments would be made entirely on the basis of propagation curves or data derived therefrom. The Association of Federal Communications Consulting Engineers (AFCCE) and some other parties urged that measurements should be used as an FM assignment tool, to make allowance for terrain variations. The subject of terrain considerations is discussed later; however, as far as use of measurements is concerned we must reject the AFCCE's suggestion and adhere to our earlier proposal. This is because field strength measurements are not an exact tool. It must be borne in mind that the results obtained by measurements, in a particular situation, will vary with locations chosen, time of day, season, and method of taking. Even in a particular situation, involving the same small area and period of time, measurements taken by one party often indicate that interference would exist, while measurements taken by another party indicate absence of interference—a phenomenon all too familiar in AM hearings. Consideration of conflicting measurements would obviously be completely incompatible with a "go-no go" approach. Where a complete set of measurements is properly made, it may give a fairly good idea of a station's coverage area in the absence of interference. But, since the extent of a station's actual service area is usually limited by interference, service measurements are of relatively little value in the absence of interference measurements, and the latter are extremely difficult and complicated to make to an extent sufficient to be useful. Therefore—as in television—it is preferable to use the propagation curves adopted here, based on analysis of a large number of measurements.

12. *Propagation curves to be adopted.* In the earlier notice (paragraphs 26 and 27) we proposed to replace the present FM propagation curves used for determining interference (Figure 1 of § 3.333, based on groundwave propagation only), with more up-to-date curves, which among other things take into account tropospheric propagation—using for service and interference respectively the F (50, 50) and F (50, 10) curves proposed for low band VHF television (Channels 2 to 6) in Docket 13340. No party disagreed with the decision to adopt new curves, and most comments on this matter favored those proposed. However, the AFCCE suggested that (1) service should be determined on the basis of an F (50, 90) curve, in order to guarantee a higher quality of service; and (2) for adjacent channel assignments, that interference should be determined on the basis of the F (50, 50) curve, on the ground that at the shorter distances involved nearly "steady state" propagation conditions prevail.

13. In our view, our original proposal in this respect (which was earlier supported by the Radio Propagation Advisory Committee (RPAC), a government-industry group) is correct. As to AFCCE's suggestion concerning use of the F (50, 90) curve for service, the distinction between this and our proposal amounts to a difference in the area to be protected, AFCCE's proposal amounting to protection of a smaller area, thus permitting somewhat closer assignments. Imposition of this unduly high standard as to what constitutes adequate reception would mean loss, through non-protection, of generally useful service outside of the protected contour, and would unduly limit stations' service areas.[2] TV service is evaluated on the F (50, 50) basis, and the same should apply here. In the absence of any good basis therefor, there is no reason to complicate our rules by addition of a third curve.

14. As to the idea of evaluating first adjacent channel interference on an F (50, 50) basis, at close-in distances there is relatively little difference between fields at a particular location as shown by this and by the F (50, 10) curve, and therefore it makes relatively little difference which is used. At larger distances from the transmitter, there is a greater difference between the curves, as signal variations create more of a time factor.[3] At these distances the conditions urged by AFCCE in support of this proposal cease to exist, and, in order to afford adequate protection from occasional interference it is necessary to employ an F (50, 10) curve. Therefore, use of the F (50, 50) curve would be inappropriate. It should be added as a general observation, that both of these AFCCE suggestions would result in minimizing the extent of protection to be afforded existing stations, so that more and closer assignments may be made. Adoption of these suggestions would be inconsistent with our basic decision herein, that (except for certain stations now operating with great height and power, discussed below)

[2] AFCCE's proposal is for protection of existing stations to the 1 mv/m contour as determined by the F (50, 90) curve. With respect to adjacent channel assignments this would mean substantially less protection than that provided either under our present basic assignment system, or the interim procedure based on the F (50, 50) curve.

[3] Under present protection principles (based on the 1 mv/m contour) and signal ratios, for first adjacent channel stations the interfering contour is the 0.5 mv/m (54 dbu) contour. For a station operating with 1 kw E.R.P. and effective antenna height of 500 feet, this contour lies 20 miles from the transmitter under the F (50, 50) curve and 21.5 miles under the F (50, 10) curve. For a station operating with 20 kw and 2,000 feet antenna height, the contour lies 62.5 miles or 71.5 miles from the transmitter, respectively.

stations are entitled to a greater degree of protection than that afforded by present rules, in order to avoid destruction of useful service. AFCCE's suggestions must be rejected.

Signal ratios for determining interference. 15. Under the present FM rules (§ 3.313(b)), objectionable interference exists where: (1) For co-channel stations, the undesired signal exceeds 1/10 of the desired signal; (2) for first adjacent channel stations (200 kc removed), the undesired signal exceeds 1/2 of the desired signal; (3) for stations two channels (400 kc) removed, the undesired signal is more than 10 times the desired signal; and (4) for stations three channels (600 kc) removed, the undesired signal is more than 100 times the desired signal. In the July notice (paragraphs 28 and 29) we invited comments upon the question of whether these or some other interference ratios should be adopted as the basis for FM assignments; we did not propose any specific changes.

16. Most of the commenting parties favored maintenance of the present ratios, in the absence of persuasive data to the contrary. Those changes suggested were generally in the direction of higher ratios—i.e., more protection—especially as to first adjacent channel interference. Zenith and RCA submitted data based on measurements of their receivers' performances. Otherwise, relatively little specific information was furnished. Some parties urged that the present adjacent channel ratio, while perhaps satisfactory for regular FM broadcast operations, is not enough to protect multiplexed operations—stereophonic broadcasting and subsidiary communications operation—which involve use of more of each FM channel. Zenith, pointing out that the signal-to-noise ratio for stereophonic broadcasting is about 23 db poorer than for monophonic broadcasting, on the basis of measurements on its receivers, urges that the desired to undesired co-channel ratio be raised to 100 to one (40 db), and first adjacent channel ratio to 20 to one (26 db). Zenith does not recommend any any change in second or third adjacent channel ratios.

17. The limited information submitted, plus data gathered and prepared by the Commission's staff, persuades us that the present ratios should not be changed. They are sufficiently accurate for the system of minimum mileage separations which we adopt herein. As for stereo and SCA multiplex operations, as Zenith concedes, the higher protection ratios necessary for such operations are balanced by the fact that the service range thereof is less than that of regular FM service. Therefore, a series of ratios (or spacings based thereon) affording adequate protection to regular service will also afford appropriate protection to these other types of service.[4] The spacings we adopt herein, substantially wider than required under present practice, will achieve this result.

18. It should be noted that, since we are herein adopting a table of minimum spacings between stations, there is no longer any need for interference ratios in the rules. The rules set forth below do not contain such provisions.

Channels. 19. In the July notice, we did not propose any change in the basic FM channel structure—100 channels of 200 kc width each, with the lower 20 reserved for educational use. We did propose as possibilities: (1) Using a group of 20 contiguous channels for use by low power Class A stations, instead of the 20 Class A channels now interspersed throughout the commercial portion of the band; and (2) reserving a group of 20 contiguous channels for use by high power "Class C" stations, designed for wide area coverage and protected out to a considerable distance.

20. One party (High Fidelity Broadcasters, Inc.) advanced a rather elaborate system by which Class A stations would be accommodated, not in the regular 100 FM channels at all, but in "interleaved" channels to be located 100 kc from the present frequencies (i.e., 92.2 mc, 92.4 mc, etc.). Interference ratios to be applied to these odd channels were specified, and it was proposed that these stations operate with vertical polarization. This proposal, as advanced here, has several deficiencies, and must be rejected. First, we have little information as to how such a plan would operate, what the correct ratios should be, and what benefits would be derived from it. No sample allocation plan was submitted, nor was any showing made as to the impact of a large number of these stations on Class B and other assignments. The requirement that vertical polarization be used would place a severe burden of incompatibility on these stations, and might well defeat the objective sought. The matter of 100 kc channeling will be further considered by the Commission.

21. The matter of use of the 20 channels now reserved for education is discussed below; for reasons stated we retain the present reservation.

Channels for use by low power Class A stations. 22. Comments expressed both support for and opposition to the idea of making Class A assignments on 20 channels at one end of the commercial band, instead of on the 20 channels now assigned for Class A use, interspersed throughout the commercial band. No specific showings or analyses were presented on either side. The chief arguments advanced in favor were: (1) As pointed out in the notice (paragraph 33), the making of a large number of Class A assignments would be facilitated if, in general, the only adjacent channel problems involved were other Class A assignments rather than higher power Class B stations; and (2) there would be less interference problems with Class B stations. One argument advanced against the idea was that, if all Class A stations were together at one end of the band, listeners would tend to ignore them and concentrate on the Class B stations in the remainder of the band, which, with their greater facilities and resources, tend to offer more attractive programming.

23. Since the notice was issued, the Commission's staff has made studies on this question, with respect to the crowded Northeastern section of the country, the area constituting television Zone I. These studies indicate that, for that area, such a shift is not desirable. The chief problem is the number of Class B stations now assigned on the 20 channels at either end of the commercial band, which are so numerous that, for the shift to have any significance, these Class B's would have to be shifted to the remaining 60 Class B channels. The staff's study indicated that this cannot be done, consistent with any sort of appropriate spacings between co-channel and adjacent channel stations such as those set forth in the notice.[5] Of 112 Class B stations in this area on the lower 20 channels, only 46 could be thus accommodated on the remaining 60 channels; 66 could not. For the most part, the ones which could not be reassigned are those in and around the large cities of this region. The problem is that these areas in and around the large cities have more than 15 Class B assignments each, which has been possible under the present system (which can yield 20 Class B assignments even in the city itself), but would not be possible with the shift of Class A channels to a contiguous band. Under that system, if proper spacings are to be maintained, no city and its surrounding area could have more than 15 Class B assignments. The proximity of this area to the Canadian border also presented some problems.

24. With this number of Class B stations which would have to be left in the contiguous band, it would be possible to reassign only 43 of the 71 Class A stations in television Zone I which operate on Class A channels above Channel 240, consistent with proper spacings. Thus, it appears that the idea of a contiguous band is neither feasible nor desirable in this portion of the country, which is herein designated FM Zone I, co-extensive with television Zone I. Likewise, for the same reasons, it appears inappropriate with respect to that portion of California (south of the 40th parallel) where present assignment conditions are generally similar, and which is herein designated Zone I–A.

25. With respect to the rest of the country, herein designated Zone II, by

[4] As to the first adjacent channel ratio (which was the one most commented on) one of the problems in making FM assignments, on the basis adopted herein or any other basis, is that the two-to-one ratio is a positive one, meaning that first adjacent channel spacing necessary between stations tends to approach the required co-channel spacing—a situation substantially limiting the number of FM assignments which can be made. Raising the ratio above what it is now would make provision of an adequate number of assignments even more difficult than it is at present, and therefore should not be done unless a really persuasive showing—much more than anything presented here—is made.

[5] The separations used in the studies were somewhat shorter than those proposed in the notice. For co-channel, first adjacent channel, and second and third adjacent channel, they were, respectively: between Class B stations, 150, 90, and 40 miles; between Class A stations, 70, 35, and 15 miles; and between Class A and Class B stations, 115, 70, and 40 miles.

and large the FM band therein is presently less occupied, and there would not to the same extent be the question of either superimposing the new channel structure on existing stations or moving the latter. However, even so, it does not appear that there is anything to be gained from creating a contiguous Class A band. Conceivably, it could result in more Class A assignments over-all, and probably would if towns were distributed in a more or less geometric pattern across the country. But, even in Zone II, there is often need for numerous assignments in a particular relatively small area. In these situations, the potential Class A assignments under the contiguous band approach is substantially less than where the A channels are interspersed. Moreover, removing the Class A channels from their present interspersed positions throughout the commercial portion of the band would complicate the making of Class C assignments (which in the staff's work so far has proved more difficult than making Class A assignments), since all of the Class C first adjacent channel problems would involve other Class C's, with the greater adjacent channel spacing requirement involved.

25a. Two parties (Earl Cullum and High Fidelity Broadcasters, Inc.) urged that all commercial channels should be used without distinction as to classes of stations—i.e., low power Class A stations and higher power Class B or C stations would use the same channel. This concept we must reject, because it represents an inefficient use of channels. This is true because unduly wide spacings are necessary in order to protect the lower power stations from co-channel interference caused by the higher power operations.

IV. *Type of assignment plan to be adopted for commercial channels.* 26. As mentioned, we have concluded that whatever plan is adopted herein as a basis for FM assignments, it must be of a "go-no go" character, as is the television assignment plan. This does not of itself determine what kind of plan should be adopted, since an assignment system might be very simple, or it might involve relatively complex computations and formulas, and still, as long as the end result is certain, it would meet this test. There are discussed later herein certain rather radical plans proposed by some of the parties, which we must reject for reasons stated. The principal alternatives, meriting serious considerations, are three: (1) Protection of existing stations to a particular field strength contour, such as 1 mv/m; (2) the type of plan proposed in the notice, a set of minimum co-channel and adjacent channel mileage separations between existing and proposed stations (which would almost necessarily have to be based on assumed maximum facilities for both); and (3) a Table of Assignments, similar to that formerly used in FM and now used in television, based on minimum separations but involving the assignment of particular channels to particular communities.

27. *Protection to a particular contour.* Several commenting parties argued against the notice proposal and in favor of simply a "go-no go" principle by which an application would be considered on the basis of whether or not the operation proposed objectionable interference (according to the new curves and present ratios) to existing facilities. Perhaps the most vigorous proponent of this dea was the AFCCE, whose proposal is for assignments essentially on the same basis now obtaining under our interim processing procedure—protection of existing stations to their 1.0 mv/m contours on the basis of their existing facilities and those proposed in the application, using the curves and signal ratios adopted herein. AFCCE proposes to retain essentially the present rules relating to maximum facilities—20 kw E.R.P. and 500 feet effective antenna height in "Zone I," and no maximum elsewhere—and no minima other than those now in the rules. Other parties supporting this general concept proposed other protected contours—e.g., 1 mv/m for Class A, 0.5 mv/m for Class B, and 0.1 mv/v for Class C stations—and maximum and minimum facilities along the lines proposed in the notice.

28. The proponents of this plan, vis-a-vis the mileage separation concept as proposed in the notice, argue that this is the way by which the maximum number of new assignments can be made, whereas, at least with the fairly wide spacings proposed in the notice, under a mileage separation scheme relatively few new stations could be assigned in areas where there is present or likely future demand therefor. It is argued that a mileage separation system, based on maximum facilities, is wasteful of spectrum space and amounts to protection of often non-existent "service", since many stations do not now and likely, for economic reasons, never will operate with anything approaching maximum facilities. It is also urged that such a system must necessarily be based on assumed uniform terrain conditions and more or less uniform distribution of cities and population—neither of which conditions in fact exists. Therefore, it is urged, applications should be evaluated individually, on a simple "protected contour" standard, such as the 1 mv/m. Those parties favoring mileage separations as opposed to the "protected contour" concept (which included the N.A.B. and the networks) referred to the pressures for noncomplying grants which, it is believed, a "protected contour" concept would always entail; to the possibility of conflict between parties as to the exact location of any given service or interference contour (even using the curves); to the desirability of giving existing stations leeway to increase their facilities; and to the general consideration of over-all efficiency.

29. The AFCCE proposal obviously would permit a greater number of assignments; in fact it may properly be termed a "squeeze-in" proposal, under which any combination of facilities (no matter how small), and directional antenna suppressing radiation in particular directions, would be permitted as long as existing 1 mv/m contours are protected. It must be rejected, for a number of reasons. First, there is the consideration of over-all efficiency of channel use. As far as co-channel and first adjacent channel operations are concerned, any new assignment creates interfering signals over much greater distances than the extent of its service area—thus creating islands of service in the midst of seas of interference. If protection is only to the 1 mv/m contour of existing stations, service outside that contour (which many stations render) will be destroyed. There comes a point of diminishing returns beyond which additional assignments on a channel, even though nominally protecting the 1 mv/m contour of existing stations, result in over-all inefficiency of use. Second, this plan would merely tend to perpetuate an already undesirable situation, by encouraging the "squeezing in" of numerous assignments operating with near-minimum facilities—an inefficient use of channels, especially those designed for use by medium or higher power stations. Third, existing stations (both those now in existence, and those which might be authorized from now on under such a system) would be forever limited to their existing facilities—often the small and (from an assignment standpoint) inefficient facilities referred to above. Especially now that FM shows signs of developing an economic base sufficient to support relatively large scale operations, we do not believe the public interest would be served by such a limitation.

30. To a certain extent, these objections would be met by adoption of some of the variations of this concept urged by others—protection of existing facilities of some classes to a lower field strength contour, and adoption of a reasonably significant minimum for facilities, at least on some channels. However, none of these would meet the last objection mentioned above—limitation of stations to their present facilities. Moreover, this "protected contour" concept has the same disadvantage as does any plan other than a Table of Assignments, in that it requires the making of assignments on the basis of present "demand," without consideration of future or other needs which have not yet been crystallized into application form.

31. It is also to be observed that the "protected contour" concept would not even necessarily afford the "go-no go" certainty we believe indispensable. For example—as has happened in the past—the filing of an application seeking a new station, which would approach but not quite cause interference within the 1 mv/m contour of an existing station, may lead to the filing by the existing station of an application for increase in height or power, which if granted would involve interference to or from the new proposal. Under these circumstances obviously a hearing would be required, to determine which application should be granted. It would appear that we would then be in the same position we are now—contour locations would have to be determined, populations counted, other services evaluated, etc. Thus nothing would be gained.

32. For these reasons, we conclude that a plan based only on a "protected contour" concept is not sufficient, and must be rejected. Therefore, we adopt, as the basis of assignments a table of minimum co-channel and adjacent channel mileage separations, discussed below, which we believe to afford the best basis for orderly, efficient, and effective development of the FM broadcast service. This is based on protection of stations of the various classes to a particular service radius, using the curves and signal ratios mentioned above, and assuming the maximum facilities for both existing and proposed stations.

33. We do not conceive that this plan will involve the "waste," or crippling effect on the development of FM, that AFCCE and others allege. That it may in some instances mean, for the moment, protection of non-existent "service" where stations operate with relatively small facilities, is outweighed by the provision of opportunity for expansion as the economic basis of the medium increases. Terrain factors can be taken into account in such a plan, to the extent appropriate, as discussed below. It does not, as AFCCE argues, involve an assumption as to distribution of population or cities (which could, and as we propose will, be taken into account in a Table of Assignments).

34. AFCCE argues that a mileage separation plan would be both crippling on the one hand, as to "Zone I" (the Northeast), and unnecessary on the other, as to "Zone II" (the rest of the country). It is asserted that under the wide spacings proposed in the notice, only about eight out of 49 applications pending as of last summer for Zone I facilities could be granted—many fewer than under AFCCE's proposal. We do not conceive that use of the criteria adopted herein will have anything like the restrictive effect asserted with respect to this portion of the country. It should be borne in mind that the spacings adopted herein are shorter than those proposed in the notice, permitting some assignments which could not have been made under our original proposal but can be made under the standards here adopted, consistent with assignment efficiency and the public interest. Analysis of the approximately 50 applications now pending for new stations in Zone I (as of June 1962) indicates that a number of them can be granted under the standards now adopted, a number of others can probably be granted substantially equal facilities on channels other than those requested, and a number could not be granted anyhow, even under the AFCCE proposal, because they involve interference within the 1 mv/m contours of existing stations. It must be borne in mind that in most of Zone I FM assignments are now approaching the saturation point, no matter what basis of assignments is used, as shown by the fact that as of January 18, 1962 there were approximately 580 commercial FM assignments in this area, compared to a total of 644 provided in the Table of Assignments formerly used in the FM service, as amended up to February 12, 1952. Analysis of the approximately 50 applications for new stations in Zone II (as of June 1962) indicates that many of these can be granted under our new standards, others can be accommodated on other channels, and some could not be granted even under the AFCCE's proposal, because of the interference which would be caused. With respect to Zone I–A (Southern California), the situation with respect to the ten pending applications appears to be about the same as Zone I.[8] In any event, whatever restrictions are entailed by the mileage separation plan adopted here as compared to the AFCCE proposal, in terms of applications which might be granted under it but cannot meet the spacings adopted here, are outweighed by the overall efficiency and preservation of service, and orderly opportunity for expansion, provided by our plan.

35. With respect to Zone II, AFCCE's argument is that there the demand for channels is and will remain substantially less, and therefore the assignment situation is self-correcting and no over-all plan need be adopted. This we believe erroneous. In some parts of Zone II, such as the coastal Pacific Northwest and the area around Dallas-Fort Worth, there is already a tight situation as to possible FM assignments. Moreover, it may be expected that demand will increase in the future, along with interest in FM and population and economic growth. Clearly, if FM is to proceed to orderly development in this portion of the country, now is the time for an over-all plan.

36. *The table of assignments.* In the July notice (paragraph 23) we discussed the idea of re-instituting a table of FM assignments, similar to that in effect from 1945 to 1958. This we rejected, for essentially the same reasons the earlier table was abandoned, that it appeared to be an unnecessary and cumbersome step in the assignment process. Those parties commenting on this matter appeared to agree.

37. However, on further consideration, we have reached the tentative conclusion that the public interest will best be served by adoption of such a table, just as in television, based on the mileage separations adopted herein, for substantially the same reasons set forth in the Sixth Report in 1952 (see the Sixth Report and Order in Dockets 8736, 8975, 8976, and 9175, released April 14, 1952, paragraphs 12 to 18). Briefly, these are: (1) A pre-engineered table is the best way to insure efficiency of channel use, better than leaving channel use to the more or less random determination of application filing;[7] (2) a table is the best way of making provision for future needs which are not at the moment ripe for expression in application form—e.g., needs of smaller communities, and of areas where support for FM is lacking at the present time; (3) a table forms a better way of insuring compliance with section 307(b) of the Act—calling for fair and equitable distribution of facilities—than does the random application process, which necessarily has to a degree a "first come first served" aspect.

38. The priorities and bases to be used in the table are discussed in the further notice simultaneously adopted. Comments thereon, and upon the basic idea of a table, are invited.

V. *Zones, Classes of Stations, Maximum and Minimum Facilities—Zones.*

39. Presently, under § 3.202 of the rules, for the purpose of FM allocations the country is divided into two areas—Area 1, a portion of the Northeast considerably smaller than present television Zone I, and Area 2, the rest of the country. Our proposal in the notice (paragraph 35) was—under one alternative, "Plan II"—to expand Area 1 so as to make it roughly co-extensive with television Zone I, extending as far west as the Mississippi. Actually, both at present and under the proposed "Plan II," the "zone" concept has significance only with respect to the facilities used by high power stations, the maximum permitted being less in Area 1.

40. Some parties favored abolition of zones altogether, as being a more or less arbitrary and discriminatory concept. It was asserted, for example, that stations of considerably more power than the present Area 1 maximum—20 kw E.R.P. and 500 ft. a.a.t., or equivalent—can perform at least as valuable a function in the more populous and crowded Northeast, where there is economic support for large scale operations and high quality programming, as they do in less populous parts of the country. Other parties supported the zone concept, for generally the same reasons mentioned in the notice—that because of the crowded assignment conditions and closely populated character of the Northeast, there is both little opportunity for and less need for great facility "Class C" stations rendering wide area coverage; whereas in the West, with its sparser population, more widely separated cities, and fewer existing stations, there is both a great need for high power stations providing such coverage, and opportunity for such assignments. As to the appropriate division of the country into zones, most parties commenting favored something along the lines of our proposed "Plan II," or something corresponding to TV Zones I and II.

[8] The total of 110 applications represents no more than about 90 potential grants on any basis, since some of them are mutually exclusive. Of the 110, about 67—30 in Zone I, six in Zone I–A, and 31 in Zone II—would be the first FM stations in their communities, and if granted would thus fulfill one of our important assignment objectives in this and the other broadcast services, provision of a first local outlet. To the extent that these could be granted under a system such as AFCCE's, but cannot be granted (or comparable facilities provided) under our new standards, this is of course pro tanto a disadvantage. But, as stated in the text, the disadvantage is outweighed by the advantages accruing from the mileage separation plan adopted here.

[7] For example, in the notice we raised the idea of maximum, as well as minimum, separations, designed to insure efficiency of channel use. Further consideration leads us to the view that this fairly complicated concept (which involves adjacent channel as well as co-channel considerations) can best be applied as a general guide in working out a table, rather than used as a specific rule in dealing with individual applications.

41. After due consideration, we conclude that the public interest would best be served by division of the country into three zones, as proposed by AFCCE and ABC. Our conclusion is based upon the differences between the general areas of the country referred to above, which make high powered stations, rendering wide area coverage, both less needed and much less feasible in the Northeast than in the West, where population is sparser and cities are often much further apart. In view of the populous character of the Northeast, with its many cities, it appears that stations operating with facilities in the general order of the present Area 1 maximum should be able to have an adequate basis of economic support. There appears to be no reason, either from the standpoint of the character of the areas or of administrative convenience, why FM "Area 1" should not be co-extensive with television Zone I. Therefore, as suggested by some of the parties, we are redefining Area 1 to make it and TV Zone I the same.

42. It also appears that conditions in much of California either are or may soon become the same as the Northeast in these respects. Therefore, as AFCCE and ABC suggest, we are defining that portion of California below the 40th parallel of latitude (which lies north of San Francisco) as "Zone I–A." Assignment rules here will be the same as in Zone I, because of the similarity of conditions.

43. In reaching these conclusions, we have considered two other suggestions as to what the appropriate zones should be. One is the Zone I should include present Area 1 plus any U.S. Census standard metropolitan statistical area, said to be a way of insuring that high power, wide area stations would be assigned only in truly rural areas. This we must reject, both because it would be unduly confusing and subject to change with every Census, and because it would by no means necessarily achieve a desirable result.[8]

44. The other suggestion is based on propagation characteristics. It is urged that we recognize, in FM as in VHF television, the greater tropospheric propagation along the Gulf Coast, and take similar account of the same phenomenon along the Southern California coast south of Santa Maria. Recognizing the merit in both of these positions from a strictly technical standpoint, we must nonetheless reject them. As to the Gulf Coast area of the South (television Zone III), if adequate opportunity is to be afforded for the development of FM—which, as an aural service, can be expected to support more stations than television—a large number of assignments must be made therein. These cannot be made if we impose minimum mileage separations substantially larger than in the rest of the country, as in television. The great facility "Class C" stations on 60 channels which we provide for herein in Zone II will have, using the spacings selected and the curves, protected service areas substantially larger than their counterpart "Class B" stations in Zone I; and therefore, even if in this area interference is more severe than that indicated by the curves adopted herein, these stations will have adequate protection. There does not appear to be in this area the need for extremely wide area coverage which exists, for example, in the sparsely settled western plains and intermountain areas, so the public will not suffer from the closer spacings. It should also be borne in mind that, whether stations are assigned on a separation basis or via a table, only a very small percentage of spacings will be at or near the minimum. Using special spacings for a "Zone III" would als considerably complicate whatever assignment process is used, since, unlike television with its one class of stations and only co-channel and first adjacent channel interference problems, FM has two classes of commercial stations and interference considerations are present up to three channels removed. A long series of separations would have to be worked out between Class A and Class C stations on either side of the zone line, up to three channels removed.

45. As to coastal Southern California, this area is already so crowded that probably few additional assignments can be made,[9] at least as to other than low power Class A stations. Therefore the separation used becomes of less importance, and, in order to make whatever assignments are possible, we must adhere to the Zone I spacings.

Classes of commercial stations. 46. The FM Rules presently provide for two classes of stations on commercial channels: (1) Low power "Class A" stations, operating with no more than 1 kw E.R.P. and 250 ft. antenna height above average terrain, or equivalent, assigned in both Area 1 and Area 2 on 20 Class A channels; and (2) higher power "Class B" stations on 60 Class B channels, operating in Area 1 with no more than 20 kw and 500 feet or equivalent (and in no event more than 20 kw), but with no fixed maximum on facilities in Area 2.[10] In the July Notice, we proposed to retain these classes of stations but to add a third class—larger "Class C" stations, designed to render wide area coverage where it is needed. We set forth two alternative proposals for assignment of these stations: "Plan I," under which 20 channels (contiguous in the band) would be used for Class C assignments in both Areas; and "Plan II," under which Class C stations would be assigned only in Area 2, on all of the present 60 Class B channels, and no more Class B assignments would be made in that Area (Area 1 would continue to have class B assignments).

47. The concept of having three general classes of stations drew support from many of the parties. AFCCE opposed it, urging simply maintenance of the status quo in this respect, with no maximum in Area 2. Two parties (Zenith and FM Unlimited) urged that there is need for "Class C" stations in both sections of the country, as proposed in our "Plan I"; both urged provision of more than 20 channels therefor. Other parties favored "Plan II," asserting that: (1) It involves less sweeping changes from present practice; (2) in the Northeast (Area 1, as expanded) there is neither great need for nor much opportunity for such higher facility stations; (3) there is need for such assignments in the sparsely settled West, and this may require more than 20 channels; (4) setting aside a band of channels, such as 20, for use by high power stations, gives stations so assigned an undue competitive advantage (in other words, all stations in the same market should as far as possible be relatively equal in facilities.)

48. For the reasons last mentioned and discussed earlier in connection with zones, we conclude that our "Plan II" is more in the public interest and should be adopted. In Zone I, and Zone I–A (California) where conditions are similar, Class A and Class B stations will be assigned, on the channels now specified therefor. In Zone II, which includes most of the country, Class A stations will be assigned on the 20 channels now reserved therefor (see paragraph 25, above), and on the remaining 60 channels Class C stations will be assigned. There will be no new Class B assignments in this area. We have given consideration also to reserving 20 channels for greater facility Class C stations in Zone II only, with Class B assignments on the remaining 40 channels; but we conclude that this would not only be difficult to do effectively (because of existing use of channels in some parts of Zone II), but would lead to an undesirable situation because of the factor of competitive inequality mentioned above. There will always be differences in station facilities, where stations are assigned for different purposes, as we recognized years ago in setting up Classes A and B. But, where nothing much is to be gained, we do not believe the public interest is served by building into our assignment plan competitive superiority for a relatively few stations operating on a limited number of channels.[11]

[8] High power stations in standard metropolitan areas, especially in the South and West, may well render a much needed service to wide rural areas having little other service. Moreover, it may be that support from such areas is desirable if high power operations of good quality are to be provided.

[9] For example, there are 20 Class B assignments within a radius of 40 miles of Los Angeles. In addition, there are 15 Class A assignments in the same area. The San Diego area has 13 Class B assignments.

[10] Section 3.204(a)(2) provides that normally the maximum in Area 2 will be the same as in Area 1, but greater height and power will be encouraged and considered, on an individual basis, where undue interference would not result to existing stations or potential assignments. The NAB pointed out that as of 1961, there were 261 Area 2 Class B stations authorized with power between 20 and 74.9 kw, and 63 with more than 75 kw.

[11] High Fidelity Broadcasters, Inc., a Maryland Class A FM broadcaster, proposed perhaps the most radical reallocation of any party, including shifting Class A stations to "interleaved" channels (already discussed), removing the reservation of any particular channels for education, having Class B–1 and Class B–2 stations (the former, in Area 1, the same as present Class B, the latter, in Area 2, operating with somewhat greater facilities), and using the 20 present Class A channels for high-power Class C stations in

Facilities for new commercial stations. 49. *Minimum facilities.* As to minimum facilities, the present rules require provision of a 3 mv/m signal over the principal city (§ 3.311(c)), and otherwise provide only that the rated transmitter power shall not be less than 250 watts for Class A stations and 1 kw for Class B stations (§§ 3.203(a)) and 3.204(a)). As to Class B stations, at least, these minima are of no real significance from an over-all assignment standpoint. Because of the pressure to "squeeze in" stations, the result has been to clutter up many of these channels with a number of small-scale facilities, making for inefficient channel use. It was for this reason that in the notice we proposed minima, in terms of height and power (or equivalent), for the various classes of stations: 100 watts and 100 ft. for Class A, 1 kw and 250 ft. for Class B, and 20 kw and 500 ft. for Class C.

50. The commenting parties for the most part favored this idea for new assignments (although some suggested it apply only to Class B and Class C stations). Various minima were suggested,[12] including absolute minima on antenna height above average terrain (as well as "equivalence"), and alternative minima where sufficient antenna height might not be feasible. It was also suggested that the minima for Class B and Class C should be higher than the maximum for the next lower class, so there would be no "overlap" of station classifications.

51. As far as new commercial assignments are concerned, we adhere to the view that certain minima should be imposed, but only as to power. In some instances, a station may have a reasonably favorable antenna location with respect to its principal community, and at the same time have a negative antenna height with respect to the average of all eight radials. In this situation it would be unduly burdensome to require increase in power to meet an "equivalence" standard. Adequate safeguards in this respect are provided by our present rules (herein reaffirmed), requiring a signal of at least 3 mv/m over all of the principal community, and where possible location so as to have line of sight over that community. (Sections 3.311 and 3.315.) The rule we adopt herein is that—except where antenna height is so great that use of the specified power would exceed the maximum equivalence standard (in which case that standard will govern)[13]—new stations must operate with no less than the following effective radiated powers: Class A, 100 watts; Class B, 5 kw; and Class C, 10 kw. These minima are lower than those proposed in the notice and most of those proposed by the parties; but in our view they are enough to safeguard over-all efficiency and at the same time they are low enough to permit reasonably economical operation and thus encourage the development of the service. Since there will not be Class B and Class C stations in the same area, and since Class A stations operate on separate channels, there is no need for concern about the "overlapping" of facilities of the different classes.

Maximum facilities for commercial stations. 52. *Class A.* The July notice proposed to retain the present maximum on the facilities of low power Class A stations—1 kw and 250 feet above average terrain, or equivalent. No commenting party urged a lower figure; some supported this and others urged higher figures, such as 2.5 kw and 250 feet, 5 kw, or even 10 kw and 250 feet. It was urged that more power is necessary especially in the case of Class A stations located in metropolitan areas near large cities, to overcome man made noise, built-up area conditions, etc., as well as in order to compete with the numerous more powerful Class B stations in the city. We believe there is merit in this argument. Further staff studies have shown that an increase in the maximum facilities of stations on this class can be provided, and at the same time an adequate number of assignments on these channels can be provided for. A maximum of 3 kw and 300 feet above average terrain (or equivalent) appears to be appropriate, and is adopted herein. These facilities, which under the mileage separations adopted below would give a service radius of 15 miles, appear to be great enough to meet the problems resulting from the present restriction, and at the same time not large enough to create serious over-all assignment problems.

53. *Class B.* The July notice proposed to retain for Class B stations the present Area 1 maximum, 20 kw and 500 feet above average terrain, or equivalent. Some parties supported this figure (as far as Area 1 is concerned, which under our decision herein is the only area where Class B stations would be assigned). Others urged an increase, some going as far as 20 kw or even 100 kw at 1,000 feet. These proposals must be rejected, because, as already mentioned, there is neither great need nor much opportunity for making such high power assignments in Zone I, and if made they would preclude other needed assignments. Of more merit are suggestions made by two parties (CBS and WQXR) concerning the need for some increase, particularly in order to afford adequate coverage of metropolitan areas which are expanding rapidly with suburban development. It is pointed out, for example, that from the center of lower Manhattan (where a number of New York City FM stations are located), it is 23 miles to the furthest point of that city, and the distance to the outer edge of most of the New York-northern New Jersey urbanized area is from 35 to 40 miles. Similar situations prevail in some other cities. Therefore, it is urged, an increase in maximum facilities to 50 kw and 500 feet (or equivalent) should be permitted, in order to permit provision of a 3 mv/m signal to a distance of 24 miles and a 1 mv/m signal to a distance of 33 miles. We agree with these views, and accordingly are herein amending our rules to provide that the maximum facilities for stations herein classified as Class B (i.e., those stations in Zone I and I–A operating on Class B–C channels) shall be 50 kw E.R.P. and 500 feet above average terrain, or equivalent.

54. *Class C.* As to Class C stations—which under our decision herein will be assigned only in Zone II—these stations, often serving sparsely settled areas where there are relatively few sizeable communities, are expected to render wide area coverage, and therefore must be permitted to operate with great height and power where possible. In the notice, we proposed a maximum of 100 kw and 2,000 feet above average terrain, or equivalent. The commenting parties who suggested specific figures either supported this or proposed other maxima which are generally comparable (e.g., 200 or 300 kw and 1,000 feet). In this respect, therefore, we affirm the proposal in the notice, and for Class C stations (i.e., stations in Zone II operating on commercial channels other than Class A) the maximum facilities permitted will be 100 kw and 2,000 feet above average terrain, or equivalent.

55. AFCCE and other parties argued that there should be, as now, no absolute maximum on facilities in Zone II, where (it is asserted) there is and will be less need for assignments that any problems tend to be self-correcting. This contention must be rejected. Not only is the absence of such a restriction completely inconsistent with a mileage separation table and a table of assignments, but, even in the absence of such assignment plans, it permits grants of great height and power which may preclude future needed assignments. In short, it is wasteful, inconsistent with any rational over-all approach, and not in the public interest. All other services are subject to such restrictions, and FM Zone II should be also.

56. Use of E.R.P. greater than the "maximum" specified (where antenna height is low) is discussed below in connection with "equivalence". For reasons stated, we must reject this concept.

VI. *Signals, protected areas, and separations—Signals for service.* 57. The present FM standards (§ 3.311(b) of the rules) provide that in general a signal of 50 uv/m is sufficient for service to rural areas, and a signal of 1 mv/m is required for service to city, factory and business areas, with 3 mv/m required over the station's principal city. In the July notice we asked for comments about these values, and we specifically proposed to retain the 3 mv/m value as a basis for principal city coverage.

58. From the comments received, which were for the most part general in nature, we see no reason to change these concepts, and they are reaffirmed. Most of the parties commenting favored the 3 mv/m figure for principal city service as appropriate. One party suggested that the corresponding low band television VHF value, 74 dbu (5 mv/m) be used instead; but no data in support of this suggestion was advanced and the suggestion is rejected. For convenience, we adopt the standard of 70 dbu, which corresponds to 3.16 mv/m.

Protected areas. 59. In the notice, the concept of station protection was put in terms of a particular service area radius, within which the station would be protected against objectionable co-channel and first adjacent channel interference. This was to be large enough to permit the station to obtain an adequate basis of economic support and fulfill its particular function (coverage of a city and suburbs, wide area rural coverage, or coverage of a smaller town and environs), and at the same time small enough to permit other co-channel and adjacent channel stations to be spaced sufficiently close so that an adequate number of assignments might be made. The protected radii proposed were: Class A stations, 25 miles; Class B stations, 50 miles; and Class C stations, 100 miles. With the maximum facilities proposed in the notice, this amounted to protection to the 140 uv/m (43 dbu) contour for Class A stations, to the 178 uv/m (45 dbu) contour for Class B stations, and to the 84 uv/m (38.5 dbu) contour for Class C stations. The co-channel spacings necessary to protect these radii are, respectively, 115, 190, and 300 miles. With respect to second and third adjacent channel interference, we took cognizance of the fact that (because of the negative ratios involved) the area of such interference is small and within it the service lost is completely replaced by the service of the interfering station. Therefore, we proposed that the service radius protected against such interference would be less—10 miles for Class A, 25 miles for Class B, and 35 miles for Class C.

60. As to co-channel and first adjacent channel spacings, some parties (including the N.A.B. and CBS) supported those proposed in the notice and urged that they not be shortened. However, more parties opposed them as too long. It was asserted that the proposed separations would prevent the making of many needed assignments;[14] that they would mean protection of "service" which in fact does not exist because the average FM receiver is not an expensive one and does not work well for stations over 15 miles away; that the proposed spacings ignore the fact that listeners in "in-between" rural areas, when they have better receivers, often also have directional, rotating receiving antennas which can distinguish between stations; that listeners in these "in-between" areas will suffer because future assignments would have to be too far apart to be received even with a directional antenna; and that, even if the "service" protected is technically usable, the programming of a distant station is probably of little significance to, or used by, listeners. Little specific data in support of these contentions was advanced.

61. Some of the parties offered specific proposals in this area. Earl Cullum proposed that, between co-channel high power stations, the same spacings be used as in television—170 and 190 miles in Zone I and Zone II, respectively, and, between co-channel low power stations, spacings of 85 miles in Zone I and 95 miles in Zone II. This would give the high power stations protection to their 57 dbu (approximately 700 uv/m) contours, a distance of 53 miles in Zone I and 69 miles in Zone II. The low power stations would be protected to their 1 mv/m contours in Zone I, a distance of 18 miles, and to their 57 dbu contours, a distance of 21 miles, in Zone II. Corresponding first adjacent channel spacings would be 125 and 160 miles between high power stations in Zones I and II, respectively, and 45 and 55 miles between low power stations in the respective zones. High Fidelity Broadcasters, Inc., proposed an elaborte set of spacings designed to protect to the 0.5 mv/m contour of all stations except Class C stations, which would be protected to their 0.1 mv/m contours. In terms of protected distances, this would mean 15 miles for Class A, 40 or 50 miles for Class B (depending on the zone) and 90 miles for Class C. Another party proposed (without reference to zones) considerably shorter spacings, based on the reasoning referred to in the previous paragraph: 95 miles co-channel and 80 miles adjacent channel between Class B's, and 60 miles co-channel and 45 miles adjacent channel between Class A's. Other suggestions, made by parties proposing only a "protected contour" concept, were for protection to the 1 mv/m contour (AFCCE), or to the 1 mv/m, 0.5 mv/m, and 0.1 mv/m for Class A, B, and C stations respectively (FM Unlimited).

62. Further consideration of this matter, and our staff's studies, have indicated that using the spacings set forth in the notice, or even spacings as great as those proposed by Earl Cullum, it is simply not possible to make the number of assignments which must be provided if the FM service is to be of optimum value. A compromise was found to be necessary. It was found that a reasonable compromise, affording reasonably adequate protection on the one hand and yet permitting a sufficient number of assignments, is to provide protected service radii for the various classes of stations as follows: Class A, 15 miles; Class B, 40 miles; and Class C, 65 miles. Protection of these radii requires co-channel spacings as follows: between Class A stations, 65 miles; between Class B stations, 150 miles; and between Class C stations, 180 miles.[15] Assuming that the station is operating with maximum facilities provided for above, the spacings selected amount to protection to the following field strength contours: Class A, 927 uv/m; Class B, 562 uv/m; Class C, 944 uv/m. First adjacent channel spacings necessary to afford the same degree of protection are: between B and B, 105 miles; between C and C, 150 miles; between A and B, 65 miles; and between A and C, 105 miles. These minimum mileage separations, together with others necessitated by the plan adopted herein for educational assignments, are set forth in the table which appears following the discussion of educational assignments. These separations will be used as the basis of our proposed Table of Assignments.

63. It is recognized that the spacings, protected radii and protected contours just mentioned are considerably less than those proposed in the Notice and by some of the parties. This is particularly true with respect to wide area Class C stations, for which we originally proposed protection out to a distance of 100 miles, the 84 uv/m (38 dbu) contour if maximum facilities are used, with co-channel spacing of 300 miles. Such wide separations turned out to be incompatible with making an adequate number of Class C assignments. It must be borne in mind that, in any Table of Assignments, few spacings will actually be at or very close to the minimum, so that on the average, and in the majority of cases, the degree of protection afforded will be higher. This may be expected to be true, for example, in most of the sparsely populated plains and mountain West, where there are not enough sizeable communities to require a large number of closely spaced Class C assignments, and where, therefore a substantially greater degree of protection to each Class C station can be afforded. Concomitantly, this of course is the area where wide area coverage is particularly valuable, because of the distance between communities. In this respect, the situation is, as the AFCCE pointed out, self-correcting.[16] In sum, we conclude the

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Area 2 only. This must be rejected, not only because of its great complexity and the problems connected with "interleaving," mentioned above, but because of the factor of competitive inequality just referred to.

[12] Three specific proposals were: Earl Cullum, none for Class A, 10 kw and 250 ft. (or equivalent) for Class B or C. High Fidelity Broadcasters, Inc., Class A, 500 watts and 100 ft. or 100 watts and 250 ft.; Class "B–1" (B's in Area 1), 1.2 kw and 500 ft. or 12 kw and 150 ft.; Class "B–2" (B's in Area 2) 8 kw and 500 ft. or 60 kw and 200 ft.; Class C, 300 kw and 600 ft. or 100 kw and 1,000 ft. FM Unlimited: Class A, 1 kw and 250 ft. minimum height of 75 ft.; Class B, 20 kw and 500 ft., minimum height a.a.t. of 250 ft.; Class C, 200 kw and 1,000 ft., with minimum height a.a.t. of 1,000 ft.

The minima proposed by High Fidelity are designed to insure that Class A and B stations render urban service at least 50 percent as far as, and Class C stations at least 85 percent as far as, they would if operating with maximum facilities—a standard in general considerably higher than that provided by the requirements we adopt herein. But, desirable as this may be from an over-all efficiency standpoint, we believe such high minima would tend to restrict the development of the service.

[13] These exceptional situations will probably occur mostly in Zone I, where, under the standards adopted below, Class B stations will have maximum facilities of 50 kw and 500 ft. a.a.t., or equivalent. Where antenna height exceeds about 1,250 feet (as it does, for example, with the New York City stations located on the Empire State Building) such stations could not be permitted, much less required, to operate with as much as 5 kw.

[14] For example, one party asserted that under the proposed spacings it would be impossible to provide a Class B assignment in Salisbury, Maryland, needed for wide area coverage in this rural region because of the single existing assignment to the Delmarva Peninsula south of Wilmington.

[15] Mileage separations have in all cases been rounded out to the nearest five-mile figure, whether higher or lower than the exact value determined from the curves and ratios.

[16] Conditions in the various parts of Zone II are somewhat different, in that the Midwest and South are more populous, with more closely spaced communities. At one point in the staff's study, consideration was given to creation of additional "zones" to take this difference into account. However, it appeared that this would substantially complicate the assignment process, and that whatever differences exist can be accommodated because of the factors set forth in the text.

separations mentioned to be those most appropriate for the optimum development of the FM service.

64. As to second and third adjacent channel interference, our proposal to have a smaller radius protected against such interference (on the basis of the "substitution of service" concept) drew some support but more opposition. It was asserted, for example, that one station does not necessarily equal another, even as between two commercial stations, and that this is true a fortiori where one of the stations is non-commercial educational (a situation which could arise between an educational station on Channel 218, 219, or 220, and a commercial station on Channel 221, 222, or 223). One suggested compromise was that a new station two or three channels removed should not be required to afford the existing station absolute protection to the same protected contour as would a new co-channel station, but at least it should have to be located outside of that contour (e.g., under the AFCCE's proposal, a new station two or three channels removed would have to be located outside of the existing station's 1 mv/m contour).

65. After consideration, we conclude that the last-mentioned suggestion is appropriate for adoption. We agree that our earlier concept of a substantially smaller protected service radius against second and third adjacent channel interference is perhaps extreme, and a greater degree of protection should be afforded. On the other hand, there must be taken into account (1) the need for making numerous assignments; (2) the fact that these interference situations do represent a complete substitution of service technically and at least to some degree as a matter of listening reality; (3) the fact that the areas of interference involved—occurring immediately around the transmitter of the interfering station—are relatively small; (4) the fact that at least some receivers are capable of dealing with 400 or 600 kc interference;[17] and the fact that, under this concept, the existing station would be protected, if not completely to the same service radius as against co-channel interference, at least for a very substantial distance. Therefore, the separations adopted here (which will form the basis of our proposed Table of Assignments) will provide that stations on second and third adjacent channels to existing stations must be located further therefrom than the "protected" distances specified above—15 miles where the existing station is Class A, 40 miles where it is Class B, and 65 miles where it is Class C.

66. In adopting the separations specified, we have in large part rejected the contentions mentioned above, that FM receivers are for the most part inexpensive and not really of good quality, and that we should take this into account by providing extremely short separations. No data was advanced in support of this, and other parties asserted that receivers are steadily improving. In any event, we must agree with the point made by AFCCE and Zenith, that an assignment plan should be based on receivers of reasonably good quality. To sacrifice other important values, simply in order to base a plan on the cheapest and least satisfactory receivers in common use, would not serve the public interest. It would tend to remove any incentive for the development and purchase of better receivers.

VII. *The educational channels.* 67. In the July notice (paragraph 30) we did not propose any basic changes in the present allocation of the lowest 20 channels of the FM band (except in Alaska) for noncommercial educational use.

68. The comments upon the educational aspect of FM were of two general types. One group of comments proposed abolishing the educational reservation, or modifying it. Earl Cullum suggested that it be abolished, with, if necessary, provision of specific channel reservations by way of a Table of Educationl Assignments. Zenith suggested eliminating the 20-channel reservation, with all 100 channels to be divided into three bands according to the height and power of stations operating therein, and in each band certain channels reserved for education. FM Unlimited urged (as part of an overall reshuffling of existing stations) that the educational band be opened to noneducational but "noncommercial" facilities, such as municipal and religious stations.[18] Intercollegiate Broadcasting System, an organization of "campus" stations, urged that educational stations, or at least the low power 10 watt ones, be permitted to operate on a commercial but "nonprofit" basis, so as to enable colleges to recoup the cost of operating the station and provide a means of training students in commercial, as well as noncommercial, broadcast operations.

69. While there is merit in some of these suggestions, we are of the view that none of them should be adopted. Zenith's proposal, while perhaps of some merit as an initial plan, is too complex for adoption at this point. As to Cullum's suggestion, it is apparent that a band of 20 channels is necessary for accommodation of the present and future needs of the educational FM service. For reasons discussed below (paragraph 70) a Table of Assignments in this service appears desirable. The FM Unlimited proposal would involve an unwarranted encroachment upon the educational band. It may be, as asserted, that the service of other kinds of "noncommercial" stations (e.g., WNYC–FM, the New York City municipal station) bears some similarity to the service rendered by some educational stations; but this is not completely true, and, as mentioned, the 20-channel band appears none too large for the needs of educational institutions and groups per se. For example, in the New York City-Newark area there are already five educational assignments, the maximum which can be made in 20 channels. The last suggestion, concerning "non-profit" but commercial operation, in our view must be rejected. This would involve an undue and inappropriate dilution of the concept of non-commercial educational broadcasting, would probably result—as far as the listener is concerned—in simply turning so much of this band over to regular commercial operations, and might involve accounting problems as to what is or is not "non-profit." In our judgment, operations in this band must remain not only non-profit but noncommercial.

70. The second group of comments, from educational groups, related to the manner of use of the 20 reserved channels. The chief point urged by these parties, including the National Association of Educational Broadcasters (NAEB), the University of Michigan (WUOM), and the National Educational Television and Radio Center (NET), was the need for flexibility in this service. It was pointed out that educational stations are located less with respect to centers of population than are commercial stations, and there is often need for a particular location so as to implement a statewide or areawide educational network. Therefore, it was asserted, there should be no Table of Assignments in this service, there should be no minimum separations but applications should be handled on the basis of interference considerations only—the same basis proposed by the AFCCE for commercial assignments, protection of the 1 mv/m contour—and there should be no maximum on facilities, other than for the 10 watt stations. WUOM pointed out that in its case relatively great facilities used at Ann Arbor enabled it to serve the Detroit area much better than it could otherwise do. As to minimum facilities, some of these parties urged none, and another urged a minimum of 100 watts and 100 feet above average terrain for other than the 10 watt stations.

71. We recognize that there is merit in some of these suggestions, and therefore we do not propose to adopt a Table of Assignments in the educational service. This does not mean, however, that some restrictions may not be necessary in order to insure the most efficient and optimum development of the service. However—except for the highest three educational channels which are adjacent to commercial channels, discussed in the next paragraph—we do not adopt at this time any restrictions as to maximum facilities or minimum separations. A further notice will be issued shortly in this proceeding, proposing whatever general educational FM assignment rule changes appear to be most in the public interest.

72. As to the three channels at the top of the educational band, Channels 218, 219 and 220, other considerations apply. These are within 600 kc of commercial Channels 221, 222 and 223, and authorizing educational stations thereon without regard to mileage separation and with no limit on facilities would mean problems in making commercial assignments on these channels, which is already difficult in some areas. Therefore, as to these channels, we must apply the same standards adopted for commercial stations, insofar as adjacencies to the commercial channels are concerned. For this purpose, educational stations on Channels 218, 219 and 220 will be classified as follows: (1) stations operating with no more than 10 watts rated transmitter power will be classified as "Class D" stations; and (2) all other stations on these channels will be classified just as would commercial stations of the same height and power at the same location—i.e., if authorized with no more than 3 kw E.R.P. and no more coverage than the equivalent of 3 kw and 300 feet antenna height a.a.t., they will be classified as Class A stations; and if authorized with greater power or coverage they will be classified as Class B stations if in Zones I or I–A, or as Class C stations if in Zone II. New educational stations on Channels 218, 219 and 220 must meet the applicable minimum mileage separations with respect to existing commercial stations on Channels 221, 222 and 223, just as would a commercial station of the same class at the same location. In the case of Class D stations, these separations are based on assumptions of 10 watts E.R.P. and 100 feet effective antenna height. New commercial assignments on Channels 221, 222 and 223 will of course have to meet the same spacings with respect to existing adjacent channel educational stations on Channels 218 to 220. Class D stations on Channels 218, 219 and 220 will be limited to 10 watts transmitter power; all other new stations thereon will be limited to the maximum specified for Class B or Class C commercial stations, depending on the zone in which they are located.

73. The above criteria will govern the grant of educational applications for Channels 218, 219 and 220, and applications not meeting these criteria will not hereafter be accepted for filing. With respect to the educational band in general, our interim processing procedure adopted in December 1961 did not impose any restrictions on applications for these frequencies. Pending further consideration of the appropriate basis for making assignments on these channels, we will continue the same procedure, except that: (1) applications for the three top channels, 218, 219 and 220, will be subject to the facilities limitations and separations with respect to adjacent channel commercial stations just mentioned; and (2) no application will be granted where it would cause interference within the 1 mv/m contour of another station on the reserved channels, as determined on the basis of the F (50,50) and F (50,10) curves used under the interim procedure. § 1.356 of the rules is amended accordingly.

74. The discussion herein is of course confined to use of the 20 channels reserved for educational use. Noncommercial educational stations may, as they have in the past, apply for operation on the 80 unreserved channels, in which case they will be subject to the rules applicable to stations on these channels.

VIII. *The Table of Minimum Mileage Separations.* 75. Set forth below is the Table of Minimum Mileage Separations between stations up to 600 kc removed. In every case, the reciprocal separation, not shown, is the same (e.g., C to A is the same as A to C). Some separations—B to C, and vice versa—are set forth for use in computations involving stations on either side of zone lines (a Class B in Zone I or I–A, and a Class C in Zone II).

Minimum Separations (miles)

CLASS OF STATION AND FREQUENCY SEPARATION (KC/S)

Class of station	Class A				Class B				Class C				10-watt educational			
	Co-Ch.	200	400	600	Co-Ch.	200	400	600	Co-Ch.	200	400	600	Co-Ch.	200	400	600
A	65	40	15	15	----	65	40	40	----	105	65	65	----	30	15	15
B	----	----	----	----	150	105	40	40	170	135	65	65	----	----	40	40
C	----	----	----	----	----	----	----	----	180	150	65	65	----	----	65	65
10-watt educational	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

IX. *Equivalence; terrain factors.* 76. Our present rules (§§ 3.203 and 3.204) provide that, where stations operate with antenna height above average terrain greater than the "maximum" provided for their class and zone, they shall reduce power so that their 1 mv/m contours extend no further than they would if operating with the "maximum" antenna height and maximum E.R.P. In the notice (paragraph 53) we pointed out that greater height increases service more than it does interference, and therefore—since interference is the limiting factor in station assignments—it might well be that the test for "equivalence," or permissible power with great antenna height, should be based on the co-channel interference contour (0.1 mv/m) instead of the 1 mv/m "service" contour.

77. A number of commenting parties supported this proposal. However, one, Earl Cullum, pointed out that, while use of the 0.1 mv/m contour would provide adequate co-channel protection, it would not do so in the case of adjacent channel operations. Our staff's analysis confirms this. For example, assume a Class B station operating with 50 kw E.R.P. and 500 feet above average terrain and a first adjacent channel Class A station at a spacing of 70 miles operating with 3 kw and 300 feet. If the Class B station increases antenna height to 2,000 feet, using its 1 mv/m contour as the criterion it would be limited to 1.6 kw (2 dbk) power, and would protect the Class A station only to about 16 miles. On the other hand, if the Class B's new 0.1 mv/m contour is to be the basis, that station could radiate 20 kw (13 dbk) power, and would protect the Class A station only to about 10 miles. Further study shows that no other contour would be substantially better. Therefore, the rules adopted herein provide that, as heretofore, equivalence (the E.R.P. permissible when antenna height is greater than that specified as the maximum standard) will be determined by the distance to the 1 mv/m contour.

78. In connection with equivalence, commenting parties raised two points which merit discussion. Under the present rules, as to Class A stations everywhere, Class B stations in Area 1, and "normally" as to Class B stations in Area 2, the E.R.P. specified as part of the "maximum" facilities is also an absolute maximum regardless of antenna height (e.g., in Area 1, the "maximum" height and power are 20 kw and 500 feet; 20 kw is also the maximum E.R.P. which may be employed regardless of height). It was urged by some parties that where antenna height is less than "maximum," more power than the "maximum" be permitted. Zenith and one other party proposed increase in power at lower antenna heights without restriction as long as the "equivalence" maximum is not exceeded. FM Unlimited proposed fixed but relatively high maximum powers under these conditions (5 kw for Class A, 100 kw for Class B, and 500 kw for Class C).

79. Superficially, this idea has some plausibility; but on analysis we conclude that it should not be adopted. First, comparing a given increase in height with a given increase in E.R.P., an increase in height increases service more than it does interference, whereas an increase in power increases interference more than it does service. Therefore, we should obviously encourage improvement in service through greater height rather than greater power, and affording an opportunity for power increase, without limit or at least to a greater extent, would work in the other direction. Second, it must be borne in mind that the propagation curves adopted herein, while they are reasonably satisfactory and appear to be the best available, are not an exact tool. They are merely a prediction on a statistical basis of what will occur. Actual interference may exist, to particular listeners at particular locations, even where under the curves as adopted there would be no "objectionable interference" within the ratios and other provisions of the rules. Since this is so, and bearing in mind the close relationship which the amount of E.R.P. has to interference, we cannot permit an increase in power so as to reach the "equivalence" standard, on the basis of these curves.

80. The second general concept advanced by some of the parties is that the "equivalence" concept should be based not on height above the average of terrain along all eight radials, as it is now, but should be based on height above terrain in particular directions. Earl Cullum suggests that it should be based on the greatest antenna height above average terrain (2 to 10 miles) along any

[17] One party urged, as reason for low protection against 2d and 3d channel interference, the idea that two elements of receiver quality, sensitivity and selectivity, go hand in hand, so that a receiver capable of getting a station at some distance can also deal with such interference. This may or may not be generally true (no supporting data was given). To the extent it is, it supports the concept adopted here.

[18] FM Unlimited's proposal, which also involves some actual deletion of existing stations, is part of a plan to free much of the FM band for a wholesale reshuffling of stations.

radial and that "cutting back" in power should be required only in those directions where the height above terrain exceeds the "maximum", this to be done by directional antennas. Another party also took note of antenna locations on the side of a mountain range overlooking the principal city, and suggested that the critical radial should be that over the city.

81. These concepts have not been used hitherto either in FM or television, and we conclude that they should not be adopted now. Both approaches present substantial practical problems. In the case of the Cullum suggestion, in order to have any significance at all the showing would presumably have to include not only height along each of the eight radials now used, but, since these in themselves do not necessarily represent the lowest terrain, the application would have to show the terrain in many directions—a very difficult thing to prepare and evaluate. The proposal concerning the radial over the principal city overlooks the fact that this particular radial may not be the crucial one as far as interference to existing stations is concerned. Since the present approach has proved at least reasonably satisfactory, we have concluded to retain it.[19] As to Cullum's suggestion that "cutback" be required only in directions where antenna height is greater than the "maximum", this would involve the same complications mentioned above.

Terrain factors. 82. A number of commenting parties urged—sometimes in opposition to the idea of a Table of Separations, sometimes in connection with equivalence, as discussed above, and sometimes in general—that in any assignment plan we should retain some degree of flexibility to take into account terrain factors, e.g., the fact that an intervening mountain range between two co-channel stations will both limit the service of each and prevent the signal of the other from being as much of an interference factor as it might otherwise be.

83. As mentioned above, it would be possible to take such factors into account in a mileage separation or table of assignment plan. However, after considering this matter we are of the view that they should not be taken into account, for the present, to any extent beyond what they now are, in the calculation of over-all height above average terrain on the basis of the height from 2 to 10 miles along each of eight radials. There is at this time not sufficient data to determine with any degree of precision the effect of intervening terrain upon either desired or undesired signals. It may be true as a general proposition that an intervening mountain range will cut down propagation; but this is not true in all situations. There are gaps in such ranges through which signals may travel; there are reflected signals; and it is even possible, if the geometry of the intervening barrier is favorable, to obtain an obstacle gain over it. Moreover, there is no reasonably simple way by which such factors can be taken into account, in connection with the type of plan adopted here or any other (such as "protected contours"). Measurements we have already concluded to be out of the question. Occasionally, in television, the showing of more radials, or of longer radials (e.g., 2 to 30 miles) has been suggested, but these ideas have never been accepted because it did not appear that enough would be gained to justify the substantial additional effort involved on all sides. The same appears to be true in the present case. Therefore, the minimum spacings, and heights, powers, and equivalence standards, adopted herein will apply to all types of terrain until such future time as sufficient information is available which will enable us to predict with some precision the effect of terrain on signal strengths.[20]

X. *Directional antennas and polarization—Directional antennas.* 84. In the notice herein (paragraph 65(b)), we asked for comments concerning use of directional operations in the FM service—what requirements should be adopted, what degree of suppression is feasible, for what purpose should they be permitted (e.g., whether they should be used as an assignment tool), and what form of assignment plan can be adopted to take such installations into account.

85. With respect to the major question involved—the relationship of such installations to station assignment principles—there was sharp division of opinion in the comments. Some parties, such as AFCCE, would employ DA's wherever possible in order to protect existing contours and "squeeze in" assignments. Earl Cullum would use them, where appropriate on a case-to-case basis, to provide low power assignments rendering needed service and protecting high power stations. Other parties (generally those favoring our proposal of mileage separations, such as the NAB) urged that they be permitted where useful in order to avoid wasting service over water, improving service toward cities, etc., but not as an assignment tool—i.e., not for suppressing radiation in a particular direction so as to reduce the required spacing between stations.

86. We are of the view that directional antennas should be permitted, and even encouraged, in the FM service, but only for the purpose of improving service in the ways mentioned, and not as an assignment tool. Therefore, it is our view that they should not be used as a device for reducing the co-channel and adjacent channel spacings mentioned above. Not only would such a use obviously be incompatible with the preparation of a table of assignments, but it would tend to thwart the orderly and efficient development of the medium generally. In our view, directional antennas must be used only on the basis they do not radiate, in any horizontal or zenith direction, more than the maximum power permissible for an omnidirectional operation; and stations will not be assigned at substandard spacings simply because, by directionalizing, they "protect" existing stations.

87. Our proposed rules concerning directional antennas are set forth in the further notice. Comments thereon are invited. Meanwhile, we are amending the rule concerning the showing required of applicants specifying DA's, to make it conform to the TV rule (§ 3.685(f)), requiring a showing in both horizontal and vertical planes (see Appendix B, new § 3.316(c)). Pending adoption of rules in this area, no application will be accepted where the maximum-to-minimum ratio is more than 15 db.

88. As to the extent of suppression which is feasible, commenting parties favored from 15 db to 20 db maximum-to-minimum ratio. One party suggested 50 to one (power), which is 17 db. Our proposal in this respect, set forth in the further notice, is for 15 db, which appears feasible and safe.

Polarization. 89. Our present rules § 3.316) presently provide that horizontal polarization shall be standard, but they also provide for elliptical or circular polarization, with the supplemental vertical component in such cases not to exceed the horizontal E.R.P. of the station. In other words—a point apparently not fully understood—FM stations can now use as much vertical polarization as horizontal, up to the E.R.P. specified in their authorizations. If a station as a Class B station in Area 1 may now radiate a maximum of 20 kw E.R.P., it may radiate 20 kw in both the horizontal and vertical planes if it receives authority for such operation. Thus, any station wishing to provide a vertical component to improve reception by auto whip antennas may do so. Some of the parties urged us to encourage vertical or circular polarization. Others, urging the wider range of horizontal signals which is of benefit to "fringe" area reception, opposed any change in the rules, at least until some measurements have been analyzed and the result indicates justification for a change. We are not persuaded that at present any change in our rules is warranted, and propose none.

90. One party, expressing doubt as to the meaning of the rule in the respect mentioned above, suggested that if the rule means that a power equal to the authorized E.R.P. may be radiated in both planes, wider spacing between spacings might be necessary in order to avoid interference. The rule interpretation mentioned is of course correct (as mentioned above); but, in the absence of further data on this subject and considering the need for making numerous station assignments, we are not disposed to lengthen spacings beyond those set forth herein.

[19] Even in the relatively few cases where computation on the basis of an individual radial would make a substantial difference, the difference would not amount to more than a few miles in the limit to co-channel or adjacent channel stations.

[20] One of the parties making this terrain argument (KING) mentions certain particular inter-city separations as being appropriate for this type of treatment—Seattle-Spokane, San Francisco-Reno, and Salt Lake City and Grand Junction to Denver, Colorado Springs and Pueblo. In all cases, the spacings we adopt herein would permit co-channel assignments in these cases.

The matter is also of less significance when it is realized, as one party pointed out, that by and large the areas of the West where this could be a real consideration are those of relatively little need for close assignments, since there are fewer communities.

XI. *Questions concerning existing stations.* 91. In the July notice (paragraphs 55 to 57) we raised questions concerning the relationship between the proposed mileage separation plan and existing facilities. In this connection, the chief questions are the following:

(a) What should be done with respect to existing stations which operate with more than the facilities which will be permitted for new stations of their zone and class—e.g., stations in Buffalo, Chicago, etc., and stations in California, now operating with facilities greater than 50 kw and 500 feet which will be the maximum for new stations in Zones I and I–A.

(b) Is there an appropriate basis upon which existing stations may be permitted to expand their facilities in the many situations where they do not meet the spacings adopted herein with respect to other existing stations.

(c) What should be done with respect to existing stations on Class B and Class C channels which operate with facilities smaller than the new minima adopted.

92. Commenting parties advanced various ideas in this connection. It was urged (by WBEN, the licensee of a Buffalo station operating with facilities much greater than the Zone I facilities specified herein) that existing stations should be given the maximum possible degree of protection. It was also urged that existing stations, often deserving of consideration as pioneers in an economically disadvantageous service, should be permitted to go to maximum facilities, on another channel if necessary, and should not be held strictly to a "go-no go" standard as new stations should. The NAB took the position that expansion should be provided for. Some parties urged that expansion of existing facilities be permitted only where it would not worsen interference conditions. It was urged that existing Class B and C stations be required to meet the minimum specified for their class within a year, or move to a lower class.

Existing stations of great height and power. 93. Under our present rules, stations are normally protected against objectionable interference out to their 1 mv/m contours, with the location of both that contour and the various co-channel and adjacent channel interference contours being determined by use of Figure 1 of § 3.333 of the rules and the interference ratios mentioned above. (See §§ 3.203(a), 3.204(a), and 3.313.)[21] As to second and third adjacent channel assignments (400 and 600 kc removed), § 3.313(c) provides that stations normally will not be assigned at such separations in the same or nearby cities, but that stations may be authorized in nearby cities on second or third adjacent channels "where necessary in order to promote an equitable and efficient distribution of facilities."

94. As mentioned above, we are herein including in Zone I and I–A, with limitation on new Class B stations to 50 kw and 500 feet, large areas which have hitherto been part of "Area 2" with no absolute restriction on height and power. These areas include Illinois, Indiana, Ohio, western Pennsylvania and New York, a portion of New England, most of Virginia, parts of Michigan and Wisconsin, and most of California. In these areas, numerous stations have in the past been authorized with facilities substantially greater than the 50 kw 500 foot maximum adopted here, or its equivalent. In Zone I, assigned to cities such as Chicago and Buffalo, there are 19 commercial stations operating with facilities such that, under the new curves adopted here, their 1 mv/m contours are located further from their transmitters than the 40 mile protected service radius adopted herein as the basis for assigning Class B stations. These distances range up to 55 miles in the case of a station at Buffalo (operating with 110 kw E.R.P. and height above average terrain of 1,350 feet). In the Zone I–A portion of California there are even more such assignments because of the numerous high elevations, some 35 commercial stations having 1 mv/m contours more than 40 miles from their transmitters. The largest such distance is 77 miles in the case of a station at Santa Barbara (operating with 105 kw and 3,210 feet antenna height). In new Zone II there are three commercial stations operating with facilities so great that their 1 mv/m contours lie further than 65 miles from the transmitter. In all of the new zones, there are other stations which operate with facilities more than the new maxima but less than the stations just referred to.

95. The existence of these stations raises a question as to how they should be treated in relation to the new assignment principles adopted herein.[22] On the one hand, it might be argued that they should retain their present great facilities and be protected on that basis, where necessary being afforded, by special separation requirements, protection greater than that afforded generally herein to stations of their class. This would preserve existing service. On the other hand, it might be contended that they should be required to cut back in antenna height and/or power, so as to operate with no more than the maximum adopted herein for their class. This would have the double advantage of permitting more new assignments, in some instances, than would greater protection, and of removing the competitive inequality which exists when a limited number of stations operate with much greater facilities than others.

96. With respect to the extent of protection to be afforded, we conclude that these stations should not be protected to any greater extent than that afforded by the general mileage separations adopted herein. This may result in some derogation of existing service in a few cases, if new assignments are made at or nearly at the minimum spacings adopted; but, as mentioned before, it is not likely that a large proportion of new assignments will be made at such close spacings. If it works out that many new assignments are made at near-minimum distances from existing stations, any resulting loss in service will be more than counterbalanced by the gain in over-all FM service resulting from the new facilities which can thus be provided.[23] We do not conceive it to be in the public interest to perpetuate the advantage enjoyed by these super-maximum stations, if it means a restriction on the provision of needed new facilities and optimum development of this medium. In considering the question of whether these stations should be required to cut back in power or height, we must balance whatever loss of service would be involved against the likely advantages—more service from new assignments, and removal of competitive inequalities. We do not now decide this question. As set forth in the further notice herein, comments are invited as to whether the continued existence of these super-maximum facilities tends to thwart the full development of the FM service, and whether, therefore, steps should be taken to require these stations to cut back in power or height.

97. *Channel shifts.* Whether or not a Table of Assignments is to be ultimately adopted herein, applications for changes in channel of existing stations must necessarily be treated as applications for new stations. This is obviously required if a Table of Assignments is to be worked out, and is appropriate in any event, since a change in channel represents a new use of a different frequency, requiring consideration of new potential problems and possible uses of the channel. Therefore, the rules adopted herein treat applications for change in the channel of an existing station just like applications for new stations.

98. *Expansion of existing facilities.* For a number of reasons mentioned above, it is desirable for existing stations

[21] As to the significance of § 3.204(a), see the decision of the Court of Appeals in American Broadcasting—Paramount Theaters, Inc. v. FCC, ---- F. 2d ----, 23 Pike & Fischer R.R. 2020 (1962).

[22] If a limit on facilities of educational stations on the 20 reserved channels is adopted, a similar question might arise with respect to six such stations in Zones I and I–A whose 1 mv/m contours lie further than 40 miles from their transmitters. This will be dealt with in the further notice to be issued concerning assignment rules for the reserved channels.

[23] As far as possible co- or first-adjacent channel interference from new assignments is concerned, the possible effect is less than that indicated by the figures as to number of stations given above. This is because the spacings adopted herein are designed to protect a contour lower than the 1 mv/m contour, particularly in the case of Class B stations. In terms of the possibility of interference within the 1 mv/m contours of these super-maximum stations, it appears that it exists only with respect to 7 commercial stations in Zone I, 26 in Zone I–A, and three in Zone II, and to five educational stations in Zones I and I–A, even if assignments are made at the minimum applicable spacings and the new stations operate with maximum facilities. As to second and third adjacent channel interference, as already mentioned the impact of such interference is substantially less than that from co-channel or first adjacent channel stations. It would be inappropriate for us to extend in these cases any greater degree of protection than already decided on with respect to all stations—simply that the new station must be located outside of the existing station's protected service radius.

in some situations to increase their antenna height and/or effective radiated power. It is for this reason that we have increased the maximum for facilities in Zone I to 50 kw E.R.P. The question remains as to whether, considering the large number of stations, especially in Zone I, which are located at separations with respect to other stations less than those provided herein, increases could be permitted for such stations on some appropriate basis. We have concluded that permitting increases in facilities under these circumstances—i.e., changes in height or power which would extend the station's 1 mv/m contour further when it is already "short" to other co-channel or adjacent channel stations—would merely result generally in further deterioration of existing service, and that such increases should not be permitted. Accordingly, the rules adopted herein provide that increases in facilities will be permitted only where the station applying meets the required spacings with respect to other stations.[24] However, the new rules provide for increases in height accompanied by decrease in power, or vice versa, where the location of the 1 mv/m contour would not lie further from the transmitter than presently.

99. *Changes in transmitter location.* Changes in transmitter location will not be permitted where the effect would be to shorten the spacing toward any co-channel or adjacent channel station (up to 600 kc removed) below that specified herein.

100. *Wholesale channel shifts and deletions.* Some parties, notably FM Unlimited, Inc., suggested that existing stations should be moved in large numbers, in order to effectuate what is believed to be optimum use of the FM band. FM Unlimited urged that: (1) All Class A stations, and all Class B stations now assigned to communities smaller than large cities (e.g., Lynne, Mass.) should be reassigned to the Class A channels, which would be contiguous from Channel 221 to 240; (2) stations on Class B and Class C channels (which would be used in all parts of the country) should be shifted, so that in adjacent metropolitan areas—e.g., New York-Philadelphia, Chicago-Milwaukee, and Los Angeles-San Diego—these stations would operate on channels no less than 400 kc apart; (3) "non-commercial" operations now in the commercial FM band (e.g., WNYC–FM, New York City) should be shifted to the educational band; and (4) where existing stations would not be accommodated in the course of such shifts, "marginal" operations, notably stations existing mostly for the purpose of conducting multiplex operations, should be deleted.

101. We have already dealt with, and rejected, some aspects of this proposal, including the idea of a contiguous band of Class A channels and of shifting "non-commercial" but non-educational operations into the reserved channels. With respect to the remainder, we conclude that the suggestions do not have enough merit to warrant consideration, at least in this proceeding. The proposal to assign Class B and Class C channels to the major cities mentioned on a 400 kc separation basis ignores completely the needs of substantial communities in between which would be reduced largely to Class A channels. With respect to wholesale shifts, this of course would involve a certain amount of confusion to listeners and broadcasters, and there is no reason to believe the result would be worth the effort.

102. *Continued operation with sub-minimum facilities.* As mentioned above, one of the problems with the development of FM, particularly on the channels designed for higher power operations, is the existence thereon of stations operating with very small facilities. This raises the question of what should be done about existing stations operating with less than the minimum herein specified for new stations of a particular class—a question especially pertinent since we are adopting as a basis of assignments a mileage separation table based on maximum facilities for both existing and proposed stations.

103. For the present, we have decided to leave this matter without taking any action to require existing stations to increase facilities. First, particularly as to Zone I, it is not clear how many stations can increase their height and/or power substantially, under our mileage separation rules adopted herein. It would not be appropriate to adopt for existing stations a rule which a number of them could not comply with. Second, where increases are possible consistent with the rules adopted herein, we believe stations so situated can be expected to take steps to improve their facilities voluntarily—especially since they will be faced with the existence of substantial co-channel and adjacent channel operations, and will suffer substantial interference from them if they continue to operate with small height and power. We will continue to study this situation, and if it appears that a large number of such stations, which could increase facilities, do not do so, then we will consider the possibility of show cause proceedings looking toward either an increase in facilities or shift to a Class A channel if one is available.

XII. *Pending and subsequently filed applications.* 104. Adoption of the assignment plan decided upon herein raises the question of how pending applications, and those to be filed later, shall be treated during the continuance of this proceeding and work on a Table of Assignments. It is obvious that work on a table cannot proceed satisfactorily while at the same time we continue to grant applications for facilities which (though they meet our "interim" processing criteria) do not meet the spacings on which the table must be based. The same principle applies even if a table is not finally adopted, since we would be making grants in violation of the spacings which we have concluded to be most appropriate for the optimum development of this service. Therefore, we have decided upon the following procedures as appropriate pending final adoption of a table or other resolution of this proceeding.

(a) Pending applications for new stations, channel changes, or increased facilities will be acted on, and new applications will be accepted for filing, only if they meet the spacings set forth herein with respect to co-channel and adjacent channel stations (up to 600 kc removed),[25] as well as the other requirements of the rules, e.g. as to maximum and minimum facilities. Where applications have been or are accepted for filing but cannot be granted because of conflict with the mileage separation rules, they will be held pending until decision as to a Table of Assignments (e.g., where two applications meet all mileage separations with respect to existing stations, but would be at short spacings with respect to each other, and therefore both cannot be granted). Applications on file not meeting the spacings with respect to existing stations may be amended, notwithstanding any other provision of the rules. Applications not meeting the spacings, and not amended by the time this proceeding is terminated, will then be dismissed.

(b) With respect to pending applications for new stations which do not meet the spacings, in the preparation of the Table of Assignments every great effort consistent with the public interest will be made to find an assignment for such applicants—particularly where their applications were filed before we announced our interim "freeze" procedure in December, and especially the approximately 30 which were on file before July 5, 1961, when we initiated the present over-all consideration of a new FM assignment system (some of these are in hearing; where applications are mutually exclusive of course provision will be made for only one assignment, unless the general priorities adopted for preparation of the Table indicate that more assignments are warranted). Efforts will also be made to find assignments (on the same or another channel) to take care of applications filed from now on, during the pendency of this proceeding (subject to the conditions as to acceptance mentioned above).

(c) Pending the adoption of rules concerning directional antennas (see the further notice of proposed rule making herein), no application will be acted on or accepted where the proposed maximum-to-minimum ratio exceeds 15 db.

XIII. *Relationship with Canadian FM assignments.* 105. One of the reasons why a Table of Assignments for U.S. FM stations is desirable is that Canada has clearly indicated that it intends to promulgate a table for use in its own assignments, and a U.S. Table would make it easier for assignments near the border on both sides to be worked out.

106. The final basis of assignment and protection standards between U.S. and Canadian FM stations has yet to be worked out in future conferences. Persons contemplating filing applications for U.S. FM stations before the final resolution of this proceeding, for places within 250 miles of the Canadian border, should bear in mind possible Canadian problems.

XIV. *Other matters—Assignment on the basis of programming; duplication.* 107. In the earlier notice, we raised the question of whether "duplication" by FM stations of the programming of their AM affiliates is in the public interest and should be permitted to continue, or should be limited, if not prohibited entirely. There were numerous comments on this point, sharply divided. We do not here decide this matter. We have this question under consideration, and a notice of proposed rule making on this subject may be issued shortly.

108. Related to this is the argument, urged by some parties, that FM assignments should be made on the basis of programming—e.g., that Class A, Class B, or Class C assignments should be made on the basis of a showing by the applicant as to how he will make use of the assignment sought to serve the public—a matter of particular importance with Class C stations, designed to serve wide areas. FM Unlimited's suggestion that "marginal" stations should be deleted has also been noted; that party also suggested shifts in station channel and classifications on the basis of the program service rendered.

109. These arguments have some merit, and are being seriously considered. However, we believe it is not presently appropriate here—in connection with a proceeding which is basically technical in nature—to enter into the complex area of the interrelationship between the basic assignment process and programming. As mentioned, we are considering matters of this sort, and it is possible that some proposal in this area will be forthcoming. Meanwhile, there are other, existing ways by which this matter can be approached, for example, filing an application in competition with renewal, where a party believes the licensee has not adequately programmed in the light of the type of assignment he holds.

110. We believe it likely, however, that the over-all development of the FM service would benefit from one change in the assignment rules which might involve non-technical considerations; and accordingly, it is proposed in the further notice adopted herein. This is a rule providing that, if a Table of Assignments is adopted for FM, and a construction permit or license is later voluntarily relinquished by the holder thereof (or is taken away in a revocation or renewal proceeding), the channel will automatically cease to be assigned to the community specified in the Table and in the permit or license, and the Commission will give notice thereof and institute rule making as to where the channel may be best assigned. In other words, to the extent channels cease to be used and become available, their use so as to best serve the public interest should automatically come into question. This may be of considerable significance, for example, if we should decide that extensive AM–FM duplication is not in the public interest, in which case perhaps a number of AM–FM licensees engaged in total or near-total duplication would surrender their authorizations.

Operator rules and monitors. 111. In the 1961 notice we asked for comments on non-allocation matters such as operator rules and monitors. There were comments in both areas. These matters are both being handled by consideration separate from this proceeding, and action in these areas will be taken shortly.

Miscellaneous suggestions and arguments. 112. One party asked us to take steps to regulate the quality of phonograph cartridges and tapes used in FM stations, so as to insure real "high fidelity". This is a difficult area, involving technical and policy considerations. Our principal concern in the technical regulation of broadcast stations has been in the radiated signal and its possible effects on other users of the radio spectrum, and our rules and standards have been directed toward providing the best possible broadcast service by prescribing standards for the transmitting equipment. In the case of the aural broadcast services, this equipment is considered to extend from the input microphone to the transmitting antenna. We have not prescribed general standards of quality for studio equipment or program sources. It would be difficult, if not impossible, to write detailed rules covering every piece of studio equipment, recordings, etc., and we do not believe it appropriate to attempt it. However, it is the licensee's responsibility to maintain a technically sound operation in these respects as in others. We have found that with respect to technical quality, broadcasters generally have attempted to provide the best consistent with the economics of the market and the state of the art. In the past we have in appropriate cases called the attention of licensees to listener complaints regarding defective studio equipment, and we will continue this practice.

113. Some other suggestions made by the commenting parties deserve brief comment. One was that the class designation of FM stations—"A" and "B"—should be reversed, on the ground that usually "Class A" like "Grade A," signifies a preferable thing as compared to "Class B" or "Grade B," and that time-buyers are misled in this respect. Were we starting from scratch, this might have some merit. But, at this point we believe reversing the classification designations would cause more confusion than it could be worth. It might also tend to imply an invidious distinction against "community" stations which is not warranted. We do not believe the situation generally is as serious as this party (a Class B licensee) asserts, or that we would be warranted in taking this action.

114. The same party also protested against the "inequality" caused in his area by the fact that he, as an Area 1 Class B station, must compete with more powerful Area 2 stations located fairly close by and penetrating his market. This kind of "inequality" of course will exist wherever there are two zones, between stations close to the line between them; and, indeed, a certain amount of inequality is inevitable unless all stations are to operate with approximately the same facilities. We do not believe that from the standpoint of the over-all public interest this is a serious problem, and, in any event, to the extent it is, the "inequality" is outweighed by the desirability of having different zones to reflect different population and assignment conditions.[26]

115. One party urged that the interference burden on Class B stations in the same market from Class A stations—which is said to affect some more than others by virtue of their position in the band with respect to the Class A channels—should be equalized by reassigning the "A" stations in a given market at strict 1600 kc intervals, which assertedly would result in each Class B station having one, but only one, Class A adjacent channel interferenee problem. There is no specific data given as to how this would work and obviously it would cut down the availability of Class A assignments. Therefore, and also because of the undesirability of shifting existing stations mentioned above, we must reject this suggestion.

116. Two other suggestions relate to assignments. One, from a Richmond, Va., Class B station, is that a "Class C" station in that city—the state capital—should have a 100 mile protected service radius. In this respect we must adhere to our earlier judgment, that only Class B stations should be assigned in Zone I; the public interest will be better served by the more numerous assignments thus made possible. On the other hand, a Palo Alto, Calif., Class A station, which has a pending application for a Class B assignment which would cause objectionable interference to two adjacent channel San Francisco stations, argues against any restrictions whatsoever (asserting the need for an increase in its power in order to provide for stereo operation). We have at length herein discussed why more protection, and a more orderly development of the FM service, is desirable, and therefore this contention must be rejected.[27]

117. Intercollegiate Broadcasting System, Inc. (an organization of "campus" radio stations) urged that, if we do not adopt its proposal for commercial but "non-profit" operation in the educational band, we permit such operation by 10

[24] Consideration was given to permitting "across the board" increases, where all stations involved in a chain of short separations apply for equal increases and thus the ratio between signals would not be changed. But this would involve tremendous complications, as we have seen in the past in connection with the AM Class IV increase to 1 kilowatt; and, moreover, would tend to create in some cases an undesirable degree of competitive inequality (for instance, where only one of several stations similarly located could work out such an "across the board" increase). It is doubtful, in any event, how many stations could take advantage of such a system.

[25] The spacings to be complied with are, of course, those with respect to the actual transmitter sites of existing stations.

[26] The particular area involved in this comment (Scranton-Wilkes-Barre in Area 1, and Williamsport in Area 2), will be of course now entirely within Zone I. Whether this will enable the Scranton-Wilkes-Barre station to improve its competitive position does not appear, but we have provided for an increase in the Zone I maximum.

[27] It may be that the increase in maximum Class A power adopted herein will solve these problems without change in channel.

watt stations to be assigned on the 20 Class A commercial channels. This suggestion must be rejected, because such use of the Class A channels—on which numerous assignments must be made to accommodate the needs of smaller communities—is completely inconsistent with efficient use of these channels.

118. In the July notice, we proposed to adopt for the purpose of dealing with multiple ownership situations, a rule that commonly owned stations would not be authorized where there would be overlap of the 2 mv/m contours. This matter is not dealt with herein, being currently the subject of a rule-making proceeding regarding overlap generally.

119. A number of parties urged that before adopting rules in the FM station assignment area, we should put out a further notice of rule making, with more specific proposals. In light of our decision herein—which is for the most part along the lines indicated in the July notice—we are of the view that except to the extent mentioned above and reflected in the further notice below, further rule making is unnecessary and would not be in the public interest. Interested parties have had ample opportunity to comment on many aspects of FM allocations, including specific proposals of the sort adopted herein. Further opportunity, which would involve necessarily considerable time, need not and should not be afforded except in the respects mentioned. The time has come when the future course of the FM service and FM station assignments must be determined.

XV. *Conclusions and order.* 120. For reasons set forth above, we have decided upon certain changes in the rules relating to the FM broadcast service, which are adopted herewith. In certain respects—the procedure relating to acceptance and action on applications pending the final resolution of this proceeding, and the showing to be required in applications specifying directional antennas—these are procedural, and therefore no notice of proposed rule making is required, under the provisions of section 4 of the Administrative Procedure Act. In any event, the public interest clearly requires that these actions be taken. Clearly, it would be inappropriate to accept or grant applications conflicting with the mileage separations as to existing stations or other standards adopted herein. If work on a Table of Assignments is to proceed in an orderly fashion, any grant must be subject to a change in channel if more over-all assignment efficiency would result. As to the directional antenna requirements, it would be inappropriate to grant applications likely conflicting with a standard which may be adopted, or to accept applications not even complying with the most lenient standard under consideration. In order to avoid a flood of non-complying applications, it is necessary to make the Procedural rule concerning processing (§ 1.356) effective as quickly as possible.

121. In view of the foregoing, and pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended: *It is ordered,* That, effective August 8, 1962, § 1.356 of the Commission's rules is amended as set forth below; and

122. *It is further ordered,* That, effective September 10, 1962, the provisions of Subparts B and C of Part 3 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 25, 1962.

Released: August 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Effective August 8, 1962, paragraph (c) of § 1.356, and the note following that section, are amended to read as follows:

§ 1.356 Processing of FM and noncommercial educational FM broadcast applications.

* * * * *

(c) Except as provided in the Note to this section, if, upon examination, the Commission finds that the public interest, convenience and necessity will be served by the granting of an application for FM broadcast facilities (Class A, Class B, Class C or noncommercial educational), the same will be granted. If, on the other hand, the Commission is unable to make such a finding and it appears that a hearing may be required, the procedure set forth in § 1.362 will be followed.

NOTE: During further consideration of the matters and issues in Docket No. 14185 (pertaining to the revision of the FM broadcast rules), applications for FM broadcast authorizations (on both commercial and noncommercial educational channels, whether in or out of hearing status, and regardless of the date they were or may be tendered for filing) will be subject to the following procedures, notwithstanding any provision of the FM broadcast rules or of this section to the contrary:

(a) *Maximum and minimum facilities.* No application for construction permit for a new station, change in channel, or increase in facilities on the same channel will be granted, and after August 8, 1962, no such application will be accepted for filing, unless the facilities of the proposed station meet the maximum and minimum requirements for facilities for stations of its class set forth in § 3.204, § 3.209, or § 3.504 of this chapter, as amended July 25, 1962, effective September 10, 1962: *Provided, however,* That, no provisions as to minimum facilities apply to noncommercial educational stations operating on the channels specified in § 3.501 of this chapter, or to grant or acceptance of applications by any existing station for increase in facilities on its present channel; and no provisions as to maximum facilities apply to noncommercial educational stations on channels 201 to 217, inclusive, set forth in § 3.501 of this chapter.

(b) *Directional antennas.* No application for construction permit for a new station, change in channel, or existing facilities on the same channel will be granted, and after August 8, 1962, no such application will be accepted for filing, where it proposes a directional antenna with a maximum-to-minimum ration of more than 15 db.

(c) *Minimum mileage separations.* The minimum mileage separations set forth in § 3.205 of this chapter (as amended July 25, 1962, effective September 10, 1962) apply to all applications for construction permits for new stations, changes in channel, or increases in facilities, on FM channels 221 through 300 listed in § 3.201 of this chapter, as follows:

(1) No application will be accepted for filing after August 8, 1962, unless the proposed station is located so as to meet said separations with respect to all co-channel and adjacent-channel (up to 600 kc/s removed) stations authorized as of August 8, 1962;

(2) No application (regardless of when filed) will be granted unless the proposed station is located so as to meet said separations with respect to all co-channel and adjacent-channel (up to 600 kc/s removed) stations authorized or proposed in other now pending or subsequently accepted applications.

(3) Applications on file or later accepted, which cannot be granted pursuant to the provisions of paragraphs (a), (b), or (c) of this note (e.g., applications involving short separations only with facilities proposed in other pending applications), will be held pending.

(d) *Consideration pending decision as to an FM Table of Assignments.* Pending decision as to the matter of adopting a Table of Assignments for the 80 FM commercial channels, and preparing and promulgating such a Table if it is concluded to be in the public interest, applications which are now on file or are later accepted, but which cannot be granted under the provisions of paragraphs (a), (b), or (c) of this note will be held pending. In the preparation of a table, effort will be made to find assignments to accommodate such applications, on the same or other channels (except where they are clearly mutually exclusive with each other, such as two applications for the same channel in the same small community, in which only one FM assignment would be warranted under general assignment principles). Particular effort will be made to find assignments to take care of requests in applications on file as of the date of the adoption of this note (July 25, 1962) and especially, those applications filed before July 5, 1961 (the date of release of the document instituting the over-all FM allocation proceeding). If and when a Table is adopted, applications inconsistent therewith (as then on file, taking into account amendments, if any) or otherwise inconsistent with the provisions of subpart B of Part 3 of this chapter will then be dismissed. If it is decided not to adopt a Table, consideration will be given as to how to treat applications then on file which involve no conflicts with existing stations but only with other pending applications.

(e) *Amendment of applications.* Notwithstanding any other provision of this part, any application for FM broadcast facilities may be amended, at any time pending final disposition of Docket No. 14185, with respect to channel, height, power, or transmitter location, so as to bring it into compliance with the rules adopted in Part 3 of this chapter on July 25, 1962 (effective September 10, 1962), or a tentative Table of Assignments when proposed.

(f) *Applications for changes in transmitter sites.* Applications for changes in the transmitter sites of existing stations operating on channels 221 through 300 specified in § 3.201 of this chapter will not be granted, and after August 8, 1962, will not be accepted for filing, where grant thereof would shorten the mileage separation between the applicant station and other co-channel or adjacent-channel stations, and the resulting spacing would be less than that specified in § 3.205 of this chapter (as amended July 25, 1962, effective September 10, 1962).

(g) *Noncommercial educational stations.* With respect to grant and (after August 8, 1962) acceptance of applications for construction permits for new or changed facilities on the channels reserved in § 3.501 of this chapter for educational use, the following restrictions will apply in addition to those specified in paragraph (b) of this Note):

(1) Applications for facilities on channels 218, 219, and 220 must meet the following criteria:

(i) The facilities requested must not exceed the maximum facilities specified in § 3.209 of this chapter (as amended July 25, 1962, effective September 10, 1962) for Class B or Class C commercial stations, depending on the zone in which the requested facilities would be located.

(ii) The requested facilities must be located, with respect to existing adjacent-channel stations on channels 221, 222, and 223, at no less than the minimum mileage separations specified for stations of their class in §§ 3.205 and 3.504 of this chapter (as amended July 25, 1962, effective September 10, 1962).

(iii) Where the application is for change in transmitter site, the move must not shorten the separation between the station and other co-channel and adjacent-channel stations, if the result would be a spacing less than that specified in § 3.205 of this chapter (as amended July 25, 1962, effective September 10, 1962).

(2) No application for facilities on any channel specified in § 3.501 of this chapter will be granted (or accepted after August 8, 1962) if the facilities requested would cause objectionable interference within the 1 mv/m contour of any co-channel or adjacent-channel station. The following standards shall be used to determine the existence of objectionable interference:

(i) The distance to the 1 mv/m contour shall be determined by use of Figure 1 of § 3.333 of this chapter (as amended July 25, 1962, effective September 10, 1962).

(ii) The distance to the applicable interference contour shall be determined by the F(50,10) curve published with the Commission's Order, FCC 61-1447, adopted December 6, 1961, setting forth the interim procedure for processing FM applications and amending § 1.356.

(iii) Objectionable interference will be considered to exist where, on the basis of the curves referred to in this subparagraph, the undesired signal of a co-channel signal exceeds one-tenth of the desired signal, the undesired signal of a station 200 kc/s removed exceeds one-half of the desired signal, the undesired signal of a station 400 kc/s removed exceeds 10 times the desired signal, or the undesired signal of a station 600 kc/s removed exceeds 100 times the desired signal.

Effective September 10, 1962, Subparts B and C of Part 3 of the rules are amended as set forth below.

1. In "Classification of FM Broadcast Stations and Allocation of Frequencies," §§ 3.202–3.205 are deleted, and new §§ 3.202–3.210 are added, as follows:

§ 3.202 International agreements and other restrictions on use of channels.

(a) Authorizations issued by the Commission for FM broadcast facilities will be subject to the provisions of any agreements entered into by the United States with Canada concerning FM assignments and authorizations. The Commission may decide after consultation with Canada that an application should not be granted; or if, pursuant to an agreement providing for timely objection after grant, Canada files such objection, the Commission may on its own motion set aside the grant pending consideration. The Commission will give notice of the filing of such objections.

(b) The frequency 89.1 Mc/s (channel 206) is reserved in the New York City metropolitan area for the use of the United Nations with the equivalent of an antenna height of 500 feet above average terrain and effective radiated power of 20 kilowatts, and the Commission will make no assignments which would cause objectionable interference with such use.

(c) In Alaska, the frequency band 88–100 Mc/s is allocated exclusively to Government radio services and the non-Government fixed service. The frequencies 88.1 through 99.9 Mc/s (channels 201 through 260) will not be assigned in Alaska for use by FM broadcast stations.

(d) In Hawaii, the frequency band 98–108 Mc/s is allocated for non-broadcast use. The frequencies 98.1 through 107.9 Mc/s (channels 251 through 300) will not be assigned in Hawaii for use by FM broadcast stations.

§ 3.203 Zones.

For the purpose of allocation and assignment, the United States is divided into three zones as follows:

(a) Zone I consists of that portion of the United States located within the confines of the following lines drawn on the United States Albers Equal Area Projection Map (based on standard parallels 29½° and 45½°; North American datum): Beginning at the most easterly point on the State boundary line between North Carolina and Virginia; thence in a straight line to a point on the Virginia, West Virginia boundary line located at North Latitude 37°49′ and West Longitude 80°12′30″; thence westerly along the southern boundary lines of the States of West Virginia, Ohio, Indiana, and Illinois to a point at the junction of the Illinois, Kentucky, and Missouri State boundary lines; thence northerly along the western boundary line of the State of Illinois to a point at the junction of the Illinois, Iowa, and Wisconsin State boundary lines; thence easterly along the northern State boundary line of Illinois to the 90th meridian; thence north along this meridian to the 43.5° parallel; thence east along this parallel to the 71st meridian; thence in a straight line to the intersection of the 69th meridian and the 45th parallel; thence east along the 45th parallel to the Atlantic Ocean. When any of the above lines pass through a city, the city shall be considered to be located in Zone I. (See Figure 1 of § 3.699.)

(b) Zone IA consists of that portion of the State of California which is located south of the 40th parallel.

(c) Zone II consists of Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the rest of the United States which is not located in either Zone I or Zone IA.

§ 3.204 Classes of commercial channels, and stations operating thereon.

(a) *Class A channels and stations.* (1) Except as provided in § 3.202, the following frequencies are designated as Class A channels and are assigned for use, in all zones, by Class A stations only:

Frequency (Mc)	Channel No.	Frequency (Mc)	Channel No.
92.1	221	100.1	261
92.7	224	100.9	265
93.5	228	101.7	269
94.3	232	102.3	272
95.3	237	103.1	276
95.9	240	103.9	280
96.7	244	104.9	285
97.7	249	105.5	288
98.3	252	106.3	292
99.3	257	107.1	296

(2) A Class A station is a station which operates on a Class A channel, and is designed to render service to a relatively small community, city, or town, and the surrounding rural area.

(3) A Class A station will not be authorized to operate with effective radiated power greater than 3 kilowatts (4.8 dbk), and the coverage of a Class A station shall not exceed that obtained from 3 kilowatts effective radiated power and antenna height above average terrain of 300 feet. For provisions concerning minimum facilities, and concerning reduction in power where antenna height above average terrain exceeds 300 feet, see § 3.209.

(b) *Class B–C channels and Class B and Class C stations.* (1) Except for the channels specified in paragraph (a)(1) of this section, all of the channels listed in § 3.201 from 222 through 300 (92.3 through 107.9 Mc/s) are classified as Class B–C channels, and (subject to the restrictions set forth in § 3.202) are assigned for use in Zones I and I–A by Class B stations only, and for use in Zone II by Class C stations only (there are no Class C stations in Zones I or I–A and no Class B stations in Zone II).

(2) A Class B station is a station which operates on a Class B–C channel in Zone I or Zone I–A, and is designed to render service to a sizable community, city, or town, or to the principal city or cities of an urbanized area, and to the surrounding area.

(3) With respect to Class B stations authorized after September 10, 1962, no such station will be authorized with effective radiated power greater than 50 kilowatts (17 dbk), and the coverage of a Class B station authorized after that date shall not exceed that obtained from 50 kilowatts effective radiated power and 500 feet antenna height above average terrain. For provisions concerning minimum power, and concerning reduction in power where antenna height above average terrain exceeds 500 feet, see § 3.209.

(4) A Class C station is a station which operates on a Class B–C channel in Zone II, and is designed to render service to a community, city, or town, and large surrounding area.

(5) With respect to Class C stations authorized after September 10, 1962, no such station will be authorized with effective radiated power greater than 100 kilowatts (20 dbk), and the coverage of a Class C station authorized after that date shall not exceed that obtained from 100 kilowatts effective radiated power and antenna height above average terrain of 2,000 feet. For provisions concerning minimum power, and reduction in power where antenna height above average terrain exceeds 2,000 feet, see § 3.209.

§ 3.205 Minimum mileage separations between co-channel and adjacent-channel stations on commercial channels.

(a) No application for a new station, change in the channel of an existing station, or (except as provided in paragraph (b) of this section) increase in antenna height or effective radiated power, or change in location of an existing station, will be granted unless the proposed facilities will be located at least as far from the transmitter sites of other co-channel and adjacent-channel stations (both existing and proposed) as the distances specified in this paragraph. Proposed stations of the respective classes shown in the left-hand column of the following table shall be located no less than the distance shown from co-channel stations and first adjacent-channel stations (200 kc removed) and second and third adjacent-channel stations (400 and 600 kc removed) of the classes shown in the remaining columns of the table. The distances shown between stations of different classes apply regardless of which is the proposed station under consideration (e.g., distances shown from a new Class A station to an existing Class C station are also the distances between a new Class C and an existing Class A station). The distances between Class B and Class C stations apply only across zone lines. The adjacent-channel spacings listed also apply: (1) To applications for noncommercial educational facilities on Channels 218, 219, or 220, with respect to other stations on Channels 221, 222, or 223; (2) to applications for facilities on Channels 221, 222, or 223 with respect to noncommercial educational stations on Channels 218, 219, or 220 (for classification of noncommercial educational stations, see § 3.504).

CLASS OF STATION AND FREQUENCY SEPARATION (KC/S)

Class of station	Class A				Class B				Class C				10-watt educational			
	Co-Ch.	200	400	600	Co-Ch.	200	400	600	Co-Ch.	200	400	600	Co-Ch.	200	400	600
A	65	40	15	15	.....	65	40	40	.....	105	65	65	.....	30	15	15
B	.....	.....	.....	.....	150	105	40	40	170	135	65	65	.....	.....	40	40
C	.....	.....	.....	.....	.....	.....	.....	.....	180	150	65	65	.....	.....	65	65
10-watt educational	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

NOTE: Intermediate frequency amplifiers of most FM broadcast receivers are designed to operate on 10.7 megacycles. For this reason the assignment of two stations in the same area, one with a frequency of 10.6 or 10.8 megacycles removed from that of the other, will be avoided if possible.

(b) Where an existing station is located less than the minimum distances specified in paragraph (a) of this section with respect to co-channel or adjacent-channel stations:

(1) It may apply for increases in antenna height, or in effective radiated power up to the maximum specified in § 3.204 for its class, if the application for increase is accompanied by a request to decrease power or antenna height so that the station's 1 mv/m contour (located pursuant to Figure 1 of § 3.333) will be no further from the station's transmitter than with its present facilities.

(2) It may apply for permission to move transmitter site, but this will not be granted if it would increase the amount by which the station is located at substandard separation.

(c) The zone in which the transmitter of an FM station is located or proposed to be located determines the applicable rules with respect to minimum required spacings.

§ 3.206 Reference points and distance computations.

(a) Station separations in licensing proceedings shall be determined by the distance between the coordinates of the proposed transmitter site in one community and the coordinates of an authorized site for the pertinent channel in the other community.

(b) The distance between reference points is considered to be the length of the hypotenuse of a right triangle, one side of which is the difference in latitude of the reference points and the other side the difference in longitude of the two reference points, and shall be computed by the method set forth in this paragraph. (This method is appropriate for determining distances up to 220 miles, and for such distances will normally be more accurate than using spherical trigonometry without correction for the spheroidal shape of the earth. However, its accuracy deteriorates rapidly at distances beyond 300 miles and this method should not be used to compute greater distances.)

(1) Determine the difference in latitude and the difference in longitude between the two reference points. Convert these two differences into degrees and decimal parts of a degree in accordance with Table I of § 3.698.

(2) Determine the middle latitude of the two reference points to the nearest second of latitude (average the latitudes of the two points).

(3) Multiply the difference in latitude by the number of miles per degree of latitude difference obtained from Table II of § 3.698 for the appropriate middle latitude (interpolate linearly). This determines the north-south distance in statute mile (L_s).

NOTE: In determining necessary distance computations for Alaska, Hawaii, and the Territories, the appropriate mileage per degree may be obtained by linear interpolation of the data given on pages 1246 and 1247 of the tables in publication H.O. No. 9 (Bowditch-American Practical Navigator—1958 Edition) of the U.S. Navy Department, Hydrographic Office. This publication may be purchased from the Government Printing Office, Washington 25, D.C.

(4) Multiply the difference in longitude by the number of miles per degree of longitude difference, obtained from Table III of § 3.698, for the appropriate middle latitude (interpolate linearly). This determines the east-west distance in statute miles (L_e).

(5) Determine the distance between the two reference points by the square root of the sum of the squares of the distances obtained in subparagraphs (3) and (4) of this paragraph, using sufficient decimal figures to determine the distance to the nearest mile; i.e.,

$$D = (L_s^2 + L_e^2)^{1/2}$$

where:
D = Distance in statute miles.
L_s = North-South distance in statute miles.
L_e = North-South distance in statute miles.

§ 3.207 Protection from interference.

(a) Permittees and licensees of FM broadcast stations are not protected from any interference which may be caused by the grant of a new station, or of authority to modify the facilities of an existing station, in accordance with the provisions of this subpart.

(b) The nature and extent of the protection from interference accorded to FM broadcast stations is limited solely to the protection which results from the minimum assignment and station separation requirements and the rules with respect to maximum powers and antenna heights set forth in this subpart.

§ 3.208 Station location and program origination.

(a) (1) Except as provided in paragraph (b) of this section, each FM broadcast station will be licensed to serve primarily a particular city, town, political subdivision, or community which will be specified in the station license and the station will be considered to be located in such place.

(2) Each station shall maintain a studio, which will be known as the main studio, in the place where the station is located: *Provided*, That the main studio may be located at the transmitter site whether or not the transmitter site is in the place where the station is located.

(3) A majority (computed on the basis of duration and not number) of a station's programs or, in the case of a station affiliated with a network, two-thirds of such station's non-network programs, whichever is smaller, shall originate from the main studio or from other studios or remote points situated in the place where the station is located.

(b) (1) Stations will be licensed to serve more than one city, town, political subdivision, or community only where a satisfactory showing is made that each such place meets all the requirements of this subpart with respect to the location of main studios; that the station can and will originate a substantial number of local live programs from each such place; and that the requirements as to origination of programs contained in paragraph (a) of this section would place an unreasonable burden on the station if it were licensed to serve only one city, town, political subdivision, or community.

(2) A station licensed to serve more than one place shall be considered to be located in and shall maintain main studios in each such place.

(3) With respect to such station, the requirements in paragraph (a) of this section as to origination of programs shall be satisfied by the origination of programs from any or all of the main studios, other studios, or remote points situated in any or all of the places in which the main studios are located.

(c) The transmitter of each FM broadcast station shall be so located that, on the basis of the effective radiated power and antenna height above average terrain employed, a minimum field strength of 70 decibels above one microvolt per meter, or 3.16 millivolts per meter, will be provided over the entire principal community to be served.

§ 3.209 Power and antenna height requirements.

(a) *Minimum requirements.* (1) Except as provided in paragraph (b) (2) of this section, the minimum effective radiated power shall be, for stations of the respective classes, as follows:

Class A—100 watts (−10 dbk).
Class B—5 kw (7 dbk).
Class C—10 kw (10 dbk).

(2) No minimum antenna height above average terrain is specified.

(b) *Maximum power and antenna height.* (1) The maximum effective radiated power in any direction, and maximum antenna height for equivalence purposes, shall be as follows for the various classes of stations:

Class	Maximum power	Maximum antenna height (feet above average terrain)
A	3 kw (4.8 dbk)	300
B	50 kw (17.0 dbk)	500
C	100 kw (20.0 dbk)	2,000

(2) Antenna heights may be used exceeding those specified in this paragraph for equivalence purposes, provided effective radiated power is reduced in the amount determined by use of the appropriate curves in Figure 3 of § 3.333. Where, under Figure 3 of § 3.333, effective radiated power must be reduced to an amount less than the normal minimum specified in paragraph (a) (1) of this section for the class of station involved, the effective radiated power determined by Figure 3 of § 3.333 shall be the minimum for the station involved.

(c) *Determination of applicable rules.* The zone in which the transmitter of an FM station is located or proposed to be located determines the applicable rules with respect to the class of station, and thus the minimum and maximum requirements as to facilities.

(d) *Existing stations.* Pending resolution of the issues in Docket No. 14185, stations authorized as of September 10, 1962, which do not conform to the requirements of this section, may continue to operate as authorized; but any application to change facilities will be subject to the provisions of this section, except that the minimum power specified in paragraph (a) of this section shall not apply to an application to increase facilities.

§ 3.210 Administrative changes in authorizations.

(a) In the issuance of FM broadcast station authorizations, the Commission will specify the transmitter output power and effective radiated power in accordance with the following tabulation:

Power (watts or kw)	Rounded out to nearest figure (watts or kw)
1 to 3	.05
3 to 10	.1
10 to 30	.5
30 to 100	1
100 to 300	5
300 to 1,000	10

(b) Antenna height above average terrain will be specified in accordance with the following tabulation:

Antenna height above average terrain	Rounded out to nearest figures (feet)
0 to 100	1
100 to 300	5
Over 300	10

§ 3.251 [Deletion]

2. In "Equipment," § 3.251 is deleted.

3. In "Technical Operation," § 3.267(a) (3) is amended to read as follows:

§ 3.267 Operating power; determination and maintenance of.

(a) • • •

(3) The efficiency factor, F, shall be established by the transmitter manufacturer for each type of transmitter for which he submits data to the Commission, over the entire operating range of powers for which the transmitter is designed, and shall be shown in the instruction books supplied to the customer with each transmitter. In the case of composite equipment, the factor F shall be furnished to the Commission with a statement of the basis used in determining such factor.

§ 3.272 [Deletion]

3a. In "Technical Operation," § 3.272 is deleted.

§ 3.301 [Deletion]

4. In "FM Technical Standards," § 3.301 is deleted.

5. In "FM Technical Standards," §§ 3.310 and 3.311 are amended to read as follows:

§ 3.310 Definitions.

(a) *Frequency modulation.*

Antenna height above average terrain. The average of the antenna heights above the terrain from 2 to 10 miles from the antenna for the eight directions spaced evenly for each 45 degrees of azimuth starting with True North. (In general, a different antenna height will be determined in each direction from the antenna. The average of these various heights is considered the antenna height above the average terrain. In some cases less than 8 directions may be used. See § 3.313(d).) Where circular or elliptical polarization is employed, the antenna height above average terrain shall be based upon the height of the radiation center of the antenna which transmits the horizontal component of radiation.

Antenna power gain. The square of the ratio of the root-mean-square free space field strength produced at one mile in the horizontal plane, in millivolts per meter for one kilowatt antenna input power to 137.6 mv/m. This ratio should be expressed in decibels (db). (If specified for a particular direction, antenna power gain is based on the field strength in that direction only.)

Center frequency. The term "center frequency" means:

(1) The average frequency of the emitted wave when modulated by a sinusoidal signal.

(2) The frequency of the emitted wave without modulation.

Effective radiated power. The term "effective radiated power" means the product of the antenna power (transmitter output power less transmission line loss) times (1) the antenna power gain, or (2) the antenna field gain squared. Where circular or elliptical polarization is employed, the term effective radiated power is applied separately to the horizontal and vertical components of radiation. For allocation purposes, the effective radiated power authorized is the horizontally polarized component of radiation only.

FM broadcast band. The band of frequencies extending from 88 to 108 megacycles per second, which includes those assigned to noncommercial educational broadcasting.

FM broadcast channel. A band of frequencies 200 kc/s wide and designated by its center frequency. Channels for FM broadcast stations begin at 88.1 Mc/s and continue in successive steps of 200 kc/s to and including 107.9 Mc/s.

FM broadcast station. A station employing frequency modulation in the FM broadcast band and licensed primarily for the transmission of radiotelephone emissions intended to be received by the general public.

Field strength. The electric field strength in the horizontal plane.

Free space field strength. The field strength that would exist at a point in the absence of waves reflected from the earth or other reflecting objects.

Frequency Modulation. A system of modulation where the instantaneous radio frequency varies in proportion to the instantaneous amplitude of the modulating signal (amplitude of modulating signal to be measured after pre-emphasis, if used) and the instantaneous radio frequency is independent of the frequency of the modulating signal.

Frequency swing. The instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

Multiplex transmission. The term "multiplex transmission" means the simultaneous transmission of two or more signals within a single channel. Multiplex transmission as applied to FM broadcast stations means the transmission of facsimile or other signals in addition to the regular broadcast signals.

Percentage modulation. The ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation, expressed in percentage. For FM broadcast stations, a frequency swing of ±75 kilocycles is defined as 100 percent modulation.

(b) *Stereophonic broadcasting.*

Cross-talk. An undesired signal occurring in one channel caused by an electrical signal in another channel.

FM stereophonic broadcast. The transmission of a stereophonic program by a single FM broadcast station utilizing the main channel and a stereophonic subchannel.

Left (or right) signal. The electrical output of a microphone or combination of microphones placed so as to convey the intensity, time, and location of sounds originating predominately to the listener's left (or right) of the center of the performing area.

Left (or right) stereophonic channel. The left (or right) signal as electrically reproduced in reception of FM stereophonic broadcasts.

Main channel. The band of frequencies from 50 to 15,000 cycles per second which frequency-modulate the main carrier.

Pilot subcarrier. A subcarrier serving as a control signal for use in the reception of FM stereophonic broadcasts.

Stereophonic separation. The ratio of the electrical signal caused in the right (or left) stereophonic channel to the electrical signal caused in the left (or right) stereophonic channel by the transmission of only a right (or left) signal.

Stereophonic subcarrier. A subcarrier having a frequency which is the second harmonic of the pilot subcarrier frequency and which is employed in FM stereophonic broadcasting.

Stereophonic subchannel. The band of frequencies from 23 to 53 kilocycles per second containing the stereophonic subcarrier and its associated sidebands.

(c) *Facsimile.*

Available line. The portion of the total length of scanning line that can be used specifically for picture signals.

Index of cooperation. The product of the number of lines per inch, the available line length in inches, and the reciprocal of the line-use ratio (e.g., $105 \times 8.2 \times 8/7 = 984$).

Line-use ratio. The ratio of the available line to the total length of scanning line.

Optical density. The logarithm (to the base 10) of the ratio of incident to transmitted or reflected light.

Rectilinear scanning. The process of scanning an area in a predetermined sequence of narrow straight parallel strips.

§ 3.311 Field strength contours.

(a) Applications for FM broadcast authorization must show three field strength contours. These are the 70 dbu (3.16 mv/m), 60 dbu (1 mv/m), and 34 dbu (50 uv/m). These contours indicate only the approximate extent of coverage over average terrain and in the absence of interference. Under actual conditions, the true coverage may vary greatly from these estimates because the terrain over any specific path is expected to be different from the average terrain on which the field strength chart was based. Because of these factors the estimated contours give no assurance of service to any specific percentage of receiver locations within the distances indicated.

(b) The field strength contours provided for in this section shall be considered for the following purposes only:

(1) In the estimation of coverage resulting from the selection of a particular transmitter site by an applicant for an FM broadcast station.

(2) In connection with problems of coverage arising out of application of § 3.240.

(3) In determining compliance with paragraph (a) of this section concerning the minimum field strength to be provided over the principal community to be served.

6. In "FM Technical Standards," present § 3.313 is deleted, and new § 3.313 is added, as follows:

§ 3.313 Prediction of coverage.

(a) All predictions of coverage made pursuant to this section shall be made without regard to interference and shall be made only on the basis of estimated field strengths.

(b) Predictions of coverage shall be made only for the same purposes as relate to the use of field strength contours as specified in § 3.311.

(c) (1) In predicting the distance to the field strength contours, the F (50, 50) field strength chart, Figure 1 of § 3.333, shall be used. The 50 percent field strength is defined as that value exceeded for 50 percent of the time. The F (50, 50) chart gives the estimated 50 percent field strengths exceeded at 50 percent of the locations in decibels above 1 microvolt per meter. The chart is based on an effective power of 1 kilowatt radiated from a half-wave dipole in free space, which produces an unattenuated field strength at 1 mile of about 103 db above 1 microvolt per meter (137.6 millivolts per meter).

(2) To use the chart for other powers, the sliding scale associated with the chart should be trimmed and used as the ordinate scale. This sliding scale is placed on the chart with the appropriate gradation for power in line with the horizontal 40 db line on the chart. The right edge of the scale is placed in line with the approprate antenna height gradations, and the chart then becomes direct reading (in uv/m and in db above 1 uv/m) for this power and antenna height. Where the antenna height is not one of those for which a scale is provided, the signal strength or distance is determined by interpolation between the curves connecting the equidistant scale. Dividers may be used in lieu of the sliding scale. In predicting the distance to the field strength contours, the effective radiated power to be used is that in the horizontal plane in the pertinent direction. In predicting other field strengths over areas not in horizontal plane, the effective radiated power to be used is the power in the direction of such areas; the appropriate vertical plane radiation pattern must, of course, be considered in determining this power.

(d) The antenna height to be used with this chart is the height of the radiation center of the antenna above the average terrain along the radial in question. In determining the average elevation of the terrain, the elevations between 2 and 10 miles from the antenna site are employed. Profile graphs shall be drawn for 8 radials beginning at the antenna site and extending 10 miles therefrom. The radials should be drawn for each 45 degrees of azimuth starting with True North. At least one radial must include the principal community to be served even though such community may be more than 10 miles from the antenna site. However, in the event none of the evenly spaced radials include the principal community to be served and one or more such radials are drawn in addition to the 8 evenly spaced radials, such additional radials shall not be employed in computing the antenna height above average terrain. Where the 2 to 10 mile portion of a radial extends in whole or in part over a large body of water or extends over foreign territory but the 50 uv/m contour encompasses land area within the United States beyond the 10 mile portion of the radial, the entire 2 to 10 mile portion of the radial shall be included in the computation of antenna height above average terrain. However, where the 50 uv/m contour does not so encompass United States land area and (1) the entire 2 to 10 mile portion of the radial extends over large bodies of water or foreign territory, such radial shall be completely omitted from the computation of antenna height above average terrain, and (2) where a part of the 2 to 10 mile portion of a radial extends over large bodies of water or over foreign territory, only that part of the radial extending from the 2 mile sector to the outermost portion of land area within the United States covered by the radial shall be employed in the computation of antenna height above average terrain. The profile graph for each radial should be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. In instances of very rugged terrain where the use of contour intervals of 100 feet would result in several points in a short distance, 200- or 400-foot contour intervals may be used for such distances. On the other hand, where the terrain is uniform or gently sloping the smallest contour interval indicated on the topographic map should be used, although only relatively few points may be available. The profile graph should indicate the topography accurately for each radial, and the graphs should be plotted with the distance in miles as the abscissa and the elevation in feet above mean sea level as the ordinate. The profile graphs should indicate the source of the topographical data employed. The graph should also show the elevation of the center of the radiating system. The graph may be plotted either on rectangular coordinate paper or on special paper which shows the curvature of the earth. It is not necessary to take the curvature of the earth into consideration in this procedure, as this factor is taken care of in the charts showing signal strengths. The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should then be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that

exceeded for 50 percent of the distance) in sectors and averaging those values.

(e) In cases where the terrain in one or more directions from the antenna site departs widely from the average elevation of the 2 to 10 mile sector, the prediction method may indicate contour distances that are different from what may be expected in practice. For example, a mountain ridge may indicate the practical limit of service although the prediction method may indicate otherwise. In such cases the prediction method should be followed, but a supplemental showing may be made concerning the contour distances as determined by other means. Such supplemental showing should describe the procedure employed and should include sample calculations. Maps of predicted coverage should include both the coverage as predicted by the regular method and as predicted by a supplemental method. When measurements of area are required, these should include the area obtained by the regular prediction method and the area obtained by the supplemental method. In directions where the terrain is such that negative antenna heights or heights below 100 feet for the 2 to 10 mile sector are obtained, a supplemental showing of expected coverage must be included together with a description of the method employed in predicting such coverage. In special cases, the Commission may require additional information as to terrain and coverage.

§ 3.314 [Deletion]

7. In "FM Technical Standards", § 3.314 is deleted.

8. In "FM Technical Standards", § 3.315 is amended to read as follows:

§ 3.315 Transmitter location.

(a) The transmitter location shall be chosen so that, on the basis of the effective radiated power and antenna height above average terrain employed, a minimum field strength of 70 decibels above one microvolt per meter (dbu), or 3.16 millivolts per meter, will be provided over the entire principal community to be served.

(b) The transmitter location should be as near the center of the proposed service area as possible consistent with the applicant's ability to find a site with sufficient elevation to provide service throughout the area. Location of the antenna at a point of high elevation is necessary to reduce to a minimum the shadow effect on propagation due to hills and buildings which may reduce materially the intensity of the station's signals in a particular direction. The transmitting site should be selected consistent with the purpose of the station, i.e., whether it is intended to serve a small city, a metropolitan area, or a large region. Inasmuch as service may be provided by signals of 1 mv/m or greater field strengths in metropolitan areas, and inasmuch as signals as low as 50 uv/m may provide service in rural areas, considerable latitude in the geographical location of the transmitter is permitted; however, the necessity for a high elevation for the antenna may render this problem difficult. In general, the transmitting antenna of a station should be located at the most central point at the highest elevation available. In providing the best degree of service to an area, it is usually preferable to use a high antenna rather than a lower antenna with increased transmitter power. The location should be so chosen that line-of-sight can be obtained from the antenna over the principal city or cities to be served; in no event should there be a major obstruction in this path.

(c) The transmitting location should be selected so that the 1 mv/m contour encompasses the urban population within the area to be served. It is recognized that topography, shape of the desired service area, and population distribution may make the choice of a transmitter location difficult. In such cases consideration may be given to the use of a directional antenna system, although it is generally preferable to choose a site where a nondirectional antenna may be employed.

(d) In cases of questionable antenna locations it is desirable to conduct propagation tests to indicate the field intensity expected in the principal city or cities to be served and in other areas, particularly where severe shadow problems may be expected. In considering applications proposing the use of such locations, the Commission may require site tests to be made. Such tests should include measurements made in accordance with good engineering practice, and full data thereon must be supplied to the Commission. The test transmitter should employ an antenna having a height as close as possible to the proposed antenna height, using a balloon or other support if necessary and feasible. Information concerning the authorization of site tests may be obtained from the Commission upon request.

(e) Present information is not sufficiently complete to establish "blanket areas" of FM broadcast stations, which are defined as those areas adjacent to the transmitters in which the reception of other stations is subject to interference due to the strong signal from the stations. Where it is found necessary to locate the transmitter in a residential area where blanketing problems may appear to be excessive, the application must include a showing concerning the availability of other sites. The authorization of station construction in areas where blanketing problems appear to be excessive will be on the basis that the applicant will assume full responsibility for the adjustment of reasonable complaints arising from excessively strong signals of the applicant's station.

(f) Cognizance must of course be taken regarding the possible hazard of the proposed antenna structure to aviation and the proximity of the proposed site to airports and airways. Procedures and standards with respect to the Commission's consideration of proposed antenna structures which will serve as a guide to persons intending to apply for radio station licenses are contained in Part 17 of this chapter (Construction, Marking, and Lighting of Antenna Structures).

9. In "FM Technical Standards", paragraph (c) of § 3.316 is amended to read as follows:

§ 3.316 Antenna systems.

* * * * *

(c) Applications proposing the use of directional antenna systems must be accompanied by the following:

(1) Complete description of the proposed antenna system.

(2) Orientation of array with respect to True North; time phasing of fields from elements (degrees leading or lagging); space phasing of elements (in feet and degrees); and ratio of fields from elements.

(3) Horizontal and vertical plane radiation patterns showing the free space field strength in millivolts per meter at 1 mile and effective radiated power, in dbk, for each direction. The method by which the radiation patterns were computed or measured shall be fully described, including formulas used, equipment employed, sample calculations and tabulations of data. Sufficient vertical plane patterns shall be included to indicate clearly the radiation characteristics of the antenna above and below the horizontal plane. The horizontal plane pattern shall be plotted on polar coordinate paper with reference to True North. The vertical plane pattern shall be plotted on rectangular coordinate paper with reference to the horizontal plane.

(4) Name, address, and qualifications of the engineer making the calculations.

10. In "FM Technical Standards", paragraph (a) (1) of § 3.317 is amended to read as follows:

§ 3.317 Transmitters and associated equipment.

(a) *Electrical performance standards.* * * *

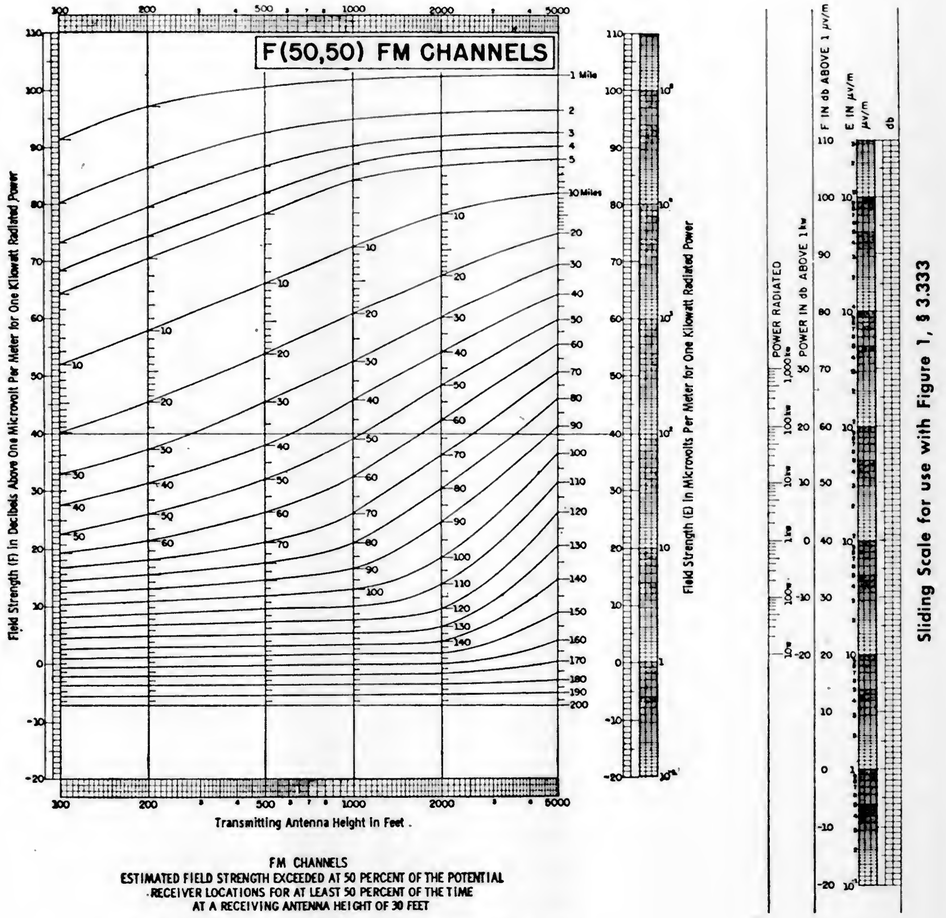
(1) The transmitter shall operate satisfactorily in the operating power range with a frequency swing of 75 kilocycles per second, which is defined as 100 percent modulation.

11. In "FM Technical Standards", § 3.333 is amended, Figure 1 is amended, and Figure 3 is added, as follows:

§ 3.333 Engineering charts.

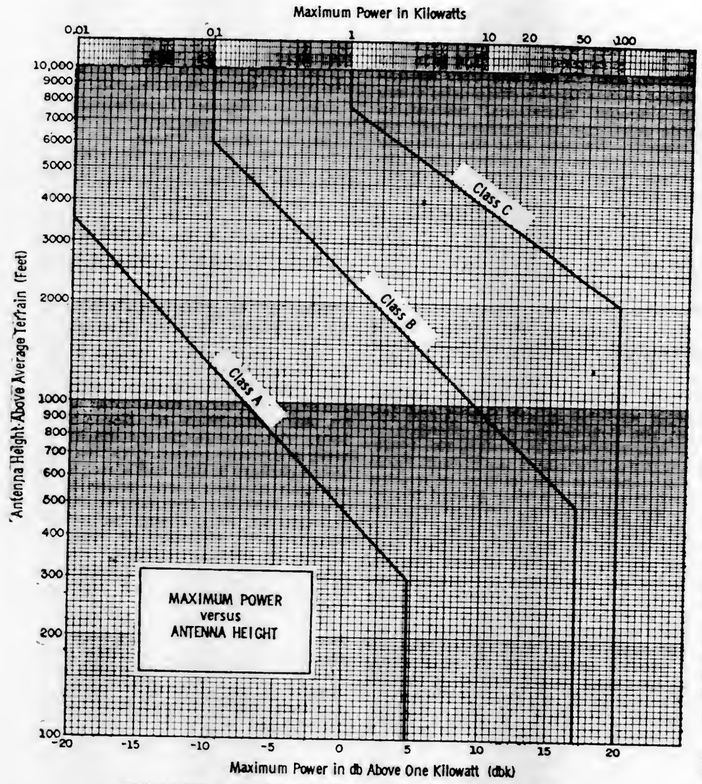
This section consists of the following Figures 1, 2, and 3.

NOTE: The figures reproduced herein, due to their small scale, are not to be used in connection with material submitted to the F.C.C.



FM CHANNELS
ESTIMATED FIELD STRENGTH EXCEEDED AT 50 PERCENT OF THE POTENTIAL RECEIVER LOCATIONS FOR AT LEAST 50 PERCENT OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET

FCC § 3.333, Figure 1 as amended effective September 10, 1962



FCC § 3.333, Figure 3 as adopted effective September 10, 1962

12. In Subpart C of Part 3, "Noncommercial Educational FM Broadcast Stations", § 3.504 is deleted, and new § 3.504 is added, as follows:

§ 3.504 Zones, classes of stations, use of channels, facilities, and minimum mileage separations between stations.

(a) *Zones.* For the purpose of assignment of noncommercial educational FM stations, the United States is divided into three zones, Zone I, Zone I–A, and Zone II, having the boundaries specified in § 3.203.

(b) *Classes of stations.* Noncommercial educational stations operating on the channels specified in § 3.501 are divided into four classes, as follows:

(1) A Class D educational station is one operating with no more than 10 watts transmitter power output. Class D stations may be assigned in all zones, on any of the channels specified in § 3.501.

(2) Noncommercial educational stations with more than 10 watts transmitter output are classified as Class A, Class B, or Class C, depending on the effective radiated power and antenna height above average terrain, and the zone in which the station's transmitter is located, on the same basis as provided in § 3.204 for stations on the non-reserved FM channels. Where a station is authorized with more than 3 kilowatts (4.8 dbk) effective radiated power, or coverage greater than that obtained by the equivalent of 3 kilowatts effective radiated power and 300 feet antenna height above average terrain, it is classified as a Class B station if its transmitter is located in Zone I or Zone I–A, and as a Class C station if its transmitter is located in Zone II. Class A stations may be assigned in all zones.

(c) *Use of channels.* All classes of noncommercial educational stations may be assigned to any of the channels set forth in § 3.501.

(d) *Facilities.* (1) No minimum effective radiated power or antenna height is specified for stations operating on the channels specified in § 3.501.

(2) On Channels 218, 219, and 220 specified in § 3.501, no Class B or Class C educational station will be authorized with effective radiated power greater than that specified in § 3.209(b)(1) for the respective class of station, and the maximum effective radiated power permissible shall also be subject to the provisions of § 3.209(b)(2).

(e) *Minimum mileage separations.* No application for a new station, or change in channel or transmitter site or increase in facilities of an existing station, will be granted unless the proposed facilities will be located so as to meet the adjacent channel mileage separations specified in § 3.205(a) for the class of station involved with respect to stations on Channels 221, 222, and 223 listed in § 3.201 (except where in the case of an existing station the proposed facilities fall within the provisions of § 3.205(b)).

(f) *Existing stations.* Stations authorized as of September 10, 1962, which do not meet the requirements of paragraphs (d) and (e) of this section, may continue to operate as authorized; but any application to change facilities will be subject to the provisions of this section.

13. In Subpart C of Part 3 "Noncommercial Educational FM Broadcast Stations", § 3.505 is amended to read as follows:

§ 3.505 Standards of good engineering practice.

All noncommercial educational stations operating with more than 10 watts transmitter output power shall be subject to all of the provisions of the FM Technical Standards contained in Subpart B of this part. Class D educational stations shall be subject to the definitions contained in § 3.310 of Subpart B of this part, and also to those other provisions of the FM Technical Standards which are specifically made applicable to them by the provisions of this subpart.

§ 3.551 [Deletion]

14. In Subpart C of Part 3 "Noncommercial Educational FM Broadcast Stations", § 3.551 is deleted.

[F.R. Doc. 62-7777; Filed, Aug. 6, 1962; 8:45 a.m.]

[Docket No. 14421, RM-285; FCC 62-875]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Florida

1. In response to a petition filed by the Florida Educational Television Commission, a notice of proposed rule making in the above-captioned matter was released by the Commission on December 11, 1961. The times for filing comments and reply comments pursuant to this Notice were February 5, 1962 and March 9, 1962, respectively. By an order adopted January 29, 1962, the Commission extended the time for filing comments and reply comments to February 19, 1962, and March 23, 1962, respectively. An order adopted March 13, 1962, further extended the time for filing reply comments to June 22, 1962.

2. The rule making under consideration herein would amend § 3.606 of the Commission's rules to provide for the following UHF television assignments in the State of Florida and to reserve the channels designated by an asterisk for educational use:

City	Channel No.	
	Delete	Add
Bradenton	28−	*28−
Ocala	15+	*15+
Marianna	17+	*17+
Palatka	17	*17
Leesburg	26−	*26−
Lake City	33+	*33+
Boca Raton	None	*25
New Smyrna Beach	None	*18
Cocoa	None	*14
Madison	None	*21+
Fort Pierce	None	*31+
Fort Myers	None	*16+
Orlando	18	63
Lakeland	16+	55
Lake Wales	14	42
Fort Lauderdale	39	43

It was noted that adoption of these proposed assignments would provide an educational television channel to each of twelve Florida communities which presently lack such assignments.

3. Comments were filed in this proceeding by the Florida Educational Television Commission, National Educational Television and Radio Center and the National Association of Educational Broadcasters. Reply comments were filed by the Florida Educational Television Commission. In addition, letters were filed by the Superintendent of Public Instruction of Marion County, Florida, the Ocala-Marion County Chamber of Commerce, and the President of Central Florida Junior College. All of the foregoing support adoption of the proposed assignment changes. No comments or reply comments were filed in opposition to the proposal.

4. The Commission has examined the record in this proceeding and is persuaded that the public interest will be served by adopting the proposed educational assignments with one modification. This modification relates to the proposed assignment of Channel 25 at Boca Raton. To provide for this assignment it was proposed that Channel 39 be deleted from Fort Lauderdale and Channel 43 be substituted therefor. The Commission notes that this change in assignments is unnecessary if Channel 45 is assigned to Boca Raton instead of Channel 25. This circumstance, coupled with the observation that nothing has been presented in the record nor been brought to light in the Commission's study to suggest that Channel 25 is uniquely suited to serving Boca Raton, leads us to adopt an amendment which will include assignment of Channel 45 to that city.

5. To accommodate assignment of the twelve educational channels certain additional assignment changes are required. Specifically, it has been proposed that Channel 63 be substituted for Channel 18 at Orlando, that Channel 55 be substituted for Channel 16 at Lakeland, and that Channel 42 be substituted for Channel 14 at Lake Wales. The Commission finds that assignment of Channel 66 to Orlando and Channel 58 to Lakeland will conform more satisfactorily with the overall assignment plan than the channels proposed. Channel 42 is being substituted for Channel 14 as proposed.

6. While the foregoing accounts for all of the channel changes proposed in this proceeding, the Commission must look beyond immediate requirements and take such action as will provide a potential for the expansion of UHF television service. In this connection we find it in the public interest to add one UHF assignment to each of those communities where the proposed educational reservation would delete the only existing UHF assignment. We note that the following channel assignments may be made without requiring any changes in existing assignments:

Location	*Added Channel*
Bradenton, Fla	54
Ocala, Fla	46+
Marianna, Fla	57−
Palatka, Fla	62+
Leesburg, Fla	64−
Lake City, Fla	39

These assignments will provide for a commercial television outlet at these communities, consistent with the existing Table of Assignments.

7. In adopting the channel assignments set forth in this Report and Order, the Commission calls attention to its announcement in Docket No. 14229, that it would examine the present Table of Assignments and method of making assignments with a view toward fostering the expanded use of UHF channels and making the most efficient use of such channels. Although no final decision has been reached in that proceeding, we are concluding the subject proceeding so as to avoid delay by the State of Florida in proceeding with its educational television plans. Although we are reasonably certain that we can continue to provide educational TV reservations at the places named herein, it may be necessary to change some of the specific channels assigned. If such becomes necessary, every effort will be made to avoid changing those channels on which stations are operating or where authorized construction has reached a stage where a change in channel assignment would require the expenditure of significant additional funds.

8. Authority for adoption for the rule amendments herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

9. In view of the foregoing: *It is ordered*, That, effective Sept. 4, 1962, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned, to read as follows:

(a)

City	*Channel No.*
Bradenton, Fla	*28−, 54
Fort Myers, Fla	11+, *16+
Fort Pierce, Fla	19, *31+
Lake City, Fla	*33+, 39
Lakeland, Fla	22+, 58−
Lake Wales, Fla	42+
Leesburg, Fla	*26−, 64−
Marianna, Fla	*17+, 57−
Ocala, Fla	*15+, 46+
Orlando, Fla	6−, 9, *24−, 47, 66
Palatka, Fla	*17, 62+

(b) The following entries are added:

City	*Channel No.*
Boca Raton, Fla	*45
Cocoa, Fla	*14
Madison, Fla	*21+
New Smyrna Beach, Fla	*18

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: July 25, 1962.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7844; Filed, Aug. 6, 1962; 8:56 a.m.]

[Docket No. 14409, RM-290; FCC 62-876]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Georgia

1. In response to a petition filed by the Georgia State Department of Education, a notice of proposed rule making in the above-captioned matter was released by the Commission on November 27, 1961. The times for filing comments and reply comments pursuant to this notice were February 5, 1962 and March 9, 1962, respectively. By an order adopted January 29, 1962, the Commission extended the time for filing comments and reply comments to February 19, 1962, and March 23, 1962, respectively. An order adopted March 13, 1962, further extended the time for filing reply comments to June 22, 1962.

2. The rule making under consideration herein would amend § 3.606 of the Commission's rules to provide for the following UHF TV assignments and to reserve for non-commercial educational use those eight channels designated by an asterisk:

City	Channel No.	
	Delete	Add
Dalton, Ga	25+	*18−
Drakетown, Ga		*14+
Wrens, Ga		*20−
Cochran, Ga		*15
Dawson, Ga		*23
Ashburn, Ga		*18+
Pelham, Ga		*14−
Warm Springs, Ga		*17+
Dublin, Ga	15	
Marianna, Fla	17+	
Jasper, Ala	17	
Tifton, Ga	14−	
Americus, Ga	31	
Swainsboro, Ga	20−	
Athens, Tenn	14+	
Murfreesboro, Tenn	18−	
Burnsville, N.C	18	
Fort Valley, Ga	18+	
Albany, Ga	25	*
Douglas, Ga	32−	

3. In commenting upon the proposed assignments, Association of Maximum Service Telecasters, Inc., express opposition to adoption of those proposals which would violate minimum spacing standards. Specifically, the proposed assignment of Channel 14 at Draketown, Georgia would be in conflict with existing co-channel assignments at Tuscaloosa, Alabama and Athens, Tennessee and the proposed assignment of Channel 23 to Dawson, Georgia would conflict with an existing co-channel assignment at Brewton, Alabama. Comments filed by the Georgia State Department of Education note these conflicts and urge amendment to the proposal to provide that Channel 27 be assigned to Draketown, Georgia and deleted from Fayetteville, Tennessee, that Channel 23 be deleted from Brewton, Alabama, and that Channel 16 be assigned to Warm Springs, Georgia, and deleted from Tuskegee, Alabama. This latter change is to avoid a conflict with the proposed educational reservation of Channel 17 at Marianna, Florida, as set forth in Docket No. 14421. The National Educational Television and Radio Center and the Board of Education of the City of Atlanta filed additional comments in support of the amended version of the proposed assignments.

4. In addition to the preceding comments, Mr. Winfred E. Chason, who states that he has been planning to apply for a commercial operation on Channel 25 at Albany, Georgia, urges the Commission to consider that this is the only remaining assignment available to Albany and that the proposal to delete this channel would conflict with his plans, which are well advanced.

5. The Commission has examined the record in this proceeding and is persuaded that the public interest will be served by adoption of the channel assignments set forth in the final paragraph of this document. A number of the assignments adopted herein differ from those proposed, however, it is believed that these changes will reflect a more efficient use of available UHF channels.

6. The proposed substitution of Channel 18 for Channel 25 at Dalton, Georgia, and the deletion of Channel 18 from Murfreesboro, Tennessee, Channel 18 from Burnsville, North Carolina and Channel 18 from Fort Valley, Georgia, and the assignment of Channel 18 to Dalton, Georgia was considered in a previous rule making proceeding and has already been adopted. The assignments proposed for Wrens, Georgia, Cochran, Georgia and Pelham, Georgia, are readily made by substituting other channels for the existing assignments at Swainsboro, Georgia, Dublin, Georgia and Tifton, Georgia.

7. The proposed assignment of Channel 18 to Ashburn, Georgia and Channel 23 to Dawson, Georgia, would require deletion of Channel 25 from Albany, Georgia, and Channel 32 from Douglas, Georgia. The Commission notes that if Channel 83 is substituted for Channel 25 at Albany, Channel 23 assigned to Ashburn and Channel 25 assigned to Dawson, it is not necessary to delete Channel 32 from Douglas.

8. The proposed assignment of Channel 17 to Warm Springs, Georgia, and the deletion of Channel 17 from Marianna, Florida, conflicts with the proposal of the State of Florida (Docket No. 14421) which would retain Channel 17 at Marianna as an educational reservation. The Georgia State Department of Education proposed to remedy this defect by specifying Channel 16 at Warm Springs, Georgia, and deleting the existing co-channel assignment from Tuskegee, Alabama. It is possible, however, to assign Channel 66 to Warm Springs without changing any other existing assignments. We therefore are making that assignment in lieu of the original Channel 17 proposal.

9. The proposed assignment of Channel 14 to Draketown, Georgia, involves short separations to Athens, Tennessee, and Tuscaloosa, Alabama. Comments directed to the problem proposed that we assign Channel 27 to Draketown by deleting it from Fayetteville, Tennessee. Since this is a new proposal and since we are unable to find an alternate channel for Draketown which would not require some change in the present Table of Assignments, this proposal will be the subject of a new rule making proceeding.

10. The original proposal in this proceeding did not provide substitute channels in those places where the only existing assignment would be reserved for educational use. In the light of recent developments affecting UHF television, it is possible that there may be applicants for commercial stations in those places. Therefore, we have selected assignments which may be added to Dublin, Tifton, Swainsboro, and Albany, without changing any present assignments and have added those to the Table of Assignments.

11. In the Notice of Proposed Rule Making in this proceeding, we called attention to Docket No. 14229 in which we are considering measures which will enhance the opportunities for successful use of the UHF television channels. Although no final decision has been made in Docket No. 14229 we are concluding the instant proceeding so that the Georgia State Department of Education will not be delayed in its planning. Although we are reasonably certain that a channel for educational use can be provided in each of the places named in this proceeding, we may find it necessary to change the present assignments in order to make the most efficient use of the UHF band. If this does become necessary every effort will be made to avoid changing the channel assignment to stations which are in operation or where the construction of an authorized station has reached a point where a change in frequency assignment would require the expenditure of additional funds.

12. In view of the foregoing: *It is ordered*, That effective Sept. 4, 1962, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, to read as follows:

(a)

City	*Channel No.*
Albany, Ga	10, 83
Swainsboro, Ga	42
Tifton, Ga	72

(b) The following entries are added:

City	*Channel No.*
Ashburn, Ga	*23
Cochran, Ga	*15
Dawson, Ga	*25
Dublin, Ga	73
Pelham, Ga	*14−
Warm Springs, Ga	*66+
Wrens, Ga	*20−

13. Authority for adoption of these rule changes is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: July 25, 1962.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7843; Filed, Aug. 6, 1962; 8:56 a.m.]

[Docket No. 14396, RM-274; FCC 62-873]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Kentucky

1. The Commission has before it for consideration the proposal set out in its Notice of Proposed Rule Making, released in this proceeding on November 17, 1961 (FCC 61-1368). The proposal looks toward amendment of the Table of Assignments of § 3.606 of the Commission's rules to provide 9 new UHF educational reservations in the State of Kentucky as follows:

City	Channel No.	
	Present	Proposed
Ashland, Ky	59−	*59−
Bowling Green	13, 17+	13, *17+
Hazard	19−	*19−
Madisonville	26	*26
Maysville	24+	82
Morehead		*24+
Murray	33−	*33−
Pikeville	14−	*14−
Somerset	29−	*29−
Covington	*	*54−
Cincinnati, Ohio	5−, 9, 12, *48−, 54−, 74−	5−, 9, 12, *48−, 74−

2. Comments relating to the proposal have been filed by the National Educational Television and Radio Center, National Association of Educational Broadcasters, Paducah Newspapers, Inc., and WAVE, Inc., licensee of WAVE-TV, Louisville, Ky. In addition, letters have been filed by the Governor of Kentucky, Pikeville College, Pikeville, Ky., Kentuckiana Educational Television Council and the University of Kentucky. All of the foregoing support adoption of the proposal.

3. The Commission has examined these comments and finds that the public interest will be served by adopting an assignment plan which will provide for an educational channel at the locations considered but which, in some instances, will designate a channel different from that proposed. Specifically, we adopt the assignment of Channel 78 for the educational reservation at Ashland rather than the proposed Channel 59 and we adopt assignment of Channel 36 to Morehead instead of the proposed Channel 24.

4. The change at Ashland is required because there is an outstanding Construction Permit for a commercial operation on Channel 59. The Commission study shows that Channel 78 may be assigned to Ashland and reserved for edu-

cational use without requiring any change in existing assignments.

5. To accommodate the assignment of Channel 24 to Morehead, it is proposed that this channel be deleted from Maysville and Channel 82 be substituted therefor. The Commission finds that Channel 36 may be assigned to Morehead and reserved for educational use without requiring a change in existing assignments.

6. While we have found it in the public interest to provide educational channels for the locations proposed, we are also aware of the need to provide for future expansion of UHF commercial service. To this end we have endeavored to provide an additional UHF channel for those communities where the proposed educational reservation would delete the only existing UHF commercial assignment. Such additional assignments have been provided for Hazard, Murray and Somerset.

7. In adopting the channel assignments set forth in this Report and Order, the Commission calls attention to its announcement in Docket No. 14229, that it would examine the present Table of Assignments and method of making assignments with a view toward fostering the expanded use of UHF channels and making the most efficient use of such channels. Although no final decision has been reached in that proceeding, we are concluding the subject proceeding so as to avoid delay by the State of Kentucky in proceeding with its educational television plans. Although we are reasonably certain that we can continue to provide educational TV reservations at the places named herein, it may be necessary to change some of the specific channels assigned. If such becomes necessary, every effort will be made to avoid changing those channels on which stations are operating or where authorized construction has reached a stage where a change in channel assignment would require the expenditure of significant additional funds.

8. In view of the foregoing: *It is ordered*, That effective September 4, 1962, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned, to read as follows:

Location	*Channel No.*
Ashland, Ky	59—, *78+
Bowling Green, Ky	13, *17+
Hazard, Ky	*19—, 68+
Madisonville, Ky	*26
Murray, Ky	*33—, 83
Pikeville, Ky	*14—
Somerset, Ky	*29—, 83—
Cincinnati, Ohio	5—, 9, 12, *48—, 74—

The following entries are added:

Morehead, Ky	*36—
Covington, Ky	*54—

9. Authority for adoption of these rule changes is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: July 25, 1962.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7845; Filed, Aug. 6, 1962; 8:56 a.m.]

[Docket No. 13421, RM-163, RM-228; FCC 62-869]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations to reflect entry into force of United States-Mexico VHF Television Agreement, and in the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations, (Prescott, Arizona), and in the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (San Angelo, Texas).

1. On April 18, 1962, the United States of America and the United Mexican States exchanged notes constituting an agreement which replaced the United States-Mexico VHF Agreement of 1951, as amended in 1952 and 1959, concerning the allocations and use of VHF television broadcast channels in the area lying within 400 kilometers (248.6 miles) of the common border.

2. Now that this agreement has become effective, it is appropriate to revise the Commission's rules to bring them into accord with the provisions of the agreement. The only changes necessary are in the Table of Assignments, and accordingly § 3.606 of the rules is amended as set forth below.

3. On March 4, 1960, in response to the request of Thunderbird Broadcasting Company, licensee of KNOT, Prescott, Arizona (RM-163) the Commission issued a Notice of Proposed Rule Making to assign Channel 7 to Prescott (Docket No. 13421). No disposition has been made of this proceeding. In view of the action herein in which Channel 7 is assigned to Prescott, the proceeding in Docket No. 13421 is hereby terminated.

4. On January 27, 1961, Abilene Radio and Television Company, licensee of KRBC-TV, Abilene, Texas, and at that time applicant for Channel 3 in San Angelo, Texas [1] filed a Petition for Rule Making (RM-228) to assign Channel 6 to San Angelo. Objections were filed by Westex Television Company, licensee of KCTV, Channel 8, San Angelo. On August 24, 1961, Abilene Radio and Television Company requested the dismissal of its Petition for Rule Making. The Commission has considered Abilene's request for dismissal but, in view of the agreement reached with the Mexican Government, is of the view that the assignment of Channel 6 to San Angelo would be in the public interest. Channel 6 is therefore assigned to San Angelo as set forth in the attached Appendix. Because of this action, decision on the Abilene Petition for Rule Making is unnecessary and it is hereby dismissed.[2]

5. The changes herein are necessary to bring the Commission's rules into accord with a binding international agreement. In these circumstances, the Commission finds, pursuant to the requirements of section 4 of the Administrative Procedure Act, that no useful purpose would be served by notice and public procedure.

6. The actions herein are taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That effective September 4, 1962, § 3.606 of the rules of the Commission, Table of Assignments, Television Broadcast Stations, is amended, insofar as the communities named are concerned, as set forth in the Appendix attached hereto.

8. *It is further ordered*, That the proceeding in Docket No. 13421 is terminated.

9. *It is further ordered*, That the Petition for Rule Making of Abilene Radio and Television Company filed on January 27, 1961 (RM-228) and the Petition of Tele-Broadcasters of California, Inc., filed on July 5, 1962, are dismissed.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 25, 1962.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 3.606 is amended, insofar as the communities named are concerned, as follows:

1. Amended to read as follows:

City	*Channel No.*
Nogales, Ariz	11, 16, 32, 44+
Prescott, Ariz	7, 15
El Centro, Calif	7+, 9+, 26—, 48
Brady, Tex	13, 15—
Del Rio, Tex	10, 16—, 52+
Fort Stockton, Tex	5+, 22
Marfa, Tex	3, 19+
Presideo, Tex	7+, 21
San Angelo, Tex	3—, 6+, 8+, 17+, *23—

2. Added to the Table under the State of New Mexico:

[1] Subsequently two other applications for Channel 3 were dismissed and on August 23, 1961, the Initial Decision granting the application of Abilene Radio and Television Company for Channel 3 in San Angelo became final. Abilene Radio is now operating on Channel 3.

[2] On July 5, 1962, Tele-Broadcasters of California, Inc., filed a Petition for Rule Making looking toward the assignment of Channel 7 to El Centro, California. In view of the action herein, this Petition is also dismissed.

City	*Channel No.*
Silver City-Truth or Consequences	6

3. Added to the Table under the State of Texas:

City	*Channel No.*
Boquillas	8—
Sonora	11+

4. Amended to change offset only:

City	*Channel No.*
Douglas, Ariz	3, 35

[F.R. Doc. 62-7837; Filed, Aug. 6, 1962; 8:55 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

GRAND TETON NATIONAL PARK, WYOMING

Stock Grazing

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM 1 (27 F.R. 6395), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Region Two Order No. 3 (21 F.R. 1494), as amended, it is proposed to amend Title 36 CFR 7.22 as set forth below. The purpose of this amendment is to clarify and amend existing regulations in regard to grazing privileges appurtenant to base lands and to add the terms and conditions of grazing permits to the regulations.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Grand Teton National Park, Moose, Wyoming, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

HARTHON L. BILL,
Superintendent,
Grand Teton National Park.

Paragraph (c) of § 7.22 is amended in its entirety to read as follows:

§ 7.22 Grand Teton National Park.

* * * * *

(c) *Stock grazing.* (1) Privileges for the grazing of domestic livestock based on authorized use of certain areas at the time of approval of the Act of September 14, 1950 (64 Stat. 849, Public Law 787), shall continue in effect or shall be renewed from time to time, except for failure to comply with such terms and conditions as may be prescribed by the Superintendent in these regulations and after reasonable notice of default and subject to the following provisions of tenure:

(i) Grazing privileges appurtenant to privately owned lands located within the park shall not be withdrawn until title to the lands to which such privileges are appurtenant shall have vested in the United States except for failure to comply with the regulations applicable thereto after reasonable notice of default.

(ii) Grazing privileges appurtenant to privately owned lands located outside the park shall not be withdrawn for a period of twenty-five years after September 14, 1950, and thereafter shall continue during the lifetime of the original permittee and his heirs if they were members of his immediate family as described herein, except for failure to comply with the regulations applicable thereto after reasonable notice of default.

(iii) Members of the immediate family are those persons who are related to and directly dependent upon a person or persons, living on or conducting grazing operations from lands, as of September 14, 1950, which the National Park Service recognized as base lands appurtenant to grazing privileges in the park. Such interpretation excludes mature children who, as of that date, were established in their own households and were not directly dependent upon the base lands and appurtenant grazing recognized by the National Park Service.

(iv) If title to base lands lying outside the park is conveyed, or such base lands are leased to someone other than a member of the immediate family of the permittee as of September 14, 1950, the grazing preference shall be recognized only for a period of twenty-five years from September 14, 1950.

(v) If title to a portion or part of the base land either outside or inside the park is conveyed or such base lands are leased, the new owner or lessee will take with the land so acquired or leased, such proportion of the entire grazing privileges as the grazing capacity in animal unit months of the tract conveyed or leased bears to the original area to which a grazing privilege was appurtenant and recognized. Conveyance or lease of all such base lands will automatically convey all grazing privileges appurtenant thereto.

(vi) Grazing privileges which are appurtenant to base lands located either inside or outside the park shall not be conveyed separately therefrom.

(2) Where no reasonable ingress or egress is available to permittees or nonpermittees who must cross park lands to reach grazing allotments or non-Federal lands within the exterior boundary of the park or adjacent thereto, the Superintendent will grant, upon request, a temporary nonfee annual permit to herd stock on a designated driveway which shall specify the time to be consumed in each single drive.

(3) Grazing preferences are based on actual use during the period March 15, 1938 through September 14, 1950 and no increase in the number of animals or animal unit months will be allowed on Federal lands in the park.

(4) (i) A permittee whose grazing privilege is appurtenant to privately owned lands within the park will be granted total non-use or reduced benefits for one or more years without nullifying his pirvilege in subsequent years.

(ii) A permittee whose privilege is appurtenant to base lands outside the park may be granted total nonuse on a year to year basis not to exceed three consecutive years. Total nonuse beyond this time may be granted if necessitated for reasons clearly outside the control of the permittee. Total unauthorized nonuse beyond three consecutive years will result in the termination and loss of all grazing privileges.

(iii) Whenever partial or total non-use is desired, an application must be made in writing to the Superintendent.

(5) Grazing fees shall be the same as those approved for the Teton National Forest and will be adjusted accordingly.

(6) Permittees or nonpermittees who have stock on Federal lands within the park at any time or place, when or where herding or grazing is unauthorized may be assessed fifty cents per day per animal as damages.

(7) The Superintendent may accept a written relinquishment or waiver of any privileges; however, no such relinquishment or waiver will be effective without the written consent of the owner or owners of the base lands.

(8) Permits: Terms and conditions: The issuance and continued effectiveness of all permits will be subject, in addition to mandatory provisions required by Executive Order or law, to the following terms and conditions:

(i) The permittee and his employees shall use all possible care in preventing forest and range fires, and shall assist in the extinguishing of forest and range fires on, or within, the vicinity of the land described in the permit, as well as in the preservation of good order within the boundaries of the park.

(ii) The Superintendent may require the permittee before driving livestock to or from the grazing allotment to gather his livestock at a designated time and place for the purpose of counting the same.

(iii) Stock will be allowed to graze only on the allotment designated in the permit.

(iv) The permittee shall file with the Superintendent a copy of his stock brand or other mark.

(v) The permittee shall, upon notice from the Superintendent that the allotment designated in the permit is not ready to be grazed at the beginning of the designated grazing season, place no livestock on the allotment for such a period as may be determined by the Superintendent as necessary to avoid damage to the range. All, or a portion of the livestock shall be removed from the area before the expiration of the designated grazing season if the Superintendent determines further grazing would be detrimental to the range. The number of stock and the grazing period may be adjusted by the Superintendent at any time when such action is deemed necessary for the protection of the range.

(vi) No permit shall be issued or renewed until payment of all fees and other amounts due the National Park Service has been made. Fees for permits are due the National Park Service and must be paid at least 15 days in advance of the grazing period. No permit shall be effective to authorize grazing

use thereunder until all fees and other amounts due the National Park Service have been paid. A pro rata adjustment of fees will be made in the event of reduction of grazing privileges granted in the permit, except that not more than 50 percent of the total annual grazing fee will be refunded in the event reduced grazing benefits are taken at the election of the permittee after his stock are on the range.

(vii) No building or other structure shall be erected nor shall physical improvements of any kind be established under the permit except upon plans and specifications approved by the National Park Service. Any such facilities, structures, or buildings may be removed or disposed of to a successor permittee within three months following the termination of the permit; otherwise they shall become the property of the United States without compensation therefor.

(viii) The permittee shall utilize the lands covered by the permit in a manner approved and directed by the Superintendent which will prevent soil erosion thereon and on lands adjoining same.

(ix) The right is reserved to adjust the fees specified in the permit at any time to conform with the fees approved for Teton National Forest, and the permittee shall be furnished a notice of any change of fees.

(x) All livestock are considered as mature animals at six months of age and are so counted in determining animal unit months and numbers of animals.

(xi) The Superintendent may prescribe additional terms and conditions to meet individual cases.

(9) The breach of any of the terms or conditions of the permit shall be grounds for termination, suspension, or reduction of grazing privileges.

(10) Appeals from the decision of the Superintendent to the Regional Director, and from the Regional Director to the Director shall be made in accordance with the National Park Service Order No. 14, as amended (19 F.R. 8824) and Regional Director, Region Two Order No. 3, as amended (21 F.R. 1494).

(11) Nothing in these regulations shall be construed as to prevent the enforcement of the provisions of the general rules and regulations and the special rules and regulations of the National Park Service or of any other provisions of said rules and regulations applicable to stock grazing.

[F.R. Doc. 62-7811; Filed, Aug. 6, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Proposed Free and Restricted Percentages and Withholding Factors, 1962–63 Crop Year

Consideration is being given to a proposal to establish, for the 1962–63 crop year beginning August 1, 1962, free and restricted percentages and withholding factors applicable to marketable dates of the Deglet Noor, Zahidi, Halawy, and Khadrawy varieties. The proposed percentages and withholding factors, which are based on the unanimous recommendation of the Date Administrative Committee and other available information, would be established in accordance with the provisions[1] of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 27 F.R. 6818), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the eighth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed percentages and withholding factors are based on the following estimates:

[1,000 pounds]

Factors	Deglet Noor	Zahidi	Halawy	Khadrawy
1. Uncertified handler carryover (July 31, 1962)	9,189	370	0	88
2. Production of marketable dates (1962–63 crop year)	33,120	1,377	275	704
3. Total available supply of marketable dates subject to regulation	42,309	1,747	275	792
4. Trade demand [1]	25,000	1,300	275	650
5. Plus: Desirable handler carryover (July 31, 1963)	8,500	150	0	150
6. Less: Certified handler carryover (July 31, 1962)	4,199	147	0	104
7. Requirements for free dates	29,301	1,303	275	696
8. Marketable dates in excess of requirements for free dates (item 3 minus item 7)	13,008	444	0	96

[1] The Date Administrative Committee included the following countries in its determination of trade demand: Austria, Belgium, British Isles, Canada, Denmark, France, Germany, Iceland, Ireland, Italy, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United States, and Venezuela.

On the basis of the foregoing estimates, free and restricted percentages and a withholding factor for Deglet Noor dates of 70 percent, 30 percent, and 42.9 percent, respectively, and for Zahidi dates of 75 percent, 25 percent, and 33.3 percent, respectively, appear to be appropriate for the 1962–63 crop year.

The estimates for the Halawy variety of dates do not indicate the need for establishing the free percentage at less than 100 percent. The estimated total available supply of marketable Khadrawy dates indicates that the supply is expected to exceed trade demand by a small quantity. However, development of product outlets for this variety has not yet progress sufficiently for such outlets to be available for the excess. Hence, it would appear that the free percentage should not be established at less than 100 percent.

The proposal is as follows:

§ 987.210 Free and restricted percentages, and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning August 1, 1962, and ending July 31, 1963, as follows: (a) Deglet Noor variety dates: Free percentage, 70 percent; restricted percentage, 30 percent; and withholding factor, 42.9 percent; (b) Zahidi variety dates: Free percentage, 75 percent; restricted percentage, 25 percent; and withholding factor, 33.3 percent; (c) Halawy variety dates; Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; and (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

Dated: August 1, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7808; Filed, Aug. 6, 1962; 8:49 a.m.]

[1] All of the provisions will, by the terms of the amendatory agreement and order (27 F.R. 6818), be in effect beginning August 1, 1962.

Agricultural Research Service

[9 CFR Parts 16, 17, 18]

PREPARATION OF CERTAIN MEAT FOOD PRODUCTS

Proposed Amendments Relating to Use of Smoke Flavorings and Artificial Smoke Flavorings

On June 2, 1962, there was published in the FEDERAL REGISTER (27 F.R. 5195) a notice of proposed amendments of §§ 16.13, 17.8 and 18.7 of the Federal Meat Inspection Regulations (9 CFR 16.13, 17.8 and 18.7), relating to the use of smoke flavorings and imitation smoke flavorings in the preparation of certain meat food products, and marking and labeling requirements to identify such products, pursuant to the authority of the Meat Inspection Act (21 U.S.C. 71 et seq.) and section 306(b) of the Tariff Act of 1930 (19 U.S.C. 1306(b)). Interested persons were allowed 30 days to submit written data, views or arguments concerning the proposed amendments.

Most of the persons who have furnished comments on the proposed amendments have objected to the proposed labeling requirement that the word "unsmoked"

immediately precede the product name in the same size and style of lettering and that a statement such as "smoke flavoring added" be shown following the product name. It was emphasized that the term "unsmoked" would be misleading and confusing to the consumer. No suggestions for alternative labeling were received which were considered adequately informative to the consumer concerning the nature of the product containing smoke flavorings.

Notice is hereby given that additional time will be allowed for submitting comments with respect to the aforementioned proposed amendments so that further consideration may be given to alternate proposals for marking and labeling the products involved in a manner that would be fully informative.

Notice is hereby further given that the proposed use of the word "artificial" in lieu of the word "imitation" in the proposed amendments is being considered.

Any person who wishes to submit written data, views or arguments concerning any of the proposed amendments may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of August 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-7809; Filed, Aug. 6, 1962; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Proposed Amendment to Allotment and Marketing Quotas for Peanuts, 1959 and Subsequent Crops

I. Pursuant to authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), an amendment is being prepared to revise the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344, 2523, 4631, 8560, 10209, 11816).

II. As presently contemplated, in addition to making changes to clarify the regulations, the amendment would:

(a) Provide a new Form MQ-76-1 Peanuts, "Peanut Seed Shelling Within Quota Marketing Card", to be issued for each within quota farm for which a quantity of farmers stock peanuts are retained on the farm for seed or other use. The form will show the quantity of peanuts retained and will authorize the late marketing of such quantity without payment of a marketing penalty. Buyers and shellers would not be required to report to an Agricultural Stabilization and Conservation Service office the buying or shelling of peanuts from the farm identified by the form unless the quantity bought or shelled exceeded the quantity shown on the form by more than the larger of 100 pounds or 10 percent. Use of the form will eliminate the necessity for the 500 pound limitation and certification currently required in § 729.1049 (c), as amended, and the preparation of a list of persons who share in peanuts produced on farms on which the final acreage exceeds the effective farm allotment now required in § 729.1058(d), as amended.

(b) Redesignate Form MQ-93 Peanuts, "Memorandum of Sale" as Form MQ-70 Peanuts, "Sales Memorandum and Record of Peanuts Dried or Shelled For Producers". The form will be simplified and, as revised, may be used by dryer operators for record keeping purposes. Sections 729.1011(z)(1), 729.1057 (b) (2), (5), as amended, and (6) and 729.1058(b) would be revised to refer to the form as redesignated.

(c) Redesignate Form MQ-79 Peanuts, "Buyers Weekly Report and Transmittal To State ASCS Office" as Form MQ-80 Peanuts, "Buyer's Transmittal of Sales Memoranda and Marketing Penalty". The form will be simplified and § 729.1057(b)(3) would be revised to refer to the form as redesignated.

(d) Revise § 729.1043(f) and § 729.1053 (a) to provide that drafts, money orders or checks be drawn payable to the "Agricultural Stabilization and Conservation Service, USDA" rather than to the "Treasurer of the United States".

(e) Amend § 729.1050(a), as amended, to include the basic penalty rate for the 1962 crop of peanuts.

(f) Amend § 729.1057(d), as amended, to require dryer operators to include in the records required to be kept by them the year in which peanuts dried were produced.

(g) Revise § 729.1061, as amended, to eliminate the requirement that a written request be made before records pertinent to the peanut allotment and marketing quota program may be examined. The section, as revised, would also authorize the examination of such records by the Deputy Administrator, the Director, the State Executive Director or any person authorized by any one of such persons and by any auditor of the Internal Audit Division or by any agent of the Investigation Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(h) Add a new section to give State committees full authority over county committees to take any action which a county committee is required or permitted to take and to correct any action taken by a county committee.

Prior to an amendment being issued, consideration will be given to any data, views and recommendations which are submitted in writing to the Director, Oils and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C. To be considered, any such submission must be postmarked not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 2, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-7854; Filed, Aug. 6, 1962; 8:58 a.m.]

[7 CFR Part 850]

DOMESTIC BEET SUGAR PRODUCING AREA

Farm Proportionate Shares, 1962 and Subsequent Crops

Notice is hereby given that pursuant to the provisions of the Sugar Act of 1948, as amended (61 Stat. 932), the Secretary of Agriculture is preparing to issue regulations providing that with respect to the 1962 and subsequent crops of sugarbeets, the crop year designation of sugarbeets shall be as follows:

For Southern California (including the counties of Imperial, San Diego, Riverside, Orange, San Bernardino, and that part of Los Angeles County lying south of the San Gabriel Mountains) and for all other States, sugarbeets shall be designated as to crop year to correspond with the calendar year in which the sugarbeets are planted. For the balance of California, sugarbeets planted in the interval beginning October 1 of one calendar year through September 30 of the following calendar year shall be designated as to crop year to correspond with such following calendar year; *Provided*, that this designation shall not apply to any sugarbeets which were planted in the period October 1 through December 31, 1961, pursuant to a 1961-crop sugarbeet purchase contract.

All persons who desire to submit comments and views regarding the designation of crop year for sugarbeets, as set forth above, may submit the same in writing and in duplicate to the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within fifteen days following the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 2, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-7855; Filed, Aug. 6, 1962; 8:58 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 44]

CONDITIONS OF DELIVERY

Delivery to Officials or Employees of Organizations

The Department proposes to amend the regulations in §§ 44.4 and 44.6 of Title 39, Code of Federal Regulations, to provide new regulations for determining the proper delivery of mail addressed to officials or employees of organizations.

At the present time, mail addressed to a public or private official by his official title is delivered to the person actually holding such office. If the mail does not specify his title, then it is delivered in accordance with the person's orders. In addition, mail addressed to persons at firms is delivered to the firm unless otherwise ordered by the addressee.

The Department proposes, among other things, that mail directed to officials or employees of a Governmental or private organization at the address of the organization will be delivered to the organization when such mail is claimed both by an officer or employee and by the organization. Also, mail addressed elsewhere to a public or private official by title or to the organization even though marked to the attention of the particular person or title, will be delivered to the organization if it so directs.

Although the proposed changes relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the Postal Service may have an opportunity to present written views concerning the proposed changes. Accordingly, such written views may be submitted to the General Counsel, Post Office Department, Washington 25, D.C., at any time prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are as follows:

In Part 44—Conditions of delivery, make the following changes:

I. Amend § 44.4 to read as follows:

§ 44.4 Delivery to officials or employees of organizations.

(a) Mail directed to officials or employees of a Governmental or private organization at the address of the organization will be delivered to the organization when such mail is claimed both by an officer or employee and by the organization. This also applies to mail addressed in this manner to former officials or employees.

(b) Mail addressed elsewhere to a public or private official by title or to the organization even though marked to the attention of a particular person or title will be delivered to the organization if it so directs.

NOTE: The corresponding Postal Manual section is 154.4.

II. In § 44.6 the section heading and paragraph (b) are amended by deleting "firms," where it appears therein. As so amended, the section heading and paragraph (b) read as follows:

§ 44.6 Delivery of mail addressed to persons at hotels, institutions, schools, etc.

* * * * *

(b) Mail addressed to persons at hotels, schools, and similar places, is delivered with the other mail directed to the hotel or school, unless otherwise ordered by the addressee. If the addressee is no longer at that address, the mail should be redirected to his current address. If the forwarding address is unknown, the mail should be returned to the post office.

NOTE: The corresponding Postal Manual section is 154.62.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-7814; Filed, Aug. 6, 1962; 8:51 a.m.]

FEDERAL AVIATION AGENCY

Air Traffic Service

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-EA-19]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6164 and 601.6164 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 164 is designated in part from the Williamsport, Pa., VORTAC to the Tannersville, Pa., VORTAC. The Federal Aviation Agency has under consideration the realignment of this segment of Victor 164 and its associated control areas from the Williamsport VORTAC via the intersection of the Williamsport VORTAC 125° and the East Texas, Pa., VORTAC 321° True radials; to the East Texas VORTAC. This action would provide an airway segment between Hazleton, Pa., Airport and East Texas for the operation of VOR equipped aircraft and would provide a connecting link for an alternate route between Buffalo, N.Y., and the New York, N.Y., Metropolitan area.

The control areas associated with this proposed airway segment would extend from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 31, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7783; Filed, Aug. 6, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-WE-71]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Federal Airways, Designation of Transition Area and Revocation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to § 600.6121, § 600.6023, and Part 601 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 23 west alternate is designated, in part, from the Medford, Oreg., VORTAC via the intersection of the Medford VORTAC 335° and the Eugene, Oreg., VORTAC 187° True radials; to the Eugene VORTAC. Low altitude VOR Federal airway No. 121 is designated from the Medford, Oreg., VORTAC via the intersection of the Medford VORTAC 335° and the North Bend, Oreg., VORTAC 108° True radials; North Bend, VORTAC to the Eugene, Oreg., VORTAC. The Drain, Oreg., transition area is designated as that airspace extending upward from 1,200 feet above the surface within 12 miles west and 8 miles east of the Eugene, Oreg., VORTAC 187° True radial extending from 10 miles north to 22 miles south of the intersection of the Eugene VORTAC 187° and North Bend, Oreg., VOR 070° True radials. The Federal Aviation Agency has under consideration the following actions:

1. Redesignate Victor 23 west alternate from the Medford, Oreg., VORTAC via a VOR to be installed approximately October 18, 1962, in the vicinity of Roseburg, Oreg., at latitude 43°10'58" N., longitude 123°21'05" W., thence to the Eugene, Oreg., VORTAC via the intersection of the Roseburg VOR 003° and the Eugene VORTAC 187° True radials; and redesignate Victor 121 from the Medford, Oreg.,

VORTAC via the Roseburg VOR; North Bend, Oreg., VOR; to the Eugene, Oreg., VORTAC. This redesignation of Victor 23 west alternate and Victor 121, via the Roseburg VOR would provide more precise navigational guidance for aircraft utilizing these airways. The control areas associated with these segments of Federal airways Victor 23 west alternate and Victor 121 are so designated that they would automatically conform to the altered airways. The vertical extent of these control areas would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

2. Designate a transition area at Roseburg, Oreg., to extend upward from 1,200 feet above the surface within 7 miles east and 10 miles west of the Roseburg VOR 175° and 355° True radials extending from 20 miles north to 12 miles south of the VOR. This transition area would provide protection for aircraft en route between Medford and Eugene when holding pattern procedures are exercised at the Roseburg VOR and for aircraft executing holding and prescribed instrument approach procedures at the Roseburg Airport.

3. Revoke the Drain, Oreg., transition area. This transition area, originally designated for the protection of aircraft holding at the Drain Intersection, would no longer be required with the designation of a transition area at Roseburg.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 31, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–7786; Filed, Aug. 6, 1962; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 62–WA–43]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration of Proposal

In a notice of proposed rule making published in the FEDERAL REGISTER on July 3, 1962 (27 F.R. 6284) it was stated in part that the Federal Aviation Agency proposed to extend VOR Federal airway No. 1676 from the Salem, Mich., VOR via the Windsor, Ontario, Canada, VOR; thence as a 10-mile-wide airway via the intersection of the Windsor VOR 082° and the Dunkirk, N.Y., VOR 268° True radials; to the Dunkirk VOR. Victor 1676 is presently designated in part from the South Bend, Ind., VOR to the Windsor VOR. Accordingly, pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), action is taken herein to alter the original notice by proposing to extend Victor 1676 from the Windsor VOR as a 10-mile-wide airway via the intersection of the Windsor VOR 082° and the Dunkirk VOR 268° True radials; to the Dunkirk, VOR, excluding the portion within Canada.

The time within which comments will be received for consideration on the original notice expires on August 20, 1962. Since the alteration proposed herein is minor in nature, the time within which comments will be received for consideration on Airspace Docket No. 62–WA–43 will be retained. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 31, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–7782; Filed, Aug. 6, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62–WE–78]

CONTROLLED AIRSPACE

Proposed Alteration and Designation of Control Zones

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Monterey, Calif., control zone (§ 601.1983) is designated within a 3-mile radius of the Monterey Peninsula Airport. The Salinas, Calif., control zone (§ 601.1984) is designated within a 5-mile radius of the Salinas Municipal Airport. There is presently no control zone designated at Fritzsche AAF, Fort Ord, Calif., which is located approximately 7½ miles northeast of the Monterey Peninsula Airport and 8½ miles west of the Salinas Municipal Airport.

The Federal Aviation Agency has under consideration:

1. Redesignation of the Monetrey, Calif., control zone within a 5-mile radius of the Monterey Peninsula Airport (latitude 36°35′22″ N., longitude 121°51′02″ W.) including the area within 2 miles either side of the 317° True bearing from the Monterey ILS middle marker compass locator extending from the 5-mile radius zone to 7 miles northwest of the compass locator, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius with the Fritzsche AAF 5-mile radius control zone (proposed for designation herein) and the portion which would coincide with the Fort Ord Restricted Area R–2511. This control zone alteration would provide protection for modern type civil and military aircraft executing prescribed instrument approach and departure procedures at the Monterey Peninsula Airport and would be congruous with the designation of a control zone at the Fritzsche AAF.

2. Designation of a control zone at Fort Ord, Calif. (Fritzsche AAF) within a 5-mile radius of the Fritzsche AAF (latitude 36°40′54″ N., longitude 121°-45′40″ W.) and within 2 miles either side of the Fritzsche AAF Runway 11/29 extended centerline extending from the 5-mile radius zone to 6 miles northwest of the approach end of Runway 11, excluding the portions subtended by chords drawn between the points of intersection of the 5-mile radius with the 5-mile radius zone of the Monterey Peninsula Airport and the 5-mile radius zone of the Salinas Municipal Airport (proposed for redesignation herein) and excluding the portion which would coincide with the Fort Ord Restricted Area R–2511. This control zone would be effective from 0600 to 2400 hours, daily, and would provide protection for aircraft executing recently prescribed instrument approach and departure procedures at the Fritzsche AAF during the hours of operation of the control tower and weather reporting service.

3. Redesignation of the Salinas, Calif., control zone within a 5-mile radius of the Salinas Municipal Airport (latitude 36°39′40′ N., longitude 121°36′22″ W.) excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius with the 5-mile radius zone of the Fritzsche AAF (proposed for designation herein). This control zone redesignation would provide a control zone congruous with the designation of a control zone at the Fritzsche AAF.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 31, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–7785; Filed, Aug. 6, 1962; 8:46 a.m.]

[14 CFR Parts 602, 608]

[Airspace Docket No. 62–CE–44]

JET ROUTES AND SPECIAL USE AIRSPACE

Proposed Alteration of Jet Route and Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 602.100 and 608.43 of the regulations of the Administrator, the substance of which is stated below.

The Camp Ripley, Minn., Restricted Area R–4301 is assigned to the Adjutant General, State of Minnesota on an annual basis from May 1 through November 1 for use as an artillery and tank weapons firing area. During its time of designation the area encompasses 102 square miles of airspace from the surface to 27,000 feet MSL.

The Federal Aviation Agency has under consideration a proposal submitted by the Department of the Army to alter the geographical boundaries of R–4301. Under this proposal the northern boundary of the restricted area would be realigned to coincide with the southern bank of the Crow Wing River, the eastern boundary would be changed to the west bank of the Mississippi River and the southern boundary would be moved approximately one and one-half miles to the north. The western boundary would remain unchanged. Although these boundary adjustments would entail the inclusion within R–4301 of approximately 10 square miles of airspace bordering the northern edge of the present area not heretofore designated as restricted airspace, the proposed modifications would reduce the over-all amount of restricted airspace by approximately 15 square miles and provide a natural VFR flyway along the Mississippi River.

Jet Route No. 32 is presently designated in part from the Aberdeen, S. Dak. VOR via the intersection of Aberdeen 067° and the Duluth, Minn., 258° radials to the Duluth VOR to provide lateral separation with R–4301. In view of the proposed change in the northern boundary of R–4301 and the low traffic count on this portion of J–32 the Federal Aviation Agency proposes to realign this segment of J–32 to a direct route from Aberdeen to Duluth. Such action would restrict the use of that portion of J–32 which would coincide with R–4301 to flight levels above 27,000 feet MSL during the period May 1 through November 1, when the restricted area is being used for the purpose designated. The jet advisory area associated with J–32 is so designated that it would automatically conform to the altered route.

Therefore the following actions are proposed:

1. R–4301 would be redesignated as follows:

R-4301 Camp Ripley, Minn.

Boundaries. Beginning at latitude 46°18′-54″ N., longitude 94°29′02″ W.; thence along the S bank of the Crow Wing River and the W bank of the Mississippi River to latitude 46°06′22″ N., longitude 94°21′10″ W.; to latitude 46°06′22″ N., longitude 94°26′06″ W.; to latitude 46°08′39″ N., longitude 94°-26′06″ W.; to latitude 46°08′39″ N., longitude 94°30′00″ W.; to latitude 46°18′18″ N., longitude 94°30′00″ W. to the point of beginning.

Designated altitudes. Surface to 27,000 feet MSL.

Time of designation. May 1 through November 1.

Using agency. Adjutant General, State of Minnesota, Minneapolis, Minn.

2. Realignment of that segment of Jet Route No. 32 between Aberdeen, S. Dak., and Duluth, Minn., to a direct route.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 31, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–7784; Filed, Aug. 6, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 3]

[Docket No. 14185; FCC 62–867]

FM BROADCASTING

Further Notice of Proposed Rule Making

In the matter of revision of FM broadcast rules, particularly as to allocation and technical standards, Docket No. 14185; petition of FM Unlimited, Inc. for changes in FM station assignment rules RM–94.

1. Notice is hereby given of rule making concerning the following matters discussed in the First Report and Order in this proceeding, issued simultaneously herewith.

2. *Adoption of a Table of Assignments for the commercial FM channels.* As stated in the First Report and Order (paragraphs 36 to 38) we believe that the public interest would be best served by, and propose to adopt, a Table of Assignments for the 80 commercial FM channels (channels 221 to 300), similar to that now applying to television (§ 3.606). The rules would be amended to provide that no application would be accepted for a channel and community not specified in the table (unless accompanied by a petition to amend the table); but there would be a rule, similar to that in television, providing that an application would be accepted for a channel to be used at a community having no assigned channel and located within 25 miles of a place to which the channel is now assigned under the Table (see § 3.607). As in television, the table, any proposed amendment thereto, and any application filed pursuant to thereto, would be based on and have to comply with the minimum mileage separations set forth in the First Report and Order (paragraph 75).

3. *Priorities to be used in preparation of the table.* Recognizing, as we did in the Sixth Report (paragraph 65) that there can be no fixed, mechanical application of priorities in the making of assignments in any broadcast service, we propose to apply, in general, the follow-

ing priorities in making the assignments in the table:

(1) Provision for all existing FM stations.[1]

(2) Provision of a first FM service to as much of the population of the United States as possible; particularly that portion of the population which receives no primary AM service nighttime.

(3) Insofar as possible to provide each community with at least one FM broadcast station, especially where the community has only a daytime-only or local (Class IV) AM station, and especially where the community is outside of an urbanized area.

(4) To provide a choice of at least two FM services to as much of the population of the United States as possible, especially where there is no primary AM service available.

(5) To provide, in all communities which appear to be of enough size (or to be located in areas with enough population) to support two local stations, two local FM stations, especially where the community is outside of an urbanized area.

(6) To provide a substitute for AM operations which, because they are daytime-only or suffer serious interference at night, are marginal from a technical standpoint.

(7) Channels unassigned under the foregoing priorities will be assigned to the various communities on the basis of their size, location with respect to other communities, and the number of outside services available.

4. The following criteria as to community population will be used as a basis for making assignments (numbers include present assignments):

1960 city population:	Number of commercial channels
1,000,000 and over	10 to 15
250,000 to 1,000,000	6 to 10
100,000 to 250,000	4 to 6
50,000 to 100,000	2 to 4
Under 50,000	1 or 2

In making Class A assignments on the one hand, and Class B and C assignments on the other, in general, Class A assignments will be made to the smaller communities. One test will be whether the community has an AM station other than a daytime-only station or a Class IV station, in which case an effort will be made to supply a Class B or C facility.

5. *Deletion of assignment where construction permit or license is voluntarily surrendered.* We propose to adopt a rule to the effect that, when a construction permit or license for a station on the 80 commercial FM channels is voluntarily relinquished by the holder thereof, or is vacated by final Commission action in a renewal or revocation proceeding, the channel specified in the permit or license will automatically cease to be assigned to the community specified in the Table, and the Commission will give notice of that fact and will issue a notice of proposed rule making looking toward determination of whether the channel should remain assigned to that community or should be assigned elsewhere.

6. *Rules relating to directional antennas.* We propose to adopt rules concerning directional antennas in the FM service (both commercial and noncommercial educational) as follows:

(a) *Directional antennas.* A directional antenna is considered to be an antenna that is designed or altered for the purpose of obtaining a noncircular radiation pattern. Directional antennas may not be used for the purpose of reducing minimum mileage separation requirements but may be employed for the purpose of improving service or for the purpose of using a particular site; directional antennas with a ratio of maximum-to-minimum radiation in the horizontal plane of more than 15 decibels will not be permitted.

(b) *Applications for directional antennas.* Applications proposing the use of directional antenna systems must be accompanied by the following:

(1) Complete description of the proposed antenna system.

(2) Orientation of array with respect to true north; time phasing of fields from elements (degrees leading or lagging); space phasing of elements (in feet and degrees); and ratio of fields from elements.

(3) Horizontal and vertical plane radiation patterns showing the free space field strength in millivolts per meter at 1 mile and effective radiated power, in dbk, for each direction. The method by which the radiation patterns were computed or measured shall be fully described, including formulas used, equipment employed, sample calculations and tabulations of data. Sufficient vertical plane patterns shall be included to indicate clearly the radiation characteristics of the antenna above and below the horizontal plane. The horizontal plane pattern shall be plotted on polar coordinate paper with reference to true north. The vertical plane pattern shall be plotted on rectanguar coordinate paper with reference to the horizontal plane.

7. *Reduction in facilities of existing stations operating with more than the maximum specified for their class.* Comments are invited as to whether stations authorized before July 25, 1962, operating with facilities greater than the maximum permitted under new § 3.204 for Class B stations in Zones I and I–A, and Class C stations in Zone II, should be required to reduce effective radiated power (or antenna height) in order to come within the maximum specified in that section. (See paragraphs 94–96 of the First Report and Order.) Comments should discuss: (1) Whether any such cutback should apply to all stations operating with greater facilities than the new maximum permits, or to a more limited number of stations or situations (e.g., only in certain zones, only with respect to stations whose 1 mv/m contours lie further from their transmitters than the normal protected service radius of their class, only in particular situations where cutback would permit a new assignment to operate more effectively, or only in situations where the difference in facilities leads to substantial competitive inequality).

8. Comments are invited on the matters set forth in paragraphs 2 through 7, above. Authority for adoption of the proposed rules is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested persons may file comments on or before August 31, 1962, and reply comments on or before September 17, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

10. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 25, 1962.

Released: August 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7778; Filed, Aug. 6, 1962; 8:45 a.m.]

[1] Where used in connection with this discussion of the Table of Assignments, "FM" refers to operations on the 80 nonreserved FM channels. It is contemplated that, at least for the most part, existing stations will be accommodated on their present channels. However, if overall efficiency warrants, shifts in channels will be decided upon.

[47 CFR Parts 3, 13]

[Docket No. 14746, RM-294; FCC 62-874]

MODIFICATION OF OPERATOR REQUIREMENTS FOR STANDARD AND FM BROADCAST STATIONS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Present Commission rules permit non-directional standard broadcast stations operating with not more than 10 kilowatts power and FM broadcast stations operating with not more than 10 kilowatts transmitter power output, to use persons holding non-technical radio operator permits to conduct the routine operation of the transmitting apparatus. When this is done the stations must also employ at least one licensed radiotelephone first-class operator on a regular full-time basis, to make repairs and adjustments and perform preventive maintenance requiring technical skill. This latter requirement is intended to assure that a qualified operator will be available at all times to insure proper operation of the transmitting apparatus.

3. It has been suggested that a single qualified and experienced radiotelephone first-class operator, could provide the required technical advice and service to several stations located in the same general area. The licensed operator would perform maintenance on a regular schedule and would be available "on call" to make essential repairs and adjustments or correct any condition of improper operation which might occur during the regular operation of such stations. We have also received a petition (RM-294) filed by Samuel Miller and Mark E. Fields on behalf of a number of unspecified FM broadcast stations to amend our rules so as to permit the routine operation of such stations by non-technical operators, regardless of the power employed.

4. Although modern broadcast transmitters have been perfected to a point where they no longer require constant supervision by a technically skilled operator, they may require frequent adjustment during normal operation to compensate for changes in the sound level of program content and variations in the line voltage. Furthermore, the operator on duty must maintain certain records, be able to recognize conditions of improper operation which require immediate attention by a technically qualified operator, and be generally aware of such things as authorized hours of operating, CONELRAD procedures, etc.

5. It has become increasingly apparent that holders of restricted radiotelephone operator permits in many cases are not qualified for the duties that must be performed. A sampling of nearly 500 recent inspection reports reveals 444 log deficiencies, a distressing number of which involved incorrect meter indications due either to inability on the part of the operator to read the meter correctly or the deliberate entry of fictitious meter readings. In 83 instances the output power of the station was beyond the allowable tolerance. There were 47 CONELRAD violations including 33 instances where the CONELRAD receivers were not turned on. There were 42 violations for failure to post the operator permit, 37 violations for over or under modulation, 21 violations for defective frequency or modulation monitors including 5 instances where the operator was unaware that the monitor was defective and one case where the operator failed to turn the monitor on, 21 instances in which the operator on duty did not know how to adjust the transmitter power, read meters, turn the equipment on and off, etc., and 18 instances in which remote indicating meters or controls were defective but the stations remained in operation.

6. The restricted radiotelephone operator permit is the lowest class of operating authority issued by the Commission. Applicants are merely required to sign a declaration to the effect that they are familiar with the regulatory provisions governing the authority granted and understand their responsibility to keep currently familiar with the provisions of the rules. They are not required to demonstrate through examination or otherwise that they do in fact possess the required knowledge. We are convinced that the bare knowledge required of a restricted radiotelephone operator permit holder is not adequate for performance of the tasks that are expected of them at a broadcast station. Familiarity with aural broadcast regulations, sufficient skill to read meters accurately and ability to recognize symptoms of trouble when they occur, should be among the minimum requirements for any operator attending a broadcast transmitter.

7. The present situation requires correction in any event. It becomes more important if the concept of contract operation is adopted. Therefore, we are proposing several steps in this proceeding. We propose to amend the rules to allow licensees of AM stations authorized to operate non-directionally with no more than 10 kilowatts power and FM broadcast stations authorized to operate with transmitter power output not in excess of 25 kilowatts, either to employ one or more radiotelephone first-class operators as full-time members of the station staff or contract for the services of such operators on a part-time basis. We do not believe that operation of higher powered FM transmitters should be entrusted to the care of non-technical operators. The radiotelephone first-class operator or operators so employed would be required to perform the duties spelled out in the proposed rules but would not have to be physically present at the transmitter site or authorized remote control point, at all times. In his absence, the routine operation of the transmitter may be performed by a lower grade operator. A noncommercial educational FM broadcast station authorized to operate with transmitter power output of no more than 1 kilowatt, may use a radiotelephone second-class operator in lieu of the first class operator required for other classes of stations. At the same time, we propose to raise the minimum operator requirement for routine operation of the transmitter at all aural broadcast stations from restricted radiotelephone operator permittees to radiotelephone third-class operator permittees. This is still a nontechnical type of operator permit but the applicant is required to pass a written examination given under the supervision of a Commission representative. A series of questions designed to determine the applicants qualification to perform the operator duties expected of him at a broadcast station, would be added to the present examination for radiotelephone third class operator permit. These questions would be given only to those applicants wishing to qualify for employment at broadcast stations. It is proposed that stations currently authorized to use restricted radiotelephone operators for the routine operation of the transmitter and which employ one or more radiotelephone first-class operators on a full-time basis may continue to use the restricted radiotelephone operators until (one year after the effective date of the proposed rules, if adopted). All new stations and any existing stations wishing to use a part-time radiotelephone first-class operator would be required to employ radiotelephone third-class operators who have qualified under the new examination, for the routine operation of the station when the first-class operator is absent.

8. Accordingly, it is proposed to amend §§ 3.93, 3.265, 3.565, and 13.21 of the Commission rules as set forth in the attached Appendices. Sections 13.61 and 13.62 of the rules, in which the operating authority under the various classes of commercial operator licenses is stated, would be amended editorially to reflect the changes made in §§ 3.93, 3.265, and 3.565.

9. Authority for the issuance of the proposed amendments is contained in sections 4(i), 303 (f), (l) and (r) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before October 3, 1962, and reply comments on or before October 22, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other revelant information before it, in addition to the specific comments invited by this notice.

11. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 25, 1962.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. It is proposed to amend § 3.93 (b) and (c) to read as follows:

§ 3.93 Operator requirements.

* * * * *

(b) In cases where a station is authorized for nondirectional operation with power not in excess of 10 kilowatts, the routine operation of the transmitter may be performed by an operator holding a valid first-class or second-class radiotelephone or radiotelegraph operator license or a radiotelephone third-class operator permit which has been endorsed for broadcast station operation. The operator shall be on duty at the transmitter or authorized remote control point and in actual charge thereof. Stations currently authorized to employ persons holding valid restricted radiotelephone operator permits may continue to do so until one year from effective date, after which date such operation is no longer authorized. Except at times when the operation of the station is under the immediate supervision of an operator holding a valid radiotelephone first-class operator license, adjustments of the transmitting equipment shall be limited to the following:

(1) Those necessary to turn the transmitter on and off.

(2) Adjustments of external controls as may be required to compensate for voltage fluctuations in the power supply.

(3) Adjustments of external controls to maintain modulation of the transmitter within the prescribed limits.

(4) Adjustments of external controls necessary to effect routine changes in operating power which are required by the station's instrument of authorization.

(5) Adjustments of external controls necessary to effect operation in accordance with a National Defense Emergency Authorization during a CONELRAD Radio Alert or for participation in a drill or test of the Emergency Broadcast System.

It shall be the responsibility of the licensee to insure that the person who may be required to perform these tasks as well as to perform other nontechnical duties (such as reading meters and making log entries) is properly instructed so as to be capable of performing the duties required of him at times when not under the immediate supervision of a radiotelephone first-class operator. Should the transmitting apparatus be observed to be operating in any manner inconsistent with Commission Rules or the current instrument of authorization for the station at any time when an operator holding a valid radiotelephone first-class operator license is not immediately available and none of the above adjustments is effective in correcting the condition of improper operation, the emissions of the station shall be immediately terminated.

(c) Where the routine operation of the transmitting apparatus at a standard broadcast station with power of 10 kw or less and non directional antenna is performed by an operator other than a radiotelephone first-class operator pursuant to the provisions of paragraph (b) of this section, the licensee shall either employ one or more operators holding a valid radiotelephone first-class operator license as a full-time member of the station staff or in the alternative contract for the services of one or more such operators. The radiotelephone first-class operator or operators shall perform transmitter maintenance and shall be promptly available at all times to correct conditions of improper operation beyond the scope of authority of the lesser grade operator on duty. Where such services are on a contract basis, a signed copy of the agreement shall be kept in the stations files and at the transmitter or control point and be made available for inspection upon request by any authorized representative of the Commission. The duties of the radiotelephone first-class operator responsible for the proper operation of the transmitter and associated equipment, whether a full-time employee or a contract operator, shall include the following:

(1) A complete inspection of the transmitting apparatus shall be made at least once each day, 6 times a week, including such tests, adjustments, and repairs as may be necessary to insure that the operation of the transmitter will conform to Commission Rules and the current instrument of authorization for the station.

(2) In the course of the inspection, a determination shall be made that all required indicating instruments are functioning properly.

(3) Lesser grade operators, employed for the purpose of operating the station in his absence, shall be thoroughly instructed in their duties and, where necessary, printed step-by-step instructions shall be posted for those transmitter adjustments which the lesser grade operator is authorized to make.

(4) Signed entries shall be made in the station operating log describing all tests, adjustments, and repairs made, and the time devoted to such duties. Upon completion of the inspection, the radiotelephone first-class operator shall certify in writing that the transmitting apparatus is functioning in accordance with Commission Rules and the terms of the current instrument of authorization for the station.

2. It is proposed to amend § 3.265 (b) and (c) to read as follows:

§ 3.265 Operator requirements.

• • • • •

(b) In cases where a station is authorized to operate with a transmitter power output not in excess of 25 kilowatts, the routine operation of the transmitter may be performed by an operator holding a valid first-class or second-class radiotelephone or radiotelegraph operator license or a radiotelephone third-class operator permit which has been endorsed for broadcast station operation. The operator shall be on duty at the transmitter or authorized remote control point and in actual charge thereof. Stations currently authorized to employ persons holding valid restricted radiotelephone operator permits for the routine operation of the transmitter, may continue to do so until one year from effective date, after which date such operation is no longer authorized. Except at times when the operation of the station is under the immediate supervision of an operator holding a valid radiotelephone first-class operator license, adjustments of the transmitter shall be limited to the following:

(1) Those necessary to turn the transmitter on and off.

(2) Adjustments of external controls as may be necessary to compensate for voltage fluctuations in the power supply.

(3) Adjustments of external controls to maintain modulation of the transmitter within prescribed limits.

It shall be the responsibility of the licensee to insure that the person who may be required to perform these tasks as well as to perform other nontechnical duties (such as reading meters and making log entries) is properly instructed so as to be capable of performing the duties required of him at times when not under the immediate supervision of a radiotelephone first-class operator. Should the transmitting apparatus be observed to be operating in any manner inconsistent with Commission Rules and the station's instrument of authorization at any time when an operator holding a valid radiotelephone first-class operator license is not immediately available and none of the above adjustments is effective in correcting the condition of improper operation, the emissions of the station shall be immediately terminated.

(c) Where the routine operation of the transmitting apparatus at an FM broadcast station is performed by an operator other than a radiotelephone first-class operator pursuant to the provisions of paragraph (b) of this section, the licensee shall either employ one or more operators holding a valid radiotelephone first-class operator license as a full-time member of the station staff or in the alternative contract for the services of one or more such operators. The radiotelephone first-class operator or operators shall perform transmitter maintenance and shall be promptly available at all times to correct conditions of improper operation beyond the scope of authority of the lesser grade operator on duty. Where the services of the required radiotelephone first-class operator are obtained on a contract basis, a signed copy of the agreement shall be kept in the station files at the transmitter or control point and be made available for inspection upon request by any authorized representative of the Commission. The duties of the radiotelephone first-class operator responsible for the proper operation of the transmitter and associated equipment, whether a full-time employee or a contract operator, shall include the following:

(1) A complete inspection of the transmitting apparatus shall be made at least once each day, 6 times a week, including such tests, adjustments, and repairs as may be necessary to insure that the operation of the transmitter will conform to Commission rules and the current instrument of authorization for the station.

(2) In the course of the inspection a determination shall be made that all required indicating instruments are functioning properly.

(3) Lesser grade operators, employed for the purpose of operating the station in his absence, shall be thoroughly instructed in their duties and, where necessary, printed step-by-step instructions shall be posted for those transmitter adjustments which the lesser grade operator is authorized to make.

(4) Signed entries shall be made in the station operating log describing all tests, adjustments, and repairs made, and the time devoted to such duties. Upon completion of the inspection the radiotelephone first-class or second-class operator shall certify in writing that the transmitting apparatus is functioning in accordance with Commission Rules and the terms of the current instrument of authorization for the station.

3. It is proposed to amend § 3.565 (a), (b), and (c) to read as follows:

§ 3.565 Operator requirements.

(a) The following operator requirements apply to noncommercial educational FM broadcast stations:

(1) If the station is authorized to operate with transmitter power output in excess of 25 kilowatts, one or more operators holding a valid radiotelephone first-class operator license shall be on duty at the place where the transmitter is located or at the control point of a station authorized to operate by remote control and in actual charge thereof at all times when the transmitter is in operation.

(2) If the station is authorized to operate with transmitter power output of 25 kilowatts or less, the routine operation of the transmitting apparatus may be performed by a lesser grade operator pursuant to the provisions of paragraphs (b) and (c) of this section.

(3) If the station is authorized to operate with transmitter power output of 1 kilowatt or less, an operator holding a valid radiotelephone second-class operator license may be employed, in lieu of a radiotelephone first-class operator, to operate the transmitter or perform the duties required under paragraph (c) of this section.

(b) In cases where a station is authorized to operate with transmitter power output not in excess of 25 kilowatts, the routine operation of the transmitter may be performed by an operator holding a valid first-class or second-class radiotelephone or radiotelegraph operator license or a radiotelephone third-class operator permit which has been endorsed for broadcast station operation. The operator shall be on duty at the transmitter or authorized remote control point and in actual charge thereof. Stations currently authorized to employ persons holding valid restricted radiotelephone operator permits for the routine operation of the transmitter, may continue to do so until one year from effective date, after which date such operation is no longer authorized. Except at times when the operation of the station is under the immediate supervision of an operator holding a valid radiotelephone first-class operator license or in the case of stations authorized to operate with transmitter power output not in excess of 1 kilowatt, holding a valid radiotelephone second-class operator license, adjustments of the transmitter shall be limited to the following:

(1) Those necessary to turn the transmitter on and off.

(2) Adjustments of external controls as may be necessary to compensate for voltage fluctuations in the power supply.

(3) Adjustments of external control to maintain modulation of the transmitter within prescribed limits.

It shall be the responsibility of the licensee to insure that the person who may be required to perform these tasks as well as to perform other nontechnical duties (such as reading meters and making log entries) is properly instructed so as to be capable of performing the duties required of him at times when not under the immediate supervision of a radiotelephone first-class operator or in the case of a station authorized to operate with transmitter power output not in excess of 1 kilowatt, under the immediate supervision of a radiotelephone second-class operator. Should the transmitting apparatus be observed to be operating in any manner inconsistent with Commission Rules or the current instrument of authorization at any time when the responsible radiotelephone first-class or second-class operator, specified in this paragraph, is not immediately available, and none of the adjustments within the scope of authority of the operator on duty is effective in correcting the condition of improper operation, the emissions of the station shall be immediately terminated.

(c) Where the routine operation of the transmitting apparatus at a noncommercial educational FM broadcast station is performed by a lesser grade operator pursuant to the provisions of paragraph (b) of this section, the licensee shall either employ one or more operators holding a valid radiotelephone first-class radio operator license if the station is authorized to operate with transmitter power output in excess of 1 kilowatt or one or more operators holding a valid radiotelephone second-class operator license if the station is authorized to operate with transmitter power output not in excess of 1 kilowatt or one or more operators holding a valid radiotelephone second-class operator license if the station is authorized to operate with transmitter power output not in excess of 1 kilowatt, as a full-time member of the station staff or, in the alternative, contract for the services of one or more such operators. The radiotelephone first-class or second-class operator or operators shall perform transmitter maintenance and shall be promptly available at all times to correct conditions of improper operation beyond the scope of authority of the lesser grade operator on duty. Where the services of the required first-class or second-class operator are on a contract basis, a signed copy of the agreement shall be kept in the station files at the transmitter or control point and be made available for inspection upon request by any authorized representative of the Commission. The duties of the radiotelephone first-class or second-class operator responsible for the proper operation of the transmitter and associated equipment, whether a full-time employee or a contract operator, shall include the following:

(1) A complete inspection of the transmitting apparatus shall be made at least once each day, 6 times a week, including such tests, adjustments, and repairs as may be necessary to insure that the operation of the transmitter will conform to Commission Rules and the current instrument of authorization for the station.

(2) A determination shall be made that all required indicating instruments are functioning properly.

(3) Lesser grade operators, employed for the purpose of operating the station in his absence, shall be thoroughly instructed in their duties and, where necessary, printed step-by-step instructions shall be posted for those transmitter adjustments which the lesser grade operator is authorized to make.

(4) Signed entries shall be made in the station operating log describing all tests, adjustments, and repairs made, and the time devoted to such duties. Upon completion of the inspection the radiotelephone first-class or second-class operator shall certify in writing that the transmitting apparatus is functioning in accordance with Commission Rules and the terms of the current instrument of authorization for the station.

4. It is proposed to amend § 13.21 by adding a new paragraph 9 to read as follows:

§ 13.21 Examination elements.

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(9) *Basic broadcast.* Basic regulatory matters applicable to the operation of standard, commercial FM, and noncommercial educational FM broadcast stations.

[F.R. Doc. 62-7836; Filed, Aug. 6, 1962; 8:55 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 142]

[Ex Parte No. 73]

EXTENSION OF CREDIT TO SHIPPERS

Regulations for Payment of Rates and Charges

JULY 27, 1962.

Notice is hereby given that petition filed May 24, 1962 (27 F.R. 5669), by the National Association of Freight Forwarders, Inc., requesting the modification of § 142.8 of the Code of Federal Regulations 49 CFR Part 142, Extension of Credit to Shippers, will be handled under modified procedure by order of the Commission dated July 27, 1962.

All parties interested in this proceeding shall comply with §§ 1.45 to 1.54, inclusive, of the Commission's general rules of practice, the filing and service of pleadings to be as follows: (a) Not later than August 31, 1962, opening statement of facts and argument by petitioner, and any party supporting petitioner; (b) 30 days thereafter statement of facts and argument by any party opposing the relief sought; (c) 10 days thereafter reply by party described in (a).

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-7804; Filed, Aug. 6, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

CITIZENS STATE BANK OF SHIRLEY ET AL.

Notice of Report on Competitive Factors Involved in Merger Application

On June 5, 1962, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of The Citizens State Bank of Shirley, Shirley, Indiana, and The Kennard State Bank of Kennard, Indiana, under the charter of the former and the title of Bank of Henry County, Shirley, Indiana.

On July 3, 1962, the Comptroller of the Currency reported that the effect on the competing area banks would not be significant and that the competitive aspect of the proposal was believed to be favorable.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 1, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-7818; Filed, Aug. 6, 1962; 8:52 a.m.]

BURLINGTON COUNTY TRUST CO. AND FARMERS' TRUST CO.

Notice of Report on Competitive Factors Involved in Merger Application

On June 27, 1962, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the Burlington County Trust Company, Moorestown, New Jersey, and The Farmers' Trust Company, Mount Holly, New Jersey.

On August 1, 1962, the Comptroller of the Currency reported that the competitive factors involved would not make this merger adverse to the public interest.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 1, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-7819; Filed, Aug. 6, 1962; 8:52 a.m.]

THE CITIZENS STATE BANK AND CITIZENS STATE BANK

Notice of Report on Competitive Factors Involved in Acquisition of Assets

On June 8, 1962, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed acquisition of assets and assumption of liabilities of Citizens State Bank, Humeston, Iowa, by The Citizens State Bank, Humeston, Iowa, a proposed new bank.

On July 12, 1962, the Comptroller of the Currency reported that substitution of the new banking corporation for the old would not affect competition either in Wayne County or in Decatur County to the south.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 1, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-7820; Filed, Aug. 6, 1962; 8:52 a.m.]

CONNECTICUT BANK AND TRUST CO. AND WALLINGFORD BANK AND TRUST CO.

Notice of Report on Competitive Factors Involved in Merger Application

On May 17, 1952, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of The Wallingford Bank and Trust Company, Wallingford, Connecticut, into The Connecticut Bank and Trust Company, Hartford, Connecticut.

On July 9, 1962, the Comptroller of the Currency reported that the competitive aspect of this proposal would not be unfavorable.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 1, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-7821; Filed, Aug. 6, 1962; 8:52 a.m.]

THE DECATUR COUNTY STATE BANK AND DECATUR COUNTY STATE BANK

Notice of Report on Competitive Factors Involved in Acquisition of Assets

On June 8, 1962, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed acquisition of assets and assumption of liabilities of Decatur County State Bank, Leon, Iowa, by The Decatur County State Bank, Leon, Iowa, a proposed new bank.

On July 12, 1962, the Comptroller of the Currency reported that consummation of this proposal would merely substitute a new banking corporation for the requested entity and would not adversely effect area competition.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 1, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-7822; Filed, Aug. 6, 1962; 8:52 a.m.]

FARMERS AND MERCHANTS BANK OF LAWRENCEVILLE AND BANK OF ALBERTA

Notice of Report on Competitive Factors Involved in Merger Application

On June 19, 1962, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the Bank of Alberta, Alberta, Virginia, into the Farmers and Merchants Bank of Lawrenceville, Lawrenceville, Virginia.

On July 17, 1962, the Comptroller of the Currency reported that although the resulting bank would be the only commercial bank in Brunswick County, it would continue in competition with banks in adjacent counties and that the proposed merger would not have an adverse affect on banking competition.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 1, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-7823; Filed, Aug. 6, 1962; 8:52 a.m.]

FIRST-CITIZENS BANK AND TRUST CO. AND LINCOLN NATIONAL BANK OF LINCOLNTON

Notice of Report on Competitive Factors Involved in Merger Application

On June 18, 1962, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the Lincoln National Bank of Lincolnton, Lincolnton, North Carolina, into the First-Citizens Bank and Trust Company, Smithfield, North Carolina.

On July 24, 1962, the Comptroller of the Currency reported that the proposed merger would have an adverse affect upon competitive banking in Lincolnton and Lincoln County, to the detriment of the public interest.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 1, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-7824; Filed, Aug. 6, 1962; 8:53 a.m.]

FIRST TRUST COMPANY OF ALLEGANY COUNTY AND THE FIRST NATIONAL BANK OF BOLIVAR

Notice of Report on Competitive Factors Involved in Merger Application

On June 26, 1962, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of The First National Bank of Bolivar, Bolivar, New York, with The First Trust Company of Allegany County, Wellsville, New York, under the charter and title of the latter.

On August 1, 1962, the Comptroller of the Currency reported that the effect of this merger upon competition would be favorable.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 1, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-7825; Filed, Aug. 6, 1962; 8:53 a.m.]

LAWRENCE SAVINGS AND TRUST CO. AND FIRST NATIONAL BANK IN WAMPUM

Notice of Report on Competitive Factors Involved in Merger Application

On May 31, 1962, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposal of the First National Bank in Wampum, Wampum, Pennsylvania, to merge with and under the title of the Lawrence Savings and Trust Company, New Castle, Pennsylvania.

On June 29, 1962, the Comptroller of the Currency reported that since competition between the county's banks would be stimulated by this merger, its competitive effect would be in the public interest.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 1, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-7826; Filed, Aug. 6, 1962; 8:53 a.m.]

STATE-PLANTERS BANK OF COMMERCE AND TRUSTS AND THE SUBURBAN BANK

Notice of Report on Competitive Factors Involved in Merger Application

On June 25, 1962, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of State-Planters Bank of Commerce and Trusts, Richmond, Virginia, and The Suburban Bank, Richmond, Virginia.

On August 1, 1962, the Comptroller of the Currency reported that this merger would have no cognizable effect on the structure of banking competition in the Richmond metropolitan area, that it would stimulate competition within the service area of The Suburban Bank and that the effects of the merger on banking competition would be in the public interest.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 1, 1962:

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-7827; Filed, Aug. 6, 1962; 8:53 a.m.]

TRANS-NEBRASKA CO.

Application To Become a Bank Holding Company; Notice of Report Recommending Approval

On May 14, 1962, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1842(b), requested the views and recommendations of the Comptroller of the Currency on the application of the Trans-Nebraska Company, Lincoln, Nebraska, for prior approval of the Board to become a bank holding company through the acquisition of a minimum of 90 percent, or 450 shares, of the voting stock of The Martell State Bank, Martell, Nebraska; a minimum of 84 percent, or 420 shares, of the voting stock of the Sioux National Bank of Harrison, Harrison, Nebraska; and a minimum of 88 percent, or 440 shares, of the voting stock of Crawford State Bank, Crawford, Nebraska.

On July 3, 1962, the Comptroller of the Currency recommended that the Board approve the application.

Copies of this report are availalbe on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 1, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-7828; Filed, Aug. 6, 1962; 8:53 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 306]

MARKET AGENCIES AT SIOUX CITY STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on July 16, 1962, authorizing the respondents, Market Agencies at the Sioux City Stock Yards, Sioux City, Iowa, to assess the current temporary schedule of rates and charges to and including July 31, 1964, unless modified or extended by further order before the latter date.

On July 23, 1962, a petition was filed on behalf of the respondents requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below.

SELLING AND RESELLING CHARGES

SECTION C

Sheep	Rate prior to order of July 16, 1962 (per head)	Present rate (per head)	Proposed rate (per head)
• • •	• • •	• • •	• • •
Consignments of more than one head:			
• • •	• • •	• • •	•
Next 20 head in each 225 head in each consignment	33 cents	36 cents	38 cents
• • •	• • •	• • •	• • •

The modification, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C.,

within 15 days after the publication of this notice.

Done at Washington, D.C., this 1st day of August 1962.

GLENN G. BIERMAN,
Acting Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-7851; Filed, Aug. 6, 1962; 8:58 a.m.]

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 .S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the lists previously published under the Act (27 F.R. 6637 and 6945) for June and represents those establishments and species which were reported too late to be included in the earlier lists or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier lists were based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Liebmann Packing Co.	388	(*)	(*)				
Endlich Packing Co., Inc.	410	(*)					
Packerland Packing Co., Inc.	562	(*)	(*)				
Baums Meat Packing	792	(*)	(*)	(*)			
Nebraska Meat Packers, Inc.	1307	(*)					

5 establishments reported.

Done at Washington, D.C., this 1st day of August 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-7852; Filed, Aug. 6, 1962; 8:58 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Trade Route No. 20]

U.S. GULF/EAST COAST SOUTH AMERICA

Notice of Conclusions and Determinations Regarding the Essentiality and United States Flag Service Requirements

Notice is hereby given that on July 31, 1962, the Maritime Administrator, acting pursuant to Section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 20 and ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 20, as described below, is reaffirmed as an essential foreign trade route of the United States:

Between United States Gulf ports (Key West to Mexican border) and ports on the East Coast of South America (Argentina, Brazil, Paraguay, Uruguay).

2. Requirements for United States flag operations on Trade Route No. 20 are approximately five sailings per month, one and one-half to two sailings per month with combination passenger-cargo ships and approximately three sailings per month with freight ships.

3. Existing C-3 type combination passenger-cargo ships and C-1 and C-2 type freight ships are suitable for operation on Trade Route No. 20 pending replacement. Newly constructed 18 knot C3-S-43 type replacement freighters are suitable for long-range operation on the route.

Dated: August 2, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-7813; Filed, Aug. 6, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

PACIFIC STRAITS CONFERENCE

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 5680-J, between the member lines of the Pacific Straits Conference and the carriers comprising the P & O-Orient Lines joint service (operating under approved joint service Agreement 8302, as amended), covers the admission of such carriers to associate membership in that Conference. As an associate member, P & O-Orient Lines will (1) be obligated to observe all the rates, rules, regulations and decisions of the Conference; (2) have no vote in Conference affairs; (3) be permitted to participate in Conference contracts with shippers; and (4) not share in any expenses of the Conference, except as may be specifically agreed. Agreement 5680-J has been filed to supersede and cancel the present associate membership Agreement 5680-F, between the member lines of the Pacific Straits Conference and Peninsular & Oriental Steam Navigation Company, one of the joint service parties under Agreement 8302, as amended.

Agreement 8967, between United Fruit Company and Lykes Bros. Steamship Co., Inc., covers a through billing arrangement in the trade from ports in Guatemala, Costa Rica, Honduras and British Honduras to Puerto Rico, with transhipment at Houston, Texas, under terms and conditions as set forth in said agreement.

Agreement 8968, between the carriers comprising the Barber-Wilhelmsen Line joint service and Bruusgaard Kiosterud Skibs-A/S (Norwegian Asia Line), covers a through billing arrangement in the trade from ports in British North Borneo and Sarawak to ports on the Pacific and Atlantic Coast of the United States, with transhipment at Hong Kong.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 1, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-7799; Filed, Aug. 6, 1962; 8:48 a.m.]

SEAWAY STEVEDORING CO., INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814): Agreement numbered 8755-2, between Seaway Stevedoring Co., Inc., International Marine Terminals, Inc., and Calumet Harbor Terminals, Inc., modifies the basic agreement of the parties which is a cooperative working arrangement providing for the pooling of resources and facilities and the apportionment of earnings in the conduct of stevedoring and marine terminal operations at certain marine terminal facilities in Chicago, Ill. The purpose of the modification is to provide that the term of the agreement shall not commence until January 1, 1963.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such be desired.

Dated: August 1, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-7798; Filed, Aug. 6, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11879; Order No. E-18656]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted Relating to Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2nd day of August 1962.

There has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA) and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

The agreement provides for the elimination of transpacific general cargo rates in the eastbound direction at weight breaks above the 1,000 kilogram break point, namely, at weight breaks of 2,500 and 7,500 kilograms. The rates reflect discounts of 61 and 66 percent, respectively, from the under-45 kilogram rate. The agreement was not supported by documentation. In this connection, the Board has in the past emphasized that all fare and rate agreements must be accompanied by appropriate supporting data. Interested carriers were, therefore, contacted with respect to the lack of documentation in this instance. To date, however, the carriers have not submitted any written documentation on their experience with respect to traffic and revenues or their expectations with regard to the proposed agreement.

Two international air freight forwarders, Airborne Freight Corporation and Air Express International Corporation, have submitted protests to the agreement. Airborne Freight Corporation alleges that the filing appears to be a punitive action against the forwarders, rather than an endeavor to improve direct carrier rates. Air Express International Corporation argues that through the forwarders' efforts and joint loading arrangements, airlines are achieving volume goals at which the rates were aimed, alleging that individual airline traffic increases range from 25 percent to almost 100 percent. They state it is their understanding that the carriers feel this step will discourage co-loading and thus eliminate situations where on a given day forwarder traffic will be given to the one carrier having the best service available on that day, to the exclusion of all other carriers, thereby causing wide swings in loadings from day to day on any given airline. The obvious solution, they state, would be to place in effect the existing 7,500 kilogram or 2,500 kilogram rates at the 1,000 kilogram level, thus permitting wider diffusion of traffic among different carriers at no loss in ton-mile yield and at no increase in the cost to the forwarders. If the agreement is permitted to become effective, the company alleges serious adverse effects on the forwarder industry operating from Japan which has been developed under the high volume rates and therefore urges disapproval of the revision in the rate scale as proposed by the agreement.

Based on the record, the Board is not able to find that the agreement is not adverse to the public interest. As a matter of fact, the record consists only of comments in opposition thereto. The Board tentatively concludes therefore that the agreement should be disapproved.

The Board acting pursuant to sections 102, 204(a) and 412 of the Act finds it would be in the public interest to defer action for a period of ten days so as to afford all interested persons an opportunity to comment in support of or in opposition to the Board's action as proposed herein. Accordingly: *It is ordered:*

1. That action on Agreement C.A.B. 16533 is deferred with a view toward eventual disapproval.

2. That any air carrier party to the agreement, or any interested person, may, within ten days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's proposed action. An original and nineteen copies of the statements should be filed with the Board's Docket Section. If no protest is received within ten days from the date of service of this order, the Board will, by subsequent order, make final its disapproval of the above-described agreement as proposed herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-7829; Filed, Aug. 6, 1962; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 62-881]

WARNING ABOUT BROADCAST OF CONTROVERSIAL FOREIGN MATTER WITHOUT INDICATING FOREIGN SPONSORSHIP

AUGUST 1, 1962.

It has come to the Commission's attention that certain foreign documentary films and other broadcast matter containing political propaganda or controversial matter, sponsored and paid for by foreign governments and distributed by their agents in this country, have been broadcast by licensees without any indication to the public as to the foreign sponsorship involved.

Section 317 of the Communications Act, as implemented by FCC rules (§§ 3.119, 3.289, and 3.654), requires, in substance, a sponsorship announcement fully and fairly disclosing the true identity of the person or persons furnishing such material, which would include identification of the foreign principal concerned. The act further places an obligation on Commission licensees to exercise reasonable diligence to obtain, from those with whom they deal directly in connection with any program, information to enable them to make the required announcement. In addition, section 508 of the act provides for certain disclosures where payments are made to persons other than licensees for the broadcast of programs. The purpose of these provisions is to assure in these instances that the public will be informed as to the source of sponsored broadcast material carried over the public airwaves which treats with political or controversial subjects.

The foregoing is brought to the attention of Commission licensees in order that they may take such action as may be appropriate to comply with the requirements of the act in this regard.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7838; Filed, Aug. 6, 1962; 8:58 a.m.]

[FCC 62-813]

BOARD OF COMMISSIONERS TO INSTITUTE INVESTIGATIONS

Delegation of Authority

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of July 1962;

The Commission having under consideration its announcement of May 23, 1962, regarding its plans for one meeting and no hearings or oral arguments in August 1962; planned summer absences of its members; and the limitation on the delegation of authority to a Board of Commissioners, contained in section 0.213 of the Commission's Statement of Or-

ganization, Delegations of Authority and Other Information, whereby such Board cannot institute investigations;

It appearing that a quorum of the Commission may not be present at times during the period from August 2, 1962, to September 4, 1962, inclusive;

It further appearing that it is necessary to the proper functioning of the Commission and the prompt and orderly conduct of its business, that a Board of Commissioners be authorized to institute investigations whenever a quorum of the Commission is not present during the above-specified period;

It is ordered, That, pursuant to section 5(d)(1) of the Communications Act of 1934, as amended, during the period from August 2, 1962 to September 4, 1962, inclusive, there is delegated to a Board of Commissioners, to be composed of all Commissioners present and able to act during said period, authority to institute investigations whenever a quorum of the Commission is not present.

Released: August 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7835; Filed, Aug. 6, 1962; 8:55 a.m.]

[List No. 38; FCC 62-891]

MITCHELL BROADCASTING CO.

Standard Broadcast Application Ready and Available for Processing

AUGUST 2, 1962.

The following application is mutually exclusive with the application of Station KLIL, Estherville, Iowa, for renewal of license. Thus, in order to expedite action on these applications, the Commission on its own motion waived § 1.354(c) of its rules in order that the application hereinafter described may be placed at the top of the processing line. Accordingly, notice is hereby given that on September 10, 1962, the following application:

BP-15283 NEW, Estherville, Iowa.
Mitchell Broadcasting Co.
Req: 1340 kc, 250 w. U.

will be considered as ready and available for processing, and pursuant to § 1.106(b)(1) and § 1.361(c) of the Commission's rules, an application, in order to be considered with this application, or with any other application on file by the close of business on September 7, 1962, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on September 7, 1962, or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

In view of the fact that an application for renewal of KLIL's license is pending, the Commission hereby waives the provisions of the Interim Criteria to Govern Acceptance of Standard Broadcast Applications adopted May 10, 1962 (see note to § 1.354 of the Commission's rules) to the extent necessary to permit the acceptance of applications specifying substantially the same facilities requested by the Mitchell Broadcasting Company.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: August 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7839; Filed, Aug. 6, 1962; 8:56 a.m.]

[Docket Nos. 14700, 14701; FCC 62M-1090]

CABRILLO BROADCASTING CO. AND HELIX BROADCASTING CO.

Order Continuing Prehearing Conference

In re applications of Riley Jackson and Allen Richardson Hubbard d/b as Cabrillo Broadcasting Co., San Diego, California, Docket No. 14700, File No. BP-13423; Cliff Gill, Ira Laufer, Daniel Russell, David S. Drubeck, Dennis Fagerhult, Jack Bell, Martha Aspegren, Louis B. Minter, Robert S. Feder and Alan C. Lisser, d/b as Helix Broadcasting Co., La Mesa, California, Docket No. 14701, File No. BP-14406; for construction permits.

The Hearing Examiner having under consideration the necessity of changing the date for prehearing conference;

It appearing that a prehearing conference is now scheduled for September 12, 1962, and the hearing is to commence on October 8, 1962, but that a readjustment of these dates is required by the Examiner's schedule;

It is ordered, This 31st day of July 1962, that the date for prehearing conference is changed from September 12 to October 8, 1962, at which time the date for commencement of hearing will be specified.

Released: August 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7840; Filed, Aug. 6, 1962; 8:56 a.m.]

[Docket Nos. 14724, 14725; FCC 62M-1094]

CAPITOL TELECASTING CO. AND AUSTIN BROADCASTING CO., INC.

Order Continuing Hearing

In re applications of Dalton Homer Cobb tr/as Capitol Telecasting Company, Austin, Texas, Docket No. 14724, File No. BPCT-2947; Austin Broadcasting Company, Inc., Austin, Texas, Docket No. 14725, File No. BPCT-2985; for construction permits for new television broadcast stations (Channel 24).

Due to a conflict in the hearing schedule: *It is ordered*, This 1st day of August 1962, that the hearing herein now scheduled for October 22, 1962, be and the same is hereby rescheduled for November 5, 1962, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: August 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7841; Filed, Aug. 6, 1962; 8:56 a.m.]

[Docket No. 14577; FCC 62M-1091]

TRIANGLE PUBLICATIONS, INC. (WNHC-TV)

Order re Procedural Dates

In re application of Triangle Publications, Inc. (WNHC-TV) (Radio and Television Division) New Haven, Connecticut, Docket No. 14577, File No. BPCT-2897; for construction permit.

Pursuant to agreement of counsel for all parties on the record at the hearing conference held on July 31, 1962: *It is ordered*, This 31st day of July 1962, that the following further procedural dates are established:

Exchange of applicant's engineering exhibits relating to Issue 1 with copies to the Hearing Examiner—on or before—September 7, 1962.

Exchange of all of applicant's nonengineering exhibits with copies to the Hearing Examiner—on or before—September 14, 1962.

Hearing on applicant's direct affirmative case—September 24, 1962 (10:00 a.m.).

Released: August 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7842; Filed, Aug. 6, 1962; 8:56 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI63-26]

DOUGLAS R. SWIENER ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

JULY 31, 1962.

On July 2, 1962, James G. Dodd, Agent for Douglas R. Swiener, et al., (Dodd)[1] tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 29, 1962.
Purchaser and producing area: Tennessee Gas Transmission Company (North Agua Dulce Field, Nueces County, Texas) (R. R. District No. 4).
Rate schedule designation: Supplement No. 5 to Dodd's FPC Gas Rate Schedule No. 1.
Effective date: August 2, 1962. (Stated effective date is the effective date proposed by respondent).
Proposed rate: 17.24347 cents per Mcf.[1]
Effective rate: 11.90337 cents per Mcf.[1]
Annual increase: $5,874.
Pressure base: 14.65 psia.

Dodd's proposed favored-nation rate increase exceeds the 14.0¢ ceiling for increased rates in Texas Railroad District No. 4 as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed increased rate may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 5 to Dodd's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Dodd's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 2, 1963, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 17, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7846; Filed, Aug. 6, 1962; 8:57 a.m.]

[1] Address is: 19th Floor First City National Bank Building, Houston 2, Texas.

[Docket Nos. RI63-20—RI63-25]

McCURDY & McCURDY ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [2]

JULY 31, 1962.

McCurdy & McCurdy, Docket No. RI63-20; J. C. Trahan, Drilling Contractor, Inc., Docket No. RI63-21; Joseph G. Kluthe (Operator), et al., Docket No. RI63-22; Christie, Mitchell & Mitchell Company, Docket No. RI63-23; Huval & Dunigan (Operator), et al., Docket No. RI63-24; Kirby Production Company (Operator), et al., Docket No. RI63-25.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia with the exception of the sales made by J. C. Trahan, Drilling Contractor, Inc., which are made at a pressure base of 15.025 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI63-20	McCurdy & McCurdy, 1214 First National Bank Bldg., Fort Worth 2, Tex.	1	1	Coastal Transmission Corp. (Luby Field, Nueces County, Tex.) (R.R. District No. 4).	$2,354	7-6-62	[1] 8-6-62	1-6-63	[2] [3] 16.5	[3] [4] 17.5	
RI63-21	J. C. Trahan, Drilling Contractor, Inc., 2025 Line Ave., Shreveport, La.	19	27	United Gas Pipe Line Co. (Pistol Ridge Field, Pearl River County, Miss.).	18,639	7-5-62	[1] 8-5-62	1-5-63	20.0	[5] 24.0	
	J. C. Trahan, Drilling Contractor, Inc.	20	7	do	28,440	7-5-62	[1] 8-5-62	1-5-63	20.0	[5] 24.0	
RI63-22	Joseph G. Kluthe (Operator), et al., Elgin, Nebr.	1	2	El Paso Natural Gas Co. (University "14" Lease, South Andrews Field, Andrews County, Tex.) (R.R. District No. 8).	7,800	7-5-62	[7] 8-5-62	1-5-63	7.0	[5] 12.5	
RI63-23	Christie, Mitchell & Mitchell Co., 12th Floor, Houston Club Bldg., Houston 2, Tex.	20	2	Coastal Transmission Corp. (Palacios Field, Matagorda County, Tex.) (R.R. District No. 3).	52,925	7-2-62	[7] 8-2-62	1-2-63	17.5	[5] 18.5	
RI63-24	Huval & Dunigan (Operator), et al., c/o Cahill & Cahin, Dupont Circle Bldg., Washington 6, D.C.	1	1	Natural Gas Pipeline Co. of America (Quinduno Field, Roberts County, Tex.) (R.R. District No. 10).	1,506	7-3-62	[7] 8-3-62	1-3-63	[5] 12.0	[6] 13.0	
RI63-25	Kirby Production Co. (Operator), et al., P. O. Box 1745, Houston, Tex.	7	4	Phillips Petroleum Co. (Hutchinson County, Tex.) (R.R. District No. 10).	373	7-9-62	[1] 8-15-62	1-15-63	[8] [9] 10.5534	[8] [10] 11.5534	
	Kirby Production Co. (Operator), et al.	6	4	do	181	7-9-62	[1] 8-15-62	1-15-63	[11] [12] 11.0	[11] [13] 12.0	

[1] The stated effective date is the date of initial delivery.
[2] Subject to determination of proper initial rates in Docket Nos. G-18338, et al.
[3] Subject to downward Btu adjustment below 1000 Btu's per cu. ft.
[4] Periodic rate increase.
[5] The stated effective date is the effective date proposed by respondent.
[6] Redetermined rate increase.
[7] The stated effective date is the first day after expiration of the required statutory notice.
[8] Renegotiated rate increase.
[9] Subject to downward Btu adjustment for 1,100 Btu per cu. ft.
[10] Sour gas, contract provides for an additional 0.4466 cent per Mcf for sweet gas.
[11] Contract provides for additional consideration based on royalty payments by Buyer under its own leases.
[12] Sweet gas, contract provides for a reduction of 0.4466 cent per Mcf sour gas.

[1] Includes applicable tax reimbursement plus 0.21931 cents per Mcf for dehydration charged by Buyer.
[2] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

The proposed increased rates and charges exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2 56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 10, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–7847; Filed, Aug. 6, 1962; 8:57 a.m.]

[Docket Nos. G–9446 etc.]

SHELL OIL CO. ET AL.

Order Conditionally Approving General Rate Settlement Proposal, Severing Proceedings, Terminating Proceedings and Requiring Refunds

AUGUST 1, 1962.

On June 8, 1962, Shell Oil Company (Shell) filed on the record in the above-entitled proceedings a petition requesting that the Commission issue an order approving a settlement proposal involving 148 of Shell's rate schedules,[1] 63 docketed suspension proceedings and 31 certificate applications covering jurisdictional gas sales now being made under temporary authorizations. The settlement proposal and the petition therefor were executed by Shell, Texas Gas Transmission Corporation (Texas Gas), Consolidated Edison Company of New York, Inc., Public Service Electric and Gas Company and United Gas Improvement Company. In addition, New York Public Service Commission stated on the record that it did not express any opposition to any aspect of the settlement proposal, except with respect to Rate Schedule No. 215. By letter filed herein on June 18, 1962, Shell amended the settlement by excluding therefrom Shell's FPC Gas Rate Schedule No. 215.[2] On June 19, 1962, the Presiding Examiner certified to the Commission Shell's petition and settlement proposal, together with the transcript of the June 8, 1962 settlement conference.

In summary, the settlement proposal provides for:

(1) Rates, with three exceptions, at or below applicable area ceilings.

(2) A filing moratorium on rate increases until January 1, 1965, except that with respect to 12 rate schedules, covering sales to United Gas Pipe Line Company (United) in South Louisiana, there is a moratorium on increased rates being placed in effect prior to June 1, 1972.

(3) For certain rate schedules, waiver of the right to file under indefinite pricing clauses, and limitation of rate increases to 1 cent per Mcf every five years, except for applicable tax-reimbursement clauses.

(4) Shell reserves the right to file at any time for contractually authorized increased rates up to the applicable area-rate levels determined through area hearings or by amendment of the Commission's Statement of General Policy No. 61–1.

(5) Noticing for abridged hearing of 31 outstanding certificate applications.

(6) Refunds estimated at $8,700,000, plus interest, based upon the difference between rates collected on and after January 1, 1961, subject to refund, and the related settlement rates.

In support of the proposal, Shell states that the settlement rates, refunds, moratorium periods and other provisions thereof are fair, noninflationary, conductive to long-term price stability for substantial volumes of natural gas moving in interstate commerce for resale. The three proposed settlement rates which exceed area ceilings include a package settlement rate of 18.5 cents per Mcf for 12 rate schedules covering sales to United; a settlement rate of 19 cents per Mcf for Shell's FPC Gas Rate Schedule No. 130 covering a sale to Tennessee Gas Transmission Company (Tennessee); and a settlement rate of 18.125 cents per Mcf for Shell's FPC Gas Rate Schedule No. 153 covering a sale to Texas Gas, all in southern Louisiana, and all rates inclusive of tax reimbursement.

The settlement rate of 18.5 cents for the 12 United Gas contracts involve suspended rates under Rate Schedule Nos. 202, 203, 204, 205, 206, 207, 210, and 211, which exceed the 15.75-cent ceiling for increased rates in South Louisiana, and initial rates of 23.55 cents under Rate Schedule Nos. 213, 214, 219, and 223. In regard to the proposed settlement rate, Shell states that the 12 contracts were executed about the same time, with the same pipeline company purchaser, and that it was agreed by all parties to the settlement, that these contracts should be considered as a unit for settlement purposes. Shell states that by these 12 long-term contracts, 8 of which superseded contracts whose contractual terms were about to expire, there were brought under contract to United over 11,400 acres not theretofore under contract to it; and as the result of drilling undertaken pursuant to these 12 contracts, over 460 billion cubic feet of new reserves were proved, and the total deliverability was increased by more than 150 million cubic feet per day. We note that the proposed package settlement rate for the 12 United contracts at 18.5 cents per Mcf involve both old and new gas at a rate level between the increased and initial ceilings set for such sales. When considering the unique nature of the 12 United contracts, the substantial acreage and gas reserves added as a result of such contracts, we find that the proposed package settlement rate is appropriate and should be approved.

The proposed settlement rate of 19 cents per Mcf for Shell's sale to Tennessee under its Rate Schedule No. 130 in southern Louisiana, likewise, warrants consideration. After original certification, over 14,000 acres containing substantial additional reserves of gas were added to the contract and were certificated at the original contract price, including acreage which was added subsequent to Shell's filing for the increased rate. The original contract price was 17 cents per Mcf plus applicable tax reimbursement which would be 18.5 cents at the present tax rate. The present effective rate for this sale is 23.6 cents per Mcf. We shall approve the proposed settlement rate reflecting a price of ½ cent per Mcf over the initial base rate in view of the additional acreage dedicated under the contract.

The rate proposal of 18.125 cents per Mcf for Shell's sale to Texas Gas from the Chalkley Field, Cameron Parish, South Louisiana, under Rate Schedule No. 153, is the only proposed settlement rate which is the subject of disagreement between the parties. Shell, Texas Gas,[3] the signatory petitioners hereto, and others, support the settlement rate, while the Commission's staff opposes. The position of Philadelphia Electric Company is that such settlement rate is not justified on the record, and that they cannot agree to it.

As part of the 18.125 cents settlement rate, Shell agrees to eliminate the favored-nation and price-redetermination provisions from the contract, thus foregoing any price increases until January 1, 1972 (the expiration date of the contract). Shell cites the Commission's approval of a 18.125 cents settlement rate by another producer to the same pipeline purchaser by order issued June 21, 1961, in Union Texas Natural Gas Corporation, Docket Nos. G–11563, et al., 25 FPC 1199. Shell states that if this settlement rate is not approved, it would not waive the indefinite pricing clauses. While we recognize the desirability of a firm rate over an extended period of time, it does not appear that the reasons advanced in support of such rate are sufficiently persuasive to warrant a breach of our 15.75 cents per Mcf ceiling for increased rates in South Louisiana.

The Union Texas sale to which Shell alludes is not considered comparable to Shell's Chalkley Field sale, in that substantial differences exist as to reserves, volumes sold, and refund obligations under the settlements. We shall condition the settlement proposal to require that the settlement rate under Shell's FPC Gas Rate Schedule No. 153 shall be 15.75 cents per Mcf, inclusive of tax reimbursement, subject to the filing moratorium on rate increases until January 1, 1965.

With respect to refunds, the record shows that Shell had a jurisdictional revenue deficiency in the test year, and that during 1960 increased sales and higher initial rates started to equalize the revenue-cost relationship. In view of all the terms of the settlement proposal, it is appropriate that refunds should be computed for sales made on and after January 1, 1961.

Excluded from the settlement proposal are 23 rate schedules of Shell, which cover sales in the Permian Basin Area. The exclusion of Shell's Permian Basin rate schedules, involving 14 section 4(e) dockets, resulted in an objection to the settlement proposal by the California Public Utilities Commission, who requests that the Commission—

> • • • either disapprove the proposed settlement or, if the Commission finds the said Settlement will be in the public interest, that it supplement its approval with an order directing the Presiding Examiner to prepare his initial decision determining just and reasonable rates for all rate schedules contained in these consolidated dockets not covered by said Settlement.

The staff's recommendation, as set forth in the record, is that such sales be consolidated with the Permian Basin Area Proceeding in Docket Nos. AR61–1, et al. Due to the conflicting positions as to the disposition of Shell's Permian Basin rates, we believe that the status of the section 4(e) dockets involved warrants mention. Of the 14 section 4(e) dockets, 6 are also involved in a pending Show-Cause proceeding in Docket No. RI61–515, which concerns the question of contractual consent to make the favored-nation increased rate filings involved. Of the remaining dockets, the increased rates involved in 5, are less than the 11 cent per Mcf ceiling for increased rates in the Permian Basin area. As to the last 3 dockets, the amounts collected at rates over the area ceilings are de minimis.

Under the settlement proposal, the section 5(a) proceeding applicable to Shell's Permian Basin rates would not be terminated. Shell is a Respondent in the Permian Basin Area section 5(a) rate proceeding. Thus, the lawfulness of all of Shell's Permian Basin rates will be determined in that proceeding which has been in hearing for some time. The time and expense necessitated to brief the extensive record and evidentiary presentations adduced in the Shell rate case does not appear to be warranted, in view of the fact that only a portion of that record would be relevant to a determination of Shell's Permian Basin rates. It is further noted that the cost-of-service evidence of the parties in the Shell proceeding was presented on a company-wide basis, except that the California Commission showing was based on Shell's Midland Area, consisting not only of the Permian Basin area, but parts of the Hugoton Panhandle area, and East Texas, as well. Consequently, to determine the lawfulness of Shell's Permian Basin rates in these proceedings would require a resolution of all of the issues in the Shell rate case, and consideration of all of Shell's operations and related costs.

The settlement proposal involves a number of rates for which issuance of related permanent certificates is pending, and service is being rendered under temporary authorizations. Section 7 of the Act requires a hearing before the grant of permanent certificates, and we therefore cannot dispose of these certificate matters by settlement. We propose instead promptly to sever such proceedings from other proceedings where consolidated, and to set these certificate matters for abridged hearing, indicating that the proposed initial price is the settlement price.

The instant settlement proposal, as herein modified, meets the criteria previously set forth in our Tidewater[4] and Ohio[5] settlement orders, and, accordingly, is in the public interest and should be approved as hereinafter provided.

Our action herein should not be construed as constituting approval of any future rate increase that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in any further proceedings, including area rate proceedings, involving Shell's rates and rate schedules.

The Commission orders:

(A) The settlement of these proceedings on the basis of the settlement proposal is approved and made effective subject to the following modifications, terms and conditions.

(B) Shell shall substitute, in lieu of its proposed settlement rate of 18.125 cents per Mcf, a rate of 15.75 cents per Mcf tax reimbursement inclusive, under its FPC Gas Rate Schedule No. 153, which shall be subject to the filing moratorium on rate increases until January 1, 1965.

(C) Except as qualified herein, the settlement rates set out in Appendix A[1] hereto, are approved and shall be effective as of August 1, 1962, and all rates and charges which exceed such rates are hereby disallowed.

(D) The certificate proceedings indicated in Appendix A hereto shall not be terminated on the basis of the settlement, but shall be determined after hearing.

(E) Shell, shall, over the signature of a responsible officer, file with the Commission, within 30 days from the date of issuance of this order, in writing, and under oath, an original and one copy of its acceptance or rejection of the terms and conditions of this order.

(F) Within 30 days from the date of acceptance of the terms and conditions of this order, Shell shall make such filings under its rate schedules as are required to make effective the terms of the settlement proposal as modified herein.

(G) Within 30 days after acceptance of the applicable rate schedule supplements referred to in Paragraph F hereof, Shell shall (1) refund, with interest as specified in each docket, the difference between the rates collected subject to refund on and after January 1, 1961, and the related settlement rates as modified herein; and (2) report to the Commission, in writing, and under oath, the amount of refund made to each of its purchasers, showing separately the amount of principal and interest so paid, and the bases used for such determination, together with releases from its purchasers showing receipt of the refunds in conformity to the settlement as modified and approved.

(H) Upon full compliance by Shell with all the terms and provisions of this order, the section 5(a) investigation proceeding in Docket No. RI60–111, and the 4(e) proceedings listed in Appendix A hereof shall terminate. Docket Nos. RI60–309 and RI61–116 are hereby severed from the consolidated proceedings in Docket No. AR61–2, et al.

(I) This order is without prejudice to any findings or orders which have been, or may be, made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Shell, the Commission staff, or any affected party herein, in any proceedings now pending, or hereafter instituted by or against Shell, or any other companies, person, or parties affected by this order.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–7848; Filed, Aug. 6, 1962; 8:57 a.m.]

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[1] Most of Shell's other rate schedules, not subject to the settlement proposal, will be either subject to determinations in Docket Nos. AR61–1, et al., are in litigation, or are involved in pending show cause or certificate proceedings.

[2] The amendment was effected with the consent of all parties signatory to the settlement proposal, since the appropriate rate under such rate schedule is being determined in the proceedings in Placid Oil Company, et al., Docket Nos. G–13183, et al.

[3] Texas Gas, on June 28, 1962, filed in Docket Nos. G–9446, et al., a Request for Approval of Settlement Agreement.

[4] Tidewater Oil Company, et al., Docket Nos. G–13310, et al., Order Conditionally Approving General Rate Settlement, issued June 15, 1962.

[5] The Ohio Oil Company, et al., Docket Nos. RI60–92, et al., Order Approving General Rate Settlement Proposal and Terminating Proceedings, issued June 28, 1962.

[1] Appendix A filed as part of original document.

[Docket No. CP61–172 etc.]

SOUTHERN CALIFORNIA EDISON CO. ET AL.

Order Reversing Ruling of Presiding Examiner and Fixing Time and Place of Hearing

AUGUST 1, 1962.

Southern California Edison Company, Docket No. CP61–172; Tennessee California Gas Transmision Company, Docket No. CP61–173; California Gas Transmission Company, Docket No. CP61–174; Tennessee California Gas Transmission Company, Docket No. CP61–212.

On July 9, 1962, the Commission Staff filed an appeal from the Presiding Examiner's ruling of July 5, 1962, adjourning the hearing in these proceedings and designating Los Angeles, California, as the place for further hearings in the proceedings. The appeal is from that portion of the Presiding Examiner's ruling that further hearings in the proceedings be held in Los Angeles, California. The ruling was made in response to an oral motion made on the record by counsel for interveners Pacific Lighting Gas Supply Company, Southern California Gas Company and Southern Counties Gas Company (GasCos). The motion was supported by counsel for the applicants and various other interveners. It was opposed by the Commission Staff. We deem the appeal to be one arising from extraordinary circumstances and it therefore requires prompt decision by the Commission as contemplated by § 1.28(a) of the Commission rules of practice and procedure.

In disposing of the appeal we have given serious attention to the grounds advanced by the GasCos and Southern California Edison Company (Edison) in their written answers to the appeal, filed respectively on July 12, 1962 and July 16, 1962. In essence, these answers set forth that hearings held in Los Angeles would result in both convenience and economies to the participants in the proceedings. Unquestionably, the holding of further hearings in Los Angeles would be of benefit to the Movants. The benefits, however, must be weighed against possible detriments to the public interest aspects of the Commission's operations.

Administrative proceedings before the Commission almost invariably have been held in Washington, D.C. There have been few exceptions to this well established practice. On those few occasions, hearings were scheduled in other locales primarily to accommodate those having limited financial capacity to support small, but significant, interests in proceedings before the Commission. Here, however, none of the parties can properly be placed in this category.

Emphasis must be placed upon the maximum utilization of available personnel and an intensification of effort to cope with the large volume of work which comes before us. Utilization of staff personnel to the maximum extent possible is of prime consideration. This effort would be seriously impaired if substantial portions of our proceedings were transferred to other locales. Moreover, budgetary requirements necessarily limited the amount of funds available for activites outside of Washington, D.C.

For these reasons we have determined that the instant proceeding, and indeed the vast majority of all Commission proceedings, should be held in Washington, D.C. In taking this action, however, we wish to make clear that the Presiding Examiners continue to have the initial responsibility for scheduling the time and place of all phases of hearings upon matters pending before the Commission. In deciding these questions, attention should be given to the considerations detailed above. Where there may be a question as to the proper course to follow, the matter should be referred to the Commission for disposition.

The Commission finds: It is appropriate and necessary in carrying out the provisions of the Natural Gas Act that the ruling of the Presiding Examiner, on July 5, 1962, be set aside and that the time and place of the next phase of hearings in this proceeding be scheduled for October 2, 1962, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

The Commission orders: The ruling of the Presiding Examiner, on July 5, 1962, is hereby set aside and the time and place of the next phase of hearings in this proceeding are herewith scheduled for October 2, 1962, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–7849; Filed, Aug. 6, 1962; 8:57 a.m.]

[Docket No. RP63–1]

UNITED GAS PIPE LINE CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets, and Fixing Date of Hearing

JULY 27, 1962.

United Gas Pipe Line Company (United) on June 15, 1962, tendered for filing certain revised tariff sheets [1] to be included in its FPC Gas Tariff, First Revised Volume No. 1, proposed to become effective on August 1, 1962,[2] and providing for an annual increase in its rates and charges of $5,600,000 or four percent, to its jurisdictional customers, based upon sales for the year ended March 31, 1962, as adjusted.[3] The supporting statements accompanying the tendered filings are prepared in the form of exhibits and prepared testimony in substantial compliance with the Commission's proposed regulations which are now under consideration in Docket No. R–207 as issued February 20, 1962.

In support of its proposed increased rates and charges, United primarily relies upon claimed increases in the cost of purchased gas due to shifts in sources of supply to higher priced gas and increased rates of its existing suppliers, increased costs due to new facilities, and lower sales due to the loss of load in San Antonio, Texas. United claims the need for a 6.5 percent rate of return on its own rate base, and claims need for 11 percent rate of return on the rate base of its affiliate, Union Producing Company (Union), whose costs are shown in support of the contract prices included in United's cost of purchased gas. In addition, United computes its Federal income tax liability using a 52 percent rate without reflecting the lower consolidated effective tax rate paid by United's parent company, United Gas Corporation.

United has not fully supported its proposed increased rates and charges in several respects, including, but not limited to, cost of purchased gas, estimated sales volumes associated with new facilities, rate of return, Federal income taxes, the utilization of a zone-by-zone method of allocation of costs, and in the level of the demand-commodity components of the proposed rates and charges.[4] Furthermore, a number of United's supplier's rates are presently being collected by those suppliers subject to refund. Some of these supplier proceedings have been the subject of settlement negotiations resulting in rate reduction and refund agreements which have recently been approved or submitted to the Commission for its approval.[5] In addition, proceedings involving Union's rates in Docket Nos. G–13811, et al., are now before the Commission, the Presiding Examiner having issued a decision therein on June 26, 1962. These supplier proceedings involve, in the aggregate, a possibly larger reduction in United's purchase gas costs than the amount of the rate increase filed for by United herein.

The increased rates and charges and the changes in tariff form and rate design contained in the revised tariff sheets tendered for filing on June 15, 1962, as aforementioned, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in United's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by the revised tariff sheets tendered for filing on June 15, 1962, and that said revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held pursuant to the procedures to be prescribed by further order, concerning the lawfulness of the rates, charges, classifications, and services contained in United's FPC Gas Tariff, as proposed to be amended by the aforementioned revised tariff sheets tendered for filing on June 15, 1962.

(B) Pending such hearing and decision thereon, United's revised tariff sheets, as tendered for filing on June 15, 1962, and the rates and charges contained therein, are hereby suspended and the use thereof deferred until January 1, 1963, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Notices and petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure, §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37(f)) on or before August 20, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–7850; Filed, Aug. 6, 1962; 8:58 a.m.]

[Docket Nos. G–19948, RI60–334]

BERKSHIRE OIL CO.

Order Substituting Respondent, Accepting Successors, and Undertaking and Redesignating Proceedings; Correction

JULY 25, 1962.

In the Order Substituting Respondent, Accepting Successors, Undertaking and Redesignating Proceedings, issued July 3, 1962 and published in the FEDERAL REGISTER, July 10, 1962 (F.R. Doc. 62–6665; 27 F.R. 6507): In the last line of the first paragraph change "Rate Schedule No. 1" to "Rate Schedule No. 6".

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–7787; Filed, Aug. 6, 1962; 8:46 a.m.]

[Docket No. RI62–455]

SUNRAY DX OIL CO.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JULY 25, 1962.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued May 25, 1962 and published in the FEDERAL REGISTER June 2, 1962 (F.R. Doc. 62–5353; 27 F.R. 5212): In the chart, under the column headed "Rate Sched. No.", for Docket No. RI62–455, Sunray Mid-Continent Oil Company, change Rate Schedule No. "162" to "163".

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–7788; Filed, Aug. 6, 1962; 8:46 a.m.]

[Docket No. CP62–254]

CITY OF WATERLOO, ILL.

Notice of Application

JULY 30, 1962.

Take notice that on May 3, 1962, as supplemented on May 31, 1962, the City of Waterloo, Illinois, Applicant) filed in Docket No. CP62–254 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Mississippi River Fuel Corporation (Mississippi) to establish physical connection of its transmission facilities with the proposed facilities of and to sell natural gas to Applicant for resale in Waterloo, and environs, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a distribution system in Waterloo as well as a ½-mile transmission lateral connecting the proposed distribution system with the transmission facilities of Mississippi.

The application shows Applicant's third year peak day and annual natural gas requirements to be 1,222 Mcf and 237,610 Mcf, respectively.

The total estimated cost of transmission and distribution facilities for the project aggregate $365,000, which cost will be financed by the sale of revenue bonds.

On June 22, 1962, Mississippi filed an answer to the subject application stating that it had no objection to the requested Commission order.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules and practice and procedure (18 CFR 1.8 or 1.10) on or before August 27, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–7789; Filed, Aug. 6, 1962; 8:46 a.m.]

[Docket No. CP61–302]

COASTAL TRANSMISSION CORP.

Notice of Application and Date of Hearing

JULY 27, 1962.

Take notice that on May 29, 1961, as supplemented on May 14, 1962, Coastal Transmission Corporation (Applicant), P.O. Box 10400, St. Petersburg 33, Florida, filed in Docket No. CP61–302 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) on a short-term interruptible basis, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The application states that after Applicant was issued its certificate of public convenience and necessity by the Commission in Docket No. G–9960 on December 28, 1956, the validity of said certificate was questioned in the courts, and that this action delayed the completion of Applicant's financing and construction program for more than a year. As a result of this delay, Applicant was required to make advance payments to a number of its producers for gas not taken, with such advance payments to be recouped out of production within a specified period of time following the actual commencement of deliveries. The application further states that the total of such advance payments made by Applicant to various producers prior to the time that Applicant's pipeline system went into operation was about $2,652,000, that payments were made for the advance purchase of 15,549,168 Mcf of gas, that Applicant has the privilege of recouping this within a three- to five-year period following the date Applicant's pipeline system went into operation (June 1, 1959) by taking volumes of gas over and above the minimum daily quantities of gas Applicant is obligated to purchase from the producers on an annual basis, and that as of January 1, 1961, approximately 13,292,573 Mcf of the subject gas was still unrecouped.

The application further states that the design of Applicant's system is such as to prevent physical transportation and sale of the prepaid volumes as well as existent surplus supplies of up to 14,000 Mcf of gas per day. Therefore, Applicant requests authorization to sell and deliver gas on a short-term interruptible basis to Texas Eastern through June 30, 1963, in an amount not to exceed 13,292,573 Mcf, at a price of 17¢ per Mcf.

Applicant states that the proposed deliveries will be made at two existing points of interconnection between the systems in Matagorda and Brazoria Counties in Texas. Applicant further

[1] The tendered filing includes:
First Revised Sheets Nos. 5, 7, 50, 67, 75, and 84.
Second Revised Sheet No. 3.
Fourth Revised Sheet No. 99.
Fifth Revised Sheets Nos. 1, and 102.
Sixth Revised Sheets Nos. 34, 35, 44, and 45.
Seventh Revised Sheets Nos. 103, and 104.
Eighth Revised Sheets Nos. 4, 6, 10, 12, 16, 18, 21, 23, 25, 27, 28, 30, 32, and 100.
Ninth Revised Sheet No. 101.

[2] The settlement agreement approved by Commission order issued March 12, 1962, provides for a continuation of proposed rates in Docket No. RP61–18 until December 31, 1962, subject to certain audit and refund procedures. United indicates it will move in this proceeding to make the proposed increased rates effective on January 1, 1963, if the Commission suspends them for the full five months statutory period from August 1, 1962.

[3] The increased rates and charges proposed herein would be in addition to the increased rates and charges subject to audit and refund in Docket No. RP61–18.

[4] Willmut Gas and Oil Company v. F.P.C., 299 F. 2d 111.

[5] Tidewater Oil Company, et al., Docket Nos. G–13310, et al., order approving general rate settlement, issued June 15, 1962, as modified by order issued July 11, 1962; The Ohio Oil Company, Docket Nos. RI60–92, et al., issued June 28, 1962; Shell Oil Company, Docket Nos. G–13397, et al., settlement agreement certified by Presiding Examiner to Commission on June 19, 1962.

states that these connections were originally built at a cost of $14,800 to enable it to sell nonjurisdictional gas to Texas Eastern for use as compressor fuel and that such sale is no longer being made.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 6, 1962 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 27, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7790; Filed, Aug. 6, 1962; 8:46 a.m.]

[Docket No. CP62-251]

FLORIDA GAS TRANSMISSION CO.

Notice of Postponement of Hearing

JULY 30, 1962.

Take notice that the hearing in the above-docketed proceeding heretofore scheduled to commence on August 8, 1962, by notice issued June 27, 1962, and published in the FEDERAL REGISTER on July 4, 1962 (27 F.R. 6349) is hereby postponed to a date to be fixed by further notice.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7791; Filed, Aug. 6, 1962; 8:46 a.m.]

[Project No. 2268]

PENNSYLVANIA POWER & LIGHT CO.

Order Fixing Oral Argument

JULY 30, 1962.

On July 31, 1959, Pennsylvania Power & Light Company filed application for a license for authorization to reconstruct the Holtwood project on the Susquehanna River on the condition that it be granted a new 50-year license, Project No. 2268.

A memorandum in support of its application was filed by Pennsylvania Power & Light Company on May 9, 1962. The Commission staff filed a memorandum in opposition on June 29, 1962.

By letter dated July 6, 1962, the Applicant requested oral argument before the Commission in the above matter.

The Commission finds: It is appropriate and in the public interest that Applicant and Commission staff counsel be given opportunity to present oral argument before the Commission respecting the issues involved in this proceeding.

The Commission orders:

(A) Oral argument shall be held before the Commission at 10 a.m., e.d.s.t., on September 27, 1962, in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C., respecting the issues involved in this proceeding.

(B) Applicant and Commission staff counsel shall advise the Secretary of the Commission on or before September 17, 1962, the amount of time they wish to have alloted to them for argument.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7792; Filed, Aug. 6, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3445]

E. L. BRUCE CO. (INC.)

Order Summarily Suspending Trading

AUGUST 1, 1962.

The common stock, par value $1, of E. L. Bruce Co. (Incorporated), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10 days, August 2, 1962, to August 11, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7802; Filed, Aug. 6, 1962; 8:48 a.m.]

[File No. 1-4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

AUGUST 1, 1962.

The common stock, par value $1.00, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 2, 1962, to August 11, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7803; Filed, Aug. 6, 1962; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 393]

MINNESOTA

Declaration of Disaster Area

Whereas, it has been reported that during the month of July, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Clay County in the State of Minnesota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about July 25, 1962.

OFFICES

Small Business Administration Regional Office,
Lewis Building,
603 Second Avenue South,
Minneapolis 2, Minn.

Small Business Administration Branch Office,
American Life Building, Room 300,
207 North Fifth Street,
Fargo, N. Dak.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1963.

Dated: July 26, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-7812; Filed, Aug. 6, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 673]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 2, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65097. By order of July 31, 1962, the Transfer Board approved the transfer to Matty's Motor Express, Inc., Delhi, N.Y., of Certificate No. MC 19933 issued April 5, 1943, to Tracy N. Matthews, doing business as Matty's Motor Express, Delhi, N.Y., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Binghamton, N.Y., and Delhi, N.Y., serving to and from all intermediate points on the above-route east of Deposit, N.Y. Richard H. Farley, 103 Main Street, Delhi, N.Y., attorney for applicants.

No. MC-FC 65132. By order of July 31, 1962, the Transfer Board approved the transfer to Dewey L. Wilfong, doing business as D & W Truck Lines, Parsons, W. Va., of Permit No. MC 119793, issued February 15, 1962, to Dewey Wilfong, Forest G. Wetzell, Ralph Roy, Blaine Nestor, and Ernest Nestor, a partnership, doing business as Wwrn Company, Philippi, W. Va., authorizing the transportation of: Such commodities as are dealt in by retail grocery stores, from the site of the Fox Grocery Company in Westmoreland County, Pa., to Elkins, Harmon, Parsons and Philippi, W. Va. E. Stephen Heisley, 529 Transportation Building, Washington 6, D.C., attorney for applicants.

No. MC-FC 65177. By order of July 31, 1962, the Transfer Board approved the transfer to County Bus Lines, Inc., Rye, N.Y., of the operating rights in Certificate No. MC 119925, issued November 8, 1961, to Joseph P. Hogan and William P. Beary, a partnership, doing business as Hogan & Beary, Rye, N.Y., authorizing the transportation of passengers and their baggage, in the same vehicle with passengers, over regular routes, beginning and ending at the New York, New Haven & Hartford Railroad Station at Rye, N.Y., and operating over city streets as specified in the certificate, and beginning and ending at the New York, New Haven and Hartford Railroad Station on Westchester Avenue at Port Chester, N.Y., over specified city streets. Charles H. Trayford, 200 East 42d Street, New York 17, N.Y., Anthony Antinozzi, 120 Broadway, New York, N.Y., Mortimer C. O'Brien, 175 Main Street, White Plains, N.Y., applicants' attorney.

No. MC-FC 65180. By order of July 31, 1962, the Transfer Board approved the transfer to Joseph Bieth, doing business as Joe Bieth Trucking Company, Ripon, Calif., of Certificate No. MC 71793, issued April 7, 1960, to Bill W. Smith, doing business as Smith Transfer, Oakdale, Calif., authorizing the transportation of: Canned goods, from Manteca, Calif., to Oakland, San Francisco and Stockton, Calif. John M. Burnett, 146 North Grant Street, Manteca, Calif., attorney for applicants.

No MC-FC 65193. By order of July 31, 1962, the Transfer Board approved the transfer to Otis Wright & Sons, Inc., Lima, Ohio, of the operating rights in Permits Nos. MC 88203 and MC 88203 Sub-1, issued November 9, 1940 and November 9, 1942, respectively, to Russell O. Wells, Van Wert, Ohio, authorizing the transportation of clay products and stone, from Canton, Port Washington, Urichsville, and Somerset, Ohio, to Fort Wayne, Ind., and points in Indiana within 50 miles of Fort Wayne, and brick and facing tile, over irregular routes, from Canton, Port Washington, Somerset and Urichsville, Ohio, to points in a described portion of Indiana. Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio, applicants' attorney.

No. MC-FC 65195. By order of July 31, 1962, the Transfer Board approved the transfer to J. Warren Bean, doing business as J. A. Bean, Lexington, Mass., of Certificate No. MC 8536, issued March 20, 1961, to Smith & Miller Moving Co., Inc., Arlington, Mass., authorizing the transportation of: Furniture and household goods, between Boston, Mass., on the one hand, and, on the other, points in New Hampshire, Rhode Island, and Vermont. Theodore E. Shasta, One Court Street, Boston 8, Mass., attorney for transferee. George J. Elbaum, 11 Beacon Street, Boston, Mass., attorney for transferor.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-7807; Filed, Aug. 6, 1962; 8:49 a.m.]

[No. 32153]

Railroad Companies

UNIFORM SYSTEM OF ACCOUNTS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 27th day of July A.D. 1962.

The Commission having under consideration the matter of canceling Accounting Bulletin No. 15, Interpretations of Accounting Classifications, prescribed for railroad companies, issued under order dated December 17, 1917, and subsequent amendments thereto, and having found that the subject matters in said bulletin are adequately covered in the current issue of the Uniform System of Accounts for Railroad Companies, are no longer appropriate to present-day conditions or for other reasons are no longer needed;

It is ordered, That said Accounting Bulletin No. 15 and amendments thereto be canceled effective September 1, 1962.

It is further ordered, That this order be served on each railroad company subject to the provisions of the Interstate Commerce Act, and on every trustee, receiver, executor, administrator, or assignee of such railroad company, and that notice be given the general public by depositing a copy in the Office of the Secretary at Washington, D.C., and by filing the order with the Director, Office of the Federal Register.

By the Commission, division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-7805; Filed, Aug. 6, 1962; 8:49 a.m.]

[Drouth Order No. 60; Amdt. 1]

PENNSYLVANIA, NEW YORK AND NEW JERSEY

Drouth Order

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: Laurence K. Walrath, Vice-Chairman, to whom the above-entitled matter has been assigned for action thereon.

It appearing that due to the drouth conditions existing in the States of Pennsylvania, New Jersey, and New York the Commission issued its Drouth Order

No. 60 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the drouth area at reduced rates;

And it further appearing that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to twenty-six additional counties:

It is ordered, That Drouth Order No. 60 is hereby amended by adding thereto the counties named below.

It is further ordered, That in all other respects Drouth Order No. 60 shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 1st day of August 1962.

By the Commission, Vice-Chairman Walrath.

[SEAL] HAROLD D. McCOY, *Secretary.*

PENNSYLVANIA

9 counties, viz.:

Beaver.	Jefferson.
Butler.	Lawrence.
Clarion.	Lebanon.
Clearfield.	Northampton.
Elk.	

NEW YORK

15 counties, viz.:

Albany.	Oswego.
Essex.	Saratoga.
Fulton.	Schenectady.
Greene.	Schoharie.
Hamilton.	Ulster.
Jefferson.	Warren.
Lewis.	Washington.
Montgomery.	

NEW JERSEY

2 counties, viz.:

Mercer.	Middlesex.

[F.R. Doc. 62-7817; Filed, Aug. 6, 1962; 8:52 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 2, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37863: *Dry ground mica from and to points in Colorado and Wyoming.* Filed by Western Trunk Line Committee, Agent (No. A-2265), for interested rail carriers. Rates on dry ground mica, in carloads, between points in Colorado and Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 11 to Western Trunk Line Committee tariff I.C.C. A-4422.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-7806; Filed, Aug. 6, 1962; 8:49 a.m.]

FEDERAL REGISTER

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Announcing: **Volume 75**

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[87th Cong., 1st Sess.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Sugar Determination 831.4, Amdt. 4]

PART 831—BEET SUGAR AREA

1962 and Subsequent Crops

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948, as amended, § 831.4 of this chapter (24 F.R. 6991, 7499, 25 F.R. 7521, 26 F.R. 8150) is hereby amended as follows:

1. In § 831.4, the first sentence of subparagraph (1) of paragraph (b) is amended to read:

§ 831.4 Determination of sugar commercially recoverable from sugar beets.

* * * * * * *

(b) *Recoverable sugar.* * * *

(1) In the case of sugarbeets marketed in a settlement area under any type of agreement other than an "individual test" contract or a "combined individual-cossette test" contract, the amount of sugar (expressed in hundredweight) established by multiplying the net tonnage of the sugarbeets, at the time of delivery to a processor, by a rate expressed in hundredweight of sugar per ton of beets (rounded to three decimals).

2. In § 831.4, a new subparagraph (3) is added to paragraph (b) to read:

§ 831.4 Determination of sugar commercially recoverable from sugar beets.

* * * * * * *

(b) *Recoverable sugar.* * * *

(1) In the case of sugarbeets marketed 1962 and subsequent crops marketed under a "combined individual-cossette test" contract, the amount of sugar (expressed in hundredweight) established by multiplying the net tonnage of the sugar beets, at the time of delivery to a processor, by a rate expressed in hundredweight of sugar per ton of beets (rounded to three decimals). Such rate shall be computed by (i) multiplying 20 hundredweight (one ton) by the percentage of sugar content on which settlement under the marketing contract is made, and (ii) multiplying the result obtained under subdivision (i) of this subparagraph (3) by the simple average of the extraction rates for the sugar beet crops in the base period, as adjusted to raw sugar value by multiplying by 1.07.

STATEMENT OF BASES AND CONSIDERATIONS

Prior to the 1962 crop season, about one half of each sugar beet crop was marketed under contracts providing for separate tests for sugar content of the beets marketed by individual growers. These tests are made at the time of delivery of the beets to a processor. Such contracts are commonly called "individual test" contracts. The remainder of the crop was marketed under contracts which do not provide for separate tests for deliveries of individual growers. For this part of the crop, the sugar content is determined only at the time of processing by the so-called "cossettee test".

Beginning with the 1962 crop, beets will be marketed in at least one settlement area under a "combined individual-cossette test" contract. This differs from the regular "individual test" contract in that the results of these individual tests will be adjusted on a pro rata basis so that the average coincides with the average cossette test of all of the beets of the crop marketed in the settlement area.

This amendment provides for the determination of sugar commercially recoverable for beets marketed under this additional type of contract.

Accordingly, I hereby find and conclude that the aforestated amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403 61 Stat. 932; 7 U.S.C. Supp. 1153. Interprets or applies secs. 302, 303, 304, 61 Stat. 930, as amended, 931, 7 U.S.C. Supp. 1132, 1133, 1134; Public Law 87-595 approved July 13, 1962)

Effective date: Date of publication.

Signed at Washington, D.C., on August 2, 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-7887; Filed, Aug. 7, 1962; 8.50 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

International Cooperation Administration, Development Loan Fund, and Agency for International Development

1. Effective upon publication in the FEDERAL REGISTER, § 6.149 is revoked in its entirety.

2. Effective upon publication in the FEDERAL REGISTER, § 6.249 is revoked in its entirety and a new § 6.275, paragraph (a) is added as set out below.

§ 6.275 Agency for International Development.

(a) Not to exceed thirty positions at GS-9 and above when filled by persons who have served overseas with the Agency for International Development for not less than two years.

3. Effective upon publication in the FEDERAL REGISTER, §§ 6.349 and 6.362 are revoked in their entirety, and paragraphs (a) (2), (3) and (4), (b) (2) and (c) (1) are added to § 6.375 as set out below.

§ 6.375 Agency for International Development.

(a) *Office of the Administrator.* * * *

(2) One Confidential Assistant (Private Secretary) to the Administrator.

(3) One Chauffeur for the Administrator.

(4) One Private Secretary to each of the two Deputy Administrators.

(b) *Office of the Assistant Administrator for Congressional Liaison.* * * *

(2) One Private Secretary to the Assistant Administrator.

(c) *Office of the General Counsel.* (1) One Private Secretary to the General Counsel.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7909; Filed, Aug. 7, 1962; 8:52 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 2, Revision 2]

PART 121—SMALL BUSINESS SIZE STANDARDS

Effective sixty (60) days after publication of this amendment in the FEDERAL REGISTER, the twenty-five percent (25%) size differential affecting bidders located in Areas of Substantial Unemployment will no longer be applicable.

The twenty-five percent (25%) size differential will remain in effect for purposes of business loans under the Small Business Act and assistance under the Small Business Investment Act of 1958 provided that an Area of Substantial Unemployment has been so classified by the Department of Labor continuously since September 1961. If an area is removed from the Department of Labor's listing, the twenty-five percent (25%) size differential will not apply even if it is listed again.

In addition, for purposes of SBA financing and assistance under the Small Business Investment Act of 1958, any concern located in a Redevelopment Area, designated as such pursuant to the Area Redevelopment Act, will be entitled to a twenty-five percent (25%) size differential.

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812),

as amended (26 F.R. 1441, 1983, 2778, 3064, 5708, 6642, 8592, 10633, 12069), is hereby further amended by rescinding Amendment 2, Revised, thereof (26 F.R. 2778, published April 4, 1961) in its entirety without any prejudice to any actions taken thereunder and substituting the following Amendment 2, Revision 2, in lieu thereof:

1. Add new paragraphs (p) and (t) to § 121.3–2 as follows:

§ 121.3–2 Definition of terms used in this part.

* * * * *

(p) "Area of Substantial Unemployment" for the purpose of small business size determinations means a geographical area within the United States which:

(1) Is classified by the Department of Labor either as an "Area of Substantial Unemployment" or an "Area of Substantial and Persistent Unemployment," and such classification has been listed in that Department's publication "Area Labor Market Trends" continuously from September 15, 1961, until a size determination is made, or

(2) Is individually certified by the Department of Labor as an "Area of Substantial Unemployment" and has been eligible for such certification continuously since September 15, 1961.

If an area has been removed from the publication "Area Labor Market Trends" or if an area becomes ineligible for certification at any time, such area is excluded from the above definition and cannot be reinstated for the purpose of size determinations unless it is designated as a Redevelopment Area by the Department of Commerce. (See § 121.3–2(t).)

* * * * *

(t) "Redevelopment Area" for the purpose of small business size determinations means a geographical area within the United States which has been designated as a "Redevelopment Area" in accordance with the Area Redevelopment Act (Pub. Law 87–27, sec. 5, 75 Stat. 48).

2. Delete § 121.3–7 in its entirety and substituting in lieu thereof the following new § 121.3–7:

§ 121.3–7 Differentials.

(a) *Alaska.* If an applicant for a size determination is a concern located in Alaska, then, whenever "annual sales or annual receipts" are used in any size definition contained in this part, said dollar limitation is increased by twenty-five percent (25%) of the amount set forth therein.

(b) *Substantial unemployment and redevelopment areas*—(1) *Business loans under the Small Business Act.* Notwithstanding any other provision of this part, the applicable size standards for the purpose of financial assistance under section 7(a) of the Act are increased by twenty-five percent (25%) whenever the concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area and agrees to use the financial assistance within such area or, if it does not maintain or operate a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area, agrees to utilize the financial assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(2) *Small business investment companies and development companies.* Notwithstanding any other provision of this part, the size standards for a small business concern receiving assistance from a small business investment company or receiving section 501 or section 502 loan are increased by twenty-five percent (25%) whenever such concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area and agrees to use such assistance within such area or, if it does not maintain or operate a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area, agrees to utilize such assistance in connection with the establishment and/or operation of a plant, facility, or other business establishment in such area.

(3) *Government procurement assistance and sales of Government property.* This paragraph is not applicable to size determinations for the purpose of Government procurement assistance or sales of Government property.

Effective date: This amendment shall became effective sixty (60) days after publication in the FEDERAL REGISTER.

Dated: August 1, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–7872; Filed, Aug. 7, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR–69]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Exceptions, Petitions for Discretionary Review and Supporting Briefs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of August 1962.

On October 23, 1961, the Board issued a notice of rule making, PDR–12, Docket 13127 (26 F.R. 10099), proposing an amendment of §§ 302.30 and 302.31 of the rules of practice in economic proceedings which would establish more efficient and expeditious procedures for the processing of appeals from initial or recommended decisions of examiners or tentative decisions of the Board. This proposal related to the procedure which at that time, prior to delegation of authority to examiners to make the agency decision, applied to Board review of all initial decisions. Even though the majority of Examiners' decisions are now subject only to the new provisions for discretionary Board review, a sufficient number of decisions subject to the former appeals practice remain to make it worthwhile for the Board to improve that practice.

The notice of rule making set forth two alternative versions of the proposed regulation insofar as it was designed to provide for skeletonized exceptions. These were respectively designated, in the notice, as the "Proposed Rule" and the "Alternative Rule." The former required that exceptions should identify every finding or statement of fact, law or policy (or lack thereof) which the appellant intended to make the subject of an objection on brief. The latter required that exceptions state only the ultimate conclusion or conclusions challenged and prohibited the taking of exceptions to underlying findings or statements to which appellant might object. For the most part, the comments expressed a preference for the alternative rule, and the Board has decided to adopt it. This rule reflects the concept that at the time of the appeal to the Board from the initial decision the parties to an economic proceeding are normally aware of all the points at issue so that exceptions which merely identify the ultimate conclusions in the decision objected to would give sufficient notice to opposing parties of the contentions later to be made in the appellant's brief.

In response to comments the rule has been refined to provide that the exceptions must specify any matters of fact or law which the appellant will raise before the Board for the first time. In response to another comment, the alternative proposal has been revised to make it clear that while exceptions may only be filed with respect to an ultimate conclusion reached by the examiner and may not specifically include the findings and statements underlying that conclusion, a party who files such a general exception is free to argue to the Board that such underlying findings and statements are erroneous.

The proposed alternative rule provided a seven-day period for the filing of exceptions. In response to comments that a longer period be allowed, the Board has decided to extend the period from seven to ten days.

During the pendency of the instant rule-making proceeding, the Board adopted special procedures for the processing of petitions seeking discretionary review of cases decided by hearing examiners under delegated authority. It appears desirable to amend those special procedures to incorporate some of the improvements in appellate practice made herein. The Board gave notice that it might take such action in the Explanatory Statement of PDR–12. Accordingly, we are revising § 302.28(a)(2) to require petitions for discretionary review to state separately each issue presented for review and to prohibit the restatement of the same point in repetitive discussions of the issue. We are also revising § 302.31(b) to advise litigants that the Board will not consider the underlying petitions for discretionary review in cases where it affords review, but will confine itself to consideration and evaluation of the briefs. Finally, certain editorial changes in §§ 302.28 and 302.31 have been made.

Interested persons have been afforded opportunity to participate in the formulation of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Subpart A—Rules of General Applicability, of Part 302 of the Procedural Regulations (14 CFR Part 302), effective September 6, 1962, as follows:

§ 302.28 [Amendment]

1. Amend § 302.28(a)(2) to read as follows:

(2) Petitions for review shall be accompanied by proof of service, shall concisely and plainly state the issues presented for review, and shall be filed only upon one or more of the following grounds:

(i) A finding of a material fact is erroneous;

(ii) A necessary legal conclusion is without governing precedent or is a departure from or contrary to law, Board rules, or precedent;

(iii) A substantial and important question of law, policy or discretion is involved; or

(iv) A prejudicial procedural error has occurred.

Where objections are based on the record, the portions of the record relied upon shall be identified by detailed citations. Each issue presented for review shall be separately numbered and shall be stated as a separate point, and petitioners shall not restate the same point in several repetitive discussions of an issue. Petitions for review shall specify any matters of fact or law, not argued before the examiner, which will be argued on brief to the Board.

2. Amend § 302.30 to read as follows:

§ 302.30 Exceptions to recommended decisions of Examiners or tentative decisions of the Board.

(a) *Time for filing.* Within ten (10) days after service of any recommended decision of an examiner or tentative decision of the Board, any party to a proceeding may file exceptions to such decision with the Board.

(b) *Form and contents of exceptions.* Each exception shall be separately numbered and shall be stated as a separate point, and appellants shall not restate the same point in several repetitive exceptions. Each exception shall state, sufficiently identify, and be limited to, an ultimate conclusion in the decision to which exception is taken (such as, selection of one carrier rather than another to serve any point or points; points included in or excluded from a new route; imposition or failure to impose a given restriction; determination of a rate at a given amount rather than another). No specific exception shall be taken with respect to underlying findings or statements, but exceptions to an ultimate conclusion shall be deemed to include exceptions to all underlying findings and statements pertaining thereto: *Provided, however,* That exceptions shall specify any matters of law, fact or policy which were not argued before the examiner but will be set forth for the first time on brief to the Board.

(c) *Effect of failure to file timely and adequate exceptions.* No objection may be made on brief or at a later time to an ultimate conclusion which is not expressly made the subject of an exception in compliance with the provisions of this section. *Provided, however,* That any party may file a brief in support of the decision and in opposition to the exceptions filed by any other party.

3. Section 302.31 is revised to read as follows:

§ 302.31 Briefs before the Board and petitions for discretionary review.

(a) *Time for filing briefs.* Within such period after the date of service of any recommended decision of an examiner or tentative decision by the Board, as may be fixed therein, any party may file a brief addressed to the Board, in support of his exceptions to such decision, or in opposition to the exceptions filed by any other party. Within thirty (30) days after the date of service of a Board order advising that the Board will review an initial decision, any party to the review proceeding (§ 302.28(d)(3)) may file a brief on the issues specified in such order. In cases where the filing of opening, answering and reply briefs will not unduly delay the proceeding and will assist in its proper disposition, the Board in the tentative decision or order on review, or the examiner in the recommended decision, may direct that the parties file briefs at different times rather than at the same time.

(b) *Effect of failure to restate objections in briefs.* In determining the merits of an appeal, the Board will not note or consider the exceptions or petition for discretionary review but will consider only the brief. Each objection contained in the exceptions or petition for discretionary review must be restated and supported by a statement and adequate discussion of all matters relied upon, in a brief filed pursuant to and in compliance with the requirements of this section.

(c) *Formal specifications of briefs and petitions for discretionary review*—(1) *Contents.* Each brief shall discuss every point of fact and law which the party submitting it is entitled to raise, pursuant to this Part and any pertinent order of the Board, and which he desires the Board to consider. Support and justification for every such point shall include itemized references to the pages of the transcript of hearing, exhibit or other matter in the record, and citations of the statutes, regulations or principal authorities relied upon. If a brief or any point discussed therein is not in substantial conformity with the requirement for such support and justification, no motion to strike or dismiss such document shall be made but the Board may disregard the points involved.

(2) *Incorporation by reference.* Briefs to the Board and petitions for discretionary review shall be completely self-contained and shall not incorporate by reference any portion of any other brief or pleading: *Provided, however,* That in lieu of submitting a brief to the Board a party may adopt by reference specifically identified pages or the whole of his prior brief to the examiner. In such cases, the party may file with the Board a letter exercising this privilege which shall be filed with the Docket Section and served upon all parties in the same manner as a brief to the Board.

(3) *Length.* Except by special permission or direction of the Board or the Chief Examiner, briefs shall not exceed 50 pages and petitions for discretionary review shall not exceed 20 pages. If typed, such documents shall be double spaced, except for footnotes and quotations which may be single spaced. The pages contained in any appendix, table, chart, or similar document, other than a map which is physically attached to any such document, shall be counted in determining its length.

(4) *Size, margin and type limitations.* Briefs and petitions for discretionary review which are printed shall be on paper not exceeding 6⅛ inches in width and 9¼ inches in length, having all margins at least 1 inch in width. The text, footnotes and all physical attachments to any such document shall be printed in clear and readable type, not smaller than 11 point type, which is adequately leaded. Any such document which is typewritten, mimeographed, multigraphed or reproduced by any process other than printing shall utilize type not smaller than Elite type and be on paper not exceeding 8½ inches in width and 11 inches in length which has left-hand margins not less than 1½ inches, and all other margins at least 1 inch in width. However, numerical tables, maps and charts which are physically attached thereto may be printed or otherwise reproduced on paper not exceeding 8½ inches in width and 14 inches in length, provided they are folded to the size of the document.

(5) *Subject index.* Any brief or petition for discretionary review which exceeds 10 pages shall contain a subject index of its contents, including appropriate page references.

(6) *Definition of map.* As used in this section, the term "map" means only those pictorial representations of routes, flight paths, mileage and similar ancillary data which are superimposed on geographic drawings and contain only such text as is needed to explain the pictorial representation.

(Sec. 204(a) and 1001 of the Federal Aviation Act of 1958; 72 Stat. 743, 788; 49 U.S.C. 1324, 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–7886; Filed, Aug. 7, 1962; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WE-25]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration and Designation of Control Zone; Modification

On July 17, 1962, there was published in the FEDERAL REGISTER (27 F.R. 6751) amendments to Part 601 of the regulations of the Administrator, which altered the Fresno, Calif., control zone and designated a control zone at Chandler Municipal Airport, Fresno, Calif.

Subsequent to publication of the amendments, it has been brought to the attention of the Administrator that the date for conversion of the Fresno radio range to a radio beacon is indefinite. Therefore, action is taken herein to substitute geographical coordinates for the radio beacon in the description of the Fresno, Calif. (Chandler Municipal Airport) control zone.

Since this amendment imposes no additional burden on any person, the effective date of the rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 62-WE-25 (27 F.R. 6751) is hereby modified as follows:

In the description of the Fresno, Calif. (Chandler Municipal Airport), control zone "within 2 miles either side of the 152° bearing from the Fresno RBN extending from the 5-mile radius zone to 8 miles SE of the RBN," is deleted and "within 2 miles either side of the 152° bearing from latitude 36°43'25" N., longitude 119°50'02" W. extending from the 5-mile radius zone to 8 miles SE of latitude 36°43'25" N., longitude 119°50'02" W.," is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 1, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7859; Filed, Aug. 7, 1962; 8:45 a.m.]

[Airspace Docket No. 62-SO-42]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to § 601.2168 and § 601.1228 of the regulations of the Administrator is to alter the descriptions of the Tampa, Fla., control zone and the Tampa control area extension.

The Tampa control zone and control area extension are designated, in part, with reference to the Tampa radio range. The Federal Aviation Agency is converting this facility to a radio beacon. Therefore, action is taken herein to substitute the Tampa radio beacon for the Tampa radio range in the description of the Tampa control zone and control area extension. Additionally, the proviso in the description of the Tampa control area extension excluding the portion of the Key West, Fla., Warning Area W-173 is being deleted. This proviso is not required as the west boundary of W-173 adjoins, but does not overlap, the Tampa control area extension.

Since these amendments are editorial in nature, and impose no additional burden on any person, notice and public procedure hereon are unnecessary, and they may be made effective September 3, 1962.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 601.2168 (14 CFR 601.2168) is amended to read:

§ 601.2168 Tampa, Fla., control zone.

Within a 5-mile radius of Tampa International Airport (latitude 27°58'30" N., longitude 82°31'40" W.), within a 5-mile radius of the Mac Dill Air Force Base (latitude 27°51'05" N., longitude 82°31'15" W.), within a 5-mile radius of the St. Petersburg-Clearwater International Airport (latitude 27°54'40" N., longitude 82°41'10" W.), within 2 miles either side of a line extending from the Tampa International Airport to the Tampa RBN, within 2 miles either side of the 137° bearing from the Tampa RBN extending from the Mac Dill AFB 5-mile radius zone to 10 miles SE of the RBN, within 2 miles either side of the St. Petersburg VORTAC 340° radial extending from the St. Petersburg-Clearwater International Airport 5-mile radius zone to 10 miles NW of the VORTAC, and within 5 miles either side of a line extending from the St. Petersburg-Clearwater International Airport to the Tampa International Airport.

2. Section 601.1228 (14 CFR 601.1228) is amended to read:

§ 601.1228 Control area extension (Tampa, Fla.).

The airspace within 5 miles either side of a line extending from the Tampa, Fla., RBN to the Key West, Fla., RR, excluding the portion below 2,000 feet MSL outside the United States, and excluding the portion which coincides with W-174. The portion above 20,000 feet MSL between latitude 24°50'00" N., and the S boundary of the Miami control area extension No. 1230 is excluded.

These amendments shall become effective 0001 e.s.t. September 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 1, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7864; Filed, Aug. 7, 1962; 8:46 a.m.]

[Airspace Docket No. 62-WE-39]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Transition Area

On May 10, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4488) stating that the Federal Aviation Agency proposed to designate a transition area at Port Angeles, Wash.

No adverse comments were received regarding the proposed amendment.

Since the proposed transition area would underlie the present Port Angeles transition area (§ 601.10881), action is taken herein to include the proposed area in § 601.10881.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the text of § 601.10881 (14 CFR 601.10881) is amended to read:

§ 601.10881 Port Angeles, Wash., transition area.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the CGAS Port Angeles (latitude 48°08'30" N., longitude 123°24'45" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the N. by the United States/Canadian border, on the E. by Amber Federal airway No. 1, on the S. by latitude 48°03'00" N. and on the W. by longitude 123°35'00" W.

This amendment shall become effective 0001 e.s.t. September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 1, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7865; Filed, Aug. 7, 1962; 8:46 a.m.]

[Airspace Docket No. 62-WE-64]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Transition Area

On June 5, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5270) stating that the Federal Aviation Agency proposed to alter the Milford, Utah, transition area.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the text of § 601.10873 (14 CFR 601.10873) is amended to read:

§ 601.10873 Milford, Utah, transition area.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Milford Municipal Airport (Latitude 38°25'35" N., Longitude 113°00'40" W.) and within 2 miles either side of the Milford VORTAC 196° radial extending from the 5-mile radius area to 8 miles S of the VORTAC; including the airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Milford VORTAC 023° and 203° radials extending from 9 miles SW to 20 miles NE of the VORTAC.

This amendment shall become effective 0001 e.s.t. September 20, 1962.

(Sec. 307(a), 72 Stat. 749; U.S.C. 1348)

Issued in Washington, D.C., on August 1, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7866; Filed Aug. 7, 1962; 8:46 a.m.]

[Airspace Docket No. 62-KC-15]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Transition Area

On May 29, 1962, a notice of proposed rule making was published in the FEDERAL RERISTER (27 F.R. 5003) stating that the Federal Aviation Agency proposed to designate a transition area at Winner, S. Dak.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.10060 Winner, S. Dak., transition area.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Winner Airport (Latitude 43°23'30" N., Longitude 99°50'45" W.) and within 2 miles either side of the Winner VORTAC 212° radial extending from the 5-mile radius area to the VORTAC; including the airspace extending upward from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the Winner VORTAC 032° and 212° radials extending from 5 miles SW to 13 miles NE of the VORTAC.

This amendment shall become effective 0001 e.s.t. September 20, 1962.

(Sec. 307(a), 72 Stat. 749; U.S.C. 1348).

Issued in Washington, D.C. on August 1, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7867; Filed, Aug. 7, 1962; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER K—SECURITY OF VESSELS

[CGFR 62-24]

PART 124—CONTROL OVER MOVEMENT OF VESSELS

Advance Notice of Time of Arrival of Vessels

By Executive Order 10173 the President found that the security of the United States is endangered by reason of subversive activities and prescribed certain regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature to vessels, ports, and waterfront facilities in the United States and all territory and waters, continental or insular, subject to the jurisdiction of the United States exclusive of the Canal Zone.

Pursuant to the authority of 33 CFR 6.04-8 in Executive Order 10173 (15 F.R. 7007; 3 CFR, 1950 Supp.) the Captain of the Port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof when within the territorial waters of the United States under his jurisdiction whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury or to prevent damage or injury to any waterfront facility or waters of the United States or to secure the observance of rights and obligations of the United States.

The provisions of 33 CFR 124.10 set forth the requirements regarding the advance notice of vessel's estimated time of arrival to be furnished to the Captain of the Port. The purpose for amending this section is to clarify requirements concerning which vessels are required to submit an advance notice of arrival report, especially at ports on the Great Lakes.

Because of the national emergency declared by the President, it is found that compliance with the Administrative Procedure Act (requesting notice of proposed rule making, public rule-making procedures thereon, and effective date requirements thereof) is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173 as amended by Executive Orders 10277 and 10352, I hereby prescribe the following amendments to § 124.10 revising paragraphs (a) (8) and (b) (2) and adding paragraphs (b) (5) and (6), which shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

§ 124.10 Advance notice of vessel's time of arrival to Captain of the Port.

(a) • • •

(8) A westbound vessel which is to proceed to or through United States waters of the St. Lawrence River and/or the Great Lakes shall be subject to compliance with paragraph (b) of this section.

(b) • • •

(2) In addition, prior to or immediately on entering Lake Ontario inbound, advise the Commander, Ninth Coast Guard District, Cleveland, Ohio, of the vessel's first intended United States port of call, if any, and estimated time of arrival at that port.

• • • • • •

(5) A master or agent of a vessel who files a copy of the scheduled route with the Commander, Ninth Coast Guard District, Cleveland, Ohio, at least 24 hours prior to arrival at Snell Lock, and who includes in the schedule the estimated time of arrival at the Snell Lock, Massena, N.Y., shall be considered to be in constructive compliance with requirements of subparagraph (1) of this paragraph and no additional advance notice of the vessel's arrival at the Snell Lock is required. Likewise, a master or agent of such vessel who indicates in this schedule the name of the first intended United States port of call and estimated time of arrival at that port shall be considered in constructive compliance with subparagraph (2) of this paragraph and no additional advance notice of arrival is required.

(6) When the arrival is a direct result of the operation of "force majeure," and it is not possible to give at least 24 hours advance notice of time of arrival, then advance notice as early as practicable shall be furnished.

(Sec. 1, 40 Stat. 220, as amended; 50 U.S.C. 191; E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

Dated: August 3, 1962.

E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 62-7903; Filed, Aug. 7, 1962; 8:52 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Cape Cod Canal, Mass.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.20 governing the use, administration and navigation of the Cape Cod Canal, Massachusetts, is hereby amended to accomplish desired changes and revisions effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.20 Cape Cod Canal, Mass.; use, administration and navigation.

• • • • •

(c) *Vessels allowed passage.* The canal is open for passage to all adequately powered vessels properly equipped and seaworthy, of sizes consistent with safe navigation as governed by the controlling depth, widths, and clearances of the bridges on the waterway. The granting of permission for any vessel to proceed through the waterway shall not relieve the owners, agents and operators of full responsibility for its safe passage. No vessel having a greater draft forward than aft will be allowed to transit the canal. Craft of low power and wind driven are required to have and use auxiliary power during passage through the canal land cut and will continue to use this power between the State Pier, Buzzards Bay and Cleveland Ledge Light if it is necessary for the craft to navigate the Federal Improved Channel. Low powered vessels should await slack water or favorable current for canal transit.

(d) *Tows.* (1) Tows shall be made-up outside the canal entrances. All vessels engaged in towing other vessels not equipped with a rudder shall use two tow lines or a bridle and one tow line. If the vessel in tow is equipped with a rudder, one tow line may be used. All tow lines or hawsers must be hauled as short as practicable for safe handling of the tows. No towboat will be allowed to enter the waterway with more than two barges in tow unless prior approval is granted by the Vessel Dispatcher.

(2) The maximum length of pontoon rafts using the canal will be limited to 600 feet, and the maximum width to 100 feet. Pontoon rafts exceeding 200 feet in length will be required to have an additional tug on the stern to insure that the tow is kept in line. The tugs used must have sufficient power to handle the raft safely.

(3) Dead vessels are required to transit the canal during daylight hours and must be provided with the number of tugs sufficient to afford safe passage through the canal.

(e) *Explosives.* Vessels or tows carrying explosives must notify the Vessel Dispatcher prior to entering the canal so that arrangements can be made for a clear canal passage. Transportation of explosives through the canal shall be in strict accordance with regulations prescribed by law.

• • • • •

(g) *Obtaining clearance.* Vessels over 25 feet in length, with or without radar, are cautioned not to transit the canal until clearance by traffic lights, radio, radiotelephone, megaphone, or Corps of Engineers' patrol boat has been obtained. If a vessel of any type is delayed at the mooring basins, State Pier, Buzzards Bay or the Sandwich bulkhead, a second clearance must be obtained prior to continuing passage through the canal.

(1) *Traffic lights.* Traffic lights, red, green and amber yellow are located at the easterly canal entrance, Sandwich; the easterly side of the Sandwich Control Station 35; approximately 1,000 feet west of the Buzzards Bay Railroad Bridge; at the westerly entrance of the Hog Island Channel at Wings Neck and apply to all vessels over 65 feet in length that desire to transit the canal as follows:

(i) *West bound traffic.* When the green light is on at the eastern (Cape Cod Bay) entrance, properly equipped vessels may proceed westward through the canal. When the fixed red light is on, any type of vessel over 65 feet in length drawing more than 25 feet, and towboats with any type of craft in tow must stop clear of the Cape Cod Bay entrance approach channel. When the amber yellow light is on, vessels drawing less than 25 feet may proceed as far as the East Mooring Basin where they must stop, and from that point clearance must be granted by radiotelephone, contact with the Corps of Engineers' patrol boat, or other reliable means. When the red light is flashing, clearance to enter the canal may be expected within a reasonable time, not to exceed 30 minutes. If, on receiving the green light, the ship does not get under way within 30 minutes, the priority to pass through the canal may be forfeited. Anchorage of vessels drawing more than 25 feet is prohibited between Buzzards Bay Buoy No. 7 (FLW & BELL) and the easterly entrance to the canal channel.

(ii) *East bound traffic.* When the green light is on at Wings Neck, properly equipped vessels may proceed eastward through the canal. When the fixed red light is on, vessels over 65 feet in length drawing less than 25 feet, and towboats with any type of craft in tow must keep southerly of Hog Island Channel Entrance Buoys Nos. 1 and 2 and utilize the general anchorage areas adjacent to the improved channel. Vessel traffic drawing 25 feet and over are directed not to enter the canal channel at the Cleveland Ledge Light entrance and shall lay-to or anchor in the vicinity of Buzzards Bay Buoy No. 7 (FLW & BELL) until clearance is granted by the Canal Dispatcher by a green traffic light at Wings Neck or by radio or radiotelephone communication. When the amber yellow light is on, vessels may proceed through Hog Island Channel as far as the West Mooring Basin or the State Pier, where they must stop and from that point clearance shall be controlled by the traffic lights located approximately 1,000 feet west of the railroad bridge, or clearance granted by the Corps of Engineers' patrol boat, or by radiotelephone or other reliable means. When the red light at Wings Neck is flashing, clearance to enter the canal may be expected within a reasonable time, not to exceed 30 minutes. If, on receiving the green light, the ship does not get underway within 30 minutes, the priority to pass through the canal at that time may be forfeited. In the daytime when sunshine partially obscures the traffic lights at Wings Neck, a red ball or shape, will be suspended from a pole 60 feet south of the lights. When this ball is so suspended it indicates that a red light is on and the canal is closed to east bound traffic. The supplementary traffic lights located approximately 1,000 feet west of the railroad bridge are for controlling east bound traffic that has passed in by Wings Neck, in the event of emergencies for dispatching traffic from the West Mooring Basin and State Pier, and for indicating that the railroad bridge is in a closed (down) position. When the green light is on, vessels may proceed eastward through the canal. When the red light is on, all vessels over 25 feet in length are directed not to pass east of the State Pier.

• • • • •

(j) *Management of vessels*—(1) *Pilot Rules.* (i) The canal is an inland waterway of the United States and the pilot rules for such waterways as contained in the United States Coast Guard publication "Pilot Rules" are applicable concerning matters not otherwise covered in this section.

(ii) The Masters of all vessels with a length overall of 200 feet and over are directed to notify the Canal Dispatcher prior to entering the waterway, of the name of the Pilot handling the vessel through the canal by the media outlined below:

(*a*) Direct communication with the Cape Cod Canal office is available at all hours by means of telegraph, telephone, and radio. The telephone number is Buzzards Bay Plaza 9–4431 or Plaza 9–4432. The nearest ship-to-shore telephone station is at Scituate, Mass. (call letter WOU). The nearest radio telephone station (call letters WUA–21) is located at the Cap Cod Canal Office, Buzzards Bay, Mass., operating on a frequency of 2350 kc.

(*b*) Vessels equipped to communicate on 2350 k.c. are requested to keep their radio telephones tuned to that frequency during the entire passage through the canal.

• • • • •

(5) *Stopping in the waterway.* Anchoring in the Cape Cod Canal Channel is prohibited except in emergencies. For the safety of Canal operations it is mandatory that the Masters of all vessels anchoring in the Canal Project Channel (Cape Cod Bay to Cleveland Ledge Light) because of mechanical deficiencies—groundings in or adjacent to the channel limits, or for any other reason, immediately notify the Canal Dispatcher by media outlined in subparagraph (1) (ii) of this paragraph.

(6) *Utilization of mooring and boat basins and the Sandwich Bulkhead.* Vessels or boats mooring or anchoring in the mooring or boat basins and at the Sandwich bulkhead must do so in a manner not to obstruct or impede vessel movements to and from the basins. Mooring in the West Boat Basin at Buzzards Bay, near the railroad bridge, is not permitted except in an emergency. Fishing boats, yachts, cabin cruisers and other craft utilizing the East Boat Basin on the south side of the canal at Sandwich, Massachusetts, are not permitted to tie up at the Corps of Engineers' landing float or anchor in a manner to prevent canal floating plant from having ready access to the float. All vessels or barges left unattended must be securely tied with adequate lines or cables. The United States assumes no liability for damages which may be sustained by any craft using the bulkhead at Sandwich or the canal mooring or boat basin facilities.

• • • • •

(o) *Fish, game and recreation.* Persons at their own risk may fish with rod and line from the banks of the canal at such locations as may be designated by the Division Engineer or his authorized representative and under the same conditions use specified areas for recreational purposes. Fish and game laws of the United States and the Commonwealth of Massachusetts will be enforced. Fishing and lobstering by boat in the Cape Cod Canal between the east entrance (Cape Cod Bay) and the State Pier, Buzzards Bay are prohibited. Fishing by boat is permitted in the area west of the State Pier, Buzzards Bay, provided that all craft stay out of the channel, as defined by United States Coast Guard buoys and beacons. Skin diving in the canal between the westerly entrance of the Hog Island Channel and Cape Cod Bay is prohibited unless authorized by the Canal Dispatcher. Visitors may park automobiles at their own risk in unrestricted Government areas while engaged in recreational activities. No open fires will be allowed at any time except by special permission and then shall be in compliance with State or Town laws. No overnight tenting or camping on Government land will be permitted.

[Regs., July 23, 1962, 285/111 (Cape Cod Canal–ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–7856; Filed, Aug. 7, 1962; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14594]

PART 9—AVIATION SERVICES

Aeronautical Advisory Service

1. Notice of proposed rule making in the above-entitled matter was released by the Commission April 13, 1962. This notice which made provision for the filing of comments by May 21, 1962 was duly published in the FEDERAL REGISTER on April 18, 1962 (27 F.R. 3695).

2. The subject amendment is intended to make for a more orderly and efficient administration of the aeronautical advisory service. Accordingly, the amendment requires an applicant who is a non-owner of a landing area to be a party to a written agreement with the owner of the landing area whereby the owner vests in the applicant the exclusive and sole right to establish and maintain an aeronautical advisory station to serve the owner's landing area. The agreement must be for a time certain. Authorizations issued to non-owners will be for a period of time not to exceed the time specified in the agreement and will be subject to the agreement remaining in force. The amendment further provides that the aeronautical advisory station licensee may not operate the advisory service so as to discriminate against any aviation ground services which are available to aircraft using the landing area served by the station.

3. Comments in this proceeding were filed by Aircraft Owners and Pilots Association (AOPA) and National Pilots Association (NPA). Respondents raised no objection nor offered any change to the proposal.

4. The appendix appearing below contains the appropriate amendment to Part 9. This amendment is identical to that proposed by the notice of proposed rule making referred to in Paragraph 1 above.

5. In view of the foregoing: *It is ordered,* Pursuant to the authority contained in section 303 (f), (h) and (r) of the Communications Act of 1934, as amended, that effective September 10, 1962, Part 9 of the Commission's rules is amended as set forth below.

6. *It is further ordered,* That the proceeding in Docket No. 14594 is terminated.

Adopted: August 1, 1962.

Released: August 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 9.1001 is amended to read as follows:

§ 9.1001 Special eligibility requirements.

(a) An aeronautical advisory station using the frequency 122.8 Mc/s will be authorized only at a landing area not served by an airdrome control station.

(b) An aeronautical advisory station using the frequency 123.0 Mc/s will be authorized only at a landing area served by an airdrome control station.

(c) Only one aeronautical advisory station will be authorized at any landing area.

(d) Authorization to operate an aeronautical advisory station will be issued only to the owner of the landing area or to a person who has entered into a written contractual agreement with the owner of the landing area whereby the owner gives such person the exclusive and sole right to establish and maintain an aeronautical advisory station to serve the owner's landing area for a time certain. An authorization issued to a non-owner will be for a period of time not to exceed the time specified in the written agreement and is subject to the above-described contractual agreement remaining in force.

(e) An aeronautical advisory station and any control points must be located on the landing area to be served.

(f) Notwithstanding the provisions of § 9.185(e), dispatch points shall not be established at locations other than the landing area served by the station.

2. In § 9.1004, paragraphs (b) through (e) are redesignated as (c) through (f) and a new paragraph (b) is added to read as follows:

§ 9.1004 Scope of Service.

• • • • •

(b) Communications by an aeronautical advisory station shall be impartial with respect to information concerning similar available ground services.

[F.R. Doc. 62–7889; Filed, Aug. 7, 1962; 8:50 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-NY-96]

FEDERAL AIRWAYS

Alteration of Federal Airways

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.1646 and 600.1658 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1646 is designated in part as a 10-mile wide airway from the Elkins, W. Va., VOR via the intersection of the Elkins VOR 076° and the Front Royal, Va., VOR 269° True radials to the Front Royal VOR. The western terminus of intermediate altitude VOR Federal airway No. 1658 is the Martinsburg, W. Va., VOR.

The Federal Aviation Agency has under consideration a proposal to:

1. Extend Victor 1658 from the Martinsburg VOR as a 16-mile wide airway to the Elkins VOR.

2. Redesignate Victor 1646 in part from the Elkins VOR as a 16-mile wide airway via the intersection of the Elkins VOR 074° and the Front Royal VOR 271° True radials to the Front Royal VOR.

The extension of Victor 1658 would provide a southwest bound routing to serve traffic from the New York and Philadelphia terminal areas. The realignment of Victor 1646 would provide a more compatible alignment with the proposed extension of Victor 1658 and retain the inbound routing to the Washington terminal area for traffic enroute from the southwest.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 1, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7860; Filed, Aug. 7, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62-WE-82]

JET ADVISORY AREAS

Alteration of Jet Advisory Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to § 602.200 of the regulations of the Administrator, the substance of which is stated below.

Secondary radar from the air route surveillance radar at a site near Rock Springs, Wyo., is expected to be commissioned in October 1962 which will make additional radar jet advisory service possible from the Salt Lake City, Utah, Air Route Traffic Control Center. The Federal Aviation Agency has under consideration the alteration of jet advisory areas in the vicinity of Rock Springs to include the airspace 16 miles either side of the jet route segments listed below from flight level 240 to flight level 390 inclusive:

1. Jet route No. 32 from 150 nautical miles northeast of Malad City, Idaho, to 72 nautical miles southwest of Crazy Woman, Wyo.

2. Jet route No. 107 from 40 nautical miles northeast of Rock Springs, Wyo., to 105 nautical miles southwest of Crazy Woman.

3. Jet routes Nos. 84 and 94 from 50 nautical miles east of Rock Springs to 85 nautical miles east of Rock Springs.

4. Jet route No. 20 from 45 nautical miles southeast of Rock Springs to 107 nautical miles northwest of Denver, Colo.

5. Jet route No. 56 from 163 nautical miles east of Salt Lake City, Utah, to 19 nautical miles west of Kremmling, Colo.

The action proposed herein and the action to become effective July 26, 1962 in Airspace Dockets Nos. 62-WE-29 and 62-WE-50 (27 F.R. 5863) would make jet advisory service available to civil turbojet aircraft along the entirety of the above jet routes except for a segment of J-32 northeast of Duluth, Minn., and portions of J-20.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 2, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7861; Filed, Aug. 7, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-LA-122]

JET ROUTES AND JET ADVISORY AREAS

Alteration of Jet Routes and Jet Advisory Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 602.100 and 602.200 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 88 presently extends from the Los Angeles, Calif., VOR direct to the Santa Barbara, Calif., VORTAC. The FAA has under consideration the realignment and extension of J-88 from the Los Angeles VOR via the intersection of the Los Angeles VOR 301° and the Santa Barbara VORTAC 109° True radials to the Santa Barbara VORTAC; thence direct to the Salinas, Calif., VORTAC; thence via the intersection of the Salinas VORTAC 310° and the Oakland, Calif., VORTAC 170° True radials to the Oakland VORTAC. It is proposed to use J-88 principally as a one-way northbound routing from Los Angeles to San Francisco. The proposed alignment of J-88 between Los Angeles and Santa Barbara and between Salinas and Oakland would partially overlie low and intermediate altitude airways and facilitate transitions between route structures.

Jet Route No. 1 presently extends in part from the Los Angeles VOR direct to the Avenal, Calif., VOR. The FAA has under consideration the realignment of this segment of J-1 via the Los Angeles VOR 316° and the Avenal VOR 145° True radials. It is proposed to use J-1 principally as a one-way southbound routing from San Francisco, Calif., to Los Angeles, and the realignment described above would overlie the low and intermediate altitude airways used for inbound traffic into Los Angeles.

Jet Route No. 3 presently extends in part from the San Diego, Calif., VOR to the Oakland VORTAC via the Oceanside, Calif., VORTAC; the Los Angeles VOR; and the Bakersfield, Calif., VORTAC. The FAA has under consideration the revocation of this segment of J-3 since the area between San Diego and Oakland would be adequately served by Jet Routes Nos. 1 and 88.

In Airspace Docket No. 61-LA-119 published in the FEDERAL REGISTER on July 25, 1962 (27 F.R. 7019), the FAA altered Jet Route No. 6 by extending it from the Palmdale, Calif., VOR to the intersection of the Palmdale VOR 291° True radial and J-1, and altered the jet advisory area associated with J-6 by extending it from the Hector, Calif., VORTAC to the intersection of J-6 with J-1. The FAA has under consideration the further extension of J-6 and its associated jet advisory area to the intersection of the Palmdale VOR 291° True radial and J-88. This would provide a bypass route around the Los Angeles terminal area for jet aircraft en route from southeast of Los Angeles to the San Francisco/Oakland Metropolitan area.

Additionally, the FAA has under consideration the designation of en route radar jet advisory areas from flight level 240 to flight level 390 inclusive, and within 16 miles either side of J-88 from Los Angeles to Oakland. The radar jet advisory areas proposed herein would provide defined areas wherein jet advisory service would be available.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 1, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7862; Filed, Aug. 7, 1962; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 62-EA-37]

SPECIAL USE AIRSPACE

Alteration of Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.39 of the regulations of the Administrator, the substance of which is stated below.

The De Blois, Maine, Restricted Area R-3901 is presently designated for use from 1000 to 2400 EST, Monday through Friday, from surface to FL 390 with the Commander, Dow AFB, Maine as the using Agency. The Department of the Air Force has requested that the total time of designation be moved ahead to commence and end two hours earlier each day, Monday through Friday, and that additional time of use be designated on Saturdays between the hours of 0800 and 1300 EST to accomplish additional training similar to that now being conducted in the area.

This alteration would increase the time of use of this restricted area. No change is contemplated in the designated altitudes, boundaries or using agency.

In reviewing the description of this area it was noted that one set of coordinates currently describing the boundaries is listed incorrectly. It is therefore proposed to correct the boundary descriptions in this docket.

If this action is taken, § 608.39 would be amended as follows:

R-3901 De Blois, Maine.

Boundaries. Beginning at latitude 44°40'-00" N., longitude 67°42'00" W.; to latitude 44°40'00" N., longitude 67°56'00" W.; to latitude 44°50'00" N., longitude 67°56'00" W.; to latitude 44°50'00" N., longitude 67°42'00" W.; to the point of beginning.

Designated altitude. Surface to flight level 390.

Time of designation. 0800 to 2200 e.s.t. Monday through Friday; 0800 to 1300 e.s.t. Saturday.

Using agency. Commander, Dow AFB, Maine.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 1, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7863; Filed, Aug. 7, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO—AREA NO. 2

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering approval of the expenses and rate of assessment hereinafter set forth which were recommended by the area committee for Area No. 2 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948) regulating the handling of Irish potatoes grown in the State of Colorado and issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit

and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 948.240 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended agreement and order during the fiscal period ending May 31, 1963, will amount to $13,494.60.

(b) The rate of assessment to be paid by each handler in Area No. 2 pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, shall be $0.002205 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 2, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–7876; Filed, Aug. 7, 1962; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1001, 1006, 1007, 1014, 1015]

[Docket Nos. AO–14 A–35, AO–203 A–17, AO–204 A–17, AO–302 A–9, AO–305 A–9]

MILK IN GREATER BOSTON, SPRINGFIELD, AND WORCESTER, MASSACHUSETTS; SOUTHEASTERN NEW ENGLAND; AND CONNECTICUT MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Correction

In F.R. Doc. 62–7667, appearing at page 7647 of the issue for Thursday, August 2, 1962, the following corrections are made:

1. In the first column of page 7649, that portion of the text which extends from the first complete paragraph (the paragraph beginning "2. In § 1001.16(e) of the Greater Boston order * * *") to the third paragraph of Proposal No. 14 (the paragraph ending with "* * * substituting the word 'Worcester' for the word 'Boston' as above."), should appear in the second column of page 7649, so that it follows paragraph No. 1 of Proposal No. 13.

2. In the second column of page 7649, in paragraph No. 1 of Proposal No. 16, the citation reading "§ 100.13 (b) and (c)" should read "§ 1001.3 (b) and (c)".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 12, 13]

[Docket Nos. 11060, 11061]

AMATEUR AND COMMERCIAL OPERATORS' LICENSES OR PERMITS

Eligibility; Order Terminating Proposed Rule Making Proceedings

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of August 1962;

The Commission having under consideration its notices of proposed rule making (FCC 54–716 and 717), released on June 11, 1954; a proposed Report and Order (FCC 55–83) released on January 24, 1955, and the comments filed in these proceedings.

On January 24, 1955, the Commission issued a Proposed Report and Order which discussed the comments filed in the proceedings and attached the text for the proposed rule changes. The Proposed Report and Order also stated that in view of the importance of the proposed rule changes, an opportunity would be afforded the interested parties to argue the legal questions involved before the Commission en banc. Oral argument was held March 7, 1955. The Commission's authority to consider matters affecting the character qualifications of radio station operators, where a question arises, has been sustained by the courts, Borrow v. FCC, 285 F. 2d 666, Cert. denied 364 U.S. 892; and Cronan v. FCC, 285 F. 2d 288, and this ad hoc approach to the problem appears adequate to protect the public interest at the present time. In addition, in view of the passage of time, and considering all of the facts and circumstances herein, it does not appear that the public interest would be served by adopting the Proposed Report and Order.

In view of the foregoing: *It is ordered*, That effective August 1, 1962, the Proposed Report and Order adopted January 21, 1955, is withdrawn and the proceedings in Dockets 11060 and 11061, are terminated.

Released: August 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–7888; Filed, Aug. 7, 1962; 8:50 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

A.I.D. BOARD OF CONTRACT APPEALS

Designation of Executive Secretary

Pursuant to the authority of paragraph 5 of the order establishing the A.I.D. Board of Contract Appeals (27 F.R. 903), I hereby appoint as Executive Secretary for the Board, Ollye Maye Koger, Office of the General Counsel, Agency for International Development, Department of State, Washington 25, D.C.

LESLIE A. GRANT,
Acting General Counsel.

AUGUST 2, 1962.

[F.R. Doc. 62–7873; Filed, Aug. 7, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Amendment of Proposed Withdrawal and Reservation of Lands

JULY 26, 1962.

Notice of an application Serial No. Sacramento 048741, for withdrawal and reservation of lands, was published as FEDERAL REGISTER Document No. 57–7665 on pages 7490 and 7491 of the issue of Thursday, September 19, 1957. The description of certain lands involved in the proposed withdrawal application is hereby amended to conform to the official survey plats to read as follows:

MOUNT DIABLO MERIDIAN

SIERRA NATIONAL FOREST

Nelder Grove Recreation Area

T. 6 S., R. 22 E.,
Sec. 5: Lots 3, 4, S½NW¼, S½;
Sec. 6: Lots 1, 2, E½, Lot 3, S½NE¼, E½ SE¼NW¼, E½E½SW¼, SE¼.

[SEAL] WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 62–7868; Filed, Aug. 7, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WALLACE H. ADAMSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of July 30, 1962.

WALLACE H. ADAMSON.

JULY 30, 1962.

[F.R. Doc. 62–7879; Filed, Aug. 7, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–201]

NUCLEAR FUEL SERVICES, INC.

Notice of Application for Construction Permit and Utilization Facility License

Please take notice that Nuclear Fuel Services, Inc., 101 North Charles Street, Baltimore 3, Maryland, under section 104(b) of the Atomic Energy Act of 1954, as amended, has submitted an application for a permit to construct and a license to operate a nuclear fuel chemical processing plant which would consist of a process building, a waste tank farm, a waste burial ground, a temporary waste storage lagoon and a warehouse. The 500 acre site chosen by Nuclear Fuel Services, Inc., is within the 3,331 acre site of the Western New York Nuclear Service Center located near Ashford, Cattaraugus County, New York.

A copy of the application is available for public inspection in the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 1st day of August 1962.

For the Atomic Energy Commission.

EBER R. PRICE,
Assistant Director, Division of Licensing and Regulation.

[F.R. Doc. 62–7857; Filed, Aug. 7, 1962; 8:45 a.m.]

[Docket No. 50–150]

OHIO STATE UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to Facility License No. R–75. The license authorizes The Ohio State University (the licensee) to operate its pool-type nuclear reactor (the reactor) located on its campus in Columbus, Ohio. The amendment authorizes the licensee to incorporate into the reactor and the procedures for its operation the modifications described in the licensee's application for license amendment dated December 27, 1961 and the supplement thereto dated May 1, 1962.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated December 27, 1961, and the supplement thereto dated May 1, 1962, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 31st day of July 1962.

For the Atomic Energy Commission.

EDSON G. CASE,
Assistant Director, Facilities Licensing, Division of Licensing and Regulation.

[License No. R–75, Amdt. No. 3]

License No. R–75, as amended, which authorizes The Ohio State University (the licensee) to operate its pool-type nuclear reactor (the reactor) located on the licensee's campus in Columbus, Ohio, is hereby further amended to authorize the modifications in the reactor and in the procedures for its operation described in the licensee's applica-

tion for license amendment dated December 27, 1961 and the supplement thereto dated May 1, 1962.

The reactor shall be operated in accordance with the terms and conditions contained in License No. R-75, as amended, the licensee's application for license amendment dated December 27, 1961, and the supplement thereto dated May 1, 1962.

This amendment is effective as of the date of issuance.

Date of issuance: July 31, 1962.

For the Atomic Energy Commission,

EDSON G. CASE,
Assistant Director, Facilities Licensing, Division of Licensing and Regulation.

[F.R. Doc. 62-7858; Filed, Aug. 7, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14678-14683; FCC 62M-1070]

DENISON BROADCASTING CO. (KDSN) ET AL.

Order Continuing Hearing

In re applications of The Denison Broadcasting Company (KDSN), Denison, Iowa, Docket No. 14678, File No. BP-14189; Norton Broadcasting, Inc., Norton, Kansas, Docket No. 14679, File No. BP-14239; David N. Osborne, Lincoln, Nebraska, Docket No. 14680, File No. BP-14764; H & M Broadcasting Co., Lincoln, Nebraska, Docket No. 14681, File No. BP-14963; Modern Air Communicative Electronics, Inc., Lincoln, Nebraska, Docket No. 14682, File No. BP-15075; Merlin J. Meythaler, Merton J. Gonstead, Rex N. Eyler and James B. Goetz, d/b as Lancaster County Broadcasting Company, Lincoln, Nebraska, Docket No. 14683, File No. BP-15083; for construction permits.

The Hearing Examiner having under consideration the desirability of a change of date for commencement of hearing;

It appearing that at a prehearing conference held on this date a schedule was agreed upon by all parties and the Hearing Examiner to meet their several requirements and that it would not be feasible to commence the hearing on the currently scheduled date of September 13;

It is ordered, This 26th day of July 1962, that the date for commencement of hearing is changed from September 13 to October 11, 1962.

Released: August 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7890; Filed, Aug. 7, 1962; 8:50 a.m.]

[Docket Nos. 14739, 14740; FCC 62M-1108]

EDINA CORP. AND TEDESCO, INC.

Order Scheduling Hearing

In re applications of Edina Corp., Edina, Minnesota, Docket No. 14739, File No. BP-14018; Tedesco, Inc., Bloomington, Minnesota, Docket No. 14740, File No. BP-15272; for construction permits.

It is ordered, This 1st day of August 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 24, 1962, in Washington, D.C.; *and it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, September 21, 1962.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7891; Filed, Aug. 7, 1962; 8:50 a.m.]

[Docket Nos. 14736, 14737; FCC 62M-1106]

FIVE CITIES BROADCASTING CO., INC., AND DOUGLAS COUNTY BROADCASTING CO.

Order Scheduling Hearing

In re applications of Five Cities Broadcasting Co., Inc., Austell, Georgia, Docket No. 14736, File No. BP-14410; Bolling Branham tr/as Douglas County Broadcasting Company, Douglasville, Georgia, Docket No. 14737, File No. BP-14731; for construction permits.

It is ordered, This 1st day of August 1962, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 18, 1962; in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, September 18, 1962.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7892; Filed, Aug. 7, 1962; 8:50 a.m.]

[Docket No. 14733; FCC 62M-1103]

HUDSON VALLEY BROADCASTING CORP. (WEOK)

Order Scheduling Hearing

In re application of Hudson Valley Broadcasting Corporation (WEOK), Poughkeepsie, New York, Docket No. 14733, File No. BP-14590; for construction permit.

It is ordered, This 1st day of August 1962, that Walther G. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 16, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, September 20, 1962.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7893; Filed, Aug. 7, 1962; 8:50 a.m.]

[Docket No. 14730; FCC 62M-1100]

KIMBLE COMMUNICATIONS

Order Scheduling Hearing

In re applications of W. A. Henley, d/b as Kimble Communications, Docket No. 14730, File Nos. 2397/2398-C1-p-62; for construction permits to establish stations in the Point-to-Point Microwave Radio Service near Kerrville, and at Midway, Texas.

It is ordered, This 1st day of August 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 19, 1962, in Washington, D.C.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7894; Filed, Aug. 7, 1962; 8:50 a.m.]

[Docket No. 13085 etc.; FCC 62-898]

NATIONAL BROADCASTING CO., INC., ET AL.

Order Scheduling Hearing

In re applications of:

I. (a) National Broadcasting Company, Inc., Philadelphia, Pennsylvania, Docket No. 13085, File Nos. BR-562, BRCT-4, for renewal of licenses of stations WRCV, WRCV-TV, KA-4465, KA-7914, KC-8393 and KGC-93 for the period 1957-60; (b) National Broadcasting Company, Inc., Docket No. 14091, File No. BR-562, Docket No. 14092, File No. BRCT-4, for renewal of licenses of stations WRCV and WRCV-TV, (Channel 3), Philadelphia, Pennsylvania (including TV auxiliary stations KA-4465, KA-7914, KC-8393, KGC-93; and AM and TV auxiliary stations KE-2020 and KGG-593); (c) Philco Broadcasting Company, Docket No. 14054, File No. BPCT-2774, for a permit to construct a new television station on Channel 3, Philadelphia, Pennsylvania; and (d) National Broadcasting Company, Inc., Assignor, and RKO General, Inc., Assignee, Docket Nos. 14055, File No. BAL-3911, and 14056, File No. BALCT-122, for consent to assign the licenses of stations WRCV and WRCV-TV, Philadelphia, Pennsylvania (including TV auxiliary stations KA-4465, KA-7914, KC-8393, KGC-93; and AM and TV auxiliary stations KE-2020 and KGG-593.

II. (a) RKO General, Inc., Docket No. 14057, File No. BR-953, for renewal of license of station WNAC, Boston, Massachusetts (including AM auxiliary stations KA-5617 and KCB-87); (b) RKO General, Inc., Assignor, and National Broadcasting Company, Inc., Assignee, Docket Nos. 14058, File No. BAL-3912; 14059, File No. BALH-423; 14060, File No. BASCA-47; and 14061, File No. BALCT-123; for consent to assign the licenses of stations WNAC, WRKO-FM and SCA, WNAC-TV, Boston, Massachusetts (including AM auxiliary stations KA-5617, KCB-87; and TV auxiliary station KA-4866).

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of August 1962;

The Commission having under consideration the matter of designating a presiding officer to serve in the above-entitled proceeding;

It is ordered, That James D. Cunningham will serve as presiding officer in the above-entitled proceeding which is hereby scheduled to commence on October 22, 1962, in Washington, D.C.; *And it is further ordered*, That prehearing conferences in the proceeding will be convened by the presiding officer commencing at 10:00 a.m., Monday, September 10, 1962, in Washington, D.C.

Released: August 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7895; Filed, Aug. 7, 1962; 8:50 a.m.]

[Docket No. 14735; FCC 62M-1105]

MANCHESTER BROADCASTING CO. (WMSR)

Order Scheduling Hearing

In re application of Murray Chumley tr/as Manchester Broadcasting Company (WMSR), Manchester, Tennessee, Docket No. 14735, File No. BP-14659; for construction permit.

It is ordered, This 1st day of August 1962, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 12, 1962, in Washington, D.C.; *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, September 17, 1962.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7896; Filed, Aug. 7, 1962; 8:51 a.m.]

[Docket No. 14742; FCC 62M-1110]

MARLIN T. OBIE AND HENRY G. TWETEN

Order Scheduling Hearing

In re application of Marlin T. Obie and Henry G. Tweten, Mayville, North Dakota, Docket No. 14742, File No. BP-14248; for construction permit.

It is ordered, This 1st day of August 1962, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 16, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, September 14, 1962.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7897; Filed, Aug. 7, 1962; 8:51 a.m.]

[Docket Nos. 14125-14127; FCC 62M-1098]

MASSILLON BROADCASTING CO., INC., ET AL.

Order After Prehearing Conference

In re applications of: Massillon Broadcasting Company, Inc., Norwood, Ohio, Docket No. 14125, File No. BP-13633; Covington Broadcasting Company, Covington, Kentucky, Docket No. 14126, File No. BP-14552; Irving Schwartz, tr/as Kenton County Broadcasters, Covington, Kentucky, Docket No. 14127, File No. BP-14613; for construction permits.

The Hearing Examiner having under consideration proceedings during the prehearing conference in the above-entitled matter held July 31, 1962 and the need for a formal order recording the following dates on which the parties have unanimously agreed, and which are approved by the Hearing Examiner;

It is ordered, This 1st day of August 1962, that direct written presentations shall be exchanged among counsel, with three copies of each exhibit to be provided counsel for the private parties, two for the Bureau Counsel, and one to the Hearing Examiner, not later than October 1, 1962; that presentations in rebuttal shall be exchanged similarly not later than November 1, 1962; that notices to take depositions, if any, shall be on file not later than October 15, 1962, such depositions to be taken not later than October 22 and the deponents given at least a week's advance notice; that the designations of witnesses to be produced and made available for cross-examination shall be by letter of counsel postmarked not later than November 6; and that the further hearing pursuant to the Commission's order of remand shall commence on Tuesday, November 13, 1962 at 10 a.m., at the Commission's offices, Washington, D.C.;

It is ordered further, That in respect to the other matters on which the parties have agreed, or on which the Hearing Examiner has ruled, and all other details not specifically set forth herein, the transcript of the July 31, 1962 prehearing conference is hereby incorporated by reference herein with the same force and effect as if it were quoted verbatim.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7898; Filed, Aug. 7, 1962; 8:51 a.m.]

[Docket No. 14741; FCC 62M-1109]

NEW MADRID COUNTY BROADCASTING CO. (KMIS)

Order Scheduling Hearing

In re application of J. Shelby McCallum, Smith J. Dunn and Jewel P. White, d/b as New Madrid County Broadcasting Company (KMIS), Portageville, Missouri, Docket No. 14741, File No. BP-14758; for construction permit.

It is ordered, This 1st day of August 1962, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 19, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, September 21, 1962.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7899; Filed, Aug. 7, 1962; 8:51 a.m.]

[Docket No. 14731; FCC 62M-1101]

RUSSELL'S TAXI

Order Scheduling Hearing

In re application of Isaac J. Russell d/b as Russell's Taxi, 19 North Street, Calais, Maine, Docket No. 14731, File No. 00993-LC-62; for authorization in the Citizens Radio Service to operate a Class D radio station.

It is ordered, This 1st day of August 1962, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 18, 1962, in Washington, D.C.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7900; Filed, Aug. 7, 1962; 8:51 a.m.]

[Docket No. 14728; FCC 62M-1099]

ROBERT W. SELTZER

Order Scheduling Hearing

In the matter of the application of Robert W. Seltzer, Docket No. 14728, File No. 2913-C2-P-62; for a construction permit to establish a new station for one-way signaling communications in the

Domestic Public Land Mobile Radio Service at Hartford, Connecticut.

It is ordered, This 1st day of August 1962, that Walther G. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 4, 1962, in Washington, D.C.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7901; Filed, Aug. 7, 1962; 8:51 a.m.]

[Docket No. 14734; FCC 62M-1104]

STAR BROADCASTING CORP. (WFLS)

Order Scheduling Hearing

In re application of Star Broadcasting Corporation (WFLS), Fredericksburg, Virginia, Docket No. 14734, File No. BP-14752; for construction permit.

It is ordered, This 1st day of August 1962, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 16, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, September 14, 1962.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7902; Filed, Aug. 7, 1962; 8:51 a.m.]

[Docket No. 14732; FCC 62M-1102]

WGLI, INC. (WGLI)

Order Scheduling Hearing

In re application of WGLI, Inc. (WGLI), Babylon, New York, Docket No. 14732, File No. BP-14196; for construction permit.

It is ordered, This 1st day of August 1962, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 31, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, September 18, 1962.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7903; Filed, Aug. 7, 1962; 8:51 a.m.]

[Docket Nos. 14603, 14604; FCC 62M-1112]

WKLM-TV, INC., AND CAPE FEAR TELECASTING, INC.

Order Approving Stipulations and Extending Procedural Dates

In re applications of WKLM-TV, Inc., Wilmington, North Carolina, Docket No. 14603, File No. BPCT-2905; Cape Fear Telecasting, Inc., Wilmington, North Carolina, Docket No. 14604, File No. BPCT-2938; for construction permits for new television broadcast stations (Channel 3).

On July 25, 1962, the applicants in the above-captioned proceeding submitted a joint document entitled "Proposed Stipulations" containing a considerable number of stipulations relating to both substantive and procedural matters on which they have reached agreement. The proposed stipulations have obviously been filed well in advance of the evidentiary hearing for the purpose of affording the Examiner ample time to review them and to determine whether or not he will approve these various items of stipulation. Among the particulars of stipulation are also set forth proposals for extension of certain procedural dates heretofore scheduled, namely, the date for exchange of proposed exhibits of the applicants, the date for notification as to witnesses desired for cross-examination, and the date for commencement of the hearing.

The "Proposed Stipulations" are accompanied by a transmittal letter dated July 25, 1962 and signed by counsel for WKLM-TV, Inc.; this communication asks the Examiner's approval of the requested extensions in procedural dates mentioned above. Implicit in the same communication is a request also for the Examiner's approval of the remaining items of stipulation. Counsel for the Broadcast Bureau has informally notified the Examiner that the Bureau is agreeable to the immediate approval of all the proposed stipulations including the provisions for changes in procedural dates.

At a prehearing conference held on May 25, 1962, the Examiner indicated that he would rule on proffered stipulations at the outset of the hearing. However, in view of the nature of the proposed stipulations which include changes in procedural dates and since the Examiner now finds he can readily approve all of the proposed stipulations which have been submitted, it is concluded that immediate action on the proposed stipulations and issuance of an appropriate order at this time would serve to expedite preparation for the hearing and also facilitate conduct of the hearing itself. In this connection it is found that good cause has been stated in the aforementioned letter of July 25, 1962 for granting extensions in procedural dates as requested.

Accordingly, it is ordered, This 2d day of August 1962, That the letter request of July 25, 1962, for approval of the aforementioned "Proposed Stipulations" is granted, and the proposed stipulations are approved in toto.

It is further ordered, Pursuant to the above action of the Examiner, as follows:

(1) The date for exchange of the proposed exhibits of the applicant is extended from August 27 to September 24, 1962;

(2) The date for the notification as to witnesses desired for cross-examination is extended from September 10 to October 1, 1962; and,

(3) The date for commencement of the hearing is extended from September 17 to October 8, 1962 at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7904; Filed, Aug. 7, 1962; 8:52 a.m.]

[Docket Nos. 14603, 14604; FCC 62R-2]

WKLM-TV, INC., AND CAPE FEAR TELECASTING, INC.

Order Amending Issues

In re applications of: WKLM-TV, INC., Wilmington, North Carolina, Docket No. 14603, File No. BPCT-2905; Cape Fear Telecasting, Inc., Wilmington, North Carolina, Docket No. 14604, File No. BPCT-2938; for construction permits for new television broadcast stations.

The Review Board having under consideration a request to delete issue No. 2 in the above-captioned proceeding; [1]

It appearing, that the following issue was designated by Order, published April 20, 1962 (27 F.R. 3823):

2. To determine whether there is a reasonable possibility that the tower height and location proposed by WKLM-TV, Inc., would constitute a menace to air navigation.

It further appearing, that subsequent to the publication of the cited Order the Commisison's Antenna Survey Branch has cleared WKLM-TV's proposal to utilize an existing AM tower with no increase in height;

It further appearing, that good cause has been shown for the late filing of the instant petition in that not until the May 25, 1962 prehearing conference was the petitioner informed by the Broadcast Bureau that the designation of the quoted issue was inadvertent;

It further appearing, that no opposition to the petition has been filed;

It is ordered, This 2d day of August 1962, That the motion to delete issue No. 2, filed June 4, 1962 by WKLM-TV, Inc., is granted;

It is further ordered, That present issue No. 2 is deleted from Commission Order, published April 20, 1962 (27 F.R. 3823).

Released: August 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7905; Filed, Aug. 7, 1962; 8:52 a.m.]

[1] The following pleadings are before the Review Board: (1) A motion to delete issue No. 2, filed June 4, 1962, by WKLM-TV, Inc., and (2) a statement in support of the motion, filed June 6, 1962, by the Broadcast Bureau.

[Docket No. 14738; FCC 62M-1107]

WRIGHT & MALTZ, INC. (WBRB)

Order Scheduling Hearing

In re application of Wright and Maltz, Inc. (WBRB), Mt. Clemens, Michigan, Docket No. 14738, File No. BP-14561; for construction permit.

It is ordered, This 1st day of August 1962, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 19, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, September 19, 1962.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7906; Filed, Aug. 7, 1962; 8:52 a.m.]

[Docket Nos. 14537-14545; FCC 62M-1097]

W.W.I.Z., INC., ET AL.

Order Scheduling Hearing

In re applications of W.W.I.Z., Inc., Lorain, Ohio, Docket No. 14537, File No. BR-3707; et al., Docket Nos. 14538, 14539, 14540, 14541, 14542, 14543, 14544, 14545, for renewal of license of station WWIZ, Lorain, Ohio, etc.

Pursuant to the discussions and agreements had in the course of a hearing conference on July 31, 1962;

It is ordered, This 1st day of August 1962, that the hearings in this proceeding shall resume on September 10, 1962, at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: August 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7907; Filed, Aug. 7, 1962; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

AUGUST 2, 1962.

The Class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on The National Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on The National Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 3, 1962, to August 12, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7870; Filed, Aug. 7, 1962; 8:47 a.m.]

[File No. 7-2238]

HOOKER CHEMICAL CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 2, 1962.

The Detroit Stock Exchange, a national securities exchange, has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Hooker Chemical Corporation, File 7-2238.

Upon receipt of a request, on or before August 17, 1962 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7869; Filed, Aug. 7, 1962; 8:47 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

AUGUST 2, 1962.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 3, 1962, to August 12, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7871; Filed; Aug. 7, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 222]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 3, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 30504 (Deviation No. 4), TUCKER FREIGHT LINES, INC., 1415 South Oliver Street, South Bend, Ind., filed November 22, 1961. Attorney Ferndinand Born, 1017 Chamber of Commerce Building, Indianapolis, Ind. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (a) From the junction of U.S. Highways 127 and 112 (now U.S. Highway 12), over U.S. Highway 127 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Indiana Highway 15, thence over Indiana Highway 15 to junction Indiana Toll Road, thence over the Indiana Toll Road to Elkhart, Ind., and (b) from the junction of U.S. Highways 27 and 112, at Coldwater, Mich., over U.S. Highway 27 to junction Indiana Toll Road, thence over the Indiana Toll Road to Elkhart, Ind., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of U.S. Highways 112 and 127, over U.S. Highway 112 to junction Michigan Highway 205, thence over Michigan Highway 205 to the Michigan-Indiana State line, and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-7880; Filed, Aug. 7, 1962; 8:48 a.m.]

[Notice 674]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 3, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65207. By order of July 31, 1962, the Transfer Board approved the transfer to Koubenec Motor Service, Inc., Batavia, Ill., of Certificates in Nos. MC 117730 Sub 1 and MC 117730 Sub 2, issued May 27, 1959 and April 21, 1961, respectively, to Marie Koubenec, doing business as R. Koubenec Motor Service, Batavia, Ill., authorizing the transportation of: Clay, and clay products (except face brick and tile), sand, slag, dirt, and fill, in bulk, between points in Illinois, on the one hand, and, on the other, points in Lake and Porter Counties, Ind.; and sand, in bulk (except when moving from or to glass manufacturing plants), from points in LaPorte County, Ind., to points in Illinois. Carl L. Steiner, c/o Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., attorney for applicants.

No. MC-FC 65213. By order of July 31, 1962, the Transfer Board approved the transfer to Western Lines, Inc., Houston, Tex., of the operating rights in Certificate No. MC 119908, issued March 8, 1961, to Orbit Transportation Company, Incorporated, Houston, Texas, authorizing the transportation, over irregular routes, steel articles and such materials as are used or useful on highway construction projects (except cement, rock, sand, and gravel), over irregular routes, from Houston, Tex., to points in Arkansas, Louisiana, and Oklahoma within 400 miles of Houston, Tex. Donald O. Baker, 1535 Esperson Building, Houston 2, Tex., applicants' Attorney.

No. MC-FC 65224. By order of July 31, 1962, the Transfer Board approved the transfer to George Eugene Rosensteel doing business as Rosensteel Bus Service, Emmitsburg, Md., of Certificate No. MC 111094 issued September 12, 1961, to George F. Rosensteel, doing business as Rosensteel Bus Service, Emmitsburg, Md., authorizing the transportation of passengers and their baggage, over regular routes between Fairfield, Pa., and Orrtanna, Pa., serving all intermediate points. Francis J. Ortman, 1366 National Press Building, Washington 4, D.C., attorney for applicants.

No. MC-FC 65229. By order of July 31, 1962, the Transfer Board approved the transfer to Binghamton Short Lines, Corp., Binghamton, N.Y., of Certificate No. MC 123599 issued September 6, 1961, to Henry H. Heitner, Bayside 64, N.Y., authorizing the transportation of passengers and their baggage, express, and newspapers in the same vehicle with passengers, in seasonal operations from July 1 through August 31 of each year, over regular routes, between Honesdale, Pa., and Hancock, N.Y., serving all intermediate points; between Rileyville, Pa., and Hancock, N.Y., serving all intermediate points; and between Lakewood, Pa., and East Ararat, Pa., serving all intermediate points. Harry H. Frank, Commerce Building, Harrisburg, Pa., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-7882; Filed, Aug. 7, 1962; 8:48 a.m.]

[Notice 463]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 3, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURES FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 112822 (Sub-No. 35), filed July 26, 1962. Applicant: EARL BRAY, INC., Linwood and North Streets, P.O. Box 910, Cushing, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Lawrence, Kans., and points within 10 miles thereof, to points in Missouri and Iowa, and *damaged and rejected shipments of liquid fertilizer solutions*, on return.

NOTE: Applicant states that through stock ownership it controls Wright Motor Lines, Inc.

HEARING: September 12, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-7883; Filed, Aug. 7, 1962; 8:49 a.m.]

[Notice 464]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 3, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 403 (Sub-No. 1), filed April 16, 1962. Applicant: LEE LOYD AND SONS TRUCK COMPANY, a corporation, 825 South Second Street, Greenville, Ill. Applicant's attorney: Thomas Meyer, 4715 West Main Street, Belleville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, Classes A and B explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Hookdale, Tamalco, Keyesport, Old Ripley and Alhambra, Ill., as off-route points in connection with applicant's regular-route authority between Mulberry Grove, Ill. and St. Louis, Mo.

HEARING: October 12, 1962, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 149.

No. MC 531 (Sub-No. 121), filed May 21, 1962. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston 21, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, in bulk, (1) from points in Wyoming, to points in Colorado, and (2) as part of interstate movements, from railhead points in Colorado, to points in Colorado, and *rejected shipments of sulphur*, in connection with routes (1) and (2) above, on return.

HEARING: October 22, 1962, at the New Customs House, Denver, Colo., before Joint Board No. 50.

No. MC 730 (Sub-No. 211), filed June 25, 1962. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Grand Junction, Colo., and points within 5 miles thereof, to Uravan, Colo., and points within 5 miles thereof, restricted to traffic having an immediately prior movement by rail in interstate commerce.

HEARING: October 26, 1962, at the New Customs House, Denver, Colo., before Joint Board No. 126.

No. MC 1074 (Sub-No. 8), filed July 20, 1962. Applicant: ALLEGHENY FREIGHT LINES, INCORPORATED, P.O. Box 601, Winchester, Va. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Winchester, Va., and Frederick, Md., from Winchester over U.S. Highway 340 to Frederick and return over the same route serving no intermediate points, as an alternate route for operating convenience only, and (2) between Inwood, W. Va., and Frederick, Md., from Inwood over West Virginia Highway 51 to Charles Town, W. Va., thence over U.S. Highway 340 to Frederick, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

HEARING: October 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 63.

No. MC 2202 (Sub-No. 233), filed June 11, 1962. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Springfield, Ill., and Indianapolis, Ind., as follows: From Springfield over U.S. Highway 36 to Indianapolis, and return over the same route, serving Decatur, Ill., as an intermediate point, but with no service at any other intermediate point.

NOTE: Applicant states that it owns, operates and controls M. & R. Transportation Co. Inc.

HEARING: October 9, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 2202 (Sub-No. 234), filed June 20, 1962. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Knoxville, Tenn., and Nashville, Tenn., from Knoxville over U.S. Highway 70 to junction with U.S. Highway 70S, thence over U.S. Highway 70S to junction with Tennessee Highway 26, thence over Tennessee Highway 26 to junction with U.S. Highway 70N to Nashville, and return over the same route with no service at any intermediate point, as an alternate route for operating convenience only.

HEARING: September 25, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Louis G. Lavecchia.

No. MC 2350 (Sub-No. 4), filed July 20, 1962. Applicant: MARIE MORRIS, doing business as VANDALIA TRANSFER CO., U.S. Route 51, Vandalia, Ill. Applicant's representative: R. W. Burgess, 1507 Papin Street, St. Louis 3, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between St. Louis, Mo., and its commercial zone, and Champ, Mo.-Industrial Village: (1) from applicant's St. Louis Terminal at 1700 North 11th Street to U.S. Highway 70, thence over U.S. Highway 70 to Champ, Mo.-Industrial Village and return over the same route, serving no intermediate points, and (2) from the western boundary of the St. Louis commercial zone to the junction of bypass 66 and U.S. Highway 70, thence over U.S. Highway 70 to Champ, Mo.-Industrial Village, and re-

turn over the same route, serving no intermediate points.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 2484 (Sub-No. 38), filed February 23, 1962. Applicant: E. & L. TRANSPORT COMPANY, a corporation, 14201 Prospect, Dearborn, Mich. Applicant's attorney: George S. Dixon, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks*, and *new chassis*, in initial movements, in truckaway service, from the site of the Ford Motor Company assembly plant located in Cook County, Ill., to points in Michigan.

NOTE: Applicant states it is in 100 percent stock control of E. & L. Transport Co. of Kentucky.

HEARING: September 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 3009 (Sub-No. 45), filed July 19, 1962. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except uncrated household goods or uncrated office furnishings), serving the site of the National Aeronautics and Space Administration Centralized Testing Site, and the easements thereto, located in Hancock County, Miss. and St. Tammany Parish, La., near Santa Rosa and Gainesville, Miss., as off-route points in connection with applicant's regular-route operations between Gulfport, Miss. and New Orleans, La., between Hattiesburg, Miss., and New Orleans, La. and between Poplarville, Miss., and Bay St. Louis, Miss.

HEARING: September 27, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 17481 (Sub-No. 22), filed June 21, 1962. Applicant: MOORE MOTOR FREIGHT LINES, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (except in bulk in hopper type vehicles), from Mason City, Iowa to points in that part of Illinois on and north of U.S. Highway 36.

NOTE: Applicant states that it is a wholly owned subsidiary of Indianhead Truck Line, Inc.

HEARING: October 10, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 54.

No. MC 21006 (Sub-No. 9), filed July 5, 1962. Applicant: JOSEPH S. TRIGLIA, 1 West Elizabeth Street, Delmar, Del. Applicant's attorney: M. Bruce Morgan, 804 Warner Building, 501 13th Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden agricultural commodity containers*, from points in Wicomico County, Md., and Nansemond County, Va., to points in Dade, Broward, Hardee, Hillsborough, Lee, Collier, and Alachua Counties, Fla.

HEARING: September 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 21455 (Sub-No. 8), filed April 2, 1962. Applicant: GENE MITCHELL, 1106 Division Street, West Liberty, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* from Milwaukee, Wis., to Muscatine, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities involved in this application, on return.

HEARING: October 30, 1962, in Room 401, at the Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 111.

No. MC 22254 (Sub-No. 35), filed April 24, 1962. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, Ill. Applicant's attorney: John C. Bradley, Suite 618, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos*, uncrated, between Oregon, Ill., on the one hand, and, on the other, points in the United States (except Hawaii).

NOTE: Applicant states it already possesses authority to transport pianos, uncrated, (a) between Oregon, Ill., on the one hand, and, on the other, points in Georgia and Michigan, and (b) by tacking through Chicago, Ill., some 93 highway miles distant and/or Grand Haven, Mich., may deliver pianos originating at Oregon to any point in the continental United States. Duplicate authority is not sought.

HEARING: October 17, 1962, at The Palmer House, Chicago, Ill., before Examiner James Anton.

No. MC 25798 (Sub-No. 76), filed July 12, 1962. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1075, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Ohio (except points in Auglaize, Darke, and Mercer Counties), to points in Alabama, Florida, Georgia, Louisiana, Tennessee, and Mississippi.

HEARING: October 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 28838 (Sub-No. 5), filed May 21, 1962. Applicant: NORTH EASTERN MOTOR FREIGHT, INC., 5231 Monroe Street, Denver, Colo., Applicant's attorney: John P. Thompson, 220 Denver Club Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Sterling, Colo., and Sidney, Nebr., from Sterling, over U.S. Highway 138, to junction Colorado Highway 113, thence over Colorado Highway 113, and Nebraska Highway 19, to Sidney, and return over the same route, serving all intermediate points, and (2) between points in Morgan, Logan, and Sedgwick Counties, Colo., and the oil and gas fields situated in northeastern Colorado, known as the Adena and Little Beaver Fields (situated in Washington and Adams Counties, and the Yenter Field (situated in Logan and Morgan Counties), all for the service only as off-route points in conjunction with applicant's presently authorized regular route operations.

NOTE: Applicant states that the proposed service in (1) above, is to be restricted against traffic moving to or from points west of Pine Bluffs, Wyo., points east of Chappell, Nebr., and points north of Dalton and Harrisburg, Nebr.

HEARING: October 25, 1962, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 29988 (Sub-No. 84), filed February 28, 1962. Applicant: DENVER CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat and packinghouse products*, serving Lexington, Nebr., as an off-route point in connection with applicant's regular-route operations between Denver, Colo. and Chicago, Ill.

HEARING: October 22, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93.

No. MC 30451 (Sub-No. 21), filed April 23, 1962. Applicant: THE LUPER TRANSPORTATION COMPANY, a corporation, 350 East 21st Street, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, packinghouse products* and *articles distributed by meat packinghouses*, as described in sections (a), (b), and (c) of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between Arkansas City, Kans., and points in Arkansas.

HEARING: October 17, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 154.

No. MC 38541 (Sub-No. 16), filed July 16, 1962. Applicant: WHITE MOTOR EXPRESS, INCORPORATED, 321 Benedict Street, P.O. Box 769, Nashville 6, Tenn. Applicant's attorney: Richard D. Gleaves, 3510 Hampton Avenue, Nashville 12, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Nashville, Tenn. and Lancaster, Tenn.; (1) from Nashville over Tennessee Highway 24 (U.S. Highway 70–N), to South Cartage, Tenn., thence over Tennessee Highway 53 to Gordonsville, Tenn., thence over Tennessee Highway 141 to Lancaster, and (2) from Lebanon, Tenn., over Tennessee Highway 141 to Gordonsville, Tenn., and return over the same routes, serving all intermediate points except Lebanon, Tenn., and points between Lebanon and Nashville, Tenn.

HEARING: September 24, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate before Examiner Louis G. LaVecchia.

No. MC 42487 (Sub-No. 552), filed May 21, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Ronald E. Poelman, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, other than grain and feed, commodities requiring special equipment, and those injurious or contaminating to other lading) between Minneapolis, Minn. and Casper, Wyo., over an alternate route for operating convenience only, serving no intermediate points, as follows: From Minneapolis over Minnesota Highway 7 to junction with U.S. Highway 59 at or near Montevideo, Minn., thence over U.S. Highway 59 to junction U.S. Highway 212 approximately 4 miles west of Montevideo, thence over U.S. Highway 212 to junction with U.S. Highway 85 at or near Belle Fourche, S. Dak., thence over U.S. Highway 85 to junction with U.S. Highway 14 at or near Spearfish, S. Dak., thence over U.S. Highway 14 to junction with Wyoming Highway 59 at or near Gillette, Wyo., thence over Wyoming Highway 59 to junction Wyoming Highway 387, approximately 36 miles south of Gillette, thence over Wyoming Highway 387 to junction with U.S. Highway 87 at or near Midwest, Wyo., thence over U.S. Highway 87 to Casper, and return over the same route, serving no intermediate points.

NOTE: Applicant indicates that it holds authority as a broker under MC-19042, and is affiliated with other common carriers.

HEARING: October 11, 1962, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 417.

No. MC 44128 (Sub-No. 29), filed April 26, 1962. Applicant: THE TRANSPORT CORPORATION, 126 South Main Street, Blackstone, Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Materials, supplies and equipment* (except commodities in bulk, in tank vehicles), *used in marketing, packaging, processing and handling of unmanufactured tobacco, and unmanufactured tobacco* when moving on the same vehicle at the same time with the commodities described above, (1) between Ripley, Ohio, Huntington, W. Va., New Albany and Madison, Ind., on the one hand, and, on the other, points in Kentucky, North Carolina, Tennessee and Virgina, and (2) between points in Kentucky on the one hand, and, on the other, points in Tennessee.

HEARING: September 19, 1962, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Kentucky, before Examiner Louis G. Lavecchia.

No. MC 48958 (Sub-No. 60), filed May 28, 1962. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Compressed gas*, in cylinders, when moving on shipper-owned or U.S. Government-owned trailers, and shipper-owned or U.S. Government-owned trailers with empty gas cylinders mounted thereon, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodity specified above, between Los Alamos, and Albuquerque, N. Mex., from Los Alamos, over New Mexico Highway 4, to junction U.S. Highway 285, at Pojoaque, N. Mex., thence over U.S. Highway 285, to junction U.S. Highway 85 at Santa Fe, N. Mex., thence over U.S. Highway 85, to Albuquerque (or from Santa Fe over U.S. Highway 85 to junction New Mexico Highway 422 approximately three (3) miles north of Algodones, thence over New Mexico Highway 422, to Albuquerque), and return over the same route serving the intermediate point of Santa Fe, N. Mex.

HEARING: October 29, 1962 at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 50069 (Sub-No. 259), filed July 9, 1962. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains and varnishes, paint products, paint materials and plastics*, in bulk, in tank vehicles, from Circleville, Ohio, to points in Illinois, Indiana, Michigan, Minnesota, and Wisconsin.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 52310 (Sub-No. 21), filed July 30, 1962. Applicant: BRUCE MOTOR FREIGHT, INC., 2011 Easton Boulevard, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510 Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Champ, Mo., Industrial Village as an off-route point in connection with applicant's regular-route operations.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 52629 (Sub-No. 47), filed July 30, 1962. Applicant: HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment), serving Champ Industrial Village and/or The Village of Champ, Mo., as an off-route point in connection with applicant's regular-route operations.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 59680 (Sub-No 135), filed July 30, 1962. Applicant: STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas 2, Tex. Applicant's representative: R. W. Burgess, 1507 Poplin Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Champ, Mo., Industrial Village; (1) from its St. Louis Terminal at 3635 Chouteau Avenue to Kingshighway, over Kingshighway to U.S. Highway 70, thence over U.S. Highway 70 to Champ, Mo.-Industrial Village and return over the same route, serving no intermediate points, and (2) from the Western boundary of the St. Louis Commercial Zone to the junction of Bypass 66 and U.S. Highway 70, thence over U.S. Highway 70 to Champ, Mo.-Industrial Village, and return over the same route, serving no intermediate points.

NOTE: Applicant states it wholly owns, operates and manages Strickland Motor Freight Lines, Inc.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 59728 (Sub-No. 8), filed July 30, 1962. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 East Jenkins Boulevard, Akron, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Village of Champ, Mo. (also known as Champ Industrial Vil-

lage) as an off-route point in connection with applicant's authorized regular-route operations.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 59894 (Sub-No. 27), filed July 25, 1962. Applicant: TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Street, El Paso, Tex. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, commodities injurious or contaminating to other lading, and Classes A and B explosives), between St. Louis, Mo., and the Village of Champ, Mo., also known as Industrial Village, as an off-route point in connection with applicant's authorized regular-route operation.

NOTE: Applicant states it is controlled through ownership of 75 percent of its outstanding capital stock by Rogers Cartage Company of Indiana, Inc.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 61403 (Sub-No. 82), filed July 6, 1962. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains and varnishes, paint products, paint materials*, and *plastics*, in bulk, in tank vehicles, from Circleville, Ohio, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee.

NOTE: Applicant states it is controlled by controlling stockholders of The Mason and Dixon Lines, Incorporated.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 64994 (Sub-No. 39), filed June 15, 1962. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards and sheets made from wood chips, wood shavings, sawdust or ground wood, with added liquid resin binder*, on flat bed equipment, from Conway, N.C., and points within ten (10) miles thereof, to points in Illinois, Indiana, Ohio, Michigan, Wisconsin, points in the New York, N.Y. commercial zone, points in the Philadelphia, Pa. commercial zone, points in the Baltimore, Md. commercial zone, and St. Louis, Mo.

HEARING: October 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Theodore M. Tahan.

No. MC 67583 (Sub-No. 8), filed July 12, 1962. Applicant: KANE TRANSFER COMPANY, 2100 Fifth Street, Washington, D.C. Applicant's representative: Francis J. Kane, 2100 Fifth Street, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail, chain grocery and food houses*, from Landover, Md., to stores of Super Market Wholesalers (Division of Grand Union Co.), located in Berkley and Jefferson Counties, W. Va., and Spotsylvania County, Va., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Applicant has common carrier authority under MC 9859; therefore, dual operations may be involved.

HEARING: September 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 68539 (Sub-No. 7), filed May 14, 1962. Applicant: JOHN JACK ROMANS, doing business as ROMANS MOTOR FREIGHT, Ord, Nebr. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal lath, clips, nails* and *miscellaneous building materials*, used with, or in the installation of, plasterboard and plaster products, from Fort Dodge, Iowa, and points within ten (10) miles thereof, to points in Nebraska; and (2) *plasterboard, plaster products*, and *metal lath, clips, nails* and *miscellaneous building materials* used with, or in the installation of, plasterboard and plaster products, from Blue Rapids and Medicine Lodge, Kans., to points in Nebraska.

NOTE: Common control may be involved.

HEARING: October 23, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 139.

No. MC 73262 (Sub-No. 19), filed July 30, 1962. Applicant: MERCHANTS FREIGHT SYSTEM, INC., 1401 North 13th Street, Terre Haute, Ind. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Champ, Mo., Industrial Village, as an off-route point in connection with applicant's regular-route operations.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 74120 (Sub-No. 11), filed July 30, 1962. Applicant: STRICKLAND MOTOR FREIGHT LINES, INC., P.O. Box 5689, Dallas 2, Tex. Applicant's representative: R. W. Burgess, 1507 Papin Street, St. Louis 3, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between St. Louis, Mo., and points in its commercial zone, and Champ, Mo.-Industrial Village, as follows: from applicant's St. Louis terminal at 3635 Chouteau Avenue to Kingshighway, thence over Kingshighway to Interstate Highway 70, thence over Interstate Highway 70 to Champ, Mo.-Industrial Village, and return over the same route, serving no intermediate or off-route points; and (2) from the western boundary of the St. Louis commercial zone to the junction of Bypass 66 and Interstate Highway 70, thence over Interstate Highway 70 to Champ, Mo.-Industrial Village and return over the same route, serving no intermediate or off-route points.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Lous, Mo., before Joint Board No. 135.

No. MC 74846 (Sub-No. 49), filed March 28, 1962. Applicant: LEWIS G. JOHNSON, Greigg Street, Port Gibson, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, in mixed shipments with *frozen meats*, in vehicles equipped with mechanical refrigerating devices or units, between points in Monroe County, N.Y., on the one hand, and on the other, Baltimore, Md., Newark and Asbury Park, N.J., points in New Jersey within 50 miles of Philadelphia, Pa., and points in Pennsylvania on and east of U.S. Highway 15.

NOTE: Applicant states that it proposes to transport *rejected, returned or damaged shipments of above commodities* on return trips. Applicant further states that it holds authority to transport *frozen foods* between the same points.

HEARING: September 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 84739 (Sub-No. 11), filed April 19, 1962. Applicant: SEVERSON TRANSPORT, INC., Route 1, Box 163, Edgerton, Wis. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk milk and cooling tanks*, uncrated, (1) from Madison and Hartford, Wis., to points in Michigan, Indiana, Massachusetts, West Virginia, Rhode Island, New Jersey, Kentucky, Delaware and Connecticut, and (2) from Madison, Wis., to points in Virginia, Maryland, Pennsylvania, New York, Maine, Vermont, New Hampshire and Ohio.

HEARING: October 16, 1962, at The Palmer House, Chicago, Ill., before Examiner James Anton.

No. MC 86913 (Sub-No. 13), filed June 15, 1962. Applicant: HUNTER MOTOR LINES, INC., P.O. Box 632, Warrenton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards and sheets*, made from wood chips, wood shavings, sawdust or ground wood with added liquid resin binder, on flat bed equipment, from Conway, N.C., and points within ten (10) miles thereof, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, the District of Columbia, Virginia, South Carolina, Minnesota, Georgia, Alabama, Florida, Mississippi, Tennessee, Kentucky, West Virginia, Ohio, Michigan, Indiana, Illinois, and Wisconsin.

HEARING: October 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Theodore M. Tahan.

No. MC 93980 (Sub-No. 37), filed June 25, 1962. Applicant: VANCE TRUCKING COMPANY, INC., P.O. Box 336, Henderson, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, on flat bed trailers, from Pennsauken, N.J., to points in South Carolina.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 96498 (Sub-No. 17), filed July 20, 1962. Applicant: BONIFIELD BROTHERS TRUCK LINES, INC., 1200 East Second Street, Metropolis, Ill. Applicant's representative: R. W. Burgess, 1507 Papin Street, St. Louis 3, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between St. Louis, Mo., and its commercial zone, and Champ, Mo.-Industrial Village: (1) from applicant's St. Louis terminal at 3529 Hickory to Chouteau Avenue, over Chouteau Avenue to Kingshighway, over Kingshighway to U.S. Highway 70, thence over U.S. Highway 70 to Champ, Mo.-Industrial Village and return over the same route, serving no intermediate points, and (2) from the western boundary of the St. Louis commercial zone to the junction of bypass 66 and U.S. Highway 77, thence over U.S. Highway 70 to Champ, Mo.-Industrial Village and return over the same route, serving no intermediate points.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 97389 (Sub-No. 8), filed July 30, 1962. Applicant: BROOKS TRUCK LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, 207 Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), serving the Village of Champ, Mo. (also known as Champ Industrial Village) as an off-route point in connection with carrier's regular-route operations.

NOTE: Applicant states that it is a wholly owned subsidiary of Navajo Freight Lines, Inc. (MC 76032).

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 102982 (Sub-No. 4), filed July 16, 1962. Applicant: GEORGE W. KUGLER, INC., P.O. Box 511, Clearfield, Pa. Applicant's attorney: John P. McMahon, Suite 300, Barr Building, Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products* from Pottstown, Pa., to points in Illinois, Indiana, Michigan, North Carolina, South Carolina, Tennessee and Wisconsin; (2) *rejected, returned* and *unused clay products and materials and supplies used in the manufacture of clay products* from points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and Wisconsin to Pottstown, Pa.; (3) *clay products* from Clearfield, Pa. to points in Illinois, Indiana, Michigan, North Carolina, South Carolina, Tennessee and Wisconsin; (4) *rejected, returned and unused clay products and materials and supplies* used in the manufacture of clay products, from points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin to Clearfield, Pa.; (5) *clay products* from Mogadore, Ohio to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin; (6) *rejected, returned and unused clay products and materials and supplies* used in the manufacture of clay products from the destination areas mentioned in paragraph (5) above to Mogadore, Ohio; (7) *clay products* from Parral, Ohio to points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin; (8) *rejected, returned and unused clay products and materials and supplies* used in the manufacture of clay products from the destination areas mentioned in paragraph (7) above to Parral, Ohio; (9) *clay products* from Strasburg, Ohio to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and Wisconsin; (10) *rejected, returned and unused clay products and materials and supplies* used in the manufacture of clay products from the destination areas mentioned in paragraph (9) above to Strasburg, Ohio; (11) *plastic pipe and attachments, parts and fittings therefor* from Titusville, Pa. to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and Wisconsin; (12) *rejected, returned and unused plastic pipe and attachments, parts and fittings therefor* from the destination areas mentioned in paragraph (11) above to Titusville, Pa.; (13) *bituminous fibre pipe and attachments, parts and fittings therefor* from Ironton, Ohio and Hartsville, S.C. to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and Wisconsin; (14) *rejected, returned and unused bituminous fibre pipe and attachments, parts and fittings therefor* from the destination areas mentioned in paragraph (13) above to Ironton, Ohio and Hartsville, S.C.; (15) *molds* and *steel castings* from Neenah, Wis. and Goldsboro, N.C. to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and Wisconsin; (16) *rejected, returned and unused molds and steel castings* from the destination areas mentioned in paragraph (15) above to Neenah, Wis. and Goldsboro, N.C.

NOTE: Applicant states that the above transportation will be performed under a continuing contract with Robinson Clay Products Company. Applicant is already a contract carrier for Robinson Clay Products Company, and this application requests an enlargement of the territorial and commodity scope of applicant's authority to serve Robinson Clay Products Company.

HEARING: September 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 103378 (Sub-No. 242), filed July 30, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions and anhydrous ammonia*, in

bulk, in tank vehicles, from Pace, Fla., to points in Arkansas, Mississippi, Tennessee, Louisiana and Kentucky.

HEARING: September 12, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Warren C. White.

No. MC 103875 (Sub-No. 7), filed May 28, 1962. Applicant: LESTER R. DICK, doing business as DICK TRUCK LINES, First and Monroe Avenues, P. O. Box 391, Riverton, Wyo. Applicant's attorney: James L. Hettinger, Masonic Temple Building, Riverton, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke and materials and supplies incident to, or used in the development, beneficiation and processing of iron ores*, from Billings, Mont., and points within 10 miles thereof, to Atlantic City, Wyo., and points within 10 miles thereof; and only *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, on return trips.

HEARING: October 10, 1962, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 123.

No. MC 103875 (Sub-No. 8), filed June 11, 1962. Applicant: LESTER R. DICK, doing business as DICK TRUCK LINES, First and Monroe Avenues, P.O. Box 391, Riverton, Wyo. Applicant's attorney: R. I. Leedy, Masonic Temple Building, Riverton, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products, forest products* and *byproducts thereof*, from mill and logging sites at points in Teton and Fremont Counties, Wyo., to Riverton, Wyo. and points within 125 miles thereof; and only *empty containers or other such incidental facilities* (not specified), used in transporting the above commodities, on return trips.

HEARING: October 9, 1962, at 11:00 a.m., at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 197.

No. MC 105461 (Sub-No. 45), filed July 20, 1962. Applicant: HERR'S MOTOR EXPRESS, INC. Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and paving compounds*, from the plant site of the Monsey Products Company, Philadelphia, Pa., to points in New York (except points in New York, N.Y., commercial zone as defined by the Commission).

HEARING: October 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 106456 (Sub-No. 40), filed July 16, 1962. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Box 180, Fesslers Lane, Nashville, Tenn. Applicant's attorney: J. R. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Champ, Mo., as an off-route point in connection with applicant's authorized regular route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 106647 (Sub-No. 35), filed June 6, 1962. Applicant: CLARK TRANSPORT COMPANY, a corporation, P.O. Box 295, Chicago Heights, Ill. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks*, and *busses*, in secondary movements, in driveaway and truckaway service, between points in North Dakota, on the one hand, and, on the other, points in North Dakota, South Dakota, and Montana.

NOTE: Applicant states the above will be restricted to traffic having an immediately prior movement by rail.

HEARING: September 25, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner Dallas B. Russell.

No. MC 107012 (Sub-No. 44), filed April 16, 1962. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. Applicant's attorney: G. Zan Golden, P.O. Box 988, Fort Wayne, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos*, uncrated, from Oregon, DeKalb and Chicago, Ill., and Grand Haven, Mich., to points in the United States, including Alaska and Hawaii, and *damaged and rejected pianos*, on return.

HEARING: October 18, 1962, at The Palmer House, Chicago, Ill., before Examiner James Anton.

No. MC 107107 (Sub-No. 222), filed July 2, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from Luling and Galveston, Tex., to points in Tennessee, Alabama, Georgia, Florida, North Carolina, South Carolina, Mississippi, and Louisiana. RESTRICTION: Service to Memphis, Tenn., and points in Louisiana and Mississippi must be a part shipment with destination beyond.

HEARING: September 26, 1962, at the Granado Hotel, San Antonio, Tex., before Examiner Parks M. Low.

No. MC 107403 (Sub-No. 414), filed July 5, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains and varnishes, paint products, paint materials, and plastics*, in bulk, in tank vehicles, from Circleville, Ohio, to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Kansas, Maine, Maryland, Massachusetts, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 108053 (Sub-No. 41), filed July 16, 1962. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 709, Fremont, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Lawton, Mich., and Hastings, Nebr., to points in New Mexico, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, Washington, and points in Colorado on and west of U.S. Highway 87 and on and south of U.S. Highway 50.

HEARING: September 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 108375 (Sub-No. 16), filed June 7, 1962. Applicant: LEROY L. WADE & SON, INC., 1615 Izard Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, which require specialized handling or rigging because of size or weight, related machinery* and *machinery parts*, and *related contractors' materials and supplies* (when their transportation is incidental to the transportation by carrier of commodities which require specialized handling or rigging because of size or weight), between points in Illinois, Iowa and Nebraska. Restriction: Applicant states "The authority above is subject to the condition that carrier shall not transport machinery, equipment, materials and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, from, to, or between points in Illinois."

NOTE: Applicant states that it already holds authority to transport the commodities requiring the specialized handling because of size and weight, but now seeks to add "*related machinery* and *machinery parts*, and *related contractor's materials and supplies*, etc." to its authorized service subject to the same restriction.

HEARING: October 25, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 136.

No. MC 108375 (Sub-No. 17) (CORRECTION), filed July 2, 1962, published FEDERAL REGISTER issue of July 25, 1962, and republished as corrected this issue. Applicant: LEROY L. WADE & SON, INC., 1615 Izard Street, Omaha, Nebr.

NOTE: The previous notice of filing showed the hearing date as September 19, 1962, in error. The correct date is September 10, 1962, as shown below.

HEARING: September 10, 1962, at the Federal Office Building, 15th and Dodge Streets, Omaha, Nebr., before Examiner James O'D. Moran.

No. MC 109772 (Sub-No. 23) (CORRECTION), filed June 8, 1962, published FEDERAL REGISTER, issue of July 25, 1962, and republished as corrected this issue. Applicant: ROBERTSON TRUCK-AWAYS, INC., 7101 East Slauson, Los Angeles 22, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movement, in driveaway and truckaway service, from San Leandro, Calif. and points within twenty (20) miles thereof, to points in California, Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, and *returned and rejected shipments* of the above-specified commodity, on return.

NOTE: Applicant states it is a California Corporation, and all of the stock is owned by Dallas & Mavis Forwarding Co. Inc. The purpose of this republication is to show applicant's correct docket number as shown above, No. MC 109772 (Sub-No. 23), in lieu of No. MC 108859 (Sub-No. 37), which was shown in error in the previous publication.

HEARING: September 27, 1962, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 110157 (Sub-No. 17), filed June 12, 1962. Applicant: C. M. LANG AND C. R. GIVENS, doing business as LANG TRANSIT COMPANY, 38th and Quirt Streets, P.O. Box 1625, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Amarillo, Texas and Clovis, N. Mex., over U.S. Highway 60, serving Bovina and Friona, Texas, as intermediate points.

NOTE: Applicant states that no duplicate authority is sought although it presently holds authority between Amarillo and Clovis over an existing route. It is proposed to use U.S. Highway 60 between Amarillo and Clovis both as an alternate route serving those points, and as a regular route serving Bovina and Friona as intermediate points.

HEARING: October 30, 1962, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 33.

No. MC 110393 (Sub-No. 8), filed May 21, 1962. Applicant: FRIGID FOOD EXPRESS, INC., 2808 South Seventh Street Road, Louisville, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and frozen foods*, from Springfield, Ky., Woodbury and Chattanooga, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Virginia and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states the proposed operation is to be restricted to the transportation of dairy products and frozen foods from Woodbury and Chattanooga, Tenn. on vehicles originating shipments at Springfield, Ky. to complete shipments at Woodbury and/or Chattanooga, Tenn. to the destination points listed hereinabove.

HEARING: September 18, 1962, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner Louis G. LaVecchia.

No. MC 110420 (Sub-No. 314), filed July 13, 1962. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, paint products, paint materials, stains, varnishes and plastics*, in bulk, in tank vehicles, from Circleville, Ohio, to points in Iowa, Michigan, Nebraska, Minnesota, and Wisconsin.

NOTE: Common control may be involved.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 110525 (Sub-No. 523), filed July 12, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains, and varnishes, paint products, paint materials, and plastics*, in bulk, in tank vehicles, from Circleville, Ohio, to points in Arkansas, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Kansas, Maine, Maryland, Massachusetts, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 111159 (Sub-No. 143), filed July 20, 1962. Applicant: MILLER TRANSPORTERS, LTD., a corporation, P.O. Box 1123, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700, Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket-propellant fuels*, in bulk, in specially designed trailers, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington and Wyoming.

HEARING: October 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 111231 (Sub-No. 49), filed May 10, 1962. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Applicant's representative: B. J. Wiseman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Springfield, Mo., and Wichita, Kans.; from Springfield over U.S. Highway 166 to its junction with U.S. Highway 71, thence over U.S. Highway 71 to its junction with Missouri Highway 171, thence over Missouri Highway 171 to the Missouri-Kansas State line, thence over Kansas Highway 57 to its junction with U.S. Highway 69, thence over U.S. Highway 160 to its junction with U.S. Highway 59, thence over U.S. Highway 59 to its junction with Kansas Highway 47, thence over Kansas Highway 47 to Fredonia, Kans., thence over Kansas Highway 96 to its junction with U.S. Highway 54, thence over U.S. Highway 54 to Wichita, and return over the same route, serving no intermediate points with service at the junction of Missouri Highways 171 and 43 for joinder purposes only.

NOTE: Applicant states "the authority sought herein to the extent it duplicates previously granted authority, should not be considered a request for more than one operating right."

HEARING: October 19, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 36.

No. MC 111434 (Sub-No. 38), filed May 2, 1962. Applicant: DON WARD, INC., P.O. Box 1488, Durango, Colo. Applicant's attorney: Peter J. Crouse, Equitable Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, in bulk, (1) from points in Wyoming to points in Colorado and (2) as part of interstate movements, from railhead points in Colorado to points in Colorado, and *rejected shipments*, on return.

HEARING: October 24, 1962, at the New Customs House, Denver, Colo., before Joint Board No. 50.

No. MC 112020 (Sub-No. 169), filed July 31, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the plant site of American Mineral Spirits Company at Lemont, Ill., to points in Michigan, Indiana, Ohio, Kentucky, Missouri, Iowa, Wisconsin, and Minnesota.

NOTE: Applicant states it is owned and controlled by the same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc.

HEARING: September 18, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 112520 (Sub-No. 75) (AMENDMENT), filed June 13, 1962, published in FEDERAL REGISTER issue of July 18, 1962, republished this issue as amended July 30, 1962. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol

H. Proctor, 1730 Lynch Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions* and *anhydrous ammonia*, in bulk, in tank vehicles, from Pace, Fla., to points in Arkansas, Kentucky, Louisiana, Mississippi and Tennessee.

NOTE: The purpose of this republication is to expand the destination territory by adding the states of Arkansas, Kentucky, Mississippi and Tennessee.

HEARING: Remains as assigned September 12, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Warren C. White.

No. MC 112617 (Sub-No. 121), filed July 2, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains and varnishes, paint products, paint materials, and plastics*, in bulk, in tank vehicles, from Circleville, Ohio to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Kansas, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, and Tennessee, and *rejected shipments* on return.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 112750 (Sub-No. 106), filed July 3, 1962. Applicant: ARMORED CARRIER CORPORATION, 222 17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: J. K. Murphy, Armored Carrier Corporation, 222 17 Northern Boulevard, Bayside 61, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Opthalmic goods and commercial papers* (excluding supplies and plant removals), (a) between points in Worcester County, Mass., on the one hand, and, on the other, points in Fairfield, Hartford, New Haven, and New London Counties, Conn.; points in Androscoggin, Cumberland, Kennebec, and Penobscot Counties, Maine; points in Grafton County, N.H.; points in Union County, N.J.; points in Albany, Erie, Kings, Nassau, New York, Oneida, Onondaga, and Westchester Counties, N.Y.; points in Philadelphia County, Pa.; points in Providence County, R.I.; and Baltimore, Md., and Washington, D.C.; (b) between points in Philadelphia County, Pa., on the one hand, and, on the other, points in Mercer County, N.J., and points in New Castle County, Del.; (c) between Washington, D.C., on the one hand, and, on the other, Baltimore, Md.; (d) between points in Allegheny County, Pa., on the one hand, and, on the other, points in Harrison and Ohio Counties, W. Va.; (e) between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Boyd, Fayette, and Jefferson Counties, Ky.; and (f) between points in Wayne County, Mich., on the one hand, and, on the other, points in Cuyahoga and Lucas Counties, Ohio.

HEARING: October 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 113639 (Sub-No. 5), filed May 14, 1962. Applicant: CARBON MOTORWAY, INC., 230 West Seventh South, Salt Lake City, Utah. Applicant's attorney: Ernest Porter, 1531 Stout Street, P.O. Box 5482, Denver 17, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, (1) between Price, Utah and Grand Junction, Colo., over U.S. Highways 6 and 50 and Interstate Highway 70, and (2) between Price, Utah and Emery, Utah, over Utah Highway 10, and return over the same routes, serving all intermediate points and all off-route points within ten (10) miles of the specified highways.

NOTE: Applicant states "Rio Grande Motor Way, Inc. owns 49 percent of stock."

HEARING: October 15, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 213.

No. MC 113908 (Sub-No. 98), filed June 27, 1962. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, MPO Box 706, Springfield, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Condensed milk and cream*, in bulk, in tank vehicles, between points in Tennessee, Kentucky, and Missouri, on the one hand, and, on the other, points in Arkansas, Oklahoma, Louisiana, Texas, Georgia and Alabama.

HEARING: September 17, 1962, at 1:00 p.m., at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner Louis G. LaVecchia.

No. MC 114045 (Sub-No. 93), filed July 16, 1962. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery products*, from Hackettstown, N.J., to Denver, Colo., and Salt Lake City, Utah.

HEARING: September 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 114045 (Sub-No. 92), filed July 16, 1962. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in New Jersey to Pittsburgh, Pa.

HEARING: October 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 114098 (Sub-No. 39), filed June 15, 1962. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, P.O. Box 2115, Charlotte 1, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards and sheets*, made from wood chips, wood shavings, sawdust or ground wood with added liquid resin binder, on flat bed equipment, from Conway, N.C., and points within ten (10) miles thereof, to points in Iowa, Arkansas, Illinois, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Oklahoma, Tennessee, Texas and Wisconsin.

HEARING: October 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Theodore M. Tahan.

No. MC 114533 (Sub-No. 51), filed May 24, 1962. Applicant: B.D.C. CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commercial papers, documents*, and *written instruments* (except coins, currency, and negotiable securities) as are used in the conduct and operation of banks and banking institutions; (2) *exposed and processed film and prints, complimentary replacement film*, and *incidental dealer handling supplies* (except motion picture film, and materials and supplies used in connection with commercial and television motion pictures); and (3) *papers used in the processing of data by computing machines, punch cards, magnetic encoded documents, magnetic tape, punch paper tape, printed reports*, and *documents* and *office records;* between Denver, Colo. on the one hand, and on the other Cheyenne and Laramie, Wyo.

HEARING: October 23, 1962, at the New Customs House, Denver, Colo., before Joint Board No. 50.

No. MC 114569 (Sub-No. 50) (AMENDMENT), filed May 1, 1962, published FEDERAL REGISTER issue August 1, 1962, and republished as amended this issue. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), beginning at the intersection of Pennsylvania Highways 14 and 325, thence over Pennsylvania Highways 325, 209, 125, 49010, 336 and 14 to the intersection of Pennsylvania Highway 14 and Pennsylvania Highway 325, including points within three (3) miles of the Borough of Tower City, Schuylkill County, Pa., on the one hand, and, on the other Harrisburg, Lancaster, Pottsville, Sunbury, York, Ashland, Ephrata, Pa., and points in the Townships of Hampden and Silver Springs, Cumberland County, Pa.

NOTE: The purpose of this republication is to include the points of Ashland and Ephrata, Pa., to the territory previously sought.

HEARING: Remains as assigned September 26, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner A. Lane Cricher.

No. MC 115601 (Sub-No. 16) (AMENDED), filed July 2, 1962, published in FEDERAL REGISTER July 25, 1962, republished this issue as amended July 25. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del., Applicant's attorney: H. James Conaway, Jr., Bank of Delaware Building, Wilmington, Del. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceuticals, drugs, patent medicines, medical and dental supplies and materials, and sundries and cosmetics*, (1) between points in Delaware, Philadelphia, Pa., and points in Montgomery, Chester, Delaware and Bucks Counties, Pa., on the one hand, and, on the other, points in Cecil, Kent, Queen Annes, Talbot, Dorchester, Caroline, Wicomico, Somerset and Worcester Counties, Md., points in New Jersey and points in Northampton and Accomack Counties, Va.; and (2) between points in Delaware on the one hand, and, on the other, Philadelphia, Pa. and points in Montgomery, Chester, Delaware and Bucks Counties, Pa.

NOTE: Applicant states that the proposed service will be under continuing contracts.

NOTE: The purpose of this republication is to substitute the above described commodities for those set forth in the original application through error.

HEARING: Remains as assigned September 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 115669 (Sub-No. 27), filed May 21, 1962. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's representative: C. A. Rose, 1004–1005 Trust Building, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt compounds*, in bulk, in bags, blocks and other containers, straight and mixed truckloads, from Lyons, Kans. and points within five (5) miles thereof, to points in Colorado on and west of the Continental Divide, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, and *exempt and authorized commodities*, on return.

HEARING: October 15, 1962, at the Hotel Pick-Kansas, Topeka, Kans., before Joint Board No. 43.

No. MC 116045 (Sub-No. 13), filed June 1, 1962. Applicant: NEUMAN TRANSIT CO., INC., P.O. Box 31, Rawlins, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed uranium ore* (yellow cake), in containers, from points in Carbon County, Wyo. to Grand Junction, Colo. and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

HEARING: October 24, 1962, at the New Customs House, Denver, Colo., before Joint Board No. 50.

No. MC 116145 (Sub-No. 5), filed July 18, 1962. Applicant: G. G. PARSONS TRUCKING CO., a corporation, P.O. Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from Mount Vernon, Ohio, to points in the Chicago, Ill., Commercial Zone, and points in New York and New Jersey, and *returned and rejected shipments* and *empty containers*, used in the transportation of such bottles, on return.

NOTE: Applicant holds common authority in MC 117427 and Subs thereunder; therefore, dual operations may be involved.

HEARING: September 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard White.

No. MC 117344 (Sub-No. 95), filed July 18, 1962. Applicant: THE MAXWELL CO., a corporation, 103080 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed trailers, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between missile sites, production plants, and missile test facilities, located in Alabama, Arizona, Arkansas, California, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 50404 and subs; therefore dual operations may be involved.

HEARING: October 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 117427 (Sub-No. 29) (AMENDMENT), filed May 25, 1962, published FEDERAL REGISTER issue June 13, 1962, amended July 2, 1962, and republished as amended this issue. Applicant: G. G. PARSONS TRUCKING CO., a corporation, P.O. Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard sheets and boards*, in flatbed equipment, from Catawba, S.C., and points within five (5) miles thereof, to points in Indiana on and north of U.S. Highway 40, points in Michigan, south of Michigan Highway 21, points within the Chicago, Ill., Commercial Zone, points within the Cincinnati, Ohio, Commercial Zone, and points in Iowa and Wisconsin.

NOTE: Applicant holds contract authority in MC 116145; therefore, dual operations may be involved. The purpose of this republication is to broaden the scope of the authority previously sought.

HEARING: October 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 117427 (Sub-No. 31), filed July 18, 1962. Applicant: G. G. PARSONS TRUCKING CO., a corporation, P.O. Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), (1) between points in North Carolina, Virginia, Tennessee and Kentucky, (2) between points in Kentucky and Indiana, and (3) between points in Ohio and Kentucky.

NOTE: Applicant holds contract authority in MC 116145; therefore, dual operations may be involved.

HEARING: October 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 117692 (Sub-No. 1), filed June 8, 1962. Applicant: MAURICE TRANSPORT CO., INC., P.O. Box 409, Morton, Ill. Applicant's attorney: Raymond L. Terrell, Myers Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* in bulk, in tank vehicles, (1) from the plant sites of Schrock Brothers Company at Congerville and Gala, Ill., to points in White County, Ind., and those in Des Moines, Henry, Muscatine, Wappelo, Van Buren, Jefferson, Washington, Keokuk and Jackson Counties, Iowa, and (2) from the plant site of Schrock Brothers Company at or near Kentland, Ind., to points in Champaign, Kankakee, Iroquois, Livingston, Vermilion, and Woodford Counties, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, in (1) and (2), above on return.

NOTE: Applicant states that the stockholders of applicant are owners of a majority of the outstanding common stock of RKO Transport Service, Inc.

HEARING: October 11, 1962, at 1:00 p.m. at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 53.

No. MC 118034 (Sub-No. 5), filed July 30, 1962. Applicant: MILLER TRUCK LINE, INC., 901 NE. 28th Street, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and as defined by Commission, from Clovis, N. Mex., and points within five (5) miles thereof, to points in Texas, Louisiana, Oklahoma, Arkansas, Mississippi, and Alabama, and *empty containers or other*

such incidental facilities (not specified) used in transporting the above described commodities, and *rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: September 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 118130 (Sub-No. 8), filed July 23, 1962. Applicant: BENJAMIN M. HAMRICK, doing business as BEN HAMRICK, 1208 Jones Street, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes and potato products*, frozen and unfrozen, cooked, uncooked and blanched, from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., and points in Minnesota to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Tennessee, Louisiana, Missouri, Nebraska, Kansas, Oklahoma, and Texas and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: September 28, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner Dallas B. Russell.

No. MC 118407 (Sub-No. 12), filed July 23, 1962. Applicant: NEBRASKA ILLINOIS COLORADO EXPRESS, INC., doing business as N.I.C.E. INC., AND NATES TRUCK LINE, INC., 780 East 51st Avenue, Denver, Colo. Applicant's attorney: Herbert M. Boyle, 738 Majestic Building, Denver 2, Colo. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, from points in Curry County, N. Mex., to points in Arizona, California, Colorado, Utah, Nebraska, Oregon, Washington, Idaho, Montana, Wyoming, North Dakota, South Dakota, Kansas, Minnesota, Iowa, Missouri, Arkansas, Oklahoma, and points in Illinois in the East St. Louis commercial zone, and *exempt agricultural commodities and rejected and refused shipments*, on return.

HEARING: September 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 119422 (Sub-No. 12), filed June 13, 1962. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Joseph H. Goldenhersh, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler, ground limestone*, in bulk, in pressurized tank vehicles, from Hannibal, Mo., to points in Illinois, South of U.S. Highway 136 (extending westward through Danville, Rantoul, Havanna, Macomb and Hamilton, Ill.), and *rejected and damaged shipments* of the above-specified commodities, on return.

HEARING: October 10, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 135.

No. MC 119496 (Sub-No. 1), filed June 20, 1962. Applicant: THE JAMES GIBBONS COMPANY, a corporation, Sutton Avenue (Relay), Baltimore 27, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and semiliquid petroleum asphalt products*, requiring heating for loading or unloading, in bulk, in tank vehicles, from North Charleroi, Pa., to points in Maryland, Ohio, Pennsylvania, Virginia, West Virginia, and New York.

HEARING: October 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 119777 (Sub-No. 8), (AMENDMENT), filed May 24, 1962, published in FEDERAL REGISTER issue of June 13, 1962, republished this date as amended July 12, 1962. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated pipe and fittings* from Jeffersonville, Ind., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia and West Virginia; and *rejected or damaged shipments of the above commodities* and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities, on return.

NOTE: This republication is for the purpose of deleting *wrought iron and steel pipe and fittings* and the origin point of *Indiana Harber, Ind.* from the application.

HEARING: September 20, 1962, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner Louis G. LaVecchia.

No. MC 119878 (Sub-No. 1), filed June 29, 1962. Applicant: MRS. GAYNELLE H. BOWMAN, doing business as THE A. B. COLLIER WRECKER SERVICE, 1200 Cherry Street, Nashville, Tenn. Applicant's attorney: Clarence Evans, 710 Third National Band Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, damaged, and disabled motor vehicles*, and *motor vehicles to be utilized for replacement of such wrecked, damaged and disabled vehicles*, using wrecker equipment only, and *repossessed, stolen, and abandoned, vehicles when unable to move on their own power;* and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between points in Davidson, Montgomery, Robertson, Sumner, Wilson, Rutherford, Williamson, Cheatham, Dickson, Maury, Marshall, and Bedford Counties, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Virginia, and West Virginia.

HEARING: September 26, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Louis G. LaVecchia.

No. MC 123067 (Sub No. 15), filed July 25, 1962. Applicant: M & M TANK LINES, INC., P.O. Box 4174, North Station, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed trailers, between missile sites, production plants and missile test facilities, located at points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Montana, and Wyoming.

HEARING: October 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 123364 (Sub-No. 2), filed July 19, 1962. Applicant: GEORGE T. ANGLIN & JULIAN W. BATTLE, doing business as A & B TRUCKING COMPANY, a partnership, P.O. Box 254, 25 Main Street, Wadley, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (with the exception of plywood), from points in Georgia to points in Tennessee.

HEARING: September 28, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 238, or, if the Joint Board waives its right to participate before Examiner Edith H. Cockrill.

No. MC 123405 (Sub-No. 6), filed July 13, 1962. Applicant: FOOD TRANSPORT, INC., P.O. Box 1041, York, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Florida (except Auburndale, Bartow, Dade City, Fort Meade, Lakeland, Lake Wales, Plant City, and Tampa), to points in that part of New York on, north and west of New York Highway 7 (except Troy and Schenectady, N.Y.).

NOTE: Common control may be involved.

HEARING: September 17, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner Warren C. White.

No. MC 123594 (Sub-No. 1), filed May 21, 1962. Applicant: BONANZA TRUCKING COMPANY, a corporation, 53 East Fourth Street, Salt Lake City, Utah. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Gilsonite*, and *gilsonite products*, in bulk, and in bags, from Bonanza, Utah to Creston, Wyo. as follows: from Bonanza over Utah Highway 45 to junction U.S. Highway 40, near the Utah-Colorado State line, thence over U.S. Highway 40 to Craig, Colo., thence over Colorado Highway 13 to the Wyoming State line, thence over Wyoming Highway 789 to junction U.S. Highway 30, thence over U.S. Highway 30 to Creston, Wyo., and return over the same route, serving the intermediate point of Craig, Colo.; also from Bonanza over unnumbered highway to junction of Colorado Highway 64, south of Artesia, Colo., thence over Colorado Highway 64 to junction of U.S. Highway 40 at Artesia, Colo., thence to Creston, and return over the same route, serving no intermediate points.

HEARING: October 16, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 280.

No. MC 123649 (Sub-No. 1), filed May 31, 1962. Applicant: C. A. MAGILL, doing business as MAGILL TRUCK LINE, 1541 West 23d Street, Wichita, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, between Wichita, Kans., and points in Oklahoma.

HEARING: October 16, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board 39.

No. MC 123910 (Sub-No. 2), filed May 2, 1962. Applicant: PAUL GIBSON, doing business as PAUL GIBSON TRUCKING CO., 404 East 21st Street, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in tank vehicles, from Lyons, Kans., to Denver, Colo.

HEARING: October 18, 1962, at the New Customs House, Denver, Colo., before Joint Board No. 43.

No. MC 124065 (Sub-No. 2), filed July 23, 1962. Applicant: COLORADO-ARIZONA-CALIFORNIA EXPRESS, INC., 1749 Julian Street, Denver, Colo. Applicant's attorney: Herbert M. Boyle, 738 Majestic Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, from points in Curry County, N. Mex., to points in Arizona, California, Colorado, Utah, Nebraska, Oregon, Washington, Idaho, Montana, Wyoming, North Dakota, South Dakota, Kansas, Minnesota, Iowa, Missouri, Arkansas, Oklahoma, and points in Illinois in the East St. Louis commercial zone, and *exempt agricultural commodities and rejected and refused shipments*, on return.

HEARING: September 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 124178 (Sub-No. 1), filed June 11, 1962. Applicant: MARJORIE SUMNERS, doing business as SUMNERS TRUCK LINE, 508 First Street NW., Clarion, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feed*, from Austin, Minn., to points in Wright County, Iowa, and *damaged and rejected shipments*, on return.

HEARING: October 30, 1962, in Room 401, at the Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 146.

No. MC 124221 (Sub-No. 2), filed April 19, 1962. Applicant: HOWARD BAER, 821 East Dunne, Morton, Ill. Applicant's attorney: Richard J. Hardy, One North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sour cream, sour cream mixtures, imitation cream, flavored milk, low fat milk, liquid dietary foods, fruit segments, ice cream mix, orange juice, fruit juice drinks, cottage cheese, and other dairy products*, as described in Subdivision B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 273, in containers, in vehicles equipped with temperature control devices, between Peoria, Ill., and St. Louis, Mo., (2) *ice cream, ice cream mix, ice milk, sherbet, water ices and vegetable-fat frozen desserts*, in containers, in vehicles equipped with temperature control devices, and *ice cream novelties, including water ice bars, fudge bars, ice cream bars, ice cream cups, ice cream sandwiches, ice cream cake rolls, ice cream pies, and articles of a like nature*, in containers, in vehicles equipped with temperature control devices, (a) from Chicago and Peoria, Ill., and Omaha, Nebr., to Benton Harbor, Detroit, Kalamazoo, New Buffalo, and Pontiac, Mich., Elkhart, Evansville, Hammond, Huntington, Indianapolis, Lafayette, South Bend and Terre Haute, Ind., Cincinnati, Columbus, Hamilton and Toledo, Ohio, Lexington, and Louisville, Ky., Memphis, and Nashville, Tenn., Columbia, Kansas City, and St. Louis, Mo., Omaha, Nebr., Chicago, Decatur, Macomb, Moline, Palatine, Peoria, Pontiac, Rockford, and West Frankfort, Ill., (c) from Huntington, Ind., to Benton Harbor, Detroit, Kalamazoo, New Buffalo, and Pontiac, Mich., Cincinnati, Columbus, Hamilton and Toledo, Ohio, Lexington, and Louisville, Ky., Memphis, and Nashville, Tenn., Columbia, Kansas City, and St. Louis Mo., Omaha, Nebr., Fond du Lac, Kenosha, LaCrosse, Madison, and Milwaukee, Wis., Chicago, Decatur, Macomb, Moline, Palatine, Peoria, Pontiac, Rockford, and West Frankfort, Ill., (d) from Hamilton, Ohio, to Benton Harbor, Detroit, Kalamazoo, New Buffalo, and Pontiac, Mich., Elkhart, Evansville, Hammond, Huntington, Indianapolis, Lafayette, South Bend, and Terre Haute, Ind., Lexington, and Louisville, Ky., Memphis, and Nashville, Tenn., Columbia, Kansas City, and St. Louis, Mo., Omaha, Nebr., Fond du Lac, Kenosha, LaCrosse, Madison, and Milwaukee, Wis., (b) from Milwaukee, Wis., to Benton Harbor, Detroit, Kalamazoo, New Buffalo, and Pontiac, Mich., Elkhart, Evansville, Hammond, Huntington, Indianapolis, Lafayette, South Bend, and Terre Haute, Ind., Cincinnati, Columbus, Hamilton, and Toledo, Ohio, Lexington, and Louisville, Ky., Memphis, and Nashville, Tenn., and (c) from Milwaukee, Wis., to Benton Harbor, Detroit, Kalamazoo, New Buffalo, and Pontiac, Mich., Elkhart, Evansville, Hammond, Huntington, Indianapolis, Lafayette, South Bend, and Terre Haute, Ind., Cincinnati, Columbus, Hamilton, and Toledo, Ohio, Lexington, and Louisville, Ky., Memphis, and Nashville, Tenn., and Chicago, Palatine, and Rockford, Ill.

NOTE: Applicant states the proposed service will be under contract with Sealtest Foods Division of National Dairy Products Corporation, or under contract with distributors for Sealtest Foods Division of National Dairy Products Corporation.

HEARING: October 19, 1962, at the Palmer House, Chicago, Ill., before Examiner James Anton.

No. MC 124344 (Sub-No. 1), filed April 11, 1962. Applicant: ROBERT M. COLGAN, doing business as RED SEAL TRUCKING, P.O. Box 753, Huntington, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream mix*, in bulk, in tank vehicles, from Huntington, Ind., to Kalamazoo and Detroit, Mich., (2) *cream*, in bulk, in tank vehicles, from Mason and Ovid, Mich., to Huntington, Ind., (3) *ice cream, ice cream mix, ice milk, sherbet, water ices, and vegetable-fat frozen desserts*, in containers, in vehicles equipped with temperature control devices, and *ice cream novelties, including water ice bars, fudge bars, ice cream bars, ice cream cups, ice cream sandwiches, ice cream cake rolls, ice cream pies, and articles of a like nature*, in containers, in vehicles equipped with temperature control devices, (a) from Huntington, Ind., to Edon, Delphos, Toledo, Cincinnati, Hamilton, Columbus, Ohio, and points in Ohio west of Interstate Highway 75, Louisville, and Lexington, Ky., Chicago, Palatine, and Rockford, Ill., Milwaukee, Wis., Benton Harbor, Detroit, Kalamazoo, New Buffalo, and Pontiac, Mich., and Memphis, and Nashville, Tenn., (b) from Chicago, Ill., to Benton Harbor, Detroit, Kalamazoo, New Buffalo, and Pontiac, Mich., Elkhart, Evansville, Hammond, Huntington, Indianapolis, Lafayette, South Bend, and Terre Haute, Ind., Cincinnati, Columbus, Hamilton, and Toledo, Ohio, Lexington, and Louisville, Ky., Memphis, and Nashville, Tenn., and (c) from Milwaukee, Wis., to Benton Harbor, Detroit, Kalamazoo, New Buffalo, and Pontiac, Mich., Elkhart, Evansville, Hammond, Huntington, Indianapolis, Lafayette, South Bend, and Terre Haute, Ind., Cincinnati, Columbus, Hamilton, and Toledo, Ohio, Lexington, and Louisville, Ky., Memphis, and Nashville, Tenn., and Chicago, Palatine, and Rockford, Ill.

NOTE: Applicant states the proposed service will be under contract with Sealtest Foods Division of National Dairy Products Corporation, or under contract with distributors for Sealtest Foods Division of National Dairy Products Corporation.

HEARING: October 19, 1962, at the Palmer House, Chicago, Ill., before Examiner James Anton.

No. MC 124366 (Sub-No. 2), filed July 13, 1962. Applicant: POTOMAC RIGGING, INC., 2803 Jefferson Davis

Highway, Arlington 2, Va. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel girders, beams and component parts thereof*, for bridges, buildings and structures, from Arlington and Gainesville, Va., to points in Delaware, District of Columbia, Maryland, North Carolina, Pennsylvania, and West Virginia, (2) *prestressed and precast concrete*, for buildings and bridges, from Alexandria, Va., to points in Maryland, and *rejected and returned shipments* in connection with the commodities specified in (1) and (2) above, on return, and (3) *commodities*, the transportation of which because of size and weight requires the use of special equipment and *related machinery parts and related contractors' material and supplies*, when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment, and *rejected and returned shipments*, between points in Delaware, District of Columbia, Connecticut, Maryland, North Carolina, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia.

NOTE: Common control may be involved.

HEARING: October 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 124397, filed April 23, 1962. Applicant: MERLIN L. HOLLINGER, doing business as HOLLINGER TRUCK LINE, Box 414, Beaver City, Nebr. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described by the Commission in 61 M.C.C. 209, Appendix I B, from Aurora, Superior, and Fairbury, Nebr., and Hillsboro, Kans., to Denver, Colo., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: October 19, 1962, at the New Customs House, Denver, Colo., before Joint Board No. 56.

No. MC 124411 (Sub-No. 2), filed May 28, 1962. Applicant: SULLY TRANSPORT, INC., Sully, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer solutions*, in bulk, in tank vehicles, from Vinton, Iowa, to points in Illinois.

HEARING: October 29, 1962, in Room 401, at the Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 54.

No. MC 124450, filed May 16, 1962. Applicant: ROBERT E. La VEINE, doing business as BOB La VEINE TRAILER SALES, 701 East Mt. Pleasant Street, West Burlington, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers*, with and without furniture, between points in Iowa.

HEARING: October 31, 1962, in Room 401, at the Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 124481, filed May 28, 1962. Applicant: NEIL M. RACKLEY, doing business as N-C-J TRUCKING COMPANY, 412 34th Street NE., Cedar Rapids, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances* (1) from Sterling, Ill., to Cedar Rapids and Waterloo, Iowa; and (2) between Cedar Rapids, Iowa, and Davenport, Iowa.

HEARING: October 29, 1962, in Room 401, at the Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 54.

No. MC 124510 (CORRECTION), filed June 6, 1962, published in FEDERAL REGISTER issue of July 25, 1962, republished this issue to correct address of applicant's attorney. Applicant: A & F TRUCKING CORPORATION, 172 Surrey Drive, New Rochelle, N.Y. Applicant's attorney: Martin Werner, 2 West 45th Street, New York 36, N.Y. This republication is for the purpose of correcting the address of applicant's attorney. It should have been shown as above instead of as previously published.

HEARING: Remains as assigned September 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 124536, filed June 13, 1962. Applicant: NORMAN JENKS, doing business as JENKS TRUCK LINE, P.O. Box 266, Buffalo, N.Y. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial feeds, salt and fertilizers, and empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, between Morrill, Nebr., and points within five (5) miles thereof, on the one hand, and, on the other, points in Wyoming.

HEARING: October 10, 1962, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 44.

No. MC 124558, filed June 21, 1962. Applicant: K. S. S. TRUCK LINE, INC., P.O. Box 372, Manhattan, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese products*, and *dried whey*, from Alma, Kans., to Springfield, Bolivar and Carthage, Mo.; and *empty containers or other such incidental facilities* (not specified), used in transporting the above commodities, on return trips.

HEARING: October 18, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 36.

No. MC 124602, filed July 5, 1962. Applicant: FOSTER THURMAN, Route 8, Columbia, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer and ale*, bottled and canned in cases in truck load lots, (beer and ale only), from St. Louis, Mo., Peoria, Ill., Evansville, Ind., Milwaukee, Wis., to Columbia, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return. (2) *Beer and ale*, bottled and canned in cases in truck load lots, (beer and ale only), and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, (a) between St. Louis, Mo., and Columbia, Tenn., (b) between Peoria, Ill., and Columbia, Tenn., (c) between Evansville, Ind., and Columbia, Tenn., and (d) between Milwaukee, Wis., and Columbia, Tenn.

HEARING: September 27, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Louis G. LaVecchia.

No. MC 124617, filed July 13, 1962. Applicant: ALLEN CLARK, Etna, Wyo. Applicant's attorney: Macoy A. McMurray, Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Lincoln County, Wyo., to points in Cache, Box Elder, Weber, Morgan, Davis, Summit, Wasatch, Salt Lake, Tooele, Utah, Juab, and Carbon Counties, Utah, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: October 17, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 85.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 277), filed July 20, 1962. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: James E. Ryan, 214 Sharp Building, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Lincoln and Grand Island, Nebr., from Lincoln over U.S. Highway 34 to Seward (also from Lincoln over Interstate Highway 80 to its junction with Nebraska Highway 15, thence over Nebraska Highway 15 to its junction with U.S. Highway 34), thence over U.S. Highway 34 to Grand Island, and return over the same routes, serving no intermediate points.

NOTE: Applicant states it proposes to join or tack this authority, if granted, to its present authority. Common control may be involved.

HEARING: October 9, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93.

No. MC 8665 (Sub-No. 4), (CORRECTION), filed May 18, 1962, published FEDERAL REGISTER issue of July 25, 1962, corrected July 31, 1962 and republished, as corrected, this issue. Applicant: BINGHAMTON SHORT LINES CORP., 123 Eldredge Street, Binghamton, N.Y. Applicant's attorney: Harry H. Frank, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers* and *mail*, in the same vehicle with passengers, between Carbondale, Pa. and Binghamton, N.Y., from Carbondale over U.S. Highway 106 to the Lenox Interchange of the Penn-Can Highway, Interstate Highway 81; thence by Interstate Highway 81 to Binghamton, and return over the same route, serving all intermediate points between Carbondale, Pa. and Lenox, Pa., including Lenox, Pa., which is located on U.S. Highway Route 106 at or near the Lenox Interchange of the Penn-Can Highway (Interstate Highway Route 81).

NOTE: The purpose of this republication is to eliminate the phrase "as an alternate route for operating convenience only in connection with applicant's regular-route operations" as previously published.

HEARING: Remains as assigned September 11, 1962, at the U.S. Court Rooms, Binghamton, N.Y., before Examiner Allen W. Hagerty.

No. MC 109598 (Sub-No. 30), filed July 24, 1962. Applicant: CAROLINA SCENIC STAGES, 217 North Converse Street, Spartanburg, S.C. Applicant's attorney: W. A. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, newspapers, express, mail*, and *baggage of passengers*, in the same vehicle with passengers, between junction South Carolina Highways 46 and 170 and Savannah, Ga.; from junction South Carolina Highways 46 and 170, over South Carolina Highway 170 to its junction with U.S. Highway 17; thence over U.S. Highway 17 to its junction with U.S. Highway 17A; thence over U.S. Highway 17A to Savannah, Ga., and return over the same route, serving all intermediate points.

NOTE: Applicant states it is under common control with Coastal Stages Corp. and The Gray Line of Charleston for the reason that Hamish Turner owns the controlling stock of applicant, applicant owns Coastal Stages Corp. as a wholly owned subsidiary and Coastal Stages Corp. owns The Gray Line of Charleston as a wholly owned subsidiary.

HEARING: September 24, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 131.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 212), filed July 26, 1962. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Nevada Corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil* and *petroleum refined oil*, in bulk, in tank vehicles, from Portland, Oreg., to Crescent City, Calif.

NOTE: Applicant states it controls Pacific and Atlantic Shippers, Inc. a freight forwarder holding Permit No. FF-52 and related subs, and National Carloading Corporation, a freight forwarder, Permits No. FF-68 and FF-71.

No. MC 40176 (Sub-No. 3), filed July 30, 1962. Applicant: CLARENCE BATES, doing business as WAYNE TRUCK LINE, Touristville, Ky. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Monticello, Ky., and points within five (5) miles thereof, to points in Illinois, Indiana, Michigan, and Ohio.

NOTE: Applicant states any duplicating authority resulting from its present Certificate of Public Convenience and Necessity No. MC 40176 is to be eliminated.

No. MC 46280, (Sub-No. 47), filed July 25, 1962. Applicant: DARLING FREIGHT, INC., 4000 Division Avenue South, Grand Rapids, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) between Detroit, Mich., and Bath, Mich., and (2) between Lansing, Mich., and Bath, Mich.

No. MC 59680 (Sub-No. 136) filed July 30, 1962. Applicant: STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415 Perry Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment), (1) from Houston, Tex., over an unnumbered highway known as "Spencer Highway" to La Porte, Tex., and return over the same route, serving all intermediate points, (2) from Houston, Tex., over Texas Highway 225 to intersection with Texas Highway 146 to La Porte, Tex., and return over the same route, serving all intermediate points, and (3) from Houston, Tex., over Texas Highway 225 to intersection with Texas Highway 146, thence over Texas Highway 146 to Baytown, Tex., and return over the same route, serving all intermediate points.

NOTE: Applicant states it controls Strickland Motor Freight Lines, Inc.

No. MC 66562 (Sub-No. 1909), filed July 18, 1962. Applicant: RAILWAY EXPRESS AGENCY INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Railway Express Agency, Incorporated, Law Department, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Victoria, Tex., and Corpus Christi, Tex., from Victoria over U.S. Highway 77 to Sinton, Tex., thence over U.S. Highway 181 to Corpus Christi, and return over the same route, serving no intermediate points. RESTRICTION: (1) The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, express service; (2) shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt; and (3) such further specific conditions as the Commission in effect may find it necessary to impose in order to restrict applicant's operation to service which is auxiliary to or supplemental of, express service.

NOTE: Applicant states the proposed service will be an extension of and will be operated in connection with its existing authorized operation between Houston and Falfurrias, Tex., under certificate in MC 666562 (Sub-No. 1164).

No. MC 110525 (Sub-No. 525), filed July 27, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote oil*, from Follansbee, W. Va., to Scotland Neck, N.C.

No. MC 119790 (Sub-No. 1), filed July 30, 1962. Applicant: L.S.V. TRANSPORTATION CO., a corporation, 423 Seventh Street, Prosser, Wash. Applicant's attorney: James T. Johnson, 609-11 Norton Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feeds and feed ingredients*, (1) from points in Yakima, Grant, Benton, Franklin, Adams, Lincoln, Spokane, and Whitman Counties, Wash., to points in Clatsop, Washington, Multnomah, Clackamas, Yamhill, Marion, Polk, Benton, Linn, Lane, Douglas, Jackson, Jefferson, and Deschutes Counties, Oreg., and (2) from points in Multnomah County, Oreg., to points in Yakima, Grant, Benton, Franklin, Adams, Lincoln, Spokane, and Whitman Counties, Wash., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 124102 (Sub-No. 1), filed July 30, 1962. Applicant: JAMES L. SORENSEN AND THOMAS R. SORENSEN, a partnership, doing business as SORENSEN & SORENSEN, 1540 Sunnyview Street, Libertyville, Ill. Applicant's attorney: Perry J. Synderman, 100 West Monroe Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk and dairy products*, in refrigerated vehicles, from Gages Lake, Ill., to points in that part of Wisconsin bounded by a line beginning at Racine, Wis., and extending west along Wisconsin Highway 11 to Union Grove, Wis., thence south along U.S. Highway 45 to Bristol, Wis., and thence east along Wisconsin Highway 50 to Kenosha, Wis., and *empty containers or other such incidental facilities* (not spec-

ified) used in transporting the above-specified commodities, on return.

No. MC 124507 (CORRECTION), filed June 4, 1962, published in FEDERAL REGISTER issue of June 20, 1962, republished this issue to correct the state designation of certain counties. Applicant: VIRGIL O. COMER, doing business as COMER SPREADER SERVICE, R.F.D. 1, Winchester, Va. Applicant's representative: Eston H. Alt, P.O. Box 81, Winchester, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime, limestone* and *fertilizer* from Alexandria and other points in named counties of Virginia and Maryland to points in named counties of Virginia, West Virginia, Maryland, and Pennsylvania. This republication is for the purpose of correcting the state designation of Hardy, Hampshire, Grant, Mineral, Morgan, Berkeley, and Jefferson Counties, which should have been shown as "*W. Va.*".

No. MC 124595, filed July 5, 1962. Applicant: CASS SILKO, doing business as TONGASS TRANSFER, Mile 6, South Tongass, Ketchikan, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, and (2) *empty containers or other such incidental facilities* (not specified) used in transporting general commodities, between points on Revillagigedo Island, Alaska.

No. MC 124597, filed July 5, 1962. Applicant: PERCY JAMES, doing business as ARROW TRANSFER, 227 Commercial Building, Ketchikan, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between points on Revillagigedo Island, Alaska.

MOTOR CARRIERS OF PASSENGERS

No. MC 111979 (Sub-No. 3) (REPUBLICATION), filed May 17, 1962, published FEDERAL REGISTER, issue of July 11, 1962 and republished this issue. Applicant: BEN F. HAUCK, doing business as THE VALLEY STAGES, 241 Center Street, NE., Salem, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, baggage, express, mail, and newspapers*, in the same vehicle with passengers, between Monmouth, and Corvallis, Oreg., from Monmouth over U.S. Highway 99W to Corvallis, and return over the same route serving the intermediate point of Camp Adair, located at Corvallis, Oreg.

NOTE: Common control may be involved. The purpose of this republication is to show that this application will be handled under the no-hearing procedure.

NOTICE OF FILING OF PETITIONS AND CERTAIN REPUBLICATIONS

No. MC 93419 (Sub-No. 3) (REPUBLICATION), filed September 22, 1962, published FEDERAL REGISTER, issue of October 11, 1962, and republished this issue. Applicant: BALD EAGLE TRANSFER COMPANY, a corporation, 300 Bellefonte Avenue, Lock Haven, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. By application filed September 22, 1961, applicant sought authority to operate as a common carrier, by motor vehicle, over irregular routes transporting: (1) *Paper and paper products*, from the plant sites of the Clinton Paper Company, Inc., Lock Haven and Castanea, Pa., to Washington, D.C.; Dover and Wilmington, Del.; Chicago, Elgin, Joliet, and Peoria, Ill.; Evansville, Fort Wayne, Indianapolis, South Bend, and Terre Haute, Ind.; Annapolis, Baltimore, Bethesda, College Park, Cumberland, Delmar, Ellicott City, Frederick, Fruitland, Gambrills, Hagerstown, Oakland, Rockville, Salisbury, Upper Marlboro, and Westminster, Md.; Detroit, Flint, Lansing, Pontiac, and Walled Lake, Mich.; Camden, Dayton, Deepwater, Jersey City, Newark, Paterson, Pennsville, Phillipsburg, Trenton, and Westmont, N.J.; Albany, Buffalo, Mechanicville, New York, North Tonawanda, Poughkeepsie, Rochester, Schenectady, Tonawanda, and Utica, N.Y.; Charlotte, Durham, Greensboro, and Raleigh, N.C.; Charleston and Greenville, S.C.; Arlington, Alexandria, Franconia, Franklin, Norfolk, Richmond, and Staunton, Va.; Parkersburg and Wheeling, W. Va.; and Madison, Milwaukee, and Sheboygan, Wis.; and (2) *materials used or useful in the manufacture of paper and paper products* from the destination points named above to the plant sites of the Clinton Paper Company, Inc., at Lock Haven and Castanea, Pa. A Decision and Order dated June 22, 1962, served June 29, 1962, authorized operation by applicant, in interstate or foreign commerce as a *common carrier* by motor vehicle, over irregular routes, (1) of *paper products* from Lock Haven and Castanea, Pa., to Dover and Wilmington, Del., Chicago, Elgin, Joliet, and Peoria, Ill.; Evansville, Fort Wayne, Indianapolis, South Bend, and Salisbury, Md., Detroit, Flint, Lansing, Pontiac, and Walled Lake, Mich., Camden, Dayton, Deepwater, Jersey City, Newark, Paterson, Pennsville, Phillipsburg, Trenton, and Westmont, N.J., Albany, Buffalo, Mechanicville, New York, North Tonawanda, Poughkeepsie, Rochester, Schenectady, and Utica, N.Y., Charlotte, Durham, Greensboro, and Raleigh, N.C., Charleston and Greenville, S.C., Franklin and Staunton, Va., Parkersburg and Wheeling, W. Va., and Madison, Milwaukee, and Sheboygan, Wis., and (2) of *materials used in the manufacture of paper products* (except commodities in bulk), from the destination points named in (1) above, to Lock Haven and Castanea, Pa., and stated that prior to the issuance of any certificate herein, a proper notice of the authority granted will be published in the FEDERAL REGISTER in order to allow a 30-day period during which any interested party, who may be affected by the broadened territorial scope of the application, may file an appropriate pleading.

No. MC 107107 (Sub-No. 188) (REPUBLICATION), filed November 27, 1961, published FEDERAL REGISTER, issue of January 10, 1962, and republished this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. By application filed November 27, 1961, applicant sought authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Food, food ingredients, food coloring, food preservatives*, and (2) *advertising, promotional and display materials, and premiums*, from Baltimore, Md., to points in Florida. A decision and order dated June 21, 1962, and served June 27, 1962, authorized operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) *of hops, garlic*, and *horseradish roots*, in mixed shipments with commodities authorized to be transported under applicant's presently-held certificates, and of *prepared horseradish and horseradish cocktail sauce*, in vehicles equipped with mechanical refrigeration, and (2) of *advertising, promotional and display materials*, and *premiums* for the above-named commodities, from Baltimore, Md., to points in Florida, and stated that prior to the issuance of any certificate herein, a proper notice of the complete scope of the authority granted herein will be published in the FEDERAL REGISTER in order to allow a 30-day period during which time any interested party who may be adversely affected by the broadened commodity scope of such grant with respect to the notice of the application as previously published, may file an appropriate pleading.

No. MC 109478 (Sub-No. 11) (PETITION FOR WAIVER OF RULE 101(e) OF THE COMMISSION'S GENERAL RULES OF PRACTICE AND FOR LEAVE TO FILE FOR RECONSIDERATION, REVISION AND/OR CORRECTION OF CERTIFICATE), file March 14, 1962. Petitioner: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Petitioner's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. On December 28, 1951, petitioner was authorized in Certificate No. MC 109478 Sub 11, to transport as a common carrier, over irregular routes: *Frozen fruits* and *frozen fruit juices*, between Erie and North East, Pa., and Brocton, Silver Creek, and Westfield, N.Y., on the one hand, and, on the other, points in the Lower Peninsula of Michigan. By the instant petition, petitioner prays that the commodity description "frozen fruit juices", be revised or corrected to read: "*frozen fruit juices* and *frozen fruit juice concentrates*". Any person or persons desiring to participate in this proceeding may, within 30 days from the date of the publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 109478 (Sub-No. 13) (PETITION FOR WAIVER OF RULE 101(e) OF THE COMMISSION'S GENERAL RULES OF PRACTICE AND FOR LEAVE TO FILE FOR RECONSIDERATION, REVISION AND/OR FOR CORRECTION OF CERTIFICATE), filed March 14, 1962. Petitioner: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Petitioner's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. On May 18, 1953,

petitioner was authorized, in Certificate No. MC 109478 (Sub-No. 13), to transport, as a common carrier, over irregular routes: "*Grape juice, tomato juice, honey, jams, jellies*, and *preserves*, and *frozen fruits, frozen fruit juices*, and *frozen tomato juice*, from North East Pa., and Westfield, Brocton, and Silver Creek, N.Y., to points in Indiana and Illinois, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner prays that the commodity description: "*Grape juice, tomato juice* and *frozen fruit juices* and *frozen tomato juice*" as set forth in said Certificate, be revised or corrected to read: "*Grape juice* and *grape juice concentrate, tomato juice and tomato juice concentrate*, and *frozen fruit juices and frozen fruit juice concentrates*, and *frozen tomato juice and frozen tomato juice concentrates*". Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 109478 (Sub-No. 24) (PETITION FOR WAIVER OF RULE 101(e) OF THE COMMISSION'S GENERAL RULES OF PRACTICE AND FOR LEAVE TO FILE FOR RECONSIDERATION, REVISION AND/OR CORRECTION OF CERTIFICATE), filed March 14, 1962. Petitioner: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Petitioner's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. On March 21, 1957, petitioner was authorized, in Certificate No. MC 109478 (Sub-No. 24), to transport, as a common carrier, over irregular routes "*Fruit juices*, in bulk, and *frozen fruit juices*, from Geneva, Ohio, to points in New York (except Auburn, Binghamton, Cortland, Elmira, Geneva, Ithaca, Endicott, Johnson City, Oneonta, Oswego, Rochester, Rome, Schenectady, Syracuse, Utica, and points on and south of a line from Glenn Falls, N.Y., to the Vermont-New York State line near Glenn Falls, and on and east of a line from Glenn Falls along U.S. Highway 9 to Albany, N.Y., and thence along U.S. Highway 9 to Albany, N.Y., and thence along U.S. Highway 9–W to New York, N.Y., and points in the New York, N.Y., Commercial Zone), points in Pennsylvania (except points in the Philadelphia, Pa., Commercial Zone), points in New Jersey (except points in the Philadelphia, Pa., Commercial Zone), and points in Maryland, Illinois, and those points in the Lower Peninsula of Michigan, with no transportation for compensation on return except as otherwise authorized." By the instant petition petitioner prays that the commodity description "*fruit juices*, in bulk, and *frozen fruit juices*" as set forth in said certificate, be revised or corrected to read: "*fruit juices* and *fruit juice concentrates*, in bulk, and *frozen fruit juices* and *frozen fruit juice concentrates*". Any person or persons desiring to participate in this proceeding may, within 30 days from the date of the publication in the FEDERAL REGISTER, file an appropriate pleading.

No. 156——5

No. MC 110713 (Sub-No. 4) (PETITION FOR MODIFICATION OF PERMIT SO AS TO ADD AN ADDITIONAL SHIPPER), filed July 5, 1962. Petitioner MELVIN G. FIDLER, R.D. No. 1, P.O. Box 175, Mill Hall, Pa. Petitioner's attorney: Wendell Y. Blanning, Barr Building, Washington, D.C. Petitioner was issued a permit, dated March 22, 1962, authorizing transportation service to be performed in interstate or foreign commerce, over irregular routes, of clay products, from points in Lamar Township, Clinton County, Pa., and Mill Hall, Patton, Watsontown, Brockway, Osceola Mills, Worthington, Mifflinville, Saint Marys, and Kittanning, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. The operations authorized are limited to a transportation service to be performed under a continuing contract, or contracts, with Mill Hall Clay Products, Inc., of Mill Hall, Pa., Mill Hall Brick Works of Lock Haven, Pa., and Patton Clay Manufacturing Company of Patton, Pa. Petitioner requests that his existing permit be modified by adding to the restriction in the permit, authorization of service to be performed under a continuing contract, or contracts, with St. Marys Sewer Pipe Company, St. Marys, Pa. Any person or persons desiring to oppose the addition of the above-named shipper, may, within 30 days from the publication of this notice in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 114211 (Sub-No. 23) (REPUBLICATION), filed November 9, 1960, published FEDERAL REGISTER, issue of January 11, 1961, and republished this issue. Applicant: DONALSON TRANSFER COMPANY, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North LaSalle Street, Chicago, Ill. By application filed November 9, 1960, as amended, applicant sought authority to operate as a common carrier, by motor vehicle, over irregular routes, of experimental and show-display farm and industrial machinery and equipment, including tractors and incidental paraphernalia, all to be used for the purpose of show displays, field demonstration or experimental work when moving between the sites of plants, sales branches, warehouses, experimental stations and/or farms, shows, exhibits and field demonstrations owned, operated or used by Deere & Company, between all points in the United States, except Alaska and Hawaii. A report of the Commission, decided June 25, 1962, served June 25, 1962, and adopted June 28, 1962, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *experimental and show-display tractors* and *farm and industrial machinery and equipment* which, at the time of movement, are being transported for purposes of display or experiment, and not for sale, and *incidental paraphenalia* moving in the same vehicles and at the same time, between points in the United States, except Hawaii and Alaska, subject to the condition that any authority granted herein which is duplicative of that already held by applicant shall not be construed as conferring more than a single operating right. The report further states that members of the public who relied upon the notice as published in the FEDERAL REGISTER may have an interest which would be prejudiced by the broadening of the application. In the circumstances we shall republish in the FEDERAL REGISTER the authority actually granted herein and shall withhold the issuance of a certificate until the lapse of 30 days from the date of such republication, during which time any interested party may file a petition for further hearing.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–7906 (M. & G. CONVOY, INC., AND HULBERT FORWARDING CO., INC.—PURCHASE (PORTION)—GREAT LAKES FORWARDING CORP.), published in the July 6, 1961, issue of the FEDERAL REGISTER on page 6056. Application filed July 30, 1962, for temporary authority under section 210a(b).

No. MC–F–7907 (EASTERN AUTOMOBILE FORWARDING CO., INC.—PURCHASE (PORTION)—GREAT LAKES FORWARDING CORP.), published in the July 6, 1961, issue of the FEDERAL REGISTER on page 6057. Amendment filed August 1, 1962, to substitute FORREST E. WOLVERTON in lieu of FORREST E. WOLVERTON and LEROY FENNE, as applicant and person in control of EASTERN AUTOMOBILE FORWARDING CO., INC. Application filed August 1, 1962, for temporary authority under section 210a(b).

No. MC–F–8178 (CORRECTION) (JOHNSON MOTOR LINES, INC.—MERGER—EMMOTT-VALLEY TRANSPORTATION CO., INC.), published in the July 18, 1962, issue of the FEDERAL REGISTER on page 6809. The word accepting, should have been shown as excepting, among others, household goods and commodities in bulk * * *.

No. MC–F–8201. Authority sought for purchase by C. B. JOHNSON, INC., P.O. Drawer "S", Cortez, Colo., of the operating rights of GLEN D. RUST and WAYNE RUST, 623 North Elm Street, Cortez, Colo., and for acquisition by C. B. Johnson, P.O. Drawer "S", Cortez, Colo., and DON WARD, 241 West 56th Avenue, Denver, Colo., of control of such rights through the purchase. Applicants' attorney: Peter J. Crouse, 730 Equitable Building, Denver 2, Colo. Operating rights sought to be transferred: *Uranium and vanadium ores*, in bulk, as a *common carrier*, over irregular routes

from points in San Juan County, Utah, to Naturita, Durango, and Uravan, Colo., and Thompsons, Utah, and from points in Utah, Arizona, and New Mexico within 150 miles of Monticello, Utah, to points in La Plata, Montrose, Mesa, and Garfield Counties, Colo. Transferee is authorized to operate under temporary authority, as a *common carrier*, in Docket No. MC-124230 Sub-1 TA, in the States of Colorado and New Mexico, pending disposition of an application filed April 30, 1962, for corresponding permanent authority. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8202. Authority sought for purchase by C. S. HENRY TRANSFER, INC., U.S. 301-A North, Rocky Mount, N.C., of the operating rights of JACK B. FARRAR and JAMES C. MURDOCK, a partnership, doing business as FARRAR TRANSFER & STORAGE WAREHOUSE, 1121 South Front Street, P.O. Box 418, Wilmington, N.C., and for acquisition by CLAUDE S. HENRY, VIDA B. HENRY, both of 1004 Tarboro Street, Rocky Mount, N.C., and M. WEBSTER HENRY, 417 Shady Circle Drive, Rocky Mount, N.C., of control of such rights through the purchase. Applicants' attorney: James E. Wilson, Wilson, Woods & Villalon, Perpetual Building, 1111 E Street NW., Washington, D.C. Operating rights sought to be transferred: *Livestock*, as a *common carrier*, over irregular routes, from Wilmington, N.C., to Richmond, Va., and from Alexandria, Va., and points in Virignia within 25 miles of Alexandria, to points in New Hanover County, N.C.; *agricultural commodities*, from Wilmington, N.C., and points within 25 miles of Wilmington, to Washington, D.C., Baltimore, Md., and Philadelphia, Pa.; *textile machinery*, from Baltimore, Md., to Wilmington, N.C.; *citrus fruits*, from points in Florida to Wilmington, N.C.; *burlap*, from Wilmington, N.C., to Marion, Columbia, and Spartanburg, S.C.; *general commodities*, excepting, among others, household goods and commodities in bulk, between Wilmington, N.C., and points within 25 miles of Wilmington, on the one hand, and, on the other, points in North Carolina, and that part of South Carolina bounded by a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 76 to Columbia, S.C., thence along U.S. Highway 21 to Orangeburg, S.C., thence along U.S. Highway 178 to Charleston, S.C., thence along the Atlantic Coast to the North Carolina-South Carolina State line, and thence along the North Carolina-South Carolina State line to the point of beginning, including points on the indicated portions of the highways specified. Vendee is authorized to operate as a *common carrier* in North Carolina, New York, Virginia, Maryland, New Jersey, Pennsylvania, Delaware, Georgia, South Carolina, Florida, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8203. Authority sought for purchase by VAN GORP VAN SERVICE, INC., 994 Longfield Avenue, Louisville 14, Ky., of the operating rights of OWSLEY VAN SERVICE, INC., 2698 Main Street, Clearwater, Fla., and for acquisition by J. VERNON PAXTON and T. W. CUMMINS, JR., both of 994 Longfield Avenue, Louisville, Ky., of control of such rights through the purchase. Applicants' attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Operating rights sought to be transferred: *Race horses* and *show horses*, and *stable supplies and equipment*, and personal effects of attendants in the same vehicle with horses, as a *common carrier* over irregular routes, between points in Kentucky, Indiana, Ohio, Michigan, and Illinois, and between points in Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, on the one hand, and, on the other, points in Kentucky. Vendee is authorized to operate as a *common carrier* in Michigan, Ohio, Illinois, Kentucky, Louisiana, Arkansas, Florida, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, Texas, Oklahoma, Indiana, Kansas, Missouri, Nebraska, and Colorado. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8204. Authority sought for purchase by EXLEY EXPRESS, INC., 2204 Southeast Eighth Avenue, Portland 14, Oreg., of the operating rights of RUDOLPH OLSEN, an individual, Sherwood, Oreg., and for acquisition by JOSEPH M. EXLEY, also of Portland, of control of such rights through the purchase. Applicants' attorney: James T. Johnson, 609 Norton Building, Seattle 4, Wash. Operating rights sought to be transferred: *Farm products, farm implements, canned goods, sacks, paper cartons*, and *sugar*, as a *common carrier* over irregular routes, between Sherwood, Oreg., on the one hand, and, on the other, points in Clark County, Washington, and those in Washington, Multnomah, Yamhill, Polk, Lincoln, Lane, Benton, Linn, Marion, Clackamas, Hood River, Wasco, Sherman, Gilliam, Morrow, and Umatilla Counties, Oreg. Vendee is authorized to operate as a *common carrier* in Washington, California, Oregon, Arizona, and Idaho. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8205. Authority sought for purchase by ALL ISLAND DELIVERY SERVICE, INC., 100 Duffy Avenue, Hicksville, N.Y., of the operating rights of H. E. SWEZEY & SON MOTOR TRANSPORTATION, INC. (M. JAY FEIN, TRUSTEE), 141 Broadway, New York, N.Y., and for acquisition by RICHARD WIENECKE, also of Hicksville, of control of such rights through the purchase. Applicants' representatives: William D. Traub, 10 East 40th Street, New York 16, N.Y., and Palmer, Masia & Palmer, 320 Broadway, New York 7, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods but not excepting commodities in bulk, as a *common carrier* over irregular routes, between points in Suffolk and Nassau Counties, N.Y., on the one hand, and, on the other, New York, N.Y., points in Passaic, Bergen, Hudson, Essex, Union, and Middlesex Counties, N.J., and those in the Philadelphia Commercial zone as defined by the Commission in Philadelphia, Pa., Commercial Zone, 17 M.C.C. 533. Vendee operates under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of New York. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8206. Authority sought for purchase by L. STANLEY STRANG and DONALD E. STRANG, a partnership, doing business as STRANG TRANSPORTATION, Center and Elmer Streets, Elmer, N.J., of the operating rights of BEN MOZENTER (HARRIS Y. COTTON, TRUSTEE), 6-8 North Broad Street, Woodbury, N.J. Applicants' representatives: Charles H. Trayford, Transportation Consultant, 220 East 42d Street, New York 17, N.Y., and Harris Y. Cotton, 6-8 North Broad Street, Woodbury, N.J. Operating rights sought to be transferred: *Filtering plant equipment and apparatus*, as a *common carrier* over irregular routes, from Clayton, N.J., to Newark and Wilmington, Del., Annapolis, Baltimore, Elkton, and Havre de Grace, Md., Beacon, Haverstraw, Newburg, Nyack, Ossining, Peekskill, Yonkers and New York, N.Y., Allentown, Ardmore, Bethlehem, Bristol, Chester, Columbia, Denver, Dowingtown, Doylestown, Elizabethtown, Emaus, Ephrata, Hamburg, Harrisburg, Hershey, Kutztown, Lancaster, Lebanon, Marcus Hook, Morrisville, Philadelphia, Pottstown, Quakertown, Reading, West Chester, and York, Pa., and Washington, D.C.; *sand*, from Sewell, N.J., to the above-specified destination points; *grain*, and *grain products*, from Philadelphia, Pa., to points in New Jersey; *paper stock*, and *waste paper*, from Atlantic City, N.J., to Philadelphia, Pa.; *ground fish meal* and *ground crab meal*, in bags, from points in Cape May County, N.J., to points in Pennsylvania and Delaware; *grain* and *animal feeds*, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware and Maryland, and between points in Delaware and Maryland, on the one hand, and, on the other, points in Cape May, Cumberland, Atlantic, Salem, Gloucester, Camden, Burlington, Ocean, Mercer, and Monmouth Counties, N.J.; *animal and poultry feed*, and *ingredients used in the manufacture of such feed*, in packages and in bulk, other than in tank vehicles, from Philadelphia, Pa., to points in New Castle County, Del., and Salem County, N.J., from points in New Castle County, Del., to points in Salem County, N.J., and between points in New Castle County, Del., and points in Delaware County, Pa. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Maryland, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8207. Authority sought for purchase by ROBIDEAU'S EXPRESS, INC., 460 Oregon Avenue, Philadelphia 48, Pa., of the operating rights and property of J. M. TRANSPORTATION COMPANY, INC., 460 Oregon Avenue, Philadelphia 48, Pa., and for acquisition by VINCENT D'ANELLA, SR., 1101 Gerritt Street, Philadelphia, Pa., MARY MELSO, 1127 Cross Street, Philadelphia, Pa., and LOUIS D'ANELLA, 2505 South Lambert Street, Philadelphia, Pa., of control of such rights and property through the purchase. Applicants' representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Operating rights sought to be transferred: *Beer* and *groceries*, as a *common carrier* over regular routes, between Philadelphia, Pa., and Swedesboro, N.J., serving the intermediate point of Camden, N.J., and between Philadelphia, Pa., and New York, N.Y., serving the intermediate points of Hammonton, Trenton, New Brunswick, Newark, and Jersey City, N.J.; *empty beer containers*, from Philadelphia, Pa., to New York, N.Y., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, Delaware, Maryland, New York, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 62-7884; Filed, Aug. 7, 1962; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 3, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37864: *Bituminous fine coal to Oelwein, Iowa*. Filed by Illinois Freight Association, Agent (No. 180), for interested rail carriers. Rates on bituminous fine coal, as described in the application, in carloads, from mine origins in Illinois, Indiana and western Kentucky, to Oelwein, Iowa.

Grounds for relief: Natural gas competition.

Tariffs: Supplement 55 to Illinois Freight Association tariff I.C.C. 122, and 8 other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 62-7881; Filed, Aug. 7, 1962; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001) the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulations, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to 29 CFR 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region I

W. T. Grant Co., 191 Main Street, Berlin, N.H.; effective 7-11-2 to 7-10-63 (department store; 28 employees).

Region II

G. C. Murphy Co. (#135), Pacific and Wildwood Avenues, Wildwood, N.J.; effective 6-10-62 to 6-9-63 (variety store; 33 employees).

G. C. Murphy Co. (#136), 759-61 Asbury Avenue, Ocean City, N.J.; effective 6-10-62 to 6-9-63 (variety store; 17 employees).

Region VI

Archer Ave. Big Store, Inc., 4181-93 Archer Avenue, Chicago 32, Ill.; effective 7-16-62 to 6-9-63 (department store; 76 employees).

Greenfield Search Foods Stores, Inc., Greenfield, Ill.; effective 7-16-62 to 6-9-63 (food store; 10 employees).

Roodhouse Search Foods Stores, Inc., Roodhouse, Ill.; effective 7-16-62 to 6-9-63 (food store; 11 employees).

White Hall Search Foods Stores, Inc., White Hall, Ill.; effective 7-16-62 to 6-9-63 (food store; 12 employees).

F. W. Woolworth Co., 114 Southgate Plaza, Fort Wayne, Ind.; effective 7-16-62 to 6-9-63 (variety store; 42 employees).

Younker Brothers, Inc., 1629 Second Avenue, Rock Island, Ill.; effective 7-17-62 to 6-9-63 (department store; 45 employees).

Younker Brothers, Inc., 1417 First Avenue, Austin, Minn.; effective 7-17-62 to 6-9-63 (department store; 25 employees).

Region VII

Thomas Kilpatrick & Co., 15th and Douglas Street, Omaha, Nebr.; effective 7-16-62 to 7-15-63 (department store; 463 employees).

Thomas Kilpatrick & Co., 42d and Center Street, Omaha, Nebr.; effective 7-16-62 to 7-15-63 (department store; 149 employees).

Younker Brothers, Inc., 323 Main, Ames, Iowa; effective 7-16-62 to 7-15-63 (department store; 53 employees).

Younker Brothers, Inc., Merle Hay Plaza, 503 Merle Hay Plaza, Des Moines, Iowa; effective 7-16-62 to 7-15-63 (department store; 231 employees).

Younker Brothers, Inc., Seventh and Walnut Street, Des Moines, Iowa; effective 7-16-62 to 7-15-63 (department store; 1,692 employees).

Younker Brothers, Inc., Ninth and Central, Fort Dodge, Iowa; effective 7-16-62 to 7-15-63 (department store; 50 employees).

Younker Brothers, Inc., 111 East Washington, Iowa City, Iowa; effective 7-16-62 to 7-15-63 (department store; 65 employees).

Younker Brothers, Inc., 22-24 Main (E.), Marshalltown, Iowa; effective 7-16-62 to 7-15-63 (department store; 51 employees).

Younker Brothers, Inc., 118 High Street W., Oskaloosa, Iowa; effective 7-16-62 to 7-15-63 (department store; 19 employees).

Younker Brothers, Inc., 129 East Main, Ottumwa, Iowa; effective 7-16-62 to 7-15-63 (department store; 43 employees).

Younker Brothers, Inc., Fourth and Nebraska and Fourth and Pierce, Sioux City, Iowa; effective 7-16-62 to 7-15-63 (department store; 517 employees).

Region VIII

C. R. Anthony Co. (#35), 1813 North East 23d, Oklahoma City, Okla.; effective 7-23-62 to 7-22-63 (department store: 32 employees).

Brannons United Super (#2), 114 Glenwood Plaza, Midwest City, Okla.; effective 6-10-62 to 6-9-63 (food store; 39 employees).

Region X

Cooke's Food Store, 17 Broad Street SW., Cleveland, Tenn.; effective 7-11-62 to 7-10-63 (food store; 29 employees).

McCrory-McLellan-H. L. Green (#96), 517-519 Market Street, Parkersburg, W. Va.; effective 7-13-62 to 7-12-63 (variety store; nine employees).

Rose's 5-10-25c Store (#57), Christiansburg, Va.; effective 7-7-62 to 7-6-63 (variety store; 25 employees).

Rose's 5-10-25c Store, 133-139 Washington Street, Suffolk, Va.; effective 7-11-62 to 7-10-63 (variety store; 28 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates below $1.00 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Enid Variety, Inc., d/b/a T. G. & Y. Stores (#65), 112 North Independence, Enid, Okla.; effective 7-16-62 to 7-15-63; sales clerk, stock clerk, office clerk; 10 percent each month (variety store; 15 employees).

Food Mart (#2), 3116 North Piedras, El Paso, Tex.; effective 7-24-62 to 7-23-63; bagger, carry-out, stock clerk, janitor, checker; between 9.2 percent and 10 percent (food store; 19 employees).

Food Mart (#6), 801 South Hammett, El Paso, Tex.; effective 7-24-62 to 7-23-63; bagger, carry-out, stock clerk, janitor, checker; between 1.7 percent and 10 percent (food store; 15 employees).

Food Mart (#17), 3500 Denton Highway, Fort Worth, Tex.; effective 7-23-62 to 7-22-63; stock clerk, checker, carry-out, bagger, janitor; 10 percent each month (food store; 24 employees).

Food Mart (#27), 7940 North Haven, Dallas, Tex.; effective 7-24-62 to 7-23-63; bag boy, carry-out, janitor, stock clerk, checker; 10 percent each month (food store; 16 employees).

Food Mart (#28), 2730 Samuels Boulevard, Dallas, Tex.; effective 7-24-62 to 7-23-63; bag boy, carry-out, janitor, stock clerk, checker; 10 percent each month (food store; 13 employees).

Food Mart (#40), 8000 South Lancaster, Dallas, Tex.; effective 7–24–62 to 7–23–63; bag boy, carry-out, janitor, stock clerk, checker; 10 percent each month (food store; 23 employees).

Food Mart (#43), 6615 Meadowbrook, Fort Worth, Tex.; effective 7–24–62 to 7–23–63; bagger, carry-out, checker, janitor, stock clerk; 10 percent each month (food store; 21 employees).

Food Mart (#44), 9630 Forrest Lane, Dallas, Tex.; effective 7–24–62 to 7–23–63; bag boy, carry-out, checker, janitor, stock clerk; 10 percent each month (food store; 18 employees).

Food Mart (#45), 8565 Ferguson Street, Dallas, Tex.; effective 7–24–62 to 7–23–63; bag boy, carry-out, janitor, stock boy, checker; 10 percent each month (food store; 35 employees).

S. S. Kresge Co. (#49), 1104 East Meyer Boulevard, Kansas City, Mo.; effective 7–14–62 to 7–18–63; sales clerk; 10 percent each month (variety store; 38 employees).

S. S. Kresge Co. (#554), 23d Avenue at 41st Street, Kings Plaza Shopping Center, Moline, Ill.; effective 7–17–62 to 7–16–63; sales clerk; 10 percent each month (variety store; 45 employees).

G. C. Murphy Co. (#150), Roosevelt Mall Shopping Center, 4423 Roosevelt Boulevard, Jacksonville 10, Fla.; effective 7–12–62 to 7–11–63; sales, clerical, stock keeping, janitorial; between 9.4 percent and 10 percent (variety store; 41 employees).

G. C. Murphy Co. (#161), 156 Apache Plaza, Minneapolis 21, Minn.; effective 7–12–62 to 7–11–63; sales, clerical, stock keeping, janitorial; 10 percent each month (variety store; 66 employees).

G. C. Murphy Co. (#280), 10 Olympia Park Plaza, McKeesport, Pa.; effective 7–12–62 to 7–11–63; sales, clerical, stock keeping, janitorial; between 3.0 percent and 10 percent (variety store; 57 employees).

G. C. Murphy Co. (#277), 1127–1137 Mount Prospect Plaza, Mount Prospect, Ill.; effective 7–12–62 to 7–11–63; sales, clerical, stock keeping, janitorial; 10 percent each month (variety store; 65 employees).

G. C. Murphy Co. (#284), 5217–5229 West Colonial, Orlando, Fla.; effective 7–12–62 to 7–11–63; sales, clerical, stock keeping, janitorial; between 3.3 percent and 10 percent (variety store; 45 employees).

G. C. Murphy Co. (#285), 3901–03 Erdman Avenue, Baltimore 13, Md.; effective 7–12–62 to 7–11–63; sales, clerical, stock keeping, janitorial; 10 percent each month (variety store; 52 employees).

G. C. Murphy Co. (#289), 10 Northwest Sixth Street, Gainesville, Fla.; effective 7–12–62 to 7–11–63; sales, clerical, stock keeping, janitorial; between 9.4 percent and 10 percent (variety store; 73 employees).

G. C. Murphy Co. (#290), 7001 Taft Street, West Hollywood, Fla.; effective 7–12–62 to 7–11–63; sales, clerical, stock keeping, janitorial; between 9.8 percent and 10 percent (variety store; 60 employees).

G. C. Murphy Co. (#292), Corry Field Shopping Center, Pensacola, Fla.; effective 7–12–62 to 7–11–63; sales, clerical, stock keeping, janitorial; 10 percent each month (variety store; 88 employees).

Neisner Brothers, Inc. (#183), 811 North Seventh Street, Dade City, Fla.; effective 7–20–62 to 7–19–63; sales clerk, stock clerk, clerical; between 9.8 percent and 10 percent (variety store; 27 employees).

Newberry Northwoods Corp. (#70), Natural Bridge & Lucas Hunt, St. Louis 20, Mo.; effective 7–18–62 to 7–17–63; office clerk, stock clerk, marker, sales clerk, porter; between 2.4 percent and 10 percent (department store; 258 employees).

F. W. Woolworth Co. (#2562), 302 Ridgewood S/C, Garland, Tex.; effective 7–19–62 to 7–18–63; sales ladies; between 9.8 percent and 10 percent (variety store; 18 employees).

F. W. Woolworth Co., Eastland Plaza Shopping Center, 2624 East Third Street, Bloomington, Ind.; effective 7–16–62 to 7–15–63; sales clerk, stock clerk; between 0 and 10 percent (variety store; 30 employees).

F. W. Woolworth Co., 224 Main Street, LaFayette, Ind.; effective 7–16–62 to 7–15–63; sales clerk; between 0 and 8.8 percent (variety store; 17 employees).

F. W. Woolworth Co., Black Horse Pike Shopping Center, Black Horse Pike and Nicholson Road, Audubon, N.J.; effective 7–18–62 to 7–17–63; sales, stock clerk; between 7.8 percent and 10 percent (variety store; 27 employees).

F. W. Woolworth Co., Beachwood Shopping Center, Route 9 and Gladney, Bayville, N.J.; effective 7–18–62 to 7–17–63; sales, stock clerk; between 7.8 percent and 10 percent (variety store; 27 employees).

F. W. Woolworth Co., Levittown Shopping Center, Route 130, Levittown, N.J.; effective 7–18–62 to 7–17–63; sales, stock clerk; between 7.8 percent and 10 percent (variety store; 27 employees).

F. W. Woolworth Co., Cherry Hill Shopping Center, 601 Cherry Hill, Merchantville, N.J.; effective 7–18–62 to 7–17–63; sales, stock clerk; between 7.8 percent and 10 percent (variety store; 27 employees).

F. W. Woolworth Co., 313 South Stanton Street, El Paso, Tex.; effective 7–23–62 to 7–22–63; sales clerk; between 0.8 percent and 9.5 percent (variety store; 58 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 1st day of August 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–7800; Filed, Aug. 7, 1962; 8:48 a.m.]

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FEDERAL REGISTER

VOLUME 27 NUMBER 154

Washington, Thursday, August 9, 1962

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AUG 15 1962
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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11040

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTE BETWEEN THE BELT RAILWAY COMPANY OF CHICAGO AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between The Belt Railway Company of Chicago, a carrier, and certain of its employees represented by the Brotherhood of Locomotive Engineers, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to this dispute within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by The Belt Railway Company of Chicago, or by its employees, in the conditions out of which this dispute arose.

JOHN F. KENNEDY

THE WHITE HOUSE,
August 6, 1962.

[F.R. Doc. 62–8013; Filed, Aug. 7, 1962; 3:50 p.m.]

Executive Order 11041

CONTINUANCE AND ADMINISTRATION OF THE PEACE CORPS IN THE DEPARTMENT OF STATE

By virtue of the authority vested in me by the Peace Corps Act (75 Stat. 612), and as President of the United States, it is hereby ordered as follows:

PART I—DELEGATION OF FUNCTIONS AND ALLOCATION OF FUNDS

SECTION 101. *Delegation of functions to the Secretary of State.* (a) Exclusive of the functions otherwise delegated or reserved to the President by this order, and subject to the provisions of this order, there are hereby delegated to the Secretary of State all functions conferred upon the President by the Act.

(b) The function of determining the portion of living allowances constituting basic compensation, conferred upon the President by Section 912(3)(D) of the Internal Revenue Code of 1954, is hereby delegated to the Secretary of State and shall be performed in consultation with the Secretary of the Treasury.

(c) The functions of prescribing conditions, conferred upon the President by the second sentence of Section 5(e) and the concluding phrase of Section 6(3) of the Act and hereinabove delegated to the Secretary of State, shall be exercised in consultation with the head of the United States Government agency responsible for the facility.

SEC. 102. *Continuance of the Peace Corps.* (a) The Secretary of State shall take such action as may be appropriate to continue in existence under the Act the Peace Corps established as an agency in the Department of State pursuant to Executive Order No. 10924 of March 1, 1961 (26 F.R. 1789).

(b) The Peace Corps shall be headed by the Director for whom provision is made in Section 4(a) of the Act. The Deputy Director, for whom provision is made in Section 4(a) of the Act, shall also serve in the Peace Corps.

SEC. 103. *Allocation and transfer of funds.* All funds appropriated or otherwise made available to the President for carrying out the provisions of the Act shall be deemed to be allocated without any further action of the President to the Secretary of State or to such subordinate officer as he may designate. The Secretary of State or such officer may allocate or transfer, as appropriate, any of such funds to any United States Government agency or part thereof for obligation or expenditure thereby consistent with applicable law.

SEC. 104. *Delegation of functions to the Civil Service Commission.* There is hereby delegated to the Chairman of the Civil Service Commission, with respect to the laws administered by the Commission, the function conferred upon the President by that portion of Section 5(f)(1)(B) of the Act which reads "except as otherwise determined by the President".

PART II—RESERVED FUNCTIONS

SEC. 201. *Reservation of functions to the President.* There are hereby excluded from the delegations made by Part I of this order the following-described functions of the President:

(a) All authority conferred upon him by Sections 4(b), 4(c)(2), 4(c)(3), 10(d), 11, 16(b), and 18 of the Act.

(b) The authority conferred upon him by Section 4(a) of the Act to appoint the Director and the Deputy Director of the Peace Corps.

(c) The authority conferred upon him by that portion of Section 5(f)(1)(B) of the Act which reads "except as otherwise determined by the President" except as otherwise provided in Section 104 of this order and except to the extent that such authority is in respect of the Foreign Service Act of 1946.

(d) The authority conferred upon him by Section 10(f) of the Act to direct any agency of the United States Government as provided in that section.

(e) The authority conferred upon him by Section 12 of the Act to appoint persons to membership in the Peace Corps National Advisory Council and to determine the length of service of the members of that Council.

(f) The authority conferred upon him by Section 19 of the Act to adopt and alter an official seal or emblem of the Peace Corps.

(g) The authority conferred upon him by the first sentence of Section 22 of the Act to establish standards and procedures to the extent not inconsistent with the proviso of Section 303 of this order.

PART III—INCIDENTAL PROVISIONS

SEC. 301. *Personnel.* Persons appointed, employed or assigned after May 19, 1959, under Section 527(c) of the Mutual Security Act of 1954 or Section 7(c) of the Act for the purpose of performing functions under such Acts outside the United States shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by Section 528 of the Foreign Service Act of 1946 in cases in which their service under the appointment, employment or assignment exceeds thirty months.

SEC. 302. *Determination.* Pursuant to Section 10(d) of the Act, it is hereby determined to be in furtherance of the purposes of the Act that functions authorized thereby may be performed without regard to the applicable laws specified in Sections 1 and 2 and with or without consideration as specified in Section 3 of Executive Order No. 10784 of October 1, 1958 (23 F.R. 7691) but, except as may be inappropriate, subject to limitations set forth in that order.

SEC. 303. *Security requirements.* (a) Pursuant to Section 22 of the Act, Executive Order No. 10450 of April 27, 1953 (18 F.R. 2489) is hereby established as the standards and procedures for the employment or assignment to duties of persons under the Act: *Provided*, That the Secretary of State may establish such additional standards and procedures with respect to the employment or assignment to duties of volunteers as he may deem necessary to accomplish the purposes of the Act.

(b) Nothing in Section 303(a) hereof or in Executive Order No. 10450 or in any other Executive order heretofore issued shall affect the exercise of the authority conferred upon the President by Section 5(i) of the Act.

SEC. 304. *Definitions.* (a) As used in this order the words "the Peace Corps Act" and the words "the Act" mean Title I of "An Act to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower" (Public Law 87-293, approved September 22, 1961; 75 Stat. 612 et seq.).

(b) As used in this order, the words "volunteers," "function," "United States," and "United States Government agency" shall have the same meanings, respectively, as they have under the Act.

SEC. 305. *References to orders and acts.* Except as may for any reason be inappropriate:

(a) References in this order to (1) "the Peace Corps Act" or "the Act", (2) any other Act, or (3) any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(b) References in this order, or in any other Executive order, to this order or to any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(c) References in this order to any prior Executive order not superseded by this order shall be deemed to include references thereto as amended from time to time.

SEC. 306. *Superseded order.* Executive Order No. 10924 of March 1, 1961 (26 F.R. 1789) is hereby superseded.

SEC. 307. *Saving provisions.* Except to the extent that they may be inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

JOHN F. KENNEDY

THE WHITE HOUSE,
August 6, 1962.

[F.R. Doc. 62-8022; Filed, Aug. 7, 1962; 4:58 p.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

General Services Administration

Effective upon publication in the FEDERAL REGISTER, subparagraphs (7), (11), (12) and (16) of paragraph (a) of § 6.333 are amended as set out below.

§ 6.333 General Services Administration.

(a) *Office of the Administrator.* • • •

(7) The Assistant Administrator.

• • • • • •

(11) Two Confidential Assistants to the Assistant Administrator.

(12) Two Assistants to the Assistant Administrator.

• • • • • •

(16) One Assistant to the Assistant Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7954; Filed, Aug. 8, 1962; 6:54 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 817, Amdt.]

PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Miscellaneous Amendments

Basis and purpose and bases and considerations. The purpose of this amendment is to modify the regulations of the Department which set forth the procedures governing the importation of sugar and liquid sugar into the continental United States, in order to implement the Sugar Act of 1948, as amended by Public Laws 87-535 and 87-539 (hereinafter referred to as the "Act"), and is issued pursuant thereto.

Section 213 of the Act provides for the payment of a fee as a condition for importing sugar within the quotas established for individual foreign countries, other than the Republic of the Philippines, and for sugar imported within the quantity established for foreign countries as a group pursuant to section 202(c)(4) of the Act. In an amendment to this regulation issued July 16, effective July 18, 1962, provision was made that sugar imported from foreign countries could not be authorized for release from Customs control until initial payment of the applicable fee as established in Part 811 of this subchapter had been made. Authorizations for release could not be issued more than five days prior to scheduled shipment of the sugar. Accordingly, importers could be assured of the availability of quota to cover sugar which they acquired for importation no more than five days prior to the scheduled date of shipment of such sugar from the country of origin.

To make it possible for importers to acquire or gain control of sugar and arrange for its shipment with assurance of the terms of importation and of entry into the United States, it is desirable to permit importers to reserve quota and fix the amount of fee applicable to specified quantities of sugar under their control for a period in advance of the contemplated shipping date longer than the five-day period currently provided. Accordingly, this amendment provides that as much as 110 days in advance of scheduled shipment, or 155 days in advance of scheduled arrival of a specific quantity of sugar, an application may be made by an importer for the set aside of an equivalent quantity of quota and for the fixing of the rate of fee applicable to such quantity, provided that the importer has such specific quantity of sugar under his sole control and that he deposits an acceptable irrevocable letter of credit assuring payment of the total amount of fee applicable to such quantity.

In addition, this amendment makes other technical changes in the regulation which are necessary to effectively implement the provision for applications for set aside of quota and the fixing of fees as heretofore discussed.

This amendment also eliminates the provision of the regulation relating to credits to quotas upon exportation of sugar and prohibits the shipment to the Virgin Islands of any sugar of foreign origin which was previously imported into the continental United States quota-exempt for reexport.

In order to assure adequate supplies of sugar on a continuing basis it is necessary that this amendment be made effective at the earliest possible date. Therefore, it is hereby found and determined that compliance with the notice, procedure and effective date requirements of the Administrative Procedures Act is unnecessary, impracticable and contrary to the public interest and this amendment shall become effective when filed for public inspection in the Office of the Federal Register.

Pursuant to the provisions of section 403 of the Sugar Act of 1948, as amended (61 Stat. 922, as amended), paragraph (k) of § 817.2, paragraphs (a), (b), (e), (f) and (g) of § 817.4, paragraphs (b), (d), (e) and (f) of § 817.6, subparagraphs (1) and (2) of paragraph (c) of § 817.7, subparagraph (1) of paragraph (b) of § 817.8, subparagraph (2) of paragraph (c) of § 817.9, subparagraph (1) (ii) of paragraph (d) of § 817.9 and § 817.10 and § 817.11 are hereby amended to read as follows and § 817.12 is hereby rescinded.

1. Paragraph (k) of § 817.2 is amended to read:

§ 817.2 Definitions.

• • • • • •

(k) The term "quota" means any quota, direct-consumption limitation within a quota, proration or allotment of either a quota or direct-consumption limitation, or any quantity authorized for purchase and importation from foreign countries established by the Secretary in Part 811 of this subchapter pursuant to the Act.

2. Paragraphs (a), (b), (e), (f) and (g) of § 817.4 are amended to read:

§ 817.4 Applications by importer.

(a) A separate application for specific authorization by the Secretary pursuant to § 817.6 for release of sugar by a Collector must be submitted as provided in this section on appropriate copies of Form SU-3 entitled "Sugar Quota Clearance Record" not more than 10 days prior to the departure date stated thereon, showing the following information regarding the sugar or liquid sugar to be delivered to a single refinery or importer from each cargo:

(1) Port and date of arrival. If the port is not known when the application is submitted, this information must be supplied before a Collector will be authorized to release the sugar or liquid sugar.

(2) Name of the vessel or other specific identification of the carrier.

(3) Name of the producing area, the port of lading and the date the carrier is expected to depart from such port. If from Puerto Rico, or any area when the applicable quota or portion thereof is allotted, name of the processor of the sugar from sugarcane, and for direct-consumption sugar, the name of the refiner, if a person other than the processor.

(4) Name and address of the person to whom delivery is to be made from the importing carrier. If not known when an application is submitted to the Sugar Division, this information must be supplied before a Collector will be authorized to release the sugar or liquid sugar.

(5) Separate quantities in pounds if crystalline, or in gallons if liquid, to be imported as shown on the application: (i) In bags identified by a separate mark; (ii) for further processing; (iii) for direct-consumption; (iv) subject to a separate quota or allotment; and (v) for a purpose other than to fill a current

quota. For sugar or liquid sugar not subject to allotments established pursuant to section 205(a) of the Act, the designation of separate quantities within the total to be imported which are identified by separate marks shall be shown on the report required pursuant to paragraph (g) of this section, if such information cannot be shown at the time the application is submitted.

(6) Name, address and authorized signature of the applicant.

(b) Any application made pursuant to paragraph (a) of this section constitutes a representation by the applicant that at the time the application is made:

(1) He has control of the quantity of sugar or liquid sugar which is subject to shipment as specified;

(2) Firm commitment has been made by the shipping company for shipment as described on the application; and

(3) The date of departure of the vessel or carrier stated on the application is (i) the date specified to the applicant or shipper by the Master, Owner or Agent of such vessel or carrier as the expected departure date, or (ii) the date the shipper expects the vessel to depart based on the date the vessel or carrier will be available for loading as specified by the Master, Owner or Agent of such vessel or carrier plus the normally required loading time.

• • • • •

(e) Application may be made to the Sugar Division for the set-aside of quota for the importation of a specific quantity of sugar prior to the time when application is made for authorization for release of such sugar in accordance with paragraph (a) of this section if the applicant desires to fix the import fee at the rate in effect at the time of the application for such set-aside and desires to assure himself that the specified quantity of sugar will be authorized for release as required by § 817.5 within a quota established under Part 811 of this subchapter for foreign countries other than the Republic of the Philippines. Applications for set-aside submitted pursuant to this paragraph may be approved by the Secretary, except as limited by any time periods specified in Part 811 of this subchapter, not more than 110 days before scheduled sailing and not more than 155 days prior to the scheduled arrival in the continental United States of the quantity of sugar covered by the application. With each application submitted for approval pursuant to this paragraph the applicant must represent that he has arranged for and within three business days after the date he executes the application (date of signature) will deposit with the Agricultural Stabilization and Conservation Service an irrevocable letter of credit acceptable to such Service from a bank in the United States in an amount not less than the amount determined by multiplying the total number of short tons of sugar covered by the application (commercial weight) by 2,100 and multiplying the product thereof by the applicable import fee per pound, raw value, in effect at the time such application for set-aside becomes eligible for approval as provided in § 817.6(b). Approved applications for set-aside will be automatically cancelled if within three business days after the date of execution (date of signature) of such application an acceptable letter of credit has not been received by the Agricultural Stabilization and Conservation Service or a wire notice from a United States bank of the issuance of such letter of credit has not been received by the Agricultural Stabilization and Conservation Service. If an application is so cancelled, subsequent applications for set-aside submitted by such applicant will not be approved unless accompanied by an acceptable letter of credit or unless the applicant furnishes evidence satisfactory to the Secretary that the failure to comply with the requirements for the furnishing of an acceptable letter of credit with respect to the cancelled application was not due to fault of the applicant. If all or any part of the specific quantity of sugar for which an application for set-aside has been approved is not imported into the United States within the period ending 15 days after the date of importation stated in the application, the set-aside will be cancelled with respect to the unfilled portion thereof and the letter of credit will be drawn upon in the amount applicable to the quantity of sugar not imported within such period as represented by the difference between the set-aside quantity and the sum of (1) the quantity of sugar imported (commercial weight) and (2) an allowance for normal shipping losses and normal loading variations equal to the smaller of eleven percent of the quantity imported (commercial weight) or five thousand tons: *Provided*, That, if the applicant within such period of time as the Secretary may prescribe furnishes evidence satisfactory to the Secretary that importation within such period was prevented by force majeure, disasters at sea, acts of God, or strikes so extensive and of such duration as to prevent such importation, the Secretary will refund to the applicant the amount collected under the letter of credit or will not draw on the letter of credit; if the applicant desires the Secretary to delay drawing on the letter of credit pending the applicant's submission and the Secretary's consideration of such evidence the applicant must arrange for an extension of the letter of credit satisfactory to the Secretary. The applicant shall be liable for any amount of fee for which the letter of credit is drawn upon as above provided and which is not paid in due course. Applications submitted pursuant to this paragraph shall be made in triplicate in the following form:

I, _____ of
(Name of applicant)

_____
(Street address) (City) (State)

hereby certify that as owner, or as agent or broker for the owner, I have under my sole control _____ short tons (commercial weight) of sugar in _____
(Name of country)

In accordance with the requirements of Sugar Regulation 817, I will ship before _____ for importation into the continental United States on or before _____
(Date) (Date)

_____ short tons (commercial weight) within the quota for foreign countries as a group established by Sugar Regulations 811 and _____ short tons (commercial weight) within the quota established for _____ established by such
(Name of country)

regulation. I further certify that I have arranged for and will deposit an irrevocable letter of credit by _____
(Date,* see Note below)

issued by _____ in the amount of $_____ which authorizes the Agricultural Stabilization and Conservation Service to draw upon the letter of credit on the basis of a written statement signed by the Director of the Sugar Division that the amount is due under the terms and conditions of Sugar Regulations 811 and 817.

(Signed) _____
(Date) _____

*NOTE: Date to be shown in the space shall be a date not later than three business days subsequent to the date of signature of the application.

(f)(1) Any application made pursuant to this section for authorization for release pursuant to § 817.5 of sugar to be imported within a quota for foreign countries shall contain the following certification by the applicant, except that the second sentence thereof may be omitted on applications for importation from the Republic of the Philippines pursuant to § 811.4(b) (Sugar Regulation 811), of this subchapter, and the last sentence may be omitted if not applicable:

The applicant certifies that the sugar covered by this application was produced from sugarcane or sugar beets grown in the sugar-producing country, as identified in this application, and that this sugar is to be imported within the quota established in paragraph ____ of § 811.4 of Sugar Regulation 811. The applicant states that the initial payment in the amount of $_____ determined on the basis of the import fee provided in paragraph ____ of § 811.5 of Sugar Regulation 811, is submitted with this application and affirms that this initial payment is made with full knowledge of the provision made in Sugar Regulation 811 for withholding refund of such payment with respect to sugar authorized for release pursuant to this application and not imported. The sugar covered by this application is being imported under application for set-aside number _____ approved _____.

(2) Any application made pursuant to this section for a purpose stated in § 817.8 shall contain the applicant's agreement and certification as follows:

This application is made subject to the conditions of bond on Form SU-17 number _____

(Insert bond number, if already approved)

on which _____
(Insert name of bond principal)

principal, and _____
(Insert name of surety)

of _____
(Address of surety)

is surety, under which all of the sugar authorized on this application to be brought or imported into the continental United States is to be _____

_____
(Insert one of the purposes stated in paragraph (b) of § 817.8)

The applicant certifies that the sugar covered by this application was produced from sugarcane or sugarbeets grown in the sugar-producing country as identified on the application.

(g)(1) Within 30 days after release by the Collector pursuant to § 817.5, of sugar or liquid sugar declared to be for further processing, the results of weights, samples and tests and the name of the person retaining the reserve portion of each sample as provided for in Part 810 of this subchapter shall be reported to the Sugar Division on the applicable copy of the "Sugar Quota Clearance Record", Form SU-3, or a duplicate of such copy, together with information specified in paragraph (a) of this section. The period within which the report required pursuant to this paragraph must be made may be extended for good cause shown with respect to a specified shipment upon request to and approval by the Secretary.

(2) Within 60 days after release by the Collector pursuant to § 817.5 of sugar or liquid sugar declared to be for direct-consumption, the weight of such sugar actually imported into the continental United States and the polarization of such sugar shall be reported to the Sugar Division on the applicable copy of the "Sugar Quota Clearance Record", Form SU-3, or a duplicate of such copy together with the information specified in paragraph (a) of this section. For the purpose of such report, the polarization of such sugar shall be reported as 100 degrees polarization unless the sugar is actually subjected in the continental United States to the applicable sampling, testing and evaluation as provided in §§ 810.6, 810.7 and 810.8 of this subchapter. For the purpose of such report, the weight reported on sugar imported from foreign countries shall be the weight of such sugar determined by the Collector of Customs at the time of unlading or entry of such sugar and on sugar brought into the continental United States from domestic areas shall be the weight of such sugar determined by the importer and the carrier of such sugar for purposes of settlement with the carrier.

3. Paragraphs (b), (d), (e) and (f) of § 817.6 are amended to read:

§ 817.6 Specific authorization for release.

• • • • • •

(b) *Order of eligibility of applications for authorizations for release of sugar and for the set-aside of quantities for future release.* An application of "Sugar Quota Clearance Record", Form SU-3, for authorization to a Collector for the release of sugar which is not being imported under an application for set-aside approved under § 817.4(e) shall become eligible for authorization at 12:01 a.m. on the fifth calendar day prior to the date stated on the application as the date of departure of the shipment of sugar from the area of origin, or at the time of receipt of the application, whichever time occurs later. An application for set-aside submitted pursuant to § 817.4(e) shall become eligible for approval at 12:01 a.m. on the 110th calendar day prior to the date stated on the application as the last date of shipment to the continental United States of the sugar covered by the application, or at the time of receipt of the application, whichever time occurs later. The Secretary shall authorize the release by the Collector of sugar not being imported under an application for set-aside and approve applications for set-aside in the same order as such applications for release or set-aside become eligible for authorization or approval. If an application for the release of sugar and an application for set-aside applicable to the same quota become eligible for authorization and approval at the same time, the application for release of sugar shall have priority. If two or more applications for the release of sugar applicable to the same quota become eligible for authorization at the same time, such applications shall be authorized in the order of the dates of departure stated thereon, earliest first. If two or more such applications state the same dates of departure and the unfilled balance of the quota is less than the total quantity of sugar covered by such applications, the quantity authorized for release under each such application shall be determined by multiplying the quantity covered by each application by the percentage which the unfilled balance of the quota is of the total quantity covered by such applications. Applications for set-aside otherwise becoming eligible at the same time shall be approved in the order of the final date of importation stated thereon, earliest first. If two or more such applications applicable to the same quota state the same final dates of importation and the unfilled balance of such quota is less than the total quantity covered by such applications, the applications shall be approved in the order of the dates of shipment stated thereon, earliest first, and if the dates of importation and shipment stated on such applications are the same, the applications shall be returned unapproved to the applicants.

• • • • • •

(d) *Importation for quota-exempt purposes.* Authorization may be issued by the Secretary on applications for release of sugar or liquid sugar in excess of the applicable quota and for the purposes stated in sections 211 and 212 of the Act subject to the limitations specified in those sections and the conditions established in § 817.8.

(e) *Extent of authorizations.* Except as provided in paragraphs (c) and (d) of this section, no authorization shall be issued pursuant to paragraph (a) of this section and no application for set-aside shall be approved as provided in § 817.4(e) when the quantity of sugar or liquid sugar released for consumption in the continental United States, together with the quantity covered by valid authorizations for release or applications for set-aside issued or approved hereunder, equals the applicable quota.

(f) *Denial of authorizations and approval of applications for set-aside.* Authorizations on applications for release of sugar and approval of applications for set-aside may be denied if the applicant has failed to report in the manner and within the time prescribed in this part with respect to shipments previously imported or quantities covered by approved applications for set-aside and shipped to the continental United States.

4. Subparagraphs (1) and (2) of paragraph (c) of § 817.7 are amended to read:

§ 817.7 Applicable quota, quota proration, allocation, quantity and allotment.

• • • • • •

(c) *Quantity and time of effect.* (1) Each quantity authorized for release pursuant to § 817.6 and each quantity covered by an application for set-aside approved pursuant to § 817.4(e) shall be effective for filling the applicable quota as established in Part 811 of this subchapter at the time the applicable authorization is issued or application for set-aside is approved. For this purpose the raw value of the authorized quantity shall be estimated by considering the relationship between other authorized quantities for recent shipment subject to the same quota and the raw values thereof determined as provided in Title I of the Act on the basis of weights and tests determined pursuant to Part 810 of this subchapter and such other factors as the Secretary deems applicable.

(2) Upon receipt of and on the basis of the report required pursuant to § 817.4 (g) for raw sugar or direct-consumption sugar covering an application initially given effect pursuant to subparagraph (1) of this paragraph, the quantity effective for filling the applicable quota shall be the quantity of sugar or liquid sugar imported pursuant to the authorization represented by either raw or direct-consumption sugar, determined as prescribed in Part 810 of this subchapter to the extent of its raw value, as defined in Title I of the Act and as finally computed from the weights and tests determined pursuant to Part 810 of this subchapter, except that the raw value of liquid sugar imported from Puerto Rico shall be computed by multiplying the total sugar content thereof by the factor 1.07.

5. Subparagraph (1) of paragraph (b) of § 817.8 is amended to read:

§ 817.8 Authorization for purposes other than to fill current quotas.

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(b) Sugar or liquid sugar may be released for importation by or delivery to the principal on a bond accepted pursuant to § 817.9 to fulfill the following purposes:

(1) Exportations as sugar or liquid sugar within the provisions of section 313 of the Tariff Act of 1930, as amended, or direct shipment (otherwise than under the provisions of section 313 of the Tariff Act of 1930, as amended) as sugar or liquid sugar by the importer or refiner to a territory or possession of the United States, excluding the Virgin Islands. (Sugar shipped to Hawaii or Puerto Rico is subject to the provisions of section 211(c) of the Act and the applicable provisions of regulations of the Secretary establishing (i) sugar requirements and quotas for Hawaii and Puerto Rico, (ii) allotments of sugar quotas for Hawaii and Puerto Rico, and (iii) require-

ments relating to the marketing of sugar for consumption in the Territory of Hawaii and Puerto Rico. Section 209(e) of the Act prohibits the importation into the Virgin Islands for consumption therein any sugar produced from sugarcane or sugarbeets grown in any area other than Puerto Rico, Hawaii or the continental United States).

6. Subparagraph (2) of paragraph (c) of § 817.9 is amended by changing the reference therein to § 817.4(f) to read § 817.4(g).

7. Subparagraph (1)(ii) of paragraph (d) of § 817.9 is amended to read:

§ 817.9 Bonds to cover releases.

* * * * *

(d) *Conditions.* * * *

(1) The raw value equivalent of the sugar or liquid sugar authorized under the bond to be imported for the purpose of exporting sugar or liquid sugar shall be:

* * * * *

(ii) Shipped within six months after the date of importation to a territory or possession of the United States other than the Virgin Islands as evidenced by bills of lading or other shipping documents and the report by the principal of such shipment as provided for in paragraph (e) of this section, or,

8. Section 817.10 is rescinded and § 817.11 is redesignated as § 817.10 and the following new paragraph (d) is added to the redesignated § 817.10.

§ 817.10 Records and reports.

* * * * *

(d) Each person subject to the provisions of this part who applies for a set-aside which has been approved pursuant to § 817.4(e) shall report any quantity of sugar which has been shipped and which is to be imported into the continental United States under such application. Such report shall be made within two days after the date of departure of the sugar from the area of origin and shall show the date of departure, the quantity of sugar shipped and the expected date of arrival. An application for authorization for release of sugar as provided for in § 817.4(a) may be submitted within the same time limitation in lieu of the report required by this paragraph.

9. Section 817.12 is redesignated as § 817.11 and is amended to read as follows:

§ 817.11 Delegation of authority.

The Director, or Deputy Director, of the Sugar Division, or the Chief or Acting Chief of the Quota and Allotment Branch thereof, Agricultural Stabilization and Conservation Service of the Department, is hereby authorized to act for and on behalf of the Secretary in administering §§ 817.1 through 817.10 except for the issuance of notices provided for in paragraph (d) of § 817.8.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 101, 202, 211, 212; 61 Stat. 922, as amended, 924, as amended, 928, as amended, and 929, as amended, and sec. 213 as added by Public Law 87-535, 7 U.S.C. 1101, 1112, 1121 and 1122; Public Law 87-539)

Issued at Washington, D.C., this 3d day of August 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-7940; Filed, Aug. 7, 1962; 12:35 p.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Prune Reg. 1]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Limitation of Shipments

§ 924.301 Prune Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement and this part (Order No. 924; 7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington, and in Umatilla County, Oregon, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the recommendations of the Washington-Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh prunes, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 10, 1962. A reasonable determination as to the supply of, and the demand for, prunes must await the development of the crop and adequate information thereon was not available to the Washington-Oregon Fresh Prune Marketing Committee until July 26, 1962, recommendation as to the need for, and the extent of, regulation of shipments of such prunes was made at the meeting of said committee on July 26, 1962, after consideration of all available information relative to the supply and demand conditions for such prunes, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such prunes will begin on or about August 10, 1962, and this section should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* During the period beginning at 12:01 a.m., P.s.t., August 10, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no handler shall handle any lot of prunes unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade requirement.* Such prunes grade at least U.S. No. 1: *Provided,* That any prunes having not less than two-thirds (⅔) of the surface with purplish color may be shipped if they otherwise grade at least U.S. No. 1: *Provided further,* That prunes for export may be shipped if they grade at least U.S. No. 2.

(2) Such prunes, in addition to meeting the other requirements of maturity as defined in the United States Standards for Fresh Plums and Prunes (§§ 51.1520 to 51.1537 of this title), contain not less than fourteen (14) percent soluble solids.

(3) Notwithstanding any other provision of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 150 pounds net weight may be handled without regard to the restrictions specified in this paragraph (b) or in §§ 924.41 *Assessment* and 924.55 *Inspection and certification.*

(4) The term "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Fresh Plums and Prunes (§§ 51.1520-51.1537 of this title); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (May 1954); and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 6, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7949; Filed, Aug. 8, 1962; 8:54 a.m.]

[Prune Reg. 1]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Limitation of Shipments

§ 925.301 Prune Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement and this part (Order No. 925; 7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho, and in Malheur County, Oregon, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the recommendations of the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh prunes, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 13, 1962. A reasonable determination as to the supply of, and the demand for, prunes must await the development of the crop and adequate information thereon was not available to the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee until July 26, 1962; recommendation as to the need for, and the extent of, regulation of shipments of such prunes was made at the meeting of said committee on July 26, 1962, after consideration of all available information relative to the supply and demand conditions for such prunes, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such prunes will begin on or about August 13, 1962, and this section should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* During the period beginning at 12:01 a.m., M.s.t., August 13, 1962, and ending at 12:01 a.m., M.s.t., January 1, 1963, no handler shall handle any lot of prunes unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade requirement.* Such prunes grade at least U.S. No. 1: *Provided,* That prunes which are affected by healed hail marks may be shipped if they otherwise grade at least U.S. No. 1.

(2) *Minimum size requirement.* Such prunes shall measure at least 1⅛ inches in diameter: *Provided,* That any lot of prunes shall be deemed to meet such minimum diameter requirement if (i) not more than 10 percent of the prunes in such lot are smaller than 1⅛ inches in diameter; and (ii) if not more than 15 percent of the prunes contained in any individual container in such lot are smaller than 1⅛ inches in diameter.

(3) Notwithstanding any other provision of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 150 pounds net weight may be handled without regard to the restrictions specified in this paragraph (b) or in §§ 925.41 *Assessment* and 925.55 *Inspection and certification.*

(4) The terms "U.S. No. 1," "diameter," and "hail marks" shall have the same meaning as when used in the United States Standards for Fresh Plums and Prunes (§§ 51.1520 to 51.1537 of this title); and terms used in the marketing agreement and order shall, when used herein have the same meaning as is given to the respective term in the marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 6, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7950; Filed, Aug. 8, 1962; 8:54 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-128]

PART 13—PROHIBITED TRADE PRACTICES

B & P Associates of Connecticut, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-80 *Textile Fiber Products Identification Act.* Subpart.—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, B & P Associates of Connecticut, Inc. (Unionville, Conn.), et al., Docket C-128, Apr. 26, 1962]

In the Matter of B & P Associates of Connecticut, Inc., a Corporation, and Samuel R. Perman and Herbert A. Berk, Individually and as Officers of Said Corporation

Consent order requiring importers and distributors of textile fiber products, with offices in Unionville, Conn., and New York City, to cease violating the Textile Fiber Products Identification Act by failing to label ladies' swim suits with required information.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents B & P Associates of Connecticut, Inc., a corporation, and its officers and Samuel R. Perman and Herbert A. Berk individually, and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-7915; Filed, Aug. 8, 1962; 8:46 a.m.]

[Docket C-126]

PART 13—PROHIBITED TRADE PRACTICES

Calvert Manufacturing Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15-235 *Producer status of dealer or seller:* § 13.15-235(m) *Manufacturer.* Subpart—Using misleading name—Vendor: § 13.2445 *Producer or laboratory status of seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Calvert Manufacturing Company et al., Baltimore, Md., Docket C-126, Apr. 26, 1962]

In the Matter of Calvert Manufacturing Company, a Corporation, and High Hurwitz, Tad Lyon, and Armand Terl, Individually and as Officers of said Corporation

Consent order requiring Baltimore distributors of a variety of advertising specialties to cease representing falsely, through use of the word "manufacturing" in their corporate name, on their letterheads, and in advertising and promotional literature, that they manufactured their merchandise in their own factories.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Calvert Manufacturing Company, a corporation, and its officers, and High Hurwitz, Tad Lyon, and Armand Terl, individually, and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of advertising specialties, including thermometers, scrapers, key-tags, piggy banks, tops, playing cards, ash trays, hats, feathers, fly swatters, rulers, plastic bags, pennants, combs, pencils, pens, balloons, and knives, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "manufacturing" or any other word or term of similar import or meaning as a part of respondent's corporate or trade name, or otherwise representing that respondents manufacture the products sold by them.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7916; Filed, Aug. 8, 1962; 8:46 a.m.]

[Docket 7943 o.]

PART 13—PROHIBITED TRADE PRACTICES

Carter Products, Inc., et al.

Subpart—Disparaging Competitors and their products—Competitors' Products: § 13.1000 *Performance.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Carter Products, Inc., et al., New York, N.Y., Docket 7943, Apr. 25, 1962]

In the matter of Carter Products, Inc., a Corporation, Sullivan, Stauffer, Colwell & Bayles, Inc., a Corporation, and S. Heagan Bayles, an Individual

Order requiring the manufacturer of "Rise" shaving cream and its advertising agency to cease disparaging competing products in deceptive television commercials as they did in a video sequence showing a man shaving in obvious discomfort, when the "ordinary" aerated lather on his face, represented as dried out, was not shaving cream at all but a substance specially prepared to simulate shaving cream.

The order to cease and desist is as follows:

It is ordered, That respondents Carter Products, Inc., a corporation, and Sullivan, Stauffer, Colwell & Bayles, Inc., a corporation, their officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of shaving cream or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Disparaging the quality or properties of any competing product or products, through the use of false or misleading pictures, depictions or demonstrations either alone or accompanied by oral or written statements.

(b) Representing directly or by implication that pictures, depictions or demonstrations either alone or accompanied by oral or written statements, accurately portray or depict the superiority of any product over competing products when such portrayal or depiction is not a genuine or accurate comparison of such product with competing products.

And further, in the advertising, offering for sale, sale, or distribution of "Rise" shaving cream, or any other shaving cream, in commerce, as "commerce" is defined in the Federal Trade Commission Act, from misrepresenting the moisture retaining properties of competing shaving creams or otherwise falsely disparaging the quality or merits of competing products.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent S. Heagan Bayles in his individual capacity.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents, Carter Products, Inc., and Sullivan, Stauffer, Colwell & Bayles, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 25, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7917; Filed, Aug. 8, 1962; 8:46 a.m.]

[Docket 8075]

PART 13—PROHIBITED TRADE PRACTICES

Feature Fabrics, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–90 *Wool Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Feature Fabrics, Inc., et al., New York, N.Y., Docket 8075, Apr. 26, 1962]

In the Matter of Feature Fabrics, Inc., a Corporation, and Isidor Kaplan and Benjamin Levine, Individually and as Officers of Said Corporation, and Isidor Kaplan, an Individual

Order requiring New York City sellers of wool fabrics to cease violating the Wool Products Labeling Act by such practices as labeling as "45% Rayon 40% Nylon 15% Reused Wool", fabrics which contained substantially less nylon and reused wool than thus represented; by failing to tag or label wool products as required; and by furnishing a false guaranty that their wool products were not misbranded.

The order to cease and desist is as follows:

It is ordered, That respondents Feature Fabrics, Inc., a corporation, and its officers, and Isidor Kaplan and Benjamin Levine, individually and as officers of said corporation, and Isidor Kaplan, an individual, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wool fabrics or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

B. Furnishing a false guaranty that their wool products are not misbranded under the provisions of the Wool Products Labeling Act, when there is reason to believe that the wool products so guaranteed may be introduced, sold, transported or distributed in commerce.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7918; Filed, Aug. 8, 1962; 8:47 a.m.]

[Docket C-129]

PART 13—PROHIBITED TRADE PRACTICES

Fishkin Knitwear Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Fishkin Knitwear Co., Inc., et al., New York, N.Y., Docket C-129, Apr. 26, 1962]

In the Matter of Fishkin Knitwear Co., Inc., a Corporation, and Herman Fishkin, Mordecai Fishkin, and Benjamin Thailer, individually and as officers of said corporation

Consent order requiring New York City importers and distributors of textile fiber products to cease violating the Textile Fiber Products Identification Act by failing to label ladies' swim suits with required information.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Fishkin Knitwear Co., Inc., a corporation and its officers and Herman Fishkin, Mordecai Fishkin, and Benjamin Thailer, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Fishkin Knitwear Co., Inc., a corporation, and its officers and Herman Fishkin, Mordecai Fishkin, and Benjamin Thailer, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, the stamp, tag, label, or other identification required to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce, and prior to the time such textile fiber product is sold and delivered to the ultimate consumer.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7919; Filed, Aug. 8, 1962; 8:47 a.m.]

[Docket 8461]

PART 13—PROHIBITED TRADE PRACTICES

Golden Valley National Sales and Distribution Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.170 *Qualities or properties of product or service:* § 13.170–14 *Bleaching;* § 13.170–16 *Cleansing, purifying.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Golden Valley National Sales and Distribution Co., Inc., et al., Palo Alto, Calif., Docket 8461, April 25, 1962]

In the Matter of Golden Valley National Sales and Distribution Co., Inc., a Corporation, and Douglas B. Guy, and Karl Bledsoe, Individually and as Officers of Said Corporation

Order requiring distributors in Palo Alto, Calif., to cease representing falsely in newspaper advertising, circulars, letters, and radio commercials that their "Vademecum" tooth paste would whiten teeth and remove stain or film from them, and contained no abrasive.

The order to cease and desist is as follows:

It is ordered, That the respondents Golden Valley National Sales and Distributing Co., Inc., a corporation, and its officers and Douglas B. Guy and Karl Bledsoe, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of "Vademecum" tooth paste, whether sold under that name or any other name or names and possessing the same or similar properties, do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that:

(a) Respondents' tooth paste will whiten teeth.

(b) Respondents' tooth paste will remove stain from the teeth.

(c) Respondents' tooth paste will remove film from the teeth.

(d) Respondents' tooth paste contains no abrasive.

2. Disseminating, or causing to be disseminated, by any means any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondents' tooth paste in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 26, 1962.

By the Commission

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7920; Filed, Aug. 8, 1962; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4514, 34-6857]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Miscellaneous Amendments

The Securities and Exchange Commission has adopted regulations governing the filing of annual reports pursuant to section 15(d) of the Securities Exchange Act of 1934 relating to employee stock purchase, savings and similar plans. Proposed regulations relating to the filing of such reports were published for comment on June 13, 1961 (Securities Exchange Act Release 6576) and further published in the FEDERAL REGISTER of June 22, 1961 (26 F.R. 5580). As a result of further consideration of these proposals and the comments and suggestions received in regard thereto, certain changes have been made in the proposed regulations.

A new Form 11–K (§ 249.311), copies of which may be obtained from the Commission on request, has been adopted for use in filing annual reports with respect to such plans. A new Rule 15d–21 (§ 240.15d–21) has been adopted which provides that separate annual and other reports need not be filed with respect to any plan if the issuer of the stock or other securities offered to employees through their participation in the plan files annual reports on Form 10–K (§ 249.310) or U5S (§ 259.5s) and furnishes to the Commission as a part of its annual report on such form the information, financial statements and exhibits required by Form 11–K (§ 249.311) and furnishes to the Commission copies of any annual report submitted to employees in regard to the plan. A new general instruction has been added to Form 10–K (§ 249.310) which specifies the procedure to be followed where an issuer elects to file information and documents pursuant to Rule 15d–21 (§ 240.15d–21). The new General Instruction to Form 10–K (designated on the Form as paragraph J) reads as follows:

J. Information as to Employee Stock Purchase, Savings and Similar Plans. Attention is directed to Rule 15d–21 which provides that separate annual and other reports need not be filed pursuant to Section 15(d) of the Act with respect to any employee stock purchase, savings or similar plan if the issuer of the stock or other securities offered to employees pursuant to the plan furnishes to the Commission the information and documents specified in the rule. If the registrant elects to follow the procedure permitted by Rule 15d–21, the information, financial statements and exhibits specified in paragraph (a)(2) of the rule shall be furnished on Form 11–K as an exhibit to the registrant's annual report. Such exhibit need not be signed.

Regulation S–X (Part 210 of this chapter) the Commission's accounting regulation, has been amended by adding thereto a new Article 6C (§§ 210.6–30 to 210.6–34) which prescribes the form and content of financial statements filed for employee stock purchase, savings and similar plans. These new requirements are applicable to reports filed on the new Form 11–K (§ 249.311). The Commission also has adopted a conforming amendment to Rule 1–01 (§ 210.1–01) of the regulation.

Form 11–K, Rule 15d–21 and the amendment to Form 10–K were adopted pursuant to the Securities Exchange Act of 1934, particularly section 13, 15(d) and 23(a) thereof. The amendments to Regulation S–X were adopted pursuant to such authority and also pursuant to the Securities Act of 1933, particularly sections 6, 7, 10 and 19(a) thereof.

Commission action. The Securities and Exchange Commission hereby amends Chapter II of Title 17, CFR, as follows, effective August 24, 1962:

I. Paragraph (a)(4) of § 210.1–01 is amended to read as follows:

§ 210.1–01 Application of this part.

(a) This part (together with the Accounting Series Releases) states the requirements applicable to the form and content of all financial statements required to be filed as part of:

* * * * *

(4) Supplemental or periodic reports under section 15(d) of the Securities Exchange Act of 1934 filed on Form 8–K, 10–K, 11–K, 2–MD, 4–MD or U5S (§§ 249.308, 249.310, 249.311, 249.402, 249.404 and 259.5s of this chapter);

II. Part 210 is further amended by adding §§ 210.6–30 to 210.6–34 to read as follows:

EMPLOYEE STOCK PURCHASE, SAVINGS AND SIMILAR PLANS

§ 210.6–30 Application of §§ 210.6–30 to 210.6–34.

Sections 210.6–30 to 210.6–34 shall be applicable to financial statements filed for employees stock purchase, savings and similar plans.

§ 210.6–31 Special rules applicable to employee stock purchase, savings and similar plans.

The financial statements filed for persons to which this article is applicable shall be prepared in accordance with the following special rules in addition to the general rules in §§ 210.1–01 to 210.4–14. Where the requirements of a special rule differ from those prescribed in a general rule, the requirements of the special rule shall be met.

(a) *Investment programs.* If the participating employees have an option as to the manner in which their deposits and contributions may be invested, a description of each investment program shall be given in a footnote or otherwise. The number of employees under each investment program shall be stated.

(b) *Net asset value per unit.* Where appropriate, the number of units and the net asset value per unit shall be given by footnote or otherwise.

(c) *Federal income taxes.* (1) Appropriate provision shall be made, on the basis of the applicable tax laws, for Federal income taxes that it is reasonably believed are, or will become, payable in respect of (i) current net income, (ii) realized net gain on investments, and (iii) unrealized appreciation on investments. If the plan is not subject to Federal income taxes, a note shall so state indicating briefly the principal present assumptions on which the plan has relied in not making provision for such taxes.

(2) State the Federal income tax status of the employee with respect to the plan.

(d) *Valuation of assets.* The statement of financial condition shall reflect all assets either (1) at value, showing cost parenthetically, or (2) at cost, showing value parenthetically.

§ 210.6–32 Statements of financial condition.

Statements of financial condition filed under this rule shall comply with the following provisions:

Plan Assets

1. *Investments in securities of participating employers.* State separately each class of securities of the participating employer or employers.

2. *Investments in securities of unaffiliated issuers.*

(a) *United States Government bonds and other obligations.* Include only direct obligations of the United States Government.

(b) *Other securities.* State separately (1) marketable securities and (2) other securities.

3. *Investments Other than securities.* State separately each major class.

4. *Dividends and interest receivable.*

5. *Cash.*

6. *Other assets.* State separately (a) total of amounts due from participating employers or any of their directors, officers and principal holders of equity securities; (b) total of amounts due from trustees or managers of the plan; and (c) any other significant amounts.

Liabilities and Plan Equity

7. *Liabilities.* State separately (a) total of amounts payable to participating employers; (b) total of amounts payable to participating employees; and (c) any other significant amounts.

8. *Reserves and other credits.* State separately each significant item and describe each such item by using an appropriate caption or by a footnote referred to in the caption.

9. *Plan equity at close of period.*

§ 210.6–33 Statements of income and changes in plan equity.

Statements of income and changes in plan equity filed under this rule shall comply with the following provisions:

1. *Net investment income.*

(a) *Income.* State separately income from (1) cash dividends; (2) interest; and (3) other sources. Income from investments in or indebtedness of participating employers shall be segregated under the appropriate subcaption.

(b) *Expenses.* State separately any significant amounts.

(c) *Net investment income.*

2. *Realized gain or loss on investments.* (a) State separately the net of gains or losses arising from transactions in (1) investments in securities of the participating employer or employers; (2) other investments in securities; and (3) other investments.

(b) State in a footnote or otherwise for each category of investment in paragraph (a) above the aggregate cost, the aggregate proceeds and the net gain or loss. State the principle followed in determining the cost of securities sold, e.g., "average cost" or "first-in, first-out."

3. *Unrealized appreciation or depreciation of investments.* (a) State the amount of increase or decrease in unrealized appreciation or depreciation of investments during the period.

(b) State in a footnote or otherwise the amount of unrealized appreciation or depreciation of investments at the beginning of the period of report, at the end of the period of report, and the increase or decrease during the period.

4. *Contributions and deposits.* (a) State separately (1) total of amounts deposited by participating employees, and (2) total of amounts contributed by the participating employer or employers.

(b) If employees of more than one employer participate in the plan, state in tabular form in a footnote or otherwise the amount contributed by each employer and the deposits of the employees of each such employer.

5. *Withdrawals, lapses and forfeitures.* State separately (a) balances of employees' accounts withdrawn, lapsed or forfeited during the period; (b) amounts disbursed in settlement of such accounts; and (c) disposition of balances remaining after settlement specified in (b).

6. *Plan equity at beginning of period.*

7. *Plan equity at end of period.*

§ 210.6–34 What schedules are to be filed.

(a) Schedules I and II, specified below, shall be filed as of the date of each statement of financial condition filed. Schedule III shall be filed for each period for which a statement of income and changes in plan equity is filed. All schedules shall be certified if the related statements are certified.

(b) Reference to the schedules shall be made against the appropriate captions of the statements of financial condition and income and changes in plan equity.

Schedule I: Investments. A schedule substantially in form prescribed by § 210.12–19 shall be filed in support of captions 1, 2 and 3 of each statement of financial condition unless substantially all of the information is given in the statement of financial condition by footnote or otherwise.

Schedule II: Allocation of plan assets and liabilities to investment program. If the plan provides for separate investment programs with separate funds, and if the allocation of assets and liabilities to the several funds is not shown in the statement of financial condition in columnar form or by the submission of separate statements for each fund, a schedule shall be submitted showing the allocation of each caption of each statement of financial condition filed to the applicable fund.

Schedule III: Allocation of plan income and changes in plan equity to investment programs. If the plan provides for separate investment programs with separate funds, and if the allocation of income and changes in plan equity to the several funds is not shown in the statement of income and changes in plan equity in columnar form or by the submission of separate statements for each fund, a schedule shall be submitted showing the allocation of each caption of each statement of income and changes in plan equity filed to the applicable fund.

III. A new § 240.15d–21 is adopted to read as follows:

§ 240.15d–21 Reports for employee stock purchase, savings and similar plans.

(a) Separate annual and other reports need not be filed pursuant to section 15(d) of the Act with respect to any employee stock purchase, savings or similar plan: *Provided*,

(1) The issuer of the stock or other securities offered to employees through their participation in the plan files annual reports on Form 10–K (§ 249.310 of this chapter) or U5S (§ 259.5s of this chapter);

(2) Such issuer furnishes, as a part of its annual report on such form or as an amendment thereto, the information, financial statements and exhibits required by Form 11–K (§ 249.311 of this chapter) with respect to the plan; and

(3) Such issuer furnishes to the Commission copies of any anual reports to employees in accordance with General Instruction D in Form 11–K (paragraph (a)(4) of § 249.311 of this chapter).

(b) If the procedure permitted by this rule is followed, the information, financial statements and exhibits required by Form 11–K (§ 249.311 of this chapter) with respect to the plan shall be filed within 120 days after the end of the fiscal year of the plan, either as a part or as an amendment to the annual report of the issuer for its last fiscal year, provided that if the fiscal year of the plan ends within 62 days prior to the end of the fiscal year of the issuer, such information, financial statements and exhibits may be furnished as a part of the issuer's next annual report.

IV. Section 249.310 is amended to include the full text of Form 10–K, as amended, so as to read:

§ 249.310 Form 10–K, annual report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

(a) *Identification.* The face page of the report shall show:

(1) The fiscal year ended for which the report is filed.

(2) Exact name of the registrant, as specified in the charter, and State of incorporation.

(3) Address of principal executive offices of the registrant.

(b) *General instructions*—(1) *Rule as to use of Form 10–K.* Form 10–K shall be used for annual reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934, for which no other form is prescribed.

(2) *Application of general rules and regulations.* (i) The general rules and regulations under the Act contain certain general requirements which are applicable to reports on any form. These general requirements should be carefully read and observed in the preparation and filing of reports on this form.

(ii) Particular attention is directed to Regulation 12B (§§ 240.12b–1 to 240.12b–36 of this chapter) which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the report, the information to be given whenever the title of securities is required to be stated, and the filing of the report. The definitions contained in Rule 12b–2 (§ 240.12b–2 of this chapter) should be especially noted. See also Regulations 13A and 15D (§ 240.13a–1 to 240.13b–1 and §§ 240.15d–1 to 240.15d–20 of this chapter).

(iii) Four complete copies of each report on this form, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Commission, except that only one copy of reports filed pursuant to General Instruction H or I (subparagraph (8) and (9) of this paragraph) shall be filed with each exchange on which any security of the registrant is listed and registered. At least one of the copies filed with the Commission and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

(3) *Preparation of report.* (i) This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the report on paper meeting the requirements of Rule 12b–12 (§ 240.12b–12 of this chapter). The report shall contain the item numbers and captions of all items required to be answered, but the text of such items may be omitted providing the answers thereto are prepared in the manner specified in Rule 12b–13 (§ 240.12b–13 of this chapter).

(ii) Except as otherwise stated, the information required shall be given as of the end of the registrant's fiscal year, or as of the latest practicable date subsequent thereto.

(4) *Reports by registrants filing proxy statements.* Items 4 to 9, inclusive, of paragraph (c) of this section, shall not be restated or answered by any registrant which since the close of the fiscal year has filed with the Commission pursuant to Regulation 14 (§§ 240.14a–1 to 240.14a–11 of this chapter) a definitive proxy statement which involved the election of directors. The incorporation of such proxy statement by reference in answer to such items is not required. Any financial statements contained in such proxy statements or in any annual report to stockholders furnished to the Commission pursuant to Rule 14a–3 (§ 240.14a–3 of this chapter) may be incorporated by reference provided such financial statements substantially meet the requirements of the form.

(5) *Reports by other registrants.* Information contained in an annual report to stockholders furnished to the Commission pursuant to Instruction F of subparagraph (6) of this paragraph, by any registrant not subject to Instruction D of subparagraph (b)(6) of this paragraph, may be incorporated by reference in answer or partial answer to any item of this form. In addition, any financial statements contained in any such annual report may be incorporated by reference provided such financial statements substantially meet the requirements of this form.

(6) *Annual reports and proxy material sent to stockholders.* (i) Every registrant which files an annual report on this form shall furnish to the Commission for its information four copies of the following, unless copies thereof are furnished to the Commission pursuant to Rule 14a–3 or Rule 14a–6 (§ 240.14a–3 or § 240.14a–6 of this chapter):

(*a*) Any annual report to stockholders covering the registrant's last fiscal year; and

(*b*) Every proxy statement, form of proxy or other proxy soliciting material sent to more than ten of the registrant's stockholders with respect to any annual or other meeting of stockholders.

Such material shall be mailed to the Commission not later than the date on which it is first sent to stockholders. See the instruction to Item 2 of paragraph (c) of this section.

(ii) The foregoing material shall not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of section 18 of the Act, except to the extent that the registrant specifically requests that it be treated as a part of its annual report on this form or incorporates it therein by reference.

(7) *Disclosure with respect to foreign subsidiaries.* Information with respect to any foreign subsidiary which is required by any item or other requirement of this form may be omitted from the report to the extent that the required disclosure would be detrimental to the registrant, provided a statement is made

that such information has been omitted. Where the names of foreign subsidiaries are omitted pursuant to this instruction, the number of subsidiaries whose names are omitted shall be stated in the report and the names of such subsidiaries shall be separately furnished. The Commission will accord confidential treatment to such names, but may, in its discretion, call for justification that the required disclosure would be detrimental.

(8) *Registrants reporting to Federal Power Commission.* (i) Any registrant which files annual reports with the Federal Power Commission on that Commission's Form No. 1 or Form No. 2 and whose annual report to stockholders for its last fiscal year contained financial statements (other than schedules) prepared and certified substantially in accordance with Regulation S–X (Part 210 of this chapter) may file the following reports and statements in lieu of all of the information and financial statements (including schedules) required by this form for such fiscal year:

(*a*) The registrant's annual report to stockholders for its last fiscal year and its annual report to the Federal Power Commission for such fiscal year;

(*b*) The annual report to the Federal Power Commission on Form No. 1 or Form No. 2 filed by each majority-owned subsidiary of the registrant, which filed such a report, for its last fiscal year; and

(*c*) For each other majority-owned subsidiary of the registrant whose financial statements were not included, on either an individual or a consolidated basis, in the registrant's annual report to stockholders, the financial statements called for by this form.

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries may be omitted to the extent that all subsidiaries for which they are so omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

(ii) The foregoing statements and reports shall be filed under cover of the facing sheet of this form and shall be accompanied by the signatures prescribed by this form. Any required exhibit shall also be filed with the report.

(9) *Registrants reporting to Interstate Commerce Commission or Federal Communications Commission.* (i) Any registrant which files annual reports under section 20 of the Interstate Commerce Act, section 220 of the Motor Carriers Act, 1935, or section 219 of the Communications Act of 1934 may substitute for the information required by Items 2 through 10(a) of paragraph (c) of this section and for the financial statements (including schedules) required by this form—

(*a*) The registrant's annual report to the Interstate Commerce Commission or the Federal Communications Commission on either a separate or system basis for the last fiscal year,

(*b*) Its annual report to stockholders, if any, covering the comparable period (if no such report is published, the registrant should so state),

(*c*) The annual report to the Interstate Commerce Commission or the Federal Communications Commission (on either a separate or system basis) for the last fiscal year of each majority-owned subsidiary of the registrant which files such a report and which is not included in a system report filed pursuant to (*a*) of this subdivision, and

(*d*) The financial statements called for by this form (which need not be certified) for each majority-owned subsidiary of the registrant which does not file reports with the Federal Communications Commission or the Interstate Commerce Commission and whose financial statements are not included on either an individual or consolidated basis in the annual reports filed pursuant to (*a*), (*b*) or (*c*) of this subdivision.

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries may be omitted to the extent that all subsidiaries for which they are so omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

(ii) If a registrant elects to file its report pursuant to this instruction, Item 1 and 10(b) of paragraph (c) of this section shall be answered but all reference to any other items of this form may be omitted. The reports and financial statements referred to in subdivision (i) of this subparagraph shall be filed as exhibits to the report on this form.

(iii) Notwithstanding Rules 13a–1 and 15d–1 (§§ 240.13a–1 and 240.15d–1 of this chapter) a registrant as to which the time for filing an annual report with the Interstate Commerce Commission or the Federal Communications Commission is extended beyond April 20 in any year, may file its report on this form within ten days after the extended date if the Securities and Exchange Commission is promptly advised of such extension.

(10) *Information as to employee stock purchase, savings and similar plans.* Attention is directed to Rule 15d–21 (§ 240.15d–21 of this chapter) which provides that separate annual and other reports need not be filed pursuant to section 15(d) of the Act with respect to any employee stock purchase, savings or similar plan if the issuer of the stock or any other securities offered to employees pursuant to the plan furnishes to the Commission the information and documents specified in the rule. If the registrant elects to follow the procedure permitted in Rule 15d–21 (§ 240.15d–21 of this chapter), the information, financial statements and exhibits specified in paragraph (a) (2) of the rule (§ 240.15d–21 of this chapter) shall be furnished on Form 11–K as an exhibit to the registrant's annual report. Such exhibit need not be signed.

(c) *Information required in report.*

Item 1: Securities registered on exchanges. As to each class of securities of the registrant which is registered on a national securities exchange, furnish the information required by the following table:

(1)	(2)
Title of class	*Name of each exchange on which registered*

Item 2: Number of stockholders. State, in substantially the tabular form indicated below, the approximate number of holders of record of each class of stock of the registrant.

Title of class	*Number of holders*

Instruction. If no annual report for the registrant's last fiscal year has been submitted to stockholders or if no proxy statement, form of proxy or other proxy soliciting material was sent to stockholders with respect to the last annual or other meeting of stockholders, so state following the table. If such report or other material is to be furnished to stockholders subsequent to the filing of the annual report on this form, so state.

Item 3: Parents and subsidiaries of registrant. Furnish a list or diagram of all parents and subsidiaries of the registrant and as to each person named indicate the percentage of voting securities owned, or other bases of control, by its immediate parent.

Instructions. 1. This item need not be answered if there has been no change in the list or diagram as last previously reported.

2. The list or diagram shall include the registrant and shall be so prepared as to show clearly the relationship of each person named to the registrant and to the other persons named. If any person is controlled by means of the direct ownership of its securities by two or more persons, so indicate by appropriate cross reference.

3. Designate by appropriate symbols (a) subsidiaries for which separate financial statements are filed; (b) subsidiaries included in the respective consolidated financial statements; (c) subsidiaries included in the respective group financial statements filed for unconsolidated subsidiaries; and (d) other subsidiaries, indicating briefly why statements of such subsidiaries are not filed.

4. Indicate the name of the country in which each foreign subsidiary was organized.

5. The names of particular subsidiaries may be omitted if the unnamed subsidiaries, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

Item 4: Changes in the business. Briefly describe any materially important changes during the fiscal year, not previously reported, in the business of the registrant and its subsidiaries.

Instructions. 1. Include changes in the business of subsidiaries only insofar as they constitute materially important changes in the business of the total enterprise represented by the registrant and its subsidiaries.

2. If the business consists of the production or distribution of different kinds of products or the rendering of different kinds of services, indicate insofar as practicable any material changes during the fiscal year in the relative importance of each product or service or class of similar products or services which contribute 15 percent or more to the gross volume of business done during the fiscal year. Indicate briefly any material changes during the fiscal year in the types of products produced or distributed or services rendered or in the mode of conducting the business, such as fundamental changes in the method of distribution.

3. Indicate briefly any material changes during the fiscal year in the general competitive position of the business in the industry. If several products or services are involved, separate consideration should be given to the principal products or services or classes of products or services.

4. State briefly any other material changes in the business during the fiscal year, such as those resulting from any bankruptcy, receivership or other legal proceeding, from any other materially important reorganization, readjustment or succession, or from the acquisition or disposition of any principal plants, mines or other physical properties. Indicate also the nature and extent of any material strikes or other work stoppages during the fiscal year.

Item 5: Principal holders of voting securities. If any person owns of record, or is known by the registrant to own beneficially, more than 10 percent of the outstanding voting securities of the registrant, name each such person, state the approximate amount of such securities owned of record but not owned beneficially, the approximate amount owned beneficially and the percentage of outstanding voting securities represented by the amount owned by him in each such manner.

Instruction. To the extent that the information required by this item is given in answer to Item 3, a reference to such item will suffice.

Item 6: Directors of registrant. Furnish the following information, in tabular form to the extent practicable, with respect to each director of the registrant:

(a) Name each such director, state the date on which his present term of office will expire and list all other positions and offices with the registrant presently held by him.

(b) State his present principal occupation or employment and give the name and principal business of any corporation or other organization in which such employment is carried on. If not previously reported, furnish similar information as to all of his principal occupations or employments during the last five years.

(c) State, as of the most recent practicable date, the approximate amount of each class of equity securities of the registrant or any of its parents or subsidiaries, other than directors' qualifying shares, beneficially owned directly or indirectly by him. If he is not the beneficial owner of any such securities, make a statement to that effect.

(d) If more than 10 percent of any class of securities of the registrant or any of its parents or subsidiaries are beneficially owned by him and his associates, state the approximate amount of each class of such securities beneficially owned by such associates, naming each associate whose holdings are substantial.

Item 7: Remuneration of directors and officers. (a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the registrant and its subsidiaries during the registrant's last fiscal year to the following persons for services in all capacities:

(1) Each director, and each of the three highest paid officers, of the registrant whose aggregate direct remuneration exceeded $30,000, naming each such person.

(2) All directors and officers of the registrant as a group, without naming them.

(A)	(B)	(C)
Name of individual or identity of group	*Capacities in which remuneration was received*	*Aggregate remuneration*

Instructions. 1. This item applies to any person who was a director or officer of the registrant at any time during the period specified. However, information need not be given for any portion of the period during which such person was not a director or officer of the registrant.

2. The information is to be given on an accrual basis if practicable. The tables required by this paragraph and paragraph (b) may be combined if the registrant so desires.

3. Do not include remuneration paid to a partnership in which any director or officer was a partner, but see Item 9.

(b) Furnish the following information, in substantially the tabular form indicated below, as to all pension or retirement benefits proposed to be paid under any existing plan in event of retirement at normal retirement date, directly or indirectly, by the registrant or any of its subsidiaries to each director or officer named in answer to paragraph (a) (1) above:

(A)	(B)	(C)
Name of individual	*Amounts set aside or accrued during registrant's last fiscal year*	*Estimated annual benefits upon retirement*

Instructions. 1. The term "plan" in this paragraph and in paragraph (c) includes all plans, contracts, authorizations or arrangements, whether or not set forth in any formal document.

2. Column (B) need not be answered with respect to payments computed on an actuarial basis under any plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

3. The information called for by Column (C) may be given in a table showing the annual benefits payable upon retirement to persons in specified salary classification.

4. In the case of any plan (other than those specified in Instruction 2) where the amount set aside each year depends upon the amount of earnings of the registrant or its subsidiaries for such year or a prior year, or where it is otherwise impracticable to state the estimated annual benefits upon retirement, there shall be set forth, in lieu of the information called for by Column (C), the aggregate amount set aside or accrued to date, unless it is impracticable to do so, in which case there shall be stated the method of computing such benefits.

(c) Describe briefly all remuneration payments (other than direct remuneration for services and pension or retirement benefits) proposed to be made in the future directly or indirectly by the registrant or any of its subsidiaries pursuant to any existing plan or arrangement to (1) each director or officer named in answer to paragraph (a)(1), naming each such person, and (ii) all directors and officers of the registrant as a group, without naming them.

Instruction. Information need not be included as to payments to be made for, or benefits to be received from, group life or accident insurance, group hospitalization or similar group payments or benefits.

Item 8: Options to purchase securities. Furnish the following information as to all options to purchase securities, from the registrant or any of its subsidiaries, which were granted to or exercised by the following persons since the beginning of the registrant's last fiscal year: (i) each director or officer named in answer to paragraph (a) (1) of Item 7 naming each such person and (ii) all directors and officers of the registrant as a group, without naming them.

(a) As to options granted, state (i) the title and amount of securities called for; (ii) the prices, expiration dates and other material provisions; (iii) the consideration received for the granting thereof; and (iv) the market value of the securities called for on the granting date.

(b) As to options exercised, state (i) the title and amount of securities purchased; (ii) the purchase price; and (iii) the market value of the securities purchased on the date of purchase.

Instructions. 1. The term "options" as used in this item includes all options, warrants or rights other than those issued to security holders as such on a pro rata basis.

2. The extension of options shall be deemed the granting of options within the meaning of this item.

3. (i) Where the total market value on the granting dates of the securities called for by all options granted during the period specified does not exceed $10,000 for any officer or director named in answer to paragraph (a) (1), or $30,000 for all officers and directors as a group, this item need not be answered with respect to options granted to such person or group. (ii) Where the total market value on the dates of purchase of all securities purchased through the exercise of options during the period specified does not exceed $10,000 for any such person or $30,000 for such group, this item need not be answered with respect to options exercised by such person or group.

4. The information for all directors and officers as a group regarding market value of the securities on the granting date of the options and on the purchase date, may be given in the form of price ranges for each calendar quarter during which options were granted or exercised.

Item 9: Interest of management and others in certain transactions. Describe briefly, and where practicable state the approximate amount of, any material interest, direct or indirect, of any of the following persons in any material transactions since the beginning of the registrant's last fiscal year to which the registrant or any of its subsidiaries was a party:

(a) Any director or officer of the registrant;

(b) Any security holder named in answer to Item 5; or

(c) Any associate of any of the foregoing persons.

Instructions. 1. See Instruction 1 to Item 7(a). Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

2. As to any transaction involving the purchase or sale of assets by or to the registrant or any subsidiary, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and the cost thereof to the seller if acquired by the seller within two years prior to the transaction.

3. This item does not apply to any interest arising from the ownership of securities of the registrant where the security holder receives no extra or special benefit not shared on a pro rata basis by all other holders of the same class.

4. No information need be given under this paragraph as to any remuneration or other transaction reported in response to Item 7 or 8.

5. No information need be given under this item as to any transaction or any interest therein where—

(i) the rates or charges involved in the transaction are fixed by law or determined by competitive bids;

(ii) the interest of the specified persons in the transaction is solely that of a director of another corporation which is a party to the transaction;

(iii) the transaction involves services as a bank depository of funds, transfer agent, registrar, trustee under a trust indenture, or other similar services;

(iv) the interest of the specified persons does not exceed $30,000;

(v) the transaction does not involve remuneration for services, directly or indirectly, and (A) the interest of the specified persons arises from the ownership individually and in the aggregate of less than 10 percent of any class of equity securities of another corporation which is a party to the transaction, (B) the transaction is in the ordinary course of business of the registrant or its subsidiaries, and (C) the amount of such transaction or series of transactions is less than 10 percent of the total sales or purchases, as the case may be, of the registrant and its subsidiaries.

6. Information shall be furnished under this item with respect to transactions not excluded above which involve remuneration, directly or indirectly, to any of the specified persons for services in any capacity unless the interest of such persons arises solely from the ownership individually and in the aggregate of less than 10 percent of any class of equity securities of another corporation furnishing the services to the registrant or its subsidiaries.

7. This item does not require the disclosure of any interest in any transaction unless such interest and transaction are material.

Item 10: Financial statements and exhibits. List below all financial statements and exhibits filed as a part of the annual report:

(a) Financial statements.
(b) Exhibits.

(d) *Signatures.* Signatures shall be set forth as follows:

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

(Registrant)

By ---
(Signature) [1]

Date ---

(e) *Instructions as to financial statements.* The following instructions specify the balance sheets and profit and loss statements required to be filed as a part of annual reports on this form. Regulation S–X (Part 210 of this chapter) governs the certification, form and content of such balance sheets and profit and loss statements, including the basis of consolidation, and prescribes the statements of surplus and the schedules to be filed in support thereof.

(1) *Statements of the registrant.* (i) There shall be filed for the registrant a certified balance sheet as of the close of the fiscal year and a certified profit and loss statement for the fiscal year.

(ii) Notwithstanding subdivision (i) of this subparagraph, the individual financial statements of the registrant may be omitted if (*a*) consolidated statements of the registrant and one or more of its subsidiaries are filed, and (*b*) the conditions specified in either of the following items are met:

(*1*) The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements filed are totally-held subsidiaries; or

(2) The registrant's total assets, exclusive of investments in and advances to the consolidated subsidiaries, constitute 85 percent or more of the total assets shown by the consolidated balance sheet filed and the registrant's total gross revenue for the period for which its profit and loss statement would be filed, exclusive of interest and dividends received from the consolidated subsidiaries, constitute 85 percent or more of the total gross revenue shown by the consolidated profit and loss statement filed.

(2) *Consolidated statements.* There shall be filed for the registrant and its subsidiaries a certified consolidated balance sheet as of the close of the fiscal year of the registrant and a certified consolidated profit and loss statement for such fiscal year.

(3) *Statements of subsidiaries not consolidated.* (i) Subject to Rule 4–03 of Regulation S–X (§ 210.4–03 of this chapter) regarding group statements there shall be filed for each majority-owned subsidiary of the registrant not consolidated a certified balance sheet as of the close of the subsidiary's most recently ended fiscal year and a certified profit and loss statement for such fiscal year.

(ii) If the fiscal year of any unconsolidated subsidiary ends within 105 days before the date of filing the annual report, or after the date of filing, the statements of the subsidiary required by subdivision (i) of this subparagraph may be filed as an amendment to the report within 105 days after the end of the subsidiary's fiscal year.

(4) *Fifty percent owned persons.* If the registrant owns directly or indirectly approximiately 50 percent of the voting securities of any person and approximately 50 percent of the voting securities of such person is owned directly or indirectly by another single interest, there shall be filed for each such person the financial statements which would be required if it were a registrant. The statements filed for each such person shall identify the other single interest.

(5) *Omission of statements required by Instructions 3 and 4.* Notwithstanding Instructions 3 and 4, there may be omitted from the annual report all financial statements of any one or more unconsolidated subsidiaries or 50-percent owned persons if all such subsidiaries and 50-percent owned persons for which statements are so omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

(6) *Affiliates whose securities are pledged as collateral.* (i) For each affiliate of the registrant whose securities constitute a substantial portion of the collateral securing any class of registered securities, there shall be filed the financial statements that would be required if the affiliate were a registrant. However, statements need not be filed pursuant to this instruction for any person whose statements are otherwise filed with the report on an individual, consolidated or combined basis.

(ii) For the purposes of this instruction, securities of a person shall be deemed to constitute a substantial portion of the collateral if the aggregate principal amount, par value, or book value as shown by the books of the registrant, or market value, whichever is the greatest of such securities equals 20 percent or more of the principal amount of the class secured thereby.

(7) *Statements of banks and insurance companies.* Notwithstanding the requirements of the foregoing instructions, financial statements filed for banks or insurance companies (other than title insurance companies) need not be certified.

(8) *Registrants not in the production stage.* (i) Notwithstanding the foregoing instructions, if the registrant falls within the terms of paragraph (b) or (c) of Rule 5A–01 of Regulation S–X (§ 210.5a–0 of this chapter), the following statements, all of which shall be certified except as provided in subdivision (ii) of this subparagraph shall be filed for the registrant and each of its significant subsidiaries, if any:

(*a*) The statements specified in Rules 5A–02, 5A–03, 5A–04, 5A–05 and 5A–07 (§§ 210.5a–02 to 210.5a–05, 210.5a–07 of this chapter) shall be filed as of the end of the fiscal year,

(*b*) The statement of cash receipts and disbursements specified in Rule 5A–06 (§ 210.5a–06 of this chapter) shall be filed for the fiscal year.

(ii) The financial statements prescribed in subdivision (i) of this subparagraph need not be certified if all of the following conditions are met by the registrant and each of its significant subsidiaries, if any:

(*a*) Gross receipts from all sources for the fiscal year are not in excess of $5,000,

(*b*) The registrant has not purchased or sold any of its own stock, granted options therefor, or levied assessments upon outstanding stock,

(*c*) Expenditures for all purposes for the fiscal year are not in excess of $5,000,

(*d*) No material change in the business has occurred during the fiscal year, including any bankruptcy, reorganization, readjustment or succession or any material acquisition or disposition of plants, mines, mining equipment, mining rights or leases,

(*e*) No exchange upon which the shares are listed, or governmental authority having jurisdiction, requires the furnishing to it, or the publication of, certified financial statements.

(9) *Filing of other statements in certain cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

(f) *Instructions as to exhibits.* Subject to the rules regarding incorporation by reference, the following exhibits shall be filed as a part of the report:

(1) Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).

(2) Copies of all documents of a character required to be filed as an exhibit to an original application for registration which have been executed or otherwise put into effect during the fiscal year and not previously filed.

Registrants filing reports pursuant to section 15(d) of the Act need not file copies of any document which would not be required as an exhibit to an original application for registration of securities on an exchange.

[1] Print name and title of the signing officer under his signature.

V. A new § 249.311 is adopted, to read as follows:

§ 249.311 Form 11–K, for annual reports of employee stock purchase, savings and similar plans pursuant to section 15(d) of the Securities Exchange Act of 1934.

(a) *General instructions*—(1) *Rule as to use of Form 11–K.* This form is to be used for annual reports pursuant to section 15(d) of the Securities Exchange Act of 1934 with respect to employee stock purchase, savings and similar plans interests in which constitute securities which have been registered under the Securities Act of 1933. Such a report is required to be filed even though the issuer of the securities offered to employees pursuant to the plan also files annual reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934. However, attention is directed to Rule 15d–21 (§ 240.15d–21 of this chapter) which provides that in certain cases the information required by this form may be furnished with respect to the plan as a part of the annual report of such issuer.

(2) *Application of general rules and regulations.* (i) The general rules and regulations under the Act contain certain general requirements which are applicable to reports on any form. These general requirements should be carefully read and observed in the preparation and filing of reports on this form.

(ii) Particular attention is directed to Regulation 12B (§§ 240.12b–1 to 240.12b–36 of this chapter) which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the report, the information to be given whenever the title of securities is required to be stated, and the filing of the report. The definitions contained in Rule 12b–2 (§ 240.12b–2 of this chapter) should be especially noted. See also Regulation 15D (§§ 240.15d–1 to 240.15d–20 of this chapter).

(iii) Four complete copies of each report on this form, including exhibits and all papers and documents filed as part thereof, shall be filed with the Commission. At least one of the copies filed shall be manually signed. Copies not manually signed shall bear typed or printed signatures.

(3) *Preparation of report.* This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the report on paper meeting the requirements of Rule 12b–12 (§ 240.12b–12 of this chapter). The report shall contain the item numbers and captions of all items required to be answered but the text of such items may be omitted provided the answers thereto are prepared in the manner specified in Rule 12b–13 (§ 240.12b–13 of this chapter).

(4) *Annual reports to employees.* (i) There shall be furnished to the Commission for its information four copies of any annual report to employees covering the last fiscal year of the plan. Such copies shall be mailed to the Commission not later than the date on which the report is first sent or given to employees. Reports which relate only to the individual interests of employees in the plan need not be furnished.

(ii) The report furnished to the Commission pursuant to this instruction shall not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of section 18 of the Act, except to the extent that it has been requested that such report be treated as a part of the annual report on this form or it has been incorporated therein by reference.

(5) *Incorporation of information in report to employees.* Information contained in an annual report to employees furnished to the Commission pursuant to subparagraph (4) of this paragraph may be incorporated by reference in answer or partial answer to any item of this form. In addition, any financial statements contained in such annual report may be incorporated by reference provided such financial statements substantially meet the requirements of this form.

(6) *Reports in case of new registration.* Attention is directed to Rule 15d–3 (§ 240.15d-3 of this chapter) which provides that any registrant which has filed a registration statement under the Securities Act of 1933 within the period prescribed for filing an annual report may, in certain cases, incorporate the registration statement by reference in its annual report in lieu of furnishing the information and documents otherwise called for by the appropriate annual report form.

(b) *Identification.* The front cover of the report shall show:

(1) The fiscal year ended for which the report is made.

(2) Full title of the plan and the address of the plan, if different from that of the issuer named below:

(3) Name of the issuer of the securities held pursuant to the plan and the address of its principal executive office.

(c) *Items to be answered.*

Item 1: Changes in the plan. Describe briefly any material changes in the provisions of the plan during the fiscal year.

Item 2: Changes in investment policy. Describe briefly any material changes during the fiscal year in the policy with respect to the kind of securities or other investments in which funds held under the plan may be invested.

Item 3: Participating employees. State the approximate number of employees who were participants in the plan at the end of its fiscal year.

Item 4: Administration of the plan. (a) Give the names and addresses of the persons who administer the plan, the capacity in which they act (such as trustees or managers) and list all positions or offices held with the issuer or any of its affiliates.

(b) State the total amount of compensation received from the plan by each of the administrators for services in all capacities during the fiscal year.

Item 5: Custodian of investments. (a) Give the name, address and nature of the business of each person who acts as custodian of any of the securities or other investments of the plan.

(b) State the total amount of compensation received from the plan by each such person for services in all capacities during the fiscal year.

(c) State the nature and amount of the coverage of any bond furnished by any such custodian or its officers or employees in connection with the custody of the security investments or other assets of the plan.

Item 6: Reports to participating employees. State the nature of the reports made to participating employees during the fiscal year in regard to the operations of the plan or the status of the employees' accounts under the plan.

Item 7: Financial statements and exhibits. List below all financial statements and exhibits filed as a part of the annual report:

(a) Financial statements.
(b) Exhibits.

(d) *Signatures.* Signatures shall be set forth as follows:

Pursuant to the requirements of the Securities Exchange Act of 1934, the trustees (or other persons who administer the plan) have duly caused this annual report to be signed by the undersigned thereunto duly authorized.

(Name of plan)

By [1] ---

Date ---

[1] Print name and title of the signing official under his signature.

(e) *Instructions as to financial statements.* Furnish a certified statement of financial condition of the plan as of the end of the fiscal year of the plan and a certified statement of income and changes in plan equity of the plan for the fiscal year. These statements shall be prepared and certified in accordance with the applicable provisions of Regulation S–X (Part 210 of this chapter) and shall be accompanied by the schedules specified therein.

(f) *Instructions as to exhibits.* Subject to the rules regarding incorporation by reference, the following exhibits shall be filed as a part of the report.

(1) Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).

(2) Copies of all documents relating to the plan which are of a character required to be filed as an exhibit to a registration statement and which have been executed or otherwise put into effect and not previously filed.

(Secs. 13, 15(d) and 23(a), 48 Stat. 894, 895 and 901, as amended, 15 U.S.C. 78m, 78o and 78w; secs. 6, 7, 10 and 19(a), 48 Stat. 78, 81 and 85, as amended, 15 U.S.C. 77f, 77g, 77j and 77s.)

By the Commission.

JULY 23, 1962.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–7934; Filed, Aug. 8, 1962; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Cellulose Sponges; Exemption From Labeling Requirements

There has been submitted to the Commissioner of Food and Drugs, pursuant to section 3(c) of the Federal Hazardous Substances Labeling Act and § 191.62 of the regulations thereunder, a request to exempt cellulose sponges from the labeling requirements of section 2(p)(1) of the act and § 191.7(b)(4) of the regulations. The petition deals with cellulose sponges that require special labeling under § 191.7(b)(4) because they contain 10 percent or more by weight of diethylene glycol. Under reasonably foreseeable circumstances it is not likely that injury or illness would occur from ingestion of cellulose sponges of the type described in the petition; nor is there a possibility of harmful misuse of the diethylene glycol as a beverage.

Therefore, the Commissioner concludes that because of the nature of the packages involved and the minor hazard presented, full compliance with the labeling requirements of section 2(p)(1) of the act and § 191.7(b)(4) of the regulations is not necessary for the adequate protection of the public health and safety. Pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (25 F.R. 8625), § 191.63 is amended by adding thereto a new paragraph (o), reading as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

* * * * *

(o) Cellulose sponges are exempt from the labeling requirements of section 2(p)(1) of the act and § 191.7(b)(4), insofar as such requirements would be necessary because they contain 10 percent or more of diethylene glycol as defined in § 191.7(a)(2): *Provided*, That:

(1) The cellulose sponge does not contain over 15 percent by weight of diethylene glycol.

(2) The diethylene glycol content is completely held by the absorbent cellulose material so that there is no free liquid within the sponge as marketed.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substance Labeling Act contemplates such modification of labeling requirements under certain conditions.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: August 1, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-7945; Filed, Aug. 8, 1962; 8:52 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Administrator, Housing and Home Finance Agency

PART 3—SLUM CLEARANCE AND URBAN RENEWAL

Subpart B—Relocation payments under section 106(f) of the Housing Act of 1949, as amended

Correction

In F.R. Doc. 62-7705, appearing at page 7677 of the issue for Friday, August 3, 1962, paragraph (e) of § 3.105 should read as set forth below:

(e) *Notice of intention to move.* Except as provided below, no relocation payment shall be made to a business concern unless (1) the LPA has received, at least 30 days but not earlier than 90 days prior to the moving date, written notice from the business concern of its intention to move the property designated generally therein and the date of such intended move, and (2) the business concern has permitted, at all reasonable times, the inspection by or on behalf of the LPA of all such property at the site from which it was removed. For the purpose of this paragraph (e), "moving date" shall mean the date on which the first item of such property is intended to be moved. The LPA may make a relocation payment notwithstanding nonreceipt of such timely notice only if the LPA has determined that there was reasonable cause for the failure of the business concern to give such notice; the LPA has adequately verified the facts pertaining to the move and the requested relocation payment; and HHFA has concurred in such payment.

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In § 200.68 a new paragraph (f) is added as follows:

§ 200.68 Assistant Commissioner for Administration and Deputy.

* * * * *

(f) To act for the Commissioner in approving the settlement of tort claims for and against the Commissioner and the execution of releases or other instruments required in connection therewith.

Section 200.77 is amended by adding paragraph (y) as follows:

§ 200.77 Assistant Commissioner-Comptroller and Deputy.

* * * * *

(y) To exercise the authority of the Commissioner to endorse any preferred stock certificate held by him in any corporation for the purpose of retirement and cancellation.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., August 3, 1962.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 62-7948; Filed, Aug. 8, 1962; 8:53 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5-54—PATENTS AND COPYRIGHTS

Part 5-54 is added to read as follows:

Sec.
5-54.000 Scope of part.

Subpart 5-54.1—Patents

5-54.101 General.
5-54.102 Protection of the rights of the Government.
5-54.103 Patent indemnification of the Government by the contractor.
5-54.104 Notice and assistance regarding patent infringement.

Subpart 5-54.2—Copyrights

5-54.201 General.
5-54.202 Use and publication by the Government of copyrighted material.
5-54.203 Contracts for use of copyrightable material.
5-54.204 Copyright clause.

AUTHORITY: §§ 5-54.000 to 5-54.204 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 5-54.000 Scope of part.

This part prescribes policy and procedures to be followed on patents and related matters, and on copyrights and copyrighted materials; prescribes contract clauses to be used; and provides for assistance in developing clauses when it is not feasible to use prescribed clauses.

Subpart 5-54.1—Patents

§ 5-54.101 General.

Patents are granted for any new and useful process, machine, manufacture or composition of matter, or any improvement thereof, and any new, original and ornamental design for an article of manufacture. Infringement consists of the unauthorized making, using, or selling of any patented invention.

§ 5-54.102 Protection of the rights of the Government.

The contracting officer shall observe the following, with respect to patents, in connection with contracting:

(a) Protection of the Government against patent risks in contracts.

(b) Securing to the Government the patent rights to which it is entitled, particularly under contracts for experimental, research, or developmental work.

(c) Assuring that the Government does not make royalty payments where the Government has acquired a royalty-free license or other patent rights which make such payments unnecessary.

§ 5-54.103 Patent indemnification of the Government by the contractor.

In order to protect the Government from patent risks, each contract for supplies and services (other than construction) in an amount in excess of $5,000 shall contain the clause prescribed in this § 5-54.103. (For construction contracts, Standard Form 23A, General Provisions (Construction Contract), contains an appropriate Patent Indemnity clause.)

PATENT INDEMNITY

If the amount of this contract for supplies or services is in excess of $5,000, the Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of any United States letters patent (except letters patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the performance under this contract, or out of the use or disposal by or for the account of the Government of such supplies or services. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply if: (a) The infringement results from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or services to be performed, or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the Contractor; or (b) the infringement results from the addition to, or change in, the supplies furnished or services performed, which addition or change was made subsequent to delivery or performance by the Contractor; or (c) the claimed infringement is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

§ 5-54.104 Notice and assistance regarding patent infringement.

Each contract in an amount in excess of $5,000 shall contain a clause to assure that the Government will be notified of claims of infringement asserted against a contractor and any of his subcontractors in connection with the performance of Government contracts, and that the Government may obtain necessary assistance from a contractor in the event of patent infringement litigation. The contract clause required is set forth in § 1-7.101-13 and as article 13 of Standard Form 32, General Provisions (Supply Contract).

Subpart 5-54.2—Copyrights

§ 5-54.201 General.

A copyright is the exclusive right to the publication, production, or sale of the rights to a literary, dramatic, musical, or artistic work, or to the use of a manufacturing or merchandising label, granted by law for a definite period of years to an author, composer, artist, distributor, etc.

§ 5-54.202 Use and publication by the Government of copyrighted material.

It is general Government policy that copyrighted matter will not knowingly be incorporated in publications prepared by or for the Government except with the written consent of the copyright owner.

§ 5-54.203 Contracts for use of copyrightable material.

In any contract under which material subject to copyright is to be furnished, the Government should receive at least a royalty-free, nonexclusive and irrevocable license with respect to such material first produced or composed under the contract. Except in those instances where it is desirable that copyrightable material produced under contract for the Government shall either be placed in the public domain or a copyright established in the name of the author and assigned to the Government, and except in connection with contracts for motion pictures or the production of motion pictures and affiliated activities (e.g., preparation of scripts, translations, adaptations, etc.), it shall be the policy to acquire only such license right in any copyrightable material leaving the contractor free to take out a copyright in his own name, if he so desires. In the event the contractor should incorporate copyrighted or copyrightable material already owned by it or others in the material furnished to the Government, the license should contain a provision whereby the Government is also granted a royalty-free license with respect to such material if the contractor may grant such a license without becoming liable to pay compensation because of such grant. The foregoing generally applies whether the material subject to copyright is the main item of a contract or is merely incidental.

§ 5-54.204 Copyright clause.

Whenever an occasion arises which requires the use of such clauses, request should be made of appropriate legal counsel for the drafting of a suitable clause. Complete information should accompany the request.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: August 2, 1962.

LAWSON B. KNOTT, JR.,
Acting Administrator.

[F.R. Doc. 62-7942; Filed, Aug. 8, 1962; 8:52 a.m.]

Chapter 9—Atomic Energy Commission

PART 9-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 9-4.50—Indemnification of AEC Contractors

Subpart 9-4.50 is hereby added.

Sec.
9-4.5000 Scope of subpart.
9-4.5001 Applicability.
9-4.5002 Definitions.
9-4.5003 Statutory indemnity—section 170 (d) of the Atomic Energy Act of 1954, as amended.
9-4.5004 Authority of Managers of Field Offices to negotiate statutory indemnity agreements.
9-4.5005 Substantial nuclear incident.
9-4.5006 Statutory indemnity contract article.
9-4.5007 Contractual assurance.
9-4.5008 "Representation" for use in subcontracts and purchase orders of prime contractor holding statutory indemnity agreement.
9-4.5009 Fees.
9-4.5010 Financial protection requirements.
9-4.5011 General Contract authority indemnity.

AUTHORITY: §§ 9-4.5000 to 9-4.5011 issued under sec. 161, Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486.

§ 9-4.5000 Scope of subpart.

This subpart describes the established policies of the Atomic Energy Commission concerning (a) indemnification of AEC contractors against public liability for a nuclear incident arising out of or in connection with the contract activity and (b) indemnification of AEC contractors against liability for nonnuclear risks arising out of or in connection with the contract activity.

§ 9-4.5001 Applicability.

(a) With respect to indemnification against public liability for a nuclear incident the pertinent policies and procedures set forth in this subpart shall be applicable in entering into indemnity agreements with:

(1) AEC contractors engaged in the operation of production or utilization facilities,

(2) AEC contractors whose work entails the risk of public liability for a substantial nuclear incident.

(b) With respect to indemnification against liability for nonnuclear risks, the pertinent policies and procedures set forth in this subpart shall be applicable in entering into indemnity agreements with any AEC contractors.

§ 9-4.5002 Definitions.

(a) The term "AEC contractor" means any AEC prime contractor, including any agency of the Federal Government with which AEC has entered into an interagency agreement.

(b) The term "construction contractor" means an AEC contractor who is constructing an installation for AEC which, when completed, will be a production or utilization facility.

(c) The term "nuclear incident" means any occurrence within the United States causing bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, aris-

ing out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material.

(d) The term "person indemnified" means the person with whom an indemnity agreement is executed and any other person who may be liable for public liability.

(e) The term "production facility" means:

(1) Any nuclear reactor designed or used primarily for the formation of plutonium or uranium 233; or

(2) Any facility designed or used for the separation of the isotopes of uranium or the isotopes of plutonium, except laboratory scale facilities designed or used for experimental or analytical purposes only; or

(3) Any facility designed or used for the processing of irradiated materials containing special nuclear material, except laboratory scale facilities designed or used for experimental or analytical purposes only.

(f) The term "public liability" means any legal liability (including liability for loss of, or damage to, or loss of use of property which is located at the site of and used in connection with the contract activity) arising out of or resulting from a nuclear incident, except: (1) Claims under State or Federal workmen's compensation acts of employees of persons indemnified who are employed at the site of and in connection with the activity where the nuclear incident occurs and (2) claims arising out of an act of war. "Public liability" also includes damage to property of persons indemnified: *Provided*, That such property is covered under the terms of any financial protection that may be required, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs.

(g) The term "substantial nuclear incident"—see § 9–4.5006.

(h) The term "utilization facility" means any nuclear reactor other than one designed or used primarily for the formation of plutonium or U–233.

(i) The term "nuclear reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

§ 9–4.5003 Statutory indemnity—section 170(d) of the Atomic Energy Act of 1954, as amended.

Section 170(d) of the Atomic Energy Act of 1954, as amended, authorizes the AEC "to enter into agreements of indemnification with its contractors for the construction or operation of production or utilization facilities or other activities under contracts for the benefit of the United States involving activities under the risk of public liability for a substantial nuclear incident." Contractors identified in § 9–4.5001(a) are eligible for such statutory indemnity.

§ 9–4.5004 Authority of Managers of Field Offices to negotiate statutory indemnity agreements.

(a) Managers of Field Offices are authorized to negotiate statutory indemnity agreements with contractors identified in § 9–4.5001(a)(1).

(b) Pursuant to § 9–4.5005, Managers of Field Offices are authorized to enter into a statutory indemnity agreement whenever it has been determined that a contractor in subparagraph (2) of § 9–4.5001(a) is engaged in activities involving the risk of public liability for a substantial nuclear incident. Such a determination may be based upon either the risk of liability for the occurrence of a substantial nuclear incident in the course of performance of the contract work or the risk of liability for a substantial nuclear incident caused by a product delivered to or for AEC under the contract where such product is expected to be used in connection with a facility or device not covered by a statutory indemnity agreement. If, pursuant to § 9–4.5005, a Manager of a Field Office determines that the maximum conceivable damage which could result from a nuclear incident arising in the course of a contractor's activities falls between one million dollars and sixty million dollars, he shall submit the proposed indemnification with a recommendation, and all supporting data, to the Assistant General Manager for Operations for appropriate action.

§ 9–4.5005 Substantial nuclear incident.

With respect to subparagraph (2) of § 9–4.5001(a), and pursuant to the provisions of § 9–4.5004, a Manager of a Field Office may be required to determine whether a contractor's activities involve the risk of public liability for a substantial nuclear incident and thus make the contractor eligible to obtain a statutory indemnity agreement from the AEC. The determination by a Manager of a Field Office shall be based on the following criteria:

If, after a study of the maximum conceivable damage which can result from an incident arising out of or in connection with the contractor's activities, the Manager of a Field Office concludes that the maximum conceivable damage per incident to property and persons is 60 million dollars or more, then the contractor may be found to be under risk of public liability for a substantial nuclear incident and the Manager of a Field Office is authorized to execute a statute indemnity agreement under such a contract. If such a study of the maximum conceivable damage indicates a figure of 1 million dollars or less, the contractor should not be considered to have a risk of public liability for a substantial nuclear incident and, therefore, should not be made a party to a statutory indemnity agreement. If the study indicates that the maximum conceivable damage falls between 1 million dollars and 60 million dollars, the Manager of a Field Office will submit the proposed indemnification of such contractor to the Assistant General Manager for Operations with a recommendation and all supporting data.

The Assistant General Manager for Operations, on such a recommendation, may take one of the following actions:

(a) Determine that the contractor is under risk of public liability for a substantial nuclear incident and that the contractor should be extended a statutory indemnity agreement.

(b) Determine that the contractor should not be extended a statutory indemnity. In this case the Assistant General Manager for Operations may authorize the Manager of a Field Office to authorize the contractor to purchase nuclear liability insurance or to offer the contractor a general authority indemnity agreement.

§ 9–4.5006 Statutory indemnity contract article.

The contract article contained in AECPR 9–7.5004–24 shall be incorporated in all contracts in which a statutory indemnity agreement is to be included upon a determination that the contractor is under risk of public liability for the occurrence of a substantial nuclear incident in the course of performance of the contract work. The contract article contained in AECPR 9–7.5004–25 shall be incorporated in all contracts in which a statutory indemnity agreement is to be included upon a determination that the contractor is under risk of public liability only for a substantial nuclear incident caused by a product delivered to or for AEC under the contract where such product is expected to be used in connection with a facility or device not covered by a statutory indemnity agreement.

§ 9–4.5007 Contractual assurance.

Managers of Field Offices are authorized to include in all contracts for

(a) Architect-engineer services in connection with the construction of a production or utilization facility;

(b) The supply of component parts (including construction contracts where the work does not entail the risk of occurrence of a substantial nuclear incident) for a production or utilization facility; and

(c) The supply of equipment or services which would be a part of, or contribute to, or be used in connection with the construction or operation of a production or utilization facility,

assurances that the AEC will enter into a statutory indemnity agreement with the contractor who will operate a facility on its completion. Assurances will be given, however, only to those contractors and suppliers who might be held liable in connection with a substantial nuclear incident occurring after completion of the facility. The form of contractual assurance which shall be utilized is contained in AECPR 9–7.5004–26.

§ 9–4.5008 "Representation" for use in subcontracts and purchase orders of prime contractor holding statutory indemnity agreement.

An AEC contractor with whom a statutory indemnity agreement has been executed in the form contained in AECPR 9–7.5004–24 may include in any of its subcontracts and purchase orders a representation that the work under the prime contract is covered by a statutory indemnity agreement with the AEC and that this indemnity covers all persons who may be liable for public liability for any nuclear incident arising out of or in connection with the activity under the prime contract. A suggested form of "representation" follows:

The Contractor represents that there is included in its prime contract with the Commission an indemnity agreement, entered into by the Commission under the authority of Section 170 of the Atomic Energy Act of 1954, as amended by Public Law 85–256 (the "Price-Anderson Act"), a copy of which may be obtained from the Contractor [is attached hereto]; that, under said agreement, the Commission has agreed to indemnify the Contractor and other persons indemnified, including the subcontractor, against claims for public liability (as defined in said Act) arising out of or in connection with the contractual activity; that the indemnity applies to covered nuclear incidents which (i) take place at a "contract location" (which term, as defined in the indemnity agreement, does not include the location of the subcontractor's plant and facilities); or (ii) arise out of or in the course of transportation of source, special nuclear or byproduct material to or from a "contract location"; or (iii) involve items produced or delivered under the prime contract. The obligation of the Commission to indemnify is subject to the conditions stated in the indemnity agreement.

The AEC will not approve the inclusion, in the subcontracts and purchase orders of an indemnified prime contractor, of any provision whereby the prime contractor indemnifies the subcontractor or supplier against public liability for a nuclear incident since any such liability will be covered by the statutory indemnity agreement of the prime contractor.

§ 9–4.5009 Fees.

No fee will be charged an AEC contractor for a statutory indemnity agreement.

§ 9–4.5010 Financial protection requirements.

(a) AEC contractors with whom statutory indemnity agreements under the authority of section 170(d) of the Act are executed will not normally be required or permitted to furnish financial protection by purchase of insurance to cover public liability for nuclear incidents, except (1) that AEC contractors now covered by insurance against such liability, with the approval of the AEC may continue to carry such insurance, and (2) with the approval of the Controller, contractors engaged in the operation of AEC facilities may be required or permitted to furnish financial protection in an amount not to exceed one million dollars.

(b) If nuclear liability insurance is carried by a contractor who is an AEC licensee, the AEC will pay an equitable portion of the insurance premium under its contract (or would include such an item in the calculation of a fixed price), but normally a statutory indemnity agreement would not be granted under the contract.

§ 9–4.5011 General contract authority indemnity.

(a) The AEC has general contract authority to enter into indemnity agreements with its contractors. Under such authority a certain measure of protection is extended to the AEC contractor against risk of liability, but the assumption of liability by the AEC will be expressly subject to the availability of appropriated funds. Prior to enactment of section 170 of the Atomic Energy Act of 1954, as amended, this authority was exercised in a number of AEC contracts and this type of indemnification remains in some AEC contracts.

(b) It is the policy of the AEC, subsequent to the enactment of section 170, to restrict indemnity agreements with AEC contractors, with respect to protection against public liability for a nuclear incident, to the statutory indemnity provided under section 170. However, it is recognized that circumstances may exist under which an AEC contractor may be exposed to a risk of public liability for a nuclear occurrence which would not be covered by the statutory indemnity.

(c) While it is normally AEC policy to require its contractors to obtain insurance coverage against public liability for nonnuclear risks, there may be circumstances in which a contractual indemnity may be warranted to protect an AEC contractor against liability for uninsured nonnuclear risks.

(d) If circumstances as mentioned in paragraph (b) or (c) of this section do arise, it shall be the responsibility of the Manager of a Field Office to submit to the Assistant General Manager for Operations for his review and decision all pertinent information concerning the need for or desirability of providing a general authority indemnity to an AEC contractor.

(e) Where the indemnified risk is nonnuclear, the amount of general authority indemnity extended to a fixed-price contractor should normally have a maximum obligation equivalent to the amount of insurance that the contractor usually carries to cover such risks in his other commercial operations or, if the risk involved is dissimilar to those normally encountered by the contractor, the amount that he otherwise would have reasonably procured to insure this contract risk.

(f) In the event that an AEC contractor has been extended both a statutory indemnity and a general authority indemnity, the general authority indemnity will not apply to the extent that the statutory indemnity applies.

(g) The provisions of this subsection do not restrict or affect the policy of the AEC to reimburse its cost-type contractors for the allowable cost of losses and expenses incurred in the performance of the contract work, within the maximum amount of the contract obligation. See AECPR 9–7.5006–9, –10, and –12.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 2d day of August 1962.

For the U.S. Atomic Energy Commission.

JAMES SCAMMAHORN,
Acting Director,
Division of Contracts.

[F.R. Doc. 62–7910; Filed, Aug. 8, 1962; 8:45 a.m.]

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

MISCELLANEOUS AMENDMENTS

§ 9–7.5004–11 [Amendment]

In § 9–7.5004–11 *Security*, paragraph (d) is deleted and the following substituted:

(d) *Security clearance of personnel.* The Contractor shall not permit any individual to have access to Restricted Data, or other classified information, except in accordance with the Atomic Energy Act of 1954, as amended, and the Commission's regulations or requirements.

Section 9–7.5004–19 is deleted and the following substituted:

§ 9–7.5004–19 Required bonds and insurance—exclusive of Government property.

(COST-TYPE CONTRACTS AND SUBCONTRACTS)

The Contractor (subcontractor) shall procure and maintain such bonds and insurance as are required by law or by the written direction of the *Contracting Officer* (contractor with the concurrence of the Contracting Officer). The terms of any such bond or insurance policy shall be submitted to the *Contracting Officer for approval*, upon request (contractor for transmittal to the Contracting Officer for approval). In view of the provisions of the article entitled "Property" the *contractor* (subcontractor) shall not procure or maintain for its own protection any insurance (including self-insurance or reserves) covering loss or destruction of or damage to Government-owned property.

NOTE: In the case of subcontracts, the italicized portions are superseded by the portion in parentheses immediately following.

Section 9–7.5004–22 is deleted and the following substituted:

§ 9–7.5004–22 Disclosure of information.

(a) It is mutually expected that the activities under this contract will not involve Restricted Data or other classified information or material. It is understood, however, that if in the opinion of either party this expectation changes prior to the expiration or termination of all activities under this contract, said party shall notify the other party accordingly in writing without delay. In any event, the Contractor shall classify, safeguard, and otherwise act with respect to all Restricted Data and other classified information and material, in accordance with applicable law and the requirements of the Commission, and shall promptly inform the Commission in writing if and when Restricted Data or other classified information or material becomes involved. If and when Restricted Data or other classified information or material becomes involved, or in the mutual judgment of the parties it appears likely that Restricted Data or other classified information or material may become involved, the Contractor shall have the right to terminate performance of the work under this contract and in such event the provisions of this contract respecting termination for the convenience of the Government shall apply.

(b) The Contractor shall not permit any individual to have access to Restricted Data, or other classified information, except in accordance with the Atomic Energy Act of

1954, as amended, and the Commission's regulations or requirements.

(c) The term "Restricted Data" as used in this Article means all data concerning the design, manufacture, or utilization of atomic weapons, the production of special nuclear material, or the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the Atomic Energy Act of 1954, as amended.

NOTE A: This clause should be used in place of the clause entitled "Classification" set forth in § 9-7.5004-21 in Contracts with Educational Institutions for Off-Site Research that are not likely to produce Restricted Data or classified information.

The following sections are added:

§ 9-7.5004-24 Nuclear hazards indemnity.

(a) This article is incorporated into this contract pursuant to the authority contained in subsection 170(d) of the Atomic Energy Act of 1954, as amended (hereinafter called the Act).

(1) The definitions set out in the Act shall apply to this article.

(2) The term "contract location" means any Commission facility, installation, or site at which contractual activity under this contract is being carried on, and any Contractor-owned or controlled facility, installation, or site at which the Contractor is engaged in the performance of contractual activity under this contract.

(b) Except as hereafter permitted or required in writing by the Commission, the Contractor will not be required to provide or maintain, and will not provide or maintain at Government expense, any form of financial protection to cover public liability. The Commission may at any time require in writing that the Contractor provide and maintain financial protection of such a type and in such amount as the Commission shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity, provided that the costs of such financial protection will be reimbursed to the Contractor by the Commission.

(c)(1) To the extent that the Contractor and other persons indemnified are not compensated by any financial protection permitted or required by the Commission, the Commission will indemnify the Contractor, and other persons indemnified, against (i) claims for public liability as described in paragraph (2) of this section (c); and (ii) the reasonable costs of investigating and settling claims, and defending suits for damage for such public liability, provided that the Commission's liability under all indemnity agreements entered into by the Commission under section 170 of the Act, including this contract, shall not exceed $500,000,000, including such reasonable costs, in the aggregate for each nuclear incident, irrespective of the number of persons indemnified in connection with this contract.

(2) The public liability referred to in paragraph (1) of this section is public liability which (i) arises out of or in connection with the contractual activity; and (ii) arises out of or results from:

(i) a nuclear incident which takes place at a contract location; or

(ii) a nuclear incident which takes place at any other location and arises out of or in the course of the performance of contractual activity under this contract by the Contractor's employees, individual consultants, borrowed personnel or other persons for the consequences of whose acts or omissions the Contractor is liable, provided that such incident is not covered by any other indemnity agreement entered into by the Commission pursuant to section 170 of the Act; or

(iii) a nuclear incident which arises out of or in the course of transportation of source, special nuclear, or byproduct materials to or from a contract location; provided such incident is not covered by any indemnity agreement entered into by the Commission with the transporting carrier, or with a carrier's organization acting for the benefit of the transporting carrier, or with a licensee of the Commission, pursuant to section 170 of the Act; or

(iv) a nuclear incident which involves items (such as equipment, material, facilities, or design or other data) produced or delivered under this contract, provided such incident is not covered by any other indemnity agreement entered into by the Commission pursuant to section 170 of the Act.

(d)(1) When the Commission shall determine that the Government will probably be required to make indemnity payments under the provisions of section (c) above, the Commission shall have the right to, and shall, collaborate with the Contractor and any other person indemnified in the settlement or defense of any claim and shall have the right (i) to require the prior approval of the Commission for the payment of any claim that the Commission may be required to indemnify hereunder, and (ii) to appear through the Attorney General on behalf of the Contractor or other person indemnified in any action brought upon any claim that the Commission may be required to indemnify hereunder, take charge of such action, and settle or defend any such action. If the settlement or defense of any such action or claim is undertaken by the Commission, the Contractor shall furnish all reasonable assistance in effecting a settlement or asserting a defense.

(2) [Here add any obligations of the Contractor under the Litigation and Claims article which are not included in (d)(1).]

(e) The indemnity provided by this Article shall not apply to public liability arising out of or in connection with any activity that is performed at a licensed facility, and that is covered by a Commission indemnity agreement authorized by section 170 of the Act.

(f) The obligations of the Commission under this article shall not be affected by any failure on the part of the Contractor to fulfill its obligation under this contract, and shall be unaffected by the death, disability or termination of existence of the Contractor or by the completion, termination or expiration of this contract.

(g) The parties to this contract enter into this article upon the condition that this Article may be amended at any time by the mutual written agreement of the Commission and the Contractor and that such amendment may, by its express terms, provide that it will apply to any nuclear incidents which occur thereafter.

(h) The provisions of this Article shall not be limited in any way by, and shall be interpreted without reference to, any other Article of this contract [, including Article ----Disputes]; provided, however, that the following provisions of this contract: Article ----, Covenant Against Contingent Fees; Article ----, Officials Not to Benefit; Article ----, Assignment; and Article ----, Examination of Records; and any provisions later added to this contract which, under applicable Federal law, including statutes, executive orders and regulations, are required to be included in agreements of the type contained in this Article, shall apply to this Article.

(i) (The following section will be included in those contracts containing indemnity agreements executed under the general contract authority of the AEC.)

To the extent that the Contractor is compensated by any financial protection, or is indemnified pursuant to this article, or is effectively relieved of public liability by an order or orders limiting same pursuant to section 170e of the Atomic Energy Act of 1954, as amended, the provisions of Article ---- (General Authority Indemnity) shall not apply.

§ 9-7.5004-25 Nuclear hazards indemnity—product liability.

(a) This article is incorporated into this contract pursuant to the authority contained in section 170 of the Atomic Energy Act of 1954, as amended (hereinafter called the Act).

(1) The definitions set out in the Act shall apply to this article.

(2) The term "product delivered under the contract" means any material; equipment; device; drawing; specification or technical data made, proposed or acquired by the Contractor in the course of performance of the contract and delivered to the Commission or to any other person as directed or approved by the Commission.

(b) Except as hereafter permitted or required in writing by the Commission, the Contractor will not be required to provide or maintain, and will not provide or maintain at Government expense, any form of financial protection to cover public liability. The Commission may at any time require in writing that the Contractor provide and maintain financial protection of such a type and in such amount as the Commission shall determine to be appropriate to cover public liability against which the Contractor is indemnified hereunder, provide that the costs of such financial protection will be reimbursed to the Contractor by the Commission.

(c)(1) To the extent that the Contractor and other persons indemnified are not compensated by any financial protection permitted or required by the Commission, the Commission will indemnify the Contractor, and other persons indemnified, against (i) claims for public liability as described in paragraph (2) of this section (c); and (ii) the reasonable costs of investigating and settling claims, and defending suits for damage for such public liability, provided that the Commission's liability under all indemnity agreements entered into by the Commission under section 170 of the Act, including this contract, shall not exceed $500,000,000, including such reasonable costs, in the aggregate for each nuclear incident, irrespective of the number of persons indemnified in connection with this contract.

(2) The public liability referred to in paragraph (1) of this section is public liability which (i) arises out of or in connection with the contractual activity; and (ii) arises out of or results from a product delivered under the contract; but does not include liability for a nuclear incident which is covered by any other indemnity agreement entered into by the Commission pursuant to section 170 of the Act.

(d)(1) When the Commission shall determine that the Government will probably be required to make indemnity payments under the provisions of section (c) above, the Commission shall have the right to, and shall, collaborate with the Contractor and any other person indemnified in the settlement or defense of any claim and shall have the right (i) to require the prior approval of the Commission for the payment of any claim that the Commission may be required to indemnify hereunder, and (ii) to appear through the Attorney General on behalf of the Contractor or other person indemnified in any action brought upon any claim that the Commission may be required to indemnify hereunder, take charge of such action, and settle or defend any such action. If the settlement or defense of any such action or claim is undertaken by the Commission, the Contractor shall furnish all reasonable assistance in effecting a settlement or asserting a defense.

(2) (Here add any obligations of the Contractor under the Litigation and Claims article which are not included in (d)(1).)

(f) The obligations of the Commission under this article shall not be affected by any failure on the part of the Contractor to fulfill its obligation under this contract, and shall be unaffected by the death, disability or termination of existence of the Contractor or by the completion, termination or expiration of this contract.

(g) The parties to this contract enter into this article upon the condition that this article may be amended at any time by the mutual written agreement of the Commission and the Contractor and that such amendment may, by its express terms, provide that it will apply to any nuclear incidents which occur thereafter.

(h) The provisions of this article shall not be limited in any way by, and shall be interpreted without reference to, any other article of this contract [, including Article ----, Disputes]; provided, however, that the following provisions of this contract; Article ----, Covenant Against Contingent Fees; Article ----, Officials Not to Benefit; Article ----, Assignment; and Article ----, Examination of Records; and any provisions later added to this contract which, under applicable Federal law, including statutes, executive orders and regulations, are required to be included in agreements of the type contained in this article, shall apply to this article.

(i) (The following section will be included in those contracts containing indemnity agreements executed under the general contract authority of the AEC.)

To the extent that the contractor is compensated by any financial protection, or is indemnified pursuant to this article, or is effectively relieved of public liability by an order or orders limiting same pursuant to section 170e of the Atomic Energy Act of 1954, as amended, the provisions of Article ---- (General Authority Indemnity) shall not apply.

§ 9-7.5004-26 Indemnity assurance to architect-engineer or supplier prior to operation of a production or utilization facility.

(a)(1) The definitions set out in the Atomic Energy Act of 1954, as amended (hereinafter called the Act), shall apply to this article.

(2) The services or supplies furnished under this agreement are intended to be used in connection with the construction and/or operation of a production or utilization facility.

(3) The Commission will use its best efforts to include in any contract for the operation of such facility, an agreement based on the then current approved form of indemnity agreement under section 170d of the Atomic Energy Act of 1954, as amended, whereby the Commission will indemnify all persons indemnified, including the Contractor, against public liability for nuclear incidents arising out of or in connection with contractual activities under the contract for the operation of said facility, in accordance with the authority provided in subsection 170d of the Act.

(4)(a) The Commission will enter into an indemnity agreement, in accordance with the authority provided in subsection 170d of the Act, with the Contractor, without further consideration from the Contractor, at any time when all of the following circumstances are present:

(i) The services or supplies furnished under this contract are being used in connection with any activity or situation which involves a risk of substantial nuclear incident; and

assistance in effecting a settlement or asserting a defense.

(2) (Here add any obligations of the Contractor under the Litigation and Claims article which are not included in (d)(1).)

(f) The obligations of the Commission under this article shall not be affected by any failure on the part of the Contractor to fulfill its obligation under this contract, and shall be unaffected by the death, disability or termination of existence of the Contractor or by the completion, termination or expiration of this contract.

(g) The parties to this contract enter into this article upon the condition that this article may be amended at any time by the mutual written agreement of the Commission and the Contractor and that such amendment may, by its express terms, provide that it will apply to any nuclear incidents which occur thereafter.

(h) The provisions of this article shall not be limited in any way by, and shall be interpreted without reference to, any other article of this contract [, including Article ----, Disputes]; provided, however, that the following provisions of this contract; Article ----, Covenant Against Contingent Fees; Article ----, Officials Not to Benefit; Article ----, Assignment; and Article ----, Examination of Records; and any provisions later added to this contract which, under applicable Federal law, including statutes, executive orders and regulations, are required to be included in agreements of the type contained in this article, shall apply to this article.

(i) (The following section will be included in those contracts containing indemnity agreements executed under the general contract authority of the AEC.)

To the extent that the contractor is compensated by any financial protection, or is indemnified pursuant to this article, or is effectively relieved of public liability by an order or orders limiting same pursuant to section 170e of the Atomic Energy Act of 1954, as amended, the provisions of Article ---- (General Authority Indemnity) shall not apply.

§ 9-7.5004-26 Indemnity assurance to architect-engineer or supplier prior to operation of a production or utilization facility.

(a)(1) The definitions set out in the Atomic Energy Act of 1954, as amended (hereinafter called the Act), shall apply to this article.

(2) The services or supplies furnished under this agreement are intended to be used in connection with the construction and/or operation of a production or utilization facility.

(3) The Commission will use its best efforts to include in any contract for the operation of such facility, an agreement based on the then current approved form of indemnity agreement under section 170d of the Atomic Energy Act of 1954, as amended, whereby the Commission will indemnify all persons indemnified, including the Contractor, against public liability for nuclear incidents arising out of or in connection with contractual activities under the contract for the operation of said facility, in accordance with the authority provided in subsection 170d of the Act.

(4)(a) The Commission will enter into an indemnity agreement, in accordance with the authority provided in subsection 170d of the Act, with the Contractor, without further consideration from the Contractor, at any time when all of the following circumstances are present:

(i) The services or supplies furnished under this contract are being used in connection with any activity or situation which involves a risk of substantial nuclear incident; and

(ii) There is not in effect an indemnity agreement as described in section (3) of this clause, and

(iii) The Commission's authority to enter into agreements of indemnification under section 170(d) of the Act has not expired or been so amended as to deprive the Commission of authority to enter into such an agreement.

(b) In that agreement the Commission will indemnify the Contractor and other persons indemnified against public liability arising out of or in connection with the contractual activity of this contract.

(c) Such agreement will be based on the then current approved form of section 170d indemnity agreement used in contracts between the Commission and its contractors, and shall further include an obligation to indemnify the Contractor, and persons indemnified, for such public liability arising out of or resulting from nuclear incidents occurring between the time when the services or supplies furnished under this contract are first used in connection with any activity or situation which involves risk of a substantial nuclear incident and the time when such agreement is executed.

(d) The indemnity provided by the Commission under all indemnity agreements entered into by the Commission under section 170 of the Act, including this agreement, shall not exceed $500,000,000 in the aggregate for each nuclear incident, without regard to the number of persons indemnified, including the reasonable costs of investigation and settling claims and defending suits for damages.

Section 9-7.5005-15 is deleted and the following substituted:

§ 9-7.5005-15 Small Business Subcontracting Program.

See § 1-7.101-26 of this title.

Section 9-7.5005-16 reading as follows is added:

§ 9-7.5005-16 Labor surplus area subcontracting program.

See § 1-7.101-27.

Section 9-7.5005-17 reading as follows is added:

§ 9-7.5005-17 Changes to make-or-buy program.

See § 1-3.902-3.

§ 9-7.5006-25 [Amendment]

In § 9-7.5006-25, paragraphs (b) and (f)(1) are deleted and the following substituted:

(b) *Payments on account of fixed fee.* The fixed fee shall become due and payable in periodic installments in amounts based on the proportion of the work then completed as determined by the Contracting Officer. In making such periodic payments there shall be retained (10 or 15) percent from each payment which retained amounts shall be paid upon completion and acceptance of all work under this contract; provided, however, that the Contracting officer may at any time the amount of the retained fixed fee equals One Hundred Thousand Dollars ($100,000) make payments of any of the remaining periodic installments of the fixed fee in full.

* * * * *

(f)(1) An assignment to the Government in form and substance satisfactory to the Contracting Officer of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and § 9-7.5006-26.

Note A and reference to Note A at end of § 9-7.5006-25(f) are deleted.

§ 9-7.5006-27 [Amendment]

In § 9-7.5006-27, Note B and reference to Note B at the end of paragraph (e) are deleted.

§ 9-7.5007 [Deletion]

Section 9-7.5007 is deleted.

The following sections are added:

§ 9-7.5006-37 Established price article for standard off-the-shelf items (Escalation).

This article should not be used unless a substantial portion of the contractor's business is with purchasers other than the Government. The article can be used in open-end or indefinite quantity contracts, but its use is not limited to such contracts.

Established price article for standard off-the-shelf items (Escalation)

(a) The Contractor hereby warrants that the unit prices stated herein at the effective date hereof are not in excess of the Contractor's applicable established prices for like quantities of the supplies covered by this contract. The Contractor shall notify the Contracting Officer of each decrease in any such established prices and each applicable contract unit price shall be decreased accordingly. Any decrease in a unit price shall become effective concurrently with the effective date of each applicable decrease in Contractor's established price and the contract shall be amended accordingly.

(b) The Contractor may at any time, or from time to time, during the performance of the contract request in writing an upward adjustment in any of the contract unit prices to be effective as from a date to be specified by the Contractor, subject to the following conditions:

(1) No unit price shall be increased in accordance with such request by a greater percentage than the applicable established price is increased.

(2) The aggregate of the increases in any unit price made under this paragraph shall not exceed 10 percent of the original applicable contract unit price.

(3) No adjusted unit price shall be effective earlier than the effective date of any increase in the applicable established price.

(c) In the event the requested adjustment in any contract unit price is acceptable to the Contracting Officer, he shall not later than 20 days after the date of receipt by him of the request so notify the Contractor and the contract shall be modified accordingly. If any such requested adjustment in a unit price is not acceptable to the Contracting Officer, he shall so notify the Contractor in writing within 20 days from the date of receipt by him of the Contractor's said notice; and unless an agreement can be reached as to the amount of increase, the Government may cancel without liability to either party the Contractor's right to proceed with performance of the portion of the contract which is undelivered at the time of such cancellation.

(d) If notice of cancellation is not sent to the Contractor within 30 days after receipt by the Contracting Officer of the Contractor's request, supplies delivered subsequent to the date specified in such request, and prior to the effective date of any subsequent increase or decrease in Contractor's applicable established prices, shall be paid for at the applicable increased unit prices so requested, provided such requested increases satisfy all of the conditions and do not exceed the limitations of paragraph (b).

(e) The Contractor also agrees to give the Government any and all discount benefits extended to any company, agency, organization, or individual purchasing or handling like quantities of the supplies covered by this contract.

§ 9–7.5006–38 Established price article for semistandard items (Escalation).

This article pegs the price of a semistandard item to the "nearest commercial equivalent" for which there is an established price. The article should not be used if the Contractor does not customarily deal in standard items and if the standard items or "nearest commercial equivalents" to which the contract unit prices are pegged are not items for which the Contractor has an active commercial market. As required by the provisions of paragraph (c) of the article, agreement must be reached as to the "nearest commercial equivalent" for each contract item and its established price at the date of the contract must be set forth in that paragraph. This article should not be used unless a substantial portion of the Contractor's business is with purchasers other than the Government, nor should it be used if the Contractor will accept some other more suitable article (for example the articles suggested in § 9–7.5006–39 and § 9–7.5006–40).

Established price article for semistandard items (Escalation)

(a) The Contractor warrants that the materials covered by this contract are materials which the Contractor customarily offers for sale commercially, modified in accordance with the specifications of this contract, and that any differences between the prices provided herein at the effective date hereof and its established or published prices for like quantities of the materials which are the nearest commercial equivalents of the materials covered by this contract (hereinafter referred to as "the established prices") are due to differences in costs resulting from compliance with such specifications. If at any time during the performance of this contract any of the established prices are reduced, each applicable price set forth herein (which, as changed at any time or from time to time in accordance with the provisions of the article hereof entitled "Changes," are hereinafter referred to as "the contract prices") shall be reduced by the same percentage that such established price is reduced. Upon such a reduction in any of the established prices the Contractor shall advise the Contracting Officer of the reduction to be made in any of the contract prices and the effective date of the reduction in the applicable established price. Any such reduced price shall be effective as to deliveries made on and after the effective date of the reduction in the applicable established price and the contract shall be modified accordingly.

(b) If at any time during the performance of the contract any of the established prices are increased, the Contractor may request in writing the same percentage increase in the applicable contract price of the material to be delivered after a date not earlier than the date the request is mailed to the Contracting Officer, provided, that the Contractor may not request under this article a unit price for any item which will exceed by more than 10 percent the original contract unit price. In the event the requested adjustment in any contract unit price is acceptable to the Contracting Officer, he shall not later than twenty days after the receipt of the request so notify the Contractor, and the contract shall be modified accordingly. If the requested upward adjustment in price is not acceptable to the Contracting Officer and he shall so indicate by withholding approval of it for a period of twenty days from the date of delivery to him of the Contractor's written request, and if within a succeeding ten day period the Contractor shall not elect to continue deliveries at the prices in effect immediately prior to his request, then the contract shall be deemed to have been terminated for the convenience of the Government pursuant to the Article hereof entitled "Terminations," only with respect to the item or items for which the Contracting Officer has so withheld approval of the requested upward adjustment.

(c) For the purposes of this section, it is agreed by the Contractor and the Government that the nearest commercial equivalent of the material covered by this contract is _____ and that the established price therefor, at the effective date hereof is $_____.

§ 9–7.5006–39 General price escalation article involving cost breakdowns.

This article can be used in fixed-price contracts for standard, semistandard, or nonstandard items. The provision in paragraph (b) of the article limiting adjustments to amounts equivalent to at least 3 percent of the then aggregate contract price should not be considered inflexible. In the case of a large contract, the Contractor might insist on the use of a lower percentage figure. In the case of a small contract, it might be in the interest of the Government to use a higher percentage figure. There does not appear to be any objection to the use of a reasonable dollar amount in lieu of a percentage figure.

General price escalation article involving cost breakdowns

(a) The Contractor represents and warrants that the prices set forth in this contract do not include any contingency allowance to cover the possibility of increased costs of performance resulting from increases in either (1) the Contractor's rates of pay for labor employed by him; or (2) the prices which the Contractor is required to pay for material. The Contractor further represents and warrants that the net price or prices paid or to be paid by the Government under this contract do not and shall not exceed those paid by any other purchaser or consignee for like quantities of the same or similar supplies. The Contractor also agrees to give the Government any and all discount benefits extended by it to any other purchaser or consignee purchasing or handling like quantities of the same or similar supplies covered by this contract.

(b) In the event that, at any time during the performance of this contract, the Contractor shall pay rates of pay for direct labor employed by him or prices for direct material in excess of or less than those current as of the date of this contract, provided that any such change would result in an increase or decrease of at least three percent (3%) of the then aggregate contract price of the uncompleted units of the contract, then in either such event the unit prices set forth in this contract may be revised upward or downward in accordance with the provisions of paragraph (c) hereof, with respect to the units completed subsequent to the effective date of any such increase or decrease by an amount equivalent to the increase or decrease in cost per uncompleted unit occasioned by the increase or decrease in direct labor wage rates or in prices for direct material or in both.

(c) Not later than twenty (20) days after the effective date of any increase or decrease as referred to in paragraph (b) hereof, the Contractor may notify the Contracting Officer of any such increase, and shall notify the Contracting Officer of any such decrease, and with such notification shall submit a supporting cost breakdown. Such cost breakdown will:

(1) Be prepared in accordance with recognized commercial accounting principles.

(2) Indicate changes in estimated direct labor and direct material costs resulting from any increase or decrease as referred to in paragaph (b) hereof.

(3) Be signed by a responsible official of the Contractor. Upon the basis of such notification and cost breakdown, and such other data as may be available to the Contracting Officer or as shall be furnished to him upon request to the Contractor, a price adjustment to reflect the increase or decrease in costs as referred to in paragraph (b) hereof shall be determined by mutual agreement between the Contractor and the Contracting Officer, and shall be set forth in an amendment to this contract. In the event that the Contractor fails to give notice of any decrease as required herein, a downward adjustment shall be later effected with respect to units completed subsequent to the effective date of any such decrease.

(d) Price adjustments may be agreed upon, at any time and from time to time during the performance of this contract, in accordance with the provisions of this article. In no event, however, shall any price adjustments be made:

(1) For increased or decreased costs resulting from an increase or decrease as related to the original contract estimates, in number of hours of labor, in amounts of material purchased, or in overhead charges; or

(2) Which would increase or decrease the estimated dollar amount of profit per unit originally included in the contract price.

(e) The increase or accumulated increases in unit prices made under this article shall not exceed ten percent (10%) of the original contract unit price.

(f) Pending a determination of any price adjustment under this article the Contractor shall continue deliveries hereunder. Failure of the parties to agree upon a price adjustment pursuant to the provisions of this Article shall be deemed to be a dispute as to a question of fact within the meaning of the Article of this Contract entitled "Disputes."

§ 9–7.5006–40 General price escalation article (no cost breakdowns).

This article may be used in lieu of the article described in AECPR 9–7.5006–39 in instances where the Contractor is either unable or unwilling to furnish a cost breakdown. In such instances, prices should be otherwise adequately justified and the contract should normally be for less than $100,000.

General price escalation article (no cost breakdowns)

(a) The Contractor represents and warrants that the prices set forth in this contract do not include any contingency allowance to cover the possibility of increased costs of performance resulting from increases in either (i) the Contractor's rates of pay for labor employed by him or (ii) the prices which the Contractor is required to pay for material. The Contractor further represents and warrants that the net price or prices paid or to be paid by the Government under this contract do not and shall not exceed those paid by any other purchaser or consignee for like quantities of the same or similar supplies. The Contractor also agrees to give the Government any and all discount benefits extended by it to any other purchaser or consignee purchasing or handling like quantities of the same or similar supplies covered by this contract.

(b) In the event that, at any time during the performance of this contract, the Contractor shall pay rates of pay for direct labor employed by him or prices for direct material in excess of or less than those current as of the date of this contract, provided that any such change would result in an increase or decrease of at least 3 percent of the then aggregate contract price of the uncompleted units of the contract, then in either such event the unit prices set forth in this contract may be revised upward or downward in accordance with the provisions of paragraph (c) hereof, with respect to units completed subsequent to the effective date of any such increase or decrease by an amount equivalent to the increase or decrease in cost per uncompleted unit occasioned by the increase or decrease in direct labor wage rates or in prices for direct material or in both.

(c) Not later than twenty (20) days after the effective date of any increase or decrease as referred to in paragraph (b) hereof, the Contractor may notify the Contracting Officer of any such increase, and shall notify the Contracting Officer of any such decrease, and with such notification shall submit evidence of costs satisfactory to the Contracting Officer. Such evidence of costs (1) shall be prepared in accordance with recognized commercial accounting principles, and (ii) shall be signed by a responsible official of the Contractor. Upon the basis of such notification and evidence of costs, and such other data as may be available to the Contracting Officer or as shall be furnished to him upon request to the Contractor, a price adjustment to reflect the increase or decrease in costs as referred to in paragraph (b) hereof shall be determined by mutual agreement between the Contractor and the Contracting Officer, and shall be set forth in an amendment to this contract. In the event the Contractor fails to give notice of any decrease as required herein, a downward adjustment shall be later effected with respect to units completed subsequent to the effective date of any such decrease.

(d) Price adjustments may be agreed upon, at any time and from time to time during the performance of this contract, in accordance with the provisions of this clause. In no event, however, shall any price adjustment be made for increased or decreased costs resulting from an increase or decrease as related to the original contract estimates, in number of hours of labor, in amounts of material purchased, or in overhead charges; or which would increase or decrease the estimated dollar amount of profit per unit originally included in the contract price. The increase or accumulated increases in unit prices made under this article shall not exceed 10 percent of the original contract unit price.

(e) Pending a determination of any price adjustment under this article, the Contractor shall continue deliveries hereunder. Failure of the parties to agree upon a price adjustment pursuant to the provisions of this article shall be deemed to be a dispute as to a question of fact within the meaning of the article of this contract entitled "Disputes."

§ 9–7.5006–41 Escalation article for nonstandard steel items.

This article is intended for use in those cases where the items being procured are nonstandard steel items made wholly or in major part of steel, and where the Contractor is a steel producer and actually manufactures the basic steel items, referenced in paragraph (d) of article, from which the nonstandard item is fabricated.

Escalation article for nonstandard steel items

(a) The Contractor represents that the prices set forth in this contract do not include any contingency allowance to cover the possibility of increased costs of performance resulting from increases in either (i) the Contractor's rates of pay for labor employed by it, or (ii) the prices which the Contractor charges its manufacturing shops for the steel required in the performance of this contract.

(b) Each contract unit price shall be subject to revision, pursuant to the provisions of this article, to reflect changes in the costs of labor and steel. For the purpose of any such price revision, the proportion of the contract unit price attributable to costs of labor not otherwise included in the price of the steel item identified in paragraph (d) below, shall be __ percent, and the proportion of the contract unit price attributable to the cost of steel shall be __ percent.

(c) For the purposes of this clause, the term "Labor index" shall mean the average straight time hourly earnings of the contractor's employees in the [Note A] shop of the Contractor's _____ plant for any particular month. (The word "month" as used herein means "calendar month.") Unless otherwise specified in this contract, the labor index shall be computed by dividing the total straight time payroll of the Contractor's employees in the particular shop identified above for any given month by the total number of straight time hours worked by such employees in that month. Any revision in a contract unit price to reflect changes in the cost of labor shall be computed solely by reference to the "base labor index" which shall be the average of the labor indices for the three months consisting of the month of _____ 19__, [Note A] the month immediately preceding and the month immediately following, and to the "current labor index" which shall be the average of the labor indices for the month in which delivery of supplies is required to be made in accordance with the terms of this contract, and the month preceding.

(d) Any revision in a contract unit price to reflect changes in the cost of steel shall be computed solely by reference to the "base steel index," which shall be the Contractor's established or published price to the public including all applicable extras of $_____ [Note B] per _____ unit for _____ [Note B] (description of steel item) on _____ 19__, and the "current steel index" which shall be the Contractor's established or published price to the public of said item including all applicable extras in effect _____ [Note B] days prior to the first day of the month in which delivery of supplies is required to be made in accordance with the terms of the contract.

(e) Each contract unit price shall be revised for each month in which, by the terms of this contract, delivery of supplies is required to be made, and such revised contract unit price(s) shall apply to the deliveries of those quantities of supplies required to be made in that month regardless of when actual delivery be made of said quantities of supplies. Each revised contract unit price for any month shall be computed by adding together the following three amounts: (i) the amount (representing the adjusted cost of labor) obtained by multiplying _____ percent of the contract unit price by a fraction, the numerator of which shall be the current labor index and the denominator of which shall be the base labor index, (ii) the amount (representing the adjusted cost of steel) obtained by multiplying _____ percent of the contract unit price by a fraction the numerator of which shall be the current steel index and the denominator of which shall be the base steel index, and (iii) the amount equal to _____ percent of the original contract unit price (representing that portion of such unit price which relates neither to the cost of labor nor to the cost of steel and which is therefore not subject to revision); provided, however, that any revised contract unit price made pursuant to the provisions of this article shall in no event exceed 110% of the original contract unit price. All computations shall be made to the nearest one hundredth of one cent.

(f) Pending revisions of the contract unit price(s), if any, to be made pursuant to this article, the Contractor shall be paid the contract unit price(s) for deliveries made. Within thirty days after the final delivery of supplies, or within such further period of time as may be authorized by the Contracting Officer, the Contractor shall furnish a statement or statements signed by the official supervising accounting with respect to this contract setting forth and certifying the correctness of (i) the average straight time hourly earnings of the Contractor's employees in the _____ shop of the Contractor which are relevant to the computations of the "base labor index" and the "current labor index," and (ii) the Contractor's established or published prices to the public including all applicable extras, for like quantities of _____ which are relevant to the computation of the "base steel index" and the "current steel index." Upon request of the Contracting Officer or his duly authorized representative, the Contractor shall make available its records used in the computation of the labor indices. After the receipt of such certificate by the Contracting Officer, the revised contract unit price(s) shall be computed in accordance with the provisions of this article and this contract shall be amended accordingly.

(g) In the event of any total or partial termination of any item of this contract for the convenience of the Government, the month in which notice of such termination is received by the Contractor, if prior to the month in which delivery is required by this contract, shall be considered the month in which delivery of such terminated or partially terminated item is required for the purpose of determining the current labor and materials indices under paragraph (c) and (d) hereof; provided, however, that as to the quantity of such item which is not terminated for convenience, the month in which delivery is required by this contract shall continue to apply for determining said indices. In the case of termination of any item for default on the part of the Contractor, any price revision shall be limited to the quantity of each item which has been delivered by the contractor and accepted by the Government prior to receipt by the contractor of notice of termination for default.

(h) As used in this article, the phrase "the month in which delivery of supplies is required to be made in accordance with the terms of this contract" shall mean any month in which under the terms of this contract a specific quantity of units of the supplies called for by this contract is required to be delivered; provided, however, that in case the failure of the Contractor to make delivery of such quantity shall have arisen out of causes beyond the control and without the fault or negligence of the Contractor, the quantity not delivered shall be required to be delivered as promptly as possible after the cessation of the cause of such failure, and the delivery schedule set forth in this contract shall be amended accordingly. Such causes of failure include, but are not restricted to, acts of God or of the public enemy, acts of the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, and defaults of subcontractors due to any of such causes

unless the Contracting Officer shall determine that the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the contractor to meet the required delivery schedule.

(i) Failure to agree upon any determination to be made under this article shall be a dispute concerning a question of fact within the meaning of the article of this contract entitled "Disputes."

NOTE A: In the first blank in paragraph (c), there would be inserted the actual shop in which the basic steel item, identified in paragraph (d), would be finally fabricated or processed into the actual contract item. In the third blank of paragraph (c), there would be inserted the month in which the contractor submitted its quotation.

NOTE B: In the third blank in paragraph (d), there would be inserted the actual standard steel mill item used by the Contractor in the manufacture of the contract item. The price which is to be inserted in the first blank in paragraph (d) is the actual price of such item, including the base price of the material and all applicable extras in effect on the date of quotation. In the fifth blank in paragraph (d), there would be inserted the number of days which represents the contractor's best estimate of the period of time required for processing said standard steel mill item in the shop identified in paragraph (c).

§ 9–7.5006–42 Price escalation article for standard steel items.

This article for the procurement of Standard Steel Items from manufacturers is applicable to both advertised and negotiated procurement.

Price escalation article for standard steel items

(a) The Contractor hereby warrants that the unit prices stated herein on the date set for opening of bids (or the contract date if this is a negotiated contract rather than one entered into by means of formal advertising) are not in excess of the Contractor's applicable established prices for like quantities of the supplies covered by this contract. The Contractor shall notify the Contracting Officer of each decrease in any of such established prices and each applicable contract unit price shall be decreased accordingly. Any decrease in a unit price shall become effective concurrently with the effective date of each applicable decrease in Contractor's established price and the contract shall be amended accordingly.

(b) The Contractor may at any time, or from time to time, after the date set for opening of bids (or the contract date if this is a negotiated contract rather than one entered into by means of formal advertising) and during the performance of the contract request in writing an upward adjustment in any of the contract unit prices to be effective as from a date to be specified by the Contractor, subject to the following conditions:

(1) No unit price as adjusted shall exceed the Contractor's applicable established price.

(2) The aggregate of the increases in any unit price made under this paragraph shall not exceed 10 percent (10%) of the original applicable contract unit price.

(3) No adjusted unit price shall be effective earlier than the effective date of any increase in the applicable established price and no increase shall be granted unless the Contractor's applicable established price has increased subsequent to the date set for opening of bids (or the contract date if this is a negotiated contract rather than one entered into by means of formal advertising).

(c) In the event the requested adjustment in any contract unit price is acceptable to the Contracting Officer, he shall not later than 20 days after the date of receipt by him of the request so notify the Contractor and the contract shall be modified accordingly. If any such requested adjustment in a unit price is not acceptable to the Contracting Officer, he shall so notify the Contractor in writing within 20 days from the date of receipt by him of the Contractor's said notice; and unless an agreement can be reached as to the amount of increase, the Government may cancel without liability to either party the Contractor's right to proceed with performance of the portion of the contract which is undelivered at the time of such cancellation, except that the Contractor may make delivery of all or any of the supplies which a duly authorized officer of the company shall certify where completed or in the process of manufacture at the time of receipt of notice of such cancellation, and the Government shall pay for all supplies so delivered at the applicable unit price contained in the Contractor's said request and the contract shall be modified accordingly, provided, that such certification is made within 10 days after receipt of notice of such cancellation and such requested increase satisfies all of the conditions and does not exceed the limitations of paragraph (b). Supplies shall be deemed to be in the process of manufacture when the steel therefor is in any state of processing after the beginning of the furnace melt.

(d) During the period to such cancellation, the Contractor shall continue deliveries according to the terms of the contract and shall be paid therefor at the applicable increased unit prices so requested, provided, such requested increases satisfy all of the conditions and do not exceed the limitations of paragraph (b).

(e) If notice of cancellation is not sent to the Contractor within 30 days after receipt by the Contracting Officer of the Contractor's request, supplies delivered subaequent to the date specified in such request, and prior to the effective date of any subaequent increase or decrease in Contractor's applicable established prices, shall be paid for at the applicable increased unit prices so requested, provided, such requested increases satisfy all of the conditions and do not exceed the limitations of paragraph (b).

NOTE: By the deletion of the last sentence of paragraph (c) above, this clause is made suitable for use in contracts covering standard aluminum items.

§ 9–7.5006–43 Price escalation article for standard steel items (Nonproducer).

This article is intended for use in contracts with suppliers (who are not the manufacturers) of standard steel items, and ties adjustments in the contract prices to fluctuations in the manufacturer's prices to the contractor for those items.

Price escalation article for standard steel items (Nonproducer)

(a) The parties agree that if, subsequent to the date set for opening of bids (or the contract date if this is a negotiated contract rather than one entered into by means of formal advertising), the manufacturer of the supplies covered by this contract reduces his price to the Contractor for such supplies, the unit price to be paid hereunder to the Contractor shall be reduced for those supplies delivered by the Contractor after the effective date of the reduction in the manufacturer's price. In each such instance, the applicable contract unit price shall be reduced by the same amount that the manufacturer's price to the Contractor is reduced. The Contractor will notify the Contracting Officer of such reductions and the contract will be modified accordingly.

(b) The Contractor may at any time, or from time to time, after the date set for opening of bids (or the contract date if this is a negotiated contract rather than one entered into by means of formal advertising), request in writing an upward adjustment in any of the contract unit prices, subject to the following conditions:

(1) No unit price shall be increased in accordance with such request unless the manufacturer of the supplies to be delivered under this contract increases his price to the Contractor for such supplies and no increase shall be granted unless the manufacturer's applicable price has increased subsequent to the date set for opening of bids (or the contract date if this is a negotiated contract rather than one entered into by means of formal advertising).

(2) No unit price shall be increased in accordance with such request except as to those supplies delivered pursuant to the terms of this contract and for which the Contractor is required to pay to the manufacturer an increased price.

(3) No unit price shall be increased by an amount greater than the amount the manufacturer's price to the Contractor is increased.

(4) The aggregate of the increases in any unit price made under this section shall not exceed 10 percent of the original applicable contract unit price.

(c) In the event the requested adjustment in any contract unit price is acceptable to the Contracting Officer, he shall not later than 20 days after the date of receipt by him of the request so notify the Contractor, and the contract shall be modified accordingly. If any such requested adjustment in a unit price is not acceptable to the Contracting Officer, he shall so notify the Contractor in writing within 20 days from the date of receipt by him of the Contractor's said notice; and unless an agreement can be reached as to the amount of increase, the Government may cancel without liability to either party the Contractor's right to proceed with performance of the portion of the contract which is undelivered at the time of such cancellation.

(d) During the period prior to such cancellation, the Contractor shall continue deliveries according to the terms of the contract and shall be paid therefor at the applicable increased unit price so requested, provided such requested increase satisfies all of the conditions and does not exceed the limitations of paragraph (b).

(e) If notice of cancellation is not sent to the Contractor within thirty days after receipt by the Contracting Officer of the Contractor's request, supplies delivered subsequent to the date specified in such request, and prior to the effective date of any subsequent increase or decrease in Contractor's applicable price, shall be paid for at the applicable increased unit price so requested, provided, such requested increase satisfies all of the conditions and does not exceed the limitations of paragraph (b).

(f) Upon the written request of the Contracting Officer, the Contractor shall furnish to the Contracting Officer the manufacturer's prices (to the Contractor) for the supplies covered by this contract that were in effect on the date set for the opening of the bids (or the contract date if this is a negotiated contract rather than one entered into by means of formal advertising).

(h) *Price escalation article for standard aluminum items.* The article for Standard Steel items, AECPR 9–7.5006–42 can be made suitable for use in contracts covering standard aluminum items by deleting the last sentence of paragraph (c) of the article.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486)

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 2d day of August 1962.

For the United States Atomic Energy Commission.

JAMES SCAMMAHORN,
Acting Director,
Division of Contracts.

[F.R. Doc. 62–7935; Filed, Aug. 8, 1962; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2713]

ALASKA

Withdrawing Lands for Protection of Facilities of Federal Aviation Agency

Correction

In F.R. Doc. 62–6357, appearing at page 6233 of the issue for Saturday, June 30, 1962, a comma should be inserted in the entry for section 8 under item 1b, so that it reads as follows: "Sec. 8, NW¼, W½NE¼, and W½E½NE¼,".

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Fort Peck Game Range, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MONTANA

FORT PECK GAME RANGE

Public hunting of big game on the Fort Peck Game Range, Montana, is permitted only on the area designated by signs as open to hunting. This open area, comprising 900,000 acres is delineated on a map available at the refuge headquarters, P.O. Box 819, Lewistown, Montana, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: October 21 through November 25, 1962. Shooting hours—one-half hour before sunrise to one-half hour after sunset.

(c) Bag limits:

State Fish and Game Area No. 62, 2 deer, either sex. State Fish and Game Area No. 63, 1 deer, either sex. State Fish and Game Area No. 65, 1 deer, either sex. State Fish and Game Area No. 70, 2 deer, either sex. State Fish and Game Area No. 410, 2 deer, either sex.

The limit shall be 2 deer per person per license year.

(d) Methods of hunting:

1. Weapons: As prescribed by State regulations.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but hunters will report at such checking stations as may be established when entering or leaving the area.

3. The provisions of this special regulation are effective to November 26, 1962.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 1, 1962.

[F.R. Doc. 62–7926; Filed, Aug. 8, 1962; 8:49 a.m.]

PART 32—HUNTING

Hart Mountain National Antelope Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

OREGON

HART MOUNTAIN NATIONAL ANTELOPE REFUGE

Public hunting of big game on the Hart Mountain National Antelope Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 151,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: September 15, 1962, through September 23, 1962. Shooting hours—one-half hour before sunrise to one-half hour after sunset.

(c) Bag limits: One deer (either sex).

(d) Methods of hunting:

1. Limited to bow and arrow only.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Camping permitted in designated areas only.

3. Guides may be employed for hunting.

4. Dogs are not permitted for hunting deer.

5. A Federal permit is not required to enter the public hunting area.

6. The provisions of this special regulation are effective to September 24, 1962.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 30, 1962.

[F.R. Doc. 62–7927; Filed, Aug. 8, 1962; 8:49 a.m.]

PART 32—HUNTING

Malheur National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

OREGON

MALHEUR NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Malheur National Wildlife Refuge, Oregon, is permitted only on the area designated by signs as open to hunting. This open area, comprising 19,700 acres or 10 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: From one-half hour before sunrise to one-half hour after sunset on September 15 through 17, 1962.

(c) Bag limits: One deer.

(d) Methods of hunting:

1. Weapons—bow and arrow only. The use of a crossbow is prohibited.

2. Hunting allowed on foot only.

3. Dogs are not permitted for use in hunting deer.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Hunters, upon entering or leaving the hunting area, must report at such checking stations as may be established.

3. No fires are allowed except at designated campgrounds.

4. Smoking on the refuge is prohibited except on designated campgrounds.

5. Travel by any method other than on foot is prohibited except on designated roads.

6. Dogs must be kept under strict control at all times.

7. No camping is permitted except at designated campgrounds.

8. A Federal permit is not required to enter the public hunting area.

9. The provisions of this special regulation are effective to September 18, 1962.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 1, 1962.

[F.R. Doc. 62-7928; Filed, Aug. 8, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1032]

MILK IN SUBURBAN ST. LOUIS MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Suburban St. Louis marketing area is being considered for the month of August 1962.

The provision proposed to be suspended is: In 1032.7(b) the following: "any number of days during the months of March through July or to the extent of not more than 10 days' production during any month from August through February".

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than three days after publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Signed at Washington, D.C., on August 6, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabiliztion and Conservation Service.

[F.R. Doc. 62-7951; Filed, Aug. 8, 1962; 8:54 a.m.]

[7 CFR Part 1067]

MILK IN OZARKS MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Ozarks marketing area is being considered for the month of August 1962.

The provisions proposed to be suspended are:

1. In § 1067.7(b), the words, "during any of the months of February through July, or to the extent of not more than 10 days' production during any of the months of August through January"; and

2. In the table of § 1067.11(b) opposite the month of August, the following: "25".

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112 Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than three days after publication of this notice in the FEDERAL REGISTER. All doucments filed should be in quadruplicate.

Signed at Washington, D.C., on August 6, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabiliztion and Conservation Service.

[F.R. Doc. 62-7952; Filed, Aug. 8, 1962; 8:45 a.m.]

[7 CFR Part 1071]

[Docket No. AO-227-A12]

MILK IN NEOSHO VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Neosho Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Parsons, Kansas, on February 27-28, 1962, pursuant to notice thereof which was issued February 5, 1962 (27 F.R. 1179).

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area;
2. Pool plant requirements and obligations of nonpool distributing plants;
3. Producer and producer milk definitions;
4. Level of Class I price;
5. Basic butterfat content for pricing purposes;
6. Handlers subject to other Federal orders; and
7. Conforming and administrative changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The marketing area should be expanded to include Washington County, Oklahoma.

It was proposed that the Neosho Valley marketing area be expanded to include Craig, Nowata, Ottawa and Washington Counties, all in the State of Oklahoma. The majority of the milk being sold in these counties is priced under the Neosho Valley marketing order. More specifically, evidence indicated approximately 85 percent of the milk sold in Craig, 60 percent in Nowata, 80 percent in Ottawa, and 70 percent in Washington County is priced under the Neosho Valley marketing order. Some milk sold in these counties is priced under the Oklahoma Metropolitan order. A small amount of milk sold in Ottawa County is priced under the Ozarks order. Other milk being sold in Craig, Ottawa and Nowata Counties is unregulated.

The health regulations applicable in the area proposed are the same as for the present Neosho Valley marketing area.

There are only two milk plants located in the area which was proposed for addition to the marketing area. One of these is operating as a producer-dealer and distributing only in Nowata County. The milk distributed from this plant is not being labeled as Grade A. The other plant, located in Craig County, purchases Grade A milk from six to eight dairy farmers and distributes milk in Craig and Ottawa Counties.

The proponent of the proposal to expand the marketing area contended that the unregulated plant distributing Grade A milk products has increased its sales considerably in the past year. Furthermore, he asserts, a recent affiliation by this plant with a larger milk company enhances its financial position, thus increasing its possibilities of expansion and competitive position. This plant has been selling milk at lower retail prices in Craig and Ottawa Counties than handlers regulated under the Neosho Valley order. Without regulation the opportunity exists for this plant to pass price cuts back to some producers. However, the proponent offered no data as to prices paid producers by the operator of the plant located in Craig County. Furthermore, other handlers failed to support the allegation

that Neosho Valley handlers are at a competitive disadvantage in this area.

The proponent sells approximately 4 percent of his total fluid milk products in Craig County, 4 percent in Ottawa County, and 4 percent in Nowata County. The total sales in these counties are relatively small since the total population of the three counties is only about 55,000.

Whereas the volume of sales by any single Neosho Valley handler is relatively small in Craig, Nowata, and Ottawa Counties the situation is very different in Washington County. The proponent sells 27 percent of his total fluid milk products in Washington County. This county has a much larger population than the other counties proposed; the city of Bartlesville accounts for about 28,000 of the 42,000 total county population. The proponent supplies this area with milk products since his plant, located in Coffeyville, Kansas, is in close proximity to the major sales area in Washington County. By including Washington County as part of the Neosho Valley marketing area the proponent will be assured that he will not be subjected to competition with unpriced milk in this county where a large proportion of his total sales are made. The proponent sells 70 percent of all fluid milk products distributed in the county. The remaining 30 percent of total sales in the county are made by handlers who are regulated under the Oklahoma Metropolitan order.

The proponent's sales in Craig, Nowata, and Ottawa Counties do not represent a major part of his total sales. The inclusion of these counties would subject other persons to regulation although no specific need for such regulation was shown. Furthermore, the large proportion of sales by Neosho Valley handlers is a recent development in Craig and Ottawa Counties. In August 1961 a large distributor switched its service to these counties from its plant in Tulsa to its plant in Parsons, Kansas. This leaves some doubt whether these counties will remain primarily a sales area for Neosho Valley handlers, or whether these counties will be connected primarily with the Oklahoma Metropolitan market.

Opposition testimony indicated that more producers in the proposed counties are associated with the Oklahoma Metropolitan order than the Neosho Valley order. The marketing area definition describes the area in which handlers sell milk on routes, not where farms of producers are located. Hence, the location of producers' farms is not a matter for consideration in deciding this aspect of the regulation.

2. *Pool plant requirements and obligations of nonpool distributing plants.* The term "Approved plant" should be redesignated "Pool plant", and the definition of such pool plant should be amended to require additional performance standards as a prerequisite to pooling the milk receipts of such plant. The operator of a plant distributing Class I milk in the marketing area that does not qualify as a pool plant (a nonpool plant) should have the option of paying into the pool any amount by which the classified value of milk receipts from dairy farmers exceeds the gross payments to such farmers in lieu of the present rate of compensatory payment computed on the volume of his distribution in the marketing area. The expense of administration should be the same as that for a fully regulated handler if the first option is elected.

At the present time a distributing plant need distribute only 10 percent of its Grade A receipts as Class I milk on routes in the marketing area to be fully regulated under the order. Thus, a plant from which nearly 90 percent of its Grade A receipts of milk are used in manufactured dairy products can share in the market pool and draw from the pool, payments representing the difference between the blend pool price and the Class II milk price.

Producers who have provided the dependable supply of Class I milk for the market have been forced to provide the funds for such payments to a plant, located at Fort Scott, Kansas, which manufactured between 80 and 90 percent of its Grade A receipts. Furthermore, milk from this plant has not been made available for Class I uses as needed and this has forced handlers who were in short supply to go outside the market to purchase milk needed for fluid sales. More specifically, an attempt was made by a bargaining cooperative to shift milk into Class I uses from this plant at Fort Scott. The operator of this plant indicated to the cooperative that new producers to replace any which might switch delivery to another plant would be added so that the manufacturing operation could be maintained. Thus, the lack of a standard based on the percentage of a plant's receipts which must be used in Class I has made it difficult to utilize available milk in the market for fluid sales when it was needed. Official notice is taken of the fact that the plant at Fort Scott has discontinued operations subsequent to the hearing. Although the problem is presently alleviated, the fact remains that such a situation could occur in the future if no reasonable standards of performance are required for a plant to obtain pool status.

It is necessary, therefore, to set an additional performance standard to determine which plants and what milk constitutes the regular and normal supplies which should become subject to full regulation. Performance standards should be such that any plant which uses a substantial proportion of its Grade A receipts for Class I sales in the Neosho Valley marketing area should share in the marketwide equalization. Only those plants which are genuinely associated with the fluid milk market should be allowed to participate in the marketwide pool.

An appropriate standard to accomplish these objectives would require that a plant, distributing at least 10 percent of its Grade A receipts as Class I milk on routes in the marketing area, should also dispose of for Class I purposes an amount equal to at least 45 percent, during the months of September through March, and 30 percent during the months of April through August, of its receipts of Grade A milk from farmers to qualify as a pool plant under this order.

Normally, a plant should utilize at least half of its Grade A receipts from farmers for Class I purposes to be considered primarily a fluid milk distributing plant. This market, however, has had relatively low utilization of its Grade A receipts in Class I and the use in manufacturing has been relatively large. A percentage requirement of 45 percent should be a reasonable standard in this area for a plant to share in the marketwide pool during September through March. The lower percentage requirement during the months of April through August is necessary to allow plants to maintain pool status during months of normally flush production. Although it was proposed that March also have the lower percentage requirement there was little indication that the surplus has been great enough to warrant the lower requirement in that month. Since the months of July and August normally have a relatively high surplus the lower utilization requirement should be extended to include these months.

A plant which has sufficient Class I sales in the marketing area to qualify as a pool plant may still, from time-to-time, have difficulty in meeting the utilization requirements for a particular month. Therefore, a distributing plant should be allowed to maintain pool status for a given month if the plant meets the distribution requirements (i.e. 10 percent of Grade A receipts sold as Class I in the marketing area) in the current month and has met the utilization requirements in the current month or five of the six preceding months. This will prevent inadvertent loss of pool status. Moreover, if the plant is selling milk to other handlers, it will allow some time for the other handlers to make adjustments in their dealings with a plant that does not meet the required utilization percentages.

The present order provides that a plant operated by a cooperative association must meet the same requirements as any other plant to obtain pooling status. A cooperative association operating a plant which distributes milk in the marketing area proposed that a plant located in the marketing area and operated by a cooperative association be allowed pool status if it delivered any milk of its member producers directly to a pool plant of another handler. The witness for the proponent claimed that his cooperative association carried the reserve for the market and made milk available to the other handlers in the order area. The cooperative has sold some milk to other handlers in the market. However, opposing testimony indicated that this cooperative association has not always obligated itself to making milk available to the pool plants of other handlers.

The cooperative plant's principal business is its own route sales and shipment of milk to plants in other markets for Class I use. From January 1961 through January 1962 this cooperative's plant utilized approximately 39 percent of its Grade A milk receipts for its own Class I trade sales. About 7 percent of these

receipts were Class I sales to other handlers and 10 percent were shipped to plants in other markets for Class I use. About 44 percent of the cooperative plant's Grade A receipts were used in manufactured products. The cooperative's proposal, if adopted, would allow the plant of a cooperative association to obtain equalization payments from the pool even though its milk supply was not available to other plants in the market. This would defeat the purpose of the performance standards as stated above and is hereby denied.

However, a cooperative association operating a plant which provides manufacturing facilities for other handlers' surplus milk should receive special consideration in its pooling requirements so as not to restrict such a plant from receiving excess milk from other cooperative associations. Free movement of milk is essential if such a plant is to be utilized for manufacturing surplus milk when necessary. Therefore, Grade A milk which is received at the manufacturing plant of a cooperative association from another cooperative association in its capacity as a handler should be excluded from the total receipts of Grade A milk in computing the performance requirements of such a plant. The cooperative association's plant or any other plant should be permitted to include in its plant receipts any milk which it diverts to other handlers' plants in determining pooling qualification. It is more efficient to divert milk directly from producers' farms than to receive milk at a plant and then transport milk to other pool plants.

Most plants distributing at least 10 percent of their Grade A receipts as Class I milk in the marketing area at the present time should have no difficulty in meeting the proposed minimum requirements of Class I usage for pool status. With the exception of the plant at Fort Scott, all plants would have qualified under these standards except one plant for one month (which failed by less than one percent) during the past three years. A handler this close to the qualifying percentage could adjust his operations to remain a pool plant, or to disqualify himself from being a pool plant according to his own choosing.

The efficient handling of milk in the area can be promoted by providing that a supply plant which has demonstrated its association with the market by making the required shipments of milk in the short season may continue its pool status in the flush production season without making specified shipments which would not be needed at distributing plants. The order presently provides automatic pool status for a supply plant during December through July if the supply plant qualified as a pool plant during the preceding August-November period. There are no supply plants serving the market at this time. However, if receipts from supply plants are needed, shipments would be required during the months when production is low relative to Class I sales. Accordingly, this provision should be changed to give a supply plant automatic pool status if it desires during April through August if pool plant requirements have been met in September through March.

For ease of reference in records and payment sections of the order, a plant not meeting the requirements of a pool plant should be defined as a nonpool plant. Such a plant should be required to submit reports, make its records available for audit by the market administrator, and make the required payments if it is determined to be in a nonpool status.

The order presently provides that operators of distributing plants which do not qualify as pool plants (handlers doing less than 10 percent of their business in the marketing area) shall pay compensatory payments on their Class I sales in the marketing area at the difference between the Class I and Class II prices. It was proposed by a cooperative association that partially regulated handlers have the choice of (1) paying into the pool any amount by which the classified value of Grade A milk receipts from dairy farmers exceeds the gross payments to such farmers, or (2) making compensatory payments as provided for in the present order.

The adoption of the first option will assure the fully regulated handlers in the market that any of their competitors who are primarily associated with another market or engaged primarily in manufacturing do not purchase milk at class prices which are less than prices regulated handlers are required to pay. If the partially regulated handler chooses the first option, his total minimum required payments for milk will be determined exactly as if he were fully regulated with the exception that no pooling of any part of such payments will be required.

The change in pooling requirements offers the possibility that some plants might fail to qualify as pool plants in some months, these plants would have a Class I utilization below the market average. If such handlers are required to pay their dairy farmers the use value of such milk at order prices, or any amount by which payments are less than order prices into the market pool, they will be on a competitive par with regulated handlers.

To make this provision effective, the handler should be required to make payments to his dairy farmers during the current settlement period. Therefore, only those payments made not later than the 20th day following the delivery period should be recognized as payments for milk received in the respective delivery period. Deductions for services and supplies which are authorized by a dairy farmer should be recognized as a part of the payment.

The present provision of the order which requires the operator of a nonpool distributing plant to pay into the producer-settlement fund an amount equal to the difference between the Class I and Class II prices times Class I sales in the marketing area should apply only when the handler requests that option in lieu of making payments to his own dairy farmers at the minimum class prices. When the nonpool handler chooses not to have his obligation calculated in the same manner as pool handlers, we must presume that he has not paid order prices for milk purchased. Obviously, he would not choose a greater obligation than would otherwise prevail. The collection of a payment on milk sold in the area at the difference between the Class I and Class II prices will assure that on the quantity of milk sold in the regulated market the nonpool handler will be on an equal competitive basis with pool handlers. The nonpool handler who chooses this option would retain his competitive advantage over pool handlers in the sale of Class I milk outside the regulated market. For this reason, some nonpool handlers may choose this payment to the pool fund rather than pay class prices to their own farmer suppliers.

The handler who makes payments to his own dairy farmers in lieu of payments to the pool should be required also to pay the administrative assessment rate on all milk received in the same manner as is required of handlers operating pool plants. The verification of such payments requires the same investigation and examination of records which is entailed in verifying payments by operators of pool plants. If the nonpool handler chooses to pay the Class I less Class II price on Class I sales in the marketing area, he should be assessed only on the quantity of milk he sells in the regulated market. In that case, the market administrator would need to verify only that the plant did not qualify as a pool plant and determine the quantity of Class I sales in the marketing area.

It is possible that nonpool plants from which milk is distributed in the Neosho Valley marketing area will also be nonpool distributing plants under the terms of another Federal order. To eliminate any duplication of equalization and administrative payments, the Neosho Valley order should credit such handlers with payments made under similar provisions of another Federal order.

3. *Producer and producer milk definitions.* The "producer" definition should be changed to allow handlers to divert producers' milk to the manufacturing facilities of nonpool plants which may be partially regulated. A definition of "producer milk" should be added to clarify which milk is to be priced and pooled by each handler.

The order presently provides that Grade A milk, to be eligible for pricing and pooling under the Neosho Valley order, be received at a pool plant or diverted by the operator of a pool plant to a nonpool plant except a plant which is regulated under another order or partially regulated under the Neosho Valley order.

When a producer's milk is not needed for Grade A purposes in the market, the movement of such milk to a nonpool plant should be facilitated. The deletion of the reference prohibiting diversions to partially regulated handlers will allow producers' milk to be diverted to the manufacturing facilities of partially regulated handlers without such farmers losing status as producers. A handler can presently receive producer milk and transfer it to such nonpool plants. By allowing fully regulated handlers to divert this milk, unnecessary handling of sur-

plus Grade A milk will be avoided. Such milk should be treated as a receipt of producer milk at the location of the pool plant from which diverted.

The term "producer milk" should be added to clarify which milk is to be priced and pooled by each handler. Producer milk should be defined to include the skim milk and butterfat received by a handler at a pool plant from producers, or diverted to a nonpool plant, other than the plant of a producer-handler or a plant at which milk is priced and pooled under the provisions of another Federal order, for the account of the operator of a pool plant or a cooperative association. The operator of the receiving pool plant should account for all milk received directly from producers' farms unless a cooperative association in its capacity as a handler elects to account for bulk tank milk which it causes to be delivered to a pool plant from farms of its member producers. When the cooperative association accounts for milk of its member producers such milk should be considered as a receipt by the cooperative association at the receiving pool plant. If a producer-handler receives milk directly from another dairy farmer he automatically loses his producer-handler status, and becomes a partially or fully regulated handler.

4. *Level of Class I price.* The Class I pricing formula should not be changed.

The present Class I pricing formula establishes the price level by adding a differential to a basic formula price. This basic formula price is similar to that used in surrounding markets and keeps the Neosho Valley Class I price in general alignment with these markets. The Neosho Class I price is further limited by holding it within a range of the Oklahoma Metropolitan Class I price minus 33 cents and the Ozarks Class I price plus 15 cents.

It was proposed that the Neosho Valley Class I price be established by adding 15 cents to the Ozarks Class I price. It was also suggested at the hearing that the Minnesota-Wisconsin manufacturing milk price series be used as a basic formula.

The Class I price in the Neosho Valley market has maintained about the same relationship to the Class I prices in the Ozarks and Oklahoma Metropolitan markets over the past three-year period, although the Neosho price moved closer to the Oklahoma price in 1961. Evidence presented also indicates that milk has been moving freely in all directions, both into and out of the Neosho Valley marketing area. There is no evidence that the Neosho Valley price has attracted additional supplies of milk from the Ozarks area.

The Oklahoma Metropolitan Class I price has determined the Neosho Valley Class I price in all but one month since September 1960. The Oklahoma Metropolitan Class I price has been reduced by a supply-demand adjuster as receipts in that market have increased relative to sales. The Neosho Valley market has also shown increases in receipts relative to sales. The supply areas for these two markets overlap. The Oklahoma Metropolitan adjuster reflects these conditions and has adjusted the Neosho Valley Class I price accordingly. Since price adjustments are reflecting the current supply-demand situation through the present provisions, there is no need for a change in the level of the Class I price.

The proposal for use of the Minnesota-Wisconsin manufacturing milk price series as the basic formula was given only limited attention at the hearing. Proposals to adopt the Minnesota-Wisconsin manufacturing milk price series as the basic formula price used to compute Class I prices in the Neosho Valley and surrounding Federal orders have been received by the Department, and hearings were held considering the use of this series. Official notice is taken of a notice of hearing issued May 22, 1962 (27 F.R. 4919; Doc. 62–5088), a supplemental notice issued June 4, 1962 (27 F.R. 5402; Doc. 62–5550), and the hearings held pursuant to these notices for consideration of the Minnesota-Wisconsin manufacturing milk price series as the basic formula in 31 markets. Hearings devoted specifically to the use of this series and its effect on the level of the Class I price in relation to prices in surrounding markets should provide a more complete record for consideration of this proposal. Therefore, the Minnesota-Wisconsin price series should not be adopted on the basis of this record.

5. *Basic butterfat content for pricing purposes.* The proposal to change the basic butterfat content from 4.0 percent to 3.5 percent is denied.

The notices of hearing cited above contain proposals which relate to the basic butterfat content at which prices are computed and announced in certain markets, including Neosho Valley. The hearings devoted specifically to the proposal to revise the basic test for pricing purposes should provide a more complete record for consideration of this proposal.

6. *Handlers subject to other Federal orders.* The payments which handlers regulated under another order are required to make when the Neosho Valley order Class I price exceeds the Class I price under the other order should be discontinued.

The Neosho Valley order contains a provision which requires a handler whose milk is priced under another order to make a payment on all Class I milk disposed of in the Neosho Valley marketing area at a rate equal to the amount by which the Neosho Valley price adjusted for location of the plant exceeds the other order Class I price. Payments are required only when the average Neosho Class I price has exceeded the other order price over a 12-month period. If the other order contains a provision to implement the transfer of funds, the market administrator transfers the funds from such payments to the market administrator of the other order under which the handler is regulated. If the other order does not provide for the receipt of such funds they are deposited in the Neosho Valley producer-settlement fund.

Payments under this provision have been made by handlers subject to the Ozarks order and by a handler subject to the Kansas City order. Both of those orders contain provisions for the transfer of payments to the respective market. The provision in the Neosho Valley order together with the implementing provisions of the Kansas City and Ozarks milk orders thereby establish a different price for milk sold in the Neosho Valley marketing area by handlers regulated under the Kansas City and Ozarks orders than those handlers are required to pay for milk sold in any other area.

The supporters of the provision contend this special pricing is necessary to eliminate any competitive advantage which handlers regulated under another order might have in selling milk in the Neosho Valley marketing area when the Class I price in the other regulated market is lower than the Neosho price.

The level of Class I prices in the Neosho Valley market is maintained in general alignment with the prices in surrounding markets through a pricing formula which is similar to that used in nearby markets. The Class I price in Neosho is also limited directly by Class I prices in the Ozarks and the Oklahoma Metropolitan markets. These limits hold the Neosho Class I price within a range of the Oklahoma Metropolitan Class I price minus 33 cents and the Ozarks Class I price plus 15 cents.

The Class I price in the Neosho Valley market has maintained about the same relationship to the Class I prices in the Ozarks and Oklahoma Metropolitan markets over the past three year period although the Neosho price moved closer to the Oklahoma Metropolitan price in 1961. The Neosho Class I price (3.5 percent butterfat) exceeded the Ozarks price by 36 cents in 1959, 36 cents in 1960 and 32 cents in 1961. The Neosho 3.5 percent price was less than the Oklahoma Metropolitan price by 40 cents in 1959, 42 cents in 1960, and 33 cents in 1961. The annual average Neosho Class I price in relation to the Wichita and Kansas City Class I prices has varied only within a range of 10 cents during the past three years.

Since the Class I pricing formulas in the markets surrounding the Neosho Valley area establish Class I prices generally in alignment with the Class I prices under the Neosho order, Neosho Valley handlers will suffer no competitive disadvantage by eliminating the provision which requires handlers regulated under other orders to make extra payments on milk disposed of in the Neosho Valley marketing area. Neosho Valley handlers are not required to make similar payments when they make sales in marketing areas where milk prices are regulated by other Federal milk orders.

Milk is distributed today over long distances from the plants where it is processed. Handlers often seek efficiency in handling milk by increasing their volume of sales over a broad area. The pattern of Federal order prices should not discourage the efficient handling of milk for sale in any area. This can be accomplished by establishing in each market the Class I price necessary to attract sufficient milk for that market and applying that price uniformly to all Class I milk wherever sold.

7. *Conforming and administrative changes.* The amendments required to carry out the conclusions of this decision require change in several sections of the order.

The reference to "approved" and "unapproved" plants has been changed to "pool" and "nonpool" plants wherever it appears. Several definitions were rearranged and rewritten to help clarify their meaning throughout the order. To accomplish this clarification, definitions of "nonpool plant" and "route" were added. References which were made to rearranged or rewritten definitions were corrected to comply with the changes made.

The references in the section pertaining to the producer-settlement fund were changed to conform with the changed payment requirements by handlers subject to other orders and handlers operating nonpool plants.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Neosho Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisons thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1071.6 is revised to read as follows:

§ 1071.6 Neosho Valley marketing area.

"Neosho Valley marketing area", hereinafter called the "marketing area" means all of the territory within the counties of Allen, Bourbon, Chautauqua, Cherokee, Crawford, Labette, Montgomery, Neosho and Wilson, all in the State of Kansas, the counties of Barton, Jasper, Newton, and Vernon, all in the State of Missouri, and Washington County, in the State of Oklahoma.

2. Section 1071.7 is revised to read as follows:

§ 1071.7 Pool plant.

"Pool plant" means any milk plant described in paragraph (a) or (b) of this section, which is approved by the appropriate health authority having jurisdiction in the marketing area, except the plant of a producer-handler or a plant exempt pursuant to § 1071.61.

(a) Any plant, hereinafter referred to as a "distributing pool plant", from which:

(1) During the current delivery period there is distributed as Class I milk on routes in the marketing area, an amount equal to 10 percent or more of such plant's Grade A receipts from dairy farmers as specified in subparagraph (2) of this paragraph; and

(i) During the current delivery period there is disposed of as Class I milk an amount not less than an applicable percentage of such plant's Grade A receipts as specified in subparagraph (2) of this paragraph as follows: (*a*) April through August, 30 percent; and (*b*) September through March, 45 percent; or

(ii) During five of the six immediately preceding delivery periods, such plant was a pool plant by virtue of meeting the specifications pursuant to subdivision (i) of this subparagraph; and

(2) The Grade A receipts from dairy farmers to be used in calculating the percentages specified in subparagraph (1) of this paragraph, for each plant shall include all receipts of Grade A milk from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1071.9(b)(3) subject to the following provisions:

(i) Milk diverted to another plant for the account of the operator of the plant from which the milk was diverted shall be included in the receipts of the plant from which diverted for the purposes of this section, if the milk is claimed as diverted on the report of the diverting handler filed for the month pursuant to § 1071.30 (if such claim is made by the diverting handler, milk so diverted shall be excluded from the receipts of the plant to which diverted); and

(ii) Milk received at a plant operated by a cooperative association from another cooperative association acting as a handler pursuant to § 1071.9(b)(2) shall be excluded from the cooperative association's plant receipts for the purposes of this section.

(b) Any plant, hereinafter referred to as a "supply pool plant", from which during the delivery period no less than 50 percent of the Grade A milk received from dairy farmers is shipped to a plant(s) described in paragraph (a) of this section: *Provided*, That if such plant is a pool plant during each of the months of September through March it shall be designated as a pool plant in the next succeeding months of April through August, unless the market administrator is requested by means of written application on or before the 7th day after the end of the month that the plant should not be a pool plant. All plants described in this subparagraph which are operated by one handler may be considered as a unit, upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and the notice of any change in designation, shall be furnished on or before the 7th day following the month to which the notice applies. In any of the months of April through August a unit shall not contain plants which were not qualified as pool plants either individually or as members of another unit, during each of the previous months of September through March.

3. Section 1071.8 is revised to read as follows:

§ 1071.8 Nonpool plant.

"Nonpool plant" means any milk plant which is not a pool plant.

4. Section 1071.9 is revised to read as follows:

§ 1071.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant or of a nonpool plant from which Class I milk is distributed in the marketing area on routes;

(b) Any cooperative association, with respect to milk of its member producers:

(1) Which it causes to be diverted to a nonpool plant for the account of such association;

(2) Delivered for its account to the pool plant of another cooperative associations; and

(3) For which it elects to report as a handler and which is delivered to the pool plant(s) of another handler in a tank truck owned, operated, or controlled by such association.

5. Redesignate § 1071.10 as § 1071.11 and insert the following:

§ 1071.10 Producer.

"Producer" means any person, other than a producer-handler, who produces

milk under a dairy farm permit or rating issued by the appropriate health authority having jurisdiction in the marketing area over the production of milk disposed of for consumption as Grade A milk whose milk is:

(a) Received at a pool plant; or

(b) Diverted from a pool plant to a nonpool plant in accordance with the provisions of § 1071.12.

6. Redesignate §§ 1071.11 and 1071.12 as §§ 1071.13 and 1071.14 and insert the following:

§ 1071.12 Producer milk.

"Producer milk" shall be that skim milk or butterfat for each handler's account in milk received pursuant to paragraphs (a) and (b) of this section as follows:

(a) For a handler operating a pool plant, producer milk shall include:

(1) Milk received directly from producers' farms (including such handler's own farm production) at such pool plant, except milk for which a cooperative association is the handler pursuant to § 1071.9(b); and

(2) Milk diverted by such pool plant operator to a nonpool plant pursuant to paragraph (c) of this section.

(b) For a cooperative association in its capacity as a handler pursuant to § 1071.9, producer milk shall include:

(1) Milk received directly from producers' farms for its account at pool plants (such milk shall be considered as having been received by the cooperative association at the plant to which it is delivered and then transferred to the plant operator); and

(2) Milk diverted for its account to nonpool plants pursuant to paragraph (c) of this section.

(c) Milk diverted from producers' farms to a nonpool plant for the account of a pool plant operator or the account of a cooperative association shall be considered as diverted by the handler for whose account it was diverted, if the diverting handler claimed the diversion on his report for the month filed pursuant to § 1071.30 and the milk was not received at a plant of a producer-handler or a plant at which milk is priced and pooled under the provisions of another Federal order issued pursuant to the Act. Milk diverted shall be considered as received at the pool plant from which it was diverted for the purpose of determining applicable location differentials.

7. The section redesignated as § 1071.13 is revised to read as follows:

§ 1071.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the months of fluid milk products except: (1) Producer milk; (2) receipts from other pool plants and from cooperative associations as handlers pursuant to § 1071.9(b) (2) and (3); and

(b) Any nonfluid milk product which is reprocessed or converted to another product in the plant during the month.

8. Add § 1071.15 as follows:

§ 1071.15 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or plant store) of any Class I milk product, other than a delivery to a pool plant or nonpool plant.

§ 1071.61 [Amendment]

9. In the sentence preceding paragraph (a) and the first sentence of paragraph (a) in § 1071.61, change "as follows: (a) The" to "that the".

10. In § 1071.61 revoke paragraphs (b) and (c).

11. Section 1071.62 is revised to read as follows:

§ 1071.62 Handlers operating nonpool distributing plants.

In lieu of the payments required pursuant to §§ 1071.90 through 1071.97, each handler, other than a producer-handler or one exempt pursuant to § 1071.61, who operates during the month a nonpool plant from which Grade A Class I milk products are distributed on routes in the marketing area, shall pay to the market administrator on or before the 13th day after the end of each delivery period the amounts calculated pursuant to paragraph (b) of this section, unless the handler elects at the time of reporting pursuant to § 1071.30 to pay the amounts computed pursuant to paragraph (a) of this section:

(a) The following amounts:

(1) To the producer-settlement fund, an amount equal to the value at the Class I price applicable at the location of such handler's plant, of all skim milk and butterfat distributed as Class I milk on routes in the marketing area less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration the rate specified in § 1071.97 with respect to the Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) To the producer-settlement fund any plus amount remaining after deducting from the value that would have been computed pursuant to § 1071.70, if such handler had operated a pool plant, the sum of:

(i) The gross payments by such handler for Grade A milk received during the delivery period from dairy farmers at such plant made not later than the 20th day of the month following the delivery period, less authorized deductions; and

(ii) any payment with respect to operations of the same delivery period to the producer-settlement fund of other orders issued pursuant to the Act due to the nonpool plant being a partially regulated plant under such other orders; and

(2) As his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1071.97 had such plant been a pool plant, except that if such plant is also a nonpool plant under another order issued pursuant to the Act, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payments under the other order.

12. Section 1071.30 is revised to read as follows:

§ 1071.30 Reports of receipts and utilization.

On or before the 7th day after the end of each delivery period, each cooperative association which is a handler pursuant to § 1071.9(b), each handler who operates a pool plant(s) and each handler who operates a nonpool plant(s) and is required to make payments pursuant to § 1071.62(b) shall report to the market administrator in the detail and on forms prescribed by the market administrator for each plant as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Receipts for his account of producer milk;

(2) Milk and milk products received from other pool plants and from a cooperative association which is a handler pursuant to § 1071.9(b);

(3) Other source milk; and

(4) Inventories on hand at the beginning and the end of the delivery period;

(b) The utilization of all skim milk and butterfat required to be reported by this section;

(c) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may require; and

(d) Each handler making payments pursuant to § 1071.62(b) shall report to the market administrator the information required pursuant to this section substituting receipts from dairy farmers for receipts from producers.

13. Section 1071.31 is revised to read as follows:

§ 1071.31 Payroll reports.

(a) On or before the 20th day of each delivery period each handler who operates a pool plant(s) and each handler who operates a nonpool plant(s) and is required to make payments pursuant to § 1071.62(b) shall submit to the market administrator his producer payroll for the preceding delivery period which shall show (1) the total pounds of milk received from each producer or cooperative association, and the total pounds of butterfat contained in such milk; (2) the net amount of such handler's payment to each producer or cooperative association; and (3) the nature and amount of any deductions or charges involved in such payments.

(b) Each handler making payments pursuant to § 1071.62(b) shall report the information required pursuant to this section substituting receipts from dairy farmers for receipts from producers.

14. Section 1071.32(a) is revised to read as follows:

§ 1071.32 Other reports.

(a) Each producer-handler, each handler operating a nonpool plant other than a handler making payments pursuant to § 1071.62(b), and each handler

required to report pursuant to § 1071.61 shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1071.33 [Amendment]

15. Section 1071.33(a) is revised to read as follows:

(a) The receipts and utilization of all skim milk and butterfat in producer milk and all other skim milk and butterfat in milk and milk products handled during the month and in inventories at the beginning and end of the month.

§ 1071.41 [Amendment]

16. In § 1071.41 paragraph (b)(3) is revised to read as follows:

(b) • • •

(3) In shrinkage of milk received at a pool plant directly from producers and from cooperative associations as handlers pursuant to § 1071.9(b) that is not in excess of 2 percent (5 percent with respect to skim milk during the months of April, May and June), plus 1.5 percent (4.5 percent with respect to skim milk during the months of April, May and June) of skim milk and butterfat, respectively, received in bulk from pool plants, less 1.5 percent (4.5 percent with respect to skim milk during the months of April, May and June) of skim milk and butterfat, respectively, transferred in bulk to pool plants, and

17. Section 1071.42 is revised to read as follows:

§ 1071.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each plant; and

(b) Prorate the resulting amounts between:

(1) The maximum pounds of skim milk and butterfat pursuant to § 1071.41(b)(3) divided by .02; and

(2) The pounds of swim milk and butterfat in other source milk received in the form of fluid milk products.

§ 1071.44 [Amendment]

18. In § 1071.44(a) revoke the words "or diverted" and change "approved plant" to "pool plant".

19. In § 1071.44(b) revoke the words "or diverted".

20. In § 1071.44(c), (d) and (e) change "an unapproved plant" to "a nonpool plant" wherever it appears.

21. In § 1071.44(d)(1) and (2) change "unapproved plant" to "nonpool plant" wherever it appears.

§ 1071.53 [Amendment]

22. In § 1071.53 change "an approved plant" and "approved plants" to "a pool plant" and "pool plants".

§ 1071.80 [Amendment]

23. In § 1071.80 change "an approved plant" to "a pool plant".

§ 1071.90 [Amendment]

24. In § 1071.90(c) change "§ 1071.8(d)" to "§ 1071.9(b) (2) and (3)".

§ 1071.91 [Amendment]

25. In § 1071.91(b) change "an approved plant" to "a pool plant".

§ 1071.92 [Amendment]

26. In § 1071.92 change "§ 1071.62(b)" to "§ 1071.62(a)(1) and (b)(1)", and revoke "§ 1071.61(c)(2)".

27. Section 1071.97 is revised to read as follows:

§ 1071.97 Expenses of administration.

As his pro rata share of the expense of administration this part, each handler shall pay the market administrator on or before the 16th day after the end of each month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe as follows:

(a) Each handler operating a pool plant(s) on receipts of producer milk, milk received from a cooperative association as a handler pursuant to § 1071.9(b)(2) and (3), and other source milk allocated to Class I pursuant to § 1071.46(a)(3) and the corresponding step of § 1071.46(b);

(b) Each cooperative association on producer milk for which it is the handler pursuant to § 1071.9(b)(1); and

(c) Each handler operating a nonpool plant from which Grade A Class I milk products are distributed on routes in the marketing area on the quantities of milk at the plants of handlers operating nonpool plants as specified in § 1071.62 (a)(2) or (b)(2).

Signed at Washington, D.C., on August 3, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-7953; Filed, Aug. 8, 1962; 8:54 a.m.]

FEDERAL AVIATION AGENCY

Flight Standards Service

[14 CFR Part 507]

[Reg. Docket No. 1330]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator by amending Airworthiness Directive 61-20-4, published as Amendment 340 (26 F.R. 8935), amended by Amendment 360 (26 F.R. 10274) relating to approved life of Vickers Viscount 745D and 810 Series aircraft fuselage components, inspections and modifications. As later revisions to the Preliminary Technical Leaflets have been made, it is proposed to amend the directive by inserting the later PTL Numbers. Several editorial changes are also proposed.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 10, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), as follows:

Amendment 340 (26 F.R. 8935), Vickers Viscount 74D and 810 Series Aircraft, as amended by Amendment 360 (26 F.R. 10274), is further amended as follows:

1. By deleting PTL No. 221 Issue 2 (700 Series) and No. 94 Issue 2 (800/810 Series) and inserting respectively PTL No. 221 Issue 3 and Corrigendum issued February 12, 1962 (700 Series), and No. 94 Issue 3 and Corrigendum issued February 28, 1962 (800/810 Series).

2. By changing the last sentence of the first paragraph to read: "Compliance with all the provisions of PTL 221 Issue 3 and Corrigendum issued February 12, 1962 (for Model 745D), and PTL 94 Issue 3 and Corrigendum issued February 28, 1962 (for Model 810), including the fuselage life limitations is required."

3. Adding to following at the end of paragraph (c)(3): "except that for Inspection B the repetitive interval is increased to 1,000 flights, and it is acceptable to inspect the area of the door locking bolt holes with a mirror and flashlight without having to remove the bolt striker plates."

Issued in Washington, D.C., on August 2, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-7911; Filed, Aug. 8, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14702 (RM-307)]

TELEVISION BROADCAST STATIONS IN MIDLAND, TEXAS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 3.606 *Table of assignments.*

1. The Commission has before it for consideration a request filed August 1, 1962, by Southwest States, Inc., licensee of KOSA-TV, Odessa, Texas, for extension of time from August 13, 1962, to October 12, 1962, in which to file comments, and from August 28, 1962, to October 29,

1962, to file reply comments in this proceeding.

2. In support of its request, Southwest States, Inc., asserts that its counsel and engineer will be unavailable for the month of August, and that counsel for Midland Telecasting Company, petitioners in this proceeding and counsel for Midessa Television Company, licensee of KMID, Midland, Texas, have consented to the requested extension.

3. The Commission believes that good cause for an extension of time for filing comments and reply comments in this proceeding has been established and that such extension will serve the public interest.

4. In view of the foregoing: *It is ordered*, That the aforesaid petition of Southwest States, Inc., is granted; that the time for filing comments is extended from August 13, 1962, to October 12, 1962, and for filing reply comments is extended from August 28, 1962, to October 29, 1962.

5. This action is taken pursuant to authority found in section 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended and section 0.241 (d)(8) of the Commission's rules.

Dated: August 3, 1962.

Released: August 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7955; Filed, Aug. 8, 1962; 8:54 a.m.]

Notices

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. M-83]

ALASKA STEAMSHIP CO.

Continuation of Bareboat Charters; Notice of Institution of Formal Proceeding

Notice is hereby given that, upon protests having been received from Alaska Freight Lines, Inc., and Puget Sound-Alaska Van Lines, Inc., to the Tentative Findings of the Maritime Administrator duly published in the FEDERAL REGISTER on July 11, 1962 (27 F.R. 6566) that conditions exist justifying the continuance of bareboat charters of three Government-owned C1-M-AV1 type vessels: "Coastal Monarch", "Coastal Nomad", and "Coastal Rambler", to Alaska Steamship Company, pursuant to section 5(e)(1) of the Merchant Ship Sales Act of 1946 as amended (50 U.S.C. app. 1738), the Maritime Administrator has authorized and directed that a public hearing be held for the purpose of determining whether said Tentative Findings shall become final or be vacated and the charter agreement terminated in accordance with the provisions of sections 5(e)(1) and 2 (a) and (b) of said Act.

The hearing and such prehearing conferences as may be found to be necessary or desirable will be conducted by a Hearing Examiner, Maritime Administration/Maritime Subsidy Board, in accordance with the Rules of Practice and Procedure of the Maritime Administration/Maritime Subsidy Board at places and times to be announced. An Initial Decision will be issued in this proceeding.

Interested parties may inspect the charter agreement (Mcc-61328, Addenda 1-24) on file in this Docket in the Office of the Docket Clerk, Room 3095 of the General Accounting Office Building, 441 G Street NW., Washington 25, D.C.

Any person, firm, or corporation having any direct financial interest in this proceeding within the meaning of section 5(e)(1) and desiring to be heard on issues pertinent to section 5(e)(1) must, before the close of business on August 22, 1962, notify the Secretary, Maritime Administration/Maritime Subsidy Board in writing, in triplicate, and file a Petition for Leave to Intervene which shall state clearly and concisely the grounds of interest, and the alleged facts in support thereof, pursuant to Rule 5 (n) of said rules of practice. Notwithstanding anything in said Rule 5(n), Petitions for Leave to Intervene received after the close of business on August 22, 1962, will not be granted in this proceeding.

Dated: August 2, 1962.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 62-7946; Filed, Aug. 8, 1962; 8:58 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14728; FCC 62M-1117]

ROBERT W. SELTZER

Order Setting Prehearing Conference

In the matter of the application of Robert W. Seltzer, Docket No. 14728, File No. 2913-C2-P-62; for a construction permit to establish a new station for one-way signaling communications in the Domestic Public Land Mobile Radio Service at Hartford, Connecticut.

It is ordered, This 3d day of August 1962, on the Hearing Examiner's own motion, that all parties, or their counsel, who desire to participate in the above-captioned proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 9:15 a.m., September 19, 1962.

Released: August 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7956; Filed, Aug. 8, 1962; 8:54 a.m.]

[Docket No. 14198; FCC 62-882]

PAN AMERICAN UNION ET AL.

Order Scheduling Oral Argument

The Pan American Union and the Pan American Sanitary Bureau *v.* All America Cables and Radio, Inc., The Commercial Cable Company, Mackay Radio and Telegraph Company, Inc., RCA Communications, Inc., Tropical Radio Telegraph Company, and The Western Union Telegraph Company.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of August 1962;

The Commission having under consideration:

(a) Its Order released herein on February 19, 1962, which essentially granted complainants' uncontested petition that the issue of defendants' liability be determined on briefs and that consideration of the issue of damages be deferred until such determination; which allowed the parties to file such briefs by March 23, 1962, and reply briefs by April 6, 1962; and which stated that the Commission would entertain requests filed by April 13, 1962, for oral argument on the question of defendants' liability;

(b) Briefs and replies filed by the parties pursuant to said Order;

(c) A request for oral argument filed by the complainants;

It appearing, that, oral argument on the briefs submitted will aid the Commission in reaching a decision herein on the issue of defendants' liability;

It is ordered, That oral argument herein on the issue of defendants' liability be held before the Commission en banc at its offices in Washington, D.C., beginning at 10 a.m. on the 5th day of October 1962:

It is further ordered, That counsel for complainants shall be allowed 20 minutes, and that counsel for defendants shall be allowed 20 minutes to be divided among them equally or in such manner as they may agree:

It is further ordered, That each party wishing to participate in the oral argument, which has not previously filed written notice of intent to so participate, shall file such notice within five days after the release of this order, and that failure to file such written notice shall constitute waiver of the opportunity to participate:

It is further ordered, That the Commission will issue, at a time subsequent to the oral argument scheduled herein, a final decision on the question of defendants' liability.

Released: August 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7957; Filed, Aug. 8, 1962; 8:54 a.m.]

[Docket Nos. 14748-14750; FCC 62-890]

CHARLES COUNTY BROADCASTING CO., INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Charles County Broadcasting Co. Inc., LaPlata, Maryland, Docket No. 14748, File No. BP-14748; requests: 1560 kc, 250 w, Day, Class II; Dorien Broadcasters, Inc., Waldorf, Maryland, Docket No. 14749, File No. BP-15287; requests: 1560 kc, 1 kw, DA-Day, Class II; Charles C. Heaton and Jane W. Heaton, d/b as Radio Vienna, Vienna, Virginia, Docket No. 14750, File No. BP-15293; requests: 1560 kc, 500 w (250 w CH), Day Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of August 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in con-

nection with the aforementioned issues specified below:

1. The proposals involve mutually prohibitive interference.

2. Dorlen Broadcasters, Inc., has not submitted sufficient information from which it can be ascertained that it complies with Commission policy as to the adequacy of cash and/or liquid assets to finance construction costs and operate for a reasonable period of time.

3. The following questions additionally are to be considered in connection with the issues specified below as concerns the application of Charles County Broadcasting Co., Inc.:

(a) whether the proposal would cause interference to Station WQXR (1560 kc, 50 w, DA–1, U, Class I–B);

(b) whether the proposal meets the requirements of § 3.187 of the Commission rules with respect to daytime skywave protection; to Station WQXR; and

(c) it has not been determined that the proposal would not cause a menace to air navigation.

4. In connection with the application of Radio Vienna, questions arise because of the following:

(a) the radiation toward Station WQXR appears to exceed the value permitted by § 3.187 of the Commission's rules;

(b) a satisfactory showing is not made as to the relation of the 25 mv/m contour with the business area of Vienna (see § 3.198(b) (1) of the Commission's rules).

5. Each of the proposals would cause interference to Station WPGC (1580 kc, 10 kw, DA–D, Class II), Morningside, Maryland.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the respective proposals of Charles County Broadcasting Co., Inc., Dorlen Broadcasters, Inc., and Radio Vienna and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of Charles County Broadcasting Co., Inc. would cause objectionable interference to Station WQXR, New York, New York, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether Dorlen Broadcasters, Inc., is financially qualified to construct and operate its proposed station.

5. To determine whether there is a reasonable possibility that the tower height and location proposed by Charles County Broadcasting Co., Inc., would constitute a menace to air navigation.

6. To determine if the proposals of Charles County Broadcasting Co., Inc., and Radio Vienna comply with § 3.187 of the Commission rules.

7. To determine whether the instant proposal of Radio Vienna would provide coverage of the city sought to be served, as required by § 3.188(b) (1) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

8. To determine whether the transmitter sites proposed by Radio Vienna and Charles County Broadcasting Co., Inc., are satisfactory with particular reference to the terrain and presence of any obstruction in the immediate vicinity.

9. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That Interstate Broadcasting Company, Inc., licensee of Station WQXR, New York, New York, and WPGC, Inc., licensee of Station WPGC, Morningside, Maryland, are made parties to the proceeding.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, in the event of a grant of any of these applicants, the construction permits shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That in the event of the Charles County Broadcasting Co. Inc., application, the construction permit should also contain the following condition:

Permittee shall submit a nondirectional proof-of-performance to establish that the antenna efficiency has been reduced to essentially 175 mv/m/kw, as proposed.

It is further ordered, That, in the event of the grant of the Radio Vienna application, the construction permit shall also contain the following condition:

Permittee shall install an approved type transmitter, frequency, and modulation monitor.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7958; Filed, Aug. 8, 1962; 8:55 a.m.]

[Docket No. 14747; FCC 62-886]

ROUNSAVILLE OF MIAMI BEACH, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Rounsaville of Miami Beach, Inc., licensee of Radio Station WFUN, South Miami, Fla., Docket No. 14747, File No. BML–1995; for authority to relocate main studio in Miami Beach, Florida.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of August 1962;

The Commission having under consideration the above-captioned application and earlier applications and correspondence involving the same licensee.

It appearing, that, on September 10, 1958, the Commission granted a permit (BP–11316) to WFUN (then WMBM) authorizing the construction of improved facilities and, in connection therewith, a change in station location from Miami Beach to South Miami, Florida; and

It further appearing, that, inasmuch as the grant of that application brought the first local nighttime standard broadcast service to the community of South Miami, it fell within an exception to the so-called "10 percent Rule"—§ 3.28(d) of the Commission's rules—and was therefore approved without hearing despite a population loss within the station's normally protected primary service area in excess of 10 percent; and

It further appearing, that, before construction of the improved facilities at South Miami had been completed, WFUN sought authority to designate its auxiliary studio in Miami Beach, Florida, as the station's main studio on grounds of convenience (File No. BMP–8409); and

It further appearing, that, on April 22, 1959, the applicant was informed as to the possible necessity for a hearing on said application (which was later dismissed at applicant's request); and

It further appearing, that, WFUN subsequently applied for modification of license (File No. BML–1941) for change in station location from South Miami to Miami, Florida, which application was designated for hearing by Order released November 6, 1961 (Docket No. 14359) on various issues including compliance with the so-called "10 percent Rule"; and

It further appearing, that, on March 13, 1962, counsel for WFUN requested dismissal of said application and termination of the hearing, citing changes in the station's program format, but indicating an intention to file an application requesting only a change in main studio location; and

It further appearing, that, the above-captioned application is almost identical to the one filed with the Commission in 1959 and, despite WFUN's intention to continue air identification as a South Miami station, approval thereof would appear to undercut the basis on which it became a South Miami station; and

It further appearing, that, a satisfactory showing has not been made as to why WFUN's main studio, now situated at the station's transmitter site west of South Miami, cannot be located within the corporate limits of South Miami in accordance with § 3.30(a) of the Commission's rules; and

It further appearing, that, in view of the above-described matters, the Commission is unable to find that a grant of the above-captioned application would serve the public interest, convenience and necessity, and that said application must therefore be designated for hearing:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether WFUN can effectively serve the community of South Miami as a medium of local self expression from the proposed MacArthur Causeway studio in Miami Beach.

2. To determine whether the applicant has shown good cause for waiver of § 3.30(a) of the Commission's rules to permit establishment of the main studio outside the corporate limits of South Miami at a point other than the WFUN transmitter site.

3. To determine whether, in the light of the evidence adduced with respect to the foregoing issues, a grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail itself of an opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: August 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7959; Filed, Aug. 8, 1962; 8:55 a.m.]

[Docket Nos. 14751, 14752; FCC 62-893]

WESTERN BROADCASTING CO. (KOLO) AND KWES BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Western Broadcasting Company (KOLO), Reno, Nevada, Docket No. 14751, File No. BP–14567; has: 920 kc, 1 kw, DA–N, U, Class III, requests: 920 kc, 1 kw, 5 kw–LS, DA–N, U, Class III; Corbett Pierce and Chester Smith d/b as KWES Broadcasting Company, Ceres, Calif., Docket No. 14752, File No. BP–15261; requests: 920 kc, 500 w, DA–D, Class III; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 1st day of August, 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically and otherwise qualified to construct and operate the proposals; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The above-captioned proposals involve mutual interference.

2. The proposal of Western Broadcasting Company causes inteference to Station KMET, Paradise, Calif.

3. The proposal of KWES Broadcasting Company causes interference to the existing operation of Station KOLO, Reno, Nevada, Station KEWB, Oakland, California, and Station KFRE, Fresno, Calif.

4. The proposal of Western Broadcasting Company admittedly does not meet the requirements of § 3.24(g) of the Rules and requests a waiver thereof. In support of the request for waiver, it is stated that there are no apartments in the blanket contour and the new residential subdivision is not immediately adjacent to the KOLO towers; very few people reside close to the towers where unusually high field intensities could cause blanket interference problems; essentially all the homes are recent constructions; and in the applicant's opinion, no adverse cross-modulation problems would be created.

5. It has not been determined that the proposal of KWES Broadcasting Company complies with the provisions of § 3.28(d)(3) of the Commission's rules and a waiver is requested.

6. KWES Broadcasting Company proposes a broadcast week of 84 hours and the application represents that 23.3 percent of the programing will be live. This is to be accomplished by the partners; 1 chief engineer-announcer, 1 announcer-engineer (full time) and 1 announcer-engineer (part time). The other full time employees will be a receptionist-bookkeeper and a copywriter-traffic manager. A question is raised as to the adequacy of staff to effectuate the extensive live programing.

It is further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from KWES Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KOLO and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of Western Broadcasting Company would cause objectionable interference to Station KMET, Paradise, Calif., or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of KWES Broadcasting Company would cause objectionable interference to Station KOLO, Reno, Nev., KEWB, Oakland, Calif., and KFRE, Fresno, Calif., or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the interference received by the proposal of KWES Broadcasting Company from the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

7. To determine whether the instant proposal of Western Broadcasting Company is in compliance with § 3.24(g) of the Commission rules concerning population within the 1000 mv/m contour, and, if not, whether circumstances exist which would warrant a waiver of said section.

8. To determine whether the application of KWES Broadcasting Company, in view of its proposals as to staff, would be able to operate its station in the manner proposed by its application.

9. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, or both, of the instant applications should be granted.

It is further ordered, That Western Broadcasting Company, licensee of Station KOLO, Reno, Nev., is made a party to the proceeding with respect to its existing operation.

It is further ordered, That Crowell-Collier Broadcasting Corporation, Triangle Publications Incorporated (Radio and Television Division), and Arthur L. Bray, licensees of Stations KEWB, KFRE, and KMET, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of either of the above-captioned applications, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That in the event of a grant of the application of Western Broadcasting Company, the construction permit shall be further conditioned as follows: Permittee shall submit with the application for license antenna resistance measurements made in accordance with § 3.54 of the Commission rules. Before program tests are authorized, permittee shall submit sufficient field intensity measurements made on the nighttime directional operation to establish that the nighttime array remains adjusted within authorized limits.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7960; Filed, Aug. 8, 1962; 8:55 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13255 etc.]

SHELL OIL CO. ET AL.

Notice of Applications and Date of Hearing

AUGUST 3, 1962.

Shell Oil Company, Docket No. G-13255, David Crow, Trustee, Docket No. G-13593, W. A. Delaney, Jr., et al., Docket No. G-14573, Messman-Rinehart Oil Company (Operator), et al., Docket No. G-15801, Texaco Inc., Docket No. G-15802, Nathan Appelman d.b.a. N. Appleman Co., et al., Docket No. G-15804, Coastal States Gas Producing Company, Docket No. G-16094, Champlin Oil & Refining Co., Docket No. G-16749, Coastal States Gas Producing Company, Docket No. G-16938, R. C. Brandon, et al., Docket No. G-17236, R. C. Brandon, et al., Docket No. G-17843, Pan American Petroleum Corporation, Docket No. G-17933, Pan American Petroleum Corporation (Operator), et al., Docket No. G-18083, Schermerhorn Oil Corporation (Operator) et al., Docket No. G-18161, Cities Service Petroleum Company, Docket No. G-18352, Cities Service Petroleum Company, Docket No. G-18373, Harway Producers, Inc., Docket No. G-18459, J. M. Huber Corporation, Docket No. G-18480, Alfred D. McKelvy (Operator), et al., Docket No. G-18531, Texas Pacific Coal & Oil Company, Docket No. G-18637, Texas Pacific Coal & Oil Company, Docket No. G-18659, Zephyr Oil Company, Docket No. G-18791, Alfred D. McKelvy (Operator), et al., Docket No. G-19451, Tidewater Oil Company (Operator), et al., Docket No. G-19586, Gulf Oil Corporation (Operator), et al., Docket No. G-19689, Texas Pacific Coal & Oil Company, Docket No. G-19959, J. F. Dougherty, Docket No. G-20233, Texaco Inc., Docket No. CI60-32, Slade, Inc. (Operator), et al., Docket No. CI60-174, Stekoil Petroleum Corporation, Docket No. CI60-405, Cabeen Exploration Corporation, Docket No. CI60-540, N. H. Wheless Oil Company & B. A. Hardey, Docket No. CI60-647, Cyprus Mines Corporation, Docket No. CI61-244, Cabot Corporation, Docket No. CI61-275, Richard M. Finder d.b.a. Texkan Oil Company (Operator), et al., Docket No. CI61-317, Lario Oil & Gas Company, Docket No. CI61-550, Ruth C. Gardner, Trustee, et al., Docket No. CI61-598, Krebs Oil Company, et al. d.b.a. Ray Bros. Drilling Company, Docket No. CI61-656, Producing Properties, Inc., et al., Docket No. CI61-1236, Elvis L. Robert, Docket No. CI61-1312.

Union Oil Company of California, Docket No. CI61-1620, Texaco Inc., Docket No. CI61-1757, George L. Yaste d.b.a. Oil States Sales Company, Docket No. CI62-237, Humble Oil & Refining Company, Docket No. CI62-244, Tidewater Oil Company (Operator), et al., Docket No. CI62-263, Sidney G. Myers, Jr., Docket No. CI62-277, The British-American Oil Producing Company, et al., Docket No. CI62-307, Cabeen Exploration Corporation, Docket No. CI62-397, John J. Eisner, Docket No. CI62-495, Edwin L. Cox, Docket No. CI62-621, Penrose & Tatum (Operator), et al., Docket No. CI62-745, Anadarko Production Company, Docket No. CI62-790, H. F. Sears, Docket No. CI62-794, A. A. Cameron d.b.a. Cameron Oil Company, Docket No. CI62-870, James Davis, Jr. d.b.a. Solar Oil Company, Docket No. CI62-891, J. Phillip Boyle, Jr., et al., Docket No. CI62-904, Rip C. Underwood, et al., Docket No. CI62-905, Ashland Oil & Refining Company (Operator), et al., Docket No. CI62-908, Edgar W. White, et al., Docket No. CI62-931, Dunlap Oil Corporation, Docket No. CI62-954, Afroma Oil and Gas Company, Inc. (Operator), et al., Docket No. CI62-976, Claud B. Hamill, Docket No. CI62-995, John C. Robbins, Jr., Docket No. CI62-1011, Perry E. Larson and Max L. Thomas (Operator), et al., Docket No. CI62-1015, Southwest Production Company (Operator), et al., Docket No. CI62-1033, Nafco Oil and Gas Inc. (Operator), et al., Docket No. CI62-1204, Thomas E. Berry, Docket No. CI62-1205, J. Glenn Turner and William G. Webb, Docket No. CI62-1211, Cecil Meadows, et al., Docket No. CI62-1214, Burk Royalty Company, Docket No. CI62-1215, Tenneco Oil Company, Docket No. CI62-1216, Carl E. Gungoll, et al., Docket No. CI62-1221, James S. Ray d.b.a. Gilbert Creek Gas Co., Docket No. CI62-1222; Harry A. Kalish, et al., Docket No. CI62-1223, W. C. McBride, Inc., Docket No. CI62-1227, Walter E. Smith d.b.a. John G. Rogers #1, Docket No. CI62-1233, Standard Oil Company of Texas, A Division of California Oil Company, Docket No. CI62-1238, John C. Pickett, Docket No. CI62-1248, W. C. Payne (Operator), et al., Docket No. CI62-1259.

Standard Oil Company of Texas, A Division of California Oil Company, Docket No. CI62-1264, H. F. Sears, Docket No. CI62-1334, T. L. Mullen Company, Docket No. CI62-1338, Humble Oil & Refining Company, Docket No. CI62-1351, Whitehall Oil Company, Inc., Docket No. CI62-1353, Olin B. Wetzel d.b.a. Bower, Hall and Wetzel, Docket No. CI62-1354, J. & B. Oil Corporation, Docket No. CI62-1355, Wyatt & Boggs, Docket No. CI62-1356, Blaho Oil & Gas Company, Docket No. CI62-1357, Crow Drilling & Producing Co., Docket No. CI62-1360, Ambassador Oil Corporation, Docket No. CI62-1362, A. L. Hammer, et al., d.b.a. H&M Drilling Company (Operator), et al., Docket No. CI62-1364, Hugh K. Spencer, et al., Docket No. CI62-1365, Arthur L. Nicholson d.b.a. Five Leaf Clover Oil and Gas Company, Docket No. CI62-1366, N. G. Clark, Docket No. CI62-1368, Charles E. Baker d.b.a. James Robinson Well No. 1, Docket No. CI62-1369, Texaco Inc., Docket No. CI62-1370, Manor Oil Company, Docket No. CI62-1372, J. N. Pratt, et al., Docket No. CI62-1373, Texaco Inc., Docket No. CI62-1374, Earlsboro Oil & Gas Company (Partnership), et al., Docket No. CI62-1376, Mid-America Minerals, Inc., Docket No. CI62-1377, Plains Exploration Company, et al., Docket No. CI62-1378, Arthur I. Appleton d.b.a. Appleton Oil Company (Operator), et al., Docket No. CI62-1382, Joe T. Juhan, Docket No. CI62-1385, Sinclair Oil & Gas Company, Docket No. CI62-1388, Champlin Oil & Refining Company, Docket No. CI62-1389, John Hunter, et al., Docket No. CI62-1404, F. M. Haught, Docket No. CI62-1405, J. T. Langham (Operator), et al., Docket No. CI62-1406, Henry O. Gossett, Jr., Docket No. CI62-1407, Ferrell L. Prior, d.b.a. Prior Oil Company, Docket No. CI62-1408, Hamilton Brothers, Ltd. (Operator), et al., Docket No. CI62-1411, Sunray DX Oil Company, Docket No. CI62-1412, Laurence W. Ritter, Docket No. CI62-1425, The British-American Oil Producing Company (Operator), et al., Docket No. CI62-1433, John A. Egan (Operator), et al., Docket No. CI62-1435, W. L. Meadows, Jr., et al., Docket No. CI62-1444, Big Chief Drilling Company, Docket No. CI62-1449, Glenn F. Thomas, et al. d.b.a. Thomas & Brewer (Operator), et al., Docket No. CI62-1450, Tom Vessels, Jr., Docket No. CI62-1452.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce as hereinafter described, all as more fully described in the respective applications (and any supplements or amendments thereto) which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Field and Location; Purchaser; and Initial Price per Mcf

G-13255; Helen Gohlke Field, DeWitt and Victoria Counties, Tex.; Texas Eastern Transmission Corp.; 11.42656 cents at 14.65 p.s.i.a.

G-13593; Maxie-Pistol Ridge Area, Pearl River County, Miss.; United Gas Pipe Line Co.; 20.1324 cents at 15.025 p.s.i.a.

G-14573; Katie Field, Garvin County, Okla.; Lone Star Gas Co.; 11.0 cents at 14.65 p.s.i.a.

G-15801; Laredo Pool, Reno County, Kans.; Panhandle Eastern Pipe Line Co.; 13.0 cents at 14.65 p.s.i.a.

G-15802; Ellenburger Field, Andrews County, Tex.; El Paso Natural Gas Co.; 8.0945 cents at 14.65 p.s.i.a.

G-15804; Acreage in Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 p.s.i.a.

G-16094; Hidalgo Field, Hildalgo County, Tex.; Trunkline Gas Co.; 12.3652 cents at 14.65 p.s.i.a.

G-16749; Hugoton Field, Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 p.s.i.a.

G-16938; Hidalgo Field Area, Hidalgo County, Tex.; Trunkline Gas Co.; 12.3652 cents at 14.65 p.s.i.a.

G-17236; Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.5 cents at 14.65 p.s.i.a.

G-17843 (as Supp. 3-12-59, 1-31-61, 2-28-61); Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 p.s.i.a.

G-17933; West Gallegos Canyon, Dakota Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 p.s.i.a.

G-18083; South Forgan-Mocane Area, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 p.s.i.a.

G-18161 (as Supp. 8-24-59); Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 p.s.i.a.

G-18352 (as Supp. 1-12-61 and 3-15-61); Acreage in Beaver County, Okla.; Natural Gas Pipeline Co. of America; 16.6 cents at 14.65 p.s.i.a.

G-18373 (as Supp. 1-12-61); S. E. Benson Area, Pawnee County, Kans.; Northern Natural Gas Co.; 15.0 cents at 14.65 p.s.i.a.

G-18459 (as Supp. 6-18-62); North Ruston Field, Lincoln Parish, La.; Arkansas Louisiana Gas Co.; 13.32 cents at 15.025 p.s.i.a.

G-18480; North Hutchinson Field, Hansford County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 p.s.i.a.

G-18531; Hugoton Field, Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 p.s.i.a.

G-18637; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 14.65 p.s.i.a.

G-18659; Aztec Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 14.65 p.s.i.a.

G-18791; Waskom Field, Harrison County, Tex.; Arkansas Louisiana Gas Co.; 11.25206 cents at 14.65 p.s.i.a.

G-19451; Hugoton Field, Finney County, Kans., Northern Natural Gas Co.; 12.0 cents at 14.65 p.s.i.a.

G-19586; Justis Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 14.65 p.s.i.a.

G-19689; Justis Blinebry, Justis Ellenburger and Justis McKee Pools, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 14.65 p.s.i.a.

G-19959; Aztec Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 14.65 p.s.i.a.

G-20233 (as Supp. 11-28-60); Mission Bridge Field, Victoria County, Tex.; Transcontinental Gas Pipe Line Corp.; 7.0945 cents at 14.65 p.s.i.a.

CI60-32 (as Supp. 8-29-60 and 12-11-61); LaBarge Field, Lincoln and Sublette Counties, Wyo.; El Paso Natural Gas Co.; 15.0 cents at 14.65 p.s.i.a.

CI60-174; Sprayberry Trend Area, Reagan County, Tex.; El Paso Natural Gas Co.; 10.096 cents at 14.65 p.s.i.a.

CI60-405; Blanco (Mesaverde) Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 p.s.i.a.

CI60-540; Dipper Gap Field, Logan County, Colo.; Antelope Gas Products Co.; 11.0 cents at 14.65 p.s.i.a.

CI60-647; Acreage in Stevens County, Kans.; Kansas-Colorado Utilities, Inc.; 11.0 cents at 14.65 p.s.i.a.

CI61-244; Acreage in Stephens County, Okla.; Lone Star Gas Co.; 14.0 cents at 14.65 p.s.i.a.

CI61-275; (9-19-60); Hugoton Field, Texas County, Okla.; Kansas-Nebraska Natural Gas Co., Inc.; 11.0 cents at 14.65 p.s.i.a.

CI61-317; Carmichael Field, Jackson County, Tex.; United Gas Pipe Line Co.; 13.1644 cents at 14.65 p.s.i.a.

CI61-550; ILS Southwest Field, Barber County, Kans.; Cities Service Gas Co.; 13.0 cents at 14.65 p.s.i.a.

CI61-598; Alfred Area, Jim Wells County, Tex.; Alfred Production Co.; 10.096 cents at 14.65 p.s.i.a.

CI61-656 Geary District, Roane County, W. Va.; Godfrey L. Cabot, Inc.; 10.0 cents at 15.325 p.s.i.a., 16.0 cents at 15.325 p.s.i.a.

CI61-1236 (as Supp. 8-25-61); Normanna Field, Bee County, Tex.; Natural Gas Pipeline Co. of America; 18.0 cents at 14.65 p.s.i.a.

CI61-1312; Farmington Pictured Cliffs Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 14.65 p.s.i.a.

CI61-1620; Acreage in Dewey County, Okla.; Natural Gas Pipeline Co. of America; 15.0 cents at 14.65 p.s.i.a.

CI61-1757; Palito Blanco Field, Jim Wells County, Tex.; Ben Bolt Gathering Co.; 15.944 cents at 14.65 p.s.i.a.

CI62-237; Union District, Ritchie County, W. Va.; Carnegie Natural Gas Co., 20.0 cents at 14.65 p.s.i.a.

CI62-244; Acreage in Stephens County, Okla.; Lone Star Gas Co., 14.0 cents at 14.65 p.s.i.a.

CI62-263 (as Supp. 10-2-61); South Marlow Field, Stephens County, Okla.; Arkansas Louisiana Gas Co.; 15.0 cents at 14.65 p.s.i.a.

CI62-277 (as Supp. 1-29-61); Rodessa Field, Cass County, Tex.; United Gas Pipe Line Co.; 9.6024 cents at 14.65 p.s.i.a.

CI62-307; South Marlow Field, Stephens County, Okla.; Arkansas Louisiana Gas Co.; 15.0 cents at 14.65 p.s.i.a.

CI62-397; Dipper Gap Field, Logan County, Colo.; Antelope Gas Products Co.; 11.0 cents at 14.65 p.s.i.a.

CI62-495; Mocane Field, Beaver County, Okla.; Colorado Interstate Gas Co.; 17.0 cents at 14.65 p.s.i.a.

CI62-621; Yeary Field, Kleberg County, Tex.; South Texas Natural Gas Gathering Co.; 17.0 cents at 14.65 p.s.i.a.

CI62-745; McElvain-Tatum Unit, Ignacio-Blanco (Mesaverde) Field, LaPlata County, Colo.; El Paso Natural Gas Co.; 13.0 cents at 15.025 p.s.i.a.

CI62-790; Hugoton Field, Finney County, Kans.; Kansas-Nebraska Natural Gas Co., Inc.; 11.0 cents at 14.65 p.s.i.a.

CI62-794; Bisti Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 p.s.i.a.

CI62-870; West Marlow Field, Grady and Comanche Counties, Okla.; Arkansas Louisiana Gas Co.; 15.0 cents at 14.65 p.s.i.a.

FEDERAL POWER COMMISSION

[Docket No. G-13255 etc.]

SHELL OIL CO. ET AL.

Notice of Applications and Date of Hearing

AUGUST 3, 1962.

Shell Oil Company, Docket No. G-13255, David Crow, Trustee, Docket No. G-13593, W. A. Delaney, Jr., et al., Docket No. G-14573, Messman-Rinehart Oil Company (Operator), et al., Docket No. G-15801, Texaco Inc., Docket No. G-15802, Nathan Appelman d.b.a. N. Appleman Co., et al., Docket No. G-15804, Coastal States Gas Producing Company, Docket No. G-16094, Champlin Oil & Refining Co., Docket No. G-16749, Coastal States Gas Producing Company, Docket No. G-16938, R. C. Brandon, et al., Docket No. G-17236, R. C. Brandon, et al., Docket No. G-17843, Pan American Petroleum Corporation, Docket No. G-17933, Pan American Petroleum Corporation (Operator), et al., Docket No. G-18083, Schermerhorn Oil Corporation (Operator) et al., Docket No. G-18161, Cities Service Petroleum Company, Docket No. G-18352, Cities Service Petroleum Company, Docket No. G-18373, Harway Producers, Inc., Docket No. G-18459, J. M. Huber Corporation, Docket No. G-18480, Alfred D. McKelvy (Operator), et al., Docket No. G-18531, Texas Pacific Coal & Oil Company, Docket No. G-18637, Texas Pacific Coal & Oil Company, Docket No. G-18659, Zephyr Oil Company, Docket No. G-18791, Alfred D. McKelvy (Operator), et al., Docket No. G-19451, Tidewater Oil Company (Operator), et al., Docket No. G-19586, Gulf Oil Corporation (Operator), et al., Docket No. G-19689, Texas Pacific Coal & Oil Company, Docket No. G-19959, J. F. Dougherty, Docket No. G-20233, Texaco Inc., Docket No. CI60-32, Slade, Inc. (Operator), et al., Docket No. CI60-174, Stekoil Petroleum Corporation, Docket No. CI60-405, Cabeen Exploration Corporation, Docket No. CI60-540, N. H. Wheless Oil Company & B. A. Hardey, Docket No. CI60-647, Cyprus Mines Corporation, Docket No. CI61-244, Cabot Corporation, Docket No. CI61-275, Richard M. Finder d.b.a. Texkan Oil Company (Operator), et al., Docket No. CI61-317, Lario Oil & Gas Company, Docket No. CI61-550, Ruth C. Gardner, Trustee, et al., Docket No. CI61-598, Krebs Oil Company, et al. d.b.a. Ray Bros. Drilling Company, Docket No. CI61-656, Producing Properties, Inc., et al., Docket No. CI61-1236, Elvis L. Robert, Docket No. CI61-1312.

Union Oil Company of California, Docket No. CI61-1620, Texaco Inc., Docket No. CI61-1757, George L. Yaste d.b.a. Oil States Sales Company, Docket No. CI62-237, Humble Oil & Refining Company, Docket No. CI62-244, Tidewater Oil Company (Operator), et al., Docket No. CI62-263, Sidney G. Myers, Jr., Docket No. CI62-277, The British-American Oil Producing Company, et al., Docket No. CI62-307, Cabeen Exploration Corporation, Docket No. CI62-397, John J. Eisner, Docket No. CI62-495, Edwin L. Cox, Docket No. CI62-621, Penrose & Tatum (Operator), et al., Docket No. CI62-745, Anadarko Production Company, Docket No. CI62-790, H. F. Sears, Docket No. CI62-794, A. A. Cameron d.b.a. Cameron Oil Company, Docket No. CI62-870, James Davis, Jr. d.b.a. Solar Oil Company, Docket No. CI62-891, J. Phillip Boyle, Jr., et al., Docket No. CI62-904, Rip C. Underwood, et al., Docket No. CI62-905, Ashland Oil & Refining Company (Operator), et al., Docket No. CI62-908, Edgar W. White, et al., Docket No. CI62-931, Dunlap Oil Corporation, Docket No. CI62-954, Afroma Oil and Gas Company, Inc. (Operator), et al., Docket No. CI62-976, Claud B. Hamill, Docket No. CI62-995, John C. Robbins, Jr., Docket No. CI62-1011, Perry E. Larson and Max L. Thomas (Operator), et al., Docket No. CI62-1015, Southwest Production Company (Operator), et al., Docket No. CI62-1033, Nafco Oil and Gas Inc. (Operator), et al., Docket No. CI62-1204, Thomas E. Berry, Docket No. CI62-1205, J. Glenn Turner and William G. Webb, Docket No. CI62-1211, Cecil Meadows, et al., Docket No. CI62-1214, Burk Royalty Company, Docket No. CI62-1215, Tenneco Oil Company, Docket No. CI62-1216, Carl E. Gungoll, et al., Docket No. CI62-1221, James S. Ray d.b.a. Gilbert Creek Gas Co., Docket No. CI62-1222; Harry A. Kalish, et al., Docket No. CI62-1223, W. C. McBride, Inc., Docket No. CI62-1227, Walter E. Smith d.b.a. John G. Rogers #1, Docket No. CI62-1233, Standard Oil Company of Texas, A Division of California Oil Company, Docket No. CI62-1238, John C. Pickett, Docket No. CI62-1248, W. C. Payne (Operator), et al., Docket No. CI62-1259.

Standard Oil Company of Texas, A Division of California Oil Company, Docket No. CI62-1264, H. F. Sears, Docket No. CI62-1334, T. L. Mullen Company, Docket No. CI62-1338, Humble Oil & Refining Company, Docket No. CI62-1351, Whitehall Oil Company, Inc., Docket No. CI62-1353, Olin B. Wetzel d.b.a. Bower, Hall and Wetzel, Docket No. CI62-1354, J. & B. Oil Corporation, Docket No. CI62-1355, Wyatt & Boggs, Docket No. CI62-1356, Blaho Oil & Gas Company, Docket No. CI62-1357, Crow Drilling & Producing Co., Docket No. CI62-1360, Ambassador Oil Corporation, Docket No. CI62-1362, A. L. Hammer, et al., d.b.a. H&M Drilling Company (Operator), et al., Docket No. CI62-1364, Hugh K. Spencer, et al., Docket No. CI62-1365, Arthur L. Nicholson d.b.a. Five Leaf Clover Oil and Gas Company, Docket No. CI62-1366, N. G. Clark, Docket No. CI62-1368, Charles E. Baker d.b.a. James Robinson Well No. 1, Docket No. CI62-1369, Texaco Inc., Docket No. CI62-1370, Manor Oil Company, Docket No. CI62-1372, J. N. Pratt, et al., Docket No. CI62-1373, Texaco Inc., Docket No. CI62-1374, Earlsboro Oil & Gas Company (Partnership), et al., Docket No. CI62-1376, Mid-America Minerals, Inc., Docket No. CI62-1377, Plains Exploration Company, et al., Docket No. CI62-1378, Arthur I. Appleton d.b.a. Appleton Oil Company (Operator), et al., Docket No. CI62-1382, Joe T. Juhan, Docket No. CI62-1385, Sinclair Oil & Gas Company, Docket No. CI62-1388, Champlin Oil & Refining Company, Docket No. CI62-1389, John Hunter, et al., Docket No. CI62-1404, F. M. Haught, Docket No. CI62-1405, J. T. Langham (Operator), et al., Docket No. CI62-1406, Henry O. Gossett, Jr., Docket No. CI62-1407, Ferrell L. Prior, d.b.a. Prior Oil Company, Docket No. CI62-1408, Hamilton Brothers, Ltd. (Operator), et al., Docket No. CI62-1411, Sunray DX Oil Company, Docket No. CI62-1412, Laurence W. Ritter, Docket No. CI62-1425, The British-American Oil Producing Company (Operator), et al., Docket No. CI62-1433, John A. Egan (Operator), et al., Docket No. CI62-1435, W. L. Meadows, Jr., et al., Docket No. CI62-1444, Big Chief Drilling Company, Docket No. CI62-1449, Glenn F. Thomas, et al. d.b.a. Thomas & Brewer (Operator), et al., Docket No. CI62-1450, Tom Vessels, Jr., Docket No. CI62-1452.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce as hereinafter described, all as more fully described in the respective applications (and any supplements or amendments thereto) which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Field and Location; Purchaser; and Initial Price per Mcf

G-13255; Helen Gohlke Field, DeWitt and Victoria Counties, Tex.; Texas Eastern Transmission Corp.; 11.42656 cents at 14.65 p.s.i.a.

G-13593; Maxie-Pistol Ridge Area, Pearl River County, Miss.; United Gas Pipe Line Co.; 20.1324 cents at 15.025 p.s.i.a.

G-14573; Katie Field, Garvin County, Okla.; Lone Star Gas Co.; 11.0 cents at 14.65 p.s.i.a.

G-15801; Laredo Pool, Reno County, Kans.; Panhandle Eastern Pipe Line Co.; 13.0 cents at 14.65 p.s.i.a.

G-15802; Ellenburger Field, Andrews County, Tex.; El Paso Natural Gas Co.; 8.0945 cents at 14.65 p.s.i.a.

G-15804; Acreage in Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 p.s.i.a.

G-16094; Hidalgo Field, Hildalgo County, Tex.; Trunkline Gas Co.; 12.3652 cents at 14.65 p.s.i.a.

G-16749; Hugoton Field, Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 p.s.i.a.

G-16938; Hidalgo Field Area, Hidalgo County, Tex.; Trunkline Gas Co.; 12.3652 cents at 14.65 p.s.i.a.

G-17236; Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.5 cents at 14.65 p.s.i.a.

G-17843 (as Supp. 3-12-59, 1-31-61, 2-28-61); Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 p.s.i.a.

G-17933; West Gallegos Canyon, Dakota Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 p.s.i.a.

G-18083; South Forgan-Mocane Area, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 p.s.i.a.

G-18161 (as Supp. 8-24-59); Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 p.s.i.a.

G-18352 (as Supp. 1-12-61 and 3-15-61); Acreage in Beaver County, Okla.; Natural Gas Pipeline Co. of America; 16.6 cents at 14.65 p.s.i.a.

G-18373 (as Supp. 1-12-61); S. E. Benson Area, Pawnee County, Kans.; Northern Natural Gas Co.; 15.0 cents at 14.65 p.s.i.a.

G-18459 (as Supp. 6-18-62); North Ruston Field, Lincoln Parish, La.; Arkansas Louisiana Gas Co.; 13.32 cents at 15.025 p.s.i.a.

G-18480; North Hutchinson Field, Hansford County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 p.s.i.a.

G-18531; Hugoton Field, Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 p.s.i.a.

G-18637; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 14.65 p.s.i.a.

G-18659; Aztec Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 14.65 p.s.i.a.

G-18791; Waskom Field, Harrison County, Tex.; Arkansas Louisiana Gas Co.; 11.25206 cents at 14.65 p.s.i.a.

G-19451; Hugoton Field, Finney County, Kans., Northern Natural Gas Co.; 12.0 cents at 14.65 p.s.i.a.

G-19586; Justis Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 14.65 p.s.i.a.

G-19689; Justis Blinebry, Justis Ellenburger and Justis McKee Pools, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 14.65 p.s.i.a.

G-19959; Aztec Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 14.65 p.s.i.a.

G-20233 (as Supp. 11-28-60); Mission Bridge Field, Victoria County, Tex.; Transcontinental Gas Pipe Line Corp.; 7.0945 cents at 14.65 p.s.i.a.

CI60-32 (as Supp. 8-29-60 and 12-11-61); LaBarge Field, Lincoln and Sublette Counties, Wyo.; El Paso Natural Gas Co.; 15.0 cents at 14.65 p.s.i.a.

CI60-174; Sprayberry Trend Area, Reagan County, Tex.; El Paso Natural Gas Co.; 10.096 cents at 14.65 p.s.i.a.

CI60-405; Blanco (Mesaverde) Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 p.s.i.a.

CI60-540; Dipper Gap Field, Logan County, Colo.; Antelope Gas Products Co.; 11.0 cents at 14.65 p.s.i.a.

CI60-647; Acreage in Stevens County, Kans.; Kansas-Colorado Utilities, Inc.; 11.0 cents at 14.65 p.s.i.a.

CI61-244; Acreage in Stephens County, Okla.; Lone Star Gas Co.; 14.0 cents at 14.65 p.s.i.a.

CI61-275; (9-19-60); Hugoton Field, Texas County, Okla.; Kansas-Nebraska Natural Gas Co., Inc.; 11.0 cents at 14.65 p.s.i.a.

CI61-317; Carmichael Field, Jackson County, Tex.; United Gas Pipe Line Co.; 13.1644 cents at 14.65 p.s.i.a.

CI61-550; ILS Southwest Field, Barber County, Kans.; Cities Service Gas Co.; 13.0 cents at 14.65 p.s.i.a.

CI61-598; Alfred Area, Jim Wells County, Tex.; Alfred Production Co.; 10.096 cents at 14.65 p.s.i.a.

CI61-656 Geary District, Roane County, W. Va.; Godfrey L. Cabot, Inc.; 10.0 cents at 15.325 p.s.i.a., 16.0 cents at 15.325 p.s.i.a.

CI61-1236 (as Supp. 8-25-61); Normanna Field, Bee County, Tex.; Natural Gas Pipeline Co. of America; 18.0 cents at 14.65 p.s.i.a.

CI61-1312; Farmington Pictured Cliffs Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 14.65 p.s.i.a.

CI61-1620; Acreage in Dewey County, Okla.; Natural Gas Pipeline Co. of America; 15.0 cents at 14.65 p.s.i.a.

CI61-1757; Palito Blanco Field, Jim Wells County, Tex.; Ben Bolt Gathering Co.; 15.944 cents at 14.65 p.s.i.a.

CI62-237; Union District, Ritchie County, W. Va.; Carnegie Natural Gas Co., 20.0 cents at 14.65 p.s.i.a.

CI62-244; Acreage in Stephens County, Okla.; Lone Star Gas Co., 14.0 cents at 14.65 p.s.i.a.

CI62-263 (as Supp. 10-2-61); South Marlow Field, Stephens County, Okla.; Arkansas Louisiana Gas Co.; 15.0 cents at 14.65 p.s.i.a.

CI62-277 (as Supp. 1-29-61); Rodessa Field, Cass County, Tex.; United Gas Pipe Line Co.; 9.6024 cents at 14.65 p.s.i.a.

CI62-307; South Marlow Field, Stephens County, Okla.; Arkansas Louisiana Gas Co.; 15.0 cents at 14.65 p.s.i.a.

CI62-397; Dipper Gap Field, Logan County, Colo.; Antelope Gas Products Co.; 11.0 cents at 14.65 p.s.i.a.

CI62-495; Mocane Field, Beaver County, Okla.; Colorado Interstate Gas Co.; 17.0 cents at 14.65 p.s.i.a.

CI62-621; Yeary Field, Kleberg County, Tex.; South Texas Natural Gas Gathering Co.; 17.0 cents at 14.65 p.s.i.a.

CI62-745; McElvain-Tatum Unit, Ignacio-Blanco (Mesaverde) Field, LaPlata County, Colo.; El Paso Natural Gas Co.; 13.0 cents at 15.025 p.s.i.a.

CI62-790; Hugoton Field, Finney County, Kans.; Kansas-Nebraska Natural Gas Co., Inc.; 11.0 cents at 14.65 p.s.i.a.

CI62-794; Bisti Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 p.s.i.a.

CI62-870; West Marlow Field, Grady and Comanche Counties, Okla.; Arkansas Louisiana Gas Co.; 15.0 cents at 14.65 p.s.i.a.

CI62-891; Harper Ranch, North Morrow Field, Clark County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 p.s.i.a.
CI62-904; Guymon-Hugoton Field, Texas County, Okla.; Kansas-Nebraska Natural Gas Co., Inc.; 11.0 cents at 14.65 p.s.i.a.
CI62-905; Acreage in Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 p.s.i.a.
CI62-908; Harper Ranch Field, Clark County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 p.s.i.a.
CI62-931; Hugoton Field, Morton County, Kans.; Panhandle Eastern Pipe Line Co.; 11.0 cents at 14.65 p.s.i.a., 16.0 cents at 14.65 p.s.i.a.
CI62-954; Seeligson Field, Jim Wells County, Tex.; Tennessee Gas Transmission Co.; 17.24347 cents at 14.65 p.s.i.a.
CI62-976; Albrecht Field Area, Goliad County, Tex.; United Gas Pipe Line Co.; 12.1536 cents at 14.65 p.s.i.a.
CI62-995; Weesatche, NE. Mackhank Field, Goliad County, Tex.; United Gas Pipe Line Co.; 12.1536 cents at 14.65 p.s.i.a.
CI62-1011; Danville Field, Rusk County, Tex.; Lone Star Gas Co.; 14.49 cents at 14.65 p.s.i.a.
CI62-1015; W. L. Pickens Lease, Grayson County, Tex.; Lone Star Gas Co.; 14.49 cents at 14.65 p.s.i.a.
CI62-1033; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 p.s.i.a.
CI62-1204; Acreage in Hansford County, Tex.; Natural Gas Pipeline Co. of America; 12.0 cents at 14.65 p.s.i.a.
CI62-1205; Hugoton Field, Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 11.0 cents at 14.65 p.s.i.a.
CI62-1211; South Blanco Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 p.s.i.a.
CI62-1214; Troy District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI62-1215; Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.0 cents at 14.65 p.s.i.a.
CI62-1216; May Field, Kleberg County, Tex.; Texas Eastern Transmission Corp.; 14.2 cents at 14.65 p.s.i.a.
CI62-1221; Northeast Waynoka Field, Woods County, Okla.; Cities Service Gas Co.; 13.0 cents at 14.65 p.s.i.a.
CI62-1222; Stafford District, Mingo County, W. Va.; United Fuel Gas Co.; 26.0 cents at 15.325 p.s.i.a.
CI62-1223; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI62-1227; Rosston North Area, Harper County, Okla.; Northern Natural Gas Co.; 17.0 cents at 14.65 p.s.i.a.
CI62-1233; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI62-1238; Yates Field, Pecos County, Tex.; El Paso Natural Gas Co.; 14.0 cents at 14.65 p.s.i.a.
CI62-1248; San Juan Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 p.s.i.a.
CI62-1259; Ringwood Field, Major County, Okla.; Oklahoma Natural Gas Gathering Corp.; 11.0 cents at 14.65 p.s.i.a.
CI62-1264; Jack Herbert Field, Upton County, Tex.; El Paso Natural Gas Co.; 15.7092 cents at 14.65 p.s.i.a.
CI62-1334; Panhandle Field, Hutchinson County, Tex.; J. W. Glass, Jr., and R. S. Randolph, Trustee for Henderson Trust No. 2; 12.0 cents at 14.65 p.s.i.a.
CI62-1338; Meade District, Upshur County, W. Va.; Hope Natural Gas Co., 25.0 cents at 15.325 p.s.i.a.
CI62-1351; Yucca Butte and Cobblestone Fields, Pecos and Terrell Counties, Tex.; El Paso Natural Gas Co.; 15.7093 cents at 14.65 p.s.i.a.
CI62-1353; Acreage in Beaver County, Okla.; Colorado Interstate Gas Co.; 16.5 cents at 14.65 p.s.i.a.
CI62-1354; West Union District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI62-1355; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI62-1356; Spencer District, Roane County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI62-1357; Grant District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI62-1360; Terryville Field, Lincoln Parish, La.; Texas Gas Transmission Corp.; 18.25 cents at 15.025 p.s.i.a.
CI62-1362; Pryor "A" Unit, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 17.0 cents at 14.65 p.s.i.a.
CI62-1364; Southeast Rainbow Bend Pool, Cowley County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 p.s.i.a.
CI62-1365; West Union District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI62-1366; Union District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI62-1368; Hackers Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI62-1369; West Union District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI62-1370; West Chapel Hill Field, Smith County, Tex.; Lone Star Gas Co.; 14.49 cents at 14.65 p.s.i.a.
CI62-1372; Center District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI62-1373; Kai Creek and Flying "M" Fields, Victoria County, Tex.; Natural Gas Pipeline Co. of America; 16.0 cents at 14.65 p.s.i.a.
CI62-1374; Manziel Field, Woods County, Tex.; Lone Star Gas Co.; 14.49 cents at 14.65 p.s.i.a.
CI62-1376; Wakita Field, Grant County, Okla.; Cities Service Gas Co.; 13.0 cents at 14.65 p.s.i.a.
CI62-1377; Six Mile Field, Beaver County, Okla.; Northern Natural Gas Co.; 17.0 cents at 14.65 p.s.i.a.
CI62-1378; Riverside Field, Weld County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 12.0 cents at 15.025 p.s.i.a.
CI62-1382; Deer Creek Field, Grant County, Okla.; Arkansas Louisiana Gas Co:; 11.0 cents at 14.65 p.s.i.a.
CI62-1385; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 p.s.i.a.
CI62-1388; Camp Creek, Six Mile and SE Floris Fields, Beaver County, Okla.; Northern Natural Gas Co.; 17.0 cents at 14.65 p.s.i.a.
CI62-1389 (as Supp. 6-1-62); Ringwood Field, Major County, Okla.; Oklahoma Natural Gas Gathering Corp.; 6.0 cents at 14.65 p.s.i.a.
CI62-1404; Murphy District, Ritchie County, West Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI62-1405; McClellan District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI62-1406; Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.0 cents at 14.65 p.s.i.a.
CI62-1407; Grant District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI62-1408; New Milton District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI62-1411; Unnamed Field, Texas County, Okla.; Cities Service Gas Co.; 17.0 cents at 14.65 p.s.i.a.
CI62-1412; Ringwood Field, Major County, Okla.; Oklahoma Natural Gas Gathering Corporation and Warren Petroleum Corp.; 11.0 cents at 14.65 p.s.i.a.
CI62-1425; Acreage in Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 p.s.i.a.
CI62-1433; Armstrong Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 12.826 cents at 15.025 p.s.i.a.
CI62-1435; Acreage in Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 p.s.i.a.
CI62-1444; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI62-1449; Ringwood Field, Major County, Okla.; Oklahoma Natural Gas Gathering Corp.; 11.0 cents at 14.65 p.s.i.a.
CI62-1450; Panhandle Area, Beaver County, Okla.; Kansas-Nebraska Natural Gas Co., Inc.; 15.0 cents at 14.65 p.s.i.a.
CI62-1452; Acreage in Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 9.162 cents at 15.025 p.s.i.a.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 5, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a noncontested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c)(1) or (c)(2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 24, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m)(2) of the rules of practice and procedure.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7947; Filed, Aug. 8, 1962; 8:53 a.m.]

[Docket No. CP62-212]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Date of Hearing

AUGUST 2, 1962.

Notice of the application in the above-numbered docket was issued by the Secretary of the Commission on May 23, 1962, and published in the FEDERAL REGISTER on May 30, 1962 (27 F.R. 5111), together with notice of hearing to be held on June 26, 1962.

On June 26, 1962, the Presiding Examiner, upon motion of Staff Counsel continued the hearing to permit the separation of the application into two parts, respectively referred to as Phases One and Two with Phase One to be set for a shortened procedure hearing and Phase Two to be set for formal hearing. Thereafter, on said June 26, 1962, notice of date of hearing was issued by the Secretary of the Commission and published in the FEDERAL REGISTER on July 3, 1962 (27 F.R. 6292), setting for hearing on July 19, 1962, the matters involved in and the issues presented by Phase One of the application in Docket No. CP62-212 as set forth in said notice and as more fully set forth in the amendment to said application filed by Michigan Wisconsin Pipe Line Company on June 25, 1962.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 4, 1962, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the so-called Phase Two of the application as described in the notice of date of hearing issued herein on June 26, 1962, and as more fully set forth in the amendment to said application filed by Michigan Wisconsin Pipe Pine Company on June 25, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7912; Filed, Aug. 8, 1962; 8:45 a.m.]

[Docket No. CP62-151]

FLORIDA GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

AUGUST 2, 1962.

Take notice that on December 28, 1961, as amended and supplemented on March 16 and May 21, 1962, Florida Gas Transmission Company (formerly Houston Texas Gas and Oil Corporation) (Applicant), Winter Park, Florida, filed in Docket No. CP62-151 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in order to render natural gas service for a five-year term, on an intermediate interruptible basis, to the Taleyrand Generating Station of the City of Jacksonville, Florida, all as more fully set forth in the application, as supplemented and amended, on file with the Commission and open to public inspection.

Specifically Applicant proposes to construct and operate approximately 12 miles of 10-inch line from its existing Jacksonville lateral in a general northerly and easterly direction to said generating station.

Applicant states that the natural gas will be used by the City of Jacksonville for the generation of electricity for distribution through its municipally owned and operated system for domestic, commercial, industrial and other uses.

The application indicates the estimated maximum daily and annual deliveries to the generating station will be 55,000 Mcf and 15,512,500 Mcf, respectively. Applicant estimates that the average annual deliveries to the city of Jacksonville will be approximately 8,884,488 Mcf.

The estimated cost of the proposed facilities is $757,000, which cost is proposed to be financed out of funds on hand.

Applicant and the City of Jacksonville have entered into a sales contract, dated July 25, 1961, providing for the proposed service. Said contract provides that the rate per therm be computed upon the basis of 92 percent of the weighted average delivered cost of competitive fuel. A further provision is included whereby Applicant may discontinue service, upon appropriate notice, when the price of gas falls below 3.1 cents per therm.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 24, 1962, at 10:00 a.m. e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application, as supplemented and amended.

Protests or petitions to intervene may be filed with Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 27, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7913; Filed, Aug. 8, 1962; 8:45 a.m.]

[Project No. 1856]

UNION CARBIDE CORP.

Order Supplementing Order To Show Cause

AUGUST 2, 1962.

On February 26, 1952 the Commission issued an order to show cause (11 FPC 837) with respect to the constructed Hawks Nest hydroelectric development operated and maintained by Union Carbide Corporation (formerly Union Carbide & Carbon Corp.) on the New River immediately upstream from Gauley Bridge, West Virginia, designated as Project No. 1856.

Immediately downstream from the confluence of the Gauley and the New Rivers, on the Kanawha River at Gauley Bridge, is the Glen Ferris development, which appears to be maintained and operated by Union Carbide Corporation (Carbide) without a valid Federal permit issued prior to June 10, 1920 or a license issued pursuant to Part I of the Federal Power Act.

It further appears that both developments are owned and operated by Carbide to supply electric power in the production of ferro-silicon at its plant near Gauley Bridge, West Virginia and for other purposes.

The Commission finds: It is appropriate and in the public interest that this proceeding be supplemented to include the Glen Ferris hydroelectric development, and that Union Carbide Corporation be required to supplement the application for license in Project No. 1856 to include the project works of the Glen Ferris development.

The Commission orders: Union Carbide Corporation shall, within 60 days from the date of issuance of this order, show cause, if any there be, why: (1) The application for license designated as Project No. 1856 should not be amended to include the Glen Ferris hydroelectric development; and (2) the Commission should not, pursuant to the Federal Power Act and particularly section 4(g) thereof, issue an appropriate order to conserve and utilize the navigation and water power resources of the region for use or benefit of interstate or foreign commerce, for the improvement and utilization of water power development, and for other beneficial public uses, including recreational purposes.

By the Commission.

GORDAN M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7914; Filed, Aug. 8, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

AUGUST 3, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 4, 1962, to August 13, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7932; Filed, Aug. 8, 1962; 8:50 a.m.]

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

AUGUST 3, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 6, 1962, to August 15, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7933; Filed, Aug. 8, 1962; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 28]

ALASKA

Small Tract Classification; Cancellation

AUGUST 1, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215) as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961, and effective immediately, Federal Register Document 50-3301 is hereby cancelled in its entirety as it concerns the following described lands:

T. 5 S., R. 15 W., S.M.,
Sec. 4: S½NE¼.

2. The land has been patented under patent #1134869.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-7923; Filed, Aug. 8, 1962; 8:48 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 1, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Los Angeles 0165220, for the withdrawal of certain lands from location and entry, under the General Mining Laws, subject, however, to existing withdrawals and to valid existing rights.

The lands have previously been withdrawn for the Los Padres National Forest by Presidential Proclamation dated October 3, 1906, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit the use of such lands as administrative sites, public service sites, and recreation areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, Calif.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 4 N., R. 20 W.,
Sec. 7, NE¼NE¼NW¼, SE¼SE¼.
T. 4 N., R. 21 W.,
Sec. 11, SE¼NW¼NW¼, NE¼SW¼NW¼.
T. 4 N., R. 23 W.,
Sec. 6, S½NE¼SE¼, N½SW¼SE¼, NW¼SE¼, SE¼SE¼;
Sec. 7, Lot 6.
T. 5 N., R. 18 W.,
Sec. 6, SW¼W½; of Lot 11;
Sec. 10, NE¼SW¼;
Sec. 22, E½NE¼SW¼;
Sec. 32, SW¼NW¼NW¼.
T. 5 N., R. 21 W.,
Sec. 2, NE¼SE¼SE¼;
Sec. 5, NE¼E½ of Lot 5.
T. 5 N., R. 22 W.,
Sec. 5, Lots 6, 7, 9, 10, and 11.
T. 5 N., R. 23 W.,
Sec. 15, SW¼NE¼, NW¼SE¼, E½SW¼;
Sec. 35, SW¼SW¼.
T. 5 N., R. 24 W.,
Sec. 12, SE¼SE¼SE¼;
Sec. 15, SE¼SE¼NW¼;
Sec. 21, N½SE¼NE¼SE¼, S½NE¼NE¼SE¼.
T. 6 N., R. 20 W.,
Sec. 31, S½NE¼, S½NW¼SE¼, N½N½SE¼, NW¼ of Lot 3.
T. 6 N., R. 21 W.,
Sec. 3, SW¼NW¼SW¼;
Sec. 4, Lot 1, S½SW¼NW¼;
Sec. 9, N½NW¼SW¼, NW¼NE¼SW¼, S½SW¼NW¼;
Sec. 17, SE¼SW¼;
Sec. 36, SW¼NE¼SW¼.
T. 6 N., R. 22 W.,
Sec. 14, NW¼NW¼NE¼;
Sec. 25, NW¼NE¼NW¼, NW¼NW¼SW¼;
Sec. 36, E½E½SW¼SW¼, SW¼SE¼SW¼.
T. 6 N., R. 23 W.,
Sec. 3, NW¼NE¼SW¼;
Sec. 5, NW¼SW¼NE¼;
Sec. 18, NW¼ of Lot 2, NE¼NW¼SW¼;
Sec. 25, NE¼SW¼NE¼;
Sec. 36, E½SE¼.
T. 6 N., R. 24 W.,
Sec. 4, SW¼NE¼, S½NW¼, W½SE¼;
Sec. 13, NE¼SE¼NE¼.
T. 6 N., R. 27 W.,
Sec. 8, S½SW¼;
Sec. 17, N½NW¼;
Sec. 29, NW¼SW¼NW¼;
Sec. 31, W½ of Lot 1, W½ of Lot 2.
T. 6 N., R. 29 W.,
Sec. 32, SE¼SE¼SW¼.
T. 7 N., R. 19 W.,
Sec. 7, SE¼NE¼;
Sec. 30, Lot 3;
Sec. 33, SW¼SW¼NW¼.
T. 7 N., R. 20 W.,
Sec. 25, NE¼SE¼;
Sec. 26, SW¼NE¼SW¼.
T. 7 N., R. 23 W.,
Sec. 22, SW¼SE¼SW¼;
Sec. 27, NW¼NE¼NW¼;
Sec. 36, SW¼SW¼SE¼.
T. 7 N., R. 24 W.,
Sec. 3, Lot 2.
T. 7 N., R. 26 W.,
Sec. 1, E½SW¼, W½SE¼.
T. 7 N., R. 27 W.,
Sec. 19, E½SE¼, W½SW¼.
T. 7 N., R. 29 W.,
Sec. 11, S½NW¼SW¼;
Sec. 15, SE¼NE¼SW¼.
T. 8 N., R. 19 W.,
Sec. 11, SW¼;
Sec. 14, NW¼.
T. 8 N., R. 20 W.,
Sec. 4, SW¼SW¼;
Sec. 14, SE¼SE¼SW¼, S½SW¼SE¼;
Sec. 23, NE¼NE¼NW¼, N½SW¼NE¼.
T. 8 N., R. 21 W.,
Sec. 4, E½NE¼SW¼, NE¼SE¼.
T. 8 N., R. 24 W.,
Sec. 34, SE¼SW¼NW¼, NE¼SW¼, E½NW¼SW¼, E½SE¼SW¼.
T. 8 N., R. 26 W.,
Sec. 33, NE¼NW¼, N½NE¼, N½SE¼NE¼;
Sec. 34, N½SW¼NW¼, S½NW¼NW¼.
T. 8 N., R. 29 W.,
Sec. 16, NW¼SE¼;
Sec. 20, S½NE¼;
Sec. 21, S½S½NW¼, N½N½SW¼, S½NE¼SW¼;
Sec. 30, S½ of Lot 3, Lot 4, SW¼NE¼SW¼, W½SE¼SW¼;

Sec. 31, Lots 1 and 2;
Sec. 34, E½SW¼NE¼, SW¼SE¼NE¼, NW¼NE¼SE¼.
T. 8 N., R. 30 W.,
Sec. 25, S½ of Lot 3, S½SE¼SW¼, W½SE¼, SE¼SE¼, NE¼SE¼;
Sec. 36, N½NE¼, NE¼NW¼.
T. 9 N., R. 20 W.,
Sec. 32, S½NW¼NE¼, N½S½NE¼, S½NE¼NE¼;
Sec. 33, N½SW¼NW¼, NW¼SE¼NW¼, S½NW¼NW¼.
T. 9 N., R. 21 W.,
Sec. 23, S½SE¼SE¼;
Sec. 26, N½NE¼NE¼;
Sec. 34, S½SW¼, SW¼SE¼, E½SE¼SE¼, SE¼NE¼NE¼, NE¼SE¼NE¼;
Sec. 35, SW¼NW¼NW¼, NW¼SW¼SW¼.
T. 9 N., R. 22 W.,
Sec. 15, E½SE¼;
Sec. 26, SW¼, S½NW¼;
Sec. 27, E½SE¼, SW¼SE¼.
T. 9 N., R. 23 W.,
Sec. 9, NW¼SE¼NE¼SW¼, E½SE¼NE¼SW¼, NE¼NE¼SW¼.
T. 9 N., R. 24 W.,
Sec. 19, Lots 13, 15, 24, 25, 26, 27, 28, 29, and 30.
T. 9 N., R. 27 W.,
Sec. 6, Lots 6 and 7, E½SW¼.
T. 9 N., R. 29 W.,
Sec. 33, Lot 4, E½SE¼;
Sec. 34, NW¼SW¼SW¼, SW¼NW¼SW¼.
T. 10 N., R. 28 W.,
Sec. 17, W½W½;
Sec. 18, E½E½.
T. 10 N., R. 30 W.,
Sec. 6, Lot 7;
Sec. 7, N½ of Lot 1;
Sec. 31, Lots 3 and 4, E½SW¼.
T. 11 N., R. 30 W.,
Sec. 9, E½NE¼SE¼;
Sec. 10, N½NW¼SW¼.
T. 10 N., R. 31 W.,
Sec. 13, N½NW¼NW¼;
Sec. 31, W½NW¼SE¼, NE¼SW¼.
T. 11 N., R. 31 W.,
Sec. 23, NE¼NW¼;
Sec. 26, NE¼NW¼, NE¼SW¼, S½SW¼.

The area described contains approximately 5,857.70 acres.

ROLLA E. CHANDLER,
Manager, Land Office, Riverside.

[F.R. Doc. 62-7925; Filed, Aug. 8, 1962; 8:48 a.m.]

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 1, 1962.

Notices of an application, Serial No. Colorado 09807, and amendment thereto, for withdrawal and reservation of lands were published as Federal Register Documents No. 55-10192, on page 9829 of the issue for December 12, 1955, and No. 58-8547 on page 8002 of the issue for October 16, 1958. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on September 6, 1962, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 N., R. 51 W.,
Sec. 9, NE¼SW¼;
Sec. 17, S½NE¼, SE¼NW¼;
Sec. 18, SE¼.
T. 9 N., R. 53 W.,
Sec. 15, NW¼NW¼.
T. 4 N., R. 55 W.,
Sec. 5, SE¼NE¼;
Sec. 7, SE¼NE¼.
T. 6 N., R. 57 W.,
Sec. 31, Lot 2.
T. 4 N., R. 59 W.,
Sec. 21, SE¼SE¼;
Sec. 22, SW¼SW¼;
Sec. 27, NW¼NW¼, E½SW¼, W½SE¼.
T. 4 N., R. 60 W.,
Sec. 30, Lot 4, SE¼SW¼;
Sec. 31, Lots 1, 2, 3, 4, E½W½.
T. 5 N., R. 60 W.,
Sec. 14, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 15, S½N½, S½;
Sec. 22, All;
Sec. 23, N½NE¼, SW¼NE¼, NW¼, N½SW¼;
Sec. 27, W½NE¼, E½NW¼.
T. 3 N., R. 61 W.,
Sec. 1, Lot 3, SE¼NW¼, NE¼SW¼;
Sec. 2, Lot 2.
T. 4 N., R. 61 W.,
Sec. 25, NE¼SW¼, NW¼SE¼, S½S½;
Sec. 26, SE¼SE¼;
Sec. 35, E½, NW¼, E½SW¼, NW¼SW¼.

The areas described aggregate 4,184.09 acres.

HAROLD T. TYSK,
Chief, Lands and Minerals.

[F.R. Doc. 62-7922; Filed, Aug. 8, 1962; 8:48 a.m.]

[No. 63-1]

OREGON

Notice of Proposed Withdrawal and Reservations of Lands

JULY 31, 1962.

The Assistant Secretary, United States Department of Agriculture, has filed an application, Serial No. Oregon 012615, for the withdrawal of the lands described below, subject to valid existing rights, from appropriation under the general mining laws only.

The applicant desires the land for use of the Forest Service for development of facilities for public outdoor recreation in the Bull Prairie Recreation Area in the Umatilla National Forest, Oregon.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 N.E. Holladay, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

UMATILLA NATIONAL FOREST

Bull Prairie Recreation Area

T. 7 S., R. 26 E.,
Sec. 7: NW¼NE¼, NE¼NW¼, S½NW¼, N½SW¼, NW¼SE¼.

279.96 acres.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 62-7924; Filed, Aug. 8, 1962; 8:48 a.m.]

UTAH

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands; Correction

In F.R. Doc. 62-3300, appearing at page 3261 of the issue for Thursday, April 5, 1962, the designation of the sixth township listed should read: T. 7 S., R. 18 W.

F. S. KIRK,
Operations Manager.

AUGUST 2, 1962.

[F.R. Doc. 62-7921; Filed, Aug. 8, 1962; 8:47 a.m.]

National Park Service

[Order 14, Amdt. 18]

REGIONAL DIRECTORS

Delegation of Authority

Order No. 14, issued December 1, 1952 (19 F.R. 8824), is amended by the withdrawal of section 1(h) pertaining to the disposition of Federal surplus real property in view of the limitation contained in 245 DM 1.2A3, and is further amended by the addition of section 5 to properly relate it to 245 DM 1 (27 F.R. 6395). Amendments are as follows:

1. Section 1(h) is deleted.

2. Section 5 is added to read as follows:

SEC. 5. Delegations and redelegations of authority pursuant to this Order and its amendments which relate to program authorities with respect to national parks, monuments, historic sites, and similar areas under the jurisdiction of the National Park Service shall continue in force on the basis of 245 DM1 (27 F.R. 6395).

(245 DM1, 27 F.R. 6395; 5 U.S.C. sec. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

CONRAD L. WIRTH,
Director.

AUGUST 2, 1962.

[F.R. Doc. 62-7929; Filed, Aug. 8, 1962; 8:49 a.m.]

[Order 21, Amdt. 1]

ASSISTANT DIRECTORS

Delegation of Authority

This order is amended to include all of the authority formerly delegated to the Assistant Directors by Secretary's Order

2640, section 1 (17 F.R. 481) and is as follows:

The Assistant Directors, and officers designated by them to serve as Acting Assistant Directors in their absence, may exercise all of the authority of the Director with respect to any matter which may come before them.

(245 DM1, 27 F.R. 6395; 5 U.S.C. sec. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

CONRAD L. WIRTH,
Director.

AUGUST 2, 1962.

[F.R. Doc. 62-7930; Filed, Aug. 8, 1962; 8:49 a.m.]

[Order 16]

CHIEF, DIVISION OF COOPERATIVE SERVICES; ASSISTANT DIRECTOR, RESOURCES PLANNING

Revocation of Delegation of Authority

Order No. 16 as amended granting authority to the Chief, Division of Cooperative Services and to the Assistant Director, Resources Planning with respect to the disposal of Federal real property under sec. 203 of the Federal Property and Administrative Service Act, as amended (40 U.S.C. 484) is revoked.

(245 DM1, 27 FR 6395; 5 U.S.C. Sec. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

CONRAD L. WIRTH,
Director.

AUGUST 2, 1962.

[F.R. Doc. 62-7931; Filed Aug. 8, 1962; 8:50 a.m.]

Office of the Secretary

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 23, 1962.

Dated: July 23, 1962.

GLENN J. HALL.

[F.R. Doc. 62-7936; Filed, Aug. 8, 1962; 8:51 a.m.]

ROBERT R. REND

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 25, 1962.

Dated: July 25, 1962.

ROBERT R. REND.

[F.R. Doc. 62-7937; Filed, Aug. 8, 1962; 8:51 a.m.]

RAYMOND V. SELANDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 23, 1962.

Dated: July 23, 1962.

R. V. SELANDER.

[F.R. Doc. 62-7938; Filed, Aug. 8, 1962; 8:51 a.m.]

GENERAL SERVICES ADMINISTRATION

CHESTNUT TANNIN EXTRACT HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 12,245 long tons of chestnut tannin extract now held in the national stockpile.

The Office of Emergency Planning has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling said 12,245 long tons of chestnut tannin extract. The revised determination was based upon the finding of the Office of Emergency Planning that said 12,245 long tons of chestnut tannin extract are in excess of stockpile requirements.

Since the revised determination is not by reason of obsolescence of chestnut tannin extract for use in time of war, the proposed disposition of said 12,245 long tons of chestnut tannin extract from the national stockpile is being referred to the Congress for its express approval, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to transfer said chestnut tannin extract to other Government agencies, to dispose of it by sale on a competitive basis, or otherwise to dispose of it in the best interest of the Government, beginning upon the express approval by the Congress of the disposal of this material from the national stockpile or six months after the date of publication of this notice in the FEDERAL REGISTER, whichever is later. The quantity to be initially offered for sale will not exceed approximately 1,000 long tons. Additional quantities will be offered for sale thereafter over a period of three or more years. The amount and the timing of sales of each offering, following the first, will be based upon an evaluation of earlier sales and of existing market conditions.

This plan and the date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: August 2, 1962.

LAWSON B. KNOTT, JR.,
Acting Administrator.

[F.R. Doc. 62-7941; Filed, Aug. 8, 1962; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 6, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37865: *Bituminous coal to Rotan, Ark.* Filed by O. W. South, Jr., Agent (No. A4222), for interested rail carriers. Rates on bituminous coal and coal briquettes, as described in the application, in carloads, from mine origins on the L&N RR in western Kentucky (Group 3), to Rotan, Ark.

Grounds for relief: Carrier competition.

Tariff: Supplement 144 to Southern Freight Association tariff I.C.C. 1003 (Spaninger series).

FSA No. 37866: *Fresh vegetables to WTL territory points.* Filed by O. W. South, Jr., Agent (No. A4223), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), in carloads, from Atmore, Boaz, Cullman, Foley, Frisco City and Mobile, Ala., also points grouped therewith, to Des Moines, Highland Park and Ottumwa, Iowa, Wichita, Kans., Wallace, Mich., Minneapolis, Minn., Kansas City, Mo., Lincoln, and Omaha, Nebr., also points grouped therewith.

Grounds for relief: Modified short-line distance formula and grouping.

Tariff: Supplement 39 to Southern Freight Association tariff I.C.C. S-75.

FSA No. 37867: *Gravel from Dickason Pit, Ind., to Altamont and St. Elmo, Ill.* Filed by Illinois Freight Association, Agent (No. 182), for interested rail carriers. Rates on gravel, road surfacing, in carloads, from Dickason Pit, Ind., to Altamont and St. Elmo, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 22 to Chicago & Eastern Illinois Railroad Company tariff I.C.C. 330.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-7943; Filed, Aug. 8, 1962; 8:52 a.m.]

[Sec. 5a, Application 45]

NIAGARA FRONTIER TARIFF BUREAU, INC.

Application for Approval of Amendments to Agreement

AUGUST 6, 1962.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed July 30, 1962, by Robert G. Gawley, 631 Niagara Street, Buffalo 1, N.Y.

Amendments involved: Change the agreement so as to (1) permit participation by common carriers other than motor carriers in bureau tariffs on joint line rates, (2) extent the territorial coverage of the agreement to include all of the United States and Canada, (3) provide that assessment of all dues be based on percentage of revenues accruing under the tariffs, (4) provide a new method of filling vacancies on the Board of Directors, (5) provide for one alternate on the standing rate committee and permit initial consideration by this Committee of proposals regardless of territory, (6) merge the two general rate committees which presently consider proposals involving matters between points in the United States, (7) permit reconsideration by the standing rate committee of proposals which it alone has previously acted upon, and (8) make such other editorial changes as required by the above amendments.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-7944; Filed, Aug. 8, 1962; 8:52 a.m.]

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GUIDE TO RECORD RETENTION REQUIREMENTS

[Updated to January 1, 1962]

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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PART II

FEDERAL REGISTER

VOLUME 27 NUMBER 154

Washington, Thursday, August 9, 1962

Federal Aviation Agency

Proposed Recodification of Rules for Airports

FEDERAL AVIATION AGENCY

[14 CFR Parts 151 [New], 153 [New], 155 [New], 157 [New], 161 [New], 163 [New], 550, 555, 565, 574, 575, 576, 577, 625]

[Reg. Docket No. 1329, Draft Release No. 62-36]

AIRPORTS

Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to recodify Parts 550, 555, 565, 574, 575, 576, 577, and 625 of the regulations of the Administrator. Chapter I of Title 14 of the Code of Federal Regulations would be amended by adding a Subchapter I—Airports [New] containing the recodified Parts.

Interested persons are invited to participate in the proposed recodification by submitting such written data, views, or arguments as they may desire. Communications must be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 1, 1962 will be considered before taking action on the proposed recodification. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both during and after the comment period, in the Docket Section for examination by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material. It conforms, in general, to the "Outline and Analysis" for the proposed recodification contained in Draft Release 61-25 and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698). The object of the new chapter is to restate existing regulations, not to make new ones. The pertinent provisions have been freely reworded and rearranged, subject to every precaution against disturbing existing rights, privileges, duties, or functions. In addition, in cases where well established administrative practice or construction has established authoritative interpretations, the revised language reflects the interpretations.

Each proposed recodified section is followed by a note citing the present section of the regulations upon which it is based. A cross-reference table has been placed at the end of each recodified part to permit easy access from the old regulations to the new. Internal cross references to parts or sections that are not yet recodified contain a blank space for later insertion of the correct recodified number with the present number contained in brackets. When a part or section that is referred to in a cross reference is later recodified, the correct number will be inserted and the bracketed number will be dropped.

Parts 575, 576, and 577 of the Regulations of the Administrator now apply to the Canton Island and Wake Island Airports. The FAA is now preparing, and will soon issue, a complete Regulatory Code for Wake Island, including the material now in Parts 575, 576, and 577 that is applicable to Wake Island. The proposed Part 163 [New] therefore contains only the material in Parts 575, 576, and 577 that applies to Canton Island.

Part 151 [New] is based on present Part 550 of the Regulations of the Administrator and contains the regulations applicable to the Federal-aid Airports program. As revised, the Part does not contain certain non-mandatory material of an advisory, guideline, or policy nature, now contained in Part 550. In line with the program of the Federal Aviation Agency to delete from its regulations all material that is not of a mandatory nature, but is advisory only. This material will be transferred to, and republished as a part of, a new FAA Advisory Circular System, keyed to the recodified part.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] published in the FEDERAL REGISTER on May 15, 1962 (27 F.R. 4587) would apply to Subchapter I [New].

When finally adopted, the new subchapter will include the substance of any applicable rules or amendments adopted and effective during the period between the date of notice and the effective date of the final rule, and may also include applicable rules on which individual notices of proposed rule making have been issued and the comment period has expired, but which have not been theretofore adopted.

In consideration of the foregoing, it is proposed to amend Chapter III of Title 14 by deleting Parts 550, 555, 565, 574, 575, 576, and 577 and to amend Chapter I of that Title by adding new Subchapter I [New] reading as hereinafter set forth.

This amendment is proposed under the authority of the Federal Airport Act (49 U.S.C. 1101 through 1119); sections 3 and 4 of the Act of October 1, 1949, as amended (50 U.S.C. App. 1622b and 1622c); section 10 of the International Aviation Facilities Act (49 U.S.C. 1159); and sections 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1427).

Issued in Washington, D.C., on August 3, 1962.

N. E. HALABY,
Administrator.

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PART 151—FEDERAL AID TO AIRPORTS [NEW]

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Subpart A—General Requirements

§ 151.1 Applicability.

This part prescribes the policies and procedures for administering the Federal-aid Airport Program under the Federal Airport Act, as amended (49 U.S.C. 1101 et seq.).

[Revision note: Supplied]

§ 151.3 National Airport Plan.

(a) Under the Federal Airport Act, the FAA prepares each year a "National Airport Plan" for developing public airports in the United States, Puerto Rico, and the Virgin Islands specifying the maximum limits of airport development, in terms of general location and type of development, necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics.

(b) An airport may be included in the National Airport Plan, and qualify for Federal aid if, within the forecase period, it will have a substantial aeronautical necessity. To be eligible for inclusion in the Federal-aid Airport Program, a project must be included in the current

Plan, but the Plan is not related to the need for financial participation in the Program. For this reason, the inclusion of an airport in the Plan does not commit the local community to proceed with the development or commit the United States to participate financially in that development under the Program.

[Revision note: Combines §§ 550.1(m) and 550.23(c)]

§ 151.5 General policies.

(a) *Master plan layout.* All work under the Program must be done in accordance with an approved master plan layout, consisting of a basic layout plan for the airport and showing—

(1) Its boundaries and proposed additions, the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes, and proposed additions thereto;

(2) The location and nature of existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars, and roads) and proposed extensions and reductions of those facilities and structures; and

(3) The location of existing and proposed non-aviation areas and existing improvements thereon.

Each master plan layout, and any change thereof, is subject to the approval of the FAA. That approval must be shown by the signature of the Administrator on the face of the layout.

(b) *Useful and usable unit.* Each project under the program should provide a safe, usable, and useful unit of the airport concerned or add materially to its safety or utility. If the development of a usable unit can be done more economically under stage construction, program funds may be programmed in advance for developing the project over a period of two or more years, within the limits of available authorizations.

(c) *National defense needs.* In administering the Program, the needs of national defense are fully considered, but project approval is limited to development necessary for civil needs.

(d) *Stage development.* In a case where it is economically feasible, a large development that can be financed over a period of more than one year and be made under more than one grant agreement, is given tentative allocations for future years rather than the entire United States share in one fiscal year. A grant agreement is made against such a tentative allocation only during the fiscal year in which the funds are authorized to be obligated.

[Revision note: Combines §§ 550.1(1) and 550.23 (m), (o), (p), and (t)]

§ 151.7 Grants of funds: General policies.

(a) *Compliance with sponsorship requirements.* No funds are authorized for expenditure under the Program at any airport unless the Administrator is satisfied that the sponsorship requirements under existing and proposed agreements with the United States, with respect to that airport, have been or will be met.

(b) *Small projects.* A project involving less than $5,000 in United States funds is not considered for inclusion under the Program unless there is a special necessity for United States participation. Small projects on one airport should, wherever possible, be consolidated in one grant agreement even though the work is to be done over a period of years.

(c) *Previously obligated work.* Unless specifically authorized by the Administrator, a proposed project may not include any airport development that the sponsor of the project or any other non-United States public agency is obligated to do under any prior agreement with the United States providing for payment to the sponsor or other non-United States public agency of funds for all or part of that development.

(d) *Land donation.* A project for acquiring land that has been or will be donated to the sponsor is not eligible for inclusion in the Program if the sponsor requests a grant on the basis of the value of that land, unless the Project also includes other items of airport development, the cost of which would require a sponsor's contribution equal to or more than the United States share of the estimated value of the donated land.

[Revision note: Based on § 550.23 (q), (u), (v), and (w)]

§ 151.9 Runway clear zones: General.

(a) Whenever funds are allocated for developing new runways or landing strips, or to improve or repair existing runways, the sponsor must own, acquire, or agree to acquire, runway clear zones. Exceptions are considered (on the basis of a full statement of facts by the sponsor) upon a showing of uneconomical acquision costs, or lack of necessity for the acquisition. Easements may be used in place of fee title if they allow the sponsor to adequately control the surface of the area concerned.

(b) A runway clear zone consists of the innermost part of the runway approach area, as defined in FAA Technical Standard Order N18, and within which the agency that owns or operates the airport should hold an adequate property interest to allow the unobstructed passage of aircraft landing or taking off from a runway.

(c) The standard configuration of each runway clear zone conforms to the inner part of the appropriate approach area prescribed in Technical Standard Order N18.

(d) The standard length of each runway clear zone is that required for the obstruction clearance slope applicable to each particular runway approach area under Technical Standard Order N18 to reach a height—

(1) 50 feet above the terrain at the outer edge of the runway clear zone; or

(2) 50 feet above the elevation at the end of the runway or landing strip;

whichever distance is shorter.

(e) For purposes of this subpart, an airport operator or owner is considered to have an adequate property interest if it has an easement (or a covenant running with the land) giving it, for the use and benefit of the public, a right of flight for the free and unobstructed use of aircraft through the airspace above the land covered by the easement, together with the right to make in that airspace any noises inherent in the operation of aircraft; and if it has enough control to clear the area of all obstructions (objects so far as they project above the approach surface established by Technical Standard Order N18), and to prevent the creation of future obstructions; together with the right of entrance and exit for those purposes, to assure the safe and unrestricted passage of aircraft in and over the area.

[Revision note: Combines §§ 550.23 (i), (k), (l), and (s) and 550.38(a)]

§ 151.11 Runway clear zones: Requirements.

(a) In projects involving grants-in-aid under the Federal-aid Airport Program, a sponsor must own, acquire, or agree to acquire an adequate property interest in runway clear zone areas as prescribed in paragraph (b), (c), (d), or (e) of this section, as applicable. Property interests that a sponsor acquires to meet the requirements of this subpart are eligible for inclusion in the program.

(b) On new airports, the sponsor must own, acquire, or agree to acquire adequate property interest in runway clear zone areas (in connection with initial land acquisition) for all eligible runways, without substantial deviation from standard configuration and length.

(c) On existing airports where new runways or landing strips are developed, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas for each runway and landing strip to be developed or extended, to the extent that the Administrator determines practical and feasible considering all facts presented by the airport owner or operator, preferably without substantial deviation from standard configuration and length.

(d) On existing airports where improvements are made to runways or landing strips, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas for each runway or landing strip that is to be improved to the extent that the Administrator determines is practical and feasible with regard to standard configuration, length, and property interests, considering all facts presented by the airport owner or operator. Any development that improves a specific runway is considered to be a runway improvement, including runway lighting and the developing or lighting of taxiways serving a runway.

(e) On existing airports where substantial improvements are made that do not benefit a specific runway or landing strip, such as over-all grading or drainage, terminal area or building developments, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas for the dominant runway or landing strip to the extent that the Administrator determines is practical and feasible, with regard to standard configuration, length, and property inter-

ests, considering all facts presented by the airport owner or operator.

(f) If a sponsor or other public agency shows that it is legally able to prevent the future erection or creation of obstructions in the runway clear zone area, and adopts protective measures to prohibit their future erection or creation, that showing is acceptable for the purposes of paragraphs (d) and (e) of this section in place of an adequate property interest (except for rights required for removing existing obstructions). In such a case, there must be an agreement between the FAA and the sponsor for removing or marking or lighting (to be determined in each case) any existing obstruction to air navigation. In each case, the sponsor must furnish information as to the specific height limitations established and as to the current and foreseeable future use of the property to which they apply. The information must include an acceptable legal opinion of the validity of the measures adopted, including a conclusion that the height limitations are not unreasonable in view of current and foreseeable future use of the property, and are a reasonable exercise of the police power, together with the reasons or basis supporting the opinion.

[Revision note: Based on § 550.38(b)]

§ 151.13 Federal-aid Airport Program: Policy affecting landing aid Requirements.

(a) *Landing aid requirements.* No project for developing or improving an airport may be approved for the Program unless it provides for acquiring or installing such of the following landing aids as the Administrator determines are needed for the safe and efficient use of the airport by aircraft, considering the category of the airport and the type and volume of traffic using it:

(1) Land needed for installing approach lighting systems (ALS).

(2) In-runway lighting.

(3) High intensity runway lighting.

(4) Runway distance markers.

For the purposes of this section "approach lighting system (ALS)" is a standard configuration of high intensity aeronautical ground lights in the approach area to a runway or channel to assist a pilot in making an approach to the runway or channel.

(b) *Specific landing aid requirements.* The landing aids set forth in subparagraphs (1) through (4) of paragraph (a) of this section are required for the safe and efficient use of airports by aircraft in the following cases:

(1) Lands for installing approach lighting systems are required as part of a project if the installing of the components of the system on the airport is in an approved FAA budget, unless the sponsor has already acquired the land necessary for the system or is otherwise undertaking to acquire that land. If the sponsor is otherwise undertaking to acquire the land, the grant agreement for the project will obligate the sponsor to complete the acquisition within a time limit prescribed by the Administrator. The Administrator immediately notifies a sponsor when a budget is approved providing for installing an approach lighting system at the airport concerned. To be eligible for use under this subsection, the land acquired must meet the requirements of § 151.73(a)(5).

(2) In-runway lighting (narrow gauge, centerline, and turnoff) is, after design standards for it have been approved and published by the Administrator for the purpose of uniformity, required as a part of a project for—

(i) Constructing a new designated instrument landing runway program (and included in an approved FAA budget) to be equipped by the FAA with an IFR precision approved system including ALS and ILS;

(ii) An extension of 3,000 feet or more (for landing purposes) of the approach end of a designated instrument landing runway equipped, or programed by FAA to be equipped, with an IFR precision approach system including ALS and ILS;

(iii) Reconstructing a designated instrument landing runway, equipped or programed by FAA for an IFR precision approach system, including ALS and ILS, in a case in which the reconstruction requires the closing of a runway; or

(iv) Any airport development on an airport whose designated instrument landing runway is equipped, or is programed to be equipped, by FAA with an IFR precision approach system including ALS and ILS, if installing in-runway lighting does not require closing the runway for so long a time that the adverse affect on safety of its closing would outweigh the contribution to safety that would be gained by the in-runway lights or that would unduly interfere with the efficiency of aircraft operations.

Decisions under subparagraph (2)(iv) of this paragraph are made on a case to case basis, after consulting the sponsor and reviewing pertinent facts and circumstances.

(c) *High intensity runway lighting.* High intensity runway edge lighting on the designated instrument landing runway is required as a part of a project whenever that runway is equipped or programmed for the installation of an ILS and high intensity runway edge lights are not then installed on the runway or included in another project. A project for extending a runway that has high intensity runway edge lights on the existing runway requires, as a part of the project, the extension of the high intensity runway edge lights.

(d) *Runway distance markers.* Runway distance markers whose design standards have been approved and published by the FAA are required as a part of a project on a case-by-case basis if, after reviewing the pertinent facts and circumstances of the case, the Administrator determines that they are needed for the safe and efficient use of the airport by aircraft.

[Revision note: Combines §§ 550.1(g) and 550.23(x)]

Subpart B—Project Rules and Procedures

§ 151.21 Procedures: Application; general information.

(a) An eligible sponsor that desires to obtain Federal aid for eligible airport development must submit a request on Form FAA–1623 to the Director of the District Office of the Airports Division of an FAA Regional Office for the district in which the sponsor is located (hereafter in this part referred to as the "District Airport Engineer").

(b) If the Administrator selects a proposed project for inclusion in a program, a tentative allocation of funds is made for it and the sponsor is notified of the allocation. The tentative allocation may be withdrawn if the sponsor fails to submit an acceptable project application as provided in paragraph (c) of this section or fails to proceed diligently with the project.

(c) As soon as practicable after receiving notice of the tentative allocation, the sponsor must submit a project application on Form FAA–1624 to the District Airport Engineer, without changing the language of the form, unless the change is approved in advance by the Administrator. In the case of a joint project, each sponsor executes only those provisions of the project application that apply to it. Whenever necessary, a sponsor, who has executed a grant agreement for a project for the development of an airport under the Program, may, in the Administrator's discretion, submit additional project applications on Form FAA–1624.1 for further development of that airport.

[Revision note: Combines §§ 550.1(h) and 550.5(a)–(c) (less (1)–(5))]

§ 151.23 Procedures: Application; funding information.

Each sponsor must state in its application that it has on hand, or show that it can obtain as needed, funds to pay all estimated costs of the proposed project that are not borne by the United States or by another sponsor. If any of the costs are to be furnished to a sponsor, or used to pay project costs on behalf of a sponsor, by a State agency or any other public agency that is not a sponsor of the project, that agency may, instead of the sponsor, submit evidence that the funds will be provided if the project is approved. If any part of the estimated project costs consist of the value of donated land, labor, materials, or equipment, the sponsor must so state in the application, indicating the nature of each donation and the value it places on it.

[Revision note: Based on § 550.5(c)(1)]

§ 151.25 Procedures: Application; information as to property interests.

(a) Each sponsor must state in its application all of the property interests that he holds in the lands to be developed or used as part of, or in connection with, the airport as it will be when the project is completed. Each project application contains a covenant on the part of the sponsor to acquire, before starting construction work, or within a reasonable time if not needed for the construction, property interests satisfactory to the Administrator in all the lands in which it does not hold those property interests at the time it submits the application. In the case of a joint project, any one or more of the sponsors may hold or acquire the necessary property interests. In such a case, each sponsor may show on its application only those property interests that it holds or is to acquire.

(b) Each sponsor of a project must send with its application a property map (designated as Exhibit A) or incorporate such a map by reference to one in a previous application that was approved. The sponsor must clearly identify on the map all property interests required in paragraph (a) of this section, showing prior and proposed acquisitions for which United States aid is requested under the project.

(c) For the purposes of paragraphs (a) and (b) of this section, the property interests that the sponsor must have or agree to obtain, is—

(1) Title free and clear of any reversionary interest, lien, easement, lease, or other encumbrance that, in the opinion of the Administrator, would create an undue risk that its existence might deprive the sponsor of possession or control, interfere with their use for public airport purposes, or make it impossible for the sponsor to carry out the agreements and covenants in the application;

(2) A lease of not less than 20 years granted to the sponsor by another public agency that has title as described in subparagraph (1) of this paragraph, on terms that the Administrator considers satisfactory; or

(3) In the case of an offsite area an agreement, easement, leasehold, or other right or property interest that, in the Administrator's opinion, provides reasonable assurance that the sponsor will not be deprived of his right to use the land for the intended purpose during the period necessary to meet the requirements of the grant agreement.

(d) For the purposes of this section, the word "land" includes landing areas, building areas, runway clear zones, clearways and approach zones, and areas required for offsite construction, entrance roads, drainage, protection of approaches, installation of air navigation facilities, or other airport purposes.

[Revision note: Based on § 550.5(c)(2) and (3)]

§ 151.27 Procedures: Application, plans, specifications, and appraisals.

(a) Except as provided in paragraph (b) of this section, each sponsor shall incorporate by reference in its application the final plans and specifications, describing the items of airport development for which he requests United States aid. It must submit the plans and specifications with the application unless they were previously submitted or are submitted with that of another sponsor of the project.

(b) In special cases, the Administrator authorizes the postponement of the submission of final plans until a later date to be specified in the grant agreement, if the sponsor has submitted—

(1) A master plan layout approved by the Administrator; and

(2) Preliminary plans and specifications in enough detail to identify all items of development included in the project, and prepared so as to provide for accomplishing the project in accordance with the master plan layout, the rules in this part, and applicable local laws and regulations.

(c) The sponsor of each project that involves acquiring property interests in land by donation, or acquiring property interests the cost of which (as represented by the sponsor), is based on other than the actual cost or the amount of an award in eminent domain proceedings, must submit with the application at least two independent appraisals of the property interest, made by qualified appraisers who have no present or prospective interest in that land.

[Revision note: Based on § 550.5(c)(4) and (5)]

§ 151.29 Procedures: Offer, amendment, and acceptance.

(a) Upon approving a project, the Administration makes an offer to the sponsor to pay the United States share of the allowable project costs. The offer states a definite amount as the maximum obligation of the United States, and is subject to change or withdrawal by the Administrator, in his discretion, at any time before it is accepted.

(b) If, before the sponsor accepts the offer, it is determined that the amount of maximum obligation of the United States stated in the offer is not enough to pay the United States share of the allowable project costs, the sponsor may request an increase in the amount in the offer, through the District Airport Engineer.

(c) An official of the sponsor must accept the offer for the sponsor within the time prescribed, and in the required number of counterparts, by signing it in the space provided. The signing official must have been authorized to sign the acceptance by a resolution or ordinance adopted by the sponsor's governing body. The resolution or ordinance must, as appropriate under the local law—

(1) Set forth the terms of the offer at length; or

(2) Have a copy of the offer attached to the resolution or ordinance and incorporated into it by reference.

The sponsor must attach a certified copy of the resolution to each executed copy of an accepted offer or grant agreement that it is required to send to the District Airport Engineer.

[Revision note: Based on § 550.5(d)–(f)]

§ 151.31 Procedures: Grant agreement.

(a) An offer by the Administrator, and acceptance by the sponsor, as set forth in § 151.29, constitutes a grant agreement between the sponsor and the United States. The United States does not pay, and is not obligated to pay, any part of the project costs that have been or may be incurred, before the grant agreement is executed.

(b) The Administrator and the sponsor may agree to a change in a grant agreement if—

(1) The change does not increase the maximum obligation of the United States under the grant agreement by more than 10 percent;

(2) The change provides only for airport development that meets the requirements of this part; and

(3) The change does not prejudice the interests of the United States.

(c) When a change is agreed to, the Administrator issues a supplemental agreement incorporating the change. The sponsor must accept the supplemental agreement in the manner provided in § 151.29(c).

[Revision note: Based on § 550.5 (less (a)–(f))]

§ 151.33 Cosponsorship and agency.

(a) Any two or more public agencies that desire to participate in a project may cosponsor it if they meet the requirements of this part, including—

(1) The eligibility requirements of § 151.37;

(2) The submission of a single project application, executed by each sponsor, clearly stating the certifications, representations, warranties, and obligations made or assumed by each, or a separate application by each that does not meet all the requirements of this part, if in the Administrator's opinion, the applications collectively meet the requirements of this part as applied to a project with a single sponsor;

(b) A public agency that desires to participate in a project only by contributing funds to a sponsor need not become a sponsor or an agent of the sponsor, as provided in this section. However, any funds that it contributes are considered as funds of the sponsor for the purposes of the Federal Airport Act and this part.

(c) If the sponsors of a joint project are not each willing to assume, jointly and severally, the obligations that this part requires a sponsor to assume, they must send a true copy of an agreement between them, satisfactory to the Administrator, to be incorporated into the grant agreement. Each agreement must state—

(1) The responsibilities of each sponsor to the others with respect to accomplishing the proposed development and operating and maintaining the airport;

(2) The obligations that each will assume to the United States; and

(3) The name of the sponsor or sponsors who will accept, receipt for, and disburse grant payments.

If an offer is made to the sponsors of a joint project, as provided in § 151.29, it contains a specific condition that it is made in accordance with the agreement between the sponsors (and the agreement is incorporated therein by reference) and that, by accepting the offer, the sponsors each assume only its respective obligations as set forth in the agreement.

(d) A public agency may, if it is authorized by local law, act as agent of

the public agency that is to own and operate the airport, with or without participating financially and without becoming a sponsor. The terms and conditions of the agency and the agent's authority to act for the sponsor must be set forth in an agency agreement that is satisfactory to the Administrator. The sponsor must submit a true copy of the agreement with the project application. Such an agent may accept, on behalf of the sponsor, an offer made under § 151.29, only if that acceptance has been specifically and legally authorized by the sponsor's governing body and the authority is specifically set forth in the agency agreement.

(e) In a case where the cosponsors of an airport are not located in the same district, they must submit a joint request to the District Airport Engineer of the District in which the development is to be located.

[Revision note: Combines §§ 550.6 and 550.25(b)(2).]

§ 151.35 Airport development and facilities to which part applies.

(a) This part applies to the following kinds of airport development:

(1) Any work involved in constructing, improving, or repairing a public airport or part thereof, including the constructing, altering, or repairing of only those buildings or parts thereof that are intended to house facilities or activities directly related to the safety of persons at the airport.

(2) Removing, lowering, relocating, marking, and lighting of airport hazards as defined in § 151.39(b).

(3) Acquiring land or an interest therein, or any easement through or other interest in air space, that is necessary to allow any work covered by subparagraph (1) or (2) of this paragraph, or to remove or mitigate, or prevent or limit the establishment of, airport hazards as defined in § 151.39(b).

It does not apply to the constructing, altering, or repair of airport hangars or public parking facilities for passenger automobiles.

(b) The airport facilities to whch this Part applies are those structures, runways, or other items, on or at an airport, that are—

(1) Used or intended to be used, in connection with the landing, takeoff, or maneuvering of aircraft, or for or in connection with operating and maintaining the airport tself; or

(2) Required to be located at the airport for use by the users of its aeronautical facilities or by airport operators, concessionaires, and other users of the airport in connection with providing services or commodities to the users of those aeronautical facilities.

[Revision note: Based on § 550.1 (d) and (e).]

§ 151.37 Sponsor eligibility.

To be eligible to apply for an individual or joint project for development with respect to a particular airport a sponsor must—

(a) Be a public agency, which includes for the purposes of this part only, a State, the District of Columbia, Puerto Rico, the Virgin Islands, or an agency of any of them; a municipality or other political subdivision; a tax-supported organization; or the United States or an agency thereof;

(b) Be legally, financially, and otherwise able to—

(1) Make the certifications, representations, and warranties in the application form prescribed in § 151.67(a);

(2) Make, keep, and perform the assurances, agreements, and covenants in that form; and

(3) Meet the other applicable requirements of the Federal Airport Act and this part; and

(c) Have, or be able to obtain, enough funds to meet the requirements of § 151.23; and

(d) Have, or be able to obtain, property interests that meet the requirements of § 151.25(a).

For the purpose of paragraph (a) of this section, the United States, or an agency thereof, is not eligible for a project under this Part unless the project is located in Puerto Rico, or the Virgin Islands, is in or is in close proximity to a national park, a national recreation area, or a national monument, or is in a national forest or a special reservation for United States purposes.

[Revision note: Combines §§ 550.1 (k), (o), (q), (s), and (u), and 550.2.]

§ 151.39 Project eligibility.

(a) A project for construction or land acquisition may not be approved under this part unless—

(1) It is an item of airport development described in § 151.35(a);

(2) The airport development is within the scope of the current National Airport Plan;

(3) The airport development is, in the opinion of the Administrator, reasonably necessary to provide a needed civil airport facility;

(4) The Administrator is satisfied that fair consideration has been given to the interests of communities in or near which the project is located; and

(5) The project provides for installing such of the landing aids specified in section 10(d) of the Federal Airport Act (49 U.S.C. 1109(d)) as the Administrator considers are needed for the safe and efficient use of the airport by aircraft, based on the category of the airport and the type and volume of its traffic.

(b) Only the following kinds of airport development described in § 151.35 (a) are eligible to be included in a project under this part:

(1) Preparing all or part of an airport site, including clearing, grubbing, filling and grading.

(2) Dredging of seaplane anchorages and channels.

(3) Drainage work, on or off the airport or airport site.

(4) Constructing, altering, or repairing airport buildings or parts thereof, to the extent that it is covered by § 151.35(a).

(5) Constructing, altering, or repairing runways, taxiways, and aprons, including—

(i) Bituminous resurfacing of pavements with a minimum of 100 pounds of plant-mixed material for each square yard;

(ii) Applying bituminous surface treatment on a pavement (in accordance with FAA Specification P–609), the existing surface of which consists of that kind of surface treatment; and

(iii) Resealing a runway that has been substantially extended or partially reconstructed, if that resealing is necessary for the uniform color and appearance of the runway.

(6) Fencing, erosion control, seeding, and sodding of an airport or airport site.

(7) Installing, altering, or repairing airport markers and runway, taxiway, and apron lighting facilities and equipment.

(8) Constructing, altering, or repairing entrance roads and airport service roads.

(9) Constructing, installing, or connecting utilities, either on or off the airport or airport site.

(10) Removing, lowering, relocating, marking, or lighting any airport hazard.

(11) Clearing, grading, and filling to allow the installing of landing aids.

(12) Relocating structures, roads, and utilities necessary to allow airport development.

(13) Acquiring land, interests in land, or easements through or other interest or right in or for the use of air space, when necessary to—

(i) Allow other airport development to be made, whether or not a part of the Federal-aid Airport program;

(ii) Prevent or limit the establishment of airport hazards;

(iii) Allow the removal, lowering, relocation, marking, and lighting of existing airport hazards;

(iv) Allow the installing of landing aids; or

(v) Allow the proper use, operation, maintenance, and management of the airport as a public facility.

(14) Any other airport development described in § 151.35(a) that is specifically approved by the Administrator.

For the purposes of subparagraph (10) of this paragraph, an airport hazard is any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land in the vicinity of the airport, that obstructs the airspace needed for the landing or takeoff of aircraft or is otherwise hazardous to the landing or takeoff of aircraft. For the purposes of subparagraph (13) of this paragraph, land acquisition includes the acquiring of land that is already developed as a private airport and the structures, fixtures, and improvements that are a part of realty (other than hangars, other ineligible structures and parts thereof, fixtures, and improvements).

[Revision note: Combines §§ 550.1(f) and 550.3.]

§ 151.41 Project costs.

(a) For the purposes of this part, project costs consist of any costs involved in accomplishing a project, including those of—

(1) Making field surveys;

(2) Preparing plans and specifications;

(3) Accomplishing or procuring the accomplishing of the work;

(4) Supervising and inspecting construction work;

(5) Acquiring land, interests in land, or easements through or other interest or right in or for the use of air space; and

(6) Administrative and other incidental costs incurred specifically in connection with accomplishing a project, and that would not have otherwise been incurred.

(b) The costs described in paragraph (a) of this section, including the value of land, labor, materials, and equipment donated or loaned to the sponsor and appropriated to the project by the sponsor, are eligible for consideration as to their allowability, except for—

(1) That part of the cost of rehabilitation or repair for which funds have been appropriated under section 17 of the Federal Airport Act (49 U.S.C. 1116);

(2) That part of the cost of acquiring an existing private airport that represents the cost of acquiring passenger automobile parking facilities, buildings to be used as hangars, living quarters, or for non-airport purposes, at the airport, and those buildings or parts of buildings the construction of which is not airport development within the meaning of § 151.35(a);

(3) The cost of materials and supplies owned by the sponsor or furnished from a source of supply owned by the sponsor, if—

(i) Those materials and supplies were used for airport development before the grant agreement was executed; or

(ii) The cost is not supported by proper evidence of quantity and value;

(4) The cost of non-expendable machinery, tools, or equipment owned by the sponsor and used under a project by the sponsors force account, except to the extent of the fair rental value of that machinery, tools, or equipment for the period it is used on the project;

(5) The costs of general area, urban, or statewide planning of airports, as distinguished from planning a specific project;

(6) The value of any land, including improvements, donated to the sponsor by another public agency; and

(7) Any costs incurred in connection with raising funds by the sponsor, including interest and premium charges and administrative expenses involved in conducting bond elections and in the sale of bonds.

(c) To be an allowable project cost, for the purposes of computing the amount of a grant, an item that is paid or incurred must, in the opinion of the Administrator—

(1) Have been necessary to accomplish airport development in conformity with the approved plans and specifications for an approved project and with the terms of the grant agreement for the project;

(2) Be reasonable in amount (or be subject to partial disallowance under section 13(3) of the Federal Airport Act (49 U.S.C. 1112(3)).

(3) Have been incurred after the date the grant agreement was executed, except that costs of land acquisition, field surveys, planning, preparing plans and specifications, and administrative and incidental costs, may be allowed even though they were incurred before that date, if they were incurred after May 13, 1946; and

(4) Be supported by satisfactory evidence.

[Revision note: Combines §§ 550.1(p) and 550.4 (less (c)).]

§ 151.43 United States share of project costs.

(a) The United States share of the allowable costs of a project is stated in the grant agreement for the project, to be paid from appropriations made under the Federal Airport Act.

(b) Except as provided in paragraphs (c) and (d) of this section, the United States share of the costs of an approved project for airport development (regardless of its size or location) is 50 percent of the allowable costs of the project.

(c) The United States share of the costs of an approved project for airport development in a State in which the unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) is more than 5 percent of its total land, is the percentage set forth in the following table:

State	Percent	State	Percent
Alaska	62.50	New Mexico	56.27
Arizona	61.63	Oregon	55.55
California	53.98	South Dakota	52.61
Colorado	53.31	Utah	62.13
Idaho	55.82	Washington	51.60
Montana	53.09	Wyoming	57.26
Nevada	62.50		

(d) The United States share of the costs of an approved project, representing the costs of any of the following, is 75 percent:

(1) The costs of installing high intensity lighting on a designated instrument landing runway or other runway with an approved straight-in approach procedure.

(2) The costs of installing in-runway (narrow gauge, center line, and turnoff) lighting.

(3) The costs of installing runway distance markers.

(4) The costs of acquiring land, or a suitable property interest in land or in or over water, needed for installing, operating, and maintaining an ALS (as described in § 151.13).

(5) The costs of any project in the Virgin Islands.

[Revision note: Combines §§ 550.1(t) and 550.4(c).]

§ 151.45 Performance of construction work: General requirements.

(a) All construction work under a project must be performed under contract, except in a case where the Administrator determines that the project, or a part of it, can be more effectively and economically accomplished on a force account basis by the sponsor or by another public agency acting for or as agent of the sponsor.

(b) Each contract under a project must meet the requirements of local law.

(c) No sponsor may issue any change order under any of its construction contracts or enter into a supplemental agreement unless three copies of that order or agreement have been sent to and approved by the District Airport Engineer. §§ 151.47 and 151.49 apply to supplemental agreements as well as to original contracts.

(d) This section and §§ 151.47 through 151.49 do not apply to contracts with the owners of airport hazards, (as described in § 151.39(b)), buildings, pipe lines, power lines, or other structures or facilities, for installing, extending, changing, removing, or relocating that structure or facility. However, the sponsor must obtain the approval of the District Airport Engineer before entering into such a contract.

(e) No sponsor may allow a contractor or subcontractor to begin work under a project until—

(1) The sponsor has furnished three conformed copies of the contract to the District Airport Engineer; and

(2) That official agrees to a notice to proceed with the work being issued to the contractor.

The sponsor must send three copies of the notice to that official immediately after it is issued.

[Revision note: Based on § 550.7 (a), (c), (e), (f), and (h).]

§ 151.47 Performance of construction work: Letting of contracts.

(a) Unless the Administrator approves another method for use on a particular project, each contract for construction work on a project in the amount of more than $2,000 must be awarded on the basis of public advertising and open competitive bidding under the local law applicable to the letting of public contract. Any oral or written agreement or understanding between a sponsor and another public agency that is not a sponsor of the project, under which that public agency undertakes construction work for or as agent of the sponsor, is not considered to be a construction contract for the purposes of this section, and §§ 151.45, 151.49 through 151.51.

(b) There may be no advertisement for bids on, or negotiation of, a construction contract until the Administrator has approved the plans and specifications. Unless the estimated contract price or construction cost is $2,000 or less, there may be no advertisement for bids or negotiation until the Administrator has given the sponsor a copy of a decision of the Secretary of Labor establishing the minimum wage rates for skilled and unskilled labor under the proposed contract. In each case, a copy of the wage determination decision must be set forth in the initial invitation for bids or proposed contract or incorporated therein by reference to a copy set forth in the advertised or negotiated specifications.

(c) At least 45 days before advertising or negotiating as described in paragraph (b) of this section, the sponsor shall send to the District Airport Engineer, on Department of Labor Form DB–11, a list of all classes of labor to be employed under the proposed contract.

If, after submitting the list, the sponsor believes that additional classes of labor may be employed under the contract, he shall immediately advise the District Airport Engineer of the classes and take any steps that are necessary to prevent the contractor, or any of the subcontractors, from employing labor of that class until the Secretary of Labor prescribes a supplementary wage determination for those additional classes. The Administrator sends a copy of the supplementary wage determination to the sponsor as soon as possible after notice by the District Airport Engineer that the determination is needed.

(d) Any minimum wage rate established by the Secretary of Labor may be changed by him before the date of the award of the proposed contract for which the minimum wage rate was established. However, if the proposed contract is awarded on the basis of public advertisement and open competitive bidding within 30 days after the opening of bids, or 90 days after the date of the initial wage determination, whichever is earlier, the change is not effective unless the decision is received by the Administrator more than five days before the opening of bids. The Administrator sends each change covered by this section to the sponsor as soon as possible. A copy of the Secretary of Labor's decision is incorporated in the invitation for bids or proposed contract by issuing an addendum to the specifications or otherwise, or, if bids have been opened or the contract awarded, the sponsor must take necessary action to incorporate a copy of the decision in the contract.

(e) A sponsor may not award a construction contract without the written concurrence of the Administrator (through the District Airport Engineer) that the contract prices are reasonable and that the contract conforms to the sponsor's grant agreement with the United States. A sponsor that awards contracts on the basis of public advertising and open competitive bidding, shall, after the bids are opened, send a tabulation of the bids and its recommendations for award to the District Airport Engineer. The allowable project costs of the work, on which the Federal participation is computed, may not be more than the bid of the lowest responsible bidder. The sponsor may not accept a bid by a contractor whose name appears on the current list of ineligible contractors published by the Comptroller General of the United States under § 5.6(b) of the regulations of the Secretary of Labor (29 CFR Part 5), or a bid by any firm, corporation, partnership, or association in which that contractor has a substantial interest.

[Revision note: Based on § 550.7(b)]

§ 151.49 Contract requirements.

(a) Each sponsor entering into a construction contract for a project, shall, in addition to any other provisions necessary to insure completion of the work in accordance with the grant agreement include the following provisions (or revisions thereof approved by the Administrator in advance) in the contract:

(1) This work in this contract is included in Federal-aid Airport Project No. ------ which is being undertaken and accomplished by the (insert name of sponsor) in accordance with the terms and conditions of a grant agreement between the (insert name of sponsor) and the United States, under the Federal Airport Act (49 U.S.C. 1101) and Part 151 of the Federal Aviation Regulations, pursuant to which the United States has offered and agreed to pay a certain percentage of the costs of the project that are determined to be allowable project costs under that Act. Any reference in this contract to the FAA or any representative thereof, or to any rights granted to the FAA or any representative thereof, or the United States, by the contract, shall in no sense make, or be construed as making, the United States a party to this contract.

(2) The contractor shall obtain the prior written consent of the (insert name of sponsor) to any proposed assignment of any interest in or part of this contract.

(3) No convict labor shall be employed under this contract.

(4) In the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to qualified individuals who have served in the military service of the United States (as defined in section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940) and have been honorably discharged from such service, except that such preference shall be given only where such labor is available locally and is qualified to perform the work to which the employment relates.

(5) All mechanics and laborers, employed or working upon the site of the work shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision(s) of the Secretary of Labor which is (are) attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision(s) shall be posted by the contractor at the site of the work in a prominent place where it (they) can be easily seen by the workers.

(6) Pursuant to the terms of the Grant Agreement between the United States and (insert name of sponsor), relating to Federal-aid Airport Project No. ------, and Part 151 of the Federal Aviation Regulations, the Federal Aviation Agency may withhold or cause to be withheld from the (insert name of sponsor) so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by this contract. In the event of failure to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by this contract, the Federal Aviation Agency may, after written notice to the (insert name of sponsor), take such action as may be necessary to cause the suspension of any further payment or advance of funds until such violations have ceased.

(7) Whether or not payments or advances to the (insert name of sponsor) are withheld or suspended by the Federal Aviation Agency, the (insert name of sponsor): (a) May withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by this contract; and (b) in the event of failure of the contractor or any subcontractor to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by this contract may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment or advance of funds until such violations have ceased.

(8) Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid.

The contractor will submit weekly a certified copy of all payrolls to the (insert name of sponsor). The certification will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than the minimum rates determined by the Secretary of Labor for the employees in question, as prescribed in this contract, and that the classification set forth for each laborer or mechanic conforms to the work he performed. The contractor will make his employment records available for inspection by authorized representatives of the (insert name of sponsor), the Federal Aviation Agency, and the Department of Labor and will permit such representatives to interview employees during working hours on the job.

(9) Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U.S. Department of Labor; or if no such recognized Council exists in the State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor.

(10) The contractor will comply with the regulations applicable to contractors and subcontractors (29 CFR Part 3, copy of which is attached) issued by the Secretary of Labor pursuant to the Copeland Act, as amended (48 Stat. 948; 62 Stat. 862; 63 Stat. 108; 72 Stat. 967; 40 U.S.C. 276c), and any amendments or modifications thereof, will cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and will be responsible for the submission of statements required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions from the requirements thereof.

(11) Duly authorized representatives of the Federal Aviation Agency shall be permitted to inspect and review all work and all materials used in the performance of this contract.

(12) The contractor will insert in each of his subcontracts the provisions set forth in paragraphs ----, ----, ----, ----, ----, ----, ----, ----, ----, ----, and ----, hereof (insert designations of eleven paragraphs of contract corresponding to subparagraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (13) hereof).

(13) A breach of paragraphs ---- (insert designation of paragraph of contract corresponding to subparagraph (5) hereof), through ---- (insert designation of paragraph of contract corresponding to subparagraph (12) hereof) may be grounds for termination of this contract.

(14) In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provisions shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor further agrees to insert the foregoing provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

(b) Subparagraphs (5), (6), (7), (8), (9), (10), (12), and (13) of paragraph (a) of this section do not apply to any contract for which a minimum wage determination of the Secretary of Labor is not required by § 151.47(b).

[Revision note: Based on § 550.7(d)]

§ 151.51 Performance of construction work: Force accounts.

(a) Before undertaking any force account construction work, the sponsor (or any public agency acting as agent for the sponsor) must obtain the written consent of the Administrator through the District Airport Engineer. In requesting that consent, the sponsor must submit—

(1) Adequate plans and specifications showing the nature and extent of the construction work to be performed under that force account;

(2) A schedule of the proposed construction and of the construction equipment that will be available for the project;

(3) Assurance that adequate labor, material, equipment, and supervisory, engineering, and inspection personnel will be provided; and

(4) A detailed estimate of the cost of the work, broken down for each class of costs involved, such as labor, materials, rental of equipment, and other pertinent items of cost.

(b) Whenever a sponsor applies, under § 151.61, for a grant payment involving force account work, it must submit with the application a periodic cost estimate for that work on Form FAA–1629.

[Revision note: Based on §550.7(g)]

§ 151.53 Performance of construction work: Labor requirements.

A sponsor who is required to include in a construction contract the labor provisions required by § 151.49 shall require the contractor to comply with those provisions and shall cooperate with the FAA in effecting that compliance. For this purpose the sponsor shall—

(a) Keep, and preserve, for a three-year period beginning on the date the contract is completed, each affidavit and payroll copy furnished by the contractor, and make those affidavits and copies available to the FAA, upon request, during that period;

(b) Have each of those affidavits and payrolls examined by its resident engineer (or any other of its employees or agents who are qualified to make the necessary determinations), as soon as possible after receiving it, to the extent necessary to determine whether the contractor is complying with the labor provisions required by § 151.49 and particularly with respect to whether the contractor's employees are correctly classified.

(c) Have investigations made during the performance of work under the contract, to the extent necessary to determine whether the contractor is complying with those labor provisions, particularly with respect to whether the contractor's employees are correctly classified, including in the investigations and interviews with employees and examinations of payroll information at the work site by the sponsor's resident engineer (or any other of its employees or agents who are qualified to make the necessary determinations); and

(d) Keep the District Airport Engineer fully advised of all examinations and investigations made under this section, all determinations made on the basis of those examinations and investigations, and all efforts made to obtain compliance with the labor provisions of the contract.

For the purposes of paragraph (c) of this section, the sponsor shall give priority to complaints of alleged violations, and shall treat as confidential any written or oral statements made by any employee. The sponsor may not disclose an employee's statement to a contractor without the employee's consent.

[Revision note: Based on § 550.7(i)]

§ 151.55 Accounting and audit.

(a) Each sponsor shall establish and maintain, for each individual project, an adequate accounting record to allow appropriate personnel of the FAA to determine all funds received (including funds of the sponsor and funds received from the United States or other sources), and to determine the allowability of all incurred costs of the project. The sponsor shall segregate and group project costs so that it can furnish, on due notice, cost information in the following cost classifications:

(1) Purchase price or value of land.
(2) Incidental costs of land acquisition.
(3) Costs of contract construction.
(4) Costs of force account construction.
(5) Engineering costs of plans and designs.
(6) Engineering costs of supervision and inspection.
(7) Other administrative costs.

(b) The sponsor shall obtain and retain in its files for a period of three years after the date of the final grant payment, documentary evidence such as invoices, cost estimates, and payrolls supporting each item of project costs.

(c) The sponsor shall retain, for a period of three years after the date of the final grant payment, evidence of all payments for items of project costs including vouchers, cancelled checks or warrants, and receipts for cash payments.

(d) The sponsor shall allow appropriate personnel of the FAA to audit the project records and accounts to determine the allowability of project costs and the amount of the United States participation in the cost of the project. Appropriate personnel of the FAA may, after notifying the sponsor, make progress audits at any time during the project. If work is suspended on the project for an appreciable period of time, an audit is made before any semi-final payment is made. A final audit is made before final payment.

[Revision note: Based on § 550.8]

§ 151.57 Grant payments: General.

(a) An application for a grant payment is made on Form FAA–1625.1, accompanied by—

(1) A summary of project costs on Form FAA–1630;

(2) A periodic cost estimate on Form FAA–1629 for each contract or force account representing costs for which payment is requested; and

(3) Any supporting information, including appraisals of property interests, that the FAA needs to determine the allowability of any costs for which payment is requested.

(b) Each application that involves work performed by a contractor must contain, in the contractor's certification in the periodic cost estimate, a statement that "there has been full compliance with all labor provisions included in the contract identified above", and, in the case of an honest dispute as to the nature of the contractor's obligations under the labor provisions of the contract, an additional phrase "except insofar as an honest dispute exists with respect to such provisions".

(c) If a contractor or subcontractor fails or refuses to comply with the labor provisions of the contract with the sponsor, further grant payments to the sponsor are suspended until the violations stop, until the Administrator determines the allowability of the project costs to which the violations relate, or, to the extent that the violations consist of under-payments to labor, until the sponsor furnishes satisfactory assurances to the FAA that restitution has been or will be made to the affected employees.

(d) If, upon final determination of the allowability of all project costs of a project, it is found that the total of grant payments to the sponsor was more than the total United States share of the allowable costs of the project, the sponsor shall promptly return the excess to the FAA.

[Revision note: Based on § 550.9 (e), (f), and (g)]

§ 151.59 Grant payments: Land acquisition.

If an approved project includes land acquisition as an item of airport development, the sponsor may, at any time after executing the grant agreement and after title evidence has been approved by the Administrator for the property interest for which payment is requested, apply to the FAA, through the District Airport Engineer, for payment of the United States share of the allowable project costs of the acquisition, including any acquisition completed before executing the grant agreement that is part of the airport development included in the project.

[Revision note: Based on § 550.9(a)]

§ 151.61 Grant payments: Partial.

(a) Subject to the final determination of allowable project costs as provided in § 151.63 partial grant payments for proj-

ect costs may be made to a sponsor upon application. Unless previously agreed otherwise, a sponsor may apply for partial payments on a monthly basis. The payments may be paid, upon application, on the basis of the costs of airport development that is accomplished or on the basis of the estimated cost of airport development expected to be accomplished.

(b) Except as otherwise provided, partial grant payments are made in amounts large enough to bring the aggregate amount of all partial payments to the estimated United States share of the project costs of the airport development accomplished under the project as of the date of the sponsor's latest application for payment. In addition, if the sponsor applies, a partial grant payment is made as an advance payment in an amount large enough to bring the aggregate amount of all partial payments to the estimated United States share of the estimated project costs of the airport development expected to be accomplished within 30 days after the date of the sponsor's application for advance payment. However, no partial payment may be made in an amount that would bring the aggregate amount of all partial payments for the project to more than 90 percent of the estimated United States share of the total estimated cost of all airport development included in the project, but not including contingency items, or 90 percent of the maximum obligation of the United States as stated in the grant agreement, whichever amount is the lower. In determining the amount of a partial grant payment, those project costs that the Administrator considers to be of questionable allowability are deducted both from the amount of project costs incurred and from the amount of the estimated total project cost.

[Revision note: Based on § 550.9(b)]

§ 151.63 Grant payments: Semifinal and final.

(a) Whenever certain airport development on a project is delayed or suspended for an appreciable period of time for reasons beyond the sponsor's control and the allowability of the project costs of all airport development completed has been determined on the basis of an audit and review of all costs, a semifinal grant payment may be made in an amount large enough to bring the aggregate amount of all partial grant payments for the project to the United States share of all allowable project costs incurred, even if the amount is more than the 90 percent limitation prescribed in § 151.61(b). However, it may not be more than the maximum obligation of the United States as stated in the grant agreement.

(b) Whenever the project is completed in accordance with the grant agreement, the sponsor may apply for final payment. The final payment is made to the sponsor if—

(1) A final inspection of all work at the airport site has been made jointly by the District Airport Engineer and representatives of the sponsor and the contractor, unless the District Airport Engineer agrees to a different procedure for final inspection;

(2) A final audit of the project account has been completed by appropriate personnel of the FAA; and

(3) The sponsor has furnished final "as constructed" plans, unless otherwise agreed to by the Administrator.

(c) Based upon the final inspection, the final audit, the plans, and the documents and supporting information required by § 151.57(a), the Administrator determines the total amount of the allowable project costs and pays the sponsor the United States' share, less the total amount of all prior payments.

[Revision note: Based on § 550.9 (c) and (d)]

NOTE: § 550.9(d)(2) (proviso) is omitted as covered by § 155.55(b) of this chapter.

§ 151.65 Memoranda and hearings.

(a) At any time before the FAA issues a grant offer for a project, any public agency or person having a substantial interest in the disposition of the project application may file, through the District Airport Engineer of the District in which the project is located, a memorandum supporting or opposing it. In addition, that public agency or person may request a public hearing on the location of the airport to be developed. If, in the Administrator's opinion, that public agency or person has a substantial interest in the matter, a public hearing is held.

(b) The Administrator sets the time and place of each hearing under this section, to avoid undue delay in disposing of the application, to afford reasonable time for all parties concerned to prepare for it, and to hold it at a place convenient to the sponsor. Notice of the time and place is mailed to the public agency or person filing the memorandum, the sponsor, and any other necessary persons.

(c) The purpose of the hearing is to help the Administrator discover facts relating to the location of the airport that is proposed to be developed under an application pending before him. There are no adverse parties or interests and no defendant or respondent. They are not hearings for the purposes of sections 5, 7, and 8 of the Administrative Procedures Act (5 U.S.C. 1001) and do not terminate in an adjudication as defined in that Act.

(d) Each hearing under this section is conducted by a hearing officer designated by the Administrator. The hearing officer decides the length of the hearing, the kind of testimony to be heard, and all other matters respecting the conduct of the hearing. The hearing is recorded in a manner determined by the hearing officer and the record becomes a part of the project application. The Administrator's decision is not made solely on the basis of the hearing, but on all relevant facts.

[Revision note: Based on § 550.10]

§ 151.67 Forms.

(a) The various forms used for the purposes of this Part are as follows:

(1) Request for Federal-aid, Form FAA-1623: Contains a statement requesting Federal-aid in carrying out a project under the Federal Airport Act, with appropriate spaces for inserting information needed for considering the request, including the location of the airport, the amount of funds available to the sponsor, a description of the proposed work, and its estimated cost.

(2) Project application, Form FAA-1624: A formal application for Federal-aid to carry out a project under this Part. It contains four parts:

(i) Part I—for pertinent information regarding the airport and proposed work included in the project.

(ii) Part II—for incorporating the representations of the sponsor relating to its legal authority to undertake the project, the availability of funds for its share of the project costs, approvals of other non-United States agencies, the existence of any defaults on other obligations to the United States, possible disabilities, and the ownership of lands and interests in lands to be used in carrying out the project and operating the airport.

(iii) Part III—for incorporating the sponsor's assurances regarding the operation and maintenance of the airport, further development of the airport, and the acquisition of any additional interests in lands that may be needed to carry out the project or for operating the airport.

(iv) Part IV—for a statement of the sponsor's acceptance, to be executed by the sponsor and certificated by its attorney.

(3) Project application for additional project, Form FAA-1624.1: similar to Form FAA-1624, used by the sponsor, in the discretion of the Administrator for second and later projects at the same airport, and incorporating by reference certain of the representations and assurances set forth in their entirety in Form FAA-1624.

(4) Grant agreement, Form FAA-1632:

(i) Part I—Offer by the United States to pay a specified percentage of the allowable costs of the project, as described therein, on specified terms relating to the undertaking and carrying out of the project, determination of allowability of costs, payment of the United States share, and operation and maintenance of the airport in accordance with assurances in the project application.

(ii) Part II—Acceptance of the offer by the sponsor, execution of the acceptance by the sponsor, and certification by its attorney.

(5) Periodic cost estimate, Form FAA-1629: a certification to be executed by the contractor (or the sponsor, in the case of force account work), with space for information regarding the progress of construction work as of a specific date, and the value of the completed work.

(6) Application for grant payment, Form FAA-1625.1: application for payment under a grant agreement for work completed as of a specific date or to be completed by a specific date, with space for an appropriate breakdown of project costs among the categories shown therein, and certification provisions to be executed by the sponsor and the District Airport Engineer.

(7) Summary of project costs, Form FAA-1630: for inserting the latest revised estimate of total project costs, the total costs incurred as of a specific date, an estimate of the aggregate of those total costs incurred to date and those to be incurred before a specific date in the future.

(b) Copies of the forms named in this section, and assistance in completing and executing them, are available from the District Airport Engineer for the district in which the project is located.

[Revision note: Based on § 550.11]

Subpart C—Programming Standards

§ 151.71 General.

Programming standards for the Federal-aid Airport Program are prescribed to assure the most efficient use of Program funds and to assure that the most important elements of a national system of airports are provided.

[Revision note: Based on § 550.24(a)]

§ 151.73 Land acquisition.

(a) The acquisition of land or any interest therein, or of any easement or other interest in airspace, is eligible for inclusion in a project if it was made after May 13, 1946, and is necessary—

(1) To allow the initial development of the airport;

(2) For improvement indicated in the current National Airport Plan;

(3) For ultimate development of the airport, as indicated in the current approved master plan layout to the extent consistent with the National Airport Plan;

(4) For approach protection meeting the standards of FAA Technical Standard Order N18;

(5) To allow installing an ALS (as described in § 151.13), in which case the costs of acquiring land needed for it is eligible for 75 percent United States participation if the need is shown in the National Airport Plan, based on the best information available to the FAA for the forecast period;

(6) To allow proper use, operate, or maintenance of the airport as a public facility, including offsite lands needed for locating necessary parts of the utility systems serving the airport;

(7) To allow installing navigational aids by the FAA, if the land is within the airport boundaries; or

(8) To allow relocation of navigational aids. Appendix A sets forth typical eligible and ineligible items of land acquisition as covered by this section.

[Revision note: Based on § 550.24(b)]

§ 151.75 Preparation of site.

(a) Grading, drainage, and associated items of site preparation are eligible for inclusion in a project, but only with respect to one landing strip at any airport, unless the airport qualifies for more than one runway, based on traffic volume or wind conditions (as outlined in § 151.77) and the overall site preparation required for development in accordance with the master plan layout. The complete clearance of runway clear zone areas is desirable, but, as a minimum, all obstructions as determined by Technical Standard Order N18 must be removed. Grading in runway clear zones is eligible only to remove terrain that is an obstruction. The clear zone is not a graded overrun area. Specific site preparation for an airport terminal building is eligible on the same basis as the building itself. The site preparation cost is prorated based on eligible and ineligible building space. Appendix B sets forth typical eligible and ineligible items of site preparation as covered by this section.

(b) For the purposes of this section, eligible drainage work off the airport site includes drainage outfalls, drainage disposal, and interception ditches. If there is damage to adjacent property, its correction is an eligible item for inclusion in the project.

[Revision note: Based on § 550.24(c)]

§ 151.77 Runway paving: General rules.

(a) On any airport, paving of the designated instrument landing runway (or dominant runway if there is no designated instrument runway) is eligible for inclusion in a project, within the limits of the current National Airport Plan. Program participation in constructing, reconstructing, or resurfacing is limited to a single runway at any airport unless more than one can be justified on the basis of wind conditions, abating aircraft noise, or traffic volume.

(b) The kinds of runway paving that are eligible for inclusion in a project include pavement construction and reconstruction, and resurfacing to increase the load bearing capacity of the runway or to provide a leveling course to correct major irregularities in the pavement. Runway resealing or refilling joints as an ordinary maintenance matter are not eligible items, except for bituminous resurfacing consisting of at least 100 pounds of plant-mixed material for each square yard, and except for the application of a bituminous surface treatment (two applications of material and cover aggregate as prescribed in FAA Specification P-609) on a pavement the current surface of which consists of that kind of a bituminous surface treatment.

(c) On new pavement construction, the applying of a bituminous seal coat on plant hot-mix bituminous surfaces only, is an eligible item only if initial engineering analysis and design indicate the need for a seal coat. However, any delay in applying it that is caused other than by construction difficulties, makes the application a maintenance item that is not eligible.

(d) In any case in which the need for a seal coat is necessary for a new runway extension or partial reconstruction of a runway, the entire runway may be sealed.

(e) Appendix C to this part sets forth typical eligible and ineligible items of runway paving.

[Revision note: Based on § 550.24(d)(1)–(4) and (7)]

§ 151.79 Runway paving: Additional runways.

(a) On the basis of wind conditions, an airport is eligible for a second runway if the use of the dominant runway will require landings with cross-wind components of more than 15 miles an hour for more than five percent of the time. Although the 95 percent use factor is not achieved in a single runway, a second runway may be provided only if operational experience has shown the need for it and the economic factors of air transportation at the specific location warrant the spending of Federal-aid Airport Program funds for the purpose. The second runway, where authorized, must be so oriented with the dominant runway that maximum wind coverage is achieved, with due consideration to the aircraft noise factor. In any case in which wind condition information is not available for the specific location, the information from the two or more nearest wind recording stations may be used to indicate the wind conditions for the site. If the airport site is located between the recording stations and the intervening terrain is level or slightly rolling, a composite wind rose made from those of the associated stations is ordinarily acceptable. If the intervening terrain is mountainous, an allowance for its effect can be made by weighted averages. In determining the values to be applied to the records of each station, a topographic map of the area on which the location of the wind-recording station is plotted should be used.

(b) On the basis of traffic volume, an airport with 75,000 or more aircraft movements of all kinds a year, but which does not qualify for a second runway under paragraph (a) of this section, is eligible for a second runway on the basis of traffic volume if the layout and orientation of the two runways will allow both to be used to expedite traffic. Airports that need more than two runways because of traffic volume, or a combination of traffic volume and wind coverage, are considered on a case by case basis.

[Revision note: Based on § 550.24(d) (less (1)–(4) and (7))]

§ 151.81 Taxiway paving.

(a) The constructon, alteration, and repair of taxiways needed to expedite the flow of ground traffic between runways and aircraft parking areas available for general public use are eligible items under the program. Taxiways to serve an area or facility that is primarily for the exclusive or near exclusive use of a tenant or operator that does not furnish aircraft servicing to the public are not eligible. In addition, the policies on resealing or refilling joints, as set forth in § 151.77, apply also to taxiway paving.

(b) Appendix D sets forth typical eligible and ineligible items of taxiway paving.

[Revision note: Based on § 550.24(e)]

§ 151.83 Aprons.

(a) The construction, alteration, and repair of aprons are eligible program

items upon being shown that they are needed as public use facilities. An apron to serve an area that is primarily for the exclusive or near exclusive use of a tenant or operator who does not furnish aircraft servicing to the public is not eligible. In addition, the policies on resealing or refilling joints, as set forth in § 151.77 apply also to apron paving.

(b) In determining public use for the purposes of this section, the current use being made of a hangar governs, unless there is definite information regarding its future use. In the case of an apron area being built for future hangars, it should be shown that early hangar development is assured and that the hangars will be public facilities.

(c) Appendix E sets forth typical eligible and ineligible items of Apron paving.

[Revision note: Based on § 550.24(f)]

§ 151.85 Special treatment areas.

The following special treatment for areas adjacent to pavement is eligible for inclusion in a project in cases where, due to the operation of turbojet powered aircraft, it may be necessary to treat those areas adjacent to runway ends, holding aprons, and taxiways to prevent erosion from the blast effects of the turbojet:

(a) Runway ends—a stabilized area the width of the runway and extending 100 to 150 feet from the end of the runway.

(b) Holding aprons—a stabilized area up to 50 feet from the edge of the pavement.

(c) Taxiway intersections—a stabilized area 25 feet on each side of the taxiway and extending 300 feet from the intersection.

(d) Taxiway (continuous movement of aircraft)—dense turf 25 feet on each side of the taxiway, or in a geographic area where dense turf cannot be established, stabilization.

[Revision note: Based on § 550.24(g)]

§ 151.87 Lighting and electrical work.

(a) Federal-aid Airport Program funds may be used for installing lighting facilities only at an airport having a large enough actual or potential volume of night operations (determined individually in each case) to assure its continued operation and adequate maintenance. A lighting project is not considered until the sponsor is aware of its responsibilities in operating the lights and of the costs of maintenance and operation.

(b) The FAA does not issue a grant offer until the sponsor has applied for a true light certificate indicating a lighted airport. Program participation in airport lighting is limited to those projects that, upon completion, will meet the requirements for a true light certificate, and will include the removal or adequate lighting of obstructions in the approach and turning zones, as determined by Technical Standard Order N18.

(c) The number of runways that are eligible for lighting is the same as the number eligible for paving under §§ 151.77 or 151.79.

(d) The installing of high intensity lighting is eligible on a designated instrument landing runway and any other runway with approved straight-in approach procedures. A runway that is eligible for lighting, but does not meet the requirements for 75 percent United States participation under § 151.25, is eligible for 50 percent United States participation in the costs of high intensity lighting (or the allowable Federal Airport Act percentage in public land States), if the airport is served by a navigational aid that will allow using instrument approach procedures.

(e) In-runway lighting (narrow gauge, centerline, and turnoff) is eligible on the designated instrument landing runway.

(f) Taxiways to eligible runways on airports served by transport aircraft are eligible for lighting. On airports serving only general aviation, the lighting of connecting taxiways is eligible if the runway served is lighted or is programmed to be lighted. The lighting of a parallel taxiway is eligible if the taxiway is eligible for paving. Lighting of other taxiways is eligible or not, depending on the complexity of the taxiway system.

(g) Floodlighting of aprons is eligible if there is a proven need for it, including a showing of night operations where the runway is lighted.

(h) Any airport that is eligible to participate in the costs of runway lighting is eligible for the installing of a beacon, lighted wind indicator, obstruction lights, lighting control equipment, and other components of basic airport lighting including separate transformer vaults and connection to the nearest available power source.

(i) The interconnection of two or more power sources on an airport property, the providing of second sources of power, and the installing of stand-by engine generators of reasonable capacity, are eligible under the program.

(j) Appendix F sets forth typical eligible and ineligible items of airport lighting covered by this section.

[Revision note: Based on § 550.24(h)]

§ 151.89 Roads.

(a) Federal-aid Airport Program funds may not be used to resolve highway problems. Only those airport entrance roads that are definitely needed and are intended only as a way in and out of the airport are eligible.

(b) The construction, alteration, and repair of airport roads and streets that are entirely within the airport boundaries are eligible under the program, if needed for operating and maintaining the airport. In the case of an entrance road, a strip right-of-way joining the main body of the airport to the nearest public road may be considered a part of the normal boundary of the airport if—

(1) Adequate title is obtained;

(2) It was acquired to provide an airport entrance road and was not, before the existence of the airport, a public thoroughfare;

(3) The entrance road is intended only as a way in and out of the airport; and

(4) The entrance road extends only to the nearest public highway, road, or street.

(c) An entrance road may be joined to an existing highway or street with a normal fillet connection. However, acceleration-deceleration strips or grade separations are not eligible.

(d) Offsite road or street relocation needed to allow airport development or to remove an obstruction, and are not for entrance road purposes, are eligible.

(e) Appendix G sets forth typical eligible and ineligible items of road construction covered by this section.

[Revision note: Based on § 550.24(i)]

§ 151.91 Removal of obstructions.

(a) The removal or relocation, or both, of obstructions, as defined in Technical Standard Order N18 is eligible under the Program in cases where definite arrangements are made to prevent the obstruction from being recreated. In a case where removal is not feasible, the cost of marking or lighting it is eligible. The removal and relocation of structures necessary for essential airport development is eligible. The removal of structures that are not obstructions within the coverage of Technical Standard Order N18 is eligible when they are located within a clear zone.

(b) The removal and relocation of an airport hangar that is an airport hazard (as described in § 151.39(b)) is eligible, if the reerection hangar will be substantially identical to the disassembled one.

(c) Whenever a hangar must be relocated (either for clearance of the site for other airport development or to remove a hazard) and the existing structure is to be relocated with or without disassembly, the cost of the relocation is an eligible item of project cost, including costs incidental to the relocation such as necessary footings and floors. However, if the existing structure is to be demolished and a new hangar is to be built, only the cost of demolishing the existing hangar is an eligible item.

[Revision note: Based on § 550.24(r)]

§ 151.93 Buildings; utilities; sidewalks; parking areas; and landscaping.

(a) The costs of constructing only those buildings or parts thereof that are intended to house facilities or activities directly relating to the safety of persons at the airport are eligible under the program. Eligible buildings include fire and rescue equipment buildings and field maintenance equipment buildings, but not passenger terminal buildings or hangars.

(b) The installation of utilities is eligible under the program to the extent of the eligibility of the facilities and areas they serve. A utility that serves both eligible and ineligible facilities is eligible on a pro rata basis. To the extent needed for fire protection, a water system (including wells, pumps, hydrants, mains, and necessary storage facilities, but not including standpipes and sprinkler systems in buildings) is eligible.

(c) No part of the constructing, altering, or repairing (including grading, drainage, and other site preparation work) of a facility or area that is to be used as a public parking facility for passenger automobiles is eligible for inclusion in a project.

(d) Landscaping is not eligible for inclusion in a project. However, the establishment of turf on graded areas and special treatment to prevent slope erosion is eligible to the extent of the eligibility of the facilities or areas served, preserved, or protected by the turf or treatment. In the case of turfing or treatment for an area or facility that is partly eligible and partly ineligible, the eligibility of the turfing or treatment is established on a pro rata basis.

(e) The construction of sidewalks is not eligible for inclusion in a project.

[Revision note: Based on § 550.24 (j), (k), (m), (n), and (q)]

§ 151.95 Fences; distance markers; navigational and landing aids; and offsite work.

(a) Boundary or perimeter fences for security purposes are eligible for inclusion in a project.

(b) A blast fence is eligible for inclusion in a project whenever—

(1) It is necessary for safety at a runway end or a holding area near the end of a runway and its installation would be more economical than the acquiring of additional property interests; or

(2) Its installation for safety at a turbojet-passenger gate will result in less separation being needed for gate positions, thereby reducing the need for apron expansion, and it is more economical to build the fence than to expand the apron.

(c) The eligibility of runway distance markers for inclusion in a project is decided on a case by case basis.

(d) The relocation of navigational aids is eligible for inclusion in a project whenever necessitated by development on the airport under a program project and the sponsor is responsible under FAA Order OA 6030.1 (Agency Order 53).

(e) The installation of any of the following landing aids is eligible for inclusion in a project:

(1) Segmented circle.

(2) Wind and landing direction indicators.

(3) Boundary markers.

(f) The initial marking of runway and taxiway systems is eligible for inclusion in a project. The remarking of runways and taxiways in cases where the marking has been obliterated by construction, or has become obsolete under current FAA standards, is also eligible. However, apron marking that is not allied with runway and taxiway marking systems, is not eligible.

(g) The following offsite work performed outside of the boundaries of an airport or airport site is eligible for inclusion in a project:

(1) Removal of obstruction as provided in § 151.89.

(2) Outfall drainage ditches, and the correction of any damage resulting from their construction.

(3) Relocating of roads and utilities that are airport hazards as defined in § 151.39(b).

(4) Clearing, grading, and grubbing to allow installing of navigational aids.

(5) Constructing and installing utilities.

(6) Lighting of obstructions.

[Revision note: Based on § 550.24 (i), (o), (p), and (s)–(v)]

§ 151.97 Maintenance and repair.

(a) Maintenance work is not airport development as defined in the Federal Airport Act and is not eligible for inclusion in the Program. Therefore, it is necessary in many cases that a determination be made whether particular proposed development is maintenance or repair. For the purpose of these determinations, maintenance includes any regular or recurring work necessary to preserve existing airport facilities in good condition, any work involved in cleaning or caring for existing airport facilities, and any incidental or minor repair work on existing airport facilities, such as—

(1) Mowing and fertilizing of turfed areas;

(2) Trimming and replacing of landscaping material;

(3) Cleaning of drainage systems including ditches, pipes, catch basins, and replacing and restoring eroded areas, except when caused by act of God or improper design;

(4) Painting of buildings (inside and outside) and replacement of damaged items normally anticipated;

(5) Repairing and replacing burned out or broken fixtures and cables, unless major reconstruction is needed;

(6) Paving repairs in localized areas, except where the size of the work is such that it constitutes a major repair item or is part of a reconstruction project; and

(7) Refilling points and resealing surface of pavements.

(b) Repair includes any work not included in paragraph (a) of this section that is necessary to restore existing airport facilities to good condition or preserve them in good condition.

[Revision note: Based on § 550.24 (less (a)–(v))]

PART 151—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
550.1 (a)–(c), (i), (j), (n), and (r)	[1]	550.5 (a)–(c) (less (c)(1)–(5))	151.21
550.1 (d) and (e)	151.35	550.5(c)(1) and (2) and (3)	151.23
550.1(f)	151.39	550.5(c) (4) and (5)	151.25
550.1(g)	151.13	550.5 (d)–(f)	151.27
550.1(h)	151.21	550.5 (less (a)–(f))	151.29
550.1(k)	151.37	550.6	151.31
550.1(l)	151.5	550.7 (a), (c), (e), (f), and (h)	151.33
550.1(m)	151.3	550.7(b)	151.45
550.1 (o), (q), (s), and (u)	151.37	550.7(d)	151.47
550.1(p)	151.41	550.7(g)	151.49
550.1(t)	151.43	550.7(l)	151.51
550.2	151.37	550.8	151.53
550.3	151.39	550.9(a)	151.55
550.4(c)	151.43		151.59
550.4 (less (c))	151.41		

[1] Transferred to Part 1.

PART 151—DISTRIBUTION TABLE—Continued

Present section	Revised section	Present section	Revised section
550.9(b)	151.61	550.24(d) (less (1)–(4) and (7))	151.79
550.9 (c) and (d)	151.63	550.24(e)	151.81
550.9 (e), (f), and (g)	151.57	550.24(f)	151.83
550.10	151.65	550.24(h)	151.87
550.11	151.67	550.24(g)	151.85
550.23 (a) and (b)	[2]	550.24 (i), (o), (p), and (s)–(v)	151.95
550.23(c)	151.3	550.24 (j), (k), (m), (n), and (q)	151.93
550.23 (d)–(h)	151.15	550.24(l)	151.89
550.23 (i), (k), (l), and (s)	151.9	550.24(r)	151.91
550.23(j)	[2]	550.24(w)	[2]
550.23 (m), (o), (p), and (t)	151.5	550.24 (less (a)–(w))	151.97
550.23(n)	[2]	550.25 (less (b)(2)	[2]
550.23 (q), (u), (v), and (w)	151.7	550.25(b)(2)	151.33
550.23(r)	[2]	550.38(a)	151.9
550.23(x)	151.13	550.38(b)	151.11
550.24(a)	151.71	550.38 (less (a) and (b))	[2]
550.24(b)	151.73		
550.24(c)	151.75		
550.24(d) (1)–(4) and (7)	151.77		

[2] To be transferred to proposed Agency Circular Series.

PART 151

APPENDIX A

There is set forth below an itemization of typical eligible and ineligible items of land acquisition as covered by § 151.73:

Typical Eligible Items

1. Land for:

(a) Initial acquisition for entire airport developments, including building areas as delineated on the approved master plan layout.

(b) Expansion of airport facilities, except the acquisition of only a small parcel for a non-landing area facility, such as hangar, terminal building, automobile parking area, etc.

(c) Clear zones at ends of eligible runways.

(d) Approach lights (land for ALS eligible for 75 percent participation will be limited to an area 3200' x 400' for a Standard ALS and to an area 1700' x 400' for a short ALS located symmetrically about the runway centerline extended, beginning at the end of the runway).

(e) Approach protection.

(f) Airport utilities.

2. Easements for:

(a) Use of air space by aircraft.

(b) Storm-water run-off.

(c) Powerlines to serve offsite obstruction lights.

(d) Airport utilities.

3. Extinguishment of easements which interfere with airport development.

Typical Ineligible Items

1. Land required only for:

(a) Industrial and other non-airport purposes.

PART 151

APPENDIX B

There is set forth below an itemization of typical eligible and ineligible items of land acquisition as covered by § 151.75 of this chapter:

Typical Eligible Items

1. General site preparation:
(a) Clearing of site.
(b) Grubbing of site.
(c) Grading of site.
(d) Storm drainage of site.
2. Erosion control.
3. Grading to remove obstructions.
4. Grading for installing navigation aids on airport property.
5. Dredging of seaplane anchorages and channels.

Typical Ineligible Items

1. Specific site preparation (not a part of an over-all site preparation project) for:
(b) Public parking facility for passenger under the Act.
(b) Public parking facilities for passenger automobiles.
(c) Industrial and other non-airport purposes.

PART 151

APPENDIX C

There is set forth below an itemization of typical eligible and ineligible items of runway paving as covered by § 151.77 of this chapter:

Typical Eligible Items

1. New runways for specified loadings.
2. Runway widening or extensions for specified loadings.
3. Reconstruction of existing runways for specified loadings.
4. Resurfacing runways for specified strength or for smoothness.

Typical Ineligible Items

1. Maintenance-type work, including:
(a) Seal coats.
(b) Crack filling.
(c) Resealing joints.
(d) Runway patching.
(e) Isolated repair.

PART 151

APPENDIX D

There is set forth below an itemization of typical eligible and ineligible items of taxiway paving as covered by § 151.81 of this chapter:

Typical Eligible Items

1. Basic types of pavement listed as eligible under § 151.77.
2. Taxiway providing access to ends and intermediate points of eligible runways.
3. Bleed-off taxiways.
4. Bypass taxiways.
5. Run-up pads.
6. Primary taxiway systems providing access to hangar areas and other building areas delineated on approved master layout plan.
7. Secondary taxiways providing access to groups of individual storage hangars and/or multiple-unit tee hangars.

Typical Ineligible Items

1. Basic types of pavement listed as ineligible under § 151.77.
2. Taxiways providing access to an area not offering aircraft storage and/or service to the public.
3. Lead-ins to individual storage hangars.

PART 151

APPENDIX E

There is set forth below an itemization of typical eligible and ineligible items of apron paving as covered by § 151.83 of this chapter:

Typical Eligible Items

1. Basic types of pavement listed as eligible under § 151.77.
2. Loading ramps.
3. Aprons available for public parking, storage, and/or service.
4. Aprons serving hangars used for public storage of aircraft and/or service to the public.

Typical Ineligible Items

1. Basic types of pavement listed as ineligible under § 151.77.
2. Aprons serving installations for nonpublic use.
3. Paving inside a hangar or on the proposed site of a hangar.
4. Aprons for ineligible cargo buildings.
5. Apron services (pits or pipes for chemicals) will not be eligible.

PART 151

APPENDIX F

There is set forth below an itemization of typical eligible and ineligible items of airport lighting covered by § 151.87 of this chapter:

Typical Eligible Items

1. Runway edge lights (high intensity, medium intensity, and low intensity).
2. In-runway lighting (center line, narrow gauge, and turnoff).
3. Taxiway lights.
4. Taxiway guidance signs.
5. Obstruction lights.
6. Apron floodlights.
7. Beacons.
8. Wind and landing direction indicators.
9. Electrical ducts and manholes.
10. Transformer or generator vaults.
11. Control panels for field lighting.
12. Control equipment for field lighting.
13. Auxiliary power.
14. Lighting offsite obstructions.
15. Electrical vaults for field lighting.

Typical Ineligible Items

1. Electronic navigation aids.
2. Approach lights.
3. Horizon lights.
4. Isolated repair and reconstruction of airport lighting.
5. Lighting of public parking area for passenger automobiles.
6. Street or road lighting.

PART 151

APPENDIX G

There is set forth below an itemization of typical eligible and ineligible items of road construction covered by § 151.89 of this chapter.

Typical Eligible Items

1. Entrance roads.
2. Service roads for access to public areas.
3. Service roads for airport maintenance (including perimeter airport service road within airport boundary and not for general public access).
4. Relocation of roads to permit airport development or expansion or to remove obstructions.

Typical Ineligible Items

1. Offsite roads.
2. Roads to areas of exclusive use.

PART 153—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS [NEW]

Sec.
153.1 Applicability and purpose.
153.3 Public agencies eligible for conveyances.
153.5 Request for conveyances.
153.7 Form and content of requests for conveyances.
153.9 Determinations by the Administrator.
153.11 Determinations and conveyances by head of controlling department or agency.
153.13 Covenants and reverter clauses in conveyances.

§ 153.1 Applicability and purpose.

This part applies to the acquiring by public agencies, under section 16 of the Federal Airport Act (49 U.S.C. 1115), of property interests in land owned or controlled by the United States, the use of which is necessary to carry out a project under the Federal-aid Airport Program or to operate a public airport. If the Administrator determines that such a property interest is reasonably necessary to carry out such a project or to operate a public airport, he is authorized by section 16 of the Act to request the head of the department, board, bureau, commission, or other agency in the executive branch of the Federal Government, or corporation wholly owned by the United States (in this part called the "department or agency,") that owns or controls that property interest to convey so much of it as the Administrator considers necessary, to the public agency sponsoring the project concerned or owning or controlling the airport concerned, as the case may be. The head of that department or agency is then required to determine whether the conveyance is inconsistent with the needs of that department or agency. If he determines that it is not inconsistent with those needs, he shall make the conveyance as provided in § 153.11.

[Revision note: Combines §§ 555.1 and 555.2]

§ 153.3 Public agencies eligible for conveyances.

A State, Puerto Rico, the Virgin Islands, or the District of Columbia, any agency of any of them, a municipality or other political subdivision, or a tax-supported organization, may request a conveyance of a property interest under this part if—

(a) It plans to use that property interest for or in connection with—

(1) Developing a public airport as a project under the Federal-aid Airport Program;

(2) Improving, developing, or protecting an existing public airport, whether or not in connection with a project under that Program; or

(3) Establishing or constructing a new public airport, whether or not in connection with a project under that Program;

(b) It has legal authority to accept the conveyance; to engage in the kind of airport development described in § 151.25 of this chapter, improvement, or construction necessary to benefit fully from the conveyance; to establish, operate, and maintain the proposed or existing airport; and to raise funds necessary for the proposed development, improvement, or construction and for financing the operation and maintenance of the Airport;

(c) It has enough funds, or will be able to get them, to pay for any development, improvement, or construction that is necessary to benefit reasonably from the conveyance, and to operate and maintain the Airport; and

(d) It is not in default on any obligation to the United States in connection with developing, operating, or maintaining an airport.

[Revision note: Based on § 555.4]

§ 153.5 Requests for conveyances.

A public agency that is eligible under § 153.3 may request a conveyance of a property interest under this Part by filing a request for it in quadruplicate with the District Airport Engineer for the area in which the property interest is located.

[Revision note: Combines §§ 555.3 and 555.6]

§ 153.7 Form and content of requests for conveyances.

(a) A request for a conveyance of a property interest under this Part need not be in any special form. However, the public agency applying must provide enough information to enable the Administrator to determine—

(1) That it is eligible to request the conveyance;

(2) That it will accept the conveyance subject to the conditions and covenants in the deed of conveyance;

(3) That the property interest requested is reasonably necessary to carry out a project under the Federal-aid Airport Program or to operate a public airport; and

(4) The extent of the property interest that is necessary to accomplish the purpose.

(b) Each public agency requesting a conveyance must send with its request, or as soon thereafter as possible, the following information, if applicable and available, together with any other information requested by the Administrator:

(1) Its name and address.

(2) The name, location, and ownership of the airport concerned, or if the airport is not in existence, the proposed name, the approved location, and the prospective owner.

(3) If the airport is being operated under a lease or agreement from the public agency, a copy of the lease or agreement.

(4) A statement of its legal authority and financial ability to develop, improve, construct, operate, and maintain the airport.

(5) The name of the department or agency of the United States that owns or controls the property interest.

(6) A legal description of the land requested, and the amount of acreage, if applicable.

(7) A list of all improvements on the land and the use or disposition to be made thereof.

(8) A statement of the specific property interest, such as fee title, leasehold, easement, permit, license, or other interest, that it needs.

(9) A complete justification of its need for the property interest, supported by any maps, charts, photographs, other documents that may be necessary to show the need for that property interest, and if use of other land might fill the need, a statement of the particular advantage of the United States land over the other suitable land.

(10) A statement of the plans and commitments for the financing of or accomplishing any development, improvement, or construction requiring the use of the property interest.

(11) An estimated date on which the property interest will be needed.

(12) The status of any project for developing the airport concerned under the Federal-aid Airport Program.

(13) A statement that it has the legal authority to accept a conveyance subject to the covenants and reverter clause described in § 153.13.

(c) Each request for a conveyance under this Part must be signed by an officer of the public agency concerned who has been authorized by it to file the request. The request must be accompanied by a certified copy of a resolution or ordinance authorizing him to file the request and indicating that the public agency is willing to accept the conveyance subject to the covenants and reverter clause described in § 153.13. In addition, the resolution or ordinance should indicate that the public agency is willing to accept the property subject to other terms that may be imposed by the United States, and subject to any changes in the boundaries or acreage that might be acceptable to the Administrator so far as they concern the development or use of the property for public airport purposes, to avoid having to pass another resolution or ordinance if terms and conditions in addition to those required by § 153.13 are placed in the deed of conveyance or a change in the boundaries or acreage becomes necessary.

[Revision note: Based on § 555.5]

§ 153.9 Determinations by the Administrator.

The Administrator reviews each request for a conveyance under this Part and determines whether the public agency requesting the conveyance is eligible and a conveyance is proper, under section 16 of the Federal Airport Act and this part. If he decides that the public agency is eligible and the conveyance is proper, he requests the head of the department or agency owning or controlling the property interest to convey to the public agency as much of an interest as the Administrator considers to be necessary, without consideration, other than the benefits to accrue to the public and the United States from the use of the land for airport purposes.

[Revision note: Based on § 555.7]

NOTE: § 555.7 (last sentence) is omitted as covered by § 153.13.

§ 153.11 Determinations and conveyances by head of controlling department or agency.

(a) Upon receiving a request for a conveyance under this Part from the Administrator, the head of the department or agency owning or controlling the property interest requested is required, by section 16(b) of the Federal Airport Act, to determine whether the conveyance is inconsistent with the needs of his department or agency, and to notify the Administrator of his determination within four months after receiving the Administrator's request.

(b) Section 16(b) of the Act provides that, if the head of the department or agency concerned determines that the requested conveyance is not inconsistent with those needs, he shall, upon the approval of the Attorney General and the President, perform any acts and execute any instruments necessary to make the conveyance, without expense to the United States.

[Revision note: Combines §§ 555.8 and 555.9]

§ 153.13 Covenants and reverter clauses in conveyances.

(a) Whenever the Administrator requests a department or agency to make a conveyance under this part, he also requests that the instrument of conveyance contain, as a covenant binding on the grantee, its successors and assigns, a provision—

(1) That the grantee will use the property interest conveyed for airport purposes;

(2) That the airport, and its appurtenant areas and its buildings and facilities, whether or not on the land conveyed, will be operated as a public airport on fair and reasonable terms, without discrimination on the basis of race, color, creed, or national origin, as to airport employment practices, and as to accommodations, services, facilities, and other public uses of the airport;

(3) That any later transfer of the property interest conveyed will be subject to the covenants and conditions in the instrument of conveyance;

(4) That, if any covenant or condition in the instrument of conveyance is breached, the FAA or its successor in function may immediately enter and possess title, on behalf of the United States, to the property interest conveyed; and

(5) That, if any covenant or condition in the instrument of conveyance is breached, the grantee will, upon demand of the FAA or its successor in function, take such action (including prosecution of suit or execution of instruments) as may be necessary to evidence transfer of title to the conveyed property interest to the United States.

(b) The Administrator also requests that a reverter clause, reading as follows, be placed in the granting clause of the conveyance:

The property interest hereby conveyed shall automatically revert to the United States in the event that the lands in question are not developed for airport purposes within a period of three years from the date of conveyance or cease to be used for airport purposes for a period of six months; the grantee agreeing by the acceptance of this conveyance or the rights granted herein that a determination by the FAA or its successor in function, that the lands are not developed or have ceased to be used for airport purposes, shall be conclusive of the facts.

[Revision note: Based on § 555.10]

PART 153—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
555.1	153.1	555.6	153.5
555.2	153.1	555.7	153.9
555.3	153.5	555.8	153.11
555.4	153.3	555.9	153.11
555.5	153.7	555.10	153.13

PART 155—RELEASE OF AIRPORT PROPERTY FROM SURPLUS PROPERTY DISPOSAL RESTRICTIONS [NEW]

Sec.
155.1 Applicability.
155.3 Applicable law.
155.5 Property and releases covered by this part.
155.7 General policies.
155.9 Release from war or national emergency restrictions.
155.11 Form and content of requests for release.
155.13 Determinations by FAA.

§ 155.1 Applicability.

This part applies to releases from terms, conditions, reservations, or restrictions in any deed, surrender of leasehold, or other instrument of transfer or conveyance (in this part called "instrument of disposal") by which some right, title, or interest of the United States in real or personal property was conveyed to a non-Federal public agency under section 13 of the Surplus Property Act of 1944 (58 Stat. 765; 61 Stat. 678) to be used by that agency in developing, improving, operating, or maintaining a public airport or to provide a source of revenue from non-aviation business at a public airport.

[Revision note: Based on § 565.1]

§ 155.3 Applicable law.

(a) Section 4 of the Act of October 1, 1949 (63 Stat. 700) authorizes the Administrator to grant the releases described in § 155.1, if he determines that—

(1) The property to which the release relates no longer serves the purpose for which it was made subject to the terms, conditions, reservations, or restrictions concerned; or

(2) The release will not prevent accomplishing the purpose for which the property was made subject to the terms, conditions, reservations, or restrictions, and is necessary to protect or advance the interests of the United States in civil aviation. In addition, section 4 of that Act authorizes the Administrator to grant the releases subject to terms and conditions that he considers necessary to protect or advance the interests of the United States in civil aviation.

(b) Section 2 of the Act of October 1, 1949 (63 Stat. 700) provides that the restrictions against using structures for industrial purposes in any instrument of disposal issued under section 13(g)(2)(A) of the Surplus Property Act of 1944, as amended (61 Stat. 678) are considered to be extinguished. In addition, section 2 authorizes the Administrator to issue any instruments of release or conveyance necessary to remove, of record, such a restriction, without monetary consideration to the United States.

(c) Section 68 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2098) releases, remises, and quitclaims, to persons entitled thereto, all reserved rights of the United States in radioactive minerals in instruments of disposal of public or acquired lands. In addition, section 3 of the Act of October 1, 1949 (50 U.S.C. App. 1622b) authorizes the Administrator to issue instruments that he considers necessary to correct any instrument of disposal by which surplus property was transferred to a non-Federal public agency for airport purposes or to conform the transfer to the requirements of applicable law. Based on the laws cited in this subparagraph, the Administrator issues appropriate instruments of correction upon the written request of persons entitled to ownership, occupancy, or use of the lands concerned.

[Revision note: Based on § 565.2]

NOTE: § 565.2(a)(2) (1st sentence) is omitted as executed.

§ 155.5 Property and releases covered by this part.

This part applies to—

(a) Any real or personal property that is subject to the terms, conditions, reservations, or restrictions in an instrument of disposal described in § 155.1; and

(b) Any release from a term, condition, reservation, or restriction in such an instrument, including a release of—

(1) Personal property, equipment, or structures from any term, condition, reservation, or restriction so far as necessary to allow it to be disposed of for salvage purposes;

(2) Land, personal property, equipment or structures from any term, condition, reservation, or restriction requiring that it be used for airport purposes, to allow its use, lease, or sale for non-airport use in place;

(3) Land, personal property, equipment, or structures from any term, condition, reservation, or restriction requiring its maintenance for airport use;

(4) Land, personal property, equipment, or structures from all terms, conditions, restrictions, or reservations to allow its use, lease, sale, or other disposal for non-airport purposes; and

(5) Land, personal property, equipment, or structures from the reservation of right of use by the United States in time of war or national emergency, to facilitate financing the operation and maintenance or further development of a public airport.

[Revision note: Based on § 565.3]

§ 155.7 General policies.

(a) Upon a request under § 155.11, the Administrator issues any instrument that is necessary to remove, of record, any restriction against the use of property for industrial purposes that is in an instrument of disposal covered by this part.

(b) The Administrator does not issue a release under this part if it would allow the sale of the property concerned to a third party, unless the public agency concerned has obligated itself to use the proceeds from the sale exclusively for developing, improving, operating, or maintaining a public airport.

(c) Except for a release from a restriction against using property for industrial purposes, the Administrator does not issue a release under this Part unless it is justified under § 155.3(a) (1) or (2).

(d) The Administrator may issue a release from the terms, conditions, reservations, or restrictions of an instrument of disposal subject to any other terms or conditions that he considers necessary to protect or advance the interests of the United States in civil aviation. Such a term or condition, including one regarding the use of proceeds from the sale of property, is imposed as a personal covenant or obligation of the public agency concerned rather than as a term or condition to the release or as a covenant running with the land, unless the Administrator determines that the purpose of the term or condition would be better achieved as a condition or covenant running with the land.

(e) A letter or other document issued by the Administrator that merely grants consent to or approval of a lease, or to the use of the property for other than the airport use contemplated by the instrument of disposal, does not otherwise release the property from the terms, conditions, reservations, or restrictions of the instrument of disposal.

[Revision note: Based on § 565.4 (less (d))]

§ 155.9 Release from war or national emergency restrictions.

(a) The primary purpose of each transfer of surplus airport property under section 13 of the Surplus Property Act of 1944 was to make the property available for public or civil airport needs. However, it was also intended to ensure the availability of the property transferred, and of the entire airport, for use by the United States during a war or national emergency, if needed. As evidence of this purpose, most instruments of disposal of surplus airport property reserved or granted to the United States a right of exclusive possession and control of the airport during a war or emergency, substantially the same as one of the following:

(1) That during the existence of any emergency declared by the President or the Congress, the Government shall have the right without charge except as indicated below to the full, unrestricted possession, control, and use of the landing area, building areas, and airport facilities or any part thereof, including any additions or improvements thereto made subsequent to the declaration of the airport property as surplus: *Provided, however,* That the Government shall be responsible during the period of such use for the entire cost of maintaining all such areas, facilities, and improvements, or the portions used, and shall pay a fair rental for the use of any installations or structures which have been added thereto without Federal aid.

(2) During any national emergency declared by the President or by Congress, the United States shall have the right to make exclusive or nonexclusive use and have exclusive or nonexclusive control and possession, without charge, of the airport at which the surplus property is located or used or of such portion thereof as it may desire: *Provided, however,* That the United States shall be responsible for the entire cost of maintaining such part of the airport as it may use exclusively, or over which it may have exclusive possession and control, during the period of such use, possession, or control, and shall be obligated to contribute a reasonable share, commensurate with the use made by it, of the cost of maintenance of such property as it may use nonexclusively or over which it may have nonexclusive control and possession: *Provided further,* That the United States shall pay a fair rental for its use, control, or possession, exclusively or nonexclusively, of any improvements to the airport made without United States aid.

(b) A release from the terms, conditions, reservations, or restrictions of an instrument of disposal that might prejudice the needs or interests of the armed forces, is granted only after consultation with the Department of Defense.

[Revision note: Based on § 565.4(d)]

§ 155.11 Form and content of requests for release.

(a) A request for the release of surplus airport property from a term, condition, reservation, or restriction in an instrument of disposal need not be in any special form, but must be in writing and signed by an authorized official of the public agency that owns the airport.

(b) A request for a release under this Part must be submitted in triplicate to the District Airport Engineer in whose district the airport is located.

(c) Each request for a release must include the following information, if applicable and available:

(1) Identification of the instruments of disposal to which the property concerned is subject.

(2) A description of the property concerned.

(3) The condition of the property concerned.

(4) The purpose for which the property was transferred, such as for use as a part of, or in connection with, operating the airport or for producing revenues from non-aviation business.

(5) The kind of release requested.

(6) The purpose of the release.

(7) A statement of the circumstances justifying the release on the basis set forth in § 155.3(a) (1) or (2) with supporting documents.

(8) Maps, photographs, plans, or similar material of the airport and the property concerned that are appropriate to determining whether the release is justified under § 155.9.

(9) The proposed use or disposition of the property, including the terms and conditions of any proposed sale or lease and the status of negotiations therefor.

(10) If the release would allow sale of any part of the property, a certified copy of a resolution or ordinance of the governing body of the public agency that owns the airport obligating itself to use the proceeds of the sale exclusively for developing, improving, operating, or maintaining a public airport.

(11) A suggested letter or other instrument of release that would meet the requirements of State and local law for the release requested.

[Revision note: Based on § 565.5(a)]

§ 155.13 Determinations by FAA.

(a) An FAA office that receives a request for a release under this Part, and supporting documents therefore, examines it to determine whether the request meets the requirements of the Act of October 1, 1949 (63 Stat. 700) so far as it concerns the interests of the United States in civil aviation and whether it might prejudice the needs and interests of the armed forces. Upon a determination that the release might prejudice those needs and interests, the Department of Defense is consulted as provided in § 155.9(b).

(b) Upon completing the review, and receiving the advice of the Department of Defense if the case was referred to it, the FAA advises the airport owner as to whether the release or a modification of it, may be granted. If the release, or a modification of it acceptable to the owner, is granted, the FAA prepares the necessary instruments and delivers them to the airport owner.

[Revision note: Based on § 565.5 (less (a))]

PART 155—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
565.1	155.1	565.4(d)	155.9
565.2	155.3	565.5(a)	155.11
565.3	155.5	565.5 (less (a))	155.13
565.4 (less (d))	155.7		

PART 157—NOTICE OF CONSTRUCTION, ALTERATION, OR DEACTIVATION OF AIRPORTS [NEW]

Sec.
157.1 Applicability.
157.3 Notice of construction, alteration, or deactivation.
157.5 Submission of notice.
157.7 Notice of delay or other change.
157.9 Determination of effect of proposed establishment, alteration, or deactivation on use of airspace by aircraft.

§ 157.1 Applicability.

This part requires each person who proposes to establish, reactivate, alter, or deactivate an airport for civil or joint civil military use to give notice in the form and manner prescribed in this part.

[Revision note: Based on § 625.1]

§ 157.3 Notice of construction, alteration, or deactivation.

(a) Except as provided in paragraph (b) of this section, each person who intends to do any of the following shall notify the Administrator in the manner prescribed in § 157.5:

(1) Construct, lay out, or otherwise set apart a new airport, or reactivate a former airport;

(2) Realign, modify, enlarge, reactivate or deactivate any runway layout or associated taxiway;

(3) Otherwise substantially change the surface of that part of an airport that is used or intended to be used for the landing or takeoff of aircraft; or

(4) Discontinue using an airport for a period of one year or more.

(b) This part does not apply to any—

(1) Military project on a military airport used only by the armed forces;

(2) Project for which Federal aid has been requested under the Federal Airport Act (49 U.S.C. 1101 et seq.);

(3) Project involving a landing surface intended to be used only one time, or intended to be used for a period of less than 31 days with not more than 10 aircraft operations a day during that period; or

(4) Project involving a privately owned airport that will be limited to VFR aircraft operations only, that is not open to the public, and that is, or is to be, located more than 5 miles from any other airport and more than 20 miles from any airport for which an instrument approach procedure is authorized by the FAA.

However, each person to whom subparagraph (4) of this paragraph applies shall report his project to the FAA for record purposes within 30 days after it is completed.

[Revision note: Combines §§ 625.2, 625.3, and 625.4]

§ 157.5 Submission of notice.

Each person submitting a notice required by § 157.1 shall send it to the nearest FAA District Airport Engineer's Office or FAA Regional Office, in triplicate, on FAA form 2681, at least 90 days before the date on which work is to begin on the project. However, in an emergency requiring immediate action, he may notify the Administrator by telephone, telegraph, or other expeditious means, and send the form 2681 within five days thereafter.

[Revision note: Based on § 625.5(a)]

§ 157.7 Notice of delay or other change.

Each proponent of a project to which this Part applies shall notify the nearest FAA District Airport Engineer's Office or FAA Regional Office of any delay of more than six months in the date upon which work on the project is to begin, and of any other change in the information submitted under § 157.5.

[Revision note: Based on § 625.5 (less (a))]

§ 157.9 Determination of effect of proposed establishment, alteration, or deactivation on use of airspace by aircraft.

(a) Whenever it receives a notice under § 157.5, the FAA studies the effect of the proposal upon the efficient use of airspace and the safety of aircraft, consulting with other interested persons when appropriate.

(b) After making the study, the FAA issues a determination as to the effect the proposal would have on the efficient use of airspace and the safety of aircraft.

(c) The FAA informs the proponent of the project and appropriate state aviation officials of the determination,

and makes it available to other interested persons.

[Revision note: Based on § 625.6]

PART 157—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
625.1	157.1	625.5(a)	157.5
625.2	157.3	625.5 (less (a))	157.7
625.3	157.3	625.6	157.9
625.4	157.3		

PART 161—COLD BAY, ALASKA, AIRPORT [NEW]

Sec.
161.1 Applicability.
161.3 Landing charges.
161.5 Parking charges.
161.7 Computation of weight for payment of charges.
161.9 Charges for aircraft based at the airport.
161.11 Payment of charges.
161.13 Loading and unloading areas.

§ 161.1 Applicability.

This part prescribes the rules governing the use of the Cold Bay, Alaska, Airport (in this Part called "the Airport") operated by the Federal Aviation Agency.

[Revision note: Based on § 574.1(b)]

§ 161.3 Landing charges.

The charge for each landing of an aircraft at the airport is 16 cents for each 1,000 pounds of aircraft weight. There is no charge for takeoffs. In addition, there is no landing charge for—

(a) A civil or public aircraft that is not engaged in commercial operations;

(b) An aircraft engaged in a test flight, not including a survey and proving run; or

(c) An aircraft compelled to return after takeoff.

[Revision note: Based on § 574.11]

§ 161.5 Parking charges.

(a) The charge for parking an aircraft in a hanger at the airport is five cents for each 1,000 pounds of aircraft weight for each six-hour period, or fraction thereof.

(b) The charge for parking an aircraft at any other place on the airport is two and one-half cents for each 1,000 pounds of aircraft weight for each six-hour period, or fraction thereof, beginning six hours after the aircraft lands.

[Revision note: Based on § 574.12]

§ 161.7 Computation of weight for payment of charges.

For the purposes of §§ 161.3 and 161.5 the weight of an aircraft is the maximum takeoff weight permitted for that aircraft by the appropriate aeronautical authority of the country in which is was made, computed to the nearest 1,000 pounds.

[Revision note: Based on § 574.1 (less (b))]

§ 161.9 Charges for aircraft based at the Airport.

The Assistant Administrator of the Alaskan Region fixes charges for aircraft based at the Airport without regard to the charges prescribed in §§ 161.3 and 161.5.

[Revision note: Based on § 574.13]

§ 161.11 Payment of charges.

Charges due under this part must be paid in United States currency, at the time the airport is used. However, scheduled air carriers and other aircraft operators may make prior financial arrangements with the FAA official in charge of the Airport, including provisions to pay on a monthly or other suitable basis.

[Revision note: Based on § 574.14]

§ 161.13 Loading and unloading areas.

The FAA official in charge of the Airport has full control of the loading and unloading areas to assure efficient and nondiscriminatory use of the airport, including—

(a) Assigning space and sequence of use whenever he determines that it is advisable;

(b) Ordering the movement of standing aircraft to conform to assignments under subparagraph (a) of this section; and

(c) Assessing excess parking fees of $5.00 an hour for failure to conform to paragraph (b) of this section.

[Revision note: Based on § 574.21]

PART 161—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
574.1(b)	161.1	574.12	161.5
574.1 (less (b))	161.7	574.13	161.9
		574.14	161.11
574.11	161.3	574.21	161.13

PART 163—CANTON ISLAND AIRPORT [NEW]

Subpart A—General

Sec.
163.1 Applicability.
163.3 Landing charges.
163.5 Parking charges.
163.7 Computation of weight for payment of charges.
163.9 Charges for aircraft based at the Airport.
163.11 Payment of charges.
163.13 Loading and unloading zones.

Subpart B—Utility Services

163.21 Applicability.
163.23 Service available.
163.25 Applications.
163.27 Connections to sewer and water systems.
163.29 Connections to electric power systems.
163.31 Connections to communications systems.
163.33 Extensions to systems.
163.35 Rates of payment: Electric power.
163.37 Rates of payment: Water.
163.39 Rates of payment: Communications.
163.41 Rates of payment: Measurement, adjustment, and billing.
163.43 Liability of the United States.

Subpart C—Medical and Hospital Services

163.51 Applicability.
163.53 Supervision.
163.55 Transportation for treatment purposes
163.57 Treatment in non-compensation cases.
163.59 Charges for medical services and supplies.
163.61 Charges for hospitalization.
163.63 Charges for miscellaneous services.
163.65 Method of payment.
163.67 Processing of payments.
163.69 Exceptions.

Subpart A—General

§ 163.1 Applicability.

This part prescribes the rules governing the Airport at Canton Island (in this part called "the Airport") operated by the Federal Aviation Agency.

[Revision note: Based on § 575.1(b)]

§ 163.3 Landing charges.

The charge for each landing of an aircraft at the Airport is 30 cents for each 1,000 pounds of aircraft weight. There is no additional charge for takeoffs. In addition, there is no landing charge for—

(a) A civil or public aircraft that is not engaged in commercial operations;

(b) An aircraft engaged in a test flight, not including a survey or proving run; or

(c) An aircraft compelled to return after takeoff.

[Revision note: Based on § 575.11]

§ 163.5 Parking charges.

(a) The charge for parking an aircraft in a hangar at the Airport is five cents for each 1,000 pounds of aircraft weight for each six-hour period, or fraction thereof.

(b) The charge for parking an aircraft on the Airport, other than in a hangar, is two and one-half cents for each 1,000 pounds of aircraft weight for each 6-hour period, or fraction thereof, beginning six hours after the aircraft lands.

[Revision note: Based on § 575.12]

§ 163.7 Computation of weight for payment of charges.

For the purposes of §§ 163.3 and 163.5, the weight of an aircraft is the maximum takeoff weight permitted for that aircraft by the appropriate aeronautical authority of the country in which it was made, computed to the nearest 1,000 pounds.

[Revision note: Based on § 575.1 (less (b))]

§ 163.9 Charges for aircraft based at the Airport.

The Assistant Administrator of the Pacific Region fixes charges for aircraft based at the Airport without regard to the charges prescribed in §§ 163.3 and 163.5.

[Revision note: Based on § 575.13]

§ 163.11 Payment of charges.

Charges due under this Part must be paid in United States currency at the time the Airport is used. However, scheduled air carriers and other aircraft operators may make prior financial arrangements with the FAA official in charge of the Airport, including provision to pay on a monthly or other suitable basis.

[Revision note: Based on § 575.14]

§ 163.13 Loading and unloading zones.

The FAA official in charge of the Airport has full control of the loading and unloading areas to assure efficient and non-discriminatory use of the airport, including—

(a) Assigning space and sequence of use whenever he determines that it is advisable;

(b) Ordering the movement of standing aircraft to conform to assignments under paragraph (a) of this section; and

(c) Assessing excess parking fees of $5.00 an hour for failure to conform to subparagraph (b) of this section.

[Revision note: Based on § 575.21]

Subpart B—Utility Services

§ 163.21 Applicability.

This subpart prescribes the conditions under which the Administrator provides water, electric power, sewerage, and communications service at Canton Island to persons and organizations engaged directly or indirectly in aeronautical activity, except agencies of the United States.

[Revision note: Based on § 576.1]

§ 163.23 Services available.

The services available under this subpart are limited to those that are excess to the needs of the FAA and are within the capacities of installed facilities. If additional services are desired, permission may be given to build additional complementary facilities or extensions to the system involved.

[Revision note: Based on § 576.3]

§ 163.25 Applications.

A person desiring service under this subpart must apply in writing to the Assistant Administrator, FAA, P.O. Box 4009, Honolulu, Hawaii, setting forth in detail the type, location, and amount of service desired, the maximum demand, and other pertinent information, including, for electric power applications, information on all motor loads of more than two horsepower.

[Revision note: Combines §§ 576.2 (less (c)) and 576.4]

§ 163.27 Connections to sewer and water systems.

(a) A connection to an existing sewer and water system (other than an extension of the system) is made by the user, with the written approval of the Chief of the Facilities Division of the FAA Pacific Region (in this subpart called the "Facilities Chief"). The method of connection and workmanship are subject to inspection and approval of the Island Structural Maintenance Engineer.

(b) For the purposes of this section, an extension to an existing sewer or water system includes additional lateral or trunk sewers, manholes or sewerage disposal facilities, water mains, and water collection, production, storage or pumping facilites, as distinguished from a connection to the system to provide service to an individual user.

(c) When necessary, meters are furnished, installed, and serviced by FAA. In addition, FAA maintains the fresh water connection between the main and the building of the user, but the user shall maintain the sewer connection between the building and the lateral sewer, subject to the inspection and approval of the Island Structural Maintenance Engineer.

[Revision note: Combines §§ 576.2(c) and 576.5(a)]

§ 163.29 Connections to electric power systems.

(a) A connection to existing electric power systems is made by and at the expense of the FAA.

(b) For the purposes of this section, a connection is limited to providing a meter, installing and connecting the meter to the service drop, and connecting the service drop to the power supply line. Any other work is considered to be an extension to the existing system.

(c) The user shall provide, install, and maintain a safety switch, a meter socket, a one-span service drop, and the work and materials necessary to distribute the power from the service drop.

(d) The workmanship, materials, and equipment provided by the user under this section must conform to FAA Technical Standard Order N–17A.

[Revision note: Based on § 576.5(b)]

§ 163.31 Connections to communications systems.

(a) Only the FAA makes connections to the existing communications system.

(b) For the purposes of this section, a connection is limited to providing and installing telephones and lines from the service drop, adding or removing telephone extensions on either private or party lines, and changing the location of an authorized telephone. Any other work or materials that are necessary to provide the user with communications services is considered to be an extension to an existing system.

(c) Title to the communication system is in the United States. The system is maintained by the FAA.

[Revision note: Based on § 576.5 (less (a) and (b))]

§ 163.33 Extensions to systems.

(a) An extension to an existing water, sewerage, electric power, or communications system may be made only with the written approval of the Facilities Chief.

(b) Based on circumstances, as determined by the Facilities Chief, an extension to a facility is made by the user at his expense, or by the FAA.

(c) An extension made by the user becomes the property of the United States upon being incorporated into the system.

[Revision note: Based on § 576.6]

§ 163.35 Rates of payment: Electric power.

The charge for electric power is $0.085 a kilowatt-hour.

[Revision note: Based on § 576.7(a)]

§ 163.37 Rates of payment: Water.

The charge for fresh water is $0.04 a gallon. There is no charge for brackish water, salt water, or sewerage disposal, when they are available, to users of fresh water on Canton Island.

[Revision note: Based on § 576.7(b)]

§ 163.39 Rates of payment: Communications.

(a) The charge for individual line service for telephones is $8.75 a month and for two-party service is $7.75 a month, plus $5.00 a month for each additional instrument connection.

(b) The charge for an extension to an existing telephone system or for relocating an existing telephone connection is $10.00.

[Revision note: Based on § 576.7 (less (a) and (b))]

§ 163.41 Rates of payment: Measurement, adjustment, and billing.

(a) Fresh water and electric power use are measured by meter. However, in an exceptional circumstance, use may be based on estimates agreed to by the user and the Facilities Chief.

(b) Rates prescribed in this subpart may be adjusted equitably as circumstances warrant. However, each user shall be notified at least 30 days before any rate is adjusted.

(c) Each utility user is billed monthly for services used. Each user shall pay his bill as previously arranged between the user and the Assistant Administrator of the Pacific Region.

[Revision note: Combines §§ 576.8, 576.9, and 576.11]

§ 163.43 Liability of the United States.

The United States is not liable for any loss, damage, or injury of any user of the utility services authorized by this subpart, or of any third party, because of a part or complete failure or shutdown of a utility, unless the loss, damage, or injury was caused by a negligent or wrongful act or omission of an employee of the United States acting within the scope of his employment, under circumstances where the United States would, if it were a private person, be liable to the claimant for the loss, damage, or injury under the law of the place where it occurred.

[Revision note: Based on § 576.10]

Subpart C—Medical and Hospital Services

§ 163.51 Applicability.

This subpart prescribes the conditions under which the Administrator provides medical services, medical supplies, and hospitalization at Canton Island.

[Revision note: Based on § 577.1]

§ 163.53 Supervision.

The medical services, medical supplies, and hospitalization furnished by the FAA at Canton Island are under the administrative control of the FAA official in charge of the Island concerned and FAA activities on it (in this subpart called the "Island Manager") and the

professional direction of the designated Island Medical Officer.

[Revision note: Combines §§ 577.2 (b), (f), and (g) and 577.3]

§ 163.55 Transportation for treatment purposes.

In any case in which the Island Medical Officer determines that the medical services or facilities on the Island are inadequate, an FAA employee who is under the jurisdiction of the Bureau of Employees' Compensation is entitled to transportation, without cost to him, to adequate services or facilities in Honolulu, Hawaii, or to the closest place where they are adequate. The employing agency must provide transportation in similar cases for persons other than FAA employees.

[Revision note: Combines §§ 577.2(d) and 577.4 (less first sentence)]

§ 163.57 Treatment in non-compensation cases.

(a) Subject to the charges prescribed in §§ 163.59, 163.61, and 163.63, general treatment of injury for disease, other than that authorized by § 163.59(a)(1), is provided for—

(1) Civilian employees of the United States;

(2) Members of the armed forces on active duty;

(3) Employees of a non-United States agency that is engaged in aeronautical activity who are at an Island location under temporary or permanent assignment;

(4) The spouse, child (including an unmarried stepchild or adopted children) under 21 years of age or mentally or physically incapable of supporting himself, or parent, of a person covered by subparagraph (1), (2), or (3) of this paragraph, who receives more than one-half of his support from that person; and

(5) Transient persons, not otherwise covered by this section, who are on the Island for a period of less than one month in connection with an aeronautical activity.

(b) In any case in which the Island Medical Officer concerned determines that the medical services or facilities on the Island cannot provide proper treatment for an FAA employee covered by this section, or his dependent covered by subparagraph (4) of paragraph (a) of this section, the employee or dependent shall be sent without cost to him, to Honolulu, Hawaii, or to the closest other place, where proper treatment can be provided. Transportation in similar cases for other persons must be provided by the employing agency, or by the patient if he is a transient covered by subparagraph (5) of paragraph (a) of this section.

[Revision note: Combines §§ 577.2 (c), (e), (h), and (i) and 577.5]

§ 163.59 Charges for medical services and supplies.

(a) Charges for medical services at Canton Island are as follows:

(1) For civilian employees of the United States who are under the jurisdiction of the Bureau of Employees' Compensation, and members of the armed forces on active duty—no charge for treatment of injury incurred while performing their duties or disease proximately caused by conditions of their employment.

(2) For civilian employees of the United States, members of the armed forces on active duty, and the dependents of either of them—

(i) For each call at the FAA dispensary during regular hours—$0.50 for the services of a technician; $1.00 for the services of a nurse; and $3.00 for the services of a doctor; and

(ii) For each call at the dispensary outside of regular hours or at a place other than the dispensary—$1.00 for the services of a technician; $2.00 for the services of a nurse; and $5.00 for the services of a doctor.

(3) For employees of a non-United States agency and their dependents—an apportionment of all items of cost involved in the furnishing of supplies and services as fixed in written agreements with the employing agency.

(4) For transients—an apportionment of all items of cost involved in the furnishing of services and supplies.

(b) The charge for medical supplies not administered by the medical staff at Canton Island is determined administratively but may not be more than $3.00 for any one supply furnished.

[Revision note: Combines §§ 577.4 (first sentence) and 577.6 (a) and (b)]

§ 163.61 Charges for hospitalization.

(a) Except as provided in paragraph (b) of this section, the charge for hospital services is $7.50 a calendar day, or fraction thereof, for each person, not including meals (which must be otherwise provided and charged for), but including the services of the doctor and nurse, medical supplies, drugs, X-rays, and other medical services and supplies available on the Island that the doctor considers necessary for treating the patient.

(b) The charge for maternity care is $125.00, including prenatal, delivery, and post-natal care and attendance, and hospitalization, for a period of not more than three days, but not including meals (which must be otherwise provided and charged for).

[Revision note: Based on § 577.6 (c) and (d)(1)]

§ 163.63 Charges for miscellaneous services.

(a) Except where required in connection with employment by the United States, the charge for each immunization (including vaccine and administering it) is not more than $3.00 if the cost of the vaccine is not more than $3.00. However, if the cost of the vaccine is more than $3.00, the charge is the cost of the vaccine.

(b) The following laboratory or special treatment charges apply to all persons:

(1) Diathermy treatments—$1.00 each.

(2) X-rays—$3.00 each.

(3) Complete blood count—$3.00 each.

(4) Wassermann—$3.00 each.

(5) Urinalysis—$1.00 each.

(c) The charge for each physical examination not required in connection with employment by the United States is $10.00.

(d) The charge for services and treatment not otherwise covered by this section or §§ 163.61 or 163.63 are as prescribed by the Assistant Administrator of the Pacific Region.

(e) A list of the charges authorized by or under this subpart is posted in a prominent place in each Island Dispensary.

[Revision note: Based on § 577.6 (less (a)–(d)(1))]

§ 163.65 Method of payment.

(a) Amounts due from civilian employees of the United States, members of the armed forces, and the dependents of either of them shall be paid as administratively determined. However, in the case of an FAA employee amounts due under this subpart may not be deducted from his pay.

(b) Amounts due from employees of a non-United States agency must be paid at the time the service is performed, unless the employing agency has made a written arrangement with the FAA for payment on a periodic basis or unless immediate payment is not practicable in a particular case.

(c) Amounts due from transients must be paid at the time the service is performed unless immediate payment is not practicable in a particular case. If not paid immediately, the transient's home or business address must be noted before he leaves the Island so that he may be contacted later to pay the charges.

[Revision note: Based on § 577.7]

§ 163.67 Processing of payments.

Payments for medical and hospital services at Canton Island shall be collected as provided in this subpart and sent promptly to the Island Manager concerned. The Island Manager schedules them and sends them to the FAA Assistant Administrator of the Pacific Region, in accordance with prescribed procedure.

[Revision note: Based on § 577.8]

§ 163.69 Exceptions.

The Island Manager concerned may waive any requirement of this part when he determines that it is appropriate in an emergency case or is required for humanitarian reasons. The Island Manager shall report once each year to the Administrator, through the Assistant Administrator of the Pacific Region, on the waivers granted by him under this section during the preceding fiscal year.

[Revision note: Combines §§ 577.2 (less (b)–(i)) and 577.9]

PART 163—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
575.1(b)	163.1	576.11	163.41
575.1 (less (b))	163.7	577.1	163.51
575.11	163.3	577.2 (less (b)–(1))	163.79
575.12	163.5	577.2 (b), (f), and (g)	163.53
575.13	163.9	577.2(d)	163.55
575.14	163.11	577.2 (c), (e), (h), and (i)	163.57
575.21	163.13	577.3	163.63
576.1	163.21	577.4 (less 1st sentence)	163.55
576.2(c)	163.27	577.4 (1st sentence)	163.59
576.2 (less (c))	163.25	577.5	163.57
576.3	163.23	577.6 (a) and (b)	163.59
576.4	163.25	577.6 (c) and (d)(1)	163.61
576.5(a)	163.27	577.6 (less (a)–(d) (1)	163.63
576.5(b)	163.29	577.7	163.65
576.5 (less (a) and (b))	163.31	577.8	165.67
576.6	163.33	577.9	165.69
576.7(a)	163.35		
576.7(b)	163.37		
576.7 (less (a) and (b))	163.39		
576.8	163.41		
576.9	163.41		
576.10	163.43		

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Rules and Regulations

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

The Commission having under consideration Part 0, the Statement of Organization, Delegations of Authority, and Other Information; and

It appearing, that the Statement of Organization, Delegations of Authority, and Other Information should be added to Title 47 of the Code of Federal Regulations as Part 0 of the Commission's rules and regulations; and

It further appearing, that the format of the Statement, including part and subpart designations, should be revised to conform with the format of the code; and

It further appearing, that the overlapping provisions of §§ 0.4, 0.401, 0.402, and 0.403 should be restated as §§ 0.401 and 0.402; and

It further appearing, that other amendments of an editorial nature should be made at this time; and

It further appearing, that the amendments adopted herein are editorial in nature, that codification will aid those who rely on the Code of Federal Regulations for information with regard to the Commission's procedures, and hence that compliance with the public notice, procedural, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing, that authority for issuance of the amendments herein is contained in sections 4(i), 5(b), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.341(a) of the Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 7th day of August 1962, that the Statement of Organization, Delegations of Authority and Other Information is revised as set forth herein, effective August 10, 1962.

Released: August 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

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Subpart A—Organization

GENERAL

§ 0.1 Statutory authority.

The Federal Communications Commission was created by the Communications Act of 1934, as amended. This Act is printed in Title 47 of the United States Code beginning with section 151. Pamphlet copies of the Act, as revised, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C.

§ 0.2 Commissioners.

(a) The Federal Communications Commission is composed of seven members appointed by the President, subject to Senate confirmation, one of whom the President designates Chairman. The Commission will, in the case of a vacancy in the Office of the Chairman of the Commission, or in the absence or inability of the Chairman to serve, temporarily designate one of its members to act as Chairman until the cause or circumstance requiring such designation shall have been eliminated or corrected.

(b) There are two standing committees of Commissioners, the Telegraph Committee and the Telephone Committee, each composed of three Commissioners. These committees are delegated authority to act or study and report on certain telephone and telegraph matters from time to time.

(c) A Defense Commissioner and two Alternate Defense Commissioners are designated by the Commission to assume the responsibilities set forth in §§ 0.161, 0.216, and 0.217.

§ 0.3 Chairman.

(a) The Chairman of the Commission is the Chief Executive Officer of the Commission. As such he has the following duties and responsibilities:

(1) To preside at all meetings and sessions of the Commission.

(2) To represent the Commission in all matters relating to legislation and legislative reports; however, any other Commissioner may present his own or minority views.

(3) To represent the Commission in all matters requiring conferences or communications with other governmental officers, departments or agencies.

(4) To coordinate and organize the work of the Commission in such a manner as to promote prompt and efficient disposition of all matters within the jurisdiction of the Commission. The Office of Administration, under the direct supervision of the Chairman, assists him in carrying out these duties and responsibilities.

§ 0.5 General description of Commission organization.

The Commission's staff is divided into the following principal units:

(a) Broadcast Bureau.
(b) Common Carrier Bureau.
(c) Field Engineering and Monitoring Bureau.
(d) Safety and Special Radio Services Bureau.
(e) Office of Hearing Examiners.
(f) Office of Administration.
(g) Office of General Counsel.
(h) Office of Chief Engineer.
(i) Office of the Secretary.
(j) Office of Opinions and Review.
(k) Office of Reports and Information.

BROADCAST BUREAU

§ 0.10 Functions of the Bureau.

The Broadcast Bureau assists, advises, and makes recommendations to the Commission with respect to the development of a regulatory program for the broadcast services and is responsible for the performance of any work, function, or activities to carry out that program in accordance with applicable statutes, international agreements, rules and regulations, and policies of the Commission. The Bureau performs the following functions:

(a) Receives, examines, files, indexes, records and processes applications in the broadcast services, makes recommendations to the Commission thereon and issues authorizations in accordance with Commission instructions and directions.

(b) Processes petitions in broadcast matters (protests and orders of designation) not specified in § 0.141.

(c) By notification in accordance with the procedures set forth in the North American Regional Broadcasting Agreement establishes priorities for United States stations under this and associated agreements. Receives and examines notifications of assignments in other North American countries, and resolves conflicts by negotiation.

(d) Participates in hearings involving applications, rule making, and other matters which pertain to the radio broadcast services, including proceedings pursuant to sections 312 and 316 of the Communications Act of 1934, as amended.

(e) Makes recommendations to the Commission concerning the promulgation of rules and standards in the broadcast services.

(f) Participates in international conferences with respect to broadcast services, and in implementation of international broadcast agreements.

(g) Studies frequency requirements in the broadcast services and makes recommendations with respect to the allocation of frequencies and the drafting of frequency assignment plans in such services.

(h) Confers with government and industry groups interested in the problems of broadcast services.

(i) Studies and establishes technical requirements for equipment in the broadcast services in accordance with standards established by the Commission.

(j) Exercises such authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

§ 0.11 Responsibilities of the Bureau Chief.

The Chief of the Bureau, subject to the decisions and policy determinations of the Commission, plans, directs, and coordinates the broadcast services functions listed in § 0.10.

§ 0.12 Units in the Bureau.

The Broadcast Bureau is divided into the following units:

(a) The Office of the Chief of Bureau.
(b) Broadcast Facilities Division.
(c) Renewal and Transfer Division.
(d) Rules and Standards Division.
(e) Research and Education Division.
(f) License Division.
(g) Office of Network Study.
(h) Hearing Divisions.
(i) Complaints and Compliance Division.

§ 0.13 Broadcast Facilities Division.

The Broadcast Facilities Division is responsible for all functions indicated in the statement contained in § 0.10, insofar as such functions pertain to standard (AM), FM, television, international, experimental, and auxiliary broadcast services, excluding functions stated in §§ 0.14, 0.15, 0.16, and 0.20.

§ 0.14 Renewal and Transfer Division.

The Renewal and Transfer Division is responsible for all functions indicated in the statement contained in § 0.10, insofar as such functions pertain to applications for the renewal of license, transfer of control and assignment of license or construction permits.

§ 0.15 Hearing Division.

The Hearing Division is responsible for all functions indicated in the statement contained in § 0.10, insofar as such functions pertain to applications which have been designated for hearing and other proceedings pursuant to sections 312 and 316 of the Communications Act of 1934, as amended.

§ 0.16 Rules and Standards Division.

The Rules and Standards Division is responsible for all functions indicated in the statement contained in § 0.10, insofar as such functions relate to the development or revision of rules and standards, to international conferences, and to special projects in the broadcast services.

§ 0.17 License Division.

The License Division exercises responsibility for the receipt, initial examination, filing, indexing, recording and routing of all applications in the broadcast services; the clerical functions with respect to the issuance of broadcast authorizations; and for the maintenance of a public reference room in cooperation with the Docket Division of the Office of the Secretary where public information with respect to all broadcast matters and all docketed proceedings may be examined.

§ 0.18 Research and Education Division.

The Research and Education Division compiles data and prepares reports to the Commission on the condition and status of the broadcast industry; studies the social and economic factors affecting communications; and advises the Bureau and the Commission with respect to the development and promotion of the educational broadcasting and the commercial broadcasting services.

§ 0.19 Office of Network Study.

The Office of Network Study conducts studies and compiles data relating to radio and television network operations necessary for the Commission to develop and maintain an adequate regulatory program.

§ 0.20 Complaints and Compliance Division.

The Complaints and Compliance Division is responsible for all functions indicated in the statement contained in § 0.10, insofar as such functions pertain to complaints concerning the conduct of radio and television broadcast operations and compliance with statutes, international agreements, and policies and rules of the Commission, except insofar as functions are specifically delegated to other bureaus and staff offices of the Commission.

COMMON CARRIER BUREAU

§ 0.21 Functions of the Bureau.

The Common Carrier Bureau carries out the common carrier regulatory program of the Commission under applicable statutes, international agreements, and rules and regulations, including the regulation of common carrier rates, services and accounting, and the licensing of common carrier wire and radio services. The Bureau performs the following functions:

(a) Initiates rules and regulations, except as otherwise specifically provided in the functions of the other Bureaus or Staff offices.

(b) Collaborates with representatives of State regulatory commissions and with the National Association of Railroad and Utilities Commissioners in the conduct of cooperative studies of regulatory matters of common concern to this Commission and State commissions.

(c) Participates in international conference work involving common carrier matters.

(d) Assists, advises and makes recommendations to the Commission and represents the Commission in matters pertaining to common carrier regulation and licensing.

(e) Exercises such authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

(f) Appraises technological developments in the art and other innovations having applications in the communications common carrier field.

§ 0.22 Responsibilities of the Bureau Chief.

Subject to the policy determinations of the Commission, the Chief of the Bureau plans, directs, and coordinates the common carrier functions of the Commission listed in § 0.21.

§ 0.23 Units in the Bureau.

The Common Carrier Bureau is divided into the following units:

(a) Office of the Bureau Chief.
(b) Telegraph Division.
(c) Telephone Division.
(d) International Division.
(e) Domestic Radio Facilities Division.

§ 0.24 The Office of the Bureau Chief.

The Office of the Chief of the Bureau includes:

(a) Office of Accounting Systems, which formulates uniform systems of accounts, regulations for preservation of records, annual report forms, and related rules and regulations, cooperates with committees of the National Association of Railroad and Utilities Commissioners dealing with the foregoing matters collects, processes, compiles and publishes common carrier statistical data, and appraises on an across-industry basis technological developments in the art and other innovations having applications in the communications common carrier field.

(b) Office of the Field Coordinator, which supervises and coordinates the work of the Common Carrier Bureau Field Offices. The field offices are located at 90 Church Street, New York 7, New York; 180 New Montgomery Street, San Francisco, California; and 815 Olive Street, St. Louis, Missouri. They are responsible for conducting investigations and studies on any problem assigned by the Office of the Chief of the Bureau representing the Commission in contacts with the public and the carriers, and conducting compliance activities to assure that there is adherence to the Communications Act and Commission rules and regulations.

(c) Office of the Administrative Assistant which performs the administrative functions of the Bureau.

(d) License Branch which maintains files and records with respect to applications and petitions involving common carrier wire and radio services, and which issues the orders, authorizations, licenses and certificates appropriate thereto after approval of same by the Commission or staff.

§ 0.25 Telegraph Division.

The Telegraph Division is responsible for the Bureau's functions pertaining to domestic telegraph matters and telephone operations of carriers engaged principally in record communication, except for rules and applications relating to authorizations for the use of radio.

§ 0.26 Telephone Division.

The Telephone Division is responsible for the Bureau's functions pertaining to telephone matters and telegraph operations of carriers engaged principally in nonrecord communication, including international telephone rate matters, except as delegated in § 0.28 to the Domestic Radio Facilities Division.

§ 0.27 International Division.

The International Division is responsible for the Bureau's functions pertaining to international common carrier services, except international telephone rate matters.

§ 0.28 Domestic Radio Facilities Division.

The Domestic Radio Facilities Division is responsible for the Bureau's functions pertaining to the regulation of, establishment and implementation of, rules and regulations for, and policies for, and the processing of applications with respect to, the radio services and facilities of the domestic common carriers, including domestic telegraph radio carriers.

FIELD ENGINEERING AND MONITORING BUREAU

§ 0.41 Functions of the Bureau.

The Field Engineering and Monitoring Bureau is responsible for all Commission engineering activities performed in the field relating to radio stations including station inspections, surveys, monitoring, direction finding, signal measurement, and investigations; for those enforcement activities performed in the field dealing with the suppression of interference and the inspection of devices possessing electromagnetic radiation characteristics; and such other field inspections or investigations as might be

required by the Commission, or the Bureaus and Staff Offices. The Bureau also performs the following functions:

(a) Develops rules and regulations which will provide such classes of commercial operators as may be required in the various radio services regulated by the Commission, and administers and enforces such rules and regulations.

(b) Prepares and conducts commercial radio operator examinations and issues commercial operators' licenses.

(c) Conducts amateur examinations, and upgrades amateur licenses in situations where the upgrading can be accomplished by endorsements.

(d) Processes data with respect to proposed new or modified antenna structures covered in Part 17 of this chapter to determine whether such proposed construction will create hazards to air navigation.

(e) Represents the Commission and participates in inter-agency committees and in international conferences with respect to matters for which the Bureau is responsible.

(f) Enforces and administers Parts 15 and 18 of this chapter relative to equipment, interference, and related problems in the industrial, scientific and medical services arising from restricted radiation devices.

(g) Exercises such authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

§ 0.42 Responsibilities of the Bureau Chief.

The Chief of the Bureau, subject to the policy determinations of the Commission, plans, directs, and coordinates the activities of the Bureau as listed in § 0.41.

§ 0.43 Units in the Bureau.

The Bureau consists of the following units:

(a) Office of the Chief.
(b) Engineering Division.
(c) Inspection and Examination Division.
(d) Monitoring Division.
(e) Field Operating Division and its associated Field organization consisting of District offices, their Sub-offices, Marine offices, and Monitoring stations.

§ 0.44 The Office of the Bureau Chief.

The Office of the Chief of the Bureau includes an Administrative Branch which performs the administrative functions of the Bureau, and an Attorney-Advisor who advises the Chief of the Bureau and the divisions of the Bureau on legal questions relative to such matters as applications for commercial operators' licenses, interference problems, investigation and other activities of the Bureau or other special assignments.

§ 0.45 Engineering Division.

The Engineering Division is responsible for all functions indicated in § 0.41 insofar as technical engineering standards and evaluations are required, for the determination of technical equipment and facilities requirements of the field offices and monitoring stations in performing these functions, and for the provision of such equipment and facilities; for the administration of Part 17 of this chapter governing construction, marking and lighting of antenna structures, including the processing of data concerning proposed new or modified antenna construction to insure no hazard to air navigation results from the proposed construction; and the maintenance of liaison with the Office of the Chief Engineer with respect to technical engineering matters.

§ 0.46 Inspection and Examination Division.

The Inspection and Examination Division is responsible for the inspection and examination functions of the Bureau, including responsibility for matters involving rules and regulations concerning the licensing of commercial radio operators, for recommending action on matters of non-compliance with rules, acts, or treaties by these operators, and for the development and making of recommendations with respect to the priority and frequency of station inspections.

§ 0.47 Monitoring Division.

The Monitoring Division exercises staff responsibility for standards, techniques, and facilities in monitoring and investigative procedures required to effectuate the Communications Act; administers Parts 15 and 18 of this chapter relative to equipment, interference and related problems involving the devices and equipment regulated by these parts; and maintains liaison with governmental organizations such as CIA, FAA, the military, etc., pertaining to monitoring operations.

§ 0.48 Field Operating Division.

The Field Operating Division is responsible for all field operations of the Bureau, including the management and supervision of all field offices and monitoring stations.

(a) The Headquarters Group directly supervises the activities of the Engineers in Charge and Marine Supervisors; directs and coordinates the monitoring and direction-finding network operations in the field through the Monitoring Control Center in this Division in cases involving more than one district and in special or emergency situations; and performs those administrative activities which will insure the most effective performance of the field operations of the Bureau.

(b) The Field Group includes the district offices, their suboffices, marine offices, and monitoring stations. The district offices inspect radio stations, conduct commercial and amateur operator examinations, conduct investigations of interference situations including unlicensed radio operations, conduct engineering studies and make engineering measurements for enforcement purposes and for the information of the Commission, and process applications for interim ship licenses (small craft) and commercial radio operator licenses. The suboffices are engaged in essentially the same work as the district offices to which they are attached. The marine offices are engaged primarily in ship inspection work. The monitoring stations perform the actual surveillance of the radio spectrum: they detect and locate illegal clandestine radio stations and sources of interference, enforce radio laws and regulations, gather facts through monitoring to resolve interference problems and for studies of proposed rules and developments, and locate lost planes and ships through direction finding.

§ 0.49 Location of field offices and monitoring stations.

(a) District Offices and their suboffices are located at the following addresses:

Radio district	Address of the engineer in charge	Territory within district	
		States	Counties
1	Customhouse, Boston 9, Mass.	Connecticut	All counties.
		Maine	Do.
		Massachusetts	Do.
		New Hampshire	Do.
		Rhode Island	Do.
		Vermont	Do.
2	Federal Bldg., 641 Washington St., New York 14, N.Y.	New Jersey	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren.
		New York	Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester.
3	New U.S. Customhouse, Philadelphia 6, Pa.	Delaware	New Castle.
		New Jersey	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.
		Pennsylvania	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.
4	U.S. Customhouse, Gay and Water Sts., Baltimore 2, Md.	Delaware	Kent and Sussex.
		Maryland	All except District 24.
		Virginia	Clarke, Fairfax all except District 24, Fanquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren.
		West Virginia	Barbour, Berkeley, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Mononalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Upshur.
5	Federal Bldg., Norfolk 10, Va.	North Carolina	All except District 6.
		Virginia	All except Districts 4 and 24.

Radio district	Address of the engineer in charge	Territory within district	
		States	Counties
18	U.S. Courthouse, 219 South Clark St., Chicago 4, Ill.	Illinois	All counties.
		Indiana	Do.
		Iowa	Allamakee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jones, Lee, Linn, Louisa, Muscatine, Scott, Washington, and Winneshiek.
		Wisconsin	Brown, Calumet, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kenosha, Kewaunee, Lafayette, Manitowoc, Marinette, Milwaukee, Oconto, Ozaukee, Racine, Richland, Rock, Sheboygan, Walworth, Washington, Waukesha, and Winnebago.
19	New Federal Bldg., Detroit 26, Mich.	Kentucky	All counties except District 19.
		Kentucky	Beth, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Harlan, Harrison, Jessamine, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolf, and Woodford.
		Ohio	All counties
		Michigan	All counties except District 16.
		West Virginia	All counties except District 4.
		Pennsylvania	All except District 2.
20	Post Office Bldg., Buffalo 3, N.Y.	Hawaii and outlying Pacific possessions.	
21	P.O. Box 1021, Federal Bldg., Honolulu 12, Hawaii.	Puerto Rico.	
22	P.O. Box 2087, Federal Bldg., San Juan, P.R.	Virgin Islands.	
23	P.O. Box 644, U.S. P.O. and Courthouse Bldg., Anchorage, Alaska.	Alaska.	
24	715 Jackson Place NW. Washington 20, D.C.	District of Columbia and 10 miles beyond the boundary of the District of Columbia in each direction.	

(b) The Marine Offices are located at the following addresses:

Marine Office, 221 N. Howard Ave., Spradlin Bldg., Tampa 6, Florida.
Marine Office, 358 West 5th Street, San Pedro, California.

(c) The Primary Monitoring Stations are located at the following addresses:

Federal Communications Commission, P.O. Box 89, Allegan, Michigan.
Federal Communications Commission, P.O. Box 788, Grand Island, Nebraska.
Federal Communications Commission, P.O. Box 832, Kingsville, Texas.
Federal Communications Commission, P.O. Box 31, Laurel, Maryland.
Federal Communications Commission, P.O. Box 989, Livermore, California.
Federal Communications Commission, P.O. Box 374, Canandaigua, N.Y.
Federal Communications Commission, P.O. Box 5165, Portland 30, Oregon.
Federal Communications Commission, P.O. Box 98, Powder Springs, Georgia.
Federal Communications Commission, P.O. Box 2215, Santa Ana, California.
Federal Communications Commission, P.O. Box 1035, Waipahu, Hawaii.

(d) The Secondary Monitoring Stations are located at the following addresses:

Federal Communications Commission, P.O. Box 810, Fairbanks, Alaska.
Federal Communications Commission, P.O. Box 5068, Fort Lauderdale, Florida.
Federal Communications Commission, P.O. Box 251, Chillicothe, Ohio.
Federal Communications Commission, P.O. Box 6310, Denison, Texas; (Ambrose).
Federal Communications Commission, P.O. Box 44, Belfast, Maine; Searsport, Maine.

Radio district	Address of the engineer in charge	Territory within district	
		States	Counties
6	Atlanta National Bldg., 50 Whitehall St. SW., Atlanta 3, Ga. Suboffice: P.O. Box 77, Post Office Bldg., Savannah, Ga.	Alabama	All except District 8.
		North Carolina	All counties.
		South Carolina	Do.
		Tennessee	All except District 8.
		Florida	Do.
7	P.O. Box 150, Federal Bldg., Miami 1, Fla.	Alabama	Baldwin and Mobile.
8	Federal Bldg., 600 South St., New Orleans 12, La. Suboffice: U.S. Courthouse and Customhouse, Mobile, Ala.	Arkansas	All counties.
		Louisiana	All counties.
		Mississippi	Do.
		Texas	City of Texarkana only.
		Tennessee	Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Dimmit, Duval, Edwards, Fayette, Fort Bend, Frio, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kinney, Kleberg, La Salle, Lavaca, Lee, Liberty, Live Oak, Madison, Matagorda, Maverick, McMullen, Medina, Montgomery, Real, Refugio, Robertson, Nueces, Orange, Polk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, and Zavala.
9	U.S. Appraisers Bldg., 7300 Taylor St., Houston 11, Tex. Suboffice: P.O. Box 1627, Post Office Bldg., 200 Willow St., Beaumont, Tex.	Oklahoma	All except District 9 and the city of Texarkana.
		Texas	All counties.
10	United General Life Ins. Bldg., 706 Jackson St., Dallas 2, Tex.	Arizona	Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.
11	949 South Broadway, Los Angeles 14, Calif. Suboffice: Fox Theatre Bldg., 1245 7th Ave., San Diego 1, Calif.	California	All except District 11.
		Nevada	Clark.
12	Customhouse (3rd Battery St.), San Francisco 24, Calif.	California	All except District 14.
		Nevada	All counties.
13	New U.S. Courthouse, 620 SW. Main St., Portland 4, Oreg.	Idaho	Oneida, Owyhee, Elmore, Ada, Washington, Adams, Canyon, Gem, Payette, Boise, Valley, Washington, and Idaho.
		Oregon	All counties.
		Washington	All except District 13.
14	Federal Office Bldg. (First Ave. and Marion), Seattle 4, Wash.	Idaho	Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone.
		Montana	All counties except District 13.
15	New Customhouse (19th between California and Stout Sts.), Denver 2, Colo.	Washington	All counties.
		Colorado	All counties.
		Utah	Do.
		Wyoming	Do.
		Nebraska	Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.
16	Federal Courts Bldg., 6th and Market Sts., St. Paul 2, Minn.	New Mexico	All counties.
		South Dakota	Butte, Custer, Fall River, Lawrence, Meade, Pennington, Shannon, Washabaugh.
		Minnesota	All counties.
		Michigan	Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.
17	Federal Office Bldg., 911 Walnut St., Kansas City 6, Mo.	South Dakota	All except District 16.
		North Dakota	All counties.
		Wisconsin	All counties except District 18.
		Iowa	All except District 18.
		Missouri	All counties.
		Nebraska	Do.
			All except District 15.

Federal Communications Commission, P.O. Box 191, Spokane 10, Washington.
Federal Communications Commission, P.O. Box 1101, Douglas, Arizona.
Federal Communications Commission, P.O. Box 719, Anchorage, Alaska.

SAFETY AND SPECIAL RADIO SERVICES BUREAU

§ 0.61 Functions of the Bureau.

The Safety and Special Radio Services Bureau assists, advises and makes recommendations to the Commission with respect to the development of a safety and special services regulatory program and is responsible for carrying out that program except insofar as functions are specifically delegated to other bureaus or staff offices of the Commission. The Bureau performs the following functions:

(a) Issues authorizations for radio stations in the safety and special radio services.

(b) Initiates rule making proceedings in the safety and special radio services.

(c) Participates in international conferences with respect to safety and special radio services.

(d) Studies frequency requirements in the safety and special radio services and makes recommendations with respect to the allocation of frequencies and the drafting of frequency assignment plans for safety and special radio services.

(e) Collaborates with Federal and State governmental agencies and industry groups interested in the problems of safety and special radio services.

(f) Studies technical requirements for equipment in accordance with standards established by the Office of the Chief Engineer.

(g) Plans and executes a safety and special services enforcement program, including educational campaigns conducted in collaboration with Field Engineering and Monitoring Bureau.

(h) Performs all other functions or activities essential to the regulation of safety and special radio services: *Provided, however,* That all matters coming within the scope of Title II of the Communications Act of 1934, as amended, are within the jurisdiction of the Common Carrier Bureau.

(i) Exercises such authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

§ 0.62 Responsibilities of the Bureau Chief.

The Chief of the Bureau, subject to the policy determinations of the Commission, plans, directs and coordinates the safety and special radio services functions of the Commission as listed in § 0.61.

§ 0.63 Units in the Bureau.

The Safety and Special Radio Services Bureau is divided into the following units:

(a) The Office of the Chief of Bureau.
(b) The Aviation Division.
(c) The Marine Division.
(d) The Public Safety and Amateur Division.
(e) The Industrial Division.
(f) The Land Transportation Division.

§ 0.64 The Office of the Bureau Chief.

The Office of the Chief of the Bureau is composed of the immediate offices of the Chief and Assistant Chief of the Bureau, the Law and Enforcement Office, and the Office of the Administrative Assistant. The Law and Enforcement Office performs legal work affecting the Bureau as a whole, advises the Chiefs of the Divisions on legal matters of unusual complexity, executes special assignments for the Chief of the Bureau in respect to matters of legal, policy or legislative character, and is responsible for planning and executing the enforcement program of the Bureau. The Office of the Administrative Assistant is responsible for the administrative program, and the forms and procedural program of the Bureau.

§ 0.65 Aviation Division.

The Aviation Division is responsible for all functions indicated in the statement contained in § 0.61, insofar as such functions pertain to aviation radio and safety matters, except for enforcement matters (§ 0.64).

§ 0.66 Marine Division.

The Marine Division is responsible for all functions indicated in the statement contained in § 0.61 insofar as such functions pertain to marine radio and safety services, to scheduled weather transmission, and to the Alaskan services, except for enforcement matters (§ 0.64).

§ 0.67 Industrial Division.

The Industrial Division is responsible for all functions indicated in the statement contained in § 0.61 insofar as such functions pertain to industrial radio services, except for enforcement matters (§ 0.64).

§ 0.68 Public Safety and Amateur Division.

The Public Safety and Amateur Division is responsible for all functions indicated in the statement contained in § 0.61 insofar as such functions pertain to the public safety and amateur services, except for enforcement matters (§ 0.64).

§ 0.69 Land Transportation Division.

The Land Transportation Division is responsible for all functions indicated in the statement contained in § 0.61 insofar as such functions pertain to the land transportation and citizens radio services, except for enforcement matters (§ 0.64).

OFFICE OF HEARING EXAMINERS

§ 0.81 Office of Hearing Examiners.

The Office of Hearing Examiners consists of a Chief Hearing Examiner, an Assistant Chief Hearing Examiner, and as many other Hearing Examiners qualified and appointed pursuant to the requirements of section 11 of the Administrative Procedure Act as the Commission may find necessary. It is responsible for hearing and conducting all adjudicatory cases designated for any evidentiary adjudicatory hearing other than those designated to be heard by the Commission en banc, and for such other hearings as the Commission may assign.

§ 0.82 Responsibilities of the Chief Hearing Examiner.

The Chief Hearing Examiner and, in his absence, an Acting Chief Hearing Examiner, appointed by the Chief Hearing Examiner, have the following administrative responsibilities.

(a) To coordinate and supervise administratively the activities of the Office of Hearing Examiners.

(b) To prepare and maintain hearing calendars, showing the time and place of the commencement of hearings.

(c) To receive, correlate and approve recommendations of the Hearing Examiners of the Commission on matters relating to changes in rules and regulations governing hearing procedures, and recommend to the Commission desirable changes in said rules and regulations to promote the simplified and expeditious conduct of proceedings.

(d) To require and prepare reports, statistical data and other information requested or required by the U.S. Civil Service Commission or other offices or agencies of the U.S. Government concerned with the proper operation of the Office of Hearing Examiners.

(e) To serve, upon instruction of the Commission or the Chairman, as liaison for the Commission and the Office of Hearing Examiners in the making of appropriate arrangements for the securing of advice or information from representatives of other agencies, bar associations, and other interested persons in connection with the formulation and improvement of administrative procedures and practices applicable to the Commission's proceedings.

(f) To exercise such authority as may be assigned to him by the Commission pursuant to section 5(d) of the Communications Act, as amended.

OFFICE OF ADMINISTRATION

§ 0.91 Functions of the Office.

The Office of Administration is under the direction of the Executive Officer and has the following duties and responsibilities:

(a) To review, in cooperation with the heads of the several bureaus and offices, the program and procedures of the Commission and make recommendations thereon to the Chairman for use by the Commission in adjusting the program and procedures as may be necessary to administer the Communications Act most effectively in the public interest, at the least cost to the government, and with the minimum burden on the industry.

(b) To plan, direct, coordinate, and manage the administrative affairs of the agency with respect to the functions of personnel, budget, planning, and administrative services.

(c) Under the general direction of the Defense Commissioner, and with the advice and assistance of the heads of the several bureaus and offices, to coordinate the defense activities (other than CONELRAD and radio-frequency management activities of the Chief Engineer) of the Commission and to keep the Defense Commissioner informed as to significant developments in this area.

§ 0.92 Units in the Office.

The Office of Administration is divided into the following units:

(a) Budget and Fiscal Division.
(b) Organization and Methods Division.
(c) Personnel Division.
(d) Administrative Services Division.
(e) Division of Defense Coordination.

§ 0.93 Division of Defense Coordination.

(a) The Division of Defense Coordination is under the direction of the Defense Coordinator, who is designated by the Commission to serve under the general direction of the Executive Officer, and who has the following duties and responsibilities:

(1) To coordinate the formulation, revision, and activation of plans for emergency mobilization of the Commission's personnel and other resources.

(2) To coordinate plans to assure the continuity of the Commission's essential functions in the event of disaster.

(3) To coordinate plans for the protection of personnel, property, and records of the Commission.

(4) To formulate criteria for the selection of personnel for assignment to emergency duties.

(5) To select emergency relocation sites, subject to approval by the Commission, to direct the equipment of such sites, and to provide for the continuous manning thereof.

(6) To arrange for the training and emergency utilization by other agencies of FCC personnel not immediately required by the Commission in the event of disaster.

(7) To serve as agency representative of the Commission for liaison and coordination of defense activities (other than CONELRAD and radio frequency management activities of the Chief Engineer) with staff representatives of the Office of Emergency Planning, other federal agencies, and local civil defense authorities.

(8) To arrange for training FCC personnel in self-preservation and other civil defense procedures.

(9) To arrange for the assignment of appropriate technical personnel of the Commission (if available) to advise and assist other agencies in defense problems of mutual concern.

(10) To arrange for the appointment and training of executive reservists and to keep them informed as to policy actions of the Commission with respect to mobilization readiness.

(11) To coordinate the activities of the Commission's Damage Assessment Unit and the Commission's Damage Assessment Officer assigned to the Office of Emergency Planning.

(12) To plan for annual exercises and interim tests to determine the state of operational readiness of the Commission in the event of mobilization.

(13) To perform such other duties related to the Commission's defense activities as may be assigned to him.

(b) The Commission will also designate an alternate Defense Coordinator to serve in the absence of the Defense Coordinator.

OFFICE OF GENERAL COUNSEL

§ 0.111 Functions of the Office.

The Office of the General Counsel has the following duties and responsibilities:

(a) To advise and represent the Commission in matters of litigation.

(b) To advise and make recommendations to the Commmission with respect to proposed legislation and to coordinate the preparation of Commission views thereon for submission to Congress.

(c) To participate in international conferences and in the implementation of international agreements.

(d) To interpret the statutes, international agreements, and international regulations affecting the Commission.

(e) To prepare and make recommendations and interpretations concerning procedural rules of general applicability; review all rules for consistency with other rules, uniformity, and legal sufficiency.

(f) To conduct research in legal matters as directed by the Commission.

(g) In cooperation with the Chief Engineer, to participate in, render advice to the Commission, and coordinate the staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any single Bureau, and to render advice with respect to rule making matters and proceedings affecting more than one Bureau.

(h) To perform all legal functions with respect to experimental operations under Part 5 of this chapter; the operation of restricted radiation devices under Parts 15 and 16 of this chapter; and type approval and type acceptance of radio equipment.

(i) To exercise such authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

§ 0.112 Units in the Office.

The Office of General Counsel is divided into the following units:

(a) Immediate Office of the General Counsel.
(b) Litigation Division.
(c) Legislation Division.
(d) Administrative Law and Treaties Division.
(e) Regulatory Division.

§ 0.113 Immediate Office of the General Counsel.

The Immediate Office of the General Counsel directs and coordinates the functions of the Office.

§ 0.114 Litigation Division.

The Litigation Division advises and represents the Commission in all matters of litigation to which the Commission is a party, advises the Commission as to legal questions involved in proposed actions and policies in the light of past and pending litigation, and conducts research in legal matters as directed by the General Counsel.

§ 0.115 Legislation Division.

The Legislation Division advises and makes recommendations to the Commission with respect to proposed legislation and coordinates the preparation of Commission views thereon for submission to Congress, interprets statutes affecting the Commission, and conducts research in legal matters as directed by the General Counsel.

§ 0.116 Administrative Law and Treaties Division.

The Administrative Law and Treaties Division participates in international conferences and in the implementation of international agreements, interprets international agreements and international regulations affecting the Commission, conducts research in legal matters as directed by the General Counsel, interprets the Communications Act and other statutes relating to the Commission's activities, and prepares legal opinions and memoranda for the Commission.

§ 0.117 Regulatory Division.

The Regulatory Division prepares and makes recommendations and interpretations concerning procedural rules of general applicability; reviews all rules for consistency with other rules, uniformity, and legal sufficiency; advises the Commission with respect to action to be taken in matters concerning the enforcement of its rules and the Communciations Act; performs all legal functions with respect to experimental operations under Part 5 of this chapter, the operation of restricted radiation devices under Parts 15 and 18 of this chapter, and type approval and type acceptance of radio equipment; conducts research in legal matters as directed by the General Counsel; and in cooperation with the Chief Engineer, participates in general frequency allocation proceedings and other proceedings not within the jurisdiction of any single Bureau, advises the Commission and coordinates staff work with respect thereto, and renders advice with respect to rule making matters and proceedings affecting more than one Bureau.

OFFICE OF CHIEF ENGINEER

§ 0.121 Functions of the Office.

The Office of the Chief Engineer has the following duties and responsibilities:

(a) To plan and direct broad programs to develop information on the progress of communication techniques and equipment, radio wave propagation, and new uses for communications, and to advise the Commission and bureaus in such matters.

(b) To represent the Commission on various national and international organizations devoted to the progress of communications and the development of information and standards relative thereto.

(c) To advise and represent the Commission on the allocation of radio frequencies, including international agreements pertaining to frequency allocations and usage.

(d) In cooperation with the General Counsel, to participate in, render advice to the Commission, and coordinate the staff work with respect to general frequency allocation proceedings and other

proceedings not within the jurisdiction of any single bureau, and to render advice with respect to rule making matters and proceedings affecting more than one bureau.

(e) To collaborate with the bureaus in the formulation of the technical requirements of the rules and regulations, and to advise the Commission on such matters.

(f) To administer Part 5 of this chapter, including licensing, record keeping, and rule making.

(g) To perform all engineering and management functions of the Commission with respect to formulating rules and regulations, technical standards, and general policies for Parts 15 and 18 of this chapter, and for type approval, type acceptance and certification of radio equipment for compliance with the Commission's rules.

(h) To maintain liaison with other agencies of government and with technical experts representing foreign governments, and to deal with members of the public and of the industries concerned.

(i) To collaborate in the development and execution of plans for the national security and defense, including direction of the CONELRAD program.

(j) To calibrate and standardize technical equipments and installations used by the Commission.

(k) To perform such other duties as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended, and Executive Order 10312, as amended.

§ 0.122 Units in the Office.

The Office of Chief Engineer is comprised of the following units:

(a) Immediate Office of the Chief Engineer.
(b) Technical Research Division.
(c) Laboratory Division.
(d) Frequency Allocation and Treaty Division.
(e) Project CONELRAD.

§ 0.123 Immediate Office of the Chief Engineer.

The Chief Engineer advises the Commission and bureaus on technical matters and directs and coordinates the functions of the Office.

§ 0.124 Technical Research Division.

The Technical Research Division analyzes, coordinates, and disseminates to the Commission and the various operating bureaus, technical and scientific data relating to advanced engineering phases of communications; conducts technical studies in radio wave propagation, equipment, and other engineering matters; develops practical applications for the results of the Division's technical research activities including the development of technical rules and specifications relating to all radio services; studies the technical aspects of proposed new uses for radio; analyzes data; issues certificates of type acceptance of radio frequency equipment and issues lists of type approved and type accepted equipment; provides for experimental uses of frequencies and administers Part 5 of this chapter; performs engineering and management functions with respect to formulating rules, technical standards and general policy for Parts 15 and 18 of this chapter; performs rule making for that part of Part 2 of this chapter relative to equipment; and provides Commission representation at national and international conferences.

§ 0.125 Laboratory Division.

The Laboratory Division studies new phenomena, proposed new systems, and new equipment looking toward the greater use of radio, the reduction of interference, and the establishment of appropriate rules and regulations; participates in various intergovernmental, national, and international organizations looking toward the standardization of equipment and measuring units and methods as well as the more efficient use of the radio spectrum or the reduction of interference; designs and assembles apparatus for special tests and studies, and performs special tests and studies concerning propagation, equipment or systems, and evaluates the results of such tests or studies with regard to the Commission's problems, often looking toward new or modified rules; makes type approval tests on equipment including those equipments under Parts 3, 4, 8, 18 and 19 of this chapter requiring type approval, and makes recommendations regarding type approval; provides information and comments on test procedures and test results to assist the Technical Research Division in its evaluation of material supporting certifications and applications for type acceptance; conducts special tests of equipments for the Technical Research Division in connection with the certification and type acceptance program; studies equipment problems of data procurement and enforcement and develops, designs, and constructs equipment for use in connection with the Commission's Field Engineering and Monitoring Bureau activities as well as other Commission activities; standardizes and calibrates equipment and installation for the Field Engineering and Monitoring Bureau; and makes tests of radio devices for other government departments.

§ 0.126 Frequency Allocation and Treaty Division.

The Frequency Allocation and Treaty Division makes continuing studies of new technical developments affecting frequency requirements and of utilization of the frequencies between the several radio services to establish their allocation requirements; proposes adjustments in the Table of Frequency Allocation when necessary; provides Commission representation on, and coordination with, the Interdepartment Radio Advisory Committee and, as may be required, on other national and international telecommunication bodies; coordinates frequency allocation policy matters involving government users of radio with the Office of Emergency Planning; maintains the Commission's master frequency record of assignments made; notifies United States frequency assignments to the International Frequency Registration Board of the International Telecommunication Union; performs staff functions relating to international communications conferences and agreements having to do with frequency allocation and assignment; and communicates as necessary with administrations in foreign countries, through appropriate channels, concerning matters which relate to assignment of radio frequencies and to control of radio interference.

§ 0.127 Project CONELRAD.

Project CONELRAD provides technical advice, assistance, research and development concerning CONELRAD to the North American Air Defense Command; provides CONELRAD technical liaison with the communications industry; prepares and puts into effect plans with respect to radio stations except those owned and operated by any department or agency of the United States Government, to minimize the use of electromagnetic radiations from such stations, in event of attack or imminent threat thereof, as an aid to the navigation of hostile aircraft, guided missiles, and other devices capable of direct attack upon the United States; in accordance with Executive Order 10312, as amended, prepares and puts into effect, in terms of its own responsibility, plans to achieve the technical capability for national and regional programming of the Emergency Broadcasting System and its integral parts and coordinates such plans with the nationwide radio broadcasting networks; and maintains close liaison with personnel in government and non-government radio stations, civil defense authorities, federal, state, and local government officials in connection with the planning and implementaton of CONELRAD.

Office of the Secretary

§ 0.131 Functions of the Office.

The Office of the Secretary has the following duties and responsibilities:

(a) To maintain minutes and records of official Commission action and sign official Commission correspondence and documents.

(b) Upon obtaining the approval of the chief of the bureau or head of the staff office primarily responsible for the particular part or section of the rules involved, to make nonsubstantive, editorial revisions of the Commission's rules and regulations.

(c) To maintain dockets of all Commission hearing proceedings.

(d) To maintain library and reference facilities.

(e) To direct and supervise the development and execution of a technical assistance program in cooperation with the Foreign Operations Administration and other Government agencies.

(f) To make settlement with foreign administrations for radiotelegraph traffic to and from ships under U.S. registration through foreign coastal stations.

(g) To receive and record incoming and outgoing Commission mail and maintain central correspondence files.

(h) To maintain messenger service.

§ 0.132 Units in the Office.

The Office of the Secretary is divided into the following units:

(a) Docket Division.
(b) Minute Division.
(c) Library Division.
(d) Technical Assistance Division.
(e) International Telecommunications Settlements Division.
(f) Mail and Files Division.

§ 0.133 Docket Division.

The Docket Division maintains the official dockets of all Commission hearing cases.

§ 0.134 Minute Division.

The Minute Division maintains official minutes of all Commission actions and notations of Commission meetings; submits to the Office of the Federal Register all official Commission documents which require publication; maintains the Commission's official copy of the rules and regulations with history and background; and acts as provided for in § 0.131(b).

§ 0.135 Library Division.

The Library Division catalogues and maintains books, periodicals, and other reference material; provides reading and reference room facilities and service; and provides library research and reference service to Commissioners and staff members.

§ 0.136 Technical Assistance Division.

The Technical Assistance Division develops in cooperation with the Foreign Operations Administration, technical assistance programs with respect to communications in accordance with Commission policies, and maintains liaison with the Foreign Operations Administration and other government agencies concerning technical assistance.

§ 0.137 International Telecommunications Settlements Division.

This Division makes settlements with foreign administrations for radiotelegraph traffic to and from ships under United States registration through foreign coastal stations.

§ 0.138 Mail and Files Division.

This Division receives and records incoming and outgoing Commission mail, maintains central correspondence files, and operates an intra-agency messenger service.

Office of Opinions and Review

§ 0.141 The Office of Opinions and Review.

This office consists of legal, engineering, accounting, and other personnel and is headed by a Chief. This office assists the Commission, individual Commissioners, and any designated reviewing authority within the Commission pursuant to a delegation under section 5(d)(1) of the Communications Act, in the disposition of matters arising in cases of adjudication (as defined in the Administrative Procedure Act and such other cases as by Commission policy are handled in the same manner) which have been designated for hearing.

Office of Reports and Information

§ 0.151 The Office of Reports and Information.

The Office of Reports and Information is responsible for releasing public announcements of the Commission; is the central depository of this material for reference and call; prepares certain informational publications and material, including annual reports, and is the contact point for the press, industry and public in the matter of general information relating to the Commission and its activities.

Defense Commissioner

§ 0.161 Responsibilities of the Defense Commissioner.

The Defense Commissioner is designated by the Commission to direct the defense activities of the Commission and has the following duties and responsibilities:

(a) To keep the Commission informed as to any defense activities that involve formulation or revision of Commission policy.

(b) To take such measures as will assure continuity of the Commission's functions under any foreseeable circumstances with a minimum of interruption.

(c) In the event of enemy attack, or the imminent threat thereof, or other disaster resulting in the inability of the Commission to function at its offices in Washingon, D.C., to assume all of the duties and responsibilities of the Commission and the Chairman, until relieved or augmented by other members of the Commission as set forth in §§ 0.216 and 0.217.

(d) To perform such other duties and assume such other responsibilities related to the Commission's defense activities as may be necessary for the continuity of functions and the protection of personnel and property of the Commission.

§ 0.162 Responsibilities of the Bureaus and Staff Offices.

The heads of each of the several bureaus and staff offices, in rendering advice and assistance to the Executive Officer in the performance of his duties with respect to defense activities, will have the following duties and responsibilities:

(a) To keep the Executive Officer informed of the instigation, progress, and completion of programs, plans or activities with respect to defense in which they are engaged or have been requested to engage.

(b) To render such assistance and advice to other agencies as may be consistent with the functions of their respective Bureaus or Staff Offices and the Commission policy with respect thereto.

(c) To perform such other duties related to the Commission's defense activities as may be assigned to them.

Subpart B—Delegations of Authority

General

§ 0.201 General provisions.

(a) There are three basic categories of delegations made by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended:

(1) *Delegations to act in non-hearing matters and proceedings.* The great bulk of delegations in this category are made to bureau chiefs and other members of the Commission's staff. This category also includes delegations to individual commissioners and to boards or committees of commissioners, such as the Telegraph and Telephone Committees.

(2) *Delegations to rule on interlocutory matters in hearing proceedings.* Delegations in this category are made to the Review Board and to the Chief Hearing Examiner.

NOTE: Interlocutory matters which are delegated neither to the Review Board nor to the Chief Hearing Examiner are ruled on by the presiding officer by virtue of the authority vested in him to control the course and conduct of the hearing. This authority stems from section 7 of the Administrative Procedure Act and section 409 of the Communications Act rather than from delegations of authority made pursuant to section 5(d) of the Communications Act. (See §§ 0.218 and 0.231.)

(3) *Delegations to review an initial decision.* Delegations in this category are made to individual commissioners, to panels of commissioners, or to the Review Board.

(b) Delegations are arranged in this subpart under headings denoting the person, panel, or board to whom authority has been delegated, rather than by the categories listed in paragraph (a) of this section.

(c) Procedures pertaining to the filing and disposition of interlocutory pleadings in hearing proceedings are set forth in §§ 1.41–1.46 of this chapter. Procedures pertaining to appeals from rulings of the presiding officer are set forth in § 1.47. Procedures pertaining to reconsideration of the presiding officer's rulings are set forth in § 1.48. Procedures pertaining to reconsideration and review of actions taken pursuant to delegated authority are set forth in §§ 1.81–1.87. Procedures pertaining to exceptions to initial decisions are set forth in §§ 1.153–1.155.

(d) The Commission, by vote of a majority of the members then holding office, may delegate its functions either by rule or by order, and may at any time amend, modify, or rescind any such rule or order.

(1) Functions of a continuing or recurring nature are delegated by rule. The rule is published in the FEDERAL REGISTER and is included in this subpart.

(2) Functions pertaining to a particular matter or proceeding are delegated by order. The order is published in the FEDERAL REGISTER and associated with the record of that matter or proceeding, but neither the order nor any reference to the delegation made thereby is included in this subpart.

§ 0.202 Authority of person, panel, or board to which functions are delegated.

(a) The person, panel, or board to which functions are delegated shall, with respect to such functions, have all the jurisdiction, powers, and authority conferred by law upon the Commission, and shall be subject to the same duties and obligations.

(b) Except as provided in § 1.82 of this chapter, any action taken pursuant to delegated authority shall have the same force and effect and shall be made, evidenced, and enforced in the same manner as actions of the Commission.

REVIEW BOARD

§ 0.206 Review Board.

(a) The Review Board is a permanent body with continuing functions. The main function of the Board is to review matters referred to it by the Commission in hearing proceedings. The Board also takes original action on certain interlocutory matters which arise during the course of hearing proceedings. The hearing matters referred to the Board on a regular basis are listed in § 0.207. Other hearing matters may be referred to the Board for review on a case by case basis, either at the time of designation for hearing or upon consideration of exceptions. The Commission may, from time to time, assign the Board additional duties not inconsistent with these functions.

(b) Any matter referred to the Board on a regular basis or otherwise may, on its own motion or upon its consideration of the motion of any party, be certified by the Board to the Commission, with a request that the matter be reviewed by the Commission, if in the Board's judgment the matters at issue are of such a nature as to warrant Commission review of any decision which the Board might otherwise have made. If a majority of the members of the Commission then holding office vote to grant the Board's request, the matter shall be reviewed by the Commission.

(c) Whenever the Commission determines that a matter pending before the Board involves a novel or important issue of law or policy, it may, on its own motion, by the vote of a majority of the members then holding office, direct that any matter before the Board be certified to the Commission for decision. However, no petition requesting the Commission to take such action will be entertained.

(d) The Review Board shall decide each matter before it by majority vote in accordance with the Communications Act of 1934, as amended, rules and regulations, case precedent, and established policies of the Commission. In reviewing initial decisions referred to it, the Review Board is authorized to perform all of the review functions which would otherwise have been performed by the Commission under §§ 1.151–1.155 and § 1.157 of this chapter.

(e) The Review Board is composed of three or more Commission employees. Members of the Board are designated by the Commission, serve indefinitely on a full-time basis, and are responsible only to the Commission. Neither the Commission nor any of its members will discuss the merits of any matter pending before the Board with the Board or any of its members.

(f) A minimum of three members will participate in each case referred to the Board. A majority of the members who participate in a case shall constitute a quorum. Any member assigned to a case who is not present at oral argument may, after reading the transcript of oral argument, participate in the Board's decision. However, so far as practicable, all of the members of the Board assigned to a case shall hear oral argument.

(g) Except in interlocutory matters, each opinion of the Review Board will be signed by one of its members, who shall be responsible for its preparation.

(h) Actions taken by the Review Board shall be recorded in writing and filed in the official minutes of the Commission.

§ 0.207 Authority delegated to the Review Board on a regular basis.

(a) *Review of initial decisions.* Unless the Commission specifies to the contrary at the time of designation for hearing or otherwise, the Review Board shall review initial decisions of hearing examiners in the following proceedings:

(1) Television translator proceedings.

(2) Standard (AM) and FM broadcast proceedings, except as follows:

(i) Revocation, renewal, cease and desist, and forfeiture proceedings.

(ii) Proceedings which involve section 319(c) of the Communications Act of 1934, as amended.

(iii) Proceedings which involve initial application for construction permit for a Class II–A station on clear channel frequencies.

(3) Proceedings on applications of communications common carriers filed under Title III of the Communications Act.

(4) Proceedings involving complaints against communications common carriers for recovery of overcharges.

(5) Safety and Special Radio Services proceedings.

(6) Proceedings involving suspension of operator licenses or permits.

(b) *Original action on interlocutory matters.* The Review Board shall take original action on the following interlocutory matters in proceedings conducted by hearing examiners:

(1) Petitions to amend, modify, enlarge, or delete issues upon which the hearing was ordered.

(2) Petitions to intervene.

(3) Requests for leave to file additional pleadings provided for in § 1.13 of this chapter.

(4) Petitions by adverse parties requesting dismissal of an application.

(5) Joint requests for approval of agreements filed pursuant to § 1.316 of this chapter, and, if further hearing is not required on issues other than those arising out of the agreement, to terminate the proceeding and make appropriate disposition of all applications.

(6) Petitions for waiver of § 1.362 of this chapter insofar as that section requires that local notice of hearing be given within a certain time, at a certain place, or in a certain manner.

(7) Dismissal of applications with prejudice for failure to comply with the local notice requirements of § 1.362 of this chapter.

(8) Dismissal of cease and desist, suspension, and revocation proceedings.

(9) Petitions for acceptance of late written appearances pursuant to § 1.77 (c), and petitions for acceptance of late written statements pursuant to § 1.78(b) of this chapter.

(10) Termination of hearing proceedings in accordance with § 1.78(c) of this chapter.

(11) All pleadings filed in cases or matters which are before the Board.

(c) *Action on appeals from interlocutory rulings.* The Review Board shall act on appeals from interlocutory rulings of the hearing examiner.

COMMISSION

§ 0.211 Delegation to Chairman.

The responsibility for the general administration of internal affairs of the Commission is delegated to the Chairman of the Commission. The Chairman will keep the Commission advised concerning his actions taken under this delegation of authority. This authority includes:

(a) Actions of routine character as to which the Chairman may take final action.

(b) Actions of non-routine character which do not involve policy determinations. The Chairman may take final action on these matters but shall specifically advise the Commission on these actions.

(c) Actions of an important character or those which involve policy determinations. In these matters the Chairman will develop proposals for presentation to the Commission.

(d) To act within the purview of section 403(a) of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, upon tort claims directed against the Commission where the amount of damages does not exceed $2,500.

§ 0.212 Board of Commissioners.

Whenever the Chairman or Acting Chairman of the Commission determines that a quorum of the Commission is not present or able to act, he may convene a Board of Commissioners. The Board shall be composed of all Commissioners present and able to act.

§ 0.213 Authority delegated.

Such Board of Commissioners is authorized to act with respect to all work, business, or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, except that portion of the work, business, or functions of the Federal Communications Commission specifically delegated to individual Commissioners or employees. This authority shall not extend to the institution of investigations upon the Commission's own motion, or to rendering a final decision in such matters; to investigations specifically required by the Communications Act of 1934, as amended; or to any hearing in adjudicatory matters as defined in the Administrative Procedure Act. Actions taken by the Board shall be recorded in the same manner as action taken by the entire Commission.

§ 0.214 Delegation to Telegraph Committee.

(a) A Telegraph Committee, composed of three Commissioners, designated as such by the Commission or a majority thereof, will act, except as otherwise ordered by the Commission, upon all applications or requests submitted under sections 214 or 319 of the Communications Act of 1934, as amended, by carriers engaged principally in record communication, for certificates or authorization for the construction, acquisition, operation, or extension of telegraph wire, cable, or radio facilities, for temporary or emergency telegraph service, for supplementing existing telegraph facilities, or for discontinuance, reduction, or impairment of telegraph service, except those covered by §§ 0.251 and 0.253.

(b) Actions taken by the Telegraph Committee shall be recorded each week in writing and filed in the official minutes of the Commission.

§ 0.215 Delegation to Telephone Committee.

(a) A Telephone Committee, composed of three Commissioners, designated as such by the Commission, or a majority thereof, will act, except as otherwise ordered by the Commission, upon all applications or requests submitted under sections 214 or 319 of the Communications Act of 1934, as amended, by carriers engaged principally in telephone communication, for certificates or authorizations for the construction, acquisition, operation, or extension of telephone or telegraph wire, cable, or radio facilities, for temporary or emergency telephone service, for supplementing existing telephone or telegraph facilities, or for discontinuance, reduction, or impairment of telephone or telegraph service, except those covered by §§ 0.251 and 0.253.

(b) Actions taken by the Telephone Committee shall be recorded each week in writing and filed in the official minutes of the Commission.

§ 0.216 Emergency Relocation Board.

(a) An Emergency Relocation Board, to be convened at the Commission's relocation headquarters, is authorized to place in effect the provisions of § 0.217, in the event of the inability of the Commission to function at its offices in Washington, D.C., resulting from disaster or the threat of imminent disaster from enemy attack or from natural causes, either:

(1) At the time of or under circumstances specified in a directive from the President.

(2) In the absence thereof, upon receipt of a warning signal indicating that an attack on the capital is likely.

(3) In the absence of either a directive or warning signal, immediately following an actual attack.

(b) The Board shall comprise such commissioners as may be present and able to act or, if no commissioner is present and able to act, the occupant of the following positions, in the order listed, who is present and able to act:

(1) The Chief Field Engineering and Monitoring Bureau.

(2) The General Counsel.

(3) The Chief Engineer.

(4) The Chief, Safety and Special Radio Services Bureau.

(5) The Chief, Broadcast Bureau.

(6) The Chief, Common Carrier Bureau.

(7) The Executive Officer.

(8) The Assistant Chief, Field Engineering and Monitoring Bureau.

(9) The Associate General Counsel.

(10) The Associate Chief Engineer.

(11) The Assistant Chief, Safety and Special Radio Services Bureau.

(12) The Assistant Chief, Broadcast Bureau.

(13) The Assistant Chief, Commmon Carrier Bureau.

(14) The Chief of Division, ranking in the same order as indicated in subparagraphs (1) to (6) of this paragraph.

§ 0.217 Authority delegated.

(a) During any period in which the Commission is unable to function because of the circumstances set forth in § 0.216 (a), all work, business or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, is assigned and referred to the Emergency Relocation Board.

(b) The Board, acting by a majority thereof, shall have the power and authority to hear and determine, order, certify, report or otherwise act as to any of the said work, business or functions so assigned or referred to it, and in respect thereof shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations.

(c) Any order, decision or report made or other action taken by the said Board in respect of any matters so assigned or referred shall have the same effect and force, and may be made, evidenced, and enforced in the same manner as if made or taken by the Commission.

(d) Actions taken by the Board shall be recorded each week in writing and filed in the official minutes of the Commission.

§ 0.218 Authority of, and delegated to, an individual commissioner or commissioners.

(a) One or more members of the Commission may be designated to preside in a hearing proceeding. The commission or commissioners designated to preside at such a hearing shall fix the time and place of the hearing and shall act upon all motions, petitions or other matters which may arise while the proceeding is in hearing status.

(b) One or more members of the Commission may be designated to review an initial decision issued in any hearing case.

CHIEF HEARING EXAMINER

§ 0.224 Authority delegated.

The Chief Hearing Examiner shall act on the following matters in proceedings conducted by hearing examiners:

(a) Initial specifications of the time and place of hearings where not otherwise specified by the Commission and excepting actions under authority delegated by § 0.255.

(b) Designation of the hearing examiner to preside at hearings.

(c) Orders directing the parties or their atttorneys to appear at a specified time and place before the hearing examiner for an initial prehearing conference in accordance with § 1.111(a) of this chapter. (The hearing examiner named to preside at the hearing may order an initial prehearing conference although the Chief Hearing Examiner may not have seen fit to do so and may order supplementary prehearing conferences in accordance with § 1.111(b) of this chapter.)

(d) Petitions requesting a change in the place of hearing where the hearing is scheduled to begin in the District of Columbia or where the hearing is scheduled to begin at a field location and all appropriate proceedings at that location have not been completed. (See 47 CFR 1.112.)

(e) Petitions of applicants requesting permission to file written appearances beyond expiration of the 20-day period provided for in § 1.140(c) of this chapter.

(f) Dismissal of applications with prejudice in accordance with the provisions of § 1.40(c) of this chapter.

(g) Petitions filed by an applicant requesting that its application or the proceedings thereon be dismissed, except as such petitions are acted on by the Review Board under § 0.207(b).

(h) In the absence of the hearing examiner who has been designated to preside in a proceeding, to discharge the hearing examiner's functions.

(i) All pleadings (such as motions for extension of time) which are related to matters to be acted upon by the Chief Hearing Examiner.

§ 0.225 Record of action taken.

Actions taken by the Chief Hearing Examiner shall be recorded each week and filed in the official minutes of the Commission.

HEARING EXAMINER

§ 0.231 Authority of Hearing Examiner.

After a hearing examiner has been designated to preside at a hearing and until he has issued an initial decision or certified the record to the Commission for decision, or the proceeding has been transferred to another hearing examiner, all motions, petitions and other pleadings shall be acted upon by such hearing examiner, except the following:

(a) Those which are to be acted upon by the Review Board under § 0.207(b).

(b) Those which are to be acted upon by the Chief Hearing Examiner under § 0.224.

§ 0.232 Record of actions taken.

Except for actions taken during the course of the hearing and upon the record thereof, actions taken by a Hearing Examiner pursuant to § 0.231 shall be recorded each week in writing and filed in the official minutes of the Commission.

CHIEF OF BROADCAST BUREAU

§ 0.241 Matters delegated.

The Chief of the Broadcast Bureau is delegated authority to act upon applications, requests, and other matters which are not in hearing status relating to broadcast services as follows:

(a) Formal applications for broadcast services:

(1) For construction permits for new or changed standard, FM, noncommercial educational FM, television, television translator and UHF television booster broadcast facilities or modification thereof, for licenses or modification thereof or for renewal of licenses for such facilities for the normal license term, which applications comply fully with the requirements of the Communications Act and the provisions of this chapter, accord with Commission policy and standards, are not mutually exclusive with any other application, and concerning which no petition to deny pursuant to § 1.359 of this chapter or other substantial objection has been filed.

(2) For assignment of broadcast licenses or permits or for transfer of control of broadcast licensees or permittees, which applications comply fully with the requirements of the Communications Act and the provisions of this chapter, accord with Commission policy and standards, and concerning which no petition to deny pursuant to § 1.359 of this chapter or other substantial objection has been filed.

(3) For new or modified experimental, developmental, and auxiliary broadcast services covered by Part 4 of this chapter, or for renewal of authority for such facilities.

(4) For reinstatement of expired construction permits.

(5) For new or modified Subsidiary Communications Authorizations, or for renewal of authority for such facilities.

(b) Designate for hearing, upon appropriate issues, mutually exclusive applications for new or modified standard, FM, noncommercial FM and television facilities.

(c) Requests for temporary authority:

(1) For temporary waiver of technical operating requirements relating to overall system performance or elements thereof and rules requiring that specified items of equipment be employed.

(2) For operation with temporary antenna system.

(3) For operation with auxiliary transmitter as main transmitter.

(4) For operation with new or modified equipment pending repair of existing equipment or pending receipt and action upon a formal application.

(5) For operation with reduced power or to make other changes in operation of authorized equipment for technical reasons.

(6) For special operation necessary to facilitate equipment, program and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(7) For operation with licensed, new, or modified equipment at a temporary site with a temporary antenna system when in case of an emergency it becomes impossible to continue operating at the regularly authorized site.

(8) For special operation of stations in the experimental, developmental and auxiliary broadcast services covered by Part 4 of this chapter.

(9) For temporary authority in emergency cases, at times outside of the regular office hours of the Commission, which require immediate action during such hours.

(d) Miscellaneous applications, requests and actions:

(1) For temporary operation, for a lesser period of time than specified by §§ 3.71, 3.261 and 3.651 of this chapter, or to remain silent for temporary periods.

(2) For extension of time within which a transfer of control or assignment of license may be effectuated.

(3) For authority for FM broadcast stations to transmit multiplex facsimile in accordance with § 3.266 of this chapter.

(4) For authority to rebroadcast when authorization is required under Parts 3 and 4 of this chapter.

(5) For any permit required by the provisions of section 325(b) of the Communications Act.

(6) For cancellation of licenses, construction permits or other authorizations.

(7) For inspection of records under § 0.406, and withdrawal of papers in accordance with § 1.14 of this chapter.

(8) For extension of time within which to file briefs and comments with respect to rule making.

(9) For conducting equipment and program tests.

(10) For operation during daytime for specified periods with the nighttime facilities in order to check measurements and operation.

(11) For extensions of time within which to comply with technical requirements specified in authorizations, orders, and rules or releases of the Commission.

(12) For television site survey.

(13) For standard broadcast special field test authorizations.

(e) Applications or requests concerning experimental or developmental broadcast stations involving:

(1) Assignment from time to time of the frequency or frequencies, power, emission, and type of equipment to be employed by any experimental or developmental broadcast station, so as to provide the maximum results from the experimentation with the minimum interference.

(2) Addition, modification, or coordination of programs of research or experimentation of any experimental or developmental broadcast station, so as to provide the maximum results from the experimentation which can be reasonably expected of the licensee or licensees.

(f) To withdraw authorizations for equipment and service or program tests where the terms of the construction permit have not been met.

(g) Requests for modification of tower painting and lighting specifications.

(h) To issue, in accordance with recommendations of the Chief Engineer, CONELRAD authorizations in accordance with §§ 1.68 and 2.407 of this chapter.

(i) To dismiss applications without prejudice (1) where an applicant has failed to answer official correspondence or a request from the Commission for additional material as provided in § 1.312 of this chapter, or (2) where an application is not timely filed under the Commission's rules in order to receive comparative consideration with an application or applications with which it is mutually exclusive.

(j) To give written consent to applicants who request authority to make minor changes in effecting transfers of control or assignment of licenses previously authorized by the Commission.

(k) To advise licensees to cease operation in the event renewal applications are not filed with the Commission prior to the expiration date of the particular license.

(l) To defer action on those renewal license applications received subsequent to the fifteenth day of the month prior to the expiration date of the particular license.

(m) To grant, for good cause shown, requests for temporary authority to continue operation for a period not to exceed 90 days, where an application for renewal of license has been filed subsequent to the expiration of the particular license.

(n) To dismiss or return applications or petitions which are not acceptable under Commission rules.

(o) To extend the time to file oppositions to petitions relating to broadcast applications not designated for hearing.

(p) To administer, interpret, and apply orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of stations in the broadcast service and broadcast networks and chains, including applications for extension of time in which to file financial and statistical statements and reports.

(q) To declare a construction permit for a broadcast facility automatically forfeited if the station authorized by the construction permit is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and if no application for extension of construction permit has been granted by the Commission or timely filed by the permittee, and to place a notation of the forfeiture in the records of the Commission as of the expiration date of the construction permit.

(r) With respect to international broadcasting, to act upon requests for the use of frequencies and frequency hours for transmission to specific target areas subject to the conditions set forth in Part 3 of this chapter.

(s) To determine whether an application for modification constitutes a major change in facilities, and whether an amendment to an application constitutes a major amendment; and, if so, to so designate such change or amendment.

(t) To direct standard broadcast stations to refrain from pre-sunrise operation with their daytime facilities pursuant to § 3.87 of this chapter.

(u) To dismiss petitions and other pleadings which have clearly been rendered moot.

(v) To extend the time to file responses to official correspondence.

§ 0.242 Authority to issue orders; record of actions taken.

In matters pertaining to the authority delegated in § 0.241, the Chief of the Broadcast Bureau is authorized to make orders, including orders in letter form, for the signature of the Secretary of the Commission. All minutes of all actions taken by the Chief of the Broadcast Bureau pursuant to the authority delegated in § 0.241 shall be maintained for public inspection in the Broadcast Bureau. The authorizations and orders issued by the Broadcast Bureau in accordance with its assigned functions and the delegations of authority shall bear the seal of the Commission and the signature of the Secretary.

COMMON CARRIER BUREAU

§ 0.251 Matters delegated.

The Chief of the Common Carrier Bureau is delegated authority to act upon the following applications, requests, and other matters which are not in hearing status, involving the use of radio, insofar as they apply to common carrier services (except marine and aeronautical), where the estimated construction cost is less than $2,000,000:

(a) From existing licensees for instruments of authorization, for the fixed public or fixed public press radio services, except applications in the international services involving:

(1) New points of communication, not already authorized to a station of the licensee at some other location or not already authorized by an outstanding construction permit or special temporary authorization; unless the application for a new point of communication is for the transmission or control of transmission or reception of addressed program or facsimile material.

(2) Changes in transmitter location other than local in character.

(3) The establishment of a new type of service.

(b) For the domestic public radio services, and for the fixed public services, in the possessions of the United States and in the State of Hawaii.

(c) For developmental stations which render or propose to render a common carrier service.

(d) For special temporary authorizations, including those filed at times outside of the regular office hours of the Commission in emergency cases.

(e) For operation with new or modified equipment pending repair of existing equipment, or pending receipt of and action upon formal applications; operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location; and, special operations necessary to facilitate equipment and service tests, or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(f) For a change in location, type or model, design or number of transmitters; representations of compliance with technical requirements specified in authorizations, orders, rules or releases of the Commission (except formal applications).

(g) For equipment and service tests, or extensions thereof.

(h) To determine whether an application for modification constitutes a major change in facilities, and whether an amendment to an application constitutes a major amendment; and, if so, to so designate such change or amendment.

§ 0.252 Authority concerning position of officer.

The Chief of the Common Carrier Bureau is delegated authority to act upon applications under section 212 of the Communications Act for authority to hold the position of officer or director of more than one carrier subject to the Act, and to act upon applications for a finding that a carrier owns more than fifty percent of the stock of another or other carriers, or that a person owns fifty percent or more of the stock of two or more carriers.

§ 0.253 Authority concerning section 214 of the Act.

The Chief of the Common Carrier Bureau is delegated authority to act upon the following applications or requests under section 214 of the Communications Act:

(a) For a certificate authorizing the construction, acquisition, operation, or extension of lines, or for an authorization for temporary or emergency service or the supplementing of existing facilities involving an estimated construction or purchase cost of less than $2,000,000, or an annual rental of less than $100,000.

(b) For modification of a certificate or authorization under this section of the act where such amendment or modification involves an estimated construction or purchase cost of less than $2,000,000 or an annual rental of less than $100,000.

(c) For authority to discontinue, reduce, or impair telephone service where the applications are filed pursuant to the provisions of §§ 63.63, 63.65, and 63.66 of this chapter.

(d) For an authorization for temporary or emergency closure of telegraph offices, for any closure of a telegraph office at a military establishment, for closure of railroad-operated agency offices, for closure of company-operated main offices where substitute service is to be provided by telephone, teleprinter or facsimile-operated agency office in the same community and for any reduction in the hours of telegraph service in a community or part of a community in those cases where applicable Commission policy has been established.

(e) For informal requests for authority to discontinue, reduce or impair telegraph service filed pursuant to the provisions of §§ 63.63, 63.64, and 63.66 through 63.69 of this chapter.

(f) For reconsideration and dismissal of applications to discontinue, reduce or impair service where authority has been granted but will not be used by applicant because of conditions arising subsequent to the filing of the application.

§ 0.254 Authority concerning section 220 of the Act.

The Chief of the Common Carrier Bureau is delegated authority to interpret the regulations and to act upon the administration of such regulations promulgated by the Commission pursuant to section 220 of the Communications Act, relating to accounts, records and memoranda to be kept by carriers subject to the jurisdiction of the Commission.

§ 0.255 Authority concerning section 221(a) of the Act.

The Chief of the Common Carrier Bureau is delegated authority:

(a) To determine upon consideration of all relevant factors whether hearings shall be held on applications filed under section 221(a) of the Communications Act where no request therefor has been made by a telephone company, an association of telephone companies, a State Commission or local government authority;

(b) To fix the time and place for hearings he determines shall be held under paragraph (a) of this section or where a request therefor has been made by a telephone company, an association of telephone companies, a State Commission or local government authority; and to give reasonable notice in writing to the Governor of each of the States in which the physical property affected, or any part thereof, is situated, to the State Commission having jurisdiction over telephone companies, and to such other persons as he may deem advisable; and

(c) To act in all other cases upon applications filed under section 221(a) where the proposed expenditure for consolidation, acquisition or control is less than $500,000.

§ 0.256 Authority concerning tariff regulations.

The Chief of the Common Carrier Bureau is delegated authority to act upon all matters arising in connection with the administration of tariff regulations promulgated by the Commission pursuant to section 203 of the Communications Act, and, in connection with the administration of that section insofar as it relates to the modification of requirements thereof or made pursuant thereto, as authorized in particular instances by subsection (b) thereof, and to the rejection of tariffs as authorized by subsection (d) thereof.

§ 0.257 Authority concerning records and papers.

The Chief of the Common Carrier Bureau is delegated authority to act upon the following matters insofar as they apply to records or papers involving common carriers:

(a) Requests for inspection of records under the provisions of § 0.406.

(b) Requests for withdrawal of papers in accordance with § 1.14 of this chapter.

§ 0.258 Authority concerning extension of time and waivers.

The Chief of the Common Carrier Bureau is delegated authority to act upon the following requests:

(a) For the extension of time in which to file annual, monthly and special reports required by the Commission pursuant to section 219 of the Communications Act.

(b) For the extension of the time prescribed in § 43.51 of this chapter for the filing of documents specified therein.

(c) For the extension of time within which briefs and comments may be filed with respect to proposed common carrier rule making.

(d) For extension of time previously ordered by the Commission within which the transfer of control or assignment of license be effectuated insofar as these apply to fixed public, fixed public press, domestic public or common carrier experimental radio services.

(e) For extension of time within which to comply with technical requirements specified in authorizations, orders, and rules or releases of the Commission insofar as these apply to fixed public, fixed public press, domestic public or common carrier experimental radio services.

(f) For waiver of or exception to any rule, regulation or requirement relating to the services under his jurisdiction and to act upon petitions or requests relating to the assignment of frequencies to common carrier operations but requiring action under § 2.103 of this chapter, when he finds that the operation for which permission is sought (1) is of a non-recurring nature and does not warrant a rule making proceeding with a view to establishing it on regular basis, (2) will not exceed 90 days, and (3) will cause no harmful interference to any service operating in accordance with the Table of Frequency Allocations. This delegation does not apply to requests for renewals of any authority to operate granted hereunder.

§ 0.259 Authority delegated jointly to Chiefs of Common Carrier and Safety and Special Radio Services Bureaus.

Authority is delegated jointly to the Chief of the Common Carrier Bureau and the Chief of the Safety and Special Radio Services Bureau to act upon applications in the maritime and aeronautical mobile services involving common carrier matters, in the public coastal service in Alaska, and in the fixed public services in Alaska. (For record of actions taken under this section, see § 0.293.)

§ 0.260 Orders in letter form.

Where appropriate, in acting upon matters referred to in the delegations of authority, the Chief of the Common Carrier Bureau is authorized to make orders in letter form for the signature of the Secretary of the Commission.

§ 0.261 Record of actions taken.

The application and authorization files in the License Branch and the appropriate central files of the Common Carrier Bureau are designated as the Commission's official records of actions by the Chief of the Bureau pursuant to the authority delegated to him. In case of joint authority of the Chiefs of Common Carrier Bureau and Safety and Special Radio Services Bureau, § 0.293 applies. The authorizations issued by the Chief, Common Carrier Bureau, in accordance with his assigned functions shall bear the seal of the Commission and the signature of the Secretary of the Commission.

§ 0.262 Authority concerning issuance of hearing orders in comparative proceedings.

The Chief of the Common Carrier Bureau is delegated authority to designate for hearing all mutually exclusive applications for radio facilities filed pursuant to Parts 6 and 21 of this chapter.

FIELD ENGINEERING AND MONITORING BUREAU

§ 0.271 Matters delegated to the Bureau Chief, and Chief, Field Operating Division.

(a) The Chief of the Field Engineering and Monitoring Bureau is delegated authority to act upon the following matters which are not in hearing status:

(1) Except as otherwise provided in § 1.67 of this chapter, with respect to the construction, marking and lighting of antenna towers and supporting structures, to exercise the functions of the Commission as set forth in Part 17 of this chapter: *Provided, however*, That in cases in which the Federal Aviation Agency recommends denial of any application, the Chief of the Field Engineering and Monitoring Bureau advises the Bureau concerned in order that it may submit the application to the Commission for appropriate action.

(2) Waiver of rules, regulations and orders of the Commission relating to the proper time for filing of renewals of commercial and amateur radio operator licenses.

(3) Temporary operation by radio station licensees, except licensees of standard and FM broadcast stations, with a licensed operator of lower grade than normally required or for waiver of other technical requirements for operators.

(4) With respect to the operation of industrial, scientific, and medical equipment subject to Part 18 of this chapter, to issue, in accordance with section 312 (c) of the act, (i) orders to show cause why a cease and desist order pursuant to section 312(b) should not be issued; and (ii) cease and desist orders, in those instances in which the allegations of the show cause order are, by regulation of the Commission, deemed to have been admitted.

(5) To suspend commercial operator licenses and to designate the matter for hearing, as provided for in § 1.72 of this chapter.

(6) To act on requests for a waiver of the English language provisions of §§ 13.22 and 13.23 of this chapter in the case of Spanish-speaking applicants in Puerto Rico and vicinity, and to issue licenses bearing appropriate restrictions to those applicants found qualified.

(7) To dismiss without prejudice applications for new and renewal commercial radio operator licenses in cases where prior to designation of such applications for hearing an applicant has failed to answer official correspondence or a request for additional information from the Commission.

(8) To act on requests for a provisional radio operator certificate.

(9) To act on requests by holders of a pilot certificate issued by the Civil Aeronautics Administration or the Federal Aviation Agency for a waiver of the United States citizenship requirement under section 303(l) of the Communications Act of 1934, as amended.

(10) To act on requests for waiver of the written examination requirements of §§ 13.21 and 13.22 of this chapter and to authorize oral examination in lieu thereof.

(11) To reject certifications of industrial heating equipment as provided in § 18.118(a) of this chapter and to accept certifications of industrial heating equipment as provided in § 18.118(d) of this chapter.

(b) The Chief of the Field Engineering and Monitoring Bureau or the Chief, Field Operating Division are authorized to declare that a state of general communications emergency exists and to act on behalf of the Commission pursuant to the provision of § 12.156 of this chapter with respect to the operation of amateur stations during a state of general communications emergency.

§ 0.272 Record of actions taken.

(a) Actions taken by the Chief or Acting Chief of the Field Engineering and Monitoring Bureau in accordance with the delegations listed in § 0.271 shall be recorded each week in writing and filed in the official minutes of the Commission.

(b) The authorizations issued by the Bureau in accordance with its assigned functions and the delegations of authority transferred hereby shall bear the seal of the Commission and the signature of the Secretary of the Commission.

ENGINEERS IN CHARGE

§ 0.281 Matters delegated to the Engineers in Charge.

The Engineers in Charge at each headquarters office of the 24 districts of the Field Engineering and Monitoring Bureau are delegated authority to act upon the following applications, requests or other matters which are not in hearing status:

(a) For new, modified replacement, duplicate or renewal commercial radio operator license and provisional radio operator certificate.

(b) For temporary permission to operate standard and FM broadcast stations with licensed operators of lesser grade than normally required by the Commission's rules or for waiver of other technical requirements of operators at such stations.

(c) In cases of informal requests from broadcast stations to extend temporary authority for operation without any of the following: modulation monitor, frequency monitor, plate ammeter, plate voltmeter, base current meter, common point meter and transmission line meter from FM and television stations.

(d) Relating to the time within which an applicant for amateur or commercial radio operator license may take an examination after having failed a previous examination (§§ 12.49 and 13.27 of this chapter).

(e) For periodic survey as required by section 385 of the Communications Act of 1934, as amended, and issuance of Communications Act radiotelephony certificates in accordance with § 8.501(b) of this chapter.

(f) Applications, in any acceptable form, filed at Commission field offices located in Alaska, for special temporary operator license authorization, in lieu of regular commercial radio operator license, when it is shown that there is a need for such authorization for use in conection with the protection of life or property during an emergency period.

(g) Requests for interim ship station and for interim radar ship station licenses as provided by Part 8 of this chapter governing stations on shipboard in the maritime services.

(h) For special operation necessary to facilitate equipment, program and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(i) Operation during daytime for specified periods with the nighttime facilities in order to check measurements and operation.

(j) For ship radio inspection and certification of the ship radio license, pursuant to the requirements of section 362 (b) of the Communications Act of 1934, as amended.

(k) For a Safety Radiotelegraphy Certificate or a Safety Radiotelephony Certificate in accordance with the terms of Regulations 11 and 12, Chapter I, of the Safety Convention.

(l) For inspection or periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Articles 12 and 13 thereof.

(m) Issuance of notices and orders to operators of industrial heating equipment, as provided in §§ 18.120 and 18.121 of this chapter.

(n) Requests for permission to resume operation of industrial heating equipment on a temporary basis, as provided in §§ 18.120 and 18.121 of this chapter, and requests for extensions of time within which to file final reports, as provided by § 18.122(b) of this chapter.

§ 0.282 Record of actions taken.

All actions taken under § 0.281 shall be recorded in the field office where such action has been taken, and except for actions taken under § 0.281 (c), (d), (h) and (i), a report thereof shall be sent to the Washington, D.C., Office of the Field Engineering and Monitoring Bureau quarterly.

§ 0.284 Authority delegated to Radio Engineers at sub-offices, Marine Supervisors at marine offices, and to engineers engaged in ship inspection duties at radio district offices.

(a) The Radio Engineer at each suboffice of a district headquarters office of the Field Engineering and Monitoring Bureau is delegated authority to act upon all matters contained in § 0.281, except paragraph (b).

(b) The Marine Supervisor at each marine office of the Field Engineering and Monitoring Bureau is delegated authority to act upon matters set forth in § 0.281 (a), (d), (e), (g), (j), and (k).

(c) Engineers engaged in ship inspection duties at radio district offices of the Field Engineering and Monitoring Bureau are delegated authority to act upon matters set forth in § 0.281 (e), (j), and (l).

§ 0.285 Matters delegated to FCC representatives assigned to Regional Boards for Civil and Defense Mobilization during a wartime emergency period.

Engineers in Charge of Field Engineering and Monitoring Bureau district offices at Boston, Massachusetts; Baltimore, Maryland; Atlanta, Georgia; Detroit, Michigan; Dallas, Texas; Denver, Colorado; San Francisco, California and Seattle, Washington are designated as FCC representatives to Regional Boards for Civil and Defense Mobilization. Assistant Engineers in Charge of the same offices are designated as alternates. These Boards will be activated in wartime emergency periods or during Civil Defense exercises. These FCC representatives will give advice and assistance to Regional Directors of OCDM and to other Federal agencies within the respective OCDM region on matters relating to the functions and responsibilities of the FCC. They will also coordinate FCC operations within the region in the event of a regional "cut-off" situation. For the purpose of delegating authority to FCC representatives to act for the Commission, a regional "cut-off" situation shall be considered as existing when either no communication to higher authority within the FCC can be effected, or such communication as exists could not be expected to provide an answer from higher authority within the FCC in time to authorize urgent actions that the FCC representative determines cannot be delayed until such answer is received. The delegations of authority set forth in paragraphs (a), (b), and (c) of this section are made to these Engineers in Charge or to their alternates, to enable them to carry out their responsibilities.

(a) *When communication is available to higher authority within the FCC.* When instructions can be obtained from higher authority within the FCC, delegation of authority to FCC representatives assigned to Regional Boards for Civil and Defense Mobilization shall comprise that set forth in § 0.281. Action under this delegation must be consistent with any defense rules, such as CONELRAD rules, that supersede rules for normal conditions; wartime plans and emergency orders that may be adopted by the Commission; emergency legislation; Executive Orders; and any pertinent actions of other Government agencies taken pursuant to authority delegated to them under section 606 of the Communications Act, as amended.

(b) *During a temporary "cut-off" period when communication to higher authority within the FCC is disrupted.* When instructions cannot be obtained from higher authority within the FCC and when immediate action must be taken, delegation of authority to FCC representatives assigned to Regional Boards for Civil and Defense Mobilization shall comprise the following in addition to the delegations included in paragraph (a) of this section.

(1) Matters delegated to the Bureau Chief and Chief, Field Operating Division by § 0.271.

(2) Matters delegated to the Chief, Broadcast Bureau by § 0.241.

(3) Matters delegated to the Chief, Safety and Special Radio Services Bureau by §§ 0.259, 0.291 and 0.292, except for the authority to act on requests for waiver of rules governing the availability of frequencies below 25 megacycles in the Aviation and Maritime Services.

(4) Matters delegated to the Chief, Common Carrier Bureau by §§ 0.251, 0.253, 0.258(d), 0.258(e), 0.258(f), 0.259, 0.260 and 0.261.

(5) Matters delegated to the Office of the Chief Engineer by §§ 0.241(h), 0.331, and 0.332: *Provided, however*, That action taken pursuant to §§ 0.241(h) and 0.331(c) shall be coordinated with the FCC CONELRAD Supervisors and/or Coordinating Engineers, prior to taking action if possible, or at the earliest opportunity.

(6) Authority to act on requests for temporary authorizations for new or modified radio station operations, subject to the provisions of the Communications Act of 1934, as amended.

(7) Authority to act on requests for temporary authorizations for all classes of radio operators, subject to the provisions of the Communications Act of 1934, as amended.

(8) Authority to waive temporarily any provisions of this chapter applicable to radio stations and radio operators, subject to the provisions of the Communications Act of 1934, as amended: *Provided, however*, That such authority shall not include acting on requests for waiver of rules governing the availability of frequencies below 25 megacycles in the Aviation and Maritime Services, nor shall such authority include acting on requests to waive any of the CONELRAD rules.

(c) *General.* (1) All authorizations granted pursuant to authority contained in paragraph (b) of this section shall be for periods not exceeding 30 days and shall be reported to higher Commission authority at the earliest opportunity. Such authorizations shall be subject to review and cancellation or revision, without hearing, by the FCC representatives assigned to Regional Boards for Civil and Defense Mobilization or by higher

Commission authority when the need for such action arises.

(i) Written authorizations granted pursuant to authority contained in paragraph (b) of this section shall show plainly on their face that they are temporary authorizations, not to exceed 30 days from date of issue, and subject to review and cancellation or revision without hearing.

(ii) Where immediate oral authorizations are necessary, the applicant shall be orally informed of the limitations enumerated above in this subparagraph and the oral authorization shall be followed as soon as possible by a written authorization bearing the same date of issue as the date of oral authorization. If the "cut-off" period exceeds 30 days in duration, such authorizations may be renewed for additional periods of 30 days each.

(2) Actions taken under any delegation of authority must take into full account, and be in conformance with, any defense rules that supersede rules for normal conditions; wartime emergency plans and orders of the Commission; emergency legislation; Executive Orders; and any pertinent actions of other Government agencies taken pursuant to authority delegated to them under section 606 of the Communications Act, as amended.

(3) No actions shall be taken under any delegation of authority until full consideration is given to the effect of such actions on the continuance of vital radio communications, both government and non-government, on a world-wide or nation-wide basis and in adjacent regions. If the FCC representative assigned to the Regional Board for Civil and Defense Mobilization determines that interference to radio operations outside of a "cut-off" region may result by authorizing new or modified radio facilities (for example, a change of frequency or power of a radio station), he shall withhold such authorization unless directed to grant the temporary authorization by higher authority.

(4) Coordination shall be effected, where possible, with the FCC representatives assigned to Regional Boards for Civil and Defense Mobilization in adjacent regions before acting to authorize temporary requests for radio operations.

(5) New obligations incurred pursuant to delegation of authority specified in this section for personal service, procurement, contract agreements, and similar items shall not exceed the amount authorized by the Commission's Budget Officer in periodic emergency allotment authorizations.

§ 0.286 Record of actions taken.

Actions taken under § 0.285(b) by FCC representatives assigned to Regional Boards for Civil and Defense Mobilization shall be reported to Chief, Field Engineering and Monitoring Bureau at the earliest opportunity.

SAFETY AND SPECIAL RADIO SERVICES BUREAU

(See also § 0.259 on authority delegated jointly to Chiefs of Common Carrier Bureau and Safety and Special Radio Services Bureau.)

§ 0.291 Matters delegated.

The Chief of the Safety and Special Radio Services Bureau is delegated authority to act upon the following applications, requests, and other matters which are not in hearing status:

(a) Consistent with and pursuant to the rules governing the Disaster Communications Service and the Maritime, Aviation, Public Safety, Industrial, Amateur, Land Transportation, and Citizens Radio Services, except those rendering a common carrier service, on all applications for construction permits, modification of construction permits, extension of construction permits, station licenses, modification of station licenses, transfer of control or assignment of construction permits or station licenses, renewal of station licenses, amateur operator licenses, renewal or modification of amateur operator licenses and special temporary authorizations, except applications for construction permits for new public coast stations at locations other than Alaska.

(b) On the following matters insofar as they involve the Disaster Communications Service or the Maritime, Aviation, Public Safety, Industrial, Amateur, Land Transportation, or Citizens Radio Services:

(1) Requests for extensions of time for equipment or service tests or within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission.

(2) Requests for inspections of Commission's records under the provisions of § 0.406.

(3) Requests for withdrawal of papers in accordance with § 1.14 of this chapter.

(4) Requests for extension of time within which briefs and comments may be filed with respect to proposed rule making.

(5) To make the finding of emergency involving danger to life or property or due to damage to equipment, as provided by section 308(a) of the Communications Act of 1934, as amended.

(6) Cancellation of station licenses, construction permits or other authorizations upon the request of the licensee or permittee or upon abandonment of the station.

(7) Petitions or requests seeking waiver of or exception to any rule, regulation or requirement, and to act upon petitions or requests relating to the assignment of frequencies to the various safety and special radio services but requiring action under § 2.102 of this chapter, when he finds that the operation for which permission is sought (i) is of a nonrecurring nature and does not warrant rule making proceedings with a view to establishing it on a regular basis, (ii) will not exceed 180 days, and (iii) will cause no harmful interference to any service operating in accordance with the Table of Frequency Allocations. This delegation does not apply to requests for renewals of any authority to operate granted hereunder: *Provided, however,* That none of the foregoing limitations shall apply to petitions or requests for waiver of or exception to any requirement set forth in §§ 12.27, 12.44, 12.81, and 12.90 of this chapter, or to the requirements with regard to types of emission set forth in § 12.111.

(8) To issue, in accordance with section 312(c) of the Act, (i) orders to show cause why an order of revocation pursuant to section 312(a), or a cease and desist order pursuant to section 312(b) should not be issued; and (ii) orders of revocation or cease and desist orders, as the case may be, in those instances in which hearing is waived and the allegations of the show cause order are, by regulation of the Commission, deemed to have been admitted.

(9) To grant the authorizations provided for in § 2.102(c) of this chapter.

(10) To cancel novice, technician, or conditional class amateur licenses as provided in § 12.45 of this chapter.

(11) To act upon all requests (to the extent that they relate to qualifications for the various amateur operator licenses) for waiver of the requirement of Part 12 of this chapter where it is alleged that, by reason of a protracted or permanent physical disability, the applicant is unable to meet the requirements of such rules.

(12) To issue, in accordance with section 316 of the Act, orders to modify ship radiotelephone stations by deleting therefrom any frequency when the use thereof has resulted in harmonic emissions found to be capable of causing interference to other radio services, and if a hearing thereon is requested, to designate such matters for hearing.

(13) To grant, in the absence of unusual circumstances:

(i) A non-renewable, 4-year waiver of the type acceptance requirement of § 8.139 of this chapter for any radiotelephone transmitter that fails to qualify for the "same vessel" exception to that requirement solely because the set was formerly used in a U.S. Government or foreign station and, therefore, has never been licensed by the Commission.

(ii) A 4-year waiver and renewals thereof of the spurious emission limitations of § 8.136 of this chapter for any radiotelegraph transmitter that fails to qualify for the "same vessel" exception to those limitations solely because the set was formerly used in a U.S. Government or foreign station and, therefore, has never been licensed by the Commission.

(iii) A 6-month waiver of the type acceptance requirement of § 8.139 of this chapter in cases substantially the same as those in which the Commission en banc has taken similar action.

(c) Consistent with the provisions of section 309(f) of the Communications Act of 1934, as amended, to grant or deny requests for temporary authorizations and to issue orders stating the reasons therefor, but only prior to the time a petition to deny the application involved has been filed or the application has been designated for hearing.

§ 0.292 Other matters delegated.

The Chief of the Safety and Special Radio Services Bureau is delegated authority to act upon the following applications, requests and other matters:

(a) Requests for assignment of call letters to new radio stations and for changes in the call letters of existing stations.

(b) Applications or requests for exemption, pursuant to the provisions of section 352(b) and 383 of the Communications Act, Regulation 4, Chapter I of the Safety Convention, Regulation 5 or 6, Chapter IV of the Safety Convention, and Regulation 12(b), Chapter V of the Safety Convention, or Article 6 of the Great Lakes Agreement:

(1) For emergency and renewal exemption of vessels;

(2) For initial exemption of vessels subject to Title III, Part III of the Act;

(3) For initial exemption of vessels of less than 100 gross tons subject to Title III, Part II of the Act or the Safety Convention;

(4) For exemption from Title III, Part II, of the Act of vessels operated in the Gulf of Mexico which participate in oil well drilling operations when the circumstances are substantially the same as those in precedent cases decided by the Commission en banc; and

(5) For initial exemption, in those cases wherein the sole reason for such exemption is to avoid requirements for more than one basic safety radio system on an individual vessel, from the radiotelegraph requirements of the Safety Convention or Title III, Part II of the Act, or both, of:

(i) Individual ocean-going vessels, transiting the St. Lawrence Seaway and not navigated solely on the Great Lakes, during the periods while such vessels are navigated on the Great Lakes and provided that exemption is conditioned upon compliance with the provisions of the Great Lakes Agreement;

(ii) Individual vessels transiting the St. Lawrence Seaway that are navigated only between United States Great Lakes ports and Canadian ports outside the Great Lakes, provided that such vessels are not navigated beyond a line running from Cape Gaspe, Province of Quebec, to Heath Point, Anticosti Island, and thence northward to Natashquan Point, Province of Quebec, and provided furtlier that while so navigated the vessels comply with the provisions of the Great Lakes Agreement.

(c) Applications or requests for approval of schedules of transmissions by coast stations of information for the general benefit of mariners to a plurality of mobile stations or to designated fixed locations.

(d) Make determination and notification of incurrence of forfeitures under the provisions of sections 364, 386, and 507 of the Communications Act.

(e) Applications made pursuant to section 504(b) of the Communications Act of 1934, as amended, for mitigation or remission of forfeitures imposed under sections 364, 386, and 507 of the Act.

(f) Issue orders suspending the licenses of amateur operators in accordance with section 303(m)(1) of the act and if a hearing thereon is requested, to designate such matters for hearing.

(g) Requests pursuant to the provisions of §§ 7.104(b)(1) and 7.189(c)(1) of this chapter for waiver or exception to the requirements of those sections concerning 2182 kc/s coast station facilities and watch.

(h) To dismiss applications without prejudice in cases where, prior to designation of such application for hearing, an applicant has failed to answer official correspondence or a request for additional information from the Commission.

§ 0.293 Record of actions taken.

The history card pertaining to a certain station is designated to be the official record of the action taken by the Chief, Safety and Special Radio Services Bureau, in pursuance of the authority delegated to him in §§ 0.291 and 0.292, or jointly to him and the Chief of the Common Carrier Bureau (§ 0.259). In cases where no history card is prepared, the application and authorization file pertaining to the station in question is designated to be the official record of the action taken by the Chief of the Bureau, or by him jointly with the Chief of the Common Carrier Bureau. The authorizations issued by the Chief, Safety and Special Radio Services Bureau, shall bear the seal of the Commission and the signature of the Secretary.

OFFICE OF ADMINISTRATION

§ 0.301 Authority delegated.

The Chief of the Office of Administration or his designee is delegated authority in the following matters:

(a) Procurement, receipt, inspection, storage, issue of equipment and supplies.

(b) Negotiation concerning the disposal of excess and surplus personal and real property.

(c) Upon approval of the General Counsel, execution of contracts, easements or leases, in the name of the Commission.

GENERAL COUNSEL

§ 0.322 Matters delegated to the General Counsel.

(a) The General Counsel is delegated authority to act, in the absence of the Chairman, within the purview of section 403(a) of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, upon tort claims directed against the Commission where the amount of damages does not exceed $2,500.

(b) The General Counsel is delegated authority to act in matters which are not in hearing status, insofar as authority to act upon them is not delegated to any other bureau or office on (1) requests for inspection of records under the provision of § 0.406 and (2) requests for extension of time within which briefs and comments may be filed.

§ 0.323 Record of actions taken.

Action taken in accordance with § 0.322 shall be recorded each week and filed in the official minutes of the Commission.

CHIEF ENGINEER

§ 0.331 Authority delegated.

The Chief Engineer is delegated authority to act upon the following matters which are not in hearing status:

(a) With respect to type approval of radio frequency equipment and certification of radio frequency equipment as acceptable for licensing, to exercise all functions of the Commission pertaining to the:

(1) Examination of all applications for type approval of radio frequency equipment as provided for in this chapter; performance of tests, analysis of data, and determination of compliance with the provisions of this chapter; issuance of type approval certificates for radio frequency equipment which complies with the provisions of this chapter; and issuance of lists of type approved equipment.

(2) Examination of all applications for certification of radio frequency equipment as acceptable for licensing as provided for in this chapter; notification to the applicant that an examination of the certified technical information and data submitted in accordance with the provisions of this chapter indicates that the equipment does or does not appear to be acceptable for licensing in the particular radio service or services involved; and issuance of lists of radio frequency equipment certified as acceptable for licensing.

(b) With respect to stations operating in the Experimental Radio Service that are not engaged in the development of an established service and administered by a single Bureau, to act upon the following matters:

(1) Applications to assign frequencies, power, emission, and types of equipment and to approve the apparatus to be employed by these radio stations so as to provide the maximum results from the experimentation which can reasonably be expected of the licensee.

(2) Applications from existing licensees which involve a change in frequency, power, or type of emission.

(3) Applications which involve only a change in location, type, model, design or number of transmitters.

(4) Requests by licensees or permittees for cancellation of their station licenses, construction permits or other authorizations.

(5) Applications for license or modification of license to cover construction permit.

(6) Applications for renewal of licenses.

(7) Applications for extension of the expiration date of construction permits.

(8) For addition, modification, or coordination of programs of research or experimentation so as to provide the maximum results from the experimentation which can be reasonably expected of the licensee or licensees.

(9) Requests for operation with a modified antenna system where formal application is not required.

(10) Requests for extension of time within which to comply with technical requirements specified in authorizations, orders, rules, or releases of Commission.

(11) Representation of compliance with technical requirements specified in authorizations, orders, rules, or releases of the Commission (except formal applications).

(12) Requests to operate at a temporary location with a temporary antenna system.

(13) Request for special conditions of operation necessary to comply with technical requirements specified authorizations, orders, rules, or releases of the Commission.

(14) Request for special temporary authority in emergency cases, at times outside of the regular office hours of the Commission and requiring immediate action during those hours.

(15) Request for exemption from station identification requirements.

(c) With respect to CONELRAD:

(1) To exempt standard, FM and TV broadcast stations, including Basic Key and Relay Key stations from the requirements of installing the necessary equipment to receive notification of Radio Alerts or Radio All Clears by means of reception of radio broadcast messages, and maintaining this equipment in a state of readiness for reception, including arrangements for human listening watch or automatic alarm devices or both (§ 3.931 of this chapter).

(2) To revoke, when the public interest so requires, all exemptions granted by him in accordance with paragraph (c)(1) of this section and also all exemptions which the Commission has granted in connection with § 3.931 of this chapter before January 20, 1954. Any such revocation shall be effective as soon as the licensee is notified.

§ 0.332 Authority delegated to the Chief Engineer upon securing concurrence of the General Counsel.

(a) The Chief Engineer, upon securing concurrence of the General Counsel, is delegated authority with respect to stations operating in the experimental radio services, other than experimental and developmental stations operating in established services under the jurisdiction of a single Bureau, to act upon the following matters:

(1) Applications for construction permits for new stations.

(2) All requests for withdrawal of papers in accordance with § 1.14 of this chapter.

(3) Applications for consent to assignment and transfer of control of station authorizations.

(4) The extension of time previously ordered by the Commission within which transfers of control or assignment of licenses be effectuated.

(b) The Chief Engineer, or his designee, upon securing concurrence of the General Counsel, is delegated authority to execute in the name of the Commission all agreements pertaining to the loan of United States Government property to radio station licensees for national defense purposes.

§ 0.333 Authority to issue orders; record of actions taken.

In matters pertaining to authority granted in §§ 0.331 and 0.332, the Chief Engineer is authorized to make orders in letter form for the signature of the Secretary of the Commission. The application and authorization files and other appropriate files of the Office of the Chief Engineer are designated as the official minute entries of action taken pursuant to the aforesaid delegated authority. The authorization issued by the Office of the Chief Engineer in accordance with its assigned functions and the delegations of authority shall bear the signature of the Secretary of the Commission.

SECRETARY

§ 0.341 Matters delegated to Secretary.

(a) The Secretary is delegated authority to make nonsubstantive, editorial revisions of the Commission's rules and regulations upon approval of the Bureau or head of the staff office primarily responsible for the particular part or section involved.

(b) The Secretary is delegated authority, upon securing the approval of the Field Engineering and Monitoring Bureau, to delete or modify, from time to time, as need may appear, the location of radio operator examination points as set forth in § 0.413 and in the appendix to Part 12 of this chapter.

(c) Actions taken in accordance with this section shall be recorded each week in writing and filed in the official minutes of the Commission.

Subpart C—How and Where To Obtain Information, File Applications, and Submit Requests

§ 0.401 Location of Commission offices; hours; meetings.

(a) The main office of the Commission is located in the New Post Office Building, 13th Street and Pennsylvania Avenue, Washington 25, D.C. The mailing address is:

Federal Communications Commission
Washington 25, D.C.

(b) The Commission's laboratory is located north of Laurel, Maryland. The mailing address is:

FCC Laboratory
Box 31
Laurel, Maryland

(c) The locations of the field offices of the Field Engineering and Monitoring Bureau are shown in § 0.49; those of the Common Carrier Bureau in § 0.24(b).

(d) The offices of the Commission are open from 8:30 a.m. to 5 p.m., Monday through Friday, excluding legal holidays.

(e) Unless otherwise directed, meetings of the Commission are held at its main office in Washington, D.C.

§ 0.402 Public information.

Any person desiring to obtain information may do so by writing or coming in person to any of the Commission's offices. A broader range of information and more comprehensive information facilities are available at the Commission's main office in Washington, D.C., however, and inquiries of a general nature should ordinarily be submitted to that office.

§ 0.404 Public reference rooms.

Public reference rooms are maintained by the Commission where the public may inspect any material which is available for public inspection in accordance with § 0.406. Unless otherwise indicated, these rooms are located in the New Post Office Building, 13th Street and Pennsylvania Avenue NW., Washington 25, D.C. They are as follows:

(a) The Broadcast and Docket Reference Room. Here the public may inspect all broadcast applications and files relating thereto, lists designated in § 0.406 (g), (h), and (i), dockets relating to all Commission matters which have been designated for hearing or which are the subject of rule making proceedings, any other docketed matters, and undocketed petitions for rule making.

(b) The public may inspect all safety and special applications and files relating thereto at the offices of the Divisions of the Safety and Special Radio Services Bureau which process such applications. The categories of radio stations in the Safety and Special Radio Services, and the Divisions concerned therewith, are listed in § 1.541 of this chapter. In addition, a complete file concerning amateur radio operators is available for inspection in the Amateur License Reference Room.

(c) Information concerning applications filed by commercial radio operators may be obtained at 718 Jackson Place NW., Washington 25, D.C.

(d) The Common Carrier Reference Rooms. Here the public may inspect the following:

(1) All annual and other reports filed by common carriers pursuant to section 219(a) of the Communications Act.

(2) The schedules for all charges for interstate and foreign wire or radio communications filed pursuant to section 203 of the Communications Act.

(3) All contracts, agreements, or arrangements between carriers filed pursuant to section 211(a) of the Communications Act.

(4) All applications for common carrier authorizations, both radio and non-radio, and files relating thereto.

(e) The Experimental Branch of the Technical Research Division of the Office of the Chief Engineer. Here the public may inspect experimental license files.

(f) The Frequency Registration and Notification Branch of the Frequency Allocations and Treaty Division, Office of Chief Engineer. Here the public may inspect the frequency records of the Commission.

(g) The Equipment and Systems Branch of the Technical Research Division of the Office of the Chief Engineer. Here the public may inspect the Radio Equipment List (list of type-approved and type-accepted equipment).

§ 0.405 General information office.

The Office of Reports and Information is located in the New Post Office Building. Here the public may obtain copies of public notices of Commission actions, formal documents adopted by the Commission and other public releases, as they are issued. Back issues of public releases are available for inspection in this Office. Copies of fact sheets which answer recurring questions about the Commission's functions may be obtained from this Office.

§ 0.406 Inspection of records.

Subject to the provisions of sections 4(j), 213(f), 412, and 606 of the act, the files of the Commission shall be open to public inspection as follows:

(a) Tariff schedules required to be filed under section 203 of the act, all documents filed in connection therewith, and all communications relating thereto; valuation reports, including exhibits filed in connection therewith unless otherwise ordered by the Commission, with reasons therefor, pursuant to section 213 of the act; and annual and monthly reports required to be filed under section 219 of the act.

(b) Contracts, agreements, or arrangements between carriers, filed pursuant to section 211(a) of the act, except such contracts relating to foreign wire or radio communications which are marked "not for public inspection" by the Commission: *Provided, however,* That the Commission will give appropriate consideration to a petition filed by any person showing that any such contract, agreement, or arrangement relates to foreign wire or radio communication; that its publication would place American communication companies at a disadvantage in meeting the competition of foreign communication companies; and that public interest would be served by keeping its terms confidential.

(c) All applications and amendments thereto filed under Title II and Title III of the Act, including all documents and exhibits filed with and made a part thereof, and all communications protesting or endorsing any such applications, authorizations, and certifications issued upon such applications; all pleadings, depositions, exhibits, transcripts of testimony, reports, of examiners or presiding officers, exceptions, briefs, proposed reports, or findings of fact and conclusions; all minutes and orders of the Commission. The information filed under § 1.341 of this chapter and network and transcription contracts filed pursuant to § 1.342 of this chapter shall not be open to public inspection. The Commission may, however, either on its own motion, or on motion of an applicant, permittee or licensee, for good cause shown, designate any of the material in this paragraph as "not for public inspection."

(d) All petitions for issuance, amendment, or repeal of any rule or regulation, including all documents and exhibits filed with or made part thereof and all communications protesting or endorsing any such petitions; all pleadings, depositions, exhibits, transcripts of testimony, reports of examiners or presiding officers, exceptions, briefs, proposed reports, or finding of fact and conclusions; all minutes and orders of the Commission. The Commission may, however, either on its own motion, or on motion by petitioner or those filing comments, for good cause shown, designate any of the material in this paragraph as "not for public inspection."

(e) The Master Frequency Records (Standard Form 128) are available for public inspection in the offices of the Frequency Registration and Notification Branch of the Frequency Allocations and Treaty Division, Office of Chief Engineer.

(f) For provisions relating to inspection of files relating to Presidential licenses for submarine cables, see § 1.455 of this chapter.

(g) Lists of frequency assignments to radio stations authorized by the Commission are recapitulated periodically by means of a machine record system. All stations licensed by the Commission are included, except the following: Aircraft, Amateur, Citizens (except Class A), Civil Air Patrol, and Disaster. The resulting documents, the FCC Service Frequency Lists, consists of several volumes arranged by nature of service, in frequency order, including station locations, call signs and other technical particulars of each assignment. These documents are available for public examination at each of the Commission's Field Engineering and Monitoring Bureau field offices (see § 0.49), and in Washington, D.C., at the Commission's Broadcast and Docket Reference Room, and in the offices of the Frequency Registration and Notification Branch of the Frequency Allocations and Treaty Division, Office of Chief Engineer. They may be purchased from the Seabrooke Printing Co., 514 10th Street NW., Washington 4, D.C.

(h) Pursuant to the North American Regional Broadcast Agreement and the U.S./Mexican Agreement, appropriate countries are notified of standard broadcast station assignments as they are made. The information thus supplied by notice includes frequency, station location, call letters, power and other technical particulars. Every six months, a recapitulative list containing this information for all existing standard broadcast stations, arranged in frequency order, is prepared by the Commission. This is the so-called NARBA List. These lists are available for public examination at each of the Commission's Field Engineering and Monitoring Bureau field offices (see § 0.49), and in Washington, D.C., at the Commission's Broadcast and Docket Reference Room. They may be purchased from the Seabrooke Printing Co., 514 10th Street NW., Washington 4, D.C.

(i) Periodically the Commission prepares lists containing information about authorized broadcast stations and pending applications for such stations. These lists, which are prepared by an addressing machine, contain frequency, station locations, and other particulars. They are available for public examination at the Commission's Broadcast and Docket Reference Room, Washington, D.C., and may be purchased from Cooper-Trent, Inc., 1130 19th Street NW., Washington 6, D.C.

(1) For standard broadcast stations the lists are arranged as follows:

(i) Authorized stations arranged in frequency order, alphabetically by state and city, and by call letters.

(ii) Pending applications for new stations and major changes in existing facilities arranged in frequency order and alphabetically by state and city.

(2) For FM broadcast stations the lists are arranged as follows:

(i) Authorized stations arranged by call letters and alphabetically by state and city.

(ii) Pending applications for new stations and major changes in existing facilities arranged alphabetically by state and city.

(3) For television broadcast stations only one list is prepared. This list contains authorized stations and pending applications for new stations and major changes in existing facilities, and is arranged alphabetically by state and city.

(4) For television broadcast translator stations only one list is prepared. This list contains authorized stations and pending applications for new stations and major changes in existing facilities and is arranged alphabetically by state and city.

(j) Lists of type-approved and type-accepted equipment (the Radio Equipment Lists) are prepared periodically by the Commission. These documents are available for public examination at each of the Commission's Field Engineering and Monitoring Bureau field offices (see § 0.49) and in Washington, D.C., in the offices of the Equipment and Systems Branch of the Technical Research Division of the Office of the Chief Engineer.

(k) In the discretion of the Commission, other files, including those excepted in paragraphs (a), (b), and (c) of this section, upon written request describing in detail the documents to be inspected and the reasons therefor.

§ 0.407 Certified copies; requests for; costs.

Copies of any documents subject to inspection under the provisions of § 0.406, with the exception of FCC Service Frequency Lists described in § 0.406(g), will be prepared and certified by the Secretary, under seal, on written request, specifying the exact documents, the number of copies desired, and the date on which the same will be required. Such request must be made so as to permit a reasonable time for the preparation of such copies and any cost incurred in the preparation of such copies must be prepaid by the person making application therefor: *Provided, however,* That, if requests are received from representatives of foreign governments or from persons residing in foreign countries, the criteria established by the Department of Commerce for the control of export of technical data will be taken into account before such certified copies will be made available.

§ 0.408 Reports of violations.

Reports of violations of the Communications Act or of the Commission's rules and regulations may be submitted direct to the Commission in Washington or to any field office.

§ 0.409 Place of filing of applications for radio authorizations.

Class of station	Method of filing	Number of copies
(a) Alaskan fixed public and Alaskan public coastal.	Via engineer-in-charge, Radio District No. 14, Seattle, Wash.	3.
(b) Amateur	See § 0.413	As specified in form.
(c) Interim ship station licenses.	See § 0.414	Do.
(d) All others	Directly to Secretary, Federal Communications Commission, Washington 25, D.C.	Do.

§ 0.410 Applications for ship radio inspection and periodical survey.

Applications for ship radio inspection or for periodical survey shall be forwarded to the radio district office nearest the desired port of inspection or place of survey.

§ 0.411 Applications for exemption from compulsory ship radio requirements.

Applications for exemption filed under the provisions of section 352(b) or 383 of the Communications Act; Regulation 4, Chapter I of the Safety Convention; Regulation 5 or 6, Chapter IV of the Safety Convention; Regulation 12(b), Chapter V of the Safety Convention; or Article 6 of the Great Lakes Agreement, shall be filed at the Commission's office in Washington, D.C.

§ 0.412 Non-radio common carrier applications.

All such applications shall be filed at the Commission's office in Washington, D.C.

§ 0.413 Applications for amateur station and operator license and/or commercial operator license.

(a) Application for amateur station and operator license shall be filed in the appropriate engineering field office listed in § 0.49 except that applications for modification covering change of location or for renewal of licenses shall be submitted to the Secretary, Federal Communications Commission, Washington 25, D.C. Only one copy of the application is required.

(b) Application for commercial operator license shall be filed with any engineering field office listed in § 0.49 under whose supervision the applicant desires to be examined.

(c) Schedules of radio operator examinations are available at the Commission's district offices listed in § 0.49. Examinations are given frequently under these schedules at the Commission's Washington examination office at 718 Jackson Place NW., Washington 25, D.C., and at each of the Commission's field offices listed in § 0.49. Examinations are also given frequently, by appointment, at the Commission's offices at the following points: Savannah, Georgia; San Diego, California; San Pedro, California; Tampa, Florida; Mobile, Alabama; Anchorage, Alaska; and Beaumont, Texas.

(1) Examinations are also given at less frequent intervals at the places named below, which are visited for that purpose by Commission examiners from the district offices. For current schedules, exact time, place, and other details, inquiry should be addressed to the office conducting examinations at the chosen point.

QUARTERLY POINTS

Birmingham, Ala.	Indianapolis, Ind.
Charleston, W. Va.	Knoxville, Tenn.
Cincinnati, Ohio.	Little Rock, Ark.
Cleveland, Ohio.	Louisville, Ky.
Columbus, Ohio.	Memphis, Tenn.
Corpus Christi, Tex.	Milwaukee, Wis.
Davenport, Iowa.	Nashville, Tenn.
Des Moines, Iowa.	Oklahoma City, Okla.
Fort Wayne, Ind.	Omaha, Nebr.
Fresno, Calif.	Phoenix, Ariz.
Grand Rapids, Mich.	Pittsburgh, Pa.
St. Louis, Mo.	Salt Lake City, Utah.
San Antonio, Tex.	Schenectady, N.Y.
Sioux Falls, S. Dak.	Syracuse, N.Y.
Tulsa, Okla.	Williamsport, Pa.
Winston-Salem, N.C.	

SEMIANNUAL

Albuquerque, N. Mex.	Portland, Maine.
Boise, Idaho.	Roanoke, Va.
Hartford, Conn.	Spokane, Wash.
Jackson, Miss.	Tucson, Ariz.
Jacksonville, Fla.	Wichita, Kans.
	Wilmington, N.C.

ANNUAL

Amarillo, Tex.	Jamestown, N. Dak.
Bakersfield, Calif.	Klamath Falls, Oreg.
Bangor, Maine.	Lihue, Hawaii.
Billings, Mont.	Marquette, Mich.
El Paso, Tex.	Rapid City, S. Dak.
Fairbanks, Alaska.	Wailuku, Hawaii.
Great Falls, Mont.	
Hilo, Hawaii.	

(2) Arrangements have also been made, with the cooperation of other Federal agencies, for Extra Class and General Class examinations in outlying areas, as follows:

Alaska: Stations of the Alaska Communications System.

Guam: District Communications Officer, United States naval station.

Hawaii: At not exceeding one point on any island, by the engineer in charge (Honolulu).

§ 0.414 Applications for interim ship station licenses.

Formal applications for ship station licenses for use of radiotelephone or radar transmitting apparatus or both and applications for modification of such licenses shall, when accompanied by requests for interim ship station licenses, be filed in accordance with § 8.35 of this chapter and presented in person by applicants or their agents at the nearest field office of the Commission as shown in § 0.49 (a) and (b) or at the Commission's main office in Washington, D.C.: *Provided*, That, as an alternative procedure, an applicant, in Alaska, for such a ship station license may submit an application by mail to the Commission's Field Engineering Office at Anchorage, Alaska, when accompanied by a written request for an interim ship station license. Applications for renewal of ship station licenses are not subject to the provisions of this section.

§ 0.415 Miscellaneous submittals or requests.

Persons desiring to make requests or submittals of a general nature should communicate with the Office of the Secretary of the Commission. Those who wish to apply for employment should communicate with the Personnel Officer. Both offices are in Washington, D.C.

§ 0.416 Where to obtain forms.

All forms for use in submitting applications for radio authorizations, together with instructions and information as to filing such forms, may be obtained at the Washington offices of the Commission or at any of the engineering field offices listed in § 0.49.

§ 0.417 Printed publications.

The Commission's printed publications may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C. These include, among other things, the Commission's rules and regulations, its annual reports to the Congress, and the FCC Reports.

[F.R. Doc. 62-8015; Filed, Aug. 9, 1962; 8:50 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Announcement CN-EX-13, Amdt. 2]

PART 482—COTTON

Subpart—1961-62 Cotton Export Program—Payment-in-Kind Regulations

REDEMPTION OF COTTON EXPORT PAYMENT CERTIFICATES

In order to provide that Cotton Export Payment Certificates earned under this subpart may be used in payment for upland cotton purchased from Commodity Credit Corporation under sales announcements providing for acceptance of such certificates, and to provide that such certificates may be used in repayment of upland cotton loans which are outstanding under CCC cotton loan programs, paragraph (c) of § 482.411 of the 1961-62 Cotton Export Program—Payment-in-Kind Regulations (Announcement CN-EX-13) dated April 20, 1961, (26 F.R. 3516) as amended, is hereby further amended to read as follows:

§ 482.411 Cotton Export Payment Certificates.

* * * * *

(c) *Redemption.* The certificate will be redeemable by CCC at face value (1) in payment for upland cotton purchased under CCC sales announcements providing for acceptance of such certificate, (2) in repayment of upland cotton loans which are outstanding under CCC cotton loan programs, or (3) for cash, if it has not been used to obtain cotton under subparagraph (1) or (2) of this paragraph and if it is presented to the New Orleans office for payment not earlier than 60 days after issuance and not later than the expiration date of the certificate. CCC will offer to execute agreements with commercial banks under which such banks may present certificates to the New Orleans office through Federal Reserve banks or branch banks for cash redemption, and certificate holders may arrange with the commercial banks which execute such agreements with CCC to have their certificates presented for cash redemption through banking channels.

(Secs. 4, 5, 62 Stat. 1070, as amended; sec. 203, 70 Stat. 188; 15 U.S.C. 714b, 714c, 7 U.S.C. 1853)

Effective date: This amendment shall be applicable to all unexpired Cotton Export Payment Certificates issued under this subpart which have not been redeemed by CCC prior to the date of publication of this amendment in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 7, 1962.

RAYMOND A. IOANES,
Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-8021; Filed, Aug. 9, 1962; 8:50 a.m.]

PART 485—NONFAT DRY MILK

Subpart—Nonfat Dry Milk Export Payment-in-Kind Program—Terms and Conditions (SM-7)

REPORTING AND RECORD-KEEPING REQUIREMENTS

The Nonfat Dry Milk Export Payment-In-Kind Program—Terms and Conditions (SM-7) (27 F.R. 6037) is amended by adding, before the signature of the Vice President of the Commodity Credit Corporation, the following language which was inadvertently omitted: "The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942."

Signed at Washington, D.C., on August 6, 1962.

RAYMOND A. IOANES,
Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-7991; Filed, Aug. 9, 1962; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING AND CERTIFICATION)

Subpart B—Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States

REVISION OF LINTERS FACTOR

The amendment of § 61.102(c) of the Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes within United States (7 CFR Part 61), hereinafter set forth, is hereby promulgated to be effective upon publication in the FEDERAL REGISTER, pursuant to authority contained in the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087; 7 U.S.C. 1621-1627).

Statement of consideration leading to revision of linters factor. Both a quantity index and a quality index are used in determining the grade of cottonseed. The table of premiums and discounts for total linters content of cottonseed contained in § 61.102(c) for determining the quantity index of cottonseed is being amended because of the change in the price relationship between linters and cottonseed oil, meal, and hulls.

The Department finds that it is impracticable, unnecessary, and contrary to the public interest to issue a notice of proposed rule making on this amendment or to postpone the effective date of the amendment until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that: (1) the marketing season for cottonseed for crushing purposes has already begun in the southernmost sections of the Cotton Belt and it is imperative that the revision be effective for grading purposes as soon as possible; and (2) no preparation is required by the industry to comply with the amendment.

Paragraph (c) of § 61.102 is revised to read as follows:

§ 61.102 Determination of quantity index.

* * * * *

(c) The premium or discount for total linters content of cottonseed to be used in paragraphs (a) and (b) of this section will be according to the following table:

Total linters content of cottonseed (percent)[1]	Premium or discount (quantity index units)[2]	Total linters content of cottonseed (percent)[1]	Premium or discount (quantity index units)[2]
20.0	+12.75	10.0	−2.25
19.0	+11.25	9.0	−4.75
18.0	+9.75	8.0	−7.25
17.0	+8.25	7.0	−9.75
16.0	+6.75	6.0	−12.25
15.0	+5.25	5.0	−14.75
14.0	+3.75	4.0	−17.75
13.0	+2.25	3.0	−20.75
12.0	+0.75	2.0	−23.75
11.5	0.0	1.0	−26.75
11.0	−0.75		

[1] Total linters content to the nearest 0.1 percent will be used in calculating premiums and discounts.

[2] Premiums and discounts are calculated on the basis of the following formulas:

Percent linters on cottonseed	Premium or discount factor
11.6 and over	Premium = (percent linters minus 11.5) x 1.6.
11.5	None.
11.4-10.0	Discount = (11.5 minus percent linters) x 1.5.
9.9-5.0	Discount = (10.0 minus percent linters) x 2.5+2.25.
4.9-0	Discount = (5.0 minus percent linters) x 3.0+14.75.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Dated: August 4, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Service.

[F.R. Doc. 62-7996; Filed, Aug. 9, 1962; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 5]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Quotas for Foreign Countries, and Import Fees

Basis and purpose and statement of bases and considerations. In Sugar Regulation 811 for 1962 (26 F.R. 11963; 27 F.R. 3733, 4585, 5255, 6863), the Secretary made the determination that 9,700,000 short tons, raw value of sugar were needed to meet the requirements of consumers in the continental United States for the calendar year 1962. In amendment 4 to that regulation (27 F.R. 6863) effective July 18, 1962, the Secretary established sugar quotas, pursuant to the Sugar Act of 1948, as amended by Public Law 87-535, in terms of short tons of sugar, raw value, for domestic producing areas and the Republic of the Philippines for the calendar year 1962; and, established prorations and allocations for certain foreign countries other than the Republic of the Philippines and authorized the purchase and importation of 300,000 short tons of sugar, raw value, from foreign countries as a group, for the six-month period ending December 31, 1962.

The Sugar Act of 1948, as amended, and as further amended and extended by Public Law 87-535, approved July 13, 1962, and Public Law 87-539, approved July 19, 1962, is hereinafter referred to as the "Act".

The purposes of this amendment are: (1) To establish allocations for the six months ended December 31, 1962, of 65,000 short tons, raw value, for the Dominican Republic and of 10,000 short tons, raw value, for Argentina pursuant to the authority contained in section 202(c)(4)(B) of the Act and the President's Proclamation 3485, effective July 27, 1962 (27 F.R. 7371); (2) to establish an allocation for the six-month period ended December 31, 1962, of 5,000 short tons, raw value, for Ireland that may be filled with direct-consumption sugar pursuant to the authority contained in section 202(c)(3) and section 207(e)(2) of the Act and (3) to increase from 300,000 to 541,743 short tons, raw value, of sugar the quantity that may be authorized for purchase and importation from foreign countries as a group, for importation on or before September 30, 1962, pursuant to approvals of such importations issued on or before August 15, 1962.

In addition the amendment makes other technical changes necessitated by the establishment of the allocations heretofore discussed and clarifies the provisions relating to the rate of import fee applicable to sugar covered by applications for set-aside of quota provided for in Part 817 of this chapter.

This is the season of high consumption and industrial use, including food

canning and freezing, and in view of the following facts and developments it is necessary to provide flexibility in the supply of sugar made available for immediate needs.

1. The labor contract with east coast stevedores, which expires September 30, is in dispute. Until this is settled and the threat of a possible strike is ended refiners and others may wish to maintain their sugar supplies at relatively high levels.

2. Stocks of domestic beet sugar are low, supplies of Hawaiian sugar are fixed, mainland cane sugar will not become available from the new crop until October and the Puerto Rican crop is short.

3. Offerings under some of the foreign country quotas have been low and supplies from some of these countries will be limited until new crop sugars become available.

Although this action will permit freer importation of global supplies in the immediate future, the time limitations for importation and for approval of importation remain unchanged. Whatever quantity has not been approved or authorized for importation by August 15 will remain available for release with special consideration to countries of the Western Hemisphere and to those countries purchasing United States agricultural commodities.

It is essential that the allocations for 1962 established by this amendment be effective immediately so that persons who sell, purchase and import sugar will have adequate foreknowledge to permit the necessary arrangements for purchase and shipment of sugar and provide for an orderly flow of sugar throughout the remainder of the year. Accordingly, it is hereby found and determined that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest and the amendments set forth in this regulation shall become effective when filed for public inspection in the Office of the Federal Register.

By virtue of the authority vested in the Secretary of Agriculture by the Act, paragraphs (c), (d), and (e) of § 811.4, and paragraphs (b) and (d) of § 811.5 are hereby amended to read as follows:

1. Paragraphs (c), (d), and (e) of § 811.4 are amended to read.

§ 811.4 Quotas for foreign countries.

• • • • •

(c)(1) For the six-month period ending December 31, 1962, the prorations or allocations for individual foreign countries of the quota for foreign countries other than the Republic of the Philippines pursuant to section 202(c)(3) of the Act are as follows:

Country:	*Short tons, raw value*
Peru	71,635
Dominican Republic	71,635
Mexico	71,635
Brazil	68,005
British West Indies	34,056
Australia	15,063
Republic of China	13,238
French West Indies	11,316
Colombia	11,316
Nicaragua	9,395
Costa Rica	9,395
Ecuador	9,395
India	7,580
Haiti	7,580
Guatemala	7,580
South Africa	7,580
Panama	5,658
Ireland	5,000
El Salvador	3,843
Paraguay	3,736
British Honduras	3,737
Fiji Islands	3,736
Belgium	91
Unallocated	4,312

On the basis of information available, it is found that in the calendar year 1961 the aggregate exports of sugar in each case from the United Kingdom, Canada, Hong Kong and the Netherlands to countries other than the United States did not equal or exceed the aggregate imports into each of such countries. Consequently, under the provisions of section 202(e) of the Act, sugar may not be exported from such countries to the United States during 1962 to fill the quota allocations for the six-month period ending December 31, 1962, for the United Kingdom, Canada, Hong Kong and the Netherlands in the respective amounts of 258, 316, 2 and 3,736 short tons, raw value.

(2) For the six-month period ending December 31, 1962, the allocations for foreign countries pursuant to section 202(c)(4)(B) of the Act and the President's Proclamation 3485 are as follows:

Country:	*Short tons, raw value*
Dominican Republic	65,000
Argentina	10,000

(d) For the six-month period ending December 31, 1962, the amount of each proration and allocation established in paragraph (c) of this section that may be filled by direct-consumption sugar pursuant to section 207(e) of the Act is as follows:

Country:	*Short tons, raw value*
Nicaragua	9,395
Ireland	5,000
Republic of China	3,795
Panama	3,817
Costa Rica	1,944
Haiti	1,175
Belgium	91
Guatemala	3
Ecuador	3

(e) For the six-month period ending December 31, 1962, the amount of sugar available for authorization for purchase and importation from foreign countries as a group, pursuant to section 202(c)(4)(A) of the Act, in addition to the quantities established as the quota for the Republic of the Philippines for the calendar year 1962 in paragraph (b) of this section and the quota prorations or allocations for individual foreign countries for the six-month period ending December 31, 1962, in paragraph (c) of this section, is 541,743 short tons, raw value. This quantity is authorized for purchase and importation provided authorization for release of sugar or approval of applications for set-aside within this quantity is issued in accordance with the provisions of Part 817 on or before August 15, 1962, and such sugar is scheduled to arrive in the continental United States on or before September 30, 1962. It is hereby found that the total quantity of 541,743 short tons, raw value, may not be reasonably available as raw sugar to supply our requirements during such period. Accordingly, sugar testing in excess of 99 degrees polarization and raw sugar may be authorized for release within the quantity of 541,743 short tons, raw value, all of such quantity to be further refined or improved in quality in the United States in accordance with the requirements of Part 810 of this Chapter. Sugar may be authorized for purchase and importation within the quantity of 541,743 short tons, raw value, established in this paragraph only from countries with which the United States is in diplomatic relations and from countries that had in the calendar year 1961 aggregate exports of sugar to countries other than the United States equal to or in excess of aggregate imports. Any balance of the 541,743 short tons, raw value, available for authorization for purchase and importation and not so authorized on or before August 15, 1962, is not being authorized at this time.

2. Paragraphs (b) and (d) of § 811.5 are amended to read:

§ 811.5 Import fees.

• • • • •

(b) As a condition for the importation of any quantity of raw sugar within the quota prorations and allocations established for individual foreign countries in paragraph (c) of § 811.4, a fee of 0.24 cent per pound, raw value, shall be paid as provided in paragraphs (d) and (e) of this section.

• • • • •

(d) The fee per pound as established in paragraphs (a), (b), and (c) of this section shall be subject to change by amendment of the regulations in this part effective when filed for public inspection in the Office of the Federal Register. Payment as provided in paragraphs (e) and (f) of this section with respect to an application shall be based upon the fee per pound effective at the time such application first becomes eligible for authorization as provided in § 817.6(b) of this chapter: *Provided*, That, if the application for authorization for release of sugar is applicable to sugar being imported, under an application for set-aside approved pursuant to § 817.4(e) of this chapter, the payment as provided in paragraphs (e) and (f) of this section with respect to such application for authorization for release of sugar shall be based upon the fee per pound effective at the time such application for set-aside was eligible for approval as provided in § 817.6(b) of this chapter.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies secs. 201, 202, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 927, as amended, and 928, as amended, sec. 213 as added by Public Law 87-535; 7 U.S.C. 1111, 1112, 1117, 1118 and 1119; Public Law 87-539)

Issued at Washington, D.C., this 6th day of August 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-7990; Filed, Aug. 8, 1962; 12:35 p.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[958.307, Amdt. 1]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the amendement to the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (3) reasonable time is permitted under the circumstances, for such preparation, (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (5) this amendment relieves restrictions on the handling of onions in the production area.

Order, as amended. In § 958.307 (27 F.R. 6923), delete paragraph (a) and substitute in lieu thereof new paragraph (a) as set forth below.

§ 958.307 Limitation of shipments.

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(a) *Minimum grade and size requirements*—(1) *Grade.* All varieties—U.S. No. 2 grade, except that, until August 22, 1962, onions with seedstems of more than ½ inch in diameter, may be handled.

(2) *Size.* Yellow varieties—2 inches minimum diameter.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 7, 1962, to become effective August 7, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8020; Filed, Aug. 9, 1962; 8:50 a.m.]

No. 155——4

[980.101 Onions]

PART 980—VEGETABLES; IMPORT REGULATIONS

Findings. (a) Notice of rule making regarding proposed restrictions on the importation of onions into the United States to be made effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674; P.L. 87-128), was published in the July 24, 1962, FEDERAL REGISTER (27 F.R. 6985). The notice afforded interested persons an opportunity to file data, views, or arguments in regard thereto not later than 5 days after publication. Within the period specified, one exception was filed opposing issuance of the regulation as proposed. After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the data, views, and arguments submitted, and other available information, it is hereby found that the proposal as published in the notice should be issued and that such restrictions on the importation of onions, as hereinafter provided, comply with the grade, size, and quality requirements applicable to onions produced in the United States, and effective under Marketing Order No. 958 (7 CFR 958) regulating the handling of onions grown in designated counties of Idaho and Eastern Oregon. This regulation is subject to amendment with adequate notice as domestic regulations are changed.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 1003) in that (1) the requirements established by this regulation are mandatory under section 8c of the act; (2) all known onion importers were notified of the proposed regulation; and (3) notice hereof was published in the July 24, 1962, FEDERAL REGISTER (27 F.R. 6985), and such notice is determined to be reasonable.

§ 980.101 Onion Import Regulation.

(a) *Import restrictions.* During the period from September 4, 1962, through June 30, 1963, no person shall import dry onions of any variety, unless the onions are inspected and meet the requirements of the U.S. No. 2 grade, or better, and for yellow varieties, 2 inches minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. For onions with transit time from country of origin to entry into the United States of ten or more days, onions otherwise meeting import quality and size requirements may be entered if they meet an average tolerance for decay of not more than 5 percent.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of paragraph (a) of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of Governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e (7 U.S.C. 608e), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particuular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Bldg., Harlingen, Tex. (Phone: Garfield 3-5644).	1 day.
All Arizona points.	R. H. Bertelson, 136 Grand Ave., P.O. Box 1646, Nogales, Ariz. (Phone: Atwater 7-2902).	Do.
All California points.	Carley D. Williams, 784 South Central Ave., Room 294, Los Angeles 21, Calif. (Phone: Madison 2-6756).	3 days.
New York City.	Edward J. Beller, 346 Broadway, Room 306, New York 13, N.Y., (Phone: Rector 2-8000, Ext. 607).	1 day.
New Orleans.	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans 12, La. (Phone: 529-2411, Ext. 6741).	Do.
All other points.	E. E. Conklin, Fruit and Vegetable Division, AMS, Washington 25, D.C. (Phone: Dudley 8-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for

direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets U.S. Import requirements under section 8e of the Agricultural Marketing Agreement Act.

(g) *Reconditioning prior to importation.* No provisions in this part may preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this part, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Onions (§§ 51.2830 to 51.2850, inclusive, of this title). Application of tolerances, as set forth in § 51.2838 of the United States Standards for Onions, shall apply. In percentage grade lots, tolerance for decay shall not exceed 2 percent, except, as provided in paragraph (b). Double the lot tolerance shall be permitted in individual packages. Onions meeting the requirements of Canada No. 2 grade shall be deemed to comply with the requirements of the U.S. No. 2 grade. "Importation" means release from custody of the United States Bureau of Customs.

Dated, August 7, 1962, to become effective September 4, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7989; Filed, Aug. 9, 1962; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

President's Committee on Government Employment Policy

Effective upon publication in the FEDERAL REGISTER, the headnote and paragraph (a) of § 6.155 are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-8000; Filed, Aug. 9, 1962; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. R]

PART 218—RELATIONS WITH DEALERS IN SECURITIES UNDER SECTION 32, BANKING ACT OF 1933

Special or Limited Partner

The following section is added to 12 CFR Part 218:

§ 218.106 No exception granted a special or limited partner.

(a) The Board has been asked on several occasions whether section 32 of the Banking Act of 1933 (12 U.S.C. sec. 78) is applicable to a director, officer, or employee of a member bank who is a special or limited partner in a firm primarily engaged in the business described in that section.

(b) Since the Board cannot issue an individual permit, it can exempt a limited or special partner only by amending Part 218 (Regulation R). After the statute was amended in 1935 so as to make it applicable to a "partner," the Board carefully considered the desirability of making such an exception. On several subsequent occasions it has reconsidered the question. In each instance the Board has decided that in view of a limited partner's interest in the underwriting and distributing business, it should not make the exception.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply sec. 32, 48 Stat. 194, as amended; 12 U.S.C. 78)

Dated at Washington, D.C., this 2d day of August 1962.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 62-7971; Filed, Aug. 9, 1962; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1179]

SUBCHAPTER D—AIRMEN [NEW]

ADDITION OF SUBCHAPTER

This amendment adds Subchapter D "Airmen" to Chapter I of Title 14 of the Code of Federal Regulations. The amendment is a part of the program of the Federal Aviation Agency to recodify its regulatory material into a new series of regulations called the "Federal Aviation Regulations" to replace the present "Civil Air Regulations" and "Regulations of the Administrator".

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as the ones in this subchapter, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

Subchapter D [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on May 2, 1962 (27 F.R. 4175) and as Draft Release 62-20.

Some of the comments received recommended specific substantive changes to the regulations. Although some of the recommendations might, upon further study, appear to be meritorious, they cannot be adopted as a part of the recodification program. The purpose of the program is simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. To attempt substantive changes in the recodification of these regulations (other than minor, relaxatory ones that are completely noncontroversial) would delay the project and would be contrary to the ground rules specified for it in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698) and Draft Release 62-20. However, all comments of this nature will be preserved and considered in any later substantive revision of the affected parts.

Certain changes, not contained in Draft Release 62-20, reflect amendments, to the parts revised herein, that became effective after the Draft Release was published. Each of these amendments, when published, contained a statement that they would be included in the final draft of the recodified parts affected and, in addition, Draft Release 62-20, stated that such amendments would be included in the final draft of the revised subchapter. See amendments 20-15, 20-16, 20-17, 21-3, 22-13, 22-14, 24-4, and 24-5.

Draft Release 62-14, dated April 2, 1962, proposed certain amendments to provisions of Part 20 of the Civil Air Regulations under which former military pilots may obtain private and commercial pilot certificates on the basis of military competence. The period for receiving comments on the proposal having closed on June 7, 1962, and no adverse comments having been received thereon, these amendments are incorporated into § 61.31 of the revised subchapter.

Other minor changes of a technical clarifying nature or relaxatory nature have been made. They are not substantive and do not impose any burden on regulated persons. For example, the unnecessary provision, contained in CAR 21.23, that an airline transport pilot must present his pilot certificate for inspection by any person, has been deleted in the light of other existing requirements that such a pilot must present his certificate for inspection upon the request of the Administrator, an authorized representative of the CAB, any State or local law enforcement officer, or any passenger.

Draft Release 62-27 dated June 8, 1962 (27 F.R. 5686) contained a notice of the revision of the procedural rules of the Federal Aviation Agency. The preamble to the release stated that the certification procedural rules in Part 406 of the regulations of the Administrator were being considered for transfer to the parts to which they specifically applied, insofar as they did not duplicate provisions already in those parts. For this reason, a new Subpart B, relating to procedures for medical certificates, has been added to Part 67 "Medical Standards and Certification" [New]. The subpart is a revision, without substantive changes, of medical certification provisions now in Part 406.

Of the comments received on Draft Release 62-20, several suggested changes in style, format, or technical wording. These comments have been carefully considered and, where consistent with the style, format, and terminology of the recodification project, were adopted.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations apply to the new Subchapter D.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. The Agency appreciates the cooperative spirit in which the public's comments were considered.

In consideration of the foregoing Chapter I of Title 14 of the Code of Federal Regulations is amended, effective November 1, 1962, by deleting Parts 20, 21, 22, 24, 25, 26, 27, 29, 34, 35, §§ 43.40-43.42, 43.52-43.63, 43.64 (b), (c), and (d), 43.65, 43.68, and Special Regulations 428 and 434, and by adding Subchapter D, reading as hereinafter set forth.

This amendment is made under the authority of sections 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1427).

Issued in Washington, D.C., on August 6, 1962.

N. E. HALABY,
Administrator.

SUBCHAPTER D—AIRMEN [NEW]

Part
61 Certification: Pilots and Flight Instructors [New].
63 Certification: Flight Crewmembers Other Than Pilots [New].
65 Certification: Airmen Other Than Flight Crewmembers [New].
67 Medical Standards and Certification [New].

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS [NEW]

Subpart A—General

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AUTHORITY: §§ 61.1 to 61.183 issued under secs. 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1355, 1421, and 1427.

Subpart A—General

§ 61.1 Applicability.

This part prescribes the requirements for issuing the following certificates and ratings, the conditions under which those certificates or ratings are necessary, and the general operating rules for the holders of those certificates and ratings:

(a) Student, private, and commercial pilot (airplane, rotorcraft, glider, and lighter-than-air aircraft) certificates.

(b) Airline transport pilot certificates.

(c) Special purpose pilot certificates.

(d) Flight instructor certificates.

(e) Aircraft and instrument ratings.

(f) Free balloon pilot certificates.

§ 61.3 Certificates and ratings required.

(a) *Pilot certificate.* No person may, within the United States, act as pilot in command of a civil aircraft of United States registry unless he has in his personal possession a current pilot certificate (with appropriate ratings) issued to him under this part.

(b) *Pilot certificate; foreign aircraft.* No person may, within the United States, act as pilot in command of a civil aircraft of foreign registry that is eligible to operate in the United States, unless he has in his personal possession a current pilot certificate (with appropriate ratings) issued to him under this part or issued to him or validated for him by the country in which the aircraft is registered.

(c) *Medical certificate.* Except for glider pilots piloting gliders, no person may act as pilot in command of an aircraft under a certificate issued to him under this part unless he has in his personal possession an appropriate current medical certificate issued under Part 67 of this chapter. However, in the case of a special purpose pilot certificate, the evidence required by the second sentence of § 61.33(b) may be used in place of a medical certificate.

(d) *Inspection of certificate.* Each person who holds a pilot certificate described in paragraph (a) or (b) of this section shall present it for inspection upon the request of the Administrator

or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer. An airline transport or lighter-than-air pilot must present his pilot certificate for inspection upon the request of any passenger.

(e) *Instrument rating.* No person may act as pilot in command of an aircraft under instrument flight rules or in weather conditions less than the minimums prescribed for VFR flight unless he holds a current instrument rating or an airline transport pilot certificate.

§ 61.5 Application and issue.

(a) An application for a certificate and rating, or for an additional rating, under this part is made on a form and in a manner prescribed by the Administrator.

(b) An applicant who meets the requirements of this part is entitled to an appropriate pilot or flight instructor certificate with appropriate aircraft ratings. Additional aircraft category, class, and type ratings, and instrument ratings for which the applicant is qualified, are added to his certificate.

(c) An applicant who cannot comply with all of the skill requirements prescribed by or under this part for a particular certificate because special characteristics of the aircraft used in flight test prohibit the required procedures or maneuvers, but who meets all other requirements for the certificate concerned, is entitled to a pilot certificate with appropriate limitations.

(d) An applicant for a pilot certificate who holds a medical certificate under § 67.19 with special limitations on it and who meets all other requirements for that pilot certificate, is entitled to a pilot certificate containing such operating limitations as the Administrator determines are necessary because of the applicant's physical deficiency.

(e) A person whose pilot certificate (other than as airline transport or lighter-than-air) has been suspended or revoked may not apply for a certificate under this part unless the Administrator authorizes it.

(f) Unless the order of revocation provides otherwise, a person whose airline transport or lighter-than-air pilot certificate is revoked may not apply for any pilot or flight instructor certificate for at least 1 year after the date of the revocation.

§ 61.7 Temporary certificate.

A pilot certificate or rating effective for a period of not more than 90 days may be issued to a qualified applicant, pending the issue of the certificate or rating for which he applied.

§ 61.9 Duration of certificates.

(a) *Student pilot certificate.* A student pilot certificate expires at the end of the 24th month after the month in which it is issued.

(b) *Flight instructor certificates.* A limited flight instructor certificate expires at the end of the 24th month after the month in which it is issued, but may, at any time before it expires, be exchanged for a flight instructor certificate with appropriate ratings without a further showing of the holder's ability to give flight instruction. After it expires, it may be exchanged for a flight instructor certificate with appropriate ratings upon a showing by the holder of his continued ability to give flight instruction. A flight instructor certificate is effective until it is surrendered, suspended, or revoked. In addition, each flight instructor certificate is effective only while the holder has a current pilot certificate as prescribed in § 61.171(a).

(c) *Airline transport; lighter-than-air.* An airline transport or lighter-than-air pilot certificate that is issued to a person who is not a citizen of the United States is effective for a period of not more than 12 months after the month in which it is issued, but may be reissued without further proof of technical ability.

(d) *Special purpose pilot certificate.* A special purpose pilot certificate issued under § 61.33 is effective only during the period it is used for the specific purpose for which it was issued, but not longer than 12 months.

(e) *Other pilot certificates.* Any pilot certificate issued under this part and not covered by paragraphs (a) through (d) of this section is issued without a specific expiration date.

(f) *Surrender, suspension, revocation.* Any pilot certificate issued under this part ceases to be effective if it is surrendered, suspended, or revoked.

(g) *Return of certificate.* The holder of an airline transport or lighter-than-air pilot certificate that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

§ 61.11 Exchange of certificate.

The holder of a pilot certificate issued under this part may apply for a pilot certificate of a lower grade. If he so applies, he must include the following statement or its equivalent:

> This request is made for my own reasons, with full knowledge that my [insert of name of certificate] may not be reissued to me unless I again pass the tests prescribed for its issue.

§ 61.13 Change of name; replacement of lost or destroyed certificate.

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the FAA, Airman Certificate Branch, Federal Aviation Agency, Oklahoma City, Oklahoma. The letter must—

(1) Contain a brief statement of the circumstances of the loss or destruction;

(2) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued, and the ratings on it; and

(3) Be accompanied by a check or money order for $2.00, payable to the Federal Aviation Agency.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Civil Air Surgeon, Federal Aviation Agency, Washington 25, D.C., accompanied by a check or money order for $2.00.

(d) A person whose certificate issued under this part or medical certificate, or both, has been lost may obtain a telegram from the FAA confirming that it was issued. The telegram may be carried as a certificate pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic certificate should be sent to the office prescribed in paragraph (b) or (c) of this section, as appropriate. However, a request for both at the same time should be sent to the office prescribed in paragraph (b) of this section.

§ 61.15 Aircraft ratings.

(a) The category ratings to be placed on private, commercial, and airline transport pilot certificates are—

(1) Airplanes;
(2) Rotorcraft;
(3) Glider; and
(4) Lighter-than-air.

(b) When applicable, the airplane class ratings to be placed on private, commercial, and airline transport pilot certificates are—

(1) Single-engine land;
(2) Multiengine land;
(3) Single-engine sea; and
(4) Multiengine sea.

(c) Where applicable, the rotorcraft class ratings to be placed on pilot certificates are—

(1) Gyroplane; and
(2) Helicopter.

(d) In addition to the category and class ratings in paragraphs (a), (b), and (c) of this section, the name of each type of large aircraft for which a pilot is rated, is placed on his certificate. In the case of airline transport pilots, a helicopter type rating is issued for each type of helicopter.

(e) The holder of a pilot certificate with a rotorcraft category rating issued before July 12, 1962, may exercise the privileges of that rating until February 1, 1963. At any time after July 12, 1962, he may, without a further showing of competence, exchange his rotorcraft category rating for a rotorcraft category rating with a class rating determined by the class of rotorcraft in which he originally qualified for a rotorcraft rating whether by flight test or on the basis of military competence. If he qualified initially in a helicopter, he may obtain a gyroplane class rating without a further showing if he has at least 10 hours as pilot in command of a gyroplane within the 12-month period before July 12, 1962.

(f) The holder of a pilot certificate with a helicopter or autogiro category rating issued before September 1, 1957, may exercise the privileges of that rating until February 1, 1963. Until that date, such a helicopter rating is treated as if it were a rotorcraft rating. At any time after July 12, 1962, he may, without a further showing of competence, exchange his helicopter category rating for a rotorcraft category rating with helicopter class rating, and his autogiro category rating for a rotorcraft category rating with a gyroplane class rating, by presenting his certificate for exchange. The holder of a helicopter category rating may obtain a gyroplane class rating without a further showing if he has had at least 10 hours as pilot in command of a gyroplane within the 12-month period before July 12, 1962.

(g) The holder of a certificate named in paragraph (e) or (f) of this section does not have to have a current medical certificate to make the exchange of ratings specified in those paragraphs.

§ 61.17 Additional aircraft ratings after original issue of certificate (other than airline transport or lighter-than-air).

(a) *General.* To be eligible for an additional aircraft rating after his certificate is issued to him, an applicant must meet the requirements of paragraphs (b) through (f) of this section, performing the procedures, maneuvers, and techniques specified in those sections, as applicable, that are not required for the certificates and ratings that he already holds.

(b) *Rotorcraft.* A pilot holding an airplane rating who applies for a rotorcraft rating must have a total of at least 15 hours of flight instruction (from an appropriately rated flight instructor) and solo flight time in rotorcraft, at least 5 of which were solo (or submit a written recommendation from an appropriately rated flight instructor who has given him flight instruction and certifies him as competent to meet the skill requirements for the rating sought), and must pass an appropriate flight test.

(c) *Glider.* A pilot holding an airplane or rotorcraft rating who applies for a glider rating must have a total of at least 2 hours of flight instruction (from an appropriately rated flight instructor or a commercial glider pilot) and solo flight time in gliders, including at least 10 solo glider flights in which he made a 360° turn, and must pass an appropriate flight test.

(d) *Airplane or rotorcraft.* A pilot holding a glider rating who applies for an airplane or rotorcraft rating must meet the requirements for the original issue of a certificate with an airplane or rotorcraft rating, including the flight test.

(e) *Airplane.* A pilot holding a rotorcraft rating who applies for an airplane rating must have the flight time required for the original issue of a certificate with an airplane rating, including at least 5 hours of solo flight time in airplanes and must pass an appropriate flight test.

(f) *Additional class or type.* An applicant for an additional class or type rating must—

(1) Have made at least five takeoffs and landings in an aircraft of the class or type for which he seeks a rating, in solo flight or as the only manipulator of the controls accompanied by a pilot rated to carry passengers in that aircraft, or, in the case of a Douglas DC–3, a Lockheed 18, or an aircraft that requires more than one pilot, as pilot in command or as second in command performing the duties of a pilot in command while the instructor or check pilot performed the duties of a second in command; and

(2) Pass an appropriate flight test.

(g) *Inapplicability.* This section does not apply to airline transport pilot or lighter-than-air pilot certificates.

§ 61.19 Tests: General procedure.

Tests prescribed by or under this part are given at times and places, and by persons, prescribed by the Administrator.

§ 61.21 Prerequisites for flight tests.

To be eligible for a flight test for a certificate, or an aircraft or instrument rating, under this part the applicant must—

(a) Have passed the written test (if required) within the 24 months before the date he takes the flight test;

(b) Have the applicable aeronautical experience prescribed in this part; and

(c) Hold a medical certificate appropriate to the certificate he seeks.

Nothwithstanding paragraph (a) of this section, an applicant for an airline transport pilot certificate who, after passing the written test, has been continuously employed as a pilot by, and has continuously participated in a pilot training program of, a United States air carrier or commercial operator, or a United States scheduled military air transportation service, may take the flight test for that certificate as long as he continues in that employment and training program.

§ 61.23 Flight tests: General procedures.

(a) The examiner of an applicant for a private or commercial pilot certificate or an instrument rating judges the applicant's performance of the procedures and maneuvers on the flight test on the basis of judgment, knowledge, smoothness, and accuracy. For this purpose, competent performance of a procedure or maneuver requires the pilot to be the obvious master of the aircraft, with the successful outcome of the maneuver never seriously in doubt.

(b) If an applicant fails any required item in a phase of the flight test he fails that phase and the entire test, and must pass that phase (as well as any other phases that he has not passed) in any later retesting.

(c) The examiner or the applicant may discontinue the test at any time when the failure of a required item makes passing the test impossible. In such a case, the applicant is entitled to credit for only those entire phases that he passed.

(d) This section does not apply to airline transport or lighter-than-air pilot certificates.

§ 61.25 Flight tests: Required aircraft.

(a) *General.* An applicant for a certificate or rating under this part must furnish, for each flight test that he is required to take, an appropriate aircraft of United States registry. However, the applicant may, in the examiner's discretion, furnish an aircraft of foreign registry that is properly certificated by the country of registry, or a military aircraft in an operational status if its use is allowed by an appropriate military authority.

(b) *Dual controls.* An aircraft furnished under paragraph (a) of this section for any flight test (other than an airline transport pilot or lighter-than-air pilot certificate) must have functioning dual controls, unless after considering all of the factors, the examiner determines that the flight test can be conducted safely without them.

(c) *Airline transport.* An aircraft furnished under paragraph (a) of this section for an airline transport pilot test must have a suitable hood that excludes the applicant from outside forward vision but does not unduly restrict the examiner's vision, must have functioning dual controls, and must accommodate the applicant and the examiner. For the purposes of this paragraph, an aircraft that has only one elevator and aileron control for two seats or is so arranged that all flight and engine controls cannot be handled in a normal manner from either seat, is not considered to have dual controls. If the applicant is employed by an air carrier, the air carrier may have a check pilot on the aircraft during a flight test under this paragraph. In such a case, the aircraft must provide adequate vision for the pilot and the check pilot.

(d) *Instrument rating.* An aircraft furnished under paragraph (a) of this section for a flight test for an instrument rating must—

(1) Be one in which instrument flight is authorized by this chapter and by its equipment and operating limitations;

(2) Have functioning dual controls; and

(3) Have a hood, slats, polarized material, or other effective means (satisfactory to the examiner) of excluding outside visual reference by the pilot taking the test.

§ 61.27 Retesting after failure.

(a) *Written test.* An applicant for a certificate or rating under this part (other than an airline transport or lighter-than-air pilot certificate or associated rating) who fails a written test for that certificate or rating may apply for retesting—

(1) After 30 days after the date he failed that test;

(2) Upon presenting a statement from whichever of the following is applicable, certifying that he has given additional instruction to the applicant and now considers that he is ready for retesting:

(i) For a private or commercial pilot certificate or associated rating—a certificated flight instructor with an appropriate category rating or a certificated ground instructor with a rating for the subject failed.

(ii) For an instrument rating—a certificated flight instructor with an instrument rating or a certificated ground instructor with a rating for the subject failed.

(iii) For a flight instructor certificate—a certificated flight instructor with an appropriate category or instrument rating on his flight instructor certificate.

(b) *Flight test.* An applicant for a certificate or rating under this part (other than an airline transport or lighter-than-air pilot certificate or associated rating) who fails a flight test for that certificate or rating may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) Upon presenting a statement from a certificated flight instructor with an appropriate rating, certifying that he has given additional instruction to the applicant and now considers that the applicant is ready for retesting.

(c) *Airline transport; written test.* An applicant for an airline transport pilot certificate or associated rating who fails a written test under this part may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) After he has received at least 5 additional hours of instruction, from a person employed by an airline to instruct in that subject, or from whichever of the following is appropriate:

(i) A certificated airline transport pilot.

(ii) A certificated ground instructor for the subject failed.

(iii) A person qualified to instruct in instrument flight theory.

(d) *Airline transport; flight test.* An applicant for an airline transport pilot certificate or associated rating who fails a flight test under this part may apply for retesting after he presents satisfactory evidence that he has—

(1) Logged at least 5 additional hours of flying solely by instruments and at least 5 additional hours of flight instruction from an appropriately rated flight instructor or an airline transport pilot; or

(2) Received such part of the practice or instruction prescribed in subparagraph (1) of this paragraph as, in the Administrator's opinion, warrants retesting.

However, in retesting, only the maneuvers failed need be repeated. An applicant who meets the requirements of subparagraph (1) or (2) of this paragraph is considered to meet the 5-hour flight time requirements of § 61.145(b)(1).

(e) *Additional instruction.* An applicant covered by paragraph (c)(2) or (d) of this section must present a statement from his instructor certifying that he has given the additional instruction to the applicant and considers that he is ready for retesting.

(f) *Lighter-than-air; written test.* An applicant for a private or commercial lighter-than-air pilot certificate or a free balloon pilot certificate who fails a written test under this part may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) After he has received at least five hours of instruction on each subject that he failed, from a ground instructor certificated for that subject and presents a statement from that instructor showing the amount of instruction given and stating that he considers that the applicant is ready for retesting.

(g) *Lighter-than-air; flight test.* An applicant for a private or commercial lighter-than-air pilot certificate or a free balloon pilot certificate who fails a flight test under this part may apply for retesting after he has logged at least three additional hours of flight time.

§ 61.29 Graduates of certificated flying schools: Special rules.

(a) A graduate of a flying school that is certificated under Part 141 of this chapter is considered to meet the requirements of §§ 61.85, 61.89, 61.115, or 61.119 relating to aeronautical experience, if he presents an appropriate graduation certificate within 60 days after the date he is graduated. However, if he applies for an instrument rating or a flight instructor certificate, he must hold a commercial pilot certificate, or hold a private pilot certificate and meet the requirements of § 61.115 (except paragraph (a)(3) thereof).

(b) An applicant for a certificate or rating under this part may be considered to meet the requirements of § 61.83 or § 61.113 relating to aeronautical knowledge, or of §§ 61.87, 61.91, 61.117, or 61.121 relating to aeronautical skill, or both, for that certificate or rating, if he applies within 90 days after being graduated from an appropriate course of a flying school that is certificated under Part 141 of this chapter and is authorized by the Administrator to test applicants on aeronautical knowledge, or skill, or both.

§ 61.31 Military pilots or former military pilots: Special rules.

(a) *Written test and evidence.* An applicant for a private or commercial pilot certificate is entitled to that certificate if he passes a written test on the parts of this chapter relating to pilot privileges and limitations, general operating, air traffic, and accident reporting rules, and presents satisfactory documents showing that—

(1) He is a member of an Armed Force of the United States and is either on solo flying status as a rated pilot or the equivalent (or, in the case of an applicant for a lighter-than-air pilot certificate, has been in such a status for a period of at least 6 consecutive months before the date he applies), or has, within the 12 months before the date he applies, been graduated from, and rated as a pilot by, a military flying school;

(2) He is a member of an Armed Force of the United States and has been removed from solo flying status as a rated pilot or the equivalent for reasons other than lack of flying proficiency;

(3) He has been honorably discharged or released from such an Armed Force and was, at the time of the discharge or release, on solo flying status as a rated pilot or the equivalent (or, in the case of an applicant for a lighter-than-air pilot certificate, has been in such a status for a period of at least 6 consecutive months); or

(4) He has been honorably discharged or released from such an Armed Force and was, before that discharge or release, removed from solo flying status as a rated pilot or the equivalent for reasons other than lack of flying proficiency.

However, a person covered by subparagraph (2), (3), or (4) of this paragraph who was discharged or released more than 12 months before the date he applies, or who has not been on solo flying status as a rated pilot or the equivalent within that 12-month period, must also pass the prescribed flight test and physical requirements, or in the case of an applicant for a private lighter-than-air pilot certificate, have had at least 10 hours of flight time as pilot in command in military lighter-than-air aircraft within that 12-month period.

(b) *Category, class, or type ratings.* A person who applies for a particular category, class, or type rating (other than lighter-than-air), is entitled to an appropriate rating on the pilot certificate that he holds or for which he has applied, if he presents satisfactory documentary evidence that, within the 12 months before the date he applies, he has had at least 10 hours of flight time as pilot in command in military aircraft of a category, class, or type for which he seeks a rating or has passed either an official military checkout as pilot in command, or the equivalent, in the aircraft concerned or the flight test prescribed in § 61.17 (b) or (f). However, this paragraph does not authorize a rating to be placed on an airline transport pilot certificate unless that rating is limited to commercial privileges.

(c) *Instrument rating.* A private or commercial pilot who holds a current military instrument rating or card is entitled to an instrument rating under this part.

(d) For the purposes of this section—

(1) An official identification card issued by the Armed Force concerned showing that the holder is a member is satisfactory evidence of membership;

(2) An official order to solo flight status, an appropriate Air Force form or Navy flight logbook endorsed to show solo flight status, official order showing graduation from, and rating as a pilot by, a military flying school, or a copy of orders showing duty involving flying as a rated pilot, is satisfactory evidence of flight status;

(3) An appropriate Air Force form or a summary of it, or a certified military logbook, is satisfactory evidence of pilot flight time, but pilot-in-command flight time in an aircraft normally having two pilots must be substantiated by official checkout records; and

(4) An original or photostatic copy of a certificate of discharge or release from an Armed Force is satisfactory evidence of discharge or release.

However, a person who was discharged from an Armed Force or removed from flight status because of flight deficiency is not eligible for a pilot certificate under this section.

§ 61.33 Special purpose pilot certificates (other than airline transport): Foreign citizens.

(a) An applicant for a pilot certificate who is a citizen of a foreign country, who holds a current pilot certificate issued by that country, and who meets the requirements of this section, may have a pilot certificate issued to him stating the operations it authorizes and containing ratings based on the ratings on his foreign pilot certificate. If he has no ratings on that certificate, the certificate issued under this section is limited to operating aircraft that he has flown for at least 10 hours, as pilot in command, during the preceding 12 months. However, no instrument rating may be placed on a certificate issued under this section.

(b) An applicant for a certificate under this section must submit satisfactory evidence of his aeronautical experience and must pass a test on Part ____ of this chapter [Present Part 60]. In addition, he must either submit satisfactory evidence that he currently meets the physical requirements for the foreign certificate that he holds or presents an appropriate current medical certificate issued under Part 67 of this chapter.

(c) Each certificate issued under this section must show the basis upon which it was issued and may be used only for the specific purpose for which issued. If the applicant cannot read, speak, and understand the English language, the certificate may contain additional limitations that the Administrator considers necessary for air safety.

(d) This section does not apply to airline transport pilot certificates.

§ 61.35 Instrument rating; experience requirements.

An applicant for an instrument rating must—

(a) Hold at least—

(1) A commercial pilot certificate; or

(2) A private pilot certificate and meet the requirements of §61.115(a)(1) and (2);

(b) Pass a written test on—

(1) This subchapter as it applies to flight under IFR conditions;

(2) Radio navigation systems and procedures, instrument landing systems and procedures, and radio communication procedures; and

(3) Meteorology, including the characteristics of air masses and fronts and the weather associated with them, elementary principles of forecasting, and the availability, evaluation, and utilization of meteorological reports; and

(c) Have at least 40 hours of instrument time under instrument weather conditions or simulated instrument conditions (including time acquired in a synthetic trainer), of which at least 20 hours were in flight and at least 10 hours were instrument flight instruction given by a person holding a flight instructor certificate with an instrument rating.

§ 61.37 Instrument rating: Skill requirements.

(a) An applicant for an instrument rating must pass a practical test on the procedures and maneuvers listed in paragraph (c) of this section. The test is given in three phases, an oral operational test, an instrument flying test, and a radio navigation and approach procedures test. The applicant must perform the flight maneuvers solely by reference to instruments.

(b) Any significant error of a dangerous nature is disqualifying. Any error that makes it necessary for the examiner to take over the controls to avoid violating the aircraft's operating limitations, a loss of control, or a collision with the ground is disqualifying.

(c) The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—oral operational test:

(i) Instrument flight planning.

(ii) Preparing and filing an instrument flight plan.

(iii) Aircraft performance, range, and fuel requirements.

(iv) Required instruments and equipment, and their proper use.

(2) Phase II—Instrument flying test:

(i) Straight and level flight, using needle, ball, and airspeed only.

(ii) Turns, climbs, and descents, using needle, ball, and airspeed only.

(iii) Stalls, and maneuvering at approach speeds.

(iv) Steep turns.

(v) Recovery from unusual attitudes, using needle, ball, and airspeed only.

(vi) Engine-out procedures, if test is in multi-engine airplane.

(3) Phase III—radio navigation and approach procedures test:

(i) Radio navigation, including orientation using LF, OMNI range, or ADF.

(ii) Using radio for voice communication.

(iii) Standard instrument approach to authorized IFR weather minimums (not more than 500 feet and 1 mile), including holding procedures.

(iv) Missed approach procedures.

(v) Emergencies, such as radio or instrument malfunctions.

(vi) Compliance with air traffic control instructions and procedures.

§ 61.39 Pilot logbooks: Except airline transport pilots.

(a) *General.* The flight time used to meet the experience requirements for any pilot certificate or rating, or to meet the recent flight experience requirements of § 61.47 or § 61.177(c), must be shown by a reliable record. The logging of other flight time is not required. The instructor of a lighter-than-air pilot shall certify each entry on flight instruction that he gave to that pilot. Each pilot who keeps a logbook under this section shall enter into it the following information as to each flight:

(1) *General.* (i) Date;

(ii) Duration;

(iii) Points of departure and arrival; and

(iv) Identification mark of the aircraft.

(2) *Type of piloting time.* (i) Pilot in command or solo;

(ii) Second in command;

(iii) Synthetic trainer; or

(iv) Flight instruction from an appropriately rated flight instructor, in the case of airplanes or rotorcraft; from an appropriately rated flight instructor or commercial glider pilot, in the case of glider pilots; or from a commercial lighter-than-air pilot, in the case of lighter-than-air pilots.

(3) *Conditions of flight.* (i) Day or night;

(ii) Actual instrument flight; or

(iii) Simulated instrument flight.

(4) If, in the case of a lighter-than-air pilot, the flight resulted in serious damage to the aircraft, an entry to that effect.

(b) *Solo flight time.* A student, private, or commercial pilot may log as solo only that flight time during which he is the only occupant of the aircraft.

(c) *Pilot in command time.* A private or commercial pilot may log as pilot in command only the flight time during which he is the only manipulator of the controls of an aircraft for which he is rated or the flight time during which he is the only occupant of the aircraft. A flight instructor may log as pilot in command time all flight time during which he is serving as a flight instructor.

(d) *Second in command time.* A private or commercial pilot may log as second in command that flight time during which he is performing the duties of a second in command. He may be credited with not more than 50 percent of that kind of flight time toward the total flight time required for a higher certificate or rating. However, a private pilot may not be credited with more than 50 hours of flight time under this paragraph.

(e) *Instrument time.* The pilot manipulating the controls of an aircraft during the time it is flown solely by reference to instruments under instrument weather conditions or simulated instrument flight conditions may log that time as instrument flight time.

(f) *Lighter-than-air.* A lighter-than-air pilot who keeps a logbook under this section shall present it for inspection upon the request of, and after reasonable notice by, the Administrator, an authorized representative of the Civil Aeronautics Board, or any State or local law enforcement officer.

(g) *Inapplicability.* This section does not apply to airline transport pilots.

§ 61.41 Pilot logbooks: Airline transport pilots.

(a) Each airline transport pilot shall keep an accurate and legible record, in ink or indelible pencil, of his flying time in a bound logbook that is arranged for easy reference. Such a pilot must certify his solo flying time entries and the entries on instruction must be certified to by his instructor.

(b) Each person who is required to keep a logbook under this section shall enter into it the following information as to each flight:

(1) The date.

(2) The category, class, and type of the aircraft he flew.

(3) The aircraft certificate number.

(4) The type of piloting time—pilot in command, flight instruction (from an appropriately rated flight instructor or an airline transport pilot), on instruments, or night flying time.

(5) The duration.

(6) The points or arrival and departure.

(7) If the flight resulted in serious damage to the aircraft, a statement to that effect.

The person giving the flight instruction must make complete entries in the logbook of his student showing the nature of each maneuver in which instruction was given and the time spent thereon. The instructor must attest each entry with his initials, pilot certificate number, and pertinent rating. The pilot shall present the logbook for inspection upon the demand and reasonable notice of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

(c) An airline transport pilot may log all flight times during which he acts as pilot in command or second in command.

(d) An airline transport pilot may log instrument flight time as such only when he flies the aircraft solely by reference to instruments under instrument weather conditions or simulated instrument flight conditions. He may not log over-the-top flying as instrument flight time.

(e) Each airline transport pilot shall furnish to the authorized airline medical examiner at the time of each physical examination a report of the amount and type of his aeronautical experience and any other information the Administrator may require covering the period since the last report of that pilot. Reports under this paragraph shall be forwarded to the Administrator.

§ 61.43 Medical certificates: Duration.

(a) A first-class medical certificate expires at the end of the last day of—

(1) The sixth month after the month in which it is issued, for operations requiring an airline transport pilot certificate;

(2) The 12th month after the month in which it is issued, for operations requiring only a commercial pilot certificate; and

(3) The 24th month after the month in which it is issued, for operations requiring only a private or student pilot certificate.

(b) A second-class medical certificate expires at the end of the last day of—

(1) The 12th month after the month in which it is issued, for operations requiring a commercial pilot certificate; and

(2) The 24th month after the month in which it is issued, for operations requiring only a private or student pilot certificate.

(c) A third-class medical certificate expires at the end of the last day of the 24th month after the month in which it is issued, for operations requiring a private, student, or free balloon pilot certificate.

§ 61.45 Operations during physical deficiency.

No person may act as pilot in command of an aircraft, and no person holding an airline transport pilot certificate may operate an aircraft, when he has a known physical deficiency, or increase of known physical deficiency, that would make him unable to meet the physical requirements for his current medical certificate.

§ 61.47 Recent flight experience.

(a) *General.* No person may act as pilot in command of an aircraft carrying passengers unless, within the preceding 90 days, he has made at least five takeoffs and five landings to a full stop in an aircraft of the same category, class, and type. This paragraph does not apply to operations requiring an airline transport pilot certificate.

(b) *Night experience.* No person may act as pilot in command of an aircraft carrying passengers during the period beginning 1 hour after sunset and ending 1 hour before sunrise (as published in the American Air Almanac) unless, within the preceding 90 days, he has made at least five takeoffs and five landings to a full stop during that period of the day. This paragraph does not apply to operations requiring an airline transport pilot certificate.

(c) *Airline transport.* An airline transport pilot may not pilot an aircraft in operations for which an airline transport pilot certificate is required, if it carries any person other than members of its crew, certificated airmen on board in furtherance of their duties, or certificated instructors rated for that aircraft unless, within the preceding 90 days he has made at least three takeoffs, and three landings to a full stop, in an aircraft of the same category, class, and type.

(d) *Instrument.* A pilot may not act as pilot in command of an aircraft under IFR or in weather conditions less than prescribed VFR minimums unless, within the preceding 6 calendar months, he has had at least 6 hours of instrument flight under actual or simulated instrument flight conditions. Not more than 3 hours in a synthetic instrument trainer acceptable to the Administrator may be substituted for 3 of the 6 hours of instrument flight time required. This paragraph does not apply to operations requiring an airline transport pilot certificate.

(e) *Instrument; airline transport.* An airline transport pilot who has not had at least 2 hours of instrument flight time under instrument weather conditions or simulated instrument flight conditions within the preceding 6 months may not pilot an aircraft under those conditions in operations for which an airline transport pilot certificate is required until he has had at least 2 hours of flight time under those conditions, accompanied by a pilot with at least a private pilot certificate who holds an appropriate category, class, and type rating for the aircraft concerned and an instrument rating.

(f) *Glider aero-tow flights.* No person may act as pilot in command of a glider carrying passengers in aero-tow flight unless, within the preceding 12 months, he has made at least six aerotow flights totaling at least 1 hour, during which he met the requirements of paragraph (a) of this section.

§ 61.49 Cooperation during inspection or test.

Each applicant for an airline transport or lighter-than-air pilot certificate, and each person who holds such a certificate, shall cooperate fully in any inspection or tests made of him by the Administrator.

§ 61.51 Change of address.

Within 30 days after any change in his permanent mailing address, the holder of a pilot or instructor certificate shall notify the FAA Airman Certification Branch, Oklahoma City, Okla., in writing, of his new address.

Subpart B—Student Pilots

§ 61.61 Eligibility requirements: General.

(a) To be eligible for a student pilot certificate, a person must—

(1) Be at least 14 years of age for a certificate authorizing him to pilot a glider, or at least 16 years of age for a certificate authorizing him to pilot any other aircraft;

(2) Be able to read, speak, and understand the English language, or have such operating limitations on his student pilot certificate as are necessary for the safe operation of aircraft, to be removed when he shows that he can read, speak, and understand the English language; and

(3) Hold at least a third-class medical certificate issued under Part 67 of this chapter within the preceding 24 months, or, in the case of glider operations, certify that he has no known physical defect that makes him unable to pilot a glider.

(b) An unmarried applicant under 21 years of age who is not a member of an Armed Force of the United States or enrolled in an ROTC or other training program of such an Armed Force, must submit with his application the written consent of either parent or his guardian. No consent is required for a married male applicant under 21 years of age. A married female applicant under 21 years of age must submit the written consent of her husband, regardless of his age.

(c) An applicant under 21 years of age who is a member of an Armed Force of the United States or enrolled in an ROTC or other training program of such an Armed Force must state his membership and serial number on the application or attach to it a written statement from his commanding officer stating that he is a member of that Armed Force or is enrolled in that training program.

§ 61.63 Requirements for solo flight.

(a) A student pilot may not operate an aircraft in solo flight until—

(1) He is familiar with the general and visual flight rules of Part ---- of this chapter [Present Part 60];

(2) He has had—

(i) In the case of an airplane category, flight instruction (from an appropriately rated flight instructor) in preparatory and flight procedures such as preflight inspection, starting, warming up, and operating and stopping the engine; in taxiing, takeoff, landing, and parking; in traffic pattern procedures; level flight, turns, climbs, and glides; and in stalls and emergency landings;

(ii) In the case of a rotorcraft category, flight instruction (from an appropriately rated flight instructor) in preparatory and flight procedures such as preflight inspection, starting, warming up, and operating and stopping the engine; taxiing, takeoff, hovering (helicopter class only), landing, and parking; in traffic pattern procedures; and in emergency procedures including engine failure; or

(iii) In the case of a glider category, flight instruction (from an appropriately rated flight instuctor or a commercial glider pilot) in takeoff, landing, glide, and gliding turns; and in recovery from stalls entered into from all normally anticipated attitudes; and

(3) An appropriately rated flight instructor (or a commercial glider pilot in the case of gliders), finds that the student has complied with this section and is otherwise able to make solo flights, and has endorsed his student certificate to that effect.

(b) This section does not apply to student lighter-than-air pilots.

§ 61.65 Airplane operations: Flight area limitations.

A student pilot may not operate an airplane in solo flight outside of a local area designated by his flight instructor until—

(a) He is familiar with flight-planning elements such as plotting courses, estimating time en route and fuel required, and obtaining and evaluating weather reports;

(b) He has received flight instruction (from an appropriately rated flight instructor) in—

(1) Crosswind and simulated soft field takeoffs and landings;

(2) Climbing and gliding turns at minimum safe speeds;

(3) Cross-country navigation by reference to aeronautical charts;

(4) Safe operating procedures in simulated emergencies such as engine failure, loss of flying speed, marginal visibility, deteriorating weather, getting lost, and similar critical situations;

(5) Conforming with air traffic control instructions by radio and lights; and

(6) The proper use of two-way radio communications and VFR navigational procedures and techniques; and

(c) His student pilot certificate is endorsed by an appropriately rated flight instructor who finds that the student has complied with this section and is otherwise able to make solo cross-country flights.

If ground electronic equipment and navigation aids are not available within 100 miles of the base of operations, a synthetic trainer may be used for training in air traffic procedures, phraseology, and radio navigation.

§ 61.67 Rotorcraft operations: Flight area limitations.

A student pilot may not operate a rotorcraft in solo flight outside of a local area designated by his flight instructor until—

(a) He is familiar with flight-planning elements such as plotting courses, estimating time en route and fuel required, and obtaining and evaluating weather reports;

(b) He has received flight instruction (from an appropriately rated flight instructor) in—

(1) Pilotage by reference to aeronautical charts;

(2) Conforming to air traffic control instructions furnished by radio or lights, as appropriate; and

(3) Safe operating practice in simulated emergencies that might occur due to engine failure, deteriorating weather, getting lost, and similar situations; and

(c) His student pilot certificate is endorsed by an appropriately rated flight instructor who finds that the student has complied with this section and is otherwise able to make solo cross-country flights.

§ 61.69 Glider operations: Flight area limitations.

A student pilot may not operate a glider in solo flight outside of a local area designated by his flight instructor until—

(a) He is familiar with obtaining and evaluating weather reports;

(b) He has received flight instruction (from an appropriately rated flight instructor or a commercial glider pilot) in cross-country navigation by reference to aeronautical charts; and

(c) His student pilot certificate is endorsed by an appropriately rated flight instructor, or a commercial glider pilot, who finds that the student has complied with this section and is otherwise able to make solo cross-country flights.

§ 61.71 Lighter-than-air operations: Flight limitations.

(a) A student pilot (lighter-than-air) may not pilot an airship in solo flight until—

(1) He is familiar with, and passes a written test on as much of Part ---- [Present Part 60] of this chapter as relates to VFR flying, as certified to on his pilot certificate by his instructor;

(2) He has had six instruction flights, totaling at least six hours, in free balloons and has logged at least 1 hour of solo flight in a free balloon, as certified to on his certificate by his instructor; and

(3) He has had at least 35 hours of flight instruction in an airship, including level flight, right and left turns, landings and takeoffs, and is able to make a flight as pilot in command, as certified to on his certificate by his instructor.

Subparagraph (2) of this paragraph does not apply to a student pilot who has a free balloon pilot certificate.

(b) A student pilot (lighter-than-air) may not pilot a lighter-than-air aircraft carrying any person other than a commercial lighter-than-air pilot, a crewmember, or another student lighter-than-air pilot whose presence in the aircraft is authorized by the instructor under whose direction the flight is being made.

(c) A student pilot (lighter-than-air) may not operate a free balloon as pilot in command until his instructor certifies on his certificate that he has—

(1) Passed a written test on so much of Part ---- [Present Part 60] of this chapter as relates to VFR flying; and

(2) Except for an applicant for a certificate that is limited to operating hot-air balloons, had at least six instruction flights, totaling at least six hours, in free balloons.

§ 61.73 General limitations.

(a) Except as provided in paragraph (b) of this section, a student pilot may not act as pilot in command of an aircraft—

(1) That is carrying a passenger;

(2) That is on an international flight;

(3) For compensation or hire;

(4) In furtherance of a business; or

(5) Other than the make and model endorsed on his certificate by his certificated flight instructor.

(b) Notwithstanding paragraph (a) (2) of this section, a student pilot may make international flights for the purpose of solo cross-country training from the Haines, Gustavus, or Juneau Airports, Alaska, to White Horse, Yukon Territory, over the Province of British Columbia, and return.

(c) A student pilot who has not acted as pilot in command of a powered aircraft within the preceding 90 days, may not pilot such an aircraft in solo flight until he has passed a flight check given by a certificated flight instructor who so endorses his student pilot logbook.

Subpart C—Private Pilots

§ 61.81 Eligibility requirements: General.

To be eligible for a private pilot certificate, a person must—

(a) Be at least 16 years of age for a glider rating, at least 18 years of age for a lighter-than-air rating, and at least 17 years of age for any other rating;

(b) Be able to read, speak, and understand the English language, or have such operating limitations placed on his pilot certificate as are necessary for the safe operation of aircraft, to be removed when he shows that he can read, speak, and understand the English language;

(c) Hold at least a third-class medical certificate issued under Part 67 of this chapter within the preceding 24 months, or, in the case of a glider rating, certify that he has no known physical defect that makes him unable to pilot a glider; and

(d) Comply with the sections of this part that apply to the rating he seeks.

§ 61.83 Aeronautical knowledge.

An applicant for a private pilot certificate must pass a written test on—

(a) The regulations of this chapter governing private pilot privileges and limitations, the general operating and air traffic rules, and the rules of the Civil Aeronautics Board governing accident reporting;

(b) Practical cross-country flying including, for airplane or rotorcraft rating, flight planning, map reading, pilotage, and radio communication procedures, and for airplane rating, radio navigation and emergency procedures;

(c) Recognizing dangerous weather conditions and evaluating weather reports; and

(d) General safety practices in operating airplanes, rotorcraft, or gliders, as the case may be.

§ 61.85 Airplane rating: Aeronautical experience.

(a) An applicant for a private pilot certificate (airplane) must hold a student pilot certificate endorsed for solo and cross-country flights and must have had—

(1) A total of at least 40 hours of flight instruction (from an appropriately rated flight instructor) and solo flight time;

(2) At least 20 hours of solo flight time of which at least 15 were in an airplane;

(3) At least 10 hours of solo cross-country flight time, during which each flight included a landing at a place more than 25 miles from the place of departure, and, except as provided in paragraph (b) of this section, during which at least one flight included a landing at a place more than 100 miles from the place of departure;

(4) At least 3 hours of flight instruction (from an appropriately rated flight instructor) after his first solo cross-country flight, including a review of procedures and maneuvers previously learned and additional instruction in preparation for the private pilot flight test; and

(5) Flight instruction, from a certificated flight instructor with an airplane rating, in controlling an airplane by instruments only, in an airplane with at least a sensitive altimeter, turn and bank indicator, and a means of simulating instrument flight.

The instrument instruction required by subparagraph (5) of this paragraph must be integrated with the flight instruction in primary flight maneuvers given before and after solo.

(b) That part of paragraph (a) (3) of this section requiring a flight including a landing at a place more than 100 miles from the place of departure does not apply to an applicant who shows, on the Island of Okinawa, Ryukyu Islands, that he is otherwise entitled to a private pilot certificate and has completed a solo cross-country flight between those airports on the Island of Okinawa that are the farthest apart. However, the pilot certificate issued to a person who qualifies under this paragraph must contain the following limitation:

The holder may not pilot any aircraft carrying passengers except on flights over the Island of Okinawa, within a radius of 40 miles of the airport of takeoff.

(c) The holder of a private pilot certificate with the limitation prescribed in paragraph (b) of this section, is entitled to have that limitation removed if he passes the test prescribed by § 61.87 (b) (3) and presents satisfactory evidence to an FAA inspector that he has complied with the 100-mile flight requirements of paragraph (a) (3) of this section.

§ 61.87 Airplane rating: Aeronautical skill.

(a) *General.* An applicant for a private pilot certificate (airplane) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in three phases, an oral operation test, a basic piloting technique test, and a cross-country test.

(b) *Procedures and maneuvers.* The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—oral operational test:

(i) Airplane registration, airworthiness, and equipment documents.

(ii) Airplane logbooks and airworthiness inspection reports.

(iii) Airplane performance, range, and operation.

(iv) Airplane loading, including fuel, oil, and baggage capacities.

(v) Airplane line check.

(vi) Use of radio for voice communication.

(2) Phase II—basic piloting technique test:

(i) Preflight operations.

(ii) Taxing or sailing and docking.

(iii) Normal and crosswind takeoffs and landings.

(iv) Climbs, level flight, and descents at normal speeds and at minimum controllable speeds.

(v) Stalls from all normally anticipated flight attitudes, with and without power.

(vi) 720° steep turns about a point.

(vii) Wheel landings in tailwheel-type airplanes, and full stall landings in tricycle-type airplanes.

(viii) Short field takeoff and power approach and landing.

(ix) Soft field takeoff and landing.

(x) Slips and a slip to a landing (if a three control airplane is used).

(xi) Emergency operation of airplane equipment.

(xii) Engine-out emergencies, if a multiengine airplane is used, including—

(a) Maneuvering with one engine out (feathered if possible);

(b) Engine-out minimum control speed demonstration;

(c) Use of engine-out best rate-of-climb speed;

(d) Effect on engine-out performance of failing to feather, extension of gear and flaps, and combinations of them; and

(e) Approach and landing with an engine set for zero thrust, or the drag of a feathered propeller, as applicable.

(3) Phase III—cross-country test:

(i) Cross-country flight planning.

(ii) Cross-country flying.

(iii) Cross-country emergencies (lost, weather, overheating engine, power failure, etc.).

(iv) Use of radio aids to VFR navigation.

(c) *Instrument flight.* In addition, during Phase III of the practical test, the applicant must demonstrate, in simulated instrument flight, his ability to safely control an aircraft manually solely by reference to instruments, including the following:

(1) Recovery from the start of a power-on spiral.

(2) Recovery from the approach to a climbing stall.

(3) Normal turns of at least 180° left and right to within ±20° of a preselected heading.

(4) Shallow climbing turns to a predetermined altitude.

(5) Shallow descending turns at reduced power to a predetermined altitude.

(6) Straight and level flight.

§ 61.89 Rotorcraft rating: Aeronautical experience.

An applicant for a private pilot certificate (rotorcraft) must hold a student pilot certificate that is endorsed for solo and cross-country flights and must have had at least—

(a) A total of 40 hours of flight instruction (from an appropriately rated flight instructor) and solo flight time;

(b) 15 hours of solo flight time in rotorcraft; and

(c) 3 hours of solo cross-country flying, including a landing at an airport that is more than 25 miles from the place of departure.

§ 61.91 Rotorcraft rating: Aeronautical skill.

(a) An applicant for a private pilot certificate (rotorcraft) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in two phases, basic techniques, and precision maneuvers. An applicant for a flight test in an autogiro is required to perform competently the maneuvers required for the practical test in airplanes.

(b) The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—basic techniques:

(i) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Taxiing (if rotorcraft equipped to taxi on the surface).

(iv) Normal and crosswind takeoffs and landings.

(v) High altitude takeoffs and roll-on landings.

(vi) Climbs and descents.

(vii) Emergencies, including autorotative approaches.

(2) Phase II—precision maneuvers:

(i) Hovering—upwind, downwind, and crosswind.

(ii) Hovering turns—180° and 360°, right and left.

(iii) Turns with medium banks.

(iv) S turns.

(v) Pattern flying with constant heading.

(vi) Rapid flying decelerations (quick stops).

§ 61.93 Glider rating: Aeronautical experience.

An applicant for a private pilot certificate (glider) must hold a student pilot certificate that is endorsed for solo and cross-country flights and must have had at least—

(a) 1 hour of flight instruction in a powered airplane or a glider in recovery from stalls entered into from all normally anticipated flight attitudes; and

(b) At least one of the following:

(1) 100 glider flights, including 25 flights during which a 360° turn was made;

(2) 10 hours of glider flight time, including 50 glider flights, or 30 glider flights in which aero tows were used; or

(3) 3 hours of instruction from an appropriately rated flight instructor in light airplanes directed toward glider training and seven hours of glider flight time including 50 gliding flights.

If the instruction required by paragraph (a) of this section was received in a powered airplane, it must have been given by a flight instructor with an airplane instructor rating. If received in a glider, it must have been given by an appropriately rated flight instructor or a commercial glider pilot.

§ 61.95 Glider rating: Aeronautical skill.

(a) *General.* An applicant for a private pilot certificate (glider) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is in two phases, basic techniques and special maneuvers.

(b) *Procedures and Maneuvers.* The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—basic techniques:

(i) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Auto, pulley, or winch tow; or airplane tow.

(iv) 180° approaches to landings in the direction of the prescribed traffic pattern flow, landing within 200 feet beyond a designated mark.

(2) Phase II—stalls and slow flight in a glider.

§ 61.97 Lighter-than-air rating: Aeronautical experience.

An applicant for a private pilot certificate (lighter-than-air) must have at least 50 hours of flight time at the controls of an airship, including at least 5 hours as pilot in command, at least 5 hours of cross-country flight, and at least 5 hours of flight time at the controls of an airship within the 60 days before the date he applies.

§ 61.99 Lighter-than-air rating: Aeronautical skill.

An applicant for a private pilot certificate (lighter-than-air) must—

(a) Exercise smoothness in required flight maneuvers and exercise reasonable judgment in them by complying with Part ____ of this chapter [Present Part 60], avoiding critical situations that require corrective action by the person giving the test to maintain safe operations, and observing accepted good operating practices for flight conditions encountered; and

(b) Pass a flight test on the following maneuvers:

(1) Ground handling and mooring.

(2) Preflight checks.

(3) Runups.

(4) Takeoffs.

(5) Ascents.

(6) Turns (right and left) and figure eights.

(7) Straight and level flight.

(8) Descents.

(9) Landings (positive static balance).

(10) Landings (negative static balance).

§ 61.101 General privileges and limitations.

(a) *Compensation or hire.* Except as provided in paragraph (f) of this section, a private pilot may not act as pilot in command of an aircraft for compensation or hire. However, an aircraft salesman who is a private pilot with at least 200 hours of flight time may demonstrate aircraft in flight to a prospective buyer.

(b) *Exception.* A private pilot may act as pilot in command of an aircraft in connection with any business or employment if the flight is only incidental to it and does not carry persons or property for compensation or hire.

(c) *Charitable organization airlift.* A private pilot may act as pilot in command of an aircraft used in a passenger-carrying airlift sponsored by a charitable organization, and for which the passengers make a donation to the organization, if—

(1) The sponsor of the airlift notifies the FAA General Aviation District Office having jurisdiction over the area concerned, at least 7 days before the flight, and furnishes any essential information that the Office requests;

(2) The flight is conducted from a public airport adequate for the aircraft used, or from another airport that has been approved for the operation by an FAA inspector;

(3) He has logged at least 200 hours of flight time;

(4) No acrobatic or formation flights are conducted;

(5) Each aircraft used is certificated in the standard category and complies with the 100-hour inspection requirement of §____ of this chapter [Present § 43.22]; and

(6) The flight is made under VFR during the day. For the purposes of this paragraph, a "charitable organization" means an organization listed in Publication No. 78 of the Department of the Treasury called the "Cumulative List, Organizations Described in section 170(c) of the Internal Revenue Code of 1954", as amended.

(d) *Category; class; type.* A private pilot may not serve as pilot in command of an aircraft carrying passengers, other than in an aircraft of the category and class for which he is rated, and in the case of large aircraft, of the type for which he is rated.

(e) *Exception.* Unless prohibited by a limitation on his certificate, a private pilot may serve as pilot in command of an aircraft for which he is not rated when it is operated without passengers or remuneration.

(f) *Lighter-than-air.* A private pilot (lighter-than-air) may not give flight or instrument instruction in an airship. However, he may pilot a free balloon for compensation or hire and give instruction therein.

Subpart D—Commercial Pilots

§ 61.111 Eligibility requirements: General.

To be eligible for a commercial pilot certificate, a person must—

(a) Be at least 18 years of age;

(b) Be able to read, speak, and understand the English language, or have such operating limitations on his pilot certificate as are necessary for the safe operation of aircraft, to be removed when he shows that he can read, speak, and understand the English language;

(c) Hold at least a second-class medical certificate issued under Part 67 of this chapter during the preceding 12 months, or, in the case of a glider rating, certify that he has no known physical defect that makes him unable to pilot a glider; and

(d) Comply with the sections of this part that apply to the rating he seeks.

§ 61.113 Aeronautical knowledge.

(a) An applicant for a commercial pilot certificate must pass a written test on—

(1) The regulations in this chapter relating to the privileges and limitations of a commercial pilot, the general operating and air traffic rules, and the rules of the Civil Aeronautics Board governing accident reporting;

(2) Meteorology, including recognizing basic weather conditions and trends, and acquiring and using weather information furnished by the U.S. Weather Bureau, such as hourly sequence reports, terminal forecasts, winds aloft reports, and reading and interpreting weather maps;

(3) Navigation, including pilotage and—

(i) For an airplane rating, dead reckoning, using instruments and radio aids to air navigation, proper radio frequency utilization, radiotelephone procedures and techniques, flight planning, emergency procedures, preflight and in-flight services for pilots, and notices to airmen;

(ii) For a rotorcraft rating or lighter-than-air rating, dead reckoning, and using instruments and radio aids to air navigation; and

(iii) For a glider rating, using navigational instruments; and

(4) Principles of safe flight operations, including flight theory, operating and maintaining airplanes, rotorcraft, gliders, or lighter-than-air aircraft, as the case may be, and (except for glider rating) general safety practices and procedures for emergencies and critical situations.

(b) An applicant for a commercial pilot certificate (lighter-than-air) must pass the written test prescribed in paragraph (a) of this section before taking the flight test required by § 61.129(a). However, an applicant who holds a heavier-than-air commercial pilot certificate is required to pass only that part of the test relating to instruments and the general servicing and operation of airships, or, if he also holds an instrument rating, he is required to pass only that part relating to the general servicing and operation of airships.

§ 61.115 Airplane rating: Aeronautical experience.

(a) *Flight time.* An applicant for a commercial pilot certificate (airplane) must have at least 200 hours of flight time, including at least—

(1) 100 hours of flight time in powered aircraft, including 50 hours in airplanes of which at least 15 hours were solo;

(2) 100 hours of flight time as pilot in command, including—

(i) 50 hours of cross-country, each flight including a landing more than 25 miles from the place of departure;

(ii) Takeoffs and landings from at least two different airports under two-way radio instruction from an airport control tower; and

(iii) One cross-country flight of at least 350 miles including landings at three points, one of which is at least 150 miles from the place of departure;

(3) 10 hours flight instruction in airplanes from an appropriately rated flight instructor, preparing for the commercial pilot flight test, within the six months immediately before the flight test, in addition to any flight instruction received before his private pilot certificate was issued to him; and

(4) 10 hours of instruction in operating an airplane by instruments only, including at least 5 hours of flight instruction from a rated instrument flight instructor and the remaining hours if any, from a flight instructor with an airplane rating.

The holder of a commercial pilot certificate who did not meet the requirements of subparagraph (4) of this paragraph, and whose certificate was endorsed to that effect, is entitled to have that endorsement removed if he presents written evidence showing that he has met those requirements and has passed the skill test prescribed by § 61.117(c).

(b) *ICAO requirements.* If an applicant for a commercial pilot certificate has not had at least 5 hours of flight time at night, including at least 10 takeoffs and 10 landings as pilot in command and as the only manipulator of the controls, his pilot certificate will be endorsed as follows:

Holder does not meet the night flight requirements of ICAO.

§ 61.117 Airplane rating: Aeronautical skill.

(a) *Practical test.* An applicant for a commercial pilot certificate (airplane) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in four phases, an oral operational test, basic techniques, precision maneuvers, and cross-country flight.

(b) *Procedures and maneuvers.* The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—oral operational test:

(i) Airplane registration, airworthiness, and equipment documents.

(ii) Airplane logbooks and airworthiness inspection reports.

(iii) Airplane performance, range, and operation.

(iv) Airplane loading, including fuel, oil, and baggage capacities.

(v) Airplane line check.

(vi) Use of radio for voice communication.

(2) Phase II—basic techniques:

(i) Preflight operations.

(ii) Taxiing.

(iii) Takeoffs and landings including—

(*a*) A slip to a landing, if a three-control airplane is used;

(*b*) Crosswind takeoff and landing;

(*c*) Short field takeoff and power approach and landing;

(*d*) Soft field takeoff and landing;

(*e*) Wheel landings in a tailwheel-type airplane, or stall landings in a tricycle-type airplane; and

(*f*) Three accuracy landings within 200 feet beyond a designated mark (which may be integrated with any three of the landings required by (*a*) through (*e*) of this subdivision).

(iv) Airport traffic patterns.

(v) Forced landings (single-engine only) and simulated emergencies.

(vi) Emergency operation of airplane equipment.

(vii) Engine-out emergencies, if a multiengine airplane is used, including—

(*a*) Engine-out minimum control speed demonstration;

(*b*) Use of engine-out best rate-of-climb speed;

(*c*) Maneuvering with one engine out (feathered if possible, otherwise cut off and windmilling);

(*d*) Effect on engine-out performance of failure to feather, extension of gear and flaps, and various combinations of these; and

(*e*) Approach and landing with one engine set to zero thrust, or the drag of a feathered propeller, as applicable.

(3) Phase III—precision maneuvers:

(i) Gliding spirals about a point on the ground.

(ii) Three consecutive shallow on-pylon eights.

(iii) Three consecutive steep on-pylon eights.

(iv) One right and one left 720° steep power turn.

(v) Lazy eights.

(vi) Chandelles.

(vii) Maneuvering at minimum controllable airspeed.

(viii) Stalls from all normally anticipated flight attitudes with and without power.

(4) Phase IV—cross-country flight.

(i) Cross-country flight planning.

(ii) Cross-country flying.

(iii) Cross-country flying emergencies.

(iv) Use of radio aids to VFR navigation.

(v) Two-way communications.

(c) *Instrument flight.* In addition, during Phase IV of the practical test, the applicant must demonstrate in simulated instrument flight his ability to safely control an aircraft manually solely by reference to instruments, including the following:

(1) Recovery from a well-developed power-on moderate turn spiral in a medium banked attitude.

(2) Recovery from a high angle climb in a turn.

(3) Standard rate turns of 180° and 360° duration to within ±10° and ±20°, respectively, of proper heading and ±150 feet of altitude.

(4) Maximum safe performance climbing turns of 180° duration followed by continued straight climb to predetermined altitude requiring not less than one minute straight climb performed within ±20 knots of airspeed and ±10° of proper heading.

(5) Two consecutive descending 90° turns using normal approach power for reducing altitude performed within ±10° of proper heading and at completion of first 90° turn continue straight descent for 1 minute, then complete second 90° descending turn and continue straight descent for 1½ minutes.

(6) Straight and level flight performed within ±10° of proper heading, 100 feet of altitude and 10 knots of airspeed.

§ 61.119 Rotorcraft rating: Aeronautical experience.

(a) An applicant for a commercial pilot certificate (rotorcraft) must have at least 150 hours of flight time, including at least—

(1) 100 hours in powered aircraft, including 50 hours in rotorcraft of which at least 15 hours were solo;

(2) 100 hours as pilot in command, including 20 hours of cross-country; and

(3) 10 hours of flight instruction, from an appropriately rated flight instructor, in rotorcraft preparing for the commercial pilot flight test.

(b) A commercial pilot certificate (rotorcraft) issued under this part to a pilot who either does not have at least 200 hours of flight time or has not graduated from an approved commercial rotorcraft pilot training course, will be endorsed as follows:

Holder does not meet the flight time requirements of ICAO.

§ 61.121 Rotorcraft rating: Aeronautical skill.

(a) An applicant for a commercial pilot certificate (rotorcraft) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in two phases, basic techniques and precision maneuvers. An applicant for a flight test in an autogiro is required to perform competently the maneuvers required for the practical test in airplanes.

(b) The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—basic techniques:

(i) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Taxiing (in rotorcraft equipped to taxi on the surface).

(iv) Normal takeoffs and landings.

(v) Crosswind takeoffs and landings.

(vi) High altitude takeoffs and roll-on landings.

(vii) Climbs and descents.

(viii) Emergencies, including autorotative approaches (landing optional, as appropriate).

(2) Phase II—precision maneuvers:

(i) Hovering upwind, downwind, and crosswind.

(ii) Pattern flying with constant and with changing headings.

(iii) Hovering turns—180° and 360°, right and left.

(iv) S turns.

(v) Turns with medium banks.

(vi) Rapid decelerations (quick stops).

§ 61.123 Glider rating: Aeronautical experience.

An applicant for a commercial pilot certificate (glider) must have at least

25 hours of flight time, including at least—

(a) 20 hours of flight time in gliders;

(b) 2 hours of flight instruction (from an appropriately rated flight instructor or a commercial glider pilot) preparing for the commercial pilot flight test;

(c) 100 flights in gliders as pilot in command; and

(d) 25 glider flights each of which includes a 360° turn.

§ 61.125 Glider rating: Aeronautical skill.

(a) *General.* An applicant for a commercial pilot certificate (glider) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in two phases, basic techniques and special maneuvers.

(b) *Procedures and maneuvers.* The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—basic techniques:

(i) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Auto, pulley, or winch tow.

(iv) Airplane tow; above, below, and to one side of slipstream.

(v) 180° approaches to landings in the direction of the prescribed traffic pattern flow, landing within 100 feet beyond a designated line or mark.

(2) Phase II—special maneuvers:

(i) Three-turn spirals, right and left, with bank at least 45°.

(ii) Stalls and slow flight (must be demonstrated in a glider).

§ 61.127 Lighter-than-air rating: Aeronautical experience.

An applicant for a commercial pilot certificate (lighter-than-air) must have at least 200 hours of flight time at the controls of an airship including—

(a) At least 5 hours within the 60 days before the date he applies;

(b) At least 50 hours as pilot in command;

(c) At least 10 hours of cross-country;

(d) At least 10 hours at night;

(e) At least 20 hours of instrument instruction and practice in flight, including, when approved by the Administrator, not more than 10 hours of instruction and practice under simulated conditions not in flight; and

(f) In place of not more than 50 hours of the 200-hour total flight requirement, an equal or greater amount of flight time as a crewmember, upon approval by the Administrator.

§ 61.129 Lighter-than-air rating: Aeronautical and radio skills.

(a) An applicant for a commercial pilot certificate (lighter-than-air) must—

(1) Exercise reasonable judgment in performing flight maneuvers by complying with Part ____ of this chapter [Present Part 60], avoiding critical situations that require corrective action by the person giving the test to maintain safe operations, and observing accepted good operating practices for flight conditions encountered; and

(2) Pass a flight test on the following maneuvers:

(i) Ground handling and mooring.

(ii) Preflight check.

(iii) Runups.

(iv) Takeoffs.

(v) Ascents.

(vi) Turns (right and left) and figure eights.

(vii) Precision turns (180° and 360°).

(viii) Straight and level flight.

(ix) Climbing turns.

(x) Diving turns.

(xi) Descents.

(xii) In-flight ETA computations.

(xiii) Radio operation and tuning.

(xiv) Radio orientation.

(xv) Beam bracketing and tracking.

(xvi) Locating cone of silence.

(xvii) Traffic control and approach procedure.

(xviii) Landings (positive and negative static balance).

(b) In performing the maneuvers required by paragraph (a)(2) of this section that involve radio skills, the applicant need not follow final approach procedures for airplanes. He may elect to consider his initial approach as a final approach and go directly to the airport, if that procedure does not require more than 90° of turn over the station. He may make his orientation and approach using either LF[1] or VHF[2] range facilities.

§ 61.131 General privileges and limitations.

(a) Subject to paragraph (b) of this section, a commercial pilot may serve as pilot in command of an aircraft for compensation or hire.

(b) A commercial pilot may not serve as pilot in command of an aircraft carrying passengers or operated for remuneration other than one of the category and class for which he is rated, and in the case of large aircraft, of the type for which he is rated.

(c) Unless prohibited by a limitation on his certificate, a commercial pilot may serve as pilot in command of an aircraft for which he is not rated when it is operated without passengers or remuneration.

(d) A commercial glider pilot may give flight instruction in gliders. A commercial lighter-than-air pilot may give flight instruction in lighter-than-air aircraft.

Subpart E—Airline Transport Pilots

§ 61.141 Eligibility requirements: General.

To be eligible for an airline transport pilot certificate, a person must—

(a) Be at least 23 years of age;

(b) Be of good moral character;

(c) Be able to read, write, and understand the English language and speak it without accent or impediment of speech that would interfere with two-way radio conversation;

(d) Be a high school graduate, or its equivalent in the Administrator's opinion, based on the applicant's general experience and aeronautical experience, knowledge, and skill;

(e) Have a first-class medical certificate issued under Part 67 of this chapter within the 6 months before the date he applies; and

(f) Comply with the sections of this part that apply to the rating he seeks.

§ 61.143 Airplane rating: aeronautical knowledge.

An applicant for an airline transport pilot certificate with an airplane rating must, after meeting the requirements of §§ 61.141 and 61.145, make a grade of at least 70 percent on a written test on—

(a) The sections of this part relating to airline transport pilots and Parts ____, ____, ____, ____, and ____ of this chapter [Present Parts 1, 27, 40, and 60] and so much of Parts ____ and ____ of this chapter [Present Parts 4a and 4b] as relate to the operations of air carrier aircraft;

(b) The fundamentals of air navigation and use of formulas, instruments, and other navigational aids, both in aircraft and on the ground, that are necessary for navigating aircraft by instruments;

(c) The general system of weather collection and dissemination;

(d) Weather maps, weather forecasting, and weather sequence abbreviations, symbols, and nomenclature;

(e) Elementary meteorology, including knowledge of cyclones as associated with fronts;

(f) Cloud forms;

(g) Department of Commerce Weather Bureau Circular N, "Manual of Surface Observations", as amended;

(h) Weather conditions, including icing conditions and upper-air winds, that affect aeronautical activities;

(i) Air navigation facilities used on Federal airways, including rotating beacons, course lights, radio ranges, and radio marker beacons;

(j) Information from airplane weather observations and meteorological data reported from observations made by pilots on air carrier flights;

(k) The influence of terrain on meteorological conditions and developments, and their relation to air carrier flight operations;

(l) Radio communication procedure in aircraft operations; and

(m) Basic principles of loading and weight distribution and their effect on flight characteristics.

§ 61.145 Airplane rating: Aeronautical experience.

(a) An application for an airline transport pilot certificate with an airplane rating must hold a commercial pilot certificate or a foreign airline transport pilot or commercial pilot license without limitations, issued by a member state of ICAO, or he must be a pilot in an Armed Force of the United States whose military experience qualifies him for a commercial pilot certificate under § 61.31.

(b) An applicant must have had—

(1) At least 250 hours of flight time as pilot in command, or as copilot performing the duties and functions of a pilot in command under the supervision of a pilot in command, or any combination thereof, at least 100 hours of which

were cross-country time and 25 hours of which were night flight time; and

(2) At least 1200 hours of flight time as a pilot within the 8 years before the date he applies, including at least—

(i) 5 hours within the 60 days before the date he applies;

(ii) 500 hours of cross-country flight time;

(iii) 100 hours of night flight time; and

(iv) 75 hours of actual or simulated instrument time, at least 50 hours of which were in actual flight.

Flight time used to meet the requirements of subparagraph (1) of this paragraph may also be used to meet the requirements of subparagraph (2) of this paragraph.

(c) If an applicant with less than 250 hours of pilot-in-command time otherwise meets the requirements of paragraph (b)(1) of this section, has certificate will be endorsed "Holder does not meet the pilot-in-command flight experience requirement of ICAO", as prescribed by article 39 of the "Convention on International Civil Aviation." Whenever he presents satisfactory written evidence that he has accumulated the 250 hours of pilot-in-command time, he is entitled to a new certificate without the endorsement.

§ 61.147 Airplane rating: Aeronautical skill.

(a) An applicant for an airline transport pilot certificate with a single engine or multiengine class rating must pass a flight test involving the following maneuvers:

(1) Equipment test (oral).
(2) Preflight check.
(3) Taxiing, or sailing and docking.
(4) Runups.
(5) Takeoffs.
(6) Climbs and climbing turns (if he does not hold an instrument rating).
(7) Maneuvering at slow speed.
(8) Stalls (single engine rating only) or approaches to stalls (multiengine rating only).
(9) Airport traffic pattern.
(10) Accuracy approaches and spot landings (single engine rating only).
(11) Landing technique.
(12) Cross-wind takeoff and landing.
(13) Traffic control procedure.
(14) Steep turns.
(15) Timed turns (if he does not hold an instrument rating).
(16) Recovery from unusual attitudes.
(17) Use of radio equipment.
(18) Orientation.
(19) Beam bracketing.
(20) Cone (station) identification.
(21) Instrument approach procedures.
(22) Missed approach procedures.
(23) Use of directional radio.
(24) Rapid descent and pullup.
(25) Engine(s)-out procedure (multiengine rating only).
(26) Maneuvering with engine(s)-out (multiengine rating only).
(27) Maneuvering for landing at weather minimums.
(28) Takeoff and landing with simulated engine(s) failure (multiengine rating only).
(29) Emergencies.
(30) Smoothness and coordination.
(31) Judgment.

The maneuvers described in subparagraph (6), (7), (8), (14), (15), (16), (18) through (24), and (26) of this paragraph must be performed solely by reference to instruments.

(b) An applicant for an additional type rating to his airline transport pilot certificate with a multiengine rating must pass a flight test involving the maneuvers listed in subparagraphs (1) through (5), (7) through (9), (11) through (14), (16), (17), (21), (22), and (24) through (31) of paragraph (a) of this section.

(c) Any maneuver required by this section may be modified by the examining inspector as necessary for the reasonable and safe operation of the aircraft being used.

§ 61.149 Rotorcraft rating: General requirements.

An applicant for an airline transport pilot certificate with a rotorcraft rating authorizing the piloting of rotorcraft under VFR only, must meet the requirements of §§ 61.151 through 61.155 in place of those in §§ 61.143 through 61.147.

§ 61.151 Rotorcraft rating: Aeronautical knowledge.

An applicant for an airline transport pilot certificate with a rotorcraft rating must pass a written test on—

(a) So much of this chapter as relates to air carrier rotorcraft operations;

(b) Rotorcraft design, components, systems, and performance limitations;

(c) Basic principles of loading and weight distribution and their effect on rotorcraft flight characteristics;

(d) Air traffic control systems and procedures relating to rotorcraft;

(e) Procedures for operating rotorcraft in potentially hazardous meteorological conditions; and

(f) Flight theory as applicable to rotorcraft.

§ 61.153 Rotorcraft rating: Aeronautical experience.

(a) An applicant for an airline transport pilot certificate with a rotorcraft rating must hold a commercial pilot certificate, or its equivalent as determined by the Administrator.

(b) In addition, such an applicant must have had at least 1200 hours of flight time as a pilot within the 8 years before the date he applies including at least—

(1) 5 hours in rotorcraft within the 60 days before that date;

(2) 500 hours of cross-country flight time;

(3) 100 hours at night, including at least 15 hours in rotorcraft; and

(4) 200 hours in rotorcraft, including at least 75 hours as pilot in command or as second in command performing the duties and functions of a pilot in command under the supervision of a pilot in command, or any combination thereof.

§ 61.155 Rotorcraft rating: Aeronautical skill.

An applicant for an airline transport pilot certificate with a rotorcraft rating must show his ability to satisfactorily pilot rotorcraft by performing at least the following:

(a) Normal takeoffs and landings, crosswind landings, climbs and climbing turns, steep turns, maneuvering at minimum speed, rapid descent, and quick stops.

(b) Simulated emergency procedures, including failure of an engine, or other component or system, fire, ditching, evacuation, and operating emergency equipment.

(c) Autorotative approaches and landings with simulated one engine inoperative.

(d) Any other maneuvers considered necessary to show his ability.

§ 61.157 Additional category ratings.

(a) *VFR rotorcraft rating.* The holder of an airline transport pilot certificate (airplane rating) who applies for a rotorcraft rating authorizing him to pilot a rotorcraft under VFR only, must comply with §§ 61.151 and 61.155 and—

(1) Have at least 100 hours, including at least 15 hours at night, of rotorcraft flight time as pilot in command or as second in command performing the duties and functions of a pilot in command under the supervision of a pilot in command who holds an airline transport pilot certificate with an appropriate rotorcraft rating, or any combination thereof; or

(2) Complete a training program conducted by a certificated air carrier or other approved agency requiring at least 75 hours of rotorcraft flight time as pilot in command, second in command, or as flight instruction from an appropriately rated flight instructor or an airline transport pilot, or any combination thereof, including at least 15 hours of night flight time.

(b) *Airplane rating.* The holder of an airline transport pilot certificate (rotorcraft rating) who applies for an airplane rating, must comply with §§ 61.143 through 61.147 and—

(1) Have at least 100 hours, including at least 15 hours at night, of airplane flight time as pilot in command or as second in command performing the duties and functions of a pilot in command under the supervision of a pilot in command who holds an airline transport pilot certificate with an appropriate airplane rating, or any combination thereof; or

(2) Complete a training program conducted by a certificated air carrier or other approved agency requiring at least 75 hours of airplane flight time as pilot in command, second in command, or as flight instruction from an appropriately rated flight instructor or an airline transport pilot, or any combination thereof, including at least 15 hours of night flight time.

§ 61.159 Aircraft ratings.

The category and class of aircraft and type, if it is a large aircraft, that an applicant for an airline transport pilot certificate is authorized to pilot are placed on his certificate. For unconventional aircraft the description must clearly define the aircraft that the applicant is authorized to pilot. He must show that he is able to pilot aircraft of the category and class and, if appropriate, the type, for which he seeks a rating, by performing the maneuvers listed in § 61.147(b).

§ 61.161 Tests.

(a) Each applicant for an airline transport pilot certificate must pass each practical and theoretical test to the satisfaction of the Administrator. The minimum passing grade in each subject is 70 percent. Each flight maneuver is graded separately. Other tests are graded as a whole.

(b) Information collected incidentally to such a test shall be treated as a confidential matter by the persons giving the test and by employees of the FAA.

§ 61.163 Instruction in air transportation service.

An airline transport pilot may instruct other pilots in air transportation service in aircraft of the category, class, and type for which he is rated. However, he may not instruct for more than 8 hours in one day nor more than 36 hours in any 7-day period. He may instruct under this section only in aircraft with functioning dual controls. Unless he has a flight instructor certificate, an airline transport pilot may instruct only as provided in this section.

§ 61.165 General privileges and limitations.

(a) An airline transport pilot has the privileges of a commercial pilot with an instrument rating. The holder of a commercial pilot certificate who qualifies for an airline transport pilot certificate retains the ratings on his commercial pilot certificate, but he may exercise only the privileges of a commercial pilot with respect to them.

(b) An airline transport pilot may not operate any aircraft other than in accordance with the rating limitations on his pilot certificate.

However, he may pilot an airplane as a—

(1) Second in command, without a class or type rating for that airplane; or

(2) Pilot in command, without a class or type rating for that airplane, if the airplane does not carry any person other than members of its crew, certificated airmen on board in furtherance of their duties, or certificated instructors rated for that airplane.

Subpart F—Flight Instructors

§ 61.171 Flight instructor certificate: Requirements.

(a) *General.* An applicant for a flight instructor certificate with an airplane, rotorcraft, glider, or instrument rating must—

(1) Hold an airline transport pilot or commercial pilot certificate, or hold a private pilot certificate and meet the aeronautical knowledge, skill, and experience requirements of this part for a commercial pilot certificate;

(2) Pass a written test on the fundamentals of flight instruction and the performance and analysis of flight training maneuvers, appropriate to the rating sought; and

(3) Pass the test listed in paragraph (d) of this section, to show his ability to give accurate, effective flight instruction, appropriate to the rating sought.

A certificate issued under this section bears the same number as the applicant's pilot certificate.

(b) *Additional category rating.* The holder of a flight instructor certificate may obtain additional category ratings on his flight instructor certificate by passing a written test on the performance and analysis of flight training maneuvers, and the tests listed in paragraph (d) of this section, appropriate to the rating he seeks.

(c) *Limited certificate.* A limited flight instructor certificate that is valid on October 31, 1962, is equal to a flight instructor certificate until it expires or is exchanged, as provided in § 61.9.

(d) *Flight tests.* The applicant must pass the following oral and applicable flight tests:

(1) Oral test, all ratings:
(i) Application of effective flight instruction methods.
(ii) Knowledge of safe flying practices and principles.
(iii) Correctness and clarity of explanations.
(iv) Recognition of student errors (in flight and in postflight discussion).
(v) Cross-country flight planning.
(2) Flight test, airplanes:
(i) Preflight check and oral equipment test.
(ii) Preflight operations.
(iii) Taxiing, or sailing and docking.
(iv) Straight flight and turns in climbs, glides, and level flight.
(v) Normal takeoffs and accuracy landings.
(vi) Crosswind takeoffs and landings.
(vii) Short-field takeoff and power approach with landing.
(viii) Soft-field takeoff and landing.
(ix) Slips to landings.
(x) Wheel landings in tailwheel type airplanes, or full stall landings in tricycle types.
(xi) Stalls from all normally anticipated flight attitudes, with and without power.
(xii) Maneuvering at minimum controllable airspeed.
(xiii) Spins, right and left.
(xiv) 720° power turns.
(xv) Chandelles.
(xvi) Lazy eights, shallow and steep.
(xvii) Pylon eights, shallow and steep.
(xviii) Airport traffic patterns-rectangular courses and S-turns.
(xix) Using radio for voice communication-traffic control procedures.
(xx) Emergency operation of airplane equipment; forced landings.
(3) Flight test, rotorcraft:
(i) Preflight check and oral equipment test.
(ii) Preflight operations.
(iii) Taxiing (if rotorcraft used is appropriately equipped).
(iv) Normal takeoffs and landings.
(v) Crosswind takeoffs and landings.
(vi) High altitude takeoffs and roll-on landings.
(vii) Climbs and descents.
(viii) Hovering upwind, crosswind, and downwind.
(ix) Hovering 360° turns.
(x) Pattern flying with constant and with changing headings.
(xi) S-turns.
(xii) Rapid decelerations.
(xiii) Autorotative landings.
(xiv) Emergency operation of rotorcraft equipment.
(4) Flight test, gliders:
(i) Preflight check and oral equipment test.
(ii) Preflight operations.
(iii) Auto, pulley, or winch tow.
(iv) Airplane tow, above, below, and to one side of slipstream.
(v) 180° approaches to landings in the direction of the prescribed traffic pattern flow, landing within 200 feet beyond a designated line or mark.
(vi) Three-turn spirals, right and left, at banks of at least 45°.
(vii) Stalls and slow flight.
(viii) Spins, right and left.
(5) Flight test, instrument:
(i) Instrument flight planning.
(ii) Preparing and filing an instrument flight plan.
(iii) Aircraft performance, range, and fuel requirements.
(iv) Required instruments and equipment, and their proper use.
(v) Straight and level flight.
(vi) Turns, climbs and descents.
(vii) Stalls and maneuvering at approach speeds.
(viii) Steep turns.
(ix) Recovery from unusual attitudes.
(x) Engine-out procedures, if test is given in multiengine airplane.
(xi) Radio navigation, including orientation using LF, OMNI range, or ADF.
(xii) Using radio for voice communication.
(xiii) Standard instrument approach to authorized IFR weather minimums (not more than 500 feet and 1 mile) including holding procedures.
(xiv) Missed approach procedures.
(xv) Emergencies, such as radio or instrument malfunctions.
(xvi) Compliance with air traffic control instructions and procedures.

(e) *Substitution of dual instruction.* The inspector may omit the flight tests specified in subparagraphs (2)(xiii) and (4)(viii) of paragraph (d) of this section in the case of an applicant who presents satisfactory written evidence of flight instruction, in spin entries and recoveries, from an appropriately rated flight instructor, or in the case of gliders, a commercial glider pilot.

§ 61.173 Flight instructor records.

Each flight instructor shall—

(a) Sign each student pilot's record for each period of flight instruction that he gives;

(b) Record the name of each student pilot to whom he has given flight instruction and whose certificate he has endorsed, the type of each endorsement, and the date of each endorsement or flight instruction period;

(c) Record the name of each student pilot for whom he has signed a recommendation for a flight test under this part, the kind of test, and the date of the recommendation; and

(d) Keep each record required by paragraph (b) or (c) of this section separately, or in his logbook, for as long

as he continues to be a flight instructor, or for 3 years, whichever is shorter.

§ 61.175 Flight instructor ratings.

A person who has a flight instructor rating endorsed on his pilot certificate may not exercise the privileges of that rating, but may exchange it for a flight instructor certificate if he passes the appropriate test prescribed in § 61.171(d).

§ 61.177 Limitations.

(a) A flight instructor may endorse the certificate of a student pilot for solo flight or flight in a different make or model of aircraft only if he determines that the student can make the flight safely. He may endorse such a certificate for cross-country flight only if he determines that the student has an elementary knowledge of aeronautical charts, meteorological data, and the use of a magnetic compass.

(b) A flight instructor may instruct only in the category of aircraft for which he is rated.

(c) A flight instructor may not exercise the privileges of his certificate unless, within the preceding 12 months, he has—

(1) Given at least 10 hours of flight instruction while appropriately rated; or

(2) Shown his continued proficiency to the Administrator.

(d) A flight instructor may not give more than 8 hours of flight instruction in a day nor more than 36 hours in any 7-day period.

Subpart G—Free Balloon Pilot Certificate

§ 61.181 General requirements.

(a) To be eligible for a free balloon pilot certificate, a person must—

(1) Hold a student lighter-than-air pilot certificate;

(2) Be at least 17 years of age;

(3) Be able to read, speak, and understand the English language;

(4) Hold at least a third-class medical certificate issued under Part 67 of this chapter;

(5) Within 24 months before his certificate is issued, pass a written test on the following by answering 45 out of 50 questions correctly within 1 hour:

(i) So much of Parts ____ and ____ of this chapter [Present Parts 1 and 60] as relate to his certificate.

(ii) Prevailing weather conditions in the United States that are met in flying and the forecasting thereof.

(iii) Analyzing weather maps and sequence reports furnished by the U.S. Weather Bureau.

(iv) Practical air navigation problems using maps.

(v) Navigation by terrain and by dead reckoning, including using instruments and other aids to navigation in visual contact flying.

(vi) The general operation of free balloons.

(6) Have made at least eight ascents averaging 2 hours in duration, substantiated by a logbook, including six ascents under the supervision of a certificated free balloon pilot, one ascent in control to an altitude of 10,000 feet under that supervision and one solo ascent;

(7) Successfully perform the following maneuvers:

(i) Ground handling and mooring.

(ii) Preflight checks.

(iii) Takeoffs.

(iv) Ascents.

(v) Descents.

(vi) Landings (positive static balance); and

(8) Show his ability to satisfactorily pilot and maneuver a free balloon in solo flight.

Subparagraphs (5) and (6) of this paragraph do not apply to an applicant for a certificate that is limited to operating hot air balloons.

(b) The applicant must show his ability to exercise reasonable judgment in the flight maneuvers required by paragraph (a) (7) and (8) of this section, by complying with Part ____ of this chapter [Present Part 60], avoiding critical situations, and observing accepted good operating practices for the flight conditions encountered.

§ 61.183 Privileges and limitations.

The holder of a free balloon pilot certificate may not pilot any lighter-than-air aircraft except a free balloon. He may pilot a free balloon for hire carrying passengers or property and may give flight instruction in a free balloon.

PART 61—DISTRIBUTION TABLE

Former section	Revised section
20.1	61.1
20.2	(1)
20.5	(2)
20.10(d)	61.19
20.10 (less (d))	61.5
20.10–1	61.5
20.10–3	61.11
20.10–4	61.13
20.10–5	61.13
20.10–6	61.5
20.11(c)	61.7
20.11 (less (c))	61.9
20.11–1	61.11
20.11–2	61.9
20.11–3	61.7
20.12	(2)
20.13	61.27
20.13–1	61.27
20.14	61.21
20.15	61.25
20.15–1	61.25
20.15–2	61.25
20.16	61.39
20.16–1	61.39
20.17	61.39
20.18	61.51
20.20	61.61
20.20–1	(2)
20.20–2	61.61
20.20–3	61.61
20.21	61.61
20.21–1	61.61
20.22	61.61
20.22–1	61.61
20.23	61.63
20.24	61.65
20.30	61.81
20.31	61.81
20.31–1	61.81
20.32	61.81
20.32–1	61.81
20.33	61.83
20.33–1	(2)
20.34	61.85
20.34–1	(2)
20.35	61.87
20.35–1(a) (1) (1st sentence) and (3)	61.87
20.35–1 (a) (1) (less 1st sentence) and (2), and (b)	61.23
20.40	61.111
20.41	61.111
20.41–1	61.111
20.42	61.111
20.42–1	61.111
20.43	61.113
20.43–1	(2)
20.44	61.115
20.44–1	(2)
20.44–2	61.115
20.44–3	61.115
20.44–4	61.115
20.45	61.117
20.45–1 (a) (1) (1st sentence) and (3)	61.117
20.45–1 (a) (1) (less 1st sentence) and (2), and (b)	61.23
20.50	61.61
20.50–1	61.61
20.51	61.61
20.51–1	61.61
20.52	61.61
20.52–1	61.61
20.53	61.63
20.54	61.67
20.60	61.81
20.61	61.81
20.61–1	61.81
20.62	61.81
20.62–1	61.81
20.63	61.83
20.63–1	(2)
20.64	61.89
20.64–1	(2)

PART 61—DISTRIBUTION TABLE—Continued

Former section	Revised section
20.65	61.91
20.65–1(a) (1) (1st sentence) and (3)	61.91
20.65–1(a) (1) (less 1st sentence) and (2), and (b)	61.23
20.70	61.111
20.71	61.111
20.71–1	61.111
20.72	61.111
20.72–1	61.111
20.73	61.113
20.73–1	(2)
20.74	61.119
20.74–1	(2)
20.74–2	61.119
20.75	61.121
20.75–1(a) (1) (1st sentence) and (3)	61.121
20.75–1(a) (1) (less 1st sentence) and (2), and (b)	61.23
20.80	61.61
20.80–1	61.61
20.80–2	61.61
20.81	61.61
20.81–1	61.61
20.82	61.61
20.82–1	61.61
20.83	61.63
20.84	61.69
20.90	61.81
20.90–1	61.81
20.91	61.81
20.91–1	61.81
20.92	61.81
20.92–1	61.81
20.93	61.83
20.93–1	(2)
20.94	61.93
20.94–1	61.93
20.95	61.95
20.95–1(a) (1) (1st sentence) and (3)	61.95
20.95–1(a) (1) (less 1st sentence) and (2), and (b)	61.23
20.100	61.111
20.101	61.111
20.101–1	61.111
20.102	61.111
20.102–1	61.111
20.103	61.113
20.103–1	(2)
20.104	61.123
20.105	61.125
20.105–1(a) (1) (1st sentence) and (3)	61.125
20.105–1(a) (1) (less 1st sentence) and (2), and (b)	61.23
20.110	61.29
20.111	61.31
20.111–1	61.31
20.111–2	61.31
20.111–3	61.31
20.112 (last sentence)	61.9
20.112 (less last sentence)	61.33
20.112–1	(3)
20.112–2	61.33
20.120	61.15
20.120–1	61.15
20.120–2	61.15
20.121	61.17
20.121–1	61.17
20.122	61.15
20.125	61.35
20.126	61.35
20.126–1	(2)
20.127	61.35
20.127–1	61.35
20.127–2	(2)
20.128	61.37
20.128–1(a) (1)	61.25
20.128–1(a) (2) (less 1st sentence) and (3), and (b) (1st sentence)	61.23
20.128–1(a) (2) (1st sentence) and (4), and (b) (less 1st sentence)	61.27
20.130	61.171
20.130–1	61.171
20.130–2	(2)
20.131	61.9
20.136	61.173
20.136–1	61.173
20.138	61.175
20.138–1	61.175
21.1	(2)
21.5	(2)
21.6	61.13
21.9	61.141
21.10	61.141
21.11	61.141
21.12	61.141
21.13	61.141
21.14	61.141
21.15	61.145
21.15–1	61.21
21.16	61.145
21.16–1 (less (b))	61.145
21.16–1(b)	61.147
21.16–2	61.145
21.16–3	61.145
21.17	61.147
21.17–1(a)	61.21
21.17–1 (less (a))	61.147
21.18(a)	61.149
21.18(b) (1st sentence)	61.149
21.18(b) (less 1st sentence)	61.147
21.19	61.149
21.19a	61.151
21.19b	61.153
21.19c	61.155
21.19d	61.157
21.20	61.159
21.20–1	61.159
21.21	61.5
21.21–1	(2)
21.21–2	(2)
21.22 (introductory paragraph)	61.5
21.22(a)	61.7
21.22 (less introductory paragraph and less (a))	61.169
21.22–1	(2)
21.23	61.3
21.24 (a) and (c)	61.9
21.24(b)	61.7
21.24–1	61.11

PART 61—DISTRIBUTION TABLE—Continued

Former section	Revised section
21.25	(2)
21.26	61.45
21.27	61.9
21.28	61.27
21.28–1	61.27
21.28–2	61.27
21.29	61.51
21.30	61.25
21.31	61.141
21.32	61.19
21.33	61.25
21.33–1	61.25
21.34	61.15
21.35	61.15
21.36	61.49
21.37	61.161
21.38	61.161
21.40 (less (c))	61.165
21.40(c)	61.43
21.40–1 (last sentence)	61.43
21.40–1 (less last sentence)	61.165
21.41	61.47
21.42	61.47
21.43	61.163
21.44	61.41
22.1	(2)
22.10	61.61
22.10–1	(2)
22.10–2	61.61
22.10–3	61.61
22.10–4	61.61
22.11 (a)–(e)	61.81
22.11(f)	61.83
22.11(g)	61.97
22.11(b)	61.99
22.11(1)	61.31
22.11–1	61.81
22.11–2	61.81
22.11–3 (1st and last sentences)	61.21
22.11–3 (less 1st and last sentences)	61.83
22.11–5	61.97
22.11–6	61.99
22.11–7	61.99
22.11–8	(2)
22.11–9	61.31
22.11–10	61.31
22.11–11	61.31
22.12 (a)–(e)	61.111
22.12(f)	61.113
22.12(g)	61.127
22.12 (h) and (i)	61.129
22.12(j)	61.31
22.12–1	61.111
22.12–2	61.111
22.12–3	61.113
22.12–4(b)	61.21
22.12–4 (less (b))	61.113
22.12–6	61.127
22.12–7	61.129
22.12–8	61.129
22.12–9	(2)
22.12–10	61.129
22.12–11	61.31
22.12–12	61.31
22.12–13	61.31
22.13	61.161
22.13–1	61.181
22.13–2	61.181
22.13–3	61.181
22.13–4	61.181
22.13–5	61.181
22.13–6	61.21
22.20	61.5
22.20–1	(2)
22.21 (less (d))	61.9
22.21(d)	61.7
22.21–1	(2)
22.21–2	61.7
22.22	61.47
22.23	(1)
22.24(b) (less (2))	61.81
22.24(b) (2)	61.111
22.24(c)	61.27
22.24(d)	61.25
22.24 (less (b)–(d))	61.19
22.24–1	(2)
22.25	61.51
22.26	(2)
22.27	61.11
22.28	61.13
22.29	61.33
22.31(a)	61.71
22.31(b)	61.101
22.31(c)	61.131
22.31(d)	61.183
22.31(e)	61.43
22.32(a) (1)	61.43
22.32(a) (less (1))	61.3
22.32(b)	61.9
22.32(c)	61.45
22.32(d)	61.49
22.32(e)	(2)
22.32(f)	61.39
22.40	(2)
22.41	(2)
22.42	(2)
22.43	(2)
22.44	(2)
22.45	(2)
43.40	61.3
43.41 (less 1st sentence)	61.43
43.41 (1st sentence)	61.3
43.41–1	61.43
43.42	61.45
43.52	61.73
43.55	61.73
43.56	61.73
43.60	61.101
43.61	61.131
43.62	61.165
43.63 (as applicable to private pilots)	61.101
43.63 (as applicable to commercial pilots)	61.131
43.64 (b), (c), and (d)	61.177
43.65	61.3
43.68(c)	61.179
43.68 (less (c))	61.47
SR 428	61.73
SR 434	61.85

(1) Executed.
(2) Transferred to Part 1.
(3) Surplusage.
(4) Not a rule.
(5) Obsolete.
(6) Transferred to Part 91.

PART 63—CERTIFICATION: FLIGHT CREW MEMBERS OTHER THAN PILOTS [NEW]

Subpart A—General

Sec.
63.1 Applicability.
63.3 Certificates required.
63.11 Application and issue.
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63.31 Eligibility requirements: General.
63.33 Knowledge requirements.
63.35 Experience requirements.
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63.39 Re-testing after failure.
63.41 Limited certificates.

Subpart C—Flight Navigators

63.51 Eligibility requirements: General.
63.53 Knowledge requirements.
63.55 Experience requirements.
63.57 Skill requirements.
63.59 Re-testing after failure.
63.61 Flight navigator courses.

AUTHORITY: §§ 63.1 to 63.61 issued under secs. 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1355, 1421, and 1427.

Subpart A—General

§ 63.1 Applicability.

This part prescribes the requirements for issuing flight engineer and flight navigator certificates and the general operating rules for holders of those certificates.

§ 63.3 Certificates required.

(a) No person may serve as a flight engineer assisting a pilot in the mechanical operation of an aircraft of U.S. registry as his primary assigned duty in flight in air commerce unless he has in his personal possession a current flight engineer certificate issued to him under this part and a current second-class (or higher) medical certificate issued to him under Part 67 of this chapter.

(b) No person may serve as a flight navigator on an aircraft of U.S. registry in air commerce unless he has in his personal possession a current flight navigator certificate issued to him under this part and a current second-class (or higher) medical certificate issued to him under Part 67 of this chapter.

(c) Each person who holds a flight engineer or flight navigator certificate shall present it or his medical certificate, or both, for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

§ 63.11 Application and issue.

(a) An application for a certificate under this part is made on a form and in a manner prescribed by the Administrator.

(b) An applicant who meets the requirements of this part is entitled to an appropriate certificate.

§ 63.13 Temporary certificate.

A certificate effective for a period of not more than 90 days may be issued to a qualified applicant, pending review of his application and supplementary documents and the issue of the certificate for which he applied.

§ 63.15 Duration of certificates.

(a) A certificate issued under this part to a U.S. citizen is effective until it is surrendered, suspended, or revoked. A certificate issued under this part to any person other than a U.S. citizen is effective for a period of not more than 12 months after the date it is issued, but may be reissued without further proof of technical ability.

(b) The holder of a certificate that is revoked shall return it to the Administrator. The holder of a certificate that is suspended shall, upon request of the Administrator, return it to the Administrator.

§ 63.17 Tests: General procedure.

(a) Tests prescribed by or under this part are given at times and places, and by persons, designated by the Administrator.

(b) The minimum passing grade for each test is 70 percent.

§ 63.19 Operations during physical deficiency.

No person may serve as a flight engineer or flight navigator during a period of known physical deficiency, or increase in physical deficiency, that would make him unable to meet the physical requirements for his current medical certificate.

§ 63.21 Change in address.

Within 30 days after any change in his permanent mailing address, the holder of a certificate issued under this Part shall notify the FAA Airman Certification Branch, Oklahoma City, Okla., in writing of his new address.

Subpart B—Flight Engineers

§ 63.31 Eligibility requirements: general.

To be eligible for a flight engineer certificate, a person must—

(a) Be at least 21 years of age;

(b) Be able to read, speak, and understand the English language, or have an appropriate limitation placed on his flight engineer certificate;

(c) Hold at least a second-class medical certificate issued under Part 67 of this chapter within the 12 months before the date he applies; and

(d) Comply with §§ 63.33, 63.35, and 63.37.

§ 63.33 Knowledge requirements.

(a) An applicant for a flight engineer certificate must pass a written test on the following, with respect to transport category aircraft with four or more engines or aircraft with four or more engines and a flight engineer station:

(1) The regulations of this chapter that apply to the duties of a flight engineer.

(2) The theory of flight and elementary aerodynamics.

(3) Aircraft performance and aircraft engine operation with respect to limitations.

(4) Mathematical computations of engine operation and fuel consumption.

(5) Basic meteorology with respect to engine operations.

(6) Aircraft loading and center of gravity computations.

(7) General aircraft maintenance and operating procedures.

(8) Emergency procedures.

(b) An applicant may take the test prescribed by this section before acquiring the 5 hours of flight training required by paragraph (a), (b), or (c) of § 63.35.

§ 63.35 Experience requirements.

An applicant for a flight engineer certificate must present satisfactory documentary evidence of one of the following:

(a) At least 3 years of diversified practical experience in aircraft and aircraft engine maintenance (of which at least 1 year was in maintaining multiengine aircraft with engines rated at least at 800 horsepower each, or the equivalent in turbine-powered aircraft), and at least 5 hours of flight training in flight engineer duties on aircraft with four or more engines rated at least at 800 horsepower each, or the equivalent power in turbine-powered aircraft.

(b) Graduation from at least a 2-year specialized areonautical training course in maintaining aircraft and aircraft engines (of which at least 6 calendar months were in maintaining multiengine aircraft with engines rated at least at 800 horsepower each, or the equivalent in turbine-powered aircraft), and at least 5 hours of flight training in flight engineer duties on aircraft with four or more engines rated at least at 800 horsepower each, or the equivalent power in turbine-powered aircraft.

(c) A degree in aeronautical, electrical, or mechanical engineering from a recognized college, university, or engineering school; at least 6 calendar months of practical experience in maintaining multiengine aircraft with engines rated at least at 800 horsepower each, or the equivalent in turbine-powered aircraft; and at least 5 hours of flight training in flight engineer duties on aircraft with four or more engines rated at least at 800 horsepower each, or the equivalent power in turbine-powered aircraft.

(d) At least 200 hours of flight time as pilot in command, of aircraft with four or more engines rated at least at 800 horsepower each, or the equivalent power in turbine-powered aircraft.

(e) At least 100 hours of flight experience in the duties of a flight engineer.

(f) Within the 90 days before the date he applies, successful completion of an approved course of instruction adequate for the training of a flight engineer.

§ 63.37 Skill requirements.

An applicant for a flight engineer certificate must pass a practical test on the duties of a flight engineer on a transport category aircraft with four or more engines, or on an aircraft with four or more engines and a flight engineer station on the preflight inspection, servicing, starting, and pretakeoff run-up, of aircraft. In addition, he must—

(a) In flight, show that he can satisfactorily perform normal duties and procedures relating to the aircraft, aircraft engines, propellers, and appliances; and

(b) In flight, or in an approved synthetic trainer that accurately simulates the flight characteristics and performance of the aircraft, show that he can satisfactorily perform emergency duties and procedures, and recognize and take appropriate action for, malfunctioning of aircraft, aircraft engines, propellers, and appliances.

§ 63.39 Retesting after failure.

An appplicant for a flight engineer certificate who fails a written or practical test for that certificate may apply for retesting—

(a) After 30 days after the date he failed that test; or

(b) Upon presenting a signed statement from a certificated flight engineer or an appropriately rated ground instructor, certifying that, in the case of a failure of a written test, he has given the applicant at least 5 hours of additional instruction in each of the subjects failed, or that, in the case of a failure of a practical test, he has given the applicant such additional instruction as the Administrator requires, and in either case, certifying that he considers that the applicant is ready for retesting.

§ 63.41 Limited certificates.

(a) A flight engineer certificate for an aircraft with less than four engines may be issued to an applicant if—

(1) The aircraft has a satisfactory flight engineer station;

(2) He complies with §§ 63.31, 63.33, 63.35, and 63.39, except that his experience does not have to include flight time in aircraft with more than two engines; and

(3) He passes a practical test as required by § 63.37 in an aircraft with less than four engines.

(b) Each certificate issued under this section contains an appropriate limitation that may be removed whenever the holder of the certificate passes the practical test prescribed in § 63.37 for an aircraft with four or more engines.

Subpart C—Flight Navigators

§ 63.51 Eligibility requirements; general.

To be eligible for a flight navigator certificate, a person must—

(a) Be at least 21 years of age;

(b) Be able to read, write, speak, and understand the English language;

(c) Hold at least a second-class medical certificate issued under Part 67 of this chapter within the 12 months before the date he applies; and

(d) Comply with §§ 63.53, 63.55, and 63.57.

§ 63.53 Knowledge requirements.

(a) An applicant for a flight navigator certificate must pass a written test on—

(1) The regulations of this chapter that apply to the duties of a flight navigator;

(2) The fundamentals of flight navigation, including flight planning and cruise control;

(3) Practical meteorology, including analysis of weather maps, weather reports, and weather forecasts; and weather sequence abbreviations, symbols, and nomenclature;

(4) The types of air navigation facilities and procedures in general use;

(5) Calibrating and using air navigation instruments;

(6) Navigation by dead reckoning;

(7) Navigation by celestial means;

(8) Navigation by radio aids;

(9) Pilotage and map reading; and

(10) Interpretation of navigation aid identification signals.

(b) The test prescribed by paragraph (a) of this section is a multiple choice test in four sections—

(1) The regulations of this chapter;

(2) Fundamentals of air navigation;

(3) Meteorology; and

(4) Plotting and computing.

Each section is graded separately and the passing grade for each section is 70 percent.

(c) An applicant is not required to take section 3 of the test (meteorology), if he has—

(1) An airline transport pilot certificate;

(2) An instrument rating; or

(3) Satisfactorily completed, within the 24 months before the test, the subject of meteorology for such a certificate or rating.

(d) A report of the test is mailed to the applicant. A passing grade is evidence, for a period of 24 months after the test, that the applicant has complied with this section.

§ 63.55 Experience requirements.

(a) An applicant for a flight navigator certificate must be a graduate of a flight navigator course approved by the Administrator or present satisfactory documentary evidence of—

(1) Satisfactory determination of his position in flight at least 25 times by night by celestial observations and at least 25 times by day by celestial observations in conjunction with other aids; and

(2) At least 200 hours of satisfactory flight navigation, including celestial and radio navigation and dead reckoning.

A pilot who has logged 500 hours of cross-country flight time, of which at least 100 hours were at night, may be credited with not more than 100 hours for the purposes of subparagraph (2) of this paragraph.

(b) Flight time used exclusively for practicing long-range navigation methods, with emphasis on celestial navigation and dead reckoning, is considered to be satisfactory navigation experience for the purposes of paragraph (a) of this section. It must be substantiated by a logbook, by records of an armed force or a certificated air carrier, or by a letter signed by a certificated flight navigator and attached to the application.

§ 63.57 Skill requirements.

(a) An applicant for a flight navigator certificate must pass a practical test in operating flight navigation equipment, and must pass a practical test in navigating aircraft by—

(1) Dead reckoning;

(2) Celestial means; and

(3) Radio aids to navigation.

(b) An applicant must pass the written test prescribed by § 63.53 before taking the test under this section. However, if a delay in taking the test under this section would inconvenience the applicant or an air carrier, he may take it before he receives the result of the written test, or after he has failed any part of the written test except the section on plotting and computing.

(c) The test requirements for this section are set forth in Appendix A of this part.

§ 63.59 Re-testing after failure.

(a) An applicant for a flight navigator certificate who fails a written or practical test for that certificate may apply for re-testing—

(1) After 30 days after the date he failed that test; or

(2) Upon presenting a signed statement, from a certificated flight navigator, certificated ground instructor, or any other qualified person approved by the Administrator, certifying that he has given the applicant at least 5 hours of additional instruction in each of the subjects failed and considers that the applicant is ready for re-testing.

(b) A statement from a certificated flight navigator, or from an operations official of an approved navigator course, is accepted, for the purposes of paragraph (a)(2) of this section, for all sections of the written test and for the ground and flight tests. A statement from a certificated ground instructor is accepted for section 1 of the written test if he is rated on the regulations in this chapter, and for section 3 of the written test if he is rated on meteorology. A statement from a supervising or check navigator with the armed forces is acceptable for sections 2, 3, and 4 of the written test and for the practical tests.

(c) If the applicant failed the flight test, the 5 hours of additional instruction must have been in flight.

§ 63.61 Flight navigator courses.

An applicant for approval of a flight navigator course must submit a letter to the Administrator requesting approval, and must also submit three copies of the course outline, a description of his facilities and equipment, and a list of the instructors and their qualifications. Requirements for the course are set forth in Appendix B to this part.

PART 63—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
34.1	63.1	34.7 (less (b))	63.15
34.2	(1)	34.8	63.21
34.5	63.11	34.21	(3)
34.6(a)	63.11	34.22	63.51
34.6 (less (a))	63.13	34.23	63.51
34.6–1	63.13	34.24	63.17
34.7(b)	63.13	34.25	63.59

See footnotes at end of table.

PART 63—DISTRIBUTION TABLE—Continued

Former section	Revised section	Former section	Revised section
34.25–1	63.59	34.44	63.19
34.25–2	63.59	35.1	63.1
34.26	63.55	35.2	(1)
34.27	63.51	35.5	63.11
34.27–1	63.51	35.6(a)	63.11
34.31	63.55	35.6 (less (a))	63.13
34.31–1	63.55	35.7(b)	63.13
34.31–2	63.55	35.7 (less (b))	63.15
34.31–3	63.55	35.8	63.21
34.31–4	63.55	35.21	(2)
34.31–5(a)	63.55	35.22	63.31
34.31–5(b)	63.61	35.23	63.31
34.31–5 (less (a) and (b))	(4)	35.24	63.17
		35.25	63.39
34.32	63.53	35.26	63.35
34.32–1	63.53	35.27	63.31
34.33	63.57	35.31	63.35
34.33–1(a)	63.57	35.32	63.33
34.33–1 (less (a))	(3)	35.33	63.37
		35.34	63.41
34.41	63.3	35.41	63.3
34.42	63.3	35.42	63.3
34.43	63.3	35.43	63.3
		35.44	63.19

[1] Transferred to Part 1.
[2] Surplussage.
[3] Appendix A.
[4] Appendix B.

PART 63—APPENDIX A

TEST REQUIREMENTS FOR FLIGHT NAVIGATOR CERTIFICATE

(a) *Demonstration of skill.* An applicant will be required to pass practical tests on the prescribed subjects. These tests may be given by FAA inspectors and designated flight navigator examiners.

(b) *The examination.* The practical examination consists of a ground test and a flight test as itemized on the examination check sheet. Each item must be completed satisfactorily in order for the applicant to obtain a passing grade. Items 5, 6, 7 of the ground test may be completed orally, and items 17, 22, 23, 34, 36, 37, 38, and 39 of the flight test may be completed by an oral examination when a lack of ground facilities or navigation equipment makes such procedure necessary. In these cases a notation to that effect shall be made in the "Remarks" space on the check sheet.

(c) *Examination procedure.* (1) An applicant will provide an aircraft in which celestial observations can be taken in all directions. Minimum equipment shall include a table for plotting, a drift meter or absolute altimeter, an instrument for taking visual bearings, and a radio direction finder.

(2) More than one flight may be used to complete the flight test and any type of flight pattern may be used. The test will be conducted chiefly over water whenever practicable, and without regard to radio range legs or radials. If the test is conducted chiefly over land, a chart should be used which shows very little or no topographical and aeronautical data. The total flight time will cover a period of at least four hours. Only one applicant may be examined at one time, and no applicant may perform other than navigator duties during the examination.

(3) When the test is conducted with an aircraft belonging to an air carrier, the navigation procedures should conform with those set forth in the carrier's operations manual. Items of the flight test which are not performed during the routine navigation of the flight will be completed by oral examination after the flight or at times during flight which the applicant indicates may be used for tests on those items. Since in-flight weather conditions, the reliability of the weather forecast, and the stability of the aircraft will have considerable effect on an applicant's performance, good judgement must be used by the agent or examiner in evaluating the tests.

(d) *Ground test.* For the ground test, in the order of the numbered items on the examination check sheet, an applicant will be required to:

(1) Identify without a star identifier, at least six navigational stars and all planets available for navigation at the time of the examination and explain the method of identification.

(2) Identify two additional stars with a star identifier or sky diagrams and explain identification procedure.

(3) Precompute a time-altitude curve for a period of about 20 minutes and take 10 single observations of a celestial body which is rising or setting rapidly. The intervals between observations should be at least one minute. Mark each observation on the graph to show accuracy. All observations, after corrections, shall plot within 8 minutes of arc from the time-altitude curve, and the average error shall not exceed 5 minutes of arc.

(4) Take and plot one 3-star fix and 3 LOP's of the sun. Plotted fix or an average of LOP's must fall within 5 miles of the actual position of the observer.

(5) Demonstrate or explain the compensation and swinging of a liquid-type magnetic compass.

(6) Demonstrate or explain a method of aligning one type of drift meter.

(7) Demonstrate or explain a method of aligning an astro-compass or periscopic sextant.

(e) *Flight test.* For the flight test, in the order of the numbered items on the examination check sheet, an applicant will be required to:

(1) Demonstrate his ability to read weather symbols and interpret synoptic surface and upper air weather maps with particular emphasis being placed on winds.

(2) Prepare a flight plan by zones from the forecast winds or pressure data of an upper air chart and the operator's data.

(3) Compute from the operator's data the predicted fuel consumption for each zone of the flight, including the alternate.

(4) Determine the point-of-no-return for the flight with all engines running and the equitime point with one engine inoperative. Graphical methods which are part of the company's operations manual may be used for these computations.

(5) Prepare a cruise control (howgozit) chart from the operator's data.

(6) Enter actual fuel consumed on the cruise control chart and interpret the variations of the actual curve from the predicted curve.

(7) Check the presence on board and operating condition of all navigation equipment. Normally a check list will be used. This check will include a time tick or chronometer comparison. Any lack of thoroughness during this check will justify this item being graded unsatisfactory.

(8) Locate emergency equipment, such as, the nearest fire extinguisher, life preserver, life rafts, exits, axe, first aid kits, etc.

(9) Recite the navigator's duties and stations during emergencies for the type of aircraft used for the test.

(10) Demonstrate the proper use of a flux gate compass or gyrosyn compass (when available), with special emphasis on the caging methods and the location of switches, circuit breakers, and fuses. If these compasses are not part of the aircraft's equipment, an oral examination will be given.

(11) Be accurate and use good judgment when setting and altering headings. Erroneous application of variation, deviation, or drift correction, or incorrect measurement of course on the chart will be graded as unsatisfactory.

(12) Demonstrate or explain the use of characteristics of various chart projections

used in long-range air navigation, including the plotting of courses and bearings, and the measuring of distances.

(13) Demonstrate ability to identify designated landmarks by the use of a sectional or WAC chart.

(14) Use a computer with facility and accuracy for the computation of winds, drift correction and drift angles, ground speeds, ETA's, fuel loads, etc.

(15) Determine track, ground speed, and wind by the double drift method. When a drift meter is not part of the aircraft's equipment, an oral examination on the use of the drift meter and a double drift problem shall be completed.

(16) Determine ground speed and wind by the timing method with a drift meter. When a drift meter is not part of the aircraft's equipment, an oral examination on the procedure and a problem shall be completed.

(17) Demonstrate the use of air plot for determining wind between fixes and for plotting pressure lines of position when using pressure and absolute altimeter comparisons.

(18) Give ETA's to well defined check points at least once each hour after the second hour of flight. The average error shall not be more than 5 percent of the intervening time intervals, and the maximum error of any one ETA shall not be more than 10 percent.

(19) Demonstrate knowledge and use of D/F equipment and radio facility information. Grading on this item will be based largely on the applicant's selection of those radio aids which will be of most value to his navigation, the manner with which he uses equipment, including filter box controls, and the precision with which he reads bearings. The aircraft's compass heading and all compass corrections must be considered for each bearing.

(20) Use care in tuning to radio stations to insure maximum reception of signal and check for interference signals. Receiver will be checked to ascertain that antenna and BFO (Voice-CW) switches are in correct positions.

(21) Identify at least three radio stations using International Morse code only for identification. The agent or examiner will tune in these stations so that the applicant will have no knowledge of the direction, distance, or frequency of the stations.

(22) Take at least one radio bearing by manual use of the loop. The agent or examiner will check the applicant's bearing by taking a manual bearing on the same station immediately after the applicant.

(23) Show the use of good judgment in evaluating radio bearings, and explain why certain bearings may be of doubtful value.

(24) Determine and apply correctly the correction required to be made to radio bearings before plotting them on a Mercator chart, and demonstrate the ability to plot bearings accurately on charts of the Mercator and Lambert conformal projections.

(25) Compute the compass heading, ETA, and fuel remaining if it is assumed that the flight would be diverted to an alternate airport at a time specified by the agent or examiner.

(26) Check the counter scales of a Loran receiver for accuracy, and explain the basic (face) adjustments which affect tuning and counter alignment. A guide sheet may be used for this test.

(27) Demonstrate a knowledge of the basic principle of Loran and the ability to tune a Loran receiver, to match signals, to read time differences, to plot Loran LOP's, and to identify and use sky waves.

(28) Take and plot bearings from a consol station and explain the precautions which must be taken when tuning a radio receiver for consol signals. Also, discuss those conditions which affect the reliability of consol bearings.

(29) Demonstrate the ability to properly operate and read an absolute altimeter.

(30) Determine the "D" factors for a series of compared readings of an absolute altimeter and a pressure altimeter.

(31) Determine drift angle or lateral displacement from the true headingline by application of Bellamy's formula or a variation thereof.

(32) Interpret the altimeter comparison data with respect to the pressure system found at flight level. From this data evaluate the accuracy of the prognostic weather map used for flight planning and apply this analysis to the navigation of the flight.

(33) Interpret single LOP's for most probable position, and show how a series of single LOP's of the same body may be used to indicate the probable track and ground speed. Also, show how a series of single LOP's (celestial or radio) from the same celestial body or radio station may be used to determine position when the change of azimuth or bearing is 30° or more between observations.

(34) Select one of the celestial LOP's used during the flight and explain how to make a single line of position approach to a point selected by the agent or examiner, giving headings, times, and ETA's.

(35) Demonstrate the proper use of an astro-compass or periscopic sextant for taking bearings.

(36) Determine compass deviation as soon as possible after reaching cruising altitude and whenever there is a change of compass heading of 15° or more.

(37) Take celestial fixes at hourly intervals when conditions permit. The accuracy of these fixes shall be checked by means of a Loran, radio, or visual fix whenever practicable. After allowing for the probable error of a Loran, radio, or visual fix, a celestial fix under favorable conditions should plot within 10 miles of the actual position.

(38) Select celestial bodies for observation, when possible, whose azimuths will differ by approximately 120° for a 3-body fix and will differ by approximately 90° for a 2-body fix. The altitudes of the selected bodies should be between 25° and 75° whenever practicable.

(39) Have POMAR and any other required reports ready for transmission at time of schedule, and be able to inform the pilot in command promptly with regard to the aircraft's position and progress in comparison with the flight plan.

(40) Keep a log with sufficient legible entries to provide a record from which the flight could be retraced.

(41) Note significant weather changes which might influence the drift or ground speed of the aircraft, such as, temperature, "D" factors, frontal conditions, turbulence, etc.

(42) Determine the wind between fixes as a regular practice.

(43) Estimate the time required and average ground speed during a letdown, under conditions specified by the pilot in command.

(44) Work with sufficient speed to determine the aircraft's position hourly by celestial means and also make all other observations and records pertinent to the navigation. The applicant should be able to take the observation, compute, and plot a celestial LOP within a time limit of 8 minutes; take and plot a Loran LOP within a time limit of 3 minutes for ground waves and 4 minutes for sky waves; observe the absolute and pressure altimeters and compute the drift or lateral displacement within a time limit of 3 minutes.

(45) Be accurate in reading instruments and making computations. Errors which are made and corrected without affecting the navigation will be disregarded unless they cause considerable loss of time.

An uncorrected error in computation (including reading instruments and books) which will affect the reported position more than 25 miles, the heading more than 3°, or any ETA more than 15 minutes will cause this item to be graded unsatisfactory.

(46) Be alert to changing weather or other conditions during flight which might affect the navigation. An applicant should not fail to take celestial observations just prior to encountering a broken or overcast sky condition; and he should not fail to take a bearing on a radio station, which operates at scheduled intervals and which would be a valuable aid to the navigation.

(47) Show a logical choice and sequence in using the various navigation methods according to time and accuracy, and check the positions determined by one method against positions determined by other methods.

(48) Use a logical sequence in performing the various duties of a navigator and plan work according to a schedule. The more important duties should not be neglected for others of less importance.

PART 63—APPENDIX B

FLIGHT NAVIGATOR TRAINING COURSE REQUIREMENTS

(a) *Training course outline*—(1) *Format.* The ground course outline and the flight course outline shall be combined in one loose-leaf binder and shall include a table of contents, divided into two parts—ground course and flight course. Each part of the table of contents must contain a list of the major subjects, together with hours allotted to each subject and the total classroom and flight hours.

(2) *Ground course outline.* (i) It is not mandatory that a course outline have the subject headings arranged exactly as listed in this subparagraph. Any arrangement of general headings and subheadings will be satisfactory provided all the subject material listed here is included and the acceptable minimum number of hours is assigned to each subject. Each general subject shall be broken down into detail showing items to be covered.

(ii) If any agency desires to include additional subjects in the ground training curriculum, such as international law, flight hygiene, or others which are not required, the hours allotted these additional subjects may not be included in the minimum classroom hours.

(iii) The following subjects with classroom hours are considered the minimum coverage for a ground training course for flight navigators:

Subject	*Classroom hours*
Federal Aviation Agency	5
To include Parts 63, ----, ----, ----, ----, and ---- of the chapter [Present Parts 40, 41, 42, 43 and 60.]	
Meteorology	40
To include:	
Basic weather principles.	
Temperature.	
Pressure.	
Winds.	
Moisture in the atmosphere.	
Stability.	
Clouds.	
Hazards.	
Air masses.	
Front weather.	
Fog.	
Thunderstorms.	
Icing.	
World weather and climate.	
Weather maps and weather reports.	
Forecasting.	

Subject	*Classroom hours*
International Morse code:	
Ability to receive code groups of letters and numerals at a speed of eight words per minute.	
Navigation instruments (exclusive of radio and radar)	20
To include:	
Compasses.	
Pressure altimeters.	
Airspeed indicators.	
Driftmeters.	
Bearing indicators.	
Aircraft octants.	
Instrument calibration and alignment.	
Charts and pilotage	15
To include:	
Chart projections.	
Chart symbols.	
Principles of pilotage.	
Dead reckoning	30
To include:	
Air plot.	
Ground plot.	
Calculation of ETA.	
Vector analysis.	
Use of computer.	
Search.	
Absolute altimeter with:	
Applications	15
To include:	
Principles of construction.	
Operating instructions.	
Use of Bellamy's formula.	
Flight planning with single drift correction.	
Radio and long-range navigational aids	35
To include:	
Principles of radio transmission and reception.	
Radio aids to navigation.	
Government publications.	
Airborne D/F equipment.	
Errors of radio bearings.	
Quadrantal correction.	
Plotting radio bearings.	
ICAO Q code for direction finding.	
Loran.	
Consol.	
Celestial navigation	150
To include:	
The solar system.	
The celestial sphere.	
The astronomical triangle.	
Theory of lines of position.	
Use of the Air Almanac.	
Time and its applications.	
Navigation tables.	
Precomputation.	
Celestial line of position approach.	
Star identification.	
Corrections to celestial observations.	
Flight planning and cruise control	25
To include:	
The flight plan.	
Fuel consumption charts.	
Methods of cruise control.	
Flight progress chart.	
Point-of-no-return.	
Equitime point.	
Long-range flight problems	15
Total (exclusive of final examinations)	350

(3) *Flight course outline.* (i) A minimum of 150 hours of supervised flight training shall be given, of which at least 50 hours of flight training must be given at night, and celestial navigation must be used during flights which total at least 125 hours.

(ii) A maximum of 50 hours of the required flight training may be obtained in acceptable types of synthetic flight navigator training devices.

(iii) Flights should be at least four hours in length and should be conducted off civil airways. Some training on long-range flights is desirable, but is not required. There is no limit to the number of students that may be trained on one flight, but at least one astrodome or one periscopic sextant mounting must be provided for each group of four students.

(iv) Training must be given in dead reckoning, pilotage, radio navigation, celestial navigation, and the use of the absolute altimeter.

(b) *Equipment.* (1) Classroom equipment shall include one table at least 24" x 32" in dimensions for each student.

(2) Aircraft suitable for the flight training must be available to the approved course operator to insure that the flight training may be completed without undue delay.

The approved course operator may contract or obtain written agreements with aircraft operators for the use of suitable aircraft. A copy of the contract or written agreement with an aircraft operator shall be attached to each of the three copies of the course outline submitted for approval. In all cases, the approved course operator is responsible for the nature and quality of instruction given during flight.

(c) *Instructors.* (1) Sufficient classroom instructors must be available to prevent an excessive ratio of students to instructors. Any ratio in excess of 20 to 1 will be considered unsatisfactory.

(2) At least one ground instructor must hold a valid flight navigator certificate, and be utilized to coordinate instruction of ground school subjects.

(3) Each instructor who conducts flight training must hold a valid flight navigator certificate.

(d) *Revision of training course.* (1) Requests for revisions to course outlines, facilities, and equipment shall follow procedures for original approval of the course. Revisions should be submitted in such form that an entire page or pages of the approved outline can be removed and replaced by the revisions.

(2) The list of instructors may be revised at any time without request for approval, provided the minimum requirement of paragraph (c) of this section is maintained.

(e) *Credit for previous training and experience.* (1) Credit may be granted by an operator to students for previous training and experience which is provable and comparable to portions of the approved curriculum. When granting such credit, the approved course operator should be fully cognizant of the fact that he is responsible for the proficency of his graduates in accordance with subdivision (1) of subparagraph (3) of this paragraph.

(2) Where advanced credit is allowed, the operator shall evaluate the student's previous training and experience in accordance with the normal practices of accredited technical schools. Before credit is given for any ground school subject or portion thereof, the student must pass an appropriate examination given by the operator. The results of the examination, the basis for credit allowance, and the hours credited shall be incorporated as a part of the student's records.

(3) Credit up to a maximum of 50 hours toward the flight training requirement may be given to pilots who have logged at least 500 hours while a member of a flight crew which required a certificated flight navigator or the Armed Forces equivalent. A similar credit may also be given to a licensed deck officer of the Maritime Service who has served as such for at least one year on ocean-going vessels. One-half of the flight time credited under the terms of this paragraph may be applied toward the 50 hours of flight training required at night.

(f) *Students records and reports.* Approval of a course shall not be continued in effect unless the course operator keeps an accurate record of each student, including a chronological log of all instruction, subjects covered and course examinations and grades, and unless he prepares and transmits to the local Aviation Safety district office not later than January 31 of each year, a report containing the following information for the previous calendar year:

(1) The names of all students graduated, together with their school grades for ground and flight subjects.

(2) The names of all students failed or dropped, together with their school grades and reasons for dropping.

(g) *Quality of instruction.* Approval of a course shall not be continued in effect unless at least 80 percent of the students who apply within 90 days after graduation are able to qualify on the first attempt for certification as flight navigators.

(h) *Statement of graduation.* Each student who successfully completes an approved flight navigator course shall be given a statement of graduation.

(i) *Inspections.* Approved course operations will be inspected by authorized representatives of the Administrator as often as deemed necessary to insure that instruction is maintained at the required standards, but the period between inspections shall not exceed 12 months.

(j) *Change of ownership, name, or location*—(1) *Change of ownership.* Approval of a flight navigator course shall not be continued in effect after the course has changed ownership. The new owner must obtain a new approval by following the procedure prescribed for original approval.

(2) *Change in name.* An approved course changed in name but not changed in ownership shall remain valid if the change is reported by the approved course operator to the local Aviation Safety district office. A letter of approval under the new name will be issued by the regional office.

(3) Change in location. An approved course shall remain in effect even though the approved course operator changes location if the change is reported without delay by the operator to the local Aviation Safety District office, which will inspect the facilities to be used. If they are found to be adequate, a letter of approval showing the new location will be issued by the regional office.

(k) *Cancellation of approval.* (1) Failure to meet or maintain any of the requirements set forth in this section for the approval or operation of an approved flight navigator course shall be considered sufficient reason for cancellation of the approval.

(2) If an operator should desire voluntary cancellation of his approved course, he should submit the effective letter of approval and a written request for cancellation to the Administrator through the local Aviation Safety district office.

(l) *Duration.* The authority to operate an approved flight navigator course shall expire 24 months after the last day of the month of issuance.

(m) *Renewal.* Application for renewal of authority to operate an approved flight navigator course may be made by letter to the local Aviation Safety district office at any time within 60 days before to the expiration date. Renewal of approval will depend upon the course operator meeting the current conditions for approval and having a satisfactory record as an operator.

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS [NEW]

Subpart A—General

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65.121 Type ratings.
65.123 Additional type ratings: Requirements.
65.125 Certificates: Privileges.
65.127 Facilities and equipment.
65.129 Performance standards.
65.131 Records.
65.133 Seal.

AUTHORITY: §§ 65.1 to 65.133 issued under secs. 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1355, 1421, and 1427.

Subpart A—General

§ 65.1 Applicability.

This part prescribes the requirements for issuing the following certificates and associated ratings and the general operating rules for the holders of those certificates and ratings:

(a) Air-traffic control-tower operators.
(b) Aircraft dispatchers.
(c) Mechanics.
(d) Repairmen.
(e) Parachute riggers.

§ 65.11 Application and issue.

(a) An application for a certificate and rating, or for an additional rating, under this part is made on a form and in a manner prescribed by the Administrator.

(b) An applicant who meets the requirements of this part is entitled to an appropriate certificate and rating.

§ 65.13 Temporary certificate.

A certificate and ratings effective for a period of not more than 90 days may be issued to a qualified applicant, pending review of his application and supplementary documents and the issue of the certificate and ratings for which he applied.

§ 65.15 Duration of certificates.

(a) Except for repairman certificates, a certificate or rating issued under this part to a U.S. citizen if effective until it is is surrendered, suspended, or revoked.

(b) Except for repairman certificates, a certificate or rating issued under this part to any person other than a U.S. citizen is effective for a period of not more than 12 months after the date on which it is issued, but may be reissued without further proof of technical ability. However, an applicant for the reissue of a mechanic certificate and associated ratings must satisfactorily prove that he meets the recent experience requirements of § 65.83.

(c) The holder of a certificate that is revoked shall return it to the Administrator. The holder of a certificate that is suspended shall, upon the request of the Administrator, return it to the Administrator.

(d) Unless it is sooner surrendered, suspended, or revoked, a repairman certificate is effective until the holder is relieved from the duties for which he was employed and certificated. The holder of such a certificate that is no longer effective shall return it to the Administrator.

§ 65.17 Tests: General procedure.

(a) Tests prescribed by or under this part are given at times and places, and by persons, designated by the Administrator.

(b) The minimum passing grade for each test is 70 percent.

§ 65.19 Retesting after failure.

An applicant who fails a written, oral, or practical test for a certificate and rating, or for an additional rating, under this part may apply for retesting—

(a) After 30 days after the date he failed the test; or

(b) Upon presenting a statement from whichever of the following persons is applicable, certifying that he has given the applicant at least 5 hours of additional instruction in each of the subjects failed and now considers that the applicant is ready for retesting:

(1) For the air-traffic control-tower operator certificate—a certificated and appropriately rated ground instructor or air-traffic control-tower operator.

(2) For the aircraft dispatcher certificate—a certificated and appropriately rated ground instructor or a certificated aircraft dispatcher.

(3) For the mechanic certificate—a certificated and appropriately rated mechanic or ground instructor, or a certificated repairman who is experienced in the subject failed.

(4) For any parachute rigger certificate—a certificated and appropriately rated master parachute rigger or a person holding an appropriate military rating.

§ 65.21 Change of address.

Within 30 days after ahy change in his permanent mailing address, the holder of a certificate issued under this part shall notify the FAA Airman Certification Branch, Oklahoma City, Oklahoma, in writing, of his new address.

Subpart B—Air Traffic Control Tower Operators

§ 65.31 Eligibility requirements: General.

To be eligible for an air traffic control tower operator certificate, a person must—

(a) Be at least 21 years of age or, in the case of a member of the Armed Forces of the United States, at least 18 years of age;

(b) Be of good moral character;

(c) Be able to read, write, and understand the English language, and speak it without accent or impediment of speech that would interfere with two-way radio conversations;

(d) Hold at least a second-class medical certificate issued under Part 67 of this chapter within the 12 months before the date he applies; and

(e) Comply with § 65.33.

A certificate that is held by a member of an Armed Force who is less than 21 years of age is valid only while he is serving as a member in a control tower operated by an Armed Force.

§ 65.33 Knowledge requirements.

(a) Each applicant for a certificate must pass a test on—

(1) The air traffic rules in Part ____ of this chapter [Present Part 60];

(2) Airport traffic control procedures, and this subpart;

(3) En route traffic control procedures;

(4) Radio frequencies and procedures used for airport traffic control;

(5) Using radio aids to air navigation;

(6) The making of weather observations; and

(7) Applicable regulations of the Federal Communications Commission.

Subparagraph (7) of this paragraph does not apply to a person who has a restricted radio telephone operator license, or higher grade of radio telephone operator license, issued by the Federal Communications Commission.

(b) This section does not apply to a person who has passed the written test for an Air Traffic Control Specialist Certificate.

§ 65.35 Ratings.

The holder of an air traffic control tower operator certificate is entitled to a junior or senior rating, based on his qualifications to perform the duties of an operator at a particular airport.

§ 65.37 Skill requirements: Junior rating.

For a junior rating, an air traffic control tower operator must pass a practical test on—

(a) The control tower, including equipment, its use, and hazards to operations;

(b) The airport, including rules, facilities and their use, and hazards to operations;

(c) The control zone, including prominent objects, reporting points, traffic patterns, and hazards to operations;

(d) Notices to airmen;

(e) Weather facilities and procedures, including weather stations, sequence reports, forecasts, and visibility check points; and

(f) Controlling air traffic under VFR conditions.

§ 65.39 Skill requirements: Senior rating.

(a) For a senior rating, an air traffic control tower operator must pass the test for a junior rating, meet the requirements of paragraphs (b) and (c) of this section, and pass a practical test on—

(1) The tower, the center, and the airways serving the airport;

(2) Air navigation facilities, including beacons, ranges, fan markers, compass locators, and instrument landing systems and ground controlled approach if these procedures or facilities have been established;

(3) Using the Airman's Guide;

(4) Using the Flight Information Manual;

(5) Holding procedures;

(6) The standard instrument approach procedures and tower approach control procedures, if approach control has been established;

(7) Missed approaches;

(8) Alternate airports;

(9) Search and rescue procedures; and

(10) Controlling air traffic under IFR conditions.

(b) An applicant for a senior rating must have satisfactorily served—

(1) As an operator with a senior rating for at least 6 months;

(2) As an operator with a junior rating, for at least the 6 months before the date he applies for the rating, at the airport for which he seeks a ratings;

(3) As an air traffic control trainee for at least 6 months in the service of the United States; or

(4) As an operator with a junior rating, at an airport other than the one for which he seeks a rating or as an operator at a landing area under the jurisdiction of an Armed Force of the United States, for at least 1 of the 2 years before the date he applies for the rating.

(c) An applicant for a senior rating must show that he can satisfactorily supervise and manage all activities of the airport control tower, including preparing such reports as may be required by the airport manager or the Administrator.

§ 65.41 Performance of duties.

(a) An air traffic control tower operator shall perform his duties in accordance with the limitations on his certificate and rating and the procedures and practices prescribed in air traffic control manuals of the FAA, to provide for the safe, orderly, and expeditious flow of air traffic.

(b) Whenever weather conditions are at least as good as the basic minimums prescribed for VFR flight by Part ____ of this chapter [Present Part 60], an operator with either a senior or junior rating may control traffic at the airport concerned. However, if the character or volume of the air traffic, the type and equipment of aircraft using the airport, or the airport facilities, require that an operator with a junior rating be supervised, an operator with a senior rating shall supervise the controlling of all air traffic at the airport.

(c) Whenever weather conditions are below the basic minimums prescribed for VFR flight by Part ____ of this chapter [Present Part 60], an operator with a senior rating shall supervise the controlling of all air traffic at the airport concerned. However, he may not issue an air traffic clearance for flight without advance authority from the appropriate air route traffic control center.

(d) In an emergency, an operator with a senior rating may delegate his authority to an operator with a junior rating.

§ 65.43 Maximum hours.

Except in an emergency, a certificated air traffic control tower operator must be relieved of all duties for at least 24 consecutive hours at least once during each 7 consecutive days. Such an operator may not serve or be required to serve—

(a) For more than 10 consecutive hours; or

(b) For more than 10 hours during a period of 24 consecutive hours, unless he has a rest period of at least 8 hours at or before the end of the 10 hours of duty.

§ 65.45 General operating rules.

(a) The holder of an air traffic control tower operator certificate shall keep it readily available when performing duties under it, and must show it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

(b) No person may act as an air traffic control tower operator under a certificate issued to him under this part unless he has in his personal possession an appropriate current medical certificate issued under Part 67 of this chapter.

(c) An air traffic control tower operator may not perform duties under his certificate during any period of known physical deficiency that would make him unable to meet the physical requirements for his current medical certificate. However, if the deficiency is temporary, he may perform duties that are not affected by it whenever another certificated and qualified operator is present and on duty.

(d) A certificated air traffic control tower operator may not control air traffic with facilities that the Administrator has found to be inadequate.

(e) The holder of an air traffic control tower operator certificate, or an applicant for one, shall, upon the reasonable request of the Administrator, cooperate fully in any test that is made of him.

§ 65.47 Recent experience.

The holder of an air traffic control tower operator certificate may not perform any duties under that certificate unless—

(a) In the case of a junior operator, he has served for at least 3 of the preceding 12 months as an operator at the airport to which his rating applies;

(b) In the case of a senior operator, he has served for at least 3 of the preceding 6 months as an operator at the airport to which his rating applies; or

(c) He has shown to the satisfaction of the Administrator that he meets the standards for his certificate and rating.

Subpart C—Aircraft Dispatchers

§ 65.51 Certificate required.

(a) No person may serve as an aircraft dispatcher (exercising responsibility with the pilot in command in the operational control of a flight) in connection with any civil aircraft in air commerce unless he has in his personal possession a current aircraft dispatcher certificate issued under this subpart.

(b) Each person who holds an aircraft dispatcher certificate shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

§ 65.53 Eligibility requirements: General.

To be eligible for an aircraft dispatcher certificate, a person must—

(a) Be at least 23 years of age;

(b) Be able to read, speak, and understand the English language, or have an appropriate limitation placed on his certificate;

(c) Comply with §§ 65.55, 65.57, and 65.59.

§ 65.55 Knowledge requirements.

(a) An applicant for an aircraft dispatcher certificate must pass a written test on—

(1) The regulations of this chapter that apply to the duties of an aircraft dispatcher;

(2) The general system of collecting and disseminating weather information;

(3) Interpreting aviation weather reports, including abbreviations and symbols, as prescribed in Department of Commerce Weather Bureau Circular N, "Manual of Surface Observations," as amended;

(4) The fundamentals of meteorology as applied to aircraft operations, particularly as to—

(i) Surface and upper air weather maps and general characteristics of air masses, pressure systems, and frontal systems, including their symbols and nomenclature;

(ii) Cloud forms and their significance; and

(iii) Icing, turbulence, thunderstorms, fog and low ceilings, winds aloft, pressure pattern flying, the influence of terrain on meteorological conditions, and general principles of forecasting and analysis;

(5) Principles of aircraft navigation with particular respect to instrument operation and procedures;

(6) Communications facilities and procedures;

(7) Air navigation facilities and procedures; and

(8) Air traffic control procedures.

(b) A report of the test is sent to the applicant. A passing grade is evidence, for a period of 24 months after the date the test is given, that the applicant has complied with this section.

§ 65.57 Experience requirements.

An applicant for an aircraft dispatcher certificate must present documentary evidence satisfactory to the Administrator that he has the experience prescribed in any one of the following paragraphs:

(a) A total of at least 2 of the 3 years before the date he applies, in scheduled air carrier operations, scheduled military aviation operations, or any other aircraft operations that the Administrator finds provides equivalent experience—

(1) As a pilot member of a flight crew;

(2) As a flight radio operator or ground radio operator;

(3) As a flight navigator;

(4) As a meteorologist;

(5) Performing the duties of an aircraft dispatcher or his assistant; or

(6) Performing other duties that the Administrator finds provide equivalent experience.

(b) A total of at least 2 of the 3 years before the date he applies, as an air route traffic controller or a certificated air-traffic control-tower operator.

(c) A total of at least 1 of the 2 years before the date he applies, as an assistant in dispatching scheduled air carrier aircraft performing the duties of an aircraft dispatcher under the direct supervision of a certificated dispatcher.

(d) Within 90 days before the date he applies, successful completion of a course of instruction approved by the Administrator as adequate for the training of an aircraft dispatcher. An applicant is entitled to credit any combination of experience in paragraph (a), or paragraphs (a) and (b), of this section, if the aggregate of that experience is at least 2 years.

§ 65.59 Skill requirements.

An applicant for an aircraft dispatcher certificate must pass a practical test—

(a) With respect to any one type of large aircraft used in air carrier operations, on—

(1) Weight and balance limitations;

(2) Performance operating limitations;

(3) Using cruise control charts;

(4) Fuel and oil capacities and rates of consumption; and

(5) Using the operations manual;

(b) On the characteristics of air routes and airports with particular reference to—

(1) Landing areas;

(2) Lighting facilities; and

(3) Approach and landing facilities and procedures;

(c) On the use and limitations of sensitive-type altimeters;

(d) On applying available weather forecasts and reports to determine whether a flight can be made safely;

(e) On using the Airman's Guide and the Flight Information Manual;

(f) On dispatching and assisting a flight under adverse weather conditions; and

(g) On emergency procedures.

§ 65.61 Aircraft dispatcher courses.

An applicant for approval of an aircraft dispatcher course shall submit a letter to the Administrator requesting approval, and shall also submit three copies of the course outline, a description of his equipment and facilities and a list of the instructors and their qualifications. Requirements for the course and the outline are set forth in Appendix A to this part.

Subpart D—Mechanics

§ 65.71 Eligibility requirements: General.

(a) To be eligible for a mechanic certificate and associated ratings, a person must—

(1) Be at least 18 years of age;

(2) Be able to read, write, speak, and understand the English language, or in the case of an applicant who does not meet this requirement and who is employed outside of the United States by a U.S. air carrier, have his certificate endorsed "Valid only outside the United States";

(3) Have passed all of the prescribed tests within a period of 24 months; and

(4) Comply with the sections of this subpart that apply to the rating he seeks.

(b) A certificated mechanic who applies for an additional rating must meet the requirements of § 65.77 and, within a period of 24 months, pass the tests prescribed by §§ 65.75 and 65.79 for the additional rating sought.

(c) Notwithstanding paragraph (a) (3) of this section, an applicant for any certificate or rating under this subpart who, before May 29, 1962, has passed any part of the prescribed tests for that certificate or rating, may be credited with passing that part for a period of 24 months after that date.

§ 65.73 Ratings.

(a) The following ratings are issued under this subpart:

(1) Airframe.

(2) Powerplant.

(b) A mechanic certificate with an aircraft or aircraft engine rating, or both, that was issued before, and was valid on, June 15, 1952, is equal to a mechanic certificate with an airframe or powerplant rating, or both, as the case may be, and may be exchanged for such a corresponding certificate and rating or ratings.

§ 65.75 Knowledge requirements.

(a) Each applicant for a mechanic certificate or rating must pass a written test covering the construction and maintenance of aircraft appropriate to the rating he seeks, the regulations in this subpart, and the applicable provisions of Parts ____ and ____ of this chapter [Present Parts 18 and 43]. The basic principles covering the installation and maintenance of propellers is included in the powerplant test. A study guide for the written tests is contained in the "Airframe and Powerplant Mechanics Examination Guide" available from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C., at a price of 20 cents.

(b) The applicant must pass each section of the test before applying for the oral and practical tests prescribed by § 65.79. A report of the test is sent to the applicant.

§ 65.77 Experience requirements.

Each applicant for a mechanic certificate or rating must present either an appropriate graduation certificate from a certificated mechanic school or documentary evidence, satisfactory to the Administrator, of—

(a) At least 18 months of practical experience with the procedures, practices, materials, tools, machine tools, and equipment generally used in constructing, maintaining, or altering airframes, or powerplants appropriate to the rating sought; or

(b) At least 30 months of practical experience concurrently performing the duties appropriate to both the airframe and powerplant ratings.

§ 65.79 Skill requirements.

Each applicant for a mechanic certificate or rating must pass an oral and a practical test on the rating he seeks. The tests cover the applicant's basic skill in performing practical projects on the subjects covered by the written test for that rating. An applicant for a powerplant rating must show his ability to make satisfactory minor repairs to, and minor alterations of, propellers.

§ 65.81 General privileges and limitations.

(a) A certificated mechanic may perform or supervise the maintenance or alteration of an aircraft or appliance, or a part thereof, for which he is rated (but excluding major repairs to, and major alterations of, propellers, and any repair to, or alteration of, instruments), and may perform additional duties in accordance with §§ 65.85, 65.87, 65.95, and _____ [Present §§ 18.10, 18.11, 18.12]. However, he may not supervise the maintenance or alteration of, or approve and return to service, any aircraft or appliance, or part thereof, for which he is rated unless he has satisfactorily performed the work concerned at an earlier date. If he has not so performed that work at an earlier date, he may show his ability to do it by performing it to the satisfaction of the Administrator or under the direct supervision of a certificated and appropriately rated mechanic, or a certificated repairman, who has had previous experience in the specific operation concerned.

(b) A certificated mechanic may not exercise the privileges of his certificate and rating unless he understands the current instructions of the manufacturer, and the maintenance manuals, for the specific operation concerned.

§ 65.83 Recent experience requirements.

A certificated mechanic may not exercise the privileges of his certificate and rating unless, within the preceding 24 months—

(a) The Administrator has found that he is able to do that work; or

(b) He has, for at least 6 months—

(1) Served as a mechanic under his certificate and rating;

(2) Technically supervised other mechanics;

(3) Supervised, in an executive capacity, the maintenance or alteration of aircraft; or

(4) Been engaged in any combination of subparagraphs (1), (2), or (3) of this paragraph.

§ 65.85 Airframe rating: Additional privileges.

A certificated mechanic with an airframe rating may approve and return to service an airframe, or any related part or appliance, after he has performed, supervised, or inspected its maintenance or alteration (excluding major repairs and major alterations). In addition, he may perform the 100-hour inspection required by Part ____ of this chapter [Present Part 43] on an airframe, or any related part or appliance, and approve and return it to service.

§ 65.87 Powerplant rating; additional privileges.

A certificated mechanic with a powerplant rating may approve and return to service a powerplant or propeller or any related part or appliance, after he has performed, supervised, or inspected its maintenance or alteration (excluding major repairs and major alterations). In addition, he may perform the 100-hour inspection required by Part ____ of this chapter [Present Part 43] on a powerplant or propeller, or any part thereof, and approve and return it to service.

§ 65.89 Display of certificate.

The holder of a mechanic certificate shall keep it within the immediate area where he normally exercises the privileges of the certificate and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

§ 65.91 Inspection authorization.

(a) An application for an inspection authorization is made on a form and in a manner prescribed by the Administrator.

(b) An applicant who meets the requirements of this section is entitled to an inspection authorization.

(c) To be eligible for an inspection authorization, an applicant must—

(1) Be a certificated mechanic who has held both an airframe rating and a powerplant rating for at least 3 years before the date he applies;

(2) Have been actively engaged, for at least the 2-year period before the date he applies, in maintaining aircraft certificated and maintained in accordance with this chapter;

(3) Have a fixed base of operations at which he may be located in person or by telephone during a normal working week, but it need not be the place where he will exercise his inspection authority;

(4) Have available to him the equipment, facilities, and inspection data necessary to properly inspect airframes, powerplants, propellers, or any related part or appliance; and

(5) Pass a written test on his ability to inspect according to safety standards for returning aircraft to service after major repairs and major alterations and periodic and progressive inspections performed under Part ____ of this chapter [Present Part 18].

An applicant who fails the test prescribed in subparagraph (5) of this paragraph may not apply for retesting until at least 90 days after the date he failed the test.

(d) Each inspection authorization expires on March 31 of each year.

§ 65.93 Inspection authorization: Renewal.

(a) To be eligible for renewal of an inspection authorization for a one-year period an applicant must present evidence at an FAA General Aviation District Office or an International Field Office during the month of March that he still meets the requirements of § 65.91(c)(1) through (4), and by showing that during the current period that he held the inspection authority he—

(1) Has performed at least one periodic inspection for each 90 days that he held the current authority;

(2) Has performed inspections of at least two major repairs or major alterations for each 90 days that he held the current authority; or

(3) Has performed or supervised and approved at least one progressive inspection in accordance with standards prescribed by the Administrator.

(b) The holder of an inspection authorization that, on the date it must be renewed, has been in effect for less than 90 days need not comply with paragraph (a) (1) through (3) of this section.

§ 65.95 Inspection authorization: Privileges and limitations.

(a) The holder of an inspection authorization may—

(1) Inspect and approve and return to service any aircraft, or related part or applicance (except aircraft operated under Parts __, __, or __ of this chapter [Present Parts 40, 41, or 46], or large aircraft operated under Part ____ of this chapter [Present Part 42]) after a major repair or a major alteration to it in accordance with Part ____ of this chapter [Present Part 18]; and

(2) Perform a periodic, or perform or supervise a progressive inspection according to § ____ of this chapter [Present § 18.30].

(b) When he exercises the privileges of an inspection authorization, the holder shall keep it available for inspection by the aircraft owner, the mechanic submitting the aircraft, repair, or alteration for approval (if any), the Administrator, or an authorized representative of the Civil Aeronautics Board.

(c) If the holder of an inspection authorization changes his fixed base of operation, he may not exercise the privileges of the authorization until he has notified the FAA General Aviation District Office or International Field Office for the area in which the new base is located, in writing, of the change.

Subpart E—Repairmen

§ 65.101 Eligibility requirements: General.

To be eligible for a repairman certificate a person must—

(a) Be at least 18 years of age;

(b) Be specially qualified to perform maintenance on aircraft or components thereof, appropriate to the job for which he is employed;

(c) Be employed for a specific job requiring those special qualifications by a certificated repair station or by a certificated air carrier that is required by its operating certificate or approved operations specifications to provide a continuous airworthiness maintenance program according to its maintenance manuals;

(d) Be recommended for certification by his employer, to the satisfaction of the Administrator, as able to satisfactorily maintain aircraft or components, appropriate to the job for which he is employed;

(e) Have at least 18 months of practical experience in the procedures, practices, inspection methods, materials, tools, machine tools, and equipment generally used in the maintenance duties of the specific job for which he is to be employed and certificated; and

(f) Be able to read, write, speak, and understand the English language, or, in the case of an applicant who does not meet this requirement and who is employed outside of the United States by a certificated repair station or by a certificated United States air carrier described in paragraph (c) of this section, have his certificate endorsed "Valid only outside the United States".

§ 65.103 Repairman certificate: Privileges and limitations.

(a) A certificated repairman may perform or supervise the maintenance of aircraft or components thereof, appropriate to the job for which he was employed and certificated, but only in connection with duties for the repair station or air carrier by whom he was employed and recommended.

(b) A certificated repairman may not perform or supervise duties under his certificate unless he understands the current instructions of the air carrier or manufacturer of the article on which he is to perform or supervise those duties and the maintenance manuals relating to the specific operation concerned.

§ 65.105 Display of certificate.

The holder of a repairman certificate shall keep it within the immediate area

where he normally exercises the privileges of the certificate and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

Subpart F—Parachute Riggers

§ 65.111 Certificate required.

(a) No person may pack, maintain, or alter any personnel-carrying parachute intended for emergency use in connection with civil aircraft of the United States (including the auxiliary parachute of a dual parachute pack to be used for intentional jumping) unless he holds an appropriate current certificate and type rating issued under this subpart and complies with §§ 65.127 through 65.133.

(b) No person may pack, maintain, or alter any main parachute of a dual parachute pack to be used for intentional jumping in connection with civil aircraft of the United States unless he has an appropriate current certificate issued under this subpart. However, a person who does not hold such a certificate may pack the main parachute of a dual parachute pack that is to be used by him for intentional jumping.

(c) The holder of a parachute rigger certificate shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

(d) The following parachute rigger certificates are issued under this part:

(1) Senior parachute rigger.

(2) Master parachute rigger.

(e) Sections 65.127 through 65.133 do not apply to parachutes packed, maintained, or altered for the use of the armed forces.

§ 65.113 Eligibility requirements: General.

(a) To be eligible for a parachute rigger certificate, a person must—

(1) Be at least 18 years of age;

(2) Be able to read, write, speak, and understand the English language, or, in the case of a citizen of Puerto Rico, or a person who is employed outside of the United States by a U.S. air carrier, and who does not meet this requirement, be issued a certificate that is valid only in Puerto Rico or while he is employed outside of the United States by that air carrier, as the case may be; and

(3) Comply with the sections of this subpart that apply to the certificate and type rating he seeks.

(b) Except for a master parachute rigger certificate, a parachute rigger certificate that was issued before, and was valid on, October 31, 1962, is equal to a senior parachute rigger certificate, and may be exchanged for such a corresponding certificate.

§ 65.115 Senior parachute rigger certificate: Experience, knowledge, and skill requirements.

Except as provided in § 65.117, an applicant for a senior parachute rigger certificate must—

(a) Present evidence satisfactory to the Administrator that he has packed at least 20 parachutes of each type for which he seeks a rating, in accordance with the manufacturer's instructions and under the supervision of a certificated master parachute rigger holding a rating for that type or a person holding an appropriate military rating;

(b) Pass a written test on the following, with respect to one type of parachute in common use:

(1) Its construction, packing, and maintenance.

(2) Its use.

(3) The manufacturer's instructions.

(4) The regulations of this subpart; and

(c) Pass an oral and practical test showing his ability to pack and maintain at least one type of parachute in common use, appropriate to the type rating he seeks.

§ 65.117 Military riggers or former military riggers: Special certification rule.

In place of the procedure in § 65.115, an applicant for a senior parachute rigger certificate is entitled to it if he passes a written test on the regulations of this subpart and presents satisfactory documentary evidence that he—

(a) Is a member or civilian employee of an Armed Force of the United States, is a civilian employee of a regular armed force of a foreign country, or has, within the 12 months before he applies, been honorably discharged or released from any status covered by this paragraph;

(b) Is serving, or has served within the 12 months before he applies, as a parachute rigger for such an Armed Force; and

(c) Has the experience required by § 65.115(a).

§ 65.119 Master parachute rigger certificate: Experience, knowledge, and skill requirements.

An applicant for a master parachute rigger certificate must—

(a) Present evidence satisfactory to the Administrator that he has had at least 5 years of experience as a parachute rigger and has satisfactorily packed at least 100 parachutes of each of two types in common use;

(b) Pass an oral test on the following, with respect to two types of parachutes in common use:

(1) Their construction, packing, and maintenance.

(2) Their use.

(3) The manufacturer's instructions; and

(c) Pass a practical test showing his ability to pack and maintain two types of parachutes in common use, and showing that he can satisfactorily supervise other persons in these operations.

§ 65.121 Type ratings.

(a) The following type ratings are issued under this subpart:

(1) Seat.

(2) Back.

(3) Chest.

(4) Lap.

(b) The holder of a senior parachute rigger certificate who qualifies for a master parachute rigger certificate is entitled to have placed on his master parachute rigger certificate the ratings that were on his senior parachute rigger certificate.

§ 65.123 Additional type ratings: Requirements.

A certificated parachute rigger who applies for an additional type rating must—

(a) Present evidence satisfactory to the Administrator that he has packed at least 20 parachutes of the type for which he seeks a rating, in accordance with the manufacturer's instructions and under the supervision of a certificated master parachute rigger holding a rating for that type or a person holding an appropriate military rating; and

(b) Pass a practical test, to the satisfaction of the Administrator, showing his ability to pack and maintain the type of parachute for which he seeks a rating.

§ 65.125 Certificates: Privileges.

(a) A certificated senior parachute rigger may pack or maintain (except for major repair) any type of parachute for which he is rated.

(b) A certificated master parachute rigger may—

(1) Pack, maintain, or alter any type of parachute for which he is rated; and

(2) Instruct or supervise other persons in the proper methods and procedures of constructing, packing, maintaining, altering, and using the type of parachutes for which he is rated.

(c) A certificated parachute rigger need not comply with §§ 65.127 through 65.133 (relating to facilities, equipment, performance standards, records, recent experience, and seal) in packing, maintaining, or altering (if authorized) the main parachute of a dual parachute pack to be used for intentional jumping.

§ 65.127 Facilities and equipment.

No certificated parachute rigger may exercise the privileges of his certificate unless he has at least the following facilities and equipment available to him:

(a) A smooth top table at least three feet wide by 40 feet long.

(b) A compartment for hanging parachutes vertically for drying and airing.

(c) Enough packing tools and other equipment to pack and maintain the types of parachutes that he services.

(d) Adequate housing facilities to perform his duties and to protect his tools and equipment.

§ 65.129 Performance standards.

No certificated parachute rigger may—

(a) Pack, maintain, or alter any parachute unless he is rated for that type;

(b) Pack a parachute that is not safe for emergency use;

(c) Pack a parachute that has not been thoroughly dried and aired;

(d) Alter a parachute in a manner that is not specifically authorized by the Administrator or the manufacturer;

(e) Pack, maintain, or alter a parachute in any manner that deviates from procedures approved by the Administrator or the manufacturer of the parachute; or

(f) Exercise the privileges of his certificate and type rating unless he understands the current manufacturer's instructions for the operation involved and has—

(1) Performed duties under his certificate for at least 90 days within the preceding 12 months; or

(2) Shown the Administrator that he is able to perform those duties.

§ 65.131 Records.

(a) Each certificated parachute rigger shall keep a record of the packing, maintenance, and alteration of parachutes performed or supervised by him. He shall keep in that record, with respect to each parachute worked on, a statement of—

(1) Its type and make;

(2) Its serial number;

(3) The name and address of its owner;

(4) The kind and extent of the work performed;

(5) The date when and place where the work was performed; and

(6) The results of any drop tests made with it.

(b) Each person who makes a record under paragraph (a) of this section shall keep it for at least 2 years after the date it is made.

(c) Each certificated parachute rigger who packs a parachute shall write, on the parachute packing record attached to the parachute, the date and place of the packing and a notation of any defects he finds on inspection. He shall sign that record with his name and the number of his certificate.

§ 65.133 Seal.

Each certificated parachute rigger must have a seal with an identifying mark prescribed by the Administrator, and a seal press. After packing a parachute he shall seal the pack with his seal in accordance with the manufacturer's recommendation for that type of parachute.

PART 65—DISTRIBUTION TABLE

Former section	Revised section
24.0	65.1
24.1	(1)
24.5	65.11
24.5–1	65.75
24.6(a)	65.11
24.6 (less (a))	65.13
24.7(a)	65.15
24.7 (less (a))	65.13
24.7–1	65.15
24.8	65.73
24.8–1	65.73
24.8–2	65.73
24.9	65.89
24.9–1	65.89
24.11	65.21
24.15	65.71
24.16	65.71
24.17	65.71
24.17–1	65.81
24.18(a)	65.17
24.18 (less (a))	65.71
24.19	65.19
24.19–1	65.19
24.20	65.71
24.21	65.77
24.22	65.73
24.30	65.75
24.30–1	65.75
24.31	65.77
24.32	65.77
24.33	65.79
24.33–1	65.79
24.40	65.81
24.40–1	65.81
24.41	65.85
24.42	65.87
24.43(b)	65.91
24.43 (less (b))	65.95
24.43–1 (less (c) and (e))	65.91
24.43–1(c)	65.95
24.43–1(e)	65.93
24.43–2	65.95
24.50	65.81
24.51	63.83
24.100	65.101
24.101	65.11
24.102	65.15
24.103	65.105
24.103–1	65.105
24.105	65.21

[1] Transferred to Part 1.

PART 65—DISTRIBUTION TABLE—Continued

Former section	Revised section
24.110	65.101
24.111	65.101
24.112	65.101
24.120	65.101
24.121	65.101
24.130	65.103
24.140	65.103
25.0	65.1
25.1	(1)
25.5	65.11
25.6(a)	65.11
25.6 (less (a))	65.13
25.7(c)	65.13
25.7 (less (c))	65.15
25.9	65.111
25.10	65.21
25.21	65.113
25.22	65.113
25.23	65.113
25.24	65.17
25.25	65.19
25.26	65.121
25.27	65.123
25.28	65.115; 65.119; 65.123
25.40	65.115
25.41	65.115
25.42	65.115
25.43	65.115
25.44	65.117
25.45	65.125
25.50	65.119
25.61	65.119
25.62	65.119
25.63	65.119
25.64	65.125
25.80 (less last proviso of (b))	65.111
25.80 (last proviso of (b))	65.125
25.81	65.127
25.82	65.129
25.83	65.133
25.84	65.131
25.85	65.129
26.1	65.31
26.2	65.31
26.3	65.33
26.3–2	65.33
26.6	65.35
26.7	65.37
26.7–1	65.37
26.8	65.39
26.8–1	65.39
26.12	65.17
26.13	65.31
26.14	65.19
26.18	65.15
26.19	65.13
26.20	65.21
26.25	65.41
26.26	65.41
26.27	65.41
26.28	65.43
26.29	65.45
26.30	65.45
26.31	65.45
26.32	65.45
26.34	65.45
26.35	65.45
26.36	65.47
27.1	65.1
27.2	(1)
27.5	65.11
27.6(a)	65.11
27.6 (less (a))	65.13
27.7(b)	65.13
27.7 (less (b))	65.15
27.8	65.21
27.21	65.53
27.22	65.53
27.23	65.53
27.24	65.17
27.25	65.19
27.26	65.57
27.31	65.57
27.31–1	65.61
27.32	65.55
27.33	65.59
27.33–1(a) (less 1st 3 sentences)	65.55
27.33–1(a) (1st 3 sentences) and (b)	65.59
27.41	65.51
27.42	65.51

PART 65—APPENDIX A

AIRCRAFT DISPATCHER COURSES

(a) *Training course outline.* It is not mandatory that the training course outline have the subject headings arranged exactly as listed in the following example. Any arrangement of headings and subheadings will be satisfactory provided all the subjects listed in this section are included. Each general subject of the outline shall be broken down, in detail, showing the items to be covered. Additional subjects, especially those which are not closely associated with the training of aircraft dispatchers, may be listed so long as the hourly requirements devoted to the subjects are not included as a part of the basic minimum hours.

(b) *Format of the training outline and course requirements.* The course outline submitted for approval must be in looseleaf form, must include a table of contents and minimum coverage of the course material, and must include the following:

Subject	Classroom hours
Civil Air Regulations	15
Subpart C of Part 65 of this chapter.	
Parts ----, ----, ----, ----, ----, ----, and ---- of this chapter [Present Parts 4b, 40, 41, 42, 43, 49, and 60].	
Part 320 of the Civil Aeronautics Board's Safety Investigation Regulations—Notification and Reporting of Aircraft Accidents and Ovedue Aircraft.	

PART 65—APPENDIX A—Continued

AIRCRAFT DISPATCHER COURSES—continued

Subject	Classroom hours
Meteorology	75
Basic properties of the atmosphere:	
Composition.	
Density.	
Measurement.	
General circulation.	
Solar heating.	
Clouds:	
Formation.	
Condensation.	
Precipitation.	
Use of cloud knowledge in forecasting.	
Stability and instability.	
Air mass analysis:	
Classification.	
Flying conditions to be encountered.	
Use of air mass knowledge in forecasting.	
Analysis of fronts:	
Structure and characteristics.	
Cloud sequences in fronts.	
Establishing position of front by cloud types.	
Fronts in North America and seasonal variations.	
Flying weather in fronts.	
Cyclones and anticyclones.	
Fog:	
Types.	
Cause and formation.	
Ice:	
Type.	
Cause and formation.	
Thunderstorms, hurricanes, tornados:	
Causes.	
Methods of forecasting.	
Structure and complexity of internal winds.	
Hail, its cause and formation.	
Turbulence:	
Cause.	
Determining the smooth level of flight.	
Interpreting weather data:	
Weather sequences and symbols.	
Weather map symbols.	
Drawing a weather map.	
Reading a weather map.	
Upper-level charts.	
Adiabatic charts.	
Winds-aloft charts.	
Instruments used to gather and record the weather.	
Weather forecasting:	
Extrapolation.	
Movement of fronts and air masses.	
Isobars.	
Barometric tendency.	
Application of weather knowledge:	
Planning a flight.	
Navigation	30
Study of the earth as a planet (charts, maps, and projections):	
Mercator projections.	
Gnomonic projections.	
Lambert projections.	
Polyconic projections.	
Chart reading:	
Symbols, landmarks, etc.	
Dead reckoning:	
Magnetic variation, compass deviation terms, winds and vectors.	
Correction angle.	
Findings wind drift-off course.	
Off course problems.	
Wind velocity by single and double drift.	
Interception problems.	
Radius of action—problems.	
Search problems.	
Computer use—problems.	
Radio navigation:	
Principles of the radio range, radio compass direction finder, marker beacons, ILS, CCA, radio altimeter, LORAN, and any other.	
Navigation instruments:	
Altimeter, air-speed indicator, compass, drift and rate of climb indicator.	

tificate must—

rigger certificate who qualifies for a

chute; or

24.21	65.77	24.105	65.21

[1] Transferred to Part 1.

Safety Investigation Regulations—Notification and Reporting of Aircraft Accidents and Ovedue Aircraft.

Navigation instruments:
Altimeter, air-speed indicator, compass, drift and rate of climb indicator.

PART 65—APPENDIX A—Continued

AIRCRAFT DISPATCHER COURSES—continued

Subject	Classroom hours
Aircraft	15
Weight and balance:	
Center of gravity.	
How determined.	
Center of gravity limits.	
Problem in loading.	
Engine specifications—Powerplant:	
Operating limits.	
Fuel consumption.	
Accessories.	
Operating manual.	
Airplane specifications:	
Operational equipment.	
Flight controls, landing gear hydraulic system, electrical system, loading characteristics, fuel capacity heating and ventilating system, and deicing equipment.	
Performance:	
Effect of weight, wind, air density, and runway surfaces on take-off performance of aircraft.	
Power setting and cockpit procedure.	
Types of cruise control.	
Communications	8
Radio-telephone rules and regulations.	
FCC rules and regulations.	
Company communications:	
Air to ground radio communications and procedures.	
Point to point communications and procedures.	
Equipment air to ground and point to point.	
FAA communications:	
Air to ground radio communications and procedures.	
Point to point communications and procedures.	
Equipment air to ground and point to point.	
Simulated instrument flight	10
Instrument familiarization.	
Bracketing.	
Orientation.	
Holding procedure.	
Let-down procedure.	
Missed-approach procedure.	
Air Traffic Control	30
Air route traffic control procedures and equipment.	
Airport traffic control procedures and equipment.	
Practical Dispatching	15
Preflight:	
Safety.	
Economic advantage.	
Crew.	
Notams.	
The course and distance.	
Horizontal and vertical extent of the weather.	
Winds.	
Forecast.	
Minimum safe altitude.	
The cruising altitude.	
Flight plan.	
The alternate plan.	
Clearances, company air traffic control.	
The fuel.	
The load.	
The departure time.	
In-flight:	
Position report.	
Altimeter settings.	
Weather reports.	
Changes in forecast.	
Changing instrument altitude.	
Changing from VFR to IFR.	
Additional clearances.	
Emergency procedures.	
Post-flight:	
Arrival report.	
Differences between the forecasted and actual weather encountered for subsequent flights.	

(c) *Facilities, equipment, and material.* An applicant for authority to operate an approved aircraft dispatcher course of study must have the following facilities, equipment, and materials:

(1) *Facilities.* Suitable classrooms, adequate to accommodate the largest number of students scheduled for attendance at any one time. Such classrooms shall be properly heated, lighted, and ventilated.

(2) *Equipment and materials.* Suitable devices for the teaching of simulated instrument flight, navigation, and meteorology, acceptable textbooks, operations manuals, wall maps, charts, blackboards, and visual aids of a quantity which will provide for each student the theoretical and practical aspects of aircraft dispatching.

(d) *Instructors.* (1) The number of instructors available for conducting the course of study shall be determined according to the needs and facilities of the applicant. However, the ratio of students per instructor may not exceed 25 students for one instructor.

(2) At least one instructor who possesses a currently effective aircraft dispatcher certificate must be available for coordination of the training course instruction.

(e) *Revision of training course.* Requests for revision of course outlines, facilities, and equipment shall be accomplished in the same manner established for securing approval of the original course of study. Revisions must be submitted in such form that an entire page or pages of the approved outline can be removed and replaced by the revision.

The list of instructors may be revised at any time without request for approval, provided the minimum requirements are maintained and the local inspector is notified.

(f) *Credit for previous experience or training.* A course operator may evaluate an entrant's previous experience or training and where the training or experience is provable and comparable to portions of the approved course curriculum, may, as each individual case warrants, allow credit for such, commensurate with accepted training practices. Where credit is allowed, the basis for allowance and the total hours credited must be incorporated as a part of the student's records, provided for in paragraph (g) of this Appendix.

(g) *Student records and reports.* Approval of a course may not be continued in effect unless the course operator keeps an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades, and unless he prepares and transmits to the FAA not later than January 31 of each year, a report containing the following information:

(1) The names of all students graduated, together with school grades for aircraft dispatcher courses.

(2) The names of all students failed or dropped, together with school grades and reasons for dropping.

(h) *Quality of instruction.* Approval of a course may not be continued in effect unless at least 80 percent of the students who apply within 90 days after graduation are able to qualify on the first attempt for certification as aircraft dispatchers.

(i) *Statement of graduation.* Each student who successfully completes the approved aircraft dispatcher course shall be given a statement of graduation.

(j) *Change of ownership, name, or location*—(1) *Change of ownership.* Approval of an aircraft dispatcher course may not be continued in effect after the course has changed ownership. The new owner must obtain a new approval by following the procedures prescribed for original approval.

(2) *Change in name.* An approved course changed in name but not changed in ownership remains valid if the change is reported by the approved course operator to the local inspector who will issue a letter of approval under the new name.

(3) *Change in location.* An approved course remains in effect even though the approved course operator changes location if the change is reported without delay by the operator to the local inspector who will inspect the facilities to be used in the new location and, if they are found to be adequate, issue a letter of approval showing the new location.

(k) *Cancellation of approval.* (1) Failure to meet or maintain any of the standards set forth herein for the approval or operation of an approved aircraft dispatcher course is considered to be a sufficient reason for discontinuing approval of the course.

(2) If an operator desires voluntary cancellation of his approved course, he shall send a letter requesting cancellation to the Administrator of the Federal Aviation Agency through the local inspector.

(l) *Duration.* The authority to operate an approved aircraft dispatcher course of study expires 24 months after the last day of the month of issuance.

(m) *Renewal.* Application for renewal of an approved aircraft dispatcher course shall be made by letter addressed to the Administrator of the Federal Aviation Agency through the local inspector at any time within 60 days of the expiration date. Renewal of approval will depend on the course operator's meeting the current conditions of course approval and having a satisfactory record as a course operator.

PART 67—MEDICAL STANDARDS AND CERTIFICATION [NEW]

Subpart A—General

Sec.
67.1 Applicability.
67.11 Issue.
67.13 First-class medical certificate.
67.15 Second-class medical certificate.
67.17 Third-class medical certificate.
67.19 Special issue: Operational limitations.

Subpart B—Certification Procedures

67.21 Applicability.
67.23 Medical examinations: Who may give.
67.25 Delegation of authority.
67.27 Denial of medical certificate.
67.29 Medical certificates by senior flight surgeons of armed forces.
67.31 Medical records.

AUTHORITY: §§ 67.1 to 67.31 issued under secs. 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1355, 1421, and 1427.

Subpart A—General

§ 67.1 Applicability.

This subpart prescribes the medical standards for issuing medical certificates for airmen.

§ 67.11 Issue.

An applicant who meets the medical standards prescribed in this part, based on medical examination and evaluation of his history and condition is entitled to an appropriate medical certificate.

§ 67.13 First-class medical certificate.

(a) To be eligible for a first-class medical certificate, an applicant must meet the requirements of paragraphs (b) throught (f) of this section.

(b) Eye:

(1) Distant visual acuity of 20/20 or better in each eye separately, without correction; or of at least 20/50 in each eye separately corrected to 20/20 or better with corrective glasses, in which case the applicant may be qualified only on the condition that he wears those glasses while exercising the privileges of his airman certificate.

(2) Near vision of at least v=1.00 at 18 inches with each eye separately, with or without corrective glasses.

(3) Normal color vision.

(4) Normal fields of vision.

(5) No acute or chronic pathological condition of either eye or adenexae that might interfere with its proper function, might progress to that degree, or might be aggravated by flying.

(6) Bifoveal fixation and vergencephoria relationship sufficient to prevent a break in fusion under conditions that may reasonably occur in performing airman duties.

Tests for the factors named in subparagraph (6) of this paragraph are not required except for applicants found to have more than one prism diopter of hyperphoria, six prism diopters of esophoria, or six prism diopters of exophoria. If these values are exceeded, the Civil Air Surgeon may require the applicant to be examined by a qualified eye specialist to determine if there is bifoveal fixation and adequate vergencephoria relationship. However, if the applicant is otherwise qualified, he is entitled to a medical certificate pending the results of the examination.

(c) Ear, nose, throat, and equilibrium:

(1) Ability to—

(i) Hear the whispered voice at a distance of at least 20 feet with each ear separately; or

(ii) Demonstrate a hearing acuity of at least 50 percent of normal in each ear throughout the effective speech and radio range as shown by a standard audiometer.

(2) No acute or chronic disease of the middle or internal ear.

(3) No disease of the mastoid.

(4) No unhealed (unclosed) perforation of the eardrum.

(5) No disease or malformation of the nose or throat that might interfere with, or be aggravated by, flying.

(6) No disturbance in equilibrium.

(d) Nervous system:

(1) No established medical history or clinical diagnosis of any of the following:

(i) A character or behavior disorder that is severe enough to have repeatedly manifested itself by overt acts.

(ii) A psychotic disorder.

(iii) Chronic alcoholism.

(iv) Drug addiction.

(v) Epilepsy.

(vi) A disturbance of consciousness without satisfactory medical explanation of the cause.

(2) No other disease of the nervous system, mental abnormality, or psychoneurotic disorder that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

(e) Cardiovascular:

(1) No established medical history or clinical diagnosis of—

(i) Myocardial infarction; or

(ii) Angina pectoris or other evidence of coronary heart disease that the Civil Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(2) If the applicant has passed his thirty-fifth birthday but not his fortieth, he must, on the first examination after his thirty-fifth birthday, show an absence of myocardial infarction on electrocardiographic examination.

(3) If the applicant has passed his fortieth birthday, he must annually show an absence of myocardial infarction on electrocardiographic examination.

(4) Unless the adjusted maximum readings apply, the applicant's reclining blood pressure may not be more than the maximum reading for his age group in the following table:

Age group	Maximum readings (reclining blood pressure in mm)		Adjusted maximum readings (reclining blood pressure in mm)[1]	
	Systolic	Diastolic	Systolic	Diastolic
20–29	140	88	----------	----------
30–39	145	92	155	98
40–49	155	96	165	100
50 and over	160	98	170	100

[1] For an applicant at least 30 years of age whose reclining blood pressure is more than the maximum reading for his age group and whose cardiac and kidney conditions, after complete cardiovascular examination, are found to be normal.

(5) If the applicant is at least 40 years of age, he must show a degree of circulatory efficiency that is compatible with the safe operation of aircraft at high altitudes.

An electrocardiogram, made according to acceptable standards and techniques within the 90 days before an examination for a first-class certificate, is accepted at the time of the physical examination as meeting the requirements of subparagraphs (2) and (3) of this paragraph.

(f) General medical condition:

(1) No established medical history or clinical diagnosis of diabetes mellitus that requires insulin or any other hypoglycemic drug for control.

(2) No other organic, functional, or structural disease, defect, or limitation that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified medical judgment relating to the condition involved.

§ 67.15 Second-class medical certificate.

(a) To be eligible for a second-class medical certificate, an applicant must meet the requirements of paragraphs (b) through (f) of this section.

(b) Eye:

(1) Distant visual acuity of 20/20 or better in each eye separately, without correction; or of at least 20/50 in each eye separately corrected to 20/20 or better with corrective glasses, in which case the applicant may be qualified only on the condition that he wears those glasses while exercising the privileges of his airman certificate.

(2) Enough accommodation to pass a test prescribed by the Administrator based primarily on ability to read official aeronautical maps.

(3) Normal fields of vision.

(4) No pathology of the eye.

(5) Ability to distinguish aviation signal red, aviation signal green, and white.

(6) Bifoveal fixation and vergencephoria relationship sufficient to prevent a break in fusion under conditions that may reasonably occur in performing airman duties.

Tests for the factors named in subparagraph (6) of this paragraph are not required except for applicants found to have more than one prism diopter of hyperphoria, six prism diopters of esophoria, or six prism diopters of exophoria. If these values are exceeded, the Civil Air Surgeon may require the applicant to be examined by a qualified eye specialist to determine if there is bifoveal fixation and adequate vergencephoria relationship. However, if the applicant is otherwise qualified, he is entitled to a medical certificate pending the results of the examination.

(c) Ear, nose, throat, and equilibrium:

(1) Ability to hear the whispered voice at 8 feet with each ear separately.

(2) No acute or chronic disease of the middle or internal ear.

(3) No disease of the mastoid.

(4) No unhealed (unclosed) perforation of the eardrum.

(5) No disease or malformation of the nose or throat that might interfere with, or be aggravated by, flying.

(6) No disturbance in equilibrium.

(d) Nervous system:

(1) No established medical history or clinical diagnosis of any of the following:

(i) A character or behavior disorder that is severe enough to have repeatedly manifested itself by overt acts.

(ii) A psychotic disorder.

(iii) Chronic alcoholism.

(iv) Drug addiction.

(v) Epilepsy.

(vi) A disturbance of consciousness without satisfactory medical explanation of the cause.

(2) No other disease of the nervous system, mental abnormality, or psychoneurotic disorder that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within 2 years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

(e) Cardiovascular:

No established medical history or clinical diagnosis of—

(1) Myocardial infarction; or

(2) Angina pectoris or other evidence of coronary heart disease that the Civil Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(f) General medical condition:

(1) No established medical history or clinical diagnosis of diabetes mellitus that requires insulin or any other hypoglycemic drug for control.

(2) No other organic, functional, or structural disease, defect, or limitation that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

§ 67.17 Third-class medical certificate.

(a) To be eligible for a third-class medical certificate, an applicant must meet the requirements of paragraphs (b) through (f) of this section.

(b) Eye:

(1) Distant visual acuity of 20/50 or better in each eye separately, without correction; or if the vision in either or both eyes is poorer than 20/50 and is corrected to 20/30 or better in each eye with corrective glasses, the applicant may be qualified on the condition that he wears those glasses while exercising the privilges of his airman certificate.

(2) No serious pathology of the eye.

(3) Ability to distinguish aviation signal red, aviation signal green, and white.

(c) Ears, nose, throat, and equilibrium:

(1) Ability to hear the whispered voice at 3 feet.

(2) No acute or chronic disease of the internal ear.

(3) No disease or malformation of the nose or throat that might interfere with, or be aggravated by, flying.

(4) No disturbance in equilibrium.

(d) Nervous system:

(1) No established medical history or clinical diagnosis of any of the following—

(i) A character or behavior disorder that is severe enough to have repeatedly manifested itself by overt acts.

(ii) A psychotic disorder.

(iii) Chronic alcoholism.

(iv) Drug addiction.

(v) Epilepsy.

(vi) A disturbance of consciousness without satisfactory medical explanation of the cause.

(2) No other disease of the nervous system, mental abnormality, or psychoneurotic disorder that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

(e) Cardiovascular:

(1) No established medical history or clinical diagnosis of—

(i) Myocardial infarction; or

(ii) Angina pectoris or other evidence of coronary heart disease that the Civil Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(f) General medical condition:

(1) No established medical history or clinical diagnosis of diabetes melitus that requires insulin or any other hypoglycemic drug for control;

(2) No other organic, functional or structural disease, defect, or limitation that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

§ 67.19 Special issue: Operational limitations.

(a) A medical certificate of the appropriate class may, in the discretion of the Civil Air Surgeon, be issued to an applicant who does not meet the medical standards of this Part, if the applicant shows to the satisfaction of the Civil Air Surgeon by operational experience, special practical testing, flight testing, or as otherwise required, that he can perform his duties under the airman certificate he holds, or for which he is applying, in a manner that will not endanger safety in air commerce during the period the certificate would be in effect.

(b) Any operational limitation on, or limit on the duration of, a certificate issued under this section that the Civil Air Surgeon determines is needed for safety shall be specified on the airman or medical certificate held by, or issued to, the applicant.

(c) An applicant who has taken a practical or flight test for a medical certificate under this section, and who has had a medical certificate issued to him under this section as a result of that test, need not take the test again during later physical examinations unless the Civil Air Surgeon determines that his physical deficiency has become enough more pronounced to require such an additional test.

(d) This section does not apply to an applicant who fails to meet the requirements of §§ 67.13 (d) (1), (e) (1), or (f) (1), 67.15 (d) (1), (e), or (f) (1), or 67.17 (d) (1), (e), or (f) (1).

Subpart B—Certification Procedures

§ 67.21 Applicability.

This subpart prescribes the general procedures that apply to the issue of medical certificates for airmen.

§ 67.23 Medical examinations: Who may give.

(a) *First class.* Any aviation medical examiner who is specifically designated for the purpose may give the examination for the first class certificate. Any interested person may obtain a list of these aviation medical examiners, in any area, from the FAA Assistant Administrator of the region in which the area is located.

(b) *Second class and third class.* Any aviation medical examiner may give the examination for the second or third class certificate. Any interested person may obtain a list of aviation medical examiners, in any area, from the FAA Assistant Administrator of the region in which the area is located.

§ 67.25 Delegation of authority.

(a) The authority of the Administrator, under section 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1422), to issue or deny medical certificates is delegated to the Civil Air Surgeon, to the extent necessary to—

(1) Examine applicants for and holders of medical certificates for compliance with applicable medical standards; and

(2) Issue, renew, or deny medical certificates to applicants and holders based upon compliance or noncompliance with applicable medical standards.

Subject to limitations in this chapter, the authority delegated in subparagraphs (1) and (2) of this paragraph is also delegated to aviation medical examiners and to authorized representatives of the Civil Air Surgeon within the FAA.

(b) The authority of the Administrator, under subsection 314(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1355 (b)), to reconsider the action of a medical examiner is delegated to the Civil Air Surgeon, and his authorized representatives within the FAA. However, any action taken under this paragraph by such a representative is subject to reconsideration by the Civil Air Surgeon.

(c) The authority of the Administrator, under section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429), to re-examine any civil airman, to the extent necessary to determine an airman's qualification to continue to hold an airman medical certificate, is delegated to the Civil Air Surgeon and his authorized representatives within the FAA.

§ 67.27 Denial of medical certificate.

(a) Any person who is denied a medical certificate by an aviation medical examiner or a representative of the Civil Air Surgeon may, within 30 days after the date of the denial, apply in writing to the Civil Air Surgeon, Federal Aviation Agency, Washington 25, D.C., for reconsideration of that denial. He must send with his application a copy of it addressed to the aviation medical examiner, or representative of the Civil Air Surgeon, concerned. If he does not apply for reconsideration during 30 days after the date of denial, he is considered to have withdrawn his application for a medical certificate.

(b) The denial of a medical certificate by an aviation medical examiner or a representative of the Civil Air Surgeon is not a denial by the Administrator under section 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1422). The denial of a medical certificate by the Civil Air Surgeon is considered to be a denial by the Administrator under that section.

§ 67.29 Medical certificates by senior flight surgeons of armed forces.

(a) The FAA has designated senior flight surgeons of the armed forces on specified military posts, stations, and facilities, as aviation medical examiners.

(b) An aviation medical examiner described in paragraph (a) of this section may give physical examinations to applicants for FAA medical certificates who are on active duty or who are, under Department of Defense medical programs, eligible for FAA medical certification as civil airmen. In addition, such an examiner may issue or deny an appropriate FAA medical certificate in accordance with the regulations of this chapter and the policies of the FAA.

(c) Any interested person may obtain a list of the military posts, stations, and facilities at which a senior flight surgeon has been designated as an aviation medical examiner, from the Surgeon General of the armed force concerned or from the Chief of the Aeromedical Certification Division, AM-300, Federal Aviation Agency, Oklahoma City, Oklahoma.

§ 67.31 Medical records.

Whenever the Administrator finds that additional medical history is necessary to determine whether an applicant for or the holder of a medical certificate meets the physical standards for it, he requests that person to authorize any clinic, hospital, doctor, or other person to release to the Administrator any available information or records concerning that medical history. If the applicant, or holder, refuses to authorize the release, the Administrator may suspend, modify, or revoke any medical certificate that he holds or may, in the case of an applicant, refuse to issue a medical certificate to him.

PART 67—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
29.1	67.11	406.12(c) (1) and (2)	67.23
29.2	67.13	406.12(d)	67.25
29.3	67.15	406.12(e)	67.27
29.4	67.17	406.12 (less (a)–(f))	67.29
29.5	67.19	406.31	67.31
406.12(a) (1) and (2)	67.23		
406.12(b) (1) and (2)	67.23		

[F.R. Doc. 62-7961; Filed, Aug. 9, 1962; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-359]

PART 200—DEFINITIONS AND INSTRUCTIONS

Definition of "Supplemental Air Carrier"

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of August 1962.

The term "supplemental air carrier" as used in the Board's regulations and orders includes carriers holding operating authority under Order E-9744 of November 15, 1955 (22 C.A.B. 853), and certificate authority under Orders E-13436 of January 28, 1959, and E-14196 of July 8, 1959. Pursuant to section 8(b) of Public Law 87-528 (76 Stat. 143), enacted July 10, 1962, these operating authorizations will terminate on August 9, 1962. Carriers which held such operating authorizations, or held interim operating authority under paragraph (2) of the first section of Public Law 86-661 of July 14, 1960 (74 Stat. 527), may qualify under section 8(a) for statutory operating authority, for a period of ninety days from the enactment of Public Law 87-528. Thereafter such carriers, as well as former all-cargo carriers covered by the provisions of section 7(c) of Public Law 87-528, may receive a new interim certificate or new interim authority pursuant to section 7 (a), (b), or (c) of said Public Law. Eventually, such carriers as well as new applicants may receive certificate authority under new section 401(d)(3) of the Federal Aviation Act of 1958, as amended.

The carriers operating under any of the afore-cited provisions or under authority conferred by the Board pursuant to these provisions will, in substance, be "supplemental air carriers" within the intent of the Board's regulations and orders. However, in order to remove any doubt, it appears expedient to make these regulations and orders applicable to such carriers by express provision. For this purpose, the Board will add to Part 200 of its Economic Regulations a definition of "supplemental air carrier" which encompasses carriers holding operating authority under or pursuant to the afore-cited provisions.

Since this regulation is interpretative in nature, does not impose any regulatory burdens on persons to whom such burdens are not applicable at this time, and is required in the public interest by August 10, 1962, notice and public procedure thereon are not required, and this amendment may be made effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 200 of its Economic Regulations (14 CFR Part 200) by adding thereto a new § 200.8, effective August 10, 1962, to read:

§ 200.8 Supplemental air carrier.

Unless the context otherwise requires, the term "supplemental air carrier" as used in existing or future regulations and orders of the Board includes persons holding operating authority conferred upon them by section 8(a) of Public Law 87-528 of July 10, 1962; persons holding operating authority conferred upon them by the Board pursuant to section 7 (a), (b), or (c), of said Public Law 87-528; and persons holding certificate authority conferred upon them by the Board pursuant to section 401(d) (3) of the Federal Aviation Act of 1958, as amended. These persons shall also be deemed included in the term "air carrier" where that term, in the context, includes supplemental air carriers.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401, 403, 404, 407, 408, 409, 411, 412, 413, 414, 415, 416, 417, 1002(i) of the Federal Aviation Act of 1958, as amended; secs. 7 and 8 of Public Law 85-528, 72 Stat. 754, 758, 760, 766, 767, 768, 769, 770, 771, 788; 76 Stat. 143, 146, 147; 49 U.S.C. 1371, 1373, 1374, 1377, 1378, 1379, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1482)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 62-8032; Filed, Aug. 9, 1962; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-130]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On May 30, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5098) stating that the Federal Aviation Agency was considering alteration of a segment of Intermediate altitude VOR Federal airway No. 1547 between Myton, Utah, and Casper, Wyo., and alteration of a segment of low altitude VOR Federal airways Nos. 4 and 6 north alternates between Rock Springs, Wyo., and Cherokee, Wyo.

The Air Transport Association of America submitted a comment which concurred with the proposed alterations. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice the following actions are taken:

1. Section 600.1547 (14 CFR 600.1547): In the text "Cherokee, Wyo., VOR;" is deleted and "Rock Springs, Wyo., VOR;" is substituted therefor.

2. In the text of § 600.6004 (14 CFR 600.6004, 27 F.R. 1595, 4809, 6672) "Rock Springs, Wyo., omnirange station; Cherokee, Wyo., omnirange station, including a north alternate;" is deleted and "Rock Springs, Wyo., VORTAC; Cherokee, Wyo., VOR, including a N alternate via the INT of the Rock Springs VORTAC 053° and the Cherokee VOR 286° radials;" is substituted therefor.

3. In the text of § 600.6006 (14 CFR 600.6006, 27 F.R. 1354, 5655) "Ogden, Utah, omnirange station; Fort Bridger, Wyo., omnirange station, including a north alternate via the intersection of the Ogden omnirange 052° True and the Fort Bridger omnirange 278° True radials; Rock Springs, Wyo., omnirange station, including a north alternate via the intersection of the Fort Bridger omnirange 064° True and the Rock Springs omnirange 284° True radials; Cherokee, Wyo., omnirange station, including a north alternate;" is deleted and "Ogden, Utah, VOR; Fort Bridger, Wyo., VOR, including a N alternate via the INT of the Ogden VOR 052° and the Forth Bridger VOR 278° radials; Rock Springs, Wyo., VORTAC including a N alternate via the INT of the Fort Bridger VOR 064° and the Rock Springs VORTAC 284° radials; Cherokee, Wyo., VOR, including a N alternate via the INT of the Rock Springs VORTAC 053° and the Cherokee VOR 286° radials;" is substituted therefor.

These amendments shall become effective 0001 e.s.t, October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 6, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7966; Filed, Aug. 9, 1962; 8:45 a.m.]

[Airspace Docket No. 62-EA-12]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On May 17, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4702) stating that the Federal Aviation Agency proposed to alter VOR Federal airway No. 266 between Franklin, Va., and Norfolk, Va.

The Air Transport Association of America concurred in the proposed action and no other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

1. In the text of § 600.6266 (14 CFR 600.6266) "point of INT of the Franklin VOR 087° radial with the Norfolk, Va., VOR direct radial to the Cofield, N.C., VOR;" is deleted.

This amendment shall become effective 0001 e.s.t., October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 3, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7967; Filed, Aug. 9, 1962; 8:45 a.m.]

[Airspace Docket No. 62-SO-40]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of this amendment to § 600.6035 of the regulations of the Administrator is to redefine the segment of the west alternate of VOR Federal airway No. 35 in the vicinity of the Miami International Airport, Florida.

The description of this segment of the airway utilizes reference to the west course of the Miami International Airport ILS for two intersections in defining this portion of Victor 35 west alternate. This ILS, which serves Runway 9 right, will be relocated to serve Runway 27 left and will be commissioned approximately November 15, 1962. A new ILS has been commissioned to serve Runway 9 left. With the above ILS installation and relocation of the existing ILS, there will be two ILS west courses. Therefore, action is taken herein to identify the west course of the ILS serving Runway 9 left in this description.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 600.6035 (14 CFR 600.6035, 27 F.R. 562, 2046, 4244) is amended as follows: In the text insert "Runway 9 left" after "Miami International Airport" in the two places it appears.

This amendment shall become effective 0001 e.s.t., October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 6, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7968; Filed, Aug. 9, 1962; 8:45 a.m.]

[Airspace Docket Nos. 60-WA-204, 60-WA-279]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Description; Correction

On July 10, 1962, Airspace Docket No. 60-WA-204 and No. 60-WA-279 were published in the FEDERAL REGISTER (27 F.R. 6493) and amended in part § 600.101 of the regulations of the Administrator by altering the description of Amber Federal airway No. 1. This action is to become effective August 23, 1962.

In altering the text of § 600.101, the current status of special use airspace affecting Amber 1 was not reflected in the airway description. Corrective action is taken herein.

Since this alteration is editorial in nature and imposes no additional burden on any person, compliance with section 4, of the Administrative Procedure Act is unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-WA-204 and No. 60-WA-279, Item 2, is amended to read:

In the text of § 600.101 (14 CFR 600.101, 26 F.R. 572, 8375, 11485, 27 F.R. 2452) "That airspace over United States territory from the Sandspit, British Columbia, radio range station via the intersection of the northwest course of the Sandspit, British Columbia, radio range and the southwest course of the Annette Island, Alaska, radio range; Sitka (Biorka Island), Alaska, radio range station; Yakutat, Alaska, radio range station; the intersection of the northwest course of the Yakutat, Alaska, radio range and the southeast course of the Hinchinbrook, Alaska, radio range; Hinchinbrook, Alaska, radio range station; the intersection of the northwest course of the Hinchinbrook, Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range; Anchorage, Alaska, radio range station; the intersection of the northwest course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range; Skwentna, Alaska, radio range station; Puntilla Lake, Alaska, nondirectional radio beacon; Farewell, Alaska, radio range station; McGrath, Alaska, radio range station; Unalakleet, Alaska, radio range station to the Nome, Alaska, RR. The airspace within R-2201 and R-6703 shall be used only after obtaining prior approval from appropriate authority." is deleted and "From the Sandspit, B.C., Canada, RR via the INT of the NW course of the Sandspit RR and the SW course of the Annette Island, Alaska RR; Sitka, Alaska RR; Yakutat, Alaska RR; INT of the NW course of the Yakutat RR and the SE course of the Hinchinbrook, Alaska, RR; Hinchinbrook RR; INT of the NW course of the Hinchinbrook RR and the SE course of the Anchorage, Alaska RR; Anchorage RR; INT of the NW course of the Anchorage RR and the SE course of the Skwentna, Alaska RR; Skwentna RR; Puntilla Lake, Alaska RBN; Farewell, Alaska RR; McGrath, Alaska RR; Unalakleet, Alaska RR; to the Nome, Alaska RR, including the additional airspace within 16 miles either side of the airway centerline at and above 24,000 feet MSL from the Sandpit RR to the McGrath RR, but excluding the portion under the jurisdiction of Canada. The airspace within R-2201, R-2203, and R-6703 shall be used only after obtaining prior approval from the appropriate authority." is substituted therefor.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 3, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7969; Filed, Aug. 9, 1962; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Education and Training of World War II Veterans and Vocational Rehabilitation Under 38 U.S.C. Ch. 31

MISCELLANEOUS AMENDMENTS

In § 21.113, paragraphs (b) (5), (e) (1) and (2), and (g) are amended to read as follows:

§ 21.113 Overpayments of subsistence allowance and other benefits.

* * * * * *

(b) *Liability of institution on account of outstanding overpayments to veterans pursuant to section 7, Public Law 610, 81st Congress.* (This does not cover damages for breach of contract).

* * * * * *

(5) The determination as to liability will be made after notice to the school of intent to apply the liability provisions of section 7, Public Law 610 (as saved from repeal by section 12(a) of Public Law 85-857), or, if the school files written request for a hearing within 30 days of receipt of such notice, after such formal hearing has been afforded.

* * * * * *

(e) *Administrative review.* (1) There is established in the Compensation and Pension Service a specially constituted Liability Review Section which will be comprised of three members, one of whom is to be designated by the Director, Compensation and Pension Service, one by the Director, Vocational Rehabilitation and Education Service, and one by the General Counsel. This section will function under the jurisdiction of the Director, Compensation and Pension Service, who will designate one member to preside over the meetings of said section to be known as chairman. An administrative review decision under this paragraph will be valid if it is concurred in and signed by any two members of the review section. The section that is constituted in this paragraph will have jurisdiction to conduct administrative reviews of the decisions of the regional Committee on Waivers in:

(i) Any case in which the decision of the regional committee is not unanimous.

(ii) Any case in which a request for administrative review is filed by the school and received by the Veterans Administration regional office within 60 days from the date notice of the decision holding the school liable for the overpayment is mailed to the school, or within 90 days, if the committee considers that this extension of time is warranted. Such request shall be in writing setting forth fully all of the contentions and errors relied upon. A hearing, if requested, will be granted by the regional committee but no expenses of claimant or his witnesses, if any, are payable by the Veterans Administration.

(iii) Any case in which an administrative review is requested by the regional office Manager of the office concerned or by the Director, Vocational Rehabilitation and Education Service, within the time limits specified in subdivision (ii) of this subparagraph.

(iv) Any case in which the Director, Compensation and Pension Service determines that an administrative review is warranted.

(v) Any case involving an amount in excess of $2,500.

(2) The review section will notify the Veterans Administration regional office of jurisdiction and the school of its decision. The decision of the review section will serve as authority for the finance activity to institute collection proceedings, if appropriate, or to discontinue collection proceedings instituted on the basis of the original decision of the Regional Committee on Waivers, in any case where the review section in the Compensation and Pension Service reverses a finding made by the regional committee that the school was liable.

* * * * * *

(g) *Contracts between a State or political subdivision of a State and the Veterans Administration.* Notwithstanding the criteria contained in paragraphs (a) through (f) of this section for determination of liability of an institution, it is provided by Public Law 149, 83d Congress, that under any contract between a State, or any political subdivision of a State, and the Veterans Administration providing for the furnishing of instruction in a course of institutional on-farm or other training under part VIII of Veterans Regulation No. 1 (a) as amended (PL 346, 78th Cong., as amended) (as saved from repeal by section 12(a) of Public Law 85-857), liability by reason of payments of subsistence allowance which were illegal because of failure of the veteran or the course to comply with the applicable statutory, regulatory, or contractual requirements shall not be applied to the contracting State or political subdivision, unless the Veterans Administration, after investigation, finds that an employee or representative of such State or political subdivision conspired with the veteran by, or was guilty of fraud or gross negligence in, falsely reporting to the Veterans Administration that the veteran was in a proper course of training, failing to report unauthorized or excessive absences from, or interruption or discontinuance of, his course of training, or not discovering the failure of the veteran to comply with the applicable statutory, regulatory, or contractual requirements and not promptly terminating the course of training of the veteran. The provisions of this paragraph shall be effective as to overpayments of subsistence allowance occurring for periods of training subsequent to July 12, 1950, and prior to July 1, 1954, but shall not require repayment of any funds heretofore properly recovered by agreement of the parties to any such contract, and shall not be applicable to any other liabilities or agreements pursuant to such contract.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 10, 1962.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 62-7998; Filed, Aug. 9, 1962; 8:48 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 55—GRANTS FOR WATER POLLUTION CONTROL

Subpart B—Grants for Construction of Treatment Works

GRANT LIMITATIONS

Notice of proposed rule making having been published on May 18, 1962, at 27 F.R. 4740-4741, and no objections or public comments having been received, the proposed amendments to the regulations relating to grants for projects for treatment works the need for which is due in part to Federal institutions or Federal construction activity, as set forth and published with said notice of proposed rule making, are hereby adopted without change and shall be effective immediately as provided in said notice.

Dated: August 3, 1962.

[SEAL] ANTHONY J. CELEBREZZE,
Secretary.

Section 55.25(a)(8) is amended to read as follows:

(8) Whenever a State has funds subject to reallotment under § 55.22(b), prior to such reallotment additional grants may be made for any projects in that State where the Surgeon General finds that the need for the projects is due in part to any Federal institution or Federal construction activity which have added to the Applicants' requirements for sewage treatment works. Such additional grants shall be limited to additional identifiable costs of construction attributable to such Federal institution or Federal construction activity. Applicants for additional grants must support their claims that the need for their projects is due in part to any Federal institution or Federal construction activity by showing that at least five percent of the population contributing wastes to the project are, as of the date of filing the application for the additional grant, in one or more of the following categories: (i) Federal personnel and their families residing on or at a Federal institution as hereinafter defined. as well as occupants, patients, and inmates of such institutions; (ii) Federal personnel and their families working on or at but residing at other than a Federal institution as hereinafter defined; (iii) non-Federal personnel and their families working on Fed-

eral construction projects involving a Federal institution as hereinafter defined. Necessary supporting information submitted by Applicants shall be used as the basis for computing a project's additional grant entitlement as follows: For category (i), 100 percent of the product of the per capita cost of the project and the number represented in this category; for either category (ii) or (iii), 50 percent of the product of the per capita cost of the project and the number represented by such category: *Provided*, That in any case the additional grant entitlement with respect to any category shall be reduced by the amount of any Federal contribution by any other Federal agency toward the capital cost of the approved project made on behalf of such category. The total of the sums of the above calculations shall be the maximum entitlement of an individual project for an additional grant. If the total of all entitlements for additional grants exceed the funds available to a State for such grants, the available funds will be pro-rated over all eligible applicants for such grants in the State. In any instance where a grantee community claims its need for a project is due in part to any Federal institution or Federal construction activity but because of exceptional circumstances is not measureable by the criteria set out above, a request for special consideration may be made to the Surgeon General. Notwithstanding the provisions of this section, the Surgeon General may waive the percentage requirements set out above in the case of an application for an additional grant whenever, in his judgment, exceptional circumstances exist or existed which make such action necessary to avoid inequity and avoid defeating the purposes of this section. In any event, no additional grant may be made in an amount which, together with the amount of the basic grant, will exceed the total eligible project cost. As used in this section, the term "Federal institution" shall mean any Federal institution, reservation, installation, base, project, or other similar Federal establishment used by the Federal Government primarily for the performance of functions other than the provision of services to the area in which such establishment is situated; and the term "Federal construction activity" shall mean the construction of any "Federal institution" as herein defined.

(Sec. 10, 70 Stat. 506, as amended; 33 U.S.C. 466l. Interpret or apply sec. 6, 70 Stat. 502, as amended; 33 U.S.C. 466e)

[F.R. Doc. 62-8007; Filed, Aug. 9, 1962; 8:49 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 7—EMPLOYEE INVENTIONS

Revision

Part 7, entitled "Employee Inventions," of Subtitle A, entitled "Department of Health, Education, and Welfare, General Administration" of Title 45 of the Code of Federal Regulations (20 F.R. 6748) is hereby revised as follows:

Sec.
7.0 Who are employees.
7.1 Duty of employee to report inventions.
7.2 Determination as to patentability.
7.3 Determination as to domestic rights.
7.4 Option to acquire foreign rights.
7.5 Determination as to patenting.
7.6 Department review and determination.
7.7 Notice to employee of determination.
7.8 Employee's right of appeal.

AUTHORITY: §§ 7.0 to 7.8 issued under Reorg. Plan No. 1 of 1953, 18 F.R. 2053; 3 CFR, 1953 Supp. E.O. 10096, 15 F.R. 391; 3 CFR, 1950 Supp. and E.O. 10930, 26 F.R. 2583; 3 CFR 1961 Supp.

§ 7.0 Who are employees.

As used in this part, the term "Government employee" means any officer or employee, civilian or military, except such part-time employees or part-time consultants as may be excluded therefrom by a determination made in writing by the head of the employee's office or constituent organization, pursuant to an exemption approved by the Commissioner of Patents that to include him or them would be impracticable or inequitable, giving the reasons therefor. A person shall not be considered to be a part-time employee or part-time consultant for this purpose unless the terms of his employment contemplate that he shall work for less than the minimum number of hours per day, or less than a minimum number of days per week, or less than the minimum number of weeks per year, regularly required of full-time employees of his class.

§ 7.1 Duty of employee to report inventions.

Any Department employee is required to report promptly to the constituent organization in which he is employed any invention made by him (whether or not jointly with others) which bears any relation to his official duties or which was made in whole or in any part during working hours, or with any contribution of Government facilities, equipment, material, funds, or information, or of time or services of other Government employees on official duty. Reports of inventions (except for cases as to which it is decided by the appropirate office or constituent organization, with the concurrence of the Department Patents Officer, that it does not appear they are or may be patentable) shall be forwarded through appropriate channels to the head of the office or constitutent organization having administrative jurisdiction over the inventor at the time the invention was made. Thereafter they shall be forwarded with the related administrative recommendations and determinations to the Department Patents Officer.

§ 7.2 Determination as to patentability.

Upon receiving a report of an employee invention, the head of the appropriate office or constituent organization shall make in writing the decision on behalf of the Department as to whether the results of the research, development, or other activity constitute an invention or inventions which may be patentable.

§ 7.3 Determination as to domestic rights.

The determination of the ownership of the domestic right, title, and interest in and to an invention which is or may be patentable, made by a Government employee while under the administrative jurisdiction of the Department, shall be made in writing by the head of the appropriate office or constituent organization, in accordance with the provisions of Executive Order 10096 and Government-wide regulations issued thereunder by the Commissioner of Patents as follows:

(a) The Government as represented by the Secretary shall obtain the entire domestic right, title and interest in and to all inventions made by any Government employee (1) during working hours, or (2) with a contribution by the Government of facilities, equipment, materials, funds, or information, or of time or services of other Government employees on official duty, or (3) which bear a direct relation to or are made in consequence of the official duties of the inventor.

(b) In any case where the contribution of the Government, as measured by any one or more of the criteria set forth in paragraph (a) of this section, to the invention is insufficient equitably to justify a requirement of assignment to the Government of the entire domestic right, title and interest in and to such invention, or in any case where the Government has insufficient interest in an invention to obtain the entire domestic right, title, and interest therein (although the Government could obtain same under paragraph (a) of this section, the Department, subject to the approval of the Commissioner, shall leave title to such invention in the employee, subject, however, to the reservation to the Government of a nonexclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, such reservation, in the terms thereof or where applicable in the terms required by 35 U.S.C. 266 to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention.

(c) In applying the provisions of paragraphs (a) and (b) of this section, to the facts and circumstances relating to the making of any particular invention, it shall be presumed that an invention made by an employee who is employed or assigned (1) to invent or improve or perfect any art, machine, manufacture, or composition of matter, (2) to conduct or perform research, development work, or both, (3) to supervise, direct, coordinate, or review Government financed or conducted research, development work, or both, or (4) to act in a liaison capacity among governmental or nongovernmental agencies or individuals engaged in such work, falls within the provisions of paragraph (a) of this section, and it shall be presumed that any invention made by any other employee falls within the provisions of paragraph (b) of this section. Either presumption may be rebutted by a showing of the facts and circumstances and shall not preclude a determination that these facts and circumstances justify leaving the entire right, title and interest in and to the invention in the Government employee, subject to law.

(d) In any case wherein the Government neither (1) obtains the entire domestic right, title and interest in and to an invention pursuant to the provisions of paragraph (a) of this section, nor (2) reserves a nonexclusive, irrevocable, royalty-free license in the invention, with power to grant licenses for all governmental purposes, pursuant to the provisions of paragraph (b) of this section, the Government shall leave the entire right, title and interest in and to the invention in the Government employee, subject to law.

§ 7.4 Option to acquire foreign rights.

In any case where it is determined that all domestic rights should be assigned to the Government, it shall further be determined, pursuant to Executive Order 9865 and Government-wide regulations issued thereunder, that the Government shall reserve an option to require the assignment of such rights in all or in any specified foreign countries. In case where the inventor is not required to assign the patent rights in any foreign country or countries to the Government or the Government fails to exercise its option within such period of time as may be provided by regulations issued by the Commissioner of Patents, any application for a patent which may be filed in such country or countries by the inventor or his assignee shall nevertheless be subject to a nonexclusive, irrevocable, royalty-free license to the Government for all governmental purposes, including the power to issue sublicenses for use in behalf of the Government and/or in furtherance of the foreign policies of the Government.

§ 7.5 Determination as to patenting.

When the head of the appropriate office, or constituent organization determines in accordance with the provisions of §§ 7.3 and 7.4, that the Government has rights in a patentable invention:

(a) He shall also determine whether the Department should seek to obtain a domestic patent thereon, or whether it shall be published or other action taken in the public interest, giving his reasons therefor; and

(b) He shall further recommend in writing whether the invention should receive foreign patent protection or be published abroad, and, if affirmative, should specify the foreign jurisdictions in which action is recommended, giving reasons therefor, and should indicate, if possible, its immediate or future industrial, commercial, or other value, including particularly its value to public health.

§ 7.6 Department review and determination.

The determination by the head of an office or constituent organization of the ownership of domestic or foreign rights in an invention by a Department employee shall constitute the decision of the Department unless, upon review, the Department Patents Officer questions the consistency of the determination with applicable law or regulations or with Department policy. Any question, unresolved after consultation with the originating unit, will be submitted by the Department Patents Officer to the Department Patents Board which shall either affirm or reverse the determination or return the same to the head of the constituent organization or office for further action. If the Board proposes to determine, or to approve a determination, that the invention shall be required to be assigned to the Government, it may in its discretion afford the employee an opportunity of a hearing.

§ 7.7 Notice to employee of determination.

The appropriate office or constituent organization shall notify each employee-inventor in writing, of the Department's determination and of his right of appeal, if any. In the case of determinations made by the Department Patents Board, the notification shall be made by the Department Patents Officer. Notice need not be given if the employee stated in writing that he would agree to the determination of ownership which was in fact made.

§ 7.8 Employee's right of appeal.

An employee who is aggrieved by a determination of the Department may appeal to the Commissioner of Patents, pursuant to section 4(d) of Executive Order 10096, as amended by Executive Order 10930, and regulations issued thereunder, by filing a written appeal with the Commissioner, in duplicate, and a copy of the appeal with the Department Patents Officer, within 30 days (or such longer period as the Commissioner may, for good cause, fix in any case) after receiving written notice of such determination.

Dated: August 3, 1962.

[SEAL] ANTHONY J. CELEBREEZE,
Secretary.

[F.R. Doc. 62-8006; Filed, Aug. 9, 1962; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Colusa National Wildlife Refuge, California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game birds for individual wildlife refuge areas.

CALIFORNIA

COLUSA NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds on the Colusa National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,180 acres or 29 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant.

(b) Open season: 8:00 a.m. to 4:30 p.m., November 10, 11, 14, 17, 18, 21, 22, 24, and 25, 1962.

(c) Bag limits: Two (2) cocks.

(d) Methods of hunting:

1. Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than three (3) shells) may be used.

2. Dogs: Not to exceed two (2) per hunter may be used.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but hunters must report at checking station and obtain State hunting permit.

3. The provisions of this special regulation are effective to November 26, 1962.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 2, 1962.

[F.R. Doc. 62-7972; Filed, Aug. 9, 1962; 8:46 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 61-WA-219]

POSITIVE CONTROL AREAS

Proposed Alteration

In a notice of proposed rule making published as Airspace Docket No. 61-WA-219 in the FEDERAL REGISTER on February 13, 1962 (27 F.R. 1323), it was stated that the Federal Aviation Agency proposed to designate a positive control area, within the continental control area, encompassing the approximate area of radar coverage of the Sacramento, Oakland and Paso Robles, Calif., long range radar facilities and extending from Flight Level 240 to Flight Level 600 inclusive.

Subsequent to the publication of this notice, it was determined that the eastern boundary of the proposed positive control area was not described as had been intended in that the advisory area associated with Jet Route No. 5 was not entirely included. Accordingly, action is taken herein to amend the notice by changing the eastern boundary of the Oakland, Calif., Positive Control Area to begin at latitude 40°45'00" N., longitude 119°35'00" W.; thence to latitude 39°35'00" N., longitude 119°15'00" W.; thence to latitude 38°14'00" N., longitude 118°35'00" W.; thence to latitude 26°00'00" N., longitude 118°35'00" W.; thence to the previously described southern boundary.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to August 27, 1962.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.-13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-WA-219 is extended to August 27, 1962. Communications should be submitted in triplicate to Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on August 6, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7965; Filed, Aug. 9, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946]

IRISH POTATOES GROWN IN WASHINGTON

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113, as amended, and Order No. 946 (7 CFR Part 946).

This marketing order regulates the handling of Irish potatoes grown in Washington, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

§ 946.214 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and this part to enable such committee to perform its functions, pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1963, will amount to $22,963.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 113 and this part shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 6, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7988; Filed, Aug. 9, 1962; 8:47 a.m.]

[7 CFR Part 990]

CENTRAL CALIFORNIA GRAPES FOR CRUSHING; HANDLING

Proposed Disposition

Notice is hereby given that the Secretary has under consideration a proposal to amend the Subpart—Administrative Rules and Regulations (27 F.R. 3158) by the addition of a new § 990.162 pertaining to handlers' shares of setaside offered for release into normal outlets. Said subpart is effective under the marketing agreement and Order No. 990 (7 CFR Part 990) regulating the handling of Central California grapes for crushing. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposed amendatory action was requested by the Grape Crush Administrative Committee to implement the provisions of §§ 990.57 and 990.62(b) regarding the participation by handlers in a Committee offer to sell setaside to handlers for resale into normal (free tonnage) outlets. Pursuant to § 990.57, a handler from whose premises setaside is removed by the Committee at his request forfeits, to the extent of the removed volume, his pro rata share in any offer of the Committee to sell setaside. Hence, his pro rata share must arise from a setaside holdings position without regard to such removal. The fact that the handler is not holding setaside as a result of such removal does not eliminate the computation of a pro rata share for such handler pursuant to § 990.62(b). In fact, § 990.57 further provides for the allocation, to the successor storing handler, of such computed pro rata share, or applicable portion thereof. It is thus contemplated by the order that all or a portion of a handler's pro rata share in any such offer for resale into normal outlets is not required to be based upon the quantity of the setaside then being held by the handler. In this connection, the Committee stresses that handlers' pro rata shares in any such offer should not be such as to alter, except as is caused by a handler request pursuant to § 990.57, handlers' relative positions (in terms of volumes for normal outlet sale). In other words, these computations should not take into account quantities of setaside released by the Committee for disposition into nonnormal outlets as these could cause gross distortion of shares of normal outlet quantities and, in consequence, of the ability to hold trade positions.

Consequently, to reasonably preserve handlers' relative positions and permit equity of participation in any offer of setaside for resale into normal outlets consistent with the order, each handler's actual share in any offer for resale into normal outlets should be based upon his pro rata share (as determined by holdings necessary to satisfy his setaside obligation), adjusted as to his holdings position resulting from removals or additions pursuant to § 990.57.

Where the physical holdings of a handler are less than his share of such offer, and such handler desires to purchase in excess of such holdings, the Committee should permit, to the extent practicable, such handler to receive the applicable volume by transferring setaside from any handlers with holdings exceeding their share. Thus handlers participating in non-normal outlet dispositions could continue to reasonably maintain their positions in normal outlets.

Since a provision of the program is designed to permit all handlers to participate in a mandatory release pursuant to § 990.62(b) at a common acquisition cost of $1.50 per proof gallon equivalent, the Committee should bear any normal cost of transfer as between premises of different handlers. Failing to do so would cause the cost to some handlers in a deficit position to be increased by hauling charges and thus to exceed that of their competitors. However, the Committee should not be required to bear the cost involved in a transfer of less than 100 proof gallons, or the equivalent, so as to avoid excessive hauling charges per gallon.

Where a handler voluntarily disposes of his share, or a portion thereof, to another handler, the Committee should be under no obligation to initiate any transfer of gallonage as between premises or to bear the cost thereof. Moreover, such costs may be part of the negotiated terms between the handlers and transfers may be held to a minimum by the receiving handler taking delivery through direct movement into his sales outlet. However, such arrangements should be subject to the approval of the Committee so that it may be currently informed regarding the compliance by handlers with their respective setaside obligations, and in order that its records can reflect accurate information as to the handlers whose setaside is to be released, and as to the handlers to whom the setaside is to be sold and from whom payment is to be received.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are submitted to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received within 30 days after publication of this notice in the FEDERAL REGISTER.

The proposal under consideration is as follows:

§ 990.162 Disposition.

Whenever, pursuant to § 990.62(b), the Committee offers to sell setaside of a particular crop year for resale into normal outlets, handlers shall have the first option to purchase their pro rata shares, with adjustments caused by removals pursuant to § 990.57, of such offer. Each handler's pro rata share shall be proportional to the holdings necessary to meet the handler's setaside obligation for such crop year. However, in computing the shares of any offer to be reserved to handlers, such holdings shall reflect all quantities of setaside removed from or added to their setaside storage pursuant to § 990.57. In the event the physical holdings of any handler are less than the quantity so allocated, and the difference is at least the equivalent of 100 proof gallons, the Committee shall transfer sufficient setaside, to the extent practicable, from handlers with physical holdings exceeding their shares, to satisfy the deficit in the quantity which said handler chooses to purchase. Any handler desiring to purchase quantities in excess of his reserved share may, during the period of such reservation and with the approval of the Committee, negotiate directly with another handler for any unpurchased portion of his reserved share but any transfer of gallonage incident thereto shall be at no cost to the Committee.

Dated: August 7, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7986; Filed, Aug. 9, 1962; 8:46 a.m.]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA; HANDLING

Notice of Proposed Expenses of Prune Administrative Committee for 1962-63 Crop Year and Rate of Assessment for Such Crop Year

Consideration is being given to a proposal regarding approval of expenses of the Prune Administrative Committee for the 1962-63 crop year and the fixing of a rate of assessment for that crop year. Such action is to be taken pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993; 26 F.R. 475), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Prune Administrative Committee (established under the aforesaid marketing agreement and order) has unanimously recommended, for the 1962-63 crop year beginning August 1, 1962, a budget of expenses in the total amount of $70,000 and an assessment rate of 50 cents for each ton of assessable prunes. Such amount of expenses and assessment rate are specified in the proposal, hereinafter set forth. The assessable tonnage is estimated by the Committee at 140,000 tons.

Consideration will be given to any written data, views or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the eighth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

§ 993.313 Expenses of the Prune Administrative Committee and rate of assessment for the 1962-63 crop year.

(a) *Expenses.* Expenses in the amount of $70,000 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1962, for its maintenance and functioning, and for such other purposes as the Secretary may determine to be appropriate.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative Committee, in accordance with the provisions of the marketing agreement, as amended, and this part, an assessment at the rate of 50 cents for each ton of prunes received by him as the first handler thereof during the crop year beginning August 1, 1962, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

Dated: August 6, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7987; Filed, Aug. 9, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, proposing the establishment of tolerances for residues of the insecticide 1-naphthyl *N*-methylcarbamate in or on beet tops, blackberries, boysenberries, chinese cabbage, collards, dandelions, dewberries, endive (escarole), kale, loganberries, mustard greens, parsley, raspberries, salsify tops, spinach, swiss chard, turnip tops, and watercress, at 25 parts per million; and in or on garden beets, horseradish, parsnips, radishes, rutabagas, salsify roots, and turnips at 10 parts per million. The petition also proposes an increase from 10 parts per million to 25 parts per million in the tolerance for residues of this insecticide on lettuce.

The analytical method proposed in the petition for determining residues of 1-naphthyl *N*-methylcarbamate consists of

extraction with methylene chloride. The cleaned up residue is hydrolyzed with potassium hydroxide and the 1-naphthol formed is determined colorimetrically at 475 millimicrons after reacting with *p*-nitrobenzene-diazonium fluoroborate.

Dated: August 3, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-8004; Filed, Aug. 9, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 8B6) has been filed by Drew Chemical Corporation, 416 Division Street, Boonton, New Jersey, proposing the issuance of a regulation to provide for the safe use of acetylated monoglycerides in food.

Dated: August 8, 1962.

WINTON B. RANKIN,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8001; Filed, Aug. 9, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 8B4) has been filed by The Aluminum Foil Division, The Aluminum Association, 420 Lexington Avenue, New York 17, New York, proposing the amendment of § 121.2531 *Surface lubricants used in the manufacture of metallic articles*, as follows:

1. By changing paragraph (b)(1) to read:

(1) The total residual lubricant remaining on the metallic article in the form in which it contacts food shall not exceed:

(i) 0.015 milligram per square inch in the case of articles fabricated directly from foil or sheet stock; or

(ii) 0.5 milligram per square inch in the case of articles produced by further processing such as drawing, stamping, or forming foil or sheet stock.

2. By adding to paragraph (c) the following new items:

Acetylated mono- and diglycerides.
Butyl stearate.
Dibutyl sebacate.
Dioctyl sebacate.
Epoxidized soybean oil.
Fatty acids derived from animal or vegetable fats and oils.
Petrolatum.
Waxes, petroleum.

Dated: August 8, 1962.

WINTON B. RANKIN,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8002; Filed, Aug. 9, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 8B3) has been filed by Drew Chemical Corporation, 416 Division Street, Boonton, New Jersey, proposing the issuance of a regulation to provide for the safe use of glyceryl lacto esters of fats and fatty acids in food.

Dated: August 8, 1962.

WINTON B. RANKIN,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8003; Filed, Aug. 9, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 8B7) has been filed by Knudsen Creamery Company of California, Santee Street at Twenty-first, Los Angeles 54, California, proposing the issuance of a regulation to provide for the safe use of dried Saccharomyces fragilis yeast in food.

Dated: August 8, 1962.

WINTON B. RANKIN,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8005; Filed, Aug. 9, 1962; 8:49 a.m.]

[21 CFR Part 130]

NEW DRUGS FOR INVESTIGATIONAL USE

Proposed Exemptions

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052, 1055; 21 U.S.C. 355, 371) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the new-drug regulations (21 CFR 130.3) as hereinafter set forth. The Commissioner hereby offers an opportunity to all interested persons to submit their views in writing with reference to this proposal to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER. Views and comments should be submitted in quintuplicate.

It is proposed to amend § 130.3 to read as follows:

§ 130.3 New drugs for investigational use; exemptions from section 505(a).

(a) A shipment or other delivery of a new drug shall be exempt from section 505(a) of the act if all the following conditions are met:

(1) The label of such drug bears the statement "Caution: New drug—Limited by Federal (or United States) law to investigational use."

(2) The person seeking the exemption has filed with the Food and Drug Administration a completed and signed "Notice of Claimed Investigational Exemption for a New Drug" in triplicate, with the following information:

Form FD 1571.
Department of Health, Education, and Welfare, Food and Drug Administration.

NOTICE OF CLAIMED INVESTIGATIONAL EXEMPTION FOR A NEW DRUG

Name of sponsor ----------
Address ----------

Name of investigational drug ----------

TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
For the Commissioner of Food and Drugs, Washington 25, D.C.

DEAR SIR: The undersigned ---------- submits this notice of claimed investigational exemption for a new drug under the provisions of section 505(i) of the Federal Food, Drug, and Cosmetic Act and § 130.3. Attached hereto are:

1. Name of drug and description of dosage form.

2. Complete list of components of drug.

3. Complete statement of quantitative composition of drug.

4. Description of source and preparation of any new-drug substances used as components, including the name and address of each supplier or processor, other than the undersigned, of each new-drug substance.

5. A brief statement of the methods, facilities, and controls used for the manufacturing, processing, and packing of the new drug to establish and maintain appropriate standards of identity, strength, quality, and purity as needed to give significance to clinical investigations made with the drug. If any of these operations are performed by a person other than the undersigned, each such person is identified and his signed statement covering the part of the operations he performed is attached.

6. Adequate information about the preclinical investigations, including studies made on laboratory animals, which show that it is reasonably safe to initiate clinical investigations with the drug. Such information should include identification of the person who conducted each investigation; identification and qualification of the individuals who evaluated the results and concluded that it is reasonably safe to initiate clinical investigations with the drug; and an explanation of where the investigations were conducted and where the records are available for inspection. The preclinical investigations shall not be considered adequate to justify clinical testing unless they give proper attention to the conditions of proposed clinical testing such as, for example, whether the drug is for short- or long-term administration or whether it is to be tested or used in infants, children, pregnant women, premenopausal women, or geriatric patients.

7. Five copies of all informational material to be supplied to each investigator. This shall include an accurate description of the prior investigations and experience and their results pertinent to the safety and possible usefulness of the drug under the conditions of the investigation. It shall not represent that the safety or usefulness of the drug has been established for the purposes to be investigated. It shall describe all relevant hazards, contraindications, side-effects, and precautions suggested by prior investigations and experience with the drug for the information of clinical investigators.

8. The scientific training and experience considered appropriate by the sponsor to qualify the investigators as suitable experts to investigate the safety of the drug, bearing in mind the pharmacological action of the drug and the conditions of use contemplated by the plan of clinical investigation.

9. The names and a summary of the training and experience of each investigator and of the individual charged with monitoring the progress of the investigation and evaluating the evidence of safety of the drug as it is received from the investigators; together with a statement that the sponsor has obtained from each investigator a completed and signed form, as provided in subparagraph (12) of this paragraph and that the investigator is qualified by scientific training and experience as an appropriate expert to investigate the safety of the investigational drug under the criteria outlined in section 8 of the "Notice of Claimed Investigational Exemption for a New Drug."

10. An outline of the planned clinical investigations of the drug including the following:

a. Planned stages of investigation, if any, that will be completed and evaluated prior to determining whether the next stage or stages will be initiated.

b. The names of the investigators to be engaged in each stage and kind of investigation.

c. The specific nature of the investigations to be conducted in each stage, together with the specific information or forms showing the scope and detail of the clinical observations and clinical laboratory tests to be made and reported.

d. The approximate number and any specific criteria as to the selection of patients by age, sex, and condition, to be employed in each stage of the investigation.

e. The estimated duration of the clinical investigation by stage, and the intervals, not exceeding 1 year, at which progress reports showing the results of the investigations will be submitted to the Food and Drug Administration. (This part of the statement may be limited to the plan for one or more stages of the investigations, provided that shipments or deliveries of the drug for use in additional stages of the investigations are not made until a supplemental statement recording results of the prior investigations and outlining the plan for following stages of investigations has been submitted to the Food and Drug Administration.)

Ordinarily a plan of investigation will not be regarded as reasonable unless, among other things, it provides for more than one independent competent investigator to maintain complete case histories of an adequate number of patients, designed to record observations and permit evaluation of any and all discernible effects of the drug on each individual treated, and comparable records on any individuals employed as controls. These records shall be individual patient records maintained to include full information pertaining to each individual, including age, sex, conditions treated, dosage, frequency of administration of the drug, results of all clinical observations and laboratory examinations made, full information concerning any other treatment given and a full statement of any adverse effects and useful results observed, together with an opinion as to whether such effects or results are attributable to the drug under investigation.

11. A statement as to whether or not the drug will be sold; and if so, a full explanation why sale is required and should not be regarded as the commercialization of a new drug for which an application is not effective.

Very truly yours,

(Sponsor)
Per ----------

(Indicate authority)

(3) Each shipment or delivery is made in accordance with the commitments in the "Notice of Claimed Investigational Exemption for a New Drug."

(4) The sponsor maintains complete records showing the investigator to whom shipped, date, quantity, and batch or code mark of each such shipment and delivery, until 2 years after a new-drug application becomes effective for the drug; or, if an application does not become effective, until 2 years after shipment and delivery of the drug for investigational use is discontinued and the Food and Drug Administration has been so notified. Upon the request of any officer or employee of the Department at reasonable times, the sponsor makes the records referred to in this subparagraph and in subparagraph (2) of this paragraph available for inspection, and upon written request submits such records or copies of them to the Food and Drug Administration.

(5) The sponsor closely monitors the progress of the investigations and currently evaluates the evidence relating to the safety of the drug as it is obtained from the investigators. Accurate progress reports of the investigations and significant findings shall be submitted to the Food and Drug Administration at reasonable intervals, not exceeding 1 year. All reports of the investigation shall be retained until 2 years after a new-drug application becomes effective for the drug; or, if an application does not become effective, until 2 years after shipment and delivery of the drug for investigational use is discontinued. Upon request of any officer or employee of the Department, at reasonable times, these reports shall be made available for inspection, and on written request copies of these reports shall be submitted to the Food and Drug Administration.

(6) The sponsor shall immediately report to the Food and Drug Administration and to all investigators any findings associated with use of the drug that may suggest hazards, contraindications, side-effects, and precautions pertinent to the safety of the drug.

(7) If the investigations adduce facts showing that there is substantial doubt that they may be continued safely, the sponsor shall promptly discontinue the investigation, notify all investigators and the Food and Drug Administration, recall all stocks of the drug outstanding, and furnish the Food and Drug Administration a full report of the reason for discontinuing the investigation.

(8) The sponsor shall discontinue shipments or deliveries of the new drug to any investigator who fails to maintain or make available complete records or reports of his investigations.

(9) The sponsor shall not unduly prolong distribution of the drug for investigational use but shall submit an application for the drug pursuant to section 505(b) of the act or a statement that the investigation has been discontinued and the reasons therefor:

(i) With reasonable promptness after finding that the results of such investigation appear to establish the safety of the drug; or

(ii) Within 60 days after receipt of a written request for such an application from the Commissioner of Food and Drugs.

(10) Neither the sponsor nor any person acting for or on behalf of the sponsor shall disseminate any labeling, advertising, public relations statements, or news releases, representing the drug to be safe or useful for the purposes for which it is offered for investigation.

(11) The sponsor shall not commercially distribute nor test-market the drug until a new-drug application has become effective pursuant to section 505(b) of the act.

(12) The sponsor shall obtain from each investigator a signed statement in the following form:

Form FD 1572.

Department of Health, Education, and Welfare, Food and Drug Administration

STATEMENT OF INVESTIGATOR

Name of investigator ----------
Date ----------
Name of drug ----------
To supplier of drug:
Name ----------
Address ----------

DEAR SIR: The undersigned ---------- submits this statement as required by section 505(i) of the Federal Food, Drug, and Cosmetic Act and § 130.3 of the regulations as a condition for receiving and conducting clinical investigations with a new drug limited by Federal (or United States) law to investigational use.

1. The following is a statement of my education and experience:

a. Colleges, universities, and medical schools attended, with dates of attendance, degrees, and dates degrees were awarded.

b. Postgraduate medical training: Dates, names of institutions, and nature of training.

c. Teaching or research experience: Dates, institutions, brief description of experience.

d. Experience in medical practice: Dates, institutional affiliations, nature of practice.

e. Medical publications: Titles of articles, names of publications and volume, page number, and date.

2. The following facilities will be used for investigating the safety of the new drug (including a statement of hospital, institutional, and clinical laboratory facilities, etc., which are available and will be employed in connection with the investigation.)----------:

3. The investigational drug will be used by the undersigned or under his supervision in accordance with the plan of investigation described as follows:

(Outline the plan of investigation, including approximation of the number of patients to be treated with the drug and the number to be employed as controls, if any; clinical

uses to be investigated; characteristics of patients by age, sex, and condition; the kind of clinical observations and laboratory tests to be undertaken prior to, during, and after administration of the drug; the estimated duration of the investigation; and a description or copies of report forms to be used to maintain a complete record of the observations and test results obtained.)

4. The undersigned understands that the following conditions, generally applicable to new drugs for investigational use govern his receipt and use of this investigational drug:

a. The sponsor is required to supply the investigator full information concerning the preclinical investigations that justify clinical trials, together with fully informative material describing any prior investigations and experience and any possible hazards, contraindications, side-effects, and precautions to be taken into account in the course of the investigation.

b. The investigator is required to maintain complete records of the disposition of all receipts of the drug, including dates, quantities, and use by patients.

c. The investigator is required to prepare and maintain complete and accurate case histories designed to record all observations and other data pertinent to the investigation on each individual treated with the drug or employed as a control in the investigation.

d. The investigator is required to furnish his reports to the sponsor of the drug who is responsible for collecting and evaluating the results obtained by various investigators. The sponsor is required to present progress reports at appropriate intervals not exceeding 1 year. Any adverse effect associated with use of the new drug shall be reported to the sponsor immediately. A complete report of the investigation should be furnished to the sponsor shortly after completion of the investigation.

e. The investigator shall maintain the records of disposition of the drug and the case histories described above for a period of 2 years following the date a new-drug application becomes effective for the drug; or if the application does not become effective, until 2 years after the investigation is discontinued. Upon the request of any officer or employee of the Department, at reasonable times, the investigator will make such records available for inspection and copying.

Very truly yours,

(Name of investigator)

(Address)

(b) A shipment or other delivery of a new drug that is being imported or is offered for importation into the United States shall be exempt from the requirements of section 505(a) of the act if the following conditions are complied with:

(1) The label of such drug bears the statement "Caution: New drug—Limited by Federal (or United States) law to investigational use";

(2) The importer of all such shipments or deliveries is an agent of the foreign exporter residing in the United States, which agent and exporter have prior to such shipments and deliveries completed and submitted signed copies to the Food and Drug Administration of the "Notice of Claimed Investigational Exemption for a New Drug"; and

(3) The agent acts as the sponsor of the clinical investigation to assure compliance with the conditions prescribed by paragraph (a) of this section; or

(4) The drug is shipped directly to a scientific institution with facilities and qualified personnel to conduct the investigation and is intended solely for investigational use in such institution.

(c) Whenever there is submitted to the Commissioner the name of an investigator who has previously failed to comply with the conditions of these exempting regulations, the Commissioner will notify the sponsor that the investigator is not entitled to receive investigational-use drugs, and such investigator shall not be supplied any investigational-use drug until adequate assurance is provided to and accepted by the Commissioner that the conditions of the exemption will be met.

(d) If the Commissioner of Food and Drugs finds that:

(1) The submitted "Notice of Claimed Investigational Exemption for a New Drug" contains an untrue statement of a material fact or omits material information required by said notice; or

(2) The results of prior investigations made with the drug are inadequate to support a conclusion that it is reasonably safe to initiate or continue the intended clinical investigations with the drug; or

(3) There is substantial evidence to show that the drug is unsafe for the purposes for which it is offered for investigational use; or

(4) The methods, facilities, and controls used for the manufacturing, processing, and packing of the investigational drug are inadequate to establish and maintain appropriate standards of identity, strength, quality, and purity as needed to give significance to clinical investigations made with the drug; or

(5) The plan for clinical investigations of the drug described under section 10 of the "Notice of Claimed Investigational Exemption for a New Drug" is not a reasonable plan in whole or in part, solely for a bona fide scientific investigation to determine whether or not the drug is safe for use; or

(6) The clinical investigations are not being conducted in accordance with the plan submitted in the "Notice of Claimed Investigational Exemption for a New Drug"; or

(7) The drug is not intended solely for investigational use, since it is or is to be sold or otherwise distributed for commercial purposes not justified by the requirements of the investigation; or

(8) The labeling submitted for the drug as required by section 7 of the "Notice of Claimed Investigational Exemption for a New Drug" or any other labeling of the drug disseminated within the United States by or on behalf of the person who signed such notice fails to contain an accurate description of prior investigations or experience and their results pertinent to the safety and possible usefulness of the drug, including all relevant hazards, contraindications, side-effects, and precautions; or any labeling, advertising, public relations statements, or news releases disseminated within the United States by or on behalf of the sponsor contains any representation or suggestion that the drug is safe or that its usefulness has been established for the purposes for which it is offered for investigations; or

(9) The person who signed the "Notice of Claimed Investigational Exemption for a New Drug" fails to submit accurate reports of the progress of the investigations with significant findings at intervals not exceeding 1 year; or

(10) The person who signed the "Notice of Claimed Investigational Exemption for a New Drug" fails to promptly inform the Food and Drug Administration and all investigators of newly found serious hazards, contraindications, side-effects, and precautions pertinent to the safety of the drug;

he shall notify the sponsor and invite his immediate correction. If the conditions of exemption are not immediately met, the Commissioner shall notify the sponsor of the termination of the exemption.

(e) Where drugs are under investigation on man on the date of publication of this notice of proposed rule making, the sponsor shall, within 60 days after these regulations become effective, submit the completed "Notice of Claimed Investigational Exemption for a New Drug" to the Food and Drug Administration. Failure to do so shall automatically terminate the exemption.

(f) A shipment or other delivery of a new drug for laboratory research or animal tests only shall be exempt from section 505(a) of the act if it is labeled: "Caution: New drug—Limited by Federal (or United States) law to laboratory research and tests on animals. Not for human use." No animals used in such tests shall be used for food purposes.

Dated: August 7, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-7997; Filed, Aug. 9, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 14690]

NONCOMMERCIAL EDUCATIONAL TV AND FM STATIONS OPERATING ON RESERVED CHANNELS

Revision of Forms; Order Extending Time for Filing Comments and Reply Comments

1. In a petition, filed August 1, 1962, the National Association of Educational Broadcasters requests that the time to file comments and reply comments in the above-captioned proceeding be extended to October 1, 1962, and October 16, 1962, respectively.

2. Petitioner states that it is in the process of securing the comments of various educational institutions in the country with respect to the proposals made by the Commission in this docket, but that, because of the educational summer recess, it has been unable to secure the necessary information to supply to the Commission. It appears that

this information cannot be obtained until the fall.

3. We are of the opinion that the petitioner has shown good cause for an extension of time, but in view of the need for expeditious resolution of this matter, the requested two-month extension is too long.

4. In view of the foregoing: *It is ordered*, This 3d day of August 1962, That the "Request for Extension of Time to File Comments" filed by the National Association of Educational Broadcasters is granted in part, and is denied in part, and that the time for filing comments in this proceeding is extended from August 1, 1962, to and including September 11, 1962, and the time for filing reply comments is extended from August 16, 1962, to and including September 25, 1962.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.241 (d)(8) of the Commission rules.

Released: August 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8016; Filed, Aug. 9, 1962; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 698]

ASSISTANT DIRECTOR, ADMINISTRATION ET AL.

Delegation of Authority, Contracts and Leases

AUGUST 3, 1962.

SECTION 1. *Authority of certain offices to enter into contracts and leases.* (a) Pursuant to the authority contained in 200 DM 3.2; 205 DM 11.1 A and B, 205 DM 11.4 A(3); and section 52 of Secretary's Order 2509, as amended, the classes of employees listed in subparagraph (5) below:

(1) Are authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amount[1] as provided in 205 DM 11.1 A and B; and enter into leases of space in real estate as provided in section 52 of Secretary's Order 2509, as amended.

(2) Are authorized under 205 DM 11.4A to negotiate contracts without advertising under 302(c)(1) of the Federal Property and Administrative Services Act of 1949, as amended, subject to the limitations set out in 205 DM 11.4 A (2) and (3).

(3) Are authorized under 205 DM 11.4B to negotiate contracts without advertising under paragraphs (2), (3), (4) and (5) of section 302(c) of the Federal Property and Administrative Services Act of 1949, as amended.

(4) Are authorized under 205 DM 11.4C to negotiate contracts of section 302(c)(14) of the Federal Property and Administrative Services Act of 1949, as amended.

(5) Those authorized to exercise the authority delegated by this section are:

Assistant Director—Administration.
Chief, Division of Administrative Services.
Field Administrative Officers.

(b)(1) The Managers of the local offices of the Bureau located at St. Paul, Minnesota, and New Orleans, Louisiana, are authorized to enter into such contracts when the amount in any such contract does not exceed $2,000.

(2) Hearing Examiners appointed to conduct hearings in accordance with the Federal Range Code (43 CFR Part 161) or the Department's rules of practice (43 CFR Part 221) are authorized to issue purchase orders for reporter's services, not to exceed $2,500 in cost for any one order, under any applicable contracts for stenographic reporting awarded by the Department or the General Services Administration; and to make open market purchases for such services not to exceed $1,500. Hearing Examiners are also authorized to enter into contracts for supplies and equipment when the amount in any such contract does not exceed $500 and the supplies and equipment purchases are non-capitalized in nature.

SEC. 2. *Redelegation of authority.* (a) The Field Administrative Officers, Chief, Division of Administrative Services and State Directors may, in writing, redelegate to any qualified employees under their jurisdiction the authority granted under Sec. 1 above. Each redelegation shall be published in the FEDERAL REGISTER.

(b) Contracts and leases entered into under this authority must conform with applicable regulations and statutory requirements and are subject to the availability of appropriations.

(c) This authority shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended and in accordance with applicable policies, procedures and controls prescribed by the General Services Administration.

SEC. 3. *Revocation.* Bureau Order 679 of June 27, 1961, and its subsequent amendments are hereby revoked.

H. R. HOCHMUTH,
Associate Director.

[F.R. Doc. 62-7973; Filed, Aug. 9, 1962; 8:46 a.m.]

[1] Two days advance telegraphic notice must be given to the Secretary of the Interior prior to the announcement of a pending award of any contract in excess of $10,000.

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Termination Thereof

AUGUST 3, 1962.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 071237 for the withdrawal of the lands described below, from all prospecting, location, entry, and purchase under the general mining laws, subject to existing valid claims. The applicant desires the land for use by the Forest Service for experimental watershed, reforestation and rehabilitation areas, and for public campgrounds.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 4201 U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, Calif.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO BASE AND MERIDIAN, CALIFORNIA

TAHOE NATIONAL FOREST

Dog Valley Experimental Watershed Area

T. 20 N., R. 17 E.,
Sec. 21: E½E½;
Sec. 28: E½E½.

TOIYABE NATIONAL FOREST

Dog Valley Reforestation and Rehabilitation Area

T. 19 N., R. 17 E.,
Sec. 2: W½ Lot 2 of NW¼.
T. 20 N., R. 17 E.,
Sec. 22: SE¼;
Sec. 24: NE¼NW¼, W½NW¼, NW¼SE¼;
Sec. 26: NW¼NW¼;
Sec. 34: W½NW¼.

Dog Valley Experimental Watershed Area

T. 20 N., R. 17 E.,
Sec. 15: SW¼;
Sec. 22: W½;
Sec. 27: W½.

Sawmill Forest Campground

T. 20 N., R. 17 E.,
Sec. 14: SE¼SW¼.

Switchback Forest Camp

T. 20 N., R. 17 E.,
Sec. 34: NE¼NE¼.

The areas described above aggregate 1,678.10 acres of public land.

The applicant agency has cancelled its application insofar as it involved the lands described below, which were included in its application. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on September 7, 1962, relieved of the segregative effect of the above-mentioned application.

The lands terminated are:

MOUNT DIABLO BASE AND MERIDIAN, CALIFORNIA

TOIYABE NATIONAL FOREST

Dog Valley Reforestation and Rehabilitation Area

T. 19 N., R. 17 E.,
Sec. 2: W½ Lots 1 and 2 of NE¼, NW¼ SE¼.
T. 20 N., R. 17 E.,
Sec. 14: S½SE¼;
Sec. 34: SW¼NE¼.

WALTER E. BECK,
Manager,
Land Office, Sacramento.

[F.R. Doc. 62-7974; Filed, Aug. 9, 1962; 8:46 a.m.]

[Group No. 459]

CALIFORNIA

Notice of Filing of Plats of Survey

AUGUST 2, 1962.

1. Plat of Survey of the lands described below will be officially filed in the Land Office, Riverside, Calif., effective at 10 a.m., of August 10, 1962:

SAN BERNARDINO MERIDIAN

T. 3 S., R. 23 E.,
Sec. 13: Lots 1 to 4 incl., W½SW¼, SE¼SW¼;
Sec. 14: Lots 5 to 9 incl., SE¼NE¼, E½SE¼;
Sec. 23: Lots 5 to 8 incl., NE¼NE¼;
Sec. 24: Lots 1 to 6 incl., W½NE¼, NW¼;
Sec. 25: Lots 3 to 8 incl., SE¼SW¼;
Sec. 26: Lot 3;
Sec. 35: Lots 3 and 4;
Sec. 36: Lots 3 to 12 inc., W½NE¼ E½NW¼, N½SW¼.

The area described aggregates 1860.12 acres.

T. 4 S., R. 23 E.,
Sec. 1: Lots 1 and 2, NW¼NW¼;
Sec. 2: Lots 9 to 11 incl.;
Sec. 11: Lots 5 to 8 incl.;
Sec. 12: Lot 1;
Sec. 13: Lots 1 to 4 incl.;
Sec. 14: Lots 5 to 8 incl., E½NE¼, E½SE¼;
Sec. 23: Lots 5 to 8 incl.;
Sec. 24: Lots 1 and 2;
Sec. 25: Lots 1 to 4 incl., W½SW¼;
Sec. 26: Lots 5 to 8 incl.;
Sec. 35: Lots 5 to 8 incl.;
Sec. 36: Lots 2 to 6 incl., W½NW¼ N½SW¼, SE¼SW¼.

The area described aggregates 1413.83 acres.

T. 5 S., R. 23 E.,
Sec. 1: Lots 7 to 10 incl.;
Sec. 12: Lots 3 and 4.
T. 5 S., R. 24 E.,
Sec. 6: Lots 1 to 5 incl., S½NW¼, SW¼, SW¼SE¼;
Sec. 7: Lots 1 to 4 incl., NW¼NE¼, N½NW¼.

The area described aggregates 813.57 acres.

2. The plats for T. 3S., R. 23E., T. 4S., R. 24E., and Ts. 5S., Rs. 23 and 24E., represent the survey of accretion lands not shown on previous official plats.

3. All of the lands covered by the above-described plats lie within First Form Reclamation Withdrawals "F" of October 20, 1931, and "F" of February 25, 1929.

4. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of applicable laws, rules, and regulations.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claim must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims.

6. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 1414-8th St., Riverside, Calif.

ROLLEE E. CHANDLER,
Manager.

[F.R. Doc. 62-7999; Filed, Aug. 9, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-193]

RHODE ISLAND AND PROVIDENCE PLANTATIONS ATOMIC ENERGY COMMISSION

Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commisison proposes to issue to Rhode Island and Providence Plantations Atomic Energy Commisison a construction permit substantially in the form set forth below. This license authorizes construction of a one megawatt (thermal) pool-type nuclear reactor at Fort Kearney in Narragansett, Rhode Island.

The Commission has found that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the proposed issuance of this construction permit may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Director of Regulation will issue the construction permit fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

For further details with respect to this proposed issuance, see (1) the application and amendments thereto and (2) the related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 8th day of August 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Assistant Director, Facilities Licensing, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated December 21, 1961, and amendments thereto dated January 19, 1962, May 2, 1962, and June 29, 1962 (hereinafter collectively referred to as "the application") Rhode Island and Providence Plantations Atomic Energy Commission requested a Class 104 license, authorizing construction and operation at Fort Kearney in Narragansett, Rhode Island, of a one megawatt (thermal) pool-type nuclear reactor (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities";

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act");

C. Rhode Island and Providence Plantations Atomic Energy Commission is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time;

D. Rhode Island and Providence Plantations Atomic Energy Commission, in conjunction with its contractors, is technically qualified to design and construct the reactor;

E. Rhode Island Providence Plantations Atomic Energy Commission has submitted sufficient information to provide reasonable assurance that a reactor of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public, and that the omitted information necessary to complete the application will be supplied; and

F. The issuance of a construction permit to Rhode Island and Providence Plantations Atomic Energy Commission will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Rhode Island and Providence Plantations Atomic Energy Commission to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is twelve months after issuance of the construction permit. The latest date for completion of the reactor is fifteen months after issuance of the construction permit. The term "completion date", as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at Fort Kearney in Narragansett, Rhode Island, as specified in the application.

C. It shall be experimentally determined that the reactor enclosure can be maintained at a minimum negative differential pressure of 1½ inches of water with the emergency fan exhausting air at approximately 7 CFM.

D. The log-N-period channel should be designed and installed so that it is operable at power levels up to and beyond the high power level scram trip point.

E. An in-core flow monitor shall be provided.

4. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless Rhode Island and Providence Plantations Atomic Energy Commission has sub-

mitted to the Commission (by amendment of the application) additional data required to complete the hazards analysis of operating the proposed facility and the Commission has found the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

5. Upon completion (as defined in paragraph "3.A" above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon filing of the additional information needed to bring the original application up-to-date, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Rhode Island and Providence Plantations Atomic Energy Commission pursuant to section 104c of the Act, which license shall expire forty (40) years after the date of this construction permit.

For the Atomic Energy Commission.

[F.R. Doc. 62-8071; Filed, Aug. 9, 1962 9:50 a.m.]

[Docket No 115-1 [1]]

ELK RIVER DEMONSTRATION REACTOR PROGRAM PROJECT

Order and Notice of Hearing

1. The Commission has under consideration a Motion to Reconvene Hearing filed on August 6, 1962 by counsel for the AEC Regulatory Staff. It appears that the parties concur in the motion. The facility involved is a nuclear power reactor located near Elk River, Minnesota.

2. Hearings pertaining to the issuance of a provisional operating authorization for the facility involved were commenced at St. Paul, Minnesota in March of 1961 upon issues set out in the Commission's notice of hearing dated November 17, 1960 and published at Volume 25, page 11042 of the FEDERAL REGISTER on November 19, 1960. The 1961 hearing was recessed to be reconvened upon order and notice which is now sought and is herein granted. All reports and documents relating to this matter are available for public inspection at the AEC's Public Document Room and also in the Office of the Clerk of the United States District Court in St. Paul, Minnesota. Certain present and anticipated procedural aspects of this matter require comment in this order and notice of hearing.

3. Hearing upon the proposal herein will be resumed and conducted pursuant to the applicable provisions of Part 115 of the Commission's rules and regulations, published at 26 F.R. 4321, which were effective on June 17, 1961. Initial published notice of hearing was effected, consistently with § 115.46(b), by the November 1960 action as noted above; publication of this order and notice is made in conformity with the adjourning order stated on the hearing record. The issues for hearing remain as stated in the notice of hearing issued in 1960, although the scope and subjects for further inquiry may encompass particular matters not heretofore specified, but within the declared broad issues.

4. Intervention and participation by persons not parties to the proceeding may be sought as provided in §§ 2.714 and 2.715 of the Commission's rules of practice (27 F.R. 377). Petitions to intervene shall comply with § 2.714(a), and must be received in the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C. or in the AEC Public Document Room, 1717 H Street NW., Washington 25, D.C. not later than Tuesday, August 21, 1962. Persons desiring to make a limited appearance pursuant to § 2.715(a) may submit requests for leave to do so, in writing or orally on the record, at the commencement of the hearing. Rulings will be made upon such petitions or requests and objections thereto, if any, on the record and as a preliminary matter at the commencement of the hearing.

5. It is to be noted that § 115.80(a) states that certain provisions of the Commission's rules of practice are applicable to this proceeding, and particular attention is invited to §§ 2.701, 2.712, 2.713 and §§ 2.730–2.733. It is expected that each party to this proceeding will submit all of the direct testimony of its witnesses in written form, as stated in § 2.743(b) and as herein specified. Copies of the proposed written testimony shall be served on all parties, and shall be filed in duplicate in the Office of the Clerk of the United States District Court, Federal Courts Building at 6th and St. Peter Streets in St. Paul, Minnesota on or before Tuesday, August 21, 1962. Likewise, each party shall similarly serve and publicly file copies of all documents and exhibits which it proposes to offer in evidence at the hearing, except for such documents and exhibits as have been heretofore filed and publicly available in Washington and in St. Paul as provided for in the procedural orders made upon the hearing record on March 9, 1961. It is expected that the prehearing notification procedures herein specified and referred to will enable (1) the parties in advance of the hearing to prepare such cross-examination and rebuttal as they may desire to present, and (2) any other interested persons to be prepared at the commencement of the hearing to present such questions of witnesses or statements of views or evidentiary matters as they deem to be appropriate.

6. Upon the commencement of the hearing as hereinafter ordered consideration will be given to preliminary and procedural matters for the purpose of clarifying and defining the methods and practices to be observed in the conduct of the hearing so as to develop in an orderly and expeditious manner a hearing record on the basis of which the issues herein will be determined. It is expected that the previously notified written testimony and exhibits referred to above will be offered in evidence at the hearing in conjunction with the testimony under oath of identifying and authenticating responsible witnesses who will be available for and subject to such further questioning on direct and cross-examination as the nature of the proceedings then may warrant.[2]

Accordingly, and pursuant to the rules provisions hereinabove cited and §§ 2.703, 2.751 and 2.718 of the rules of practice: *It is ordered*, This 8th day of August 1962 that the Motion to Reconvene Hearing is granted and notice is hereby given that the hearing will be reconvened at 10 a.m. local time on Tuesday, August 28, 1962 in Courtroom No. 1 on the third floor of the Federal Courts Building at 6th and St. Peter Streets in St. Paul, Minnesota for the purpose of considering the matters set forth in the statement of issues set out in the 1960 notice of hearing as shown at 25 F.R. 11042; and

It is further ordered, That any party may file an answer to this Order and Notice of Hearing with the Commission and in the Office of the Clerk of the United States District Court in St. Paul, Minnesota as hereinabove set out on or before Tuesday, August 21, 1962; and

It is further ordered, That this order shall be published in the FEDERAL REGISTER and served upon the persons entitled to notice of hearing under the Commission's applicable rules and policies; and

It is further ordered, That the hearing herein notified may be recessed and adjourned from time to time and from place to place until completed.

Issued: August 8, 1962, Germantown, Md.

U.S. ATOMIC ENERGY COMMISSION,
J. D. BOND,
Presiding Officer.

[F.R. Doc. 62-8069; Filed, Aug. 9, 1962; 11:18 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

DELTA STEAMSHIP LINES, INC.

Notice of Application

Notice is hereby given that Delta Steamship Lines, Inc., has filed an application for continuation of a waiver, previously granted under the provision of section 804 of the Merchant Marine Act, 1936, as amended, to permit Delta Steamship Lines, Inc., to continue to operate a feeder service on the West Coast of Africa in the area bounded by Monrovia, Liberia on the north, and Port Gentil, French Equatorial Africa on the south, with a chartered feeder vessel registered under the Norwegian-flag, without soliciting or transacting any passenger or cargo business for any foreign flag vessel.

Any person, or firm or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Administrator, should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington 25, D.C., by close of business on August 17, 1962. The Maritime Administrator will consider these views and take such action with respect thereto as may be deemed appropriate.

By order of the Maritime Administrator.

Dated: August 6, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-7975; Filed, Aug. 9, 1962; 8:46 a.m.]

Office of the Secretary

FRANK R. BAILEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No Change.
B. Additions: No Change.

This statement is made as of August 1, 1962.

FRANK R. BAILEY.

AUGUST 1, 1962.

[F.R. Doc. 62-7994; Filed, Aug. 9, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets 13849, 11592; Order No. E-18664]

AMERICAN AIRLINES

Amendment of Certificate for Route 4 and Order Authorizing Temporary Suspension of Service at Richmond, Virginia; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of August 1962.

In the proceeding under section 401 of the Federal Aviation Act of 1958, as amended for the amendment of the certificate of American Airlines, Inc., Docket 1384; for route 4; in the matter of the application of American Airlines, Inc., Docket 11592; for an order authorizing temporary suspension of service at Richmond, Virginia.

On August 31, 1960, the Board granted American Airlines, Inc. (American) authority to suspend service at Richmond, Virginia, on its route 4, for a period of two years.[1] In taking its action, the Board considered, inter alia, American's representations that its share of the traffic in the Richmond markets to which it had access had been steadily declining, that its Richmond services could not be expected to continue to be profitable, and that the elimination of its services could not help but reduce the need of Piedmont Aviation, Inc. (Piedmont), which was providing service between Richmond and the Washington, D.C., gateway, for Federal subsidy. The Board found that suspension of American at Richmond would not eliminate single-plane service to the primary markets served by American, except Knoxville, since several other carriers [2] also provided single-plane service to these points.

By the same order, Piedmont's application for an exemption under section 416(b) of the Act to provide nonstop service between Richmond and Washington was denied, the Board finding that ample Richmond-Washington service would still be available, notwithstanding the grant of authority to American to suspend at Richmond temporarily. Moreover, Piedmont's request was then in issue in The Piedmont Local Service Area Investigation, Docket 5713, and the Board believed that to grant the exemption might have had an inhibiting effect on its freedom of action in that case.

Piedmont was subsequently awarded a certificate amendment for Richmond-Washington nonstop service in the proceeding referred to previously,[3] effective June 21, 1962, subject to a prohibition against providing turnaround service between Richmond and Washington. However, inasmuch as American's Roanoke authority was being terminated in a companion decision,[4] Piedmont was not prohibited from replacing American's single-plane, Roanoke-Richmond-Washington service.

On June 25, 1962, American applied for the issuance of an order which would extend the temporary suspension of service at Richmond, stating that the facts which justified the original suspension continue to exist and drawing attention to the additional service which Piedmont is now authorized to provide on its Washington-Baltimore-Atlanta route. Service of the application was made in accordance with § 205.5 of the Board's Economic Regulations, and the period for receipt of responses has passed without any having been received.

The Board finds that it is in the public interest to extend American's authority to suspend service at Richmond. As indicated in Appendix A,[5] ample service from Richmond to its top 15 markets is presently available. In only one market is there as little as one carrier providing service. Both single-plane and single carrier connecting service are available in most markets and as many as four carriers provide single-plane service to Washington and Baltimore. The schedules now being provided by Piedmont have effectively replaced those operated by American at the time it suspended service at Richmond. Appendix B.[5]

However, particularly in view of the fact that Piedmont, in effect, has been authorized to, and has in fact replaced American between Roanoke-Richmond-Washington, the Board is constrained to believe that American's authority to serve Richmond no longer has a role in satisfying the transportation needs of the Richmond area and it tentatively finds that the public convenience and necessity no longer require that American's certificate authorize it to serve that point.

Therefore, although American has not applied for the deletion of Richmond from its certificate, we conclude that a proceeding designed to accomplish this should be instituted under the provisions of section 401(g) of the Act.

Accordingly, it is ordered:

1. That a proceeding be, and it hereby is, instituted in Docket 13849 pursuant to section 401(g) of the Act, to determine whether the public convenience and necessity require and the Board should order, the deletion of the authority to serve Richmond, Virginia, from the certificate of public convenience and necessity held by American for route 4.

2. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue to American an amended certificate of public convenience and necessity for route 4 deleting its authority to serve Richmond;

3. That any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendment set forth herein shall, within fifteen days of service of a copy of this order, file with the Board and serve on all persons made parties to this proceeding a statement specifying the nature and substance of such objections;

4. That if timely objections are filed, further consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

5. That all motions to consolidate and requests to expand or change the issues herein shall be filed within the 15-day period allowed for the filing of objections, and no further such motions or requests, or petitions for reconsideration of this order will be entertained;

6. That in the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

7. That American be and it hereby is authorized to temporarily suspend service at Richmond, Virginia, until 90 days after final decision in the proceeding herein instituted to delete its authority to serve that point;

[1] A change has occurred in the docket number. The proceedings herein will be a continuation of the hearing which was commenced in March of 1961 as Docket Number PP-1.

[2] At the hearing the reading of direct testimony by the witnesses may be omitted—although the statements will be embodied in the hearing transcript—for the reason that the prehearing notification of such testimony will have informed all interested persons fully of the content of that testimony. In addition, it is expected that copies in quantity of the written testimony will be available to interested members of the public at the hearing.

[1] Order E-15716.
[2] Capital, (now United), Eastern, National, and Piedmont.
[3] Order E-18123, March 19, 1962.
[4] American's Suspension at Roanoke, Va., Docket 11801, Order E-18124, March 19, 1962.
[5] Appendix filed as part of original document.

8. That copies of this order shall be served upon the following persons who are hereby made parties to this proceeding: American Airlines, Inc.; the City of Richmond, Virginia; the Virginia State Corporation Commission; Eastern Air Lines, Inc.; National Airlines, Inc.; United Air Lines, Inc.; Piedmont Aviation, Inc.; and the Postmaster General; and

9. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8006; Filed, Aug. 9, 1962; 8:49 a.m.]

[Dockets 13784, 13830; Order No. E-18671]

EASTERN AIR LINES, INC., ET AL.

Mainland-San Juan Third Class Fare Increases; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of August 1962.

By tariff revisions marked to become effective August 15, 1962, Eastern Air Lines, Inc., Pan American World Airways, and Transportation Corporation of America (Trans Caribbean Airways) propose increases of approximately 5 percent in mainland-San Juan third class ("bus"-type) individual fares. The Commonwealth of Puerto Rico has filed complaints requesting suspension of the proposed fare increases.[1]

The Board notes with approval that Pan American's tariff revision contains a posting date pursuant to § 221.31(a)(10) of the Board's economic regulations (14 CFR 221.31(a)(10)). The use of a posting date enables Board action well in advance of the tariff's effective date. Pan American has filed data with its tariff transmittal in support of the proposed increase. In substance, the carrier states that at the present fare level it cannot attain a break-even seat factor, especially since Eastern inaugurated third class jet service in the New York-San Juan market in May 1962. The Commonwealth's complaint is directed primarily against the New York-San Juan third class jet fare and it relies upon the record in the Reopened Puerto Rico Passenger Fare Investigation, Docket 9523, in support of its conclusion that the proposed increases are unjust and unreasonable.

Only one carrier, Pan American, has submitted factual data in support of the proposed increased fares. In the light of the issues yet to be resolved in Docket 9523 et al., the Reopened Puerto Rico Passenger Fare Investigation,[2] the data supplied do not persuade us that the fare increases are warranted. Accordingly, the Board finds that the proposed fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, and that they should be investigated. Moreover, in view of the procedural status of Docket 9523, as well as the importance in the public interest of maintaining third class fares in this market at the lowest level consistent with the cost of furnishing such services, we will suspend the tariffs, pending such investigation.

It is found that the Board's action herein is necessary and appropriate to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof.

Accordingly, It is ordered, That:

1. An investigation is hereby instituted to determine whether the proposed "AirBus" fares and provisions contained in Section 1 appearing on 3d Revised Page 7 of Eastern Air Lines, Inc.'s C.A.B. No. 88; the proposed "Thrift Class" fares and provisions contained in Table 1 appearing on 4th Revised Page 5 of Agent R. C. Lounsbury's C.A.B. No. 334; and the proposed "Tourist" fares and provisions applicable on jet aircraft appearing on 17th Revised Page 6 of Transportation Corporation of America's C.A.B. No. 26 (Trans Caribbean Airways, Inc., Series), are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions;

2. Pending investigation, hearing, and decision by the Board, the fares and provisions described in paragraph 1 hereof are suspended and their use deferred to and including November 12, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints of the Commonwealth of Puerto Rico in Dockets 13784 and 13830 are granted to the extent stated herein;

4. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. A copy of this order be filed with the aforesaid tariffs and a copy served upon the Commonwealth of Puerto Rico, Eastern Air Lines, Inc., Pan American World Airways, Inc., and Transportation Corporation of America, which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8009; Filed, Aug. 9, 1962; 8:50 a.m.]

[Docket 13394 etc.; Order No. E-18665]

FRONTIER-NORTH CENTRAL

Route Transfer—"Use It or Lose It" Case

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of August 1962.

By Order E-18015, dated February 13, 1962, as modified by Order E-18273, dated April 27, 1962, the Board instituted investigations to determine, among other things, (a) whether the public convenience and necessity require the continuation, suspension or elimination of the authority of Frontier Airlines, Inc., to serve Glasgow, Glendive, Great Falls, Havre, Lewistown, Miles City, Sidney and Wolf Point, Montana, Williston, North Dakota, Idaho Falls, Idaho, and Rawlins, Wyoming, and the segments presently designated as 9, 14, and 15,[1] and that part of segment 7 between Riverton-Lander and Idaho Falls in Frontier's certificate; * * * and (c) whether the authorizations heretofore granted Frontier by Orders E-16749, dated May 1, 1961, as amended by Order E-17063, dated June 29, 1961, and E-17494, dated September 22, 1961, as amended by Order E-17753, dated November 22, 1961, should be continued on a year-round or seasonal basis by appropriate amendment of Frontier's certificate, or by other means.

On May 15, 1962, Frontier filed a motion requesting the Board to defer its "use it or lose it" investigation in respect to the above-indicated cities and route segments for a period of one year in order that it might make a further test of their traffic generating capabilities under the revised service pattern to smaller communities instituted by Frontier's new management which was appointed following the sale of controlling interest in Frontier to the Goldfield Company on March 27, 1962. Frontier stated that it has notified North Central of its intention to denounce the route transfer agreement as of July 1, 1962. Also on May 15, 1962, Frontier filed an application with the Board in Docket 13604 for renewal of its authority to serve segments 14 and 15 but it has not moved for consolidation of that application in this proceeding.

Answers to Frontier's motion have been filed by a number of cities and state agencies[2] in support thereof, and by the Bureau, North Central, and the Minneapolis-St. Paul Metropolitan Airport Commission in opposition thereto.

Upon consideration of the matters set forth in the motion and answers, we find no justification for any delay in our reexamination and reappraisal of the pres-

[1] The Commonwealth's complaint in Docket 13784 is directed to the proposals of Eastern and Pan American. On the same day the complaint was filed, Trans Caribbean filed its tariff revision proposing similar fare increases but applicable only to jet fares. On July 23, 1962, Pan American filed an answer to the Commonwealth's complaint. Thereafter, on August 1, 1962, the Commonwealth filed a complaint in Docket 13830 against the tariff proposal of Trans Caribbean.

[2] By Order E-18672, issued contemporaneously herewith, we are remanding the third-class fare issue in the Reopened Puerto Rico Passenger Fare Investigation for expedited hearing. That order in addition consolidates Dockets 13784 and 13830 with the remanded proceeding.

[1] Segments 15 and 16 have been redesignated segments 14 and 15, respectively, pursuant to the Board's decision in Frontier Airlines, Inc., Segment 13 Case, Docket 11129, decided October 19, 1961.

[2] The cities and state agencies are: Sidney, Wolf Point, Glasgow and Glasgow Chamber of Commerce, Great Falls and the Great Falls, Montana Chamber of Commerce, Williston, North Dakota, and the North Dakota and Montana Aeronautics Commissions.

ent needs for and past use of air service at these cities since they were authorized for service; accordingly, the motion to defer will be denied. Changes in the carrier's management and service policies do not constitute sufficient reasons for granting the relief requested especially since data showing the traffic response at those cities under the new service patterns will be available at the time this case has been reached for hearing in November or December of this year.

We stated in that order (E-18015) that in the interest of expedition we would not consider any new or previously filed route applications in this proceeding. We find that the consolidation of Sioux Air's application for new air services in Montana and North Dakota in Docket 13586 would unduly broaden the issues and delay the proceeding; accordingly, its motion to consolidate that application herein will be denied. However, we find the issue of service to Lovell-Powell-Cody, Wyoming, through a single airport reasonably germane to the issues of the investigation and the inclusion of that issue will not unduly broaden the issues or delay the investigation.

Accordingly, it is ordered:

1. That Frontier's motion to defer the "use it or lose it" investigation be and it hereby is denied.

2. That the application of Frontier in Docket 13604 for renewal of its authority to serve segments 14 and 15 of route 73 be and it hereby is consolidated for hearing and decision in this proceeding.

3. The motion of Thomas J. Malee and John M. Cross d/b/a Sioux Air for consolidation of its application for a certificate in Docket 13586 for hearing and decision in this proceeding be and it hereby is denied.

4. That the issue of service to Lovell-Powell-Cody, Wyoming through a single airport be and it hereby is included in this proceeding.

5. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8014; Filed, Aug. 9, 1962; 8:50 a.m.]

[Docket 9523 etc.; Order No. E-18672]

REOPENED PUERTO RICO PASSENGER FARE INVESTIGATION

Order of Severance, Remand, and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of August 1962.

In the matter of the reopened Puerto Rico Passenger Fare Investigation, Docket 9523 et al.; in the matter of Mainland-San Juan third-class fare increases proposed by Eastern Air Lines, Inc., Pan American World Airways, Trans Caribbean Airways, Dockets 13784 and 13830.

The Reopened Puerto Rico Passenger Fare Investigation, which was instituted to determine whether the passenger fares between Miami, Fla., and New York, N.Y., on the one hand, and San Juan, Puerto Rico, on the other hand, of Eastern Air Lines, Inc., Pan American World Airways, Inc., and Transportation Corporation of America (Trans Caribbean Airways), are unlawful and, if so, to prescribe the lawful fares, stands submitted to the Board for decision. By tariff revisions marked to become effective August 15, 1962, Eastern, Pan American, and Trans Caribbean propose increases ranging for $2 to $3 in mainland-San Juan third-class individual fares, including those in the New York/Miami-San Juan markets. By Order E-18671, issued contemporaneously herewith, we have instituted an investigation (Dockets 13784 and 13830) of these fare proposals and, pending investigation, have suspended the proposed fare increases to and including November 12, 1962. For reasons set forth below, we have also decided to sever and remand to the Examiner that portion of the Reopened Puerto Rico Passenger Fare Investigation relating to passenger fares in third-class service, both propeller and jet, in the New York/Miami-San Juan markets. In addition, we will consolidate the investigation in Dockets 13784 and 13830 with the remanded proceeding since the parties involved are the same and the issues are closely related, and will direct that the hearings be conducted on an expedited basis.[1]

The reasons which prompt us to sever and remand the third-class fare issue in the Reopened Puerto Rico Passenger Fare Investigation are the substantial changes which have occurred in this class of service subsequent to the hearing in that case. Thus, at the time of the reopened hearing in May 1961, neither Eastern nor Trans Caribbean served the New York-San Juan market with third-class service in jet aircraft and Pan American had only commenced the use of jet equipment in third-class service in late April 1961. Consequently, the reopened record contains virtually no experience data with respect to third-class service in jet aircraft. Now, however, the three carriers provide substantially all of their third-class service between New York and San Juan with jet-type aircraft. Moreover, subsequent to the close of the evidentiary record, the carriers modified the conditions of carriage, including the refund rule, so that this third-class service is similar to "bus" type air services within the continental United States.[2] Thus, the entire pattern of third-class service as now operated is materially different from that upon which the cost and revenue estimates of the parties were predicated. In these circumstances, we believe an updating of the record with respect to third-class service is essential to a sound decision on this issue.

Accordingly, It is ordered, That:

1. Docket 9523 et al., insofar as it relates to the issue of fares by propeller and jet aircraft in third-class service between San Juan, P.R., on the one hand, and New York, N.Y., and Miami, Fla., on the other hand, be and it hereby is remanded to the Examiner for further hearing on an expedited basis.

2. Dockets 13784 and 13830 be and they hereby are consolidated with the remanded portion of Docket 9523 et al., for hearing and decision.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8010; Filed, Aug. 9, 1962; 8:50 a.m.]

[1] The parties are urged to explore, to the fullest extent possible, areas of agreement on pertinent facts and principles, thereby permitting stipulation of such matters into the record in lieu of their formal development at the hearing.

[2] An investigation is presently pending in Docket 13329 et al., with respect to the lawfulness of the refund rules applicable to this "bus" service to Puerto Rico (as well as the lawfulness of "bus" fares and rules in use within the continental United States). The instant order does not affect the proceedings in Docket 13329 et al.

FEDERAL AVIATION AGENCY

GENERAL AVIATION DISTRICT OFFICE AT TULSA, OKLA.

Notice of Closing

Notice is hereby given that on or about August 11, 1962, the General Aviation District Office in Tulsa, Oklahoma, will be closed. Services provided by this office will be rendered by the General Aviation District Office as Oklahoma City, Oklahoma.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

Issued in Washington, D. C., on Aug. 3, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-7964; Filed, Aug. 9, 1962; 8:45 a.m.]

GENERAL AVIATION DISTRICT OFFICE AT BROWNSVILLE, TEX.

Notice of Closing

Notice is hereby given that on or about August 11, 1962, the General Aviation District Office in Brownsville, Texas, will be closed. Services provided by this office will be rendered by the General Aviation District Office at San Antonio, Texas.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

Issued in Washington, D.C., on Aug. 3, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-7962; Filed, Aug. 9, 1962; 8:45 a.m.]

GENERAL AVIATION DISTRICT OFFICE AT MIDLAND, TEX.

Notice of Closing

Notice is hereby given that on or about August 11, 1962, the General Aviation District Office in Midland, Texas, will be closed. Services provided by this office will be rendered by the General Aviation

District Office to be opened August 12, 1962, at Lubbock, Texas.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

Issued in Washington, D.C., on Aug. 3, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-7963; Filed, Aug. 9, 1962; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1064]

AMERICAN UNION TRANSPORT, INC., AND WATERMAN STEAMSHIP COMPANY OF PUERTO RICO

Purchase of Vessels "Alicia" and "Dorothy"; Allegations; Request for Further Hearing

On August 2, 1962, the Federal Maritime Commission entered the following order:

On April 16, 1962, the Commission by order pursuant to section 15 of the Shipping Act, 1916, approved Agreements 8745 and 8745-1, which provided, among other things, for the purchase of the vessels "Alicia" and "Dorothy" by Waterman Steamship Company of Puerto Rico.

By petition filed July 9, 1962, American Union Transport, Inc. alleges, among other things, that:

(1) "The false recitals in Agreement 8745 enabled Waterman P.R. and its related McLean-Sea-Land interests to perpetrate a fraud on the Commission in that its approval was sought and secured for the purpose of using the C-4's in Gulf-Puerto Rico trade whereas the parties intended at all times to use them in Atlantic-Puerto Rico trade";

(2) "But for the unqualified recitals in Agreement 8745 that the C-4's were sold for use by Waterman P.R. in Gulf-Puerto Rico trade, AUT would have protested that agreement and demanded a hearing for the purpose of proving that the sale was (a) unjustly discriminatory and unfair as between the McLean-controlled carriers (including Sea-Land and Waterman P.R.) and AUT, and (b) detrimental to the commerce of the United States and contrary to the public interest as part of a conspiracy to monopolize Atlantic-Puerto Rico trade and to eliminate competition therefrom."

American Union Transport, Inc. "requests that the Commission reopen and reconsider Docket 988; and that upon such reconsideration it set aside its order of 16 April 1962 approving agreements 8745 and 8745-1, admit AUT to intervention, set the case for further hearing, and enter a new order disapproving such agreements; and that it award such other relief as may be proper."

Said Agreements 8745 and 8745-1 are lawful only when and as long as they are approved by this Commission, and it is the duty of this Commission, if after notice and hearing, it finds that said agreements (although previously approved) are unjustly discriminatory or unfair as between carriers, detrimental to the commerce of the United States, or contrary to the public interest, to disapprove, cancel, or modify said agreements.

Verified answers, and an affidavit by Malcom P. McLean have been filed.

In view of the foregoing it is ordered:

(1) That the petition of American Union Transport, Inc. be denied.

(2) That pursuant to sections 15 and 22 of the Shipping Act, 1916, a hearing be held upon the Commission's own motion, to determine if Agreements 8745 and 8745-1 should be disapproved, cancelled, or modified because unjustly discriminatory or unfair as between "the McLean-controlled carriers (including Sea-Land and Waterman P.R.) and A.U.T.", or "detrimental to the commerce of the United States and contrary to the public interest as part of a conspiracy to monopolize Atlantic-Puerto Rico trade and to eliminate competition therein".

(3) That this matter be assigned for hearing before an examiner at a time and place to be determined by the Chief Examiner.

(4) That notice of this order be published in the FEDERAL REGISTER.

(5) That all persons having an interest in this matter and desiring to participate, shall promptly file petitions for leave to intervene in accordance with our Rule 5(n) (46 CFR 201.24).

By the Commission.

THOMAS LISI,
Secretary.

AUGUST 2, 1962.

[F.R. Doc. 62-8011; Filed, Aug. 9, 1962; 8:50 a.m.]

[No. 1066]

ALCOA STEAMSHIP CO., INC.

General Increase in Rates in Atlantic/Gulf Puerto Rico Trade

It appearing that there have been filed with the Federal Maritime Commission various tariff schedules naming increases in freight rates from Atlantic and Gulf Ports in the United States to ports in the Commonwealth of Puerto Rico to become effective August 4, 1962 designated as follows: "Alcoa Steamship Co., Inc.; Outward Freight Tariff No. 3, FMC-F No. 4";

It further appearing that protests have been received petitioning the Commission to suspend said increases; and

It further appearing that upon consideration of the said schedules, statements in support thereof, and protests made thereto, there is reason to believe that the said schedules, if permitted to become effective, would result in rates, charges, classifications, regulations, tariffs or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the Commission is of the opinion that the new rates, charges, classifications, regulations, tariffs, and practices should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the Commission is of the opinion that the effective date of the said schedules should be suspended, pending such investigation;

Now therefore it is ordered That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, fares, charges, rules, classifications, regulations, and practices contained in the said tariff schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That said schedules be, and they are hereby, suspended and that the use of the said schedules be, and it is hereby, deferred to and including November 25, 1962, unless otherwise authorized by the Commission, and that the rates, fares, charges, classifications, rules, regulations, and practices heretofore in effect, and which were to be changed by the suspended schedules, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission; and

It is further ordered, That (I) there shall be filed immediately with the Commission by the Alcoa Steamship Co., Inc. consecutively numbered supplements to the aforesaid suspended schedules which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended schedules are described, and shall state that the aforesaid schedules are suspended and that the rates, charges classifications, regulations, tariffs, and practices therein stated may not be used until the 26th day of November 1962, unless otherwise authorized by the Commission; and (II) the rates, charges, classifications, regulations, tariffs, and practices hereby deferred may not be changed during the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulations of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner; (II) Alcoa Steamship Co., Inc. be and it is hereby, made respondent in this proceeding; (III) a copy of this order shall be forthwith served upon the said respondent and protestants herein; (IV) respondents and protestants be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

By order of the Commission.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

AUGUST 2, 1962.

[F.R. Doc. 62-8012; Filed, Aug. 9, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14730; FCC 62M-1118]

KIMBLE COMMUNICATIONS

Order Scheduling Prehearing Conference

In re applications of W. A. Henley, d/b as Kimble Communications, Docket No. 14730, File Nos. 2397/2398-C1-P-62; for construction permits to establish stations in the Point-to-Point Microwave Radio Service near Kerrville, and at Midway, Texas.

On the Hearing Examiner's own motion: *It is ordered*, This 6th day of August 1962, that a prehearing conference for the purpose of establishing the method of presentation of the parties' cases and the timing thereof shall be held in the Commission's offices at Washington, D.C., on September 4, 1962, commencing at 9:00 a.m.

Released: August 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8017; Filed, Aug. 9, 1962; 8:50 a.m.]

[Docket No. 14741; FCC 62M-1119]

NEW MADRID COUNTY BROADCASTING CO. (KMIS)

Order Continuing Prehearing Conference

In re application of J. Shelby McCallum, Smith J. Dunn and Jewel P. White, d/b as New Madrid County Broadcasting Company (KMIS), Portageville, Missouri, Docket No. 14741, File No. BP-14758; for construction permit.

It is ordered, This 6th day of August 1962, that the prehearing conference now scheduled for Friday, September 21, 1962, at 9:00 a.m., is continued to Tuesday, September 25, 1962, at 2:00 p.m.

Released: August 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8018; Filed, Aug. 9, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7045]

DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, EKLUTNA PROJECT, ALASKA

Notice of Request for Approval of Rate Schedules

AUGUST 6, 1962.

Notice is hereby given that the Bureau of Reclamation, United States Department of the Interior (Reclamation), has filed with the Federal Power Commission, pursuant to the Act of Congress of July 31, 1950 (64 Stat. 382), as amended, a request for confirmation and approval of proposed rate schedules for the sale of electric power and energy generated at the Eklutna Project (Eklutna), located in the vicinity of Anchorage, Alaska. The rate schedules for which approval is requested are designated A-F2, A-N2, and A-L2, copies of which are attached hereto.[1]

By order issued August 1, 1957, Eklutna Project, Alaska, (18 FPC 87), the Commission confirmed and approved Rate Schedule A-F2 and related General Rate Schedule Provisions and Rate Schedules A-L2 and A-N2 for the sale of Eklutna electric power and energy during an interim period not to exceed five years from August 4, 1957. Reclamation represents that the level of rates and conditions set forth in the proposed rate schedules are identical with those contained in the rate schedules approved by the Commission on August 1, 1957.

Proposed Rate Schedules A-F2, A-N2, and A-L2 are on file with the Commission for public inspection. Any person desiring to make comments or suggestions for Commission consideration with respect to the proposed rate schedules should submit the same in writing on or before August 23, 1962, to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7939; Filed, Aug. 9, 1962; 8:45 a.m.]

[Docket No. CP62-41]

TRUNKLINE GAS CO.

Notice of Motion To Amend

AUGUST 3, 1962.

Take notice that on June 19, 1962, Trunkline Gas Company (Movant), P.O. Box 1642, Houston 1, Texas, filed in Docket No. CP62-41 a motion to amend the order in said docket issued January 25, 1962, to permit the continuation of the subject sale and the operation of the subject facilities until July 1, 1963, all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

The Commission's order of January 25, 1962, in the subject docket authorized Movant to interconnect its facilities with those of Texas Eastern Transmission Corporation (Texas Eastern) in Hidalgo County, Texas, and to sell to Texas Eastern 30,000 Mcf of gas per day on an interruptible basis until July 1, 1962. Texas Eastern has been authorized to construct and operate a tap and related facilities to receive the subject gas.

The motion states that Texas Eastern has a continuing need to alleviate the take-or-pay situation which is more fully described in the Commission's order of January 25, 1962, in the subject docket. The motion further states that Texas Eastern has a need for the gas and that the parties have amended their contract to be effective until July 1, 1963.

Protests, requests for hearing, or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10 on or before August 27, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7976; Filed, Aug. 9, 1962; 8:46 a.m.]

[Docket No. RP63-2]

MISSISSIPPI RIVER FUEL CORP.

Order Prescribing Hearing Procedures

AUGUST 6, 1962.

The Commission by order issued July 27, 1962, provided for hearing on the lawfulness of the rates, charges, classifications and services contained in Mississippi River Fuel Corporation's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by the revised tariff sheets tendered for filing by Mississippi on June 29, 1962. Among other things, that order also directed that such hearing shall be held in accordance with procedures to be prescribed by future order.

In its order issued this day prescribing hearing procedures in United Gas Pipe Line Company, Docket No. RP63-1, the Commission has indicated the necessity for the disposition of that proceeding as expeditiously as possible. That necessity and the intent and purpose of the procedures as set out in that order are equally applicable to this proceeding. It is accordingly appropriate that similar procedures be prescribed herein.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that for the purposes set out in paragraph (A) of the order issued July 27, 1962 in this docket, the disposition of this proceeding be expedited in accordance with the procedures set out below.

The Commission orders:

(A) Presiding Examiner Joseph Zwerdling, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the prehearing conferences and the hearing in this mat-

[1] Schedules filed as part of original document.

ter, pursuant to the Commission's rules of practice and procedure.

(B) Mississippi, on or before September 4, 1962, shall serve upon the Commission staff and all parties to this proceeding, copies of its exhibits and testimony constituting its complete direct case-in-chief in this proceeding.

(C) The Commission staff and all parties to this proceeding proposing to present evidence herein shall serve such testimony and exhibits on all parties on or before October 15, 1962.

(D) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a pre-hearing conference before the Presiding Examiner herein designated shall commence at 10:00 a.m., e.s.t., on October 30, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating the expeditious disposition of this proceeding.

(E) Upon expeditious determination of the issues to be eliminated from hearing through stipulation, and the issues to be resolved in formal hearing, the Presiding Examiner shall set the date for service by Mississippi of its rebuttal case and shall give notice of immediate hearing following service of Mississippi's rebuttal case, for purposes of cross-examination on the issues to be tried, such hearing to be continuous until conclusion.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7977; Filed, Aug. 9, 1962; 8:46 a.m.]

[Docket No. RP62-1]

UNITED GAS PIPE LINE CO.

Order Prescribing Hearing Procedures

AUGUST 6, 1962.

The Commission by order issued July 27, 1962, in this proceeding, provided for hearing on the lawfulness of the rates, charges, services and classifications contained in United Gas Pipe Line Company's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by the revised tariff sheets United Gas tendered for filing on June 15, 1962. Among other things, that order also directed that such hearing shall be held pursuant to the procedures to be prescribed by further order.

The Commission deems it necessary and appropriate that the disposition of this proceeding be expedited to the fullest extent possible. Toward that end and within the time limits hereinafter set forth, it is the view of the Commission that each party to this proceeding should have an opportunity to understand and evaluate the position of the other parties; that all true issues in the proceeding should be identified, the key matters and genuine disputes which can only be resolved in hearing should be listed; and that all matters which can be fully investigated and resolved without formal trial should be eliminated from hearing and settled by stipulation.

The data submitted by United Gas in support of its proposed increase is insubstantial compliance with the proposed regulations under consideration in Docket No. R-207, as issued February 20, 1962. It is the purpose of this order that United Gas, within the time hereinafter fixed, shall submit its testimony relating to the exhibits contained in its filing together constituting its direct case-in-chief herein; thereafter within the time indicated below the Commission staff and all interveners proposing to submit evidence in this proceeding shall serve such exhibits and testimony on all parties. Upon completion of the service of all of the above testimony and exhibits, the Presiding Examiner assigned to this proceeding shall convene the prehearing conference hereinafter ordered for the purpose of reaching a stipulation on the issues which can be eliminated from hearing and clearly set forth the substantial matters to be resolved by formal hearing. The Presiding Examiner shall then set the date for service by United Gas of its rebuttal case and shall issue immediate notice of the date of hearing on the issues to be tried; which when commenced shall be continuous and shall be directed to full cross-examination of all witnesses testifying with respect to the issues being tried, in accordance with the procedure prescribed by the Presiding Examiner.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that for the purposes set out in paragraph (A) of the order issued July 27, 1962, the disposition of this proceeding be expedited in accordance with the procedures set out below.

The Commission orders:

(A) Presiding Examiner Francis L. Hall, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the pre-hearing conferences and the hearing in this matter, pursuant to the Commission's rules of practice and procedure, and as further provided by this order.

(B) United Gas, on or before August 21, 1962, shall serve upon all parties to this proceeding, copies of its filing submitted to the Commission on June 15, 1962, and to the extent it deems necessary shall serve on the Commission staff and the parties any supplementary prepared testimony in support of the exhibits contained in its filing submitted June 15, 1962, which together shall constitute its direct case-in-chief in this proceeding.

(C) The Commission staff and all other parties to this proceeding proposing to present evidence herein, shall serve such testimony and exhibits on all parties on or before October 1, 1962.

(D) Pursuant to the provisions of Section 1.18 of the Commission's rules of practice and procedure, a pre-hearing conference before the Presiding Examiner herein designated shall commence at 10:00 a.m., e.d.t., on October 22, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating the intent of the Commission, as hereinabove set out in the body of this order.

(E) Upon expeditious determination of the issues to be eliminated from hearing through stipulation, and the issues to be resolved in formal hearing, the Presiding Examiner shall set the date for service by United Gas of its rebuttal case and shall give notice of immediate hearing following such service, for purposes of cross-examination on the issues to be tried, such hearing to be continuous, until conclusion.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7978; Filed, Aug. 9, 1962; 8:46 a.m.]

[Docket No. CP62-287]

ASSOCIATED OIL & GAS CO.

Notice of Application

AUGUST 6, 1962.

Take notice that Associated Oil & Gas Co. (Applicant), a Delaware corporation with principal office in Houston, Texas, filed an application in Docket No. CP62-287 on June 4, 1962, pursuant to Section 3 of the Natural Gas Act, for the issuance of an order authorizing the exportation of natural gas from the United States to Mexico, subject to the jurisdiction of the Commission, all as hereinafter described and as more fully represented in the application which is on file with the Commission and open for public inspection. Concurrently therewith, Applicant filed an application for a permit in Docket No. CP62-288 pursuant to Executive Order 10485 of September 3, 1953.

The export activities and operations for which Applicant seeks authorization are presently being undertaken and otherwise performed by Texas Gas Utilities Corporation (TGU) pursuant to authorization granted TGU in Docket No. CP61-280 by order issued in Texas Gas Utilities Company, et al., Docket Nos. G-117, et al., on November 28, 1961 and which is presently in full force and effect. Under this authorization, TGU exports natural gas to Mexico at or near Eagle Pass, Texas, for resale and distribution in the town of Piedras Negras, Coahuila, Mexico, by Compania Nacional de Gas, S.A., and for end use by La Consolidada, S.A., in an open hearth smelting plant located near said town pursuant to a gas sale contract with each of these two companies.

Applicant, TGU and Texas Gas Distributing Systems, Inc. have entered into a plan of reorganization, dated March 28, 1962 and attached as Exhibit X-1 to the instant application, whereunder and upon consummation of said plan, Applicant will become the corporate successor to TGU, the business and properties of TGU will be transferred to Applicant, and Applicant will take over and continue the business of TGU in local distribution and exportation of natural gas, without change.

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7979; Filed, Aug. 9, 1962; 8:46 a.m.]

[Docket No. CP62-302]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

AUGUST 6, 1962.

Take notice that on June 18, 1962, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP62-302 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Southern Union Gas Company (Southern) for resale and distribution in the community of Jerome, and environs, Arizona, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it presently operates facilities and sells gas to Southern for resale in the communities of Clarkdale and Cottonwood, Yavapai County, Arizona. Applicant states further that these facilities will be used to render the herein proposed service and that no new facilities will be required.

The application shows that Southern will construct and operate a pipeline from its existing Clarkdale-Cottonwood facilities to Jerome as well as the distribution facilities for said community. The total estimated cost of these facilities is $40,497.

The application indicates that the third-year maximum day and annual gas requirements of Southern for the subject service are 201 Mcf and 22,380 Mcf, respectively.

Applicant will make the proposed sale pursuant to its applicable rate schedules on file with the Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 11, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7980; Filed, Aug. 9, 1962; 8:46 a.m.]

[Docket No. CP62-170]

KEOKUK GAS SERVICE CO.

Notice of Application and Date of Hearing

AUGUST 3, 1962.

Take notice that Keokuk Gas Service Company (Applicant), an Illinois corporation with principal place of business in Keokuk, Iowa, filed an application in Docket No. CP62-170 on January 18, 1962, pursuant to section 7(a) of the Natural Gas Act, seeking the issuance of an order directing Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) to establish physical connection of its existing natural gas transportation facilities with facilities proposed to be constructed and operated by Applicant and, by means thereof, to deliver to Applicant for resale to Lee County, Iowa, a part of the total volume of natural gas heretofore authorized to be sold by Michigan Wisconsin to Applicant for resale and distribution, all as more fully set forth in said application which is on file with the Commission and open for public inspection.

Applicant is an existing distribution company and obtains all of its gas supply from Michigan Wisconsin. The instant gas is for use in a new County Home which is located in Jackson Township approximately ¾ mile west of Michigan Wisconsin's transmission line and 3½ miles northwest of Applicant's present gas mains.

Applicant proposes to construct and operate approximately ¾ mile of 1½-inch line together with meter and regulators extending from the site of the new home to the nearest point on Michigan Wisconsin's line. These facilities will be used for the purpose of enabling Applicant to take natural gas from Michigan Wisconsin at the proposed new delivery point and to transport and deliver said gas to Lee County for use at the aforesaid home. The estimated total cost of these facilities is stated to be $7,336.00 which will be financed by Applicant out of cash on hand.

By answer filed on February 21, 1962, Michigan Wisconsin opposes the rendition of the service as proposed by Applicant.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 20, 1962 at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 28, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7981; Filed, Aug. 9, 1962; 8:46 a.m.]

[Docket No. E-7048]

NORTHERN STATES POWER CO.

Notice of Application

AUGUST 6, 1962.

Take notice that on August 1, 1962, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Northern States Power Company (Applicant), a corporation organized under the laws of the State of Wisconsin and doing business in that State, with its principal business office in Eau Claire, Wisconsin, seeking an order authorizing the issuance of unsecured promissory notes of up to $7,000,000 aggregate face value.

The unsecured promissory notes will be payable to such bank or banks from which the Applicant may borrow funds, up to but not exceeding $7,000,000 face amount at any one time outstanding, for periods not exceeding twelve months from the date of issue. Applicant will pay no commitment fees, and may prepay the notes, in whole or in part, on any legal banking day, upon 24 hours' notice to the payee. According to the application, the interest for each borrowing will be a rate that, to the best knowledge and belief of the officers making the borrowings, does not exceed the prime loan interest rate at the time and place of making.

Applicant states that the proceeds from the bank borrowings to be evidenced by the proposed notes which are issued during the balance of the year 1962 will be used, first, to renew or refund outstanding promissory notes, which will include the $3,600,000 principal amount presently outstanding; the balance of the proceeds will be added to Applicant's general funds, which will be used, among other things, to pay in part the expenditures made and to be made in 1962 in connection with Applicant's construction program. The cost of Applicant's 1962 construction is estimated at $5,195,000 of which $3,746,000 is allocated to electric facilities; $1,112,000, to gas facilities; and, $337,000, to general facilities. The cost of construction for electric facilities includes $45,000 for production, $571,000 for transmission, and $3,130,000 for distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 27th day of August file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the

requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7982; Filed, Aug. 9, 1962; 8:46 a.m.]

[Project No. 2305]

SABINE RIVER AUTHORITY OF LOUISIANA AND SABINE RIVER AUTHORITY OF TEXAS

Amended Notice of Application for License

AUGUST 6, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Sabine River Authority of Louisiana at Baton Rouge, Louisiana, and Sabine River Authority of Texas at Orange, Texas, for license for proposed Project No. 2305, to be known as Toledo Bend project, to be located on Sabine River in Sabine and DeSoto Parishes, Louisiana, and in Newton, Sabine and Shelby Counties, Texas, and affecting lands of the United States within Sabine National Forest.

The proposed project would consist of: a rolled earth-fill dam about 8,600 feet long with a maximum height of 110 feet; a reservoir with normal pool elevation of 172 feet, an area of 181,600 acres, and a total storage of 4,477,000 acre-feet of which 1,554,200 acre-feet will be active storage for power generation; a side-channel spillway comprised of a concrete, gravity type, gated weir with a concrete chute and stilling basin, and a discharge channel; a sluiceway; a powerhouse located in the right abutment adjacent to the spillway containing three 39,200-horsepower turbines each connected to a 32,000-kva generator (28,800 kw at 0.9 P.F.); step-up transformers; a switchyard; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 24, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7983; Filed, Aug. 9, 1962; 8:46 a.m.]

[Docket No. CP62-279]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

AUGUST 6, 1962.

Take notice that on May 28, 1962, as supplemented on July 2, 1962, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62-279 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon 1.11 miles of 8-inch line (Handley Lateral) in Tarrant County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon a section of the Handley Lateral beginning near milepost 2.7 and continuing in a southerly direction for a distance of 1.11 miles. Approximtely 0.79 mile will be abandoned in place and 0.32 mile will be removed. The application states that the line is not now being used and that no service from the line is anticipated in the foreseeable future. The original cost of the segment to be abandoned was $9,888.69.

Applicant was authorized to abandon the main portion of the Handley Lateral by the Commisison's order of December 20, 1962, in Docket No. CP61-28 (24 FPC 1108).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 23, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 22, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7984; Filed, Aug. 9, 1962; 8:46 a.m.]

[Project No. 2316]

WATER DISTRICT NO. 97 OF KING COUNTY, WASHINGTON

Notice of Application for Preliminary Permit

AUGUST 6, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Water District No. 97 of King County, Washington (correspondence to Thomas A. Kilburn, President, Board of Water Commissioners, Water District No. 97 of King County, Washington, 16049 NE. 8th Street, Bellevue, Washington) for a preliminary permit for proposed water-power Project No. 2316, designated by applicant as "North Fork of the Snoqualmie River Water Supply Project", to be located on the North Fork of the Snoqualmie River, Lake Hancock, Calligan Lake, Beaver Creek and Griffin Creek in King County, Washington, near Carnation and North Bend, affecting lands of the United States within the Snoqualmie National Forest, and to consist of an earth dam approximately 170 feet high on the North Fork of the Snoqualmie River, 16 miles north of the Town of North Bend, creating a reservoir with an area of 2,200 acres and a volume of 100,000 acre-feet at elevation 1,560 feet. The water will be carried southwesterly by pipeline to Beaver Creek and be discharged into an improved channel in Beaver Creek. Low dams will be constructed at the outlets to Calligan Lake and Lake Hancock and additional water will be transported to the Beaver Creek Channel through a pipeline. The water will flow westward down Beaver Creek Channel and Beaver Creek Reservoir to a forebay where it will again pass into a pipeline and be carried westerly to East Fork Griffin Creek where it will flow through Griffin Creek Channel and reservoir to a forebay. The water will then be carried by pipeline to a point 1.5 miles southeast of Carnation, Washington, where it will pass through the Carnation hydroelectric plant with installed capacity of 34,100 kilowatts and be discharged into a channel leading westerly one mile. The excess water will flow into the Tolt River and the balance of the water will be transported 1.5 miles southcasterly by gravity pipeline to a pumping station.

While no construction is authorized under a preliminary permit, such a permit does give the permittee the right of priority of application for license while the permittee undertakes the necessary studies and examinations required by section 9(b) of the Act, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be applied for under the permit.

Pursuant to section 24 of the Federal Power Act, the filing of this application has the effect of segregating from all forms of disposal any lands of the United States which may be contained within the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is September 19, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7985; Filed, Aug. 9, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 7, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37868: *Lumber and related articles from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8244), for interested rail carriers. Rates on additional lumber and related articles which may be added to the commodity descriptions of lumber and related articles in tariffs named or referred to supplemental fourth-section orders described in the application, between points in southwestern territory, also Illinois, Kansas, northern Missouri and Mississippi River crossings.

Grounds for relief: Carrier competition.

FSA No. 37869: *Class and commodity rates from and to Magnolia, Ga.* Filed by O. W. South, Jr., Agent (No. A4224), for interested rail carriers. Rates on various commodities moving on class and commodity rates, in carloads and less-than-carloads, from and to Magnolia, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-7992; Filed, Aug. 9, 1962; 8:47 a.m.]

[Notice No. 675]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 7, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64981. By order of August 1, 1962, Division 3, acting as an Appellate Division, approved the transfer to John F. Mahr, doing business as Mahr Bros. Transportation Co., Rockville, Conn., of a portion of the operating rights set forth in Certificate No. MC 29739 Sub 2 issued October 4, 1957, to Service Transportation, Incorporated, Stafford Springs, Conn., authorizing the transportation of textile, textile mill supplies and materials used in the manufacture of textiles and empty containers for textiles, textile mill supplies, and materials, used in the manufacture of textiles, over irregular routes, between points in Hartford and Tolland Counties, Conn., on the one hand, and, on the other, points in that part of Massachusetts east of Massachusetts Highway 12 and north of U.S. Highway 44 and points in Rhode Island. Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., attorney for transferee. F. Joseph Paradiso, 4 Main Street, Stafford Springs, Conn., attorney for transferor.

No. MC-FC 64986. By order of August 1, 1962, Division 3, acting as an Appellate Division approved the transfer to Sockol's Express, Inc., Stamford, Conn., of Certificates Nos. MC 29739 and MC 29739 Sub 1, issued May 16, 1955 and October 18, 1951, respectively, and the portion remaining in Certificate No. MC 29739 Sub 2, issued October 4, 1957, to Service Transportation, Incorporated, Stafford Springs, Conn., after transfer of a portion pursuant to No. MC-FC 64981, the authorities authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between Torrington, Conn., and New York, N.Y., serving the intermediate and off-route points of Thomaston, Bantam, and Winsted, Conn., and Hoboken, Weehawken, Irvington, Jersey City and Newark, N.J., between Danbury, Conn., and New York, N.Y., with no service authorized to or from intermediate points; and between Torrington, Conn., on the one hand, and, on the other, points in Connecticut. Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn., attorney for transferee. F. Joseph Paradiso, 4 Main Street, Stafford Springs, Conn., attorney for transferor.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-7993; Filed, Aug. 9, 1962; 8:47 a.m.]

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Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-SO-5]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On May 17, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4701) stating that the Federal Aviation Agency proposed to alter VOR Federal airways Nos. 16 and 1538 between Crossville, Tenn., and Knoxville, Tenn., and to alter VOR Federal airway Nos. 115, 875 and 1548 between Chattanooga, Tenn., and Knoxville, Tenn.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6016 (14 CFR 600.6016, 27 F.R. 467, 4244, 4734, 5862) "Crossville, Tenn., VOR, including a south alternate, and also a north alternate via the INT of the Nashville VOR 079° T and the Crossville VOR 298° T radials; intersection of the Crossville omnirange 107° and the Knoxville omnirange 248° radials; Knoxville, Tenn., VOR;" is deleted and "Crossville, Tenn., VORTAC, including a S. alternate and also a N. alternate via the INT of the Nashville VOR 079° and the Crossville VORTAC 298° radials; Knoxville, Tenn.; VORTAC, including a S. alternate via the INT of the Crossville VORTAC 100° and the Knoxville VORTAC 247° radials;" is substituted therefor.

2. In the text of § 600.1538 (26 F.R. 1085, 5709) "INT of the Crossville VOR 107° and the Knoxville, Tenn., VOR 248° radials; thence a 10-mile wide airway to the Knoxville VOR;" is deleted and "thence 10-mile wide airway to the Knoxville, Tenn., VOR;" is substituted therefor.

3. In the text of § 600.6115 (14 CFR 600.6115) "Chattanooga, Tenn., VOR, including an E alternate via the INT of the Birmingham VOR 097° and the Gadsden, Ala., VOR 233° radials; the Gadsden VOR and the INT of the Gadsden VOR 042° and the Chattanooga VOR 214° radials; INT of the Chattanooga, VOR 032° and the Knoxville VOR 248° radials; Knoxville, Tenn., VOR;" is deleted and "Chattanooga, Tenn., VORTAC, including an E alternate via the INT of the Birmingham VOR 097° and the Gadsden, Ala., VOR 233° radials; the Gadsden VOR and the INT of the Gadsden VOR 042° and the Chattanooga VORTAC 214° radials; INT of the Chattanooga VORTAC 037° and the Knoxville, Tenn., VORTAC 247° radials; Knoxville VORTAC;" is substituted therefor.

4. In the text of § 600.6875 (14 CFR 600.6875, 27 F.R. 467, 4244, 4734) "INT of the Knoxville VORTAC 248° True and the Chattanooga, Tenn., VORTAC 032° True radials;" is deleted and "INT of the Knoxville VORTAC 247° and the Chattanooga, Tenn., VORTAC 037° radials;" is substituted therefor.

5. In the text of § 600.1548 (26 F.R. 1086, 4052, 27 F.R. 3193, 4244) "INT of the Chattanooga VORTAC 032° and the Knoxville, Tenn., VOR 248° radials;" is deleted and "INT of the Chattanooga VOR 037° and the Knoxville, Tenn., VOR 247° radials;" is substituted therefor.

These amendments shall become effective 0001 e.s.t. October 18, 1962.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 7, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-8025; Filed, Aug. 10, 1962; 8:45 a.m.]

[Airspace Docket No. 62-SO-43]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone, Control Area Extension and Reporting Points

The purpose of these amendments to Part 601 of the regulations of the Administrator is to alter the descriptions of the Jacksonville, Fla., control zone, control area extension and the Carp, Gateway and Trout Intersections.

The Federal Aviation Agency has decommissioned the Fort George Island, Fla., fan marker and will convert the Jacksonville radio range to a radio beacon on August 27, 1962. The actions taken herein reflect the changes to these facilities.

Since the changes effected by these amendments are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective on August 27, 1962.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12562), the following actions are taken:

1. The text of § 601.1153 (14 CFR 601.1153) is amended to read:

§ 601.1153 Jacksonville, Fla., control area extension.

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered at the Jacksonville RBN to the circumference of an 18-mile radius circle centered at the INT of the 090° bearing from the Jacksonville RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet MSL which lies outside the United States.

2. Section 601.2149 (14 CFR 601.2149) is amended to read:

§ 601.2149 Jacksonville, Fla. (Imeson Airport), control zone.

Within a 5-mile radius of the Imeson Airport (latitude 30°25'17" N., longitude 81°38'15" W.), Jacksonville, Fla.; within 2 miles either side of the Jacksonville VORTAC 064° radial extending from the 5-mile radius zone to 10 miles NE; within 2 miles either side of the 090° bearing from the Jacksonville RBN extending from the 5-mile radius zone to 10.3 miles E of the RBN; within a 3-mile radius of NAS Mayport (latitude 30°23'45" N., longitude 81°25'16" W.); and within 2 miles either side of the 051° bearing from the NAS Mayport RBN extending from the 3-mile radius zone to 10 miles NE.

§ 601.4201 [Amendment]

3. In the text of § 601.4201 (27 F.R. 5765) "Jacksonville, Fla., RR" is deleted from the descriptions of the Carp, Gateway and Trout Intersections and "Jacksonville, Fla., RBN" is substituted therefor.

These amendments shall become effective 0001 e.s.t. August 27, 1962.

(Sec. 307(a), 72 Stat. 749; U.S.C. 1348)

Issued in Washington, D.C., on August 7, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-8026; Filed, Aug. 10, 1962; 8:45 a.m.]

[Reg. Docket No. 1304; Amdt. 282]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Saratoga Springs FM	AB-LFR	Direct	1800	T-dn	300-1	300-1	200-½
Round Lake FM (Final)	AB-LFR	Direct	1100	C-dn	500-1	600-1	600-1½
Delmar FM	AB-LFR	Direct	1800	S-dn-19	500-1	500-1	500-1
Coxsackie FM	AB-LFR	Direct	2200	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side N crs, 028° Outbnd, 208° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 195°—2.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles after passing AB LFR, climb to 1000′ on S crs. Make right climbing turn and proceed out W course climbing to 3000′.
CAUTION: 530′ terrain 1.5 miles NW of airport.
AIR CARRIER NOTE: 300-1 required for all takeoffs on Runways 10, 28, 15, and 33.
Other change: Deletes transition from Grafton FM and Schenectady FM.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 288′; Fac. Class., SBRAZ; Ident., AB; Procedure No. 1, Amdt. 5; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 4; Dated, 21 Apr. 56

Saratoga Springs FM	AB-LFR	Direct	1800	T-dn	300-1	300-1	200-½
Coxsackie FM	AB-LFR	Direct	2200	C-dn	500-1	600-1	600-1½
				S-dn-1	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side S crs, 195° Outbnd, 015° Inbnd, 2200′ within 10 miles of Delmar FM.
Minimum altitude over facility on final approach crs, 1700′ (over Delmar FM).
Crs and distance, facility to airport, 015°—4.7 mi. (from Delmar FM).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing Delmar FM, climb to 3000′ on N crs within 20 miles.
AIR CARRIER NOTE: 300-1 required for all takeoffs on Runways 10, 28, 15, and 33.
Other change: Deletes transitions from Grafton FM and Schenectady FM.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 288′; Fac. Class., SBRAZ; Ident., AB; Procedure No. 2, Amdt. 5; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 4; Dated, 21 Apr. 56

Windsor VOR	QG LFR	064-3.3	2000	T-dn	*500-1	*500-1	*500-1
				C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2
				Following minimums apply when aircraft equipped with LFR or ADF and VOR receivers and Peach Int$ received:			
				C-dn	700-1	700-1	700-1½

Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, QG LFR to airport, 327°—7.9 mi; Peach Int$ to airport, 327°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles after passing LFR, climb to 2300′ on NW crs Windsor LFR to Warren Int or, when directed by ATC, climb to 2300′, proceed direct to DET RBn, hold NW, Inbnd 146°, left turns.
AIR CARRIER NOTE: Sliding scale not applicable.
*300-1 takeoff authorized on Runway 33 only.
$Peach Int: ADF brg 327° from QG LFR or NW crs QG LFR and QG R-014.

City, Detroit; State, Mich; Airport Name, Detroit City; Elev., 626′; Fac. Class., SBRAZ (Windsor LFR); Ident., QG; Procedure No. 1, Amdt. 7; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 6; Dated, 30 July 60

PROCEDURE CANCELLED AUGUST 25, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Philadelphia; State, Pa.; Airport Name, North Philadelphia; Elev., 120′; Fac. Class., MLWZ; Ident., PF; Procedure No. 1, Amdt. 9; Eff. date, 12 Aug. 61; Sup. Amdt. No. 8; Dated, 1 Nov. 58

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Saratoga Springs FM	LOM	Direct	1800	T-dn	300-1	300-1	200-½
Round Lake FM (Final)	LOM	Direct	1100	C-dn	500-1	600-1	600-1½
				S-dn-19	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of N crs, 011° Outbnd 191° Inbnd 1800′ within 10 NM.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 191°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1000′ on S crs. ILS, make a right climbing turn and proceed out W crs. Albany LFR at 3000′ within 20 miles.
AIR CARRIER NOTE: 300-1 required for all takeoffs on Runways 10, 28, 15, and 33.
Other changes: Deletes transitions from Albany LFR and Schenectady FM.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 288′; Fac. Class., LOM; Ident., AL; Procedure No. 1, Amdt. 4; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 3 (ADF portion of Comb ILS-ADF); Dated, 22 Oct. 60

Bismarck LFR	LOM	Direct	3300	T-dn	300-1	300-1	*200-½
Bismarck VOR	LOM	Direct	3300	C-d	400-1	500-1	500-1½
Lincoln Int**	LOM	Direct	3300	C-n	400-1½	500-1½	500-1½
Bell Int***	LOM	Direct	3300	S-dn-30	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 126° Outbnd, 306° Inbnd, 3300′ within 10 mi.
Minimum altitude over LOM inbnd final, 2700′.
Crs and distance, facility to airport, 306°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, climb to 3800′ on W crs BK-LFR or to 3800′ on R-262 BIS-VOR within 20 miles or, when directed by ATC, make right climbing turn to 3800′ on R-336 BIS-VOR within 20 miles.
CAUTION: Radio towers—1756′ 0.5 mile S of airport, 2145′ 2.4 mi N, 1848′ 3.0 mi W, 2317′ 8.1 mi NW, 2413′ 9.2 mi NE, and 3121′ 11 mi SSE.
*300-1 required on Runways 2, 20, 35, and 17.
**Lincoln Int: W crs BK-LFR and 306° brg from LOM.
***Bell Int: BIS VOR R-117 and 072° brg from LOM.

City, Bismarck; State, N. Dak.; Airport Name, Municipal; Elev., 1653′; Fac. Class., LOM; Ident., BI; Procedure No. 1, Amdt. 12; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 11; Dated, 19 May 62

PROCEDURE CANCELLED, EFFECTIVE AUGUST 25, 1962, OR UPON DECOMMISSIONING OF THE "H" FACILITY.

City, Clarksburg; State, W. Va.; Airport Name, Benedum; Elev., 1209′; Fac. Class., HW; Ident., CKB; Procedure No. 1; Amdt. 6; Eff. Date, 31 Mar. 62; Sup. Amdt. No. 5; Dated, 24 Feb. 62

CVG VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
New Baltimore Int	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Cincinnati LFR	LOM	Direct	2700	S-dn-36	400-1	400-1	400-1
Dry Ridge Int	Union Int	Direct	2200	A-dn	800-2	800-2	800-2
Union Int	LOM (Final)	Direct	1500				

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 360°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing LOM, climb to 2300′ on bearing 360° from LOM to New Baltimore Int. Hold North 1-minute right turns, 186° Inbnd, 006° Outbnd.
Other change: Deletes transition from Grant Lick Int.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890′; Fac. Class., LOM; Ident., CV; Procedure No. 1, Amdt. 16; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 15; Dated, 7 July 62

QG LFR	DET RBn	Direct	2700	T-dn*	800-1	800-1	800-1
QG VOR	DET RBn	Direct	2700	C-dn	700-1	700-1	700-1½
PTK VOR	DET RBn	Direct	2700	S-dn-15	700-1	700-1	700-1
SVM VOR	DET RBn	Direct	2700	A-dn	800-2	800-2	800-2
Allen Int#	Auburn Int$	Via QG R-339 or 159° brng to DET RBn.	2700				
Auburn Int$	DET RBn	Via QG R-339 or 159° brng to DET RBn (Final).	2000				
Rochester Int$$	DET RBn	Direct	2700				

Procedure turn E side of crs, 326° Outbnd, 146° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 146°—5.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing DET RBn, make left climbing turn to 2300′, proceed to DET RBn. Hold NW on inbound brng 146° to DET RBn, left turns or, when directed by ATC, climb to 2000′, proceed direct to QG LFR. (2) climb to 2300′, proceed direct to QG VOR.
AIR CARRIER NOTE: Sliding scale not authorized.
*300-1 takeoff authorized on Runway 33 only.
#Allen Int: Int FNT VOR R-125 and PTK VOR R-084.
$Auburn Int: Int PTK VOR R-105 and QG VOR R-339 or 159° brng to DET RBn.
$$Rochester Int: Int FNT VOR R-125 and QG VOR R-347.

City, Detroit; State, Mich.; Airport Name, Detroit-City; Elev., 626′; Fac. Class., MHW; Ident., DET; Procedure No. 1, Amdt. 1; Eff. Date, 25 Aug. 62; Sup. Amdt. No. Orig.; Dated, 17 Feb. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Riverhead VOR	LMM	Direct	1700	T-dn	300–1	300–1	200–½
				C-dn	500–1	600–1	600–1½
				S-dn-6	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 237° Outbnd, 057° Inbnd, 1700′ within 10 mi of OM.
Minimum altitude over facility on final approach crs, 800′.*
Crs. and distance, facility to airport, 057°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing LMM, make right climbing turn as soon as practicable to 1700′, returning to LMM and hold SW, 1-minute right turns, inbound crs 057°.
NOTE: Runway 10–28 closed nights.
*Descent to airport minimums authorized after passing OM; if OM not received, maintain 800′ until passing LMM and circling minimums apply.

City, Islip; State, N.Y.; Airport Name, MacArthur Field; Elev., 98′; Fac. Class., LMM; Ident., SL; Procedure No. 1, Amdt. 6; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 5, ADF portion Contb. ADF and ILS; Dated, 19 Oct. 57

Mobile VOR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Brookley RBn	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
				S-dn-14	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side NW crs, 320° Outbnd, 140° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 139°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make right turn, climb to 1600′ on 180° crs from LOM within 20 mi or, when directed by ATC, make right turn, proceed direct to MOB VOR climbing to 1400′ and enter VOR holding pattern.

City, Mobile; State, Ala.; Airport Name, Bates Field; Elev., 217′; Fac. Class., LOM; Ident., MO; Procedure No. 1, Amdt. 11; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 10; Dated, 21 May 60

				T-dn*	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-24	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 240°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make left climbing turn to 1600′ and return to AC LOM. Hold NE of AC LOM 240° inbnd, right turns, 1-minute.
Other change: Deletes transition from ACK-VOR.
*CAUTION: 342′ tower 2.6 miles W of airport; 652′ Loran antenna 3 miles ESE of airport.

City, Nantucket; State, Mass.; Airport Name, Memorial; Elev., 48′; Fac. Class., LOM; Ident., AC; Procedure No. 1, Amdt. 1; Eff. Date, 25 Aug. 62; Sup. Amdt. No. Orig.; Dated, 24 June 61

Surry Int*	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Norfolk VOR	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
Franklin VOR	LOM	Direct	1500	S-dn-6	400–1	400–1	400–1
Hopewell VOR	LOM	Direct	1500	A-dn	800–2	800–2	800–2
Cape Charles VOR#	LOM	Direct	1500				

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 244° Outbnd, 064° Inbnd, 1100′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 064°—2.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing LOM, climb to 1500′ on crs 320°, then proceed to LOM.
Major change: Deletes transition from Bacons Castle MHW.
*Surry Int: Int ORF-VOR R-303 and FKN-VOR R-033.
#ATC approval required before using Cape Charles transition.

City, Newport News; State, Va.; Airport Name, Patrick Henry; Elev., 41′; Fac. Class., LOM; Ident., PH; Procedure No. 1, Amdt. 10; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 9; Dated, 11 Nov. 61

Whitman, Mass., VOR	CTS RBn	Direct	1600	T-dn	300–1	300–1	
				C-dn	600–1	600–1	
				A-dn	NA	NA	

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 176° Outbnd, 356° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 356—1.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 miles after passing CTS RBn, make left climbing turn and return to the Canton RBn at 1800′. Hold southeast 1-minute pattern, right turns, 356° Inbound.
NOTES: Voice communications on 122.8 available sunrise to sunset. Contact Boston approach control for air traffic clearance. No weather reporting. Night lighting Runway 17–35 only.
Facility owned and operated by the State of Massachusetts.
Aircraft required to monitor Boston approach control until landing assured.

City, Norwood; State, Mass.; Airport Name, Norwood Memorial; Elev., 50′; Fac. Class., MHW; Ident., CTS; Procedure No. 1, Amdt. 2; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 1; Dated, 16 Mar. 58

				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-11	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 292° Outbnd, 112° Inbnd, 2000′ within 10 mi of LOM.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 112°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 mi after passing Portland LOM, climb to 1000′ on 112° crs within 10 miles of LOM, then make a climbing right turn to 2000′ and return to LOM. Hold W of LOM 112° inbnd right turns, 1 minute.
Other change: Deletes transitions from Portland LFR and Kennebunk VOR.

City, Portland; State, Maine; Airport Name, Municipal; Elev., 66′; Fac. Class., LOM; Ident., PW; Procedure No. 1, Amdt. 2; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 1; Dated, 19 Aug. 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Round Lake FM	AL-LOM	Direct	2500	T-dn	300–1	300–1	200–½
Albany VOR	AL-LOM	Direct	2500	C-dn	600–1½	600–1½	600–1½
				S-dn-26, 33	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Radar vectoring by Albany Radar authorized in accordance with approved patterns.
Procedure turn N side of crs, 124° Outbnd, 304° Inbnd, 2500′ within 10 miles. NA beyond 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 304°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, make a climbing right turn to Albany LOM at 2500′.
CAUTION: Terrain rises rapidly 3 miles W of airport. 758′ tank 3.5 miles SE of airport.

City, Schenectady; State, N.Y.; Airport Name, Schenectady-County; Elev., 378′; Fac. Class., LOM; Ident., AL; Procedure No. 1, Amdt. 2; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 1; Dated, 3 Dec. 54

				T-dn	300–1	300–1	200–½
				C-d	700–1	700–1	700–1½
				C-n	700–1	700–2	700–2
				A-dn	800–2	800–2	800–2

Radar vectoring by Albany Radar authorized in accordance with approved patterns.
Procedure turn E side of crs, 040° Outbnd, 220° Inbnd, 2000′ msl within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 1100′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 1500′ msl on 220° brng within 8 mi, then right climbing turn to 2000′, proceed to GVI RBn, hold NE on 040° brng, 1-minute left turns, 2000′ 220° Inbnd.
CAUTION: This facility must be monitored aurally throughout approach. 990′ antenna tower 5.5 mi SW of GVI RBn.

City, Schenectady; State, N.Y.; Airport Name, Schenectady-County; Elev., 378′; Fac. Class., MH; Ident., GVI; Procedure No. 2, Amdt. 1; Eff. Date, 25 Aug. 62; Sup. Amdt. No. Orig.; Dated, 12 May 62

FD-LFR	LOM	Direct	2700	T-dn*	300–1	300–1	200–½
FSD-VOR	LOM	Direct	2700	C-dn	500–1	500–1	500–1½
17 mi DME fix and 206° brng from LOM	LOM (Final)	Direct	2200	S-dn-3	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2
				If aircraft is equipped with ADF and VOR or ADF and LFR receivers and SW crs LFR or R-168 FSD VOR received, following minimums apply:			
				S-dn-3	400–1	400–1	400–1

Procedure turn S side of crs, 206° Outbnd, 026° Inbnd, 2700′ within 10 mi.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 026°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2800′ on crs 026° from LOM within 20 mi.
CAUTION: Tower 1640′ msl 1.5 mi NE of LOM.
NOTE: When authorized by ATC, FSD DME may be used to position aircraft on final approach course at 3400′ between radials 145° clockwise to 300° via 17 mile DME arc with the elimination of procedure turn.
*300–1 required for takeoff Runway 15.

City, Sioux Falls; State, S. Dak.; Airport Name, Foss Field; Elev., 1426′; Fac. Class., LOM; Ident., FS; Procedure No. 1, Amdt. 4; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 3; Dated, 13 Dec. 58

Goshec LFR	Elkhart Int@	Direct	2200	T-dn	300–1	300–1	200–½
Goshen VOR	Elkhart Int@	Direct	2500	C-dn	500–1	500–1	500–1½
South Bend VOR	LOM	Direct	2200	S-dn-27	500–1	500–1	500–1
Bristol Int#	Elkhart Int@	Direct	2200	A-dn	800–2	800–2	800–2
Goshen LFR	LOM	Direct	2900				
Elkhart Int@	LOM (Final)	Direct	1900				
North Liberty Int	LOM	Direct	3000				

Procedure turn N side of crs, 089° Outbnd, 269° Inbnd, 2200′ within 10 mi.
Minimum altitude over facility on final approach crs, 1900′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, make climbing right turn and proceed direct to SBN VOR or, when directed by ATC turn to 2200 and proceed direct to SBN LOM.
CAUTION: 1917′ MSL tower 5.6 mi south of LOM.
Other Changes: Deletes transitions from Lakeville Int, Adamsville Int., and South Bend LFR.
#Bristol Int: Int 089° brng from SBN LOM and R-148 ELX-VOR.
@Elkhart Int: Int 089° brng from SBN LOM and R-360 GSH-VOR or 144° brng to GH-LFR.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., LOM; Ident., SB; Procedure No. 1, Amdt. 14; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 13; Dated, 15 July 61

				T-dn	300–1	300–1	200–½
				C-dn*	600–1	600–1	600–1½
				S-dn*-33	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Radar vectoring and transitions by Griffiss RAPCON authorized in accordance with approved patterns.
*Minimums for this procedure are premised on use of both Utica MHW and LMM. If LMM is not used, following minimums are applicable for all aircraft: S-d 600–1, S-n 600–2, C-d 600–1½, C-n 600–2.
Procedure turn E side of crs 149° Outbnd, 329° Inbnd, 3000′ within 10 miles of UTI MHW.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport 329°—7.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing Utica MHW, make a left climbing turn, return to facility at 3000′. Hold southeast of Utica RBn 1-minute right turns, 329° Inbnd.

City, Utica; State, N.Y.; Airport Name, Oneida County; Elev., 742′; Fac. Class., MHW, LMM; Ident., UTI, OA; Procedure No. 1, Amdt. 1; Eff. Date, 25 Aug. 62; Sup. Amdt. No. Orig.; Dated, 7 June 56

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
New Baltimore Int	CVG-VOR	Direct	2300	T-dn	300-1	300-1	200-½
Cincinnati LFR	CVG-VOR	Direct	2700	C-dn	400-1	500-1	500-1½
Grants Lick Int	CVG-VOR	Direct	2300	S-dn-4	400-1	400-1	400-1
Union Int	CVG-VOR	Direct	2000	A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 223° Outbnd, 043° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 043°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing CVG-VOR, climb to 2700′ on R-043 within 10 miles or, when directed by ATC, make a left climbing turn and return direct to Cincinnati VOR.
NOTE: Radar may be used to position aircraft to final approach course inbound within 5 miles SW of the station with elimination of procedure turn. No radar monitoring during approach from radar fix (5 mi) to airport.
Major change: Deletes transition from Dry Ridge Int.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890′; Fac. Class., BVORTAC; Ident., CVG; Procedure No. 1, Amdt. 6; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 5; Dated, 7 July 62

Windsor LFR	Windsor VOR	Direct	2300	T-dn@	500-1	500-1	500-1
				C-d	900-1	900-1	900-1½
				C-n	900-2	900-2	900-2
				A-dn#	900-2	900-2	900-2
				Following minimums apply when aircraft equipped with dual VOR and ADF receivers and Island Int* received:			
				C-dn	700-1	700-1	700-1½

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2000′ within 10 mi.
Minimum altitude over QG VOR on final approach, 2000′.
Course and distance, QG VOR to airport, 350°—8.2 mi; Island Int* to Airport, 350°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.2 miles after passing VOR, climb to 2300′ and proceed to Dyke Int$ via QG R-347 or, when directed by ATC, climb to 2300′ and proceed direct to DET RBn. Hold NW, crs inbound 146°, left turns.
AIR CARRIER NOTE: Sliding scale not authorized.
@300-1 take-off authorized Runway 33 only.
*Island Int: Int R-350 QG and R-081 YIP or brng 265° to LFR.
$Dyke Int: Int QG R-347 and SVM R-082.

City, Detroit; State, Mich.; Airport Name, Detroit City; Elev., 626′; Fac. Class., BVOR; Ident., QG; Procedure No. 1, Amdt. 2; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 1; Dated, 17 Aug. 57

El Paso LFR	ELP-VOR	Direct	5200	T-dn	300-1	300-1	200-½
Rio RBn	ELP-VOR (Final)*	Direct	5200	C-dn	400-1	500-1	500-1½
Newman VOR	ELP-VOR	Direct	6000	S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site: 335°-205°, 0-15 mi, 5000′; 15-20 mi, 7000′.
Radar control must provide 3 mi or 1000′ vertical separation; or 3- to 5-mi and 500′ vertical separation from stacks 4148′ 4 mi S; hill 5067′ 13 mi NE; hill 4651′ 9.5 mi E, and hill 6717′ 22 mi NE.
Procedure turn S side of crs, 077° Outbnd, 257° Inbnd, 6500′ within 10 mi. Beyond 10 mi NA. (Nonstandard due to terrain north.)
Minimum altitude over facility on final approach crs, 5200′.
Crs and distance, facility to airport, 257°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles, turn left to 125 mag, climb to 5200′, intercept and proceed on R-151 within 20 mi or, when directed by ATC, turn left to 125° mag, climb to 6200′, intercept and proceed on R-151 within 20 mi.
*Maintain 7000′ until 5 mi W of Rio RBn. If Rio RBn not received maintain 8000′ until over ELP-VOR.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936′; Fac. Class., BVORTAC; Ident., ELP; Procedure No. 1, Amdt. 13; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 12; Dated, 14 Apr. 62

Fort Smith Rbn	FSM-VOR	Direct	2200	T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-d	600-1	600-1	600-1
				S-n-25	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Course and distance, facility to airport, 225°—5.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing FSM-VOR, climb to 1800′ on R-235 within 20 mi. or, when directed by ATC, climb to 2200′ direct to Fort Smith RBn.
CAUTION: 620 MSL unlight Hill 1.5 mi ESE of airport.
AIR CARRIER NOTE: 300-1 required for takeoff Runways 1-19. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in T.O. or landing minima authorized for Cargo or Ferry flights.

City, Fort Smith; State, Ark.; Airport Name, Municipal; Elev., 468′; Fac. Class., BVORTAC; Ident., FSM; Procedure No. 1, Amdt. 6; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 5; Dated, 1 Oct. 60

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
GTF RBn	VOR	Direct	5500	T-dn	300-1	300-1	*200-½
Belt FM	VOR	Direct	5500	C-dn	500-1	500-1	500-1½
Ulm Int**	VOR (Final)	Direct	4200	S-dn-3	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring utilizing Great Falls Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 203° Outbnd, 023° Inbnd, 5500′ within 10 mi.
Minimum altitude over facility on final approach crs, 4200′.
Crs and distance, facility to airport, 026°—1.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing GTF VOR, climb to 5500′ on R-018 within 20 mi or when directed by ATC, make climbing left turn and climb to 5500′ on R-312 within 20 mi.
CAUTION: 3843′ MSL tower 0.9 mi SW of airport.
*300-1 required on Runways 11-29.
**Ulm Int: Int GTF-VOR R-203 and 087° brng to GT LOM.

City, Great Falls; State, Mont.; Airport Name, Great Falls International; Elev., 3671′; Fac. Class., BVOR; Ident., GTF; Procedure No. 1, Amdt. 5; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 4; Dated, 2 June 62

				T-dn*	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-24	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 1700′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 240°—1.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing ACK-VOR, climb to 1700′ on R-240 within 10 miles of Nantucket VOR, return to ACK-VOR. Hold NE on R-060. Right turns, 1 minute.
*CAUTION: 652′ Loran antenna 3 miles ESE of airport; 342′ tower 2.6 miles west of airport.

City, Nantucket; State, Mass.; Airport Name, Nantucket-Memorial; Elev., 48′; Fac. Class., BVORTAC; Ident., ACK; Procedure No. 1, Amdt. 3; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 2; Dated, 21 Apr. 62

Goshen LFR	SBN-VOR	Direct	3000	T-dn	300-1	300-1	200-½
N Liberty Int	SBN-VOR	Direct	2000	C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 001° Outbnd, 181° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 181°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing SBN-VOR, make right turn climbing to 2000 and return to SBN VOR or when directed by ATC: (1) climb to 2000′ on R-181 within 20 miles.
CAUTION: 1917′ MSL Tower 5.6 mi south of LOM.
Other changes: Deletes transitions utilizing South Bend LFR.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., M-BVORTAC; Ident., SBN; Procedure No. 1, Amdt. 10; Eff. Date, 5 Aug. 62; Sup. Amdt. No. 9; Dated, 4 Feb. 61

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-6	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 226° Outbnd, 046° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 046°—2.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing VOR, make left climbing turn to 2000′ and return to ART VOR. Hold S of ART VOR on R-199, right turns, 1 minute.
Other change: Deletes all transitions.

City, Watertown; State, N.Y.; Airport Name, Municipal; Elev., 325′; Fac. Class., VOR; Ident., ART; Procedure No. 1, Amdt. 4; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 3; Dated, 28 Jan. 56

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Saratoga Springs FM	ALB-VOR	Direct	1800	T-dn	300-1	300-1	200-½
Round Lake FM	ALB-VOR (Final)	Direct	1100	C-dn*	500-1	600-1	600-1½
Albany LFR	ALB-VOR (Final)	Direct	*700	S-dn-19*	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 010° Outbnd, 190° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs, 700.*
Crs and distance, breakoff point to app end Runway 19, 191°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 1000′ on crs of 190, then make a climbing right turn, climb to 3000′ on R-297 within 20 mi of VOR.
CAUTION: 530′ terrain 1.5 NM NW of airport.
AIR CARRIER NOTE: *300-1 required for all takeoffs on Runways 10, 28, 15, and 33.
Other change: Deletes transition from Grafton FM.
*Do not descend below 1100′ MSL unless Albany LFR positively identified.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 288′; Fac. Class., BVORTAC; Ident., ALB; Procedure No. TerVOR-19, Amdt. 4; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 3; Dated, 21 Apr. 56

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Int R-209 RBS VOR & R-325 CMI VOR	CMI VOR	Direct	2200	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-4	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, breakoff point to Runway 4, 038°—0.75 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of CMI VOR, make right turn, climb to 1800′ on R–120 CMI VOR within 10 miles, or when directed by ATC, make climbing left turn to 2700′ and proceed to Mansfield Int° via CMI R–325.
CAUTION: Tower 1703′ MSL 9 mi NW of airport. Tower 1146′ MSL 2.1 mi NNE of airport.
°Mansfield Int. CMI R–325 and RBS R–209.

City, Champaign; State, Ill.; Airport Name, University of Illinois; Elev., 753′; Fac. Class., BVORTAC; Ident., CMI; Procedure No. TerVOR–4, Amdt. 1; Eff. Date, 25 Aug. 62; Sup. Amdt. No. Orig.; Dated, 6 Aug. 60

Int R-209 RBS–VOR and R–325 CMI VOR	CMI VOR	Direct	2200	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-31	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 120° Outbnd, 300° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, breakoff point to Runway 31, 313°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 0.0 mile of CMI VOR, make left turn, climb to 1800′ on R–120 CMI VOR within 10 miles, or when directed by ATC, climb to 2700′ and proceed to Mansfield Int° via CMI R–325.
CAUTION: Tower 1703′ MSL 9 mi NW of airport. Tower 1146′ MSL 2.1 mi NNE of airport.
°Mansfield Int–CMI R–325 and RBS R–209.

City, Champaign; State Ill.; Airport Name, University of Illinois; Elev., 753′; Fac. Class., BVORTAC; Ident., CMI; Procedure No. TerVOR–31, Amdt. 1; Eff. Date, 25 Aug. 62; Sup. Amdt. No. Orig.; Dated, 28 May 60

CSG VOR	LSF VOR	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-2	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs 204° Outbnd, 024° Inbnd, 1600′ within 10 miles of CG LFR.
Minimum altitude over CG LFR on final approach crs 1100′.
Course and distance, CG LFR to Runway 2, 024°—2.9 mi.
Course and distance, breakoff point to Runway 2, 022°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of LSF VOR, turn left, climb to 1600′ on R–204 LSF VOR within 15 miles.
NOTES: (1) Authorized for military use only except by prior arrangement. (2) This procedure to be utilized only by aircraft having operating VOR and LFR or ADF receivers.
CAUTION: Tower 1049′ MSL 8 miles N of airport. Jump towers 580′ MSL 1¼ miles NE, R–3002 E and SE of Lawson AAF.

City, Columbus; State, Ga.; Airport Name, Lawson AAF; Elev., 232′; Fac. Class., VOR; Ident., LSF; Procedure No. TerVOR–2, Amdt. Orig.; Eff. Date, 25 Aug. 62

CSG VOR	LSF VOR	Direct	2100	T-dn	300–1	300–1	200–½
				C-dn	800–1	800–1	800–1½
				S-dn-14	800–1	800–1	800–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 339° Outbnd, 159° Inbnd, 2100′ within 10 miles of CSG LOM.
Course and distance, CSG LOM to Runway 14; 159°—6.9 mi.
Course and distance, breakoff point to Runway 14; 143°—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of LSF VOR, turn right, climb to 1600′ on R–205 LSF VOR within 15 miles.
NOTES: (1) Authorized for military use only except by prior arrangement. (2) This procedure to be utilized only by aircraft having operating VOR and ADF receivers.
CAUTION: Tower 1049′ MSL 8 miles N of airport. Jump towers 580′ MSL 1¼ miles NE, R–3002 E and SE of Lawson AAF.

City, Columbus; State, Ga.; Airport Name, Lawson AAF; Elev., 232′; Fac. Class., VOR; Ident., LSF; Procedure No. TerVOR–14, Amdt. Orig.; Eff. Date, 25 Aug. 62

CSG VOR	Willett Int°	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	600–1½	600–1½	600–1½
				S-dn-20	600–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 019° Outbnd, 199° Inbnd, 2000′ within 10 miles of Willett Int.°
Minimum altitude over Willett Int° on final approach crs, 1800′.
Course and distance, Willett Int° to Runway 20, 199°—6.0 mi.
Course and distance, breakoff point to Runway 20, 202°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of LSF VOR, climb to 1600′ on R–205 LSF VOR within 15 miles.
NOTES: (1) Authorized for military use only except by prior arrangement. (2) This procedure to be utilized only by aircraft having two operating VOR receivers.
CAUTION: Tower 1049′ MSL 8 miles N of airport. Jump towers 580′ MSL 1¼ miles NE, R–3002 E and SE of Lawson AAF.
°Willett Int: Int R–019 LSF and R–199 CSG.

City, Columbus; State, Ga.; Airport Name, Lawson AAF; Elev., 232′; Fac. Class., VOR; Ident., LSF; Procedure No. TerVOR–20, Amdt. Orig.; Eff. Date, 25 Aug. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Covert Int°	ITH–VOR (Final)	Direct	1600	T-dn#	300–1	300–1	NA
				C-dn	500–1	500–1	NA
				S-dn-14	500–1	500–1	NA
				A-dn##	NA	NA	NA

Procedure turn W side of crs, 315° Outbnd, 135° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing Ithaca VOR, make an immediate right climbing turn, climb to 3500′ on Ithaca VOR R–315 within 10 miles. Then return to Ithaca VOR at 3500′, hold NW 1-minute right turns, inbnd crs 135°.
CAUTION: High terrain and radio tower 2112′ MSL 3 miles SE of airport.
NOTE: No tower communications at airport. Contact Elmira, N.Y., approach control for clearance. Weather available through Elmira approach control 0600–2100 EST Monday through Saturday, 0900–2300 Sunday.
°Int Ithaca VOR R–315 and Watkins Glen VOR R–039.
#Make a right turn after takeoff on Runway 14, climb on Ithaca VOR R–236 until reaching MEA.
##Alternate weather minimums of 800–2 authorized for those having an approved arrangement for weather service at the airport.

City, Ithaca; State, N.Y.; Airport Name, Tompkins County; Elev., 1094′; Fac. Class., BVOR; Ident., ITH; Procedure No. TerVOR–14, Amdt. 2; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 1; Dated, 23 June 62

Case Int#	OLM–VOR (Final)	Direct	2000	T-d	300–1	300–1	200–½
Bayside Int	OLM–VOR	Direct	2000	C-dn	900–1	900–1	900–1½
				S-dn	NA	NA	NA
				A-dn	900–2	900–2	900–2
				If aircraft equipped with VOR and ADF receivers, and Budd Int% identified, the following minimums° apply:			
				C-dn	700–1	700–1	700–1½
				S-dn-17°	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 345° Outbnd, 165° Inbnd, 2000′ within 10 miles.
Minimum altitude over Budd Int% on final approach crs, 1100′; over OLM VOR 800′.
Crs and distance, Budd Int% to airport 165°—6.0 mi, OLM VOR on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000′ on R–172 within 10 miles; or when directed by ATC, turn left, climb to 2000′ on R–345 within 10 miles.
CAUTION: Restricted area 4.7 mi E of airport.
Other change: Deletes transition from Rosedale Int.
°Descent below 1100′ MSL NA until passed Budd Int.%
%Budd Int: Int R–345 OLM VOR and 076° M brng to TM LFR.
#Case Int: Int R–345 OLM VOR and R–225 SEA VOR.

City, Olympia; State, Wash.; Airport Name, Olympia Municipal; Elev., 205′; Fac. Class., L–BVOR–DME; Ident., OLM; Procedure No. TerVOR–17, Amdt. 3; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 2; Dated, 28 Oct. 61

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
25 mi fix R–112	20 mi fix R–112	Direct	4000	T-dn	300–1	300–1	°200–½
20 mi fix R–112	10 mi fix R–112	Direct	3000	C-dn	600–1	600–1	600–1½
10 mi fix R–112	5 mi fix R–112	Direct	2000	A-dn	800–2	800–2	800–2
5 mi fix R–112	Albany VOR R–112 (Final)	Direct	900				

Radar vectoring authorized in accordance with approved patterns.
No procedure turn—final approach crs 292° Inbnd.
Minimum altitude over facility on final approach crs, 900′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000′ on R 297 within 10 mi; 3000′ within 15 mi.
°300–1 required on Runways 10, 28, 15, and 33.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 288′; Fac. Class., BVORTAC; Ident., ALB; Procedure No. 1, Amdt. 1; Eff. Date, 25 Aug. 62; Sup. Amdt. No. Orig.; Dated, 28 Jan. 56

18 mi fix R–136	10 mi fix R136	Direct	3000	T-dn	300–1	300–1	°200–½
10 mi fix R–136	5 mi fix R136	Direct	1500	c-dn	600–1	600–1	600–1½
5 mi fix R–136	Albany VOR R136 (Final)	Direct	900	A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
No procedure turn—final approach crs, 316° Inbnd.
Minimum altitude over facility on final approach crs 316° Inbnd.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 3000′ on R 015 within 15 mi.
°300–1 required on Runways 15, 33, 10, and 28.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 288′; Fac. Class., BVORTAC; Ident., ALB; Procedure No. 2, Amdt. 1; Eff. Date, 25 Aug. 62; Sup. Amdt. No. Orig.; Dated, 28 Jan. 56

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
20 mi fix R-265	10 mi fix R-265	Direct	3000	T–dn	300–1	300–1	*300–1½
10 mi fix R-265	6 mi fix R-265	Direct	2000	C–dn	700–1	700–1	700–1½
6 mi fix R-265	Albany VOR R-265 (Final)	Direct	1000	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
No procedure turn—final approach crs 085° Inbnd.
Minimum altitude over facility on final approach crs, 1000'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile turn left, climb to 3000' on R015 within 15 mi.
CAUTION: 700' radio towers on final 2½ miles SW of airport.
*300–1 required on Runways 10, 28, 15, and 33.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 288'; Fac. Class., BVORTAC; Ident., ALB; Procedure No. 3, Amdt. 1; Eff. Date, 25 Aug. 62; Sup. Amdt. No. Orig.; Dated, 28 Jan. 56

12 mi fix R-207	7 mi fix R-207	Direct	2000	T–dn	300–1	300–1	*300–1½
7 mi fix R-207	Albany VOR R-207 (Final)	Direct	1000	C–dn	700–1	700–1	700–1½
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
No procedure turn. Final approach crs 117° Inbnd.
Minimum altitude over facility on final approach crs, 1000'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make a right climbing turn climb to 2000' on R 207 within 10 mi, 3000' within 15 mi.
CAUTION: 700' radio towers to right of crs on final 2½ mi SW of airport.
*300–1 required for Runways 10, 28, 15, and 33.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 288'; Fac. Class., BVORTAC; Ident., ALB; Procedure No. 4, Amdt. 1; Eff. Date, 25 Aug. 62; Sup. Amdt. No. Orig.; Dated, 28 Jan. 56

				T–d	300–1	300–1	200–½
				C–d*	400–1	500–1	500–1½
				S–d–4°	400–1	400–1	400–1
				A–d	800–2	800–2	800–2

Procedure turn S side of crs, 225° Outbnd, 045° Inbnd, 1200' within 10 mi.
Minimum altitude over facility on final approach crs, 800'.ǂ
Crs and distance, breakoff point to approach end of Runway 4, 040°—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left and climb to 1400' on R-035 AMG-VOR within 20 miles.
NOTE: Air Carrier use NA.
ǂ700' msl and *500' ceiling minimums if 4-mile DME fix not received on final.

City, Alma; State, Ga.; Airport Name, Alma; Elev., 200'; Fac. Class., BVORTAC; Ident., AMG; Procedure No. VOR/DME-1, Amdt. 2; Eff. Date, 25 Aug 62; Sup. Amdt. No. TerVOR-4, Amdt. 1; Dated, 16 June 62

				T–d	300–1	300–1	200–½
				C–d*	400–1	500–1	500–1½
				S–d–22°	400–1	400–1	400–1
				A–d	800–2	800–2	800–2

Procedure turn W side of crs, 036° Outbnd, 216° Inbnd, 1400' within 10 mi.
Minimum altitude over facility on final approach crs, 600'.ǂ
Crs and distance, breakoff point to approach end of Runway 22, 220°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 1300' on R-216 within 20 mi.
NOTE: Air Carrier use NA.
ǂ680' msl and *600' ceiling minimums if 4-mile DME fix not received on final.

City, Alma; State, Ga.; Airport Name, Alma; Elev., 200'; Fac. Class., BVORTAC; Ident., AMG; Procedure No. VOR/DME-2, Amdt. 2; Eff. Date, 25 Aug. 62; Sup. Amdt. No. TerVOR-22, Amdt. 1; Dated, 16 June 62

20-mile DME Fix R-078	16-mile DME Fix R-078	Direct	7000	T–dn*	300–1	300–1	200–½
16-mile DME Fix R-078	10-mile DME Fix R-078	Direct	5300	C–dn	400–1	500–1	500–1½
10-mile DME Fix R-078	4.6-mile DME Fix R-078	Direct	4000	S–dn–27	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 078° Outbnd, 258° Inbnd, 5300' between 6 miles and 16 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.6-mile DME fix R-078, climb to 5300' on R-250 within 10 miles.
NOTE: When authorized by ATC, DME may be used within 20 miles at 7000' to position aircraft for straight-in approach with the elimination of procedure turn.
*Takeoff below 300–1 prohibited on all runways except 9–27.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3606'; Fac. Class., BVORTAC; Ident., BIL; Procedure No. VOR/DME-2, Amdt. 2; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 1; Dated, 11 Aug. 62

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Albany VOR	LOM	Direct	1800	T–dn	300–1	300–1	200–½
Round Lake	LOM (Final)	Direct	1600	C–dn	500–1	500–1	500–1½
Saratoga Springs FM	LOM	Direct	1800	S–dn–19°	300–¾	300–¾	300–¾
				A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side N crs, 011° Outbnd, 191° Inbnd, 1800' within 10 mi.
Minimum altitude at glide slope int, inbnd: 1600'.
Altitude of glide slope and distance to approach end of runway at OM—1536'—3.8 mi; at MM—492'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000' on S crs ILS and proceed to the Greenbush Int or, when directed by ATC, climb to 1000' on S crs ILS, make a right climbing turn and proceed out W crs Albany LFR at 3000'.
AIR CARRIER NOTE: 300–1 required for all takeoffs on Runways 10, 28, 15, and 33.
Other changes: Deletes transitions from Albany LFR and Schenectady FM.
*400–¾ required when glide slope is inoperative.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 288'; Fac. Class., ILS; Ident., I-ALB; Procedure No. ILS-19, Amdt. 5; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 4; Dated, 10 Mar. 62

Bismarck LFR	LOM	Direct	3300	T–dn	300–1	300–1	*200–½
Bismarck VOR	LOM	Direct	3300	C–d	400–1	500–1	500–1½
Lincoln INT**	LOM	Direct	3300	C–n	400–1½	500–1½	500–1½
Bell Int***	LOM	Direct	3300	S–dn–30	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Procedure turn E side SE crs, 126° Outbnd, 306° Inbnd, 3300' within 10 mi.
Minimum altitude at glide slope int inbnd, 2800'.
Altitude of glide slope and distance to approach end of runway at OM 2770'—3.7 mi, at MM 1868'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3800' on W crs BK-LFR or to 3800' on R-262 BIS-VOR within 20 miles or, when directed by ATC, make right climbing turn to 3800' on R-336 BIS-VOR within 20 miles.
CAUTION: Radio towers: 1756' 0.5 mi S of airport, 2145' 2.4 mi N, 1848' 3.0 mi W, 2317' 8.1 mi NW, 2413' 9.2 mi NE, and 3121' 11 mi SSE.
*300–1 required on Runways 2, 20, 35, and 17.
**Lincoln Int: W crs BK-LFR and SE crs ILS.
***Bell Int: BIS VOR R-117 and 072° brng from LOM.

City, Bismarck; State, N. Dak.; Airport Name, Municipal; Elev., 1653'; Fac. Class., ILS; Ident., I-BIS; Procedure No. ILS-30, Amdt. 12; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 11; Dated, 19 May 62

Cold Bay LFR	CDB-LOM	Direct	1600	T–dn	300–1	300–1	200–½
				C–dn–26, 32°	500–1	500–1½	500–1½
				C–d–8	800–2	800–2	800–2
				C–n–8	NA	NA	NA
				S–dn–14°	300–¾	300–¾	300–¾
				A–dn–14, 26, 32	600–2	600–2	600–2
				A–d–8	1000–2	1000–2	1000–2

Procedure turn E side of crs, 322° Outbnd, 142° Inbnd, 1600' within 10 mi. Nonstandard due to terrain 1700' W of crs.
Altitude of glide slope and distance to approach end of runway at OM, 1548'—5.4 mi; at MM, 254'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 2700' on N crs of ILS within 20 miles or, when directed by ATC, turn left, climb to 2700' on N crs 321° Cold Bay LFR.
CAUTION: Circling to Runways 26 and 32 will be accomplished east of airport. Mount Simon 960' msl 2.4 mi west of airport.
NOTE: Approach lights unsatisfactory as ILS component due to light lane terminating 3000' from approach end of runway.
ǂNonstandard turn due to high terrain 1700' MSL, located W of course.
*Circling to Runways 26 and 32 to be accomplished east of airport. High terrain 960', MSL, 2.4 mi W.
**If glide slope inoperative, minimums become 300–1. Descent below 500' on final approach NA until past CO LFR, if CO LFR not received descent below 500' not authorized.

City, Cold Bay; State, Alaska; Airport Name, Cold Bay; Elev., 94'; Fac. Class., ILS; Ident., I-CDB; Procedure No. ILS-14, Amdt. 1; Eff. Date, 25 Aug. 62; Sup. Amdt. No. Orig.; Dated, 9 July 60

Cincinnati VOR	LOM	Direct	2000	T–dn	300–1	300–1	200–½
New Baltimore Int	LOM	Direct	2300	C–dn	400–1	500–1	500–1½
Cincinnati LFR	LOM	Direct	2700	S–dn–360°	200–½	200–½	200–½
Dry Ridge Int	Union Int	Direct	2200	A–dn	600–2	600–2	600–2
Union Int	LOM	Direct	2000				

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2000' within 10 mi.
Minimum altitude at glide slope int inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1831'—3.4 mi; at MM 1069'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2300' on crs 360° to the New Baltimore Int. Hold North 1-minute right turns, 186° Inbnd, 006° Outbnd.
CAUTION: ǂGlide slope point of touchdown approximately 1750' in from approach end of runway.
Major change: Deletes transition from Grants Lick Int.
*400–¾ required with glide slope inoperative.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890'; Fac. Class., ILS; Ident., I-CVG; Procedure No. ILS-36, Amdt. 16; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 15; Dated, 7 July 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DEN VOR	LOM	Direct	7000	T-dn#9	300-1	300-1	200-½
Westminister Int	LOM	Direct	7000	C-dn	#400-1	500-1	500-1½
Aurora "H"	LOM	Direct	7000	S-dn-26L%°	200-½	200-½	200-½
Strasburg Int	LOM	Direct	7000	A-dn	600-2	600-2	600-2
Klown VOR	Watkins Int	Direct	7500				
Watkins Int	LOM (Final)	Direct	7000				
Bennett Int	LOM	Direct	7000				
Titan Int	LOM	Direct	7000				
Parker Int	LOM	Direct	7700				

Radar transitions and vectoring using Denver Radar authorized in accordance with approved radar patterns.
Procedure turn N side E crs, 7000' within 10 miles, 076° Outbnd, 256° Inbnd.
Minimum altitude at glide slope int inbnd, 7000'.
Altitude of glide slope and distance to approach end of runway at OM, 6974'—5.5 mi; at MM, 5551'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climbing to 6500' direct to DEN-VOR or, when directed by ATC, turn right and climb to 7000' on N crs DN-LFR within 20 miles.
NOTE: Aircraft executing missed approach may be radar controlled after being reidentified.
CAUTION: 5570' msl tank 0.8 mi SE of MM, 5521' tower 1.5 mi S of airport.
NOTE: Narrow localizer course—4°.
#500-1 required for circling south of airport due to 5579' MSL tank 0.8 mi SE of MM, 5521' tower 1.5 mi south of airport.
*400-1 required when glide slope not used.
%Runway Visual Range 2600' also authorized for landing on Runway 26L; provided that all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below 5531' msl shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
#%Runway Visual Range 2600' also authorized for takeoff on Runway 26L in lieu of 200-½ when 200-½ is authorized; provided that high intensity runway lights are operational.

City, Denver; State, Colo; Airport Name, Stapleton Airfield; Elev., 5331'; Fac. Class., ILS; Ident., I-DEN; Procedure No. ILS-26L, Amdt. 27; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 26; Dated, 16 June 62

Riverhead VOR	LMM	Direct	1700	T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				S-dn-6	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn S side SW crs, 237° Outbnd, 057° Inbnd, 1700' within 10 mi of OM.
Minimum altitude at glide slope int inbnd, 1760'.
Altitude of glide slope and distance to approach end of runway at OM 1655'—5.3 mi; at MM 310'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right climbing turn as soon as practical to 1700' returning to ILS LMM, and hold SW, 1-minute right turns, inbnd 057°.
NOTE: Runway 10-28 closed nights.

City, Islip; State, N.Y.: Airport Name, MacArthur Field; Elev., 98'; Fac. Class., ILS; Ident., I-ISL; Procedure No. ILS-6, Amdt. 6; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 5, ILS portion Comb. ADF and ILS; Dated, 19 Oct. 57

LAN VOR	Grand Ledge Int#	Direct	2000	T-dn	300-1	300-1	200-½
LAN LFR	Grand Ledge Int#	Direct	2200	C-dn	400-1	500-1	500-1½
Int W crs LAN ILS and LAN R-297	Grand Ledge Int# (Final)	Direct	2100	S-dn-9	400-1	400-1	400-1
LAN LOM	Grand Ledge Int#	Direct	2400	A-dn	800-2	800-2	800-2
St. Johns Int	Grand Ledge Int#	LAN R-031 and W crs ILS.	2100				
Eagle Int°	Grand Ledge Int# (Final)	Direct	2100				

Procedure turn S side W crs, 273° Outbnd, 093° Inbnd, 2100' within 10 miles.
No glide slope, altitude over Grand Ledge Int,# 2100'.
No Outer Marker; no Middle Marker, crs and distance to approach end of runway, 093°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing Grand Ledge Int, climb to 2400' on E crs ILS, proceed to LOM or, when directed by ATC, make left turn climbing to 2200' and proceed to St. Johns Int via LAN VOR R-031.
NOTE: Procedure NA unless aircraft equipped to receive ILS and VOR simultaneously.
°Eagle Int: Int W crs LAN ILS and LAN VOR R-321.
#Grand Ledge Int: Int W crs LAN ILS and R-360 LAN.

City, Lansing; State, Mich.; Airport Name, Capital City; Elev., 858'; Fac. Class., ILS; Ident., I-LAN; Procedure No. ILS-9, Amdt. 3; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 2; Dated, 7 Dec. 57

Montgomery VOR	LOM	Direct	1500	T-dn#	300-1	300-1	200-½
Catoma Int	LOM	Direct	1700	C-dn	400-1	500-1	500-1½
Benton Int	LOM (Final)	Direct	1700	S-dn-26°	200-½	200-½	200-½
Calhoun Int	LOM	Direct	1500	A-dn	600-2	600-2	600-2
Swift Creek Int	LOM	Direct	1500				
Sellers Int	LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side W crs, 273° Outbnd, 093° Inbnd, 1700' within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 1700'.
Altitude of glide slope and distance to approach end of runway at OM, 1700'—5.1 mi; at MM, 435'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 1800' on R-127 MGM-VOR within 20 mi or, when directed by ATC, climb to 2000' on E crs ILS within 20 miles.
CAUTION: Tower 957' MSL, 8 mi E.
°400-¾ required when glide slope not used.
#Runway visual range 2600' also authorized for landing on Runway 9; provided, that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and out compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 621' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
#%Runway visual range 2600' also authorized for takeoff on Runway 9 in lieu of 200-½ when 200-½ authorized providing high-intensity runway lights are operational.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221'; Fac. Class., ILS; Ident., I-MGM; Procedure No. ILS-9, Amdt. 9; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 8; Dated, 7 Jan. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ORL-VOR	LOM	Direct	1700	T-dn	300-1	300-1	200-½
				C-dn	#400-1	500-1	500-1½
				S-dn-7°	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 246° Outbnd, 066° Inbnd, 1900' within 10 mi.
Minimum altitude at glide slope interception inbnd, 1900'.
Altitude of glide slope and distance to approach end of runway at OM, 1825'—5.4 mi; at MM, 326'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 1300' on R-098 ORL-VOR within 20 miles.
*500-¾ required with glide slope inoperative.
#600-1 required with glide slope inoperative.

City, Orlando; State, Fla.; Airport Name, Orlando Municipal (Herndon); Elev., 113'; Fac. Class., ILS; Ident., I-ORL; Procedure No. ILS-7, Amdt. 1; Eff. Date, 25 Aug. 62; Sup. Amdt. No. Orig.: Dated, 19 May 2

Sioux Falls LFR	LOM	Direct	2700	T-dn°	300-1	300-1	200-½
Sioux Falls VOR	LOM	Direct	2700	C-dn	400-1	500-1	500-1½
Int NE crs FD-LFR and NE crs ILS	LOM	Direct	2700	S-dn-36°	200-½	200-½	200-½
Int SE crs FD-LFR and SW crs ILS	LOM	Direct	2700	A-dn	600-2	600-2	600-2
Int LOM 295° brng and FSD-VOR R-160	LOM	Direct	2700				
Int LOM 087° brng and FSD-VOR R-222	LOM	Direct	2700				
17 mi DME fix on SW crs of the localizer	LOM (Final)	Direct	2600				

Procedure turn S side SW crs 206° Outbnd, 026° Inbnd, 2700' within 10 mi.
Minimum altitude at glide slope int inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at OM, 2540'—3.8 mi; at MM, 1626'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2800' on NE crs of ILS within 20 mi.
CAUTION: Tower 1640' MSL 1.5 mi NE LOM.
NOTE: When authorized by ATC, FSD DME may be used to position aircraft on localizer course at 3400' between radial 145° clockwise to 300° via 17-mile DME arc with the elimination of procedure turn.
*300-1 required for takeoff Runway 15.
#500-1 with glide slope inoperative. 400-¾ authorized if the 168° radial of the FSD VOR** or the SE crs of FD-LFR identified on final.
**Aircraft must be equipped to receive ILS and VOR simultaneously.

City, Sioux Falls; State, S. Dak.; Airport Name, Foss Field; Elev., 1426'; Fac. Class., ILS; Ident., IFSD; Procedure No. ILS-3, Amdt. 5; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 4; Dated, 28 Jan. 61

				T-dn	300-1	300-1	300-1
				C-dn	400-1	500-1	500-1½
				S-dn-33°	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar vectoring and transitions by Griffiss RAPCON authorized in accordance with approved patterns.
Procedure turn E side SE crs, 149° Outbnd, 329° Inbnd, 3000' within 10 mi of Utica RBn.
Minimum altitude at glide slope int inbnd 3000'.
Altitude of glide slope and distance to approach end of runway at Utica RBn 3000'—7.3 mi; OM 1925'—3.8 mi; MM 935'°°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left climbing turn returning to Utica RBn at 3000'. Hold SE Utica RBn, 1-minute right turns, 329° Inbnd.
NOTE: Approaches may be conducted with Utica RBn inoperative provided OM is identified prior to executing procedure turn and glide slope is utilized.
°400-¾ with glide slope inoperative. Minimum altitude over OM with glide slope inoperative, 1340' msl.

City, Utica; State, N.Y.; Airport Name, Oneida County; Elev., 742'; Fac. Class., ILS; Ident., I-UCA; Procedure No. ILS-33, Amdt. 4; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 3; Dated, 7 Apr. 62

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
060°	030°	Within:		Surveillance approach			
All sectors		20 mi	1600				
		10 mi	1500	T-dn°	300-1	300-1	200-½
				C-dn°	400-1	500-1	500-1½
				S-dn°	400-1	400-1	400-1
				A-dn°	800-2	800-2	800-2
				Precision approach			
				S-dn-13	200-½	200-½	200-½
				S-dn-4, 31	200-¾	200-¾	200-¾
				A-dn-13, 4, 31	600-2	600-2	600-2

Radar terminal area transition altitudes—all bearings from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runways 4 and 13: Make a left climbing turn to 1500' on CYN VOR R-213 to Nesco Int, hold East, 1-minute left turns, inbnd crs 264°. Runways 31 and 22: Make right climbing turn to 1500' on CYN VOR R-213 to Nesco Int, hold East, 1-minute left turns, inbnd crs 264°.
CAUTION: Radar tower 226' msl 0.7 mi SW Runway 4.
°Runways 13, 4, 31, and 22.

City, Atlantic City; State, N.J.; Airport Name, National Aviation Facilities Experimental Center; Elev., 76'; Fac. Class. and Ident., Atlantic City Radar; Procedure No. 1, Amdt. 2; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 1; Dated, 17 Feb. 62

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within:		Surveillance approach			
000° 175° 175°	175° 360° 360°	40 mi 40 mi 20 mi	9000 16500 10500	T-dn-A11 C-dn-8R, 35, 26L, 30 S-dn-8R, 35, 26L, 30 A-dn-A11	300-1 *500-1 *500-1 800-2	300-1 500-1 500-1 800-2	200-½ 500-1½ 500-1 800-2

Radar transitions and vectoring utilizing Denver Radar authorized in accordance with approved radar patterns.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 17, 12: (right turn Runway 12) climb to 8000' on S crs DN LFR within 20 mi or, when directed by ATC, (1) climb to 7000' direct to LOM within 10 miles, (2) climb to 8000' on R-169 DEN VOR within 20 mi. Runways 30, 35, 8R: (left turn Runway 8R) climb to 6600' on N Crs DN LFR within 20 mi or, when directed by ATC (1) climb to 6600' on E crs DN LFR within 20 mi,, (2) climb to 6500', proceed direct to DEN VOR. Runway 26L: turn right, climb to 6600' on N Crs DN LFR within 20 mi or,, when directed by ATC, (1) turn right, climb to 6600' on E crs DN LFR within 20 mi, (2) turn right, proceed direct to DEN VOR, climbing to 6500'.
CAUTION: 5570' MSL tank 8 mi SE of MM; 5521' MSL S of field.
*400-1 for Runways 12 and 17. 500-1 required for circling south of airport due to 5579' MSL tank 0.8 mi SE of MM, 5521' tower 1.5 mi S of airport.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331'; Fac. Class. and Ident., Denver Radar; Procedure No. 1, Amdt. 1; Eff. Date, 25 Aug. 62; Sup. Amdt. No. Orig.; Dated, 21 Apr. 56

247° 113° 147° All bearings are from radar site with sector azimuths progressing clockwise.	113° 147° 247°	0-20 mi 0-20 mi 0-20 mi	*2200 2100 **2000	Surveillance approach T-dn-A11 C-dn-22 C-dn-4, 13, 9, 27, 31 S-dn-22 S-dn-4, 13, 9, 27, 31 A-dn-4, 13, 9, 27, 31, 22	300-1 500-1 400-1 500-1 400-1 800-2	300-1 500-1 500-1 500-1 400-1 800-2	200-½ 500-1½ 500-1½ 500-1 400-1 800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 2600' and proceed via the FWA-VOR R-091 to Monroe Int or, when directed by ATC, climb straight ahead to 2600' and proceed via the FWA-VOR R-218 to Rock Creek Int.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
#CAUTION: Do not descend below 1500' MSL until radar advises passing Radar fix 3.0 mi from end of Runway 22 due to 1155' tower 3.8 mi NE.
*2600' within 3 mi of 1649' MSL tower 5.6 mi N.
**2100' within 3 mi of 1067' MSL tower 22 mi SW.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801'; Fac. Class. and Indent., Fort Wayne Radar; Procedure No. 1, Amdt. 1; Eff. Date, 25 Aug. 62; Sup. Amdt. No. Orig.; Dated, 8 Apr. 61

Radar terminal area maneuvering sectors and altitudes: From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
														Surveillance approach			
340 045 100 280	045 100 280 340	30 mi 30 mi 30 mi 30 mi	9000 7000 3500 6000											T-dn* C-dn S-dn# A-dn	300-1 500-1 500-1 800-2	300-1 600-1 500-1 800-2	200-½ 600-2 500-1 800-2

Radar transitions and vectoring utilizing Long Beach Radar authorized in accordance with approved radar patterns and sector altitudes.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 800' msl, then proceed to San Pedro Int continuing climb to minimum of 2600'.
CAUTION: Circling minimums do not provide clearance over 500' hill 1 mile south of airport. All circling and maneuvering shall be accomplished north of field.
*300-1 required for takeoff Runways 16L, 25L, and 34R; 600-1½ required for takeoff Runway 16R.
#Runways 7L, 25R, 16R, 30, and 12.

City, Long Beach; State, Calif.; Airport Name, Long Beach; Elev., 58'; Fac. Class. and Ident., Long Beach Radar; Procedure No. 1, Amdt. 3; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 2; Dated, 24 June 61

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within:		Surveillance approach			
000° 200°	200° 360°	30 mi 30 mi	5000 4000	T-dn* C-dn S-dn-29 S-dn-27R/9L A-dn	300-1 500-1 400-1 500-1 800-2	300-1 600-1 400-1 500-1 800-2	200-½ 600-1½ 400-1 500-1 800-2

Radar Transitions and vectoring utilizing Oakland Radar authorized in accordance with approved radar patterns and sector altitudes.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 27R/9L climb to 2000' in a 1-minute holding pattern on R-300 OAK VOR (120° inbnd, 300° outbnd), all turns W of crs; Runway 29 climb to 1000' on Mag heading 293°, then proceed direct to OAK VOR climbing to 2000' in a 1-minute holding pattern on R-300 (120° Inbnd, 300° Outbnd).
*300-1 required Runway 33.

City, Oakland; State, Calif.; Airport Name, International; Elev., 5'; Fac. Class., OAK; Ident., Radar; Procedure No. 1, Amdt. 5; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 4; Dated, 18 Nov. 61

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Radar terminal area maneuvering sectors and altitudes: From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
														Surveillance approach			
360 015 *035 **200	015 035 200 360	30 mi 30 mi 30 mi 30 mi	2000 2100 2000 2300											T-dn C-dn S-dn-26 S-dn 17L and 35R A-dn	300-1 400-1 500-1 400-1 800-2	300-1 500-1 500-1 400-1 800-2	#200-½ 500-1½ 500-1 400-1 800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 26: Turn right and climb to 2400' on R-288 TUL-VOR within 10 mi or, when directed by ATC, turn left and climb to 2400' on R-236 TUL-VOR.
Runway 35R: Climb to 1900' on heading 354° (TUL IL8) within 10 mi or, when directed by ATC, turn right and climb to 2000' on R-035 TUL-VOR within 10 mi.
Runway 17L: Climb to 2200' on heading 174° (TUL IL8) within 10 mi or, when directed by ATC, climb to 2200' on R-113 TUL-VOR within 10 mi.
#300-1 required on Runway 3L, 17R, 35L.
*Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within 3- to 5-mile (inclusive) radius of TV/radio towers 19.5 mi SSE 1710' MSL, and 5 mi SE 1218' MSL (KVOO).
**Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within 3- to 5-mile (inclusive) radius of TV/radio towers 9.9 mi W 2147' MSL and 8 mi SW 1440' MSL.

City, Tulsa; State, Okla.; Airport Name, Tulsa Municipal; Elev., 674'; Fac. Class. and Ident., Tulsa Radar; Procedure No. 1, Amdt. 1; Eff. Date, 25 Aug. 62; Sup. Amdt. No. Orig.; Dated, 1 July 61

Radar terminal area maneuvering sectors and altitudes: From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
														Surveillance approach			
070 210 350 All quadrants	210 350 070	20 mi 20 mi 20 mi	7600 4100 5100	15 mi 15 mi 15 mi	7100 3600 4600	10 mi	*3500							T-dn# C-d-4, 10, 22 C-n-A11 S-dn-4 S-dn-10 S-dn-22 A-d-A11 A-n-A11	600-1 1000-1½ 1200-2 1000-1½ 900-1½ 800-1 1200-2 1600-3	600-1 1000-1½ 1200-2 1000-1½ 900-1½ 800-1½ 1200-2 1600-3	600-1 1000-2 1200-2 1000-2 900-1½ 800-1½ 1200-2 1600-3

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make an immediate right climbing turn (Runway 22), or left climbing turn (Runway 10) so as to intercept a course of 043° from the LMM. Climb to 3500' on crs 043°, then make right turn, proceed direct to Wilkes-Barre VOR. Maintain 4000'. Hold East 1-minute right turns inbound course, 226°.
NOTE: High terrain to E, SE, and S of airport within 2.5 miles.
Major change: Deletes ASR approach to Runway 16.
#Takeoff minimums for Runways 10 and 16, 800-2 Day, 800-2 Night.
*Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of tower approximately 2900' msl 5.6 miles North of radar site.

City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre-Scranton; Elev., 956'; Fac. Class. and Ident., Wilkes-Barre Radar; Procedure No. 1, Amdt. 1; Eff. Date, 25 Aug. 62; Sup. Amdt. No. Orig.; Dated, 14 July 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 19, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-7229; Filed, Aug. 10, 1962; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (4) of paragraph (e) of § 6.311 is revoked and subparagraph (8) is added to paragraph (e) as set out below.

§ 6.311 Department of Agriculture.

• • • • • •

(e) *Foreign Agricultural Service.* • • •

(8) The Associate Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-8057; Filed, Aug. 10, 1962; 8:51 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Grain Sorghums Loan and Purchase Agreement Program

SUPPORT RATES; CORRECTION

In F.R. Doc. 62-6748 appearing at page 6463 of the issue for Tuesday, July 10, 1962, the following change is made:

In § 421.1412 (d)(1)(ii) the discount of 3 cents per hundredweight for "smutty" should be changed to 5 cents per hundredweight.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 8, 1962.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-8062; Filed, Aug. 10, 1962; 8:53 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 10, 1960 (7 CFR 354.1), administrative instructions (7 CFR 354.2) effective

April 29, 1961, as amended effective August 1, 1961, February 2, 1962, March 9, 1962, April 27, 1962 and June 21, 1962 (26 F.R. 3671, 6833, 27 F.R. 964, 2267, 4011, 5849), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding "Paine Field and Snohomish County Airport, Wash. (served from Seattle, Wash.)" to the "Two Hour" list therein.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective August 11, 1962.

[SEAL] G. F. CALLAGHAN,
Acting Director,
Plant Quarantine Division.

[F.R. Doc. 62-8060; Filed, Aug. 10, 1962; 8:52 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Sugar Determination 831.4, Amdt. 4]

PART 831—BEET SUGAR AREA

1962 and Subsequent Crops

Correction

In F.R. Doc. 62-7887, appearing at page 7819 of the issue for Wednesday, August 8, 1962, in the amendment under item 2, the opening words of § 831.4(b)(3) should read as follows: "(3) In the case of sugarbeets of the 1962 and subsequent crops * * *".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 25]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.325 Valencia Orange Regulation 25.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 9, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 12, 1962, and ending at 12:01 a.m., P.s.t., August 19, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 400,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 9, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8139; Filed, Aug. 10, 1962; 11:19 a.m.]

[Lemon Reg. 34]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.334 Lemon Regulation 34.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 7, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 12, 1962, and ending at 12:01 a.m., P.s.t., August 19, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 8, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8097; Filed, Aug. 10, 1962; 8:53 a.m.]

PART 949—IRISH POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 135 and Order No. 949 (7 CFR Part 949), regulating the handling of Irish potatoes grown in the production area defined therein, was published in the FEDERAL REGISTER July 31, 1962 (27 F.R. 7501). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within five days after publication. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of Irish potatoes grown in the production area are expected to begin on or about the effective date of this section, (2) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the handling of potatoes in the manner set forth in this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances for such preparation, and (5) notice has been given of the proposed Limitation of Shipments set forth in this section through publicity in the production area and by publication in the FEDERAL REGISTER.

§ 949.304 Limitation of shipments.

During the period of August 13, 1962, through June 30, 1963, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2 or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2 or better grade, 2 inches minimum diameter, or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1, or better, grade.

(b) *Minimum maturity requirements.* All varieties: "Moderately skinned"—until November 1, 1962, when this requirement shall terminate.

(c) *Special purpose shipments; chipping.* (1) U.S. No. 2, or better grade, 2 inches minimum diameter; or if handled in compliance with the safeguard requirements of paragraph (e) of this section, U.S. No. 2, or better, grade, 1½ inches minimum diameter.

(2) Prior to September 22, 1962, shipments of round white varieties (Cobblers, Kennebecs, Cherokees, and similar types) and Early Ohios for potato chips failing to meet the maturity requirements of paragraph (b) of this section may be handled without regard to such maturity requirements.

(3) On and after September 22, 1962, with respect to round white varieties, and after the effective date hereof with respect to all other varieties, shipments for potato chips failing to meet the maturity requirements of paragraph (b) of this section may be handled without regard to such requirements if handlers thereof comply with the safeguard requirements of paragraph (e) of this section (*Safeguards*).

(d) *Exempted shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes.

(1) Certified seed, if a copy of the applicable seed inspection certificate is furnished the committee.

(2) Canning or freezing, subject to compliance with the applicable provisions of paragraph (e) of this section (*Safeguards*).

(e) *Safeguards.* (1) Each handler making special purpose shipments authorized by paragraph (c) of this section requiring compliance with the provisions of this paragraph, and

(2) Each handler making special purpose shipments, other than seed, shall comply with the following safeguards:

(i) Prior to making shipment, apply for and obtain from the committee an approved Certificate of Privilege, pursuant to § 949.120;

(ii) Obtain inspection and pay assessments on such shipments, except shipments for canning or freezing;

(iii) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes; and

(iv) Bill each shipment directly to the applicable processor or receiver.

(3) Compliance with the requirements of this section shall not excuse failure to comply with State laws or regulations requiring inspection of potatoes handled for canning or freezing and the payment of State assessments thereon.

(f) *Minimum quantities.* Pursuant to § 949.53, each handler may handle up to, but not to exceed, 30 hundredweight of tablestock potatoes, in the aggregate, per shipment free from requirements effective pursuant to § 949.42 (*Assessments*) and § 949.60 (*Inspection*). This exemption shall not apply to any portion of a shipment of over 30 hundredweight of such potatoes.

(g) *Inspection.* (1) No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 949.60, that each inspection certificate for tablestock potatoes shall be valid for a period not to exceed 5 days, except that inspection certificates issued to registered handlers of potatoes for chipping (§ 949.140) on potatoes for special use as potato chips shall be valid for a period not to exceed 75 days. The valid period begins at the end of the day (midnight) on which inspection is completed as shown in the certificate.

(2) Except as provided in paragraph (f) of this section (*minimum quantities*) of this section, no handler shall transport or cause the transportation of any shipment of tablestock potatoes by motor vehicle, unless such shipment is accompanied by a copy of the inspection certificate applicable thereto.

(h) *Definitions.* The terms "moderately skinned," "U.S. No. 1," "U.S. No. 2," and "Size B" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540-51.1556 of this title), including the tolerances set forth therein. Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 135 and this part.

(i) *Applicability to imports.* Pursuant to section 608e of the Act and § 980.1 of this chapter, "Import regulations", red skinned round type Irish potatoes, except certified seed potatoes, imported into the United States during the period October 1, 1962, through June 30, 1963, shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section for such varieties.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. Dated August 8, 1962, to become effective August 13, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8058; Filed, Aug. 10, 1962; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–125]

PART 13—PROHIBITED TRADE PRACTICES

Art Craft Leather Goods

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Max Kandler trading as Art Craft Leather Goods, New York, N.Y., Docket C–125, Apr. 26, 1962]

In the Matter of Max Kandler, an Individual Trading as Art Craft Leather Goods

Consent order requiring a New York City manufacturer of leather goods to cease misrepresenting his wallets and billfolds by describing them in promotional literature as "Genuine Top Grain Leather", "Hand Boarded English Morocco", and "Top Grain Cowhide" and stamping such legends on them when in fact the interior sections were made of non-leather materials or of other leather than that claimed; and to cease giving with such wallets a misleading statement of warranty.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Max Kandler, an individual trading and doing business as Art Craft Leather Goods, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of wallets, leather goods, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the terms "Genuine Top Grain Leather", "Hand Boarded English Morocco", "Top Grain Cowhide", or any other words or terms of similar import or meaning to describe any of said products which are not made wholly of the kind of leather so stated and which contain non-leather parts having the appearance of leather or parts of leather other than the kind so stated without identifying such parts and revealing that such parts are not leather or are of a different kind of leather from that so stated. Said disclosure shall be clearly and conspicuously made in advertising and on or in immediate connection with such goods so as to remain affixed thereto until said products reach the ultimate purchaser.

2. Representing, directly or indirectly, that said products are guaranteed unless the nature and extent of the guarantee, the manner in which the guarantor will perform thereunder and the name and address of the guarantor are clearly and conspicuously disclosed and respondent does in fact fulfill all of his requirements under the terms of said guarantee.

3. Furnishing or otherwise placing in the hands of retailers or dealers in said products the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: April 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–8042; Filed, Aug. 10, 1962; 8:48 a.m.]

[Docket C–124]

PART 13—PROHIBITED TRADE PRACTICES

Harry Aslan Co. et al.

Subpart—Combining or conspiring: § 13.430 *To enhance, maintain or unify prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Harry J. Aslan doing business as Harry Aslan Co. (Kingburg, Calif.) et al., Docket C–124, Apr. 25, 1962]

In the Matter of Harry J. Aslan, Individually and Doing Business as Harry Aslan Co.; L. W. Crosby, Individually and Doing Business as Del Rey Fruit Distributors; Giannini Fruit Sales, Inc., a Corporation; Chris Sorensen Packing Co., a Corporation; Edwin L. Barr, Sr., Edwin L. Barr, Jr., Merle Barr and Caroline Barr, Individually and as Co-Partners Doing Business as Barr Packing Company, a Partnership; Tennis H. Erickson, Individually and Doing Business as Erickson Packing Company; William P. Condry, H. Y. Hamilton and Samuel B. Randall, Individually and as Co-Partners Doing Business as Hall Packing Company, a Partnership; John B. Jorgensen, Sr., Individually and Doing Business as Jorgensen Farms; Jack Young, Individually and Doing Business as Youngstown Grape Distributors; Ballantine Produce Co., Inc., a Corporation; Bianco Packing Co., Inc., a Corporation; Mike Fierro and Vaughn Girazian, Individually and as Co-Partners Doing Business as G & F Fruit Distributors, a Partnership; and Floyd J. Harkness, Inc., a Corporation Doing Business as United Packing Co.

Consent order requiring 13 California shippers of white muscat juice grapes, used primarily for wine-making, in the Fresno area—their shipments and sales of which during the 1961 season represented more than half of all interstate carlot shipments made from California—to cease conspiring to fix and adhere to minimum prices for juice grapes, as they did at a series of meetings held beginning about mid-September of 1961, slightly prior to the shipping season, and continuing to early October.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Harry J. Aslan, individually and doing business as Harry Aslan Co., L. W. Crosby, individually and doing business as Del Rey Fruit Distributors, Giannini Fruit Sales, Inc., its officers and directors, Chris Sorensen Packing Co., its officers and directors, Edwin L. Barr, Sr., Edwin L. Barr, Jr., Merle Barr and Caroline Barr, individually and as co-partners doing business as Barr Packing Company, Tennis H. Erickson, individually and doing business as Erickson Packing Company, William P. Condry, H. Y. Hamilton and Samuel B. Randall, individually and as co-partners doing business as Hall Packing Company, John B. Jorgensen, Sr., individually and doing business as Jorgensen Farms, Jack Young, individually and doing business as Youngstown Grape Distributors, Ballantine Produce Co., Inc., its officers and directors, Bianco Packing Co., Inc., its officers and directors, Mike Fierro and Vaughn Girazian, individually and as co-partners doing business as G & F Fruit Distributors, and Floyd J. Harkness, Inc., doing business as United Packing Co., its officers and directors, their respective successors and assigns, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of juice grapes, do forthwith cease and desist from entering into or continuing, cooperating in or carrying out any planned and concerted course of action, understanding or agreement between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or things:

To establish, fix, or maintain the prices or level of prices, or the terms or conditions of shipment, sale or distribution of juice grapes.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 25, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–8043; Filed, Aug. 10, 1962; 8:48 a.m.]

[Docket 8418 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Dernburg-Singer Fur Co.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–275 *Stock, product or service;* § 13.30 *Composition of goods:* § 13.30–30 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 6, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Irving Singer trading as Dernburg-Singer Fur Company, Chicago, Ill., Docket 8418, Apr. 26, 1962]

In the Matter of Irving Singer, an Individual Trading as Dernburg-Singer Fur Company

Consent order requiring a Chicago furrier to cease violating the Fur Products Labeling Act by invoicing and advertising which did not show the true animal name of the fur in a fur product and contained the names of other animals than those producing furs; by failing to show on invoices the country of origin of imported furs and to comply in other respects with invoicing requirements; and by failing to disclose in advertising when furs were dyed, and representing falsely that his stock was "Tremendous, every style, size and color on hand—ready for you" when he customarily filled orders by purchasing fur products from other wholesalers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Irving Singer, an individual trading as Dernburg-Singer Fur Company, or under any other trade name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth on invoices pertaining to fur products the name or names of any animal or animals other than the name of the animal or animals producing the fur contained in the fur products as specified in the Fur Products Name Guide and as prescribed under the rules and regulations.

C. Failing to set forth on invoices the item number or mark assigned to each fur product.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

A. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations.

B. Fails to disclose that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

C. Sets forth the name or names of any animal or animals other than the name or names of the animal or animals producing the fur contained in the fur product as specified in the Fur Products Name Guide, and as prescribed under the rules and regulations.

D. Represents, directly or by implication, the quantity of his regular inventory of new and used fur products, by use of terms which are not accurate as to the quantity of such inventory and that the fur products being offered for sale are from respondent's regular inventory or stocks, when such is contrary to the fact.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: April 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–8044; Filed, Aug. 10, 1962; 8:49 a.m.]

[Docket C–127]

PART 13—PROHIBITED TRADE PRACTICES

O.E.M. Products Co. et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or Acceptance of Commission, Brokerage or Other Compensation Under 2(c): § 13.800 *Buyers' agents;* § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, O.E.M. Products Co. et al., Chicago, Ill., Docket C–127, Apr. 26, 1962]

In the Matter of O.E.M. Products Company, a Corporation, and Robert C. Sanderson, Individually and as an Officer of Said Corporation, and Also Doing Business as Robert C. Sanderson Company, a Sole Proprietorship

Consent order requiring a Chicago distributor of automotive parts, supplies, and related products to cease violating section 2(c) of the Clayton Act by accepting brokerage on substantial purchases for its own account for resale from suppliers—utilizing the services of its vice president and main stockholder who operated a sole proprietorship at the same address and functioned as a manufacturer's representative or selling agent—such as, for example, compensation of five percent on purchases of hose from the Acme-Hamilton Manufacturing Corporation of Trenton, N.J.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents O.E.M. Products Company, a corporation, and Robert C. Sanderson, individually and as an officer of said corporation, and also doing business as Robert C. Sanderson Company, a sole proprietorship, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of automotive parts, supplies and related products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of automotive parts, supplies and related products for respondents' own account, or where any of said respondents are the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of the buyer.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–8045; Filed, Aug. 10, 1962; 8:49 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

[Docket No. R-215; Order 253]

PART 11—ANNUAL CHANGES

Payment of Charges for Licenses; Penalty for Delinquency

AUGUST 7, 1962.

The Commission has under consideration in this proceeding the implementation of section 17(b) of the Federal Power Act by amending § 11.27 of the Commission's regulations under the Federal Power Act to provide that unless annual charges imposed under Part I of the Act are paid within the periods specified in § 11.27, the specific penalties permitted by section 17(b) of the Federal Power Act shall, without further Commission action, be added to such charges.

General public notice of the proposed rule making was published in the FEDERAL REGISTER on May 15, 1962 (27 F.R. 4597). In response to the notice, written comments and views were received from several interested licensees under the Federal Power Act. The most often expressed view was to the effect that penalties for deliquency in payment should not automatically be imposed, as proposed in the notice, in instances where a delay in the payment is unavoidable, excusable, or the matter of payment is in dispute between a licensee and the Commission. Other comments suggested that provision should be made to permit waiver of the penalties for good cause shown.

While we believe that the automatic attachment feature of the proposed amendment should be retained as presently set forth in the notice, we also believe that where good cause is shown we should be in a position to waive the penalty after attachment thereof. We are modifying the proposed amendment accordingly.

Upon consideration of the entire record in this proceeding, the Commission finds: The amendment herein adopted is necessary and appropriate in order to carry out the provisions of the Federal Power Act.

Acting pursuant to the provisions of the Administrative Procedure Act and the authority granted by the Federal Power Act, particularly sections 17(b) and 309 thereof (41 Stat. 1072, 49 Stat. 845; 16 U.S.C. 810(b), 825h); the Commission orders:

(A) Section 11.27 of Part 11 of the Commission's regulations under the Federal Power Act is amended by designating the paragraph now thereunder as paragraph (a) and by adding thereto the following new paragraph (b) to read as follows:

(b) In case of failure on the part of any licensee to pay annual charges within the periods specified in paragraph (a) of this section, a penalty of 5 percent of the total amount so delinquent is assessed and added to the total charges which shall apply for the first month or part of month so delinquent with an additional penalty of 3 percent for each full month thereafter until the total of the charges and penalties are paid or until the license is canceled and the charges and penalties satisfied in accordance with law: *Provided, however,* That for good cause shown, the Commission may, by order, waive any penalty imposed by this paragraph.

(Sec. 17(b), 41 Stat. 1072; sec. 309, 49 Stat. 845; 16 U.S.C. 810 (b), 825h)

(B) The amendment herein prescribed is effective on and after January 1, 1963.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-8041; Filed, Aug. 10, 1962; 8:48 a.m.]

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT

[Docket No. R-212; Order 252]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Annual Report Form for Licensees of Privately Owned Major Projects (Utility and Industrial)

AUGUST 7, 1962.

This Commission has under consideration in this proceeding the promulgation of a new Annual Report Form, F.P.C. Form No. 9, to be prescribed for Licensees of privately owned projects under Commission license (major) whether utility or industrial, and an amended section of its regulations under the Federal Power Act[1] prescribing that Form, § 141.13, Part 141, Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations (CFR). The new Annual Report is prescribed hereinafter, effective for use in reporting for the calendar year beginning January 1, 1961 and years thereafter. As set forth in annexed Appendix A,[2] portions of the Annual Report appear in typed and handscript form. The new Annual Report will be prepared hereafter in printed format and copies will be supplied to respondents. Licensees will have until November 1, 1962 to complete and file the new Annual Report for the calendar year 1961.

The notice of proposed rule making initiating this proceeding was served upon interested parties including State and Federal regulatory agencies, and by publication in the FEDERAL REGISTER on April 11, 1962 (27 F.R. 3470). Initially, they were given until April 27, 1962 to file their comments. Thereafter, after the discovery of a clerical error which resulted in the omission of one Schedule Page from the matter initially served and filed with the FEDERAL REGISTER, the period for comment was extended to May 18, 1962 (May 9, 1962; 27 F.R. 4432) and the omitted Schedule Page was served and filed with the FEDERAL REGISTER.

Comments and suggestions were filed with the Commission by the following classes of respondents:

Public Utility Licensees	3
Industrial Licensee	1
Total	4

Some comments, criticisms or suggestions were addressed to the format of certain schedule pages and some of these have been adopted. General Instruction No. 8 has been added to permit all dollar figures to be stated in even dollar amounts. It was suggested that the schedule for Licensed Project Plant be revised so as to provide an additional column for reporting project plant transfers. As a result, a new column "(f)" has been added to the plant account schedule. General Instruction No. 2 has been revised so as to permit filing of the Annual Report not later than April 30, instead of March 31. A new instruction has been added to the schedule for Depreciation Expense for Licensed Project Plant. In substance the new instruction provides that where more than one development is included in a license (major), and different rates of depreciation are applied to the same class of project plant for two or more component developments under the license, the Licensee must segregate the depreciation expense for each development stating the rates of depreciation applied.

The Annual Report has been modified in certain other minor respects and those modifications are as indicated by the schedule pages annexed hereto as Appendix A.[2]

In view of the period of time required to complete the printed format of the Annual Report and distribution of copies thereof to all reporting parties the period afforded for the preparation and filing of the report by Licensees for the year 1961 will terminate November 1, 1962.

The Commission further finds:

(1) The notice and opportunity to comment in this rule making proceeding with respect to the matters presently before the Commission through the submission, in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 4 of the Administrative Procedure Act.

(2) In view of the foregoing, and upon consideration of all relevant matters presented, it is necessary and appropriate for the purposes of the Federal Power Act that:

(a) The Annual Report Form as set forth in annexed Appendix A[2] be adopted and promulgated as this Commission's F.P.C. Form No. 9 effective for use in reporting for the calendar year beginning January 1, 1961 and years thereafter; all as hereinafter provided.

(b) Part 141, Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations be amended by repealing §§ 141.5 and 141.6 and by amending § 141.13 to read as hereinafter provided.

(3) Good cause exists for adoption and promulgation of the matters referred to above immediately upon issuance of this order; all as hereinafter provided.

The Commission acting pursuant to the Federal Power Act, as amended, particularly sections 3(13), 4 (a), (b), (c), 301(a), 302, 304, 309 and 311 thereof (49 Stat. 838, 839, 854, 855, 855, 858, 859; 16 U.S.C. 796(13), 797 (a), (b), (c), 825 (a), 825a, 825c, 825h, and 825j) orders:

(A) The Annual Report as set forth in annexed Appendix A[2] is hereby adopted and promulgated as this Commission's F.P.C. Form No. 9 effective for use in reporting for the calendar year beginning January 1, 1961 and years thereafter.

(B) Part 141, Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations is amended by revising § 141.13 to read as follows:

§ 141.13 Form No. 9, Annual Report Form for Licensees of Privately Owned Major Projects (Utility and Industrial)

(a) The form of Annual Report for licensees of privately owned projects under Commission license (major) whether utility or industrial hereby designated as F.P.C. Form No. 9 is prescribed for the calendar year 1961 and thereafter.

(b) Each licensee of a privately owned project under Commission license (major) whether utility or industrial shall prepare and file with the Commission for the years beginning January 1, 1961, and for each year thereafter, on or before the last day of the fourth month following the close of the calendar year (except that such report for the calendar year 1961 may be filed on or before November 1, 1962), unless otherwise authorized or directed by the Commission, an original and two conformed copies, all properly filled out and verified. One copy of said report should be retained by the correspondent in its files.

(c) This annual report contains the following schedules:

Identification.
General Instructions.
Information Concerning Licenses and Location of Records.
Licensed Project Plant.
Additions—Licensed Project Plant.
Retirements—Licensed Project Plant.
Adjustments—Licensed Project Plant.
Accumulated Provisions for Depreciation of Licensed Project Plant.
Accumulated Provisions for Amortization of Licensed Project Plant.
Depreciation Expense for Licensed Project.
Amortization Expense for Licensed Project.
Amortization Reserve—Federal.
Information Concerning Operation of Licensed Projects and the Sale or Use of Energy Produced.
Energy Generated and Energy Delivered by Licensed Projects.
Verification.

(Secs. 3(13), 4 (a), (b), and (c), (41 Stat. 1063 as amended), secs. 301(a), 302, 304, 309, 311 (49 Stat. 838, 839, 854, 855, 855, 858, 859); 16 U.S.C. 796(13), 797(a), (b), (c), 825(a), 825a, 825c, 825h, and 825j)

(C) Part 141, Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 Code of Federal Regulations is amended by repealing §§ 141.5 and 141.6.

(D) This order shall be effective upon the date of issuance thereof.

(E) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-8040; Filed, Aug. 10, 1962; 8:47 a.m.]

[1] F.P.C. Form No. 9 as prescribed herein supersedes the reporting requirements previously contained in the Licensed Project Section of F.P.C. Form No. 1, in F.P.C. Form No. 8, in F.P.C. Form No. 1D and in F.P.C. Form No. 1E. This order amends § 141.13 and repeals §§ 141.5 and 141.6. Commission Order No. 238 (26 F.R. 11897, December 13, 1961) eliminated the Licensed Project Section of F.P.C. Form No. 1.

[2] Appendix filed as part of original document.

[2] Appendix filed as part of original document.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55681]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Purebred Animals Imported Specially for Breeding Purposes

The regulations of the Agricultural Research Service, Department of Agriculture, were amended to eliminate the use of the Forms A. H. or I. & Q. 105 and 283, as mentioned in § 10.70(b) of the Customs Regulations; to substitute for those Forms AIQ Form 338 Application/Certification Purebred Animals Imported for Breeding; and to redefine "port of entry."

1. Accordingly, § 10.70(b) of the Customs Regulations is hereby amended to read as follows:

(b) No claim for free entry shall be allowed in liquidation of the entry until the collector of customs has received from the Department of Agriculture a certificate that the animal is purebred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed. Importers are required by regulation of the Department of Agriculture to make application for a certificate of pure breeding to the Animal Inspection and Quarantine Division, Department of Agriculture, on AIQ Form 338 before the animal will be examined as required by 9 CFR 151.7. Application for the certificate must be executed by the owner, agent, or importer and filed at a port of entry designated in the regulations of the Department of Agriculture for the importation of animals (9 CFR 92.3). However, applications for certificates for dogs (other than dogs for handling livestock regulated under 9 CFR 92.18) and cats may be filed either at a designated port of entry or at any other port where customs entry is made. The regulations of the Department of Agriculture prescribing the requirements for the issuance of certificates of pure breeding provide that all animals imported under such regulations must be accompanied to the port at which examination is to be made by certificates of pedigree and transfers of ownership in order that identification may be accomplished, and that, if such animals are moved from such port prior to the presentation of such certificates and transfers, such action shall constitute a waiver of any further claim to certification under such regulations.

2. Section 10.70(c) is amended by deleting the first sentence.

(R.S. 161, as amended, 251 secs. 201 (par. 1606), 624, 46 Stat. 672, 759; 5 U.S.C. 22, 19 U.S.C. 66, 1201 (par. 1606), 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: August 2, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-8038; Filed, Aug. 10, 1962; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.483]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Personal Appearance

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended by revising § 41.114 to provide that personal appearance may be waived in connection with applications for B, H-1, I, and J-1 visas under certain prescribed conditions. The amended section reads as follows:

§ 41.114 Personal appearance.

Except as otherwise provided in this section, every alien who makes application for a nonimmigrant visa shall be required to appear in person before a consular officer. The requirement of personal appearance may be waived in the discretion of the consular officer in the case of any alien who is:

(a) A child under ten years of age,

(b) Within a class of nonimmigrants classifiable under the visa symbols A-1, A-2, A-3, C-2, C-3, G-1, G-2, G-3, G-4, G-5, NATO-1 NATO-2, NATO-3, NATO-4, NATO-5, NATO-6, or NATO-7.

(c) An applicant for a diplomatic or official visa,

(d) An applicant for a nonimmigrant visa under the provisions of section 101 (a)(15)(B) of the Act if (1) within the preceding 24 months he was issued a nonimmigrant visa of a classification requiring the alien's personal appearance, or (2) he is well and favorably known at

the foreign service establishment at which he is applying, and is a resident of the consular district in which the foreign service establishment is located, or (3) the principal officer, or, at a diplomatic mission, the Deputy Chief of Mission, the Counselor for Consular Affairs, or the Supervising Consul General, determines that a waiver of personal appearance is justified in the national interest or because of unusual circumstances, including hardship to the individual visa applicant.

(e) Within a class of nonimmigrants classifiable under the visa symbols H–1 or I, or

(f) Within a class of nonimmigrants classifiable under the visa symbol J–1 and who qualifies as a leader in a field of specialized knowledge or skill and is not required to be medically examined under the provisions of 22 CFR 41.113(a)(1), and the spouse and children of such an alien who qualify for J–2 classification.

(Sec. 222, 66 Stat. 193; 8 U.S.C. 1202)

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

MICHEL CIEPLINSKI,
Acting Administrator, Bureau of Security and Consular Affairs.

AUGUST 7, 1962.

[F.R. Doc. 62-8111; Filed, Aug. 10, 1962; 8:53 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 788—FORESTRY OR LOGGING OPERATIONS IN WHICH NOT MORE THAN TWELVE EMPLOYEES ARE EMPLOYED

Revision

Pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201–219), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, Part 788 of Title 29, Code of Federal Regulations, is hereby revised in the manner indicated below.

The revision takes into consideration the Fair Labor Standards Amendments of 1961 (75 Stat. 65–75), and changes the structure of Part 788 by dividing the subject matter thereof into an increased number of sections in order to make it readily identifiable.

The revision shall become effective immediately upon its publication in the FEDERAL REGISTER since it is interpretative and neither public procedure nor delay in effective date are therefore required under section 4 of the Administrative Procedure Act.

The revised 29 CFR Part 788 reads as follows:

Sec.
788.1 Statutory provisions.
788.2 Matters not discussed in this part.
788.3 Purpose of this part.
788.4 Significance of official interpretations.
788.5 Reliance on official interpretations.
788.6 Scope of the section 13(a)(15) exemption.
788.7 "Planting or tending trees."
788.8 "Cruising, surveying, or felling timber."
788.9 "Preparing • • • logs."
788.10 "Preparing • • • other forestry products."
788.11 "Transporting [such] products to the mill, processing plant, railroad, or other transportation terminal."
788.12 Limitation of exemption to specific operations in which "number of employees • • • does not exceed twelve."
788.13 Counting the twelve employees.
788.14 Number employed in other than specified operations.
788.15 Multiple crews.
788.16 Employment relationship.
788.17 Employees employed in both exempt and nonexempt work.

AUTHORITY: §§ 788.1 to 788.17 issued under secs. 1–19, 52 Stat. 1060, as amended; 75 Stat. 65; U.S.C. 201–219.

§ 788.1 Statutory provisions.

Section 13(a)(15) of the Fair Labor Standards Act of 1938 provides an exemption from the minimum wage and overtime requirements of the Act, as follows:

> The provisions of sections 6 and 7 shall not apply with respect to • • • any employee employed in planting or tending trees, cruising, surveying, or felling timber, or in preparing or transporting logs or other forestry products to the mill, processing plant, railroad, or other transportation terminal, if the number of employees employed by his employer in such forestry or lumbering operations does not exceed twelve.

§ 788.2 Matters not discussed in this part.

The exemption in section 13(a)(15) of the Act need not be considered unless the employee is "engaged in commerce or the production of goods for commerce" or is employed in an "enterprise engaged in commerce or in the production of goods for commerce," as those words are defined in the act, so as to come within the general scope of sections 6 and 7. The principles of coverage are discussed in Part 776 of this chapter and the discussion will not be repeated in this part. Neither does this part discuss the exemption provided in section 13(a)(6) and in section 3(f) which includes forestry or lumbering operations incident to or in conjunction with certain farming operations (see §§ 780.160 to 780.164 of this chapter).

§ 788.3 Purpose of this part.

The purpose of this part is to make available in one place the views of the Department of Labor with respect to the application and meaning of the provisions of section 13(a)(15) of the Act which will provide "a practical guide to employers and employees as to how the office representing the public interest in enforcement of the law will seek to apply it" (Skidmore v. Swift & Co., 324 U.S. 134).

§ 788.4 Significance of official interpretations.

The interpretations contained in this part indicate, with respect to section 13(a)(15) of the Act which refers to small forestry or lumbering operations, the construction of the law which the Secretary of Labor and the Administrator believe to be correct and which will guide them in the performance of their duties under the Act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination of an interpretation, that it is incorrect.

§ 788.5 Reliance on official interpretations.

Under section 10 of the Portal-to-Portal Act of 1947 (29 U.S.C. 259), official interpretations issued under the Fair Labor Standards Act of 1938 may, under certain circumstances, be controlling in determining the rights and liabilities of employers and employees. The interpretations of the law contained in this part are official interpretations on which reliance may be placed as provided in section 10 of the Portal-to-Portal Act, so long is they remain effective and are not modified, rescinded, or determined by judicial authority to be incorrect. However, the omission to discuss a particular problem in this part or in the interpretations supplementing it should not be taken to indicate the adoption of any position by the Secretary of Labor or the Administrator with respect to such problem or to constitute an administrative interpretation or practice or enforcement policy.

§ 788.6 Scope of the section 13(a)(15) exemption.

By its terms, the section 13(a)(15) exemption is limited to those employed in the named operations. These are terms of ordinary speech and mean what they mean in ordinary intercourse in this context. These operations include the incidental activities normally performed by persons employed in them but do not include mill operations.

§ 788.7 "Planting or tending trees."

Employees employed in "planting or tending trees" include those engaged in seeding, planting seedlings, pruning, weeding, preparing firebreaks, removing rot or rusts, spraying, and similar operations when the object is to bring about, protect, or foster the growth of trees." "Tending trees" would also include watching the timberland to guard against thefts and fire (Gatlin Lumber Co. v. Mitchell, 287 F. (2d) 76, cert. den. 366 U.S. 963).

§ 788.8 "Cruising, surveying, or felling timber."

Employees engaged in "cruising • • • timber" include all those members of a field crew whose purpose is to estimate and report on the volume of marketable timber. Employees engaged in "surveying • • • timber" include the customary members of a crew accomplishing that function such as the chainmen, the transit men, the rodmen, and the axmen who clear the ground of brush or trees in order that the transit men may obtain a clear sight. Similarly, the usual members of a crew which goes to the woods for the purpose of felling timber and preparing and transporting logs are engaged in operations described in the exemption. Typically included, when members of such a crew, are fellers, limbers, skidders, buckers, loaders, swampers, scalers, and log truck drivers.

§ 788.9 "Preparing • • • logs."

Preparing logs includes, where appropriate, removing the limbs and top, cutting them into lengths, removing the bark, and splitting or facing them when done at the felling site, but does not include such operations when done at a mill. Employees engaged in sawmill, tie mill, and other operations in connection with the processing of logs, such as the production of lumber, are not exempt.

§ 788.10 "Preparing • • • other forestry products."

As used in the exemption, "other forestry products" means plants of the forest and the natural properties or substances of such plants and trees. Included among these are decorative greens such as holly, ferns, and Christmas trees, roots, stems, leaves, Spanish moss, wild fruit, and brush. Gathering and preparing such forestry products as well as transporting them to the mill, processing plant, railroad, or other transportation terminal are among the described operations. Preparing such forestry products does not include operations which change the natural physical or chemical condition of the products or which amount to extracting as distinguished from gathering, such as shelling nuts, or mashing berries to obtain juices.

§ 788.11 "Transporting [such] products to the mill, processing plant, railroad, or other transportation terminal."

The transportation or movement of logs or other forestry products to a "mill, processing plant, railroad, or other transportation terminal" is among the described operations. Loading and unloading, when performed by employees employed in the named operations, are included as exempt operations. Loading logs or other forestry products onto railroad cars or other transportation facilities for further shipment if performed as part of the exempt transportation will be considered a step in the exempt transportation (Woods Lumber Co. v. Tobin, 199 F (2d) 455 (C.A. 5)). However, any other loading, transportation, or other activities performed in connection with the logs or other forestry products after they have been unloaded at one of the described destinations is not exempt. "Other transportation terminal" refers to any place where there are established facilities or equipment for the shipment or transportation of logs or other forestry products. Motor carrier yards, docks, wharves, or similar facilities are examples of other transportation terminals, but the place where logs are picked up by contract motor carriers or haulers at the site of the woods operations for transportation to the mill, processing plant, or railroad is not such a terminal.

§ 788.12 Limitation of exemption to specific operations in which "number of employees • • • does not exceed twelve."

Regardless of his duties, no employee is exempt under section 13(a)(15) unless, "the number of employees employed by his employer in such forestry or lumbering operations does not exceed twelve."

§ 788.13 Counting the twelve employees.

The determination of the number of employees employed in the named operations is to be made on an occupational and a workweek basis. Thus the exemption will be available in one workweek when twelve or less employees are employed in the exempt operations and not in another workweek when more than that number are so employed. For a discussion of the term "workweek" see Part 778 of this chapter. The exemption will not be defeated, however, if one or more of the twelve employees so engaged is replaced during the workweek, for example, by reason of illness. But if additional employees are employed during the workweek in the named operations, even if they work on a different shift, the exemption would no longer be available if the total number exceeds twelve. Similarly, all of an employer's employees employed in any workweek in the named operations must be counted in the twelve regardless of where the work is performed or how it is divided. Thus if an employer employs six employees in felling timber and preparing logs at one location and seven at another location in those operations, the exemption would not be available. Similarly, if he employs ten employees in such operations and three other employees in transportation work as discussed in § 788.11, the exemption could not apply. Under such circumstances he would be employing more than twelve employees in the named operations. The fact that some of these employees may not be engaged in commerce or the production of goods for commerce or may be engaged in other exempt operations will not affect these conclusions (Woods Lumber Co. v. Tobin, 199 F (2d) 455 (C.A. 5)). Except for replacements, therefore, all of an employer's employees employed in the named operations in a workweek must be counted, regardless of where they perform their work or in which of the named operations or combinations of such operations they are employed. The length of time an employee is employed in the named operations during a workweek is also immaterial for the purpose of applying the numerical limitation. Thus, even if an employee would not himself be exempt because he is engaged substantially in nonexempt work (see § 788.17), nevertheless, if, as a regular part of his duties, he is also engaged in the operations named in the exemption he must be counted in determining whether the twelve employee limitation is satisfied.

§ 788.14 Number employed in other than specified operations.

The exemption is available to an employer, however, even if he has a total of thirteen or more employees, if only twelve of them or less are employed in the named operations. Thus if such an employer employs only twelve employees in the named operations and others in operations not named in the exemption, such as sawmill operations, the exemption is not defeated because of the fact that he employs more than twelve employees altogether. It will not apply, however, to those engaged in the operations not named in the exemption.

§ 788.15 Multiple crews.

In many cases an employer who operates a sawmill or concentration yard will be supplied with logs or other forestry products by several crews of persons who are engaged in the named operations. Frequently some or all of such crews, separately considered, do not employ more than twelve persons, but the total number of such employees is in excess of twelve. Whether the exemption will apply to the members of the individual crews which do not exceed twelve, will depend on whether they are employees of the sawmill or concentration yard to which the logs or other forestry products are delivered or whether each such crew is a truly independently owned and operated business. If the number of employees in such a truly and independently owned and operated business does not exceed twelve, the exemption will apply. On the other hand, the Secretary and the Administrator will assume that the courts will be reluctant to approve as bona fide a plan by which an employer of a large number of woods employees splits his employees into several allegedly "independent businesses" in order to take advantage of the exemption.

§ 788.16 Employment relationship.

(a) The Supreme Court has made it clear that there is no single rule or test for determining whether an individual is an employee or an independent contractor, but that the "total situation controls" (see Rutherford Food Corp. v. McComb, 331 U.S. 722; United States v. Silk, 331 U.S. 704; Harrison v. Greyvan Lines, 331, U.S. 704; Bartels v. Birmingham, 332 U.S. 126). In general an employee, as distinguished from a person who is engaged in a business of his own, is one who "follows the usual path of an employee" and is dependent on the business which he serves. As an aid in assessing the total situation the Court mentioned some of the characteristics of the two classifications which should be considered. Among these are: The extent to which the services rendered are an integral part of the principal's business, the permanency of the relationship, the opportunities for profit or loss, the initiative, judgment or foresight exercised by the one who performs the services, the amount of investment, and the degree of control which the principal has in the situation. The Court specifically rejected the degree of control retained

by the principal as the sole criterion to be applied.

(b) At least in one situation it is possible to be specified: (1) Where the sawmill or concentration yard to which the products are delivered owns the land or the appropriation rights to the timber or other forestry products, (2) the crew boss has no very substantial investment in tools or machinery used; and (3) the crew does not transfer its relationship as a unit from one sawmill or concentration yard to another, the crew boss and the employees working under him will be considered employees of the sawmill or concentration yard. Other situations, where one or more of these three factors is not present, will be considered as they arise on the basis of the criteria mentioned in paragraph (a) of this section. Where all of these three criteria are present, however, it will make no difference if the crew boss receives the entire compensation for the production from the sawmill or concentration yard and distributes it in any way he chooses to the crew members. Similarly, it will make no difference if the hiring, firing and supervising of the crew members is left in the hands of the crew boss.

§ 788.17 Employees employed in both exempt and nonexempt work.

The exemption for an employee employed in exempt work will be defeated in any workweek in which he performs a substantial amount of nonexempt work. For enforcement purposes nonexempt work will be considered substantial in amount if more than 20 percent of the time worked by the employee in a given workweek is devoted to such work. Where the two types of work cannot be segregated, however, so as to permit separate measurement of the time spent in each, the employee will not be exempt.

Signed at Washington, D.C., this 6th day of August 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-8050; Filed, Aug. 10, 1962; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2741]

ALASKA

Revoking in Whole or in Part Certain Withdrawals for Indian School Purposes; Withdrawing Lands at Egegik for Indian School Purposes

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in the act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under the jurisdiction of the Bureau of Indian Affairs for school purposes:

[Anchorage 055292]

Egegik

Beginning at Corner 4, U.S. Survey 485, thence:

West, 400 feet;
South, 375 feet;
East, 50 feet;
South, 175 feet;
East, 350 feet to a point on line 3–4 of U.S. Survey 485;
North, 550 feet along line 3–4 of U.S. Survey 485 to the point of beginning.

Containing approximately 4.85 acres.

2. Executive Order No. 5289 of March 4, 1930, the departmental order of January 24, 1938, and Public Land Order No. 2391 of May 18, 1961, which withdrew lands for Indian school purposes, are hereby revoked so far as they affect the following described lands, as indicated:

a. Executive Order No. 5289:

[Anchorage 055022]

Kanatak

U.S. Survey 2029

Containing 0.83 acre.

b. Order of January 24, 1938:

[Anchorage 055021]

Nondalton Area

A tract of land not exceeding 40 acres located at approximately 154°50' West Longitude and 60°00' North Latitude.

Newhalen Area

A tract of land not exceeding 40 acres located at approximately 155°02' West Longitude and 59°45' North Latitude.

c. Public Land Order No. 2391:

[Anchorage 055292]

Egegik

Beginning at Corner 4, U.S. Survey 485; thence

West, 475 feet;
South, 550 feet;
East, 475 feet to a point on line 3–4, U.S. Survey 485;
North, 550 feet along line 3–4, U.S. Survey 485 to the point of beginning.

Containing 6 acres.

3. Subject to any existing valid rights, and the requirements of applicable law, the lands described in paragraph 2a of this order are hereby opened to settlement, and to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applicable regulations may be presented to the Manager mentioned below beginning on the date of this order. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing law, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support thereof. All other applications will be subject to the applications and claims mentioned in this paragraph.

b. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraph (a) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on September 12, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The lands will be open to settlement under the homestead and Alaska homesite laws, and to location under the U.S. mining laws beginning at 10:00 a.m. on September 12, 1962.

5. The State of Alaska has waived its preference rights granted under the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 7, 1962.

[F.R. Doc. 62-8028; Filed, Aug. 10, 1962; 8:46 a.m.]

[Public Land Order 2742]

[88115]

UTAH

Vacation of Power Withdrawal; Opening Lands Under Section 24 of Federal Power Act

1. In an order issued August 21, 1961, docketed as DA-145-Utah, the Federal Power Commission (a) vacated the withdrawal created pursuant to the filing of the application for a preliminary permit for proposed Project No. 290, for the following described lands;

SALT LAKE MERIDIAN

T. 16 S., R. 7 E.,
Sec. 26, SW¼NW¼ and E½SW¼.

(b) determined that the value of the following described lands would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended;

SALT LAKE MERIDIAN

T. 16 S., R. 7 E.,
Sec. 26, SW¼NW¼ and E½SW¼.

and (c) that the value of the following described lands would not be injured or destroyed for purposes of power development by location, entry or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, supra, and subject to the condition that in the event the said lands are required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate intereference with power development at no cost to the United States, its permittees or licensees:

SALT LAKE MERIDIAN

T. 40 S., R. 22 E.,
Sec. 19, lot 4 and SE¼SW¼.
T. 23 S., R. 26 E.,
Sec. 32, S½S½;
Sec. 33, lot 4 and SW¼SW¼.
T. 24 S., R. 26 E.,
Sec. 5, lots 1 to 4, incl., and SW¼NW¼;
Sec. 6, lot 1 and SE¼NE¼.

The areas described total in the aggregate approximately 738 acres of public and nonpublic lands.

2. Until 10:00 a.m. on February 6, 1963, the State of Utah shall have (1) a perferred right of application to select the public lands described, in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act.

3. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on February 6, 1963. At that time the said lands shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals.

4. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

5. Any disposals of the lands described in subparagraphs 1(b) and 1(c) of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, and as to the lands described in subparagraph 1(c) further to the condition specified by the Federal Power Commission in its determination.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 7, 1962.

[F.R. Doc. 62-8029; Filed, Aug. 10, 1962; 8:46 a.m.]

[Public Land Order 2743]

[Idaho 012617]

IDAHO

Vacation of Power Withdrawals; Project No. 492

1. In DA-551-Idaho, the Federal Power Commission vacated the withdrawals created pursuant to the filing of the applications for a preliminary permit and for a license for a proposed Project No. 492 affecting the following-described lands:

BOISE MERIDIAN

a. Project lands:

T. 9 N., R. 17 E.,
Sec. 9, S½SE¼;
Sec. 10, S½SW¼ and SW¼SE¼;
Sec. 15, lot 2.

Containing 240.25 acres.

b. Transmission line right of way: All portions of the following-described tracts lying within 50 feet of the center line of the transmision line location shown on a map designated "Exhibit J" and entitled: "General Map of J. E. Walker Power Project, Mackay, Idaho, on Big Boulder Creek, Custer County, Idaho." and filed in the Office of the Federal Power Commission on January 29, 1925:

T. 9 N., R. 16 E. (unsurveyed),
Sec. 1, S½S½;
Sec. 2, N½S½ and SE¼SE¼;
Sec. 3, N½S½;
Sec. 4, NE¼SW¼ and N½SE¼.
T. 9 N., R. 17 E.,
Sec. 6, SW¼SW¼;
Sec. 7, NW¼NE¼, S½NE¼, NE¼NW¼, and lot 1;
Sec. 8, SW¼NW¼, N½S½, and SE¼SE¼;
Sec. 9, NW¼SW¼, S½SW¼, and SE¼;
Sec. 10, S½SW¼;
Sec. 15, lots 2 and 3.

Containing approximately 88 acres.

The total area described aggregates approximately 328 acres, most of which are national forest lands in the Challis National Forest.

2. At 10 a.m. on September 12, 1962, the national forest lands shall be open to such forms of disposition as may by law be made of national forest lands.

3. Until 10 a.m. on February 6, 1963, the State of Idaho shall have a preferred right of application to select the public lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. This order shall not otherwise be effective to change the status of the nonforest lands until 10 a.m. on February 6, 1963. At that time the lands shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals.

5. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621), those described solely in Paragraph 1b hereof, having been open subject to the general determination of the Federal Power Commission issued April 17, 1922, respecting withdrawals for transmission line purposes.

6. The State of Idaho has waived the preference right provided by section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 7, 1962.

[F.R. Doc. 62-8030; Filed, Aug. 10, 1962; 8:46 a.m.]

[Public Land Order 2744]

[Arizona 030950]

ARIZONA

Withdrawing Minerals for Protection of an Air Force Seismological Observatory

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the minerals in the following described lands in the Tonto National Forest in Arizona are hereby withdrawn from prospecting, location, entry and purchase under the U.S. mining laws, for the protection of Air Force seismological installations on the lands:

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 10 E. (Unsurveyed),
Secs. 1, 2, 11 to 14, incl., 23 to 26, incl., 35, and 36.
T. 11 N., R. 11 E. (Unsurveyed),
Secs. 3 to 10, incl., 15 to 22, incl., and 27 to 34, incl.

The areas described aggregate 23,026.52 acres, of which 21,951 are forest lands, and 1,075 are private lands.

2. This withdrawal shall attach to any Federal mineral interest in the nonpublic lands, now existing or hereafter acquired.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 7, 1962.

[F.R. Doc. 62-8031; Filed, Aug. 10, 1962; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Crab Orchard National Wildlife Refuge, Illinois; Correction

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

In the special regulations published in the FEDERAL REGISTER, Volume 26, Issue Number 239, page 11910, on December 13, 1961, paragraph (d), subparagraph (6) should read as follows:

(6) The use of boats is permitted, except no boat with motor larger than six (6) horsepower is permitted on Little Grassy Lake and on Devils Kitchen Lake.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 6, 1962.

[F.R. Doc. 62-8026; Filed, Aug. 10, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED CLINGSTONE PEACHES [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering several amendments to the United States Standards for Grades of Canned Clingstone Peaches (7 CFR 52.2561–52.2577) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). The amendments as hereinafter set forth concern proposed revisions and additions to certain styles of canned clingstone peaches with respect to recommended "fill-weight" values and "drained weight" criteria.

An increase in the recommended minimum drained weights for all container sizes is proposed for quarters, mixed pieces of irregular sizes and shapes, and diced styles. Fill-weight values, which are not included in the current standards in this subpart, are proposed for various container sizes for quarters, mixed pieces of irregular sizes and shapes, and diced style. Fill-weight and drained-weight values are also proposed for sliced style in 6-ounce containers.

Statement of consideration leading to these proposed amendments. The United States Standards for Grades of Canned Clingstone Peaches were revised in 1961 to include, among other provisions, recommendations for amount of fruit ingredient for respective container sizes. These recommendations with respect to the amount of fruit in a container are intended to conform with good commercial practice and represent proper fill. Compliance with the Department's recommendations may be ascertained by (1) measuring the amount of fruit filled into the container at time of processing; or (2) determining the weight of fruit after the product has been sealed in the container, processed, and allowed to equalize with the packing media. The first approach is commonly known as "fill-weight" procedure, whereas the alternate approach of finished product examination is termed as "drained-weight" procedure. Many canners have found it advantageous to utilize the fill-weight program because it affords control over the product during packing operations. Furthermore, since the fill-weight procedure does not require destructive sampling, a large number of measurements may be made thereby increasing the accuracy of lot estimate.

With the cooperation of fruit canners in California and the Pacific Northwest, the Department initiated a fill-weight study in 1958 on several canned fruits, including Clingstone Peaches. The purpose of this study was to collect data during the packing operations in order to establish limits for each product in accordance with good commercial practices. As a result of this study, the program was introduced to the industry on an experimental basis during the 1959 and 1960 packing season.

On the basis of these studies and checks made during actual production, the Department revised the standards for Canned Clingstone Peaches in 1961. This revision included fill-weight values for sliced and halved styles in addition to the customary drained-weight criteria for these and other styles. This revision permitted the packer an option of using either in-going fill weights or end product drained weights to determine compliance with proper fill of container.

Studies made by the Department during the 1961 canning season indicate drained weights for the styles of quarters, mixed pieces, and diced peaches should be increased and that fill-weight values for these styles should be incorporated in the standards, including the fill-weight and drained weight values for sliced style in 6-ounce cans. These proposed amendments are being published now to give processors and other interested parties an opportunity to assess the applicability of the proposals during the 1962 canning season.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than December 1, 1962.

The following amendments are proposed to Table I and Table II of this subpart:

1. In Table I, Recommended Minimum Drained Weights for Canned Clingstone Peaches, change the right portion with respect to "Quarters; and mixed pieces of irregular sizes and shapes" for the respective container sizes as follows:

	Quarters; and mixed pieces of irregular sizes and shapes					
	In extra heavy sirup		In heavy sirup		In any other liquid medium	
	Individual [1]	Average [2]	Individual [1]	Average [2]	Individual [1]	Average [2]
	Ounces	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
8 Z tall	4.4	5.1	4.6	5.3	4.7	5.4
No. 300	8.4	9.2	8.6	9.4	8.9	9.6
No. 303	9.4	10.3	9.6	10.5	9.8	10.7
No. 303 glass	9.4	10.3	9.6	10.5	9.6	10.7
No. 2	11.2	12.3	11.5	12.6	11.8	12.9
No. 2½ glass	16.0	17.4	16.4	17.8	16.8	18.2
No. 2½	16.5	17.9	16.9	18.3	17.3	18.7
No. 10	64.0	66.5	65.0	68.5	68.9	70.5

2. In Table I, Recommended Minimum Drained Weights for Canned Clingstone Peaches, change the left and right portions with respect to "Diced in any liquid medium" for the respective container sizes as follows:

	Diced in any liquid medium	
	Individual [1]	Average [2]
	Ounces	*Ounces*
6 oz. (300 x 200)	3.5	3.9
8 Z tall	5.1	5.6
No. 300	9.2	9.8
No. 303	10.2	10.9
No. 303 glass	10.2	10.9
No. 2	12.5	13.3
No. 2½	18.3	19.5
No. 2½ glass	17.5	18.6
No. 10	69.2	71.0

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

3. In Table II, Recommended Fill Weight Values for Canned Clingstone Peaches, add the following:

Container designation (metal, unless otherwise stated)	Diced—Fill weight values						
	$\bar{X}'_{min}$	$LWL\bar{x}$	$LRL\bar{x}$	LWL	LRL	$\bar{R}'$	R_{max}
	Ounces	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
6 oz. (300 x 200)	4.3	4.7	3.9	3.8	3.5	6.6	1.2
8 Z tall	6.1	5.9	5.7	5.6	5.3	0.6	1.2
No. 300	10.6	10.2	10.0	9.8	9.4	0.9	2.0
No. 303 glass	11.7	11.3	11.1	10.8	10.3	1.1	2.2
No. 303	11.7	11.3	11.1	10.8	10.3	1.1	2.2
No. 2	14.3	13.8	13.6	13.3	12.8	1.2	2.5
No. 2½ glass	20.2	19.7	19.4	19.1	18.5	1.3	2.7
No. 2½	20.7	20.2	19.9	19.6	19.0	1.3	2.7
No. 10	77.0	75.9	75.4	74.6	73.4	2.8	5.9

4. In Table II, Recommended Fill Weight Values for Canned Clingstone Peaches, add the following in addition to item 3:

	Quarters						
	$\bar{X}'_{min}$	$LWL\bar{x}$	$LRL\bar{x}$	LWL	LRL	$\bar{R}'$	R_{max}
	Ounces	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
8 Z tall	5.5	5.1	4.9	4.6	4.1	1.1	2.2
No. 300	9.9	9.4	9.1	8.7	8.1	1.4	3.0
No. 303 glass	11.0	10.4	10.1	9.7	9.0	1.5	3.2
No. 303	11.0	10.4	10.1	9.7	9.0	1.5	3.2
No. 2	13.3	12.6	12.3	11.8	11.0	1.7	3.7
No. 2½ glass	18.8	18.0	17.6	17.0	16.1	2.1	4.4
No. 2½	19.3	18.5	18.1	17.5	16.6	2.1	4.4
No. 10	74.0	72.6	71.8	70.8	69.2	3.7	7.9

5. In Table II, Recommended Fill Weight Values for Canned Clingstone Peaches, add the following in addition to items 3 and 4:

	Mixed pieces of irregular sizes and shapes (other than for "Heavy pack" or "Solid pack")—Fill weight values						
	$\bar{X}'_{min}$	$LWL\bar{x}$	$LRL\bar{x}$	LWL	LRL	$\bar{R}'$	R_{max}
	Ounces	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
No. 2½	18.3	18.5	18.1	17.5	16.6	2.1	4.4
No. 10	74.0	72.6	71.8	70.8	69.2	3.7	7.9
	Mixed pieces of irregular sizes and shapes, "Heavy pack"—Fill weight values						
No. 10	86.0	84.8	84.2	83.4	82.1	3.9	6.4

6. In Table I, Recommended Minimum Drained Weights for Canned Clingstone Peaches, add the following immediately preceding the line for 8 Z tall containers, under the caption of "Sliced," to read:

	Sliced					
	In extra heavy sirup		In heavy sirup		In any other liquid medium	
	Individual [1]	Average [2]	Individual [1]	Average [2]	Individual [1]	Average [2]
	Ounces	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
6 oz. (300 x 200)	3.1	3.6	3.2	3.7	3.3	3.8

7. In Table II, Recommended Fill Weight Values for Canned Clingstone Peaches, add the following immediately preceding the line for 8 Z tall containers, under the caption of "Sliced—Fill weight values," to read:

	Sliced—Fill weight values						
	$\bar{X}'_{min}$	$LWL\bar{x}$	$LRL\bar{x}$	LWL	LRL	$\bar{R}'$	R_{max}
	Ounces	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
6 oz. (300 x 200)	4.0	3.6	3.4	3.2	2.8	0.9	2.0

(Sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: August 7, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62–8019; Filed, Aug. 10, 1962; 8:45 a.m.]

Agricultural Research Service

[9 CFR Parts 101, 112, 117, 118, 119, 120]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products; organisms and vectors (9 CFR Parts 101, 112, 117, 118, 119, and to add a new Part 120) issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

The proposed amendments add a definition of "approved feed lots", specifies procedures for movement of serum production animals to and from licensed establishments and approved feed lots, provides a different dosage schedule for labels of anti-hog-cholera serum, sets forth procedures for sending samples of biological products to the National Animal Disease Laboratory, and adds a new Part 120 covering approval of feed lots and procedures for handling animals thereon.

The proposed amendments are designed to bring these activities into accord with developments in the Hog Cholera Eradication Program.

All persons who desire to submit written data, views, or arguments in connection with these amendments should file the same, in triplicate, with the Director of Animal Inspection and Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within sixty (60) days after date of publication hereof in the FEDERAL REGISTER.

The proposed amendments are as follows:

§ 101.1 [Amendment]

1. Add a new paragraph (ii) to § 101.1 to read as follows:

(ii) *Approved feed lot.* A feed lot approved by the Director for the raising of immune hogs for anti-hog-cholera serum production by a person who, under an agreement or contract, furnishes such hogs to a plant producing anti-hog-cholera serum.

2. Delete § 112.26 and substitute therefor the following:

§ 112.26 Collection, marking and handling of samples.

(a) Samples of each batch of anti-hog-cholera serum, hog-cholera vaccine, and hog-cholera virus shall be selected and collected only by an authorized officer, agent, or employee of the Department.

(b) Samples of any biological product may be purchased in the open market, and the marks, brands, or tags upon the package or wrapper thereof shall be noted. The collector shall note the names of the vendor and agent of the vendor who made the sale, together with

the date of purchase. The collector shall select representative samples.

(c) All samples or parts of samples shall be sealed by the collector and marked for identification and future reference.

3. Delete § 112.27 and substitute therefor the following:

§ 112.27 Selection for laboratory testing.

(a) Representative samples of each batch of a biological product and the quantity and number, as specified by the Director, shall be forwarded to the National Animal Disease Laboratory. Such samples shall be selected at random from packages finished for marketing. Except as provided in § 112.26 samples may be selected by designated laboratory employees of a Division employee.

(b) The licensee may retain at least as many duplicate samples of the product as required under the provisions of paragraph (a) of this section. Such duplicate samples should be retained by the licensee for a period of not less than 6 months after the expiration date stated on the label of the product.

§ 117.5 [Amendment]

4. Amend paragraph (c) of § 117.5 to read as follows:

(c) Removal of contact calves from contact pens shall be so accomplished that the animals furnished for the purpose shall have been used for the maximum time permitted by the preceding paragraphs of this section. A contact calf shall not be used as such more than once, but may be used for testing simultaneous virus after release as a contact animal. Contact calves shall be segregated from incoming animals for 14 days immediately before removal from the premises, and shall be released only for immedate slaughter.

§ 117.7 [Amendment]

5. Delete paragraphs (c) and (d) of § 117.7 and substitute therefor the following:

(c) All tags or other methods used for the identification of animals shall be applied in such a manner that permanent identification may be maintained. The tags shall be of a distinctive design or color so as to differentiate them from tags used for official vaccinates under the Hog-Cholera Eradication Program.

(d) All methods of identification shall be provided and applied by the licensee, and when tags or other devices for identification are not in use shall be held under Division lock.

§ 117.10 [Amendment]

6. Amend paragraphs (a), (b), (d), and (e) of § 117.10 to read as follows:

(a) Thirty or more days after receiving hog-cholera virus, hyperimmunes that are not in a healthy condition as determined by veterinary inspection, except when affected with a communicable disease, may be removed from licensed establishments for immediate slaughter in an abattoir operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. and Sup. 71 et seq.) if they are transported thereto by truck, wagon, or similar means, and not by rail: *Provided*, They are properly marked for identification and the inspector in charge of meat inspection is given due notice in advance. If such an abattoir is not accessible, the slaughter of said animals may be conducted in any convenient non-federally inspected establishment provided the licensee signifies willingness in writing to dispose of the carcasses in compliance with the Meat Inspection Act and under the provisions of the meat inspection regulations (Subchapter A of this chapter) and veterinary inspection as directed by the inspector in charge. Other animals shall not be removed from licensed establishments unless they are in a healthy condition as determined by a veterinary inspection.

(b) Swine that are in a healthy condition as determined by veterinary inspection may be removed from licensed establishments only to an approved feed lot or for immediate slaughter provided they are not transported by rail or driven over public highways which are traversed by animals from the stockyards or similar places. When swine are removed to approved feed lots, the licensee shall furnish the Division with a certificate from the consignee of the animals showing their receipt.

* * * * *

(d) Pigs which survive inoculation and exposure to hog-cholera virus for the production of hog-cholera virus, surviving control pigs in tests of anti-hog-cholera serum or hog-cholera vaccine, and other surviving pigs from tests of anti-hog-cholera serum, hog-cholera virus, or hog-cholera vaccine may be removed from licensed establishments only to approved feed lots not earlier than 14 days subsequent to the time of inoculation and exposure aforesaid, provided they are healthy, as determined by veterinary inspection.

(e) Hyperimmune hogs if healthy as determined by veterinary inspection may be removed from licensed establishments for immediate slaughter not earlier than 11 days subsequent to the time of hyperimmunization, and need not be disinfected.

7. Add a new paragraph (f) to § 117.10 to read as follows:

(f) All animals on the premises shall be disposed of in accordance with the provisions of these regulations and where specific provision is not made therefor shall be disposed of as required by the Director.

8. Amend § 117.11 to read as follows:

§ 117.11 Swine; treatment prior to removal.

All swine which require treatment or vaccination against hog cholera shall be treated with either serum alone or by the simultaneous-inoculation method as follows:

(a) When serum alone is used it shall have been prepared and released for marketing at an establishment holding a license from the Secretary.

(b) When the simultaneous-inoculation method is used both the serum and virus used shall have been prepared and released for marketing at an establishment holding a license from the Secretary. After receiving virus they shall be held on the premises under the supervision of an inspector for a period of not less than 14 days.

9. Amend § 117.12 to read as follows:

§ 117.12 Disinfection of animals and trucks.

All animals and trucks which require disinfection shall be treated as follows:

(a) The feet, legs, and soiled portions of the body of calves to be removed from the licensed establishments shall be cleaned and disinfected with a 2 percent aqueous solution of cresol compound, U.S.P., or a substitute therefor approved by the Director, and the animals shall then be held in noninfectious pens on the premises of the establishment until they are dry before being loaded for transportation.

(b) Hogs shall be disinfected in a 2 percent aqueous solution of cresol compound, U.S.P., or a substitute therefor approved by the Director, and shall be held in noninfectious pens on the premises before being loaded for transportation, and after disinfection they shall not be exposed to infectious pens, chutes, and the like. Hogs transported in trucks, wagons, or by similar means may be removed as soon after disinfection as they are observed by the inspector to be dry.

(c) (1) All trucks carrying live animals to a licensed establishment or an approved feed lot shall be cleaned and disinfected with a permitted cresylic disinfectant in the proportion of 4 fluid ounces to 1 gallon of water before further use as provided in §§ 76.31(e) and 76.33 (c) of this chapter.

(2) When more than one consecutive trip is required, such disinfection shall be made when the last load of hogs has been delivered and before the truck leaves the licensed premises or approved feed lot.

(3) When leaving the premises of a licensed establishment or an approved feed lot, the tires of trucks shall be sprayed with a permitted disinfectant.

§ 118.3 [Amendment]

10. Amend paragraph (a) of § 118.3 to read as follows:

(a) Pigs for the production of inoculating virus at a licensed establishment shall weigh not less than 40 pounds nor more than 125 pounds each and shall be inoculated only with highly virulent hog-cholera virus. Except as provided in paragraph (b) of this section, no hog-cholera virus shall be used for inoculating pigs for the production of inoculating virus, hyperimmunizing virus, or simultaneous virus, or for inoculating pigs in serum or vaccine tests, unless it has been produced, processed, tested and held in the frozen state by a licensee in accordance with an outline acceptable to the Director.

11. Add a new paragraph (d) to § 118.3 to read as follows:

(d) Hog-cholera virus shall be held under Division lock at a licensed establishment and shall not be released except for use on the premises of a licensed establishment or an approved feed lot, or for export, or for experimental purposes. The Director shall issue the permit for the release of such virus for experimental purposes. The inspector in charge shall issue the permit for the release of such virus for use on the premises of a licensed establishment or an approved feed lot, or for export.

12. Delete § 118.35 and substitute therefore the following:

§ 118.35 Disinfection of carcasses.

Virus pig carcasses before removal shall be slashed in such a manner that muscles of all primal cuts are exposed. Crude carbolic acid or kerosene shall be applied by a brush into the cut muscles so exposed.

13. Amend § 119.3 to read as follows:

§ 119.3 Required period of immunity.

Anti-hog-cholera serum shall be derived at licensed establishments only from hyperimmune hogs which have been immune to hog cholera for at least 60 days prior to hyperimmunization.

14. Amend § 119.63 to read as follows:

§ 119.63 Minimum dosage.

Anti-hog-cholera serum may be marketed if, upon testing, as provided in Parts 101 to 122 of this subchapter, it is found "satisfactory for potency" and "satisfactory for purity", provided the label on the true container thereof contains recommendation of minimum dosage for use as specified in this section:

(a) For use in preventive vaccination, the minimum dose shall be 15 cc or more when used with hog-cholera vaccine.

(b) Export labels only may contain recommendations for use with simultaneous virus in doses not less than those appearing in the following table:

Weight	*Minimum dose (cc)*
Suckling pigs	20
Pigs 20 to 40 pounds	30
Pigs 40 to 90 pounds	35
Pigs 90 to 120 pounds	45
Hogs 120 to 150 pounds	55
Hogs 150 to 180 pounds	65
Hogs 180 pounds and over	75

15. Add a new Part 120 to read as follows:

PART 120—APPROVED FEED LOTS

Sec.

120.1 Approval required.
120.2 Application for approval.
120.3 Feed lots approval.
120.4 Listing of approved feed lots.
120.5 Deletion from list of approved feed lots.
120.6 Admitting pigs to premises.
120.7 Method of identification.
120.8 Vaccination in approved feed lots.
120.9 Records of vaccination and disposition.
120.10 Removal of animals.
120.11 Dead animals, removal.

§ 120.1 Approval required.

In order to be designated as an approved feed lot, a feed lot shall meet the requirements set forth in this part and be approved by the Director, Animal Inspection and Quarantine Division. Prior to final determination, the Director shall obtain the recommendations of the responsible State official in which such feed lot is located. Any person desiring to have his feed lot designated as an approved feed lot shall make written application for such designation to the Director in accordance with the provisions of § 120.2.

§ 120.2 Application for approval.

The application for approval of a feed lot shall contain the following information: The name of the owner of the feed lot, the name of the person responsible for its operations, the location of the premises, the types of operations on the premises and adjoining premises, the approximate number of animals to be maintained on the premises, whether animals are fed grain, or cooked garbage, the percentage of animals sold to anti-hog-cholera serum producers with names of such producers, the disposition of of hogs not sold to such producers, and a justification or reasons why such feed lot operations will not endanger other swine or impair the Hog-Cholera Eradication Program.

§ 120.3 Feed lots approval.

Before a feed lot is approved by the Director, an inspection shall be made to determine whether such lot meets the requirements of this part. A feed lot shall not be approved unless, in the opinion of the Director, its location and method of operation will not endanger other swine or impair the Hog-Cholera Eradication Program. The volume of swine handled for anti-hog-cholera serum producers must be sufficient to warrant approval.

§ 120.4 Listing of approved feed lots.

The Director shall compile a list of approved feed lots, copies of which will be available to all licensed establishments, operators of approved feed lots, and interested State officials in which such approved feed lots are located.

§ 120.5 Deletion from list of approved feed lots.

(a) An approved feed lot will be deleted from the list of approved feed lots upon a request from the operator thereof.

(b) The Director shall delete an approved feed lot from such list when he finds that the handling of swine in the lot is no longer adequate to effectuate the purposes of these regulations, or the lot's location or method of operation endangers other swine or impairs the Hog-Cholera Eradication Program or is not operated in accordance with the provisions of this part. In the event of the deletion of a feed lot, all animals remaining in the lot shall be disposed of in accordance with §§ 120.9 and 120.10, and incoming animals shall not be vaccinated as provided in § 120.8.

§ 120.6 Admitting pigs to premises.

Pigs for feeding purposes may be purchased vaccinated or unvaccinated from any source. Upon receipt, such pigs shall be vaccinated or revaccinated and permanently identified. If pigs are received from a licensed establishment they need not be revaccinated.

§ 120.7 Method of identification.

All tags or other method used for identification of animals shall be applied in such a manner that permanent identification may be maintained. The tags, or other method of identification, shall be of a distinctive design or color so as to differentiate them from identification used for official vaccinates under the Hog-Cholera Eradication Program.

§ 120.8 Vaccination in approved feed lots.

All vaccination in approved feed lots, when virulent hog-cholera virus is used, shall be performed by a competent and responsible agent or employee of a licensee. Virulent virus to be used in such vaccination will be released to the licensee by permit issued by an inspector in charge on written application therefor. All such virus shall be accounted for by the licensee or its authorized agent or employee.

§ 120.9 Records of vaccination and disposition.

(a) Records of vaccination and disposition of all animals shall be maintained by each licensee and each operator of an approved feed lot on forms approved by the Department and made available to such operators. A copy of such records shall be furnished to the inspector.

(b) An inventory of animals showing the daily admission to and removal from the premises of all animals shall be maintained by the operator of an approved feed lot.

§ 120.10 Removal of animals.

(a) Swine shall not be removed from an approved feed lot without a permit issued by the inspector in charge in response to a written application therefor. Removal of animals will be permitted by the inspector in charge under the following conditions provided such removal is accomplished in a manner as to preclude the dissemination of disease:

(1) Swine are in a healthy condition as determined by veterinary inspection.

(2) Swine are transported directly to an abattoir for immediate slaughter or to an establishment producing anti-hog-cholera serum. Such transportation shall be by truck, wagon, or similar means and not by rail.

(3) Swine are removed not earlier than 60 days after vaccination with virulent hog-cholera virus.

(b) A certificate of receipt from the consignee of such animals shall be furnished to the inspector in charge by the operator of the feed lot.

§ 120.11 Dead animals, removal.

Dead animals shall be removed from an approved feed lot only to a rendering plant. Trucks used for this purpose shall have water tight bodies and be covered by tarpaulin to prevent flies from reaching the carcasses. Identification tags shall be removed from all dead animals before removal and turned over to an inspector.

16. Make such other changes as may be necessary to conform other provisions

of the regulations with any amendment that may result from the foregoing proposed amendments.

Done at Washington, D.C., this 8th day of August 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-8059; Filed, Aug. 10, 1962; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 141a]

ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Sterility Testing; Proposed Changes in Procedures and Certification Requirements

Correction

In F.R. Doc. 62-7112, appearing at page 6880 of the issue for Friday, July 20, 1962, the following changes are made:

1. In the amendatory language of item "21.", the section reference should read "§ 141a.54(b)" instead of "§ 141a.52 (b)".

2. In the fourth line of the codified material appearing under item "22.", the fifth word should read "medium" instead of "meidum".

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1338]

LOCKHEED MODEL 1649A AIRCRAFT

Proposed Airworthiness Directive

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the wing lower milled skin for cracks at wing Station 590 on Lockheed Model 1649A aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 10, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423.)

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all Model 1649A aircraft.

Compliance required as indicated.

As a result of chordwise cracks on the wing lower milled skin at wing Station 590, the following shall be accomplished:

(a) Within the next 400 hours' time in service after the effective date of this AD, unless already accomplished within the past 600 hours' time in service, and at periods thereafter not exceeding 1,000 hours' time in service following that initial inspection, inspect from wing Station 580 through wing Station 600, the external lower surface of the aft skin panels, P/N 472066, for any evidence of cracks emanating from the aft edge of the panel through the rear beam attachment holes. Inspection shall be by close visual or dye penetrant means.

(b) Any cracks shall be repaired prior to further flight in accordance with Lockheed 1649 Service Bulletin No. 73, Section 1, "Modification Data", and Lockheed Drawing SED 61-9004, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

(c) The periodic inspections may be discontinued following repair per (b) or when an uncracked skin panel has been reinforced in accordance with Lockheed 1649 Service Bulletin No. 73.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Field Service Letter FS/240893L, dated April 14, 1960, and Lockheed 1649 Service Bulletin No. 73 cover this same subject.)

Issued in Washington, D.C., on August 6, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-8023; Filed, Aug. 10, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 6, 1962.

The Federal Aviation Agency has filed an application, Serial Number A. 057654 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, mining and mineral leasing laws, except for disposal of materials under the Materials Act. The applicant desires the land for adequate protection and support for existing and future Air Navigation facilities.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 555 Cordova Street, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WOODY ISLAND—KODIAK AREA

Beginning at Corner No. 1 of U.S. Survey No. 484, thence:

S. 34°57' E., 2.77 chains to Corner No. 2, U.S. Survey No. 484,
S. 54°54' W., 2.17 chains to Corner No. 3, U.S. Survey No. 484,
S. 41°41' E., 5.34 chains to Corner No. 4, U.S. Survey No. 484,
N. 88°10' E., 2.79 chains to Corner No. 5, U.S. Survey No. 484,
S. 55°25' W., 4.77 chains to Corner No. 1, U.S. Survey No. 603, Tract B.
S. 76°45' W., 2.21 chains to Corner No. 4, U.S. Survey No. 603, Tract "B", thence meandering around the shore line of St. Paul Harbor as follows:
S. 76°45' W., 4.14 chains,
N. 46°40' W., 2.60 chains,
N. 1°16' W., 4.00 chains,
N. 26°43' E., 3.80 chains,
N. 60°24' E., 4.86 chains to point of beginning Corner No. 1, U.S. Survey No. 484, containing 7.33 acres, more or less.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-8053; Filed, Aug. 10, 1962; 8:50 a.m.]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 6, 1962.

Notice of an application ,Serial Number A. 048872, for withdrawal and reservation of lands was published as Federal Register Document No. 143 on page 5921-5922 of the issue for July 23, 1959. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on September 6, 1962 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

WOODY ISLAND

Beginning at Corner No. 1 of U.S.S. 484, thence:

S. 34°57' E., 2.77 chains to Corner No. 2, U.S. Survey No. 484,
S. 54°54' W., 2.17 chains to Corner No. 3, U.S. Survey No. 484,
S. 41°41' E., 5.34 chains to Corner No. 4, U.S. Survey No. 484,
N. 88°10' E., 2.79 chains to Corner No. 5, U.S. Survey No. 484,
S. 55°25' W., 4.77 chains to Corner No. 1, U.S. Survey No. 603 Tract B.
S. 76°45' W., 2.21 chains to Corner No. 4, U.S. Survey No. 603,
S. 76°45' W., 4.14 chains,
N. 46°40' W., 2.60 chains,
N. 1°16' W., 4.00 chains,
N. 26°43' E., 3.80 chains,
N. 60°24' E., 4.86 chains to point of beginning.

Containing 7.33 acres.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-8054; Filed, Aug. 10, 1962; 8:51 a.m.]

ALASKA

Small Tract Classification No. 116; Cancellation

AUGUST 3, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215) as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961, and effective immediately, Federal Register Document 61-3815 is hereby cancelled in its entirety as it concerns the following described lands:

KENAI AREA

T. 5 N., R. 11 W., S.M.,
Section 6: Lots 41-60 inc., 62-126 inc., 133-151 inc., 159-166 inc.
T. 5 N., R. 12 W., S.M.,
Section 1: Lots 2-6 inc.

Containing approximately 172.57 acres.

2. Since all of the lands have been patented to the State of Alaska under patent No. 1225003 dated January 22, 1962, this action will not open any lands to application.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-8052; Filed, Aug. 10, 1962; 8:50 a.m.]

WYOMING

Notice of Filing of Wyoming Protraction Diagrams (Unsurveyed Land)

AUGUST 6, 1962.

Notice is hereby given that effective September 10, 1962, the following protraction diagram is officially filed of record in the Wyoming Land Office, 2002 Capitol Avenue, Cheyenne, Wyoming. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10:00 a.m. of the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only. Copies will be for sale at one dollar ($1.00) per sheet by the Division of Engineering, State Office, Bureau of Land Management, 2002 Capitol Avenue, P.O. Box 929, Cheyenne, Wyoming.

SIXTH PRINCIPAL MERIDIAN

Approved January 31, 1962

Diagram No.	*Townships*
2	T. 53, N., R. 104 W.
	T. 54 N.
	T. 56 N.
	T. 53 N., R. 105 W.
	T. 54 N.
	T. 55 N.
	T. 56 N.
	T. 53 N., R. 106 W.
	T. 54 N.
	T. 55 N.
	T. 56 N.
	T. 53 N., R. 107 W.
	T. 54 N.
	T. 55 N.
	T. 56 N.
	T. 53 N., R. 108 W.
	T. 54 N.
	T. 55 N.
	T. 56 N.
	T. 53 N., R. 109 W.
	T. 54 N.
	T. 56 N.
	T. 53 N., R. 110 W.
18	T. 31 N., R. 103 W.
	T. 32 N.
	T. 32 N., R. 104 W.
	T. 32 N., R. 105 W.
	T. 32 N., R. 106 W.

Approved May 31, 1962

9	T. 44 N., R. 105 W.
	T. 44 N., R. 106 W.
	T. 43 N., R. 107 W.
	T. 44 N.
	T. 44 N., R. 108 W.
	T. 43 N., R. 109 W.
	T. 44 N.
5	T. 45 N., R. 110 W.
	T. 46 N.
	T. 47 N.
	T. 48 N.
	T. 45 N., R. 111 W.
	T. 46 N.
	T. 47 N.
	T. 48 N.
	T. 46 N., R. 112 W.
	T. 47 N.
	T. 48 N.
	T. 46 N., R. 113 W.
	T. 47 N.
	T. 48 N.
6	T. 46 N., R. 114 W.
	T. 47 N.
	T. 48 N.
	T. 46 N., R. 115 W.
	T. 47 N.
	T. 48 N.
	T. 45 N., R. 116 W.
	T. 46 N.
	T. 47 N.
	T. 45 N., R. 117 W.
	T. 46 N.

THOMAS H. FLOYD, Jr.,
Land Office Manager.

Approved: August 6, 1962.

ED PIERSON,
Wyoming State Director.

[F.R. Doc. 62-8049; Filed, Aug. 10, 1962; 8:49 a.m.]

WYOMING

Redelegation of Authority in Connection With Lands and Resources

Pursuant to authority contained in § 1.1(a) of Bureau Order 684 (26 F.R. 8216, August 31, 1961), I hereby authorize the following employees to perform the functions listed below which are delegated to the State Director.

The District Managers in the State of Wyoming may perform the functions listed in § 1.5(a), "Classification of Land," and are hereby authorized to classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934 as amended (43 U.S.C. 315f) or pursuant to other laws.

Notwithstanding this delegation, the Chief, Division of Lands and Minerals Management is hereby authorized to perform the functions listed above. The above delegation shall become effective September 3, 1962.

ED PIERSON,
State Director.

Approved: August 6, 1962.

H. R. HOCHMUTH,
Acting Director,
Bureau of Land Management.

[F.R. Doc. 62-8027; Filed, Aug. 10, 1962; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55682]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

Restrictions on Entry or Withdrawal From Warehouse

AUGUST 8, 1962.

To Collectors of Customs and others concerned:

There is published below a letter of July 30, 1962, from the Interagency Textile Administrative Committee, recommending and requesting the taking of specified action relating to certain cotton textiles and cotton textile products produced or manufactured in Poland.

Accordingly, it is hereby ordered that cotton textiles and cotton textile products produced or manufactured in Poland included in Categories 26, 28, 34, and in Schedule A No. 3084 400 only within Category 64, shall not be permitted to be entered for consumption, or withdrawn from warehouse for consumption, at any port of entry in the United States (including the Commonwealth of Puerto Rico) between August 6, 1962, and September 30, 1962, inclusive, except that release of the quantities mentioned in the letter published below will be authorized.

With respect to such quantities of cotton textiles and cotton textile products as are mentioned in the published letter entries for consumption or warehouse withdrawals for consumption of the specified quantities will not be accepted before noon, e.s.t., or its equivalent in other time zones, on August 8, 1962, and such merchandise will thereafter be released when specific authorization from the Bureau of Customs is granted.

The categories involved are described in detail in the "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories," attached to the aforesaid letter. This order is not applicable to samples which would otherwise be eligible for duty-free importation pursuant to title 19, United States Code, section 1201, paragraph 1821(b). The procedures of §§ 12.70–12.73 of the Customs Regulations, governing importations of restricted textiles, are applicable to importations of merchandise affected by this order.

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON 25, D.C.

THE INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

JULY 30, 1962.

The Honorable C. DOUGLAS DILLON,
The Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: In accordance with the letter of June 21, 1962, to you from the President of the United States delegating authority under certain parts of section 204 of the Agricultural Act of 1956 as amended by P.L. 87-488 and in accordance with the authority granted to the Interagency Textile Administrative Committee in that letter, the Interagency Textile Administrative Committee recommends and requests, in accordance with Articles IA and ID of the Arrangements Regarding International Trade in Cotton Textiles done at Geneva July 21, 1961, that you take the actions listed below to prevent disruption or threatened disruption of the markets in listed textile products in the United States and to prevent circumvention or frustration of the said Arrangements by non-participants. These Arrangements were concluded under authority of section 204 of the Agricultural Act of 1956 on a multilateral basis by countries accounting for a significant part of the world trade in cotton textiles and cotton textile products.

Actions Recommended and Requested

Cotton textiles and cotton textile products, included in Categories 26, 28, 34, and in Schedule A No. 3084400 only within Category 64, produced or manufactured in Poland and exported therefrom shall be refused entry into the United States for consumption when offered during the period August 6, 1962 through September 30, 1962, for entry in excess of the following amounts:

Category 26	60,000 square yards.
Category 28	5,000 units.
Category 34	5,000 units.
Category 64 (Schedule A No. 3084400)	5,000 units.

The products included in the above listed categories are described in detail in the attached "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories". The foregoing restraint should not be made applicable to samples otherwise eligible for duty-free importation pursuant to paragraph 1821 of Section 1201 of Title 19 of the United States Code. Furthermore, in carrying out the above-described recommendations, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

This recommendation was arrived at on the 23rd day of July, 1962, by unanimous vote of the Interagency Textile Administrative Committee.

Sincerely yours,

HICKMAN PRICE, JR.,
Chairman.

Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories

Category	Schedule A number	U.S.I.D.A. number
26. Fabrics, n.e.s. carded yarn.	3048 900	0904 192*
	3058 900	492*
	3068 900	792*
	3075 010	292*
	3078 010	592*
	3080 210	892*
	3081 350	392*
	3081 410	692*
	3968 010	992*
		0905 192*
		492*
		792*
		292*
		592*
		892*
		392*
		692*
		992*
		0906 1000
		0908 4520
		0909 4520
		5020
		0520
		2020
		2520
		3020
		1122 1000

Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories—Continued

Category	Schedule A number	U.S.I.D.A. number
28. Pillow cases, plain carded yarn.	3086 010	0911 6000
34. Sheets, carded yarn.	3086 030	0911 7000
64. All other cotton textile items (Blankets and blanket cloth, napped or unnapped, not jacquard figured).	3084 400	0907 2000

*The last digit represents average yarn number groups (e.g., *0* represents average yarn numbers 10 or lower; *3* represents average yarn numbers 21 through 25; *9* represents average yarn numbers over 60, etc.).

[F.R. Doc. 62-8066; Filed, Aug. 10, 1962; 8:53 a.m.]

[T.D. 55683]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Restrictions on Entry or Withdrawal From Warehouse

AUGUST 8, 1962.

There is published below a letter of July 31, 1962, from the Interagency Textile Administrative Committee, recommending and requesting the taking of specified action relating to certain cotton textiles and cotton textile products produced or manufactured in Mexico which were exported from Mexico on or after certain dates.

Accordingly, it is hereby ordered that cotton textiles and cotton textile products produced or manufactured in Mexico included in Category 1 and exported from Mexico on or after August 10, 1962, shall not be permitted to be entered for consumption, or withdrawn from warehouse for consumption, at any port of entry in the United States (including the Commonwealth of Puerto Rico). The category involved is described in detail in the attached "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories," attached to the aforesaid letter. This order is not applicable to samples which would otherwise be eligible for duty-free importation pursuant to title 19, United States Code, section 1201, paragraph 1821(b). The procedures set forth in §§ 12.70–12.73 of the Customs Regulations, governing importations of restricted textiles, are applicable to importations of merchandise affected by this decision.

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON 25, D.C.

THE INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

JULY 31, 1962.

The Honorable C. DOUGLAS DILLON,
The Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: In accordance with the letter of June 21, 1962, to you from the President of the United States delegating authority under certain parts of section 204 of the Agricultural Act of 1956 as amended by Public Law 87-488 and in accordance with the authority granted to the Interagency Textile Administrative Committee in that letter, the Interagency Textile Administrative Committee recommends and requests, in accordance with Articles IA and ID of the Arrangements Regarding International Trade in Cotton Textiles done at Geneva July 21, 1961, that you take the actions listed below to prevent disruption or threatened disruption of the markets in listed textile products in the United States and to prevent circumvention or frustration of the said Arrangements by non-participants. These Arrangements were concluded under authority of section 204 of the Agricultural Act of 1956 on a multilateral basis by countries accounting for a significant part of the world trade in cotton textiles and cotton textile products.

Actions Recommended and Requested

Cotton textiles and cotton textile products, included in Category 1, produced or manufactured in Mexico and exported therefrom on or after August 10, 1962, shall be refused entry into the United States for consumption.

The products included in Category 1 are described in detail in the attached "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories." The foregoing restraint should not be made applicable to samples otherwise eligible for duty-free importation pursuant to paragraph 1821 of Section 1201 of Title 19 of the United States Code. Furthermore, in carrying out the above-described recommendations, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

This recommendation was arrived at on the 27th day of July, 1962, by unanimous vote of the Interagency Textile Administrative Committee.

Sincerely yours,

HICKMAN PRICE, JR.,
Chairman.

Enclosure:

Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories

Category	Schedule A number	U.S.I.D.A. number
1. Cotton yarn, carded, singles, not ornamented, etc.:	3011 000 3021 100	0901 11** 0901 21**

** The last two digits represent yarn number groups (e.g., 05 represents yarn numbers 1 through 5; 30 represents yarn numbers 26 through 30; 90 represents yarn numbers from 81 through 90, etc.).

[F.R. Doc. 62-8069; Filed, Aug. 10, 1962; 8:53 a.m.]

Coast Guard

[CGFR 62-21]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document, during the period from May 31 to June 14, 1962. These actions were taken in accordance with procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–15, dated January 3, 1955 (20 F.R. 840), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), or 167–38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333 (e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such

equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

BUOYANT APPARATUS

Approval No. 160.010/17/1, 5.0' x 2.5' (7½" x 9" body section) elliptical, solid balsa wood buoyant apparatus, 5-person capacity, dwg. No. 31052 and specifications, dated March 10, 1952, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective June 14, 1962. (It is an extension of Approval No. 160.-010/17/1 date June 14, 1957, published in FEDERAL REGISTER August 3, 1957.)

DAVITS

Approval No. 160.032/127/0, mechanical davit, straight boom sheath screw, size A–5–6, approved for maximum working load of 5,000 lbs. per set (2,500 lbs. per arm) using 2-part falls, identified by general arrangement dwg. No. G–458, revised March 27, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, New York, effective June 14, 1962. (It is an extension of Approval No. 160.032/127/0 dated June 14, 1957, published in FEDERAL REGISTER August 3, 1957.)

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/9/0, Model F–91X, watertight and explosion-proof flashlight, Types I and II, size No. 3 (3-cell), identified by assembly dwg. No. C–1108 dated April 11, 1952, manufactured by Stewart R. Browne Mfg. Co., Inc., 258 Broadway, New York 7, New York, effective June 14, 1962. (It is an extension of Approval No. 161.008/9/0 dated June 14, 1957, published in FEDERAL REGISTER August 3, 1957.)

Approval No. 161.008/10/0, Model F–81X, watertight and explosion-proof flashlight, Types I and II, size No. 2 (2-cell), identified by assembly dwg. No. C–1108 dated April 11, 1952, manufactured by Stewart R. Browne Mfg. Co., Inc., 258 Broadway, New York 7, New York, effective June 14, 1962. (It is an extension of Approval No. 161.008/10/0 dated June 14, 1957 and published in FEDERAL REGISTER August 3, 1957.)

DECK COVERINGS

Approval No. 164.006/28/0, "LORALITE", Magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10210–1826:FPS3121 dated April 1, 1952, approved for use without other insulating material to meet Class A–60 requirements in a 1½-inch thickness, manfactured by Lorentzen Co., 1155 Fifth Street, Oakland, California, effective June 14, 1962. (It is an extension of Approval No. 164.006/28/0 dated June 14, 1957, published in FEDERAL REGISTER August 3, 1957.)

STRUCTURAL INSULATIONS

Approval No. 164.007/6/1, "BX Spintex," mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated May 17, 1939, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in a 3-inch thickness at 8 pounds per cubic foot density, and a 4-inch thickness at 6 pounds per cubic foot density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, New York, effective June 14, 1962. (It is an extension of Approval No. 164.007/6/1 dated June 14, 1957, published in FEDERAL REGISTER August 3, 1957.)

Approval No. 164.077/7/1, "#450 Cement," mineral wool cement type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619B; FR–1466B dated July 7, 1939, approved for use without other insulating material to meet Class A–60 requirements in a 3½-inch thickness and 30 pounds per cubic foot density, formerly J–M #450 Cement, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, New York, effective June 14, 1962. (It is an extension of Approval No. 164.-007/7/1 dated June 14, 1957, published in FEDERAL REGISTER August 3, 1957.)

Approval No. 164.007/9/1, "Banroc 202AA," mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated May 17, 1939, blankets with asbestos paper facings approved for use without other insulating materials to meet Class A–60 requirements in a 3-inch thickness and 16 pounds per cubic foot density, formerly J–M 202AA, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, New York, effective June 14, 1962. (It is an extension of Approval No. 164.007/9/1 dated June 14, 1957, published in FEDERAL REGISTER August 3, 1957.)

BULKHEAD PANELS

Approval No. 164.008/50/0, "Marinite 32" asbestos cement board type bulkhead panel, identical to that described in National Bureau of Standards Test Report No. 7509, Project No. 1002–30–10627, dated May 18, 1962, approved as meeting Class B–15 requirements in a ⅞-inch thickness, manufactured by Marinite Ltd., 25 and 27 North Row, London W. 1., England (Plant: Germiston, Glasgow), effective May 31, 1962.

Approval No. 164.008/51/0, "Marinite 36" asbestos cement board type bulkhead panel, identical to that described in National Bureau of Standards Test Report No. 7509, Project No. 1002–30–10627, dated May 18, 1962, approved as meeting Class B–15 requirements in a ⅞-inch thickness, manufactured by Marinite Ltd., 25 and 27 North Row, London W. 1., England (Plant: Germiston, Glasgow), effective May 31, 1962.

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Termination of Approval No. 162.020/105/0, Model No. R080 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. P–1–38A2.001, manufactured by Wedgewood Division, Rheem Manufacturing Co., 1355 Market Street, San Francisco, California, effective June 3, 1962. (Termination of Approval No. 162.020/105/0 dated June 3, 1958 because manufacturer is no longer in business.)

Termination of Approval No. 162.020/106/0, Model No. R180 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. P–1–36C2.001, manufactured by Wedgewood Division, Rheem Manufacturing Co., 1355 Market Street, San Francisco, California, effective June 3, 1962. (Termination of Approval No. 162.020/106/0 dated June 3, 1958 because manufacturer is no longer in business.)

Termination of Approval No. 162.020/107/0, Model R280 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. P–1–36C2.001, manufactured by Wedgewood Division, Rheem Manufacturing Co., 1355 Market Street, San Francisco, California, effective June 3, 1962. (Termination of Approval No. 162.020/107/0 dated June 3, 1958 because manufacturer is no longer in business.)

Termination of Approval No. 162.020/108/0, Model No. R281 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. P–1–36C2.001, manufactured by Wedgewood Division, Rheem Manufacturing Co., 1355 Market Street, San Francisco, California, effective June 3, 1962. (Termination of Approval No. 162.020/108/0 dated June 3, 1958 because manufacturer is no longer in business.)

Termination of Approval No. 162.020/109/0, Model No. M302 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. P–1–36A2.001, manufactured by Wedgewood Division, Rheem Manufacturing Co., 1355 Market Street, San Francisco, California, effective June 3, 1962. (Termination of Approval No. 162.020/109/0 dated June 3, 1958, because manufacturer is no longer in business.)

Dated: August 7, 1962.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 62–8067; Filed, Aug. 10, 1962; 8:53 a.m.]

Comptroller of the Currency

EQUITABLE TRUST COMPANY AND STATE BANK OF LAUREL

Notice of Report on Competitive Factors Involved in Merger Application

On July 2, 1962, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828(c), requested that the Comptroller of the Currency report on the competitive factors involved in the proposed merger of The Equitable Trust Company, Baltimore, Maryland, with the State Bank of Laurel, Maryland.

On August 7, 1962, the Comptroller of the Currency reported that the proposed merger would provide complete and diversified banking services to Laurel without adversely affecting competition.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 7, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62–8037; Filed, Aug. 10, 1962; 8:47 a.m.]

Fiscal Service

BUREAU OF ACCOUNTS

Order of Succession of Officials Authorized to Act as Commissioner of Accounts

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), it is hereby ordered that the following officials of the Bureau of Accounts, in the order of succession enumerated herein, shall have the authority to act as Commissioner of Accounts and to perform all the functions of that office, during the absence or disability of the Commissioner of Accounts or when there is a vacancy in such office:

1. Assistant Commissioner of Accounts.
2. Chief Disbursing Officer.
3. Chief Auditor.
4. Deputy Commissioner for Systems.
5. Assistant Chief Disbursing Officer (Senior).
6. Assistant Chief Disbursing Officer.
7. Deputy Commissioner for Deposits and Investments.
8. Assistant Commissioner for Administration.
9. Deputy Commissioner for Central Accounts.
10. Regional Disbursing Officer, Philadelphia, Pa.
11. Regional Disbursing Officer, Chicago, Ill.
12. Regional Disbursing Officer, Kansas City, Mo.

This Order of Succession supersedes the previous Order of this Bureau, dated January 27, 1961 (26 F.R. 1069).

Dated: August 8, 1962.

[SEAL] H. R. GEARHART,
Commissioner of Accounts.

[F.R. Doc. 62–8070; Filed, Aug. 10, 1962; 8:53 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on July 1, 1962, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after July 1, as using humane methods on July 1 or a later date in July, will be listed in a supplemental list. Previously published lists represented establishments reported in June or July 1962 as humanely slaughtering and handling the designated species of livestock on June 1 or some later date in June 1962 (27 F.R. 6637 and 6945 and 7804). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only human methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD	(*)	(*)				
Do.	2AG	(*)					
Do.	2AT	(*)		(*)		(*)	
Do.	2AU	(*)		(*)			
Do.	2C	(*)		(*)		(*)	
Do.	2E	(*)		(*)		(*)	
Do.	2F	(*)	(*)	(*)	(*)		
Do.	2H	(*)	(*)	(*)		(*)	
Do.	2HT	(*)	(*)				
Do.	2LT	(*)					
Do.	2SD	(*)	(*)	(*)	(*)	(*)	
Do.	2WN	(*)	(*)				
Swift and Co.	3AC	(*)				(*)	
Do.	3AE	(*)	(*)			(*)	
Do.	3AN	(*)	(*)			(*)	
Do.	3AW	(*)				(*)	
Do.	3B	(*)	(*)	(*)		(*)	
Do.	3C	(*)	(*)	(*)		(*)	
Do.	3CC	(*)		(*)			
Do.	3D	(*)	(*)	(*)		(*)	
Do.	3E	(*)	(*)	(*)		(*)	
Do.	3F	(*)	(*)	(*)	(*)	(*)	
Do.	3FF	(*)	(*)	(*)		(*)	
Do.	3H	(*)	(*)	(*)		(*)	
Do.	3K	(*)	(*)				
Do.	3L	(*)					
Do.	3NN	(*)	(*)	(*)		(*)	
Do.	3R	(*)	(*)			(*)	
Do.	3T	(*)	(*)				
Do.	3UU	(*)	(*)	(*)		(*)	
Do.	3W	(*)	(*)			(*)	
Do.	3Z	(*)	(*)				
Lykes Bros., Inc.	8	(*)				(*)	
Do.	8B	(*)					
Pauly Packing Co., Inc.	10	(*)	(*)				
Hygrade Food Products Corp.	12A	(*)				(*)	
Do.	12C	(*)	(*)	(*)		(*)	
Do.	12D	(*)					
Do.	12G	(*)	(*)			(*)	
Do.	12P	(*)					
Mickelberrys Food Products Co.	16						
John Morrell and Co.	17	(*)				(*)	
Do.	17A	(*)				(*)	
Do.	17D	(*)		(*)		(*)	
The Cudahy Packing Co.	19	(*)				(*)	
The Cudahy Packing Co. of Nebraska	19E	(*)	(*)			(*)	
Wilson and Co., Inc.	20N	(*)	(*)			(*)	
Do.	20Q	(*)				(*)	
Do.	20Y	(*)	(*)	(*)		(*)	
Swift and Co.	23	(*)		(*)			
Brander Meat Co.	25	(*)	(*)	(*)		(*)	
The Sperry and Barnes Co.	27C					(*)	
Patrick Cudahy, Inc.	28	(*)				(*)	
Kreinberg and Krasny, Inc.	30	(*)					
Valleydale Packers, Inc.	34	(*)	(*)	(*)		(*)	
Kenton Packing Co.	36	(*)				(*)	
Pocomoke Provision Co.	39	(*)	(*)	(*)			
Armour and Co.	40	(*)				(*)	
Sunnyland Packing Co.	43	(*)				(*)	
Idaho Meat Packers	46	(*)	(*)	(*)		(*)	
Consolidated Dressed Beef Co., Inc.	47	(*)	(*)	(*)			
Lackawanna Beef and Provision Co.	49	(*)					
Midwestern Beef, Inc.	53	(*)					
Sunnyland Packing Co. of Alabama	56	(*)				(*)	
Glover Packing Co. of Amarillo	60	(*)					
Glover Packing Co.	60A	(*)	(*)	(*)	(*)		
Welland Packing Co., Inc.	61					(*)	
The Quaker Oats Co.	67E						(*)
Minchs Wholesale Meats, Inc.	72	(*)	(*)	(*)		(*)	
Brown Thompson & Son	73					(*)	
Eastern Packing Co.	74E						(*)
Armour and Co.	75	(*)	(*)	(*)	(*)	(*)	
The Braun Brothers Packing Co.	79	(*)				(*)	
City Packing Co.	80	(*)	(*)			(*)	
The Cudahy Packing Co.	81	(*)	(*)			(*)	
Edgar Packing Co.	84		(*)				
Excel Packing Co., Inc.	86	(*)					
Utica Veal Co., Inc.	88	(*)					
The E. Kahns Sons Co.	89	(*)	(*)	(*)		(*)	
Hygrade Food Products Corp.	90	(*)					
Sugardale Provision Co.	92	(*)				(*)	
Shonyo Packing Co.	93	(*)	(*)	(*)	(*)		
The Val Decker Packing Co.	95	(*)	(*)	(*)		(*)	
John Engelhorn and Sons	97					(*)	
A. Kochs Sons	98	(*)	(*)				
Armour and Co.	100	(*)	(*)	(*)			
Liberty Packing Co.	101	(*)	(*)				
H. Graver & Co.	103	(*)	(*)	(*)			
J. Lynn Cornwell, Inc.	107					(*)	
Wilson and Co., Inc.	111	(*)	(*)	(*)		(*)	
Hoffman Packing Co., Inc.	112	(*)					
Morris Packing Co.	113	(*)					

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
The Merchants Co	116	(*)	(*)	------	------	(*)	------
West Coast Meat Co., Inc	117	(*)	(*)	(*)	------	(*)	------
Wilson and Co., Inc	119	(*)	(*)	(*)	------	------	------
E. J. Archie and Sons, Inc	122	(*)	------	------	------	------	------
City Dressed Beef	125	(*)	------	------	------	------	------
Peyton Packing Co., Inc	126	(*)	(*)	(*)	(*)	(*)	------
John Roth and Son, Inc	130	(*)	------	------	------	------	------
Tobin Packing Co., Inc	133	------	------	------	------	(*)	------
Armour and Co	139	(*)	(*)	(*)	------	------	------
Edward J. Kluener, Inc	142	(*)	(*)	------	------	------	------
Cornland Dressed Beef, Inc	157	(*)	------	------	------	------	------
Armour and Co	158	(*)	------	------	------	------	------
Carr Packing Co., Inc	160	(*)	------	------	------	------	------
Joel E. Harrell and Son, Inc	162	(*)	------	------	------	(*)	------
New York State College of Agriculture	165	(*)	(*)	(*)	------	(*)	------
Swift and Co	166A	(*)	(*)	(*)	(*)	(*)	------
Armour and Co	177	(*)	(*)	------	------	------	------
Peerless Packing Co	180	------	------	------	------	(*)	------
Montrose Beef Co	181	(*)	------	------	------	------	------
The Rath Packing Co	186C	(*)	(*)	------	------	------	------
The Rath Packing Co	186F	------	------	------	------	(*)	------
Krey Packing Co	192	(*)	(*)	(*)	------	(*)	------
John Morrell and Co	196	------	------	------	------	(*)	------
Hynes Packing Co	197	(*)	(*)	------	------	------	------
United Fryer and Stillman, Inc	198	(*)	------	------	------	------	------
George A. Hormel and Co	199	(*)	------	------	------	(*)	------
Do	199D	------	------	------	------	(*)	------
Do	199I	------	------	------	------	(*)	------
Do	199N	(*)	------	------	------	(*)	------
Cudahy Packing Co	202	(*)	------	------	------	------	------
Heinzs Riverside Abattoir, Inc	210	(*)	------	------	------	------	------
S. Adams Packing Co	211	(*)	(*)	------	------	------	------
Penn Packing Co	212	------	------	------	------	(*)	------
Elburn Packing Co	213	(*)	------	------	------	------	------
Kneip Packing Co	213C	------	(*)	------	------	------	------
Fred Dold and Sons Packing Co	214	(*)	------	------	------	------	------
Lincoln Meat Co	217	(*)	------	------	------	------	------
York Packing Co., Inc	220	------	------	------	------	(*)	------
Gwaltney, Inc	221A	------	------	------	------	(*)	------
Armour and Co	222	(*)	------	------	------	(*)	------
De Jong Packing Co	223	(*)	(*)	------	------	------	------
Hygrade Food Products Corp	224	(*)	------	------	------	(*)	------
Do	224B	(*)	(*)	(*)	------	(*)	------
Gold Merit Packing Co., Inc	232	(*)	------	------	------	------	------
Wahl Schilling and Co., Inc	235	(*)	------	(*)	------	------	------
Rsakin Packing Co	237	(*)	------	------	------	------	------
Armour and Co	238	------	------	(*)	------	(*)	------
P. D. and J. Meats	240	(*)	(*)	------	------	------	------
Greenwood Packing Plant	242	(*)	(*)	(*)	------	(*)	------
I. Klayman & Co	243	------	------	------	------	(*)	------
Iowa Beef Packers, Inc	245	(*)	------	------	------	------	------
John Morrell and Co	246	(*)	------	------	------	(*)	------
Harget Realty Corp	247	(*)	------	------	------	(*)	------
Frosty Morn Meats	250	(*)	------	------	------	(*)	------
Sellers, Inc	257	------	------	------	------	(*)	------
Balentine Packing Co	258	(*)	(*)	------	------	(*)	------
The Jones Dairy Farm	263	------	------	------	------	(*)	------
Pacific Meat Co., Inc	267	(*)	(*)	------	------	(*)	------
Houston Packing Co	271	(*)	(*)	------	------	------	------
Tog Packing Co., Inc	273	(*)	------	------	------	------	------
Elliott Packing Co	274	(*)	(*)	(*)	------	(*)	------
Wilson and Co., Inc	275	(*)	------	------	------	------	------
American Stores Co	279	(*)	------	(*)	------	------	------
Agar Packing Co., Inc	282	------	------	------	------	(*)	------
Figge and Hitzweiker Co	283	------	------	------	------	(*)	------
Solano Meat Co	285	(*)	(*)	(*)	------	------	------
Arbogast and Bastian Co	289	(*)	(*)	(*)	------	(*)	------
The H. H. Meyer Packing Co	290	------	------	------	------	(*)	------
San Jose Meat Co	291	(*)	(*)	------	------	------	------
Sioux City Dressed Pork, Inc	292	------	------	------	------	(*)	------
Gus Juengling and Son, Inc	298	(*)	(*)	------	------	------	------
Waldock Packing Co	299	------	------	------	------	(*)	------
Great Falls Meat Co	301	(*)	------	------	------	(*)	------
Commercial Packing Co., Inc	302	(*)	------	------	------	------	------
Union Packing Co	305	(*)	------	------	------	------	------
Star Packing Co	306	(*)	------	------	------	------	------
Survall Packing Co	307	(*)	------	------	------	------	------
Ideal Packing Co., Inc	312	(*)	------	------	------	------	------
Rudys Farm Co	315	------	------	------	------	(*)	------
Webb Packing Co	316	(*)	------	------	------	------	------
Greater New York Packing Co., Inc	317A	------	------	------	------	(*)	------

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Estes Packing Co	319	(*)	(*)	------	------	------	------
Turlock Meat Co	325	(*)	(*)	------	------	------	------
Frisco Packing Co	327	(*)	------	------	------	------	------
C. and M. Meat Packing Corp	329	(*)	(*)	------	------	------	------
Royal Packing Co	331	(*)	------	------	------	------	------
Sokolik Packing Co	331A	(*)	------	------	------	------	------
Shapiro Packing Co., Inc	332	(*)	(*)	------	------	------	------
Great Western Packing Co., Inc	334	(*)	------	------	------	------	------
Nobles Independent Meat Co	335	(*)	(*)	------	------	------	------
Chino Valley Meat Packing Co., Inc	336	(*)	(*)	------	------	------	------
Sam Kane Packing Co	337	(*)	(*)	------	------	------	------
Peters Packing Co., Inc	341	(*)	(*)	------	------	(*)	------
State Packing Co., Inc	344	(*)	------	------	------	------	------
Anza Packing Co	345	(*)	(*)	(*)	------	------	------
Union Packing Co	351	(*)	------	------	------	------	------
Samuels E. Tex Packing Co	353	(*)	------	------	------	------	------
Fresno Meat Packing Co	354	(*)	(*)	------	------	------	------
Heil Packing Co	357	------	------	------	------	(*)	------
Marks Meat Co	362	(*)	(*)	------	------	------	------
Meyers Packing Co	363	(*)	------	------	------	------	------
Montebello Meat Packing Co	364	(*)	(*)	(*)	------	------	------
James Allan and Sons	365	(*)	------	(*)	(*)	(*)	------
Bowling Provision Co., Inc	372	------	------	------	------	(*)	------
Fischer Packing Co	374	(*)	(*)	------	------	(*)	------
Cross Bros. Meat Packers, Inc	376	(*)	(*)	(*)	------	------	------
Smithfield Packing Co., Inc	382	------	------	------	------	(*)	------
American Stores Co	384	(*)	------	------	------	------	------
Liebmann Packing Co	388	(*)	(*)	------	------	------	------
Dugdale Packing Co	390	(*)	------	------	------	------	------
Roth Packing Co	394	(*)	------	------	------	------	------
Robert L. Runtz, Inc	395	(*)	(*)	------	------	------	------
Dubuque Packing Co	396	(*)	(*)	(*)	------	(*)	------
Logan Packing Co	397	(*)	------	------	------	------	------
Watsonville Dressed Beef, Inc	398	(*)	(*)	------	------	------	------
Superior Packing Co	399	(*)	------	------	------	------	------
Los Banos Abattoir	400	(*)	(*)	------	------	------	------
Neuhoff Bros	406	(*)	(*)	------	------	(*)	------
Endlich Packing Co., Inc	410	(*)	------	------	------	------	------
Alpine Packing Co	412	(*)	(*)	(*)	------	------	------
The Lundy Packing Co	413	------	------	------	------	(*)	------
Frosty Morn Meats	414	(*)	(*)	(*)	------	(*)	------
Philadelphia Boneless Beef Co	418	(*)	------	------	------	------	------
Murray Packing Co., Inc	421	(*)	------	------	------	------	------
The Collins Packing Co	423	------	------	------	------	(*)	------
Hebron Packing Co., Inc	425	(*)	------	------	------	------	------
Lone Star Packing Co	433	(*)	(*)	------	------	------	------
Queen Packing Corp	436	(*)	------	------	------	------	------
Schneider Packing Co	439	(*)	(*)	------	------	------	------
Omaha Dressed Beef Co., Inc	441	(*)	------	------	------	------	------
Del Curto Meat Co	445	(*)	(*)	(*)	------	(*)	------
Peerless Packing Co., Inc	448	(*)	------	------	------	------	------
Dewitt Packing Corp	456	(*)	(*)	------	------	------	------
Swift and Co	459	------	------	------	------	(*)	------
Morris Rifkin and Sons, Inc	460	(*)	------	------	------	------	------
Lancaster Packing Co	462	(*)	------	------	------	------	------
Litvak Packing Co	465	(*)	------	------	------	------	------
Beewar Packing Co	467	(*)	(*)	(*)	------	(*)	------
Corn Husker Packing Co	468	(*)	------	------	------	------	------
Eckert Packing Co	471	(*)	------	------	------	(*)	------
Armour and Co	477	(*)	------	(*)	------	------	------
Middletown Beef Co., Inc	483	(*)	------	------	------	------	------
St. Cloud Meat Packing Co	485	(*)	------	------	------	------	------
East Tennessee Packing Co	487	(*)	(*)	------	------	(*)	------
Nebraska Beef Co	489	(*)	------	------	------	------	------
Goldring Packing Co., Inc	490	(*)	------	(*)	------	------	------
Mid State Packers, Inc	494	(*)	(*)	------	------	------	------
Greenlee Pack. Co	501	(*)	------	------	------	------	------
Swift and Co	505	(*)	------	------	------	------	------
B. Rothschild and Co	506	(*)	------	------	------	------	------
Gruensfelder Packing Co	508	(*)	(*)	(*)	------	------	------
Armour and Co	509	(*)	(*)	------	------	(*)	------
The Hull and Dillon Packing Co	510	(*)	(*)	------	------	(*)	------
Shen Valley Meat Packers, Inc	511	(*)	------	------	------	------	------
Capitol Packing Co	513	(*)	(*)	(*)	------	------	------
Charles Miller and Co	517	------	------	------	------	(*)	------
Illinois Packing Co	521	(*)	------	------	------	------	------
Pearl Packing Co., Inc	524	(*)	(*)	(*)	(*)	(*)	------
Armour and Co	528	(*)	(*)	------	------	------	------
Smallwood Packing Co., Inc	529	(*)	------	------	------	------	------
Omaha Packing Co	532	(*)	------	------	------	------	------
Rosenthal Packing Co., Inc	535	(*)	------	(*)	(*)	------	------

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Pepper Packing Co	536	(*)	------	------	------	(*)	------
Oscar Mayer and Co., Inc	537A	(*)	(*)	(*)	------	(*)	------
Do	537C	------	------	------	------	(*)	------
Midwest Packing Co	538	(*)	------	------	------	------	------
United Dressed Meats, Inc	546	(*)	(*)	------	------	(*)	------
Swift and Co	548	(*)	(*)	------	------	(*)	------
Pride Packing Co., Inc	549	(*)	(*)	------	------	------	------
Piute Packing Co	550	(*)	------	------	------	------	------
Salter Packing Co	551	(*)	------	------	------	------	------
Black Hills Packing Co	554	(*)	------	------	------	(*)	------
Springfield Rendering Co	555D	(*)	(*)	(*)	(*)	------	------
The Cudahy Packing Co	559	(*)	(*)	------	------	(*)	------
D. and W. Packing Co	560	(*)	------	------	------	------	------
Emery Land Co	561	(*)	------	------	------	------	------
Packerland Packing Co., Inc	562	(*)	(*)	------	------	------	------
John Morrell and Co	564	------	------	------	------	(*)	------
Texas Meat Packers, Inc	565	(*)	(*)	------	------	------	------
Elmer Binder & Son, Inc	569	------	(*)	(*)	------	------	------
Ferreira Packing Co., Inc	571	(*)	------	------	------	------	------
Frosty Morn Meats, Inc	576	(*)	(*)	------	------	(*)	------
Kingsford Packing Co., Inc	581	(*)	------	------	------	------	------
Empire Packing Co., Inc	586	(*)	------	------	------	------	------
Swift and Co	591	(*)	(*)	(*)	------	(*)	------
Harman Packing Co	596	(*)	(*)	------	------	------	------
San Antonio Packing Co	602	------	------	(*)	(*)	------	------
Central Packing Co	606	(*)	(*)	------	------	------	------
Swift and Co	608	(*)	------	------	------	------	------
Eastern Oregon Meat Co., Inc	611	(*)	(*)	(*)	------	(*)	------
National Tea Co	613	(*)	------	------	------	(*)	------
Donner Packing Co	614	(*)	------	------	------	------	------
Kummer Packing Co	617	(*)	(*)	(*)	------	(*)	------
Acme Meat Co., Inc	618	(*)	------	------	------	------	------
Hill Packing Co	622E	------	------	------	------	------	(*)
Big Foot Packing Co., Inc	627	(*)	(*)	------	------	------	------
H. H. Keim Co	630	(*)	(*)	(*)	------	(*)	------
General Meat Co	632	(*)	------	------	------	------	------
Ebner Bros. Packers	633	(*)	(*)	------	------	(*)	------
Auburn Packing Co., Inc	636	(*)	------	------	------	------	------
R. and C. Packing Co	645	(*)	------	------	------	------	------
Bird Provision Co	647	------	------	------	------	(*)	------
Spencer Packing Co	648	------	------	------	------	(*)	------
Wm. Schluderberg-T. J. Kurdle Co	649	(*)	(*)	(*)	------	(*)	------
John Morrell and Co	650	(*)	------	------	------	(*)	------
Nagle Packing Co	653	------	------	------	------	------	------
Wilson and Co., Inc	655	(*)	(*)	(*)	------	------	------
Baums Bologna, Inc	657	------	------	(*)	------	------	------
St. Louis Dressed Beef Co	659	(*)	------	------	------	------	------
McCook Packing Co	660	(*)	------	------	------	------	------
Quality Meat Packing Co	661	(*)	(*)	------	------	------	------
Globe Packing Co	663	(*)	------	------	------	------	------
Crown Packing Co	666	------	------	------	------	(*)	------
Scottsbluff Packing Co	667	(*)	------	(*)	------	------	------
San Joaquin Packing Co	671	(*)	------	------	------	------	------
Union Packing Co	673	(*)	------	------	------	------	------
Jacob Bauers Sons, Inc	678	(*)	------	------	------	------	------
Colville Meats, Inc	679	(*)	(*)	(*)	------	(*)	------
Armour and Co	680	(*)	(*)	(*)	------	(*)	------
Hass Davis Packing Co., Inc	682	(*)	(*)	(*)	------	(*)	------
Nations Brothers Packing Co	684	(*)	(*)	------	------	(*)	------
The William Fockes Sons Co	685	(*)	(*)	(*)	(*)	(*)	------
The Sucher Packing Co	689	(*)	(*)	------	------	(*)	------
Marco Packing Co	692	(*)	(*)	------	------	------	------
Bryan Meat Co	693	(*)	------	------	------	------	------
Kramer Beef Co	695	(*)	------	------	------	------	------
Carter Packing Co	698	(*)	(*)	------	------	------	------
Central Nebraska Packing Co	713E	------	------	------	------	------	(*)
Davenport Packing Co., Inc	716	(*)	------	------	------	------	------
Farmbest, Inc	717	------	------	------	------	(*)	------
The Joseph N. Rice Co	719	(*)	(*)	------	------	------	------
Swift and Co	726	(*)	(*)	(*)	------	(*)	------
Decker and Son	727	------	------	------	------	(*)	------
Vogt Packing Co	730	(*)	------	------	------	------	------
The Jacob Schlachter's Son & Co	739	(*)	(*)	(*)	------	------	------
Mid State Meat Co	741	(*)	(*)	------	------	------	------
Pioneer Provision Co	742	(*)	------	------	------	(*)	------
Howard Pancero and Co	747	(*)	(*)	------	------	------	------
Ruchti Bros	749	(*)	(*)	------	------	------	------
Luck Brothers Cooperative Packing Co	753	(*)	------	------	------	------	------
Monroe Packing Co Inc	755	(*)	------	------	------	------	------
Seitz Packing Co., Inc	756A	(*)	------	------	------	------	------
Philadelphia Dressed Beef Co	758	(*)	------	------	------	(*)	------

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
The American Meat Packing Corp	760	------	------	------	------	(*)	------
Schaake Packing Co., Inc	761	(*)	------	------	------	------	------
Karler Packing Co	767	(*)	(*)	------	------	------	------
Sheridan Meat Co., Inc	768	(*)	------	------	------	(*)	------
Earl C. Gibbs, Inc	770	(*)	------	------	------	------	------
Modern Meat Packing Co	774	(*)	------	(*)	------	------	------
Atlas Packing Co	775	(*)	------	------	------	------	------
The Cudahy Packing Co	779	(*)	(*)	------	------	(*)	------
Diamond Meat Co., Inc	783	(*)	(*)	(*)	------	------	------
Aurora Packing Co., Inc	788	(*)	------	------	------	------	------
Wimp Packing Co	791	(*)	------	------	------	------	------
Baums Meat Packing	792	(*)	(*)	(*)	------	------	------
Max Bauer Meat Packer	800	(*)	------	------	------	------	------
The G. Erhardt Sons, Inc	810	(*)	(*)	------	------	------	------
William N. H. Peters	813	(*)	------	------	------	------	------
Rochester Independent Packer, Inc	817	(*)	------	------	------	------	------
J. H. Ruth Packing Co	818	------	------	------	------	(*)	------
Henry Meyers Sons, Inc	822	(*)	(*)	------	------	------	------
Hibbs Packing Co	825	(*)	------	(*)	------	------	------
Penford Packing Co	827	(*)	(*)	------	------	------	------
Bristol Packing Co	828	(*)	------	------	------	------	------
Norman Peters Packing Co	834	(*)	------	------	------	------	------
White Packing Co., Inc	835	(*)	(*)	(*)	------	(*)	------
Frederick County Products, Inc	838	(*)	(*)	(*)	------	(*)	------
Herman Kempers Sons	839	(*)	(*)	------	------	------	------
Reelfoot Packing Co	840	(*)	(*)	------	------	(*)	------
G. Bartusch Packing Co	843	(*)	------	------	------	------	------
Arena Dressed Beef Co	853	(*)	------	------	------	------	------
Sioux City Dressed Beef, Inc	857	(*)	------	------	------	------	------
Siouxland Dressed Beef Co., Division of	857F	(*)	------	(*)	------	------	------
Jordan Meat & Livestock Co	858	(*)	(*)	(*)	------	(*)	------
Sam McDaniel and Sons, Inc	859	(*)	------	------	------	------	------
Wells and Davies, Inc	860	(*)	(*)	------	------	(*)	------
Sierra Meat Co	862	(*)	------	------	------	------	------
Gunsberg Beef Co	867	(*)	------	------	------	------	------
Genesee Packing Co	868	(*)	------	------	------	------	------
Samuels & Co., Inc	878	(*)	(*)	(*)	------	------	------
Pahler Packing Corp	880	(*)	------	------	------	------	------
Vermont Dressed Beef Co., Inc	883	(*)	------	------	------	------	------
Walden Packing Co., Inc	886	(*)	------	------	------	------	------
William Davies Co., Inc	888A	(*)	------	------	------	(*)	------
O'Neill Packing Co	889	(*)	------	------	------	------	------
City Packing Co	891	(*)	(*)	------	------	------	------
Tobin Packing Co., Inc	893	------	------	------	------	(*)	------
Vernon Calhoun Packing Co	897	(*)	------	------	------	------	------
Meats, Inc	899	(*)	(*)	------	------	------	------
Sigman Meat Co., Inc	901	(*)	------	------	------	------	------
Party Packing Corp	902	(*)	------	------	------	------	------
Chiapetti Packing Co	916	------	------	(*)	------	------	------
National Meat Packers, Inc	917	(*)	(*)	------	------	(*)	------
Valleydale Packers Inc., of Bristol	922	(*)	(*)	------	------	(*)	------
South Philadelphia Willowbrook, Inc	923	(*)	(*)	------	------	(*)	------
Wisconsin Packing Co	924	(*)	------	------	------	------	------
Peoples Packing Co	925	(*)	(*)	(*)	(*)	(*)	------
Kerber Packing Co	929	(*)	------	------	------	------	------
Tarpoff Packing Co	931	(*)	------	------	------	------	------
McKenney Meat Co	932	(*)	(*)	------	------	------	------
E. B. Manning and Son	934	(*)	------	------	------	------	------
Volz Packing Co	938	(*)	------	------	------	------	------
Cappellino Abattoir, Inc	939	(*)	------	------	------	------	------
Genbner Packing Co., Inc	941	(*)	------	------	------	------	------
Whitehall Packing Co	946	(*)	------	------	------	------	------
M. Brizer & Co	948	(*)	------	------	------	------	------
Joe Doctorman and Son Packing Co., Inc	949	(*)	(*)	(*)	------	------	------
Armour and Co	956	(*)	------	------	------	(*)	------
Reliable Packing Co., Inc	959	------	------	------	------	(*)	------
Greater Omaha Packing Co., Inc	960	(*)	------	------	------	------	------
Earl Flick Wholesale Meats, Inc	965	(*)	(*)	------	------	------	------
T. L. Lay Packing Co	967	(*)	------	------	------	(*)	------
Monfort Packing Co	969	(*)	------	(*)	------	------	------
Hawaii Meat Co., Ltd	970	(*)	(*)	------	------	------	------
National Food Stores, Inc	981	(*)	------	------	------	------	------
Hospers Packing Co	985	(*)	------	------	------	------	------
Eagle Packing Co	987	(*)	------	------	------	------	------
Everett C. Horlein and Son, Inc	988	(*)	------	------	------	------	------
The Klarer Co	995	(*)	(*)	------	------	------	------
Do	995A	------	------	------	------	(*)	------
Do	995C	------	------	------	------	(*)	------
Valley Meat Co	1009	(*)	------	(*)	------	------	------
Armour and Co	1085	(*)	(*)	------	------	------	------
Landy Packing Co	1171	(*)	------	------	------	------	------

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Nebraska Meat Packers, Inc.	1307						
A. F. Moyer and Sons, Inc.	1311						
McCabe Packing Plant	1312						
P. & H. Packing Co., Inc.	1313						
H. and H. Packing Co.	1315					(*)	
Nebraska Iowa Dressed Beef Co.	1318						

422 establishments reported.

Done at Washington, D.C., this 3d day of August 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-7995; Filed, Aug. 10, 1962; 8:45 a.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

August 1962 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

Those prices at which Commodity Credit Corporation commodity holdings are available for sale during August 1962 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, grain sorghums, soybeans, dry edible beans, rice (rough), and gum turpentine.

Principal changes in the list for August are the introduction of a new cotton export sales program under which CCC cotton stocks will be offered on a restricted competitive bid basis (as announced earlier in press releases USDA 2334–62 and USDA 2685–62); the resumption of competitive bid export payments on oats under the payment-in-kind export program; and the offering of limited quantities of rough rice (as available). Peanuts have been dropped from the list for August because all CCC stocks have been sold or committed.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for special export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cotton, tobacco, wheat, corn, rye, barley, grain sorghums, and pea and pinto beans. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for August 1962 are 3½ percent for periods up to 12 months, and 4 percent for periods from over 12 months up to a maximum of 36 months. (As announced May 4—press release USDA 1664–62—the interest rate periods have been revised to provide only two rather than the former three periods.)

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS Office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Programs (the Bureau of Foreign Commerce until Aug. 9, 1961), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to Portland ASCS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati ASCS Commodity Office.
Butter	Domestic, unrestricted use: Announced prices, under LD-29 as amended: 92.5 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.0 cents per pound—Washington, Oregon, and California. All other States 64.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-33: When sales are made under LD-33, as amended, above sale through the following Wednesday at prices announced in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD-29, as amended: Spray process, U.S. extra grade, 17.40 cents per pound. Roller process, U.S. extra grade, 15.40 cents per pound. Export: Competitive bid Under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland ASCS Commodity Offices. Announced prices under LD-33: When sales are made under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday. Under both LD-33, as amended, and LD-85, CCC will offer nonfat dry milk for redemption of payment-in-kind certificates earned under SM-7. Domestic, unrestricted use: Announced prices under LD-29, as amended: 20.75 cents per pound—New York, Pennsylvania, New England, New Jersey, Gulf of Mexico. All other States 38.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-33: When sales are made under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16 (sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price support at the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price for such cotton, as determined by CCC. Export, CCC Credit Sales: Competitive bid under the terms and conditions of Announcements CN-EX-14 (acquisition of Cotton for export under Credit Sales Program) and NO-C-17 (sale of upland cotton (for Credit sales)). Under this announcement, upland cotton acquired under price support at the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price for such cotton, as determined by CCC, less in either case an amount equal to the then current cotton export payment rate in effect on the date of the acceptance of an offer.
Cotton, upland	

Commodity	Sales price or method of sale	Unit	Examples of minimum prices (exrail or barge)				Examples of minimum prices (exrail or barge)			
			Received by—		Terminal	Class and grade	Price	Received by—		Terminal	Class and grade	Price
			Truck	Rail or barge				Truck	Rail or barge			
Cotton upland (continued)	Export, CCC Export Sales: Competitive bid under the terms and conditions of Announcements CN-EX-16 (1962–63 Cotton Export Program Sales) and NO-C-19 (sale of Upland Cotton, Cotton Export Program—1962–63 Marketing Year).											
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-4 (revised July 22, 1960), as amended and NO-C-10, as amended. Under these announcements extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price for such cotton as determined by CCC.	Bushel	*Cents* 7		Chicago	No. 1 RW	$2.41					
Catalogs	Catalogs for upland cotton and extra long staple cotton showing quantities, varieties, and locations may be obtained from the New Orleans, ASCS Commodity Office.				Minneapolis	No. 1 DWS	2.48					
Wheat, bulk	Domestic, unrestricted use: Market price basis in store,[1] but not less than 105 percent of the applicable 1962 support price for the class, grade, and quality of the wheat plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added.				Kansas City	No. 1 HW	2.41					
					Portland	No. 1 SW	2.30					
		Bushel	*Cents* 7		Chicago	No. 1 RW	$2.41					
					Minneapolis	No. 1 DWS	2.48					
					Kansas City	No. 1 HW	2.41					
					Portland	No. 1 SW	2.30					
	Available: At bin sites through ASCS County Offices. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.											
Wheat	Export: (1) Under Announcement GR-345 (revised June 30, 1960), as amended, for redemption of certificates under export payment-in-kind program. (2) under Announcement GR-212 (revision 2, Jan. 9, 1961), for sales for export as announced and (3) as wheat under Announcement GR-261 (revision 2, Jan. 9, 1961), or as flour under Announcement GR-262 (revision 2, Jan. 9, 1961), for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily.											
	Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. (At Portland ASCS Commodity Office hard red winter wheat is not available for barter or Title I, P.L. 480 transactions.)											
Rye, bulk	Domestic, unrestricted use: Market price basis in store,[1] but not less than 105 percent of the applicable 1962 support price for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.											
		Bushel	*Cents* 7		Minneapolis	No. 2 or better (or No. 3 on TW only).	$1.30					
	Available: At bin sites through ASCS County Offices. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.											
	Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed on page 20.											

See footnote at end of table.

Rye, bulk—(continued)

Export:
Under Announcement GR–368 (revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program, and under Announcement GR–212 (revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales.
Available: Evanston, Dallas, Kansas City, and Portland ASCS Commodity Offices, also Minneapolis ASCS Commodity Office as available in terminal location in Minneapolis area.

Barley, bulk

Domestic and export:
Storable: A. Redemption of Feed Grain Program Certificates: [4] Such CCC dispositions of storable barley as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a Feed Grain Program. Redemptions will be made at applicable market prices at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of barley that will be made available for redemption. CCC also reserves the right to restrict the availability of barley at any location whenever such action is deemed necessary. For information on the availability of such barley from bin sites, contact the ASCS State or county offices. For information on the availability of such barley from other locations, contact the Evanston, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
B. General Sales: [4] Market price in store,[1] but not less than 105 percent of the applicable 1962 support price [5] for the class, grade, and quality of the barley plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Barley: Bushel	6	1	Minneapolis	No. 2 or better	$1.19

Available: For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the grain ASCS commodity offices listed on page 20.
Export announcement sales:
Under Announcement GR–368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR–212 (revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is the adjusted support price referred to in subparagraph B on the preceding page.
Available: Evanston, Dallas, and Kansas City ASCS Commodity Offices. Stocks at seaboard in the Portland ASCS Commodity Office area and at Duluth and Minneapolis in the Minneapolis ASCS Commodity Office area are also available.

Corn, bulk

Domestic and export:
Storable: A. Redemption of Feed Grain Program Certificates: [4] Such CCC dispositions of storable corn as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a Feed Grain Program. Redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, and quality and quantity of corn that will be made available for redemption. CCC also reserves the right to restrict the availability of corn at any location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices.

See footnote at end of table.

Commodity	Sales price or method of sale
Corn, bulk—(continued)	Domestic and export—Continued B. General sales: [4] Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price,[5] for the class, grade, and quality of the corn plus the amount shown below applicable to the storage point involved. For corn in store at other than the point of production the freight from point of production to the present point of storage will also be added.

Unit	In store at—		Examples of minimum prices (exrail or barge)		
	Point of production	Other point	Terminal	Class and grade	Price
	Cents	*Cents*			
Corn: Bushel	13	16	Chicago [7]	No. 2YC (13% moisture 2% foreign material).	$1.62¾

For information on the availability of such corn from bin sites, contact ASCS State or county offices. For information on the availability of such corn from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Nonstorable—(as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the grain ASCS commodity offices listed on page 20.
Export announcement sales:
Under Announcement GR–368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR–212 (revision 2, Jan. 9, 1961) for application to arrangements for barter, approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under these announcements. CCC stocks of corn in Portland ASCS Commodity Office area available for sale under these export announcements, except such corn shall not be eligible for application to Title I, P.L. 480 purchase authorizations or for barter. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is the adjusted support price referred to in subparagraph B above.
Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

Oats, bulk

Domestic and export:
Storable: A. Redemption of Feed Grain Program Certificates: [4] Such CCC dispositions of storable oats as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a Feed Grain Program. Redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality and quantity of oats that will be made available for redemption. CCC also reserves the right to restrict the availability of oats at any location whenever such action is deemed necessary. For information on the availability of such oats from bin sites, contact ASCS State or county offices. For information on the availability of such oats from other locations, contact the Evanston, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
B. General sales: [4] Market price basis in store,[1] but not less than 105 percent of the applicable 1962 support price [5] for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in store at other than the point of production the freight from point of production to the present point of storage will also be added.

Unit	In store at—		Examples of minimum prices (exrail or barge)		
	Point of production	Other point	Terminal	Class and grade	Price
	Cents	*Cents*			
Oats: Bushel	1	4	Chicago [7]	No 2 or better Extra heavy.	$0.82½

For information on the availability of such oats from bin sites, contact ASCS State or county offices. For information on the availability of such oats from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices.

Commodity	Sales price or method of sale
Oats, bulk (continued)	Domestic and export—Continued Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS Commodity Offices listed on page 20. Export announcement sales: Under Announcement GR–368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind programs, and under Announcement GR–212 (revision 2, Jan. 9, 1961) for application to approved credit and emergency sales. Oats will not be sold for application to Title I, P.L. 480 purchase authorizations or for barter. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is the adjusted support price referred to in subparagraph B above.
Grain sorghums, bulk	Domestic and export: Storable: A. Redemption of Feed Grain Program Certificates: Such CCC dispositions of storable sorghums as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a Feed Grain Program. Redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain sorghums that will be made available for redemption. CCC also reserves the right to restrict the availability of grain sorghums at any location whenever such action is deemed necessary. For information on the availability of such grain sorghums from bin sites, contact ASCS State or county offices. For information on the availability of such grain sorghums from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. B. General sales: [4] Market prices in store,[1] but not less than 105 percent of the applicable 1962 support price [5] for the class, grade, and quality of the grain sorghums plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Grain sorghums: Hundredweight	13	2	Kansas City	No. 2 or better	$2.42

For information on the availability of such grain sorghums from bin sites, contact ASCS State or county offices. For information on the availability of such grain sorghums from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis and Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the grain ASCS Commodity Offices listed on Page 20.
Export announcement sales:
Under Announcement GR–368 (revised Aug. 31, 1959) as amended for feed grain export payment-in-kind program, and under Announcement GR–212 (revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. CCC stocks of grain sorghums held in California export terminals are the only grain sorghums stored in California available for sale under these export announcements, except that such sorghums shall not be eligible for application to Title I, P.L. 480 purchase authorizations or for barter. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is the adjusted support price referred to in subparagraph B above.
Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

Soybeans, bulk (as available)

Domestic or export:
Market price basis in-store but not less than the 1961 basic loan rate for No. 2 basis in-store point of storage, plus 16½ cents per bushel, plus the value of billing, if any, as determined by the ASCS Commodity Office. Market discounts for quality factors will be applied to the basic price to determine the actual sales price.
Available: Evanston, Minneapolis, Kansas City, Dallas ASCS Commodity Offices.

See footnote at end of table.

Commodity	Sales price or method of sale
Dry edible beans, bagged (as available).	Domestic: Domestic market price but not less than the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in-freight to be added as applicable. For other grades, adjust by market differentials. In other areas, adjust by the 1961 price support differential.

Class	Price per hundredweight	Area of production
Red Kidney	$9.22	Michigan, New York.
Great Northern	7.52	Nebraska.
Small Red	7.70	Washington.
Pinto	6.88	Eastern Colorado.
Pea	7.66	Michigan.

Export: Under Announcement GR–409 the following price per hundredweight for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in-freight to be added as applicable.[10] In other areas, adjust by the 1961 price support differential.

Class	Price per hundredweight	Area of production
Red Kidney	$8.52	Michigan, New York.
Great Northern	6.99	Nebraska.
Small Red	7.15	Washington.
Pinto	6.37	Eastern Colorado.
Pea	7.03	Michigan.

Available: Great Northern beans available at Kansas City and Portland ASCS Commodity Offices. Pinto beans available at Kansas City, Dallas, Portland, and Minneapolis ASCS Commodity Offices. Pea beans and Red Kidney available at Evanston ASCS Commodity Office. Small red beans available at Portland ASCS Co. Office.

Rice, rough (as available)

Domestic, unrestricted use: Market price but not less than 105 percent of the applicable 1962 support price, plus 13 cents per hundredweight, basis in store.
Export:
As milled or brown under Announcement GR–369 (revision 1, Feb. 1, 1961) Rice Export Program—payment-in-kind, and under GR–376 (revision 1 May 1, 1961) for approved credit sales.
Prices, quantities, and varieties of rough rice available from Dallas ASCS Commodity Office.

Gum turpentine

Domestic, unrestricted use:
Competitive offers for unrestricted use, bulk in storage tanks, subject to Announcement TB–21–61 and supplements thereto.
Available through Naval Stores Branch, Tobacco Division, ASCS, U.S. Department of Agriculture.

[1] On bin site sales such delivery basis shall be f.o.b. buyers conveyance at the bin site.
[4] To compute, multiply applicable support price by 1.06, round product up to nearest whole cent and add amount shown above and any applicable freight for grain stored outside the area of production. Such support price shall include the loan bulletin premium for applicable sedimentation value, if the wheat is sold on a sedimentation basis. If it is not sold on a sedimentation basis such support price shall be increased by market premiums for applicable protein content.
[5] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight for grain stored outside the area of production.
[6] Such dispositions shall be for domestic unrestricted use or for export, except that certain sales of barley from bin sites under A on preceding page shall be for use only for feeding the buyer's livestock and poultry.
[7] To compute, multiply applicable support prices by 1.05, round product up to nearest whole cent add add amount shown above and any applicable freight.
[8] Such dispositions shall be for domestic unrestricted use or for export.
[7] Woodford County, Illinois, origin.
[9] Such dispositions shall be for domestic unrestricted use or for export, except that certain sales of oats from bin sites under A above shall be for use only for feeding the buyer's livestock and poultry.
[9] Such dispositions shall be for domestic unrestricted use or for export, except that certain sales of bin site grain sorghums, under A above in the Kansas City ASCS Commodity Office area, shall be for use only for feeding the buyer's livestock and poultry.
[10] Except that small Red beans will be available on a competitive bid basis but not less than the listed price.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on August 8, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-8061; Filed, Aug. 10, 1962; 8:52 a.m.]

Office of the Secretary

NEW JERSEY

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of New Jersey a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEW JERSEY

Mercer.	Middlesex.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 1st day of August 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-8064; Filed, Aug. 10, 1962; 8:53 a.m.]

PENNSYLVANIA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Adams County, Pennsylvania, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of August, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-8063; Filed, Aug. 10, 1962; 8:53 a.m.]

SOUTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Darlington County, South Carolina, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of August 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-8065; Filed, Aug. 10, 1962; 8:53 a.m.]

WISCONSIN

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Grant County, Wisconsin, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of August, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-8066; Filed, Aug. 10, 1962; 8:53 a.m.]

DEPARTMENT OF COMMERCE

Defense Air Transportation Administration

[Order 19]

AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10999, and Department of Commerce Orders 128 (Revised), dated January 19, 1962, and 137 (Amended), dated April 19, 1955, I hereby allocate to the Department of Defense the aircraft identified herein by FAA registration number for the Civil Reserve Air Fleet Program of the Department of Defense for the fiscal years 1963-64.

INTERNATIONAL FLEET

DC-4

45346	88908	90423	90434
79999	88912	90427	90436
88393	90407	90428	90444
88907			

DC-6A

401US	6576C	37592	90771
402US	6579C	37593	90776
571	7822C	37594	90777
630NA	11565	37595	90780
640NA	34955	37596	90781
650NA	34956	45500	90782
6260C	34957	45501	90783
6541C	37590	45502	90784
6574C	37591	45507	90785
6575C			

L-1049H

101R	5402V	6917C	6935C
468C	5403V	6918C	6936C
469C	5404V	6919C	6937C
1006C	6501C	6922C	7121C
1007C	6502C	6923C	7131C
1008C	6504C	6924C	7132C
1009C	6912C	6925C	7133C
1010C	6913C	6931C	7134C
1927H	6914C	6932C	9752C
1880	6915C	6933C	45516
5401V	6916C		

L-1649AF

7311C	7317C	7323C	8082H
7315C	7319C	7324C	8083H
7316C	7322C	8081H	8084H

RC-7BF

341	6336C	6342C	6348C
342	6341C	6344C	6346C

DC-7CF

284	296	737PA	755PA
285	301G	739PA	4059K
288	731PA	741PA	8215H
289	733PA	742PA	8216H
290	734PA	746PA	8217H
294	735PA	752PA	8218H
295	736PA	754PA	8219H

CL-44

123SW	228SW	449T	454T
124SW	229SW	450T	455T
125SW	446T	451T	602SA
126SW	447T	452T	603SA
127SW	448T	453T	

B-707(100)

707PA	737TW	7505	7518
708PA	738TW	7507	7519
709PA	739TW	7508	7520
710PA	740TW	7509	7521
711PA	741TW	7510	7522
712PA	742TW	7511	7523
731TW	743TW	7512	7524
732TW	744TW	7513	7525
733TW	745TW	7515	7077S
734TW	7501	7516	70774
735TW	7503	7517	74612
736TW	7504		

B-707(200)

7072	7073	7074	7075

B-707(300)

701PA	718PA	729PA	764TW
702PA	719PA	730PA	765TW
703PA	720PA	757PA	766TW
704PA	721PA	758PA	767TW
705PA	722PA	759PA	768TW
706PA	724PA	762PA	769TW
714PA	725PA	761TW	770TW
715PA	726PA	762TW	771TW
716PA	727PA	763TW	772TW
717PA	728PA		

DC-8

801E	814PA	8007U	8034U
802E	815PA	8008U	8035U
803E	816PA	8009U	8036U
804E	817PA	8010U	8601
805E	818PA	8011U	8602
806E	801US	8012U	8603
800PA	802US	8018U	8604
801PA	803US	8021U	8605
802PA	804US	8022U	8606
803PA	805US	8023U	8607
804PA	6571C	8024U	8608
805PA	6572C	8025U	8609
806PA	6573C	8026U	8610
807PA	8008D	8027U	8612
808PA	8001U	8028U	8613
809PA	8002U	8029U	8614
810PA	8003U	8030U	8615
811PA	8004U	8031U	8617
812PA	8005U	8032U	8780R
813PA	8006U	8033U	8781R

C880(22M)

84778

DOMESTIC FLEET

C-46

606Z	1309V	7923C	66326
607Z	1312V	98902	67980
608Z	1442V	9891Z	68964
609Z	1807M	9892Z	68966
610Z	1846M	9893Z	68968
611Z	1913M	9901F	69343
612Z	3944C	9902F	69346
613Z	4710N	9903F	74172
614Z	4870V	9905F	74177
615Z	5076M	9906F	74178
616Z	5130B	10416	74179
617Z	5131B	53504	75835
618Z	5132B	62090	75388
619Z	5133B	65343	75396
1243N	5134B		

AW-650

6502R	6507R	6503R	6504R
6506R			

DC-4

88819	88891	88894	88939
90420			

DC-6A

91307	91306	91308	91309
93112			

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order supersedes Aircraft Allocation Order No. 17, dated May 4, 1962, 27 F.R. 4894-4895 of May 24, 1962.

Dated: August 1, 1962.

THEODORE HARDEEN, Jr.,
Administrator, Defense
Air Transportation Administration.

[F.R. Doc. 62-8046; Filed, Aug. 10, 1962; 8:49 a.m.]

Office of the Secretary

[Dept. Order 179]

OFFICE OF TECHNICAL SERVICES

Organization and Functions

The following order was issued by the Secretary of Commerce on July 23, 1962:

SECTION 1. *Purpose.* The purpose of this order is to designate the Office of Technical Services as a constituent unit of the Office of the Secretary and to describe its organization and functions.

SEC. 2. *Establishment.* Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, the Office of Technical Services is hereby designated as a constituent unit of the Office of the Secretary. The Office of Technical Services shall be headed by a Director who shall report and be responsible to the Assistant Secretary of Commerce for Science and Technology. The Director shall be assisted by such staff as he may require to carry out the functions and discharge the responsibilities set forth herein.

SEC. 3. *Delegation of authority.* Subject to such policies and limitations as the Secretary of Commerce may prescribe, the Director, Office of Technical Services, shall perform the functions and exercise the authority vested in the Secretary of Commerce by the Act of September 9, 1950 (64 Stat. 823; 15 U.S.C. 1151) authorizing the collection and dissemination of scientific, technical and engineering information and Part VI of Reorganization Plan No. 3 of 1946 (5 U.S.C. 1334-16) as it relates to standardization and simplification functions of the Secretary of Commerce.

SEC. 4. *General functions and objectives.* The general functions and objectives of the Office of Technical Services are related to the encouragement of innovation through the application of science and technology. To this end the Office shall carry out the following programs of a scientific and technical nature:

1. Collecting, organizing, disseminating, and interpreting scientific, technical and engineering information, including information obtained from abroad. Such information shall be made available to other Government agencies; to industry and business; and to scientists; engineers and the general public.

2. Providing an international technical information service in support of technical assistance programs sponsored by the Department and other federal agencies.

3. Assisting industry, business and consumers in the development and acceptance of commercial standards and simplified trade practice recommendations.

4. Conducting programs, in cooperation with United States business groups and standards organizations, to assist other nations in developing standards of practice.

5. Providing information and assistance to innovators with ideas of potential value to the Federal Government. Working with other Government agencies and state and local bodies to devise programs of assistance to innovators in their efforts to introduce new products and processes.

6. Undertaking research directed to improving the effectiveness of the programs carried out by this Office.

SEC. 5. *Organization and assignment of functions.* The organization structure and assignment of functions within the Office of Technical Services shall be issued in an Organization and Function Supplement to this order and shall be signed by the Director and approved by the Assistant Secretary of Commerce for Administration.

SEC. 6. *Transfer of personnel, funds, records and property.* .01 The personnel, funds, records, and property of the Office of Technical Services, Business and Defense Services Administration are hereby transferred to the Office of Technical Services, Office of the Secretary.

.02 The Assistant Secretary of Commerce for Administration, acting through the appropriate offices of the Department, shall determine and arrange for the transfer of personnel, funds, records and property of the Office of Technical Services as provided herein.

Effective date: July 23, 1962.

HERBERT W. KLOTZ,
Assistant Secretary
for Administration.

[F.R. Doc. 62-8047; Filed, Aug. 10, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-16]

POWER REACTOR DEVELOPMENT CO.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to May 1, 1963, the latest completion date specified in Construction Permit No. CPPR-4 for construction of the fast breeder reactor being constructed near Monroe, Michigan.

Copies of the order and of the application by Power Reactor Development Company are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 6th day of August 1962.

For the Atomic Energy Commission.

ESER R. PRICE,
Acting Director, Division of
Licensing and Regulation.

[F.R. Doc. 62-8039; Filed, Aug. 10, 1962; 8:47 a.m.]

STATE OF NEW YORK

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of New York for the assumption of certain of the Commission's regulatory authority

pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of New York and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as Appendix "A" to this notice. A copy of the complete text of the New York program, including proposed New York regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Office of Radiation Standards, United States Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 9th day of August 1962.

For the Atomic Energy Commission.

HAROLD D. ANAMOSA,
Acting Secretary to the Commission.

Agreement Proposed by the State of New York Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended, for the Assumption of Certain of the Atomic Energy Commission's Regulatory Authority

Whereas the United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas the Governor of the State of New York is authorized under section 462 of the New York State Atomic Energy Law to enter into this Agreement with the Commission; and

Whereas the Governor of the State of New York certified on July 20, 1962, that the State of New York (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas the Commission found on ------ ----, 1962, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commision for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article VIII. This Agreement shall become effective on October 15, 1962, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

APPENDIX "A"

RADIATION CONTROL IN THE STATE OF NEW YORK

I. *Introduction.* The State of New York has had a comprehensive program for the control of the possession and use of radiation sources since 1955. The program described herein constitutes a continuation of this previously existing program as modified to accommodate responsibilities which the State will assume and the United States Atomic Energy Commission will discontinue under a contemplated agreement between the Commission and the State.

Background. There are three agencies within the State with primary regulatory responsibility regarding the health and safety of the possession and use of radiation sources. Each has its own jurisdiction and each has promulgated its own regulatory code. The State Department of Health is responsible for public and medical health throughout the State, except for New York City in which the New York City Department of Health is so responsible. The State Department of Labor is responsible for industrial health and safety throughout the entire State, including New York City. Collectively, the authority of these three agencies reaches all radiation sources subject to the State's jurisdiction.

In 1955, the State Department of Health was statutorily authorized to "supervise and regulate the public health aspects of the use of ionizing radiation and the handling and disposal of radioactive wastes" and, in 1960, to "license atomic energy activities within the State affecting or likely to affect public health and relating to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass". Within the State Department of Health there is the State Public Health Council, which is statutorily authorized to establish, subject to the approval of the State Commissioner of Health, the State Sanitary Code. The Code "may deal with any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York, and with any matters as to which jurisdiction is conferred upon the public health council". A 1960 amendment to the State Public Health Law expressly provides that the State Sanitary Code may "require that application be made for a license to possess or use atomic energy byproduct materials, source materials and special nuclear materials in quantities not sufficient to form a critical mass and prescribe the use to which any such materials may be put". Pursuant to the original statutory authority Chapter XVI (entitled "Ionizing Radiation") of the State Sanitary Code was made effective in 1955.

Within the State Department of Labor there is the State Board of Standards and Appeals with statutory power to make rules for proper sanitation and for guarding against and minimizing fire hazards, personal injuries and diseases in industrial facilities. The State Labor Law provides further that "Whenever the board finds that any industry, trade, occupation or process involves such elements of danger to the lives, health or safety of persons employed therein as to require special regulation for the protection of such persons, the board may make special rules to guard against such elements of danger by • • • requiring licenses to be applied for and issued by the Department as a condition of carrying on any such industry, trade, occupation or process • • •". Pursuant to this statutory authority, Rule No. 38 (entitled "Radiation Protection") of the State Industrial Code was made effective in 1955.

The New York City Department of Health has authority to regulate all matters affecting health over which the City has jurisdiction under its "Home Rule" charter from the State. Within the City Department of Health there is the City Board of Health, which is given the authority to promulgate the City Health Code embracing "all matters and subjects to which the power and authority of the Department extends • • •" and to "grant, suspend or revoke permits for businesses or other matters in respect to any subject regulated by the Department". Pursuant to this authority, Article 6 (entitled "Control of Radiological Hazards") of the City Sanitary Code, was made effective in 1958. This Article was superseded in 1959 by Article 175 (entitled "Radiological Hazards") of the City Health Code.

Coordination of the regulation of atomic energy activities within the state was begun by executive action in 1955, through the establishment of the Council on the Use of Nuclear Materials, whose functions included "to coordinate safety activities related to atomic energy in New York State • • • (and) to coordinate liaison relationships with the Atomic Energy Commission". In 1956, also by executive action, the Atomic Energy Advisory Committee was created to "assist the Governor and his Council on the Uses of Nuclear Materials in expanding industrial applications of atomic energy and maintaining the health and safety of workers in plants using nuclear materials", and also to produce "specific recommendations for • • • necessary legislation".

The enactment of the State Atomic Energy Law on March 9, 1959, placed the coordination of regulatory atomic energy activities within the state on a statutory basis. This law established the Office of Atomic Development, headed by a director responsible to the Governor. With respect to regulatory matters, the functions, powers and duties of the Office include advising and assisting the Governor and the Legislature on atomic energy matters; coordinating the atomic energy activities of the agencies of the state and its political subdivisions; and correlating the atomic energy activities of the state and its political subdivisions with similar activities of the federal government and the governments of other states.

In order to assist the Office to fulfill its coordinating function, the State Atomic Energy Law requires that all agencies of the state and its political subdivisions keep the Office fully and currently informed as to their activities relating to atomic energy or ionizing radiation; and that no rule or regulation or amendment thereto, primarily and directly related to atomic energy, take effect until 90 days after submittal to the Office, unless such waiting period is waived by the Governor or the director. In addition, the legislation established a State Atomic Energy Coordinating Council, consisting of the director as chairman and such other persons, including representatives of agencies of the State and its political subdivisions, as the Governor may appoint, to advise, assist and make recommendations to the director with respect to the coordination of atomic energy activities of agencies of the state and its political subdivisions. The present membership of the Council includes the New York City Commissioner of Health, the State Industrial Commissioner, the State Commissioners of Health, Education and Commerce, and the Chairman of the State Public Service Commission.

During the summer of 1959, at hearings of the Joint Congressional Committee on Atomic Energy on "Federal-State relationships in the Atomic Energy Field", representatives of the State testified in favor of the amendments to the Atomic Energy Act of 1954 which authorize the Atomic Energy Commission to discontinue certain of its regulatory activities within individual states upon execution of an agreement with such states. After enactment of such federal legislation (Public Law 86-373), the New York State Legislature, in early 1960, adopted an amendment to the State Atomic Energy Law expressly authorizing the Governor to enter into an agreement with the Commission relating to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass.

Development of modified program. The principal elements of the program for radiation control in the State are the State Sanitary Code, State Industrial Code and New York City Health Code, and, so far as coordination is concerned, the applicable provisions of the State Atomic Energy Law.

The regulatory codes have been modified by the three regulatory agencies, in cooperation with the Office of Atomic Development, in order to achieve:

1. An integrated program of radiation control covering not only activities over which authority will be discontinued by the Atomic Energy Commission (use of byproduct material, source material, and special nuclear materials in quantities not sufficient to form a critical mass), but also activities over which State agencies have exercised exclusive jurisdiction (use of naturally-occurring and accelerator-produced radioisotopes and radiation-producing equipment, e.g., X-ray equipment).

2. Uniformity, insofar as practicable, among the three codes, taking into consideration, however, necessary distinctions arising from the differing subject matters and conditions with which each agency is concerned and the previously existing code structure of each agency.

3. Compatibility between the State's radiation-control program and the Atomic Energy Commission's program for the regulation of like radioactive materials, as required by Section 274.d(2) of the Atomic Energy Act of 1954, as amended.

In developing the modified State program to achieve the foregoing objectives, the agencies concerned agreed that the substantive content of the program, i.e., the radiation protection standards, should be predicated both now and in the future upon the guides of the Federal Radiation Council as approved by the President and, where the Federal Radiation Council has been silent, pertinent recommendations of the National Committee on Radiation Protection and Measurements.[1]

[1] In response to a request by the Commission for clarification of this paragraph, the Director of the New York Office of Atomic Development submitted the following reply:

Copy

AUGUST 7, 1962.

"DR. CLIFFORD K. BECK,
Acting Director of Regulation,
U.S. Atomic Energy Commission,
Washington 25, D.C.

"DEAR DR. BECK: During the course of our telephone conversation of August 6, 1962, you expressed concern that the following paragraph on page 4 of the introduction to the narrative material entitled 'Radiation Control in the State of New York,' submitted to the Commission by Governor Rockefeller on July 20, may be misinterpreted as inconsistent with the continuation of, compatibility between the programs of the State and the Commisison for the regulation of like materials:

"'In developing the modified State program to achieve the foregoing objectives, the agencies concerned agreed that the substantive content of the program, i.e., the radiation protection standards, should be predicated both now and in the future upon the guides of the Federal Radiation Council as approved by the President and where the Federal Radiation Council has been silent, pertinent recommendations of the National Committee on Radiation Protection and Measurements.'

"I would like to assure you that the pertinent regulations of the Commission, as well as the recommendations of the Federal Radiation Council and the National Committee on Radiation Protection and Measurements, will be utilized in achieving the desired objective of continuing compatibility.

"Sincerely yours,

OLIVER TOWNSEND,
Director."

Copy

With respect to other substantive matters, such as precautionary procedures, e.g., surveys, posting, labeling, existing Commission regulations were used as models. Accordingly, regulations on these subjects within the State program are substantially similar to Commission regulations, although some details were either condensed or eliminated, and several additional requirements were specified. Similarly, the Commission's regulations pertaining to licensing procedures were used as models, with some condensation and modification.

In general, modification of the previous regulatory codes has resulted in a State program which is compatible with the Commission's program but which differs from the Commission's program in several respects, primarily because of the applicability of the State's integrated program to all radiation sources, including those whose possession and use is subject to registration rather than licensing.

Public hearings on the proposed modifications of Industrial Code Rule No. 38, as required by law, were held by the State Board of Standards and Appeals in Syracuse on March 14, 1962, and in New York City on March 16, 1962. The New York City and State Departments of Health solicited comments and received advice from various interested groups and individuals within the City and State in accordance with their customary practices. Modifications of the Regulatory code of each department are scheduled to go into effect on October 15, 1962.

II. *Program description—A. Radiation protection standards.* The regulations specifying radiation protection standards which are contained in each of the regulatory codes are briefly described below. Except in certain limited respects, these radiation protection standards are identical in substance to existing provisions in Part 20 of the Commission regulations. It is the present intent

of each of the three departments that the regulations specifying the radiation protection standards and the provisions pertaining to additional requirements and the granting of exemptions or variations will be administered in accordance with existing Commission practice. However, details pertaining to such administration found in Commission regulations have not been included in the codes because of the limited number of persons within the State to whom they would be applicable. It is important to note that these radiation protection standards will, except in certain specified respects, be uniformly applicable to regulated users of all radiation sources within the State, including all radioactive materials and radiation-producing equipment.

1. *Permissible doses, levels, and concentrations.* The three codes contain uniform provisions with respect to permissible occupational doses from external exposure and from concentration of airborne radioactive material and permissible doses in uncontrolled areas from external exposure and from concentration of airborne radioactive material.

The limits contained in the codes closely follow the radiation protection guides of the Federal Radiation Council and the recommendations of the National Committee on Radiation Protection and Measurements. Accordingly, permissible occupational doses are specified for periods of any 13 consecutive weeks and utilize the values specified for such 13 week periods by the Council. The values contained in the regulations of the Atomic Energy Commission, which are based upon the concept of fixed calendar quarters, were not adopted.

Among other excluded details, the codes do not specify under what conditions exposures in excess of permitted concentrations or radiation levels will be authorized. Such details have been excluded as unnecessary, but the regulatory departments intend to be guided by the Commission practice which is reflected in existing Commission regulations.

2. *Precautionary procedures.* The codes contain requirements with respect to surveys, checks and tests; personnel monitoring, caution signs, labels, signals, and control devices; instruction of personnel; posting of notices to employees; and securing of radioactive materials. These requirements are substantially uniform and identical in substance to present Commission requirements. Some differences have arisen since the State program covers radiation sources in addition to byproduct, source and special nuclear material. For example, each code requires the designation of a radiation safety officer and specifies his qualification and responsibilities. This requirement is particularly necessary in view of the fact that procedures for use of certain radiation sources will not necessarily be preevaluated, since such sources will be subject to registration rather than licensing. Similarly, requirements with respect to such items as surveys, checks and tests are more explicit in the State program. Some or all of the codes also contain additional provisions with respect to such items as vacated premises; exposure of food to ionizing radiation; protection against fire hazards, etc. On the other hand, the codes specifically exclude some radiation sources, outside of the purview of Commission responsibility, from certain requirements, e.g., X-ray equipment used for medical and dental purposes need not be labeled and installations containing only such equipment need not be posted.

3. *Waste disposal.* All three codes permit disposal of radioactive material by transfer to an authorized recipient and by release to uncontrolled areas in concentrations which do not exceed those specified in the applicable regulations. The three codes forbid disposal by incineration. The State Sanitary Code and City Health Code permit disposal of specified concentrations into sanitary sewer systems. The State Santiary Code permits burial of limited quantities under specified conditions, as do Commission regulations, but imposes the additional requirement of prior notification before a burial ground is established. The City Health Code does not permit burial of radioactive material within New York City. The Industrial Code permits release to sanitary sewer systems or burial in soil in accordance with applicable provisions of the City Health Code and State Sanitary Code. None of these codes specifies the requirements for additional methods of disposal, but permission for such methods could be requested as an exemption or variation from specific regulatory requirements, and in acting upon requests, current Commission practices will be considered.

4. *Transportation.* The State Sanitary Code and State Industrial Code permit intrastate shipment of radioactive materials if the shipment complies with such regulations of relevant federal agencies as would be applicable if it were in interstate commerce or if the shipment is specifically approved by the appropriate department. The New York City Health Code retains a provision with respect to shipments of radioactive materials which was adopted in 1960, after consultation with the Atomic Energy Commission, and requires prior notification and approval of route of shipments of radiation sources which may involve a high degree of hazard, as listed in a declaration published by the New York City Health Commissioner in the City Record.

It may also be noted that the State Public Service Commission requires that the regulations of the Interstate Commerce Commission relating to the transportation of explosives and other dangerous articles be followed by motor carriers within its jurisdiction. This requirement was first imposed in an order of the Public Service Commission of May 15, 1955 (Case MT-7482) and is now included in Part 821 of its regulations.*

5. *Records and reports.* The three codes require that accurate and complete written records be kept of results of required surveys, checks and tests; transfer, receipt and disposal of radioactive materials; occupational doses of monitored personnel; results of medical evaluation services; and doses required to be reported. The codes specify that personnel exposure records must be kept for five years after either termination of the individual's employment or the date of recording, whichever is later, and can be disposed of only by transfer to the regulatory department. Other records need be preserved only for a period of three years commencing on the date of occurrence of the subject of the record.

The codes require immediate notification to the appropriate department of any theft or loss of a radiation source, of any incident which caused or threatened to cause any individual to receive a does in excess of permitted limits, and of any level of radiation from or release of concentrations of, radioactive materials in excess of permitted limits. Follow-up action is required and a subsequent written report may be required by the appropriate department.

The codes require that previous employees be supplied reports of doses and exposures upon request. Annual reports to employees are also required upon request. If any report of possible exposures is required to be submitted to the regulatory department, such report must be automatically provided to the employee under the State Sanitary Code and the State Industrial Code and the providing of such report to the employee may be ordered by the New York City Health Department under the City Health Code.

6. *Professional practitioners and related provisions.* The State Sanitary Code and New York City Health Code, which govern the intentional internal or external administration of radiation or radioactive materials to any individual, specify that such administration is permitted only by a person licensed or otherwise authorized to practice medicine, dentistry, podiatry or osteopathy under the State Education Law, or by a person under the supervision of such professional practitioner. With respect to such use of radioactive materials required to be licensed by the Health Departments, an application form similar to that presently used by the Atomic Energy Commission will be supplied.

The State Sanitary Code and New York City Health Code also contain provisions requiring reports by professional practitioners treating or diagnosing radiation illness, injury or certain exposures and specifying procedures to be followed with respect to cadavers containing radioactive materials.

The State Industrial Code does not apply to human use of a radiation source which is licensed or authorized by the State or City Departments of Health. The State Department of Labor may perform inspection for these departments of medical users located within industrial installations.

The State Sanitary Code contains extensive provisions with respect to the use of radiation equipment in the diagnosis or therapy of individuals. These provisions are based on the recommendations of the National Committee on Radiation Protection and Measurements. The New York City Health Code requires that these same recommendations, contained in NCRP Handbook 76, or equivalent safeguards, be observed.

B. *Program Administration*—1. *Licensing.* Each code specifies that no person shall transfer, receive, possess or use any byproduct material, source material or special nuclear material in quantities not sufficient to form a critical mass without a license (or permit, as termed in the New York City Health Code) from the appropriate department. The New York City Health Code additionally requires a permit for all other radioactive materials, except as specified.

Exemptions from the licensing requirement are provided in all three codes for certain quantities of byproduct and source material and for certain devices which, however, are subject to the radiation protection standards within each code and to specified conditions. The use and possession of these items are thus regulated in a similar manner as generally licensed items under Commission regulations, although the term "general license" is not used in the codes.

Also exempt from the licensing requirements are certain luminous devices, concentrations of radioactive material, natural ore containing source material, items containing less than 0.05 percent source material, certain products, certain radioactive materials of specified radioactivity, and certain radiation equipment. These items, as they are under Commission regulations, are completely exempt from the requirements of

*Part 821—Transportation of Explosives and other Dangerous Articles, Section 821.1. The rules and regulations prescribed now or to be prescribed in the future by the Interstate Commerce Commission relating to the transportation of explosives and other dangerous articles by motor carriers are adopted and prescribed for all motor carriers of property.

Section 821.2. All carriers transporting or holding themselves out to transport articles named in the said rules and regulations shall, on or before April 1, 1956, establish such rules by participation in the Motor Carriers' Explosives and Dangerous Articles Tariff No. 8 P.S.C.-N.Y.-MT-No. 4 as supplemented, and in any successive issues thereof as published by the American Trucking Associations, Inc., agent.

other provisions of the codes but, in some cases, are subject to specified conditions.

Exemptions are also provided for radioactive materials to the extent that such materials are subject to regulation as provided for by law by the State Public Service Commission, Interstate Commerce Commission, the Coast Guard, the Civil Aeronautics Board and the Post Office Department, although such materials will still be subject to the transportation provision of the New York City Health Code.

A single license application form, applicable to all radioactive materials subject to licensing, will be used by all three departments. In addition, applicants for licenses covering human use will be required to submit an appendix to the application, generally similar to AEC Form 313a. Instructional documents specifying additional information required will be provided to applicants for licenses covering multiple quantities or types of unsealed radioactive materials, manufacturing of devices, or industrial radiography. The information required from such applicants is similar to that required by present Commission regulations. Other application forms and instructional documents will be developed as the need arises.

A license applicant will be required to demonstrate that his proposed use, equipment, facilities, procedures and personnel are adequate to protect public health and safety and to minimize danger to life and property from radiation hazards prior to the issuance of a license. Pre-licensing evaluation of applications will include inspections, as warranted in appropriate cases.

The codes incorporate certain conditions into each license and additional conditions may be set forth or incorporated by reference in each license at any time. The codes specify the manner in which licenses may be renewed, amended, suspended or revoked.

Upon the effective date of each amended code, the holder of a specific license heretofore issued by the Atomic Energy Commission will be deemed to hold an identical license pursuant to the appropriate code, which license shall expire upon the expiration date specified in the license or ninety days after receipt of a notice of expiration from the appropriate department. Each such licensee is required to comply with the conditions of his license and of the appropriate code.

Each code permits certain holders of licenses issued by the Atomic Energy Commission or any state which has entered into an effective agreement with the Commission to use the licensed radioactive materials within the jurisdiction of each department for a limited period of time without obtaining an additional license. Such users will be required to file certain information, including a copy of the license, with the appropriate department prior to use, although oral notification may be acceptable at the discretion of the department. Such users will be subject to the regulations of the appropriate department.

No fees will be charged under the State Sanitary Code or Industrial Code. Under the New York City Health Code a fee of $15 will be charged for each initial permit and of $10 for each renewal. No person will be required to pay a plurality of fees for a single installation. Accordingly, if a permit applicant currently holds a valid permit for activities at the same installation, or has registered such installation, no additional fee will be payable.

2. *Registration.* Radiation-producing equipment within the state will continue to be subject to registration provisions except as may be specified in each code. Radioactive materials other than agreement materials will continue to be subject to registration provisions under the State Sanitary Code and State Industrial Code except as may be specified. With certain limited exceptions, radioactive materials are not subject to registration under the New York City Health Code, which requires licensing of all materials.

Registrants will be required to notify the appropriate department of changes in registered information. Registrations will be valid indefinitely under the State Sanitary Code and State Industrial Code but will be subject to renewal every two years under the New York City Health Code.

3. *Enforcement.* In addition to inspections conducted for the purpose of evaluating the program proposed in a license application, inspections will also be conducted of all licensed and registered installations on a periodic basis. The frequency of inspections will depend on the relative hazards associated with the source of radiation and how it is to be used. When warranted immediate inspections will be conducted of especially significant registered installations. An evaluation will be made of all reported radiation incidents and an inspection will be conducted of all incidents that are considered to present significant radiation hazards.

While inspections may vary in scope, they will be sufficiently comprehensive to determine whether the licensee or registrant is complying with the appropriate regulatory requirements. An inspection will usually entail a comprehensive review of the licensee's or registrant's facilities, equipment, training and qualifications of personnel, and operating procedures, including handling, storage and disposal of radiation sources, survey and monitoring practices, labeling of sources, posting and control of areas, etc. In addition to observing operations, personnel will be interviewed and pertinent records examined. When appropriate, an inspection may include independent measurements and evaluations of radiation levels and concentrations of radioactive materials.

4. *Administrative procedures.* The State Board of Standards and Appeals is by law required to hold public hearings prior to modifying the State Industrial Code. Neither the State nor New York City Departments of Health is required by law to hold public hearings with respect to any modifications of its regulations, but each may do so at its discretion, although customary practice would be to obtain the advice and comments of interested groups and persons.

The State Sanitary Code provides for a public hearing upon timely request by an applicant if his license application is disapproved. Except in any case of wilfulness or in which the public health or safety requires otherwise, licenses may not be amended, suspended or revoked, nor may additional requirements be imposed nor radioactive material required to be surrendered without either obtaining the consent of the person involved or notifying such person of the contemplated action, giving him a reasonable opportunity to demonstrate or achieve compliance with all lawful requirements, and granting a public hearing upon request.

Actions taken by the State Industrial Commissioner are subject to review by the State Board of Standards and Appeals under the State Labor Law. In addition, the Industrial Code requires that, except where action is needed to secure safety, the Commissioner shall not suspend, revoke or restrictively amend a license without first giving the licensee reasonable notice and an opportunity to be heard.

Under section 5.19 of the New York City Health Code, whenever the City Commissioner of Health suspends, revokes, or refuses to issue or renew a permit, the aggrieved party may appeal such action to the Board of Health of the Department of Health of the City of New York. Under section 3.03 of the Code, except where the public health requires immediate action, the Department may not seize, embargo, condemn, destroy, render harmless or otherwise dispose of any material until the owner or person in control is notified and is given an opportunity to be heard by such personnel of the Department as the Commissioner may designate. A similar notice and opportunity to be heard must be granted under section 175.11(e) of the Code prior to the issuance of any order requiring a person to take additional precautions and procedures to protect public health and safety, except where immediate action is required.

Article 78 of the State Civil Practice Act provides a method of review in the courts, under certain circumstances, of the actions of each of the three regulatory departments.

5. *Coordination.* Coordination of the State program for the control of radiation hazards is facilitated through the direct functions of the State Office of Atomic Development. All agencies and political subdivisions of the State are required to keep the Director of the Office fully and currently informed as to their activities relating to atomic energy or ionizing radiation. The State Atomic Energy Law also provides that no rule, regulation or ordinance or amendment thereto or repeal thereof, primarily and directly relating to atomic energy, shall become effective until ninety days after it has been submitted to the Director of the Office, unless either the Governor or the Director waives such waiting period.

The State Atomic Energy Law also established the State Coordinating Council on Atomic Energy. The Coordinating Council has been functioning since 1959, and its recommendations have been instrumental in developing the present program.

To effect maximum coordination of the licensing of radioactive materials within the State, the Coordinating Council has established a Committee on Licensing to be advisory to the regulatory departments. The Committee will receive and forward to the appropriate department for processing all applications for licenses. In questionable cases, the Committee can be called on to resolve jurisdictional questions and to submit to the appropriate department a recommendation on the merits of issuing a license. The voting membership of the Committee consists of the Director of the Office of Radiation Control, New York City Department of Health; the Special Assistant for Radiological Health, State Department of Health; and the Director of the Division of Industrial Hygiene, State Department of Labor. The Nuclear Health Physicist of the Office of Atomic Development acts as secretary of the Committee.

III. *Organization and personnel*—A. *State Department of Health.* The Special Assistant to the Commissioner on Radiological Health under the State Department of Health has been assigned the responsibility for coordinating the control of public health and safety aspects of the use of all radiation sources in medical, dental, veterinarian, educational, diagnostic, and similar institutions outside New York City.

1. *Licensing.* Preevaluation of license applications with respect to training and experience of applicants, dosage, route of administration, metabolic fate, and new or unusual human use will be performed by the Special Assistant on Radiological Health. Medical experts will be utilized for advice on new or unusual human applications.

Preevaluation of license applications with respect to proposed instrumentation, storage facilities, shielding methods, personnel monitoring, waste disposal techniques and other technical procedures will be performed in the Bureau of Radiological Health Services by an Associate Sanitary Engineer and a Senior Sanitary Engineer.

Both the Office of the Special Assistant on Radiological Health and the Bureau of Radiological Health Services may call on the scientific specialists available in the Division of Laboratories and Research and may obtain assistance from legal, public relations, training and other disciplines within the State Department of Health.

2. *Inspections.* Inspections of licensed users of radiation sources will be performed in the Bureau of Radiological Health Services by an Associate Sanitary Engineer, one Senior Sanitary Engineer and one Assistant Sanitary Engineer.

Scientific specialists in the Division of Laboratories and Research and in other divisions of the Department will be available for technical support. One other Assistant Sanitary Engineer assigned to Radiological Health Services primarily in the field of X-ray protection will also be available for inspection assistance. Inspections of registered sources are routinely handled by local health officers.

B. *State Department of Labor.* The Director of the Division of Industrial Hygiene under the State Department of Labor has been assigned the responsibility for controlling the health and safety aspects of the use of radiation sources in industrial installations throughout the State.

1. *Licensing.* Prior evaluation of license applications will be performed in the Radiological Health Unit by an Associate Industrial Hygiene Physician and a Principal Radiophysicist.

2. *Inspections.* Inspections of licensed users of radiation sources will be performed in the Radiological Health Unit by three Senior Radiation Physicists and an Industrial Engineer (Radiophysics specialist). Four Industrial Hygiene Engineers with training in radiation protection will conduct inspections of registered installations and will be available for assistance with respect to licensed installations.

C. *New York City Department of Health.* The Director of the Office of Radiation Control in the New York City Department of Health has been assigned responsibility for the control of the public health and safety aspects of the release of radioactivity to the environment from all sources, and of the health and safety aspects of the use of radiation in medical, dental, veterinarian, educational, diagonstic, and similar institutions within the City of New York.

1. *Licensing.* Prior evaluation of license applications will be performed in the Office of Radiation Control by the Assistant Director of the Office, a Senior Public Health Sanitarian, and a Public Health Sanitarian. Medical experts will be utilized for advice on new and unusual human applications.

2. *Inspections.* Inspections of licensed and registered radiation sources will be performed in the Office of Radiation Control by the Senior Public Health Sanitarian, assisted by a Public Health Sanitarian. Fourteen other Public Health Sanitarians will be available for assistance.

[F.R. Doc. 62-8106; Filed, Aug. 10, 1962; 8:53 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 9093]

SERVICE TO SPOKANE

Notice of Postponement of Prehearing Conference

Pursuant to the request of Western Air Lines, Inc., and without objection of any interested persons, the prehearing conference in the above-entitled proceeding, now assigned for August 16, 1962, is hereby postponed to August 20, 1962, 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., August 8, 1962.

[SEAL] THOMAS L. WRENN, *Associate Chief Examiner.*

[F.R. Doc. 62-8048; Filed, Aug. 10, 1962; 8:49 a.m.]

[Docket 11879; Order No. E-18675]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of August 1962.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 — Commodity Rates Board.

The agreement, adopted pursuant to unprotested notices to the carriers, names additional specific commodity rates as set forth in the attachment hereto.[1]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered: *Accordingly, it is ordered:*

1. That Agreement C.A.B. 14827, R-101 through R-104, is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 62-8083; Filed, Aug. 10, 1962; 8:47 a.m.]

[1] Filed as part of original document.

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2527]

COLORADO-CHEROKEE, INC.

Order Permanently Suspending Exemption

AUGUST 7, 1962.

Colorado-Cherokee, Inc., 1507 Denver U.S. National Center, Denver, Colorado, a Colorado corporation, filed with the Commission on August 14, 1961 a notification and offering circular for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3(b) thereof and Regulation A thereunder, with respect to a proposed offering of 2,799,850 shares of its $0.10 par common stock.

The Commission by order dated February 7, 1962 temporarily suspended the aforesaid exemption, pursuant to Rule 261 of Regulation A, on the ground that there was reasonable cause to believe that the offering circular contained untrue and misleading statements of material facts with respect to, among other things, the company's recoverable oil reserves and the circumstances and background of the company's proposal to issue shares in exchange for stock of Cherokee Uranium Mining Corporation.

At the issuer's request, the Commission ordered a hearing to determine whether to vacate the order of temporary suspension or to enter an order permanently suspending the exemption. The issuer appeared by counsel at the opening of said hearing and withdrew its request for a hearing and consented that the suspension of the exemption be made permanent.

Accordingly, it is ordered, Pursuant to Rule 261 of Regulation A under the Securities Act of 1933, that the exemption from registration with respect to said offering of securities by Colorado-Cherokee, Inc. be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-8055; Filed, Aug. 10, 1962, 8:51 a.m.]

[File No. 1-4583]

PRECISION MICROWAVE CORP.

Order and Notice of Hearing

AUGUST 6, 1962.

I. Precision Microwave Corporation (hereinafter referred to as "the registrant"), a company organized and incorporated under the laws of the State of Massachusetts, filed an application on Form 10 for the registration of its common stock, par value $1, with the American Stock Exchange ("the Exchange") on December 21, 1961 pursuant to section 12 of the Securities Exchange Act of 1934 ("Exchange Act") and the rules and regulations adopted by the Commission thereunder, and filed a duplicate original Form 10 with the Commission. The duplicate original Form 10 filed with the Commission incorporated by reference a registration statement (File No. 2-18720), including financial statements and exhibits, and amendments thereto, filed by registrant on Form S-1 with the Commission under the Securities Act of 1933, as amended (hereinafter referred to as "the 1933 Act registration statement"), which registration statement was declared effective on November 8, 1961. The registration of the securities on the Exchange became effective on January 15, 1962. Pursuant to an undertaking required by section 15(d) of the Exchange Act, said undertaking being contained in the 1933 Act registration statement, registrant was required to file certain annual, semiannual, current and other reports and documents with the Commission.

II. The Commission has reason to believe that the registrant has failed to comply with the provisions of sections 12, 13 and 15(d) of the Exchange Act and rules and regulations adopted by the Commission thereunder in the following respects:

1. The duplicate original Form 10 filed with the Commission on December 21, 1961 is inadequate and inaccurate in that:

(a) The Summary of Earnings contained therein is false and misleading with respect to:

(1) Cost of products and services sold; selling, general and administrative expenses; and earnings, for the year ended May 31, 1961, and

(ii) The results of operations for the four month periods ended September 30, 1960 and 1961 contained in Note 7, and the explanation thereto.

(b) The financial statements contained therein are false and misleading with respect to the Current Assets, Current Liabilities and Stockholders' Equity as at May 31, 1961.

(c) The Report of the Independent Certified Public Accountant dated July 27, 1961, contained therein, is inadequate and inaccurate with respect to the statements relating to the auditing procedures applied to determine the fairness of the presentation of the financial statements.

2. Registrant filed with the Commission on January 12, 1962 a semiannual report on Form 9-K for the six-month periods ended November 30, 1960 and 1961. Said report is inadequate and inaccurate in that the Sales and Net Income figures contained therein are false and misleading.

III. *It is ordered,* That a public hearing pursuant to section 19(a)(2) of the Exchange Act be held at 10 a.m., e.d.s.t., August 20, 1962 at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the common stock of registrant on the American Stock Exchange for failure to comply with sections 12, 13 and 15(d) of the Act and the rules and regulations adopted thereunder, as set forth in paragraph II above; and that proceedings in such matter are hereby joined for hearing with a proceeding under section 8(d) of the Securities Act of 1933, as amended, In the Matter of The Registration Statement of Precision Microwave Corporation (File No. 2-18720) ordered by the Commission this date, both such proceedings hereby being consolidated.

It is further ordered, That an officer to be designated and assigned as Hearing Officer in this proceeding is authorized to exercise the powers and perform the duties specified in the rules of practice of the Commission and any other duties which he may be authorized to perform in accordance with law.

Notice of such Hearing is hereby given to registrant, the American Stock Exchange and to any other person or persons whose participation in such proceeding may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceedings should file with the Hearing Officer or the Secretary of the Commission on or before August 15, 1962 his application therefor as provided by the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-8056; Filed, Aug. 10, 1962; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 676]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 8, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64774. By order of August 2, 1962, the Transfer Board approved the transfer to Robinson Freight Line, Inc., Middleton, Mass., of Permit No. MC 16961, issued December 6, 1951, to J. F. Robinson, Jr., authorizing the transportation of: Canned goods, from specified points in Maine to Somerville and Boston, Mass., apples, in containers, from points in New Hampshire to points in Maine, to Somerville and Boston, Mass., such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, from Somerville, Boston, and Everett, Mass., to points in Vermont, New Hampshire, and Maine; empty containers, salvage, returned or rejected merchandise, order forms, company records, and advertising matter, from points in Maine, New Hampshire, and Vermont to Boston, Cambridge and Somerville, Mass., sweeping compounds, from Winchester, N.H., to Somerville, Mass. Mary E. Kelley, 10 Tremont Street, Boston 8, Mass., attorney for applicants.

No. MC-FC 65066. By order of August 2, 1962, the Transfer Board approved the transfer to Miller's Motor Transportation, Inc., Chelsea, Mass., of Certificate No. MC 20123 issued June 23, 1941, to William Miller, doing business as Miller's Motor Transportation, Chelsea, Mass., authorizing the transportation of burlap bags, rags, and such commodities as are handled by waste material dealers, over irregular routes, between Chelsea, Mass., on the one hand, and, on the other, New Haven, Waterbury, and New Britain, Conn., and Providence and Woonsocket, R.I. Melvin R. Taymore, 375 Broadway, Chelsea 50, Mass., attorney for applicants.

No. MC-FC 65133. By order of August 2, 1962, the Transfer Board approved the transfer to B.O.W. Express, Inc., P.O. Box 205, Ottawa, Kansas, of Certificate No. MC 29452, issued October 3, 1955, in the name of Densil Cox, Wellsville, Kansas, authorizing the transportation, over regular routes, of livestock, automobile motors, and farm products, except grain, from Baldwin, Kans., to Kansas City, Mo., and general commodities, except Class A and B explosives, inflammables (not including oils and greases in containers) and fresh fruits and vegetables, from Kansas City, Mo., to Baldwin, Kans., general commodities, excluding household goods and other specified commodities, between Kansas City, Mo., and Ottawa, Kans., between Kansas City, Mo., and Osage City, Kans., and over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Kansas City, Mo., and Kansas City, Kans., to Baldwin, Kans., and points within 8 miles thereof, hardware, windmills, twine, washing machines, radios, stoves, and paints, between Kansas City, Mo., and Wellsville, Kans., from Kansas City, Mo., to Princeton, Kans., automobile parts, building materials, farm machinery and parts, feed, groceries, petroleum products in containers and store fixtures, from Kansas City, Mo., and Kansas City, Kans., to Pleasant Grove, Kans., and points within 10 miles of Pleasant Grove, Kans., feed stock remedies, poultry supplies, motor oil in containers, farm hardware, twine, and fencing, from Kansas City, Mo., to Garnett, Lawrence and Paola, Kans., agricultural implements and parts, from Kansas City, Mo., to Wellsville, Kans., from Kansas City,

Mo., and Kansas City, Kans., to Pleasant Grove, Kans., and points within 10 miles of Pleasant Grove, Kans., agricultural implements, from Wellsville, Kans., to Kansas City, Mo., from Kansas City, Mo., to Princeton, Kans., livestock, from points in a described portion of Kansas, to Kansas City, Kans., and Kansas City, Mo., from Kansas City, Kans., and Kansas City, Mo., to Pleasant Grove, Kans., and points within 10 miles of Pleasant Grove, Kans., and between Baldwin, Kans., and points within 8 miles thereof, on the one hand, and, on the other, Kansas City, Mo., and Kansas City, Kans.

No. MC–FC 65139. By order of August 2, 1962, the Transfer Board approved the transfer to Alaska Aggregate Corporation, doing business as Pacific Western Lines, Anchorage, Alaska, of the "grandfather" operating rights claimed to have been performed by Leonard C. Bibler and William L. Bibler, doing business as B & M Transport Service, Anchorage, Alaska, for which an application for permanent authority has been filed under the July 12, 1960 amendment of the Act, assigned Docket No. MC 119660 Sub 1, for authority to transport general commodities, excluding household goods and Class A & B explosives, between points in Alaska. George R. LaBissoniere, 333 Central Building, Seattle 4, Wash., attorney for applicants.

No. MC–FC 65151. By order of July 31, 1962, the Transfer Board approved the transfer to British Columbia Hydre and Power Authority, a Crown Corporation, doing business as Pacific Stage Lines and Royal Blue Line Motor Tours, Vancouver, British Columbia, Canada, of Certificates No. MC 67225 Sub-7, and No. MC 67225 Sub-10, issued August 24, 1956, and September 27, 1957, respectively, to British Columbia Electric Company, Limited, a corporation, doing business as Pacific Stage Lines, Vancouver, British Columbia, Canada, authorizing the transportation of: Passengers and their baggage, between the boundary of the United States and Canada at Blaine, Sumas, and Lynden, Wash., on the one hand, and, on the other, points in Whatcom, Skagit, and Island Counties, Wash., and between the port of entry at or near Blaine, Wash., on the one hand, and, on the other, Portland, Oreg., and points in Washington. W. H. Q. Cameron, 970 Burrard Street, Vancouver 1, British Columbia, applicants' representative.

No. MC–FC 65198. By order of August 2, 1962, the Transfer Board approved the transfer to H. Edward Narbe and Arthur H. Maul, a partnership, doing business as East Aurora & Buffalo Delivery, Orchard Park, N.Y., of Certificate No. MC 2134, issued May 1, 1941, to Cornelius C. Meyer, doing business as East Aurora & Buffalo Delivery, East Aurora, N.Y., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Buffalo, N.Y., and East Aurora, N.Y., over New York Highway 16, serving all intermediate points. Floyd B. Piper, Crosby Building, Buffalo 2, N.Y., practitioner.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–8035; Filed, Aug. 10, 1962; 8:47 a.m.]

[Notice 676–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 8, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 65199. By order of August 8, 1962, the Transfer Board approved the transfer to Warners Motor Express, Inc., Red Lion, Pa., of a portion of Certificate No. MC 78763, issued August 18, 1961, to George P. Cooper (Leona E. Cooper, Executrix) and Howard M. Mesharer, a partnership, doing business as State Transfer Company, Wilkes-Barre, Pa., acquired by Jetway, Inc., Landsdale, Pa., pursuant to MC–FC 64736, authorizing the transportation over irregular routes of household goods, as defined by the Commission, between Wilkes-Barre, Pa., and points within 25 miles of Wilkes-Barre, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, and the District of Columbia, Virginia, West Virginia, North Carolina, Florida, Ohio, Indiana, Illinois, and Michigan; and new and used furniture, between Wilkes-Barre, Pa., on the one hand, and, on the other, Washington, D.C., and points in Massachusetts, Maryland, Virginia, West Virginia, Connecticut, New York, New Jersey, North Carolina, and Florida. John W. Frame, Box 626, Camp Hill, Pa., representative for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–8036; Filed, Aug. 10, 1962; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 8, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37670: *Sugar cane bagasse boards or sheets from Armant, La.* Filed by Southwestern Freight Bureau, Agent (No. B–6243), for interested rail carriers. Rates on boards or sheets made from sugar cane bagasse, in carloads, as described in the application, from Armant, La., to points in Arkansas, Illinois, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, also Memphis, Tenn., and Natchez and Vicksburg, Miss.

Grounds for relief: Carrier competition.

Tariffs: Supplements 26 and 29 to Southwestern Freight Bureau tariffs I.C.C. 4454 and 4456, respectively.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–8034; Filed, Aug. 10, 1962; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (20 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bastian Manufacturing Corp., Bastian, Va.; effective 8–2–62 to 8–1–63 (men's, boys', ladies', and girls' knit shirts).

Benton Industries, Benton, Pa.; effective 7–30–62 to 7–29–63 (men's and boys' sport shirts).

Clayburne Manufacturing Co., Inc., Clayton, Ga.; effective 8–5–62 to 8–4–63 (men's sport shirts).

The Hercules Trouser Co., Wellston, Ohio; effective 7–30–62 to 7–29–63 (men's and boys' single pants).

Laurens Shirt Corp., Hillcrest Drive, Laurens, S.C.; effective 7–27–62 to 7–26–63 (men's dress and sport shirts).

Linden Manufacturing Co., Birdsboro, Pa.; effective 8–7–62 to 8–6–63 (ladies' and girls' blouses).

Linden Manufacturing Co., 24 High Street, Womelsdorf, Pa.; effective 8–7–62 to 8–6–63 (ladies' and girls' blouses).

McMinnville Garment Co., McMinnville, Tenn.; effective 7–24–62 to 7–23–63 (men's and boys' cotton pants).

Roydon Wear, Inc., Oak Street, McRae, Ga.; effective 8–8–62 to 8–7–63 (men's and boys' trousers).

Salant & Salant Inc., Marked Tree, Ark.; effective 8–5–62 to 8–4–63 (men's cotton sport shirts).

Henry I. Siegel Co., Inc., Dickson, Tenn.; effective 8–1–62 to 7–31–63 (men's and boys' single pants).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; effective 8–3–62 to 8–2–63 (men's and boys' single pants).

Top Notch Manufacturing Co., Inc., 2101 Cypress Street, El Paso, Tex.; effective 7–27–62 to 7–26–63 (men's and boys' denim overalls).

Williamson-Dickie Manufacturing Co., Bainbridge, Ga.; effective 7–26–62 to 7–25–63 (men's and boys' cotton pants).

Wood Garment Manufacturing Co., Inc., Crane, Mo.; effective 8–4–62 to 8–3–63 (men's dress trousers, men's, boys' ivy league and cotton pants and dungarees).

Wood Garment Manufacturing Co., Inc., Republic, Mo.; effective 7–26–62 to 7–25–63 (men's dress trousers).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Baroness, Inc., 24 High Street, Womelsdorf, Pa.; effective 8–7–62 to 8–6–63; eight learners (ladies' and girls' blouses).

Dutch Miss, Inc., Fifth and Canal Streets, Lebanon, Pa.; effective 7–26–62 to 7–25–63; six learners (ladies' blouses).

Edinburg Manufacturing Co., Wardensville, W. Va.; effective 7–26–62 to 7–25–63; 10 learners (infants wear).

Giles Manufacturing Corp., Narrows, Va.; effective 7–24–62 to 7–23–63; 10 learners (children's knit shirts, boys' sateen jackets, women's knit blouses, shorts).

Jeansco, Inc., 123 Pine Street, Petersburg, Va.; effective 7–29–62 to 7–28–63; 10 learners (blue jeans).

Lillian Russell, Inc., 126 West Cedar Street, Seminole County, Wewoka, Okla.; effective 7–27–62 to 7–26–63; 10 learners (ladies' dresses).

Linden Manufacturing Co., Newmanstown, Pa.; effective 8–7–62 to 8–6–63; five learners (ladies' and girls' blouses).

Linden Manufacturing Co., 843 North Ninth Street, Reading, Pa.; effective 8–7–62 to 8–6–63; six learners (ladies' and girls' blouses).

Normandy Dress Co., 700 South Madison, Bay City, Mich.; effective 7–30–62 to 7–29–63; 10 learners (ladies' cotton house dresses).

Patrician Frock Co., 30 Susquehanna Street, Jim Thorpe, Pa.; effective 7–30–62 to 7–29–63; five learners (blouses).

Patty Sportswear, Inc., 210 North Main Avenue, Scranton, Pa.; effective 7–30–62 to 7–29–63; 10 learners (ladies' dresses).

Sprite Manufacturing Co., Inc., 50 West Rowe Street, Tamaqua, Pa.; effective 7–30–62 to 7–29–63; 10 learners (ladies' blouses).

Toby Lane, Inc., 1111 Washington Avenue, St. Louis, Mo.; effective 7–27–62 to 7–26–63; 10 learners (women's dresses).

Vasil Manufacturing Co., Inc., 119 East Mary Street, Bucyrus, Ohio; effective 7–31–62 to 7–30–63; 10 learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Manchester Industries, Inc., Manchester, Tenn.; effective 7–25–62 to 1–24–63; 100 learners (men's and boys' sport shirts).

Walter J. Munro, Inc., Salisbury Road, Statesville, N.C.; effective 7–30–62 to 1–29–63; 10 learners (buntings, layette group, diaper sets).

Peerless Sportswear Manufacturing Co., 324 South Main Street, Wilkes-Barre, Pa.; effective 7–30–62 to 1–29–63; five learners (girls' cotton and rayon slacks).

Henry I. Siegel Co., Inc., Dickson, Tenn.; effective 7–25–62 to 1–24–63; 90 learners (men's and boys' single pants).

Sorbeau Juvenile Manufacturing Co., 821 Central Avenue, Dubuque, Iowa; effective 7–30–62 to 1–29–63; 10 learners (infants layette).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Indianapolis Glove Co., Inc., Houlka, Miss.; effective 7–30–62 to 7–29–63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (Canton flannel work gloves).

Indianapolis Glove Co., Inc., Coshocton, Ohio; effective 8–3–62 to 8–2–63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (Canton flannel work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Elizabeth City Hosiery Mills, Elizabeth, N.C.; effective 7–26–62 to 1–25–63; 30 learners for plant expansion purposes (fullfashioned).

Granite Hosiery Corp., 838 South Main Street, Mount Airy, N.C.; effective 8–3–62 to 8–2–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' seamless hosiery).

James Knitting Co., Inc., West Irish Street, Greeneville, Tenn.; effective 7–30–62 to 7–29–63; five learners for normal labor turnover purposes (seamless).

James Knitting Co., Inc., West Irish Street, Greeneville, Tenn.; effective 7–30–62 to 7–29–63; 10 learners for plant expansion purposes (seamless).

Mayo Knitting Mill, Inc., Tarboro, N.C.; effective 7–26–62 to 1–25–63; five learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Cherrybell Manufacturing Corp., 1720 South Cherrybell Stravenue, Tucson, Ariz.; effective 7–24–62 to 1–23–63; 35 learners for plant expansion purposes (ladies' undergarments, panties, and half-slips).

Hazlehurst Manufacturing Co., Vidalia Division, Vidalia, Ga.; effective 7–26–62 to 1–25–63; five learners for plant expansion purposes (ladies' woven and knit underwear).

Lambert Mills, Inc., Lambert, Miss.; effective 7–27–62 to 7–26–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' banlon knit shirts).

Movie Star of Purvis, Purvis, Miss.; effective 7–31–62 to 7–30–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' slips, petticoats, panties, etc.).

Norwich Mills, Inc., Wendell, N.C.; effective 7–30–62 to 1–29–63; 50 learners for plant expansion purposes (boys' cotton knit sweatshirts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

Barry Belt, Inc., 123 Pine Street, Pittston, Pa.; effective 7–30–62 to 1–29–63; five learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 320 hours at the rate of at least $1.00 an hour for the first 160 hours, and not less than $1.05 an hour for the remaining 160 hours (belts).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Caguas Tobacco and Processing Corp., Caguas, P.R.: effective 6–24–62 to 10–1–62; 26 learners for normal labor turnover purposes, in the occupations of: (1) Machine stripper for a learning period of 160 hours at the rate of 80 cents an hour and (2) sorter (selecting half leaves) for a learning period of 160 hours at the rate of 70 cents an hour (machine stripping process and selection of half leaves of wrappers) replacement certificate).

Colon & Co., Inc., Jose I. Quinton Street, Coamo, P.R.; effective 7–2–62 to 7–1–63; 10 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 65 cents an hour (ladies' underwear).

Colon & Co., Inc., Jose I. Quinton Street, Coamo, P.R.; effective 7–2–62 to 1–1–63; 10 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 65 cents an hour (ladies' underwear).

Cranbar Corp., Barrio El Tuque, Ponce West Indies Dev., Ponce, P.R.; effective 7–11–62 to 1–10–63; 70 learners for plant expansion purposes, in any productive factory occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (rubber and canvas shoes).

Glamourette Fashion Mills, Inc., Km. 0.5 Road No. 113, Quebradillas, P.R.; effective 7–14–62 to 7–13–63; 23 learners for normal labor turnover purposes, in the occupations of: (1) Knitter; topper; looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher; presser; hand sewer; finisher operations involving hand sewer, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours; (3) winder for a learning period of 240 hours at the rate of 78 cents an hour (full-fashioned sweaters).

Trio Knitting Corp., Coamo-Juana Diaz Road, Coamo, Puerto Rico; effective 7–16–62 to 1–15–63; 20 learners for plant expansion purposes, in the occupations of: (1) Looper

for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) mender for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (knitted sweaters).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 2d day of August 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-8051; Filed, Aug. 10, 1962; 8:50 a.m.]

FEDERAL REGISTER

Telephone WOrth 3-3261

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1962–63 Edition

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11042

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE SOUTHERN PACIFIC COMPANY (PACIFIC LINES) AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Southern Pacific Company (Pacific Lines), a carrier, and certain of its employees represented by the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to this dispute within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Southern Pacific Company (Pacific Lines), or by its employees, in the conditions out of which this dispute arose.

JOHN F. KENNEDY

THE WHITE HOUSE,
August 10, 1962.

[F.R. Doc. 62-8237; Filed, Aug. 13, 1962; 12:04 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Prune Reg. 1, Amdt. 1]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington, and in Umatilla County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington-Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that limitation of shipments of fresh prunes, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; fresh prunes are currently subject to the same maturity requirement set forth in this amendment, and this amendment only specifies and clarifies the method being used to determine such maturity so that all such maturity determinations will be uniform; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective not later than the date hereinafter specified; and compliance with this amendment will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) It is, therefore, ordered as follows:

The provisions in paragraph (b)(2) of § 924.301 (Prune Regulation 1; 27 F.R. 7866) are here amended to read as follows:

(2) Such prunes, in addition to meeting the other requirements of maturity as defined in the United States Standards for Fresh Plums and Prunes (§§ 51.1520–51.1537 of this title), contain not less than fourteen (14) percent soluble solids, as determined by refractometer test of the juice from the blossom end sections of not less than 10 prunes selected at random from the lot. The blossom end section of each prune shall be cut at right angles to the longitudinal axis to the depth of the pit, and the juice therefrom tested either on a composite basis or individual tests averaged.

(c) The provisions of this amendment shall become effective at 12:01 a.m., P.s.t., August 15, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 10, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8178; Filed, Aug. 13, 1962; 8:53 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD SAMPLES

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

HYDROCARBONS AND ORGANIC SULFUR COMPOUNDS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from September 1, 1962.

1. NBS Hydrocarbon Standard Materials—Transferred to American Petroleum Institute.

Effective October 1, 1962, the American Petroleum Institute will assume responsibility for the distribution of hydrocarbon and sulfur standard samples to all users. Previously, API had issued such standards to the petroleum industry, whereas the National Bureau of Standards had supplied laboratories not associated with the petroleum industry. Orders for these samples will not be accepted by NBS after September 1, 1962.

A total of about 174 specific compounds[1] will be transferred from the Bureau to the API Samples Office at Carnegie Institute of Technology. Eleven groups of chemicals—paraffins, alkyl cyclopentanes, alkyl cyclohexanes, monoolefins, diolefins, cyclomonoolefins, acetylenes, alkyl benzenes, naphthalenes, polycyclic hydrocarbons, and organic sulfur compounds—will be included in the transfer. These standards are issued primarily for calibrating instruments and apparatus in the research, development, and analytical laboratories of the petroleum, rubber, chemical, and allied industries.

The services offered by the Institute will be essentially those provided by the Bureau. Requests for information concerning the program and procedures for purchasing the standard samples should be addressed to Carnegie Institute of Technology, Attention: Beveridge J. Mair, Petroleum Research Laboratory, Pittsburgh 13, Pennsylvania. The API has available 341 compounds as standard samples. These include 294 hydrocarbons, 38 organic sulfur compounds and 9 organic nitrogen compounds.

In general, the development of the hydrocarbon program is an excellent example of cooperative effort on the part of industry and government to prepare improved standards for physical measurement. Early in 1943, the Petroleum Industry War Council requested the Bureau to include hydrocarbons of high purity in its standard sample program. Under the direction of Frederick D. Rossini,[2] former chief of the NBS thermochemistry and hydrocarbon laboratory, about 15 hydrocarbons were completed within the year. However, the needs of the industry for new hydrocarbon standards increased so rapidly that a greater rate of production was necessary. Therefore, the American Petroleum Institute was requested to cooperate so that all the facilities of the Institute's existing research projects could be utilized. In 1950, part of the stock of standard hydrocarbons at the Bureau was transferred to API Samples Office at Carnegie Institute of Technology. API filled orders from laboratories associated with the petroleum industry whereas the Bureau continued to supply laboratories not directly related to the petroleum industry. The Bureau has been distributing about 100 hydrocarbons per month.

[1] The standards involved in the transfer are listed in Section 3.2.6, Hydrocarbons and Organic Sulfur Compounds, pp. 10 to 14 of Standard Materials, Misc. Pub. 241. This publication may be ordered for 30 cents from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C. Up-to-date supplementary inserts, which are issued periodically, are available upon request directly from the National Bureau of Standards.

[2] Now Dean of the College of Science, University of Notre Dame, Notre Dame, Indiana.

Eight hydrocarbon blends, NBS Standard Sample Nos. 592 to 599, and three hydrocarbons certified for density and refractive index, NBS Standard Sample Nos. 211, 217, 218, may still be purchased directly from the Bureau.[3] The blends are primarily intended for calibrating mass spectrometric and other instrumental procedures employed in the analysis of gasolines, naphthas, and blending stocks, whereas the three latter standards may be used to calibrate refractometers, picnometers, and density balances, as well as spectrometers.

2. Accordingly § 230.11 *Descriptive list*, paragraph (n) *Hydrocarbons and organic sulfur compounds*, is hereby deleted effective September 1, 1962.

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

R. D. HUNTOON,
Deputy Director.

[F.R. Doc. 62-8110; Filed, Aug. 13, 1962; 8:53 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Dockets 7225o., 7496o.]

PART 13—PROHIBITED TRADE PRACTICES

Tri-Valley Packing Association

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials;* [Discriminating in price under sec. 2, Clayton Act]—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Tri-Valley Packing Association, San Francisco, Calif., Dockets 7225 and 7496, May 10, 1962]

Order in two consolidated proceedings requiring a San Francisco canner of fruits and vegetables to cease violating sections 2(a) and 2(d) of the Clayton Act by such practices as charging large grocery chains who maintained buying agencies in the San Francisco or "California Street" market, from 2 percent to 5 percent less per case than other customers, and granting allowances in specially tailored or negotiated deals involving promotional activities initiated by certain purchasers without making them available on proportionally equal terms to the latters' competitors.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Tri-Valley Packing Association, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device in, or in connection with, the sale of food products in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

1. Discriminating in the price of such products of like grade and quality by selling to any purchaser at net prices higher than the net prices charged any other purchaser who, in fact, competes with the purchaser paying the higher price or with customers of such purchaser.

2. Paying or contracting for the payment of anything of value to or for the benefit of any customer of respondent as compensation or in consideration for any services or facilities furnished by or through such customer, in connection with the offering for sale, sale or distribution of any of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products with the favored customer.

It is further ordered, That respondent, Tri-Valley Packing Association, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 10, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8080; Filed, Aug. 13, 1962; 8:46 a.m.]

[Docket 8119o.]

PART 13—PROHIBITED TRADE PRACTICES

Quaker Oats Co.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, The Quaker Oats Company, Chicago, Ill., Docket 8119, Apr. 25, 1962]

Order requiring a major manufacturer of food products for both humans and animals, selling to wholesalers and retailers and with annual sales in excess of $300,000,000, to cease violating section 2(d) of the Clayton Act by such acts as contributing $250 through its Coast Fisheries Division in connection with the sale of its Puss 'N Boots cat food to an anniversary sales promotion called a "Foodarama" staged by a retail grocery chain with headquarters in Burlington, Iowa, and retail stores in 25 cities in Iowa, Illinois, and Missouri, without making such payments available on proportionally equal terms to the chain's competitors.

The order to cease and desist is as follows:

It is ordered, That respondent The Quaker Oats Company, a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of cat food and related products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying or contracting for the payment of anything of value to or for the benefit of, any customer of respondent as compensation for or in consideration of any advertising, promotion or display services or facilities furnished by or through such customers in connection with the handling, offering for sale, sale or distribution of said products, unless such payment or consideration is affirmatively made available on proportionally equal terms to all other customers competing in the distribution of such products.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent, The Quaker Oats Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the initial decision as modified.

Issued: April 25, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8081; Filed, Aug. 13, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Inorganic Bromides; Tolerance for Residues

On June 23, 1962, a proposal was published in the FEDERAL REGISTER (27 F.R. 5968) to establish a tolerance of 100 parts per million for residues of inorganic bromides in or on asparagus resulting from fumigation with methyl bromide in accordance with the Plant Quarantine Program of the U.S. Department of Agriculture. No comments were received on the proposal and no request was received for referral of the proposal to an advisory committee. After consideration of all available data, the Commissioner of Food and Drugs has concluded that the tolerance established in this order will protect the public health.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 512, 514; 21 U.S.C. 346a (b), (e)) and delegated to the Commissioner by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.123 (27 F.R. 4623)) are amended by inserting after the item "100 parts per million in or on copra" a new item as set forth below:

§ 120.123 **Tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide.**

* * * * * *

100 parts per million in or on asparagus from use in accordance with the Plant Quarantine Program of the U.S. Department of Agriculture.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408 (b), (e), 68 Stat. 512, 514; 21 U.S.C. 346a(b), (e))

Dated: August 7, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8092; Filed, Aug. 13, 1962; 8:50 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of Viable Spores of the Microorganism Bacillus Thuringiensis Berliner; Exemption From Requirement of Tolerance

A petition was filed with the Food and Drug Administration by Bioferm Corporation, Wasco, California, requesting the establishment of a regulation exempting residues of the insecticide containing viable spores of the microorganism Bacillus thuringiensis Berliner in or on bananas and corn from the requirement of tolerances. The petitioner later withdrew the request for an exemption on corn.

The Secretary of Agriculture has certified that this insecticide is useful on bananas.

After consideration of the data submitted in the petition and other relevant material which show that the exemption established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 120.176 (21 CFR 120.176) is amended by inserting the word "insecticide" in lieu of "pesticide" in paragraphs (a) and (b) and by adding bananas to the list of raw agricultural commodities in paragraph (b) of this section for which exemption from the requirement of a tolerance is established for this microorganism. As amended, the affected portions of § 120.176 read as follows:

§ 120.176 **Exemption from the requirement of a tolerance for residues of viable spores of the microorganism *Bacillus thuringiensis* Berliner.**

(a) For the purposes of this section the microbial insecticide for which exemption from the requirement of a tolerance is being established shall have the following specifications:

* * * * *

(b) Exemption from the requirement of a tolerance is established for residues of the microbial insecticide Bacillus thuringiensis Berliner, as specified in paragraph (a) of this section, in or on the following raw agricultural commodities; Alfalfa, apples, artichokes, bananas, beans, broccoli, cabbage, cauliflower, celery, cottonseed, lettuce, melons, potatoes, spinach, tomatoes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: August 7, 1962.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8104; Filed, Aug. 13, 1962; 8:52 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Endosulfan

A petition was filed with the Food and Drug Administration by Niagara Chemical Division, FMC Corporation, Middleport, New York, requesting the establishment of tolerances for residues of the insecticide endosulfan (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide) in or on broccoli and cabbage at 2 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.182 (21 CFR 120.182; 27 F.R. 5738) tolerances for residues of endosulfan on broccoli and cabbage. As amended, the affected portion of § 120.182 reads as follows:

§ 120.182 **Tolerances for residues of endosulfan.**

* * * * * *

2 parts per million in or on apples, apricots, artichokes, broccoli, cabbage, cherries, cucumbers, eggplants, grapes, head lettuce, melons, nectarines, peaches, pears, peppers, plums, prunes, pumpkins, strawberries, summer squash, tomatoes, watercress, winter squash.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

[3] The materials are described in Standard Materials, Misc. Pub. 241. A total of over 600 different standard materials are available from the National Bureau of Standards—principally chemicals, ceramics, metals, ores, and radioactive nuclides.

(Sec. 406(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: August 7, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8091; Filed, Aug. 13, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

RONNEL

The Commissioner of Food and Drugs has evaluated the data submitted in a petition filed by Moorman Manufacturing Company, Quincy, Illinois, and other relevant material, and has concluded that § 121.209 of the food additive regulations should be amended to provide for the use of ronnel in a mineral-block or granular concentrate in the feed of beef cattle. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR 121.209) are amended by changing § 121.209 to read as follows:

§ 121.209 Ronnel.

The food additive ronnel (*O,O*-dimethyl *O*-(2,4,5-trichlorophenyl) phosphorothioate) may be safely used in animal feed in accordance with the following prescribed conditions:

(a) In the feed of beef cattle and heifers, as follows:

	Quantity	Limitations	Indications for use
	Percent in feed concentrate		
(1) In feed concentrate:			
(i)	0.260-0.275	Feed concentrate 0.3 pound per 100 pounds of animal weight per day for 14 days; withdraw feed 60 days before calving; withdraw feed 60 days prior to slaughter; not to be fed to dairy cows.	Control of grubs in beef cattle and in heifers.
(ii)	0.600	Feed concentrate 0.3 pound per 100 pounds of animal weight per day for 7 days; withdraw feed 60 days before calving; withdraw feed 60 days prior to slaughter; not to be fed to dairy cows.	Do.
	Percent in block or granular concentrate		
(2) In mineral concentrate	5.50	Feed block or granular concentrate 0.25 pound per 100 pounds of animal weight per month for not less than 75 days; withdraw 60 days before calving; withdraw 60 days prior to slaughter; not to be fed to dairy cows.	Do.

(b) To assure safe use, the label and labeling of the additive, any combination of additives, and any intermediate premix or final feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities of each contained therein.

(3) Adequate directions and warnings for use, which shall also include the following:

(i) A statement that the ronnel-medicated feed concentrate shall be thoroughly mixed with the daily feed ration.

(ii) A statement that ronnel-medicated feed or block concentrate is to be used as the sole source of ronnel medication.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: August 7, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8095; Filed, Aug. 13, 1962; 8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

HYGROMYCIN B; CORRECTION

In F.R. Doc. 62-7270 appearing in the issue of Friday, July 27, 1962 (27 F.R. 7373), the "Limitations" column of item 6 in Table 2 of § 121.213(c) is corrected to read "as Chlortetracycline hydrochloride; withdraw 48 hr. prior to slaughter."

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: August 7, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8093; Filed, Aug. 13, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Food Additives Permitted in Animal Feed or Animal Feed Supplements; Manganese Bacitracin

1. The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Dow Chemical Company, Midland, Michigan; Grain Processing Corporation, Muscatine, Iowa; and Merck and Company, Inc., Rahway, New Jersey, and other relevant material, has concluded that the food additive regulations should be amended to provide for the addition of manganese bacitracin with procaine penicillin for growth promotion to zoalene-medicated feeds, in accordance with the conditions previously established in § 146.26(b)(44); to provide for the addition of manganese bacitracin with procaine, penicillin for growth promotion to amprolium-medicated feeds pursuant to a petition filed, and in accordance with conditions previously established in § 146.26(b)(45); to provide for the addition of manganese bacitracin to procaine penicillin as prescribed in § 121.225(a)(3)(iii); and to provide for addition of manganese bacitracin to chicken, turkey, and swine feeds in § 121.255 (antibiotics for growth promotion and feed efficiency) by transfer of an existing regulation in § 121.203. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR 121.203; 121.207 (27 F.R. 3198); 121.210 (27 F.R. 2799, 3198); 121.225 (27 F.R. 2733)) are amended as set forth below:

1a. Section 121.203 *Manganese bacitracin in animal feed* is revoked and the provisions of that section are incorporated in § 121.225 as paragraph (g) (see amendment 1d).

b. Section 121.207(a)(1)(iii) is amended to read as follows:

§ 121.207 Zoalene (3,5-dinitro-*o*-toluamide).

* * * * *

(a) * * *

(1) * * *

(iii) A combination of procaine penicillin and bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin, in accordance with the conditions prescribed in § 121.255(a)(3)(iii).

c. Section 121.210(a)(1)(ii)(e) is amended to read as follows:

§ 121.210 Amprolium (1-(4-amino-2-n-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride).

* * * * *

(a) * * *

(1) * * *

(ii) * * *

(e) A combination of procaine penicillin and bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin, in accordance with the conditions prescribed in § 121.225(a)(3)(iii).

d. Section 121.225 is amended by changing paragraph (a)(3)(iii) to read as set forth below and by adding thereto a new paragraph (g):

§ 121.225 Antibiotics for growth promotion and feed efficiency.

* * * * *

(a) * * *

(3) * * *

(iii) With bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin in the feed of chickens and turkeys, in an amount not less than 0.6 gram of penicillin and not less than 3 grams of the bacitracin nor more than 50 grams of the combination per ton of finished feed.

* * * * *

(g) *Manganese bacitracin.* Manganese bacitracin, with or without procaine penicillin, as provided in subparagraph (3) of this paragraph, as follows:

(1) Manganese bacitracin is the manganese salt of the antibiotic substance produced by the growth of *Bacillus subtilis* var. Tracy or the same antibiotic substance produced by any other means, and for the purposes of this paragraph refers to manganese bacitracin or feed grade manganese bacitracin.

(2) The quantities of the antibiotics referred to in this paragraph refer to activities equivalent to those of the appropriate antibiotic master standards.

(3) It is used or intended for use:

(i) In the feed of chickens or turkeys in an amount not less than 4 grams nor more than 50 grams per ton of finished feed.

(ii) In the feed of swine in an amount not less than 10 grams nor more than 50 grams per ton of finished feed.

(iii) With procaine penicillin, as provided in paragraph (a)(3)(iii) of this section.

2. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 146.13(b)(1) is amended to read as follows:

§ 146.13 Manganese bacitracin medicated animal feed.

* * * * *

(b) * * *

(1) For chickens and turkeys: Not less than 4 grams and not more than 50 grams; or it may contain a combination of manganese bacitracin and penicillin, in which case it shall contain not less than 3 grams of manganese bacitracin and not less than 0.6 gram of penicillin, but not more than 50 grams of the combination drug.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), 507, 59 Stat. 463 as amended, 72 Stat. 1786; 21 U.S.C. 348(c)(1), 357)

Dated: August 7, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8094; Filed, Aug. 13, 1962; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

"Stock Item" Exemption

Section 1455.6 *Subcontracts as to which it is not administratively feasible to segregate profits* is amended as follows:

1. Paragraph (b) is amended by deleting from the caption "July 1, 1962" and inserting in lieu thereof "January 1, 1963".

2. Paragraph (b) is further amended by deleting "July 1, 1962" and inserting in lieu thereof "January 1, 1963".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: August 9, 1962.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 62-8105; Filed, Aug. 13, 1962; 8:52 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

International Mail Amendments

The regulations of the Post Office Department in § 168.5 *Individual country regulations* are amended as follows:

I. In country "Germany (Including Saar)", as amended by 27 F.R. 2102, under Postal Union Mail, amend the item *Observations* by inserting the following immediately preceding the last paragraph therein:

Observations. * * *

Senders preparing direct sacks of prints addressed to Western Germany in accordance with § 112.4(f) of this chapter must affix to the address tags of such sacks the green (customs) label, Form 2976, described in § 111.4(a) of this chapter.

II. In country "Iraq", under Postal Union Mail, the item *Observations* is amended to show that the importation of remittances is restricted. As so amended the item reads as follows:

Observations. Letters are subject to examination for currency control. Remittances not in Iraqi currency, including checks, are sent to the Rafidain Bank, where the addressees are notified to apply to receive the equivalent of the remittance in Iraqi currency.

See the item *Observations* under "Parcel Post" concerning import licenses.

III. In country "United Arab Republic (Egypt)", as amended by 27 F.R. 404, make the following changes to reflect modifications of import license requirements.

A. Under Postal Union Mail, amend the item *Observations* by inserting the following immediately after the first paragraph therein:

Observations. * * *

See the item *Observations* under Parcel Post for import license regulations, which apply also to merchandise sent by postal union mail.

B. Under Parcel Post, strike out the last paragraph of the item *Observations* and insert in lieu thereof the following:

Observations. * * *

All merchandise imported into the United Arab Republic (Egypt) requires an import permit to be obtained by the addressee, except for the following:

Gifts and articles for personal use.
Books, magazines, and scientific bulletins.
Postage stamps.
Advertising matter for steamship and air lines for their own use.
Repair parts, equipment and supplies for steamships and airplanes.

For merchandise other than the categories listed above, the addressee must obtain an import permit before the goods are sent, and inform the sender of the permit number. The sender must place this number on the wrapper, dispatch

note and customs declaration. Otherwise the packages will be liable to confiscation in the United Arab Republic.

Parcel post and postal union mail packages are not to be accepted for mailing to the United Arab Republic unless the sender has marked the wrapper "U.A.R. Import Permit Not Required" or "U.A.R. Import Permit No. ____" with the appropriate number. In the case of parcel post, the number must be placed also on the dispatch note and customs declaration.

C. Under Parcel Post, strike out the last paragraph of the item *Import restrictions* and insert in lieu thereof the following:

Import restrictions. • • •

See the item *Observations* for import license requirements.

(R.S. 161 as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-8084; Filed, Aug. 13, 1962; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5-10—BONDS AND INSURANCE

Correction

In F.R. Doc. 62-7831, appearing at page 7763 of the issue for Tuesday, August 7, 1962, a section heading reading "§ 5-10.5202 *General*" should be inserted following § 5-10.5201 and immediately preceding the paragraph which begins with the words "The policy of the Government, in general, is not to • • •".

Title 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

SUBCHAPTER A—ARCHIVES AND RECORDS MANAGEMENT

PART 7—HERBERT HOOVER LIBRARY

The following new Part 7 is added to Title 44 of the Code of Federal Regulations.

Sec.
7.0 Scope.
7.1 Definitions.
7.2 Legal custody.
7.3 General conduct.
7.4 Photography by visitors.

AVAILABILITY AND USE OF HISTORICAL MATERIAL

7.10 Inquiries regarding use.
7.11 Restricted materials.
7.12 Admission card. [Reserved]
7.13 Withdrawal of admission card. [Reserved]

RESEARCH ROOM RULES [RESERVED]

LOANS AND REPRODUCTIONS [RESERVED]

AUTHENTICATION AND ATTESTATION [RESERVED]

LEGAL DEMANDS

Sec.
7.50 Service of subpoena, or other legal demand; compliance.

MUSEUM AREAS AND GROUNDS

7.60 Admission fee.
7.61 Free admissions.
7.62 Hours of admission to museum areas and Library grounds.
7.63 Eating and smoking prohibited.
7.64 Supplemental rules.

AUTHORITY: §§ 7.0 to 7.64 issued under sec. 205, 63 Stat. 389; 40 U.S.C. 486 and 69 Stat. 695; 44 U.S.C. 397 (e), (f), (j).

§ 7.0 Scope.

The provisions of this part apply to the Herbert Hoover Library and adjacent buildings and grounds.

§ 7.1 Definitions.

As used in this part, unless the context otherwise requires:

(a) The term "Library" means the Herbert Hoover Library, West Branch, Iowa.

(b) The term "adjacent buildings" means the Hoover Birthplace Cottage and the "blacksmith shop" located on the grounds of the Library.

(c) The term "Administrator" means the Administrator of General Services.

(d) The term "Archivist" means the Archivist of the United States.

(e) The term "Director" means the Director of the Herbert Hoover Library.

(f) The term "historical materials" includes books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value.

§ 7.2 Legal custody.

The Administrator has legal custody of historical material in the Library and adjacent buildings.

§ 7.3 General conduct.

All persons entering in or upon Library property are subject to the general regulations covering public buildings and grounds issued by the Administrator (Subpart A, Part 100 of this chapter).

§ 7.4 Photography by visitors.

Visitors are permitted to take photographs in the Library and adjacent buildings without restriction if flash bulbs or other special photolighting devices are not used, and the photographs are not intended for commercial use. Persons desiring to take photographs requiring the use of photolighting devices, tripods or other elaborate equipment or for commercial purposes, must obtain special permission from the Director. Applications for such permission should be made to the Director.

AVAILABILITY AND USE OF HISTORICAL MATERIAL

§ 7.10 Inquiries regarding use.

Historical material in the Library, except for items displayed in exhibit areas, will not be available for use until restricted material has been identified and segregated. Notice will be published when unrestricted materials are opened to research, and this section will be revised accordingly. In the interim, questions regarding access to historical material should be addressed to the Director.

§ 7.11 Restricted materials.

In accordance with the provisions of section 507(f)(3) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 397(f)(3)), materials on which availability and use restrictions have been specified in writing by the donors or depositors will be made available subject to the restrictions specified. The following classes of material will not be made available for examination or use:

(a) Materials on which the Archivist has imposed restrictions.

(b) Materials restricted by law or Executive order.

(c) Materials containing information the disclosure of which would be prejudicial to the national interest or security of the United States.

§ 7.12 Admission card. [Reserved]

§ 7.13 Withdrawal of admission card. [Reserved]

RESEARCH ROOM RULES [RESERVED]

LOANS AND REPRODUCTIONS [RESERVED]

AUTHENTICATION AND ATTESTATION [RESERVED]

LEGAL DEMANDS

§ 7.50 Service of subpoena or other legal demand; compliance.

When a subpoena duces tecum or other legal demand for the production of historical material in the Library is served upon the Administrator, the Administrator will, so far as legally practicable, comply with such subpoena or demand by submitting authenticated copies of such material, or the original material if necessary unless he determines that disclosure of the information is contrary to law or Executive order, would violate restrictions authorized by law and specified in writing by the donors of the material, or would prejudice the national interest or security of the United States. When a subpoena or demand for historical material is served upon any officer or employee of the General Services Administration other than the Administrator, he will, so far as legally practicable and unless otherwise directed by the Administrator, respectfully decline to produce such material on the ground that he does not have legal custody thereof, is without authority under this part to produce the same, and that the Administrator has not determined that production of the material is in accordance with the regulations in this part.

MUSEUM AREAS AND GROUNDS

§ 7.60 Admission fee.

A charge of 50 cents shall be collected from every person visiting and viewing the museum portion of the Library building, except as provided in § 7.61 Admission to adjacent buildings is free.

§ 7.61 Free admissions.

The following persons will be admitted to the museum portion of the Library building free of charge: *Provided*, That the applicable tax, if any, will be collected from such persons unless exempt by law:

(a) *Without prior application.* (1) Children 12 years of age or under when accompanied by an adult assuming responsibility for their safety and orderly conduct.

(2) Uniformed members of the Armed Forces of the United States.

(3) Persons in the support or care of charitable institutions and their attendants.

(b) *When prior application has been made.* Persons from educational institutions when such persons are accompanied by officers or instructors of such institutions.

(c) *Special cases.* Persons engaged in business affecting the Library and other persons when specifically authorized by the Director.

§ 7.62 Hours of admission to museum areas and Library grounds.

The Library museum rooms and adjacent buildings will be open from 9:00 a.m. to 4:30 p.m., Monday through Saturday, and from 2:00 p.m. to 5:00 p.m. on Sundays, including Federal legal holidays except Thanksgiving Day, Christmas Day, and New Year's Day, and at such other times as the Director may authorize. From June 1 to September 15 the museum rooms and adjacent buildings will be open from 10:00 a.m. to 5:00 p.m. on Sundays. The Library grounds will be open from 8:30 a.m. to 10:00 p.m. daily, except as otherwise authorized by the Director.

§ 7.63 Eating and smoking prohibited.

Eating and smoking are prohibited in the museum rooms of the Library and within the immediate vicinity of adjacent buildings.

§ 7.64 Supplemental rules.

The Director is authorized to establish and post such rules as he may deem necessary regarding the reservation and use of the grounds and shelters, the conduct of persons therein, the admission of pets, the playing of games, or any other subjects on which, in his judgment, rules are required.

Dated: August 10, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-8183; Filed, Aug. 13, 1962; 9:27 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

[General Order 96]

PART 255—PAYMENT FROM THE CAPITAL RESERVE FUND FOR THE PURCHASE OF CARGO CONTAINERS

Sec.
255.1 Purpose.
255.2 Definitions.
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AUTHORITY: §§ 255.1 to 255.8 issued under sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114; Public Law 87-271, 75 Stat. 570. Interpret or apply § 607(b), 46 U.S.C. 1177.

§ 255.1 Purpose.

The purpose of this part is to establish the policy and procedure to be followed by the Maritime Administration and by the subsidized operators:

(a) For the payments from the Capital Reserve Fund relative to the purchase price of cargo containers delivered after June 30, 1959, and

(b) For other purposes, pursuant to the Merchant Marine Act, 1936, as amended.

§ 255.2 Definitions.

A cargo container is defined as a new container (with or without temperature or humidity control units) of rectangular configuration for shipping a number of smaller packages or bulk material, that confines and protects the contents from loss or damage and can be handled in transit as a unit, has an estimated useful life of 5 years or more, is of domestic manufacture, and is one of the following standard nominal sizes:

Length	Width	Height
40'	8'	8'
30'	8'	8'
20'	8'	8'
10'	8'	8'

For purchases made prior to April 28, 1961, a cargo container is defined as above except that in lieu of the dimensions above it shall have a gross external cube of 640 cubic feet or more.

§ 255.3 Application.

(a) Application for permission to purchase cargo containers direct from the Capital Reserve Fund or from general funds if reimbursement from the Capital Reserve Fund is to be requested at a later date, shall be filed with the Maritime Administration not less than 60 days prior to the date the operator contemplates committing itself for the purchase of same. Such application shall state the size, type, quantity, construction material, vessel or vessels on which to be, as well as can be used, estimated useful life, estimated cost, method of financing, and whether of domestic manufacture. Competitive bidding will be required in all cases of future purchases, unless specifically waived in individual cases by the Maritime Administration. Copies of all bids received, the name of the seller and any relationship existing between the operator and the seller will be filed as a part of each application, either at the outset or as soon as available.

(b) With respect to other applications including those involving negotiations in progress for which application in advance cannot be made under paragraph (a) of this section, such applications should contain the same data as required in paragraph (a) of this section excluding copies of bids where competitive bidding was not employed and shall be filed not later than 60 days after the effective date of this order.

(c) Approval of any application pursuant to paragraphs (a) and (b) of this section will include, unless otherwise stated in the approval, authority for the payment of principal of any indebtedness when due under the method of financing so approved.

§ 255.4 Feasibility of purchase and fund availability.

The Maritime Administration will authorize use of the Capital Reserve Fund for the purchase of cargo containers, for use in connection with subsidized vessels (determined in accordance with Article II-37(a) of the operating-differential subsidy agreement), only if the applicant demonstrates to the satisfaction of the Maritime Administration that the purchase is prudent and the cost is fair and reasonable, and the Maritime Administration determines that the applicant's resources are adequate first to meet the requirements and purposes of the applicant's Capital Reserve Fund (and with respect to any transfer of funds from the applicant's Special Reserve Fund, the requirements and purposes of that fund) taking into account the applicant's current and (to the extent deemed appropriate) future ship construction and reconstruction programs, methods of financing, ship mortgage indebtedness and other factors deemed pertinent in the particular case. Applications involving deferred payments shall have a method of financing satisfactory to the Maritime Administration, including a minimum equity in the cargo containers of 12.5 percent. Purchases, if any, from related companies may be made only with the prior approval of the Maritime Administration and shall be in accordance with the applicable provisions of law or contract.

§ 255.5 Subsidy.

Neither construction-differential subsidy nor operating-differential subsidy shall be paid with respect to cargo containers.

§ 255.6 Deposits in the capita reserve fund on account of cargo containers purchased therefrom.

There shall be deposited in the Capital Reserve Fund in respect of cargo containers paid or payable out of such fund (a) not later than six months after the end of each accounting period an amount equivalent to the annual depreciation written off as prescribed in § 255.7(b) hereinafter, (b) proceeds from containers sold or otherwise disposed of, and (c) proceeds of insurance or indemnities in the event of total loss; provided the deposits of depreciation on cargo containers shall be deferred to the extent not earned on the same basis as depreciation with respect to subsidized ships as provided in Article II-25(a)(2) of the Operating-Differential Subsidy Agreement.

§ 255.7 Accounting treatment. (Amendments have been or will be made to other General Orders where appropriate.)

(a) Account 349—"Other shipping property and equipment" shall be charged with the cost of acquisition of cargo containers;

(b) Account 350—"Reserve for amortization and depreciation; other shipping property and equipment" shall be credited and Account 988—"Depreciation; other shipping property and equipment" shall be charged with depreciation computed on the straight line method on the basis of the useful life approved by the Maritime Administration;

(c) Any revenues derived from cargo containers such as, but not limited to, demurrage and rental, shall be credited to Account 660—"Revenue from other shipping operations." Expenses such as, but not limited to, insurance, maintenance and repairs, and those incurred in transporting empty containers between ports and piers, shall be charged to Account 885—"Expenses of other shipping operations." Subsidiary accounts shall be maintained to show separately the principal classes of revenues and expenses of cargo containers; and

(d) For subsidy accounting purposes the depreciated book value of cargo containers, less outstanding indebtedness thereon for capital necessarily employed purposes and the debits and credits for expenses and revenues such as those referred to in paragraph (c) of this section, depreciation, and interest on indebtedness incurred by the purchase for the purpose of determining earnings subject to recapture, shall be allocated between subsidized operations and unsubsidized operations on the basis of the relation that the number of cargo container voyage days on subsidized and unsubsidized voyage terminations during the accounting period, separately, bears to the total number of cargo container voyage days on voyage terminations during the accounting period.

§ 255.8 Accountability.

There shall be filed annually with the appropriate Maritime Administration Coast Director not later than March 31 of each year a summary of cargo containers, by size and type, for which approvals have been granted hereunder, showing (a) the relative percentage of utilization in subsidized and unsubsidized operations (determined in accordance with Article II-37(a) of the Operating-Differential Subsidy Contract), on the same basis of allocations and for the same period as prescribed in § 255.7(d), and (b) location as of December 31 of the previous year. As to location, breakdown should show:

(1) Number afloat, by service designation;

(2) Number in transit on land by general geographical area; and

(3) Number of others by general geographical area.

The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: August 9, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-8112; Filed, Aug. 13, 1962; 8:53 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Loxahatchee National Wildlife Refuge, Florida

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

FLORIDA

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Loxahatchee National Wildlife Refuge, Florida, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 74,492 acres or 49.8 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, white bass, bream, pickerel, and other minor species permitted by State regulations.

(b) Open season: July 17, 1962 through June 30, 1963. One hour before sunrise to one hour after sunset.

(c) Daily creel limits:

Black bass	10
Pickerel	15
White bass	30
Bream, perch and red-finned pike (singly or in aggregate)	35

Total of 90 in aggregate—do not exceed individual limit in any case.

(d) Methods of fishing:

(1) Attended rod and reel and/or pole and line permitted.

(2) Trotlines, limb lines, nets or other set tackle prohibited.

(3) Boats, including boats with motors, are permitted except that air-thrust boats may be authorized only by special permit issued by the Refugee Manager, and speedboats and racing craft are prohibited except for official purposes. Inboard and outboard motor boats may not be used in areas designated by suitable posting by the Refuge Officer in charge as closed to motor boat operation.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to July 1, 1963.

JAMES R. FIELDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-8082; Filed, Aug. 13, 1962; 8:47 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 514]

[Reg. Docket No. 1339; Draft Release No. 62-37]

GAS TURBINE AUXILIARY POWER UNITS

Proposed Technical Standard Order

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator by adopting a new Technical Standard Order. This Technical Standard Order establishes minimum performance standards for approval of gas turbine auxiliary power units on a separate basis, for use on civil aircraft of the United States. Auxiliary power units were originally approved as a part of an aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 28, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By adding the following § 514.83:

§ 514.83 Gas turbine auxiliary power units—TSO-C77.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for gas turbine auxiliary power units for use on civil aircraft of the United States. New models of gas turbine auxiliary power units manufactured on or after the effective date of this section shall meet the standards specified in the Federal Aviation Agency Standard, "Gas Turbine Auxiliary Power Units", dated June 8, 1962.

(b) *Marking.* In addition to the markings specified in § 514.3(d), the following shall also be shown:

(1) Maximum rated speeds and temperature.

(2) Maximum allowable speeds and temperature.

(3) Maximum rated output.

(4) Category and class of service.

(5) Fuel grade and specification.

(6) Lubricating oil grade and specification.

(c) *Data requirements.* In addition to the data specified in § 514.2, the manufacturer shall furnish the following to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(1) Instruction manual containing instructions for the installation, operation, servicing, maintenance, repair, and overhaul of the unit.

(2) Model specification.

Issued in Washington, D.C., on August 7, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-8073; Filed, Aug. 13, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 981]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

Proposed Salable and Surplus Percentages for the 1962-63 Crop Year

Notice is hereby given that there is under consideration the proposed establishment of a salable percentage of 85 percent and surplus percentage of 15 percent for California almonds during the 1962-63 crop year which began July 1, 1962. The proposed percentages are based on recommendations of the Control Board and other available information and would be established pursuant to the provisions of the amended marketing agreement and order (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The proposed percentages are based upon the following estimates (kernel weight basis) for the crop year beginning July 1, 1962:

(1) Production of 50 million pounds;

(2) Trade demand for domestic almonds of 50 million pounds (which is based on a total demand of 51 million pounds less 1 million pounds of imported almonds);

(3) Handler carryover of 19.9 million pounds on July 1, 1962;

(4) Desirable handler carryover of 12.4 million pounds on June 30, 1963;

(5) Trade demand and desirable handler carryover requirements for 1962 crop almonds of 42.5 million pounds (items 2 plus 4 minus 3); and

(6) 7.5 million pounds of surplus almonds.

Consideration will be given to written data, views, and arguments pertaining thereto which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

Dated: August 9, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 62-8114; Filed, Aug. 13, 1962; 8:53 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 810]

PROCESSINGS OF SUGAR WHICH CONSTITUTE FURTHER REFINEMENT OR IMPROVEMENT IN QUALITY, AND DISTINCTION OF SUGARS OF SPECIFIC QUALITIES AS RAW OR DIRECT-CONSUMPTION SUGAR

Notice of Hearing

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922; Public Law 87-535; Public Law 87-539) hereinafter referred to as the "Act", and in accordance with the applicable rules of practice and procedures (21 F.R. 4251, 22 F.R. 3699, 24 F.R. 697) notice is hereby given that a public hearing will be held at Washington, D.C., in Room 2-W Administration Building, U.S. Department of Agriculture on August 24, 1962, at 10:00 a.m., e.d.t. The purpose of the hearing is to receive evidence which will enable the Secretary to determine the desirability and need for a modification of the provisions of Sugar Regulation 810 (7 CFR Part 810) relating to the distinction of sugars of specific qualities as raw or direct-consumption sugar in view of the recent amendments of the Sugar Act of 1948.

The issues of the hearing relate to whether a quality dividing line expressed in percent of sugar content shall be discontinued or changed as a basis for distinguishing between raw and direct-consumption sugar. At the hearing the U.S. Department of Agriculture representative will propose the elimination of the present quality dividing line of 99 percent sugar content as a basis for distinguishing raw sugar from direct-consumption sugar. A brief statement of the basis for this recommendation follows:

The determination in §§ 810.4 and 810.5 relating to the distinction of sugars of specific qualities as raw sugar or direct-consumption sugar was based on conditions existing in 1957 when practically all sugar imported for refining was obtained from long-established sup-

pliers in Cuba, the Republic of the Philippines, Peru, the Dominican Republic and Mexico. That determination was consistent with the facts then existing as to qualities of supplies available. After the stoppage of imports from Cuba, supplies were obtained from a number of sources that either do not normally produce sugar of such low polarization or produce it in limited quantities or as a special operation. Under the recent amendments a number of such countries received quotas or quota increases. Accordingly, this provision of the regulation is inconsistent with the recent legislation. Although present supplying countries presumably could change their production practices so as to supply sugar of lower polarization, such changes would take time. To restrict supplies for refining to low polarizing sugar would deprive the United States of some of the quota supplies provided for by the Sugar Act, as amended, and would limit the flexibility of supplies in the future. Since the higher polarizing sugar to be imported for refining would not meet the quality standards of manufacturers of food products and distributors of sugar generally in the United States, it will continue to be necessary to subject such sugar to the specific processes as described in § 810.3 of Sugar Regulation 810 (7 CFR 810.3).

It will be appropriate for interested persons to present evidence at the hearing relevant and limited to the subject and issues involved.

Issued at Washington, D.C., this 10th day of August 1962.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-8160; Filed, Aug. 13, 1962; 8:53 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 125]

DIETARY FOODS

Extension of Time for Filing Views and Comments

In the matter of revising the dietary food regulations:

As provided in sections 403(j) and 701(e) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1048, 1055, as amended 70 Stat. 919; 21 U.S.C. 343(j), 371(e)), and pursuant to the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the Commissioner of Food and Drugs published in the FEDERAL REGISTER of June 20, 1962 (27 F.R. 5815), a notice of proposed rule making in the above-identified matter. Requests have been received for an extension of time for filing views and comments on the proposal, and the Commissioner has concluded that these requests are based upon reasonable grounds. Therefore, the time for filing views and comments in the above-referenced matter is extended to October 18, 1962.

Dated: August 7, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8103; Filed, Aug. 13, 1962; 8:52 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by United States Rubber Company, c/o Arthur, Dry, Kalish, Taylor & Wood, 1230 Sixth Avenue, New York 20, New York, proposing the establishment of a tolerance for residues of the herbicide and plant regulator maleic hydrazide in or on cranberries at 20 parts per million.

The analytical method proposed in the petition for determining residues of maleic hydrazide is a modification of the method by P. R. Wood published in Analytical Chemistry, Volume 25, page 1879 (1953).

Dated: August 7, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-8096; Filed Aug. 13, 1962; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

BANK OF ORANGEBURG, BANK OF SALLEY, AND SWANSEA DEPOSITORY

Notice of Report on Competitive Factors Involved in Merger Application

On July 17, 1962, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828(c), requested that the Comptroller of the Currency report on the competitive factors involved in the proposed merger of The Bank of Salley, Salley, South Carolina, and the Swansea Depository, Swansea, South Carolina, into the Bank of Orangeburg, Orangeburg, South Carolina.

On August 7, 1962, the Comptroller of the Currency reported that the amount of competition among the three banks involved was insignificant; that their combination into one institution would provide broader and more solidly based banking facilities in the cities of Swansea and Salley without any demonstrable adverse effects on banking in the area. He concluded that the effect of the proposed transaction on competition would be favorable.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 9, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-8101; Filed, Aug. 13, 1962; 8:51 a.m.]

GARY TRUST AND SAVINGS BANK AND LAKE COUNTY STATE BANK

Notice of Report on Competitive Factors Involved in Merger Application

On July 11, 1962, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested that the Comptroller of the Currency report on the competitive factors involved in the proposed merger of the Lake County State Bank, East Gary, Indiana, into the Gary Trust and Savings Bank, Gary, Indiana.

On August 7, 1962, the Comptroller of the Currency reported that the proposed merger would bring to East Gary the resources of a larger bank offering broader services with resulting benefits to the public through more effective competition. In Gary, he reported, the merger would enable the resulting bank to offer more effective competition to Gary National Bank without unbalancing the area banking structure. He concluded that no adverse competitive effects would result from the granting of the merger.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 9, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-8102; Filed, Aug. 13, 1962; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

WHEAT

Notice of Referendum for Marketing Quotas, 1963–64

The Secretary of Agriculture has duly proclaimed pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for wheat for the marketing year beginning July 1, 1963 (27 F.R. 6314). Said Act, as amended by Public Law 87-540, approved July 19, 1962, requires the Secretary to conduct a referendum not later than August 31, 1962, of farmers who will be subject to such quota in order to determine whether such farmers favor or oppose such quota. Public notice was given (27 F.R. 6945) that the Secretary had under consideration the establishment of the date for holding the referendum. No views, data, or recommendations were received pursuant to such notice with respect to the date for such referendum.

It is hereby determined that such referendum shall be held on August 30, 1962.

Signed at Washington, D.C., this 8th day of August 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-8115; Filed, Aug. 13, 1962; 8:53 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[Bureau of Mines Manual—Region IV]

VARIOUS DESIGNATED OFFICIALS

Redelegations of Authority to Execute Contracts

The following material is included in the Region IV Bureau of Mines Manual, and the numbering system is that of the Manual:

.4A. *Redelegations of authority to execute contracts.* Pursuant to the authority delegated to the Regional Director, Region IV, by the Director, Bureau of Mines, in 205 BM 2.4A(1), the following redelegations are hereby made:

(1) *Designated officials.* The following officials may enter into contracts for supplies, equipment, and services, each to the extent specified and subject to applicable rules, laws, and regulations, and limitations set forth below:

(a) Chief, Division of Administration, Region IV ---------- $50,000
(b) Research Director, Bartlesville Petroleum Research Center, Region IV ---------- 10,000
(c) Research Director, Rolla Metallurgy Research Center, Region IV ---------- 10,000

(2) *Limitations applicable to exercise of authority.* The Director, Bureau of Mines, reserves approval authority prior to release of the following types of contract:

(a) $100,000 or more
(b) Land
(c) Field printing and binding in excess of $500.
(d) New Motor vehicles for the carriage of passengers and freight: passenger automobiles, station wagons, carryalls, ambulances, buses, motorcycles, motor scooters, trucks of less than 25,000 pounds gross vehicle weight, and trailers of not less than 5 tons and not more than 12 tons payload.
(e) Microfilm equipment and services over $100.
(f) Purchase or rental of electronic computing and data-processing equipment.
(g) Construction.
(h) Alteration and repairs to buildings or facilities in excess of $2,500.
(i) Drilling.
(j) Working fund agreements with other government agencies.
(k) Cooperative agreements with nongovernmental agencies.
(l) Major changes in communication equipment.
(m) Contracts not on standard forms or contracts with major alterations of standard forms.
(n) New utility contracts and major revisions of existing utility contracts.
(o) Lease of space in buildings subject to redelegation outlined in Paragraph 2.8.30, Part 2—Procurement, Volume IV, Bureau of Mines Manual.
(p) Negotiated contracts — except those specifically authorized by Bureau of Mines Manual Part 404D, Chapter 1, Paragraphs 5A, B, and C.

(3) *Contracting officers.* Specifically-named employees recommended by an official listed in 205.2.4A(1) above, and approved by the Regional Director may serve as contracting officer for a specific contract in any amount.

(4) *Change orders and extra work orders.* With respect to any contract, the officials listed above may issue change orders and extra work orders when not

in excess of $2,500, enter into any modification and amendments to the contract, and terminate the contract if such action is legally authorized.

(5) *Further redelegation.* The officials listed above may not redelegate the authority delegated to them by this subparagraph without the approval of the Regional Director, Region IV. Each redelegation shall be published in the FEDERAL REGISTER.

(6) The Chief, Division of Administration, Region IV, has made the following redelegation, subject to the above, which is hereby approved:

(a) Procurement and Property Management Officer, Region IV	$10,000

(7) The appropriate official at the Rolla Metallurgy Research Center has made the following redelegations, subject to the above which are hereby approved:

(a) Station Superintendent, Rolla Metallurgy Research Center, Region IV	$2,500
(b) Administrative Assistant, Rolla Metallurgy Research Center, Region IV	2,500

(8) The appropriate official at the Bartlesville Petroleum Research Center has made the following redelegations, subjcct to the above, which are hereby approved:

(a) Station Superintendent, Bartlesville Petroleum Research Center, Region IV	$2,500
(b) Administrative Assistant, Bartlesville Petroleum Research Center, Region IV	2,500

Dated: July 3, 1962.

ROBERT S. SANFORD,
Acting Regional Director, Region IV.

[F.R. Doc. 62-8083; Filed, Aug. 13, 1962; 8:48 a.m]

DEPARTMENT OF COMMERCE

Maritime Administration

MOORE-McCORMACK LINES, INC.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that Moore-McCormack Lines, Inc., has revised its 1963 cruise itineraries as published in the FEDERAL REGISTER of July 21, 1962, and acting pursuant to Public Law 87-45, has applied to the Maritime Administration for approval of the following listed cruises:

Ship; Sailing Date; and Itinerary

"Brasil"; January 24, 1963; New York, Nassau, New York.
"Brasil"; April 18, 1963; New York, Bermuda, Nassau, New York.
"Brasil"; April 26, 1963; New York, San Juan, St. Thomas, Barbados, New York.
"Argentina"; April 30, 1963; New York, San Juan, St Thomas, Nassau, New York.
"Brasil"; May 7, 1963; New York, San Juan, St. Thomas, New York.
"Argentina"; May 10, 1963; New York, San Juan, St. Thomas, Cartagena, Cristobal, Nassau, New York.
"Brasil"; May 16, 1963; New York, Barbados, Trinidad, Martinique, St. Thomas, San Juan, New York.
"Argentina"; May 24, 1963; New York, San Juan, St. Thomas, Martinique, Barbados, Trinidad, Nassau, New York.
"Brasil"; May 29, 1963; New York, Bermuda, New York.
"Argentina"; June 7, 1963; New York, San Juan, St. Thomas, Barbados, New York.
"Argentina"; June 18, 1963; New York, San Juan, St. Thomas, New York.
"Argentina"; September 6, 1963; New York, Gaspe, Tadoussac, Saguenay River, Tadoussac, Quebec, Halifax, Bermuda, New York.
"Brasil"; September 25, 1963; New York, Barbados, Trinidad, Martinique, St. Thomas, San Juan, New York.
"Brasil"; October 8, 1963; New York, San Juan, St. Thomas, New York.
"Argentina"; October 24, 1963; New York, Nassau, New York.
"Argentina"; October 31, 1963; New York, Bermuda, San Juan, St. Thomas, Martinique, Trinidad, Barbados, New York.
"Brasil"; November 21, 1963; New York, Port Everglades, San Juan, St. Thomas, Cartagena, Cristobal, Port Everglades.
"Brasil"; December 3, 1963; Port Everglades, Nassau, San Juan, St. Thomas, Port Everglades.
"Brasil"; December 11, 1963; Port Everglades, Nassau, Santo Domingo, St. Thomas, San Juan, Port Everglades.
"Argentina"; December 19, 1963; New York, San Juan, St. Thomas, Cartagena, Cristobal, Nassau, New York.
"Brasil"; December 20, 1963; Port Everglades, Cristobal, Barbados, Martinique, St. Thomas, San Juan, Port Everglades.

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington 25, D.C., by close of business on August 27, 1962. In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: August 9, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-8113; Filed, Aug. 13, 1962; 8:53 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-2]

UNIVERSITY OF MICHIGAN

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 9, set forth below, to Facility License No. R-28. The license authorizes The Regents of the University of Michigan (the licensee) to operate the Ford Nuclear Reactor (the reactor) located in Ann Arbor, Michigan. The amendment authorizes the licensee to install and use three boron stainless-steel shim-safety rods in place of the boron carbide-filled rods previously authorized as requested by the licensee's application for license amendment dated January 31, 1962, and supplement thereto dated April 26, 1962.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated January 31, 1962, and supplement thereto dated April 26, 1962, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 6th day of August, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-28; Amdt. No. 9]

Paragraph 4.a(8) of License No. R-28, issued to the Regents of the University of Michigan (the licensee), is hereby amended in its entirety to read as follows:

4.a(8) The licensee may install and use three boron stainless-steel shim safety rods in place of the three boron carbide-filled rods previously authorized for use in the reactor, provided that the installation and use are performed in accordance with the procedures and limitations contained in the licensee's application for license amendement dated January 31, 1962 and supplement thereto dated April 26, 1962, and this license.

This amendment is effective as of the date of issuance.

Date of issuance: August 6, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-8090; Filed, Aug. 13, 1962; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13394, etc.]

FRONTIER-NORTH CENTRAL ROUTE TRANSFER "USE IT OR LOSE IT" CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held before the undersigned examiner on August 27, 1962, at 10 a.m., e.d.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Interested parties who have not already submitted to the examiner and to the other parties proposed statements of issues, proposed stipulations, information requests, statements of position, and proposed procedural dates pursuant to the notice of prehearing conference dated May 2, 1962, are instructed to do so on or before August 22, 1962.

Dated at Washington, D.C., August 9, 1962.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 62-8106; Filed, Aug. 13, 1962; 8:52 a.m.]

[Docket 13527 etc.]

TWA/ALLEGHENY/MOHAWK TRANSFER CASE

Notice of Hearing

In the matter of the applications to transfer and/or terminate authority to serve Albany and Binghamton, N.Y., and Scranton/Wilkes-Barre and Williamsport, Pa.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding will be held September 5, 1962, at 10 a.m., e.d.t. in the Federal Post Office Building, 245 West Fourth Street, Williamsport, Pa., before the undersigned Examiner.

For further information regarding the issues involved herein interested persons may refer to the pertinent applications, orders of the Board, and the prehearing conference report, all of which are on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 8, 1962.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 62-8107; Filed, Aug. 13, 1962; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CI62-694, etc.]

BENEDUM-TREES OIL CO., OPERATOR, ET AL.

Notice of Applications and Date of Hearing

AUGUST 7, 1962.

Benedum-Trees Oil Company, Operator, et al., Docket No. CI62-694; Benedum-Trees Oil Company, et al., Docket No. CI62-695; Paul G. Benedum, Docket No. CI62-696; Great Lakes Natural Gas Co., Inc., Docket No. CI62-730; The Grantley Company, Docket No. CI62-731; Paul L. Britton, Jr., Operator, et al., Docket No. CI62-732; Atlas Exploration Company, Operator, Docket No. CI62-760; Worldwide Petroleum Corporation, Docket No. CI62-761; Russell McConnell, Docket No. CI62-762; Flanigan Bros., Operator and Agent, et al., Docket No. CI62-999.

Take notice that on the following dates the respective applicants listed below each filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery to Medina Gathering Corporation (Medina)[1] for resale of natural gas produced from certain acreage in Pennsylvania and Ohio[2] at an initial field price of 30.0 cents per Mcf at 15.025 p.s.i.a., all as more fully set forth in their respective applications which are on file with the Commission and open to public inspection:

Company; Docket No.; and Date of Filing

Benedum Trees Oil Co., et al.; CI62-695; Dec. 21, 1961.
Benedum Trees Oil Co., Operator, et al.; CI62-694; Dec. 21, 1961.
Paul G. Benedum; CI62-696; Dec. 21, 1961.
Great Lakes Natural Gas Co.; CI62-730; Dec. 29, 1961.
The Grantley Co.; CI62-731; Dec. 29, 1961.
Paul L. Britton, Jr., Operator, et al.; CI62-732; Dec. 29, 1961.
Worldwide Petroleum Corp.; CI62-761; Jan. 8, 1962.
Atlas Exploration Co., Operator; CI62-760; Jan. 8, 1962.
Russell McConnell; CI62-762; Jan. 8, 1962.
Flanigan Bros., Operator and Agent, et al.; CI62-999; Feb. 26, 1962.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 2, 1962 at 10 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 14, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8076; Filed, Aug. 13, 1962; 8:45 a.m.]

[1] Formerly, Consolidated Gas Gathering Corporation. On March 26, 1962, Consolidated filed an amendment to its application in Docket No. CP62-194 to change the corporate name to Medina Gathering Corporation. A notice of application and date of hearing on Medina's application to sell gas purchased from the above producers to Tennessee Gas Transmission Company for winter peaking service was issued on May 18, 1962.

[2] Erie and Crawford Counties, Pa., and Ashtabula County, Ohio.

[Docket No. CP62-296]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

AUGUST 7, 1962.

Take notice that on June 13, 1962, Cities Service Gas Company (Applicant) P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP62-296 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the sale and delivery of natural gas through such facilities to The Gas Service Company (Gas Service) for resale and distribution in the communities of Lamar and Jasper, Missouri, and the sale and delivery of natural gas through existing facilities to Gas Service for resale and distribution in the communities of Cameron, Holt and Lathrop, Missouri, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes:

(1) To tap its existing Carthage 10-inch pipeline and construct a meter setting with appurtenant regulator equipment, Jasper County, Missouri, and to sell natural gas through such facilities to Gas Service for resale and distribution in Lamar and Jasper, and environs; and

(2) To sell natural gas to Gas Service for resale in Cameron, Holt and Lathrop, and environs, through Applicant's existing facilities used for the sale of gas to Gas Service for resale in Kansas City, Missouri.

The application shows the following estimated peak day and annual requirements for the five communities in the third year of service:

	Mcf at 14.73 psia	
	Peak day	Annual
Lamar	3,000	264,900
Jasper	700	50,695
Cameron	2,364	218,362
Holt	248	22,591
Lathrop	638	58,363

The estimated cost of the proposed facilities required for service to Lamar and Jasper is $4,800, which cost will be financed out of treasury cash.

Gas Service will construct and operate transmission and distribution facilities necessary to render service to the five communities.

The application shows that Gas Service has received appropriate authorization from the Missouri Public Service Commission and has obtained franchises from the five communities.

Applicant will make the proposed sales pursuant to its FPC Gas Rate Schedules F–2, C–2, and I–2.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 11, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1962. Failure of any party to appear at and participate in the hearing shall be construed as wavier of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8077; Filed, Aug. 13, 1962; 8:46 a.m.]

[Docket Nos. CP62–283, CP62–284]

EL PASO NATURAL GAS CO. AND NORTHERN NATURAL GAS CO.

Notice of Applications and Date of Hearing

AUGUST 7, 1962.

Take notice that on June 4, 1962, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP62–283 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1962 and the operation of not more than 10 field gathering pipelines of various lengths, ranging in outside diameter from 3½'' through 6⅝'', together with standard appurtenances necessary for the operation thereof, and not more than 10 field purchase meters together with standard appurtenances necessary for the operation thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Take further notice that on June 4, 1962, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP62–284 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of not more than ten side taps and valves to connect the facilities requested in Docket No. CP62–283 to Northern's transmission line, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In Docket Nos. G–17849 and CP61–92 El Paso received temporary authorization and in Docket Nos. G–18110 and CP61–139 Northern received temporary authorization to exchange gas. El Paso has natural gas reserves in Ochiltree County, Texas, contiguous or proximate to Northern's pipeline system and has temporary authorization to deliver this gas to Northern for redelivery by Northern at El Paso's Plains Compressor Station, Yoakum County, Texas. In their respective applications in Docket Nos. CP62–283 and CP62–284, El Paso and Northern request certificates authorizing the construction and operation of facilities for El Paso to gather gas and for both Applicants further to carry out their exchange. El Paso states that additional production from its reserves is anticipated and that the requested facilities are necessary for the gathering of such gas and for its delivery to Northern. The facilities requested by Northern will be used to receive this additional gas. All of the proposed facilities will be located in Ochiltree County, Tex.

The application in Docket No. CP62–283 states that El Paso does not seek authorization to increase its exchange deliveries made to Northern from points in Ochiltree County, Texas, or Beaver County, Oklahoma, above the presently authorized quantity of 50,000 of Mcf of gas per day, and further that El Paso does not seek authorization to increase its total exchange deliveries under Rate Schedule Z–1 of its FPC Gas Tariff, Third Revised Volume No. 2 above the existing limitation of 475,000 Mcf of gas per day.

The estimated cost of El Paso's proposed facilities is $200,000, which will be financed out of current working funds, supplemented, as necessary, by short-term bank loans. The estimated cost of Northern's proposed facilities is $15,000, which will be financed from funds on hand.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 11, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8078; Filed, Aug. 13, 1962; 8:46 a.m.]

[Docket No. G–9262, etc.]

FLORIDA GAS TRANSMISSION CO. ET AL.

Notice of Motion To Amend

AUGUST 6, 1962.

In the matter of Florida Gas Transmission Company (formerly Houston Texas Gas and Oil Corporation), Docket No. G–9262; Coastal Transmission Corporation,[1] Docket No. G–9960; Coastal Transmission Corporation, et al., Docket No. G–18338, et al.

Take notice that on June 18, 1962, Florida Gas Transmission Company (Movant), P.O. Box 44, Winter Park, Fla., filed in the above-docketed proceedings a motion to amend the orders of the Commission in said dockets to remove the limitation on the quantities of preferred interruptible gas which Movant may sell and deliver to its resale customers, all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

Movant requests amendments to the Commission's orders accompanying Opinion No. 301, issued December 28, 1956, in Docket Nos. G–9262 and G–9960, as amended, and the Commission's order issued August 9, 1961, modifying and adopting the Presiding Examiner's Decision issued March 1, 1961, in Docket No. G–18338, et al., as amended. Movant proposes the insertion of the following wording at the end of paragraph (A) in the order accompanying Opinion No. 301, at the end of paragraph (A) of the Commission's order of January 17, 1962, in Docket No. G–9262, et al., and at the end of paragraph (G) (iv) of the Presiding Examiner's Decision of March 1, 1961, in Docket No. G–18338, et al.: *Provided, however,* That nothing in this order shall be construed as placing a limitation on the quantity of preferred interruptible gas which Florida Gas may supply to its resale customers. Such service shall be supplied in accordance with Florida Gas' effective F.P.C. Gas Tariff.

Movant states that the purpose of the proposed amendments is to enable it to increase the quantities of preferred interruptible gas to its resale customers without the delay and expense of applying for certificate authorization for such increases. Movant states that the limitations set forth in Appendix A to Opinion No. 301 were based on estimates made in 1954 and 1955 by its resale customers and that actual development of the market has been different from that originally anticipated. Movant further states that under the present certificate authorizations, each time that contract quantities of preferred interruptible gas are changed a new service agreement must be filed with the Commission pursuant to § 154.63 of the Commission's regulations under the Natural Gas Act.

Movant submits that effective regulation by the Commission should not require such detailed supervision of each additional sale of interruptible gas by each of Movant's resale distributors.

The motion states that no additional gas supplies, facilities or capacity are involved in this request for amendments and that any additional sales of preferred interruptible resale gas will be made by upgrading lower priority direct sale gas.

Protests, requests for hearing, or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8075; Filed, Aug. 13, 1962; 8:45 a.m.]

[1] On April 2, 1962, Movant filed in Docket No. CP62–282 an application to merge Coastal Transmission Corp.

[Docket Nos. RI63–27—RI63–29]

KIRBY PETROLEUM CO. (OPERATOR), ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 7, 1962.

In the matter of Kirby Petroleum Co. (Operator), et al., Docket No. RI63–27; Union Producing Co. (Operator), et al., Docket No. RI63–28; Kirby Production Co., Docket No. RI63–29.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI63–27	Kirby Petroleum Co. (Operator), et al., P.O. Box 1745, Houston 1, Tex.	13	4	United Gas Pipe Line Co. (Keeran Ranch Lease, Victoria County, Tex.) (R.R. District No. 2).	$5,645	7–17–62	[2] 8–17–62	1–17–63	[3] 13.9260	[3] [9] 14.9388	
RI63–28	Union Producing Co. (Operator), et al., P.O. Box 1407, Shreveport, La.	241	10	United Gas Pipe Line Co. (North Jacksonville and Barkley Fields, Cherokee County, Tex.) (R.R. District No. 6).	509	7–16–62	[4] 9–15–62	2–15–63	9.6216	[3] 10.8876	
RI63–29	Kirby Production Co., P.O. Box 1745, Houston, Tex.	2	3	Natural Gas Pipeline Co. of America (Camrick Southeast Gas Pool, Beaver County, Okla.) (Panhandle Area).	126	7–9–62	[4] 8–15–62	1–15–63	16.2	[5] [6] 17.0	
RI63–29	Kirby Production Co.	10	5	do	75	7–17–62	[2] 8–17–62	1–17–63	16.4	[5] [7] 17.0	
RI63–29	do	13	3	do	105	7–17–62	[2] 8–17–62	1–17–63	16.4	[5] [7] 17.0	
RI63–29	do	14	3	do	57	7–17–62	[2] 8–17–62	1–17–63	16.4	[5] [7] 17.0	
RI63–29	do	12	3	Natural Gas Pipeline Co. of America (Camrick Southeast Gas Pool, Texas and Beaver Counties, Okla.) (Panhandle Area).	92	7–16–62	[2] 8–16–62	1–16–63	16.0	[5] [8] 16.6	
RI63–29	do	3	5	Natural Gas Pipeline Co. of America (Camrick Southeast Gas Pool, Beaver County, Okla.) (Panhandle Area).	199	7–17–62	[2] 8–17–62	1–17–63	16.2	[5] [6] 17.0	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Subject to downward Btu adjustment below 1,000 Btu's per cubic foot.
[4] The stated effective date is the effective date proposed by respondent.
[5] Previous rate increase from 16.2 cents to 16.6 cents per Mcf suspended in Docket No. RI60–310, was never made effective subject to refund.
[6] Subject to downward Btu adjustment.
[7] Previous rate increase from 16.4 cents to 16.6 cents per Mcf suspended in Docket No. RI60–310, was never made effective subject to refund.
[8] Previous rate increase from 16.0 cents to 16.2 cents per Mcf suspended in Docket No. RI60–310, was never made effective subject to refund.
[9] Subject to downward Btu adjustment if below 1,000 Btu's.

The proposed periodic rate increase of Union Producing Company (Operator), et al., relates to sales made to its affiliate, United Gas Pipe Line Company.

The proposed increased rates and charges exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 24, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8074; Filed, Aug. 13, 1962; 8:45 a.m.]

[Docket No. CP63–9]

PENNSYLVANIA GAS CO.

Notice of Application and Date of Hearing

AUGUST 7, 1962.

Take notice that on July 11, 1962, Pennsylvania Gas Company (Applicant), 213 Second Avenue, Warren, Pa., filed in Docket No. CP63–9 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public con-

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

venience and necessity authorizing the construction and operation of approximately 1.7 miles of 12-inch lateral pipeline within Applicant's Summit Storage area to an existing 12-inch main pipeline in Summit Township, Erie County, Pa., all as more fully set forth in the application on file with the Commission and open to public inspection.

The proposed line will parallel an existing 6-inch pipeline extending from the storage area to the 12-inch main line. Applicant states that the operation of the proposed line, as well as the existing parallel 6-inch line, is necessary to alleviate freezing conditions experienced in the past winter season on the parellel 6-inch line.

The application shows the estimated cost of the proposed facilities to be $102,200.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 13, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8079; Filed, Aug. 13, 1962; 8:46 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order No. 55]

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS, GRANTEE

Application To Reduce the Boundary of Foreign Trade Sub Zone 2–A

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas the Board of Commissioners of the Port of New Orleans, as Grantee of Foreign-Trade Zone No. 2 at New Orleans, filed an application dated June 5, 1962 for permission to withdraw from the original boundary of Foreign-Trade Sub-Zone No. 2–A areas described on Exhibit No. 10 accompanying the application as Rooms "C", "Y", and "Processing Area" consisting of approximately 5,000 square feet, to conform with present needs of the Sub-Zone. The Sub-Zone is a refrigeration facility located at 3900 Tchoupitoulas Street in the Illinois Central Warehouse No. 32, and operated by the New Orleans Storage Warehouse Company.

Now, therefore, the Foreign-Trade Zones Board, after full consideration and a finding that the proposal is in the public interest, hereby orders:

That the boundaries of Foreign-Trade Sub-Zone 2–A be, and they are hereby reestablished to conform with Exhibit No. 10, dated June 11, 1962.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary in connection with the issuance of this order. Its application is restricted to one Foreign-Trade Sub-Zone, and is of a nature that it imposes no burden on the parties of interest. The effective date of this order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 8th day of August 1962.

FOREIGN TRADE ZONES BOARD,
[SEAL] LUTHER H. HODGES,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

RICHARD H. LAKE,
Executive Secretary, Foreign-Trade Zones Board.

[F.R. Doc. 62-8109; Filed, Aug. 13, 1962; 8:53 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2938]

COMSTOCK COIN CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 8, 1962.

I. Comstock Coin Company (issuer), 158 North Virginia Street, P.O. Box 5067, Reno, Nevada, filed with the Commission on August 15, 1961, a notification and offering circular relating to an offering of 5,680 shares of its $30 par value Class A common stock at $50 per share for an aggregate of $284,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to amend its notification to correctly disclose all the jurisdictions in which shares of Comstock Coin Company were solicited.

2. The issuer failed to furnish copies of its sales materials to the Commission prior to distribution to the public as required by Rule 258.

3. The issuer failed to comply with Rule 256(c) of Regulation A in its use of sales material distributed to the public and broadcast by television to the public.

B. The sales materials used by the issuer contained misleading statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, with respect to:

1. The financial condition of the issuer.

2. The availability of funds to engage in business.

3. The ability of the issuer to successfully engage in business.

4. The ability of the issuer to enter into profitable transactions and the extent of such profit.

5. The qualifications of management.

6. The growth potential of issuer.

7. The opportunity issuer is offering investors.

8. The number and nature of investors in issuer.

9. Plans for future stock offerings.

10. Transactions into which issuer has entered.

11. The extent of management costs.

12. The business of the issuer.

C. The offering is being made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a), subparagraphs (1), (2), and (3) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be and hereby is, temporarily suspended.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8085; Filed, Aug. 13, 1962; 8:48 a.m.]

[File No. 70-4056]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Increase and Reclassification of Shares of Common Stock, Issuance and Sale Thereof in Connection With a Stock Split and Solicitation of Proxies

AUGUST 8, 1962.

Notice is hereby given that American Electric Power Company, Inc. ("American"), 2 Broadway, New York 4, New York, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6 and 7 of the Act and Rule 62 thereunder as applicable to proposed transactions, which are summarized as follows:

American proposes to amend its Certificate of Incorporation so as to effectuate a split of its authorized and outstanding shares of common stock on a two-for-one basis. Under the proposal American will be authorized to issue 50,000,000 shares of common stock having a par value of $6.50 per share in lieu of the 25,000,000 presently authorized shares of common stock, $10 par value per share. The 21,904,115 shares of common stock presently outstanding will be reclassified into 43,808,230 shares of common stock, and in connection therewith American will transfer $65,712,345 ($3 per outstanding share) from capital surplus to capital stock thus increasing the aggregate par value of the outstanding shares of common stock from $219,041,150 to $284,753,495.

By the terms of the amendment each outstanding certificate for $10 par value stock will automatically evidence the same number of shares of the $6.50 par value stock, and as soon as practicable American will mail to shareowners certificates representing their additional shares of common stock of $6.50 par value.

The proposed amendment will require the affirmative vote of holders of record of not less than two-thirds of the outstanding shares of American's common stock. American has called a special meeting of its stockholders to be held on October 9, 1962, to consider and act upon the proposed amendment and will solicit proxies in favor of its adoption. The solicitation material and the form of proxy in connection therewith have been submitted to the Commission for appropriate authorization.

If the requisite authorizations of the Commission and the shareowners are obtained American proposes to file with the Office of the Department of State of the State of New York on October 15, 1962, a certificate of amendment of its Certificate of Incorporation and the split will become effective at the close of business on October 15, 1962. Thereafter, each stock certificate, whether old or new, will represent shares of $6.50 par value.

The estimated fees and expenses to be paid or incurred by American in connection with the proposed transactions are to be supplied by amendment.

It is stated that no commission other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 30, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8086; Filed, Aug. 13, 1962; 8:48 a.m.]

[File No. 37-22]

COLUMBIA GAS SYSTEM SERVICE CORP.

Notice of Filing of Declaration Regarding Proposed Modifications in Organization and Conduct of Business of Subsidiary Service Company

AUGUST 8, 1962.

Notice is hereby given that Columbia Gas System Service Corporation ("Columbia Service"), 120 East 41st Street, New York 17, New York, a subsidiary service company which is wholly-owned by The Columbia Gas System, Inc. ("Columbia Gas"), a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to section 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 88 promulgated thereunder regarding proposed modifications in its organization and conduct of business.

All interested persons are referred to said amended declaration on file in the office of the Commission for a statement of the proposals contained therein which are summarized below:

Columbia Service (formerly Columbia Engineering Corp.) performs professional and technical services at cost for all associate companies in the Columbia Gas holding-company system, and also manufactures and sells stationery at cost to such associate companies. Columbia Service was qualified as a subsidiary service company under the Act by an order dated April 16, 1938 (3 S.E.C. 335) and, following a reorganization of the company and of servicing arrangements in the holding-company system, the Commission's authorization was continued as to the reorganized company by an order dated March 11, 1943 (12 S.E.C. 922).

The 1943 reorganization involved, among other things, the transfer of all central executive and policy-forming officers of the holding-company system and their assistants from the payroll of Columbia Service to the payroll of Columbia Gas. The objectives of such changes were to segregate to the fullest extent possible the functions of the holding company and the service company so as to insure: (1) That Columbia Gas would pay the costs of all functions relating to supervision of the holding-company system and review of the activities of the operating subsidiary companies; and (2) that the service company would perform for the operating subsidiary companies only those services which were of a purely operating nature.

Columbia Service requests that the Order dated March 11, 1943, be modified so as to allow the following changes which would reverse certain important aspects of the 1943 reorganization:

1. Columbia Service proposes to pay the salaries and related expenses of system officers and employees, heretofore paid entirely by Columbia Gas, whose functions relate both to Columbia Gas and its operating subsidiary companies, and to allocate such costs fairly and equitably among the associate companies benefiting therefrom in accordance with cost allocation methods approved by the Commission; and

2. Columbia Service proposes to render to the system and the operating subsidiary companies executive, managerial and coordinating services heretofore prohibited by the terms of the 1943 Order.

Pursuant to these proposals, the 7 officers and their 6 secretaries now on the payroll of Columbia Gas would be transferred to the payroll of Columbia Service and would perform executive, managerial and coordinating services for the system and for all associate companies, including Columbia Gas. The salaries and employee benefit and overhead expenses in respect of the aforesaid 7 officers and 6 employees would be billed to the associate companies on the basis of time spent in performing services for the benefit of such companies. In addition, Columbia Service proposes to charge to the operating subsidiary companies 75 percent of the costs of certain other functions, heretofore charged entirely to Columbia Gas, which are required in the performance of services by the aforesaid officers. Such functions relate to: the determination of system financing, accounting and depreciа-

tion policies; review of system construction, cash and operating budgets; system information; and, the preparation of consolidated financial statements and system data required by regulatory agencies and other accounting and statistical information of a system-wide character.

If the proposed changes had been in effect in 1961, the charges by Columbia Service to the operating subsidiary companies for services rendered would have been increased by an amount of $682,594, which is equivalent to 0.13 percent of the consolidated operating revenues of the holding-company system, and the total expenses of Columbia Gas would have been reduced by the same amount from $1,764,161 to $1,081,567. The costs which the holding company would continue to bear pertain to (1) financing the cash requirements of the operating subsidiary companies through periodic sales of the parent company's securities, (2) periodic reports to the holding company's security holders, and (3) all other corporate and fiscal functions of the holding company.

Columbia Service requests that the 1943 order be further modified so as to permit the execution of a new Service Agreement with each associate company which, among other things, would reflect changes in system servicing arrangements in recent years and the changes herein proposed and, in addition, would provide for certain revisions in the service company's cost allocation formula. Columbia Service performs services for individual associate companies and the costs of such services are charged directly to those companies. Other services are performed for groups of associate companies and the costs of these services are charged in the first instance to such groups and thereupon are apportioned among the companies comprising the groups on various bases. The proposed cost allocation formula refines the methods of apportionment of the costs of such group services among the constituent companies so as to utilize more precise and up-to-date standards for measurement of the benefits of such services to the individual companies and to reflect changes in system operations which have occurred over the years. Among such operational changes are the realignment of system properties, which has resulted in changes in the functions performed by the various operating subsidiaries, and the transition of the Columbia Gas system from one that formerly produced the major portion of its gas supply to one that now purchases the bulk of its requirements. In addition, Columbia Service proposes to revise its procedures for the allocation of servicing costs so as to permit identification of the costs of services rendered to individual associate companies which costs heretofore have been charged to groups of companies.

If the proposed changes in the cost allocation formula had been in effect in the calendar year 1961, the billings by Columbia Service to six associate companies would have been reduced by an aggregate amount of $492,001 and the billings to twelve other associate companies would have been increased by a like amount.

In support of its various proposals, Columbia Service states: (1) That the services performed by the officers and employees who are proposed to be transferred are for the benefit of the operating subsidiary companies and that the costs of such services should be shared by these companies; and (2) that the proposed changes in cost allocation methods will bring about a more fair and equitable allocation of servicing costs among associate companies in the holding-company system. It is also represented that only a small portion of the proposed additional service charges to the operating subsidiary companies will be charged by such companies to their respective plant investment accounts; and that the modifications herein proposed will not result in and of themselves or be the basis for any application or filing to increase the present rates of any operating subsidiary company, although the increased service charges to such companies resulting therefrom will be included in the cost of gas service in any future rate proceedings.

The operating subsidiary companies of the Columbia Gas holding-company system are subject in certain respects to the jurisdiction of the Federal Power Commission and of the appropriate regulatory commissions of the States of New York, Pennsylvania, Virginia, West Virginia, Ohio, Maryland, and Kentucky. Certain of the operating subsidiary companies also are subject to the rate regulatory jurisdiction of the municipalities which they serve in the State of Ohio. The amended declaration states that Columbia Service is required to file the proposed new Service Agreement with the appropriate regulatory commissions in the States of New York, Pennsylvania, Virginia, and West Virginia and to obtain approval of the Agreement from the commissions in Virginia and West Virginia. The State Corporation Commission of Virginia approved the Agreement on June 18, 1962, and copies of any orders which may be entered by the State commission of West Virginia in connection with the aforesaid Agreement will be furnished by amendment. The declarant further asserts that, except as hereinbefore stated, no State commission or Federal agency, other than this Commission, has jurisdiction in respect of the proposed transactions.

Columbia Service requests that the declaration, as amended, be permitted to become effective so as to allow temporary authority for the proposed modifications of the company's organization and conduct of business for a period of 18 months, or such longer period as the Commission may determine, subject to further order of the Commission at the end of such period. Columbia Service further requests that the proposed modifications of its organization and conduct of business which relate to the proposed adoption of the new Service Agreement and to the proposed changes in the company's cost allocation formula be permitted to become effective forthwith, and that all other proposed modifications be made effective as of March 1, 1962. Columbia Service agrees that if the requested temporary authorization is allowed, it will furnish to the Commission during the aforesaid temporary period such information as the Commission may request with respect to the organization and conduct of business of Columbia Service.

Notice is further given that any interested person may, not later than September 5, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended or as further amended, may be granted and permitted to become effective, or the Commission may take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8087; Filed, Aug. 13, 1962; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-XI-10 (Rev. 2)]

BRANCH MANAGER, SALT LAKE CITY BRANCH OFFICE

Delegation Relating to Financial Assistance, Procurement and Technical Assistance, and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 7) (27 F.R. 6247) there is hereby redelegated to the Branch Manager, Salt Lake City Branch Office, Small Business Administration, the Authority:

A. *Financial asistance.* 1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000.

b. Participation loans not exceeding $100,000 with bank participation of at least 25 percent, and provided further that such participation shall represent not less than 50 percent new money.

2. To approve or decline limited loan participations wherein this Agency's exposure is not in excess of $15,000.

3. To approve or decline disaster loans not in excess of $50,000. Declination of disaster loan is extended only to an original application and not to reconsideration of such application.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Manager,
Salt Lake City, Utah, Branch Office.

5. To modify or amend Washington approved authorizations for business or disaster loans by the issuance of Certificates of Modification and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans provided, however, after disbursement, such authority shall not be exercised in excess of the authority granted in Paragraph 6 immediately following.

6. To take all necessary actions to effect the servicing, administration and the collection of all loans approved under delegated authority which are not in problem or liquidation category.

7. To disburse approved loans.

8. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

B. *Procurement and technical assistance.* 1. To determine joint set-asides for Government procurements and sales.

C. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay not to exceed 30 days for employees under his supervision.

2. To (a) make emergency purchases chargeable to the Administrative expense fund not in excess of $15 in any one object class in any one instance but not more than $25 in any one month for total purchases in all object classes; (b) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $15 in any one instance.

3. To obtain motor vehicle services from the General Services Administration and to rent garage space for the storage of such vehicles, within the limitations of funds as budgeted by the regional office for use of the branch office for this purpose.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate SBA to reimburse General Services Administration for the rental of office space, (b) rent office equipment, and (c) procure (without dollar limitation) emergency supplies and materials.

II. The specific authorities delegated in subsections I.A. 1 through 6 may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated to the Branch Manager is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: January 24, 1962.

HAROLD R. SMETHILLS,
Regional Director,
Denver Regional Office.

[F.R. Doc. 62-8099; Filed, Aug. 13, 1962; 8:49 a.m.]

[Delegation of Authority No. 30-VI-1 (Rev. 1)]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 7) (27 F.R. 6247), there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *Financial assistance.* 1. To approve the following:

a. Direct loans not exceeding $50,000.

b. Participation loans not exceeding $150,000.

c. Limited loan participation not exceeding $25,000.

d. Small loans not exceeding $25,000.

e. Disaster loans not exceeding $50,000.

2. To decline direct and participation business and disaster loans of any amount.

3. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
(Name)
Chief, Financial Assistance Division.

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

8. To approve service charges by participating bank not to exceed 2% per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

9. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

(b) The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days, for employees under his supervision.

2. To authorize travel other than travel involving a change of official duty station for employees under his supervision.

3. To administer oaths of office to employees under his supervision.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of Authority prior to the date hereof.

Effective date: July 23, 1962.

JAMES G. GARWICK,
Regional Director,
Cleveland Regional Office.

[F.R. Doc. 62-8088; Filed, Aug. 13, 1962; 8:49 a.m.]

[Delegation of Authority No. 30-XV-2 (Rev. 2)]

CHIEF, PROCUREMENT AND TECHNICAL ASSISTANCE

Delegation Relating to Procurement and Technical Assistance

I. Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30 (Revision 7) (27 F.R. 6247), there is hereby redelegated to the Chief, Procurement and Technical Assistance Division, the authority:

A. *Procurement and technical assistance.* 1. To determine joint set-asides for Government procurements and sales.

2. To make original determinations and determinations upon reconsiderations thereof as to which concerns are small businesses within the meaning of the Small Business Size Standards Regulation, as amended, except authority is not delegated in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements, unless otherwise authorized; nor is authority delegated for the issuance of Small Business Certificates.

This authority is limited to the Procurement and Technical Assistance program.

B. *Administration.* 1. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

2. To authorize or approve official travel for employees under his supervision.

Effective date: May 25, 1962.

ROBERT F. PHILLIPS,
Regional Director,
Detroit Regional Office.

[F.R. Doc. 62-8098; Filed, Aug. 13, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 9, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37871: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 445), for interested rail carriers. Rates on iron and steel articles, junk, and iron and steel scrap, as more fully described in the application, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff: Supplement 32 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

FSA No. 37873: *Potatoes—WTL territory to the south and southwest.* Filed by Western Trunk Line Committee, Agent (No. A-2263), for interested rail carriers. Rates on potatoes (other than sweet), in carloads, from points in western trunk line territory, to points in southern and southwestern territories.

Grounds for relief: Modified short-line distance formula.

Tariffs: Supplement 114 to Western Trunk Line Committee tariff I.C.C. A-3548, and 3 other schedules named in the application.

FSA No. 37874: *Class and commodity rates from and to Conalco, Tenn.* Filed by O. W. South, Jr., Agent, (No. A4225), for interested rail carriers. Rates on various commodities moving on class and commodity rates, in carloads and less-than-carloads, between Conalco, Tenn., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37872: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent, (No. 446), for interested rail carriers. Rates on iron and steel articles, junk, and iron and steel scrap, as more fully described in the application, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 32 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8100; Filed, Aug. 13, 1962; 8:51 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WERNER CANTHAL AND GERTRUD CANTHAL

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Werner Canthal, Hanau, Germany; $561.69 in the Treasury of the United States; 62.5 shares of the £1 par value capital stock of Hanovia Limited being part of Certificate No. 43 for 4,809 shares of £1 par value capital stock of Hanovia Limited, registered in the name of James E. Markham, Alien Property Custodian, and held by the Office of Alien Property, Department of Justice, for safekeeping.

Gertrud Canthal, Hanau, Germany; $1,755.05 in the Treasury of the United States; 198.437 shares of the £1 par value capital stock of Hanovia Limited being part of Certificate No. 43 for 4,809 shares of £1 par value capital stock of Hanovia Limited, registered in the name of James E. Markham, Alien Property Custodian, and held by the Office of Alien Property, Department of Justice, for safekeeping. Claim No. 59092. Vesting Order Nos. 56, 3186, 6464 and 6465.

Executed at Washington, D.C., on August 6, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-8072; Filed, Aug. 13, 1962; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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Rules and Regulations

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6605]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Miscellaneous Amendments

On February 28, 1962, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 170 of the Internal Revenue Code of 1954 (relating to charitable, etc., contributions and gifts) to conform the regulations to changes made by the Act of August 7, 1956 (Pub. Law 1022, 84th Cong., 70 Stat. 1117), and sections 10, 11, and 12 of the Technical Amendments Act of 1958 (72 Stat. 1609, 1610), and to make certain clarifying changes therein was published in the FEDERAL REGISTER (27 F.R. 1901). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the amendment of the regulations as proposed is hereby adopted.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

Approved: August 9, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) relating to section 170 of the Internal Revenue Code of 1954 to the Act of August 7, 1956 (Public Law 1022, 84th Cong., 70 Stat. 1117), and to sections 10, 11, and 12 of the Technical Amendments Act of 1958 (Public Law 85–866, 72 Stat. 1609–1610), and in order to make certain clarifying changes, such regulations are amended as follows:

PARAGRAPH 1. Section 1.170 is amended by revising section 170(b) and the historical note. As amended, § 1.170 reads as follows:

§ 1.170 Statutory provisions; charitable, etc., contributions and gifts.

SEC. 170. *Charitable, etc., contributions and gifts*—• • •

(b) *Limitations*—(1) Individuals. In the case of an individual the deduction provided in subsection (a) shall be limited as provided in subparagraphs (A), (B), (C), and (D).

(A) *Special rule.* Any charitable contribution to—

(i) A church or a convention or association of churches,

(ii) An educational organization referred to in section 503(b)(2), or

(iii) A hospital referred to in section 503(b)(5), or to a medical research organization (referred to in section 503(b)(5)) directly engaged in the continuous active conduct of medical research in conjunction with a hospital, if during the calendar year in which the contribution is made such organization is committed to spend such contributions for such research before January 1 of the fifth calendar year which begins after the date such contribution is made,

shall be allowed to the extent that the aggregate of such contributions does not exceed 10 percent of the taxpayer's adjusted gross income computed without regard to any net operating loss carryback to the taxable year under section 172.

(B) *General limitation.* The total deductions under subsection (a) for any taxable year shall not exceed 20 percent of the taxpayer's adjusted gross income computed without regard to any net operating loss carryback to the taxable year under section 172. For purposes of this subparagraph, the deduction under subsection (a) shall be computed without regard to any deduction allowed under subparagraph (A) but shall take into account any charitable contributions to the organizations described in clauses (i), (ii), and (iii) which are in excess of the amount allowable as a deduction under subparagraph (A).

(C) *Unlimited deduction for certain individuals.* The limitation in subparagraph (B) shall not apply in the case of an individual if, in the taxable year and in 8 of the 10 preceding taxable years, the amount of the charitable contributions, plus the amount of income tax (determined without regard to chapter 2, relating to tax on self-employment income) paid during such year in respect of such year or preceding taxable years, exceeds 90 percent of the taxpayer's taxable income for such year, computed without regard to—

(i) This section,

(ii) Section 151 (allowance of deductions for personal exemptions), and

(iii) Any net operating loss carryback to the taxable year under section 172.

In lieu of the amount of income tax paid during any such year, there may be substituted for that year the amount of income tax paid in respect of such year, provided that any amount so included in the year in respect of which payment was made shall not be included in any other year.

(D) *Denial of deduction in case of certain transfers in trust.* No deduction shall be allowed under this section for the value of any interest in property transferred after March 9, 1954, to a trust if—

(i) The grantor has a reversionary interest in the corpus or income of that portion of the trust with respect to which a deduction would (but for this subparagraph) be allowable under this section; and

(ii) At the time of the transfer the value of such reversionary interest exceeds 5 percent of the value of the property constituting such portion of the trust.

For purposes of this subparagraph, a power exercisable by the grantor or a nonadverse party (within the meaning of section 672 (b)), or both, to revest in the grantor property or income therefrom shall be treated as a reversionary interest.

(2) *Corporations.* In the case of a corporation, the total deductions under subsection (a) for any taxable year shall not exceed 5 percent of the taxpayer's taxable income computed without regard to—

(A) This section,

(B) Part VIII (except section 248),

(C) Any net operating loss carryback to the taxable year under section 172, and

(D) Section 922 (special deduction for Western Hemisphere trade corporations).

Any contribution made by a corporation in a taxable year to which this section applies in excess of the amount deductible in such year under the foregoing limitation shall be deductible in each of the two succeeding taxable years in order of time, but only to the extent of the lesser of the two following amounts: (i) the excess of the maximum amount deductible for such succeeding taxable year under the foregoing limitation over the contributions made in such year; and (ii) in the case of the first succeeding taxable year the amount of such excess contribution, and in the case of the second succeeding taxable year the portion of such excess contribution not deductible in the first succeeding taxable year.

(3) *Special rule for corporations having net operating loss carryovers.* In applying the second sentence of paragraph (2) of this subsection, the excess of—

(A) The contributions made by a corporation in a taxable year to which this section applies, over

(B) The amount deductible in such year under the limitation in the first sentence of such paragraph (2), shall be reduced to the extent that such excess reduces taxable income (as computed for purposes of the second sentence of section 172(b)(2)) and increases a net operating loss carryover under section 172 to a succeeding taxable year.

(4) *Reduction for certain interest.* If, in connection with any charitable contribution, a liability is assumed by the recipient or by any other person, or if a charitable contribution is of property which is subject to a liability, then, to the extent necessary to avoid the duplication of amounts, the amount taken into account for purposes of this section as the amount of the charitable contribution—

(A) Shall be reduced for interest (i) which has been paid (or is to be paid) by the taxpayer, (ii) which is attributable to the liability, and (iii) which is attributable to any period after the making of the contribution, and

(B) In the case of a bond, shall be further reduced for interest (i) which has been paid (or is to be paid) by the taxpayer on indebtedness incurred or continued to purchase or carry such bond, and (ii) which is attributable to any period before the making of the contribution.

The reduction pursuant to subparagraph (B) shall not exceed the interest (including interest equivalent) on the bond which is attributable to any period before the making of the contribution and which is not (under the taxpayer's method of accounting) includible in the gross income of the taxpayer for any taxable year. For purposes of this paragraph, the term "bond" means any bond, debenture, note, or certificate or other evidence of indebtedness.

• • • • •

[Sec. 170 as amended by sec. 1, Act of Aug. 7, 1956 (Public Law 1022, 84th Cong., 70 Stat. 1117) and sec. 10, 11, and 12, Technical Amendments Act 1958 (Public Law 85–866, 72 Stat. 1609–1610)]

PAR. 2. Section 1.170–1 is amended by revising paragraphs (b) and (c) thereof to read as follows:

§ 1.170–1 Charitable, etc., contributions and gifts; allowance of deduction.

• • • • •

(b) *Time of making contribution.* Ordinarily a contribution is made at the time delivery is effected. In the case of a check, the unconditional delivery (or mailing) of a check which subsequently clears in due course will constitute an effective contribution on the date of delivery (or mailing). If a taxpayer unconditionally delivers (or mails) a properly endorsed stock certificate to a charitable donee or the donee's agent, the gift is completed on the date of delivery (or mailing, provided that such certificate is received in the ordinary course of the mails). If the donor delivers the certificate to his bank or broker as the donor's agent, or to the issuing corporation or its agent, for transfer into the name of the donee, the gift is completed on the date the stock is transferred on the books of the corporation.

(c) *Contribution in property—(1) General rules.* If a contribution is made in property other than money, the amount of the deduction is determined by the fair market value of the property at the time of the contribution. The fair market value is the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts. If the contribution is made in property of a type which the taxpayer sells in the course of his business, the fair market value is the price which the taxpayer would have received if he had sold the contributed property in the lowest usual market in which he customarily sells, at the time and place of the contribution (and in the case of a contribution of goods in quantity, in the quantity contributed). The usual market of a manufacturer or other producer consists of the wholesalers or other distributors to or through whom he customarily sells, unless he sells only at retail in which event it is his retail customers. If a donor makes a charitable contribution of, for example, stock in trade at a time when he could not reasonably have been expected to realize its usual selling price, the value of the gift is not the usual selling price but is the amount for which the quantity of merchandise contributed would have been sold by the donor at the time of the contribution. Costs and expenses incurred in the year of contribution in producing or acquiring the contributed property are not deductible and are not a part of the cost of goods sold. Similarly, to the extent that costs and expenses incurred in a prior taxable year in producing or acquiring the contributed property are reflected in the cost of goods sold in the year of contribution, cost of goods sold must be reduced by such costs and expenses. Transfers of property to an organization described in section 170(c) which bear a direct relationship to the taxpayer's business and which are made with a reasonable expectation of financial return commensurate with the amount of the transfer may constitute allowable deductions as trade or business expenses rather than as charitable contributions. See section 162 and the regulations thereunder.

(2) *Reduction for certain interest.* (i) With respect to charitable contributions made after December 31, 1957, section 170(b)(4) requires that the amount of the charitable deduction be reduced for certain interest to the extent necessary to avoid the deduction of the same amount both as an interest deduction under section 163 and as a deduction for charitable contributions under section 170. The reduction is to be determined in accordance with subdivisions (ii) and (iii) of this subparagraph.

(ii) With respect to charitable contributions made after December 31, 1957, in determining the amount to be taken into account as a charitable contribution for purposes of section 170, the amount determined without regard to section 170(b)(4) or this subparagraph shall be reduced by the amount of interest which has been paid (or is to be paid) by the taxpayer, which is attributable to any liability connected with the contribution, and which is attributable to any period of time after the making of the contribution. The deduction otherwise allowable for charitable contributions under section 170 is required to be reduced pursuant to section 170(b)(4) only if, in connection with a charitable contribution, a liability is assumed by the recipient of the contribution or by any other person, or if the charitable contribution is of property which is subject to a liability. Thus, if the contribution is made in property and the transfer is conditioned upon the assumption of a liability by the donee or by some other person, any interest paid (or to be paid) by the taxpayer, attributable to the liability, and with respect to a period after the making of the contribution, will serve to reduce the amount that may be taken into account as a charitable contribution for purposes of section 170. The adjustment referred to in this subdivision must also be made where the contributed property is subject to a liability and the value of the property reflects the payment by the donor of interest with respect to a period of time after the making of the contribution.

(iii) If, in connection with the charitable contribution, after December 31, 1957, of a bond, a liability is assumed by the recipient or by any other person, or if the bond is subject to a liability, then, in determining the amount to be taken into account as a charitable contribution under section 170, the amount determined without regard to section 170(b)(4) or this subparagraph shall, without regard to whether any reduction may be required by subdivision (ii) of this subparagraph, also be reduced for interest which has been paid (or is to be paid) by the taxpayer on indebtedness incurred or continued to purchase or carry such bond, and which is attributable to any period before the making of the contribution. However, the reduction referred to in this subdivision shall be made only to the extent that such reduction does not exceed the interest (including bond discount and other interest equivalent) receivable on the bond, and attributable to any period before the making of the contribution which is not, by reason of the taxpayer's method of accounting, includible in the taxpayer's gross income for any taxable year. For purposes of section 170(b)(4) and this subdivision the term "bond" means any bond, debenture, note, or certificate or other evidence of indebtedness.

(iv) The provisions of this subparagraph may be illustrated by the following examples:

Example 1. A, an individual using the cash receipts and disbursements method of accounting, on January 1, 1960, contributed to a charitable organization real estate having a fair market value of $10,000. In connection with the contribution the charitable organization assumed an indebtedness of $8,000 which A had incurred. A has prepaid two years' interest on that indebtedness (for 1960 and 1961) amounting to $960, and has taken an interest deduction of $960 for such amount. The amount of the gift, determined without regard to this subparagraph, is $2,960 ($10,000 less $8,000, the outstanding indebtedness, plus $960, the amount of prepaid interest). In determining the amount of the deduction for charitable contributions, the value of the gift ($2,960) must be reduced by $960 to eliminate from the computation of such deduction that portion thereof for which A has been allowed an interest deduction.

Example (2). On January 1, 1960, B, an individual using the cash receipts and disbursements method of accounting, purchased for $9,600 a 5½ percent $10,000, 20-year M Corporation bond, the interest on which was payable semiannually on June 30 and December 31. The M Corporation had issued the bond on January 1, 1950, at a discount of $720 from the principal amount. On December 1, 1960, B donated the bond to a charitable organization, and, in connection with the contribution, the charitable organization assumed an indebtedness of $7,000 which B had incurred to purchase and carry the bond. During the calendar year 1960 B paid accrued interest of $330 on the indebtedness for the period from January 1 to December 1, 1960, and has taken an interest deduction of $330 for such amount. No portion of the bond discount of $36 a year ($720 divided by 20 years) has been included in B's income, and of the $550 of annual interest receivable on the bond, he included in income only the June 30 payment of $275. The market value of the bond on the date of the contribution was $9,902. Such value reflects a proportionate part of the original bond discount ($9,280 plus $393, or $9,673) and of interest receivable of $229 which had accrued from July 1 to December 1, 1960. The amount of the charitable contribution determined without regard to this subparagraph is $2,902 ($9,902, the value of the property on the date of gift, less $7,000, the amount of the liability assumed by the charitable organization). In determining the amount of the allowable deduction for charitable contributions, the value of the gift ($2,902) must be reduced to eliminate from the deduction that portion thereof for which B has been allowed an interest deduction. Although the amount of such interest deduction was $330, the reduction required by this subparagraph is limited to $262, since the reduction is not in excess of the amount of interest income on the bond ($229 of accrued interest plus $33, the amount of bond discount attributable to the eleven-month period B held the bond).

PAR. 3. Section 1.170–2 is amended by revising subparagraph (1) of paragraph (a), by revising subparagraphs (1) and (4) of paragraph (b), and by revising subparagraph (1) and subdivisions (i) and (ii) of subparagraph (2) of paragraph (c). As amended, § 1.170–2 reads as follows:

§ 1.170–2 Charitable deductions by individuals; limitations.

(a) *In general.* (1) A deduction is allowable to an individual under section 170 only for charitable contributions actually paid during the taxable year, regardless of when pledged and regardless of the method of accounting employed by the taxpayer in keeping his books and records. A contribution to an organization described in section 170(c) is deductible even though some portion of the funds of the organization may be used in foreign countries for charitable or educational purposes. The deduction by an individual for charitable contributions under section 170 is limited generally to 20 percent of the taxpayer's adjusted gross income (computed without regard to any net operating loss carryback to the taxable year under section 172). If a husband and wife make a joint return, the deduction for contributions is the aggregate of the contributions made by the spouses, and the limitation in section 170(b) is based on the aggregate adjusted gross income of the spouses. The 20-percent limitation applies to amounts contributed during the taxable year "to or for the use of" those recipients described in section 170(c). The limitation is computed without regard to contributions qualifying for the additional 10-percent deduction. For examples of the application of the 10 and 20-percent limitation, see paragraph (b)(5) of this section. For special rules reducing amount of certain charitable deductions, see paragraph (c)(2) of § 1.170–1.

• • • • •

(b) *Additional 10 percent deduction—(1) In general.* In addition to the deduction which may be allowed for contributions subject to the general 20-percent limitation, an individual may deduct charitable contributions made during the taxable year to the organizations specified in section 170(b)(1)(A) to the extent that such contributions in the aggregate do not exceed 10 percent of his adjusted gross income (computed without regard to any net operating loss carryback to the taxable year under section 172). The additional 10-percent deduction may be allowed with respect to contributions to—

(i) A church or a convention or association of churches,

(ii) An educational organization referred to in section 503(b)(2) and defined in subparagraph (3) of this paragraph,

(iii) A hospital defined in subparagraph (4)(i) of this paragraph, and

(iv) Subject to certain conditions and limitations set forth in subparagraph (4)(ii) of this paragraph, and for taxable years beginning after December 31, 1955, a medical research organization referred to in section 503(b)(5).

To qualify for the additional 10-percent deduction the contribution must be made "to", and not merely "for the use of", one of the specified organizations. A contribution made to a trust, community chest, or other organization referred to in section 170(c), which in turn makes the contribution available to a church, school, hospital, or medical research organization, will not qualify under the 10-percent limitation unless such trust, community chest, or other organization acts merely as an agent of the taxpayer in delivering the contribution. The computation of this additional deduction is not necessary unless the total contributions paid during the taxable year are in excess of the general 20-percent limitation. Where the total contributions exceed the 20-percent limitation, the taxpayer should first ascertain the amount of charitable contributions subject to the 10-percent limitation, and any excess over the 10-percent limitation should then be added to all other contributions and limited by the 20-percent limitation.

• • • • •

(4) *Hospital and medical research organization—(i) Hospital.* The term "hospital", as used in section 170(b)(1)(A), means an organization the principal purposes or functions of which are the providing of hospital or medical care. The term includes Federal and State hospitals otherwise coming within the definition but does not include medical education organizations, or medical research organizations. See, however, subdivision (ii) of this subparagraph, relating to contributions to certain medical research organizations for taxable years beginning after December 31, 1955. A rehabilitation institution or an outpatient clinic may qualify as a hospital if its principal purposes or functions are the providing of hospital or medical care. The term "hospital" does not include convalescent homes or homes for children or the aged, nor does the term include institutions whose principal purposes or functions are to train handicapped individuals to pursue some vocation.

(ii) *Certain medical research organizations.* (a) For taxable years beginning after December 31, 1955, certain charitable contributions made to certain medical research organizations may be taken into account in computing the additional 10-percent limitation. To be so taken into account the charitable contribution must be made to a medical research organization that is directly engaged in the continuous active conduct of medical research in conjunction with a hospital (as defined in subdivision (i) of this subparagraph), and, during the calendar year in which the contribution is made, the organization must be committed to spend the contribution for such active conduct of medical research before January 1 of the fifth calendar year beginning after the date the contribution is made.

(b) As used in section 170(b)(1)(A) and this subparagraph, the term "medical research organization" means an organization the principal purpose or function of which is to engage in medical research. Medical research may be defined as the conduct of investigations, experiments, and studies to discover, develop, or verify knowledge relating to the causes, diagnosis, treatment, prevention, or control of physical or mental diseases and impairments of man. To qualify as a medical research organization, the organization must have the appropriate equipment and professional personnel necessary to carry out its principal function.

(c) The organization must, at the time of the contribution, be directly engaged in the continuous active conduct of medical research in conjunction with a hospital described in subdivision (i) of this subparagraph. The organization need not be formally affiliated with a hospital to be considered engaged in the active conduct of medical research in conjunction with a hospital, but it must be physically connected, or closely associated, with a hospital. In any case, there must be a joint effort on the part of the research organization and the hospital pursuant to an understanding that the two organizations shall maintain continuing close cooperation in the active conduct of medical research. For example, the necessary joint effort will normally be found to exist if the activities of the medical research organization are carried on in space located within or adjacent to a hospital provided that the organization is permitted to utilize the facilities (including equipment, case studies, etc.) of the hospital on a continuing basis in the active conduct of medical research. A medical research organization which is closely associated, in the manner described above, with a particular hospital or particular hospitals, may be considered to be pursuing research in conjunction with a hospital if the necessary joint effort is supported by substantial evidence of the close cooperation of the members of the research organization and the staff of the particular hospital or hospitals. The active participation in medical research by the staff of the particular hospital or hospitals will be considered as evidence of the requisite joint effort. If the organization's primary purpose is to disburse funds to other organizations for the conduct of research by them, or, if the organization's primary purpose is to extend research grants or scholarships to others, it is not directly engaged in the active conduct of medical research, and contributions to such an organization may not be taken into account for purposes of the additional 10-percent limitation.

(d) A charitable contribution to a medical research organization may be taken into account in computing the additional 10-percent limitation only if the organization is committed to spend such contribution for medical research in conjunction with a hospital on or before the first day of the fifth calendar year which begins after the date the contribution is made. The organization's commitment that the contribution will be spent within the prescribed time only for the prescribed purposes must be legally enforceable. A promise in writing to the donor in consideration of his making a contribution that such contribution will be so spent within the prescribed time will constitute a commitment. The expenditure of contributions received for plant, facilities, or equipment, used solely for medical research purposes shall ordinarily be considered to be an expenditure for medical research for purposes of section 170(b) and this section. If a con-

tribution is made in other than money, it shall be considered spent for medical research if the funds from the proceeds of a disposition thereof are spent by the organization within the five-year period for medical research; or, if such property is of such a kind that it is used on a continuing basis directly in connection with such research, it shall be considered spent for medical research in the year in which it is first so used.

• • • • •

(c) *Unlimited deduction for individuals*—(1) *In general.* (i) The deduction for charitable contributions made by an individual is not subject to the 10- and 20-percent limitations of section 170(b) if in the taxable year and each of 8 of the 10 preceding taxable years the sum of his charitable contributions paid during the year, plus his payments during the year on account of Federal income taxes, is more than 90 percent of his taxable income for the year (or net income, in years governed by the Internal Revenue Code of 1939). In determining the applicability of the 10- and 20-percent limitations of section 170(b) for taxable years beginning after December 31, 1957, there may be substituted, in lieu of the amount of income tax paid during any year, the amount of income tax paid in respect of such year, provided that any amount so included for the year in respect of which payment was made shall not be included for any other year. For the purpose of the first sentence of this paragraph, taxable income under the Internal Revenue Code of 1954 is determined without regard to the deductions for charitable contributions under section 170, for personal exemptions under section 151, or for a net operating loss carryback under section 172. On the other hand, for this purpose net income under the Internal Revenue Code of 1939 is computed without the benefit only of the deduction for charitable contributions. See section 120 of the Internal Revenue Code of 1939. The term "income tax" as used in section 170(b)(1)(C) means only Federal income taxes, and does not include the taxes imposed on self-employment income, on employees under the Federal Insurance Contributions Act (chapter 21 of the Code) or on railroad employees and their representatives under the Railroad Retirement Tax Act (chapter 22 of the Code) by chapters 2, 21, and 22, respectively, or corresponding provisions of the Internal Revenue Code of 1939. For purposes of section 170(b)(1)(C) and this paragraph, the amount of income tax paid during a taxable year shall be determined (except as provided in subdivision (ii) of this subparagraph) by including all payments made by the taxpayer during such taxable year on account of his Federal income taxes (whether for the taxable year or for preceding taxable years). Such payments would include any amount paid during the taxable year as estimated tax for that year, payment of the final installment of estimated tax for the preceding taxable year, final payment for the preceding taxable year, and any payment of a deficiency for an earlier taxable year, to the extent that such payments do not exceed the tax for the taxable year for which payment is made. Any payment of income tax with respect to which the taxpayer receives a refund or credit shall be reduced by the amount of such refund or credit. Any such refund or credit shall be applied against the most recent payments for the taxable year in respect of which the refund or credit arose.

(ii) For any taxable year beginning after December 31, 1957, the applicability of the 10- and 20-percent limitations of section 170(b) may be determined either with reference to the income tax paid during the year or any prior year, or with reference to the income tax paid in respect of any such year or prior years. The 90-percent test of section 170(b)(1)(C) may be applied for the taxable year, or for any one or more of the preceding 10 taxable years, by taking into account the income taxes paid in respect of that year or years, and for the balance of the 10 years by taking into account the income tax payments made during those years. Thus, a taxable year which qualifies under either of the two permissible methods shall be considered as a qualifying year irrespective of whether the taxable year begins before or after December 31, 1957. However, a particular income tax payment may only be taken into account once, either with respect to the year of liability or for the year of payment.

(2) *Joint returns*—(i) *Joint return for current taxable year.* If a husband and wife make a joint return for any taxable year, their deduction for charitable contributions is not subject to the 10- and 20-percent limitations of section 170(b), if, under the rules of subparagraph (1) of this paragraph, in the taxable year and in each of 8 of the 10 preceding taxable years (regardless of whether separate or joint returns were filed), the aggregate charitable contributions of both spouses paid during the year, plus their aggregate payments during the year on account of Federal income taxes (or, if the taxable year begins after December 31, 1957, the aggregate tax paid in respect of such taxable year or any preceding taxable year) exceed 90 percent of their aggregate taxable incomes for the year.

(ii) *Separate return by spouse or by unremarried widow or widower.* If a spouse, or the unremarried widow or widower of a deceased spouse, makes a separate return for any taxable year, his deduction for charitable contributions is not subject to the 10- and 20-percent limitations of section 170(b), if, under the rules of subparagraph (1) of this paragraph, in the taxable year and each of 8 of the 10 preceding taxable years—

(*a*) For which the taxpayer filed a joint return with his spouse, either their aggregate charitable contributions and payments of Federal income taxes made during the taxable year (or if the taxable year begins after December 31, 1957, made in respect of such taxable year or any preceding taxable year) exceed 90 percent of their aggregate taxable income for that year, or the taxpayer's separate charitable contributions and payments of Federal income taxes allocable to his separate income and made during the taxable year (or if the taxable year begins after December 31, 1957, made in respect of such taxable year or any preceding taxable year) exceeds 90 percent of his separate taxable income for that year, and

(*b*) For which the taxpayer did not file a joint return with his spouse, the aggregate of his charitable contributions and payments of Federal income taxes made during the taxable year (or, if the taxable year begins after December 31, 1957, the payments of income taxes made in respect of such taxable year or any preceding taxable year) exceeds 90 percent of his taxable income for that year.

For the purpose of the preceding sentence, the word "spouse" does not include a spouse from whom the taxpayer has been divorced.

• • • • •

PAR. 4. Section 1.170–3 is amended by revising paragraph (a), and paragraph (c) of § 1.170–3 is amended by adding subparagraphs (3) and (4) thereto. As amended, § 1.170–3 reads as follows:

§ 1.170–3 Contributions or gifts by corporations.

(a) *In general.* The deduction by a corporation in any taxable year for charitable contributions, as defined in section 170(c), is limited to 5 percent of its taxable income for the year, computed without regard to:

(1) The deduction for charitable contributions,

(2) The special deductions for corporations allowed under part VIII (except section 248), subchapter B, chapter 1 of the Code,

(3) Any net operating loss carryback to the taxable year under section 172, and

(4) The special deduction for Western Hemisphere trade corporations under section 922.

A contribution by a corporation to a trust, chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals is deductible only if the contribution is to be used in the United States or its possessions for those purposes. See section 170(c)(2). For the purposes of section 170, amounts excluded from the gross income of a corporation under section 114 (relating to sports programs conducted for the American National Red Cross) are not to be considered contributions or gifts. For reduction or disallowance of certain charitable, etc., deductions, see paragraphs (c)(2), (e) and (f) of § 1.170–1.

• • • • •

(c) *Charitable contributions carryover of corporations.* • • •

(3) A corporation having a net operating loss carryover (or carryovers) must apply the special rule of section 170(b)(3) and this subparagraph before computing under subparagraph (1) of this paragraph the charitable contributions carryover for any taxable year subject to the Internal Revenue Code of 1954. In determining the amount of charitable

contributions that may be deducted in the two taxable years succeeding the year of the contribution, the excess of contributions made by a corporation in the year of contribution over the amount deductible in such year must be reduced by the amount by which such excess reduces taxable income (for purposes of determining the net operating loss carryover under the second sentence of section 172(b)(2)) and increases a net operating loss carryover to a succeeding taxable year. Thus, if the excess of the contributions made in a taxable year over the amount deductible in the taxable year is utilized to reduce taxable income for such year for purposes of determining the net operating loss deduction for such year, thereby serving to increase the amount of the net operating loss carryover to a succeeding year or years, no charitable contributions carryover will be allowed. If only a portion of the excess charitable contributions is so used, the charitable contributions carryover will be reduced only to that extent.

(4) The application of the rule of subparagraph (3) of this paragraph may be illustrated by the following example:

Example. A corporation which reports its income on the calendar year method makes a charitable contribution of $10,000 during the taxable year 1960. Its taxable income for 1960 is $80,000 (computed without regard to any net operating loss deduction and computed in accordance with section 170(b)(2) without regard to any deduction for charitable contributions). The corporation has a net operating loss carryover from 1959 of $80,000. In the absence of the net operating loss deduction the corporation would have been allowed a deduction for charitable contributions of $4,000 (5 percent of $80,000). After the application of the net operating loss deduction the corporation is allowed no deduction for charitable contributions, and there is a tentative charitable contribution carryover of $10,000. For purposes of determining the net operating loss carryover to 1961 the corporation computes its taxable income for its prior taxable year 1960 under section 172(b)(2) by deducting the $4,000 charitable contribution. Thus, after the $80,000 net operating loss carryover is applied against the $76,000 of taxable income for 1960 (computed in accordance with section 172(b)(2)), there remains a $4,000 net operating loss carryover to 1961. Since the application of the net operating loss carryover of $80,000 from 1959 reduces the taxable income for 1960 to zero, no part of the $10,000 of charitable contributions in that year is deductible under section 170(b)(2). However, in determining the amount of the allowable charitable contributions carryover to the taxable years 1961 and 1962, the $10,000 must be reduced by the portion thereof ($4,000) which was used to reduce taxable income for 1960 (as computed for purposes of the second sentence of section 172(b)(2)) and which thereby served to increase the net operating loss carryover to 1961 from zero to $4,000.

PAR. 5. Paragraph (a) of § 1.673(b)–1 is revised to read as follows:

§ 1.673(b)–1 Income payable to charitable beneficiaries.

(a) Pursuant to section 673(b) a grantor is not treated as an owner of any portion of a trust under section 673, even though he has a reversionary interest which will take effect within 10 years, to the extent that, under the terms of the trust, the income of the portion is irrevocably payable for a period of at least 2 years (commencing with the date of the transfer) to a designated beneficiary of the type described in section 170(b)(1)(A).

PAR. 6. Paragraph (c) of § 1.681(a)–2 is revised to read as follows:

§ 1.681(a)–2 Limitation on charitable contributions deduction of trusts with trade or business income.

• • • • •

(c) *Examples.* (1) The application of this section may be illustrated by the following examples, in which it is assumed that the Y charity is not a charitable organization qualifying under section 170(b)(1)(A) (see subparagraph (2) of this paragraph):

• • • • •

(2) If, in the examples in subparagraph (1) of this paragraph, the Y charity were a charitable organization qualifying under section 170(b)(1)(A), then the deduction allowable under section 512(b)(11) would be computed at a rate of 30 percent.

PAR. 7. Subparagraph (1) of paragraph (a) of § 1.681(b)–1 is revised to read as follows:

§ 1.681(b)–1 Limitation on charitable contributions deduction of trusts engaged in prohibited transactions.

(a) *In general.* (1) If a trust has engaged in a "prohibited transaction," the charitable contributions deduction which would otherwise be allowable to the trust under section 642(c) is limited by section 681(b)(1) to 20 percent of the taxable income of the trust (computed without any charitable contributions deduction), except that an additional deduction of up to 10 percent of such taxable income is allowed for amounts actually paid to organizations qualifying under section 170(b)(1)(A). There is no requirement that amounts subject to the 20-percent limitation be actually paid, if they are set aside or are to be used exclusively for charitable or other purposes so that they would be deductible under section 642(c).

PAR. 8. Paragraph (b) of § 1.681(c)–1 is revised to read as follows:

§ 1.681(c)–1 Limitation on charitable contributions deduction of trusts accumulating income.

• • • • •

(b) *Extent of limitation.* If a trust is subject to the limitations of section 681(c) for any taxable year, the charitable deduction which would otherwise be allowable to the trust under section 642(c) is limited to amounts actually paid out during the taxable year, and is limited to 20 percent of the taxable income of the trust (computed without any charitable deduction), except that an additional deduction of up to 10 percent of such taxable income is allowed for amounts actually paid to organizations qualifying under section 170(b)(1)(A).

PAR. 9. Paragraph (b) of § 1.702–1 is revised to read as follows:

§ 1.702–1 Income and credits of partner.

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(b) *Character of items constituting distributive share.* The character in the hands of a partner of any item of income, gain, loss, deduction, or credit described in section 702(a)(1) through (8) shall be determined as if such item were realized directly from the source from which realized by the partnership or incurred in the same manner as incurred by the partnership. For example, a partner's distributive share of gain from the sale of depreciable property used in the trade or business of the partnership shall be considered as gain from the sale of such depreciable property in the hands of the partner. Similarly, a partner's distributive share of partnership "hobby losses" (section 270) or his distributive share of partnership charitable contributions to organizations qualifying under section 170(b)(1)(A) retains such character in the hands of the partner.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[F.R. Doc. 62–8153; Filed, Aug. 14, 1962; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Miscellaneous Amendments

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.) and the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), the United States Department of Agriculture hereby further amends the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR, as amended, Part 70) and the regulations governing the inspection of poultry and poultry products (7 CFR, as amended, Part 81).

Statement of considerations. The amendments provide that export certificates may be issued under the Poultry Products Inspection Act only at official establishments and that such certificates may be issued under the voluntary inspection and grading program, conducted under said Agricultural Marketing Act, at either the point of export (e.g., dockside or airport) or at a warehouse. Each shipping container covered by the export certificate must bear the number of the certificate so that adequate identification of the product can

be maintained. In addition, when certificates are issued at points other than the official establishment, the products must be in the same form (frozen or unfrozen) as they were at the time they were released by the Department for distribution.

Section 81.208 of the regulations under the Poultry Products Inspection Act is amended so as to modify the provisions as to maximum percentages of poultry ingredients permitted in certain food products exempted from classification as poultry products, to clarify the exemption provisions, and to delete the provisions relating to the use of the kind name on certain exempted products. This document revokes the amendments of §§ 81.208 and 81.134 which were published on September 13, 1961, to become effective September 1, 1962, since the subject matter thereof is covered by the present amendments.

The amendments also clarify the conditions under which the terms "fresh frozen," "quick frozen," "frozen fresh," and "frozen" can be used, and make slight changes in the A quality standards for ready-to-cook geese.

Notice of proposed rule-making with respect to these amendments was published in the FEDERAL REGISTER of June 12, 1962, and opportunity was afforded interested persons to comment thereon. Due consideration has been given to all comments received and to all other information available to the Agricultural Marketing Service. The amendments conform in most respects to the proposals set forth in the notice, and deviations therefrom are made pursuant to comments of interested persons or in the interests of clarity. It appears that further notice and public rule making procedure on the matter would not make additional information available to this Department. Prompt action is necessary insofar as this document will revoke the September 13, 1961, amendments of §§ 81.134 and 81.208 since they would become effective September 1, 1962, in the absence of such action. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further public procedure with respect to this document is impracticable and unnecessary and good cause is found for making the revocation of said amendments of §§ 81.134 and 81.208 effective less than 30 days after publication in the FEDERAL REGISTER.

A. The provisions of the regulations under the Poultry Products Inspection Act, appearing in 7 CFR §§ 81.50(f) (1), 81.118, and 81.208, are amended to read, respectively, as follows:

§ 81.50 Temperatures and cooling and freezing procedures.

* * * * *

(f) *Freezing.* (1) Dressed and ready-to-cook poultry which is to be or is labeled with descriptive terms such as "fresh frozen," "quick frozen" or "frozen fresh" or any other term implying a rapid change from a fresh state to a frozen state shall be placed into a freezer within 48 hours after initial chilling in accordance with paragraph (b) or (c) of this section. During this period, if such poultry is not immediately placed into a freezer after chilling and packaging, it shall be held at 36° F. or lower. Dressed or ready-to-cook poultry handled in any manner other than as specified in this subparagraph and in subparagraph (2) of this paragraph may be labeled "frozen" if it is frozen under Department supervision and is in fact in a frozen state.

* * * * *

§ 81.118 Export certificates.

(a) Upon request, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any inspected and passed product, after adequate inspection of the product has been made by the inspector to determine its identity as inspected and passed and eligible for export: *Provided*, That the product is offered for inspection at an official establishment. Each shipping container covered by the export certificate shall be marked with a U.S. Department of Agriculture export stamp bearing the number of the export certificate. Export certificates will be issued only upon condition that the products covered thereby shall be subject to reinspection at any place and at any time prior to exportation to determine the identity of the products and their eligibility for certification, and such certificates shall become invalid if such reinspection is refused or discloses that the products are not eligible for such certification. If reinspection discloses that products are not eligible for such certification, a superseding certificate setting forth such findings shall be issued and copies shall be furnished to interested persons.

(b) The original and a duplicate of each export certficate shall be delivered to the person who requested such certificate or his agent. Additional copies of export certificates shall be prepared and distributed by the inspector in accordance with the instructions of the Administrator.

§ 81.208 Exemption of certain human food products which contain poultry.

The human food products listed in this section, which consist in part of edible parts of poultry, are hereby exempted from classification as poultry products under the Act: *Provided*, That the poultry used in such products is federally inspected or inspected under an approved foreign inspection system and the other conditions set forth herein are met.

(a) Any food product (in a consumer package) not otherwise provided for in this section, which contains less than 10 percent cooked poultry skins, giblets, fat or meat (deboned white or dark poultry meat, or both), separately or in any combination: *Provided*, That it contains less than 2 percent poultry meat. The aforesaid percentages of ingredients shall be computed on the basis of the moist, deboned, cooked poultry in the ready-to-serve product when prepared in accordance with the serving directions on the consumer package.

(b) Any food product (in an institutional pack) which is prepared for sale to institutional users, such as hotels, restaurants and boarding houses, for use as a soup base or flavoring, which contains less than 15 percent cooked poultry meat (deboned white or dark poultry meat, or both) computed on the basis of the moist, deboned, cooked poultry meat in such product.

(c) Bouillon cubes, fat capsules, and sandwiches containing poultry product.

(d) Any food product that is prepared by caterers or restaurants and served by such caterers or restaurants direct to consumers.

(Sec. 14, 71 Stat. 447; 21 U.S.C. 463)

B. The definition of "product" in the regulations under the aforesaid Agricultural Marketing Act, appearing in 7 CFR § 70.1, and the provisions of said regulations appearing in 7 CFR 70.4(d), 70.170 (c), 70.173, and 70.284(f)(1), and the standard in 70.353(f) are amended to read, respectively, as follows:

§ 70.1 Definitions.

* * * * *

"Product" means each of the following: (1) Dressed poultry; (2) ready-to-cook poultry; (3) edible poultry byproduct; (4) poultry food product; (5) food product containing poultry product; and (6) with respect to grading service only, live poultry.

* * * * *

§ 70.4 Grading and inspection services available.

* * * * *

(d) Inspection service:

(1) In an official plant.

(2) At terminal markets and other receiving points.

§ 70.170 Forms of inspection certificates.

* * * * *

(c) Each export inspection certificate issued pursuant to the regulations in this part shall show the respective name of the exporter and the consignee, the destination of the products, the shipping marks, the names of the products, the total net weight thereof, and such other information as the Administrator may prescribe or approve.

§ 70.173 Export certificates.

(a) Upon request, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any product inspected and passed under the regulations in Part 81 of this chapter after adequate inspection of the product has been made by the inspector to determine its identity as inspected and passed and eligible for export, at either the point of export (e.g., dockside or airport) or at a warehouse other than the point of export.

(b) Upon request, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any products exempted from inspection under Part 81 of this chapter which are inspected and certified under this Part 70.

(c) Export certificates will be issued under this Part for products only if they are in the same form (e.g., frozen or unfrozen) as they were at the time they were released by the Department for distribution. Each shipping container covered by the export certificate shall be marked with a U.S. Department of Agriculture export stamp bearing the number of the export certificate. Export certificates will be issued only upon condition that the products covered thereby shall be subject to reinspection at any place and at any time prior to exportation to determine the identity of the products and their eligibility for certification, and such certificates shall become invalid if such reinspection is refused or discloses that the products are not eligible for such certification. If reinspection discloses that products are not eligible for such certification, a superseding certificate setting forth such findings shall be issued and copies shall be furnished to interested persons.

(d) The original and a duplicate of each export certificate shall be delivered to the person who requested such certificate. Additional copies of export certificates shall be prepared and distributed by the inspector in accordance with the instructions of the Administrator.

§ 70.284 Temperatures and cooling and freezing procedures.

* * * * *

(f) *Freezing.* (1) Dressed and ready-to-cook poultry which is to be or is labeled with descriptive terms such as "fresh frozen," "quick frozen," or "frozen fresh" or any other term implying a rapid change from a fresh state to a frozen state shall be placed into a freezer within 48 hours after initial chilling in accordance with paragraph (b) or (c) of this section. During this period, if such poultry is not immediately placed into the freezer after chilling and packaging, it shall be held at 36° F. or lower. Dressed or ready-to-cook poultry handled in any manner other than as specified in this subparagraph and in subparagraph (2) of this paragraph may be labeled "frozen" if it is frozen under Department supervision and is in fact in a frozen state.

* * * * *

§ 70.353 A Quality.

* * * * *

(f) *Disjointed and broken bones and missing parts.* Parts are free of broken bones. The carcass is free of broken bones and has not more than one disjointed bone. The wing tips may be removed at the joint and, in the case of geese, the parts of the wing beyond the second joint may be removed if removed at the joint and both wings are so treated. The tail may be removed at the base. Cartilage separated from the breastbone is not considered as a disjointed or broken bone.

(Sec. 203, 205, 60 Stat. 1087, 1090, as amended, 7 U.S.C. 1622, 1624)

These amendments shall become effective 30 days after publication in the FEDERAL REGISTER, with the exception that the amendment of § 81.208 shall become effective March 1, 1963.

The amendments of §§ 81.134 and 81.208 of the regulations under the Poultry Products Inspection Act, published September 13, 1961 (26 F.R. 8559), to become effective September 1, 1962, are revoked, effective upon publication hereof.

Done at Washington, D.C., this 10th day of August 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-8179; Filed, Aug. 14, 1962; 8:55 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815.2, Amdt. 2]

PART 815—ALLOTMENT OF THE DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTAS FOR PUERTO RICO

Calendar Year 1962

Basis and purpose. Sugar Regulation 815.2 (26 F.R. 12679; 27 F.R. 4045) allotted the direct-consumption portion of the Puerto Rican mainland sugar quota for the six-month period ending June 30, 1962, which was established by Sugar Regulation 811 (26 F.R. 11963; 27 F.R. 3733). Pursuant to the provisions of the Sugar Act of 1948, as amended and extended by Public Law 87-535, approved July 13, 1962, Sugar Regulation 811 has been amended, effective July 18, 1962 (27 F.R. 6863) to establish a direct-consumption sugar limit for Puerto Rico of 145,500 short tons, raw value, for the calendar year 1962.

The amendments made herein revise the Secretary's determination of allotments contained in S.R. 815.2 for the purpose of establishing allotments of the direct-consumption portion of the mainland quota for Puerto Rico for the calendar year 1962 in the amount of 145,500 short tons, raw value.

Notice was given (26 F.R. 9781) of a public hearing for the purpose of receiving evidence to enable the Secretary to make a fair, efficient, and equitable distribution of the direct-consumption portion of the sugar quota for Puerto Rico for the six-month period ending June 30, 1962, or for the calendar year 1962, or a part thereof. The record of the hearing held on November 9, 1961, pursuant to such notice, contains evidence which describes a method for allotting the direct-consumption portion of any sugar quota established for Puerto Rico for the six-month period ending June 30, 1962, or for the calendar year 1962, or a part thereof. The same method and attending provisions that were set forth in the record and that were employed for allotting the direct-consumption portion of the sugar quota for the six-month period ending June 30, 1962, are used for allotting the direct-consumption portion of the sugar quota for Puerto Rico for the calendar year 1962, and are set forth at length in the amended findings and conclusions, and the order of the Secretary, which follow.

Omission of recommended decision and effective date. The proceeding to which this order relates was instituted for the purpose of allotting the direct-consumption portion of the mainland quota for Puerto Rico to prevent disorderly marketing and to afford each interested person an equitable opportunity to market direct-consumption sugar in the continental United States. The hearing record discloses that the capacity of Puerto Rican refineries to produce direct-consumption sugar exceeds the quantities of sugar that might be marketed within probable quotas. Since the direct-consumption portion of the sugar quota for Puerto Rico has now been determined for the calendar year 1962 pursuant to the recent legislation which extended the Sugar Act of 1948 beyond June 30, 1962, it is necessary that allotment of the direct-consumption portion of the mainland quota for the calendar year 1962 be effective as soon as possible in order to provide for an orderly flow of sugar during the remainder of the calendar year. Therefore, in order to fully effectuate the purposes of section 205(a) of the Act, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. In view of the circumstances recited above, it is hereby further found that compliance with the 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendments made herein shall become effective when filed with the FEDERAL REGISTER.

Pursuant to the provisions of the Sugar Act of 1948, as amended, the findings and conclusions and order of the Secretary and § 815.2 of this chapter, contained in Sugar Regulation 815 (26 F.R. 12679, 27 F.R. 4045), are hereby amended to read as follows:

Findings and conclusions. On the basis of the record of the hearing in this proceeding I hereby find and conclude that:

(1) The potential capacity of Puerto Rican processors and refiners to produce direct-consumption sugar during the calendar year 1962 is about 310,000 short tons and this quantity is greater than the total quantity of such sugar which may be marketed within the sugar quotas for Puerto Rico for the calendar year 1962.

(2) The allotment of the direct-consumption portion of the mainland sugar quota for Puerto Rico for the calendar year 1962 is necessary to prevent disorderly marketings of such sugar and to afford each interested person an equitable opportunity to market such sugar in the continental United States.

(3) Assignment of percentile weight to the "processing from proportionate shares" factor in the allotment formula would not result in fair, efficient and equitable allotments.

(4) An allotment of 50 short tons, raw value, shall be established as a liquid sugar reserve to permit the marketing of

liquid sugar in the continental United States by persons other than named allottees during the calendar year 1962.

(5) The "past marketings" factor shall be measured by each allottee's percentage of the average marketings of direct-consumption sugar by all allottees in the continental United States during the years 1957 through 1961.

(6) The "ability to market" factor shall be measured for each allottee by expressing each allottee's largest annual marketings of direct-consumption sugar in the continental United States during any one of the past five years, 1957 through 1961, as a percent of the sum of such marketings for all allottees.

(7) The quantities of sugar and percentages referred to in paragraphs (5) and (6), above, based on final data for 1961 direct-consumption marketings which shall be used to establish allotments, are set forth in the following table:

Allottee	Average annual marketings, 1957–61		Highest annual marketings, 1957–61	
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total
	(1)	(2)	(3)	(4)
Central Aguirre Sugar Co., a trust	4,871	3.4817	6,931	4.2978
Central Roig Refining Co	20,700	14.7960	21,937	13.6026
Central San Francisco	1,513	1.0815	1,625	1.0076
Puerto Rican American Sugar Refinery, Inc	90,171	64.4525	104,791	64.9786
Western Sugar Refining Co	22,648	16.1883	25,986	16.1134
Total	139,903	100.0000	161,270	100.0000

(8) Allotments totaling the direct-consumption portion of the Puerto Rican mainland quota for the calendar year 1962 less the liquid sugar reserve provided for in Finding (4), above, should be established by giving fifty percent weight to past marketings, measured as provided in Finding (5), above, and fifty percent weight to ability to market, measured as provided in Finding (6), above.

(9) This order shall be revised without further notice or hearing to revise allotments to give effect to any change in the direct-consumption portion of the quota for Puerto Rico on the same basis as is provided in these findings for establishing allotments.

(10) This order shall require each allottee to submit to the Department in writing in the following form, no later than October 1, 1962, an estimate of the maximum quantity of direct-consumption sugar he will be able to market during the quota year within any allotment, and a release for allocation to other allottees or to a residuary balance available for all persons the portion of any allotment which may be established for him in excess of such maximum quantity.

I, the undersigned allottee, estimate that I will be able to market not to exceed ------ short tons, commercial weight, equivalent to ------ short tons, raw value, of sugar during the entire calendar year 1962 within any allotment of the direct-consumption portion of the 1962 mainland quota for Puerto Rico which may be established for me pursuant to S.R. 815.2.

I release for disposition under the provisions of S.R. 815.2 the portion of any allotment in excess of the above stated quantity of sugar, and any quantity of sugar which would increase my allotment in excess of such stated amount as a result of either the allotment of any increases in the direct-consumption portion of the Puerto Rican sugar quota or the allocation of any quantities of sugar released by one or more other allottees, occurring in either case, from the date of this release until the end of the calendar year.

An allottee may revise a previous notice of the maximum quantity he may market during the quota year and a previous release of allotment deficit by submitting to the Department on the prescribed form a new notice of the maximum quantity he may market during the quota year and a new release of allotment deficit. A revised notice and release may be given effect only to the extent that the allotment of any other allottee will not be reduced solely thereby as provided in Finding (11).

(11) This order shall provide for reallotment without further notice or hearing of any allotment, or portion thereof, that may be released by an allottee as provided in Finding (10) whenever such released allotments or portions thereof become available.

In revising allotments for the purpose of giving effect to a quota increase or decrease, or to give effect to a release by an allottee, allotment deficits shall be determined and allocated without regard to any previous determination and proration of deficits and such deficits shall be allocated proportionately among other allottees to the extent they are able to utilize additional allotments, on the basis of allotments computed for such allottees without including allocation of any allotment deficits: *Provided*, That the allotment previously in effect for an allottee which includes a deficit proration shall not be reduced solely to give effect to a revised notice received from another allottee subsequent to such deficit proration and which notice increases the declared maximum quantity such other allottee is able to market. Such deficit allocations to any allottee shall be limited in accordance with the written statement of the maximum quantity he will market submitted as provided in Finding (10). In the event the total of allotment deficits released by allottees exceeds the total quantity which can be utilized by other allottees, the excess quantity shall be placed in a residual balance available for all persons.

(12) Official notice will be taken of (a) written notice to the Department by an allottee of the estimated maximum marketings of such allottee within an allotment and of the quantities of sugar released for reallotment when the notification becomes a part of the official records of the Department, (b) final data for 1961 calendar year marketing of sugar for direct-consumption on the mainland that become a part of the official records of the Department, and (c) any regulation issued by the Secretary which changes the mainland sugar quota for Puerto Rico and the direct-consumption portion thereof established for 1962.

(13) Each allottee during the calendar year 1962 shall be restricted from bringing into the continental United States for consumption therein any direct-consumption sugar in excess of the smaller of his allotment established herein or the sum of the quantity of sugar produced by the allottee from sugarcane grown in Puerto Rico and the quantity of sugar acquired from Puerto Rican processors by the allottee during such period for shipment to the mainland within the applicable mainland quota for Puerto Rico. All other persons shall be prohibited from bringing direct-consumption sugar into the continental United States during the calendar year for consumption therein except such sugar acquired in such period from an allottee within his allotment established herein, sugar brought in within the liquid sugar reserve established for other than named allottees, and sugar brought in within the residual balance available for all persons. All persons collectively shall be prohibited from bringing into the continental United States any direct-consumption liquid sugar in excess of the quantity by which the direct-consumption portion of the mainland quota exceeds 126,033 short tons, raw value. Of that part of the direct-consumption portion of the mainland quota that may be be filled by either liquid or crystalline sugar, 50 short tons, raw value, shall be reserved to cover shipments of liquid sugar by other than named allottees as provided in Finding (4).

(14) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest.

(15) Allotments established in the foregoing manner and the amounts set forth in the order provide a fair, efficient, and equitable distribution of the direct-consumption portion of the mainland quota, as required by section 205(a) of the Act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with the findings and conclusions heretofore made, it is hereby ordered:

§ 815.2 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1962.

(a) *Allotments.* The direct-consumption portion of the 1962 sugar quota for Puerto Rico amounting to 145,500 short tons, raw value, is hereby allotted as follows:

Allottee:	Direct-consumption allotment (short tons, raw value)
Central Aguirre Sugar Co., a trust	5,658
Central Roig Refining Co	20,653
Central San Francisco	1,519
Puerto Rican American Sugar Rfy., Inc	94,129
Western Sugar Refining Co	23,491
Liquid sugar reserve for persons other than named above	50
Total	145,500

(b) *Restrictions on marketing.* (1) During the calendar year 1962 each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States within an allotment established for such allottee, for consumption therein, any direct-consumption sugar from Puerto Rico in excess of the smaller of (i) the allotment therefor established in paragraph (a) of this section, or (ii) the sum of the quantity of sugar produced by the allottee from sugarcane grown in Puerto Rico, and the quantity of sugar produced from Puerto Rican sugarcane which was sugar acquired by the allottee in 1962 for further processing and shipment within the direct-consumption portion of the 1962 mainland quota for Puerto Rico.

(2) During the calendar year 1962 all persons other than the allottees specified in paragraph (a) of this section are hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico except that acquired from an allottee within the quantity limitations established in subparagraph (1) of this paragraph and that brought in within the liquid sugar reserve for persons other than named allottees.

(3) Of the total quantity of direct-consumption sugar allotted in paragraph (a) of this section, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure and the balance may be filled by sugar whether or not principally of crystalline structure, except that 50 short tons, raw value, of such balance is reserved to cover shipments of liquid sugar by other than named allottees.

(c) *Revision of allotments.* The Deputy Administrator for Price and Production, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, is hereby authorized to revise the allotments established under this order without further notice or hearing to give effect to (1) the reallocation, as provided in Finding (11) accompanying this order, of any allotment or portion thereof released by an allottee, and (2) any increase or decrease in the direct-consumption portion of the mainland quota for Puerto Rico for the calendar year 1962 as provided in Finding (9) accompanying this order.

(d) *Transfer of marketing rights under allotments.* The Director of the Sugar Division, Agricultural Stabilization and Conservation Service, of the Department, consistent with the provisions of the Act, may permit a quantity of sugar produced from sugarcane grown in Puerto Rico to be brought into the continental United States for direct-consumption therein by one allottee, or other person, within the allotment or portion thereof established for another allottee upon relinquishment by the latter allottee of an equivalent quantity of his allotment and upon receipt of evidence satisfactory to the Secretary that a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119; Public Law 87-535)

Done at Washington, D.C., this 10th day of August 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-8180; Filed, Aug. 14, 1962; 8:56 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Order Regulating Handling

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AUTHORITY: §§ 929.0 to 929.75, issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 929.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Wareham, Massachusetts, on March 26–28, 1962, and continued at Mt. Holly, New Jersey, on March 30, 1962; at Wisconsin Rapids, Wisconsin, on April 2, 1962; and at Grayland, Washington, on April 5, 1962, upon a proposed marketing agreement and a proposed marketing order regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of cranberries grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of cranberries grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of cranberries grown in the production area, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (5 U.S.C. 1001–1011). As soon as practical after such effective time it will be necessary to establish the Cranberry Marketing Committee, the agency charged with administration of the program. Subsequently, and prior to imposition of regulations, it will be necessary for the committee and the Secretary to initiate, and complete, various actions of both organizational and regulatory natures, including the formulation and promulgation of rules and regulations to govern operations under the program. Harvesting of cranberries normally begins during the first half of September. Hence, for the program to be of maximum benefit during the 1962–63 season the order should be made effective as soon as practicable. The provisions of the order are well known to handlers of cranberries since the public hearing in connection with the order was completed April 5, 1962, and the recommended decision and the final decision were published in the FEDERAL REGISTER on June 20, 1962 (27 F.R. 5798), and July 19, 1962 (27 F.R. 6837), respectively. Copies of the regulatory provisions of this order were made available to all known interested parties; such provisions do not place any restrictions on handlers until regulations are issued thereunder; and, therefore, compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the cranberries covered by this order) who, during the period beginning July 1, 1960, through June 30, 1962, handled not less than 50 percent of the volume of cranberries covered by this order;

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (July 1, 1960, through June 30, 1962) were engaged, within the production area specified in this order, in the production of cranberries for market; such producers having also produced for market at least two-thirds of the volume of cranberries represented in such referendum; and

(3) The issuance of the order is favored or approved by processors who canned or froze within the production area more than 50 percent of the volume of cranberries that was canned or frozen.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of cranberries grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 929.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 929.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 929.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 929.4 Production area.

"Production area" means the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

§ 929.5 Cranberries.

"Cranberries" means all varieties of the fruit Vaccinium Macrocarpon, known as cranberries, grown in the production area.

§ 929.6 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period beginning on August 1 of one year and ending on the last day of July of the following year.

§ 929.7 Committee.

"Committee" means the Cranberry Marketing Committee established pursuant to § 929.20.

§ 929.8 Grower.

"Grower" is synonymous with producer and means any person who produces cranberries for market and who has a proprietary interest therein.

§ 929.9 Handler.

"Handler" means any person who handles cranberries.

§ 929.10 Handle.

"Handle" means (a) to can, freeze, or dehydrate cranberries within the production area, or (b) to sell, consign, deliver, or transport (except as a common or contract carrier of cranberries owned by another person) fresh cranberries, or in any other way to place fresh cranberries, in the current of commerce between the production area and any point outside thereof in the United States or Canada or within the production area: *Provided,* That the term "handle" shall not include (1) the sale of unharvested cranberries, (2) the delivery of cranberries by the grower thereof to a handler having packing or processing facilities located within the production area, nor (3) the transportation of cranberries from the bog where grown to a packing or processing facility, located within the production area.

§ 929.11 To can, freeze, or dehydrate.

"To can, freeze, or dehydrate" means to convert cranberries into canned, frozen, or dehydrated cranberries or other cranberry products by any commercial process.

§ 929.12 Acquire.

"Acquire" means to obtain cranberries by any means whatsoever for the purpose of handling such cranberries.

ADMINISTRATIVE BODY

§ 929.20 Establishment and membership.

There is hereby established a Cranberry Marketing Committee consisting of seven members, each of whom shall have an alternate. All members and their alternates shall be growers or employees, agents, or duly authorized representatives of growers. Each of the following subdivisions of the production area shall be represented by at least one member and one alternate member, each of whom shall be a grower, or an employee, agent, or duly authorized representative of a grower, in the designated district of the production area:

(a) District 1: The States of Massachusetts, Rhode Island and Connecticut;

(b) District 2: The State of New Jersey and Long Island in the State of New York;

(c) District 3: The States of Wisconsin, Michigan, and Minnesota; and

(d) District 4: The States of Oregon and Washington.

§ 929.21 Term of office.

The term of office of each member and alternate member of the committee shall be for two years beginning August 1 and ending on the last day of July. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 929.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members and alternate members may be submitted, not later than 10 days after the effective date of this part, to the Secretary by individual growers or groups of growers.

(b) *Successor members.* (1) Any cooperative marketing organization that handled more than two-thirds of the total volume of cranberries produced during the fiscal period during which nominations for membership on the committee are made, or the growers affiliated therewith, shall nominate eight qualified persons for four members and eight qualified persons for four alternate members of the committee. At least two such nominees for a member and two such nominees for an alternate member shall represent growers in the State of Oregon and the State of Washington. The names and addresses of such nominees shall be submitted to the Secretary not later than July 15 of each even-numbered year.

(2) The committee shall hold or cause to be held, not later than July 1 of each even-numbered year, meetings of the growers in Districts 1, 2, and 3, other than those affiliated with the cooperative marketing organization designated in subparagraph (1) of this paragraph, to elect nominees for member and for alternate member positions on the committee. The growers in each such district who are present at the meeting shall nominate two qualified persons for a member and two qualified persons for an alternate member of the committee. The names and addresses of such nominees shall be submitted to the Secretary not later than July 15 of each even-numbered year. The committee shall prescribe such procedure for the conduct of the nomination meetings as shall be fair to all persons concerned.

(3) Growers shall only participate in the nomination of members and alternate members to represent the district in which they produce cranberries.

(4) When voting for nominees, each grower shall be entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives for each position to be filled.

§ 929.23 Selection.

(a) *Initial members.* From the nominations made pursuant to § 929.22(a), or from other qualified persons, the Secretary shall select the initial members of the committee and an alternate for each such member on the basis of the representation provided for in § 929.20 and in paragraph (b) of this section.

(b) *Successor members.* From the nominations made pursuant to § 929.22 (b)(1), the Secretary shall select four members of the committee and an alternate for each such member. From the nominations made pursuant to § 929.22 (b)(2), the Secretary shall select three members of the committee and an alternate for each such member.

§ 929.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 929.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of representation provided for in §§ 929.20 and 929.23.

§ 929.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 929.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 929.22 and 929.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in §§ 929.20 and 929.23.

§ 929.27 Alternate members.

An alternate member of the committee, during the absence of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the committee may designate any other alternate member to serve in such member's place and stead at that meeting: *Provided,* That not more than four members and alternate members selected from those nominated pursuant to § 929.22(b)(1) shall serve as members at the same meeting.

§ 929.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 929.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent public accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to cranberries;

(i) To submit to the Secretary the same notice of meetings of the committee as is given to its members;

(j) To submit to the Secretary such available information as he may request; and

(k) To investigate compliance with the provisions of this part.

§ 929.32 Procedure.

(a) Five members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require at least five concurring votes.

(b) The committee may vote by telephone, telegraph, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

(c) All assembled meetings of the committee shall be open to growers and handlers. The committee shall publish notice of such meetings in such newspapers as it deems appropriate and shall mail notice of such meetings to each grower and handler who has filed his name and address with the committee for such purpose.

§ 929.33 Expenses and compensation.

The members of the committee, and alternates when acting as members, shall serve without compensation but shall be reimbursed for necessary expenses, as approved by the committee, incurred by them in the performance of their duties under this part. The committee at its discretion may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses, as aforesaid.

EXPENSES AND ASSESSMENTS

§ 929.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions hereof. The funds to cover such expenses shall be paid to the committee by handlers in the manner prescribed in § 929.41.

§ 929.41 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal period, each handler shall pay to the committee, upon demand, assessments on all cranberries he handles as the first handler thereof, during such period, except as provided in § 929.55. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in

effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each handler during a fiscal period in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund equal to approximately one fiscal period's expenses. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all cranberries handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments, the committee may accept the payment of assessments in advance, and may also borrow money for such purposes.

§ 929.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carryover such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom the excess was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate; *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

RESEARCH

§ 929.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cranberries. The expense of such projects shall be paid from funds collected pursuant to § 929.41.

REGULATIONS

§ 929.50 Marketing policy.

Each season prior to making any recommendations pursuant to § 929.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing marketing season. Such marketing policy report shall contain information relating to:

(a) The estimated total production of cranberries;

(b) The expected general quality of such cranberry production;

(c) The expected carryover, as of September 1, of frozen cranberries and other cranberry products;

(d) The expected demand conditions for cranberries in different market outlets;

(e) Supplies of competing commodities;

(f) Trend and level of consumer income;

(g) Other factors having a bearing on the marketing of cranberries; and

(h) The regulation expected to be recommended during the marketing season.

§ 929.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of cranberries in the manner provided in § 929.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply of and demand for cranberries during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 929.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of cranberries whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such regulation shall limit the total quantity of cranberries which may be handled during any fiscal period by fixing the free and restricted percentages, which percentages shall be applied to cranberries acquired during such fiscal period in accordance with § 929.54.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to handlers.

§ 929.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 929.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation: *Provided*, That no such modification shall increase the restricted percentage previously established for the then current fiscal year. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation.

§ 929.54 Withholding.

(a) Whenever the Secretary has fixed the free and restricted percentages for any fiscal period, as provided for in § 929.52(a), each handler shall withhold from handling a portion of the cranberries he acquires during such period: *Provided*, That such withholding requirement shall not apply to the acquisition of any lot of cranberries for which such withholding requirement previously has been met by another handler in accordance with § 929.55. The withheld portion shall be equal to the sum of the products obtained by multiplying the quantity of screened cranberries in each lot of cranberries acquired during the fiscal period by the restricted percentage fixed by the Secretary. The committee, with the approval of the Secretary, shall prescribe uniform rules to be followed in determining the quantity of screened cranberries in each lot of unscreened cranberries.

(b) The date during each fiscal period when handlers shall have met the withholding requirements specified in paragraph (a) of this section shall be fixed by the Secretary.

(c) Withheld cranberries shall meet such standards of grade, size, quality, or condition as the committee, with the approval of the Secretary, may prescribe. All such cranberries shall be inspected by the Federal or Federal-State Inspection Service. A certificate of such inspection shall be issued which shall show, among other things, the name and address of the handler, the number and type of containers in the lot, the location where the lot is stored, identification marks, including lot stamp, if used, and a certification of the quantity of cranberries in such lot that meet the prescribed standards. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee at the place designated by the committee a copy of the certificate of inspection issued with respect to such cranberries.

§ 929.55 Interhandler transfers.

Transfers of cranberries from one handler to another may be made upon prior notice to the committee. If such transfer is between handlers who have packing or processing facilities located within the production area, the assessment and withholding obligations provided under this part shall be assumed by the handler who agrees to meet such obligation. If such transfer is to a handler whose packing or processing facilities are outside the production area, such assessment and withholding obligations shall be met by the handler within the production area.

§ 929.56 Special provisions relating to withheld (restricted) cranberries.

(a) Any handler may make a written request to the committee for the release of all or part of the cranberries he has withheld from handling pursuant to § 929.54. Such request shall state the quantity of cranberries covered by the request, the amount per barrel he will deposit with the committee for it to purchase cranberries to replace those for which release is requested; and such other information as the committee may prescribe. It shall be accompanied by a certification that such deposit will be paid upon demand of the committee, and that such cranberries will be disposed of only in the market outlet specified in the request. If the committee determines that the amount to be deposited is not lower than the then current market price for unrestricted cranberries for use in such market outlet, it shall release to such handler the quantity of cranberries specified in his request. Such determination shall be made not later than 72 hours after the request is received by the committee.

(b) Any funds collected by the committee pursuant to paragraph (a) of this section shall be used by the committee to purchase from handlers a quantity of cranberries as nearly equal to, but not in excess of, the total quantity of cranberries which have been released as it is possible to purchase. Such purchases shall be made from the unrestricted cranberries of handlers and all handlers shall be given an opportunity to participate in such purchase. If a larger quantity is offered than can be purchased, the purchases shall be made at the lowest prices possible. If two or more handlers offer at the same price, purchases from such handlers shall be in proportion to the quantity of their respective offerings insofar as such division is practicable. The cranberries so purchased shall be disposed of by the committee as restricted cranberries in accordance with § 929.57.

(c) Any unexpended funds, collected by the committee pursuant to paragraph (a) of this section, remaining at the end of the fiscal year shall be used by the committee to reimburse it for any expense incurred in the purchase of cranberries pursuant to paragraph (b) of this section.

§ 929.57 Outlets for restricted cranberries.

(a) Except as provided in this section and in § 929.56, cranberries withheld from handling may be disposed of only through diversion to such outlets as the committee, with the approval of the Secretary, finds are noncompetitive to outlets for unrestricted (free percentage) cranberries.

(b) The storage and disposition of all cranberries withheld from handling shall be subject to the supervision and accounting control of the committee.

§ 929.58 Exemption.

(a) Upon the basis of the recommendation and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements pursuant to this part the handling of cranberries in such minimum quantities as the committee, with the approval of the Secretary, may prescribe.

(b) The committee, with the approval of the Secretary, shall prescribe such rules, regulations, and safeguards as it may deem necessary to ensure that cranberries handled under the provisions of this section are handled only as authorized.

REPORTS AND RECORDS

§ 929.60 Reports.

(a) *Inventory.* Each handler shall, upon request of the committee, file promptly with the committee a certified report, showing such information as the committee shall specify with respect to any cranberries and cranberry products which were held by him on such date as the committee may designate.

(b) *Receipts.* Each handler shall, upon request of the committee, file promptly with the committee a certified report as to each quantity of cranberries acquired during such period as may be specified, and the place of production.

(c) *Handling reports.* Each handler shall, upon request of the committee, file promptly with the committee a certified report as to the quantity of cranberries handled by him during any designated period or periods.

(d) *Withholding.* Each handler shall, upon request of the committee, file promptly with the committee a certified report showing, for such period as the committee may specify, the total quantity of cranberries withheld from handling, in accordance with § 929.54, the portion of such withheld cranberries on hand, and the quantity and manner of disposition of any such withheld cranberries disposed of.

(e) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information with respect to the cranberries acquired and disposed of by such handler as may be necessary to enable the committee to exercise its powers and perform its duties under this part.

§ 929.61 Records.

Each handler shall maintain such records of all cranberries acquired, withheld from handling, handled, and otherwise disposed of as will substantiate the required reports and as may be prescribed by the committee. All such records shall be maintained for not less than three years after the termination of the crop year in which the transactions occurred or for such lesser period as the committee may direct.

§ 929.62 Verification of reports and records.

For the purpose of assuring compliance and checking and verifying records and the reports filed by handlers, the committee, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where cranberries are received, stored, handled, and otherwise disposed of and, at any time during reasonable business hours, shall be permitted to inspect such handler premises and any and all records of such handlers with respect to matters within the purview of this part.

§ 929.63 Confidential information.

All reports and records furnished or submitted by handlers to the committee and its authorized agents which include data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be received by and at all times kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ 929.65 Compliance.

Except as provided in this part, no person shall handle cranberries, the handling of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall acquire or handle cranberries except in conformity with the provisions of this part and the regulations issued hereunder.

§ 929.66 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 929.67 Effective time.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 929.68.

§ 929.68 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any or all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part whenever he finds by referendum or otherwise that such termination is favored by a majority of the growers: *Provided*, That such majority has, during the current fiscal year, produced more than 50 percent of the volume of the cranberries which were produced within the production area. Such termination shall become effective

on the last day of July subsequent to the announcement thereof by the Secretary.

(d) The Secretary shall conduct a referendum during the month of May 1964, to ascertain whether continuance of this part is favored by the growers. The Secretary shall conduct such a referendum during the month of May of every even-numbered year thereafter.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 929.69 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 929.70 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 929.71 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 929.72 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 929.73 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 929.74 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, wilful misconduct, or gross negligence.

§ 929.75 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 10th day of August 1962, to become effective August 15, 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-8177; Filed, Aug. 14, 1962; 8:55 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 62]

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the St. Louis, Missouri, marketing area (7 CFR Part 1062), it is hereby found and determined that:

(a) The following provision of the order appearing in § 1062.7(b)(1), does not tend to effectuate the declared policy of the Act for the month of August 1962; "July or for a period not in excess of 16 days' production during each of the months of August through".

(b) By notice of proposed rule making issued on July 20, 1962 (27 F.R. 7034; F.R. Doc. 62-7290), by the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, interested parties were advised that suspension of this provision and § 1062.43(c)(1) were under consideration, and were given opportunity to submit written views, data or arguments with respect thereto. The suspension of the provision in § 1062.7(b)(1) for the month of August 1962 was supported by all interested parties who submitted views, data or arguments with respect thereto.

(c) There was substantial opposition to the proposed suspension of § 1062.43 (c)(1), relating to the classification of milk moved to nonpool plants. A separate determination with respect to this matter will be made and the persons requesting such suspension will be advised of the action taken with respect thereto; and

(d) Thirty days notice of effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will facilitate the orderly disposition of milk during the month of August 1962, a period when unusually heavy supplies of producer milk are expected.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of August 1962.

Effective date: Upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on August 9, 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-8181; Filed, Aug. 14, 1962; 8:56 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

[Rev. 2; Amdt. 12]

Chapter I—Small Business Administration

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Operators of Shopping Centers for the Purpose of SBA Business Loans

On July 4, 1962, there was published in the FEDERAL REGISTER (27 F.R. 6338) a notice that the Administrator of the Small Business Administration proposed to establish a definition of small business operators of shopping centers for the purpose of receiving SBA business loans.

Interested persons were given the opportunity to comment on the proposal within fifteen days after the date of its publication in the FEDERAL REGISTER. Convincing evidence was presented that the criteria used in the proposal were not the most appropriate methods of determining what constitutes a small business concern in the field of shopping center operations. Further study has indicated that use of assets, net worth, and net income as such criteria would be more appropriate.

The term "concern engaged in operating shopping centers" as used in this amendment includes concerns which own and operate shopping centers, but excludes concerns which own but do not operate shopping centers.

Under relevant provisions appearing in Part 120 of these regulations, financial assistance pursuant to section 7(a) of the Small Business Act may be granted only for the purposes of remodeling or improving (including limited expansion provided that such expansion does not exceed 25 percent of the gross leasable area of the existing center) existing shopping centers where the applicant is performing substantial maintenance and operational services. Such financial assistance will not be granted for the purpose of building new structures.

After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the amendment as proposed in 27 F.R. 6338 is not adopted. In lieu thereof, the amendment set forth below is hereby adopted.

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812), as amended (26 F.R. 1441, 1983, 2778, 3064, 7508, 6642, 8592, 10633, 10634, 12069; 27 F.R. 5653, 6655), is hereby further amended by:

1. Adding new paragraphs (u) and (v) to § 121.3–2 as follows:

§ 121.3–2 Definition of terms used in this part.

* * * * *

(u) *"Shopping center"* means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided on the property.

(v) *"Gross leasable area"* means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the center line of a joint partition and from outside wall faces.

2. Redesignating § 121.3–10(m) as § 121.3–10(n).

3. Adding new paragraph (m) to § 121.3–10 as follows:

§ 121.3–10 Definition of small business for SBA business loans.

* * * * *

(m) *Shopping centers.* Any concern engaged in operating shopping centers is small if (1) it does not have assets exceeding $5,000,000, (2) it does not have net worth in excess of $2,500,000, (3) it does not have an average net income, after Federal income taxes, for the preceding two fiscal years in excess of $250,000 (average net income to be computed without benefit of any carry-over loss), and (4) it does not lease more than 25 percent of the gross leasable area to concerns which do not meet the small business definitions contained in this section. For the purpose of size determinations, shopping center operators will not be considered affiliated with their tenants merely because of lease agreements.

Effective date: This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: August 10, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-8161; Filed, Aug. 14, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-360]

PART 288—EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS

AUGUST 9, 1962.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of August 1962.

The Board, on July 24, 1961, adopted a new Part 288 to its Economic Regulations (14 CFR Part 288). This part exempts air carriers, subject to certain conditions, limitations, and requirements from sections 401 and 403 of the Federal Aviation Act of 1958 and from certain regulations of the Board, to enable such carriers to perform charter services for the Military Air Transport Service (MATS) on short notice.

Since the adoption of Part 288 in July of 1961, it has been amended five times. Some of these amendments involved substantial revisions of major provisions of the part. It therefore appears to the Board that Part 288 should be reissued at this time to incorporate the outstanding amendments without change. The regulation is now in effect pursuant to Amendment No. 5 thereto and, as reissued, will expire on July 31, 1963. The findings and considerations of the Board upon which this part was originally issued continue to apply.

This action of the Board does not impose a new regulatory burden or restriction on any person. The Board therefore finds that notice or public procedure thereon is unecessary and that Part 288 as set forth below may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, the Civil Aeronautics Board hereby reissues Part 288 of the Board's Economic Regulations (14 CFR Part 288) effective August 15, 1962, as set forth below:

Subpart A—General

Sec.
288.1 Definitions.
288.2 Applicability.

Subpart B—Exemption, Conditions, and Requirements

288.5 Exemption.
288.6 Scope of exemption.
288.7 Reasonable level of compensation.
288.8 Filing of reports.
288.9 Application for other relief.

Subpart C—Enforcement

Sec.
288.15 Violations.

Subpart D—Duration

288.18 Expiration.

AUTHORITY: §§ 288.1 to 288.18 issued under secs. 204(a), 407, and 416 of Federal Aviation Act of 1958; 72 Stat. 743, 768, 771; 49 U.S.C. 1324, 1377, 1386.

Subpart A—General

§ 288.1 Definitions.

As used in this part:

"Act" means the Federal Aviation Act of 1958, as amended.

"Air carrier" means a citizen of the United States holding economic operating authority to engage in air transportation as a direct air carrier with large aircraft, other than the authority conferred by this part.

"Large aircraft" means an aircraft of more than 12,500 lbs. certificated maximum take-off weight.

"MATS" means the Military Air Transport Service.

"Short notice MATS charter service" means foreign and overseas air transportation, and air transportation between the 48 contiguous states on the one hand and the state of Hawaii or Alaska on the other hand in planeload lots of persons and/or property pursuant to civil augmentation contracts with MATS whereunder the first flight under an award occurs not more than three weeks after the date established by MATS for the submission of proposals by the air carriers and all flights are to be performed within 30 days of the first flight: *Provided*, That MATS traffic only is carried on such flights.

All terms defined in the Act and not otherwise defined in this part are used in the sense of their statutory definitions.

§ 288.2 Applicability.

This part applies to short notice MATS charter service by air carriers holding economic authority from the Board to provide air transportation of persons and/or property by the use of large aircraft which are parties to CRAF standby contracts: *Provided*, That the award contains or is accompanied by a written statement of the military establishment that such award is for transportation necessary to fulfill unforeseen military requirements as to which time is of the essence.

Subpart B—Exemption, Conditions and Requirements

§ 288.5 Exemption.

Subject to the provisions of this part and the conditions imposed, air carriers holding authority from the Board to engage in air transportation of persons and/or property by the use of large aircraft and which are parties to CRAF standby contracts are hereby exempted from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, and the Board's Economic Regulations:

Section 401(a) of the Act;
Section 403 of the Act;
Part 202 of the Regulations;

Part 207 of the Regulations;
Part 221 of the Regulations.

§ 288.6 Scope of exemption.

The exemptions granted in § 288.5 of this part extend only to transportation of persons and/or property under agreements for short notice MATS charter service as defined herein, where the award contains, or is accompanied by, the written statement set forth in the proviso to § 288.2. This authority is in addition to all other authority to engage in air transportation issued by the Board to any air carrier and will not be construed as in any manner limiting such other authority.

§ 288.7 Reasonable level of compensation.

It shall be a condition on the exemptions granted by this part that the level of compensation for transportation provided for short notice MATS charter service shall not be uneconomically low. In the absence of specific Board approval, the compensation for such service shall not be less than the following:

(a) *Minimum charges.* (1) For round-trip passenger services—2.75 cents per passenger-mile.

(2) For round-trip cargo services—12.5 cents per cargo ton-mile.

(3) For one-way passenger services—4.2 cents per passenger-mile.

(4) For one-way cargo services—21.5 cents per cargo ton-mile.

Provided, That a minimum of 15.0 cents per cargo ton-mile shall apply to segments of round trips on which cargo is carried, in cases where passengers are carried on one or more other segments of the round trip.

(b) *Minimum utilization of aircraft.* The minimum charges established by paragraph (a) of this section shall be deemed economic only when the resulting revenues are at least the equivalent of such charges applied to the following minimum loads:

Aircraft type	Number of passengers	Tons of cargo for convertible aircraft	Tons of cargo for all-cargo aircraft
B-707	159	23	28
CL-44	140	23	28
DC-4	60	6	8
DC-6/6A/6B/6C	83	9	13
DC-7	88	12	15
DC-7B/7C/7CF	95	15	18
L-1649A	95	15	18
L-1049A	88	12	15
L-1049/C/E/G/H	95	15	18

(c) *Round-trip services defined.* For the purpose of this section, round-trip services are those services performed pursuant to contracts with MATS where (1) passengers or cargo are transported on two or more successive revenue flights where the last revenue flight terminates within 250 statute miles of the point of origin of the first revenue flight, (2) the air carrier operates en route not more than one ferry flight not exceeding 50 statute-miles without charge and not more than one ferry flight not exceeding 1,500 statute miles at not less than 75 percent of the minimum live-mile compensation which would otherwise be applicable in accordance with paragraphs (a) and (b) of this section; *Provided,* That the minimum ferry charge in the case of charters governed by the proviso in paragraph (a) of this section shall be 75 percent of the applicable minimum live-mile charge for round-trip passenger services, and (3) the scheduling permits departures within 4 hours after arrival from each point on route except at one point where the aircraft may be scheduled for departure within 72 hours after arrival. If the trip otherwise meets the requirements of this definition, it shall be deemed a round trip although passengers are carried on one or more segments thereof, and cargo on one or more other segments.

(d) *Computation of passenger-miles and cargo ton-miles.*—(1) *General rule.* For the purpose of this section, the computation of passenger-miles and cargo ton-miles shall be based on no lesser mileage than the nonstop airport-to-airport distance, in terms of statute miles from the point of origin of the revenue flight to the point of destination of such flight, via such intermediate points as are required to be served by the terms of the MATS contract.

(2) *Transpacific services.* In the case of transpacific services between the 48 contiguous states and points beyond Alaska or Hawaii, the general rule shall not apply but the mileage shall be computed as prescribed in Schedule A incorporated in this paragraph and attached hereto.

(3) *Transatlantic services.* In the case of transatlantic services, when the nonstop airport-to-airport distance between origin and destination of the flight is 4,000 miles or more and no intermediate points are specified by the terms of the MATS contract, the mileage shall be no less than as computed via Shannon, Ireland, or via Lajes/Santa Maria, Azores, whichever routing yields a lower mileage.

(e) *On-loading and off-loading of traffic.* It shall not be deemed a violation of the provisions of this section for an air carrier operating a charter flight to permit MATS to on-load and/or off-load traffic (passenger or cargo) at any operational stops en route made for the carrier's convenience, to the extent that it does not interfere with the carrier's scheduled ground operation; *Provided,* That the carrier receives minimum compensation consistent with the provisions of this section for resulting load carried on any flight stage which is in excess of the load paid for under the contract.

§ 288.8 Filing of reports.

(a) *Contents of reports.* Within 10 days of the last flight under each award performed pursuant to authorization granted by this part, air carriers shall file with the Board reports covering such operations and containing the following information:

(1) A true copy of the award;

(2) Number of trips, and date each trip originated;

(3) Origin point, intermediate points (operational and traffic), and destination point of each trip;

(4) Type of aircraft used for each trip;

(5) Aircraft miles (statute) flown on each trip;

(6) Number of passengers and/or tons of cargo carried on each segment of each trip; and

(7) Contract price per passenger and/or ton of cargo.

(b) *Filing.* Three copies of the reports shall be filed with the Office of Carrier Accounts and Statistics of the Board.

§ 288.9 Application for other relief.

Air carriers may make timely applications for authority to engage in air transportation for the military establishment not covered by this part, including relief from any limitation or requirement imposed by this part. Such applications shall be governed by the provisions contained in Part 302, Subparts A and D of this chapter.

Subpart C—Enforcement

§ 288.15 Violations.

Operations by any carrier for the military establishment which are not within the scope of such carrier's basic authority or of this part or of other authority granted by the Board prior to the time such operations are undertaken, or noncompliance with any applicable requirements, conditions or limitations in this part constitute violations of the Federal Aviation Act of 1958 and will render the offending air carrier subject to imposition of lawful sanction, including in proper cases criminal prosecution under section 902(a) of the Act.

Subpart D—Duration

§ 288.18 Expiration.

(a) This part shall expire July 31, 1963, unless rescinded by the Board at an earlier date. The Board reserves the right to rescind this part or any provision thereof at any time, with or without notice or hearing, as the public interest may require.

(b) The transportation services performed pursuant to the authorization granted in this part do not constitute an activity of a continuing nature within the meaning of section 9(b) of the Administrative Procedure Act, 5 U.S.C. 1008(b).

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: August 15, 1962.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

TRANSPACIFIC ROUTINGS

Between	And									
	Thailand	South Viet Nam	Philippine Islands	Guam	Wake	Hawaii	Formosa	Okinawa	Japan	Alaska
U.S. west coast [1]	8 or 5	8 or 5	7 or 4	7	6	1	14 or 4	7 or 4	7 or 2	1
Alaska	15	15	3	—	—	—	3	3	1	-------
Japan	12	12	1	1	1	9	1	1	-------	-------
Okinawa	12	12	1	1	1	9	1	-------	-------	-------
Formosa	12	12	1	1	11	10	-------	-------	-------	-------
Hawaii	13	13	9	9	1	-------	-------	-------	-------	-------
Wake	12	12	1	1	-------	-------	-------	-------	-------	-------
Guam	12	12	1	-------	-------	-------	-------	-------	-------	-------
Philippine Islands	1	1	-------	-------	-------	-------	-------	-------	-------	-------
South Viet Nam	1	-------	-------	-------	-------	-------	-------	-------	-------	-------

Routings

1. Direct.
2. Via Anchorage.
3. Via Tachikawa.
4. Via Anchorage—Tachikawa.
5. Via Anchorage—Tachikawa—Clark.
6. Via Honolulu.
7. Via Honolulu—Wake.
8. Via Honolulu—Wake—Clark.
9. Via Wake.
10. Via Wake—Guam.
11. Via Guam.
12. Via Clark.
13. Via Wake—Clark.
14. Via Honolulu—Wake—Guam.
15. Via Tachikawa—Clark.

NOTE: Alternative routings 7, 8 and 14 are to be used for calculation of the mileage if MATS requires that an intermediate point along the mid-Pacific route be served.

[1] Any place in the States of California, Oregon, or Washington.

[F.R. Doc. 62-8124; Filed, Aug. 14, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-130]

PART 13—PROHIBITED TRADE PRACTICES

American Railway Telegraphy School, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–30 *Connections or arrangements with others;* § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, American Railway Telegraphy School, Inc., et al., Fresno, Calif., Docket C-130, Apr. 27, 1962]

In the Matter of American Railway Telegraphy School, Inc., a Corporation, and Terry H. Cross, and Mrs. Jimmie C. Cross, Individually and as Officers of Said Corporation

Consent order requiring Fresno, Calif., sellers of a correspondence course intended to prepare students for employment by railroads as telegraph operators, station agents, etc., to cease representing falsely in advertisements in "Help Wanted" columns of newspapers and by their commission sales agents that they were affiliated with railroad companies, and offering and guaranteeing jobs at high salaries to their trainees.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, American Railway Telegraphy School, Inc., a corporation, and its officers, and Terry H. Cross and Mrs. Jimmie C. Cross, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of study, training and instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication, that:

1. Employment is being offered when, in fact, the purpose is to obtain purchasers of such courses of study, training and instruction;

2. Respondents are a railroad company or are affiliated with a railroad company;

3. Positions of employment as a railroad station agent or telegraph operator are open to persons completing said course of study and instruction without further training or experience, or otherwise misrepresenting the opportunities for employment by persons completing said courses;

4. Persons completing respondents' course of study and instruction are qualified for positions of employment with starting salaries of $415 per month, or otherwise misrepresenting the earnings which such persons may expect to achieve;

5. Railroad station agents or telegraph operators are in great demand or otherwise misrepresenting the demand for persons to fill such positions of employment;

6. Respondents guarantee employment to persons completing said course of study and instruction.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 27, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8120; Filed, Aug. 14, 1962; 8:45 a.m.]

[Docket No. C-131]

PART 13—PROHIBITED TRADE PRACTICES

Edinburg Citrus Association

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Edinburg Citrus Association, Edinburg, Tex., Docket C-131, May 8, 1962]

Consent order requiring an Edinburg, Tex., packer of citrus fruit to cease violating section 2(c) of the Clayton Act by paying commissions to its brokers and other direct buyers purchasing for their own account for resale.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Edinburg Citrus Association, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying, granting, or allowing, directly or indirectly to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: May 8, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8121; Filed, Aug. 14, 1962; 8:45 a.m.]

[Docket No. 8340]

PART 13—PROHIBITED TRADE PRACTICES

Household Mfg. Co. et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* § 13.1900–35 *Foreign product as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Household Mfg. Co. et al., Los Angeles, Calif., Docket 8340, Apr. 19, 1962]

In the Matter of Household Mfg. Co., a Corporation, and Melville Dorfman, and Harry E. Eisenrod, Individually and as Officers of Said Corporation

Order requiring Los Angeles importers of household utensils and cutlery manu-

factured in Japan, some of which they assembled with parts made in the United States, to cease selling such products with the word "Japan" imprinted thereon in such small letters and so obscured in assembling or when affixed to display cards as to fail to reveal their Japanese origin to purchasers.

The order to cease and desist is as follows:

It is ordered, That respondents Household Mfg. Co., a corporation, and its officers, and Melville Dorfman and Harry E. Eisenrod, individually and as officers of the said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of kitchen utensils, cutlery or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing any product manufactured or assembled in whole or in part in Japan or in any other foreign country without affirmatively and clearly disclosing on the product itself the country of origin thereof and, if any product should be packaged in a manner which would cause the mark identifying the country of origin to be not readily visible, without clearly disclosing the country of origin on the front or face of the package or container thereof;

2. Placing in the hands of others any means or instrumentalities by or through which they may mislead the public as to any of the matters and things set out in paragraph 1, above.

By "Order Denying Petition for Review, Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents, Household Mfg. Co., Melville Dorfman and Harry E. Eisenrod, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision as modified herein.

Issued: April 19, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8122; Filed, Aug. 14, 1962; 8:46 a.m.]

[Docket No. 8305.]

PART 13—PROHIBITED TRADE PRACTICES

Paul J. Lighton et al.

Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Supart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Paul J. Lighton et al, trading as Bernard's, Owensboro, Ky., Docket 8305, Apr. 25, 1962]

In the Matter of Paul J. Lighton, Ruth G. Lighton and Jerome J. Lighton, Individually and as Copartners trading as Bernard's

Order requiring furriers in Owensboro, Ky., to cease violating the Fur Products Labeling Act by such practices as setting forth required information on labels in pencil, failing to disclose in advertising that fur products offered for sale were composed of artificially colored fur, and failing to comply in other respects with labeling and advertising requirements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Paul J. Lighton, Ruth G. Lighton and Jerome J. Lighton, individually and as copartners trading as Bernard's, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Utilizing any medium other than indelible ink to hand print on labels affixed to fur products the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated pursuant to section 8(b) of said Act.

2. Failing to set forth on labels affixed to fur products the item numbers or marks required by Rule 40 of the rules and regulations promulgated pursuant to section 8(b) of the Fur Products Labeling Act.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale, of fur products and which:

(a) Fails to disclose that the fur product advertised or offered for sale contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(b) Fails to set forth the information required under section 5(a) of the Fur Products Labeling Act, and the rules and regulations promulgated pursuant to section 8(b) of said Act in type of equal size and conspicuousness and in close proximity with each other.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 25, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8123; Filed, Aug. 14, 1962; 8:46 a.m.]

[Docket No. 8361 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Simplified Tax Records, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–215 *Organization and operation;* § 13.60 *Earnings and profits;* § 13.85 *Government approval, action, connection or standards:* § 13.85–35 *Government indorsement;* § 13.205 *Scientific or other relevant facts.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330–90 *United States Government.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Simplified Tax Records, Inc., New York, N.Y., Docket 8361, May 8, 1962]

In the Matter of Simplified Tax Records, Inc., a Corporation, and William Frankel, Also Known as William B. Foster and W. F. Foster, Individually and as an Officer of Said Corporation

Consent order requiring a New York City seller of business record-keeping systems—including its "Master Edition", "DeLuxe Edition", and "Standard Edition" system—to franchised distributors to sell to small businessmen who were then entitled to receive various consultation and advisory services as well as sets of forms for recording receipts, expenditures, assets, and other data and, in the case of those purchasing the "Master" and "DeLuxe" systems, to have their tax returns prepared by the company, to cease representing falsely in newspaper advertising and other promotional material the income and profits that purchasers of its distributorships would receive, as well as making a variety of other deceptive claims, as in the order below indicated.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Simplified Tax Records, Inc., a corporation, and its officers, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of business record-keeping systems in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist representing, directly or indirectly, to prospective distributors of such systems:

1. That purchasers of respondent's distributorships are assured of earning substantial incomes that will increase yearly.

2. That respondent has any specified number of distributors not in accordance with fact, or that any number of distributors are successful not in accordance with fact.

3. That the sale of distributorships confers permanent ownership thereof on the purchasers or that a permanent business affiliation between the parties is created by such sale, without disclosing that the permanency of such ownership or affiliation is dependent on purchasers' complying with requirements set out in franchise agreements.

4. That distributors are assured of recovering the purchase price of distributorships in six (6) months, eight (8) months, or any other specified period of time.

5. That the net profit of a new distributor in his first year of operation will exceed the amount paid by him to respondent for his distributorship, or that any distributor is assured of earnings amounting to ten thousand dollars ($10,000) in his first year of operation.

6(a) That distributors customarily or typically employ sub-distributors.

(b) That distributors employing sub-distributors are assured of deriving additional net income in the amount of three thousand dollars ($3,000) during the first year of operation, four thousand five hundred dollars ($4,500) the second year, or six thousand dollars ($6,000) the third year.

(c) That distributors employing sub-distributors will realize a combined profit through their own sales efforts with that resulting from sub-distributors' sales of fourteen thousand six hundred dollars ($14,600) in the first year of operation, twenty-one thousand nine hundred dollars ($21,900) the second year, or twenty-nine thousand two hundred dollars ($29,200) the third year.

7. That profits or earnings to be realized by distributors or to be derived by distributors from sales by subdistributors will be any amounts in excess of the average earnings or profits in fact being realized or derived by all of respondent's distributors similarly engaged in selling respondent's systems and services; provided, however, that nothing herein shall prohibit the respondent from representing that qualified persons may, during given periods of time, realize or derive earnings or net profits at levels or in amounts exceeding those typically realized or derived by respondent's distributors, if such higher stated levels or amounts in fact have been realized or derived by distributors of respondent in the regular course of business during similar periods of time, and respondent clearly and conspicuously discloses in immediate conjunction therewith the average earnings or profits in fact being realized or derived by all of respondent's distributors similarly engaged in selling respondent's systems and services.

8. That distributors are assured of the growth of valuable equities in their distributorships, or that semiretirement income will be provided by said distributorships in two (2) to three (3) years.

9. That distributors will be able to devote their time exclusively to making sales.

10. That distributors incur no costs in connection with the extension of credit to purchasers of respondent's systems and services.

11. That the sale of respondent's systems and services will entail no financing or holding of accounts receivable by distributors.

12. That distributors will encounter no competition in the sale of respondent's systems and services; provided, however, that nothing herein shall prohibit respondent from representing that it is the only one in its field which furnishes a business advisory service to customers, if such be the fact.

13. That the operation of distributorships will require no travel on the part of distributors; provided, however, that nothing herein shall prohibit respondent from representing that no overnight travel is required.

14. That respondent's systems or services are approved, endorsed or recommended by the federal government or a state government, or any agency thereof; provided, however, that nothing herein shall prohibit respondent from stating when such is the fact, that employees of state governments or agencies thereof have approved, endorsed or recommended the same in their individual capacities.

It is further ordered, That the allegations of the complaint insofar as they relate to respondent William Frankel, deceased, be, and the same hereby are, dismissed.

It is further ordered, That Paragraph Six (5) of the complaint be, and the same hereby is, dismissed.

It is further ordered, That the respondent Simplified Tax Records, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: May 8, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8138; Filed, Aug. 14, 1962; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

In § 203.27, Paragraph (a) (4) (v) is revoked as follows:

§ 203.27 **Maximum charges, fees or discounts.**

(a) • • •

(4) • • •

(v) [Revoked].

In § 203.100 paragraph (c) (6) is revoked as follows:

§ 203.100 **Charges and fees to lender from borrower.**

• • • • • •

(c) • • •

(6) [Revoked].

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart A—Eligibility Requirements—Homes

In § 220.50, paragraph (a) (4) (v) is revoked as follows:

§ 220.50 **Maximum charges, fees or discounts.**

(a) • • •

(4) • • •

(v) [Revoked].

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Issued at Washington, D.C., August 10, 1962.

NEAL J. HARDY, *Federal Housing Commissioner.*

[F.R. Doc. 62-8159; Filed, Aug. 14, 1962; 8:52 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5-3—PROCUREMENT BY NEGOTIATION

Partial Revision

Part 5-3 (except for Subpart 5-3.4, which remains unchanged) is revised, to read as follows:

Subpart 5-3.1—Use of Negotiation

5-3.101 General requirements for negotiation.
5-3.102 Factors to be considered in negotiated contracts.
5-3.102-50 Security requirements.
5-3.103 Dissemination of procurement information.

Subpart 5-3.2—Circumstances Permitting Negotiation

5-3.201 National emergency.
5-3.202 Public exigency.
5-3.203 Purchases not in excess of $2,500.
5-3.204 Personal or professional services.
5-3.210 Impracticable to secure competition by formal advertising.
5-3.211 Experimental, developmental, or research work.
5-3.212 Purchases not to be publicly disclosed.

tives, agents and employees, directly or

[F.R. Doc. 62-8120; Filed, Aug. 14, 1962; 8:45 a.m.]

Order requiring Los Angeles importers of household utensils and cutlery manu-

40 *Fur Products Labeling Act.*

forth in detail the manner and form in

distributorships are assured of earning

Subpart 5–3.3—Determinations, Findings, and Authorities

Sec.
5–3.302 Form and requirements of determinations and findings; preservation of data.

Subpart 5–3.6—Small Purchases

5–3.602 Policy.
5–3.603 Competition.
5–3.603–1 Solicitation.
5–3.603–2 Data to support small purchases.
5–3.604 Imprest funds (petty cash) method.
5–3.604–1 General.
5–3.604–3 Agency responsibilities.
5–3.604–4 Use of imprest funds.
5–3.604–6 Procurement and payment.
5–3.605 Order-Invoice-Voucher.
5–3.605–1 Standard Form 44.
5–3.606 Blanket purchase arrangements.
5–3.606–1 General.
5–3.606–3 Establishment of account.
5–3.606–4 Documentation.
5–3.606–50 Oral purchases.
5–3.607 Interagency use of local term contracts.
5–3.650 Local term contracts.
5–3.651 Unpriced purchase order.
5–3.651–1 Conditions for use.
5–3.651–2 Procurement and payment.
5–3.651–3 Record of status.
5–3.652 Establishment and control of imprest funds.
5–3.652–1 Establishment of funds.
5–3.652–2 Designation of cashiers.
5–3.652–3 Safeguarding of cash.
5–3.652–4 Responsibility in doubtful transactions.
5–3.652–5 Reimbursement to imprest funds.
5–3.652–6 Use of U.S. Postal Money Orders.

Subpart 5–3.8—Price Negotiation Policies and Techniques

5–3.802 Preparation for negotiation.
5–3.809 Audit as a pricing aid.
5–3.850 Negotiation when authority has not been delegated to Regional Administrators.
5–3.851 Citation of authority to negotiate.
5–3.852 Forms to be used.

AUTHORITY: §§ 5–3.101 to 5–3.852 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 5–3.1—Use of Negotiation

§ 5–3.101 General requirements for negotiation.

Except as otherwise provided in § 1–3.201, purchases exceeding $2,500 in amount should generally be effected by advertising for bids and thereafter awarding a contract to the lowest responsible bidder. However, purchases may and should be made by negotiation in accordance with the procedures set forth in Parts 1–3 and 5–3 whenever circumstances justify. Authority to negotiate does not excuse compliance with the basic policy of obtaining maximum competition consistent with the needs of the occasion to the end that purchases will be made to the best advantage of the Government, price and other factors considered. Purchases by negotiation enable the contracting officer to obtain the benefits of competition on an informal basis and, where adequate competition is not available, to use cost and price analyses to the extent necessary to obtain fair prices. Purchases by negotiation must conform to other established policies such as those relating to awards to small business concerns and concerns located in labor surplus areas.

§ 5–3.102 Factors to be considered in negotiated contracts.

Among those factors to be considered in the preparation of requests for proposals is the need for auditing of contractors' records. (See Subparts 5–53.3, 1–3.8, and 5–3.8.)

§ 5–3.102–50 Security requirements.

Where making classified information available to contractors or prospective contractors is contemplated, the request for proposals shall include the appropriate security requirements clause required by § 5–7.150, § 5–7.650, or § 5–7.5101. (See also § 5–2.201–50.) The release of classified information to contractors or prospective contractors shall be effected in accordance with the provisions of § 5–53.202.

§ 5–3.103 Dissemination of procurement information.

(a) Information regarding proposed procurements. As provided in § 1–3.802 (c), each request for proposals or price solicitation shall be released to all prospective offerors at the same time and no offeror shall be given the advantage of advance knowledge that proposals are to be requested. However, this shall not preclude the providing of information to suppliers, upon inquiry, that GSA recurrently procures through negotiation particular commodities or categories thereof. Upon issuance, a copy of each written request for proposals for a procurement estimated to exceed $2,500 shall be furnished to the Business Service Center. In addition, copies of Standard Form 18, Request for Quotations, covering purchases that will not exceed $2,500 may be furnished to the Business Service Center upon joint determination between the Business Service Center and the contracting activity that such action is necessary or desirable in connection with informing local supply sources as to small purchase opportunities. Written inquiries received from offerors, or prospective offerors, and inquiries from other sources, whether oral or written, requesting information as to the status of any offer, proposal, or solicitation, normally shall be directed to the appropriate Business Service Center for reply.

(b) Information regarding award of negotiated contracts.

(1) In connection with negotiated contracts, only the names of successful offerors and the prices at which the awards were made shall ordinarily be publicly disclosed. (See (d), below.)

(2) Proposed procurements and awards of negotiated contracts which may be publicly disclosed shall be reported to the Department of Commerce in accordance with §§ 5–1.5004 and 5–1.5005.

(3) Except for classified procurements negotiated under § 1–3.212 which should not be publicly disclosed, procurement activities shall notify Business Service Centers of all completed procurements made by negotiation, including, whenever practicable, small purchases (under $2,500). Notifications on small purchases shall be accomplished by furnishing the Business Service Centers with copies of procurement documents or by such other forms of notification as will provide the Business Service Centers with the significant details of the completed purchase actions.

(c) Advance notices of award. The provisions of § 5–1.350 shall apply to the use of advance notices of award in connection with all negotiated contracts.

(d) Information of competitive products. Information to an unsuccessful offeror concerning the merits or quality of a competitor's products shall be limited solely to the statement, if applicable, that adequate inspection of testing has shown that the successful offeror's products have met the requirements of the contract or purchase order. This shall not be construed as prohibiting purchasing officers from informing a supplier concerning the results of tests on the supplier's own products, or prohibiting purchasing officers in connection with their individual duties and responsibilities as members of technical committees from making necessary contacts with testing laboratories.

Subpart 5–3.2—Circumstances Permitting Negotiation

§ 5–3.201 National emergency.

(a) Findings. In accordance with the requirements of sections 302(c)(1) and 307 of the Federal Property and Administrative Services Act of 1949 (hereinafter referred to in this section as "the Act") and FPR 1–3.201, the Administrator of General Services has made the following findings. For the purpose of reducing dollar expenditures abroad and improving the Government's current balance of payments position, the President, in his message of February 6, 1961, to the Congress on this subject, declared that the policy inaugurated in November 1960 of emphasizing United States procurement for United States military forces abroad, wherever practicable, would be continued, even though some budgetary costs might be incurred.

(d) Determinations. Based upon the findings in (a), above, the Administrator of General Services has determined, within the purview of section 302(c)(1) of the Act, that it is necessary in the public interest, during the period of the national emergency, proclaimed by the President (see FPR 1–3.201), to negotiate purchases and contracts without advertising in the following situations and in accordance with regulations and procedures applicable to such negotiations: When providing supply support to United States military forces abroad, procurement shall be restricted, wherever practicable, to supplies, equipment, and materiel of United States origin.

§ 5–3.202 Public exigency.

Use of public exigency authority to negotiate on behalf of other agencies shall be limited to those cases where the requisitioning agencies have furnished statements adequate to justify the negotiation on this basis. Delivery dates shown on a requisition will not, in themselves, justify use of the exigency authority. Examples of circumstances

when use of the authority may be justified include the following:

(a) Essential equipment or repair services for a ship are required at once to meet the sailing schedule.

(b) Developments in connection with any essential Government activity require immediate purchase of supplies or services to permit accomplishment of such activities within the time required.

§ 5–3.203 Purchases not in excess of $2,500.

When determining whether the amount involved in any one transaction does not exceed $2,500, the full purchase price is controlling. Any prompt payment discount or trade-in value of any article to be offered in exchange is not to be deducted when making this determination.

§ 5–3.204 Personal or professional services.

The Administrator of General Services, pursuant to section 208(b) of the Federal Property and Administrative Services Act of 1949, is authorized to procure, by negotiation, the temporary or intermittent services of experts or consultants, or organizations thereof. When such a contract is to be made on behalf of another Government agency, the authority of that agency to procure such services must be established.

§ 5–3.210 Impracticable to secure competition by formal advertising.

This authority shall not be used where negotiation is authorized under § 1–3.211, § 1–3.212, § 1–3.213, or § 1–3.214.

§ 5–3.211 Experimental, developmental, or research work.

Contracts made under the authority of § 1–3.211 shall be reported in accordance with § 5–1.5002.

§ 5–3.212 Purchases not to be publicly disclosed.

This authority shall be applicable to purchases or contracts security-classified to prevent general disclosure, unless otherwise determined.

Subpart 5–3.3—Determinations, Findings, and Authorities

§ 5–3.302 Form and requirements of determinations and findings; preservation of data.

(a) The format for presenting findings and determinations shall be substantially as illustrated in § 1–3.213(e)(2), with appropriate changes to fit the circumstances involved in the instant negotiation (see § 1–3.211 through § 1–3.214 and § 1–3.301). Only essential elements of the format should be retained.

(b) Essential information bearing on actual negotiations required by § 1–3.302 (d)(3) should include a tabulation of offers received.

Subpart 5–3.6—Small Purchases

§ 5–3.602 Policy.

Where it is found that small purchases of special items not stocked by the supply distribution facilities can be handled more economically at points of use, authority to make such purchases should be delegated to responsible employees of the requisitioning service or staff office. The requirements for procurement from mandatory sources of supply shall be complied with.

§ 5–3.603 Competition.

§ 5–3.603–1 Solicitation.

(a) Quotations or offers may be solicited by use of written requests, telegram, telephone, or personal contact, whichever is considered the most appropriate for the particular transaction. It is the responsibility of the purchasing officer to determine in each instance the type of solicitation and quotation that is in the best interests of the Government.

(b) When written quotations are solicited for small purchases ($2,500 or less), Standard Form 18, Request for Quotations, shall be used (see Subpart 1–16.2). It is not necessary to furnish prospective suppliers a copy to be retained unless requested by a supplier or it is known that a copy is desired. When Standard Form 18 is used by a purchasing activity, it constitutes merely a request for price quotations and is not an offer to purchase. Therefore, issuance by the Government of a purchase order pursuant to price quotations received on Standard Form 18 does not constitute acceptance but, instead, is a new offer to be accepted or rejected by the one quoting; such acceptance will usually be by delivery.

(c) When it is desirable to request quotations from outside the local trade area and time does not permit the use of written solicitations, telegraphic solicitation may be used. Telegraphic solicitations shall not ordinarily be used to solicit prices from local suppliers nor shall it be used if written requests for quotations will suffice.

(d) While there are instances where quotations should be solicited from additional sources, soliciting quotations from two to four suppliers ordinarily is sufficient, although even this requirement may be reduced on full consideration of the factors set forth in § 1–3.603–1(c). Care should be taken to prevent administrative costs from being disproportionate to the amount of the purchase. The number of quotations obtained and considered or the number of sources of supply utilized when making small purchases will depend to a large extent on what knowledge the purchasing officer has of the current availability and price of the desired item in commercial markets. Such information may be available from past experience with the item or may require development.

§ 5–3.603–2 Data to support small purchases.

When other than the lowest quotation is used as the basis for the purchase, the reason(s) for rejecting any lower quotation shall be entered on the quotation form concerned.

§ 5–3.604 Imprest funds (petty cash) method.

§ 5–3.604–1 General.

(a) Imprest funds shall be utilized to the fullest extent for all authorized small purchases when this method results in savings. It is essential that authority to make small purchases be at the lowest practical operating level.

(b) Purchases made from imprest funds shall follow the generally accepted policy of purchasing satisfactory merchandise at fair prices without favoritism to any vendor. The cost of the item to be purchased, the commodity, and the quantity involved will generally govern the action to be taken. If a special item costing only a few dollars is required, a minimum amount of time and expense should be devoted to consummating the transaction. However, as a general rule purchases should be made from firms offering the best prices.

(c) The Heads of Services and Staff Offices in the Central Office and the Regional Administrators, or their designees, will designate ordering employees authorized to approve purchases and such authority shall be at the lowest practical operating level.

§ 5–3.604–3 Agency responsibilities.

Instructions for the establishment and control of imprest funds are set forth in § 5–3.652.

§ 5–3.604–4 Use of imprest funds.

A vendor may be reimbursed for the cost of the supplies and the parcel post or other delivery charges which he has already prepaid by a payment from imprest funds. Payments to common carriers for line haul transportation are not authorized.

§ 5–3.604–6 Procurement and payment.

Purchases through use of imprest funds shall be accomplished by whichever of the following methods is determined to be most practical:

(a) *Purchases by imprest fund cashiers.* Imprest fund cashiers will make small purchases when so requested by an authorized ordering employee. In such cases the authorized ordering employee, or his designated agent, shall furnish the cashier with necessary information, such as unit, quantity, description, and delivery requirements. The cashier will make all necessary arrangements to consummate the purchase, including the arrangements for delivery.

(1) When the ordering employee is in close proximity and will be available, the cashier will have the ordering employee sign the receipt and indicate thereon the appropriation, allotment, and other identifying symbols when the purchase is effected.

(2) When the ordering employee is not in close proximity or may not be available, the cashier will require the ordering employee to furnish, prior to effecting the purchase, GSA Form 49, Requisition for Equipment, Supplies, or Services. Only the data essential to the transaction shall be furnished, which shall always include the appropriation, allotment, and other identifying symbols.

(3) When the ordering employee and the cashier are the same individual, as may be the case in many smaller funds or transactions, the cashier will sign the receipt as ordering employee and indicate thereon the appropriation, allot-

ment, and other identifying symbols when the purchase is effected.

(b) *Purchases by ordering employees.* Purchases by authorized ordering employees may be made either with advances of cash or with their own funds.

(1) When the purchase is to be made by a designated ordering employee, or his agent, so known to the cashier, the cashier will advance the estimated amount of cash needed to make the purchase. The transaction shall be documented by means of Standard Form 1165, Receipt for Cash-Subvoucher. The cashier will have the employee making the purchase sign the "Interim Receipt for Cash" stub of Standard Form 1165 as a receipt for the cash advanced. The employee will then be given the "Receipt for Cash-Subvoucher" portion of Standard Form 1165, to be used by him to secure a receipt from the vendor for the cash purchase unless the vendor furnishes a receipt in the form of an original invoice, bill, sales slip, cash register ticket, etc. When the purchase is consummated, the employee must return Standard Form 1165 and the vendor's receipt, if the latter is furnished, to the imprest fund cashier. The cashier will require that the ordering employee sign Standard Form 1165 or the vendor's receipt and indicate thereon the appropriation, allotment, and other identifying symbols. At this time the cashier will mark the "Interim Receipt for Cash" stub "Void" in ink and give it to the employee. It is essential that the employee require the cashier to take such action and the cashier at that time will require the return of any unused cash, or pay to the employee any amount of personal funds which the employee may have used over the original amount advanced to him. As a rule the purchase should be consummated and the receipt returned to the cashier the same day. A purchase for which cash is advanced must be consummated and the receipt returned not later than the fifth working day following the date of the advance, otherwise the cashier is required to take immediate action to recover the cash advanced.

(2) The imprest fund cashier may reimburse employees for amounts paid by them for authorized purchases and the employee being reimbursed shall furnish the cashier with a vendor's receipt or its equivalent as provided in (1), above, except as otherwise provided. Such vendor's receipt shall show the appropriation, allotment, and other identifying symbols and shall be "Approved as advantageous to the Government" by an ordering employee or such other approving official as may be so authorized and is so known to the imprest fund cashier. The cashier will require the employee being reimbursed to sign the vendor's receipt as a receipt for the cash reimbursement.

(c) *Payment when Standard Form 44 Purchase Order-Invoice-Voucher, is used.* When small purchases are made locally on Standard Form 44, arrangement should be made where feasible to have an imprest fund cashier make payments therefor from his fund, within established limitations. It is more economical for the Government to pay by cash than to schedule the standard form to the disbursing officer and to issue a Government check, as well as being generally more acceptable to the vendors.

(d) *Receipts.* Each purchase made shall be supported by an original bill, sales slip, cash register ticket, invoice, etc., of the dealer or by Standard Form 1165, or equivalent receipt form, itemizing the articles or services purchased and amount thereof.

(1) When individual purchases are for $3 or more, the receipt form must be signed by the dealer or his agent as evidence of payment, in addition to the requirement that the articles or services purchased be itemized. If the name of the vendor and/or the articles purchased cannot be noted on the receipt form, the missing information shall be placed on a subvoucher which shall be attached to the receipt.

(2) In the case of purchases of less than $3, a receipt showing the articles or services purchased should be secured, but the signature of the dealer will not be necessary. In those instances of purchases of less than $3, where it is impossible to secure a dealer's invoice, bill, etc., the employee making the purchase, even though he may be an imprest fund cashier, shall detail on Standard Form 1165, or equivalent form, the articles or nature of the services purchased and shall sign the subvoucher indicating receipt of the funds from the imprest fund.

(e) *Use of purchase orders.* No purchase order should be issued for local purchases, where contact may be in person or by telephone, unless required by the vendor or to obtain Government discounts or for tax exemption purposes. When required, any approved purchase order form may be used and shall be endorsed "Payment to be made in cash" if the vendor is to make delivery or "Ship C.O.D." if shipment is to be made by parcel post. The ordering employee shall cause any required purchase orders to be prepared in an original for the vendor, one copy for the ordering employee, and one copy for the imprest fund cashier, and such other copies as are essential for local administrative purposes.

§ 5–3.605 Order-Invoice-Voucher.

§ 5–3.605–1 Standard Form 44.

(a) *General.* In general, use of the Standard Form 44, Purchase Order-Invoice-Voucher, will not serve the best interests of either the Government or business when the accounting system of the seller requires production of an invoice as a matter of routine. In such cases, whichever of the other authorized methods of making small purchases is most appropriate shall be used. Whenever possible, within the dollar value limitations of each method, preference shall be given to the use of imprest funds and blanket purchase arrangements (see §§ 5–3.604 and 5–3.606).

(b) *Authorization for use of form.* All responsible employees of the services and staff offices who have need therefor shall be authorized to make small purchases through the use of Standard Form 44 in accordance with this § 5–3.605–1, and subject to such limitations as may be determined necessary. It is essential that such authority be delegated to the lowest practicable operating level.

(c) *Issuance of books from stock.* Issuances of books from stock shall be made only to the Heads of Services and Staff Offices in the Central Office and to the Regional Administrators and the Heads of Services and Staff Offices in regional offices, or to their designees. These officials shall be responsible for the custody and issuance of the books to the users, and shall maintain a simple card record for each book issued. This record shall show the name of the person to whom issued; the inclusive serial numbers of the forms in the book; the operating activity allotment symbol; the total purchase limitation for the book; date issued; and the date the book was returned. Users shall be required to return the covers of completely used books so the record can be properly closed out. This card record shall account for all sets of Standard Form 44. A periodic, at least quarterly, review of this card record shall be made to insure the return of books no longer needed by users.

(d) *Lost books.* (1) In order to avoid payment for any unauthorized purchases made through the use of a lost book, the issuing official shall report immediately the following information regarding each lost book to the Office of Financial Management, OFA, or the Office of Regional Financial Management, as appropriate:

(i) Name of employee to whom book was issued;

(ii) Name of seller on last form used;

(iii) Serial numbers of unused forms; and

(iv) Any other pertinent information.

(2) If a lost book is later recovered, it may be placed in use after the appropriate Office of Financial Management is notified.

(e) *Issuance of books to users.* In each case the official authorized to issue books of Standard Form 44 shall, before issuing a book to a user:

(1) Enter the operating activity symbol in ink on the front cover of the book and instruct the user to insert this symbol in the section captioned "purpose (Project, etc.)" at the time each purchase is made with Standard Form 44.

(2) Enter the total purchase limitation amount and date issued for that book in ink on the front cover and instruct the user that he shall not exceed such total amount in purchases. The determination of the purchase limitation amount entered on the front of the book will be the responsibility of the operating activity. A summary control of the total of the limitation amounts by activity symbols on books in use may be necessary where more than a few books are issued. Any necessary adjustments in the purchase limitation amounts and the activity symbols on the books in use at the end of any quarter of the fiscal year will be made by the operating activity.

(3) In the case of partially used books that are returned and reissued, line out in ink the purchase limitation amount and enter a new amount and date extended on the next line. If the reissued book is to be used under a different activity symbol, line out in ink the initial activity symbol and enter the new activity symbol. Such changes on reissued books must also be made on the issuance card record before the book is released to the new user.

(f) *Instructions for use of the form.* General procedural instructions governing the use of Standard Form 44 are printed on the forms and the inside cover of the book. Users of Standard Form 44 shall also be subject to all applicable administrative instructions issued by the services and staff offices, such as restrictions on the dollar amounts for single purchases, or otherwise. Standard Form 44 shall be made out at the time the order is placed, and shall not be used to confirm the receipt of goods or services previously ordered.

(g) *Payments.* Promptness in making payments is essential if Standard Form 44 is to accomplish its mission of simplifying selling to the Government. The officials authorized to issue books of Standard Form 44 shall instruct users in the proper completion and handling of these forms in order that payment may be expedited. It is essential that the person receiving the supplies immediately mail or deliver the Receiving Report—Accounting copy (pink) of the Standard Form 44, to the appropriate Office of Financial Management.

(h) *Availability of form.* Standard Form 44 is available from each regional Administrative Operations Division in books of twenty-five carbon interleaved sets. These books shall be ordered as the current need exists.

(i) *Serial numbering and overprinting.* All sets of Standard Form 44 used by GSA will have serial numbers overprinted thereon and the words "General Services Administration" and "Office of Finance and Administration" overprinted in the spaces provided for the consignee and the office to be billed. The front cover of each book also will be overprinted with the inclusive serial numbers of the sets of forms therein and lines for the insertion of the operating activity symbol and the amount and date of total purchase limitation for that book. No other overprinting is authorized.

§ 5–3.606 Blanket purchase arrangements.

§ 5–3.606–1 General.

(a) Blanket purchase arrangements are a means of establishing "charge accounts" wiht qualified sources of supply to cover anticipated small requirements of readily available supplies or services of the same general category. Substantial savings can be realized by reducing or eliminating instances where numerous individual purchase orders are issued to the same local suppliers for similar small requirements during relatively short periods of time. Related arrangements for periodic billing also reduce the cost of processing payments.

(b) Establishment of blanket purchase arrangements may be proposed by the purchasing activity, by administrative officials, or by the requisitioning activity. Since the objective is simplicity and economy, the purchasing activity should take full advantage of any information available from and consider recommendations made by the requisitioning office when placing such orders.

(c) Users shall be subject to all applicable administrative instructions issued by services and staff offices, such as restrictions on the dollar amounts for single purchases which, in any case, may not exceed $2,500.

(d) Ordinarily a separate blanket purchase arrangement should be established for each requiring activity.

(e) Blanket purchase arrangements may also be made with other Government agencies.

§ 5–3.606–3 Establishment of account.

(a) When establishing blanket purchase arrangements, the advantages both to the supplier and to the Government should be explained to the supplier. The supplier should be advised that the arrangement does not obligate the Government to buy.

(b) To the extent practicable, blanket purchase arrangements for like items shall be equitably distributed over a period of time among different suppliers.

§ 5–3.606–4 Documentation.

(a) Blanket purchase arrangements normally shall be documented. GSA Form 300, Purchase Order, may be used for this purpose. Each blanket purchase arrangement shall contain appropriate provisions relating to the following:

(1) Authorization to the supplier to furnish the supplies or services described in general terms in the arrangement when called for by authorized person(s) listed therein. Blanket purchase arrangements may be limited as to total dollar value, specified items, commodity groups, or classes; or the scope of the blanket purchase arrangement may be unlimited for all items that the supplier is in a position to furnish.

(2) Individual calls against such arrangements shall not exceed $2,500.

(3) The Government will be obligated only to the extent of the call orders actually made against the blanket purchase arrangement by authorized persons.

(4) Suppliers shall be required to submit an invoice, no more frequently than monthly. The original of each delivery ticket shall accompany the invoice.

(5) When feasible, the blanket purchase arrangement should specify the place(s) to which deliveries are to be made. (Usually the arrangement will provide for delivery to the requiring activity.)

(6) The arrangement should state, insofar as practicable, the discount terms which will apply to orders placed against the blanket purchase arrangement.

(b) Only the persons whose names are listed in the blanket purchase arrangement shall be permitted to request deliveries. Delivery (call) orders normally shall be made orally, either by telephone or in person. Procurement under blanket purchase arrangements may not be effected if the requirements are available from regular supply channels. Therefore, prior to placing calls against the blanket purchase arrangement, each requirement shall be screened for availability from mandatory sources of supply. Necessary controls shall be maintained by the person placing call orders under the blanket purchase arrangement to insure that any limitation stated therein is not exceeded. After the necessary screening of the requirements has been accomplished, the authorized person will place the call. The person placing the call will identify himself to the vendor and, after determining that the required supplies or services can be furnished, will establish agreement with the vendor as to the unit price and total amount, and the time of delivery. The blanket purchase arrangement identification, and requisition number if any, should be specified each time a delivery is requested.

(c) Each blanket purchase arrangement shall be numbered or otherwise identified in an appropriate manner, and shall include the statement, "Negotiation authority—section 302(c)(3), Federal Property and Administrative Services Act of 1949."

(d) When deliveries are made, the receiving activity will retain one copy of the related delivery ticket and return the remaining copies to the supplier, one copy of which is to be signed. Each delivery ticket must contain the following information: Blanket purchase arrangement identification; requisition number, if any; the name of person placing the call; an itemized listing of the materials furnished; and the quantity, price, and extension of each item.

(e) Since payments are made on the basis of vendors' invoices, accompanied by signed delivery tickets, receiving reports ordinarily need not be prepared. Arrangements should be made, whenever possible, to utilize the retained copy of the delivery ticket, in lieu of preparing a receiving report, for inventory accounting purposes.

§ 5–3.606–50 Oral purchases.

(a) When advantageous to the Government, personal property or nonpersonal services may be procured orally from local suppliers at site of work or use point, or by a supply distribution facility when authorized, using vendors' invoices in lieu of purchase orders pursuant to the provisions of this § 5–3.606–50.

(b) Oral purchases shall be effected only by persons duly authorized or designated and in accordance with applicable laws and regulations subject to the following:

(1) The amount of any one purchase is $250 or less;

(2) A purchase order is not required by either the supplier or the Government; and

(3) Appropriate invoices are obtainable from the supplier.

(c) Each ordering office using this purchasing technique shall require the supplier to submit invoices immediately, properly prepared and itemizing the property or services furnished, to such office.

(d) Invoices shall be endorsed by an authorized Government representative as to the proper receipt of the property or services covered thereon.

(e) Such informal records as may be necessary (including identification of the person placing the order) to assure that the personal property or nonpersonal services ordered are actually received shall be maintained by the ordering office. (See also § 1–3.603.)

(f) In order to facilitate payment of invoices, ordering offices should advise the paying office when arrangements as authorized by this § 5–3.606–50 are used.

§ 5–3.607 Interagency use of local term contracts.

The provisions of this § 5–3.607 are designed to cover the procurement by GSA services and staff offices of requirements for their own use. They are applicable to service contracting programs designed to provide supply service to agencies generally only to the extent they are not inconsistent with specific program instructions otherwise promulgated.

(a) When a local term contract entered into by another agency is known to exist, it shall be used as a local source of supply to the extent practicable, administrative expense and price advantage considered.

(b) When another agency has entered into a local term contract covering the requirements of GSA in the same community, it shall be used as a local source of supply.

(c) GSA shall participate with other agencies in the same community in developing local term contracts for use by GSA and the other agencies.

(d) When called upon by agency field offices, or when it is determined that so doing will facilitate interagency use of local term contracts, regional offices shall furnish other agencies information as to the types of local contracts in effect and susceptible of use by more than the contracting agency.

(e) Regional offices shall promote the interagency use of local term contracts by encouraging (through normal day-to-day contacts, other liaison contacts, and through contracting and procurement officers organizations):

(1) The making of contracts susceptible of use by more than the contracting office;

(2) The consolidation of requirements of several offices in the same community for inclusion in a single contract;

(3) The collaboration between agencies in the same community to determine the agency office which should assume the responsibility for contracting for the requirements of the group; and

(4) The use by an agency of a local term contract entered into by another agency, to the extent practicable, when approved by the contracting office and when the contract permits.

§ 5–3.650 Local term contracts.

The provisions of this § 5–3.650 are designed to cover the procurement by GSA services and staff offices of requirements for their own use. They are applicable to service contracting programs designed to provide supply service to agencies generally only to the extent they are not inconsistent with specific program instructions otherwise promulgated.

(a) Local term contracts should be established whenever practical in order to eliminate the need for obtaining and considering individual price quotations for each small requirement purchased repetitively from the same source.

(b) The establishment of local term contracts usually will be found advantageous under the following circumstances:

(1) When day-to-day requirements are continuing and recurring;

(2) When total requirements can only be estimated and it is expedient and economical to have a source of supply and price determined in advance of the individual instances of actual need; and

(3) When this method best meets the needs for providing using offices with a ready means of supply which eliminates the delay and administrative expense involved incident to making separate contracts.

(c) Examples of items which can often be advantageously covered by local term contracts are repair parts for specific equipment or items of plumbing, hardware, or electrical supplies recurrently needed but not available from GSA supply distribution facilities. A logical price basis for such a contract would be the contractor's price lists with established discounts. Provisions shall be made in the term contracts for consolidated billing whenever practicable.

§ 5–3.651 Unpriced purchase order.

An unpriced purchase order is a purchase order for supplies or services for which the price is not established at the time of issuance of the order.

§ 5–3.651–1 Conditions for use.

An unpriced purchase order may be used only when all of the following conditions are present:

(a) The transaction will not exceed $2,500;

(b) Only one delivery and one payment will be made;

(c) It is impractical to obtain pricing in advance of issuance of the purchase order; and

(d) The procurement is for:

(1) Repairs to equipment requiring disassembly to determine the nature and extent of such repairs;

(2) Sole source material not currently in production and on which the cost cannot be readily established; or

(3) Supplies or services not in excess of $250 where prices are known to be competitive but exact prices are not known.

§ 5–3.651–2 Procurement and payment.

(a) An authorized purchase order form shall be used to issue unpriced purchase orders.

(b) A realistic monetary limitation shall be placed on the unpriced purchase order which shall be an obligation subject to adjustment when the firm price is established.

(c) The supplier shall be notified that where the estimated monetary limitation is sufficient to cover the procurement, the supplier is expected to make delivery or perform and be reimbursed therefor.

(d) The supplier shall be notified that where the total price will exceed the estimated monetary limitation, or if material or services cannot be furnished in exact accordance with the description set forth, the contracting officer shall be notified and performance shall be withheld pending advice from the ordering officer.

(e) The supplier shall be advised to submit his invoice to the ordering officer for approval as to the fairness and reasonableness of the price.

(f) The ordering officer shall, after approval, endorse the invoice as to the proper receipt of the property or services covered thereon.

(g) The following clause shall be included in each unpriced purchase order:

NOTICE TO SUPPLIER

This is a firm order if the price is $_____ or less. Make delivery or perform as soon as possible and submit invoice to the ordering officer of the purchase office named herein.

If total price of this order will exceed the above amount or if you cannot furnish material or services in exact accordance with the description set forth herein, notify the undersigned ordering officer immediately, giving your quotation or proposed substitution or changes, and withhold performance pending reply.

§ 5–3.651–3 Record of status.

Suitable records and controls of outstanding unpriced purchase orders shall be maintained to insure regular followup with suppliers until the order is priced.

§ 5–3.652 Establishment and control of imprest funds.

This § 5–3.652 provides for the establishment and control of imprest funds, as prescribed by § 1–3.604.

§ 5–3.652–1 Establishment of funds.

Imprest funds should be established at those locations where authority to make small purchases has been delegated. A periodic review shall be made of cash balances of individual cashiers and if, on the basis of experience or because of changed conditions, an excessive amount of cash is being maintained or the need no longer exists for the fund, the fund shall be reduced to a level commensurate with operating needs.

(a) Regional offices. The Head of the Service or Staff Office in the regional offices shall designate, in writing, with the approval of the Regional Administrator, if desired, the locations at which imprest funds are required. When designating, in writing, the locations at which imprest funds are required, the following should be specified:

(1) Name, title, and stations of the employee recommended;

(2) Class of cashier desired;

(3) Additional types of payments desired not covered under paragraph 6–b of Treasury Department Circular 1030 and § 1–3.604–4;

(4) Maximum authorized imprest fund requested; and

(5) Amount of funds to be advanced and denominations of checks desired.

(b) Central Office. The Director of Financial Management, in collaboration with the Heads of Services and Staff Offices, will determine the locations at which imprest funds should be established for Central Office operations. The Director of Financial Management shall be furnished the information required in (a), above.

§ 5–3.652–2 Designation of cashiers.

The Director of Financial Management, or the appropriate Director of Regional Financial Management, on the basis of the determinations required in § 5–3.652–1, will process the necessary documents to accomplish the designation of cashiers.

§ 5–3.652–3 Safeguarding of cash.

Cashiers shall be provided with appropriate physical facilities and safeguards for the protection of cash advanced in accordance with individual circumstances. This applies to the particular office of the cashier and relates to the safekeeping of the fund when the cashier is absent from his desk and for overnight storage facilities. If safes are not available, bar-locked and insulated filing cabinets should be used. Imprest funds may not be deposited in any bank.

§ 5–3.652–4 Responsibility in doubtful transactions.

The cashier is authorized, when doubt exists as to the propriety of any transaction, to require written acceptance of responsibility for such transaction from the authorizing official to provide the cashier with recourse to that official if the transaction is later disallowed. The cashier may also request an advance written opinion from the certifying officer, or disbursing officer when applicable, with respect to doubtful transactions.

§ 5–3.652–5 Reimbursement to imprest funds.

Each cashier shall obtain reimbursement to his fund in accordance with procedures established by the appropriate Office of Financial Management.

§ 5–3.652–6 Use of U.S. Postal Money Orders.

In general, the use of imprest funds is restricted to over-the-counter cash transactions. However, when a properly authorized expenditure has been made on an out-of-pocket basis by a postmaster or other postal employee, reimbursement may be made by U.S. Postal Money Order by a cashier who has been authorized to use this method of reimbursement. For instance, this method may be used to reimburse a postmaster in another city for an expenditure properly payable from imprest funds. The money order cost will be charged to the same funds as the prime expenditure.

Subpart 5–3.8—Price Negotiation Policies and Techniques

Subpart 5–3.8 is added, to read as follows:

§ 5–3.802 Preparation for negotiation.

(a) Except as provided in (d), below, in cases of public exigency, and in procurements pursuant to § 5–3.450, all solicitations and offers in connection with proposed purchases in excess of $2,500 shall be in writing. Forms authorized by § 5–3.852 may be used when soliciting requests for proposals for negotiated contracts.

(b) When using Standard Form 33, Invitation, Bid, and Award (Supply Contract), the following modifications shall be made:

(1) Delete the phrase "and at that time publicly opened" from the face of the form in the "Invitation for Bids" column:

(2) Include the following clause (For instructions regarding paragraph (a) of the clause, see § 1–3.805(b). In connection with paragraph (b) of the clause, if a different time will be required for evaluation of proposals and negotiations, change the number of days accordingly):

ACCEPTANCE OF PROPOSALS

(a) If it is determined by the Government that the most favorable proposal received in response to this request for proposals is fair and reasonably priced, award may be made to the concern submitting such proposal without further negotiation. Accordingly, proposals should be submitted on the most favorable terms from a price and technical standpoint which the offeror can initially submit to the Government.

(b) Offerors shall indicate in the Space provided on Standard Form 33 the period of time their proposals will be subject to acceptance. If no time is stated it will be assumed that 60 days is intended.

(3) Include the following clause:

Paragraph 4 of the reverse of Standard Form 33, Invitation, Bid, and Award (Supply Contract), is inapplicable and the following substituted therefor. The Government reserves the right to consider offers or modifications thereof received after the date indicated for such purpose, but before award is made, should such action be in the interest of the Government.

(c) When requests for proposals provide for submission of bid or performance bonds, or like guarantees, see § 5–2.402(h).

(d) In unusual cases, where time does not permit the use of written solicitations, telegraphic or telephonic requests for proposals may be used, provided all other requirements of Parts 1–3 and 5–3 are fulfilled. Telegraphic and telephonic requests must make specific reference to all terms and conditions which will apply. Information as to the reasons for the use of telegraphic or telephonic requests shall be retained in the file.

(e) All requests for proposals should provide a fixed time for receipt of offers, prior to which no award shall be made. However, this requirement is not intended to preclude further negotiations or considerations of offers or modifications of offers received after such fixed time but before any award is made. The necessary precautions shall be taken to assure that the procedure followed does not operate to the prejudice of any offeror, as would be the case, for example, where the offer of one person is disclosed to another, thus providing the latter an unfair competitive advantage.

(f) Each offer received in response to a solicitation shall be stamped or otherwise annotated to show the date and hour of receipt. In addition, a separate list of offerors shall be maintained for each solicitation, showing the date of receipt of each offer. The same forms used for recording bids under formal advertising may be used for this purpose.

(g) Offers, or modifications thereof, received after the time fixed for receipt, may be considered provided no award has been made and the contracting officer determines that such action would be in the interest of the Government. Normally, only late offers lower in price or offering other more favorable factors than responsive offers from responsible bidders, received on time, should be considered. The contracting officer shall also carefully investigate the circumstances under which the offer was submitted to assure that the firm submitting the late offer has not received an unfair competitive advantage. (See (e), above.)

(h) In any case where the contracting officer determines that an award is to be made based on a late offer or that a late offer that is otherwise low as to price is not for consideration due to the time of its receipt, the determination shall be included in the file.

§ 5–3.809 Audit as a pricing aid.

The Audit Division, OFA, and the Area Audit Officers perform audits as a pricing aid upon request of a contracting officer. Such requests shall be in writing, directed to the appropriate audit office, and shall describe the problem and specify the purpose to be served by the audit.

§ 5–3.850 Negotiation when authority has not been delegated to Regional Administrators.

In the event that circumstances arise under which it is deemed necessary to make purchases by negotiation pursuant to Subpart 1–3.2, but authority has not been delegated to Regional Administrators, a full description of the circumstances and justification for such proposed negotiation shall be forwarded to the Head of the procuring Service or Staff Office for decision, prior to taking any action. When required, determinations and findings shall be prepared in accordance with § 5–3.302.

§ 5–3.851 Citation of authority to negotiate.

Contracts or purchases made by negotiation shall cite the authority under which each purchase or contract is negotiated. If the authority is the Federal Property and Administrative Services Act, the citation shall be as follows: "41 U.S.C. 252(c)(*)" (*insert applicable paragraph number under which action is taken).

§ 5–3.852 **Forms to be used.**

(a) When preparing written requests for proposals for contracts, procuring activities may use:

(1) Standard Form 32, General Provisions (Supply Contract);

(2) Standard Form 33, Invitation, Bid, and Award (Supply Contract); which incorporates therein by reference Standard Form 32, General Provisions (Supply Contract);

(3) When needed, Standard Form 36, Continuation Sheet (Supply Contract), used with Standard Form 33; and

(4) GSA Form 1424, Supplemental Provisions (Supply Contract), when appropriate.

(b) Copies of Standard Form 32 ordinarily shall not be distributed with requests for proposals when Standard Form 33 is used. However, in special situations where some or all of the firms to be solicited may not have received a copy, arrangements should be made to include single copies of Standard Form 32 with request for proposal sets.

(c) GSA Form 1424 may be incorporated by reference in requests for proposals by using the following provision in the invitation:

GSA Form 1424, Supplemental Provisions (Supply Contract) Nov. 1957 Edition, receipt of which is acknowledged by the offeror, is hereby incorporated by reference. A copy of GSA Form 1424 is available upon request.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: August 8, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62–8144; Filed, Aug. 14, 1962; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2745]

[Fairbanks 028299]

ALASKA

Withdrawing Lands for Use of Federal Aviation Agency

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

Subject to existing valid rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Federal Aviation Agency in the maintenance of an air navigation facility.

UNALAKLEET, ALASKA

Beginning at the northeast corner of the enlargement dated October 1, 1951, to Air Navigation Site Withdrawal No. 185, dated August 14, 1942; thence West, 800 feet; North, 3,500 feet; East, 4,000 feet; South, 4,000 feet; West, 3,200 feet; North, 500 feet to the point of beginning.

Containing approximately 358 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 8, 1962.

[F.R. Doc. 62–8129; Filed, Aug. 14, 1962; 8:47 a.m.]

[Public Land Order 2746]

[1925639]

COLORADO

Revoking Public Land Order No. 13 of July 21, 1942, Which Withdrew Lands for Use in Connection With Prosecution of the War

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 13 of July 21, 1942, which withdrew certain public lands, together with the mineral deposits owned by the United States in certain patented lands for preservation of helium deposits in connection with the prosecution of the war, and which was modified by Public Land Order No. 418 of October 14, 1947, to permit the issuance of oil and gas leases for such lands and mineral deposits outside of the known geologic structure of a producing field is hereby revoked. The lands affected by this order are described as follows:

SIXTH PRINCIPAL MERIDIAN

T. 29 S., R. 60 W.
T. 30 S., R. 60 W.

The areas described, including the public and nonpublic lands, aggregate 46,123.73 acres.

2. Subject to any valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Until 10:00 a.m. on February 7, 1963, the State of Colorado shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(b) All valid applications and selections under the nonmineral public land laws other than any from the State of Colorado presented prior to 10:00 a.m. on February 7, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(c) The lands and mineral deposits outside the known geologic structure of the Model Dome field have been open to applications and offers under the mineral leasing laws. Those within the known geologic structure of the Model Dome field will be offered for competitive lease in accordance with the regulations in 43 CFR Part 192 at such time and place as may be specified by an authorized officer of the Bureau of Land Management by notice to be published in accordance with the regulations in 43 CFR 192.51. The lands will be open to location under the United States mining laws at 10:00 a.m. on February 7, 1963.

3. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 8, 1962.

[F.R. Doc. 62–8130; Filed, Aug. 14, 1962; 8:47 a.m.]

[Public Land Order 2747]

[Washington 01483]

[Washington 01484]

WASHINGTON

Partly Revoking Public Land Order No. 2434 of July 13, 1961

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 2434 of July 13, 1961, withdrawing national forest lands for use of the Forest Service, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

CHELAN NATIONAL FOREST

Cora Recreation Area

T. 12 N., R. 8 E.,
Sec. 17, SE¼NE¼.

Containing 40 acres, leaving the NE¼ NE¼ to constitute the Cora Recreation Area.

SNOQUALMIE NATIONAL FOREST

Mather Memorial Parkway Roadside Zone

T. 19 N., R. 10 E.,
Sec. 31, E½W½ and W½SE¼.

Containing 240 acres, all of which is patented.

2. The lands described in paragraph 1 of this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided, that until 10:00 a.m. on February 7, 1963, the State of Washington shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

At 10:00 a.m. on February 7, 1963, the lands shall be open to location under the United States mining laws.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 8, 1962.

[F.R. Doc. 62–8131; Filed, Aug. 14, 1962; 8:48 a.m.]

[Public Land Order 2748]

[Los Angeles 0168571, 0168938, 0169875, 0170643]

CALIFORNIA

Transfering Lands From Department of Navy to Department of Air Force; Partly Revoking Executive Order No. 8790 of June 14, 1941

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The following-described lands, withdrawn by Executive Orders No. 8790 and 8791 of June 14, 1941, for use of the Department of the Navy in connection with a Marine Corps combat and training area, are hereby transferred from the jurisdiction of the Department of the Navy to the jurisdiction of the Department of the Air Force for use in connection with research and development projects involving missile and rocket booster testing:

SAN BERNARDINO MERIDIAN

T. 14 S., R. 1 W.,
Sec. 31, N½NE¼;
Sec. 32, NW¼NW¼, N½SW¼, SE¼SW¼, and S½SE¼;
Sec. 33, W½W½.
T. 15 S., R. 1 W.,
Sec. 4, lots 4, 5, and 10;
Sec. 5, lots 1, 2, 3, 5, S½NE¼, SE¼NW¼, E½SW¼, SW¼SE¼, and N½SE¼;
Sec. 6, lots 1, 6, 7, E½SW¼, and W½SE¼;
Sec. 7, lot 1, NW¼NE¼, and SE¼NE¼.
T. 15 S., R. 2 W.,
Sec. 11, lot 1;
Sec. 12, N½NE¼ and NE¼NW¼.

Aggregating 1,674.86 acres.

2. Executive Order No. 8790 of June 14, 1941, is hereby revoked so far as it affects the following-described lands:

SAN BERNARDINO MERIDIAN

T. 14 S., R. 1 W.,
Sec. 28, SE¼SE¼, NE¼NW¼, and SW¼;
Sec. 29, W½SW¼ and E½SE¼;
Sec. 30, SE¼;
Sec. 33, E½.

Aggregating 880 acres, jurisdiction of which has been transferred to the General Services Administration as property subject to disposition under the Federal Property and Administrative Services Act of 1949 (63 Stat. 378; 40 U.S.C. 471) as amended.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 8, 1962.

[F.R. Doc. 62–8132; Filed, Aug. 14, 1962; 8:48 a.m.]

[Public Land Order 2749]

[New Mexico 0245455]

NEW MEXICO

Withdrawing Public Lands for Use of the Department of the Air Force for Military Purposes; Revoking Public Land Order No. 2491 of September 13, 1961, in Part

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Department of the Air Force for military purposes:

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 S., R. 19 E.,
Sec. 14 SW¼ lot 3, S½ lot 4, lots 5, 6, N½ lot 11, and lot 12;
Sec. 15, NE¼SE¼ and N½SE¼SE¼.
T. 11 S., R. 20 E.,
Sec. 12, E½NE¼, NE¼SE¼, and N½NE¼ SE¼SE¼.
T. 11 S., R. 21 E.,
Sec. 7, lots 1, 2, 3, N½N½ lot 4, E½NW¼, and NE¼SW¼.
T. 8 S., R. 23 E.,
Sec. 23, S½NE¼SE¼, S½NE¼NE¼SE¼, E½E½SW¼SE¼, and SE¼SE¼;
Sec. 26, NE¼NE¼ and N½NE¼SE¼NE¼.
T. 8 S., R. 25 E.,
Sec. 24, E½SE¼SE¼SE¼;
Sec. 25, E½E½NE¼NE¼.
T. 8 S., R. 26 E.,
Sec. 19, lot 4, SE¼SW¼, S½S½ lot 3, S½N½S½ lot 3, S½S½NE¼SW¼, and S½N½S½NE¼SW¼.
T. 14 S., R. 27 E.,
Sec. 17, NW¼SE¼, NW¼NE¼SE¼, and N½SW¼NE¼SE¼.
T. 14 S., R. 28 E.,
Sec. 27, S½S½NW¼NE¼, SW¼NE¼, W½W½SE¼NE¼, E½SW¼SE¼NE¼, S½S½NE¼NW¼, SE¼NW¼, NW¼ SE¼, W½W½NE¼SE¼, and W½E½W½ NE¼SE¼.

The areas described aggregate 1,096.31 acres.

2. The mineral and vegetative resources of the lands shall continue under the administration of the Bureau of Land Management, and shall be subject to use and disposal under applicable law and regulations, subject to reasonable restrictions for the protection and management of nearby military installations as may be prescribed by the Department of the Air Force.

3. Public Land Order No. 2491 of September 13, 1961, which withdrew lands for use of the Air Force for military purposes, is hereby revoked, so far as it affects the lands described in paragraph 1 of this order.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 8, 1962.

[F.R. Doc. 62–8133; Filed, Aug. 14, 1962; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14185; FCC 62–866]

PART 3—RADIO BROADCAST SERVICES

First Report and Order; Correction

In the First Report and Order adopted in the above-entitled proceeding on July 25, 1962 (FCC 62–866) (27 F.R. 7765), the last line of § 3.206(b)(5) is corrected to read as follows:

L_o=East-west distance in statute miles.

Released: August 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–8170; Filed, Aug. 14, 1962; 8:54 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–40 (Sub-No. 1)]

PART 195—HOURS OF SERVICE OF DRIVERS

Specially Trained Drivers of Specially Constructed Oil Well Servicing Vehicles

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3d day of August A.D. 1962.

Upon further consideration of the record in the above-entitled proceedings, and of:

1. Petition of Petroleum Equipment Suppliers Association, intervener, dated May 7, 1962, for reconsideration and oral argument;

2. Petition of American Bottlers of Carbonated Beverages, intervener, filed May 10, 1962, for reconsideration and oral argument;

3. Petition of International Association of Ice Cream Manufacturers, intervener, filed May 10, 1962, for reconsideration and oral argument;

4. Petition of the Private Truck Council of America, Inc., intervener, filed May 10, 1962, for reconsideration and oral argument;

5. Petition of Heavy-Specializer Carriers Conference, dated May 14, 1962, for leave to intervene, embracing a tendered petition for reconsideration;

6. Petition of Dowell Division of the Dow Chemical Company, dated May 28, 1962, for leave to intervene in support of the petition in (1) above;

7. Petition of Otis Engineering Corporation, dated June 15, 1962, for leave to intervene in support of the petition in (1) above;

8. Petition of Schlumberger Well Surveying Corporation, dated June 4, 1962, for leave to intervene in support of the petition in (1) above;

9. Petition of Lane-Wells Company, a division of Desser Industries, Inc., filed June 20, 1962, for leave to intervene in support of the petition in (1) above;

10. Petition of Halliburton Company, filed June 21, 1962, for leave to intervene in support of the petition in (1) above;

11. Petition of Permian Basin Petroleum Association, filed June 26, 1962, for leave to intervene in support of the petition in (1) above;

12. Reply by the Bureau of Inquiry and Compliance, Interstate Commerce Commission, filed May 21, 1962, to the petitions in (1) through (4) above;

13. Reply by the Bureau of Inquiry and Compliance, Interstate Commerce Commission, filed May 21, 1962, to the petitions in (5) above;

14. Petition of B. J. Service, Inc., filed June 25, 1962, for leave to intervene;

and good cause appearing therefor:

It is ordered, That the petitioners in (5), (6), (7), (8), (9), 10, (11), and (14) above, be, and they are hereby permitted to intervene in this proceeding with the right to appear and participate in all further proceedings therein;

It is further ordered, That the tendered petition for reconsideration in (5) above, be, and it is hereby, accepted for filing;

It is further ordered, That the proceeding be, and it is hereby, reopened, solely for the purpose of modifying the order of March 29, 1962, in this proceeding by adding after paragraph (8) of § 195.2(a), on sheet 2, thereof the following:

(9) In the case of specially trained drivers of specially constructed oil well servicing vehicles, on duty time shall not include waiting time at a natural gas or oil well site, provided that all such time shall be fully and accurately accounted for in records to be maintained by the motor carrier. Such records shall be made available upon request of this Commission.

And it is further ordered, That the above described petitions, except to the extent granted in the preceding paragraph, be, and they are hereby, denied, for the reason that no sufficient cause appears for granting any additional relief sought;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register (49 Stat. 546, as amended; 49 U.S.C. 304).

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-8147; Filed, Aug. 14, 1962; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Certain Wildlife Refuges in Kentucky, Alabama, and Tennessee

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Kentucky Woodlands National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,000 acres or 36 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Grey and fox squirrels, bobcats, woodchucks, crows, and grey fox.

(b) Open season: September 10, 1962, through September 15, 1962, and September 17, 1962, through September 22, 1962.

(c) Daily bag limits: Squirrels—6; no limit on other species.

(d) Methods of hunting:

(1) Shotgun—any gauge but must be plugged to reduce capacity to three shells in magazine and chamber combined. No slugs or buckshot permitted.

(2) Rifles with caliber of less than .243 bore.

(3) No dogs permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Hunting during daylight hours only.

(3) A Federal permit is required to enter the public hunting area. A permit may be obtained during the open season at the Refuge Office during regular office hours.

(4) The provisions of this special regulation are effective to September 23, 1962.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Wheeler National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 41,000 acres or 100 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Gray squirrels, rabbits, foxes, and crows.

(b) Open season: October 15, 1962, through October 20, 1962.

(c) Daily bag limits: Gray squirrel—6; rabbit—6; fox—no limit; crow—no limit.

(d) Methods of hunting:

(1) Weapons: Shotguns limited to total capacity of three shells and .22 rimfire rifles.

(2) Dogs: No dogs will be allowed.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Wheeler National Wildlife Refuge, Decatur, Alabama, starting October 8, 1962.

(3) The provisions of this special regulation are effective to October 21, 1962.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Wheeler National Wildlife Refuge, Alabama is permitted only on the area designated by signs as open to hunting. This open area, comprising 10,500 acres or 25 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Rabbit; crow; fox.

(b) Open season: 8:00 a.m. to 5:00 p.m. (standard time), February 11, 1962, through February 16, 1963.

(c) Daily bag limits: Rabbit—6; crow—no limit; fox—no limit.

(d) Methods of hunting:

(1) Weapons: Shotguns only, with maximum capacity of three (3) shells.

(2) Dogs: The use of dogs is permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Wheeler National Wildlife Refuge, Decatur, Alabama, starting on February 4, 1963.

(3) The provisions of this special regulation are effective to February 17, 1963.

TENNESSEE

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Reelfoot National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,092 acres or 92 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Squirrel, crow, woodchuck, and gray fox.

(b) Open season: September 17, 1962, through September 22, 1962, and October 1 through October 6, 1962.

(c) Daily bag limits: Squirrel—6; crow—no limit; woodchucks—no limit; gray fox—no limit.

(d) Methods of hunting:

(1) Rifles, 22 calibre or shotguns incapable of holding more than three shells may be used.

(2) Dogs: No dogs permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee, starting September 10, 1962.

(3) The provisions of this special regulation are effective to October 7, 1962.

FRANCIS C. GILLETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-8125; Filed, Aug. 14, 1962; 8:46 a.m.]

[F.R. Doc. 62-8125; Filed, Aug. 14, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 907]

[Docket No. AO–245–A5]

HANDLING OF NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Decision With Respect to Proposed Amendment of the Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Los Angeles, California, on February 8, 1962, after notice thereof published in the FEDERAL REGISTER (27 F.R. 474, 864) on proposals to amend the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), hereinafter referred to collectively as the "order," regulating the handling of Navel oranges grown in Arizona and designated part of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on June 22, 1962, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 62–6276; 27 F.R. 6093). No exception was filed.

The material issues, findings and conclusions, rulings, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. 62–6276; 27 F.R. 6093) are hereby approved and adopted as the material issues, findings and conclusions, rulings, and the general findings of this decision as if set forth in full herein.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Navel Oranges Grown in Arizona and Designated Part of California" and "Order Amending the Order, as Amended, Regulating the Handling of Navel Oranges grown in Arizona and Designated Part of California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period November 1, 1960, through October 31, 1961 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Arizona and in that portion of the State of California that is south of a line drawn due east and west through the Post Office in Turlock, California, in the production of Navel oranges for market to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of Navel oranges grown in Arizona and designated part of California. Warren C. Noland and E. J. Blaine, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176), except that subparagraph (3) of paragraph (a) thereof is hereby modified for the purpose of this referendum to read as follows:

(3) Any individual casting a ballot in such referendum on behalf of a producer, other than an individual casting the ballot of a cooperative association, shall execute the following certification and submit it with the ballot: "I hereby certify that I am an officer, employee, or agent of the producer, or an administrator or executor of an estate, for whom this ballot is cast, and that I have authority to take such action on behalf of such producer or estate." In the case of a cooperative association, the individual casting the ballot of the cooperative association shall submit with the ballot a certified copy of the resolution of its Board of Directors authorizing such individual to cast such ballot.

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: August 9, 1962.

CHARLES S. MURPHY,
Acting Secretary.

Order [1] Amending the Order, as Amended, Regulating the Handling of Navel Oranges Grown in Arizona and Designated Part of California

§ 907.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, California, on February 8, 1962, upon proposed amendments to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of navel oranges grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of navel oranges; and

(5) All handling of navel oranges grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of navel oranges grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. The provisions of § 907.4 *Production area* are revised to read as follows:

§ 907.4 Production area.

"Production area" means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California.

§ 907.20 [Amendment]

2. Section 907.20 is revised by deleting from the second sentence the words "who shall not be handlers, or employees of handlers, or employees of central marketing organizations" and deleting from the fifth sentence the words "and who shall not be handlers, or employees of handlers, or employees of central marketing organizations."

§ 907.31 [Amendment]

3. The amount "$10" in § 907.31 is replaced by "$15."

4. A new § 907.33 is added as follows:

§ 907.33 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of navel oranges, the expense of such projects to be paid from funds collected pursuant to this part.

§ 907.55 [Amendment]

5. The second sentence in § 907.55 is revised to read as follows: "The quantity of oranges so handled in excess of each such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from each such person's allotment for the next week: *Provided,* That no such deduction shall apply when such quantity is handled pursuant to early maturity allotment issued under § 907.60."

§ 907.56 [Amendment]

6. The following is added to the end of the sentence in § 907.56: "except that the undershipment of early maturity allotment shall not entitle a handler to so handle an additional quantity of oranges."

§ 907.57 [Amendment]

7. The words "early maturity" are deleted from the first sentence of § 907.57.

§ 907.60 [Amendment]

8. The proviso and all subsequent language in § 907.60 are deleted and the following substituted therefor: "Early maturity allotments issued to any handler may be used only during the week for which issued, and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early maturity allotments issued to him shall be adjusted by deducting therefrom a quantity of oranges equivalent to the total quantity of his oranges for which early maturity allotments were issued but were not used. A person to whom early maturity allotments have been issued may, after approval by the committee, transfer such allotments to other persons to whom such allotments also have been issued: *Provided,* That, upon such transfer of allotment, the transferee shall be obligated to use the transferred allotment during the week for which it was issued and if he fails to do so shall have his oranges available for current shipment adjusted in the same manner as if the transferred allotment had been issued to him by the committee. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Early maturity allotments issued, and any transfer thereof, under this section shall be on a prorate district basis."

§ 907.66 [Amendment]

9. Paragraph (a) of § 907.66 is revised to read as follows:

(a) District 1 shall include that part of the State of California which is south of a line drawn due east and west through the post office in Turlock, California, and north of the 35th Parallel, but shall exclude that portion of Kern County situated south of the Kern River.

§ 907.67 [Amendment]

10. The first sentence in § 907.67 is revised to read as follows: "Except as otherwise provided in this section, nothing contained in this subpart shall be construed to authorize any limitation of the right of the initial handler of oranges to: (a) Handle oranges to charitable institutions for consumption by such institutions or to relief agencies for distribution by such agencies; (b) handle oranges to commercial processors for processing into products, including juice; (c) export oranges or handle oranges to exporters for export purposes; (d) handle oranges by parcel post or by railway express; or (e) handle oranges in such minimum quantities or in such types of shipments as the committee may, with the approval of the Secretary, prescribe."

§ 907.83 [Amendment]

11. Subparagraph (3) of § 907.83(c) is revised to read as follows: "(3) Upon recommendation of the committee, received not later than January 15 of an odd numbered year, the Secretary shall conduct a referendum prior to March 15 of such year to ascertain whether continuance of this part is favored by producers."

[F.R. Doc. 62–8140; Filed, Aug. 14, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14690]

[47 CFR PART 1]

REVISION OF FORMS FOR NONCOMMERCIAL EDUCATIONAL TV AND FM STATIONS OPERATING ON RESERVED CHANNELS

Order Extending Time for Filing Comments and Reply Comments

1. In a petition, filed August 1, 1962, the National Association of Educational Broadcasters requests that the time to file comments and reply comments in the above-captioned proceeding be extended to October 1, 1962, and October 16, 1962, respectively.

2. Petitioner states that it is in the process of securing the comments of various educational institutions in the country with respect to the proposals made by the Commission in this docket, but that, because of the educational summer recess, it has been unable to secure the necessary information to supply to the Commission. It appears that this information cannot be obtained until the fall.

3. We are of the opinion that the petitioner has shown good cause for an extension of time, but in view of the need for expeditious resolution of this matter, the requested two-month extension is too long.

4. In view of the foregoing: *It is ordered,* This 3d day of August, 1962, That the "Request for Extension of Time to File Comments" filed by the National Association of Educational Broadcasters is granted in part, and is denied in part, and that the time for filing comments in this proceeding is extended from August 1, 1962, to and including September 11, 1962, and the time for filing reply comments is extended from August 16, 1962, to and including September 25, 1962.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.241(d)(8) of the Commission rules.

Released: August 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–8169; Filed, Aug. 14, 1962; 8:53 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

COSHOCTON NATIONAL BANK AND FARMERS AND MERCHANTS BANK CO.

Notice of Decision Granting Application To Purchase Assets

On June 13, 1962, the $19.2 million Coshocton National Bank, Coshocton, Ohio, applied to the Comptroller of the Currency for permission to purchase the assets and assume the liabilities of The Farmers and Merchants Bank Company, Warsaw, Ohio, a $2.2 million institution.

On August 7, 1962, the Comptroller of the Currency granted this application, effective on or after August 14, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 9, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-8154; Filed, Aug. 14, 1962; 8:52 am.]

GALLATIN NATIONAL BANK AND SECOND NATIONAL BANK OF MEYERSDALE

Notice of Decision Granting Application To Purchase Assets

On May 31, 1962, the Gallatin National Bank, Uniontown, Pennsylvania, filed an application with the Comptroller of the Currency requesting permission to purchase the assets and assume the liabilities of The Second National Bank of Meyersdale, Meyersdale, Pennsylvania.

On August 3, 1962, the Comptroller of the Currency granted this application effective on or after August 10, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 9, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-8155; Filed, Aug. 14, 1962; 8:52 a.m.]

MERCHANTS NATIONAL BANK AND TRUST COMPANY OF MEADVILLE AND FIRST NATIONAL BANK AT CONNEAUT LAKE

Notice of Decision Granting Application To Merge

The Merchants National Bank and Trust Company of Meadville, Meadville, Pennsylvania, and the First National Bank at Conneaut Lake, Conneaut Lake, Pennsylvania, applied to the Comptroller of the Currency on June 16, 1962, for permission to merge under the charter and title of the former.

On August 7, 1962, the Comptroller of the Currency granted this application, effective on or after August 14, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 9, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-8156; Filed, Aug. 14, 1962; 8:52 a.m.]

NATIONAL BANK AND TRUST COMPANY OF NORWICH AND FIRST NATIONAL BANK OF AFTON

Notice of Decision Granting Application To Consolidate

On June 6, 1962, The National Bank and Trust Company of Norwich, Norwich, New York, having total resources of $36.8 million, requested the permission of the Comptroller of the Currency to consolidate with the $3.7 million First National Bank of Afton, Afton, New York, under the charter and title of the former.

On August 3, 1962, the Comptroller of the Currency granted this application, effective on or after August 10, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 9, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-8157; Filed, Aug. 14, 1962; 8:52 a.m.]

PERTH AMBOY NATIONAL BANK AND FIRST NATIONAL BANK IN CARTERET

Notice of Decision Granting Application To Merge

On June 1, 1962, The Perth Amboy National Bank, Perth Amboy, New Jersey, filed an application with the Comptroller of the Currency requesting permission to merge with the First National Bank in Carteret, Carteret, New Jersey, under the charter of the former and with the title, "Perth Amboy National Bank."

On August 3, 1962, the Comptroller of the Currency granted this application, effective on or after August 10, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 9, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-8158; Filed, Aug. 14, 1962; 8:52 a.m.]

Office of the Secretary

TWO AND THREE-QUARTERS PERCENT TREASURY BONDS OF 1960-65

Notice of Call for Redemption

1. Public notice is hereby given that all outstanding 2¾ percent Treasury Bonds of 1960-65, dated December 15, 1938, due December 15, 1965, are hereby called for redemption on December 15, 1962, on which date interest on such bonds will cease.

2. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given and an official circular governing the exchange offering will be issued.

3. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 300, Revised, dated April 30, 1955.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

AUGUST 13, 1962.

[F.R. Doc. 62-8277; Filed, Aug. 14, 1962; 11:02 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 7, 1962.

The Bureau of Reclamation, United States Department of the Interior has filed an application, Serial Number Sacramento 071587 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws, subject to existing valid claims.

The applicant desires the land for construction, operation and maintenance of the Trinity River Division of the Central Valley Project, Califorina.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, United States Courthouse and Federal Building, 650 Capitol Avenue, Sacramento, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 37 N., R. 7 W.,
Sec. 32: That portion of Lot 6 lying within SW¼SE¼, and that portion of Lot 41 lying within SW¼SE¼.

The above-described aggregates 24.94 acres of Federal land in the Shasta National Forest.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 62-8128; Filed, Aug. 14, 1962; 8:47 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 7, 1962.

The Bureau of Reclamation of the Department of the Interior has filed an application, Colorado-078065, for withdrawal of the lands described below from public entry, under the first form of withdrawal, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388).

The applicant desires the land for reclamation purposes in connection with the Animas-LaPlata Project.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 910 15th Street, Denver 2, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 41 N., R. 6 W.,
Sec. 6, NW¼NE¼, NW¼, NW¼SW¼.
T. 42 N., R. 6 W.,
Sec. 29, W½SW¼;
Sec. 30, SE¼;
Sec. 31, NE¼, NE¼NW¼, S½NW¼, SW¼, W½SE¼.
T. 41 N., R. 7 W.,
Sec. 1, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 11, NE¼, SE¼NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 12, W½NE¼, NW¼, NW¼SW¼, E½SW¼, SE¼.
T. 42 N., R. 7 W.,
Sec. 36, SE¼SE¼.
T. 35 N., R. 9 W.,
Sec. 4, N½S½NW¼;
Sec. 5, Lot 4, N½S½NE¼.
T. 36 N., R. 9 W.,
Sec. 32, Lots 1 and 7;
Sec. 33, Lot 5.
T. 34 N., R. 12 W.,
Sec. 2, Lot 2, SW¼NE¼;
Sec. 11, Lot 2.

The above described area aggregates approximately 2913.06 acres.

HAROLD T. TYSK,
Chief, Division of Lands and Minerals.

[F.R. Doc. 62-8127; Filed, Aug. 14, 1962; 8:47 a.m.]

[NM 0301943]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 6, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number NM 0301943, for the withdrawal of the lands described below, from prospecting, location, entry and purchase under the general mining laws, subject to valid existing rights. The applicant desires the land for use as administrative sites and recreational areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

Red Canyon Forest Camp

T. 5 N., R. 5 E.,
Sec. 33, N½NE¼NE¼;
Sec. 34, W½NW¼NW¼.

Capillo Peak Administrative Site

T. 6 N., R. 5 E.,
Sec. 34, S½NW¼SE¼.

Capillo Peak Forest Camp

T. 6 N., R. 5 E.,
Sec. 34, E½SW¼SE¼.

Beartrap Forest Camp

T. 5 S., R. 7 W.,
Sec. 12, SW¼NW¼SE¼, NW¼SW¼SE¼.

Ojo Redondo Forest Camp

T. 11 N., R. 12 W.,
Sec. 28, NW¼NW¼NE¼, NE¼NE¼NW¼.

McGaffey Lookout Administrative Site

T. 13 N., R. 16 W.,
Sec. 14, N½NW¼NW¼.

The areas above described aggregate 140.00 acres.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 62-8126; Filed, Aug. 14, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

VIDALIA STOCK YARD ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act and are, therefore, no longer subject to the provisions of the act.

Name and Location of Stockyard and Date of Posting

Vidalia Stock Yard, Vidalia, Ga., June 15, 1959.
Queen City Livestock & Auction Co., Inc., Winder, Ga.; July 1, 1961.
Farmers Livestock Co., Mayfield, Ky.; December 9, 1959.
Winner Livestock Auction Co., Inc., Winner, S. Dak.; November 28, 1949.
Franklin Auction Barn, Inc., South Franklin, Tenn.; May 26, 1950.

The owners of the Farmers Livestock Company, Mayfield, Kentucky, and the Winner Livestock Auction Company, Inc., Winner, South Dakota, have constructed new stockyards in other locations and notice of proposed posting of each of the new markets will be issued.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C. this 8th day of August, 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-8141; Filed, Aug. 14, 1962; 8:50 a.m.]

CARPENTER LIVESTOCK ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture,

has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Carpenter Livestock, Carpenter, Iowa.
Farmers Livestock Co., Mayfield, Ky.
Lockwood Community Sale, Inc., Lockwood, Mo.
Meeker Livestock Auction Co., Meeker, Okla.
Winner Livestock Auction Co., Inc., Winner, S. Dak.
North Houston Livestock Auction Co., Houston, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments, concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of August 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-8142; Filed, Aug. 14, 1962; 8:50 a.m.]

Office of the Secretary

IOWA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of Iowa natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IOWA

Allamakee.	Hancock.
Cerro Gordo.	Jackson.
Chickasaw.	Kossuth.
Clayton.	Winnebago.
Dubuque.	Winneshiek.
Fayette.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of August 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-8182; Filed, Aug 14, 1962; 8:56 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13918; Order No. E-18687]

MEMBERS OF THE AIR TRAFFIC CONFERENCE OF AMERICA

Agreement Relating to Travel Agents; Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of August 1962;

On May 7, 1962, the members of the Air Traffic Conference of America (ATC) filed under section 412 of the Federal Aviation Act of the 1958 (the Act) an amendment to the ATC Sales Agency Agreement modifying the restrictions on the payment of commissions on tickets or exchange orders sold by a travel agent to persons affiliated with or having a financial interest in such agency. The provisions of the Agreement that previously governed this matter, together with the instant amendment, are shown below.

The previous ATC resolution on this subject was approved by the Board on January 30, 1962, by Order E-17968. As indicated in such order, the restrictions were considered necessary by the carriers to eliminate any possibility of a rebate and to strengthen existing provisions in the Agency Resolution which preclude approval of "house" or "captive" agents who derive 20 percent or more of their business from the entity owning or controlling the agent. In considering this matter, the Board concluded that the restrictions were appropriate, except that it believed the payment of commissions was warranted where an employee of an agent purchases transportation for his own personal use,[1] and approval was granted on the basis of such interpretation.

The Board understands that subsequent to approval, it appeared that the language of the amended resolution created substantial administrative problems for travel agents. Accordingly, upon further review, ATC concluded that the provision was in some respects broader than necessary to accomplish the intended purpose, and that changes could be made to alleviate problems in areas where the possibility of rebating was remote. The instant resolution is the result of such reconsideration.

[1] In an earlier action, the Board approved a similar provision in a resolution of the International Air Transport Association subject to the condition that such provision "shall not prevent the payment of commissions on the sale of air transportation to employees of an (agent) applicant when such air transportation is not related to the applicant's business activities." See Order E-17892, dated December 29, 1961.

It appears to the Board that the modifications reflected in the new resolution are necessary to overcome certain practical difficulties experienced in administration of the previous one and that the provisions are not adverse to the public interest or in violation of the Act. The Board is concerned, however, at this time whether there may be aspects of the resolution that may still present substantial difficulty to persons affected by the resolution. Accordingly, although the Board has decided tentatively to approve the resolution, it will defer further action thereon for thirty days to permit interested persons an opportunity to present their views on the matters.

Accordingly, it is ordered:

1. That action on Agreement CAB 5044-A84 be and it hereby is deferred;

2. That any interested persons desiring to file objections to or answers in support of the tentative approval given in this order shall file such objections or answers in triplicate with the Board's Docket Section within 30 days after the issuance of this order. Such objections and answers shall conform with the general requirements of the Board's Rules of Practice in Economic Proceedings. Any objections to the proposed order not filed within said 30 days shall be deemed waived; and

3. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

AGREEMENT CAB 5044-A84

AIR TRAFFIC CONFERENCE AGENCY RESOLUTION[1]

Resolved, That:

1. The sixth subparagraph of Paragraph 8 of the ATC Sales Agency Agreement, Resolution 80.15 is amended to read:

"No Commission will be paid to the Agent for the sale of any air passenger transportation for which the Agent issues a ticket or exchange order

(1) to any person who has a financial interest in the Agency, or

(2) to any officer or employee of the Agent, or

(3) to any officer or employee of any entity or person which owns, controls, or has a financial interest in the Agent:

Provided, That this subparagraph shall not preclude payment of commission because of a financial interest arising from investment in an Agent which is an entity whose shares are listed on a securities exchange or are regularly traded in an over-the-counter market; and *Provided, further*, That this subparagraph shall not preclude payment of commission in those cases where an employee of the Agent purchases transportation for his own personal use, e.g., a vacation."

2. Notwithstanding the provisions of Resolution 80.25, the above amendment shall,

[1] The resolution, before revision as shown above, provided as follows:

"No commission will be paid to the Agent for the sale of any air passenger transportation for which the Agent issues a ticket or exchange order to any person who has a financial interest in the Agency, or to any officer, director, stockholder, member or employee of any entity or person which owns, controls or has a financial interest in the Agent."

unless disapproved by the Civil Aeronautics Board under Section 412 of the Federal Aviation Act, be effective from and after May 15, 1962.

[F.R. Doc. 62-8162; Filed, Aug. 14, 1962; 8:53 a.m.]

[Docket No. 13810; Order No. E-18683]

CENTRAL AIRLINES, INC.

Proposed Flying-bus Passenger Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of August 1962.

By tariff to be effective August 15, 1962,[1] Central Airlines, Inc. (Central) proposes Flying-Bus Passenger Fares between Fort Worth-Dallas-Ardmore and Tulsa. The proposed fares are set at 46-65 percent of first-class one-way fares presently in effect in these markets. The tariff is to be effective on a new Convair 240 flight to be operated Fort Worth-Dallas-Ardmore-Tulsa and the new tariff is marked to expire August 14, 1963. The proposed tariff contains the same restrictive rules as are applicable to other "bus"-type tariffs now in effect.

Braniff Airways, Inc. (Braniff) filed a complaint on July 30, 1962, requesting suspension of Central's proposed tariff. The complaint alleges that the proposed fare is not economically justifiable for a subsidized local service carrier, and that it would have the inevitable effect of diverting substantial traffic from the competing trunkline carriers in the Dallas-Tulsa market.

Central believes its proposed tariff will attract from the highways passengers who will accept fewer conveniences and greater restrictions in return for lower travel costs; and alleges that industry fare increases have raised short-haul fares disproportionately to those over longer distances.

It appears that Central is purporting to introduce a new and distinct class of service at fares substantially below the first-class fare but without providing the service in sufficiently high density aircraft to assure an economic basis for the fares. Although other carriers have offered "bus"-type fares and services at a modest discount from coach fares, such services have generally been provided in high density coach-type aircraft with amenities somewhat less than those available to coach passengers.

Upon consideration of this tariff and all relevant matters, the Board finds that Central's Flying-Bus Passenger Tariff proposal may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated.[2] Since there is substantial question as to the economic validity of the proposed fares when viewed from the standpoint of aircraft configuration and cost savings to be achieved, we have further concluded to suspend the operation of the proposed tariffs and defer their use pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions of Central Airlines, Inc.'s Local Flying-Bus Tariff, C.A.B. No. 22, and 1st Revised Pages 3, 5, and 6 thereof, are, or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions.

2. Pending investigation, hearing and decision by the Board, the fares and provisions of Central Airlines, Inc.'s Local Flying-Bus Tariff, C.A.B. No. 22, and 1st Revised Pages 3, 5, and 6 thereof, are suspended and their use deferred to and including November 12, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the tariffs and shall be served upon Central Airlines, Inc. and Braniff Airways, Inc., which are made parties hereto.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8163; Filed, Aug. 14, 1962; 8:53 a.m.]

[Docket No. 13204; Order No. E-18682]

HELICOPTER OPERATORS CONSOLIDATED MAIL RATE PROCEEDING

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of August 1962:

This proceeding involves the determination of the subsidy mail rates to be paid Chicago Helicopter Airways, New York Airways, and Los Angeles Airways, for providing scheduled helicopter air transportation in their respective areas. The Board has previously granted intervention to the cities of New Haven and Bridgeport and the Department of Aeronautics of the State of Connecticut,[1] and petitions to intervene have been filed by the Town of Danbury, Connecticut and the Danbury Chamber of Commerce, the Greater Rockford Airport Authority, and the Port of New York Authority.[2]

At the prehearing conference, counsel for each of the carriers stated that many communities in their areas were interested in retaining or obtaining scheduled helicopter service and that these communities would wish to participate in this proceeding on an equal basis with the other intervenors. Subsequently, at the request of the Examiner, each of the carrier parties submitted a list of communities in their respective areas which had indicated an interest in scheduled helicopter service. This list consists of more than 100 cities and we are advised that it may not be complete.

It is obvious that were we to grant intervention to the instant applicants and to continue to permit participation by those previously granted intervention, we would likely be faced with a multitude of similar applications from other communities desirous of protecting their interests. A proceeding which involved even a fraction of the possible number of interested communities could well become unmanageable and would not contribute to the development of a sound record. Were such communities to participate as parties, the proceeding would almost inevitably be converted from a mail rate investigation into a kind of route case involving the competing claims for helicopter service of a large number of communities in different areas of the country. It would appear that the net effect of a grant of intervention would be to unduly delay the proceeding and cause an unreasonable prolongation of open rate periods for the three carriers, thereby defeating the obvious interest of all communities and the carriers in the prompt determination of the final subsidy amounts, upon which service plans can be predicated.

It is true that the amount of subsidy which each carrier receives will have a direct impact on the total amount of services which it can afford to operate over its entire system. And in determining the subsidy for each carrier, the appropriate patterns of service are, of course, a relevant factor. Nevertheless, the interests of the individual communities in this proceeding are at best remote. The question of service to individual communities is not directly at issue and could not be finally determined herein. Since subsidy rates are stated in terms of the carriers' system operations, our final order herein would not fix the amount of subsidy receivable for service to any particular point. In view of the foregoing, we tentatively find that the effect of our subsidy determinations on service to any particular community is at this point too speculative and remote to justify the expansion in the scope of the

[1] Local Flying Bus Passenger Tariff, C.A.B. No. 22, filed July 13, 1962.

[2] There is pending an investigation, Docket 13329 et al., of "bus"-type refund rules. The refund rules of Central's proposal are under investigation herein.

[1] Order E-17754, dated November 22, 1961.

[2] As grounds for the interventions, the petitioners state that Congress in an appropriation act has established a ceiling on the amount of federal funds which may be used for the compensation of the helicopter operators for mail transportation for fiscal year 1962, that there is a reasonable possibility that similar limitations may be imposed in appropriation acts for succeeding fiscal years, that each of the petitioners has a substantial interest that scheduled helicopter service should be provided to it, that it is necessary for it to intervene to show that any subsidy funds available should be used to provide it with scheduled helicopter services, and that intervention has been granted to communities having interests similar to those of petitioners.

proceeding which would result from grant of intervention.[3]

Because of the limitation on the funds available it is reasonable to expect that each helicopter operator will prosecute its claim for the maximum amount of those funds vigorously and, to this end, may use the community needs in its area in support. As a consequence, in the competition with other areas for subsidy funds the interests of the communities should be represented adequately by the area helicopter operator. In the competition between communities in the same service area for helicopter service, it is neither necessary nor desirable that the communities be made parties herein. Certificate proceedings under section 401 of the Act, adequacy of service proceedings under section 404(a) of the Act, or proceedings under Part 376 of the Board's regulations dealing with flight pattern changes constitute more appropriate vehicles for such matters. In any case, each community is free to present any evidence which is relevant herein under Rule 14, without being made a party.

In view of the foregoing, the Board tentatively finds that the interventions previously granted herein should be rescinded, and that the petitions to intervene should be denied.

Accordingly, it is ordered:

1. That the cities of New Haven and Bridgeport and the Department of Aeronautics of the State of Connecticut be and they are directed to show cause why the permission to intervene, herein previously granted, should not be rescinded.

2. That the Town of Danbury, Connecticut, and the Danbury Chamber of Commerce, the Greater Rockford Airport Authority, and the Port of New York Authority be and they are directed to show cause why their respective petitions to intervene should not be denied.

3. That answers to this order shall be filed not later than fifteen days following date of service hereof.

4. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8164; Filed, Aug. 14, 1962; 8:53 a.m.]

[Docket No. 13541]

LAKE CENTRAL-DELTA ENFORCEMENT CASE

Notice of Postponement of Prehearing Conference

In the matter of the complaint of Lake Central Airlines, Inc., Complainant v. Delta Air Lines, Inc., Respondent.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference now assigned to be held on the 15th day of August 1962 in the above-entitled proceeding is postponed indefinitely at the request of the attorney for the complainant and with the concurrence of all other parties.

Dated at Washington, D.C., August 9, 1962.

[SEAL] LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 62-8165; Filed, Aug. 14, 1962; 8:53 a.m.]

[Docket No. SE-301]

ADMIRAL AIR SERVICE, INC.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on August 21, 1962 at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Admiral Air Service, Inc., Respondent, will be allotted 30 minutes for the presentation of its argument and the Administrator, Federal Aviation Agency, Complainant, 30 minutes. Counsel for the Respondent may reserve not to exceed one-quarter of its allotted time for rebuttal.

Dated at Washington, D.C., August 9, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8166; Filed, Aug. 14, 1962; 8:53 a.m.]

[Docket No. 13687]

DELTA AIR LINES, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on August 29, 1962 at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., August 10, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8167; Filed, Aug. 14, 1962; 8:53 a.m.]

[Docket No. 12876]

TULSA-DENVER RESTRICTION CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 6, 1962, at 10:00 a.m., e.d.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Hearing Examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to Board Orders E-17267, dated August 3, 1961, E-18312, dated May 8, 1962, E-18608, dated July 18, 1962, the prehearing conference report served June 13, 1962, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 10, 1962.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 62-8168; Filed, Aug. 14, 1962; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14748 etc.; FCC 62M-1125]

CHARLES COUNTY BROADCASTING CO., INC., ET AL.

Order Scheduling Hearing

In re applications of Charles County Broadcasting Co., Inc., LaPlata, Maryland, Docket No. 14748, File No. BP-14748; Dorlen Broadcasters, Inc., Waldorf, Maryland, Docket No. 14749, File No. BP-15287; Charles C. Heaton and Jane W. Heaton, d/b as Radio Vienna, Vienna, Virginia, Docket No. 14750, File No. BP-15293; for construction permits.

It is ordered, This 8th day of August 1962, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 5, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, September 27, 1962.

Released: August 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8171; Filed, Aug. 14, 1962; 8:54 a.m.]

[Docket Nos. 14639; 14640; FCC 62M-1121]

OLNEY BROADCASTING CO. AND JAMES R. WILLIAMS

Order Regarding Procedural Dates

In re applications of Harwell V. Shepard tr/as Olney Broadcasting Company, Olney, Texas, Docket No. 14639, File No. BP-10494; James R. Williams, Anadarko, Oklahoma, Docket No. 14640, File No. BP-13635; for construction permits.

The Hearing Examiner having under consideration a written request by counsel on behalf of Olney Broadcasting Company and concurred in by counsel for James R. Williams;

It appearing that counsel desire to change certain dates heretofore scheduled at a prehearing conference on June 22, 1962;

It further appearing that good cause exists why said request should be granted, and there is no opposition to the request:

It is ordered, This 6th day of August 1962, that dates heretofore scheduled in a prehearing conference on June 22, 1962, are hereby cancelled and held for naught:

It is further ordered, That the preliminary exchange of hearing exhibits shall be on or before September 10, 1962; an engineering conference shall be held on September 24, 1962; the final exchange of exhibits shall be accomplished on or before October 10, 1962; the notification of witnesses for cross-examination shall be on or before October 17, 1962; and the hearing herein is scheduled for October 29, 1962; 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: August 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8172; Filed, Aug. 14, 1962; 8:54 a.m.]

[Docket Nos. 14635, 14636; FCC 62R-5]

SALEM BROADCASTING CO. (WJBD) AND LEADER BROADCASTING CO.

Memorandum Opinion and Order Amending Issues

In re applications of Thomas S. Land and Bryan Davidson d/b as Salem Broadcasting Company (WJBD), Salem, Illinois, Docket No. 14635, File No. BP-14073; Donald E. Condee and Ned M. Webber d/b as Leader Broadcasting Co., Edwardsville, Illinois, Docket No. 14636, File No. BP-14530; for construction permits.

1. WJBD requests[1] that we enlarge the issues in this proceeding by addition of two issues as follows:

a. To determine whether or not, due to the high degree of radiation suppression proposed, Donald E. Condee and Ned M. Webber d/b as Leader Broadcasting Company (BP-14530) will be able to adjust and maintain their proposed directional antenna system as specified.

b. To determine whether or not because of the existing and proposed operation of Station WJBD, Salem, Illinois, a proof of performance can ever be made on the proposal of Donald E. Condee and Ned M. Webber d/b as Leader Broadcasting Company, if authorized, to demonstrate that construction and adjustment has been accomplished in accordance with the facilities proposed in their application for Edwardsville, Illinois.

2. In addition, WJBD requests that we condition any grant of the Leader application as follows:

This authorization is subject to compliance by permittee at all times with maintenance of its proposed antenna system within the strict limits of 1% current ratio and 0.5 degree phase relationship, in the area of maximum suppression in the direction of WJBD.

3. The Review Board agrees with the Broadcast Bureau and WJBD that (a) considering the degree of suppression proposed, a question exists as to whether Leader can maintain the maximum expected operating values that it proposes, and (b) due to various signals coming into Leader's proposed service area, particularly from WJBD, a substantial question is raised as to whether Leader will be able to take sufficiently reliable field intensity measurements to adjust and maintain, its proposal. The issue adopted below would adduce the desired information. The Bureau opposes WJBD's third request that any grant of the Leader proposal be conditioned to require that the directional antenna system be maintained within a limit of 1% current ratio and 0.5 degree of phase, as WJBD has not established that this severe limitation is necessary in order to prevent interference to the operation of existing stations, particularly WJBD. The Review Board is in agreement with the position of the Broadcast Bureau.

Accordingly, it is ordered, This 7th day of August 1962, That the motion to enlarge issues, filed June 1, 1962, by Thomas S. Land and Bryan Davidson d/b as Salem Broadcasting Company (WJBD) is granted to the extent indicated herein and otherwise denied; and:

It is further ordered, That the designation order released May 14, 1962 (FCC 62-504) is amended by adding the following issue: To determine whether Donald E. Condee and Ned M. Webber d/b as Leader Broadcasting Co. will be able to adjust and maintain the directional antenna system as proposed in its application.

Released: August 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8173; Filed, Aug. 14, 1962; 8:54 a.m.]

[Docket Nos. 12315, 12316; FCC 62M-1123]

SHEFFIELD BROADCASTING CO. AND J. B. FALT, JR.

Order Scheduling Prehearing Conference

In re applications of Iralee W. Benns, tr/as Sheffield Broadcasting Co., Sheffield, Alabama, Docket No. 12315, File No. BP-11130; J. B. Falt, Jr., Sheffield, Alabama, Docket No. 12316, File No. BP-11559; For construction permits.

It is ordered, This 7th day of August 1962, that a further pre-hearing conference will be held on September 5, 1962, 2:00 p.m., in the Commission's Offices, Washington, D.C.

Released: August 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8174; Filed, Aug. 14, 1962; 8:54 a.m.]

[Docket No. 14747; FCC 62M-1124]

ROUNSAVILLE OF MIAMI BEACH, INC.

Order Scheduling Hearing

In re application of Rounsaville of Miami Beach, Inc., licensee of Radio Station WFUN, South Miami, Florida, Docket No. 14747, File No. BML-1995; for authority to relocate main studio in Miami Beach, Florida.

It is ordered, This 8th day of August 1962, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 14, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, September 27, 1962.

Released: August 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8176; Filed, Aug. 14, 1962; 8:55 a.m.]

[Docket Nos. 14751, 14752; FCC 62M-1126]

WESTERN BROADCASTING CO. (KOLO) AND KWES BROADCASTING CO.

Order Scheduling Hearing

In re applications of Western Broadcasting Company (KOLO), Reno, Nevada, Docket No. 14751, File No. BP-14567; Corbett Pierce and Chester Smith, d/b as KWES Broadcasting Company, Ceres, California, Docket No. 14752, File No. BP-15261; for construction permits.

It is ordered, This 8th day of August 1962, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 29, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, September 27, 1962.

Released: August 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8175; Filed, Aug. 14, 1962; 8:55 a.m.]

[3] We may note in this connection that the Board has considered that helicopter subsidy is justified not by immediate traffic demands but rather by the needs of the carriers to conduct reasonable experimental operations. See Chicago Helicopter Airways, Mail Rates, Order E-18417, June 7, 1962.

[1] The following pleadings are before the Review Board: (1) a motion to enlarge issues, filed June 1, 1962, by Salem Broadcasting Company (WJBD); (2) supporting comments, filed June 14, 1962, by the Broadcast Bureau (Mimeo No. 21586); (3) opposition, filed June 14, 1962, by Leader Broadcasting Co.; and (4) reply to opposition, filed June 29, 1962, by Salem Broadcasting Company (WJBD).

FEDERAL POWER COMMISSION

[Docket No. CP62-253]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

AUGUST 8, 1962.

Take notice that on May 3, 1962, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP62-253 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a meter setting and appurtenant regulator equipment and the sale of natural gas to The Gas Service Company (Gas Service) for resale and distribution in and about the Cities of Robinson and Highland, Kansas, and the City of Lawson, Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to tap its existing 8-inch pipeline and construct a meter setting with appurtenant regulator equipment in Brown County, Kansas, and to sell natural gas through such facilities to Gas Service for resale and distribution in and about the Cities of Robinson and Highland, Kansas. Applicant also seeks authorization to sell gas to Gas Service for resale and distribution in and about the City of Lawson, Missouri, through the existing meter and regulator facilities used to sell gas to Gas Service for resale in Kansas City, Missouri.

The following are the estimated annual and peak day gas requirements for the communities which Gas Service proposes to serve under this application:

Mcf at 14.73 psia

Year	Robinson, Kans.		Highland, Kans.		Lawson, Mo.	
	Peak day	Annual	Peak day	Annual	Peak day	Annual
1	96	5,785	264	16,615	236	18,579
2	160	12,820	440	37,180	414	34,328
3	200	17,315	550	50,185	626	53,837

The estimated cost of the proposed facilities required for service for Robinson and Highland is $3,100 which will be financed from treasury cash.

The proposed sales will be made under Applicant's F-2, C-2, and I-2 FPC gas rate schedules.

Gas Service has received a certificate of convenience and authority from the Kansas State Corporation Commission to serve Highland and Robinson and has received a certificate of convenience and necessity from the Missouri Public Service Commission to serve Lawson. Gas Service has also received franchises from the three towns to construct and operate distribution systems therein.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 11, 1962, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8117; Filed, Aug. 14, 1962; 8:45 a.m.]

[Docket No. CP63-2]

FORT SMITH GAS CORP.

Notice of Application and Date of Hearing

AUGUST 8, 1962.

Take notice that on July 2, 1962, Fort Smith Gas Corporation (Applicant), 35 South Seventh Street, Fort Smith, Arkansas, filed in Docket No. CP63-2 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 1.3 miles of 3½-inch O.D. pipeline and appurtenant facilities in LaFlore County, Oklahoma, to take gas into Applicant's existing pipeline system from a well owned by Pan American Petroleum Corporation, et al., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the proposed facilities will not result in any increase in the delivery capacity of Applicant's presently authorized pipeline system and that no new markets are proposed to be served.

The estimated cost of the proposed facilities is $18,685, which will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 12, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8118; Filed, Aug. 14, 1962; 8:45 a.m.]

[Docket No. CP63-3]

INTERSTATE POWER CO.

Notice of Application and Date of Hearing

AUGUST 8, 1962.

Take notice that on July 2, 1962, Interstate Power Company (Applicant), 1000 Main Street, Dubuque, Iowa, filed in Docket No. CP63-3 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a submarine gas pipeline across the Rock River near Prophetstown, Illinois, to be operated as an alternate to previously certificated facilities in order to preclude interruptions to service through possible failure of the existing river crossing, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Facilities required for the proposed operation are approximately 7500 feet of 8-inch pipeline with required valves and miscellaneous connecting material.

The total estimated cost of the facilities proposed under this application is $104,612.00.

No new or additional service, or change in system capacity are involved herein.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 10, 1962, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8119; Filed, Aug. 14, 1962; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 416]

SECRETARY OF DEFENSE

Authority To Represent Interests of Executive Agencies of Federal Government Before Louisiana Public Service Commission

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of Proposed Rates for Centrex Service, Southern Bell Telephone and Telegraph Company, before the Louisiana Public Service Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective July 13, 1962.

BERNARD L. BOUTIN,
Administrator.

AUGUST 8, 1962.

[F.R. Doc. 62-8143; Filed, Aug. 14, 1962; 8:51 a.m.]

No. 158——6

OFFICE OF EMERGENCY PLANNING

VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY

Deletion From Membership

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published the following deletions from the list of companies which have accepted the request to participate in the voluntary agreement entitled, "Voluntary Agreement Relating to Foreign Petroleum Supply," dated May 8, 1956. The request and original list of acceptances were published in 21 F.R. 5703, July 28, 1956; and additional acceptances were published in 21 F.R. 6687, Sept. 5, 1956; 21 F.R. 6964, Sept. 14, 1956; 21 F.R. 7640, Oct. 4, 1956; 22 F.R. 1162, Feb. 27, 1957; 25 F.R. 4937, June 3, 1960, and 26 F.R. 12787, Dec. 30, 1961.

DELETIONS

Plymouth Oil Co., Pittsburgh, Pa.
Standard-Vacuum Oil Co., White Plains, N.Y.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. Sup. 2158; Executive Order 10480, Aug. 14, 1953; 18 F.R. 4939; Reorganization Plan No. 1 of 1958, 23 F.R. 4991, as amended; Executive Order 10773, July 1, 1958, 23 F.R. 5061; Executive Order 10782, Sept. 6, 1958, 23 F.R. 6971)

Dated: August 7, 1962.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 62-8116; Filed, Aug. 14, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-1252]

AUTOMOTIVE VACUUM CONTROL CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 9, 1962.

I. Automotive Vacuum Control Corporation (issuer), a Colorado corporation, 2901 East 42d Street, Denver, Colorado, its last known address, filed with the Commission on September 27, 1960, a notification on Form 1-A and an Offering Circular relating to an offering of 60,000 shares of its $1.00 par value common stock at $5.00 per share for an aggregate offering of $300,000.00 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. Certain events have occurred after the filing of the notification which would have rendered the exemption unavailable if they had occurred prior to such filing in that:

1. A permanent injunction was entered against the underwriter and its president restraining them from engaging in or continuing certain conduct and practices in connection with the purchase and sale of a security.

2. The underwriter is subject to an order of the Commission entered pursuant to section 15(b) of the Securities Exchange Act of 1934 canceling its broker-dealer registration.

3. The underwriter has been, and is, expelled from membership in the National Association of Securities Dealers.

B. The issuer and its president, Mr. Joseph M. Tucker, Jr., have failed to cooperate in connection with the processing of the notification in that they have failed to respond to repeated requests for amendments and have failed to inform the Commission of their change in address.

III. *It is ordered,* Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested, and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless, or until, it is modified or vacated by the Commission; and that notice of the time and place for such hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8136; Filed, Aug. 14, 1962; 8:49 a.m.]

[File No. 7-2239 etc.]

BECKMAN INSTRUMENTS, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 9, 1962.

In the matter of applications of the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in certain securities:

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading

privileges in the common stocks of the filed August 3, 1962. Carrier proposes presently authorized to transport the

privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Beckman Instruments, Inc., File 7-2239.
Texas Instruments, Inc., File 7-2240.
Fairchild Camera & Instruments Corp., File 7-2241.

Upon receipt of a request, on or before August 24, 1962 from any interested person, the Commission will determine whether the application with respect to any of the Companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-8137; Filed, Aug. 14, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 223]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 10, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Deviation No. 6), HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex., filed August 3, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Lake Arthur and Lake Charles, La., as follows: From Lake Arthur over Louisiana Highway 26 to junction U.S. Highway 90, thence over U.S. Highway 90 to Lake Charles, and return over the same route, for operating convenience only serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the same points over a pertinent service route as follows: From Lake Arthur over Louisiana Highway 26 to junction U.S. Highway 90 thence over U.S. Highway 90 to Lake Charles, and return over the same route.

No. MC 1124 (Deviation No. 7), HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex., filed August 3, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Lake Arthur, La., over Louisiana Highway 14 to junction Louisiana Highway 99, thence over Louisiana Highway 99 to Welsh, La., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lake Charles over Louisiana Highway 26 to junction U.S. Highway 90 thence over U.S. 90 to Welsh, and return over the same route.

No. MC 1124 (Deviation No. 8), HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex., filed August 3, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Lake Arthur, La., over Louisiana Highway 14 to junction Louisiana Highway 101 thence over Louisiana Highway 101 to Lacassine, La., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Lake Arthur and Lacassine over a pertinent service route as follows: From Lake Arthur over Louisiana Highway 26 to junction U.S. Highway 90 thence over U.S. Highway 90 to Lacassine, and return over the same route.

No. MC 6945 (Deviation No. 5), THE NATIONAL TRANSIT CORPORATION, 4401 Stecker Avenue, Dearborn 2, Mich., filed August 2, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From Lima, Ohio over U.S. Highway 30S to Kenton, Ohio, thence over Ohio Highway 31 to Marysville, Ohio thence over U.S. Highway 33 to Dublin, Ohio, thence over Ohio Highway 161 to junction Interstate Highway 71, thence over Interstate Highway 71 to Columbus, Ohio, and return over the same route, for operation convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lima over U.S. Highway 30S to Kenton, thence over Ohio Highway 31 to Marysville, thence over U.S. Highway 33 to Columbus, and return over the same route.

No. MC 10872 (Deviation No. 4), BEMAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis 15, Mo., filed August 2, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Rockford, Ill., over Illinois Highway 2 to Beloit, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route between Rockford and Beloit over U.S. Highway 51.

No. MC 15737 (Deviation No. 2), ATLANTIC COAST FREIGHT LINES INC., 3200 James Street, Baltimore 30, Md., filed August 2, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Maryland Highway 3 to junction of U.S. Highway 301, thence over U.S. Highway 301 to junction Virginia Highway 207, thence over Virginia Highway 207 to junction U.S. Highway 1, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New York over U.S. Highway 1 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence by ferry or bridge to Camden, N.J., thence over U.S. Highway 130 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., and thence over U.S. Highway 1 to Richmond, Va., and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCLOY, *Secretary.*

[F.R. Doc. 62-8145; Filed, Aug. 14, 1962; 8:51 a.m.]

[Notice 467]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 10, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereof.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below.

SPECIAL RULES OF PROCEDURES FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statements as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 2392 (Sub-No. 24), filed August 6, 1962. Applicant: WHEELER TRANSPORT SERVICE, INC., Genoa, Nebr. Applicant's attorney: R. E. Powell, 1005-1006 Terminal Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, in hopper, tank or pneumatic type trailers, (1) from Lawrence, Kans., and points within 10 miles thereof, to points in Colorado, Missouri, Nebraska, Oklahoma, South Dakota, Iowa, and Wyoming; (2) from St. Joseph, Mo., and points within 10 miles thereof to points in Iowa, Kansas, Nebraska, South Dakota, Colorado, and Wyoming; (3) from Horn, Mo., and points within 10 miles thereof to points in Arkansas, Colorado, Iowa, Kansas, Nebraska, Oklahoma, South Dakota, and Wyoming; (4) from Muskogee, Okla., and points within 10 miles thereof to points in Arkansas, Colorado, Kansas, and Missouri, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, in connection with routes (1), (2), (3), and (4) above, on return.

HEARING: September 12, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-8146; Filed, Aug. 14, 1962; 8:51 a.m.]

[Notice 677]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 10, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64923. By order of August 7, 1962, the Transfer Board approved the transfer to W. H. Bozeman, Alma Bozeman, and Azaolene Bozeman, a partnership, doing business as A B & A Truck Line, North Harney Street, Camilla, Ga., of Certificate No. MC 119586 Sub 1, issued March 16, 1961, to Milward Eubanks Trucking, Inc., North Harney Street, Camilla, Ga., authorizing the transportation of: poles and posts, treated or untreated, between points in Georgia, Florida, Tennessee, Kentucky, South Carolina, North Carolina and points in a specified part of Alabama, and rough lumber, between points in Florida and a specified territory in Alabama and specified points in Georgia.

No. MC-FC 65009. By order of August 7, 1962, the Transfer Board approved the transfer to Richard's Movers and Furniture, Inc., doing business as Richard the Mover, 27 Archer Street, Lawrence, Mass., of Certificate No. MC 6082 issued March 4, 1959 to Richard J. Cormier, doing business as Richard the Mover, 27 Archer Street, Lawrence, Mass., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Boston, Mass., and Haverhill, Mass., serving all intermediate points, and the off-route point of North Reading, Mass., between Boston, Mass., and Haverhill, Mass., serving all intermediate points, and the off-route point of North Reading, Mass., between Boston, Mass., and Haverhill, Mass., serving all intermediate points, and the off-route points of Winchester, Chelmsford, Dracut, and Methuen, Mass., over irregular routes, coke, and electrical appliances, from Lawrence, Mass., to Salem, N.H., and household goods, between North Andover, Mass., and points within 5 miles of North Andover, on the one hand, and, on the other, points in New Hampshire; and between Lawrence, Mass., on the one hand, and, on the other, points in Connecticut, and Rhode Island.

No. MC-FC 65086. By order of August 7, 1962. The Transfer Board approved the transfer to Metropolitan Moving & Storage, Inc., Cambridge, Mass., of the operating rights in Certificate No. MC 95747, issued October 20, 1950, to Metropolitan Storage Warehouse Company, a Corporation, Cambridge, Mass., authorizing the transportation, over irregular routes, of household goods, between Natick, Mass., and points within 10 miles of Natick, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and New Jersey. Robert F. McCormick, 1 Court Street, Boston 8, Mass., applicants' attorney.

No. MC-FC 65122. By order of August 7, 1962. The Transfer Board approved the transfer to Mid-States Trucking Co., a Corporation, Lincoln, Nebr., of the operating rights in Permit No. MC 89523, issued January 26, 1953, in the name of Carlton E. "Buddy" Bowles, doing business as Buddy Bowles Truck Lines, Randlet, Okla., authorizing the transportation, over regular routes, of beer, in glass or metal containers, in cases, in truckloads, from Belleville, Ill., to Oklahoma City, Lawton, and Shawnee, Okla., regular and irregular routes, of beer, in glass, wood or metal containers, from Omaha, Nebr., St. Louis, and Kansas City, Mo., Golden, Colo., to specified points in Oklahoma, and over irregular routes, beer, in glass or metal containers, in cases, in truckloads, from Belleville, Ill., to Tulsa, Okla., and from St. Louis, Mo., to Shawnee, El Reno, Oklahoma City, Ardmore, and Enid, Okla. J. Max Harding, 605 South 12th Street, Lincoln 8, Nebr., attorney for applicants.

No. MC-FC 65191. By order of August 7, 1962, the Transfer Board approved the transfer to Bend Storage & Transfer, Inc., Bend, Oregon, of Certificate No. MC 107043, issued May 8, 1947, to G. W. McCann, doing business as Bend Storage & Transfer Company, Bend, Oregon authorizing the transportation of: Household goods as defined by the Commission, over irregular routes, between points in Deschutes, Jefferson and Crook Counties, Oregon, on the one hand, and, on the other, points in Multnomah County, Oregon; between Bend, Oreg., on the one hand, and, on the other, points in Deschutes, Jefferson, and Crook Counties, Oreg. Earle V. White, White & Southwell, 2130 Southwest Fifth Avenue, Portland 1, Oregon, attorney for applicants.

No. MC-FC 65201. By order of August 7, 1962, the Transfer Board approved the transfer to Bornstein & Fisher, Inc., doing business as Bornstein & Fisher, Boston, Mass., of Certificate No. MC 30690, issued May 9, 1950, to Harry J. Bornstein, doing business as Bornstein & Fisher, Boston, Mass., authorizing the transportation of: New Furniture, from Boston, Mass., to points in Massachusetts, Rhode Island, and Maine; and repaired and exchanged furniture, from points in Rhode Island and Maine to Boston, Mass. Maurice Verdun, 185 Devonshire Street, Boston 10, Mass., attorney for applicants.

No. MC-FC 65206. By order of August 7, 1962. The Transfer Board approved the transfer to Robert Merley, New Carlisle, Ind., of Certificate No. MC 94527 issued June 7, 1962, to Nellie Housour, Wakarusa, Ind., authorizing the transportation of grain, over regular routes, from Wakarusa, Ind., to Chicago, Ill., serving intermediate and off-route points

within 25 miles of Wakarusa, restricted to pick-up only; and over irregular routes, fertilizer, from Calumet City, Ill., to points in Indiana on and north of U.S. Highway 40; dry manufactured fertilizer, in bulk, from the plant site of Michiana Chemical Co., near Niles, Mich., to points in 50 specified Indiana Counties; feed, including meat scraps and tankage, from Riverdale and Chicago, Ill., to points in Indiana on and north of U.S. Highway 40; and oats, from points in Illinois on and east of a line beginning at Chicago and extending along U.S. Highway 66, thence over specified highways in Illinois to points in Elkhart, Lagrange, La Porte, and St. Joseph Counties, Ind. Wm. L. Carney, 150 East Jennings Avenue, South Bend 14, Ind., representative for applicants.

No. MC-FC 65221. By order of August 7, 1962, the Transfer Board approved the transfer to W. T. Smith and C. G. Bassett, a partnership, doing business as Owensboro-Central City-Greenville Bus Lines, 3801 Jefferson St., Owensboro, Ky., of Certificates Nos. MC 35943 and MC 35943 Sub 1, issued April 11, 1949 and March 16, 1953, to Edward Payne, doing business as Owensboro-Central City-Greenville Bus Line, 109 West Main Cross St., Greenville, Ky., authorizing the transportation of: Passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, over regular routes, between Greenville, Ky., and Owensboro, Ky., and between Central City, Ky., and Hopkinsville, Ky., and all intermediate points between Hopkinsville, Ky., and Madisonville, Ky., and all intermediate points; between junction U.S. Highway 62 and Kentucky Highway 189, and junction Kentucky Highways 189 and 107, and all intermediate points.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8150; Filed, Aug. 14, 1962; 8:52 a.m.]

[Notice No. 466]

MOTOR CARRIER APPLICATIONS

Call of the Docket

AUGUST 10, 1962.

Opposition to the following applications noticed herein, (except No. MC 668 (Sub-No. 76) which has already been partially heard), may be accomplished (1) by filing a protest in accordance with rule 1.40 of the Commission's general rules of practice within 30 days from the date of this publication in the FEDERAL REGISTER, or (2) by filing a notice of intention to protest in accordance with the provisions of Special Rule 1.241(c)(1) when the date and place of hearing of these applications are subsequently published in the FEDERAL REGISTER.

Notice to the parties: a number of applications filed by passenger carriers, in which oral hearings appear to be required, are pending for motor carrier operating rights in Connecticut, New York, and New Jersey. In addition, several broker applications involving the transportation of passengers in the same area are also pending. These applications and the authority sought are listed in the Appendix to this Notice. One, as indicated, has been partially heard and was continued to a time and place to be fixed by the Commission.

The Commission has become increasingly aware that some of the delays encountered in disposing of proceedings before it are attributable to a traditional liberality in granting requests for postponement of hearings. Such delays lead to additional expense and inconvenience to the other parties in such proceedings as well as to the Government.

Hearings in connection with the applications listed in the Appendix will be assigned so as to give sufficient time to all parties to prepare their respective presentations. Accordingly, those participating in these proceedings will be expected to be ready for the hearing on the dates that are assigned and to refrain from requesting any postponement.

Those interested are requested to appear at a calling of the Docket by Chief Hearing Examiner James C. Cheseldine, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., on September 18, 1962, at 9:30 o'clock a.m., United States standard time (or, 9:30 o'clock a.m. local daylight saving time, if that time is observed). When the docket is called, an effort will be made with the aid of applicants or their representatives to arrive at dates and places of hearing which the parties will be expected to observe in order that all of the proceedings listed herein can be heard promptly and expeditiously.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12624 (Sub-No. 2), filed July 2, 1962. Applicant: HARRY VALLIN, doing business as SCANDINAVIAN SKI & SPORT SHOP, 45 East 59th Street, New York, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., and Garden City, N.Y., in arranging for transportation in interstate or foreign commerce by motor vehicle, of *passengers and their baggage* and *their ski equipment*, in round trip, all-expense ski tours, during the season extending from October 1st to June 1st of each year, beginning and ending at points in Nassau and Suffolk Counties, N.Y., and extending to points in New York, New Hampshire, Vermont, Massachusetts and Connecticut.

No. MC 12802, filed April 11, 1962. Applicant: MERCURY TOURS, INC., 565 Fifth Avenue, New York 36, N.Y. Applicant's attorney: John V. N. Klein, 1 West Main Street, Smithtown, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., and points in Westchester County, N.Y., in arranging for transportation in interstate or foreign commerce, by motor vehicle of *Passengers and their baggage*, in the same vehicle, both as individuals and groups in round-trip special and charter sightseeing and pleasure tours, including arrangements incidental thereto, beginning and ending at New York, N.Y., and points in Westchester County, N.Y., and extending to points in the United States.

No. MC 12816, filed July 2, 1962. Applicant: JOSEPH THOMAS BRADY, doing business as WATERBURY TRAVEL CENTER, 45 West Main Street, Waterbury, Conn. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. For a license (BMC 5) to engage in operations as a *broker* at Waterbury, Conn., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, both as individuals and groups, in round-trip, special and charter all-expense conducted tours, between points in the United States.

No. MC 12817, filed July 12, 1962. Applicant: EDUCATION THROUGH TRAVEL, INC., % Alfred Lutvak, 57-48 260th Street, Little Neck 62, N.Y. For a license (BMC 5) to engage in operations as a *broker* at Little Neck, N.Y., in arranging for transportation in interstate or foreign commerce of *Passengers and their baggage*, in sightseeing trips, between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, and Washington, D.C.

No. MC 12820, filed July 19, 1962. Applicant: SWISS SKI TOURS, INC., 65-30 Myrtle Avenue, Glendale 27, N.Y. For a license (BMC 5), to engage in operations as a *broker*, at Glendale and New York, N.Y., in arranging for transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and in groups, in round-trip, special and chartered tours beginning and ending at Glendale, Queens County, and New York, N.Y., and extending to points in Massachusetts, Maine, New Hampshire, Vermont, and the District of Columbia.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 38), filed March 20, 1962. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between New York City, and Babylon, N.Y., from New York City, over New York Highway 24 (Long Island Expressway) in Nassau County, N.Y., to junction with access roads leading to Guinea Woods Road, thence over access roads to Guinea Woods Road, thence over Guinea Woods Road to its junction with Jericho Turnpike, thence over Jericho Turnpike to its junction with Mineola Blvd. in Mineola, N.Y., thence over Mineola Blvd., to its junction with Franklin Avenue, thence over Franklin Avenue thru Garden City, N.Y., to its junction with No. Franklin Street, thence over No. Franklin Street to its junction with New York Highway 24A in Hempstead, N.Y., thence over New York Highway 24A thru East Meadow, Levittown, Plainedge and Farmingdale to its junction with New York Highway 110 in Suffolk County, N.Y., thence over New York Highway 110 to its junction with New York Highway 27A in Amityville, N.Y., thence over New York Highway 27A to Babylon, and return over the same route (except from Guinea Woods Road to New York Highway 24 using access roads provided for use in such reverse direction), serving all intermediate points.

NOTE: Common control may be involved.

No. MC 228 (Sub-No. 40), filed May 2, 1962. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers. (1) Between Mahwah, N.J., and Ridgewood, N.J.; from junction New Jersey Highway 17 and U.S. Highway 202, in Mahwah, over U.S. Highway 202 (Ramapo Valley Road) to junction Belmont Avenue, Oakland, N.J., thence over Belmont Avenue to junction Franklin Avenue, thence over Franklin Avenue through Franklin Lakes, N.J., to junction Wyckoff Avenue, in Waldwick, N.J., thence over Wyckoff Avenue to junction North Franklin Turnpike, thence over North Franklin Turnpike to junction East Franklin Turnpike, in Hohokus, N.J., and thence over East Franklin Turnpike to junction New Jersey Highway 17, in Ridgewood, and return over the same route, serving all intermediate points. (2) Between points in Waldwick, N.J.; from junction Wyckoff Avenue and North Franklin Turnpike, over North Franklin Turnpike to junction East Prospect Avenue, and thence over East Prospect Avenue to junction New Jersey Highway 17, and return over the same route, serving all intermediate points. (3) Between points in Oakland, N.J.; from junction U.S. Highway 202 (Ramapo Valley Road) and Belmont Avenue over U.S. Highway 202 to junction West Oakland Avenue, and thence over West Oakland Avenue to a point 100 feet from the intersection of West Oakland Avenue and U.S. Highway 202, and return over the same route, serving all intermediate points. (4) Between Oakland, N.J. and Paramus, N.J.; from junction U.S. Highway 202 and access roads leading to New Jersey Highway 208, in Oakland, N.J., over access roads to New Jersey Highway 208, thence over New Jersey Highway 208 to its junction with access roads leading to New Jersey Highway 4 in Fair Lawn, N.J., thence over access roads to New Jersey Highway 4, thence over New Jersey Highway 4 to its junction with access roads leading to New Jersey Highway 17 in Paramus, N.J., thence over access roads to New Jersey Highway 17 in Paramus, N.J., and return over the same route except using access roads provided for use in such reverse direction leading from New Jersey Highway 17 to New Jersey Highway 4, in Paramus, N.J., and leading from New Jersey Highway 4 to New Jersey Highway 208 in Fair Lawn, N.J., and leading from New Jersey Highway 208 to U.S. Highway 202 in Oakland, N.J., serving all intermediate points in Oakland, Franklin Lakes and Wyckoff, N.J. (5) Between points in Franklin Lakes, N.J.; from junction Franklin Avenue and Colonial Road in Franklin Lakes, over Colonial Road to junction with access roads leading to New Jersey Highway 208, thence over access roads to New Jersey Highway 208 in Franklin Lakes, N.J., and return over same route except using access roads provided for use in such reverse direction leading from New Jersey Highway 208 to Colonial Road, in Franklin Lakes, N.J. serving all intermediate points. (6) Between points in Wyckoff, N.J.; from junction Franklin Avenue and Wyckoff Avenue, in Wyckoff, N.J., over Wyckoff Avenue to its junction with Russell Avenue, thence over Russell Avenue to its junction with access roads leading to New Jersey Highway 208, thence over access roads to New Jersey Highway 208 in Wyckoff, N.J., and return over same route except using access roads provided for use in such reverse direction leading from New Jersey Highway 208 to Russell Avenue, in Wyckoff, N.J., serving all intermediate points. (7) Between points in Wyckoff, N.J.; from junction Wyckoff Avenue and Russell Avenue, in Wyckoff, N.J., over Wyckoff Avenue to its junction with Grandview Avenue, thence over Grandview Avenue to its junction with access roads leading to New Jersey Highway 208, thence over access roads to New Jersey Highway 208 in Wyckoff, N.J., and return over same route except using access roads provided for use in such reverse direction leading from New Jersey Highway 208 to Grandview Avenue, in Wyckoff, N.J., serving all intermediate points.

NOTE: Applicant states it is presently authorized to operate over the before described routes 1, 2, and 3, pursuant to Certificate of Public Convenience and Necessity issued in Docket No. MC 228, Sub No. 25. Service on said routes is restricted to traffic moving to and from New York, N.Y., by way of the Lincoln Tunnel. The purpose of this application with respect to route Nos. 1, 2, and 3 is to eliminate the restriction so that applicant may also move traffic over said routes to and from New York City by way of the George Washington Bridge. Applicant has an application pending before the Interstate Commerce Commission in Docket No. MC 228 Sub No. 37, wherein it seeks authority to operate over the aforesaid route Nos. 4, 5, 6, and 7. The authority proposed in said Sub 37 application is restricted to traffic moving to and from New York by way of the Lincoln Tunnel. The purpose of this application with respect to the aforesaid route Nos. 4, 5, 6, and 7 is to obtain authority to use the aforesaid routes also to move traffic to and from New York City by way of the George Washington Bridge.

No. MC 228 (Sub-No. 41), filed July 18, 1962. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Waldwick, N.J., and junction Linwood Avenue and New Jersey Highway 17 at the Borough of Ridgewood-Borough of Paramus, N.J., boundary line, as follows: From junction New Jersey Highway 17 and Sheridan Avenue, in Waldwick, over Sheridan Avenue, to its junction with North Maple Avenue in Hohokus, N.J., thence over North Maple Avenue to its junction with Linwood Avenue, in Ridgewood, N.J., thence over Linwood Avenue to its junction with New Jersey Highway 17 at the Borough of Ridgewood-Borough of Paramus, N.J., boundary line, and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

No. MC 228 (Sub-No. 42), filed July 18, 1962. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Oakland, N.J., and Paramus, N.J., as follows: From junction U.S. Highway 202 and across roads leading to New Jersey Highway 208, in Oakland, over access roads to New Jersey Highway 208, thence over New Jersey Highway 208 to its junction with access roads leading to New Jersey Highway 4 in Fair Lawn, N.J., thence over access roads to New Jersey Highway 4, thence over New Jersey Highway 4 to its junction with access roads leading to New Jersey Highway 17, in Paramus, thence over access roads to New Jersey Highway 17, in Paramus, and return over the same route except using access roads provided for use in such reverse direction leading from New Jersey Highway 17 to New Jersey Highway 4, in Paramus, N.J., and leading from New Jersey Highway 4 to New Jersey Highway 208 in Fair Lawn, N.J., and leading from New Jersey Highway 208 to U.S. Highway 202 in Oakland, N.J., serving all intermediate points.

NOTE: Common control may be involved.

No. MC 668 (Sub-No. 76), filed March 26, 1962. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers in the same vehicle with passengers*, (1) between Lake Huntington, N.Y., and Narrowsburg, N.Y., from Lake Huntington (a point on applicant's present route), over N.Y. Highway 52, to junction N.Y. Highway 97, in the Town of Tusten, N.Y., thence over N.Y. Highway 97, to its junction with U.S. Highway 106, thence over U.S. Highway 106 to Narrowsburg, and return over the same route, serving all intermediate points, (2) between junction N.Y. Highway 97 and N.Y. Highway 52, in the Town of Tusten, N.Y., on the one hand, and, on the other, unnumbered highway leading to Neweiden, N.Y. (Ten Mile River Boy Scout Camps), from junction of N.Y. Highway 97, and N.Y. Highway 52, in the Town of Tusten, over N.Y.

Highway 97 to its junction with unnumbered Highway, over unnumbered Highway to Neweidon, N.Y. (Ten Mile River Boy Scout Camps), and return over the same route, serving all intermediate points.

NOTE: The above-described service is restricted to the season beginning June 15th and ending September 15th, inclusive, annually. It is further noted that common control may be involved. On June 14, 1962, this application was heard and continued to a time and place to be fixed by the Commission.

No. MC 668 (Sub-No. 80), filed April 16, 1962. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers*, in the same vehicle with passengers, between New York City, N.Y., and Babylon, N.Y., from New York City, over New York Highway 24 (also known as Long Island Expressway) to junction New York Highway 24 and access roads leading to Guinea Woods Road (also known as Glen Cove Road) near East Hills, N.Y., thence over such access roads to Guinea Woods Road, thence over Guinea Woods Road to junction Jericho Turnpike in North Hempstead, near Carl Place, thence over Jericho Turnpike to junction Mineola Boulevard, in Mineola, thence over Mineola Boulevard until it becomes Franklin Avenue at the Mineola-Garden City municipal line, thence over Franklin Avenue until it becomes North Franklin Street at the Hempstead-Garden City municipal line, thence over North Franklin Street to junction New York Highway 24A in Hempstead, thence over New York Highway 24A through Hempstead, Uniondale, East Meadow, Levittown, Plainedge, and Farmingdale, N.Y., to junction New York Highway 110 near East Farmingdale in Suffolk County, N.Y., thence over New York Highway 110 to junction New York Highway 27A in Amityville, N.Y., thence over New York Highway 27A to Babylon, and return over the same route (except that on such return westbound access roads from Guinea Woods Road to New York Highway 24 must be used) serving all intermediate points.

NOTE: Applicant proposes to segment the proposed route to its existing authority in MC 668 whereby it provides regular route service in the States of New Jersey and New York as set forth therein. Common control may be involved.

No. MC 668 (Sub-No. 82), filed April 18, 1962. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Midland Park and Wyckoff, N.J., as follows: From junction Central Avenue and Godwin Avenue in Midland Park, over Godwin Avenue to Wyckoff Municipal boundary line; thence over Godwin Avenue to junction Franklin Avenue; thence over Franklin Avenue to junction Wyckoff Avenue; thence over Wyckoff Avenue to junction Main Street; thence over Main Street to the New York, Susquehanna and Western Railroad station. Return from the New York, Susquehanna and Western Railroad station over Main Street to junction Franklin Avenue; and thence over Franklin Avenue and Godwin Avenue as described above to the point of beginning, serving all intermediate points.

NOTE: Common control may be involved.

No. MC 668 (Sub-No. 83), filed June 25, 1962. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broadway, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, between Hohokus, N.J., and New York, N.Y., from junction Sheridan Avenue, and Ardmore Road in Hohokus, over Sheridan Avenue, to the Hohokus-Ridgewood municipal line, where Sheridan Avenue, becomes North Maple Avenue, thence over North Maple Avenue, to junction Linwood Avenue, thence over Linwood Avenue, to junction New Jersey Highway 17 in Ridgewood, thence over New Jersey Highway 17 to junction New Jersey Highway 3 in Rutherford, thence over New Jersey Highway 3 to junction Depressed Highway in North Bergen, N.J., thence over Depressed Highway to junction Elevated Highway in Weehawken, N.J., thence over Elevated Highway to the Lincoln Tunnel Plaza, and thence through the Lincoln Tunnel to New York, N.Y., and return over the same route, restricted to intermediate points north of and including the junction of New Jersey Highway 17 and New Jersey Highway 4 in Paramus.

NOTE: Applicant states it is authorized to provide the service proposed between Hohokus, N.J., and New York, N.Y., via George Washington Bridge.

No. MC 1501 (Sub-No. 270), filed March 26, 1962. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express*, and *newspapers*, in the same vehicle with passengers, between Philadelphia, Pa., and the New Jersey Turnpike, serving no intermediate points nor the Interchanges, *except for traffic originating at or destined to points beyond Philadelphia, Pa., or New York, N.Y.*: (1) From Philadelphia over city streets and Delaware River Bridge to Camden, N.J., thence over New Jersey Highway 38 to junction New Jersey Highway 73 (formerly New Jersey Highway S41) thence over New Jersey Highway 73 via Camden-Philadelphia Interchange to the New Jersey Turnpike, and return over the same route; (2) from Philadelphia to Camden, N.J., as specified above, thence over New Jersey Highway 168 (formerly known as New Jersey Highway 42) via Woodbury-South Camden Interchange to the New Jersey Turnpike, and return over the same route.

NOTE: Applicant states the purpose of this application is to remove a restriction contained in MC 1501 (Sub-No. 92), which would permit applicant to pick up and discharge passengers on its described routes, which passengers have as their destination or origin, a point beyond Philadelphia, Pa., or New York, N.Y.

No. MC 3647 (Sub-No. 321), filed January 29, 1962. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in (1) Hudson, Essex, Passaic, Union and Morris Counties, N.J., (2) in Fort Lee, Englewood, Teaneck, and Hackensack, N.J., and (3) in that portion of Paramus along and south of Highway 4, N.J., and extending to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Washington, West Virginia, Wisconsin, Wyoming, and Alaska.

No. MC 3647 (Sub-No. 322), filed March 2, 1962. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Milltown and North Brunswick, N.J., from junction Main Street and Washington Avenue, Milltown, over Washington Avenue to junction Ryders Lane, East Brunswick, thence over Ryders Lane to the junction of U.S. Highway 1, North Brunswick, and return over the same route serving all intermediate points.

No. MC 3647 (Sub-No. 326), filed May 2, 1962. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) between Green Creek and Rio Grande, N.J., from Green Creek over New Jersey Highway 47 (formerly 49) to Rio Grande, and return over the same route, serving all intermediate points and (2) between Fishing Creek, N.J., and

Cape May, N.J., from Fishing Creek over unnumbered highways through North Cape May, Cold Spring, and West Cape May to Cape May, and return over the same routes, serving all intermediate points.

No. MC 3647 (Sub-No. 328), filed June 7, 1962. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Rahway, N.J., and Carteret, N.J.; from junction of Hart Street and Randolph Avenue in Rahway, over Randolph Avenue to Blazing Star Road, through Woodbridge, N.J., to Roosevelt Avenue in Carteret, thence over access roads leading to and from the New Jersey Turnpike at Interchange No. 12, and return over the same route, for operating convenience only, serving no intermediate points. RESTRICTION: Trips operated via New Jersey Turnpike and Carteret Interchange No. 12 on the No. 135 line from and to New York City shall be destined to or operated from, points south of Inman Avenue and St. George Avenue, Rahway, N.J.

No. MC 3647 (Sub-No. 329), filed July 27, 1962. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between points in Franklin Township, N.J. and Woodbridge, N.J.; (1) from New Brunswick-Franklin Township Municipal Line over Hamilton Street to junction Franklin Boulevard, thence over Franklin Boulevard to junction Easton Avenue, Franklin Township, and return over the same route, serving all intermediate points, (2) from junction Easton Avenue and Landing Lane (Landing Road), New Brunswick over Landing Lane (Landing Road) to junction River Road, Piscataway Township, thence over River Road to junction Metlars Lane, thence over Metlars Lane to junction Stelton Road, thence over Stelton Road to junction New Durham Road, thence over New Durham Road to the Metuchen-Edison Township Municipal Line, and return over the same route, serving all intermediate points, (3) from junction Weston Canal Road and Interstate Highway 287, Franklin Township, thence over Interstate Highway 287 to the junction New Jersey Turnpike, Edison Township, and return over the same route, serving all intermediate points, (4) from the junction Interstate Highway 287 and Stelton Road, Piscataway Township over Stelton Road to junction Metlars Lane, Piscataway Township, and return over the same route, serving all intermediate points, (5) from Metuchen-Edison Township Municipal Line, thence over Amboy Avenue to junction New Brunswick Avenue and King Georges Post Road, Woodbridge Township, and return over the same route, serving all intermediate points, (6) from junction Amboy Avenue-New Brunswick Avenue at King Georges Post Road, Woodbridge Township, thence over King Georges Post Road and New Jersey Highway 440 (West Pond Road) to junction U.S. Highway 9, Woodbridge Township, and return from junction U.S. Highway 9 and King Georges Post Road, Woodbridge Township thence over King Georges Post Road to junction Amboy Avenue-New Brunswick Avenue, Woodbridge Township, for operating convenience only, serving no intermediate points.

No. MC 3700 (Sub-No. 48), filed January 15, 1962. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, U.S. Highway 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Passaic, Bergen, and Essex Counties, N.J., and Jersey City, N.J., New York, Freeport, Hempstead Village, Lynbrook, Garden City, Mineola, New Hyde Park, Floral Park, Hicksville, East Patchogue, Bay Shore, Babylon, Huntington, and Huntington Station, N.Y., and extending to points in the United States, including Alaska (but excluding Connecticut, Delaware, Maine, Massachusetts, Maryland, North Carolina, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and the District of Columbia).

NOTE: Applicant states that some of its officers and stockholders are also officers and stockholders of Mohawk Coach Lines, Inc., MC 43267, and Westwood Transportation Lines, Inc., MC 3705.

No. MC 29890 (Sub-No. 27), filed April 16, 1962. Applicant: ROCKLAND COACHES, INC., 126 North Washington Avenue., Bergenfield, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in special operations, in round-trip sightseeing and pleasure tours beginning and ending at points in Bergen County, N.J., and Rockland County, N.Y., and extending to points in the United States (excluding Hawaii).

NOTE: Applicant states common control may be involved.

No. MC 78374 (Sub-No. 4), filed July 9, 1962. Applicant: THE CONNECTICUT COMPANY, a corporation, 470 James Street, New Haven, Conn. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and round-trip operations, beginning and ending at Hartford, Meriden, Wallingford, New Haven, and Stamford, Conn., and extending to the sites of Yankee Stadium and the Polo Grounds, New York, N.Y., during the baseball and football seasons.

NOTE: Applicant states that continuously since prior to the "grandfather" critical date it has performed service in special operations of the type here sought between the Connecticut points in question (except from Wallingford) and that part of New York in which lie the said Yankee Stadium and Polo Grounds and that under its "grandfather" application in No. MC 78374 it should have been granted explicit authority for the rendering of service of that type; that since the issuance by Division 5 of a compliance order dated June 29, 1942 (entitled "supplemental order") and since the issuance of its Certificate of Public Convenience and Necessity under date of November 17, 1942, applicant has understood that the term "round-trip sightseeing or pleasure tours" embraced service of the type for which authority is here sought and has acted in good faith upon that understanding; that proof in the instant application will include proof of the continuity of this type of service by applicant; and that the instant application (except as concerns Wallingford) is filed out of an abundance of caution for the sole reason that applicant's right to conduct operations of the said type has been challenged and it desires to remove any possible doubt as to its operating authority. Common control may be involved.

No. MC 78374 (Sub-No. 5), filed July 9, 1962. Applicant: THE CONNECTICUT COMPANY, a corporation, 470 James Street, New Haven, Conn. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip operations, beginning and ending at Hartford, Middletown, Meriden, and Wallingford, Conn., and extending to the sites of Aqueduct Racetrack, Belmont Park, Roosevelt Raceway, in Long Island, N.Y., and Yonkers Raceway, Yonkers, N.Y., during the racing season of each year.

NOTE: Applicant states that continuously since prior to the "grandfather" critical date it has performed service in special operations of the type here sought between the points in question (except from Middletown and Wallingford) and that part of New York in which lie the said race tracks and raceways and that under its "grandfather" application in No. MC 78374 it should have been granted explicit authority for the rendering of service of that type; that since the issuance by Division 5 of a compliance order dated June 29, 1942 (entitled "supplemental order") and since the issuance of its Certificate of Public Convenience and Necessity under date of November 17, 1942, applicant has understood that the term "round-trip sightseeing or pleasure tours" embraced service of the type for which authority is here sought and has acted in good faith upon that understanding; that proof in the instant application will include proof of the continuity of this type of service by applicant; and that the instant application (save as it concerns Middletown and Wallingford) is filed out of an abundance of caution for the reason that its right to conduct operations of the said type has been challenged and it desires to remove any possible doubt as to its operating authority. Common control may be involved.

No. MC 78374 (Sub-No. 6), filed July 9, 1962. Applicant: THE CONNECTICUT COMPANY, a corporation, 470 James Street, New Haven, Conn. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip operations, beginning and ending at points in Connecticut, and extending to the site of the World's Fair in Flushing Meadow Park, Flushing, N.Y., during the duration of the World's Fair.

NOTE: Applicant states that continuously since prior to the "grandfather" critical date it has performed special operations of the type here sought between the points of Hartford, New Haven, Meriden, Norwich, New London, and Stamford, Conn., and the described part of the State of New York, and that under its "grandfather" application in No. MC 78374 it should have been granted explicit authority for the rendering of service of that type; that since the issuance by Division 5 of a compliance order dated June 29, 1942 (entitled "supplemental order") and since the issuance of its Certificate of Public Convenience and Necessity under date of November 17, 1942, applicant has understood that the term "round-trip sightseeing or pleasure tours" embraced service of the type for which authority is here sought and has acted in good faith upon that understanding; that proof in the instant application will include proof of the continuity of this type of service by applicant; that the instant application (so far as concerns Hartford, New Haven, Meriden, Norwich, New London, and Stamford, Conn., as origin points of the described round trips) is filed out of an abundance of caution for the reason that its right to conduct operations of the said type has been challenged and it desires to remove any possible doubt as to its operating authority. Common control may be involved.

No. MC 108136 (Sub-No. 11), filed June 29, 1962. Applicant: VALLEY CAB COMPANY, INCORPORATED, Main Street, Moodus, Conn. Applicant's attorneys: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford 3, Conn., and Sidney Axelrod, 326 State Street, New London, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in nonscheduled, door-to-door service, limited to the transportation of not more than eight passengers in any one vehicle (not including the driver thereof, and not including children under 10 years of age, who do not occupy a seat or seats), between Branford and Madison, and points in Middlesex and New London Counties, Conn., on the one hand, and, on the other, points in Westchester and Nassau Counties, N.Y., and points in the New York, N.Y., Commercial Zone, as defined by the Commission.

NOTE: Applicant states it seeks no duplicating authority.

No. MC 109802 (Sub-No. 18), filed March 26, 1962. Applicant: LAKELAND BUS LINES, INC., York-Flynn Building, East Blackwell Street, Dover, N.J. Applicant's attorney: Bernard F. Flynn, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip operations, beginning and ending at points in Connecticut, and extending to the site of the World's Fair in Flushing Meadow Park, Flushing, N.Y., during the duration of the World's Fair.

NOTE: Applicant states that continuously since prior to the "grandfather" critical date it has performed special operations of the type here sought between the points of Hartford, New Haven, Meriden, Norwich, New London, and Stamford, Conn., and the described part of the State of New York, and that under its "grandfather" application in No. MC 78374 it should have been granted explicit authority for the rendering of service of that type; that since the issuance by Division 5 of a compliance order dated June 29, 1942 (entitled "supplemental order") and since the issuance of its Certificate of Public Convenience and Necessity under date of November 17, 1942, applicant has understood that the term "round-trip sightseeing or pleasure tours" embraced service of the type for which authority is here sought and has acted in good faith upon that understanding; that proof in the instant application will include proof of the continuity of this type of service by applicant; that the instant application (so far as concerns Hartford, New Haven, Meriden, Norwich, New London, and Stamford, Conn., as origin points of the described round trips) is filed out of an abundance of caution for the reason that its right to conduct operations of the said type has been challenged and it desires to remove any possible doubt as to its operating authority. Common control may be involved.

No. MC 108136 (Sub-No. 11), filed June 29, 1962. Applicant: VALLEY CAB COMPANY, INCORPORATED, Main Street, Moodus, Conn. Applicant's attorneys: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford 3, Conn., and Sidney Axelrod, 326 State Street, New London, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in nonscheduled, door-to-door service, limited to the transportation of not more than eight passengers in any one vehicle (not including the driver thereof, and not including children under 10 years of age, who do not occupy a seat or seats), between Branford and Madison, and points in Middlesex and New London Counties, Conn., on the one hand, and, on the other, points in Westchester and Nassau Counties, N.Y., and points in the New York, N.Y., Commercial Zone, as defined by the Commission.

NOTE: Applicant states it seeks no duplicating authority.

No. MC 109802 (Sub-No. 18), filed March 26, 1962. Applicant: LAKELAND BUS LINES, INC., York-Flynn Building, East Blackwell Street, Dover, N.J. Applicant's attorney: Bernard F. Flynn, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between New York, N.Y., and Babylon, N.Y., from New York over New York Highway 24 (Long Island Expressway) in Nassau County, N.Y., to junction with access roads leading to Guinea Woods Road, thence over access roads to Guinea Woods Road, thence over Guinea Woods Road to its junction with Jericho Turnpike, thence over Jericho Turnpike to its junction with Mineola Boulevard, in Mineola, N.Y., thence over Mineola Boulevard to its junction with Franklin Avenue, thence over Franklin Avenue through Garden City, N.Y., to its junction with North Franklin Street, thence over North Franklin Street to its junction with New York Highway 24A in Hempstead, N.Y., thence over New York Highway 24A through East Meadow, Levittown, Plainedge, and Farmingdale to its junction with New York Highway 110 in Suffolk County, N.Y., thence over New York Highway 110 to its junction with New York Highway 27A in Amityville, N.Y., thence over New York Highway 27A to Babylon, and return over the same route (except from Guinea Woods Road to New York Highway 24 using access roads provided for use in such reverse direction), serving all intermediate points.

No. MC 115116 (Sub-No. 9), filed July 13, 1962. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, (1) between Franklin Township, N.J., and New Brunswick, N.J.; from junction New Jersey Highway 27 and Franklin Boulevard, in Franklin Township, over Franklin Boulevard to New Brunswick, and return over the same route, serving all intermediate points, (2) between New Brunswick, N.J., and Metuchen, N.J.; from New Brunswick over Landing Road to its junction with River Road in Piscataway Township, N.J., thence over River Road to its junction with Metlers Lane, thence over Metlers Lane to its junction with Stelton Road, at the Plainfield-Piscataway municipal line, thence over Stelton Road to its junction with New Durham Road, at the South Plainfield-Piscataway municipal line, thence over New Durham Road to the South Plainfield-Edison Township-Piscataway municipal line, thence continuing over New Durham Road to Metuchen, and return over the same route, serving all intermediate points, (3) between Metuchen, N.J., and Edison Township, N.J.; from Metuchen over Amboy Avenue to its junction with Main Street in Edison Township, and return over the same route, serving all intermediate points.

NOTE: Applicant states that under its existing authority contained in Certificate of Public Convenience and Necessity, issued in Docket MC 115116, it is presently authorized to serve all streets and highways within the City of New Brunswick, New Jersey, and within the Borough of Metuchen, N.J.

No. MC 115891 (Sub-No. 2), filed May 1, 1962. Applicant: INTER-COUNTY MOTOR COACH, INC., 243 Deer Park Avenue, Babylon, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between New York, N.Y., and Babylon, N.Y., from New York over New York Highway 24 (Long Island Expressway) in Nassau County, N.Y., to junction with access roads leading to Guinea Woods Road, thence over access roads to Guinea Woods Road, thence over Guinea Woods Road to its junction with Jericho Turnpike, thence over Jericho Turnpike to its junction with Mineola Boulevard, in Mineola, N.Y., thence over Mineola Boulevard to its junction with Franklin Avenue, thence over Franklin Avenue through Garden City, N.Y., to its junction with North Franklin Street, thence over North Franklin Street to its junction with New York Highway 24A in Hempstead, N.Y., thence over New York Highway 24A through East Meadow, Levittown, Plainedge, and Farmingdale to its junction with New York Highway 110 in Suffolk County, N.Y., thence over New York Highway 110 to its junction with New York Highway 27A in Amityville, N.Y., thence over New York Highway 27A to Babylon, and return over the same route (except from Guinea Woods Road to New York Highway 24 using access roads provided for use in such reverse direction), serving all intermediate points.

No. MC 116921 (Sub-No. 3), filed July 17, 1962. Applicant: WEST FORDHAM TRANSPORTATION CORP., 439 West 203d Street, New York 34, N.Y. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in one way and round trip special operations between Stamford and Greenwich, Conn., on the one hand, and on the other, points in the Borough of Queens, including the World's Fair site, in the City of New York, N.Y.

No. MC 123577 (Sub-No. 6), filed April 30, 1962. Applicant: WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, (1) between junction Ratzer Road and Valley Road in Wayne Township, N.J., and junction Paterson and Hamburg Turnpike in Wayne Township, N.J., from junction Ratzer Road and Valley Road in Wayne Township, over Ratzer Road to junction Black Oak Ridge Road (also known as U.S. Highway 202) and New Jersey Highway 23 in Wayne Township, thence over Black Oak Ridge Road to junction Paterson and Hamburg Turnpike in Wayne Township, and return over the same route serving all intermediate points; and (2) between junction Jackson Avenue and Paterson and Hamburg Turnpike, in Wayne Township, N.J., and junction Paterson and Hamburg Turnpike in Wayne Township, N.J., from junction Jackson Avenue and Paterson and Hamburg Turnpike, in Wayne Township, over Jackson Avenue to junction Black Oak Ridge Road (also known as U.S. Highway 202), thence over Black Oak Ridge Road to junction Paterson and Hamburg Turnpike in Wayne Township, and return over the same route, serving all intermediate points.

NOTE: Applicant states that in order to avoid conflict between the proposed route service and its existing route service, and to enable applicant to segment the above-described route in (1) beginning at the junction of Ratzer Road and Valley Road in Wayne Township to its existing route at such junction (MC 123577 (Sub-No. 1), Sheet 2, alternate route for operating convenience only between Wayne Township and East Rutherford, N.J.), it is requested that applicant's present restriction on its existing route on Valley Road at the junction of Ratzer Road prohibiting the pickup or discharge of passengers be lifted. Common control may be involved.

No. MC 123577 (Sub-No. 7), filed May 4, 1962. Applicant: WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Warwick Village, N.Y., and West Milford Township, N.J., from Warwick Village, through Warwick Village and Township, over New York Highway 17A (also known as Galloway Road in Warwick) to junction New York Highway 94, thence through Warwick Township over New York Highway 94 to junction Warwick Turnpike (also known as New York County Highway 21), thence through Warwick Township over Warwick Turnpike across the New York-New Jersey State Line, through Vernon Township and through Upper Greenwood Lake in West Milford Township where the Warwick Turnpike is also known as Moe Road and New Jersey County Highway 153, to junction New Jersey County Highway 551, in West Milford Township, N.J., and return over the same routes, serving all intermediate points.

NOTE: Applicant states it proposes to segment the above routes to its existing routes between Warwick, N.Y., and West Milford, N.J., and New York, N.Y.

No. MC 123748 (Sub-No. 5), filed May 16, 1962. Applicant: CONNECTICUT LIMOUSINE SERVICE, INC., 156 Humphrey Street, New Haven, Conn. Applicant's attorney: Palmer S. McGee, Jr., 750 Main Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *air freight* in the same vehicle with passengers. (1) Between New Haven, Fairfield and Stamford, Conn., and Newark Airport, N.J., over the following route: Originating at the Taft Hotel, corner of Chapel Street and College Street, New Haven, Conn., proceeding over New Haven city streets to U.S. Interstate Highway 95 (also called the Connecticut Turnpike); thence over U.S. Interstate Highway 95 to Fairfield, Conn.; thence over Fairfield city streets and U.S. Interstate Highway 95 to Stamford, Conn.; thence over city streets and U.S. Interstate Highway 95 to the Connecticut-New York state line; thence over U.S. Interstate Highway 95 (also called the New England Thruway) to the New York City line; thence over New York city streets, boulevards, expressways and avenues to the Cross-Bronx Expressway; thence over the Cross-Bronx Expressway to the George Washington Bridge; thence over the George Washington Bridge and U.S. Highway 46 to the New Jersey Turnpike; thence over the New Jersey Turnpike to the Newark Airport Interchange, and return along a reverse of the foregoing route.

NOTE: Applicant proposes to inaugurate this proposed service immediately upon completion of the Cross-Bronx Expressway. Applicant further states that it proposes to coordinate and join the service proposed in this portion with operations conducted by it between New Haven, Conn., and New York International Airport (Idlewild), N.Y. and LaGuardia Airport, N.Y., and to transfer passengers and their baggage to and from vehicles used in its operations to and from the two New York airports.

(2) Between New London, Conn., metropolitan area and the LaGuardia Airport, N.Y., and New York International Airport, N.Y., as follows: Originating at New London, proceeding over city streets and U.S. Highway 1 (Connecticut Highway 95) to Interstate Highway 95 (also called the Connecticut Turnpike) to East Lyme, Conn.; thence over city streets and U.S. Interstate Highway 95 to Old Lyme, Conn.; thence over city streets and U.S. Interstate Highway 95 to Old Saybrook, Conn.; thence over city streets and U.S. Interstate Highway 95 to Westbrook, Conn.; thence over city streets and U.S. Interstate Highway 95 to Clinton, Conn.; thence over city streets and U.S. Interstate Highway 95 to Madison, Conn.; thence over city streets and U.S. Interstate Highway 95 to Guilford, Conn.; thence over city streets and U.S. Interstate Highway 95 to Branford, Conn.; thence over city streets and U.S. Interstate Highway 95 to New Haven, Conn.; thence over city streets and U.S. Interstate Highway 95 to Stratford, Conn.; thence over city streets and U.S. Interstate Highway 95 to Fairfield, Conn.; thence over city streets and U.S. Interstate Highway 95 to Stamford, Conn.; thence over city streets and U.S. Interstate Highway 95 to Connecticut-New York state line; thence over U.S. Interstate Highway 95 (also called the New England Thruway) to New York City, N.Y.; thence over city streets, boulevards, expressways and avenues and Whitestone Bridge, Throgs Neck Bridge or Triborough Bridge to La-Guardia Airport, and New York International (Idlewild) Airport, and return along a reverse of the foregoing route, serving the intermediate points of Waterford, Old Lyme, East Lyme, Old Saybrook, Westbrook, Clinton, Madison, Guilford, Branford, New Haven, Stratford, Fairfield, and Stamford, Conn.

NOTE: Applicant proposes to join and combine the proposed operation in this portion with its presently authorized operations at New Haven, Conn., or Fairfield, Conn.

(3) Between Hartford, Conn., and La Guardia Airport, N.Y., and New York International Airport, N.Y., as follows: Originating at Hartford, Conn., proceeding over city streets to U.S. Highway 5; thence over U.S. Highway 5 to Newington, Conn.; thence over U.S. Highway 5 to Berlin, Conn.; thence over U.S. Highway 5 and city streets to Meriden, Conn.; thence over city streets and U.S. Highway 5 to Wallingford, Conn.; thence over U.S. Highway 5 to North Haven, Conn.; thence over city streets and U.S. Highway 5 to Hamden, Conn.; thence over city streets and U.S. Highway 5 to New Haven, Conn.; thence over city streets to U.S. Interstate Highway 95 (also called the Connecticut Turnpike), to Stratford, Conn.; thence over city streets and U.S. Interstate Highway 95 to Fairfield, Conn.; thence over city streets and U.S. Interstate Highway 95 to Stamford, Conn.; thence over city streets and U.S. Interstate Highway 95 to Connecticut-New York state line; thence over U.S. Interstate Highway 95 (also called the New England Thruway) to New York City, N.Y.; thence over city streets, boulevards, expressways and avenues and Whitestone Bridge, Throgs Neck Bridge or Triborough Bridge to La Gaurdia Airport and New York International (Idlewild) Airport, and return along a reverse of the foregoing route, serving the intermediate points of Newington, Berlin, Meriden, Wallingford, North Haven, Hamden, New Haven, Stratford, Fairfield, and Stamford, Conn.

NOTE: Applicant states that upon completion of U.S. Interstate Highway 91, it proposes to use that highway and various city streets between Hartford, Conn. and the intersection of U.S. Interstate Highway 91 and U.S. Interstate Highway 95, to New Haven, Conn. Applicant further states that it proposes to join and combine this proposed operation with its presently authorized operations at New Haven and Fairfield, Conn.

(4) Applicant proposes to provide service from New London, Hartford and New Haven, Conn., to a stop located near the intersection of Northern Boulevard and Clearview Expressway, New York, N.Y., serving all intermediate points between Hartford and New Haven, Conn., and between New London and New Haven, Conn., also serving Fairfield and Stamford, Conn. The proposed route from Hartford to U.S. Interstate Highway 95 (also called the Connecticut Turnpike) at New Haven, Conn., is over U.S. Highway 5, and various city streets, as follows: Originating at Hartford, Conn., proceeding over city streets to U.S. Highway 5; thence over U.S. Highway 5 to Newington, Conn.; thence over U.S. Highway 5 to Berlin, Conn.; thence over U.S. Highway 5 and city streets to Meriden, Conn.; thence over city streets and U.S. Highway 5 to Wallingford, Conn.; thence over U.S. Highway 5 to North Haven, Conn.; thence over city streets and U.S. Highway 5 to Hamden, Conn.; thence over city streets and U.S. Highway 5 to New Haven, Conn.; thence over city streets to U.S. Interstate Highway 95 (also called the Connecticut Turnpike). Applicant's proposed route from New London to New Haven is over U.S. Highway 1 and U.S. Interstate Highway 95 (also called the Connecticut Turnpike) and various city streets as follows: Originating at New London,

Conn., proceeding over city streets and U.S. Highway 1 (Connecticut Highway 95) to Waterford, Conn.; thence over city streets and U.S. Interstate Highway 95 (also called the Connecticut Turnpike) to East Lyme, Conn.; thence over city streets and U.S. Interstate Highway 95 to Old Lyme, Conn.; thence over city streets and U.S. Interstate Highway 95 to Old Saybrook, Conn.; thence over city streets and U.S. Interstate Highway 95 to Westbrook, Conn.; thence over city streets and U.S. Interstate Highway 95 to Clinton, Conn.; thence over city streets and U.S. Interstate Highway 95 to Madison, Conn.; thence over city streets and U.S. Interstate Highway 95 to Guilford, Conn.; thence over city streets and U.S. Interstate Highway 95 to Branford, Conn.; thence over city streets and U.S. Interstate Highway 95 to New Haven, Conn. Applicant's proposed route from New Haven, Conn. to the intersection of Northern Boulevard and Clearview Expressway, New York, N.Y., is over U.S. Interstate Highway 95 (also called the Connecticut Turnpike and the New England Thruway) and various city streets, as follows: Originating at New Haven, Conn.; proceeding over New Haven city streets to U.S. Interstate Highway 95 (also called the Connecticut Turnpike); thence over U.S. Interstate Highway 95 to Fairfield, Conn.; thence over Fairfield city streets and U.S. Interstate Highway 95 to Stamford, Conn.; thence over Stamford city streets and U.S. Interstate Highway 95 to the Connecticut-New York state border; thence over U.S. Interstate Highway 95 (also called the New England Thruway) to New York, N.Y.; thence over New York city streets, boulevards, expressways and avenues, and Whitestone Bridge, Throgs Neck Bridge or Triborough Bridge to a stop located near the intersection of Northern Boulevard and Clearview Expressway; and return along a reverse of the foregoing routes.

NOTE: Applicant states that upon completion of U.S. Interstate Highway 91, it proposes to use that highway and various city streets between Hartford and the intersection of U.S. Interstate Highway 91 and U.S. Interstate Highway 95 at New Haven. Applicant further states that it proposes to coordinate and join the services proposed in this application with operations conducted by it between New Haven and Waterbury, Conn. (and various intermediate points) and New York International Airport (Idlewild), and La Guardia Airport, and to transfer passengers and their baggage to and from vehicles used in its operations to and from the two New York airports.

NOTE: Applicant states that in this application it seeks to change its present operations by removal of the restriction which limits it to carrying passengers having an immediately prior or immediately subsequent movement by air. If this portion of this application is granted, applicant will continue to serve the same points over the same routes, and will transport visitors to the airports, friends of air travelers, air terminal employees, etc.

No. MC 123833 (Sub-No. 3), filed July 3, 1962. Applicant: THAMES VALLEY TRANSPORTATION, INC., 385 Central Avenue, Norwich, Conn. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *package express, newspapers*, and *mail* in the same vehicles with passengers. (1) Between Norwich, Conn., and the La Guardia and Idlewild Airports in New York, N.Y.; (a) from Norwich, Conn., over city streets to and over Interstate Highway 95 to New York, N.Y., thence over city streets and Whitestone, Throggs Neck Bridge or Triborough Bridge to the La Guardia and Idlewild Airports; (b) from Norwich, Conn. over city streets to and over Connecticut Highway 32 to New London, Conn., thence over city streets to and over U.S. Highway 1, to and over Interstate Highway 95 to New York, thence over city streets and Whitestone, Throggs Neck or Triborough Bridge to the La Guardia and Idlewild Airports; and (c) from Norwich, Conn., over city streets, to and over Connecticut Highway 12 to Groton, Conn., thence over city streets to U.S. Highway 1 and Interstate Highway 95, to New London, thence over city streets, to and over U.S. Highway 1 and Interstate Highway 95 to New York, thence over city streets and Whitestone, Throggs Neck or Triborough Bridge to the La Guardia and Idlewild Airports, and return over the above-described routes, serving the intermediate points of Waterford, Old Lyme, East Lyme, Old Saybrook, Westbrook, Clinton, Madison, Guilford, and Branford, Conn., (2) Between Norwich, Conn., and the Newark Airport: (a) from Norwich, over city streets to and over Interstate Highway 95, to New York, N.Y., thence over city streets, to and over Cross Bronx Expressway, to and over George Washington Bridge, to and over U.S. Highway 46, to and over New Jersey Turnpike to Newark Airport: (b) from Norwich, Conn., over city streets, to and over Connecticut Highway 32 to New London, Conn., thence over city streets, to and over U.S. Highway 1, to and over Interstate Highway 95 to New York, thence over city streets to and over Cross Bronx Expressway, to and over George Washington Bridge to and over U.S. Highway 46, to and over New Jersey Turnpike to Newark Airport; and (c) from Norwich, Conn., over city streets to and over Connecticut Highway 12 to Groton, Conn., over city streets to U.S. Highway 1 and Interstate Highway 95, to New London, Conn., thence over city streets to U.S. Highway 1 and Interstate Highway 95, to New York, thence over city streets to and over Cross Bronx Expressway, to and over George Washington Bridge, to and over U.S. Highway 46 to and over New Jersey Turnpike to Newark Airport, and return over the above-described routes, serving the intermediate points of Waterford, Old Lyme, East Lyme, Old Saybrook, Westbrook, Clinton, Madison, Guilford, and Branford, Conn.

No. MC 124108 (Sub-No. 1), filed July 5, 1962. Applicant: LOUIS MORGILLO, 179 Valley Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, in limousine-type vehicles limited to six passengers, excluding the driver in any one vehicle, between East Haven, New Haven, Branford, West Haven, and Bethany, Conn. (referred to as the Greater New Haven Area), on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission.

No. MC 124372, filed April 13, 1962. Applicant: BROWN'S CONNECTICUT AIRPORT SERVICE, INC., 20 Clark Hill Avenue, Stamford, Conn. Applicant's representative: Charles H. Trayford, 220 East 42nd Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, personal effects and pets*, between Stratford, Derby, Westport, Darien, New Canaan, Stamford, and Greenwich, Conn., on the one hand, and, on the other, La Guardia Airport, New York, N.Y., and International Airport, New York, N.Y.

NOTE: Applicant states the proposed service will be limited to persons having prior or subsequent transportation by air.

No. MC 124625, filed July 19, 1962. Applicant: EARL O'BRIEN, doing business as ACADEMY LIMOUSINE SERVICE, 2357 Main Street, Stratford, Conn. Applicant's attorney: Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in door-to-door sedan service, between Stratford and Norwalk, Conn., on the one hand, and, on the other, points in Massachusetts, Rhode Island, New York, New Jersey, and Connecticut.

NOTE: Applicant's attorney advises that the vehicles used will be limited to Sikorsky Aircraft Division of United Aircraft and the Norden Division of United Aircraft.

No. MC 124637, filed July 25, 1962. Applicant: SUBURBAN LIMOUSINE SERVICE, INC., 2601 Henry Hudson Parkway, Riverdale, N.Y. Applicant's attorney: Sidney J. Leshin, 608 Fifth Avenue, New York 20, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* (flight crews of Trans-Caribbean Airlines and Riddle Air Lines, Inc., pursuant to contract with said airlines), (1) from Idlewild International Airport, New York, N.Y., to Maguire Air Force Base, N.J., and (2) between LaGuardia Airport, New York, N.Y., and Maguire Air Force Base, N.J.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-8151; Filed, Aug. 14, 1962; 8:52 a.m.]

[Notice 465]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 10, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1422 (Sub-No. 28), filed August 8, 1962. Applicant: VOSS TRUCK LINES, INC., 2311 Butler Street, P.O. Box 35707, Dallas, Tex. Applicant's attorney: Hugh T. Matthews, 2130 Fidelity Union Tower, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Village of Champ, Mo. (also known as Champ Industrial Village) as an off-route point in connection with applicant's authorized regular route operations.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 2350 (Sub-No. 4) (CORRECTION), filed July 20, 1962, published FEDERAL REGISTER, issue of August 8, 1962, and republished, as corrected, this issue. Applicant: MARIE MORRIS, doing business as VANDALIA TRANSFER CO., U.S. Route 51, Vandalia, Ill. Applicant's representative: R. W. Burgess, 1508 Papin Street, St. Louis 3, Mo. Notice of the filing of the above application was published in the FEDERAL REGISTER, issue of August 8, 1962. This republication is for the purpose of correcting the designation of the highway shown as "U.S. Highway 70" which should have been shown as "Interstate Highway 70".

HEARING: Remains as assigned September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 2401 (Sub-No. 22), filed August 6, 1962. Applicant: MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) serving the Village of Champ, Mo., also known as Champ Industrial Village as an off-route point in connection with applicant's authorized routes to serve St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 13123 (Sub-No. 29), filed August 6, 1962. Applicant: WILSON FREIGHT FORWARDING COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio. Applicant's attorney: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Champ, Mo., also known as Champ Industrial Village, as an off-route point in connection with applicant's authorized regular route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 26012 (Sub-No. 1), filed May 17, 1962. Applicant: NELSON J. HUSKE, doing business as N. J. HUSKE, Hazel Green, Wis. Applicant's attorney: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, from points in Dubuque County, Iowa, to points in Grant and Lafayette Counties, Wis., (2) *sand, and gravel*, between points in Dubuque County, Iowa, on the one hand, and, on the other, points in Grant, and Lafayette Counties, Wis., and (3) *coal*, from points in JoDaviess County, Ill., to points in Grant, and Lafayette Counties, Wis.

HEARING: October 24, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111.

No. MC 29910 (Sub-No. 57), filed August 6, 1962. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), serving Champ, Mo., also known as Champ Industrial Village, as an off-route point in connection with applicant's authorized regular route operations.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 30887 (Sub-No. 121) (AMENDMENT), filed June 26, 1962, published FEDERAL REGISTER issue, of July 25, 1962, amended August 3, 1962, and republished, as amended, this issue. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, in tank vehicles, from Port Deposit and Havre de Grace, Md., and points within twenty (20) miles of each to points in Delaware and Maryland, those in New Jersey, on and south of New Jersey Highway 33, and those in Pennsylvania on and east of U.S. Highway 219.

NOTE: The purpose of this republication is to show the additional origin points.

HEARING: Remains as assigned September 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 41432 (Sub-No. 88), filed August 8, 1962. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 623 North Washington, P.O. Box 26040, Dallas, Tex. Applicant's attorney: Hugh T. Matthews, 2130 Fidelity Union Tower, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Ammunition* (explosive, incendiary, or gas, smoke or tear producing), *manufactured ingredients and component parts of ammunition*, and *general commodities* (except those of unusual value, explosives (other than ammunition and manufactured ingredients and component parts of ammunition as specified above), livestock, rock, gravel, sand, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Village of Champ, Mo. (also known as Champ Industrial Village) as an off-route point in connection with applicant's authorized regular route operations.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. 41700 (Sub No. 1), filed June 29, 1962. Applicant: STEEL CITY TRUCK SERVICE, INC., 155 National Road, Triadelphia, W. Va. Applicant's representative: D. L. Bennett, 309 Methodist Building, Wheeling, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities*, such as are transported in dump vehicles, between Martins Ferry, Ohio, Wheeling, W. Va., and points in Marshall County, W. Va., on the one hand, and on the other, points in Muskingum County, Ohio.

HEARING: October 9, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 61.

No. MC 42487 (Sub-No. 554), filed May 25, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: R. E. Poelman, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between junction U.S. Highways 40 and 95 (approximately 33 miles north of Fallon, Nev.) and Los Angeles, Calif.; from junction U.S. Highways 40 and 95 (approximately 33 miles north of Fallon, Nev.) over U.S. Highway 95 to junction Nevada Highway 10 (approximately four (4) miles south of Sodaville, Nev.) thence over Nevada Highway 10 to junction U.S. Highway 6 (at or near Basalt, Nev.), thence over U.S. Highway 6 to Los Angeles, and return over the same

route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (2) between junction U.S. Highway 40 and Nevada Highway 8A (at Battle Mountain, Nev.) and Los Angeles, Calif.: from junction U.S. Highway 40 and Nevada Highway 8A (at Battle Mountain, Nev.) over Nevada Highway 8A to junction U.S. Highway 6 (approximately six (6) miles east of Tonopah, Nev.), thence over U.S. Highway 6 to Los Angeles, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

HEARING: October 15, 1962, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78.

No. MC 43421 (Sub-No. 27), filed August 1, 1962. Applicant: DOHRN TRANSPORT COMPANY, a corporation, Robinson Building, Rock Island, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Champ, Mo., Industrial Village as an off-route point in connection with applicant's authorized regular route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 50069 (Sub-No. 260), filed August 3, 1962. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irrregular routes, transporting: *Chemicals and liquid plastics*, in bulk, in tank vehicles, from Lemont, Ill., to points in Indiana, Michigan, Ohio, Wisconsin, and Tennessee.

HEARING: September 20, 1962, at the Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 55236 (Sub-No. 62), filed August 6, 1962. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer compounds*, in bulk, and in bags, from Marseilles, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: September 17, 1962, at the Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 59680 (Sub-No. 135) (CORRECTION), filed July 30, 1962, published FEDERAL REGISTER, issue of August 8, 1962, and republished, as corrected, this issue. Applicant: STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas 2, Tex. Applicant's representative: R. W. Burgess, 1507 Papin Street, St. Louis, Mo. Notice of the filing of the above application was published in the FEDERAL REGISTER, issue of August 8, 1962. This republication is for the purpose of correcting the designation of the highway shown as "U.S. Highway 70" which should have been shown as "Interstate Highway 70."

HEARING: Remains as assigned September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 60118 (Sub-No. 1) (AMENDMENT), filed April 30, 1962, published FEDERAL REGISTER, issue of July 11, 1962, amended July 31, 1962, and republished, as amended, this issue. Applicant: WILKERSON FREIGHT LINE, INC., P.O. Box 308, Moss Point, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, bulk commodities, household goods as defined in *Practices of Motor Common Carriers of Household Goods* 17 M.C.C. 467 and commodities requiring special equipment), (1) from Pascagoula, Miss., to Hurley, Miss.; from Pascagoula over U.S. Highway 90 to its junction with Mississippi Highway 63, thence over Mississippi 63 to its junction with Mississippi Highway 613 to Hurley, serving all intermediate points and off-route point of Wade, Miss., and (2) between Hurley, Miss., and Mobile, Ala.; over unnumbered Mississippi Highway from Hurley to Mississippi-Alabama State line, thence over unnumbered Alabama Highway to Mobile, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations between Mobile, Ala., and Pascagoula, Miss.

NOTE: The purpose of the republication is to exclude "commodities requiring special equipment."

HEARING: Remains as assigned September 28, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14.

No. MC 61403 (Sub-No. 79), filed June 14, 1962. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from points in Madison County, Ala., to points in Kentucky.

NOTE: Common control may be involved.

HEARING: September 21, 1962, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 284, or, if the Joint Board waives its right to participate, before Examiner Louis G. La Vecchia.

No. MC 67200 (Sub-No. 15), filed April 27, 1962. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., 5 Hart Street, West Haven, Conn. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between New Haven and West Haven, Conn., on the one hand, and on the other points in Connecticut.

HEARING: September 18, 1962, at the Statler Hilton Hotel, Hartford, Conn., before Joint Board No. 227, or, if the Joint Board waives its right to participate before Examiner W. Elliott Neffen.

No. MC 67818 (Sub-No. 67), filed July 27, 1962. Applicant: MICHIGAN EXPRESS, INC., 505 Monroe Avenue NW., Grand Rapids, Mich. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and commodities in bulk), serving the Village of Champ, Mo., also known as Champ Industrial Village as an off-route point in connection with regularly authorized routes of Chicago-St. Louis Express, Inc., in Docket MC 52877 and Subs, being operated by applicant pursuant to temporary authority in MC-F-6683.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 69116 (Sub-No. 69), filed August 3, 1962. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Village of Champ, Mo. (also known as Champ, Mo., Industrial Village), as an off-route point in connection with applicant's authorized regular-route operations.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 69116 (Sub-No. 70), filed August 3, 1962. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of the Singer Sewing Machine Co. at Warwick, N.Y., as an off-route point in connection with applicant's authorized regular-route operations.

HEARING: September 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner W. Elliott Neffen.

No. MC 70451 (Sub-No. 241), filed August 8, 1962. Applicant: WATSON-WILSON TRANSPORTATION SYSTEM, INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Champ, Mo., Industrial Village as an off-route point in connection with applicant's regular route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 74857 (Sub-No. 7), filed June 27, 1962. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 1111 West Court Street, Cincinnati 3, Ohio. Applicant's attorney: Leonard D. Slutz, 900 Tri-State Building, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump trucks, from points in Hamilton County, Ohio, to points in Kentucky (except points in Anderson, Boone, Bourbon, Bath, Bracken, Campbell, Carroll, Clark, Franklin, Fayette, Fleming, Gallatin, Grant, Harrison, Henry, Jefferson, Kenton, Madison, Mason, Montgomery, Nicholas, Oldham, Owen, Pendleton, Robertson, Rock Castle, Rowan, Scott, Shelby, Trimble, and Woodford Counties), and *refused and rejected shipments*, on return.

NOTE: Applicant states the proposed operation is for the accounts of Hardy Salt Co., Diamond Crystal Salt Co., and Morton Salt Co. Applicant further states authority is presently held to serve the foregoing named counties and the purpose of this application is to extend existing authorities so that any point in the State of Kentucky can be served.

HEARING: October 9, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37.

No. MC 85472 (Sub-No. 1), filed May 10, 1962. Applicant: BRADDOCK MOTOR FREIGHT, INC., P.O. Box 111, Washington Court House, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). (1) Between Columbus, Ohio, and Portsmouth, Ohio, serving no intermediate points: From Columbus to Portsmouth over U.S. Highway 23, and return over the same route. (2) Between Portsmouth, Ohio, and Cincinnati, Ohio, serving no intermediate points: From Portsmouth to Cincinnati over U.S. Highway 52 and return over the same route. (3) Between Columbus, Ohio, and Hillsboro, Ohio, serving all intermediate points: From Columbus to Washington Court House, over Ohio Highway 3 or U.S. Highway 62, thence over U.S. Highway 62 to Hillsboro, and return over the same route. (4) Between Washington Court House, Ohio, and Greenfield, Ohio, serving no intermediate points: From Washington Court House to Greenfield over Ohio Highway 70 and return over the same route. (5) Between Washington Court House, Ohio, and Chillicothe, Ohio, serving no intermediate points: From Washington Court House over Ohio Highway 35 to Chillicothe, and return over the same route. (6) Between Greenfield, Ohio, and Hillsboro, Ohio, serving no intermediate points: From Greenfield, over Ohio Highway 138 to Hillsboro, and return over the same route. (7) Between Hillsboro, Ohio, and Portsmouth, Ohio, serving no intermediate points: From Hillsboro over Ohio Highway 73 to the junction of U.S. Highway 52 to Portsmouth, and return over the same route. (8) Between Cincinnati, Ohio, and Greenfield, Ohio, serving the intermediate point of Leesburg, Ohio: From Cincinnati over Ohio Highway 28 to Greenfield, and return over the same route. (9) Between Cincinnati, Ohio, and Washington Court House, Ohio, serving no intermediate points: From Cincinnati over Ohio Highway 3 or U.S. Highway 22 to Washington Court House, and return over the same route. (10) Between the junction of Ohio Highway 28 and U.S. Highway 68 to Wilmington, Ohio, serving no intermediate points: From the junction of Ohio 28 and U.S. 68, over U.S. Highway 68 to Wilmington, and return over the same route. (11) Between Portsmouth, Ohio, and McDermott, Ohio, serving no intermediate points: From Portsmouth over U.S. Highway 52 to its junction with Ohio Highway 73, thence over Ohio Highway 73 to junction with unnamed county road, thence over the unnamed county road to McDermott, and return over the same route. (12) Between Columbus, Ohio, and the junction of Interstate Highway 71 and U.S. Highway 62 serving no intermediate points: From Columbus over Interstate Highway 71 to its junction with U.S. Highway 62, and return over the same route.

NOTE: Applicant requests that upon issuance of the authority sought herein, its authority in the State of Ohio under the Second Proviso be cancelled.

HEARING: October 12, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37.

No. MC 95540 (Sub-No. 443), filed July 13, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* as defined by the Commission, from Denison and Fort Dodge, Iowa, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states it is under common control with Arctic Express, Inc., through stock ownership in Bill Watkins and Watkins Motor Lines, Inc.

HEARING: September 19, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James O'D. Moran.

No. MC 96498 (Sub-No. 17) (CORRECTION), filed July 20, 1962, published FEDERAL REGISTER, issue of August 8, 1962, and republished, as corrected this issue. Applicant: BONIFIELD BROTHERS TRUCK LINES, INC., 1200 East Second Street, Metropolis, Ill. Applicant's representative: R. W. Burgess, 1507 Papin Street, St. Louis 3, Mo. Notice of the filing of the above application was published in the FEDERAL REGISTER, issue of August 8, 1962. This republication is for the purpose of correcting the designation of the highway shown as "U.S. Highway 70" which should have been shown as "Interstate Highway 70".

HEARING: Remains as assigned September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 104654 (Sub-No. 130), filed July 23, 1962. Applicant: COMMERCIAL TRANSPORT, INC., P.O. Box 297, Belleville, Ill. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Evansville, Ind., to points in Illinois.

HEARING: October 17, 1962, at the Midland Hotel, Chicago Ill., before Joint Board No. 1.

No. MC 105813 (Sub-No. 64) (REPUBLICATION), filed April 18, 1962, published FEDERAL REGISTER, issue of July 18, 1962, and republished this issue. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Norman J. Bolinger, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and citrus products* (except frozen and canned), from points in Alabama, Florida, and Georgia, to points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

NOTE: Common control may be involved. The purpose of this republication is to show that this application, previously dismissed July 24, 1962, has been reopened and reinstated for hearing.

HEARING: September 20, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner Warren C. White.

No. MC 105813 (Sub-No. 73), filed August 3, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, from Charleston, S.C., Tampa, Miami, West Palm Beach, and Port Everglades, Fla., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 106022 (Sub-No. 7), filed June 29, 1962. Applicant: V. B. MORGAN CO., a corporation, P.O. Box 547, Barstow, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Colemanite* (borate ore), in bulk and sacks, from Ryan and Shoshone, Calif., and points within ten (10) miles thereof, to Mercury, Nev., and points within fifteen (15) miles thereof, and *empty sacks*, on return.

HEARING: October 16, 1962, at the Nevada Public Service Commission Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78.

No. MC 106233 (Sub-No. 9), filed August 7, 1962. Applicant: GORDON HART, doing business as GORDON HART TRUCK LINE, Dexter, Mo. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and commodities which are injurious or contaminating to other lading), serving the Village of Champ, Mo., also known as Champ Industrial Village, as an off-route point in connection with applicant's authorized regular route operations.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 107500 (Sub-No. 63), filed July 2, 1962. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: James A. Gillen, 547 West Jackson Boulevard, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment), between Peoria and Chicago, Ill., from Peoria over U.S. Highway 24 to the junction U.S. Highway 24 and U.S. Highway 66 at Chenoa, Ill., thence over U.S. Highway 66 to Chicago, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's regular-route authority between Peoria and Chicago, Ill.

NOTE: Applicant states it holds, under MC 107500 Sub-51, authority to operate over U.S. Highway 66 from Chicago, Ill., to Springfield, Ill., as an alternate route. Applicant further states it is a wholly owned subsidiary of the Chicago, Burlington, and Quincy Railroad Company.

HEARING: October 18, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 107500 (Sub-No. 64), filed July 24, 1962. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: Thomas J. Houser, 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Iron and steel articles, mill or fabricating plant raw materials and supplies, centering lumber, erection braces, their accessories and fittings*, between Chicago, Ill., and the sites of the Lemont Manufacturing Corp. and the Ceco Steel Products Corp. plants located near Lemont, Ill.; from Chicago over U.S. Highway 66 to its junction with Illinois Highway 83, thence over Illinois Highway 83 to its junction with Chicago-Joliet Road; thence over Chicago-Joliet Road and private road to Lemont Manufacturing Corp. plant and Ceco Steel Products Corp. plant (also from Chicago over Illinois Highway 42–A to its junction with Illinois Highway 4–A; thence over Illinois Highway 4–A to its junction with Chicago-Joliet Road; thence over Chicago-Joliet Road and private road to Lemont Manufacturing Corp. plant and Ceco Steel Products Corp. plant), and return over the same routes, serving no intermediate points.

NOTE: Applicant states it is a wholly owned subsidiary of the Chicago, Burlington and Quincy Railroad Company.

HEARING: October 15, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 108053 (Sub-No. 39) (AMENDMENT), filed May 29, 1962, published FEDERAL REGISTER, issue of July 25, 1962, and republished August 1, 1962, amended August 7, 1962 and republished as amended this issue. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 310, Fremont, Nebr. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Clovis, N. Mex., and points within five (5) miles thereof, to points in Arizona, California, Colorado, Utah, Nevada, Oregon, Washington, Idaho, Montana, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Arkansas, Oklahoma, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Delaware, Maryland, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Kentucky, Virginia, West Virginia, and Washington, D.C.

NOTE: Common control may be involved. The purpose of this republication is to add 19 States and the District of Columbia.

HEARING: Remains as assigned September 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 109490 (Sub-No. 6), filed May 16, 1962. Applicant: H. W. HEDING, doing business as HEDING TRUCK SERVICE, Union Center, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Clifton, Hill Point, Hub City, Germantown, Hustler, Rockbridge, Lime Ridge, Loganville, Loyd, Valley, Rockton, Mount Tabor, St. Marys, Wis., and the Sauk County Farm located on the Wisconsin Highway 23 approximately five (5) miles south of Reedsburg, Wis., from Madison over U.S. Highway 12 to junction Wisconsin Highway 33, thence over Wisconsin Highway 33 to Union Center, thence over Wisconsin Highway 80 to Elroy, and thence over Wisconsin Highway 71, to Norwalk, and return over the same route, serving the off-route points as shown above, in connection with applicant's presently authorized regular-route operations between Madison and Norwalk, Wis.

HEARING: October 22, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 109637 (Sub-No. 208), filed July 30, 1962. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aliphatic and aromatic petroleum solvents*, in bulk, in tank vehicles from plant side of American Mineral Spirits Company, at or near Lemon, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

HEARING: September 18, 1962, at the Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 110525 (Sub-No. 519), filed June 25, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal or vegetable fats and oil products*, in bulk, in tank vehicles, from Cincinnati, Ohio, to Mishawaka, Ind.

HEARING: October 10, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 110789 (Sub-No. 2), filed December 12, 1961. Applicant: JOHN MARSHALL PHILLIPS, doing business as J. MARSHALL PHILLIPS, R.D. No. 3, Laurel, Del. Applicant's attorney: Paul R. Reed, Georgetown, Del. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides, pesticides*, and *herbicides* and *fertilizer spreaders*, from the site of the Armour & Co. plant located at Baltimore, Md., to points in Delaware and Maryland east of the Susquehana River and Chesapeake Bay including points in Delaware and points in Cecil, Kent, Queen Annes, Caroline, Talbot, Dorchester, Wicomico, and Worcester Counties, Md.

HEARING: September 26, 1962, at the Court Room County Court House, Salisbury, Md., before Joint Board No. 40, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 111434 (Sub-No. 39) (Amendment), filed May 4, 1962, published in FEDERAL REGISTER issue of August 1, 1962, republished this issue as amended July 30, 1962. Applicant: DON WARD, INC., P.O. Box 1488, Durango, Colo. Applicant's attorney: Peter J. Crouse, Equitable Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pozzolan*, in bulk, from Laramie, Wyo., to points in Colorado, points in Nebraska on and west of U.S. Highway 83, and points in New Mexico on and north of U.S. Highway 66, and *rejected shipments* of commodities specified above, on return.

NOTE: The purpose of this republication is to specify that points both on and north of U.S. Highway 66 in New Mexico will be served.

HEARING: Remains as assigned September 21, 1962, at the New Customs House, Denver, Colo., before Examiner Alton R. Smith.

No. MC 112617 (Sub-No. 122) (REPUBLICATION), filed July 6, 1962, published FEDERAL REGISTER, issue of July 25, 1962, and republished this issue assigning new hearing date. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from the terminal of Warren Petroleum Company, at or near Crossville, Ill., to points in Indiana, Kentucky, Ohio, and Tennessee, and (2) from the terminal of Mid America pipeline near Farmington, Ill., to points in Indiana, Kentucky, Ohio, and Tennessee.

HEARING: September 21, 1962, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner Louis G. LaVecchia.

No. MC 112617 (Sub-No. 124), filed August 6, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Cleves, Ohio, to points in Indiana, Kentucky, and West Virginia, and *rejected shipments*, on return.

HEARING: September 21, 1962, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner Louis G. LaVecchia.

No. MC 113325 (Sub-No. 16), (CORRECTION) filed March 28, 1962, published in FEDERAL REGISTER, issue of July 25, 1962, republished this issue as corrected August 9. Applicant: SLAY TRANSPORTATION CO., INC., 718 South Seventh Street, St. Louis, Mo.

NOTE: The previous notice of filing showed Saint Genevieve County, Mo., as an origin area. The county should have been shown as Sainte Genevieve.

HEARING: Remains as assigned September 17, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner Alvin H. Schutrumpf.

No. MC 114019 (Sub-No. 91), filed May 14, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow and grease*, inedible, in bulk, in tank vehicles, from points in Wisconsin to Dubuque, Iowa.

HEARING: October 25, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111.

No. MC 114918 (Sub-No. 1), filed May 7, 1962. Applicant: WAYNE TAYLOR AND WALTER LAMBERT, a partnership, doing business as TAYLOR & LAMBERT, Esmond, Ill. Applicant's attorney: Ralph H. Haen, 620 Empire Building, Rackford, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizers*, in bulk and in bags, (a) from Madison, Wis., to points in Winnebago, Boone, McHenry, Stephenson, Ogle, Lee, De Kalb, Kane, Bureau, and Whiteside Counties, Ill., and (b) from points in the Chicago, Ill., Commercial Zone, to points in Walworth, Rock, Green, LaFayette, Grant, Jefferson, Dane, and Iowa Counties, Wis.; (2) *Commercial feeds, animal and livestock*, in bags and bulk, from Burlington, Wis., to points in McHenry, Boone, Winnebago, Stephenson, Jo Davies, Carroll, Ogle, De Kalb, Lee, Bureau, and Kane Counties, Ill., and (3) *rejected and refused shipments* of the commodities specified in (1) and (2) above, on return.

HEARING: October 26, 1962, at the Wisconsin Public Service Commission, Madison, Wisconsin, before Joint Board No. 17.

No. MC 115322 (Sub-No. 33), filed August 8, 1962. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, P.O. Box 489, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Charleston, S.C., and Savannah, Ga., to points in Ohio, West Virginia, and Virginia (except Richmond, Smithfield, Norfolk, and Cheatham Annex, Va.).

HEARING: September 13, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William R. Tyers.

No. MC 115331 (Sub-No. 29), filed August 8, 1962. Applicant: TRUCK TRANSPORT, INC., Room 719, Buder Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers, fertilizer compounds and fertilizer ingredients*, in bulk and in bags, from Marseilles, Ill., and points within five miles thereof, to points in Indiana, Iowa, Illinois, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, *rejected and returned shipments, and exempt commodities*, on return.

HEARING: September 17, 1962, at the Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 120543 (Sub-No. 5), filed August 6, 1962. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. 301, North, Dade City, Fla. Applicant's attorney: Lawrence D. Fay, 512 Barnett National Bank Building, P.O. Box 1086, Jacksonville 1, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, and *exempt commodities*, on return. RESTRICTION: Service to points in Texas to be limited to the delivery of part of a shipment, the ultimate destination of which is a point in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, or Wyoming.

HEARING: September 20, 1962, in the U.S. Court Rooms, Tampa, Fla., before Examiner Warren C. White.

No. MC 123430 (Sub-No. 1), filed August 6, 1962. Applicant: THOMAS J. BARRY, doing business as BARRY TRANSPORTS, INC., 4425 Southwest Highway, Oak Lawn, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzol, toluol, xylol, hexane, and heptane*, in bulk, in tank vehicles, from the plant site of American Mineral Spirits Co., at Lemont, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, and *rejected and re-*

turned shipments of the same commodities, specified herein, on return.

HEARING: September 18, 1962, at the Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 124052 (Sub-No. 1), filed June 11, 1962. Applicant: ROBERT L. HUDSON, JR., 621 Main Street, Richmond, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motion picture film and theatrical advertising*, between Cincinnati, Ohio, on the one hand, and, on the other, Richmond and Indianapolis, Ind.

HEARING: October 10, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 124078 (Sub-No. 24), filed June 14, 1962. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt emulsion*, in bulk, in tank vehicles, from the plant site of Walsh and Kelly Company, located at or near Griffith, Ind., to points in Wisconsin.

NOTE: Dual operations may be involved.

HEARING: October 19, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 124207, filed April 2, 1962. Applicant: A. J. CLARK & SON, INC., Court Street Road, Syracuse, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from Lowell, Mass., and New Haven, Conn., to Elmira, Rochester, Syracuse, Utica, and Watertown, N.Y., and points within ten (10) miles of each, and *exempt commodities* on return.

HEARING: September 17, 1962, at the Statler Hilton Hotel, Hartford, Conn., before Joint Board No. 191, or, if the Joint Board waives its right to participate before Examiner W. Elliott Neffien.

No. MC 124438, filed May 10, 1962. Applicant: HERBERT FLINCHUM, Campton, Ky. Applicant's attorney: Joseph B. Murphy (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feeds and fertilizers*, in bags, from Cincinnati, Ohio, to Campton, and Jackson, Ky., and *refused and defective shipments*, of the commodities specified above, on return.

HEARING: September 20, 1962, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 37, or, if the Joint Board waives its right to participate, before Examiner Louis G. La Vecchia.

No. MC 124488 (AMENDMENT), filed May 14, 1962, Published in the FEDERAL REGISTER, issue of July 25, 1962, republished this issue as amended August 1. Applicant: TALLEY TRANSPORTATION CO., a corporation, 201 Groveton Street, San Antonio, Tex. Applicant's attorney: Maynard F. Robinson, First National Bank Building, San Antonio, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) from points in Bexar County, Tex., to points in Los Angeles County, Calif., (2) from points in Los Angeles County, Calif., to points in Bexar County, Tex., (3) from points in Bexar County, Tex., to Fort Huachuca, Ariz., and (4) from points in Los Angeles County, Calif., to Fort Huachuca, Calif.

NOTE: The purpose of this republication is to add as (2) "from points in Los Angeles County, Calif., to points in Bexar County Tex.," and to change (2) and (3) as published to (3) and (4) respectively.

HEARING: Remains as assigned September 24, 1962, at the Granado Hotel, San Antonio, Tex., before Examiner Parks M. Low.

No. MC 124518, filed June 6, 1962. Applicant: FRANKLIN HAMMONS, doing business as HAMMONS FURNITURE DELIVERY, 214 East 14th Street, Cincinnati, Ohio. Applicant's attorney: Charles E. Hamilton, 1115 Second National Building, Ninth and Main Streets, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture, household appliances, and household furnishings*, as defined by the Commission, and (2) *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in (1), between Cincinnati, Ohio, on the one hand, and, on othe other, points in Dearborn, Ripley, Jennings, Jackson, Washington, and Harrison Counties, Ind., and points in Mason, Robertson, Harrison, Owen, and Carroll County, Ky.

HEARING: October 11, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 124527 (AMENDMENT), filed June 11, 1962, published in the FEDERAL REGISTER, issue of July 25, 1962, republished this issue as amended August 2, 1962. Applicant: GEORGE G. SOUHAN, CLARA G. SOUHAN, IDA MAY GEB, FRANCIS J. SOUHAN, doing business as FRANCIS J. AND GEORGE G. SOUHAN, Canal Street, Seneca Falls, N.Y. Applicant's attorney: Murray J. S. Kirshtein, 30 State Street, Seneca Falls, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Raw materials, dyes, and chemicals, knitting mill machinery used in the process of knitting and the manufacture of knit goods, and yarn and finished knitted products*, and (2) *empty containers or other such incidental facilities* (not specified) used in the transportation of the commodities above, between Seneca Falls and Averill Park, N.Y., on the one hand, and on the other, New York, N.Y., Philadelphia, Robesonia, and Woolrich, Pa., Parsons, W. Va., Milford, Del., and Boston, Rochdale, Tewksbury, and Waltham, Mass.

NOTE: The purpose of this republication is to add *yarn* as a commodity to be transported, and *Averill Park, N.Y.*, as an origin point.

HEARING: Remains as assigned September 21, 1962, at the Federal Building, Syracuse, N.Y., before Examiner Allen W. Hagerty.

No. MC 124529, filed June 11, 1962. Applicant: LEARY'S TRUCK BROKERAGE, INC., P.O. Box 676, Elizabeth City, N.C. Applicant's attorney: Frank B. Aycock, Jr., Carolina Building, Elizabeth City, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers used in packing and transportation of vegetables and fruit, such as baskets, crates, etc.*, between October 1st and June 30th, from points in Virginia and North Carolina to points in South Carolina, Georgia, and Florida, and *exempt commodities*, on return.

HEARING: September 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 124553 (Sub-No. 1), filed July 13, 1962. Applicant: CLYDE S. HOLLAND, Sudith, Ky. Applicant's attorney: Asa R. Little, Jr., Menifee Building, Frenchburg, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured agricultural feeds*, in bulk and bag, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between Cincinnati, Ohio, and points in Menifee County, Ky.

HEARING: September 20, 1962, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 37, or, if the Joint Board waives its right to participate, before Examiner Louis G. La Vecchia.

No. MC 124554, filed June 21, 1962. Applicant: HILARD F. LANG AND MEDARD SCHMITZ, a partnership, doing business as LANG CARTAGE, 320 South 19th Street, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise such as is dealt in by wholesale drug business houses*, from LaCrosse, Wis., to points in Mitchell, Howard, Winneshiek, Fayette, Clayton, and Allamakee Counties, Iowa, and Houston, Fillmore, Mower, Freeborn, Waseca, Steele, Dodge, Olmsted, Winona, Goodhue, and Wabasha Counties, Minn.; and *rejected or returned merchandise* and *empty containers or other such incidental facilities* (not specified), used in transporting the above merchandise, on return trips.

HEARING: October 23, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 181.

No. MC 124636, filed July 23, 1962. Applicant: ATHENS EXPRESS, INC., Long Mill Road, Athens, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, knocked down and set up, in mixed shipments, from points in McMinn and Bradley Counties, Tenn., to points in Maine, Vermont, Massachusetts, Rhode Island, New Hampshire, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Michigan, West Virginia, Virginia, North Carolina, South Carolina, Kentucky, Indiana, Illinois, Missouri, Georgia, Alabama, Mississippi, Arkansas, Texas, Louisiana, and Florida.

HEARING: September 26, 1962, at the Dinker-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Louis G. La Vecchia.

MOTOR CARRIERS OF PASSENGERS

No. MC 94180 (Sub-No. 8), filed April 12, 1961. Applicant: MATTHEWS CHARTER SERVICE, INC., RFD No. 2, Cambridge, Md. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operates as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) in charter service, between points in Caroline County, Md., on the one hand, and, on the other, points in Delaware, New Jersey, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia, and (2) in round-trip charter operations, beginning and ending at Cambridge, Md., and points within 25 miles thereof, and extending to points in New York, within 225 miles of Denton, Md.

NOTE: Applicant states that no duplicating authority is sought.

HEARING: September 24, 1962, at the Court Room County Court House, Salisbury, Md., before Examiner James I. Carr.

No. MC 107206 (Sub-No. 2), filed June 11, 1962. Applicant: FREDERICK A. ZANK AND DUANE G. RAHL, a partnership, doing business as WISCONSIN NORTHERN TRANSPORTATION COMPANY, Washington Heights, Eau Claire, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express*, and *newspapers* in the same vehicle with passengers, between La Crosse, Wis., and Eau Claire, Wis. over U.S. Highway 53, serving the intermediate points of Onalaska, Midway, Holmen, Galesville, Frenchville, Ettrick, Beach's Corner, Blair, Whitehall, Pigeon Falls, Osseo, Foster, and Brackett, as an extension of applicant's authorized regular-route authority between Eau Claire and Duluth, Minn.

HEARING: October 23, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12799, filed March 20, 1962. Applicant: TRUITT'S TRAVEL AGENCY, 115 South Division Street, Salisbury, Md. For a license (BMC 5) to engage in operations as a *broker* at Salisbury, Md., in arranging for transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, in the same vehicle, as groups, in sightseeing tours, from points in Maryland, Delaware and Virginia, to points in Delaware, Virginia, Pennsylvania, New Jersey, Maryland, and New York, and return.

HEARING: September 25, 1962, at the Court Room County Court House, Salisbury, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 12819, filed July 19, 1962. Applicant: A. JOEL EISENBERG, doing business as ODYSSEY INTERNATIONAL TRAVEL AND EXPOTOURS, 1411 Fourth Avenue Building, Seattle 1, Wash. For a license (BMC) to engage in operations as a *broker*, at Seattle, Wash. in arranging for transportation in interstate or foreign commerce of *Passengers and their baggage*, in charter operations, beginning and ending at Seattle, Wash., and extending to points in Washington, Arizona, California, Colorado, Idaho, Montana, Oregon, Nevada, New Mexico, Utah, and Wyoming.

HEARING: September 19, 1962, at the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 42405 (Sub-No. 22), filed August 2, 1962. Applicant: MISTLETOE EXPRESS SERVICE, 111 Harrison Street, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives), moving in express service, between Dallas, Tex., and McAlester, Okla.: from Dallas over U.S. Highway 75 to its junction U.S. Highway 69, thence over U.S. Highway 69 to McAlester, as an alternate route serving the points of Durant, Atoka, and McAlester, Okla., for purposes of joinder with its presently certificated routes, and restricted to traffic moving between Dallas, Tex., on the one hand, and, on the other, Durant, Okla., and points beyond.

No. MC 87523 (Sub-No. 89), filed July 31, 1962. Applicant: FRANK COSGROVE TRANSPORTATION COMPANY, INC., 393 Mystic Avenue, Medford, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perchlorethylene*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada at or near Champlain, N.Y., to Caledonia, N.Y.

No. MC 112750 (Sub-No. 108), filed August 1, 1962. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: J. Kevin Murphy, Esq. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business machine cards, business records, documents and papers* used for accounts payable, shipping, billing and other office media, between Pittsburgh, Pa., on the one hand, and on the other, Cleveland, Ohio, and Fairmont and Wheeling, W. Va.

NOTE: The proposed operation will be for the account of the Great Atlantic and Pacific Tea Company.

No. MC 118959 (Sub-No. 10), filed August 1, 1962. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flower pots, flower pot saucers and pottery*, loose and in packages, from Jackson, Mo., to points in Arizona, California, Colorado, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Texas, and Utah.

No. MC 124048 (Sub-No. 4), filed August 3, 1962. Applicant: SCHWERMAN TRUCKING CO. OF INDIANA, INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbon dioxide*, in bulk, in tank vehicles, and *solidified carbon dioxide*, both in shipper-owned vehicles, from Chicago, Ill., to points in Iowa and Wisconsin, and points in that part of Indiana on and south of U.S. Highway 40, and *empty shipper-owned vehicles*, on return, and (2) *fly ash*, in bulk, in tank vehicles, from Chicago, Ill., to points in Wisconsin located on, south, and east of a line beginning at the Illinois-Wisconsin State line, and extending due north to junction Wisconsin Highways 11 and 23, thence along Wisconsin Highway 23 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 54, and thence along Wisconsin Highway 54 to Lake Michigan.

NOTE: Applicant states it has a conversion application pending before the Interstate Commerce Commission relative to the transportation of the commodity cement in docket MC 124048. By order served February 28, 1962 in MC 124034 (Sub No. 3), a related Schwerman Company application, the Commission approved the dual operations of the applicant Company. In order to facilitate the processing of future applications, however, by the applicant Company, as well as by the other related Schwerman Companies, Schwerman Trucking Co., et al., have elected to convert their remaining permits to certificates so that the entire operations in interstate commerce may be classified "common carriage". Common control may be involved.

No. MC 124069 (Sub-No. 2), filed July 23, 1962. Applicant: CONCRETE DELIVERY CO., INC., 7 North Steelawanna Avenue, Lackawanna, N.Y. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Rome, N.Y., to points in Massachusetts on and west of U.S. Highway 5, and points in Vermont, and *returned shipments of cement*, on return.

NOTE: Applicant holds contract authority in MC 108358; therefore, dual operations may be involved.

No. MC 124078 (Sub-No. 38), filed July 30, 1962. Applicant: SCHWER-

MAN TRUCKING CO., a Wisconsin corporation, 620 South 29 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paving asphalt*, in bulk, in tank vehicles, from Portage, Wis., to points in Wisconsin within 200 miles of Portage, (2) *residual fuel oil*, in bulk, in tank vehicles, from Stickney, Ill., and East Chicago, Ind., to points in Wisconsin on, south, and east of a line beginning at Port Washington and extending along Wisconsin Highway 33 to Beaver Dam, thence along U.S. Highway 151 to Columbus, thence along Wisconsin Highway 60 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to the Wisconsin-Illinois State line, (3) *petroleum products*, in bulk, in tank vehicles, from Lemont and Lockport, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673, to points in Kenosha, Racine, Milwaukee, Ozaukee, Washington, Walworth, Waukesha, Jefferson, Dodge, Dane, Columbia, Green, and Rock Counties, Wis., (4) *petroleum products*, in bulk, in tank vehicles, (a) from points in the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673, and Lemont and Lockport, Ill., to points in Sheboygan, Manitowoc, Calumet, Fond du Lac, Winnebago, Green Lake, Waushara, Marquette, Lafayette, Iowa, Sauk, Juneau, Adams, and Grant Counties, Wis., and (b) from Rochelle, Ill., and points within two (2) miles thereof, and Rockford, Ill., to points in Adams, Calumet, Columbia, Dane, Dodge, Fond du Lac, Green, Green Lake, Jefferson, Iowa, Juneau, Kenosha, Lafayette, Manitowoc, Milwaukee, Ozaukee, Rock, Racine, Sauk, Sheboygan, Waushara, Washington, Walworth, Waukesha, Winnebago, and Marquette Counties, Wis., (5) *residual fuel oils*, in insulated tank vehicles equipped with heating devices, from Peru, Ill., to points in that part of Wisconsin on and south of a line beginning at Port Washington and extending along Wisconsin Highway 33 to junction Wisconsin Highway 82 at Hillsboro, and thence along Wisconsin Highway 82 to De Soto, and (6) *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the plant site of the Standard Oil Company and American Oil Company, located near Elk Grove, Ill., to points in Wisconsin.

NOTE: Applicant states it has permanent authority common carrier applications pending before the Commission relative to the transportation of the commodity cement and other related products in Docket MC 124078. Various affiliated companies of the parent Schwerman Trucking Co. hold contract carrier authority from the Commission for which applications have been filed for conversion. In order to facilitate the processing of future applications by the applicant company, as well as by the other related companies, Schwerman Trucking Co. et al., have elected to convert their remaining permits to certificates so that their entire operations in interstate commerce may be classified "common carriage." Common control may be involved.

No. MC 124456 (Sub-No. 1), filed July 27, 1962. Applicant: B & R TUG AND BARGE, INC., Kotzebue, Alaska. Applicant's attorney: Alan F. Wohlstetter, One Farragut Square South, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including liquid petroleum products*, in tank vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, (1) between points in Kotzebue, Alaska, and (2) between Kotzebue, Alaska, and points accessible by highway to Kotzebue on traffic originating at or destined to out-of-state points.

No. MC 124652 (Sub-No. 1), filed August 1, 1962. Applicant: JULIAN F. DUNCAN, doing business as DUNCAN TRANSFER, Box 1, Riverton, Va. Applicant's attorney: Raymond H. Warns, Court Square Building, Charlottesville, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Masonry and mortar cement*, in bags with or without pallets, from Riverton, Va., to points in the District of Columbia, Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, and West Virginia, and *pallets*, on return.

NOTE: Applicant is also authorized to conduct operations as a common carrier in No. MC 110422, and if the instant application is granted applicant requests that his common carrier authority be revoked.

MOTOR CARRIERS OF PASSENGERS

No. MC 58915 (Sub-No. 46), filed July 27, 1962. Applicant: LINCOLN TRANSIT CO., INC., U.S. Highway 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express*, and *newspapers*, in the same vehicle with passengers, in Somers Point, N.J.; between junction Garden State Parkway and Garden State Parkway Interchange No. 30 in Somers Point, N.J., and Ocean City, N.J., from junction Garden State Parkway and Garden State Parkway Interchange No. 30 at Somers Point, N.J., over New Jersey Highway 52 to Ocean City, N.J., and return over the same route, serving all intermediate points.

NOTE: Applicant states it presently has authority in Docket No. MC 58915 Sub 25 to operate over the route applied for, serving no intermediate points. The purpose of this application is to eliminate the restriction so that service can be performed at all intermediate points on the above described route.

No. MC 61120 (Sub-No. 19), filed August 6, 1962. Applicant: TEXAS, NEW MEXICO AND OKLAHOMA COACHES, INC., 1313 13th Street, Lubbock, Tex. Applicant's attorney: James S. Moore, Suite 1105, Great Plains Life Building, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Kermit, Tex., and Odessa, Tex.; from Kermit over Texas Highway 302 to Odessa, and return over the same route, serving the intermediate point of Notrees, Tex.

NOTE: Applicant states Trans-Continental Bus System owns approximately 39 percent of the outstanding stock in its corporation.

NOTICE OF FILING OF PETITIONS SEEKING MODIFICATION OF COMMODITY DESCRIPTIONS IN PERTINENT ACTIVE OPERATING AUTHORITIES HELD BY PETITIONERS

In a report on reconsideration, decided October 16, 1962, and served November 9, 1961, in No. MC 109637 (Sub-No. 74), *Southern Tank Lines, Inc., Extension—St. Bernard, Ohio*, the Commission concluded generally that the commodity descriptions utilized in granting operating authority to motor carriers of liquid chemicals, including those prescribed in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *Maxwell Co. Extension—Addyston*, 63 M.C.C. 677, should be revised for use in making future grants, and as a basis for modifying outstanding certificates and permits upon application of the holders thereof in accordance with approved procedure. The Commission found with respect to the commodity descriptions at issue, that the generic heading "liquid chemicals, in bulk, in tank vehicles," is a proper and reasonable commodity description for use in motor carrier operating authorities issued by the Commission; and that where such commodity description described is utilized, the following will be reasonable and proper definition thereof for determining the commodities which are embraced in such description:

Liquid chemicals, as used in the foregoing commodity description are those substances or materials resulting from a chemical or physical change induced by processes employed in the chemical industry, including uniting, mixing, blending, and compounding.

The subject report provided: "All motor carriers holding certificates or permits authorizing the transportation in bulk, in tank vehicles, of 'liquid chemicals as defined in the *Maxwell* case', of 'acids and chemicals as described in the *Descriptions* case', or of liquid chemicals under any other commodity description, are hereby notified that petitions will be entertained requesting the modification of such authorities to reflect the revised commodity description promulgated herein. Such petitions should refer to the specific authority which the carrier desires to have modified, and should contain a certification that there is, in fact, traffic available for the transportation from and to the points it is authorized to serve, and that its operations are not dormant. The petitions should be filed in the proceedings in which the authority held was granted, these petitions will be published in the FEDERAL REGISTER, and if no objections are filed thereto, they will be disposed of without extended further proceedings. If protests are received, a hearing may be required for their disposition; but, in such event, every effort will be made to conclude the proceedings promptly." The following petitions seeking modification of the pertinent operating authorities identified by number below have been received:

No. MC 112520 (Subs-Nos. 1, 2, 4, 9, 10, 13, 15, 16, 17, 18, 22, 24, 25, 26, 33, 34, 51, 53, 56, 60, 62, and 69), filed August 1, 1962. Petitioner: McKENZIE TANK LINES, INC., New Quincy Road, P.O. Box 161, Tallahassee, Fla. Petitioner's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla.

No. MC 114965 (Sub-Nos. 3, 5, 15, and 16), filed July 23, 1962. Petitioner: CYRUS TRUCK LINE, INC., Iola, Kans. Petitioner's attorney: Charles H. Apt, Box 328, Iola, Kans. Any person or persons desiring to participate in this proceeding may file replies to said petitioners (original and fourteen (14) copies each) within 30 days from the date of this publication in the FEDERAL REGISTER. In the event it is deemed necessary or desirable, informal conferences between our staff members and the tank truck carriers, and any other persons who may have an interest in the matter, can be arranged for the purpose of implementing the matter. Persons responding to this publication should specifically advise whether an informal conference is desired.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8210. Authority sought for purchase by C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Texas, of a portion of the operating rights of ECK MILLER CONTRACT CO., INC., 1125 Sweeney Street, Owensboro, Kentucky, and for acquisition by W. O. HARRINGTON, P.O. Box 5976, Dallas, Texas, of control of such rights through the purchase. Applicants' attorney: Ernest A. Brooks II, 1311 Ambassador Building, St. Louis 1, Missouri. Operating rights sought to be transferred: *Such commodities* as require the use of special equipment by reason of size or weight, but not including motor vehicles, as a *common carrier*, over irregular routes, from points in Tennessee to points in Indiana. RESTRICTION: The above-specified authority may not be joined with any of the other authority granted herein for the purpose of rendering through service; *such commodities* as require the use of special equipment by reason of size or weight, and *parts thereof*, when moving in connection therewith, from points in Indiana to points in Ohio, Missouri, Tennessee, and West Virginia, and from points in Tennessee within 150 miles of Owensboro, Kentucky, to points in Ohio, West Virginia, and the lower peninsula of Michigan; *oil well and mine machinery, pipe, and supplies*, between points in Tennessee within 200 miles of Owensboro, Kentucky, on the one hand, and, on the other, points in Indiana, Illinois, and Kentucky. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Colorado, Georgia, Florida, Illinois, Indiana, Arizona, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Iowa, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Tennessee, Utah, Washington, West Virginia, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a (b).

No. MC-F-8209. Authority sought for purchase by CARLSON TRUCK LINE, INC., 618 West Court Street, Clay Center, Kansas, of a portion of the operating rights and certain property of PLAINS MOTOR EXPRESS, INC., 120 West 17th Street, Kansas City, Missouri, and for acquisition by ELMO W. CARLSON, Wakefield, Kansas, and CALVIN A. CARLSON, 3020 East 53d Terrace North, North Kansas City, Missouri, of control of such rights through the purchase. Applicants' attorney: John E. Jandera, 641 Harrison, Topeka, Kansas. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods but not excepting commodities in bulk, as a *common carrier* over regular routes, between Kansas City, Mo., and Hill City, Kansas, serving the intermediate points of Miltonvale and Glasco, Kans., and the intermediate and off-route points in Phillips, Rooks, Smith, Osborne, Jewell, and Mitchell Counties, Kans., unrestricted; the intermediate and off-route points of North Kansas City, Mo., Kansas City, Kans., and the Fairfax Industrial District, restricted to traffic moving to or from points west of Kansas City, Kans.; and all other intermediate and off-route points in the Kansas City, Mo.-Kansas City, Kans., Commerical Zone, between Concordia, Kans., and junction Kansas Highway 9 and U.S. Highway 24 and between Concordia, Kans., and junction U.S. Highways 81 and 24, serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Kansas, Missouri, Nebraska, Colorado, Iowa, New Mexico, Oklahoma, Texas, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8208. Authority sought for purchase by KEYSTONE MOTOR EXPRESS, INC., 2412 Collis Avenue, P.O. Box 5497, Huntington 3, West Virginia, of a portion of the operating rights of REX FORWARDING, INC., 820 West Wilbeth Road, Akron 14, Ohio, and for acquisition by ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 2, New York, of control of such rights through the purchase. Applicants' attorneys: John P. McMahon and Paul F. Beery, George, Greek, King & McMahon, 44 East Broad Street, Columbus 15, Ohio and Mortimer A. Sullivan, Walbridge Building, Buffalo 2, New York. Operating rights sought to be transferred: *General commodities*, excepting, among other, household goods and commodities in bulk, as a *common carrier*, over irregular routes, from points in Hamilton and Butler Counties, Ohio, and those in Kentucky within ten miles of Cincinnati, Ohio, to Ashland, Kentucky, points in Allegheny County, Pennsylvania, and those in that part of West Virginia on and west of U.S. Highway 19; *petroleum and petroleum products*, in truckloads, from points in Allegheny County, Pa., to Cincinnati, Ohio, and points within ten miles of Cincinnati; *petroleum and petroleum products*, in containers, in truckloads, from Butler and Freedom, Pa., and St. Marys, West Virginia, to Cincinnati, Ohio, and points within ten miles of Cincinnati; *empty petroleum and petroleum products containers*, from Cincinnati, Ohio and points within ten miles of Cincinnati, to Butler and Freedom, Pa., and St. Marys, West Virginia; *antifreeze compounds*, in truckloads, from places of manufacture in that part of Karawha County, W. Va., known as Belle, to Cincinnati, Ohio, and points within ten miles of Cincinnati; *glass*, in truckloads, from Owens and Huntington, W. Va., to Cincinnati, Ohio, and points within ten miles of Cincinnati; *glass products*, in truckloads, from Washington, Pa., to Cincinnati, Ohio, and points within ten miles of Cincinnati; *waste paper and rags*, in truckloads, from Charleston and Huntington, W. Va., to Cincinnati, Ohio, and points within ten miles of Cincinnati; *oil*, in containers, in truckloads, from Cabin Creek, W. Va., to Cincinnati, Ohio, and points within ten miles of Cincinnati; *empty malt beverage containers*, from Ashland, Kentucky, and points in that part of West Virginia on and west of U.S. Highway 19, to Cincinnati, Ohio, and points within ten miles of Cincinnati. Vendee is authorized to operate as a *common carrier* in Pennsylvania, West Virginia, and Ohio. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8152; Filed, Aug. 14, 1962; 8:52 a.m.]

[Drouth Order No. 60; Amdt. 2]

PENNSYLVANIA, NEW JERSEY, NEW YORK

Drouth Order

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: Laurence K. Walrath, Vice-Chairman, to whom the above-entitled matter has been assigned for action thereon.

It appearing, that due to the drouth conditions existing in the States of Pennsylvania, New Jersey, and New York the Commission issued its Drouth Order No. 60 as amended under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the drouth area at reduced rates;

And it further appearing, that the United States Department of Agricul-

ture has requested the Commission to enter an order authorizing the same authority to two additional counties:

It is ordered, That Drouth Order No. 60 as amended, be, and it is hereby, further amended by adding thereto the following counties:

Pennsylvania, 2 counties, viz.:
Forest.
Venango.

It is further ordered, That in all other respects Drouth Order No. 60 as amended shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 9th day of August A.D. 1962.

By the Commission, Vice-Chairman Walrath.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8149; Filed, Aug. 14, 1962; 8:51 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 10, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37875: *Scrap iron from Lubbock, Tex.* Filed by Texas-Louisiana Freight Bureau, Agent, (No. 444), for interested rail carriers. Rates on scrap iron, scrap steel, borings, filings and turnings, iron or steel, in carloads, from Lubbock, Tex., to Eagle Pass and Laredo, Tex. (for export to Mexico).

Grounds for relief: Private motor-truck competition.

Tariff: Supplement 36 to Texas-Louisiana Freight Bureau tariff I.C.C. 916.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8148; Filed, Aug. 14, 1962; 8:51 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to 29 CFR 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region III

King Edward's Super Susie-Q-Bakery, 23 North Hamilton Avenue, Greensburg, Pa.; effective 7-20-62 to 7-19-63 (food store; 53 employees).

McCrory-McLellan-Green Stores, 510-516 Penn Street, Reading, Pa.; effective 6-10-62 to 6-9-63 (variety store; 32 employees).

McCrory Store Corp., 919 Market Street, Philadelphia, Pa.; effective 6-10-62 to 6-9-63 (variety store; 115 employees).

Newberry Towanda Corp. (#22), Main Street and Poplar, Towanda, Pa.; effective 6-10-62 to 6-9-63 (variety store; 44 employees).

Region IV

McCrory-McLellan-Green Corp. (#75), 13 SE. First Street, Gainesville, Fla.; effective 7-23-62 to 7-22-63 (variety store; 19 employees).

Neisner Brothers (#158), 230 SW. 40th Avenue, Fort Lauderdale, Fla.; effective 7-18-62 to 7-17-63 (variety store; 28 employees).

Rose's 5-10-25¢ Stores, Inc., Front Street Store (#36), Georgetown, S.C.; effective 6-18-62 to 6-17-63 (variety store; 24 employees).

Region V

Andy's Shopping Baskets, Inc., U.S. 27 North, St. Johns, Mich.; effective 7-27-62 to 7-26-63 (food store; 24 employees).

Region VI

Cram's Tomah Markets, Inc., d/b/a Cram's Super Fair, 600 Superior Avenue, Tomah, Wis.; effective 7-24-62 to 6-9-63 (food store; 17 employees).

S. S. Kresge Co., 226-228 Main Street, Vincennes, Ind.; effective 7-26-62 to 6-9-63 (variety store; 46 employees).

Region VII

Buy-Rite, Inc., 308 South Pearl, Paola, Kans.; effective 7-27-62 to 7-26-63 (food store; 20 employees).

F. W. Woolworth Co., 4901 Johnston Drive, Mission, Kans.; effective 6-19-62 to 6-18-63 (variety store; 701 employees).

Region VIII

Bay Variety, Inc., d/b/a T.G. & Y. Stores Co. (#205), 138 Bossier, Bossier City, La.; effective 7-30-62 to 7-29-63 (variety store; 10 employees).

Griffin Piggly Wiggly Grocery and Market Store (1#), E. First St., DeRidder, La.; effective 7-24-62 to 7-23-63 (food store; 25 employees).

Region X

W. T. Grant Co. (#887), 1070 Frederick Boulevard, Portsmouth, Va.; effective 7-18-62 to 7-18-63 (department store; 46 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates below $1.00 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Food Mart (#6), 250 Roberts Cutoff, Fort Worth, Tex.; effective 7-25-62 to 7-24-63; bag boy, carry-out, janitor, stock clerk, checker; between 6.2 percent and 10 percent (food store; 14 employees).

Food Mart (#13), 4004 White Settlement, Fort Worth, Tex.; effective 7-24-62 to 7-23-63; bagger, carry-out, janitor, stock clerk, checker; 10 percent each month (food store; nine employees).

Jupiter (#4520), 114 West Superior St., Duluth 2, Minn.; effective 7-23-62 to 7-22-63; sales clerk; between 6.2 percent and 10 percent (variety store; 18 employees).

Jupiter (#4526), 859 Main Street, Hartford, Conn.; effective 7-25-62 to 7-24-62; sales clerk; 10 percent each month (variety store; 44 employees).

S. S. Kresge Co., 57-61 Newtown Road, Danbury, Conn.; effective 7-25-62 to 7-24-63; sales clerk; 10 percent each month (variety store; 33 employees).

S. H. Kress & Co., Eastgate Shopping Center, 1999 Aloma Avenue, Winter Park, Fla.; effective 7-24-62 to 7-23-63; sales clerk, stock clerk; between 0.8 percent and 9.6 percent (variety store; 48 employees).

S. H. Kress & Co. (#8), Indian Hills Shopping Center, Canton Pike, Hopkinsville, Ky.; effective 7-24-62 to 7-23-63; sales clerk; between 0 and 10 percent (variety store; 46 employees).

S. H. Kress & Co., Vineland Shopping Center, 36 West Landis Avenue, Vineland, N.J.; effective 7-19-62 to 7-18-63; sales clerk; 10 percent each month (variety store; 76 employees).

S. H. Kress & Co., 403 Southwest 25th Street, Oklahoma City 9, Okla.; effective 7-23-62 to 7-22-63; sales clerk; between 0 and 10 percent (variety store; 69 employees).

McCrory-McLellan-Green Stores (#354), Salisbury Boulevard, Salisbury, Md.; effective 7-27-62 to 7-26-63; sales; between 1.1 percent and 10 percent (variety store; 76 employees).

McCrory-McLellan-Green Stores (#1071), 823 Hamilton Street, Allentown, Pa.; effective 7-21-62 to 7-20-63; sales clerk; between 0.6 percent and 10 percent (variety store; 83 employees).

McCrory-McLellan-Green Stores, University Park Plaza, West Hamilton Street and South Frasier Street, State College, Pa.; effective 7-24-62 to 7-23-63; sales clerk, stock clerk, office clerk; between 2.5 percent and 10 percent (variety store; 28 employees).

Muether's Super Valu, 710 Broadway, Waterloo, Iowa; effective 7-27-62 to 7-26-63; stock clerk, carry-out; 10 percent each month (food store; 22 employees).

Neisner Brothers, Inc. (#194), 1950 West Tennessee Street, Tallahassee, Fla.; effective 7-26-62 to 7-25-63; sales clerk, stock clerk, office clerk; between 4.3 percent and 10 percent (variety store; 17 employees).

Newberry Macon Corp., Westgate Shopping Center, Macon, Ga.; effective 7-24-62 to 7-23-63; sales clerk; between 9.9 percent and 10 percent (variety store; 96 employees).

F. W. Woolworth Co. (#824), 824 La Salle Street, Ottawa, Ill.; effective 7-24-62 to 7-23-63; sales clerk; between 2.2 percent and 10 percent (variety store; 35 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 7th day of August 1962.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 62-8134; Filed, Aug. 14, 1962; 8:48 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alexandria Industrial Garment Manufacturing Co., Inc., Alexandria, Tenn.; effective 8-7-62 to 8-6-63 (men's work shirts).

Bogart Sportswear Manufacturing Co., Inc., 3614 McCart Street, Fort Worth, Tex.; effective 7-30-62 to 7-29-63 (dresses, washable service garments, and blouses).

Calhoun Garment Co., Calhoun City, Miss.; effective 8-8-62 to 8-7-63 (Boys' and students' semidress trousers).

Dickson Manufacturing Co., Plant No. 1, Dickson, Tenn.; effective 8-8-62 to 8-7-63 (men's work shirts).

Elder Manufacturing Co., Dexter, Mo.; effective 8-16-62 to 8-15-63 (men's and boys' shirts, and boys' slacks).

Fleetline Industries, Inc., Garland, N.C.; effective 8-23-62 to 8-22-63 (sport shirts).

Hatley Sportswear, Inc., Amory, Miss.; effective 8-12-62 to 8-11-63 (men's dress pants).

Kennebec Manufacturing Co., Inc., Northern Avenue, Gardiner, Maine; effective 8-6-62 to 8-5-63 (boys' pants).

Samuel Meltzer d/b/a The Liberty Co., East Front Street, Dyer, Tenn.; effective 8-6-62 to 8-5-63 (men's and boys' pajamas and robes).

Louisiana Industrial Garment Manufacturing Corp., Marchand Lane, Gonzales, La.; effective 8-6-62 to 8-5-63 (men's dress and work pants).

Marion-Harwood Manufacturing Corp., Marion, Va.; effective 8-2-62 to 8-1-63 (men's and boys' pajamas).

Salem Garment Co., Inc., Salem, S.C.; effective 8-22-62 to 8-21-63 (women's dresses).

Selmer Manufacturing Co., Selmer, Tenn.; effective 8-4-62 to 8-3-63 (men's and boys' sport shirts).

Boris Smoler and Sons, Inc., 600-620 Crawford Avenue, Elkhart, Ind.; effective 8-3-62 to 8-2-63 (dresses).

Tioga Sportswear Corp., 641 Quarry Street, Fall River, Mass.; effective 8-9-62 to 8-8-63 (men's and boys' outdoor sport jackets).

Williamson-Dickie Manufacturing Co., McAllen, Tex.; effective 8-2-62 to 8-1-63 (men's and boys' cotton pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Covington Manufacturing Co., 1019 Washington Street, Covington, Ind.; effective 8-15-62 to 8-14-63; 10 learners (men's blouse jackets, car coats, goal coats, and boys' goal coats).

Manila Manufacturing Co., Manila, Ark.; effective 8-2-62 to 8-1-63; 10 learners (ladies' dresses).

Scranton Wearing Apparel, Inc., 614 Wyoming Avenue, Scranton, Pa.; effective 8-7-62 to 8-6-63; five learners (men's and children's outerwear jackets, sport coats, etc.).

Boris Smoler and Sons, Inc., 507 Jefferson, LaPorte, Ind.; effective 8-3-62 to 8-2-63; 10 learners (dresses).

Susan Garment, Inc., Bethel, Pa.; effective 8-7-62 to 8-6-63; 10 learners (ladies' blouses, dusters, and dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aynor Manufacturing Co., Aynor, S.C.; effective 8-5-62 to 2-4-63; 25 learners (women's sportswear—capri pants, shorts, and pedal pushers).

Aynor Manufacturing Co., Loris, S.C.; effective 8-1-62 to 12-3-62; 25 learners (women's sportswear—capri, pants, shorts, and pedal pushers).

Ideal Fashions, Inc., 202 East Main Street, Pen Argyl, Pa.; effective 8-2-62 to 2-1-63; 20 learners (ladies' blouses).

Phillips-Van Heusen Corp., Augusta, Ark.; effective 8-15-62 to 2-14-63; 75 learners (dress shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Wells Lamont Corp., Eupora, Miss.; effective 8-4-62 to 8-3-63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (Jersey work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Ellis Hosiery Mills, Inc., Hickory, N.C.; effective 8-10-62 to 8-9-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 7th day of August 1962.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 62-8135; Filed, Aug. 14, 1962; 8:49 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11043

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTE BETWEEN THE PAN AMERICAN WORLD AIRWAYS, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Pan American World Airways, Inc., a carrier, and certain of its employees represented by the Transport Workers Union of America, AFL–CIO; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of airline employees or any carrier.

The board shall report its findings to the President with respect to this dispute within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Pan American World Airways, Inc., or by its employees, in the conditions out of which this dispute arose.

JOHN F. KENNEDY

THE WHITE HOUSE,
August 14, 1962.

[F.R. Doc. 62–8285; Filed, Aug. 14, 1962; 3:04 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Barley Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (27 F.R. 6459) with respect to barley produced in 1962 which contained specific requirements for the 1962-crop barley price support program are hereby amended as follows:

Section 421.1252, Support Rates, is amended by adding paragraphs (e) and (f) which contain basic support rates for counties and terminal markets. The added paragraphs read as follows:

§ 421.1252 Support rates.

(e) *Basic support rates (terminals).* The basic support rates for loan and settlement purposes for barley stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	*Rate per bushel*
Atchison, Kans	$1.14
Kansas City, Mo	1.14
Saint Joseph, Mo	1.14
Omaha, Nebr	1.12
Sioux City, Iowa	1.12
Minneapolis, Minn	1.12
Duluth, Minn	1.12
Superior, Wis	1.12
Saint Paul, Minn	1.12
Galveston, Tex	1.21
Houston, Tex	1.21
Port Arthur, Tex	1.21
Baton Rouge, La	1.21
New Orleans, La	1.21
Chicago, Ill	1.16
Saint Louis, Mo	1.16
Milwaukee, Wis	1.16
Memphis, Tenn	1.15
Cairo, Ill	1.15
Longview, Wash	1.16
Tacoma, Wash	1.16
Vancouver, Wash	1.16
Seattle, Wash	1.16
Kalama, Wash	1.16
Portland, Oreg	1.16
Astoria, Oreg	1.16
San Francisco, Calif	1.18
Stockton, Calif	1.18
Oakland, Calif	1.18
Los Angeles, Calif	1.18
Long Beach, Calif	1.18
Wilmington, Calif	1.18
Albany, N.Y	1.25
Philadelphia, Pa	1.25
Baltimore, Md	1.25
New York, N.Y	1.25
Norfolk, Va	1.25

(f) *Basic support rates (counties).* The basic support rates for loans and settlement purposes for farm-stored and county warehouse-stored barley are as follows:

County	*Rate per bushel*
ALABAMA	
All counties	$0.99
ALASKA	
All areas	$1.80
ARIZONA	
Apache	$0.84
Cochise	.94
Coconino	.84
Gila	.74
Graham	.89
Greenlee	.74
Maricopa	1.01
Mohave	$0.84
Navajo	.84
Pima	.98
Pinal	1.01
Santa Cruz	.96
Yavapai	.84
Yuma	1.02
ARKANSAS	
Arkansas	$1.02
Ashley	.93
Baxter	.93
Benton	.89
Boone	.92
Bradley	.93
Calhoun	.94
Carroll	.91
Chicot	.94
Clark	.93
Clay	1.02
Cleburne	1.02
Cleveland	.96
Columbia	.92
Conway	1.00
Craighead	1.02
Crawford	.91
Crittenden	1.02
Cross	1.02
Dallas	.94
Desha	1.01
Drew	.96
Faulkner	1.00
Franklin	.92
Fulton	.98
Garland	.93
Grant	.94
Greene	1.02
Hempstead	.92
Hot Spring	.94
Howard	.91
Independence	.99
Izard	.94
Jackson	1.02
Jefferson	1.00
Johnson	.92
Lafayette	.92
Lawrence	1.02
Lee	$1.02
Lincoln	1.00
Little River	.91
Logan	.91
Lonoke	1.02
Madison	.89
Marion	.92
Miller	.91
Mississippi	1.02
Monroe	1.02
Montgomery	.91
Nevada	.92
Newton	.92
Ouachita	.93
Perry	.93
Phillips	1.02
Pike	.92
Poinsett	1.02
Polk	.89
Pope	.93
Prairie	1.02
Pulaski	1.01
Randolph	1.02
St. Francis	1.02
Saline	.96
Scott	.89
Searcy	.92
Sebastian	.91
Sevier	.90
Sharp	.96
Stone	.95
Union	.92
Van Buren	.96
Washington	.89
White	1.02
Woodruff	1.02
Yell	.93
CALIFORNIA	
Alameda	$1.07
Alpine	.98
Amador	1.07
Butte	1.03
Calaveras	1.07
Colusa	1.04
Contra Costa	1.07
El Dorado	1.05
Fresno	1.03
Glenn	1.02
Humboldt	.94
Imperial	1.04
Inyo	.91
Kern	1.01
Kings	1.03
Lake	1.02
Lassen	.93
Los Angeles	1.06
Madera	$1.05
Marin	1.07
Mariposa	1.05
Mendocino	1.00
Merced	1.06
Modoc	.96
Mono	.88
Monterey	1.03
Napa	1.07
Orange	1.05
Placer	1.06
Plumas	.98
Riverside	1.03
Sacramento	1.07
San Benito	1.04
San Bernardino	1.05
San Diego	1.03
Solano	$1.06
Sonoma	1.06
Stanislaus	1.08
Sutter	1.04
Tehama	.99
Tulare	1.03
Tuolumne	1.08
Ventura	1.06
Yolo	1.05
Yuba	1.05
COLORADO	
Adams	$0.83
Alamosa	.84
Arapahoe	.83
Archuleta	.84
Baca	.84
Bent	.84
Boulder	.83
Chaffee	.84
Cheyenne	.85
Conejos	.84
Costilla	.84
Crowley	.83
Custer	.78
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Denver	.83
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Douglas	.83
Eagle	.84
Elbert	.83
El Paso	.83
Fremont	.79
Garfield	.84
Grand	.84
Huerfano	.80
Jackson	.84
Jefferson	.83
Kiowa	.84
Kit Carson	$0.85
La Plata	.84
Larimer	.83
Las Animas	.83
Lincoln	.83
Logan	.83
Mesa	.84
Moffat	.84
Montezuma	.84
Montrose	.84
Morgan	.83
Otero	.83
Ouray	.84
Phillips	.85
Pitkin	.84
Prowers	.85
Pueblo	.83
Rio Blanco	.84
Rio Grande	.84
Routt	.84
Saguache	.84
San Miguel	.84
Sedgwick	.85
Summit	.84
Washington	.83
Weld	.83
Yuma	.85
CONNECTICUT	
All counties	$1.03
DELAWARE	
All counties	$1.03
FLORIDA	
All counties	$1.02
GEORGIA	
All counties	$1.02
IDAHO	
Ada	$0.94
Adams	.94
Bannock	.94
Bear Lake	.94
Benewah	.97
Bingham	.94
Blaine	.94
Boise	.94
Bonner	.91
Bonneville	.94
Boundary	.91
Butte	.94
Camas	.94
Canyon	.94
Caribou	.94
Cassia	.94
Clark	.94
Clearwater	.95
Custer	.94
Elmore	.94
Franklin	.94
Fremont	.94
Gem	$0.94
Gooding	.94
Idaho	.94
Jefferson	.94
Jerome	.94
Kootenai	.97
Latah	.97
Lemhi	.94
Lewis	.95
Lincoln	.94
Madison	.94
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Oneida	.94
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Power	.94
Shoshone	.88
Teton	.94
Twin Falls	.94
Valley	.94
Washington	.94

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$0.96	Lee	$0.99
Alexander	.98	Livingston	.99
Bond	1.00	Logan	.98
Boone	1.00	McDonough	.96
Brown	.96	McHenry	1.01
Bureau	.98	McLean	.98
Calhoun	.99	Macon	.98
Carroll	.98	Macoupin	1.01
Cass	.98	Madison	1.01
Champaign	.99	Marion	.98
Christian	.98	Marshall	.98
Clark	.98	Mason	.98
Clay	.98	Massac	.98
Clinton	1.01	Menard	.98
Coles	.98	Mercer	.96
Cook	1.04	Monroe	1.00
Crawford	.96	Montgomery	.99
Cumberland	.98	Morgan	.98
De Kalb	1.01	Moultrie	.99
De Witt	.98	Ogle	.99
Douglas	1.00	Peoria	.98
Du Page	1.02	Perry	.98
Edgar	.98	Piatt	.98
Edwards	.97	Pike	.98
Effingham	.98	Pope	.94
Fayette	.98	Pulaski	.98
Ford	.98	Putnam	.98
Franklin	.98	Randolph	.98
Fulton	.98	Richland	.97
Gallatin	.95	Rock Island	.97
Greene	1.00	St. Clair	1.01
Grundy	1.00	Saline	.95
Hamilton	.98	Sangamon	.98
Hancock	.95	Schuyler	.98
Hardin	.92	Scott	.98
Henderson	.96	Shelby	.99
Henry	.97	Stark	.98
Iroquois	1.02	Stephenson	.98
Jackson	.98	Tazewell	.98
Jasper	.97	Union	.98
Jefferson	.98	Vermilion	1.01
Jersey	1.01	Wabash	.96
Jo Daviess	.97	Warren	.97
Johnson	.95	Washington	.98
Kane	1.02	Wayne	.97
Kankakee	1.03	White	.95
Kendall	1.01	Whiteside	.98
Knox	.97	Will	1.02
Lake	1.04	Williamson	.98
La Salle	1.00	Winnebago	.98
Lawrence	.98	Woodford	.98

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$0.95	Huntington	$0.95
Allen	.95	Jackson	.92
Bartholomew	.92	Jasper	1.00
Benton	.98	Jay	.95
Blackford	.96	Jefferson	.90
Boone	.95	Jennings	.91
Brown	.92	Johnson	.93
Carroll	.97	Knox	.96
Cass	.97	Kosciusko	.97
Clark	.90	Lagrange	.96
Clay	.97	Lake	1.03
Clinton	.97	La Porte	.99
Crawford	.90	Lawrence	.93
Daviess	.93	Madison	.95
Dearborn	.90	Marion	.94
Decatur	.92	Marshall	.97
De Kalb	.95	Martin	.92
Delaware	.95	Miami	.97
Dubois	.90	Monroe	.93
Elkhart	.97	Montgomery	.96
Fayette	.91	Morgan	.93
Floyd	.90	Newton	1.02
Fountain	.95	Noble	.95
Franklin	.92	Ohio	.90
Fulton	.98	Orange	.90
Gibson	.97	Owen	.93
Grant	.96	Parke	.95
Greene	.93	Perry	.87
Hamilton	.95	Pike	.92
Hancock	.94	Porter	1.00
Harrison	.90	Posey	.97
Hendricks	.95	Pulaski	.99
Henry	.95	Putnam	.94
Howard	.97	Randolph	.95

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Ripley	$0.90	Union	$0.93
Rush	.93	Vanderburgh	1.00
St. Joseph	.97	Vermillion	1.01
Scott	.90	Vigo	1.01
Shelby	.93	Wabash	.97
Spencer	.87	Warren	1.00
Starke	.98	Warrick	.89
Steuben	.95	Washington	.90
Sullivan	.97	Wayne	.95
Switzerland	.88	Wells	.95
Tippecanoe	.97	White	.99
Tipton	.96	Whitley	.96

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$0.94	Jefferson	$0.93
Adams	.95	Johnson	.95
Allamakee	.92	Jones	.95
Appanoose	.94	Keokuk	.92
Audubon	.96	Kossuth	.92
Benton	.94	Lee	.95
Black Hawk	.92	Linn	.94
Boone	.93	Louisa	.95
Bremer	.92	Lucas	.93
Buchanan	.93	Lyon	.92
Buena Vista	.92	Madison	.93
Butler	.91	Mahaska	.92
Calhoun	.94	Marion	.91
Carroll	.96	Marshall	.92
Cass	.95	Mills	.99
Cedar	.95	Mitchell	.93
Cerro Gordo	.92	Monona	.97
Cherokee	.93	Monroe	.93
Chickasaw	.92	Montgomery	.97
Clarke	.93	Muscatine	.95
Clay	.92	O'Brien	.93
Clayton	.93	Osceola	.92
Clinton	.96	Page	.97
Crawford	.96	Palo Alto	.91
Dallas	.93	Plymouth	.95
Davis	.94	Pocahontas	.92
Decatur	.91	Polk	.93
Delaware	.94	Pottawattamie	.99
Des Moines	.95	Poweshiek	.92
Dickinson	.91	Ringgold	.92
Dubuque	.95	Sac	.94
Emmet	.93	Scott	.96
Fayette	.93	Shelby	.97
Floyd	.92	Sioux	.94
Franklin	.91	Story	.93
Fremont	.98	Tama	.92
Greene	.94	Taylor	.95
Grundy	.92	Union	.94
Guthrie	.94	Van Buren	.94
Hamilton	.92	Wapello	.93
Hancock	.92	Warren	.93
Hardin	.91	Washington	.94
Harrison	.98	Wayne	.92
Henry	.94	Webster	.93
Howard	.93	Winnebago	.93
Humboldt	.92	Winneshiek	.92
Ida	.94	Woodbury	.95
Iowa	.93	Worth	.93
Jackson	.96	Wright	.91
Jasper	.91		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$0.96	Doniphan	$0.97
Anderson	.98	Douglas	.99
Atchison	.99	Edwards	.91
Barber	.91	Elk	.94
Barton	.91	Ellis	.91
Bourbon	.97	Ellsworth	.92
Brown	.97	Finney	.88
Butler	.93	Ford	.90
Chase	.94	Franklin	.99
Chautauqua	.94	Geary	.94
Cherokee	.96	Gove	.89
Cheyenne	.87	Graham	.91
Clark	.88	Grant	.87
Clay	.94	Gray	.88
Cloud	.93	Greeley	.87
Coffey	.96	Greenwood	.95
Comanche	.89	Hamilton	.87
Cowley	.93	Harper	.92
Crawford	.96	Harvey	.93
Decatur	.89	Haskell	.88
Dickinson	.93	Hodgeman	.90

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Jackson	$0.97	Pottawatomie	$0.96
Jefferson	.99	Pratt	.91
Jewell	.92	Rawlins	.88
Johnson	.99	Reno	.92
Kearny	.87	Republic	.93
Kingman	.92	Rice	.92
Kiowa	.91	Riley	.96
Labette	.96	Rooks	.91
Lane	.89	Rush	.91
Leavenworth	.99	Russell	.91
Lincoln	.92	Saline	.92
Linn	.99	Scott	.88
Logan	.88	Sedgwick	.93
Lyon	.96	Seward	.86
McPherson	.92	Shawnee	.97
Marion	.93	Sheridan	.89
Marshall	.96	Sherman	.87
Meade	.88	Smith	.92
Miami	.99	Stafford	.91
Mitchell	.92	Stanton	.86
Montgomery	.96	Stevens	.86
Morris	.94	Sumner	.93
Morton	.85	Thomas	.88
Nemaha	.96	Trego	.90
Neosho	.96	Wabaunsee	.96
Ness	.90	Wallace	.87
Norton	.91	Washington	.94
Osage	.97	Wichita	.87
Osborne	.92	Wilson	.96
Ottawa	.93	Woodson	.96
Pawnee	.91	Wyandotte	.99
Phillips	.91		

KENTUCKY

All counties $0.97

LOUISIANA

All counties $0.90

MAINE

All counties $1.03

MARYLAND

All counties $1.03

MASSACHUSETTS

All counties $1.03

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$0.83	Jackson	$0.95
Alger	.87	Kalamazoo	.96
Allegan	.94	Kalkaska	.84
Alpena	.82	Kent	.93
Antrim	.84	Keweenaw	.85
Arenac	.88	Lake	.89
Baraga	.89	Lapeer	.93
Barry	.94	Leelanau	.84
Bay	.91	Lenawee	.94
Benzie	.92	Livingston	.94
Berrien	.97	Luce	.84
Branch	.95	Mackinac	.84
Calhoun	.97	Macomb	.94
Cass	.97	Manistee	.89
Charlevoix	.83	Marquette	.87
Cheboygan	.82	Mason	.88
Chippewa	.84	Mecosta	.89
Clare	.92	Menominee	.91
Clinton	.93	Midland	.92
Crawford	.84	Missaukee	.88
Delta	.89	Monroe	.94
Dickinson	.90	Montcalm	.91
Eaton	.94	Montmorency	.82
Emmet	.82	Muskegon	.91
Genesee	.93	Newaygo	.91
Gladwin	.90	Oakland	.93
Gogebic	.91	Oceana	.89
Grand Traverse	.87	Ogemaw	.90
Gratiot	.93	Ontonagon	.87
Hillsdale	.94	Osceola	.89
Houghton	.85	Oscoda	.90
Huron	.89	Otsego	.83
Ingham	.94	Ottawa	.94
Ionia	.93	Presque Isle	.82
Iosco	.84	Roscommon	.84
Iron	.88	Saginaw	.93
Isabella	.91	St. Clair	.93
		St. Joseph	.96

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Sanilac	$0.91	Van Buren	$0.95
Schoolcraft	.84	Washtenaw	.94
Shiawassee	.93	Wayne	.94
Tuscola	.91	Wexford	.89

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$0.96	Martin	$0.93
Anoka	.96	Meeker	.96
Becker	.91	Mille Lacs	.96
Beltrami	.91	Morrison	.94
Benton	.96	Mower	.94
Big Stone	.92	Murray	.92
Blue Earth	.95	Nicollet	.96
Brown	.95	Nobles	.91
Carlton	.97	Norman	.90
Carver	.96	Olmsted	.95
Cass	.94	Otter Tail	.93
Chippewa	.93	Pennington	.89
Chisago	.96	Pine	.96
Clay	.91	Pipestone	.91
Clearwater	.91	Polk	.89
Cottonwood	.93	Pope	.94
Crow Wing	.94	Ramsey	.96
Dakota	.96	Red Lake	.90
Dodge	.95	Redwood	.94
Douglas	.94	Renville	.95
Faribault	.93	Rice	.96
Fillmore	.92	Rock	.91
Freeborn	.95	Roseau	.88
Goodhue	.96	St. Louis	.95
Grant	.92	Scott	.96
Hennepin	.96	Sherburne	.96
Houston	.92	Sibley	.96
Hubbard	.92	Stearns	.96
Isanti	.96	Steele	.95
Itasca	.95	Stevens	.93
Jackson	.92	Swift	.94
Kanabec	.95	Todd	.94
Kandiyohi	.96	Traverse	.91
Kittson	.87	Wabasha	.96
Koochiching	.88	Wadena	.94
Lac Qui Parle	.92	Waseca	.95
Lake of the Woods	.89	Washington	.96
Le Sueur	.96	Watonwan	.94
Lincoln	.92	Wilkin	.91
Lyon	.93	Winona	.95
McLeod	.96	Wright	.96
Mahnomen	.90	Yellow Medicine	.93
Marshall	.88		

MISSISSIPPI

All counties $0.99

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$0.95	Daviess	$0.98
Andrew	.98	De Kalb	.98
Atchison	.96	Dent	.96
Audrian	.97	Douglas	.92
Barry	.94	Dunklin	1.02
Barton	.96	Franklin	1.01
Bates	.99	Gasconade	.98
Benton	.97	Gentry	.97
Bollinger	1.00	Greene	.94
Boone	.97	Grundy	.97
Buchanan	.99	Harrison	.96
Butler	1.01	Henry	.99
Caldwell	.98	Hickory	.96
Callaway	.97	Holt	.97
Camden	.96	Howard	.96
Cape Girardeau	1.00	Howell	.94
Carroll	.96	Iron	.99
Carter	.92	Jackson	.99
Cass	.99	Jasper	.96
Cedar	.97	Jefferson	1.01
Charlton	.97	Johnson	.98
Christian	.94	Knox	.95
Clark	.96	Laclede	.94
Clay	.99	Lafayette	.98
Clinton	.98	Lawrence	.94
Cole	.96	Lewis	.97
Cooper	.98	Lincoln	1.01
Crawford	.98	Linn	.96
Dade	.96	Livingston	.98
Dallas	.94	McDonald	.94
		Macon	.95

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Madison	$0.99	Ray	$0.99
Maries	.98	Reynolds	.95
Marion	.97	Ripley	1.01
Mercer	.95	St. Charles	1.01
Miller	.95	St. Clair	.98
Mississippi	1.01	St. Francois	.99
Moniteau	.95	Ste. Genevieve	.99
Monroe	.97	St. Louis	1.01
Montgomery	.99	Saline	.98
Morgan	.95	Schuyler	.94
New Madrid	1.02	Scotland	.96
Newton	.94	Scott	1.01
Nodaway	.96	Shannon	.92
Oregon	.96	Shelby	.96
Osage	.97	Stoddard	1.01
Ozark	.93	Stone	.94
Pemiscot	1.02	Sullivan	.95
Perry	.98	Taney	.93
Pettis	.97	Texas	.92
Phelps	.97	Vernon	.97
Pike	.98	Warren	1.01
Platte	.99	Washington	.99
Polk	.96	Wayne	1.01
Pulaski	.95	Webster	.93
Putnam	.95	Worth	.96
Ralls	.97	Wright	.92
Randolph	.97		

MONTANA

County	Rate on bushel	County	Rate on bushel
Beaverhead	$0.75	Madison	$0.79
Big Horn	.68	Meagher	.78
Blaine	.72	Mineral	.88
Broadwater	.80	Missoula	.88
Carbon	.73	Musselshell	.73
Carter	.76	Park	.78
Cascade	.80	Petroleum	.72
Chouteau	.77	Phillips	.69
Custer	.74	Pondera	.78
Daniels	.72	Powder River	.72
Dawson	.75	Powell	.84
Deer Lodge	.82	Prairie	.74
Fallon	.76	Ravalli	.86
Fergus	.75	Richland	.75
Flathead	.86	Roosevelt	.75
Gallatin	.78	Rosebud	.70
Garfield	.73	Sanders	.88
Glacier	.79	Sheridan	.74
Golden Valley	.74	Silver Bow	.82
Granite	.86	Stillwater	.74
Hill	.75	Sweet Grass	.76
Jefferson	.81	Teton	.79
Judith Basin	.76	Toole	.78
Lake	.86	Treasure	.69
Lewis and Clark	.80	Valley	.71
Liberty	.76	Wheatland	.76
Lincoln	.88	Wibaux	.76
McCone	.74	Yellowstone	.73

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$0.92	Dundy	$0.85
Antelope	.93	Fillmore	.94
Arthur	.86	Franklin	.91
Banner	.81	Frontier	.89
Blaine	.89	Furnas	.90
Boone	.94	Gage	.96
Box Butte	.84	Garden	.85
Boyd	.91	Garfield	.91
Brown	.89	Gosper	.91
Buffalo	.92	Grant	.85
Burt	.97	Greeley	.93
Butler	.97	Hall	.93
Cass	.98	Hamilton	.94
Cedar	.92	Harlan	.91
Chase	.86	Hayes	.86
Cherry	.87	Hitchcock	.87
Cheyenne	.83	Holt	.92
Clay	.93	Hooker	.87
Colfax	.97	Howard	.93
Cuming	.97	Jefferson	.95
Custer	.90	Johnson	.96
Dakota	.95	Kearney	.91
Dawes	.82	Keith	.86
Dawson	.91	Keya Paha	.89
Deuel	.85	Kimball	.83
Dixon	.94	Knox	.92
Dodge	.98	Lancaster	.98
Douglas	.99	Lincoln	.88

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Logan	$0.89	Saline	$0.96
Loup	.91	Sarpy	.99
McPherson	.88	Saunders	.98
Madison	.94	Scotts Bluff	.82
Merrick	.94	Seward	.97
Morrill	.83	Sheridan	.84
Nance	.95	Sherman	.92
Nemaha	.96	Sioux	.81
Nuckolls	.93	Stanton	.95
Otoe	.97	Thayer	.94
Pawnee	.96	Thomas	.88
Perkins	.86	Thurston	.96
Phelps	.91	Valley	.91
Pierce	.94	Washington	.98
Platte	.96	Wayne	.93
Polk	.95	Webster	.92
Red Willow	.89	Wheeler	.94
Richardson	.96	York	.95
Rock	.89		

NEVADA

All counties $0.94

NEW HAMPSHIRE

All counties $1.03

NEW JERSEY

All counties $1.03

NEW MEXICO

County	Rate on bushel	County	Rate on bushel
Bernalillo	$0.84	Mora	$0.84
Catron	.84	Otero	.85
Chaves	.90	Quay	.93
Colfax	.84	Rio Arriba	.84
Curry	.93	Roosevelt	.92
De Baca	.89	Sandoval	.84
Dona Ana	.84	San Juan	.84
Eddy	.89	San Miguel	.84
Grant	.84	Santa Fe	.84
Guadalupe	.87	Sierra	.84
Harding	.89	Socorro	.84
Hidalgo	.85	Taos	.84
Lea	.93	Torrance	.84
Lincoln	.85	Union	.92
Luna	.85	Valencia	.84
McKinley	.84		

NEW YORK

All counties $1.03

NORTH CAROLINA

All counties $1.03

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.80	McLean	$0.83
Barnes	.88	Mercer	.82
Benson	.85	Morton	.82
Billings	.80	Mountrail	.81
Bottineau	.81	Nelson	.86
Bowman	.79	Oliver	.82
Burke	.80	Pembina	.86
Burleigh	.84	Pierce	.84
Cass	.89	Ramsey	.85
Cavalier	.85	Ransom	.89
Dickey	.88	Renville	.81
Divide	.79	Richland	.90
Dunn	.80	Rolette	.83
Eddy	.86	Sargent	.89
Emmons	.83	Sheridan	.84
Foster	.87	Sioux	.82
Golden Valley	.77	Slope	.77
Grand Forks	.88	Stark	.81
Grant	.81	Steele	.88
Griggs	.88	Stutsman	.87
Hettinger	.81	Towner	.84
Kidder	.85	Traill	.88
La Moure	.87	Walsh	.86
Logan	.85	Ward	.81
McHenry	.83	Wells	.85
McIntosh	.85	Williams	.79
McKenzie	.77		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$0.93	Ashtabula	$0.98
Allen	.95	Athens	.95
Ashland	.96	Auglaize	.95

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Belmont	$0.96	Lucas	$0.94
Brown	.93	Madison	.94
Butler	.93	Mahoning	.98
Carroll	.96	Marion	.95
Champaign	.93	Medina	.96
Clark	.93	Meigs	.93
Clermont	.93	Mercer	.95
Clinton	.93	Miami	.94
Columbiana	.97	Monroe	.96
Coshocton	.96	Montgomery	.93
Crawford	.95	Morgan	.96
Cuyahoga	.96	Morrow	.95
Darke	.96	Muskingum	.96
Defiance	.94	Noble	.96
Delaware	.95	Ottawa	.95
Erie	.95	Paulding	.95
Fairfield	.95	Perry	.95
Fayette	.93	Pickaway	.94
Franklin	.95	Pike	.93
Fulton	.94	Portage	.96
Gallia	.93	Preble	.93
Geauga	.98	Putnam	.95
Greene	.93	Richland	.96
Guernsey	.96	Ross	.94
Hamilton	.93	Sandusky	.95
Hancock	.95	Scioto	.93
Hardin	.95	Seneca	.95
Harrison	.96	Shelby	.95
Henry	.94	Stark	.96
Highland	.93	Summit	.96
Hocking	.95	Trumbull	.98
Holmes	.96	Tuscarawas	.96
Huron	.95	Union	.95
Jackson	.93	Van Wert	.95
Jefferson	.97	Vinton	.95
Knox	.95	Warren	.93
Lake	.97	Washington	.96
Lawrence	.93	Wayne	.96
Licking	.95	Williams	.95
Logan	.94	Wood	.95
Lorain	.96	Wyandot	.95

OKLAHOMA

Adair	$0.19	Le Flore	$0.91
Alfalfa	.91	Lincoln	.91
Atoka	.91	Logan	.91
Beaver	.88	Love	.91
Beckham	.91	McClain	.91
Blaine	.91	McCurtain	.91
Bryan	.91	McIntosh	.91
Caddo	.91	Major	.90
Canadian	.91	Marshall	.91
Carter	.91	Mayes	.93
Cherokee	.92	Murray	.91
Choctaw	.91	Muskogee	.91
Cimarron	.85	Noble	.91
Cleveland	.91	Nowata	.95
Coal	.91	Okfuskee	.91
Comanche	.91	Oklahoma	.91
Cotton	.91	Okmulgee	.91
Craig	.95	Osage	.92
Creek	.91	Ottawa	.95
Custer	.91	Pawnee	.91
Delaware	.94	Payne	.91
Dewey	.90	Pittsburg	.91
Ellis	.89	Pontotoc	.91
Garfield	.91	Pottawatomie	.91
Garvin	.91	Pushmataha	.91
Grady	.91	Roger Mills	.90
Grant	.91	Rogers	.94
Greer	.91	Seminole	.91
Harmon	.91	Sequoyah	.91
Harper	.89	Stephens	.91
Haskell	.91	Texas	.86
Hughes	.91	Tillman	.91
Jackson	.91	Tulsa	.93
Jefferson	.91	Wagoner	.93
Johnston	.91	Washington	.95
Kay	.91	Washita	.91
Kingfisher	.91	Woods	.90
Kiowa	.91	Woodward	.90
Latimer	.91		

OREGON

Baker	$0.97	Clatsop	$0.99
Benton	1.00	Columbia	1.01
Clackamas	1.02	Coos	.92

OREGON—Continued

County	Rate per bushel	County	Rate per bushel
Crook	$1.02	Linn	$1.00
Curry	.90	Malheur	.87
Deschutes	1.02	Marion	1.02
Douglas	.93	Morrow	1.03
Gilliam	1.04	Multnomah	1.05
Grant	1.02	Polk	1.01
Harney	.83	Sherman	1.04
Hood River	1.04	Tillamook	1.04
Jackson	.88	Umatilla	1.02
Jefferson	1.04	Union	.98
Josephine	.88	Wallowa	.95
Klamath	.96	Wasco	1.07
Lake	.96	Washington	1.04
Lane	.97	Wheeler	1.02
Lincoln	.95	Yamhill	1.03

PENNSYLVANIA

All counties	$1.03

RHODE ISLAND

All counties	$1.03

SOUTH CAROLINA

All counties	$1.03

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.89	Jackson	$0.81
Beadle	.89	Jerauld	.89
Bennett	.85	Jones	.83
Bon Homme	.92	Kingsbury	.90
Brookings	.91	Lake	.90
Brown	.89	Lawrence	.79
Brule	.88	Lincoln	.92
Buffalo	.88	Lyman	.86
Butte	.78	McCook	.91
Campbell	.84	McPherson	.88
Charles Mix	.90	Marshall	.89
Clark	.90	Meade	.78
Clay	.94	Mellette	.88
Codington	.91	Miner	.90
Corson	.82	Minnehaha	.92
Custer	.80	Moody	.91
Davison	.90	Pennington	.78
Day	.89	Perkins	.80
Deuel	.91	Potter	.85
Dewey	.81	Roberts	.90
Douglas	.90	Sanborn	.89
Edmunds	.87	Shannon	.84
Fall River	.80	Spink	.89
Faulk	.87	Stanley	.85
Grant	.91	Sully	.84
Gregory	.90	Todd	.88
Haakon	.80	Tripp	.89
Hamlin	.91	Turner	.92
Hand	.88	Union	.94
Hanson	.91	Walworth	.85
Harding	.80	Washabaugh	.81
Hughes	.85	Yankton	.93
Hutchinson	.91	Ziebach	.80
Hyde	.86		

TENNESSEE

Shelby	$1.02
All other counties	1.00

TEXAS

County	Rate per bushel	County	Rate per bushel
Anderson	$1.06	Burleson	$1.08
Archer	.95	Burnet	1.03
Armstrong	.95	Callahan	.97
Atascosa	1.02	Cameron	.98
Austin	1.11	Camp	1.01
Bailey	.95	Carson	.95
Bandera	1.02	Cass	1.00
Baylor	.95	Castro	.95
Bee	1.05	Chambers	1.08
Bell	1.05	Cherokee	1.06
Bexar	1.04	Childress	.95
Blanco	1.05	Clay	.97
Borden	.95	Cochran	.95
Bosque	1.03	Coke	.95
Bowie	.99	Coleman	.98
Brazoria	1.11	Collin	1.01
Brazos	1.09	Collingsworth	.96
Brewster	.86	Comal	1.05
Briscoe	.95	Comanche	1.00
Brown	1.00	Concho	.98

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Cooke	$0.99	Lipscomb	$0.93
Coryell	1.04	Live Oak	1.04
Cottle	.95	Llano	1.03
Crane	.90	Loving	.87
Crockett	.89	Lubbock	.95
Crosby	.95	Lynn	.95
Dallam	.93	McCulloch	.99
Dallas	1.02	McLennan	1.05
Dawson	.95	Madison	1.09
Deaf Smith	.95	Marion	1.01
Delta	.99	Martin	.94
Denton	1.00	Mason	1.00
De Witt	1.07	Maverick	.97
Dickens	.95	Medina	1.02
Donley	.95	Menard	.98
Eastland	.98	Midland	.94
Ector	.93	Milam	1.07
Edwards	.94	Mills	1.02
Ellis	1.02	Mitchell	.95
El Paso	.85	Montague	.98
Erath	.99	Montgomery	1.11
Falls	1.06	Moore	.93
Fannin	.99	Morris	1.01
Fayette	1.08	Motley	.95
Fisher	.95	Nacogdoches	1.06
Floyd	.95	Navarro	1.04
Foard	.95	Newton	1.08
Ford Bend	1.11	Nolan	.95
Franklin	1.01	Ochiltree	.93
Freestone	1.06	Oldham	.94
Gaines	.95	Orange	1.08
Garza	.95	Palo Pinto	.98
Gillespie	1.01	Panola	1.04
Goliad	1.07	Parker	1.01
Gonzales	1.07	Parmer	.94
Gray	.95	Pecos	.86
Grayson	.99	Polk	1.09
Gregg	1.02	Potter	.95
Grimes	1.09	Presidio	.85
Guadalupe	1.05	Rains	1.02
Hale	.95	Randall	.95
Hall	.95	Reagan	.89
Hamilton	1.01	Red River	.97
Hansford	.93	Reeves	.86
Hardeman	.95	Roberts	.93
Hardin	1.08	Robertson	1.07
Harris	1.11	Rockwall	1.00
Harrison	1.01	Runnels	.97
Hartley	.93	Rusk	1.08
Haskell	.95	Sabine	1.06
Hays	1.06	San Augustine	1.05
Hemphill	.93	San Jacinto	1.10
Henderson	1.04	San Saba	1.00
Hidalgo	.98	Schleicher	.90
Hill	1.04	Scurry	.95
Hockley	.95	Shackelford	.96
Hood	1.00	Shelby	1.05
Hopkins	.99	Sherman	.93
Houston	1.08	Smith	1.04
Howard	.95	Somervell	1.01
Hudspeth	.85	Starr	.97
Hunt	1.00	Stephens	.98
Hutchinson	.93	Sterling	.91
Irion	.89	Stonewall	.96
Jack	.98	Sutton	.89
Jackson	1.08	Swisher	.96
Jasper	1.08	Tarrant	1.02
Jeff Davis	.85	Taylor	.96
Jefferson	1.09	Terrell	.89
Jim Wells	1.03	Terry	.95
Johnson	1.02	Throckmorton	.96
Jones	.95	Titus	1.01
Karnes	1.05	Tom Green	.96
Kaufman	1.01	Travis	1.06
Kendall	1.01	Trinity	1.09
Kenedy	1.01	Tyler	1.08
Kent	.95	Upshur	1.02
Kerr	1.01	Upton	.87
Kimble	.99	Uvalde	1.00
King	.95	Val Verde	.95
Kinney	.98	Van Zandt	1.02
Knox	.95	Victoria	1.08
Lamar	.98	Walker	1.10
Lamb	.96	Waller	1.11
Lampasas	1.03	Ward	.90
Leon	1.07	Washington	1.09
Liberty	1.11	Wharton	1.10
Limestone	1.06	Wheeler	.94

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Wichita	$0.96	Winkler	$0.93
Wilbarger	.95	Wise	1.00
Willacy	.98	Wood	1.02
Williamson	1.06	Yoakum	.96
Wilson	1.04	Young	.98

UTAH

Beaver	$0.89	Piute	$0.89
Box Elder	.94	Rich	.94
Cache	.94	Salt Lake	.94
Carbon	.89	San Juan	.89
Daggett	.89	Sanpete	.89
Davis	.94	Sevier	.89
Duchesne	.89	Summit	.89
Emery	.89	Tooele	.94
Garfield	.89	Uintah	.89
Grand	.89	Utah	.89
Iron	.89	Wasatch	.89
Juab	.89	Washington	.89
Kane	.89	Wayne	.89
Millard	.89	Weber	.94
Morgan	.94		

VERMONT

All counties	$1.03

VIRGINIA

All counties	$1.03

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$1.01	Lewis	$0.99
Asotin	.97	Lincoln	.99
Benton	1.03	Mason	.99
Chelan	1.01	Okanogan	1.00
Clallam	.92	Pacific	.99
Clark	1.04	Pend Oreille	.87
Columbia	1.01	Pierce	1.04
Cowlitz	1.03	San Juan	1.01
Douglas	1.00	Skagit	1.01
Ferry	.83	Skamania	1.04
Franklin	1.02	Snohomish	1.02
Garfield	.99	Spokane	.97
Grant	1.01	Stevens	.94
Grays Harbor	.99	Thurston	1.00
Island	1.02	Wahkiakum	1.03
Jefferson	.94	Walla Walla	1.02
King	1.04	Whatcom	1.00
Kitsap	.97	Whitman	.98
Kittitas	1.05	Yakima	1.02
Klickitat	1.04		

WEST VIRGINIA

All counties	$1.00

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.94	Juneau	$0.95
Ashland	.93	Kenosha	1.02
Barron	.94	Kewaunee	.93
Bayfield	.94	LaCrosse	.93
Brown	.95	Lafayette	.95
Buffalo	.94	Langlade	.92
Burnett	.96	Lincoln	.91
Calumet	.95	Manitowoc	.95
Chippewa	.93	Marathon	.92
Clark	.91	Marinette	.91
Columbia	.95	Marquette	.94
Crawford	.93	Milwaukee	1.02
Dane	.97	Monroe	.94
Dodge	.96	Oconto	.93
Door	.92	Oneida	.90
Douglas	.97	Outagamie	.95
Dunn	.95	Ozaukee	.97
Eau Claire	.94	Pepin	.95
Florence	.90	Pierce	.96
Fond Du Lac	.96	Polk	.96
Forest	.91	Portage	.94
Grant	.94	Price	.91
Green	.97	Racine	1.02
Green Lake	.95	Richland	.94
Iowa	.94	Rock	.98
Iron	.91	Rusk	.93
Jackson	.93	St. Croix	.96
Jefferson	.98	Sauk	.95

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Sawyer	$0.94	Washburn	$0.95
Shawano	.94	Washington	.97
Sheboygan	.97	Waukesha	.98
Taylor	.91	Waupaca	.94
Trempealeau	.93	Waushara	.94
Vernon	.93	Winnebago	.95
Vilas	.88	Wood	.93
Walworth	.98		

WYOMING

Albany	$0.89	Natrona	$0.89
Big Horn	.89	Niobrara	.78
Campbell	.74	Park	.89
Carbon	.89	Platte	.81
Converse	.75	Sheridan	.72
Crook	.76	Sublette	.89
Fremont	.89	Sweetwater	.89
Goshen	.81	Teton	.89
Hot Springs	.89	Uinta	.89
Johnson	.72	Washakie	.89
Laramie	.83	Weston	.77
Lincoln	.89		

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714, 7 U.S.C. 1441, 1421)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 10, 1962.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-8231; Filed, Aug. 15, 1962; 8:45 a.m.]

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Oats Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (27 F.R. 6075) with respect to oats produced in 1962 which contain specific requirements for the 1962-crop oats price support program are hereby amended as follows:

Section 421.1454 *Eligible Oats*, paragraph (b)(1) is amended to make oats grading No. 4 because of being "Badly Stained" or "Materially Weathered" eligible for price support so that the amended subparagraph reads as follows:

§ 421.1454 **Eligible oats.**

* * * * *

(b) * * *

(1) The oats must grade No. 3 or better or No. 4 because of test weight or because of being "Badly Stained" or "Materially Weathered" but otherwise No. 3 or better and, in addition, may have the following special grade designations: (i) "Garlicky" and (ii) in the State of Alaska only, "Tough" (i.e. More than 14.0 percent moisture but not more than 16 percent moisture). The provisions of subparagraph (2) of this paragraph pertaining to oats grading "Tough" are not applicable to oats produced in Alaska.

Section 421.1461 *Settlement*, paragraphs (a) and (f) and paragraphs (a)(1) and (2) are amended to correct omissions so that the amended paragraphs and subparagraphs read as follows:

§ 421.1461 **Settlement.**

(a) *General.* Settlement for oats acquired by CCC under loan or purchase agreement will be made with the producer as provided in this section. The support rate per bushel at which settlement will be made for eligible oats shall be determined under the applicable provisions of § 421.1462 and this section. Payment for oats acquired under a purchase agreement will be made by the county office through the issuance of a sight draft drawn on CCC. The producer shall indicate on Commodity Purchase Form 4 to whom payment shall be made.

(1) *Warehouse-storage.* Settlement for eligible oats acquired by CCC under warehouse-storage loans or purchase agreements and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of weight, grade and other quality factors shown on such warehouse receipts or accompanying documents, as applicable. In the case of eligible oats under purchase agreement stored in an approved warehouse, the producer must, not later than the day following the loan maturity date or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of the oats he elects to sell to CCC.

(2) *Farm-storage loans and purchase agreements.* Delivery will be made in accordance with instructions issued by the county office. Settlement will be based on the quality and quantity as indicated on warehouse receipts and accompanying documents issued by an approved warehouse or if applicable, the quality and quantity as shown on Form CCC Grain-50.

* * * * *

(f) *Storage deduction for early delivery.* If farm-stored oats are delivered to CCC prior to the maturity date, a deduction for storage shall be made except that no deductions shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the oats will be sold rather than stored, or if CCC requires early delivery on an area basis. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.1258.

Section 421.1462 *Support rates*, paragraph (c)(4) is amended to provide a discount of 7 cents per bushel for oats grading No. 4 because of being "Badly Stained" or "Materially Weathered" so that the amended subparagraph reads as follows:

§ 421.1462 **Support rates.**

* * * * * *

(c) * * *

(4) *Schedule of premiums and discounts.*

	Cents per bushel
Premiums: [1]	
Grade No. 2 or better	+1
Test Weight:	
Heavy	+1
Extra Heavy	+2
Discounts: [2]	
Grade No. 4 on the factor of test weight only but otherwise No. 3 or better	−1
Grade No. 4 because of being "Badly Stained" or "Materially Weathered"	−7
Garlicky	−3

[1] Applicable premiums shall be cumulative. However, premiums are not applicable to oats grading No. 4 because of being "Badly Stained" or "Materially Weathered."

[2] Applicable discounts shall be cumulative.

Section 421.1462 *Support rates,* is further amended by the addition of paragraph (d) which contains the basic support rates for counties. The added paragraph reads as follows:

§ 421.1462 **Support rates.**

* * * * *

(d) *Basic support rates.* The basic county support rates for use in making loans and for use in settling loans and purchase agreements for both farm-stored and warehouse-stored oats are as follows:

ALABAMA

County	*Rate per bushel*
All counties	$0.73

ALASKA

All counties	$1.20

ARIZONA

All counties	$0.78

ARKANSAS

All counties	$0.70

CALIFORNIA

County	*Rate per bushel*	*County*	*Rate per bushel*
Alameda	$0.74	Placer	$0.71
Alpine	.72	Plumas	.70
Amador	.72	Riverside	.74
Butte	.71	Sacramento	.72
Calaveras	.72	San Benito	.73
Colusa	.72	San Bernardino	.74
Contra Costa	.74	San Diego	.74
Del Norte	.70	San Francisco	.74
El Dorado	.72	San Joaquin	.73
Fresno	.73	San Luis Obispo	.73
Glenn	.71	San Mateo	.74
Humboldt	.72	Santa Barbara	.73
Imperial	.74	Santa Clara	.74
Inyo	.74	Santa Cruz	.73
Kern	.74	Shasta	.69
Kings	.73	Sierra	.70
Lake	.72	Siskiyou	.68
Lassen	.69	Solano	.74
Los Angeles	.75	Sonoma	.73
Madera	.73	Stanislaus	.73
Marin	.74	Sutter	.72
Mariposa	.73	Tehama	.70
Mendocino	.72	Trinity	.72
Merced	.73	Tulare	.73
Modoc	.68	Tuolumne	.72
Mono	.73	Ventura	.74
Monterey	.73	Yolo	.73
Napa	.73	Yuba	.71
Nevada	.70		
Orange	.74		

COLORADO

All counties	$0.65

CONNECTICUT

County	*Rate per bushel*
All counties	$0.73

DELAWARE

All counties	$0.72

FLORIDA

All counties	$0.77

GEORGIA

All counties	$0.73

IDAHO

County	*Rate per bushel*	*County*	*Rate per bushel*
Ada	$0.65	Gem	$0.65
Adams	.63	Gooding	.64
Bannock	.63	Idaho	.62
Bear Lake	.63	Jefferson	.61
Benewah	.63	Jerome	.64
Bingham	.61	Kootenai	.63
Blaine	.63	Latah	.64
Boise	.65	Lemhi	.61
Bonner	.61	Lewis	.63
Bonneville	.61	Lincoln	.64
Boundary	.61	Madison	.61
Butte	.61	Minidoka	.64
Camas	.64	Nez Perce	.64
Canyon	.65	Oneida	.63
Caribou	.62	Owyhee	.65
Cassia	.64	Payette	.65
Clark	.61	Power	.63
Clearwater	.63	Shoshone	.61
Custer	.61	Teton	.61
Elmore	.65	Twin Falls	.64
Franklin	.63	Valley	.63
Fremont	.61	Washington	.64

ILLINOIS

County	*Rate per bushel*	*County*	*Rate per bushel*
Adams	$0.63	Lee	$0.63
Alexander	.66	Livingston	.63
Bond	.64	Logan	.63
Boone	.63	McDonough	.63
Brown	.63	McHenry	.63
Bureau	.63	McLean	.63
Calhoun	.64	Macon	.63
Carroll	.63	Macoupin	.64
Cass	.63	Madison	.65
Champaign	.63	Marion	.65
Christian	.63	Marshall	.63
Clark	.64	Mason	.63
Clay	.65	Massac	.66
Clinton	.65	Menard	.63
Coles	.63	Mercer	.63
Cook	.65	Monroe	.66
Crawford	.65	Montgomery	.64
Cumberland	.64	Morgan	.63
De Kalb	.63	Moultrie	.63
De Witt	.63	Ogle	.63
Douglas	.63	Peoria	.63
Du Page	.63	Perry	.66
Edgar	.63	Piatt	.63
Edwards	.66	Pike	.63
Effingham	.64	Pope	.67
Fayette	.64	Pulaski	.66
Ford	.63	Putnam	.63
Franklin	.66	Randolph	.66
Fulton	.63	Richland	.65
Gallatin	.67	Rock Island	.63
Greene	.64	St. Clair	.66
Grundy	.63	Saline	.67
Hamilton	.66	Sangamon	.63
Hancock	.63	Schuyler	.63
Hardin	.67	Scott	.63
Henderson	.63	Shelby	.63
Henry	.63	Stark	.63
Iroquois	.63	Stephenson	.63
Jackson	.66	Tazewell	.63
Jasper	.65	Union	.66
Jefferson	.66	Vermilion	.63
Jersey	.64	Wabash	.66
Jo Daviess	.63	Warren	.63
Johnson	.66	Washington	.66
Kane	.63	Wayne	.66
Kankakee	.63	White	.66
Kendall	.63	Whiteside	.63
Knox	.63	Will	.64
Lake	.64	Williamson	.66
La Salle	.63	Winnebago	.63
Lawrence	.65	Woodford	.63

INDIANA

County	*Rate per bushel*	*County*	*Rate per bushel*
Adams	$0.64	Lawrence	$0.66
Allen	.64	Madison	.64
Bartholomew	.65	Marion	.64
Benton	.63	Marshall	.64
Blackford	.64	Martin	.66
Boone	.64	Miami	.64
Brown	.66	Monroe	.66
Carroll	.64	Montgomery	.64
Cass	.64	Morgan	.64
Clark	.66	Newton	.63
Clay	.64	Noble	.64
Clinton	.64	Ohio	.67
Crawford	.66	Orange	.66
Daviess	.66	Owen	.64
Dearborn	.67	Parke	.63
Decatur	.65	Perry	.66
De Kalb	.64	Pike	.66
Delaware	.64	Porter	.64
Dubois	.66	Posey	.66
Elkhart	.65	Pulaski	.64
Fayette	.64	Putnam	.64
Floyd	.66	Randolph	.64
Fountain	.63	Ripley	.67
Franklin	.66	Rush	.64
Fulton	.64	St. Joseph	.65
Gibson	.66	Scott	.67
Grant	.64	Shelby	.64
Greene	.66	Spencer	.66
Hamilton	.64	Starke	.64
Hancock	.64	Steuben	.65
Harrison	.66	Sullivan	.65
Hendricks	.64	Switzerland	.67
Henry	.64	Tippecanoe	.64
Howard	.64	Tipton	.64
Huntington	.64	Union	.64
Jackson	.66	Vanderburgh	.66
Jasper	.63	Vermillion	.63
Jay	.64	Vigo	.64
Jefferson	.67	Wabash	.64
Jennings	.67	Warren	.63
Johnson	.64	Warrick	.66
Knox	.66	Washington	.66
Kosciusko	.64	Wayne	.64
Lagrange	.65	Wells	.64
Lake	.64	White	.64
La Porte	.65	Whitley	.64

IOWA

County	*Rate per bushel*	*County*	*Rate per bushel*
Adair	$0.62	Hancock	$0.61
Adams	.62	Hardin	.61
Allamakee	.63	Harrison	.61
Appanoose	.62	Henry	.63
Audubon	.61	Howard	.62
Benton	.62	Humboldt	.61
Black Hawk	.62	Ida	.60
Boone	.61	Iowa	.62
Bremer	.62	Jackson	.63
Buchanan	.62	Jasper	.61
Buena Vista	.61	Jefferson	.63
Butler	.61	Johnson	.63
Calhoun	.61	Jones	.63
Carroll	.61	Keokuk	.62
Cass	.62	Kossuth	.61
Cedar	.63	Lee	.63
Cerro Gordo	.61	Linn	.63
Cherokee	.60	Louisa	.63
Chickasaw	.62	Lucas	.62
Clark	.62	Lyon	.59
Clay	.61	Madison	.62
Clayton	.63	Mahaska	.62
Clinton	.63	Marion	.62
Crawford	.60	Marshall	.61
Dallas	.61	Mills	.62
Davis	.63	Mitchell	.61
Decatur	.62	Monona	.60
Delaware	.63	Monroe	.62
Des Moines	.63	Montgomery	.62
Dickinson	.60	Muscatine	.63
Dubuque	.63	O'Brien	.60
Emmet	.60	Osceola	.59
Fayette	.63	Page	.62
Floyd	.61	Palo Alto	.61
Franklin	.61	Plymouth	.60
Fremont	.62	Pocahontas	.61
Greene	.61	Polk	.61
Grundy	.61	Pottawattamie	.62
Guthrie	.61	Poweshiek	.61
Hamilton	.61		

IOWA—Continued

County	*Rate per bushel*	*County*	*Rate per bushel*
Ringgold	$0.62	Wapello	$0.62
Sac	.61	Warren	.62
Scott	.63	Washington	.63
Shelby	.61	Wayne	.62
Sioux	.59	Webster	.61
Story	.61	Winnebago	.61
Tama	.61	Winneshiek	.63
Taylor	.62	Woodbury	.60
Union	.62	Worth	.61
Van Buren	.63	Wright	.61

KANSAS

Allen	$0.65	Linn	$0.65
Anderson	.65	Logan	.66
Atchison	.65	Lyon	.65
Barber	.68	McPherson	.66
Barton	.66	Marion	.66
Bourbon	.66	Marshall	.64
Brown	.64	Meade	.68
Butler	.67	Miami	.65
Chase	.66	Mitchell	.64
Chautauqua	.67	Montgomery	.67
Cherokee	.67	Morris	.65
Cheyenne	.65	Morton	.68
Clark	.68	Nemaha	.64
Clay	.64	Neosho	.66
Cloud	.64	Ness	.66
Coffey	.65	Norton	.64
Comanche	.68	Osage	.65
Cowley	.67	Osborne	.64
Crawford	.66	Ottawa	.64
Decatur	.64	Pawnee	.66
Dickinson	.65	Phillips	.63
Doniphan	.65	Pottawatomie	.64
Douglas	.65	Pratt	.67
Edwards	.66	Rawlins	.65
Elk	.66	Reno	.66
Ellis	.65	Republic	.63
Ellsworth	.65	Rice	.66
Finney	.67	Riley	.64
Ford	.67	Rooks	.64
Franklin	.65	Rush	.66
Geary	.65	Russell	.65
Gove	.66	Saline	.65
Graham	.65	Scott	.66
Grant	.67	Sedgwick	.67
Gray	.67	Seward	.68
Greeley	.66	Shawnee	.65
Greenwood	.66	Sheridan	.65
Hamilton	.67	Sherman	.65
Harper	.68	Smith	.63
Harvey	.66	Stafford	.66
Haskell	.67	Stanton	.67
Hodgeman	.66	Stevens	.68
Jackson	.65	Sumner	.68
Jefferson	.65	Thomas	.65
Jewell	.63	Trego	.65
Johnson	.66	Wabaunsee	.65
Kearny	.67	Wallace	.66
Kingman	.67	Washington	.63
Kiowa	.67	Wichita	.66
Labette	.67	Wilson	.66
Lane	.66	Woodson	.65
Leavenworth	.66	Wyandotte	.66
Lincoln	.64		

KENTUCKY

All counties	$0.73

LOUISIANA

All counties	$0.72

MAINE

All counties	$0.73

MARYLAND

All counties	$0.72

MASSACHUSETTS

All counties	$0.73

MICHIGAN

County	*Rate per bushel*	*County*	*Rate per bushel*
Alcona	$0.64	Arenac	$0.64
Alger	.66	Baraga	.65
Allegan	.66	Barry	.66
Alpena	.64	Bay	.64
Antrim	.65	Benzie	.65

MICHIGAN—Continued

County	*Rate per bushel*	*County*	*Rate per bushel*
Berrien	$0.65	Livingston	$0.65
Branch	.65	Luce	.66
Calhoun	.65	Mackinac	.66
Cass	.65	Macomb	.65
Charlevoix	.65	Manistee	.66
Cheyboygan	.65	Marquette	.65
Chippewa	.66	Mason	.66
Clare	.65	Mecosta	.65
Clinton	.65	Menominee	.65
Crawford	.64	Midland	.64
Delta	.65	Missaukee	.65
Dickinson	.65	Monroe	.65
Eaton	.65	Montcalm	.65
Emmet	.65	Montmorency	.64
Genesee	.64	Muskegon	.66
Gladwin	.64	Newaygo	.66
Gogebic	.65	Oakland	.65
Grand Traverse	.65	Oceana	.66
Gratiot	.65	Ogemaw	.64
Hillsdale	.65	Ontonagon	.65
Houghton	.65	Osceola	.65
Huron	.64	Oscoda	.64
Ingham	.65	Otsego	.65
Ionia	.65	Ottawa	.66
Iosco	.64	Presque Isle	.64
Iron	.65	Roscommon	.64
Isabella	.65	Saginaw	.64
Jackson	.65	St. Clair	.65
Kalamazoo	.66	St. Joseph	.65
Kalkaska	.65	Sanilac	.64
Kent	.66	Schoolcraft	.66
Keweenaw	.65	Shiawassee	.64
Lake	.66	Tuscola	.64
Lapeer	.64	Van Buren	.66
Leelanau	.65	Washtenaw	.65
Lenawee	.65	Wayne	.65
		Wexford	.66

MINNESOTA

Aitkin	$0.58	Marshall	$0.52
Anoka	.60	Martin	.58
Becker	.54	Meeker	.58
Beltrami	.53	Mille Lacs	.58
Benton	.58	Morrison	.57
Big Stone	.55	Mower	.59
Blue Earth	.59	Murray	.56
Brown	.58	Nicollet	.59
Carlton	.59	Nobles	.57
Carver	.60	Norman	.53
Cass	.56	Olmsted	.59
Chippewa	.56	Otter Tail	.55
Chisago	.60	Pennington	.53
Clay	.54	Pine	.59
Clearwater	.54	Pipestone	.56
Cook	.60	Polk	.53
Cottonwood	.57	Pope	.56
Crow Wing	.57	Ramsey	.60
Dakota	.60	Red Lake	.53
Dodge	.59	Redwood	.57
Douglas	.56	Renville	.58
Faribault	.59	Rice	.59
Fillmore	.60	Rock	.57
Freeborn	.59	Roseau	.52
Goodhue	.59	St. Louis	.59
Grant	.55	Scott	.60
Hennepin	.60	Sherburne	.59
Houston	.60	Sibley	.59
Hubbard	.55	Stearns	.58
Isanti	.59	Steele	.59
Itasca	.56	Stevens	.55
Jackson	.58	Swift	.56
Kanabec	.59	Todd	.57
Kandiyohi	.58	Traverse	.54
Kittson	.52	Wabasha	.59
Koochiching	.55	Wadena	.56
Lac qui Parle	.56	Waseca	.59
Lake	.60	Washington	.60
Lake of the Woods	.53	Watonwan	.58
Le Sueur	.59	Wilkin	.54
Lincoln	.56	Winona	.60
Lyon	.56	Wright	.59
McLeod	.59	Yellow Medicine	.56
Mahnomen	.53		

MISSISSIPPI

All counties	$0.72

MISSOURI

County	*Rate per bushel*	*County*	*Rate per bushel*
Adair	$0.65	Linn	$0.65
Andrew	.64	Livingston	.65
Atchison	.63	McDonald	.67
Audrain	.64	Macon	.65
Barry	.67	Madison	.67
Barton	.66	Maries	.67
Bates	.65	Marion	.63
Benton	.65	Mercer	.64
Bollinger	.67	Miller	.66
Boone	.66	Mississippi	.66
Buchanan	.66	Moniteau	.66
Butler	.67	Monroe	.64
Caldwell	.66	Montgomery	.66
Callaway	.66	Morgan	.66
Camden	.66	New Madrid	.67
Cape Girardeau	.66	Newton	.66
Carroll	.65	Nodaway	.63
Carter	.67	Oregon	.68
Cass	.65	Osage	.67
Cedar	.65	Ozark	.68
Chariton	.65	Pemiscot	.67
Christian	.67	Perry	.66
Clark	.63	Pettis	.66
Clay	.66	Phelps	.67
Clinton	.66	Pike	.63
Cole	.66	Platte	.66
Cooper	.66	Polk	.65
Crawford	.67	Pulaski	.66
Dade	.65	Putnam	.64
Dallas	.66	Ralls	.63
Daviess	.65	Randolph	.65
De Kalb	.65	Ray	.66
Dent	.67	Reynolds	.67
Douglas	.67	Ripley	.68
Dunklin	.67	St. Charles	.65
Franklin	.67	St. Clair	.65
Gasconade	.67	Ste. Genevieve	.66
Gentry	.64	St. Francois	.67
Greene	.66	St. Louis	.66
Grundy	.64	Saline	.65
Harrison	.64	Schuyler	.64
Henry	.65	Scotland	.63
Hickory	.65	Scott	.66
Holt	.64	Shannon	.67
Howard	.66	Shelby	.64
Howell	.68	Stoddard	.67
Iron	.67	Stone	.67
Jackson	.65	Sullivan	.64
Jasper	.66	Taney	.68
Jefferson	.66	Texas	.66
Johnson	.65	Vernon	.65
Knox	.64	Warren	.66
Laclede	.66	Washington	.67
LaFayette	.65	Wayne	.67
Lawrence	.66	Webster	.66
Lewis	.63	Worth	.63
Lincoln	.65	Wright	.66

MONTANA

Beaverhead	$0.60	Liberty	$0.54
Big Horn	.56	Lincoln	.60
Blaine	.52	McCone	.52
Broadwater	.56	Madison	.58
Carbon	.56	Meagher	.56
Carter	.55	Mineral	.60
Cascade	.56	Missoula	.59
Chouteau	.53	Musselshell	.55
Custer	.54	Park	.56
Daniels	.52	Petroleum	.54
Dawson	.52	Phillips	.52
Deer Lodge	.58	Pondera	.54
Fallon	.54	Powder River	.55
Fergus	.54	Powell	.58
Flathead	.58	Prairie	.53
Gallatin	.56	Ravalli	.59
Garfield	.52	Richland	.52
Glacier	.55	Roosevelt	.52
Golden Valley	.55	Rosebud	.54
Granite	.59	Sanders	.60
Hill	.53	Sheridan	.52
Jefferson	.57	Silver Bow	.58
Judith Basin	.55	Stillwater	.56
Lake	.59	Sweet Grass	.56
Lewis and Clark	.57	Teton	.54
		Toole	.54

MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
Treasure	$0.56	Wilbaux	$0.53
Valley	.52	Yellowstone	.56
Wheatland	.55		

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$0.62	Jefferson	$0.62
Antelope	.59	Johnson	.63
Arthur	.60	Kearney	.62
Banner	.60	Keith	.61
Blaine	.59	Keya Paha	.58
Boone	.60	Kimball	.61
Box Butte	.60	Knox	.58
Boyd	.58	Lancaster	.62
Brown	.59	Lincoln	.61
Buffalo	.61	Logan	.60
Burt	.60	Loup	.59
Butler	.61	McPherson	.60
Cass	.62	Madison	.60
Cedar	.59	Merrick	.60
Chase	.63	Morrill	.60
Cherry	.59	Nance	.60
Cheyenne	.61	Nemaha	.63
Clay	.62	Nuckolls	.62
Colfax	.61	Otoe	.62
Cuming	.60	Pawnee	.63
Custer	.60	Perkins	.62
Dakota	.60	Phelps	.62
Dawes	.60	Pierce	.59
Dawson	.61	Platte	.60
Deuel	.61	Polk	.60
Dixon	.60	Red Willow	.63
Dodge	.61	Richardson	.63
Douglas	.62	Rock	.59
Dundy	.64	Saline	.62
Fillmore	.62	Sarpy	.62
Franklin	.62	Saunders	.62
Frontier	.62	Scotts Bluff	.60
Furnas	.63	Seward	.61
Gage	.63	Sheridan	.60
Garden	.60	Sherman	.60
Garfield	.59	Sioux	.60
Gosper	.62	Stanton	.60
Grant	.59	Thayer	.62
Greeley	.60	Thomas	.59
Hall	.61	Thurston	.60
Hamilton	.61	Valley	.60
Harlan	.62	Washington	.61
Hayes	.63	Wayne	.59
Hitchcock	.64	Webster	.62
Holt	.59	Wheeler	.59
Hooker	.59	York	.61
Howard	.60		

NEVADA

All counties $0.75

NEW JERSEY

All counties $0.73

NEW MEXICO

All counties $0.72

NEW YORK

All counties $0.72

NORTH CAROLINA

All counties $0.73

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.53	Griggs	$0.53
Barnes	.54	Hettinger	.52
Benson	.52	Kidder	.53
Billings	.52	La Moure	.54
Bottineau	.51	Logan	.53
Bowman	.53	McHenry	.51
Burke	.50	McIntosh	.53
Burleigh	.53	McKenzie	.51
Cass	.54	McLean	.51
Cavalier	.52	Mercer	.51
Dickey	.54	Mountrail	.50
Divide	.50	Morton	.52
Dunn	.51	Nelson	.53
Eddy	.53	Oliver	.52
Emmons	.53	Pembina	.52
Foster	.53	Pierce	.51
Golden Valley	.52	Ramsey	.52
Grand Forks	.53	Ransom	.54
Grant	.52	Renville	.51

NORTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Richland	$0.54	Stutsman	$0.54
Rolette	.51	Towner	.52
Sargent	.54	Traill	.53
Sheridan	.52	Walsh	.52
Sioux	.53	Ward	.51
Slope	.52	Wells	.52
Stark	.52	Williams	.50
Steele	.53		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$0.70	Licking	$0.67
Allen	.66	Logan	.67
Ashland	.67	Lorain	.68
Ashtabula	.71	Lucas	.66
Athens	.71	Madison	.67
Auglaize	.66	Mahoning	.71
Belmont	.72	Marion	.67
Brown	.69	Medina	.69
Butler	.66	Meigs	.71
Carroll	.71	Mercer	.65
Champaign	.67	Miami	.66
Clark	.67	Monroe	.72
Clermont	.68	Montgomery	.66
Clinton	.68	Morgan	.71
Columbiana	.71	Morrow	.67
Coshocton	.69	Muskingum	.70
Crawford	.67	Noble	.71
Cuyahoga	.69	Ottawa	.67
Darke	.65	Paulding	.65
Defiance	.65	Perry	.69
Delaware	.67	Pickaway	.67
Erie	.67	Pike	.70
Fairfield	.67	Portage	.70
Fayette	.67	Preble	.65
Franklin	.67	Putnam	.66
Fulton	.66	Richland	.67
Gallia	.71	Ross	.68
Geauga	.70	Sandusky	.67
Greene	.67	Scioto	.70
Guernsey	.71	Seneca	.67
Hamilton	.67	Shelby	.66
Hancock	.66	Stark	.70
Hardin	.66	Summit	.69
Harrison	.71	Trumbull	.71
Henry	.66	Tuscarawas	.70
Highland	.69	Union	.67
Hocking	.69	Van Wert	.65
Holmes	.69	Vinton	.70
Huron	.67	Warren	.67
Jackson	.70	Washington	.72
Jefferson	.72	Wayne	.69
Knox	.67	Williams	.66
Lake	.70	Wood	.66
Lawrence	.70	Wyandot	.67

OKLAHOMA

All counties $0.69

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	$0.65	Lake	$0.67
Benton	.70	Lane	.69
Clackamas	.70	Lincoln	.70
Clatsop	.70	Linn	.69
Columbia	.70	Malheur	.65
Coos	.69	Marion	.70
Crook	.68	Morrow	.67
Curry	.69	Multnomah	.70
Deschutes	.68	Polk	.70
Douglas	.69	Sherman	.68
Gilliam	.68	Tillamook	.70
Grant	.67	Umatilla	.66
Harney	.66	Union	.66
Hood River	.70	Wallowa	.65
Jackson	.69	Wasco	.68
Jefferson	.68	Washington	.70
Josephine	.69	Wheeler	.68
Klamath	.67	Yamhill	.70

PENNSYLVANIA

All counties $0.72

RHODE ISLAND

All counties $0.73

SOUTH CAROLINA

All counties $0.73

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Armstrong	$0.54	Jackson	$0.54
Aurora	.55	Jerauld	.55
Beadle	.55	Jones	.54
Bennett	.55	Kingsbury	.55
Bon Homme	.56	Lake	.55
Brookings	.56	Lawrence	.53
Brown	.54	Lincoln	.57
Brule	.55	Lyman	.54
Buffalo	.55	McCook	.55
Butte	.53	McPherson	.53
Campbell	.53	Marshall	.54
Charles Mix	.55	Meade	.53
Clark	.54	Mellette	.55
Clay	.58	Miner	.55
Codington	.54	Minnehaha	.56
Corson	.53	Moody	.56
Custer	.56	Pennington	.54
Davison	.55	Perkins	.53
Day	.54	Potter	.53
Deuel	.56	Roberts	.54
Dewey	.53	Sanborn	.55
Douglas	.55	Shannon	.56
Edmunds	.53	Spink	.54
Fall River	.56	Stanley	.54
Faulk	.53	Sully	.54
Grant	.55	Todd	.55
Gregory	.55	Tripp	.55
Haakon	.54	Turner	.57
Hamlin	.55	Union	.58
Hand	.54	Walworth	.53
Hanson	.56	Washabaugh	.55
Harding	.53	Washington	.54
Hughes	.54	Yankton	.57
Hutchinson	.56	Ziebach	.53
Hyde	.54		

TENNESSEE

All counties $0.73

TEXAS

All counties $0.71

UTAH

All counties $0.72

VIRGINIA

All counties $0.72

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$0.65	Lewis	$0.70
Asotin	.65	Lincoln	.65
Benton	.67	Mason	.70
Chelan	.68	Okanogan	.68
Clallam	.70	Pacific	.70
Clark	.70	Pend Oreille	.68
Columbia	.65	Pierce	.70
Cowlitz	.70	San Juan	.70
Douglas	.67	Skagit	.70
Ferry	.68	Skamania	.70
Franklin	.65	Snohomish	.70
Garfield	.65	Spokane	.64
Grant	.66	Stevens	.64
Grays Harbor	.70	Thurston	.70
Island	.70	Wahkiakum	.70
Jefferson	.70	Walla Walla	.65
King	.70	Whatcom	.70
Kitsap	.70	Whitman	.64
Kittitas	.68	Yakima	.68
Klickitat	.68		

WEST VIRGINIA

All counties $0.73

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.63	Dane	$0.64
Ashland	.63	Dodge	.63
Barron	.61	Door	.62
Bayfield	.62	Douglas	.61
Brown	.62	Dunn	.62
Buffalo	.61	Eau Claire	.62
Burnett	.61	Florence	.64
Calumet	.62	Fond du Lac	.62
Chippewa	.62	Forest	.64
Clark	.62	Grant	.64
Columbia	.63	Green	.64
Crawford	.64	Green Lake	.63

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Iowa	$0.65	Portage	$0.63
Iron	.64	Price	.63
Jackson	.63	Racine	.65
Jefferson	.64	Richland	.64
Juneau	.63	Rock	.64
Kenosha	.65	Rusk	.62
Kewaunee	.62	St. Croix	.61
La Crosse	.62	Sauk	.64
LaFayette	.65	Sawyer	.62
Langlade	.63	Shawano	.63
Lincoln	.63	Sheboygan	.63
Manitowoc	.62	Taylor	.63
Marathon	.63	Trempealeau	.62
Marinette	.64	Vernon	.63
Marquette	.63	Vilas	.64
Milwaukee	.65	Walworth	.64
Monroe	.63	Washburn	.61
Oconto	.63	Washington	.64
Oneida	.64	Waukesha	.65
Outagamie	.62	Waupaca	.63
Ozaukee	.64	Waushara	.63
Pepin	.61	Winnebago	.62
Pierce	.61	Wood	.63
Polk	.61		

WYOMING

All counties $0.62

(Sec. 4, 62 Stat, 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 10, 1962.

ROBERT G. LEWIS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-8232; Filed, Aug. 15, 1962; 8:45 a.m.]

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Soybean Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (27 F.R. 6525) with respect to soybeans in 1962 which contained specific requirements for the 1962-crop soybean price support program are hereby amended as follows:

Section 421.1613 *Support rates,* is amended by adding paragraph (c) which contains basic support rates for counties. The added paragraph reads as follows:

§ 421.1613 Support rates.

* * * * *

(c) *Basic support rates.* The basic support rates for loans and settlement purposes for farm-stored and warehouse-stored soybeans are as follows:

DELAWARE

County	Rate per bushel
All counties	$2.21

FLORIDA

All counties $2.20

GEORGIA

All counties $2.21

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$2.28	Lee	$2.28
Alexander	2.25	Livingston	2.31
Bond	2.30	Logan	2.31
Boone	2.29	McDonough	2.28
Brown	2.28	McHenry	2.30
Bureau	2.28	McLean	2.31
Calhoun	2.28	Macon	2.31
Carroll	2.28	Macoupin	2.30
Cass	2.29	Madison	2.29
Champaign	2.31	Marion	2.29
Christian	2.31	Marshall	2.30
Clark	2.30	Mason	2.29
Clay	2.29	Massac	2.26
Clinton	2.26	Menard	2.29
Coles	2.31	Mercer	2.28
Cook	2.32	Monroe	2.26
Crawford	2.29	Montgomery	2.30
Cumberland	2.31	Morgan	2.30
De Kalb	2.31	Moultrie	2.31
De Witt	2.31	Ogle	2.28
Douglas	2.31	Peoria	2.29
Du Page	2.31	Perry	2.26
Edgar	2.31	Piatt	2.31
Edwards	2.27	Pike	2.28
Effingham	2.31	Pope	2.26
Fayette	2.31	Pulaski	2.25
Ford	2.31	Putnam	2.28
Franklin	2.26	Randolph	2.26
Fulton	2.28	Richland	2.29
Gallatin	2.26	Rock Island	2.28
Greene	2.29	St. Clair	2.27
Grundy	2.31	Saline	2.26
Hamilton	2.27	Sangamon	2.31
Hancock	2.28	Schuyler	2.28
Hardin	2.26	Scott	2.29
Henderson	2.28	Shelby	2.31
Henry	2.28	Stark	2.29
Iroquois	2.31	Stephenson	2.28
Jackson	2.26	Tazewell	2.30
Jasper	2.30	Union	2.25
Jefferson	2.27	Vermilion	2.31
Jersey	2.28	Wabash	2.27
Jo Daviess	2.28	Warren	2.28
Johnson	2.25	Washington	2.27
Kane	2.31	Wayne	2.27
Kankakee	2.31	White	2.26
Kendall	2.31	Whiteside	2.28
Knox	2.29	Will	2.31
Lake	2.31	Williamson	2.26
La Salle	2.31	Winnebago	2.28
Lawrence	2.28	Woodford	2.30

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$2.25	Grant	$2.24
Allen	2.26	Greene	2.26
Bartholomew	2.24	Hamilton	2.25
Benton	2.30	Hancock	2.24
Blackford	2.24	Harrison	2.23
Boone	2.26	Hendricks	2.25
Brown	2.24	Henry	2.24
Carroll	2.26	Howard	2.25
Cass	2.25	Huntington	2.25
Clark	2.23	Jackson	2.24
Clay	2.26	Jasper	2.28
Clinton	2.26	Jay	2.24
Crawford	2.23	Jefferson	2.23
Daviess	2.25	Jennings	2.23
Dearborn	2.23	Johnson	2.24
Decatur	2.24	Knox	2.26
De Kalb	2.26	Kosciusko	2.25
Delaware	2.24	Lagrange	2.26
Dubois	2.24	Lake	2.30
Elkhart	2.25	La Porte	2.27
Fayette	2.24	Lawrence	2.25
Floyd	2.23	Madison	2.24
Fountain	2.29	Marion	2.25
Franklin	2.24	Marshall	2.26
Fulton	2.25	Martin	2.25
Gibson	2.26	Miami	2.24

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Monroe	$2.25	Shelby	$2.24
Montgomery	2.28	Spencer	2.23
Morgan	2.25	Starke	2.27
Newton	2.30	Steuben	2.26
Noble	2.26	Sullivan	2.27
Ohio	2.23	Switzerland	2.23
Orange	2.24	Tippecanoe	2.28
Owen	2.25	Tipton	2.25
Parke	2.27	Union	2.24
Perry	2.23	Vanderburgh	2.25
Pike	2.25	Vermillion	2.29
Porter	2.29	Vigo	2.28
Posey	2.25	Wabash	2.24
Pulaski	2.27	Warren	2.29
Putnam	2.26	Warrick	2.24
Randolph	2.24	Washington	2.23
Ripley	2.23	Wayne	2.24
Rush	2.24	Wells	2.25
St. Joseph	2.26	White	2.28
Scott	2.23	Whitley	2.26

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$2.21	Jefferson	$2.24
Adams	2.20	Johnson	2.25
Allamakee	2.22	Jones	2.25
Appanoose	2.22	Keokuk	2.24
Audubon	2.21	Kossuth	2.20
Benton	2.25	Lee	2.25
Black Hawk	2.23	Linn	2.25
Boone	2.22	Louisa	2.25
Bremer	2.22	Lucas	2.22
Buchanan	2.24	Lyon	2.18
Buena Vista	2.20	Madison	2.21
Butler	2.22	Mahaska	2.23
Calhoun	2.21	Marion	2.23
Carroll	2.21	Marshall	2.24
Cass	2.20	Mills	2.19
Cedar	2.26	Mitchell	2.20
Cerro Gordo	2.21	Monona	2.19
Cherokee	2.19	Monroe	2.22
Chickasaw	2.21	Montgomery	2.19
Clarke	2.21	Muscatine	2.26
Clay	2.20	O'Brien	2.19
Clayton	2.23	Osceola	2.19
Clinton	2.26	Page	2.19
Crawford	2.20	Palo Alto	2.20
Dallas	2.22	Plymouth	2.18
Davis	2.23	Pocahontas	2.20
Decatur	2.21	Polk	2.23
Delaware	2.24	Pottawattamie	2.19
Des Moines	2.25	Poweshiek	2.24
Dickinson	2.19	Ringgold	2.20
Dubuque	2.24	Sac	2.21
Emmet	2.19	Scott	2.26
Fayette	2.23	Shelby	2.20
Floyd	2.21	Sioux	2.18
Franklin	2.22	Story	2.23
Fremont	2.19	Tama	2.24
Greene	2.21	Taylor	2.20
Grundy	2.23	Union	2.20
Guthrie	2.21	Van Buren	2.24
Hamilton	2.22	Wapello	2.23
Hancock	2.20	Warren	2.22
Hardin	2.23	Washington	2.24
Harrison	2.19	Wayne	2.22
Henry	2.24	Webster	2.22
Howard	2.20	Winnebago	2.19
Humboldt	2.21	Winneshiek	2.21
Ida	2.20	Woodbury	2.19
Iowa	2.25	Worth	2.20
Jackson	2.26	Wright	2.22
Jasper	2.24		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$2.18	Crawford	$2.17
Anderson	2.19	Dickinson	2.16
Atchison	2.19	Doniphan	2.19
Bourbon	2.18	Douglas	2.19
Brown	2.18	Elk	2.16
Butler	2.16	Ellsworth	2.14
Chase	2.16	Franklin	2.19
Chautauqua	2.15	Geary	2.17
Cherokee	2.17	Greenwood	2.17
Clay	2.17	Harper	2.14
Cloud	2.16	Harvey	2.15
Coffey	2.18	Jackson	2.18
Cowley	2.15	Jefferson	2.19

ARIZONA

All counties $2.11

ARKANSAS

All counties $2.24

CALIFORNIA

All counties $2.11

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Jewell	$2.15	Ottawa	$2.16
Johnson	2.19	Pottawatomie	2.17
Kingman	2.14	Reno	2.14
Labette	2.16	Republic	2.16
Leavenworth	2.19	Rice	2.14
Lincoln	2.15	Riley	2.17
Linn	2.19	Russell	2.14
Lyon	2.17	Saline	2.15
McPherson	2.15	Sedgwick	2.15
Marion	2.16	Shawnee	2.19
Marshall	2.17	Smith	2.14
Miami	2.19	Sumner	2.14
Mitchell	2.15	Wabaunsee	2.18
Montgomery	2.15	Washington	2.17
Morris	2.17	Wilson	2.16
Nemaha	2.18	Woodson	2.17
Neosho	2.17	Wyandotte	2.19
Osage	2.18	All other counties	2.13
Osborne	2.14		

KENTUCKY

All counties $2.24

LOUISIANA

All counties $2.24

MARYLAND

All counties $2.21

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$2.20	Lapeer	$2.20
Arenac	2.18	Lenawee	2.24
Barry	2.20	Livingston	2.23
Bay	2.18	Macomb	2.22
Berrien	2.23	Mecosta	2.18
Branch	2.23	Midland	2.18
Calhoun	2.22	Monroe	2.24
Cass	2.22	Montcalm	2.19
Clare	2.18	Muskegon	2.18
Clinton	2.20	Newaygo	2.18
Eaton	2.21	Oakland	2.22
Genesee	2.20	Oceana	2.18
Gladwin	2.18	Ottawa	2.19
Gratiot	2.19	Saginaw	2.19
Hillsdale	2.24	St. Clair	2.21
Huron	2.18	St. Joseph	2.22
Ingham	2.22	Sanilac	2.19
Ionia	2.20	Shiawassee	2.20
Isabella	2.18	Tuscola	2.19
Jackson	2.23	Van Buren	2.21
Kalamazoo	2.21	Washtenaw	2.23
Kent	2.19	Wayne	2.23

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$2.14	Lincoln	$2.17
Anoka	2.18	Lyon	2.17
Becker	2.12	McLeod	2.18
Benton	2.16	Mahnomen	2.12
Big Stone	2.15	Marshall	2.11
Blue Earth	2.19	Martin	2.19
Brown	2.18	Meeker	2.17
Carver	2.18	Mille Lacs	2.16
Cass	2.13	Morrison	2.15
Chippewa	2.16	Mower	2.20
Chisago	2.18	Murray	2.17
Clay	2.12	Nicollet	2.18
Clearwater	2.12	Nobles	2.18
Cottonwood	2.18	Norman	2.12
Crow Wing	2.14	Olmstead	2.20
Dakota	2.19	Otter Tail	2.13
Dodge	2.20	Pennington	2.12
Douglas	2.14	Pine	2.16
Faribault	2.19	Pipestone	2.17
Fillmore	2.20	Polk	2.12
Freeborn	2.20	Pope	2.15
Goodhue	2.20	Ramsey	2.19
Grant	2.14	Red Lake	2.12
Hennepin	2.19	Redwood	2.17
Houston	2.20	Renville	2.17
Hubbard	2.12	Rice	2.20
Isanti	2.18	Rock	2.17
Jackson	2.18	Roseau	2.11
Kanabec	2.17	Scott	2.19
Kandiyohi	2.16	Sherburne	2.18
Kittson	2.11	Sibley	2.18
Lac qui Parle	2.16	Stearns	2.16
Le Sueur	2.19	Steele	2.20

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Stevens	$2.15	Washington	$2.19
Swift	2.16	Watonwan	2.19
Todd	2.14	Wilkin	2.13
Traverse	2.14	Winona	2.20
Wabasha	2.20	Wright	2.18
Wadena	2.13	Yellow Medicine	2.16
Waseca	2.19		

MISSISSIPPI

All counties $2.24

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$2.23	Linn	$2.22
Andrew	2.20	Livingston	2.21
Atchison	2.20	McDonald	2.18
Audrain	2.24	Macon	2.23
Barry	2.18	Madison	2.22
Barton	2.18	Maries	2.21
Bates	2.20	Marion	2.25
Benton	2.20	Mercer	2.21
Bollinger	2.23	Miller	2.21
Boone	2.23	Mississippi	2.24
Buchanan	2.20	Moniteau	2.22
Butler	2.24	Monroe	2.24
Caldwell	2.20	Montgomery	2.23
Callaway	2.23	Morgan	2.21
Camden	2.21	New Madrid	2.24
Cape Girardeau	2.24	Newton	2.18
Carroll	2.21	Nodaway	2.20
Carter	2.22	Oregon	2.21
Cass	2.20	Osage	2.22
Cedar	2.19	Ozark	2.20
Chariton	2.22	Pemiscot	2.24
Christian	2.19	Perry	2.23
Clark	2.25	Pettis	2.21
Clay	2.20	Phelps	2.21
Clinton	2.20	Pike	2.25
Cole	2.22	Platte	2.20
Cooper	2.22	Polk	2.20
Crawford	2.22	Pulaski	2.21
Dade	2.18	Putnam	2.22
Dallas	2.20	Ralls	2.25
Daviess	2.20	Randolph	2.23
DeKalb	2.20	Ray	2.20
Dent	2.21	Reynolds	2.21
Douglas	2.20	Ripley	2.22
Dunklin	2.24	St. Charles	2.24
Franklin	2.23	St. Clair	2.20
Gasconade	2.22	St. Francois	2.23
Gentry	2.20	St. Louis	2.24
Greene	2.19	Ste. Genevieve	2.23
Grundy	2.21	Saline	2.21
Harrison	2.20	Schuyler	2.23
Henry	2.20	Scotland	2.24
Hickory	2.20	Scott	2.24
Holt	2.20	Shannon	2.21
Howard	2.22	Shelby	2.24
Howell	2.21	Stoddard	2.24
Iron	2.21	Stone	2.19
Jackson	2.20	Sullivan	2.22
Jasper	2.18	Taney	2.20
Jefferson	2.23	Texas	2.21
Johnson	2.20	Vernon	2.19
Knox	2.24	Warren	2.23
Laclede	2.20	Washington	2.22
Lafayette	2.20	Wayne	2.22
Lawrence	2.18	Webster	2.20
Lewis	2.25	Worth	2.20
Lincoln	2.24	Wright	2.20

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$2.14	Fillmore	$2.16
Antelope	2.15	Gage	2.17
Boone	2.15	Hall	2.14
Boyd	2.14	Hamilton	2.15
Burt	2.18	Jefferson	2.17
Butler	2.18	Johnson	2.18
Cass	2.18	Knox	2.15
Cedar	2.16	Lancaster	2.18
Clay	2.15	Madison	2.15
Colfax	2.17	Merrick	2.15
Cuming	2.17	Nance	2.15
Dakota	2.17	Nemaha	2.18
Dixon	2.17	Nuckolls	2.15
Dodge	2.18	Otoe	2.18
Douglas	2.18	Pawnee	2.18

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Pierce	$2.15	Thayer	$2.16
Platte	2.16	Thurston	2.17
Polk	2.16	Washington	2.18
Richardson	2.18	Wayne	2.16
Saline	2.17	Webster	2.14
Sarpy	2.18	York	2.16
Saunders	2.18	All other counties	2.13
Seward	2.17		
Stanton	2.16		

NEW JERSEY

All counties $2.21

NEW MEXICO

All counties $2.11

NEW YORK

All counties $2.20

NORTH CAROLINA

All counties $2.21

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Barnes	$2.11	Sargent	$2.11
Cass	2.12	Steele	2.11
Grand Forks	2.11	Traill	2.12
Ransom	2.11	All other counties	2.10
Richland	2.12		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$2.23	Licking	$2.25
Allen	2.26	Logan	2.25
Ashland	2.25	Lorain	2.26
Ashtabula	2.26	Lucas	2.27
Athens	2.24	Madison	2.24
Auglaize	2.25	Mahoning	2.25
Belmont	2.24	Marion	2.26
Brown	2.23	Medina	2.26
Butler	2.23	Meigs	2.23
Carroll	2.25	Mercer	2.25
Champaign	2.24	Miami	2.24
Clark	2.23	Monroe	2.23
Clermont	2.23	Montgomery	2.23
Clinton	2.23	Morgan	2.24
Columbiana	2.25	Morrow	2.26
Coshocton	2.25	Muskingum	2.25
Crawford	2.26	Noble	2.24
Cuyahoga	2.26	Ottawa	2.27
Darke	2.24	Paulding	2.27
Defiance	2.27	Perry	2.25
Delaware	2.25	Pickaway	2.24
Erie	2.27	Pike	2.23
Fairfield	2.25	Portage	2.26
Fayette	2.23	Preble	2.23
Franklin	2.25	Putnam	2.27
Fulton	2.27	Richland	2.26
Gallia	2.23	Ross	2.23
Geauga	2.26	Sandusky	2.27
Greene	2.23	Scioto	2.23
Guernsey	2.25	Seneca	2.27
Hamilton	2.23	Shelby	2.25
Hancock	2.26	Stark	2.25
Hardin	2.25	Summit	2.26
Harrison	2.25	Trumbull	2.26
Henry	2.27	Tuscarawas	2.25
Highland	2.23	Union	2.25
Hocking	2.24	Van Wert	2.26
Holmes	2.25	Vinton	2.24
Huron	2.26	Warren	2.23
Jackson	2.23	Washington	2.23
Jefferson	2.25	Wayne	2.25
Knox	2.25	Williams	2.27
Lake	2.26	Wood	2.27
Lawrence	2.23	Wyandot	2.26

OKLAHOMA

All counties $2.16

PENNSYLVANIA

All counties $2.20

SOUTH CAROLINA

All counties $2.21

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$2.12	Brule	$2.12
Beadle	2.12	Charles Mix	2.13
Bon Homme	2.14	Clay	2.15
Brookings	2.14	Codington	2.12

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Davison	$2.13	McCook	$2.14
Deuel	2.13	Miner	2.13
Douglas	2.13	Minnehaha	2.15
Grant	2.13	Moody	2.14
Hamlin	2.12	Roberts	2.12
Hanson	2.13	Sanborn	2.12
Hutchinson	2.14	Turner	2.15
Jerauld	2.12	Union	2.16
Kingsbury	2.13	Yankton	2.15
Lake	2.14	All other counties	2.11
Lincoln	2.16		

TENNESSEE

All counties $2.24

TEXAS

All counties $2.16

VIRGINIA

All counties $2.21

WEST VIRGINIA

All counties $2.20

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$2.22	Marquette	$2.23
Barron	2.19	Milwaukee	2.26
Brown	2.21	Monroe	2.21
Buffalo	2.20	Oconto	2.20
Burnett	2.18	Oneida	2.18
Calumet	2.22	Outagamie	2.21
Chippewa	2.19	Ozaukee	2.25
Clark	2.19	Pepin	2.20
Columbia	2.24	Pierce	2.20
Crawford	2.23	Polk	2.19
Dane	2.25	Portage	2.21
Dodge	2.25	Price	2.18
Door	2.20	Racine	2.28
Douglas	2.18	Richland	2.23
Dunn	2.20	Rock	2.27
Eau Claire	2.20	Rusk	2.18
Fond du Lac	2.24	St. Croix	2.19
Grant	2.24	Sauk	2.23
Green	2.26	Sawyer	2.18
Green Lake	2.23	Shawano	2.20
Iowa	2.24	Sheboygan	2.24
Jackson	2.21	Taylor	2.18
Jefferson	2.26	Trempealeau	2.20
Juneau	2.22	Vernon	2.22
Kenosha	2.28	Walworth	2.28
Kewaunee	2.20	Washburn	2.18
La Crosse	2.21	Washington	2.25
Lafayette	2.25	Waukesha	2.26
Langlade	2.19	Waupaca	2.21
Lincoln	2.18	Waushara	2.22
Manitowoc	2.22	Winnebago	2.22
Marathon	2.19	Wood	2.21
Marinette	2.19		

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 203, 301, 401, 63 Stat. 1054; 7 U.S.C. 1446(d), 1447, 1421)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 10, 1962.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-8233; Filed, Aug. 15, 1962; 8:45 a.m.]

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Grain Sorghum Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (27 F.R. 6463) with respect to grain sorghums produced in 1962 which contained specific requirements for the 1962-crop grain sorghum price support program are hereby amended as follows:

Section 421.1412 *Support rates,* is amended by adding paragraphs (e) and (f) which contain basic support rates for counties and terminal markets. The added paragraphs read as follows:

§ 421.1412 Support rates.

(e) *Basic support rates (Terminals).* The basic support rates for loan and settlement purposes for grain sorghums stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per hundredweight
Sioux City, Iowa	$2.15
Omaha, Nebr	2.19
Council Bluffs, Iowa	2.19
Atchison, Kans	2.28
Kansas City, Kans	2.28
Kansas City, Mo	2.28
St. Joseph, Mo	2.28
Cairo, Ill	2.35
St. Louis, Mo	2.35
Memphis, Tenn	2.40
Corpus Christi, Tex	2.45
Galveston, Tex	2.45
Houston, Tex	2.45
Port Arthur, Tex	2.45
Baton Rouge, La	2.45
New Orleans, La	2.45
Los Angeles, Calif	2.61
Long Beach, Calif	2.61
Oakland, Calif	2.61
San Francisco, Calif	2.61
Stockton, Calif	2.61
Wilmington, Calif	2.61
Astoria, Oreg	2.60
Portland, Oreg	2.60
Kalama, Wash	2.60
Longview, Wash	2.60
Seattle, Wash	2.60
Tacoma, Wash	2.60
Vancouver, Wash	2.60

(f) *Basic support rates (counties).* The basic support rates for loans and settlement purposes for farm-stored and country warehouse-stored grain sorghums are as follows:

County	Rate per hundredweight
ALABAMA	
All counties	$2.00
ARIZONA	
Apache	$1.75
Cochise	2.10
Coconino	1.75
Gila	1.70
Graham	2.00
Greenlee	1.70
Maricopa	2.25
Mohave	1.74
Navajo	1.75
Pima	2.20
Pinal	2.25
Santa Cruz	2.15
Yavapai	1.68
Yuma	2.28
ARKANSAS	
Arkansas	$2.12
Ashley	1.95
Baxter	1.94
Benton	1.87
Boone	1.92
Bradley	1.94
Calhoun	1.96
Carroll	1.89
Chicot	1.96
Clark	1.95
Cleburne	2.13
Cleveland	$2.00
Columbia	1.92
Conway	2.08
Craighead	2.13
Crawford	1.89
Crittenden	2.13
Cross	2.13
Dallas	1.97
Desha	2.11
Drew	2.01
Faulkner	2.10
Franklin	1.91
Fulton	$2.01
Garland	1.95
Grant	1.97
Greene	2.13
Hempstead	1.92
Hot Spring	1.97
Howard	1.91
Independence	2.06
Izard	1.97
Jackson	2.13
Jefferson	2.09
Johnson	1.92
Lafayette	1.92
Lawrence	2.13
Lee	2.13
Lincoln	2.10
Little River	1.91
Logan	1.91
Lonoke	2.13
Madison	1.87
Marion	1.92
Miller	1.91
Mississippi	2.13
Monroe	2.13
Montgomery	1.91
Nevada	1.92
Newton	$1.92
Ouachita	1.94
Perry	1.95
Phillips	2.13
Pike	1.92
Poinsett	2.13
Polk	1.87
Pope	1.94
Prairie	2.13
Pulaski	2.11
Randolph	2.13
St. Francis	2.13
Saline	2.00
Scott	1.87
Searcy	1.92
Sebastian	1.89
Sevier	1.88
Sharp	2.01
Stone	1.96
Union	1.92
Van Buren	2.01
Washington	1.87
White	2.13
Woodruff	2.13
Yell	1.94
CALIFORNIA	
Alameda	$2.39
Amador	2.39
Butte	2.29
Calaveras	2.39
Colusa	2.31
Contra Costa	2.39
El Dorado	2.33
Fresno	2.31
Glenn	2.27
Imperial	2.31
Inyo	2.05
Kern	2.25
Kings	2.30
Lake	2.28
Lassen	2.08
Los Angeles	2.36
Madera	2.33
Marin	2.39
Merced	2.36
Modoc	2.16
Mono	1.99
Monterey	2.30
Napa	2.37
Orange	2.33
Placer	2.35
Plumas	2.20
Riverside	2.30
Sacramento	$2.38
San Benito	2.32
San Bernardino	2.35
San Diego	2.29
San Francisco	2.42
San Joaquin	2.42
San Luis Obispo	2.24
San Mateo	2.39
Santa Barbara	2.26
Santa Clara	2.38
Santa Cruz	2.33
Shasta	2.17
Sierra	2.06
Siskiyou	2.17
Solano	2.37
Sonoma	2.36
Stanislaus	2.39
Sutter	2.33
Tehama	2.22
Tulare	2.30
Tuolumne	2.40
Ventura	2.36
Yolo	2.35
Yuba	2.33
COLORADO	
Baca	$1.81
All other counties	1.75
FLORIDA	
All counties	$2.00
GEORGIA	
All counties	$2.05
IDAHO	
All counties	$1.75
ILLINOIS	
All counties	$1.87
INDIANA	
All counties	$1.90
IOWA	
Adair	$1.98
Adams	1.96
Appanoose	1.95
Audubon	1.95
Boone	1.90
Buena Vista	1.90
Butler	1.81
Calhoun	1.91
Carroll	1.95
Cass	1.94
Cerro Gordo	$1.83
Cherokee	1.92
Clarke	1.94
Clay	1.90
Crawford	1.96
Dallas	1.90
Davis	1.92
Decatur	1.96
Des Moines	1.86
Dickinson	1.88

IOWA—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Emmet	$1.85	Osceola	$1.92
Franklin	1.84	Page	1.97
Fremont	1.96	Palo Alto	1.87
Greene	1.91	Plymouth	1.92
Grundy	1.82	Pocahontas	1.88
Guthrie	1.93	Polk	1.90
Hamilton	1.87	Pottawattamie	1.96
Hancock	1.84	Poweshiek	1.81
Hardin	1.84	Ringgold	1.97
Harrison	1.96	Sac	1.92
Henry	1.87	Shelby	1.96
Humboldt	1.87	Sioux	1.92
Ida	1.92	Story	1.88
Jasper	1.88	Tama	1.82
Jefferson	1.89	Taylor	1.99
Keokuk	1.88	Union	1.97
Kossuth	1.84	Van Buren	1.89
Lee	1.89	Wapello	1.91
Lucas	1.94	Warren	1.92
Lyon	1.92	Washington	1.86
Madison	1.91	Wayne	1.97
Mahaska	1.89	Webster	1.89
Marion	1.91	Winnebago	1.82
Marshall	1.86	Woodbury	1.92
Mills	1.96	Worth	1.81
Monona	1.96	Wright	1.86
Monroe	1.92	All other counties	1.80
Montgomery	1.96		
O'Brien	1.92		

KANSAS

Allen	$1.92	Lincoln	$1.82
Anderson	1.95	Linn	1.96
Atchison	2.00	Lyon	1.90
Barber	1.81	McPherson	1.83
Barton	1.81	Marion	1.84
Bourbon	1.93	Marshall	1.90
Brown	1.94	Meade	1.79
Butler	1.84	Miami	1.97
Chase	1.87	Mitchell	1.83
Chautauqua	1.87	Montgomery	1.90
Cherokee	1.90	Morris	1.87
Clark	1.78	Morton	1.84
Clay	1.87	Nemaha	1.91
Cloud	1.85	Neosho	1.91
Coffey	1.92	Ness	1.79
Comanche	1.80	Norton	1.80
Cowley	1.84	Osage	1.93
Crawford	1.91	Osborne	1.82
Decatur	1.78	Ottawa	1.84
Dickinson	1.85	Pawnee	1.80
Doniphan	1.95	Phillips	1.81
Douglas	1.98	Pottawatomie	1.91
Edwards	1.80	Pratt	1.81
Elk	1.87	Reno	1.82
Ellis	1.80	Republic	1.85
Ellsworth	1.82	Rice	1.82
Finney	1.77	Riley	1.90
Ford	1.79	Rooks	1.80
Franklin	1.97	Rush	1.80
Geary	1.87	Russell	1.81
Gove	1.77	Saline	1.83
Graham	1.79	Sedgwick	1.84
Grant	1.81	Seward	1.84
Gray	1.78	Shawnee	1.93
Greenwood	1.88	Sheridan	1.77
Harper	1.82	Smith	1.82
Harvey	1.84	Stafford	1.81
Haskell	1.80	Stanton	1.81
Hodgeman	1.79	Stevens	1.84
Jackson	1.94	Summer	1.84
Jefferson	1.97	Trego	1.79
Jewell	1.83	Wabaunsee	1.91
Johnson	1.99	Washington	1.87
Kingman	1.83	Wilson	1.90
Kiowa	1.80	Woodson	1.91
Labette	1.90	Wyandotte	2.01
Lane	1.77	All other counties	1.75
Leavenworth	2.00		

KENTUCKY

All counties $2.00

LOUISIANA

All counties $2.00

MICHIGAN

All counties $1.85

MINNESOTA

All counties $1.80

MISSISSIPPI

All counties $2.00

MISSOURI

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$1.94	Linn	$2.02
Andrew	2.05	Livingston	2.04
Atchison	2.00	McDonald	1.88
Audrain	1.95	Macon	1.99
Barry	1.88	Madison	2.06
Barton	1.91	Maries	1.91
Bates	1.96	Marion	1.93
Benton	2.01	Mercer	2.00
Bollinger	2.06	Miller	1.93
Boone	1.96	Mississippi	2.11
Buchanan	2.06	Moniteau	1.96
Bulter	2.12	Monroe	1.96
Caldwell	2.06	Montgomery	1.92
Callaway	1.93	Morgan	1.98
Camden	1.86	New Madrid	2.12
Cape Girardeau	2.09	Newton	1.88
Carroll	2.06	Nodaway	2.02
Carter	1.92	Oregon	2.00
Cass	2.02	Osage	1.91
Cedar	1.93	Ozark	1.94
Chariton	2.03	Pemiscot	2.13
Christian	1.91	Perry	2.04
Clark	1.93	Pettis	2.01
Clay	2.06	Phelps	1.90
Clinton	2.06	Pike	1.91
Cole	1.93	Platte	2.06
Cooper	1.99	Polk	1.90
Crawford	1.92	Pulaski	1.87
Dade	1.90	Putnam	1.98
Dallas	1.87	Ralls	1.94
Daviess	2.03	Randolph	2.00
De Kalb	2.05	Ray	2.06
Dent	1.88	Reynolds	1.88
Douglas	1.92	Ripley	2.12
Dunklin	2.13	St. Charles	1.95
Franklin	1.95	St. Clair	1.94
Gasconade	1.92	St. Francois	2.06
Gentry	2.01	St. Louis	1.97
Greene	1.91	Ste. Genevieve	2.04
Grundy	2.02	Saline	2.04
Harrison	1.99	Schuyler	1.94
Henry	1.97	Scotland	1.92
Hickory	1.91	Scott	2.10
Holt	2.02	Shannon	1.92
Howard	2.00	Shelby	1.97
Howell	1.97	Stoddard	2.11
Iron	2.06	Stone	1.91
Jackson	2.06	Sullivan	2.00
Jasper	1.90	Taney	1.91
Jefferson	2.03	Texas	1.92
Johnson	2.03	Vernon	1.93
Knox	1.93	Warren	1.94
Laclede	1.85	Washington	2.04
Lafayette	2.06	Wayne	2.10
Lawrence	1.88	Webster	1.89
Lewis	1.93	Worth	2.01
Lincoln	1.90	Wright	1.92

NEBRASKA

Adams	$1.83	Frontier	$1.76
Antelope	1.88	Furnas	1.79
Boone	1.90	Gage	1.92
Boyd	1.84	Garfield	1.76
Buffalo	1.78	Gosper	1.79
Burt	1.96	Greeley	1.84
Butler	1.95	Hall	1.80
Cass	1.95	Hamilton	1.85
Cedar	1.92	Harlan	1.80
Clay	1.87	Holt	1.81
Colfax	1.96	Howard	1.81
Cuming	1.96	Jefferson	1.89
Dakota	1.92	Johnson	1.92
Dawson	1.76	Kearney	1.81
Dixon	1.92	Knox	1.90
Dodge	1.96	Lancaster	1.93
Douglas	1.96	Madison	1.91
Fillmore	1.88	Merrick	1.87
Franklin	1.80	Nance	1.91

NEBRASKA—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Nemaha	$1.92	Seward	$1.94
Nuckolls	1.85	Sherman	1.77
Otoe	1.92	Stanton	1.98
Pawnee	1.91	Thayer	1.87
Phelps	1.80	Thurston	1.94
Pierce	1.91	Valley	1.76
Platte	1.94	Washington	1.96
Polk	1.91	Wayne	1.92
Red Willow	1.76	Webster	1.82
Richardson	1.91	Wheeler	1.89
Saline	1.91	York	1.90
Sarpy	1.96	All other counties	1.75
Saunders	1.96		

NEVADA

All counties $1.85

NEW MEXICO

Hidalgo	$1.92
Luna	1.92
All other counties	1.90

NORTH CAROLINA

All counties $2.05

NORTH DAKOTA

All counties $1.75

OHIO

All counties $1.90

OKLAHOMA

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$1.82	Major	$1.86
Alfalfa	1.88	Noble	1.87
Beaver	1.87	Nowata	1.89
Bryan	1.91	Osage	1.83
Craig	1.89	Ottawa	1.88
Cimarron	1.87	Pawnee	1.89
Delaware	1.87	Pushmataha	1.84
Dewey	1.88	Roger Mills	1.89
Ellis	1.87	Rogers	1.86
Garfield	1.89	Sequoyah	1.82
Grant	1.83	Texas	1.88
Harper	1.86	Tulsa	1.85
Haskell	1.82	Washington	1.88
Kay	1.83	Woods	1.87
Latimer	1.82	Woodward	1.87
Le Flore	1.82	All other counties	1.90
Love	1.92		
McCurtain	1.82		

OREGON

All counties $1.90

PENNSYLVANIA

All counties $2.05

SOUTH CAROLINA

All counties $2.05

SOUTH DAKOTA

County	Rate per hundredweight	County	Rate per hundredweight
Aurora	$1.84	Jerauld	$1.82
Beadle	1.79	Kingsbury	1.83
Bon Homme	1.90	Lake	1.86
Brookings	1.85	Lincoln	1.92
Brule	1.81	Lyman	1.76
Buffalo	1.81	McCook	1.88
Charles Mix	1.87	Miner	1.85
Clark	1.79	Minnehaha	1.90
Clay	1.92	Moody	1.87
Codington	1.79	Sanborn	1.83
Davison	1.85	Spink	1.77
Deuel	1.82	Tripp	1.77
Douglas	1.87	Turner	1.90
Gregory	1.80	Union	1.92
Hamlin	1.81	Yankton	1.92
Hand	1.77	All other counties	1.75
Hanson	1.86		
Hutchinson	1.88		

TENNESSEE

All counties $2.00

TEXAS

County	Rate per hundredweight	County	Rate per hundredweight
Anderson	$2.14	Kerr	2.15
Angelina	2.18	Kimble	1.99
Aransas	2.27	Kinney	2.07
Archer	1.91	Kleberg	2.26
Atascosa	2.19	Lamar	1.97
Austin	2.24	Lampasas	2.07
Bandera	2.16	La Salle	2.12
Bastrop	2.16	Lavaca	2.18
Bee	2.27	Lee	2.18
Bell	2.12	Leon	2.16
Bexar	2.18	Liberty	2.24
Blanco	2.12	Limestone	2.15
Bosque	2.07	Live Oak	2.24
Bowie	1.99	Llano	2.07
Brazoria	2.24	McCulloch	1.99
Brazos	2.19	McLennan	2.12
Brooks	2.19	McMullen	2.20
Brown	2.01	Madison	2.19
Burleson	2.19	Marion	2.03
Burnet	2.09	Mason	2.01
Caldwell	2.17	Matagorda	2.20
Calhoun	2.21	Maverick	2.06
Callahan	1.95	Medina	2.16
Cameron	2.13	Menard	1.97
Camp	2.03	Milam	2.16
Cass	2.01	Mills	2.05
Chambers	2.18	Montague	1.97
Cherokee	2.13	Montgomery	2.24
Clay	1.95	Morris	2.03
Coleman	1.97	Nacogdoches	2.14
Collin	2.03	Navarro	2.10
Colorado	2.21	Newton	2.17
Comal	2.17	Nueces	2.28
Comanche	2.01	Orange	2.19
Concho	1.97	Palo Pinto	1.98
Cooke	1.98	Panola	2.09
Coryell	2.09	Parker	2.03
Dallas	2.05	Polk	2.20
Delta	1.98	Rains	2.05
Denton	2.01	Real	2.13
De Witt	2.19	Red River	1.95
Dimmit	2.07	Refugio	2.24
Duval	2.22	Robertson	2.15
Eastland	1.98	Rockwall	2.01
Edwards	1.95	Runnels	1.95
Ellis	2.06	Rusk	2.08
Erath	2.00	Sabine	2.12
Falls	2.14	San Augustine	2.12
Fannin	1.99	San Jacinto	2.23
Fayette	2.19	San Patricio	2.28
Fort Bend	2.24	San Saba	2.01
Franklin	2.03	Shackelford	1.93
Freestone	2.13	Shelby	2.12
Frio	2.13	Smith	2.09
Galveston	2.24	Somervell	2.03
Gillespie	2.15	Starr	2.11
Goliad	2.22	Stephens	1.97
Gonzales	2.16	Tarrant	2.05
Grayson	1.99	Taylor	1.93
Gregg	2.06	Throckmorton	1.94
Grimes	2.21	Titus	2.03
Guadalupe	2.17	Travis	2.15
Hamilton	2.03	Trinity	2.20
Hardin	2.19	Tyler	2.17
Harris	2.24	Upshur	2.05
Harrison	2.04	Uvalde	2.13
Hays	2.14	Val Verde	2.03
Henderson	2.09	Van Zandt	2.05
Hidalgo	2.13	Victoria	2.21
Hill	2.09	Walker	2.22
Hood	2.01	Waller	2.24
Hopkins	1.99	Washington	2.21
Houston	2.18	Webb	2.15
Hunt	2.01	Wharton	2.22
Jack	1.97	Wichita	1.92
Jackson	2.19	Willacy	2.13
Jasper	2.18	Williamson	2.14
Jefferson	2.20	Wilson	2.18
Jim Hogg	2.19	Wise	2.01
Jim Wells	2.27	Wood	2.05
Johnson	2.05	Young	1.97
Jones	1.91	Zapata	2.11
Karnes	2.22	Zavala	2.07
Kaufman	2.04	All other counties	1.90
Kendall	2.16		
Kenedy	2.23		

UTAH

County	Rate per hundredweight
All counties	$1.75

VIRGINIA

All counties $2.05

WASHINGTON

All counties $1.90

WISCONSIN

All counties $1.80

WYOMING

All counties $1.75

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date. Upon publication in the FEDERAL REGISTER.

Issued at Washington, D.C., on August 10, 1962.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-8234; Filed, Aug. 15, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Tokay Grape Reg. 1]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Limitation of Shipments

§ 926.301 Tokay Grape Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 17, 1962. A reasonable determination as to the supply of, and the demand for, Tokay grapes must await the development of the crop and adequate information thereon was not available to the Industry Committee until August 11, 1962; recommendation as to the need for, and the extent of, limitation of shipments was made at the meetings of said committee on August 2 and 11, 1962, after consideration of all available information relative to the supply and demand conditions for such grapes, at which time the recommendations and supporting information were transmitted to the Department, and made available to growers and handlers; shipments of the current crop of such grapes are expected to begin on or about August 17, 1962, and this section should be applicable to all shipments of such grapes in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., August 17, 1962, and ending at 12:01 a.m. P.s.t., January 1, 1963, no shipper shall ship:

(i) Any Tokay grapes, grown in the production area, which do not meet the grade and size specifications of U.S. No. 1 Table Grapes and the following additional requirements:

(a) Of the 25 percent, by count, of the berries of each bunch which are attached to the lower part of the main stem, including laterals, at least 30 percent, by count, shall be fairly well colored; and

(b) Not more than a total of 8 percent, by weight, of the Tokay grapes contained in any lot, and not more than a total of 12 percent, by weight, of the Tokay grapes contained in any container may fail to meet the requirements other than for color of U.S. No. 1 Table Grapes;

(ii) Any Tokay grapes, grown in the production area, unless such grapes are mature and, when tested in accordance with the applicable provisions of section 302 of the Agricultural Code of California, the juice thereof contains soluble solids equal to or in excess of twenty-three (23) parts to one (1) part of acid;

(iii) Any Tokay grapes, grown in the production area, which have been repacked; or

(iv) Any container of Tokay grapes grown in the production area, except when loaded directly into railway cars, or when exempted under § 926.122, unless such container bears in plain letters and figures on one outside end a Federal-State Inspection Service lot stamp number showing that such grapes have been inspected in accordance with the established grade set forth in this section.

(2) *Definition.* As used herein, "handler," "shipper," "ship," and "production area" shall have the same meaning as when used in the amended marketing agreement and order; "U.S. No. 1 Table Grapes," "Mature," and "fairly well colored" shall have the same meaning as when used in the United States Standards for Table Grapes (7 CFR 51.880–51.911), and "repacked" shall mean the

removal, after inspection by the Federal-State Inspection Service, of a bunch, or bunches, of grapes from the container in which they were initially packed and replacing such grapes into the original container, or into any other container.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 14, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–8292; Filed, Aug. 15, 1962; 8:56 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 94]

PART 1094—MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

Order Amending Order

§ 1094.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture was issued July 6, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued July 23, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New Orleans, Louisiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1094.50 is revised to read as follows:

§ 1094.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. The introductory text of § 1094.51, the introductory text of paragraph (a); and paragraph (b) are revised to read as follows:

§ 1094.51 Class prices.

Subject to the provisions of §§ 1094.52 and 1094.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat shall be determined for each month as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.51 during the months of March through June and $2.71 in all other months, plus or minus a supply-demand adjustment calculated for each month pursuant to subparagraphs (1) through (6) of this paragraph: *Provided,* That the Class I price for any month of September, October, or November shall not be lower, by more than 5 cents, than such price for the immediately preceding month and for any month of April, May or June of each year shall not be higher, by more than 5 cents, than such price for the immediately preceding month:

* * * * * * *

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the plants or places listed below for which prices have been reported to the market administrator or to the Department of Agriculture, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph: *Provided,* That in no case shall such price exceed the basic formula price by more than 13.5 cents:

Present Operator and Location

Pet Milk Co., Kosciusko, Miss.
Borden Co., Starkville, Miss.
McClendon Cheese Co., Newton, Miss.
Borden Co., Macon, Miss.

(1) Subtract five times the butterfat differential computed pursuant to § 1094.52(b); and

(2) Add 28.5 cents during the months of February through August and 38.5 cents during all other months.

§§ 1094.52, 1094.71, 1094.72, 1094.73, 1094.74, 1094.75 [Amendment]

3. In §§ 1094.52, 1094.71, 1094.72, 1094.73, 1094.74 and 1094.75, "4.0" is changed to "3.5" wherever it appears.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1962.

Signed at Washington, D.C., on August 13, 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62–8250; Filed, Aug. 15, 1962; 8:56 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 203—STATEMENTS OF GENERAL POLICY UNDER PACKERS AND STOCKYARDS ACT

Meat Packer Sales Promotion Programs

The following statement of interpretation with respect to sales promotion programs sponsored by packers subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), has been formulated and adopted by the Agricultural Marketing Service for the guidance of all packers and is issued as § 203.3, Part 203, Chapter II, Title 9, Code of Federal Regulations, to read as follows:

§ 203.3 Statement of interpretation with respect to meat packer sales promotion programs.

During the past several years, a number of packers subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have sponsored meat and meat food product sales promotion programs under which valuable gifts ranging from articles of clothing to automobiles and outboard boats and motors have been offered and given to their retail food store customer accounts and to the employees of such customer accounts. Most of the promotion programs in question have been based upon a "point system" whereby so-called "participating customer accounts" were credited with points for each unit of a promotion item purchased from a sponsoring packer during a specified period of time. At the end of such specified time, the accumulated points were redeemed by persons connected with the customer accounts for prizes and gifts selected from a gift catalog supplied by the sponsoring packer.

Investigation by the Department has disclosed that sales promotion programs of the type in question, which involve the giving of gifts to retail food store customer accounts or to the employees or agents of such customer accounts, have the effect of lessening competition by unduly hampering sales of competing products, and result in a marketing practice under which sellers are competing, or are being forced to compete, in the sale of their products on the basis of inducements offered to their customers in the form of personal gifts, rather than on the basis of the merits of the competing products.

It is the view of the Department that it is an unfair practice in violation of § 202(a) of the Packers and Stockyards Act (7 U.S.C. 192(a)), for any packer subject to the provisions of the Act to sponsor or conduct any sales promotion program which involves the giving of gifts, premiums, or other things of value to any owner, officer, agent, or employee of a retail food store customer of such packer, based upon the amount of meat, meat food products, poultry, or poultry products purchased by such customer. Nothing herein shall be construed as applying to non-discriminatory payments by any packer to his retail food store customer accounts for promotional services or facilities furnished by such customer accounts, or to the non-discriminatory furnishing of promotional services or facilities by any packer to his retail food store customer accounts, in connection with the retail sale of meat, meat food products, poultry, or poultry products.

The foregoing statement of interpretation shall become effective upon its publication in the FEDERAL REGISTER (sec. 407, 42 Stat. 169; 7 U.S.C. 228; 9 CFR 201.3).

F. R. BURKE,
Deputy Administrator, Agricultural Marketing Service.

Done at Washington, D.C., this 10th day of August 1962.

[F.R. Doc. 62–8249; Filed, Aug. 15, 1962; 8:55 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BYPRODUCT MATERIAL

PART 40—LICENSING OF SOURCE MATERIAL

Miscellaneous Amendments

The following amendments of Parts 30 and 40 of the regulations of the Atomic Energy Commission (10 CFR Parts 30 and 40) are designed to prohibit the export of byproduct and source material from the United States if the exporter knows or has reason to believe that any part of it is to be re-exported from the original country of ultimate destination, as shown in the export documents, unless the material has been authorized for re-export by the Commission, or unless the material may be exported directly from the United States to the new country of ultimate destination under one of the general licenses established in §§ 30.33 (b) and (c) and 40.23 (a) and (b) of the Commission's regulations.

Because these amendments involve the foreign affairs functions of the United States, the Commission has found that notice of proposed rule making and public procedure thereon are contrary to the public interest and that good cause exists why the amendments should be made effective without the usual prior public notice.

Notice is hereby given that, pursuant to the Administrative Procedure Act and the Atomic Energy Act of 1954, as amended, the following rules are published as a document subject to codification, to be effective immediately on publication in the FEDERAL REGISTER.

1. The following new paragraph (e) is added to 10 CFR, § 30.33:

(e) No person may export byproduct material from the United States knowing or having reason to believe that it is to be reexported directly or indirectly, in whole or in part, from the country of ultimate destination shown on the export license, shipper's export declaration, bill of lading, or commercial invoice, unless either:

(1) The reexport has been authorized by the Commission; or

(2) At the time of export, the material may be exported directly from the United States to the new country of ultimate destination under the terms of one of the general licenses established in this section.

2. The following new paragraph (c) is added to 10 CFR, § 40.23:

(c) No person may export source material from the United States knowing or having reason to believe that it is to be reexported directly or indirectly, in whole or in part, from the country of ultimate destination shown on the export license, shipper's export declaration, bill of lading, or commercial invoice, unless either:

(1) The reexport has been authorized by the Commission; or

(2) At the time of export, the material may be exported directly from the United States to the new country of ultimate destination under the terms of one of the general licenses established in this section.

(Secs. 62, 63, 64, 81, 82, 161, 68 Stat. 932, 933, 935, 948; 42 U.S.C. 2092, 2093, 2094, 2111, 2112, 2201)

Dated at Germantown, Md., this 7th day of August 1962.

HAROLD D. ANAMOSA,
Acting Secretary.

[F.R. Doc. 62–8187; Filed, Aug. 15, 1962; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Interpretations

The regulations and classification of cities contained in this part were recently revised and published in the FEDERAL REGISTER (27 F.R. 7627). The interpretations of this part (§§ 204.101–204.107) were not affected by the revision and continue to be effective as previously published in the FEDERAL REGISTER and contained in the Code of Federal Regulations.

Dated at Washington, D.C., this 10th day of August 1962.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 62–8197; Filed, Aug. 15, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-361]

PART 225—TARIFFS OF CERTAIN CERTIFICATED AIRLINES; TRADE AGREEMENTS

Extension of Applicability

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of August 1962.

Part 225 of the Board's economic regulations permits the local service carriers, the certificated carriers operating within Hawaii, the certificated Alaskan carriers insofar as their intra-Alaskan operations are concerned, carriers holding certificates for the performance of all expense tours or cruises, and any certificated carrier furnishing passenger air transportation between Hawaii on the one hand and Christmas Island, the Society Islands, American Samoa, Western Samoa or Fiji on the other hand, to exchange air transportation for advertising goods or services within certain limitations.

A petition has been filed by Chicago Helicopter Airways, Inc., Los Angeles Airways, Inc., and New York Airways, Inc. (Docket 13739) requesting that Part 225 be amended to include the certificated helicopter carriers.

While Part 225 has not heretofore been applicable to these carriers, it would appear to be in the public interest to include these carriers within the scope of this regulation. These carriers are at the stage of changing their equipment and the Board believes that with respect to such re-equipment process they should be permitted within reasonable limits to exchange transportation for advertising in order to determine whether such barter arrangements will have a favorable impact on helicopter subsidy requirements as these carriers claim.

However, in view of the experimental nature of the helicopter program the operators will be brought under this part on a trial basis and their inclusion herein will be subject to review later in the year when the question of renewal of this part is before the Board.

We will therefore amend the definition of the term "airline" to include the three certificated helicopter carriers and to expressly provide that only scheduled helicopter service may be exchanged for the advertising of such service.

In addition, this amendment limits the maximum aggregate value of trade agreements entered into by each helicopter carrier to $10,000 for the remainder of the calendar year. This is based upon the Board's belief that a $20,000 annual maximum aggregate value of trade agreements (as presently authorized for the Alaskan carriers) is sufficient for the helicopter carriers which are much smaller in size than the local service carriers.

In view of the limited extent of, and unusual circumstances affecting, the operations of the certificated helicopter carriers as above indicated, the Board finds that enforcement of section 403(b) of the Act and Part 221 of the Board's regulations, to the extent that it would prevent them from entering into trade agreements as provided in this part as hereby amended, would be an undue burden upon them and not in the public interest.

Further, inasmuch as the Board believes that extension of the provisions of Part 225 to the certificated helicopter air carriers will not result in any undue competitive advantage to them over any other air carrier, or class of air carriers; will not result in any diversion of traffic from other certificated air carriers; is permissive in nature; and is limited to the remainder of this calendar year, the Board finds that notice and public procedure hereon are unnecessary and the subject amendment may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 225 of the economic regulations (14 CFR, Part 225) effective August 16, 1962, as follows:

1. By amending the definition of "Airline" in § 225.1(a) by adding a new subdivision (6) to read as follows:

§ 225.1 Definitions.

(a) "Airline" means * * *

(6) Any certificated air carrier authorized to furnish scheduled air transportation in the metropolitan area of Los Angeles, Chicago or New York and which performs such air transportation solely with other than fixed-wing aircraft.

2. By amending § 225.5 by adding a new subsection (n) to read as follows:

§ 225.5 Provisions of agreements.

* * * * *

(n) That certificated air carriers defined in § 225.1(a)(6) shall exchange only scheduled air transportation conducted with other than fixed-wing aircraft for advertising services or goods advertising only scheduled air transportation by other than fixed-wing aircraft.

3. By amending § 225.6 by adding a new subsection (c) to read as follows:

§ 225.6 Limitation on total value of trade agreements.

* * * * *

(c) $10,000 for the remainder of the calendar year 1962, for the air carriers identified under § 225.1(a)(6).

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 403, 404, and 416, 72 Stat. 758, 760, 771; 49 U.S.C. 1373, 1374, 1386)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8240; Filed, Aug. 15, 1962; 8:54 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket Nos. 61-NY-101, 62-NY-10]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Correction

In F.R. Doc. 62-7361, appearing at page 7385 of the issue for Friday, July 27, 1962, the amendment of § 600.6268 (Item 22) is changed to read as set forth below:

§ 600.6268 [Amendment]

22. Section 600.6268 (14 CFR 600.6268) is amended as follows:

(a) In the caption "to Salisbury, Md." is deleted and "to Avalon, N.J." is substituted therefor.

(b) In the text "INT of the Baltimore VORTAC 097° True and the Kenton, Del., VORTAC 242° True radials to the Salisbury, Md., VOR, excluding the portion which coincides with the Patuxent, Md., Restricted Area (R-43)." is deleted and "INT of the Baltimore, VORTAC 097° and the Kenton, Del., VORTAC 242° radials; Kenton VORTAC; to the INT of the Kenton VORTAC 086° and the Sea Isle, N.J., VOR 049° radials." is substituted therefor.

[Airspace Docket No. 61-NY-115]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas

On March 7, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2184) stating that the Federal Aviation Agency proposed to alter low altitude VOR Federal airways Nos. 26, 232, 297, 427, and 839 in the Detroit, Mich., and Cleveland, Ohio, terminal areas.

No adverse comments were received regarding the proposed amendments.

Subsequent to publication of the Notice, it has been determined that the Briggs, Ohio, VORTAC 352° True radial, upon which VOR Federal airways Nos. 427 and 839 were to be aligned, is unusable and therefore no use could be made of these airway segments. Accordingly, action is taken herein to revoke the segment of Victor 427 north of Briggs, Ohio. The present alignment of Victor 839 between Briggs and Cleveland will be retained. These actions may be taken without derogation to the revised Cleveland air traffic control procedures.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 600.6026 (14 CFR 600.6026, 26 F.R. 2457, 8626) is amended as follows:

In the caption "Cleveland, Ohio" is deleted and "Tiverton, Ohio" is substituted therefor.

In the text "to the Cleveland, Ohio, VOR." is deleted and "Cleveland, Ohio, VORTAC; INT of the Cleveland VORTAC 214° and the Tiverton, Ohio, VOR 343° radials; to the Tiverton VOR, excluding the portion within Canada." is susbtituted therefor.

2. In the text of § 600.6232 (14 CFR 600.6232, 26 F.R. 643) "From the Sandusky, Ohio, VOR via the INT of the Cleveland, Ohio, VOR 024° and the Chardon VOR 280° radials; Chardon, Ohio, VOR;" is deleted and "From the Sandusky, Ohio, VORTAC via the INT of the Sandusky VORTAC 063° and the Chardon, Ohio, VORTAC 280° radials; Chardon VORTAC;" is substituted therefor.

3. Section 600.6297 (27 F.R. 4592) is amended to read:

§ 600.6297 VOR Federal airway No. 297 (Johnstown, Pa., to Carleton, Mich.).

From the Johnstown, Pa., VOR via the Ellwood City, Pa., VORTAC; INT of the Ellwood City VORTAC 282° and the Akron, Ohio VORTAC 130° radials; Akron VORTAC; Strongsville, Ohio, VOR; INT of the Strongsville VOR 306° and the Carleton, Mich., VORTAC 117° radials; to the Carleton VORTAC, excluding the portion which lies within Canada.

4. Section 600.6427 (14 CFR 600.6427, 27 F.R. 3378) is amended to read:

§ 600.6427 VOR Federal airway No. 427 (Newcomerstown, Ohio, to Briggs, Ohio).

From the Newcomerstown, Ohio, VOR to the Briggs, Ohio, VORTAC.

5. In the caption of § 601.6026 (14 CFR 601.6026, 26 F.R. 8626) "Cleveland, Ohio" is deleted and "Tiverton, Ohio" is substituted therefor.

6. The caption of § 601.6297 (27 F.R. 4593) is amended to read:

§ 601.6297 VOR Federal airway No. 297 control areas (Johnstown, Pa., to Carleton, Mich.).

7. In the caption of § 601.6427 (14 CFR 601.6427) "Berea, Ohio" is deleted and "Briggs, Ohio" is substituted therefor.

These amendments shall become effective 0001 e.s.t. October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 10, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-8190; Filed, Aug. 15, 1962; 8:46 a.m.]

[Airspace Docket No. 61-WA-239]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route and Designation of Jet Advisory Areas

On June 7, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5406) stating that the Federal Aviation Agency (FAA) proposed to alter Jet Route No. 54 by revoking the segment between Ponca City, Okla., and Springfield, Mo., and by redesignating J-54 from Atlanta, Ga., via Birmingham, Ala., Little Rock, Ark., Tulsa, Okla., Ponca City, Okla., and Garden City, Kans., to Alamosa, Colo. In addition, the FAA proposed to designate an en route jet advisory area along J-54 from Atlanta, Ga., to Alamosa, Colo.

The Air Transport Association of America concurred with this proposal. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 602.100 Jet Routes (14 CFR 602.100) Jet Route No. 54 is amended to read:

Jet Route No. 54 (Alamosa, Colo., to Atlanta, Ga.).

From Alamosa, Colo.; via Garden City, Kans.; Ponca City, Okla., Tulsa, Okla., Little Rock, Ark.; Birmingham, Ala., to Atlanta, Ga.

2. In § 602.200 En route jet advisory areas (14 CFR 602.200) the following is added:

Jet Route No. 54 jet advisory area. Radar—Garden City, Kans., to Atlanta, Ga. Non-Radar—Alamosa, Colo., to Garden City, Kans.

These amendments shall become effective 0001 e.s.t. October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 10, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-8191; Filed, Aug. 15, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-133]

PART 13—PROHIBITED TRADE PRACTICES

Advance Junior, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053-30 *Flammable Fabrics Act.* Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Advance Junior, Inc., et al., New York, N.Y., Docket C-133, May 8, 1962]

In the Matter of Advance Junior, Inc., a Corporation, and Nat Berger, and Beatrice Kittas, Individually and as Officers of Said Corporation

Consent order requiring New York City importers to cease viclating the Flammable Fabrics Act by importing, manufacturing, or selling in commerce dresses which were so highly flammable as to be dangerous when worn, and by furnishing their customers with a false guaranty that the dresses were not dangerously flammable.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Advance Junior, Inc., a corporation, and its officers, and respondents Nat Berger and Beatrice Kittas, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Manufacturing for sale, selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce; any article of wearing apparel which, under the provisions of section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

2. Manufacturing for sale, selling, or offering for sale any article of wearing apparel made of fabric, which fabric has been shipped or received in commerce, and which, under section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

3. Furnishing to any person a guaranty with respect to any article of wearing apparel or fabric which respondents, or any of them, have reason to believe may be introduced, sold or transported in commerce, which guaranty represents, contrary to fact, that reasonable and representative tests made under the procedures provided in section 4 of the Flammable Fabrics Act, as amended, and the Rules and Regulations thereunder, show and will show that the article of wearing apparel, or the fabric used or contained therein, covered by the guaranty, is not, in the form delivered or to be delivered by the guarantor, so highly flammable under the provisions of the Flammable Fabrics Act as to be dangerous when worn by individuals, provided,

however, that this prohibition shall not be applicable to a guaranty furnished on the basis of, and in reliance upon, a guaranty to the same effect received by respondents in good faith signed by and containing the name and address of the person by whom the article of wearing apparel or fabric was manufactured or from whom it was received.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 8, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8198; Filed, Aug. 15, 1962; 8:48 a.m.]

[Docket 7880 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Continental Baking Co.

Subpart—Acquiring stock or assets of competitor: § 13.5 *Acquiring stock or assets of competitor.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Continental Baking Company, Rye, N.Y., Docket 7880, May 11, 1962]

In the Matter of Continental Baking Company, a Corporation

Consent order requiring the dominant supplier of bread and bread-type rolls in the Omaha, Nebr., area—as well as in other sections of the country—to sell a competing Omaha baking concern which it purchased in 1958 and which was probably the eighth largest in the country and also had plants and competed with Continental in other sections, and to refrain for 10 years from acquiring any interest of any concern producing bread and rolls without Commission permission; and dismissing allegations that its acquisition of two other bakeries—in Rochester, Minn., and Pittsburgh, Pa., respectively — violated the antimerger statute and that it engaged in other unlawful practices in restraint of trade.

The order to cease and desist is as follows:

I. *It is ordered*, That respondent, Continental Baking Company, a corporation, through its officers, directors, agents, representatives and employees shall within six (6) months from the date of service of this order upon it by the Federal Trade Commission, divest itself absolutely and in good faith, subject to the approval of the Commission, of all assets, properties, leases, rights and privileges, tangible and intangible, including but not limited to all contract rights, plants, machinery, equipment, trade names, trade-marks and goodwill, acquired by respondent as a result of its acquisition of all of the assets of Omar Incorporated, together with all additions and improvements made by respondent to such plants, machinery, buildings, equipment and any other property of whatever description, as may be necessary substantially to reestablish the competition that was previously afforded by Omar Incorporated.

II. *It is further ordered*, That respondent shall not sell or transfer the aforesaid assets, tangible or intangible directly or indirectly, to anyone who at the time of divestiture is a stockholder, officer, director, employee, or agent of, or otherwise directly or indirectly connected with or under the control or influence of the respondent.

III. *It is further ordered*, That for a period of ten (10) years from the date of issuance of this order by the Federal Trade Commission respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, the whole or any part of the stock, share capital, or assets of any concern, corporate or non-corporate, engaged in any state of the United States in the production and sale of bread and bread-type rolls unless the Commission, on petition for modification of this section III of this order, permits such an acquisition by respondent, said modification to be within the sole and final discretion of the Federal Trade Commission.

IV. *It is further ordered*, That respondent shall submit to the Federal Trade Commission bimonthly reports describing the action that has been taken and the efforts that have been made to sell the subject assets. Such reports shall indicate the methods and means employed to effectuate a sale, the result of such actions and efforts and shall set forth the name and address of each person or company contacted, or who has indicated interest in acquiring said assets, together with copies of all correspondence and summaries of all oral communications with such persons or companies.

V. *It is further ordered*, That respondent shall, within sixty (60) days after divestiture of the subject assets, file with the Federal Trade Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

VI. *It is further ordered*, That, except as provided in Paragraphs I, II, and III of this order, the allegations of the complaint herein are dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent shall file with the Commission such reports in writing as are required by the initial decision.

Issued: May 11, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8199; Filed, Aug. 15, 1962; 8:48 a.m.]

[Docket 7869 o.]

PART 13—PROHIBITED TRADE PRACTICES

R. H. Macy & Co., Inc.

Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.892 *Knowingly inducing or receiving discriminating payments.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719; as amended; 15 U.S.C. 45) [Cease and desist order, R. H. Macy & Co., Inc., New York, N.Y., Docket 7869, May 15, 1962]

In the Matter of R. H. Macy & Co., Inc., a Corporation

Order requiring the world's largest department store, with principal place of business in New York City and operating through six divisions in six areas in the United States, to cease violating the Federal Trade Commission Act by soliciting or receiving donations from its vendors, such as requests it made to some 750 of its 20,000 suppliers to contribute $1,000 each toward the cost of the yearlong 100th Anniversary celebration of Macy's New York, with the result that approximately 582 contributed $1,000 each to the cost of the celebration.

The order to cease and desist is as follows:

It is ordered, That the respondent, R. H. Macy & Co., Inc., a corporation, its officers, employees, agents or representatives, directly or through any corporate or other device, in or in connection with the purchase of department store products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Receiving or soliciting and receiving contributions, gifts, donations or anything of value of whatever nature, directly or indirectly, from its vendors to aid or support, in whole or in part, any publicity, advertising, promotion or other program planned and carried out by respondent to further its department store business, except that this order shall not apply to compensation or consideration for services or facilities furnished by or through respondent in connection with the sale or offering for sale of products sold to respondent by any of its vendors.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent, R. H. Macy & Co., Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the initial decision as modified.

Issued: May 15, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8200; Filed, Aug. 15, 1962; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

[Defense Mobilization Order XII-2]

DMO XII-2—PRESCRIBING THE FUNCTIONS OF THE HEALTH RESOURCES ADVISORY COMMITTEE

Revocation

Defense Mobilization Order XII-2, Prescribing the Functions of the Health Resources Advisory Committee (within the Office of Defense Mobilization), 23 F.R. 1148, is hereby revoked.

Dated: August 10, 1962.

J. M. CHAMBERS, *Deputy Director, Office of Emergency Planning.*

[F.R. Doc. 62-8208; Filed, Aug. 15, 1962; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

HOSPITALIZED COMPETENT VETERANS

In § 3.1001, paragraphs (a) and (c) are amended to read as follows:

§ 3.1001 Hospitalized competent veterans.

* * * * *

(a) *Basic entitlement.* Where an award of disability pension, compensation or retirement pay for a competent veteran without dependents was reduced because of hospital treatment or institutional or domiciliary care by the Veterans Administration and the veteran dies while receiving such treatment or care or before payment of amounts withheld, the lump sum is payable to the living person first listed as follows:

(1) His spouse, as defined in § 3.1000(d)(1);

(2) His children (in equal shares), as defined in § 3.57 but without regard to their age or marital status;

(3) His dependent parents (in equal shares), or the surviving dependent parent, as defined in § 3.1000(d)(3);

(4) In all other cases, only so much of the lump sum may be paid as may be necessary to reimburse a person who bore the expenses of last sickness and burial. (See § 3.1002.)

* * * * *

(c) *Lump sum withheld after discharge from institution.* The provisions of paragraphs (a) and (b) of this section will apply in the event of the death of any veteran prior to receiving a lump sum which was withheld because treatment or care was terminated by him against medical advice or as the result of disciplinary action. (38 U.S.C. 3203; Public Law 87-544.)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 16, 1962.

[SEAL] W. J. DRIVER, *Deputy Administrator.*

[F.R. Doc. 62-8238; Filed, Aug. 15, 1962; 8:53 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Desert Game Range, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special Regulations; big game; for individual wildlife refuge areas.

NEVADA

DESERT GAME RANGE

Public hunting of big game on the Desert Game Range, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,350,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Mule deer, Elk and Bighorn Sheep.

(b) Open season: Deer—Archery season—September 1 through 23, 1962. Deer—Firearms season—October 6 through November 18, 1962. Elk—October 6 through November 18, 1962. Bighorn Sheep, Area B1—December 14 through 17, 1962; Area B2—November 24 through December 9, 1962. Shooting hours—sunrise to sunset.

(c) Bag limits: One deer of either sex for each season. One bull elk with at least one branched antler. One mature ram with horns having ¾ curl or better.

(d) Methods of hunting:

1. Weapons—Bow shall have a minimum pull of 40 pounds. Arrows must have at least ¾ inch wide hunting type tip. It shall be unlawful for any person to carry or have in his possession any firearm while hunting under the authority of any archery tag.

2. Rifles using center fire cartridge only and exerting at least 1,000-foot pounds energy at 100 yards may be used except during archery season.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but elk or sheep hunters are required to check in and out of designated checking stations. Elk and sheep hunters must have State permits.

3. The provisions of this special regulation are effective to December 18, 1962.

RICHARD E. GRIFFITH, *Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

AUGUST 7, 1962.

[F.R. Doc. 62-8209; Filed, Aug. 15, 1962; 8:49 a.m.]

PART 32—HUNTING

Charles Sheldon Antelope Range, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special Regulations; big game for individual wildlife refuge areas.

NEVADA

CHARLES SHELDON ANTELOPE RANGE

Public hunting of big game on the Charles Sheldon Antelope Range, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 365,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: October 6 through November 18, 1962. Shooting hours—sunrise to sunset.

(c) Bag limits: One deer, either sex.

(d) Methods of hunting:

1. Weapons—Rifles only may be used, with not less than 1000 foot-pounds of energy at 100 yards.

2. Dogs—The use of dogs for hunting deer is prohibited, except as provided in State regulations pertaining to tracking and retrieving wounded deer.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Camping will be permitted only in designated areas as posted.

3. A Federal permit is not required to enter the public hunting area.

4. The provisions of this special regulation are effective to November 19, 1962.

RICHARD E. GRIFFITH, *Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

AUGUST 7, 1962.

[F.R. Doc. 62-8210; Filed, Aug. 15, 1962; 8:49 a.m.]

PART 32—HUNTING

Sutter National Wildlife Refuge, California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special Regulations; Upland game birds for individual wildlife refuge areas.

CALIFORNIA

SUTTER NATIONAL WILDLIFE REFUGE

Public hunting of Upland game birds on the Sutter National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 1,100 acres, as delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant.

(b) Open season: 8:00 a.m. to 4:30 p.m. November 10, 11, 14, 17, 18, 21, 22, 24, and 25, 1962.

(c) Bag limits: Two cocks.

(d) Methods of hunting:

1. Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than three (3) shells) may be used.

2. Dogs: Not to exceed two (2) dogs per hunter may be used.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but hunters must report at checking stations and obtain State hunting permit.

3. The provisions of this special regulation are effective to November 26, 1962.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 3, 1962.

[F.R. Doc. 62-8211; Filed, Aug. 15, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR GRADES OF POTATOES FOR PROCESSING [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Potatoes for Processing pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than November 30, 1962.

Statement of considerations leading to the proposal to issue United States Standards for Grades of Potatoes for Processing. For more than ten years the potato industry has shown sporadic interest in the development of grade standards for potatoes for processing. There was early interest in specific gravity tests as an indication of desirable chipping quality. Later there were discussions with industry representatives concerning the need for grade standards more suited to the raw product for processing.

During this period, potato growers or representatives of growers organizations have made occasional requests for the development of grade standards for potatoes for chipping. The emphasized the need for official inspection to determine compliance with contract specifications in the event of controversy. However, there was little evidence of interest on the part of chip manufacturers. Since both parties to a transaction must be willing to trade on grade standards if they are to be of any value, the Department was reluctant to propose standards until manufacturers as well as growers were interested in using them. In the meantime the Federal-State Inspection Service in Maine was inspecting potatoes delivered to a large processing plant. The inspection was based on an adaptation of the U.S. Standards for Potatoes. In addition, specific gravity, fry tests and after-cooking darkening tests were made. In Idaho, with the increase in volume of processing, potatoes delivered to a number of processing plants were being inspected on the basis of various adaptations of the standards.

By 1960 the inspection of potatoes for processing had reached such proportions in Idaho, and was based on so many and varied specifications, that preliminary investigations were started so that standards might be developed more rapidly when needed. Late that year the first discussion draft of proposed standards for potatoes for processing was presented to Idaho growers and processors. The standards proposed were comparatively simple and contained no requirements relating to specific gravity or other internal quality tests. Later this draft was discussed with a group representing growers, chip manufacturers and processors in New York State. This group was interested in the inclusion of various test procedures, particularly to predict "fry color" for chipping purposes. Following additional investigations in 1961 a new draft of the proposal was prepared and distributed to industry members for preliminary comment in January 1962. This draft contained a minimum specific gravity requirement, unless otherwise specified, with a procedure for making the determination. It also provided that other tests might be specified at the option of the contracting parties. This preliminary draft was widely distributed to growers, chippers and processors through various industry organizations, and their comments solicited. The comments received were helpful and indicated that there is a definite place for standards such as these in the processing operation. The standards which are being proposed incorporate a number of suggestions submitted by industry members.

It is unlikely that these proposed standards will be suited to all types of processing operations. However, it is believed that they will be more useful for use as the basis of grower-processor transactions on potatoes for processing than the U.S. Standards for potatoes for fresh market or the many adaptations of them, that are currently in use. For that reason it is believed that these proposed standards merit serious consideration by the potato industry. We believe that the potato industry will benefit through the use of official grade standards which describe the processing quality of the raw product. It is only through the cooperation of industry that the Department of Agriculture can develop useful standards. Growers, chippers and processors are urged to study the proposed standards and where possible use them on an experimental basis to determine their practicability.

Following are the more important features of the proposed grade standards:

(1) Two grades are provided, U.S. No. 1 Potatoes for Processing and U.S. No. 2 Potatoes for Processing. The requirements are basic, without unnecessary detail. Potatoes are required to meet a size specification. If no other size is specified in accordance with a table provided, or by other specifications, the potatoes must meet a 1½ inch minimum diameter requirement.

(2) Included in the grade requirements are optional specific gravity and glucose content requirements which must be complied with unless otherwise specified.

The specific gravity requirement of 1.070 may be too low in some areas and for some processors. It may be somewhat high for other areas and in certain seasons. Interested parties may specify higher or lower specific gravity, or eliminate the requirement if neither party is interested in it. The procedure for the specific gravity determination does not recommend a particular device. There are specially designed hydrometers for testing specific gravity of potatoes. There is also specially designed equipment for the air-water method of determining specific gravity, preferred by some users. It is emphasized that whatever method is used must be tested and proven accurate. The standards provide a temperature correction table, based on variations from tuber and water temperatures of 50° F.

The glucose content requirement is of interest to both chippers and manufacturers of french fries, and to their growers. There are other reducing sugars involved in the browning reaction of potatoes in deep fat frying. However, the proportion of glucose in relation to the other reducing sugars is quite consistent. Raw potatoes which contain more than one-tenth of 1 percent glucose are likely to produce chips and french fries too dark in color to be acceptable. It is believed that the tape test for the presence of glucose will provide a simple means of identifying lots of potatoes which are definitely unsatisfactory for chipping or french frying because of high reducing sugar content. This test has the added advantage of being simple, inexpensive and suited to field use. Investigations are continuing toward the development of a standard procedure for a fry test to determine chipping or frying quality. Such a test would not be as adaptable to field conditions as the tape test but it would have advantages that justify the effort to perfect a procedure and a suitable color reference standard. This could be incorporated in the standards by amendment at any time.

(3) Tolerances are provided for use when a lot must meet a specific grade or other specification. The tolerances do not apply when the sample is sorted to determine the percentages of different grades or sizes in a lot.

(4) The definitions indicate the difference between these proposed standards for potatoes for processing and the current U.S. Standards for Potatoes

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State Laws and regulations.

which apply to potatoes for fresh market. The definition of damage is brief and emphasizes the suitability of the potato for processing purposes. The amount of waste and the number of cuts required to remove the defective portion are the prime considerations. Defects which affect the appearance only, those that are removed in peeling, are not considered in the proposed standards.

(5) There are other features which are new. "Unusable Material" includes defective material removed in trimming a tuber to meet the requirements of U.S. No. 2 Potatoes for Processing, and entire potatoes which are affected by soft rot and other specified condition defects, or are seriously damaged by sunburn or internal defects, or which cannot be trimmed to form a "usable piece". Determination of a "usable piece" involves trimming a tuber which will not meet U.S. No. 2 Potatoes for Processing in its original state but which can be trimmed so that not more than 10 percent of the remaining portion is defective and the remaining portion meets certain size requirements. "Foreign Material" includes all loose and adhering dirt and other material and includes vines, stems and sprouts. Depending upon contract terms, foreign material and unusable material may or may not be deducted as tare prior to determining the percentage of each grade in the lot.

The proposed standards are as follows:

GRADES

Sec.
51.3410 U.S. No. 1 Potatoes for Processing.
51.3411 U.S. No. 2 Potatoes for Processing.

UNUSABLE MATERIAL

51.3412 Unusable material.

SIZE

51.3413 Size.

TEST PROCEDURES

51.3414 Test procedures.

TOLERANCES

51.3415 Tolerances.

DEFINITIONS

51.3416 Similar varietal characteristics.
51.3417 Fairly well shaped.
51.3418 Fairly smooth.
51.3419 Soft rot or wet breakdown.
51.3420 Foreign material.
51.3421 Damage.
51.3422 Usable piece.
51.3423 Serious damage.

AUTHORITY: §§ 51.3410 to 51.3423 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.3410 U.S. No. 1 Potatoes for Processing.

"U.S. No. 1 Potatoes for Processing" consists of potatoes of one variety or similar varietal characteristics which are fairly well shaped and fairly smooth, which are not frozen, and are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, soft rot, wet breakdown, and foreign material, and free from damage by any other cause, and which meet a size specification as provided in § 51.3413. Unless otherwise specified the potatoes shall have a specific gravity of not less than 1.070 and a glucose content of not more than one-tenth of 1 percent as determined in accordance with the procedures set forth in § 51.3414. (See § 51.3415.)

§ 51.3411 U.S. No. 2 Potatoes for Processing.

"U.S. No. 2 Potatoes for Processing" consists of potatoes or usable pieces of potatoes of one variety or similar varietal characteristics which are not frozen, which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, soft rot, wet breakdown, and foreign material, and free from serious damage by any other cause, and which meet a size specification as provided in § 51.3413. Unless otherwise specified the potatoes or usable pieces of potatoes shall have a specific gravity of not less than 1.070 and a glucose content of not more than one-tenth of 1 percent as determined in accordance with the procedures set forth in § 51.3414. (See § 51.3415.)

§ 51.3412 Unusable material.

"Unusable material" consists of the defective portions of potatoes in excess of that permitted in U.S. No. 2 Potatoes for Processing, and potatoes which are frozen, affected by freezing injury, soft rot, wet breakdown, blackheart, late blight, southern bacterial wilt, or ring rot, or which are seriously damaged by sunburn, greening, internal sprouts, internal discoloration, hollow heart or which are otherwise defective and cannot be trimmed to form usable pieces.

SIZE

§ 51.3413. "Size".

(a) The minimum size, maximum size, or range in size shall be specified in connection with the grade in terms of diameter or weight of the potato or usable piece, or in accordance with one of the size classifications given in the following table: *Provided*, That if no size is specified the diameter shall be not less than 1½ inches. (See § 51.3415.)

TABLE I

Size classification	Round or intermediate varieties [1]		Long varieties [2]	
	Minimum	*Maximum*	*Minimum*	*Maximum*
Extra Large	4 inches		16 ounces	
Large	3 inches	4 inches	10 ounces	16 ounces.
Medium	2¼ inches	3¼ inches	4 ounces	10 ounces.
Size B	1½ inch	2¼ inches	1½ inch	2¼ inches
Size C	1 inch	1½ inch	1 inch	1½ inch.
Creamers	¾ inch	1½ inch	¾ inch	1½ inch.
Size A	1⅞ inch minimum with 60 percent or more 2¼ inches and larger.		1⅞ inch minimum with 40 percent or more 6 ounces or larger.	

[1] Irish Cobbler, Katahdin, Sebago, Kennebec, Pontiac, Red McClure, Pungo, or other similar varieties are considered round or intermediate shaped varieties.
[2] Russet Burbank, Early Gem, White Rose, or other similar varieties are considered long varieties.

(b) Diameter means the size designation in terms of inches or eighths of an inch indicating the greatest crosswise dimension at right angles to the longitudinal axis of the potato or usable piece determined by passing or attempting to pass it lengthwise through a round opening. A potato having a designation of 2 inches is one which will not pass through a round opening 2 inches in diameter but will pass through a round opening 2⅛ inches in diameter.

(c) Weight means the size designation in terms of whole ounces indicating the weight of the potato or usable piece. A potato having a designation of 10 ounces is one which weighs at least 10 ounces but less than 11 ounces.

TEST PROCEDURES

§ 51.3414 Test procedures.

Tests to determine specific gravity and glucose content shall be made in accordance with the procedures set forth in this section. The potatoes used shall be taken at random from a composite sample drawn from containers throughout the load, or a comparable sample from a bulk load or storage bin.

(a) *Specific gravity.* Specific gravity shall be determined by either the hydrometer method or by calculation from the weights of the sample in air and in water, with equipment which has been tested and calibrated to give accurate results. At least 3 separate tests shall be made in clean water with potatoes of average size for the lot which are free from hollow heart, sprouts, stems, dirt and any other adhering material. The reading obtained from each test shall be corrected for temperature variations as prescribed by Table II of this section. The specific gravity shall be the average of such corrected readings.

(1) *Temperature correction.* The pulp temperature of the potatoes and the temperature of the water shall be recorded immediately before testing and the specific gravity reading corrected as indicated in the following table:

TABLE II—*Correction factors for specific gravity of potatoes* [1]

(Corrected to zero base of 50° Tuber Temperature and 50° Water Temperature)

Tuber temperature	WATER TEMPERATURE									
	38°	40°	45°	50°	55°	60°	65°	70°	75°	80°
38°	−.0021	−.0020	−.0018	−.0018	−.0020	−.0023	−.0029	−.0038	−.0047	−.0056
40°	−.0017	−.0016	−.0014	−.0014	−.0016	−.0019	−.0025	−.0034	−.0043	−.0052
45°	−.0009	−.0008	−.0006	−.0006	−.0008	−.0011	−.0017	−.0026	−.0035	−.0044
50°	−.0003	−.0002	0000	0000	−.0002	−.0005	−.0011	−.0020	−.0029	−.0038
55°	+.0001	+.0002	+.0004	+.0004	+.0002	−.0001	−.0007	−.0016	−.0025	−.0034
60°	+.0004	+.0005	+.0007	+.0007	+.0005	+.0002	−.0004	−.0013	−.0022	−.0031
65°	+.0005	+.0006	+.0008	+.0008	+.0006	+.0003	−.0003	−.0012	−.0021	−.0030
70°	+.0006	+.0007	+.0009	+.0009	+.0007	+.0004	−.0002	−.0011	−.0020	−.0029
75°	+.0007	+.0008	+.0010	+.0010	+.0008	+.0005	−.0001	−.0010	−.0019	−.0028
80°	+.0008	+.0009	+.0011	+.0011	+.0009	+.0006	0000	−.0009	−.0018	−.0027
85°	+.0009	+.0010	+.0012	+.0012	+.0010	+.0007	+.0001	−.0008	−.0017	−.0026
90°	+.0010	+.0011	+.0013	+.0013	+.0011	+.0008	+.0002	−.0007	−.0016	−.0025
95°	+.0011	+.0012	+.0014	+.0014	+.0012	+.0009	+.0003	−.0006	−.0015	−.0024
100°	+.0012	+.0013	+.0015	+.0015	+.0013	+.0010	+.0004	−.0005	−.0014	−.0023

[1] To apply correction factor, change actual specific gravity reading by adding or subtracting the appropriate factor according to the plus or minus sign.

(b) *Glucose content.* The glucose content shall be determined by a test based on enzyme reaction as indicated by color changes in a specially prepared tape. To make the test cut each of 10 tubers lengthwise through the center. Press the tape momentarily between the halves, remove and after 1 minute compare the color of the tape with the accompanying color standard.

TOLERANCES

§ 51.3415 Tolerances.

(a) For the purpose of determining compliance with one of the foregoing grades or of other specifications the following tolerances, by weight, are provided in order to allow for variations incident to proper grading and handling:

(1) *For defects.* (i) U.S. No. 1 Potatoes for Processing: 10 percent for potatoes which fail to meet the requirements of this grade but not more than one-half of this tolerance, or 5 percent, for unusable material, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown.

(ii) U.S. No. 2 Potatoes for Processing: 10 percent for potatoes which fail to meet the requirements of this grade but not more than one-half of this tolerance or 5 percent for unusable material, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown.

(2) *For off-size.* (i) Undersize: 3 percent when the size specified is less than 2¼ inches in diameter or less than 6 ounces in weight; and, 5 percent when the size specified is 2¼ inches or more in diameter or 6 ounces or more in weight.

(ii) Oversize: 10 percent.

(3) *For foreign material.* 2 percent.

(b) In the application of these standards to determine the percentages of the lot which meet the requirements of the respective grades or size categories no tolerances apply.

DEFINITIONS

§ 51.3416 Similar varietal characteristics.

"Similar varietal characteristics" means that the potatoes in any lot have the same general shape, color and character of skin, and color of flesh. Round or intermediate types are not mixed with long types, red skinned with white skinned varieties, smooth skinned with russet varieties, and potatoes with yellowish flesh are not mixed with white-fleshed varieties.

§ 51.3417 Fairly well shaped.

"Fairly well shaped" means that the potato is fairly regular in shape for the variety and is not materially affected by second growth, and is not materially pointed, dumbbell-shaped or otherwise materially ill-formed.

§ 51.3418 Fairly smooth.

"Fairly smooth" means that the potato is not deeply indented at the eyes or elsewhere, or materially ridged, folded or lumpy.

§ 51.3419 Soft rot or Wet Breakdown.

"Soft rot or Wet Breakdown" means any soft, mushy or leaky condition of the tissue such as slimy soft rot, leak, advanced jelly-end rot, wet type fusarium tuber rot, or wet breakdown following freezing injury or heat injury.

§ 51.3420 Foreign material.

"Foreign material" means sprouts, stems, vines, adhering dirt, loose dirt, stones, trash and other extraneous substances.

§ 51.3421 Damage.

"Damage" means any defect which materially detracts from the processing quality of the potato, or which cannot be removed without a loss of more than 5 percent of the total weight of the potato, including peel covering the defective area, or which requires a cut in more than 1 place to remove the major defective portion in preparation for processing.

§ 51.3422 Usable Piece.

"Usable piece" means a potato having more unusable material than permitted in U.S. No. 2 Potatoes for Processing which has been trimmed so that the remaining portion does not have more than 10 percent unusable material: *Provided*, That the piece meets the specified size, and in the case of round or intermediate varieties represents not less than three-fourths of the weight of the potato before trimming, and in the case of long varieties weighs at least 4 ounces.

§ 51.3423 Serious damage.

"Serious damage" means any defect which seriously detracts from the processing quality of the potato, or which cannot be removed without a loss of more than 10 percent of the total weight of the potato, including peel covering the defective area, or which requires a cut in more than 2 places to remove the major defective portion in preparation for processing.

Dated: August 10, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62–8229; Filed, Aug. 15, 1962; 8:52 a.m.]

[7 CFR Part 51]

UNITED STATES STANDARDS FOR SAWDUST PACK GRAPES (EUROPEAN OR VINIFERA TYPE)

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the amendment of United States Standards for Sawdust Pack Grapes (European or vinifera type) (7 CFR, §§ 51.2150 to 51.2178) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

Statement of considerations leading to the proposed amendment. Until recent years a large proportion of the table grapes exported from the United States was packed in sawdust or granulated cork and, when inspected, was certified under the U.S. Standards for Sawdust Park Grapes. Recently the volume of grapes packed in sawdust has decreased and there has been an increase in the volume exported in lug boxes. However, there are separate U.S. Grade Standards for grapes packed in sawdust and for grapes in lugs. U.S. No. 1 Sawdust Pack Grapes has somewhat higher requirements than U.S. No. 1 Table Grapes. The Sawdust Pack grade requires bunches to weigh at least one-half pound. The Table grade requires only one-quarter pound bunches. The Sawdust Pack grade requires stems to be well developed and strong and berries must meet specified minimum diameters. The Table grade does not have these requirements. In addition the Sawdust Pack grade has a tolerance of only 5 percent for defects other than undersize bunches, for which there is an additional 10 percent tolerance. The Table grade tolerance of 10 percent applies to under-

size bunches and other defects but since the minimum bunch size is only one-quarter pound it frequently permits the entire tolerance to be used for other defects.

While the table grape industry favored the lug as a container they retained their preference for U.S. No. 1 Sawdust Pack Grapes as a grade for export. It became evident that the designation "Sawdust Pack" implied higher quality regardless of the type of container used. During the 1961–62 season some shippers asked the Federal-State Inspection Service in California to certify grapes packed in lugs as meeting the U.S. No. 1 Sawdust Pack grade but not packed in sawdust. This request could not be complied with because of the confusion that would result, particularly in foreign markets. The Sawdust Pack Standards specifically state that these standards apply only to grapes packed in sawdust. It would have been difficult to explain to buyers why grapes in lugs were marked U.S. No. 1 Sawdust Pack or that they actually met the Sawdust Pack Grade.

As a result of this situation and the need for clarifying the various grades applicable to table grapes the Department is considering the possibility of combining the U.S. Standards for Sawdust Pack Grapes (European or vinifera type) and the U.S. Standards for Grades of Table Grapes (European or vinifera type). Investigations will be made during the 1962 season but a general revision of the standards could not become effective before 1963. Meanwhile, at the request of a large grape producer-shipper organization, it is proposed that the U.S. Standards for Sawdust Pack Grapes be amended by adding a new grade, equivalent to U.S. No. 1 Sawdust Pack Grapes, which would apply to grapes in any type of container, and would be available for use this season. This grade would be designated U.S. Export No. 1 Grapes and would provide a means of designating higher quality grapes for the export trade when not packed in sawdust pending a general revision of the grade standards. It could be used for grapes packed in sawdust, in the usual lugs, in 20 lb. lugs with bunches individually wrapped in paper, or in other containers. This grade would not affect the minimum requirements under the Export Grape and Plum Act.

The new grade, U.S. Export No. 1 Grapes, proposed to be added to the grade standards would have requirements identical to those for U.S. No. 1 Sawdust Pack Grapes.

The standards are proposed to be amended in the following respects:

Footnote 1 would be deleted and the following substituted in lieu thereof:

[1] Except as provided in connection with U.S. Export No. 1 Grapes, these standards shall be applicable only to grapes properly packed in sawdust or granulated cork, and not to so-called "semi-sawdust packs" which are cushioned and/or covered with sawdust.

The following new section would be added:

§ 51.2151a U.S. Export No. 1 Grapes.

"U.S. Export No. 1 Grapes" consists of grapes which meet the requirements of U.S. No. 1 Sawdust Pack Grapes and which may be packed in lugs, boxes, cartons or chests with any of the customary protective materials such as cushions, liners, or wraps, or which are properly packed in sawdust or granulated cork.

Dated: August 10, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62–8228; Filed, Aug. 15, 1962; 8:52 a.m.]

[7 CFR Part 987]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Notice of Proposed Expenses of the Date Administrative Committee for the 1962–63 Crop Year and Rate of Assessment for Such Crop Year; Establishment of Operating Reserve Fund

Consideration is being given to a proposal regarding approval of expenses of the Date Administrative Committee for the 1962–63 crop year, the fixing of a rate of assessment for that crop year, and the establishment of an operating monetary reserve. Such action is to be taken pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 27 F.R. 6818), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Date Administrative Committee (established under the aforesaid marketing agreement and order) has unanimously recommended, for the 1962–63 crop year beginning August 1, 1962, a budget of expenses in the total amount of $42,630 (including $2,500 for an operating monetary reserve) and an assessment rate of 17 cents per hundred pounds of assessable dates. The assessable poundage is estimated by the Committee at 25.075 million pounds. The amount of such expenses, the assessment rate, and the establishment of an operating reserve are specified in the proposal hereinafter set forth.

The Committee has recommended that an operating monetary reserve fund be established and maintained pursuant to § 987.72(c). Said section provides the amount of such reserve shall not exceed 50 percent of the average of expenses incurred during the most recent five preceding crop years (50 percent of the currently applicable average is $16,052), except that the reserve need not be reduced to conform to any recomputed average. To minimize the burden of such reserve fund on handlers, the amount to be collected for the current crop year should not exceed $2,500.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the eighth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

§ 987.307 Expenses of the Date Administrative Committee and rate of assessment for the 1962–63 crop year; operating monetary reserve fund.

(a) *Expenses.* Expenses (including $2,500 for the maintenance of an operating monetary reserve fund) in the amount of $42,630 are reasonable and likely to be incurred by the Date Administrative Committee during the crop year beginning August 1, 1962, for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment which each handler is required to pay in accordance with § 987.72 of the marketing agreement, as amended, and this part, to the Date Administrative Committee as his pro rata share of the Committee's expenses is hereby fixed at 17 cents per hundredweight of free dates he handles or has certified for handling or for further processing during the crop year beginning August 1, 1962.

(c) *Operating monetary reserve.* The establishment of the operating monetary reserve permitted by § 987.72(c) is hereby approved. The Committee is authorized to place in such reserve for the crop year beginning August 1, 1962 not to exceed $2,500 of the assessments collected pursuant to said § 987.72 and this section. Funds in such reserve are available for use in accordance with said § 987.72(c).

Dated: August 13, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–8248; Filed, Aug. 15, 1962; 8:55 a.m.]

Agricultural Research Service

[9 CFR Part 74]

SCABIES IN SHEEP

Proposed Designation of Minnesota as Eradication Area

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), it is proposed to amend § 74.3(a)(1) of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, by adding the entire State of Minnesota to the list of areas therein designated as eradication areas since the cooperative sheep scabies eradication program is now being conducted in such State. The entire State of Minnesota is presently included in the infected areas as sheep scabies is known to exist in such State.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 45 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of August 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62–8230; Filed, Aug. 15, 1962; 8:53 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1002, 1015]

[Docket Nos. AO–71–A43, AO–305–A8]

MILK IN NEW YORK-NEW JERSEY AND CONNECTICUT MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Market Administrator's office, 205 East 42d Street, New York 17, New York, beginning at 10:00 a.m., e.d.t. on September 5, 1962, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the New York-New Jersey and Connecticut marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

AMENDMENTS TO THE NEW YORK-NEW JERSEY ORDER

Proposed by Dairymen's League Cooperative Association, Eastern Milk Producers Cooperative Association, Metropolitan Cooperative Milk Producers Bargaining Agency, Mutual Federation of Independent Cooperatives, and United Milk Producers of New Jersey:

Proposal No. 1. Amend § 1002.6 (Producer definition) as follows:

a. Add in part prior to proviso the words "or a partial pool bulk tank unit" after the words "pool bulk tank unit" and add the words "or partial pool plant" after the words "pool plant."

b. Add to (a) in the proviso, the following words "or is not automatically designated in a partial pool bulk tank unit."

c. Delete (c) in proviso.

d. Amend (d), (e), and (f) to read (c), (d), and (e).

e. Amend new (c) to read as follows: "(c) if such milk is first received at a pool plant or otherwise would be considered producer milk under Part 1015 of this chapter."

f. Add a new (f) and (g) to read as follows: "(f) milk delivered to a partial pool plant set forth in § 1002.29A(a) and milk of a partial pool bulk tank unit pursuant to § 1002.24(l)(1) in excess of his pro rata share of Class I–A and Class I–B, or (g) milk delivered to a partial pool plant set forth in § 1002.29A(b) and milk of a partial pool bulk tank unit pursuant to § 1002.24(l)(2) in excess of his pro rata share of Class I–A."

Proposal No. 2. In § 1002.9, add "Partial pool plant means a plant so designated pursuant to § 1002.29(A)."

Proposal No. 3. In § 1002.12, add "*Partial pool bulk tank unit* means a bulk tank unit so designated pursuant to § 1002.24(1)."

Proposal No. 4. In § 1002.24(a)(1), add the following words "or a plant distributing Class I–A milk in the marketing area."

Proposal No. 5. In § 1002.24, (f) add after the words "a cooperative handler specified in paragraph (a) 2 of this section" the words "if milk of its members is not qualified to receive payments pursuant to § 1002.81."

Proposal No. 6. In § 1002.24(c), add a new subparagraph as follows:

(5) A farm shall automatically be added to a pool bulk tank unit or a nonpool bulk tank unit shall automatically become a pool bulk tank unit effective the first day of any month in which any of the milk of such farm or unit is assigned pursuant to § 1002.35 to Class I–A unless the handler is precluded from doing so pursuant to subparagraphs (2) and (3) of this paragraph or unless such milk is considered producer milk under another order with a market-wide pool.

Proposal No. 7. In § 1002.24 add new paragraph (1) as follows:

(1) The nonpool bulk tank units set forth in subparagraphs (1) and (2) of this paragraph shall be partial pool bulk tank units.

(1) Any non pool bulk tank not automatically made a pool bulk tank unit pursuant to paragraph (c)(5) of this section because the handler is precluded from adding such farm to a pool bulk tank unit pursuant to paragraph (c)(2) and (3) of this section (except for milk considered producer milk under another order with a market wide pool). If it appears that any such non pool bulk tank milk is to be assigned to Class I–A before making such assignment, all of the handler's pool bulk tank units shall be combined. The nonpool bulk tank milk up to the extent of its apparent assignment to Class I–A shall be assigned to the total pool bulk tank unit Class III and the pool bulk tank unit milk which otherwise would have been assigned to Class III shall be assigned to the Class I–A.

(2) Any bulk tank unit milk which fails to meet the pooling requirements of paragraph (f) of this section or is operated by a handler not specified by paragraph (a) of this section.

Proposal No. 8. In § 1002.27(a), amend the last proviso to read as follows: "*Provided further,* That if such designation is cancelled as of the first of August, September, October or November, the plant shall not be a pool plant pursuant to § 1002.29 prior to July 1 following:"

Proposal No. 9. Amend § 1002.29(d) prior to the proviso to read as follows:

(d) Any plant which for any month is not a pool plant because of failure to meet the requirements of paragraph (a), paragraph (b), or paragraph (c) of this section shall be a pool plant in any month if milk received from dairy farmers and bulk tank units is classified as Class I–B and Class I–A on some basis other than failure to account for such milk in a percentage at least as great as the utilization percentage as calculated pursuant to § 1002.40(a)(3) for the same month in the preceding year.

Proposal No. 10. Eliminate the first proviso in § 1002.29(d).

Proposal No. 11. Amend § 1002.29(e) to read as follows:

(e) A plant shall not be a pool plant on the basis of this section for the periods and under the conditions set forth in subparagraphs (1), (2), and (3) of this paragraph.

(1) If the pool plant designation is cancelled on the first of August, September, October, or November pursuant to § 1002.27(a), for the period from date of cancellation through the following June 30.

(2) If the pool plant designation is cancelled pursuant to § 1002.27(h), for failure to meet the requirements of § 1002.26(a) for the period from the date of cancellation through the following June 30.

(3) If the plant was a pool plant pursuant to provisions of Part 1015 of this chapter in each of the months of July through November of any year, for the months of December through June following.

Proposal No. 12. Add the following section:

§ 1002.29(A) Partial pool plants.

The following plants not designated pool plants pursuant to § 1002.25, § 1002.28, or § 1002.29 shall be designated partial pool plants:

(a) Plants not designated pool plant because of paragraph (e) of § 1002.29.

(b) Plants other than those set forth in paragraph (a) of this section which have some milk received from dairy farmers or nonpool bulk tank units classified as Class I–A on some basis other than failure to account for such milk.

Proposal No. 13. In § 1002.66, amend paragraph (c) to read as follows:

(c) Add the total payments required to be made by handlers for such month pursuant to § 1002.84 and add a service payment made pursuant to Part 1015 of this chapter.

Proposal No. 14. Eliminate all of § 1002.83.

Proposed by Lehigh Valley Cooperative Farmers and Suncrest Farms, Division of Fairmont Creamery, Inc.:

Proposal No. 15. The Marketing Area, as defined in the present Federal Order No. 2, should be amended to eliminate the counties of Warren, Sussex and Hunterdon, New Jersey.

Proposal No. 16. If the milk received by a handler and sold in the Marketing Area, is classified and priced under another Order issued pursuant to the Act or under an order issued pursuant to the Act of a State Legislature, any obligation to the Producer Settlement Fund on such milk shall be any plus amount obtained by subtracting the value of the milk at the class price or prices under such order from the value computed in accordance with the classification and pricing set forth in Order No. 2.

Proposal No. 17. Federal Order No. 2 should be amended so that no obligation to the Producer Settlement Fund would be imposed upon a nonpool handler where such handler paid his producers for the various classes of milk sold in the Marketing Area a sum equal to or greater than would have been required had he been a pool handler, and that in the event such handler has paid less than required under the prices established in Federal Order No. 2, then the obligation to the Producer Settlement Fund of Order No. 2 should be the difference between those prices actually paid and those required to be paid by Federal Order No. 2.

Proposal No. 18. Federal Order No. 2 should be amended to require a non-pool handler to pay, as an assessment for administration of the Order, an amount per hundredweight on the milk sold by such handler in the Marketing Area, equal to the per hundredweight assessment on the pool milk, or the actual cost of auditing and verifying the records of the non-pool handler, whichever amount is the greater.

Proposed by Conover's Guernsey Dairy, Hightstown, New Jersey; Decker's Dairy, Hightstown, New Jersey; Edgewood Dairy, Farmingdale, New Jersey; Forsgate Farms, Jamesburg, New Jersey; and Pleasant Farms, Point Pleasant, New Jersey:

Proposal No. 19. Provide for the assignment to Class I–B, of milk received at a pool plant from either a "non-pool" plant or from a "non-pool" bulk tank unit.

Proposal No. 20. Provide that a pool plant located in the Marketing Area and receiving milk directly from producers at such plant, which milk is distributed as Class I milk both inside and outside the Marketing Area, be permitted to pool the quantity distributed outside the Area at the Uniform Price adjusted by the appropriate differentials applicable to such milk. Or as an alternative, to exempt such Outside Area sales from pooling under this Order.

Proposed by Fairdale Farms, Inc., Bennington, Vermont:

Proposal No. 21. Enable a handler who produces own-farm bulk tank milk:

a. To establish an own-farm bulk tank unit separate from other bulk tank units, if any, operated by such handler, but subject to appropriate regulations covering operation of bulk tank units.

b. To assign such own-farm bulk tank milk to the handler's Class I–A sales in such a manner as to exempt the handler from pool obligation on own-farm bulk tank milk.

Proposal No. 22. Reinstate those provisions relating to bulk tank milk to provide the same effect as provided by bulk tank provisions which were in effect during the period of December 1, 1961, through June 30, 1962.

Proposal No. 23. In developing new regulations applying to "outside" or "fringe area" handlers provide for separate classifications of such handlers as:

a. Those who consistently supply the marketing area with fluid milk delivered regularly to consumers under appropriate state milk control licenses, as distinct from

b. Those who occasionally ship milk into the marketing area to gain a temporary price advantage and thereby deprive regular pool producers of their rightful Class I–A benefits.

Proposal No. 24. Enable "consistent" suppliers referred to in paragraph (a) of Proposal No. 23 above to obtain their raw supply at a total cost (price paid producers plus pool obligation) which is no more than fully regulated pool handlers, as provided in section 608c(5)(A) of the Act.

Proposal No. 25. Require "occasional" suppliers referred to in pargaraph (b) of Proposal No. 23 to pay into the producer settlement fund such amounts as may be necessary to adequately compensate regular pool producers for their loss of Class I–A sales.

Proposed by Borden-Castanea, Division of the Borden Company:

Proposal No. 26. Eliminate and avoid full regulation under Order No. 2 of a plant under Order No. 4 which has approximately 5 percent of its Class I sales in the Order No. 2 marketing area; 20 percent of its Class I sales in Order No. 4 marketing area; and the balance of its Class I sales in markets not covered by a Federal milk order.

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

Proposal No. 27. Amend § 1002.24(a)(2) to read as follows:

(2) A cooperative handler who does not operate a pool plant but who receives milk from farms in a tank truck and delivers milk to plants of other handlers and who either meets the definition:

(i) A cooperative or federated cooperative as set forth in § 1002.81 (a) and (b): *Provided,* That such cooperative had been a qualified cooperative under section (b) for 12 consecutive previous months, or

(ii) A cooperative as defined under § 1002.81(a)(1).

Proposal No. 28. Revised § 1002.24(e) by changing the reference to paragraph "(a)(2)" to "(a)(2)(ii)" so that the applicable passage of paragraph (e) shall read as follows: "This paragraph shall not be applicable to a cooperative handler specified in paragraph (a)(2)(ii)."

Proposed by Dairymen's League Cooperative Association, Inc:

Proposal No. 29. A handler buying from an operating cooperative desiring to make a producer a nonpool producer can only do so after having obtained the consent of the cooperative.

Proposed by Sandfort's Dairy:

Proposal No. 30. Amend § 1002.24(a)(1) to read as follows:

(1) A handler who operates a pool plant or a handler having the same persons in ownership or control as another handler who operates a pool plant;

Proposed by Inter-State Milk Producers Cooperative:

Proposal No. 31. Amend the New York-New Jersey order to continue the elimination of the provisions of said order now eliminated by suspension, and make all of the other changes in the order necessary to support the continuation of the suspension action with respect to pool and nonpool bulk tank units in order to continue the elimination of all nonpool bulk tank milk from the order so that if bulk tank milk comes into an order plant it becomes pool milk. These other changes are:

a. Amend § 1002.6 *Producer* definition by:

1. Deleting from the first sentence the following words: "Who has included such farm."

2. Deleting from paragraph (a) of the proviso: "Or is delivered in bulk at the farm to a handler who does not include such farm in a pool bulk tank unit of such handler."

3. Changing in paragraph (c) of the proviso the section reference of § 1002.83(b)(2) to § 1002.83(b)(1).

b. Amend § 1002.24 *Bulk tank units* by:

1. Deleting paragraph (a)(3).

2. Deleting paragraph 1002.24(a)(4).

3. Deleting from paragraph (h) the following words: "and his declared status (pool or nonpool) of each bulk tank unit."

4. Deleting paragraph (j).

5. Deleting from paragraph (k) the following words: "And the names of handlers who are ineligible to add farms to a pool bulk tank unit under the terms set forth in § 1002.24(c)(3)."

c. Amend § 1002.26 *Operating requirements,* by deleting the following words from the first paragraph: "Consisting of farms in the area specified in § 1002.24 (e)."

d. Amend § 1002.27 *Suspension and cancellation of designation* by:

1. Eliminating from the first sentence the following words: "Consisting of farms in the area specified in § 1002.24 (e)."

2. Eliminating from paragraph (d) the following words: "or (c)" and "Consisting of farms in the area specified in § 1002.24(e)."

3. Deleting from paragraph (g)(1) the following words: "Consisting of farms in the area specified in § 1002.24 (e)."

4. Deleting from paragraph (g)(2) the following words: "Consisting of farms in the area specified in § 1002.24(e)."

e. Amend § 1002.35 Accounting procedure, by:

1. Deleting from paragraph (a)(2)(v) the word "declared."

2. Deleting from paragraph (c) the following sentence: "Milk received from nonpool bulk tank units shall be assigned as far as possible to milk classified as Class III subject to the butter-cheese adjustment and then to other milk classified as Class III."

3. Amending paragraphs (e) and (f) by eliminating the following words: "From nonpool bulk tank units."

f. Amend § 1002.83 *Payments on milk received from dairy farms at nonpool plants and nonpool bulk tank units,* by eliminating the words "And nonpool bulk tank units" from the title and by eliminating the proviso of paragraph (c).

Proposal No. 32. Amend New York-New Jersey order to continue the elimination of the provisions of said order now eliminated by suspension, and make all of the other changes in the order necessary to support the continuation of the suspension action with respect to eliminating the option provision under which a handler can option himself in or out of the order.

Proposal No. 33. Amend § 1002.24(e) after the words "any handler who in the period of October, November, and December 1960, operated a plant which was a pool plant on the basis of either of the first two provisos of § 1002.25" by deleting "and" and substituting therefor the following: "or a cooperative handler specified in paragraph (a)(2) of this section, if the milk from such farms was delivered as producer milk in the period October, November, and December 1960, to a pool plant designated pursuant to § 1002.25."

Proposal No. 34. Revise § 1002.24(e) by transposing the following language from the oenter of the section to the end of the section: "This paragraph shall not be applicable to a cooperative handler specified in paragraph (a)(2) of this section until such handler has operated a pool bulk tank unit for twelve consecutive months."

Proposal No. 35. Amend § 1002.24(f) by adding to the proviso after the words "operated a plant which was a pool plant on the basis of either of the first two provisos in § 1002.25 'the following', or a cooperative handler specified in paragraph (a)(2) of this section," and remove from the proviso the words "of such handler" in both instances where such words appear within the proviso.

Proposal No. 36. Amend § 1002.29(d) to eliminate the words: "with a provision for marketwide equalization" from the second proviso, (as it read prior to suspension), to recognize the principle that a plant should be regulated under the Federal order where it does the greatest volume of its route business.

Proposal No. 37. Amend Order No. 2 to provide a compensatory payment plan based on the difference between the administratively determined cost of milk sold in the marketing area for Class I–A use by the handler and the Order No. 2 Class I–A price, if the Class I–A price is higher.

Proposal No. 38. Amend the pool plant definition to require a cooperative primarily related to the New York-New Jersey market to price and pool under Order No. 2, all milk in plants and bulk tank units associated with the operation of that cooperative and sold into another federally regulated marketing area, if such plant or bulk tank units would come under Order No. 2 on the basis of its Class I–B sales under § 1002.29(d).

AMENDMENTS TO THE CONNECTICUT ORDER

Proposed by Connecticut Milk Producers Association, Modern Milk Marketing Association, and Cooperative Dairy, Inc.:

Proposal No. 39. Add to § 1015.3(c)(2)(i) after the words "another New England Federal order," the following: "or in any month in which it qualifies for pooling under another Federal order on the basis of shipments which exceed the shipments qualifying such plant for pooling pursuant to this subparagraph."

Proposed by Dairymen's League Cooperative Association, Eastern Milk Producers Cooperative Association, Metropolitan Cooperative Milk Producers Bargaining Agency, Mutual Federation of Independent Cooperatives, and United Milk Producers of New Jersey:

Proposal No. 40. Provide in the Connecticut Order No. 15 for:

(a) Assignment of New York-New Jersey order milk to shipments of Class I–A milk to a New York plant prior to assigning Connecticut milk to such shipment.

(b) Classifying Connecticut milk assigned to New York-New Jersey Class I–A in a special class and pricing it at the New York-New Jersey Class I–A price.

(c) Deduct from Connecticut pool prior to figuring the uniform price a value for Connecticut milk assigned to New York Class I–A computed at a rate per hundredweight equal to the difference between Connecticut Class II price and New York-New Jersey Class I–A price and pay same to the New York-New Jersey pool.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 41. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereof that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, 205 East 42d Street, New York 17, New York; the Market Administrator, 1049 Asylum Avenue, Hartford 5, Connecticut; or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on August 8, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–8252; Filed, Aug. 15, 1962; 8:56 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

OCCUPATIONS PARTICULARLY HAZARDOUS FOR EMPLOYMENT OF MINORS

Meat Processing in Retail and Service Establishments

The occupations in or about slaughtering and meat packing establishments and rendering plants which have been found and by order declared to be particularly hazardous for the employment of children between 16 and 18 years of age pursuant to section 3(l) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203) are described in 29 CFR 4.61 (Hazardous-Occupations Order No. 10; established May 8, 1952, 17 F.R. 3034).

Subparagraph (2) of paragraph (c) of § 4.61 exempts certain retail and service establishments from the application of the order. A recent examination by the Bureau of Labor Standards of the hazards involved in various occupations in retail and service establishments indicates that the occupations thus exempted from this order involve conditions which are particularly hazardous for the employment of minors between 16 and 18 years of age even when performed in such establishments.

Now, therefore, pursuant to section 3(l) of the Fair Labor Standards Act of 1938 (52 Stat. 1061 as amended; 29 U.S.C. 203), and Reorganization Plan No. 2 of 1946 (3 CFR, 1943–1948 Comp., p. 1064), and in accordance with the procedure established in 29 CFR Part 4, Subpart D, I hereby propose to amend 29 CFR 4.61 by revoking the exemption for retail establishments contained therein.

Any interested person may file a written statement of data, views or arguments in regard to this proposal with the Director of the Bureau of Labor Standards, United States Department of Labor, Constitution Avenue and Fourteenth Street NW., Washington 25, D.C., within 30 days after this notice is published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 10th day of August 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62–8201; Filed, Aug. 15, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–HO–9]

FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS

Withdrawal of Proposed Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER on January 18, 1962 (27 F.R. 536) it was stated in part that the Federal Aviation Agency proposed to alter Hawaiian VOR Federal airway No. 9. Subsequent to publication of the notice, the FAA has determined that a further review of this proposal is desirable prior to taking any action to alter Victor 9. Accordingly, the notice is being withdrawn and a new proposal may be submitted at a later date.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 61–HO–9 is withdrawn.

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 9, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–8192; Filed, Aug. 15, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Land; Amendment

AUGUST 8, 1961.

Notice of the proposed withdrawal and reservation of land for the Federal Aviation Agency in the Fairbanks Land District, Alaska, was published in the FEDERAL REGISTER on February 1, 1962, in Volume 27, Number 22, on page 951.

The description of the requested land is hereby amended as follows:

1. Parcels 3a and 3b are to be deleted in their entirety.

2. Parcel 2 is to be amended to correct the description as follows:

Parcel 2

Beginning at Corner No. 3 of said Elks Placer; thence S. 78°40' E., 1,078.2 feet to Corner No. 2 of Elks Placer, which is the same as Corner No. 3 of Target Fraction; thence S. 68°21' E., 386 feet to Corner No. 2 of Target Fraction, which is the same as Corner No. 6 of Happy Thought; thence S. 67°46' E., 1,065 feet to a point on the 6–5 line of Happy Thought which is the same as Corner No. 1 of Lillian Association; thence S. 12°20' W., 1,132.6 feet to Corner No. 6 of Lillian Association; thence N. 49°10'56'' W., 2,853.22 feet to the point of beginning; containing 35.98 acres, more or less.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62–8212; Filed, Aug. 15, 1962; 8:49 a.m.]

[Classification No. 85]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby classify the following described public lands, totaling 10 acres in Pinal County, Arizona, as suitable for disposal under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a) as amended:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 17 E.,
Sec. 31, SE¼NE¼SE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedure.

4. There are no preference right applications as provided for by 43 CFR 257.5.

Dated: August 8, 1962.

A. L. SIMPSON,
Acting State Director.

[F.R. Doc. 62–8213; Filed, Aug. 15, 1962; 8:50 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Termination Thereof

AUGUST 7, 1962.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 050013 for the withdrawal of the lands described below, from prospecting, location, entry, and purchase under the general mining laws, subject to existing valid claims. The applicant desires the withdrawal of the lands to protect roadside zones, and for public recreation areas and administrative sites.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned office of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

ELDORADO NATIONAL FOREST

Roadside Zone Along the U.S. Highway No. 50

California Forest Highway No. 32

A strip of land 200 feet wide on either side of the centerline of the existing U.S. Highway No. 50 through the following legal subdivisions:

T. 11 N., R. 13 E.,
Sec. 25: Lots 1, 2, 5, 6, and 7;
Sec. 26: Lots 2, 3, and 4;
Sec. 33: NE¼NE¼, N½NW¼NE¼, W½SW¼NW¼NE¼, N½NE¼NW¼, N½SW¼NE¼NW¼, SE¼NE¼NW¼;
Sec. 34: Lots 3, 4, and 5;
Sec. 35: Lot 1, NE¼NW¼.
T. 11 N., R 14 E.,
Sec. 25: S½SW¼, SE¼;
Sec. 26: NE¼SE¼, S½SE¼;
Sec. 27: NW¼NE¼, SE¼NE¼, NE¼NW¼;
Sec. 28: N½;
Sec. 29: NE¼, W½NE¼NW¼NE¼SW¼, W½NW¼NE¼SW¼, SE¼NW¼NE¼SW¼, N½NW¼SW¼NE¼SW¼, N½NW¼SW¼, N½N½SW¼NW¼SW¼, N½NW¼SE¼NW¼SW¼, NE¼SE¼NW¼SW¼, NW¼SE¼;
Sec. 30: Lots 1 and 2, SE¼SE¼.
T. 11 N., R. 15 E.,
Sec. 22: SE¼SE¼;
Sec. 23: Lots 11 and 12;
Sec. 26: Lot 5;
Sec. 27: N½NE¼, NE¼NW¼, S½NW¼;
Sec. 28: NE¼NW¼;
Sec. 29: SW¼SW¼, NW¼SE¼;
Sec. 30: Lot 4, SE¼SW¼, S½SE¼.
T. 11 N., R. 16 E.,
Sec. 19: S½SE¼;
Sec. 20: S½;
Sec. 21: S½;
Sec. 22: NE¼, SE¼NW¼, N½SW¼;
Sec. 23: S½NE¼, NW¼;
Sec. 24: S½N½, N½SE¼;
Sec. 30: Lot 11, NW¼NE¼, NE¼NW¼.
T. 11 N., R. 17 E.,
Sec. 8: S½;
Sec. 10: SE¼NE¼, NE¼SW¼, S½SW¼, N½SE¼, NW¼SW¼SE¼;
Sec. 11: NE¼NW¼;
Sec. 15: NW¼NW¼;
Sec. 16: SE¼NE¼NW¼, S½NW¼;
Sec. 17: NE¼, NW¼NW¼;
Sec. 18: E½NE¼;
Sec. 19: Lots 1 and 2, NE¼NW¼.
T. 11 N., R. 18 E.,
Sec. 6: Lots 1, 2, 3, 4, 5, 6, 7, 8, 12, and 13;
Sec. 7: Lot 1, E½NE¼, SW¼NE¼, NE¼NW¼, SE¼NW¼, N½SE¼.
T. 12 N., R. 17 E.,
Sec. 36: Lots 10 and 14.
T. 12 N., R. 18 E.,
Sec. 17: E½E½SE¼;
Sec. 31: Lots 7, 8, and 9;
Sec. 32: NW¼NW¼NW¼.

Roadside Zone Along the Alpine Highway

California State Highway No. 88

A strip of land 200 feet wide on either side of the centerline of the existing State Highway No. 88, through the following legal subdivisions:

T. 8 N., R. 13 E.,
Sec. 35: SW¼SE¼ and that portion of SE¼SE¼ reconveyed to the United States in Forest Exchange 037938 by deeds dated October 30, 1948, and January 9, 1950, accepted June 1, 1950.
T. 8 N., R. 14 E.,
Sec. 13: Those portions S½SW¼SW¼, E½SW¼, NW¼SE¼ reconveyed to the United States in Forest Exchange 037938 by deeds dated October 30, 1948, and January 9, 1950, accepted June 1, 1950;
Sec. 14: That portion S½SE¼ reconveyed to the United States in Forest Exchange 037938 by deeds dated October 30, 1948, and January 9, 1950, accepted June 1, 1950;
Sec. 21: Portions SW¼, N½SE¼, SE¼SE¼ reconveyed to the United States in Forest Exchange 037938 by deeds dated October 30, 1948, and January 9, 1950, accepted June 1, 1950;
Sec. 22: Portions S½NE¼, N½SW¼, SE¼ reconveyed to the United States in Forest Exchange 037938 by deeds dated October 30, 1948, and January 9, 1950, accepted June 1, 1950;
Sec. 23: Portion NW¼ reconveyed to the United States in Forest Exchange 037938 by deeds dated October 30, 1948, and January 9, 1950, accepted June 1, 1950;

Sec. 29: Portions E½NE¼, NW¼SW¼ reconveyed to the United States in Forest Exchange 037938 by deeds dated October 30, 1948, and January 9, 1950, accepted June 1, 1950;
Sec. 30: Portion Lot 3, 4, E½SW¼, NW¼SE¼, SE¼SE¼ reconveyed to the United States in Forest Exchange 037938 by deeds dated October 30, 1948, and January 9, 1950, accepted June 1, 1950.

T 8 N., R. 15 E.,
Sec. 1: Lots 1, 2, S½NE¼, SE¼;
Sec. 10: E½SE¼;
Sec. 11: S½NE¼, N½S½;
Sec. 12: N½, N½SW¼;
Sec. 15: N½, NW¼SW¼;
Sec. 17: S½;
Sec. 18: Lot 3, S½NE¼, NE¼SW¼, N½SE¼.

T. 9 N., R. 16 E.,
Sec. 12: SE¼SE¼;
Sec. 13: N½;
Sec. 14: S½N½;
Sec. 15: SE¼NE¼, S½;
Sec. 16: E½SW¼, SE¼;
Sec. 20: SE¼SE¼;
Sec. 21: NW¼NE¼, E½NW¼;
Sec. 22: NW¼NW¼;
Sec. 28: SW¼NW¼, SW¼SW¼;
Sec. 29: E½E½, SW¼SE¼;
Sec. 31: Lots 3, 4, SE¼NE¼, E½SW¼, SE¼;
Sec. 32: W½NE¼, S½NW¼, NW¼SE¼.

T. 9 N., R. 17 E.,
Sec. 5: SW¼NW¼, W½SW¼;
Sec. 6: SE¼NE¼, E½SE¼;
Sec. 7: NE¼, SE¼;
Sec. 8: NW¼NW¼.

T. 10 N., R. 17 E.,
Sec. 20: SE¼NE¼, SE¼SW¼, NW¼SE¼;
Sec. 21: N½;
Sec. 22: SE¼NE¼, NW¼SW¼;
Sec. 23: Lots 2, 3, and 4;
Sec. 29: W½NE¼, E½NW¼, NE¼SW¼, NW¼SE¼, SE¼SE¼;
Sec. 32: W½NE¼, SE¼NE¼.

T. 10 N., R. 18 E.,
Sec. 18: Lots 3, 4, E½SW¼, SE¼;
Sec. 19: Lot 1, NE¼NE¼;
Sec. 20: N½;
Sec. 21: SW¼NE¼, S½NW¼;
Sec. 22: NW¼SW¼.

Roadside Zone Along California State Highway No. 89

California Forest Highway No. 30

A strip of land 200 feet wide on either side of the centerline of the existing California State Highway No. 89 through the following legal subdivisions:

T. 13 N., R. 17 E.,
Sec. 21: NE¼NE¼, SW¼NE¼, E½SW¼SW¼;
Sec. 28: Lots 4, 5, 7, S½NE¼.

T. 14 N., R. 17 E.,
Sec. 20: SE¼SE¼SW¼;
Sec. 32: SE¼NW¼, NE¼NE¼SW¼.

T. 11 N., R. 18 E.,
Sec. 5: E½NW¼;
Sec. 8: SE¼NW¼, NE¼SW¼, W½SE¼;
Sec. 14: Lots 1 and 2 (or fractional S½SW¼), Lot 3 (or fractional SW¼SE¼), N½SW¼, SE¼SE¼;
Sec. 15: Lot 1, SW¼, N½SE¼, SW¼SE¼;
Sec. 16: SE¼SW¼, S½SE¼;
Sec. 17: W½NE¼, E½SW¼, W½SE¼;
Sec. 20: N½, SE¼;
Sec. 21: NW¼;
Sec. 23: NE¼NE¼;
Sec. 24: W½NW¼.

T. 12 N., R. 18 E.,
Sec. 32: NW¼NW¼, S½NW¼, SW¼.

Roadside Zone Along the Fallen Leaf Lake Highway

California State Highway No. 94

A strip of land 200 feet wide on either side of the centerline of the existing State Highway No. 94 through the following legal subdivisions:

T. 12 N., R. 17 E.,
Sec. 12: NW¼SE¼SW¼;
Sec. 13: NW¼NW¼SW¼.

CAMPGROUND AREAS

Silver Creek

T. 11 N., R. 14 E.,
Sec. 11: SW¼NW¼.

Alder Creek

T. 11 N., R. 14 E.,
Sec. 26: SW¼SE¼.

Silver Fork

T. 11 N., R. 16 E.,
Sec. 21: SE¼SE¼;
Sec. 22: SW¼SW¼;
Sec. 27: NW¼NW¼;
Sec. 28: NE¼NE¼.

Lyons Creek

T. 11 N., R. 16 E.,
Sec. 8: E½SW¼, SW¼SE¼.

39-Milestone

T. 11 N., R. 16 E.,
Sec. 22: S½NE¼.

Pyramid

T. 11 N., R. 16 E.,
Sec. 23: E½NW¼.

Crag Lake

T. 13 N., R. 16 E.,
Sec. 12: Lot 5.

Kirkwood Lake

T. 10 N., R. 17 E.,
Sec. 21: N½NE¼, SE¼NE¼;
Sec. 22: W½NW¼.

45-Mile Camp

T. 11 N., R. 17 E.,
Sec. 16: SE¼NE¼NW¼, NE¼SE¼NW¼.

Eagle Falls

T. 13 N., R. 17 E.,
Sec. 21: E½SW¼SW¼.

Bay View

T. 13 N., R. 17 E.,
Sec. 28: E½SE¼NE¼.

Velma Lake

T. 13 N., R. 17 E.,
Sec. 31: Lot 9.

Woods Lake

T. 10 N., R. 18 E.,
Sec. 28: N½NE¼, E½NW¼, NE¼SW¼, NW¼SE¼.

Firs Camp

T. 11 N., R. 18 E.,
Sec. 6: S½ Lot 11;
Sec. 7: N½NE¼NW¼.

Alpine

T. 11 N., R. 18 E.,
Sec. 17: S½NW¼SW¼, N½SW¼SW¼.

PUBLIC SERVICE SITES

Baldwin

T. 12 N., R. 17 E.,
Sec. 1: Lot 1, SE¼NE¼.

Pope

T. 12 N., R. 18 E.,
Sec. 5: S½SW¼.

RECREATION AREAS

Bear Creek

T. 12 N., R. 11 E.,
Sec. 32: NW¼NE¼SW¼.

Airport

T. 13 N., R. 14 E.,
Sec. 10: SE¼;
Sec. 11: SW¼;
Sec. 15: Lots 1, 2, 3, 4, 5, 6, 7, and 8.

South Fork

T. 13 N., R. 14 E.,
Sec. 22: S½SW¼;
Sec. 27: NW¼NW¼;
Sec. 28: NE¼NE¼.

Loon Lake

T. 13 N., R. 15 E.,
Sec. 8: All except portion covered by lake;
Sec. 9: All except portion covered by lake;
Sec. 17: N½.

Wentworth Springs

T. 14 N., R. 15 E.,
Sec. 32: S½SW¼.

Lower Bear River Reservoir

T. 8 N., R. 16 E.,
Sec. 8: E½SE¼;
Sec. 9: NW¼SW¼;
Sec. 17: NW¼NE¼, S½NW¼ S½SW¼, NE¼SE¼, SW¼SE¼.

China Flat

T. 12 N., R. 16 E.,
Sec. 12: SW¼SW¼.

Wright's Lake

T. 12 N., R. 16 E.,
Sec. 28: NW¼SW¼, S½SW¼;
Sec. 29: S½SE¼;
Sec. 32: E½;
Sec. 33: N½NW¼, SW¼NW¼.

Buck Island

T. 13 N., R. 16 E.,
Sec. 6: Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, SW¼NE¼.

Silver Lake

T. 9., R. 17 E.,
Sec. 8: SW¼NW¼.
T. 10 N., R. 17 E.,
Sec. 32: Lot 1, SE¼NE¼;
Sec. 33: Lot 1, NW¼SW¼.

Twin Lakes

T. 10 N., R. 17 E.,
Sec. 23: Lots 1 and 2.
T. 10 N., R. 18 E.,
Sec. 18: Lot 4.

42-Mile Milestone

T. 11 N., R. 17 E.,
Sec. 19: Lots 1, 2, E½NW¼.

Blue Lakes

T. 9 N., R. 18 E.,
Sec. 12: Lots 1 and 2.

Strawberry Creek

T. 10 N., R. 17 E.,
Sec. 5: Lots 7 and 8 (or NW¼).
T. 11 N., R. 17 E.,
Sec. 19: Lots 3, 4, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 20: S½SW¼;
Sec. 28: Lots 3, 4, N½SW¼;
Sec. 29: NE¼, N½NW¼.

Bay View

T. 13 N., R. 17 E.,
Sec. 28: W½SE¼NE¼.

ADMINISTRATIVE SITES

Jakey Hill

T. 13 N., R. 11 E.,
Sec. 18: Fractional vacant portion of SE¼NW¼.

Slate Mt.

T. 11 N., R. 12 E.,
Sec. 6: E½ Lot 7, W½SE¼SW¼.

Grizzly Flat

T. 9 N., R. 13 E.,
Sec. 15: NE¼NW¼.

Sly Park

T. 10 N., R. 13 E.,
Sec. 19: Lot 1.

Baltic Lookout

T. 10 N., R. 13 E.,
Sec. 23: E½SW¼SW¼;
Sec. 26: NW¼NE¼NW¼.

Pacific Ranger Station

T. 11 N., R. 13 E.,
Sec. 34: Lots 3, 4, and 5.

Brushy Springs

T. 13 N., R. 13 E.,
Sec. 6: Lot 6.

Plummer Ridge

T. 9 N., R. 14 E.,
Sec. 20: SW¼SE¼.

29-Mile Guard Station

T. 11 N., R. 14 E.,
Sec. 25: SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, NW¼SE¼SE.

Schlein Ranger Station

T. 13 N., R. 14 E.,
Sec. 13: SW¼SE¼, W½SE¼SE¼.

Robbs Peak

T. 13 N., R. 14 E.,
Sec. 33: NE¼NE¼SE¼SE¼;
Sec. 34: S½SW¼NW¼SW¼, N½NW¼SW¼SW¼.

Big Meadows

T. 14 N., R. 14 E.,
Sec. 8: S½NE¼SE¼, E½SW¼SE¼, SE¼SE¼.

Lumber Yard Ranger Station

T. 8 N., R. 15 E.,
Sec. 15: N½.

Leek Springs Lookout

T. 9 N., R. 15 E.,
Sec. 14: NE¼SE¼.

China Flat

T. 10 N., R. 15 E.,
Sec. 1: Lots 11 and 16.
T. 11 N., R. 15 E.,
Sec. 35: Lots 11 and 12.

Iron Mt. Lookout

T. 10 N., R. 15 E.,
Sec. 19: SE¼ of Lot 2.

Silver Lake

T. 10 N., R. 17 E.,
Sec. 32: S½N½SW¼SW¼, S½SW¼SW¼.

Angora Lookout

T. 12 N., R. 17 E.,
Sec. 13: NE¼SW¼SW¼.

Haypress Meadows

T. 12 N., R. 17 E.,
Sec. 28: SW¼SE¼.

Stony Ridge

T. 13 N., R. 17 E.,
Sec. 18: SE¼NE¼.

Lake Valley Pasture

T. 11 N., R. 18 E.,
Sec. 6: Lot 6.

Blue Lakes

T. 9 N., R. 19 E.,
Sec. 19: NE¼SE¼.

The areas described above aggregate 11,251.59 acres.

The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on September 11, 1962, relieved of the segregative effect of the above-mentioned application.

The lands terminated are:

MOUNT DIABLO MERIDIAN

ELDORADO NATIONAL FOREST

Roadside Zone Along U.S. Highway No. 50

California State Highway No. 32

A strip of land 200 feet wide on either side of the centerline of existing U.S. Highway No. 50 through the following legal subdivisions:

T. 11 N., R. 13 E.,
Sec. 33: SE¼NW¼NE¼, E½SW¼NW¼NE¼, S½SW¼NE¼NW¼.

T. 11 N., R. 14 E.,
Sec. 29: S½N½SW¼NW¼SW¼, S½SW¼NW¼SW¼, S½NW¼SE¼NW¼SW¼, S½SE¼NW¼SW¼, E½NE¼SW¼, E½NE¼NW¼NE¼SW¼, N½NE¼SW¼NE¼SW¼, S½N½SW¼NE¼SW¼, S½SW¼NE¼SW¼.

T. 11 N., R. 18 E.,
Sec. 6: N½NE¼.

T. 12 N., R. 17 E.,
Sec. 36: SE¼NE¼.

T. 12 N., R. 18 E.,
Sec. 3: Lots 15, 16, Tracts A, B (formerly Lots 2 and 3).

Roadside Zone Along Alpine Highway

California State Highway No. 88

A strip of land 200 feet wide on either side of the centerline of the existing State Highway No. 88 through the following legal subdivisions:

T. 8 N., R. 13 E.,
Sec. 25: SE¼SE¼;
Sec. 35: Patented portions of SE¼SE¼;
Sec. 36: NE¼, S½NW¼, NW¼SW¼.

T. 8 N., R. 14 E.,
Sec. 13: NW¼SW¼, S½SE¼;
Sec. 14: N½S½, S½SW¼;
Sec. 21: SW¼SE¼;
Sec. 22: S½SW¼;
Sec. 29: W½NE¼, SE¼NW¼;
Sec. 30: NE¼SE¼, SW¼SE¼.

T. 8 N., R. 15 E.,
Sec. 16: N½S½.

T. 9 N., R. 16 E.,
Sec. 15: SW¼NE¼, SE¼NW¼;
Sec. 20: NE¼SE¼, SW¼SE¼;
Sec. 21: NE¼NE¼, S½NE¼;
Sec. 29: W½NE¼, E½SW¼, NW¼SE¼;
Sec. 32: NE¼NW¼, NW¼SW¼.

T. 9 N., R. 17 E.,
Sec. 6: W½SE¼;
Sec. 7: Lot 3, NE¼SW¼.

T. 10 N., R. 17 E.,
Sec. 20: NW¼NE¼, N½SW¼, SW¼SW¼;
Sec. 21: [illegible]½SE¼;
Sec. 22: NE¼NE¼, SW¼SW¼;
Sec. 32: NE¼SE¼.

T. 10 N., R. 18 E.,
Sec. 21: SW¼SW¼.

Roadside Zone Along California State Highway No. 89

California Forest Highway No. 30

A strip of land 200 feet wide on either side of the Centerline of the existing California State Highway No. 89 through the following legal subdivisions:

T. 13 N., R. 17 E.,
Sec. 5: Lot 1;
Sec. 9: E½SW¼, SW¼ SE¼.

T. 11 N., R. 18 E.,
Sec. 6: E½E½ Lot 6, E½E½ Lot 7, E½E½ Lot 13;
Sec. 20: SW¼;
Sec. 21: SE¼SW¼, S½SE¼;
Sec. 22: N½S½, S½SW¼, SW¼SE¼;
Sec. 23: W½SW¼, SE¼SW¼, S½SE¼;
Sec. 25: W½NW¼;
Sec. 26: NE¼NE¼.

T. 12 N., R. 18 E.,
Sec. 31: Lot 5, NE¼NE¼.

CAMPGROUND AREAS

Blackbird

T. 11 N., R. 14 E.,
Sec. 30: Lots 1 and 2.

Susie Lake

T. 12 N., R. 17 E.,
Sec. 17: E½ Lot 11, E½ Lot 15.

Heather Lake

Sec. 19: NE¼ Lot 4.

Crag Lake

T. 13 N., R. 16 E.,
Sec. 12: That portion of SW¼NE¼ covered by Tract 37.

PUBLIC SERVICE SITES

Riverton

T. 11 N., R. 14 E.,
Sec. 29: Portions of E½NW¼ and N½SW¼ described by metes and bounds.

Al Tahoe

T. 12 N., R. 18 E.,
Sec. 3: Lots 2 and 3;

Barton

Sec. 4: Lot 13;

Lake Tahoe

Sec. 5: Lot 4.

RECREATION AREAS

Big Silver

T. 12 N., R. 14 E.,
Sec. 15: SW¼SE¼.

Digger Indian Spring

T. 11 N., R. 15 E.,
Sec. 29: SW¼SW¼.

Strawberry Creek

T. 10 N., R. 17 E.,
Sec. 5: NE¼SE¼.

Strawberry Creek

T. 11 N., R. 17 E.,
Sec. 28: NW¼, Lots 1, 2, N½SE¼.

Big Silber

T. 12 N., R. 14 E.,
Sec. 15: SW¼SE¼.

Loon Lake

T. 13 N., R. 15 E.,
Sec. 16: N½.

ADMINISTRATIVE SITES

Georgetown

T. 12 N., R. 11 E.,
Sec. 6: Lot 2, SW¼NE¼.

Jackey Hill

T. 13 N., R. 11 E.,
Sec. 18: That portion of SE¼NW¼ covered by Lot 46.

Gilmore

T. 11 N., R. 12 E.,
Sec. 34: S½NE¼, SE¼NW¼, NE¼SE¼.

Clear Creek

T. 8 N., R. 13 E.,
Sec. 11: NW¼SE¼NE¼.

Van Vleck (Blair Cabin)

T. 11 N., R. 13 E.,
Sec. 22: E½NE¼SE¼SE¼NE¼.

Lookout Mt.

T. 12 N., R. 13 E.,
Sec. 18: NE¼SE¼SW¼, NW¼SW¼SE¼.

PIPI

T. 8 N., R. 14 E.,
Sec. 4: S½SE¼SW¼, S½SW¼SE¼;
Sec. 9: N½NW¼NE¼, N½NE¼NW¼.

Armstrong

Sec. 13: N½SW¼SW¼.

Alder Ridge Lookout Station

T. 10 N., R. 15 E.,
Sec. 5: NW¼SW¼.

China Flat

T. 12 N., R. 16 E.,
Sec. 12: SW¼SW¼.

Tallac Fire House

T. 13 N., R. 17 E.,
Sec. 36: NE¼NE¼.

Bunker Hill

T. 14 N., R. 14 E.,
Sec. 23: SE¼NW¼.

General Creek

T. 14 N., R. 17 E.,
Sec. 20: Portion NE¼NE¼ (described by metes and bounds).

Meeks Bay

T. 14 N., R. 17 E.,
Sec. 20: SE¼SE¼SW¼.

Echo Lake

T. 11 N., R. 18 E.,
Sec. 6: NW¼ Lot 3 (or NW¼SW¼NW¼).

Lake Valley Site

T. 12 N., R. 18 E.,
Sec. 29: E½SW¼NE¼, W½SE¼NE¼.

Meyers Ranger Station

T. 12 N., R. 18 E.,
Sec. 29: NE¼SW¼.

[SEAL] WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 62-8214; Filed, Aug. 15, 1962; 8:50 a.m.]

CALIFORNIA

Notice of Termination of Proposed Withdrawal From Entry Under Mining Laws; Correction

AUGUST 9, 1962.

The Notice of Termination of Proposed Withdrawal from entry under the Mining Laws published on Page 7659 of the FEDERAL REGISTER, issued for Thursday, August 2, 1962 (F.R. Doc. 62-7611; Filed, August 1, 1962; 8:54 a.m.) is hereby corrected as to land in T. 25 N., R. 2E., SBM, Sec. 21 by deleting the S½S½ and replacing it with the S½N½.

CHARLES L. SCHAEFER,
Acting Manager, Land Office, Riverside.

[F.R. Doc. 62-8215; Filed, Aug. 15, 1962; 8:50 a.m.]

[Classification Order No. 378]

CALIFORNIA

Small Tract Classification; Revocation and Order Providing for Opening of Public Lands

JULY 31, 1962.

1. Effective July 31, 1962, the following described lands listed under paragraph 1 of Small Tract Classification Order No. 378, 18 F.R. 3803, are hereby revoked from the Classification Order:

SAN BERNARDINO MERIDIAN

T. 21 N., R. 7 E.,
Sec. 6, tracts 17 to 32 inclusive.

Containing approximately 79.42 acres.

2. The subject land is located in southeastern Inyo County, California, approximately one mile south of the town of Shoshone.

3. The public lands affected by this order are hereby restored as of 10:00 a.m. on September 10, 1962, to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

ELDON F. HOLMES,
District Manager, District Office, Bakersfield, California.

[F.R. Doc. 62-8216; Filed, Aug. 15, 1962; 8:50 a.m.]

[California No. C1-3]

CALIFORNIA

Small Tract Classification Order

1. Pursuant to authority delegated to me by the California State Director, Bureau of Land Management, under F.R. Doc. 62-3331, 27 F.R. 3297, April 6, 1962, I hereby classify the following described public lands, totaling approximately 10 acres in Los Angeles County, California as suitable for title transfer under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

SAN BERNARDINO MERIDIAN

T. 4 N., R. 14 W.,
Sec. 5: lots 73 and 100.

Containing 10 acres subdivided into two tracts, of which one tract is covered by an application from persons entitled to preference under 43 CFR 257.5(a).

2. Classification of the above described lands, by this order segregates them from all form of appropriations, including location under the mining laws, except as to application under the mineral leasing laws.

3. The lands are situated in Los Angeles County, California, about 10 miles northeast of the Town of Sagus. This town possesses all of the usual community services. The lands are on the edge of the Mojave Desert but are in the hills that have an elevation of approximately 2,000 feet above sea level. They can be reached over U.S. Highway 6 from Los Angeles and thence by country roads.

4. The individual tracts are rectangular in shape, 330 feet by 660 feet, containing five acres. The appraised value of the tracts is shown below. The tracts will be subject to all existing rights-of-way and to rights-of-way 33 feet in width on all sides of the tracts for road purposes and public utilities. All minerals will be reserved to the United States.

Item No.	Description	Acreage	Appraised value
1 [1]	Lot 73	5	$300
2	Lot 100	5	300

[1] Covered by application from person entitled to preference under 43 CFR 257.5.

5. The statutory preference applicant will be offered the designated tract by direct sale at the appraised value. Tracts not covered by statutory preference applications, and those not taken by statutory preference applicants, will be offered at public auction by the Manager, Riverside Land Office.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the auction unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. Inquiries concerning these lands shall be addressed to the Manager, Land Office, 1414 8th Street, P.O. Box 723, Riverside, California.

Dated: July 30, 1962.

ELDON F. HOLMES,
District Manager, District Office, Bakersfield, California.

[F.R. Doc. 62-8217; Filed, Aug. 15, 1962; 8:50 a.m.]

[Classification Order No. C1-4]

CALIFORNIA

Small Tract Classification

1. Pursuant to authority delegated to me by the California State Director, Bureau of Land Management, under F.R. Doc. 62-3331, 27 F.R. 3297, dated April 6, 1962, I hereby classify the following described public lands, totaling approximately 760 acres in Inyo County, California as suitable for title transfer under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 24 S., R. 38 E.,
Sec. 21, E½NE¼, SW¼NE¼, W½, SE¼.

SAN BERNARDINO MERIDIAN

T. 20 N., R. 7 E.,
Sec. 15, NE¼.

Containing 760 acres, subdivided into 274 tracts, of which 84 tracts are covered by applications from persons entitled to preference under 43 CFR 257.5.

2. Classification of the above described lands, by this order, segregates them from all forms of appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to applications under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. All valid applications filed prior to July 30, 1962, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

Dated: July 30, 1962.

ELDON F. HOLMES,
District Manager, District Office, Bakersfield, California.

[F.R. Doc. 62-8218; Filed, Aug. 15, 1962; 8:51 a.m.]

[Classification Order No. 128]

CALIFORNIA

Small Tract Classification; Revocation and Order Providing for Opening of Public Lands

JULY 31, 1962.

1. Effective July 31, 1962, the following described lands listed under Paragraph 1 of F.R. Doc. 49-2191, 14 F.R. 1336, March 24, 1949, are hereby revoked from the Classification Order:

MOUNT DIABLO MERIDIAN

T. 24 S., R. 43 E.,
Sec. 4, S½N½, S½;
Sec. 5, S½NE¼, SE¼;
Sec. 8, NE¼NE¼, E½NW¼, S½N½, S½;
Sec. 9, all;
Sec. 17, E½;
Sec. 31, NE¼.

Containing approximately 2,380 acres.

2. The subject land is located in the Mojave Desert along the northern edge of Searles Lake 14 miles north of the town of Trona. Vegetation and climate is typical hot desert.

3. The public lands affected by this order are hereby restored as of 10:00 a.m. on September 10, 1962, to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

ELDON F. HOLMES,
District Manager, District Office, Bakersfield, California.

[F.R. Doc. 62-8219; Filed, Aug. 15, 1962; 8:51 a.m.]

CALIFORNIA

Small Tract Classifications; Revocation

1. Pursuant to authority delegated to me by the California State Director, Bureau of Land Management, under F.R. Doc. 62-3331, V. 27 F.R. 3297, dated April 6, 1962, I hereby revoke the below listed Small Tract Classification Orders to the extent of the listed lands:

Classification Order No. 26 dated March 15, 1945:

SAN BERNARDINO MERIDIAN

T. 4 N., R. 13 W.,
Sec. 14, lots 17 to 20.
T. 4 N., R. 14 W.
Sec. 5, lots 5 to 38.
T. 4 N., R. 15 W.,
Sec. 26, lots 1 to 8.

Classification Order No. 29 dated March 6, 1945:

SAN BERNARDINO MERIDIAN

T. 7 N., R. 9 W.
Sec. 3, lots 3 to 18.

Classification Order No. 35 dated December 3, 1945.

SAN BERNARDINO MERIDIAN

T. 4 N., R. 13 W.
Sec. 8, E½SE¼SE¼NE¼.

Classification Order No. 385 dated September 23, 1953:

SAN BERNARDINO MERIDIAN

T. 4 N., R. 13 W.,
Sec. 12, N½NW¼SW¼NE¼.

2. Revocation is for the purpose of eliminating duplications with other Classification Orders.

ELDON HOLMES,
District Manager, District Office, Bakersfield, California.

JULY 31, 1962.

[F.R. Doc. 62-8220; Filed, Aug. 15, 1962; 8:51 a.m.]

CALIFORNIA

Small Tract Classification; Revocation

1. Pursuant to authority delegated to me by the California State Director, Bureau of Land Management, under F.R. Doc. 62-3331, 27 F.R. 3297, dated April 6, 1962, I hereby revoke the below listed Small Tract Classification Orders to the extent of the listed lands:

Classification Order No. 149 dated May 18, 1949—14 F.R. 3143:

SAN BERNARDINO MERIDIAN

T. 4 N., R. 13 W.,
Sec. 8, NE¼SW¼, S½NW¼SW¼;
Sec. 14, lots 17 to 27, 30, 31, 34 to 37, and 40.

Classification Order No. 262 dated March 2, 1951—16 F.R. 2194:

SAN BERNARDINO MERIDIAN

T. 6 N., R. 8 W,
Sec. 2, SW¼.

Classification Order No. 283 dated July 6, 1951—16 F.R. 7333:

SAN BERNARDINO MERIDIAN

T. 5 N., R. 14 W.,
Sec. 32, lots 19 to 22 and 26.

2. Revocation is for the purpose of eliminating duplications with other Classification Orders.

ELDON F. HOLMES,
District Manager, District Office, Bakersfield, California.

JULY 31, 1962.

[F.R. Doc. 62-8221; Filed, Aug. 15, 1962; 8:51 a.m.]

[Classification Order No. 265]

CALIFORNIA

Small Tract Classification; Amendment

JULY 30, 1962.

Effective July 30, 1962, all paragraphs appearing in Classification Order No. 265, 16 F.R. 2664 of March 24, 1951, which set forth provisions for filing of applications under the Small Tract Act by the general public upon the expiration of priority dates are hereby revoked from the classification order. Tracts which remain unleased or unsold shall not after the date of this amendment be subject to further application until such time as an order is issued by an authorized officer specifying the manner in which tracts shall be made available for lease or purchase to the general public. All applications for small tract filed after the effective date of this amendment will not be accepted, will not be considered filed, and will be returned to the applicant.

ELDON F. HOLMES,
District Manager, District Office, Bakersfield, California.

[F.R. Doc. 62-8222; Filed, Aug. 15, 1962; 8:51 a.m.]

CALIFORNIA

Small Tract Classification; Amendment

1. Pursuant to authority delegated to me by the California State Director, Bureau of Land Management, under F.R. Doc. 62-331, 27 F.R. 3297, April 6, 1962, effective July 30, 1962, all paragraphs relating to the method of disposition and appraised values of the below listed land and respective Classification Orders are hereby revoked and the following paragraphs are substituted therefor:

2. The individual tracts are rectangular in shape, 330 feet by 660 feet, containing five acres. The appraised value of the tracts is shown below. The tracts will be subject to all existing rights-of-way and to rights-of-way 33 feet in width on all sides of the tracts for road purposes and public utilities. All minerals will be reserved to the United States.

3. Statutory preference applicants will be offered the designated tracts by direct sale at the appraised value. Tracts not covered by statutory preference applications, and those not taken by statutory preference applicants, will be offered at public auction by the Manager, Riverside Land Office.

4. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the auction unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

5. Inquiries concerning these lands shall be addressed to the Manager, Land Office, 1414 8th Street, P.O. Box 723, Riverside, California.

Classification order No.	FEDERAL REGISTER issue	San Bernardino Meridian, T. R. Section	Description (Lot)	Appraised value
162	14 F.R. 3756	4N-14W—5	50	$425
221	15 F.R. 3967	4N-14W—5	31	400
282	16 F.R. 7333	5N-14W—32	[1] 3	1,050
			5	1,000
283	16 F.R. 7333	5N-14W—32	13	275
			20	400
			22	200

[1] Covered by application from person entitled to preference under 43 CFR 257.5

Dated: July 30, 1962.

ELDON F. HOLMES,
District Manager, District Office, Bakersfield, California.

[F.R. Doc. 62-8223; Filed, Aug. 15, 1962; 8:52 a.m.]

[Classification Order No. 62]

NEVADA

Small Tract Classification; Amendment

1. Effective August 8, 1962, F.R. Doc. 51-14506, filed December 6, 1951, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 60 E.,
Sec. 1, Lot 49.

The area described aggregates 2.5 acres.

2. The land included in this amendment is located in Greater Las Vegas and vicinity. Elevation is approximately 2,400 feet above sea level with a typical dry desert climate which receives a low annual rainfall of 5 to 7 inches. The topography of the parcel is nearly level, the soils varying from sands to fine gravels.

3. The subject land affected by this order is hereby restored as of 10 a.m. on September 11, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

CHARLES E. HANCOCK,
Acting Chief, Division of Lands and Minerals Management.

AUGUST 8, 1962.

[F.R. Doc. 62-8224; Filed, Aug. 15, 1962; 8:52 a.m.]

[Oregon 012067 (62-13)]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands; Correction

AUGUST 9, 1962.

The notice of proposed withdrawal and reservation of lands published on page 2052 of the FEDERAL REGISTER issued for Thursday, March 29, 1962 (F.R. Doc. 62-3004; filed March 28, 1962, 8:47 a.m.) is hereby corrected by deleting from the proposed withdrawal "T. 5 S., R. 47 E., Sec. 18: SE¼NW¼, E½SW¼, SW¼SW¼, NW¼SE¼" and adding to the proposed withdrawal the following described land:

WILLAMETTE MERIDIAN, OREGON

T. 5 S., R. 48 E.,
Sec. 18: SE¼NW¼, E½SW¼, SW¼SW¼, NW¼SE¼.

STANLEY D. LESTER,
Manager, Land Office, Portland.

[F.R. Doc. 62-8225; Filed, Aug. 15, 1962; 8:52 a.m.]

[I-45]

UTAH

Notice of Proposed Withdrawal for Preservation of Scenic and Geologic Features and Spring Ridge Administrative Site

AUGUST 9, 1962.

The United States Department of Agriculture has filed an application, Serial Number Utah 092145, for the withdrawal of lands, described below, located in Daggett and Utah Counties, from location and entry under the General Mining Laws, subject to existing valid claims.

If effected, the withdrawal would protect the Sheep Creek Canyon Geological Area located in the Ashley National Forest from future mining entry and development and serve to preserve its many unusual scenic and geologic features and also protect it as an important outdoor laboratory for scientific geologic investigations. The proposed withdrawal would also protect the existing Spring Ridge Administrative Site, located in the Manti-LaSal National Forest, from future mining location and development and thus permit added improvements and fencing in for a Government horse pasture.

The withdrawal is requested under authority vested in the Secretary of the Interior by Executive Order 10355 of May 26, 1952 (17 F.R. 4831, 3 CFR, 1952 Supp.) and would continue indefinitely.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the State Director for Utah, Bureau of Land Management, P.O. Box 777, Salt Lake City 10, Utah. If circumstances warrant it, a public hearing will be held at convenient time and place, which will be announced.

The determination of the Secretary on the application for withdrawal will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SL MERIDIAN, UTAH

ASHLEY NATIONAL FOREST

Sheep Creek Canyon Geolcgical Area

T. 2 N., R. 19 E.,
Sec. 3: Lots 7, 9, 10, SE¼NW¼SW¼, NW¼SE¼, W½SW¼SE¼;
Sec. 4: SE¼SE¼SE¼;
Sec. 7: S½S½S½;
Sec. 8: S½S½SW¼, S½NE¼SE¼, S½SE¼;
Sec. 9: E½NE¼, SW¼NE¼, SW¼SW¼NW¼, S½;
Sec. 10: NW¼, N½SW¼, SW¼SW¼;
Sec. 15: NW¼NW¼, NW¼SW¼NW¼;
Sec. 16: N½, SW¼, N½SE¼, W½SW¼SE¼;
Sec. 17: All;
Sec. 18: Lots 1, 2, 3, 4, E½W½, E½ (All);
Sec. 20: N½, N½N½S½;
Sec. 21: N½NW¼, SW¼NW¼, N½NW¼SW¼.
Total area, 3608.94 acres.

SL MERIDIAN, UTAH

MANTI-LA SAL NATIONAL FOREST

Spring Ridge Administrative Site

T. 11 S., R. 5 E.,
Sec. 22: S½SE¼SW¼, S½SW¼SE¼;
Sec. 27: N½NW¼NE¼, N½NE¼NW¼.
Total area, 80 acres.

W. REED ROBERTS,
Acting State Director.

[F.R. Doc. 62-8226; Filed, Aug. 15, 1962; 8:52 a.m.]

CALIFORNIA

Notice of Termination of Proposed Withdrawal from Entry Under Mining Laws

AUGUST 10, 1962.

The Forest Service, United States Department of Agriculture, filed an application for withdrawal from entry under the mining laws, serial number Los Angeles 0134244, which was noted on Land Office records June 21, 1955, 4:30 p.m. These lands have previously been withdrawn for the Sequoia National Forest Reserve by Presidential Proclamation dated November 5, 1891, and as such have been open to entry under the mining laws. The applicant agency amended its application February 21, 1962, and Notice of Proposed Withdrawal and Reservation of Lands was published as F.R. Doc. 62-1338; Filed, Feb. 8, 1962; 8:48 a.m., on page 1227 of the issue February 9, 1962.

The lands included in the original application but not covered by the amended application, pursuant to the regulations contained in 43 CFR Part 295, will be at 10:00 a.m., on September 10, 1962, relieved of the segregative effect of the application.

The lands involved in this notice of termination are:

MOUNT DIABLO MERIDIAN

T. 23 S., R. 33 E.,
Sec. 31, NE¼SE¼.
T. 25 S., R. 33 E.,
Sec. 10, SW¼SE¼, S½SW¼.

The total area terminated contains approximately 160 acres.

CHARLES L. SCHAEFER,
Acting Manager, Land Office, Riverside.

[F.R. Doc. 62-8239; Filed, Aug. 15, 1962; 8:53 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 383]

MARKET AGENCIES AT ST. LOUIS NATIONAL STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on May 25, 1962, authorizing the respondents, Market Agencies at St. Louis National Stock Yards, National Stock Yards, Ill., to assess the current temporary schedule of rates and charges to and including May 31, 1964, unless modified or extended by further order before the latter date.

On August 1, 1962, a petition was filed on behalf of the respondents requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges by eliminating the provisions, in Section D entitled "Buying Charges," prescribing certain maximum charges on rail shipments of cattle and bulls. The provisions which would be climinated are set forth below:

Cattle. Maximum charge on any purchase order of cattle shipped out by rail shall not exceed an amount equal to $45 multiplied by the number of cars in which the order is shipped out.

Bulls. Maximum charge on any purchase order of bulls shipped out by rail shall not exceed an amount equal to $45 multiplied by the number of cars in which the order is shipped out.

The modification, if authorized, will produce some additional revenue for the respondents and increase certain charges for stockyard services. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of August 1962.

CLARENCE H. GIRARD,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-8246; Filed, Aug. 15, 1962; 8:55 a.m.]

[P. & S. Docket No. 435]

MARKET AGENCIES AT UNION STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on June 23, 1961 (20 A.D. 595), continuing in effect to and including July 31, 1963, an order issued on July 28, 1959 (18 A.D. 804), which as modified by an order issued on March 29, 1962 (21 A.D. 273), authorizes the respondents, Market Agencies at Union Stock Yards, Denver, Colorado, to assess the current temporary schedule of rates and charges.

On August 3, 1962, a petition was filed on behalf of the respondents requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below.

ARTICLE 2

SELLING, RESELLING AND BUYING CHARGES

* * * * * * *

SECTION F

Dairy and Breeding Animals:

* * * * * * *

During the National Western Stock Show there will be a service charge on all breeding animals consigned to market agencies for sale and returned to owners unsold:

	Rate per head Proposed	Present
Purebred or registered bulls	$10.00	$5.00
Purebred or registered cows or heifers	6.00	3.00

The modification, if authorized, will produce additional revenue for the respondents and increase the charges for certain stockyard services. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of August 1962.

CLARENCE H. GIRARD,
Director, Packers and Stockyards Division Agricultural Marketing Service.

[F.R. Doc. 62-8247; Filed, Aug. 15, 1962; 8:55 a.m.]

Commodity Credit Corporation

CERTAIN COMMODITY CREDIT CORPORATION ACTIVITIES

Amendment of Delegation of Authority

The delegations of authority published in 27 F.R. 840, with respect to certain Commodity Credit Corporation activities are hereby amended to revoke the authority of the Director or Acting Director of the Agricultural Stabilization and Conservation Service Commodity Office at Evanston, Ill., to sign or countersign Commodity Credit Corporation certificates of interest issued to financial institutions participating in the financing of pools of price support commodity loans.

Subparagraph 2(b) of "Delegation" paragraph as amended will read as follows:

(b) The Director or Acting Director of the Agricultural Stabilization and Conservation Service Commodity Office at Dallas, Tex., and the Director or Acting Director of the Agricultural Stabilization and Conservation Service Data Processing Center at Kansas City, Mo., and other employees of such offices, to whom the authority is redelegated in writing by the Director or Acting Director of the respective office, may sign or countersign Commodity Credit Corporation certificates of interest issued to financial institutions participating in the financing of pools of price support commodity loans.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b)

Effective date: Upon publication in the FEDERAL REGISTER.

Date of signature: August 13, 1962.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-8251; Filed, Aug. 15, 1962; 8:56 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-84]

REGENTS OF UNIVERSITY OF CALIFORNIA

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 4, set forth below, to Facility License No. R-30. The license authorizes The Regents of the University of California (the licensee) to operate nuclear reactor Model AGN-201, Serial No. 112 (the reactor) located on the licensee's campus in Berkeley, California. The amendment authorizes the licensee to modify the reactor's circuitry and to conduct certain experiments in the reactor utilizing a pulsed neutron generator as described in the licensee's application for license amendment dated July 2, 1962.

The Commission has found that:

(1) Modification of the reactor circuitry and operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since modification of the reactor circuitry and operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated July 2, 1962, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 9th day of August 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-30; Amdt. No. 4]

Facility License No. R-30, as amended, which authorizes The Regents of the University of California ("the licensee") to operate nuclear reactor Model AGN-201, Serial No. 112 ("the reactor") located on the licensee's campus in Berkeley, California, is hereby further amended to authorize the modification of the reactor's circuitry and the conduct in the reactor of experiments utilizing a pulsed neutron generator as described in the licensee's application for license amendment dated July 2, 1962.

These activities shall be conducted in accordance with the terms and conditions contained in License No. R-30, as amended, the licensee's application for license amendment dated July 2, 1962, and the following additional conditions:

1. The period scram bypass shall not be utilized at any time other than during the conduct of the pulsed neutron experiments described in the licensee's application for license amendment dated July 2, 1962.

2. The period scram shall not be bypassed unless:

A. The duration time of the pulse is not in excess of 100 microseconds; and

B. The time elapsing between pulses is not less than 50 milliseconds.

3. The prohibitions set forth in Item 4, Amendment 2, to this license, dated February 15, 1961, shall not apply to the conduct of experiments authorized herein.

This amendment is effective as of the date of issuance.

Date of issuance: August 9, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-8184; Filed, Aug. 15, 1962; 8:45 a.m.]

[Docket Nos. 50-172, 50-176]

LOCKHEED AIRCRAFT CORP. AND DEPARTMENT OF THE AIR FORCE

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1, set forth below, to Facility License No. R-86, as amended. The amendment authorizes Lockheed Aircraft Corporation to relocate the rod seated switches from the bottom of the core to the hold-down plate at the top of core, as described in the licensee's applications for license amendment dated July 25, 1962.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated July 25, 1962, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 8th day of August 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-86; Amdt. No. 1]

License No. R-86 is hereby amended to authorize the changes described in the application amendment dated July 25, 1962.

Paragraph 1. of License No. R-86 is hereby amended to read as follows:

1. This license applies to the Radiation Effects Reactor (RER), a herterogeneous pressurized water-type nuclear reactor (Air Force Plant No. 67) (hereinafter referred to as "the reactor") which is possessed by the Department of the Air Force and located on a 10,000 acre site in Dawson County, Georgia, and described in the Lockheed Aircraft Corporation application for license dated February 23, 1962, and amendments thereto dated April 20, 1962, May 25, 1962, and July 25, 1962, and described in the Department of the Air Force application for license dated March 15, 1962 and April 11, 1962, (hereinafter collectively referred to as "the applications"). The reactor was constructed for the Department of the Air Force as a facility exempt from AEC licensing requirements under Section 91b of the Atomic Energy Act of 1954, as amended.

This amendment is effective as of the date of issuance.

Date of issuance: August 8, 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-8185; Filed, Aug. 15, 1962; 8:45 a.m.]

[Docket No. 115-3]

NORTH AMERICAN AVIATION, INC.

Hallam Nuclear Power Facility; Amendment of Provisional Operating Authorization

Please take notice that pursuant to paragraph A, page 36 of the Initial Decision dated July 31, 1962, in this matter and based upon a review and evaluation by this Division of the results of an inspection by the Division of Compliance with respect to the status of completion of the Hallam Nuclear Power Facility located near Hallam, Nebraska, I have found that:

A. (1) Construction of the facility necessary for the performance of the "Wet Critical Experiments" has been completed in conformity with the final safeguards report and as provided in the technical specifications, and (2) all preoperational tests required for the "Wet Critical Experiments" have been completed in conformity with the final safeguards report and as provided in the technical specifications.

B. (1) Construction of the facility necessary for the performance of operations not in excess of 15 percent of full power has been completed in conformity with the final safeguards report and as provided in the technical specifications, and (2) all preoperational tests required for operations not in excess of 15 percent of full power have been completed in conformity with the final safeguards report and as provided in the technical specifications.

Accordingly, pursuant to paragraph A, Page 36 of the referenced decision and § 115.45, 10 CFR Part 115, Amendment No. 1 to Provisional Operating Authorization No. DPRA-1 effective August 9, 1962, has been issued to North American Aviation, Inc. authorizing operation of the Hallam Nuclear Power Facility for the conduct of the "Wet Critical Experiments" and operations not in excess of 15 percent of full power.

Dated at Germantown, Md., this 9th day of August 1962.

For the Atomic Energy Commission.

EBER R. PRICE,
Assistant Director, Division of Licensing and Regulation.

[F.R. Doc. 62-8186; Filed, Aug. 15, 1962; 8:45 a.m.]

[Docket No. 27-22]

U.S. NUCLEAR CORP.

Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has amended Byproduct, Source and Special Nuclear Material License No. 4-5241-3 issued to U.S. Nuclear Corporation, 801 North Lake Street, Burbank, California.

The amendment provides for radioactive contamination limits, control procedures in restricted areas, ventilation requirements, bioassays and a time limit for which wastes may be held prior to disposal.

The Commission has determined, pursuant to the provisions of 10 CFR Parts 2, 30, 40, and 70 that the issuance of the amendment is consistent with applicable provisions of law, regulations and orders issued by the Commission.

In accordance with the Commission's "Rules of Practice", Title 10, Code of Federal Regulations, Chapter I, Part 2, a formal hearing will be held on the matter upon receipt of a request therefor from the licensee or an intervener within fifteen (15) days after the issuance of this Notice.

The text of the amendment is attached to this notice.

Dated at Germantown, Md., August 9, 1962.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[License No. 4-5241-3(D63); Amdt. No. 1]

In accordance with letter dated March 2, 1962, License No. 4-5241-3 is amended as follows:

Condition 3 shall read:

3. The licensee shall receive, package, possess and dispose of the byproduct, source and special nuclear material in accordance with the procedures described in the application and the letter of March 2, 1962, except as provided otherwise in this license.

Condition 7 is hereby deleted.

The following conditions are added:

9. *Radioactive Contamination Limits.*

A. No readily removable radioactive contamination emitting Alpha particles shall be permitted in any unrestricted area in the U.S. Nuclear Corporation facility or in the unrestricted areas adjacent thereto, and no fixed radioactive contamination emitting Alpha particles shall be permitted in any unrestricted area in excess of 2,500 disintegrations per minute per 100 square centimeter area and an average of 500 distintegrations per minute per 100 cm².

B. No readily removable radioactive contamination emitting Beta-Gamma radiation shall be permitted in any unrestricted area in the facility or in the unrestricted areas adjacent thereto, and no fixed radioactive contamination emitting Beta-Gamma radiation shall be permitted in any unrestricted area in excess of 1.0 milliroentgens per hour and an average of 0.2 milliroentgens per hour when measured at a distance of 1 centimeter from the surface.

C. No readily removable radioactive contamination emitting Alpha particles shall be permitted in restricted areas in excess of 1,000 disintegrations per minute per 100 square centimeters (dpm/100 cm²).

D. No readily removable radioactive contamination emitting Beta Gamma radiation shall be permitted in a restricted area in excess of 10,000 dpm/100 cm².

E. Alpha emitting radioactive contamination shall be considered readily removable if the amount of radioactive material deposited on a filter of soft absorbent paper wiped over any 100 square centimeter area is greater than 100 dpm; Beta Gamma emitting radioactive contamination shall be considered readily removable if the amount of radioactive material so deposited is greater than 200 dpm.

F. The amount of removable contamination shall be determined by wiping with a filter or soft absorbent paper an area not greater than 100 cm² for any one test. Smear samples shall be analyzed by a laboratory type lead shielded detection device and scaler with a known efficiency.

G. A cycle of daily smears shall be taken such that the entire restricted area and unrestricted areas adjacent to U.S. Nuclear Corporation facilities, including administrative offices, parking lot, exterior stairways and public sidewalks, will be surveyed each week.

10. *Control Procedures in Restricted and Unrestricted Areas.*

A. Any area where the quantity or level of contamination exceeds the amounts specified in Condition 9. A and B shall be demarcated.

B. Any area where the quantity or level of contamination exceeds the amounts specified in Condition 9. A and B shall have monitoring devices located at each exit from such areas and personnel leaving such areas shall monitor their hands, feet and clothing to assure that contamination is not transferred to adjacent areas.

11. *Ventilation.*

A. Surveys shall be made on all hoods located in the restricted area to determine the minimum and the average linear face air velocity at least once a month.

B. Air flow gauges shall be installed on all hoods used in the restricted area and shall cause an audible or visible alarm to be activated when the linear face air velocity on the hoods is less than 100 linear feet per minute.

C. The ventilated booth located adjacent to the interim laboratory shall be equipped with a barrier in such a manner that a minimum air velocity of 100 linear feet per minute can be maintained at entrances to the booth.

12. *Bioassays.*

A. Bioassays shall be performed each month on all individuals working in or frequenting restricted areas to determine the total amount of beta and gamma radioactivity contained in the urine.

B. Bioassays shall be performed subsequent to any known or suspected overexposure through ingestion or inhalation of AEC-licensed material.

13. *Waste Processing and Disposal.*

A. All packaging of radioactive waste materials in preparation for shipment shall be performed in an enclosed ventilated booth.

B. Wastes shall not be stored for a period of greater than thirty (30) days prior to shipment for disposal.

Date of issuance: August 9, 1962.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 62-8188; Filed, Aug. 15, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11879; Order No. E-18693]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of August 1962.

By Order E-18656, dated August 2, 1962, the Board deferred action, with a view toward eventual disapproval, on Agreement C.A.B. 16533 which proposed the elimination of transpacific general cargo rates in the eastbound direction at weight breaks above the 1000 kilogram break point, namely at weight breaks of 2500 and 7500 kilograms. Air carrier parties and other interested persons were granted ten days to submit in writing any arguments they might care to make in support of, or in opposition to, the action proposed by the Board.

By letter dated August 8, 1962, Pan American World Airways, for itself and on behalf of Japan Air Lines and Northwest Airlines, requested that the ten-day period be extended by an additional ten days.

In view of the fact that such extension will not adversely affect the shipping public through higher rates for the high volume shipments, the Board finds that Pan American's request should be granted and the time during which air carrier parties to the agreement and other interested persons may submit comments should be extended for an additional ten days.

Accordingly, it is ordered that, The ten-day period for submitting statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's proposed action, as specified in Order E-18656, is extended for an additional ten days.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8241; Filed, Aug. 15, 1962; 8:54 a.m.]

FEDERAL MARITIME COMMISSION

ACCO FOREIGN SHIPPING, INC., ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following Miami applicants have been issued application numbers by the Federal Maritime Commission for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87-254). Corps. unless otherwise indicated.

Protests to the granting of any application should be filed in writing with

the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 60 days from the date of publication of the notice in the FEDERAL REGISTER.

No.; Name and Address; Officers

789; Acco Foreign Shipping, Inc., 1450 Southwest 22d Street (45)—Olga E. Marquez, pres.-treas.; Mercedes Marquez, vice pres.; Lenonardo Spitale, sec.

415; Aircargo Brokerage Co., 327 Northeast First Avenue—Partnership: Jacob L. Levine, partner; Albert Hauer, partner.

631; Air-Sea Forwarding Service, Inc., 2208 Northwest 36th Street—Raymond Rodriquez, pres.; Catherine Rodriquez, vice pres.; Richard R. Paige, sec.

102; Albury & Co., 120 MacArthur Causeway—W. A. E. Albury, pres.; Chas. E. Albury, Jr., vice pres.; Andrew D. Albury, sec.-treas.; Charles Staltman, vice pres.; Robert E. Albury, vice pres.

793; Eagle, Inc., P.O. Box 3022—Humen Gus Teitelbaum, pres.-director; Mandel Krathish, 1st vice pres.-director; Joseph Teitelbaum, 2d vice pres.-director; Israel Kratish, 3d vice pres.-director; Samuel Kratish, sec.-treas.-director; Carl Vengel, 4th vice pres.; Emanuel Levy, 5th vice pres.; Theodore Goldstein, director.

173; International Shipping Corp., 3050 Northwest North River Drive—Donald E. Van Note, pres.; Jeannette R. Van Note, treas.; Jack K. Combs, sec.

643; Latin American Cargo Expediters, Inc., 2187–2189 Northwest 36th Street—A. S. Hyder, pres.; C. B. Hyder, vice pres.; F. Tejedor, sec.-treas.

216; Pan American Forwarding Co., Inc., 10 Northeast Third Avenue (32)—Jorge G. Robinson, vice pres.; Harold E. Lange, pres.; Victoria P. Lange, director.

675; Peninsular and Occidental Steamship Co., Pier 2, P.O. Box 1349—Wm. R. Kenan, Jr., pres.; K. A. Osborne, vice pres.-gen. mgr.; A. R. MacMannis, vice pres.-treas.; W. E. Smith, sec.; T. W. Butler, asst. treas.; M. W. Rockafellow, asst. treas.; George Cordwell, asst. sec.; J. A. Kane, asst. sec.; Wm. C. Steel, asst. sec.; E. P. Pfaff, Jr., director; H. B. Wahl, director.

429; Reedy Forwarding Co., Inc., 1101 Pacific Building, 327 Northeast First Avenue—James S. Moore, pres.; Leonard Tagliavia, vice pres.; Rafael Solano, Jr., sec.-treas.; Ettore Ronconi, asst. sec.-treas.

605; Sawyer Steamship Agency, Inc., Carl, P.O. Box 414; P & O Docks, Foot of Seventh Street—William G. Sawyer, pres.; Frances R. Sawyer, 1st vice pres.; Fred Kautz, 2d vice pres.; Barbara Ostrander, sec.-treas.

318; Security Forwarding Service, 2307 West Flagler Street—Oscar Moreno, Individual.

471; Shaw Brothers Shipping Co., P.O. Box 52–306 Biscayne Annex—H. O. Shaw, pres.-director; Vivian R. Shaw, treas.-director; Sylvia S. Blount, sec.-director; Donn R. Layton, vice pres.; O. R. Berger, Sr., vice pres.; R. A. Benson, asst. sec.

405; TMT Trailer Ferry, Inc., 1721 Northeast Miami Court—C. Gordon Anderson, trustee.

418; Traeger Shipping Corp., 127 Northeast Ninth Street (32)—Samuel H. Traeger, pres.; Corinne Traeger, sec.-treas.; Minerva Traeger, vice pres.

Dated: August 9, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–8245; Filed, Aug. 15, 1962; 8:55 a.m.]

ALBERTO SCOTT & CO., INC., ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following San Francisco applicants have been issued application numbers by the Federal Maritime Commission for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87–254). Corps. unless otherwise indicated.

Protests to the granting of any application should be filed in writing with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

No.; Name and Address; and Officers

636; Alberto Scott & Co., Inc., 417 Market Street (5)—Albert Scott, Jr., pres.; Joaquin Claveria, vice pres.; John F. Carney, sec.-treas.

900; Asiatic Forwarders, Inc., 3009 16th Street (3)—James Cummins, pres.-director; John W. Brooke, vice pres.-director; Robert S. Reis, sec.-treas. and director; Keith Smith, director.

900; Beverly Hills Transfer & Storage Co., Inc., 221 South Beverly Drive, Beverly Hills, Calif.—Fred Nason, pres.-director; C. S. Tinsman, vice pres.-director; Ralph T. Rolapp, sec.-treas. and director.

900; Market Street Van & Storage, Inc., 1875 Mission Street (3)—James Cummins, pres.-director; Valle S. Andrus, vice pres.-director; James F. McCrohan, vice pres., sec., and director; Robert Andrus, treas.

900; Roberts of San Francisco 430 Main Street—Ritchie C. Smith, pres.-director; Robert S. Reis, vice pres.-director; Robert Brown, sec.-treas. and director; Ralph Rose, asst. sec.

900; Wings Van & Storage Co., Inc., 4000 Cherry Avenue, Long Beach, Calif.—Keith Smith, pres.-director; Arthur Holtz, vice pres.-director; A. B. Dutton, exec. vice pres.-director; W. W. Armstrong, sec.-treas. and director.

29; Berry & McCarthy Shipping Co., Inc., 260 California Street (11)—M. J. McCarthy, pres.; H. E. Muniz, vice pres.; H. V. Petersen, sec.-treas.; E. L. Philip, director; J. Richard Townsend, director.

319; Bishop & Bahler, 717 Market Street (3)—R. R. Bishop, pres.; Vena C. Bishop, director; Ann B. Fish, director.

635; W. J. Byrnes & Co., 409 Washington Street (11)—M. Geisendorfer, pres.; T. J. Crowley, vice pres.; R. T. Chun, treas.; A. Galaviz, asst. sec.; T. O. Mittelstaedt, sec.; Mrs. M. Geisendorfer, director; Ralph Haag, director; W. J. Byrnes, director.

679; Frazer & Hansen, Ltd., 301 Clay Street (11)—B. M. Hansen, pres.-director; O. C. Hansen, vice pres.; A. M. Hansen, director; D. L. Ehler, sec.; W. I. Nelson, treas.; W. B. Dunshee, asst. sec.

275; Arthur J. Fritz & Co., 226 Jackson Street—Arthur J. Fritz, pres.; James J. Connors, vice pres.; Ambrose M. Canonica, vice pres.; Joseph M. Thompson, vice pres.; Olive M. Reynolds, sec.; Myrtle S. Thompson, treas.

275; Arthur J. Fritz & Co., Inc., 821 Second Avenue, Seattle, Wash.—Arthur J. Fritz, pres.; Henry L. Norton, vice pres.; Olive M. Reynolds, sec.-treas.

275; Arthur J. Fritz & Co. of L. A., 354 South Spring Street, Los Angeles Calif.—Arthur J. Fritz, pres.; Hans Flanders, vice pres.; Olive M. Reynolds, sec.; Myrtle S. Thompson, treas.

275; Arthur J. Fritz & Co., 201 Main Street, Houston, Tex.—Arthur J. Fritz, pres.; Gregory E. Posey, vice pres.; Olive M. Reynolds, sec.-treas.

275; Mattoon & Co., Inc., 605 Battery Street—Arthur J. Fritz, pres.-director; Emily Sue Fritz, director; John B. Muzio, vice pres.; Edward F. Hennessey, vice pres.; Estelle Sherman, sec.-treas. and director.

275; Mattoon & Co., Inc., of L. A., 354 South Spring Street, Los Angeles, Calif.—Arthur J. Fritz, pres.; Hans Flanders, vice pres.; Olive M. Reynolds, sec.; Myrtle S. Thompson, treas.

275; Page Brothers, Inc., 310 Southwest Fourth Avenue, Portland, Oreg.—Arthur J. Fritz, pres.; Steven Newman, vice pres.; James J. Connors, sec.-treas.

683; Green, Scott & Co., Inc., P.O. Box 8457, San Francisco International Airport—J. D. McPherson, pres.-director; H. C. Rolle, vice pres.-director; J. Garcia, vice pres.; D. I. Babcock, sec.-treas. and director.

342; Harper, Robinson & Co., 545 Sansome Street (26)—R. C. Robinson, pres.-director; Lillian H. Robinson, asst. sec., transfer agent-director; R. C. Robinson, Jr., vice pres., treas., and director; John H. Robinson, vice pres.-sec. and director; J. F. West, vice pres.-director; D. J. Fish, vice pres.; E. L. Beljen, asst. sec.; M. A. Collins, asst. sec.; A. Deming, asst. treas.

247; Hoyt, Shepston & Sciaroni, Inc., 430 Sansome Street (11)—Edward C. Binder, pres.; Robert E. Blinn, vice pres.; Adolph Krohs, sec.; Ignacio Rivera, treas.

685; Interport (USA) Inc., 700 Montgomery Street—R. S. Nielsen, president-director; George A. Sanchez, acting vice pres.; Ian Back, Sec.-director; R. G. Brookes, director; Russ Downey, director.

87; J. E. Lowden & Co.—Partnership: William Brenner, partner; R. B. Enberg, partner; William F. Bosque, partner; William H. Cyphers, partner.

663; Oceanic Forwarding Co., 596 Clay Street—John J. Gazzano, pres.-treas.; Frank Fazio, sec.; Frank Howland, vice pres.

596; Joseph A. Paredes & Co., 322 Jackson St. (26)—Carmen Paredes, pres.; Louis M. Whittier, sec.-treas. and general manager; Joseph Derenzo, vice pres.; Charles M. delValle, vice pres.; Ernest B. Cota, asst. treas.

304; San Francisco Freight Forwarders, Inc., 601 Front Street—Alwin Frankenstein, pres.; Hector Illescas, vice pres.; Olive M. Reynolds, sec.-treas. (No. 304 also issued to Olive M. Reynolds, d/b/a Compass Shipping Service, printed in F.R. 27, May 12, 1962, page 4571.)

526; Charles D. Sciaroni Co., Charles D. Sciaroni, dba, 315 Montgomery Street (4)—Individual.

778; Trans-World Forwarding Co., 149 California Street (11)—Partnership: Earl B. Jones, partner; Robert P. Reese, partner.

746; F. V. Valdes & Co., Inc., 607 Market St. (5)—Fernando Varas de Valdes, pres.; Israel Alfonso Navarro, sec.-treas.

470; Western Pacific Merchandising Co., Neny Apacible, dba, 578 38th Avenue (21)—Individual.

898; Westland & Co., Inc. of San Francisco, 218 World Trade Center (11)—J. L. Westland, Jr., pres.-director; M. B. Westland, sec.-treas.-director; R. J. Walker, vice pres.; C. G. Sellers, vice pres.-director.

898; John L. Westland & Son, Inc., 406 South Main Street, Los Angeles, Calif.—John L. Westland, Jr., pres.-director; Clarence G. Sellers, vice pres.; R. J. Walker, vice pres.; Carlton L. Hutchins, vice pres.; Gordon L. Dickson, vice pres.; M. B. Westland, sec.-treas.-director; J. L. Westland III, director.

898; Westland & Co., Inc., of Los Angeles, 406 South Main Street, Los Angeles—J. L. Westland, Jr., pres.-director; M. B. Westland, sec.-treas.-director; C. G. Sellers, vice pres.-director.

898; Westland & Co., Inc., of San Diego, 10th Avenue Terminal, San Diego—J. L. Westland, Jr., pres.-director; M. B. Westland, sec.-treas.-director; C. G. Sellers, vice pres.-director; C. H. Hutchins, vice pres. (No. 898 also issued to John L. Westland, Jr., d/b/a American Brokerage Corp., Los Angeles, printed F.R. 27, May 12, 1962.)

330; Wheeler & Miller, 409 Washington Street (11)—Partnership: George W. Miller, partner; Emmett F. McCarren, partner.

Dated: August 9, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–8242; Filed, Aug. 15, 1962; 8:54 a.m.]

[Docket No. 1065]

ALEUTIAN MARINE TRANSPORT CO., INC.

Rates From, To, and Between Seattle, Wash., and Points in Alaska

On August 2, 1962, the Federal Maritime Commission entered the following order:

It appearing that there has been filed with the Federal Maritime Commission a tariff schedule naming freight rates from, to, and between Seattle, Washington and Alaska ports designated as FMC–F No. 4 effective February 16, 1962; and

It further appearing that there is reason to believe that rates, charges, classifications, regulations, tariffs or practices established in said schedule may be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the Commission is of the opinion that the established rates, charges, classifications, regulations, tariffs, and practices should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended;

Now therefore it is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, fares, charges, rules, classifications, regulations, and practices contained in the said tariff schedule, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That (I) the investigation herein ordered be assigned for hearing before an examiner or the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner; (II) Aleutian Marine Transport Company, Inc., be, and it is hereby, made respondent in this proceeding; (III) a copy of this order forthwith be served upon the said respondent and interested parties; (IV) respondent be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Commission's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Commission's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) [46 CFR § 201.74] of said rules.

Dated: August 10, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–8243; Filed, Aug. 15, 1962; 8:55 a.m.]

BORINQUEN EXPRESS CO. ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following Chicago applicants have been issued application numbers by the Federal Maritime Commission for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87–254). *Corps. unless otherwise indicated.*

Protests to the granting of any application should be filed in writing with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

No.; Name and Address; Officers

503; Borinquen Express Co., Francisco A. Diaz, d/b/a, 760 North Ogden Avenue (22)—Individual.

333; Gallagher & Ascher Co., 222 West Adams Street (6)—Ben Arenberg, pres.-treas.; Wallace R. Sollo, sec.; Mark M. Trilling, vice pres.; Sylvester F. Bleszki, vice pres.; Leola L. Arenberg, vice pres.

627; General Export Forwarding Co., 2250 West 58th Street (36)—Partnership—Chester R. Kisla, partner; John C. Miller, partner.

927; Greene and Co., Inc., C. S., 327 South LaSalle Street (4)—James E. Whitaker, pres.-director; E. Earl Kantenwein, vice pres.; Cynthia J. Whitaker, sec.-director; Marshall Brownfield, asst. treas. and director.

628; Lyons Export and Import, Inc., 176 West Adams Street (3)—George W. Lyons, Jr., pres.; Florence M. Lyons, vice pres.; Raymond E. Kallis, sec.; Jane C. Keefe, treas.; Mary F. Toomey, director.

681; Majestic Warehouses, Inc., 5210–30 South Wabash Avenue (15)—Herman Stern, pres.; F. D. Stern, sec.; B. J. Locin, treas.

401; Sullivan & Co., W. C., 141 West Jackson Boulevard (4)—T. J. Scanlon, pres.; E. N. Besler, sec.-treas.; L. M. Scanlon, director.

85; Trans-American World Transit, Inc., and Trans-American Van Service, Inc., 7540 South Western Avenue (20)—John J. Rapp, pres.; J. McGuinness, sec.-treas; Ann R. Rapp, vice pres.-asst. sec.; H. J. Owens, vice pres.

Dated: August 9, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–8244; Filed, Aug. 15, 1962; 8:55 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI63–30]

KIRBY PETROLEUM CO. ET AL.

Order Accepting Rate Filing and Providing for Hearing on and Suspension of Proposed Change in Rate

AUGUST 9, 1962.

On July 16, 1962, Kirby Petroleum Company (Operator), et al.,[1] (Kirby) tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated July 3, 1962.

Purchaser and producing area: Coastal Transmission Corporation (South Hamman Field, Matagorda County, Texas) (Texas Railroad Commission District No. 3).

Rate schedule designation: Supplement No. 2 to Kirby's FPC Gas Rate Schedule No. 12.

Effective date: August 16, 1962. Stated effective date is the first day after expiration of the required statutory notice.

Proposed rate: 16.5 cents per Mcf.[2]

Effective rate: 15.5 cents per Mcf.[2]

Annual increase: $1,986.

Pressure base: 14.65 psia.

On July 9, 1962,[3] Kirby submitted a 2.0 cents per Mcf retroactive rate decrease from an initial rate of 17.5 cents to 15.5 cents per Mcf at 14.65 psia for gas sold to Coastal Transmission Corporation (Coastal) from the South Hamman Field, Matagorda County, Texas (Railroad Commission District No. 3) under Kirby's FPC Gas Rate Schedule No. 12. Kirby received temporary authorization for such sale on June 2, 1960. The related gas sales contract between Coastal and Kirby, dated March 22, 1960, provided for two price schedules, one schedule being 2.0 cents per Mcf lower than the other. The 17.5 cents per Mcf initial rate was based on the higher price schedule because Kirby had financed and constructed the gas gathering facilities necessary for the delivery of said gas to Coastal. With Coastal's payment for

[1] Address is: P.O. Box 1745, Houston 1, Texas.

[2] Subject to downward Btu adjustment below 1000 Btu's per cu. ft.

[3] Filing completed on July 20, 1962.

these gathering facilities on October 10, 1961, the lower price schedule became effective. Copies of Coastal's letter agreement, dated October 10, 1961, invoking the 15.5 cents per Mcf rate of the lower price schedule, are submitted. Kirby executed such letter agreement on October 10, 1961. Kirby requests a retroactive effective date of October 10, 1961, for the 2.0 cents per Mcf rate decrease which amounts to an annual reduction of $3,972.

Upon consideration of Kirby's proposed decrease in rate, designated as Supplement No. 1 to Kirby's FPC Gas Rate Schedule No. 12, it appears that the public interest would best be served by accepting Kirby's proposed decrease in rate to be effective as of October 10, 1961. Kirby is to make refund of all amounts collected, if any, in excess of the 15.5 cents per Mcf rate subsequent to October 10, 1961.

Kirby's proposed periodic rate increase contained in Supplement No. 2 to its FPC Gas Rate Schedule No. 12 exceeds the ceiling for increased rates in Texas Railroad District No. 3 as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed increased rate may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists for accepting for filing the rate decrease contained in Supplement No. 1 to Kirby's FPC Gas Rate Schedule No. 12 to be effective as of October 10, 1961.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 2 to Kirby's FPC Gas Rate Schedule No. 12 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 1 to Kirby's FPC Gas Rate Schedule No. 12 is hereby accepted for filing to be effective as of October 10, 1961: Subject, however, to the refunding by Kirby of certain monies, if any, as hereinafter ordered.

(B) Within 30 days from the date of the issuance of this order, Kirby shall submit a statement, under oath, showing the details of the calculations resulting in the refunding to Coastal of all monies collected, if any, in excess of the 15.5 cents per Mcf rate subsequent to October 10, 1961, together with a copy of the release from Coastal acknowledging receipt of all such monies.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Kirby's FPC Gas Rate Schedule No. 12.

(D) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 16, 1963, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(E) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(F) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before September 24, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–8193; Filed, Aug. 15, 1962; 8:46 a.m.]

[Docket No. CP62–278]

LONE STAR GAS CO.

Notice of Application and Date of Hearing

AUGUST 9, 1962.

Take notice that on May 25, 1962, Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas 1, Texas, filed in Docket No. CP62–278 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon a pipeline used to transport natural gas to a city gate measuring station and to abandon the measuring station located near the City of Carrollton, Dallas County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon its Line F–9 consisting of approximately 3.76 miles of 3-inch pipeline extending from Line F in an easterly direction to the old Carrollton Measuring Station. The old Carrollton Measuring Station will also be abandoned. Applicant's proposal calls for the removal and salvage of Line F–9 in its entirety except for two short segments which will be used to provide natural gas service to two residential consumers now being served directly from the line.

The application states that Line F–9 was constructed in 1927 and that its operation in interstate commerce was authorized by the Commission in Docket No. G–442 on April 11, 1944. Applicant proposes to abandon the line due to high operational and maintenance costs caused by the age of the line and the fact that there is industrial development in the area which would soon necessitate relocation of a portion of the line.

Applicant states that the City of Carrollton now receives natural gas from Applicant through other pipeline facilities and that the abandonment of the facilities as proposed will not result in the abandonment or diminution of natural gas service rendered by Applicant to any consumer.

The total cost of removing the facilities is estimated to be $4,670, which will be financed from funds on hand. Recoverable material to be salvaged is expected to amount to $6,110.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 12, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–8194; Filed, Aug. 15, 1962; 8:47 a.m.]

[Docket No. CP62–299]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

AUGUST 9, 1962.

Take notice that on June 15, 1962, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha 1, Nebraska, filed in Docket No. CP62–299 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 15 taps, meters, and regulators, and the sale of gas to North Central Public Service Corporation (North Central) for resale to Applicant's right-of-way grantors along the Janesville Extension in Wisconsin, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant has executed right-of-way agreements with various landowners along the Janesville Extension which agreements include a provision whereby the grantor can request Applicant to tap its line and install necessary metering and regulating facilities for supplying gas for domestic purposes. The application further states that Applicant is precluded by the laws of the State of Wisconsin from selling gas to its right-of-way grantors in the state and has therefore entered into an agreement with North Central which provides for North Central to render such service.

Applicant anticipates that approximately 15 right-of-way grantors will request gas service. Applicant has executed a service agreement with North Central which provides for 23 Mcf of gas per day of contract demand. The gas will be sold under Applicant's Zone B Rate Schedules of its FPC Gas Tariff, First Revised Volume No. 1.

The estimated cost of the subject facilities is $332 per setting or $4,980 for the entire project which will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 18, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 7, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–8195; Filed, Aug. 15, 1962; 8:47 a.m.]

ALASKA

[Project No. 2314]

South Fork Eagle River Hydroelectric Project; Notice of Land Withdrawal

AUGUST 10, 1962.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands herein described, insofar as title thereto remains in the United States, are included in Power Project No. 2314 for which a completed application for a preliminary permit was filed May 2, 1962, by J. F. Janke, Jr. and E. V. Ausman, Box 3274, Eastchester Branch, Anchorage, Alaska. Under said section 24 these lands are, from said date of filing, reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by the Congress. The area reserved pursuant to the filing of this application is approximately 1.5 acres.

SEWARD MERIDIAN

THIRD JUDICIAL DIVISION

T. 14 N., R. 1 W.,

Section 28: NW¼NW¼—All portions of the lands of the United States lying below the 780-foot contour elevation as delimited on the map designated as Exhibit H & I, entitled "Eagle River, Anchorage Alaska—Plan of Proposed Hydroelectric Development—Exhibit 'H' & 'I' Sheet 2 of 2—of Application for Preliminary Permit before the Federal Power Commission" filed with the Commission on May 2, 1962.

Copies of the Project maps (F.P.C. Nos. 2314–1 and 2314–2) have been transmitted to the Bureau of Land Management and Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62 8196; Filed, Aug. 15, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 562; Taylor's I.C.C. Order 133, Amdt. 3]

LOUISVILLE AND NASHVILLE RAILROAD CO., AND SOUTHERN RAILWAY CO.

Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 133 (the Louisville and Nashville Railroad Company and the Southern Railway Company) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 133 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., September 30, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 15, 1962, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 10, 1962.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 62–8235; Filed Aug. 15, 1962; 8:53 a.m.]

[Notice 678]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 13, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 65167. By order of August 10, 1962, the Transfer Board approved the transfer to N. Lyman Keeler and Burton L. Strid, a partnership, doing business as Webb's DeLuxe Delivery Service, Danbury, Conn., of Certificate No. MC 50847, issued July 15, 1955, to Edward Webb, Jr., doing business as Webb's DeLuxe Delivery Service, Danbury, Conn., authorizing the transportation of: General commodities (with no exceptions), from Danbury, Conn., to points in New York within 25 miles of Danbury. Theodore A. Gemza, 145 Main Street, Danbury, Conn., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–8236; Filed, Aug. 15, 1962; 8:53 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

AUGUST 10, 1962.

The class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on The National Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, other-

wise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on The National Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 13, 1962, to August 22, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-8203; Filed, Aug. 15, 1962; 8:48 a.m.]

[File No. 1-3445]

E. L. BRUCE CO., INC.

Order Summarily Suspending Trading

AUGUST 10, 1962.

The common stock, par value $1, of E. L. Bruce Co. (Incorporated), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under Section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 12, 1962, to August 21, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-8204; Filed, Aug. 15, 1962; 8:48 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

AUGUST 10, 1962.

The common assessible stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days August 13, 1962, to August 22, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-8205; Filed, Aug. 15, 1962; 8:48 a.m.]

[File No. 70-4055]

PENNSYLVANIA POWER CO. AND OHIO EDISON CO.

Notice of Proposed Issuance and Sale at Competitive Bidding of Principal Amount of Bonds and Proposed Issuance and Sale by Subsidiary Public-Utility Company to Parent Registered Holding Company of Additional Shares of Common Stock

AUGUST 10, 1962.

Notice is hereby given that Ohio Edison Company ("Ohio"), a registered holding company and a public-utility company, and its subsidiary, Pennsylvania Power Company ("Pennsylvania"), a public-utility company, all of whose outstanding common stock is owned by Ohio, have filed with this Commission a joint application and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 10, and 12(f) of the Act and Rules 42(b)(2), 43, and 50 thereunder as applicable to the proposed transactions.

All interested persons are referred to said joint application, as amended for a statement of the proposed transactions, which are summarized as follows:

Pennsylvania proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $12,000,000 principal amount of its First Mortgage Bonds, -- percent Series ("New Bonds"). The interest rate on the New Bonds (which shall be specified in a multiple of ⅛ percent) and the price (exclusive or accrued interest) to be paid to Pennsylvania (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount) shall be determined by competitive bidding. The date for the submission of proposals to purchase the New Bonds will be designated by Pennsylvania depending upon appropriate market conditions but in no event later than December 31, 1962, and it is stated in the joint application, as amended, that Pennsylvania expects that prior to this date market conditions will make it feasible to refund its presently outstanding 5 percent Series bonds on terms which will be advantageous to it.

The New Bonds will bear interest from the first day of the month in which initially issued; will mature on the first day of such month 30 years thereafter; and will be issued under Pennsylvania's Indenture dated as of November 1, 1945, between Pennsylvania and The First National Bank of The City of New York (now, by merger, First National City Bank), as Trustee, as amended and supplemented by four supplemental indentures and to be amended and supplemented by the Fifth Supplemental Indenture to be dated as of the first day of the month in which the New Bonds are initially issued.

The proceeds from the sale of the New Bonds will be used by Pennsylvania for the redemption of $8,000,000 principal amount of its presently outstanding First Mortgage Bonds, 5 percent Series due 1987, at the redemption price of 104.79 percent of the principal amount thereof and for the construction and acquisition of new facilities and the betterment of existing facilities, or to reimburse its treasury for expenditures on such facilities, all estimated for the years 1962 and 1963 to aggregate approximately $20,000,000.

Pennsylvania further proposes to issue and sell and Ohio proposes to acquire on or before September 1, 1962, 50,000 additional shares of Pennsylvania's authorized $30 par value common stock for an aggregate cash consideration of $1,500,000. The proceeds from the sale of the additional common stock will be used by Pennsylvania for the construction and acquisition of new facilities and the betterment of existing facilities, or to reimburse its treasury for such expenditures.

The joint application, as amended, further states that the Pennsylvania Public Utility Commission, the State commission of the State in which Pennsylvania is organized and doing business, has jurisdiction over the proposed issue and sale of the New Bonds and the additional shares of common stock and that applications, in the form of Securities Certificates, are being filed by Pennsylvania with that commission. A certified copy of each order of the State commission will be filed in this proceeding by amendment. The joint application, as amended, further states that no other State commission and, except for the accounting jurisdiction of the Federal Power Commission, no Federal commission, other than this Commission, has

jurisdiction over the proposed transactions.

It is estimated that the fees and expenses in connection with the issuance and sale of the New Bonds will not exceed an aggregate of $63,236, including Federal issue tax of $13,200, printing expenses of $14,500, trustee fees of $6,000, legal fees of Messrs. Winthrop, Stimson, Putnam & Roberts of $12,000, accounting fees of Arthur Andersen & Co. of $6,000, and expenses for the services of Commonwealth Services, Inc. of $9,500. The fee of Messrs. Simpson Thacker & Bartlet, counsel for the underwriters, which is estimated at $7,200, will be paid by the successful bidders. The fees and expenses in connection with the issuance and sale of the additional shares of common stock are estimated to total not in excess of $5,350, including a legal fee of Messrs. Winthrop, Stimson, Putnam & Roberts of $750 and Federal and State taxes of $4,500.

Notice is further given that any interested person may, not later than August 24, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application, as filed or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-8206; Filed, Aug. 15, 1962; 8:48 a.m.]

[File No. 1-4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

AUGUST 10, 1962.

The common stock, par value $1.00, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 12, 1962, to August 21, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-8207; Filed, Aug. 15, 1962; 8:48 a.m.]

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Washington, Friday, August 17, 1962

THE UNIVERSITY OF MICHIGAN

AUG 27 1962

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UNITED STATES STATUTES AT LARGE

[87th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1961, reorganization plans, amendment to the Constitution, and Presidential proclamations

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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Apricots [1]

MISCELLANEOUS AMENDMENTS

The United States Standards for Grades of Canned Apricots (7 CFR 52.2641–52.2657) are hereby amended pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). The amendment as hereinafter set forth adjusts slightly the recommended "fill-weight" values and drained weights for whole unpeeled style of apricots in certain container sizes. Recommended drained weight values have been added for "Solid-pack" types and minor adjustments for other styles in certain container sizes have been made.

Statement of consideration leading to the amendment. The United States Standards for Grades of Canned Apricots were revised in 1961 to include, among other provisions, recommendations for amount of fruit ingredient for respective container sizes.

Compliance with the Department's recommendations may be ascertained by (1) measuring the amount of fruit filled into the container at time of processing; or (2) determining the weight of fruit after the product has been sealed in the container, processed, and allowed to equalize with the packing media. The first approach is commonly known as "fill weight" procedure, whereas the alternate approach of finished product examination is termed as "drained weight" procedure. Many canners have found it advantageous to utilize the fill weight procedure because it affords control over the product during packing operations. Furthermore, since the fill weight procedure does not require destructive sampling, a large number of measurements may be made thereby increasing the accuracy of lot estimate.

With the cooperation of fruit canners in California and the Pacific Northwest, the Department initiated a fill weight study in 1958 on several canned fruits, including apricots. The purpose of this study was to collect data during the packing operations in order to establish limits for each product in accordance with good commercial practices. As a result of this study, the program was introduced to the industry on an experimental basis during the 1959 and 1960 packing seasons.

On the basis of these studies and checks made during actual production, the Department revised the standards for Canned Apricots in 1961. This revision included fill weight values in addition to the customary drained weight criteria. This gave the packer an option of using either ingoing fill weights or end product drained weights to determine compliance with proper fill of container.

In using the fill weight program, measurements are plotted on control charts which provide limits for certain values such as subgroup averages and individual containers. During the 1961 packing season and the beginning of the 1962 packing season it was found that these control limits for whole unpeeled apricots in certain container sizes were quite restrictive and most of the industry had a difficult time of meeting the acceptance criteria for this particular item. Adjustments appear in order for certain values used in a statistical control program to attain a uniform fill weight as well as corresponding drained weights ascertained on the product after it has been processed. Accordingly, the amendment reduces the fill-weight values and recommended drained weight values by one-tenth to three-tenths of an ounce in container sizes commercially known as 8 Z Tall, No. 300, No. 303, No. 2, and No. 2½.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that:

(1) Interested processors have asked the Department to make slight adjustments in these fill-weight and drained weight values which have been substantiated by further checks by the Department;

(2) The canning industry affected by the amendment is familiar with the need for these adjustments;

(3) Additional time will not be needed for the industry to make preparation for compliance with the amendment to these standards; and

(4) The amendment involves a relaxation of a restrictive rule.

Table I and Table II of this subpart are amended to read as follows:

TABLE I—RECOMMENDED DRAINED WEIGHTS FOR CANNED APRICOTS

Container size (metal, unless otherwise stated)	In extra heavy and heavy sirups					
	Unpeeled or peeled halves; slices; mixed pieces of irregular sizes and shapes		Whole unpeeled		Whole peeled	
	Individual [1]	Average [2]	Individual [1]	Average [2]	Individual [1]	Average [2]
	Ounces	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
8 Z tall	4.2	4.8	3.7	4.3	3.8	4.5
No. 300	7.9	8.6	6.8	7.6	7.2	8.0
No. 303 glass	8.7	9.5	7.6	8.5	8.0	8.9
No. 303	8.7	9.5	7.6	8.5	8.0	8.9
No. 2	10.6	11.5	9.6	10.5	9.8	10.8
No. 2½ glass	15.2	16.3	13.6	14.9	13.9	15.2
No. 2½	15.5	16.7	13.8	15.1	14.4	15.7
No. 10	59.7	62.0	57.5	60.0	57.9	60.4
	In any other liquid medium					
8 Z tall	4.3	4.9	3.8	4.4	3.9	4.6
No. 300	8.1	8.8	7.0	7.8	7.4	8.2
No. 303 glass	8.9	9.7	7.8	8.7	8.2	9.1
No. 303	8.9	9.7	7.8	8.7	8.2	9.1
No. 2	10.9	11.8	9.7	10.7	10.1	11.1
No. 2½ glass	15.7	16.8	14.0	15.3	14.3	15.6
No. 2½	16.0	17.2	14.2	15.5	14.8	16.1
No. 10	61.7	64.0	59.0	61.5	59.5	62.0
	"Solid pack"—All styles					
	Individual [1]		Average [2]			
	Ounces		*Ounces*			
No. 2½	24.1		25.5			
No. 10	89.5		92.0			

[1] Individual means the minimum drained weight for individual containers.
[2] Average means the minimum average drained weights from all the containers in the sample.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

TABLE II—RECOMMENDED FILL WEIGHT VALUES FOR CANNED APRICOTS

Container size (metal unless otherwise stated)	$\bar{X}'_{min}$	$LWL_{\bar{Y}}$	$LRL_{\bar{Y}}$	LWL	LRL	$\bar{R}'$	R_{max}
	Unpeeled or peeled halves—Fill weight values						
	Ounces	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
8 Z tall	5.3	4.8	4.6	4.3	3.8	1.2	2.5
No. 300	9.4	8.9	8.6	8.3	7.7	1.3	2.7
No. 303 glass	10.4	9.9	9.6	9.2	8.6	1.4	3.0
No. 303	10.4	9.9	9.6	9.2	8.6	1.4	3.0
No. 2	12.6	12.0	11.6	11.2	10.5	1.6	3.4
No. 2½ glass	18.0	17.2	16.8	16.2	15.3	2.1	4.4
No. 2½	18.4	17.6	17.2	16.6	15.7	2.1	4.4
No. 10	69.5	68.2	67.5	66.5	65.0	3.5	7.4
	Whole unpeeled—Fill weight values						
8 Z tall	4.6	4.1	3.8	3.5	2.9	1.3	2.7
No. 300	8.3	7.7	7.4	7.0	6.3	1.5	3.2
No. 303 glass	9.2	8.6	8.2	7.8	7.1	1.6	3.4
No. 303	9.2	8.6	8.2	7.8	7.1	1.6	3.4
No. 2	11.4	10.7	10.3	9.8	9.0	1.9	3.9
No. 2½ glass	16.2	15.3	14.8	14.2	13.2	2.3	4.9
No. 2½	16.5	15.6	15.1	14.5	13.5	2.3	4.9
No. 10	65.0	63.5	62.7	61.6	59.9	4.0	8.4
	Whole peeled—Fill weight values						
8 Z tall	5.0	4.5	4.2	3.9	3.3	1.3	2.7
No. 300	8.9	8.3	8.0	7.6	6.9	1.5	3.2
No. 303 glass	9.9	9.3	8.9	8.5	7.8	1.6	3.4
No. 303	9.9	9.3	8.9	8.5	7.8	1.6	3.4
No. 2	12.0	11.3	10.9	10.4	9.6	1.9	3.9
No. ½ glass	17.0	16.1	15.6	15.0	14.0	2.3	4.9
No. ½	17.5	16.6	16.1	15.5	14.5	2.3	4.9
No. 10	66.5	65.0	64.2	63.1	61.4	4.0	8.4

(Sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated August 10, 1962, to become effective on the date of publication in the FEDERAL REGISTER.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62–8227; Filed Aug. 16, 1962; 8:45 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL PROGRAMS

[1962 Wheat Stabilization Program, Supp. 1]

PART 776—WHEAT STABILIZATION PROGRAM

Subpart—1962 Wheat Stabilization Program Regulations

PAYMENT RATE; CORRECTION

In F.R. Doc. 61–11295, beginning on page 11407 of the issue for Saturday, December 2, 1961, the following correction is made in the tabular material for New York under § 776.52: The additional acre payment rate (60 percent payment rate per acre) for Essex County should read "$36.80" instead of "$37.80".

(Sec. 124(1), 75 Stat. 300)

Issued at Washington 25, D.C., this 13th day of August 1962.

Effective upon publication in the FEDERAL REGISTER.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62–8293; Filed, Aug. 16, 1962; 8:53 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 6]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Determination of Quota Deficits—1962

Basis and purpose and statement of bases and considerations. The purpose of this amendment to Sugar Regulation 811 (26 F.R. 11963; 27 F.R. 3733, 4585, 5255, 6863, 7951) is to determine and to prorate and allocate deficits in the quotas established pursuant to the Sugar Act of 1948, as amended and further amended by Public Law 87–535 and Public Law 87–539 (hereinafter referred to as the "Act").

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota. On the basis of quotas established for domestic areas for the calendar year 1962 in § 811.2 of Sugar Regulation 811, the quotas established for foreign countries for the six-month period ending December 31, 1962, in § 811.4 of Sugar Regulation 811 and the supply of sugar expected to be available from each area and country for marketing in the continental United States during such periods, it is herein found that the following areas and countries will be unable to fill their respective quotas by the quantities, in short tons, raw value, as follows: Mainland Cane Sugar Area, 50,000; Hawaii, 30,000; Puerto Rico, 250,000; Mexico, 20,000; and British Honduras, 3,737. The supply of sugar expected to be available from these areas is based on government reports of crop prospects for the Mainland Cane Sugar Area, sugar production reports from Puerto Rico, forecasts of production and shipments of the Hawaiian sugar industry and information on available supplies from Mexico and British Honduras received through official government channels. The extent to which the named areas are unable to fill their established quotas, amounting to a total of 353,737 short tons, raw value, of sugar, is herein determined to be a deficit in quotas and found eligible for proration and allocation to foreign countries pursuant to section 204(a) of the Act.

The ability of the Republic of the Philippines to fill its share of the deficit is herein determined to be 70,000 short tons, raw value, based upon the best available information concerning sugar supplies available for importation into the United States in 1962 from that country and such quantity, accordingly, is prorated to that country in accordance with the provisions of section 204(a) of the Act. The remainder of the deficit is allocated as provided in section 204(a) of the Act to Western Hemisphere countries having quota prorations established pursuant to section 202(c) of the Act.

Because of the urgent need for immediate supplies to meet the demands of consumers, 100,000 short tons, raw value, of the remainder of the deficit is made available for prompt delivery. The balance, amounting to 183,737 short tons, raw value, is allocated for purposes of giving special consideration to Western Hemisphere countries purchasing United States agricultural commodities.

To promote orderly marketing and to obtain needed supplies of sugar imports without delay it is essential at this time that all persons selling and purchasing sugar for consumption in the continental United States be informed of their marketing opportunities as soon as possible. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when filed with the Office of the Federal Register.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by adding a new § 811.3 and by amending §§ 811.2 and 811.4 and 811.5 as follows:

1. Paragraph (a) of § 811.2 is amended to read:

§ 811.2 Quotas for domestic areas.

(a)(1) For the calendar year 1962 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2), as follows:

[Short tons, raw value]

Area	Quotas (1)	Direct-consumption limits (2)
Domestic beet sugar	2,650,000	(1)
Mainland cane sugar	895,000	(1)
Hawaii	1,110,000	33,174
Puerto Rico	1,140,000	145,500
Virgin Islands	15,060	0

[1] No limit.

(2) It is hereby determined pursuant to section 204(a) of the Act, that for the calendar year 1962, the Mainland Cane Sugar Area, Hawaii and Puerto Rico will be unable by 50,000, 30,000, and 250,000 short tons, raw value, of sugar, respectively, to market the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to 204(b) of the Act the determination of deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

2. A new § 811.3 is added to read as follows:

§ 811.3 Proration and allocation of deficits and quotas in effect.

(a) The deficits in quotas determined in paragraph (a)(2) of § 811.2 and in paragraph (c)(1) of § 811.4 amounting to a total of 353,737 short tons, raw value, are hereby prorated, pursuant to section 204(a) of the Act, between the Republic of the Philippines and Western Hemisphere countries named in section 202(c)(3)(A) of the Act by prorating 70,000 tons to the Republic of the Philippines, which is herein determined to be the extent of its ability to fill its share of the deficit, and by allocating the remainder of the deficit amounting to 283,737 short tons, raw value, to Western Hemisphere countries named in section 202(c)(3)(A) of the Act as a group on the following basis:

(1) 100,000 short tons, raw value, for importation into the United States on or before September 30, 1962, in order of priority as specified in Part 817 of this chapter except that applications received on or before August 17 will receive equal consideration for priority as of that date;

(2) 183,737 short tons, raw value, for importation into the United States by giving consideration to the following factors with respect to each such country:

(i) Supplies of sugar on hand to fill the allocation of deficit in addition to the quantity required to fill the present quota;

(ii) The time that the sugar to fill the allocation of deficit can be imported into the United States on or before but no later than November 30, 1962, with special consideration being given to importations which can be made prior to November 1; and

(iii) The extent to which the sugar exporting country agrees to utilize the receipts derived from the sale of sugar imported to fill the deficit allocation for purchase and export of United States agricultural commodities prior to July 1, 1963.

3. Paragraph (b) of § 811.4 is amended to read as follows:

§ 811.4 Quotas for foreign countries.

* * * * *

(b) For the calendar year 1962, the quota for the Republic of the Philippines is 1,120,000 short tons, raw value, and the amount of such quota that may be filled by direct-consumption sugar is 59,920 short tons, raw value.

4. Paragraph (c)(1) of § 811.4 is amended by changing the first sentence and by changing the quantities for Mexico and British Honduras in the table that follows that sentence to read as follows:

(c)(1) For the six-month period ending December 31, 1962, the prorations or allocations for individual foreign countries of the quota for foreign countries other than the Republic of the Philippines pursuant to section 202(c)(3) of the Act, are as follows as adjusted to reflect deficits of 20,000 tons in the proration for Mexico and 3,737 tons in the proration for British Honduras which are hereby determined pursuant to section 204(a) of the Act:

* * * * *

Mexico	51,635
* * * * *	
British Honduras	0

* * * * *

§ 811.5 [Amendment]

5. Paragraph (b) of § 811.5 is amended to read as follows:

(b) As a condition for the importation of any quantity of raw sugar within the quota prorations established for individual foreign countries in paragraph (c) of § 811.4 and as provided in § 811.3, a fee of 0.24 cent per pound, raw value, shall be paid as provided in paragraphs (d) and (e) of this section.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies sec. 202, 204, 61 Stat. 924, as amended, 7 U.S.C. 1112; Public Law 87–535; Public Law 87–539)

Issued at Washington, D.C., this 15th day of August 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62–8330; Filed, Aug. 16, 1962; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–SO–17]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On June 12, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5571) stating that the Federal Aviation Agency proposed to alter the Raleigh, N.C., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 601.1984 [Amendment]

1. In the text of § 601.1984 (14 CFR 601.1984, 27 F.R. 3846) "Raleigh, N.C.: Raleigh-Durham Airport (latitude 35°-52'21" N., longitude 78°47'02" W.)." is deleted.

2. Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2514 Raleigh, N.C. (Raleigh-Durham Airport), control zone.

Within a 5-mile radius of the Raleigh-Durham Airport (latitude 35°52'21" N., longitude 78°47'02" W) and within 2 miles either side of the Raleigh-Durham ILS localizer SW course extending from the 5-mile radius zone to the OM.

This amendment shall become effective 0001 e.s.t. October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 13, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–8255; Filed, Aug. 16, 1962; 8:45 a.m.]

[Airspace Docket No. 60–NY–91]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Areas, Control Zone, Control Area Extension and Continental Control Area

The purpose of these amendments to §§ 608.37, 601.7101, 601.2364, and 601.1384 of the regulations of the Administrator is to alter the description of the Fort Campbell, Ky., Restricted Areas R–3702 and R–3703, the continental control area, and the Hopkinsville, Ky., control zone and control area extension.

A review by the FAA of the utilization of R–3702 and R–3703 indicates that an excessive amount of special use airspace is assigned to contain the activities presently conducted therein. The Department of the Army has agreed to a redesignation of the boundaries of these areas which will effect a reduction in their geographical size. They have further agreed to a lowering of the maximum altitude of R–3702 and to the estab-

lishment of R–3702 and R–3703 as joint-use areas.

In order to reflect this joint-use status and to promote efficient use of these areas, the Memphis Air Route Traffic Control Center is designated herein as the controlling agency for R–3702 and R–3703 and the descriptions of the Hopkinsville control zone and control area extension are altered to designate the airspace within R–3702 and R–3703 as controlled airspace.

In addition, R–3702 and R–3703 will be added to § 601.7101 to provide for inclusion of these areas within the continental control area.

Since the changes effected by these amendments are less restrictive in nature than the present requirements, and impose no additional burden on the public, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

§ 608.37 [Amendment]

1. In § 608.37 *Kentucky* (14 CFR 608.37) the Fort Campbell, Ky., Restricted Area R–3702 is amended to read:

R–3702 Fort Campbell, Ky.:

Boundaries. Beginning at latitude 36°43'30" N., longitude 87°48'15" W.; to latitude 36°37'30" N., longitude 87°48'15" W.; to latitude 36°35'30" N., longitude 87°45'00" W.; to latitude 36°33'30" N., longitude 87°42'30" W.; to latitude 36°32'00" N., longitude 87°35'00" W.; to latitude 36°32'00" N., longitude 87°32'30" W.; to latitude 36°39'00" N., longitude 87°32'30" W.; to latitude 36°39'00" N., longitude 87°40'00" W.; to latitude 36°42'00" N., longitude 87°40'30" W.; to latitude 36°43'30" N., longitude 87°43'00" W.; to the point of beginning.

Designated altitudes. Surface to 27,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Memphis ARTC Center.

Using agency. Commanding General, Fort Campbell, Ky.

2. In § 608.37 *Kentucky* (14 CFR 608.37) the Fort Campbell, Ky., Restricted Area R–3703 is amended to read:

R–3703 Fort Campbell, Ky.:

Boundaries. Beginning at latitude 36°39'00" N., longitude 87°32'30" W.; to latitude 36°39'15" N., longitude 87°30'12" W.; to latitude 36°39'30" N., longitude 87°29'45" W.; to latitude 36°39'30" N., longitude 87°28'33" W.; to latitude 36°37'12" N., longitude 87°28'33" W.; to latitude 36°37'12" N., longitude 87°29'50" W.; to latitude 36°34'00" N., longitude 87°29'50" W.; to latitude 36°32'00" N., longitude 87°32'30" W.; to the point of beginning.

Designated altitudes. Surface to 18,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Memphis ARTC Center.

Using agency. Commanding General, Fort Campbell, Ky.

§ 601.1384 [Amendment]

3. In § 601.1384 (14 CFR 601.1385) "longitude 87°04'30" W., excluding the portions which lie within the geographical limits of, and between the designated altitudes of, the Fort Campbell Restricted Areas (R–63) and (R–63A) during these restricted areas' times of designation." is deleted and "longitude 87°04'30" W. The portion of this control area extension which coincides with R–3702 and R–3703 shall be used only after obtaining prior approval from appropriate authority." is substituted therefor.

4. Section 601.2364 (14 CFR 601.2364) is amended to read:

§ 601.2364 Hopkinsville, Ky., control zone.

Within a 5-mile radius of the Campbell AAF (latitude 36°40'11" N., longitude 87°29'13" W.), Hopkinsville, Ky., and within 2 miles either side of the Campbell VOR 044° and 224° radials extending from the 5-mile radius zone to 10 miles NE of the VOR. The portion of this control zone which coincides with R–3702 and R–3703 shall be used only after obtaining prior approval from appropriate authority.

§ 601.7101 [Amendment]

5. In the text of § 601.7101 (26 F.R. 1399), the following are added:

R–3702 Fort Campbell, Ky.
R–3703 Fort Campbell, Ky.

These amendments shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 10, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62–8256; Filed, Aug. 16, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 121—FOOD ADDITIVES

Food Additives Permitted in Animal Feed or Animal Feed Supplements; Manganese Bacitracin

Correction

In F.R. Doc. 62–8094, appearing at page 8072 of the issue for Tuesday, August 14, 1962, the section reference in § 121.207(a)(1)(iii) should read "§ 121.225(a)(3)(iii)" instead of "§ 121.255(a)(3)(iii)."

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Mammoth Cave National Park, Kentucky; Use of Radar

On page 6148 of the FEDERAL REGISTER of June 29, 1962, there was published a notice and text of a proposed amendment to § 7.36 of Title 36, Code of Federal Regulations. The purpose of this amendment is to permit the use of radiomicrowaves (radar) or other electrical timing devices in checking the speed of motor vehicles at Mammoth Cave National Park.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

A new subparagraph (3) is added to paragraph (b) of § 7.36 to read as follows:

§ 7.36 Mammoth Cave National Park.

* * * * *

(b) *Speed.* * * *

(3) The speed of any motor vehicle may be checked on any park road in the Mammoth Cave National Park, in the State of Kentucky, by the use of radiomicrowaves or other electrical device when such park road, on which the device is used, is clearly marked "Speed Checked by Radar" or "Speed Radar Controlled". The results of such checks shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue.

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

PERRY E. BROWN,
Superintendent,
Mammoth Cave National Park.

[F.R. Doc. 62–8266; Filed, Aug. 16, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

AIR COMMERCE

Notice of Proposed Designation of Yuma County Airport, Yuma, Arizona, as an International Airport

Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority of section 1109(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1509(b)), it is proposed to designate Yuma County Airport, Yuma, Arizona, as an international airport (airport of entry) for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 101 (33) of said Act (49 U.S.C. 1301(33)), and it is further proposed to amend § 6.13 of the Customs regulations by adding thereto the location and name of this airport at the appropriate place.

Data, views, or arguments with respect to the proposed designation of Yuma County Airport as an international airport may be addressed to the Commissioner of Customs, Washington 25, D.C. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: August 10, 1962.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 62–8279; Filed, Aug. 16, 1962; 8:51 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–204]

RADIATION SAFETY AND HEALTH STANDARDS

Safety and health standards for Federal supply contracts are expressed in 41 CFR Part 50–204. Radiation Standards are not among them because the requisite examination of the hazards involved in exposure to radiation was in progress when these regulations were promulgated. On the basis of this examination, I propose to establish the radiation standards hereinafter set forth.

Consideration has been given to the recommendations of the National Committee on Radiation Protection (National Bureau of Standards Handbooks 59 and 69) and the Radiation Guidance for Federal Agencies recommended by the Federal Radiation Council (25 F.R. 4402). The proposed standards are similar to pertinent parts of the Atomic Energy Commission's standards for protection against radiation (10 CFR Part 20). As the proposed standards are minimum standards for safe working conditions for employees engaged in the performance of Federal supply contracts, as required by section 1(e) of the Walsh-Healey Public Contracts Act, they do not include details as to generally recognized standards for safety practices or methods of determining compliance with the standards contained in these regulations. This does not detract from the desirability of complying with these other standards, nor will compliance with the standards expressed in these regulations relieve anyone from any obligation to comply with any more strict standard.

It should be noted that, to the extent these proposals may be adopted, their scope and application will be delineated by 41 CFR 50–204.1.

Now, therefore, pursuant to sections 1 and 4 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 and 38) it is hereby proposed that 41 CFR, Part 50–204 be amended by adding to the end thereof the centerhead and new sections set forth below.

Interested persons may submit written statements of data, views or arguments regarding the proposal. They should be filed with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Constitution Avenue and 14th Street NW., Washington 25, D.C., within 60 days after this document is published in the FEDERAL REGISTER.

The proposed regulations read as follows:

RADIATION

§ 50–204.305 Units of radiation dose.

(a) "Dose", as used in this part, is the quantity of radiation absorbed, per unit of mass, by the body or by any portion of the body. When the regulations in this part specify a dose during a period of time, the dose means the total quantity of radiation absorbed, per unit of mass, by the body or by any portion of the body during such period of time. Several different units of dose are in current use. Definitions of units as used in this part are set forth in paragraphs (b) and (c) of this section.

(b) The rad, as used in this part, is a measure of the dose of any ionizing radiation to body tissues in terms of the energy absorbed per unit mass of the tissue. One rad is the dose corresponding to the absorption of 100 ergs per gram of tissue. (One millirad (mrad) = 0.001 rad.)

(c) The rem, as used in this part, is a measure of the dose of any ionizing radiation to body tissue in terms of its estimated biological effect relative to a dose of one roentgen (r) of X-rays. (One millirem (mrem) = 0.001 rem.) The relation of the rem to other dose units depends upon the biological effect under consideration and upon the conditions of irradiation. For the purpose of the regulations in this part, any of the following is considered to be equivalent to a dose of one rem:

(1) A dose of 1 r due to X- or gamma radiation;

(2) A dose of 1 rad due to X-, gamma, or beta radiation;

(3) A dose of 0.1 rad due to neutrons or high energy protons;

(4) A dose of 0.05 rad due to particles heavier than protons and with sufficient energy to reach the lens of the eye.

§ 50–204.306 Exposure to radiation.

(a) Except as provided in paragraph (b) of this section, no employer shall permit any employee to receive in any period of one calendar quarter from any sources of radiation in the employer's possession or control, a dose in excess of the limits specified in the following table:

	Rems per calendar quarter
1. Skin, at basal layer of epidermis, of the hands, forearms, feet or ankles	18.75
2. Whole body	[1] 1.25
Gonads	1.25
Active blood-forming organs	1.25
Head and trunk	1.25
Lens of the eye	1.25
Skin of whole body	7.50

[1] For exposures of the whole body to X or gamma rays up to 3 thousand electron volts, this condition may be assumed to be met if the "air dose" does not exceed 1.25 roentgens provided the dose to the gonads does not exceed 1.25 rem. "Air dose" means that the dose is measured by an appropriate instrument in air in the region of highest dosage rate to be occupied by an individual without the presence of the human body or other absorbing and scattering material.

(b) Employees may receive doses to the whole body greater than those permitted under paragraph (a) of this section, provided:

(1) During any calendar quarter the dose to the whole body shall not exceed 3 rems; and

(2) The dose to the whole body, when added to the accumulated occupational dose to the whole body, shall not exceed 5(N–18) rems where "N" equals the individual's age in years at his last birthday; and

(3) The contractor maintains adequate past and current exposure records which show that the addition of such a dose will not cause the individual to exceed his age-prorated allowance.

(c) No contractor shall permit any employee who is under 18 years of age to receive in any period of one calendar quarter a dose in excess of 10 percent of the limits specified in the table in paragraph (a) of this section. (See also requirements of Hazardous Order No. 6 (29 CFR 4.57) issued pursuant to the Fair Labor Standards Act of 1938.)

§ 50–204.307 Exposure to airborne radioactive material.

No employer shall permit any employee to be exposed to airborne radioactive material in an average concentration in excess of the limits specified in the following table, nor shall an employer permit any employee who is under 18 years of age to be exposed to airborne radioactive material in an average concentration in excess of 10 percent of such limits. The limits given are for exposure to the concentrations specified for 40 hours in any workweek of 7 consecutive days. In any such period where the number of hours of exposure is less than 40, the limits specified in the table may be increased proportionately. In any such period where the number of hours of exposure is greater than 40, the limits specified in the table shall be decreased proportionately.

CONCENTRATIONS IN AIR ABOVE NATURAL BACKGROUND

Element (atomic number)	Isotope [1]		Microcuries per milliliter (μc/ml)
Antimony (51)	Sb 122	S	2×10^{-7}
		I	1×10^{-7}
	Sb 124	S	2×10^{-7}
		I	2×10^{-8}
	Sb 125	S	5×10^{-7}
		I	3×10^{-8}
Argon (18)	A37	Sub [2]	6×10^{-3}
	A41	Sub	2×10^{-6}
Bismuth (83)	Bi 206	S	2×10^{-7}
		I	1×10^{-7}
	Bi 207	S	2×10^{-7}
		I	1×10^{-8}
	Bi 210	S	6×10^{-8}
		I	6×10^{-9}
	Bi 212	S	1×10^{-7}
		I	2×10^{-7}
Calcium (20)	Ca 45	S	3×10^{-8}
		I	1×10^{-7}
	Ca 47	S	2×10^{-7}
		I	2×10^{-7}
Carbon (6)	C 14	S	4×10^{-6}
	(CO_2)	Sub	5×10^{-5}
Cesium (55)	Cs 131	S	1×10^{-6}
		I	3×10^{-6}
	Cs 134m	S	4×10^{-6}
		I	6×10^{-6}
	Cs 134	S	4×10^{-8}
		I	1×10^{-8}
	Cs 135	S	5×10^{-7}
		I	9×10^{-8}
	Cs 136	S	4×10^{-7}
		I	2×10^{-7}
	Cs 137	S	6×10^{-8}
		I	1×10^{-8}
Cobalt (27)	Co 57	S	3×10^{-6}
		I	2×10^{-7}
	Co 58m	S	2×10^{-5}
		I	9×10^{-6}
	Co 58	S	8×10^{-7}
		I	5×10^{-8}
	Co 60	S	3×10^{-7}
		I	9×10^{-8}
Gold (79)	Au 196	S	1×10^{-6}
		I	6×10^{-7}
	Au 198	S	3×10^{-7}
		I	2×10^{-7}
	Au 199	S	1×10^{-6}
		I	8×10^{-7}
Hydrogen (1)	H3	S	5×10^{-6}
		Sub	2×10^{-3}
Iodine (53)	I 126	S	8×10^{-9}
		I	3×10^{-7}
	I 129	S	2×10^{-6}
		I	7×10^{-8}
	I 131	S	9×10^{-8}
		I	3×10^{-7}
	I 132	S	2×10^{-7}
		I	9×10^{-7}
	I 133	S	3×10^{-8}
		I	2×10^{-7}
	I 134	S	5×10^{-7}
		I	3×10^{-6}
	I 135	S	1×10^{-7}
		I	4×10^{-7}
Iridium (77)	Ir 190	S	1×10^{-6}
		I	4×10^{-7}
	Ir 192	S	1×10^{-7}
		I	3×10^{-6}
	Ir 194	S	2×10^{-7}
		I	2×10^{-7}
Krypton [3] (36)	Kr 85m	Sub	6×10^{-6}
	Kr 85	Sub	1×10^{-5}
	Kr 87	Sub	1×10^{-6}
Lead (82)	Pb 203	S	3×10^{-6}
		I	2×10^{-6}
	Pb 210	S	1×10^{-10}
		I	2×10^{-10}
	Pb 212	S	2×10^{-8}
		I	2×10^{-8}
Neptunium (93)	Np 237	S	4×10^{-13}
		I	1×10^{-10}
	Np 239	S	8×10^{-7}
		I	7×10^{-7}
Phosphorus (15)	P 32	S	7×10^{-8}
		I	8×10^{-8}
Plutonium (94)	Pu 238	S	2×10^{-12}
		I	3×10^{-11}
	Pu 239	S	2×10^{-12}
		I	4×10^{-11}
	Pu 240	S	2×10^{-12}
		I	4×10^{-11}
	Pu 241	S	9×10^{-11}
		I	4×10^{-9}
	Pu 242	S	2×10^{-12}
		I	4×10^{-11}
Polonium (84)	Po 210	S	5×10^{-10}
		I	2×10^{-10}
Radium (88)	Ra 223	S	2×10^{-9}
		I	2×10^{-10}
	Ra 224	S	5×10^{-9}
		I	7×10^{-10}
	Ra 226	S	3×10^{-11}
		I	5×10^{-11}
	Ra 228	S	7×10^{-11}
		I	4×10^{-11}
Radon (86)	Rn 220	S	3×10^{-7}
		I	
	Rn 222	S	1×10^{-7}
Strontium (38)	Sr 85m	S	4×10^{-6}
		I	3×10^{-6}
	Sr 85	S	2×10^{-7}
		I	1×10^{-7}
	Sr 89	S	3×10^{-8}
		I	4×10^{-8}
	Sr 90	S	3×10^{-9}
		I	4×10^{-9}
Thallium (81)	Tl 200	S	3×10^{-6}
		I	1×10^{-6}
	Tl 201	S	2×10^{-6}
		I	9×10^{-7}
	Tl 202	S	8×10^{-7}
		I	2×10^{-7}
	Tl 204	S	6×10^{-7}
		I	3×10^{-6}
Thorium (90)	Th 228	S	9×10^{-13}
		I	6×10^{-12}
	Th 230	S	2×10^{-12}
		I	10^{-11}
	Th 232	S	3×10^{-11}
		I	3×10^{-11}
	Th natural	S	3×10^{-11}
		I	3×10^{-11}
	Th 234	S	6×10^{-8}
		I	3×10^{-8}
Uranium (92)	U 230	S	3×10^{-10}
		I	1×10^{-10}
	U 232	S	1×10^{-10}
		I	3×10^{-11}
	U 233	S	5×10^{-10}
		I	1×10^{-10}
	U 234	S	6×10^{-10}
		I	1×10^{-10}
	U 235	S	5×10^{-12}
		I	1×10^{-10}
	U 236	S	6×10^{-10}
		I	1×10^{-10}
	U 238	S	7×10^{-11}
		I	1×10^{-10}
	U-natural	S	7×10^{-11}
		I	6×10^{-11}
Xenon (54)	Xe 131m	Sub	2×10^{-6}
	Xe 133	Sub	1×10^{-6}
	Xe 135	Sub	4×10^{-6}

[1] Soluble (S); Insoluble (I).

[2] "Sub" means that values given are for submersion in an infinite cloud of gaseous material.

NOTE: In any case where there is a mixture in air of more than one radionuclide, the limiting values for purposes of the above table should be determined as follows:

1. If the identity and concentration of each radionuclide in the mixture are known, the limiting values should be derived as follows: Determine, for each radionuclide in the mixture, the ratio between the quantity present in the mixture and the limit otherwise established in the above table for the specific radionuclide when not in a mixture. The sum of such ratios for all the radionuclides in the mixture may not exceed "1" (i.e., "unity").

EXAMPLE: If radionuclides A, B, and C are present in concentrations C_A, C_B, and C_C, and if the applicable maximum permissible concentrations are MPC_A, and MPC_B, and MPC_C respectively, then the concentrations shall be limited so that the following relationship exists:

$$\frac{C_A}{MPC_A}+\frac{C_B}{MPC_B}+\frac{C_C}{MPC_C}=1$$

2. If either the identity or the concentration of any radionuclide in the mixture is not known, the limiting values for purposes of the above table shall be: 1×10^{-12}

3. If the conditions specified below are met, the corresponding values specified below may be used in lieu of that specified in paragraph 2 above.

Element (atomic number) and isotope	Air (μc/ml)
If it is known that alpha-emitters and Sr 90, I 129, Pb 210, Ac 227, Ra 228, Pa 230, Pu 241 and Bk 249 are not present.	3×10^{-9}
If it is known that alpha-emitters and Pb 210, Ac 227, Ra 228, and Pu 241 are not present.	3×10^{-10}
If it is known that alpha-emitters and Ac 227 are not present.	3×10^{-11}
If it is known that Ac 227, Th 230, Pa 231, Pu 238, Pu 239, Pu 240, Pu 242, and Cf 249 are not present.	3×10^{-12}
If Pa 231, Pu 239, Pu 240, Pu 242 and Cf 249 are not present.	2×10^{-12}

4. If the mixture or radionuclides consists of uranium and its daughter products in ore dust prior to chemical processing of the uranium ore, the values specified below may be used in lieu of those determined in accordance with paragraph 1 above or those specified in paragraphs 2 and 3 above.

1×10^{-10} μc/ml gross alpha activity; or 2.5×10^{-11} μc/ml natural uranium; or 75 micrograms natural uranium per cubic meter of air.

§ 50–204.308 Precautionary procedures.

(a) Every employer shall supply appropriate personnel monitoring equipment, such as film, badges, pocket chambers, pocket dosimeters, or film rings, to, and require the use of such equipment by:

(1) Each individual who enters an area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 25 percent of the applicable value specified in paragraph (a) of § 50–204.306; and

(2) Each individual under 18 years of age who enters an area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 5 percent of the applicable value specified in paragraph (a) of § 50–204.306.

(b) Every employer shall make such surveys as may be necessary for him to comply with the regulations in this part. "Survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions. When appropriate, such evaluation includes a physical survey of the location of materials and equipment, and measurements of levels of radiation or concentrations of radioactive material present.

§ 50–204.309 Records.

(a) Every employer shall maintain records of the radiation exposure of all individuals for whom personnel monitoring is required under § 50–204.308(a) and advise each of his employees of his individual exposure on request.

(b) Every employer shall maintain records in the same units used in the table in § 50–204.307 showing the results of surveys required by § 50–204.308(b).

§ 50–204.310 Application for variations.

(a) In accordance with the policy expressed in the Federal Radiation Council's memorandum concerning radiation protection guidance for Federal agencies (25 F.R. 4402), the Administrator of the Wage and Hour and Public Contracts Divisions may from time to time grant permission to employers to vary from the limitations contained in §§ 50–204.306 and 50–204.307 when the extent of variation is clearly specified and it is demonstrated to his satisfaction that (1) such variation is necessary to obtain a beneficial use of radiation or atomic energy, (2) such benefit is of sufficient value to warrant the variation, (3) employees will not be exposed to an undue hazard, and (4) appropriate action will be taken to protect the health and safety of such employees.

(b) Applications for such variations should be filed with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C.

(Secs. 1 and 4, 49 Stat. 2036 and 2038; 41 U.S.C. 35 and 38)

Signed at Washington, D.C., this 10th day of August 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62–8202; Filed, Aug. 16, 1962; 8:45 a.m.]

Wage and Hour Division

[29 CFR Parts 619, 672, 689]

[Administrative Order 565]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint Industry Committee No. 55–A for the Sugar Manufacturing and Alcoholic Beverages Industry in Puerto Rico; and Industry Committee No. 55–B for the Construction, Business Service, Motion Picture, and Miscellaneous Industry in Puerto Rico.

The definitions of the industries for which industry committees are appointed by this order are set forth below.

The Sugar Manufacturing and Alcoholic Beverages Industry in Puerto Rico is defined as follows:

The production of raw sugar, cane juice, molasses and refined sugar, and incidental byproducts; all railroad transportation activities carried on by a producer of any of these products (or by any firm owned or controlled by, or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer) where the railroad transportation activities are in whole or in part used for the production or shipment of the products of the industry; any transportation activities by truck, vessel, or other vehicle performed by a producer of the products of the industry in connection with the production or shipment of such products by such producer; the manufacture, including, but without limitation, the distilling, rectifying, blending, or bottling of rum, gin, vodka, whisky, brandy, cordials, liqueurs, wines, ale, beer, and similar malt beverages with or without alcohol other alcoholic beverages, industrial alcohol (such as amyl, butyl, and ethyl alcohol), acetone, antifreeze, and any related byproduct resulting from the manufacture of any of the foregoing products: *Provided, however,* That the industry shall not include any transportation activity covered by the wage order for the communications, utilities, and transportation industry in Puerto Rico (29 CFR Part 671), or any transportation activity to which the agricultural exemption contained in section 13(a)(6) of the Act is applicable: *And provided, further,* That the industry shall not include any of the activities defined and described in 29 CFR 619.2 (a) and (b).

The Construction, Business Service, Motion Picture, and Miscellaneous Industry in Puerto Rico is defined as:

The design, construction, reconstruction, alteration, repair, and maintenance of buildings, structures, and other improvements; the assembling at the construction site and the installation of machinery and other facilities in or upon buildings, structures, and other improvements; the dismantling, wrecking, or other demolition of buildings; structures, and other improvements; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education, or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or to the consumer; and the production of photographs and blueprints, the production and distribution of motion pictures and all activities incidental thereto; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued: *Provided, however,* That the industry shall not include any activity carried on by an establishment primarily engaged in another industry in Puerto Rico for its own use: *And provided, further,* That the industry shall not include any of the activities defined and described in 29 CFR 672.2 (a), (c), (e), and (f).

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene each of the above-appointed industry committees;

(b) Refer to each of these industry committees the following:

(1) The question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned for employees who are engaged in commerce or in the production of goods for commerce, and (2) the question of the minimum rate or rates of wages to be fixed for any employees covered by the Act by reason of the Fair Labor Standards Amendments of 1961;

(c) Give notice of the hearing to be held by each of them at the times and places indicated below. Each industry committee shall investigate conditions in its industry, and each industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 55–A shall meet in executive session to commence its investigation at 10:00 a.m. on September 26, 1962, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 2:00 p.m. on the same date at the same place. Following this hearing Industry Committee No. 55–B shall meet at the same place at the time designated by the committee chairman to conduct its investigation and to hold its hearing.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of this Department the highest minimum wage rates (in the case of question (1) referred to the committee, not exceeding the minimum wage rate of $1.15 prescribed in paragraph (1) of section 6(a) of the Act, and in the case of question (2) referred to the committee, not exceeding the minimum wage rate of $1.00 prescribed in section 6(b) of the Act, and in no case less than the currently effective rate) which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa.

Whenever any industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily

maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters referred to the committees. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each industry committee shall take official notice of the facts stated in the economic report to the extent that they are not refuted at the hearings.

The procedure of industry committees shall be governed by 29 CFR Part 511. As a prerequisite to participation in the hearings, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than September 16, 1962.

Signed at Washington, D.C., this 10th day of August 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-8268; Filed, Aug. 16, 1962; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 405) has been filed by The Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to provide for the safe use of carbon tetrachloride, carbon disulfide, ethylene dichloride, and ethylene dibromide as fumigants of grain-mill machinery.

Dated: August 13, 1962.

WINTON B. RANKIN,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8272; Filed, Aug. 16, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 888) has been filed by Shell Chemical Company, 50 West Fiftieth Street, New York 20, New York, proposing the issuance of a regulation to provide for the safe use of polyisoprene as an elastomer component of rubber or rubber products intended for use in contact with food. It is also proposed that paragraph (c)(5) of § 121.2520 *Adhesives* be amended by adding to the list "Components of Adhesives" the new item "Polyisoprene."

Dated: August 13, 1962.

WINTON B. RANKIN,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8273; Filed, Aug. 16, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petition (FAP 890) has been filed by the Office of the Quartermaster General, Department of the Army, Washington 25, D.C., proposing the issuance of a regulation to provide for the safe use of gamma radiation from Cobalt-60 sources in the radiation preservation of canned bacon.

Dated: August 13, 1962.

WINTON B. RANKIN,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8274; Filed, Aug. 16, 1962; 8:49 a.m.]

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS; ADDITIONAL STANDARDS; MEASLES VIRUS VACCINE, INACTIVATED

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making providing detailed, specific standards of safety, purity and potency for the manufacture of Measles Virus Vaccine, Inactivated.

Notice is also given that it is proposed to make any amendments that are adopted effective 30 days after publication in the FEDERAL REGISTER.

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 60 days after publication of this notice in the FEDERAL REGISTER will be considered.

Amend Part 73 of the Public Health Service regulations by inserting the following sections:

(a) *Proper name and definition.* The proper name of this product shall be Measles Virus Vaccine, Inactivated. The vaccine shall consist of a fluid preparation of measles virus inactivated by an appropriate method.

(b) *Criteria for acceptable strains of measles virus.* Strains of measles virus used in the manufacture of vaccine shall be identified by (1) historical records, including origin and manipulation and (2) antigenic specificity as measles virus as demonstrated by neutralization tests. Strains for the manufacture of Measles Virus Vaccine, Inactivated shall have been shown to be safe and potent in man by field studies with experimental vaccines that demonstrate the vaccine strain to have antigenic properties in at least 10,000 susceptible persons. Susceptibility shall be shown by the absence of neutralizing or other antibodies against measles virus, or by other appropriate methods. Seed virus for vaccine manufacture shall be free of all demonstrable extraneous viable microbial agents.

§ 73.151 Manufacture of Measles Virus Vaccine, Inactivated.

(a) *Virus cultures.* Virus shall be propagated either in chick embryo tissue cultures or monkey kidney tissue cultures.

(b) *Virus propagated in chick embryo tissue cultures.* Embryonated chicken eggs used as a source of chick embryo tissue for the propagation of measles virus shall be derived from flocks certified to be free of Salmonella pullorum and avian tuberculosis, fowl pox, Rous sarcoma, fowl leucosis and other adventitious agents pathogenic for chickens. If eggs are procured from flocks that are not so certified, tests shall be performed on the vaccine to demonstrate its freedom from such agents.

(c) *Virus vaccine propagated in monkey kidney tissue cultures.* Only monkeys in overt good health, that have reacted negatively to tuberculin at the start of the prescribed quarantine period shall be used as the source of kidney tissue for the manufacture of Measles Virus Vaccine, Inactivated.

(d) *Monkeys used for experimental purposes.* Monkeys that have been used previously for experimental purposes with microbiological agents shall not be used as a source of kidney tissue for the manufacture of vaccine. Monkeys that have been used previously for other experimental purposes may be used upon their return to a normal condition.

(e) *Quarantine.* Only monkeys that during the quarantine period, as provided by § 73.36(f)(2), have been tested with and have reacted negatively to tuberculin shall be used as a source of kidney tissue for vaccine manufacture.

(f) *Necropsy.* Each animal at necropsy shall be examined under the direction of a qualified pathologist, physician or veterinarian having experience with diseases of monkeys, for the presence of signs or symptoms of ill health, particularly for (1) evidence of tuberculosis, (2) presence of herpes-like lesions, including eruptions or plaques on or around the lips, in the buccal cavity or on the gums and (3) signs of conjunctivitis. If any such signs or other significant gross pathological lesions are present, the kidney shall not be used in the manufacture of Measles Virus Vaccine, Inactivated.

(g) *NIH Reference Measles Virus.* The following NIH reference viruses shall be obtained from the Division of Biologics Standards:

(1) NIH Reference Measles Virus for titration.

(2) NIH Reference Measles Vaccine for potency testing.

(h) *Passage of virus strain in vaccine manufacture.* Virus in the final vaccine shall represent no more than ten tissue culture passages beyond the passage used to perform the clinical trials which qualified the vaccine strain for license (§ 73.150(b)) and the passage shall have met the following criteria of acceptability:

(1) *Clinical safety.* The vaccine shall be free from harmful effects. Freedom from harmful effects shall be demonstrated by administration, as recommended by the manufacturer, and while maintaining adequate clinical and epidemiological surveillance of illness, to approximately 1,000 individuals, having no detectable neutralizing antibodies before vaccination and showing serological conversion after vaccination. Five lots of vaccine shall be used to qualify the vaccine for license and shall be distributed as evenly as possible among the 1,000 individuals tested.

(2) *Clinical potency.* The immunogenic effect (i.e., seroconversion less than 1:4 to 1:8 or greater) shall be demonstrated in at least 90 percent of each of five groups of measles susceptible individuals, each group receiving vaccine from one of five consecutive lots of vaccine which meet all the standards prescribed in these regulations. The dose of vaccine shall be no greater than that which was demonstrated to be safe in the clinical trials and the vaccine shall be used under comparable conditions.

(i) *Types of tissue culture preparation permissible.* Measles Virus Vaccine, Inactivated, shall be produced only in primary cell tissue culture. Continuous line cells shall not be used and shall not be introduced into vaccine production areas.

(j) *Use of antibiotics.* Virus for manufacturing vaccine may be grown in cultures which contain minimum concentrations of suitable antibiotics except that penicillin shall not be used in the tissue culture medium or added to the final product.

(k) *Clarification.* After harvesting, the virus fluids shall be clarified by centrifugation, by passage through filters of sufficiently small porosity, or by any other method that will assure removal of all intact tissue cells which may have been collected in the harvesting process.

§ 73.152 Test for safety.

(a) *Tests prior to the inactivation process.* Samples of virus pools for testing by inoculation into animals or into bacteriological media, shall be withdrawn immediately after pooling but prior to freezing or further processing, and tested, prior to the inactivation process, as provided in paragraphs (b) and (c) of this section except that samples of test materials frozen immediately after pooling and maintained at −60° C. or below, may be tested upon thawing, provided no more than two freeze thaw cycles are employed. The required tests shall be conducted without delay after thawing.

(1) *Measles virus propagated in chick embryo tissue cultures*—(i) *Inoculation of adult mice.* Each chick embryo virus pool shall be shown to be free of contaminating agents pathogenic for mice by the intracerebral inoculation of 0.03 ml amounts into each of ten or more adult mice (15–20 gms). The mice shall be observed for at least 21 days. The virus pool is satisfactory for measles virus vaccine only if at least 80 percent of the inoculated animals survive the observation period and if all animals inoculated fail to show evidence of infection with any extraneous transmissible agent attributable to the vaccine.

(ii) *Test for Pleuropneumonia-like Organisms (PPLO).* (a) Each chick virus pool shall be tested for the presence of PPLO. Samples of the virus for this test shall be stored either (*1*) at 2–5° C. for not longer than 24 hours, or (2) at −20° C. if stored for longer than 24 hours.

(b) The PPLO test on samples of viral harvests shall be performed as follows: No less than 2.0 ml of a sample shall be inoculated in no less than 0.1 ml amounts evenly distributed over the surface of 20 agar plates. No less than 1.0 ml of sample shall be inoculated into each of four tubes of 10 ml each of broth. Ten agar plate and two tube cultures shall be incubated aerobically at 36° C. and the remaining agar plate and tube cultures shall be incubated anaerobically at 36° C. in an environment of 5% CO_2 and 95% N_2. The broth cultures shall be incubated for no less than three days and no more than five days, at which time 0.5 ml from each of two tubes shall be combined and the 1.0 ml subinoculated to 10 additional agar plates. All inoculated agar plate cultures shall be incubated for no less than 10 days when observation for PPLO growth shall be made at a magnification of 160×. If negative, the plate shall be continued under incubation for another five days at which time it shall be examined in the same manner. If still negative, a 1 sq. cm. plug of the agar shall be excised from the inoculated area, stained with Dienes Methylene Blue-Azure dye, or an equivalent, and examined at 500× magnification for presence of PPLO colonies. Control cultures of known strains of PPLO shall be included in the test. Identification of the PPLO shall be made by comparison of the growth obtained from the test sample with the controls, with respect to typical colonial and microscopic morphology. The virus pool is satisfactory for measles virus vaccine only if all tests on the samples of viral harvests fail to show evidence of the presence of the Pleuropneumonia-like organism.

(iii) *Bacteriological tests.* Each chick embryo virus pool shall be tested for bacteriological sterility in accordance with the procedures prescribed in § 73.73. In addition each virus pool shall be tested for the presence of M. tuberculosis, both avian and human, by appropriate culture methods.

(iv) *Test for Avian leucosis.* Samples of each undiluted virus pool, or in proportionate amounts from individual harvests or subpools, shall be tested for fowl leucosis using either Rubin's procedure for detecting Resistance Inducing Factor (RIF) or a procedure of equivalent effectiveness.

(2) *Measles virus propagated in monkey kidney tissue cultures*—(i) *Inoculation of rabbits; Test for B virus and other adventitious agents.* A minimum of 100 ml of each monkey kidney virus pool shall be tested by inoculation into at least 10 healthy rabbits, each weighing 1500–2500 grams. Each rabbit shall be injected intradermally in multiple sites, with a total of 1.0 ml, and subcutaneously, with 9.0 ml of the virus, and the animals observed for at least three weeks. Each rabbit that dies after the first 24 hours of the test or is sacrificed because of illness shall be necropsied and the brain and organs removed and examined. The virus pool may be used for measles virus vaccine only if at least 80 percent of the rabbits remain healthy and survive the entire period and if all the rabbits used in the test fail to show lesions of any kind at the sites of inoculation and fail to show evidence of B virus or any other transmissible agent attributable to the vaccine.

(ii) *Inoculation of adult mice.* Each virus pool grown in monkey kidney tissue culture shall be tested as prescribed in subparagraph (1) of this paragraph to demonstrate freedom from extraneous transmissible agents attributable to the vaccine.

(iii) *Inoculation of guinea pigs.* Each of at least five guinea pigs, each weighing 350–450 grams shall be inoculated intraperitoneally with 5.0 ml of the monkey kidney virus pool to be tested. The animals shall be observed for at least 42 days for death or signs of disease. Each animal that dies after the first 24 hours of the test, or is sacrificed because of illness, shall be necropsied. The tissues shall be examined both microscopically and culturally for evidence of M. tuberculosis. The virus pool is satisfactory for measles virus vaccine only if at least 80 percent of the original group of guinea pigs remain healthy and survive the observation period, and if all animals used in the test fail to show evidence of infection with M. tuberculosis or any extraneous transmissible agent attributable to the vaccine.

(iv) *Bacteriological tests.* Each monkey kidney virus pool shall be tested for bacteriological sterility in accordance with the procedures prescribed in § 73.73. In addition each virus pool shall be tested for the presence of M. tuberculosis (human) by appropriate culture methods.

(v) *Test for adventitious agents.* (*a*) Samples of each undiluted pool, or proportionate amounts from individual harvests or subpools, shall be tested for SV–40 and other adventitious agents indigenous to monkey kidney tissue, after neutralization of the measles virus by high titer antiserum of nonhuman, nonsimian, nonchicken origin. The samples shall be tested in the same tissue culture cell system used for propagating the virus vaccine, and in primary cercopithecus tissue cultures or in a cell line of demonstrated susceptibility to poliovirus, SV–40 and other adventitious viral agents. The tissue cultures shall be observed for at least 14 days and at the end of the observation period at least one subculture of fluid shall be made in the

same tissue culture system. If tissue culture control vessels are used, these tests for adventitious agents may be performed on the control fluids instead of fluids from the virus pool or subpools.

(b) The virus pool is satisfactory for measles virus vaccine only if the tests establish no evidence of any extraneous viral agent attributable to the monkey kidney tissue or to the vaccine.

(b) *Inactivation of virus.* The measles virus shall be inactivated through the use of an agent or method which the manufacturer has demonstrated to be effective in inactivating a series of at least five consecutive lots of measles virus vaccine. If formaldehyde is used for inactivation, it shall be added to the virus suspension to a final concentration of U.S.P. formaldehyde solution of at least 1:4,000. The inactivation shall be conducted under controlled conditions of pH and temperature. As an indication of inactivation, not less than two samples shall be removed at the time of inactivation, and titrated in an appropriate tissue cell culture for viable measles virus. Regardless of the concentration of formaldehyde or other inactivating agent used, the total inactivation period shall be not less than three times the period demonstrated by the manufacturer to be necessary to reduce the concentration of live virus to a point where no virus is detectable in a 5.0 ml sample.

(c) *Tests after inactivation for viable measles virus and adventitious agents*—(1) *Test in tissue cultures.* (i) A sample representing the equivalent of at least 500 doses of final vaccine of each lot shall be rendered nontoxic for tissue culture cells and tested as follows: (*a*) One half of the sample shall be tested in the same tissue culture system used for propogating the virus vaccine and (*b*) one half the sample shall be tested in primary cercopithecus monkey kidney tissue or another suitable cell line of demonstrated high susceptibility to measles virus, poliovirus, and SV_{40} or other adventitious viral agents. Each half of the sample shall be inoculated so that direct microscopic observation of the culture cells is possible under conditions which assure the growth of measles virus, poliovirus, and simian viruses which might have survived the inactivation procedure. After inoculation of the test sample, the tissue cultures shall be observed for at least 14 days. At the end of the observation period the fluids from all the culture bottles in a system shall be removed and pooled. Two percent of each pool shall be subinoculated in the same cell system as that from which the pooled sample was drawn. The subcultures shall be observed for a period of at least 14 days and examined for cell changes indicative of viral growth.

(ii) The lot of final vaccine is satisfactory for measles virus vaccine only if all the tissue culture tests fail to show evidence of viable measles virus and any extraneous transmissable agents attributable to the vaccine.

(2) *Test in embryonated chicken eggs.* For vaccine produced in chick embryo tissue culture, the equivalent of at least 100 doses of each vaccine lot shall be tested in embryonated eggs by the allantoic cavity and the yolk sac routes of inoculation using 0.5 ml of inoculum per egg to exclude the presence of extraneous agents in the vaccine.

(3) *Test in monkeys for neurotropic agents.* Each lot of vaccine shall be tested for neuroptropic agents following the procedure prescribed in § 73.102(a), except that (i) antibody determinations for measles need not be performed, and (ii) the test shall be performed before the product is placed in final containers and prior to the addition of an adjuvant. The lot is satisfactory only if the histological and other studies establish no clinical or histological evidence of central nervous system involvement attributable to the presence of a neurotropic agent in the vaccine.

§ 73.153 Test for potency.

A potency test shall be performed on each lot of vaccine by determining the antigenic capacity of the vaccine under test in comparison with a reference vaccine of antigenic capacity at least equal to the requirements of § 73.151(h)(2). The test shall be performed using at least ten animals for each dilution of the test vaccine and of the reference vaccine. The average antibody levels of the animals injected with the vaccine under test shall equal or exceed the average antibody levels of the animals injected with the reference vaccine.

§ 73.154 General requirements.

(a) *Final container tests.* Tests shall be made on final containers for safety, and sterility and identity in accordance with §§ 73.72, 73.73, and 73.75.

(b) *Extraneous protein.* Extraneous protein capable of producing allergenic effects on injection into human subjects, shall not be added to the final virus medium. If serum is used at any stage, its calculated concentration in the final medium shall not exceed 1:1,000,000. The final vaccine shall have a protein nitrogen content of less than 0.02 milligram per individual human dose.

(c) *Dose.* These standards are based on an individual human dose of 1.0 milliliter for a single injection.

(d) *Labeling.* Labeling shall be in compliance with the requirements of §§ 73.50 to 73.55 inclusive. The label or a package enclosure shall in addition state the source and method of inactivation of the virus.

(e) *Adjuvants in the final vaccine.* An adjuvant shall not be introduced into the product unless there is satisfactory evidence that it does not adversely affect the safety or potency of the vaccine. In no event shall an individual human injection contain more aluminum than that contained in 15 milligrams of $AlK(SO_4)_2.12H_2O$.

(f) *Requirements for samples and protocols.* For each lot of vaccine, the following material shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda 14, Maryland:

(1) A sample of 1,500 doses of the vaccine taken after the last stage of manufacture before the addition of preservative or adjuvant.

(2) A sample of 100 doses of the final vaccine containing all preservatives.

(3) A sample of 100 doses of the final vaccine in final labeled containers.

(4) Protocols showing the history of the lot and all results of all tests prescribed in these additional standards.

§ 73.155 Equivalent methods.

Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relating to Measles Virus Vaccine, Inactivated, shall be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity, and potency of the vaccine that are equal to or greater than the assurances provided by such standards, and the Surgeon General so finds and makes such finding a matter of official record.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216; interpret or apply sec. 351, 58 Stat. 702; 42 U.S.C. 262)

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: August 10, 1962.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 62-8275; Filed, Aug. 16, 1962; 8:50 a.m.]

[42 CFR Part 73]

BIOLOGICAL PRODUCTS; ADDITIONAL STANDARDS: MEASLES VIRUS VACCINE, LIVE, ATTENUATED

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making pursuant to section 351 of the Public Health Service Act, as amended (58 Stat. 702; 42 U.S.C. 262). The proposed amendment provides detailed specific standards of safety, purity and potency for the manufacture of Measles Virus Vaccine, Live, Attenuated.

Notice is also given that it is proposed to make any amendments that are adopted effective 30 days after publication in the FEDERAL REGISTER.

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 60 days after publication of this notice in the FEDERAL REGISTER will be considered.

Amend Part 73 of the Public Health Service regulations by inserting the following sections:

§ 73.140 The product.

(a) *Proper name and definition.* The proper name of this product shall be Measles Virus Vaccine, Live, Attenuated, which shall consist of a preparation of live, attenuated, measles virus.

(b) *Criteria for acceptable strains of attenuated measles virus.* Strains of attenuated measles virus used in the manufacture of vaccine shall be identified by (1) historical records, including origin and manipulation during attenuation, (2) antigenic specificity as measles virus as demonstrated by tissue culture neutralization tests. Strains used for the manufacture of Measles Virus Vaccine, Live, Attenuated, shall have been shown to be safe and potent in man by field studies with experimental vaccine that demonstrate the vaccine strain to have immunogenic properties in at least 10,000 susceptible persons. Susceptibility shall be shown by the absence of neutralizing or other antibodies against measles virus, or by other appropriate methods. Seed virus used for vaccine manufacture shall be free of all demonstrable extraneous viable microbial agents.

(c) *Neurovirulence safety test of the virus seed strain in monkeys*—(1) *The test.* A demonstration shall be made in monkeys of the lack of neurotropic properties of the seed strain of attenuated measles virus used in manufacture of measles virus vaccine. For this purpose, vaccine from the five consecutive lots (see § 73.145) used by the manufacturer to establish consistency of manufacture of the vaccine, shall each be tested for neurovirulence in the following manner:

Samples of each of the five lots of vaccine shall be tested in measles susceptible monkeys. Immediately prior to initiation of a test each monkey shall have been shown to be serologically negative for neutralizing antibodies by means of a tissue culture neutralization test from undiluted serum from each monkey tested at approximately 100 $TCID_{50}$ of Edmonston strain measles virus. Each lot of vaccine shall be tested in 10 monkeys by the combined intracerebral inoculation of 0.5 ml into the thalamic region of each hemisphere and an inoculation 0.25 ml intracisternally. The combined dose of measles virus inoculated into the central nervous system of each monkey shall be no less than the equivalent of 1,000 $TCID_{50}$ of the NIH standard (§ 73.141(b)). The monkeys shall be observed for 17 to 21 days and symptoms of paralysis as well as other evidences of neurological disorders shall be recorded. The test must be repeated if more than 20 percent of a group of monkeys die from nonspecific causes. Animals which die within the first 48 hours of initiation of the test may be replaced. At the end of the observation period each surviving monkey shall (a) be bled and the serum tested for evidence of serum antibody conversion to measles virus and (b) be autopsied and histopathological sections prepared of appropriate areas of the brain, and the sections examined microscopically for evidence of central nervous system involvement. The histopathological findings of central nervous system involvement shall be evaluated by a comparison with the findings observed in a similarly treated group of at least ten additional monkeys that have been inoculated with a virulent measles virus.

(2) *Wild virus controls.* As a check against the inadvertent introduction of wild measles virus, at least four uninoculated measles susceptible control monkeys shall be maintained as either cage mates to, or within the same immediate area of, the ten inoculated test animals for each lot of vaccine for the entire period of observation (17–21 days) and an additional ten days. Serum samples from these control contact monkeys drawn at the time of seed virus inoculation of the test animals, and again after completion of the test, shall be shown to be free of measles neutralizing antibodies.

(3) *Test results.* (i) For each lot of vaccine under test, at least 80 percent of the monkeys must show measles antibody serological conversion (1:4 or greater) and the control contact monkeys must demonstrate no immunological response indicative of measles virus infection.

(ii) The measles virus seed has acceptable neurovirulence properties for use in vaccine manufacture if for each of the five lots (*a*) 80 percent of the monkeys survive the observation period and (*b*) there is no clinical or histopathological evidence of central nervous system involvement attributable to the inoculated virus.

(4) *New seed lots—test for neurovirulence.* The neurovirulence properties of each new seed shall be tested as prescribed in this paragraph (c) before it is used for Measles Virus Vaccine manufacture. The test need not be repeated as long as the same seed lot of virus is used.

§ 73.141 Manufacture of Live, Attenuated Measles Virus Vaccine.

(a) *Virus vaccine—propagation in chick embryo tissue cultures.* Embryonated chicken eggs shall be used as the source of chick embryo tissue for the propagation of measles virus, and shall be derived from flocks certified to be free of Salmonella pullorum, avian tuberculosis, fowl pox, Rous sarcoma, fowl leucosis and other adventitious agents pathogenic for chickens. If eggs are procured from flocks that are not so certified, tests shall be performed on the vaccine to demonstrate its freedom from such agents (see § 73.142(a)(8) for test for fowl leucosis).

(b) *NIH reference measles virus.* An NIH Reference Measles Virus, Live, Attenuated, shall be obtained from the Division of Biologics Standards as a control for correlation of virus titers.

(c) *Passage of virus strain in vaccine manufacture.* Virus in the final vaccine shall represent no more than ten tissue culture passages beyond the passage used to perform the clinical trials (§ 73.140 (b)) which qualified the manufacturer's vaccine strain for license.

(d) *Tissue culture preparation.* Only primary cell tissue cultures shall be used in the manufacture of Measles Virus Vaccine. Continuous cell lines shall not be introduced or propagated in Measles Virus Vaccine manufacturing areas.

(e) *Control vessels.* (1) From each lot of tissue used for the preparation of tissue cultures for growing attenuated measles virus, an amount of processed cell suspension equivalent to that used to prepare 500 ml of tissue culture, shall be used to prepare uninfected tissue control materials. This material shall be distributed in control vessels and observed microscopically for a period of no less than 14 days beyond the time of inoculation of the production vessels with measles virus; but if the production vessels are held for use in vaccine manufacture for more than 14 days, the control vessels shall be held and observed for the additional period. At the end of the observation period or at the time of virus harvest, whichever is later, fluids from the control cultures shall be tested for the presence of adventitious agents as follows:

Samples of fluid from each control vessel shall be collected at the same time as fluid is harvested from the corresponding production vessels. If multiple virus harvests are made from the same cell suspension, the control samples for each harvest shall be frozen and stored at −60° C. until the last viral harvest for that cell suspension is completed. The fluid from all the control samples from that suspension shall be pooled in proportionate amounts and at least five ml inoculated into human, simian and avian cell tissue culture systems. The cultures shall be observed for the presence of changes attributable to growth of adventitious viral agents including hemadsorption viral agents.

(2) The cell sheets of one quarter to one third of the control vessels shall be examined at the end of the observation period (14 days or longer) for the presence of hemadsorption viruses by the addition of guinea pig red blood cells. If the cultures were not derived from a certified source (§ 73.141(a)) the remaining tissue culture controls may be used to test for fowl leucosis virus using either Rubin's procedure for detecting Resistance Inducing Factor (RIF) or a method of equivalent effectiveness.

(3) The test is satisfactory only if there is no evidence of adventitious viral agents and if at least 80 percent of the control vessels are available for observation at the end of the observation period (14 days or longer).

(f) *Test samples.* Samples of virus harvests or pools for testing by inoculation into animals, into tissue culture systems, into embryonated hens eggs, and into bacteriological media, shall be withdrawn immediately after harvesting or pooling but prior to freezing except that samples of test materials frozen immediately after harvesting or pooling and maintained at −60° C. or below, may be tested upon thawing, provided no more than two freeze-thaw cycles are employed. The required tests shall be initiated without delay after thawing.

§ 73.142 Test for safety.

(a) *Tests to be performed prior to clarification.* Before the clarification process, the following tests shall be performed on each virus pool:

(1) *Inoculation of adult mice.* At least 20 adult mice each weighing 15–20 grams shall be inoculated intraperitoneally with 0.5 ml and intracerebrally with 0.03 ml amounts of each virus pool to be tested. The mice shall be observed for 21 days. Each mouse that dies after the first 24 hours of the test, or is sacrificed because of illness, shall be necropsied and examined for evidence of viral infection by direct observation and subinoculation of appropriate tissue into at least five additional mice which shall be observed for 21 days. The virus pool may be used only if at least 80 percent of the original group of mice remain healthy and survive the observation period and if none of the mice show evidence of a transmissible agent or other viral infection other than measles virus attributable to the vaccine.

(2) *Inoculation of suckling mice.* Each of at least 20 suckling mice less than 24 hours old, shall be inoculated intracerebrally with 0.01 ml and intraperitoneally with 0.1 ml of the virus pool to be tested. The mice shall be observed daily for at least 14 days. Each mouse that dies after the first 24 hours of the test, or is sacrificed because of illness, shall be necropsied and all areas examined for evidence of viral infection. Such examination shall include sub-inoculation of appropriate tissue suspensions into an additional group of at least five suckling mice by intracerebral and intraperitoneal routes and observed daily for 14 days. In addition, a blind passage shall be made of a single pool of the emulsified tissue (minus skin and viscera) of all mice surviving the original 14-day test. The virus pool is satisfactory for Measles Virus Vaccine only if at least 80 percent of the original inoculated mice remain healthy and survive the entire observation period, and if none of the mice used in the test show evidence of a transmissible agent or viral infection other than measles virus.

(3) *Inoculation of monkey tissue cell cultures.* A volume of virus suspension equivalent to at least 500 human doses or 50 ml, whichever represents a greater volume, of each undiluted virus pool, shall be tested for adventitious agents in cercopithecus monkey kidney tissue culture preparations, after neutralization of the measles virus by a high titer antiserum of nonhuman, nonsimian, and nonchicken origin. The immunizing antigen used for the preparation of the measles antiserum shall be grown in tissue culture cells that shall be free of extraneous viruses which might elicit antibodies that could inhibit growth of extraneous viruses present in the measles virus pool. The tissue culture tests of the virus pool shall be observed for no less than 14 days. The virus pool is satisfactory for measles virus vaccine only if all the tissue culture tests fail to show evidence of any extraneous transmissible agent other than measles virus attributable to the vaccine.

(4) *Inoculation of other cell cultures.* The measles virus pool shall be tested in the same manner as prescribed in subparagraph (3) of this paragraph, in rhesus monkey kidney, chick embryo, and human tissue cell cultures.

(5) *Inoculation of embryonated chicken eggs.* A volume of virus suspension equivalent to at least 100 doses or 10 ml, whichever represents a greater volume, of each undiluted virus pool shall, after neutralization of the measles virus by a high titer antiserum of nonhuman, nonsimian, nonchicken origin, be tested in embryonated eggs by the allantoic cavity route of inoculation and a separate group tested by the yolk sac route of inoculation, using 0.5 ml of inoculum per egg. The virus pool is satisfactory if there is no evidence of adventitious agents.

(6) *Test for Pleuropneumonia-like Organisms (PPLO).* (i) Each chick virus pool shall be tested for the presence of PPLO. Samples of the virus for this test shall be stored either (*a*) at 2–5° C. for not longer than 24 hours, or (*b*) at −20° C. if stored for longer than 24 hours.

(ii) The PPLO test on samples of viral harvests and of control fluids shall be performed as follows: No less than 2.0 ml of a sample shall be inoculated in no less than 0.1 ml amounts evenly distributed over the surface of 20 agar plates. No less than 1.0 ml of sample shall be inoculated into each of 4 tubes of 10 ml each of broth. Ten agar plate and two tube cultures shall be incubated aerobically at 36° C. and the remaining agar plate and tube cultures shall be incubated anaerobically at 36° C. in an environment of 5 percent CO_2 and 95 percent N_2. The broth cultures shall be incubated for no less than three days and no more than five days, at which time 0.5 ml from each of two tubes shall be combined and the 1.0 ml subinoculated to ten additional agar plates. All inoculated agar plate cultures shall be incubated for no less than ten days. On the tenth day an examination for PPLO growth shall be made at a magnification of 160×. If there is no evidence of PPLO growth on the tenth day, a one sq. cm. plug of the agar shall be excised from the inoculated area, stained with Dienes Methylene Blue-Azure dye, or an equivalent, and examined at 500× magnification for presence of PPLO colonies. Control cultures of known strains of PPLO shall be included in the test. Identification of the PPLO shall be made by comparison of the growth obtained from the test sample with the controls, with respect to typical colonial and microscopic morphology. The virus pool is satisfactory for measles virus vaccine only if all tests on the samples of viral harvests and on the corresponding control fluids fail to show evidence of the presence of Pleuropneumonia-like organism.

(7) *Bacteriological tests.* Each virus pool shall be tested for sterility in accordance with § 73.73. In addition each virus pool shall be tested for the presence of *M. tuberculosis*, both avian and human, by appropriate culture methods.

(8) *Test for fowl leucosis.* If the cultures were not derived from a certified source (§ 73.141(a)), and the control fluids were not tested for fowl leucosis (see § 73.141(e)), at least 500 doses or 50 ml, whichever represents a greater volume of each undiluted vaccine pool, shall be tested for fowl leucosis using either Rubin's procedure for detecting Resistance Inducing Factor (RIF) or another method of equivalent effectiveness.

(9) *Clarification.* After harvesting and removal of samples for testing as prescribed above in this section, the virus fluids shall be clarified by centrifugation, by passage through filters of sufficiently small porosity, or by any other method that will assure removal of all intact tissue cells which may have been collected in the harvesting process.

(c) *Test after clarification—Neurovirulence safety test in monkeys for neurotropic agents.* Before final dilution for standardization for live measles virus content, each lot of measles virus vaccine shall be tested for neurotropic agents following the procedure prescribed in § 73.102(e), except that (i) antibody determinations for measles need not be performed, and (ii) the test shall be performed before the product is placed in final containers and prior to the addition of an adjuvant. The lot is satisfactory only if the histological and other studies establish no clinical or histological evidence of central nervous system involvement attributable to the presence of a neurotropic agent in the vaccine.

§ 73.143 Potency test.

The concentration of live measles virus shall constitute the measure of potency. The titration shall be performed in a suitable cell culture system, free of wild viruses, using either the NIH reference measles virus, live, attenuated or a calibrated equivalent strain as a titration control. The concentration of live measles virus contained in the vaccine of each lot under test shall be no less than the equivalent of 1,000 $TCID_{50}$ of the NIH reference per human dose.

§ 73.144 General requirements.

(a) *Final container tests.* Tests shall be made on final containers for safety, sterility and identity as prescribed in §§ 73.72, 73.73, and 73.75, except that an immunological and virological identity test need not be performed on the final container if it was performed on each pool or the bulk vaccine prior to filling.

(b) *Extraneous protein.* Extraneous protein, capable of producing allergenic effects on injection into human subjects, shall not be added to the vaccine at any time. If animal serum is used at any manufacturing stage, its calculated concentration in the final medium shall not exceed 1: 1,000,000.

(c) *Antibiotics.* Virus for manufacturing vaccine may be grown in a medium containing minimum concentrations of suitable antibiotics except that penicillin shall not be used in the tissue culture medium or added to the final product.

(d) *Dose.* These standards are based on an individual human subcutaneous immunizing dose of no less than 1,000 $TCID_{50}$ of Measles Virus Vaccine, Live, Attenuated, expressed in terms of the assigned titer of the NIH reference measles virus.

(e) *Labeling.* Labeling shall be in compliance with §§ 73.50 to 73.55 inclusive, and the label or a package enclosure shall state the identification and source of the virus contained in the vaccine and the tissue medium on which the virus was propagated.

(f) *Samples and protocols.* For each lot of vaccine, the following materials shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda 14, Maryland.

(1) Protocols showing the history of manufacture of each lot of vaccine, and all results of the safety and potency tests prescribed in these additional standards.

(2) A total of no less than a 500 ml sample of bulk vaccine in the frozen state (−60° C.) prior to filling into final containers.

(3) A total of no less than 200 recommended human doses of the vaccine in final labeled containers.

§ 73.145 Clinical trials to qualify for license.

To qualify for license, the antigenicity of the vaccine shall have been determined by clinical trials of adequate statistical design, by subcutaneous administration of the product. Such clinical trials shall be conducted with five consecutive lots of measles virus vaccine which have been manufactured by the same methods, each of which has shown satisfactory results in all prescribed tests. There shall be a demonstration under circumstances wherein adequate clinical and epidemiological surveillance of illness has been maintained to show that the Measles Virus Vaccine, when administered as recommended by the manufacturer—i.e., either with or without human gamma globulin—is free of harmful effect upon administration to approximately 1,000 susceptible individuals, in that there were no detectable neutralizing antibodies before vaccination and there was serological conversion after vaccination. The five lots of vaccine used to qualify for consistency of vaccine manufacture shall be distributed as evenly as possible among the 1,000 individuals tested. Demonstration shall be made of immunogenic effect by the production of specific measles neutralizing antibodies (i.e. sero-conversion $<1:4$ to $>1:8$) in at least 90 percent of each of five groups of measles susceptible individuals, each having received the parenteral administration of a virus vaccine dose which is not greater than that which was demonstrated to be safe in field studies (§ 73.140(b)) when used under comparable conditions.

§ 73.146 Equivalent methods.

Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relating to Measles Virus Vaccine, Live, Attenuated, shall be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity, and potency of the vaccine that are equal to or greater than the assurances provided by such standards, and the Surgeon General so finds and makes such finding a matter of official record.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U.S.C. 262)

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: August 10, 1962.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 62-8276; Filed, Aug. 16, 1962; 8:50 a.m.]

CIVIL SERVICE COMMISSION

[5 CFR Part 89]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Notice of Proposed Rule Making

Notice is hereby given that under authority of the Act of September 28, 1959, as amended, 5 U.S.C. 3001 et seq., it is proposed to amend Part 89 of Title 5 of the Code of Federal Regulations as hereinafter set forth.

The amendment to § 89.3(e) and the proposed new § 89.4(c) are proposed to become effective not later than October 1, 1962. The other amendments are proposed to become effective November 1, 1962.

Interested persons may submit written comments, suggestions, or objections to the Bureau of Retirement and Insurance, United States Civil Service Commission, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

PART 89—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Subpart A—Enrollment

§ 89.1 Definitions.

• • • • • •

(k) Whenever, in this part, a period of time is stated as a number of days or a number of days from an event, the period shall be computed in calendar days, excluding the day of the event. Whenever, in this part, a period of time is defined by beginning and ending dates, the period includes the beginning and ending dates.

§ 89.2 Coverage.

• • • • • •

(b) • • •

(2) Employees whose employment is of uncertain or purely temporary duration, or who are employed for brief periods at intervals, and employees who are expected to work less than six months in each year, except employees having career-conditional or career appointments who are employed under a cooperative work-study program of at least one year's duration which requires the employee to be in pay status during not less than one-third of the total time required for completion of the program.

§ 89.3 Enrollment.

• • • • • •

(e) *Open season.* (1) Not less often than once every three years, the Commission will by regulation provide every employee an opportunity for enrollment and change of enrollment, on such terms and conditions as it may prescribe.

(2) During the period October 1 to October 15, 1962, any employee who has not been an enrolled employee at any time during the period May 1, 1962, to September 30, 1962, may register to be enrolled. During the period October 1 to October 15, 1962, any employee enrolled for self alone may change his enrollment to self and family in the same plan and option.

(3) During the period October 1 to October 15, 1963, any employee who is not registered to be enrolled may register to be enrolled, and any enrolled employee may change his enrollment from one plan or option to another, or from self alone to self and family, or both.

(f) *Change in family status.* (1) An enrolled employee or annuitant may register to change his enrollment from himself alone to himself and family, and an employee, if registered not to be enrolled, may register to be enrolled, at any time during the period beginning 31 days before a change in marital status and ending 60 days after the change in marital status. An employee who registers to change his enrollment under the preceding sentence may, at the same time, register to change his enrollment to another plan or option. An enrolled employee or annuitant may change his enrollment from himself alone to himself and family within 60 days after any other change in family status.

(2) An employee or annuitant may at any time register to change his enrollment from self and family to self alone. An employee or annuitant who is covered by the enrollment of another under this part may register to be enrolled for self alone within 31 days after a registration to change the covering enrollment has been filed under authority of this paragraph.

(3) An employee who is not enrolled, but is covered by chapter 55 of title 10, United States Code, hereinafter referred to as Medicare, or by enrollment, under this part or Part 88, of another, may register to be enrolled within 31 days after termination of Medicare or the other's enrollment, other than by death or cancellation, and within 60 days after termination, by death, of Medicare or the other's enrollment. An employee-annuitant who was, immediately before retirement, covered by the enrollment of another under this part and had been covered (including enrollment in his own right) under this part since his first opportunity or for the five years immediately preceding his retirement, whichever is shorter, may enroll within 31 days after the termination of his coverage, other than by cancellation.

• • • • • •

(k) *On reaching 19.* An employee who is not registered to be enrolled may register to be enrolled within 31 days after his 19th birthday.

(l) *On return from a uniformed service.* (1) The enrollment of an employee or annuitant whose enrollment was terminated because he entered on duty in a uniformed service for a period of time not limited to 30 days or less shall be reinstated automatically on the day the employee is restored to a civilian position pursuant to Part 35 of this chapter or other similar authority or on the day the annuitant is separated from the uniformed service, as the case may be.

(2) An employee who enters on duty in a uniformed service for a period of time not limited to 30 days or less may register to enroll or to change his enrollment within 31 days after he is restored to a civilian position pursuant to Part 35 of this chapter or other similar authority; and an annuitant who enters on duty in a uniformed service for a period of time not limited to 30 days or less may register to change his enrollment within 31 days after he is separated from the uniformed service.

(m) *Change in employment status.* If an employee or annuitant is entitled to provide coverage for another by a self-and-family enrollment, but both are enrolled for self alone, he may change his enrollment to self and family within 31 days after the other's is terminated by a

change in employment status which results in loss of eligibility.

(n) *Coverage of family enrollment.* An employee or annuitant who enrolls for self and family includes in his enrollment all members of his family who are eligible to be covered by his enrollment, but no person may be covered by two enrollments.

(o) *Enrollment by proxy.* In the discretion of the employing office, a representative of the employee or annuitant having a written authorization to do so may register for him.

§ 89.4 Effective date of enrollment.

* * * * *

(b) *Change to self alone.* The effective date of a change of enrollment under § 89.3(f)(2) is the first day of the first pay period after the Health Benefits Registration Form is received by the employing office.

(c) *Open season.* (1) The effective date of changes of enrollment under § 89.3(e) is the first day of the first pay period beginning on or after November 1 of the year in which the Health Benefits Registration Form is received by the employing office.

(2) The effective date of new enrollments under § 89.3(e) is the first day of the first pay period beginning on or after November 1 of the year in which the Health Benefits Registration Form is received by the employing office which follows a pay period in which the employee is in pay status, except that if the employee is a substitute in the postal field service the effective date of his new enrollment is the first day of the first pay period beginning on or after November 1 of the year in which the Health Benefits Registration Form is received which follows the sixth consecutive pay period in which he was in pay status and in each of which he drew sufficient pay, after other deductions, to permit withholding the amount necessary for his share of the cost of the health benefits plan he selects.

(d) *Generally.* The effective date of other enrollments or changes of enrollment is the first day of the first pay period which begins after the Health Benefits Registration Form is received by the employing office and which follows:

(1) A pay period during any part of which the employee, if not a substitute in the postal field service, or annuitant is in pay or annuity status, or

(2) If the employee is a substitute in the postal field service, the sixth consecutive pay period in which he was in pay status and in each of which he drew sufficient pay, after other deductions, to permit withholding the amount necessary for his share of the cost of the health benefits plan he selects.

§ 89.5 Continuation of enrollment.

* * * * *

(c) *Survivor annuitants.* If an employee who is entitled to health benefits coverage as a survivor annuitant elects to enroll or to continue to be enrolled under his eligibility as an employee, and is thereafter separated without entitlement to immediate annuity based on his own service his employee-acquired enrollment may be reinstated on application to his retirement office. Reinstatement shall be effective immediately after termination if the application is received by the retirement office within 60 days of separation; otherwise reinstatement will be effective on the first day of the first pay period following receipt of the application. Amounts necessary to pay the former employee's share of the cost of this enrollment will be withheld from the annuity which he receives as a survivor annuitant.

§ 89.6 Cancellation of enrollment.

An enrolled employee or annuitant may at any time register to cancel his enrollment by filing with his employing office a properly completed Health Benefits Registration Form. The cancellation becomes effective on the last day of the pay period following the pay period in which the Health Benefits Registration Form canceling his enrollment is received by his employing office except that the cancellation of an employee or annuitant having a monthly or four-weekly pay period will become effective at the end of the pay period in which the Health Benefits Registration Form is received if the Form is received not less than 15 days before the end of the pay period. He and the members of his family are not entitled to the temporary extension of coverage for conversion or to convert to an individual contract for health benefits.

§ 89.7 Termination of enrollment.

(a) *Of employees.* An employee's enrollment ceases, subject to the temporary extension of coverage for conversion, at midnight of the earliest of the following dates:

(1) The last day of the pay period in which he is (i) furloughed by reason of reduction in force, or (ii) separated from the service other than by retirement under conditions entitling him to continue his enrollment.

(2) The last day of the pay period in which his employment status changes so that he is excluded from enrollment.

(3) The last day of the pay period in which he dies, unless he leaves a member of the family entitled to continue enrollment as a survivor annuitant.

(4) The 365th day of continuous nonpay status.

(5) For substitutes in the postal field service whose enrollment is not terminated as otherwise provided in this section, the last day of the 13th consecutive pay period, exclusive of periods of approved leave without pay of six months or more, during which his pay was not sufficient to permit withholding of the amount necessary for his share of the cost of the health benefits plan in which he is enrolled.

(6) The day he is separated, furloughed, or placed on leave of absence in accordance with the provisions of Part 35 of this chapter or other similar authority for the purpose of permitting duty not limited to 30 days or less in a uniformed service.

(b) *Of annuitants.* An annuitant's enrollment ceases, subject to the temporary extension of coverage for conversion, at midnight of the last day of the pay period in which he dies, unless he leaves a member of the family entitled to continue enrollment as a survivor annuitant, or, if his enrollment is not terminated by death, at midnight of the earlier of the following dates:

(1) The last day of the last pay period for which he is entitled to annuity, unless he is eligible for continued enrollment as an employee, in which case his enrollment continues without change;

(2) The last day of the pay period in which his title to compensation under the Federal Employees Compensation Act, as amended, terminates, or in which he is held by the Secretary of Labor to be able to return to duty, unless he is eligible for continued enrollment as an employee or as an annuitant under a retirement system for civilian employees, in which cases his enrollment continues without change.

(3) The day he enters on active duty in a uniformed service for the purpose of performing duty not limited to 30 days or less.

(c) *Of members of the family.* The coverage of a member of the family of an enrolled employee or annuitant ceases, subject to the temporary extension of coverage for conversion, at midnight of the earlier of the following dates:

(1) The day on which he ceases to be a member of the family.

(2) The day the employee or annuitant ceases to be enrolled, unless the member is entitled, as a survivor anuitant, to continued enrollment, or is entitled to continued coverage under the enrollment of another.

§ 89.8 Temporary extension of coverage for conversion.

An employee or annuitant whose enrollment is terminated other than by cancellation of the enrollment or discontinuance of his plan, in whole or part, and a member of the family whose coverage is terminated other than by cancellation of the enrollment or discontinuance of the plan under which he is covered, in whole or part, is entitled to a 31-day extension of coverage for himself, or himself and family, as the case may be, without contributions by the enrolled person or the Government, during which he is entitled to exercise the right of conversion provided for by this part. A change from self and family to self only operates as a cancellation as to the members of the family. The 31-day extension of coverage and the right of conversion for any person ends upon the effective date of a new enrollment under this part which covers the person.

Subpart B—Approval of Plans and Carriers

* * * * *

§ 89.13 Application for approval of health benefits plans.

Application for approval of comprehensive medical plans may be made by letter to the United States Civil Service Commission, Washington 25, D.C. Approval of a plan will become effective on a date to be set by the Commission for the plan. Applications received less than six months in advance of a contract period will not be approved for that contract period.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-8296; Filed, Aug. 16, 1962; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 62-EA-61]

CONTROL ZONE

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2427 of the regulations of the Administrator, the substance of which is stated below.

The Trenton, N.J., control zone is presently designated during the period from 0800 to 2400 hours, local time, daily.

The Federal Aviation Agency control tower personnel at Trenton have recently been qualified to take official weather observations and will provide the required weather reporting service at the Trenton Airport. Therefore, the Federal Aviation Agency has under consideration the designation of the Trenton control zone on a full time basis.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 13, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-8257; Filed, Aug. 16, 1962; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 61-KC-26]

RESTRICTED AREA

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.33 of the regulations of the Adminstrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a request by the Department of the Army to increase the designated altitudes of the Savanna, Ill., Ordnance Depot Restricted Area R-3302 from "1,900 feet MSL" to "2,300 feet MSL".

The Army has advised that certain types of demolition operations necessary to the accomplishment of the Depot mission can not be carried out and still be contained below the presently designated ceiling of 1,900 feet MSL. They further advise that to completely fulfill their mission requirements, a designated altitude to 2,300 feet MSL is necessary to contain the hazard associated with these operations.

Therefore, if this action is taken, the description of R-3302 would be altered as follows: "*Designated altitudes.* Surface to 1,900 feet MSL." would be deleted and "*Designated altitudes.* Surface to 2,300 feet MSL." would be substituted therefor.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 13, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-8256; Filed, Aug. 16, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 3]

[Docket No. 14185; RM-94; FCC 62-901]

FM BROADCASTING; ALLOCATION AND TECHNICAL STANDARDS

FM Station Assignments; Memorandum Order and Order

In the matter of revision of FM Broadcast Rules, particularly as to allocation and technical standards, Docket No. 14185; and petition of FM Unlimited, Inc., for changes in FM station assignment rules, RM-94.

1. The Commission has before it for consideration a "Petition for Extension of Time within which to File Comments", filed in this proceeding on August 7, 1962, by the National Association of Broadcasters (NAB). The petition asks that the time for filing comments in response to our Further Notice adopted July 25, 1962 (FCC 62-867) be extended from August 31 to October 1, 1962. NAB notes the importance of the subjects involved in the Further Notice, states that because thereof it will reactivate its ad hoc committee on FM assignments, and that, because of summer vacation schedules and for other reasons, this committee cannot be assembled and worthwhile comments developed by August 31.

2. The petition appears to present good cause for the requested extension, and it is granted. However, in view of the obvious need for resolving this proceeding as soon as possible, in the absence of extraordinary circumstances not now foreseen no further extension of time for filing comments in response to the Further Notice will be granted. In the meantime, the Commission's staff will continue work on the tentative Table of Assignments referred to in the Further Notice, and this will be issued when it is ready. If this tentative Table is issued before comments and replies in response to the Further Notice can be received and considered, such comments and replies will be carefully considered (along with more specific comments relating to proposed assignments) in connection with preparation and adoption of any final Table.

3. In view of the foregoing: *It is ordered,* That the "Petition for Exten-

sion of Time within which to File Comments", filed by the National Association of Broadcasters, is granted; the time for filing comments in response to the further notice of proposed rule making adopted herein on July 25, 1962, is extended to and including October 1, 1962; and the time for filing reply comments is extended to and including October 16, 1962.

Adopted: August 13, 1962.

Released: August 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8299; Filed, Aug. 16, 1962; 8:53 a.m.]

[47 CFR Parts 2, 3]

[Docket No. 14703 (RM-178)]

OPERATION OF STATIONS DURING EMERGENCIES

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 2.405 of the Commission rules and regulations pertaining to operation of stations during emergencies and addition of new §§ 3.98, 3.298, 3.597 and 3.670 relating thereto.

1. On July 9, 1962, the Commission released a notice of proposed rule making in this proceeding in which it invited comments and reply comments on the proposals made herein. The dates for filing comments and reply comments were set at August 13, 1962, and August 27, 1962, respectively.

2. It has come to the attention of the Commission that this may prove to be insufficient time in which to prepare comments and that more meaningful information may be obtained if more time is allowed. It appears that, under the circumstances, an extension of time is in the public interest.

3. In view of the foregoing: *It is ordered*, This 10th day of August 1962, That the time for filing comments in this proceeding is extended from August 13, 1962, to September 13, 1962, and that the time for filing reply comments is extended from August 27, 1962, to September 27, 1962.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.241(d)(8) of the Commission rules.

Released: August 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8300; Filed, Aug. 16, 1962; 8:53 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release 33-4524]

REGISTRATION OF SECURITIES BY FOREIGN ISSUERS

Extension of Time for Comments

The Securities and Exchange Commission today announced an extension of time, from August 17 to September 17, 1962, within which comments may be submitted on its proposed Rules 402A and 440 (§§ 230.402a and 230.440), relating to the registration under the Securities Act of 1933 of certain foreign securities. The proposal was published in Securities Act Release No. 4511 and in the FEDERAL REGISTER of July 21, 1962, 27 F.R. 6943.

The extension was granted at the request of persons who desire additional time to consider the proposed rules and submit comments thereon.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 9, 1962.

[F.R. Doc. 62-8269; Filed, Aug. 16, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 208; Delegation of Authority 23-G]

PROCUREMENT TRANSACTIONS

Delegation of Authority

By virtue of the authority vested in the Secretary of State by the Act of May 26, 1949 (63 Stat. 111; 5 U.S.C. 151c and 22 U.S.C. 811a), as amended, the authority vested in the Secretary of State by Delegation of Authority No. 410, dated March 26, 1962, signed by Bernard L. Boutin, Administrator of the General Services Administration, and in accordance with the authority conferred by section 307 of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended, upon the "Agency Head" as defined in section 309(a) of said Act, there is hereby delegated to officials listed below (and to any official legally designated to act for one of those enumerated during the absence or incapacity of the latter) authority to make purchases and contracts, to sign and issue purchase orders, contracts, and certificates of award in connection therewith, and to use the procurement procedures contained in title III of Public Law 152, 81st Congress (63 Stat. 377), as amended, subject to the specific limitations indicated below. The authority hereby delegated is subject to all other applicable provisions of law and to all instructions, regulations and directives which are now in effect or which may be issued hereafter by the Department of State or by any other Government agency of competent jurisdiction, governing purchasing and contracting functions.

1. *Office of Operations.* a. *Division of Supply and Transportation Management.*

Chief;
Assistant Chiefs;
Chief, Procurement Operations Branch;
Supervisory General Supply Officer, GS-13, Procurement Operations Branch;
Contract Specialist, GS-13, Procurement Operations Branch;
Supervisory Procurement Officer, GS-12, Procurement Operations Branch;
Procurement Agents, GS-11, Procurement Operations Branch;
Procurement Agents, GS-9, Procurement Operations Branch;
Procurement Agents, GS-7, Procurement Operations Branch.

Limitations. (1) The following limitations as to dollar amount per transaction apply to the positions indicated: Chief, Procurement Operations Branch, $50,000; Supervisory General Supply Officer, GS-13, Contract Specialist, GS-13 and Supervisory Procurement Officer; GS-12, Procurement Operations Branch, $20,000; Procurement Agents, GS-11, Procurement Operations Branch, $10,000; Procurement Agents, GS-9, Procurement Operations Branch, $2,500; Procurement Agents, GS-7, Procurement Operations Branch, $1,000.

(2) No authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, paragraphs (12) and (13) of section 302(c).

(3) Authority to make determinations and decisions specified in paragraph (11) of section 302(c) is delegated only to the Chief and Assistant Chiefs, Division of Supply and Transportation Management, and said authority is limited to contracts which will not require the expenditure of more than $25,000.

(4) Authority to authorize a cost, cost-plus-a-fixed-fee, or any other incentive-type contract, either within or outside the United States and its possessions, and to make the determinations and decisions specified in section 304(b) is delegated only to the Chief and Assistant Chiefs, Division of Supply and Transportation Management.

(5) Authority to make determinations and decisions specified in section 305(c) is delegated only to the Chief and Assistant Chiefs, Division of Supply and Transportation Management.

(6) Authority to negotiate contracts for services in accordance with section 302(c)(5) is delegated only to the Chief and Assistant Chiefs, Division of Supply and Transportation Management, and the Chief, Procurement Operations Branch.

b. *The Library.*

The Librarian;
Assistant Librarian;
Chief, Technical Services Branch;
Chief, Acquisition Section.

Limitations. (1) Transactions for the purchase of newspapers, books, maps, and periodicals.

(2) No authority is delegated to make determinations and decisions specified in Public Law 152, as amended, section 305(c) or paragraphs (11), (12) and (13) of section 302(c); to authorize cost, cost-plus-a-fixed-fee, or any other incentive-type contract; or to make the determinations and decisions specified in section 304(b).

2. *Office of Foreign Buildings.*

Deputy Assistant Secretary for Foreign Buildings;
Deputy Director;
Assistant Director for Area Operations.

Limitations. (1) Transactions chargeable to funds available in the appropriation "Acquisition of Buildings Abroad" (after June 30, 1959, "Acquisition, Operation and Maintenance of Buildings Abroad") or in other appropriations available for Foreign Buildings operations.

(2) The following limitation as to dollar amount per transaction applies to the position indicated: Assistant Director for Area Operations, Office of Foreign Buildings, $2,500.

(3) No authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305(c) or paragraphs (11), (12), and (13) of section 302(c).

(4) The authority to authorize a cost, cost-plus-a-fixed-fee, or any other incentive-type contract, and to make the determinations and decisions specified in section 304(b) is delegated only to the Deputy Assistant Secretary for Foreign Buildings and the Deputy Director, Office of Foreign Buildings, and said delegation is limited to those contracts for supplies or services which are to be delivered to points outside the United States and its possessions.

3. *Diplomatic and Consular Posts of the United States of America located Outside the United States.*

Chiefs of Missions;
Principal Officers;
Administrative Officers;
General Services Officers;
Any other United States citizen employee of the State Department's Foreign Service designated in writing by the Chief of Mission or Principal Officer. The signed original of such delegation should be retained in the post files for reference by auditors and inspectors.

Limitations. (1) With respect to transactions directly with vendors within the United States not under contracts of the General Services Administration or other United States Government Agencies, there shall be a limitation of $2,500 per transaction.

(2) No authority is delegated to any person who is not a citizen of the United States of America.

(3) No authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305(c) or paragraphs (11), (12), and (13) of section 302(c); to authorize a cost, cost-plus-a-fixed-fee, or any other incentive-type contract; or to make the determinations and decisions specified in section 304(b).

This Delegation of Authority cancels and supersedes Delegation of Authority 23-F, Delegation of Authority for Procurement Transactions (Public Notice 190, 26 F.R. 5473, June 20, 1961), Delegation of Authority No. 23-F-1, Delegation of Authority for Procurement Transactions (Public Notice No. 200, 26 F.R. 11462, dated December 2, 1961), and Delegation of Authority No. 23-F-3, Amendment of Delegation of Authority for Procurement Transactions (Public Notice No. 204, 27 F.R. 870, dated January 30, 1962).

Dated: July 6, 1962.

For the Secretary of State.

WILLIAM J. CROCKETT,
Assistant Secretary for Administration.

[F.R. Doc. 62-8284; Filed, Aug. 16, 1962; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-774]

UNION PACIFIC INVESTMENT CO.

Notice on Motion To Terminate Registration

AUGUST 13, 1962.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion, is proposing to declare by order, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") that Union Pacific Investment Company ("Fund") has ceased to be an investment company.

The Fund was organized in the State of Texas on October 17, 1955, and inadvertently filed a Notification of Registration with this Commission on April 2, 1957. The Fund never was and is not now conducting business as an investment company as defined in the Act. This Commission has been informed by the Secretary of State of the State of Texas that the Funds' right to business was forfeited on December 1, 1959, for failure to file the required reports and to pay franchise taxes due thereunder and the charter was forfeited on August 8, 1960.

Section 8(f) of the Act provides, in part, that whenever the Commission on its own motion or upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 23, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. [A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request.] At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–8270; Filed, Aug. 16, 1962; 8:48 a.m.]

[File No. 1–3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

AUGUST 13, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 14, 1962 to August 23, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-8271; Filed, Aug. 16, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

NORTH ALABAMA STOCKYARDS ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

ALABAMA

Original Name of Stockyard, Location, and Date of Posting	*Current Name of Stockyard and Date of Change in Name*
North Alabama Stockyards, Moulton, May 18, 1959	White Livestock Commission, Co., Inc., June 4, 1962.

ARKANSAS

Stockyards Operating Co., Inc., North Little Rock, Oct. 9, 1959.	Arkansas National Stockyards, June 6, 1962.
Union Stock Yards, Pine Bluff, June 26, 1957	Glover Livestock Commission Co., May 2, 1962.

GEORGIA

Columbus Stockyard, Columbus, May 18, 1959	Columbus-Muscogee Livestock Auction, Inc., May 1, 1962.
Emanuel County Stockyard, Swainsboro, Aug. 30, 1959.	Emanuel County Livestock Market, Mar. 8, 1962.

ILLINOIS

Kankakee County Livestock Sales, Inc., Bourbonnais, Nov. 17, 1959.	Kankakee County Livestock Sales, Mar. 5, 1962.
Winslow Sale Barn, Winslow, Nov. 24, 1959	Winslow Marketing Center, Aug. 18, 1961.

IOWA

Carroll Livestock Sales Co., Inc., Carroll, May 19, 1960.	Carroll Livestock Market, May 1, 1962.
Northside Sales Co., Sibley, May 19, 1959	Northside Sales Co., May 4, 1962.

KENTUCKY

Kentucky-Tennessee Livestock Market, Guthrie, Aug. 19, 1960.	Kentucky-Tennessee Livestock Market, Inc., Apr. 9, 1962.
Science Hill Stockyards, Science Hill, Dec. 9, 1959.	Science Hill Livestock Commission Co., Inc., June 1, 1962.

LOUISIANA

Miller & Dominique Stockyards, Lake Charles, Mar. 27, 1957.	Lake Charles Livestock Commission, June 18, 1962.
Joe Tate Commission Barn, Ville Platte, Mar. 23, 1959.	Joe Tate Commission Barn, Inc., May 10, 1962.

MICHIGAN

Traverse City Livestock Commission House, Traverse City, May 5, 1959.	Traverse City Livestock Commission Co., Inc., May 1, 1962.

MISSISSIPPI

Wilson and Jackson Commission Co., Pontotoc, Feb. 9, 1959.	Pontotoc Livestock Commission Co., June 22, 1962.
Starkville Livestock Commission Co., Starkville, Feb. 11, 1959.	Starkville Livestock Commission Co., Inc., Apr. 3, 1962.

MISSOURI

Original Name of Stockyard, Location, and Date of Posting	*Current Name of Stockyard and Date of Change in Name*
Malden Sales Co., Malden, May 28, 1959	Malden Sales Co., July 27, 1961.

NEBRASKA

Arnold Livestock Commission Co., Arnold, Jan. 10, 1957 (changed to Arnold Livestock Commission, Apr. 26, 1962).	Arnold Livestock Sales Co., June 1, 1962.

NEW MEXICO

Clovis Cattle Commission Co., Clovis, Jan. 17, 1947.	Clovis Cattle Commission Co., Jan. 8, 1962.

NEW YORK

Pavilion Livestock Market, Pavilion, July 11, 1960.	Pavilion Livestock Market, Inc., April 26, 1962.

NORTH DAKOTA

Linton Livestock Sales Co., Linton, May 9, 1959	Linton Livestock Sales, Inc., Nov. 4, 1959.
Turtle Lake Livestock Auction, Turtle Lake, June 6, 1959.	Schlichenmayer Livestock Sales, Apr. 6, 1962.

OHIO

Columbus Union Stockyards, Circleville, June 2, 1959.	The Bowling Stock Yards Co., Apr. 12, 1962.

OKLAHOMA

Guymon Livestock Commission Co., Guymon, Oct. 11, 1949.	Guymon Livestock Commission Co., Inc., Apr. 30, 1962.
Tonkawa Sales Co., Tonkawa, Apr. 29, 1959	Tonkawa Livestock Auction Co., May 1, 1962.

TEXAS

Tate Brothers Livestock Auction Co., Colorado City, Jan. 15, 1957.	Colorado City Auction Co., Feb. 17, 1962.
Greenville Livestock Commission Co., Greenville, Nov. 21, 1956.	Greenville Livestock Commission Co., Apr. 30, 1962.
Patton Auction Barn, Nacogdoches, Jan. 14, 1957	Patton's Auction Barn, Jan. 1, 1962.
McKinney Livestock Commission Co., McKinney, Jan. 19, 1959.	McKinney Livestock Commission Co., Apr. 30, 1962.

VIRGINIA

Tazewell Livestock Market, Tazewell, Mar. 2, 1959	Tazewell Livestock Market, Inc., May 10, 1962.

Done at Washington, D.C., this 13th day of August 1962.

H. L. JONES, *Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 62–8280; Filed, Aug. 16, 1962; 8:51 a.m.]

ALICEVILLE SALE BARN ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act, as amended (7 U.S.C. 202), and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name and Location of Stockyard; Date of Posting
ALABAMA
Aliceville Sale Barn, Aliceville, June 19, 1962.
COLORADO
Greeley Producers Livestock Marketing Association, Greeley, July 17, 1962.
Springfield Livestock Commission Co., Springfield, May 3, 1962.
FLORIDA
Jacksonville Livestock Auction Co., Jacksonville, June 16, 1962.
GEORGIA
Chatham Livestock Co., Savannah, June 15, 1962.
IDAHO
Sandpoint Livestock Auction Co., Sandpoint, May 14, 1962.
LOUISIANA
Dominique's Cow Palace, Marksville, June 28, 1962.
TEXAS
Conroe Cow Palace, Conroe, May 15, 1962.
Hico Commission Co., Hico, Sept. 11, 1961.
WASHINGTON
Davenport Livestock Auction, Inc., Davenport, July 12, 1962.

Done at Washington, D.C., this 13th day of August 1962.

H. L. JONES, *Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 62–8281; Filed, Aug. 16, 1962; 8:51 a.m.]

Office of the Secretary

WEST VIRGINIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87–128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of West Virginia natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WEST VIRGINIA	
Cabell.	Wayne.
Lincoln.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of August 1962.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 62–8294; Filed, Aug. 16, 1962; 8:53 a.m.]

OFFICE OF EMERGENCY PLANNING

NEBRASKA

Notice of Major Disaster; Amendment

Notice of Major Disaster for the State of Nebraska, dated May 23, 1962 (27 F.R. 4855) is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 10, 1962:

Cedar.

Dated: August 13, 1962.

J. M. CHAMBERS, *Deputy Director, Office of Emergency Planning.*

[F.R. Doc. 62–8254; Filed, Aug. 16, 1962; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1962 Rev. Supp. No. 5]

LAWYERS SURETY CORPORATION

Surety Company Acceptable on Federal Bonds

AUGUST 13, 1962.

A Certificate of Authority has been issued by the Secretary of the Treasury

to the following company under the act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $47,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1963. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

TEXAS

Lawyers Surety Corp., Dallas, Tex.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 62–8278; Filed, Aug. 16, 1962; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[Case 303]

GERHARD LOUIS HERZFELD ET AL.

Order Denying Export Privileges

In the matter of Gerhard Louis Herzfeld, a/k/a Gerhard Louis Hertzfeld, Bokbindarvagen 76, Hagersten, Sweden; Alfred Rimberg, Alfred Rimberg, K. G., Bleichenbrucke 10, Hamburg 36, Federal Republic of Germany, and Vartvagen 41, Stockholm, Sweden; Ferdinand Bernstein, Chilehaus A/VIII, Hamburg 1, Federal Republic of Germany; Willi August Richard Springer, d/b/a Willi Springer & Co., Ferdinandstrasse 5, Hamburg 1, Federal Republic of Germany, Case No. 303; respondents.

By letter of March 6, 1962 the Director, Investigations Staff, Bureau of International Programs, United States Department of Commerce, charged the above-named respondents with specific violations of the United States Export Control Act of 1949, as amended, and of the Export Regulations issued thereunder. Copies of the charging letter were served on all respondents. The respondents Herzfeld, Rimberg, and Bernstein filed answers. The respondent Springer did not respond in any manner and, in accordance with section 382.4 of the Export Regulations, he was held to be in default.

In accordance with the regulations and the usual practice, the case was referred to the Compliance Commissioner who considered the pleadings and evidence, and he has submitted to the undersigned, the Director of the Office of Export Control, his written report which includes findings of fact, findings that violations have occurred, and recommendations that remedial action, as hereinafter provided, be taken against the respondents. The Compliance Commissioner has also submitted the record in the case consisting of the charging letter, the answers which have been filed, and the exhibits.

After reviewing and considering the entire record of the case, I hereby make the following findings of fact.

1. At all times hereinafter mentioned: (a) Respondent Gerhard Louis Herzfeld, also known as Gerhard Louis Hertzfeld, was director of a company located in Stockholm, Sweden called Elektroaktiebolaget Ere, which was a dealer in electro-medical equipment. In the transactions herein discussed Herzfeld acted in his own behalf and on his own account although he used the company name to obtain the goods; (b) respondent Alfred Rimberg was engaged in the exporting-importing business with a place of business in Stockholm, Sweden and was also a partner with respondent Ferdinand Bernstein under the firm name Alfred Rimberg, K.G., with a place of business in Hamburg, Federal Republic of Germany; (c) respondent Ferdinand Bernstein, a partner of the Rimberg firm in Hamburg, there participated in accomplishing the transactions in question; (d) respondent Willi August Richard Springer was engaged in the forwarding business in Hamburg under the name of Willi Springer & Company.

2. Sometime prior to June 1958 Herzfeld received orders for certain X-ray tubes and related dental equipment from a customer in Communist China, and to fill these orders he placed orders with a United States manufacturer for such tubes and equipment to the value of approximately $14,600. He concealed from the manufacturer the fact that goods were ultimately intended for Communist China.

3. Herzfeld believed that he would not be able to reexport the goods in question to Communist China from Sweden and was quite sure that he would be able to do so from West Germany. He arranged with the respondent, Rimberg, to have the goods consigned to Rimberg in Hamburg with the understanding that Rimberg's firm would arrange to have the goods shipped to Communist China.

4. Bernstein, acting for and on behalf of the Rimberg firm, arranged with respondent Springer to have the goods shipped from Hamburg to Communist China. Springer made arrangements for two shipments to Shanghai and four to Takubar, Communist China.

5. It was clear from the invoices and bills of lading covering the goods in question that, under the United States Export Control Regulations, said goods could not be shipped to Communist China. The respondents were aware of these restrictions.

6. The respondents knew that it was in violation of the United States Export Control Regulations to divert and transship said goods to Communist China and the respondents, in violation of said regulations, severally and in concert, knowingly caused said United States commodities to be diverted or transshipped to Communist China.

7. The United States manufacturer shipped by air freight on or about April 27, 1959, from Idlewild Airport, New York, to Hamburg, West Germany, via Deutsche Lufthansa, consigned to Alfred Rimberg, Hamburg, West Germany, one medical X-ray tube; the invoice bore the destination control notice West Germany. Said article was transshipped from Hamburg, West Germany, to Communist China and the respondents Herzfeld and Rimberg participated in this transshipment. At the time of this transshipment Bernstein was no longer associated with Rimberg and Bernstein played no part in this transaction. Springer did not participate in this transshipment.

Conclusions. From the foregoing facts I have reached the following conclusions as to the respondents Herzfeld, Rimberg, Bernstein and Springer:

(1) They knowingly caused, aided and abetted, induced, procured and permitted the doing of acts prohibited by the Export Control Law in violation of Section 381.2 of the Export Control Regulations.

(2) They knowingly diverted, transshipped and re-exported commodities to persons and destinations and for uses contrary to the provisions of export control documents and notifications of prohibition against such actions in violation of § 381.6 of the Export Control Regulations.

(3) They knowingly caused to be done the acts set forth in the preceding paragraph 2 in violation of § 381.2.

(4) They bought, received, sold, disposed, transported, forwarded and otherwise serviced exportations from the United States knowing that with respect thereto violations of the Export Control Law and Export Control Regulations had occurred or were intended to occur contrary to § 381.4.

(5) The respondents, Herzfeld, Rimberg and Bernstein knowingly acted in concert to bring about violation of the Export Control Law and Regulations contrary to § 381.3.

(6) The respondent Herzfeld made false and misleading statements and concealed material facts from the United States Government through the United States exporter of the aforesaid commodities for the purpose of effecting exportation of said commodities from the United States in violation of Section 381.5.

As to the culpability of the respondents and their responsibility in dealing with goods of U.S. origin the Compliance Commissioner said in part:

> The United States export control law and regulations imposing restrictions on shipments of United States goods to the Sino-Soviet bloc have been in effect for many years and such restrictions, in general, are or should be known to foreign importers and exporters, and to forwarders who deal in United States goods. The destination control notices on the bills of lading and invoices made it abundantly clear that these goods were of United States origin and were restricted from shipment to Communist China. There is no question that the United States may permit export of its goods under certain conditions. Those who deal in such goods must adhere to those conditions in transactions with respect to them. Where there is disregard for the conditions imposed by the United States Government those who disregard them are subject to the sanctions permitted under the United States law and regulations.

The parties to these transactions knew that shipment of the goods in question to Communist China was prohibited. The inquiry, made in the latter part of July 1958, of the export authorities of the Federal Republic of Germany as to its restrictions on the shipment of these goods was merely a subterfuge to give the parties involved a screen on the basis of which they could claim that the re-exportations were made in good faith. The West German officials had no authority to give relief from the provisions of the United States Export Control Regulations. If the respondents, or any of them had desired authoritative information on the matter, inquiry should properly have been made at a United States Consulate or Embassy. I find that all of the parties knew that it was a violation of United States Export Control Regulations to re-export the goods in question to Communist China.

Concerning the sanctions that should be imposed the Compliance Commissioner said:

> We come now to the question as to the sanctions that should be imposed. It is clear, as has been found, that all of the respondents knew that violations of the United States Export Control Act were involved in the transactions in which they were engaged. However, the commodities involved were not items of strategic importance and were not on the Positive List. Although the export authorities of the Federal Republic of Germany had no authority to give relief from compliance with the United States Export Control Act, it appears that goods of the type here involved, not of United States origin, could have been shipped from that country to Communist China. In the course of the investigation the respondents have been cooperative and have furnished details concerning the transactions. There is nothing in the files of the case to indicate that these respondents have participated in any other transactions in violation of the United States Export Control Act or Regulations.
>
> As to the respondents who have answered, I do not disregard completely their expressions of regret for having become involved in these transactions and their assurances that they will not again become involved in such transactions. Taking all of the above factors into account, I feel that these respondents should be given the opportunity to prove their trustworthiness to engage in transactions involving U.S. commodities. It is my view that the effective enforcement of the Export Control Law will be accomplished if the respondents who have answered are denied export privileges for the duration, with the proviso that two years after the date of the order they may apply to have the effective denial of export privileges held in abeyance while they remain on probation • • •
>
> The respondent Springer has not seen fit to file an answer or reply to the charges. As above noted, he is held to be in default. As to him, I recommend that a denial order for the duration be entered without the proviso applicable to the other respondents • • •

Now, after careful consideration of the entire record and the recommendations of the Compliance Commissioner concerning the sanctions that should be imposed and being of the opinion that said recommendations are fair and just and necessary to achieve effective enforcement of the law and that an order be issued as hereinbelow set forth: *It is hereby ordered:*

I. All outstanding licenses in which any of the respondents appear or participate as purchaser, intermediate or ultimate consignee, or otherwise are hereby revoked and shall be returned forthwith to the Bureau of International Programs for cancellation.

II. So long as export controls shall be in effect all of the named respondents and each of them hereby are denied all privileges of participating directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation by any respondent or related party directly or indirectly in any manner or capacity (a) as a party or as a representative of a party to any validated export license application, or documents to be submitted therewith, (b) in the preparation or filing of any export license application or of any documents to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, using or disposing, in any foreign country of any commodities or technical data, in whole or in part exported or to be exported from the United States, and (e) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corportion, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Two years after the date hereof the respondents Herzfeld, Rimberg, and Bernstein may apply to have the effective denial of their export privileges held in abeyance while they remain on probation. Such applications shall be supported by evidence showing compliance with the terms of this order and disclosure of details of their import and export transactions during said two years. Such applications will be considered on their merits and in the light of conditions and policies existing at that time. Export privileges may be restored under such terms and conditions as appear to be appropriate.

V. During the time when any respondent or related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Programs, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: August 13, 1962.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 62–8297; Filed, Aug. 16, 1962; 8:53 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13203 etc.; Order No. E–18701]

FLYING TIGER LINE INC.

Reduced Freight Rates; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of August 1962.

By tariff revisions marked to become effective August 17, 1962, The Flying Tiger Line Inc. proposes to reduce its eastbound rates on selected commodities from major west coast points to points throughout its system[1] on an experimental basis. All of the proposed rates would be below current competitive rates.

American Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc. have filed complaints against certain of the proposals. American and TWA claim that certain of these commodities now move by air in substantial volumes, the rates would sharply undercut competitive rates and be at extremely low levels which cannot be justified on a cost or promotional basis; that they would not generate enough new traffic to offset the very substantial revenue losses which would result from proposed rate cuts. United complains against the proposed reduced rate on fresh fish from Seattle to San Francisco, claiming that it will generate little or no new traffic, and will dilute existing revenues currently derived from such shipments.

Upon consideration of the facts and matters advanced by the carriers, the Board will dismiss the complaints insofar as they request suspension of Flying Tiger's proposed rates. Tiger's proposal appears to be based upon a current study of market potentials with respect to the particular commodities involved which today move by air only in comparatively minor amounts. The complainants have not materially controverted Tiger's showing in support of its filing. These rates appear to present a reasonable op-

[1] Drugs and medicines, brass musical instruments, impregnated cloth or paper, carpets, radios, office machines, personal effects (originating under Government bills of lading), and fish.

portunity to develop additional eastbound traffic and to mitigate the present imbalance of westbound traffic. Although there is some risk that volume increases will not be sufficient to offset the reduced rates insofar as they apply to existing traffic, the traffic is sufficiently limited so as to contain the risks within manageable proportions. In addition, the tariff will expire after one year. The rates, although below fully allocated average costs, should more than cover the additional costs of carrying this traffic.

Although the proposed rates represent substantial reductions from existing rates, we find no basis to order an investigation at this time except with respect to the rates for carpets, office machines and radios. Comparable rates for these commodities, applicable in other markets, are now under investigation in Docket 13203 et al. Accordingly, we will consolidate the investigation herein ordered with that proceeding.

In view of the experimental nature of this filing, it is necessary that statistical and revenue data relating to the traffic which will move at these rates be maintained by the carriers and furnished periodically to the Board so that we can monitor the results on a reasonably current basis and also have available data upon which to consider possible extension of these rates beyond the present expiry date. We have instructed our staff to arrange for appropriate reporting procedures in this regard.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, 407, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions for the commodities and markets described in Appendix A hereto,[2] including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions.

2. This investigation is consolidated with the proceeding entitled The Flying Tiger Line Rate Cases, Docket 13203, et al.

3. The complaints of American Airlines, Inc. (Docket 13832), Trans World Airlines, Inc. (Docket 13834), and United Air Lines, Inc. (Docket 13831), be dismissed to the extent not granted herein.

4. Copies of this order shall be served upon American Airlines, Inc., The Flying Tiger Line, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., and upon all other parties in Docket 13203 et al.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8287; Filed, Aug. 16, 1962; 8:52 a.m.]

[2] Filed as part of the original document.

[Docket 13833]

AEROVIAS CONDOR DE COLOMBIA, LTDA.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 5, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., August 13, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8290; Filed, Aug. 16, 1962; 8:52 a.m.]

[Docket 9523 etc.]

REOPENED PUERTO RICO THIRD-CLASS PASSENGER FARE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a prehearing conference in the above-entitled proceeding is assigned to be held August 30, 1962, 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner. (See Order E-18671 and Order E-18672.)

Dated at Washington, D.C., August 14, 1962.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 62-8288; Filed, Aug. 16, 1962; 8:52 a.m.]

[Docket 13745]

TASMAN EMPIRE AIRWAYS LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 4, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., August 14, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8289; Filed, Aug. 16, 1962; 8:52 a.m.]

[Docket 11076]

TRANSPORTES AEREOS NACIONALES, S.A., AND PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on October 15, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before examiner William F. Cusick.

Dated at Washington, D.C., August 13, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8291; Filed, Aug. 16, 1962; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14585, 14586, FCC 62M-1133]

GROSSCO, INC., AND VALLEY BROADCASTING CO.

Order Regarding Procedural Dates

In re applications of Grossco, Inc., West Hartford, Connecticut, Docket No. 14585, File No. BPH-3222; The Valley Broadcasting Company, Ansonia, Connecticut, Docket No. 14586, File No. BPH-3241; for construction permits (FM).

Upon the Examiner's own motion: *It is ordered*, This 10th day of August 1962, that the dates agreed upon at a prehearing conference on May 7, 1962, concerning the future conduct of this proceeding are hereby cancelled: *And it is further ordered*, That the hearing date of September 11, 1962 is cancelled and a prehearing conference shall be held on that date.

Released: August 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8298; Filed, Aug. 16, 1962; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI63-31—RI63-34]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 10, 1962.

Union Oil Company of California, Docket No. RI63-31; N. Appleman Company, et al., Docket No. RI63-32; J. M. Huber Corporation, Docket No. RI63-33; Forest H. Lindsay, et al., d/b/a National Associated Petroleum Company (Operator), et al., Docket No. RI63-34.

The above-named producers have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI63-31	Union Oil Co. of California, P. O. Box 7600, Los Angeles 54, Calif.	47	2	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	[1] $69	7-13-62	[2] 8-13-62	1-13-63	[3] 15.0	[4] [5] 16.0	
RI63-32	N. Appleman Co., et al., 654 Madison Ave., New York 21, N.Y.	1	12	Cities Service Gas Co. (Hugoton Field, Haskell, Stanton, Morton, Finney, and Kearny Counties, Kans.).	[1] 23,791	7-17-62	[2] 8-17-62	1-17-63	[6] 10.7195	[6] [7] 14.5	
RI63-33	J. M. Huber Corp., 2401 East Second Ave., Denver 6, Colo.	8	17	Cities Service Gas Co. (Hugoton Field, Haskell, and Morton Counties, Kans.).	[1] 17,543	7-16-62	[2] 8-16-62	1-16-63	[6] 10.7195	[6] [7] 14.5	
RI63-34	Forest H. Lindsay, et al., d/b/a National Associated Petroleum Co. (Operator), et al., Fifth Floor, Ritz Bldg., Tulsa 3, Okla.	1	9	Cities Service Gas Co. (Hugoton Field, Haskell County, Kans.).	[1] 99,040	7-18-62	[2] 8-18-62	1-18-63	[6] 10.7195	[6] [7] 14.5	

[1] Amount taken directly from filing.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] Subject to upward Btu adjustment to correspond to actual Btu of 1,112 per Mcf compared to Btu of 1,000 per Mcf base.
[4] Periodic rate increase.
[5] Subject to downward Btu adjustment if below 925 Btu per Mcf.
[6] Redetermined rate increase.
[7] Corrected for supercompressibility.
[8] Uncorrected for supercompressibility.

The proposed changes of N. Appleman Company, et al., J. M. Huber Corporation, and Forest H. Lindsay, et al., d/b/a National Associated Petroleum Company (Operator), et al., (hereinafter referred to as Respondents) [2] purport to be in accordance with their assignments and the price redetermination provisions of the Gas Purchase Contract dated June 23, 1950, between Cities Service Gas Company (Cities Service) and Pan American Petroleum Corporation (formerly Stanolind Oil and Gas Company (Pan American)), which provide that after June 22, 1961, the price for gas shall be the fair and reasonable price for each successive five year period but not less than 12 cents per Mcf (10.7195 cents per Mcf at 14.65 psia). On May 2, 1962, the District Court of Shawnee County, Kansas, determined that a fair and reasonable price under Pan American's contract is 14.5 cents per Mcf at 14.65 psia for the five year period commencing on June 23, 1961, with correction for supercompressibility. The instant filings are based on such court decision.

Cities Service on July 23, 1962, and July 27, 1962, filed separate protests and motions to reject the proposed rate filings of Respondents. In support thereof, Cities Service states, inter alia, that (1) the interest in all gas covered under the respective rate schedules can only be covered by Pan American's FPC Gas Rate Schedule No. 84 and that such supplements fall within the provisions of § 154.91(d) of the Commission's regulations under the Natural Gas Act; (2) there is no contractual basis for Respondents' 14.5 cents per Mcf rate increase filings since: (a) Respondents have exercised their contractual right to a single rate change during the period June 23, 1961, to June 22, 1966, by filing the 12 cents per Mcf rate increase contained in a previously filed supplement; (b) the case filed in the District Court of Shawnee County, Kansas, out of which the 14.5 cents per Mcf price filed by Respondents has not become final but now pends on appeal in the Supreme Court of Kansas; and (c) the judgment of the court is erroneous and will be vacated by the Kansas Supreme Court; (3) Respondents have failed to comply with the requirements of the Commission's regulations in filing their respective supplements and have failed to submit a full statement in support of said proposed changes in rates, as required by the Commission's regulations.

In the alternative, in the event the Commission accepts for filing Respondents' proposed changes, Cities Service requests that the effectiveness thereof be suspended for the statutory period of five months, and that such acceptance be conditioned upon and made subject to; (a) the judgment of the District Court of Shawnee County, Kansas, becoming final; (b) said supplements shall be of no force and effect in the event said judgment is reversed; (c) the acceptance for filing shall, in all other respects, be without prejudice to Cities Service's appeal from the judgment of the District Court of Shawnee County, Kansas, and the ultimate disposition thereof by the Courts; and (d) such acceptance be made expressly subject to the ultimate disposition by the Commission or the courts of the question of whether Pan American is, under the Regulations under the Natural Gas Act, required to make such filing on behalf of all non-signatory coowners, as such question shall be ultimately determined by this Commission or the courts as a result of the proceedings now pending in Docket No. RI61-532.

By this order we are suspending the effectiveness of the proposed increased rate contained in Respondents' aforementioned supplements. Such action, however, is without prejudice to the position of Cities Service with respect to the legality of such filings. Our action is also without prejudice to Cities Service's position in the event that various contingencies may occur as set forth above in connection with Cities Service's alternative request. Accordingly, we shall also provide that the hearings herein shall concern themselves with the legality of said filings. Under the circumstances, we do not consider it appropriate at this time to render a decision as to the effect that the contingencies mentioned above may have on the legality of said filings, as requested by Cities Service.

The proposed increased rates of all the producers listed in the caption of this order exceed the applicable area price level as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the legality of the filings made by N. Appleman Company, et al., (Appleman), J. M. Huber Corporation (Huber), and Forest H. Lindsay, et al., d/b/a National Associated Petroleum Company (Operator) et al., (Lindsay), and the lawfulness of Respondents' proposed changes; and the lawfulness of the proposed change filed by Union Oil Company of California (Union Oil), and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the legality of the filings made by Appleman, Huber and Lindsay and the lawfulness of the proposed increased rates and charges contained in their above-designated supplements; and the lawfulness of the increased rate and charge contained in the supplement filed by Union Oil.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended

[2] Respondents are assignees of Pan American Petroleum Corporation under farmout agreements covering acreage dedicated under the Pan American-Cities Service contract.

Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)), on or before September 26, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8259; Filed, Aug. 16, 1962; 8:46 a.m.]

[Docket No. CP62-305]

CARNEGIE NATURAL GAS CO.

Notice of Application and Date of Hearing

AUGUST 10, 1962.

Take notice that on June 20, 1962, Carnegie Natural Gas Company (Applicant), 3904 Main Street, Munhall, Pennsylvania, filed in Docket No. CP62-305 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon a meter site consisting of one meter and appurtenances which was used for the sale of natural gas to Peoples Natural Gas Company (Peoples) in Dunkard Township, Greene County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Peoples has arranged its facilities so that natural gas formerly furnished at this location by Applicant is not needed by Peoples to fulfill the requirements of its customers. No gas has been sold to Peoples at this location for several years.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 25, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the meeting.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 14, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8260; Filed, Aug. 16, 1962; 8:46 a.m.]

[Docket No. CP62-306]

LATERAL GAS PIPELINE CO.

Notice of Application and Date of Hearing

AUGUST 10, 1962.

Take notice that on June 26, 1962, Lateral Gas Pipeline Company (Applicant), P.O. Box 351, Cedar Rapids, Iowa, filed in Docket No. CP62-306 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to enable Applicant to transport natural gas owned by Iowa Electric Light and Power Company (Iowa Electric) from the mainline natural gas transmission system of Natural Gas Pipeline Company of America (Natural) to various towns in Iowa for resale and distribution by Iowa Electric, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Iowa Electric has executed a service agreement dated October 16, 1961, with Natural pursuant to which Natural will deliver to Iowa Electric an additional allocation of 2,500 Mcf of natural gas per day, effective on or about November 15, 1962. This allocation is a part of Natural's expansion program involving an increase in its delivery capacity which was authorized in Docket No. CP62-121. Of the increased allocation which Iowa Electric will receive pursuant to said authorization, 1,637 Mcf per day will be used to initiate natural gas service in the communities of West Branch, Conesville, Nichols, and Lone Tree, Iowa, and will be transported by Applicant through the facilities proposed herein.

The proposed facilities consist of approximately 20.5 miles of 6-inch natural gas transmission line located in Muscatine and Cedar Counties, Iowa, extending from a point on the main pipeline of Natural near Conesville, Iowa, northerly to the City of West Branch, Iowa; approximately 4 miles of 2-inch natural gas transmission line located in Muscatine and Johnson Counties, Iowa, extending westerly from the above-described 6-inch line to the Town of Lone Tree, Iowa; and approximately 1.5 miles of 2-inch natural gas transmission line in Muscatine County, Iowa, extending easterly from the above-described 6-inch line to the Town of Nichols, Iowa. Applicant also proposes to install 4 border stations, one of which will be owned by Natural. No compression facilities are proposed.

Applicant proposes to transport natural gas for Iowa Electric pursuant to Applicant's FPC Gas Tariff on file with the Commission. Applicant will have no interest in the gas and will perform only the transportation service.

The estimated cost of the proposed facilities is $522,705, which will be financed from funds on hand and from funds obtained through the sale of Applicant's common stock to Iowa Electric or through temporary advances.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 20, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 10, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8261; Filed, Aug. 16, 1962; 8:47 a.m.]

[Docket No. CP62-268]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application and Date of Hearing

AUGUST 10, 1962.

Take notice that on May 21, 1962, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago 3, Illinois, filed in Docket No. CP62-268 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to acquire by merger and to operate all of the jurisdictional natural gas facilities presently owned and operated by Natural Gas Storage Company of Illinois (Storage Company), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities of Storage Company consist of approximately 61 miles of main transmission pipeline, 27.6 miles of field lines, 2 compressor stations totaling 25,450 (660 H.P. on an experimental basis) horsepower and other appurtenant facilities and equipment used in the storage and transportation of natural gas. Storage Company transports and stores during off-peak periods, for delivery to customers during days of peak requirements, natural gas owned by customers of Applicant. Gas delivered to Storage Company for storage for such customers is received from the main transmission pipeline of Applicant and transported to the storage fields where the gas is injected into the storage reservoirs. Upon request of the customer owning the gas in storage, Storage Company withdraws the quantity of gas so requested and delivers the same back into Applicant's main transmission pipeline.

Applicant and Storage Company are affiliated companies under a common management and provide a coordinated gas supply for the market areas served. The Peoples Gas Light and Coke Company (Peoples) owns all of the outstanding capital stock of Storage Company. Certain of the officers and directors of Applicant are also officers or directors of Storage Company or Peoples. Peoples is an Illinois corporation which is engaged in the business of manufacturing, purchasing, distributing, and selling gas in Chicago, Illinois.

Applicant states that the proposed merger and acquisition will be beneficial to itself and to Storage Company and will allow:

(1) Less costly financing of future expansion projects of Storage Company resulting from the financial structure and position of the combined companies after the reorganization;

(2) Cancellation of the development contract between Storage Company and certain of its utility customers whereby Storage Company agreed to obtain the consent of the utility customers before undertaking storage projects; and

(3) Simplification and increased flexibility of certain corporate operations of each of the companies and the attainment of certain administrative economies such as elimination of one board of directors, elimination of the trustee and registrar for the bondholders of Storage Company, elimination of dual registered agents in states in which both Applicant and Storage Company carry on business, elimination of separate reports and applications to the Federal Power Commission, elimination of separate audits and financial statements, and elimination of different indenture requirements and separate bank accounts.

The application states that upon the acquisition by Applicant of the facilities of Storage Company as proposed, Applicant will operate said facilities in the same manner as they are now operated by Storage Company. Only such changes in the agreements and rate schedules of Applicant and/or Storage Company will be made as are required so that the storage division of Applicant will be able to perform the same service under the same form of rate as is now being done by Storage Company. Applicant has filed with the application a pro forma tariff to accomplish these ends.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 18, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 7, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8262; Filed, Aug. 16, 1962; 8:47 a.m.]

[Docket No. CP62-85 etc.]

NORTHERN NATURAL GAS CO. AND IOWA ELECTRIC LIGHT AND POWER CO.

Notice of Applications and Date of Hearing

AUGUST 10, 1962.

Northern Natural Gas Company, Docket Nos. CP62-85 and CP62-178; Iowa Electric Light and Power Company, Docket No. CP62-119.

Take notice that on September 29, 1961, as supplemented on January 12, 1962, and amended on April 30, 1962, Northern Natural Gas Company (Northern Natural) of Omaha, Nebraska, filed in Docket No. CP62-85 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in order to render initial service to 71 communities for resale in the States of Nebraska, Iowa, Minnesota, and Wisconsin, commencing with the 1962-63 heating season, all as more fully set forth in the application, as supplemented and amended, on file with the Commission and open to public inspection.

The proposed new facilities consist of a main line loop, branchlines and appurtenant facilities estimated to cost a total of $16,126,800 which is proposed to be financed from cash on hand and operating revenues.

The 71 communities would have a third year contract demand of 49,844 Mcf/d in the third year of service. Northern Natural proposes to provide these requirements from its Redfield Storage Field (i.e., through increased injections and withdrawals from that field).

Take further notice that on November 13, 1961, Iowa Electric Light and Power Company (Iowa Electric) filed an application in Docket No. CP62-119 pursuant to section 7(a) of the Natural Gas Act for an order directing Northern Natural to establish physical connection of its facilities with those which Applicant proposes to construct and operate, and to sell and deliver to it up to 4,043 Mcf per day, its estimated third year peak day natural gas requirements, for distribution and resale in the communities of Mount Vernon, Lisbon, DeWitt, Alden, Jewell, Randall, Radcliffe and Ellsworth, all in the State of Iowa. Applicant presently provides natural gas service in a number of communities in Iowa, Nebraska, and Minnesota with gas purchased from Northern Natural.

Iowa Electric requests that the order also direct Northern Natural to build new branchlines and extend certain of Northern's existing branchlines and to install border stations at the corporate limits of the cities and towns named above.

Applicant proposes to convert the integrated propane-air distribution system which it now operates in Mount Vernon and Lisbon, Iowa, to natural gas operation and to convert all of its customers' applicances in those towns to burn natural gas. Applicant further proposes to construct and operate distribution systems in the City of Dewitt, and the Towns of Alden, Ellsworth, Jewell, Radcliffe and Randall, Iowa.

Applicant estimates the aggregate annual and maximum day gas requirements of the eight communities as follows:

	Proposed sales (Mcf)		
	1st year	2d year	3d year
Annual	294,177	431,034	569,163
Peak day	1,815	2,919	4,043

The gas required by Iowa Electric will be purchased under Northern Natural's existing rate schedule for Zones 2 and 3, as set forth in its FPC Gas Tariff.

Applicant estimates its total investment in the distribution systems at the end of the third year at $912,846 which it proposes to finance from cash on hand and cash generated from operations. Iowa Electric further estimates that Northern would be required to construct branchline facilities costing $1,056,640.

Take further notice that on February 5, 1962, as amended on May 9, 1962, Northern Natural Gas Company filed an

application in Docket No. CP62–178 for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, authorizing the construction and operation of 4,600 additional horsepower at the Redfield Compressor Station and 2.4 miles of 30-inch line [1] in order to increase its system capacity in the amount of 32,350 Mcf per day to meet the increased contract demand requirements of its present customers for the 1962–63 heating season, all as more fully represented in the application on file with the Commission and open to public inspection.

The cost of the above facilities will amount to about $1,924,600. Northern Natural will finance the proposed project by short term loans and funds on hand.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 23, 1962, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practices and procedure (18 CFR 1.8 or 1.10) on or before September 28, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–8263; Filed, Aug. 16, 1962; 8:47 a.m.]

[1] Applicant also proposes to construct approximately 450 feet of 12-inch connecting line downstream of the South Sioux City Compressor Station.

[Docket No. CP62–165]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

AUGUST 10, 1962.

Take notice that on January 15, 1962, as supplemented on March 1, 1962, Tennessee Gas Transmission Company (Applicant), P.O. Box 2511, Houston 1, Texas, filed in Docket No. CP62–165 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon approximately 2.7 miles of 12-inch pipeline previously used in transporting gas produced from two leases in the Benezette Field, Elk County, Pennsylvania, for delivery and sale to The Manufacturers Light and Heat Company, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The application states that the subject 2.7 miles of pipeline proposed to be abandoned have not been connected to Applicant's main gas transmission system for several years and that the facilities will be sold to Service Pipe and Supply Company for $2,500.

Applicant was authorized to acquire and operate the subject facilities by the Commission's order of December 23, 1954, in Docket No. G–4226 (Docket Nos. G–2648, et al.) (13 FPC 1626).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 20, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 10, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–8264; Filed, Aug. 16, 1962; 8:47 a.m.]

[Docket No. CP63–8]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

AUGUST 10, 1962.

Take notice that on July 9, 1962, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP63–8 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon approximately 87 feet of 4-inch line and meter and regulating facilities which were used to render natural gas service to Acme Brick Company in Waskom, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the customer has notified Applicant that the plant will be closed permanently. No service is presently being rendered from the subject facilities.

The original cost of the facilities was $3,787.84.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 25, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 14, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–8265; Filed, Aug. 16, 1962; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

SHIP SERVICE CO. ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following applicants (listed by cities) have been issued application numbers by the Federal Maritime Commission for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87–254). Corps. unless otherwise indicated.

Protests to the granting of any application should be filed in writing with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

ASTORIA, OREG.

No.; Name and Address; Officers

233; Ship Service Co., Alonzo H. Wright, d/b/a, 101 Ninth Street; P.O. Box 836—Individual.

BOGOTA, N.J.

391; Errion Co., Inc., 200 Chestnut Avenue—Frederick J. Errion, pres.-treas.; Minnie L. Errion, vice pres.; Frederick W. Errion, sec.

BROADVIEW, ILL.

748; Allied Sea Van Co., 25th Avenue and Roosevelt Road—C. D. Morgan, pres.; John F. Christie, Jr., sec.; Jerry F. Leonard, treas.; E. J. Flavin, asst. sec.; M. V. Fox, asst. treas.; James Cummins, director; D. M. Liddle, director; W. Frederick Petry, director; Ralph Rolapp, director; Louis C. Schramm, director; Jerome D. Ullman, director.

BOSTON, MASS.

796; Dolliff & Co., Inc., 131 State Street (9)—E. Murtagh Dolliff, pres.-treas. and director; Barbara M. Oakes, clerk and director; C. Norman Oakes, director; Donald N. Eldridge, vice pres.; John E. McCarthy, vice pres. and asst. treas.; Thomas J. Menton, vice pres.

235; Downing Co., T.D., 88 Broad Street (10)—Wm. Lippman, pres.; W. N. Geddes, vice pres.; M. S. Birnbach, treas.

595; Garvey Co., M. H., 50 State Street (6)—Francis M. Garvey, pres.-treas. and director; Harry Hackel, vice pres.-director; John V. McCarthy, vice pres.-director; Lawrence J. Dolan, Jr., vice pres.

527; Patterson, Wylde & Co., 12 India Street (9)—Partnership: C. Campbell Patterson, Jr., partner; John I. Wylde, partner.

520; Pistorino & Co., Inc., 177 Milk Street (9)—Leo Pistorino, pres.; Frederick Koerner, exec. vice pres.; Anna M. Low, vice pres.; Mary E. Flynn, vice pres.; F. Leo Fitzpatrick, vice pres.

645; Proctor Co., W. N., 40 Broad Street (9)—Partnership: Charles J. DiGaetano, partner; Ranson C. B. Woodall, partner.

472; Stockwell Co., Inc., E. Sidney, 177 State Street—E. Sidney Stockwell, pres.-treas.; John J. Beckett, vice pres.-clerk.

BUFFALO, N.Y.

122; G & W International Forwarders, Inc., 295 Main Street (3)—Anthony P. Gerstner, pres.-sec.; Robert C. Wischman, vice pres.; Louise A. Gerstner, treas.

738; Tower & Sons of Buffalo, Inc., C. J., 128 Dearborn Street (7)—D. L. Tower, pres.; C. E. Tower, vice pres.; D. L. Tower, Jr., sec.; Peter Tower, treas.

738; Tower & Sons of Niagara, Inc., C. J., 615 Mill Avenue, Niagara Falls, N.Y.—D. L. Tower, pres.; C. E. Tower, vice pres.; D. L. Tower, Jr., sec.; Peter Tower, treas.

CHARLESTON, S.C.

467; Carolina Shipping Co., 9 Mid Atlantic Wharf—H. H. Kilpatrick, chairman of the board; H. R. Stender, pres. and treas.; Thaddeus Street, exec. vice pres.-sec.; J. G. Fleming, vice pres.; T. S. Street, vice pres.

241; Palmetto Shipping Co., Inc., 1 Cordes Street, P.O. Box 842—J. Vernon Whitaker, pres.; James J. Lamb, exec. vice pres.; Cecile M. Vincent, sec.-treas.; James P. Lamb, asst. vice pres.

638; Sumter Marine Corp., Two No. Adgers Wharf, P.O. Box 769—Richard F. Kamradt, pres.-treas.; Winifred C. Kamradt, sec.; Kimball Gray, vice pres.

CLEVELAND, OHIO

633; Blaser & Mericle, Inc., 814 Superior Avenue Northeast (14)—Barbara A. Blaser, pres.; Marie G. Fox, vice pres.; Robert K. Loomis, treas.; Marjorie B. Krupansky, sec.

633; Fox Custom House Brokers, Inc., 1617 Wrenford Road (21)—Willard J. Fox, pres.; Marie G. Fox, sec.-treas.; Barbara Blaser, vice pres.

777; Fenton Co., Inc., The A. W. Society National Bank Building, 145 Public Square (14)—Karl Gresham, pres.-director; Robert W. Gresham, sec.-treas. and director; Thomas J. Smith, director.

Dated: August 13, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–8295; Filed, Aug. 16, 1962; 8:53 a.m.]

FEDERAL RESERVE SYSTEM

TRANS-NEBRASKA CO.

Order for Hearing

In the matter of the application of Trans-Nebraska, Lincoln, Nebraska, pursuant to section 3 of the Bank Holding Company Act of 1956.

On May 18, 1962, there was published in the FEDERAL REGISTER (27 F.R. 4748) a notice of receipt by the Board of Governors of an application filed pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) by Trans-Nebraska Co., a corporation to be organized under the laws of the State of Nebraska, for the Board's prior approval of action whereby Trans-Nebraska Co. would become a bank holding company through acquisition of 50 percent or more of each of the following banks located in Nebraska: The Martell State Bank, Martell; The Sioux National Bank of Harrison, Harrison; and Crawford State Bank, Crawford.

It appears to the Board of Governors that it is appropriate in the public interest that a hearing be held with respect to this application.

Accordingly, it is hereby ordered, That, pursuant to § 222.7(a) of the Board's Regulation Y (12 CFR 222.7(a)), promulgated under the Bank Holding Company Act of 1956, a public hearing with respect to this application be held, commencing October 2, 1962, at 10 a.m., in the Omaha Branch of the Federal Reserve Bank of Kansas City, Omaha, Nebraska, before a duly designated hearing examiner, such hearing to be conducted in accordance with the Board's rules of practice for formal hearings (12 CFR Part 263). The right is reserved to the Board or the hearing examiner to designate any other place or date for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties.

It is further ordered, That the following matters will be the subject of consideration at said hearing, without prejudice to the designation of additional related matters and questions upon further examination:

(1) The financial history and condition of the company and the banks concerned;

(2) The prospects of said company and banks;

(3) The character of their management;

(4) The convenience, needs, and welfare of the communities and area concerned;

(5) Whether or not the effect of such acquisitions would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

It is further ordered, That, any person desiring to give testimony, present evidence, or otherwise participate in these proceedings should file with the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C., on or before September 17, 1962, a written request containing a statement of the nature of the petitioner's interest in the proceedings, the extent of the participation desired, a summary of the matters concerning which petitioner wishes to give testimony or submit evidence, and the names and identity of the witnesses who will be offered. Such requests will be presented to the designated hearing examiner for his determination, and persons submitting them will be notified of his decision.

Dated at Washington, D.C., this 13th day of August 1962.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 62–8286; Filed, Aug. 16, 1962; 8:52 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARIA MINCZYNSKA AND FRANCISZKA KOCIENIEWSKA

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Minczynska, ul. 22 Stycznia No. 45, Chelmno, Poland; Claim No. 66611; all right, title, interest and claim of any kind or character whatsoever of Maria Minczynska in and to the Estate of Johanna Reis, deceased, administered by William I. O'Neill, Public Administrator for Milwaukee County, acting under the judicial supervision of the Milwaukee County Court, in Probate, Wisconsin.

Franciszka Kocieniewska, ul. Kapliczna No. 1, Apt. 2, Bydgoeszcz, Poland; Claim No. 66612; all right, title, interest and claim of any kind or character whatsoever of Fran-

ciszka Kocieniewska in and to the Estate of Johanna Reis, deceased, administered by William I. O'Neill, Public Administrator for Milwaukee County, acting under the judicial supervision of the Milwaukee County Court, in Probate, Wisconsin.

Vesting Order No. 10734.

Executed at Washington, D.C., on August 9, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-8267; Filed Aug. 16, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 679]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 14, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matter relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65164. By order of August 10, 1962. The Transfer Board approved the transfer to Kenneth Spangler, doing business as Kenneth Spangler Moving and Storage, Middlesboro, Ky., of Certificate No. MC 105883 issued December 28, 1956, to Conrad Reeves, doing business as Stewart Transfer, Corbin, Ky., authorizing the transportation over regular routes of bakery products, in containers, from Cincinnati, Ohio, to Corbin, Ky., serving the intermediate point of Somerset, Ky., empty containers on return; over irregular routes, household goods, as defined by the Commission, between points in Whitley, Knox, Laurel, Pulaski, and Rockcastle Counties, Ky., on the one hand, and, on the other, points in Tennessee, Virginia, Ohio, Indiana, Illinois, and Michigan; and furniture and pianos, from Dayton and Cincinnati, Ohio, and Knoxville, Tenn., to points in the Kentucky Counties specified above. Kenneth Spangler, 900 South Kentucky Street, Corbin, Ky., representative for applicants.

No. MC-FC 65215. By order of August 10, 1962. The Transfer Board approved the transfer to Starr Motor Express, Inc., Wolcott, N.Y., of Certificate No. MC 35451, issued June 4, 1958, to Bernice A. Starr, doing business as Starr Motor Express, Syracuse, N.Y., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, from South Hannibal, N.Y., to Meridian, N.Y., serving no intermediate points, and between Syracuse, N.Y., and South Hannibal, N.Y., serving the intermediate and off-route points of Plainville, Meridian, Cate, Victory, Red Creek, Crocketts, Hannibal, Fair Haven, Sterling, Hannibal Center, Fair Haven Beach State Park, North Victory, Martville, Wolcott, and Westbury, N.Y. Norman M. Pinsky, 407 South Warren Street, Syracuse 2, N.Y., attorney for applicants.

No. MC-FC 65239. By order of August 10, 1962. The Transfer Board approved the transfer to Earl F. Pruitt, doing business as Pruitt Trucking Company, Findlay, Ohio, of the operating rights in Permit No. MC 119907 Sub 2, issued July 18, 1961, in the name of Ray H. Pruitt and Earl F. Pruitt, a partnership, doing business as Pruitt Trucking Company, Findlay, Ohio, authorizing the transportation, over irregular routes, of photo film and photo prints, and materials and supplies used in the packing or identification of photo film and photo prints, between Findlay, Ohio, and Detroit, Mich., and between Detroit, Mich., on the one hand, and, on the other, Adrian, Monroe, Jackson and Lansing, Mich. Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C., applicants' attorney.

No. MC-FC 65244. By order of August 10, 1962. The Transfer Board approved the transfer to Dominick Cartage Service, Inc., Chicago, Ill., of Certificate No. MC 9705, issued June 26, 1941 to Fred Dominick, doing business as Dominick Cartage Service, 1754 West Roscoe Street, Chicago, Ill., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between points in the Chicago, Ill., Commercial Zone, as defined by the Commission.

No. MC-FC 65251. By order of August 10, 1962. The Transfer Board approved the transfer to Helen M. Citro, doing business as Brown's Trucking Co., Trenton, N.J., of Certificate No. MC 2017, issued March 28, 1958, to Anthony V. Citro and Helen M. Citro, a partnership, doing business as Brown's Trucking Co., Trenton, N.J., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, serving the off-route points of Highstown and Mt. Holly, N.J., and Doylestown and Center Point, Pa., restricted to the pickup of eggs destined to New York, N.Y., and the delivery of empty egg crates, egg crate fillers and rejected shipments of eggs on return, in connection with carrier's authorized regular-route operation; between Philadelphia, Pa., and New York, N.Y., serving all intermediate points and off-route points of Langhorne, Pa., and Plainsboro and Hoboken, N.J., restricted against transportation of cheese, processed meats and frozen foods from New York, N.Y., when destined to Baltimore, Md., Washington, D.C., or through either of these points to points beyond; between Trenton, N.J., and Philadelphia, Pa., serving all intermediate points and off-route points of Roebling and Riverside, N.J., between Trenton, N.J., and New Brunswick, N.J., serving all intermediate points and off-route point of Allentown, N.J., between Trenton, N.J., and Princeton, N.J., serving all intermediate points. Harry C. Maxwell, 200 Penn Square Building, Juniper and Filbert Streets, Philadelphia 7, Pa., representative for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8282; Filed, Aug. 16, 1962; 8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 14, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37876: *Scrap iron or steel from Memphis, Tenn., to Portsmouth, Ohio.* Filed by O. W. South, Jr., Agent (No. A4226), for interested rail carriers. Rates on iron or steel, scrap or pieces, as described in the application, in carloads, from Memphis, Tenn., to Portsmouth, Ohio.

Grounds for relief: Barge and market competition.

Tariff: Supplement 95 to Southern Freight Association tariff I.C.C. S-14.

FSA No. 37877: *Processed clay from Dubach, La.* Filed by Southwestern Freight Bureau, Agent (No. B-8246), for interested rail carriers. Rates on clay, noibn, processed for neutralization, clarifying, purifying, refining, filtering and/or decolorizing oils or solvents (mineral, animal or vegetable), or fats, waxes or greases, in carloads, from Dubach, La., to points in southwestern, western trunk line, southern, and official (including IFA) territories.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 4 to Southwestern Freight Bureau tariff I.C.C. 4481.

FSA No. 37878: *Liquefied propylene gas to Charleston and South Charleston, W. Va.* Filed by Southwestern Freight Bureau, Agent (No. B-8245), for interested rail carriers. Rates on liquefied propylene gas, in tank car loads, from Baytown, Chaison, Freeport, Houston, Port Arthur, Smiths Bluff, Texas City, and West Port Arthur, Tex., Lake Charles, Plaquemine, and West Lake Charles, La., to Charleston and South Charleston, W. Va.

Grounds for relief: Water and market competition.

Tariff: Supplement 1 to Southwestern Freight Bureau tariff I.C.C. 4486.

FSA No. 37879: *Cellular steel beams from Economy, Pa., to New Orleans, La.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2628), for interested rail carriers. Rates on cellular steel beams, in carloads, also accompanying flashings, clips, hangers or closures, not exceeding 10 percent of the weight of the beams, from Economy, Pa., to New Orleans, La.

Grounds for relief: Truck-water competition.

Tariff: Supplement 8 to Trunk Line-Central Territory Railroads Tariff Bureau tariff I.C.C. C-282.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8283; Filed, Aug. 16, 1962; 8:52 a.m.]

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Washington, Saturday, August 18, 1962

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THE UNIVERSITY OF MICHIGAN AUG 21 1962 MAIN READING ROOM

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PUBLIC LAND ORDERS:
960 (revoked in part by PLO 2754) - 8279
2750 ---------- 8277
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Latest Revision

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[Updated to January 1, 1962]

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3486

MODIFYING THE NATURAL BRIDGES NATIONAL MONUMENT, UTAH

By the President of the United States of America
A Proclamation

WHEREAS the Natural Bridges National Monument, Utah, established by Proclamation No. 804 of April 16, 1908, and modified by Proclamation No. 881 of September 25, 1909, and Proclamation No. 1323 of February 11, 1916, was reserved and set apart for the preservation and protection of three extraordinary natural bridges and certain surrounding prehistoric ruins and cave springs; and

WHEREAS it appears that it would be in the public interest to add to such monument approximately five thousand two hundred and thirty-six acres of land near the present boundaries which contain additional cliff-type prehistoric Indian ruins and suitable space for construction of a visitor center, administrative offices, employee residences, utility and maintenance facilities, and a new entrance road; and

WHEREAS it also appears that it would be in the public interest to exclude from the monument approximately three hundred and twenty acres of land, known as Snow Flat Spring Cave and Cigarette Spring Cave, which no longer contain features of archeological value and are not needed for the proper care, management, protection, interpretation, and preservation of the monument:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, by virtue of the authority vested in me by Section 2 of the Act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do proclaim as follows:

Subject to any valid interest or rights, the lands now owned by the United States within the exterior boundaries of the following described tracts of land, which include the additional lands needed for the purposes stated above, shall constitute the Natural Bridges National Monument; and lands owned by the State of Utah within such boundaries shall become a part of that monument upon acquisition of title thereto by the United States:

SALT LAKE MERIDIAN, UTAH

T. 36 S., R. 17 E.
sec. 25, E½ and SW¼
sec. 26, SE¼ and E½SW¼
sec. 34, E½NE¼, SW¼NE¼, SE¼, and SE¼SW¼
all of sections 35 and 36
T. 36 S., R. 18 E.
all of sections 30 and 31
T. 37 S., R. 17 E.
all of sections 1, 2, and 3
sec. 4, E½
sec. 10, E½ and N½NW¼
all of section 11
sec. 12, NW¼
sec. 14, N½
sec. 15, E½NE¼
T. 37 S., R. 18 E.
sec. 6, NW¼

The following-described lands in the State of Utah are hereby excluded from the Natural Bridges National Monument:

SALT LAKE MERIDIAN, UTAH

Cigarette Spring Cave

T. 40 S., R. 19 E.
sec. 1, Portions of NW¼ and N½SW¼
(exclusive of lots 5, 6, 7, 8, and 9)
sec. 2, Portions of E½NE¼ and NE¼SE¼
(exclusive of lots 5, 6, and 7)

Snow Flat Spring Cave

T. 39 S., R. 19 E.
sec. 12, SE¼SE¼
sec. 13, NE¼NE¼
T. 39 S., R. 20 E.
sec. 7, SW¼SW¼
sec. 18, NW¼NW¼

The public lands hereby excluded from the monument shall not be subject to application, location, settlement, entry, or other forms of appropriation under the public-land laws until further order of an authorized officer of the Department of the Interior.

The Natural Bridges National Monument shall be administered pursuant to the Act of August 25, 1916, 39 Stat. 535 (16 U.S.C. 1–3), and acts supplementary thereto and amendatory thereof.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any of the features or objects of this monument and not to locate or settle upon any of the lands reserved by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of August in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62–8417; Filed, Aug. 17, 1962; 10:26 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—1963–64 Marketing Year

COUNTY ACREAGE ALLOTMENTS FOR 1963 CROP OF WHEAT

§ 728.1306 Basis and purpose.

The county acreage allotments for 1963 crop wheat contained herein have been determined under section 334 of the Agricultural Adjustment Act of 1938, as amended. The purpose is to apportion among the counties of each State the respective State wheat acreage allotments for 1963 as established by the proclamation dated June 26, 1962 (27 F.R. 6314).

Section 334(b) of the Agricultural Adjustment Act of 1938, as amended, provides that the State acreage allotments for wheat, less a reserve of not to exceed 3 per centum thereof for apportionment to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made, shall be apportioned among the counties in the State on the basis of the acreage seeded for the production of wheat during the 10 calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practices. The applicable 10-year period used in apportioning the 1963 State wheat acreage allotments among the counties in the respective States included the years 1952 to 1961 inclusive.

Section 301(c) of the act requires that the latest available statistics of the Federal Government be used in making the apportionments required to be made under the act. Estimates of county acreage seeded to wheat made by the Statistical Reporting Service of the Department of Agriculture do not meet the definitions of wheat acreage as contained in the regulations pertaining to 1963 wheat acreage allotments and marketing quotas. Such regulations provide that: (1) Wheat seeded in mixtures with other small grains will be counted as wheat acreage if the harvested mixture in counties other than approved wheat mixture counties is classified as wheat or as mixed grain under the official grain standards. In approved wheat mixture counties a mixture of wheat and other small grains will not be counted as wheat if the mixture contains (a) when seeded less than 50 percent of wheat by weight and (b) when harvested produced less than 50 percent by weight; (2) wheat used for cover crop will not be counted as wheat acreage in any county; and (3) the transferring of farm records of wheat acreage across county lines will be permitted for administrative purposes. For these reasons acreage data obtained from farm surveys by ASC county committees and from farm acreage reports in the years 1952 through 1961 were used as basic data in lieu of estimates made by the Statistical Reporting Service. It was necessary to adjust the total seeded acreage of wheat for 1954 in the States of Minnesota, Montana, North Dakota, and South Dakota in order that the acreage seeded to durum wheat in excess of the official farm acreage allotments under the provisions of Public Law 290, 83d Congress, would not be considered in establishing future State, county, and farm acreage allotments. For 1955, 1956, and 1957, the data compiled from the farm survey excluded the acreage of durum wheat seeded in excess of the regular allotment under the provisions of Public Law 8, 84th Congress, Public Law 431, 84th Congress, and Public Law 85–13, respectively. Therefore, no further adjustment was necessary for this factor for these years.

From a survey conducted by the Agricultural Stabilization and Conservation Service in 1953, data for 1952 and 1953 with respect to the acreage seeded to wheat for harvest as grain, the acreage of mixtures of wheat and other small grains, and the acreage of wheat used as a cover crop were compiled as separate items. Such items were included or excluded as required to conform to the wheat acreage definition set forth in the regulations. The acreage data obtained from farm acreage reports for 1954 through 1961 were compiled in accordance with the definition of wheat acreage as set forth in the regulations and were used as compiled.

Credit for wheat diversion in 1954 and 1955 was computed on a farm basis rather than on a county basis and was determined as follows: For each year, if the farm wheat acreage allotment was exceeded, no credit for diversion was allowed. If the allotment was not knowingly exceeded and the wheat acreage was 90 per centum or more of the farm allotment, the diversion credit allowed was the difference between the base acreage and the wheat acreage. If the wheat acreage was less than 90 per centum of the allotment, the maximum diversion credit for the farm was determined by dividing the wheat acreage by 90 per centum of the county proration factor and subtracting from this result the wheat acreage.

Credit for wheat diversion in 1959 was computed on a farm basis in a similar manner as for 1954 and 1955, except that 75 per centum was used in all computations instead of 90 per centum.

For 1954, the sum of all such computed diversion credits were totaled to obtain the county diversion credit for wheat. For the States of Minnesota, Montana, North Dakota, and South Dakota, the acreages of Durum Wheat (Class II), grown within the allotment increases made for 1954 under Public Law 290, 83d Congress, were subtracted from the 1954 wheat acreage adjusted as described above so as to conform to language in this act providing that such acreage shall not be considered in the determination of future allotments.

The acreages for 1955 and 1956, including diversion credit on a farm basis, were obtained as the sum of the acreages recorded on the farm record card in 1960 for each such year. The acreage thus used for 1955 and 1956 included the following as wheat acreage: (1) Acreage actually seeded on the farm and classified as wheat under marketing quota regulations, less the acreage of Durum Wheat (Class II) grown within the allotment increases under Public Law 8, 84th Congress and Public Law 431, 84th Congress; (2) the acreage diverted from the production of wheat on complying farms; and (3) the acreage released for reapportionment to other farms under regulations issued by the Secretary governing the temporary release and reapportionment of such acreage.

Adjustments for abnormal weather conditions in county wheat acreage estimates were considered only for those counties for which the ASC State committees had determined that the acreage classified as wheat, including acreage diverted from wheat, for the years 1952 through 1956 was below normal, and the Director of the Grain Division had approved such determinations. Counties thus approved which had wheat acreage plus diverted acreage for the year in question lower than the level represented by 90 percent of the most recent previous normal year's acreage or 110 percent of the previous 10-year average wheat acreage plus diverted acreage, whichever was less, were increased to such level as an adjustment for abnormal weather. Determinations of such adjusted acreages made for years prior to 1957 were not revised even though minor revisions were made in acreages of the "normal" years as a result of census revisions. No adjustments for abnormal weather conditions were made in county wheat acreages for the years 1957 through 1961, since the application of Public Law 86–172 and Public Law 86–793 minimized or eliminated the need for weather adjustments for such years.

The 1957 wheat acreage data as compiled from ASCS statistics included the following as wheat acreage: (1) Acreage actually seeded on the farms and classified as wheat under marketing quota regulations, less the acreage of Durum Wheat (Class II) grown within the al-

lotment increases under Public Law 85–13; (2) the amount by which the acreage on a farm was less than wheat acreage allotment, except for those farms underplanting the allotment for the purpose of depleting stored excess; (3) the acreage diverted from the production of wheat on complying farms; and (4) the acreage released for reapportionment to other farms under regulations issued by the Secretary governing the temporary release and reapportionment of such acreage. Use of this 1957 acreage data precluded the necessity of making any adjustments for abnormal weather conditions.

Section 334 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 85–203, to add the following:

Notwithstanding any other provision of law, no acreage in the commercial wheat-producing area seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments shall be considered in establishing future State and county acreage allotments except as prescribed in the provisos to the first sentence of subsection (a) and (b) respectively, of this section.

Under the provisions of this amendment, only the allotment can be counted as wheat acreage history on any farm on which the allotment is overseeded. The 1958 wheat acreage data compiled from Agricultural Stabilization and Conservation Service statistics was the sum of the following:

(1) The wheat acreage allotment for all farms on which the allotment was overseeded;

(2) The wheat base acreage on all farms complying with the wheat acreage allotment, except those farms underplanting the allotment for the purpose of depleting stored excess;

(3) For those farms underplanting the allotment for the purpose of depleting stored excess, the acreage actually classified as wheat under marketing quota regulations, plus the diversion credit determined by multiplying the acreage seeded by the reciprocal of the county proration factor.

Section 334 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 86–419, to add the following:

(d) For the purpose of subsections (a), (b), and (c) of this section, any farm (1) to which a wheat marketing quota is applicable; (2) on which the acreage planted to wheat exceeds the farm wheat acreage allotment; and (3) on which the marketing excess is zero, shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty. This subsection shall be applicable in establishing the acreage seeded and diverted and the past acreage of wheat for 1959 and subsequent years in apportionment of allotments beginning with the 1961 crop of wheat. For the purpose of clause (1) of this subsection, a farm with respect to which an exemption has been granted under section 335(f) for any year shall not be regarded as a farm to which a wheat marketing quota is applicable for such year, even though such exemption should become null and void because of a violation of the conditions of the exemption.

Under the provisions of this amendment and under the exception as prescribed in the provisos to Public Law 85–203, only the allotment can be counted as wheat acreage history on any farm on which the allotment is overseeded, unless the entire amount of the marketing quota excess is stored or delivered to the Secretary to avoid or postpone the payment of penalty, and none of such excess has been depleted, or the excess has been adjusted to zero because of underproduction.

The 1959, 1960, and 1961 wheat acreage data compiled from Agricultural Stabilization and Conservation Service statistics was the sum of the following:

(1) The wheat acreage allotment for all farms on which the allotment was overseeded, except those farms on which the entire amount of the marketing excess was stored or delivered to the Secretary to avoid or postpone the payment of penalty, and none of such stored excess has been depleted, or the marketing excess was adjusted to zero because of underproduction;

(2) The wheat base acreage on all farms on which the allotment was overseeded and on which the entire amount of the marketing excess was stored or delivered to the Secretary to avoid or postpone payment of penalty and none of such stored excess has been depleted, or the farm marketing excess was adjusted to zero because of underproduction;

(3) The wheat base acreage on all farms complying with the wheat acreage allotment except those farms underplanting the allotment for the purpose of depleting stored excess of a prior crop and except for 1960 and 1961, those farms other than federally owned farms on which the acreage classified as wheat acreage was less than 75 per centum of the farm wheat acreage allotment for the year involved or for either of the two preceding years;

(4) For 1959 those farms underplanting the allotment for the purpose of depleting stored excess, the acreage actually classified as wheat under 1959 marketing quota regulations in this part, multiplied by the reciprocal of the county allotment apportionment factor; and

(5) For 1960 and 1961, for any old farm other than a federally owned farm on which less than 75 per centum of the farm acreage allotment for the year involved or either of the two preceding years was actually planted to wheat or regarded as planted to wheat under the Soil Bank Act and the Great Plains program, the smaller of the farm base acreage for 1960 or 1961, whichever is applicable, or the acreage obtained by multiplying the wheat acreage for such year by the county wheat diversion factor, which was the reciprocal of a decimal fraction equal to 75 per centum of the county proration factor for such year.

To determine for each county the acreage seeded for the production of wheat during the ten calendar years immediately preceding the year 1962, in addition to the foregoing adjustments for diverted acres and abnormal weather, the following additional adjustments for trends, abnormal weather, and promotion of soil-conservation practices were made:

(1) The simple average of the annual county wheat acreage, adjusted as described above, for the 10-year period, 1952–61 inclusive, was determined.

(2) The simple average of the annual wheat acreages, adjusted as described above, for the 5-year period 1957–61, was determined.

(3) A simple average of the 10-year average and the 5-year average was determined giving equal weight to each. This acreage became the preliminary adjusted county base acreage of wheat.

(4) A preliminary adjustment for trend was made by deducting from the county wheat acreage history, as computed in accordance with the preceding paragraphs, the wheat acreage history for the years 1955 through 1958 for those farms which have been removed from agricultural production due to the encroachment of urban and industrial development. Such adjustments were not made for 1959, 1960, and 1961, because the farm data for these years reflected such adjustments.

(5) As a further adjustment for trend and to give greater effect to the sharp changes in county seeded acreages of wheat during recent years, the preliminary adjusted county base acreages were limited to an acreage of not less than 80 percent nor more than 120 percent of the 4-year (1958–61) average acreage.

Since the farm data for the years 1955 through 1961 as currently constituted on the farm record cards was used in determining the county base acres, no adjustments were necessary for transfers of farms into or out of the county.

If the sum of the county base acreages thus established differed from the State base established for the apportionment of the national allotment to States, all preliminary county base acres were factored pro rata so that the sum of the county base acres equaled the State base acres.

The resultant preliminary 1963 county base acreages as adjusted for trend and limited were reviewed by the respective State Agricultural Stabilization and Conservation Committees and appropriate adjustments were made to give greater effect to actual trends in county wheat history acreages and for the promotion of soil-conservation practices. Only downward adjustments were permitted for the promotion of soil conserving practices. The maximum acceptable adjustment for any county was limited to three percent of the preliminary base acreage for the county or 200 acres, whichever was the larger. All adjustments in base acres were either counterbalancing or were factored pro rata so that the sum of the county base acres after such adjustments were the same as prior to the adjustments. The resultant figure was the final 1963 county wheat base acreage.

The county wheat acreage allotments for 1963 were determined by apportioning pro rata to the counties, on the basis of the final 1963 county base acreages, the 1963 State wheat acreage allotment less (1) a reserve acreage for new farms in an amount not to exceed three per centum of the State acreage allotment, and (2) a reserve acreage for appeals, correction of errors and missed farms.

Section 334 (a) of the Agricultural Adjustment Act of 1938, as amended, states in part, "The national acreage allotment for wheat, less a reserve of not to exceed one per centum thereof for apportionment as provided in this subsection, shall be apportioned by the Secretary among the several States * * *. The reserve acreage set aside herein for apportionment by the Secretary shall be used to make allotments to counties, in addition to the county allotments made under subsection (b) of this section, on the basis of the relative needs of counties for additional allotment because of reclamation and other new areas coming into the production of wheat during the ten calendar years ending with the calendar year in which the national acreage allotment is proclaimed."

A reserve acreage of 20,000 acres was withheld for this purpose. In order for a county located in the commercial wheat-producing area to receive additional allotment acreage under this provision, the State committee was required to establish that a definite delineable area of the county had gone into the production of wheat during the ten calendar years ending with 1962. The amount of additional allotment apportioned to counties under this provision was the sum of the acreages determined under items (1) and (2) below, but in no case was the amount of the apportionment less than an amount obtained by subtracting the regular 1963 county allotment from 50 percent of the figure obtained by averaging the 4-year (1955–58) average wheat acreage history for the county with the 1959, 1960, and 1961 county wheat acreage history, giving 70 percent weight to the 4-year average wheat acreage history and 10 percent weight to the history acreages for each of the years 1959, 1960, and 1961.

(1) The acreages apportioned by the State committee from the State reserve for new farms in the delineable area for the 1962 crop year, plus

(2) The amount by which the 1963 regular county allotment was less than the 1962 final county allotment adjusted to give compensating effect to the loss of county wheat acreage history in 1960 and 1961 which was reflected in the 1963 regular county allotment. Such adjustment was made by deducting from the 1962 final county allotment the product of 30 percent (the weight applicable to the two years 1960 and 1961 since the weight given to each of the last five years in the 10-year base period is 15 percent) of the acreage by which the 1961 county wheat acreage history was less than the 1959 county wheat acreage history multiplied by the 1963 State allotment apportionment factor.

In the two States, Alabama and Mississippi, which were added to the commercial wheat-producing area in 1959, and in Arizona which was added to the commercial wheat-producing area in 1960, the above-mentioned apportionment procedure was not used because county allotments were not established for any year between 1954 and the year the State was brought into the commercial wheat-producing area. Since in each of these three States it was determined that virtually every county now producing wheat came into the production of wheat during the past ten years, all counties in such States were treated alike. Sufficient acreage out of the national reserve was apportioned to counties in each of these States which would bring the 1963 county wheat acreage allotment up to a level equal to an acreage obtained by applying the national proration factor of .68233 to an adjusted base determined for the county which was obtained by averaging the 4-year (1955–58) average historical base acreage for the county with the 1959, 1960, and 1961 county wheat acreage history, giving 70 percent weight to the 4-year average historical base acreage and 10 percent weight to the history acreages for each of the years, 1959, 1960, and 1961. No apportionment of acreage from the national reserve was made to those counties in which the regular allotment for 1963 exceeded the allotment computed in accordance with the formula as outlined above.

The total acreage apportioned to all counties from the national reserve was 8,062 acres. The balance of the reserve is being held for possible future requirements.

The tables contained in § 728.1307 hereof show the county base acreages and the apportionment of the 1963 State wheat acreage allotments and national reserve acreage among the counties. The reserve acreage for new farms and the reserve acreage for appeals, corrections of errors and missed farms withheld from the State allotment are listed at the end of the allotment tabulation for each State. The reserve acreage withheld by county committees for appeals, correction of errors, and missed farms prior to apportioning the county allotment to individual farms is indicated in the appropriate column on the tabulation.

The Agricultural Adjustment Act of 1938, as amended by Public Law 87–540, approved July 19, 1962, requires the holding of a referendum of wheat producers who will be subject to the national marketing quota proclaimed for the 1963–64 marketing year not later than August 31, 1962, to determine whether such producers favor such marketing quota and requires, insofar as practicable, the mailing of notices of farm acreage allotments to farm operators in sufficient time to be received prior to the referendum. Farm acreage allotments cannot be established until the county acreage allotments herein have been issued. In view of the limited time before the latest date which may be legally established for the referendum and the need for county committees to have county acreage allotments as soon as possible in order that farm acreage allotments may be properly determined and communicated to farm operators, it is hereby found that with respect to this document compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and this document shall become effective upon filing with the Director, Office of the Federal Register.

§ 728.1307 Wheat acreage apportioned to counties for 1963.

Wheat Acreage Apportioned to Counties for 1963

ALABAMA

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Autauga	1,384	938		144	98
Baldwin	9,531	6,665		1,172	800
Barbour	84	57			
Bibb	45	31		15	10
Blount	99	67		22	15
Bullock	23	16		13	9
Calhoun	118	80		50	34
Chambers	591	400			
Cherokee	1,567	1,062		129	88
Chilton	25	17		10	7
Clarke	160	108		7	5
Clay	65	44		35	24
Cleburne	164	111		61	44
Coffee	178	121		62	42
Colbert	12,066	8,180		296	202
Conecuh	123	83		53	36
Coosa	19	13		9	6
Covington	197	134		50	34
Crenshaw	37	25		9	6
Cullman	43	29			
Dale	336	228		116	79
Dallas	857	581		75	51
DeKalb	183	124			
Elmore	666	452		3	2
Escambia	1,550	1,051		127	87
Etowah	86	58			
Fayette	99	67			
Franklin	739	501		38	26
Geneva	840	570		214	146
Greene	22	15			
Hale	410	278		25	17
Henry	287	262		60	41
Houston	993	673		214	146
Jackson	541	367			
Jefferson	102	69		42	29
Lamar	72	49		28	19
Lauderdale	12,839	8,704			
Lawrence	6,465	4,383			
Lee	255	173		75	51

Wheat Acreage Apportioned to Counties for 1963—Continued

ALABAMA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Limestone	3,623	2,456		169	115
Lowndes	406	275		79	54
Macon	285	193		37	25
Madison	4,344	2,945			
Marengo	51	35			
Marion	209	142		26	18
Marshall	146	99		4	3
Mobile	446	302			
Monroe	58	39		6	4
Montgomery	1,285	871			
Morgan	1,388	941		98	67
Perry	235	159			
Pickens	230	156		9	6
Pike	148	100		91	62
Randolph	174	118		116	79
Russell	31	21		16	11
St. Clair	31	21		10	7
Shelby	113	77		26	18
Sumpter	88	60		19	13
Talladega	380	258		64	44
Tallapoosa	63	43		21	14
Tuscaloosa	71	48		7	5
Walker	88	60		26	18
Washington	411	279			
Wilcox	35	24			
Reserve new farms		200			
Reserve appeals and corrections		100			
Total	68,600	46,808		3,981	2,717

ARIZONA

Apache	200	136	5	15	10
Cochise	1,374	937	10		
Coconino	3,113	2,122	20	227	155
Graham	62	42	2	13	9
Greenlee	61	42	1	19	13
Maricopa	19,673	13,413	10		
Mohave	543	370	5	54	37
Navajo	1,911	1,303	5	256	175
Pima	478	326	10	34	23
Pinal	14,759	10,063	15	1,260	860
Santa Cruz	20	14			
Yavapai	1,771	1,207	5	154	105
Yuma	12,005	8,185	25	1,394	951
Reserve new farms		0			
Reserve appeals and corrections		30			
Total	55,970	38,190	113	3,426	2,338

ARKANSAS

Arkansas	1,219	831			
Ashley	41	28			
Baxter	154	105			
Benton	3,715	2,533			
Boone	254	173			
Carroll	223	152			
Chicot	942	642		79	54
Clay	7,223	4,923			
Cleburne	45	31			
Conway	2,684	1,830			
Craighead	804	548			
Crawford	3,283	2,238			
Crittenden	9,976	6,800			
Cross	4,012	2,735			
Desha	410	279			
Drew	42	29			
Faulkner	370	252			
Franklin	482	328			

Wheat Acreage Apportioned to Counties for 1963—Continued

ARKANSAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Fulton	165	112			
Garland	39	27			
Greene	1,202	819			
Hempstead	16	11			
Hot Spring	27	18			
Independence	7,618	5,193			
Izard	33	22			
Jackson	2,505	1,707			
Jefferson	156	106			
Johnson	1,577	1,075			
Lafayette	12	8			
Lawrence	1,791	1,221		91	62
Lee	2,867	1,954			
Lincoln	97	66			
Little River	30	20			
Logan	2,480	1,690			
Lonoke	777	530			
Madison	459	313			
Marion	67	46			
Miller	13	9			
Mississippi	19,470	13,271			
Monroe	161	110			
Montgomery	42	29			
Newton	5	3			
Perry	490	334			
Phillips	2,673	1,822		670	457
Poinsett	1,948	1,328			
Polk	12	8			
Pope	2,088	1,423			
Prairie	715	487			
Pulaski	4,421	3,014			
Randolph	1,783	1,215			
St. Francis	6,423	4,378			
Saline	8	5			
Searcy	241	165			
Sebastian	705	481			
Sevier	2	1			
Sharp	150	102			
Stone	333	227			
Van Buren	43	29			
Washington	1,001	682			
White	865	590			
Woodruff	2,505	1,707			
Yell	1,105	753			
Reserve new farms		20			
Reserve appeals and corrections		55			
Total	104,999	71,644		840	573

CALIFORNIA

Alameda	2,161	1,469			
Alpine	17	12			
Amador	378	257			
Butte	11,670	7,934			
Colusa	10,015	6,809			
Contra Costa	2,043	1,389			
El Dorado		1			
Fresno	21,908	14,895			
Glenn	5,322	3,618			
Imperial	2,601	1,768			
Inyo	20	14			
Kern	56,341	38,307			
Kings	1,599	1,087			
Lake	398	271			
Lassen	11,393	7,748			
Los Angeles	39,314	26,730			
Madera	15,557	10,577			
Marin	618	420			
Mariposa	167	114			
Mendocino	1,315	894			
Merced	4,507	3,064			

Wheat Acreage Apportioned to Counties for 1963—Continued

CALIFORNIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Modoc	24,742	16,822			
Mono	16	11			
Monterey	24,450	16,624			
Napa	2,018	1,372			
Orange	695	473			
Placer	15,552	10,574			
Plumas	1,085	738			
Riverside	28,610	19,452			
Sacramento	26,359	17,922			
San Benito	2,296	1,561			
San Bernardino	193	131			
San Diego	1,057	719			
San Joaquin	14,120	9,600			
San Luis Obispo	136,966	93,124			
San Mateo	53	36			
Santa Barbara	12,731	8,656			
Santa Clara	130	88			
Shasta	2,187	1,487			
Sierra	494	336			
Siskiyou	29,536	20,082		84	57
Solano	19,667	13,372			
Sonoma	647	440			
Stanislaus	1,052	715			
Sutter	24,494	16,654			
Tehama	3,025	2,057			
Tulare	41,194	28,008			
Tuolumne	14	10			
Ventura	1,054	716			
Yolo	15,829	10,762			
Yuba	2,033	1,382			
Reserve new farms		500			
Reserve appeals and corrections		1,000			
Total	619,644	422,800		84	57

COLORADO

Adams	189,649	129,359			
Alamosa	1,143	779			
Arapahoe	91,091	62,133			
Archuleta	2,313	1,577			
Baca	367,086	250,389			
Bent	43,122	29,413			
Boulder	16,019	10,926			
Chaffee	241	164			
Cheyenne	204,831	139,715			
Conejos	2,112	1,440			
Costilla	1,368	933			
Crowley	15,249	10,401			
Custer	464	316			
Delta	1,616	1,102			
Dolores	40,609	27,699			
Douglas	15,601	10,641			
Eagle	468	319			
Elbert	95,796	65,342			
El Paso	22,233	15,166			
Fremont	837	571			
Garfield	6,914	4,716			
Grand	1,654	1,128			
Huerfano	7,064	4,818			
Jackson	708	482			
Jefferson	11,962	8,159			
Kiowa	323,546	220,690			
Kit Carson	354,173	241,581			
La Plata	28,679	19,561			
Larimer	31,973	21,808			
Las Animas	28,686	19,567			
Lincoln	198,280	135,246			
Logan	199,246	135,905			
Mesa	2,079	1,418			
Moffat	48,623	33,165			
Montezuma	29,760	20,299			

Wheat Acreage Apportioned to Counties for 1963—Continued

COLORADO—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Montrose	6,757	4,608			
Morgan	89,053	60,743			
Otero	2,909	1,984			
Ouray	1,070	729			
Phillips	160,299	109,339			
Pitkin	236	160			
Prowers	227,662	155,288			
Pueblo	23,564	16,073			
Rio Blanco	8,790	5,995			
Rio Grande	3,993	2,723			
Routt	34,832	23,758			
Saguache	983	670			
San Miguel	4,721	3,220			
Sedgwick	91,269	62,254			
Teller	27	18			
Washington	342,961	233,933			
Weld	274,979	187,563			
Yuma	207,624	141,620			
Reserve new farms		400			
Reserve Appeals and Corrections		500			
Total	3,866,924	2,638,505			

DELAWARE

Kent	19,159	13,029	30		
New Castle	15,694	10,672	25		
Sussex	8,676	5,900	25		
Reserve new farms		100			
Reserve appeals and corrections		0			
Total	43,529	29,701	80		

GEORGIA

Appling	54	37			
Bacon	5	3			
Baker	180	123			
Baldwin	67	46			
Banks	1,509	1,027			
Barrow	1,342	914			
Bartow	3,001	2,043			
Ben Hill	36	24			
Berrien	2	1		4	3
Bibb	928	632			
Bleckley	536	365			
Brooks	45	31			
Bryan	8	5			
Bulloch	341	232			
Burke	1,869	1,272			
Butts	1,680	1,144			
Calhoun	166	113			
Candler	73	50			
Carroll	1,114	758			
Catoosa	328	223			
Chatham	5	3			
Chattooga	245	167			
Cherokee	168	114			
Clarke	2,638	1,728			
Clay	186	127			
Clayton	374	255			
Cobb	144	98			
Coffee	135	92			
Colquitt	7	5			
Columbia	295	201			
Coweta	387	263			
Crawford	1,673	1,139			
Crisp	753	513			
Dade	113	77			
Dawson	292	199			

Wheat Acreage Apportioned to Counties for 1963—Continued

GEORGIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Decatur	18	12			
DeKalb	221	150			
Dodge	263	179			
Dooly	3,409	2,321			
Dougherty	1,000	681			
Douglas	202	137			
Early	1,260	858			
Effingham	48	33			
Elbert	3,812	2,595			
Emanuel	905	616			
Evans	67	46			
Fannin	26	18			
Fayette	675	459			
Floyd	867	590			
Forsyth	600	408			
Franklin	5,543	3,773			
Fulton	411	280			
Gilmer	22	15			
Glascock	720	490			
Gordon	729	496			
Grady	183	125			
Greene	509	346			
Gwinnett	1,872	1,274			
Habersham	185	126			
Hall	841	572			
Hancock	386	263			
Haralson	339	231			
Harris	152	103			
Hart	7,769	5,289			
Heard	749	510			
Henry	2,407	1,639			
Houston	7,246	4,933			
Irwin	4	3			
Jackson	4,264	2,903			
Jasper	642	437			
Jeff Davis	1	1			
Jefferson	15,213	10,356			
Jenkins	465	317			
Johnson	1,009	687			
Jones	103	70			
Lamar	660	449			
Laurens	2,583	1,758			
Lee	705	480			
Lincoln	379	258			
Lowndes	38	26			
Lumpkin	54	37			
McDuffie	429	292			
Macon	3,055	2,080			
Madison	12,213	8,314			
Marion	267	182			
Meriwether	926	630			
Miller	273	186			
Mitchell	26	18			
Monroe	354	241			
Montgomery	48	33			
Morgan	1,197	815			
Murray	1,455	990			
Muscogee	1	1			
Newton	717	488			
Oconee	3,685	2,509			
Oglethorpe	7,901	5,379			
Paulding	359	244			
Peach	3,326	2,264			
Pickens	152	103			
Pike	1,463	996			
Polk	1,213	826			
Pulaski	1,060	722			
Putnam	217	148			
Quitman	20	14			
Rabun	18	12			
Randolph	466	317			
Richmond	1,039	707			
Rockdale	337	229			
Sebley	346	236			
Screven	431	293			
Seminole	290	197			
Spalding	1,722	1,172			
Stephens	546	372			
Stewart	84	57			
Sumter	3,348	2,279			
Talbot	182	124			
Taliaferro	220	150			
Tattnall	43	29			
Taylor	337	229			
Telfair	36	24			
Terrell	481	327			
Thomas	120	82			
Tift	34	23			
Toombs	105	71			
Towns	103	70			
Treutlen	81	55			
Troup	72	49			
Turner	242	165			
Twiggs	113	77			
Union	254	173			
Upson	528	359			
Walker	784	534			
Walton	2,726	1,856			
Warren	2,124	1,446			
Washington	5,471	3,724			
Webster	158	108			
Wheeler	1,289	877			
White	72	49			
Whitfield	1,425	970			
Wilcox	383	261			
Wilkes	1,034	704			
Wilkinson	213	145			
Worth	133	90			
Reserve new farms		150			
Reserve appeals and corrections		100			
Total	157,902	107,741		4	3

Wheat Acreage Apportioned to Counties for 1963—Continued

GEORGIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned

IDAHO

Ada	8,142	5,546			
Adams	1,343	915			
Bannock	74,412	50,686			
Bear Lake	32,979	22,464			
Benewah	29,518	20,106			
Bingham	77,347	52,685		32	22
Blaine	10,840	7,384			
Boise	619	422			
Bonner	2,156	1,469		26	18
Bonneville	134,807	91,824			
Boundary	12,473	8,496			
Butte	14,531	9,898			
Camas	48,998	33,375			
Canyon	23,643	16,105			
Caribou	74,962	51,061			
Cassia	93,468	63,666		395	269
Clark	7,898	5,380		15	10
Clearwater	11,369	7,744			
Custer	2,779	1,893			
Elmore	11,065	7,537			
Franklin	51,598	35,085			
Fremont	71,495	48,699			
Gem	2,743	1,868			
Gooding	10,557	7,191			
Idaho	88,400	60,214			
Jefferson	41,013	27,936			
Jerome	18,607	12,674		53	36
Kootenai	36,546	24,894			
Latah	99,059	67,474			
Lemhi	1,809	1,232			
Lewis	61,370	41,802			

Wheat Acreage Apportioned to Counties for 1963—Continued

IDAHO—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Lincoln	14,521	9,891			
Madison	72,157	49,150			
Minidoka	33,451	22,785		112	76
Nez Perce	95,263	64,889			
Oneida	101,634	69,228			
Owyhee	7,214	4,914			
Payette	7,008	4,774			
Power	141,362	96,289			
Teton	43,161	29,399			
Twin Falls	49,148	33,477			
Valley	756	515			
Washington	26,033	17,733			
Reserve new farms		850			
Reserve appeals and corrections		1,200			
Total	1,748,164	1,192,819		633	431

ILLINOIS

Adams	48,337	32,947	100		
Alexander	6,909	4,709	5		
Bond	24,837	16,929	75		
Boone	455	310	3		
Brown	9,957	6,787	30		
Bureau	2,590	1,765	20		
Calhoun	6,348	4,327	25		
Carroll	396	270	6		
Cass	27,936	19,041	25		
Champaign	43,600	29,718	75		
Christian	69,433	47,326	50		
Clark	33,358	22,737	25		
Clinton	17,898	12,198	30		
Coles	45,085	30,730	75		
Cook	33,418	22,778	33		
Crawford	2,511	1,712	10		
Cumberland	22,931	15,630	30		
DeKalb	19,715	13,438	40		
DeWitt	853	581	3		
Douglas	8,001	5,454	50		
DuPage	25,753	17,553	50		
Edgar	4,176	2,846	20		
Edwards	38,115	25,980	100		
Effingham	15,741	10,729	40		
Fayette	25,789	17,578	40		
Ford	33,185	22,619	30		
Franklin	895	610	25		
Fulton	25,896	17,651	50		
Gallatin	22,787	15,532	50		
Greene	11,325	7,719	30		
Grundy	33,007	22,498	40		
Hamilton	991	675	5		
Hancock	16,929	11,539	25		
Hardin	32,832	22,379	75		
Henderson	230	157	5		
Henry	5,922	4,036	15		
Iroquois	1,150	784	15		
Jackson	17,405	11,863	50		
Jasper	24,759	16,876	60		
Jefferson	29,316	19,982	60		
Jersey	26,480	18,049	40		
Jo Daviess	26,400	17,994	50		
Johnson	29	20	2		
Kane	2,720	1,854	15		
Kankakee	3,058	2,084	12		
Kendall	10,819	7,374	20		
Knox	1,164	793	15		
Lake	3,801	2,591	20		
LaSalle	5,022	3,423	13		
Lawrence	2,756	1,879	20		
Lee	27,796	18,946	50		
Livingston	4,313	2,940	30		
	1,045	712	25		

Wheat Acreage Apportioned to Counties for 1963—Continued

ILLINOIS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Logan	28,494	19,422	25		
McDonough	15,590	10,626	75		
McHenry	2,251	1,534	10		
McLean	5,825	3,970	20		
Macoupin	28,710	19,569	80		
Madison	61,253	41,751	50		
Marion	75,004	51,123	125		
Marshall	28,078	19,138	25		
Mason	4,129	2,815	15		
Massac	45,903	31,288	75		
Menard	4,476	3,051	12		
Mercer	21,781	14,846	50		
Monroe	1,952	1,331	12		
Montgomery	49,166	33,512	75		
Morgan	50,023	38,188	50		
Moultrie	42,287	28,823	50		
Ogle	23,110	15,752	50		
Peoria	1,403	956	5		
Perry	12,473	8,502	25		
Piatt	24,885	16,962	25		
Pike	22,271	15,180	50		
Pope	32,802	22,358	25		
Pulaski	2,698	1,839	10		
Putnam	5,471	3,729	10		
Randolph	2,361	1,609	10		
Richland	47,477	32,361	25		
Rock Island	16,532	11,268	85		
St. Clair	1,143	779	10		
Saline	81,958	55,863	75		
Sangamon	17,678	12,050	80		
Schuyler	57,373	39,106	100		
Scott	20,455	13,942	75		
Shelby	20,271	13,817	50		
Stark	47,753	32,549	30		
Stephenson	867	591	20		
Tazewell	235	160	5		
Union	26,217	17,870	50		
Vermilion	9,172	6,252	15		
Wabash	57,285	39,046	100		
Warren	19,280	13,141	50		
Washington	1,527	1,041	15		
Wayne	70,848	48,291	50		
White	22,123	15,079	50		
Whiteside	34,238	23,337	100		
Will	5,345	3,643	20		
Williamson	10,440	7,116	50		
Winnebago	7,707	5,253	15		
Woodford	1,615	1,101	10		
Reserve new farms	4,065	2,771	10		
Reserve appeals and corrections		500			
Total	2,086,084	1,423,391	3,858		

INDIANA

Adams	17,673	12,048	120		
Allen	37,900	25,836	135		
Bartholomew	30,601	20,861	105		
Benton	17,332	11,815	60		
Blackford	4,267	2,909	15		
Boone	11,460	7,812	50		
Brown	433	295	15		
Carroll	17,568	11,976	62		
Cass	15,816	10,782	60		
Clark	9,307	6,345	33		
Clay	20,928	14,267	74		
Clinton	22,985	15,669	80		
Crawford	3,114	2,123	15		
Daviess	26,446	18,028	92		
Dearborn	7,983	5,442	28		
Decatur	36,300	24,746	124		

Wheat Acreage Apportioned to Counties for 1963—Continued

INDIANA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
DeKalb	24,284	16,554	86		
Delaware	15,381	10,485	80		
Dubois	18,351	12,510	64		
Elkhart	25,742	17,548	91		
Fayette	14,081	9,599	49		
Floyd	2,256	1,538	25		
Fountain	23,300	15,883	81		
Franklin	20,019	13,647	75		
Fulton	15,420	10,512	54		
Gibson	31,479	21,459	108		
Grant	15,962	10,881	56		
Greene	15,489	10,559	100		
Hamilton	14,500	9,885	51		
Hancock	14,641	9,981	51		
Harrison	10,491	7,152	37		
Hendricks	13,748	9,372	50		
Henry	15,044	10,256	53		
Howard	15,531	10,587	55		
Huntington	15,954	10,876	57		
Jackson	22,521	15,353	78		
Jasper	20,904	14,250	72		
Jay	14,614	9,962	55		
Jefferson	8,709	5,937	32		
Jennings	12,695	8,654	44		
Johnson	17,885	12,192	65		
Knox	45,610	31,092	158		
Kosciusko	24,939	17,001	100		
Lagrange	22,110	15,072	80		
Lake	15,329	10,450	54		
La Porte	43,342	29,546	150		
Lawrence	4,174	2,845	15		
Madison	19,400	13,225	68		
Marion	9,353	6,376	35		
Marshall	21,128	14,403	75		
Martin	2,926	1,995	15		
Miami	15,044	10,255	53		
Monroe	1,597	1,089	15		
Montgomery	22,235	15,157	78		
Morgan	11,087	7,544	40		
Newton	12,938	8,820	50		
Noble	20,366	13,883	100		
Ohio	1,626	1,108	15		
Orange	4,917	3,352	17		
Owen	5,068	3,455	25		
Parke	18,207	12,412	65		
Perry	6,758	4,607	24		
Pike	10,651	7,261	45		
Porter	25,439	17,342	89		
Posey	34,253	23,350	118		
Pulaski	20,456	13,945	72		
Putnam	12,592	8,584	44		
Randolph	19,606	13,365	69		
Ripley	22,775	15,526	79		
Rush	32,251	21,985	112		
St. Joseph	28,047	19,120	98		
Scott	5,817	3,965	21		
Shelby	29,467	20,088	103		
Spencer	19,528	13,312	68		
Starke	13,800	9,407	50		
Steuben	15,364	10,474	53		
Sullivan	27,456	18,717	100		
Switzerland	3,483	2,374	33		
Tippecanoe	28,875	19,684	100		
Tipton	13,046	8,893	46		
Union	15,156	10,332	53		
Vanderburgh	16,056	10,945	55		
Vermillion	14,087	9,603	50		
Vigo	18,677	12,732	65		
Wabash	20,618	14,055	73		
Warren	19,105	13,024	66		
Warrick	13,060	8,903	45		
Washington	13,843	9,096	50		
Wayne	20,968	14,226	72		
Wells	15,196	10,359	54		
White	18,501	12,612	65		
Whitley	16,155	11,013	58		
Reserve new farms		500			
Reserve appeals and corrections		500			
Total	1,590,976	1,085,565	5,873		

IOWA

Adair	314	213	10		
Adams	2,026	1,374	25		
Allamakee	13	9			
Appanoose	984	667	15		
Audubon	79	54	1		
Benton	340	231	5		
Black Hawk	34	23			
Boone	31	21			
Bremer	7	5			
Buchanan	114	77	5		
Calhoun	24	16			
Carroll	31	21			
Cass	1,719	1,165	12		
Cedar	60	41			
Cerro Gordo	85	58			
Chickasaw	18	12			
Clarke	316	214	5		
Clayton	4	3			
Clinton	111	75	4		
Crawford	460	312	5		
Dallas	501	340	3		
Davis	1,924	1,304	20		
Decatur	1,031	699	7		
Delaware	6	4	1		
Des Moines	5,106	3,462	45		
Dubuque	81	55			
Floyd	18	12			
Fremont	15,383	10,429	50		
Greene	10	7			
Guthrie	653	443			
Hamilton	34	23	5		
Hancock	29	20			
Harrison	22,194	15,047	30		
Henry	1,444	979	20		
Ida	48	33			
Iowa	105	71	5		
Jackson	2	1			
Jasper	1,043	707	25		
Jefferson	1,504	1,020	10		
Johnson	103	70	2		
Jones	59	40			
Keokuk	143	97	5		
Kossuth	2	1			
Lee	9,895	6,709	50		
Linn	165	112			
Louisa	1,735	1,176	5		
Lucas	972	659	10		
Lyon	39	26			
Madison	2,498	1,687	10		
Mahaska	706	479	15		
Marion	1,280	868	25		
Marshall	70	47	5		
Mills	13,753	9,324	50		
Mitchell	1	1			
Monona	22,489	15,247	55		
Monroe	1,008	683	5		
Montgomery	5,895	3,997	35		
Muscatine	1,270	861			
Osceola	21	14			
Page	10,810	7,329	25		
Palo Alto	9	6	1		
Plymouth	1,171	794	10		

Wheat Acreage Apportioned to Counties for 1963—Continued

IOWA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Pocahontas	8	5			
Polk	2,795	1,895	10		
Pottawattamie	10,021	6,794	70		
Poweshiek	78	53	2		
Ringgold	2,963	2,009	5		
Sac	13	9			
Scott	292	198	4		
Shelby	182	123	7		
Sioux	12	8	2		
Story	122	83	5		
Tama	40	27			
Taylor	4,442	3,012	25		
Union	418	283	10		
Van Buren	3,315	2,247	75		
Wapello	2,079	1,410	30		
Warren	4,575	3,102	20		
Washington	327	222	5		
Wayne	321	218	10		
Winnebago	22	15			
Woodbury	8,407	5,700	20		
Worth	42	28	3		
Wright	20	14			
Reserve new farms		498			
Reserve appeals and corrections		250			
Total	172,464	117,677	919		

KANSAS

Allen	35,769	24,402	25		
Anderson	40,434	27,584	50		
Atchison	40,753	27,802	40		
Barber	182,580	124,556	50		
Barton	356,680	243,327	50		
Bourbon	26,923	18,367	75		
Brown	52,296	35,676	25		
Butler	91,790	62,619	50		
Chase	28,267	19,284	30		
Chautauqua	18,872	12,874	10		
Cherokee	89,412	60,997	50		
Cheyenne	171,255	116,830	50		
Clark	149,089	101,709	30		
Clay	139,888	95,432	50		
Cloud	177,749	121,260	100		
Coffey	38,785	26,459	30		
Comanche	149,039	101,674	30		
Cowley	147,789	100,822	50		
Crawford	47,556	32,443	30		
Decatur	145,788	99,457	50		
Dickinson	212,599	145,035	150		
Doniphan	20,903	14,260	50		
Douglas	42,116	28,732	50		
Edwards	223,964	152,788	50		
Elk	17,623	12,022	25		
Ellis	227,110	154,934	50		
Ellsworth	174,661	119,154	25		
Finney	279,653	190,779	50		
Ford	389,758	265,893	50		
Franklin	35,177	23,998	25		
Geary	42,838	29,224	25		
Gove	174,534	119,067	50		
Graham	173,882	118,622	50		
Grant	129,564	88,389	80		
Gray	299,651	204,422	50		
Greeley	203,744	138,994	50		
Greenwood	26,578	18,132	50		
Hamilton	208,230	142,061	50		
Harper	290,954	198,489	50		
Harvey	147,912	100,906	50		

Wheat Acreage Apportioned to Counties for 1963—Continued

KANSAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Haskell	212,087	144,686	100		
Hodgeman	229,705	156,705	40		
Jackson	48,823	33,307	40		
Jefferson	45,526	31,058	25		
Jewell	177,582	121,146	100		
Johnson	33,709	22,996	50		
Kearny	150,335	102,559	50		
Kingman	254,322	173,635	50		
Kiowa	175,620	119,808	50		
Labette	85,007	57,992	35		
Lane	172,155	117,444	50		
Leavenworth	32,993	22,508	50		
Lincoln	172,305	117,546	40		
Linn	32,588	22,232	50		
Logan	165,145	112,662	50		
Lyon	51,470	35,113	100		
McPherson	299,768	204,502	150		
Marion	179,375	122,370	50		
Marshall	114,186	77,898	90		
Meade	240,375	163,984	50		
Miami	37,872	25,836	75		
Mitchell	260,413	177,651	100		
Montgomery	64,279	43,851	25		
Morris	63,009	42,985	50		
Morton	124,263	84,772	50		
Nemaha	46,599	31,790	50		
Neosho	60,359	41,177	25		
Ness	295,722	201,742	100		
Norton	128,465	87,639	50		
Osage	36,277	24,748	50		
Osborne	211,556	144,323	75		
Ottawa	172,085	117,396	50		
Pawnee	300,800	205,206	50		
Phillips	141,885	96,794	50		
Pottawatomie	56,670	38,660	25		
Pratt	261,363	178,302	50		
Rawlins	181,211	123,622	50		
Reno	417,890	285,085	150		
Republic	137,020	93,475	100		
Rice	246,893	168,430	75		
Riley	47,221	32,214	50		
Rooks	212,324	144,847	50		
Rush	276,749	188,798	50		
Russell	227,724	155,353	50		
Saline	186,085	126,925	100		
Scott	174,283	118,896	50		
Sedgwick	282,410	192,660	100		
Seward	148,436	101,263	50		
Shawnee	50,946	34,755	75		
Sheridan	174,248	118,872	25		
Sherman	223,217	152,279	50		
Smith	164,796	112,424	50		
Stafford	247,796	169,046	50		
Stanton	186,155	126,995	50		
Stevens	148,783	101,500	50		
Sumner	432,643	295,149	100		
Thomas	283,392	193,330	50		
Trego	190,689	130,088	50		
Wabaunsee	39,566	26,992	50		
Wallace	123,990	84,618	40		
Washington	126,753	86,471	30		
Wichita	166,062	113,287	60		
Wilson	64,201	43,798	30		
Woodson	20,848	14,222	25		
Wyandotte	3,889	2,653	20		
Reserve new farms		1,195			
Reserve appeals and corrections		800			
Total	15,773,154	10,762,443	5,680		

Wheat Acreage Apportioned to Counties for 1963—Continued

KENTUCKY

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Adair	1,690	1,160	5		
Allen	2,568	1,748	8		
Anderson	422	287	5		
Ballard	1,653	1,125			
Barren	2,355	1,603	5		
Bath	1,755	1,195	15		
Boone	1,270	864	30		
Bourbon	7,006	4,769	20		
Boyd	25	17			
Boyle	3,017	2,054	1		
Bracken	1,459	993	5		
Breckinridge	7,024	4,781	5		
Bullitt	1,967	1,339	25		
Butler	1,122	764	2		
Caldwell	2,646	1,801	2		
Calloway	6,234	4,243	10		
Campbell	694	472	5		
Carlisle	954	649	10		
Carroll	348	237	5		
Carter	106	72			
Casey	814	554			
Christian	25,759	17,533	25		
Clark	892	607	10		
Clinton	1,062	723	5		
Crittenden	1,929	1,313	10		
Cumberland	179	122	5		
Daviess	7,935	5,401	20		
Edmonson	554	377	2		
Fayette	2,664	1,813	5		
Fleming	1,698	1,156	2		
Franklin	672	457	5		
Fulton	3,905	2,658	5		
Gallatin	262	178	2		
Garrard	1,295	881	5		
Grant	379	258			
Graves	5,791	3,942	5		
Grayson	4,575	3,114	6		
Green	1,620	1,103	5		
Greenup	113	77	1		
Hancock	1,909	1,299			
Hardin	5,101	3,472	10		
Harrison	2,988	2,034	5		
Hart	403	274	5		
Henderson	5,687	3,871	20		
Henry	1,728	1,176	5		
Hickman	5,537	3,769	15		
Hopkins	5,949	4,049	6		
Jackson	83	56			
Jefferson	2,750	1,872	10		
Jessamine	1,341	913	10		
Kenton	164	112	3		
Knox	60	41			
Larue	2,167	1,475	2		
Laurel	29	20	2		
Lee	12	8			
Lewis	698	475	5		
Lincoln	2,230	1,518	5		
Livingston	960	653			
Logan	21,825	14,855	50		
Lyon	1,508	1,026			
McCracken	982	668	5		
McLean	3,131	2,131	10		
Madison	750	510	5		
Marion	1,912	1,301			
Marshall	1,779	1,211			
Mason	5,401	3,676	10		
Meade	5,245	3,570	20		
Mercer	2,389	1,626	15		
Metcalfe	649	442	2		
Monroe	1,770	1,205	10		
Montgomery	1,166	794	10		
Morgan	50	34			
Muhlenberg	3,687	2,510	10		
Nelson	4,822	3,282	10		
Nicholas	1,434	976	3		
Ohio	1,631	1,110	5		
Oldham	2,411	1,641	10		
Owen	258	176	5		
Pendleton	1,243	846	10		
Powell	55	37			
Pulaski	1,766	1,202	5		
Robertson	466	317	5		
Rockcastle	164	112	5		
Rowan	156	106			
Russell	593	404	5		
Scott	3,168	2,156	5		
Shelby	4,518	3,075	5		
Simpson	15,620	10,632	15		
Spencer	1,288	877	5		
Taylor	4,668	3,177	25		
Todd	14,711	10,013	25		
Trigg	8,336	5,674	25		
Trimble	1,752	1,192	5		
Union	11,545	7,858	25		
Warren	4,505	3,066	10		
Washington	2,288	1,557	5		
Wayne	1,319	898	5		
Webster	7,192	4,895	30		
Whitley	1	1			
Wolfe	2	1			
Woodford	3,155	2,147			
Reserve new farms		400			
Reserve appeals and corrections		012			
Total	297,520	203,006	774		

MARYLAND

Allegany	1,470	1,002	5		
Anne Arundel	2,314	1,577	10		
Baltimore	8,194	5,583	15		
Calvert	1,323	901	10		
Caroline	16,556	11,280	25		
Carroll	24,196	16,485	25		
Cecil	11,944	8,137	25		
Charles	5,787	3,944	10		
Dorchester	15,388	10,484	25		
Frederick	29,858	20,342	25		
Garrett	2,389	1,505	10		
Harford	5,211	3,550	15		
Howard	7,082	4,825	15		
Kent	17,171	11,699	25		
Montgomery	12,133	8,266	25		
Prince Georges	4,100	2,793	2		
Queen Annes	24,753	16,864	25		
St. Marys	7,382	5,029	10		
Somerset	763	520	5		
Talbot	22,708	15,471	20		
Washington	22,085	15,047	25		
Wicomico	595	405	5		
Worcester	1,752	1,194	10		
Reserve new farms		200			
Reserve appeals and corrections		50			
Total	244,974	167,152	367		

MICHIGAN

Alcona	2,625	1,790	25		
Alger	7	5			
Allegan	30,574	20,848	60		
Alpena	6,504	4,435	25		
Antrim	961	655	10		
Arenac	6,100	4,160	20		

Wheat Acreage Apportioned to Counties for 1963—Continued

MICHIGAN—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Baraga	12	8	2		
Barry	28,630	19,523	50		
Bay	26,364	17,977	25		
Benzie	251	171	5		
Berrien	17,845	12,166	50		
Branch	31,646	21,579	50		
Calhoun	41,174	28,076	20		
Cass	22,334	15,229	25		
Charlevoix	1,897	1,080	25		
Cheboygan	1,079	736	5		
Chippewa	614	419	12		
Clare	3,529	2,406	20		
Clinton	45,986	31,357	25		
Crawford	4	3			
Delta	180	123	2		
Dickinson	6	4			
Eaton	43,560	29,703	50		
Emmet	951	648	10		
Genesee	34,944	23,828	50		
Gladwin	4,762	3,247	10		
Grand Traverse	2,577	1,757	10		
Gratiot	39,950	27,242	100		
Hillsdale	33,017	22,514	130		
Houghton	43	29	2		
Huron	71,853	48,996	50		
Ingham	34,550	23,556	100		
Ionia	43,076	29,373	100		
Iosco	1,973	1,345	8		
Isabella	24,381	16,625	25		
Jackson	27,439	18,710	100		
Kalamazoo	33,696	22,970	100		
Kalkaska	368	251	2		
Kent	24,957	17,018	75		
Lake	814	555	5		
Lapeer	30,841	21,030	50		
Leelanau	1,097	748	10		
Lenawee	58,365	39,799	75		
Livingston	29,515	20,126	50		
Luce	53	36	1		
Mackinac	61	42	8		
Macomb	19,037	12,981	50		
Manistee	959	654	5		
Mason	6,907	4,710	10		
Mecosta	8,245	5,622	25		
Menominee	302	206	10		
Midland	11,264	7,681	12		
Missaukee	2,326	1,593	10		
Monroe	44,863	30,592	50		
Montcalm	26,524	18,086	100		
Montmorency	1,548	1,056	20		
Muskegon	5,780	3,947	25		
Newaygo	6,979	4,759	50		
Oakland	16,592	11,314	30		
Oceana	4,776	3,257	10		
Ogemaw	2,999	1,636	20		
Ontonagon	81	55	3		
Osceola	4,627	3,155	10		
Oscoda	93	63			
Otsego	380	259	5		
Ottawa	21,384	14,582	30		
Presque Isle	4,292	2,927	20		
Roscommon	88	57	2		
Saginaw	58,914	40,173	25		
St. Clair	38,990	26,587	75		
St. Joseph	31,811	21,692	75		
Sanilac	70,564	48,117	100		
Schoolcraft	38	26	2		
Shiawassee	46,524	31,929	50		
Tuscola	63,178	43,090	100		
Van Buren	15,947	10,874	25		
Washtenaw	37,099	25,298	50		

Wheat Acreage Apportioned to Counties for 1963—Continued

MICHIGAN—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Wayne	10,398	7,090	30		
Wexford	1,100	750	10		
Reserve new farms		500			
Reserve appeals and corrections		100			
Total	1,375,178	938,320	2,614		

MINNESOTA

Aitkin	353	241	5		
Anoka	153	104	5		
Becker	23,039	15,714	25		
Beltrami	1,788	1,219	5		
Benton	327	223	2		
Big Stone	16,657	11,361	25		
Blue Earth	5,529	3,771	10		
Brown	1,050	716	5		
Carlton	1	1	1		
Carver	988	674	2		
Cass	48	33	2		
Chippewa	1,968	1,342	15		
Chisago	120	82	5		
Clay	108,360	73,906	50		
Clearwater	4,926	3,360	5		
Cottonwood	928	633	10		
Crow Wing	81	55	2		
Dakota	7,142	4,871	20		
Dodge	306	209	5		
Douglas	7,982	5,444	20		
Faribault	1,265	863	10		
Fillmore	301	205	5		
Freeborn	647	441	5		
Goodhue	5,265	3,591	15		
Grant	9,966	6,797	25		
Hennepin	371	253	5		
Houston	270	184	5		
Hubbard	735	501	1		
Isanti	1,223	834	5		
Itasca	191	130	4		
Jackson	292	199	10		
Kanabec	68	46	5		
Kandiyohi	1,534	1,046	15		
Kittson	132,640	90,466	25		
Koochiching	1,578	1,076	5		
Lac qui Parle	7,614	5,193	25		
Lake of the Woods	6,275	4,280	10		
Le Sueur	5,759	8,928	20		
Lincoln	2,273	1,550	10		
Lyon	2,196	1,498	20		
McLeod	3,582	2,443	10		
Mahnomen	15,987	10,904	10		
Marshall	143,366	97,782	25		
Martin	150	102	5		
Meeker	2,887	1,969	10		
Mille Lacs	356	243	4		
Morrison	1,083	739	5		
Mower	544	371	5		
Murray	191	130	5		
Nicollet	2,555	1,743	20		
Nobles	64	44	5		
Norman	67,848	46,275	25		
Olmsted	1,054	719	5		
Otter Tail	36,714	25,040	35		
Pennington	14,102	9,618	15		
Pine	108	74	3		
Pipestone	65	44	3		
Polk	188,021	128,238	65		
Pope	6,070	4,140	10		
Ramsey	10	7	1		

Wheat Acreage Apportioned to Counties for 1963—Continued

MINNESOTA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Red Lake	12,775	8,713	15		
Redwood	2,451	1,672	20		
Renville	5,705	3,891	25		
Rice	2,585	1,763	5		
Rock	29	20	1		
Roseau	39,428	26,892	20		
St. Louis	303	207	4		
Scott	2,231	1,522	10		
Sherburne	1,042	711	2		
Sibley	5,283	3,603	15		
Stearns	3,275	2,234	40		
Steele	417	284	5		
Stevens	10,776	7,350	25		
Swift	4,819	3,287	20		
Todd	1,272	868	15		
Traverse	27,896	19,026	30		
Wabasha	1,302	888	10		
Wadena	404	275	5		
Waseca	2,294	1,565	10		
Washington	943	643	10		
Watonwan	282	192	5		
Wilkin	74,831	51,038	35		
Winona	759	518	5		
Wright	2,384	1,626	15		
Yellow Medicine	5,337	3,640	20		
Reserve new farms		200			
Reserve appeals and corrections		100			
Total	1,005,799	720,400	1,077		

MISSISSIPPI

Adams	17	12		7	5
Alcorn	93	63			
Attala	29	20		1	1
Benton	80	54		13	9
Bolivar	11,149	7,576			
Calhoun	3	2		4	3
Carroll	187	127		135	92
Chickasaw	75	51			
Claiborne	29	20		19	13
Clay	210	143			
Coahoma	8,506	5,780			
Copiah	16	11		20	14
Covington	48	33			
DeSoto	5,049	3,431		374	255
George	20	14			
Greene	2	1			
Granada	14	10			
Hinds	151	103		18	12
Holmes	157	107			
Humphreys	2,771	1,883			
Issaquena	1,343	913			
Itawamba	84	57			
Jackson	16	11		3	2
Jefferson	31	21		38	26
Jefferson Davis	25	17			
Jones	12	8			
Kemper	26	18		6	4
Lafayette	15	10			
Lawrence	7	5		1	1
Lee	93	63			
Leflore	1,266	860		254	173
Lowndes	1,090	741		215	147
Madison	197	134		35	24
Marshall	207	141		15	10
Monroe	111	75			
Montgomery	21	14		3	2
Neshoba	3	2			
Noxubee	146	99		67	46
Oktibbeha	50	34		9	6
Panola	979	665		103	70

Wheat Acreage Apportioned to Counties for 1963—Continued

MISSISSIPPI—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Perry	7	5			
Pontotoc	514	349		88	60
Prentiss	3	2		1	1
Quitman	3,492	2,373			
Sharkey	2,439	1,657		331	226
Simpson	11	7			
Sunflower	3,228	2,194			
Tallahatchie	4,405	2,993		208	142
Tate	289	196		67	46
Tippah	22	15			
Tishomingo	87	59			
Tunica	13,403	9,109			
Union	90	61		12	8
Warren	56	38			
Washington	4,325	2,939		66	45
Webster	52	35		16	11
Wilkinson	29	18		6	4
Yalobusha	48	33		7	5
Yazoo	4,963	3,373		665	454
Reserve new farms		150			
Reserve appeals and corrections		50			
Total	71,791	48,985		2,807	1,917

MISSOURI

Adair	8,541	5,817			
Andrew	13,342	9,086			
Atchison	16,710	11,380			
Audrain	27,620	18,810			
Barry	9,981	6,797			
Barton	55,914	38,079			
Bates	42,256	28,778			
Benton	13,204	8,992			
Bollinger	8,561	5,830			
Boone	19,697	13,414			
Buchanan	28,326	19,291			
Butler	11,750	8,002			
Caldwell	16,879	11,495			
Callaway	20,805	14,169			
Camden	1,692	1,152			
Cape Girardeau	20,011	13,628			
Carroll	54,171	36,892			
Carter	491	334			
Cass	23,923	16,292			
Cedar	17,291	11,776			
Charlton	35,210	23,979			
Christian	7,186	4,894			
Clark	14,658	9,983			
Clay	14,736	10,036			
Clinton	12,889	8,778			
Cole	13,859	9,438			
Cooper	26,530	18,068			
Crawford	3,299	2,247			
Dade	30,654	20,876			
Dallas	6,169	4,201			
Daviess	25,498	17,365			
DeKalb	15,875	10,811			
Dent	2,828	1,926			
Douglas	2,881	1,962			
Dunklin	10,784	7,344			
Franklin	27,063	18,431			
Gasconade	16,555	11,479			
Gentry	15,722	10,707			
Greene	15,927	10,847			
Grundy	7,915	5,390			
Harrison	16,408	11,174			
Henry	30,185	20,557			
Hickory	6,264	4,268			
Holt	24,255	16,518			
Howard	21,203	14,440			
Howell	3,671	2,500			

Wheat Acreage Apportioned to Counties for 1963—Continued

MISSOURI—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Iron	714	486			
Jackson	19,862	13,527			
Jasper	56,416	38,421			
Jefferson	8,273	5,634			
Johnson	23,638	16,096			
Knox	13,640	9,289			
Laclede	6,837	4,656			
Lafayette	35,663	24,288			
Lawrence	27,900	19,001			
Lewis	25,339	17,257			
Lincoln	29,519	20,103			
Linn	11,896	8,102			
Livingston	19,104	13,010			
McDonald	4,830	3,289			
Macon	14,617	9,955			
Madison	2,212	1,506			
Maries	7,923	5,396			
Marion	24,822	16,903			
Mercer	5,974	4,068			
Miller	9,519	6,483			
Mississippi	21,252	14,473			
Moniteau	15,660	10,665			
Monroe	26,210	17,850			
Montgomery	23,412	15,944			
Morgan	10,709	7,293			
New Madrid	27,408	18,727			
Newton	26,721	18,198			
Nodaway	15,976	10,880			
Oregon	1,948	1,327			
Osage	14,942	10,176			
Ozark	1,459	994			
Pemiscot	4,172	2,841			
Perry	22,505	15,327			
Pettis	29,213	19,896			
Phelps	5,095	3,470			
Pike	24,052	16,380			
Platte	38,299	26,083			
Polk	17,419	11,863			
Pulaski	1,871	1,274			
Putnam	1,754	1,194			
Ralls	19,970	13,600			
Randolph	15,469	10,535			
Ray	32,092	21,856			
Reynolds	992	676			
Ripley	3,137	2,136			
St. Charles	50,535	34,424			
St. Clair	24,095	16,410			
St. Francois	3,599	2,499			
St. Louis	24,480	16,672			
Ste. Genevieve	7,076	4,819			
Saline	43,841	29,857			
Schuyler	2,110	1,437			
Scotland	7,477	5,092			
Scott	30,534	20,803			
Shannon	1,213	826			
Shelby	24,123	16,429			
Stoddard	41,271	28,107			
Stone	1,793	1,221			
Sullivan	4,989	3,398			
Taney	182	124			
Texas	8,909	6,067			
Vernon	45,065	30,691			
Warren	20,685	14,087			
Washington	2,099	1,429			
Wayne	2,281	1,553			
Webster	8,290	5,646			
Worth	6,526	4,444			
Wright	4,299	2,928			
Reserve new farms		750			
Reserve appeals and corrections		1,759			
Total	1,935,956	1,320,954			

Wheat Acreage Apportioned to Counties for 1963—Continued

MONTANA

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Beaverhead	14,023	9,563			
Big Horn	99,906	68,134			
Blaine	119,105	81,227			
Broadwater	38,055	25,953			
Carbon	43,535	29,690			
Carter	40,275	27,467			
Cascade	186,861	127,435			
Chouteau	492,473	335,856			
Custer	31,376	21,398			
Daniels	286,450	195,353			
Dawson	186,689	127,318			
Deer Lodge	1,478	1,008			
Fallon	122,375	83,457			
Fergus	225,660	153,895			
Flathead	38,150	26,017			
Gallatin	95,037	64,813			
Garfield	63,022	42,980			
Glacier	72,655	49,549			
Golden Valley	26,721	18,223			
Granite	1,668	1,138			
Hill	448,355	305,769			
Jefferson	13,612	9,283			
Judith Basin	115,706	78,950			
Lake	28,151	19,198			
Lewis and Clark	22,547	15,377			
Liberty	233,992	159,578			
Lincoln	1,121	764			
McCone	240,851	164,255			
Madison	15,758	10,747			
Meagher	6,054	4,129			
Mineral	1,272	867			
Missoula	12,273	8,370			
Musselshell	24,866	16,958			
Park	33,202	22,643			
Petroleum	9,826	6,701			
Phillips	132,080	90,076			
Ponders	217,211	148,133			
Powder River	43,567	29,712			
Powell	7,297	4,976			
Prairie	52,182	35,587			
Ravalli	10,036	6,844			
Richland	202,376	138,016			
Roosevelt	371,515	253,365			
Rosebud	35,712	24,355			
Sanders	10,004	6,823			
Sheridan	312,396	213,048			
Silver Bow	85	58			
Stillwater	87,834	59,901			
Sweet Grass	16,501	11,315			
Teton	236,121	161,030			
Toole	220,751	150,548			
Treasure	8,344	5,690			
Valley	330,042	225,062			
Wheatland	14,036	9,981			
Wibaux	77,694	52,986			
Yellowstone	121,102	82,589			
Reserve new farms		800			
Reserve appeals and corrections		1,251			
Total	5,900,736	4,026,229			

NEBRASKA

Adams	133,196	90,862	80		
Antelope	8,063	5,501	30		
Arthur	10	7			
Banner	77,739	53,035	30		
Boone	15,375	10,489	60		
Box Butte	138,882	94,748	125		
Boyd	2,026	1,382	14		
Brown	2,979	2,032	5		

Wheat Acreage Apportioned to Counties for 1963—Continued

NEBRASKA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Buffalo	63,498	43,320	50		
Burt	12,392	8,454	45		
Butler	67,998	46,390	80		
Cass	38,652	26,369	50		
Cedar	356	243	3		
Chase	109,194	74,494	75		
Cherry	1,659	1,132	6		
Cheyenne	231,620	158,016	200		
Clay	126,423	86,248	100		
Colfax	27,041	18,448	50		
Cuming	1,769	1,207	25		
Custer	71,067	48,493	75		
Dakota	326	222	2		
Dawes	64,799	44,207	50		
Dawson	27,138	18,514	50		
Deuel	94,850	64,706	65		
Dixon	96	65	5		
Dodge	36,211	24,704	75		
Douglas	3,462	2,362	20		
Dundy	44,799	30,563	50		
Fillmore	124,962	85,251	150		
Franklin	66,033	45,049	50		
Frontier	80,282	54,770	50		
Furnas	89,372	60,971	20		
Gage	120,537	82,233	100		
Garden	59,836	40,821	50		
Garfield	211	144	1		
Gosper	45,405	30,976	50		
Greeley	15,429	10,526	50		
Hall	46,409	31,661	50		
Hamilton	88,162	60,146	125		
Harlan	79,058	53,935	50		
Hayes	61,337	41,845	75		
Hitchcock	101,677	69,366	60		
Holt	8,949	6,105	40		
Howard	37,912	25,864	50		
Jefferson	87,628	59,781	50		
Johnson	34,638	23,631	100		
Kearney	102,342	69,820	100		
Keith	101,196	69,039	100		
Keya Paha	1,420	969	3		
Kimball	187,432	127,870	65		
Knox	4,520	3,084	5		
Lancaster	103,509	70,616	150		
Lincoln	82,026	55,960	50		
Logan	10,292	7,021	5		
Loup	194	132	1		
McPherson	114	78			
Madison	6,943	4,737	25		
Merrick	33,425	22,803	50		
Morrill	51,783	35,313	50		
Nance	31,234	21,308	53		
Nemaha	34,764	23,717	75		
Nuckolls	75,416	51,450	50		
Otoe	55,531	37,884	100		
Pawnee	22,441	15,310	40		
Perkins	193,850	132,248	100		
Phelps	81,080	55,314	75		
Pierce	1,950	1,330	8		
Platte	29,641	20,222	50		
Polk	51,032	34,815	50		
Redwillow	93,758	63,963	125		
Richardson	38,089	25,985	50		
Rock	46	31	1		
Saline	112,362	76,655	150		
Sarpy	5,893	4,013	20		
Saunders	46,339	31,613	50		
Scotts Bluff	24,253	16,546	15		
Seward	83,788	57,162	150		
Sheridan	82,650	56,385	60		
Sherman	22,879	15,608	40		
Sioux	12,062	8,229	10		
Stanton	1,848	1,261	10		
Thayer	111,142	75,823	100		
Thomas	1	1			
Thurston	527	360	10		
Valley	23,874	16,287	38		
Washington	12,168	8,301	50		
Wayne	381	260	2		
Webster	66,412	45,308	100		
Wheeler	106	72	1		
York	77,889	53,137	50		
Reserve new farms		250			
Reserve appeals and corrections		282			
Total	4,628,021	3,157,822	4,745		

NEW JERSEY

Atlantic	9	6			
Burlington	4,548	3,097			
Camden	547	372			
Cape May	89	61			
Cumberland	1,246	848			
Gloucester	801	545			
Hunterdon	12,016	8,182			
Mercer	13,249	9,022			
Middlesex	9,393	6,396			
Monmouth	14,783	10,066			
Morris	794	541			
Ocean	301	205			
Passaic	1	1			
Salem	3,713	2,528			
Somerset	6,150	4,188			
Sussex	276	188			
Union	34	23			
Warren	3,790	2,581			
Reserve new farms		50			
Reserve appeals and corrections		50			
Total	71,740	48,950			

NEW MEXICO

Bernalillo	2,000	1,363			
Catron	310	211			
Chaves	500	341			
Colfax	12,264	8,359	5.0		
Curry	292,955	199,678	100.0		
DeBacca	465	317	0.5		
Eddy	25	17			
Grant	140	95			
Guadalupe	130	89			
Harding	35,600	24,265	5.0		
Hidalgo	10	7			
Lea	1,250	852			
Lincoln	382	260	1.0		
McKinley	325	222			
Mora	2,050	1,397	5.0		
Otero	50	34			
Quay	181,944	124,013	100.0		
Rio Arriba	11,410	7,777	5.0		
Roosevelt	83,500	56,914	25.0		
Sandoval	1,370	934	4.0		
San Juan	836	570	10.0		
San Miguel	1,850	1,261			
Santa Fe	5,636	3,842	4.0		
Sierra	35	24			
Socorro	5,528	3,768	3.0		
Taos	2,128	1,450	5.0		

Wheat Acreage Apportioned to Counties for 1963—Continued

NEW MEXICO—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Torrance	26,737	18,224	15.0		
Union	12,069	8,226	10.0		
Valencia	6,148	4,190	10.0		
Reserve New Farms		400			
Reserve Appeals and Corrections		100			
Total	687,647	469,200	307.5		

NEW YORK

Albany	2,708	1,845			
Allegany	5,556	3,792			
Broome	293	200			
Cattaraugus	1,830	1,247			
Cayuga	30,340	20,689			
Chautauqua	4,000	2,725			
Chemung	3,201	2,181			
Chenango	1,018	693			
Clinton	23	16			
Columbia	2,696	1,838			
Cortland	850	579			
Delaware	137	93			
Dutchess	972	662			
Erie	16,791	11,439			
Essex	536	365			
Franklin	4	3			
Fulton	196	134			
Genesee	32,832	22,366			
Greene	1,910	1,301			
Herkimer	1,283	874			
Jefferson	3,316	2,259			
Lewis	103	70			
Livingston	43,361	29,539			
Madison	3,788	2,581			
Monroe	41,490	28,271			
Montgomery	2,771	1,888			
Nassau	414	282			
Niagara	28,742	19,580			
Oneida	3,062	2,086			
Onondaga	13,957	9,508			
Ontario	41,301	28,136			
Orange	335	228			
Orleans	24,852	16,930			
Oswego	3,145	2,145			
Otsego	872	594			
Putnam	6	4			
Rensselaer	2,153	1,467			
Rockland	12	8			
St. Lawrence	197	134			
Saratoga	1,296	882			
Schenectady	501	341			
Schoharie	2,464	1,679			
Schuyler	8,096	5,515			
Seneca	25,551	17,406			
Steuben	19,255	13,117			
Suffolk	2,487	1,694			
Sullivan	48	33			
Tioga	2,380	1,627			
Tompkins	10,264	6,992			
Ulster	1,889	1,287			
Washington	811	552			
Wayne	24,154	16,455			
Westchester	75	51			
Wyoming	17,505	11,926			
Yates	19,704	13,423			
Reserve new farms		47			
Reserve appeals and corrections		450			
Total	457,552	312,200			

Wheat Acreage Apportioned to Counties for 1963—Continued

NORTH CAROLINA

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Alamance	9,823	6,689	20.0		
Alexander	4,699	3,200	10.0		
Alleghany	197	134	1.0		
Anson	8,758	5,964	10.0		
Ashe	41	28	2.0		
Avery	14	10			
Beaufort	655	446	2.0		
Bertie	43	29	1.5		
Bladen	1,779	1,211	4.0		
Brunswick	382	260	1.0		
Buncombe	453	308	15.0		
Burke	3,143	2,140	10.0		
Cabarrus	11,088	7,551	10.0		
Caldwell	2,028	1,381	6.0		
Camden	163	111	2.0		
Carteret	190	129	1.0		
Caswell	7,706	5,248	25.0		
Catawba	17,694	12,049	15.0		
Chatham	6,729	4,582	5.0		
Cherokee	48	33	3.0		
Chowan	89	61	2.0		
Clay	28	19	1.0		
Cleveland	17,748	11,980	25.0		
Columbus	1,419	966	2.0		
Craven	789	537	3.0		
Cumberland	8,842	6,021	5.0		
Currituck	175	119	1.0		
Davidson	12,023	8,187	15.0		
Davie	5,244	3,571	10.0		
Duplin	1,997	1,360	4.0		
Durham	1,728	1,177	15.0		
Edgecombe	1,478	1,006	5.0		
Forsyth	6,348	4,323	15.0		
Franklin	5,044	3,435	5.0		
Gaston	9,331	6,354	15.0		
Gates	253	172	4.0		
Granville	3,427	2,334	5.0		
Greene	575	392	5.0		
Guilford	12,488	8,504	25.0		
Halifax	2,702	1,840	5.0		
Harnett	6,936	4,723	15.0		
Haywood	56	38	1.0		
Henderson	210	143	5.0		
Hertford	146	99	0.5		
Hoke	3,788	2,580	10.0		
Hyde	120	82	1.0		
Iredell	21,218	14,450	70.0		
Jackson	24	16			
Johnston	6,305	4,294	25.0		
Jones	308	210	3.0		
Lee	2,851	1,941	6.0		
Lenoir	1,588	1,081			
Lincoln	14,328	9,757	15.0		
McDowell	950	647	2.0		
Macon	60	41	5.0		
Madison	244	166	1.0		
Martin	158	108	3.0		
Mecklenburg	7,935	5,404	25.0		
Mitchell	1	1			
Montgomery	3,580	2,438	5.0		
Moore	5,629	3,833	10.0		
Nash	4,214	2,870	5.0		
New Hanover	72	49			
Northampton	1,227	836	5.0		
Onslow	140	95	1.5		
Orange	4,372	2,977	15.0		
Pamlico	527	359	1.0		
Pasquotank	522	355	2.0		
Pender	647	441	10.0		
Perquimans	325	221	5.0		
Person	6,020	4,099	20.0		
Pitt	962	655	3.0		

Wheat Acreage Apportioned to Counties for 1963—Continued

NORTH CAROLINA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Polk	1,072	730	10.0		
Randolph	13,249	9,022	35.0		
Richmond	5,348	3,642	5.0		
Robeson	6,889	4,691	10.0		
Rockingham	8,842	6,021	30.0		
Rowan	20,935	14,257	10.0		
Rutherford	7,222	4,918	10.0		
Sampson	4,699	3,200	15.0		
Scotland	1,895	1,290	10.0		
Stanly	20,176	13,740	15.0		
Stokes	2,927	1,993	15.0		
Surry	2,926	1,993	10.0		
Swain	1	1			
Transylvania	26	18	3.0		
Tyrrell	368	251	2.0		
Union	17,241	11,742	20.0		
Vance	2,458	1,674	10.0		
Wake	7,316	4,982	2.0		
Warren	4,812	3,277	12.0		
Washington	431	293	3.0		
Watauga	77	52	5.0		
Wayne	3,724	2,536	5.0		
Wilkes	3,544	2,413	5.0		
Wilson	2,603	1,773	2.0		
Yadkin	7,304	4,974	15.0		
Yancey	5	3			
Reserve new farms		500			
Reserve appeals and corrections		50			
Total	408,714	278,876	839.5		

NORTH DAKOTA

Adams	216,682	147,818	200		
Barnes	266,753	181,976	300		
Benson	282,594	192,783	350		
Billings	54,454	37,148	25		
Bottineau	375,140	255,917	500		
Bowman	182,856	124,743	100		
Burke	207,185	141,340	300		
Burleigh	145,554	99,295	200		
Cass	285,589	194,826	200		
Cavalier	315,035	214,914	500		
Dickey	103,686	70,734	50		
Divide	264,731	180,597	225		
Dunn	192,964	131,638	200		
Eddy	84,600	57,713	200		
Emmons	196,277	133,898	175		
Foster	102,039	69,610	300		
Golden Valley	112,482	76,734			
Grand Forks	257,058	175,362	400		
Grant	203,601	138,895	180		
Griggs	99,753	68,051	200		
Hettinger	298,788	202,466	250		
Kidder	117,708	80,299	110		
La Moure	197,088	134,451	225		
Logan	147,871	100,876	225		
McHenry	285,274	194,611	200		
McIntosh	172,010	117,344	250		
McKenzie	230,695	157,378	150		
McLean	402,832	274,808	400		
Mercer	145,330	99,142	100		
Morton	224,569	153,199	250		
Mountrail	317,731	216,753	300		
Nelson	172,665	117,790	200		
Oliver	86,534	59,033	75		
Pembina	254,231	173,434	250		
Pierce	220,702	150,561	375		
Ramsey	289,468	197,472	300		
Ransom	97,907	66,791	100		
Renville	185,242	127,052	200		
Richland	122,989	83,902	130		

Wheat Acreage Apportioned to Counties for 1963—Continued

NORTH DAKOTA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Rolette	152,923	104,323	150		
Sargent	105,315	71,845	50		
Sheridan	163,235	111,357	150		
Sioux	64,085	43,718	100		
Slope	148,393	101,232	200		
Stark	237,147	161,779	150		
Steele	116,496	79,472	195		
Stutsman	365,125	249,085	500		
Towner	264,162	180,209	200		
Traill	148,222	101,116	125		
Walsh	275,703	188,082	325		
Ward	387,189	264,137	200		
Wells	251,497	171,589	430		
Williams	395,097	269,531	200		
Reserve new farms		500			
Reserve appeals and corrections		1,000			
Total	10,992,256	7,500,309	11,670		

OHIO

Adams	16,651	11,350	35		
Allen	29,884	20,370	200		
Ashland	27,174	18,523	75		
Ashtabula	16,880	11,506	10		
Athens	1,961	1,337	50		
Auglaize	29,636	20,201	100		
Belmont	4,901	3,341	50		
Brown	21,539	14,682	50		
Butler	25,507	17,386	75		
Carroll	9,201	6,272	25		
Champaign	33,720	22,985	100		
Clark	31,501	21,472	50		
Clermont	12,011	8,187	50		
Clinton	44,747	30,501	100		
Columbiana	17,412	11,869	50		
Coshocton	16,421	11,193	25		
Crawford	33,524	22,851	30		
Cuyahoga	1,174	800	30		
Darke	43,744	29,817	100		
Defiance	36,293	24,739	150		
Delaware	25,483	17,370	125		
Erie	20,421	13,920	80		
Fairfield	45,314	30,888	75		
Fayette	49,799	33,945	100		
Franklin	33,869	23,086	100		
Fulton	34,173	23,293	100		
Gallia	2,515	1,714	40		
Geauga	6,469	4,409	50		
Greene	39,007	26,589	50		
Guernsey	5,862	3,996	25		
Hamilton	4,430	3,020	25		
Hancock	52,843	36,018	100		
Hardin	32,466	22,130	75		
Harrison	3,827	2,609	40		
Henry	44,553	30,369	100		
Highland	43,794	29,852	50		
Hocking	5,349	3,646	75		
Holmes	22,719	15,486	25		
Huron	38,509	26,249	35		
Jackson	3,322	2,264	20		
Jefferson	4,667	3,181	20		
Knox	33,170	22,610	100		
Lake	2,164	1,475	15		
Lawrence	824	562	5		
Licking	36,313	24,752	25		
Logan	26,111	17,798	75		
Lorain	19,661	13,402	100		
Lucas	18,430	12,563	75		
Madison	45,793	31,214	100		
Mahoning	12,709	8,663	60		
Marion	29,220	19,917	200		

Wheat Acreage Apportioned to Counties for 1963—Continued

OHIO—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Medina	19,900	13,565	60		
Meigs	2,925	1,994	25		
Mercer	33,639	22,929	150		
Miami	37,687	25,689	75		
Monroe	2,621	1,787	40		
Montgomery	28,752	19,598	50		
Morgan	3,905	2,662	25		
Morrow	22,576	15,389	60		
Muskingum	13,404	9,137	50		
Noble	1,690	1,152	30		
Ottawa	23,560	16,059	150		
Paulding	38,007	25,907	75		
Perry	13,352	9,101	20		
Pickaway	62,411	42,541	150		
Pike	6,116	4,169	25		
Portage	15,499	10,565	35		
Preble	34,787	23,712	50		
Putnam	53,612	36,544	50		
Richland	29,247	19,936	50		
Ross	45,195	30,806	50		
Sandusky	39,675	27,044	30		
Scioto	5,362	3,655	10		
Seneca	56,933	38,807	100		
Shelby	30,009	20,455	100		
Stark	26,179	17,844	25		
Summit	6,272	4,275	50		
Trumbull	11,784	8,032	50		
Tuscarawas	16,939	11,546	25		
Union	28,801	19,632	50		
Van Wert	36,959	25,193	100		
Vinton	1,773	1,209	10		
Warren	25,668	17,496	75		
Washington	5,302	3,614	25		
Wayne	43,964	29,957	40		
Williams	33,798	23,038	40		
Wood	71,608	48,810	300		
Wyandot	39,758	27,100	100		
Reserve new farms		500			
Reserve appeals and corrections		1,000			
Total	2,167,336	1,478,831	5,770		

OKLAHOMA

Adair	741	505			
Alfalfa	325,532	222,074			
Atoka	173	118			
Beaver	391,946	267,381			
Beckham	64,390	43,932			
Blaine	232,348	158,505			
Bryan	5,957	4,064			
Caddo	133,861	91,318			
Canadian	203,579	138,879			
Carter	758	517			
Cherokee	1,083	739			
Choctaw	146	100			
Cimarron	279,582	190,727			
Cleveland	13,054	8,905			
Coal	434	296			
Comanche	81,423	55,546			
Cotton	152,449	103,999			
Craig	25,082	17,111			
Creek	2,211	1,508			
Custer	239,824	163,605			
Delaware	10,072	6,871			
Dewey	165,286	112,756			
Ellis	174,743	119,208			
Garfield	404,078	275,657			
Garvin	10,387	7,086			
Grady	70,678	48,216			
Grant	408,296	278,514			
Greer	95,866	65,399			

Wheat Acreage Apportioned to Counties for 1963—Continued

OKLAHOMA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Harmon	89,242	60,880			
Harper	195,209	133,169			
Haskell	2,433	1,660			
Hughes	544	371			
Jackson	194,703	132,824			
Jefferson	10,518	7,175			
Johnston	672	458			
Kay	276,379	188,542			
Kingfisher	311,624	212,586			
Kiowa	275,133	187,692			
Latimer	11	7			
Le Flore	5,423	3,699			
Lincoln	13,569	9,257			
Logan	105,620	72,053			
Love	770	525			
McClain	15,004	10,236			
McCurtain	26	18			
McIntosh	2,627	1,792			
Major	204,975	139,831			
Marshall	1,202	820			
Mayes	12,442	8,488			
Murray	2,859	1,950			
Muskogee	13,649	9,311			
Noble	162,551	110,890			
Nowata	14,583	9,948			
Okfuskee	2,089	1,425			
Oklahoma	33,339	22,743			
Okmulgee	1,401	956			
Osage	34,349	23,432			
Ottawa	32,482	22,159			
Pawnee	24,067	16,418			
Payne	28,444	19,404			
Pittsburg	1,690	1,153			
Pontotoc	1,078	735			
Pottawatomie	14,559	9,932			
Roger Mills	76,305	52,054			
Rogers	14,645	9,991			
Seminole	1,859	1,268			
Sequoyah	7,132	4,865			
Stephens	20,961	14,299			
Texas	587,071	400,493			
Tillman	245,587	167,536			
Tulsa	8,772	5,984			
Wagoner	16,896	11,526			
Washington	7,781	5,308			
Washita	235,642	160,752			
Woods	259,385	176,949			
Woodward	152,000	103,693			
Reserve new farms		300			
Reserve appeals and corrections		706			
Total	7,213,260	4,921,799			

OREGON

Baker	23,215	15,822	100		
Benton	7,997	5,450	35		
Clackamas	10,754	7,328	20		
Columbia	313	213	5		
Crook	5,541	3,776	20		
Deschutes	1,948	1,328	10		
Douglas	1,417	966	10		
Gilliam	137,442	93,670	200		
Grant	2,901	1,977	10		
Harney	4,030	2,747	50		
Hood River	1	1			
Jackson	1,823	1,242	20		
Jefferson	41,993	28,619	125		
Josephine	141	96	10		
Klamath	16,472	11,226	50		
Lake	25,250	17,209	75		
Lane	7,229	4,927	50		

Wheat Acreage Apportioned to Counties for 1963—Continued

OREGON—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Linn	11,167	7,611	50		
Malheur	21,880	14,898	50		
Marion	26,279	17,910	60		
Morrow	175,976	119,932	200		
Multnomah	632	431	2		
Polk	19,740	13,453	50		
Sherman	144,748	98,650	100		
Umatilla	302,291	206,019	400		
Union	65,074	44,350	25		
Wallowa	36,886	25,139	100		
Wasco	98,573	67,180	200		
Washington	22,384	15,255	25		
Wheeler	9,314	6,348	50		
Yamhill	25,248	17,207	75		
Reserve new farms		500			
Reserve appeals and corrections		500			
Total	1,248,639	851,980	2,183		

PENNSYLVANIA

Adams	24,301	16,553	25		
Allegheny	3,492	2,379	10		
Armstrong	11,492	7,828	40		
Beaver	5,501	3,747	10		
Bedford	13,263	9,034	12		
Berks	37,516	25,554	50		
Blair	7,958	5,421	15		
Bradford	4,277	2,913	50		
Bucks	21,815	14,859	15		
Butler	14,201	9,673	20		
Cambria	6,683	4,552	25		
Cameron	30	20			
Carbon	3,703	2,522	10		
Centre	20,496	13,900	40		
Chester	17,124	11,664	20		
Clarion	10,502	7,153	25		
Clearfield	3,875	2,639	25		
Clinton	5,976	4,071	15		
Columbia	20,314	13,837	25		
Crawford	11,931	8,127	25		
Cumberland	29,913	20,375	25		
Dauphin	15,603	10,628	25		
Delaware	599	408	10		
Elk	426	290	5		
Erie	11,786	8,028	50		
Fayette	5,167	3,520	15		
Forest	316	215	5		
Franklin	41,177	28,048	75		
Fulton	9,728	6,626	25		
Greene	1,570	1,069	20		
Huntingdon	11,122	7,576	10		
Indiana	13,321	9,074	25		
Jefferson	7,027	4,786	20		
Juniata	11,402	7,766	50		
Lackawanna	154	105	5		
Lancaster	61,637	41,984	75		
Lawrence	10,657	7,259	50		
Lebanon	16,838	11,469	30		
Lehigh	19,193	13,073	15		
Luzerne	5,354	3,647	10		
Lycoming	16,063	10,941	15		
McKean	167	114	5		
Mercer	13,631	9,285	30		
Mifflin	9,871	6,724	15		
Monroe	3,223	2,195	15		
Montgomery	13,933	9,490	40		
Montour	8,825	6,011	30		
Northampton	12,439	8,473	20		
Northumberland	19,821	13,501	30		
Perry	15,993	10,896	100		
Philadelphia	466	317	5		

Wheat Acreage Apportioned to Counties for 1963—Continued

PENNSYLVANIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Pike	80	54	2		
Potter	1,063	724	10		
Schuylkill	12,536	8,539	20		
Snyder	13,277	9,044	50		
Somerset	8,158	5,557	10		
Sullivan	332	226	10		
Susquehanna	384	262	5		
Tioga	2,522	1,718	10		
Union	11,556	7,871	15		
Venango	4,087	2,784	5		
Warren	1,400	954	10		
Washington	8,242	5,614	10		
Wayne	84	57	3		
Westmoreland	14,101	9,605	30		
Wyoming	1,130	770	10		
York	56,240	38,308	50		
Reserve new farms		800			
Reserve appeals and corrections		102			
Total	766,874	523,258	1,547		

SOUTH CAROLINA

Abbeville	6,769	4,609	12		
Aiken	5,962	4,059	10		
Allendale	3,703	2,521	5		
Anderson	27,657	18,831	35		
Bamberg	2,508	1,708	5		
Barnwell	2,333	1,588	10		
Berkeley	194	132			
Calhoun	8,496	5,785	10		
Charleston	204	139			
Cherokee	6,877	4,682	15		
Chester	2,338	1,592	5		
Chesterfield	3,543	2,412	10		
Clarendon	2,304	1,569	12		
Colleton	520	354	10		
Darlington	8,250	5,617	10		
Dillon	1,948	1,326	5		
Dorchester	217	148	2		
Edgefield	3,228	2,198	10		
Fairfield	881	600	5		
Florence	5,254	3,577	4		
Georgetown	217	148	2		
Greenville	10,211	6,952	20		
Greenwood	3,130	2,131	11		
Hampton	2,355	1,603	10		
Horry	1,001	682	5		
Jasper	43	29			
Kershaw	3,290	2,240	8		
Lancaster	1,989	1,354	4		
Laurens	10,373	7,063	10		
Lee	5,286	3,599	10		
Lexington	3,557	2,422	10		
McCormick	734	500	6		
Marion	594	404	2		
Marlboro	2,469	1,681	6		
Newberry	5,227	3,559	10		
Oconee	5,876	4,001	10		
Orangeburg	7,927	5,397	15		
Pickens	4,701	3,201	10		
Richland	5,053	3,440	10		
Saluda	4,162	2,834	20		
Spartanburg	19,036	12,961	35		
Sumter	6,389	4,350	3		
Union	1,902	1,295	5		
Williamsburg	1,151	784	2		
York	4,834	3,291	12		
Reserve new farms		100			
Reserve appeals and corrections		200			
Total	204,723	139,688	411		

Wheat Acreage Apportioned to Counties for 1963—Continued

SOUTH DAKOTA

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Aurora	15,686	10,691	15		
Beadle	120,731	82,288	50		
Bennett	70,128	47,798	25		
Bon Homme	2,880	1,963	25		
Brookings	2,328	1,587	15		
Brown	277,873	189,394	100		
Brule	18,376	12,525	35		
Buffalo	7,862	5,359	15		
Butte	24,292	16,557	25		
Campbell	127,854	87,143	50		
Charles Mix	43,054	29,345	50		
Clark	94,480	64,396	25		
Clay	6,189	4,218	20		
Codington	43,014	29,318	25		
Corson	169,427	115,479	50		
Custer	5,793	3,948	15		
Davison	2,127	1,450	20		
Day	111,240	75,819	35		
Deuel	2,616	1,783	10		
Dewey	91,132	62,114	50		
Douglas	4,963	3,383	20		
Edmunds	189,334	129,047	50		
Fall River	24,405	16,634	15		
Faulk	125,392	85,465	60		
Grant	19,213	13,095	30		
Gregory	23,065	15,721	30		
Haakon	53,561	36,506	10		
Hamlin	9,836	6,704	20		
Hand	104,540	71,253	35		
Hanson	1,380	941	10		
Harding	61,561	41,959	25		
Hughes	69,719	47,519	60		
Hutchinson	6,889	4,695	20		
Hyde	30,076	20,499	50		
Jackson	20,787	14,168	20		
Jerauld	31,476	21,454	25		
Jones	70,159	47,819	20		
Kingsbury	37,686	25,686	50		
Lake	702	478	10		
Lawrence	7,626	5,198	25		
Lincoln	205	140	10		
Lyman	132,384	90,231	50		
McCook	1,204	821	10		
McPherson	137,365	93,626	15		
Marshall	79,796	54,381	25		
Meade	84,040	57,290	30		
Mellette	40,812	27,817	20		
Miner	7,254	4,944	25		
Minnehaha	118	80			
Moody	299	204	2		
Pennington	67,815	46,222	50		
Perkins	211,696	144,248	100		
Potter	142,200	96,921	100		
Roberts	69,764	47,550	50		
Sanborn	6,174	4,208	25		
Shannon	29,578	20,160	15		
Spink	348,957	237,843	75		
Stanley	41,500	28,286	50		
Sully	160,498	109,393	100		
Todd	15,586	10,623	20		
Tripp	112,534	76,701	50		
Turner	892	608	15		
Union	13,019	8,874	20		
Walworth	126,270	86,064	50		
Washabaugh	22,514	15,345	20		
Yankton	2,371	1,616	20		
Ziebach	53,753	36,637	20		
Reserve new farms		2,000			
Reserve appeals and corrections		999			
Total	4,037,980	2,755,221	2,207		

Wheat Acreage Apportioned to Counties for 1963—Continued

TENNESSEE

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Anderson	131	89	10		
Bedford	8,149	5,554	4		
Benton	979	667	5		
Bledsoe	1,155	787	4		
Blount	4,471	3,047	10		
Bradley	1,400	954	2		
Campbell	278	189	10		
Cannon	707	482	2		
Carroll	1,475	1,005	5		
Carter	403	275	10		
Cheatham	2,630	1,792	5		
Chester	123	84	0.5		
Claiborne	3,729	2,542	12		
Clay	850	579	5		
Cocke	2,920	1,990	1		
Coffee	4,566	3,112	1		
Crockett	251	171	5		
Cumberland	313	213	8		
Davidson	1,588	1,082	5		
Decatur	92	63	1		
De Kalb	1,294	882	3		
Dickson	1,818	1,239	10		
Dyer	2,767	1,886	8		
Fayette	22	15			
Fentress	605	412	5		
Franklin	9,369	6,386	10		
Gibson	1,831	1,248	12		
Giles	5,694	3,881	5		
Grainger	2,456	1,674	5		
Greene	10,263	6,995	5		
Grundy	836	570	1		
Hamblen	5,403	3,682	10		
Hamilton	634	432	8		
Hancock	1,191	812	10		
Hardeman	231	157			
Hardin	1,258	857	5		
Hawkins	6,717	4,578	25		
Haywood	273	186	5		
Henderson	82	56	0.5		
Henry	3,542	2,414	5		
Hickman	851	580	4		
Houston	735	501	3		
Humphreys	1,580	1,077	5		
Jackson	326	222	5		
Jefferson	7,576	5,163	10		
Johnson	766	522	4		
Knox	1,674	1,141	20		
Lake	391	266	5		
Lauderdale	278	189	3		
Lawrence	7,534	5,135	10		
Lewis	150	102			
Lincoln	6,446	4,393	4		
Loudon	3,775	2,573	10		
McMinn	1,903	1,297	20		
McNairy	29	20	2		
Macon	1,393	949	10		
Madison	249	170	3		
Marion	606	413	2		
Marshall	5,405	3,684	5		
Maury	14,172	9,659	5		
Meigs	1,374	936	5		
Monroe	4,771	3,252	2		
Montgomery	9,415	6,417	5		
Moore	533	363	1		
Morgan	159	108			
Obion	8,536	5,818	10		
Overton	1,803	1,229	10		
Perry	386	263	3		
Pickett	748	510	15		
Polk	728	496	3		
Putnam	1,810	1,234	10		
Rhea	1,170	797	2		
Roane	907	618	2		

Wheat Acreage Apportioned to Counties for 1963—Continued

TENNESSEE—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Robertson	28,265	19,264	35		
Rutherford	5,620	3,830	2		
Sequatchie	311	212	1		
Sevier	4,338	2,957	50		
Shelby	533	363	5		
Smith	804	548	5		
Stewart	651	444	5		
Sullivan	2,965	2,021	5		
Sumner	6,738	4,592	25		
Tipton	1,182	806	3		
Trousdale	453	309	2		
Unicoi	103	70	1		
Union	343	234	10		
Van Buren	212	144	5		
Warren	3,515	2,396	15		
Washington	5,072	3,457	10		
Wayne	850	579	5		
Weakley	4,907	3,344	10		
White	2,394	1,632	10		
Williamson	8,552	5,829	3		
Wilson	2,417	1,647	5		
Reserve new farms		100			
Reserve appeals and corrections		105			
Total	260,900	178,019	648		

TEXAS

Anderson	8	5			
Archer	44,149	30,102			
Armstrong	126,038	85,935			
Atascosa	333	227			
Austin	4	3			
Bailey	23,966	16,354			
Bandera	46	31			
Bastrop	24	16			
Baylor	97,822	66,697			
Bee	17	12			
Bell	7,415	5,056			
Bexar	1,804	1,230			
Blanco	671	457			
Borden	2,231	1,521			
Bosque	4,934	3,364			
Bowie	173	118			
Brazos	14	10			
Briscoe	75,400	51,409			
Brown	24,102	16,433			
Burnet	1,544	1,053			
Caldwell	13	9			
Callahan	28,330	19,316			
Carson	223,743	152,552			
Castro	147,029	100,247			
Cherokee	6	4			
Childress	64,784	44,171			
Clay	43,858	29,903			
Cochran	3,127	2,132			
Coke	2,952	2,013			
Coleman	36,723	25,038			
Collin	61,467	41,909			
Collingsworth	36,846	25,122			
Comal	372	254			
Comanche	2,369	1,615			
Concho	34,547	23,555			
Cooke	31,289	21,333			
Coryell	12,022	8,197			
Cottle	38,132	25,999			
Crosby	48,662	33,179			
Culberson	11	7			
Dallam	97,902	66,751			
Dallas	32,436	22,115			
Dawson	1,123	766			
Deaf Smith	280,870	191,161			

Wheat Acreage Apportioned to Counties for 1963—Continued

TEXAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Delta	1,235	842			
Denton	47,196	32,179			
De Witt	4	3			
Dickens	34,361	23,428			
Donley	23,887	16,287			
Eastland	6,942	4,733			
Edwards	37	25			
Ellis	14,506	9,890			
Erath	1,543	1,052			
Falls	366	250			
Fannin	17,204	11,730			
Fisher	42,468	28,955			
Floyd	187,060	127,541			
Foard	101,680	69,327			
Frio	30	20		29	20
Gaines	2,929	1,997			
Garza	2,385	1,626			
Gillespie	7,964	5,430			
Glasscock	431	294			
Gonzales	19	13			
Gray	124,807	85,096			
Grayson	64,400	43,909			
Guadalupe	440	300			
Hale	85,501	58,296			
Hall	18,522	12,629			
Hamilton	5,997	4,089			
Hansford	331,307	225,891			
Hardeman	128,611	87,689			
Harris	7	5			
Hartley	128,119	87,354			
Haskell	72,154	49,196			
Hays	64	44			
Hemphill	51,400	35,045			
Henderson	48	33			
Hill	2,914	1,987			
Hockley	529	361			
Hood	247	168			
Hopkins	99	67			
Houston	8	5			
Howard	2,940	2,005			
Hudspeth	14	10			
Hunt	5,438	3,708			
Hutchinson	96,494	65,791			
Irion	62	42			
Jack	5,451	3,717			
Jackson	125	85			
Johnson	2,713	1,850			
Jones	85,061	57,996			
Karnes	547	373			
Kaufman	2,023	1,379			
Kendall	2,405	1,640			
Kent	7,684	5,239			
Kerr	2,023	1,379			
Kimble	363	247			
King	8,176	5,575			
Knox	74,455	50,765			
Lamar	3,967	2,705			
Lamb	7,616	5,193			
Lampasas	2,054	1,400			
Leon	14	10			
Limestone	52	35			
Lipscomb	160,550	109,466			
Live Oak	153	104			
Llano	133	91			
Lubbock	5,162	3,520			
Lynn	1,216	829			
McCulloch	20,339	13,867			
McLennan	9,261	6,314			
Martin	245	167			
Mason	70	48			
Maverick	158	108			
Medina	367	250			
Menard	1,599	1,088			
Midland	1	1			

Wheat Acreage Apportioned to Counties for 1963—Continued

TEXAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Milam	228	155			
Mills	3,241	2,210			
Mitchell	10,337	7,048			
Montague	3,559	2,427			
Moore	210,063	143,225			
Morris	113	77		9	6
Motley	15,579	10,622			
Navarro	761	519			
Nolan	21,291	14,455			
Ochiltree	363,591	247,903			
Oldham	87,341	59,551			
Palo Pinto	3,798	2,590			
Parker	628	428			
Parmer	152,675	104,096			
Potter	48,535	33,092			
Presidio	13	9			
Rains	14	10			
Randall	193,854	132,173			
Red River	589	402			
Reeves	49	33			
Roberts	43,969	29,979			
Rockwall	4,905	3,344			
Runnells	52,329	35,679			
San Saba	3,054	2,082			
Schleicher	863	588			
Scurry	16,384	11,171			
Shackelford	24,267	16,546			
Sherman	261,688	178,423			
Somervell	80	55			
Stephens	18,685	12,740			
Sterling	435	297			
Stonewall	31,587	21,537			
Swisher	174,154	118,741			
Tarrant	3,245	2,212			
Taylor	91,284	62,239			
Terry	13,902	9,479			
Throckmorton	48,084	32,785			
Titus	7	5			
Tom Green	2,883	1,966			
Travis	91	62			
Uvalde	271	185			
Van Zandt	275	187			
Victoria	7	5			
Walker	5	3			
Waller	38	26			
Wharton	83	57			
Wheeler	32,504	22,162			
Wichita	82,860	56,495			
Wilbarger	128,736	87,774			
Williamson	1,825	1,244			
Wilson	288	196			
Wise	6,309	4,302			
Wood	8	5			
Yoakum	3,135	2,137			
Young	72,049	49,124			
Zavala	142	97			
Reserve new farms		998			
Reserve appeals and corrections		2,000			
Total	5,891,747	4,020,096		38	26

UTAH

Beaver	2,362	1,608			
Box Elder	140,677	95,795			
Cache	46,701	31,802			
Carbon	1,737	1,183			
Daggett	41	28			
Davis	4,627	3,151			
Duchesne	2,990	2,036			
Emery	3,619	2,464			

Wheat Acreage Apportioned to Counties for 1963—Continued

UTAH—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Garfield	1,729	1,177			
Grand	539	367			
Iron	8,708	5,930			
Juab	29,748	20,257			
Kane	1,240	844			
Millard	40,365	27,487			
Morgan	2,856	1,945			
Piute	211	144			
Rich	5,184	3,530			
Salt Lake	27,014	18,396			
San Juan	46,699	31,800			
Sanpete	16,380	11,154			
Sevier	3,633	2,474			
Summit	1,529	1,041			
Tooele	9,840	6,701			
Uintah	4,548	3,097			
Utah	23,331	15,888			
Wasatch	288	196			
Washington	9,646	6,569			
Wayne	308	210			
Weber	3,480	2,370			
Reserve new farms		150			
Reserve appeals and corrections		450			
Total	440,030	300,244			

VIRGINIA

Accomac	671	457			
Albermarle	2,039	1,387			
Alleghany	153	104			
Amelia	7,360	5,007			
Amherst	2,189	1,489			
Appomattox	7,057	4,801			
Augusta	13,847	9,420			
Bath	425	289			
Bedford	7,940	5,402			
Bland	1,330	905			
Botetourt	1,964	1,336			
Brunswick	4,562	3,104			
Buchanan	13	9			
Buckingham	5,864	3,989			
Campbell	9,598	6,530			
Caroline	7,505	5,106			
Carroll	935	636			
Charles City	4,011	2,729			
Charlotte	6,065	4,126			
Chesterfield	1,782	1,212			
Clarke	4,498	3,060			
Craig	657	447			
Culpeper	2,712	1,845			
Cumberland	4,595	3,126			
Dickenson	1	1			
Dinwiddie	3,224	2,193			
Essex	8,566	5,828			
Fairfax	1,981	1,348			
Fauquier	7,464	5,078			
Floyd	1,738	1,182			
Fluvanna	2,095	1,425			
Franklin	6,551	4,457			
Frederick	5,469	3,721			
Giles	582	396			
Gloucester	891	606			
Goochland	2,345	1,595			
Grayson	632	430			
Greene	1,659	1,129			
Greensville	280	191			
Halifax	11,179	7,605			
Hampton	105	71			
Hanover	9,217	6,270			
Henrico	2,326	1,582			

Wheat Acreage Apportioned to Counties for 1963—Continued

VIRGINIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Henry	1,227	835			
Highland	327	223			
Isle of Wight	78	53			
James City	1,103	750			
King and Queen	3,771	2,566			
King George	3,436	2,338			
King William	3,552	2,484			
Lancaster	1,381	939			
Lee	2,254	1,533			
Loudoun	12,155	8,269			
Louisa	4,931	3,355			
Lunenburg	3,567	2,426			
Madison	2,853	1,941			
Mathews	325	221			
Mecklenburg	8,751	5,953			
Middlesex	2,103	1,431			
Montgomery	1,552	1,056			
Nansemond	450	306			
Nelson	1,849	1,258			
New Kent	1,980	1,347			
Newport News	2	1			
Norfolk	2,175	1,480			
Northampton	154	105			
Northumberland	4,489	3,054			
Nottoway	2,840	1,932			
Orange	3,224	2,193			
Page	4,815	3,276			
Patrick	559	380			
Pittsylvania	19,448	13,231			
Powhatan	1,643	1,118			
Prince Edward	7,120	4,844			
Prince George	2,035	1,384			
Prince William	2,823	1,920			
Princess Anne	1,653	1,125			
Pulaski	1,395	949			
Rappahannock	1,149	782			
Richmond	5,139	3,496			
Roanoke	1,409	959			
Rockbridge	4,375	2,976			
Rockingham	14,123	9,608			
Russell	2,667	1,814			
Scott	2,430	1,653			
Shenandoah	6,885	4,684			
Smyth	2,235	1,521			
Southampton	615	418			
Spotsylvania	2,651	1,804			
Stafford	1,666	1,133			
Surry	473	322			
Sussex	809	550			
Tazewell	2,190	1,490			
Warren	2,166	1,473			
Washington	5,876	3,997			
Westmoreland	8,539	5,809			
Wise	13	9			
Wythe	4,551	3,096			
York	300	204			
Reserve new farms		200			
Reserve appeals and corrections		500			
Total	346,458	236,398			

WASHINGTON

Adams	404,707	276,008	100		
Asotin	41,834	28,530	50		
Benton	154,545	105,398	100		
Chelan	6,711	4,577			
Clallam	96	65			
Clark	519	354			
Columbia	103,184	70,371	100		
Cowlitz	32	22			
Douglas	253,279	172,734	200		

Wheat Acreage Apportioned to Counties for 1963—Continued

WASHINGTON—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Ferry	5,814	3,965			
Franklin	150,748	102,809	100		
Garfield	99,919	68,144	50		
Grant	195,890	133,596	100		
Grays Harbor	144	98			
Island	1,475	1,006			
Jefferson	63	43			
Kittitas	12,859	8,770	30		
Klickitat	83,676	57,066	75		
Lewis	4,240	2,892			
Lincoln	415,794	283,569	250		
Mason	4	3			
Okanogan	41,137	28,055	100		
Pend Oreille	1,408	960			
Pierce	25	17	3		
San Juan	150	102	10		
Skagit	1,423	970			
Snohomish	213	145			
Spokane	168,339	114,806	200		
Stevens	28,375	19,352	100		
Thurston	690	470			
Walla Walla	263,632	179,795	250		
Whatcom	417	284			
Whitman	518,730	353,771	250		
Yakima	32,647	22,263	50		
Reserve new farms		500			
Reserve appeals and corrections		500			
Total	2,992,719	2,042,012	2,118		

WEST VIRGINIA

Barbour	237	160	10		
Berkeley	4,991	3,374	15		
Braxton	4	3			
Brooke	499	337	5		
Cabell	85	57			
Doddridge	1	1			
Fayette	120	81	3		
Grant	1,889	1,277	8		
Greenbrier	2,409	1,628	20		
Hampshire	2,817	1,904	10		
Hancock	520	351	10		
Hardy	2,573	1,739	15		
Harrison	21	14			
Jackson	278	188	1		
Jefferson	11,860	8,017			
Lewis	20	14			
Lincoln	7	5			
Marion	15	10			
Marshall	738	499	10		
Mason	2,166	1,464	15		
Mercer	534	361	5		
Mineral	1,051	710	5		
Monongalia	131	89	1		
Monroe	4,004	2,707	20		
Morgan	2,041	1,380	5		
Nicholas	403	272	10		
Ohio	439	297	5		
Pendleton	2,880	1,947	20		
Pleasants	26	18			
Pocahontas	627	424	10		
Preston	1,447	978	10		
Putnam	462	312			
Raleigh	95	64			
Randolph	274	185			
Ritchie	15	10			
Roane	21	14			
Summers	477	322	5		
Taylor	86	58	3		
Tucker	41	28			
Tyler	40	27			

Wheat Acreage Apportioned to Counties for 1963—Continued

WEST VIRGINIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Upshur	131	89	4		
Wayne	31	21			
Webster	4	3			
Wetzel	34	23			
Wirt	54	37			
Wood	661	447	20		
Reserve new farms		100			
Reserve appeals and corrections		200			
Total	47,259	32,246	245		

WISCONSIN

Adams	315	213			
Ashland	20	14			
Barron	44	30			
Bayfield	230	156			
Brown	385	261			
Buffalo	730	495			
Burnett	68	46			
Calumet	778	527			
Chippewa	122	83			
Clark	241	163			
Columbia	2,300	1,559			
Crawford	129	87			
Dane	1,726	1,170			
Dodge	1,703	1,154			
Door	1,694	1,148			
Douglas	148	100			
Dunn	187	127			
Eau Claire	287	194			
Florence	13	9			
Fond du Lac	765	518			
Forest	52	35			
Grant	429	291			
Green	184	125			
Green Lake	773	524			
Iowa	395	268			
Iron	5	3			
Jackson	324	219			
Jefferson	1,082	733			
Juneau	220	149			
Kenosha	2,451	1,661			
Kewaunee	1,259	853			
La Crosse	248	168			
Lafayette	140	95			
Langlade	274	186			
Lincoln	113	77			
Manitowoc	987	669			
Marathon	701	475			
Marinette	321	218			
Marquette	709	480			
Milwaukee	1,466	993			
Monroe	188	127			
Oconto	441	299			
Oneida	134	91			
Outagamie	373	253			
Ozaukee	1,585	1,074			
Pepin	1,024	694			
Pierce	2,611	1,769			
Polk	293	199			
Portage	458	310			
Price	20	14			
Racine	7,408	5,020			
Richland	152	103			
Rock	2,466	1,671			
Rusk	4	3			
St. Croix	814	552			
Sauk	1,477	1,001			

Wheat Acreage Apportioned to Counties for 1963—Continued

WISCONSIN—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Sawyer	2	1			
Shawano	408	276			
Sheboygan	1,002	679			
Taylor	55	37			
Trempealeau	671	455			
Vernon	59	40			
Vilas	2	1			
Walworth	1,718	1,164			
Washburn	44	30			
Washington	2,101	1,424			
Waukesha	2,170	1,470			
Waupaca	256	173			
Waushara	554	375			
Winnebago	873	592			
Wood	53	36			
Reserve new farms		50			
Reserve appeals and corrections		200			
Total	53,434	36,459			

WYOMING

Albany	278	190			
Big Horn	2,041	1,391	5		
Campbell	45,362	30,925	50		
Carbon	16,601	11,317	20		
Converse	9,669	5,910	7		
Crook	39,879	27,187	50		
Fremont	3,699	2,522	5		
Goshen	85,977	58,613	25		
Hot Springs	209	142			
Johnson	8,119	5,535	20		
Laramie	98,916	67,434	25		
Lincoln	5,371	3,662	1		
Natrona	353	241			
Niobrara	13,459	9,176	25		
Park	3,733	2,545	15		
Platte	56,713	38,663	35		
Sheridan	18,097	12,337	25		
Sublette	4	3			
Sweetwater	6	4			
Teton	990	675			
Uinta	134	91			
Washakie	205	140			
Weston	12,945	8,825	4		
Reserve new farms		200			
Reserve appeals and corrections		50			
Total	421,760	287,778	312		
Total, commercial States	80,509,413	54,933,716		11,813	8,062
Total, noncommercial States (not apportioned)		46,284			
National reserve (not apportioned)					11,938
Total United States	80,509,413	54,980,000		11,813	20,000

(Secs. 334, 375, 52 Stat. 54, 66, 67 Stat. 151; 7 U.S.C. 1334, 1375)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on August 13, 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-8253; Filed, Aug. 17, 1962; 8:45 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 26]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.326 Valencia Orange Regulation 26.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 16, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 19, 1962, and ending at 12:01 a.m., P.s.t., August 26, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 400,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 17, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8419; Filed, Aug. 17, 1962; 11:24 a.m.]

[Lemon Reg. 35]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.335 Lemon Regulation 35.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 14, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 19, 1962, and ending at 12:01 a.m., P.s.t., August 26, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 16, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8379; Filed, Aug. 17, 1962; 8:50 a.m.]

[Avocado Order 1, Amdt. 2]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective, as hereinafter set forth, in order to effectuate the declared policy of the act is insufficient; contrary to previous estimates, avocados of the Waldin variety are maturing earlier and not sizing as anticipated; this amendment relieves restrictions on the handling of the Waldin variety of avocados so as to permit the earlier shipment of mature sizes thereof beginning September 10, 1962, rather than on September 17, 1962, as currently provided; and a reasonable time is permitted, under the circumstances, for preparation of such effective time.

(b) It is, therefore, ordered that the provisions of paragraph (b) of § 915.301 (27 F.R. 5135, 6705) are hereby further amended as follows:

I. In Table I, certain of the dates and minimum weights and diameters applicable to the Waldin variety of avocados are revised so that after such revision the relevant portion of such Table I reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Waldin	8-13-62	16 oz. 3⅝ in.	8-27-62	14 oz. 3⅝ in.	9-10-62	12 oz. 3⅜ in.	9-24-62

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., August 20, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 16, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8398; Filed, Aug. 17, 1962; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 13]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Cotton Broad-Woven Fabrics Manufacturers for the Purpose of SBA Business Loans

On April 11, 1962, there was published in the FEDERAL REGISTER (27 F.R. 3470) a notice that the Administrator of SBA proposed to amend the definition of small business for manufacturers of cotton broad-woven fabrics for the purpose of receiving SBA business loans. All interested persons were given the opportunity to present their comments or suggestions pertaining to the amendment of the definition of small business for manufacturers of cotton broad-woven fabrics to the Office of Small Business Size Standards within 30 days after publication in the FEDERAL REGISTER.

After consideration of all such relevant matters as were presented by interested persons regarding the proposal, the amendment set forth below is hereby adopted.

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812), as amended (26 F.R. 1441, 1983, 2778, 3064, 5708, 6642, 8592, 10633, 10634, 12069; 27 F.R. 5653, 6655) is hereby further amended by deleting from "Schedule A" of this Part, under the heading "Textile Mill Products" the item "2233—Fabrics, cotton broad-woven—750," and substituting in lieu thereof "2233—Fabrics, cotton broad-woven—1000."

Effective date: This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: August 9, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-8324; Filed, Aug. 17, 1962; 8:49 a.m.]

Chapter III—Area Redevelopment Administration, Department of Commerce

PART 302—DESIGNATION OF REDEVELOPMENT AREAS

Part 302 of Chapter III, as published in the FEDERAL REGISTER of October 24, 1961 (26 F.R. 9933–9943), as amended, is hereby further amended in the following respects:

1. Section 302.10 *List of areas* of Subpart B—Areas Designated Under section 5(a) of the Act, as amended, is further amended by adding Calhoun and Ouachita Counties, Arkansas; Coles and Cumberland Counties, Illinois; Boyle, Garrard, Lincoln and Mercer Counties, Kentucky; City of Newburyport, Towns of Amesbury, Ipswitch, Newbury, Rowley, Salisbury, and West Newbury in Essex County, Massachusetts; and Ashtabula and Portage Counties, Ohio; and by deleting Genesee County, Michigan, by reason of my determination that such county no longer meets the standard necessary for continued designation as a redevelopment area due to the improvement in its economic circumstances, pursuant to sections 3 and 13 of the Area Redevelopment Act and 13 CFR 302.50 of these regulations; and by effecting certain other minor, technical, conforming changes and corrections, so that, as amended, the complete listing of areas designated under section 5(a) of the Area Redevelopment Act for those States affected by this amendment shall read as follows:

§ 302.10 List of areas.

State and labor market area[1]	*Area definition*
Arkansas. Camden	Calhoun and Ouachita Counties.
Illinois:	
Cairo-Metropolis	Alexander, Massac, and Pulaski Counties.
Centralia	Clinton and Marion Counties.
Harrisburg	Gallatin, Hardin, Pope, Saline, and White Counties.
Herrin-Murphysboro-West Frankfort.	Franklin, Jackson, Johnson, Perry, Union, and Williamson Counties.
Litchfield	Bond, Christian, Macoupin, and Montgomery Counties.
Matoon	Coles and Cumberland Counties.
Mount Vernon	Hamilton, Jefferson, and Wayne Counties.
Kentucky:	
Corbin	Clay, Knox, Laurel, and Whitley Counties.
Danville	Boyle, Garrard, Lincoln, and Mercer Counties.
Elizabethtown	Grayson, Hardin, Larue, and Meade Counties.
Hazard	Breathitt, Letcher, and Perry Counties.
Hopkinsville	Caldwell, Christian, Todd, and Trigg Counties.
Madisonville	Hopkins, Muhlenberg, and Webster Counties.
Middlesboro-Harlan	Bell, Harlan, and Leslie Counties.
Morehead-Grayson	Carter, Elliott, Greenup, and Rowan Counties.
Paducah	Ballard, Graves, McCracken, and Marshall Counties.
Paintsville-Prestonsburg	Floyd, Johnson, Knott, Magoffin, and Martin Counties.
Pikeville-Williamson	Pike County, Kentucky; Mingo County, West Virginia.
Richmond	Estill, Jackson, Madison, and Rockcastle Counties.
Massachusetts:	
Fall River	City of Fall River, Towns of Somerset, Swansea, and Westport in Bristol County, Massachusetts; Town of Tiverton in Newport County, Rhode Island.
Lowell	City of Lowell, Towns of Billerica, Chelmsford, Dracut, Tewksburg, and Tyngsborough in Middlesex County.
New Bedford	City of New Bedford, Towns of Achushnet, Dartmouth, and Fairhaven in Bristol County; Towns of Marion and Mattapoisett in Plymouth County.
Newburyport	City of Newburyport, Towns of Amesbury, Ipswitch, Newbury, Rowley, Salisbury, and West Newbury in Essex County.

[1] See footnote at end of table.

State and labor market area [1]	*Area definition*
North Adams	City of North Adams, Towns of Adams, Clarksburg, Florida, New Ashford, Savoy, and Williamstown in Berkshire County; Town of Monroe in Franklin County.
Ohio:	
Ashtabula-Conneaut	Ashtabula County.
Athens-Logan-Nelsonville	Athens, Hocking, and Vinton Counties.
Batavia-Georgetown-West Union	Adams, Brown, and Clermont Counties.
Cambridge	Guernsey and Noble Counties.
Kent-Ravenna	Portage County.
Portsmouth-Chillicothe	Jackson, Pike, Ross, and Scioto Counties.

NOTE 1. The labor market areas' geographic boundaries which were under review, as indicated in the FEDERAL REGISTER of October 24, 1961 (26 F.R. 9933–9943, at 9936–9937), are no longer under review. These geographic boundaries were adopted finally as they originally appear in the FEDERAL REGISTER of October 24, 1961.

(Secs. 5, 12, 75 Stat. 48, 55)

2. Section 302.40 *List of areas* of Subpart D—Areas Designated Under section 5(b) of the Act, as amended, is further amended by adding Bulter, Cherokee, DeKalb, Jackson, Limestone, Shelby, and Winston Counties, Alabama; Franklin, Lafayette, and Polk Counties, Arkansas; Siskiyou County, California; Gordon and Hart Counties, Georgia; Boundary County, Idaho; Calhoun, Jersey, and Marshall Counties, Illinois; Martin County, Indiana; Breckinridge and Russell Counties, Kentucky; Concordia, Catahoula, Livingston, St. John the Baptist, and St. Martin Parishes, Louisiana; Hancock, Knox,[1] and Lincoln[1] Counties, Maine; Calvert County, Maryland; City of Gloucester, and Towns of Essex and Rockport in Essex County, Massachusetts; Crawford, Gratiot, Presque Isle, and Sanilac Counties, Michigan; Douglas County, Minnesota; Hancock County, Mississippi; Grafton County, New Hampshire; Schoharie County, New York; Northhampton and Chowan Counties, North Carolina; Greer, Love, and Nowata Counties, Oklahoma; Smith County, Tennessee; Falls County, Texas; Essex, Orleans, and Caledonia Counties, Vermont; Independent City of Galax, and Lancaster, Northhumberland, Richmond, and Westmoreland Counties, Virginia; Fort Peck Indian Reservation (Roosevelt County), Montana; and Pyramid Lake Indian Reservation (part of Washoe County), Nevada; and by deleting Calhoun and Ouachita Counties, Arkansas, by shifting them to § 302.10 of these regulations by reason of designating them under section 5(a) of the Area Redevelopment Act; and by deleting Walker County, Texas, by reason of my determination that such county no longer meets the standard necessary for continued designation as a redevelopment area, based on the resolution requesting termination as a redevelopment area, received from the governing body of each county contained in the area and on the concurring recommendation received from the U.S. Department of Agriculture, all pursuant to section 13 of the Area Redevelopment Act and section 302.51 of these regulations; and by effecting certain other minor, technical, conforming changes and corrections, so that, as amended, the complete listing of areas designated under section 5(b) of the Area Redevelopment Act for those States affected by this amendment shall read as follows:

§ 302.40 List of areas.

ALABAMA

Autauga. Barbour. Bibb. Blount. Bullock. Butler. Cherokee. Chilton. Choctaw. Clark. Conecuh. Coosa. Crenshaw. Cullman. Dallas. DeKalb. Elmore. Fayette. Green. Hale. Jackson. Lamar. Limestone. Lowndes. Macon. Marengo. Marion. Marshall. Perry. Pickens. Russell. Saint Clair. Shelby. Sumter. Washington. Wilcox. Winston.

ARKANSAS

Ashley. Baxter. Calhoun. Chicot. Cleburne. Conway. Crittenden. Desha. Drew. Franklin. Fulton. Independence. Izard. Johnson. Lafayette. Lee. Lincoln. Little River. Madison. Marion. Montgomery. Newton. Ouachita. Perry. Phillips. Polk. Scott. Searcy. Sharp. Stone. Van Buren. Woodruff.

CALIFORNIA

Del Norte. Lassen. Plumas. San Benito. Sierra. Siskiyou. Trinity.

GEORGIA

Baker. Baldwin. Banks. Barrow. Brantley. Bryan. Bulloch. Burke. Calhoun. Chattahoochee (except Fort Benning). Clay. Crisp. Dawson. Dooly. Dougherty. Early. Elbert. Forsyth. Franklin. Glascock. Gordon. Habersham. Hancock. Hart. Heard. Henry. Jefferson. Jenkins. Johnson. Laurens. Lee. Lincoln. Lumpkin. Macon. Marion. McIntosh. Meriwether. Montgomery. Oglethorpe. Pulaski. Rabun. Randolph. Schley. Screven. Stewart. Sumter. Talbot. Taliaferro. Taylor. Terrell. Toombs. Towns. Twiggs. Union. Walton. Warren. Washington. Wayne. Webster. Wheeler. White. Wilkes. Worth.

IDAHO

Benewah. Bonner. Boundary. Clearwater. Idaho. Kootenai. Shoshone (Avery-Clarkia CCD).

ILLINOIS

Calhoun. Carroll. Edwards. Jersey. Marshall. Mercer. Monroe. Moultrie. Randolph. Richland.

INDIANA

Clark. Clay. Crawford. Dearborn. Greene. Harrison. Jasper. Jennings. Lawrence. Martin. Monroe. Morgan. Ohio. Orange. Perry. Pulaski. Ripley. Scott. Spencer. Starks. Sullivan. Switzerland. Vermillion. Washington.

KENTUCKY

Adair. Allen. Barren. Bath. Breckinridge. Butler. Calloway. Carlisle. Clinton. Crittenden. Edmondson. Fulton. Grayson. Green. Hart. Hickman. Lawrence. Lee. Lewis. Livingston. Logan. Lyon. McCreary. Menifee. Metcalfe. Monroe. Morgan. Nelson. Oldham. Owsley. Pendleton. Powell. Pulaski. Russell. Scott. Shelby. Simpson. Warren. Wayne. Wolfe.

LOUISIANA

Acadia. Allen. Ascension. Avoyelles. Concordia. Catahoula. East Carroll. East Feliciana. Evangeline. Franklin. Lafayette. Livingston. Madison. Natchitoches. Red River. Sabine. St. John the Baptist. St. Martin. Tensas. Vermilion. Vernon. Washington. Webster. West Carroll.

MAINE

Towns of Crystal, Dyer Brook, Hersey Town, Island Falls, Merrill, Moro Plantation, Oakfield, Sherman, and Amyrna in Aroostook County.
Hancock.
Knox.
Towns of Mount Chase Plantation, Patton, Atacyville, and Town 2, R6, W.E.L.S. (Herseytown) in Penobscot County.
Piscataquis.
Lincoln.
Washington.

NOTE 1. Only parts of Knox and Lincoln Counties were listed as redevelopment areas in the FEDERAL REGISTER of March 8, 1962 (27 F.R. 2241–2243, at 2242). The entire counties are now redevelopment areas.

MARYLAND

Calvert. Cecil. Garrett. Somerset.

MASSACHUSETTS

Dukes
City of Gloucester and Towns of Essex and Rockport in Essex County.
Towns of Kingston, Plymouth, and Plympton in Plymouth County.

MICHIGAN

Alger. Antrim. Arenac. Baraga. Benzie. Charlevoix. Cheboygan. Chippewa. Crawford. Dickinson. Emmet. Gogebic. Gratiot. Hillsdale. Houghton. Huron. Iron. Keweenaw. Lake. Lapeer. Livingston. Luce. Mackinac. Manistee. Mecosta. Menominee (except townships of Harris, Myer, Spalding). Missaukee. Oceana. Ontonagon. Osceola. Otsego. Presque Isle. Roscommon. Sanilac. Tuscola. Van Buren. Wexford.

MINNESOTA

Beltrami. Carlton. Clearwater. Cook. Douglas. Hubbard. Kanabec. Koochiching. Lake. Lake of the Woods. Pine. Roseau.

MISSISSIPPI

Attala. Amite. Benton. Bolivar. Calhoun. Carroll. Chickasaw. Choctaw. Claiborne. Clarke. Clay. Copiah. Covington. De Soto. Franklin. Hancock. Holmes. Humphreys. Issaquena. Jasper. Jefferson. Jefferson Davis. Kemper. Lafayette. Lawrence. Leake. Leflore. Lincoln. Madison. Marion. Marshall. Neshoba. Newton. Noxubee. Oktibbeha. Panola. Pike. Pontotoc. Quitman. Sharkey. Simpson. Smith. Sunflower. Tallahatchie. Tate. Tippah. Tunica. Walthall. Warren. Washington. Webster. Wilkinson. Winston. Yalobusha. Yazoo.

NEW HAMPSHIRE

Grafton.

NEW YORK

Essex. Schoharie.

NORTH CAROLINA

Alleghany. Anson. Ashe. Avery. Bertie. Bladen. Carteret. Cherokee. Clay. Columbus. Gates. Graham. Hoke. Hyde. Lincoln. Macon. Madison. Mitchell. Northampton. Person. Showan. Swain. Warren. Watauga. Yancey.

OKLAHOMA

Adair. Atoka. Cherokee. Choctaw. Coal. Delaware. Grady. Greer. Haskell. Hughes. Johnson. Latimer. Love. Le Flore. McCurtain. McIntosh. Marshall. Mayes. Murray. Nowata. Okfuskee. Ottawa. Pontotoc. Pushmataha. Sequoyah. Wagoner.

TEXAS

Anderson. Angelina. Bowie. Camp. Cass. Cherokee. Delta. Dimmit. Falls. Franklin. Freestone. Gregg. Harrison. Henderson. Hopkins. Houston. Jasper. Kenedy. Lamar. Leon. Limestone. McCulloch. Madison. Marion. Montgomery. Morris. Nacogdoches. Newton. Panola. Polk. Rains. Red River. Robertson. Rusk. Sabine. San Augustine. San Jacinto. Shelby. Smith. Terrell. Titus. Trinity. Tyler. Upshur. Van Verde. Van Zandt. Weller. Wood. Zapata.

VERMONT

Caledonia. Essex. Orleans.

VIRGINIA

Buchanan. Carroll. Cumberland. Dickenson. Fluvanna. Grayson. Independent City of Galax. Lancaster. Northumberland. Richmond. Russell. Scott. Westmoreland.

INDIAN RESERVATION AREAS

State	Reservation	County
Alaska	Bristol Bay, Norton Sound, Cook Inlet, and Southeast Areas.	(There are no Indian reservations, as such in Alaska). The Southeast Area includes all of Southeast Alaska south of Yakutat Bay, except the incorporated cities Juneau and Sitka.
Montana	Blackfeet	Pondera and Glacier.
	Crow	Yellowstone and Big Horn.
	Flathead	Missoula, Flathead, Lake, and Sanders.
	Fort Belknap	Blaine and Phillips.
	Fort Peck	Roosevelt, parts of Valley, Daniels and Sheridan.
	Northern Cheyenne	Big Horn and Rosebud.
	Rocky Boys	Chonteau and Hill.
Nevada	Pyramid Lake	Part of Washoe.

INDIAN RESERVATION AREAS—Continued

State	Reservation	County
New Mexico	Acoma	Valencia.
	Isleta Pueblo	Principally in Bernalillo and Valencia.
	Jemez	Sandoval.
South Dakota	Cheyenne River	Mainly Dewey and Ziebach, and parts of Haakon, Meade, Perkins, and Stanley.
	Crow Creek-Lower Brule	Mainly Buffalo and Hughes, and parts of Brule, Hyde, Lyman, and Stanley.
	Pine Ridge	Bennett, Shannon, and Washabaugh.
	Rosebud	Mainly Todd and parts of Mellette, Tripp, and Gregory.
	Sisseton	Mainly Marshall and Roberts (S. Dak.), and parts of Sargent and Richland (N. Dak.).
	Yankton	Charles Mix and Bon Homme.

(Secs. 5, 12, 75 Stat. 48, 55)

3. Section 302.50 *General* of Subpart E—Termination of Redevelopment Areas is amended by deleting from that section the phrase "the disqualifying reduction in unemployment shall be evidenced for a continuous period of not less than six months" and inserting in its place the phrase "he shall determine that there has occurred a significant reduction in the rate of unemployment in such redevelopment area since it was last so designated as a redevelopment area and that such reduction in the rate of unemployment has continued for a reasonable period of time.", so that § 302.50, as amended herein will read as follows:

§ 302.50 General.

The Administrator will terminate the designated status of areas as redevelopment areas when he shall determine that there has been such improvement in the economic circumstances of the area that it no longer meets the standards for designation as a redevelopment area; but with respect to areas designated under standards of unemployment the Administrator shall not terminate designation unless he shall determine that there has occurred a significant reduction in the rate of unemployment in such redevelopment area since it was last so designated as a redevelopment area and that such reduction in the rate of unemployment has continued for a reasonable period of time.

(Secs. 12, 13, 75 Stat. 55, 57)

In accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it has been found that notice and hearing on the foregoing §§ 302.10, 302.40 and 302.50 of Chapter III of Title 13 of the Code of Federal Regulations is unnecessary for the reason that the matters herein relate to agency management and benefits, and/or for the reason that because of the nature of these rules, such notice and hearing would serve no useful purpose. The provisions of this chapter are

effective upon publication in the FEDERAL REGISTER.

Dated: July 27, 1962.

WILLIAM L. BATT, Jr.,
Area Redevelopment Administrator.

[F.R. Doc. 62-8302; Filed, Aug. 17, 1962; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1039; Amdt. 42-42]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Flight Time Limitations for Flight Engineers on Large Airplanes

The Federal Aviation Agency published as a notice of proposed rule making (27 F.R. 697) and circulated as Civil Air Regulations Draft Release No. 62-1 dated January 17, 1962, a proposal to amend Part 42 of the Civil Air Regulations to specify flight time limitations applicable to flight engineers engaged in other than overseas and international operations. The reasons therefor were set forth fully in the notice of proposed rule making.

The comments received in response to this draft release indicated general concurrence with the proposal to prescribe flight and duty time limitations in Part 42 for flight engineers in addition to those currently prescribed in the air carrier operations specifications for overseas and international operations. In some instances differences of opinion were expressed with respect to the substance of the proposed rules. Some comments recommended the adoption of more stringent rules on duty time while others recommended more liberal allowances for both flight and duty times for particular operations. In addition, numerous other recommendations were made with respect to changing the flight time limitations applicable to air carrier flight crewmembers which transcended the scope of the proposal contained in Draft Release 62-1 and involved substantive changes of such a nature as to generally affect all flight and duty time limitations applicable to all flight crewmembers. The Agency has undertaken a project to review and re-evaluate all of the existing flight and duty time limitations applicable to air carrier flight crewmembers. Accordingly, all comments which were received in response to Draft Release 62-1 which concern matters beyond the scope of the proposal will be fully considered in the course of this re-evaluation.

The draft release made mention of the fact that some carriers may wish to include in the flight crew one or more airmen who are appropriately qualified to serve either as a pilot or as a flight engineer in the course of a flight. The purpose of such statement was solely to prevent any misunderstanding of these rules with regard to the flight time limitations applicable to such airmen. In view of the comments received on this subject, it is reiterated that these rules would not preclude such utilization of an airman as long as the combined total of the scheduled flight deck duty of such airman as a flight engineer and his scheduled flight deck duty as a pilot or other flight crewmember does not exceed the applicable flight time limitations.

Interested persons have been afforded an opportunity to participate in the making of this regulation (27 F.R. 687), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) is hereby amended as follows, effective September 17, 1962:

1. By redesignating § 42.49 as § 42.50.
2. By adding a new § 42.49 to read as follows:

§ 42.49 Flight time limitations for flight engineers on large airplanes.

The flight time limitations prescribed in § 42.48 (a) and (b) shall apply to an airman serving as a flight engineer except that when two or more airmen serve as flight engineers in a flight crew containing three or more pilots, the flight time limitations prescribed in § 42.48 (d) shall apply in lieu of those in § 42.48 (b).

(Secs. 313(a), 601, 604; 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424)

Issued in Washington, D.C., on August 10, 1962.

HAROLD W. GRANT,
Acting Administrator.

[F.R. Doc. 62-8304; Filed, Aug. 17, 1962; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER F—POLICY STATEMENTS

[Reg. Policy Statement No. 15]

PART 399—STATEMENTS OF GENERAL POLICY

Policy Applicable to Public Bodies and Civic Organizations Participating in Route Proceeding Hearings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of August 1962.

The Board, by publication in 26 F.R. 9240, and by circulation of Procedural Draft Release, PDR-9, Docket 13060, proposed an amendment to Part 302 (14 CFR Part 302) of its rules of practice pertaining to the participation of public bodies and civic groups in route proceedings conducted pursuant to section 401 of the Act. Upon due consideration of all comments received in response to the notice, the Board has decided to adopt the substance of the proposal as a statement of policy.

As a general rule, substantial differences of interest between public and/or civic bodies representing the same community do not exist. Therefore, representation of the community by one such body usually effectuates adequate representation of the interest of all others. This is not usually the case as between two or more air carrier parties. It therefore is proper and expedient that public and civic bodies representing the same area or community should consolidate their presentation to the Board. We have modified the notice so that this policy will also apply to the presentations of oral arguments.

We are also adopting the provision that public bodies and civic organizations should keep to a minimum the number of witnesses used to present the factual evidence in support of the community's position.

It also appears to the Board, in light of experience, that the policy of excluding immaterial, irrelevant and unduly repetitious evidence, which is enjoined upon the Board by section 7(c) of the Administrative Procedure Act, in the usual case precludes admission of certain types of evidence often offered by public or civic bodies to establish the level of economic activity in their communities which have been found lacking in substantial probative value respecting the air traffic generating capacity of such communities. Such evidence should normally be excluded.

The instant policy statement will implement the principles against undue duplication and repetition of materials contributed to the record by formal and informal interveners. It is expected that publication of this policy statement will greatly reduce the number of instances in which immaterial or unduly repetitious evidence is made part of the record. The Board also anticipates that public and civic bodies will cooperate in consolidating their presentations except to the extent that there are genuine and substantial differences of interest between them.

Since this rule is not a substantive rule, it may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends its statements of general policy, 14 CFR Part 399, effective August 18, 1962, by adding thereto a new § 399.39 to read:

§ 399.39 Presentations of public and civic bodies in route proceedings.

For the purpose of implementing the Board's policy to provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and otherwise to expedite route proceedings, and in light of experience, the following guidelines are hereby established.

(a) Public and civic bodies which represent the same geographic area or community should consolidate their presentation of evidence, briefs and oral argument to the examiner and the Board;

(b) A public body or a civic organization, or several such bodies or organizations whose presentation of evidence is consolidated, should keep to a minimum the number of witnesses used to present the factual evidence in support of the community's position;

(c) Exhibits offered in evidence by a public body or civic organization should be limited to evidence of the economic characteristics of the community and area involved, data as to community of interest and traffic, evidence with respect to the sufficiency of existing service, and airport data, and should not include data relating to number of electricity, water and gas meters, telephones, schools, freight car loadings, building permits, sewer connections, or volume of bank deposits in the community.

(Sec. 204(a) of the Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001 of the Act, 72 Stat. 788; 49 U.S.C. 1481 and sec. 3(a) of the Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1002)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8326; Filed, Aug. 17, 1962; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1343; Amdt. 476]

PART 507—AIRWORTHINESS DIRECTIVES

General Dynamics/Convair Model 30 Series Aircraft

Reports have been received of cracked pylon channels on General Dynamics/Convair Model 30 Series aircraft.

Since this condition is likely to develop in other such aircraft, an airworthiness directive is being issued to require repetitive inspections for cracks, with rework or replacement if cracks are found.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

GENERAL DYNAMICS/CONVAIR. Applies to all Model 30 Series aircraft.

Compliance required as indicated.

To preclude an unsafe condition resulting from cracking of the pylon forward engine thrust beacon channels, P/N's 30-24011-71 and -72, accomplish the following:

(a) Within the next 50 hours' time in service following the effective date of this AD unless already accomplished within the last 50 hours' time in service, and thereafter at periods not to exceed 100 hours' time in service from the last inspection, conduct a close visual inspection of Channels P/N's 30-24011-71 and -72 for any evidence of cracking, particular attention shall be given to the area of the relief radius in the vicinity aft end of each channel.

(b) A channel exhibiting a crack in the vertical web not exceeding 1½ inch may be continued in service provided that the crack is stop drilled with a ¼-inch drill and the channel is inspected thereafter at periods not to exceed 12 hours' time in service.

(c) A channel which has been stop drilled in accordance with (b) and in which the crack is found at a subsequent inspection to have progress beyond the stop drill hole, may be continued to be used for an additional 12 hours' time in service provided that it is once again stop drilled with a ¼-inch drill and the total length of crack does not exceed 1½ inch.

(d) Channels exhibiting cracks in the vertical web greater than 1½ inch in length or cracks which have progressed in the horizontal web, shall be replaced prior to a further flight with a new part of the same part number or with an FAA engineering approved equivalent. When a cracked channel is replaced with a new channel P/N's 30-24011-71 or -72, the new channel shall be inspected in accordance with (a) at intervals not to exceed 100 hours' time in service, and when found cracked, shall be subject to the provisions of (b) and (c).

(e) The repetitive inspections required by this AD may be discontinued on replacement channels described in Part B of General Dynamics/Convair Alert Service Bulletin A54-4 or equivalent parts approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(General Dynamics/Convair Alert Service Bulletin A54-4 for the Model 30 covers this same subject.)

This amendment shall become effective August 23, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 14, 1962.

EDWARD C. HUDSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-8305; Filed, Aug. 17, 1962; 8:45 a.m.]

[Reg. Docket No. 1342; Amdt. 475]

PART 507—AIRWORTHINESS DIRECTIVES

General Dynamics/Convair Models 22, 22M and 30 Series Aircraft

There have been recent cases of loose rudder flight tab balance weights on Convair Models 22, 22M, and 30 Series aircraft. This resulted from improper attachment bolts which caused elongation of the bolt holes in the balance weights and attachment arms. As this condition is likely to develop in other such aircraft, an airworthiness directive is being issued to require inspection of the rudder flight tab balance weight attachments.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

GENERAL DYNAMICS/CONVAIR. Applies to all Models 22, 22M, and 30 Series aircraft.

Compliance required within 150 hours' time in service following the effective date of this AD, unless already accomplished.

To prevent loose rudder flight tab balance weights, the following shall be accomplished:

Inspect the rudder flight tab balance weight attachments for looseness of the balance weight, missing weights, missing attachment nuts and/or bolts, and for elongation of the attachment bolt holes in the balance weights and attachment arms in accordance with General Dynamics/Convair Alert Service Bulletins A27-60, A27-31, or A27-32, as appropriate. If any of the noted defects are found, they shall be corrected prior to the next flight, as specified in General Dynamics/Convair Alert Service Bulletins A27-60, A27-31, or A27-32, as appropriate, or by an FAA engineering approved equivalent method.

(General Dynamics/Convair Alert Service Bulletins A27-60, A27-31, and A27-32 for the Models 22, 22M, and 30 respectively cover this same subject.)

This amendment shall become effective August 18, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 14, 1962.

EDWARD C. HUDSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-8306; Filed, Aug. 17, 1962; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-61]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Areas

On June 14, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5666) stating that the Federal Aviation Agency proposed to designate terminal radar jet advisory areas at Houston, Tex., New Orleans, La., and Brownsville, Tex.

No comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, § 602.300 Terminal jet advisory areas (27 F.R. 7317) is amended as follows:

1. The following terminal jet advisory area is added:

Brownsville, Tex., jet advisory area—Radar.
a. Brownsville, Tex., via Brownsville 024° radial to boundary of the Continental Control Area.

2. Under Houston, Tex., jet advisory area—Radar the following is added:

h. Houston, Tex., via Houston 198° radial to boundary of the Continental Control Area.
i. Houston, Tex., via Houston 207° radial to boundary of the Continental Control Area.
j. Galveston, Tex., RBN via Galveston RBN 185° bearing to boundary of the Continental Control Area.

3. Under New Orleans, La., jet advisory area—Radar the following is added:

n. New Orleans, La., via New Orleans 220° radial to boundary of the Continental Control Area.

These amendments shall become effective 0001 e.s.t., October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 13, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-8303; Filed, Aug. 17, 1962; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 92—BUREAU OF THE MINT PROCEDURES AND DESCRIPTIONS OF FORMS

Part 92, Chapter I, Title 31, of the Code of Federal Regulations, is hereby revised to read as follows:

Subpart A—Procedures

Sec.

92.1 Gold which may be purchased by the United States.
92.2 Deposits of gold bullion with a mint or assay office for return in bar form.
92.3 Acceptability of gold deposits.
92.4 Deposit of newly mined domestic silver with a mint or assay office.
92.5 Deposit of silver for return in bar form.
92.6 Silver contained in gold bullion.
92.7 Receipts of bullion deposits.
92.8 Handling of bullion deposits.
92.9 Charges on bullion deposited.
92.10 Payment for bullion deposits.
92.11 Advance payment.
92.12 Redemption and deposit of United States coin.
92.13 Sale of gold.
92.14 Sale of "proof" gold.
92.15 Sale of silver.
92.16 Supplying of "proof" silver.
92.17 Assays of bullion and ores.
92.18 Manufacture of medals.
92.19 Sale of "List" medals.
92.20 Manufacture of "proof" coins.
92.21 Informal consultations.
92.22 Matters of official record.
92.23 Official records.
92.24 Requests for information or official records.

AUTHORITY: §§ 92.1 to 92.24 issued under R.S. 161; 5 U.S.C. 22.

Subpart A—Procedures

§ 92.1 Gold which may be purchased by the United States.

For categories of gold which are purchased by the mints and assay offices, the requirements for acceptability of such gold, and the purchase price under the Gold Regulations, see Part 54, Subpart F of this chapter and § 92.3. The Director of the Mint will issue appropriate instructions to Mint Field Offices on the basis of determinations made pursuant to § 93.6 of this chapter regarding gold not eligible for purchase under Part 54 of this chapter (Gold Regulations) except that gold held in noncompliance with the gold orders is purchased in accordance with the Instructions of the Secretary of the Treasury of January 17, 1934. No return or payment is made for metal other than gold or silver contained in the deposit.

§ 92.2 Deposits of gold bullion with a mint or assay office for return in bar form.

Any owner of gold bullion, lawfully entitled to hold such gold, may deposit it at any mint or the New York Assay Office for return in the form of stamped bars (but in no case is a gold bar of less weight than 5 ounces made or issued) when licensed to receive such bars under Part 54 of this chapter (Gold Regulations).

§ 92.3 Acceptability of gold deposits.

A gold deposit must contain at least one troy ounce of gold, at least 100 parts of gold in 1,000 with enough additional gold or silver to make at least 200 parts of gold and silver combined in 1,000, so that there will be not more than 800 parts base metals including copper in 1,000. If it does not meet these requirements, or if the report of the Assayer at the Mint institution at which deposited indicates it to be unsuitable for mint operations, it will not be purchased. If the unacceptability of a deposit of scrap gold can be determined before the deposit is melted it may be returned to the depositor, but if the deposit has been melted, it may be returned to the depositor only if he is authorized under the Gold Regulations (Part 54 of this chapter) to hold melted gold. If the depositor is not authorized to hold such gold, it is held for delivery, at his request and for his account. Appropriate instructions on the basis of determinations made pursuant to § 93.7 of this chapter are issued by the Director of the Mint to Mint Field Offices regarding delivery to a refiner or other person licensed under the Gold Regulations to acquire and hold such gold, provided that the gold was not required to be delivered to the United States by the Order of the Secretary of the Treasury dated December 28, 1933.

§ 92.4 Deposit of newly-mined domestic silver with a mint or assay office.

Any owner of newly mined domestic silver, mined subsequently to July 1, 1939, as defined in the Newly Mined Domestic Silver Regulations of July 6, 1939, as amended and supplemented (Part 80 of this chapter), may deposit such silver at the mints; return for such silver is made in accordance with such regulations. Deposits of newly mined domestic silver must be accompanied by duly executed affidavits as evidence that such silver is eligible for deposit. As a matter of convenience to the public, when specifically authorized by the Director, the Assay Office at New York will accept eligible silver for the account of the mint at Philadelphia. Silver of this category will be accepted provided it contains at least 200 parts in 1,000 of silver or of gold and silver combined. The gold content of such deposits will be paid for at the rate set forth in § 54.44 of this chapter upon compliance with § 54.36 of this chapter. No payment or return will be made for other metal contained in the deposit.

§ 92.5 Deposit of silver for return in bar form.

Silver bullion not eligible for deposit under § 92.4 may be deposited at any mint or the New York Assay Office for return in the form of fine silver bars: *Provided*, That such silver contains not less than 600 parts of silver in 1,000 and not more than 100 parts of gold in 1,000. (The gold content of such deposits if eligible for purchase under § 54.37 of this chapter is paid for at the price set forth in § 54.44 of this chapter; no return is made for base metal contained in the deposit.) No Mint stamped fine silver bar weighing less than 100 gross troy ounces is issued. If a silver deposit containing less than 100 fine ounces of silver is deposited for return in the form of fine silver, the silver returned will be in the form of unmarked bars, or an unmarked piece cut from a bar, approximating as closely as practicable, but not more than, the fine silver content of the deposit. Any fine silver remainder, due the depositor, will be purchased at the price then being paid for silver contained in gold bullion under § 92.6, except that not more than 1,000 ounces of silver shall be purchased in any one month at any one Mint institution without special authorization. Appropriate instructions will be communicated by the Director of the Mint to Mint Field Offices.

§ 92.6 Silver contained in gold bullion.

At the option of the depositor, silver contained in gold bullion (other than newly mined as set forth in § 92.4) sold to the Government is returned to the depositor in the form of silver bars or purchased at such valuations as are from time to time established. The Director of the Mint will issue appropriate instructions to Mint Field Offices, on the basis of determinations made pursuant to § 93.9 of this chapter, regarding changes in such valuations.

§ 92.7 Receipt of bullion deposits.

As a matter of expedience and convenience to the public, the officers in charge of the mint institutions are authorized to receive deposits of bullion by express or mail. In cases where reasonable doubts may arise as to the ownership and eligibility or any other pertinent factor concerning deposits, the officers may decline to receive deposits unless made in person. When gold or silver deposits are received by express or mail, or when formal receipts are not requested by the depositors of silver bullion, memorandum receipts are issued to the depositors. Whenever the depositor of silver requests a formal receipt, he is given a receipt on Form 7a for the before-melting weight of his deposit. No receipt on Form 7a may be given to a depositor of gold bullion. Receipts on Form 7a must be surrendered, properly indorsed by the depositor at the time payment is made for the silver bullion represented thereby. If the depositor of silver bullion loses his receipt on Form 7a, it is necessary for him before payment is made to give a bond of indemnity for double the value of the deposit.

§ 92.8 Handling of bullion deposits.

(a) All bullion deposited or purchased at any of the mints or assay offices is weighed, when practicable, in the presence of the depositor or his agent, and the weight is verified by some official or competent employee of the mint. Weights are recorded in troy ounces and hundredths of an ounce. In receiving and weighing deposits, fractions of one-hundredths of an ounce are disregarded. When several parcels are deposited by the same depositor at the same time they may be weighed separately at his request, but separate assays are made only subject to separate melting charges for each parcel assayed.

(b) The Assayer takes at least two samples in sufficient portions for assay from each deposit of bullion. The percentages of the gold, silver and base metal contained, as well as the charges to which the deposit is subject, are indicated by the Assayer on a special form provided for that purpose, which is signed by the Assayer. This form also contains the depositor's name, the number and date of the deposit, the class of bullion, the weight before and after melting and the deductions, if any, to which the deposit has been subjected.

§ 92.9 Charges on bullion deposited.

The charges for the various operations on bullion deposited and for the preparation of bars are fixed from time to time by the Director of the Mint, with the concurrence of the Secretary of the Treasury, so as to equal but not exceed in their judgment the actual average cost of the material, labor, wastage and use of machinery employed. The current charges are set forth in the Table of Charges (Part 90 of this chapter). Depositors are credited with the after-melting weight of their bullion except that deductions will be made on base bullion deposits if they have adhering substances, slag, or an oxidized surface. The detailed memorandum of the weight of bullion after melting, the report of the Assayer as to fineness, the value of the deposit and the amount of the charges is given to the depositor.

§ 92.10 Payment for bullion deposits.

Payment for bullion is made, in so far as practicable, in the order in which the deposits are received by check drawn in favor of the depositor (or if payment is for silver bullion to such other person as he may designate). In no case is a check in payment of a deposit drawn in favor of any officer or employee of the institution where the deposit is made, and in no case may any person employed in the institution act as agent for the depositor. Checks may be sent by ordinary mail at the risk of the payee or by registered mail at their request and expense.

§ 92.11 Advance payment.

When the approximate fineness of a deposit of bullion containing $5,000 or more in gold or 5,000 or more ounces of silver may be readily determined, partial payment of 90 percent of the value may be made at the discretion of the officer in charge. If the fineness is closely determined by assay, and the deposit is awaiting remelting and reassay for exact determination, partial payment up to 98 percent of the value may be made. Partial payment of 98 percent of the declared value of a deposit of foreign coin valued at not less than one million dollars may be made after its weight and approximate value have been determined. On a deposit of a million dollars in value of gold bullion not less than 0.995 fine, payment of 98 percent of the declared value may be made after the weight and approximate value have been determined. Other advances may be authorized by the Secretary of the Treasury. In any case of an advance the depositor must give a written guaranty that the value of the deposit is at least equal to the amount advanced.

§ 92.12 Redemption and deposit of United States coin.

(a) United States gold coin is received at the mint institutions in accordance with the Instructions of the Secretary of the Treasury of January 17, 1934. Coin eligible for acceptance under such instructions if of legal weight is paid for at face valuc; if worn or mutilated is received as standard metal without previous melt or assay (except when it may be necessary to establish the amount of foreign substance present that cannot otherwise be determined), and is paid for as bullion at the rate of $20.67+ per ounce of fine gold.

(b) The regulations governing the redemption and exchange of silver and minor coins are set forth in Part 100 of this chapter.

§ 92.13 Sale of gold.

The regulations governing the sale of gold by mint institutions and the sale price thereof are set forth in §§ 54.51 and 54.52 of this chapter. The right is reserved to furnish such gold from any mint institution if the interest of the Government so requires. Transportation costs from the institution of sale to the purchaser are paid by the purchaser. Payment in cash or currency, or Federal Reserve bank check, will be accepted at the time of delivery of the bars. Payment by other check will be accepted but delivery will not be made until the check has been deposited by the officer in charge of the institution and has cleared.

§ 92.14 Sale of "proof" gold.

"Proof" gold (i.e., gold at least 0.9999+ fine) is sold only upon specific instructions by the Director of the Mint to Mint Field Offices on the basis of determinations made pursuant to § 93.11 of this chapter.

§ 92.15 Sale of silver.

Discontinued by direction of the President on November 28, 1961.

§ 92.16 Supplying of "proof" silver.

"Proof" silver (i.e., silver 0.9999+ fine) may in exceptional cases be supplied in exchange for silver furnished by the applicant, with appropriate charges to cover the cost of manufacture.

§ 92.17 Assays of bullion and ores.

Samples of bullion are assayed for gold and silver for the public at all mint institutions at the charges set forth in the Table of Charges (Part 90 of this chapter). Samples of ores are assayed for the public at the Denver Mint, for the metals listed in the Table of Charges (Part 90 of this chapter), at the prices set forth therein.

§ 92.18 Manufacture of medals.

With the approval of the Director of the Mint, dies for medals of a national character may be executed and struck at the Philadelphia Mint. Mint institutions are not authorized to prepare dies for private medals. However, when in the opinion of the Director the regular business of the Mint permits and when the Director so specifically authorizes, private medals may be struck from dies furnished by the parties in interest; charges are assessed to cover the cost of the operations. Application for the manufacture of such medals may be made by letter to the Director of the Mint, Treasury Department, Washington 25, D.C.

§ 92.19 Sale of "list" medals.

Medals on the regular mint list, when available, are sold to the public at a charge sufficient to cover their cost. Copies of the list of medals available for sale and their selling prices may be obtained from the Superintendent of the Mint at Philadelphia.

§ 92.20 Manufacture of "proof" coins.

"Proof" coins, i.e., coins prepared from blanks specially struck and polished, are made by the Mint at Philadelphia, upon specific authorization by the Director and are sold by the Superintendent at a price fixed by the Director, which is face value plus a charge sufficient to cover the additional expense of their preparation. Their manufacture and issuance are contingent upon the demands of regular operations. "Proof" coins are made only in the designs and denominations of coins manufactured for circulation in the year in which they are struck.

§ 92.21 Informal consultations.

Officials of the Bureau of the Mint are available by appointment for consultation on problems involving the functions of the Bureau, interpretation of regulations, or similar matters.

§ 92.22 Matters of official record.

The following are deemed to be matters of official record within the meaning of section 3(c) of the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1002(c)):

(a) Records of before-melting weight of gold and silver.

(b) Final report of assay and calculation of value of bullion (supplied to depositor).

(c) Correspondence relating to each of the above.

(d) Rulings and opinions issued in connection with mint matters.

§ 92.23 Official records.

(a) *Official records deemed confidential.* Official records falling within § 92.22 (a) through (d) are held to be confidential for the following causes: (1) They do not contain information of legitimate concern to the general public; (2) they may contain information of a confidential nature concerning the commercial and industrial affairs and activities of individuals and enterprises; and (3) to permit general inspection of such documents would violate public and private confidence.

(b) *Availability of official records deemed confidential.* Official records deemed confidential are available for inspection as follows:

(1) Depositors of gold or silver may inspect documents included in § 92.22 (a) through (d) which refer to their deposit; and

(2) Persons properly and directly concerned, upon the furnishing of a court order therefor entered in pending litigation, or in lieu thereof with the written consent of the person authorized to inspect the documents under this paragraph or paragraphs (a) or (c) of this section, may inspect documents included in § 92.22 (a) through (d); and

(3) Upon official requests of other Federal or State governmental agencies or officers thereof, acting in their official capacities, the records included in § 92.22 may be made available to them.

(c) *Information for applicants.* Applicants will be advised of the records which they will be permitted to examine, the time and place of examination. In certain instances, where facilities permit, copies of documents may in the discretion of the Director be sent to the applicant. A reasonable fee may be charged for furnishing copies of official records.

§ 92.24 Requests for information or official records.

Requests for information or to examine matters of official record should be directed to the Director of the Mint. The request should clearly state the information desired and set forth the interest of the applicant in the subject matter and the purpose for which the information is desired. If the applicant is an agent or attorney acting for another, he should attach to the application evidence of his authority to act for his principal.

Dated: August 14, 1962.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-8319; Filed, Aug. 17, 1962; 8:48 a.m.]

PART 93—OFFICE OF DOMESTIC GOLD AND SILVER OPERATIONS PROCEDURES AND DESCRIPTIONS OF FORMS

The following statement of procedures and descriptions of forms of the Office of Domestic Gold and Silver Operations is published in accordance with section 3(a) of the Administrative Procedure Act. This office was established under the Under Secretary for Monetary Affairs by Treasury Department Order 193 (26 F.R. 9567), and the duties transferred to the Under Secretary by the October 9, 1961, amendments to Parts 54 and 80 of Title 31 of the Code of Federal Regulations (26 F.R. 9551) have been delegated to the Director, Office of Domestic Gold and Silver Operations by Treasury Department Order 193-1 (26 F.R. 10079).

Subpart A—Procedures

Sec.
93.1 1933 gold orders.
93.2 Melted or treated gold improperly withheld.
93.3 Regulations governing gold.
93.4 Applications for gold licenses.
93.5 Issuance of gold licenses.
93.6 Gold which may be purchased by the United States.
93.7 Acceptability of gold deposits.
93.8 Deposit of newly-mined domestic silver with a mint or assay office.
93.9 Silver contained in gold bullion.
93.10 Sale of gold.
93.11 Sale of "proof" gold.
93.12 Sale of silver.
93.13 Informal consultations.
93.14 Opinions, rulings and orders available to the public.
93.15 Matters of official record.
93.16 Official.
93.17 Requests for information or official records.
93.18 Procedures for denying an application for a gold license, for revoking, suspending, modifying a license, and for excluding any person from the privileges or authorizations conferred in Part 54 of this chapter.

Subpart B—Descriptions of Forms and Required Statements

93.40 Description of; copies of forms.

FORMS RELATING TO GOLD MATTERS

93.41 Form TG-11: Application for license to export gold coin.
93.42 Form TG-12: Application for a gold license.
93.43 Form TGR-12: Semiannual report of scrap gold dealers.
93.44 Form TGR-13: Semiannual report for holders of licenses on Form TGL-13 and TGL-13-A.
93.45 Form TGR-14: Semiannual report for holders of licenses on Form TGL-14.
93.46 Form TG-15: Application for license to export or transport semiprocessed gold from the continental United States.
93.47 Statement to accompany applications to export semiprocessed gold.
93.48 Form TG-15 (General): Application for general license to export semiprocessed gold from the United States for use in the dental profession.
93.49 Form TGR-15 (General): Report for holders of general licenses on Form TGL-15 (General).
93.50 Form TG-15-B: Application for general licenses to export gold from the continental United States in any form for refining or processing.
93.51 Form TGR-15-B: Monthly report for holders of general licenses on Form TGL-15-B.
93.52 Form TG-16: Certification accompanying export declaration for gold refined from imported gold-bearing materials.
93.53 Supplemental to application on Form TG-16: Certificate of no Communist Chinese or North Korean interest.
93.54 Form TG-17: Application for license to import, hold, transport, and export transit gold.
93.55 Form TG-18: Application for license to acquire, transport, melt or treat, import, export or earmark gold or hold gold in custody for foreign or domestic account.
93.56 Form TG-19: Certification accompanying deposits by persons who have recovered gold by mining or panning.
93.57 Form TG-20: Certification accompanying deposits by persons who have recovered gold in the regular course of their business of operating a custom mill, smelter, or refinery.
93.58 Form TG-21: Certification accompanying deposits by persons purchasing gold directly from miners or panners.
93.59 Form TG-22: Certification of depositor of scrap gold.
93.60 Form TG-23: Certification of depositor of gold (other than United States gold coin) imported into the United States after January 30, 1934.
93.61 Form TG-24: Certification to Treasury Department by direct user of gold.
93.62 Form TG-25: Certification to Treasury Department by person engaged in the business of furnishing gold for use in industry, profession, or art.
93.63 Form TG-26: Certification to accompany deposit of gold refined from gold-bearing material imported into the United States.
93.64 Form TG-28: Statement of depositor of gold recovered from Mint sweeps.
93.65 Form TG-29: End-use certificate for semi-processed gold.
93.66 Form TG-30: Statement of holder of melted gold.
93.67 Form TG-31: Application for license to import gold coin.

FORMS RELATING TO SILVER MATTERS

93.75 Application to purchase silver from the Treasury Department under the Act of July 31, 1946 (60 Stat. 750; 31 U.S.C. 316d).
93.76 Forms prescribed (for deposits) under the Act of July 6, 1939.
93.77 Forms prescribed (for deposits) under the Act of July 31, 1946.

AUTHORITY: §§ 93.1 to 93.77 issued under RS 161; 5 U.S.C. 22.

Subpart A—Procedures

§ 93.1 1933 gold orders.

With certain exceptions, all persons subject to the jurisdiction of the United States were required to deliver to the Treasurer of the United States gold coins, gold bullion, and gold certificates situated in the United States, pursuant to Executive Order No. 6102 of April 5, 1933, Executive Order 6260 of August 28, 1933 (31 CFR, 1938 ed., Part 50), and the Order of the Secretary of the Treasury of December 28, 1933 (31 CFR, 1938 ed., Part 52), (referred to in this part as the gold orders). Gold coins having a recognized special value to collectors of rare and unusual coins, including all gold coins made prior to April 5, 1933 have been exempted from such delivery requirement. Gold bullion and certificates withheld in violation of the gold orders are still required to be delivered in accordance therewith.

§ 93.2 Melted or treated gold improperly withheld.

Persons holding gold in melted or treated form which was required to be delivered by the gold orders, or which is not authorized to be held under the Gold Regulations issued under the Gold Reserve Act of 1934, and section 5(b) of the Act of October 6, 1917, as amended (Part 54 of this chapter) (referred to in this part as the gold regulations), should immediately deliver such gold to a mint or assay office. Payment for gold held in noncompliance with the gold orders is governed by the Instructions of the Secretary of the Treasury of January 17, 1934 (Part 53 of this chapter).

§ 93.3 Regulations governing gold.

Gold in any form may be presently acquired, held, transported, melted or treated, imported, exported, earmarked or disposed of only in accordance with the Gold Regulations, set forth in Part 54 of this chapter, and the procedural requirements of this part.

§ 93.4 Applications for gold licenses.

Applications for gold licenses should be filed in duplicate with the Office of Domestic Gold and Silver Operations, Treasury Department, Washington 25, D.C. The Director makes the determination as to the eligibility of the applicant to receive a gold license.

§ 93.5 Issuance of gold licenses.

The Director issues gold licenses in accordance with the provisions of Part 54 of this chapter (Gold Regulations). In addition to determining whether applicants satisfy the specific requirements for the issuance of a gold license, the Director investigates the general business reputation, character and financial responsibility of the applicant before authorizing the issuance of a gold license.

§ 93.6 Gold which may be purchased by the United States.

For categories of gold which are purchased by the United States, the requirements for acceptability of such gold, and the purchase price under the Gold Regulations, see Part 54, Subpart F of this chapter and § 93.7. Disposition of gold not eligible for purchase under Part 54 of this chapter (Gold Regulations) is determined by the Director, Office of Domestic Gold and Silver Operations, except that gold held in noncompliance with the gold orders is purchased in accordance with the Instructions of the Secretary of the Treasury of January 17, 1934. No return or payment is made for metal other than gold or silver contained in the deposit.

§ 93.7 Acceptability of gold deposits.

A gold deposit must contain at least one troy ounce of gold, at least 100 parts of gold in 1,000 with enough additional gold or silver to make at least 200 parts of gold and silver combined in 1,000, so that there will be not more than 800 parts base metals including copper in 1,000. If it does not meet these requirements, or if the report of the Assayer at the Mint institution at which deposited indicates it to be unsuitable for Mint operations, it will not be purchased. If the unacceptability of a deposit of scrap gold can be determined before the deposit is melted, it may be returned to the depositor, but if the deposit has been melted, it may be returned to the depositor only if he is authorized under the Gold Regulations (Part 54 of this title) to hold melted gold. If the depositor is not authorized to hold such gold, it is held for delivery, at his request and for his account, and by authorization of the Director, Office of Domestic Gold and Silver Operations, to a refiner or other person licensed under the Gold Regulations to acquire and hold such gold, provided that the gold was not required to be delivered to the United States by the Order of the Secretary of the Treasury dated December 28, 1933.

§ 93.8 Deposit of newly-mined domestic silver with a mint or assay office.

Any owner of newly-mined domestic silver, mined subsequently to July 1, 1939, as defined in the Newly-Mined Domestic Silver Regulations of July 6, 1939, as amended and supplemented (Part 80 of this chapter), may deposit such silver at the mints; return for such silver is made in accordance with such regulations. Deposits of newly-mined domestic silver must be accompanied by duly executed affidavits as evidence that such silver is eligible for deposit. When specifically authorized by the Director of the Mint, the Assay Office at New York will accept eligible silver for the account of the Mint at Philadelphia. Silver of this category will be accepted provided it contains at least 200 parts in 1,000 of silver or of gold and silver combined. The gold content of such deposits will be paid for at the rate set forth in § 54.44 of this chapter, upon compliance with § 54.36 of this chapter. No payment or return will be made for other metal contained in the deposit.

§ 93.9 Silver contained in gold bullion.

At the option of the depositor, silver contained in gold bullion (other than newly-mined as set forth in § 93.8) sold to the Government is returned to the depositor in the form of silver bars or purchased at such valuations as are from time to time established by the Director, Office of Domestic Gold and Silver Operations.

§ 93.10 Sale of gold.

The regulations governing the sale of gold by mint institutions and the sale price thereof are set forth in §§ 54.51 and 54.52, and Part 92 of this chapter.

§ 93.11 Sale of "proof" gold.

"Proof" gold (i.e., gold at least 0.9999+ fine) is sold only in exceptional cases upon specific authorization of the Director, Office of Domestic Gold and Silver Operations, at a charge equal to $35 per fine troy ounce plus one-quarter of one percent plus cost of manufacture.

§ 93.12 Sale of silver.

Discontinued by direction of the President on November 28, 1961.

§ 93.13 Informal consultations.

Officials of the Office of Domestic Gold and Silver Operations are available by appointment for consultation on problems involving the functions of the Office, interpretation of regulations, or similar matters.

§ 93.14 Opinions, rulings and orders available to the public.

Final opinions, rulings and orders issued by the Office of Domestic Gold and Silver Operations in specific cases in connection with administration of the gold and silver regulations and other matters are not cited as precedents and, accordingly, are not published or made available to the public except in the discretion of the Director upon specific request and a showing of legitimate interest therein. Rulings and opinions of general applicability are available to the public upon written request to the Director.

§ 93.15 Matters of official record.

The following are deemed to be matters of official record within the meaning of section 3(c) of the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1002(c)):

(a) Applications for gold licenses.
(b) Gold licenses.
(c) Applications or End-Use certificates for the purchase of gold supplied to the mints and assay offices or to authorized gold dealers.
(d) Reports submitted by gold licensees and by depositors of silver.
(e) Audit reports of silver refining companies and persons having transactions in other than monetary gold made by field auditors of the Office of Domestic Gold and Silver Operations.
(f) Affidavits and statements accompanying deposits of gold and silver.
(g) Transcripts of hearings with exhibits and other supporting documents.
(h) Correspondence relating to each of the above.
(i) Investigative reports.
(j) Rulings and opinions issued in connection with administration of gold and silver regulations and other matters.

§ 93.16 Official.

(a) *Official records deemed confidential.* Official records falling within § 93.15 (a) through (i) are held to be confidential for the following causes: (1) They do not contain information of legitimate concern to the general public; (2) they may contain information of a confidential nature concerning the commercial and industrial affairs and activities of individuals and enterprises; and (3) to permit general inspection of such documents would violate public and private confidence.

(b) *Availability of official records deemed confidential.* Official records deemed confidential are available for inspection as follows:

(1) An applicant for a gold license and his agent or successor in interest may inspect documents included in § 93.15 (a), (b), (c), (d), and (h) which refer to his application;

(2) Gold licensees, persons whose licenses have been revoked, persons whose applications have been denied, and their

agents or successors in interest may inspect documents included in § 93.15 (a), (b), (c), (d), (g), and (h) which refer to their applications or licenses;

(3) Persons properly and directly concerned, upon the furnishing of a court order therefor entered in pending litigation, or in lieu thereof with the written consent of the person authorized to inspect the documents under this paragraph or paragraph (a) or (c) of this section, may inspect documents included in § 93.15 (a) through (h); and

(4) Any person showing a legitimate interest therein will be advised as to the form and amount of a license held by any person.

(5) Upon official requests of other Federal or state governmental agencies or officers thereof, acting in their official capacities, the records included in § 93.15 may be made available to them.

(c) *Information for applicants.* Applicants will be advised of the records which they will be permitted to examine, the time and place of examination. In certain instances, where facilities permit, copies of documents may in the discretion of the Director be sent to the applicant. A reasonable fee may be charged for furnishing copies of official records.

§ 93.17 Requests for information or official records.

Requests for information or to examine matters of official record should be directed to the Director, Office of Domestic Gold and Silver Operations. The request should clearly state the information desired and set forth the interest of the applicant in the subject matter and the purpose for which the information is desired. If the applicant is an agent or attorney acting for another, he should attach to the application evidence of his authority to act for his principal.

§ 93.18 Procedures for denying an application for a gold license, for revoking, suspending, modifying a license, and for excluding any person from the privileges or authorizations conferred in Part 54 of this chapter.

(a) *Investigations.* The Director, Office of Domestic Gold and Silver Operations is authorized to make or cause to be made such investigations as the Director deems necessary or proper to assist in the consideration of any applications for licenses or in the administration and enforcement of the Gold Reserve Act of 1934 (31 U.S.C. 440) section 5(b) of the act of October 6, 1917, as amended (12 U.S.C. 95a(3)), and Part 54 of this chapter (Gold Regulations. In general, such investigations are conducted by the staff of the Office of Domestic Gold and Silver Operations. Subpoenas are issued by the Director, Office of Domestic Gold and Silver Operations in accordance with the provisions of § 54.26 of this chapter, and may require the appearance and testimony of any person believed to have knowledge of any pertinent facts and the production of any documents or records specified in § 54.26 of this chapter or otherwise deemed to be relevant to the inquiry, at any designated place.

(b) *Notification—(1) Notification to person whose application has been denied, whose license has been revoked, suspended or modified, or who has been excluded from any authorization or privilege.* Any person whose application for an initial gold license, or for a renewal of an existing license is denied, whose gold license is revoked, modified or suspended, or who is excluded from any privilege or authorization conferred in Part 54 of this chapter, shall be notified by the Director, Office of Domestic Gold and Silver Operations by registered letter mailed to the last address of such person on file with the Office of Domestic Gold and Silver Operations, of such denial, revocation, suspension, modification, or exclusion. Such notice shall contain a concise statement of the grounds for any such action, and shall, in appropriate cases, inform the party proceeded against of his right to reconsideration under paragraphs (c) and (d) of this section: *Provided*, That the notice is answered in writing or a hearing is requested within 15 days after receipt of such notice, or within such different time as the Director, Office of Domestic Gold and Silver Operations may, for special cause, prescribe.

(2) *Notification by show-cause order.* In the first instance, the Director, Office of Domestic Gold and Silver Operations may, by registered letter addressed to the last address of the respondent on file with the Office of Domestic Gold and Silver Operations, require any such person to show cause why his Treasury Department gold license should not be revoked, modified or suspended, or to show cause why he should not be excluded from any privileges or authorizations conferred in Part 54 of this chapter. Such show-cause order shall set forth the specific violations charged, including references to the particular regulatory provisions alleged to have been violated, and shall give notice of the sanctions which may be imposed in the event respondent is found to have committed the alleged violations, i.e., whether his license will be revoked, modified or suspended, or he will be excluded from any privilege or authorization contained in Part 54 of this chapter or both. Such order shall advise the respondent that in the event of a failure to answer the charges in writing or to request a hearing within 15 days from the date of receipt of the show-cause order, or within such other time as the Director, Office of Domestic Gold and Silver Operations shall, for special cause prescribe, he shall be held in default, in which case the Director shall issue a final decision, all intervening proceedings being deemed waived because of such default. A show-cause order issued under this subparagraph may also require the appearance and testimony of any person believed to have knowledge of any pertinent facts, and the production of any documents or records specified in § 54.26 of this chapter, or otherwise deemed to be relevant to the inquiry.

(c) *Requests for reconsideration.* A written request for reconsideration of any action of which notification has been given under paragraph (b)(1) of this section, setting forth in detail the basis for such request, or an answer to a show-cause order issued pursuant to paragraph (b)(2) of this section may be addressed to the Director, Office of Domestic Gold and Silver Operations, Treasury Department, Washington 25, D.C. In addition, upon written request the Director will schedule a formal hearing in the matter at which time there may be brought to the attention of the Office of Domestic Gold and Silver Operations any information bearing thereon. If the respondent so desires he may waive the formal hearing and have the case considered by the Director, Office of Domestic Gold and Silver Operations on the basis of his written answer.

(d) *Hearings—(1) Initiation of proceedings.* In any case of a request for a formal hearing made in accordance with the provisions of paragraph (c) of this section, the Director, Office of Domestic Gold and Silver Operations shall send a charging letter notifying the respondent of the basis upon which action denying his application, revoking, suspending, or modifying his license, or excluding him from any privilege or authorization contained in Part 54 of this chapter was taken. The charging letter shall inform the respondent of the time and place of the hearing, and shall be sent by registered mail to the last address of the respondent on file with the Office of Domestic Gold and Silver Operations. The specific violations charged and references to the particular laws and regulations alleged to have been violated shall be included in the charging letter: *Provided, however*, That, in the event that proceedings are initiated by show-cause order issued by the Director, Office of Domestic Gold and Silver Operations in accordance with the provisions of paragraph (b)(2) of this section, such show-cause order and any amendments thereto, shall constitute the charging letter.

(2) *Preliminary informal conferences.* Prior to any hearing conducted under subparagraph (3) of this paragraph, there may be held, at the request of either party and with the consent of both parties, a preliminary informal conference, for the purpose of settling or simplifying the issues by consent of the parties.

(3) *Formal procedures—(i) Presiding officers.* Hearings under this subparagraph shall be conducted by the Director, Office of Domestic Gold and Silver Operations or by an independent hearing examiner duly appointed and qualified by the Civil Service Commission and designated by the Director, Office of Domestic Gold and Silver Operations to preside. The presiding officer shall have authority in connection with the hearing to administer oaths and affirmations, rule upon offers of proof, take or cause depositions to be taken whenever the ends of justice would be served thereby, regulate the course of the hearing, hold conferences for the settlement or simplification of the issues by consent of the parties, dispose of procedural requests or similar matters, and take other action consistent with the rules and regulations of the Office of Domestic Gold and Silver Operations and other requirements of law.

(ii) *Conduct of hearings.* The Office of Domestic Gold and Silver Operations and the respondent may offer any oral or documentary evidence relevant and material to the charges specified in the charging letter or the show-cause order. The exclusionary rules of evidence prevailing in courts of law shall not be applied. However, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Respondent and the agency may be represented by counsel. The proceedings shall be duly reported and a full transcript thereof filed with Office of Domestic Gold and Silver Operations. After both parties have had a full opportunity to offer all oral and documentary evidence bearing on the charges, to conduct such cross-examination as may be required for a full and complete development of the facts, and to submit rebuttal evidence, the hearing examiner shall declare the hearing adjourned.

(iii) *Submission of corrections in the record, proposed findings, and conclusions.* Upon adjournment of the hearing, copies of the transcript shall be submitted to the respondent and to counsel for the Office of Domestic Gold and Silver Operations, who may, within 15 days after receipt thereof or within such other time as the presiding officer may, for special cause prescribe, submit to the presiding officer a statement in writing setting forth proposed findings and conclusions, which may be accompanied by a brief in support thereof, and proposed corrections in the record. The presiding officer may, upon the request of any party allow the submission of a reply brief in any case involving disputed questions of law: *Provided, however*, That except in justified cases, the presiding officer shall allow, for the submission of a reply brief, a period of not more than ten days after the party requesting the opportunity to submit a reply has received the brief of the opposing party. If respondent or counsel for the Office of Domestic Gold and Silver Operations submits any proposed findings or conclusions, briefs, or corrections in the record, he shall, as promptly as practicable, furnish copies thereof to the opposing side. All such submittals shall be a part of the record.

(iv) *Requests to reopen a hearing.* The presiding officer may upon written request reopen a proceeding at any time prior to his report, or should the Director, Office of Domestic Gold and Silver Operations preside at the hearing, then prior to the final decision, for the purpose of hearing any relevant and material evidence which was unknown or which was unobtainable at the time of the original hearing. The request for re-opening shall contain a summary of such evidence, the reasons why it is considered to be material and relevant, and the reasons why it could not have been presented at the original proceeding.

(v) *Hearing examiner's report.* In any case in which a hearing is conducted by an independent hearing examiner, such examiner, within 30 days after the expiration of the time allowed for filing proposed findings and conclusions and briefs, or within such different period as the Director, Office of Domestic Gold and Silver Operations may prescribe, shall file with the Director, Office of Domestic Gold and Silver Operations his report containing his findings of fact, recommended decision, and rulings on any corrections in the record submitted under subdivision (iii) of this subparagraph. A copy of such report shall be forthwith furnished to the respondent and to counsel for the Office of Domestic Gold and Silver Operations by the Director, Office of Domestic Gold and Silver Operations.

(vi) *Exceptions.* Within 15 days after receipt of a copy of the hearing examiner's report the respondent or counsel for the Office of Domestic Gold and Silver Operations may file exceptions to the recommended decision of the hearing examiner, or any portion thereof, or to his failure to follow a proposed finding or conclusion, or to the admission or exclusion of evidence, and within such period he may file a brief in support of his contentions and exceptions. All such submittals shall be addressed to the Director, Office of Domestic Gold and Silver Operations. A copy of such exceptions and briefs shall be furnished to the opposing side.

(vii) *Decision.* Final decision in the case shall be made by the Director, Office of Domestic Gold and Silver Operations, after reviewing the record and all exceptions thereto. Copies of such decision shall forthwith be furnished to the respondent and to counsel for the Office of Domestic Gold and Silver Operations.

(e) *Issuance of temporary license or authorization.* Any person whose license has been suspended, revoked or modified, or who has been excluded from any of the privileges or authorizations conferred in Part 54 of this chapter, and who has requested a reconsideration of such suspension, revocation, modification or exclusion, in accordance with the provisions of paragraphs (c) and (d) of this section may be permitted during the pendency of any such proceeding, to operate under a temporary license or authorization upon such terms and conditions as the Director, Office of Domestic Gold and Silver Operations shall prescribe, unless, in the opinion of the Director, the issuance of such a temporary license or authorization would be contrary to the public interest.

Subpart B—Description of Forms and Required Statements

§ 93.40 Description of; copies of forms.

The descriptions of the forms and required statements contained in this subpart are not intended to indicate the detail of the forms but are merely general references to the use and content thereof. Copies of the forms may be obtained from the Treasury Department, Office of Domestic Gold and Silver Operations, Washington 25, D.C.

FORMS RELATING TO GOLD MATTERS

§ 93.41 Form TG–11: Application for license to export gold coin.

(See §§ 54.20 and 54.25(b)(3) of this chapter.) The applicant is required to submit a description of each coin, including date, denomination, country of issue, condition, mint mark (if any), and design. Port of export and the name and address of the person to whom the gold coins will be exported are also required to be stated.

§ 93.42 Form TG–12: Application for a gold license.

This form is to be used in applying for an initial license, or for a modification or renewal of an existing license to acquire and hold, transport, melt or treat, and/or import gold for use in industry, profession or art or for sale to the United States. It contains descriptions of various types of gold licenses which may be issued on the basis of this application. The applicant is required to submit information concerning his particular needs for gold and a gold license and the ownership and nature of his business.

§ 93.43 Form TGR–12: Semiannual report of scrap gold dealers.

This report is required of holders of gold licenses on Form TGL–12. Detailed information is required concerning the acquisition, holding and disposition of scrap gold by the licensee during the six-months period.

§ 93.44 Form TGR–13: Semiannual report for holders of licenses on Form TGL–13 and TGL–13–A.

This report is required of holders of gold licenses on Form TGL–13 and TGL–13–A. Detailed information is required concerning the acquisition, holding and disposition of gold by the licensee during the six-months' period.

§ 93.45 Form TGR–14: Semiannual report for holders of licenses on Form TGL–14.

This report is required of holders of gold licenses on Form TGL–14. Detailed information is required concerning the acquisition, holding and disposition of gold by the licensee during the six-months period.

§ 93.46 Form TG–15: Application for license to export or transport semiprocessed gold from the continental United States.

(See § 54.25(b)(4) of this chapter.) Information is required concerning the amount and invoiced sales price of the semiprocessed gold which it is desired to export, the description of the semiprocessed gold, the port of export, the consignee, and the purposes for which the gold will be used abroad.

§ 93.47 Statement to accompany applications to export semiprocessed gold.

This statement is required of the consignee of the gold and must accompany applications on Form TG–15 to export semiprocessed gold in excess of 100 fine troy ounces. Information is required concerning the business of the consignee, the use to be made of the gold, and the disposition of previous holdings of gold; the consignee is also required to state that the proposed importation and payment therefor are authorized or licensed under the applicable laws of the country of importation.

§ 93.48 Form TG–15 (General): Application for general license to export semiprocessed gold from the United States for use in the dental profession.

(See § 54.25(b)(4) of this chapter.) Application is submitted on this form instead of Form TG–15 if the applicant desires to obtain a license to cover recurring shipments to regular customers for specified amounts and types of semiprocessed gold of 22 karats or less for use in the dental profession. This application is required to be submitted on a semi-annual basis, and information is required with respect to each consignee.

§ 93.49 Form TGR–15 (General): Report for holders of general licenses on Form TGL–15 (General).

This report is required of holders of gold licenses on Form TGL–15 (General). Detailed information is required concerning the exportations made during each six months period pursuant to the general license.

§ 93.50 Form TG–15–B: Application for general licenses to export gold from the continental United States in any form for refining or processing.

(See § 54.25(b)(4) of this chapter.) The applicant is required to set forth a description of the gold which it is desired to export for refining or processing, the amounts of such gold, the ports of export, and the specific reason for exporting the gold. The applicant is also required to agree that he will reimport into the United States the refined or processed gold (or its equivalent in refined or processed gold) derived from the gold exported.

§ 93.51 Form TGR–15–B: Monthly report for holders of general licenses on Form TGL–15–B.

This report is required of holders of gold licenses on Form TGL–15–B. Information is required concerning the gold exported for refining or processing and the reimportations of the refined or processed gold derived therefrom, during the calendar month of the report.

§ 93.52 Form TG–16: Certification accompanying export declaration for gold refined from imported gold-bearing materials.

(See § 54.32 of this chapter.) The applicant is required to submit information as to the amount of refined gold to be exported, names and addresses of the immediate and ultimate consignees, the location of the plant at which the gold was refined, and the ports of export; and to make certain representations concerning its interest in the gold.

§ 93.53 Supplemental to application on Form TG–16: Certificate of no Communist Chinese or North Korean interest.

This certificate is required to be executed by persons abroad effecting sale of gold refined from imported gold-bearing materials and filed in support of Form TG–16. Information is required concerning the gold to be re-exported and the foreign consignee. The signer is required to certify that he has no information other than that set forth on the form that any designated national as defined in the Foreign Assets Control Regulations (Chapter V of this title) may have or may obtain any interest in the refined gold, which is to be re-exported, or that any person with whom the signer has had dealings in connection with such gold may be, or may have been acting on behalf of any designated national as defined in the Foreign Assets Control Regulations (Chapter V of this title).

§ 93.54 Form TG–17: Application for license to import, hold, transport, and export transit gold.

(See § 54.33 of this chapter.) The applicant is required to submit information concerning the entry and re-export of the gold, the amount and description of the gold, the name and address of the consignee, and place of delivery abroad.

§ 93.55 Form TG–18: Application for license to acquire, transport, melt or treat, import, export or earmark gold or hold gold in custody for foreign or domestic account.

(See § 54.34 of this chapter.) Application is made on this form for a license to deal in gold for purposes other than those specified in Part 54 of this chapter (Gold Regulations) which in the judgment of the Secretary of the Treasury are not inconsistent with the purposes of the Gold Reserve Act of 1934 and section 5(b) of the act of October 6, 1917, as amended. The applicant is required to submit a complete statement of the nature of the transaction or type of transactions for which the gold is to be used, the reasons why gold is required, and the grounds on which he bases his belief that such use of the gold is not inconsistent with such acts.

§ 93.56 Form TG–19: Certification accompanying deposits by persons who have recovered gold by mining or panning.

(See § 54.36(a)(1) of this chapter.) The depositor is required to submit a description of the gold and information as to the sources and dates of acquisition.

§ 93.57 Form TG–20: Certification accompanying deposits by persons who have recovered gold in the regular course of their business of operating a custom mill, smelter, or refinery.

(See § 54.36(a)(2) of this chapter.) The depositor is required to submit a description of the gold and to certify he is keeping records as to the source of the gold.

§ 93.58 Form TG–21: Certification accompanying deposits by persons purchasing gold directly from miners or panners.

(See § 54.36(a)(3) of this chapter.) The depositor is required to submit a description of the gold and information as to the sources and dates of acquisition.

§ 93.59 Form TG–22: Certification of depositor of scrap gold.

(See § 54.38 of this chapter.) The depositor is required to submit a description of the gold and information as to the sources and dates of acquisition.

§ 93.60 Form TG–23: Certification of depositor of gold (other than United States gold coin) imported into the United States after January 30, 1934.

(See § 54.40 of this chapter.) The depositor is required to submit a description of the gold, the name of the foreign shipper and of the owner, the date of arrival of the gold in the United States, and to certify to other facts.

§ 93.61 Form TG–24: Certification to Treasury Department by direct user of gold.

(See § 54.51 of this chapter.) The applicant is required to submit information concerning his present holdings of gold, his requirements for fine gold for a 3-months' period, and the amount of gold used during the preceding year.

§ 93.62 Form TG–25: Certification to Treasury Department by person engaged in the business of furnishing gold for use in industry, profession, or art.

(See § 54.51 of this chapter.) The applicant is required to submit information concerning his present holdings of gold, his requirements for fine gold for a 3-months' period, and the amount of gold sold during the preceding year.

§ 93.63 Form TG–26: Certification to accompany deposit of gold refined from gold-bearing material imported into the United States.

(See § 54.41 of this chapter.) The depositor is required to submit information concerning his business, the description of the gold, the importation of the gold-bearing materials and the refinement thereof.

§ 93.64 Form TG–28: Statement of depositor of gold recovered from Mint sweeps.

(See § 54.39 of this chapter.) The depositor is required to describe the gold, to certify that the gold contained in the deposit was recovered from sweeps purchased from a mint or assay office.

§ 93.65 Form TG–29: End-use certificate for semi-processed gold.

The purchaser of semi-processed gold from refiners in amounts in excess of $200, is required to certify on this form as to the end-use of the gold purchased.

§ 93.66 Form TG–30: Statement of holder of melted gold.

(See § 92.2.) This statement is required of persons holding gold in melted or treated form which was required to be delivered to the United States under the gold orders or which is not authorized to be held under Part 54 of this chapter. Information is required concerning the acquisition, and the melting and treating of the gold.

§ 93.67 Form TG–31: Application for license to import gold coin.

(See § 54.20 of this chapter.) The applicant is required to submit a description of each coin, including date, denomination, country of issue, condition, and mint mark (if any), person from whom to be acquired and purpose for which it will be used.

FORMS RELATING TO SILVER MATTERS

§ 93.75 Application to purchase silver from the Treasury Department under the Act of July 31, 1946 (60 Stat. 750: 31 U.S.C. 316d).[1]

The applicant is required to state that the amount of silver which he desires to purchase together with that on hand, will not exceed his normal requirements for a 2-months' period, and that the silver is "for manufacturing uses."

§ 93.76 Forms prescribed (for deposits) under the act of July 6, 1939.

The following forms are required to be submitted in connection with domestic silver mined subsequently to July 1, 1939, and deposited with a mint institution pursuant to section 4 of the act of July 6, 1939 (53 Stat. 998; 31 U.S.C. 316c) (see Part 80 of this chapter):

(a) *Form TSA–1: Affidavit and agreement by owner relative to silver mined subsequently to July 1, 1939.* This affidavit and agreement is required to be submitted by the owner of the silver deposited, and requires information concerning the date the silver was mined and the ownership thereof.

(b) *Form TSA–2: Affidavit of miner relative to silver mined subsequently to July 1, 1939.* This is a supporting affidavit required to be submitted with Form TSA–1, when applicable. The affiant is required to set forth information concerning silver which he has mined subsequently to July 1, 1939, the location of the mine, the place the silver was delivered and the amount thereof.

(c) *Form TSA–2A: Affidavit of miner relative to silver taken subsequently to July 1, 1939, from mine dumps and tailing piles which existed as such on midnight July 1, 1939.* This is also a supporting affidavit required to be submitted with Form TSA–1, when applicable. The affiant is required to swear that the silver was derived in the manner and from the sources set forth therein.

(d) *Form TSA–3: Report of person delivering silver pursuant to the provisions of section 4 of the act of July 6, 1939, and the regulations issued thereunder.* A detailed report is required of the acquisitions, holding and dispositions of silver mined subsequently to July 1, 1939.

§ 93.77 Forms prescribed (for deposits) under the act of July 31, 1946.

The following forms are required to be submitted in connection with domestic silver mined subsequently to July 1, 1946, and deposited with a mint institution pursuant to the act of July 31, 1946 (60 Stat. 750; 31 U.S.C. 316d) (see Part 80 of this chapter):

(a) *Form TSA–10: Affidavit and agreement by owner relative to silver mined subsequently to July 1, 1946.* This affidavit and agreement is required to be submitted by the owner of the silver deposited, and requires information concerning the date the silver was mined and the ownership thereof.

[1] Sales of silver for industrial use discontinued by order of the President of November 28, 1961.

(b) *Form TSA–20: Affidavit of miner relative to silver mined subsequently to July 1, 1946.* This is a supporting affidavit required to be submitted with Form TSA–10, when applicable. The affiant is required to set forth information concerning silver which he has mined subsequently to July 1, 1946, and location of the mine, the place the silver was delivered and the amount thereof.

(c) *Form TSA–20A: Affidavit of miner relative to silver taken subsequently to July 1, 1946, from mine dumps and tailing piles which existed as such on midnight July 1, 1946.* This is also a supporting affidavit required to be submitted with Form TSA–10, when applicable. The affiant is required to swear that the silver was derived in the manner and from the sources set forth therein.

(d) *Form TSA–30: Report of persons delivering silver pursuant to the provisions of the act of July 31, 1946, supplementing the provisions of section 4 of the act of July 6, 1939, and the regulations issued thereunder.* A detailed report is required of the acquisition, holdings and dispositions of silver mined subsequently to July 1, 1946.

(e) *Form 300: Verification of affidavit on Form TSA–20 or TSA–20A.* This form is used for verification of supporting affidavits which have been submitted with TSA–10 affidavits.

[SEAL] ROBERT V. ROOSA,
Under Secretary for Monetary Affairs.

AUGUST 14, 1962.

[F.R. Doc. 62–8318; Filed, Aug. 17, 1962; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2750]

[Oregon 06529]

OREGON

Withdrawing National Forest Lands as Roadside Zones

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following described lands in the Umpqua National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, for protection of existing forest roads and highways and adjacent roadside zones, as indicated:

WILLAMETTE MERIDIAN

UMPQUA NATIONAL FOREST

A strip of Land 330 feet on each side of the center line of the existing North Umpqua Forest Highway No. 47 and South Umpqua Forest Development road No. 284 where such roads traverse public lands through the following sections:

T. 25½ S., R. 1 E.,
Secs. 31 and 32.
T. 26 S., R. 1 E.,
Secs. 3 to 6, incl.;
Secs. 9 and 10;
Secs. 13 to 15, incl.;
Secs. 23 and 24.
T. 26 S., R. 1 W.,
Secs. 1 and 2;
Secs. 8 to 11, incl.;
Secs. 16 to 18, incl.
T. 28 S., R. 1 E.,
Sec. 36.
T. 29 S., R. 1 E.,
Secs. 1, 2, 10, and 11;
Secs. 15 to 18, incl.
T. 29 S., R. 1 W.,
Secs. 13 and 14;
Secs. 22 to 24, incl.;
Secs. 27, 33, and 34.
T. 30 S., R. 1 W.,
Secs. 4, 5, and 8.
T. 26 S., R. 2 E.,
Secs. 19 to 23, incl.
T. 28 S., R. 2 E.,
Secs. 28, 29, 31, and 32.

The area described contains approximately 3,068 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 13, 1962.

[F.R. Doc. 62–8307; Filed, Aug. 17, 1962; 8:46 a.m.]

[Public Land Order 2751]

[Oregon 06535]

OREGON

Withdrawing National Forest Lands as Roadside Zones

By virtue of the authority vested in the President, and pursuant to the Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following described national forest lands in the Deschutes National Forest, Oregon, are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States for protection of existing forest roads and highways and adjacent roadside zones, as indicated:

WILLAMETTE MERIDIAN

DESCHUTES NATIONAL FOREST

A strip of land 330 feet on each side of the center line of the existing highway and roads through the public land in the following sections:

Willamette Road Zone—State Highway No. 58

T. 23 S., R. 6 E.,
Secs. 8 to 10, incl., 14 to 16, incl., 23 to 25, incl., and 36, unsurveyed.
T. 24 S., R. 7 E.,
Secs. 6, 17, 20, 21, 27, 28, and 34.
T. 25 S., R. 7 E.,
Secs. 11 to 13, incl.
T. 25 S., R. 8 E.,
Secs. 19, 29, 32, 33.
T. 26 S., R. 8 E.,
Secs. 4 and 9;
Sec. 10, unsurveyed.

Fremont Road Zone—State Highway No. 31

T. 23 S., R. 11 E.,
Sec. 31.
T. 24 S., R. 11 E.,
Secs. 6 and 7;
Secs. 17 and 18;
Secs. 20 and 21;

Secs. 27 and 28;
Secs. 34 and 35.
T. 25 S., R. 12 E.,
Secs. 3 to 6, incl., 9 to 11, incl., 13, 14, and 23 to 25, incl.
T. 25 S., R. 13 E.,
Secs. 30 and 31.

Santiam Road Zone—U.S. Highway No. 20

T. 13 S., R. 7½ E.,
Sec. 24.
T. 13 S., R. 8 E.,
Secs. 19 to 21, incl., 23, 24, and 26 to 30, incl.
T. 13 S., R. 9 E.,
Secs. 19, 29, 30, 32, and 33.
T. 14 S., R. 9 E.,
Secs. 3 to 5, incl.;
Secs. 10, 11, 13, 14, and 24.
T. 14 S., R. 10 E.,
Secs. 19, and 30 to 32, incl.
T. 15 S., R. 10 E.,
Sec. 5.

McKenzie Road Zone—U.S. Highway No. 126

T. 14 S., R. 8 E.,
Sec. 36.
T. 14 S., R. 9 E.,
Secs. 31 to 35, incl.
T. 15 S., R. 8 E.,
Sec. 1;
Secs. 2, 3, 9 to 11, incl., 15, 16, and 20, unsurveyed.
T. 15 S., R. 9 E.,
Secs. 1, 2, and 4 to 6, incl.
T. 15 S., R. 10 E.,
Secs. 5 and 6.

Cascade Lakes Road Zone—Forest Road No. 46

T. 18 S., R. 8 E.,
Secs. 3, 9 to 13, incl., 16, 20, 21, and 29 to 32, incl.
T. 18 S., R. 9 E.,
Secs. 17, 18, 20, 21, 25 to 28, incl., and 36.
T. 18 S., R. 10 E.,
Secs. 25 to 31, incl.
T. 18 S., R. 11 E.,
Secs. 14, 15, 20, 21, 22, 29, and 30.

The areas described total in the aggregate approximately 6,470 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 13, 1962.

[F.R. Doc. 62-8306; Filed, Aug. 17, 1962; 8:46 a.m.]

[Public Land Order 2752]

[86245, 86285]

ALASKA

Excluding Lands From Chugach and Tongass National Forests for Purchase as Homesites

By virtue of the authority vested in the President by section 1 of the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described tracts of national forest lands in Alaska, occupied as homesites, are hereby excluded from the national forests indicated, and restored, subject to existing valid rights, for purchase as homesites under Section 10 of the Act of May 14, 1898 (30 Stat. 413; 48 U.S.C. 461), as amended:

CHUGACH NATIONAL FOREST

(1) Homesite No. 197, Snug Harbor Group, Lot 1, U.S. Survey No. 3531, 2.03 acres, approximately latitude 60°29½' N., longitude 149°47' W.

(2) Homesite No. 173, Snug Harbor Homesite Group, Lot 5, U.S. Survey No. 3531, 1.58 acres, approximately latitude 60°29'30" N., longitude 149°47' W.

(3) Homesite No. 152, Three Mile Bay Group, Lot 21, U.S. Survey No. 3601, 1.1 acres, approximately latitude 60°31'30" N., longitude 145°46' W.

(4) Homesite No. 170, Slaughter Creek Group, Lot 21, U.S. Survey No. 3306, 1.5 acres, approximately latitude 60°30'10' N., longitude 149°48' W.

TONGASS NATIONAL FOREST

(1) Homesite No. 1104, Elfin Cove Group, Lot 70, U.S. Survey No. 3175, 1.75 acres, approximately latitude 58°11'35.9" N., longitude 136°21' W.

(2) Homesite No. 350, Yakutat Group, Lot 1-A, U.S. Survey No. 3589, 2.95 acres, approximately latitude 59°33' N., longitude 139°44' W.

The tracts described aggregate approximately 11 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 13, 1962.

[F.R. Doc. 62-8309; Filed, Aug. 17, 1962; 8:46 a.m.]

[Public Land Order 2753]

[Montana 043395 (ND)]

NORTH DAKOTA

Withdrawing Lands for Production of Migratory Waterfowl

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands in North Dakota are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior, as waterfowl production areas in connection with lands acquired or to be acquired pursuant to subsection 4(c) of the Migratory Bird Hunting Stamp Act of March 16, 1934 (48 Stat. 451), as amended by the act of August 1, 1958 (72 Stat 486, 487; 16 U.S.C. 718d):

FIFTH PRINCIPAL MERIDIAN

T. 153 N., R. 52 W.,
Sec. 26, lot 2.
T. 158 N., R. 58 W.,
Sec. 10, lot 1.
T. 140 N., R. 59 W.,
Sec. 18, lot 6.
T. 147 N., R. 61 W.,
Sec. 6, lot 7, SE¼NW¼, and E½SW¼.
T. 153 N., R. 61 W.,
Sec. 17, NW¼SW¼.
T. 142 N., R. 63 W.,
Sec. 8, lot 5.
T. 143 N., R. 63 W.,
Sec. 22, SE¼SE¼.
T. 149 N., R. 63 W.,
Sec. 22, lot 2.
T. 143 N., R. 64 W.,
Sec. 22, lot 4.
T. 150 N., R. 64 W.,
Sec. 34, lots 6, 7, and 8.
T. 130 N., R. 66 W.,
Sec. 7, lot 2, SE¼NW¼, and SE¼SE¼;
Sec. 8, SW¼SW¼.
T. 164 N., R. 69 W.,
Sec. 30, lot 2.
T. 131 N., R. 69 W.,
Sec. 34, lots 5 and 6;
Sec. 35, lot 8.
T. 132 N., R. 70 W.,
Sec. 22, lot 5.
T. 140 N., R. 71 W.,
Sec. 18, lots 1, 2, 3, 4, SE¼NW¼, and E½SW¼.
T. 155 N., R. 71 W.,
Sec. 4, lot 8;
Sec. 26, lot 7;
Sec. 35, SW¼SE¼.
T. 140 N., R. 72 W.,
Sec. 12, W½SE¼.
T. 153 N., R. 72 W.,
Sec. 10, lots 9 and 10.
T. 154 N., R. 72 W.,
Sec. 17, SW¼NW¼;
Sec. 19, lot 4.
T. 155 N., R. 72 W.,
Sec. 14, SW¼NE¼, SE¼NW¼, and NE¼SE¼;
Sec. 17, S½NE¼.
T. 153 N., R. 73 W.,
Sec. 25, lot 4;
Sec. 26, lot 5;
Sec. 30, lot 7.
T. 154 N., R. 73 W.,
Sec. 24, S½NW¼, N½SW¼, NW¼SE¼, and SE¼SE¼.
T. 163 N., R. 73 W.,
Sec. 24, lot 1.
T. 150 N., R. 74 W.,
Sec. 8, SE¼NW¼.
T. 152 N., R. 74 W.,
Sec. 27, NW¼SE¼.
T. 154 N., R. 74 W.,
Sec. 11, lot 1, SE¼NE¼ and NE¼SE¼;
Sec. 13, NW¼NW¼ and SW¼SW¼;
Sec. 14, lots 1 and 2.
T. 157 N., R. 74 W.,
Sec. 33, SE¼NW¼.
T. 162 N., R. 74 W.,
Sec. 4, lot 4.
T. 163 N., R. 74 W.,
Sec. 21, lot 5;
Sec. 28, lot 4;
Sec. 32, lot 4.
T. 142 N., R. 75 W.,
Sec. 2, SW¼NE¼ and NW¼SE¼.
T. 143 N., R. 75 W.,
Sec. 28, SW¼SE¼.
T. 153 N., R. 75 W.,
Sec. 7, lot 4;
Sec. 17, lot 6;
Sec. 18, lot 8;
Sec. 21, lots 8 and 9.
T. 143 N., R. 76 W.,
Sec. 12, lot 6.
T. 149 N., R. 76 W.,
Sec. 7, lot 7.
T. 156 N., R. 77 W.,
Sec. 21, lot 2.
T. 148 N., R. 78 W.,
Sec. 17, lot 3.
T. 156 N., R. 89 W.,
Sec. 9, lots 2 and 3.
T. 157 N., R. 89 W.,
Sec. 21, lot 5;
Sec. 22, lot 4;
Sec. 28, lot 2.
T. 157 N., R. 90 W.,
Sec. 3, lot 1.
T. 157 N., R. 92 W.,
Sec. 8, lot 5;
Sec. 17, lot 1.
T. 160 N., R. 100 W.,
Sec. 3, SE¼NW¼.
T. 161 N., R. 101 W.,
Sec. 17, SW¼SW¼;
Sec. 20, W½NW¼.

The areas described total in the aggregate approximately 2,461 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 14, 1962.

[F.R. Doc. 62-8310; Filed, Aug. 17, 1962; 8:47 a.m.]

[Public Land Order 2754]

[Anchorage 015239 and Juneau 012029]

ALASKA

Partly Revoking Public Land Order No. 960 of April 30, 1954

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 it is ordered as follows:

1. Public Land Order No. 960 of April 30, 1954, so far as it withdrew the following-described lands under jurisdiction of the Secretary of the Interior for the uses indicated, is hereby revoked.

a. For protection of the water supply of the City of Haines and the town of Port Chilkoot:

COPPER RIVER MERIDIAN

T. 31 S., R. 59 E.,
Sec. 1, S½;
Sec. 12, N½, SE¼.
T. 31 S., R. 60 E.,
Sec. 6, lots 2 and 3;
Sec. 7, lots 1, 2, 3, and 4.

Containing 962.61 acres.

b. For protection and preservation of scenic areas and for recreational purposes:

COPPER RIVER MERIDIAN

T. 30 S., R. 59 E.,
Sec. 35, lot 1.
T. 31 S., R. 59 E.,
Sec. 2, lot 51;
Sec. 3, lots 4 to 6, inclusive, and lots 14, 19, 23, 30, 31, and 36;
Sec. 10, lot 1;
Sec. 11, lots 6, 17, and 18.

Containing 38.66 acres.

2. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to settlement and to filing of applications, selections and locations in accordance with the following:

(a) Until 10:00 a.m. on October 14, 1962, the State of Alaska shall have a preferred right to select the lands in accordance with the provisions of the act of July 28, 1956 (70 Stat. 709; 43 U.S.C. 46-eb), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

(b) Applications and selections under the nonmineral public land laws may be presented to the Manager named below beginning on the date of this order. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support thereof. All other applications will be subject to the applications and claims mentioned in this paragraph.

(c) All valid applications and selections under the nonmineral public land laws, other than those coming under subparagraphs (a) and (b) above, presented prior to 10:00 a.m. on October 14, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(d) The lands have been open to applications and offers under the mineral leasing laws. They will be open to settlement under the homestead and Alaska homesite laws, and to location under the United States mining laws beginning at 10:00 a.m. on October 14, 1962.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 13, 1962.

[F.R. Doc. 62-8311; Filed, Aug. 17, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1004 and 1010]

[Docket Nos. AO–160–A25, AO–276–A5]

MILK IN THE PHILADELPHIA, PENNSYLVANIA, AND WILMINGTON, DELAWARE, MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Adelphia, 13th and Chestnut Streets, Philadelphia, Pennsylvania, beginning at 10:00 a.m., e.d.t., on September 13, 1962, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Inter-State Milk Producers' Cooperative:

Proposal No. 1. Eliminate § 1004.53 from the order.

Proposal No. 2. Amend § 1004.61(a) to eliminate the words: "Unless, notwithstanding that it would be regulated under this part, it is nevertheless regulated under such other order."

Proposed by Borden-Castanea, Division of the Borden Company:

Proposal No. 3. Amend § 1004.47 to subtract from the total product pounds in Class I milk, the product pounds of receipts from Federal Order No. 2 in consumer-type packages which are allocated to Class I sales in Federal Order No. 4. Also permit the subtraction from Class I of the receipts from Federal Order No. 2 of products in bulk tank or can shipments subject to the allocation designated above, for processing and packaging at a No. 4 handler's plant to the extent of the total sales in Federal Marketing Order No. 2.

Proposal No. 4. Amend § 1004.53 of the Philadelphia order to better coordinate such order with the New York-New Jersey order as to the pricing of certain fluid milk products such as half and half, chocolate flavored drinks, buttermilk and certain dietary products.

Proposal No. 5. Amend § 1004.61 to clarify the meaning so that it is clear that a plant will not be regulated under Order No. 4 and any other Federal order at the same time.

Proposed by the Milk Distributors Association of the Philadelphia Area, Inc.:

Proposal No. 6. Review generally the definitions of producer, producer milk, producer milk plant (fluid milk plant under the Wilmington order), and the application of order provisions to any plant which also meets the pooling requirements under another Federal order to determine whether such provisions of the respective Philadelphia and Wilmington orders require further coordination with the provisions of other orders issued pursuant to the Act.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, 1528 Walnut Street, Philadelphia 2, Pennsylvania, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on August 15, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-8328; Filed, Aug. 17, 1962; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-6874]

REPRESENTATIONS CONCERNING SALE OR REDEMPTION OF CERTAIN SECURITIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed rule under section 10(b) of the Securities Exchange Act of 1934. The proposed rule would provide that it shall constitute a manipulative or deceptive device or contrivance within the meaning of section 10(b) of the Act for any person, in connection with the offering or sale of any equity security, to make any representation to the effect that (1) the offering price of such security is based upon and varies with the current value of its proportionate share of the assets of the issuer, or (2) such security is or will be redeemable at the option of the holder at a price which is based upon and varies with the current value of such proportionate share, unless substantially all of the assets of the issuer consist of cash, cash items and securities (other than mortgages and other liens on and interest in real estate) for which market quotations are readily available and which are readily marketable.

This matter has become of particular interest in connection with proposals by certain real estate investment companies to offer redeemable securities. However, the proposed rule as drafted would apply to any company seeking to offer securities in the manner or of the character described in the rule. One purpose of the rule is to prohibit the offering of securities on the basis of the value of their proportionate share of the assets of the company in cases where the nature of the company's assets is such that it is impossible to determine their value with sufficient precision to compute the offering price of the securities on that basis. The rule would also prohibit the offering of securities of a company as "redeemable" securities when the assets of the company are such that their value cannot be precisely determined for the purpose of redemption and are not sufficiently liquid to make possible their conversion into cash for the purpose of redeeming the securities.

The text of the proposed rule follows:

§ 240.10b–10 Representations concerning sale or redemption of certain securities.

It shall constitute a "manipulative or deceptive device or contrivance" as used in section 10(b) of the Act for any person in connection with the offering or sale of any equity security of any issuer to make any representation to the effect that—

(a) the offering price of such security is based upon and varies with the current value of its proportionate share of the assets of the issuer represented by such security; or

(b) such security is or will be redeemable at the option of the holder at a price which is based upon and varies with the current value of such proportionate share,

unless substantially all of the assets of the issuer consist of cash, cash items and securities (other than mortgages and other liens on and interests in real estate) for which market quotations are readily available and which are readily marketable.

(Secs. 10(b), 23(a), 48 Stat. 891, 901, as amended; 15 U.S.C. 78j, 78w)

All interested persons are invited to submit their views and comments on the proposed rule, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before September 28, 1962. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 13, 1962.

[F.R. Doc. 62-8312; Filed, Aug. 17, 1962; 8:47 a.m.]

Notices

ATOMIC ENERGY COMMISSION

STATE OF NEW YORK

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of New York for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of New York and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as Appendix "A" to this notice. A copy of the complete text of the New York program, including proposed New York regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Office of Radiation Standards, United States Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 9th day of August 1962.

For the Atomic Energy Commission.

HAROLD D. ANAMOSA,
Acting Secretary to the Commission.

Agreement Proposed by the State of New York Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended, for the Assumption of Certain of the Atomic Energy Commission's Regulatory Authority

Whereas the United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas the Governor of the State of New York is authorized under section 462 of the New York State Atomic Energy Law to enter into this Agreement with the Commission; and

Whereas the Governor of the State of New York certified on July 20, 1962, that the State of New York (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas the Commission found on ----------, 1962, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commision for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article VIII. This Agreement shall become effective on October 15, 1962, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

APPENDIX "A"

RADIATION CONTROL IN THE STATE OF NEW YORK

I. *Introduction.* The State of New York has had a comprehensive program for the control of the possession and use of radiation sources since 1955. The program described herein constitutes a continuation of this previously existing program as modified to accommodate responsibilities which the State will assume and the United States Atomic Energy Commission will discontinue under a contemplated agreement between the Commission and the State.

Background. There are three agencies within the State with primary regulatory responsibility regarding the health and safety of the possession and use of radiation sources. Each has its own jurisdiction and each has promulgated its own regulatory code. The State Department of Health is responsible for public and medical health throughout the State, except for New York City in which the New York City Department of Health is so responsible. The State Department of Labor is responsible for industrial health and safety throughout the entire State, including New York City. Collectively, the authority of these three agencies reaches all radiation sources subject to the State's jurisdiction.

In 1955, the State Department of Health was statutorily authorized to "supervise and regulate the public health aspects of the use of ionizing radiation and the handling and disposal of radioactive wastes" and, in 1960, to "license atomic energy activities within the State affecting or likely to affect public health and relating to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass". Within the State Department of Health there is the State Public Health Council, which is statutorily authorized to establish, subject to the approval of the State Commissioner of Health, the State Sanitary Code. The Code "may deal with any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York, and with any matters as to which jurisdiction is conferred upon the public health council". A 1960 amendment to the State Public Health Law expressly provides that the State Sanitary Code may "require that application be made for a license to possess or use atomic energy byproduct materials, source materials and special nuclear materials in quantities not sufficient to form a critical mass and prescribe the use to which any such materials may be put". Pursuant to the original statutory authority Chapter XVI (entitled "Ionizing Radiation") of the State Sanitary Code was made effective in 1955.

Within the State Department of Labor there is the State Board of Standards and Appeals with statutory power to make rules for proper sanitation and for guarding against and minimizing fire hazards, personal injuries and diseases in industrial facilities. The State Labor Law provides further that "Whenever the board finds that any industry, trade, occupation or process involves such elements of danger to the lives, health or safety of persons employed therein as to require special regulation for the protection of such persons, the board may make special rules to guard against such elements of danger by • • • requiring licenses to be applied for and issued by the Department as a condition of carrying on any such industry, trade, occupation or process • • •". Pursuant to this statutory authority, Rule No. 38 (entitled "Radiation Protection") of the State Industrial Code was made effective in 1955.

The New York City Department of Health has authority to regulate all matters affecting health over which the City has jurisdiction under its "Home Rule" charter from the State. Within the City Department of Health there is the City Board of Health, which is given the authority to promulgate the City Health Code embracing "all matters and subjects to which the power and authority of the Department extends • • •" and to "grant, suspend or revoke permits for businesses or other matters in respect to any subject regulated by the Department". Pursuant to this authority, Article 6 (entitled "Control of Radiological Hazards") of the City Sanitary Code, was made effective in 1958. This Article was superseded in 1959 by Article 175 (entitled "Radiological Hazards") of the City Health Code.

Coordination of the regulation of atomic energy activities within the state was begun by executive action in 1955, through the establishment of the Council on the Use of Nuclear Materials, whose functions included "to coordinate safety activities related to atomic energy in New York State • • • (and) to coordinate liaison relationships with the Atomic Energy Commission". In 1956, also by executive action, the Atomic Energy Advisory Committee was created to "assist the Governor and his Council on the Uses of Nuclear Materials in expanding industrial applications of atomic energy and maintaining the health and safety of workers in plants using nuclear materials", and also to produce "specific recommendations for • • • necessary legislation".

The enactment of the State Atomic Energy Law on March 9, 1959, placed the coordination of regulatory atomic energy activities within the state on a statutory basis. This law established the Office of Atomic Development, headed by a director responsible to the Governor. With respect to regulatory matters, the functions, powers and duties of the Office include advising and assisting the Governor and the Legislature on atomic energy matters; coordinating the atomic energy activities of the agencies of the state and its political subdivisions; and correlating the atomic energy activities of the state and its political subdivisions with similar activities of the federal government and the governments of other states.

In order to assist the Office to fulfill its coordinating function, the State Atomic Energy Law requires that all agencies of the state and its political subdivisions keep the Office fully and currently informed as to their activities relating to atomic energy or ionizing radiation; and that no rule or regulation or amendment thereto, primarily and directly related to atomic energy, take effect until 90 days after submittal to the Office, unless such waiting period is waived by the Governor or the director. In addition, the legislation established a State Atomic Energy Coordinating Council, consisting of the director as chairman and such other persons, including representatives of agencies of the State and its political subdivisions, as the Governor may appoint, to advise, assist and make recommendations to the director with respect to the coordination of atomic energy activities of agencies of the state and its political subdivisions. The present membership of the Council includes the New York City Commissioner of Health, the State Industrial Commissioner, the State Commissioners of Health, Education and Commerce, and the Chairman of the State Public Service Commission.

During the summer of 1959, at hearings of the Joint Congressional Committee on Atomic Energy on "Federal-State relationships in the Atomic Energy Field", representatives of the State testified in favor of the amendments to the Atomic Energy Act of 1954 which authorize the Atomic Energy Commission to discontinue certain of its regulatory activities within individual states upon execution of an agreement with such states. After enactment of such federal legislation (Public Law 86-373), the New York State Legislature, in early 1960, adopted an amendment to the State Atomic Energy Law expressly authorizing the Governor to enter into an agreement with the Commission relating to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass.

Development of modified program. The principal elements of the program for radiation control in the State are the State Sanitary Code, State Industrial Code and New York City Health Code, and, so far as coordination is concerned, the applicable provisions of the State Atomic Energy Law.

The regulatory codes have been modified by the three regulatory agencies, in cooperation with the Office of Atomic Development, in order to achieve:

1. An integrated program of radiation control covering not only activities over which authority will be discontinued by the Atomic Energy Commission (use of byproduct material, source material, and special nuclear materials in quantities not sufficient to form a critical mass), but also activities over which State agencies have exercised exclusive jurisdiction (use of naturally-occurring and accelerator-produced radioisotopes and radiation-producing equipment, e.g., X-ray equipment).

2. Uniformity, insofar as practicable, among the three codes, taking into consideration, however, necessary distinctions arising from the differing subject matters and conditions with which each agency is concerned and the previously existing code structure of each agency.

3. Compatibility between the State's radiation-control program and the Atomic Energy Commission's program for the regulation of like radioactive materials, as required by Section 274.d(2) of the Atomic Energy Act of 1954, as amended.

In developing the modified State program to achieve the foregoing objectives, the agencies concerned agreed that the substantive content of the program, i.e., the radiation protection standards, should be predicated both now and in the future upon the guides of the Federal Radiation Council as approved by the President and, where the Federal Radiation Council has been silent, pertinent recommendations of the National Committee on Radiation Protection and Measurements.[1]

[1] In response to a request by the Commission for clarification of this paragraph, the Director of the New York Office of Atomic Development submitted the following reply:

Copy

AUGUST 7, 1962.

"DR. CLIFFORD K. BECK,
Acting Director of Regulation,
U.S. Atomic Energy Commission,
Washington 25, D.C.

"DEAR DR. BECK: During the course of our telephone conversation of August 6, 1962, you expressed concern that the following paragraph on page 4 of the introduction to the narrative material entitled 'Radiation Control in the State of New York,' submitted to the Commission by Governor Rockefeller on July 20, may be misinterpreted as inconsistent with the continuation of compatibility between the programs of the State and the Commission for the regulation of like materials:

"'In developing the modified State program to achieve the foregoing objectives, the agencies concerned agreed that the substantive content of the program, i.e., the radiation protection standards, should be predicated both now and in the future upon the guides of the Federal Radiation Council as approved by the President and where the Federal Radiation Council has been silent, pertinent recommendations of the National Committee on Radiation Protection and Measurements.'

"I would like to assure you that the pertinent regulations of the Commission, as well as the recommendations of the Federal Radiation Council and the National Committee on Radiation Protection and Measurements, will be utilized in achieving the desired objective of continuing compatibility.

"Sincerely yours,

OLIVER TOWNSEND,
Director."

Copy

With respect to other substantive matters, such as precautionary procedures, e.g., surveys, posting, labeling, existing Commission regulations were used as models. Accordingly, regulations on these subjects within the State program are substantially similar to Commission regulations, although some details were either condensed or eliminated, and several additional requirements were specified. Similarly, the Commission's regulations pertaining to licensing procedures were used as models, with some condensation and modification.

In general, modification of the previous regulatory codes has resulted in a State program which is compatible with the Commission's program but which differs from the Commission's program in several respects, primarily because of the applicability of the State's integrated program to all radiation sources, including those whose possession and use is subject to registration rather than licensing.

Public hearings on the proposed modifications of Industrial Code Rule No. 38, as required by law, were held by the State Board of Standards and Appeals in Syracuse on March 14, 1962, and in New York City on March 16, 1962. The New York City and State Departments of Health solicited comments and received advice from various interested groups and individuals within the City and State in accordance with their customary practices. Modifications of the Regulatory code of each department are scheduled to go into effect on October 15, 1962.

II. *Program description*—A. *Radiation protection standards.* The regulations specifying radiation protection standards which are contained in each of the regulatory codes are briefly described below. Except in certain limited respects, these radiation protection standards are identical in substance to existing provisions in Part 20 of the Commission regulations. It is the present intent of each of the three departments that the regulations specifying the radiation protection standards and the provisions pertaining to additional requirements and the granting of exemptions or variations will be administered in accordance with existing Commission practice. However, details pertaining to such administration found in Commission regulations have not been included in the codes because of the limited number of persons within the State to whom they would be applicable. It is important to note that these radiation protection standards will, except in certain specified respects, be uniformly applicable to regulated users of all radiation sources within the State, including all radioactive materials and radiation-producing equipment.

1. *Permissible doses, levels, and concentrations.* The three codes contain uniform provisions with respect to permissible occupational doses from external exposure and from concentration of airborne radioactive material and permissible doses in uncontrolled areas from external exposure and from concentration of airborne radioactive material.

The limits contained in the codes closely follow the radiation protection guides of the Federal Radiation Council and the recommendations of the National Committee on Radiation Protection and Measurements. Accordingly, permissible occupational doses are specified for periods of any 13 consecutive weeks and utilize the values specified for such 13 week periods by the Council. The values contained in the regulations of the Atomic Energy Commission, which are based upon the concept of fixed calendar quarters, were not adopted.

Among other excluded details, the codes do not specify under what conditions exposures in excess of permitted concentrations or radiation levels will be authorized. Such details have been excluded as unnecessary, but the regulatory departments intend to be guided by the Commission practice which is reflected in existing Commission regulations.

2. *Precautionary procedures.* The codes contain requirements with respect to surveys, checks and tests; personnel monitoring, caution signs, labels, signals, and control devices; instruction of personnel; posting of notices to employees; and securing of radioactive materials. These requirements are substantially uniform and identical in substance to present Commission requirements. Some differences have arisen since the State program covers radiation sources in addition to byproduct, source and special nuclear material. For example, each code requires the designation of a radiation safety officer and specifies his qualification and responsibilities. This requirement is particularly necessary in view of the fact that procedures for use of certain radiation sources will not necessarily be preevaluated, since such sources will be subject to registration rather than licensing. Similarly, requirements with respect to such items as surveys, checks and tests are more explicit in the State program. Some or all of the codes also contain additional provisions with respect to such items as vacated premises; exposure of food to ionizing radiation; protection against fire hazards, etc. On the other hand, the codes specifically exclude some radiation sources, outside of the purview of Commission responsibility, from certain requirements, e.g., X-ray equipment used for medical and dental purposes need not be labeled and installations containing only such equipment need not be posted.

3. *Waste disposal.* All three codes permit disposal of radioactive material by transfer to an authorized recipient and by release to uncontrolled areas in concentrations which do not exceed those specified in the applicable regulations. The three codes forbid disposal by incineration. The State Sanitary Code and City Health Code permit disposal of specified concentrations into sanitary sewer systems. The State Santiary Code permits burial of limited quantities under specified conditions, as do Commission regulations, but imposes the additional requirement of prior notification before a burial ground is established. The City Health Code does not permit burial of radioactive material within New York City. The Industrial Code permits release to sanitary sewer systems or burial in soil in accordance with applicable provisions of the City Health Code and State Sanitary Code. None of these codes specifies the requirements for additional methods of disposal, but permission for such methods could be requested as an exemption or variation from specific regulatory requirements, and in acting upon requests, current Commission practices will be considered.

4. *Transportation.* The State Sanitary Code and State Industrial Code permit intrastate shipment of radioactive materials if the shipment complies with such regulations of relevant federal agencies as would be applicable if it were in interstate commerce or if the shipment is specifically approved by the appropriate department. The New York City Health Code retains a provision with respect to shipments of radioactive materials which was adopted in 1960, after consultation with the Atomic Energy Commission, and requires prior notification and approval of route of shipments of radiation sources which may involve a high degree of hazard, as listed in a declaration published by the New York City Health Commissioner in the City Record.

It may also be noted that the State Public Service Commission requires that the regulations of the Interstate Commerce Commission relating to the transportation of explosives and other dangerous articles be followed by motor carriers within its jurisdiction. This requirement was first imposed in an order of the Public Service Commission of May 15, 1955 (Case MT-7482) and is now included in Part 821 of its regulations.*

5. *Records and reports.* The three codes require that accurate and complete written records be kept of results of required surveys, checks and tests; transfer, receipt and disposal of radioactive materials; occupational doses of monitored personnel; results of medical evaluation services; and doses required to be reported. The codes specify that personnel exposure records must be kept for five years after either termination of the individual's employment or the date of recording, whichever is later, and can be disposed of only by transfer to the regulatory department. Other records need be preserved only for a period of three years commencing on the date of occurrence of the subject of the record.

The codes require immediate notification to the appropriate department of any theft or loss of a radiation source, of any incident which caused or threatened to cause any individual to receive a does in excess of permitted limits, and of any level of radiation from or release of concentrations of, radioactive materials in excess of permitted limits. Follow-up action is required and a subsequent written report may be required by the appropriate department.

The codes require that previous employees be supplied reports of doses and exposures upon request. Annual reports to employees are also required upon request. If any report of possible exposures is required to be submitted to the regulatory department, such report must be automatically provided to the employee under the State Sanitary Code and the State Industrial Code and the providing of such report to the employee may be ordered by the New York City Health Department under the City Health Code.

6. *Professional practitioners and related provisions.* The State Sanitary Code and New York City Health Code, which govern the intentional internal or external administration of radiation or radioactive materials to any individual, specify that such administration is permitted only by a person licensed or otherwise authorized to practice medicine, dentistry, podiatry or osteopathy under the State Education Law, or by a person under the supervision of such professional practitioner. With respect to such use of radioactive materials required to be licensed by the Health Departments, an application form similar to that presently used by the Atomic Energy Commission will be supplied.

The State Sanitary Code and New York City Health Code also contain provisions requiring reports by professional practitioners treating or diagnosing radiation illness, injury or certain exposures and specifying procedures to be followed with respect to cadavers containing radioactive materials.

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*Part 821—Transportation of Explosives and other Dangerous Articles, Section 821.1. The rules and regulations prescribed now or to be prescribed in the future by the Interstate Commerce Commission relating to the transportation of explosives and other dangerous articles by motor carriers are adopted and prescribed for all motor carriers of property.

Section 821.2. All carriers transporting or holding themselves out to transport articles named in the said rules and regulations shall, on or before April 1, 1956, establish such rules by participation in the Motor Carriers' Explosives and Dangerous Articles Tariff No. 8 P.S.C.-N.Y.-MT-No. 4 as supplemented, and in any successive issues thereof as published by the American Trucking Associations, Inc., agent.

The State Industrial Code does not apply to human use of a radiation source which is licensed or authorized by the State or City Departments of Health. The State Department of Labor may perform inspection for these departments of medical users located within industrial installations.

The State Sanitary Code contains extensive provisions with respect to the use of radiation equipment in the diagnosis or therapy of individuals. These provisions are based on the recommendations of the National Committee on Radiation Protection and Measurements. The New York City Health Code requires that these same recommendations, contained in NCRP Handbook 76, or equivalent safeguards, be observed.

B. *Program Administration*—1. *Licensing.* Each code specifies that no person shall transfer, receive, possess or use any byproduct material, source material or special nuclear material in quantities not sufficient to form a critical mass without a license (or permit, as termed in the New York City Health Code) from the appropriate department. The New York City Health Code additionally requires a permit for all other radioactive materials, except as specified.

Exemptions from the licensing requirement are provided in all three codes for certain quantities of byproduct and source material and for certain devices which, however, are subject to the radiation protection standards within each code and to specified conditions. The use and possession of these items are thus regulated in a similar manner as generally licensed items under Commission regulations, although the term "general license" is not used in the codes.

Also exempt from the licensing requirements are certain luminous devices, concentrations of radioactive material, natural ore containing source material, items containing less than 0.05 percent source material, certain products, certain radioactive materials of specified radioactivity, and certain radiation equipment. These items, as they are under Commission regulations, are completely exempt from the requirements of other provisions of the codes but, in some cases, are subject to specified conditions.

Exemptions are also provided for radioactive materials to the extent that such materials are subject to regulation as provided for by law by the State Public Service Commission, Interstate Commerce Commission, the Coast Guard, the Civil Aeronautics Board and the Post Office Department, although such materials will still be subject to the transportation provision of the New York City Health Code.

A single license application form, applicable to all radioactive materials subject to licensing, will be used by all three departments. In addition, applicants for licenses covering human use will be required to submit an appendix to the application, generally similar to AEC Form 313a. Instructional documents specifying additional information required will be provided to applicants for licenses covering multiple quantities or types of unsealed radioactive materials, manufacturing of devices, or industrial radiography. The information required from such applicants is similar to that required by present Commission regulations. Other application forms and instructional documents will be developed as the need arises.

A license applicant will be required to demonstrate that his proposed use, equipment, facilities, procedures and personnel are adequate to protect public health and safety and to minimize danger to life and property from radiation hazards prior to the issuance of a license. Pre-licensing evaluation of applications will include inspections, as warranted in appropriate cases.

The codes incorporate certain conditions into each license and additional conditions may be set forth or incorporated by reference in each license at any time. The codes specify the manner in which licenses may be renewed, amended, suspended or revoked.

Upon the effective date of each amended code, the holder of a specific license heretofore issued by the Atomic Energy Commission will be deemed to hold an identical license pursuant to the appropriate code, which license shall expire upon the expiration date specified in the license or ninety days after receipt of a notice of expiration from the appropriate department. Each such licensee is required to comply with the conditions of his license and of the appropriate code.

Each code permits certain holders of licenses issued by the Atomic Energy Commission or any state which has entered into an effective agreement with the Commission to use the licensed radioactive materials within the jurisdiction of each department for a limited period of time without obtaining an additional license. Such users will be required to file certain information, including a copy of the license, with the appropriate department prior to use, although oral notification may be acceptable at the discretion of the department. Such users will be subject to the regulations of the appropriate department.

No fees will be charged under the State Sanitary Code or Industrial Code. Under the New York City Health Code a fee of $15 will be charged for each initial permit and of $10 for each renewal. No person will be required to pay a plurality of fees for a single installation. Accordingly, if a permit applicant currently holds a valid permit for activities at the same installation, or has registered such installation, no additional fee will be payable.

2. *Registration.* Radiation-producing equipment within the state will continue to be subject to registration provisions except as may be specified in each code. Radioactive materials other than agreement materials will continue to be subject to registration provisions under the State Sanitary Code and State Industrial Code except as may be specified. With certain limited exceptions, radioactive materials are not subject to registration under the New York City Health Code, which requires licensing of all materials.

Registrants will be required to notify the appropriate department of changes in registered information. Registrations will be valid indefinitely under the State Sanitary Code and State Industrial Code but will be subject to renewal every two years under the New York City Health Code.

3. *Enforcement.* In addition to inspections conducted for the purpose of evaluating the program proposed in a license application, inspections will also be conducted of all licensed and registered installations on a periodic basis. The frequency of inspections will depend on the relative hazards associated with the source of radiation and how it is to be used. When warranted immediate inspections will be conducted of especially significant registered installations. An evaluation will be made of all reported radiation incidents and an inspection will be conducted of all incidents that are considered to present significant radiation hazards.

While inspections may vary in scope, they will be sufficiently comprehensive to determine whether the licensee or registrant is complying with the appropriate regulatory requirements. An inspection will usually entail a comprehensive review of the licensee's or registrant's facilities, equipment, training and qualifications of personnel, and operating procedures, including handling, storage and disposal of radiation sources, survey and monitoring practices, labeling of sources, posting and control of areas, etc. In addition to observing operations, personnel will be interviewed and pertinent records examined. When appropriate, an inspection may include independent measurements and evaluations of radiation levels and concentrations of radioactive materials.

4. *Administrative procedures.* The State Board of Standards and Appeals is by law required to hold public hearings prior to modifying the State Industrial Code. Neither the State nor New York City Departments of Health is required by law to hold public hearings with respect to any modifications of its regulations, but each may do so at its discretion, although customary practice would be to obtain the advice and comments of interested groups and persons.

The State Sanitary Code provides for a public hearing upon timely request by an applicant if his license application is disapproved. Except in any case of wilfulness or in which the public health or safety requires otherwise, licenses may not be amended, suspended or revoked, nor may additional requirements be imposed nor radioactive material required to be surrendered without either obtaining the consent of the person involved or notifying such person of the contemplated action, giving him a reasonable opportunity to demonstrate or achieve compliance with all lawful requirements, and granting a public hearing upon request.

Actions taken by the State Industrial Commissioner are subject to review by the State Board of Standards and Appeals under the State Labor Law. In addition, the Industrial Code requires that, except where action is needed to secure safety, the Commissioner shall not suspend, revoke or restrictively amend a license without first giving the licensee reasonable notice and an opportunity to be heard.

Under section 5.19 of the New York City Health Code, whenever the City Commissioner of Health suspends, revokes, or refuses to issue or renew a permit, the aggrieved party may appeal such action to the Board of Health of the Department of Health of the City of New York. Under section 3.03 of the Code, except where the public health requires immediate action, the Department may not seize, embargo, condemn, destroy, render harmless or otherwise dispose of any material until the owner or person in control is notified and is given an opportunity to be heard by such personnel of the Department as the Commissioner may designate. A similar notice and opportunity to be heard must be granted under section 175.11(e) of the Code prior to the issuance of any order requiring a person to take additional precautions and procedures to protect public health and safety, except where immediate action is required.

Article 78 of the State Civil Practice Act provides a method of review in the courts, under certain circumstances, of the actions of each of the three regulatory departments.

5. *Coordination.* Coordination of the State program for the control of radiation hazards is facilitated through the direct functions of the State Office of Atomic Development. All agencies and political subdivisions of the State are required to keep the Director of the Office fully and currently informed as to their activities relating to atomic energy or ionizing radiation. The State Atomic Energy Law also provides that no rule, regulation or ordinance or amendment thereto or repeal thereof, primarily and directly relating to atomic energy, shall become effective until ninety days after it has been submitted to the Director of the Office, unless either the Governor or the Director waives such waiting period.

The State Atomic Energy Law also established the State Coordinating Council on Atomic Energy. The Coordinating Council has been functioning since 1959, and its recommendations have been instrumental in developing the present program.

To effect maximum coordination of the licensing of radioactive materials within the State, the Coordinating Council has established a Committee on Licensing to be advisory to the regulatory departments. The Committee will receive and forward to the appropriate department for processing all applications for licenses. In questionable cases, the Committee can be called on to resolve jurisdictional questions and to submit to the appropriate department a recommendation on the merits of issuing a license. The voting membership of the Committee consists of the Director of the Office of Radiation Control, New York City Department of Health; the Special Assistant for Radiological Health, State Department of Health; and the Director of the Division of Industrial Hygiene, State Department of Labor. The Nuclear Health Physicist of the Office of Atomic Development acts as secretary of the Committee.

III. *Organization and personnel—A. State Department of Health.* The Special Assistant to the Commissioner on Radiological Health under the State Department of Health has been assigned the responsibility for coordinating the control of public health and safety aspects of the use of all radiation sources in medical, dental, veterinarian, educational, diagnostic, and similar institutions outside New York City.

1. *Licensing.* Preevaluation of license applications with respect to training and experience of applicants, dosage, route of administration, metabolic fate, and new or unusual human use will be performed by the Special Assistant on Radiological Health. Medical experts will be utilized for advice on new or unusual human applications.

Preevaluation of license applications with respect to proposed instrumentation, storage facilities, shielding methods, personnel monitoring, waste disposal techniques and other technical procedures will be performed in the Bureau of Radiological Health Services by an Associate Sanitary Engineer and a Senior Sanitary Engineer.

Both the Office of the Special Assistant on Radiological Health and the Bureau of Radiological Health Services may call on the scientific specialists available in the Division of Laboratories and Research and may obtain assistance from legal, public relations, training and other disciplines within the State Department of Health.

2. *Inspections.* Inspections of licensed users of radiation sources will be performed in the Bureau of Radiological Health Services by an Associate Sanitary Engineer, one Senior Sanitary Engineer and one Assistant Sanitary Engineer.

Scientific specialists in the Division of Laboratories and Research and in other divisions of the Department will be available for technical support. One other Assistant Sanitary Engineer assigned to Radiological Health Services primarily in the field of X-ray protection will also be available for inspection assistance. Inspections of registered sources are routinely handled by local health officers.

B. *State Department of Labor.* The Director of the Division of Industrial Hygiene under the State Department of Labor has been assigned the responsibility for controlling the health and safety aspects of the use of radiation sources in industrial installations throughout the State.

1. *Licensing.* Prior evaluation of license applications will be performed in the Radiological Health Unit by an Associate Industrial Hygiene Physician and a Principal Radiophysicist.

2. *Inspections.* Inspections of licensed users of radiation sources will be performed in the Radiological Health Unit by three Senior Radiation Physicists and an Industrial Engineer (Radiophysics specialist). Four Industrial Hygiene Engineers with training in radiation protection will conduct inspections of registered installations and will be available for assistance with respect to licensed installations.

C. *New York City Department of Health.* The Director of the Office of Radiation Control in the New York City Department of Health has been assigned responsibility for the control of the public health and safety aspects of the release of radioactivity to the environment from all sources, and of the health and safety aspects of the use of radiation in medical, dental, veterinarian, educational, diagonstic, and similar institutions within the City of New York.

1. *Licensing.* Prior evaluation of license applications will be performed in the Office of Radiation Control by the Assistant Director of the Office, a Senior Public Health Sanitarian, and a Public Health Sanitarian. Medical experts will be utilized for advice on new and unusual human applications.

2. *Inspections.* Inspections of licensed and registered radiation sources will be performed in the Office of Radiation Control by the Senior Public Health Sanitarian, assisted by a Public Health Sanitarian. Fourteen other Public Health Sanitarians will be available for assistance.

[F.R. Doc. 62-8108; Filed, Aug. 10, 1962; 8:53 a.m.]

[Docket No. 50-97]

CORNELL UNIVERSITY

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to October 15, 1962 the latest completion date specified in Construction Permit No. CPRR-31 for the construction by Cornell University of the pool-type nuclear reactor to be located at Ithaca, New York.

Copies of the Commission's order and of the application by Cornell University are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 10th day of August 1962.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 62-8301; Filed, Aug. 17, 1962; 8:45 a.m.]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Notice of Hearing on Amendment to Operating License for Nuclear Facility

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations in Part 2, 10 CFR, "Rules of Practice," and paragraph 3.A.2.c of Amendment No. 3 to License DPR-3 issued to Yankee Atomic Electric Company on June 20, 1961, notice is hereby given that a hearing will be held at 10:00 a.m., e.d.t., on September 20, 1962, in the auditorium of the Atomic Energy Commission Headquarters in Germantown, Maryland, to consider Amendment No. 41 to License Application dated June 29, 1956, filed by Yankee Atomic Electric Company on June 4, 1962, which requests (1) an amendment to Facility License No. DPR-3 to authorize operation by the facility with a core which is essentially a duplicate of the initial core at levels not in excess of 540 MW thermal, and (2) such further modifications and amendments to Facility License No. DPR-3 and the technical specifications attached thereto as are necessary and appropriate to give effect to the foregoing and to reflect changes authorized by the Commission pursuant to change requests submitted in accordance with paragraph 3.A.2 of the license.

The issues to be considered at the hearing will be the following:

1. Whether there is reasonable assurance that the operation of the facility at steady State power levels not in excess of 540 MW thermal, as proposed, can be conducted without endangering the health and safety of the public, and that such operation will be conducted in compliance with the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission.

2. Whether amendment of Facility License DPR-3, as proposed, will be inimical to the common defense and security or to the health and safety of the public.

Notice is hereby given that the report of the Advisory Committee on Reactor Safeguards in this matter will be available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C., prior to the hearing herein scheduled. Copies of such report may be obtained by request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation. If the report is not published and made available prior to the scheduled date of hearing, the hearing will be rescheduled.

Petitions for leave to intervene pursuant to § 2.714 of the Commission's rules of practice must be received in the Office of the Secretary, United States Atomic Energy Commission, Germantown, Maryland, or in the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C., not later than September 13, 1962, or, in the event of a postponement of the hearing date specified, at such time as the Presiding Officer may specify.

Answers to this notice pursuant to § 2.705 of the Commission's rules of practice shall be filed on or before September 10, 1962, by the licensee.

Papers required to be filed with the Commission in this proceeding shall be filed by mail or telegram addressed to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., or may be filed by delivery to the Office of the Secretary, United States Atomic Energy Commission, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file pursuant to § 2.708 of the Commission's rules of practice, an original and fifteen conformed copies of each such paper with the Commission.

The hearing will be conducted by a Presiding Officer to be designated by the Chief Hearing Examiner.

Dated at Washington, D.C., this 16th day of August, 1962.

For the Atomic Energy Commission.

HAROLD D. ANAMOSA,
Acting Secretary.

[F.R. Doc. 62-8388; Filed, Aug. 17, 1962; 8:51 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3-s]

PEAT MOSS FROM CANADA

Purchase Price and Foreign Market Value

AUGUST 15, 1962.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of peat moss, horticultural and poultry grade, from Atkins and Durbrow Ltd., Vancouver, British Columbia, and Western Peat Moss, Westminster, British Columbia (shipments from Manitoba plant only), Canada, is less or likely to be less than the foreign market value as defined by sections 203 and 205 respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of peat moss from Canada exported by the above-described firms pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 62-8317; Filed, Aug. 17, 1962; 8:48 a.m.]

Office of the Secretary

[AA 643.3-W]

CEMENT FROM ISRAEL

Fair Value Determination

AUGUST 13, 1962.

A complaint was received that portland cement from Israel was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that portland cement from Israel is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The information in this case disclosed that purchase price and adjusted home market price should be compared for the purpose of the fair value determination.

The purchase price was calculated on the basis of the C&F East Coast price of the cement imported in bags and on the basis of the f.o.b. shipping port price of the cement imported in bulk. Ocean freight, inland freight, port expenses, and pneumatic loading costs, as applicable, were deducted; uncollected fuel tax and internal taxes and import duties refunded on exportation of the cement were added as required by statute in arriving at the purchase price.

The adjusted home market price was calculated on the basis of the ex-factory price, exclusive of the excise tax, and, with respect to bagged cement, exclusive of a special tax on bags. Adjustments were made for the interest cost resulting from the credit terms in the home market; for the difference between the commission paid on sales for home consumption and for exportation to the United States, and for technical assistance and advertising costs. A quantity discount equivalent to that available to all home market purchasers of quantities approximating the quantities exported to the United States was allowed. In the case of the cement exported in bags, the cost of export packing was added to the price for home consumption exclusive of the home market packing cost.

The resulting adjusted home market price was converted to United States currency at the effective rate determined by the application of the dual rate certified by the Federal Reserve Bank for the entire period under consideration to the net proceeds from the exportation of the cement exported to the United States in the proportions applicable in each of the periods under consideration.

Purchase price was found not to be lower than the adjusted home market price during the entire period involved.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-8320; Filed, Aug. 17, 1962; 8:49 a.m.]

OFFICE OF DOMESTIC GOLD AND SILVER OPERATIONS

Organization and Functions

1. *Description of organization.* The Office of Domestic Gold and Silver Operations is in the Office of the Secretary, reporting directly to the Under Secretary for Monetary Affairs. The Office administers gold and silver regulations (31 CFR Parts 54 and 80).

2. *Director.* At the head of this Office is a Director, appointed by the Secretary of the Treasury, who assists the Under Secretary in the formulation of policy regarding the domestic control of the monetary metals, issues Treasury licenses for the acquisition, possession, ownership and use of gold for industrial, professional and artistic purposes, and makes or causes to be made investigations pertaining to gold and to the gold regulations (31 CFR Part 54). He makes determinations as to the eligibility of newly-mined domestic silver for deposit at the mints and assay office and examines or causes to be examined the books and records of the depositors of silver to determine such eligibility. The Director advises the Under Secretary on matters involving the domestic control of gold and silver including the relationship to such controls of domestic and foreign developments as they affect the monetary metals.

3. *Public information submittals or requests.* The public may secure information from or make submittals or requests concerning matters within the jurisdiction of the Office of Domestic Gold and Silver Operations to the Director, Treasury Department, Washington 25, D.C. Attention is directed to 31 CFR Part 93 for specific information concerning the procedures followed by the Office and for other regulations governing submittals and requests.

(Sec. 3(a)(1) of the Administrative Procedure Act (60 Stat. 237); 5 U.S.C. 1002(a)(1))

[SEAL] LELAND HOWARD,
Director, Office of Domestic Gold and Silver Operations.

Approved: August 14, 1962.

ROBERT V. ROOSA,
Under Secretary for Monetary Affairs.

[F.R. Doc. 62-8321; Filed, Aug. 17, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 9, 1962.

The Alaska Railroad has filed an application, Serial Number A. 057782 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws. The applicant desires the land for industrial purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 555 Cordova Street, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

ANCHORAGE AREA

Beginning at a point which bears west 625.29 feet from C ¼ Corner of Sec. 7, T. 13 N., R. 3 W., S.M.; thence west 569.50 feet, thence N. 2°30' W., 111.0 feet; thence N. 56°30' E., 230 feet; thence N. 67°30' E., 108.5 feet; thence N. 79°25' E., 113 feet; thence N. 87°10' E., 161.5 feet; thence S. 1°25' E., 308.7 feet to the point of beginning for this description. Containing 3.2 acres, more or less.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-8322; Filed, Aug. 17, 1962; 8:49 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservations of Lands

AUGUST 10, 1962.

The Federal Aviation Agency has filed an application, Serial Number F. 029657 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, except for disposal of materials under the Materials Act. The applicant desires the land for a VORTAC facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 555 Cordova Street, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FORT YUKON, ALASKA

Commencing at Corner No. 4 of U.S. Survey No. 3191, proceed N. 33°17' W., 410 feet; thence N. 60°11' E., 1,300 feet, more or less, to the point of beginning; thence W., 1,810 feet; thence N. 2,000 feet; thence E., 2,000 feet; thence S. 1,900 feet; thence S. 60°11' W., 220 feet, more or less, to the point of beginning, containing 91.61 acres.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-8323; Filed, Aug. 17, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DELEGATION OF AUTHORITY AND ASSIGNMENT OF FUNCTIONS

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953, the Secretary's Order dated December 24, 1953 (19 F.R. 74), as amended, is further amended as follows:

Section 1100 is amended and revised to read as follows:

1100. *Assignment of functions.* The following assignment of functions is hereby made to the Agricultural Stabilization and Conservation Service:

a. Farm marketing quota and acreage allotment programs.

b. Administration of the Sugar Act (7 U.S.C. 1100–1183).

c. Foreign assistance commodity procurement and supply.

d. (1) Livestock Feed Program (Public Law 86–299, 73 Stat. 574).

(2) Emergency Feed Program, Disaster Relief Feed Grain Programs and Distress Programs (section 407 of the Agricultural Act of 1949 as amended (7 U.S.C. 1427); and Public Law 875, 81st Cong., as amended (42 U.S.C. 1855)).

(3) Emergency Conservation Program (Public Law 85–58, as amended by Public Laws 85–170 and 85–766 (71 Stat. 177, 71 Stat. 426, 72 Stat. 864)).

(4) Grazing on Conservation Reserve (Public Law 540, 84th Cong. (7 U.S.C. 1831(a) and 1821(a)).

e. Administration of the International Sugar Agreement.

f. Administration of the International Wheat Agreement.

g. Special feed and grain and wheat stabilization programs (16 U.S.C. 590p (c) and (d), and sec. 124 of Public Law 87–128).

h. Price support programs, except the administration of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) as supplemented by Public Law 165, 75th Congress (15 U.S.C. 713c) as assigned to Agricultural Marketing Service.

i. Procurement, handling, payment, and related services for section 32 purchase and export payment programs and for purchases under section 6 of the National School Lunch Act for the Agricultural Marketing Service, to the extent practicable.

j. Commodity domestic sales programs, and other commodity disposal programs except as assigned to Agricultural Marketing Service and Foreign Agricultural Service.

k. Supervision and direction of Agricultural Stabilization and Conservation Service State and county offices, and designation of functions to be performed by Agricultural Stabilization and Conservation State and County Committees.

l. Activities under the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98–98h), except as otherwise assigned.

m. Commodity Credit Corporation functions assigned in accordance with Commodity Credit Corporation by-laws.

n. Soil Bank program authorized by Title 1 of the Agricultural Act of 1956, with assistance from other agencies of the Department, as otherwise assigned, in the conservation practices phase of the conservation reserve program.

o. Determination and proclamation of agricultural commodities in surplus supply pursuant to section 125 of the Agricultural Act of 1956 (7 U.S.C. 1813).

p. The program authorized by sections 7–15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g, et seq.) except the naval stores conservation program.

q. Milk, tobacco and other assigned commodity marketing agreement and order programs for commodities other than fruits, vegetables, tree nuts, hops, and anti-hog-cholera serum and hog-cholera virus.

r. Functions relating to agreements under section 708 (7 U.S.C. 1787), of the National Wool Act of 1954, as amended (7 U.S.C. 1781–1787).

Section 1101 is amended and revised to read as follows:

1101. *Reservations*—a. *Reservations to the Secretary.* (1) Designation of counties for Emergency Conservation Programs under Public Law 85–58, 85–170, and 85–766.

(2) Appointment of State ASC Committeemen.

(3) Recommendations to the President regarding the designation of areas of major disaster under Public Law 875, 81st Congress, and regarding designation of acute distress areas under section 407 of the Agricultural Act of 1949, as amended, because of unemployment or other economic causes; designation of boundaries within areas declared by the President to be major disaster areas or acute distress areas and the designation of areas under all the other programs specified in paragraph 1100d; the execution of cooperative agreements with the State Governors and heads of other Federal agencies with respect to such programs; and final approval of allocation of funds and of national program regulations under paragraph 1100d(3).

(4) Final approval of regulations under section 4 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590d) and under section 8(b) of such act (16 U.S.C. 590h(b)) relating to the selection and exercise of the functions of committees.

(5) Final action on regulations under the Agricultural Marketing Agreement Act previously requiring approval of the President.

(6) Issuance, amendment, termination or suspension of any marketing agreement or order or any provision thereof.

(7) Designation of marketing administrators and committees administering marketing agreement and order program.

(8) Under section 708 (7 U.S.C. 1787) of the National Wool Act of 1954, as amended (7 U.S.C. 1781–1787), entering into agreements with or approving agreements entered into between, marketing cooperatives, trade associations, or others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats or the products thereof.

b. *Reservations to the Judicial Officer.* (1) Adjudication functions in proceedings under section 8c(15)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608c(15)(A)).

Done at Washington, D.C., this 15th day of August 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-8329; Filed, Aug. 17, 1962; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Trade Route No. 11]

U.S. SOUTH ATLANTIC/UNITED KINGDOM AND EUROPE NORTH OF PORTUGAL

Notice of Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that on August 12, 1962, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 11 and ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

Trade Route No. 11 as described below is affirmed as an essential foreign trade route of the United States: Between United States South Atlantic ports (North Carolina-Atlantic Coast Florida to but not including Key West) and ports in the United Kingdom, Republic of Ireland, and Continental Europe north of Portugal.

United States flag sailing requirements for service on Trade Route No. 11 are approximately four sailings per month of freight ships serving the route predominantly. Calls may be made at Hampton Roads in conjunction with sailings on Trade Route No. 11 except for cargo to and from foreign ports on Trade Route No. 6. Additional service may be provided by other regularly scheduled United States flag sailings serving the route in part only.

Freight ships of the C–2 type are considered suitable for operation on the route pending replacement. Replacement freighters for long-range operation on the route should be larger and faster and equipped with adequate refrigerated capacity.

Dated: August 15, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-8316; Filed, Aug. 17, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11879; Order No. E-18702]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of August 1962.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA) and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreement, adopted pursuant to unprotested notices to the carriers, cancels certain specific commodity rates and names additional rates, as set forth below:

C.A.B. 14827	IATA memorandum	Commodity Item	Rates
R–105	TC1/Rates 1406	2199	Cancel rates from New Orleans to Panama City.
R–106	TC1/Rates 1407	8100	38/27/14 cents per kilogram, minimum weights 45/250/500 kilograms, from San Juan to Caracas.
R–107	TC1/Rates 1409	0006	9 cents per kilogram, minimum weight 500 kilograms, Bogota/Cali to Panama City.[1]

[1] Under the basic agreement, a rate to/from Panama City may be applied to/from Balboa.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered:

1. That Agreement C.A.B. 14827, R–105 through R–107, is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8327; Filed, Aug. 17, 1962; 8:50 a.m.]

[Docket 13390]

SLICK AIRWAYS, INC.

Enforcement Proceeding; Notice of Postponement of Hearing

On the request of counsel for Slick Airways, Inc., and it appearing that the Bureau of Enforcement has no objection thereto, the hearing in the above-entitled matter now assigned for August 28, 1962, is postponed indefinitely, pending attempts of counsel to work out a settlement.

Dated at Washington, D.C., August 14, 1962.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 62-8325; Filed, Aug. 17, 1962; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract; Extension of Time

Notice is hereby given that the time for submitting statements with reference to the Exclusive Patronage (Dual Rate) Contract filed with the Commission by the Japan-Atlantic and Gulf Freight Conference pursuant to section 14b, Shipping Act, 1916, is hereby extended to the close of business on September 5, 1962.

By order of the Federal Maritime Commission, August 7, 1962.

THOMAS LISI,
Secretary.

[F. R. Doc. 62-8331; Filed, Aug. 17, 1962; 8:50 a.m.]

UNITED STATES LINES CO. ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8860, between United States Lines Company and Waterman Steamship Corporation (American-flag carriers) and Daido Kaiun Kaisha, Ltd., Iino Kaiun Kaisha, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsubishi Shipping Co., Ltd., Mitsui Steamship Co., Ltd., Nippon Yusen Kaisha, Osaka Shosen Kaisha, Ltd., Shinnihon Steamship Co., Ltd., and Yamashita Steamship Co., Ltd. (Japanese-flag carriers), operating in the trade from Japan to U.S. Atlantic Coast ports, covers an arrangement under which such carriers agree to form a pool whereby the American-flag carriers and the Japanese-flag carriers, each as a group, will pool all revenue carryings in such trade. The agreement provides that (1) said agreement shall cover a period of five (5) years subject to renegotiation and extension as set forth therein; (2) for the initial period of one year (October 1, 1962, to and including September 30, 1963), the share of the American-flag carriers shall be 30 percent and that of the Japanese carriers shall be 70 percent; (3) at the end of the first pool year, adjustments shall be made by a minimum of two (2) percentage points

per year which will increase the American-flag percentage of the carryings of the two groups, it being agreed that any increase in freight revenue earned by the American-flag group and the Japanese-flag group compared to average total revenue earned by the two groups during the years 1959, 1960, and 1961 will be shared 20 percent to the Japanese-flag group and 80 percent to the American-flag group but with a maximum increase to the American-flag group of 4 percent per year; (4) it is the understanding of both the American-flag carriers and the Japanese-flag carriers that it is their desire that all conference lines operating in the trade covered by this agreement, regardless of flag, should be a party to the pool arrangement, that said group of carriers shall negotiate as a unit with third-flag carriers to arrange a reasonable share of the trade for the said third-flag group, it being the intention of all parties to negotiate the share of the third-flag carriers on the basis of their past performance over a period of years and to include all members of the Japan-Atlantic & Gulf Freight Conference in the overall pool; and (5) a committee comprising the American-flag and the Japanese-flag carriers (groups) will immediately proceed to work out a full pooling arrangement to include all technical details of operations within the framework of the terms and conditions set forth in this agreement, any such further agreements to be subject to approval by the Federal Maritime Commission pursuant to section 15 of the Shipping Act, 1916, as amended.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Commission.

Dated: August 16, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8382; Filed, Aug. 17, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2478]

PROFESSIONAL INSURORS AND INVESTORS, LTD.

Notice and Order for Hearing

AUGUST 13, 1962.

I. Professional Insurors and Investors, Ltd. (issuer), a Colorado corporation, 123 Cook Street, Denver, Colorado, filed on November 4, 1960, a notification and offering circular relating to an offering of 215,000 shares of its $1.00 par value common stock at an offering price of $1.00 per share for an aggregate of $215,000, and filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) of the Act and Regulation A promulgated thereunder.

II. The Commission, on June 25, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest in the matter an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension or enter an order of permanent suspension of this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., m.s.t., on September 17, 1962, at the Denver Regional Office of the Commission, 802 Midland Savings Building, 444 17th Street, Denver, 2, Colorado, before a hearing officer to be designated later, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that the issuer failed to cooperate with the staff in furnishing pertinent information in connection with the offering and failed to file a report on Form 2-A.

B. Whether the notification and offering circular filed by the issuer contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, in

1. The statement that 50 percent of the offering will be spent for the purpose of purchasing land and developing small apartment houses in Denver, Colorado, and vicinity.

2. The failure to disclose that the company is not keeping and has not kept accurate and current financial records.

3. The failure to disclose the remuneration of the three highest paid officers and the aggregate remuneration of the officers and directors as a group.

III. *It is further ordered*, That the designated hearing examiner, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Professional Insurors and Investors, Ltd., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before September 14, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8313; Filed, Aug. 17, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 680]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 15, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65141. By order of August 10, 1962. The Transfer Board approved the transfer to Bay Shore Trucking Co., a corporation, Keyport, N.J., of a portion of Certificate No. MC 106188 issued July 13, 1961, to Rollo Trucking Corporation, Inc., Keyport, N.J., authorizing the transportation of: Brick, crushed stone, sand, gravel, and building materials (not including lumber), between points in Middlesex County, N.J., on the one hand, and, on the other, Cliffwood, N.J., and points within 100 miles of Cliffwood, N.J., in New York and New Jersey. Bert Collins, 140 Cedar Street, New York 6, N.Y., representative for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-8315; Filed, Aug. 17, 1962; 8:48 a.m.]

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UNITED STATES STATUTES AT LARGE

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3487

CHILD HEALTH DAY, 1962

By the President of the United States of America
A Proclamation

WHEREAS children are our Nation's most priceless resource and most cherished responsibility; and

WHEREAS it is essential that boys and girls of our Nation be given a good start in life by the fostering of their emotional, physical, and spiritual well-being so that in future years each may achieve his full potential for a productive and satisfying life; and

WHEREAS the observance of a special day emphasizing child health effectively underscores these goals; and

WHEREAS the Congress, by a joint resolution of May 18, 1928, 45 Stat. 617, as amended by a joint resolution of September 22, 1959, 73 Stat. 627 (36 U.S.C. 143), requested the President of the United States to issue annually a proclamation setting apart the first Monday in October as Child Health Day; and

WHEREAS Child Health Day is also an appropriate time to observe a Universal Children's Day, and to salute the work which the United Nations, through its specialized agencies, and the United Nations Children's Fund are doing to build better health for children around the world:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate Monday, the first day of October 1962, as Child Health Day; and I invite all persons and all agencies and organizations interested in the welfare of children to unite on that day in observances that will underscore the importance of providing opportunities for our children at the beginning of life that will insure healthy development through the years.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixteenth day of August in the year of our Lord nineteen hundred and sixty-two, [SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62-8472; Filed, Aug. 20, 1962; 10:56 a.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Wheat Loan and Purchase Agreement Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 27 F.R. 5243 and containing the specific requirements of the 1962-crop wheat price support program are hereby amended as follows:

Section 421.1204(b) is amended to also make wheat grading "Sample" because of test weight only but not less than 40 pounds per bushel eligible for price support if it otherwise grades No. 3 or better so that the amended subparagraph reads as follows:

§ 421.1204 Eligible wheat.

* * * * *

(b) *Grade requirements.* Wheat at the time it is placed under loan, and wheat under purchase agreement which is in approved warehouse-storage prior to notification by the producer of his intention to sell to CCC, must meet the requirements set forth in this paragraph. The wheat must be (1) wheat of any class grading No. 3 or better; (2) wheat of any class grading No. 4 or 5 because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better; (3) wheat of any class grading No. 4 or 5 or "Sample" on the factor of test weight only but otherwise meeting the requirements stated in subparagraph (1) or (2) of this paragraph and having a test weight of not less than 40 pounds per bushel; or (4) wheat of the class Mixed wheat, consisting of mixtures of grades of eligible wheat as specified in subparagraph (1), (2) or (3) of this paragraph provided such mixtures are the natural products of the field. Wheat grading Tough, Weevily, Ergoty, or Treated shall not be eligible, except that wheat represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt substantially as follows:

CERTIFICATION

On wheat grading "Tough" delivery will be made of wheat not tough but otherwise of the same country-run quality, quantity and grade as indicated on the supplemental certificates, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt.

Except as provided above with respect to wheat grading "Tough", wheat of the class hard red spring, durum, or red durum, shall not contain more than 14½ percent moisture, and wheat of any other class shall not contain more than 14 percent moisture.

Section 421.1206(c) is amended by extending the schedule therein to apply to wheat testing as low as 40 pounds per bushel so that the amended paragraph reads as follows:

§ 421.1206 Determination of quantity.

* * * * *

(c) *Adjustment for test weight.* When the quantity is determined by measurement, a bushel shall be 1.25 cubic feet testing 60 pounds per bushel. The quantity determined for wheat of a different test weight shall be adjusted by the applicable percentage in the following table:

For wheat testing:	*Percent*
65 pounds or over	108
64.0 to 64.9	107
63.0 to 63.9	105
62.0 to 62.9	103
61.0 to 61.9	102
60.0 to 60.9	100
59.0 to 59.9	98
58.0 to 58.9	97
57.0 to 57.9	95
56.0 to 56.9	93
55.0 to 55.9	92
54.0 to 54.9	90
53.0 to 53.9	88
52.0 to 52.9	87
51.0 to 51.9	85
50.0 to 50.9	83
49.0 to 49.9	82
48.0 to 48.9	80
47.0 to 47.9	78
46.0 to 46.9	77
45.0 to 45.9	75
44.0 to 44.9	73
43.0 to 43.9	72
42.0 to 42.9	70
41.0 to 41.9	68
40.0 to 40.9	67

Section 421.1212 is amended to change the applicability of sedimentation premiums, to provide discounts for "Sample" wheat and to issue basic terminal and county support rates. Paragraph (f) (2) and (4) are amended and paragraphs (g) and (h) are added to read as follows:

§ 421.1212 Support rates.

* * * * *

(f) *Discounts and premiums.* * * *

	Cents per bushel
(2) Grade premium and discounts:	
(i) Premium:	
No. 1 Heavy (Hand Red Spring)	+1
(ii) Discounts:	
No. 2	−1
No. 3	−3
No. 4 on basis of test weight	−6
No. 5 on basis of test weight	−9

(2) Grade premium and discounts—Continued

(ii) Discounts—Continued

"Sample" on basis of test weight (apply the following table):

Test weight (pounds)	Discount for Hard Red Spring (cents per bushel)	Discount for wheat of all other classes (cents per bushel)
50	9	13
49	13	17
48	17	21
47	21	25
46	25	29
45	29	33
44	35	39
43	41	45
42	47	51
41	53	57
40	59	63

	Cents per bushel
No. 4 or 5 because of containing Durum and/or Red Durum [1] [2]	−6
Smut—Degree basis:	
Light Smutty	−2
Smutty	−6
Smut—Percentage basis:	
One-half of 1 percent	−1
One percent or over	−3
Garlic—Degree basis:	
Light Garlicky	−6
Garlicky	−15

[1] This discount is in addition to any other applicable numerical grade discount, and any other discounts which may be applicable.

[2] Not applicable to any of the Mixed Wheats or Red Durum. For discounts applicable to Mixed Wheat containing Durum and/or Red Durum, see subparagraphs (1) (ii) of this paragraph.

(4) Schedule of premiums for sedimentation values. (Not applicable to varieties listed in subparagraph (3) of this paragraph or to Mixed wheats which contain Durum and/or Red Durum).

Sedimentation value:	*Premium, cents per bushel*
40–41–42	3
43	4
44	5
45	6
46	7
47	8
48	9
49	10
50	11
51	12
52	13
53	14
54	15
55	16
56	17
57	18
58	19
59	20
60	21
61	22
62	23
63	24
64 and over	25

(g) *Basic support rates (Terminals).* The basic support rates for U.S. No. 1 per bushel for loan and settlement purposes for wheat stored in approved warehouses at the terminal markets listed below are as follows:

WHEAT PRODUCED IN COMMERCIAL AREA

Terminal market	Rate per bushel
Astoria, Oreg	$2.18
Portland, Oreg	2.18
Kalama, Wash	2.18
Longview, Wash	2.18
Seattle, Wash	2.18
Tacoma, Wash	2.18
Vancouver, Wash	2.18
Long Beach, Calif	2.26
Los Angeles, Calif	2.26
Oakland, Calif	2.26
San Francisco, Calif	2.26
Stockton, Calif	2.26
Wilmington, Calif	2.26
Louisville, Ky	2.27
Memphis, Tenn	2.27
Atchison, Kans	2.28
Council Bluffs, Iowa	2.28
Kansas City, Kans	2.28
Kansas City, Mo	2.28
Saint Joseph, Mo	2.28
Omaha, Nebr	2.28
Sioux City, Iowa	2.28
Cairo, Ill	2.28
Chicago, Ill	2.28
East St. Louis, Ill	2.28
Milwaukee, Wis	2.28
St. Louis, Mo	2.28
Duluth, Minn	2.35
Minneapolis, Minn	2.35
St. Paul, Minn	2.35
Superior, Wis	2.35
Albany, N.Y	2.40
Baltimore, Md	2.40
Norfolk, Va	2.40
Philadelphia, Pa	2.40
New York, N.Y	2.40
Corpus Christi, Tex	2.47
Galveston, Tex	2.47
Houston, Tex	2.47
Port Arthur, Tex	2.47
New Orleans, La	2.47
Baton Rouge, La	2.47

(h) *Basic support rates (Counties).* The basic support rates for U.S. No. 1 per bushel for loans and settlement purposes for farm-stored and country warehouse-stored wheat are as follows:

ALABAMA

All counties	$2.11

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	$1.63	Mohave	$1.74
Cochise	1.96	Navajo	1.63
Coconino	1.66	Pima	2.02
Gila	1.72	Pinal	2.05
Graham	1.90	Santa Cruz	1.99
Greenlee	1.72	Yavapai	1.71
Maricopa	2.05	Yuma	2.07

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$2.16	Drew	$2.09
Ashley	2.08	Faulkner	2.14
Baxter	1.98	Franklin	1.95
Benton	1.93	Fulton	2.03
Boone	1.96	Garland	2.02
Bradley	2.07	Grant	2.04
Calhoun	2.06	Greene	2.16
Carroll	1.94	Hempstead	2.08
Chicot	2.08	Hot Spring	2.03
Clark	2.05	Howard	2.00
Clay	2.16	Independence	2.09
Cleburne	2.16	Izard	2.00
Cleveland	2.04	Jackson	2.16
Columbia	2.09	Jefferson	2.13
Conway	2.13	Johnson	1.97
Craighead	2.16	Lafayette	2.09
Crawford	1.94	Lawrence	2.15
Crittenden	2.16	Lee	2.16
Cross	2.16	Lincoln	2.14
Dallas	2.05	Little River	2.08
Desha	2.15	Logan	1.94

ARKANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Lonoke	$2.16	Pulaski	$2.15
Madison	1.94	Randolph	2.16
Marion	1.97	St. Francis	2.16
Miller	2.09	Saline	2.03
Mississippi	2.16	Scott	1.98
Monroe	2.16	Searcy	1.96
Montgomery	1.98	Sebastian	1.97
Nevada	2.07	Sevier	2.00
Newton	1.96	Sharp	2.03
Ouachita	2.07	Stone	2.01
Perry	1.99	Union	2.09
Phillips	2.16	Van Buren	2.06
Pike	1.99	Washington	1.94
Poinsett	2.16	White	2.16
Polk	1.98	Woodruff	2.16
Pope	1.98	Yell	1.98
Prairie	2.16		

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$2.13	Placer	$2.11
Alpine	2.02	Plumas	2.02
Amador	2.13	Riverside	2.08
Butte	2.08	Sacramento	2.13
Calaveras	2.13	San Benito	2.09
Colusa	2.08	San Bernardino	2.11
Contra Costa	2.13	San Diego	2.07
El Dorado	2.10	San Joaquin	2.15
Fresno	2.08	San Luis Obispo	2.04
Glenn	2.06	San Mateo	2.13
Humboldt	1.96	Santa Barbara	2.06
Imperial	2.09	Santa Clara	2.12
Inyo	1.93	Santa Cruz	2.10
Kern	2.05	Shasta	2.00
Kings	2.08	Sierra	1.94
Lake	2.07	Siskiyou	2.00
Lassen	1.95	Solano	2.12
Los Angeles	2.12	Sonoma	2.12
Madera	2.10	Sutter	2.10
Marin	2.13	Stanislaus	2.14
Mariposa	2.10	Tehama	2.03
Mendocino	2.04	Tulare	2.08
Merced	2.11	Tuolumne	2.14
Modoc	1.99	Ventura	2.00
Mono	1.89	Yolo	2.11
Monterey	2.08	Yuba	2.11
Napa	2.12		2.10
Orange	2.10		

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.90	Kit Carson	$1.92
Alamosa	1.79	La Plata	1.71
Arapahoe	1.90	Larimer	1.90
Archuleta	1.71	Las Animas	1.89
Baca	1.92	Lincoln	1.90
Bent	1.91	Logan	1.90
Boulder	1.90	Mesa	1.75
Chaffee	1.78	Moffat	1.71
Cheyenne	1.92	Montezuma	1.65
Conejos	1.78	Montrose	1.71
Costilla	1.80	Morgan	1.90
Crowley	1.90	Otero	1.90
Custer	1.84	Ouray	1.71
Delta	1.71	Phillips	1.92
Denver	1.90	Pitkin	1.75
Dolores	1.65	Prowers	1.92
Douglas	1.90	Pueblo	1.90
Eagle	1.75	Rio Blanco	1.71
Elbert	1.90	Rio Grande	1.78
El Paso	1.90	Routt	1.71
Fremont	1.85	Saguache	1.78
Garfield	1.75	San Miguel	1.68
Grand	1.75	Sedgwick	1.93
Huerfano	1.87	Summit	1.75
Jackson	1.78	Washington	1.90
Jefferson	1.90	Weld	1.90
Kiowa	1.92	Yuma	1.92

DELAWARE

Kent	$2.23
New Castle	2.23
Sussex	2.22

GEORGIA

All counties	$2.14

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$1.89	Gem	$1.89
Adams	1.87	Gooding	1.87
Bannock	1.85	Idaho	1.91
Bear Lake	1.82	Jefferson	1.80
Benewah	1.95	Jerome	1.88
Bingham	1.83	Kootenai	1.94
Blaine	1.85	Latah	1.95
Boise	1.89	Lemhi	1.81
Bonner	1.87	Lewis	1.92
Bonneville	1.82	Lincoln	1.86
Boundary	1.87	Madison	1.79
Butte	1.83	Minidoka	1.88
Camas	1.85	Nez Perce	1.94
Canyon	1.89	Oneida	1.87
Caribou	1.83	Owyhee	1.89
Cassia	1.88	Payette	1.89
Clark	1.78	Power	1.85
Clearwater	1.92	Shoshone	1.83
Custer	1.83	Teton	1.78
Elmore	1.88	Twin Falls	1.90
Franklin	1.86	Valley	1.88
Fremont	1.78	Washington	1.89

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$2.03	Lee	$2.07
Alexander	2.11	Livingston	2.07
Bond	2.09	Logan	2.08
Boone	2.08	McDonough	2.04
Brown	2.04	McHenry	2.09
Bureau	2.06	McLean	2.06
Calhoun	2.10	Macon	2.06
Carroll	2.05	Macoupin	2.11
Cass	2.06	Madison	2.11
Champaign	2.09	Marion	2.11
Christian	2.11	Marshall	2.06
Clark	2.06	Mason	2.06
Clay	2.06	Massac	2.07
Clinton	2.11	Menard	2.06
Coles	2.08	Mercer	2.04
Cook	2.13	Monroe	2.11
Crawford	2.04	Montgomery	2.11
Cumberland	2.08	Morgan	2.08
De Kalb	2.09	Moultrie	2.10
De Witt	2.06	Ogle	2.07
Douglas	2.08	Peoria	2.06
Du Page	2.11	Perry	2.11
Edgar	2.06	Piatt	2.09
Edwards	2.05	Pike	2.05
Effingham	2.09	Pope	2.01
Fayette	2.11	Pulaski	2.11
Ford	2.06	Putnam	2.06
Franklin	2.11	Randolph	2.11
Fulton	2.06	Richland	2.05
Gallatin	2.05	Rock Island	2.05
Greene	2.11	St. Clair	2.11
Grundy	2.09	Saline	2.04
Hamilton	2.11	Sangamon	2.09
Hancock	2.03	Schuyler	2.05
Hardin	1.98	Scott	2.06
Henderson	2.03	Shelby	2.10
Henry	2.05	Stark	2.06
Iroquois	2.11	Stephenson	2.05
Jackson	2.11	Tazewell	2.06
Jasper	2.05	Union	2.11
Jefferson	2.11	Vermilion	2.10
Jersey	2.11	Wabash	2.03
Jo Daviess	2.05	Warren	2.05
Johnson	2.02	Washington	2.11
Kane	2.11	Wayne	2.05
Kankakee	2.12	White	2.06
Kendall	2.10	Whiteside	2.05
Knox	2.05	Will	2.11
Lake	2.13	Williamson	2.06
La Salle	2.08	Winnebago	2.06
Lawrence	2.05	Woodford	2.06

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$2.02	Carroll	$2.07
Allen	2.02	Cass	2.08
Bartholomew	2.07	Clark	2.11
Benton	2.07	Clay	2.05
Blackford	2.04	Clinton	2.06
Boone	2.03	Crawford	2.06
Brown	2.04	Daviess	2.01

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Dearborn	$2.04	Montgomery	$2.04
Decatur	2.06	Morgan	2.02
De Kalb	2.02	Newton	2.14
Delaware	2.02	Noble	2.03
Dubois	2.05	Ohio	2.04
Elkhart	2.07	Orange	2.10
Fayette	2.04	Owen	2.02
Floyd	2.11	Parke	2.03
Fountain	2.03	Perry	2.04
Franklin	2.04	Pike	2.02
Fulton	2.13	Porter	2.14
Gibson	2.05	Posey	2.05
Grant	2.03	Pulaski	2.14
Greene	2.02	Putnam	2.03
Hamilton	2.03	Randolph	2.03
Hancock	2.04	Ripley	2.05
Harrison	2.04	Rush	2.04
Hendricks	2.04	St. Joseph	2.12
Henry	2.04	Scott	2.08
Howard	2.05	Shelby	2.04
Huntington	2.02	Spencer	2.05
Jackson	2.08	Starke	2.14
Jasper	2.13	Steuben	2.02
Jay	2.02	Sullivan	2.05
Jefferson	2.05	Switzerland	2.05
Jennings	2.06	Tippecanoe	2.06
Johnson	2.04	Tipton	2.03
Knox	2.03	Union	2.04
Kosciusko	2.07	Vanderburgh	2.08
Lagrange	2.03	Vermillion	2.10
Lake	2.14	Vigo	2.10
La Porte	2.14	Wabash	2.05
Lawrence	2.08	Warren	2.08
Madison	2.03	Warrick	2.04
Marion	2.04	Washington	2.10
Marshall	2.13	Wayne	2.03
Martin	2.02	Wells	2.02
Miami	2.07	White	2.14
Monroe	2.10	Whitley	2.04

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$2.06	Ida	$2.06
Adams	2.08	Iowa	2.06
Allamakee	2.10	Jackson	2.03
Appanoose	2.02	Jasper	2.07
Audubon	2.09	Jefferson	2.00
Benton	2.08	Johnson	2.07
Black Hawk	2.09	Jones	2.07
Boone	2.07	Keokuk	2.04
Bremer	2.09	Kossuth	2.10
Buchanan	2.08	Lee	2.03
Buena Vista	2.08	Linn	2.08
Butler	2.09	Louisa	2.02
Calhoun	2.08	Lucas	2.04
Carroll	2.08	Lyon	2.08
Cass	2.08	Madison	2.05
Cedar	2.03	Mahaska	2.05
Cerro Gordo	2.11	Marion	2.04
Cherokee	2.07	Marshall	2.08
Chickasaw	2.10	Mills	2.10
Clarke	2.05	Mitchell	2.12
Clay	2.09	Monona	2.09
Clayton	2.08	Monroe	2.02
Clinton	2.04	Montgomery	2.10
Crawford	2.09	Muscatine	2.02
Dallas	2.05	O'Brien	2.09
Davis	2.01	Osceola	2.09
Decatur	2.04	Page	2.09
Delaware	2.08	Palo Alto	2.10
Des Moines	2.02	Plymouth	2.07
Dickinson	2.10	Pocahontas	2.09
Dubuque	2.07	Polk	2.07
Emmet	2.11	Pottawattamie	2.10
Fayette	2.09	Poweshiek	2.06
Floyd	2.11	Ringgold	2.05
Franklin	2.09	Sac	2.07
Fremont	2.10	Scott	2.04
Greene	2.07	Shelby	2.10
Grundy	2.09	Sioux	2.07
Guthrie	2.06	Story	2.08
Hamilton	2.09	Tama	2.08
Hancock	2.10	Taylor	2.07
Hardin	2.09	Union	2.06
Harrison	2.10	Van Buren	2.01
Henry	2.01	Wapello	2.01
Howard	2.11	Warren	2.05
Humboldt	2.09	Washington	2.04

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Wayne	$2.03	Woodbury	$2.07
Webster	2.09	Worth	2.12
Winnebago	2.12	Wright	2.09
Winneshiek	2.10		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$2.06	Linn	$2.09
Anderson	2.08	Logan	1.96
Atchison	2.10	Lyon	2.06
Barber	1.99	McPherson	2.01
Barton	1.99	Marion	2.02
Bourbon	2.08	Marshall	2.06
Brown	2.09	Meade	1.96
Butler	2.02	Miami	2.10
Chase	2.04	Mitchell	2.01
Chautauqua	2.04	Montgomery	2.06
Cherokee	2.06	Morris	2.04
Cheyenne	1.95	Morton	1.93
Clark	1.96	Nemaha	2.07
Clay	2.03	Neosho	2.06
Cloud	2.02	Ness	1.99
Coffey	2.07	Norton	1.99
Comanche	1.97	Osage	2.07
Cowley	2.02	Osborne	2.01
Crawford	2.06	Ottawa	2.02
Decatur	1.97	Pawnee	1.99
Dickinson	2.02	Phillips	1.99
Doniphan	2.10	Pottawatomie	2.06
Douglas	2.10	Pratt	1.99
Edwards	1.99	Rawlins	1.96
Elk	2.04	Reno	2.01
Ellis	1.99	Republic	2.02
Ellsworth	2.01	Rice	2.01
Finney	1.96	Riley	2.06
Ford	1.98	Rooks	2.00
Franklin	2.10	Rush	1.99
Geary	2.04	Russell	2.00
Gove	1.97	Saline	2.02
Graham	1.99	Scott	1.96
Grant	1.95	Sedgwick	2.02
Gray	1.97	Seward	1.94
Greeley	1.95	Shawnee	2.08
Greenwood	2.05	Sheridan	1.97
Hamilton	1.95	Sherman	1.95
Harper	2.01	Smith	2.01
Harvey	2.02	Stafford	1.99
Haskell	1.96	Stanton	1.93
Hodgeman	1.99	Stevens	1.94
Jackson	2.08	Sumner	2.02
Jefferson	2.10	Thomas	1.96
Jewell	2.02	Trego	1.99
Johnson	2.10	Wabaunsee	2.06
Kearny	1.95	Wallace	1.95
Kingman	2.01	Washington	2.03
Kiowa	1.99	Wichita	1.95
Labette	2.06	Wilson	2.06
Lane	1.97	Woodson	2.06
Leavenworth	2.10	Wyandotte	2.10
Lincoln	2.01		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Adair	$2.09	Clinton	$2.10
Allen	2.08	Crittenden	2.08
Anderson	2.10	Cumberland	2.09
Ballard	2.06	Daviess	2.06
Barren	2.08	Edmonson	2.07
Bath	2.10	Elliott	2.10
Bell	2.09	Estill	2.10
Boone	2.09	Fayete	2.11
Bourbon	2.11	Fleming	2.10
Boyd	2.11	Franklin	2.10
Boyle	2.11	Fulton	2.06
Bracken	2.10	Gallatin	2.09
Breathitt	2.09	Garrard	2.11
Breckenridge	2.07	Grant	2.10
Bullitt	2.09	Graves	2.06
Butler	2.07	Grayson	2.08
Caldwell	2.07	Green	2.10
Calloway	2.06	Greenup	2.11
Campbell	2.09	Hancock	2.07
Carlisle	2.06	Hardin	2.08
Carroll	2.09	Harrison	2.10
Carter	2.10	Hart	2.08
Casey	2.10	Henderson	2.06
Christian	2.07	Henry	2.09
Clark	2.11	Hickman	2.06
Clay	2.09	Hopkins	2.07

KENTUCKY—Continued

County	Rate per bushel	County	Rate per bushel
Jackson	$2.09	Muhlenberg	$2.07
Jefferson	2.09	Nelson	2.10
Jessamine	2.11	Nicholas	2.10
Johnson	2.09	Ohio	2.07
Kenton	2.09	Oldham	2.09
Knox	2.09	Owen	2.10
Larue	2.09	Owsley	2.09
Laurel	2.10	Pendleton	2.10
Lawrence	2.10	Powell	2.10
Lee	2.10	Pulaski	2.11
Lewis	2.11	Robertson	2.10
Lincoln	2.11	Rockcastle	2.11
Livingston	2.06	Rowan	2.11
Logan	2.07	Russell	2.09
Lyon	2.07	Scott	2.10
McCracken	2.06	Shelby	2.09
McCreary	2.09	Simpson	2.08
McLean	2.06	Spencer	2.09
Madison	2.11	Taylor	2.10
Magoffin	2.09	Todd	2.07
Marion	2.10	Trigg	2.07
Marshall	2.06	Trimble	2.09
Mason	2.10	Union	2.06
Meade	2.07	Warren	2.07
Menifee	2.09	Washington	2.11
Mercer	2.11	Wayne	2.10
Metcalfe	2.08	Webster	2.06
Monroe	2.09	Whitley	2.09
Montgomery	2.10	Wolfe	2.09
Morgan	2.09	Woodford	2.11

MARYLAND

County	Rate per bushel	County	Rate per bushel
Allegany	$2.14	Howard	$2.26
Anne Arundel	2.22	Kent	2.23
Baltimore	2.22	Montgomery	2.21
Calvert	2.20	Prince Georges	2.21
Caroline	2.23	Queen Annes	2.23
Carroll	2.22	St. Marys	2.21
Cecil	2.22	Somerset	2.20
Charles	2.20	Talbot	2.23
Dorchester	2.22	Washington	2.18
Frederick	2.21	Wicomico	2.22
Garrett	2.13	Worcester	2.21
Harford	2.22		

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.88	Lake	$1.95
Alger	2.00	Lapeer	2.00
Allegan	2.01	Leelanau	1.88
Alpena	1.87	Lenawee	2.01
Antrim	1.88	Livingston	2.01
Arenac	1.93	Luce	1.88
Baraga	2.07	Mackinac	1.88
Barry	2.01	Macomb	2.02
Bay	1.98	Manistee	1.95
Benzie	1.98	Marquette	2.05
Berrien	2.10	Mason	1.95
Branch	2.02	Mecosta	1.95
Calhoun	2.05	Menominee	2.00
Cass	2.05	Midland	1.98
Charlevoix	1.88	Missaukee	1.94
Cheboygan	1.86	Monroe	2.02
Chippewa	1.88	Montcalm	1.98
Clare	1.98	Montmorency	1.87
Clinton	2.00	Muskegon	1.98
Crawford	1.89	Newaygo	1.97
Delta	2.00	Oakland	2.00
Dickinson	2.00	Oceana	1.95
Eaton	2.01	Ogemaw	1.96
Emmet	1.87	Ontonagon	2.01
Genesee	2.00	Osceola	1.95
Gladwin	1.96	Oscoda	1.96
Gogebic	2.09	Otsego	1.87
Grand Traverse	1.92	Ottawa	2.01
Gratiot	2.00	Presque Isle	1.86
Hillsdale	2.01	Roscommon	1.89
Houghton	2.02	Saginaw	2.00
Huron	1.95	St. Clair	2.01
Ingham	2.01	St. Joseph	2.04
Ionia	2.00	Sanilac	1.98
Iosco	1.89	Schoolcraft	2.00
Iron	2.01	Shiawassee	2.00
Isabella	1.97	Tuscola	1.97
Jackson	2.02	Van Buren	2.03
Kalamazoo	2.04	Washtenaw	2.01
Kalkaska	1.88	Wayne	2.01
Kent	2.00	Wexford	1.95
Keweenaw	2.02		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$2.24	Martin	$2.12
Anoka	2.16	Meeker	2.16
Becker	2.16	Mille Lacs	2.19
Beltrami	2.18	Morrison	2.21
Benton	2.16	Mower	2.16
Big Stone	2.16	Murray	2.11
Blue Earth	2.16	Nicollett	2.16
Brown	2.16	Nobles	2.09
Carlton	2.24	Norman	2.13
Carver	2.16	Olmsted	2.16
Cass	2.21	Otter Tail	2.17
Chippewa	2.16	Pennington	2.14
Chisago	2.16	Pine	2.23
Clay	2.15	Pipestone	2.10
Clearwater	2.17	Polk	2.14
Cottonwood	2.12	Pope	2.16
Crow Wing	2.22	Ramsey	2.16
Dakota	2.16	Red Lake	2.15
Dodge	2.16	Redwood	2.16
Douglas	2.16	Renville	2.16
Faribault	2.12	Rice	2.16
Fillmore	2.16	Rock	2.09
Freeborn	2.16	Roseau	2.11
Goodhue	2.16	St. Louis	2.15
Grant	2.16	Scott	2.16
Hennepin	2.16	Sherburne	2.16
Houston	2.16	Sibley	2.16
Hubbard	2.18	Stearns	2.16
Isanti	2.16	Steele	2.16
Itasca	2.23	Stevens	2.16
Jackson	2.11	Swift	2.16
Kanabec	2.22	Todd	2.17
Kandiyohi	2.16	Traverse	2.16
Kittson	2.10	Wabasha	2.16
Koochiching	2.16	Wadena	2.19
Lac qui Parle	2.16	Waseca	2.16
Lake of the Woods	2.14	Washington	2.16
Le Sueur	2.16	Watonwan	2.13
Lincoln	2.14	Wilkin	2.16
Lyon	2.16	Winona	2.16
McLeod	2.16	Wright	2.16
Mahnomen	2.15	Yellow Medicine	2.16
Marshall	2.12		

MISSISSIPPI

All counties	$2.05

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$2.02	Franklin	$2.10
Andrew	2.10	Gasconade	2.06
Atchison	2.09	Gentry	2.09
Audrain	2.05	Greene	2.04
Barry	2.04	Grundy	2.07
Barton	2.06	Harrison	2.07
Bates	2.09	Henry	2.09
Benton	2.07	Hickory	2.06
Bollinger	2.05	Holt	2.10
Boone	2.05	Howard	2.05
Buchanan	2.10	Howell	1.99
Butler	2.15	Iron	2.06
Caldwell	2.09	Jackson	2.10
Callaway	2.05	Jasper	2.06
Camden	2.02	Jefferson	2.11
Cape Girardeau	2.12	Johnson	2.09
Carroll	2.08	Knox	2.03
Carter	2.04	Laclede	2.01
Cass	2.10	Lafayette	2.09
Cedar	2.08	Lawrence	2.04
Charlton	2.07	Lewis	2.04
Christian	2.04	Lincoln	2.10
Clark	2.04	Linn	2.06
Clay	2.10	Livingston	2.08
Clinton	2.10	McDonald	2.04
Cole	2.03	Macon	2.03
Cooper	2.06	Maries	2.06
Crawford	2.07	Marion	2.05
Dade	2.06	Mercer	2.05
Dallas	2.03	Miller	2.02
Daviess	2.09	Mississippi	2.15
De Kalb	2.10	Moniteau	2.05
Dent	2.04	Monroe	2.04
Douglas	2.01	Montgomery	2.07
Dunklin	2.16	Morgan	2.05

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
New Madrid	$2.16	Ste. Genevieve	$2.08
Newton	2.04	St. Francois	2.07
Nodaway	2.08	St. Louis	2.11
Oregon	2.03	Saline	2.08
Osage	2.05	Schuyler	2.02
Ozark	1.98	Scotland	2.03
Pemiscot	2.16	Scott	2.14
Perry	2.06	Shannon	2.01
Pettis	2.07	Shelby	2.04
Phelps	2.05	Stoddard	2.14
Pike	2.06	Stone	2.03
Platte	2.10	Sullivan	2.05
Polk	2.06	Taney	2.02
Pulaski	2.03	Texas	2.01
Putnam	2.05	Vernon	2.08
Ralls	2.05	Warren	2.10
Randolph	2.04	Washington	2.08
Ray	2.09	Wayne	2.04
Reynolds	2.02	Webster	2.02
Ripley	2.11	Worth	2.08
St. Charles	2.11	Wright	2.01
St. Clair	2.08		

MONTANA

Beaverhead	$1.74	Madison	$1.81
Big Horn	1.78	Meagher	1.81
Blaine	1.81	Mineral	1.83
Broadwater	1.81	Missoula	1.83
Carbon	1.81	Musselshell	1.81
Carter	1.90	Park	1.81
Cascade	1.81	Petroleum	1.81
Chouteau	1.81	Phillips	1.83
Custer	1.88	Pondera	1.81
Daniels	1.85	Powder River	1.86
Dawson	1.89	Powell	1.78
Deer Lodge	1.76	Prairie	1.88
Fallon	1.90	Ravalli	1.80
Fergus	1.81	Richland	1.89
Flathead	1.80	Roosevelt	1.90
Gallatin	1.81	Rosebud	1.83
Garfield	1.87	Sanders	1.83
Glacier	1.81	Sheridan	1.88
Golden Valley	1.81	Silver Bow	1.77
Granite	1.80	Stillwater	1.81
Hill	1.81	Sweet Grass	1.81
Jefferson	1.79	Teton	1.81
Judith Basin	1.81	Toole	1.81
Lake	1.80	Treasure	1.82
Lewis and Clark	1.81	Valley	1.85
Liberty	1.81	Wheatland	1.81
Lincoln	1.80	Wibaux	1.91
McCone	1.88	Yellowstone	1.81

NEBRASKA

Adams	$2.04	Furnas	$2.00
Antelope	2.05	Gage	2.08
Arthur	1.95	Garden	1.94
Banner	1.90	Garfield	2.03
Blaine	1.99	Gosper	2.01
Boone	2.06	Grant	1.95
Box Butte	1.94	Greeley	2.05
Boyd	2.02	Hall	2.05
Brown	1.99	Hamilton	2.06
Buffalo	2.04	Harlan	2.01
Burt	2.10	Hayes	1.96
Butler	2.10	Hitchcock	1.97
Cass	2.10	Holt	2.03
Cedar	2.04	Hooker	1.97
Chase	1.95	Howard	2.05
Cherry	1.97	Jefferson	2.06
Cheyenne	1.91	Johnson	2.08
Clay	2.04	Kearney	2.02
Colfax	2.10	Keith	1.95
Cuming	2.09	Keya Paha	1.99
Custer	2.01	Kimball	1.90
Dakota	2.07	Knox	2.03
Dawes	1.91	Lancaster	2.10
Dawson	2.02	Lincoln	1.98
Deuel	1.93	Logan	1.99
Dixon	2.06	Loup	2.02
Dodge	2.10	McPherson	1.99
Douglas	2.10	Madison	2.06
Dundy	1.95	Merrick	2.06
Fillmore	2.06	Morrill	1.93
Franklin	2.02	Nance	2.07
Frontier	1.99	Nemaha	2.08

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Nuckolls	$2.04	Seward	$2.09
Otoe	2.10	Sheridan	1.93
Pawnee	2.07	Sherman	2.04
Perkins	1.95	Sioux	1.90
Phelps	2.02	Stanton	2.07
Pierce	2.06	Thayer	2.06
Platte	2.08	Thomas	1.99
Polk	2.08	Thurston	2.08
Red Willow	1.99	Valley	2.03
Richardson	2.07	Washington	2.10
Rock	2.00	Wayne	2.05
Saline	2.08	Webster	2.03
Sarpy	2.10	Wheeler	2.06
Saunders	2.10	York	2.07
Scotts Bluff	1.91		

NEW JERSEY

Bergen	$2.22	Middlesex	$2.22
Burlington	2.22	Monmouth	2.21
Camden	2.23	Morris	2.21
Cape May	2.19	Ocean	2.21
Cumberland	2.22	Passaic	2.20
Essex	2.22	Salem	2.23
Gloucester	2.23	Somerset	2.21
Hunterdon	2.20	Sussex	2.21
Mercer	2.22	Warren	2.19

NEW MEXICO

Bernalillo	$1.87	Mora	$1.87
Catron	1.78	Otero	1.90
Chaves	1.93	Quay	1.97
Colfax	1.86	Rio Arriba	1.71
Curry	1.97	Roosevelt	1.95
De Baca	1.92	Sandoval	1.87
Dona Ana	1.87	San Juan	1.50
Eddy	1.92	San Miguel	1.87
Grant	1.72	Santa Fe	1.84
Guadalupe	1.92	Sierra	1.87
Harding	1.90	Socorro	1.87
Hidalgo	1.85	Taos	1.78
Lea	1.96	Torrance	1.90
Lincoln	1.90	Union	1.91
Luna	1.85	Valencia	1.82
McKinley	1.72		

NEW YORK

Albany	$2.24	Oneida	$2.19
Allegany	2.16	Onondaga	2.17
Broome	2.17	Ontario	2.17
Cattaraugus	2.13	Orange	2.20
Cayuga	2.17	Orleans	2.16
Chautauqua	2.09	Oswego	2.17
Chemung	2.17	Otsego	2.19
Chenango	2.17	Putnam	2.20
Clinton	2.14	Rensselaer	2.23
Columbia	2.22	Rockland	2.19
Cortland	2.17	St. Lawrence	2.13
Delaware	2.18	Saratoga	2.22
Dutchess	2.20	Schenectady	2.23
Erie	2.15	Schoharie	2.21
Essex	2.17	Schuyler	2.17
Franklin	2.11	Seneca	2.17
Fulton	2.18	Steuben	2.17
Genessee	2.17	Suffolk	2.16
Greene	2.21	Sullivan	2.15
Herkimer	2.20	Tioga	2.17
Jefferson	2.14	Tompkins	2.17
Lewis	2.15	Ulster	2.20
Livingston	2.17	Warren	2.20
Madison	2.17	Washington	2.21
Monroe	2.17	Wayne	2.17
Montgomery	2.23	Westchester	2.21
Nassau	2.18	Wyoming	2.17
Niagara	2.17	Yates	2.17

NORTH CAROLINA

All counties	$2.16

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$1.96	Burke	$1.96
Barnes	2.10	Burleigh	2.01
Benson	2.02	Cass	2.12
Billings	1.95	Cavalier	2.04
Bottineau	1.97	Dickey	2.11
Bowman	1.95	Divide	1.94

NORTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Dunn	$1.95	Pembina	$2.08
Eddy	2.05	Pierce	2.01
Emmons	2.02	Ramsey	2.04
Foster	2.07	Ransom	2.11
Golden Valley	1.92	Renville	1.96
Grand Forks	2.11	Richland	2.16
Grant	1.96	Rolette	2.00
Griggs	2.09	Sargent	2.14
Hettinger	1.96	Sheridan	2.02
Kidder	2.04	Sioux	1.98
La Moure	2.08	Slope	1.92
Logan	2.05	Stark	1.96
McHenry	1.99	Steele	2.09
McIntosh	2.05	Stutsman	2.07
McKenzie	1.92	Towner	2.01
McLean	1.99	Traill	2.11
Mercer	1.97	Walsh	2.09
Morton	1.98	Ward	1.97
Mountrail	1.96	Wells	2.04
Nelson	2.07	Williams	1.95
Oliver	1.98		

OHIO

Adams	$2.01	Licking	$2.03
Allen	2.02	Logan	2.01
Ashland	2.04	Lorain	2.04
Ashtabula	2.07	Lucas	2.02
Athens	2.03	Madison	2.02
Auglaize	2.02	Mahoning	2.06
Belmont	2.04	Marion	2.03
Brown	2.01	Medina	2.04
Butler	2.01	Meigs	2.01
Carroll	2.04	Mercer	2.02
Champaign	2.01	Miami	2.02
Clark	2.01	Monroe	2.04
Clermont	2.01	Montgomery	2.01
Clinton	2.01	Morgan	2.04
Columbiana	2.05	Morrow	2.08
Coshocton	2.04	Muskingum	2.04
Crawford	2.03	Noble	2.04
Cuyahoga	2.04	Ottawa	2.03
Darke	2.04	Paulding	2.02
Defiance	2.01	Perry	2.03
Delaware	2.03	Pickaway	2.02
Erie	2.03	Pike	2.01
Fairfield	2.03	Portage	2.04
Fayette	2.01	Preble	2.01
Franklin	2.03	Putnam	2.02
Fulton	2.01	Richland	2.04
Gallia	2.01	Ross	2.02
Geauga	2.07	Sandusky	2.03
Greene	2.01	Scioto	2.01
Guernsey	2.04	Seneca	2.03
Hamilton	2.01	Shelby	2.02
Hancock	2.03	Stark	2.04
Hardin	2.03	Summit	2.04
Harrison	2.04	Trumbull	2.07
Henry	2.01	Tuscarawas	2.04
Highland	2.01	Union	2.03
Hocking	2.03	Van Wert	2.02
Holmes	2.04	Vinton	2.03
Huron	2.02	Warren	2.01
Jackson	2.01	Washington	2.04
Jefferson	2.05	Wayne	2.04
Knox	2.03	Williams	2.02
Lake	2.05	Wood	2.03
Lawrence	2.01	Wyandot	2.03

OKLAHOMA

Adair	$1.99	Creek	$1.99
Alfalfa	1.99	Custer	1.99
Atoka	1.99	Delaware	2.04
Beaver	1.96	Dewey	1.98
Beckham	1.99	Ellis	1.97
Blaine	1.99	Garfield	1.99
Bryan	1.99	Garvin	1.99
Caddo	1.99	Grady	1.99
Canadian	1.99	Grant	1.99
Carter	1.99	Greer	1.99
Cherokee	2.01	Harmon	1.99
Choctaw	1.99	Harper	1.95
Cimarron	1.94	Haskell	1.99
Cleveland	1.99	Hughes	1.99
Coal	1.99	Jackson	1.99
Comanche	1.99	Jefferson	1.99
Cotton	1.99	Johnston	1.99
Craig	2.05	Kay	2.00

OKLAHOMA—Continued

County	Rate per bushel	County	Rate per bushel
Kingfisher	$1.99	Ottawa	$2.05
Kiowa	1.99	Pawnee	1.99
Latimer	1.99	Payne	1.99
Le Flore	1.99	Pittsburg	1.99
Lincoln	1.99	Pontotoc	1.99
Logan	1.99	Pottawatomie	1.99
Love	1.99	Pushmataha	1.99
McClain	1.99	Roger Mills	1.98
McCurtain	1.99	Rogers	2.03
McIntosh	1.99	Seminole	1.99
Major	1.99	Sequoyah	1.99
Marshall	1.99	Stephens	1.99
Mayes	2.03	Texas	1.96
Murray	1.99	Tillman	1.99
Muskogee	1.99	Tulsa	2.02
Noble	1.99	Wagoner	2.02
Nowata	2.05	Washington	2.05
Okfuskee	1.99	Washita	1.99
Oklahoma	1.99	Woods	1.98
Okmulgee	1.99	Woodward	1.97
Osage	2.01		

OREGON

Baker	$1.94	Lake	$1.99
Benton	1.98	Lane	1.95
Clackamas	2.02	Lincoln	1.92
Clatsop	1.98	Linn	1.98
Columbia	2.00	Malheur	1.89
Coos	1.88	Marion	2.01
Crook	2.01	Morrow	2.02
Curry	1.86	Multnomah	2.05
Deschutes	2.01	Polk	2.00
Douglas	1.90	Sherman	2.04
Gilliam	2.03	Tillamook	2.04
Grant	2.01	Umatilla	2.01
Harney	1.86	Union	1.96
Hood River	2.03	Wallowa	1.93
Jackson	1.86	Wasco	2.07
Jefferson	2.04	Washington	2.04
Josephine	1.83	Wheeler	2.01
Klamath	2.00	Yamhill	2.02

PENNSYLVANIA

Adams	$2.20	Lackawanna	$2.16
Allegheny	2.08	Lancaster	2.20
Armstrong	2.10	Lawrence	2.08
Beaver	2.08	Lebanon	2.18
Bedford	2.13	Lehigh	2.20
Berks	2.20	Luzerne	2.16
Blair	2.12	Lycoming	2.14
Bradford	2.16	McKean	2.12
Bucks	2.22	Mercer	2.07
Butler	2.09	Mifflin	2.15
Cambria	2.11	Monroe	2.18
Carbon	2.18	Montgomery	2.22
Centre	2.13	Montour	2.15
Chester	2.21	Northampton	2.20
Clarion	2.09	Northumberland	2.15
Clearfield	2.11	Perry	2.17
Clinton	2.13	Pike	2.14
Columbia	2.17	Potter	2.11
Crawford	2.07	Schuylkill	2.17
Cumberland	2.18	Snyder	2.15
Dauphin	2.17	Somerset	2.12
Delaware	2.22	Sullivan	2.17
Elk	2.12	Susquehanna	2.16
Erie	2.07	Tioga	2.16
Fayette	2.11	Union	2.15
Forest	2.08	Venango	2.07
Franklin	2.18	Warren	2.07
Fulton	2.16	Washington	2.08
Greene	2.09	Wayne	2.15
Huntingdon	2.14	Westmoreland	2.10
Indiana	2.11	Wyoming	2.17
Jefferson	2.11	York	2.20
Juniata	2.15		

SOUTH CAROLINA

All counties	$2.14

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$2.01	Brookings	$2.09
Beadle	2.07	Brown	2.10
Bennett	1.95	Brule	1.99
Bon Homme	2.03	Buffalo	1.99

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Butte	$1.90	Lake	$2.08
Campbell	2.04	Lawrence	1.90
Charles Mix	2.01	Lincoln	2.07
Clark	2.11	Lyman	1.97
Clay	2.07	McCook	2.07
Codington	2.12	McPherson	2.05
Corson	1.98	Marshall	2.13
Custer	1.90	Meade	1.93
Davison	2.05	Mellette	1.98
Day	2.12	Miner	2.07
Deuel	2.11	Minnehaha	2.08
Dewey	1.97	Moody	2.09
Douglas	2.02	Pennington	1.93
Edmunds	2.06	Perkins	1.96
Fall River	1.89	Potter	2.01
Faulk	2.04	Roberts	2.15
Grant	2.15	Sanborn	2.06
Gregory	2.01	Shannon	1.93
Haakon	1.96	Spink	2.08
Hamlin	2.10	Stanley	2.02
Hand	2.05	Sully	2.00
Hanson	2.06	Todd	1.98
Harding	1.95	Tripp	1.99
Hughes	2.02	Turner	2.07
Hutchinson	2.03	Union	2.07
Hyde	2.03	Walworth	2.02
Jackson	1.95	Washabaugh	1.95
Jerauld	2.06	Yankton	2.05
Jones	1.95	Ziebach	1.95
Kingsbury	2.09		

TENNESSEE

Anderson	$2.14	Lauderdale	$2.06
Bedford	2.11	Lawrence	2.10
Benton	2.08	Lewis	2.10
Bledsoe	2.12	Lincoln	2.12
Blount	2.15	Loudon	2.14
Bradley	2.14	McMinn	2.14
Campbell	2.14	McNairy	2.07
Cannon	2.10	Macon	2.09
Carroll	2.07	Madison	2.06
Carter	2.17	Marion	2.12
Cheatham	2.09	Marshall	2.11
Chester	2.07	Maury	2.10
Claiborne	2.16	Meigs	2.13
Clay	2.10	Monroe	2.15
Cocke	2.15	Montgomery	2.08
Coffey	2.11	Moore	2.11
Crockett	2.06	Morgan	2.13
Cumberland	2.12	Obion	2.06
Davidson	2.09	Overton	2.11
Decatur	2.08	Perry	2.09
DeKalb	2.10	Pickett	2.11
Dickson	2.09	Polk	2.15
Dyer	2.06	Putnam	2.11
Fayette	2.06	Rhea	2.13
Fentress	2.12	Roane	2.13
Franklin	2.12	Robertson	2.08
Gibson	2.06	Rutherford	2.10
Giles	2.11	Scott	2.13
Grainger	2.15	Sequatchie	2.12
Greene	2.16	Sevier	2.15
Grundy	2.11	Shelby	2.06
Hamblen	2.16	Smith	2.10
Hamilton	2.13	Stewart	2.08
Hancock	2.17	Sullivan	2.18
Hardeman	2.07	Sumner	2.08
Hardin	2.08	Tipton	2.06
Hawkins	2.18	Trousdale	2.09
Haywood	2.06	Unicoi	2.16
Henderson	2.08	Union	2.15
Henry	2.07	Van Buren	2.11
Hickman	2.09	Warren	2.11
Houston	2.08	Washington	2.17
Humphreys	2.08	Wayne	2.09
Jackson	2.10	Weakley	2.06
Jefferson	2.15	White	2.11
Johnson	2.17	Williamson	2.10
Knox	2.15	Wilson	2.09
Lake	2.06		

TEXAS

Andrews	$1.98	Bandera	$2.08
Archer	1.99	Bastrop	2.12
Armstrong	1.99	Baylor	1.99
Atascosa	2.10	Bee	2.10
Bailey	1.99	Bell	2.12

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Bexar	$2.12	Karnes	$2.10
Blanco	2.11	Kaufman	2.09
Borden	1.99	Kendall	2.08
Bosque	2.10	Kent	1.99
Bowie	2.03	Kerr	2.07
Briscoe	1.99	Kimble	2.06
Brown	2.08	King	1.99
Burleson	2.15	Kinney	2.00
Burnet	2.08	Knox	1.99
Caldwell	2.12	Lamar	2.03
Calhoun	2.12	Lamb	1.99
Callahan	1.99	Lampasas	2.08
Carson	1.99	Limestone	2.12
Castro	1.99	Lipscomb	1.97
Chambers	2.18	Live Oak	2.10
Cherokee	2.18	Llano	2.08
Childress	1.99	Loving	1.92
Clay	2.01	Lubbock	1.99
Cochran	1.99	Lynn	1.99
Coke	1.99	McCulloch	2.07
Coleman	2.05	McLennan	2.12
Collin	2.08	Martin	1.98
Collingsworth	1.99	Mason	2.08
Comal	2.12	Maverick	1.97
Comanche	2.02	Medina	2.10
Concho	2.05	Menard	2.05
Cooke	2.03	Midland	1.97
Coryell	2.08	Milam	2.14
Cottle	1.99	Mills	2.08
Crosby	1.99	Mitchell	1.99
Culberson	1.91	Montague	2.03
Dallam	1.96	Moore	1.97
Dallas	2.08	Motley	1.99
Dawson	1.99	Navarro	2.11
Deaf Smith	1.99	Nolan	1.99
Delta	2.06	Ochiltree	1.97
Denton	2.08	Oldham	1.99
DeWitt	2.12	Palo Pinto	2.03
Dickens	1.99	Parker	2.06
Dimmit	2.01	Parmer	1.99
Donley	1.99	Pecos	1.91
Eastland	2.00	Potter	1.99
Edwards	1.99	Presidio	1.89
Ellis	2.10	Randall	1.99
El Paso	1.89	Real	2.05
Erath	2.04	Reeves	1.92
Falls	2.12	Refugio	2.10
Fannin	2.03	Roberts	1.97
Fisher	1.99	Robertson	2.12
Floyd	1.99	Rockwall	2.08
Foard	1.99	Runnels	2.03
Gaines	1.99	San Saba	2.06
Galveston	2.29	Schleicher	1.97
Garza	1.99	Scurry	1.99
Gillespie	2.07	Shackelford	1.99
Glasscock	1.99	Sherman	1.96
Goliad	2.12	Somervell	2.08
Gray	1.98	Stephens	2.03
Grayson	2.03	Sterling	1.99
Guadalupe	2.12	Stonewall	1.99
Hale	1.99	Sutton	1.95
Hall	1.99	Swisher	1.99
Hamilton	2.04	Tarrant	2.09
Hansford	1.96	Taylor	2.01
Hardeman	1.99	Terry	1.99
Harris	2.28	Throckmorton	2.01
Hartley	1.97	Tom Green	1.99
Haskell	1.99	Travis	2.12
Hays	2.12	Uvalde	2.05
Hemphill	1.97	Van Zandt	2.08
Hill	2.11	Victoria	2.12
Hockley	1.99	Waller	2.25
Hood	2.07	Ward	1.94
Howard	1.99	Wharton	2.23
Hudspeth	1.90	Wheeler	1.98
Hunt	2.07	Wichita	1.99
Hutchinson	1.97	Wilbarger	1.99
Irion	1.96	Williamson	2.12
Jack	2.03	Wilson	2.10
Jackson	2.15	Wise	2.05
Jeff Davis	1.90	Yoakum	1.99
Johnson	2.10	Young	2.03
Jones	1.99	Zavala	2.01

UTAH

County	Rate per bushel	County	Rate per bushel
Beaver	$1.88	Cache	$1.87
Box Elder	1.87	Carbon	1.75
Daggett	$1.75	Salt Lake	$1.88
Davis	1.88	San Juan	1.75
Duchesne	1.76	Sanpete	1.69
Emery	1.75	Sevier	1.64
Garfield	1.63	Summit	1.88
Grand	1.75	Tooele	1.88
Iron	1.87	Uintah	1.73
Juab	1.88	Utah	1.88
Kane	1.63	Wasatch	1.76
Millard	1.84	Washington	1.87
Morgan	1.88	Wayne	1.66
Piute	1.63	Weber	1.88
Rich	1.74		

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomac	$2.17	Lee	$2.15
Albemarle	2.16	Loudoun	2.16
Alleghany	2.14	Louisa	2.16
Amelia	2.17	Lunenburg	2.17
Amherst	2.16	Madison	2.16
Appomattox	2.17	Mathews	2.17
Arlington	2.16	Mecklenburg	2.16
Augusta	2.16	Middlesex	2.17
Bath	2.14	Montgomery	2.14
Bedford	2.16	Nansemond	2.16
Bland	2.14	Nelson	2.16
Botetourt	2.15	New Kent	2.17
Brunswick	2.16	Norfolk	2.16
Buchanan	2.14	Northampton	2.17
Buckingham	2.17	Northumberland	2.17
Campbell	2.16	Nottaway	2.17
Caroline	2.17	Orange	2.16
Carroll	2.15	Page	2.16
Charles City	2.17	Patrick	2.15
Charlotte	2.17	Pittsylvania	2.16
Chesterfield	2.17	Powhatan	2.17
Clarke	2.16	Prince Edward	2.17
Craig	2.14	Prince George	2.17
Culpeper	2.16	Prince William	2.16
Cumberland	2.17	Princess Anne	2.16
Dickenson	2.14	Pulaski	2.15
Dinwiddie	2.17	Rappahannock	2.16
Elizabeth City	2.17	Richmond	2.17
Essex	2.17	Roanoke	2.15
Fairfax	2.16	Rockbridge	2.16
Fauquier	2.16	Rockingham	2.16
Floyd	2.15	Russell	2.15
Fluvanna	2.16	Scott	2.15
Franklin	2.15	Shenandoah	2.16
Frederick	2.16	Smyth	2.15
Giles	2.14	Southampton	2.16
Gloucester	2.17	Spotsylvania	2.17
Goochland	2.17	Stafford	2.17
Grayson	2.15	Surry	2.16
Greene	2.16	Sussex	2.16
Greensville	2.16	Tazewell	2.14
Halifax	2.16	Warren	2.16
Hanover	2.17	Warwick	2.17
Henrico	2.17	Washington	2.15
Henry	2.15	Westmoreland	2.17
Highland	2.14	Wise	2.15
Isle of Wight	2.16	Wythe	2.15
James City	2.17	York	2.17
King and Queen	2.17		
King George	2.17		
King William	2.17		
Lancaster	2.17		

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$1.99	Kitsap	$1.95
Asotin	1.95	Kittitas	2.05
Benton	2.02	Klickitat	2.03
Chelan	2.00	Lewis	1.98
Clallam	1.89	Lincoln	1.98
Clark	2.04	Mason	1.97
Columbia	2.00	Okanogon	1.98
Cowlitz	2.02	Pacific	1.97
Douglas	1.99	Pend Oreille	1.83
Ferry	1.77	Pierce	2.03
Franklin	2.01	San Juan	2.00
Garfield	1.98	Skagit	2.00
Grant	2.00	Skamania	2.03
Grays Harbor	1.97	Snohomish	2.01
Island	2.00	Spokane	1.95
Jefferson	1.91	Stevens	1.91
King	2.04	Thurston	1.99

WASHINGTON—Continued

County	Rate per bushel	County	Rate per bushel
Wahkiakum	$2.02	Whitman	$1.96
Walla Walla	2.01	Yakima	2.01
Whatcom	1.99		

WEST VIRGINIA

County	Rate per bushel	County	Rate per bushel
Barbour	$2.11	Mineral	$2.13
Berkeley	2.15	Mingo	2.10
Boone	2.10	Monongalia	2.09
Braxton	2.10	Monroe	2.13
Brooke	2.08	Morgan	2.14
Cabell	2.08	Nicholas	2.12
Calhoun	2.09	Ohio	2.08
Clay	2.10	Pendleton	2.14
Doddridge	2.08	Pleasants	2.07
Fayette	2.12	Pocahontas	2.14
Gilmer	2.09	Preston	2.11
Grant	2.13	Putnam	2.08
Greenbrier	2.14	Raleigh	2.11
Hampshire	2.14	Randolph	2.13
Hancock	2.08	Ritchie	2.08
Hardy	2.14	Roane	2.08
Harrison	2.10	Summers	2.14
Jackson	2.07	Taylor	2.11
Jefferson	2.16	Tucker	2.13
Kanawha	2.09	Tyler	2.07
Lewis	2.10	Upshur	2.11
Lincoln	2.09	Wayne	2.09
Logan	2.10	Webster	2.12
McDowell	2.12	Wetzel	2.08
Marion	2.09	Wirt	2.08
Marshall	2.08	Wood	2.07
Mason	2.08	Wyoming	2.11
Mercer	2.13		

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$2.07	Marathon	$2.09
Ashland	2.14	Marinette	2.01
Barron	2.13	Marquette	2.06
Bayfield	2.14	Milwaukee	2.11
Brown	2.02	Monroe	2.09
Buffalo	2.13	Oconto	2.00
Burnett	2.24	Oneida	2.04
Calumet	2.03	Outagamie	2.02
Chippewa	2.12	Ozaukee	2.06
Clark	2.09	Pepin	2.15
Columbia	2.05	Pierce	2.16
Crawford	2.08	Polk	2.16
Dane	2.05	Portage	2.07
Dodge	2.04	Price	2.10
Door	1.98	Racine	2.11
Douglas	2.19	Richland	2.04
Dunn	2.14	Rock	2.06
Eau Claire	2.13	Rusk	2.12
Florence	2.03	St. Croix	2.16
Fond du Lac	2.04	Sauk	2.05
Forest	2.07	Sawyer	2.13
Grant	2.03	Shawano	2.04
Green	2.05	Sheboygan	2.04
Green Lake	2.02	Taylor	2.10
Iowa	2.01	Trempeleau	2.11
Iron	2.10	Vernon	2.09
Jackson	2.11	Vilas	2.04
Jefferson	2.06	Walworth	2.07
Juneau	2.08	Washburn	2.14
Kenosha	2.11	Washington	2.05
Kewaunee	1.99	Waukesha	2.06
La Crosse	2.10	Waupaca	2.05
La Fayette	2.02	Waushara	2.05
Langlade	2.04	Winnebago	2.03
Lincoln	2.04	Wood	2.09
Manitowoc	2.03		

WYOMING

County	Rate per bushel	County	Rate per bushel
Albany	$1.84	Natrona	$1.76
Big Horn	1.73	Niobrara	1.86
Campbell	1.81	Park	1.73
Carbon	1.78	Platte	1.90
Converse	1.82	Sheridan	1.79
Crook	1.83	Sublette	1.74
Fremont	1.73	Sweetwater	1.75
Goshen	1.90	Teton	1.78
Hot Springs	1.73	Uinta	1.75
Johnson	1.79	Washakie	1.78
Laramie	1.90	Weston	1.85
Lincoln	1.72		

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 15, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-8401; Filed, Aug. 20, 1962; 8:58 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Khapra Beetle

ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN PREMISES AS REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestation of the khapra beetle has been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76–2a Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.

Infestation of the khapra beetle has been determined to exist in the premises listed below. Accordingly, such premises are herby designated as regulated areas within the meaning of the provisions in this subpart:

ARIZONA

C. Areboyo, chicken coop, located ¼ mile north of Farmers Investment Co. labor camp office, Sahuarita, P.O. Box 143, Sahuarita.

Santos Castellana, chicken coop, located ¼ mile north of Farmers Investment Co., cotton gin, Sahuarita, P.O. Box 179, Sahuarita.

Benjamin Castillo residence, located ½ mile north and ½ mile east of Farmers Investment Co. office, Sahuarita, P.O. Box 44, Sahuarita.

Farmers Investment Co., Baca Float Ranch, located on the east side of Highway 89, 3 miles south of Tumacacori, in Santa Cruz Co., P.O. Box 7, Sahuarita.

Farmers Investment Co., Continental Feed Lot, located 1 mile north of Continental, east side of Highway 89, Box 374, Nogales Star Route, Continental.

Farmers Investment Co., feed lot, located ½ mile east and ¾ mile north of Sahuarita, P.O. Box 7, Sahuarita.

Farmers Investment Company Grain Storage, located on the east side of Nogales Highway 89, 20 miles south of Tucson, P.O. Box 7, Sahuarita.

Farmers Investment Co., machine shop, located ¼ mile south of Continental store, P.O. Box 347, Continental.

Farmers Investment Co., Oro Verde Ranch, located ¼ mile east of Highway 89, 14 miles south of Tucson, P.O. Box 7, Sahuarita.

Gomicindo Gomez, chicken coop, located ½ mile south of Producers Gin, Sahuarita, P.O. Box 114, Sahuarita.

Joe Lopez, chicken coop, located ½ mile west and ¼ mile north of Sahuarita, 238 East Aviation Drive, Tucson.

Juan Lopez residence, located east of Farmers Investment Co., cotton gin, Sahuarita, P.O. Box 171, Sahuarita.

Producers Cotton Oil Co., cotton gin, located on the east side of Highway 89, Sahuarita.

L. W. Simmons Farm, located on the west side of Highway 77, 3 miles south of Winkleman, P.O. Box 914, Coolidge.

Edward Soliz Residence, 2511 East Maryland Drive, Tempe.

State Chemical Co., 4158 East Grant Road, Tucson.

Charles A. Whitlow Ranch, located 11 miles east of Florence, 3½ miles north of Florence-Kelvin Highway, P.O. Box 13, Florence.

(Sec. 9, 37 Stat. 316; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76–2)

These administrative instructions shall become effective August 21, 1962, when they shall supersede P.P.C. 612, effective May 1, 1962 (27 F.R. 4147).

These administrative instructions designate certain premises in Arizona, in which khapra beetle infestation has been determined to exist, as regulated areas under the khapra beetle quarantine and regulations. They also have the effect of revoking the designation as regulated areas of certain premises in Arizona, since it has been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises.

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of August 1962.

[SEAL] D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 62-8400; Filed, Aug. 20, 1962; 8:58 a.m.]

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

AMENDMENT OF LIST OF PLANTS PROHIBITED ENTRY

Pursuant to the authority conferred by sections 7 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 160, 162), § 319.37(b) of the quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37 (b)), is amended by inserting "Republic of South Africa" in the tabular column titled "Foreign country or countries from which prohibited" in the item relating to "Rosa spp.", so that the amended item reads: "Australia, Italy, New Zealand, and Republic of South Africa."

(Secs. 7 and 9, 37 Stat. 317, 318, as amended; 7 U.S.C. 160, 162)

The foregoing amendment shall become effective August 21, 1962.

A paper by M. A. Meyers entitled "Virus diseases of roses in South Africa" appearing in the South African Journal of Agricultural Science 3(3):467–471, 1960, reports the presence of rose wilt virus at Pretoria, Republic of South Africa. Plants of Rosa spp. are now prohibited importation into the United States from Australia, Italy, and New Zealand because of the occurrence of rose wilt virus in these three countries. The foregoing amendment imposes a similar prohibition on plants of this genus from the Republic of South Africa.

The amendment should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of August 1962.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-8380; Filed, Aug. 20, 1962; 8:56 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 981—HANDLING OF ALMONDS GROWN IN CALIFORNIA

Administrative Rules and Regulations

Notice was published in the FEDERAL REGISTER on July 14, 1962 (27 F.R. 6717), that there was under consideration a proposal to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations), pertaining to operations under the amended

marketing agreement and order (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674).

The notice afforded interested persons 15 days for filing written data, views, or arguments pertaining to the proposal. A communication was received from three handlers requesting a slight modification of the proposal. After consideration of all relevant matters presented, including those in the communication and notice, it is hereby found that amending the administrative rules and regulations as herein set forth will tend to effectuate the declared policy of the act.

Therefore, Subpart—Administrative Rules and Regulations (§§ 981.450–981.481), is amended as follows:

(a) Amend the introductory text of § 981.450(a) to read as follows:

(a) *Exemption from program obligations.* Any handler who, pursuant to § 981.50, intends to dispose of almonds, other than those withheld to meet a surplus obligation, for export to eligible surplus destinations, for crushing into oil, or for producing animal feed or products in other outlets which the Board finds are noncompetitive with existing normal markets for almonds, may have the kernel weight of such almonds excluded from such handler's receipts and exempted from program obligations to the extent provided in this part if the almonds are so disposed of no later than 30 days after the close of the current crop year, and he complies with the following measures to assure accountability to the Board:

(b) Amend § 981.450(a)(2) by eliminating the period at the end of the paragraph and adding the following: "• • • except that in the case of exports, an agreement that such almonds will not be sold within or reimported into the United States, will be obtained from the purchaser."

(c) Amend § 981.450 (a)(3) to read as follows:

(3) Ships directly to the location where disposition is to take place, or in the case of export ships directly to the purchaser, and upon domestic shipment or export, the handler shall submit to the Board a copy of the sales invoice, bill of lading, or such other instruments acceptable to the Board as shall verify the shipment or export.

(d) Amend § 981.450(a)(4) to read as follows:

(4) Upon completion of disposition, other than by export, the handler shall submit to the Board ACB Form 8 wherein the user of almonds certifies to the Board and the Secretary that the almonds have been crushed, fed, or so comingled with other feed products or otherwise processed that they have lost their identity as almonds.

Dated August 15, 1962, to be effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–8378; Filed, Aug. 20, 1962; 8:56 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–NY–42]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On July 28, 1962, there was published in the FEDERAL REGISTER (27 F.R. 7429) amendments to §§ 600.6072, 601.6072, 600.663, and 601.663 of the regulations of the Administrator. The amendment to § 600.6072 designated a segment of low altitude VOR Federal airway No. 72 from Concord, N.H., to Laconia, N.H. The terminus of Victor 72 over Laconia was defined as the intersection of the Concord VOR 011° and the Lebanon, N.H., VOR 103° radials. This amendment is to become effective September 20, 1962.

Subsequent to the publication of the rule, it has been determined that the intersection should have been based on the Concord VOR 011° and the Kennebunk, Maine, VORTAC 281° radials. By utilizing the Kennebunk VORTAC radial in lieu of the Lebanon VOR radial, a minimum en route altitude of 4,000 feet MSL may be utilized. The Lebanon radial permits only a 6,000 feet MSL minimum en route altitude.

Since this action imposes no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 61–NY–42 is changed as follows:

In item 1(b) "the Lebanon, N.H., VOR 103° radials." is deleted and "the Kennebunk, Maine, VORTAC 281° radials." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 14, 1962.

W. THOMAS DEASON,
Assistant Chief, Airspace Utilization Division.

[F.R. Doc. 62–8335; Filed, Aug. 20, 1962; 8:45 a.m.]

[Airspace Docket No. 62–EA–26]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Designation of Federal Airway and Associated Control Areas

On July 4, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 6336) stating that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 469 and its associated control areas between Danville, Va., and Lynchburg, Va.

The Air Transport Association of America concurred in the proposed action and no other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter received.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In Part 600 (14 CFR Part 600) the following is added:

§ 600.6469 VOR Federal airway No. 469 (Danville, Va., to Lynchburg, Va.).

From the Danville, Va., VOR to the Lynchburg, Va., VORTAC.

2. In Part 601 (14 CFR Part 601) the following is added:

§ 601.6469 VOR Federal airway No. 469 Control areas (Danville, Va., to Lynchburg, Va.).

All of VOR Federal airway No. 469.

These amendments shall become effective 0001 e.s.t., October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 14, 1962.

W. THOMAS DEASON,
Assistant Chief, Airspace Utilization Division.

[F.R. Doc. 62–8338; Filed, Aug. 20, 1962; 8:46 a.m.]

[Airspace Docket No. 62–EA–55]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas

On July 26, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 7127) stating that the Federal Aviation Agency was considering the extension low altitude VOR Federal airway No. 143 and its associated control areas from the Montebello, Va., VOR to the Casanova, Va., VORTAC; the designation of a north alternate to low altitude VOR Federal airway No. 156 and its associated control areas between the Elkins, W. Va., VORTAC and the Gordonsville, Va., VORTAC via the Kessel, W. Va., VOR; and the extension of low altitude VOR Federal airway No. 251 and its associated control areas from the Front Royal, Va., VOR to the Montebello, Va., VOR.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6143 (14 CFR 600.6143) is amended as follows:

(a) In the caption "to Montebello, Va.)." is deleted and "to Casanova, Va.)." is substituted therefor.

(b) In the text "to the Montebello, Va., VOR." is deleted and "Montebello, Va., VOR; INT of the Montebello VOR 031° and the Casanova, Va., VORTAC 267° radials; to the Casanova VORTAC." is substituted therefor.

2. In the text of § 600.6156 (14 CFR 600.6156, 27 F.R. 1596) "From the Elkins, W. Va., VORTAC via the Gordonsville, Va., VORTAC;" is deleted and "From the Elkins, W. Va., VORTAC via the Gordonsville, Va., VORTAC; including a north alternate from the Elkins VORTAC to the Gordonsville VORTAC via the Kessel, W. Va., VOR;" is substituted therefor.

3. Section 600.6251 (14 CFR 600.6251) is amended as follows:

(a) In the caption "(Front Royal, Va.," is deleted and "(Montebello, Va.," is substituted therefor.

(b) In the text "From the Front Royal, Va., VOR via the" is deleted and "From the Montebello, Va., VOR via the Front Royal, Va., VOR;" is substituted therefor.

4. In the caption of § 601.6143 (14 CFR 601.6143) "to Montebello, Va.)." is deleted and "to Casanova, Va.)." is substituted therefor.

5. In the text of § 601.6156 (14 CFR 601.6156) "No. 156." is deleted and "No. 156, including a N alternate, but excluding the airspace between the main airway and the N alternate." is substituted therefor.

6. In the caption of § 601.6251 (14 CFR 601.6251) "(Front Royal, Va.," is deleted and "(Montebello, Va.," is substituted therefor.

These amendments shall become effective 0001 e.s.t. September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 14, 1962.

W. THOMAS DEASON,
Assistant Chief, Airspace Utilization Division.

[F.R. Doc. 62–8339; Filed, Aug. 20, 1962; 8:46 a.m.]

[Airspace Docket No. 62–SO–36]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On June 16, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5747) stating that the Federal Aviation Agency proposed to alter the Greenville, S.C., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice § 601.2145 (14 CFR 601.2145) is amended to read:

§ 601.2145 Greenville, S.C., control zone.

Within a 5-mile radius of the Greenville Airport (latitude 34°50'50" N., longitude 82°21'05" W.); within a 5-mile radius of the Donaldson AFB (latitude 34°45'00" N., longitude 82°22'00" W.), Greenville, S.C.; within a 5-mile radius of the Piedmont Airport (latitude 34°53'48" N., longitude 82°13'04" W.), Greenville, S.C.; within 2 miles either side of the 219° bearing from the Greenville ILS OM extending from the Donaldson AFB 5-mile radius zone to 12 miles SW of the Greenville ILS OM; and within 2 miles either side of the Piedmont ILS localizer SW course extending from the Piedmont Airport 5-mile radius zone to the Piedmont ILS OM.

This amendment shall become effective 0001 e.s.t., October 15, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 14, 1962.

W. THOMAS DEASON,
Assistant Chief, Airspace Utilization Division.

[F.R. Doc. 62–8336; Filed, Aug. 20, 1962; 8:45 a.m.]

[Airspace Docket No. 62–WA–93]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to §§ 601.2156 and 601.1230 of the regulations of the Administrator is to alter the Miami, Fla. (International Airport), control zone and control area extension.

The Miami control zone (§ 601.2156) and the Miami control area extension (§ 601.1230) are designated, in part, with reference to the Miami ILS serving runway 9–R. This facility is being relocated to serve runway 27–L and a new ILS to serve runway 9–L has been commissioned. Therefore, action is taken herein to alter the descriptions of the Miami International Airport control zone and the Miami control area extension with reference to these ILS facilities. This results in a reduction in length of the present east and west control zone extensions, and shifts slightly northward the remaining portion of the west extension. Requirements for this area will be reviewed at a later date under the CAR Amendments 60–21/60–29 implementation program.

Since the changes effected by these amendments are minor in nature, and impose no additional burden on any person, notice and public procedure hereon are unnecessary, and they may be made effective September 20, 1962.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

§ 601.1230 [Amendment]

1. In the text of § 601.1230 (14 CFR 601.1230) "the Miami ILS outer marker compass locator" is deleted and "the Miami runway 9–L ILS OM" is substituted therefor.

2. Section 601.2156 (14 CFR 601.2156) is amended to read:

§ 601.2156 Miami, Fla. (International Airport), control zone.

Within a 5-mile radius of the Miami International Airport (latitude 25°47'-35" N., longitude 80°17'10" W.); within 2 miles either side of the Miami runway 9–L ILS localizer W course extending from the 5-mile radius zone to the runway 9–L ILS OM; within 2 miles either side of the Miami runway 27–L ILS localizer E course extending from the 5-mile radius zone to the runway 27–L ILS OM; and within 2 miles either side of the Miami VORTAC 138° radial extending from the 5-mile radius zone to the VORTAC.

These amendments shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 14, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-8337; Filed, Aug. 20, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8457 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Dormeyer Corp. and North Advertising Inc.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages or connections:* § 13.15-5 *Advertising and promotional services.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Dormeyer Corporation et al., Chicago, Ill., Docket 8457, May 8, 1962]

In the Matter of Dormeyer Corporation, a Corporation, and North Advertising Incorporated, a Corporation

Consent order requiring a Chicago manufacturer of household electrical appliances and its advertising agency to cease representing falsely, in trade journals of national circulation, that Dormeyer products had been featured as gifts or shown on each of 12 "giveaway" shows named, and that arrangements had been made to continue such featuring and for respondent manufacturer to sponsor the shows.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Dormeyer Corporation, a corporation, its successors and assigns, and respondent North Advertising Incorporated, a corporation, and their officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of household electrical appliances, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from:

1. Representing that such household electrical appliances or any other products have been exhibited, featured, or advertised to any extent, or in any manner, which is contrary to the fact.

2. Representing that any such electrical household applicances or any other products will be advertised or promoted to any extent or in any specified manner and then failing to advertise or promote such products to the extent or in the manner represented.

3. Falsely representing that contracts have been entered into or arrangements or committments made for the sponsorship of any radio or television show or program, or whereby any such electrical household appliances or any other products will be exhibited, featured or advertised on any radio or television show or program or in any other specified manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 8, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8352; Filed, Aug. 20, 1962; 8:48 a.m.]

[Docket 6495 o.]

PART 13—PROHIBITED TRADE PRACTICES

Foremost Dairies, Inc.

Subpart—Acquiring stock or assets of competitor: § 13.5 *Acquiring stock or assets of competitor.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Divestiture order, Foremost Dairies, Inc., Jacksonville, Fla., Docket 6495, Apr. 30, 1962]

Order requiring the fourth largest dairy firm in the country to sell ten industry concerns it acquired in 1952, 1953, and 1955, which acquisitions might substantially lessen competition or tend to create a monopoly, in violation of section 7 of the Clayton Act.

The order requiring divestiture, together with compliance provisions, is as follows:

It is ordered, That respondent, Foremost Dairies, Inc., a corporation, and its officers, directors, agents, representatives and employees, shall, within twelve months from the date of service upon it of this order, divest itself absolutely, in good faith, of all stock, assets, properties, rights and privileges, tangible or intangible, including, but not limited to, all contract rights, plants, machinery, equipment, trade names, trademarks, and good will acquired by Foremost Dairies, Inc., as a result of the acquisition of the stock, share capital, or assets of each of the following named corporations: Banner Dairies, Inc., Abilene, Texas; Phenix Dairy, Houston, Texas; Tennessee Dairies, Inc., Dallas, Texas; Southern Maid, Inc., Bristol, Virginia; The Welch Milk Company, Welch, West Virginia; Crescent Creamery Co., Sioux Falls, South Dakota; Moanalua Dairy, Ltd., and Rico Ice Cream Company, Ltd., Honolulu, Hawaii; Golden State Company, Ltd., San Francisco, California; and Philadelphia Dairy Products, Inc., Philadelphia, Pennsylvania, together with all plants, machinery, buildings, improvements, equipment, and other property of whatever description that has been added to or placed on the premises of each of the former above-named corporations by respondent, as may be necessary to restore each of them as a going concern and to establish each of them as an effective competitor in substantially all the same basic lines of commerce in which each of the respective acquired corporations was engaged at the time of its acquisition.

Pending divestiture, Foremost shall not make any changes in any of the above-mentioned plants, machinery, buildings, equipment, or other property of whatever description, which shall impair their present rated capacity for the production of their respective dairy products, or their market value, unless said capacity or value is restored prior to divestiture.

Respondent in such divestiture shall not sell or transfer, directly or indirectly, any of the stock, assets, properties, rights, or privileges, tangible or intangible, acquired, added modified or placed on the premises of any of the above-named concerns by respondent, to anyone who, at the time of divestiture, is a stockholder of respondent, or to anyone who is or, at the time of acquisition, was an officer, director, representative, employee, or agent of, or otherwise, directly or indirectly, connected with, or under the control or influence of, respondent.

It is further ordered, That, in said divestiture, respondent shall not sell or transfer, directly or indirectly, any of the stock, assets, properties, rights or privileges, tangible or intangible, to any corporation, or to anyone, who, at the time of said divestiture, is an officer, director, employee or agent of such corporation, which, at the time of such sale or transfer, is a substantial factor in the dairy products industry, if the effect of such sale or transfer might be to substantially lessen competition or tend to create a monopoly or oligopoly in any one of the said dairy products, in any section of the country.

It is further ordered, That the charges contained in paragraph seven of the complaint be, and they hereby are, dismissed.

It is further ordered, That respondent, Foremost Dairies, Inc., shall, within three months from the date of service upon it of this order, submit in writing for the consideration and approval of the Federal Trade Commission, its plan for carrying out the provisions of this order, such plan to include the date within which full compliance may be effected.

Issued: April 30, 1962.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8351; Filed, Aug. 20, 1962; 8:48 a.m.]

[Docket C-134]

PART 13—PROHIBITED TRADE PRACTICES

S.G.L. Mfg. Corp. et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053-30 *Flammable Fabrics Act.* Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, S.G.L. Mfg. Corp. et al., New York, N.Y., Docket C-134, May 8, 1962]

In the Matter of S.G.L. Mfg. Corp., a Corporation, and Nancy Greer, Inc., a Corporation, and Sidney Lippman, and Sol Greenfield, Individually and as Officers of Both Corporations

Consent order requiring New York City manufacturers to cease violating the Flammable Fabrics Act by manufacturing and selling in commerce dresses made of fabric so highly flammable as to be dangerous when worn, and furnishing their customers with a false guaranty that tests had been made and showed that the dresses were not dangerously flammable.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents S.G.L. Mfg. Corp., a corporation, and its officers, and Nancy Greer, Inc., a corporation, and its officers, and Sidney Lippman and Sol Greenfield individually and as officers of both corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Manufacturing for sale, selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or (c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

any article of wearing apparel which, under the provisions of section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

2. Manufacturing for sale, selling, or offering for sale any article of wearing apparel made of fabric, which fabric has been shipped or received in commerce, and which, under section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

3. Furnishing to any person a guaranty with respect to any article of wearing apparel or fabric which respondents, or any of them, have reason to believe may be introduced, sold or transported in commerce, which guaranty represents, contrary to fact, that reasonable and representative tests made under the procedures provided in section 4 of the Flammable Fabrics Act, as amended, and the rules and regulations thereunder, show and will show that the article of wearing apparel, or the fabric used or contained therein, covered by the guaranty, is not, in the form delivered or to be delivered by the guarantor, so highly flammable under the provisions of the Flammable Fabrics Act as to be dangerous when worn by individuals, provided, however, that this prohibition shall not be applicable to a guaranty furnished on the basis of, and in reliance upon, a guaranty to the same effect received by respondents in good faith signed by and containing the name and address of the person by whom the article of wearing apparel or fabric was manufactured or from whom it was received.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 8, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8395; Filed, Aug. 20, 1962; 8:58 a.m.]

[1] Commissioner Elman dissenting in part.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Muenster Cheese for Manufacturing; Identity; Effective Date

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of June 26, 1962 (27 F.R. 5985), establishing a definition and standard of identity for muenster cheese for manufacturing and amending the standards for specified pasteurized cheese products to list muenster cheese for manufacturing as a permitted cheese ingredient of such products. Accordingly, the definition and standard of identity and the referenced amendments promulgated by that order will become effective August 25, 1962.

(Secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 14, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8370; Filed, Aug. 20, 1962; 8:53 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FURALTADONE

The Commissioner of Food and Drugs has evaluated data submitted by The Norwich Pharmacal Company, Post Office Box 191, Norwich, New York, and other relevant information and has concluded that the following regulation should issue establishing a zero tolerance in milk for furaltadone used as an intramammary infusion for mastitis. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to Subpart D the following new section:

§ 121.1094 Furaltadone.

A tolerance of zero is established for residues of furaltadone in milk of dairy cows resulting from use of the additive as an intramammary infusion not less than 48 hours before milk is taken for consumption.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since this regulation is interpretative in nature.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 14, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8374; Filed, Aug. 20, 1962; 8:55 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

NICOTINAMIDE-ASCORBIC ACID COMPLEX

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the R. P. Scherer Corporation, 9425 Grinnell Avenue, Detroit 13, Michigan, and other relevant material, has concluded that the following regulation should issue to provide for the safe use of nicotinamide-ascorbic acid complex in multivitamin preparations. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1095 Nicotinamide-ascorbic acid complex.

Nicotinamide-ascorbic acid complex may be safely used in accordance with the following prescribed conditions:

(a) The additive is the product of the controlled reaction between ascorbic acid and nicotinamide, melting in the range 141° C. to 145° C.

(b) It is used as a source of ascorbic acid and nicotinamide in multivitamin preparations.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 14, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8375; Filed, Aug. 20, 1962; 8:55 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ETHYL FORMATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Union Carbide Corporation, Saw Mill River Road at Route 100C, Tarrytown, New York, and other relevant material, has concluded that the following regulation should issue with respect to the food additive ethyl formate. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1096 Ethyl formate.

The food additive ethyl formate may be safely used in or on specified dried fruits in accordance with the following prescribed conditions:

(a) It is used or intended for use in or on raisins and dried Zante currants as a bulk and package fumigant.

(b) It is used in accordance with directions registered with the United States Department of Agriculture, and so used that the total formic acid present, free and combined, in the finished product shall not exceed 250 parts per million (0.025 percent).

(c) To assure safe use of the additive, its label and labeling shall conform to that registered with the United States Department of Agriculture.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 14, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8373; Filed, Aug. 20, 1962; 8:54 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

DEFOAMING AGENTS USED IN THE MANUFACTURE OF PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Wyandotte Chemicals Corporation, 1609 Biddle Avenue, Wyandotte, Michigan, and other relevant material, has concluded that the food additive regulations should be amended to broaden the description of one of the miscellaneous substances permitted for use in the formulation of defoaming agents used in the manufacture of paper and paperboard intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2519 *Defoaming agents used in the manufacture of paper and paperboard* is amended by deleting from paragraph (d)(3) the item "Polyoxypropyleneethylene oxide condensate, molecular weight 950–2,250" and substituting therefor the item "Polyoxypropylenepolyoxyethylene condensate, molecular weight 950–2,750."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 14, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8376; Filed, Aug. 20, 1962; 8:55 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal Feed Supplements

Subpart D—Food Additives Permitted in Food for Human Consumption

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Antibiotics in Cattle Feed

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Commercial Solvents Corporation, Terre Haute, Indiana, and other relevant material, has concluded that the following amendments to the food additive regulations should issue to permit the addition of zinc bacitracin to cattle feed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 121 is amended as follows:

a. Section 121.225(c)(3)(iii) is amended to read:

§ 121.225 Antibiotics for growth promotion and feed efficiency.

• • • • • •

(c) • • •

(3) • • •

(iii) In feed for growing cattle, in an amount providing not less than 35 milligrams nor more than 70 milligrams per animal per day.

b. Based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that where cattle have received feed treated with zinc bacitracin in accordance with § 121.225(d)(3)(iii), tolerance limitations are required in order to assure that the edible tissues and byproducts from cattle are safe for human consumption. Therefore, § 121.1005 is amended to read as follows:

§ 121.1005 Bacitracin, zinc bacitracin, manganese bacitracin, bacitracin methylene disalicylate.

A tolerance of zero is established for residues of the food additives bacitracin, bacitracin methylene disalicylate, manganese bacitracin, and zinc bacitracin in eggs of poultry, in milk, and in the uncooked edible tissues and byproducts of cattle, swine, pheasants, quail, and poultry.

(Sec. 409, 72 Stat. 1786; 21 U.S.C. 348)

§ 146.26 [Amendment]

2. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the Commissioner finds that cattle feed containing zinc bacitracin is safe and efficacious for use in the conditions prescribed in amendment 1a of this order. Therefore, § 146.26 *Animal feed containing penicillin* • • • (21 CFR 146.26) is amended by adding to paragraph (b) the following new subparagraph:

(52) It is a cattle feed containing zinc bacitracin in the amounts and for the purposes indicated in § 121.225 of this chapter and its labeling bears adequate directions and warnings for such use.

(Sec. 507(c), 59 Stat. 463; 21 U.S.C. 357(c))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), 507, 59 Stat. 463 as amended, 72 Stat. 1786; 21 U.S.C. 348(c)(1), 357)

Dated: August 14, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8372; Filed, Aug. 20, 1962; 8:54 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER F—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 783—APPLICATION OF THE FAIR LABOR STANDARDS ACT TO EMPLOYEES EMPLOYED AS SEAMEN

Revision

Pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201–219), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, Part 783 of Title 29 of the Code of Federal Regulations is hereby revised in the manner indicated below in order to reflect interpretations of the Fair Labor Standards Amendments of 1961 (75 Stat. 65–75).

The revision shall become effective upon its publication in the FEDERAL REGISTER. The revision is interpretative. Therefore, the procedural and effective date requirements of section 4 of the Administrative Procedure Act are not applicable.

As revised, Part 783 of Title 29 of the Code of Federal Regulations reads as follows:

INTRODUCTORY

Sec.
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783.2 Matters discussed in this part.
783.3 Significance of official interpretations.
783.4 Basic support for interpretations.
783.5 Interpretations made, continued, and superseded by this part.

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783.7 "Employer", "employee", and "employ".
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783.12 "Commerce".
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783.15 "State".
783.16 "Wage".
783.17 "American vessel".

APPLICATION IN GENERAL OF THE ACT'S PROVISIONS

Sec.
783.18 Commerce activities of employees.
783.19 Commerce activities of enterprise in which employee is employed.
783.20 Exemptions from the Act's provisions.
783.21 Guiding principles for applying coverage and exemption provisions.
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THE STATUTORY PROVISIONS REGARDING SEAMEN

783.24 The section 13(a)(14) exemption.
783.25 The section 13(b)(6) exemption.
783.26 The section 6(b)(2) minimum wage requirement.
783.27 Scope of the provisions regarding "seamen".

LEGISLATIVE HISTORY AND JUDICIAL CONSTRUCTION OF THE EXEMPTIONS

783.28 General legislative history.
783.29 Adoption of the exemption in the original 1938 Act.
783.30 The 1961 Amendments.

WHO IS "EMPLOYED AS A SEAMAN"

783.31 Criteria for employment "as a seaman".
783.32 "Seaman" includes crew members.
783.33 Employment "as a seaman" depends on the work actually performed.
783.34 Employees aboard vessels who are not "seamen".
783.35 Employees serving as "watchmen" aboard vessels in port.
783.36 Barge tenders.
783.37 Enforcement policy for nonseaman's work.

WHAT IS AN "AMERICAN VESSEL"

783.38 Statutory definition of "American vessel".
783.39 "Vessel" includes all means of water transportation.
783.40 "Documented" vessel.
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COMPUTATION OF WAGES AND HOURS

783.43 Computation of seaman's minimum wage.
783.44 Board and lodging as wages.
783.45 Deductions from wages.
783.46 Hours worked.
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APPLICATION OF THE EXEMPTIONS

783.48 Factors determining application of exemptions.
783.49 Workweek unit in applying the exemptions.
783.50 Work exempt under another section of the Act.
783.51 Seamen on a fishing vessel.

AUTHORITY: §§ 783.0 to 783.51 issued under secs. 1–19, 52 Stat. 1060, as amended; 29 U.S.C. 201–219.

INTRODUCTORY

§ 783.0 Purpose of this part.

This Part 783 is the official interpretation of the Department of Labor with respect to the meaning and application of sections 6(b)(2), 13(a)(14), and 13(b)(6) of the Fair Labor Standards Act, as amended, which govern the application of the minimum wage and overtime pay requirements of the Act to employees employed as seamen. Prior to the Fair Labor Standards Amendments of 1961, which became effective on Sep-

tember 3, 1961, all employees employed as seamen were exempt from both the minimum wage and overtime pay provisions of the Act. The 1961 amendments have narrowed this exemption so as to extend the minimum wage provisions of the Act to employees employed as seamen on American vessels. Employees employed as seamen on vessels other than American vessels continue to be exempt from both the minimum wage and the overtime pay requirements of the Act. It is the purpose of this part to make available in one place the interpretations of the law relating to employees employed as seamen which will guide the Secretary of Labor and the Administrator in the performance of their duties under the Act.

§ 783.1 General scope of the Act.

The Fair Labor Standards Act, as amended, is a Federal statute of general application which establishes minimum wage, overtime pay, and child labor requirements that apply as provided in the Act. All employees, whose employment has the relationship to interstate or foreign commerce which the Act specifies, are subject to the prescribed labor standards unless specifically exempt from them. Employers having such employees are required to comply with the Act's provisions in this regard unless relieved therefrom by some exemption in the Act. Such employers are also required to comply with specified recordkeeping requirements contained in Part 516 of this chapter. The law authorizes the Department of Labor to investigate for compliance and, in the event of violations, to supervise the payment of unpaid wages or unpaid overtime compensation owing to any employee. The law also provides for enforcement in the courts.

§ 783.2 Matters discussed in this part.

This Part 783 discusses the meaning and application of the exemptions provided in sections 13(a)(14) and 13(b)(6) of the Act. The provisions of section 6(b)(2) of the Act, which relate to the calculation of minimum wages and the hours worked by seamen on American vessels, are also discussed in this part. Other provisions of the Act are discussed only to make clear their relevance to these provisions and are not considered in detail in this part. Interpretations and regulations also published elsewhere in this title deal in some detail with such subjects as the general coverage of the Act (Part 776 of this chapter), methods of payment of wages (Part 531 of this chapter), hours worked (Part 785 of this chapter), recordkeeping requirements (Part 516 of this chapter), and qualifications for exempt executive, administrative, and professional employees (Part 541 of this chapter). Reference should also be made to Subpart G of Part 4 of this title which contains the official interpretations of the child labor provisions of the Act. Copies of any of these documents may be obtained from any office of the Wage and Hour and Public Contracts Divisions.

§ 783.3 Significance of official interpretations.

This part contains the official interpretations of the Department of Labor pertaining to the provisions of section 6(b)(2) and the exemptions provided in sections 13(a)(14) and 13(b)(6) of the Act. It is intended that the positions stated concerning the Act will serve as "a practical guide to employers and employees as to how the office representing the public interest in its enforcement will seek to apply it" (Skidmore v. Swift, 323 U.S. 134). The Secretary of Labor and the Administrator will follow these interpretations in the performance of their duties under the Act, unless and until they are otherwise directed by authoritative decisions of the courts or conclude upon re-examination of an interpretation that it is incorrect. The interpretations contained herein may be relied upon in accordance with section 10 of the Portal-to-Portal Act (29 U.S.C. 251–262), so long as they remain effective and are not modified, amended, rescinded, or determined by judicial authority to be incorrect.

§ 783.4 Basic support for interpretations.

The ultimate decisions on interpretations of the Act are made by the courts (Mitchell v. Zachry, 362 U.S. 310; Kirschbaum v. Walling, 316 U.S. 517). Court decisions supporting interpretations contained in this part are cited where it is believed they may be helpful. On matters which have not been determined by the courts, it is necessary for the Secretary of Labor and the Administrator to reach conclusions as to the meaning and the application of provisions of the law in order to carry out their responsibilities of administration and enforcement (Skidmore v. Swift, 323 U.S. 134). In order that these positions may be made known to persons who may be affected by them, official interpretations are issued by the Administrator on the advice of the Solicitor of Labor, as authorized by the Secretary (Reorg. Pl. 6 of 1950, 64 Stat. 1263; Gen. Ord. 45A, May 24, 1950, 15 F.R. 3290). As included in this part, these interpretations are believed to express the intent of the law as reflected in its provisions and as construed by the courts and evidenced by its legislative history. References to pertinent legislative history are made in this part where it appears that they will contribute to a better understanding of the interpretations.

§ 783.5 Interpretations made, continued, and superseded by this part.

On and after publication of this Part 783 in the FEDERAL REGISTER, the interpretations contained therein shall be in effect and shall remain in effect until they are modified, rescinded or withdrawn. This part supersedes and replaces the interpretations previously published in the FEDERAL REGISTER and Code of Federal Regulations as Part 783 of this chapter. Prior opinions, rulings, and interpretations and prior enforcement policies which are not inconsistent with the interpretations in this part or with the Fair Labor Standards Act as amended by the Fair Labor Standards Amendments of 1961 are continued in effect; all other opinions, rulings, interpretations, and enforcement policies on the subjects discussed in the interpretations in this part are rescinded and withdrawn. The interpretations in this part provide statements of general principles applicable to the subjects discussed and illustrations of the application of these principles to situations that frequently arise. They do not and cannot refer specifically to every problem which may be met by employers and employees in the application of the Act. The omission to discuss a particular problem in this part or in interpretations supplementing it should not be taken to indicate the adoption of any position by the Secretary of Labor or the Administrator with respect to such problem or to constitute an administrative interpretation or practice or enforcement policy. Questions on matters not fully covered by this part may be addressed to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., or to any Regional Office of the Divisions.

SOME BASIC DEFINITIONS

§ 783.6 Definitions of terms used in the Act.

The meaning and application of the provisions of law discussed in this part depend in large degree on the definitions of terms used in these provisions. The Act itself defines some of these terms. Others have been defined and construed in decisions of the courts. In the following sections some of these basic definitions are set forth for ready reference in connection with the part's discussion of the various provisions in which they appear. These definitions and their application are further considered in other statements of interpretations to which reference is made, and in the sections of this part where the particular provisions containing the defined terms are discussed.

§ 783.7 "Employer", "employee", and "employ".

The Act's major provisions impose certain requirements and prohibitions on every "employer" subject to their terms. The employment by an "employer" of an "employee" is, to the extent specified in the Act, made subject to minimum wage and overtime pay requirements and to prohibitions against the employment of oppressive child labor. The Act provides its own definitions of "employer", "employee", and "employ", under which "economic reality" rather than "technical concepts" determines whether there is employment subject to its terms (Goldberg v. Whitaker House Cooperative, 366 U.S. 28; United States v. Silk, 331 U.S. 704; Rutherford Food Corp. v. McComb, 331 U.S. 772). An "employer", as defined in section 3(d) of the Act, "includes any person acting directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States or any State or political subdivision of a State, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization". An "employee", as defined in section 3(e) of the Act, "includes any individual employed by an employer", and "employ", as used in the Act, is defined in section 3(g) to include "to suffer or permit to work". It should be noted, as explained in Part 791 of this chapter, dealing with joint employment, that in appropriate circumstances two or more employers may be jointly responsible for compliance with the statutory requirements applicable to employment of a particular employee. It should also be noted that "employer", "enterprise", and "establishment" are not synonymous terms, as used in the Act. An employer may have an enterprise with more than one establishment, or he may have more than one enterprise, in which he employs employees within the meaning of the Act. Also, there may be different employers who employ employees in a particular establishment or enterprise.

§ 783.8 "Person".

As used in the Act (including the definition of "enterprise" set forth below in § 783.9), "person" is defined as meaning "an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons" (Act, section 3(a)).

§ 783.9 "Enterprise".

The term "enterprise" which may, in some situations, be pertinent in determining coverage of this Act of employees employed by employers on vessels, is defined in section 3(r) of the Act. Section 3(r) states:

> Enterprise means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units including departments of an establishment operated through leasing arrangements, but shall not include the related activities performed for such enterprise by an independent contractor • • •.

The scope and application of this definition is discussed in Part 776 of this chapter and in §§ 779.200–779.235 of this chapter.

§ 783.10 "Establishment".

As used in the Act (including the provision quoted below in § 783.11), the term "establishment", which is not specifically defined therein, refers to a "distinct physical place of business" rather than to "an entire business or enterprise" which may include several separate places of business. This is consistent with the meaning of the term as it is normally used in business and in government, is judicially settled, and has been recognized in the Congress in the course of enactment of amendatory legislation (Phillips v. Walling, 324 U.S. 490; Mitchell v. Bekins Van & Storage Co., 352 U.S. 1027; 95 Cong. Rec. 12505, 12579, 14877; H. Rept. No. 1453, 81st Cong., 1st sess. p. 25). This is the meaning of the term as used in sections 3(r), 3(s), and 6(b) of the Act. An establishment may have employees employed away from the establishment as well as within it (H. Rept. No. 1453, supra).

§ 783.11 "Enterprise engaged in commerce or in the production of goods for commerce".

Portions of the definition of "enterprise engaged in commerce or in the production of goods for commerce" (Act, section 3(s)) which may in some situations determine the application of provisions of the Act to employees employed by employers on vessels are as follows:

> (s) "Enterprise engaged in commerce or in the production of goods for commerce" means any of the following in the activities of which employees are so engaged, including employees handling, selling, or otherwise working on goods that have been moved in or produced for commerce by any person:
>
> • • • • •
>
> (3) any establishment of any such enterprise • • • which has employees engaged in commerce or in the production of goods for commerce if the annual gross volume of sales of such enterprise is not less than $1,000,000.
>
> • • • • •

The application of this definition is considered in Part 776 of this chapter.

§ 783.12 "Commerce".

"Commerce" as used in the Act includes interstate and foreign commerce. It is defined in section 3(b) of the Act to mean "trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof." (For the definition of "State", see § 783.15.) The application of this definition and the kinds of activities which it includes are discussed at length in Part 776 of this chapter dealing with the general coverage of the Act.

§ 783.13 "Production".

To understand the meaning of "production" of goods for commerce as used in the Act it is necessary to refer to the definition in section 3(j) of the term "produced". A detailed discussion of the application of the term as defined is contained in Part 776 of this chapter, dealing with the general coverage of the Act. Section 3(j) provides that "produced" as used in the Act "means produced, manufactured, mined, handled, or in any other manner worked on in any State; and for the purposes of this Act an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any closely related process or occupation directly essential to the production thereof, in any State." (For the definition of "State" see § 783.15.)

§ 783.14 "Goods".

The definition in section 3(i) of the Act states that "goods", as used in the Act, means "goods (including ships and marine equipment), wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof, but does not include goods after their delivery into the actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof." Part 776 of this chapter, dealing with the general coverage of the Act, contains a detailed discussion of the application of this definition and what is included in it.

§ 783.15 "State".

As used in the Act, "State" means "any State of the United States or the District of Columbia or any Territory or possession of the United States" (Act, section 3(c)). The application of this definition in determining questions of coverage under the Act's definition of "commerce" and "produced" (see §§ 783.12, 783.13) is discussed in Part 776 of this chapter, dealing with general coverage.

§ 783.16 "Wage".

"Wage" paid to an employee is defined in section 3(m) of the Act to include "the reasonable cost, as determined by the Secretary of Labor, to the employer of furnishing such employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by such employer to his employees: *Provided*, That the cost of board, lodging, or other facilities shall not be included as a part of the wage paid to any employee to the extent it is excluded therefrom under the terms of a bona fide collective bargaining agreement applicable to the particular employee: *Provided further*, That the Secretary is authorized to determine the fair value of such board, lodging, or other facilities for defined classes of employees and in defined areas, based on average cost to the employer or to groups of employers similarly situated, or average value to groups of employees, or other appropriate measure of fair value. Such evaluations, where applicable and pertinent, shall be used in lieu of actual measure of cost in determining the wage paid to any employee". Although there is some incidental discussion in this part of this definition and its impact, a fuller discussion of its meaning and the regulations pertaining thereto are set forth in Part 531 of this chapter.

§ 783.17 "American vessel".

Section 3(p) of the Act, added by the 1961 Amendments, defines "American vessel" to include "any vessel which is documented or numbered under the laws of the United States." This definition and its effect with respect to the application of the Act to employment of individuals as seamen are discussed in subsequent sections of this part.

APPLICATION IN GENERAL OF THE ACT'S PROVISIONS

§ 783.18 Commerce activities of employees.

Prior to the 1961 Amendments, the Fair Labor Standards Act applied to all employees, not specifically exempted, who are engaged (a) in interstate or foreign commerce or (b) in the produc-

tion of goods for such commerce, which is defined to include any closely related process or occupation directly essential to such production (29 U.S.C. 206(a), 207(a); and see §§ 783.12 to 783.15 for definitions governing the scope of this coverage). The Act as amended in 1961 continues this coverage. In general, employees of businesses concerned with the transportation of goods or persons on navigable waters are engaged in interstate or foreign commerce, or in the production of goods for such commerce, as defined in the Act, and are subject to the Act's provisions except as otherwise provided in sections 13(a)(14) and 13(b)(6) or other express exemptions. A detailed discussion of the activities in commerce or in the production of goods for commerce which will bring an employee under the Act is contained in Part 776 of this chapter, dealing with general coverage.

§ 783.19 Commerce activities of enterprises in which employee is employed.

Under amendments to the Fair Labor Standards Act effective September 3, 1961, employees not covered by reason of their personal engagement in interstate commerce activities, as explained in § 783.18, are nevertheless brought within the coverage of the Act if they are employed in an enterprise which is defined in section 3(s) of the Act as an enterprise engaged in commerce or in the production of goods for commerce, or by an establishment described in section 3(s)(3) of the Act (see § 783.11). Such employees, if not exempt from the minimum wage and overtime pay requirements under section 13(a)(14) or exempt from the overtime pay requirements under section 13(b)(6), will have to be paid in accordance with these monetary standards of the Act unless expressly exempt under some other provision. This would generally be true of employees employed in enterprises and by establishments engaged in a business concerned with transportation of goods or persons by vessels, where the enterprise has an annual gross sales volume of $1,000,000 or more. Enterprise coverage is more fully discussed in Part 776 of this chapter, dealing with general coverage.

§ 783.20 Exemptions from the Act's provisions.

The Act provides a number of specific exemptions from the general requirements previously described. Some are exemptions from the overtime provisions only. Others are from the child labor provisions only. Several are exemptions from both the minimum wage and the overtime requirements of the Act. Finally, there are some exemptions from all three—minimum wage, overtime pay, and child labor requirements. An examination of the terminology in which the exemptions from the general coverage of the Fair Labor Standards Act are stated discloses language patterns which reflect congressional intent. Thus, Congress specified in varying degree the criteria for application of each of the exemptions and in a number of instances differentiated as to whether employees are to be exempt because they are employed by a particular kind of employer, employed in a particular kind of establishment, employed in a particular industry, employed in a particular capacity or occupation, or engaged in a specified operation. (See 29 U.S.C. 203(d); 207 (b), (c), (h); 213 (a), (b), (c), (d). And see Addison v. Holly Hill, 322 U.S. 607; Walling v. Haden, 153 F. 2d 196, certiorari denied 328 U.S. 866; Mitchell v. Stinson, 217 F. 2d 210.) In general, there are no exemptions from the child labor requirements that apply in enterprises or establishments engaged in transportation or shipping (see Part 4, Subpart G of this title). Such enterprises or establishments will, however, be concerned with the exemption from overtime pay in section 13(b)(6) of the Act for employees employed as seamen and the exemption from the minimum wage and overtime pay requirements provided by section 13(a)(14) for employees so employed on vessels other than American vessels. These exemptions, which are subject to the general rules stated in § 783.21, are discussed at length in this part.

§ 783.21 Guiding principles for applying coverage and exemption provisions.

It is clear that Congress intended the Fair Labor Standards Act to be broad in its scope (Helena Glendale Ferry Co. v. Walling, 132 F. 2d 616). "Breadth of coverage is vital to its mission" (Powell v. U.S. Cartridge Co., 339 U.S. 497). An employer who claims an exemption under the Act has the burden of showing that it applies (Walling v. General Industries Co., 330 U.S. 545; Mitchell v. Kentucky Finance Co., 359 U.S. 290; Tobin v. Blue Channel Corp., 198 F. 2d 245, approved in Mitchell v. Myrtle Grove Packing Co., 350 U.S. 891; Fleming v. Hawkeye Pearl Button Co., 113 F. 2d 52). Conditions specified in the language of the Act are "explicit prerequisites to exemption" (Arnold v. Kanowsky, 361 U.S. 388; and see Walling v. Haden, 153 F. 2d 196). In their application, the purpose of the exemption as shown in its legislative history as well as its language should be given effect. However, "the details with which the exemptions in this Act have been made preclude their enlargement by implication" and "no matter how broad the exemption, it is meant to apply only to" the specified activities (Addison v. Holly Hill, 322 U.S. 607; Maneja v. Waialua, 349 U.S. 254). Exemptions provided in the Act "are to be narrowly construed against the employer seeking to assert them" and their application limited to those who come "plainly and unmistakably within their terms and spirits." This construction of the exemptions is necessary to carry out the broad objectives for which the Act was passed (Phillips v. Walling, 324 U.S. 490; Mitchell v. Kentucky Finance Co., supra; Arnold v. Kanowsky, supra; Helena Glendale Ferry Co. v. Walling, supra; Mitchell v. Stinson, 217 F. 2d 210; Fleming v. Hawkeye Pearl Button Co., 113 F. 2d 52; Walling v. Bay State Dredging & Contracting Co., 149 F. 2d 346, certiorari denied 326 U.S. 760; Anderson v. Manhattan Lighterage Corp., 148 F. 2d 971, certiorari denied 326 U.S. 722; Sternberg Dredging Co. v. Walling, 158 F. 2d 678).

§ 783.22 Pay standards for employees subject to "old" coverage of the Act.

The 1961 amendments did not change the tests described in § 783.18 by which coverage based on the employee's individual activities is determined. Any employee whose employment satisfies these tests and would not have come within some exemption (such as section 13(a)(14)) in the Act prior to the 1961 amendments is subject to the "old" provisions of the law and entitled to a minimum wage of at least $1.15 an hour beginning September 3, 1961, and not less than $1.25 an hour beginning September 3, 1963 (29 U.S.C. 206(a)(1)), unless expressly exempted by some provision of the amended Act. Such an employee is also entitled to overtime pay for hours worked in excess of 40 in any workweek at a rate not less than one and one-half times his regular rate of pay (29 U.S.C. 207(a)(1)), unless expressly exempt from overtime by some exemption such as section 13(b)(6) (Minimum wage rates in Puerto Rico, the Virgin Islands, and American Samoa are governed by special provisions of the Act (29 U.S.C. 206(a)(3); 206(c)). Information on these rates is available at any office of the Wage and Hour and Public Contracts Divisions.)

§ 783.23 Pay standards for "newly covered" employees.

There are some employees whose individual activities would not bring them within the minimum wage or overtime pay provisions of the Act as it was prior to the 1961 amendments, but who are brought within minimum wage or overtime coverage or both for the first time by the new "enterprise" coverage provisions or changes in exemptions, or both, which were enacted as part of the amendments and made effective September 3, 1961. Typical of such employees are those who, regardless of any engagement in commerce or in the production of goods for commerce, are employed as seamen and would therefore have been exempt from minimum wage as well as overtime pay requirements by virtue of section 13(a)(14) of the Act until the 1961 amendments if so employed during that period, but who by virtue of these amendments are exempt only from the overtime pay requirements on and after September 3, 1961, under section 13(b)(6) of the amended Act. These "newly covered" employees for whom no specific exemption has been retained or provided in the amendments must be paid not less than the minimum wages shown in the schedule below for hours worked, computed, in the case of employees employed as seamen, in accordance with the special provisions of section 6(b)(2) which are discussed in subsequent sections of this part. Any "newly covered" employees who are not exempted by section 13(b)(6) because of their employment as seamen must be paid, unless exempted by some other provision, not less than one and one-half times their regular rates of pay for overtime, as shown in the schedule below.

Beginning	Minimum wage (29 U.S.C. 206(b))	Overtime pay (29 U.S.C. 207(a)(2))
Sept. 3, 1961	$1 an hour	None required.
Sept. 3, 1963	No change	After 44 hours in a workweek.
Sept. 3, 1964	$1.15 an hour	After 42 hours in a workweek.
Sept. 3, 1965 [1] and thereafter.	$1.25 an hour	After 40 hours in a workweek.

[1] Requirements identical to those for employees under "old" coverage. (Minimum wage rates for newly covered employees in Puerto Rico, the Virgin Islands, and American Samoa are set by wage order on recommendations of special industry committees (29 U.S.C. 206(a)(3); 206(c)(2). Information on these rates may be obtained at any office of the Wage and Hour and Public Contracts Divisions.)

THE STATUTORY PROVISIONS REGARDING SEAMEN

§ 783.24 The section 13(a)(14) exemption.

Section 13(a)(14) of the Fair Labor Standards Act exempts from the minimum wage and overtime pay requirements of the Act, but not from its child labor provisions, "any employee employed as a seaman on a vessel other than an American vessel".

§ 783.25 The section 13(b)(6) exemption.

Section 13(b)(6) of the Act exempts from the overtime pay requirements of the Act, but not from its other requirements, "any employee employed as a seaman".

§ 783.26 The section 6(b)(2) minimum wage requirement.

Section 6(b), with paragraph (2) thereof, requires the employer to pay to an employee, "if such employee is employed as a seaman on an American vessel, not less than the rate which will provide to the employee, for the period covered by the wage payment, wages equal to compensation at the hourly rate prescribed by paragraph (1) of this subsection for all hours during such period when he was actually on duty (including periods aboard ship when the employee was on watch or was, at the direction of a superior officer, performing work or standing by, but not including off-duty periods which are provided pursuant to the employment agreement)." The "hourly rate prescribed by" paragraph (1) of the subsection is the minimum wage rate applicable according to the schedule shown in § 783.23.

§ 783.27 Scope of the provisions regarding "seamen".

In accordance with the above provisions of the Act as amended, an employee employed as a seaman is exempt only from its overtime pay provisions under the new section 13(b)(6), unless the vessel on which he is employed is not an American vessel. Section 13(a)(14) as amended continues the prior exemption, from minimum wages as well as overtime pay, for any employee employed as a seaman on a vessel other than an American vessel. Thus, to come within this latter exemption an employee now must be "employed as" a "seaman" on a vessel other than an "American vessel", while to come within the overtime exemption provided by section 13(b)(6) an employee need only be "employed as" a "seaman". The minimum wage requirements of the Act, as provided in section 6(b) and paragraph (2) of that subsection apply if the employee is "employed as" a "seaman" on an "American vessel". The meaning and scope of these key words, "employed as a seaman" and "American vessel" are discussed in subsequent sections of this part. Of course, if an employee is not "employed as" a "seaman" within the meaning of this term as used in the Act, these exemptions and section 6(b)(2) would have no relevancy and his status under the Act would depend, as in the case of any other employee, upon the other facts of his employment. (§§ 783.-8–783.20.)

LEGISLATIVE HISTORY AND JUDICIAL CONSTRUCTION OF THE EXEMPTIONS

§ 783.28 General legislative history.

As Originally enacted in 1938, section 13(a)(3) of the Fair Labor Standards Act exempted from both the minimum wage and overtime pay requirements "any employee employed as a seaman" (52 Stat. 1050). In 1949 when several amendments were made to the Act (63 Stat. 910), this exemption was not changed except that it was renumbered section 13(a)(14). In the 1961 Amendments (75 Stat. 65), a like exemption was retained but it was limited to one employed as a seaman on a vessel other than an American vessel (sec. 13(a)(14)); an overtime exemption was provided for all employees employed as seamen (sec. 13(b)(6)), and those employed as seamen on an American vessel were brought within the minimum wage provisions (sec. 6(b)(2)).

§ 783.29 Adoption of the exemption in the original 1938 Act.

(a) The general pattern of the legislative history of the Act shows that Congress intended to exempt, as employees "employed as" seamen, only workers performing water transportation services. The original bill considered by the congressional committees contained no exemption for seamen or other transportation workers. At the joint hearings before the Senate and House Committees on Labor, representatives of the principal labor organizations representing seamen and other transportation workers testified orally and by writing that the peculiar needs of their industry and the fact that they were already under special governmental regulation made it unwise to bring them within the scope of the proposed legislation (see Joint Hearings before Senate Committee on Education and Labor and House Committee on Labor on S. 2475 and H.R. 7200, 75th Cong., 1st sess., pp. 545, 546, 547, 549, 1216, 1217). The committees evidently acquiesced in this view and amendments were accepted (81 Cong. Rec. 7875) and subsequently adopted in the law, exempting employees employed as seamen (sec. 13(a)(3)), certain employees of motor carriers (sec. 13(b)(1)), railroad employees (sec. 13(b)(2)), and employees of carriers by air (sec. 13(a)(4), now sec. 13(b)(3)).

(b) That the exemption was intended to exempt employees employed as "seamen" in the ordinary meaning of that word is evidenced by the fact that the chief proponents for the seamen's exemption were the Sailors Union of the Pacific and the National Maritime Union. The former wrote asking for an exemption for "seamen" for the reason that they were already under the jurisdiction of the Maritime Commission pursuant to the Merchant Marine Act of 1936 (Joint Hearings before the Committees on Labor on S. 2475 and H.R. 7200, 75th Cong. 1st sess., pp. 1216, 1217). The representative of the latter union also asked that "seamen" be exempted for the same reason saying * * * "We feel that in a general interpretation of the whole bill that the way has been left open for the proposed Labor Standards Board to have jurisdiction over those classes of workers who are engaged in transportation. While this may not have an unfavorable effect upon the workers engaged in transportation by water, we feel that it may conflict with the laws now in effect regarding the jurisdiction of the government machinery now set up to handle these problems" (id. at p. 545). And he went on to testify, "What we would like is an interpretation of the bill which would provide a protective clause for the 'seamen'" (id. at p. 547).

(c) Consonant with this legislative history, the courts in interpreting the phrase "employee employed as a seaman" for the purpose of the Act have given it its commonly accepted meaning, namely, one who is aboard a vessel necessarily and primarily in aid of its navigation (Walling v. Bay State Dredging and Contracting Co., 149 F. 2d 346; Walling v. Haden, 153 F. 2d 196; Sternberg Dredging Co. v. Walling, 158 F. 2d 678). In arriving at this conclusion, the courts recognized that the term "seaman" does not have a fixed and precise meaning but that its meaning is governed by the context in which it is used and the purpose of the statute in which it is found. In construing the Fair Labor Standards Act, as a remedial statute passed for the benefit of all workers engaged in commerce, unless exempted, the courts concluded that giving a liberal interpretation of the meaning of the term "seaman" as used in an exemptive provision of the Act would frustrate rather than accomplish the legislative purpose (Helena Glendale Ferry Co. v. Walling, 132 F. 2d 616; Walling v. Bay State Dredging and Contracting Co., supra; Sternberg Dredging Co. v. Walling, supra; Walling v. Haden, supra).

§ 783.30 The 1961 Amendments.

One of the steps Congress took in the 1961 Amendments to extend the monetary provisions of the Act to more workers was to limit the scope of the exemption which excluded all employees employed as seamen from application of the minimum wage and overtime provisions. This it did by extending the minimum wage provisions of the Act to one employed as a seaman on an Amer-

ican vessel (section 6(b)(2)), by adding to the language of section 13(a)(14) to make the exemption applicable only to a seaman employed on a vessel other than an American vessel, and finally by the addition of a new exemption, section 13(b)(6), relieving employers of overtime pay requirements with respect to those employees employed as seamen who do not come within the scope of the amended section 13(a)(14). (H. Rep. No. 75, 87th Cong., 1st sess., pp. 33, 36; Sen. Rep. No. 145, 87th Cong. 1st sess., pp. 32, 50; Statement of the Managers on the Part of the House, H. (Conf.) Rep. No. 327, 87th Cong., 1st sess., p. 16.) In view of the retention in the 1961 amendments of the basic language of the original exemption, "employee employed as a seaman", the legislative history and prior judicial construction (see § 783.29) of the scope and meaning of this phrase would seem controlling for purposes of the amended Act.

WHO IS "EMPLOYED AS A SEAMAN"

§ 783.31 Criteria for employment "as a seaman".

In accordance with the legislative history and authoritative decisions as discussed in §§ 783.28 and 783.29, an employee will ordinarily be regarded as "employed as a seaman" if he performs, as master or subject to the authority, direction, and control of the master aboard a vessel, service which is rendered primarily as an aid in the operation of such vessel as a means of transportation, provided he performs no substantial amount of work of a different character. This is true with respect to vessels navigating inland waters as well as ocean-going and coastal vessels (Sternberg Dredging Co. v. Walling, 158 F. 2d 678; Walling v. Haden, 153 F. 2d 196, certiorari denied 328 U.S. 866; Walling v. Great Lakes Dredge & Dock Co. 149 F. 2d 9, certiorari denied 327 U.S. 722; Douglas v. Dixie Sand and Gravel Co. (E.D. Tenn.) 9 WH Cases 285). The Act's provisions with respect to seamen apply to a seaman only when he is "employed as" such (Walling v. Haden, supra); it appears also from the language of sections 6(b)(2) and 13(a)(14) that they are not intended to apply to any employee who is not employed on a vessel.

§ 783.32 "Seaman" includes crew members.

The term "seaman" includes members of the crew such as sailors, engineers, radio operators, firemen, pursers, surgeons, cooks, and stewards if, as is the usual case, their service is of the type described in § 783.31. In some cases it may not be of that type, in which event the special provisions relating to seamen will not be applicable (Sternberg Dredging Co. v. Walling, 158 F. 2d 678; Cuascut v. Standard Dredging Co., 94 F. Supp. 197; Woods Lumber Co. v. Tobin, 199 F. 2d 455). However, an employee employed as a seaman does not lose his status as such simply because, as an incident to such employment, he performs some work not connected with operation of the vessel as a means of transportation, such as assisting in the loading or unloading of freight at the beginning or end of a voyage, if the amount of such work is not substantial.

§ 783.33 Employment "as a seaman" depends on the work actually performed.

Whether an employee is "employed as a seaman", within the meaning of the Act, depends upon the character of the work he actually performs and not on what it is called or the place where it is performed (Walling v. Haden, 153 F. 2d 196; Cuascut v. Standard Dredging Corp., 94 F. Supp. 197). Merely because one works aboard a vessel (Helena Glendale Ferry Co. v. Walling, 132 F. 2d 616; Walling v. Bay State Dredging & Contracting Co., 149 F. 2d 346), or may be articled as a seaman (see Walling v. Haden, supra), or performs some maritime duties (Walling v. Bay State Dredging & Contracting Co., 149 F. 2d 346; Anderson v. Manhattan Lighterage Corp., 148 F. 2d 971), one is not employed as a seaman within the meaning of the Act unless one's services are rendered primarily as an aid in the operation of the vessel as a means of transportation, as for example services performed substantially as an aid to the vessel in navigation. For this reason it would appear that employees making repairs to vessels between navigation seasons would not be "employed as" seamen during such a period. (See Desper v. Starved Rock Ferry Co., 342 U.S. 187; but see Walling v. Keansburg Steamboat Co., 162 F. 2d 405 in which the seaman exemption was allowed in the case of an articled employee provided he also worked in the ensuing navigation period but not in the case of unarticled employees who only worked during the lay-up period.) For the same and other reasons, stevedores and longshoremen are not employed as seamen. (Knudson v. Lee & Simmons, Inc., 163 F. 2d 95). Stevedores or roustabouts traveling aboard a vessel from port to port whose principal duties require them to load and unload the vessel in port would not be employed as seamen even though during the voyage they may perform from time to time certain services of the same type as those rendered by other employees who would be regarded as seamen under the Act.

§ 783.34 Employees aboard vessels who are not "seamen".

Concessionaires and their employees aboard a vessel ordinarily do not perform their services subject to the authority, direction, and control of the master of the vessel, except incidentally, and their services are ordinarily not rendered primarily as an aid in the operation of the vessel as a means of transportation. As a rule, therefore, they are not employed as seamen for purposes of the Act. Also, other employees working aboard vessels, whose service is not rendered primarily as an aid to the operation of the vessel as a means of transportation are not employed as seamen (Knudson v. Lee & Simmons, Inc., 163 F. 2d 95; Walling v. Haden, 153 F. 2d 196, certiorari denied 328 U.S. 866). Thus, employees on floating equipment who are engaged in the construction of docks, levees, revetments, or other structures, and employees engaged in dredging operations or in the digging or processing of sand, gravel, or other materials are not employed as seamen within the meaning of the Act but are engaged in performing essentially industrial or excavation work (Sternberg Dredging Co. v. Walling, 158 F. 2d 678; Walling v. Haden, supra; Walling v. Bay State Dredging & Contracting Co., 149 F. 2d 346; Walling v. Great Lakes Dredge & Dock Co., 149 F. 2d 9, certiorari denied 327 U.S. 722). Thus, "captains" and "deck hands" of launches whose dominant work was industrial activity performed as an integrated part of harbor dredging operations and not in furtherance of transportation have been held not to be employed as seamen within the meaning of the Act (Cuascut v. Standard Dredging Corp., 94 F. Supp. 197).

§ 783.35 Employees serving as "watchmen" aboard vessels in port.

Various situations are presented with respect to employees rendering watchman or similar service aboard a vessel in port. Members of the crew, who render such services during a temporary stay in port or during a brief lay-up for minor repairs, are still employed as "seamen". Where the vessel is laid up for a considerable period, members of the crew rendering watchman or similar services aboard the vessel during this period would not appear to be within the special provisions relating to seamen because their services are not rendered primarily as an aid in the operation of the vessel as a means of transportation. See Desper v. Starved Rock Ferry Co., 342 U.S. 187. Furthermore, employees who are furnished by independent contractors to perform watchman or similar services aboard a vessel while in port would not be employed as seamen regardless of the period of time the vessel is in port, since such service is not of the type described in § 783.31. The same considerations would apply in the case of members of a temporary or skeleton crew hired merely to maintain the vessel while in port so that the regular crew may be granted shore leave. On the other hand, licensed relief officers engaged during relatively short stays in port whose duty it is to maintain the ship in safe and operational condition and who exercise the authority of the master in his absence, including keeping the log, checking the navigation equipment, assisting in the movement of the vessel while in port, are employed as seamen within the meaning of the exemptions. The same may be true of licensed relief engineers employed under the same circumstances whose duty it is to maintain the ship's auxiliary machinery in operation and repair (see Pratt v. Alaska Packers Asso. (N.D. Calif.) 9 WH Cases 61).

§ 783.36 Barge tenders.

Barge tenders on non-selfpropelled barges who perform the normal duties of their occupation, such as attending to the lines and anchors, putting out running and mooring lights, pumping out bilge water, and other similar activities necessary and usual to the navigation of barges, are considered to be employed as "seamen" for the purposes of the Act unless they do a substantial amount of "non-seaman's" work (Gale v, Union Bag & Paper Corp., 116 F. (2d) 27 (C.A. 5, 1940), cert. den. 313 U.S. 559 (1941)). However, there are employees who, while employed on vessels such as barges and lighters, are primarily or substantially engaged in performing duties such as loading and unloading or custodial service which do not constitute service performed primarily as an aid in the operation of these vessels as a means of transportation and consequently are not employed as "seamen" (McCarthy v. Wright & Cobb Lighterage Co., 163 F. (2d) 92; Anderson v. Manhattan Lighterage Corp., 148 F. (2d) 971, certiorari denied 326 U.S. 722; Woods Lumber Co. v. Tobin, 20 Labor Cases 66,640 (W.D. Tenn., 1951), aff'd, 199 F. (2d) 455). Whether an employee is on board a vessel primarily to perform maritime services as a seaman or loading and unloading services typical of such shore-based personnel as longshoremen is a question of fact and can be determined only after reviewing all the facts in the particular case.

§ 783.37 Enforcement policy for non-seaman's work.

In the enforcement of the Act, an employee will be regarded as "employed as a seaman" if his work as a whole meets the test stated in § 783.31, even though during the workweek he performs some work of a nature other than that which characterizes the service of a seaman, if such nonseaman's work is not substantial in amount. For enforcement purposes, the Administrator's position is that such differing work is "substantial" if it occupies more than 20 percent of the time worked by the employee during the workweek.

WHAT IS AN "AMERICAN VESSEL"

§ 783.38 Statutory definition of "American vessel".

The provisions of section 6(b)(2) prescribe special methods for computing minimum wages and hours worked under the Act which are applicable only to seamen who are employed on American vessels. An "American vessel", which would appear to signify a vessel of the United States as distinguished from a foreign vessel, "includes", under the terms of the definition in section 3(p) of the Act, "any vessel which is documented or numbered under the laws of the United States." The Department of the Treasury, Bureau of Customs and the United States Coast Guard, respectively, are responsible for documentation and numbering of vessels.

§ 783.39 "Vessel" includes all means of water transportation.

Since the Act does not define "vessel" it is appropriate to apply the definition of "vessel" as set forth in the United States Code (1 U.S.C. 3). The Code defines "vessel" as including "every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water". But the Federal Boating Act of 1958, (under which the U.S. Coast Guard is responsible for numbering vessels) and the Documentation Regulations administered by the Bureau of Customs, utilize this basic definition, with the addition of specific exclusions for "seaplanes" and "aircraft" (46 U.S.C. 527; 19 CFR 3.1(a)).

§ 783.40 "Documented" vessel.

A vessel "documented • • • under the laws of the United States" is typically a vessel which has been registered, enrolled and licensed, or licensed by the Bureau of Customs under the laws of the United States (46 U.S.C. 11, 193, 251–252, 258, 840). Although Bureau of Customs regulations provide for three types of documentations, distinctions between the categories of vessels subject to them are immaterial for the purposes of the Fair Labor Standards Act, since a vessel with any of the three kinds of documentation is an "American vessel" within the section 3(p) definition Generally, any vessel of five net tons or more which is owned by a citizen of the United States is "entitled to" documentation. Complete information on the documentation requirements may be found in 19 CFR Part 3.

§ 783.41 "Numbered" vessel.

A vessel "numbered under the laws of the United States" means a vessel numbered pursuant to the provisions of Federal law, including vessels numbered under any State numbering system approved by the Secretary of the Department under which the U.S. Coast Guard is operating, in accordance with section 2(c) of the Federal Boating Act of 1958 (46 U.S.C. 527–527h). Generally, any vessel which is not required to have, and does not have, a valid marine document issued by the Bureau of Customs and is propelled by machinery of more than 10 horsepower, whether or not such machinery is the principal source of propulsion, is required to be numbered in conformity with the Federal Boating Act of 1958 if it uses the navigable waters of the United States, its Territories, or the District of Columbia or is owned in a State and uses the high seas (46 U.S.C. 527(a)). The requirements and procedures of this Act are explained in detail in 46 CFR Part 170.

§ 783.42 Vessels neither "documented" nor "numbered".

An "American vessel" on which employment as a seaman is subject to the minimum wage under the provisions of section 6(b)(2) and section 13(a)(14) is not limited by the language of the Act to those vessels which are "documented" or "numbered" as described above in §§ 783.40 and 783.41. Since the term "American vessel" has traditionally been applied to regularly documented vessels (see U.S. v. Rogers, 27 Fed. Cas. 890; Badger v. Entierrez, 111 U.S. 734; 18 Op. A.G. 234 (1885); 48 Am. Jur. 40), the inclusion of numbered vessels in the statutory definition of "American vessel" would indicate that the word "includes" is used in the sense of "embracing", as an enlargement and not as a word of limitation. The term may therefore apply to other vessels that do not fall within the illustrations given. For example, neither the documenting laws nor the numbering laws apply to vessels plying the purely internal waters of a State which do not join up with navigable waters touching on another State (19 CFR 3.5(a)(4); 33 CFR 2.10–5), but, nevertheless, the Fair Labor Standards Act does apply in those areas and it clearly would not comport with the remedial purpose of the Act to exclude from its minimum wage provisions seamen engaged in commerce or in the production of goods for commerce in those areas though the vessels are not documented or numbered. On the contrary, the legislative history shows the affirmative purpose to improve, though to a limited extent, the status of seamen (Sen. Rep. No. 145, 87th Cong., 1st sess., p. 32, 50).

COMPUTATION OF WAGES AND HOURS

§ 783.43 Computation of seaman's minimum wage.

Section 6(b) requires, under paragraph (2) of the subsection, that an employee employed as a seaman on an American vessel be paid wages at not less than the rate which will provide to the employee, for the period covered by the wage payment, wages which are equal to compensation for all hours on duty in such period at the hourly rate prescribed for employees newly covered by the Act's minimum wage requirements by reason of the 1961 Amendments (see §§ 783.23 and 783.26). Although the Act takes the workweek as the unit of time to be used in determining compliance with the minimum wage or overtime requirements and in applying the exemptions, Congress, in recognition of the unique working conditions of seamen and of the customs in the industry, made this special provision. Under section 6(b)(2) periods other than a workweek may be used, in accordance with established customs in the industry, as the basis for calculating wages for covered seamen provided the wages equal the compensation at the applicable minimum hourly rate which would be due to the employee for his hours actually spent on duty in the period. This would mean that the wage period may properly cover, for example, the period of a month or of a voyage so long as the seaman receives at the appropriate time compensation at least equal to the prescribed minimum rate for each compensable hour in that pay period. (See also § 531.26 of this chapter concerning requirements of other laws governing calculation of wages and frequency and manner of payment.) To illustrate, where seamen have customarily been paid monthly under an arrangement to perform seamen's duties during stipulated periods and to be off duty during stipulated periods during the month, if such a seaman works 300 hours during the month and receives his monthly compensation in an amount equal to a payment for that number of hours at the applicable minimum rate, there would be compliance with the requirements of section 6(b)(2). The fact that this seaman works a varying number of hours during the weeks comprising the monthly period or that the monthly compensation is disbursed in two or four partial payments to the seaman during the month would not warrant a contrary conclusion.

§ 783.44 Board and lodging as wages.

The wages for the period covered by the wage payment include all remuneration for employment paid to or on behalf of the employee for all hours actually on duty intended to be compensated by such wage payment. The reasonable cost or fair value, as determined by the Secretary of Labor pursuant to section 3(m) of the Act, of board and lodging furnished the employee during such period, if customarily furnished by the employer to his employees, is also included as part of the wages for the actual hours worked in the period (see § 783.16). However, the cost of board and lodging would not be included as part of the wages paid to the employee to the extent it is excluded from the employee's wages under terms of a bona fide collective bargaining agreement applicable to such employee, whether or not customarily furnished to the employee. Where such an exclusion is not provided for in any bona fide collective bargaining agreement applicable to the employee, the reasonable cost or fair value thereof, whichever is appropriate, as determined in accordance with the standards set forth in the regulations in Part 531 of this chapter, is included as part of the wage paid to such employee. Part 531 of this chapter also contains the official regulations and interpretations of the Department of Labor concerning the application of section 3(m) to other facilities as well as board and lodging furnished to an employee.

§ 783.45 Deductions from wages.

Where deductions are made from the wages of a seaman subject to section 6(b) of the Act, consideration must be given as to whether or not such deductions are permitted to be made when they result in the seaman receiving cash wages which are less than the applicable minimum wage rate for each hour actually on duty during the period covered by the wage payments. Such considerations are to be based upon the principles and interpretations governing such deductions. These are set forth and discussed in Part 531 of this chapter. The methods of paying the compensation required by section 6 and the application thereto of the provisions of section 3(m) of the Act, which are set forth and explained in the said Part 531, are applicable to seamen subject to the minimum wage provisions of the Act.

§ 783.46 Hours worked.

The provisions of section 6(b)(2) of the Act require that a seaman employed on an American vessel be paid wages equal to compensation at not less than the prescribed minimum wage rate for all of the hours the employee "was actually on duty (including periods aboard ship when the employee was on watch or was, at the direction of a superior officer, performing work or standing by, but not including off-duty periods which are provided pursuant to the employment agreement)". The Act in this portion of section 6(b)(2) is reflecting concepts that are well established in the law, and existing precedents (in such cases as Armour & Co. v. Wantock, 323 U.S. 126; Skidmore v. Swift & Co., 323 U.S. 134; Steiner v. Mitchell, 350 U.S. 247; Mitchell v. King Packing Co., 350 U.S. 260; Tennessee Coal, Iron & R. Co. v. Muscoda Local N. 123, 321 U.S. 590; and General Electric Co. v. Porter, 208 F. 2d 805, certiorari denied, 347 U.S. 951, 975) would be applicable in determining what time constitutes hours worked. See also the general discussion of hours worked in Part 785 of this chapter.

§ 783.47 Off-duty periods.

Off-duty periods include not only such periods as shore leave but also generally those hours spent by a seaman on the vessel outside his watch or normal or regular working hours and his standby periods during which hours he is not required to perform and does not perform work of any kind but is free to utilize his time for his own purpose. The fact that during such off-duty periods the employee is subject to call in case of emergency situations affecting the safety and welfare of the vessel upon which he is employed, or of its passengers, crew, or cargo or for participation in lifeboat or fire drills will not render such off-duty periods, excluded by employment agreement applicable to the employee, "hours worked". Responding to such calls, however, as well as the performance of work in response thereto constitute compensable work time. For further and more detailed discussion on what generally are regarded as "hours worked" under the Act, see Part 785 of this chapter.

APPLICATION OF THE EXEMPTIONS

§ 783.48 Factors determining application of exemptions.

The application of the exemptions provided by section 13(a)(14) and section 13(b)(6) of the Act is determined in accordance with their language and scope as explained in §§ 783.24, 783.25, and 783.27, with regard to the principles set forth in § 783.20 and the legislative history and judicial construction outlined in §§ 783.28–783.30. Whether a particular employee is exempt depends on what he does, as explained in §§ 783.31–783.37. Whether he is exempt from the overtime pay provisions only or from minimum wages as well depends on whether his employment is or is not on an American vessel, which is determined as indicated in §§ 783.38–783.42. In addition, sections 13(a)(14) and 13(b)(6), like other exemptions in the Act, apply on a workweek basis, as mentioned in § 783.43 and explained in §§ 783.49 and 783.50.

§ 783.49 Workweek unit in applying the exemptions.

The unit of time to be used in determining the application of the exemption provided by section 13(b)(6) or 13(a)(14) to an employee is the workweek. (See Overnight Transportation Co. v. Missel, 316 U.S. 572; Sternberg Dredging Co. v. Walling, 158 F. 2d 678.) This is the period used in determining whether a substantial amount of non-seaman's work has been performed so as to make the exemption inapplicable. See § 783.37. A workweek is a fixed and regularly recurring interval of 7 consecutive 24-hour periods. It may begin at any hour of any day set by the employer and need not coincide with the calendar week. Once the workweek has been set it commences each succeeding week on the same day and at the same hour. Changing of the workweek for the purpose of escaping the requirements of the Act is not permitted.

§ 783.50 Work exempt under another section of the Act.

Where an employee performs work during his workweek, some of which is exempt under one section of the Act, and the remainder of which is exempt under another section or sections of the Act, the exemptions may be combined. The employee's combination exemption is controlled in such case by that exemption which is narrower in scope. For example, if part of his work is exempt from both minimum wage and overtime compensation under one section of the Act, and the rest is exempt only from the overtime pay requirements under section 13(b)(6), the employee is exempt that week from the overtime pay provisions, but not from the minimum wage requirements.

§ 783.51 Seamen on a fishing vessel.

In extending the minimum wage to seamen on American vessels by limiting the exemption from minimum wages and overtime provided by section 13(a)(14) of the Act to "any employee employed as a seaman on a vessel other than an American vessel," and at the same time extending the minimum wage to "onshore" but not "offshore" operations concerned with aquatic products, the Congress, in the 1961 Amendments to the Act, did not indicate any intent to remove the crews of fishing vessels engaged in operations named in section 13(a)(5) from the exemption provided by that section. The exemption provided by section 13(a)(14), and the general exemption in section 13(b)(6) from overtime for "any employee employed as a seaman" (whether or not on an American vessel) apply, in general, to employees, working aboard vessels, whose services are rendered primarily as an aid to navigation (§§ 783.31–783.37). It appears, however, that it is not the custom or practice in the fishing industry for a fishing vessel to have two crews, namely a fishing crew whose duty it is primarily to fish and to perform other duties incidental thereto and a navigational crew whose duty it is primarily to operate the boat. Where, as is the typical situation, there is but one crew which performs all these functions, the section 13(a)(5) exemption from both the minimum wage and the overtime provisions would apply to its members. For a further explanation of the fishery exemption see Part 784 of this chapter.

Signed at Washington, D.C., this 14th day of August 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-8358; Filed, Aug. 20, 1962; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 128—TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY

Subpart B—Description of Forms Prescribed Under This Part

SHORT TERM CLAIMS ON FOREIGNERS

Subpart B of the Treasury Regulations is being amended to describe a new report form.

Subpart B is hereby amended by the addition of a new section § 128.14a. The new § 128.14a shall read as follows:

§ 128.14a Supplement to Foreign Exchange Form C½: "Short-term" claims on "foreigners."

On this supplementary form exporters, importers, industrial and commercial concerns and other nonbanking institutions are required to report monthly to a Federal Reserve bank data on a portion of their claims on "foreigners."

The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 5, 40 Stat. 415, as amended; 50 U.S.C., App. 5. sec. 8, 59 Stat. 515; 22 U.S.C. 286f, E.O. 6560, Jan. 15, 1934, E.O. 10033, 14 F.R. 561, 3 CFR, 1949 Supp.)

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-8397; Filed, Aug. 20, 1962; 8:58 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2755]

ALASKA

Withdrawing Lands for Use of Alaska Railroad; Amending Public Land Order No. 1216 of September 13, 1955; Modifying Executive Order No. 2242 of August 31, 1915

By virtue of the authority vested in the President by section 1 of act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 304), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described lands in Alaska are hereby reserved for use of the Alaska Railroad, Department of the Interior, for railroad purposes including development of industrial sites:

[Anchorage 052264]

ANCHORAGE AREA

Anchorage Townsite, East Addition,
Blocks 41–A and 43.
Anchorage Townsite, Fourth Addition,
Block 33, Lots 1, 2, 3, and 5;
Block 34, lots 1 and 2.

Containing 10.58 acres.

2. Executive Order 2242 of August 31, 1915, so far as it withdrew the lands for townsite purposes, is hereby modified to the extent necessary to permit the reservation made by paragraph 1 of this order to become effective. This order shall be subject to existing withdrawals for water power purposes so far as it affects the lands described in paragraph 1 hereof.

3. Public Land Order No. 1216 of September 13, 1955 (20 F.R. 7004), is hereby amended to the extent necessary to conform the description for the Rampart school reserve, appearing in paragraph 1a of the said order, to the plat of survey approved October 20, 1961, so as to read as follows:

[60507]

U.S. Survey 3667, Lot 2.

Containing 2.70 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 14, 1962.

[F.R. Doc. 62-8357; Filed, Aug. 20, 1962; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER B—AIRCRAFT

PART 824—UNIDENTIFIED FLYING OBJECTS (UFO)

SUBCHAPTER G—PERSONNEL

PART 887—APPOINTMENT OF OFFICIAL PERSONNEL

Miscellaneous Amendments

1. Part 824 is revised to read as follows:

Sec.
824.1 Purpose.
824.2 Unidentified flying objects.
824.3 Maintaining public relations.

AUTHORITY: §§ 824.1 to 824.3 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.
SOURCE: AFR 200–2, July 20, 1962.

§ 824.1 Purpose.

Sections 824.1 to 824.3 establish the UFO Program to investigate and analyze UFO's over the United States. Such investigation and analysis are directly related to Air Force responsibility for the defense of the United States. The UFO Program provides for the prompt reporting and rapid identification of UFOs.

§ 824.2 Unidentified flying objects.

Any aerial phenomena, airborne object or objects which are unknown or appear out of the ordinary to the observer because of performance, aerodynamic characteristics, or unusual features.

§ 824.3 Maintaining public relations.

The Office of Information, Office of the Secretary of the Air Force is responsible for releasing information and answering correspondence to the public relating to UFO's. Private individuals or organizations desiring AF interviews, briefings, lectures, or private discussions on UFO's will direct their requests to the Office of Information, Office of the Secretary of the Air Force.

2. In § 887.2, paragraph (c) is revised to read as follows:

§ 887.2 Grade determination.

* * * * *

(c) *Temporary grade.* (1) Medical and dental officers initially appointed in the permanent grade of first lieutenant will also be appointed in the temporary grade of captain with date of rank on date of graduation. The temporary grade of captain will be effective on the active duty date.

(2) Appointment in the Regular Air Force will not affect a higher temporary grade or date of rank in temporary grade held by appointee.

(3) A Reserve of the Air Force commission or Regular warrant officer appointment will be vacated on the day before date of execution of oath of office as a Regular Air Force officer.

(4) An officer accepting a Regular Air Force appointment who is serving on active duty in a Reserve grade equivalent to or higher than his Regular grade will be given a temporary USAF appointment in a grade equal to his Reserve grade, with no change in current active duty date of rank.

(5) Officers appointed in a Regular grade higher than their temporary grade will vacate their temporary grade and assume the higher grade on date of acceptance of Regular appointment.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 36–21, Nov. 7, 1960; AFR 36–21A, July 1, 1962]

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of the Judge Advocate General.

[F.R. Doc. 62-8333; Filed, Aug. 20, 1962; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Cape Romain National Wildlife Refuge, South Carolina

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Bulls Island Unit of the Cape Romain National Wildlife Refuge, South Carolina, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,495 acres or 7 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Turkey gobblers with visible beards; squirrels and raccoons.

(b) Open season: December 3, 1962, through December 8, 1962. Sunrise to 8:30 a.m. and from 3:30 p.m. to sunset (standard time). The season on turkey gobblers will be closed when the total number taken reaches 25 birds.

(c) Daily bag limits: Turkey gobblers—2; squirrels—no limit; raccoons—no limit. Season bag limit on turkey gobblers—2.

(d) Methods of hunting:

(1) Weapons: Bows with minimum recognized pull of 45 pounds and arrows with minimum blade widths of ⅞ inch on turkey gobblers, and any width blade or blunts on squirrels and raccoons.

(2) Prohibited methods: Firearms, crossbows, or any other types of mechanical bow. Broadhead arrows shall not be released at game perched on limbs above the ground level.

(3) Stand hunting: Stand hunting only is permitted. Drive and stalk hunting is prohibited.

(4) Dogs: One dog per hunting party may be used to track wounded game only. Dogs must be on a leash at all times.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping is permitted at the designated camping area only, and all fires must be confined to this area.

(3) Hunters must check in with refuge personnel upon arrival and check out upon departure from Bulls Island.

(4) Individuals under 18 years of age attending this hunt must be accompanied by a responsible adult.

(5) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Cape Romain National Wildlife Refuge, McClellanville, South Carolina, until 4:00 p.m. November 21, 1962. A maximum of 100 hunters will be accommodated each day.

(6) The provisions of this special regulation are effective to December 9, 1962.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Bulls Island Unit of the Cape Romain National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,495 acres or 7 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer of either sex.

(b) Open season: December 3, 1962, through December 8, 1962. Sunrise to 8:30 a.m., and from 3:30 p.m. to sunset (standard time). Season will be closed when the total number reaches fifty (50) animals.

(c) Daily bag limits: Two deer of either sex for daily and total bag limits.

(d) Methods of hunting:

(1) Weapons: Bows with minimum recognized pull of 45 pounds and arrows with minimum blade width of seven-eighths (⅞) inch.

(2) Prohibited methods: Firearms, crossbows, or any type of mechanical bow.

(3) Stand hunting: Stand hunting only is permitted. Drive and stalk hunting is prohibited.

(4) Dogs: One dog per hunting party may be used to track wounded game only. Dogs must be on leash at all times.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping is permitted at the designated camping area only, and all fires must be confined to this area.

(3) Hunters must check in with refuge personnel upon arrival and check out upon departure from Bulls Island.

(4) All deer must be tagged before they are removed from the Bulls Island headquarters area.

(5) Individuals under 18 years of age attending this hunt must be accompanied by a responsible adult.

(6) A Federal permit is required to enter the public hunting area. Permits must be obtained from the Refuge Manager, Cape Romain National Wildlife Refuge, McClellanville, South Carolina, until 4:00 p.m. November 21, 1962. A maximum of 100 hunters will be accommodated each day.

(7) The provisions of this special regulation are effective to December 9, 1962.

F. C. GILLETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-8353; Filed, Aug. 20, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1001, 1006, 1007, 1014, 1015]

[Docket Nos. AO-14-A-34, AO-203-A-16, AO-204-A-16, AO-302-A-8, AO-305-A-7]

MILK IN GREATER BOSTON, SPRINGFIELD, AND WORCESTER, MASSACHUSETTS; SOUTHEASTERN NEW ENGLAND; AND CONNECTICUT MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Bradford, Boston, Massachusetts, beginning at 10:00 a.m., e.d.t., on August 28, 1962, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Boston, Springfield, and Worcester, Massachusetts, Southeastern New England and Connecticut marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

This hearing is being called in response to a request by a large number of producer groups to review particularly the provisions of the various orders which relate to treatment of partially regulated milk. As indicated by the Department's invitation to interested persons for proposed order amendments, the order provisions pertaining to the definitions of pool plants, pooling requirements, and the definitions of producer have a direct bearing on the extent and volume of milk partially regulated in the respective markets. Because of the related importance of the definitions and pooling requirements under each of the orders, which assist to determine the scope of class pricing and pooling under the respective orders, such provisions are open for review at this hearing as they relate to the proposals set forth below.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Bellows Falls Cooperative Creamery, Inc., et al.:

Proposal No. 1. Amend §§ 1001.65, 1006.65, 1007.65, 1014.46, and 1015.46 of the Greater Boston, Springfield, Worcester, Southeastern New England, and Connecticut orders so as to provide alternate bases of "compensatory payments" on partially regulated milk so that the payments presently required by the provisions of those sections would continue in effect, but with the following modifications:

In the case of all fluid milk products to which the present payments apply, except receipts from a producer-handler under any Federal order, receipts from other Federal order plants which are not classified and priced as Class I milk under the other Federal order, and overages and other miscellaneous receipts of the type assigned to Class I milk pursuant to the provisions of § 1001.25(k) of the Greater Boston order and corresponding sections of the other orders, the handler responsible for making the payments would have the choice of:

(a) Paying into the respective producer settlement fund (1) on the quantity of such fluid milk products assigned to, or disposed of as, Class I milk in the respective market, the difference between the Class I and blended prices applicable to the zone location of the unregulated plant at which the fluid milk products were received from dairy farmers, plus (2) any amount by which the classified use value of all of the milk received from dairy farmers at such plant exceeded the combined total of the amount actually paid to such dairy farmers and the payment to the producer settlement fund provided in item (1), or

(b) Paying into the producer settlement fund, on the quantity of such fluid milk products assigned to, or disposed of as, Class I milk in the respective market, the difference between the Class I and Class II prices applicable at the zone location of the unregulated plant at which the fluid milk products were received from dairy farmers.

(The choice described in (a), above, should be available to the handler responsible for making the compensatory payments only if the reports, records, and facilities necessary to determine the amount of obligation thereunder are made readily available to the market administrator.)

Proposal No. 1a. Amend §§ 1001.72, 1006.72, 1007.72, 1014.70, and 1015.70 of the Greater Boston, Springfield, Worcester, Southeastern New England, and Connecticut orders, relating to payments of administration expense, so as to provide that the quantity to which the administration payment applies in the case of a handler who makes payments under Proposal No. 1 shall be as follows:

(a) If paragraph (a) of that proposal is applicable, the quantity to which the administration expense payment shall apply will be the total quantity of receipts of fluid milk products at the unregulated plant.

(b) If paragraph (b) of that proposal is applicable, the quantity to which the administration expense shall apply will be the quantity of fluid milk products received at the regulated plant from the unregulated plant, or disposed of on routes in the respective marketing area from the unregulated plant.

Proposed by Massachusetts Cooperative Milk Producers Federation, Inc.:

Proposal No. 2. Amend the New England Federal orders to provide that a handler dealing in nonpool milk be subject to compensatory payments determined either by the fluid milk-surplus use differential or by the differential between the handler's actual cost and the New England Class I price at the election of the handler each month.

Proposed by New England Milk Dealers, Inc.:

Proposal No. 3. Amend the New England Federal orders to require equalizing payments into the pool on Class I milk from any other Federal order plant.

Proposed by H. P. Hood & Sons, Inc.:

Proposal No. 4. Amend the definition of distributing plant in §§ 1001.3(f), 1006.3(f) and 1007.3(f) of the Greater Boston, Springfield and Worcester orders to be defined as follows: "any processing plant (1) with route disposition in the marketing area in the month of not less than 2 percent of its receipts from dairy farmers, or of its total receipts of fluid milk products in that month, and (2) with total Class I disposition in the month of not less than 25 percent of its total receipts of fluid milk products in that month."

Proposal No. 5. Amend the definitions of pool plants and regulated plants in the Connecticut and Southeastern New England orders to bring about the equivalent result as under Proposal No. 4 for these orders.

Proposal No. 6. Amend § 1001.21 of the Greater Boston order by deleting the language of paragraph (g) and substituting the following: "Notwithstanding the provisions of paragraphs (d), (e), and (f) above, any supply plant in any of the months of December through June from which the total quantity of fluid milk products shipped in the month to all plants to which qualifying shipments may be made under any New England Federal order is at least 25 percent of its total receipts of milk from dairy farmers, shall be in that month a pool plant under the New England order to whose regulated plants the greatest quantity is shipped."

Proposal No. 7. Amend the pool plant provisions of the Springfield, Worcester, Southeastern New England, and Connecticut orders to effectuate the same result as in Proposal No. 6.

Proposal No. 8. Amend the definition of "dairy farmers for other markets" in

each of the New England orders so that the term shall not apply to a dairy farmer ordinarily delivering to plants which become pooled on a compulsory basis pursuant to Proposals No. 6 and 7 in any month when such compulsory pooling is in effect.

Proposal No. 9. Amend § 1001.65 of the Greater Boston order and the corresponding provisions of the other four New England orders to provide that in order to insure uniform minimum class prices to all handlers in the marketing area, any person having route disposition of Class I milk in the marketing area or any person having Class I disposition to or from a regulated plant of milk which is not fully classified and priced under this order, shall be liable for an equalizing payment if the ascertainable minimum price of such milk was less than the minimum Class I price of fully regulated milk under this order. All payments due under this section shall be made to the Market Administrator and shall be added by him to the producer-settlement fund. The rate of equalizing minimum price payment shall be as follows:

(a) On such milk that is classified and priced under another Federal order, the rate per hundredweight shall be the plus difference between the Class I price under the New England order applicable at the zone location of the plant where the milk was received from dairy farmers and the minimum class price applicable to the milk under the other Federal order.

(b) On such milk that is classified and priced pursuant to the Milk Price Control Agency of a State government, the rate per hundredweight shall be the plus difference between the Class I price under the New England order applicable at the zone location of the plant where the milk was received from dairy farmers and the minimum class price applicable to the milk under the State Milk Price Control Agency.

(c) On such milk that is not price regulated as outlined in paragraph (a) or (b) of this section, the rate of payment per hundredweight shall be the difference between the Class I price under the New England order and the uniform or blended price under the same order, both applicable at the zone location of the plant where the milk was received from dairy farmers.

Proposed by Connecticut Milk Producers Association, Modern Milk Marketing Association, and Cooperative Dairy, Inc.:

Proposal No. 10. If a compensatory payment on nonpool milk at a rate equal to the fluid milk-blend price differential is provided as a result of the hearing, change the July–November shipping requirement for pool supply plants to 30 percent, returning it to the same status as before the July 1, 1962, amendments.

Proposal No. 11. In § 1015.24(b), delete steps 3 and 14, which provide first for a subtraction of shrinkage on direct-delivery milk and then for the addition back in of the shrinkage.

Proposal No. 12. Allocate to Class II first in the assignment sequence (not to Class I, as at present) packaged fluid milk products moving to Connecticut from New York-New Jersey plants which are in Class III under the New York-New Jersey order and in Class I under the Connecticut order.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 13. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the respective orders may be procured from the Market Administrator for the respective markets at Room 403, 230 Congress Street, Boston 10, Massachusetts; Room 408, 145 State Street, Springfield 3, Massachusetts; Room 403, 107 Front Street, Worcester 8, Massachusetts; 57 Eddy Street, Providence 3, Rhode Island; and 1049 Asylum Avenue, Hartford 5, Connecticut; or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may there be inspected.

Signed at Washington, D.C., on August 16, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-8399; Filed, Aug. 20, 1962; 8:58 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 889) has been filed by American Cyanamid Company, Post Office Box 400, Princeton, New Jersey, proposing the amendment of §§ 121.208 and 121.1014 of the food additive regulations to provide a zero tolerance for residues of chlortetracycline in milk and to provide for the safe use of this antibiotic in dairy cattle feed, as follows:

Daily quantity	*Limitations*
0.1 mg. per pound of body weight.	Continuous use.

Indications for use
As an aid in increasing milk production.

Dated: August 14, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8363; Filed, Aug. 20, 1962; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 905) has been filed by Central States Paper and Bag Company, Inc., 5221 Natural Bridge, St. Louis 15, Missouri, proposing the amendment of paragraph (b)(1) of § 121.2551 *Corrosion inhibitors used for steel or tinplate* by adding to the *List of substances* the new item "Dicyclohexylamine nitrate."

Dated: August 14, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8364; Filed, Aug. 20, 1962; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 885) has been filed by Drew Chemical Corporation, 416 Division Street, Boonton, New Jersey, proposing the issuance of a regulation to provide for the safe use of propylene glycol mono- and diesters of fats and fatty acids in or on food as emulsifiers, surfactants and defoaming agents; in paper and paperboard for food packaging; and as equipment lubricants.

Dated: August 14, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8365; Filed, Aug. 20, 1962; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 531) has been filed by Geigy Chemical Corporation, Post Office Box 430, Yonkers, New York, proposing the amendment of § 121.1056 of the food additive regulations to establish a tolerance of 100 parts per million (0.01 percent) for residues of disodium ethylenediamine tetraacetate in or on frozen white potato products, calculated on an anhydrous basis. Such residues derive from use of the additive as a color preservative in frozen white potato products.

Dated: August 14, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8366; Filed, Aug. 20, 1962; 8:52 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 872) has been filed by Rohm and Haas Company, Washington Square, Philadelphia 5, Pa., proposing the issuance of a regulation to provide for the safe use of sulfonated copolymers of styrene and divinylbenzene ion-exchange resins in food processing.

Dated: August 14, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8367; Filed, Aug. 20, 1962; 8:52 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (FAP 597, 598) have been filed by A. E. Staley Manufacturing Company, Decatur, Illinois, proposing amendment of § 121.1031 *Food starch-modified* to provide for the safe use in food of this food additive, modified with not to exceed 0.6 percent acrolein with or without 7.5 percent vinyl acetate.

Dated: August 14, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8368; Filed, Aug. 20, 1962; 8:52 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 902) has been filed by Tennessee Products and Chemical Corporation, 2611 West End Avenue, Nashville 5, Tennessee, proposing the amendment of paragraph (c)(5) of § 121.2520 *Adhesives* by adding a new item "Sucrose benzoate" to the list of substances permitted for use in food-packaging adhesives.

Dated: August 14, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8369; Filed, Aug. 20, 1962; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601, 608]

[Airspace Docket No. 61-WA-188]

SPECIAL USE AIRSPACE, FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Withdrawal of Proposed Designation and Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER on January 11, 1962, as Airspace Docket No. 61-WA-188 (27 F.R. 317), it was stated that the Federal Aviation Agency proposed to designate special use airspace, alter the continental control area, and the Enid, Okla., control zone, and to alter control area extensions and Federal airways in the vicinity of Vance Air Force Base, Enid, Okla.

Subsequent to publication of the notice, the Federal Aviation Agency has determined that a further review of these proposals is desirable prior to taking any action to alter the allocation of airspace in the vicinity of Enid. New proposals will be issued upon completion of this review.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 61-WA-188 is withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Washington, D.C., on August 14, 1962.

W. THOMAS DEASON,
Assistant Chief, Airspace Utilization Division.

[F.R. Doc. 62-8334; Filed, Aug. 20, 1962; 8:45 a.m.]

[14 CFR Parts 600, 602]

[Airspace Docket No. 62-WA-89]

FEDERAL AIRWAYS, JET ROUTE AND JET ADVISORY AREA

Proposed Alteration and Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 600 and §§ 600.6516, 600.1530, 600.1531, 600.1644, 602.100, and 602.200 of the regulations of the Administrator, the substance of which is stated below.

This docket concerns the Department of the Air Force airspace requirements for undergraduate pilot training activities at Vance Air Force Base, Enid, Okla., and actions proposed by the Federal Aviation Agency to meet these specific requirements with the least impact on other segments of aviation.

Airspace Docket No. 62-WA-62, published in the FEDERAL REGISTER as a notice of proposed rule making (27 F.R. 5341) and as an amendment to the regulations of the Administrator (27 F.R. 5981) set forth the Department of the Air Force requirement for airspace in the vicinity of six selected bases in which to conduct undergraduate pilot training. The training activity, procedures for conducting the training, use of the airspace within the training areas, and methods of publicizing the training activities were described in detail in Airspace Docket No. 62-WA-62. With the exception of specific airspace actions, the overall operation at all six selected bases is basically the same and will not be repeated herein.

Vance AFB has some 350 students and 166 jet aircraft in its program. Each student spends 55 weeks in obtaining 132 hours training in T-37s and 130 hours in T-33s. The T-33s are being phased out of the program and are being replaced with T-38s. Normally, 63 sorties operate continuously during daylight hours. The majority of the sorties consist of acrobatic maneuvers performed at speeds of 300 to 600 miles per hour, which are not adaptable to air traffic control and cannot be conducted on Federal airways. Because of normal training days lost due to inclement weather, training is sometimes conducted on Saturdays and Sundays.

The Federal Aviation Agency has reviewed the airspace requirements of all segments of the aviation industry in the Enid area together with airway alignments and airspace available for the proposed Air Force activities and it appears that an area of approximately 6,581 square nautical miles north of Oklahoma City, Okla., to be known hereafter as "Vance One Intensive Student Jet Training Area"; and that an area of approximately 1,180 square nautical miles southeast of Ponca City, Okla., to be known hereafter as "Vance Two Intensive Student Jet Training Area" would satisfy Air Force airspace requirements. These areas are described below.

I. *Name.* Vance One Intensive Student Jet Training Area.

Boundary. Beginning at latitude 36°21'-00" N., longitude 99°40'20" W.; to latitude 37°03'40" N., longitude 98°50'30" W.; to latitude 37°04'30" N., longitude 98°25'30" W.; to latitude 36°58'20" N., longitude 98°-02'00" W.; to latitude 36°47'30" N., longitude 97°34'00" W.; to latitude 36°37'30" N., longitude 97°19'00" W.; to latitude 35°49'-30" N., longitude 97°41'20" W.; to latitude 35°39'00" N., longitude 98°17'00" W.; to latitude 35°45'00" N., longitude 98°52'10" W.; to the point of beginning.

Time of use. Sunrise to Sunset, Monday through Friday.

Altitudes. 10,000 feet MSL to 23,000 feet MSL.

II. *Name.* Vance Two Intensive Student Jet Training Area.

Boundary. Beginning at latitude 36°35'-10" N., longitude 97°08'03" W.; to latitude 36°08'00" N., longitude 97°21'30" W.; to latitude 36°10'00" N., longitude 97°07'55" W.; to latitude 36°09'00" N., longitude 97°-07'25" W.; to latitude 36°10'00" N., longitude 96°56'30" W.; to latitude 36°11'15" N., longitude 96°49'00" W.; to latitude 36°09'-55" N., longitude 96°48'45" W.; to latitude 36°12'30" N., longitude 96°23'30" W.; to

latitude 36°25'00" N., longitude 96°20'00" W.; to latitude 36°31'00" N., longitude 96°15'05" W.; to latitude 36°38'00" N., longitude 96°22'55" W.; to latitude 36°39'40" N., longitude 96°56'00" W.; thence clockwise along a 10-mile radius circle centered at latitude 36°43'40" N., longitude 97°06'10" W. (Ponca City Airport) to point of beginning.

Time of use. Sunrise to sunset, Monday through Friday.

Altitudes. 10,000 feet MSL to 19,000 feet MSL.

These "Intensive Student Jet Training Areas" will be clearly depicted on all appropriate aeronautical charts. The activities being conducted will be described in the Airman's Guide and other aeronautical publications. These areas will be stratified by altitudes as required by training activities at a particular time and are designed to have the least possible effect on Federal airways and to allow free transit below 10,000 feeet MSL for direct flights. During the time these areas are in use, IFR flights of nonparticipating aircraft will not be cleared to transit the areas. VFR flights will not be denied access to the areas; however, they will be advised of the training activities and given traffic advisory information.

The airway segments described below would traverse the proposed training areas. When the training areas are not in use, the Kansas City Air Route Traffic Control Center will utilize the altitudes above 9,000 feet for Instrument Flight Rules traffic along these airway segments within the geographical limits of the "Intensive Student Jet Training Areas" depicted on aeronautical charts. However, when the areas are in use, the Kansas City Air Route Traffic Control Center will not authorize flight along these airway segments above 9,000 feet and such airway segments will not be employed as airways above 9,000 feet. Consequently, the prohibition of acrobatics on airways is not considered applicable within the altitude and geographical limits of the "Intensive Student Jet Training Areas" when such areas are in use for student jet training by the Air Training Command.

1. Low altitude VOR Federal airway No. 12 and Intermediate altitude VOR Federal airway No. 1541 from the Gage, Okla., VORTAC to the Anthony, Kans., VOR.

2. Low altitude VOR Federal airway No. 190 from the Gage VORTAC to the Ponca City, Okla., VORTAC.

3. Low altitude VOR Federal airway No. 17 from the Gage VORTAC to the Oklahoma City, Okla., VORTAC.

4. Low altitude VOR Federal airway No. 140 and Intermediate Altitude VOR Federal airway No. 1626 from the intersection of the Sayre, Okla., VOR 071° and the Oklahoma City VORTAC 282° True radials; to the intersection of the Sayre 071° and the Oklahoma City VORTAC 021° True radials.

5. Low altitude VOR Federal airway No. 77 east alternate from the Ponca City VORTAC to the intersection of the Ponca City VORTAC 181° and the Tulsa, Okla., VORTAC 262° True radials.

6. Low altitude VOR Federal airway No. 14 south alternate from the Ponca City VORTAC to the intersection of the Ponca City VORTAC 135° and the Tulsa VORTAC 262° True radials.

7. Low altitude VOR Federal airway No. 74 from the Ponca City VORTAC to the Tulsa VORTAC.

The following airway and jet route segments would also traverse or overlie the proposed training areas:

Low altitude VOR Federal airway No. 516 which is designated in part from the Liberal, Kans., VOR via the intersection of the Liberal VOR 090° and the Ponca City VORTAC 280° True radials to the Ponca City VORTAC. Intermediate altitude VOR Federal airway No. 1530 which is designated in part from the Liberal VOR via intersection of the Liberal VOR 090° and the Ponca City VOR 280° True radials; intersection of the Ponca City VOR 280° and the Anthony VOR 162° True radials; thence 10-mile-wide airway to the Ponca City VOR. Intermediate altitude VOR Federal airway No. 1531 which is designated in part from the Oklahoma City VOR; as a 12-mile-wide airway to the Gage VOR. Intermediate altitude VOR Federal airway No. 1644 which is designated in part from the Ponca City VOR as a 10-mile-wide airway to the Tulsa VOR. Jet Route No. 20 which is designated in part from Denver, Colo., via Garden City, Kans., to Oklahoma City. Jet Route No. 20 jet advisory area "radar" which is designated in part from Garden City to Oklahoma City. Jet Route No. 20 jet advisory area "nonradar" which is designated in part from 120 nautical miles southeast of Denver to Garden City.

Accordingly, to provide for the most expeditious routing of IFR traffic when the training areas are in use, the Federal Aviation Agency is considering the following actions:

1. Realign Victor 516 from the Liberal VOR via the Anthony VOR; to the Ponca City VOR.

2. Realign Victor 1530 from the Liberal VOR via the intersection of the Liberal VOR 086° and the Hutchinson, Kans., VOR 224° True radials; 10-mile-wide airway to the Anthony VOR; thence to the Ponca City VOR.

3. Realign Victor 1531 from the Oklahoma City VOR; 12-mile-wide airway via the intersection of the Oklahoma City VOR 282° and the Gage VOR 133° True radials; to the Gage VOR.

4. Realign Victor 1644 from the Ponca City VOR; 10-mile-wide airway via the intersection of the Ponca City VOR 094° and the Tulsa VOR 319° True radials; to the Tulsa VOR.

5. Designate Intermediate altitude VOR Federal airway No. 1773 from the Gage VOR to the Hutchinson VOR.

6. Designate Intermediate altitude VOR Federal airway No. 1775 from the Gage VOR via the intersection of the Gage VOR 043° and the Wichita, Kansas, VOR 250° True radials; to the Wichita VOR.

7. Realign Jet Route No. 20 from Denver via Gage, Okla., to Oklahoma City.

8. Redesignate Jet Route No. 20 jet advisory area "radar" from 85 nautical miles northwest of Gage to Oklahoma City.

9. Redesignate Jet Route No. 20, jet advisory area "nonradar" from 150 nautical miles southeast of Denver to 85 nautical miles northwest of Gage.

The control areas associated with the proposed low altitude airway segments would extend from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

The proposals in this notice have been informally discussed with representatives of a majority of the aviation organizations and the Air Force. In view of this, it is felt that fifteen days will be sufficient time for comments on the notice.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 14, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–8340; Filed, Aug. 20, 1962; 8:46 a.m.]

Notices

POST OFFICE DEPARTMENT

DIRECTOR, PROCUREMENT DIVISION, BUREAU OF FACILITIES

Delegations of Authority

The following is the text of Order No. P–63–6 and excerpts from Order No. P–63–7 by the Director, Procurement Division, Bureau of Facilities:

JULY 2, 1962.

Order No. P–63–6:

Pursuant to Postmaster General Order No. 55582, dated March 2, 1954 (19 F.R. 2376), I do hereby redelegate to the Chief, Contract Branch, the authority to sign in his own name:

(a) All contracts and purchase orders except those drawn for stamped and accountable paper or those involving:

(1) Other Government Agencies, other than vehicle procurements,

(2) General Schedule Contracts,

(3) Orders against Term Contracts,

(4) Purchases from commercial sources which do not exceed $2,500 for each purchase, whenever a formal contract is not involved, and

(5) Negotiated contracts as provided for in Assistant Postmaster General, Bureau of Facilities' Order No. 215, dated January 29, 1962 (27 F.R. 1463).

(b) Amendments or revisions to contract and purchase orders authorized in paragraph (a) of this Order.

(c) General correspondence and official documents in connection with the administration of contracts and purchase orders authorized in paragraphs (a) and (b) of this Order, and in connection with other functions and activities of the Contract Branch, except when addressed to other organizational components of the Department and involving other than normal routine matters. The above delegation is subject to the following provisions:

(1) All procurement actions must be submitted for review of the Chief Procurement Officer of the Post Office Department before signature when such procurement actions individually exceed or are expected to exceed $50,000.

(2) All initial procurements of equipment which have been adopted as standard, regardless of purchase amount, must be submitted for review of the Chief Procurement Officer of the Post Office Department before signature.

I do hereby redelegate to the Head, Compliance and Review Section, the authority to sign contracts, purchase orders and all other contractual correspondence and documentation as outlined above, subject to the same limitations and except that all procurement actions must be submitted for the review of the Chief, Contract Branch, when such procurement actions individually exceed or are expected to exceed $10,000. In the absence of the Chief, Contract Branch, the Head, Compliance and Review Section, has the full authority delegated above to the Chief, Contract Branch.

In the absence of the Chief, Contract Branch, and the Head, Compliance and Review Section, the same authority is delegated to the Head, Inspection and Acceptance Section, as is delegated above to the Chief, Contract Branch.

The Chief, Contract Branch, is hereby delegated authority to further redelegate authority to sign general correspondence and other official documents not involving the obligation of funds.

This Order supersedes and cancels Order No. P–62–50, dated May 18, 1962.

JULY 2, 1962.

Order No. P–63–7:

Pursuant to Postmaster General Order No. 55582, dated March 2, 1954, (19 F.R. 2376), I do hereby redelegate to the Chief, Inventory and Distribution Branch, the authority to sign in his own name:

(a) • • •

(b) Purchase orders and related documents, including amendments or revisions, for equipment, supplies and services involving:

(1) Other Government Agencies, except vehicle procurements,

(2) General Schedule Contracts,

(3) Orders against Term Contracts,

(4) Purchases from commercial sources which do not exceed $2500 for each purchase, whenever a formal contract is not involved.

(c) Recommendations on findings and determinations when mistakes in bids solicited at Headquarters are alleged after opening and prior to award.

(d) • • •

(e) General correspondence and official documents in connection with the administration of contracts and purchase orders authorized in paragraph (b) of this Order, and in connection with other functions and activities of the Inventory and Distribution Branch, except when addressed to other organizational components of the Department and involving other than normal routine matters.

I do hereby redelegate to the Chief, Supplies Section, authority to sign his own name:

(a) Standard Form 1, Printing and Binding Requisitions,

(b) Standard Form 1–C, Printing and Binding Requisition for Specialty Items,

(c) Form GPO 3019 Rev., Printing and Reproduction Service Requisition,

(d) Requisitions for Disbursing Officer's Checks,

(e) POD Form 4710, Shipping Instructions for Purchase Order.

In the absence of the Chief, Supplies Section, the Assistant Chief of that Section is authorized to sign.

I do hereby redelegate to the Chief, Equipment Section, and to the Heads of the Mechanical Unit and the Non-Mechanical Unit, authority to sign POD Form 339, Shipping Instructions for Material in Storage, and POD Form 4710, Shipping Instructions for Purchase Order.

In the absence of the Chief, Inventory and Distribution Branch, the following are designated as Acting Chief in the order indicated and are authorized to exercise the authorities delegated hereby.

(1) Chief, Supplies Section,

(2) Chief, Equipment Section,

(3) Chief, Warehousing Section.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62–8381; Filed, Aug. 20, 1962; 8:56 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 6, 1962.

The National Park Service has filed an application, Serial Number A. 032306 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and the disposal of materials under the Materials Act of July 31, 1947, as amended. The applicant desires the land for the protection and preservation of the prehistoric sites thereon.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 555 Cordova Street, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

KACHEMAK BAY AREA

Yukon Island.

Containing 700 acres, more or less.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62–8354; Filed, Aug. 20, 1962; 8:48 a.m.]

[W-0175620]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 13, 1962.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, serial number Wyoming 0175620, for the withdrawal of lands described below, from all forms of appropriation under the first form of withdrawal as provided by section 3 of the Act of July 17, 1902 (32 Stat. 388), subject to valid existing rights.

The applicant desires the lands for reclamation purposes in connection with the Seedskadee Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 109 W.,
Sec. 10: W½, SE¼SE¼;
Sec. 14: W½SW¼, SE¼SW¼.
T. 22 N., R. 111 W.,
Sec. 4: Lot 5, SE¼NE¼.
T. 23 N., R. 111 W.,
Sec. 33: E½.
T. 23 N., R. 112 W.,
Sec. 2: Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, S½;
Sec. 3: Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, S½;
Sec. 4: Lots 5, 6, 11, 12, 13, 14, SE¼.
T. 24 N., R. 112 W.,
Sec. 10: S½SW¼, SE¼;
Sec. 11: SW¼, SW¼SE¼;
Sec. 27: All;
Sec. 28: E½;
Sec. 33: E½;
Sec. 34: All;
Sec. 35: All.

Total area aggregates 5705.14 acres.

ED PIERSON,
State Director.

[F.R. Doc. 62-8355; Filed, Aug. 20, 1962; 8:48 a.m.]

[W-0210680]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 13, 1962.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, serial number Wyoming 0210680, for the withdrawal of lands described below, from all forms of appropriation under the first form of withdrawal as provided by section 3 of the Act of July 17, 1902 (32 Stat. 388), subject to valid existing rights.

The applicant desires the lands for reclamation purposes in connection with the Seedskadee Project in Wyoming.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 24 N., R. 111 W.,
Sec. 18: Lots 6, 7, 8, SE¼NW¼, E½SW¼.
T. 24 N., R. 112 W.,
Sec. 10: S½N½, N½SW¼;
Sec. 11: SW¼NE¼, S½NW¼, NW¼SE¼;
Sec. 16: E½;
Sec. 19: E½;
Sec. 20: All;
Sec. 28: W½;
Sec. 29: All;
Sec. 30: E½NE¼;
Sec. 32: N½N½;
Sec. 33: N½NW¼.

Total area aggregates 3137.76 acres.

ED PIERSON,
State Director.

[F.R. Doc. 62-8356; Filed, Aug. 20, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARKANSAS AND MINNESOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the States of Arkansas and Minnesota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Fulton.	Stone.
Izard.	

MINNESOTA

Chisago.	Mille Lacs.
Grant.	Washington.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of August 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-8402; Filed, Aug. 20, 1962; 8:59 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

CONGO REPUBLIC (BRAZZAVILLE)

Notice of Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of the Congo Republic (Brazzaville), from which evidence it appears that the Congo Republic (Brazzaville) does not have a social insurance or pension system of general application which pays benefits on account of old age, retirement, or death.

Accordingly, it is hereby determined and found that the Congo Republic (Brazzaville) does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 14, 1962.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-8371; Filed, Aug. 20, 1962; 8:53 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Notice of Completion and Operation of Facility

Please take notice that pursuant to the provisions of Paragraph 4.A. of Provisional Operating License No. DPR-4, Saxton Nuclear Experimental Corporation has been authorized to operate its nuclear reactor located near the Borough of Saxton in Liberty Township, Bedford County, Pennsylvania at steady-state power levels not in excess of 20 megawatts thermal in the manner described and subject to the provisions set forth in Provisional Operating License No. DPR-4.

Based upon reports of inspections by representatives of the Division of Compliance and an evaluation of these reports by the Research and Power Reactor Safety Branch, Division of Licensing and Regulation, I have found that construction of the facility has been completed in conformity with the Final Safeguards Report.

Notice of Issuance of Provisional Operating License No. DPR-4 was issued on November 15, 1961.

Dated at Germantown, Md., this 15th day of August 1962.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 62-8332; Filed, Aug. 20, 1962; 8:45 a.m.]

[Docket No. 27-10]

NUCLEAR ENGINEERING CO., INC.

Notice of Proposed Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that Nuclear Engineering Company, Inc., with principal office at 65 Ray Street, Pleasanton, California, holder of License No. 4-3766-1 which authorizes the receipt, processing, packaging, storage and disposal of waste byproduct, source and special nuclear material, has applied for an amendment which would authorize the burial of low level radioactive waste material at a site near Beatty, Nevada.

Section 20.302 of the Commission's regulation, Standards For Protection Against Radiation, 10 CFR Part 20, provides that persons engaging in land burial of radioactive wastes received from other persons must do so on land owned by the Federal Government or by a State government. The purpose of this provision is to assure the necessary long-term control of such land in the event a licensee is unable, for any reason, to maintain the operation. The proposed land burial site is on land owned by the State of Nevada. Nuclear Engineering Company, Inc., will operate the burial ground under a lease from the State. The State of Nevada has assured the Commission that in the event of any default by the licensee with the terms and conditions of its lease, specifically including abandonment of the premises, the State shall be solely responsible to assure that all radioactive wastes on the site are buried and that the site is maintained subject to the same conditions of the license held by Nuclear Engeering Company, Inc.

The AEC has reviewed the application for amendment and has prepared a hazards analysis which includes an analysis prepared by the U.S. Geological Survey of the geology and hydrology of the proposed site. In view of the foregoing and information regarding the licensee's equipment, facilities, procedures and personnel previously submitted and incorporated in the public files, the AEC has found that:

(a) The applicant's proposed equipment, facilities and procedures are adequate to protect health and minimize danger to life or property;

(b) The applicant is qualified by training and experience to conduct the proposed land burial operation in such a manner as to protect health and minimize danger to life or property;

(c) The issuance of the proposed amendment to the license authorizing the burial of low-level radioactive wastes at the site proposed will not be inimical to the common defense and security or the health and safety of the public; and

(d) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and Commission regulations.

The AEC proposes to grant the amendment subject to appropriate limitations unless within fifteen (15) days after filing of this notice with the office of the Federal Register, a petition to intervene and a request for a formal hearing are filed with the Commission in the manner prescribed in the Commission's rules of practice, Part 2, Title 10, Code of Federal Regulations or unless the Commission upon further consideration, directs the holding of such a hearing on its own motion.

The application for license amendment, the hazards analysis prepared by the Division of Licensing and Regulation and the geological and hydrological analysis of the site prepared by the U.S. Geological Survey are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C. Copies of the hazards analysis referenced above may also be obtained by request addressed to the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C. or to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

The text of the proposed amendment is attached to this notice.

Dated at Germantown, Md., August 16, 1962.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing & Regulation.

[License No. 4-3766-1(B64); Amdt. No. 15]

In accordance with application dated October, 6, 1961 and amendment thereto dated January 24, 1962, License No. 4-3766-1 is hereby amended as follows:

The following condition is added:

18. Byproduct, source and special nuclear material may be disposed of by burial at a site located in the NW¼ of the NE¼ of Section 35, Township 13 South, Range 47 East, Mount Diablo Baseline and Meridian, in accordance with procedures and limitations set forth in the application dated October 6, 1961, and amendment thereto dated January 24, 1962, and subject to the following additional limitations:

(1) Packages placed in the burial trench shall be covered over with earth at the end of each operating day during which any packages containing radioactive waste are placed in the burial trench.

(2) Upon completion of burial operations in a burial trench, the licensee will backfill the trench so that there is a minimum of three feet of earth, consisting of both fine and coarse materials, between the last layer of packages and the surface of the ground. The licensee will mound earth, including both fine and coarse materials, over the trench to a minimum height of two feet at the center of the mound in such a manner as to drain runoff water away from the trench over which the earth is mounded and away from any other trench in the process of being filled.

(3) A water sample shall be obtained from the test well described in the application not less than once each month and analyzed for gross beta-gamma radioactivity.

(4) Should any water sample obtained from the test well reveal an increase in the concentration of radioactive material in the aquifer greater than the concentration of radioactive material determined prior to commencement of burial operations, the licensee shall perform further surveys to determine whether or not the increase is due to the land burial operations. Should the radioactivity be determined to originate in the burial ground, the licensee shall notify the Director, Division of Licensing and Regulation within thirty (30) days of such findings.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 62-8403; Filed, Aug. 20, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13935]

KENT AVIATION LIMITED

Notice of Hearing

Notice is hereby given that a hearing on the above-entitled application is assigned to be held on September 6, 1962, at 10 a.m., e.d.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., August 16, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8389; Filed, Aug. 20, 1962; 8:56 a.m.]

[Docket No. 9523 etc.]

REOPENED PUERTO RICO THIRD-CLASS PASSENGER FARE INVESTIGATION

Notice Reassigning Prehearing Conference

Pursuant to request of counsel for Trans Caribbean Airways, agreed to by other parties, the prehearing conference in the above-entitled proceeding, now assigned for August 30, 1962, is hereby advanced one day and reassigned to be held August 29, 1962, 10:00 a.m., e.d.s.t.,

in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., August 16, 1962.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 62-8390; Filed, Aug. 20, 1962; 8:56 a.m.]

[Docket No. 13939; Order No. E-18706]

CONTINENTAL AIR LINES, INC., ET AL.

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of August, 1962, in the matter of business and economy fares proposed by Continental Air Lines, Inc., American Airlines, Inc., Braniff Airways, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.:

Continental Air Lines, Inc., has filed a tariff effective August 24, 1962, to expire with January 31, 1963, which would provide new jet business and jet economy fares. The services are to be offered, along with first-class service, in three-section configuration B-707 aircraft on a limited number of flights in the Chicago-Kansas City, Denver-Los Angeles markets.[1] The proposed business class fares are 86-89 percent of the present jet first-class fares and the economy fares 79-81 percent of the jet day coach fares in these markets.

Competing defensive tariffs in the (1) Chicago-Denver-Los Angeles markets were filed by United Air Lines, Inc.; (2) Chicago-Los Angeles market by American Airlines, Inc.; (3) economy tariffs in the Chicago-Kansas City market by Braniff Airways, Inc.; and (4) economy tariffs by Trans World Airlines, Inc. in the Chicago-Kansas City and Chicago-Los Angeles markets. TWA also proposes a reduction in its Kansas City-Los Angeles regular night coach fare to compete with Continental's economy fare in that market.

In support of its proposal, Continental states it will provide a market test to determine the traffic stimulating effects of lower fares and to determine the buying desires of the public. Markets selected represent high density, highly competitive and lower density, as well as less competitive routes over short, intermediate, and long-haul stage lengths. Continental asserts the fares will stimulate new traffic and reduce inflight expenses, while the proposed more comfortable, business class service and fares will attract traffic from the lower-priced coach service with no material increase in inflight costs.

Complaints were filed by American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc. In general, the complaints allege that diversion from first-class and coach services by the economy class rate-cutting proposal will reduce revenues without producing a compensatory increase in traffic; that effects of the proposed fares will extend to other parts of the country; the aircraft modifications will be expensive and inefficient; and that experience in the North Atlantic service with three classes of service resulted in elimination of the middle class and the same results can be expected here. Some of the complainants suggest, however, that some modification of the present fare relationships would be desirable. The City of Denver, Colorado, has filed a letter with the Board in support of Continental's proposal. Continental has filed a consolidated answer to the complaints alleging, inter alia, that only by experience can the generative effects of lower-priced service be ascertained, that it is here offering a controlled experiment, limited as to time and markets, that a survey has indicated that business travel will be attracted from coach to their business service, and suggests reporting be required of all participating carriers, commencing with July 1962 data.

The proposed economy service, with higher density than that in coach service, and with fewer amenities, should result in lower seat-mile costs. The business class service, with lesser seating space and amenities than first-class service but more than in coach, should result in seat-mile costs intermediate to the first-class and coach costs. From the information before us we cannot say the proposed fares are not reasonably related to the costs of providing such services, as measured by the relationship of fares and costs of first-class as well as coach services.

At the present time the extent the proposed business class service will appeal to any large percentage of present coach traffic cannot be determined, nor can the extent the proposed economy fares will stimulate new traffic be ascertained. We cannot therefore forecast accurately the impact of the proposal upon the net revenues of the carriers. In consideration of the relationship of the fares to costs, the limits contained in the proposal with respect to time and area, and the value to the public and the industry of ascertaining the effect such fares will have upon the movement of traffic, we will not suspend the proposed tariffs. The Board believes that a controlled experiment such as has been suggested here may provide answers to these questions and that after a short period of experimentation, with this information available, an investigation is desirable, and this order will institute an investigation of the Continental economy and business class fares as well as of the defensive tariffs filed by American, Braniff, TWA, and United.

The Board has instructed its staff to meet with the participating carriers and arrange for appropriate reporting procedures so that the Board can monitor the results of these fares on a reasonably current basis and so that adequate data will be available when the investigation moves forward.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958, as amended, particularly sections 204(a), 403, 404, 407, and 1002 thereof,

Accordingly, it is ordered, That:

1. An investigation be instituted to determine whether the rates, fares, charges, rules, regulations or practices for air transportation of passengers by American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., as described in Appendix A[2] hereto including subsequent amendments thereof, are or will be unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful; and if found to be unlawful, to determine and prescribe the lawful fares and provisions.

2. The complaints of:

American Airlines, Inc., in Docket 13814.
Braniff Airways, Inc., in Docket 13844.
Delta Air Lines, Inc., in Docket 13840.
Eastern Air Lines, Inc., in Docket 13848.
National Airlines, Inc., in Docket 13845.
Northwest Airlines, Inc., in Docket 13846.
Trans World Airlines, Inc., in Docket 13843.
United Air Lines, Inc., in Docket 13822.

insofar as they request investigation of the proposed fares and provisions are consolidated herein; and, except to the extent thus granted, are dismissed.

3. Copies of this order be served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this investigation.

4. This investigation is assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8391; Filed, Aug. 20, 1962; 8:56 a.m.]

[1] Business class fares are also proposed between Colorado Springs, Colorado, on the one hand, and Chicago, Kansas City, and Los Angeles, on the other.

[2] Appendix A filed as part of original document.

[3] Statement of members Gurney and Gilliland filed as part of original document.

FEDERAL MARITIME COMMISSION

AIR-SEA FORWARDERS, INC., ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following Los Angeles applications have been issued application numbers by the Federal Maritime Commission for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87-254). Corps. unless otherwise indicated.

Protests to the granting of any application should be filed in writing with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

No.; Name and Address; Officers

903; Air-Sea Forwarders, Inc., 406 South Main Street (13)—Erwin Rautenberg, pres.; Jerome W. Shepard, vice pres.-legal counsel; Norman Krieger, 2d vice pres.; Harry Rautenberg, treas.; Samuel Keevuk, sec.

528; Barham Co., Guy B., 405 H. W. Hellman Building, 354 South Spring Street (13)—Patricia A. Barham, pres.-director; Jessica G. Barham, director; J. Russell Surbert, director; Elmer L. Higgs, treas.-vice pres.; Mabel L. Usher, sec.

164; Byrnes & Co., W. J. of Los Angeles, 354 South Spring Street (13)—Howard J. Mann, pres.; Elwyn W. Stevens, vice pres.; Catherine P. Leonard, sec.-treas.

52; Carmichael Forwarding Service, 406 South Main Street (13)—R. F. Lazier, pres.; Omar A. Slayter, vice pres.; Marjorie L. Lazier, sec.-treas.; R. A. Lazier, director.

640; Del Mar Shipping Corp., 624 H. W. Hellman Building, 354 South Spring Street (13)—Arthur J. Banuelos, pres.; Robert L. Waldeck, sec.-treas.

923; Dow Co., Inc., of L.A., Frank P., 711 H. W. Hellman Building, 354 South Spring Street (13)—William D. White, pres.-director; Katherine L. Kammann, vice pres.; Mary Edwards, sec.-director; H. K. White, treas.-director; Ruth P. Allemann, asst. sec.

923; Dow Co., Inc., Frank P., 309 Southwest 6th Avenue, Portland 4, Oreg.—Chas. E. Haney, vice pres.-treas.; William D. White, pres.; Vera M. Haney, sec.

805; Duncan Co., Inc., Bruce, 354 South Spring Street (13)—Bruce Duncan, pres.; Shozo Saito, vice pres.; Arthur B. Staudt, vice pres.-director.

787; Elder & Co., H. H., 215 Union Federal Savings Building, 426 South Spring Street (13)—Horace H. Elder, pres.-director; Kenyon F. Lee, vice pres.-atty.-director; Elaine F. Overacker, sec.-treas.-director; Marjorie E. Wells, asst. sec.; Ted L. Rausch, asst. vice pres.; Leroy B. Powers, asst. treas.

183; Farber & Co., 354 South Spring Street—Partnership: Rafael Farber, partner; Celia Farber, partner; Honorato Manriquez, partner.

794; Interamerican Forwarding Corp., 6277 East Slauson Avenue (22)—W. P. Daetwyler, treas.-pres.; F. G. Stapleton, vice pres.-sec.; Victor Kuehnlein, director.

804; International Customs Service, Inc., 510 H. W. Hellman Building, 354 South Spring Street (13)—Robert L. Waggoner, pres.; Regis F. Kramer, vice pres.-treas.; R. L. Waggoner (Mrs.), sec.

596; Inter-World Forwarding Co., 834 H. W. Hellman Building, 354 South Spring Street (13)—Juan A. Vargas, Jr., pres.; Dora B. de Sa, vice pres.; Carlos M. Teran, sec.; Jose F. Alvarenga, treas.

213; Loretz & Co., 108 West Sixth Street (14)—T. A. L. Loretz, pres.-director; R. H. Larson, vice pres.-treas.-director; C. J. Sullivan, vice pres.-director; Joseph Weinberg, vice pres.-sec.-director; P. R. Amsden, vice pres.; Arthur H. Glanz, director; Howard Daniel Fisher, asst. sec.; Charles W. Lee, director; Paul Moskowitz, asst. sec.; Thomas J. Sullivan, asst. sec.

244; Loudon & Co., Inc., James, 431 Hellman Building, 354 South Spring Street (13)—James Loudon, pres.-chairman of board of directors; Emma Loudon, director; James V. Loudon, exec. vice pres.-director; T. J. McDowell, vice pres.-director; J. J. Boyle, vice pres.; P. R. Domey, treas.; Krene Loudon, sec.-director.

519; Pacific International Forwarding, 630 San Fernando Building, 108 East Fourth Street (13)—Partnership: Robert M. Vasquez, partner; Amsi G. Alden, partner.

334; Perryman, Mojonier Co., 354 South Spring Street (13)—Theodore R. Mojonier, pres.; Grace E. Mojonier, vice pres.; Alberta N. Duncan, sec.-treas.

594; Superior Fast Freight, 4527 Loma Vista Avenue (58)—R. C. Harmonson, vice pres.; Dorothy Castro, sec.-treas.; S. D. Knopp, pres.

329; Universal Foreign Service, Inc., 726 San Fernando Building, 406 South Main Street (13)—Clarence G. Sellers, pres.-director; John L. Westland, Jr., vice pres.-director; Mary Sellers, sec.-treas.-director.

80; Wiley Co., James G., 406 South Main Street (13)—William R. Fielding, vice pres.; Max B. Lindner, sec.

641; Wilmoth Fast Forwarding, Inc., 600 San Fernando Building, 108 East Fourth Street (13)—Humberto S. Hodgson, pres.; Jacklyne L. Wilmoth, vice pres.; George M. Hodgson, sec-treas.

677; Zerwekh Co., Edward S., 619 H. W. Hellman Building, 354 South Spring Street (13)—Edward S. Zerwekh, pres.; John H. Nessley, vice pres.; Cecilia Castellanos, sec.; Beatrice B. Zerwekh, treas.

Dated: August 16, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8392; Filed, Aug. 20, 1962; 8:57 a.m.]

AMERICAN ENTERPRISES, INC., ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following Baltimore and Seattle applicants have been issued application numbers by the Federal Maritime Commission for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87-254). Corps. unless otherwise indicated.

Protests to the granting of any application should be filed in writing with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

BALTIMORE

No.; Name and Address; Officers

863; American Enterprises, Inc., Pier 4 Pratt Street (2)—Jack Wurfl, pres.; Angelo Santamaria, vice pres.; Gustavo Aguirre, sec.; Julio E. Amador, treas.-director; Phillip O. Roach, director.

506; Frederick Forwarding Co., 105 South Frederick Street (2)—Partnership; Charles A. Masson, partner; Stevenson Masson, partner. Masson, Inc., William H., 105 South Frederick Street (2)—Charles A. Masson, pres.-treas.; Stevenson Masson, vice pres.-sec.; Elizabeth N. Masson, asst. treas.-asst. sec.

582; Ramsay Scarlett & Co., Inc., Calvert and Redwood Streets (2)—Wm. D. G. Scarlett, pres.-director; Charles Scarlett, Jr., exec. vice pres. and director; William L. Lampe, sec.-treas. and director; John A. Luetkemeyer, director; Nicholas G. Penniman, III, director; W. Bladen Lowndes, director; Rex Wheeler, Jr., vice pres.; Charles R. Butz, vice pres.; J. Joseph Brune, vice pres.

255; Rukert Marine Corp., 1409 Thames Street (31)—W. G. Norman Rukert, pres.; Norman G. Rukert, vice pres.; John B. Landeta, vice pres.; Virginia Orlowski, sec.-treas.

15; Shallus Co., The F. H., 208 Chamber of Commerce Building, Commerce and Water Streets—Frederick H. Kooke, pres.; H. Arthur Adolph, vice pres.; Calvin W. Sweeten, exec. vice pres. and treas.; Peter J. Sharlofsky, Jr., sec.; Gordon E. Kellenberger, director; Margaret W. Kibler, director; Edward G. Kibler, director; Frederick H. Kooke, director; H. Arthur Adolph, director.

17; Shapiro & Co., Inc., Samuel, 11-13 South Gay Street (2)—Samuel Shapiro, pres.; Hilda L. Shapiro, vice pres.; Jesse York, vice pres.; M. Sigmund Shapiro, treas.; Ida S. Goldberg, sec.; Florence P. Kluger, asst. sec.

644; Wall Shipping Co., East Redwood and South Streets—Robert H. Wall, pres.-director; Frank R. Bailey, sec.-vice pres.-director-treas.; Martin J. McNamara, Jr., sec. and director; Robert W. Berberich, director.

SEATTLE

308; Bush & Co., Inc., Geo. S., 811 First Avenue (4)—Victor D. Harlowe, pres.-treas.-director; Albert E. Murray, vice pres.-director; Jack R. Tuben, sec.; Wilbur W. Easter, director.

220; Byrnes & Co., W. J., Alex M. Bryce, Jr., d/b/a, 6644 White Building—Individual.

866; Frazier Co., I., 2203 Exchange Building (4)—Partnership: R. K. Jaggar, partner; Irma F. Jaggar, partner.

592; Hausman Co., Inc., Wm. A., 1008 Western Avenue (4)—Wm. A. Hausman, pres.; G. S. Hausman, treas.; Gordon H. Dickson, vice pres. and sec.

674; Jackson Co., Inc., Robert L., 646 South Holgate Street (4)—Edward R. McElligott, director-pres.; A. S. Walkowski, director; R. L. Jackson, director-vice pres.; Edwin M. Suddock, director-sec.-treas.; Lloyd M. Lindsey, director.

690; Landweer & Co., Inc., Robert E., 83 Marion Street Viaduct (4)—Austen D. Hemion, pres.; Eugene Ricksecker, vice pres.; Dorothy E. Bruce, sec.; Viola M. Landweer, treas.

939; Pacific Air Freight, Inc., 72 Marion Street (4)—Philip R. Gruger, pres.-director; Holt W. Webster, vice pres.-director; J. Vernon Williams, sec.-director; Robert Lamson, director.

126; Seaport Shipping Co. (Seattle), 801 Second Avenue (4)—A. J. Buckingham, pres.-director; R. C. Buckingham, vice pres.-director; Ruth M. Buckingham, sec.-treas. and director.

753; Steeb & Co., Inc., J. T., First and Marion Streets—M. G. Nelson, pres.; C. R. Swenson, vice pres.-treas.; I. Miller, sec.

350; Utility Cartage, Inc., Terry Avenue North and Denny Way (9)—John W. Brooke, pres.-director; K. M. Brooke, sec.-director; Dorothy Brooke Shuey, director and treas.

Dated: August 16, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8393; Filed, Aug. 20, 1962; 8:57 a.m.]

PORT OF PALM BEACH DISTRICT AND WEST INDIA SHIPPING CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8855 and 8855–1 between the Port of Palm Beach District (Port) and West India Shipping Company, Inc. (West India), provides for the exclusive use by West India of certain terminal property and preferential right to use certain wharf facilities at the Port of Palm Beach, Florida, for a period of five years with the option to renew for an additional five years. West India shall pay as rental a fixed monthly sum and in addition shall pay all tariff charges other than dockage, as shown in the Port's published tariff. West India further guarantees the Port a minimum of 50,000 tons of cargo per use year.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 16, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–8394; Filed, Aug. 20, 1962; 8:57 a.m.]

PERSIAN GULF OUTWARD FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that The Persian Gulf Outward Freight Conference has filed with the Commission, pursuant to section 14b, Shipping Act, 1916, a proposed Exclusive Patronage (Dual Rate) Contract and an application for permission to use a dual rate system in the trade from U.S. ports (except Pacific Coast ports) and ports in Eastern Canada to ports in the Persian Gulf.

Interested parties may inspect a copy of the contract and application at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Managers of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and application and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: August 13, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–8362; Filed, Aug. 20, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–5471, etc.]

ALABAMA TENNESSEE NATURAL GAS CO.

Notice of Postponement of Oral Argument

AUGUST 13, 1962.

Notice is hereby given that the oral argument now scheduled for September 6, 1962, is hereby postponed to be heard at 10:00 a.m., November 1, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–8343; Filed, Aug. 20, 1962; 8:47 a.m.]

[Docket No. G–11905 etc.]

ATLANTIC REFINING CO. ET AL.

Notice of Severance

AUGUST 13, 1962.

The Atlantic Refining Company, et al., Docket No. G–11905 et al.; Texaco Inc., Docket No. CI62–63; MPS Production Co. (Operator), et al., Docket No. CI62–314; W. H. Hudson (Operator), et al., Docket No. CI62–1074; A. F. Childers, Jr. (Operator), et al., Docket No. CI62–1152.

Notice is hereby given that the four above-entitled matters, heretofore scheduled for a hearing to be held in Washington, D.C., on August 16, 1962, at 9:30 a.m., e.d.s.t., in the consolidated proceeding entitled The Atlantic Refining Company, et al., Docket Nos. G–11905, et al., are severed therefrom for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–8344; Filed, Aug. 20, 1962; 8:47 a.m.]

[Docket No. RI63–35]

CONTINENTAL OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

AUGUST 14, 1962.

On July 16, 1962, Continental Oil Company (Operator), et al.,[1] (Continental) tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated July 12, 1962.
Purchaser and producing area: Cities Service Gas Company (Laverne Field, Harper County, Oklahoma) (Panhandle Area).
Rate schedule designation: Supplement No. 2 to Continental's FPC Gas Rate Schedule No. 228.[2]
Effective date: August 16, 1962.[3]
Proposed rate: 13.0 cents per Mcf.[4]
Effective rate: 12.0 cents per Mcf.
Annual increase: $300.
Pressure base: 14.65 psia.

Continental's proposed periodic rate increase exceeds the 11.0 cents per Mcf ceiling for increased rates in the Oklahoma Panhandle Area as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed increased rate may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 2 to Continental's FPC Gas Rate Schedule No. 228 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Continental's FPC Gas Rate Schedule No. 228.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 16, 1963, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before October 1, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–8345; Filed, Aug. 20, 1962; 8:47 a.m.]

[1] Address is: P.O. Box 2197, Houston 1, Tex.

[2] Formerly An-Son Petroleum Corporation (Operator), et al. FPC Gas Rate Schedule No. 2.

[3] The stated effective date is the first day after expiration of the required statutory notice.

[4] Subject to downward Btu adjustment.

[Docket No. G–19975 etc.]

GRAHAM-MICHAELIS DRILLING CO. ET AL.

Notice of Applications and Date of Hearing

AUGUST 14, 1962.

Graham-Michaelis Drilling Company (Operator), et al., G–19975, and CI60–28; Compass Exploration, Inc., CI61–299, and CI61–591.

Take notice that Graham-Michaelis Drilling Company (Graham-Michaelis) and Compass Exploration, Inc. (Compass) have filed, pursuant to section 7(c) of the Natural Gas Act, applications for certificates of public convenience and necessity in Docket Nos. G–19975 and CI61–299, respectively, authorizing the rendition of certain services. These services, as revised by appropriate amendments and/or supplements are described as follows:

A. Graham-Michaelis' certificate application in Docket No. G–19975 (filed October 20, 1959) covers a proposed sale of natural gas to Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) from certain acreage[1] in the Rift, Dailey, Haxton, Chappel and Marks Buttes Fields, Phillips, Logan and Sedgwick Counties, Colorado. Said sale will be made pursuant to a gas sales contract dated October 19, 1959, as amended October 20, 1959. The proposed initial price is 12.0 cents per Mcf at 16.4 psia.

On March 30 and May 1, 1961, Graham-Michaelis amended its application in Docket No. G–19975 to request abandonment authorization covering two wells located on section 33, T9N, R48W, Logan County and the E/2 of section 31, T9N, R47W, Phillips County, respectively. In each case, Graham-Michaelis cites water intrusion and resulting loss of production as reasons for abandonment.

B. Compass' certificate application in Docket No. CI61–299 (filed August 26, 1960, and amended on April 13 and June 5, 1961, and February 8, 1962) covers a proposed sale of natural gas to El Paso Natural Gas Company (El Paso) from certain acreage in San Juan County, New Mexico. Said sale will be made pursuant to a 20-year gas sales contract dated August 17, 1960, and three amendatory agreements adding acreage thereto dated April 10 and May 17, 1960, and February 5, 1962. The proposed initial price is 13.0 cents per Mcf (includes 1.0 cents per Mcf minimum for liquids) at 15.025 psia.

On April 23, 1962, Compass further amended the above-discussed application requesting authorization to abandon service from the #1–7 Federal Well dedicated to El Paso under the aforesaid April 10, 1961, amendatory agreement. Compass cites water intrusion and resulting loss of production as reasons for abandonment.

The above-mentioned applications were further amended to include certain other additional acreage. However, those amendments were inadvertently assigned new docket numbers (Docket Nos. CI60–28 and CI61–591).

By order issued June 13, 1962, in Docket Nos. G–8166, et al., the subject Docket Nos. G–19975 and CI61–299 (and related Docket Nos. CI60–28 and CI61–591) were erroneously treated as though certificates had been issued pursuant to the original applications. It is anticipated that this error will be corrected by rescinding so much of the aforesaid order of June 13, 1962, as purported to act on the four docketed applications which are the subject of this notice.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 25, 1962, at 9:30 a.m., e.d.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a noncontested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 14, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m) (2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–8347; Filed, Aug. 20, 1962; 8:47 a.m.]

[1] Production limited to the "D" and "J" Sands of the Dakota Formation.

[Docket No. CP62–270]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

AUGUST 14, 1962.

Take notice that on May 21, 1962, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha 1, Nebraska, filed in Docket No. CP62–270 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a measuring and regulating station on Applicant's 2-inch Claflin, Kansas, branch line, the continued operation of existing measuring and regulating facilities on Applicant's Holyrood line and the sale and delivery of natural gas to Producers Gas Equities, Inc. (Producers), for resale in Ellsworth and Rice Counties, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By the Commission's order of June 8, 1962, in Docket No. CP 62–207 Applicant was authorized to abandon 35.1 miles of 18-inch pipeline east of its Otis compressor facilities in Barton and Ellsworth Counties, Kansas. The application states that Producers will be able to serve certain of the customers of Applicant now served directly by the lateral proposed to be abandoned and also will be able to serve its own customers who are now served directly from the Otis lateral. In order for Producers to render this service, it will be necessary for Applicant to construct and operate a measuring and regulating station on its 2-inch Claflin, Kansas, branch line at a point in section 17, Township 18 South, Range 10 West, Rice County, Kansas, and to continue to operate an existing non-jurisdictional delivery point on the Holyrood line in Section 13, Township 17 South, Range 10 West, Ellsworth County, Kansas, to serve Producers.

Applicant has agreed to sell and Producers has agreed to purchase 10 Mcf of gas per day of contract demand for a period of 15 years from the date of initial delivery. Producers estimates its annual requirements in Mcf at 14.73 psia for the first three years to be 182,500 for the Claflin Line and 200,750 for the Holyrood Line.

Applicant states that the estimated cost of the facilities which it proposes to construct is $3,640, which will be financed from funds on hand.

Producers will purchase contract demand and overrun volumes from Applicant in accordance with the proposed Rate Schedules PL–1 and PO–1. An agreement between the parties provides that the initial rate shall be at the same level of rates as those in effect under Applicant's Rate Schedules CD–1 and R–1 at the time of initial delivery to Producers. Pro forma copies of the PL–1 and the PO–1 Rate Schedules have been filed with the application.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 27, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,*

That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 17, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8348; Filed, Aug. 20, 1962; 8:47 a.m.]

[Docket No. CP62-173]

TOWN OF STEELE, ALABAMA

Notice of Cancellation of Hearing

AUGUST 14, 1962.

Take notice that the hearing in the above-docketed proceeding heretofore scheduled to commence on September 17, 1962, by order issued July 20, 1962, and published in the FEDERAL REGISTER on July 26, 1962 (27 F.R. 7147) is hereby cancelled.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8346; Filed, Aug. 20, 1962; 8:47 a.m.]

[Docket Nos. CP61-241, CP61-242]

TRUNKLINE GAS COMPANY AND MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Applications and Date of Hearing

AUGUST 13, 1962.

Trunkline Gas Company, Docket No. CP61-241; Mississippi River Transmission Corporation, Docket No. CP61-242.

Take notice that on March 15, 1961, as supplemented on April 6, 1961, and on March 15, 1962, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas, filed in Docket No. CP61-241 an application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the sale and delivery of natural gas for resale, subject to the jurisdiction of the Commission, as hereinafter described and as more fully set forth in the application which is on file with the Commission and open for public inspection.

Trunkline seeks authority to sell 25,000 Mcf of natural gas per day under its FPC Gas Rate Schedule P-1 to Illinois Power Company, 25,000 Mcf per day under FPC Gas Rate Schedule P-1 to Mississippi River Transmission Company, 3,000 Mcf per day under FPC Gas Rate Schedule P-2 to Michigan Gas Utilities Company, and a total of 1,139 Mcf per day to nine of its existing small general service customers. Trunkline states that the sales proposed in this application do not change or affect in any way the increased sales proposed in Docket No. CP60-22 (Phase Two) to certain of Trunkline's customers not involved in this application.

Further, Trunkline seeks authority under this amended application to construct and operate 3,000 additional horsepower in each of five of its eight existing main line compressor stations from Station No. 48 (Longville, Louisiana) to Station No. 112 (Johnsonville, Illinois); 4,200 additional horsepower at Stations 75 and 84 (four 1050 units each); an additional 2,700 horsepower supercharged unit at Station 103; and supercharging at Station 103 to increase the horsepower of the existing engines by 1,400. It is stated that no increase in system capacity will result from these additional installations.

Also, Trunkline seeks hereunder authorization to construct and operate 76.8 miles of 26" O.D. pipeline from Cow Island, Louisiana, to Compressor Station No. 48, 24.2 miles of 16" O.D. pipeline to loop existing gathering facilities. The proposed facilities are intended to increase the winter sales capacity of Applicant's pipeline system as certificated in Opinion No. 339 from 605,000 Mcf per day to 660,000 Mcf per day.

The proposed facilities are estimated to cost approximately $18,000,000.00. Trunkline proposes to finance the total cost of the instant project from certain long-term financing which has been arranged and includes the financing of facilities proposed in other proceedings, all as set forth in the second supplement to the application herein filed on March 15, 1962.

Take further notice that on March 15, 1961, as supplemented on April 6, 1961, Mississippi River Transmission Corporation (Mississippi), 9900 Clayton Road, St. Louis 24, Missouri, filed in Docket No. CP61-242 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of an additional volume of 25,000 Mcf of natural gas per day for resale in the Greater St. Louis Area, all as more fully described in the application and supplement which are on file with the Commission and open to public inspection.

Mississippi proposes to transport and sell the subject 25,000 Mcf per day to Laclede Gas Company (Laclede) and Illinois Power Company (Illinois Power) for distribution in St. Louis and St. Louis County, Missouri, and in Illinois in and adjacent to East St. Louis, respectively, in addition to the 50,000 Mcf per day which Mississippi is presently authorized to sell and deliver to these two distribution companies.

Mississippi has precedent agreements with Trunkline for the purchase of the subject 25,000 Mcf per day and with Laclede and Illinois Power for the sale thereof—21,250 Mcf to Laclede and 3,750 Mcf to Illinois Power.

No additional facilities will be required for the proposed service which is stated to be needed in the St. Louis area during winter peak periods.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 18, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G. Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 7, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8349; Filed, Aug. 20, 1962; 8:47 a.m.]

[Docket No. CP62-297]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

AUGUST 14, 1962.

Take notice that on June 13, 1962, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62-297 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas facilities used to deliver natural gas to Arkansas Louisiana Gas Company (Ark-La), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon and remove the following facilities:

(1) Benton Town Border Station, consisting of a positive meter station, regulators, and appurtenant equipment, located in Possier Parish, Louisiana;

(2) F. Solomon positive meter, regulators, and appurtenant equipment, located in Section 31, T19N, R14W, Caddo Parish, Louisiana; and

(3) F. Solomon positive meter station, regulators, and appurtenant equipment, located at approximate milepost 184 on Applicant's Latex-to-Sarepta main line in Caddo Parish, Louisiana.

The application states that the service agreements for the service rendered through the subject facilities terminated on July 25, 1962, and August 1, 1962, and that Ark-La has advised that it will not renew the agreements.

The original cost of the subject facilities was $3,896.34.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 27, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 17, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in ommission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8350; Filed, Aug. 20, 1962; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL ADMINISTRATOR, ATLANTA

Designation

The following officers, listed by title, of Region III, Housing and Home Finance Agency (excluding persons designated to serve in an acting capacity), are hereby designated to act in the place and stead of the Regional Administrator for Region III, with the title of "Acting Regional Administrator", and with all the powers, functions, duties, and responsibilities delegated or assigned to the said Regional Administrator, in the event the Regional Administrator is unable to act by reason of his absence, illness, or other cause; provided that no officer designated below shall serve as "Acting Regional Administrator" unless every officer whose title precedes his in this designation is unable to act by reason of absence, illness, or other cause:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Regional Economist.
4. Regional Director of Administration.

This designation supersedes the designation effective June 7, 1962, which is hereby revoked.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1268, 1283 (1948), as amended, 12 U.S.C. 1701c; Administrator's Order, effective December 23, 1954, 19 F.R. 9303 (December 29, 1954); Delegation of Authority effective May 4, 1962, 27 F.R. 4319)

Effective as of the 13th day of June 1962.

[SEAL] MCCLELLAN RATCHFORD,
Regional Administrator.

[F.R. Doc. 62-8377; Filed, Aug. 20, 1962; 8:55 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

AUGUST 15, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 16, 1962, through August 25, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8359; Filed, Aug. 20, 1962; 8:50 a.m.]

[File No. 812-1520]

TEXAS FUND, INC.

Notice of Filing of Application

AUGUST 15, 1962.

Notice is hereby given that Texas Fund, Inc. ("Texas") 423 Texas National Bank Building, Houston 2, Texas, a registered open-end investment company has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of The Ansonia Investment Company ("Ansonia").

Shares of Texas, a Delaware corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of July 17, 1962, the net assets of Texas amounted to $42,512,409.

Ansonia, a Connecticut corporation, is an unregistered investment company which since 1954 has been engaged in the business of investing its funds. Ansonia has three stockholders and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Texas and Ansonia, substantially all of the cash and securities of Ansonia, with a total value of $3,808,115 as of July 17, 1962, will be transferred to Texas in exchange for shares of stock of Texas. The shares acquired by Ansonia are to be distributed immediately to its shareholders who have agreed to acquire the shares of Texas for investment and not for distribution to the public. The number of shares of Texas to be delivered to Ansonia will be determined by dividing the net asset value per share of Texas in effect at the closing time into the aggregate market value of the Ansonia assets to be exchanged (with certain adjustments as set forth below).

Since the exchange is expected to be tax free for Ansonia and its shareholders, Texas' cost basis for tax purposes on the assets acquired from Ansonia will be the same as for Ansonia, rather than the price actually paid by Texas for the assets. As of July 17, 1962, net unrealized appreciation on these securities which Ansonia would transfer to Texas amounted to $2,004,689 or approximately 52.64 percent of Ansonia's assets to be transferred to Texas. On the same date, net unrealized appreciation on Texas' securities was approximately $15,387,772 or approximately 36.20 percent of the net assets of Texas. Also on the same date, Texas' net realized capital gains aggregated approximately $1,744,423.

Because Texas will acquire securities from Ansonia at a tax-cost basis less than the price actually paid therefor their sale after acquisition would result in artificial capital gains and consequent tax liability thereon to the present shareholders of Texas.

An adjustment, which takes into account the tax consequences of the exchange, is to be made in the value of the Ansonia assets in accordance with the following formula:

From the value of Ansonia's assets will be deducted the aggregate of the following to the extent it is greater than zero:

1. 12½ percent of the net unrealized appreciation on those securities of Ansonia which Texas shall have advised Ansonia that it is Texas' intention to sell on acquisition;

2. plus 12½ percent of that amount which would have to be subtracted from, or less 12½ percent of that amount which would have to be added to, the net unrealized appreciation or net unrealized depreciation on the remaining securities of Ansonia in order to make the resulting figure divided by the market value of the assets of Ansonia equal to the net unrealized appreciation on the securities of Texas divided by the net assets of the Fund as of the valuation date;

3. Less 12½ percent of Texas' net realized capital gains multipled by the fraction whose numerator is the value of the assets of Ansonia to be transferred to Texas and whose denominator is such value plus the total net assets of Texas.

If the transaction had been closed on July 18, 1962, the above-described adjustment (based upon retention of all the securities acquired, which is the present intention) would have been approximately $60,345. In addition, the value of Ansonia's assets will be reduced by 1 percent and this amount will be paid to the broker-dealer who negotiated this transaction. The rate of 12½ percent applied to the excess unrealized appreciation of Ansonia is used as an estimated measure of the average tax rate payable on capital gains by Texas shareholders.

Applicant points out that the proposed acquisition is in the best interests of its shareholders because no brokerage commissions will be paid to acquire the stock.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between Texas and Ansonia. The application further states that there is no affiliation or relationship of any kind between the officers and directors of Texas and the officers, directors, and stockholders of Ansonia.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of Texas are to be issued to Ansonia at a price other than the public offering price stated in the prospectus.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may not later than August 30, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–8360; Filed, Aug. 20, 1962; 8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 417]

ATOMIC ENERGY COMMISSION

Contract for Electric Power

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the United States Atomic Energy Commission to enter into a contract in accordance with section 201(a)(3) thereof, for a period not exceeding ten years for the purchase of electric power for the operation of its Linear Accelerator and Accelerator Complex, located or to be located at or near Stanford University, Stanford California.

2. The delegation of authority shall be subject to all provisions of Title III of said Act with respect to such contract, and to all provisions of law.

3. The authority delegated herein may be redelegated to any contracting officer or official of the Commission.

4. The Commission shall file a copy of said contract, and any amendments thereto, with the General Services Administration, as soon as practicable after the execution thereof.

5. This delegation of authority shall be effective August 3, 1962.

Dated: August 15, 1962.

LAWSON B. KNOTT, JR.,
Acting Administrator.

[F.R. Doc. 62–8396; Filed, Aug. 20, 1962; 8:58 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–XIV–11]

ASSISTANT TO THE CHIEF, FINANCIAL ASSISTANCE DIVISION, LOS ANGELES REGIONAL OFFICE

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation of Authority No. 30–XIV–1 (Revision 1) as amended (25 F.R. 6607; 26 F.R. 8611), there is hereby redelegated to the Assistant to the Chief, Financial Assistance Division, Los Angeles Regional Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve the following:

a. Direct loans not exceeding $50,000.

b. Participation loans not exceeding $150,000.

c. Limited loan participation not exceeding $25,000.

d. Small loans not exceeding $50,000.

e. Disaster loans not exceeding $50,000.

2. To decline direct and participation business and disaster loans of any amount.

3. To disburse approved disaster loans up to $1,000.

4. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

JOHN E. HORNE,
Administrator.

By ----------
(Name)
Assistant to the Chief, Financial Assistance Division.

6. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To take all necessary action in connection with the servicing, administration and collection of partially or fully disbursed loans, and to do and perform and to assent in the doing and performance of all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and of any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by Small Business Administration or its Administrator.

B. *Administration.* 1. To approve annual and sick leave for employees in the Financial Assistance Division, except advanced annual or sick leave.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Assistant to the Chief, Financial Assistance Division.

Effective date: May 22, 1962.

GEORGE A. RANDS,
Chief, Financial Assistance Division.

[F.R. Doc. 62–8361; Filed, Aug. 20, 1962; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FRANCIS MARBURG, JR., ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Francis Marburg, Jr., Falls Church, Va.; $1,142.85 in the Treasury of the United States.

Nancy Marburg Adams, Los Altos, Calif.; $1,142.85 in the Treasury of the United States.

Theodore F. Marburg, Milwaukee, Wis.; $1,142.85 in the Treasury of the United States.

Hildegarde Marburg Hennington, Greenwich, Conn.; $1,428.56 in the Treasury of the United States.

Dorothea Marburg Gray, Vienna, Austria; $1,428.56 in the Treasury of the United States.

Donald Marburg, Beloit, Wis.; $1,428.56 in the Treasury of the United States.

Gertrude W. Marburg, Montclair, N.J.; $285.71 in the Treasury of the United States.

Claim No. 63232. Vesting Order No. 9570.

Executed at Washington, D.C., on August 14, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62–8384; Filed, Aug. 20, 1962; 8:56 a.m.]

[Vesting Order 18521, Amdt.; F49–1688]

DOMESTIC SCHEDULED SECURITIES OWNED BY NATIONALS OF THE NETHERLANDS

Amendment of Vesting Order

Vesting Order 18521, dated September 27, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by two (2) Atchison, Topeka and Santa Fe Railway Company (The)—General Mortgage 4% Bonds, due October 1, 1995, of $1000 face value each, in bearer form, numbered 10015 and 38151, and evidenced by coupons attached to or detached from said bonds and due on or after October 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the aforesaid bonds and coupons.

b. Those certain debts or other obligations, matured or unmatured, evidenced by four (4) Central Pacific Railway Company—First Refunding 4% Bonds, due August 1, 1949, in bearer form, numbered 7637 and 77805 of $1,000 face value each, numbered 1967 and 8064 of $500 face value each, and evidenced by coupons attached to or detached from said bonds and due on or after August 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the aforesaid bonds and coupons.

c. Those certain debts or other obligations, matured or unmatured, evidenced by seven (7) Cities Service Company—5% Debentures, due April 1, 1958, in bearer form, numbered 4889, 5454, 7786, 9941, 12537, 17317, and 46869 of $1,000 face value each, one (1) Cities Service Company—Refunding 5% Debenture, due January 1, 1966, in bearer form, numbered 20283 of $1,000 face value, and three (3) Cities Service Company 5% Debentures, due March 1, 1969, in bearer form, numbered 110, 22679, and 49934 of $1,000 face value each, and evitached from said debentures and due on or after October 1, 1940, September 1, 1940 and September 1, 1940 respectively, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the aforesaid debentures and coupons,

d. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) Kansas City Southern Railway Company (The)—First Mortgage 3% Bond, due April 1, 1950, in bearer form, numbered 13645 of $1,000 face value, and one (1) Kansas City Southern Railway Company (The)—Refunding and Improvement Mortgage 5% Bond, due April 1, 1950, in bearer form, numbered 8689 of $1,000 face value, and evidenced by coupons attached to or detached from said bonds and due on or after October 1, 1940 and July 1, 1940 respectively, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the aforesaid bonds and coupons,

e. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Missouri-Kansas-Texas Railroad Company—Prior Lien Series "B" 4% Bond, due January 1, 1962, in bearer form, numbered 30507 of $1,000 face value, and evidenced by coupons attached to or detached from said bond and due on or after July 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with any and all rights in, to and under the aforesaid bond and coupons,

f. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Southern Pacific Railroad Company—First Refunding Mortgage 4% Bond, due January 1, 1955, in bearer form, numbered 40908 of $1,000 face value, and evidenced by coupons attached to or detached from said bond and due on or after July 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with any and all rights in, to and under the aforesaid bond and coupons.

is property within the United States;

2. That the property described in subparagraph 1 hereof is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by, persons who, if individuals, are residents of The Netherlands and which, if corporations, partnerships, associations, or other organizations, are organized under the laws of The Netherlands, or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in The Netherlands, and are nationals of a foreign country designated in Executive Order 8389, as amended.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "foreign country" as used herein shall have the meanings prescribed in Executive Order 8389, as amended.

Executed at Washington, D.C., on August 15, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62–8385; Filed, Aug. 20, 1962; 8:56 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

HOWARD RICHMOND

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section

710(b) (6) of the Defense Production Act of 1950, as amended:

REPORT OF APPOINTMENT

1. Name of appointee: Howard Richmond.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: August 6, 1962.

4. Title of position: Consultant.

5. Name of private employer: Crompton-Richmond Company, Inc., 1071 Sixth Avenue, New York City, N.Y.

CARLTON HAYWARD,
Director of Personnel.

STATEMENT OF FINANCIAL INTERESTS

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Crompton Company Inc.
Crompton-Richmond Company, Inc.
Engineered Yarns Inc.
American Tobacco Company.
R. J. Reynolds Tobacco Company.
Standard Oil Company of New Jersey.
Owens Corning Fiberglass.
Liggett and Myers.
I.B.M.
American Cyanamid Company.
Safeway Stores.
Bank Deposits.

HOWARD RICHMOND.

AUGUST 9, 1962.

[F.R. Doc. 62-8386; Filed, Aug. 20, 1962; 8:56 a.m.]

ROBERT JOSEPH WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. *Deletions:* Central Hudson Gas & Electric, Elox Corporation.

B. *Additions:* Dow Chemical, Freuhauf Trailer Corp., Hoover Ball Bearing, Pacific Gas & Electric, U.S. Pipe & Foundry, Detrex Chemical.

This statement is made as of July 31, 1962.

ROBERT JOSEPH WILLIAMS.

AUGUST 10, 1962.

[F.R. Doc. 62-8387; Filed, Aug. 20, 1962; 8:56 a.m.]

[Dept. Order No. 180]

U.S. COMMISSION, NEW YORK WORLD'S FAIR

Authorities and General Functions

AUGUST 7, 1962.

The following order was issued by the Secretary of Commerce on August 7, 1962.

SECTION 1. *Purpose.* The purpose of this order is to establish the Office of the Commissioner, U.S. Commission—New York World's Fair, and to define the authorities and general functions of the Office of the Commissioner.

SEC. 2. *Establishment.* There is hereby established in the Office of the Secretary, the Office of the Commissioner, U.S. Commission—New York World's Fair. The Office shall be headed by a Commissioner appointed by the President, who shall report and be responsible to the Assistant Secretary of Commerce for Administration. The Commissioner shall be assisted by such staff as is necessary to perform the functions described herein.

SEC. 3. *Delegation of authority.* .01 Public Law 87-256, in section 102(a)3 authorizes the President to provide for United States participation in international fairs and expositions. Executive Order 11014, issued by the President April 17, 1962, assigns to the Secretary of Commerce functions related to participation by the United States in the New York World's Fair.

.02 Pursuant to the authority vested in the Secretary of Commerce by law, and subject to such policies and directives as the Secretary of Commerce may prescribe, the Commissioner, U.S. Commission—New York World's Fair, is hereby authorized to perform the functions and exercise the authorities vested in the Secretary of Commerce by Executive Order 11014, of April 17, 1962; and subject to the provisions of applicable laws and regulations (1) to approve and execute advertised and negotiated contracts and related documents; (2) to acquire and dispose of property and otherwise expend appropriated funds; and (3) to authorize or approve official travel, incident to the development and presentation of the exhibit.

.03 The Commissioner may redelegate the authority granted herein with respect to the approval and execution of contracts and the authorization or approval of official travel to the principal administrative officer on his staff.

.04 Waivers of statutes and of limitations of authority authorized by Executive Order 11014 made available to the Commissioner, shall be used in a prudent manner and as sparingly as may be practical. For any expenditure in excess of $5,000 this waiver authority may be used only upon determination by the Commissioner on the basis of written findings. For any expenditure in excess of $25,000 the Commissioner's determinations and findings shall be subject to the concurrence of the Assistant Secretary of Commerce for Administration.

.05 Subject to the limitations set forth in section 3.03 of this order the Commissioner, U.S. Commission—New York World's Fair, may redelegate the authority granted herein to any employee of the Office of the Commissioner, U.S. Commission—New York World's Fair, and may prescribe such limitations, restrictions and conditions in the exercise of such authority as he deems appropriate.

SEC. 4. *Objective and general functions.* The objective of the U.S. Commission—New York World's Fair is to enable the Federal Government to present to the world an exhibit portraying a picture of democracy—its opportunities, its problems, its inspirations, and its freedom. To this end the Office shall:

1. Plan, coordinate, develop, design, establish and perform all activities having to do with the United States Government participation in the United States exhibit;

2. Cooperate with other agencies of the Federal Government in the development and selection of appropriate exhibits to fulfill the objective of the United States Government participation in the exhibit;

3. Encourage private individuals, firms and other groups to make contributions of funds, property and services and otherwise to participate as appropriate in the exhibit.

SEC. 5. *Organization and assignment of functions.* The organization structure and assignment of functions within the Office of the Commissioner, U.S. Commission—New York World's Fair, shall be issued in an Organization and Function Supplement to this order and shall be assigned by the Commissioner and approved by the Assistant Secretary of Commerce for Administration.

[SEAL] HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 62-8341; Filed, Aug. 20, 1962; 8:47 a.m.]

[Dept. Order No. 169; Amdt. 1]

GREAT LAKES PILOTAGE ADMINISTRATION

Delegations of Authority and Functions of the Administrator

AUGUST 3, 1962.

The following amendment to the order was issued by the Secretary of Commerce on August 3, 1962. The material appearing at 25 F.R. 10142-10143 of October 25, 1960, is amended as follows:

Department Order No. 169 of September 8, 1960 is hereby amended as follows:

Sections 3.01 and 3.02 are amended to read as follows:

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by law, the Administrator, Great Lakes Pilotage Administration, is hereby authorized to perform the functions and to exercise the authority of the Secretary of Commerce as set forth in Public Law 86-555, Great Lakes Pilotage Act of 1960, except as to the appointment of members of the Advisory Committee authorized in section 10(a) of the Act and the remission, or mitigation of penalties pursuant to section 7(c) of the Act.

.02 This authority may be redelegated, in writing, by the Administrator to any officer of the Great Lakes Pilotage Administration, except that authority to impose civil penalties, pursuant to section 7(c) of the Act, and to issue regulations under the Act shall not be redelegable.

Section 4.01 8 is amended to read:

SEC. 4. *Functions of the Administrator.* 8 Perform investigations as necessary to insure compliance with regulations issued by the Administrator and, where appropriate, impose civil penalties as provided in the Act.

[SEAL] HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 62-8342; Filed, Aug. 20, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 16, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37885: *Iron and steel articles—Chattanooga, Tenn., to Louisiana points.* Filed by O. W. South, Jr., Agent (No. A4227), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from Chattanooga, Tenn., to specified points in Louisiana.

Grounds for relief: Market competition.

Tariff: Supplement 47 to Southern Freight Association tariff I.C.C. S-163.

FSA No. 37886: *Iron and steel articles to Pascagoula, Miss.* Filed by O. W. South, Jr., Agent (No. A4228), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from East St. Louis and Granite City, Ill., to Pascagoula, Miss.

Grounds for relief: Barge-rail competition.

Tariff: Supplement 47 to Southern Freight Association tariff I.C.C. S-163.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8383; Filed, Aug. 20, 1962; 8:56 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 15, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37880: *Joint motor-rail rates from and to central territory.* Filed by Eastern Central Motor Carriers Association, Inc., Agent (No. 214), for interested carriers. Rates on commodities moving on class and commodity rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flatcars of the railroad, between points in central, middlewest, and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: 15th revised page 22 and 16th revised page 64 to Eastern Central Motor Carriers Association, Inc., tariffs M.F.-I.C.C. A-171 and A-194, respectively.

FSA No. 37881: *Hay from Kansas and Oklahoma to the South.* Filed by Western Trunk Line Committee, Agent (No. A-2267), for interested rail carriers. Rates on hay, in carloads, from points in Kansas and Oklahoma, to points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 12 to Western Trunk Line Committee tariff I.C.C. A-4333.

FSA No. 37882: *Petroleum products from Montana points to Grand Forks, N. Dak.* Filed by Great Northern Railway Company (No. 1080), jointly with the Northern Pacific Railway Company (No. 125), for themselves. Rates on distillate fuel oil, not suitable for illuminating purposes, gas oil and petroleum residual fuel oil, in tank-car loads, from Billings, East Billings, Great Falls, and Laurel, Mont., to Grand Forks, N. Dak.

Grounds for relief: Natural gas competition.

Tariffs: Supplement 44 to Great Northern Railway Company tariff I.C.C. A-8854 and supplement 18 to Northern Pacific Railway Company tariff I.C.C. 9977.

FSA No. 37883: *Liquid caustic soda to Catawba and Rock Hill, S.C.* Filed by Southwestern Freight Bureau, Agent (No. B-8240), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Baldwin, Ark., Wichita, Kans., Lake Charles, Plaquemine and West Lake Charles, La., Corpus Christi, Freeport, Houston, and Port Neches, Tex., to Catawba and Rock Hill, S.C.

Grounds for relief: Market competition.

Tariffs: Supplement 865 to Southwestern Freight Bureau tariff I.C.C. 4139, and 3 other schedules named in the application.

FSA No. 37884: *Grain and grain products from and to official territory points.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2627), for interested rail carriers. Rates on grain and grain products, in carloads and less-than-carloads, from and to points in official (including Illinois) territory.

Grounds for relief: Restore rate relationships and equalizations.

Tariffs: Supplement 205 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4403 (Hinsch series), and 3 other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8314; Filed, Aug. 17, 1962; 8:47 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11044

INTERAGENCY COORDINATION OF ARMS CONTROL AND DISARMAMENT MATTERS

WHEREAS there has been established by law the United States Arms Control and Disarmament Agency; and

WHEREAS the Arms Control and Disarmament Act provides that the Director of that Agency shall be the principal adviser to the Secretary of State and the President on Arms control and disarmament matters and requires the Director to assume primary responsibility within the Government for such matters under the direction of the Secretary of State; and

WHEREAS the Act authorizes and directs the said Director to coordinate significant aspects of the United States arms control and disarmament policy and related matters; and

WHEREAS it is desirable that the President establish procedures for coordination, and for the resolution of differences of opinion between the United States Arms Control and Disarmament Agency and other affected Government agencies, concerning all significant aspects of arms control and disarmament policy and related matters:

NOW, THEREFORE, by virtue of the authority vested in me by the Arms Control and Disarmament Act (75 Stat. 631; 50 U.S.C. 1501 et seq.), and as President of the United States, it is hereby ordered as follows:

SECTION 1. *Definitions.* As used hereinafter:

(a) The word "Director" means the Director of the United States Arms Control and Disarmament Agency.

(b) The term "affected agencies" shall include the Department of Defense, the Atomic Energy Commission, the Central Intelligence Agency, the National Aeronautics and Space Administration, and, when not inappropriate in the context, the United States Arms Control and Disarmament Agency, and shall include also such other agencies as the Director may designate hereunder.

(c) The terms "arms control" and "disarmament" shall be defined as they are defined in section 3(a) of the Arms Control and Disarmament Act.

(d) The term "related matters" shall include those matters which are necessary to, desirable for, or otherwise directly connected with the functions described in sections 3 and 4 of this order.

SEC. 2. *Cooperation.* The Director and the heads of affected agencies shall keep each other fully and currently informed on all significant aspects of United States arms control and disarmament policy and related matters, including current and prospective policies, plans and programs. Differences of opinion concerning arms control and disarmament policy and related matters arising between the United States Arms Control and Disarmament Agency and other affected agencies with respect to such subjects which involve major matters of policy and cannot be resolved through consultation shall be promptly referred to the President for decision. In such instances the head of an agency presenting recommendations with respect to such differences to the President shall give the heads of affected agencies notice of the occasion for and substance of his recommendations.

SEC. 3. *Policy coordination.* (a) The Director shall establish procedures consistent with this order and the Arms Control and Disarmament Act to assure coordination of:

(1) his recommendations to the Secretary of State and the President and to the heads of affected agencies relating to United States arms control and disarmament policy;

(2) Government planning for the conduct and support of research for arms control and disarmament policy formulation, including the comprehensive and balanced plan provided for in Section 4 of this order;

(3) Government planning for the dissemination of public information concerning arms control and disarmament;

(4) the preparation for and management of United States participation in international negotiations in the arms control and disarmament field; and

(5) the preparation for, operation of or, as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.

(b) The Director shall exercise leadership in assuring that differences of opinion concerning arms control and disarmament policy and related matters are resolved expeditiously and shall take such steps as may be appropriate in order to produce common or harmonious action among the agencies concerned.

SEC. 4. *Research.* With the advice and assistance of affected agencies, the Director shall develop and keep current a comprehensive and balanced program of research, development and other studies needed to be conducted by or for the Government for arms control and disarmament policy formulation. The Director shall maintain a continuing inventory of Federal activities related to the planned program and advise the affected agencies as to their respective participations in the planned program in order to produce harmonious action and prevent duplication of effort. The Director shall periodically submit to the Director of the Bureau of the Budget a consolidated schedule of such activities with assessments of their respective programs by the responsible agencies, together with his evaluations regarding these activities.

SEC. 5. *Force and armament levels.* The Secretary of Defense shall keep the Director informed with respect to the planning of armed forces levels and armaments and, for consideration in connection with such planning, the Director shall furnish the Secretary of Defense statements of existing and projected arms control and disarmament policies.

JOHN F. KENNEDY

THE WHITE HOUSE,
August 20, 1962.

[F.R. Doc. 62-8506; Filed, Aug. 21, 1962; 10:05 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Export-Import Bank of Washington

Effective upon publication in the FEDERAL REGISTER, paragraph (n) is added to § 6.340 as set out below.

§ 6.340 Export-Import Bank of Washington.

• • • • • •

(n) One Special Assistant to the President and Chairman.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-8434; Filed, Aug. 21, 1962; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

QUARANTINE OF CERTAIN STATES; AND DEFINITIONS

On May 17, 1962, there was published in the FEDERAL REGISTER (27 F.R. 4692) a notice of proposed rule making concerning the amendment of notice of quarantine No. 48 (Japanese Beetle Quarantine No. 48, 7 CFR 301.48) and §§ 341.48–1(a), 301.48–1(c), and 301.48–1(f) of the regulations supplemental thereto (7 CFR 301.48–1(a), 301.48–1(c), 301.48–1(f)). After due consideration of all matters presented, and pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Administrator of the Agricultural Research Service hereby amends the aforesaid sections and paragraphs to read as follows:

§ 301.48 Notice of quarantine.

(a) Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161) and after public hearings, it has been determined that it is necessary to quarantine the States of Connecticut, Delaware, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle, a dangerous insect injurious to cultivated crops and not heretofore widely prevalent or distributed within and throughout the United States, and said States and District are hereby quarantined or continued to be quarantined because of said insect, and under the authority of said act and the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee) supplemental regulations are prescribed in this subpart governing the movement of carriers of said insect. Hereafter, the following shall not be moved from the quarantined States or District into or through any other State, Territory, or District of the United States in manner or method or under conditions other than those prescribed in the regulations, as from time to time amended: (1) Soil, humus, compost, and decomposed manure; (2) forest, field, nursery, or greenhouse-grown woody or herbaceous plants with roots; (3) grass sod; (4) plant crowns or roots for propagation; (5) true bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured; and (6) other farm products and trucks, wagons, railway cars, aircraft, boats, and other means of conveyance, and unlimited by the foregoing, any other articles and products of any character whatsoever, not covered by subparagraphs (1) to (5) of this paragraph, when it is determined in accordance with the regulations that they present a hazard of spread of Japanese beetles. Moreover, movement of articles, products, and means of conveyance designated above from a quarantined State, District, or portion thereof into or through another quarantined State, District, or portion thereof may be restricted or prohibited under the regulations. The requirements of this guarantine and the supplemental regulations with respect to such articles, products, and means of conveyance are hereby limited to the areas in any quarantined State which may be designated as regulated areas as provided in the regulations, as long as in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the quarantine and regulations as to such regulated areas will be adequate to prevent the spread of Japanese beetles, except that such limitation is further conditioned upon the affected State's providing regulations for and enforcing control of the movement within such State of Japanese beetles and other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine regulations, and upon the State's providing regulations for and enforcing such sanitation measures with respect to such areas or portions thereof as, in the judgment of said Administrator, are adequate to prevent the spread of Japanese beetles within such State. Moreover, whenever the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the articles, products, and means of conveyance to which the regulations in this subpart apply, making it safe to modify by making less stringent the requirements contained in the regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period and for such regulated areas or portions thereof and for such articles, products, and means of conveyance, as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

(b) Regulations governing the movement of live Japanese beetles are contained in Part 330 of this chapter. Applications for permits for movement of said pests may be made to the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., in accordance with said part.

(c) As used in this subpart, unless the context otherwise requires, the term "State," Territory, or District of the United States" means State, the District of Columbia, Guam, Puerto Rico, or the Virgin Islands of the United States.

• • • • • •

§ 301.48–1 Definitions.

• • • • • •

(a) *Japanese beetle.* The insect known as the Japanese beetle (*Popillia japonica* Newm.), in any stage of development.

• • • • • •

(c) *Regulated area.* Any State or District, or any county or other minor civil division, or part thereof, designated in administrative instructions under § 301.48–2 as a regulated area.

• • • • • •

(f) *Regulated articles.* Soil, and other articles and products, and means of conveyance, the movement of which is regulated by the Japanese beetle quarantine and the regulations in this subpart.

• • • • • •

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee; 19 F.R. 74, as amended. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161)

These amendments shall become effective September 21, 1962.

These amendments are based in part on testimony presented at a public hearing held at Memphis, Tenn., on December 5, 1961, to consider the advisability of quarantining the States of California, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, South Carolina, and Tennessee; notice of such public hearing having been published in the

FEDERAL REGISTER on October 18, 1961 (26 F.R. 9780).

The amendment of § 301.48 quarantines the States of Georgia, Indiana, Kentucky, and South Carolina, and changes some phraseology to recognize that Alaska and Hawaii are now States.

Nonsubstantive changes have been made in three definitions in § 301.48–1.

After a study of testimony presented at the public hearing, it has been decided not to quarantine the States of California, Illinois, Iowa, Michigan, Missouri, or Tennessee. Suppressive measures applied by the State of Iowa to the limited infestations discovered in that State have apparently been successful, since no Japanese beetles were found there in 1961. The other States omitted from the quarantine are committed to an aggressive program of Japanese beetle control, eradication, and prevention of spread.

Done at Washington, D.C., this 16th day of August 1962.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 62-8439; Filed, Aug. 21, 1962; 8:52 a.m.]

[P.P.C. 533, 3d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

EXEMPTION OF CERTAIN ARTICLES FROM SPECIFIED REQUIREMENTS

Pursuant to the authority contained in the final sentence in paragraph (a) of the Japanese beetle notice of quarantine (Notice of quarantine No. 48, 7 CFR 301.48), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.48a are hereby amended to read as follows:

§ 301.48a Administrative instructions exempting certain articles from specified requirements.

It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of the regulations with respect to the movement of such articles from any regulated area, as hercinafter provided.

(a) The following articles are hereby exempted from the requirements of § 301.48–3(a) under the conditions set forth hereinafter:

(1) Humus, compost, and decomposed manure, when dehydrated, ground, pulverized, or compressed.

(2) True bulbs, corms, and tubers (other than dahlia tubers), when dormant, except for storage growth, and when free from soil.

(3) Single dahlia tubers or small dahlia root-divisions when free from stems, cavities, and soil. (Dahlia tubers, other than single tubers or small root-divisions meeting these conditions, are not exempted and must comply with § 301.48–3(a).)

(4) Plants when growing exclusively in Osmunda fiber or chipped or shredded bark.

(5) Trailing arbutus or Mayflower (Epigaea repens), when free from soil.

(6) Moss, clubmoss, and ground-pine or running-pine, when free from soil.

(7) Soil-free aquatic plants.

(8) Soil-free sweetpotato draws.

(9) Soil-free rooted cuttings, which, at the time of shipment, have not developed a root system sufficient to conceal larvae of the Japanese beetle.

(b) Any regulated articles when transported via mail or by a common carrier on a through bill of lading from a regulated area through a nonregulated area to another regulated area; *Provided, however*, That this exception will not apply to the movement of regulated articles from the generally infested areas to the suppressive areas.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended, 7 CFR 301.48)

These administrative instructions shall become effective September 21, 1962, when they shall supersede P.P.C. 533, 2d Revision, effective December 8, 1958.

This amendment adds paragraph (b) to the list of exempted items, thereby permitting regulated articles to move by mail or common carrier on a through bill of lading from a regulated area through a nonregulated area to another regulated area; however, this exemption does not apply to such movement from a generally infested to a suppressive area.

Done at Washington, D.C., this 15th day of August 1962.

[SEAL] D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 62-8438; Filed, Aug. 21, 1962; 8:52 a.m.]

[P.P.C. 637, 2d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS UNDER JAPANESE BEETLE QUARANTINE

On May 17, 1962, there was published in the FEDERAL REGISTER (27 F.R. 4692), under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), a notice of rule making relating to a proposed amendment of administrative instructions designating regulated areas under the Japanese beetle quarantine (7 CFR 301.48–2a). After due consideration of all relevant matters presented, and pursuant to § 301.48–2 of the regulations supplemental to notice of quarantine No. 48 relating to the Japanese beetle (7 CFR 301.48–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the adminstrative instructions in 7 CFR 301.48–2a (24 F.R. 3048, 27 F.R. 3971) are hereby amended to read:

§ 301.48–2a Administrative instructions designating regulated areas under the Japanese beetle quarantine.

Infestations of the Japanese beetle have been determined to exist, in the quarantined States and District and in the counties, and other minor civil divisions, and parts thereof in such States, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such States and District, and such counties, and other minor civil divisions, and parts thereof, are hereby designated, as follows, as Japanese beetle regulated areas, which are further divided into generally infested areas and suppressive areas, within the meaning of the provisions in this subpart:

(a) *Connecticut*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(b) *Delaware*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(c) *District of Columbia*—(1) *Generally infested area.* The entire District.

(2) *Suppressive area.* None.

(d) *Georgia*—(1) *Generally infested area.*

Clayton County. Georgia Militia Districts 548, 1189, 1406, 1446, and 1644.

Cobb County. That portion of the county lying south of State Highway 120, including all the area within the corporate limits of the city of Marietta.

Dawson County. The entire county.

DeKalb County. That portion of the county lying south, west, and north of Interstate Highway 285, including all of the area within the corporate limits of Doraville.

Fannin County. Georgia Militia Districts 1027, 1242, and 1488.

Forsyth County. That portion of the county lying north of State Highway 20, including all the area within the corporate limits of the city of Cumming.

Fulton County. That area bounded by a line beginning at the intersection of Interstate Highway 285 and the Fulton-DeKalb County line, and extending south along the Fulton-DeKalb County line to the Fulton-Clayton County line, thence west and south along the Fulton-Clayton County line to the Fulton-Fayette County line, thence southwestward along the Fulton-Fayette County line to its intersection with State Highway 92, thence northwestward along said highway to its intersection with the Chattahoochee River, thence northeastward along said river to its intersection with Interstate Highway 285, thence eastward along Interstate Highway 285 to the Fulton-DeKalb County line, the point of beginning, excluding the city of Fairburn.

Hall County. The entire county.

Lumpkin County. The entire county.

Stephens County. That portion of the county lying within the corporate limits of the city of Toccoa.

Union County. Georgia Militia Districts 994, 995, and 1241.

White County. The entire county.

(2) *Supressive area.*

Bibb County. The entire county.
Macon County. The entire county.
Muscogee County. The entire county.
Richmond County. That portion of the county lying north of Butler Creek.
Spalding County. That portion of the county lying within the corporate limits of the city of Griffin.

(e) *Indiana*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(f) *Kentucky*—(1) *Generally infested area.*

Boone County. The entire county.
Boyd County. The entire county.
Campbell County. The entire county.
Greenup County. The entire county.
Kenton County. The entire county.
Pike County. The entire county.

(2) *Suppressive area.* None.

(g) *Maine*—(1) *Generally infested area.*

Androscoggin County. The entire county.
Cumberland County. The entire county.
Kennebec County. The entire county.
Lincoln County. The entire county.
Oxford County. The entire county.
Sagadahoc County. The entire county.
York County. The entire county.

(2) *Suppressive area.* None.

(h) *Maryland*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(i) *Massachusetts*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(j) *New Hampshire*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(k) *New Jersey*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(l) *New York*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(m) *North Carolina*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(n) *Ohio*—(1) *Generally infested area.*

Ashland County. The townships of Green, Hanover, Lake, Mifflin, Mohican, and Vermilion.
Ashtabula County. The entire county.
Athens County. The entire county.
Belmont County. The entire county.
Butler County. The townships of Fairfield, Hanover, Liberty, Morgan, Reily, Ross, St. Clair, and Union; and cities of Fairfield and Hamilton.
Carroll County. The entire county.
Columbiana County. The entire county.
Coshocton County. The entire county.
Cuyahoga County. The entire county.
Franklin County. The cities of Bexley, Columbus, Grandview Heights, Marble Cliff, Upper Arlington, and Whitehall.
Gallia County. The entire county.
Geauga County. The entire county.
Guernsey County. The entire county.
Hamilton County. The entire county.
Harrison County. The entire county.
Holmes County. The entire county.
Jackson County. The entire county.
Jefferson County. The entire county.
Lake County. The entire county.
Lawrence County. The entire county.
Licking County. The townships of Bowling Green, Eden, Fallsburg, Franklin, Granville, Hanover, Hopewell, Licking, Madison, Mary Ann, Newark, Newton, Perry, and Washington; and the city of Newark.
Lorain County. The townships of Amherst, Avon, Avon Lake, Black River, Columbia, Elyria, Ridgeville, and Sheffield; and the cities of Amherst, Elyria, Lorain, and Sheffield.
Lucas County. The townships of Adams, Harding, Monclova, Oregon, Ottawa Hills, Richfield, Spencer, Springfield, Swanton, Sylvania, and Washington; and the cities of Maumee, Oregon, Sylvania, and Toledo.
Mahoning County. The entire county.
Medina County. The entire county.
Meigs County. The entire county.
Monroe County. The entire county.
Morgan County. The entire county.
Muskingum County. The entire county.
Noble County. The entire county.
Perry County. The townships of Bearfield, Harrison Monroe, and Pleasant.
Portage County. The entire county.
Richland County. The townships of Madison, Mifflin, and Monroe; and the city of Mansfield.
Ross County. The townships of Harrison, Jefferson, Liberty, Scioto, and Springfield, and the city of Chillicothe.
Stark County. The entire county.
Summit County. The entire county.
Trumbull County. The entire county.
Tuscarawas County. The entire county.
Vinton County. The entire county.
Washington County. The entire county.
Wayne County. The entire county.
Wood County. The townships of Lake, Perrysburg, Ross, and Rossford; and the city of Perrysburg.

(2) *Suppressive area.* None.

(o) *Pennsylvania*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(p) *Rhode Island*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(q) *South Carolina*—(1) *Generally infested area.*

Cherokee County. The entire county.
Dillon County. The entire county.
Greenville County. The entire county.
Marlboro County. The entire county.
Oconee County. The entire county.
Pickens County. The entire county.
Spartanburg County. The entire county.

(2) *Suppressive area.*

Aiken County. The entire county.
Florence County. The entire county.
Lexington County. The entire county.
Richland County. The entire county.

(r) *Vermont*—(1) *Generally infested area.*

Addison County. The entire county.
Bennington County. The entire county.
Chittenden County. The entire county.
Orange County. The entire county.
Rutland County. The entire county.
Washington County. The entire county.
Windham County. The entire county.
Windsor County. The entire county.

(2) *Suppressive area.* None.

(s) *Virginia*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(t) *West Virginia*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.48–2)

These administrative instructions shall become effective September 21, 1962, when they shall supersede P.P.C. 637, Revised, effective May 15, 1959, and amended effective April 26, 1962.

This revision amends the regulated areas as follows:

The entire State of Indiana (where Japanese beetle infestation is widespread) is placed under regulation, together with 7 entire counties and parts of 10 others in Georgia, 6 counties in Kentucky, and 11 counties in South Carolina. Three counties and parts of two others in Georgia as well as four counties in South Carolina are designated as suppressive areas, in which cooperative State-Federal measures aimed at eradicating the infestations will be carried out. All previously nonregulated areas in the States of New Hampshire and New York are included in the regulated areas, together with Washington County, Vermont.

In Maine, the counties of Androscoggin, Cumberland, and Kennebec, formerly partially regulated, have been included in their entirety, and the entire counties of Lincoln, Oxford, and Sagadahoc are regulated for the first time. The city of Brewer, in Penobscot County, Maine, has been removed from the regulated areas, since it is more practicable from an administrative standpoint to regulate this area under the State of Maine Japanese beetle quarantine.

In previously regulated counties of Ohio additions have been made as follows: three cities in Lorain County, seven townships and two cities in Lucas County, and two townships in Richland County. Additions in Ohio counties not previously regulated are: Ashland County, six townships; Butler County, eight townships and two cities; Hamilton, Jackson, and Vinton Counties in their entirety; Perry County, four townships; Ross County, five townships and one city; and Wood County, four townships and one city.

All areas listed in these administrative instructions, except for the small suppressive areas in Georgia and South Carolina, are designated as generally infested areas

Fewer civil divisions have been included in the regulated area listed herein than in the notice of rule making published May 17, 1962 (27 F.R. 4692). The deletions involve three counties in Kentucky, several townships in Perry County, Ohio, and six counties in Vermont, which have been determined as not in sufficient proximity to Japanese beetle infestations to warrant their regulation.

Done at Washington, D.C., this 15th day of August 1962.

[SEAL] D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 62-8437; Filed, Aug. 21, 1962; 8:52 a.m.]

PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES

Subpart—Hawaiian Fruits and Vegetables

REMOVAL OF TREATING REQUIREMENTS FOR IMMATURE HAWAIIAN COCONUTS

Pursuant to the authority conferred by sections 8 and 9 of the Plant Quaran-

tine Act of 1912, as amended (7 U.S.C. 161, 162), § 318.13–2(b) of the regulations supplemental to the quarantine relating to the interstate movement of Hawaiian fruits and vegetables (7 CFR 318.13–2(b)) is hereby amended by deleting the qualifying phrase, "in mature green or mature brown condition" from the item "Coconuts (Cocos nucifera)" appearing in the list of fruits and vegetables therein.

Pursuant to said authority, the provisions in §§ 318.13 and 318.13–1 through 318.13–14 are amended by deleting the phrase "The Territory of" wherever it precedes the word "Hawaii" and the heading for the part is amended to read as set forth above.

(Secs. 8, 9, 37 Stat. 318, as amended, 7 U.S.C. 161, 162)

The foregoing amendments shall become effective August 22, 1962.

The primary purpose of the amendments is to facilitate the interstate movement from Hawaii of coconuts in any stage of maturity. Prior to January 21, 1955, coconuts of any size were not considered fruit fly hosts and were moved from Hawaii without treatment but subject to inspection and certification. Preliminary observations in late 1954 indicated that newly set, small green coconuts might serve as the host of fruit flies in the larval and pupal stages and that mature green or mature brown coconuts are not fruit fly hosts since they are incapable of supporting larval development. As a result, the regulations were amended on January 21, 1955, to require treatment of immature coconuts as a condition of interstate movement.

A recent evaluation by the Entomology Research Division of the Agricultural Research Service of the fruit-fly-host relationship of immature coconuts has disclosed that they are not hosts of fruit flies and that there would be no risk of introducing the flies were coconuts of all sizes permitted interstate movement without treatment. Tourists occasionally wish to bring these immature exotic fruits back to the mainland with them. Lifting of the treating requirement will remove a source of minor irritation when tourists are required to surrender untreated immature coconuts. In order to be of maximum benefit to tourists who may bring back immature coconuts as souvenirs, this relieving of restrictions should be made effective as promptly as possible.

The amendments also delete obsolete references to the Territory of Hawaii since it is now a State.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of August 1962.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 62–8440; Filed, Aug. 21, 1962; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 25, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 908.325 (Valencia Orange Regulation 25, 27 F.R. 8026) are hereby amended to read as follows:

(ii) District 2: 450,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 17, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8421; Filed, Aug. 21, 1962; 8:47 a.m.]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Order Amending Order, as Amended, Regulating Handling of Lemons Grown in California and Arizona

§ 910.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, California, on February 9, 1962, upon proposed amendments to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of lemons grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of lemons; and

(5) All handling of lemons grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The marketing agreement, as amended, regulating the handling of lemons grown in designated production area, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the lemons covered by this order) who, during the period November 1, 1960, through October 31, 1961, handled not less than 80 percent of the lemons covered by said order, as amended, and as hereby further amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least three-fourths of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (November 1, 1960, through October 31, 1961) were engaged within the area in the production for market of the lemons covered by the said order, as amended, and as hereby further amended; and

(3) The issuance of this order, amending the aforesaid order, is favored or approved by producers who, during the aforesaid representative period, produced for market at least two-thirds of the volume of lemons produced for market within the designated production area.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of lemons grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

§ 910.15 [Amendment]

1. The provisions of § 910.15 *Production area* are revised to read as follows:

"Production area" means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California.

§ 910.22 [Amendment]

2. The following sentence is added at the end of § 910.22(d): "At least one of the nominees for member or alternate member shall be a grower in District 3."

§ 910.23 [Amendment]

3. The following sentence is inserted immediately preceding the last sentence in § 910.23: "At least one of the growers so selected shall be a grower of lemons in District 3."

§ 910.29 [Amendment]

4. The amount "$10" is deleted from § 910.29 and the amount "$15" is substituted therefor.

5. A new § 910.33 is added as follows:

§ 910.33 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of lemons; the expenses of such projects to be paid from funds collected pursuant to this part.

§ 910.51 [Amendment]

6. Paragraph (c) of § 910.51 is revised to read as follows:

(c) At any time during a week for which the Secretary, pursuant to § 910.52, has fixed the quantity of lemons which may be handled during such week, the committee may, if such action is deemed advisable, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with the committee's reasons for such recommendation, shall be submitted promptly to the Secretary.

§ 910.57 [Amendment]

7. The words "ten percent" are deleted wherever they appear in § 910.57 and the words "twenty percent" are substituted therefor.

8. A new § 910.61a as follows:

§ 910.61a Early availability allotments.

Notwithstanding the provisions of § 910.56 the committee may, prior to the time marketable lemons generally are available in District 3, issue special allotments to handlers in such district who have marketable lemons available for handling. Such handlers may apply to the committee for such allotments on forms prescribed by the committee, and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in § 910.51(b), the committee shall determine the extent to which early availability allotment shall be granted. Such allotments approved by the committee shall be distributed to all handlers who qualify therefor in proportion to the quantity requested by each handler in his application: *Provided, however,* That early availability allotments issued to any handler shall not permit the handling of a larger share of the lemons available for current shipment of such handler than the share of the lemons available for current shipment in District 3 estimated at the beginning of the season, to be allotted to all handlers. Early availability allotments may be loaned only to handlers to whom early availability allotments have been granted. When marketable lemons generally are available to the handlers in District 3, the early availability allotments issued shall be offset or repaid by deducting from the lemons available for current shipment of each handler who has received such allotments a quantity equal to the early availability allotments issued to him. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part.

§ 910.64 [Amendment]

9. Paragraphs (a) and (b) of § 910.64 *Districts* are revised to read as follows:

(a) "District 1" shall include that part of the State of California which is south of a line drawn due east and west through the post office in Turlock, California, and north of a line drawn due east and west through the post office in Gorman, California, but shall exclude San Luis Obispo and Santa Barbara Counties and that part of San Bernardino County located east of the 115th Meridian.

(b) "District 2" shall include that part of the State of California which is south or west of District 1, but shall exclude the area east of a line drawn due north and south through the post office in White Water, California.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 17, 1962, to become effective September 15, 1962, except for § 910.23 which is to become effective November 1, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62–8436; Filed, Aug. 21, 1962; 8:51 a.m.]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Determination Relative to Expenses and Fixing of Rate of Assessment for 1962–63 Fiscal Period and Carryover of Unexpended Funds

Pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Washington-Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 924.201 Expenses and rate of assessment for the 1962–63 fiscal period.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington-Oregon Fresh Prune Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning April 1, 1962, and ending March 31, 1963, will amount to $8,944.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles prunes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at seventy-five cents ($0.75) per ton of prunes so handled by such handler during such fiscal period.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal year ended March 31, 1962, shall be carried over as a reserve in accordance with the applicable provisions of § 924.42 of the said marketing agreement and order.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of fresh prunes are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable prunes from the beginning of such period; and (3) the current fiscal period began on April 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable prunes beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the

respective term in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 17, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8420; Filed, Aug. 21, 1962; 8:47 a.m.]

PART 927 — BEURRE D'ANJOU, BEURRE BOSE, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Determination Relative to Expenses and Rate of Assessment for the 1962–63 Fiscal Period

Pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of Beurre D'Anjou, Beurre Bose, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 927.201 Expenses and rate of assessment for the 1962–63 fiscal period.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Control Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning July 1, 1962, and ending June 30, 1963, both dates inclusive, will amount to $36,589.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles pears shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at eight and one-half mills ($0.0085) per standard western pear box of pears, or its equivalent of pears in other containers or in bulk, shipped by such handler during said fiscal period.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) Shipments of fresh pears are now being made; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable pears from the beginning of such period; and (3) the current fiscal period began on July 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable pears beginning with such date.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 17, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8418; Filed, Aug. 21, 1962; 8:47 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreement and Orders); Department of Agriculture

[Milk Order No. 65]

PART 1065—MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

Order Amending Order

§ 1065.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nebraska-Western Iowa marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture was issued July 6, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued July 31, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Nebraska-Western Iowa marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1065.16 is revised to read as follows:

§ 1065.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, yogurt, milk drinks (plain or flavored), concentrated milk (frozen or fresh), cream, cultured or sour cream or any mixture in fluid form of milk or skim milk and cream (except frozen cream, aerated cream products, ice cream mix, frozen dessert mixes, eggnog, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1962.

Signed at Washington, D.C., on August 16, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-8423; Filed, Aug. 21, 1962; 8:48 a.m.]

[Milk Order No. 136]

PART 1136—MILK IN GREAT BASIN MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Great Basin marketing area (7 CFR Part 1136), it is hereby found and determined that:

(a) The following provisions of the order, no longer tend to effectuate the declared policy of the Act:

(1) In § 1136.65(b) the phrase "(1) or" following "§ 1136.66(a)";

(2) In the introductory text of § 1136.66(a), all the provisions following the phrase "month of transfer"; and

(3) Section 1136.66(a) (1), (3), and (4) in their entirety.

(b) Thirty days notice of effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This termination order will delete certain limitations pertaining to the transfer of entire bases. Such limitations now interfere with the operations of cooperative associations in making equitable distribution to member producers of the proceeds of sale of their milk.

(4) This termination action is based on written views submitted by interested parties in the market pursuant to a notice of proposed suspension or termination issued July 27, 1962. Views supporting termination were received from producers' associations representing more than 90 percent of the producers supplying the market. No opposing views were filed.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 17, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-8441; Filed, Aug. 21, 1962; 8:52 a.m.]

[Milk Order No. 138]

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

Order Suspending Certain Provisions

Correction

In F.R. Doc. 62–7780, appearing at page 7709 of the issue for Saturday, August 4, 1962, the citation in paragraph (a) reading "(§ 1138.7(b))" should read "(§ 1138.7(b)(1))".

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 25—PERMITS FOR ACCESS TO RESTRICTED DATA

Notice is hereby given of amendment of the regulations to provide for access to additional classified technology of benefit to private industry; to remove certain criteria formerly required for access to some of the categories of information; and to make minor revisions in addresses and terminology.

The Commission has found that good cause exists why the regulations in this part should be made effective without the customary 30-day period of notice.

Pursuant to the Administrative Procedures Act of 1946, and the Atomic Energy Act of 1954, as amended, the following revision is to be effective upon publication in the FEDERAL REGISTER.

GENERAL PROVISIONS

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AUTHORITY: §§ 25.1 to 25.31 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201.

GENERAL PROVISIONS

§ 25.1 Purpose.

This part establishes procedures and standards for the issuance of an Access Permit to any person subject to this part who requires access to Restricted Data applicable to civil uses of atomic energy for use in his business, trade or profession; provides for the amendment, renewal, suspension, termination and revocation of an Access Permit; and specifies the terms and conditions under which the Commission will issue the Permit.

§ 25.2 Applicability.

The regulations in this part apply to any person within or under the jurisdiction of the United States who desires access to Restricted Data for use in his business, profession or trade.

§ 25.3 Definitions.

As used in this part:

(a) "Access Permit" means a permit, issued by the Atomic Energy Commission, authorizing access by the named permittee to Restricted Data applicable to civil uses of atomic energy in accordance with the terms and conditions stated on the permit.

(b) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto.

(c) "Category" means a category of Restricted Data designated in Appendix "A" to the regulations in this part.

(d) "Commission" means the Atomic Energy Commission or its duly authorized representatives.

(e) "Permittee" means the holder of a permit issued pursuant to the regulations in this part.

(f) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any state or any political subdivision of, or any political entity within a state, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

(g) "Restricted Data" means all data concerning (1) design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the Act.

§ 25.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 25.5 Communications.

Communications concerning rule making, i.e., petition to change Part 25, should be addressed to Secretary, U.S. Atomic Energy Commission, Washington 25, D.C. All other communications con-

cerning the regulations in this part, and applications filed under them, should be addressed to the Commission Operations Office listed in Appendix "B" of this part responsible for the geographical area in which (a) the applicant's principal place of business is located, or (b) the principal place where the applicant will use the Restricted Data is located.

§ 25.6 Categories of available information.

For administrative purposes the Commission has categorized Restricted Data which will be made available to permittees in the categories as set forth in Appendix "A" to this part. Top Secret information; information pertaining to the design, manufacture or utilization of atomic weapons; and defense information other than Restricted Data are not included in these categories and will not be made available under this part.

§ 25.7 Specific waivers.

The Commission may, upon application of any interested party, grant such waivers from the requirements of this part as it determines are authorized by law and will not constitute an undue risk to the common defense and security.

APPLICATIONS

§ 25.11 Applications.

(a) Any person desiring access to Restricted Data pursuant to this part should submit an application (Form AEC 378), in triplicate, for an access permit to the Commission's Operations Office, listed in Appendix "B" to this part, responsible for the area in which (1) the applicant's principal place of business is located, or (2) the principal place where the applicant will use the Restricted Data is located.

(b) Where an individual desires access to Restricted Data for use in the performance of his duties as an employee, the application for an access permit must be filed in the name of his employer.

(c) Self-employed private consultants, desiring access to Restricted Data, must file the application in their own name for an individual access permit.

(d) Each application should contain the following information:

(1) Name of applicant (unincorporated subsidiaries or divisions of a corporation must apply in the name of the corporation);

(2) Address of applicant;

(3) Description of business or occupation of applicant;

(4) (i) If applicant is an individual, state citizenship.

(ii) If applicant is a partnership, state name, citizenship and address of each partner and the principal location where the partnership does business.

(iii) If applicant is a corporation or an unincorporated association, state:

(a) The state where it is incorporated or organized and the principal location where it does business;

(b) The names, addresses and citizenship of its directors and of its principal officers;

(c) Whether it is owned, controlled or dominated by an alien, a foreign corporation, or foreign government, and if so, give details.

(iv) If the applicant is acting as agent or representative of another person in filing the application, identify the principal and furnish information required under this subparagraph with respect to such principal;

(5) Total number of full-time employees;

(6) Classification of Restricted Data (Confidential or Secret) to which access is requested;

(7) Potential use of the Restricted Data in the applicant's business, profession or trade. If access to Secret Restricted Data is requested, list the specific categories by number and furnish detailed reasons why such access within the specified categories is needed by the applicant. The need for Secret information should be stated by describing its proposed use in specific research, design, planning, construction, manufacturing, or operating projects; in activities under licenses issued by the Commission; in studies or evaluations planned or under way; or in work or services to be performed for other organizations. In addition, if access to Secret Restricted Data in category C–65, Plutonium Production, or Category C–24, Isotope Separation—Gas Centrifuge Method, is requested, the application should also include sufficient information to satisfy the requirements of § 25.15(b) (2) or (3), as the case may be.

(8) Principal Location(s) at which Restricted Data will be used.

(e) Applications should be signed by a person authorized to sign for the applicant.

(f) Each application shall contain complete and accurate disclosure with respect to the real party or parties in interest and as to all other matters and things required to be disclosed.

§ 25.12 Noneligibility.

The following persons are not eligible to apply for an access permit:

(a) Corporations not organized under the laws of the United States or a political subdivision thereof.

(b) Any individual who is not a citizen of the United States.

(c) Any partnership not including among the partners one or more citizens of the United States; or any other unincorporated association not including one or more citizens of the United States among its principal officers.

(d) Any organization which is owned, controlled or dominated by the Government of, a citizen of, or an organization organized under the laws of a country or area listed as a Subgroup A country or destination in § 371.3 (15 CFR 371.3) of the Comprehensive Export Schedule of the United States Department of Commerce.

(e) Persons subject to the jurisdiction of the United States who are not doing business within the United States.

§ 25.13 Additional information.

The Commission may, at any time after the filing of the original application and before the termination of the permit, require additional information in order to enable the Commission to determine whether the permit should be granted or denied or whether it should be modified or revoked.

§ 25.14 Public inspection of applications.

Applications and documents submitted to the Commission in connection with applications may be made available for public inspection in accordance with the regulations contained in Part 2 of this chapter.

§ 25.15 Requirements for approval of applications.

(a) An application for an access permit authorizing access to Confidential Restricted Data in the categories set forth in Appendix "A" (except C–91) will be approved only if the application demonstrates that the applicant has a potential use or application for such data in his business, trade or profession and has filed a complete application form.

(b) (1) An application for an access permit authorizing access to Secret Restricted Data will be approved only if the application demonstrates that the applicant has a need for such data in his business, trade or profession and has filed a complete application form.

(2) An application for an access permet authorizing access to Secret Restricted Data in category C–65 Plutonium Production will be approved only if the application demonstrates also that the applicant:

(i) Is directly engaged in a substantial effort to develop, design, build or operate a chemical processing plant or other facility related to his participation in the peaceful uses of atomic energy for which such production rate and cost data are needed; or

(ii) Is furnishing to a permittee having access to C–65 under subdivision (i) of this subparagraph, substantial scientific, engineering or other professional services to be used by said permittee in carrying out the activities for which said permittee received access to category C–65.

(3) An application for an access permit authorizing access to Secret Restricted Data in Category C–24, Isotope Separation-Gas Centrifuge Method, will be approved only if the application demonstrates also that the applicant:

(i) Possesses qualifications demonstrating that he is capable of making a contribution to research and development in the gas centrifuge method of isotope separation and is directly engaged in or proposes to engage in a substantial research and development program in the centrifuge field or a substantial effort to develop, design, build or operate a gas centrifuge plant; or

(ii) Is furnishing to a permittee having access to Category C–24 under the subdivision (i) of this subparagraph substantial scientific, engineering or other professional services to be used by said permittee in carrying out the activities for which said permittee received access to Category C–24.

(4) An application for an access permit authorizing access to Confidential and Secret Restricted Data in C–91, Nuclear Reactors for Rocket Propulsion, will be approved only if the application demonstrates also that the applicant:

(i) Possesses qualifications demonstrating that he is capable of making a contribution to research and development in the field of nuclear reactors for rocket propulsion and is directly engaged in or proposes to engage in a substantial research and development program in such field of work; or

(ii) Is engaged in or proposes to engage in a substantial study program in the field of nuclear reactors for rocket propulsion preparatory to the submission of a research and development proposal to the Atomic Energy Commission; or

(iii) Is furnishing to a permittee having access under subdivision (i) or (ii) of this subparagraph substantial scientific, engineering or other professional services to be used by that permittee in a study or research and development program for which said permittee received access.

PERMITS

§ 25.21 Issuance.

(a) Upon a determination that an application meets the requirements of this regulation, the Commission will issue to the applicant an access permit on Form AEC 379.

(b) An Access Permit is not an access authorization. It does not authorize any individual not having an appropriate AEC access authorization to receive Restricted Data. See § 25.24 and Part 95 of this chapter.

§ 25.22 Scope of permit.

(a) All access permits will as a minimum authorize access, subject to the terms and conditions of the access permit to Confidential Restricted Data in all of the categories set forth in Appendix "A", except C–91.

(b) In addition, access permits may authorize access, subject to the terms and conditions of the access permit to such Secret Restricted Data as is included within the particular category or categories specified in the permit.

§ 25.23 Terms and conditions of access.

(a) Neither the United States, nor the Commission, nor any person acting on behalf of the Commission makes any warranty or other representation, express or implied, (1) with respect to the accuracy, completeness or usefulness of any information made available pursuant to an access permit, or (2) that the use of any such information may not infringe privately owned rights.

(b) The Commission hereby waives such rights with respect to any invention or discovery as it may have pursuant to section 152 of the Act by reason of such invention or discovery having been made or conceived in the course of, in connection with, or resulting from access to Restricted Data received under the terms of an access permit. (Note provisions of § 25.23(d).)

(c) Each permittee shall:

(1) Comply with all applicable provisions of the Atomic Energy Act of 1954 and with Part 95 of this chapter and with all other applicable rules, regulations and orders of the Commission;

(2) Be deemed to have waived all claims for damages under section 183 of title 35 U.S. Code by reason of the imposition of any secrecy order on any patent application and all claims for just compensation under section 173 of the Atomic Energy Act of 1954, with respect to any invention or discovery made or conceived in the course of, in connection with or as a result of access to Restricted Data received under the terms of the access permit;

(3) Be deemed to have waived any and all claims against the United States, the Commission and all persons acting on behalf of the Commission that might arise in connection with the use, by the applicant, of any and all information supplied by them pursuant to the access permit;

(4) Obtain and preserve in his files written agreements from all individuals who will have access to Restricted Data under his access permit. The agreement shall be as follows:

In consideration for receiving access to Restricted Data under the access permit issued by the AEC, I hereby agree to:

(a) Waive all claims for damages under section 183 of Title 35 U.S. Code by reason of the imposition of any secrecy order on any patent application, and all claims for just compensation under section 173 of the Atomic Energy Act of 1954, with respect to any invention or discovery made or conceived in the course of, in connection with or resulting from access to Restricted Data received under the terms of the access permit issued to (insert the name of the holder of the access permit);

(b) Waive any and all claims against the United States, the Commission and all persons acting on behalf of the Commission that might arise in connection with the use, by me, of any and all information supplied by them pursuant to the access permit issued to (insert the name of the holder of the access permit).

In the case of an access permit authorizing access to Secret Restricted Data in Category C–24, Isotope Separation—Gas Centrifuge Method, the agreement shall also provide for such requirements as the permittee considers necessary for purposes of fulfilling its obligations under paragraph (d) of this section.

(5) Pay all established charges for personnel access authorizations, AEC consulting services, publication and reproduction of documents, and such other services as the Commission may furnish in connection with the access permit.

(d) The following terms and conditions are applicable to an access permit authorizing access to Secret Restricted Data in Category C–24, Isotope Separation—Gas Centrifuge Method, irrespective of whether access to the Commission's Restricted Data information is desired:

(1) The permittee will, upon request, grant to the United States a non-exclusive, irrevocable license, to use and have used for Government purposes any U.S. patent or any U.S. patent application (otherwise in condition for allowance except for a secrecy order thereon) on any invention or discovery made or conceived during the term of the permit and for one year thereafter, by the permittee or its employees or others engaged by the permittee, in the course of the permittee's work in the gas centrifuge field. The United States will pay reasonable royalties for any such use it may make of any such invention or discovery.

(2) The permittee will, upon request, grant to the Commission the right to use, for any Commission research, development, production, or manufacturing programs, any technical information or data of a proprietary nature, developed during the term of the permit, and for one year thereafter, by the permittee or its employees or others engaged by the permittee, in the course of the permittee's work in the gas centrifuge field and not covered by a U.S. patent or U.S. patent application referred to in subparagraph (1) of this paragraph. In the event that the Commission desires to make use of such proprietary technical information or data, it will pay reasonable compensation therefor. If the Commission disseminates any such proprietary technical information or data in its possession to any of its contractors for use in any Commission research, development, production, or manufacturing programs, it will do so under contractual provisions pursuant to which the contractor would undertake to use this information only for the work under the pertinent Commission contract. Notwithstanding the foregoing provisions of this subparagraph, the permittee waives any claim against the Commission for compensation or otherwise, in connection with any use or dissemination of information or data not specifically identified and claimed by the permittee as proprietary in a written notice to the Commission at the time of the furnishing of the information or data to the Commission. As used in this subparagraph, the term "technical information or data of a proprietary nature" means information or data which:

(i) Is not the property of the Government by virtue of any agreement;

(ii) Concerns the details of trade secrets or manufacturing processes which the permittee has protected from use by others; and

(iii) Is specifically identified as proprietary at the time it is made available to the Commission.

Technical information or data shall not be deemed proprietary in nature whenever substantially the same technical information is available to the Commission which has been prepared, developed or furnished as nonproprietary information by another source independently of the proprietary information and data furnished by the permittee.

(3) The acceptance, exercise, or use of the licenses or rights provided for in subparagraphs (1) and (2) of this paragraph shall not prevent the Government, at any time, from contesting their validity, scope or enforceability.

(4) The permittee agrees to make quarterly reports to the Commission in writing, in reasonable detail, respecting all technical information or data which

the permittee or the Commission considers may be of interest to the Commission, including reports of patent applications on inventions or discoveries and of technical information and data of a proprietary nature. These reports will cover the results of the permittee's work in the gas centrifuge field. All reports referred to in this subparagraph shall pertain only to activities during the term of the access permit and for one year thereafter.

(5) The permittee agrees to make available to the Commission, at all reasonable times, for inspection by Commission personnel, or by mutual agreement, others on behalf of the Commission, all experimental equipment and technical data developed, during the term of the permit and for one year thereafter, by the permittee or its employees or others engaged by the permittee, in the course of the permittee's work in the gas centrifuge field. The foregoing provision of this subparagraph shall be subject to the provisions of subparagraphs (1) and (2) of this paragraph.

§ 25.24 Administration.

With respect to each permit issued pursuant to the regulations in this part, the cognizant Operations Office will:

(a) Process all personnel access authorizations requested in connection with the permit;

(b) Review the procedures submitted by the Applicant, in accordance with Part 95 of this chapter, for the safeguarding of Restricted Data; and

(c) Provide information to the permittee with respect to the sources and locations of Restricted Data available under this permit and to assist the permittee in other matters pertaining to the administration of his permit.

§ 25.25 Term and renewal.

(a) Each access permit will be issued for a two year term, unless otherwise stated in the permit.

(b) Applications for renewal shall be filed in accordance with § 25.11. Each renewal application must be complete, without reference to previous applications. In any case in which a permittee has filed a properly completed application for renewal more than thirty (30) days prior to the expiration of his existing permit, such existing permit shall not expire until the application for a renewal has been finally acted upon by the Commission.

§ 25.26 Assignment.

An access permit is nontransferable and nonassignable.

§ 25.27 Amendment.

An access permit may be amended from time to time upon application by the permittee. An application for amendment may be filed, in triplicate, in letter form and shall be signed by an individual authorized to sign on behalf of the applicant. The term of an access permit shall not be altered by an amendment thereto.

§ 25.28 Commission action on application to renew or amend.

In considering an application by a permittee to renew or amend his permit, the Commission will apply the criteria set forth in § 25.15. Failure of an applicant to reply to a Commission request for additional information concerning an application for renewal or amendment within 60 days shall result in a rejection of the application without prejudice to resubmit a properly completed application at a later date.

§ 25.29 Suspension, revocation and termination of permits.

The Commission may revoke or suspend any access permit for any material false statement in the application or in any report submitted to the Commission pursuant to the regulations in this part or because of conditions or facts which would have warranted a refusal to grant the permit in the first instance, or for violation of any of the terms and conditions of the Atomic Energy Act of 1954 or Commission rules, regulations or orders issued pursuant thereto. A permittee should request termination of his permit when he no longer requires Restricted Data for use in his business, trade or profession.

§ 25.30 Exceptions and additional requirements.

Notwithstanding any other provision in the regulations in this part, the Commission may deny an application for an access permit or suspend or revoke any access permit, or incorporate additional conditions or requirements in any access permit, upon finding that such denial, revocation or the incorporation of such conditions and limitations is necessary or appropriate in the interest of the common defense and security or is otherwise in the public interest.

§ 25.31 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

APPENDIX A

Categories of Restricted Data Available (Including Scope Notes for Each Category).

C–24 Isotope Separation—Gas Centrifuge Method. This category includes information on the following:

(a) Any aspect of separating one or more isotopes of an element from a composition containing a mixture of isotopes of that element by the gas centrifuge method.

(b) Design, construction and operation of any plant, facility or device capable of separating one or more isotopes of an element from a composition containing a mixture of isotopes of that element by the gas centrifuge method, including means and methods of transporting materials from one to another centrifuge.

C–44 Nuclear Technology. This category includes classified technical information concerning nuclear technology. It may contain information on the following:

a. Materials, including metals, ceramics, organic and inorganic compounds. Included are such technical areas as the technology and fabrication of fuel elements, corrosion studies, cladding techniques and radiation studies.

b. Chemistry, chemical engineering and radiochemistry of all the elements and their compounds. Included are techniques and processes of chemical separations, radioactive waste handling and feed material processing.

c. Reactor physics, engineering and technology including theory, design, criticality studies and operation of reactors, reactor systems and reactor components.

This category does not include information which reveals or from which can be calculated actual or planned (as distinguished from design) capacities, production rates and unit costs for the plutonium production program.

C–65 Plutonium Production. This category includes information on reactor, fuel element and separations technology which reveals or from which can be calculated actual or planned (as distinguished from design) capacities, production rates and unit costs for the Hanford and Savannah River production facilities.

Technology which does not reveal or enable calculation of production rates and unit costs of Hanford or Savannah River production facilities is categorized in C–44 Nuclear Technology.

C–90 Nuclear Reactors for Ram-Jet Propulsion. This category includes information on:

a. Programs pertaining to the development of nuclear reactors for application to ram-jet propulsion systems including theory and/or design, test philosophy procedures and/or results.

b. Fabrication technology and evaluation of performance or characteristics of materials or components for such reactors.

c. Controls, control systems and instrumentation relating to the design or technology of such reactors.

d. Data pertaining to heat transfer, propellant kinetics or corrosion and erosion of materials under conditions of high temperature, high gas flows or other environmental conditions characteristic of ram-jet propulsion systems.

This category does not include information on:

a. Design details of weapons systems or nuclear warheads.

b. Military operational techniques or characteristics.

c. General aspects of nuclear ram-jet missiles, such as payload, aerodynamic characteristics, guidance systems, physical size, gross weight, thrust and information of this kind which is associated with utilization of a nuclear ram-jet propulsion system.

C–91 Nuclear Reactors for Rocket Propulsion. This category includes information on:

a. Programs pertaining to nuclear reactors for rocket propulsion, i.e., missile propulsion, theory and/design, test philosophy procedures and/or results.

b. Design, fabrication technology and evaluation of performance or characteristics of material, components, or subsystems or nuclear rocket reactors.

c. Controls, control systems and instrumentation relating to the design or technology of rocket reactor systems.

d. Data pertaining to heat transfer, propellant kinetics or corrosion and erosion of rocket reactor system materials under conditions of high temperature, high gas flows, or other environmental conditions characteristic of rocket reactors.

This category does not include information on:

a. Design details of weapons systems or nuclear warheads.

b. Military operational techniques or characteristics.

c. General aspects of payload and aerodynamic characteristics.

d. Design details and development information of components and subsystems of the nuclear rocket engine other than that associated with the reactor system.

C–92 Systems for Nuclear Auxiliary Power (SNAP). This category includes information on:

a. Isotopic SNAP Program, including theory, design, research and development, fabrication, test procedures and results for the device, including power conversion device and the fuels used.

b. Reactor SNAP Program, including theory, design, research and development, fabrication, test procedures and results for the reactor, including the directly associated power conversion device when developed by the AEC.

This category does not include basic technical and scientific data developed under the SNAP Advanced Concept Program which should be reported in C–93.

C–93 Advanced Concepts for Future Application.

C–93a Reactor Experiments. This category includes classified technical information developed in the pursuit of work on new or advanced concepts of reactors or components which the AEC considers essential to future growth or for general application to future generations of reactors. Classified information developed in the pursuit of work on the lithium cooled reactor experiment is an example of the type of information to be reported in this category, i.e., information resulting from an experimental reactor project or component development which may have many future applications but which is not currently being pursued to meet the specific needs of an approved requirement for which other information categories have been provided. For example, classified technical information developed in the pursuit of work on Naval, Ram-Jet or Rocket nuclear reactors would not be reported here but under their respective specific categories. This category will include classified technical information on the following:

a. Theory, design, and performance, either estimated or actual.

b. Design details, composition and performance characteristics of major components (e.g., fuel media, reflectors, moderators, heat exchangers, pressure shells or containment devices, control rods, conversion devices, instrumentation and shielding).

c. Material (metals, ceramics and compounds) development, alloying, cladding, corrosion, erosion, radiation studies and fabrication techniques.

d. Chemistry, including chemical engineering, processes and techniques. Reactor physics, engineering and criticality studies.

C–93b Conversion Devices. This category includes classified technical information developed in the pursuit of studies, designs, research and development, fabrication and operation of any energy conversion device to be used with nuclear energy sources which is not being applied to a specific system development project.

C–94 Military Compact Reactor (MCR). This category includes classified technical information on the actual or planned Military Compact Reactor and its components developed in the pursuit of studies, designs, research and development, fabrication, and operation of the reactor system or its components.

Examples of the areas of information included are:

a. Reactor core physics.

b. Fuel elements and fuel element components.

c. Moderator and reflector details.

d. Data on primary coolant system.

e. Radiation shield.

f. Controls and instrumentation.

This category does not include information on military operational characteristics or techniques.

APPENDIX B

Commission's operations offices and geographical areas of responsibility

Albuquerque Operations Office, U.S. Atomic Energy Commission, P.O. Box 5400, Albuquerque, N. Mex.: Arizona, Kansas, New Mexico, Oklahoma, and Texas.

Chicago Operations Office, U.S. Atomic Energy Commission, 9800 South Cass Avenue, Argonne, Ill.: Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

Hanford Operations Office, U.S. Atomic Energy Commission, P.O. Box 550, Richland, Wash.: Alaska, Oregon, and Washington.

New York Operations Office, U.S. Atomic Energy Commission, 376 Hudson Street, New York 14, N.Y.: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

Oak Ridge Operations Office, U.S. Atomic Energy Commission, P.O. Box E, Oak Ridge, Tenn.: Arkansas, Kentucky, Louisiana, Mississippi, Missouri, Panama Canal Zone, Puerto Rico, Tennessee, Virginia, Virgin Islands, and West Virginia.

San Francisco Operations Office, U.S. Atomic Energy Commission, 2111 Bancroft Way, Berkeley 4, Calif.: California, Colorado, Hawaii, Idaho, Montana, Nevada, Utah, Wyoming, and U.S. Pacific Territories.

Savannah River Operations Office, U.S. Atomic Energy Commission, P.O. Box A, Aiken, S.C.: Alabama, Florida, Georgia, North Carolina, and South Carolina.

For the Atomic Energy Commission.

Dated at Germantown, Md., this 15th day of August 1962.

HAROLD D. ANAMOSA,
Acting Secretary.

[F.R. Doc. 62–8435; Filed, Aug. 21, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–WA–85]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Reporting Points

Correction

In F.R. Doc. 62–7580, appearing at page 7607 of the issue for Thursday, August 2, 1962, item 2 should read as follows:

2. In the text of § 601.4201 (27 F.R. 5765) "Fantail INT: The INT of the 187° bearing from the Key West, Fla., RR with latitude 24°00'00" N." and "Cortez INT: The INT of the 209° bearing from the Marathon, Fla., RBN with latitude 24°00'00" N." are deleted and "Blue Fin INT: The INT of the San Juan, P.R. 314° and the Ramey AFB, P.R. 028° radials.", "Sailfish INT: The INT of the San Juan, P.R. 333° and the Ramey AFB, P.R. 036° radials." and "Idaho INT: The INT of the Ramey AFB, P.R. 326° and the 012° bearing from the Mona Island, P.R. RBN." are added.

[Airspace Docket No. 62–SW–10]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On June 5, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5270) stating that the Federal Aviation Agency proposed to alter the Midland, Tex., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the text of § 601.2320 (14 CFR 601.2320) is amended to read: "Within a 5-mile radius of the Midland Air Terminal (latitude 31°56'20" N., longitude 102°-12'10" W.) and within 2 miles either side of the 114° bearing from the Midland RBN extending from the 5-mile radius zone to the RBN."

This amendment shall become effective 0001 e.s.t. October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on Aug. 15, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–8406; Filed, Aug. 21, 1962; 8:45 a.m.]

[Airspace Docket No. 62–SW–41]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2039 of the regulations of the Administrator is to alter the Tulsa, Okla., control zone.

The Tulsa control zone is designated, in part, on the Tulsa radio beacon. The control zone extension based on this navigational aid is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on the Tulsa

radio beacon. Requirements for this area will be reviewed at a later date under the CAR Amendment 60–21/60–29 implementation program.

Since the change effected by this amendment is less restrictive in nature than the present requirements, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the text of § 601.2039 (27 F.R. 4809) is amended to read: "Within a 5-mile radius of the Tulsa Municipal Airport (latitude 36°12'01" N., longitude 95°-53'15" W.); within 2 miles either side of the ILS localizer N. course extending from the 5-mile radius zone to the Owasso, Okla., RBN; within 2 miles either side of the Tulsa VORTAC 268° radial extending from the 5-mile radius zone to the VORTAC; and within 2 miles either side of the ILS localizer S. course extending from the 5-mile radius zone to the ILS OM."

This amendment shall become effective 0001 e.s.t. October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 15, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–8407; Filed, Aug. 21, 1962; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Manchester Harbor, Mass.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.64 is hereby prescribed to govern the operation of the Boston and Maine Railroad Bridge across Manchester Harbor, Manchester, Massachusetts, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.64 Manchester Harbor, Mass.; Boston and Maine Railroad Bridge at Manchester.

(a) The draw shall be opened promptly on signal for the passage of vessels from 9:00 a.m. to 1:00 p.m. and from 2:00 p.m. to 6:00 p.m. (local time) each day of the week from April 1 to November 1, inclusive.

(b) At times other than those specified in paragraph (a) of this section, advance notice of at least 2 hours is required for opening the draw between the hours of 6:45 a.m. and 3:45 p.m., and 5 hours for opening at times other than specified above. The notice is to be given to the Chief Dispatcher, Boston and Maine Railroad, Boston, Massachusetts.

(c) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof in such manner that it can easily be read at any time, a copy of the regulations of this section together with a notice stating exactly how the representative in paragraph (b) of this section may be reached.

[Regs., Aug. 8, 1962, 285/111 (Manchester Harbor, Mass.)—ENGCW–ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–8404; Filed, Aug. 21, 1962; 8:45 a.m.]

PART 204—DANGER ZONE REGULATIONS

Lake Michigan, Belmont Harbor Entrance, Chicago, Ill.; Correction

Section 204.179, appearing as part of F.R. Document 62–7294, published at 27 F.R. 7096, July 26, 1962, is corrected to read as follows:

§ 204.179 Lake Michigan, Belmont Harbor Entrance, Chicago, Ill.; danger zones.

(a) *The prohibited areas*—(1) *Area A.* The waters of Lake Michigan at the south side of the entrance to Belmont Harbor within an area beginning at a point on the lake shore of the peninsula at latitude 41°56'28", longitude 87°38'02"; thence to latitude 41°56'27", longitude 87°37'59.5"; thence to latitude 41°56'21", longitude 87°37'58.5"; thence to latitude 41°56'15", longitude 87°37'57.5"; thence to a point on shore at latitude 41°56'14.5", longitude 87°37'58"; and thence northerly along the shore line to the point of beginning.

(2) *Area B.* The waters of Belmont Harbor at the south side of the entrance to the harbor within an area beginning at a point on the harbor side of the peninsula at latitude 41°56'28.5", longitude 87°38'04.5"; thence to latitude 41°56'28", longitude 87°38'08"; thence to a point on shore at latitude 41°56'23", longitude 87°38'07"; thence northerly along the shore line to the point of beginning.

(b) *The regulations.* (1) No vessel shall enter the danger zones at any time.

(2) The regulations in this section shall be enforced by the Commander, 9th U.S. Coast Guard District, Cleveland, Ohio, or his designated agent.

[Regs., July 10, 1962, 285/111–ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–8405; Filed, Aug. 21, 1962; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

PAYMENT OF DISABILITY COMPENSATION WITH DEDUCTION OF LUMP-SUM READJUSTMENT PAY

A new § 3.1569 is added to read as follows:

§ 3.1569 Payment of disability compensation with deduction of lump-sum readjustment pay.

(a) *Effect of the law*—(1) *Prior provisions.* Public Law 676, 84th Congress provided lump-sum readjustment pay for reservists with at least 5 years of continuous active duty who were involuntarily released from such active duty. A person entitled to readjustment pay who was also eligible for compensation could elect to receive either benefit, but not both, his election becoming final with respect to all prior service, thereby prohibiting a subsequent reelection of the other benefit. Election of readjustment pay did not act as a bar to disability compensation based on subsequent service. Election of readjustment pay did not act as a bar to receipt of pension, nor did receipt of pension bar receipt of readjustment pay.

(2) *Present provisions.* Under Public Law 87–509 readjustment pay is calculated on a more liberal basis. It provides as to such releases after its enactment date that such persons may receive readjustment pay in addition to compensation subject to deduction from the compensation of an amount equal to 75 percent of the readjustment pay. Public Law 87–509 also provides that notwithstanding an election under Public Law 676, 84th Congress, to receive lump-sum readjustment pay, any person who made such an election may be awarded compensation to which he is otherwise entitled, subject to deduction from the compensation of an amount equal to 75 percent of the readjustment pay. This provision is effective as of the date of enactment. Informal information has been received from the Department of Defense that veterans who elected to receive compensation under Public Law 676, 84th Congress may not now elect to receive readjustment pay. Compensation to which the person is entitled on the basis of subsequent service is not subject to deduction. There continues to be no bar to the receipt of pension and readjustment pay.

(b) *Effective date.* The law becomes effective June 28, 1962, with respect to an award of compensation subject to recoupment of readjustment pay.

(1) *Original claims.* (i) As to veterans separated from service under the provisions of Public Law 87–509 on or after June 29, 1962, the effective date will be the day following separation from service if claim is filed within 1 year from that date; otherwise from date of claim.

(ii) As to veterans separated from service prior to June 29, 1962, the effective date will be the date claim is filed or June 28, 1962, whichever is the later.

(2) *Reopened claims.* Where a claim for compensation was disallowed because of an election to receive readjustment pay and it does not come within the definition of a pending claim under subparagraph (3) of this paragraph, the effective date of an award of compensation will be the date of claim or June 28, 1962, whichever is the later.

(3) *Pending claims.* Where otherwise in order, the effective date of an award as to a claim pending on the date of enactment will be June 28, 1962. Pending claims will include:

(i) A claim not previously adjudicated.

(ii) A previously disallowed claim pending appellate consideration.

(iii) A previously disallowed claim reopened by receipt of any claim, evidence or inquiry on which action was pending on June 28, 1962.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry after June 28, 1962, but within the appeal period. (Instruction 1, Public Law 87–509.)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 22, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62–8478; Filed, Aug. 21, 1962; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Notice of Proposed Rule Making With Respect to Carryover of Unexpended Funds and Establishment of Reserve

Consideration is being given to the following proposal submitted by the Control Committee, established under the amended Marketing Agreement and Order No. 927, as amended (7 CFR Part 927), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau pears grown in Oregon, Washington, and California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the Secretary of Agriculture approve the establishment of an operating monetary reserve, which reserve shall not exceed approximately one fiscal period's expenses, as appropriate for the maintenance and functioning of the said committee under the aforesaid amended marketing agreement and order; and

(2) That the Secretary of Agriculture determine that it is appropriate for the maintenance and functioning of the committee that unexpended assessment funds in the amount of $2,500, which are in excess of expenses incurred during the fiscal period ended June 30, 1962, shall be placed in said reserve, and may be used, in accordance with the provisions of § 927.42 of the said amended marketing agreement and order.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

Terms used herein shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 7, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8422; Filed, Aug. 21, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 42]

[Regulatory Docket No. 1347; Draft Release No. 62-39]

AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, LARGE COMMERCIAL OPERATORS, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to revise Part 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 23, 1962, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

A revision of Part 42 of the Civil Air Regulations has been under consideration for some time, the last proposed revision having been circulated by the Civil Aeronautics Board in Draft Release 54–5 dated February 25, 1954, (not published in FEDERAL REGISTER).

The Board's proposal took cognizance of those areas wherein supplemental or irregular air carrier operations differ from those of certificated route air carriers (scheduled). It also recognized the many areas in which such operations are similar, and attempted to achieve as much uniformity in such areas as is practicable between the provisions of Part 42 and those contained in Parts 40 and 41 of this chapter (Civil Air Regulations). Subsequent to the issuance of that draft release the safety rule making authority was transferred to the Federal Aviation Agency by the Federal Aviation Act of 1958. However, the Agency decided to postpone further action on Draft Release 54–5 pending the issuance of a revised Part 41 which would incorporate in that part rules reflecting current concepts for the certification and operation of international air carriers.

Currently effective Part 42 prescribes the certification and operating rules for large irregular or supplemental air carriers operating in interstate, overseas, or foreign air transportation. It also applies to scheduled air carriers when conducting charter flights or other special services, air carriers authorized by the Board to engage in scheduled air transportation of cargo, commercial operators operating under the authority of Part 45, and to air taxi operators operating pursuant to Special Civil Air Regulation No. SR–395A.

This proposed revision of Part 42 will apply to the following operators of aircraft: supplemental air carriers, large commercial operators, certificated route air carriers when conducting charter flights or other special services, and air carriers conducting scheduled all-cargo operations when authorized under the provisions of Part 40 or 41.

There are two basic reasons for this proposed revision of Part 42:

First, the Agency agrees with the opinion expressed in the Board's Draft Release 54–5 that the same safety standards should apply to supplemental or irregular air carriers and certificated route air carriers wherever practicable. Moreover, in those instances where the inherent differences in the types of operations require a difference, the rules should incorporate substantially equivalent safety standards. While this objective has been sought in existing regulations, differences in form and language of the parts concerned frequently led to differences in operating practices which did not achieve this objective.

Second, it is believed that the current requirements need to be restated, clarified, and in certain instances brought up to date to incorporate current practices. To accomplish this, the organization of this proposed revision of Part 42 follows the same general format as Part 40 and the recently adopted revision of Part 41. When applicable, the same wording and numbering system as appears in Part 40 and the revised Part 41 have been used. This procedure thus provides uniformity and greater ease in the understanding and administration of these regulations.

Although current Part 42 contains regulations governing both large and small aircraft operations this proposal does not contain separate rules for large and small aircraft operations. However, an air carrier conducting operations subject to this part with small aircraft may be permitted to apply for operations specifications authorizing him to conduct those operations under Part 47. When Part 47 is adopted and becomes effective, it will primarily govern small aircraft operations conducted by air taxi and commercial operators. Also, when this proposed revision of Part 42 is adopted and becomes effective it will govern large aircraft operations conducted by commercial operators. As a consequence, when Parts 47 and revised Part 42 are both effective present Part 45 will no longer be needed to govern commercial

operators and will, therefore, be rescinded.

Many of the provisions appearing in Draft Release 54–5 have been changed in this proposal. A number of these changes reflect pertinent amendments to the Civil Air Regulations which have been adopted since the circulation of the draft release. Other changes are the result of evaluation of comments received in response to that draft release and reflect the current views of the Federal Aviation Agency with regard to the rules governing operations subject to this part.

It is recognized that several outstanding draft releases pertaining to the use of aircraft simulators for pilot training and proficiency checks, and the requirements for airborne distance measuring equipment, have not been included in this proposed revision. However, upon finalization of the rules, as a result of the outstanding draft releases, the resultant new rules will be incorporated into the revised Part 42.

The differences between the provisions of this proposal and those in current Part 42 and previous Draft Release 54–5 are too numerous to be listed in their entirety. However, some significant differences reflected in this current proposal are as follows:

1. Section 42.1 *Applicability of this part.* This section is so worded as to make clear our intent that the revised part will apply to only the following operators of aircraft: Supplemental air carriers, large commercial operators, certificated route air carriers when conducting charter flights or other special services, and air carriers conducting scheduled all-cargo operations when authorized under the provisions of Part 40, 41, or 46 of this chapter (Civil Air Regulations). The title of proposed Part 42 has also been changed to more accurately describe the type of operator to which it applies.

Since the part would apply to the persons specified in § 42.1 when using aircraft, it would govern those operations conducted with helicopters as well as those conducted with airplanes. (See § 42.26 of the proposal for rules which are specifically applicable to helicopter operations.)

2. Section 42.1 *Certificate required.* Previously issued supplemental or irregular air carrier operating certificates, and large commercial operator certificates which are in force on the effective date of this proposed part would remain valid as certificate authority to conduct operations in accordance with the new part until the expiration date specified on the certificate. Thereafter, the holder of such a certificate must obtain new certificate authority issued under Part 42 as revised in order to continue aircraft operations as a supplemental air carrier, or large commercial operator.

3. Section 42.12 *Application for original certification and renewal of certificates.* In order to provide the Agency with sufficient time to determine whether an applicant for an operating certificate is properly and adequately equipped to conduct a safe operation, it is proposed to require applications to be filed with the FAA at least 60 days prior to the date of intended operation, or 60 days prior to the date on which a certificate expires in the case of applications for renewal.

4. Section 42.13 *Issuance of operating certificate.* In this section it is proposed to include provisions under which the Administrator may deny the issuance of an operating certificate to an applicant who has previously had an air carrier operating certificate or commercial operator certificate revoked, or when any person who will be in control of or have a substantial ownership interest in the applicant has previously exercised control over any other operator whose air carrier or commercial operator certificate has been revoked.

5. Section 42.16 *Duration of certificate.* In the interest of safety, a person who qualifies for, and is issued, an operating certificate required by this proposed part must continue to meet the certificate and other requirements of the part upon which initial issuance of the certificate was based. Under the provisions of this section an operating certificate issued under the proposed part may be suspended or revoked by the Administrator for any cause which, at the time of suspension or revocation, would have been grounds for denying the holder of such certificate a like certificate.

6. Sections 42.18, 42.19, 42.21 *Operations specifications.* The rules of these sections separate the operations specifications from the operating certificate, specify the contents of the operations specifications, and set forth the procedures which govern amendments to them.

All of the operations specifications currently issued under Part 42 to individual operators contain certain rules which are substantially the same. Since such rules are standard in nature, it is appropriate to remove them from the operations specifications of the individual operators and incorporate them, without substantive change, in revised Part 42 as rules of general applicability. This has been done in this proposal.

7. Section 42.22 *Inspection authority.* The scope of this proposed section is sufficiently broad to permit an authorized representative of the Administrator to inspect and examine the financial books and records of an operator. Such inspection authority is considered essential to the successful administration and enforcement of this proposed part, since the intermingling of financial and operational information of a company is such that in evaluating the safety of operations the Agency must be able to enter or approach such evaluation through information which may be available in the financial records of the company. However, the authority of § 42.22 will not be used by the Agency to duplicate any audit requirements imposed by the Civil Aeronautics Board.

8. Section 42.26 *Helicopter requirements; deviations.* This section recognizes that certain of the provisions of Part 46 of this chapter (Civil Air Regulations) which govern helicopter operations are also appropriate for helicopter operations subject to this proposed part. The provisions of this proposed part from which helicopter operations are excepted and the provisions of Part 46 which apply in lieu thereof are specified in § 42.26.

9. Section 42.27 *Management personnel required.* This section requires each operator to show that it has a sufficient number of qualified management personnel employed on a full-time basis to provide the highest degree of safety in its operations.

The rule specifies the positions such persons must occupy and requires their duties, responsibilities, and authority to be set forth in the General Policy Section of each Operator's Manual. Within 10 days after making any change in the assignment of individuals to the positions specified, the operator must notify the FAA of the change.

10. Section 42.28 *Qualification requirements for management personnel.* This section establishes minimum requirements which management personnel must meet to qualify for the positions of Director of Operations, Chief Pilot, Director of Maintenance and Airworthiness, and Director of Quality Control. These requirements are considered necessary to insure that such management personnel have qualifications commensurate with the important safety duties and responsibilities of their positions.

11. Section 42.37 *Servicing and maintenance facilities.* It will be noted that this section requires an operator to show that he has competent personnel and adequate facilities and equipment for, among other things, refueling.

12. Section 42.38 *Dispatch and flight following systems.* Each operator would be required to establish an approved dispatch system, using certificated dispatchers, or an approved flight following system. The operations specifications issued to the operator will specify which of the two systems the operator is authorized to use and the location of the dispatch or flight following centers.

13. Section 42.39 *Flight following system.* To obtain authority to use a flight following system, this section would require an operator to show that he has adequate facilities and personnel to provide flight crews and the individuals designated by the operator for operational control of the aircraft with all information necessary for the initiation and safe conduct of each flight. The operator must also show that he has a means of communication to monitor each flight's progress with respect to its departure and arrival at the point of origin and destination, including intermediate stops and any diversions therefrom, and maintenance or mechanical delays encountered at such points or stops. In addition, it must be shown that persons who perform flight following functions, and those designated by the operator for operational control of the aircraft, are capable of performing their required duties.

We believe the rules proposed herein for a flight following system will enable operators subject to this proposed revision of Part 42 to maintain better operational control of their aircraft and thus conduct safer operations.

14. Sections 42.206 and 42.208 *Equipment for extended overwater operations*

and for operations over uninhabited terrain. The rules proposed in these sections are, for purposes of uniformity, the same as those contained in recently revised Part 41 of this chapter (Civil Air Regulations). They would allow operators greater latitude in determining the quantity and type of equipment to be carried than is presently allowed them under current Part 42.

15. Section 42.250 *Aircraft fuel, oil, and other fluid servicing requirements.* This section proposes standards for the approval of facilities to be used, and operating procedures to be followed, while refueling aircraft. Such standards and procedures are considered necessary in the interest of safety.

16. Section 42.265 *Flight attendant.* Presently effective Part 42 does not contain any requirements for flight attendants on passenger-carrying airplanes, although it has been an accepted practice for many years. However, rules to require flight attendants on airplanes are considered necessary in the interest of safety. The rules proposed herein to govern the number of flight attendants required on airplanes operated under this part are the same as those recently adopted in revised Part 41 of this chapter (Civil Air Regulations).

17. Section 42.267 *Assignment of emergency and evacuation functions for each crewmember.* In order to insure crew coordination and familiarity of all crewmembers with emergency functions, it is proposed to require each operator of airplanes to assign to each crewmember all necessary functions the crewmember is to perform in emergencies and in circumstances requiring emergency evacuation. Emergency functions would have to be assigned for each type of airplane used by the operator, and the operator would have to show that functions so assigned are realistic and capable of accomplishment. All such functions would be described in the operator's manual to insure adequate training of required crewmembers during the approved emergency training program.

18. Section 42.303 *Pilot airport qualification requirements.* This section proposes new airport qualification requirements for pilots in command of airplanes. These proposals are based upon consideration of the increased complexity in the operation of airplanes, and in the use of navigational aids and procedures for operating into airports.

19. Sections 42.317–42.323 *Flight time limitations for crewmembers serving on airplanes.* The flight time limitations currently contained in Part 42 for operations within the continental United States (excluding Alaska) and those currently specified in operations specifications for operations outside the continental United States and within Alaska have been incorporated into the provisions of these proposed sections without any substantive changes. The Agency is making a separate study of current flight time limitation provisions and will present proposals to amend them in a separate rule making proceeding.

20. Section 42.370 *Briefing of passengers.* This section expands the current requirements of Part 42 to require the operator to brief orally all passengers carried on an airplane concerning smoking, use of seat belts, location of emergency exits, and the emergency evacuation procedures to be used in the event emergency evacuation of the airplane becomes necessary.

21. Section 42.396 *Fuel supply for all operations.* The provisions proposed in this section for reciprocating engine- and turbopropeller-powered airplanes are considered adequate for safe operations and more realistic than present requirements when the related dispatch rules proposed in this revision are applicable. It will be noted that, if a dispatch system is not used by an operator, the proposed rules increase the applicable fuel requirements by an additional 5 percent.

The fuel requirements proposed for turbojet airplanes are the same as those currently contained in Special Civil Air Regulation No. SR–427C.

22. Section 42.502 *Dispatch or flight release.* The rule proposed in this section requires, among other things, that there be included in the dispatch or flight release the name of the operator; make, model, and registration number of the airplane to be used; flight or trip numbers; date of flight; and the name of each flight crewmember, flight attendant, and pilot designated as pilot in command. Such information is considered essential to record properly the particular airplane and crewmembers with the flights flown.

The format of this proposed part will be subject to such changes as may be necessary for its recodification under the Agency's recodification program, recently announced in Draft Release No. 61–25 (26 F.R. 10698).

In consideration of the foregoing, it is proposed to revise Part 42 of the Civil Air Regulations to read as hereinafter set forth.

This revision is proposed under the authority of Titles III and VI, and section 1102 of the Federal Aviation Act of 1958 (72 Stat. 744–754, 775–780, and 797; 49 U.S.C. 1341–1355, 1421–1430, and 1502).

Issued in Washington, D.C., on August 16, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

Proposed revision of Part 42 of the Civil Air Regulations:

PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, LARGE COMMERCIAL OPERATORS, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

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Appendix A—First-Aid Kits.

APPLICABILITY AND DEFINITIONS

§ 42.1 Applicability of this part.

(a) This part prescribes the rules governing:

(1) A supplemental air carrier when engaging in supplemental air transportation;

(2) A certificated route air carrier when engaging in charter flights or other special services;

(3) A certificated route air carrier when engaging in scheduled cargo-only operations authorized under the provisions of Part 40, 41, or 46 of this chapter (Civil Air Regulations); and

(4) A commercial operator when carrying persons or property in air commerce for compensation or hire in large aircraft.

NOTE: Under circumstances where it is doubtful whether the operations are for "compensation or hire," the test to be applied is whether the carriage by air is merely incidental to the operator's other business or is, in and of itself, a major enterprise for profit.

(b) The provisions of this part are also applicable to any airman or other person employed or used by an air carrier or commercial operator in the conduct of its operations subject to this part (including the operation, inspection, maintenance, and overhaul of aircraft), and any person while on board an aircraft operated by an air carrier or commercial operator under the provisions of this part.

§ 42.2 Additional rules applicable to operations subject to this part.

Unless otherwise specified in this part or the operations specifications of the operator, operations subject to the provisions of this part shall be conducted in compliance with the following additional rules:

(a) *Within the United States.* Parts 43 and 60 of this chapter (Civil Air Regulations).

(b) *Over the high seas.* Annex 2 (Rules of the Air) to the Convention on International Civil Aviation, except where any rule of this part is more restrictive and may be followed without violating the rules of Annex 2.

(c) *Within a foreign country.* The air traffic rules of the foreign government and local airport rules, except where any rule of this part is more restrictive and may be followed without violating the rules of such foreign country.

§ 42.5 Definitions.

As used in this part, the terms found herein are defined as follows:

Accelerate-stop distance. Accelerate-stop distance is the distance required to accelerate an airplane to a specified speed and, assuming failure of the critical engine at the instant that speed is attained, to bring the airplane to a stop. (See the pertinent airworthiness requirements for the manner in which such distance is determined.)

Administrator. The Administrator is the Administrator of the Federal Aviation Agency, or any person to whom he has delegated his authority in the matter concerned.

Air carrier. An air carrier is any citizen of the United States who undertakes directly, or by lease or by other arrangement, to engage in air transportation as defined in the Federal Aviation Act of 1958.

Aircraft dispatcher. An aircraft dispatcher is an individual holding a valid aircraft dispatcher certificate issued by the Administrator who exercises responsibility with the pilot in command in the operational control of each flight.

Aircraft. Aircraft means a device that is used or intended to be used for flight in the air.

Airframe. Airframe means any and all kinds of fuselages, booms, nacelles, cowlings, fairings, empennages, airfoil surfaces, and landing gear, and all parts, accessories, or controls, of whatever description, appertaining thereto, but not including engines and propellers.

Airplane. An airplane is a power-driven fixed-wing aircraft, heavier than air, which is supported by the dynamic reaction of the air against its wings.

Airport. An airport is an area of land or water which is used, or intended for use, for the landing and takeoff of airplanes.

Alternate airport. An alernate airport is an approved airport to which a flight may proceed if a landing at the airport to which the flight was dispatched becomes inadvisable.

Appliances. Appliances are instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to aircraft during flight, but excluding parachutes), and which are not a part or parts of airframes, engines, or propellers.

Approved. Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., means approved by the Administrator, or his authorized representative.

Authorized representative of the Administrator. An authorized representative of the Administrator is any employee of the Federal Aviation Agency authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

Board. Board means the Civil Aeronautics Board.

Cargo aircraft. A cargo aircraft is an aircraft which is used for the carriage of property, cargo, or mail only.

Check airman. A check airman is an airman designated by the operator and approved by a representative of the Administrator to examine other airmen to determine their proficency with respect to procedures and technique and their competence to perform their respective airman duties.

Commercial operator. A commercial operator is a person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier or foreign air carrier or under the authority of Part 375 of this title. It includes a person engaging in operations (1) as a private carrier (or contract carrier) for hire, or (2) as a common carrier on an intrastate basis.

Crewmember. A crewmember is any individual assigned by an operator for the performance of duty on an aircraft in flight.

Critical engine. Critical engine means the engine whose failure would most adversely affect the performance or handling qualities of an aircraft.

Critical-engine-failure speed, V_1 (transport category airplanes). The critical-engine-failure speed is the airplane speed used in the determination of the takeoff distance required at which the critical engine is assumed to fail. (See the pertinent airworthiness requirements for the manner in which such speed is determined.)

Dispatch or flight release. A dispatch or flight release is an authorization issued in accordance with the provisions of this part specifying the conditions for the origination or continuance of a particular flight.

Effective length of runway—(1) *Takeoff.* The effective length of runway for takeoff as used in the takeoff operating limitations for nontransport category airplanes is the distance from the end of the runway at which the takeoff is started to the point at which the obstruction clearance plane associated with the other end of the runway intersects the centerline of the runway.

(2) *Landing.* The effective length of the runway for landing as used in the landing operating limitations for both transport and nontransport category airplanes is the distance from the point at which the obstruction clearance plane associated with the approach end of the runway intersects the centerline of the runway to the far end thereof.

En route. En route means the entire flight from the point of origination to the point of termination, including intermediate stops.

Exclusive use of aircraft. Exclusive use of an aircraft means the sole possession, control, and use of an aircraft for flight by an operator arising from either: (a) A lease or other agreement or arrangement under which the operator is to have the right to such possession, control, and use for a period of at least 6 consecutive months from the date of such lease or other agreement or arrangement; or (b) ownership of the aircraft.

Extended overwater operations. An extended overwater operation is an operation over water conducted at a distance in excess of 50 miles from the nearest shore line.

FAA. FAA means the Federal Aviation Agency.

Fireproof. Fireproof material means a material which will withstand heat equally well or better than steel in dimensions appropriate for the purpose for which it is to be used. When applied to material and parts used to confine fires in designated fire zones, fireproof means that the material or part will perform this function under the most severe conditions of fire and duration likely to occur in such zones.

Fire-resistant. When applied to sheet or structural members, fire-resistant material means a material which will withstand heat equally well or better than aluminum alloy in dimensions appropriate for the purpose for which it is to be used. When applied to fluid-carrying lines, this term refers to a line and fitting assembly which will perform its intended protective functions under the heat and other conditions likely to occur at the particular location.

Flame-resistant. Flame-resistant material means a material which will not support combustion to the point of propagating, beyond safe limits, a flame after the removal of the ignition source.

Flammable. Flammable fluids or gases mean those which will ignite readily or explode.

Flash-resistant. Flash-resistant material means material which will not burn violently when ignited.

Flight crewmember. A flight crewmember is a crewmember assigned to duty on an aircraft as a pilot, flight navigator, or flight engineer.

Flight engineer. A flight engineer is an individual holding a valid flight engineer certificate issued by the Administrator and whose primary assigned duty during flight is to assist the pilots in the mechanical operation of an aircraft.

Flight navigator. A flight navigator is an individual holding a valid flight navigator certificate issued by the Administrator and who is responsible to the pilot in command for the safe and efficient navigation of the aircraft.

Flight time. Flight time is the time from the moment the aircraft first moves under its own power for the purpose of flight until it comes to rest at the next point of landing (block-to-block time).

IFR. IFR is the symbol used to designate instrument flight rules.

ILS. ILS is the symbol used to designate instrument landing system.

Large aircraft. A large aircraft is an aircraft of more than 12,500 pounds maximum certificated takeoff weight.

Maximum certificated takeoff weight. Maximum certificated takeoff weight is the maximum takeoff weight authorized by the terms of the aircraft airworthiness certificate or the Aircraft Flight Manual.

Minimum control speed. The minimum control speed is the minimum speed at which an airplane can be safely controlled in flight after an engine suddenly becomes inoperative. (See pertinent airworthiness requirements for the manner in which such speed is determined.)

Month. A month is that period of time extending from the first day of any month as delineated by the calendar through the last day thereof.

Night. Night is the time between the ending of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac converted to local time for the locality concerned.

NOTE: The American Air Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C. Information is also available concerning such tables in the Offices of the Federal Aviation Agency or the United States Weather Bureau.

Obstruction clearance area—(1) *Takeoff.* A takeoff obstruction clearance area as used in the takeoff operating limitations for nontransport category airplanes is an area on the earth's surface defined as follows: The centerline of the obstruction clearance area in plan view shall coincide with and prolong the centerline of the runway, beginning at the point where the obstruction clearance plane intersects the centerline of the runway and proceeding to a point not less than 1,500 feet from the beginning point. Thereafter the centerline shall proceed in a path consistent with the takeoff procedure for the runway or, where such a procedure has not been established, consistent with turns of at least 4,000-foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. The obstruction clearance area shall extend laterally for a distance of 200 feet on each side of the centerline at the point where the obstruction clearance plane intersects the runway and shall continue at this width until the end of the runway; thence it shall increase uniformly to 500 feet on each side of the centerline at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter it shall extend laterally for a distance of 500 feet on each side of the centerline.

(2) *Landing.* A landing obstruction clearance area as used in the landing operating limitations for both transport and nontransport category airplanes is an area on the earth's surface defined as follows: The centerline of the obstruction clearance area in plan view shall coincide with and prolong the centerline of the runway, beginning at the point where the obstruction clearance plane intersects the centerline of the runway and proceeding to a point not less than 1,500 feet from the beginning point. Thereafter the centerline shall proceed in a path consistent with the instrument approach procedure for the runway or, where such a procedure has not been established, consistent with turns of at least 4,000-foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. The obstruction clearance area shall extend laterally for a distance of 200 feet on each side of the centerline at the point where the obstruction clearance plane intersects the runway and shall continue at this width until the end of the runway; thence it shall increase uniformly to 500 feet on each side of the centerline at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter it shall extend laterally for a distance of 500 feet on each side of the centerline.

Obstruction clearance plane. An obstruction clearance plane is a plane which is tangent to or clears all obstructions within the obstruction clearance area and which slopes upward from the runway at a slope of 1:20 to the horizontal as shown in a profile view of the obstruction clearance area.

Operational control. Operational control is the exercise of authority over initiation, continuation, diversion, or termination of a flight.

Operations specifications. Operations specifications are rules of particular applicability issued by an authorized representative of the Administrator to an operator pursuant to the provisions of this part.

Operator. An operator is an air carrier or commercial operator subject to the provisions of this part.

Over-the-top. Over-the-top means the operation of an aircraft above a layer of clouds or obscuring phenomena that is reported as "broken," "overcast," or "obscuration" and not classified as "thin" or "partial."

PAR. PAR is the symbol used to designate precision approach radar.

Passenger-carrying aircraft. A passenger-carrying aircraft is an aircraft carrying any individual other than a flight crewmember or other crewmember, company employee, or an authorized government representative, or individuals accompanying shipments.

Pilot in command. The pilot in command is the pilot designated by the operator as the pilot responsible for the operation and safety of the aircraft during the times defined as flight time.

Pilotage. Pilotage is navigation by means of visual reference to landmarks.

Point-of-no-return. Point-of-no-return means that point at which the aircraft no longer has sufficient fuel under existing conditions to return to the point of departure or any alternate for that point.

Propeller. A propeller is an external device for propelling an airplane through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the airplane.

Rating. A rating is an authorization issued with an airman certificate, and forming a part thereof, delineating special conditions, privileges, or limitations pertaining to such certificate.

Route. A route is the airspace on either side of a course joining those points on the surface of the earth between which an operator engages in air transportation or air commerce.

Route segment. A route segment is a portion of a route each terminus of which is identified by: (1) A continental or insular geographic location, or (2) a

point at which a definite radio fix can be established.

Runway. A runway is a clearly defined area of an airport suitable for the safe landing or takeoff of aircraft.

Second in command. Second in command means a pilot other than the pilot in command who is designated by the operator to act as second in command of an aircraft.

Show. Show (or shows) means to demonstrate or prove to the satisfaction of the Administrator or his authorized representative prior to the issuance of the operator's operating certificate and at any time thereafter upon request.

Supplemental air carrier. A supplemental air carrier is an air carrier holding economic authority from the Board which authorizes it to engage in supplemental air transportation.

Synthetic trainer. A synthetic trainer is a device, the use of which is approved to simulate certain operating conditions.

Takeoff safety speed, V_2. The takeoff safety speed is the airplane speed used in the determination of the takeoff flight path at which the climbout following takeoff can be safely executed with one engine inoperative and with the airplane in the takeoff configuration. (See the pertinent airworthiness requirements for the manner in which such speed is determined.)

Time in service. Time in service, as used in computing maintenance time records, is the time from the moment an aircraft leaves the ground until it touches the ground at the end of a flight.

Transport category airplane. A transport category airplane is an airplane which has been type certificated in accordance with the requirements of Part 4b of this chapter (Civil Air Regulations) or the transport category requirements of Part 4a of this chapter (Civil Air Regulations).

Type. With regard to airman qualifications, type means all aircraft of the same basic design, including all modifications thereto except those modifications which the Administrator has found result in a substantial change in characteristics pertinent to the airman concerned.

VFR. VFR is the symbol used to designate visual flight rules.

V_{s_0}. V_{s_0} is the symbol used to designate the true indicated stalling speed or the minimum steady flight speed in the landing configuration.

Week. A week is that period of time extending from the first day of any week as delineated by the calendar through the last day thereof.

Year. A year is that period of time extending from the first day of any year as delineated by the calendar through the last day thereof.

CERTIFICATION RULES AND OPERATIONS SPECIFICATIONS REQUIREMENTS

§ 42.10 Certificate required.

No person shall conduct operations to which this part is applicable without, or in violation of the terms of, the operating certificate required by this section. Certificates currently in force on the effective date of this part shall be deemed to be certificates issued under this section, but shall expire on the date specified thereon.

(a) *Air carrier operating certificate.* (1) An air carrier operating certificate issued under this part is required in order to conduct operations as an air carrier in air transportation, except that a certificated route air carrier is not eligible for or required to obtain an air carrier operating certificate issued under this part to conduct charter flights or other special services. Such an air carrier must obtain authority to conduct charter flights or other special services by appropriate amendments to its operations specifications issued to it as the holder of an air carrier operating certificate issued under Part 40, 41, or 46 of this chapter (Civil Air Regulations).

NOTE: See § 42.24 for authorization to conduct on-route and off-route charter flights and special services.

(b) *Commercial operator certificate.* A commercial operator certificate issued under this part is required in order to engage with large aircraft in the carriage of persons or property for compensation or hire in air commerce, except that the holder of an air carrier operating certificate is not eligible for or required to obtain a commercial operator certificate to engage in such carriage.

§ 42.11 Contents of certificate.

An operating certificate issued under this part contains the name of the operator, a description of the type of operations authorized, and the date on which the certificate is issued and the date on which it terminates.

§ 42.12 Application for original certification and renewal of certificates.

(a) An application for the original issuance or renewal of an operating certificate required by this part is made on an FAA application form which may be obtained at any FAA Air Carrier District Office and is submitted at least 60 days prior to the date of intended operations or to the expiration date of the certificate in the case of an application for renewal to the FAA Air Carrier District Office in whose area the applicant proposes to establish his principal base of operations or has established such base of operations.

(b) The applicant shall also submit with the application a signed statement showing:

(1) If the applicant is a corporation:

(i) The names and addresses of all stockholders, and the amount of stock held by each; and

(ii) The names and addresses of all directors and officers; or

(2) If the applicant is not a corporation:

(i) The names and addresses of all persons having a financial interest therein and the nature and extent of such interest; and

(ii) The names and addresses of all persons who have charge of the management and control of such applicant.

(c) If there is any change in the names or addresses of the persons shown under the provisions of paragraph (b) of this section, subsequent to the filing of the application, an amended application showing the change shall be submitted within 10 days of the change. The amended application shall be sent to the FAA Air Carrier District Office for the area in which the operator's principal operations base is located.

(d) An applicant for the original issuance or renewal of a commercial operator certificate shall submit with the application:

(1) A signed statement showing the nature and scope of its intended operation, including the name of each person with whom the applicant has a contract to provide services as a commercial operator and the date and duration of each such contract.

(2) A signed statement showing assets and liabilities as of a date not exceeding 30 days prior to the date of the application and showing profit and loss for a fiscal year ending at a date not more than 30 days prior to the date of the application, with separation of items relating to applicant's commercial operator activities from other business activities of the applicant; an itemization of liabilities showing amount, names and addresses of creditors, description of nature of indebtedness, and date of incurrence of obligations; an itemization of outstanding judgments showing amounts, name and address of creditor, and description of nature of the claim; and such further financial information as may be required by the Administrator to enable him to determine that the applicant has sufficient financial resources to conduct its operations with the degree of safety required in the public interest.

§ 42.13 Issuance of operating certificate.

(a) An air carrier operating certificate or commercial operator certificate is issued to an applicant who is a citizen of the United States, if the Administrator after investigation finds that the applicant:

(1) Has such economic authority as the Board may require, and

(2) Is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this part and the operations specifications provided for in this part.

(b) The Administrator may deny an application for an air carrier or commercial operator certificate if he finds:

(1) That an air carrier or commercial operator certificate previously issued to the applicant has been revoked; or

(2) That a person who has occupied a management position with, or exercised control with respect to, any other operator whose air carrier or commercial operator certificate has been revoked:

(i) Will be employed in a management position as specified in § 42.27, or

(ii) Will be in control of or have substantial ownership interest in the applicant's operation.

§ 42.14 Amendment of operating certificate.

(a) An operating certificate may be amended by the Administrator in accordance with section 609 of the Federal Aviation Act of 1958, and the applicable procedures of Part 408 of the Regulations of the Administrator whenever he determines that safety in air commerce or air transportation and the public interest so require.

(b) Upon application by an operator, an authorized representative of the Administrator may amend an operating certificate if he determines that safety in air commerce or air transportation and the public interest permit such an amendment. Within 30 days after the refusal of an authorized representative of the Administrator to approve an operator's application for amendment, the operator may petition the Administrator for a review of such refusal.

(c) Applications for amendments to operating certificates shall be submitted to the local FAA Air Carrier District Office charged with the overall inspection of the operator at least 15 days prior to the proposed effective dates of such amendments, unless an authorized representative of such office approves a shorter filing period.

§ 42.15 Display of certificate and operations specifications.

The operating certificate and operations specifications shall be available at the principal operations office of the operator for inspection by any authorized representative of the Administrator.

§ 42.16 Duration of certificate.

(a) An operating certificate issued under this part shall remain in effect for a period of one year, unless sooner surrendered, revoked, or otherwise terminated by order of the Administrator, but shall also terminate upon the termination of any economic authorization required by the Board. Upon suspension, revocation, or other termination, it shall be returned to the Administrator.

(b) An operating certificate issued under this part may be suspended or revoked by the Administrator for any cause which, at the time of suspension or revocation, would have been grounds for denying the holder of such certificate an application for a like certificate.

§ 42.18 Operations specifications required.

(a) On and after the effective date of this revision, all operations specifications issued pursuant to the provisions of this Part 42 prior to such date of revision, shall cease to be a part of an air carrier operating certificate or a commercial operator certificate.

(b) No person shall conduct operations subject to this part without, or in violation of, currently effective operations specifications issued under this part. Operations specifications in force on the effective date of this revision shall be deemed to be currently effective operations specifications issued under this part. Operations specifications shall terminate upon the expiration of the operating certificate issued to the operator, unless such certificate is renewed in accordance with the provisions of this part.

NOTE: Forms for initial applications for operations specifications are furnished upon request to an FAA Air Carrier District Office.

§ 42.19 Contents of operations specifications.

The operations specifications contain the following:

(a) Types of operations authorized;

(b) Types and registration numbers of airplanes authorized for use;

(c) En route authorizations and limitations, including areas of operations;

(d) Airport authorizations and limitations;

(e) Time limitation for overhauls, inspections, and checks of airframes, engines, propellers, and appliances, or standards by which such time limitations shall be determined;

(f) Procedures used to maintain control of weight and balance of aircraft;

(g) Interline equipment interchange requirements, if pertinent; and

(h) Such additional items as the Administrator determines are necessary to cover a particular situation.

§ 42.20 Utilization of operations specifications.

The operator shall keep its personnel informed with respect to the contents of the operations specifications and all amendments thereto applicable to the individual's duties and responsibilities. A set of specifications shall be maintained by the operator as a separate and complete document. Pertinent excerpts from the specifications or references thereto shall be inserted in the manual issued by the operator in such a manner that they do not lose their identity in any respect.

§ 42.21 Amendment of operations specifications.

The following procedures apply to the amendment of operations specifications issued to an operator under the provisions of this part:

(a) Upon application by the operator an authorized representative of the Administrator may amend an operations specification if he determines that safety in air commerce or air transportation and the public interest permits such an amendment;

(b) An authorized representative of the Administrator may amend an operations specification if he determines that safety in air commerce or air transportation and the public interest requires such an amendment;

(c) Except in the case of an emergency requiring immediate action with respect to safety in air commerce or air transportation, or upon consent of the operator concerned, an amendment shall not become effective prior to 30 days from the date that the operator has been notified of such amendment;

(d) Within 30 days after a notice of amendment or refusal to approve an operator's application for amendment, the operator may petition the Administrator to reconsider the amendment or refusal to amend. Except in the case of an emergency amendment, the filing of a petition for reconsideration shall stay the effectiveness of an amendment pending a decision by the Administrator;

(e) Applications for amendments of operations specifications shall be submitted to the local FAA Air Carrier District Office charged with the overall inspection of the operator's operations at least 15 days prior to the proposed effective dates of such amendments, unless an authorized representative of such office approves a shorter filing period.

§ 42.22 Inspection authority.

An authorized representative of the Administrator shall be permitted at any time and place to make inspections or examinations (including inspections and examinations of financial books and records) to determine an operator's compliance with the requirements of the Federal Aviation Act of 1958, as amended, the Civil Air Regulations, the provisions of the operator's operating certificate, and the operations specifications, or the operator's eligibility to continue to hold a certificate. Such authority shall not be exercised to duplicate any audit requirements imposed on an operator by the Civil Aeronautics Board.

§ 42.23 Operations and maintenance base and office.

Each operator shall, 30 days in advance of a change in the address of its principal business office, its principal operations base, or its principal maintenance base, give written notice thereof to the FAA Air Carrier District Office charged with overall inspection of the operator's operations.

§ 42.24 Charter trips or other special service operations by certificated route air carriers.

(a) *On-route operations.* A certificated route air carrier holding an operating certificate and operations specifications issued pursuant to Part 40, 41, or 46 of this chapter (Civil Air Regulations) may elect to conduct charter flights or other special services over routes and into airports listed in such operations specifications under the provisions of either this part or the applicable provisions of Part 40, 41, or 46.

(b) *Off-route operations.* A certificated route air carrier holding an operating certificate and operations specifications issued pursuant to Part 40, 41, or 46 of this chapter (Civil Air Regulations) shall conduct under the provisions of this part any charter flights or other special services which involve in whole or in part off-route operations.

(c) *Special requirements.* If a scheduled air carrier conducts any charter flights or other special services under the authority of paragraphs (a) and (b) of this section, its operations specifications issued pursuant to Part 40, 41, or 46 shall be appropriately amended.

§ 42.25 Deviation authority.

(a) Contrary provisions of this part notwithstanding, the Administrator may, upon application by an operator, authorize deviations from the provisions of this part by an appropriate amendment to the operations specifications of the operator for the following:

(1) Operations conducted pursuant to a contract with the military services (primary contractor), or operations conducted for the military services pursuant to a subcontract with a primary con-

tractor if the Department of Defense certifies to the Administrator that the operation is essential to the national defense and requires the requested deviation, and the Administrator finds that the deviation is not based upon an economic advantage or convenience to either the operator or the government, or both; and

(2) Operations under conditions of an emergency necessitating the transportation of persons or supplies for the protection of life or property, if an authorized representative of the Administrator finds that such a deviation is necessary for the expeditious conduct of such operations.

(b) An operator authorized deviations under this section shall, in the conduct of operations pursuant thereto, comply with the terms, conditions, and limitations of the authorization issued. Grants of deviation authority issued pursuant to this section may be terminated at any time by the Administrator.

§ 42.26 Helicopter requirements; deviations.

(a) Persons subject to this part when conducting operations with helicopters shall comply with the provisions of this part, except those applicable to airplanes only. In lieu of those provisions applicable to airplanes only, an operator of helicopters shall comply with the following provisions of Part 46 of this chapter (Civil Air Regulations): §§ 46.70, 46.71, 46.110, 46.153, 46.170–46.178, 46.200, 46.206, 46.230, 46.231, 46.265, 46.280–46.289, 46.300–46.302, 46.381–46.412, and 46.500–46.511.

(b) An authorized representative of the Administrator may authorize a deviation from any specific requirement for helicopter operations subject to this part, if he finds that such deviation provides a substantially equivalent standard of safety.

NOTE: Deviations under this section will be authorized by the FAA Air Carrier Inspector responsible for the approval of the operator's certificate and will be specified in the operations specifications of the operator.

§ 42.27 Management personnel required.

(a) The operator shall show that it has a sufficient number of qualified management personnel to provide the highest degree of safety in its operations. Such personnel shall be employed on a full-time basis in the following positions or their equivalent:

(1) General Manager;

(2) Director of Operations, except that a person serving as General Manager may also serve as Director of Operations if qualified;

(3) Director of Maintenance and Airworthiness;

(4) Chief Pilot; and

(5) Director of Quality Control.

(b) Upon application by the operator, the Administrator may approve different positions or numbers of positions for a particular operation than those specified in paragraph (a) of this section. Such approval may be granted if the operator shows that due to the type of operation involved, number and type of aircraft used, and area of operations, it is capable of performing the operation with the highest degree of safety, under the direction of fewer or different categories of management personnel.

NOTE: When such approval is given to an operator, the title and number of positions approved are specified in the operations specifications of the operator.

(c) The duties, responsibilities, and authority of such personnel shall be set forth in the General Policy Section of the Operator's Manual. The operator shall also list in the manual the names and addresses of the individuals assigned to these positions. Within at least 10 days, the operator shall notify the FAA Air Carrier District Office charged with overall inspection of the operator of any change made in the assignment of individuals to these positions.

§ 42.28 Qualification requirements for management personnel.

(a) *Director of Operations.* The Director of Operations shall:

(1) Hold or have held an Airline Transport Pilot Certificate;

(2) Have had a minimum of 3 years of experience as pilot in command of large aircraft with an air carrier or commercial operator; and

(3) Be familiar with the operations manual and the Civil Air Regulations to the extent necessary to carry out his duties.

(b) *Chief Pilot.* The chief pilot shall:

(1) Hold a current Airline Transport Certificate with appropriate ratings for the type of aircraft used;

(2) Have had a minimum of 3 years experience as a pilot in command of a large aircraft with an air carrier or commercial operator; and

(3) Be thoroughly familiar with the operator's manual, operation specifications, and the provisions of this part.

(c) *Director of Maintenance and Airworthiness.* The Director of Maintenance and Airworthiness shall:

(1) Hold a mechanic certificate with either an airframe or powerplant rating, and have a minimum of 5 years of experience in the maintenance of large aircraft, one year of which shall have been in a supervisory capacity; and

(2) Be thoroughly familiar with the maintenance portions of the operator's manual and the applicable maintenance provisions of this chapter (Civil Air Regulations).

(d) *Director of Quality Control.* The Director of Quality Control shall:

(1) Hold a mechanic certificate with both airframe and powerplant ratings, and have held these ratings for at least 3 years;

(2) Have a minimum of 3 years of diversified maintenance experience on large aircraft with an air carrier, commercial operator, or certificated repair station, one year of which shall have been as a maintenance inspector; and

(3) Be thoroughly familiar with the maintenance portions of the operator's manual, and the applicable maintenance provisions of this chapter (Civil Air Regulations).

§ 42.29 Operation of small aircraft under Part 47 of this chapter.

Upon application by an air carrier conducting operations subject to this part, if an authorized representative of the Administrator finds that safety in air transportation and the public interest permits, he may issue to the air carrier operations specifications authorizing such operations to be conducted with small aircraft under Part 47 of this chapter and containing such operating limitations and requirements as he determines are necessary.

REQUIREMENTS FOR APPROVAL OF AREAS AND ROUTES

§ 42.30 General area and route requirements.

(a) *Areas.* The operator shall show that it is competent to conduct operations within the United States in accordance with the route requirements specified in paragraph (b) of this section, and in addition shall show that it is competent to conduct operations in accordance with the applicable requirements for each area outside the United States for which authorization is requested.

(b) *Routes.* The operator shall show that it is equipped and competent to conduct operations over, and use the air navigation facilities associated with, Federal airways, foreign airways, or Advisory routes (ADR) to be used. In addition, for routes outside of controlled airspace, the operator shall show that traffic density does not constitute a hazard. Actual flight over a route or route segment will be required, unless the operator shows that such flight is not essential to safety, considering the availability and adequacy of airports, lighting, maintenance, communications, navigation, fueling, ground and aircraft radio facilities, and the competence of the personnel to be used in the proposed operations.

§ 42.31 Width of routes.

Routes approved for operations over U.S. Federal airways, foreign airways, or advisory routes (ADR's) shall have a width equal to the designated width of such airways or advisory routes. In case of other approved routes, when an authorized representative of the Administrator determines it necessary he shall establish route widths taking into consideration terrain clearance, minimum en route altitudes, available ground and airborne navigational aids, air traffic density, and air traffic control procedures. In such instances, the route widths shall be specified in the operator's operations specifications.

§ 42.33 Airports.

The operator shall use only airports which are properly equipped and adequate for the type of operations to be conducted. Consideration shall be given to items such as size, surface, obstructions, facilities, lighting, navigation and communication aids, and air traffic control.

§ 42.35 Weather reporting facilities.

Weather reports used to control flight movements shall be those prepared and released by the U.S. Weather Bureau, or by a source approved by the Weather Bureau. For those operations outside the U.S. or at U.S. military airports for which such reports are not available, the weather reports may be those prepared by a source found by the Administrator to be satisfactory. Forecasts used to control flight movements shall be prepared from such weather reports.

§ 42.36 En route navigational facilities.

Operations shall not be conducted over a route unless nonvisual ground aids to air navigation are available and in operation along the route, are so located as to permit navigation to any airport of destination or alternate airport within the degree of accuracy necessary for the operation involved, and are available for the navigation of aircraft within the degree of accuracy required for air traffic control: *Provided,* That nonvisual ground aids to navigation are not required for (a) day VFR operations where the characteristics of the terrain are such that navigation can be conducted by pilotage, (b) night VFR operations on lighted airways or on other routes the Administrator has determined have reliable landmarks which are adequate for safe operations, or (c) operations on segments of routes where the use of celestial or other specialized means of navigation is approved.

§ 42.37 Servicing and maintenance facilities.

The operator shall show that competent personnel and adequate facilities and equipment, including spare parts, supplies, and materials, are available for the proper servicing, refueling, maintenance, repair, and inspection of aircraft and auxiliary equipment.

§ 42.38 Dispatch and flight following systems.

(a) *General.* The operator shall show that it has at such points within the areas in which it proposes to conduct operations either an approved dispatch system or an approved flight following system, established in accordance with the provisions of this part, which is adequate for the operations to be conducted. An operator may arrange for dispatch and flight following facilities to be provided by persons other than employees of the operator. However, in such case, the operator shall continue to have primary responsibility for operational control of each flight.

(b) *Locations.* (1) If the operator elects to use a dispatch system, it shall show that it has a sufficient number of dispatch centers adequate for the operations to be conducted and located at such points as are necessary to insure the proper operational control of each flight.

(2) If the operator elects to use a flight following system, it shall show that it has a sufficient number of flight following centers adequate for the operations to be conducted and located at such points as are necessary to insure monitoring the progress of each flight and providing the pilot with all information necessary for the safety of the flight.

NOTE: The operations specifications issued to the operator will specify which of the two systems the operator is authorized to use and the location of the centers.

§ 42.39 Flight following system.

(a) An operator using a flight following system shall show that the system:

(1) Has adequate facilities and personnel to provide the flight crews of the aircraft and the individuals designated by the operator for the operational control of the aircraft with all information necessary for the initiation and safe conduct of each flight;

(2) Has a means of communication to monitor the progress of each flight with respect to its departure and arrival at the point of origin and destination, including intermediate stops and any diversions therefrom, and maintenance or mechanical delays encountered at such points or stops.

(b) The operator shall show that the personnel specified in paragraph (a) of this section, and those designated by the operator for the operational control of the aircraft, are capable of performing their required duties.

MANUAL REQUIREMENTS

§ 42.50 Preparation of Operations Manual.

The operator shall prepare and keep current a manual for the use and guidance of flight, ground operations, and management personnel in the conduct of its operations.

§ 42.51 Contents of Operations Manual.

(a) The manual shall contain instructions, information, and data necessary for the personnel concerned to carry out their duties and responsibilities with a high degree of safety. It shall be in a form to facilitate easy revision, and each page shall bear the date of the last revision thereof. The contents of such manual shall not be contrary to the provisions of any Federal regulations, foreign regulations where applicable, operations specifications, or the operating certificate. The manual may be in two or more separate parts, encompassing together all of the information listed below (e.g., flight operations, ground operations, maintenance, communications, etc.) to facilitate use by the personnel concerned, but each part shall contain that portion of the information listed below as is appropriate for each group of personnel:

(1) General policies;

(2) Duties and responsibilities of each crewmember and appropriate members of the ground organization and management personnel;

(3) Reference to appropriate regulations prescribed by the Federal Aviation Agency;

(4) Flight dispatching and control, including procedures for coordinated dispatch, or flight following procedures;

(5) En route flight, navigational, and communication procedures, including procedures for the dispatch, or continuance of flight, if any item of equipment required for the particular type of operation becomes inoperative or unserviceable en route;

(6) Appropriate information from the en route operations specifications, including the types of aircraft authorized, their crew complement, the type of operation (i.e., VFR, IFR, day, night) and other pertinent information;

(7) Appropriate information from an airport operations specification covering instrument approach procedures, landing and takeoff minimums, and other pertinent information for any airport to be used;

(8) Takeoff, en route, and landing weight limitations; or approved means of readily determining these limitations;

(9) Procedures for familiarizing passengers with the use of emergency equipment during flight;

(10) Emergency procedures and equipment;

(11) The method of designating succession of command of flight crewmembers;

(12) Procedures for determining the usability of landing and takeoff areas and for dissemination of pertinent information to operations personnel;

(13) Procedures for operation during periods of icing, hail, thunderstorms, turbulence, or any potentially hazardous meteorological conditions;

(14) Airman training programs, including appropriate ground, flight, and emergency phases;

(15) Instructions and procedures for maintenance, repair, overhaul, and servicing;

(16) Time limitations for overhaul, inspection, and checks of airframes, engines, propellers, rotors, and appliances, or standards by which such time limitations shall be determined;

(17) Procedures for refueling aircraft, elimination of fuel contamination, protection from fire including electrostatic protection, and the supervision and protection of passengers during refueling;

(18) Inspections for airworthiness, including instructions covering procedures, standards, responsibilities, and authority of the inspection personnel;

(19) Methods and procedures for maintaining the aircraft weight and center of gravity within approved limits;

(20) Pilot, and when appropriate, dispatcher route and airport qualification procedures;

(21) Accident notification procedures; and

(22) Other data or instructions related to safety.

(b) At least one complete master copy of the manual containing all parts thereof shall be retained at the appropriate operations base of the operator.

§ 42.52 Distribution of Operations Manual.

(a) Copies of the entire manual, or appropriate portions thereof, together with revisions thereto, shall be furnished by the operator to the following:

(1) Appropriate ground operations and maintenance personnel of the operator;

(2) Crewmembers; and

(3) Authorized representatives of the Administrator assigned to the operator.

(b) Appropriate portions of the manual shall be carried aboard each aircraft at all times when away from the principal base and be available for use of ground or flight personnel.

(c) All copies of the manual shall be kept up to date.

§ 42.53 Aircraft Flight Manual.

(a) The operator shall keep current an approved Aircraft Flight Manual for each type of aircraft he operates.

(b) An approved Aircraft Flight Manual or a manual complying with § 42.50 and containing information required for the Aircraft Flight Manual shall be carried in each aircraft. When sections of the required information from the Aircraft Flight Manual are incorporated in the Operations Manual, they shall be clearly identified as Aircraft Flight Manual requirements.

AIRCRAFT REQUIREMENTS

§ 42.60 Aircraft requirements.

(a) *General.* Aircraft shall be identified, certificated, and equipped in accordance with the applicable airworthiness requirements of this chapter (Civil Air Regulations). No operator shall use any aircraft in operations governed by this part unless such aircraft meets the requirements of this part, is in an airworthy condition, is registered as a civil aircraft of the United States, and carries an appropriate and currently effective certificate of airworthiness issued by the Administrator. In determining compliance with the applicable airworthiness requirements and operating limitations, an approved weight and balance control system based upon average, assumed, or estimated weights may be utilized.

(b) *Exclusive use of aircraft.* An operator shall not use any aircraft in operations subject to this part unless:

(1) The operator has the exclusive use of such aircraft;

(2) The aircraft is listed in the operations specifications of the operator; and

(3) The aircraft is not listed in the operations specifications of any other air carrier or commercial operator.

(c) *Notice required.* Within 10 days from the date that an operator does not have the exclusive use of an aircraft listed in its operations specifications, it shall notify the FAA Air Carrier Inspector assigned to its operations, and request an appropriate amendment deleting the aircraft from its operations specifications.

NOTE: The operator may not operate an aircraft if it does not have exclusive use thereof. However, if the operator does not have the exclusive use of any aircraft, it no longer meets the requirements of this part, and the Administrator may, in appropriate cases, take action to suspend or revoke the operator's certificate.

§ 42.61 Aircraft certification requirements.

(a) *Airplanes certificated on or before June 30, 1942.* Airplanes certificated as a basic type on or before June 30, 1942, shall either:

(1) Retain their present airworthiness certification status and meet the requirements of § 42.90, or

(2) Comply with either the performance requirements of §§ 4a.737–T through 4a.750–T of Part 4a of this chapter (Civil Air Regulations) or the performance requirements of §§ 4b.110 through 4b.125 of Part 4b of this chapter (Civil Air Regulations) and in addition shall meet the requirements of § 42.70: *Provided,* That should any type be so qualified, all airplanes of any one operator of the same or related types shall be similarly qualified and operated.

(b) *Airplanes certificated after June 30, 1942.* Airplanes certificated as a basic type after June 30, 1942, shall be certificated as transport category airplanes and shall meet the requirements of § 42.70.

(c) *Helicopters.* Helicopters shall be certificated and equipped in accordance with the requirements of §§ 46.60 through 46.231 of Part 46 of this chapter (Civil Air Regulations).

§ 42.62 Airplane limitation for type of route.

All airplanes used shall be multiengine airplanes and shall comply with the following requirements:

(a) *Two- or three-engine airplanes.* Two- or three-engine airplanes shall not be used in passenger-carrying operations unless adequate airports are so located along the route that the airplanes will at no time be at a greater distance therefrom than one hour of flying time in still air at normal cruising speed with one engine inoperative: *Provided,* That an authorized representative of the Administrator may specify distances greater or less than those set forth herein when the character of the terrain, the type of operation, or the performance of the airplanes to be used so permits or requires.

(b) *Land airplanes on extended overwater routes.* Land airplanes operated on flights involving extended overwater operations shall be certificated or approved as adequate for ditching in accordance with the ditching provisions of Part 4b of this chapter (Civil Air Regulations): *Provided,* That the DC–3, C–46, and Convair 340/440 type airplanes need not be so certificated or approved.

§ 42.63 Proving tests.

(a) A type of aircraft not previously approved for use by an air carrier or commercial operater shall have at least 100 hours of proving tests, in addition to the aircraft certification tests, accomplished under the supervision of an authorized representative of the Administrator. As part of the 100-hour total, at least 50 hours shall be flown in en route operation and at least 10 hours shall be flown at night.

(b) A type of aircraft which has been previously proved for use by an air carrier or commercial operator, or in the case of helicopters has been used extensively in military service, shall be tested for at least 50 hours, of which at least 25 hours shall be flown in en route operation, unless deviations are specifically authorized by an authorized representative of the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements of this paragraph unnecessary for safety, when the aircraft:

(1) Is materially altered in design, or

(2) Is to be used by an operator who has not previously proved such a type.

NOTE: A type of aircraft will be considered to be materially altered in design when the alterations include, but are not limited to: (a) installation of powerplants other than the powerplants of a type similar to those with which the aircraft is certificated; (b) a major alteration to the aircraft or its components which materially affects the flight characteristics.

(c) During proving tests only those persons required to make the tests and those designated by an authorized representative of the Administrator shall be carried. Express and other cargo may be carried when approved.

AIRPLANE PERFORMANCE OPERATING LIMITATIONS; TRANSPORT CATEGORY

§ 42.70 Transport category airplane operating limitations.

(a) In operating any transport category airplane not subject to paragraph (b) of this section, the provisions of this paragraph and §§ 42.71 through 42.78 shall be complied with: *Provided,* That an authorized representative of the Administrator may authorize deviations from such provisions when special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

NOTE: Deviations authorized will be specified in operations specifications of the operator.

(1) The performance data contained in the Airplane Flight Manual shall be applied in determining compliance with these provisions. Where conditions differ from those for which specific tests were made, compliance shall be determined by interpolation or by computation of the effects of changes in the specific variables where such interpolations or computations will give results substantially equaling in accuracy the results of a direct test.

(2) The airplane shall not be taken off at a weight which exceeds the allowable weight for the runway being used as determined in accordance with the takeoff runway limitations of the transport category operating rules of this part, after taking into account the temperature operating correction factors required by § 4a.749a–T or 4b.117 of this chapter (Civil Air Regulations), and set forth in the Airplane Flight Manual for the airplane.

(b) In operating any turbine-powered transport category airplane certificated in accordance with the performance requirements of Special Civil Air Regulations No. SR–422, SR–422A, or SR–422B, the operating rules specified in the applicable Special Civil Air Regulation shall be complied with in lieu of §§ 42.71 through 42.78.

§ 42.71 Weight limitations.

(a) No airplane shall be taken off from any airport located at an elevation outside of the altitude range for which maximum takeoff weights have been determined, and no airplane shall depart for an airport of intended destination or have any airport specified as an alternate which is located at an elevation outside of the altitude range for which maximum landing weights have been determined.

(b) The weight of the airplane at takeoff shall not exceed the authorized maximum takeoff weight for the elevation of the airport from which the takeoff is to be made.

(c) The weight at takeoff shall be such that, allowing for normal consumption of fuel and oil in flight to the airport of intended destination, the weight on arrival will not exceed the authorized maximum landing weight for the elevation of such airport.

§ 42.72 Takeoff limitations to provide for engine failure.

No airplane shall be taken off except under conditions which will permit compliance with the takeoff requirements of paragraphs (a) through (c) of this section.

(a) It shall be possible, from any point in the takeoff up to the time of attaining the critical-engine-failure speed, to bring the airplane to a safe stop on the runway as shown by the accelerate-stop distance data.

(b) It shall be possible, if the critical engine should fail at any instant after the airplane attains the critical-engine-failure speed, to proceed with the takeoff and attain a height of 50 feet, as indicated by the takeoff path data, before passing over the end of the runway. Thereafter it shall be possible to clear all obstacles, either by at least 50 feet vertically, as shown by the takeoff path data, or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond such boundaries. In determining the allowable deviation of the flight path in order to avoid obstacles by at least the distances above set forth, it shall be assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the takeoff path data, and that a maximum bank thereafter does not exceed 15°.

(c) In applying the requirements of paragraphs (a) and (b) of this section, corrections shall be made for any gradient of the takeoff surface. To allow for wind effect, takeoff data based on still air may be corrected by not more than 50 percent of the reported wind component along the takeoff path if opposite to the direction of takeoff and shall be corrected by not less than 150 percent of the reported wind component if in the direction of takeoff.

§ 42.73 En route limitations; all engines operating.

No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with all engines operating, of at least 6 V_{s_0} (when V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track. Transport category airplanes certificated under Part 4a of this chapter (Civil Air Regulations) are not required to comply with this section. For the purpose of this section, it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

§ 42.74 En route limitations; one engine inoperative.

(a) No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with one engine inoperative, of at least $\left(0.06-\frac{0.08}{N}\right)V_{s_0}^2$ (when N is the number of engines installed and V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track, except that for transport category airplanes certificated under Part 4a of this chapter (Civil Air Regulations), the rate of climb shall be 0.02 $V_{s_0}^2$.

(b) As an alternative to the provisions of paragraph (a) of this section, an operator may utilize an approved procedure whereby its airplanes are operated at an all-engines-operating altitude such that in the event of an engine failure the airplane can continue flight to an alternate airport were a landing can be made in accordance with the provisions of § 42.78, the flight path clearing all terrain and obstructions along the route within 5 miles on either side of the intended track by at least 2,000 feet. In addition, if such a procedure is utilized, subparagraphs (1) through (6) of this paragraph shall be complied with:

(1) The rate of climb (as presented in the Airplane Flight Manual for the appropriate weight and altitude used in calculating the airplane's flight path shall be diminished by an amount, in feet per minute, equal to $\left(0.06-\frac{0.08}{N}\right)V_{s_0}^2$ (when N is the number of engines installed and V_{s_0} is expressed in miles per hour) for airplanes certificated under Part 4b of this chapter (Civil Air Regulations) and by 0.02 $V_{s_0}^2$ for airplanes certificated under Part 4a of this chapter (Civil Air Regulations).

(2) The all-engines-operating altitude shall be such that, in the event the critical engine becomes inoperative at any point along the route, the flight will be capable of proceeding to a predetermined alternate airport by use of this procedure. For the purpose of determining the takeoff weight, the airplane shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix: *Provided,* That a procedure established on a different basis will be approved if the operator shows that adequate operational safeguards exist.

(3) The airplane shall meet the provisions of paragraph (a) of this section at 1,000 feet above the airport used as an alternate in this procedure.

(4) The procedure shall include an approved method of accounting for winds and temperatures which would otherwise adversely affect the flight path.

(5) In complying with this procedure, fuel jettisoning will be approved if the operator shows that it has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(6) The alternate airport shall be specified in the dispatch or flight release and shall meet the provisions of § 42.390.

(c) For the purposes of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

§ 42.75 En route limitations; two engines inoperative.

The provisions of this section shall apply only to airplanes certificated in accordance with the performance requirements of Part 4b of this chapter (Civil Air Regulations). No airplane having four or more engines shall be flown along an intended track except under the conditions of either paragraph (a) or (b) of this section.

(a) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing can be made in accordance with the requirements of § 42.78, assuming all engines to be operating at cruising power.

(b) The takeoff weight shall not be greater than that which would permit the airplane, with the two critical engines inoperative, to have a rate of climb in feet per minute equal to 0.01 $V_{s_0}^2$ (V_{s_0} being expressed in miles per hour) along all points of the route, from the point where the two engines are assumed to fail simultaneously to the landing area, either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. The point where the two engines are assumed to fail shall be that point along the route which is most critical with respect to the takeoff weight. In showing compliance with this prescribed rate of climb, subparagraphs (1) through (3) of this paragraph shall apply:

(1) It shall be permissible to consider that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil with all engines operating up to the point where the two engines are assumed to fail and with two engines operating beyond that point.

(2) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to the prescribed minimum altitude if, at the end of the descent and during the subsequent portion of the flight, the prescribed rate of climb is met at the prescribed minimum altitudes. The descent shall be assumed to be along a net flight path and the rate of descent for the appropriate weight and altitude shall be assumed to be 0.01 $V_{s_0}^2$ greater than indicated by the performance information approved by the Administrator.

(3) If fuel jettisoning is provided, the airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to an available landing area at which a

landing can be made in accordance with the requirements of § 42.78 and to arrive there at an altitude of at least 1,000 feet directly over the landing area.

§ 42.76 Special en route limitations.

The 10-mile lateral distance specified in §§ 42.73 through 42.75 may, for a distance of no more than 20 miles, be reduced to 5 miles, if operating VFR, or if air navigational facilities are so located as to provide a reliable and accurate identification of any high ground or obstruction located outside of such 5-mile lateral distance but within the 10-mile distance.

§ 42.77 Landing distance limitations; airport of destination.

No airplane shall be taken off at a weight in excess of that which, under the conditions stated in this part, would permit the airplane to be brought to rest at the field of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. For the purpose of this section, it shall be assumed that the takeoff weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flight to the field of intended destination.

(a) It shall be assumed that the airplane is landed on the runway with the greatest effective length in still air.

(b) It shall be assumed, considering the probable wind velocity and direction, that the airplane is landed on the most suitable runway, taking due account of the ground handling characteristics of the airplane type involved and other conditions (e.g., landing aids, terrain, etc.) and allowing for the effect on the landing path and roll of not more than 50 percent of the wind component along the landing path if opposite to the direction of landing, or not less than 150 percent of the wind component if in the direction of landing.

(c) If the airport of intended destination will not permit full compliance with paragraph (b) of this section, the airplane may be taken off if an alternate airport is designated which permits compliance with § 42.78.

§ 42.78 Landing distance limitations; alternate airports.

No airport shall be designated as an alternate airport in a dispatch or flight release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 42.77: *Provided*, That the airplane can be brought to rest within 70 percent of the effective length of the runway.

AIRPLANE PERFORMANCE OPERATING LIMITATIONS; NONTRANSPORT CATEGORY

§ 42.90 Nontransport category airplane operating limitations.

In operating any nontransport category airplane, the provisions of § 42.91 shall be complied with: *Provided*, That an authorized representative of the Administrator may authorize deviations from such provisions when the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety. Approved performance data only shall be used in determining compliance with the provisions of §§ 42.91 through 42.94.

NOTE: Deviations authorized will be specified in operations specifications of the operator.

§ 42.91 Takeoff limitations.

No takeoff shall be made at a weight in excess of that which will permit the airplane to be brought to a safe stop within the effective length of the runway from any point during the takeoff up to the time of attaining 105 percent of minimum control speed or 115 percent of the power-off stalling speed in the takeoff configuration, whichever is the greater. In applying the requirements of this section:

(a) It may be assumed that takeoff power is used on all engines during the acceleration;

(b) Account may be taken of not more than 50 percent of the reported wind component along the takeoff path if opposite to the direction of takeoff, and account shall be taken of not less than 150 percent of the reported wind component if in the direction of the takeoff;

(c) Account shall be taken of the average runway gradient when the average gradient is greater than ½ percent. The average runway gradient is the difference between the elvations of the end points of the runway divided by the total length; and

(d) It shall be assumed that the airplane is operating in the standard atmosphere.

§ 42.92 En route limitations; one engine inoperative.

(a) No takeoff shall be made at a weight in excess of that which will permit the airplane to climb at a rate of at least 50 feet per minute with the critical engine inoperative at an altitude of at least 1,000 feet above the elevation of the highest obstacle within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is the higher: *Provided*, That in the alternative an operator may utilize a procedure whereby the airplane is operated at an altitude such that, in event of an engine failure, the airplane can clear the obstacles within 5 miles on either side of the intended track by 1,000 feet, if the operator shows that such a procedure can be used without impairing the safety of operation. If such a procedure is utilized, the rate of descent for the appropriate weight and altitude shall be assumed to be 50 feet per minute greater than indicated by the approved performance date. Before approving such a procedure, the authorized representative of the Administrator shall take into account, for the particular route, route segment, or areas concerned, the reliability of wind and weather forecasting, the location and types of aids to navigation, the prevailing weather conditions, particularly the frequency and amount of turbulence normally encountered, terrain features, air traffic control problems, and all other operational factors which affect the safety of an operation utilizing such a procedure.

(b) In applying the requirements of paragraph (a) of this section, it shall be assumed that:

(1) The critical engine is inoperative;

(2) The propeller of the inoperative engine is in the minimum drag position;

(3) The wind flaps and landing gear are in the most favorable positions;

(4) The operative engine or engines are operating at the maximum continuous power available;

(5) The airplane is operating in the standard atmosphere; and

(6) The weight of the airplane is progressively reduced by the weight of the anticipated consumption of fuel and oil.

§ 42.93 Landing distance limitations; airport of intended destination.

No takeoff shall be made at a weight in excess of that which, allowing for the anticipated weight reduction due to consumption of fuel and oil, will permit the airplane to be brought to a stop within 60 percent of the effective length of the most suitable runway at the airport of intended destination.

(a) This weight shall in no instance be greater than that permissible if the landing were to be made:

(1) On the runway with the greatest effective length in still air; and

(2) On the runway required by the probable wind, taking into account not more than 50 percent of the probable headwind component and not less than 150 percent of the probable tailwind component.

(b) In applying the requirements of this section it shall be assumed that:

(1) The airplane passes directly over the intersection of the obstruction clearance plane and the runway at a height of 50 feet in a steady gliding approach at a true indicated air speed of at least 1.3 V_{s_0};

(2) The landing is made in such a manner that it does not require any exceptional degree of skill on the part of the pilot; and

(3) The airplane is operating in the standard atmosphere.

§ 42.94 Landing distance limitations; alternate airports.

No airport shall be designated as an alternate airport in a dispatch or flight release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 42.93: *Provided*, That the airplane can be brought to rest within 70 percent of the effective length of the runway.

SPECIAL AIRWORTHINESS REQUIREMENTS

§ 42.110 Special airworthiness requirements.

All airplanes powered by engines rated at more than 600 horsepower each for maximum continuous operation and which have not been certificated in accordance with the provisions of Part 4b of this chapter (Civil Air Regulations) in effect on or after November 1, 1946, shall comply with the requirements contained in §§ 42.111 through 42.154: *Provided*, That, if the representative of the Administrator finds that in particular models of existing airplanes used in cargo service, literal compliance with specific items of these requirements might be extremely difficult of accomplishment and that such compliance would not contribute materially to the objective sought, he may accept such measures of compliance as he finds will effectively accomplish the basic objectives of the regulations of this part.

§ 42.111 Susceptibility of materials to fire.

The Administrator shall prescribe the heat conditions and testing procedures which any specific material or individual part must meet where necessary for the purpose of applying the following defined terms: fireproof, fire-resistant, flame-resistant, flash-resistant, and flammable.

§ 42.112 Cabin interiors.

All compartments occupied or used by the crew or passengers shall comply with paragraph (a) through (d) of this section.

(a) Material shall in no case be less than flash-resistant.

(b) The wall and ceiling linings, the covering of all upholstering, floors, and furnishings shall be flame-resistant.

(c) Compartments where smoking is to be permitted shall be equipped with ash trays of the self-contained type which are completely removable. All other compartments shall be placarded against smoking.

(d) All receptacles for used towels, papers, and wastes shall be of fire-resistant material and shall incorporate covers or other provisions for containing possible fires started in the receptacles.

§ 42.113 Internal doors.

Where internal doors are equipped with louvres or other ventilating means, provision convenient to the crew shall be made for closing the flow of air through the door when such action is found necessary.

§ 42.114 Ventilation.

All passenger and crew compartments shall be suitably ventilated. Carbon monoxide concentration shall not exceed one part in 20,000 parts of air, and fuel fumes shall not be present. Where partitions between compartments are equipped with louvres or other means allowing air to flow between such compartments, provision convenient to the crew shall be made for closing the flow of air through the louvres or other means when such action is found necessary.

§ 42.115 Fire precautions.

Each compartment shall be designed so that, when used for the purpose of storing cargo or baggage, it shall comply with all of the requirements prescribed for cargo or baggage compartments. It shall include no controls, wiring, lines, equipment, or accessories the damage or failure of which would affect the safe operation of the airplane, unless such item is adequately shielded, isolated, or otherwise protected so that it cannot be damaged by movement of cargo in the compartment, and so that any breakage or failure of such item would not create a fire hazard in the compartment. Provision shall be made to prevent cargo or baggage from interfering with the functioning of the fire-protective features of the compartment. All materials used in the construction of cargo or baggage compartments, including tie-down equipment, shall be flame-resistant or better. In addition, all cargo and baggage compartments shall include provisions for safeguarding against fire according to the following classifications:

(a) *Class A.* Cargo and baggage compartments shall be classified in the "A" category if presence of a possible fire therein can be readily discernible to a member of the crew while at this station, and if all parts of the compartment are easily accessible in flight. A hand fire extinguisher shall be available for such compartment.

(b) *Class B.* Cargo and baggage compartments shall be classified in the "B" category if sufficient access is provided while in flight to enable a member of the crew to reach effectively all parts of the compartment and its contents with a hand fire extinguisher. Furthermore, the design of the compartment shall be such that, when the access provisions are being used, no hazardous quantity of smoke, flames, or extinguishing agent will enter any compartment occupied by the crew or passengers. Each compartment in this category shall be equipped with a separate system of an approved type smoke detector or fire detector other than heat detector to give warning at the pilot or flight engineer station. Hand fire extinguishers shall be readily available for use in all compartments of this category. Compartments in this category shall be completely lined with fire-resistant material, except that additional service lining of flame-resistant material may be employed.

(c) *Class C.* Cargo and baggage compartments shall be classified in either the "C", "D", or "E" category, if they do not conform with the requirements for the "A" or "B" categories. Each compartment of the "C" category shall be equipped with: (1) a separate system of an approved type smoke or fire detector to give warning at the pilot or flight engineer station, and (2) an approved built-in fire-extinguishing system controlled from the pilot or flight engineer station. Means shall be provided to exclude hazardous quantities of smoke, flames, or extinguishing agent from entering into any compartment occupied by the crew or passengers. Ventilation and drafts shall be further controlled within each such cargo or baggage compartment to the extent that the extinguishing agent provided can control any fire which may start within the compartment. All cargo and baggage compartments of this category shall be completely lined with fire-resistant material, except that additional service lining of flame-resistant material may be employed.

(d) *Class D.* Cargo and baggage compartments shall be classified in the "D" category if they are so designed and constructed that a fire occurring therein will be completely confined without endangering the safety of the airplane or the occupants. Compliance shall be shown with subparagraphs (1) through (4) of this paragraph.

(1) Means shall be provided to exclude hazardous quantities of smoke, flames, or other noxious gases from entering into any compartment occupied by the crew or passengers.

(2) Ventilation and drafts shall be controlled within each compartment so that any fire likely to occur in the compartment will not progress beyond safe limits.

NOTE: For compartments having a volume not in excess of 500 cubic feet, an airflow of not more than 1,500 cubic feet per hour is considered acceptable. For larger compartments lesser airflow may be applicable.

(3) The compartment shall be completely lined with fire-resistant material.

(4) Consideration shall be given to the effect of heat within the compartment on adjacent critical parts of the airplane.

(e) *Class E.* On airplanes used for the carriage of cargo only it shall be acceptable to classify the cabin area as a Class "E" compartment. Compliance shall be shown with subparagraphs (1) through (5) of this paragraph.

(1) The compartment shall be completely lined with fire-resistant material.

(2) The compartment shall be equipped with a separate system of an approved type smoke or fire detector to give warning at the pilot or flight engineer station.

(3) Means shall be provided to shut off the ventilating airflow to or within the compartment. Controls for such means shall be accessible to the flight crew in the crew compartment.

(4) Means shall be provided to exclude hazardous quantities of smoke, flames, or noxious gases from entering the flight crew compartment.

(5) Required crew emergency exits shall remain accessible under all cargo loading conditions.

§ 42.116 Proof of compliance.

Compliance with those provisions of § 42.115 which refer to compartment accessibility, the entry of hazardous quantities of smoke or extinguishing agent into compartments occupied by the crew or passengers, and the dissipation of the extinguishing agent in category "C" compartments shall be demonstrated by tests in flight. It shall also be demonstrated during these tests that no inadvertent operation of smoke or fire detectors in adjacent or other compartments within the airplane would occur as a result of fire contained in any one compartment, either during or after extinguishment, unless the extinguishing system floods such compartments simultaneously.

§ 42.117 Propeller deicing fluid.

If combustible fluid is used for propeller deicing, the provisions of § 42.131 shall be complied with.

§ 42.118 Pressure cross-feed arrangements.

Pressure cross-feed lines shall not pass through portions of the airplane devoted

to carrying personnel or cargo unless means are provided to permit the flight personnel to shut off the supply of fuel to these lines, or unless the lines are enclosed in a fuel- and fume-proof enclosure that is ventilated and drained to the exterior of the airplane. Such enclosures need not be used if these lines incorporate no fittings on or within the personnel or cargo areas and are suitably routed or protected to safeguard against accidental damage. Lines which can be isolated from the remainder of the fuel system by means of valves at each end shall incorporate provisions for the relief of excessive pressures that may result from exposure of the isolated line to high ambient temperatures.

§ 42.119 Location of fuel tanks.

Location of fuel tanks shall comply with the provisions of § 42.132. In addition, no portion of engine nacelle skin which lies immediately behind a major air egress opening from the engine compartment shall act as the wall of an integral tank. Fuel tanks shall be isolated from personnel compartments by means of fume- and fuel-proof enclosures.

§ 42.120 Fuel system lines and fittings.

Fuel lines shall be installed and supported in a manner that will prevent excessive vibration and will be adequate to withstand loads due to fuel pressure and accelerated flight conditions. Lines which are connected to components of the airplane between which relative motion may exist shall incorporate provisions for flexibility. Flexible connections in lines which may be under pressure and subjected to axial loading shall employ flexible hose assemblies rather than hose clamp connections. Flexible hose shall be of an acceptable type or proven suitable for the particular application.

§ 42.121 Fuel lines and fittings in designated fire zones.

Fuel lines and fittings in all designated fire zones (see § 42.131) shall comply with the provisions of § 42.134.

§ 42.122 Fuel valves.

In addition to the requirements contained in § 42.133 for shutoff means, all fuel valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions and shall be supported in such a manner that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines connected to the valve.

§ 42.123 Oil lines and fittings in designated fire zones.

Oil lines and fittings in all designated fire zones (see § 42.131) shall comply with the provisions of § 42.134.

§ 42.124 Oil valves.

Requirements of § 42.133 for shutoff means shall be complied with. Closing of oil shutoff means shall not prevent feathering the propeller, unless equivalent safety provisions are incorporated. All oil valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions, and shall be supported in such a manner that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines attached to the valve.

§ 42.125 Oil system drains.

Accessible drains shall be provided to permit safe drainage of the entire oil system and shall incorporate either a manual or automatic means for positive locking in the closed position. (See also § 42.135.)

§ 42.126 Engine breather line.

Engine breather lines shall be so arranged that condensed water vapor which may freeze and obstruct the line cannot accumulate at any point. Breathers shall discharge in a location which will not constitute a fire hazard in case foaming occurs and so that oil emitted from the line will not impinge upon the pilots' windshield. The breather shall not discharge into the engine air induction system. (See also § 42.135.)

§ 42.127 Firewalls.

All engines, auxillary power units, fuelburning heaters, and other combustion equipment which are intended for operation in flight shall be isolated from the remainder of the airplane by means of firewalls or shrouds, or other equivalent means.

§ 42.128 Firewall construction.

Firewalls and shrouds shall be constructed in such a manner that no hazardous quantity of air, fluids, or flame can pass from the engine compartment to other portions of the airplane. All openings in the firewall or shroud shall be sealed with close-fitting fireproof grommets, bushings, or firewall fittings. Firewalls and shrouds shall be constructed of fireproof material and shall be protected against corrosion. The following materials have been found to comply with this requirement:

(a) Heat and corrosion resistant steel 0.015 inch thick;

(b) Low carbon steel, suitably protected against corrosion, 0.018 inch thick.

§ 42.129 Cowling.

Cowling shall be constructed and supported in such a manner as to be capable of resisting all vibration, inertia, and air loads to which it may normally be subjected. Provision shall be made to permit rapid and complete drainage of all portions of the cowling in all normal ground and flight attitudes. Drains shall not discharge in locations constituting a fire hazard. Cowling, unless otherwise specified by these regulations, shall be constructed of fire-resistent material. Those portions of the cowling which are subjected to high temperatures due to their proximity to exhaust system parts or exhaust gas impingement shall be constructed of fireproof material.

§ 42.130 Engine accessory section diaphragm.

Unless equivalent protection can be demonstrated by other means, a diaphragm shall be provided on air-cooled engines to isolate the engine power section and all portions of the exhaust system from the engine accessory compartment. This diaphragm shall comply with the provisions of § 42.128.

§ 42.131 Powerplant fire protections.

Engine accessory sections, installations where no isolation is provided between the engine and accessory compartment, also regions wherein lie auxiliary power units, fuel-burning heaters, and other combustion equipment shall be referred to as designated fire zones. Such zones shall be protected from fire by compliance with §§ 42.132 through 42.135.

§ 42.132 Flammable fluids.

No tanks or reservoirs which are a part of a system containing flammable fluids or gases shall be located in designated fire zones, except where the fluid contained, the design of the system, the materials used in the tank, the shutoff means, and all connections, lines, and controls are such as to provide equivalent safety. Not less than one-half inch of clear airspace shall be provided between any tank or reservoir and a fire wall or shroud isolating a designated fire zone.

§ 42.133 Shutoff means.

Means for each individual engine shall be provided for shutting off or otherwise preventing hazardous quantities of fuel, oil, deicer, and other flammable fluids from flowing into, within, or through any designated fire zone, except that means need not be provided to shut off flow in lines forming an integral part of an engine. In order to facilitate rapid and effective control of fires, such shutoff means shall permit an emergency operating sequence which is compatible with the emergency operation of other equipment, such as feathering the propeller. Shutoff means shall be located outside of designated fire zones, unless equivalent safety is provided (see § 42.132), and it shall be shown that no hazardous quantity of such flammable fluid will drain into any designated fire zone after shutting off has been accomplished. Adequate provisions shall be made to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means after it has once been closed.

§ 42.134 Lines and fittings.

All lines and fittings for same located in designated fire zones which carry flammable fluids or gases and which are under pressure, or which attach directly to the engine, or are subject to relative motion between components, exclusive of those lines and fittings forming an integral part of the engine, shall be flexible, fire-resistant lines with fire-resistant, factory-fixed, detachable, or other approved fire-resistant ends. Lines and fittings which are not subject to pressure or to relative motion between components shall be of fire-resistant materials.

§ 42.135 Vent and drain lines.

All vent and drain lines and fittings for same located in designated fire zones and which carry flammable fluids or gases shall comply with the provisions of § 42.134, if an authorized representative of the Administrator finds that rupture or breakage of a particular drain or vent line may result in a fire hazard.

§ 42.136 Fire-extinguishing systems.

(a) Unless the operator shows that equivalent protection against destruction of the airplane in case of fire is provided by the use of fireproof materials in the nacelle and other components which would be subjected to flame, fire-extinguishing systems shall be provided to serve all designated fire zones.

(b) Materials in the fire-extinguishing system shall not react chemically with the extinguishing agent so as to constitute a hazard.

§ 42.137 Fire-extinguishing agents.

Extinguishing agents employed shall be methyl bromide, carbon dioxide, or any other agent which has been demonstrated to provide equivalent extinguishing action. If methyl bromide or any other toxic extinguishing agent is employed, provisions shall be made to prevent the entrance of harmful concentrations of fluid or fluid vapors into any personnel compartment either due to leakage during normal operation of the airplane or as a result of discharging the fire extinguisher on the ground or in flight when a defect exists in the extinguisher system. If a methyl bromide system is provided, the containers shall be charged with dry agent and shall be sealed by the fire-extinguisher manufacturer or any other party employing satisfactory recharging equipment. If carbon dioxide is used, it shall not be possible to discharge sufficient gas into personnel compartments to constitute a hazard from the standpoint of suffocation of the occupants.

§ 42.138 Extinguishing agent container pressure relief.

Extinguishing agent containers shall be provided with a pressure relief to prevent bursting of the container due to excessive internal pressures. The discharge line from the relief connection shall terminate outside the airplane in a location convenient for inspection on the ground. An indicator shall be provided at the discharge end of the line to provide a visual indication when the container has discharged.

§ 42.139 Extinguishing agent container compartment temperature.

Precautions shall be taken to insure that the extinguishing agent containers are installed in locations where reasonable temperatures can be maintained for effective use of the extinguishing system.

§ 42.140 Fire-extinguishing system materials.

All components of fire-extinguishing systems located in designated fire zones shall be constructed of fireproof materials, except for connections which are subject to relative motion between components of the airplane, in which case they shall be of flexible fire-resistant construction so located as to minimize the possibility of failure.

§ 42.141 Fire-detector systems.

Quick-acting fire detectors shall be provided in all designated fire zones and shall be sufficient in number and location to insure the detection of fire which may occur in such zones.

§ 42.142 Fire detectors.

Fire detectors shall be constructed and installed in such a manner as to insure their ability to resist without failure all vibration, inertia, and other loads to which they may normally be subjected. Detectors shall be unaffected by exposure to oil, water, or other fluids or fumes which may be present.

§ 42.143 Protection of other airplane components against fire.

All airplane surfaces aft of the nacelles in the region of one nacelle diameter on both sides of the nacelle centerline shall be constructed of fire-resistant material. This provision need not be applied to tail surfaces lying behind nacelles unless the dimensional configuration of the airplane is such that the tail surfaces could be affected readily by heat, flames, or sparks emanating from a designated fire zone or engine compartment of any nacelle.

§ 42.150 Control of engine rotation.

All airplanes shall be provided with means for individually stopping and restarting the rotation of any engine in flight, except that for turbine engine installations means for completely stopping the rotation need be provided only if an authorized representative of the Administrator finds that rotation could jeopardize the safety of the airplane.

§ 42.151 Fuel system independence.

Airplane fuel systems shall be arranged in such manner that the failure of any one component will not result in the irrecoverable loss of power of more than one engine. A separate fuel tank need not be provided for each engine if the operator shows that the fuel system incorporates features which provide equivalent safety.

§ 42.152 Induction system ice prevention.

Means for preventing the malfunctioning of each engine due to ice accumulation in the engine air induction system shall be provided for all airplanes.

§ 42.153 Carriage of cargo in passenger compartments.

Cargo shall not be carried in the passenger compartment of an airplane except as provided in either paragraph (a) or (b) of this section.

(a) Cargo carried aft of the foremost seated passengers shall be carried in an approved cargo bin. Approved cargo bins shall meet the minimum requirements of subparagraphs (1) through (8) of this paragraph.

(1) The bin shall be capable of withstanding the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed multiplied by a factor of 1.15. The combined weight of the bin and the maximum weight of cargo which may be carried in the bin shall be used to determine this strength.

(2) The maximum weight of cargo which the bin is approved to carry and any instructions necessary to insure proper weight distribution within the bin shall be conspicuously marked on the bin.

(3) The bin shall not impose any load on the floor or other structure of the airplane which exceeds the structural load limitations of such components.

(4) The bin shall be attached to the seat tracks or to the floor structure of the airplane, and its attachments shall withstand the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed multiplied by either the factor 1.15 or the seat attachment factor specified for the airplane, whichever is greater. The combined weight of the bin and the maximum weight of cargo which may be carried in the bin shall be used to determine this strength.

(5) The bin shall not be installed in a position which restricts access to or use of any required emergency exit, or the use of the aisle in the passenger compartment.

(6) The bin shall be fully enclosed and constructed of material which is at least flame resistant.

(7) Suitable safeguards shall be provided within the bin to prevent the cargo from shifting under emergency landing conditions.

(8) The bin shall not be installed in a position which obscures any passenger's view of the "seat belt" or "no smoking" sign, nor shall any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of such passenger is provided.

(b) Cargo carried forward of the foremost seated passengers shall be carried either in approved cargo bins as specified in paragraph (a) of this section, or in accordance with the requirements of subparagraphs (1) through (5) of this paragraph.

(1) It shall be properly secured by means of safety belts or other tiedowns having sufficient strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions.

(2) It shall be packaged or covered in a manner to avoid possible injury to passengers.

(3) It shall not impose any load on seats or the floor structure which exceeds the structural load limitation for those components.

(4) It shall not be located in a position which restricts the access to or use of any required emergency or regular exit, or the use of the aisle in the passenger compartment.

(5) It shall not be located in a position which obscures any passenger's view of the "seat belt" or "no smoking" sign, nor shall any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of such passenger is provided.

§ 42.154 Carriage of cargo in cargo compartments.

When cargo is carried in cargo compartments which are so designed as to require the physical entry of a crewmember to extinguish any fire which may occur during flight, the cargo shall be so loaded as to permit a crewmember to effectively reach all parts of the compartment with the contents of a hand fire extinguisher.

INSTRUMENTS AND EQUIPMENT FOR ALL OPERATIONS

§ 42.170 Airplane instruments and equipment for all operations.

(a) Instruments and equipment required by §§ 42.171 through 42.233 shall be approved and shall be installed in accordance with the provisions of the airworthiness requirements applicable to the instruments or equipment concerned.

(b) All airspeed indicators shall be calibrated in knots, and all airspeed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in knots.

(c) The following instruments and equipment shall be in operable condition prior to takeoff, except as provided in § 42.391(b) for continuance of flight with equipment inoperative:

(1) Instruments and equipment required to comply with airworthiness requirements under which the airplane is type certificated and as required by the provisions of § 42.110 and §§ 42.150 through 42.154; and

(2) Instruments and equipment specified in §§ 42.171 through 42.179 for all operations, and the instruments and equipment specified in §§ 42.200 through 42.233 for the type of operation indicated, wherever these items are not already provided in accordance with subparagraph (1) of this paragraph.

NOTE: Instruments and equipment specified in §§ 42.171, 42.172, and 42.230 through 42.233 are approved in accordance with one or more of the following:

(a) As a part of the original airplane type design;

(b) Under applicable Technical Standard Orders and installed under original airplane type certification, or subsequent installation in accordance with airworthiness and alteration requirements (Parts 1 and 18 of this chapter (Civil Air Regulations)); or

(c) Under an FAA type certificate and installed under original aircraft certification, or subsequent installation in accordance with airworthiness and alteration requirements (Parts 1 and 18 of this chapter (Civil Air Regulations)).

§ 42.171 Flight and navigational equipment for all airplane operations.

The following flight and navigational instruments and equipment are required for all airplane operations:

(a) An airspeed indicating system with heated pitot tube or equivalent means for preventing malfunction due to icing;

(b) Sensitive altimeter;

(c) Clock (sweep-second);

(d) Free-air temperature indicator;

(e) Gyroscopic bank-and-pitch indicator (artificial horizon);

(f) Gyroscopic rate-of-turn indicator combined with a slip-skid indicator (turn-and-bank indicator);

(g) Gyroscopic direction indicator (directional gyro or equivalent);

(h) Magnetic compass; and

(i) Vertical speed indicator (rate-of-climb indicator).

§ 42.172 Engine instruments for all airplane operations.

The following engine instruments are required for all operations, except that an authorized representative of the Administrator may permit or require different instrumentation for turbine-powered airplanes to provide equivalent safety:

(a) Carburetor air temperature indicator for each engine;

(b) Cylinder head temperature indicator for each air-cooled engine;

(c) Fuel pressure indicator for each engine;

(d) Fuel flowmeter or fuel mixture indicator for each engine;

(e) Means for indicating fuel quantity in each fuel tank to be used;

(f) Manifold pressure indicator for each engine;

(g) Oil pressure indicator for each engine;

(h) Oil quantity indicator for each oil tank when a transfer or separate oil reserve supply is used;

(i) Oil-in temperature indicator for each engine;

(j) Tachometer for each engine;

(k) An independent fuel pressure warning device for each engine or a master warning device for all engines with means for isolating the individual warning circuits from the master warning device; and

(l) A means shall be provided for each reversible propeller on airplanes equipped with reversible propellers which will indicate to the pilots when the propeller is in reverse pitch. Such means may be actuated at any point in the reversing cycle between the normal low pitch stop position and full reverse pitch. No indication shall be given at or above the normal low pitch stop position. The source of indication shall be actuated by the propeller blade angle or be directly responsive to the propeller blade angle.

§ 42.173 Emergency equipment for all airplane operations.

(a) *General.* The emergency equipment specified in this section is required for all operations and shall be inspected regularly in accordance with inspection periods established in the operations specifications to insure the continued serviceability and immediate readiness of such equipment for its intended emergency purposes. All required equipment shall be readily accessible to the crew, and the method of operation shall be plainly indicated. When such equipment is carried in compartments or containers, the compartments or containers shall be marked as to contents and date of last inspection.

(b) *Hand fire extinguishers for crew, passenger, and cargo compartments.* Hand fire extinguishers of an approved type shall be provided for use in crew, passenger, and cargo compartments in accordance with the requirements of subparagraphs (1) through (3) of this paragraph.

(1) The type and quantity of extinguishing agent shall be suitable for the type of fires likely to occur in the compartment where the extinguisher is intended to be used.

(2) At least one hand fire extinguisher shall be provided and conveniently located on the flight deck for use by the flight crew.

(3) At least one hand fire extinguisher shall be conveniently located in the passenger compartment of airplanes accommodating more than 6 but less than 31 passengers. On airplanes accommodating more than 30 passengers, at least 2 fire extinguishers shall be provided. None need be provided in passenger compartments of airplanes accommodating 6 or less persons.

NOTE: An approved type fire extinguisher is an extinguisher approved by the Underwriters' Laboratories, Inc., Factory Mutual Laboratories, Underwriters' Laboratories of Canada, or any other person whose approval is acceptable to the FAA, or an extinguisher which is otherwise approved in accordance with the provisions of § 4b.18 of Part 4b of this chapter (Civil Air Regulations).

(c) *First-aid equipment.* Approved first-aid kits as specified in Appendix A to this part for the treatment of injuries likely to occur in flight or in minor accidents shall be provided.

NOTE: See Appendix A for type and contents of first-aid kits.

(d) *Crash ax.* All airplanes shall be equipped with at least one crash ax.

(e) *Means for emergency evacuation.* On all passenger-carrying airplanes, at all emergency exits which are more than 6 feet from the ground with the airplane on the ground and with the landing gear extended, means shall be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means shall be a chute or equivalent device suitable for the rapid evacuation of passengers. During flight time this means shall be in a position for immediate installation and ready use: *Provided*, That the requirements of this paragraph do not apply to emergency exits over the wing where the greatest distance from the lower sill of the exit to the wing surface does not exceed 36 inches.

(f) *Interior emergency exit markings.* (1) In all passenger-carrying airplanes, all passenger emergency exits, their means of access, and their means of opening shall be marked conspicuously. The identity and location of emergency exits shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches by a person with normal eyesight.

(2) In all passenger-carrying airplanes, a source or sources of light, with an energy supply independent of the main lighting system, shall be installed to illuminate all passenger emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require arming of the system to function automatically, the system shall be armed prior to each takeoff and landing. When such lights require manual operation to function, they shall be turned on prior to each takeoff and landing.

§ 42.174 Seats and safety belts for all occupants of airplanes.

(a) The operator shall provide and make available at all times during the takeoff, en route flight, and landing of an airplane which it is operating:

(1) An approved seat or berth for each person over 2 years of age aboard the airplane, and

(2) An approved safety belt for separate use by each person over 2 years of age aboard the airplane, except that two persons occupying a berth may be provided with one approved safety belt to be shared by both such persons, and two persons occupying a multiple lounge or divan seat may be provided with one approved safety belt to be shared by both such persons during en route flight only.

(b) During takeoff and landing of the airplane, each person on board shall occupy an approved seat or berth and secure themselves with the approved safety belt provided for the occupant of such seat or berth, except that a person 2 years of age or less may be held by an adult person occupying a seat or berth. A safety belt provided for the occupant of a seat shall not be used by more than one adult during takeoff and landing.

§ 42.175 Miscellaneous equipment for all airplanes.

If protected fuses are installed on an airplane, spare fuses of a number approved for the particular airplane and appropriately described in the air carrier manual shall be carried aboard the airplane. In addition, the following equipment shall be installed in the airplane:

(a) Windshield wiper or equivalent for each pilot station.

(b) A power supply and distribution system capable of producing and distributing the load for all required instruments and equipment using an external power supply in the event of failure of any one power source or component of the power distribution system: *Provided*, That the use of common elements in the power distribution system will be approved if the operator shows that such elements are so designed as to be reasonably protected against malfunctioning. Engine-driven sources of energy, when used, shall be on separate engines.

NOTE: Any airplane power and distribution systems which meet the requirements of §§ 4b.606 (a), (b), and (c); 4b.612(c); 4b.622 (a) and (b); 4b.623(c); 4b.625; and 4b.650 (b) of this chapter (Civil Air Regulations) comply with the requirements of paragraph (c) of this section.

(c) Means for indicating the adequacy of the power being supplied to required flight instruments.

(d) Two independent static pressure systems, so vented to the ouside atmospheric pressuse that they will be least affected by airflow variation, moisture, or other foreign matter, and so installed as to be airtight except for the vent. When a means is provided for transferring an instrument from its primary operating system to an alternate system, such means shall include a positive positioning control and shall be marked to indicate clearly which system is being used.

(e) Means for locking all companionway doors which separate passenger compartments from flight crew compartments. Keys for all doors which separate passenger compartments from other compartments having emergency exit provisions shall be readily available to all crewmembers. Any door which is the means of access to a required passenger emergency exit shall be placarded to indicate that it must be open during takeoff and landing. All doors which lead to compartments normally accessible to passengers and which are capable of being locked by passengers shall be provided with means for unlocking by the crew in the event of an emergency.

§ 42.176 Cockpit check procedure for all airplane operations.

The operator shall provide for each type of airplane an approved cockpit check procedure. The approved procedures shall include all items necessary for flight crewmembers to check for safety prior to starting engines, prior to taking off, prior to landing, and in engine and system emergencies, and shall be so designed as to obviate the necessity for a flight crewmember to rely upon his memory for items to be checked. The approved procedure shall be readily usable in the cockpit of each airplane and shall be followed by the flight crew when operating the airplane.

§ 42.177 Passenger information for all airplane operations.

All airplanes shall be equipped with signs visible to the passengers and cabin attendants to notify such persons when smoking is prohibited and when safety belts should be fastened. These signs shall be capable of on-off operation by the crew and shall be placed in the "On position" for all takeoffs and landings, and when otherwise deemed necessary by the pilot in command.

§ 42.178 Exterior exit and evacuation markings for all airplane operations.

The exterior surfaces of the airplane shall be marked to identify clearly all required emergency exits. When such exits are operable from the outside, markings shall consist of or include information indicating the method of opening.

§ 42.179 Shoulder harness.

All transport type airplanes certificated after January 1, 1958, shall be equipped with shoulder harnesses at the pilot in command, the second in command, and flight engineer stations.

INSTRUMENTS AND EQUIPMENT FOR SPECIAL OPERATIONS

§ 42.200 Instruments and equipment for airplane operations at night.

Each airplane operated at night shall be equipped with the following instruments and equipment in addition to those required by §§ 42.171 through 42.179:

(a) Position lights;

(b) An anticollision light for airplanes having a maximum certificated weight of more than 12,500 pounds;

(c) Two landing lights;

(d) Instrument lights providing sufficient illumination to make all required instruments, switches, etc., easily readable, so installed that their direct rays are shielded from the flight crewmembers' eyes and that no objectionable reflections are visible to them, and a means of controlling the intensity of illumination shall be provided unless it is shown that nondimming instrument lights are satisfactory;

(e) A second airspeed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing; and

(f) A second sensitive altimeter.

§ 42.201 Instruments and equipment for airplane operations under IFR or over-the-top.

Each airplane operated under IFR or over-the-top shall be equipped with the following instruments and equipment in addition to those required by §§ 42.171 through 42.179:

(a) A second airspeed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing;

(b) A second sensitive altimeter; and

(c) Instrument lights providing sufficient illumination to make all required instruments, switches, etc., easily readable, so installed that their direct rays are shielded from the flight crewmembers' eyes and that no objectionable reflections are visible to them, and a means of controlling the intensity of illumination shall be provided unless it is shown that nondimming instrument lights are satisfactory.

§ 42.202 Supplemental oxygen: reciprocating-engine-powered airplanes.

(a) *General.* Except where supplemental oxygen is provided in accordance with the requirements of § 42.203, supplemental oxygen shall be furnished and used as set forth in paragraphs (b) and (c) of this section. The amount of supplemental oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of flight altitudes and flight duration consistent with the operating procedures established for each such operation and route. As used in the oxygen requirements hereinafter set forth, "cabin pressure altitude" shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" shall mean the alti-

tude above sea level at which the airplane is operated; for airplanes not equipped with pressurized cabins, "cabin pressure altitude" and "flight altitude" shall be considered identical.

(b) *Crewmembers.* (1) At cabin pressure altitudes above 10,000 feet to and including 12,000 feet, oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crewmembers, during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At cabin pressure altitudes above 12,000 feet, oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crewmembers, during the entire flight time at such altitudes.

(3) When oxygen must be used by a flight crewmember, it shall be used continuously by such crewmember during the required periods, except when it is necessary to remove the oxygen mask or other dispenser in connection with his regular duties. Standby crewmembers who are on call or are definitely going to have flight deck duty prior to the completion of the flight shall be provided with the same amount of supplemental oxygen as is provided for crewmembers on duty other than on flight deck duty. If a standby crewmember is not on call and will not be on flight deck duty during the remainder of the flight, such crewmember shall be considered as a passenger with regard to supplemental oxygen requirements.

(c) *Passengers.* Each operator shall provide a supply of oxygen approved for passenger safety in accordance with the following standards:

(1) For flights of over 30 minutes duration at cabin pressure altitudes above 8,000 feet to and including 14,000 feet, a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be required.

(2) For flights at cabin pressure altitudes above 14,000 feet to and including 15,000 feet, a supply of oxygen sufficient to provide oxygen for the duration of flight at such altitudes for 30 percent of the number of passengers carried shall generally be considered adequate.

(3) For flights at cabin pressure altitudes above 15,000 feet, a supply of oxygen sufficient to provide oxygen for each passenger carried during the entire flight at such altitudes shall be required.

§ 42.202–T Supplemental oxygen for sustenance; turbine-powered airplanes.

(a) *General.* When operating turbine-powered airplanes, sustaining oxygen and dispensing equipment shall be furnished by the operator for use as set forth in this section. The amount of oxygen provided shall be at least that quantity which will be necessary to comply with paragraphs (b) and (c) of this section. The amount of sustaining and first-aid oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of cabin pressure altitudes and flight duration consistent with the operating procedures established for each such operation and route. The requirements for airplanes with pressurized cabins shall be determined on the basis of cabin pressure altitude and the assumption that a cabin pressurization failure will occur at that altitude or point of flight which is most critical from the standpoint of oxygen need, and that after such failure the airplane will descend in accordance with the emergency procedures specified in the Airplane Flight Manual without exceeding its operating limitations to a flight altitude that will permit successful termination of the flight. Following such a failure the cabin pressure altitude shall be considered to be the same as the flight altitude unless it can be shown that no probable failure of the cabin or pressurization equipment will result in a cabin pressure altitude equal to the flight altitude, under which circumstances the maximum cabin pressure altitude attained may be used as a basis for certification and/or determination of oxygen supply.

(b) *Crewmembers.* A supply of oxygen for crewmembers shall be provided in accordance with the following requirements:

(1) At cabin pressure altitudes above 10,000 feet to and including 12,000 feet, oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crewmembers, during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At cabin pressure altitudes above 12,000 feet, oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crewmembers, during the entire flight at such altitudes.

(3) When oxygen must be used by a flight crewmember, it shall be used continuously by such crewmember during the required periods, except when it is necessary to remove the oxygen mask or other dispenser in connection with his regular duties. Standby crewmembers who are on call or are definitely going to have flight deck duty prior to the completion of the flight shall be provided with the same amount of supplemental oxygen as is provided for crewmembers on duty other than on flight deck duty. If a standby crewmember is not on call and will not be on flight deck duty during the remainder of the flight, such crewmember shall be considered as a passenger with regard to supplemental oxygen requirements.

(c) *Passengers.* A supply of oxygen for passengers shall be provided in accordance with the following requirements:

(1) For flights at cabin pressure altitudes above 10,000 feet to and including 14,000 feet, oxygen shall be provided for the duration of flight in excess of 30 minutes for 10 percent of the number of passengers carried;

(2) For flights at cabin pressure altitudes above 14,000 feet to and including 15,000 feet, oxygen shall be provided for the duration of flight at such altitude for 30 percent of the number of passengers carried; and

(3) For flights at cabin pressure altitudes above 15,000 feet, oxygen shall be provided for each occupant carried for the duration of flight at such altitude.

§ 42.203 Supplemental oxygen requirements for pressurized cabin airplanes; reciprocating-engine-powered airplanes.

When operating pressurized cabin airplanes, the operator shall so equip such airplanes as to permit compliance with the requirements of paragraphs (a) through (c) of this section in the event of cabin pressurization failure:

(a) *For crewmembers.* When operating such airplanes at flight altitudes above 10,000 feet, the operator shall provide sufficient oxygen for all crewmembers for the duration of the flight at such altitudes: *Provided,* That not less than a 2-hour supply of oxygen shall be provided for the flight crewmembers on flight deck duty. The oxygen supply required by § 42.205 may be considered in determining the supplemental breathing supply required for flight crewmembers on flight deck duty in the event of cabin pressurization failure.

(b) *For passengers.* When operating such airplanes at flight altitudes above 8,000 feet, the operator shall provide amounts of oxygen as required by subparagraphs (1) through (3) of this paragraph.

(1) When an airplane is not flown at a flight altitude of over 25,000 feet, a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be considered adequate, if at any point along the route to be flown the airplane can safely descend to a flight altitude of 14,000 feet or less within 4 minutes.

(2) In the event that such airplane cannot descend to a flight altitude of 14,000 feet or less within 4 minutes, the following supply of oxygen shall be provided:

(i) For the duration of the flight in excess of 4 minutes at flight altitudes above 15,000 feet, a supply sufficient to comply with § 42.202(c)(3);

(ii) For the duration of the flight at flight altitudes above 14,000 feet to and including 15,000 feet, a supply sufficient to comply with § 42.202(c)(2); and

(iii) For flight at flight altitudes above 8,000 feet to and including 14,000 feet, a supply sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried.

(3) When an airplane is flown at a flight altitude above 25,000 feet, sufficient oxygen shall be furnished in accordance with the following requirements to permit the airplane to descend to an appropriate flight altitude at which the flight can be safely conducted. Sufficient oxygen shall be furnished to provide oxygen for 30 minutes to 10 percent of the number of passengers carried for the duration of the flight above 8,000 feet to and including 14,000 feet and to permit compliance with § 42.202(c) (2) and (3) for flight above 14,000 feet.

(c) For purposes of this section it shall be assumed that the cabin pressurization failure will occur at a time during flight which is critical from the standpoint of oxygen need and that after such failure the airplane will descend, without exceeding its normal operating limitations, to flight altitudes permitting safe flight with respect to terrain clearance.

§ 42.203–T Supplemental oxygen for emergency descent and for first aid; turbine-powered airplanes with pressurized cabins.

(a) *General.* When operating turbine-powered airplanes with pressurized cabins, the operator shall furnish oxygen and dispensing equipment necessary to permit compliance with the requirements set forth in paragraphs (b) through (e) of this section in the event of cabin pressurization failure.

(b) *Crewmembers.* When operating at flight altitudes above 10,000 feet, oxygen shall be provided to permit compliance with § 42.202–T except that not less than a 2-hour supply be provided for the flight crewmembers on flight deck duty. The oxygen required by § 42.205 may be included in determining the supply required for flight crewmembers on flight deck duty in the event of cabin pressurization failure.

(c) *Use of oxygen masks by flight crewmembers.* (1) When operating at flight altitudes above 25,000 feet, each flight crewmember on flight deck duty shall be provided with an oxygen mask so designed that it is capable of being rapidly placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand; and so designed that upon completion of the donning action the oxygen mask does not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system. When not being used at flight altitudes above 25,000 feet, the oxygen mask shall be kept at all times in a condition for ready use and so located as to be within the immediate reach at all times of the flight crewmember while at his duty station.

(2) When operating at flight altitudes above 25,000 feet, one pilot at the controls of the airplane shall at all times wear and use an oxygen mask secured, sealed, and supplying oxygen: *Provided,* That the one pilot need not wear and use an oxygen mask while at or below 35,000 feet if each flight crewmember on flight deck duty is provided with a quick-donning type of oxygen mask which the operater has demonstrated to the satisfaction of an authorized representative of the Administrator is capable of being placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand and within 5 seconds. The operator shall also demonstrate that the donning of the mask can be accomplished without disturbing eye glasses and without delaying the flight crewmember from proceeding with his assigned emergency duties. Upon completion of the donning action, the oxygen mask shall not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system.

(3) Notwithstanding the provisions in subparagraph (2) of this paragraph, when operating at flight altitudes above 25,000 feet, if at any time it is necessary for one pilot to leave his station at the controls of the airplane for any reason, the remaining pilot at the controls shall don and use his oxygen mask until the other pilot has returned to his duty station.

(4) Prior to takeoff of a flight, each flight crewmember shall personally preflight his oxygen equipment to insure that the oxygen mask is functioning, fitted properly, connected to appropriate supply terminals, and that the oxygen supply and pressure is adequate for use.

(d) *Use of portable oxygen equipment by cabin attendants.* Portable oxygen equipment of not less than a 15-minute oxygen supply shall be carried by each attendant during the entire time flight is conducted above 25,000 feet flight altitude, unless it is shown that sufficient portable oxygen units equipped with masks or spare outlets and masks are distributed throughout the cabin to insure immediate availability of oxygen to the cabin attendants regardless of their location at the time of cabin depressurization.

(e) *Passenger cabin occupants.* When operating at flight altitudes above 10,000 feet, the following supply of oxygen shall be provided for the use of passenger cabin occupants:

(1) When an airplane is certificated to operate at flight altitudes to and including 25,000 feet, and if at any point along the route to be flown the airplane can descend safely to a flight altitude of 14,000 feet or less within 4 minutes, oxygen shall be available at the rate prescribed by this part for a 30-minute period for not less than 10 percent of the number of passenger cabin occupants carried.

(2) When an airplane is operated at flight altitudes to and including 25,000 feet and cannot descend safely to a flight altitude of 14,000 feet within 4 minutes, or when an airplane is operated at flight altitudes above 25,000 feet, oxygen shall be available at the rate prescribed by this part for not less than 10 percent of the number of passenger cabin occupants carried for the duration of flight following cabin depressurization at cabin pressure altitudes above 10,000 feet to and including 14,000 feet and, as applicable, to permit compliance with § 42.202–T(c) (2) and (3), except that not less than a 10-minute supply for all passenger cabin occupants shall be provided.

(3) For first-aid treatment of occupants who for physiological reasons might require undiluted oxygen following descent from cabin pressure altitudes above 25,000 feet, a supply of oxygen in accordance with the requirements of § 4b.651(b)(4) of Part 4b of this chapter (Civil Air Regulations) (see § 42.204) shall be provided for 2 percent of the occupants for the duration of flight following cabin depressurization at cabin pressure altitudes above 8,000 feet, but in no case to less than one person. An appropriate number of acceptable dispensing units, but in no case less than 2, shall be provided. Means shall be provided to enable the cabin attendants to use this supply.

(f) *Passenger briefing.* Before flight is conducted above 25,000 feet, a crewmember shall give instructions and demonstrations to the passengers sufficient to insure that all passengers are adequately informed regarding the location and operation of the oxygen-dispensing equipment and the necessity of using oxygen in the event of cabin depressurization.

§ 42.204 Equipment standards.

(a) *Reciprocating-engine-powered airplanes.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with the requirements of § 42.202 shall meet the standards established in § 4b.651 of Part 4b of this chapter (Civil Air Regulations) effective July 20, 1950: *Provided,* That if the operator shows full compliance with such standards to be impracticable, an authorized representative of the Administrator may authorize such changes in these standards as he finds will provide an equivalent level of safety.

(b) *Turbine-powered airplanes.* The oxygen apparatus, the minimum rate of oxygen flow, and the supply of oxygen to comply with the requirements of §§ 42.202–T and 42.203–T shall meet the standards established in § 4b.651 of Part 4b of this chapter (Civil Air Regulations) effective September 1, 1958: *Provided,* That if the operator shows full compliance with such standards to be impracticable, an authorized representative of the Administrator may authorize such changes in these standards as he finds will provide an equivalent level of safety.

§ 42.205 Protective breathing equipment for the flight crew.

(a) *Pressurized cabin airplanes.* Each required flight crewmember on flight deck duty shall have easily available at his station protective breathing equipment covering the eyes, nose, and mouth, or the nose and mouth where accessory equipment is provided to protect the eyes, to protect him from the effects of smoke, carbon dioxide, and other harmful gases. Not less than a 300-liter STPD supply of oxygen for each required flight crewmember on flight deck duty shall be provided for this purpose.

(b) *Nonpressurized cabin airplanes.* The requirement stated in paragraph (a) of this section shall apply to nonpressurized cabin airplanes if an authorized representative of the Administrator finds that it is possible to obtain a dangerous concentration of smoke, carbon dioxide, or other harmful gases in the flight crew compartments in any attitude of flight which might occur when the airplane is flown in accordance with either normal or emergency procedures.

§ 42.206 Equipment for extended overwater operations; airplanes.

(a) The following equipment shall be carried on an airplane used in extended overwater operations: *Provided,* That an authorized representative of the Administrator may by amending the operations specification of an operator require the carriage of all of the prescribed equipment, or any item thereof, for any operation over water, or upon

application of an operator permit deviation from these requirements for a particular extended overwater operation:

(1) A life preserver for each occupant of the airplane;

(2) Liferafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the airplane;

(3) Suitable pyrotechnic signaling devices; and

(4) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and which is self-buoyant and water-resistant.

(b) All required liferafts, life preserves, and signaling devices shall be easily accessible in the event of a ditching without appreciable time for preparatory procedures. This equipment shall be installed in conspicuously marked approved locations.

(c) Survival kit, appropriately equipped for the route to be flown, shall be attached to each required liferaft.

§ 42.207 Equipment for operations in icing conditions; airplanes.

(a) For all operations in icing conditions, each airplane shall be equipped with means for the prevention or removal of ice on windshields, wings, empennage, propellers, and other parts of the airplane where ice formation will adversely affect the safety of the airplane.

(b) For operations in icing conditions at night, means shall be provided for illuminating or otherwise determining the formation of ice on the portions of the wings which are critical from the standpoint of ice accumulation. When illuminating means are used, such means shall be of a type which will not cause glare or reflection which would handicap crewmembers in the performance of their normal functions.

§ 42.208 Equipment for operations over uninhabited terrain; airplanes.

The following equipment shall be carried on an airplane used in operations over uninhabited areas and other areas in which an authorized representative of the Administrator finds that such equipment is necessary for search and rescue in the event of an emergency:

(a) Suitable pyrotechnic signaling devices;

(b) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and which is self-buoyant and water-resistant; and

(c) Sufficient survival kits, adequately equipped for the route to be flown, for the number of occupants of the airplane.

NOTE: When required, the areas are specified in the operations specifications of the operator.

§ 42.209 Equipment for operations on which specialized means of navigation are required; airplanes.

The operator shall show that sufficient and adequate airborne equipment is provided to permit navigation to be accomplished by the specialized method authorized for the particular route to be operated.

§ 42.210 Flight recorders; airplanes.

(a) An approved flight recorder which records at least time, altitude, airspeed, vertical acceleration, and heading shall be installed in accordance with the following requirements:

(1) On all airplanes of more than 12,500 pounds maximum certificated takeoff weight which are certificated for operations above 25,000 feet altitude; and

(2) On all turbine-powered airplanes of more than 12,500 pounds maximum certificated takeoff weight.

(b) When an approved flight recorder is installed, it shall be operated continuously from the instant the airplane commences the takeoff roll until it has completed the landing roll at an airport.

(c) Recorded information shall be retained by the operator for a period of at least 60 days. For a particular flight or series of flights, the information shall be retained for a longer period if requested by an authorized representative of the Administrator or the Civil Aeronautics Board.

RADIO EQUIPMENT

§ 42.230 Radio equipment; airplanes.

Each airplane used in operations subject to this part shall be equipped with radio equipment specified for the type of operation in which it is engaged. Where two independent separate and complete radio systems are required by §§ 42.231 through 42.233, each system shall have an independent antenna installation: *Provided*, That where rigidly supported nonwire antennas or other antenna installations of equivalent reliability are used, only one such antenna need be provided.

§ 42.231 Radio equipment for operations under VFR over routes navigated by pilotage; airplanes.

(a) For operations conducted under VFR over routes on which navigation can be accomplished by pilotage, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the following functions:

(1) Communicate with at least one appropriate ground station from any point on the route;

(2) Communicate with appropriate traffic control facilities from any point in the control zone within which flights are intended; and

(3) Receive meteorological information from any point on route by either of two independent systems. One of the means of compliance provide for compliance with this subparagraph may be employed for compliance with subparagraphs (1) and (2) of this paragraph.

(b) For all operations at night conducted under VFR over routes on which navigation can be accomplished by pilotage, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the functions specified in paragraph (a) of this section and to receive radio navigational signals applicable to the route to be flown, except that no marker beacon receiver or ILS receiver need be provided.

§ 42.232 Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top; airplanes.

(a) For operations conducted under VFR over routes on which navigation cannot be accomplished by pilotage or for operations conducted under IFR or over-the-top each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the functions specified in § 42.231(a) and to receive satisfactorily, by either of two independent systems, radio navigational signals from all primary en route and approach navigational facilities intended to be used, except that only one marker beacon receiver which provides visual and aural signals and one ILS receiver need be provided. Equipment provided to receive signals en route may be used to receive signals on approach, if it is capable of receiving both signals.

(b) In the case of operation on routes using procedures based on automatic direction finding only one automatic direction finding system need be installed: *Provided*, That the ground facilities are so located and the airplane is so fueled that, in case of failure of the automatic direction finding equipment, the flight may proceed safely to a suitable airport which has ground radio navigational facilities whose signals may be received by the use of the remaining airplane radio systems.

(c) In those areas where transition from low frequency to very high frequency radio navigational systems is in progress, one means of satisfactorily receiving signals over each of these systems shall be considered as complying with the requirement that two independent systems be provided to receive en route or approach navigational facilities: *Provided*, That ground facilities are so located and the airplane is so fueled that, in the case of failure of either system, the flight may proceed safely to a suitable airport which has ground radio navigational facilities whose signals may be received by use of the remaining airplane radio system.

§ 42.233 Radio equipment for extended overwater operations and for certain other operations; airplanes.

For the following operations, each airplane shall be equipped with such radio equipment as is necessary to fulfill the functions specified in § 42.232 and, in addition, by an independent system, the functions specified in § 42.231(a)(1):

(a) Extended overwater operations; and

(b) Operations for which an authorized representative of the Administrator finds such equipment to be necessary for search and rescue operations because of the character of the terrain to be flown over.

MAINTENANCE AND INSPECTION REQUIREMENTS

§ 42.240 Responsibility for maintenance.

Irrespective of whether the operator has made arrangements with any other person for the performance of maintenance and inspection functions, each operator shall have the primary responsibility for the airworthiness of its aircraft and required equipment.

§ 42.241 Maintenance and inspection requirements.

(a) The operator, or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish an adequate inspection organization responsible for determining that workmanship, methods employed, and material used are in conformity with the requirements of the regulations of this chapter (Civil Air Regulations), with accepted standards and good practices, and that any airframe, engine, propeller, or appliance released for flight is airworthy. All maintenance, repairs, and alterations shall be accomplished in accordance with the provisions of Part 18 of this chapter (Civil Air Regulations), and the Maintenance portion of the operator's manual and the operations specifications of the operator.

(b) Any individual who is directly in charge of inspection, maintenance, overhaul, or repair of any airframe, engine, propeller, or appliance shall hold an appropriate airman certificate.

§ 42.242 Maintenance and inspection training program.

The operator or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish and maintain a training program to insure that all maintenance and inspection personnel charged with determining the adequacy of work performed are fully informed with respect to all procedures and the techniques and with new equipment introduced into service, and are competent to perform their duties.

§ 42.243 Maintenance and inspection personnel duty time limitations.

Within the United States, its Territories and possessions, all maintenance and inspection personnel shall be relieved of all duty for a period of at least 24 consecutive hours during any 7 consecutive days or equivalent thereof within any one month.

FUEL AND OIL

§ 42.250 Aircraft fuel, oil, and other fluid servicing requirements.

(a) *Facilities to be used.* Aircraft fuel, oil, and other fluids shall be obtained from approved facilities. To be eligible for approval such facilities shall meet the requirements of subparagraphs (1) through (11) of this paragraph.

(1) Fueling hose used shall be specifically designed for aircraft fueling and shall be capable of withstanding the maximum pressures (including surge pressure) of the equipment to which it is connected.

(2) Except in under wing fuel servicing, fuel nozzles used shall be so designed or modified that the valve must be held open by hand to allow fuel to flow.

(3) Fueling nozzles shall be provided with screens to prevent contaminating particles in the fuel from entering the fuel tank.

(4) Provisions shall be made for the elimination of water and contaminants from fueling systems, fueling trucks, and fuel storage tanks.

(5) Procedures shall be established for conducting and recording the results of daily water checks made in regard to fueling systems, fueling trucks, and fuel storage tanks.

(6) Fueling facilities shall be as near zero ground potential as possible but not more than 10,000 ohms resistance as determined by proper electrical measuring equipment.

(7) At least one fully charged 50-pound CO_2 fire extinguisher or its equivalent shall be readily available during fueling or defueling operations.

(8) Procedures shall be established to prevent fire hazards as a result of spilled fuel.

(9) Aviation fueling equipment and containers shall be properly marked and color coded to denote the type and grade of fuel.

(10) Procedures shall be established to prevent water and contaminants from entering into the filler openings while servicing the airplane.

(11) Procedures shall be established for the safe servicing of aircraft with methanol, water-fuel injection solutions, and alcohol base deicing solutions, if provided.

(b) *Operating procedures.* (1) During fueling or defueling operations, no aircraft maintenance shall be performed which will provide a source of ignition for fuel or fuel vapors.

(2) If passengers remain aboard an aircraft during fueling or defueling operations, an attendant shall be present in the cabin and the passenger loading steps shall be kept in position. A "No Smoking" sign shall be displayed in the cabin.

(3) Fueling and defueling operations shall be suspended during severe lightning and electrical storms.

(4) Open flames and lighted open flame devices shall be prohibited on the passenger ramps and in other locations within 50 feet of the aircraft being fueled and defueled.

(5) The operator or the pilot in command shall sample the aircraft's fuel sumps after each fueling is completed to insure that there is no water or contamination within the fuel tank.

(6) The operator or the pilot in command shall insure that the aircraft is serviced with the proper type and grade of fuel.

(7) The operator or the pilot in command shall insure that the aircraft is serviced with the proper type and grade of lubricating oil and hydraulic fluid.

AIRMAN AND CREWMEMBER REQUIREMENTS

§ 42.260 Utilization of airman.

(a) No operator shall utilize an individual as an airman unless he holds an appropriate and currently valid airman certificate issued by the Administrator and is otherwise qualified for the particular operation in which he is to be utilized. He shall have appropriate airman and medical certificates in his personal possession while engaged in operations under this part, and shall present the same for examination to any authorized representative of the Administrator upon request.

(b) No individual who has reached his 60th birthday shall be utilized or serve as a pilot on any airplane while engaged in operations under this part.

§ 42.261 Composition of flight crew.

(a) No operator shall operate an aircraft with less than the minimum flight crew specified in the Aircraft Flight Manual approved for such type of aircraft and required by this part for the type of operation being conducted.

(b) Where the provisions of this part require the performance of two or more functions for which an airman certificate is necessary, such requirement shall not be satisfied by the performance of multiple functions at the same time by any airman.

(c) Where the operator is authorized to operate helicopters under instrument conditions, or operate any aircraft of more than 12,500 pounds maximum certificated takeoff weight, the minimum pilot flight crew shall be 2 pilots, one of whom shall be designated by the operator as pilot in command and the other as second in command.

(d) On flights requiring a flight engineer, at least one other flight crewmember shall be sufficiently qualified, so that in the event of illness or other incapacity, emergency coverage can be provided for that function for the safe completion of the flight. A pilot need not hold a flight engineer certificate to function in the capacity of a flight engineer for such emergency coverage.

§ 42.262 Flight navigator; airplanes.

An airman holding a valid flight navigator certificate shall be required for flight over any area, route, or route segment outside the continental limits of the United States (including Alaska) when:

(a) An authorized representative of the Administrator determines that celestial navigation is necessary, or

(b) Other specialized means of navigation necessary to obtain a reliable fix for the safe conduct of the flight cannot be accomplished adequately from the pilot station for a period in excess of one hour: *Provided*, That upon consideration of the following factors a navigator may also be required when such specialized means of navigation are necessary for one hour or less: The speed of the aircraft used by the operator, the normal weather conditions to be encountered, the extent of air traffic control, the amount of traffic congestion, the area of the land at destination, fuel requirements, whether sufficient fuel is carried for return to the point of departure or alternates, and whether flight is predicated upon operation beyond the point-of-no-return.

NOTE: The routes or route segments over which a navigator is required are specified in the operations specifications of the operator.

§ 42.263 Flight engineer; airplanes.

An airman holding a valid flight engineer certificate shall be required on all airplanes certificated for more than 80,000 pounds maximum certificated takeoff weight. Such airman shall also be required on all 4-engine airplanes certificated for more than 30,000 pounds maximum certificated takeoff weight where an authorized representative of the Administrator determines that the design of the airplane used or the type of operation is such as to require engineer personnel for the safe operation of the airplane.

§ 42.265 Flight attendant; airplanes.

(a) Except when authorized under the provisions of paragraph (b) of this section, the operator shall provide at least the following number of flight attendants on airplanes used in passenger operations:

(1) One flight attendant on airplanes having a seating capacity of 10 or more passengers;

(2) Two flight attendants on airplanes having a seating capacity of 45 or more passengers; and

(3) Three flight attendants on airplanes having a seating capacity of more than 100 passengers.

(b) Upon application by the operator, an authorized representative of the Administrator may approve the use of an airplane in a particular operation with a number of flight attendants less than that specified in paragraph (a) of this section. Such approval may be granted if the operator shows that due to the type of operations involved, number of passenger seats, compartments, emergency exits and equipment, or other trained flight crewmembers not on flight deck duty whose services may be used in emergencies, all safety and emergency functions and procedures established in accordance with § 42.267 for the particular type of airplane and operation are capable of being performed adequately with less flight attendants.

NOTE: When an authorized representative of the Administrator approves the use of an airplane with a number of flight attendants less than that specified in paragraph (a) of this section, the number and the particular operation for which such number is approved are specified in the operations specifications of the operator.

§ 42.266 Aircraft dispatcher.

If a dispatch system is used, the operator shall show that an adequate number of qualified dispatchers are located at each dispatch center to insure the proper operational control of each flight.

§ 42.267 Assignment of emergency and evacuation functions for each crewmember; airplanes.

Each operator of airplanes shall assign to each crewmember all necessary functions each such crewmember is to perform in emergencies and in circumstances requiring emergency evacuation. Emergency functions shall be assigned for each type of airplane used by the operator and the operator shall show that functions so assigned are realistic and capable of accomplishment. These functions shall be described in the operator's manual and the operator shall insure that all required crewmembers are given adequate training in the assigned functions in the course of their participation in the approved emergency training program prescribed in § 42.285.

TRAINING PROGRAM

§ 42.280 Establishment of approved program; airplanes.

(a) Each operator of airplanes shall establish a training program sufficient to insure that each crewmember and dispatcher used by the operator is adequately trained to perform the duties to which he is to be assigned. The initial training phases shall be satisfactorily completed prior to serving in operations under this part. The training program shall meet with the approval of an authorized representative of the Administrator.

(b) Each operator shall provide adequate ground and flight training facilities and properly qualified instructors. There also shall be provided a sufficient number of check airmen to conduct the flight checks required by this part. Such check airmen shall hold the same airman certificates and ratings as required for the airman being checked.

(c) The training program for each flight crewmember shall consist of appropriate ground and flight training including proper flight crew coordination and training in emergency procedures. Procedures for each flight crew function shall be standardized to the extent that each flight crewmember will know the functions for which he is responsible and the relation of those functions to those of other flight crewmembers. The initial and recurrent program shall include at least the appropriate requirements specified in §§ 42.281 through 42.285.

(d) The crewmember emergency procedures training program shall include at least the requirements specified in § 42.285.

(e) The appropriate instructor, supervisor, or check airman responsible for the particular training check or flight check shall certify to the proficiency of each crewmember and dispatcher upon completion of his initial and recurrent training, and such certification shall become a part of the individual's record.

§ 42.281 Pilot ground training; airplanes.

(a) Ground training for each pilot prior to serving as a flight crewmember on an airplane shall include instruction in at least the following:

(1) The appropriate provisions of the operator's operations specifications and appropriate provisions of this chapter (Civil Air Regulations) with particular emphasis on the operation and dispatching rules and airplanes operating limitations;

(2) Dispatch procedures and appropriate contents of the manuals;

(3) The duties and responsibilities of crewmembers;

(4) The type of airplane to be flown, including a study of the airplane, engines, all major components and systems, performance limitations, standard and emergency operating procedures, and appropriate contents of the approved Airplane Flight Manual;

(5) The principles and methods of determining weight and balance limitations for takeoff and landing;

(6) Navigation and use of appropriate aids to navigation, including the instrument approach facilities and procedures which the operator is authorized to use;

(7) Airport and airways traffic control systems and procedures, and ground control letdown procedures if pertinent to the operation;

(8) Meteorology sufficient to insure a practical knowledge of the principles of icing, fog, thunderstorms, and frontal systems;

(9) Procedures for operation in turbulent air and during periods of ice, hail, thunderstorms, and other potentially hazardous meterological conditions; and

(10) Communications procedures including procedures to be used in the event any of the communications equipment required by this part becomes inoperative.

(b) The operator shall give each pilot such additional ground training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least once each 12 months, as a part of the training program, recurrent ground training and checks shall be provided to insure the continued proficiency of each pilot with respect to procedures, techniques, and information essential to the satisfactory performance of his duties.

§ 42.282 Pilot flight training; airplanes.

(a) Flight training for each pilot prior to serving as a flight crewmember on an airplane shall include at least takeoffs and landings, during day and night, and normal and emergency flight maneuvers in each type of airplane to be flown by him in operations under this part, and flight under simulated instrument flight conditions. A pilot qualifying to serve as other than pilot in command or second in command shall demonstrate to an authorized representative of the Administrator or to a check pilot his ability to takeoff and land each type of airplane in which he is to serve.

(b) Flight training for a pilot qualifying to serve as pilot in command or as second in command on an airplane in a crew requiring 3 or more pilots shall include flight instruction and practice in at least the maneuvers and procedures specified in subparagraphs (1) and (2) of this paragraph.

(1) In each type of airplane to be flown by him in operations under this part;

(i) At the authorized maximum takeoff weight, takeoff using maximum takeoff power with simulated failure of the critical engine. For transport category airplanes, the simulated engine failure shall be accomplished as closely as possible to the critical engine failure speed (V_1), and climbout shall be accomplished at a speed as close as possible to the takeoff safety speed (V_2). Each pilot shall ascertain the proper values for speeds V_1 and V_2;

(ii) At the authorized maximum landing weight, flight in a 4-engine airplane, where appropriate, with the most critical combinations of 2 engines inoperative, or operating at zero thrust, utilizing appropriate climb speeds as set forth in the Airplane Flight Manual;

(iii) At the authorized maximum landing weight, simulated pullout from the landing and approach configurations accomplished at a safe altitude with the critical engine inoperative or operating at zero thrust;

(iv) Suitable combinations of airplane weight and power less than those specified in subdivisions (i), (ii), and (iii) of this subparagraph may be employed if the performance capabilities of the airplane under the above conditions are simulated.

(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigational facilities and the letdown procedures used in normal operations. If a particular type of facility is not available in the training area, such training may be accomplished in a synthetic trainer.

(c) Flight training for a pilot qualifying to serve as second in command on an airplane in a crew requiring 2 pilots shall include flight instruction and practice in at least the maneuvers and procedures specified in subparagraphs (1) and (2) of this paragraph.

(1) In each type of airplane to be flown by him in operations under this part:

(i) Assigned flight duties as second in command including flight emergencies;

(ii) Taxiing;

(iii) Takeoffs and landings;

(iv) Climbs and climbing turns;

(v) Slow flight;

(vi) Approach to stall;

(vii) Engine shutdown and restart;

(viii) Takeoff and landing with simulated engine failure; and

(ix) Conduct of flight under simulated instrument conditions including instrument approach at least down to circling approach minimums and missed approach procedures.

(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigational facilities and the letdown procedures used in normal operations. Except for those approach procedures for which the lowest minimums are approved, all other letdown procedures may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the operator.

(d) The operator shall give each person serving as pilot of an airplane such additional flight training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least once each 12 months, as a part of the training program, recurrent flight training and checks shall be provided to insure the continued proficiency of each pilot with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Where the check of the pilot in command or second in command requires actual flight, satisfactory completion of the applicable proficiency checks required by § 42.302 or 42.305 will meet the requirements of this section.

§ 42.283 Flight navigator training; airplanes.

(a) The training for flight navigators on airplanes shall include the applicable portions of at least subparagraphs (1) through (4) and (6) through (8) of § 42.281(a).

(b) Prior to serving as a flight crewmember, each flight navigator shall be given sufficient ground and flight training to become proficient in those duties assigned him by the operator. The flight training may be accomplished during flights subject to this part under the supervision of a qualified flight navigator assigned as the navigation crewmember.

(c) The operator shall give each flight navigator such additional ground and flight training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least once each 12 months, as a part of the training program, recurrent ground training and a flight check shall be provided to insure the continued proficiency of each flight navigator with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Such flight check may be accomplished during passenger or cargo flights under the supervision of a qualified navigator, or in a synthetic trainer in lieu of a check in flight.

§ 42.284 Flight engineer training; airplanes.

(a) The training for flight engineers on airplanes shall include at least the instruction specified in § 42.281(a) (1) through (5).

(b) Prior to serving as a flight crewmember, each flight engineer shall be given sufficient training in flight to become proficient in those duties assigned him by the operator. Except for emergency procedures, the flight training may be accomplished during flights subject to this part under the supervision of a qualified flight engineer.

(c) The operator shall give each flight engineer such additional ground and flight training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least once each 12 months, as a part of the training program, recurrent ground training and a flight check shall be provided to insure the continued proficiency of each flight engineer with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Except for emergency procedures, such flight check may be accomplished during flights subject to this part under the supervision of a qualified flight engineer or the entire check may be accomplished in a synthetic trainer in lieu of a check in flight.

§ 42.285 Crewmember emergency training; airplanes.

(a) The training in emergency procedures for airplanes shall be designed to give each crewmember appropriate individual instruction in all emergency procedures, including assignments in the event of an emergency, and proper coordination between crewmembers. At least the following subjects as appropriate to the individual crewmember shall be taught: The procedures to be followed in the event of the failure of an engine, or engines, or other airplane components or systems, emergency decompression, fire in the air or on the ground, ditching, evacuation, the location and operation of all emergency equipment, and power setting for maximum endurance and maximum range.

(b) Recurrent training in the emergency procedures required in paragraph (a) of this section shall be accomplished at intervals not to exceed 12 months. Accomplishment of such training shall be made a part of the individual's record.

(c) Synthetic trainers may be used for training of crewmembers in emergency procedures where the trainers sufficiently simulate flight operating emergency conditions for the equipment to be used.

(d) All crewmembers performing duties on pressurized airplanes operated above 25,000 feet shall, as a part of their approved emergency procedure training, receive instructions by means of lectures and films covering at least: respiration, hypoxia, duration of consciousness at altitude when supplemental oxygen is not supplied, gas expansion, gas bubble formation, physical phenomena and incidents of decompression; and receive actual training and practice in the donning of the oxygen mask and operation of the oxygen equipment. In lieu of the required films, the operator may use any other equivalent means of visual presentation which, after demonstration, meets with the approval of an authorized representative of the Administrator.

§ 42.286 Aircraft dispatcher training.

(a) The training program for aircraft dispatchers shall provide for training in their duties and responsibilities and shall include a study of the flight operation procedures, air traffic control procedures, the performance of the aircraft used by the operator, navigational aids and facilities, and meteorology. Particular emphasis shall be placed upon the procedures to be followed in the event of emergencies, including the alerting of proper Governmental, company, and private agencies to render maximum assistance to an aircraft in distress.

(b) Each aircraft dispatcher, prior to initially performing the duty of an aircraft dispatcher, shall satisfactorily demonstrate to the supervisor or ground instructor authorized to certify to his proficiency, his knowledge of the following subjects:

(1) Contents of the operator's operating certificate;

(2) Appropriate provisions of the operator's operations specifications, manual, and Civil Air Regulations;

(3) Characteristics of the aircraft used by the operator;

(4) Cruise control data and cruising speeds for such aircraft;

(5) Maximum authorized loads for the aircraft for the routes, and airports to be used;

(6) Characteristics and limitations of each type of radio and navigational facility to be used;

(7) Effect of weather conditions on aircraft radio reception;

(8) Airports to be used and the general terrain over which the aircraft are to be flown;

(9) Prevailing weather phenomena;

(10) Sources of weather information available;

(11) Pertinent air traffic control procedures; and

(12) Emergency procedures.

(c) The training program shall provide such additional training as is necessary to insure that each dispatcher is qualified with respect to new equipment procedures or techniques. At least once each 12 months, as a part of the training program, recurrent training and checks shall be provided to insure the continued competence of each dispatcher with respect to the procedures, techniques, and information essential to his duties.

FLIGHT CREWMEMBER AND DISPATCHER QUALIFICATION

§ 42.300 Qualification requirements.

(a) An operator shall not utilize any flight crewmember or dispatcher, nor shall any such airman perform the duties authorized by his airman certificate, unless he satisfactorily meets the appropriate requirements of §§ 42.280 through 42.286 and 42.301, except that in the case of operations involving helicopters he shall meet the appropriate requirements of § 46.280 or § 46.289, and §§ 46.301 through 46.304 of Part 46 of this chapter (Civil Air Regulations). Each pilot serving as pilot in command and each pilot serving as second in command in operations requiring 3 or more pilots shall hold appropriate airline transport pilot certificates and appropriate type ratings for the aircraft in which they serve. All other pilots shall hold at least commercial pilot certificates and instrument ratings.

(b) Check airmen shall certify as to the proficiency of each pilot being examined, as required by §§ 42.302, 42.303, and 42.305 and such certification shall become a part of the individual's record.

§ 42.301 Pilot recent experience; airplanes.

An operator shall not utilize a pilot as pilot in command or second in command of an airplane in operations under this part unless within the preceding 90 days he has made at least 3 takeoffs and 3 landings in the airplane of the particular type on which he is to serve.

§ 42.302 Pilot checks; airplanes.

(a) *Line check.* An operator shall not utilize a pilot as pilot in command of an airplane until he has satisfactorily passed a line check in one of the types of airplanes to be flown by him. Thereafter, he shall not serve as pilot in command unless each 12 months he successfully completes a similar line check. The line check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. This check shall be given by a check pilot who is both qualified on the airplane and on the route. It shall consist of at least one flight over a typical portion of the operator's routes over which the pilot is normally assigned and shall be of sufficient duration for the check pilot to determine whether the individual being checked satisfactorily exercises the duties and responsibilities of a pilot in command.

(b) *Proficiency check.* (1) An operator shall not utilize a pilot as pilot in command of an airplane until he has satisfactorily demonstrated to a check pilot or an authorized representative of the Administrator his ability to pilot and navigate airplanes to be flown by him. Thereafter, he shall not serve as pilot in command unless each 6 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one airplane type, at least every other successive proficiency check shall be given in flight in the larger airplane type.

(2) The pilot proficiency check shall include at least the following:

(i) Equipment examination (oral or written), taxiing, runup, takeoff, climb, climbing turns, steep turns, maneuvers at minimum speeds, approach to stalls, propeller feathering, maneuvers with one or more engine(s) out, rapid descent and pullout, ability to tune radio, orientation, and approach procedures;

(ii) The flight maneuvers specified in § 42.282(b)(1), except that the simulated engine failure during takeoff need not be accomplished at speed V_1, nor at actual or simulated maximum authorized weight; and

(iii) Flight maneuvers approved by an authorized representative of the Administrator accomplished under simulated instrument conditions utilizing the navigational facilities and letdown procedures normally used by the pilot: *Provided,* That maneuvers other than those associated with approach procedures for which the lowest minimums are approved may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the operator.

(3) Subsequent to the initial pilot proficiency check, an approved course of training in an airplane simulator, if satisfactorily completed, may be substituted at alternate 6-month intervals for the proficiency check required by subparagraph (1) of this paragraph. The operator shall show that the flight characteristics, performance, instrument reaction, and control loading of the applicable airplane are accurately simulated in the aircraft simulator through all ranges of normal and emergency operations in accordance with subdivisions (i) through (vii) of this subparagraph.

(i) The simulator shall represent a full-scale mockup of the cockpit interior, including normal flight crew stations and accommodations for the instructor or check airman.

(ii) The effect of changes on the basic forces and moments shall be introduced for all combinations of drag and thrust normally encountered in flight. The effect of changes in airplane attitude, power, drag, altitude, temperature, gross weight, center of gravity location, and configuration shall be included.

(iii) In response to control movement by a flight crewmember, all instrument indications involved in the simulation of the applicable airplane shall be entirely automatic in character unless otherwise specified. The rate of change of simulator instrument readings and of control forces shall correspond to the rate of change which would occur on the applicable airplane under actual flight conditions, for any given change in the applied load on the controls, in the applied power or in airplane configuration. Control forces and degree of actuating control travel shall correspond to that which would occur in the airplane under actual flight conditions.

(iv) Through the medium of instrument indication, it shall be possible to use the simulator for the training and checking of a pilot in the operational use of controls and instruments on the applicable airplane model during the simulated execution of ground operations, takeoff, landing, normal flight, unusual attitudes, navigational problems, and instrument approach procedures. In addition, the simulator shall be designed so that malfunctions of airplane engines, propellers, and primary systems may be presented and corrective action taken by the crew to cope with such emergencies.

(v) Suitable course and altitude recorders shall be included.

(vi) Communication and navigational aids of the applicable airplane shall be simulated for on-the-ground and in-flight operations.

(vii) Other airplane systems and components shall be simulated to the extent found necessary by an authorized representative of the Administrator.

(c) Prior to serving as pilot in command in a particular type of airplane, a pilot shall have accomplished during the preceding 12 months either a proficiency check or a line check in that type of airplane.

§ 42.303 Pilot airport qualification requirements; airplanes.

(a) Except as authorized in paragraph (c) of this section, an operator shall not permit a pilot as pilot in command of an airplane in operations under this part to fly into any airport until he has been qualified in accordance with paragraph (b) of this section and the appropriate instructor or check pilot has so certified in the operator's airman records.

(b) Each such pilot shall by oral or written means demonstrate adequate knowledge concerning the subjects listed below with respect to each airport to be used.

NOTE: Those portions of the demonstration pertaining to holding procedures and instrument approach procedures may be accomplished in a synthetic trainer which contains the radio equipment and instruments necessary to simulate the type of navigational and letdown procedures approved for use by the operator at such airport.

(1) Weather characteristics, all seasons;

(2) Navigational facilities;

(3) Communication procedures;

(4) Type of terrain and obstruction hazards;

(5) Minimum safe flight levels;

(6) Pertinent air traffic control procedures, including terminal area, arrival, departure, and holding and all types of instruments approach procedures; and

(7) Congested areas, obstructions, and physical layout of each airport in the terminal area in which the pilot is to operate.

(c) A pilot in command of an airplane who has not been previously qualified under paragraph (b) of this section, or who has not made an entry at the airport to be used as a member of a flight crew within the preceding 12-month period, may approach and land at such airport only if the reported weather indicates at least a ceiling 200 feet higher and a visibility ½ mile greater than the prescribed landing minimums prescribed for such airport in Part 609 of this title. The ceiling and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport. Sliding scales included in the operator's operations specifications may not be applied to landing minimums by pilots not currently qualified at such airports.

§ 42.304 Maintenance of pilot airport qualifications; airplanes.

To maintain pilot airport qualifications, each pilot being utilized as pilot in command of an airplane, within the preceding 12-month period, shall have made at least one entry as a member of a flight crew into each airport into which he is to operate.

§ 42.305 Proficiency checks; second in command; airplanes.

(a) An operator shall not utilize a pilot as second in command of an airplane until he has satisfactorily demonstrated to a check pilot or an authorized representative of the Administrator his ability to pilot and navigate airplanes to be flown by him and to perform his assigned duties. Thereafter he shall not serve as second in command unless each 12 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one airplane type, at least every other successive proficiency check shall be given in flight in the larger airplane type. The proficiency check shall include at least an oral or written equipment examination, and the procedures and flight maneuvers specified in § 42.282(c). The pilot proficiency check may be demonstrated from either the right or left pilot seat.

(b) The proficiency check for second in command of an airplane crew requiring 3 or more pilots shall be the same as required under § 42.302(b).

(c) Subsequent to the initial pilot proficiency check, an approved course of training in an aircraft simulator which meets the requirements of § 42.302(b)(3), if satisfactorily completed, may be substituted at alternate 12-month intervals for the proficiency checks required by paragraphs (a) and (b) of this section.

(d) Satisfactory completion of the proficiency check in accordance with § 42.302(b) will also meet the requirements of this section.

§ 42.306 Flight navigator qualification for duty; airplanes.

An operator shall not utilize a flight navigator on an airplane unless, within the preceding 12-month period, he has had at least 50 hours of experience as a flight navigator, or until the operator or an authorized representative of the Administrator has checked such flight navigator and determined that he is familiar with all essential current navigational information pertaining to the routes to be flown and is competent with respect to the operating procedures and navigational equipment to be used. This check shall include a check in flight, or in a synthetic trainer which has been found satisfactory for such checks by an authorized representative of the Administrator. Such flight check may be accomplished during flights subject to this part, but the airman being checked shall not be assigned to the airplane as a required member of the flight crew.

§ 42.307 Flight engineer qualification for duty; airplanes.

An operator shall not utilize a flight engineer on an airplane unless, within the preceding 6-month period, he has had at least 50 hours of experience as a flight engineer on the type of airplane on which he is to serve, or until the operator or an authorized representative of the Administrator has checked such flight engineer and determined that he is familiar with all essential current information and operating procedures relating to the type of airplane to which he is to be assigned and is competent with respect to such airplane. This check shall include a check in flight, but such check shall not be accomplished during flights subject to this part: *Provided,* That in the case of a flight engineer who has been previously qualified in the type airplane, the check may be accomplished in a synthetic trainer in lieu of a check in flight.

§ 42.310 Aircraft dispatcher qualification for duty.

(a) Prior to dispatching an aircraft, an aircraft dispatcher shall be familiar, and the operator shall determine that he is familiar, with all essential operating procedures for the entire route to be flown and with the aircraft to be used: *Provided,* That where he is qualified only on a portion of such route, he may dispatch aircraft, but only after coordinating with dispatchers who are qualified for the other portions of the route.

(b) An aircraft dispatcher shall not dispatch aircraft in the area over which he is authorized to exercise dispatch jurisdiction unless within the preceding 12 months he has made at least a one-way qualification trip over the particular area on the flight deck of an aircraft. The trip selected for qualification purposes shall be one which includes entry into as many points as practicable, but it shall not be necessary for the dispatcher to make a flight over each route in the area.

FLIGHT TIME LIMITATIONS; HELICOPTERS

§ 42.315 Flight time limitations; helicopters.

An operator shall not schedule a flight crewmember for duty aloft in operations subject to this part, or in other commercial flying, if his total flight in all commercial flying will exceed the flight time limitations prescribed in § 46.320 of Part 46 of this chapter (Civil Air Regulations).

FLIGHT TIME LIMITATIONS; AIRPLANES

§ 42.317 Pilots.

The following flight time limitations are applicable to all pilots serving on airplanes:

(a) *Individual pilot limitations.* (1) A pilot may be scheduled to fly 8 hours or less during any 24 consecutive hours without a rest period during such 8 hours.

(2) A pilot shall receive 24 hours of rest before being assigned further duty when he has flown in excess of 8 hours during any 24 consecutive hours.

(3) A pilot shall be relieved from all duty for not less than 24 consecutive hours at least once during any 7 consecutive days.

(4) A pilot shall not fly as a crewmember in air carrier service more than 100 hours during any 30 consecutive days.

(5) A pilot shall not fly as a crewmember in air carrier service more than 1,000 hours in any one calendar year.

(6) A pilot shall not do other commercial flying if his total flying time for any specified period will exceed the limits of that period.

(7) Time spent in any deadhead transportation shall in no case be considered as part of a required rest period.

(b) *Airplanes having a crew of two pilots.* (1) A pilot shall not be scheduled to fly in excess of 8 hours during any 24-hour period unless he is given an intervening rest period at or before the termination of 8 scheduled hours of flight duty. Such rest period shall equal at least twice the number of hours flown since the last preceding rest period, and in no case shall such rest period be less than 8 hours. During such rest period the pilot shall be relieved of all duty with the air carrier.

(2) A pilot shall not be on duty for more than 16 hours during any 24 consecutive hours.

(c) *Airplanes having a crew of three pilots.* (1) A pilot shall not be sched-

uled for duty on flight deck in excess of 8 hours in any 24-hour period.

(2) A pilot shall not be scheduled to be aloft for more than 12 hours in any 24-hour period.

(3) A pilot shall not be on duty for more than 18 hours in any 24-hour period.

(d) *Airplanes having a crew of four pilots.* (1) A pilot shall not be scheduled for duty on the flight deck in excess of 8 hours during any 24-hour period.

(2) A pilot shall not be scheduled to be aloft for more than 16 hours in any 24-hour period.

(3) A pilot shall not be on duty for more than 20 hours during any 24-hour period.

§ 42.318 Flight engineer.

The flight time limitations prescribed in § 42.317 (a) and (b) shall apply to an airman serving as a flight engineer, except that when two or more airmen serve as flight engineers in a flight crew containing three or more pilots, the flight time limitations prescribed in § 42.317(d) shall apply in lieu of those in § 42.317(b).

§ 42.319 Overseas and international operations.

The operator may elect to use the flight time limitations of §§ 42.320 through 42.327 for operations conducted:

(a) Between a point in the Continental United States, or the State of Alaska, and any point outside thereof, or

(b) Between any two points outside the Continental United States (includes the State of Alaska), or

(c) Between two points within the State of Alaska or the State of Hawaii.

§ 42.320 General; all airmen.

(a) An airman shall not be aloft, as a member of the flight crew, more than 1,000 hours in any 12-month period.

(b) The time spent in deadhead transportation to or from duty assignment shall not be considered as part of any rest period.

(c) An airman shall not do other commercial flying while employed by an operator if his total flying time will exceed any flight time limitations specified in this part.

§ 42.321 Flight crew of two pilots and additional airmen, as required.

(a) An airman shall not be scheduled to be aloft, as a member of the flight crew, more than 12 hours during any 24 consecutive hours.

(b) When an airman has been aloft, as a member of the flight crew, 20 hours or more during any 48 consecutive hours, or 24 hours or more during any 72 consecutive hours, he must receive at least 18 hours of rest before being assigned to any duty with the operator.

(c) In any case, each airman shall be relieved from all duty with the operator for not less than 24 consecutive hours during any 7 consecutive days.

(d) An airman shall not be aloft, as a member of the flight crew, more than 120 hours in any 30 consecutive days or 300 hours in any 90 consecutive days.

§ 42.322 Flight crew of three or more pilots and additional airmen, as required.

(a) An individual serving as a flight engineer, radio operator, or navigator shall not be scheduled for any duty on the flight deck more than 12 hours during any 24 consecutive hours.

(b) Flight hours shall be scheduled in such a manner as to provide for adequate rest periods on the ground while the airman is away from his principal operations base.

(c) Adequate sleeping quarters on the aircraft shall be provided in all cases where an airman is scheduled to be aloft, as a member of the flight crew, more than 12 hours during any 24 consecutive hours.

(d) An airman, upon return to his operations base from any flight or series of flights, shall receive a rest period of not less than twice the total number of hours aloft, as a member of the flight crew, since the last rest period at his principal operations base before being assigned to any further duty with the operator. When the required rest period exceeds 7 days, that portion of the rest period in excess of 7 days may be given at any time before the airman is again scheduled for flight duty.

(e) An airman shall not be aloft, as a member of the flight crew, more than 350 hours in any 90 consecutive days.

§ 42.323 Pilots serving in more than one type of flight crew.

(a) A pilot who is assigned to duty aloft for more than 20 hours in two-pilot crews in 30 consecutive days, or whose assignment is interrupted more than once in any 30 consecutive days by assignment to a crew consisting of two or more pilots and an additional crewmember, shall be governed by the provisions of § 42.317.

(b) Except for a pilot coming within the provisions of paragraph (a) of this section, a pilot who is assigned to duty aloft for more than 20 hours in two-pilot and additional crewmember crews in 30 consecutive days, or whose assignment in such crews is interrupted more than once in any 30 consecutive days by assignment to a crew consisting of three pilots and an additional flight crewmember, shall be governed by the provisions of § 42.321.

(c) A pilot to whom the provisions of paragraphs (a) and (b) of this section are not applicable, who is assigned duty aloft for a total of 20 hours or less within 30 consecutive days in two-pilot crews with or without additional flight crewmembers, shall be governed by the provisions of § 42.322.

(d) A pilot assigned to each of two-pilot, two-pilot and additional flight crewmember, and three-pilot and additional flight crewmember crews in 30 consecutive days shall be governed by the provisions of § 42.322.

DUTY TIME LIMITATIONS; AIRCRAFT DISPATCHER

§ 42.340 Aircraft dispatcher daily duty time limitations.

(a) The daily duty period for an aircraft dispatcher shall commence at such time as will permit him to become throughly familiar with existing and anticipated weather conditions along the route prior to the dispatch of any aircraft. He shall remain on duty until all aircraft dispatched by him have completed their flights, or have proceeded beyond his jurisdiction, or until he is relieved by another qualified aircraft dispatcher.

(b) The rules in subparagraphs (1) through (3) of this paragraph will govern the hours of duty for an aircraft dispatcher, except where circumstances or emergency conditions beyond the control of the operator require otherwise.

(1) *Maximum consecutive hours of duty.* No dispatcher shall be scheduled for duty as such for a period of more than 10 consecutive hours.

(2) *Maximum scheduled hours of duty in 24 consecutive hours.* If a dispatcher is scheduled for duty as such for more than 10 hours in a period of 24 hours, he shall be given a rest period of not less than 8 hours at or before the termination of 10 hours of dispatcher duty.

(3) *Dispatcher's time off.* Each aircraft dispatcher shall be relieved from all duty with the operator for a period of at least 24 consecutive hours during any 7 consecutive days or the equivalent thereof within any one month.

(c) At duty stations outside the continental limits of the United States (including Alaska), when authorized by an authorized representative of the Administrator, a dispatcher may be scheduled for duty for a period of more than 10 consecutive hours in a 24-hour period: *Provided*, That a dispatcher so scheduled shall be relieved from all duty with the operator for a period of at least 8 hours during each 24-hour period.

FLIGHT OPERATIONS

§ 42.350 Operational control: flight following system.

If an operation subject to this part is conducted with an approved flight following service:

(a) The operator shall be responsible for operational control;

(b) The pilot in command, and those members of the management personnel designated by the operator and specified in the operations manual, shall be jointly responsible for the release, continuation and diversion, or termination of a flight;

(c) The members of the management personnel designated by the operator and specified in the operations manual shall be responsible for such monitoring of the progress of each flight as may be necessary for its continued safety, and its cancellation, diversion, or delay if, in their opinion or in the opinion of the pilot in command, the flight cannot operate or continue to operate safely as planned or released; and

(d) The pilot in command shall be responsble for the preflight planning and the operation of the flight in compliance with the applicable Civil Air Regulations and operations specifications.

§ 42.351 Operational control; dispatch system.

The operator shall be responsible for operational control.

(a) *Joint responsibility of aircraft dispatcher and pilot in command.* The pilot in command, and the aircraft dispatcher, if utilized, shall be jointly responsible for the preflight planning, delay, and dispatch release of the flight in compliance with the applicable Civil Air Regulations and operations specifications.

(b) *Responsibility of dispatcher.* The aircraft dispatcher shall be responsible:

(1) For monitoring the progress of each flight and the issuance of information necessary for continued safety of the flight; and

(2) For the cancellation or redispatch of a flight if, in his opinion or in the opinion of the pilot in command, the flight cannot operate or continue to operate safely as planned or released.

§ 42.352 Responsibility of pilots.

(a) The pilot in command shall during flight time be in command of the aircraft and crew and shall be responsible for the safety of the passengers, crewmembers, cargo, and aircraft.

(b) No pilot shall operate an aircraft in a careless or reckless manner so as to endanger life or property.

NOTE: Paragraph (a) of this section confers on the pilot in command, with respect to matters concerning the operation of the aircraft, full control and authority without limitation over all other crewmembers and their duties during flight time, whether or not he holds valid certificates authorizing him to perform the duties and functions of such crewmembers.

§ 42.353 Operations notices.

Each operator shall notify the appropriate operations personnel promptly of all changes in equipment and operating procedures, including known changes in the use of navigational aids, airports, air traffic control procedures and regulations, local airport traffic control rules, and of all known hazards to flight, including icing and other potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.

§ 42.354 Flight crewmembers at controls.

All required flight crewmembers when on flight deck duty shall remain at their respective stations while the aircraft is taking off or landing, and while en route except when the absence of one such flight crewmember is necessary for the performance of his duties in connection with the operation of the aircraft. All flight crewmembers shall keep their seat belts fastened when at their respective stations.

§ 42.355 Manipulation of controls.

No person other than a qualified pilot of the operator shall manipulate the flight controls during flight, except that any one of the following persons may, with the permission of the pilot in command, manipulate such controls:

(a) Authorizing pilot safety representatives of the Administrator or the Board who are qualified on the aircraft and are engaged in checking flight operations; or

(b) Pilot personnel of another operator properly qualified on the aircraft and authorized by the operator of the aircraft.

§ 42.356 Admission to flight deck.

No person, other than a crewmember, may be admitted to the flight deck of an aircraft except those authorized in paragraphs (a) and (b) of this section. (For the purpose of this section, the term "flight deck" when applied to an airplane means all of the area forward of the door or window required by Parts 4a and 4b of this chapter (Civil Air Regulations) to be located between the pilot compartment and the passenger compartment.)

(a) FAA air carrier inspectors and authorized representatives of the Board while in the performance of official duties shall be admitted to the flight deck.

NOTE: Nothing contained in this paragraph shall be construed as limiting the emergency authority of the pilot in command to exclude any person from the flight deck in the interest of safety.

(b) The persons listed below may be admitted to the flight deck when authorized by the pilot in command:

(1) An employee of the Federal Government or of another operator or other aeronautical enterprise whose duties are such that his presence on the flight deck is necessary or advantageous to the conduct of safe operations; or

NOTE: Federal employees who deal responsibly with matters relating to air carrier safety and such employees of the operator as pilots, dispatchers, and mechanics whose efficiency would be increased by familiarity with flight conditions may be considered eligible under this requirement. Employees of traffic, sales, and other departments of the operator not directly related to flight operations cannot be considered eligible unless authorized under subparagraph (2) of this paragraph.

(2) Any other person specifically authorized by the management personnel of the operator and an authorized representative of the Administrator.

(c) All persons admitted to the flight deck shall have seats available for their use in the passenger compartment except:

(1) FAA air carrier inspectors or other authorized representatives of the Administrator or the Board engaged in checking or observing flight operations;

(2) Air traffic controllers who have been authorized by an authorized representative of the Administrator to observe ATC procedures;

(3) Certificated airmen of the operator whose duties with the operator require an airman certificate;

(4) Certificated airmen of another operator whose duties with such operator require an airman certificate and who have been authorized by the operator concerned to make specific trips over the route;

(5) Employees of the operator whose functions are directly related to the conduct or planning of flight operations or the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and only when specifically authorized in writing by a responsible supervisor in the operations department of the operator, who is listed in the Operations Manual as having such authority; and

(6) Technical representatives of the manufacturer of the aircraft or its components whose functions are directly related to the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and only when specifically authorized in writing by an authorized representative of the Administrator and by a responsible supervisor in the operations department of the operator, who is listed in the Operations Manual as having such authority.

§ 42.357 Flying equipment.

(a) *Charts.* The pilot in command shall insure that appropriate aeronautical charts containing adequate information concerning navigational aids and instrument approach procedures are aboard the airplane for each flight.

(b) *Flashlights.* Each crewmember shall have in his possession on each flight a flashlight in good working order.

§ 42.358 Restriction or suspension of operation.

When conditions known to the operator or pilot in command exist which constitute a hazard to the conduct of safe operations, including airport and runway conditions, the operator or pilot in command shall restrict or suspend operations until such hazardous conditions are corrected.

§ 42.359 Use of cockpit check procedure.

The cockpit check procedure required by § 42.176 shall be used by the flight crew.

§ 42.360 Emergency decisions.

(a) In emergency situations which require immediate decision and action, the pilot in command may follow any course of action which he considers necessary under the circumstances. In such instances, the pilot in command, to the extent required in the interest of safety, may deviate from prescribed operations procedures and methods, weather minimums, and the Civil Air Regulations.

(b) If an emergency situation arises during the course of a flight which requires immediate decision and action on the part of the aircraft dispatcher, or the management personnel in the case of operations conducted with a flight following service, and which is known to them, they shall advise the pilot in command of such situation. The aircraft dispatcher or the management personnel shall ascertain the decision of the pilot in command and shall cause the same to be made a matter of record. If unable to communicate with the pilot, the dispatcher or management personnel shall declare an emergency and follow any

course of action they consider necessary under the circumstances.

(c) When emergency authority is exercised, the appropriate ground radio station shall be kept fully informed regarding progress of the flight, and within the 10 days after the completion of the particular flight or upon return to the home base from operations outside the United States, a written report of any deviation shall be submitted by the individual declaring the emergency to an authorized representative of the Administrator through the director of operations.

§ 42.361 Reporting potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.

When any meteorological condition or irregularity of ground or navigational facilities is encountered in flight, the knowledge of which the pilot in command considers essential to the safety of other flights, he shall notify an appropriate FAA communications station or a ground radio station as soon as practicable. Any information pertaining to irregularities of ground and navigational facilities received by an operator shall be reported to the authority directly responsible for the operation of the particular facility involved.

§ 42.362 Reporting mechanical irregularities.

The pilot in command shall enter or cause to be entered in the maintenance log of the aircraft all mechanical irregularities encountered during flight time. He shall, prior to each flight, ascertain the status of any irregularities entered in the log at the end of the last preceding flight.

§ 42.363 Engine failure or precautionary stoppage; airplanes.

(a) Except as provided in paragraph (b) of this section, when one engine of an airplane fails or where the rotation of an engine of an airplane is stopped in flight as a precautionary measure to prevent possible damage, a landing shall be made at the nearest suitable airport in point of time where a safe landing can be effected.

(b) The pilot in command of an airplane having 4 or more engines may, if not more than one engine fails or the rotation thereof is stopped, proceed to an airport of his selection if, upon consideration of the following factors, he determines such action to be as safe a course of action as landing at the nearest suitable airport:

(1) The nature of the malfunctioning and the possible mechanical difficulties which may be encountered if flight is continued;

(2) The altitudes, airplane weight, and usable fuel at the time of engine stoppage;

(3) The weather conditions en route and at possible landing points;

(4) The air traffic congestion;

(5) The type of terrain; and

(6) The familiarity of the pilot with the airport to be used.

(c) When engine rotation is stopped in flight, the pilot in command of the airplane shall notify the proper ground radio station as soon as practicable and shall keep such station fully informed regarding the progress of the flight.

(d) In cases where the pilot in command of an airplane selects an airport other than the nearest suitable airport in point of time, he shall, upon completion of the trip, submit a written report, in duplicate, to his director of operations setting forth his reasons for determining that the selection of an airport other than the nearest was as safe a course of action as landing at the nearest suitable airport. The operator shall, within 10 days after the pilot's return to his home base, furnish a copy of this report with the comments of the appropriate management personnel thereon to an authorized representative of the Administrator.

§ 42.364 Instrument approach and IFR landing procedures; airplanes.

No instrument approach or IFR landing of an airplane shall be conducted at an airport except in accordance with the IFR weather minimums and instrument approach procedures specified in the operator's operations specifications.

§ 42.370 Briefing of passengers; airplanes.

(a) Prior to each takeoff, an operator engaged in passenger-carrying operations with an airplane shall insure that all passengers carried on the airplane are briefed orally concerning smoking, use of seat belts, location of the emergency exits, and the emergency evacuation procedures to be used in the event emergency evacuation of the airplane becomes necessary.

(b) Each operator engaged in extended overwater operations with an airplane shall insure that all passengers are briefed orally concerning the location and method of operation of life vests and emergency exits and the location of liferafts. The procedure to be followed in presenting this briefing shall be described in the operator's manual. Such a briefing shall include a demonstration of the method of donning and inflating a life vest. Where the airplane proceeds directly over water after takeoff, the briefing on location of the life vests shall be accomplished prior to takeoff, and the remainder of the briefing shall be accomplished as soon thereafter as practicable. Where the airplane does not proceed directly over water after takeoff, no part of the briefing need be accomplished prior to takeoff but the entire briefing shall be accomplished prior to reaching the overwater portion of the flight. (See § 42.203–T for passenger briefing requirements regarding oxygen equipment.)

§ 42.371 Drinking and serving of alcoholic beverages.

(a) No person shall drink any alcoholic beverage aboard an aircraft operated under the provisions of this part unless such beverage has been served to him by the operator of the aircraft.

(b) No operator shall serve any alcoholic beverage to any person aboard its aircraft if such person appears to be intoxicated.

(c) No operator shall permit any person to board its aircraft if such person appears to be intoxicated.

(d) An operator shall report to the Administrator within 5 days any incident in which a person aboard its aircraft refuses to comply with paragraph (a) of this section, or any disturbance caused by a person who appears to be intoxicated while aboard its aircraft.

§ 42.372 Minimum altitudes for use of automatic pilot; airplanes.

(a) *En route operations.* Except as provided in paragraph (b) of this section, an automatic pilot on an airplane may only be used during en route flight operations, including climb or descent, at an altitude above the terrain not less than twice the maximum altitude loss established for the automatic pilot malfunction in the particular airplane under cruise conditions as specified in the Airplane Flight Manual for the airplane involved, or 500 feet, whichever is higher.

(b) *Approaches.* Except as provided in subparagraph (1) of this section, when using an instrument approach facility, an automatic pilot on an airplane may remain engaged down to an altitude above the terrain not less than twice the maximum altitude loss established for the automatic pilot in the particular airplane under approach conditions as specified in the Airplane Flight Manual for the airplane involved, or not less than 50 feet below the minimum ceiling approved for the facility being used, whichever is higher.

(1) *ILS approaches utilizing an approach coupler*—(i) *Under instrument flight rule weather conditions.* When the reported weather conditions are less than the basic weather conditions specified in § 60.30 of this chapter (Civil Air Regulations), an automatic pilot utilizing an approach coupler may remain engaged for ILS approaches down to an altitude above the terrain not less than 50 feet higher than the maximum altitude loss established for the automatic pilot and approach coupler in the particular airplane under approach conditions, as specified in the Airplane Flight Manual for the airplane involved.

(ii) *Under visual flight rule weather conditions.* When reported weather conditions are equal to or better than the basic VFR minimums specified in § 60.30 of this chapter (Civil Air Regulations), an automatic pilot utilizing an approach coupler may remain engaged for ILS approaches down to an altitude above the terrain not less than the maximum altitude loss established for the automatic pilot and approach coupler in the particular airplane under approach conditions as specified in the Airplane Flight Manual for the airplane involved, or 50 feet, whichever is higher.

DISPATCHING AND FLIGHT RELEASE RULES

§ 42.381 Necessity for dispatching and flight release authority; airplanes.

(a) *Flight release.* No flight shall be started unless a flight release for the flight has been executed in accordance with the provisions of § 42.503.

(b) *Dispatch authority.* If the operator uses a dispatch system a flight shall not be started without specific authority from an aircraft dispatcher. No flight may be continued from an intermediate airport without redispatch if it has remained on the ground in excess of 6 hours.

(c) *Operations without dispatchers.* No flight shall be started without specific authority from the appropriate member of the operations management. When a flight originates at a location other than the operator's main base of operations the flight release form shall be mailed to such base prior to departure and retained in the operator's records as required by § 42.505. No flight shall be continued from an intermediate point without a new flight release if it has remained on the ground in excess of 6 hours.

§ 42.382 Familiarity with weather conditions; airplanes.

No dispatcher shall release a flight nor shall a pilot in command commence a flight unless he is thoroughly familiar with existing and anticipated weather conditions along the route to be flown.

§ 42.383 Facilities and services; airplanes.

The dispatcher shall furnish to the pilot in command or, if the operator does not use a dispatch system, the pilot in command shall obtain prior to flight, all available current reports or information pertaining to irregularities of navigational facilities and airport conditions which may affect the safety of the flight; and while en route, any additional available information concerning meteorological conditions and irregularities of facilities and services which may affect the safety of the flight.

§ 42.384 Airplane equipment required for dispatch or flight release.

No airplane shall be dispatched or released for operation unless it is airworthy and equipped in accordance with the provisions of § 42.170.

§ 42.385 Airplane communications and navigational facilities required for dispatch or flight release.

No airplane shall be dispatched or released for flight over any route or route segment unless communications and navigational facilities equivalent to those required by § 42.36 are in satisfactory operating condition.

§ 42.386 Airplane dispatching or flight release under VFR.

No airplane shall be dispatched or released for operation under VFR unless the appropriate weather reports or forecasts, or a combination thereof, indicate that the ceilings and visibilities along the route to be flown are, and will remain, at or above the minimums required for flight under VFR until the flight arrives at the airport or airports of intended landing specified in the dispatch or flight release.

§ 42.387 Dispatching or flight release under IFR, over-the-top, or over-water; airplanes.

(a) No airplane shall be dispatched or released for operation under IFR or over-the-top unless the appropriate weather reports or forecasts, or a combination thereof, pertaining to the airport or airports to which dispatched or released indicate that the ceilings and visibilities at such airports will be at or above the authorized minimums at the estimated time of arrival thereat: *Provided,* That, for flights involving extended overwater operations, airplanes may be dispatched or released for flight if the appropriate weather reports or forecasts, or a combination thereof, pertaining to the airport or airports to which dispatched or released, or to any required alternate therefor, indicate that the ceilings and visibilities at such airports will be at or above the authorized minimums at the estimated time of arrival thereat.

(b) Extended overwater operations with airplanes shall be conducted at all times in accordance with the IFR requirements of this part except where the operator shows that such requirements are not necessary from a safety standpoint. Other overwater operations shall also be conducted at all times in compliance with the IFR requirements of this part whenever an authorized representative of the Administrator determines such compliance to be necessary in the interest of safety.

NOTE: Whenever extended overwater operations are authorized under VFR, or other overwater operations are required to be conducted under IFR, such authorization or quirement will be specified in the operations specifications of the operator.

§ 42.388 Alternate airport for departure; airplanes.

(a) If the weather conditions at the airport of takeoff are below the landing minimums specified in the operator's operations specifications for that airport, no airplane shall be dispatched or released for flight from that airport unless an alternate airport located within the following distances from the airport of takeoff is specified in the dispatch or flight release:

(1) *Airplanes having 2 or 3 engines.* Alternate airport located at a distance no greater than one hour flying time in still air at normal cruising speed with one engine inoperative; and

(2) *Airplanes having 4 or more engines.* Alternate airport located at a distance no greater than 2 hours of flying time in still air at normal cruising speed with one engine inoperative.

(b) The alternate airport weather conditions shall meet the requirements specified in the operator's operations specifications.

(c) All required alternate airports shall be listed in the dispatch or flight release.

§ 42.389 Alternate airport for destination; IFR or over-the-top; airplanes.

(a) For all IFR or over-the-top operations with airplanes there shall be at least one alternate airport designated in the dispatch or flight release for each airport of destination, except as provided in subparagraphs (1) and (2) of this paragraph.

(1) If the operator uses a dispatching system, no alternate need be provided for flights scheduled for no more than 6 hours when, for the period 2 hours before to 2 hours after the estimated time of arrival, the ceiling at the airport to which the flight is dispatched or released is forecast to be at least 1,000 feet above the minimum initial approach altitude applicable to such airport and the visibility at such airport is forecast to be at least 3 miles.

(2) For flights outside the continental United States (excluding Alaska) over routes without an available alternate airport for a particular airport of destination, an alternate airport need not be designated, but the airplane shall carry sufficient fuel to meet the requirements of § 42.396.

(b) The alternate airport weather requirements for airplanes shall be those specified in the operator's operations specifications.

(c) All required alternate airports shall be listed in the dispatch or flight release.

§ 42.390 Alternate airport weather minimums; airplanes.

An airport shall not be specified in the dispatch or flight release as an alternate airport unless the appropriate weather reports or forecasts, or a combination thereof, indicate that the ceilings and visibilities will be at or above the alternate minimums specified in the operator's operations specifications for such airport when the flight shall arrive thereat.

§ 42.391 Continuance of flight; flight hazards; airplanes.

(a) No airplane shall be continued in flight toward any airport to which it has been dispatched or released when, in the opinion of the pilot in command, or the aircraft dispatcher (when a dispatching system is used), flight to that airport cannot be completed with safety, unless in the opinion of the pilot in command there is no safer procedure. In the latter event, continuation shall constitute an emergency situation as set forth in § 42.360.

(b) If any instrument or item of equipment required for an airplane pursuant to the requirements of this chapter (Civil Air Regulations) for the particular operation being conducted becomes inoperative en route, the pilot in command shall comply with the approved procedures specified in the operator's manual for such occurrences.

§ 42.392 Operation in icing conditions; airplanes.

(a) No airplane shall be dispatched or released for flight, en route operations continued, or landing made when, in the opinion of the pilot in command, or aircraft dispatcher (when a dispatching system is used), icing conditions are expected or encountered which might adversely affect the safety of the flight.

(b) No airplane shall takeoff when frost, snow, or ice is adhering to the wings, control surfaces, or propellers of the airplane.

§ 42.393 Original dispatch or flight release, redispatch, and amendment of dispatch or flight release; airplanes.

(a) Any airport which meets the requirements of the applicable regulations

for the type of airplane to be operated may be specified as the airport of destination for the purpose of original dispatch or flight release.

(b) An airport specified as an airport of destination or an alternate therefor may be changed en route to another airport which is safe for the type of airplane being operated, provided that the appropriate requirements of §§ 42.382 through 42.409 and § 42.70 or 42.90 are met at the time of redispatch or amendment of the flight release.

(c) No flight of an airplane shall be continued to the airport of destination to which it has been dispatched or released unless the weather conditions at an alternate airport specified in the dispatch or flight release are forecast to be at or above minimums specified in the operator's operations specifications for such airport when the flight shall arrive thereat: *Provided*, That the dispatch or flight release may be amended en route to include any approved alternate airport lying within the fuel range of the airplane as specified in §§ 42.396 and 42.397.

(d) When such dispatch or flight release is amended while the airplane is en route, such amendment shall be made a matter of record.

§ 42.396 Fuel supply for all operations; airplanes.

(a) *Reciprocating-engine and turbopropeller-powered airplanes.* (1) No airplane shall be dispatched or released for flight unless it carries sufficient fuel, considering the wind and other weather conditions expected, to comply with the following:

(i) To fly to and land at the airport to which it is dispatched or released, and thereafter;

(ii) To fly to and land at the most distant alternate airport designated in the dispatch or flight release, and thereafter;

(iii) To fly for a period of at least 45 minutes at normal cruising consumption, except that, if the airplane is dispatched or released to an airport outside the continental United States (excluding Alaska), it shall carry at least 30 minutes plus 10 percent of the total time required to fly at normal cruising consumption to the airports specified in subdivisions (i) and (ii) of this subparagraph or to fly for 90 minutes at normal cruising consumption, whichever is lesser.

(2) No airplane shall be dispatched or released for flight to an airport for which an alternate is not designated under § 42.389(a)(2), unless it carries sufficient fuel, considering wind and other weather conditions expected, to fly to that airport and thereafter to fly for at least 3 hours at normal cruising consumption.

(b) *Turbine-powered airplanes.* (1) A turbine-powered airplane (exclusive of turbopropeller-powered airplanes) may be dispatched or released for flight or take off only if it carries sufficient fuel, considering the wind and other weather conditions expected, to comply with the requirements of paragraph (a) of this section. For operations outside the continental United States (and within Alaska), the airplane shall carry sufficient fuel:

(i) To fly to and land at the airport to which it is dispatched or released, and thereafter;

(ii) To fly for a period equal to 10 percent of the total time required to fly from the airport of departure to the airport to which it is dispatched or released, and land at such airport; and thereafter;

(iii) To fly to and land at the most distant alternate airport designated in the dispatch or flight release, where such alternate is required, and thereafter;

(iv) To fly for a period of 30 minutes at holding speed at 1,500 feet above the alternate airport elevation under standard temperature conditions.

(2) No airplane shall be dispatched or released to an airport for which an alternate is not designated under § 42.389(a)(2), unless it carries sufficient fuel, considering wind and other weather conditions expected, to fly to that airport and thereafter to fly for at least 2 hours at normal cruising consumption.

(3) An authorized representative of the Administrator may amend the operations specifications of the operator to require fuel in excess of any of the minimums specified in this paragraph if he finds that additional fuel is necessary on a particular route in the interest of safety.

(c) *Additional airplane fuel requirements; all operations.* If the operator does not use a dispatch system in the conduct of the flights specified in paragraphs (a) and (b) of this section, a 5 percent increase in the fuel requirements specified in those paragraphs is required.

§ 42.397 Factors involved in computing fuel required; airplanes.

In computing the fuel required for an airplane, consideration shall be given to the wind and other weather conditions forecast, traffic delays anticipated, an instrument approach and possible missed approach at destination, and any other conditions which might delay the landing of the airplane. Required fuel shall be additional to unusable fuel.

§ 42.405 Airplane takeoff and landing weather minimums; VFR.

Irrespective of any clearance which may be obtained from air traffic control, no pilot shall take off or land an airplane under VFR when the reported ceiling or ground visibility is less than specified in paragraphs (a) and (b) of this section.

(a) For day operations: 1,000-foot ceiling and one-mile visibility,

(b) For night operations: 1,000-foot ceiling and two-mile visibility: *Provided*, That, where a local surface restriction to visibility exists, such as smoke, dust, or blowing snow or sand, the visibility for night operations may be reduced to one mile, if all turns after takeoff and prior to landing and all flight beyond a mile from the airport boundary can be accomplished above or outside the area so restricted.

§ 42.406 Airplane takeoff and landing weather minimums; IFR.

(a) Irrespective of any clearance which may be obtained from air traffic control, no pilot shall:

(1) Take off an airplane under IFR when the reported ceiling or ground visibility is less than that specified in Part 609 of the Regulations of the Administrator or the operator's operations specifications for the particular airport, or

(2) Except as provided in paragraphs (c) and (d) of this section, land an airplane under IFR when the reported ceiling or ground visibility is less than that specified in Part 609 of the Regulations of the Administrator or the operator's operations specifications for the particular airport.

(b) Except as provided in paragraphs (c) and (d) of this section, no instrument approach procedure shall be executed when the latest reported ceiling or visibility is less than the landing minimum specified in Part 609 of the Regulations of the Administrator or the operator's operations specifications for the particular airport.

(c) If an instrument approach procedure is initiated when the latest weather report indicates that the specified ceiling and visibility minimums exist and a later weather report indicating below minimum conditions is received after the airplane (1) is on an ILS final approach and has passed the outer marker, or (2) is on a final approach using a radio range station or comparable facility and has passed the appropriate facility and has reached the authorized landing minimum altitude, or (3) is on PAR final approach and has been turned over to the final approach controller, such ILS, Range, or PAR approach may be continued and a landing may be made, provided the pilot in command upon reaching the authorized landing minimum altitude finds that actual weather conditions are equal to or better than the minimums specified in the operations specifications.

(d) In addition to the increased ceiling visibility requirements prescribed in § 42.303(c), the ceiling and visibility landing minimums prescribed in the operator's operations specifications for airports shall be increased by 100 feet ceiling and ½ mile visibility whenever the pilot in command has not served 100 hours as pilot in command in operations conducted under this part, or Part 40 or 41, in the particular type of airplane being operated by him. The ceiling and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport.

§ 42.407 Applicability of reported weather minimums; airplanes.

In the conduct of operations subject to §§ 42.405 and 42.406, the ceiling and visibility values contained in the main body of the latest weather report shall be the controlling criteria for VFR and IFR takeoffs and landings and for instrument approach procedures on all runways of an airport; except that when the latest weather report, including an

oral report from the control tower, contains a visibility value specified as runway visibility for a particular runway of an airport, such specified value shall be controlling for VFR and IFR landings and takeoffs and straight-in instrument approaches for such runway.

§ 42.408 Airplane flight altitude rules.

Notwithstanding the provisions of § 60.17 of Part 60 of this chapter (Civil Air Regulations) or other rules applicable outside of the United States, no airplane, except when necessary for takeoff and landing, shall be operated below the minimums prescribed in paragraphs (a) and (b) of this section: *Provided*, That the authorized representative of the Administrator may prescribe other minimum en route altitudes for any route or portion thereof where he finds, after considering the character of the terrain being traversed, the quality and quantity of meteorological service, the navigational facilities available, and other flight conditions, that the safe conduct of flight requires such other altitudes.

NOTE: Minimum en route altitudes (MEA's) prescribed by the Administrator for particular routes within the United States are set forth in Part 610 of the Regulations of the Administrator. That part also contains the mountainous terrain designated by the Administrator. Outside of the United States the minimums prescribed in paragraphs (a) and (b) of this section will govern unless higher minimums are prescribed in the operator's operations specifications or by the foreign country over which the airplane is being operated.

(a) *Day VFR operations.* No airplane shall be flown at an altitude less than 1,000 feet above the surface or less than 1,000 feet from any mountain, hill, or other obstruction to flight.

(b) *Night VFR or IFR operations including over-the-top.* No airplane shall be flown at an altitude less than 1,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown or, in mountainous terrain designated by the Administrator, 2,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown: *Provided*, That in VFR operations at night in such mountainous areas airplanes may be flown over an approved lighted airway at a minimum altitude of 1,000 feet above such obstacle: *And provided further*, That adherence to a flight altitude will not be required during the time a flight is proceeding in accordance with paragraph (c) of this section.

(c) *Daytime over-the-top operations below minimum en route altitudes.* Over-the-top operations with airplanes may be conducted at flight altitudes lower than the minimum en route IFR altitudes by day only and in accordance with the following provisions:

(1) Such operations shall be conducted at least 1,000 feet above the top of lower broken or overcast cloud cover;

(2) The top of the lower cloud cover shall be generally uniform and level;

(3) Flight visibility shall be at least 5 miles; and

(4) The base of any higher broken or overcast cloud cover shall be generally uniform and level and shall be at least 1,000 feet above the minimum en route IFR altitude for the route segment.

§ 42.409 Altitude maintenance on initial approach; airplanes.

(a) When making an initial approach to a radio navigational facility under IFR (excluding over-the-top conducted in accordance with the provisions of § 42.408(c)), an airplane shall not descend below the pertinent minimum altitude for initial approach specified by the Administrator for such facility until arrival over the radio facility has been definitely established.

(b) When making an initial approach on a flight being conducted in accordance with the provisions of § 42.408(c), a pilot shall not commence an instrument approach until arrival over the radio facility has definitely been established. In executing an instrument approach procedure under such circumstances, the airplane shall not be flown at an altitude lower than 1,000 feet above the top of the lower cloud cover or the minimum altitude specified by the Administrator for that portion of the instrument approach procedure being flown, whichever is the lower.

§ 42.410 Preparation of dispatch and flight release and flight plan; airplanes.

A dispatch or flight release shall be prepared for each flight between specified points. This release shall be signed by the pilot in command and, when the operator has an approved dispatch organization, it shall also be signed by the authorized aircraft dispatcher when it is believed the flight can be made with safety. The aircraft dispatcher may delegate authority to sign such release for a particular flight, but he shall not delegate the authority to dispatch.

§ 42.411 Preparation of load manifest; airplanes.

The operator shall be responsible for the preparation and accuracy of a load manifest form prior to each takeoff. This form shall be prepared by personnel of the operator charged with the duty of supervising the loading of airplanes and the preparation of load manifest forms or by other qualified persons authorized by the operator.

§ 42.412 VFR and IFR flight plan; airplanes.

No airplane shall be taken off unless a VFR or IFR flight plan containing the appropriate information required by Part 60 of this chapter (Civil Air Regulations) is filed by the pilot in command with the nearest FAA communications station, or appropriate military station, or when outside the United States, with the appropriate authority. In the event communications facilities are not readily available, such flight plan shall be filed as soon as practicable after becoming airborne. An IFR or VFR flight plan must thereafter be in effect for all portions of the flight.

(c) When an operator's flights are operated into military airports, the arrival or completion notice required by § 60.20 of Part 60 of this chapter (Civil Air Regulations) may be filed with the appropriate airport control tower or aeronautical communication facility utilized for such airport.

REQUIRED RECORDS AND REPORTS

§ 42.501 Crewmember and dispatcher records; airplanes.

Each operator of airplanes shall maintain current records of every crewmember and aircraft dispatcher at its principal operations base or at such other location used by the operator as an authorized representative of the Administrator may approve. These records shall contain such information concerning the qualifications of each such crewmember and dispatcher as is necessary to show compliance with the appropriate requirements of this chapter (Civil Air Regulations); e.g., proficiency and line checks, airplane qualifications, training, physical examinations, and flight time records. The termination or other action taken in regard to any flight crewmember or aircraft dispatcher released from the employ of the operator, or who becomes physically or professionally disqualified, shall be indicated in these records which shall be retained by the operator for at least 6 months.

§ 42.502 List of aircraft.

Each aircraft shall meet the requirements of § 42.60 and be listed in the operations specifications of the operator as required by that section.

§ 42.503 Dispatch or flight release form; airplanes.

(a) The airplane dispatch or flight release may be any form but shall contain at least the following information with respect to each flight:

(1) Company or organization name;

(2) Make, model, and registration number of the airplane to be used;

(3) Flight or trip number, and date of flight;

(4) Name of each flight crewmember, flight attendant, and pilot designated as pilot in command;

(5) Airport of departure, airport or airports of destination and alternates therefor, and route;

(6) Minimum fuel supply in gallons or pounds; and

(7) Type of operation; e.g., IFR, VFR.

(b) The airplane dispatch release or flight release shall contain, or have attached thereto, weather reports, available weather forecasts, or a combination thereof, for airports of destination and alternate specified therein which shall be the latest available at the time the dispatch release or flight release is signed. It shall include such additional weather reports and forecasts, as available, considered necessary or desirable by the pilot in command or aircraft dispatcher, if utilized.

§ 42.504 Load manifest; airplanes.

(a) The load manifest shall contain at least the following information with respect to the loading of an airplane at the time of takeoff:

(1) The weight of the—

(i) Airplane,

(ii) Fuel and oil,

(iii) Cargo and baggage,
(iv) Passengers, and
(v) Crewmembers;

(2) The maximum allowable weight applicable for the particular flight which shall include:

(i) Maximum allowable takeoff weight for the runway intended to be used including corrections for altitude and gradient, and wind and temperature conditions existing at the time of takeoff;

(ii) Maximum takeoff weight considering anticipated fuel and oil consumption to permit compliance with applicable en route performance limitations;

(iii) Maximum takeoff weight considering anticipated fuel and oil consumption to permit compliance with the maximum authorized design landing weight limitations on arrival at the airport of destination; and

(iv) Maximum takeoff weight considering anticipated fuel and oil consumption to permit compliance with landing distance limitations on arrival at airport of destination and alternate(s).

NOTE: The minimum weight of subdivisions (i), (ii), (iii), and (iv) of this subparagraph less the weight of the fuel required must not exceed the maximum zero fuel weight as established in the Airplane Flight Manual.

(3) The total weight computed in accordance with approved procedures;

(4) Evidence that the airplane is loaded in accordance with an approved schedule which insures that the center of gravity is within approved limits; and

(5) Names and addresses of passengers.

(b) The load manifest shall be prepared and signed for each flight by the pilot in command.

§ 42.505 Disposition of load manifest; dispatch, flight, and maintenance release forms; and flight plans; airplanes.

(a) The original signed load manifest, dispatch or flight release, maintenance release, and flight plan shall be in the possession of the pilot in command and shall be carried in the airplane to its destination.

(b) If a flight originates at the principal operations base of the operator, duplicate signed copies of the documents specified in paragraph (a) of this section shall be retained by the operator at the principal operations base. The pilot shall, before starting a flight at points other than the principal operations base, mail signed duplicate copies of the documents specified in paragraph (a) of this section to the principal operations base.

(c) Copies of the documents specified in paragraph (a) of this section shall be retained by the operator at its principal operations base for at least 6 months.

§ 42.506 Maintenance records; airplanes.

(a) Each operator of airplanes shall keep at its principal maintenance base current records of the total time in service, the time since last overhaul, and the time since last inspection of all major components of the airframe, engines, propellers, and, where practicable, appliances.

(b) Records of total time in service may be discontinued when it has been shown that the service life of component parts is safely controlled by other means, such as inspection, overhaul, or parts retirement procedures. An authorized representative of the Administrator may require the keeping of total time records for specific parts when it is found that other procedures will not safely limit the service life of such parts.

(c) An airplane component, engine, propeller, or appliance for which complete records are not available may be placed in service, provided that:

(1) It is of a type for which total time-in-service records are not required under the provisions of paragraph (b) of this section;

(2) Parts which are limited by an authorized representative of the Administrator or manufacturer to a specific service time are retired and replaced by new parts; and

(3) It has been properly overhauled or rebuilt, and a record of such overhaul or rebuilding is included in the maintenance records.

§ 42.507 Maintenance log; airplanes.

A legible record shall be made in the airplane's maintenance log of the action taken in each case of reported or observed failures or malfunctions of airframes, engines, propellers, and appliances critical to the safety of the flight. The operator shall establish an approved procedure for retaining an adequate number of such records in the airplane in a place readily accessible to the flight crew and shall incorporate such procedure in the operator's manual. The maintenance log shall contain information from which the flight crew may readily determine the time since last overhaul of the airframe and engines.

§ 42.508 Mechanical reliability reports; airplanes.

(a) Each operator of airplanes shall report the occurrence or detection of those failures, malfunctions, or defects specified in paragraph (b) of this section. In addition, each operator shall report any other failure, malfunction, or defect which occurs or is detected at any time in an airplane or airplane component (including airplane systems, appliances, powerplants, and propellers) used by the operator when, in the operator's opinion, such failure, malfunction, or defect has endangered or may endanger the safe operation of an airplane used by the operator. The report shall be in written form covering a period of 24 hours beginning at 0900 hours local time of each day and ending at 0900 hours local time of the next day, and shall be submitted to the Federal Aviation Agency maintenance inspector assigned to the operator by 0900 hours local time of the following day: *Provided*, That reports which are due on Saturday or Sunday may be submitted on the following Monday and in case of legal holidays on the following workday.

NOTE: Failures, malfunctions, or defects reported in accordance with the accident reporting provisions of Part 320 of the Regulations of the Civil Aeronautics Board need not be included.

(b) The operator shall report each occurrence or detection of a failure, malfunction, or defect involving:

(1) Fires during flight and whether the related fire-warning system functioned properly;

(2) Fires during flight and whether the related fire-warning system did not function properly;

(3) Fires during flight not protected by a related fire-warning system;

(4) False fire warning during flight;

(5) Engine exhaust systems which result during flight in damage to engine, adjacent structure, equipment, or components;

(6) An airplane component which results during flight in the accumulation or circulation of smoke, vapor, or toxic or noxious fumes in the crew compartment or cabin;

(7) Engine shutdown during flight due to engine flameout;

(8) Engine shutdown during flight when external damage to the engine or to the airplane structure has occurred;

(9) Engine shutdown during flight due to foreign object ingestion or icing;

(10) Engine shutdown during flight of more than one engine on an airplane;

(11) Propeller feathering system or ability of the system to control overspeeding during flight;

(12) Fuel or fuel-dumping systems affecting fuel flow or causing hazardous leakage during flight;

(13) Landing gear extension or retraction or opening or closing of landing-gear doors during flight;

(14) Break system components which result in loss of brake actuating force while the airplane is in motion on the ground;

(15) Airplane structure which requires major repair;

(16) Cracks, permanent deformation, or corrosion of airplane structure which exceed the maximum limits acceptable to the manufacturer or the Federal Aviation Agency; and

(17) Airplane components or systems which result during flight in the taking of emergency actions; except that action taken to shutdown an engine need not be reported as an emergency under this provision.

NOTE: Under the provisions of this paragraph, an airplane is in flight from the moment it leaves the surface of the earth on takeoff until it touches down at a place of landing.

(c) Reports required by paragraph (a) of this section shall be transmitted in a manner and on a form convenient to the operator's system of communication and procedure, and shall include in the first daily report as much of the following information as is available:

(1) Type and identification number of the airplane, name of the operator, date, flight number, and stage during which the incident occurred; e.g., preflight, takeoff, climb, cruise, descent, landing, inspection;

(2) Emergency procedure effected; e.g., unscheduled landing, emergency descent;

(3) Nature of condition; e.g., fire, structural failure;

(4) Identification of part and system involved, including available information pertaining to type designation of the major component and time since overhaul;

(5) Apparent cause of trouble; e.g., wear, crack, design deficiency, personnel error;

(6) Disposition; e.g., repaired, replaced, airplane grounded, part sent to manufacturer; and

(7) Brief narrative summary of other pertinent information necessary for more complete identification, determination of seriousness, and corrective action.

(d) Reports required by paragraph (a) of this section shall not be withheld pending accumulation of all information specified in paragraphs (b) and (c) of this section. When additional information is obtained relative to the incident, including any that may be furnished by the manufacturer or other outside agency, it shall be expeditiously submitted as a supplement to the first report, referencing the date and place of submission of such report.

§ 42.509 Mechanical interruption summary report; airplanes.

Each operator of airplanes shall submit regularly and promptly to the Administrator a summary report containing information on the following occurrences:

(a) All interruptions to a flight, unscheduled changes of airplanes en route, and unscheduled stops and diversions from route which result from known or suspected mechanical difficulties or malfunctions that are not required to be included in mechanical reliability reports.

(b) The number of engines removed prematurely because of mechanical trouble, listed by make and model of engine and the airplane type in which the engine was installed.

(c) The number of propeller featherings in flight, listed by type of propeller and type of engine and the airplane on which the propeller is installed. Propeller featherings accomplished for training, demonstration, or flight check purposes need not be reported.

§ 42.510 Alteration and repair reports; airplanes.

The operator shall report major alterations or repairs of airframes, engines, propellers, and appliances to the authorized representative of the Administrator assigned to the operator promptly upon completion of such alterations or repairs.

§ 42.511 Maintenance release; airplanes.

When an airplane is released by the maintenance organization to flight operations, a maintenance release certifying that the airplane is in an airworthy condition shall be prepared and signed by a maintenance inspector or a person authorized by the inspection organization of the operator prior to release of such airplane.

§ 42.512 Communication records; aircraft.

An operator using a dispatch system shall maintain, and retain for a period of 30 days records of radio contacts between the operator and its pilots en route.

APPENDIX A—FIRST-AID KITS

Approved first-aid kits required by § 42.173 shall meet the following specifications and requirements.

(1) Each first-aid kit shall be dust and moisture proof, and contain only materials which meet Federal Specifications GG–K–391a, as revised.

(2) The type of first-aid kit and the contents thereof based upon the capacity of the airplane is as follows:

(a) No. 1 kit for airplanes of 1 to 5 persons capacity.

Contents	*No.*
Adhesive bandage compresses, 1-inch (16 per unit)	1
Antiseptic swabs, 10mm. (10 per unit)	1
Ammonia inhalants, 6mm. (10 per unit)	1
2-inch bandage compresses (4 per unit)	1
4-inch bandage compresses (1 per unit)	1
Triangular bandage compressed, 40-inch (1 per unit)	2
Burn compound, ⅛ oz. (6 per unit) or equivalent amount of other burn remedy	1
Ophthalmic ointment, ⅛ oz. (6 per unit)	1

(b) No. 2 kit for airplanes of 6 to 25 persons capacity.[1]

Contents	*No.*
Adhesive bandage compresses, 1-inch (16 per unit)	2
Antiseptic swabs, 10 mm. (10 per unit)	2
Ammonia inhalants, 6mm. (10 per unit)	1
2-inch bandage compresses (4 per unit)	3
4-inch bandage compresses (1 per unit)	2
Triangular bandage compressed, 40-inch (1 per unit)	3
Burn compound, ⅛ oz. (6 per unit) or equivalent amount of other burn remedy	2
Ophthalmic ointment, ⅛ oz. (6 per unit)	1

(c) No. 3 kit for airplanes of over 25 persons capacity.

Contents	*No.*
Adhesive bandage compresses, 1-inch (16 per unit)	4
Antiseptic swabs, 10mm. (10 per unit)	4
Ammonia inhalants, 6mm. (10 per unit)	2
2-inch bandage compresses (4 per unit)	3
4-inch bandage compresses (1 per unit)	3
Triangular bandage compressed, 40-inch (1 per unit)	5
Burn compound, ⅛ oz. (6 per unit) or an equivalent amount of other burn remedy	2
Ophthalmic ointment, ⅛ oz. (6 per unit)	1

[1] Kit No. 2 in canvas may also be used on liferafts.

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[14 CFR Part 627]

[Reg. Docket No. 1345; Draft Release No. 62–38]

STANDARDS FOR AERONAUTICAL CHARTS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal for the adoption of Part 627 of the regulations of the Administrator as hereinafter set forth.

Section 307(b)(3) of the Federal Aviation Act provides that the Administrator is authorized, within the limits of available appropriations made by the Congress to arrange for publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation utilizing the facilities and assistance of existing agencies of the Government so far as practicable. Section 311 of the Federal Aviation Act empowers and directs the Administrator to collect and disseminate information relative to civil aeronautics and to exchange with foreign governments, through appropriate governmental channels, information pertaining to civil aeronautics. Section 313(a) of the Federal Aviation Act empowers the Administrator to perform such acts, to conduct such investigations, to issue and amend such general or special rules, regulations, and procedures, pursuant to and consistent with the provisions of the Act, as he shall deem necessary to carry out the provisions of, and to exercise and perform his powers and duties under the Act.

The increasing complexity of the airspace structure and the air traffic control system environment is reflected in the constantly increasing amount of flight information which the pilot must have while planning and conducting flight operations. In order to function safely and efficiently within the system, the pilot must be reliant upon the accuracy and completeness of the information which is available to him in the form of aeronautical charts. Aeronautical charts constitute the primary reference for information necessary and available to both the pilot and the air traffic controller. Therefore, safety requires that certain standards of accuracy, currentness, completeness, adequacy and clarity of presentation be established to ensure that aeronautical charts properly aid in the safe and efficient movement of aircraft.

The safe, orderly and expeditious movement of IFR air traffic is dependent on mutual understanding and cooperation between the pilot and controller. Aeronautical charts, recognized by the Federal Aviation Agency (FAA) as an integral part of the pilot's operating equipment, serve as the primary reference for information necessary for pilot-controller coordination.

Current, complete and accurate basic information essential to the safe conduct of any flight must be shown. Supplemental information peculiar to certain operations may be added. With respect to this supplemental data, it is incumbent upon the pilot to assure the aeronautical information shown on aeronautical charts fulfill his individual operational requirements.

Producers of aeronautical charts cannot certify as to the validity of all information sources. However, in complying with the standards herein the producer must certify as to the accuracy,

currency and completeness of his portrayal of source material.

It is not the intention of these standards to restrict the addition of supplemental information or to prescribe format or method of portrayal of data, nor is there any intent to stifle experimentation or improvement in the method of portraying navigational information to the pilot.

The proposed Part 627—Standards for Aeronautical Charts, would establish standards for aeronautical charts for flight planning and operation of aircraft in the United States under Instrument Flight Rules (IFR) conditions. The basis for the standards contained herein are the FAA production specifications for the En Route Low, Intermediate and High (Jet Routes) Altitude Charts.

Comments concerning this proposal may be submitted in duplicate to the Docket Section of the Federal Aviation Agency, 1711 New York Avenue NW., Room A-103, Washington 25, D.C., prior to October 22, 1962.

PART 627—STANDARDS FOR AERONAUTICAL CHARTS

Subpart A—General

Sec.
627.1 Basis and purpose.
627.2 Explanation of terms.
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627.10 Applicability.
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Subpart A—General

§ 627.1 Basis and purpose.

(a) The basis of this part is contained in sections 307(b) and 601(a) of the Federal Aviation Act of 1958.

(b) *Purpose.* The purpose of this part is to prescribe standards for aeronautical charts for flight planning and operation of aircraft in accordance with instrument flight rules in the United States, and to prescribe the manner by which the producer must show compliance with these standards. This is to insure the accuracy, currentness and completeness of aeronautical charts. The standards do not apply to strategic or tactical charts designed primarily for military use, including training.

§ 627.2 Explanation of terms.

As used in this part, terms are defined as follows:

(a) "Aeronautical Charts" means the cartographic medium by which the pilot is furnished information for air navigation.

(b) "IFR Charts" means the cartographic medium by which the pilot is furnished information to navigate and operate under Instrument Flight Rule conditions. Charts in this category include the following:

(1) "En Route Charts" means an En Route Radio Navigation Chart produced to facilitate en route navigation in accordance with Instrument Flight Rules utilizing radio aids to navigation.

(2) "Terminal Area Charts" means all Area Arrival and Departure Charts, Standard Instrument Departure Charts and Instrument Approach Procedure Charts designed solely for operations within a terminal area.

(i) "Area Arrival and Departure Charts" means all area charts produced primarily to facilitate IFR transitions between the en route and terminal phases of flight at selected airports.

(ii) "Standard Instrument Departure Charts" means all charts produced for the purpose of providing a graphic presentation of standard instrument departure clearances and procedures.

(iii) "Instrument Approach Procedure Charts" means all charts produced for the purpose of providing a graphic presentation of a Standard Instrument Approach Procedure.

(c) "United States" means the several states, the District of Columbia, and the several Territories and Possessions of the United States, including the territorial waters and the overlying airspace thereof.

(d) "Deviation" means the omission of any data required by this standard or any error determined by the Director, Air Traffic Service as compromising flight safety. The significance of the infraction may be categorized either as major or minor.

(e) "Notice of Major Deviation (NMD)" is a written notice advising a producer that a major deviation from the standards established herein exists with reference to his product.

(f) "Notice of Deviation (NOD)" is a written notice by the Director, Air Traffic Service, advising the producer of minor omissions or errors with reference to his product.

(g) "Scheduled FAA Airspace Amendments" means airspace assignments or revisions thereof, and designations of reporting points that become effective on a regular four-week cycle.

(h) "Arrival/Departure Routes" means those routes in terminal areas established by the Federal Aviation Agency for charting.

(i) "Standard Instrument Departure Routes" means those departure routes in terminal areas established by the Federal Aviation Agency for charting which have been assigned a code name and textual description for simplification of departure clearances and relay and delivery procedures.

§ 627.3 Method of conformance.

(a) A producer of aeronautical charts for which standards are established shall, prior to distribution of the first edition of any such charts for use, furnish a written statement of conformance certifying, by title, that the charts meet the applicable standards established in this Regulation. A copy of the charts shall accompany this statement. The statement of conformance shall be signed by a person duly authorized by the producer and shall be furnished to the Director, Air Traffic Service, Federal Aviation Agency (FAA), Washington, D.C. This original statement of conformance is applicable to succeeding editions of the chart unless, prior to distribution of such later edition, the producer advises the Director to the contrary. Further charts shall be submitted only if there is a major change in content, such as the addition of another route strata to a chart or the addition of topographic detail not previously shown.

(b) If complaints of nonconformance with the requirements of this regulation are brought to the attention of the FAA and investigation of the charts involved indicates that such complaints are justified, the FAA, Director, Air Traffic Service, shall take appropriate action to prohibit or restrict the use of such charts in the United States. The producer shall not mark any further charts as indicated in § 627.4 below until the condition is corrected. Appropriate action may include Notice of Major Deviation (NMD) or Notice of Deviation (NOD).

(c) When a Notice of Major Deviation is received by a producer, he shall notify his users of the major deviation by the most expedient means and supply the proper data immediately after receipt of the notice.

(d) When a Notice of Deviation is received by a producer, he shall correct such deviations on the next scheduled publication.

§ 627.4 Marking.

(a) Aeronautical charts for which a statement of conformance has been submitted shall be legibly and permanently marked with

(1) the name and address of the producer responsible for the compliance, and

(2) the certification, "Conforms with FAA Part 627—Standards for Aeronautical Charts."

(b) A chart producer shall not mark any such charts as required in paragraph (a) of this section unless he has complied with the method of conformance stated in § 627.3(a).

(c) No note shall be added to charts which may be construed as noncertification by a producer as to the accuracy and currency of the chart content produced in conformance with these standards.

Subpart B—Standards—IFR Charts

§ 627.10 Applicability.

The standards specified herein shall apply to charts produced primarily for use by pilots operating aircraft in the United States under Instrument Flight Rules.

§ 627.11 General.

(a) Charts other than Standard Instrument Departure Charts and Instrument Approach Procedure Charts shall depict all applicable designated airspace, related data and other regulatory actions within prescribed vertical limits of each chart series as contained in the following parts of the Regulations of the Administrator, FAA:

1. *Part 600—Designation of Federal Airways.*
   Subpart B—Colored Federal Airways.
   Subpart C—Intermediate Altitude VOR Federal Airways.
   Subpart D—Low Altitude VOR Federal Airways.

2. *Part 601—Designation of Controlled Airspace, Reporting Points, Positive Control Route Segments, and Positive Control Areas.*
   Subpart B—Low Altitude Colored Federal Airway Control Areas.
   Subpart C—Control Area Extensions.
   Subpart D—Control Zones.
   Subpart E—Low Altitude Colored Federal Airway Reporting Points.
   Subpart F—Low Altitude VOR Federal Airway Control Areas.
   Subpart G—VOR Federal Airway Reporting Points.
   Subpart H—Continental Control Area.
   Subpart I—Designated Positive Control Route Segments.
   Subpart J—Designated Positive Control Areas.
3. *Part 602—Designation of Jet Routes, Jet Advisory Areas and High Altitude Navigational Aids.*
   Subpart B—Jet Routes.
   Subpart C—Jet Advisory Areas.
4. *Part 608—Special Use Airspace.*
   Subpart B—Restricted Areas.
5. *Part 610—Minimum En Route IFR Altitude.*
   Subpart E—Minimum En Route and IFR Altitudes over Particular Routes and Intersections.
6. *Part 620—Security Control of Air Traffic.*
   Subpart C—Designated Air Defense Identification Zones.
   Appendix B—Air Defense Indentification Zones and Defense Areas.

(b) All IFR charts shall be appropriately titled and shall indicate currency of data depicted and effective dates of chart if applicable. Each chart series shall provide for a legend portraying data that is not self-explanatory.

(c) All federally-operated radio aids to navigation utilized for control of traffic within the specific altitude airway/air route structure shall be shown on all IFR charts. Military aids for which military agencies or FAA indicate an operational requirement shall be included. All aids shall be appropriately identified by type (symbol), name, identification and frequency. Non-federal radio aids to air navigation shall also be shown if the FAA has approved the facility for use for en route flight or a standard instrument approach procedure has been approved and the procedure has been published in Part 609 of this chapter.

NOTE: All nonfederal aids shall be identified as such.

(d) All Prohibited, Warning Areas, and Intensive Student Jet Training Areas shall be shown on all applicable charts within the vertical limits of the affected airspace and shall be identified by number. Effective altitude, time of use and controlling agency or using agency, if applicable, shall be shown on all IFR Charts. The controlling agency or using agency of Restricted Areas shall also be shown. When such areas cannot be shown in detail on the face of the chart, the detailed information shall be tabulated on each chart.

(e) All geographic information shall be plotted to indicate its true position except where deliberate distortion or displacement is a function design feature of the chart. In normal practice should it become necessary to displace symbols from their true geographical position for purposes of clarity, preference of location shall be given to radio facilities upon which an airway or control function is predicated.

§ 627.12 Quality.

All charts produced in accordance with this regulation shall meet the standards associated with accepted cartographic practices. Aeronautical charts shall be so designed and produced as to adequately provide information required by the pilot for safe and efficient air navigation. An aeronautical chart shall provide clear, accurate, reliable and current information. Care shall be taken to ensure the general utility of the chart. Special consideration shall be given to legibility and scale with respect to the size of the charts. The size of the chart shall be such that it can be comfortably handled in the cockpit while still portraying all required information. The quality of the graphic medium and color usage shall be chosen to ensure adequate durability and maximum visibility under varying cockpit conditions.

§ 627.13 En Route Charts.

En Route Charts produced for the various airways/jet route structures shall contain the airspace data as contained under § 627.11 applicable to individual chart series.

(a) *Currentness.* An En Route Chart shall be revised and reissued by the producer:

(1) Whenever changes occur to the airway system which would render the chart ineffective in that area and which could not adequately be described otherwise prior to any schedule chart revision;

(2) On scheduled airspace amendment dates when the nature of the amendment will seriously influence the chart utility and the absence thereof may be construed as a major deviation or,

(3) If required in taking corrective action following the issuance of a Notice of Major Deviation.

At least every four weeks the producer shall provide the user with a schedule or list of current charts.

(b) *Content of En Route Charts.* (1) Distances in the airway and route structures shall be shown in nautical miles between facilities, compulsory reporting points, noncompulsory reporting points and other fixes (mileage breakdown points) that may be utilized in the control of air traffic.

(2) All times shall be Greenwich Mean Time (GMT), other than those times printed in local time to coincide with those times published in Parts 601 and 608.

(3) The following magnetic bearings and radials shall be shown:

(i) The centerline radial of VOR airways.

(ii) The inbound bearings of all L/MF range courses on the low altitude charts.

(iii) The centerline inbound bearing of L/MF airways except where an L/MF range course lies within 5 degrees of airway centerline.

(iv) An index for all charts in a series shall be provided.

(v) Aerodromes shall be shown which are appropriate to the particular operation of the aircraft including destinations, alternates, and appropriate emergency fields.

(vi) The boundaries of Air Route Traffic Control Center Areas; Flight Information Regions; Upper Information Regions; Oceanic Control Areas, and International Boundaries, appropriately identified, shall be shown.

(vii) VOR changeover points shall be shown on all route segments except in those instances when the changeover point is established by FAA at midpoint (±1 mile low altitude; ±2.5 miles medium and high altitude).

(viii) Noncompulsory reporting points shall be shown, identified by name and appropriate reporting point symbol.

(ix) 9. A visual reference to the facilities which form intersections that are reporting points shall be shown when such are not obvious.

(x) 10. Minimum Reception Altitude shall be shown when higher than Minimum En Route Altitude.

(xi) Altimeter setting data shall be shown on those border or coastal charts depicting geographical areas wherein standard altimeter settings are used.

(xii) Tabulation of en route air/ground voice communication frequencies associated with flight service stations (FSS) when all standard en route frequencies are not available shall be shown.

(xiii) ARTC Area Discrete Frequencies shall be shown.

§ 627.14 Terminal Charts.

(a) *Area Arrival Charts.*—(1) *Currentness.* Area Arrival Charts shall be revised and reissued by the producer:

(i) Whenever changes occur to the airway system which would render the chart ineffective in that area and which could not adequately be described otherwise prior to any schedule chart revision;

(ii) On scheduled airspace amendment dates when the nature of the amendment will seriously influence the chart utility and the absence thereof may be construed as a major deviation or;

(iii) If required in taking corrective action following the issuance of a Notice of Major Deviation.

At least every four weeks the producer shall provide the user with a schedule or list of current charts.

(2) *Content of Area Arrival Charts.* (i) The low altitude route structure with distances in nautical miles between compulsory reporting points, noncompulsory reporting points and other fixes (mileage breakdown points) that may be utilized in the control of air traffic shall be depicted.

(ii) Arrival routes as determined by the FAA shall be shown.

(iii) The magnetic bearings of the centerline of low altitude airways, the inbound bearings of all L/MF range courses, the inbound bearings of all ILS systems, and other magnetic bearings and radials between fixes normally used for air traffic control service shall be shown.

(iv) All radio navigation aids associated with the Low Altitude Airways system and any other navigation aids associated with transition and landing procedures shall be shown.

(v) All holding patterns established by the FAA for charting purposes shall be indicated. If DME holding patterns are depicted, mileages shall be shown.

(vi) Minimum En Route IFR altitudes shall be shown.

(vi) Airports, within chart limits, shall be shown having 3,000' hard surfaced runways and for which a Standard Instrument Approach Procedure has been published in Part 609, Regulations of the Administrator.

(vii) At least one segment of every medium or high altitude route required for transition to the normally used arrival routes shall be shown. This segment shall include the appropriate navigational aid defining the medium or high altitude route prior to the route terminating fix; the identification and frequency of the navigational aid; the medium and high altitude airway designation; the mileage from the navigational facility to the transition fix; the magnetic bearings of the centerlines of the airways.

(viii) Terminal area air/ground communication frequencies required for transition and arrival purposes shall be shown.

(b) *Area Departure Charts*—(1) *Currentness.* Area Departure Charts shall be revised and reissued by the producer:

(i) Whenever changes occur to the airway system which would render the chart ineffective in that area and which could not adequately be described otherwise prior to any schedule chart revision;

(ii) On scheduled airspace amendment dates when the nature of the amendment will seriously influence the chart utility and the absence thereof may be construed as a major deviation or;

(iii) If required in taking corrective action following the issuance of a Notice of Major Deviation.

At least every four weeks the producer shall provide the user with a schedule or list of current charts.

(2) *Content of Area Departure Charts.* (i) The low altitude route structure shall be shown with distances in nautical miles between compulsory reporting points, noncompulsory reporting points and other fixes (mileage breakdown points) that may be utilized in the control of air traffic.

(ii) Departure routes as determined by the FAA shall be depicted.

(iii) The magnetic bearings of the centerline of low altitude airways, the inbound bearings of all L/MF range courses and other magnetic bearings between fixes normally used for air traffic control service shall be shown.

(iv) All radio navigation aids associated with the Low Altitude Airways system and any special navigation aids associated with departure and transition procedures shall be shown.

(v) Minimum En Route IFR altitudes shall be shown.

(vi) At least one segment of every medium or high altitude route required for transition to these route structures shall be shown. This segment shall include the appropriate navigational aid defining the medium or high altitude route from the transition fix to the aid, the identification and frequency of the navigational aid, the medium and high altitude airway designation, the mileage from the transition fix to the pertinent navigational aid and the magnetic bearings of the centerlines of the airways.

(vii) Terminal area air/ground communication frequencies required for departure and transition purposes shall be shown.

(c) *Standard Instrument Departure Charts (SIDs)*—(1) *Currentness.* Standard Instrument Departure Charts (SIDs) shall be revised and reissued by the producer:

(i) When a Notice of Major Deviation has been issued to him by the FAA or;

(ii) When a revision to the SID is required by a change in the text of the SID or by a change in the route structure involved.

(2) *Content of SID Charts.* (i) A graphic portrayal of the Standard Instrument Departure routes and all associated data shall be shown.

(ii) Textual descriptions of each route which enable the pilot to conform with procedures shall be shown.

(iii) Route identification of each SID by title shall be shown.

(iv) Where applicable those standard departure instructions pertaining to the runway in use shall be shown.

(v) Textual instructions shall be shown for transition from the low altitude structure to the intermediate and high altitude systems where applicable.

(vi) At least one segment of every medium or high altitude route required for transition to these route structures shall be depicted. This segment shall include the appropriate navigational aid defining the medium or high altitude route from the transition fix to the aid, the identification and frequency of the navigational aid, the medium and high altitude airway designation, the mileage from the transition fix to the pertinent navigational aid and the magnetic bearings of the centerlines of the air way segments.

(d) *Area Departure-SID Charts*—(1) *Currentness.* Area Departure-SID Charts shall be revised and reissued by the producer:

(i) When a Notice of Major Deviation has been issued to him by the FAA;

(ii) When a revision to the SID is required by a change in the text of the SID or by a change in the route structure involved or;

(iii) When a normally used departure route other than a SID is introduced, amended or eliminated.

(2) *Content of Area Departure-SID Charts.* (i) All the information required on the SID charts in paragraph (c) of this section shall be shown.

(ii) Normally used departure routes other than SIDs from the airports to the appropriate transition fix, including magnetic bearings, required navigational aids, mileages and established minimum IFR en route altitudes shall be shown. A graphic distinction will be made between SIDs and other normally used departure routes.

(e) *Instrument Approach Procedure Charts (ALs)*—(1) *Currentness.* Instrument Approach Procedure Charts, which are published on a nonscheduled basis, shall be reissued immediately whenever changes occur in procedural data or appropriate minimums. Whenever changes in communication data or navigation frequency information occur, the appropriate instrument approach procedure charts shall be updated. A notice of current revisions shall be transmitted to subscribers at least once a month.

(2) *Content of Instrument Approach Procedure Charts.* The Instrument Approach Procedure Charts shall be graphic displays of an approved instrument approach procedure and the pertinent information necessary to safely execute instrument approaches and landings. All AL Charts depicting instrument approach procedures published in Part 609, regulations of the Administrator (14 CFR 609), shall portray the following information:

(i) *Procedural data.* (a) The letdown track.

(b) Pertinent altitudes, bearings, missed approach procedures and all other pilot advisory information published on the Standard Instrument Approach Procedure (Form 511).

(ii) *Navigation aids.* (a) All navigational aids, including name, identifier, and frequency on which the letdown procedure is predicated.

(b) Other navigation aids as may be required for transition.

(iii) *Airports.* (a) Airport diagram of the airport for which the procedure is established. Airport elevation and elevation of obstructions on airport.

(iv) *Minimums.* (a) Straight-in, circling, takeoff and alternate minimums.

(v) *Radio communication data.* (a) All appropriate radio communication frequencies concerning all air traffic control facilities responsible for authorizing and controlling instrument approaches and landings.

(vi) *Other.* (a) Holding patterns that are a part of the approach procedure.

(b) Elevation of obstructions other than at the airports.

Issued in Washington, D.C., on August 14, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-8408; Filed, Aug. 21, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Termination Thereof

AUGUST 13, 1962.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 050114, for the withdrawal of the lands described below, from prospecting, location, entry, and purchase under the mining laws, subject to existing valid claims. The applicant desires the land to preserve Natural Areas for purposes of science, research, and education in furtherance of the McSweeney-McNary Act of May 28, 1928 (45 Stat. 699) as amended.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

INYO NATIONAL FOREST
MONO COUNTY

Harvey Monroe Hall Natural Area

T. 1 N., R. 24 E.,
Sec. 1: Lots 3, 4, S½NW¼, SW¼;
Sec. 2: All;
Sec. 3: Lots 1, 2, 3, 4, S½N½, SE¼;
Sec. 10: E½NE¼, E½NE¼SE¼;
Sec. 11: N½, N½S½, S½SE¼;
Sec. 12: NW¼, N½SW¼, SW¼SW¼, NE¼SE¼;
Sec. 13: N½, SE¼.
Sec. 14: E½NE¼.
T. 2 N., R. 24 E.,
Sec. 34: E½, E½NE¼NW¼, S½SW¼SW¼, E½SW¼;
Sec. 35: W½.

The areas described above aggregate approximately 3,706.30 acres.

MOUNT DIABLO MERIDIAN

MODOC NATIONAL FOREST
MODOC COUNTY

Devils Garden Natural Area

T. 46 N., R. 12 E.,
Sec. 28: W½;
Sec. 29: E½;
Sec. 32: N½NE¼;
Sec. 33: N½NW¼.

The areas described above aggregate approximately 800 acres.

The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands are relieved of the segregative effect of the above-mentioned application at 10:00 a.m., September 14, 1952.

The lands terminated are:

MOUNT DIABLO MERIDIAN

T. 1 N., R. 24 E.,
Sec. 1: Lots 1 and 2;
Sec. 12: NE¼, SE¼SW¼, S½SE¼,NW¼-SE¼.
T. 2 N., R. 24 E.,
Sec. 34: W½NW¼, NW¼SW¼, N½SW¼-SW¼.
T. 1 N., R. 25 E.,
Sec 6: Lots 33, 34, 35, and 36;
Sec. 7: Lots 27, 28, 29, 30, 33, 34, 35, and 36;
Sec. 18: Lots 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40.
T. 46 N., R. 12 E.,
Sec. 28: E½;
Sec. 32: S½NE¼, SE¼;
Sec. 33: NE¼, S½NW¼, S½.

The above-described area aggregates approximately 3,188.38 acres.

The applicant agency has cancelled its application insofar as it involved the lands described below for the reason that these lands are included in the United States Department of Agriculture Withdrawal Sacramento 050712 of lands from prospecting, location, entry and purchase under the mining laws, subject to existing valid claims. Therefore pursuant to the regulations contained in Title 43, Code of Federal Regulations, Part 295, such lands will be at 10:00 a.m., on September 14, 1962, relieved of the segregative effect of Application Sacramento 050114:

T. 1 N., R. 25 E., M.D.M.,
Sec. 7: NE¼ Lot 29, S½ Lot 29.

The above described area aggregates approximately 27.38 acres.

[SEAL] WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 62-8413; Filed, Aug. 21, 1962; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

LYKES BROS. STEAMSHIP CO., INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8870, between Lykes Bros. Steamship Co., Inc. and Waterman Steamship Corporation (American-flag carriers) and Osaka Shosen Kaisha, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui Steamship Co., Ltd., Nippon Yusen Kaisha and Shinnihon Steamship Co., Ltd. (Japanese-flag carriers), operating in the trade from Japan to U.S. Gulf ports, covers an arrangement under which such carriers agree to form a pool whereby the American-flag carriers and the Japanese-flag carriers, each as a group, will pool all revenue carryings in such trade. The agreement provides that (1) said agreement shall cover a period of five years subject to renegotiation and extension as set forth therein; (2) for the initial period of one year (October 1, 1962 to and including September 30, 1963) the share of the American-flag carriers shall be 30 percent and that of the Japanese carriers shall be 70 percent; (3) at the end of the first pool year, adjustments shall be made by a minimum of two percentage points per year which will increase the American-flag percentage of the carryings of the two groups, it being agreed that any increase in freight revenue earned by the American-flag group and the Japanese-flag group compared to average total revenue earned by the two groups during the years 1959, 1960 and 1961 will be shared 20 percent to the Japanese-flag group and 80 percent to the American-flag group but with a maximum increase to the American-flag group of 4 percent per year; (4) it is the understanding of both the American-flag carriers and the Japanese-flag carries that it is their desire that all conference lines operating in the trade covered by this agreement, regardless of flag should be a party to the pool arrangement, that said group of carriers shall negotiate as a unit with third-flag carriers to arrange a reasonable share of the trade for the said third-flag group, it being the intention of all parties to negotiate the share of the third-flag carriers on the basis of their past performance over a period of years and to include all members of the Japan-Atlantic & Gulf Freight Conference in the overall pool; and (5) a committee comprising the American-flag and the Japanese-flag carriers (groups) will immediately proceed to work out a full pooling arrangement to include all technical details of operations within the framework of the terms and conditions set forth in this agreement, any such further agreements to be subject to approval by the Federal Maritime Commission pursuant to section 15 of the Shipping Act, 1916, as amended.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval,

or modification, together with request for hearing should such hearing be desired.

Dated: August 17, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8433; Filed, Aug. 21, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-13496, etc.] [1]

ATLANTIC REFINING CO.

Order Conditionally Accepting Proposed Offer of Settlement; Severing and Terminating Certain Proceedings, Severing and Terminating Other Proceedings in Part, and Providing for Refunds

AUGUST 15, 1962.

On July 9, 1962, The Atlantic Refining Company (Atlantic) submitted an Offer of Settlement, pursuant to § 1.18(e) of the Commission's rules of practice and procedure, in the proceedings listed in Appendix A hereto.[2]

The subject dockets relate to rate proceedings arising from proposed increased rates, tendered for filing pursuant to section 4 of the Natural Gas Act, for the sale of jurisdictional gas to Texas Eastern Transmission Corporation (Texas Eastern) from Texas Railroad Commission Districts Nos. 1, 2, 3, 4, and 6. All of the proposed increased rates were suspended and subsequently placed in effect subject to refund.[3]

In its Offer of Settlement, Atlantic states: if it is permitted to charge and collect, effective the date of the order of acceptance, (1) a rate of 14.6 cents per Mcf under its FPC Gas Rate Schedules Nos. 1, 141, and 142, (2) a rate of 13.8733 cents per Mcf under its FPC Gas Rate Schedules Nos. 34,[4] 35, 36, 37, 38, 134, 160,[4] and 161, (3) a rate of 15.0 cents per Mcf for the duration of the contract covered by its FPC Gas Rate Schedule No. 136, and (4) if the rate suspension proceedings related to these rate schedules are terminated, Atlantic (1) will eliminate the favored nation and price redetermination clauses from the contracts covered by its FPC Gas Rate Schedules Nos. 1, 141, and 142, and will substitute clauses in such contracts permitting periodic increases of 1.0 cent per Mcf every five years beginning November 1, 1963, (2) will eliminate favored nation and/or price redetermination clauses from the contracts covered by its FPC Gas Rate Schedules Nos. 34, 35, 36, 37, 38, 134, 160, and 161, and will substitute in such contracts clauses permitting periodic increases of 0.5 cent per Mcf every five years beginning February 5, 1963, (3) will eliminate the favored nation and the periodic increase clauses from the contract covered by its FPC Gas Rate Schedule No. 136, and (4) will refund all money, plus interest, collected in excess of the proposed settlement rates under the subject rate schedules.

Texas Eastern has concurred in the Offer of Settlement and has agreed, in the event the offer is accepted by the Commission, to make the contract changes or amendments provided in the offer. No objections to the proposed settlement have been received from intervenors or other interested parties.

Since the proposed settlement rates under Atlantic's FPC Gas Rate Schedules Nos. 1, 34, 35, 36, 37, 134, 136, 141, 142, 160 (with respect to the sale of gas from Texas Railroad Commission District No. 2) and 161 are acceptable under the provisions of the Second Amendment of the Commission's statement of general policy No. 61-1,[5] issued December 20, 1960, for the jurisdictional sale of natural gas for Texas Railroad Commission Districts 2, 3, 4, and 6, and since the proposed settlement rate under Atlantic's FPC Gas Rate Schedule No. 38 does not exceed the applicable area price level for the jurisdictional sale of natural gas for Texas Railroad Commission District No. 1, as set forth in the Commission's Statement of General Policy 61-1,[5] issued September 28, 1960, it appears that the public interest will be best served by accepting Atlantic's proposed Offer of Settlement with respect to these rate schedules.

However, since the proposed settlement rate for gas delivered from the Loma Alta Field, McMullen County, Texas (Texas Railroad Commission District No. 1) under Atlantic's FPC Gas Rate Schedule No. 160 is a base rate of 13.8733 cents per Mcf plus a 0.5 cent per Mcf allowance for dehydration and gathering, it exceeds the 14.0 cents per Mcf area price level, as set forth in the Commission's statement of general policy 61-1,[5] issued September 28, 1960. Therefore, as a condition to accepting the offer of Settlement, the allowance for dehydration and gathering of the gas which Atlantic delivers from Texas Railroad Commission District No. 1 under its FPC Gas Rate Schedule No. 160 shall be reduced from 0.5 cent per Mcf to an allowance of 0.1267 cent per Mcf. The net effect of such condition will be to reduce the proposed settlement rate to a level not in excess of the applicable area ceiling.

As set out in Appendix A (see footnotes 6 thru 9), seven of the rate suspension proceedings also relate to Atlantic rate schedules other than those covered by the Offer of Settlement; therefore, termination of these seven proceedings shall be with respect to only those rate schedules covered by the Offer of Settlement.

As further set out in Appendix A (footnotes 1 and 2), all of the rate suspension proceedings have been consolidated with the proceedings in Docket No. G-9283, et al., by order issued September 23, 1960, or in the proceedings in Docket No. AR61-2, et al., by orders issued May 10, 1961 and May 15, 1962.

The Commission finds:

(1) The proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in Atlantic's July 9, 1962 Offer of Settlement, as hereinafter modified, is in the public interest and is appropriate to carry out the provisions of the Natural Gas Act and should be conditionally approved and conditionally made effective subject to the modifications, terms and conditions ordered.

(2) Good cause exists for disallowing all increased rates in excess of the settlement rates, for severing and terminating certain proceedings, for severing and terminating certain other proceedings in part, and providing for refunds.

The Commission orders:

(A) The Offer of Settlement filed by Atlantic on July 9, 1962, is hereby conditionally approved and conditionally made effective the date of the issuance of this order, subject to the following modifications, terms and conditions.

(B) Atlantic shall execute with Texas Eastern amendments to the gas purchase contracts covered by Atlantic's FPC Gas Rate Schedules Nos. 1, 34, 35, 36, 37, 38, 134, 136, 141, 142, 160, and 161, in order to implement the provisions of the Offer of Settlement, as modified in accordance with paragraph (C) below.

(C) Atlantic shall execute with Texas Eastern an amendment to the gas purchase contract covered by Atlantic's FPC Gas Rate Schedule No. 160, similar to that submitted with its Offer of Settlement, with the exception that the allowance for dehydration and gathering of gas delivered from the Loma Alta Field, McMullen County, Texas (Railroad Commission District No. 1) shall be reduced from 0.5 cent per Mcf to an allowance of 0.1267 cent per Mcf.

(D) Within 90 days from the date of issuance of this order, Atlantic shall file with the Commission as supplements to its FPC Gas Rate Schedules Nos. 1, 34, 35, 36, 37, 38, 134, 136, 141, 142, 160, and 161, the executed agreements to be made with Texas Eastern pursuant to paragraphs (B) and (C) above.

(E) The settlement rates which are set out in Appendix A, attached hereto as a part of this order, are conditionally approved and conditionally made effective as of the date of the issuance of this order. All proposed rates filed in the proceedings listed in Appendix A, which are in excess of the settlement rates, are disallowed.

(F) Within 90 days of this order Atlantic shall refund to Texas Eastern the difference between the amounts collected subject to refund and the settlement rates, together with simple interest, as specified in each docket, from the respective dates of receipt of the excess amounts by Atlantic to the dates of refund. Atlantic shall bear all costs incidental to the making of such refunds.

(G) Within 90 days from the date of the issuance of this order, Atlantic shall report to the Commission in writing and under oath the details of its calculations resulting in refunds ordered pursuant to paragraph (F) above, together with a copy of a release from Texas Eastern with respect to such refunds.

(H) Upon full compliance by Atlantic with all of the terms and conditions of this order and acceptance of the filings made pursuant hereto, the proceedings listed in Appendix A hereto are severed from the proceedings in Docket No. G-9283, et al., or Docket No. AR61-2, et al., whichever is applicable, and are hereby terminated: *Provided, however,* That part of each proceeding listed in Appendix A hereto which does not relate to a rate schedule covered by the Offer of Settlement (see Appendix A, footnotes 6 thru 9) is not severed or terminated, but is continued in full force and effect.

(I) Atlantic shall, over the signature of a responsible officer, file with the Commission within 30 days from the date of issuance of this order, in writing and under oath, an original and one copy of its acceptance or rejection of the terms, and conditions of this order.

(J) The acceptance of this Offer of Settlement is without prejudice to any findings or determinations that may be made in any proceedings which are presently being heard, or in any proceedings now pending, or hereinafter instituted by or against Atlantic.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

Docket No.	FPC Gas Rate Schedule No.	Rate Schedule Supplement No	Texas R.R. District No.	Suspended rate (14.65 psia)	Date effective subject to refund	Settlement rate (14.65 psia)[11]
G-13496 [1 10]	142	14	3	14.4	4-1-58	14.6
G-13499 [1]	1	7	6	14.4	4-1-58	14.6
	136	3	6	14.4	4-1-58	15.0
	141	9	3	14.4	4-1-58	14.6
G-15233 [1]	35	15	2	13.8733	11-15-58	13.8733
	37	12	2	13.8733	11-15-58	13.8733
G-15234 [1 10]	36	13	2	13.8733	11-15-58	13.8733
G-15412 [1]	34	22	2	[3] 14.7	12-14-58	[3] 14.3733
G-16647 [1 8 10]	136	4	6	14.6	4-1-59	15.0
G-16648 [1]	1	8	6	14.6	4-1-59	14.6
	141	11	3	14.6	4-1-59	14.6
	142	18	3	14.6	4-1-59	14.6
G-18752 [1 10]	134	6	2	13.8733	11-18-59	13.8733
	161	5	2	13.8733	11-18-59	13.8733
G-18753 [1 10]	160	11	1 and 2	[4] 13.8733	11-18-59	[3] 13.8733
G-19536 [1 2 7]	1	9	6	14.8	4-1-60	14.6
	141	12	3	14.8	4-1-60	14.6
G-19537 [1 6 10]	136	5	6	14.8	4-1-60	15.0
	142	19	3	14.8	4-1-60	14.6
R161-8 [1]	34	23	2	[3] 15.4444	12-21-60	[3] 14.3733
	35	16	2	14.9444	12-21-60	13.8733
	37	13	2	14.9444	12-21-60	13.8733
	38	11	1 and 4	14.9444	12-21-60	13.8733
	161	6	2	14.9444	12-21-60	13.8733
R161-9 [1 10]	134	7	2	14.9444	12-21-60	13.8733
	36	14	2	14.9444	12-21-60	13.8733
R161-128 [2 9 10]	160	13	1 and 2	[4] 14.9444	12-21-60	[3] 13.8733
	136	6	6	15.0	4- 1-61	15.0
R161-131 [2 9]	142	20	3	15.0	4- 1-61	14.6
	1	10	6	15.0	4- 1-61	14.6
R162-77 [2 9]	141	13	3	15.0	4- 1-61	14.6
	1	11	6	15.2	4- 1-61	14.6
R162-78 [2 9]	141	14	3	15.2	4- 1-61	14.6
	136	7	6	15.2	4- 1-61	15.0
	142	22	3	15.2	4- 1-62	14.6

[1] Additional proceedings involved in this order are listed in Appendix A hereto.

[2] Atlantic included in its list of proceedings covered by the Offer of Settlement, G-11202, G-11259, G-11312, and G-11365. These proceedings were terminated prior to the time of the filing of the Offer of Settlement, and, therefore, are not covered by this order.

[3] In its Offer of Settlement, Atlantic stated that it had filed just prior to the filing of the Offer of Settlement, supplements to its FPC Gas Rate Schedules Nos. 34 and 38, providing for increases in rate to 13.8733 cents per Mcf. Atlantic has subsequently informed the Commission that this statement was in error.

[4] Under Atlantic's FPC Gas Rate Schedules Nos. 34 and 160 there is an additional allowance of 0.5 cent per Mcf for dehydration and gathering.

[5] 18 CFR, Chapter 1, Part 2, § 2.56.

[1] Consolidated with proceedings in Docket No. G-9283, et al., by order issued 9-23-60.

[2] Consolidated with proceedings in Docket No. AR61-2, et al., by orders issued 5-10-61 and 5-15-62.

[3] Includes 0.5 cent per Mcf dehydration and gathering charge allowance.

[4] Does not include 0.5 cent per Mcf dehydration and gathering charge allowance.

[5] For sale of gas from Railroad Commission District No. 1, there is an additional 0.1267 cent per Mcf dehydration and gathering charge allowance, which is a reduction in allowance from the 0.5 cent per Mcf which Atlantic requested in its Offer of Settlement. For the sale of gas from Railroad Commission District No. 2, there is an additional 0.5 cent per Mcf dehydration and gathering charge allowance.

[6] This proceeding also relates to Atlantic's FPC Gas Rate Schedules Nos. 181 and 187, but such rate schedules are not included in the settlement.

[7] This proceeding also relates to Atlantic's FPC Gas Rate Schedules Nos. 63 and 166, but such rate schedules are not included in the settlement.

[8] This proceeding also relates to Atlantic's FPC Gas Rate Schedules Nos. 63, 181, and 187, but such rate schedules are not included in the settlement.

[9] This proceeding also relates to Atlantic's FPC Gas Rate Schedules Nos. 166 and 205, but such rate schedules are not included in the settlement.

[10] Proper name designation of proceeding includes "(Operator), et al."

[11] The settlement rates are conditionally approved and conditionally made effective as of the date of the issuance of this order. As to the proposed increased rates which are less than the settlement rates, this order is in no way to be construed as authorizing Atlantic to retroactively charge and collect the difference between the proposed increased rate and the settlement rate from the date the proposed increased rate became effective subject to refund to the date of the issuance of this order.

[F.R. Doc. 62-8412; Filed, Aug. 21, 1962; 8:46 a.m.]

[Docket No. CP62-286]

CITY OF SPEARVILLE, KANSAS

Notice of Application

AUGUST 15, 1962.

Take notice that on June 5, 1962, the City of Spearville, Kansas (Applicant), filed in Docket No. CP62-286 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Company of America (Natural) to establish physical connection of its facilities with those which Applicant proposes to construct and to sell and deliver natural gas to Applicant for resale and distribution in Spearville, Kansas, all or more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a natural gas distribution system within the City of Spearville and a 4-inch lateral transmission line approximately 6 miles in length extending southeast from the town border to an interconnection with Natural's main transmission line in Kansas. The application states that the total over-all cost of constructing the proposed distribution system and lateral line is $165,000, and that the voters of the City have approved the issuance of gas distribution system bonds in this amount to finance the project.

The estimated peak day and annual gas requirements under this application for the first three years of operation are as follows:

Year	Mcf at 14.65 psia	
	Peak Day	Annual
1st	271	31,559
2d	343	40,616
3d	378	44,717

On June 21, 1962, Natural filed its answer to the subject application stating that the available pipeline capacity and gas supply will permit the requested service and that issuance of an appropriate order is not opposed. Natural estimates that the necessary tap and metering and regulating facilities will cost $14,340.

Protests, requests for hearing, or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 10, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8409; Filed, Aug. 21, 1962; 8:46 a.m.]

[Docket Nos. RP61-3; RP61-4]

FLORIDA GAS TRANSMISSION CO. AND COASTAL TRANSMISSION CORP.

Order Prescribing Time for Filing Evidence and Reconvening Hearing

AUGUST 15, 1962.

These proceedings relate to two certain issues reserved for hearing in the settlement agreement heretofore approved by the Commission by order issued June 8, 1962, in Docket Nos. G-9262, et al. The reserved issues are (1) the original cost of constructing Florida Gas Transmission Company's (Florida Gas) facilities and (2) accrual of federal income taxes on the books of Coastal Transmission Corporation (Coastal).

Pursuant to the order approving settlement, a conference was held on July 25, 1962, among Respondents, certain interveners, and the Commission staff. No further settlement was

reached as to the substance of the reserved issues, however it was agreed that at the commencement of the hearing a stipulation and exhibit will be placed on the record defining certain procedures and limiting the facts to be tried.

It is the view of the Commission that the aforementioned issues should be set for hearing in accordance with the procedure prescribed below.

The Commission orders:

(A) Florida Gas and Coastal shall serve their case-in-chief on both reserved issues on all parties of record on or before November 9, 1962.

(B) The Commission staff and any interveners, who may wish to adduce evidence, shall file their case-in-chief on either or both reserved issues on or before December 3, 1962.

(C) The hearing on both reserved issues shall reconvene on December 3, 1962, at 10:00 a.m., e.s.t., in a hearing room at the Federal Power Commission, 441 G Street NW., Washington, D.C. At said hearing, the aforementioned stipulation and exhibit shall be placed in the record and, upon adoption of Respondents' case-in-chief, cross-examination shall proceed thereon immediately. At the conclusion of such cross-examination, the cases-in-chief of the other parties shall be placed in the record.

(D) The Presiding Examiner shall exercise control of the proceeding to an expeditious conclusion thereof in conformity with the Commission's rules of practice and procedure.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8411; Filed, Aug. 21, 1962; 8:46 a.m.]

[Docket No. G-2409]

NORTHERN NATURAL GAS CO.

Order To Show Cause and Prohibiting Use of Facilities for Rendering Direct Industrial Sales

AUGUST 15, 1962.

On July 5, 1962, Northern Natural Gas Company (Northern) filed a report responsive to a Commission letter dated June 15, 1962, requesting Northern to submit a statement as to whether direct sales were being made to Northern States Power Company (Northern States) for use in the latter's Black Dog Lake electric generating station, and if so, advising Northern to accompany its answer with an explanation of the reasons for resuming the direct sales while Northern's request for authority to convert the Black Dog sales to a jurisdictional basis was still pending for decision before the Presiding Examiner.[1] Northern's report states that it entered into an "Interim Interruptible Industrial Contract" with Northern States on April 26, 1962, and that deliveries of gas to the Black Dog plant were commenced on April 27, 1962, pursuant to the terms of the aforesaid "Interim" contract which will expire either upon the date that the Commission issues an order granting Northern's request in Docket No. G-2409 that the Black Dog sales be made jurisdictional, or on October 1, 1962, whichever date might be earlier in time.

As justification for the resumption of direct sales to the Black Dog plant, Northern explained that it had cancelled its previous direct sales contract with Northern States on July 31, 1961, because at that time there was a possibility that the Commission might adopt the *Seaboard*-type cost allocation method in Northern's rate case in Docket No. G-19040 to the detriment of Northern's stockholders. However, Northern pointed out that when the Commission issued its orders in Docket No. G-19040 on December 21, 1961, and May 7, 1962, that the issue of cost allocation was settled "* * * for the time being".[2] Northern then asserts in its report that it could not earn the "* * * agreed upon and approved revenues which were the basis of the settlement of the issue of rate level in Docket No. G-19040" unless the revenues to be obtained from the Black Dog sales were included as a part of the total revenues.[3]

In next to the last paragraph of Northern's report, the following statement appears:

Northern's counsel has further advised me that, as a matter of law and fact, the original authority issued on June 26, 1956, is still in force and effect.* * *

After a thorough review of the certificate originally issued to Northern in Docket No. G-2409 in conjunction with the applicable court decisions, the Natural Gas Act, our regulations, and the facts surrounding the reopened proceeding in Docket No. G-2409, we find that we must disagree with Northern's conclusion that its certificate in Docket No. G-2409 "* * * is still in force and effect".

First of all, on July 19, 1961, Northern filed in Docket No. G-2409 an application for a temporary certificate specifically requesting that it be permitted to use its existing facilities to render jurisdictional sales to Northern States, for use by the latter in the Black Dog plant, under Northern's Rate Schedules CD-3 and R-3. The reason given for the "emergency" situation which had arisen at that time was that Northern had cancelled its previous direct sales contract with Northern States to become effective as of July 31, 1961. Northern claimed that making the sales on a jurisdictional basis would reduce the jurisdictional cost of service because Northern expected to sell Northern States 5,000,000 Mcf of gas during the months of August and September of 1961. The Commission thereafter on July 21, 1961, issued Northern a temporary certificate containing the following language:

The temporary authorization to make jurisdictional instead of nonjurisdictional sales to Northern States Power Company for use by the latter in its "Black Dog" generating plant, as requested by Northern Natural Gas Company in its application for temporary certificate filed July 19, 1961, in Docket No. G-2409, is hereby granted for the limited period beginning August 1, 1961 and extending through September 30, 1961.

While we do not favor the utilization of gas for boiler fuel use for marginal savings, under the circumstances and during the transition period of this case, we are granting the certificate for a period beginning August 1, 1961, and extending through September 30, 1961.

The language employed in granting Northern's temporary certificate leaves no doubt but that Northern was authorized to use the facilities constructed pursuant to the certificate originally issued in Docket No. G-2409 on a jurisdictional basis to make sales under Northern's Rate Schedules CD-3 and R-3. Northern's having made these sales on a jurisdictional basis after having cancelled its previous direct sales contract with Northern States precluded Northern from resuming direct sales to Northern States without making the required filing under Section 4(c) of the Natural Gas Act. In United Gas Co. v. Mobile Gas Corp., 350 U.S. 332, the Supreme Court stated (pp. 341-42):

The limitations imposed on natural gas companies are set out in sections 4(c) and 4(d). The basic duties are the filing requirements: section 4(c) requires schedules showing all rates and contracts in force to be filed with the Commission and section 4(d) requires all changes in such schedules likewise to be filed.

It should be noted that when Northern's temporary certificate prohibited jurisdictional sales after October 1, 1961, that Northern was then making sales under its jurisdictional Rate Schedules CD-3 and R-3, but on April 27, 1962, Northern resumed making direct sales to Northern States without filing its new direct sales contract with Northern States until June 14, 1962, or almost two months after it reinstituted direct sales of gas to Northern States.

Thus, Northern clearly violated section 4(c) of the Act and § 155.1 of the Commission's regulations under the Natural Gas Act by its failure to file the direct sales contract under which it resumed the direct sales of gas to Northern States. As indicated above, the Supreme Court has interpreted section 4(c) as meaning that a natural-gas company must file all rates and contracts in force. So far as Northern was concerned, its contract with Northern States was in force on April 27, 1962, but Northern failed to notify the Commission in any way of the resumption of these direct sales until it belatedly filed the contract on June 14, 1962, after learning that the Commission had been informed that direct sales of gas to Northern States for use in the Black Dog plant had been resumed.

Northern's failure to file its direct sales contract at the time it resumed the making of direct sales to Northern States was not in accordance with either the Natural Gas Act or the Commission's regulations. Northern's failure to continue its operations in accordance with the Natural Gas Act rendered its certificate originally issued in Docket No. G-2409 ineffective in that paragraph (C) of the order originally issued to Northern in Docket No. G-2409 provided that the certificate issued in Docket No. G-2409 was subject to § 157.20(e) of the Commission's regulations under the Natural Gas Act which provides:

(e) The certificate issued to applicant is not transferable in any manner and shall be effective only so long as applicant continues the operations authorized by the order issuing such certificate and in accordance with the provisions of the Natural Gas Act, as well as applicable rules, regulations, and orders of the Commission.

Wholly apart from the fact that Northern's original certificate authority in Docket No. G-2409 is now ineffective through Northern's failure to comply with the provisions of the Act and the Commission's regulations, is the fact that we set forth in the temporary certificate issued in Docket No. G-2409 a statement to the effect that "* * * we do not favor the utilization of gas for boiler fuel use for marginal savings" and that during the transition period of the reopened proceeding in Docket No. G-2409 we would permit sales for boiler fuel for two months only. There was no reason for Northern to ignore this statement, particularly in light of the further condition in paragraph (E) of the certificate originally issued in Docket No. G-2409 which provided (15 FPC 1634 at p. 1637):

(E) The authorization granted by this certificate shall not preclude the Commission from requiring Northern to curtail the use of the facilities herein authorized if at some future time it is demonstrated to the Commission that public convenience and necessity so require.

The Commission finds:

(1) Northern's resumption of direct industrial sales without the filing of its new contract with Northern States pursuant to section 4(c) of the Natural Gas Act and § 155.1 of the Commission's regulations has rendered the original certificate issued to Northern in Docket No. G-2409 ineffective in accordance with the provisions of § 157.20(e) of the Commission's regulations.

(2) Northern should be precluded from using the facilities authorized in Docket No. G-2409 for making direct industrial sales because of its failure to continue the operations therein authorized in accordance with the provisions of the Natural Gas Act and the Commission's regulations.

(3) Northern should be precluded from using the facilities authorized in Docket No. G-2409 for making jurisdictional sales because of the two-month limitation contained in the temporary certificate issued July 21, 1961, on the making of jurisdictional sales during the transition period of this case.

(4) Northern should be required to show cause as to why its petition to render jurisdictional sales to Northern States for use at the Black Dog plant should not be dismissed.

The Commision orders:

(A) Northern is hereby prohibited from utilizing the facilities originally authorized in Docket No. G-2409, 15 FPC 1634, 1637, for making direct industrial sales or jurisdictional sales to Northern States for use in the latter's Black Dog generating station prior to the issuance by the Commission of a final order in this reopened proceeding for the reasons given in paragraphs (1), (2), and (3) above.

(B) Northern shall show cause, if any therebe, at the reopened hearing directed in paragraph (C) hereof, why its petition to render jurisdictional sales to Northern States for use in the latter's Black Dog plant should not be dismissed.

(C) Pursuant to the authority contained in, and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 14, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held on a reopened record in Docket No. G-2409 commencing September 19, 1962, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington 25, D.C., concerning the matters involved in and the issues raised by Northern's filing of its petition to amend the certificate originally issued in Docket No. G-2409, 15 FPC 1634.

(D) Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure [18 CFR 1.8 or 1.10] on or before September 4, 1962. Parties who have already been permitted to intervene in the hearing previously held regarding Northern's petition to amend in Docket No. G-2409 shall be considered to be interveners in this reopened proceeding without the necessity of their having to file additional petitions to intervene or notices of intention to participate. However, if the changed circumstances surrounding the reopening of this record have caused any of the parties heretofore permitted to intervene to change their positions, they should file amended petitions to intervene indicating the reasons for such changes in position.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8410; Filed, Aug. 21, 1962; 8:46 a.m.]

[1] In Docket No. G-2409 on June 30, 1956, 15 FPC 1634, the Commission issued Northern a certificate to construct the facilities required to make direct industrial sales to Northern States for use by the latter at its Black Dog plant. On June 6, 1960, Northern filed a petition to amend its certificate in Docket No. G-2409 so as to make such sales jurisdictional. This petition was supplemented on April 26, 1961, and amended on July 11, 1961, the ultimate proposal being that Northern desires to have the Black Dog sales made jurisdictional by selling the gas to Northern States under Northern's Rate Schedules CD-3 and R-3. Northern States, as a purchaser under Northern's Contracted Demand Rate Schedules, is entitled to buy interruptible gas when it is available. Such overrun sales were held to be jurisdictional when used in the purchaser's own generating plant in State Corp. Com'n of Kan. v. F.P.C., 206 F. 2d 690 (CA8).

[2] Northern had claimed prior to the aforesaid orders that a *Seaboard*-type cost allocation method would cause its stockholders to lose about $749,838 from making direct sales to the Black Dog plant because costs allocated against the sales would exceed the revenues to be obtained therefrom by that amount.

[3] There had been no indication at the settlement in Docket No. G-19040 that Northern intended to resume making direct sales to Northern States despite the pendency of its petition filed in Docket No. G-2409 seeking permission to convert the Black Dog sales to a jurisdictional basis.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF ADMINISTRATION, REGION II (PHILADELPHIA)

Redelegation of Authority To Execute Legends on Bonds, Notes and Other Obligations

The Regional Director of Administration, Region II, Philadelphia, Housing and Home Finance Agency, is hereby authorized within such Region to execute, on behalf of the Housing and Home Finance Administrator, in instances where necessary or appropriate, any legend appearing on any bond, note or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U.S.C. 1450-1463), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note or other obligation and its payment therefor on the date specified in the particular legend.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); Reorg. Order 1, 19 F.R. 9303-5 (Dec. 29, 1954); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Delegation of Authority, 20 F.R. 556 (Jan. 25, 1955))

This redelegation supersedes the redelegation effective December 30, 1956 (22 F.R. 907—February 13, 1957).

Effective as of the 22d day of August 1962.

[SEAL] WARREN P. PHELAN,
Regional Administrator,
Region II.

[F.R. Doc. 62-8431; Filed, Aug. 21, 1962; 8:50 a.m.]

ACTING REGIONAL ADMINISTRATOR, REGION V (FORT WORTH) AND OTHER ACTING REGIONAL OFFICERS

Designations

The officers appointed to the following listed positions in Region V (Fort Worth) are hereby designated to serve as Acting Regional Administrator, Region V, during the absence of the Regional Administrator, with all the powers, functions, and duties delegated or assigned to the Regional Administra-

tor, provided that no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Assistant to the Regional Administrator.
2. Regional Director of Community Facilities.
3. Regional Director of Urban Renewal.
4. Regional Counsel.
5. Director, Community Requirements Branch.

The officers appointed to the positions in Region V (Fort Worth) listed under 1, 2, and 3 below are hereby designated to serve as the Acting Regional Director as specified below during the absence of the Regional Director of Community Facilities, the Regional Director of Urban Renewal, or the Regional Director of Administration, respectively, with all the powers, functions, and duties delegated or assigned to the respective Regional Director, provided that no officer is authorized to serve as Acting Regional Director unless all other officers whose titles precede his in the respective designations below are unable to act by reason of absence:

1. Acting Regional Director of Community Facilities:
a. Deputy Regional Director of Community Facilities.
b. Assistant to the Regional Director of Community Facilities.
2. Acting Regional Director of Urban Renewal:
a. Deputy Regional Director of Urban Renewal.
b. Chief, Operations Staff, Urban Renewal Branch.
c. Assistant Regional Director for Special Programs.
3. Acting Regional Director of Administration:
a. Head, Budget and Management Section, Administrative Branch.

This designation supersedes the designation effective June 7, 1962 (27 F.R. 5412).

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962).)

Effective as of the 22nd day of August 1962.

[SEAL] R. A. BETHUNE,
Regional Administrator,
Region V.

[F.R. Doc. 62-8432; Filed, Aug. 21, 1962; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4059]

EASTERN SHORE PUBLIC SERVICE COMPANY OF MARYLAND AND DELAWARE POWER & LIGHT CO.

Notice of Proposed Issuance and Sale

AUGUST 16, 1962.

Notice is hereby given that Delaware Power & Light Company ("Delaware"), 600 Market Street, Wilmington 99, Delaware, a registered holding company and a public-utility company, and its subsidiary company, The Eastern Shore Public Service Company of Maryland ("Maryland"), 114 North Division Street, Salisbury, Maryland, a public-utility company, all of whose outstanding securities are owned by Delaware, have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 9(a), 12(d), and 12(f) of the Act and Rules 43, 44, and 50(a)(3) thereunder as applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration for a statement of the proposed transactions, which are summarized as follows:

From time to time prior to August 31, 1964, Maryland proposes to issue and sell to Delaware for cash 4¼ percent promissory notes due October 1, 1973, in an aggregate principal amount not in excess of $2,000,000. The notes will be pledged by Delaware with Chemical Bank New York Trust Company, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delaware to Chemical Bank New York Trust Company, Trustee, successor by merger to The New Trust Company, dated as of October 1, 1943, as security for Delaware's first mortgage bonds.

It is stated that Maryland will use the proceeds derived from the sale of said notes to reimburse its treasury for moneys previously expended for construction requirements and to provide funds for future construction expenditures. Proposed additions to Maryland's property and plant are estimated at $3,680,759 for 1962, $2,278,788 for 1963 and $2,001,656 for 1964.

It is further stated that, other than miscellaneous traveling expenses, the expenses in connection with the proposed transactions, including legal expenses estimated at not in excess of $750, will be nominal.

A joint application has been filed by Maryland and Delaware with the Public Service Commission of Maryland, the State commission of the State in which Maryland is organized and doing business. A certified copy of the order of this State commission expressly authorizing the proposed transactions will be filed by amendment in this proceeding.

Notice is further given that any interested person may, not later than September 4, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as amended, may be granted or permitted to become effective as provided in Rule 23 of the general rules and regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8414; Filed, Aug. 21, 1962; 8:47 a.m.]

[File No. 24D-2566]

PROSPER OIL AND MINING CO.

Notice and Order for Hearing

AUGUST 16, 1962.

I. Prosper Oil and Mining Company (issuer), Milford, Utah, a Utah corporation, filed with the Commission on February 16, 1962, a notification on Form 1-A and an offering circular relating to a public offering of 350,000 shares of its $.10 par value common stock at $.50 per share, for an aggregate of $175,000, and 170,000 shares of its $.10 par value common stock offered for property and equipment for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission, on April 16, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., P.d.s.t., on October 8, 1962, at the Los Angeles Branch Office of the Commission, Room 309, Guaranty Building, 6331 Hollywood Boulevard, Los Angeles, California, with respect to the matters set forth in section II of the Commission's order dated April 16, 1962, which temporarily suspended the Regulation A exemption of Prosper Oil and Mining Company, without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

III. It is further ordered, That the designated hearing examiner, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the

Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Prosper Oil and Mining Company, that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before October 5, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That Prosper Oil and Mining Company, pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II of the Commission's order dated April 16, 1962. Such answer shall be filed in the manner, form, and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Prosper Oil and Mining Company does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II of the Commission's order dated April 16, 1962.

Notice is hereby given, That if Prosper Oil and Mining Company fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Prosper Oil and Mining Company by the Commission upon consideration of this notice and order for hearing and said allegations in section II of the Commission's order dated April 16, 1962, may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8415; Filed, Aug. 21, 1962; 8:47 a.m.]

[File No. 24SF-2899]

TERRA EQUIPMENT ENGINEERING, INC.

Notice and Order for Hearing

AUGUST 16, 1962.

I. Terra Equipment Engineering Corporation (issuer), 496 West San Carlos Street, San Jose, California, incorporated in Nevada on April 27, 1961, to acquire the business of Thompson Scoop-Grader, Inc. (predecessor, a California corporation), filed with the Commission on June 12, 1961 a notification and offering circular relating to an offering of 273,423 shares of its $1.00 par value common stock at $1.00 per share, for an aggregate offering of $273,423, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on June 29, 1962, issued an order pursuant to Rule 261 of the general rules and regulation under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., P.s.t., on October 3, 1962, at the San Francisco Regional Office of the Commission, 821 Market Street, San Francisco, California, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in this proceedings:

A. Whether the terms and conditions of Regulation A have been complied with in that:

1. The issuer failed to disclose in response to Item 3(c) the names of all persons who may be considered as promoters of the issuer within the meaning of Rule 251.

2. The issuer failed to disclose in response to Item 9 the facts regarding the allocation and transfer of 397,142 shares for which an exemption is claimed under section 4(1) of the Securities Act of 1933, as amended.

B. Whether the offering circular omits to state material facts which should necessarily have been included in order to make the representations made, in the light of the circumstances under which they were made, not misleading, with respect to:

1. The interests in the predecessor company which were the basis for the allocation of shares of the issuer in exchange for the business of the predecessor, and material transactions in such interests by officers, directors and promoters of predecessor and issuer;

2. Material transactions in shares of the issuer by officers, directors and promoters thereof;

3. The liabilities of the predecessor company assumed by issuer and the liabilities of the issuer, the items included therein, and provisions and agreements pertaining to the satisfaction or discharge thereof;

4. Transactions in shares of the issuer in violation of state law and resulting contingent liabilities, and

5. Commitments of the issuer to pay salaries and commissions.

C. Whether the exemption provided by Regulation A is available in that the issuer has failed to comply with Rules 253 and 254 in computing the aggregate amount of the offering and consequently the offering, if made, would exceed the $300,000 limitation of section 3(b) of the 1933 Act.

D. Whether the offering, if made, would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is further ordered*, That the designated hearing examiner, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Terra Equipment Engineering, Inc., and that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before October 1, 1962, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered that Terra Equipment Engineering, Inc., pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Terra Equipment Engineering, Inc., does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II hereinabove.

Notice is hereby given that if Terra Equipment Engineering, Inc. fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Terra Equipment Engineering, Inc. by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8416; Filed, Aug. 21, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 681]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 17, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking re-

consideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64885. By order of August 13, 1962, The Commission, Division 3, approved the transfer to Hove Truck Line, a corporation, Stanhope, Iowa, of Certificates Nos. MC 112985 Sub 1 and MC 112985 Sub-7, issued May 12, 1958 and March 29, 1960, to R. E. Newbrough, Wesley, Iowa, authorizing the transportation, over irregular routes, of malt beverages, from Milwaukee, Wis., and Omaha, Nebr., to Arnolds Park, Iowa, and from Milwaukee, Wis., to Britt, and Spencer, Iowa; and from LaCrosse, Wis., to Spencer, and Storm Lake, Iowa; empty malt beverage containers, on return; livestock, from Goodell, Iowa, and points within 15 miles thereof, to Omaha, Nebr., Austin, Albert Lea, and South St. Paul, Minn., and Chicago, Ill., livestock, feed, building material, and agricultural implements and farm machinery and parts thereof, from Omaha, Nebr., Austin, Albert Lea, and South St. Paul, Minn., and Chicago, Ill., to Goodell, Iowa, and points within 15 miles thereof; fruits, and vegetables, from Spencer, Iowa, to Emmetsburg, Storm Lake, Hartley, Algona, Humboldt, Holstein, Correctionville, and Cherokee, Iowa, and Luverne and Worthington, Minn., and farm machinery, from Moline, and Rock Island, Ill., to Spencer, Iowa. Kenneth F. Dudley, 106 North Court Street, P.O. Box 557, Ottumwa, Iowa, applicants' representative.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–8425; Filed, Aug. 21, 1962; 8:49 a.m.]

[Notice 223]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 17, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 110166 (Deviation No. 3), TENNESSEE CAROLINA TRANSPORTATION, INC., 905 Mile End Avenue, Nashville 7, Tenn., filed August 13, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville over U.S. Highway 70–N to junction Tennessee Highway 26 (within the corporate limits of Lebanon, Tenn.) thence over Tennessee Highway 26 to junction U.S. Highway 70–S at Sparta, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the same points over U.S. Highway 70–S.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–8427; Filed, Aug. 21, 1962; 8:50 a.m.]

[Notice 468]

MOTOR CARRIER APPLICATIONS

Call of the Docket

AUGUST 17, 1962.

Opposition to the following applications noticed herein (except No. MC 668 (Sub-No. 76) which has already been partially heard), may be accomplished (1) by filing a protest in accordance with § 1.40 of the Commission's general rules of practice within 30 days from the date of this publication in the FEDERAL REGISTER, or (2) by filing a notice of intention to protest in accordance with the provisions of § 1.241(c)(1) when the date and place of hearing of these applications are subsequently published in the FEDERAL REGISTER.

Notice to the parties. A number of applications filed by passenger carriers, in which oral hearings appear to be required, are pending for motor carrier operating rights in Connecticut, New York, and New Jersey. In addition, several broker applications involving the transportation of passengers in the same area are also pending. These applications and the authority sought are listed in the appendix to this notice. One, as indicated, has been partially heard and was continued to a time and place to be fixed by the Commission.

The Commission has become increasingly aware that some of the delays encountered in disposing of proceedings before it are attributable to a traditional liberality in granting requests for postponement of hearings. Such delays lead to additional expense and inconvenience to the other parties in such proceedings as well as to the Government.

Hearings in connection with the applications listed in the appendix will be assigned so as to give sufficient time to all parties to prepare their respective presentations. Accordingly, those participating in these proceedings will be expected to be ready for the hearing on the dates that are assigned and to refrain from requesting any postponement.

Those interested are requested to appear at a calling of the Docket by Chief Hearing Examiner James C. Cheseldine, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., on September 18, 1962, at 9:30 o'clock a.m., United States standard time (or, 9:30 o'clock a.m. local daylight saving time, if that time is observed). When the docket is called, an effort will be made with the aid of applicants or their representatives to arrive at dates and places of hearing which the parties will be expected to observe in order that all of the proceedings listed herein can be heard promptly and expeditiously.

No. MC 3647 (Sub-No. 330), filed August 8, 1962. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip, special operations, during the racing seasons, between Dover, Rockaway, Denville, Mount Tabor, Parsippany-Troy Hills, Morris Plains, Morris Township, Morristown, Madison, Chatham, Summit, and Millburn, N.J., on the one hand, and, on the other, (1) Delaware Park Race Track, Stanton, Del., (2) Bowie Race Track, Bowie, Md., (3) Pimlico Race Track, Baltimore, Md., (4) Laurel Race Track, Laurel, Md., and (5) Charles Town Race Track, Charles Town, W. Va.

NOTE: Applicant states that one stop will be made at a specific point in each municipality listed above.

No. MC 3700 (Sub-No. 49), filed August 10, 1962. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, U.S. Route 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Paterson, N.J., and Manhattan, New York, N.Y., serving all intermediate points. The purpose of this application is to change the present New York City Terminus stated in the certificate in Docket No. MC 3700 as "Manhattan, New York, N.Y." to read "New York, N.Y."

NOTE: Common control may be involved.

No. MC 3705 (Sub-No. 22), filed August 10, 1962. Applicant: WESTWOOD TRANSPORTATION LINES, INC., 149 Liberty Street, Little Ferry, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Weehawken, N.J., and Manhattan, New York, N.Y., serving all intermediate points. The purpose of this application is to change the present New York City Terminus stated in certificate in Docket No. MC 3705 Sub-1 as "Manhattan, New York, N.Y.," to read "New York, N.Y.".

NOTE: Common control may be involved.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–8428; Filed, Aug. 21, 1962; 8:50 a.m.]

[Notice 469]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 17, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below.

SPECIAL RULES OF PROCEDURES FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statements as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 879 (Sub-No. 9), filed August 16, 1962. Applicant: SERVICE LINES, INC., 514 South Fourth Street, St. Louis 2, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, livestock, commodities of unusual value, those injurious or contaminating to other lading, automobiles, commodities requiring refrigeration, hay and straw, green hides, high explosives, and fresh milk and cream), serving the Village of Champ, Mo., also known as Champ Industrial Village, as an offroute point in connection with applicant's authorized regular route operations between St. Louis Mo., and Chattanooga, Tenn.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 2989 (Sub-No. 29), filed March 30, 1962. Applicant: DAYS TRANSFER, INC., 730 East Beardsley, Elkhart, Ind. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V, *Descriptions in Motor Carriers Certificates*, Ex Parte MC–45, from points in Kankakee County, Ill., to points in Indiana, Ohio, and points in the lower peninsula of Michigan.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 16831 (Sub-No. 12), filed August 14, 1962. Applicant: LaVERNE W. SIMPSON, doing business as MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware Avenue, Des Moines, Iowa. Applicant's attorney: William N. Dunn, Eldora, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC–45, from points in Kankakee County, Ill., to points in Iowa, Minnesota, Wisconsin, South Dakota, Kansas, and Nebraska, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 18738 (Sub-No. 28), filed March 15, 1962. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Chicago 27, Ill. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC–45, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Kansas, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 25567 (Sub-No. 45), filed August 10, 1962. Applicant: HANCOCK TRUCKING, INCORPORATED, P.O. Box 612, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving Champ, Mo., Industrial Village as an offroute point in connection with applicant's regular route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 29988 (Sub-No. 87), filed August 13, 1962. Applicant: DENVER CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives and commodities in bulk), serving Champ, Mo., Industrial Village as an offroute point in connection with applicant's authorized regular-route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 41406 (Sub-No. 6), filed August 13, 1962. Applicant: J. ARTIM & SONS, INC., 7105 Kennedy Avenue, Hammond, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC–45, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Kentucky, Indiana, Wisconsin, Michigan, Ohio, Pennsylvania, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 42329 (Sub-No. 156), filed August 13, 1962. Applicant: HAYES FREIGHT LINES, INC., P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: James W. Lawson, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value,

household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Village of Champ, Mo. (also known as Champ Industrial Village), as an intermediate or offroute point in connection with carrier's presently authorized regular route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 52110 (Sub-No. 74), filed March 30, 1962. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carriers Certificates*, Ex Parte MC-45, from points in Kankakee County, Ill., to points in Iowa, Minnesota, Nebraska, and South Dakota.

NOTE: Common control may be involved.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 52751 (Sub-No. 31), filed August 14, 1962. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's representative: William Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Kankakee County, Ill., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 55896 (Sub-No. 17), filed August 10, 1962. Applicant: R. W. EXPRESS, INC., 4840 Wyoming Avenue, Dearborn, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from points in Kankakee County, Ill., to points in Indiana, Wisconsin, Michigan, and Ohio.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 61440 (Sub-No. 80), filed August 9, 1962. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. Applicant's attorney: Richard H. Champlin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and liquid commodities in bulk), serving the Village of Champ, Mo., also known as Champ Industrial Village, as an offroute point in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 64932 (Sub-No. 320), filed August 15, 1962. Applicant: ROGERS CARTAGE CO., 1934 South Wentworth Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment), serving the Village of Champ, Mo., also known as Champ Industrial Village, as an offroute point in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 103435 (Sub-No. 112), filed April 25, 1962. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, 900 East Omaha Street, Rapid City, S. Dak. Applicant's attorney: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Missouri, and Kansas.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 69116 (Sub-No. 65), filed March 28, 1962. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 294, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Kentucky, Indiana, Wisconsin, Michigan, Ohio, Pennsylvania, and West Virginia.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 71096 (Sub-No. 43), filed August 9, 1962. Applicant: NORWALK TRUCK LINES INC., 180 Milan Avenue, Norwalk, Ohio. Applicant's representative: Marion M. Emery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Grand Valley State College, located south of Grand Rapids, Mich., and points within two (2) miles thereof as off-route points in connection with applicant's regular-route operations to and from Grand Rapids, Mich.

NOTE: Applicant states it owns and controls Norwalk Truck Lines Inc. of Delaware through ownership of all common voting stock. Control authorized by the Commission under Docket No. MC-F-6229.

HEARING: September 27, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 78632 (Sub-No. 117), filed August 13, 1962. Applicant: HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, Nashville, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 407 Broadway National Bank Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment), serving the Village of Champ, Mo., also known as Champ Industrial Village, as an offroute point in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 103880 (Sub-No. 266), filed August 9, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed trailers, between missile sites, production plants, and missile test facilities located at points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 105957 (Sub-No. 48), filed August 13, 1962. Applicant: DELTA MOTOR LINES, P.O. Box 8367, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700, Petroleum Building, P.O. Box 1250, Jackson 5, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over

regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), to serve the Village of Champ, Mo. (also known as Champ Industrial Village), as an offroute point in connection with applicant's regular route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 108185 (Sub-No. 26), filed August 13, 1962. Applicant: DIXIE HIGHWAY EXPRESS, INC., 1600 "B" Street, Meridian, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock and commodities which require special equipment), serving Champ, Mo., Industrial Village as an offroute point in connection with applicant's regular-route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 108586 (Sub-No. 53), filed March 28, 1962. Applicant: STEFFKE FREIGHT CO., a corporation, P.O. Box 990, Wassau, Wis. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 294, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Indiana, and Wisconsin.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 109397 (Sub-No. 61), filed August 10, 1962. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed tank vehicles, between missile sites, production plants and missile test facilities in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 111594 (Sub-No. 20), filed August 13, 1962. Applicant: CENTRAL WISCONSIN MOTOR TRANSPORT COMPANY, a corporation, P. O. Box 200, Wisconsin Rapids, Wis. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Village of Champ, Mo., on the one hand, and, on the other, St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MS 112617 (Sub-No. 123), filed July 20, 1962. Applicant: LIQUID TRANSPORTERS, INC., P. O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed trailers between missile sites, production plants and missile test facilities, located at points, in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 112713 (Sub-No. 94), filed August 13, 1962. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 92d at State Line, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the Village of Champ, Mo., also known as Champ Industrial Village, as an offroute point in connection with applicant's authorized regular route operations.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 112822 (Sub-No. 34) (AMENDMENT), filed May 17, 1962, published FEDERAL REGISTER issue August 1, 1962, amended August 14, 1962, and republished as amended this issue. Applicant: EARL BRAY, INC., P.O. Box 910, Linwood and North Street, Cushing, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in truck loads, (1) from the plant site of the Farmers Chemical Company at Horn, Mo., approximately six (6) miles west of Joplin, Mo., to points in Iowa, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Colorado, and Wyoming, (2) from St. Joseph, Mo., and points within ten (10) miles thereof, to points in Nebraska, Iowa, Kansas, Colorado, South Dakota, and Wyoming, (3) from Muskogee, Okla., and points within ten (10) miles thereof, to points in Arkansas, Kansas, and Missouri, and (4) from Lawrence, Kans., and points within ten (10) miles thereof, to points in Missouri, Oklahoma, Colorado, South Dakota, Nebraska, Iowa, and Wyoming, and *returned and rejected shipments* in connection with routes (1), (2), (3), and (4) above, on return.

NOTE: The purpose of this republication is to broaden the scope of the authority previously sought.

HEARING: Remains as assigned September 12, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

No. MC 113336 (Sub-No. 54), filed August 10, 1962. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed tank trailers, between missile sites, production plants, and missile test facilities located at points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 116254 (Sub-No. 12), filed August 13, 1962. Applicant: CHEM-HAULERS, INC., P.O. Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, 515 Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed trailers, (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (1) above, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 119403 (Sub-No. 2), filed August 10, 1962. Applicant: CONTRACT STEEL CARRIERS, INC., 7500 West Chicago Avenue., Gary, Ind. Applicant's attorney: J. F. Edell, Suite 510, Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V to the Commission's report in Ex Parte 45, *Descriptions in Motor Certificates*, 61 M.C.C. 209, from points in Kankakee

County, Ill., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota, and *exempt commodities*, on return.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8429; Filed, Aug. 21, 1962; 8:50 a.m.]

[Notice 470]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 17, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 142), filed July 24, 1962. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the mine site at Monsanto Chemical Corporation, located approximately 13 miles northeast of Soda Springs, Idaho, as an offroute point in connection with applicant's presently authorized regular-route operation between Pocatello and Montpelier, Idaho, over U.S. Highways 30N and 91.

HEARING: October 19, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 49, or, if the Joint Board waives its right to participate before Examiner Lawrence A. Van Dyke, Jr.

No. MC 263 (Sub-No. 145), filed July 24, 1962. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1551, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Lumber*, from the mill of the Livingston Lumber Co. near North Fork, Idaho, over U.S. Highway 93 to Salmon, Idaho, serving no intermediate points.

HEARING: October 19, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 49, or, if the Joint Board waives its right to participate before Examiner Lawrence A. Van Dyke, Jr.

No. MC 504 (Sub-No. 51), filed April 27, 1962. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Illinois and Michigan, to points in North Carolina, on and east of U.S. Highway 21.

NOTE: Applicant states it, "presently has authority from Illinois and Michigan to substantially every point in North Carolina here involved via South Carolina. It seeks here to eliminate such gateway."

HEARING: October 22, 1962, at the Palmer House. Chicago, Ill., before Examiner Reece Harrison.

No. MC 1124 (Sub-No. 184), filed August 13, 1962. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Street, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the National Aeronautics and Space Administration Centralized Testing Site, and the easements thereto and a part thereof located in Hancock County, Miss., and St. Tammany Parish, La., near Santa Rosa and Gainesville, Miss., as offroute points in connection with applicant's regular-route operations between Jacksonville, Fla., and New Orleans, La.

HEARING: September 25, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 11220 (Sub-No. 80), filed August 9, 1962. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the National Aeronautics and Space Administration Centralized Testing Site and the easements thereto, located in Hancock County, Miss., and St. Tammany Parish, La., near Santa Rosa and Gainesville, Miss., as offroute points in connection with applicant's presently authorized regular-route operations between New Orleans, La., and Meridian, Miss.

NOTE: Applicant states that it is in control of Huff Truck Lines, Inc., MC 20053.

HEARING: September 25, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 13964 (Sub-No. 4), filed July 30, 1962. Applicant: JOHN R. MORGAN, doing business as JOHN R. MORGAN CO., 20116 Greydale, Detroit 19, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, *grooms, mascots, equipment and tack*, between points in Michigan, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Iowa, Louisiana, Maryland, Massachusetts, Missouri, New Jersey, New York, Rhode Island, Virginia, West Virginia, and Wisconsin.

HEARING: October 18, 1962, at the Detroit-Leland Hotel, Detroit, Michigan, before Examiner Reece Harrison.

No. MC 25798 (Sub-No. 78), filed August 15, 1962. Applicant: CLAY HYDER TRUCKING LINES, INC., Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, Suite 912, Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from points in Cuyahoga County, Ohio, to points in Alabama, Florida, Georgia, Kentucky, Tennessee, Virginia, and West Virginia and (2) *advertising, promotional and display materials*, when shipped with said frozen foods, from points in Cuyahoga County, Ohio, to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: September 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 35890 (Sub-No. 17), filed June 28, 1962. Applicant: BLODGETT UNCRATED FURNITURE SERVICE, INC., 845 Chestnut Street SW., Grand Rapids, Mich. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Windows, doors and awnings*, uncrated, from Grand Rapids, Mich., and Chicago, Ill., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 61264 (Sub-No. 12) (CLARIFICATION), filed June 13, 1962, published FEDERAL REGISTER issue July 25, 1962, clarified August 10, 1962, and republished this issue. Applicant: PILOT FREIGHT CARRIERS, INC., P.O. Box 615, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between points in South Carolina, on the one hand, and, on the other, points in Virginia, points in North Carolina within 150 miles of Broadway, N.C., and points in that part of Georgia on and north of U.S. Highway 80; (2) from Richmond, Va., to points in North Carolina, South Carolina and points in that part of Georgia on and north of U.S. Highway 80.

NOTE: The applicant states that it is presently authorized to serve all points involved and the sole purpose of the application is to eliminate gateways between certain of the points.

(The purpose of this republication is to add the above note to the proposed authority.)

HEARING: Remains as assigned October 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 64932 (Sub-No. 321), filed August 15, 1962. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the site of the Terminal Outlet of the Mid-American Pipeline Company at or near Farmington, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin.

HEARING: September 21, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James O'D. Moran.

No. MC 66562 (Sub-No. 1880) (CORRECTION), filed April 4, 1962, published in FEDERAL REGISTER April 18, 1962, incorrectly republished May 9 after amendment, republished this issue as corrected. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 21, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Idaho Falls, and Victor, Idaho, and between Sugar City and Tetonia, Idaho.

NOTE: This republication is to correctly show the intermediate and offroute points between Idaho Falls and Victor, Idaho, which will be served as Ririe, Rigby, Menan, Roberts, Rexburg, Sugar City, St. Anthony, Ashton, Driggs, and Tetonia.

HEARING: October 18, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 49, or, if the Joint Board waives its right to participate before Examiner Lawrence A. Van Dyke, Jr.

No. MC 66562 (Sub-No. 1881), filed April 9, 1962. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Mobile, Ala., and Pensacola, Fla., as follows: (1) From Mobile over U.S. Highway 90 to Robertsdale, Ala., thence over Alabama Highway 59 to Foley, Ala., thence over U.S. Highway 98 to Pensacola, and return over the same route, serving intermediate points of Loxley, Robertsdale, Summerdale, and Foley, Ala. (2) Alternate route for operating convenience only: From junction of U.S. Highway 90 with Alabama Highway 59 near Robertsdale, Ala., over U.S. Highway 90 to junction with U.S. Highway 98 near Pensacola, and return over the same route.

NOTE: Applicant states these routes will be operated in conjunction with its existing authority between Pensacola and Eglin Air Force Base, Fla. RESTRICTIONS: Applicant states that in addition to the restriction "moving in express service", the proposed operation will be subject to the following restrictions: (1) The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, air or rail express service. (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt. (3) Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict applicant's operations to service which is auxiliary to, or supplemental of, railway express service.

HEARING: September 28, 1962, at the Hotel Battle House, Mobile, Ala., before Joint Board No. 98, or, if the Joint Board waives its right to participate before Examiner Warren C. White.

No. MC 66836 (Sub-No. 10), filed July 20, 1962. Applicant: SUN MOTOR LINE, INC., 1300 West Reno, Oklahoma City, Okla. Applicant's attorney: Rufus H. Lawson, P.O. Box 5114, Oklahoma City 7, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils and greases*, in containers, *grease guns and pumps, insecticides and advertising matter and signs*, (1) from Oklahoma City, Okla., to points in Arizona, Idaho, Montana, Oregon, Utah, Washington, and Wyoming, and (2) from Enid, Okla. and points within five (5) miles thereof, to points in Arizona, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities in connection with routes (1) and (2) above, on return.

HEARING: October 8, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 69492 (Sub-No. 20), filed May 3, 1962. Applicant: HENRY EDWARD, doing business as HENRY EDWARDS TRUCKING COMPANY, P.O. Box 97, Clinton, Ky. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from Belleville, Ill., to Woodland Mills, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: September 28, 1962, at the U.S. Court Rooms, Nashville, Tenn., before Joint Board No. 281, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

No. MC 103051 (Sub-No. 134), filed July 30, 1962. Applicant: WALKER HAULING CO., INC., 340 Armour Drive, NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424-35, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and products of vegetable oils including vegetable oil shortening*, in bulk, in tank vehicles from points in Chatham County, Ga., to points in Connecticut, Delaware, District of Columbia, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia.

NOTE: Common control may be involved.

HEARING: October 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 103880 (Sub-No. 257), filed April 26, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between the port of entry on the International Boundary Line between the United States and Canada at or near Sault Ste. Marie, Mich., on the one hand, and on the other, points in Michigan, Ohio, Indiana, Illinois, Minnesota, and Wisconsin.

NOTE: Applicant states the proposed operation will be restricted to shipments originating at or destined to points in Canada.

HEARING: October 23, 1962, at the Conrad Hilton Hotel, Chicago, Ill., before Examiner William A. Royall.

No. MC 105813 (Sub-No. 73) (AMENDMENT) filed August 3, 1962, published issue of August 15, 1962, amended August 13, 1962, and republished as amended this issue. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts and pineapples*, from Charleston, S.C., Tampa, Miami, West Palm Beach, Port Everglades, and Jacksonville, Fla., to points in Alabama, Arkansas, Delaware, Florida,

Georgia, Illinois, Indiana, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: The purpose of this republication is to include Jacksonville, Fla., as a point of origin.

HEARING: Remains as assigned October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 105813 (Sub-No. 74), filed August 9, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between Rochester, N.Y., on the one hand, and, on the other, points in Florida.

HEARING: September 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 106398 (Sub-No. 202), filed July 23, 1962. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 711 Fourteenth Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles* (including but not limited to *utility trailers, camp trailers, mobile homes, and commercial and other adaptations of the foregoing*), in initial movements, by truckaway service, from points in Pennsylvania (except Camp Hill, Chambersburg, Clarion, Clearfield, Irwin, Mansfield, Meadville, Montoursville, State College, and West Pittston), to points in the United States, including Alaska (but excluding Hawaii), and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: October 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 106965 (Sub-No. 190), filed July 31, 1962. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and vegetable oil products*, liquid in bulk, from points in Chatham County, Ga., to points in Maryland, Pennsylvania, West Virginia, Delaware, and the District of Columbia.

HEARING: October 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 107012 (Sub-No. 45), filed April 30, 1962. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. Applicant's attorney: Kenneth W. Maxfield (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Selfpropelled passenger or property carrying golf cars*, uncrated, from South Bend, Ind., to points in the United States, including Alaska and Hawaii, and *damaged and rejected shipments*, on return.

HEARING: October 23, 1962, at the Palmer House, Chicago, Ill., before Examiner Reece Harrison.

No. MC 107012 (Sub-No. 49), filed July 10, 1962. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. Applicant's attorney: G. Zan Golden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New store, office and household fixtures* and *appliances*, in packages or crates when moving in conjunction with uncrated shipments of the described commodities, from points in Delaware, Franklin, and Richland Counties, Ohio, and Grand Rapids, Mich., and points within ten (10) miles of Grand Rapids, Mich., to points in the United States (except Alaska and Hawaii).

NOTE: Applicant states the purpose of the application is to assure the right of applicant to transport partial loads of fixtures and appliances in the same vans with uncrated shipments of fixtures and appliances pursuant to existing authority.

HEARING: October 15, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Reece Harrison.

MC 107107 (Sub-No. 230), filed August 15, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, from Rochester, N.Y., to points in Florida.

HEARING: September 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 107839 (Sub-No. 43), filed May 21, 1962. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPort, INC., 5135 York Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat and packinghouse products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, between Pueblo, Colorado Springs, Denver, and Greeley, Colo., Scottsbluff, and Gering, Nebr., on the one hand, and, on the other, points in Montana, Idaho, Oregon, Washington, and Salt Lake City, and Ogden, Utah, and (2) *frozen foods and fresh fish*, from points in Washington, Oregon, and Idaho, to points in Wyoming, Chadron, Scottsbluff, and Gering, Nebr.

HEARING: October 1, 1962, at the New Customs House, Denver, Colorado, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 110525 (Sub-No. 526), filed July 27, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement and mortar*, in bulk, and bags (1) from the plant site of Atlantic Cement Company, Inc., at or near Ravena (Albany County), N.Y., to points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, and New Hampshire, and (2) from the plant and storage site of Atlantic Cement Company, Inc., at or near Charlestown, Mass., to points in New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

HEARING: October 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 111812 (Sub-No. 173), filed August 10, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pastries and confections* (including Viennese torte, linzer torte, butter creme torte, petit fours, nougatine tarts, Swiss butter rum cake, Dresden butter stollen, cinnamon nut strudel, fruit cake, pecan log rolls, date-nut torte, Parisian rum sticks), from Monroe, Wis., to Phoenix and Tucson, Ariz., Denver, Colo., Tulsa and Oklahoma, City, Okla., Albuquerque, N. Mex., El Paso, Tex., Las Vegas and Reno, Nev., Salt Lake City, Utah, and points in California, Idaho, Montana, Oregon, and Washington. (2) *Food seasoning compounds*, from Wausau, Wis., to Phoenix and Tucson, Ariz., Denver, Colo., Tulsa and Oklahoma City, Okla., Albuquerque, N. Mex., El Paso, Tex., Las Vegas and Reno, Nev., Salt Lake City, Utah, and points in California, Idaho, Montana, Oregon, and Washington.

HEARING: September 10, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Dallas B. Russell.

No. MC 113089 (Sub-No. 4), filed June 18, 1962. Applicant: ED GALLIGHER, P.O. Box 163, Bowerston, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 18, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay drain tile* from Bowerston, Ohio, to points in Virginia, New Jersey, and the District of Columbia; and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodity, on return trips.

NOTE: Applicant states that the operations will be conducted under contract with Bowerston Shale Company.

HEARING: October 19, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William A. Royall.

No. MC 113495 (Sub-No. 9), filed July 26, 1962. Applicant: GREGORY HEAVY HAULERS, INC., 2 Main Street, Nashville, Tenn. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, cast iron pipe fittings, and materials and accessories* used in the installation and maintenance of cast iron pipe and cast iron pipe fittings (1) from Lynchburg, Va., to points in Illinois, Wisconsin, Michigan, Iowa, Minnesota, and Indiana (except those in that portion on and south of U.S. Highway 40 and on and east of U.S. Highway 31), and (2) from Radford, Va., to points in Illinois, Wisconsin, Minnesota, Michigan, and Indiana (except those in that portion on and south of U.S. Highway 40 and on and east of U.S. Highway 31).

NOTE: Applicant states he already holds authority to transport cast iron pressure pipe, cast iron pressure pipe fittings, and materials and accessories used in the installation and maintenance of cast iron pressure pipe and cast iron pressure pipe fittings, from and to the same points named above. The purpose of this application is to remove the limitation imposed by the word "pressure".

HEARING: October 3, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 113651 (Sub-No. 41) (AMENDMENT), filed June 11, 1962, published in FEDERAL REGISTER issue of July 25, 1962, republished this issue as amended August 16, 1962. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: William J. Boyd, 30 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *commodities used in packinghouses*, as described in Appendix I to the report in 61 M.C.C. 209, from Dennison and Fort Dodge, Iowa, to points in Indiana, Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia.

NOTE: The purpose of this republication is to add Fort Dodge, Iowa, as an origin point.

HEARING: Remains as assigned, September 20, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James O'D. Moran.

No. MC 113678 (Sub-No. 23), filed June 4, 1962. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Donald E. Leonard, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix A, B, and C, 61 M.C.C. 209, from Greeley, Colo., to points in California, Arizona and Nevada.

HEARING: October 3, 1962, at the New Customs House, Denver, Colorado, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 113843 (Sub-No. 45), filed April 20, 1962. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and New York (except points within a 75-mile radius of Rochester, N.Y.), and *returned, rejected and refused shipments*, on return.

HEARING: October 9, 1962, at The Cleveland Statler Hilton, Cleveland, Ohio, before Examiner Reece Harrison.

No. MC 113843 (Sub-No. 51), filed August 16, 1962. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between points in Monroe County, N.Y., on the one hand, and, on the other, points in Maryland, New Jersey, and points in Pennsylvania on and east of U.S. Highway 15.

HEARING: September 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 114284 (Sub-No. 17), filed August 13, 1962. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, P.O. Box 2307, Stockyards Station, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as defined by the Commission in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 from Clovis, N. Mex. and points within five miles thereof, to points in Arizona, Kansas, Nebraska, Oklahoma, and El Paso, Tex., and points within 25 miles of El Paso, Tex.

HEARING: September 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 114364 (Sub-No. 63) (SECOND AMENDMENT), filed April 19, 1962, published FEDERAL REGISTER issue of June 6, 1962, republished June 20, 1962, amended August 8, 1962, and republished, as amended this issue. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Street, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dried beet pulp pellets*, in bulk, from points in Colorado, and that part of Nebraska lying on and west of U.S. Highway 83, to points in Arizona, and Blythe, Calif., and points within 25 miles of Blythe, and (2) *cottonseed cake products*, from points in Arizona and El Paso, Tex., to points in Colorado and Wyoming (except El Paso, Tex., to Wyoming).

NOTE: The purpose of this republication is to substitute a territorial origin description, in lieu of the present point description, as previously published.

HEARING: Remains as assigned September 18, 1962, at The New Customs House, Denver, Colo., before Examiner Alton R. Smith.

No. MC 115018 (Sub-No. 7), filed July 26, 1962. Applicant: LEWIS W. OWEN, High Street, Lawrenceville, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden skids*, from the plant site of La Crosse Manufacturing Co., Inc., located at La Crosse, Va., to Moraine City, Ohio, and *refused, rejected and damaged shipments* of the above-specified commodities, on return.

HEARING: October 3, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 312.

No. MC 115162 (Sub-No. 75), filed May 24, 1962. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 3020 West Fairview Avenue, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stock millwork and building materials, including kitchen cabinets complete with appliances*, from the plant site of McPhillips Manufacturing Company, Inc., located at Mobile, Ala., to points in Alabama, Georgia, Florida, Mississippi, Louisiana, Tennessee, and Arkansas.

HEARING: September 27, 1962, at the Hotel Battle House, Mobile, Ala., before Examiner Warren C. White.

No. MC 115523 (Sub-No. 106), filed June 11, 1962. Applicant: CLARK TANK LINES CO., a corporation, 1450 Beck Street, Salt Lake City, Utah. Applicant's attorney: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay, diatomaceous earth and pozzolanic materials*, from points in Nevada and Utah to points in Utah, Arizona, California, Idaho, Oregon, Montana, Wyoming, Colorado, Washington, New Mexico, and Nevada, (2) *dry fertilizer, dry fertilizer ingredients and dry fertilizer compounds*, from points in Nevada to points in Utah, Arizona, California, Idaho, Oregon, Montana, Wyoming, Colorado, Washington, New Mexico, and Nevada, (3) *cement*, from points in Bannock County, Idaho to points in Nevada, Utah, and Wyoming and from railheads in Nevada to points in Nevada, from railheads in Utah to points in Utah, from railheads in Wyoming to points in Wyoming, and (4) *fertilizer, fertilizer ingredients and fertilizer compounds*, from points in Wyoming to points in Wyo-

ming, Colorado, New Mexico, Arizona, California, Idaho, Utah, North Dakota, South Dakota, Nebraska, Kansas, Texas, and Montana.

HEARING: October 9, 1962, at the Utah Public Service Commission, Salt Lake City Utah, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 116254 (Sub-No. 9), filed July 23, 1962. Applicant: CHEM-HAULERS, INC., P.O. Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, 515 Nashville Trust Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers, fertilizer materials and ingredients*, in bulk, and in bags, and containers, between Sheffield, Ala., and points within 15 miles thereof, on the one hand, and, on the other, points in Tennessee, Alabama, and Mississippi.

HEARING: September 25, 1962, at the U.S. Court Rooms, Nashville, Tenn., before Joint Board No. 110, or, if the Joint Board waives its right to participate before Examiner Charles B. Heinemann.

No. MC 117109 (Sub-No. 14), filed May 2, 1962. Applicant: SYKES TRANSPORT CO., a corporation, Ironton, Mo. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles and lumber*, in flat-bed equipment, from the plant of Crosby Forest Products Company, at Picayune, Miss., to points in Arizona, Colorado, Iowa, Illinois, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

HEARING: October 25, 1962, at the Palmer House, Chicago, Ill., before Examiner Reece Harrison.

No. MC 117119 (Sub-No. 58), filed June 4, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, (1) from points in Alabama, Florida, and Georgia to points in Colorado, Nevada, Oregon, Utah, Idaho, Wyoming, Montana, and Washington, and (2) from Columbus and Jackson, Ohio, to points in Colorado, Nevada, Oregon, Utah, Washington, Idaho, Wyoming, and Montana, and *exempt commodities* in (1) and (2) above, on return.

HEARING: October 16, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William A. Royall.

No. MC 117574 (Sub-No. 65), filed July 23, 1962. Applicant: DAILY EXPRESS, INC., Box 434, Mt. Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and conduit, parts and attachments thereof*, from points in Atlantic and Burlington Counties, N.J., to points in North Dakota, South Dakota, Nebraska, Kansas, Iowa, Minnesota, Missouri, Wisconsin, Illinois, Kentucky, Ohio, Indiana, Colorado, New Mexico, Oklahoma, and Wyoming.

NOTE: No duplicating authority is sought.

HEARING: October 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 117574 (Sub-No. 66), filed July 24, 1962. Applicant: DAILY EXPRESS, INC., Box 434, Mt. Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors, tractor attachments, farm and industrial machinery and equipment*, and (2) *parts* of (1) above when moving in mixed loads with (1) above, from Racine, Wis., Burlington and Bettendorf, Iowa, and Rockford, Ill., to points in West Virginia.

HEARING: October 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 117823 (Sub-No. 9), filed June 28, 1962. Applicant: RALPH F. DUNKLEY, doing business as DUNKLEY DISTRIBUTING CO., 240 West California Avenue, Salt Lake City 15, Utah. Applicant's attorney: Lon Rodney Kump, 716 Newhouse Building, Salt Lake City 11, Utah. Authority sought to operates as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fresno, Calif., to points in Colorado, Idaho, Montana, Nevada, Utah, and Wyoming.

HEARING: October 10, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 119097 (Sub-No. 1), filed July 18, 1962. Applicant: JOHNNY'S AUTO & TRUCK TOWING, INC., 1122 Sweitzer Avenue, Akron 1, Ohio. Applicant's attorney: Warren W. Gibson, 2695 Northhaven Street, Cuyahoga Falls, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor and other highway vehicles designed for general highway transportation, which are wrecked, disabled, abandoned, repossessed, stolen or embezzled, with or without cargo*, by wrecker equipment only, and *dollies*, where said vehicles are in such condition that the vehicle cannot be towed; also *replacement vehicles and equipment for wrecked or disabled vehicles*, by wrecker service only, between points in Cuyahoga, Medina, Portage, Stark, Summit, and Wayne Counties, Ohio, on the one hand, and on the other, points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Ohio, Maryland, Pennsylvania, and West Virginia, and the District of Columbia.

NOTE: Applicant states that the proposed operation is restricted to exclude abandoned, embezzled, repossessed, and stolen mobile homes and house trailers.

HEARING: October 8, 1962, at the Sheraton Mayflower Hotel, 259 South Main Street, Akron, Ohio, before Examiner Reece Harrison.

No. MC 119118 (Sub-No. 16), filed June 4, 1962. Applicant: LEWIS W. McCURDY AND MARGARET J. McCURDY, doing business as McCURDY'S TRUCKING CO., 571 Unity Street, Latrobe, Pa. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Erie, Pa., to points in New York, Ohio, and Weirton, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: October 8, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner William A. Royall.

No. MC-119268 (Sub-No. 11), filed May 1, 1962. Applicant: OSBORN, INC., 228 North Fourth Street, Gadsden, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat-packing houses* as described in Subdivision A and C of Appendix 1, to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 (706), from Whitehall, Marshfield, and La Crosse, Wis., to Chicago, Ill., Pennville, Ind., Covington and Louisville, Ky., Boston, Springfield, and Worcester, Mass., Buffalo and New York City, N.Y., Hartford, Conn., Columbus and Cincinnati, Ohio, and Allentown, Philadelphia, Pittsburgh,, Pittston, and Scranton, Pa.

NOTE: Applicant states that he proposes to transport *exempt commodities*, on return.

HEARING: October 24, 1962, at the Palmer House, Chicago, Ill., before Examiner Reece Harrison.

No. MC 119309 (Sub-No. 9), filed July 5, 1962. Applicant: RICHARD S. WATHEN, ROBERT L. WATHEN, AND JOHN WATHEN, doing business as WATHEN GRAIN CO., P.O. Box 237, Henderson, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bags, in dry or liquid bulk, and *insecticides* used in connection with farm animals, from the plant sites of the Ralston-Purina Co., located at Nashville, Tenn., and Vandalia, Ill., to points in Henderson and Hopkins Counties, Ky., and *rejected shipments*, on return.

NOTE: Applicant states the proposed operation will be under a contract with the Ralston-Purina Co., of St. Louis, Mo.

HEARING: September 27, 1962, at the U.S. Court Rooms, Nashville, Tenn., before Joint Board No. 281, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

No. MC 119507 (Sub-No. 11), filed April 18, 1962. Applicant: CRAUN TRANSPORTATION INC., Emma Street, Bettsville, Ohio. Applicant's attorney: Taylor C. Burneson, 50 West Broad Street, LeVeque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *High temperature bonding mortar* from points in Sandusky County, Ohio to points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia, and (2) *pallets, skids* and *shipping containers* used in the transportation of high temperature bonding mortar, from points in the above specified destination territory to points in Sandusky County, Ohio.

HEARING: October 19, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William A. Royall.

No. MC 119778 (Sub-No. 14), filed July 27, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413–414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda and chlorine*, from Sheffield, Ala., and points within a radius of fifteen miles of Sheffield, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, Ohio, Oklahoma, South Carolina, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Common control may be involved.

HEARING: October 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner W. Elliott Neffen.

No. MC 119934 (Sub-No. 51), filed August 10, 1962. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Lemont, Ill., to points in Indiana, Michigan, Ohio, Wisconsin, and Tennessee, and *damaged and rejected shipments*, on return.

HEARING: September 20, 1962, at the Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 123467 (Sub-No. 1) (REPUBLICATION), filed December 8, 1961, published FEDERAL REGISTER, issue of March 7, 1962, and republished this issue. Applicant: H. L. MANESS, doing business as H. L. MANESS TRUCK LINE, Neodesha, Kans. Applicant's attorney: James T. Hope, 641 Harrison Street, Topeka, Kans. By application filed December 8, 1961, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) manufactured and processed animal, poultry and fish feed, in bags and containers, and in bulk, from the plant site of the Consumers Cooperative Association at or near Muncie, Kans., to points in Missouri (except the St. Louis Commercial Zone), Oklahoma and Kansas; and (2) dry fertilizer (except urea), in bulk, from the plant site of the Consumers Cooperative Association at or near Horn, Mo., to points in Kansas, Nebraska, and Colorado; and empty containers or other such incidental facilities, used in transporting the above described commodities, on return, in connection with (1) and (2) above. Hearing was held at Kansas City, Mo., on April 23, 1962, Hearing Examiner Joseph A. Reilly presiding. The application as filed sought authority, among other things, for the transportation of animal, poultry and fish feed from Muncie, Kans., to points in Missouri, Oklahoma, and *Arkansas*. As published in the FEDERAL REGISTER on March 7, 1962, the authority sought was described as points in Missouri, Oklahoma, and *Kansas*. As previously published, the authority sought, in part, would be service between points in Kansas, not between Kansas and Arkansas. Upon consideration of all evidence of record, the examiner finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of (1) manufactured and processed animal, poultry and fish feed, in bags and containers, and in bulk, from the plant site of the Consumers Cooperative Association at or near Muncie, Kans., to points in Missouri (except the St. Louis Commercial Zone), Oklahoma and Arkansas; and (2) dry fertilizer, except urea, in bulk, from the plant site of the Consumers Cooperative Association at or near Horn, Mo., to points in Kansas, Nebraska, and Colorado. The examiner further finds that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued; that, unless otherwise ordered, such certificate should be issued after the lapse of 30 days from the date of the republication in the FEDERAL REGISTER of this application.

No. MC 124047 (Sub-No. 7), filed May 31, 1962. Applicant: SCHWERMAN TRUCKING CO., OF OHIO, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, fertilizer ingredients, and fertilizer materials*, from Orrville and Cincinnati, Ohio, and points within ten (10) miles thereof, to points in Indiana, Michigan, Kentucky, and Ohio.

NOTE: Applicant states that it holds contract carrier authority under MC 111623 and subs thereto to transport cement, nitrogen fertilizer solutions, urea, as well as permanent authority involving other commodities; therefore dual operations may be involved.

HEARING: October 15, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William A. Royall.

No. MC 124181 (Sub-No. 1), filed July 28, 1962. Applicant: JOSEPH GENOVA, Clayton Road, Williamstown, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Williamstown, N.J., to Hartford, New Haven, and Stamford, Conn., Boston, Mass., and Providence, R.I.

NOTE: Applicant states the proposed operation will be under continuing contract with Violet Packing Company of Williamstown, N.J.

HEARING: October 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frances A. Welch.

No. MC 124212 (Sub-No. 1), filed July 23, 1962. Applicant: MITCHELL TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from the plant site of the Lehigh Portland Cement Company at Union Bridge, Md., to points in Somerset and Cambria Counties, Pa., and rejected and returned shipments of the commodities specified above, on return.

HEARING: October 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 124326 (AMENDMENT), filed April 5, 1962, published FEDERAL REGISTER issue June 6, 1962, amended July 18, 1962, and republished as amended this issue. Applicant: TAVENS TRANSPORTATION CORP., 2806 East 51st Street, Cleveland, Ohio. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper articles, packaging materials, and machinery, equipment, materials and supplies used or useful in the manufacture of paper, paper articles, and packaging materials*, and (2) *waste materials, for conversion or reclamation, and machinery, equipment, materials and supplies used or useful in the conversion or reclamation of waste materials*, between points in Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia.

NOTE: Applicant states "restricted against the transportation of bulk commodities, either liquid or dry in tank vehicles also commodities requiring special equipment." The proposed operations will be under a continuing contract with Tavens Container Corp., Cleveland, Ohio, and Acme Waste Products, Inc., Cleveland, Ohio. The purpose of this republication is to broaden the territorial scope of the authority previously sought.

HEARING: October 10, 1962, at the Cleveland Statler Hilton, Cleveland, Ohio, before Examiner Reece Harrison.

No. MC 124528, filed June 11, 1962. Applicant: PAUL E. LIECHTY AND ARTHUR J. LIECHTY, a partnership, doing business as PAUL'S FRIENDLY SERVICE, 102 South Defiance Street, Archbold, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Disabled and wrecked vehicles*, in wrecker service and (2) in connection with wrecker service, *parts* and *equipment* for disabled and wrecked

vehicles, and *replacement vehicles*, between points in Ohio on and north of U.S. Route 224 on the one hand, and on the other, points in Illinois, Indiana, Pennsylvania, and the lower peninsula of Michigan.

HEARING: October 17, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William A. Royall.

No. MC 124539, filed June 15, 1962. Applicant: CLARENCE C. CROWTHERS, 12222 Calvin Drive, Brecksville 41, Ohio. Applicant's attorney: Sanborn, Brandon & Evans, 79 East State Street, Columbus 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such equipment, materials and supplies* as are usually dealt in by gasoline and oil service stations (except liquid commodities in bulk), *equipment and supplies*, used by oil refineries, *petroleum products*, in packages, sold to customers of such products, in semitrailers supplied by shipper and *empty shipper-supplied semitrailers*, between points in Ohio, on the one hand, and, on the other, points in Pennsylvania, New York, and the lower peninsula of Michigan, and (2) *frozen foods, and supplies*, used in the dispensing and serving of frozen food at service stations in refrigerated semitrailers on containers supplied by shipper, and *empty shipper supplied refrigerated semitrailers and containers*, between points in Ohio, on the one hand, and on the other, points in Pennsylvania, New York, and the lower peninsula of Michigan.

NOTE: The authority sought in the proposed service above, will be limited to that under contract with the Standard Oil Company of Ohio and its wholly owned subsidiaries.

HEARING: October 18, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William A. Royall.

No. MC 124541, filed June 18, 1962. Applicant: LES LeVITT CORPORATION, doing business as LES LeVITT AUTO TRANSPORT, 958 East Stocker, Glendale, Calif. Applicant's attorney: Edward S. Cooper, Suite 318, Douglas Building, 257 South Spring Street, Los Angeles 12, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Foreign made automobiles and compact automobiles*, between Los Angeles, Calif. and Salt Lake City, Utah; over U.S. Highway 91 from Long Beach, Calif., to Salt Lake City, and return over the same route, serving no intermediate points.

NOTE: Applicant states it proposes to return or bring back foreign made or compact automobiles consigned to dealers, if any.

HEARING: October 11, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 30, or, if the Joint Board waives its right to participate before Examiner Lawrence A. Van Dyke, Jr.

No. MC 124562, filed June 22, 1962. Applicant: JAMES H. RECORD, doing business as RECORD TRUCK LINE, Henderson, Tenn. Applicant's attorney: R. Connor Wiggins, Jr., Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* from Birmingham, Ala., to points in Tipton, Lauderdale, Dyer, Obion, Weakley, Gibson, Carroll, Crockett, Henderson, Madison, Haywood, McNairy, Hardeman, and Fayette Counties, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and exempt commodities, on return.

HEARING: September 26, 1962, at the U.S. Court Rooms, Nashville, Tenn., before Joint Board No. 106, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

No. MC 124572, filed June 25, 1962. Applicant: ZENITH TRANSPORT, LTD., 74 East Pender Street, Vancouver, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes, shingles and other lumber products* from ports of entry in the State of Washington on the International Boundary Line between United States and Canada, to points in Washington, Oregon, and California; and only *exempt agricultural products* on return trips.

HEARING: September 20, 1962, at the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate before Examiner Samuel Horwich.

No. MC 124593, filed July 3, 1962. Applicant: FROOZON EXPRESS CO., a corporation, 4758 Shilshole Avenue, Seattle, Wash. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in mechanically refrigerated equipment, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between points in King and Snohomish Counties, Wash., on the one hand, and, on the other, points in California and Oregon.

HEARING: September 21, 1962, at the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate before Examiner Samuel Horwich.

No. MC 124632, filed July 23, 1962. Applicant: M. L. WILKERSON, doing business as WILKERSON TRUCKING COMPANY, Route No. 5, Lenoir City, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bags, from Akron and Barberton, Ohio, to quarries located at points in Knox, Cocke, Anderson, Sevier, Jefferson, Grainger, Loudon, Blount, Union, Morgan, Hamblen, Cheatham, Davidson, Robertson, Sumner, Wilson, Rutherford, Williamson, Dickson, Hamilton, Bradley, Sequatchie, and Marion Counties, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: September 28, 1962, at the U.S. Court Rooms, Nashville, Tenn., before Joint Board No. 209, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

No. MC 124658, filed July 30, 1962. Applicant: FRED E. BRADER, doing business as BRADER HAULING SERVICE, P.O. Box 655, Zillah, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar solution, sugar and water, blends of corn syrup and sugar solution, and corn syrup*, in bulk, from Toppenish, Wash., to points in Oregon and Idaho, and *surplus and rejected commodities, on return*.

HEARING: September 20, 1962, at the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash., before Joint Board No. 81, or, if the Joint Board waives its right to participate before Examiner Samuel Horwich.

No. MC 124649, filed July 27, 1962. Applicant: JOSEPH BONNANO, 1 Cranford Avenue, Linden, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from New York, N.Y., to Florence, Burlington, Phillipsburg, Camden, and Sewaren, N.J., and *returned and rejected shipments*, on return.

HEARING: October 3, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 124655, filed July 30, 1962. Applicant: R. H. ECKENROTH, doing business as ACME DELIVERY CO., 3510 Clinton Avenue, Cleveland 13, Ohio. Applicant's representative: G. H. Dilla, 5275 Ridge Road, Cleveland 29, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, and (2) *iron and steel buckets*, and *parts*, when moving with or separately from the buckets, from Cleveland, Ohio, to points in Illinois, Indiana, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, and *refused, rejected and repossessed articles*, in connection with the commodities specified in (1) and (2) above on return.

NOTE: Applicant states that the proposed operation will be under contract with Hankins Containers Co., The Owen Bucket Co. and River Raisin Paper Co.

HEARING: October 11, 1962, at the Cleveland Statler Hilton, Cleveland, Ohio, before Examiner Reece Harrison.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 116720 (Sub-No. 1), filed August 6, 1962. Applicant: DONALD E. MILLER, 15A Third Street W., Lemmon, S. Dak. Applicant's attorney: Ronald R. Johnson, 310 Main Avenue, Lemmon, S. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, *and supplies, signs and materials*, used in the sale and distribution thereof, from St. Paul, Minn., to Mobridge, S. Dak., and *empty malt beverage containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states that the proposed operations are to be limited to a transportation service to be performed under a continuing contract or contracts with C. L. Olson doing business as Olson Distributing Company, Mobridge, S. Dak.

No. MC 124047 (Sub-No. 8), filed July 30, 1962. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbon dioxide*, liquefied, in bulk, in tank vehicles, and *carbon dioxide*, solidified (dry ice), from Lima, Ohio, to points in Indiana and points in the Lower Peninsula of Michigan, (2) *aqua ammonia, anhydrous ammonia, nitrogen fertilizer solutions*, and *nitric acid*, in bulk, in tank vehicles; and *urea*, in bulk, in tank vehicles and in bags, from Lima, Ohio, to points in Wisconsin (except points in Kenosha, Racine and Milwaukee Counties), (3) *compressed oxygen*, in shipper-owned cylinders and trailers, and *returned shipper-owned cylinders and trailers*, between Lima, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Pennsylvania, West Virginia, and the Lower Peninsula of Michigan (except from (a) Tuscola, Ill., (b) Louisville or Marshall, Ky., or points in Kentucky within five miles of Bradenburg, Ky.), (4) *compressed helium*, in shipper-owned cylinders and trailers, from Lima, Ohio, to points in Illinois, Indiana, Kentucky, Pennsylvania, West Virginia, and the Lower Peninsula of Michigan, and *shipper-owned cylinders and trailers*, in the transportation of compressed helium, on return, (5) *carbon dioxide*, liquefied, in bulk, in tank vehicles, and *carbon dioxide*, solidified (dry ice), from Lima, Ohio, to points in Kentucky and West Virginia, (6) *nitric acid*, in bulk, in tank vehicles, from the plant site of the Sohio Chemical Company located in or near Lima, Ohio, to points in Tennessee, (7) *urea*, from Lima, Ohio, to Buffalo, N.Y., Phillipsburg, N.J., and points within ten (10) miles of Phillipsburg, and points in Iowa, Minnesota, and Missouri, and *empty containers or other articles* used in the transportation of urea, from the above-specified destination points to Lima, Ohio, (8) *nitric acid*, in bulk, in tank vehicles, from the plant site of Sohio Chemical Company at or near Lima, Ohio, to points in that part of New York west of a line extending along the western boundaries of Clinton, Essex, Warren, Saratoga, Schenectady, Albany, Greene, Ulster, and Sullivan Counties, N.Y., (9) *dry catalyst*, in bulk, in tank vehicles, between Louisville, Ky., and Lima, Ohio, (10) *fly ash*, in bulk, in tank vehicles, from the site of the Cane Run Power Plant, operated by the Louisville Gas & Electric Company, at or near Louisville, Ky., to Captain Anthony Meldahl Locks Project, near Chilo, Ohio, (11) *ammonium nitrate*, in bulk, in tank vehicles, and in containers, from the plant site of Sohio Chemical Company in Lima, Ohio, to points in Indiana, Illinois, Pennsylvania and Kentucky, (12) *ammonium nitrate*, in bulk, in tank vehicles, from the plant site of Sohio Chemical Company in Lima, Ohio, to points in Michigan, (13) *ammonium nitrate*, in containers, from the plant site of Sohio Chemical Company in Lima, Ohio, to points in the Lower Peninsula of Michigan, and (14) *nitric acid*, in bulk, in tank vehicles, from the plant site of the Sohio Chemical Company at Lima, Ohio, to St. Louis, Mo.

NOTE: Applicant states that it has a conversion application pending before the Interstate Commerce Commission relative to the transportation of the commodity cement in docket MC 124047. By Order served February 28, 1962, in MC 124034 (Sub-No. 3), a related Schwerman Company application, the Commission approved the dual operations of the applicant Company. In order to facilitate the processing of future applications, however, by the applicant Company—as well as by other related Schwerman Companies—Schwerman Trucking Co., et al., have elected to convert their remaining permits to certificates so that the entire operations in interstate commerce may be classified "common carriage". Common control may be involved.

No. MC 124084 (Sub-No. 1), filed August 6, 1962. Applicant: A. T. W., INC., doing business as ALASKA TOWING AND WRECKING, INC., 1212 East Fifth Avenue, Anchorage, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and wrecked vehicles, including trucks, planes, boats and house trailers*, requiring the use of wrecker equipment, between points in Alaska, on traffic originating in, or destined to Canada.

No. MC 124485 (Sub-No. 1), filed August 1, 1962. Applicant: ALASKA BARGE AND TRANSPORT, INC., 525 Third Avenue, Anchorage, Alaska. Applicant's attorney: Alan F. Wohlstetter, One Farragut Square South, Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, for the Department of Defense, moving on government bills of lading, between nearest beachlanding at Tidewater and Dew Line and Mona Lisa sites in Alaska, except at Bethel, Alaska, at or near, but not limited to Shemya, Tin City (Wales), Lisburne, Point Barrow, Barter Island, Newenham, Romanzof, Unalakleet, North East Cape, Liz A (Cape Beauford), Liz 2 (Point Lay), Liz B (Icy Cape), Liz 3 (Wainwright), Liz C (Peard Bay), POW Main, POW A (Simpson Lagoon), POW 1 (Lonely Lagoon), POW B (Kogru River), POW 2 (Oliktok Point), POW C (Point McIntyre), POW 3 (Bullen Point), POW D (Brownlow Point), Bar A, Saint Paul Island, Hoonah, Yakutat, Yakataga, Duncan Canal, Boswell Bay, Middleton Island, Cold Bay, Driftwood Bay, Nikolski, Cape Simson, Pitt Point, North River, Cape Sarichef, Port Moller, Port Heiden, Nome, Aniak, King Salmon, Metlakatla, McGrath, Kotzebue, including such lateral and retrograde movement between all such points as may be required by the Department of Denfense.

NOTE: Common control may be involved.

No. MC 124629, filed July 20, 1962. Applicant: TOLLIVER TRUCKING, INC., 7103 Folk Street, Boise, Idaho. Applicant's attorney: J. Charles Blanton, P.O. Box 1253, Boise, Idaho. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, between points in Washington, Idaho, Montana, Oregon, Wyoming, Utah, Nevada, Colorado, California, Arizona, New Mexico, and Texas.

NOTE: The proposed operations will be under contract to Chandler Supply Company. It is further noted that common control may be involved.

No. MC 124690, filed August 8, 1962. Applicant: PEOPLES IRON & METAL COMPANY, a corporation, 5831-43 South Loomis Boulevard, Chicago 36, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, mill supplies, and waste paper* between Chicago, Ill., and Coshocton, Ohio.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 279), filed August 7, 1962. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Barrett Elkins, 1400 West Third Street, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, between Hancock, Md., (Junction U.S. Highway 40 and U.S. Highway 522) and Breezewood, Pa. (Junction Pennsylvania Highway 126 and U.S. Highway 30); from the junction of U.S. Highway 40 and U.S. Highway 522 at Hancock, over U.S. Highway 522 to the junction of U.S. Highway 522 and Interstate Highway 70, thence over Interstate Highway 70 to the junction of Interstate Highway 70 and Pennsylvania Highway 126, thence over Pennsylvania Highway 126 to the junction of Pennsylvania Highway 126 and U.S. Highway 30 at Breezewood, and return over the same route, serving no intermediate points.

NOTE: Common control may be involved.

No. MC 67024 (Sub-No. 27), filed August 3, 1962. Applicant: SERVICE COACH LINE, INC., 4305 21st Avenue, Tampa, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Millen, Ga., and junction

U.S. Highway 25 and Georgia Highway 88; from Millen over U.S. Highway 25 to junction U.S. Highway 25 and Georgia Highway 88, and return over the same route, serving no intermediate points:

NOTE: Common control may be involved.

NOTICE OF FILING OF PETITION

No. MC 87720 (Sub-No. 6) (PETITION TO ADD ADDITIONAL SHIPPER TO PERMIT), filed July 31, 1962. Petitioner: BASS TRANSPORTATION CO., INC., Flemington, N.J. Petitioner's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Petitioner was granted a Permit in No. MC 87720 (Sub-No. 6), dated July 19, 1962, to transport, over irregular routes, Iron castings and iron castings products, from Flemington, N.J., to points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., the New York, N.Y., Commercial Zone, as defined by the Commission, Fairfield and New Haven Counties, Conn., and that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland Line and extending along U.S. Highway 111 to junction U.S. Highway 11 at Harrisburg, Pa., and thence along U.S. Highway 11 to the Pennsylvania-New York State Line, and wooden patterns, from the above-described destination territory to Flemington, N.J., limited to a transportation service to be performed under a continuing contract, or contracts, with Foran Foundry and Manufacturing Co., of Flemington, N.J. By petition filed July 31, 1962, petitioner requests that the authority in MC 87720 (Sub-No. 6) be amended by the addition of a restriction that the services to be performed under continuing contracts with Foran Foundry and Manufacturing Co., and J. J. Riley, Inc. Any person or persons desiring to oppose the addition of the above-named shipper, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8211. Authority sought for control and merger by DEALERS TRANSIT, INC., 7701 South Lawndale Street, Chicago, Ill., of the operating rights and property of WILLIAM CORBITT, INC., 61-63 River Street, Newark, N.J., and for acquisition by WALTER F. CAREY and BERT B. BEVERIDGE, both of 3401 North Dort, Flint, Michigan, of control of such rights and property through the transaction. Applicants' attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Operating rights sought to be controlled and merged: *Such commodities* requiring specialized handling or rigging because of size or weight, as a *common carrier*, over irregular routes, between points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Virginia, and the District of Columbia; *electrical appliances*, from New York, N.Y., to points in New Jersey; and *damaged or rejected electrical appliances*, from points in New Jersey to New York, N.Y. DEALERS TRANSIT, INC., is authorized to operate as a *common carrier* in all States except Hawaii. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8212. Authority sought for purchase by BILKAYS EXPRESS, CO., 303 South Street, Newark 5, New Jersey, of the operating rights of P.M.T. TRANSPORTATION CO., INC. (JOSEPH MORITZ, ASSIGNEE), 1521 Madison Street, Hoboken, New Jersey, and for acquisition by WILLIAM A. KORTENHAUS, 303 South Street, Newark, New Jersey, of control of such rights through the purchase. Applicants' attorneys: Robert DeKroyft, 233 Broadway, New York 7, New York and Joseph Moritz, 75 Montgomery Street, Jersey City, New Jersey. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over irregular routes between Bloomfield, Hoboken, and Jersey City, New Jersey, on the one hand, and, on the other, points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, and Union Counties, New Jersey. Vendee is authorized to operate as a *common carrier* in the States of New Jersey and New York. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8214. Authority sought for lease by CATON TRANSFER COMPANY, INCORPORATED, Andalusia, Ala., of the operating rights of JAMES B. CATON and JOHN G. CATON, as partners, doing business as CATON TRUCK LINE, Andalusia, Ala., and for acquisition by JAMES R. CATON, of control of such rights through the lease. Applicants' attorney: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham 3, Ala. Operating rights sought to be leased: The operating rights are those authorized by Alabama Public Service Commission Certificate No. 484, Docket No. 14917, which operations are the subject of a BMC-75 filing under section 206(a)(1) of the Interstate Commerce Act, as more specifically described in Docket No. MC-120358 Sub-1. Lessee operates under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of Alabama. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8215. Authority sought for purchase by POOL TRUCK, INC., 365 Victor Avenue, Highland Park, Michigan, of a portion of the operating rights of DIXIE HAULING COMPANY, 805 Memorial Drive SE., Atlanta 16, Georgia, and for acquisition by H. M. O'NEILL, F. J. O'NEILL and W. J. O'NEILL, all of 11700 Shaker Boulevard, Cleveland 20, Ohio, of control of such rights through the purchase. Applicants' attorneys: Ewald E. Kundtz and J. A. Kundtz, Falsgraf, Kundtz, Reidy and Shoup, 1050 Union Commerce Building, Cleveland 14, Ohio. Operating rights sought to the transferred: *Empty drums and empty steel containers*, in drop-frame trailers, as a *contract carrier* over irregular routes from Cleveland, Ohio, to points in Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia. Vendee is authorized to operate as a *contract carrier* in Michigan and Ohio. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-8213. Authority sought for purchase by PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J., of a portion of the operating rights and certain property of SAFEWAY TRAILS, INC., 1200 I Street NW., Washington 5, D.C., and for acquisition by PUBLIC SERVICE ELECTRIC AND GAS COMPANY, 80 Park Place, Newark 1, N.J., of control of such rights and property through the purchase. Applicants' attorney: Richard Fryling, General Counsel, Public Service Coordinated Transport, 180 Boyden Avenue, Maplewood, N.J. Operating rights sought to be transferred: *Passengers* and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier* over regular routes, between Fort Dix, N.J., and junction unnumbered highway and U.S. Highway 206 near Bordentown, N.J., and between Wrightstown, N.J., and junction unnumbered highway and U.S. Highway 206 due west of Jobstown, N.J., serving all intermediate points, from Fort Dix over New Jersey Highway 68 (formerly New Jersey Highway S39) to Mansfield Square. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, Delaware, Washington, D.C., Virginia, Maryland, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8430; Filed, Aug. 21, 1962; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 17, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37887: *Fresh meats and packinghouse products from Hastings and McCook, Nebr.* Filed by Western Trunk Line Committee, Agent (No. A-2266), for interested rail carriers. Rates on fresh meats and packinghouse products, as described in the application, in carloads, from Hastings and McCook, Nebr., to points in southern territory.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 23 to Western Trunk Line Committee, tariff I.C.C. A-4344.

FSA No. 37888: *T.O.F.C. service from and to Durham and Winston-Salem, N.C.* Filed by Western Trunk Line Committee, Agent (No. A-2268), for interested rail carriers. Rates on various commodities moving on class and commodity rates, loaded in highway trailers and transported on railroad flatcars, between Durham and Winston-Salem, N.C., on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Motor-truck competition and grouping.

Tariff: Supplement 23 to Western Trunk Line Committee tariff I.C.C. A-4379.

FSA No. 37889: *Manganese, silicon, and chrome from Relief and Philo, Ohio, and Keokuk, Iowa.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2631), for interested rail carriers. Rates on ferro-manganese, ferro-silicon, other than in pigs, silico-manganese and ferro-chrome, in carloads, from Relief and Philo, Ohio, and Keokuk, Iowa, to specified points in Pittsburgh district of Pennsylvania.

Grounds for relief: Truck-water, water, truck-water-truck competition.

Tariffs: Supplement 33 to Baltimore and Ohio Railroad Company tariff I.C.C. 24518 and supplement 34 to Western Trunk Line Committee tariff I.C.C. A-4300.

FSA No. 37890: *Salt from points in Kansas.* Filed by Western Trunk Line Committee, Agent (No. A-2270), for interested rail carriers. Rates on salt, in carloads, from Anthony, Hutchinson, Kanapolis, Lyons, and Pawnee Rock, Kans., to East St. Louis, and Quincy, Ill., and St. Louis, Mo.

Grounds for relief: Market competition.

Tariff: Supplement 19 to Western Trunk Line Committee tariff I.C.C. A-4369.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8426; Filed, Aug. 21, 1962; 8:49 a.m.]

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VOLUME 27 NUMBER 164

Washington, Thursday, August 23, 1962

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AUG 29 1962
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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart 1962—Crop Rice Loan and Purchase Agreement Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (27 F.R. 6743) with respect to rice produced in 1962 which contain specific requirements for the 1962-crop rice price support program are hereby amended as follows:

1. Section 421.1508 (c), Warehouse endorsement, is amended to add additional wording in the warehouse endorsement so that the amended paragraph reads as follows:

§ 421.1508 Warehouse charges.

* * * * * *

(c) *Warehouse endorsement.* Warehouse receipts covering eligible rice in an approved warehouse which is to be placed under warehouse-storage loan or acquired by CCC under purchase agreement must carry an endorsement by the warehouseman in substantially the following form:

Warehouse charges through (insert the applicable maturity date for loans for the State where stored), including, but not limited to, receiving and loading out charges accrued or to accrue, and all other charges incident to the acquisition of the rice by CCC, on the rice represented by this warehouse receipt have been paid or otherwise provided for and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt. If the rice represented by this warehouse receipt is to be loaded out in bags, the warehouseman agrees that any and all right, title, and interest which he has in such bags shall pass with the rice when such rice is acquired under the price support program or shall pass at the time the rice is loaded out, if the rice is not in bags at the time of acquisition by CCC.

2. Section 421.1510 is amended to correct the maturity date for 1962 rice loans so that the amended paragraph reads as follows:

§ 421.1510 Maturity of loans.

Unless demand is made earlier, loans on rice will mature on April 15, 1963.

3. Section 421.1512(a), Basic rates, is amended to add Belle Patna to the excepted Patna varieties in Group I, correct the spelling of Golder Rose to Golden Rose and to include the final value factors for head and broken rice so that the amended paragraph reads as follows:

§ 421.1512 Support rates.

* * * * * *

(a) *Basic rates.* The basic support rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety). Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE

Group	Rough rice class or variety	Head rice	Broken rice
I	Patna (except the varieties Belle Patna and Century Patna), and Rexoro (except the variety Rexark)	$0.0903	$0.0396
II	Blue Bonnet, Belle Patna, Nira, and Rexark	0.0823	0.0396
III	Century Patna, Toro, Fortuna, R.N., and Edith	0.0743	0.0396
IV	Blue Rose (including the varieties Improved Blue Rose, Greater Blue Rose, Kamrose, and Arkrose), Calrose, Gulfrose, Lacrosse, Magnolia, Nato, Zenith, (including the varieties Gold Zenith and Golden Rose), Prelude, and Lady Wright	0.0723	0.0396
V	Pearl, Early Prolific, Calady and other varieties	0.0698	0.0396

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 20, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-8497; Filed, Aug. 22, 1962; 8:57 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Free and Restricted Percentages and Withholding Factors for 1962–63 Crop Year

Notice was published in the August 7, 1962 issue of the FEDERAL REGISTER (27 F.R. 7793) that consideration was being given to the proposed establishment of free and restricted percentages and withholding factors applicable to particular varieties of domestic dates for the 1962–63 crop year which began August 1, 1962. The percentages are based on recommendations of the Date Administrative Committee and other available information, in accordance with the applicable provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR 987; 27 F.R. 6818), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the time prescribed therefor.

After consideration of all relevant matters presented, including those in the notice and the information and recommendation submitted by the Committee, and other available information, it is hereby found that to establish free percentages, restricted percentages, and withholding factors as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the free percentages, restricted percentages, and withholding factors applicable with respect to marketable dates certified for handling or further processing during the 1962–63 crop year are hereby established as follows:

§ 987.210 Free and restricted percentages, and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning August 1, 1962, and ending July 31, 1963, as follows: (a) Deglet Noor

variety dates: [1] Free percentage, 70 percent; restricted percentage, 30 percent; and withholding factor, 42.9 percent; (b) Zahidi variety dates: [1] Free percentage, 75 percent; restricted percentage, 25 percent; and withholding factor, 33.3 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; and (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The revelant provisions of said marketing agreement, as amended, and this part require that (a) free and restricted percentages and withholding factors established for a particular crop year shall be applicable with respect to all dates certified for handling or for further processing during such year, and (b) the withholding obligations based on the continuing regulation from the preceding crop year shall be adjusted to the newly established percentages upon their establishment; (2) the current crop year began on August 1, 1962; and (3) the percentages and withholding factors herein established will apply, and adjustment thereto of handlers' withholding obligations are required, automatically with respect to all such dates.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 17, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62–8474; Filed, Aug. 22, 1962; 8:52 a.m.]

[1] The Date Administrative Committee included the following countries in its determination of trade demand in connection with the establishment of free and restricted percentages for the Deglet Noor and Zahidi varieties of dates for the 1962–63 crop year: Austria, Belgium, British Isles, Canada, Denmark, France, Germany, Iceland, Ireland, Italy, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United States, and Venezuela.

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territory, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territory, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, North Dakota, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, and Wyoming;

(2) The following Counties in South Dakota: McPherson, Edmunds, Faulk, Hand, Jerauld, Aurora, and Douglas, and all Counties in the State of South Dakota lying west thereof;

(3) The following Counties in Nebraska: Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scotts Bluff, and Thomas;

(4) In New Mexico: Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Los Alamos, Luna, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Taos, and Union Counties; all of Socorro County except that portion lying east of U.S. Highway 85; and all of Valencia County except that portion lying east of the Rio Puerco river from its intersection with the southwest corner of Bernalillo County to its intersection with the Socorro County line.

(5) The following Counties in Kansas: Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, and Sumner, and all Counties in the State of Kansas lying west thereof;

(6) The following Counties in Michigan: Alcona, Alger, Alpena, Antrim, Baraga, Benzie, Charlevoix, Cheboygan, Chippewa, Crawford, Delta, Dickinson, Emmet, Gogebic, Grand Traverse, Houghton, Iron, Kalkaska, Keweenaw, Leelanau, Luce, Mackinac, Manistee, Marquette, Menominee, Missaukee, Montmorency, Ontonagon, Oscoda, Otsego, Presque Isle, Roscommon, Schoolcraft, and Wexford.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States and parts thereof are hereby designated as eradication areas:

(1) Hawaii, Illinois, Kentucky, New Jersey, New York, Pennsylvania, Tennessee, and Wisconsin;

(2) The following Counties in South Dakota: Brown, Spink, Beadle, Sanborn, Davison, Hutchinson, and Bon Homme, and all Counties in the State of South Dakota lying east thereof;

(3) All Counties in Nebraska except Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scotts Bluff, and Thomas;

(4) In New Mexico: that portion of Socorro County lying east of U.S. Highway 85; that portion of Valencia County lying east of the Rio Puerco river from its intersection with the southwest corner of Bernalillo County to its intersection with the Socorro County line; and all other Counties in New Mexico except Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Los Alamos, Luna, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Taos, and Union.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments add specified Counties and portions thereof in the State of New Mexico to the list of free areas and delete such Counties and portions thereof from the list of infected and eradication areas as sheep scabies is no longer known to exist therein. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will not apply to such localities. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of August 1962.

M. R. CLARKSON,
Acting Administrator,
Agriculture Research Service.

[F.R. Doc. 62–8496; Filed, Aug. 22, 1962; 8:57 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–135]

PART 13—PROHIBITED TRADE PRACTICES

Howard Zink Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.130 *Manufacture or preparation;* § 13.155 *Prices;* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–100 *Usual as reduced, special, etc.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Howard Zink Corp. et al., Fremont, Ohio, Docket C–135, May 11, 1962]

In the Matter of The Howard Zink Corporation, a Corporation, Jack D. Zink, Clarence M. Werling, Warren A. Zink, and Norbert S. House, Individually and as Officers of Said Corporation, and Norbert Zink, an Individual

Consent order requiring Fremont, Ohio, manufacturers of automobile seat covers and their sales manager at Long Beach, Calif., who sold to independently owned retail stores, some of which were franchised by them and operated under the trade name "Sure Fit Store", to cease representing falsely in catalogs, advertising mats and proofs, and display cards furnished to dealers, and in advertisements inserted in newspapers for their franchised dealers, that excessive "Suggested Retail", "Regular", "reg", and "were" prices were the usual retail prices; through use of the words "Sale Prices", "Special", "Save", "Save to $4.95", etc., that usual prices were reduced; and through use of the word "customized", that seat covers so described were made to order.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents The Howard Zink Corporation, a corporation, its officers, and Jack D. Zink, Clarance M. Werling, Warren A. Zink, and Norbert S. House, individually and as officers of said corporation, and Norbert Zink, an individual, and respondents' agents, representatives and employees directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of automobile seat covers or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication that any amount is the usual and customary retail price of merchandise in a trade area or areas when such amount is in excess of the price at which said merchandise is usually and customarily sold at retail in the trade area or areas where the representation is made.

2. Using the words "suggested retail" to describe or refer to the retail price of merchandise when the amount so designated is in excess of the price at which said merchandise is customarily sold at retail in the trade area, or areas, where the representation is made.

3. Representing directly or by implication that any amount is any dealer's usual and customary retail price of merchandise when it is in excess of the price at which such merchandise has been usually and customarily sold by such dealer in the recent, regular course of business.

4. Using the words "regular", "Reg." or "were" to describe or refer to any dealer's retail price of merchandise when the amount so described is in excess of the price at which the merchandise has been usually and customarily sold by such dealer in the recent, regular course of business.

5. Using the words "sale price", "special" or "save" to designate or describe the price at which merchandise is being offered for sale by a dealer unless such price constitutes a reduction from such dealer's usual and customary price in the recent regular course of his business.

6. Representing, directly or by implication, that any savings are afforded from any dealer's usual and customary retail prices unless the price at which the merchandise is offered constitutes a reduction from the price at which it has been sold by such retailer at retail in the recent, regular course of business.

7. Representing directly or by implication that any saving is afforded in the purchase of merchandise from the price at which said merchandise is usually and customarily sold at retail in the trade area, or areas, where the representation is made unless the price at which it is offered constitutes a reduction from such price.

8. Using percentage savings claims or amounts to represent that merchandise is offered at a reduction from any dealer's usual and customary retail price unless the price of such merchandise has been reduced in the percentage or amount stated from such retailer's usual and customary price in the recent, regular course of business.

9. Misrepresenting in any manner the amount of savings available to purchasers buying respondents' merchandise from any dealer, or the amount by which the price of said merchandise is reduced from the price at which it is usually and customarily sold by such dealer in the recent, regular course of his business, or from the price at which said merchandise is usually and customarily sold in the trade area or areas where the representation is made.

10. Furnishing or otherwise placing in the hands of retailers of said products, or others, any means or instrumentality by or through which they may mislead and deceive the public in the manner or as to the things hereinbefore prohibited.

11. Using the word "customized" or any other word or words of the same import to refer to or describe products which are ready-made, or representing in any other manner that such products are made to order for the automobile of each purchaser.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 11, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–8448; Filed, Aug. 22, 1962; 8:46 a.m.]

[Docket C–132]

PART 13—PROHIBITED TRADE PRACTICES

Merit Manufacturing Co., Inc., and Lionel Rabb

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.130 *Manufacture or preparation;* § 13.195 *Safety:* § 13.195–60 *Product;* § 13.265 *Tests and investigations.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin;* § 13.1900–35 *Foreign product as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Merit Manufacturing Co., Inc., et al., Central Falls, R.I., Docket C–132, May 8, 1962]

In the Matter of Merit Manufacturing Company, Inc., a Corporation, and Lionel Rabb, Individually and as an Officer of Said Corporation

Consent order requiring distributors of sunglasses, with place of business in Central Falls, R.I., to cease representing falsely in advertising that lenses of their glasses were "6 base", "Tested and Approved" and "Safe Tested and Approved • • • for Children", gave "Safe Protection from the Most Powerful Rays of the Sun", and were "Guaranteed for Life"; and to disclose the foreign origin of lenses they imported from Japan.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Merit Manufacturing Company, Inc., a corporation, and its officers, and Lionel Rabb, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of sunglasses, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Lenses of their sunglasses have a given diopter curve unless such is the fact; provided, however, that in the case of ground and polished sunglass lenses a tolerance not to exceed minus or plus 1/16 diopter in any meridian and

a difference in power between any two meridians not to exceed 1/16 diopter and a prismatic effect not to exceed 1/8 diopter shall be allowed.

(b) Said sunglasses have been tested and approved, unless in fact they have been tested and approved by an independent and disinterested optometric authority.

(c) Said sunglasses will completely protect the eyes of the wearer from the harmful rays of the sun.

(d) The sunglasses offered for sale or sold by respondents are guaranteed, unless the terms, conditions and extent to which such guarantee applies and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

2. Offering for sale or selling any product which is in whole or substantial part of foreign origin, without clearly and conspicuously disclosing on such product or in immediate connection therewith, and, if such product is enclosed in a package or container, on the package or container, in such a manner that it will not be hidden or readily obliterated, the country of origin of the product or part thereof.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 8, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8449; Filed, Aug. 22, 1962; 8:46 a.m.]

[Docket C-137]

PART 13—PROHIBITED TRADE PRACTICES

Roamer-Medana Watch Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.170 *Qualities or properties of product or service:* § 13.170–84 *Shock-resistant;* § 13.170–96 *Waterproof, waterproofing, water-repellent.* Subpart—Misbranding or mislabeling: § 13.1290 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Roamer-Medana Watch Corp. et al., New York, N.Y., Docket C-137, May 11, 1962.]

In the Matter of Roamer-Medana Watch Corporation, a Corporation, Formerly Known as Louis Aisenstein & Bros., Inc., and Stanley Moser, a Former Officer of Said Corporation, in His Capacity as an Individual, and Irving Rosenblum, and Ilya Gill, Individually and as Officers of Said Corporation, and Stanley Moser, and Irving Rosenblum, Individually, and as Former Copartners, Doing Business as Medana Watch Company

Consent order requiring New York City distributors of watches to cease representing falsely in advertising that their watches were "Fully Guaranteed", and in such advertising and by means of labels or markings on the backs of watch cases that certain of their watches were "totally waterproof", "Shockproof", "Shock-protected", etc.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Roamer-Medana Watch Corporation, a corporation, formerly known as Louis Aisenstein & Bros., Inc., and its officers, and Stanley Moser, a former officer of said corporation, in his capacity as an individual, and Irving Rosenblum and Ilya Gill, individually and as officers of said corporation, and Stanley Moser and Irving Rosenblum, individually and as former copartners, doing business as Medana Watch Company, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, labeling, offering for sale, sale and distribution of watches, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That their watches or any other products are guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

(b) That their watches or any other products are guaranteed, when a service charge is imposed, unless the amount thereof is clearly and conspicuously disclosed.

(c) That their watches are waterproof unless said watches are waterproof in every respect without qualification or limitation.

(d) That their watches are waterproof under certain conditions, or with certain qualifications or limitations, unless such aforesaid conditions, qualifications or limitations are clearly and conspicuously set forth in immediate conjunction with the term waterproof.

(e) That their watches are shockproof or shock-protected unless said watches are shockproof or shock-protected in every respect.

2. Furnishing any means or instrumentalities to others by and through which they may misrepresent the guarantee, or the waterproof or shockproof character, of their products.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 11, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8450; Filed, Aug. 22, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), §§ 121.90 and 121.91 of the food additives regulations (21 CFR 121.90, 121.91) are amended as set forth below:

1. Section 121.90 is amended by changing the items listed to read as follows:

§ 121.90 Further extensions of effective date of statute for certain specified food additives as direct additives to food.

* * * * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Polyethylene glycol 400 tallow diester (26 F.R. 8390).	Defoamer in the manufacture of sugar from sugar beets; limit 3 p.p.m. in finished sugar.	Jan. 1, 1963
* * *	* * *	* * *
Butoxy polyethylene polypropylene glycol, mol. wt. 2500–2600 (26 F.R. 11241).	Component of defoamer used in manufacture of beet sugar; limit 1 p.p.m. in finished sugar.	Jan. 1, 1963
* * *	* * *	* * *
Polyoxyethylene glycol esters of mixed fatty acids from tall oil (abietic, oleic, linoleic) mol. wt. 1050 (26 F.R. 11241).	Component of defoamer used in manufacture of beet sugar; limit 1 p.p.m. in finished sugar.	Jan. 1, 1963

2. Section 121.91 is amended by changing the items listed to read as follows:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Ethyl *p*-hydroxybenzoate (26 F.R. 6270)	Preservative in coatings for food-packaging materials.	[1] July 1, 1963
* * *	* * *	* * *
Carboxymethylhydroxyethyl cellulose (26 F.R. 7963).	Component of pigment dispersion for cellophane food-packaging material.	Jan. 1, 1963
* * *	* * *	* * *
Dimethylpolysiloxane, 100 centistokes minimum (26 F.R. 7963).	In manufacture of food containers	[1] July 1, 1963
* * *	* * *	* * *
Sodium dioctyl sulfosuccinate (26 F.R. 7963)	Component of pigment dispersion for cellophane food-packaging material.	Jan. 1, 1963
* * *	* * *	* * *
Titanium dioxide (26 F.R. 7963)	Component of pigment dispersion for cellophane food-packaging material.	Jan. 1, 1963
* * *	* * *	* * *
Allethrin (26 F.R. 8393)	Component of insecticide for control of infestation in food-storage and food-processing areas; limit 2 p.p.m. on food.	[1] July 1, 1963
* * *	* * *	* * *
Carboxy vinyl polymer (high molecular weight) (26 F.R. 8393).	Component of adhesive used in the manufacture of food packaging.	[1] July 1, 1963
* * *	* * *	* * *
Diisobutyl fumarate-vinyl chloride copolymer (26 F.R. 8393).	Component of resinous and polymeric substances for food and beverage container linings.	Jan. 1, 1963
* * *	* * *	* * *
Diisopropyl fumarate-vinyl chloride copolymer (26 F.R. 8393).	Component of resinous and polymeric substances for food and beverage container linings.	Jan. 1, 1963
* * *	* * *	* * *
Hydrocarbons, aliphatic (boiling range 318° to 394° F.) (26 F.R. 8393).	In manufacture of paper and paperboard for food packaging.	Jan. 1, 1963
Hydrocarbons, aromatic (boiling range 362° to 499° F.) (26 F.R. 8393).	In manufacture of paper and paperboard for food packaging.	Do.
* * *	* * *	* * *
Isopropyl naphthalene sodium sulfonate (26 F.R. 8393).	In manufacture of food packaging	Jan. 1, 1963
* * *	* * *	* * *
Mineral spirits (boiling range 310° to 390° F.) (26 F.R. 8393).	In manufacture of food packaging	Jan. 1, 1963
N-Monomethylamide of *O,O*-dimethyldithiophosphoryl acetic acid (26 F.R. 8393).	Residue in imported processed olives and olive oil; limit 1 p.p.m.	Do.
* * *	* * *	* * *
11-Amino undecanoic acid polymer (26 F.R. 9715).	Polymer used in manufacture of food packaging	[1] July 1, 1963
* * *	* * *	* * *
Methyl silicone resin (26 F.R. 9715)	Component of coating formulation in paper and paperboard for food packaging.	Jan. 1, 1963
* * *	* * *	* * *
Tin oleate (26 F.R. 9715)	Catalyst in coating formulation in paper and paperboard for food packaging.	Jan. 1, 1963

[1] Progress report due Jan. 1, 1963.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendments to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food processing industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 6(c), Public Law 85-929, as amended, sec. 2, Public Law 87-19; 72 Stat. 1788, as amended; 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: August 15, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-8471; Filed, Aug. 22, 1962; 8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

LIGNIN SULFONATES IN ANIMAL FEEDS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Burtonite Company, P.O. Box 7, Nutley, New Jersey; Hazleton Laboratories, Inc., P.O. Box 30, Falls Church, Virginia; and Puget Sound Pulp and Timber Company, Bellingham, Washington, and other relevant material, has concluded that the following regulation should issue to provide for the use of the food additive calcium or sodium salts of lignin sulfonate as a pelleting aid in animal feeds.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart C the following new section:

§ 121.234 Lignin sulfonates.

Lignin sulfonate may be safely used in animal feed in accordance with the following prescribed conditions:

(a) The food additive is either one or a combination of the sodium or calcium salts of the extract of spent sulfite liquor derived from the sulfite digestion of wood.

(b) It is used in animal feed as the sole pelleting aid, in an amount not to exceed 4 percent of the finished pellets.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(e)(1))

Dated: August 15, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-8470; Filed, Aug. 22, 1962; 8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BHA (BUTYLATED HYDROXYANISOLE) AS AN ANTIOXIDANT

The Commissioner of Food and Drugs having evaluated the data submitted in a petition filed by Lyons-Magnus, Inc., 2545 Sixteenth Street, San Francisco 3, California, and other relevant material, has concluded that the food additive regulations with respect to BHA (butylated hydroxyanisole) should be amended to provide for the use of this additive as antioxidant in mixed diced glaceed fruits. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and

Welfare (25 F.R. 8625), paragraph (b) of this regulation (21 CFR 121.1035(b)) is amended by adding thereto a new subparagraph (8), as follows:

§ 121.1035 BHA (butylated hydroxyanisole) as an antioxidant.

• • • • • •

(b) • • •

(8) In mixed, diced glaceed fruits whereby the maximum amount of BHA (butylated hydroxyanisole) does not exceed 32 parts per million (0.0032 percent) by weight of the mixed diced glaceed fruit.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 15, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8469; Filed, Aug. 22, 1962; 8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DISODIUM EDTA (DISODIUM ETHYLENEDIAMINETETRAACETATE)

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Geigy Chemical Corporation, P.O. Box 430, Yonkers, New York, and other relevant material, has concluded that the following amendment to § 121.1056 should issue with respect to the food additive disodium EDTA (disodium ethylenediaminetetraacetate) in canned processed kidney beans as a preservative. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1056(b)(1) (21 CFR 121.1056 (27 F.R. 883)) is amended by inserting a new item, as follows, in the tabulated list of foods, after the item "Aqueous multivitamin preparations";

§ 121.1056 Disodium EDTA (disodium ethylenediaminetetraacetate).

• • • • • •

(b) • • •

(1) • • •

Food	Limitation (parts per million)	Use
• • •	• • •	• • •
Canned kidney beans	165	Preservative.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 14, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8468; Filed, Aug. 22, 1962; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart B—Education of Korean Conflict Veterans Under 38 U.S.C. Ch. 33

OVERPAYMENTS TO VETERANS

In § 21.2304, paragraphs (c)(4)(ii) and (d)(1), (2)(iv) and (3) are amended to read as follows:

§ 21.2304 Overpayments to veterans; Section 1666, Title 38, United States Code.

• • • • • •

(c) *Veterans Administration determinations and notice of liability to school or establishment.* • • •

(4) *The Committee on Waivers.* • • •

(ii) A copy of the decision of the committee, if adverse, shall be sent to the school or establishment. They shall also be advised of their right to request an administrative review by the Compensation and Pension Service, as provided in paragraph (d)(2)(ii) of this section. If the decision by Compensation and Pension Service is "not liable," the school or establishment will be advised by letter.

• • • • •

(d) *Administrative review of school or establishment liability.* (1) There is established in the Compensation and Pension Service a specially constituted Liability Review Section which will be comprised of three members, one of whom is to be designated by the Director, Compensation and Pension Service, one by the Director, Vocational Rehabilitation and Education Service, and one by the General Counsel. This section will function under the jurisdiction of the Director, Compensation and Pension Service, who will designate one member of the section to preside. This member will be known as Section Chairman. An administrative review decision under this paragraph will be valid if it is concurred in and signed by any two members of the Review Section.

(2) • • •

(iv) Any case in which the Director, Compensation and Pension Service determines that an administrative review is warranted.

• • • • •

(3) The Review Section will notify the Veterans Administration regional office of original jurisdiction and the school or training establishment of its decision. The decision of the Review Section will serve as authority for the Finance activity to institute collection proceedings, if appropriate, or to discontinue collection proceedings instituted on the basis of the original decision of the regional Committee on Waivers in any case where the Review Section in the Compensation and Pension Service reverses a finding made by the regional committee that the school or training establishment is liable.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 23, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-8479; Filed, Aug. 22, 1962; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1349; Amdt. 42-43]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Certificate Issuance

As presently worded, Part 42 does not contain any provision requiring a specified time interval between the filing of an application for an air carrier operating certificate and the date of intended operation. On several recent occasions requests have been made of the Agency to complete the inspection and certification process within less time than is actually necessary to determine whether the applicant for an air carrier operating certificate for large aircraft is capable of conducting the proposed operations in accordance with the applicable provisions of this part.

Experience within the Agency has shown that in cases of applications under Part 42 involving large aircraft, as opposed to small aircraft, more time is required to enable the appropriate FAA inspectors to make the necessary inspections of the applicant's aircraft, operations, training programs, maintenance facilities, and manuals. While the Agency will continue to examine and process such applications as expeditiously as possible, it is believed desirable to have a note added to § 42.5(a) to insure that applicants are aware of the amount of time which may be required to conduct the necessary inspections and process their applications. Accordingly, a note is being added to § 42.5(a) indicating that the processing of the application may require up to 60 days from the date of filing with the appropriate FAA Air Carrier District Office.

Since this amendment is a general statement of agency practice, notice and public procedure hereon are unnecessary and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 42 of the Civil Air Regulations (14 CFR Part 42) is hereby amended by adding a note at the end of § 42.5(a) to read as follows, effective August 23, 1962:

§ 42.5 Certificate issuance.

(a) *General.* • • •

NOTE: The inspection and processing by the FAA of an application for an air carrier operating certificate where large aircraft are to be used may require up to 60 days from the date of filing. An applicant should consider this in planning his operations.

(Secs. 313(a), 601, 604; 72 Stat. 752, 775, 778, 49 U.S.C. 1354, 1421, 1424)

Issued in Washington, D.C., on August 17, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-8473; Filed, Aug. 22, 1962; 8:52 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1211; Amdt. 477]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 49, 149, 649, 749 and 749A Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection and rework of the main landing gear pistons of Lockheed 49, 149, 649, 749, and 749A Series aircraft was published in 27 F.R. 4887.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment recommended that the repetitive inspection interval of 2,000 hours be changed to 2,800 hours, unless such request could be taken care of under paragraph (c) of the proposal. Since the purpose of paragraph (c) is to provide for changes in repetitive inspection intervals if substantiating data are provided, no change in the AD is considered necessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Models 49, 149, 649, 749, and 749A Series aircraft incorporating Cleveland Pneumatic Tool Company main landing gear pistons, P/N's 8298-4, 8298B-4, 8298C-4, 8298C-4A, 8298D-4, or 8298F-4.

Compliance required as indicated.

As a result of one complete fatigue failure and subsequent cases of cracks in numerous pistons in the area immediately above the weld that retains the metering pin bulkhead, accomplish the following:

(a) Within the next 800 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 2,000 hours' time in service, inspect the main landing gear pistons, Cleveland Pneumatic Tool Company, P/N's 8298-4, 8298B-4, 8298C-4, 8298C-4A, 8298D-4, and 8298F-4, for cracks in the area immediately above the weld that retains the metering pin bulkhead. In those cases where an inspection in accordance with the procedures described in this AD has been accomplished within the last 1,200 hours' time in service as of the effective date of this AD, that inspection may be considered as the initial inspection, and the repetitive reinspection intervals shall then start no later than 2,000 hours' time in service from that date. This inspection may be made by dye penetrant, magnetic particle or ultrasonic methods.

(1) Pistons with cracks which exceed a depth of 0.050 inch as measured from the piston inner wall surface shall be modified in accordance with paragraph 4(b) of Lockheed Field Service Letter No. FS/256603L, dated January 24, 1962, or an FAA approved equivalent in order to be eligible for further use. Pistons with this modification are redesignated Cleveland Pneumatic Tool Company P/N's 8298C-4B, 8298C-4C, 8298D-4A, or 8298F-4A.

(2) Pistons with cracks which do not exceed a depth of 0.050 inch as measured from the piston inner wall surface shall be repaired in accordance with paragraph 4(a) of Lockheed Field Service Letter No. FS/256603L, dated January 24, 1962, or an FAA approved equivalent in order to be eligible for further use. Repaired pistons shall be identified by stamping a letter "R" in front of the part number.

(3) Pistons showing no evidence of cracks and pistons repaired in accordance with (a)(2) may be returned to service subject to the 2,000 hours repetitive reinspection intervals.

(b) When modified pistons, P/N's 8298C-4B, 8298C-4C, 8298D-4A, or 8298F-4A, or FAA approved equivalent are installed, the periodic reinspections of (a) may be discontinued.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Field Service Letter No. FS/256603L dated January 24, 1962, covers this same subject.)

This amendment shall become effective September 24, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 17, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-8443; Filed, Aug. 22, 1962; 8:45 a.m.]

Issued in Washington, D.C., on August 17, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-8442; Filed, Aug. 22, 1962; 8:45 a.m.]

[Reg. Docket No. 1350; Amdt. 476]

PART 507—AIRWORTHINESS DIRECTIVES

Piper Model PA-28 Aircraft

There has been failure of the propeller attach bolts on Piper Model PA-28 aircraft which resulted in loss of the propeller. As this situation is likely to occur in other such aircraft, an airworthiness directive is being issued to require inspection of the bolts and replacement of any which are cracked.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to all Model PA-28 aircraft, Serial Numbers 28-1 to 28-314 inclusive, 28-317 to 28-326 inclusive, 28-328 to 28-331 inclusive, 28-333 to 28-341 inclusive, 28-343, 28-345 to 28-348 inclusive, 28-351, 28-352, 28-356, 28-359, and 28-365.

Compliance required as indicated.

There has been inflight failure of the propeller attach bolts due to under-torqueing of the bolts. In order to preclude the loss of the propeller due to the failure of the bolts, the following is required:

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished, remove the propeller spinner and remove each propeller attach bolt.

(b) Inspect for cracks in the bolt in the area of the threads using magnetic particle or FAA approved equivalent inspection method in conjunction with a 5 power or higher magnifying glass. Inspect the grip shank for brinelled surfaces with a 5 power or higher magnifying glass.

(c) If cracks are found or if the bolt is brinelled on the grip shank, replace with new bolts, AN 76-41S. Torque to 300 inch-pounds.

(d) If cracks are not found, reinstall the bolts and torque to 300 inch-pounds.

(e) In lieu of the inspection requirement of (b), new bolts, AN 76-41S, may be installed and torqued to 300 inch-pounds.

(Piper Service Bulletin No. 209, dated April 17, 1962, covers this same subject.)

This amendment shall become effective August 28, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 17, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-8443; Filed, Aug. 22, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1317; Amdt. 283]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 1, 1962, OR UPON DECOMMISSIONING OF FACILITY.							
City, Casper; State, Wyo.; Airport Name, Natrona County; Elev., 5348'; Fac. Class., SBRAZ; Ident., CPR; Procedure No. 1, Amdt. 6; Eff. Date, 28 July 56; Sup. Amdt. No. 5; Dated, 27 Jan. 53							
PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 1, 1962, OR UPON DECOMMISSIONING OF FACILITY.							
City, Chincoteague; State, Va.; Airport Name, NASA Chincoteague; Elev., 38'; Fac. Class., MRLWZ; Ident., CTE; Procedure No. 1, Amdt. 3; Eff. Date, 29 July 61; Sup. Amdt. No. 2; Dated, 7 Nov. 59							
Columbia VOR	CI-LFR	Direct	2200	T-dn	300–1		
Wilton Int	CI-LFR	Direct	2200	C-d	500–1		
				C-n	500–1½		
				S-10-d	400–1		
				S-10-n	400–1½		
				A-dn	800–2		

Procedure turn S side W crs, 276° Outbnd, 096° Inbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 087°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles, after passing CI-LFR make left turn to 2000' and return to CI-LFR. Complete turn within 5 miles.

City, Columbia; State, Mo.; Airport Name, Columbia Municipal; Elev., 778'; Fac. Class., SBRAZ; Ident., CI; Procedure No. 1, Amdt. 9; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 8; Dated, 12 Apr. 58

Garden City VOR	GC-LFR	Direct	4000	T-dn	300–1	300–1	200–½
				C-d	400–1	500–1	500–1½
				C-n	400–1½	500–1½	500–2
				S-d-12	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side N crs, 348° Outbnd, 168° Inbnd, 4000' within 10 miles.
Minimum altitude over facility on final approach crs, 4000'.
Crs and distance, facility to airport, 133°—6.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.5 miles after passing GC LFR, make right turn, climb to 4700' on S crs GC LFR within 20 miles.
NOTE: Night operation authorized N–S runway only.

City, Garden City; State, Kans.; Airport Name, New Garden City Municipal; Elev., 2895'; Fac. Class., SABRAZ; Ident., GC; Procedure No. 1, Amdt. 10; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 9; Dated, 22 Nov. 58

PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 1, 1962, OR UPON THE DECOMMISSIONING OF FACILITY.

City, Hutchinson; State, Kans.; Airport Name, Hutchinson; Elev., 1542'; Fac. Class., SBMRLZ; Ident., HUT; Procedure No. 1; Amdt. 11; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 10; Dated, 22 Dec. 56

Jacksonville VOR	JX-LFR		1200	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-27	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Prodecure turn N side of E crs, 090° Outbnd, 270° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, facility to airport, 270°—1.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing LFR, climb to 1500' on W crs JX-LFR within 20 miles.
CAUTION: 194' tank between LFR and airport.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 52'; Fac. Class., SABRAZ; Ident., JX; Procedure No. 1, Amdt. 11; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 10; Dated, 23 Dec. 61

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 1, 1962, OR UPON DECOMMISSIONING OF FACILITY.							
City, Joliet; State, Ill.; Airport Name, Joliet; Elev., 580'; Fac. Class., SBRAZ; Ident., JOT; Procedure No. 1, Amdt. 4; Eff. Date, 20 Dec. 58; Sup. Amdt. No. 3; Dated, 24 Sept. 58							
PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 1, 1962, OR UPON DECOMMISSIONING OF FACILITY.							
City, Midland; State, Tex.; Airport Name, Midland Air Terminal; Elev., 2867'; Fac. Class., BMRLZ; Ident., MF; Procedure No. 1, Amdt. 11; Eff. Date, 30 June 62; Sup. Amdt. No. 10; Dated, 12 May 62							
PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 1, 1962, OR UPON DECOMMISSIONING OF FACILITY.							
City, Nashville; State, Tenn.; Airport Name, Nashville Municipal (Berry Field); Elev., 605'; Fac. Class., SBRAZ; Ident., BA; Procedure No. 1, Amdt. 11; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 10; Dated, 6 Jan. 62							
Searsdale Int	LA-LFR (Final)	Direct	*1500	T-dn¢	300–1	300–1	200–½
				C-dn¢	700–1	700–2	700–2
				S-dn-22¢%	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectors may be substituted for the above transition.
Procedure turn N side NE crs, 043° Outbnd, 223° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'** (1000'** authorized after New Rochelle MHW).
Crs and distance, facility to airport, 223°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing LaGuardia LFR, climb to 2500' on SW crs LaGuardia LFR to Prospect Int. Hold SW left turns, 1-minute, 043° Inbnd.
CAUTION: Standard clearance not provided over obstructions in final approach area and in missed approach area. Bridge towers 383' msl 2.5 mi NE; tank 422' msl 2 mi N.
NOTE: LaGuardia LFR must be monitored aurally if ADF approach is made on this procedure.
*If New Rochelle MHW not received, straight-in minimums not authorized.
%Descent to landing minimums authorized only after passing LaGuardia LFR.
¢Takeoff minimums for Runways 4 and 31 will not be less than 200–1 during periods when tower advisories indicate presence of surface ships in channel.
#AIR CARRIER NOTE: Sliding scale not authorized for landings on Runways 13, 31, and 22.

City, New York; State, N.Y.; Airport Name, LaGuardia; Elev., 20'; Fac. Class., SABRAZ; Ident., LA; Procedure No. 1, Amdt. 13; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 12; Dated 7 July 62

Peoria VOR	PA-LFR	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side N crs, 002° Outbnd, 182° Inbnd, 2000' within miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport 179°—2.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles, make right turn climbing to 2300'. Return to PA LFR.
CAUTION: 1287' TV tower 5 mi east of airport.
NOTE: Final approach from holding pattern at LFR not authorized, procedure turn required.

City, Peoria; State, Ill.; Airport Name, Greater Peoria; Elev., 659'; Fac. Class., SBMRAZ; Ident., PIA; Procedure No. 1, Amdt. 6; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 5; Dated, 4 Oct. 58

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Holston Mt. VOR	Int BFO R–200 and 306° brg to LOM	Direct	6000	T-dn	300–1	300–1	#200–½
Int BFO R–200 and 306° brg to LOM	LOM (MHW)	Direct	4100	C-dn%	800–1	800–1	800–1½
Telford Int	LOM (MHW)	Direct	4100	S-dn-22%	800–1	800–1	800–1
Yuma Int	LOM (MHW)	Direct	4100	A-dn	800–2	800–2	800–2
Hilton Int	LOM (MHW)	Direct	5000				
Greendale Int*	LOM (MHW) (Final)	Direct	4100				
Damascus Int	Int HMV R–007 and 270° brg to LOM	Direct	6000				
Int HMV R–007 and 270° brg to LOM	LOM (MHW)	Direct	4100				

Procedure turn E side of crs, 044° Outbnd, 224° Inbnd, 4100' within 10 mi. Nonstandard due to terrain NW.
Minimum altitude over facility on final approach crs, 3600'.**
Crs and distance, facility to airport, 224°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing LOM, climb to 4000' on crs 224° from LOM within 20 miles or, when directed by ATC, turn right, climb to 4000' on HMV R–291 to Yuma Int.
CAUTION: Abrupt changes in terrain elevation immediately adjacent to procedure areas.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.
#Runway 4 and 22 only.
*Greendale Int: Int BFO R–187 and 224° brng to LOM (MHW).
% No reduction of any landing ceiling or visibility minimum is authorized.
**Descent from 4100' authorized in holding pattern at LOM (HW). Descent from 4100' also authorized on final after passing HMV-VOR R–332.

City, Bristol; State, Tenn.; Airport Name, Tri-City Municipal; Elev., 1519'; Fac. Class., LOM (HW); Ident., TR; Procedure No. 1, Amdt. 2; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 1; Dated, 28 July 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
HMV-VOR	Boone RBn	Direct	6000	T-dn	300–1	300–1	*200–½
Telford Int	Boone RBn	Direct	3600	C-d#	700–1	800–1	800–1½
Hilton Int	Boone RBn	Direct	5000	C-n#	700–1½	800–1½	800–2
Yuma Int	Boone RBn	Direct	4000	S-dn-4#	600–1	600–1	600–1
Erwin Int	Int HMV-VOR R-240 and 316° brng to Boone RBn.	Direct	6000	A-dn	1000–2	1000–2	1000–2
Int HMV-VOR R-240 and 316° brng to Boone RBn.	Boone RBn	Direct	3600				
BFO-VOR	Int HMV-VOR R-320 and 217° brng to Boone RBn.	Direct	6000				
Int HMV-VOR R-320 and 217° brng to Boone RBn.	Boone RBn	Direct	3600				

Procedure turn S side of crs, 224° Outbnd, 044° Inbnd, 3600′ within 10 mi.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, facility to airport, 044°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4100′ on crs of 044° from Boone RBn within 15 miles or, when directed by ATC, turn right, climb to 3600′ and return direct to Boone RBn.
CAUTION: Abrupt changes in terrain elevations immediately adjacent to procedure areas.
*Runway 4 and 22 only.
#No reduction of any landing ceiling or visibility minima is authorized.

City, Bristol; State, Tenn.; Airport Name, Tri-City; Elev., 1519′; Fac. Class., HW; Ident, BON; Procedure No. 2, Amdt. 1; Eff. Date, 1 Sept. 62; Sup. Amdt. No. Orig.; Dated, 24 Feb. 62

DZ-LFR	LOM	Direct	2300	T-dn*	300–1	300–1	200–½
DSM-VOR	LOM	Direct	2300	C-dn	400–1	500–1	500–1½
Mine Int	LOM (Final)	Direct	2200	S-dn-30	400–1	400–1	400–1
Grimes Int	LOM	Direct	2500	A-dn	800–2	800–2	800–2
Ankeny Int	LOM	Direct	2500				
Elkhart Int	LOM	Direct	2500				
Beech Int	Mine Int	Direct	2300				
TNU VOR	Swan Int	Direct	2300				
Swan Int	Mine Int (Final)	Direct	2400				

Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 305°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LOM, climb to 2600′ on crs 305° from LOM within 20 miles or, when directed by ATC, make climbing left turn to 2600′ on W crs of DZ-LFR within 20 miles.
CAUTION: *1546′ MSL tower 3 mi. NNE of airport, if not visible on N, NW, E, and NE takeoffs, climb to 2100′ prior to turning toward tower.

City, Des Moines; State, Iowa; Airport Name, Des Moines Municipal; Elev., 957′; Fac. Class., LOM; Ident., DS; Procedure No. 1, Amdt. 6; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 5; Dated, 29 Oct. 60

Holland Int	LOM	Direct	2000	T-dn	300–1	300–1	*200–½
Princeton Int	LOM	Direct	2000	C-d	600–1	600–1	600–1½
EVV-VOR	LOM	Direct	2000	C-n	600–2	600–2	600–2
Phillipstown Int	LOM	Direct	2000	S-d-21	500–1	500–1	500–1
New Haven Int	LOM	Direct	2000	S-n-21	500–1½	500–1½	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn N side NE crs, 035° Outbnd, 215° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 215°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, make left climbing turn, climb to 2000′ on 180° crs to EVV R-080, proceed to EVV-VOR on R-080. Hold SW of EVV VOR at 2000′ on R-224 or, when directed by ATC, (1) Make climbing right turn, climb to 2000′ on 305° crs from LM M until intercepting R-013 of the EVV-VOR, then proceed north on R-013 to Princeton Int.
AIR CARRIER NOTE: Sliding scale authorized only on Runways 3-21 and 18-36.
CAUTION: Radio tower 993′ MSL 3.6 miles SW of airport.
*300–1 on Runway 9–27.
**Booneville Int: Int EVV R-077 and OWB R-352.

City, Evansville; State, Ind.; Airport Name, Dress Memorial; Elev., 389′; Fac. Class., LOM; Ident., EV; Procedure No. 1, Amdt. 1; Eff. Date, 1 Sept. 62; Sup. Amdt. No. Orig.; Dated, 10 Dec. 60

LCH VOR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
LCH RBn	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
				S-dn-15	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar terminal transition altitude 1500′ within 25 miles. Radar may be used to position aircraft on final approach with elimination of procedure turn.
Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 148°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 miles after passing LOM, make an immediate right turn, climbing to 1500′ and return to the LOM.

City, Lake Charles; State, La.; Airport Name, Lake Charles; Elev., 16′; Fac. Class., LOM; Ident., LL; Procedure No. 1, Amdt. 2; Eff Date, 1 Sept. 62; Sup. Amdt. No. 1; Dated, 28 July 62

SDF RBn	LOM	Direct	2200	T-dn	300–1	300–1	200–½
LOU VOR	LOM	Direct	2200	C-dn	600–1	600–1	600–1½
Harbor Int	LOM	Direct	2200	S-dn-29	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn N side of crs 110° Outbnd, 290° Inbnd, 2200′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 290°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing LK LOM, climb to 2000′ on heading 270°, Intercept R-283 LOU-VOR and proceed to Corydon Int. Hold W 1-minute left turns.
Other change: Deletes transition from Jeffersonville Int.

City, Louisville; State, Ky.; Airport Name, Standiford Field; Elev., 497′; Fac. Class., LOM; Ident., LK; Procedure No. 2, Amdt. 2; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 1; **Dated, 19 May 62**

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Nashville RBn	LOM	Direct	2500	T-dn	300–1	300–1	200–½
Nashville VOR	LOM	Direct	2500	C-dn	400–1	500–1	500–1½
Knob Int	LOM	Direct	2500	S-dn-2L	400–1	400–1	400–1
Franklin Int	LOM	Direct	2500	A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 195° Outbnd, 015° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 015°—5.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing LOM, climb to 2000′ on crs of 015° within 20 miles of airport or, when directed by ATC, turn right, climb to 2500′ on 066° mag crs from BA RBn within 20 miles.

City, Nashville; State, Tenn.; Airport Name, Nashville Municipal (Berry Field); Elev., 605′; Fac. Class., LOM (HW); Ident., BN; Procedure No. 1, Amdt. 12; Eff. Date 1 Sept. 62; Sup. Amdt. No. 11; Dated, 9 Dec. 61

Nashville VOR	BA RBn	Direct	2100	T-dn	300–1	300–1	200–½
Lebanon Int	BA RBn	Direct	2100	C-dn	400–1	500–1	500–1½
Bn LOM (HW)	BA RBn	Direct	2100	A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 066° Outbnd, 246° Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 249°—2.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles after passing RBn, climb to 3000′ on 249° mag. crs from BA RBn within 20 miles.
CAUTION: 2049′ tower 11 miles SW of airport.

City, Nashville; State, Tenn.; Airport Name, Nashville Municipal; Elev., 605′; Fac. Class., NDB; Ident., BA; Procedure No. 2, Amdt. Orig.; Eff. Date, 1 Sept. 62

Liberty VHF Int	Prospect VHF Int	Via IDL R-271	2500	T-dn*	300–1	300–1	200–½
Prospect VHF Int	LOM (Final)	Direct	1200	C-dn**	700–1	700–2	700–2
LGA-VOR	LOM	Direct	2500	S-dn-4**	500–1	500–1	500–1
LGA-LFR	LOM	Direct	2500	A-dn	800–2	800–2	800–2

Radar transitions authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 224° Outbnd, 044° Inbnd, 2500′ S of Prospect Int within 10 mi of LOM.#
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 044°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2500′ on crs 043° or NE crs La Guardia LFR to New Rochelle RBn. Hold New Rochelle RBn right turns, 1-minute, 043° Inbnd.
NOTE: La Guardia LFR must be monitored during ADF approach.
CAUTION: (1) Standard clearance not provided over obstructions in final approach area and in missed approach area. (2) Unlighted obstructions in approach zone (Runway 4) protruding 40′ above lights at beginning of approach lightlane decreasing to 10′ above lights at 1100′ from approach end of runway. (3) Tower 415′ msl 3.8 mi SW; tower 390 msl 3.5 mi SW; bldg 968′ msl 6.7 mi SW.
*Takeoff minimums for Runway 4 and 31 will not be less than 200–1 during such periods when tower advisories indicate presence of surface ships in channel.
**AIR CARRIER NOTE: Sliding scale not authorized for landing on Rnwys 13/31 and 22.
#Maintain 2500′ Inbnd on final approach crs until crossing Prospect Int.

City, New York; State, N.Y.; Airport Name, La Guardia; Elev., 20′; Fac. Class., LOM; Ident., LG; Procedure No. 1, Amdt. 17; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 16; Dated, 11 Jan. 62

PIA VOR	LOM	Direct	2400	T-dn	300–1	300–1	200–½
Pekin Int	LOM	Direct	2400	C-dn	400–1	500–1	500–1½
Mora Int	LOM	Direct	2400	S-dn-30	400–1	400–1	400–1
Mossville Int	LOM	Direct	2400	A-dn	800–2	800–2	800–2
Bradley Int	LOM	Direct	2400				

Procedure turn E side of crs, 123° Outbnd, 303° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 303°—5.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, climb to 2000′ proceed to PIA-VOR, or when directed by ATC, climb to 2300′, proceed to Bradley Int.

City, Peoria; State, Ill.; Airport Name, Greater Peoria; Elev., 659′; Fac. Class., LOM; Ident., PI; Procedure No. 1, Amdt. 2; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 1; Dated, 7 Oct. 61

TLH VOR	TH RBn	Direct	1500	T-dn	200–1	300–1	200–½
TL LOM	TH RBn	Direct	1500	C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 297° Outbnd, 117° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach crs, 800′.
Crs. and distance, facility to airport, 140°—2.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles after passing RBn, climb to 1500′ on the 140° crs from TH RBn within 20 miles.

City, Tallahassee; State, Fla.; Airport Name, Municipal; Elev., 82′; Fac. Class., BH; Ident., TH; Procedure No. 2, Amdt. Orig.; Eff. Date, 1 Sept. 62

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
BGS RBn	BGS-VOR	Direct	4000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn*	800-2	800-2	800-2

Procedure turn E side of crs, 324° Outbnd, 144° Inbnd, 3900′ within 10 mi. Nonstandard due to ATC requirement.
All turns to be made on east side of course.
Minimum altitude over facility on final approach crs, 3300′.
Crs and distance, facility to airport, 144°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing BGS-VOR, climb to 4100′ on BGS VOR R-144 within 20 miles.
AIR CARRIER NOTE: Procedure may be authorized for carriers having approval of their arrangement for use of the communications and weather service at this airport.
NOTES: Weather and communications service not available to general public at Howard County Airport. Prior ATC approval required in using this facility. Pilots using this approach shall, as soon as practicable, advise Webb Approach Control when contact or executing a missed approach.
*Alternate usage authorized for air carriers only.

City, Big Spring; State, Tex.; Airport Name, Howard County; Elev., 2560′; Fac. Class., BVOR; Ident., BGS; Procedure No. 1, Amdt. 4; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 3; Dated, 30 June 62

				T-dn	300-1	300-1	200-½
				C-dn	800-1	800-1	800-1½
				S-dn-6	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2

Procedure turn S side, 211° Outbnd, 031° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 031°—8.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.3 miles, climb to 1300′ on R-031 within 20 miles.

City, Gainesville; State, Fla.; Airport Name, Gainesville; Elev., 155′; Fac. Class., BVOR; Ident., GNW; Procedure No. 1, Amdt. 3; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 2; Dated, 29 Apr. 61

Midland LOM	MAF-VOR	Direct	4500	T-dn	300-1	300-1	*200-½
Tarzan Int	MAF-VOR	Direct	4100	C-dn	400-1	500-1	500-1½
				S-dn-16R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 360° Outbnd, 180° Inbnd, 4100′ within 10 miles. Nonstandard due to ATC requirements.
All turns to be made on east side of crs.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, 180°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing MAF-VOR, climb to 4200′ on R-150 within 20 miles.
*300-1 required on Runway 16L and 34R.

City, Midland; State, Tex.; Airport Name, Midland-Air Terminal; Elev., 2867′; Fac. Class., BVOR; Ident., MAF; Procedure No. 1, Amdt. 10; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 9; Dated, 30 June 62

Alberton FM	Primrose Int (Final)	Direct	6500	T-dn	2500-2	2500-2	2500-2
MSO RBn	VOR	Direct	8000	C-dn	3300-2	3300-2	3300-2
				A-dn	3500-3	3500-3	3500-3
				If aircraft equipped with VOR and ADF and Primrose Int* received the following minimums apply:			
				C-dn	3000-2	3000-2	3000-2

Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 8000′ within 10 miles. Beyond 10 miles NA. Nonstandard due to terrain S.
Minimum altitude over Primrose Int* on final approach crs, 6500′.
Crs and distance, Primrose Int* to airport, 098°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right and climb to 9000′ on R-278 MSO-VOR, within 15 miles.
CAUTION: High terrain southwest of missed approach turn area.
*Primrose Int: Int MSO-VOR R-278 and 053° brng to MSO RBn.

City, Missoula; State, Mont.; Airport Name, Missoula County; Elev., 3203′; Fac. Class., BVOR; Ident., MSO; Procedure No. 1, Amdt. 2; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 1; Dated, 28 July 62

Nashville RBn	BNA-VOR	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 132° Outbnd, 312° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 312°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing VOR, climb to 3000′ on R-335 within 20 miles.
CAUTION: High tension line 138′ above field elevation between the VOR station and the airport.

City, Nashville; State, Tenn.; Airport Name, Nashville Municipal; Elev., 605′; Fac. Class., BVORTAC; Ident., BNA; Procedure No. 1, Amdt. 13; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 12; Dated, 12 May 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-d-16	500-1	500-1	500-1
				S-n-16	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 312° Outbnd, 132° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2500′.
Crs, and distance, facility to airport, 132°—7.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished 7.7 miles after passing the LFT VOR climb to 1500′ on R-132 within 20 miles, or turn right climb to 2500′ returning to the LFT VOR.

City, New Iberia; State, La.; Airport Name, NAS New Iberia; Elev., 24′; Fac. Class., BVOR; Ident., LFT; Procedure No. 1, Amdt. Orig.; Eff. Date, 1 Sept. 62

Peoria LFR	PIA-VOR	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 095°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing VOR, make right turn climbing to 2,000′. Return to Peoria VOR or, when directed by ATC, make left turn climbing to 2300′, proceed to Bradley Int.
CAUTION: Unlighted high tension towers between facility and airport. 1287′ tower 5 miles east of airport.

City, Peoria; State, Ill.; Airport Name, Greater Peoria; Elev., 659′; Fac. Class., BVOR; Ident., PIA; Procedure No. 1, Amdt. 4; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 3; Dated, 16 Sept. 61

Pyramid Int	RNO VOR	Direct	9000	T-dn	2000-2	2000-2	2000-2
Wadsworth Int	RNO VOR	Direct	9500	C-dn	2500-2	2500-2	2500-2
RO LFR	RNO VOR	Direct	9000	A-dn	2500-3	2500-3	2500-3
Verdi Int	RNO VOR	Direct	9000				
Truckee Int	RNO VOR	Direct	10,000				
Steamboat Int	RNO VOR	Direct	9000				
Mustang Int (Final)	RNO VOR	Direct	7900				
Washoe Int	RNO VOR	Direct	10,000				

Procedure turn S side crs, 049° Outbnd, 229° Inbnd, 9000′ within 10 mi. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 7900′.
Crs and distance, facility to airport, 229°—5.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles, turn right, climb to 9000′ on R-049 within 10 miles.
CAUTION: If contact not established at minimums, missed approach must be started immediately due to high terrain W.
AIR CARRIER NOTE: No reductions in visibility minimums authorized.
Other change: Deletes transition from Bingo Int.

City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4411′; Fac. Class., BVOR; Ident., RNO; Procedure No. 1, Amdt. 10; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 9; Dated, 9 Dec. 61

TPH SABH	TPH VOR	Direct	8500	T-dn	1000-1	1000-1	1000-1
				C-dn	1000-1	1000-1	1000-1½
				A-dn	1000-2	1000-2	1000-2

Procedure turn N side of crs, 088° Outbnd, 268° Inbnd, 8000′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 7000′.
Crs and distance, facility to airport, 264°—2.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing VOR, make right climbing turn, return to VOR station on R-325, climb to 9500′ in a standard holding pattern on R-088 (088° outbnd, 268° inbnd).

City, Tonopah; State, Nev.; Airport Name, Tonopah; Elev., 5426′; Fac. Class., BVOR; Ident., TPH; Procedure No. 1, Amdt. 1; Eff. Date, 1 Sept. 62; Sup. Amdt. No. Orig.; Dated, 3 Jan. 59

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Austin Int	AUM VOR	Direct	2700	T-dn	300–1	300–1	200–½
RST VOR	AUM VOR	Direct	2700	C-dn	600–1	600–1	600–1½
				S-dn-17	600–1	600–1	600–1
				A-dn**	800–2	800–2	800–2
				Following minimums apply for aircraft equipped with operating dual omni receivers and the Sargeant Int* received:			
				C-dn	400–1	500–1	500–1½
				S-dn-17	400–1	400–1	400–1

Procedure turn W side of crs, 345° Outbnd, 165° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance breakoff point to Runway 17, 168°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of AUM–VOR, climb to 2700′ on R-165 within 20 miles.
CAUTION: 1670′ msl tower 3.5 miles SW, 1477′ msl tower 2.3 miles north, 1330′ msl tank 1 mile west.
*Sargeant Int: Int R-345 AUM–VOR and R-247 RST–VOR.
**Authorized for air carriers with weather reporting service at the airport.

City, Austin; State, Minn.; Airport Name, Austin Municipal; Elev., 1237′; Fac. Class., BVOR (State-owned); Ident., AUM; Procedure No. TerVOR-17, Amdt. 2; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 1; Dated, 2 June 62

Austin Int	AUM VOR	Direct	2700	T-dn	300–1	300–1	200–½
RST VOR	AUM VOR	Direct	2700	C-dn	500–1	500–1	500–1½
				S-dn-35	500–1	500–1	500–1
				A-dn**	800–2	800–2	800–2
				Following minimums apply for aircraft equipped with operating dual omni receivers and the London Int* received:			
				C-dn	400–1	500–1	500–1½
				S-dn-35	400–1	400–1	400–1

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2700′ within 10 mi.
Minimum altitude over facility on final approach 1700′.
Crs and distance breakoff point to Runway 35, 348°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles of the AUM VOR, climb to 2500′ on R-350 within 20 miles.
CAUTION: 1670′ MSL tower 3.5 miles SW, 1477′ MSL tower 2.3 miles north. 1330′ MSL tank 1 mile west.
*London Int: Int R-170 AUM–VOR and R-233 RST–VOR.
**Authorized for air carriers with weather reporting service at the airport.

City, Austin; State, Minn.; Airport Name, Austin; Elev., 1237′; Fac. Class., BVOR (State-owned); Ident., AUM; Procedure No. TerVOR-35, Amdt. 2; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 1; Dated, 1 June 62

OC-LFR	GCK-VOR	Direct	4000	T-dn	300–1	300–1	200–½
				C-d	500–1	500–1	500–1½
				C-n	*500–1½	500–1½	500–2
				S-dn-17	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

NOTE: *Night operation authorized N–S Runway only.
Procedure turn W side of crs, 353° Outbnd, 173° Inbnd, 4000′ within 10 mi.
Minimum altitude over facility on final approach crs, 3400′.
Crs and distance from Int Runway center line extended and final crs to app end of runway, 169°—0.65 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 4100′ on R-173 within 20 miles.
NOTE: Final approach from holding pattern at VOR not authorized, procedure turn required.

City, Garden City; State, Kans.; Airport Name, New Garden City; Elev., 2895′; Fac. Class., BVORTAC; Ident., GCK; Procedure No. TerVOR-17, Amdt. 1; Eff. Date, 1 Sept. 62; Sup. Amdt. No. Orig.; Dated, 13 Dec. 58

LSE–VOR	Midway Int***	Direct	2400	T-d	*400–1	*400–1	#400–1
ONA VOR	Holman Int**	R–103	2800	T-n	*400–1½	*400–1½	#400–1½
Nodine–BVOR	Midway Int***	Direct	2400	C-d	600–1	600–1	600–1½
Holman Int**	Midway Int*** (Final)	Direct	1900	C-n	600–2	600–2	600–2
				S-dn-13	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2400′ within 10 miles of Midway Int.***
Minimum altitude over Midway Int*** on final approach crs, 1900′.
Facility on airport.
Crs and distance, breakoff point to Runway 13, 130°—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing Midway Int*** or, 0.0 mile of LSE–VOR, make immediate right climbing turn, climb to 2400′ on LSE R-318 within 10 miles.
CAUTION: 960′ msl tower 2 miles SE of airport. 1227′ msl bluffs and 1440′ tower 3 and 4 miles SE, respectively, of airport. 1273′ msl tower 4 miles WSW of airport and 1440′ tower 3.5 miles W of airport. 1240′ bluffs 2 miles NE of airport.
NOTE: Procedure authorized only for aircraft equipped with operating dual omni receivers or operating omni and LF receivers.
*300–1 takeoff authorized on Runways 31, 36, and 18.
**Holman Int: R-103 ONA VOR and R-318 LSE VOR.
***Midway Int: R-318 LSE VOR and R-069 ODI VOR or SW crs LE LFR.
#200–½ takeoff authorized on Runways 31, 36, and 18.

City, Lacrosse; State, Wis.; Airport Name, Municipal; Elev., 653′; Fac. Class., BVOR; Ident., LSE; Procedure No. TerVOR-13, Amdt. 2; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 1; Dated, 24 May 58

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Deer Park VOR	IDL VOR R-105	Via radar vectors*	2500	T-dn	300–1	300–1	200–½
Sandy Hook VHF Int	IDL VOR R-105	Via radar vectors*	2500	C-dn	700–1	700–1	700–1½
Int# of DPK VOR R-241 and IDL VOR R-105 and/or SW crs of Hempsted LFR or 035° bearing from Lido RBn and R-105 of IDL VOR (Final).	IDL VOR R-105	Via radar vectors*	2500	A-dn	800–2	800–2	800–2

Terminal area radar transition altitudes from R-030 clockwise through R-210 of IDL VOR, 1500 feet within 20 miles, 2500 feet within 25 miles.
Procedure turn NA. Radar vectors to final approach crs required. Final approach radial 105.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, breakoff point to approach end of R-31R, 312°—1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished with 0.0 miles of IDL VOR, make left climbing turn to 2000′ on R-190 of IDL VOR to Sandy Hook VHF Int. Hold south right turns 1-minute, 010° Inbnd.
AIR CARRIER NOTE: Sliding scale not authorized.
*Radar vectors to final approach course will intercept final approach radial E of the final approach fix.
#Descent to published minimums authorized after passing final approach fix.

City, New York; State, N.Y.; Airport Name, International; Elev., 12′; Fac. Class., BVORTAC; Ident., IDL; Procedure No. TVOR(R-105), Amdt. Orig; Eff. Date, 1 Sept. 62

Deer Park VOR	IDL VOR R-141	Via radar vectors*	2500	T-dn	300–1	300–1	200–½
Sandy Hook VHF Int	IDL VOR R-141	Via radar vectors*	2500	C-dn	700–1	700–1	700–1½
Int# of DPK VOR R-237 and IDL VOR R-141, and/or Int. of SW crs. Hempsted LFR or 215° brng from Lido RBn with IDL VOR 141° radial (Final).	IDL VOR R-141	Via radar vectors*	2500	A-dn	800–2	800–2	800–2

Terminal area radar transition altitudes from R-030 clockwise through R-210 of IDL VOR 1500 feet within 20 miles, 2500 feet within 25 miles.
Procedure turn NA. Radar vectors to final approach crs required final approach radial 141.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, breakoff point to approach end of R-31L, 312°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of IDL VOR, make left climbing turn to 2000′ on 190° radial of IDL VOR to Sandy Hook Int. Hold south of Sandy Hook Int right turns 1 minute 010° Inbnd.
AIR CARRIER NOTE: Sliding scale not authorized.
*Radar vectors to final approach course will intercept final approach radial southeast of the final approach fix.
#Descent to published minimums authorized after passing final approach fix.

City, New York; State, N.Y.; Airport Name, International; Elev., 12′; Fac. Class., BVORTAC; Ident., IDL; Procedure No. TerVOR R-141, Amdt. Orig; Eff. Date, 1 Sept. 62

Radar Vectoring Position	Byron Int* (Final)	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-23	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 038° Outbnd, 218° Inbnd, 1800′ within 10 mi.
Minimum altitude over Byron Int* on final approach crs, 1500′; over RDU–VOR, 800′.#
Crs and distance, Byron Int* to Runway 23, 218°—3.8 mi.
Crs and distance, breakoff point to Runway 23, 220°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over RDU–VOR, climb to 2000′ on R-218 or, when directed by ATC, turn right, climb to 2000′ on R-309 within 15 miles.
*Byron Int—Int RDU VOR R-038 and 306° crs from RDU RBn.
#Descent to 800′ msl not authorized unless Byron Int is identified on final.

City, Raleigh; State, N.C.; Airport Name, Raleigh-Durham; Elev., 435′; Fac. Class., BVORTAC; Ident., RDU; Procedure No. TerVOR-23, Amdt. 1; Eff. Date, 1 Sept. 62; Sup. Amdt. No. Orig.; Dated, 18 June 60

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Holston Mt VOR	Int BFO R-200 and 306° brg to LOM	Direct	6000	T-dn	300–1	300–1	**200–½
Int BFO R-200 and 306° brg to LOM	LOM (MHW)	Direct	4100	C-dn#	700–1	800–1	800–1½
Telford Int	LOM (MHW)	Direct	4100	S-dn-22#%	300–¾	300–¾	300–¾
Yuma Int	LOM (MHW)	Direct	4100	A-dn	800–2	800–2	800–2
Hilton Int	LOM (MHW)	Direct	5000				
Greendale Int*	LOM (MHW) (Final)##	Direct	4100				
Damascus Int	Int HMV R-007 and 270° brg to LOM	Direct	6000				
Int HMV R-007 and 270° brg to LOM	LOM (MHW)	Direct	4100				

Procedure turn E side of crs, 044° Outbnd, 224° Inbnd, 4100′ within 10 mi (nonstandard due to terrain NW).
Minimum altitude at glide slope interception inbound, 3600′.##
Altitude of glide slope and distance to approach end of runway at OM, 3462′—5.9 mi; at MM, 1742′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4000′ on crs 224° from LOM within 20 miles or, when directed by ATC, turn right, climb to 4000′ on HMV R-291 to Yuma Int.
CAUTION: Abrupt changes in terrain elevations adjacent to procedure areas NW.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.
*Greendale Int: Int BFO R-187 and TRI ILS NE crs.
**Runways 4 and 22 only.
%600–1 required when glide slope not utilized.
#No reduction of any landing ceiling or visibility minimum is authorized.
##Descent from 4100′ must be made on glide slope or SW of HMV–VOR R-332 on final.

City, Bristol; State, Tenn.; Airport Name, Tri-City Municipal; Elev., 1519′; Fac. Class., ILS; Ident., I-TRI; Procedure No. ILS-22, Amdt. 2; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 1; Dated, 28 July 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Louisville VOR	Harbor Int#	Direct	2200	T-dn	300–1	300–1	200–½
Nabb VOR	Harbor Int# (Final)	Direct	2000	C-dn	600–1	600–1	600–1½
				S-dn-19	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns. When used in lieu of Procedure turn, alignment on final approach course within 10 miles of Harbor Int# is required.
Procedure turn E side of N crs, 009° Outbnd, 189° Inbnd, 2000′ within 10 miles N of Harbor Int# (nonstandard due to obstructions).
Minimum altitude over Harbor Int#, 2000′.
No glide slope or markers. Minimum altitude over Cave Hill Int. 1200′.** Descend to authorized landing minimums after passing Cave Hill Int.**
Crs and distance, Harbor Int# to Runway 19, 189°—5.0 mi; Cave Hill Int** to Runway 19, 189°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing Harbor Int#, make a climbing right turn as soon as practical, climb to 2600′ on R-283 LOU-VOR and proceed to Corydon Int. Hold west 1-minute left turns.
NOTE: This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.
CAUTION: Several high towers 3 to 9 miles north of airport in approach area to maximum 1060′ msl.
**Cave Hill Int: N crs ILS and Louisville VOR R-320.
#Harbor Int: Int N crs ILS and Louisville VOR R-327.

City, Louisville; State, Ky.: Airport Name, Standiford Field; Elev., 497′; Fac. Class., ILS; Ident., I-SDF; Procedure No. ILS-19, Admt. 4; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 3; Dated, 6 May 61

SDF RBn	LOM	Direct	2200	T-dn	300–1	300–1	200–½
LOU VOR	LOM	Direct	2300	C-dn	600–1	600–1	600–1½
Harbor Int	LOM	Direct	2200	S-dn-29*	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn N side of crs 110° Outbnd, 290° Inbnd, 2200′ within 10 miles of LOM.
Minimum altitude at glide slope interception inbnd, 2200′.
Altitude of glide slope and distance to approach end of Runway 29 at OM, 2141′—5.0 mi; at MM, 714′—0.55 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing LK LOM, climb to 2600′ on heading 270°, intercept R-283 LOU-VOR and proceed to Corydon Int. Hold west 1-minute, left turns.
NOTE: Approach light system nonstandard—not a component of ILS. Approach lights operated by the city of Louisville, Ky. The Federal Government disclaims responsibility for nonfederal navigation facilities.
Other Change: Deletes transitions from Jeffersonville Int.
*400–¾ with glide slope inoperative.

City, Louisville; State, Ky.; Airport Name, Standiford Field; Elev., 497′; Fac. Class., ILS; Ident., I-LKS; Procedure No. ILS-29, Amdt. 2; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 1; Dated, 19 May 62

PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 1, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Midland; State, Tex.; Airport Name, Midland-Air Terminal; Elev., 2867′; Fac. Class., ILS; Ident., I-MAF; Procedure No. ILS-4, Amdt. 12; Eff. Date, 30 June 62; Sup. Amdt. No. 11; Dated, 25 Nov. 61

PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 1, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Midland; State, Tex.; Airport Name, Midland-Air Terminal; Elev., 2867′; Fac. Class., ILS; Ident., I-MAF; Procedure No. ILS-22, Amdt. 7; Eff. Date, 30 June 62; Sup. Amdt. No. 6; Dated, 12 May 62

MS LOM	Hopkins Int*	Direct	2500	T-dn	300–1	300–1	200–½
FCM-VOR	Hopkins Int*	Direct	2500	C-dn	500–1	500–1	500–1½
MSP-VOR	Wayzata Int**	Direct	2500	S-dn-11R	400–1	400–1	400–1
Loretto Int	Wayzata Int**	Direct	2500	A-dn	800–2	800–2	800–2
Wayzata Int**	Hopkins Int* (Final)	Direct	2500				
Int FGT-VOR R-291 and MSP-VOR R-205.	Wayzata Int**	Direct	2500				

Radar transitions to final approach crs authorized according to approved patterns. Aircraft will be released for final approach without procedure turn on inbound final approach crs at least 2 miles NW of Hopkins Int.*
Procedure turn S side of crs, 295° Outbnd, 115° Inbnd, 2500′ within 10 mi of Hopkins Int.*
No glide slope, outer or middle marker, and no approach lights.
Minimum altitude over Hopkins Int* on final approach crs, 2500′; over Washburn Int#, 1600′.
Crs and distance, Hopkins Int* to airport, 115°—0.6 mi.; Washburn Int# to airport, 115°—2.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing Hopkins Int*, climb to 2200′ on SE crs ILS within 10 miles of MS LOM or, when directed by ATC, make right climbing turn to 2300′ and proceed to AP LOM.
NOTE: This procedure authorized only for aircraft equipped to receive VOR and ILS simultaneously, unless radar controller advises passing Hopkins Int* and Washburn Int.#
*Hopkins Int: Int NW crs ILS and FCM-VOR R-028.
**Wayzata Int: Int NW crs ILS and MSP-VOR R-205.
#Washburn Int: Int NW crs ILS and FCM-VOR R-050.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; Elev., 840′; Fac. Class., ILS; Ident., I-MSP; Procedure No. ILS-11R, Amdt. 8; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 7; Dated, 23 June 62

Mobile VOR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Brookley RBn	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
				S-dn-14	*300–¾	*300–¾	*300–¾
				A-dn	#600–2	#600–2	#600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side NW crs, 320° Outbnd, 140° Inbnd, 1500′ within 10 mi.
Minimum altitude at glide slope interception inbd, 1500′.
Altitude of glide slope and distance to approach end of runway at OM, 1500′—4.5 mi; at MM, 424′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make right turn, climb to 1600′ on 180° crs from LOM within 20 miles or, when directed by ATC, make right turn, proceed direct to MOB VOR climbing to 1400′ and enter VOR holding pattern.
*400–¾ required when glide slope not utilized. No approach lights.
#All installed components of ILS must be operating otherwise alternate minima of 800–2 apply.

City, Mobile; State, Ala.; Airport Name, Bates Field; Elev., 217′; Fac. Class., ILS; Ident., I-MOB; Procedure No. ILS-14, Amdt. 11; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 10; Dated, 7 May 60

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Nashville RBn	LOM	Direct	2500	T-dn	300–1	300–1	200–½
Nashville VOR	LOM	Direct	2500	C-dn	400–1	500–1	500–1½
Knob Int	LOM	Direct	2500	S-dn-2L*	200–½	200–½	200–½
Franklin Int	LOM	Direct	2500	A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side S crs, 195° Outbnd, 015° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interception inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 2100′—5.1 mi; at MM, 817′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on N crs ILS (015°) within 20 miles of airport or, when directed by ATC, turn right, climb to 2500′ on 066° mag. crs, from BA RBn within 20 miles.
*400–¾ required when glide slope not utilized.

City, Nashville; State, Tenn.: Airport Name, Nashville Municipal (Berry Field); Elev., 605′; Fac. Class., ILS; Ident., I-BNA; Procedure No. ILS-2L, Amdt. 12; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 11; Dated, 9 Dec. 61

Ontario VOR	Riverside LFR or Edgemont Int	Direct	4200	T-dn	300–1	300–1	200–½
Edgemont Int	Colton RBn/Int	Direct	4200	C-dn	500–1	500–1	500–1½
Riverside LFR	Colton RBn/Int	Direct	4200	S-dn-25*	300–1	300–1	300–1
Colton RBn/Int	LOM (Final)	Direct	2800	A-dn	800–2	800–2	800–2
Moreno Int	Colton RBn	Direct	4200				

Radar transitions and vectoring utilizing March Radar are authorized in accordance with approved radar patterns.
Procedure turn NA. Aircraft must be vectored to final approach by radar or proceed via the Colton RBn/Int in accordance with approved transitions.
Altitude and distance to approach end of runway at Colton RBn/Int, 4200′—11 mi; at OM, 2800′—6.2 mi; at Dixon Intersection# 1450′—3.6 miles.
*Localizer and LOM only in operation. Dixon Intersection# must be received or circling minimums apply.
#Dixon Intersection: Int ONT VOR R-010 and ONT ILS E course. Dual VHF equipment required.

City, Ontario; State, Calif.; Airport Name, Ontario International; Elev., 952′; Fac. Class., ILS; Ident., I-ONT; Procedure No. ILS-25, Amdt. 16; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 15; Dated, 7 Apr. 62

PIA VOR	Oak Hill Int*	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-12	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of NW crs PIA ILS, 303° Outbnd, 123° Inbnd, 2000′ within 10 mi of Oak Hill Int.*
Minimum altitude over Oak Hill Int* on final approach crs, 1800′.
Crs and distance, Oak Hill Int* to airport, 123°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing Oak Hill Int, climb to 2000′, proceed to PIA VOR or, when directed by ATC, climb to 2300′ and proceed to Bradley Int.
NOTE: Procedure approved for dual omni equipped aircraft only (Back Course Approach).
*Oak Hill Int: Int NW crs PIA ILS and R-001 PIA VOR.

City, Peoria; State, Ill.; Airport Name, Greater Peoria; Elev., 659′; Fac. Class., ILS; Ident., I-PIA; Procedure No. ILS-12, Amdt. 2; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 1; Dated, 1 July 61

PIA VOR	LOM	Direct	2400	T-dn	300–1	300–1	200–½
Pekin Int	LOM	Direct	2400	C-dn	400–1	500–1	500–1½
Mora Int	LOM	Direct	2400	S-dn-30	200–½	200–½	200–½
Mossville Int	LOM	Direct	2400	A-dn	600–2	600–2	600–2
Bradley Int	LOM	Direct	2400				

Procedure turn E side of SE crs, 123° Outbnd, 303° Inbnd, 2400′ within 10 mi.
Minimum altitude at glide slope interception inbnd, 2400′.
Altitude of glide slope and distance to appr. end of Runway 30 at LOM: 2332′—5.3 mi; at LMM, 883′—0.57 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ proceed to PIA-VOR, or when directed by ATC, climb to 2300′ proceed to Bradley Int.

City, Peoria; State, Ill.; Airport Name, Greater Peoria; Elev., 659′; Fac. Class., ILS; Ident., I-PIA; Procedure No. ILS-30, Amdt. 2; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 1 Dated, 7 Oct. 61

Woodland FM	SVY RBn	Direct	3200	T-dn**	300–1	300–1	200–½
Scappoose Int	SVY RBn (Final)	Direct	3000	C-dn	700–1	700–1	700–1½
UBG VOR	SVY RBn	Direct	3200	S-dn-10R#	300–¾	300–¾	300–¾
Willamette FM	SVY RBn	Direct	3200	A-dn	700–2	700–2	700–2
PDX VOR	SVY RBn	Direct	3200				
PO-LFR	SVY RBn	Direct	3200				

RADAR transitions and vectoring using Portland Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 3200′ within 10 mi of SVY-RBN. NA beyond 10 mi.
Minimum altitude at glide slope int inbnd, 3000′.
Altitude of glide slope and distance to approach end of runway at SVY RBn, 3000′—9.4 mi; at OM, 1357′—3.9 mi; at MM, 280′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2100′ on SE crs to Gresham Int or, when directed by ATC, proceed direct to PO-LFR or PDX-VOR, climbing to 3000′.
NOTE: Narrow localizer course—4°.
Other Change: Deletes transitions from La Center FM or Int, St. Helens Int, and N. Plains Int.
*200–½ authorized Runways 10R/L and 28R/L only. 700–2 required on Runway 20.
#500–¾ required when glide slope not used.
CAUTION: 600′ terrain 1.8 mi SE of airport.
**Runway visual range 2600′ also authorized for takeoff on Runway 10R in lieu of 200–½ when 200–½ authorized; provided high intensity runway lights are operational.

City, Portland; State, Oreg.; Airport Name, Portland International; Elev., 23′; Fac. Class., ILS; Ident., I-PDX; Procedure No. ILS-10R, Amdt. 11; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 10; Dated, 30 Sept. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
RDU LOM	RDU RBn	Direct	2000	T-dn	303-1	300-1	200-½
RDU VOR	RDU RBn	Direct	1800	C-dn	400-1	500-1	500-1½
Wendell Int	RDU RBn	Direct	1800	S-dn-23	400-1	400-1	400-1
Chapel Hill Int	RDU RBn	Direct	1800	A-dn	800-2	800-2	800-2
Durham Int	RDU RBn	Direct	1800				
Oxford Int	RDU RBn	Direct	1800				
Franklinton Int	RDU RBn	Direct	1800				
Zebulon Int	RDU RBn	Direct	1800				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 049° Outbnd, 229° Inbnd, 1800′ within 10 mi of Leesville LF Int.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 229°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing RDU RBn, climb to 2000′ on SW crs ILS (229°) within 20 miles, or when directed by ATC, turn right, climb to 2000′ on R-309 RDU-VOR within 15 miles, or climb to 1800′ returning direct to RDU RBn.
NOTES: Descent to 800′ MSL NA unless RDU RBn is identified on final.

City, Raleigh; State, N.C.; Airport Name, Raleigh-Durham; Elev., 435′; Fac. Class., ILS; Ident., I-RDU; Procedure No. ILS-23, Amdt. 7; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 6; Dated, 10 June 61

Mustang Int	Sparks RBn	Direct	9000	T-dn#	800-1½	800-1½	800-1½
Pyramid Int	Sparks RBn	Direct	9000	C-dn	1000-2	1000-2	1000-2
Verdi Int	Sparks RBn	Direct	10,000	S-dn-16*	1000-2	1000-2	1000-2
Wadsworth Int	Sparks RBn	Direct	10,000	A-dn	1500-3	1500-3	1500-3
Steamboat Int	Sparks RBn	Direct	9000				
RNO VOR	Sparks RBn	Direct	9000				
RO LFR	Sparks RBn	Direct	9000				
Truckee Int	Sparks RBn	Direct	10,000				
Washoe Int	Sparks RBn	Direct	10,000				

Procedure turn W side crs, 342° Outbnd, 162° Inbnd, 9000′ within 10 mi Sparks RBn. NA beyond 10 mi.
Minimum altitude over facilities and intersection, and distance to approach end Runway 16 on final approach: Sparks RBn, 8000′—11.1 mi; Int N crs ILS and RNO-VOR R-306, 7150′—8.4 mi; OM, 6300′—5.8 mi; MM/LFR, 5400′—2.3 mi.
If visual contact not established at the MM/LFR, climb to 6000′ on S crs ILS within 5 miles MM/LFR, then right climbing turn and return to MM/LFR. Shuttle climb to 9000′ on N crs ILS between MM/LFR and Sparks RBn (all shuttle turns East side N crs ILS) or, when directed by ATC, climb on S crs ILS to cross Steamboat Int at 8000′ or above, continue climb to 9000′ within 15 miles of MM/LFR, turn left and return to VOR at 9000′.
CAUTION: All provisions of this procedure must be strictly adhered to. Precipitous terrain all quadrants. Do not proceed beyond the MM/LFR on final approach unless landing is assured.
AIR CARRIER NOTE: No reductions in visibility minimums authorized.
#Authorized for Runways 16, 34, and 25. All other runways require 1000-2.
*No approach lights or glide slope. All other components of ILS are required for this procedure, except that the Int of the N crs ILS and RNO-VOR R-314 may be substituted for the Sparks RBn for aircraft equipped to receive ILS and VOR simultaneously.

City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4411′; Fac. Class., ILS; Ident., I-RNO; Procedure No. ILS-16, Amdt. 5; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 4; Dated, 9 Dec. 61

MIP-VOR	Picture Rocks Int.#	Direct	3700	T-dn	800-1	800-1	800-1
IPT-VOR	Picture Rocks Int.#	Direct	3700	C-dn	900-2	900-2	900-2
				S-dn-27*	800-2	800-2	800-2
				A-d	1500-2	1500-2	1500-2
				A-n	1500-3	1500-3	1500-3

Procedure turn S side of crs, 086° Outbnd, 266° Inbnd, 3700′ within 10 miles of Picture Rock Int#. Nonstandard due to higher terrain north of ILS course.
Minimum altitude over facility on final approach crs, 3600′.
Altitude at glide slope and distance to approach end of runway at OM, 1809′—3.8 mi; at MM, 766′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing outer marker or 9.4 miles after passing Picture Rocks Int, make immediate right (north) climbing turn to 4000′, proceed direct to IPT-VOR. Hold IPT-VOR 1-minute left turn, Inbnd crs, 136° or, when directed by ATC, make a right (northwest) climbing turn to 4000′ to intercept the MIP-VOR R-325, proceed to Trout Run Int. Hold West Trout Run Int 1-minute right turns inbound course 110°.
CAUTION: 2000′ ridge approx. 2.0 miles south of airport. All circling approaches are prohibited in the area south of Runway 9–27.
AIR CARRIER NOTE: Sliding scale not authorized for takeoffs and landings. Runway 15–33 closed to Air Carrier Operations.
*900–2 required with glide slope inoperative.
#Picture Rocks Int: IPT-VOR R-151 and IPT East ILS crs, or MIP-VOR R-002.

City, Williamsport; State, Pa.; Airport Name, Lycoming County; Elev., 528′; Fac. Class., ILS; Ident., I-IPT; Procedure No. ILS-27, Amdt. 1; Eff. Date, 1 Sept. 62; Sup. Amdt. No. Orig.; Dated, 10 Mar. 62

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Precision approach			
				S-dn 9	200-½	200-½	200-½
				A-dn 9	600-2	600-2	600-2
				Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn*	400-1	500-1	500-1½
				C-dn-15	500-1	500-1	500-1½
				S-dn*	400-1	400-1	400-1
				S-dn-15	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
9 and 3: climb to 3000′ and proceed to Conyers Int. via E crs ILS or, when directed by ATC, climb to 3000′ on 056° mag brng from ATL RBN within 20 miles.
15: climb to 2200′, turn right and proceed to ATL VOR or, when directed by ATC, climb to 2200′ on 145° mag brng from ATL RBn within 20 miles.
27 and 33: climb to 3000′ and proceed to Chattahoochee Int. via W crs ILS or, when directed by ATC, turn left, climb to 3000′ on 231° mag brng from ATL RBn within 20 miles.
*Runways 27, 33, 3, and 9.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class. and Ident., Atlanta Radar; Procedure No. 1, Amdt. 5; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 4; Dated, 4 Jan. 58

0°	360°	Within 30 mi	2000	Precision approach			
				S-dn-5L*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
				Surveillance approach			
				T-dn@	300-1	300-1	200-½
				C/S-dn-all	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished R/W 9 make left climbing turn to 3000′ on STG R-360 intercept and proceed Outbnd on CXR R-281 to Crib Int. Hold E 1 minute, left turns.
All other runways, make climbing turn to 3000′, direct to CLE VOR.
CAUTION: TV towers approximately 1970′ approximately 6 mi ESE of airport.
*Runway Visual Range 3600′ also authorized for landing on Runway 5L; providing all components of the PAR, high intensity runway lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are operating satisfactorily. Descent below 989′ msl shall not be made unless visual contact with approach lights has been established or the aircraft is clear of clouds.
@ Runway Visual Range 2600′ also authorized for takeoff on Runway 5L when 200-½ is authorized, providing high intensity runway lights are operational.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 780′; Fac. Class. and Ident., Cleveland Radar; Procedure No. 1, Amdt. 9; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 8; Dated, 26 May 62

000°	200°	Within 30 mi	5000	Surveillance approach			
300°	360°	Within 30 mi	4000	T-dn#	300-1	300-1	200-½
				C-dn*	500-1	600-1	600-1½
				S-dn-28	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring using OAK Radar via approved patterns authorized.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500′ direct to OAK VOR then to 2000′ on the R-300 in a 1-minute holding pattern (120° Inbnd, 300° Outbnd) right turns or when directed by ATC proceed direct to the INB LOM climbing to 2000′ in a 1-minute holding pattern (293° Inbnd, 113° Outbnd) right turns.
*All maneuvering will be accomplished south of the Hayward Airport.
#900–2 required for takeoff Runway 4.

City, Hayward; State, Calif.; Airport Name, Hayward Municipal; Elev., 47′; Fac. Class., OAK; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 1 Sept. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 27, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-7575; Filed, Aug. 22, 1962; 8:57 a.m.]

[Reg. Docket No. 1336; Amdt. 284]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Gage VOR	GA-LFR	Direct	3600	T-dn C-dn A-dn	300-1 500-1 800-2		

Procedure turn N side of crs 044° Outbnd, 224° Inbnd, 3400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2900′.
Crs and distance, facility to airport, 226°—1.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles after passing LFR, climb to 3800′ on SW crs within 20 miles.

City, Gage; State, Okla.; Airport Name, Municipal; Elev., 2223′; Fac. Class., SBRAZ; Ident., GA; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Sept. 62

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AC-LFR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
Delta Island Int	LOM	Direct	1500	C-dn	600-1	600-1	600-1½
Susitna Int	LOM	Direct	1500	S-dn-6	500-1	500-1	500-1
Turnagain Int	LOM	Direct	1500	A-dn	800-2	800-2	800-2
				If radar tracking established and approach lights operative, the following minimums apply:			
				S-dn-6*	400-1	400-1	400-1

Radar transition to final approach course authorized. Radar transitions and vectoring using Anchorage Radar authorized in accordance with approved radar patterns.
Procedure turn S side of W crs, 244° Outbnd, 064° Inbnd, 1500′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 064°—4.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at # 1.7 mile radar fix, climb to 1500′ on SW crs (183°) AC-LFR within 20 miles or, when directed by ATC, (1) climb to 1500′ on W crs (244°) within 20 miles of LOM; (2) climb to 1500′ on NW crs AC-LFR (305°) to hold at Susitna Int.
CAUTION: Terrain 373′ msl 1.6 miles SW of airport and 1.6 miles S of approach to Runway 6. 309′ msl 0.8 mile SSW MM and 320′ msl 1.0 mile SSW MM.
*Positive radar fix at 1.7 miles, and approach lights in sight at radar fix required.
#If radar tracking not established, or approach lights inoperative, missed approach will be initiated 4.4 miles after passing LOM.

City, Anchorage; State, Alaska; Airport Name, International; Elev., 124′; Fac. Class., LOM; Ident., AN; Procedure No. 1, Amdt. 11; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 10; Dated, 20 Jan. 62

Park City FM	LOM	Direct	5300	T-dn	300-1	300-1	200-½
BIL-VOR	LOM	Direct	5300	C-dn	400-1	500-1	500-1½
BIL-RBn	LOM	Direct	5300	S-nd-9	400-1	400-1	400-1
Musselshell Int	LOM	Direct	6000	A-dn	800-2	800-2	800-2
Lavina FM	LOM	Direct	6000				
Ryegate Int	LOM	Direct	5300				
Rapelje Int	LOM	Direct	5300				

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 5300′ within 10 miles.
Minimum altitude over facility on final approach crs, 4800′.
Crs and distance, facility to airport, 095°—4.0 mi.
If visual-contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing LOM, climb to 5300′ on bearing of 055° from BIL RBn within 15 miles, or when directed by ATC, climb to 5300′ on R-055 BIL VOR within 20 miles.
CAUTION: 4249′ MSL tower 3.0 miles SE of airport.
NOTE: Standard terrain clearance not provided on final approach. Terrain 3805′ MSL at BIL VOR.
*300-1 required for takeoff all runways except 9-27.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3606′; Fac. Class., LOM; Ident., BI; Procedure No. 1, Amdt. 4; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 3, ADF portion comb. ADF and ILS; Dated, 7 Dec. 57

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Eagle FM	LOM (Final)	Direct	4100	T-dn	300-1	300-1	200-½
Boise LFR	LOM	Direct	4100	C-dn	400-1	500-1	500-1½
Parma Int	LOM (Final)	Direct	3900	S-dn-10R-L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 276° Outbnd, 096° Inbnd, 4100′ within 10 miles.
Minimum altitude at LOM inbnd final 3900′.
Crs and distance, facility to airport 097°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, turn right, climb to 4000′ NW of BO LOM on 096° M inbnd bearing within 10 miles, or when directed by ATC, turn right, climb to 4000′ on R-272 of VOR within 10 miles.
Parma Int: BOI 275R and 320° M brng to ONO RBn.

City, Boise; State, Idaho; Airport Name, Boise Air Terminal; Elev., 2858′; Fac. Class., LOM; Ident., BO; Procedure No. 1, Amdt. 12; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 11; Dated, 30 Sept. 61

BRO-VOR	LOM	Direct	1600	T-dn	300-1	300-1	200-½
BRO-RBn	LOM	Direct	1600	C-dn	500-1	500-1	500-1½
				S-dn-17	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 353° Outbnd, 173° Inbnd, 1600′ within 10 miles. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 173°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles, turn left, climb to 1600′ on BRO-VOR R-062 within 20 miles or, when directed by ATC, climb to 1200′ on brng 173° from LOM within 4.5 miles.
CAUTION: 156′ water tank 0.5 mile W of airport.

City, Brownsville; State, Tex.; Airport Name, Rio Grande Valley International; Elev., 22′; Fac. Class., LOM; Ident., BR; Procedure No. 1, Amdt. 16; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 15; Dated, 25 Nov. 61

Brownsville VOR	BRO RBn	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-17R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 335° Outbnd, 155° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 155°—2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles, turn left, climb to 1600′ on BRO RBn brng 065° within 20 miles.
CAUTION: 156′ water tank 0.5 mile W of airport.

City, Brownsville; State, Tex.; Airport Name, Rio Grande Valley International; Elev., 22′; Fac. Class., SABH; Ident., BRO; Procedure No. 2, Amdt. 1; Eff. Date, 8 Sept. 62 Supt. Amdt. No. Orig.; Dated, 6 Jan. 62

CRP VOR	LOM	Direct	1400	T-dn	300-1	300-1	200-½
CRP RBn	LOM	Direct	1400	C-dn*	400-1	500-1	500-1½
Robstown Int	LOM	Direct	1800	S-dn-13*	400-1	400-1	400-1
Sinton Int	San Pat Int%	Via R-040 ALI-VOR.	1400	A-dn	800-2	800-2	800-2
San Pat Int%	LOM (Final)	Direct	1400				

Radar coverage extends from the radar site clockwise between the 230° to the 030° bearings.
Radar terminal transition altitude 1500′ within 20 miles. Radar control will provide 1000′ vertical clearance within a 3-mile radius, or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of tower 792′ msl 6 miles W of airport.
Procedure turn W side of NW crs, 307° Outbnd, 127° Inbnd, 1800′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 127°—4.8 mi; Tank Fix# to airport, 127°—1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles, turn left, climb to 1500′ direct to CRP-VOR and proceed outbound on R-045 within 20 miles or, when directed by ATC, turn right, climb to 1800′ on CRP-VOR R-227 within 20 miles.
*Aircraft must be equipped with operating ADF and VOR receivers and Tank Fix received; if Tank Fix not received, ceiling minimum is 600′.
#Tank Fix: Brng 127° from LOM and CRP-VOR R-210.
%San Pat Int: Int ALI-VOR R-040 and 127° brng to the LOM, or CRP ILS NW crs.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44′; Fac. Class., LOM; Ident., CR; Procedure No. 1, Amdt. 8; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 7; Dated, 26 May 62

CRP VOR	CRP RBn	Direct	1400	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar coverage extends from the radar site clockwise between the 230° to the 030° bearings.
Radar terminal transition altitude 1500′ within 20 miles. Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of tower 792′ msl 6 miles W of airport.
Procedure turn N side of crs, 039° Outbnd, 219° Inbnd, 1400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 216°—2.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles, turn left, climb to 1400′ on the 039° brng from CRP RBn within 20 miles or, when directed by ATC, turn right and climb to 1800′ on brng 231° within 20 miles.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44′; Fac. Class., BH; Ident., CRP; Procedure No. 2, Amdt. 2; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 1; Dated, 5 May 62

PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 8, 1962.

City, Juneau; State, Alaska; Airport Name, Juneau; Elev., 26′; Fac. Class., HW-FM; Ident., SSR; Procedure No. 1, Amdt. 4; Eff. Date, 3 Dec. 60; Sup. Amdt. No. 3; Dated, 19 May 55

PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 8, 1962.

City, Juneau; State, Alaska; Airport Name, Juneau; Elev., 26′; Fac. Class., SBRAZ HW-FM; Ident., GST SSR; Procedure No. 2, Amdt. 3; Eff. Date, 12 July 58; Sup. Amdt. No. 2; Dated, 19 May 55

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Tenakee Int	SSR RBn	Direct	6000	T-d**	1000-2	1000-2	100-2
Ancon Int	SSR RBn	Direct	3000	T-n	NA	NA	NA
Gustavus LFR	SSR RBn	Direct	3600	C-d	1000-3	1000-3	1000-3
Knobb Int#	SSR RBn	Direct	2800	C-n	NA	NA	NA
Knobb Int#	SSR RBn (Final)*	Direct	*1000	A-d	1500-3	1500-3	1500-3
				A-n	NA	NA	NA
				Mins for air carriers holding authorization at Juneau Airport:			
				T-d	700-2	800-2	800-2
				T-n-25	800-2	800-2	800-2
				T-n-07	2000-5	2000-5	2000-5

Procedure turn S side of crs 275° Outbnd, 095° inbnd, 2800' within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to breakoff point, 059°—6.0 mi. Breakoff## point to airport 029°—18 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles SSR RBn make right climbing turn, proceed direct to SSR RBn, continue climb to 4500' on crs 275° from SSR RBn within 20 miles.
AIR CARRIER NOTES: (a) Sliding scale NA, (b) Night takeoff Runway 07 NA unless lights on Vanderbilt Hill visible from takeoff position.
CAUTION: Mountainous terrain all quadrants. 3475' terrain 14 mi ENE SSR VOR on R-050. 2050' hill on direct course from breakoff point to airport.
*Descent to authorized minimum NA unless Pleasant Island FM and Knobb Int both identified and passed on final.
**When departing Runway 07 maintain visual flight until over airport westbound on crs.
##Visual Flight and 1000-3 weather minimums required from breakoff point to Juneau Airport. Shuttle below 3900' NA. This procedure predicated on Juneau Airport Weather. Utilize Gustavus altimeter setting on approach.

City, Juneau; State, Alaska; Airport Name, Juneau; Elev., 26'; Fac. Class., HW; Ident., SSR; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Sept. 62

BSY-VOR	LOM	Direct	1400	T-dn	300-1	300-1	200-½
Causeway Int* (Final)	LOM	Direct	1300	C-dn	500-1	500-1	500-1½
				S-dn-27L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 086° Outbnd, 266° Inbnd, 1400' within 10 miles.
Minimum altitude over facility on final approach crs 1300'.
Crs and distance, facility to airport, 266°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 1300' on a crs of 266° within 20 miles.
NOTE: Causeway Int* may be used in lieu of procedure turn when authorized by Miami approach control.
*Causeway Int: Int BSY-VOR R-020 and E crs of MIA-ILS LCLZR.

City, Miami; State, Fla.; Airport Name, International; Elev., 9'; Fac. Class., LOM; Ident., MI; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Sept. 62 or on completion of facility

OAK-VOR	OAK RBn	Direct	2500	T-dn#	300-1	300-1	200-½
Hayward RBn	OAK RBn	Direct	3000	C-dn	600-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring using Oakland Radar authorized in accordance with approved radar patterns.
Procedure turn NA. All maneuvering and descent below 3000' shall be accomplished in the Oakland "11" holding pattern, 124° Outbnd, 304° Inbnd, right turns, 1-minute, minimum altitude 1800'. Further descent to airport minimums authorized when established on final approach crs inbnd.
Final approach crs inbnd, 304°.
Facility on airport.
Minimum altitude over facility on final approach crs inbnd, 600'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000' in a 1-minute right turn holding pattern NW of OAK RBn (124° brng inbnd, 304° brng outbnd), all turns W side of crs. Missed or discontinued approaches must not cross OAK RBn above 1500'.
CAUTION: Terrain 500' to 1000' msl 6 miles NE and paralleling final approach crs inbnd.
NOTE: Aircraft may not proceed SE of FRX FM/HW while holding in the Oakland RBn holding pattern or commencing descent to final approach inbnd.
#300-1 required for takeoff on Runway 33.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 5'; Fac. Class., SABII; Ident., OAK; Procedure No. 1, Amdt. 1; Eff. Date, 8 Sept. 62; Sup. Amdt. No. Orig.; Dated 14 Apr. 62

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800 2

Procedure turn* E or N side of crs, 058° Outbnd, 238° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach course, 800'.
Crs and distance, facility to airport, 238°—2.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles after passing RBn, make climbing right turn to 1500', returning to RBn. Hold 1-minute, right turns, Inbnd, crs 238°.
*Non-standard to provide improved lateral separation with Willow Grove, Pa., and McGuire AFB. The direction of procedure turn to be specified during approach clearance.

City, Philadelphia; State, Pa.; Airport Name, North Philadelphia; Elev., 120'; Fac. Class., MHW; Ident., PF; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Sept. 62

Spring Int	Clinton RBn (Final)	Direct	2000	T-dn	300-1	300-1	200-½
Imperial VOR	Clinton RBn	Direct	3000	C-dn	500-1	500-1	500-1½
Ellwood City VOR	Spring Int	Direct	3000	S-dn-10	500-1	500-1	500-1
Wheeling VOR	Spring Int	Direct	3000	A-dn	800-2	800-2	800-2
Pittsburgh VOR	Spring Int	Direct	3000				

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn S side of W crs, 277° Outbnd, 097° Inbnd, 3000' within 10 miles of Clinton RBn.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 097°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing Clinton RBn, climb to 3000' on 097° crs to OP LOM. Hold E right turns, 1-minute pattern, 277° inbnd.
NOTE: Radar may be used to position aircraft to final approach crs inbd within 10 miles of Clinton RBn with the elimination of a procedure turn.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1168'; Fac. Class., MHW; Ident., OHW; Procedure No. 2, Amdt. 5; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 4; Dated, 20 Jan. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Quincy, Ill., VOR	LOM	Direct	1900	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs 214° Outbnd, 034° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach course, 1900'.
Crs and distance, facility to airport, 034°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1900' on NE crs ILS (034°) within 20 miles.
CAUTION: 1560' MSL tower 6.0 miles WNW of airport.

City, Quincy; State, Ill.; Airport Name, Quincy-Baldwin Municipal Field; Elev., 769'; Fac. Class., LOM; Ident., UI; Procedure No. 1, Amdt. 3; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 2 (ADF portion comb. ADF and ILS); Dated, 1 May 58

Spartanburg VOR	Spartanburg RBn	Direct	2300	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-1	800-1	800-2

Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 2100' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 068°—1.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 miles after passing RBn, climb to 2300' on 068° mag brng from RBn within 20 miles or, when directed by ATC, turn left, climb to 3000', proceed direct to SPA VOR. Hold N R-015, 1-minute, right turns.
CAUTION: Tower 1051' MSL located 3.4 miles SW of airport.

City, Spartanburg; State, S.C.; Airport Name, Municipal; Elev., 816'; Fac. Class., SABH; Ident., SG; Procedure No. 2, Amdt. Orig.; Eff. Date, 8 Sept. 62

Int S Crs POU LFR and 162° brng to LOM	LOM	Direct	2000	T-dn	300-1	300-1	200-½
New Rochelle RBn	LOM	Direct	2000	C-dn	500-1	600-1	600-1½
Patterson RBn	LOM	Direct	2000	S-dn-16	500-1	500-1	500-1
Wilton VOR	LOM	Direct	2000	A-dn	800-2	800-2	800-2

Procedure turn E side ers 342° Outbnd, 162° Inbnd, 2000' within 10 miles (nonstandard due to traffic).
Minimum altitude over facility on final approach course, 2000'.
Crs and distance, facility to airport, 162°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing LOM, make left climbing turn to 2000' and return to LOM. Hold NW left turns 1 minute, 162° Inbnd. When requested by ATC, make left climbing turn to 2000' to Wilton VOR on crs 060°. Hold E right turns 1 minute, 252° Inbnd.
CAUTION: Standard clearance not provided over tower 1070' MSL, 17.6 miles NW of airport, and tank 726' MSL 4.6 miles N of airport.

City, White Plains; State, N.Y.; Airport Name, Westchester Co.; Elev., 441'; Fac. Class., LOM; Ident., HP; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 7 (ADF Portion Comb. ADF-ILS); Dated, 7 May 54

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BIL RBn	VOR	Direct	5300	T-dn	300-1	300-1	*200-½
Park City FM	BIL-VOR	Direct	5300	C-dn	400-1	500-1	500-1½
Ryegate Int	VOR	Direct	5300	S-dn-9	400-1	400-1	400-1
Rapelje Int	VOR	Direct	5300	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 250° Outbnd, 070° Inbnd, 5300' within 10 miles.
Minimum altitude over facility on final approach crs, 4700'.
Crs and distance, facility to airport, 070°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing VOR, climb to 5300' on the 065 R within 20 miles.
CAUTION: 4249' MSL tower 3.0 miles SE of airport.
NOTE: Standard terrain clearance not provided on final approach. Terrain 3805' MSL at BIL VOR.
*300-1 required for takeoff all runways except 9-27.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3606'; Fac. Class., BVORTAC; Ident., BIL; Procedure No. 1, Amdt. 6; Eff. Date, 8 Sept 62; Sup. Amdt. No. 5; Dated, 7 Sept 57

				T-dn	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 108° Outbnd, 288° Inbnd, 2300' within 10 miles.
Crs and distance, facility to airport, 288°—9.6 mi.
Minimum altitude over facility on final approach crs, 2300°.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.6 miles, make left climbing turn to 2300' and return to BRL-VOR.
CAUTION: 1008' MSL radio tower 2 miles NW of airport.

City, Burlington; State, Iowa; Airport Name, Burlington; Elev., 608'; Fac. Class., BVOR; Ident., BRL; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Sept. 62; Sup. Amdt. No. Orig. (formerly VOR-DME No. 1); Dated, 1 April 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CRP RBn	CRP VOR	Direct	2000	T-dn	300-1	300-1	200-½
Taft VHF Int#	CRP VOR (Final)	Direct	1500	C-dn	700-1	700-1	700-1½
				S-dn	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2

Radar terminal transition altitude 1500' within 20 miles. Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of tower 792' msl 6 miles W of airport.
Radar coverage extends from radar site clockwise between the 230° to the 030° bearings.
Procedure turn W side of crs, 011° Outbnd, 191° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 191°—7.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles, turn left, climb to 1500' on R-045 within 20 miles or, when directed by ATC, turn right, climb to 1800' on R-227 CRP-VOR within 20 miles.
#Taft VHF Int: Int CRP-VOR R-030 and NGP-VOR R-340.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44'; Fac. Class., BVORTAC; Ident., CRP; Procedure No. 1, Amdt. 7; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 6; Dated, 7 July 62

Tenakee Int	SSR VOR	Direct	6000	T-d**	1000-2	1002-2	1000-2
Ancon Int	Knob Int	Direct	3000	T-n	NA	NA	NA
Gustavus LFR	Knob Int	Direct	3600	C-d	1000-2	1000-3	1000-3
Knob Int#	SSR VOR	Direct	2800	A-d	1500-3	1500-3	1500-3
Knob Int#	SSR VOR (Final)*	Direct	*1000	C-n	NA	NA	NA
				A-n	NA	NA	NA
				Minimums for air carriers holding authorization at Juneau Airport:			
				T-d	700-2	800-2	800-2
				T-n-25	800-2	800-2	800-2
				T-n-07	2000-5	2000-5	2000-5

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 2800' within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs 1000'.
Crs and distance, facility to breakoff point, 050°—6.0 mi. Breakoff## point to airport 029°—18 mi.
If visual contact not established upon descent to authorized landing minimums within 6.0 miles of SSR VOR make right climbing turn proceed direct to SSR VOR, continue climb to 4500' on R-275 within 20 miles.
CAUTION: Mountainous terrain all quadrants. 3475' terrain 14 mi ENE SSR VOR on R-050. 2050' hill on direct course from breakoff point to airport.
AIR CARRIER NOTES: (a) Sliding scale NA. (b) Night takeoff Runway 07 NA unless lights on Vanderbilt 111ft visible from takeoff position.
*Descent to authorized minimum NA unless Pleasant Island FM and Knobb Int both identified and passed on final.
**When departing Runway 07 maintain visual flight until over airport westbound on course.
#Knob Int: Int SSR-VOR R-275 and 125° brng from GST-LFR.
##Visual Flight and 1000-3 weather minimums required from breakoff point to Juneau Airport. Shuttle below 3900' NA. This procedure predicated on Juneau Airport weather. Utilize Gustavus altimeter setting on approach.

City, Juneau; State, Alaska; Airport Name, Juneau; Elev., 26'; Fac. Class., BVOR; Ident., SSR; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Sept. 62

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	800-1½
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 309° Outbnd, 129° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 129°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing MEI-VOR, turn right, climb to 2000' on R-170 within 20 miles.
AIR CARRIER NOTE: Takeoffs with less than 200-½ NA Runways 4-22.
CAUTION: Trees 600' MSL 2 miles E of airport. 1000' tower 2.5 miles E of airport. 880' tower 4.2 miles SE of airport.

City, Meridian; State, Miss.; Airport Name, Key Field; Elev., 297'; Fac. Class., BVORTAC; Ident., MEI; Procedure No. 1, Amdt. 4; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 3; Dated, 24 Mar. 62

Robles Int	TUS RBn/Z (Final)	Direct	5000	T-dn	300 1	300-1	200-½
TUS RBn/7	Mission FM (Final)	Direct	4200	C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar vector to final approach course using approach Tucson Radar patterns authorized.
Procedure turn S side of crs, 260° Outbnd, 080° Inbnd, 5000' within 10 miles of RBn/Z.
Minimum altitude over TUS RBn/Z on final approach crs, 5000'; over Mission* FM, 4200'.
Crs and distance, TUS RBn/Z to airport, 080°—10.7 mi; Mission FM to airport, 080°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: (1) turn right, climb via R-260 to cross TUS RBn/Z, minimum 5000'; or (2) climb on hdg. 140° to intercept and climb outbd via R-230 to intercept the 144° brng from TUS RBn, minimum 5000', then proceed direct TUS RBn/Z; or, (3) climb to the VOR, turn left, climb via R-303 to Cortaro Int, minimum 6000', then direct TUS RBn/Z.
CAUTION: 2850' terrain 1.8 miles SW of airport.
*If Mission FM not received, descent below 4200' NA and minima becomes 1600-2.

City, Tucson; State, Ariz.; Airport Name, Municipal; Elev., 2630'; Fac. Class., BVORTAC; Ident., TUS; Procedure No. 1, Amdt. 3; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 2; Dated, 3 Jan. 59

PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 8, 1962.

City, Tucson; State, Ariz.; Airport Name, Municipal; Elev., 2630'; Fac. Class., BVOR; Ident., TUS; Procedure No. 2, Amdt. 1; Eff. Date, 19 Jan. 57; Sup. Amdt. No. Orig.; Dated, 18 Feb. 56

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lee VHF Int	VLD-VOR	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-d-35	400-1	400-1	NA
				S-n-35	NA	NA	NA
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 184° Outbnd, 004° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 900'.
Crs and distance, facility to airport, 004°—5.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles, make left turn, climbing to 1500' intercepting R-346 of VLD-VOR within 20 miles.

NOTES: Procedure turn nonstandard to provide separation from Moody AFB traffic.
CAUTION: No lights on Runway 12-30. Night landings not authorized on Runway 35. Night takeoffs not authorized on Runway 17. Trees 1000' from approach end of Runway 35.

City, Valdosta; State, Ga.; Airport Name, Valdosta Municipal; Elev., 204'; Fac. Class., BVOR; Ident., VLD; Procedure No. 1, Amdt. 8; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 7; Dated, 17 Mar. 62

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
HLV-VOR	CBI-VOR	Direct	2300	T-dn	300-1	300-1	200-½
Harrisburg Int*	Brown Int** (Final)	Direct	2000	C-d	500-1	500-1	500-1½
Columbia VOR	Brown Int**	Direct	2000	C-n	500-1½	500-1½	500-1½
Wilton Int	CBI-VOR	Direct	2600	S-dn-17	400-1	400-1	400-1
Millersburg Int	CBI-VOR	Direct	2600	A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 356° Outbnd, 176° Inbnd, 2400' within 10 miles.
Minimum altitude over Brown Int** on final approach crs, 2000'.
Crs and distance, Brown Int** to airport, 176°—4.4 mi. Breakoff point to approach end of runway, 170°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles make right turn climb to 2000', proceed to CBI-VOR or, when directed by ATC climb straight ahead to 2600', turn left and proceed to HLV-VOR via HLV R-203.
*Harrisburg Int: Int R-271 HLV-VOR and R-350 CBI-VOR.
**Brown Int. Int R-243 ALV-VOR and R-356 CBI-VOR.

City, Columbia; State, Mo.; Airport Name, Columbia Municipal; Elev., 778'; Fac. Class., BVOR; Ident., CBI; Procedure No. TerVOR-17, Amdt. 2; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 1; Dated, 17 June 61

Somerton Int%	PNE VOR (Final)	Direct	500	T-dn	300-1	300-1	200-½
				C-dn#	400-1	500-1	500-1½
				S-dn-24#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E* or N side of crs, 049° Outbnd, 229° Inbnd, 1500' within 10 miles of Somerton Int%.
Facility on airport.
Minimum altitude over facility on final approach crs, 500'.
Crs and distance, breakoff point to approach end of Runway 24, 238°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make a right climbing turn to 1500' on R-049 within 10 miles, then return to VOR, hold 1-minute, right turns, inbnd crs 229°.
CAUTION: Standard obstruction clearance not provided over two smoke stacks, 2.2 miles NE of field, elevation 306' and 340' MSL.
*Procedure turn nonstandard to provide lateral separation with Willow Grove, Pa. and McGuire AFB. The direction of procedure turn to be issued in approach clearance.
#Maintain 800' until after passing Somerton Int.%. If Somerton Int% not identified, ceiling minimum of 700' is applicable for landing.
%Somerton Int: Int PNE VOR R-049 and 319 brng from PF RBn.

City, Philadelphia; State, Pa.; Airport Name, North Philadelphia; Elev., 120'; Fac Class., VOR; Ident., PNE; Procedure No. TerVOR(R-049), Amdt. 2; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 1; Dated, 12 Aug. 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Anchorage LFR	LOM	Direct	1500	T-dn*	300-1	300-1	200-½
Delta Island Int	LOM	Direct	1500	C-dn	500-1	500-1	500-1½
Susitna Int	LOM	Direct	1500	S-dn-6**	200-½	200-½	200-½
Turnagain Int	LOM	Direct	1500	A-dn	600-2	600-2	600-2
Anchorage VOR	LOM	Direct	1500				

Radar transitions to final approach course authorized. Radar transitions and vectoring using Anchorage Radar authorized in accordance with approved radar patterns.
Procedure turn S side of W crs, 244° Outbnd, 064° Inbnd, 1500' within 10 miles of LOM.
Minimum altitude at glide slope interception inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1486'—4.4 mi; at MM, 336'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right,# climb to 1500' on SW crs, AC-LFR within 20 miles or, when directed by ATC, climb to 1500' on W crs ILS (244°) within 20 miles of LOM.
CAUTION: Terrain 373' msl 1.6 miles SW of airport and 1.6 miles S of approach to Runway 6, 309' msl 0.8 mile SSW MM and 320' msl 1.0 mile SSW MM.
NOTE: Narrow localizer course 4 degrees.
Other change: Deletes portion of caution note regarding unusable sectors.
*Runway visual range 2600' also authorized for takeoff on Runway 6 in lieu of 200-½ when 200-½ is authorized provided high intensity runway lights are operational.
**Runway visual range 2600' also authorized for landing on Runway 6; provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flasher, middle and outer compass locators and all related airborne equipment are operating satisfactory. Descent below 324' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of the clouds.
#When initiating missed approach prior to crossing MM, climb to 600' on localizer crs (064°) before turning right.

City, Anchorage; State, Alaska; Airport Name, Anchorage International; Elev., 124'; Fac. Class., ILS; Ident., I-ANC; Procedure No. ILS-6, Amdt. 12; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 11; Dated, 6 Jan. 62

BIL VOR	LOM	Direct	5300	T-dn*	300-1	300-1	200-½
BIL RBn	LOM	Direct	5300	C-dn	400-1	500-1	500-1½
Park City FM	LOM	Direct	5300	S-dn-9#	200-½	200-½	200-½
Lavina FM	LOM	Direct	6000	A-dn	600-2	600-2	600-2
Musselshell Int	LOM	Direct	6000				
Rapelje DME Int	LOM	Direct	5300				
Ryegate Int	LOM	Direct	5300				
Molt DME Int	LOM (Final)	Direct	5000				
12 mi DME fix R-284 BIL VOR	Molt DME Int##	Via 12 mi arc	6000				
12 mi DME fix R-300 BIL VOR	Molt DME Int	Via 12 mi arc	6000				
12 mi DME fix R-330 BIL VOR	Molt DME Int	Via 12 mi arc	6000				
12 mi DME fix R-249 BIL VOR	Molt DME Int	Via 12 mi arc	6000				

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 5300' within 10 miles. NA beyond 10 miles.
Minimum altitude at glide slope int inbound, 5000' ILS; minimum altitude over LOM inbnd final 4800' ADF.
Altitude of glide slope and distance to approach end of runway at OM 4957'—4.0 mi; at MM 3815'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 5300' on R-055 BIL VOR within 20 miles, or when directed by ATC, climb to 5300' on the R-114 of BIL VOR within 20 miles, or climb to 5300' direct BI LOM, continue climb on the 095° mag inbnd brng to BI LOM within 10 miles.
NOTE: Narrow localizer course 4°.
*Takeoff below 300-1 prohibited on all runways except 9-27.
#400-1 required with glide slope inoperative.
##Molt DME Int: 12-mile DME fix R-279.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3606'; Fac. Class., ILS; Ident., I-BIL; Procedure No. ILS-9, Amdt. 4; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 3 (ILS portion comb. ILS and ADF); Dated, 7 Dec. 57

Parma Int	LOM (Final)	Direct	3900	T-dn	300-1	300-1	200-½
Eagle FM	LOM	Direct	4100	C-dn	400-1	500-1	500-1½
Boise LFR	LOM	Direct	4100	S-dn-10L	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn W side NW crs, 276° Outbnd, 096° Inbnd, 4100' within 10 miles.
Minimum altitude at glide slope int inbnd, 3900'.
Altitude of glide slope and distance to approach end of runway at OM 3900'—3.8 mi, at MM 3055'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 4000' on 300R of BOI VOR within 15 miles or, when directed by ATC, turn right, climb to 4100' on NW crs ILS within 10 miles.
Parma Int: BOI 275R and 320° M brng to ONO RBn.

City, Boise; State, Idaho; Airport Name, Boise Air Terminal; Elev., 2858'; Fac. Class., ILS; Ident., IBOI; Procedure No. ILS-10L, Amdt. 12; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 11; Dated, 30 Sept. 61

BRO VOR	LOM	Direct	1600	T-dn	300-1	300-1	200-½
BRO RBn	LOM	Direct via BRO	1600	C-dn	500-1	500-1	500-1½
Int BRO-VOR R-330 and HRL-VOR R-110.	BRO ILS N crs (Final)	R-330	1600	S-dn-17	*200-½	*200-½	*200-½
				A-dn	600-2	600-2	600-2

Procedure turn W side N crs, 353° Outbnd, 173° Inbnd, 1600' within 10 miles. Beyond 10 miles NA.
Minimum altitude at glide slope interception inbnd, 1200'.
Altitude of glide slope and distance to approach end of runway at OM 1150'—3.8 miles; at MM 240'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 1600' on BRO-VOR R-062 within 20 miles or, when directed by ATC, climb to 1200' on S crs ILS within 4.5 miles.
CAUTION: 158' water tank 0.5 mile W of airport.
*400-¾ required when glide slope not utilized.

City, Brownsville; State, Tex.; Airport Name, Rio Grande Valley International; Elev., 22'; Fac. Class., ILS; Ident., I-BRO; Procedure No. ILS-17, Amdt. 17; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 16; Dated, 13 Jan. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CRP-VOR	LOM	Direct	1400	T-dn	300-1	300-1	200-½
CRP RBn	LOM	Direct	1400	C-dn	400-1	500-1	500-1½
Robstown Int	LOM	Direct	1800	S-dn-13	200-½	200-½	200-½
Sinton Int	LOM	Direct via R-040	1400	A-dn	600-2	600-2	600-2
Sinton Int	San Pat Int*	ALI-VOR	1400				
San Pat Int*	LOM (Final)	Direct	1400				

Radar coverage extends from radar site clockwise between the 230° to the 030° bearings.
Radar terminal transition altitude 1500' within 20 miles. Radar control will provide 1000' vertical clearance within a 3-mile radius, or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of tower 792' msl 6 miles W of airport.
Procedure turn W side of NW crs, 307° Outbnd, 127° Inbnd, 1800' within 10 miles. Beyond 10 miles NA.
Minimum altitude at glide slope interception Inbnd, 1400'.
Altitude of glide slope and distance to approach end of runway at LOM, 1400'—4.8 mi; at LMM, 244'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 1500' direct to CRP-VOR and proceed outbound on R-045 within 20 miles or, when directed by ATC, turn right, climb to 1800' on CRP-VOR R-227 within 20 miles.
*San Pat Int: Int ALI-VOR R-040 and CRP ILS NW crs.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44'; Fac. Class., ILS; Ident., I-CRP; Procedure No. ILS-13, Amdt. 6; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 5; Dated, 26 May 62

KG-LFR	LOM	Direct	1700	T-dn	300-1	300-1	200-½
AKN-VOR	LOM	Direct	1700	C-dn	500-1	500-1	500-1½
				S-dn-11*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn S side NW crs, 291° Outbnd, 111° Inbnd, 1700' within 10 miles.
Minimum altitude at glide slope interception inbnd final, 1700'.
Altitude of glide slope and distance to approach end of runway at OM, 1650'—4.8 mi; at MM, 290'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb on SE crs ILS to 3000' within 20 miles, or, when directed by ATC, turn right, proceed to LOM, climb on NW crs of ILS to 1700' within 20 miles of LOM or, turn right, climb on SW crs to KG LFR to 1500' within 20 miles.
NOTE: LFR located 1.1 miles NW approach end of runway; height of range towers is 185' MSL—135' above ground level.
*If glide slope inoperative, minima become 300-1. Descent below 463' MSL NA until past KG LFR, if KG LFR not identified, minima become 400-1.

City, King Salmon; State, Alaska; Airport Name, King Salmon; Elev., 63'; Fac. Class., ILS; Ident., I-AKN; Procedure No. ILS-11, Amdt. 4; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 3; Dated, 2 July 61

BSY-VOR	LOM	Direct	1400	T-dn	300-1	300-1	200-½
Causeway Int# (Final)	LOM	Direct	1300	C-dn	500-1	500-1	500-1½
				S-dn-27L*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S** side of crs, 086° Outbnd, 266° inbnd, 1400' within 10 miles.
Crs and distance, facility to airport, 266°—4.5 mi.
Minimum altitude at glide slope Interception Inbnd 1300'.
Altitude of glide slope and distance to approach end of runway at OM 1235'—4.5 mi at MM, 204'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1300' on W crs of MIA LCLZR within 20 miles.
NOTE: Causeway Int# may be used in lieu of procedure turn when authorized by Miami approach control.
*400-¾ required when glide slope inoperative.
**Nonstandard due to ATC.
#Causeway Int: Int of BSY-VOR R-020 and E crs of I-MIA—ILS LCLZR.

City, Miami; State, Fla.; Airport Name, International; Elev., 9'; Fac. Class., ILS; Ident., I-MIA; Procedure No. ILS-27L, Amdt. Orig.; Eff. Date, 8 Sept. 62 or on com. of facility

Nashville VOR	Knob Int*	Direct	2200	T-dn	300-1	300-1	200-½
Nashville LOM	Knob Int*	Direct	2200	C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn** E side of crs, 015° Outbnd, 195° Inbnd, 2200' within 10 miles of Knob Int.*
Minimum altitude over Knob Int on final approach crs, 1400'.
Crs and distance, Knob Int to airport, 195°—2.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles after passing Knob Int, climb to 2500' on S crs ILS (195°) within 20 miles or, when directed by ATC, turn left, climb to 2000', proceed direct to BNA VOR. Hold SE R-132, 1-minute, right turns.
NOTES: This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously. No glide slope.
*Knob Int: Int BNA localizer NE course and BNA-VOR R-331.
**Nonstandard due obstruction.

City, Nashville; State, Tenn.; Airport Name, Nashville Municipal (Berry Field); Elev., 605'; Fac. Class., ILS; Ident., I-BNA; Procedure No. ILS 20 R, Amdt. Orig.; Eff. Date, 8 Sept. 62

Quincy VOR	LOM	Direct	1900	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-3	300-¾	300-¾	300-¾
				A-dn	800-2	800-2	800-2

Procedure turn S side of SW crs, 214° Outbnd, 034° Inbnd, 1900' within 10 miles.
Minimum altitude at glide slope int inbnd 1900'.
Altitude of glide slope and distance to approach end of runway at OM, 1830'—3.8 mi; at MM, 952'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1900' on NE crs ILS (034°) within 20 miles.
NOTE: No approach lights.
CAUTION: 1560' MSL radio tower located approximately 6.0 mi WNW of airport.

City, Quincy; State, Ill.; Airport Name, Quincy Baldwin Municapal Field; Elev., 769'; Fac. Class., ILS; Ident., IUIN; Prodecure No. ILS-3, Amdt. 3; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 2 (ILS portion comb. ADF & ILS); Dated, 1 May 58

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
RDU LOM	RDU RBn	Direct	2000	T-dn	300–1	300–1	200–½
RDU VOR	RDU RBn	Direct	1800	C-dn	400–1	500–1	500–1½
Wendell Int	RDU RBn	Direct	1800	S-dn-23	400–1	400–1	400–1
Chapel Hill Int	RDU RBn	Direct	1800	A-dn	800–2	800–2	800–2
Durham Int	RDU RBn	Direct	1800				
Oxford Int	RDU RBn	Direct	1800				
Franklinton Int	RDU RBn	Direct	1800				
Zebulon Int	RDU RBn	Direct	1800				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 049° Outbnd, 229° Inbnd, 1800′ within 10 miles of RDU RBn.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 229°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing RDU RBn, climb to 2000′ on SW crs ILS (229°) within 20 miles, or when directed by ATC, turn right, climb to 2000′ on R-309 RDU-VOR within 15 miles, or climb to 1800′ returning direct to RDU RBn.

City, Raleigh; State, N.C.; Airport Name, Raleigh-Durham; Elev., 435′; Fac. Class., ILS; Ident., I-RDU; Procedure No. ILS-23, Amdt. 8; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 7; Dated, 1 Sept. 62

Int S crs POU LFR and NW crs ILS	LOM	Direct	2000	T-dn	300–1	300–1	200–½
New Rochelle RBn	LOM	Direct	2000	C-dn	500–1	600–1	600–1½
Wilton VOR	LOM	Direct	2000	S-dn-16	200–½	200–½	200–½
Patterson VOR	LOM	Direct	2000	A-dn	800–2	800–2	800–2

Procedure turn E side NW crs, 342 Outbnd, 162 Inbnd, 2000 within 10 miles (nonstandard due to traffic)
Minimum altitude at glide slope int inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM 1975—4.9 mi; at MM 630—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left climbing turn to 2000′ return to outer marker. Hold NW 1-minute left turn, 162° Inbnd, 2000′ or when directed by ATC, make left climbing turn to 2000′ to Wilton VOR on crs of 060°. Hold E 1-minute right turn, 252° Inbnd, 2000′.
NOTE: Provisions of inoperative ILS component apply except 500–1 required with glide slope inoperative.
CAUTION: Standard clearance not provided over tower, 1070′ MSL, 17.6 miles NW of airport, and tank 726′ MSL 4.6 miles N of airport.

City, White Plains; State, N.Y.; Airport Name, Westchester County; Elev., 441′; Fac. Class., ILS; Ident., I-HPN; Procedure No. 1, Amdt. 8; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 7 (ILS portion Comb. ADF-ILS); Dated 7 May 54

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
010	160	5	1500	10	6500	15	8000	20	9000	25	12000	------	------	Surveillance approach			
160	320	5	1500	10	1500	17	1500	20	2500	25	2500	------	------				
320	010	5	1500	10	1500	15	1500	20	3000	25	5000	------	------	T-dn	300–1	300–1	200–½
														C-dn	600–1	600–1	600–1½
														S-dn-6*	400–1	400–1	400–1
														A-dn	800–2	800–2	800–2

All bearings are from the radar site with sector azimuths progressing clockwise.
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 4400′ Mount Susitna 30 miles NW, terrain 2000′ 6 miles SE, and 4600′ terrain 20 miles S.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at* 1.7-miles radar fix, climb to 1500′ on SW crs Anchorage LFR within 20 miles or when directed by ATC: (1) Climb to 1500′ proceeding direct to Anchorage LOM, thence on crs of 244° Outbnd, 064° Inbnd, within 20 mi; (2) climb to 1500′ on NW crs Anchorage LFR to hold at Susitna Int.
CAUTION: (1) Terrain 373′ msl 1.6 miles SW of airport and 1.6 miles S of approach crs to Runway 6, 309′ msl 0.8 mile SSW MM, 320′ msl 1.0 mile SSW MM, and 367′ msl 1.5 miles W of approach course to Runway 31. (2) Unusable sector 068° to 074°, 20 to 25 miles.
*Positive radar fix at 1.7 miles, and approach lights in sight at radar fix required. If approach lights inoperative, minima become 500–1.

City, Anchorage; State, Alaska; Airport Name, International; Elev., 124′; Fac. Class., Anchorage; Ident., Radar; Procedure No. 1, Amdt. 8; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 7; Dated, 17 June 61

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
015	040	5	1500	10	1800	15	2000	20	5000	25	7500	------	------	Precision approach			
040	060	5	1500	10	1500	15	2000	20	3000	25	3500	------	------				
060	085	5	1500	10	1500	15	1500	20	3000	25	3500	------	------	S-dn-25R	300–¾	300–¾	300–¾
085	135	5	1500	10	1500	15	1500	20	3000	25	3000	------	------	S-dn-25L	300–¾	300–¾	300–¾
135	150	5	1500	10	1500	15	2500	20	3000	25	4000	------	------	A-dn	600–2	600–2	600–2
150	180	5	1500	10	2000	15	2500	20	3000	25	4000	------	------				
180	270	5	1500	10	1500	15	1500	20	3000	25	4000	------	------	Surveillance approach			
270	345	5	1500	10	2500	15	3500	20	5000	25	5000	------	------				
345	015	5	1700	10	2000	15	3000	20	5000	25	7500	------	------	T-dn#	300–1	300–1	200–½
														C-dn	500–1	600–1	600–1½
														S-dn*	500–1	500–1	500–1
														A-dn	800–2	800–2	800–2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
*Runways 25L–R, 7L–R, 6, 24. Aircraft inbound on final approach to Runway 24 will descend not lower than 1300′ MSL until pilot is notified by radar approach controller that he has passed a point 4.0 miles before the runway.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on outbound crs of 248° from LAX RBn within 20 miles (Runways 25R-L, 24); climb direct to Downey RBn at 2000′; not authorized beyond Downey (Runways 7R-L, 6).
#Runway Visual Range 2600′ authorized for takeoff on Runways 25L and 25R; providing high-intensity runway lights are operational.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126′; Fac. Class., Los Angeles; Ident., International Radar; Procedure No. 1, Amdt. 15; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 14; Dated, 4 Aug. 62

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions	Radar Site	Within 25 mi	2500	Precision approach			
E of NE–SW crs LGA–LFR	Radar Site	15 mi	1500				
				T-dn*	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn–4R**	200–½	200–½	200–½
				A-dn–4R**	600–2	600–2	600–2
				A-dn–All	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 500′ on heading of 043°, make a climbing right turn to 3000′ on IDL R-077 to Deer Park VHF Int, hold E one minute left turns inbnd crs 257°.
AIR CARRIER NOTE: Runway visual range minimums for takeoff on Runway 31L restricted to RVR 2600′. Provisions of Operations Specifications in Domestic and U.S. Flag paragraphs 28(b) and Foreign Flag Air Carrier paragraph 27(b) regarding reduction of RVR minimums not applicable.
CAUTION: Ceiling minimums do not provide standard clearance over 278′ stack 1.1 statute miles SSE of Runway 4R and 165′ airport control tower.
*Runway Visual Range 2000′ is authorized for takeoff on Runway 4R and RVR 2600′ on Runway 31L in lieu of 200–½ when 200–½ authorized; provided associated high intensity runway lights are operational.
**Runway Visual Range 2000′ also authorized for landing on Runway 4R; provided that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 212′ msl shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, New York; State, N.Y.; Airport Name, International; Elev., 12′; Fac. Class., Idlewild; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 1; Dated, 11 Jan. 62

				Surveillance			
				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn–12, 30	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar transitions and vectoring utilizing Davis-Monthan Radar are authorized in accordance with approved radar patterns.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished (1) climb via TUS VOR R-260 to cross TUS RBn/Z, minimum 5000′, or (2) climb via TUS VOR R-303 to cross Cortaro Int, minimum 6000′, then direct TUS RBn via TUS RBn 360° brng or via 20 miles DME orbit to TUS VOR R-260.

City, Tucson; State, Ariz.; Airport Name, Municipal; Elev., 2630′; Fac. Class., Davis-Monthan; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 8 Sept. 62; Sup. Amdt. No. 1, Orig.; Dated, 2 May 59

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 3, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-7970; Filed, Aug. 22, 1962; 8:58 a.m.]

Title 23—HIGHWAYS

Chapter I—Bureau of Public Roads, Department of Commerce

PART 2—STATEMENT OF POLICY AS TO ADMINISTRATIVE ACTION TO BE TAKEN BY THE FEDERAL HIGHWAY ADMINISTRATOR IN INSTANCES OF IRREGULARITIES

On April 18, 1962, a statement of proposed policy as to administrative action to be taken by the Federal Highway Administrator, Bureau of Public Roads in instances of irregularities related to the administration and execution of the direct-Federal and Federal-aid highway programs was published in the FEDERAL REGISTER (27 F.R. 3692). Interested persons were invited to submit written comments or suggestions with respect to the proposed policy. After consideration of all such relevant matter as was presented the following policy is hereby adopted and is added to Title 23, Chapter I of the Code of Federal Regulations as a new Part 2:

Sec.
2.1 Purpose.
2.2 Definitions.
2.3 Nature of administrative action.
2.4 Administrative action to be taken under various situations.
2.5 Other instances of irregularities.
2.6 Notice of proposed administrative action.
2.7 Hearings.
2.8 Determination and notice of administrative action.

AUTHORITY: §§ 2.1 to 2.8 issued under sec. 315, 72 Stat. 915, 23 U.S.C 315.

§ 2.1 Purpose.

The purpose of this part is to prescribe the administrative action which shall be taken by the Administrator in order to safeguard the Federal interest in instances of irregularities in the administration and execution of the direct-Federal and Federal-aid highway programs. It is applicable to personnel of the Bureau of Public Roads (referred to as the Bureau in this part), and State highway departments, highway construction contractors and organizations including personnel thereof, or to other persons or organizations performing services for the Bureau or State highway departments on a fee or contract basis.

§ 2.2 Definitions.

Terms defined in 23 U.S.C. 101(a) and Part 1 of this chapter shall have the same meaning where used in this part, except as modified herein.

§ 2.3 Nature of administrative action.

(a) *General.* When an irregularity occurs as described in §§ 2.4 and 2.5 effective administrative action shall be instituted by the Administrator according to the circumstances, nature, and seriousness of the offense.

(b) *Direct-Federal projects.* Administrative action and procedures involving contractors and contractor organizations performing services for the Bureau in connection with the direct-Federal highway program or against whom administrative action has been taken under § 2.4 or § 2.5 in connection with Federal-aid projects and who are seeking to perform services for the Bureau in connection with the direct-Federal highway program shall be governed by applicable Federal Procurement Regulations (41 CFR Subpart 1–1.6).

(c) *Bureau personnel.* Administrative action with respect to Bureau personnel shall be consistent with and subject to applicable civil service laws, rules, and regulations.

(d) *State highway departments.* (1) The administrative action to be taken by the Administrator with respect to the indicated irregularities shall not relieve a State highway department of its responsibilities in connection with these same matters, nor is such action by the Administrator a substitute for corrective action as would normally be taken by a State under the described situations.

(2) If the frequency, seriousness, nature, or extent of any violation is such as to cast doubt on the ability of a State highway department to discharge its responsibilities in an adequate manner, or is such as may affect continued eligibility of Federal aid under the provisions of Federal-aid legislation, regulations, or directives, a complete evaluation of the highway department organization shall be made by the Administrator for the purpose of determining an appropriate course of action.

(e) *Department of Justice procedures.* Irregularities which warrant referral to the United States Department of Justice shall be processed in accordance with applicable requirements and procedures of that department.

§ 2.4 Administrative action to be taken under various situations.

(a) *Situation No. 1*—(1) *Irregularity.* Clear and convincing evidence of fraud, bribery, collusion, conspiracy, or other serious offense involving violation of State or Federal criminal statutes in connection with a project requiring Bureau approval or concurrence, with or without evidence of failure of substantial conformity with project plans and specifications.

(2) *Administrative action.* (i) Bureau personnel who are involved shall be subject to suspension pending completion of Bureau or State investigations.

(ii) State personnel who are involved shall be unacceptable for employment on any highway project requiring Bureau approval or concurrence pending completion of Bureau or State investigations.

(iii) The contractor, contractor organization or personnel thereof, or other person or organization performing services for the Bureau or State highway department on a fee or contract basis who are involved shall be unacceptable for employment on any future highway project requiring Bureau approval or concurrence pending completion of Bureau or State investigations.

(iv) Federal-aid reimbursement payments to the State on an affected project shall not exceed 75 percent of the Federal pro rata share of the total cost of such project pending completion of Bureau investigation.

(v) After investigation, Bureau personnel who are found to be at fault shall be subject to removal and disqualification for employment on any highway project requiring Bureau approval or concurrence.

(vi) After investigation, State personnel who are found to be at fault shall be unacceptable for employment on any highway project requiring Bureau approval or concurrence for a period of three months to three years.

(vii) After investigation, the contractor, contractor organization or personnel thereof, or other person or organization performing services for the Bureau or State highway department on a fee or contract basis who are found to be at fault shall be unacceptable for employment on any future highway project requiring Bureau approval or concurrence for a period of three months to three years.

(viii) If investigation discloses a failure of substantial conformity with project plans and specifications, Federal-aid reimbursement to the State for project costs of affected items shall be withheld until the work is performed in conformity with project plans and specifications, and Federal funds shall not participate in the costs of correction.

(b) *Situation No. 2*—(1) *Irregularity.* Establishment by admission, or conviction, or judgment of a court of competent jurisdiction that fraud, bribery, collusion, conspiracy, or other criminal offense has been committed in connection with any highway project requiring Bureau approval or concurrence with or without failure of substantial conformity with project plans and specifications.

(2) *Administrative action.* (i) Bureau personnel at fault shall be subject to removal and disqualification for employment on any highway project requiring Bureau approval or concurrence.

(ii) State personnel at fault shall be unacceptable for employment on any highway project requiring Bureau approval or concurrence for a period of six months to three years.

(iii) The contractor, contractor organization or personnel thereof, or other person or organization performing services for the Bureau or State highway department on a fee or contract basis who are at fault shall be unacceptable for employment on any future highway project requiring Bureau approval or concurrence for a period of six months to three years.

(iv) Federal-aid reimbursement payments to the State for project costs of affected items shall be withheld until the work is performed in conformity with project plans and specifications, and Federal funds shall not participate in the costs of correction.

(c) *Situation No. 3*—(1) *Irregularity.* Substantial evidence of a conflict of interest under § 1.33 of this chapter, effective May 11, 1960; or the establishment by admission, or conviction, or judgment of a court of competent jurisdiction of a violation of any law, regulation, or directive of Federal or State government relating to conflict of interest prohibitions in connection with the administration or execution of any highway project requiring Bureau approval or concurrence.

(2) *Administrative action.* To the extent that conflicts of interest result in circumstances similar to those described in paragraphs (a) and (b) respectively, of this section, or involve violation of any law, regulation, or directive of Federal or State government appropriate action shall be taken that is consistent with the remedial measures applicable to such situations.

§ 2.5 Other instances or irregularities.

With respect to irregularities not described in § 2.4, the Administrator shall consider the individual circumstances thereof and remedial action shall conform as far as practicable to the administrative action prescribed in § 2.4.

§ 2.6 Notice of proposed administrative action.

(a) *Pending completion of investigations.* The individual, or contractor organization or other person or organization performing services for the Bureau or State highway department on a fee or contract basis who are involved shall be furnished a written notice of unacceptability for employment stating the general reasons therefor and that it is for a temporary period pending the completion of investigations and such legal proceedings as may ensue. A copy of such notice shall be furnished the appropriate State highway department organization.

(b) *After completion of investigations.* The individual, or contractor organization or other person or organization performing services for the Bureau or State highway department on a fee or contract basis shall be furnished a written notice by registered mail (return receipt requested) setting forth the reasons for the proposed administrative action. Such notice shall advise that unless a written request for a hearing is received within 10 days from the date of receipt of such notice, that appropriate administrative action shall be instituted without further notice.

§ 2.7 Hearings.

(a) *Pending completion of investigations.* Hearings shall not be conducted pending the completion of investigations or after notice of and during such legal proceedings as may ensue.

(b) *Judgment of a court of competent jurisdiction.* Hearings shall not be conducted when administrative action is based on conviction or judgment by a court of competent jurisdiction.

(c) *After completion of investigations.* Hearings requested in connection with proposed administrative action shall be conducted before a Hearing Board, the members of which shall be designated by the Administrator. Reasonable opportunity shall be afforded the contractor, contractor organization or other affected persons or organizations to appear with witnesses and counsel to present facts or circumstances showing cause why administrative action should not be instituted. Hearings shall be nonadversary in nature and the provisions of section 7 of the Administrative Procedure Act (the Act of June 11, 1946, 60 Stat. 241; 5 U.S.C. 1006), shall not apply.

(d) *Notice and time of hearings.* Adequate written notice of the time, place, and date of hearing shall be given to the individual or organization concerned and such hearing shall be conducted within 20 days after receipt of request for a hearing unless the board determines that, for good cause shown, additional time should be granted.

(e) *Administrative findings.* In all hearings conducted under this section, the board shall find the facts specially and shall submit such findings to the Administrator for his review and final action.

§ 2.8 Determination and notice of administrative action.

(a) Based upon the findings of fact required by § 2.7(e), the Administrator shall determine the administrative action to be taken with respect to any indicated irregularity.

(b) Administrative action as determined by the Administrator shall be final, except that the periods of time during which an individual or organization shall be unacceptable to the Bureau on direct-Federal or Federal-aid projects may be increased or decreased in individual cases at any time, if, in the judgment of the Administrator, compelling reasons warrant such action.

(c) The Administrator shall notify the individual or organization of his determination setting forth the period of time during which such individual or organization shall be unacceptable for employment on highway projects requiring Bureau approval or concurrence. Copies of such notification shall be forwarded to the appropriate state highway organizations.

Effective date. This part shall become effective on the date of its publication in the FEDERAL REGISTER.

Recommended:

REX M. WHITTON,
Federal Highway Administrator.

Issued:

LUTHER H. HODGES,
Secretary of Commerce.

AUGUST 21, 1962.

[F.R. Doc. 62-8548; Filed, Aug. 22, 1962; 10:03 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER G—PERSONNEL

PART 887—APPOINTMENT OF OFFICER PERSONNEL

Correction

In F.R. Doc. 62-8333, appearing at page 8317 of the issue for Tuesday, August 21, 1962, the heading for Part 887 should read as set forth above.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14375]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

Maritime Mobile and Maritime Radiodetermination Operations; Correction

In the matter of amendment of Parts 7, 8 and 14 of the Commission's rules relative to implementation of certain requirements of the Geneva Radio Regulations (1959) with regard to maritime mobile and maritime radiodetermination operations.

The Report and Order in the above-entitled matter, adopted by the Commission on July 13, 1962, is hereby corrected as follows: Amendatory paragraph 16 is corrected by changing the instruction to read "Section 7.134 is amended by revising paragraphs (a), (e), and (g), and the introductory text of paragraph (h), to read:".

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: August 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8490; Filed, Aug. 22, 1962; 8:55 a.m.]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Lifeboat Radio Equipment

The Commission having under consideration the desirability of making certain editorial changes in Part 8 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, compliance with the public notice and rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act is unnecessary, and for the same reason, compliance with section 4(c) of the Administrative Procedure Act is not required; and

It further appearing, that the amendments adopted herein are issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 16th day of August 1962, that effective October 2, 1962, Part 8 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: August 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 8 is amended as follows:

1. Section 8.520(c) is amended to read:

§ 8.520 Lifeboat radio equipment.

* * * * *

(c) Each of the components specified in paragraph (b) of this section shall be of a type of apparatus or shall comprise such items as are type approved by the Commission as capable of meeting the provisions of §§ 8.556, 8.557, or 8.558, as may be applicable.

2. The introductory text of § 8.556(a) is amended to read:

§ 8.556 General requirements for lifeboat radio equipment.

(a) To be approved by the Commission pursuant to § 8.520, lifeboat radio equipment shall comply with the following general requirements in addition to the applicable specific requirements set forth in §§ 8.557 and 8.558.

[F.R. Doc. 62-8491; Filed, Aug. 22, 1962; 8:55 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Illinois

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Crab Orchard National Wildlife Refuge, Illinois, is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,380 acres or 21 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants, bobwhite quail, rabbits, squirrels, raccoons, opossums, skunks and weasels, only during the seasons specified below. The hunting of upland game species, as may be otherwise authorized by Illinois State regulations, is prohibited.

(b) Open season: Pheasants—from 12:00 noon to sunset November 17, 1962, and from sunrise to sunset November 18, 1962, through December 15, 1962, except that the season is closed on November 30, December 1, 2, 3, 4, and 5, 1962. Bobwhite quail—from 12:00 noon to sunset November 17, 1962, and from sunrise to sunset November 18, 1962, through December 31, 1962, except that the season is closed on November 30, December 1, 2, 3, 4, and 5, 1962. Rabbits—from 12:00 noon to sunset on November 17, 1962, and from sunrise to sunset November 18, 1962, through January 31, 1963, except that the season is closed on November 30, December 1, 2, 3, 4, and 5, 1962. Squirrels (black, grey, and fox, except white squirrels)—from sunrise to sunset each day from the effective date of this notice through October 15, 1962. Raccoons, opossums, skunks, and weasels (hunting only)—from 12:00 noon on November 15, 1962, to 12:00 noon on January 31, 1963.

(c) Daily bag limits: Pheasants (cocks only)—3; bobwhite quail—8; rabbits—5; squirrels—5; racoons, opossums, skunks, and weasels—no limit.

(d) Methods of hunting.

(1) Weapons—game animals may be taken with gun and dog, gun or dog, or bow and arrow. Pheasants may be taken with shotgun, or shotgun and dog, or bow and arrow. Bobwhite quail may be taken with shotgun and dog, or shotgun or dog, or bow and arrow.

(2) Dogs—hunting dogs, not to exceed 2 per hunter, may be used for hunting and retrieving; dogs may not be permitted to run at large.

(3) It is unlawful to use snares, ferrets, spears, poisons, chemicals, explosives, or crossbows in taking wild birds or animals.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through January 31, 1963.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 17, 1962.

[F.R. Doc. 62-8451; Filed, Aug. 22, 1962; 8:46 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Illinois

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Mark Twain National Wildlife Refuge, Illinois, is permitted only on the areas of the Gardner Unit designated by signs as open to hunting. These open areas, comprising 4,200 acres or 100 percent of the total Gardner Unit area, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Squirrels only, black, gray, and fox, during the season specified below. The hunting of upland game species, as may be otherwise authorized by Illinois State regulation, is prohibited.

(b) Open season: From September 1 through September 30, 1962; from sunrise to sunset each day.

(c) Daily bag limits: 5 squirrels per day.

(d) Methods of hunting:

(1) Weapons—small weapons, shotguns, small bore rifles, and bows and arrows may be used.

(2) Dogs—not to exceed two per hunter.

(3) Guides—persons may employ guides while hunting on the area, subject to the restrictions of State law or regulation.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Mark Twain National Wildlife Refuge office, Quincy, Illinois.

(3) The provisions of this special regulation are effective to October 1, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 16, 1962.

[F.R. Doc. 62-8452; Filed, Aug. 22, 1962; 8:47 a.m.]

PART 32—HUNTING

Medicine Lake National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of Big Game on the Medicine Lake National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,250 acres or 7 percent of the total area of the refuge is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: October 21 through October 28, 1962.

Shooting hours: One-half hour before sunrise to one-half hour after sunset.

(c) Bag limits: One deer—either sex.

(d) Methods of hunting:

1. Weapons—rifles firing center fire cartridges only, or shotguns with loads of 0-buck, 00-buck or single ball load.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but hunters must check in and out of designated checking stations.

3. The provisions of this special regulation are effective to October 29, 1962.

PAUL T. QUICK,
Regional Director.

AUGUST 15, 1962.

[F.R. Doc. 62-8453; Filed, Aug. 22, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that petitions (FAP 895, 898) have been filed by Chemirad Corporation, Post Office Box 187, East Brunswick, New Jersey, requesting amendment of the food additive regulations as follows:

a. FAP 895, proposing the amendment of §§ 121.2507(c) and 121.2520(c)(5) by adding polyethylenimine as a new item to the lists of substances permitted for use in food-packaging cellophane (§ 121.2507) and food-packaging adhesives (§ 121.2520).

b. FAP 898, proposing the issuance of a regulation to provide for the safe use of polyethylenimine as a drainage aid in the manufacture of paper and paperboard intended for use in contact with food.

Dated: August 15, 1962.

WINTON B. RANKIN,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8467; Filed, Aug. 22, 1962; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5)), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 573) has been filed by Imperial Chemical Industries, Nobel Division, Stevenston, Ayrshire, Scotland, proposing the issuance of a regulation to provide for the safe use of methyl ethyl cellulose as an emulsifying, aerating, and foaming agent in food.

Dated: August 17, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8484, Filed, Aug. 22, 1962; 8:54 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petitions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5)), 72 Stat. 1786; 21 U.S.C. 348 (b)(5), notice is given that petitions (FAP 644, 665) have been filed by The Norwich Pharmacal Company, Post Office Box 191, Norwich, New York, and Hess & Clark Company, Division of Richardson-Merrell, Inc., Seventh and Orange Streets, Ashland, Ohio, proposing the issuance of a regulation to provide for the safe use of nihydrazone (5-nitro-2-furaldehyde acetylhydrazone) in chicken feed, as follows:

Grams per ton of nihydrazone	Limitations	Indications for use
81-102	For broilers	Prevention of coccidiosis caused by E. tenella, E. necatrix, E. maxima, and E. brunetti.
81-102	Not for birds 18 weeks of age or older; for replacement birds.	Do.
102	Not for birds 18 weeks of age or older.	Prevention of histomoniasis.
81-102		Prevention of pullorum, fowl typhoid, paratyphoid (salmonellosis).
102	Not for birds 18 weeks of age or older.	Aid in prevention of air-sac infection (chronic respiratory disease complex).

Dated: August 17, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8485; Filed, Aug. 22, 1962; 8:54 a.m.]

[21 CFR Parts 141a, 141b, 141c, 141d, 141e]

ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Proposed Changes in Tests and Methods of Assay

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357); and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the regulation for tests and methods of assay for antibiotic and antibiotic-containing drugs as set forth below:

§ 141a.1 [Amendment]

1. By changing the fourth sentence of paragraph (e) of § 141a.1 *Sodium penicillin,* * * * to read: "The test organism is *Staphylococcus aureus* (American Type Culture Collection 6538P)."

§ 141a.21 [Amendment]

2. By amending § 141a.21 *Capsule penicillin and novobiocin* in the following respects:

a. By changing the words "Micrococcus pyogenes var. aureus" in paragraph (a)(1)(i)(b) to read "Staphylococcus aureus".

b. By changing the words "Micrococcus pyogenes var. albus" in the first sentence of paragraph (c)(v) to read "Staphylococcus epidermidis".

§ 141a.35 [Amendment]

3. By changing the first sentence of § 141a.35(a)(5) to read: "Proceed as directed in subparagraph (4) of this paragraph, using the dihydrostreptomycin working standard as the standard of comparison."

§ 141a.38 [Amendment]

4. By changing the first sentence of § 141a.38(a)(1) to read: "Proceed as directed in § 141a.35(a) or § 141a.27(a)(1)(i)."

5. By changing § 141a.39(a)(2) to read:

§ 141a.39 Penicillin-streptomycin; penicillin-dihydrostreptomycin veterinary.

(a) * * *

(2) *Total penicillin content.* Proceed as directed in § 141a.1, except paragraphs (d) and (i) of that section. In lieu of the directions in § 141a.1(d), place a representative aliquot of the sample in a blending jar, add 1.0 milliliter of polysorbate 80 and sufficient 1 percent phosphate buffer, pH 6.0, to make a total volume of 500 milliliters. Blend 3 to 5 minutes. For the alternative iodometric test, proceed as directed in § 141a.5(d)(1), except add one drop of 1.2 *N* HCl to the blank immediately before the addition of the 0.01 *N* I_2.

§ 141a.43 [Amendment]

6. By deleting the last sentence of § 141a.43(a).

7. By changing § 141a.46(a)(1) to read:

§ 141a.46 Procaine penicillin in streptomycin sulfate solution; procaine penicillin in dihydrostreptomycin sulfate solution.

(a) Potency—(1) *Procaine penicillin content.* Proceed as directed in § 141a.1, except paragraphs (d) and (i) of that section. In lieu of the directions in § 141a.46(d), place a representative aliquot of the sample in a blending jar, add 1.0 milliliter of polysorbate 80 and sufficient 1 percent phosphate buffer, pH 6.0, to make a total volume of 500 milliliters. Blend 3 to 5 minutes. If the iodometric assay is used, one drop of the 1.2 *N* HCl is added to the blank immediately before the addition of the 0.01 *N* I_2. Its content of procaine penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

8. By changing § 14a.60(a)(1) (i) and (ii) to read:

§ 141a.60 Penicillin and dihydrostreptomycin-streptomycin sulfates veterinary; procaine penicillin in dihydrostreptomycin-streptomycin sulfates veterinary.

(a) * * *

(1) * * *

(i) *Crystalline penicillin and dihydrostreptomycin-streptomycin sulfates.* Proceed as directed in § 141a.39(a)(2) if it is the dry powder or in § 141a.46(a)(1) if it is the solution; or

(ii) *Procaine penicillin and dihydrostreptomycin-streptomycin sulfates.* Proceed as directed in § 141a.39(a)(2) if it is the dry powder or in § 141a.46(a)(1) if it is the solution; or

§ 141a.65 [Amendment]

9. By amending § 141a.65(a)(4) as follows:

a. By changing the terms "Micrococcus pyogenes var. aureus" and "Micrococcus albus" in the last sentence of subdivision (i) to read "Staphylococcus aureus" and "Staphylococcus epidermidis," respectively.

b. By changing the term "Staphylococcus albus" in the fourth sentence of subdivision (ii) to read "Staphylococcus epidermidis."

10. By changing § 141a.105(a) to read:

§ 141a.105 Sodium oxacillin tablets.

(a) *Potency*—(1) *Plate assay.* Place a representative number of tablets (usually 3 to 12) in a blending jar and add approximately 200 milliliters of a 500-milliliter quantity of 1 percent phosphate buffer, pH 6.0. After blending for 1 minute with a high-speed blender, add the remainder of the 500 milliliters of buffer. Blend again for 1 minute, remove an aliquot, and make the proper estimated dilutions to 5.0 micrograms per milliliter in 1 percent phosphate buffer, pH 6.0. Follow the plate assay procedure given in § 141a.104.

(2) *Iodometric assay.* In lieu of the plate assay method described in subparagraph (1) of this paragraph, the potency may also be determined by using the iodometric assay described in § 141a.5(d) except prepare the sample as follows: Grind a representative number of tablets (usually 5 to 12), using a mortar and pestle. Dilute a weighed portion of the powder (approximately 30 milligrams) with 1 percent phosphate buffer at pH 6.0 to a concentration of approximately 1.0 milligram per milliliter.

The potency of sodium oxacillin tablets is satisfactory if they contain not less than 90 percent of the number of milligrams per tablet that they are represented to contain.

§ 141b.129 [Amendment]

11. By changing the words "M. pyogenes var. aureus (P.C.I. 1209 R.D.)" in § 141b.129(a)(4)(ii) to read "Staphylococcus aureus (American Type Culture Collection 6538–PR)".

§ 141c.231 [Amendment]

12. By changing the words "Micrococcus pyogenes var. albus" in the first sentence of § 141c.231(c)(1)(v) to read "Staphylococcus epidermidis".

§ 141c.242 [Amendment]

13. By changing the words "M. pyogenes var. aureus" in the fourth sentence of § 141c.242(a)(1)(ii) to read "Staphylococcus aureus".

§ 141d.316 [Amendment]

14. By amending § 141d.316 *Chloramphenicol-paromomycin ointment* in the following respect:

a. By changing the second equation in paragraph (a)(1)(ii)(c) to read:

$$\text{Chloramphenicol content (\% weight/weight)} = \frac{[(^{a}hc242)(A274) - (^{a}hc274)(A242)] \times 5 \times 100}{[(^{a}ch274)(^{a}hc242) - (^{a}ch242)(^{a}hc274)]} \times \text{weight of sample in grams}$$

b. By changing paragraph (b)(1) to read as follows:

(b) *Paromomycin sulfate used in making the ointment*—(1) *Potency.* (i) Proceed as directed in § 141c.231(c)(1) of this chapter, except that:

(*a*) In lieu of the directions in § 141c.231(c)(1)(iii) of this chapter, prepare the standard as follows: Dissolve a suitable weighed quantity (usually 25 milligrams or less) of the working standard in sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a concentration of 1,000 micrograms of paromomycin per milliliter. This stock solution may be kept in the refrigerator for 3 weeks.

(*b*) In lieu of the directions in § 141c.231(c)(1)(iv) of this chapter, dilute the sample to a final concentration of 1.0 microgram per milliliter (estimated).

(*c*) In lieu of the concentrations for the standard curve as prescribed in § 141c.231(c)(1)(vii) of this chapter, prepare concentrations of 0.64, 0.80, 1.00, 1.25, and 1.56 micrograms per milliliter. The 1.00 microgram per milliliter solution is the reference concentration.

(ii) As an alternative method, proceed as directed in § 141b.101 (a) through (i) of this chapter, except that:

(*a*) In lieu of the directions in § 141b.101(b) of this chapter, prepare culture medium as follows: Using ingredients that conform to the standards prescribed by the U.S.P. or N.F., make nutrient agar for the base and seed layers as follows:

Beef extract	3.0 grams.
Peptone	5.0 grams.
Agar	15.0 grams.
Distilled water q.s.	1,000.0 ml.

pH 7.8–8.0 after distillation.

(*b*) Prepare the standard stock solution as described in subdivision (i)(*a*) of this subparagraph, and in lieu of the concentrations for the standard curve as prescribed in § 141b.101(d) of this chapter, prepare concentrations of 1.28, 1.6, 2.0, 2.5, and 3.12 micrograms per milliliter from this stock solution and use the 2.0 micrograms per milliliter concentration as the reference point.

(*c*) In lieu of the directions in § 141b.101(e) of this chapter, dilute the sample to a final concentration of 2.0 micrograms per milliliter (estimated).

§ 141e.410 [Amendment]

15. By amending paragraph (b)(1) of § 141e.410 *Bacitracin-neomycin* tablets as follows:

a. By changing the words "Staphylococcus epidermitis" to read "Staphylococcus epidermidis" in subdivision (iv), first sentence; subdivision (v), sixth sentence; and subdivision (vii), second sentence.

b. By changing the words' 'M. Pyogenes var. aureus" in the first sentence of subdivision (v) to read "Staphylococcus aureus".

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, submit written views and comments on these proposed amendments. Such comments should be submitted in triplicate and addressed to the Hearing Clerk, Department of Health, Education and Welfare, Room 5440, 330 Independence Avenue, SW., Washington 25, D.C.

Dated: August 15, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-8483; Filed, Aug. 22, 1962; 8:54 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 608]

[Airspace Docket No. 62-WE-61]

SPECIAL USE AIRSPACE

Proposed Alteration of Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.57 of the regulations of the Administrator, the substance of which is stated below.

The Boardman, Oregon, Restricted Area R–5701 is assigned to the Commanding Officer, Naval Air Station, Whidbey Island, Wash., as a high and low altitude bombing range. It is designated from the surface to flight level 450 on a continuous basis as a joint use area. The Seattle ARTCC is the controlling agency.

The Federal Aviation Agency is considering a proposal by the Department of the Navy to adjust the boundaries of R–5701 in order that the Navy may accomplish its mission in this area. The Navy states that the area is not adequate to contain the hazards associated with the advanced type delivery tactics of high and low altitude bombing now employed by the Navy. They have requested that extensions to the restricted area be established which would protect both participating and nonparticipating aircraft during the high speed run-in maneuvers to the bombing target.

Additionally, the Navy has agreed to relocate the site of the bombing target, at the request of the State of Oregon,

provided that adequate restricted airspace is made available to encompass the new target location. The relocation of the target would enable the State to acquire some of the land now occupied by the Navy and develop it as a "Space Age Industrial Park".

In order to reduce the impact on other acronautical interests, the Navy has modified its original proposal in order to avoid, where possible, agricultural areas which are dependent on aerial spraying, VFR flyways and existing airways and jet routes.

If this action is taken, the Boardman, Oregon, Restricted Area R–5701 would be redesignated as follows:

Boundaries and designated altitudes. A 5-nautical-mile radius circle centered at latitude 45°43'20" N., longitude 119°41'00" W., surface to flight level 450; within 3 nautical miles either side of the 093° and 263° True bearings from the center of the circle extending to 11 nautical miles from the center, excluding the airspace within 5 statute miles of Jet Route 16 and the centerline of VOR Federal airway No. 1710, 20,000 feet MSL to flight level 450; with 2 nautical miles N and 3 nautical miles S of the 082° True bearing from the center of the circle extending to a line one nautical mile W of and parallel to Butter Creek, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the E extremity; within 3 nautical miles either side of the 234° True bearing from the center of the circle extending to 10 nautical miles from the center, excluding the airspace within VOR Federal airway No. 112, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the SW extremity; within 3 nautical miles either side of the 270° True bearing from the center of the circle extending to 15 nautical miles from the center, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the W extremity.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Seattle ARTC Center.

Using agency. Commanding Officer, NAS Whidbey Island, Wash.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 20, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–8482; Filed, Aug. 22, 1962; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 3]

[Docket No. 14185; RM–94; FCC 62–901]

FM BROADCASTING

Allocation and Technical Standards; Memorandum Opinion and Order

In the matter of revision of FM Broadcast Rules, particularly as to allocation and technical standards, Docket No. 14185; petition of FM Unlimited, Inc., for changes in FM Station assignment rules, RM–94.

1. The Commission has before it for consideration a "Petition for Extension of Time within which to File Comments", filed in this proceeding on August 7, 1962, by the National Association of Broadcasters (NAB). The petition asks that the time for filing comments in response to our Further Notice adopted July 25, 1962 (FCC 62–867) be extended from August 31 to October 1, 1962. NAB notes the importance of the subjects involved in the Further Notice, states that because thereof it will reactivate its ad hoc committee on FM assignments, and that, because of summer vacation schedules and for other reasons, this committee cannot be assembled and worthwhile comments developed by August 31.

2. The petition appears to present good cause for the requested extension, and it is granted. However, in view of the obvious need for resolving this proceeding as soon as possible, in the absence of extraordinary circumstances not now foreseen no further extension of time for filing comments in response to the Further Notice will be granted. In the meantime, the Commission's staff will continue work on the tentative Table of Assignments referred to in the Further Notice, and this will be issued when it is ready. If this tentative Table is issued before comments and replies in response to the Further Notice can be received and considered, such comments and replies will be carefully considered (along with more specific comments relating to proposed assignments) in connection with preparation and adoption of any final table.

3. In view of the foregoing: *It is ordered,* That the "Petition for Extension of Time within which to File Comments", filed by the National Association of Broadcasters, is granted; the time for filing comments in response to the Further Notice of Proposed Rule Making adopted herein on July 25, 1962 is extended to and including October 1, 1962; and the time for filing reply comments is extended to and including October 16, 1962.

Adopted: August 13, 1962.

Released: August 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–8492; Filed, Aug. 22, 1962; 8:55 a.m.]

[47 CFR Parts 2, 6, 7, 9–11, 16, 21]

[Docket No. 14712]

ALLOCATION OF CERTAIN FREQUENCY BANDS

Order Extending Time for Filing Comments

In the matter of amendment of Parts 2, 6, 7, 9, 10, 11, 16, and 21 of the Commission's rules to designate portions of the 2110–2200 Mc/s band exclusively for the use of Domestic Fixed Public stations and for the use of Operational Fixed and International Control stations and to reserve a portion thereof for omnidirectional operations.

The Commission has before it a petition filed by the Electronic Industries Association on August 8, 1962, requesting an extension of the time for filing comments in the above entitled proceeding from August 26, 1962, to September 25, 1962.

It appearing that in support of its request, the petitioner states that because August is the usual month for vacations a quorum of the Microwave Section and its Engineering Guidance Committee cannot be convened in sufficient time to consider, prepare and file meaningful comments; and

It further appearing that such an extension would be in the public interest in order to obtain more comprehensive comments, not only from petitioner, but from other interested parties; therefore

It is ordered, This 17th day of August 1962, pursuant to §§ 0.258(c), 0.291(b)(4), 0.322(b)(2) of the Commission's Statement of Delegations of Authority, that the above-described request of the Electronic Industries Association is granted, and that the time for filing original comments by all parties is extended from August 25, 1962, to September 25, 1962, and the time for filing reply comments to October 5, 1962.

Released: August 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–8493; Filed, Aug. 22, 1962; 8:56 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 188]

[Ex Parte No. MC–1]

PAYMENT OF RATES AND CHARGES OF MOTOR CARRIERS

Vacation of Order and Date for Hearing

AUGUST 15, 1962.

Notice is hereby given that the order dated July 24, 1962, directing modified procedure in the above-entitled proceeding, is vacated and set aside and the proceeding is now referred to Examiner J. T. Fittipaldi for hearing on October 25, 1962, 9:30 o'clock a.m. United States standard time (or 9:30 o'clock local daylight saving time, if that time is observed) at the Palmer House, Chicago, Illinois.

Any persons interested in this proceeding, who wish to be notified if it becomes necessary to change the date or place of this hearing, should so advise the Commission and their names will be placed on the service list.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–8475; Filed, Aug. 22, 1962; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34–6885]

"BOILER ROOM" ACTIVITY

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission, in an effort to deal more effectively with what is commonly referred to as the "boiler room" problem, has under consideration a proposal to adopt § 240.15c2–6 (Rule 15c2–6 under the Securities Exchange Act of 1934). Section 15(c)(2) of the Act makes it unlawful for a broker or dealer to effect or induce a transaction in a nonexempt security otherwise than on a national securities exchange in connection with which he engages in any fraudulent, deceptive or manipulative act or practice, and it provides that the Commission shall, by rules and regulations, define and prescribe means reasonably designed to prevent such acts and practices.

Boiler room operations in their most typical form involve the distribution of low priced and unseasoned securities to investors, whose names are generally obtained from lists, by means of high-pressure selling methods or other fraudulent means. In its most common form the sales campaign is generally conducted, and sometimes the transactions are consummated, over the telephone, frequently the long distance telephone. Boiler room activities have presented a serious problem for the Commission in recent years, and in spite of vigorous enforcement efforts the problem still exists.

The proposed rule would make it unlawful for a broker or dealer to offer or sell certain low-priced equity securities by telephone to any person other than a broker, dealer, institutional customer or regular customer unless the broker or dealer establishes that one of the exemptions enumerated in the rule is available. The rule would exempt unsolicited transactions; isolated transactions not part of a concentrated sales effort by the broker-dealer; and securities offered or sold as part of a distribution made in compliance with the registration and prospectus requirements of the Securities Act of 1933. There would also be an exemption for securities of issuers whose current financial statements show that they are operating at a profit and which are either currently subject to the reporting requirements of the federal securities laws or are companies as to which specified data is contained in a recognized financial manual which has been published for more than 5 years by a registered investment adviser.[1] The rule would also contain a provision excluding specific transactions which the Commission exempts as not comprehended within its purposes.

The proposed rule is essentially based upon the fact that the selling practices which it prohibits, when utilized under the circumstances specified in the rule, are almost invariably accompanied by high pressure and fraudulent practices. Case after case has come before the Commission in recent years involving the sale of low priced and obscure securities over the telephone to persons who are not regular customers of the broker-dealer and whose names are commonly derived from lists. In practically every instance, the course of business has proved to be fraudulent.[2]

The reasons are not difficult to discover. The selection of little-known securities, about which there is no information accessible to prospective investors, obviously facilitates high-pressure selling methods and fraudulent practices, since the investor has no independent way of verifying the representations made. Furthermore, this method of selling is inherently costly. Telephone solicitation, particularly by use of the long distance telephone, results in high telephone bills and a large percentage of expensive calls in which the prospect refuses to buy. Considerable skill in telephone selling is required to produce a profitable ratio of sales to calls and salesmen having these skills commonly command a substantial remuneration. Consequently, high-pressure and misleading selling methods are almost essential if a sufficient number of sales are to be made, at prices sufficiently above the cost of doing business, so as to result in a profitable operation.

Under these circumstances, as appears from the Commission's experience with this problem, the protection of the investing public demands that sales methods so fraught with opportunities for fraud and so commonly accompanied by fraud be outlawed.

The proposal merely endeavors to identify and prohibit those situations in which the Commission's experience shows that boiler-room tactics are most likely to occur. It does not attempt to encompass all situations where such tactics are possible. The other anti-fraud provisions of the federal securities laws continue to be applicable to all solicitations of this character.

It is also believed that the proposed rule and particularly the requirement to obtain more complete records concerning telephone calls to nonregular customers and the list from which the prospects' names were obtained should facilitate enforcement and expedite proceedings and other actions against "boiler room" operators.

The text of the proposed section would read substantially as follows:

§ 240.15c2–6 Boiler room activity.

(a) It shall constitute a "fraudulent, deceptive or manipulative act or practice" within the meaning of section 15(c)(2) of the Act for any broker or dealer to offer or sell any equity security at a price of $10 or less by telephone to any person other than a broker, dealer, institutional customer or regular customer, unless such broker or dealer establishes that either the security or the transaction falls within one of the following categories of securities or transactions:

[1] Classification of securities upon the basis of the presence of financial information in recognized financial manuals is utilized in the securities laws of approximately 29 states. See for example, section 402(b)(2) of the Uniform Securities Acts, which has been adopted in a number of states.

[2] The Commission has decided over 30 broker-dealer revocation cases since January 1, 1960, in which fraud has been found to accompany practices of the type covered by the proposed rule. Some examples are: Leonard Burton Corporation, Securities Exchange Act Release No. 5978 (June 4, 1959); Best Securities Inc., Securities Exchange Act Release No. 6282 (June 3, 1960); Barnett & Co., Inc., Securities Exchange Act Release No. 6310 (July 5, 1960); N. Pinsker & Co., Securities Exchange Act Release No. 6401 (October 21, 1960); Midland Securities, Inc., Securities Exchange Act Release No. 6524 (April 10, 1961); Alexander Reid & Co., Inc., Securities Exchange Act Release No. 6727 (February 8, 1962). The problem was described in Mac Robbins & Co., Inc., Securities Exchange Act Release No. 6846 (July 11, 1962) as follows:

"The influx of new and inexperienced investors into the securities market during the 1950's has spawned a disturbing growth in the use of selling methods which represent the antithesis of fair dealing. Commonly characterized as 'boiler room' procedures, they involve a concerted, high-pressure effort—typically by telephone—to sell a large volume of one or several promotional or speculative low-priced securities to unknown persons without any concern for the suitability of such securities in the light of the customers' investment needs or objectives and by the use of false and deceptive means. The sales techniques used are by their very nature not conducive to an unhurried, informed and careful consideration of the investment factors applicable to the securities involved. The securities are frequently of a newly established company in an industry enjoying an active period of expansion which has attracted wide public attention."

(1) Any security, the issuer of which (i) has, as evidenced by a profit and loss statement certified by an independent public accountant, had net income in its most recent fiscal year or, if such fiscal year ended within 120 days prior to the offer or sale of such security by the broker or dealer and a certified profit and loss statement is not available, the last preceding fiscal year, and (ii) is either currently filing reports pursuant to sections 13 or 15(d) of the Act, or section 14 of the Public Utility Holding Company Act of 1935, or section 30 of the Investment Company Act of 1940, or is a company in respect of which there is published in a recognized securities manual a list of the names of the issuer's officers and directors, a balance sheet as of a date within 16 months of the offering or sale, and a profit and loss statement for either the fiscal year ending on that date or the most recent fiscal year. Such balance sheet and profit and loss statement must have been certified by an independent public accountant, but it shall not be a requirement that the certificate of such accountant be contained in any such securities manual;

(2) Isolated transactions not a part of any concentrated sales efforts by the broker-dealer; or

(3) A transaction which is not solicited by the broker or dealer; or

(4) A security registered under the Securities Act of 1933, which is offered or sold at a time when delivery of a prospectus is required by section 5 thereof, and as to which a prospectus meeting the requirements of that Act is delivered to the purchaser in accordance with the provisions of that Act.

(b) The prohibitions of paragraph (a) of this section shall not apply to any specific transaction which, upon prior written request, the Commission exempts as not being comprehended within the purposes of this section.

(c) For the purpose of this section:

(1) The term "institutional customer" means a bank; a trust company; an insurance company; a pension, welfare, profit sharing or similar fund; an investment company registered under the Investment Company Act of 1940; or any other similar financial institution.

(2) The term "regular customer" means any person with whose written agreement the broker or dealer is maintaining a general account or special cash account as provided in Regulation T (12 CFR Part 220) and who has purchased securities of two or more different issuers at different times within the past year from or through such broker or dealer in such accounts, unless such purchases have been solicited to avoid the operation of this section.

(3) The term "recognized securities manual" means a securities manual which has been published continuously for a period of 5 years or more prior to the offer or sale by an investment adviser registered as such under the Investment Advisers Act of 1940.

(d) Every broker or dealer shall maintain the following books and records with regard to transactions in any equity security offered or sold by telephone at a price of $10 or less to any person other than a broker, dealer, institutional customer or regular customer.

(1) A separate daily record for each person connected with such broker or dealer who offered or sold the security showing: (i) The date and time of each such telephone call, (ii) the name of the person connected with such broker or dealer who offered the security to the customer or prospective customer, and the telephone number and location of the telephone used by such person, (iii) the name, address and telephone number of the customer or prospective customer to whom the security was offered, (iv) whether such telephone call was initiated by such broker or dealer or by the customer or prospective customer, (v) the title and price of the security offered, and (vi) the number of shares, or units, if any, purchased by the customer and the price thereof. Such record shall be signed by the person whose offers and sales are recorded thereon, and shall be approved and signed by a partner, officer, or office manager of such broker or dealer, or by such broker or dealer if a sole proprietor.

(2) A copy of every list of names, any part of which is used by any person connected with such broker or dealer in identifying customers or prospective customers to whom securities might be offered or sold, which copy shall also indicate the source of any such list.

(3) Copies of all telephone toll slips reflecting all toll telephone calls charged to such broker or dealer.

The provisions of paragraph (d) of this section shall not apply to: (1) Any transaction executed on a national securities exchange, or (2) the offering or sale of a security registered under the Securities Act of 1933 which is offered or sold at a time when delivery of a prospectus is required by section 5 thereof, and as to which a prospectus meeting the requirements of that Act is delivered to the purchaser in accordance with the requirements of that Act.

(Secs. 15, 23, 48 Stat. 895, 901, as amended, 15 U.S.C. 78o, 78w)

All interested persons are invited to submit in writing their views and comments on the proposed rule on or before September 28, 1962. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 16, 1962.

[F.R. Doc. 62-8465; Filed, Aug. 22, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF HOG BRISTLES DIRECTLY FROM TAIWAN (FORMOSA)

Available Certifications by the Government of the Republic of China

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of all hog bristles. This notice supersedes the previous notice of the availability of certificates of origin for the item "hog bristles, black, not to exceed four inches in length."

[SEAL] MARGARET W. SCHWARTZ, *Acting Director, Foreign Assets Control.*

[F.R. Doc. 62-8525; Filed, Aug. 22, 1962; 8:59 a.m.]

Office of the Secretary

[AA 643.3-W]

JALOUSIE-LOUVRE-SIZED SHEET GLASS FROM CZECHOSLOVAKIA

Determination of Sales at Less Than Fair Value

AUGUST 15, 1962.

A complaint was received that glass, sheet, in jalousie louvre sizes from Czechoslovakia was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that glass, sheet, in jalousie louvre sizes from Czechoslovakia is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The United States Tariff Commission is being advised of this determination.

Statement of reasons. There were no sales in Czechoslovakia, either for home consumption or for exportation to countries other than the United States, of glass in sheets which could reasonably be compared with the jalousies under consideration. Under these circumstances, a comparison between the purchase price paid by the importer in the United States and the constructed value, as defined in the Antidumping Act of 1921, was deemed appropriate.

Purchase price of the jalousies was the invoiced price f.o.b. European shipping port, less the cost of freight from the Czechoslovakian border to the shipping port.

In the absence of information as to the actual costs of materials and labor and as to the amount ordinarily added for general expenses and profit in Czechoslovakia, the constructed value was calculated on the basis of the Western European price, f.o.b. shipping port, for exportation to the United States, of glass jalousies most nearly similar to the jalousies exported from Czechoslovakia to the United States. From this price there was deducted the selling commission included in the Western European price; an allowance for the difference in quality between the jalousies exported from Western European countries and from Czechoslovakia; an allowance for the difference in the Czechoslovakian packing materials as compared with that used by the Western European countries; and an amount representing the inland freight included in the Western European price.

Purchase price was found to be lower than constructed value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 62-8489; Filed, Aug. 22, 1962; 8:55 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

1. A plat of survey for the lands described below will be officially filed in the Fairbanks Land Office, Fairbanks, Alaska, effective at 10:00 a.m., on September 21, 1962:

FAIRBANKS MERIDIAN

T. 1 N., R. 2 W.,
Sec. 1: Lots 1 through 4, S½N½, S½;
Sec. 2: Lots 1 through 4, S½N½, S½;
Sec. 3: Lots 1 through 4, S½N½, S½;
Sec. 4: Lots 1 through 4, S½N½, S½;
Sec. 5: Lots 1 through 4, S½N½, S½;
Sec. 6: Lots 1 through 4, E½W½, E½;
Secs. 8 through 15: All.

The area described aggregates 8,955.52 acres. The lands are situated approximately seven miles northwest of Fairbanks, Alaska, and lie in the north half of the township. Moose Creek, a tributary of Goldstream Creek, flows south through the west half of the area described above. The land is mostly rolling hills, with a few steep slopes near the tops of the ridges and spurs. Timber cover, for the most part, consists of a second growth of small to medium sized birch, poplar and aspen with scattered spruce. There are few trees big enough to be cut for lumber. The undergrowth is alder, willow, moss, grasses and small trees. The soil is a light, brown, sandy loam with some clay, rocky on the steep slopes.

2. Subject to any existing valid rights and the requirements of applicable law, the lands described in Paragraph 1 hereof, are hereby opened to filling of applications, selections, and locations in accordance with the following:

Applications and selections under the nonmineral public land laws and applications may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws other than those coming under Paragraph (1) above presented prior to 10:00 a.m. on December 21, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

3. Persons claiming preference right based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

4. Applications for these lands which shall be filed in the Land Office, at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the Homestead and Homesite Laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that Title.

5. Inquiries concerning these lands shall be addressed to the Manager, Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska.

HAROLD E. WALDO, *Acting Manager.*

AUGUST 16, 1962.

[F.R. Doc. 62-8457; Filed, Aug. 22, 1962; 8:47 a.m.]

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

1. A plat of survey for the lands described below will be officially filed in the Fairbanks Land Office, Fairbanks, Alaska, effective at 10:00 a.m., on September 21, 1962:

FAIRBANKS MERIDIAN

T. 1 N., R. 4 E.,
The survey of the Fairbanks Base Line through Range 4 East, the first Guide Meridian East through Township 1 North between Ranges 4 and 5 East, the North Boundary of Township 1 North, Range 4 East and the subdivision of the Sections described below:
Secs. 24 through 29: All;
Sec. 30: Lots 1 through 4, E½W½, E½;
Sec. 31: Lots 1 through 4, E½W½, E½;
Secs. 32 through 36: All.

The area subdivided aggregates approximately 8,316.64 acres, and is located approximately twenty miles northeast of Fairbanks, Alaska. Most of the township ranges from hilly and mountainous land to nearly level bottom land in the southerly portion, which is traversed by the Chena Hot Springs Road. Soil in the bottoms is alluvial silt, but much of the land is poorly drained and swampy. Most of the township is covered by dense stands of small and medium sized spruce, birch and poplar timber with willow and alder undergrowth. The Chena Hot Springs Road traverses the southern part of the township in a northeasterly direction; Jenny M Creek drains the west portion of the township and runs in a southerly direction.

2. Subject to any existing valid rights and the requirements of applicable law, the lands described in Paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

Applications and selections under the nonmineral public land laws and applications may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws other than those coming under Paragraph (1) above presented prior to 10:00 a.m. on December 21, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

3. Persons claiming preference right based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

4. Applications for these lands which shall be filed in the Land Office, at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the Homestead and Homesite Laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that Title.

5. Inquiries concerning these lands shall be addressed to the Manager, Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska.

HAROLD E. WALDO,
Acting Manager.

AUGUST 16, 1962.

[F.R. Doc. 62-8458; Filed, Aug. 22, 1962; 8:48 a.m.]

CALIFORNIA

Notice of Correction, Amendment, and Partial Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 15, 1962.

Notice of an application, Serial No. Sacramento 050089, for withdrawal and reservation of lands which was published as Federal Register Document No. 62-827 on pages 755 and 756 of the issue for January 25, 1962, is corrected as follows:

That portion of the land description to protect a roadside zone along the U.S. Highway No. 40-A, in Sec. 28, T. 23 N., R. 5 E., M.D.M., which reads Lots 2 and 3, SE¼SW¼, W½SE¼, is corrected to read Lots 2, 3, and 4, SE¼SW¼.

The applicant agency has cancelled its application insofar as it involves the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m., on September 20, 1962, relieved of the segregative effect of the above-mentioned application.

MOUNT DIABLO MERIDIAN

PLUMAS NATIONAL FOREST

T. 21 N., R. 13 E.,
Sec. 14: S½NE¼, SW¼NW¼, N½SW¼;
Sec. 15: N½SE¼.
T. 24 N., R. 6 E.,
Tract 37: N½NW¼, SW¼NW¼, NW¼SW¼.

WALTER E. BECK,
Manager, Lands Office, Sacramento.

[F.R. Doc. 62-8455; Filed, Aug. 22, 1962; 8:47 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Elimination Thereof

AUGUST 15, 1962.

The United States Department of Agriculture has filed an application Serial Number Sacramento 050711 for the withdrawal of the lands described below, from prospecting, location, entry, and purchase under the mining laws only, subject to existing valid claims.

The applicant desires the land to protect public recreation areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

SHASTA NATIONAL FOREST

PUBLIC RECREATION AREA

Madrone

T. 35 N., R. 2 W.,
Sec. 4: Lot 9.

Crooks Creek

T. 36 N., R. 2 W.,
Sec. 34: NE¼NW¼.

Fowler's Camp

T. 39 N., R. 2 W.,
Sec. 12: E½, that area north and west of McCloud River.

Castle Creek

T. 38 N., R. 4 W.,
Sec. 18: N½SE¼NE¼, SW¼NE¼NE¼.

McBride Springs

T. 41 N., R. 4 W.,
Sec. 35: SE¼NE¼SW¼.

Clear Creek

T. 36 N., R. 6 W.,
Sec. 32: W½SW¼.

Eagle Creek

T. 38 N., R. 7 W.,
Sec. 16: S½NE¼NE¼, NE¼SE¼.

Scott Mtn.

T. 39 N., R. 7 W.,
Sec. 5: Lot 3, E½ Lot 4.

Preacher Meadow

T. 36 N., R. 8 W.,
Sec. 24: N½, N½S½.

Coffee Creek

T. 37 N., R. 8 W.,
Sec. 2: SW¼SE¼.

Goldfield

T. 37 N., R. 8 W.,
Sec. 4: N½ of Lot 2.

Tangle Blue Lake

T. 39 N., R. 8 W.,
Sec. 25: SW¼SW¼;
Sec. 26: SE¼SE¼.

Algoma Camp

T. 39 N., R. 1 E.,
Sec. 5: Lots 10, 11.

MOUNT DIABLO MERIDIAN

TRINITY NATIONAL FOREST

PUBLIC RECREATION AREA

Wells Creek

T. 27 N., R. 9 W.,
Sec. 4: SW¼NE¼ of Lot 3, S½NW¼ of Lot 3, N½ SW¼ of Lot 3, SW¼SW¼ of Lot 3, NW¼SE¼ of Lot 3, SE¼NE¼ of Lot 4, E½SE¼ of Lot 4.

Pattymocus LO

T. 28 N., R. 9 W.,
Sec. 10: NW¼NE¼, W½NE¼NE¼, NW¼SE¼NE¼, N½SW¼NE¼, SE¼NE¼NE¼, NE¼SE¼NW¼.

Middle Fork of Cottonwood

T. 29 N., R. 10 W.,
Sec. 22: SE¼NE¼SE¼;
Sec. 23: S½NW¼SW¼, S½N½NW¼SW¼, SW¼NE¼SW¼, N½NE¼SW¼.

Harrison Gulch

T. 29 N., R. 10 W.,
Sec. 23: W½NE¼NW¼, SW¼SE¼NE¼NW¼, E½ SE¼NW¼.

Hall City Caves

T. 30 N., R. 10 W.,
Sec. 32: S½NE¼SE¼, S½N½NE¼SE¼.

The area described above aggregates approximately 1,475.68 acres.

The applicant agency has cancelled the application insofar as it involved the lands described below. Therefore, pursuant to the regulation contained in 43 CFR Part 295, such lands will be at 10:00 a.m., on September 20, 1962, relieved of the segregative effect of the above-mentioned applicaion.

The lands embraced in this notice of termination are:

MOUNT DIABLO MERIDIAN

SHASTA NATIONAL FOREST

Skunk Hollow

T. 40 N., R. 1 W.,
Sec. 36: NE¼SE¼SW¼, SE¼NE¼SW¼, NW¼SW¼SE¼, SW¼NW¼SE¼.

Potem

T. 35 N., R. 2 W.,
Sec. 14: E½SE¼NE¼.

Mears Creek

T. 37 N., R. 4 W.,
Sec. 17: E½NW¼, E½SW¼NW¼, SE¼NW¼NW¼, E½NW¼SW¼.

Salt Creek

T. 35 N., R. 2 W.,
Sec. 30: SE¼NW¼, S½NE¼NW¼.

Sims Flat

T. 37 N., R. 4 W.,
Sec. 17: SW¼SE¼.

Castle Lake

T. 39 N., R. 4 W.,
Sec. 18: Lots 3 and 4.

Castle Lake

T. 39 N., R. 5 W.,
Sec. 13: E½ SE¼;
Sec. 24: E½NE¼, E½SW¼NE¼.

Scott Camp Creek

T. 39 N., R. 5 W.,
Sec. 13: NE¼NW¼, W½SE¼NW¼, E½ SW¼NW¼, SW¼SW¼NW¼, W½NW¼ SW¼, NE¼NW¼SW¼, NW¼SW¼ SW¼;
Sec. 14: E½SE¼SE¼, SE¼NE¼SE¼.

Cliff Lakes

T. 39 N., R. 5 W.,
Sec. 30: SW¼ of Lot 4;
Sec. 31: W½ of Lot 1, SE¼ of Lot 1, N½ of Lot 2, N½SW¼NE¼.

Scott Lake

T. 39 N., R. 5 W.,
Sec. 27: E½NE¼NE¼.

Gray Rock Lakes

T. 39 N., R. 5 W.,
Sec. 27: NW¼NE¼NW¼, S½NE¼NW¼, E½NW¼NW¼, SW¼NW¼NW¼, N½ SW¼NW¼, N½SE¼NW¼.

Seven Lakes Basin

T. 38 N., R. 5 W.,
Sec. 6: W½ of Lot 3, W½ of Lot 4, Lot 5, SE¼SE¼NE¼, N½N½SE¼, SE¼NE¼ SE¼.

Tamarack Lake

T. 38 N., R. 5 W.,
Sec. 32: SW¼SE¼, W½SE¼SE¼.

Twin Lakes

T. 38 N., R. 5 W.,
Sec. 32: W½SW¼.

McBride Springs

T. 41 N., R. 4 W.,
Sec. 35: NE¼SW¼SW¼.

Dobkins Lake

T. 40 N., R. 5 W.,
Sec. 6: W½ Lot 15, E½ Lot 16.

Little Crater Lake

T. 40 N., R. 5 W.,
Sec. 6: E½SW¼SE¼, W½SE¼SE¼, SE¼ NW¼SE¼, SW¼NE¼SE¼.

East Fork

T. 36 N., R. 6 W.,
Sec. 6: Lots 3, 4.

Fools Gulch

T. 36 N., R. 6 W.,
Sec. 9: NW¼NE¼.

Pond Lily Lake

T. 37 N., R. 6 W.,
Sec. 11, NW¼SW¼.

Devil's Lake

T. 37 N., R. 6 W.,
Sec. 16: SW¼SE¼.

Porcupine Lake

T. 39 N., R. 6 W.,
Sec. 1: W½ Lot 4;
Sec. 2: E½ Lot 1.

Chipmunk Lake

T. 39 N., R. 6 W.,
Sec. 12: W½NE¼SE¼.

Cliff Lakes

T. 39 N., R. 6 W.,
Sec. 25: W½SW¼NW¼;
Sec. 26: W½SE¼NE¼, NE¼SE¼NE¼, W½NE¼SE¼.

Deadfall Lakes

T. 40 N., R. 6 W.,
Sec. 14: SE¼SE¼;
Sec. 24; N½.

Toad Lake

T. 40 N., R. 6 W.,
Sec. 36: NE¼SW¼, S½SE¼SW¼, W½ NW¼SE¼.

Caldwell Lakes

T. 41 N., R. 6 W.,
Sec. 20: N½NE¼SE¼, S½NW¼SE¼.

Log Lake

T. 39 N., R. 7 W.,
Sec. 30: S½SE¼.

Little Bear Lake

T. 39 N., R. 7 W.,
Sec. 32: SW¼SW¼.

Eleanor Lake

T. 36 N., R. 8 W.,
Sec. 10: NW¼SW.

Big Springs

T. 36 N., R. 8 W.,
Sec. 22: SE¼NE¼.

Big Boulder Lake

T. 37 N., R. 8 W.,
Sec. 20: E½SW¼.

Lily Pad Lake

T. 37 N., R. 8 W.,
Sec. 32: NW¼NE¼, NE¼NW¼.

Granite Lake

T. 38 N., R. 8 W.,
Sec. 6: W½SE¼SE¼, E½SW¼SE¼.

Doe Lake

T. 38 N., R. 8 W.,
Sec. 8: SW¼NE¼.

Stoddard Lake

T. 38 N., R. 8 W.,
Sec. 14: SW¼NW¼, N½SW¼, SW¼SW¼.

Granite Lake

T. 36 N., R. 9 W.,
Sec. 25: SW¼NW¼, NW¼SW¼;
Sec. 26: S½NE¼, N½SE¼.

Sugar Pine Lake

T. 37 N., R. 9 W.,
Sec. 14: E½SE¼.

Union Lake

T. 37 N., R. 9 W.,
Sec. 22: S½SW¼.

Lion Lake

T. 37 N., R. 9 W.,
Sec. 24: NW¼SW¼.

PIT RIVER RECREATION AREA

T. 36 N., R. 1 E.,
Sec. 15: SE¼NW¼, E½SW¼, E½W½ SW¼, S½SW¼SE¼;
Sec. 22: N½NE¼, SE¼NE¼;
Sec. 23: S½NW¼NE¼, N½SW¼NE¼, SE¼NE¼, S½NW¼, S½NE¼NW¼;
Sec. 24: S½SW¼NE¼, S½NW¼, N½ NE¼SW¼, NW¼SE¼, NE¼SE¼, N½ SE¼SE¼.
T. 36 N., R. 2 E.,
Sec. 17: E½W½.

Rock Creek

T. 37 N., R. 2 E.,
Sec. 34: E½NE¼NE¼;
Sec. 35: W½NW¼NW¼.

Bosworth Meadows

T. 36 N., R. 2 E.,
Sec. 14: W½SE¼.

MOUNT DIABLO MERIDIAN

TRINITY NATIONAL FOREST

PUBLIC RECREATION AREA

Attlebury Glade

T. 26 N., R. 8 W.,
Sec. 3: W½ of Lot 3, Lot 4, NW¼SE¼ NW¼, N½SW¼NW¼;
Sec. 4: N½ of Lot 1, SE¼ Lot 1, NE¼ Lot 2, NE¼SE¼NE¼.

Appletree Glade

T. 27 N., R. 8 W.,
Sec. 32: SE¼NE¼, E½E½SW¼NE¼.

South Fork of Cottonwood Creek

T. 26 N., R. 9 W.,
Sec. 5: N½NE¼ of Lot 4, N½ of Lot 3.
T. 27 N., R. 9 W.,
Sec. 32: S½SW¼SW¼, S½N½SW¼SW¼, S½S½SE¼SW¼.

Sulphur Springs

T. 26 N., R. 9 W.,
Sec. 9: E½NE¼;
Sec. 10: W½NW¼NW¼.

Lazyman

T. 26 N., R. 9 W.,
Sec. 17: E½NE¼, SW¼NE¼.

Burnt Camp

T. 27 N., R. 9 W.,
Sec. 31: SE¼NW¼, NE¼SW¼.

Post Creek

T. 28 N., R. 9 W.,
Sec. 31: S½ of Lot 1, N½ of Lot 2, SW¼NE¼NW¼, NW¼SE¼NW¼.

Platina Boundary

T. 29 N., R. 9 W.,
Sec. 18: SE¼NE¼SE¼NE¼, SE¼SE¼NE¼, E½SW¼SE¼NE¼, E½NE¼SE¼, E½W½NE¼SE¼.

Bluford Glade

T. 30 N., R. 9 W.,
Sec. 19: S½S½SE¼NE¼, N½N½NE¼SE¼.

Ward Lake

T. 36 N., R. 9 W.,
Sec. 4: W½SW¼.

Horseshoe Lake

T. 36 N., R. 9 W.,
Sec. 8: SE¼NE¼, NE¼SE¼.

Black Rock Lake

T. 27 N., R. 10 W.,
Sec. 4: W½SW¼.

Patty John Basin

T. 27 N., R. 10 W.,
Sec. 10: E½SW¼NW¼, W½SE¼NW¼, SE¼SE¼NW¼.

Yolla Bolly Lake

T. 27 N., R. 10 W.,
Sec. 11: W½SW¼NW¼.

Moore Cabin

T. 27 N., R. 10 W.,
Sec. 13: SW¼NE¼NW¼.

Indian Camp

T. 27 N., R. 10 W.,
Sec. 15: NE¼NE¼NE¼NW¼, N½NW¼NW¼NE¼.

Shorty Camp

T. 28 N., R. 10 W.,
Sec. 19: S½ of Lot 4;
Sec. 25: S½NE¼NE¼, N½SE¼NE¼;
Sec. 30: Lot 1, N½ of Lot 2.

White Rock Lake

T. 28 N., R. 10 W.,
Sec. 20: SW¼.

Stuart Gap

T. 28 N., R. 10 W.,
Sec. 34: SW¼NE¼, E½SE¼NW¼, N½NW¼SE¼.

Old Hall City

T. 29 N., R. 10 W.,
Sec. 5: NW¼NW¼ of Lot 2, NE¼NE¼ of Lot 3.
T. 30 N., R. 10 W.,
Sec. 32: W½SW¼SW¼SE¼.

Sidener Place

T. 29 N., R. 10 W.,
Sec. 10: S½SE¼NW¼.

Zerr Place

T. 29 N., R. 10 W.,
Sec. 24: N½SW¼NW¼, N½S½SW¼NW¼.

Philpot Lake

T. 30 N., R. 10 W.,
Sec. 25: S½SE¼.

Pine Root Springs

T. 28 N., R. 11 W.,
Sec. 3: SE¼NW¼NW¼SW¼, SW¼NE¼NW¼SW¼, NE¼SW¼NW¼SW¼, NW¼SE¼NW¼SW¼.

Foss Camp

T. 28 N., R. 11 W.,
Sec. 6: E½NW¼SE¼, W½NE¼SE¼.

Prospect Creek

T. 28 N., R. 11 W.,
Sec. 21: W½SE¼NE¼.

Devil Camp

T. 28 N., R. 11 W.,
Sec. 22: S½S½SE¼SW¼, S½SW¼SW¼SE¼;
Sec. 27: N½N½NE¼NW¼, N½NW¼NW¼NE¼.

Double Cabins

T. 28 N., R. 11 W.,
Sec. 28: SW¼NW¼;
Sec. 29: SE¼NE¼.

Wildwood

T. 29 N., R. 11 W.,
Sec. 11: S½SW¼NE¼, N½NW¼SE¼.

Dubakella Creek

T. 29 N., R. 11 W.,
Sec. 15: W½SE¼SE¼, SW¼SE¼;
Sec. 22: W½NE¼NE¼, NW¼NE¼.

Upper Hayfork Creek

T. 29 N., R. 11 W.,
Sec. 27: E½NE¼.

Red Mountain

T. 29 N., R. 11 W.,
Sec. 31: NE¼SE¼SE¼, E½NE¼SE¼;
Sec. 32: W½NW¼SW¼, NW¼SW¼SW¼.

Smoky Creek

T. 29 N., R. 12 W.,
Sec. 23: NW¼NE¼, N½SW¼NE¼, S½SW¼SE¼.

PIT RIVER RECREATION AREA

T. 36 N., R. 2 E.,
Sec. 19: (Portions in Shasta National Forest and Trinity National Forest) Lot 4, S½SW¼NE¼, SE¼NE¼, E½NE¼NE¼, W½SE¼, W½NE¼SE¼.
Sec. 20: N½NW¼, W½SW¼NW¼.

MOUNT DIABLO MERIDIAN
SHASTA NATIONAL FOREST
PUBLIC RECREATION AREA

Baker Creek

T. 34 N., R. 1 W.,
Sec. 20: SW¼SW¼SE¼;

Arvison Flat

T. 37 N., R. 1 W.,
Sec. 12: E½W½, E½W½W½;

Cattle Camp

T. 39 N., R. 1 W.,
Sec. 2: SW¼NW¼.

Cliff Lakes

T. 39 N., R. 6 W.,
Sec. 25: W½NE¼SE¼, E½NW¼SE¼, NE¼SW¼SE¼, N½SE¼SE¼, SE¼SE¼SE¼.

MOUNT DIABLO MERIDIAN
KLAMATH NATIONAL FOREST
PUBLIC RECREATION AREA

Antelope Creek

T. 42 N., R. 1 W.,
Sec. 12: W½SE¼.

Bray

T. 44 N., R. 1 W.,
Sec. 10: W½E½SE¼, E½W½SE¼.

Butte Creek

T. 44 N., R. 2 W.,
Sec. 26: SW¼NW¼SW¼;
Sec. 27: SE¼SE¼, SE¼SW¼SE, SE¼NE¼SE¼.

Martin's Dairy

T. 46 N., R. 3 W.,
Sec. 27: S½N½SW¼, N½S½SW¼.

Marshy Lake

T. 39 N., R. 8 W.,
Sec. 22: S½SE¼.

The area eliminated aggregates approximately 6,980.87 acres.

Of the above-described lands eliminated from the Proposed Withdrawal Application Sacramento 050711 filed June 9, 1955, the following listed lands are included in the pending United States Department of Agriculture Proposed Withdrawal Sacramento 050088 filed April 12, 1955, which requests withdrawal of the lands from prospecting, location, entry and purchase under the mining laws only, subject to existing valid claims:

MOUNT DIABLO MERIDIAN
SHASTA NATIONAL FOREST
PUBLIC RECREATION AREA

Skunk Hollow

T. 40 N., R. 1 W.,
Sec. 36: NE¼SE¼SW¼, SE¼NE¼SW¼, NW¼SW¼SE¼, SW¼NW¼SE¼.

Mears Creek

T. 37 N., R. 4 W.,
Sec. 17: E½NW¼, E½SW¼NW¼, SE¼NW¼NW¼, E½NW¼SW¼.

McBride Springs

T. 41 N., R. 4 W.,
Sec. 35: NE¼SW¼SW¼.

The area described above aggregates 170.00 acres.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 62-8463; Filed, Aug. 22, 1962; 8:49 a.m.]

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 14, 1962.

Notice of an application, Serial No. Colorado 019070, for withdrawal and reservation of lands was published as Federal Register Document No. 58-1122 on page 952 of the issue for February 13, 1958. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10 a.m. on September 19, 1962, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 12 S., R. 89 W.,
Sec. 20, NW¼NW¼;
Sec. 27, S½SW¼;
Sec. 28, S½NW¼, and S½SE¼;
Sec. 29, SE¼NE¼;
Sec. 33, E½NE¼;
Sec. 34, N½NW¼.
T. 13 S., R. 89 W.,
Sec. 4, lots 7, 9, 19 and 23, and SE¼SE¼;
Sec. 5, lots 3, 4, 9, 10, 11, 12, 17 and 18, and SW¼;
Sec. 6, lots 21 and 22, E½SW¼ and SE¼;
Sec. 7, lots 1 and 4, N½NE¼, NE¼NE¼SW¼NE¼, W½NE¼SW¼NE¼, NW¼SW¼NE¼, S½SW¼NE¼, NE¼SE¼NE¼, E½NW¼SE¼NE¼, NW¼NW¼SE¼NE¼, S½SE¼NE¼, NE¼NW¼SE¼SW¼, and SE¼;
Sec. 8, lots 7, 11, 12, 13, and 14, and W½SW¼;
Sec. 9, lots 1, 6, 7, 8, 9, and 10, NE¼NE¼, S½NE¼, and NW¼SW¼;
Sec. 16, lots 1 to 6, inclusive;
Sec. 17, NE¼.

The above areas aggregate 2793.16 acres.

HAROLD T. TYSK,
Chief, Lands and Minerals.

[F.R. Doc. 62-8461; Filed, Aug. 22, 1962; 8:48 a.m.]

[Field Administrative Office Order 63-3]

DENVER, COLORADO

Redelegation of Authority, Contracts and Leases

SECTION 1. *Authority.* Pursuant to the authority contained in section 2 of Order No. 698 of the Bureau of Land Management, the following are hereby redelegated the authority contained in section 1 of said Order:

Chief, Division of Administrative Services, Field Administrative Office.
Supply Specialist, Field Administrative Office.
Supervisory Procurement Agent, Field Administrative Office (not to exceed $2,500.00).

The above delegation is effective August 9, 1962, and may not be redelegated.

SEC. 2. *Revocations.* Section 1 of Field Administrative Office Order No. 63-2 dated July 26, 1962, is hereby revoked. Administrative Field Office Order No. 1, dated July 14, 1961, is hereby revoked in its entirety.

RALPH J. MITCHELL,
Acting Field Administrative Officer.

AUGUST 14, 1962.

[F.R. Doc. 62-8454; Filed, Aug. 22, 1962; 8:47 a.m.]

[Montana 052227]

MONTANA

Order Providing for Opening of Public Lands

AUGUST 16, 1962.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended, the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 23 N., R. 28 E.,
Sec. 1, W½SW¼;
Sec. 2, E½SE¼;
Sec. 11, E½NE¼;
Sec. 12, W½NW¼.

2. The above described lands are located approximately 65 miles south of Malta, Montana, and comprise 320 acres. They are rough grazing lands with gravelly loam and clay soils supporting a native grass cover. Due to limited rainfall, steep topography, and poor soils, the lands are not suitable for farming.

3. No application for these lands will be allowed under the homestead, desert land, small tract, or other non-mineral public land law, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its own merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m., on September 20, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. Mineral rights in the above described lands were not acquired by the Government.

5. Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries regarding the lands shall be addressed to Manager, Land Office, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 62-8456; Filed, Aug. 22, 1962; 8:47 a.m.]

[No. 62-20]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 6, 1962.

The Assistant Secretary, United States Department of Agriculture, has filed an application, Serial No. 010396, for the withdrawal of the lands described below, subject to valid existing rights, from appropriation under the general mining laws, but excepting the mineral leasing laws.

The applicant desires the land to meet the recreational needs along the south fork of the Coquille River, in the Siskiyou National Forest, Oregon.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, United States Department of the Interior, 710 NE. Holladay, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON
SISKIYOU NATIONAL FOREST
Boundary Campground Area

T. 32 S., R. 11 W.,
Sec. 6: NW¼ Lot 1, N½ Lot 2, NE¼ Lot 3.

The total area is approximately 65 acres.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 62-8480; Filed, Aug. 22, 1962; 8:53 a.m.]

[63-1]

OREGON

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 1, 1962.

Notice of an application Serial No. Oregon 011886, for withdrawal and reservation of lands was published as Federal Register Document No. 61-10011 on page 9876 of the issue for October 20, 1961. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on August 6,

1962, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

WILLAMETTE MERIDIAN, OREGON

The Hope Butte Area

T. 17 S., R. 43 E.,
Sec. 19: All;
Sec. 20: All;
Sec. 21: All;
Sec. 22: All;
Sec. 27: All;
Sec. 28: All;
Sec. 29: All;
Sec. 30: N½, N½S½.

Grassy Mountain Area

T. 22 S., R. 44 E.,
Sec. 5: All;
Sec. 6: All;
Sec. 7: All;
Sec. 8: All;
Sec. 17: All;
Sec. 18: All.

Alkali Spring Area

T. 22 S., R. 46 E.,
Sec. 31: All;
Sec. 32: All.
T. 23 S., R. 45 E.,
Sec. 1: All.
T. 23 S., R. 46 E.,
Sec. 5: All;
Sec. 6: All.

Grave Yard Point Area

T. 23 S., R. 46 E.,
Sec. 24: All;
Sec. 25: All.
T. 23 S., R. 47 E.,
Sec. 19: All;
Sec. 30: All.

Total area in notice of termination—13,885.47 acres.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 62-8460; Filed, Aug. 22, 1962; 8:48 a.m.]

SOUTH DAKOTA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 15, 1962.

Notice of an application Serial No. Montana 023492-B(SD), for withdrawal and reservation of lands was published as Federal Register Document No. 58-3637 on page 3306 of the issue for May 15, 1958. The Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, has canceled its application which involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m., on August 29, 1962, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

5TH PRINCIPAL MERIDIAN, SOUTH DAKOTA

County	Township	Range	Section	Subdivision	Acres
Brookings	111 N.	51 W.	5	Lot 4	2.11
	111 N.	51 W.	6	Lot 1	0.18
Brule	101 N.	70 W.	19	NW¼NE¼	40.00
	101 N.	70 W.	30	SE¼, E½SW¼, SE¼NW¼	280.00
	101 N.	70 W.	31	N½NE¼, E½NW¼, Lot 1	200.49
	101 N.	70 W.	3	SE¼NW¼, Lots 3 and 4	121.64
	105 N.	71 W.	22	SE¼NW¼	40.00
Campbell	125 N.	75 W.	14	SW¼NE¼	40.00
	125 N.	79 W.	14	NE¼SE¼	40.00
	128 N.	79 W.	24	W½NW¼	80.00
	128 N.	69 W.	15	N½NE¼	80.00
Charles Mix	96 N.	61 W.	31	Lots 7 and 8	9.80
	97 N.	67 W.	33	SE¼SE¼	40.00
	100 N.	71 W.	24	SW¼SW¼	40.00
	100 N.	71 W.	24	SE¼SE¼	40.00
	100 N.	71 W.	25	NW¼NW¼	40.00
	100 N.	71 W.	25	NE¼NE¼	40.00
	100 N.	71 W.	26	NW¼NW¼	40.00
	100 N.	71 W.	1	Lot 2	3.01
Codington	117 N.	54 W.	33	SW¼, S½NW¼	240.00
Edmunds	121 N.	66 W.	25	NW¼SE¼, NE¼SW¼, S½SW¼	160.00
Hamlin	114 N.	54 W.	8	SE¼SE¼	40.00
Hughes	109 N.	75 W.	22	Lot 7	6.20
	110 N.	77 W.	30	Lot 2	1.20
	111 N.	79 W.	24	Lot 4	1.34
Kingsbury	109 N.	53 W.	24	Lot 6	1.17
	112 N.	57 W.	30	Lot 2	20.47
Marshall	125 N.	56 W.	31	Lot 3	19.97
	128 N.	56 W.	7	NE¼NW¼	40.00
Potter	120 N.	77 W.	4	SW¼	160.00
Spink	115 N.	65 W.	7	SE¼NE¼, NE¼SE¼	80.00
	115 N.	65 W.	8	W½, SW¼NE¼	360.00
Total acres					2,307.38

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 62-8459; Filed, Aug. 22, 1962; 8:48 a.m.]

[W-0139460]

WYOMING

Notice of Amendment of Proposed Withdrawal and Reservation of Lands

AUGUST 16, 1962.

Notice of an application, serial number Wyoming 0139460, for withdrawal and reservation of lands by the Corps of Engineers, U.S. Army Engineer District, Omaha, Nebraska, was published as Federal Register Document No. 61-6739 on page 6484 of the issue of July 19, 1961. That notice is hereby amended in that the words "and from grazing" in the eighth line is deleted and removed from the notice.

ED PIERSON,
State Director.

[F.R. Doc. 62-8462; Filed, Aug. 22, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13494]

NEW ENGLAND REGIONAL AIRPORT INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 17, 1962, at 10:00 a.m., local time, Room 480, in the State House, Boston, Massachusetts, before the undersigned Hearing Examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to Board Orders E-18146, dated March 23, 1962, and E-18435, dated June 11, 1962; the prehearing conference report served May 14, 1962, and the supplemental prehearing conference report served May 25, 1962; and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 17, 1962.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 62-8481; Filed, Aug. 22, 1962; 8:53 a.m.]

[Docket 13959; Order E-18719]

DALLAS-FORT WORTH, TEXAS REGIONAL AIRPORT INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of August 1962.

The Civil Aeronautics Board has become increasingly concerned in recent months with the use or establishment of separate air carrier airports for service to cities which appear to warrant service through a common airport. The Board believes that in many such instances the use of multiple airports by the scheduled airlines tends to diminish the services to each airport and increase the cost of air transportation. Contrariwise, the concentration of services at one airport will often result in improved air service without serious ground service inconvenience to the users.

Our concern in this regard has already led to the institution of a series of investigations relating to consolidation of air services for specific areas at a single airport.[1] We have also undertaken in other situations to point to the public interest in concentrating air service for several communities at a single airport.[2] Our stress on the desirability of consolidating air service for closely located communities is a vital part of our effort to assist the air transportation industry to realize the full economic potential of its greatly expanded capacity in new high performance equipment without resulting in inconvenience to the users and without adversely affecting the public interest. Consequently, we intend systematically to focus on each situation in which there is a potential public interest in providing service to closely located communities through a single airport.

It is, therefore, understandable why our attention should be drawn to the question of whether scheduled air service to Dallas and Fort Worth should be rendered through a single airport. These communities, which are less than 31 miles apart, have long been concerned with the question of the airport through which they would receive air service. In recent years, the effort on the part of the communities has been to obtain or retain a full pattern of air services to meet their individual needs.[3] In fact, there is currently pending before the Board a further proceeding involving questions of adequacy of air service at Fort Worth. These proceedings have been premised on the assumption that these communities should receive air service through separate airports. In this, they were consistent with the policy guidelines which had their grounding in the economics and operations which preceded the advent of the new jet equipment.[4]

We have, however, not as yet focused fairly on the question of whether Dallas and Fort Worth should be served through a single airport. As we have previously noted, we should in due course have undertaken such task as part of our national program. However, we have recently been apprised of the intention of both of these communities to invest substantial funds to meet the anticipated needs of increased air carrier services at airports which are only 12 miles apart. Since our resolution of this matter could have a decided effect on the need for enlarged facilities at one or both of the communities, it appeared incumbent upon us to advance the time for a review of this situation.

Accordingly, It is ordered:

1. That an investigation, to be known as the Dallas-Fort Worth Regional Airport Investigation, Docket 13959, be and it hereby is instituted pursuant to sections 204, 401, and 1002 of the Act, to determine whether the public convenience and necessity require the alteration, amendment or modification of the certificates of all air carriers authorized to serve either or both Dallas and Fort Worth, Texas, in such manner as to require that Dallas and Fort Worth be served through a single airport to be designated therein;

2. That a copy of this order shall be served upon the Cities and Chambers of Commerce of Dallas and Fort Worth, Texas, and upon American Airlines, Inc., Braniff Airways, Inc., Central Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., and Trans-Texas Airways, Inc., who are hereby made parties to this proceeding;

3. That the proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

4. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8510; Filed, Aug. 22, 1962; 8:58 a.m.]

[1] New England Regional Airport Investigation, Docket 13494; North Central Area Airline Service Airport Investigation, Docket 13743; Greensboro-High Point/Winston-Salem Service Through A Single Airport, Docket 3496; Service to Ogdensburg, N.Y. Case, Docket 13335.

[2] Piedmont Local Service Area Investigation, Docket 5713, et al., Order E-18123, pp. 12-14; Pacific Southwest Local Service Case, Docket 5645, et al.; Southern Transcontinental Service Case, Docket 7984, et al., Order E-16860 and Order E-17651; Service to Sheboygan and Manitowoc, Wisconsin Area, Docket 9767; Southern Airways "Use It Or Lose It" Investigation and Route Realignment, Docket 13564.

[3] Fort Worth Investigation, Docket 7382.

[4] In the memorandum forwarded with its letter relative to Adequacy of Service Problems addressed to all air carriers and many civic bodies under date of May 5, 1961, in referring to past adequacy of service cases, the Board made the following statement, inter alia:

"An important problem indicated by those cases was the proximity of the complaining cities to a major air transportation center through which the air carriers provided a well-rounded pattern of service. This situation has been compounded during recent years through the development of longer range aircraft and the operation and economic problem of serving two cities as consecutive points when the distance between them is relatively short.

"The conversion by trunkline carriers from a piston-type fleet to a predominantly jet-powered fleet has made more complex the economic problems of air carriers; and for some cities certificated for trunkline service, has created, or may in the future create problems relating to through-plane service and schedule frequency. Many cities do not have airport facilities capable of handling jet operations. In other instances, where cities do have adequate airport facilities, the proximity to other cities with similar facilities may make the provision of a well-rounded pattern of jet service to both points economically unsound. With jet airliners almost doubling the capacity of piston-type aircraft, it is fundamental that in the near term the same frequency of service cannot be operated to every point as has been in the past.

"To enumerate all the problems from both the airline and the city standpoint which have arrived with the conversion to jet equipment would require many pages of detail. These are problems of which we are sure the recipients of this letter are only too well aware. There are, however, several suggestions which are worthy of consideration toward meeting some of these problems. The first of these is the creation of regional airports. In certain situations, in order that all communities within a given area might be assured of adequate jet transportation, it would appear necessary that the communities jointly decide which airport should be used, or in some instances, at what point a new airport can be constructed to better serve the needs of all."

FEDERAL MARITIME COMMISSION

REDERIAKTIEBOLAGET SVENSKA LLOYD ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 7559-3, between Rederiaktiebolaget Svenska Lloyd, Stockholms Rederiaktiebolag Svea and Rederiaktiebolaget Fredrika, the carriers comprising the Norton Line joint service, modifies the approved agreement of that joint service which operates in the trade between Canadian and U.S. Atlantic and Gulf ports and all ports in Central and South America and all islands in the Caribbean Sea. This modification provides for the (1) elimination of Rederiaktiebolaget Svenska Lloyd as a party, effective as of November 29, 1962, and (2) continuation of the operations of the joint service by the remaining two parties on and after said date under the same terms and conditions as presently set forth in approved Agreement 7559, as amended.

Agreement 7628-3, between States Marine Lines, Inc., and Global Bulk Transport Incorporated, modifies approved joint service Agreement 7628, as amended, between States Marine Lines, Inc., and Global Bulk Transport Corporation, which operates to and from United States ports in various world wide trades. The purpose of this modification is to substitute for the name of Global Bulk Transport Corporation, a change of corporate name of that company, which is now Global Bulk Transport Incorporated, wherever the name of such company appears in the agreement.

Agreement 8680-1, between eleven carriers comprising the parties to the Italy/U.S. North Atlantic Pool (Agreement 8680), which covers an arrangement for the pooling and division of revenues on cargo in the trade from all ports on the West Coast of Italy to U.S. North Atlantic ports. The purpose of the modification is to provide for (1) the withdrawal of the carriers comprising the Fresco Line joint service as a party to Agreement 8680, by virtue of that line's resignation from membership in the W.I.N.A.C. Conference Agreement 2846, as amended, the governing conference in the trade, and (2) the revision of the percentage participation of the remaining parties to the agreement as a result of such withdrawal.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together

with request for hearing should such hearing be desired.

Dated: August 20, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8494; Filed, Aug. 22, 1962; 8:56 a.m.]

REDERIET OCEAN AKTIESELSKAB ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 7578-2, between Rederiet Ocean Aktieselskab and West Coast Line, Inc., carriers comprising the West Coast Line joint service, modifies the approved agreement of that joint service covering the trades between U.S. Atlantic and Gulf ports and ports in Chile, Peru, Ecuador, and the West Coast of Colombia. The purpose of the modification is to delete U.S. Gulf ports from the scope of the basic agreement.

Agreement 7578-3, modifies the agreement of the West Coast Line joint service, described above, to provide that the joint service shall be terminated as of the delivery of cargo on board the respective vessels of Rederiet Ocean Aktieselskab in service in the line at the close of business on September 30, 1962. The agreement presently provides for cancellation by either party on six months notice.

Agreement 8924, between N. V. Houtvaart and West Coast Line, Inc., provides for the establishment and maintenance of a joint freight service in the trades between U.S. Gulf, Gulf of Mexico, and Caribbean Sea ports and ports of the West Coast of South America and Argentina under the trade name of West Coast Line.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 20, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8495; Filed, Aug. 22, 1962; 8:57 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-153]

OHIO FUEL GAS CO.

Order Permitting Interventions and Setting Date of Hearing

AUGUST 16, 1962.

Notice of the filing of the application, as supplemented, in the above-captioned proceeding was issued on June 6, 1962. The last day for filing protests or petitions to intervene was set as June 29, 1962.

Petitions to intervene were filed by the following persons on the dates indicated:

Petitioner and Date Filed

City of Columbus, Ohio, March 19, 1962, and June 28, 1962.
The Dayton Power and Light Co., June 20, 1962.
The Cincinnati Gas & Electric Co., June 28, 1962. (not filed within the time prescribed).
City of Toledo, Ohio, August 2, 1962.

The City of Columbus, in its petition of June 28, 1962, states that all gas consumed within the city is furnished by the Ohio Fuel Gas Company (Ohio Fuel) under a franchise granted to Ohio Fuel by the City of Columbus. The petition further states that the proposed change in corporate structure will result in an increase in charges and an insufficient supply of gas to the consumers of gas within the corporate limits of Columbus, Ohio.

The Dayton Power and Light Company and The Cincinnati Gas & Electric Company, in their petitions, state that they are existing wholesale customers of Ohio Fuel and that they have direct interests in this proceeding which are not otherwise adequately represented.

The City of Toledo, in its petition, states that by virtue of the Constitution and laws of the State of Ohio it is vested with the power and jurisdiction to regulate and prescribe rates and charges for natural gas to consumers within its corporate limits. This city further states that the instant proposal will materially affect the prices which consumers of natural gas in the City of Toledo must pay.

The City of Toledo's petition was not filed on time because its legislative body was in summer session and did not convene until after the filing date of June 29, 1962, had expired.

The Commission finds:

(1) Although the petition of The City of Toledo, Ohio, for leave to intervene in the above-captioned proceeding was not filed within the time prescribed, good cause exists for permitting the late filing.

(2) Intervention by The City of Columbus, Ohio, The City of Toledo, Ohio, The Dayton Power and Light Company, and The Cincinnati Gas & Electric Company in the above-captioned proceeding may be in the public interest.

The Commission orders:

(A) The City of Columbus, Ohio, The City of Toledo, Ohio, The Dayton Power and Light Company and The Cincinnati Gas & Electric Company are hereby permitted to intervene in the above-captioned proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of said petitioners as interveners shall be limited to matters affecting asserted rights and interests, as specifically set forth in their petitions to intervene, and provided further that the admission of said petitioners as interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 8, 1962, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8446; Filed, Aug. 22, 1962; 8:45 a.m.]

[Project No. 696]

UTAH POWER AND LIGHT CO. AND UPPER AMERICAN FORK PROJECT

Notice of Modification of Land Withdrawal; Utah

On March 12, 1926, this Commission gave notice to the General Land Office (now the Bureau of Land Management) of the reservation of approximately 840 acres of United States lands for Project No. 696, pursuant to the filing of an application for license by the Utah Power and Light Company of Salt Lake City, Utah, on February 26, 1926.

A reexamination of the project record discloses that the aforesaid notice described lands far exceeding those required for project purposes, and by subsequent amendments of license certain lands are no longer necessary for project purposes and their further retention in a withdrawal status under Project No. 696 serves no useful purpose.

Therefore, in accordance with the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands, insofar as title thereto remains in the United States, are included in the aforesaid power project and are, from the date of filing of maps of definite location reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

A tract 200 feet square located in the NW¼NE¼ section 26 embracing the dam and intake; a tract 250 feet by 300 feet located in the SW¼SE¼ section 28 embracing the powerhouse; and all portions of the following described subdivisions lying within a right-of-way 100 feet in width embracing the pipe line and a right-of-way 50 feet in width embracing the control line, all as delimited on the map entitled "Project 696—Utah, Upper American Fork, Supplemental Exhibit K and L, New Pipe Line and Generating Unit" filed by the Utah Power and Light Company on August 20, 1951 (FPC No. 696-6):

T. 4 S., R. 2 E.,
Sec. 26: NW¼NE¼, NE¼NW¼, S½NW¼;
Sec. 27: S½N½, NW¼SW¼;
Sec. 28: SE¼NE¼ N½SE¼, SW¼SE¼.

All portions of the following described subdivisions lying within a transmission line right-of-way 50 feet in width as delimited on a map entitled "Project No. 696—Utah, Amended Exhibit K, Detail Map of Upper American Fork Project Showing Location of Transmission Line" filed by the Utah Power and Light Company on November 3, 1930, as supplemented by a revised map filed May 13, 1957 (FPC No. 696-7):

T. 4 N., R. 2 E.,
Section 28: Lot 8, SE¼SW¼, SW¼SE¼;
Section 33: Lots 1 and 2.

The Commission's general determination of April 17, 1922 (2d Ann. Report 128), regarding lands reserved for transmission line purposes only, is applicable to the transmission line easement.

This notice supersedes in its entirety that given March 12, 1926, in connection with Project No. 696. The area of United States lands reserved for this project is hereby reduced from 840 acres to approximately 42.624 acres. All of the lands, both those released and those retained are also reserved by Power Site Classification No. 104 and are within the Uinta (formerly Wasatch) National Forest or Timpanogos Cave National Monument and Recreation Area.

Copies of the amendatory project maps (FPC Nos. 696-6 and 7) have been transmitted to the Bureau of Land Management, Forest Service, and Geological Survey.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8445; Filed, Aug. 22, 1962; 8:45 a.m.]

[Project No. 2246]

YUBA COUNTY WATER AGENCY

Order Fixing Hearing and Prescribing Procedure

AUGUST 15, 1962.

Yuba County Water Agency of Marysville, California (Applicant), filed application for a license for its proposed Yuba River Development to be located on Yuba River and certain tributaries in Yuba, Nevada, and Sierra Counties, California, Project No. 2246.

Public notice of the application as amended was given by notices issued August 22 and November 15, 1961 (26 F.R. 8089, 10947). The California Department of Fish and Game, and Pacific Gas and Electric Company (Interveners), have been permitted to intervene in this proceeding on the application for license. By letter dated July 16, 1962, Applicant requested that the matter be set down for hearing.

The procedures hereinafter prescribed are intended to eliminate any cause which might otherwise exist for a protracted hearing: By requiring that the respective parties submit in advance of the hearing relevant facts in support of their respective positions; and by providing for motions to strike improperly prepared testimony, including conclusions and opinions presented without having set forth a proper foundation therefor.

The Commission finds: It is appropriate and in the public interest to hold a public hearing affording the Applicant, Interveners, and Commission staff, opportunity to present evidence as hereinafter provided.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly section 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on January 29, 1963, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the matters involved and issues presented by the application for license.

(B) The following procedure is prescribed:

(1) The Applicant and Interveners their attorneys, the Commission staff and staff counsel shall attend a prehearing conference to be conducted by the Presiding Examiner at 10 a.m., e.d.s.t., on September 6, 1962 in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., to consider the matters enumerated in § 1.18 (b) of the Commission's rules of practice and procedure.

(2) Thereafter, the Applicant shall by November 5, 1962, file with the Commission's Secretary an original and ten copies of all of its direct testimony (including qualifications of witnesses and exhibits) and at that time serve three copies thereof on the Interveners.

(3) The Interveners and Commission staff shall by December 31, 1962, file with the Commission's Secretary an original and ten copies of all of their testimony (including qualifications of witnesses and exhibits) and at that time serve three copies thereof on the Applicant and the other parties.

(4) All of the testimony except exhibits, shall be in question and answer form.

(5) No exhibits (except those of which official notice may properly be taken) shall contain narrative material other than brief explanatory notes.

(6) All exhibits (except those of which official notice may properly be taken) shall contain brief and appropriate titles, and the exhibits shall be fully explained in the prepared testimony by the witness or witnesses sponsoring them.

(7) Each witness shall execute an affidavit adopting the testimony for which he assumes responsibility and an original and two conformed copies of such affidavits shall be filed with his prepared testimony.

(8) Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit in the sequence they wish them to be marked for identification.

(9) Any motions to strike any part of the prepared testimony and exhibits (prior to cross-examination), shall be filed with the Presiding Examiner by January 14, 1963; answers thereto shall be filed by January 24, 1963; and rulings on such motions will be made by the Examiner at the time such testimony or exhibits are offered in accordance with subparagraph (10).

(10) Upon the commencement of the hearing and after appearances, opening statements, and other preliminary matters, the exhibits previously filed, as provided above, will be marked for identification in the sequence directed by the Presiding Examiner; and thereafter the Examiner will require that the affidavits of the respective witnesses and their prepared testimony (together with the qualifications of the respective witnesses) previously filed, as provided above, be copied into the record as though read, expecting any part or parts of the prepared testimony with respect to which he may have granted motion to strike.

(11) The Presiding Examiner will specify the order of cross-examination for the information of the parties in making their respective witnesses available for cross-examination.

(C) Requests for extension of time concerning the time for any filings specified herein shall be made in writing, served on all parties and filed with the Presiding Examiner or the Chief Examiner (together with a certificate of service) at least ten days in advance of the dates specified herein (or as may have been extended), and any answers thereto shall be filed with the Examiner within three days after the request for extension.

(D) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent that they are modified or supplemented herein or to the extent that they are further modified or supplemented by the Examiner with the consent of the parties.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8447; Filed, Aug. 22, 1962; 8:45 a.m.]

U.S. STUDY COMMISSION—TEXAS

TERMINATION OF COMMISSION

Revised Notice

Notice is hereby given that, in accordance with sections 203 and 209 of Public Law 85-843, as amended (72 Stat. 1058, 73 Stat. 456), the U.S. Study Commission—Texas has submitted its final report to the President and will terminate its activities on or before August 28, 1962.

Notice of the establishment of the Commission was published in the FEDERAL REGISTER of February 26, 1960 (25 F.R. 1707).

The General Services Administration Federal Records Center, 424 West Vickery, Fort Worth, Texas, has been designated as the custodian of the official administrative and program records of the Commission.

Financial records and reports shall be released to the Liquidation Officer, Bureau of Accounts, U.S. Treasury Department, Washington, D.C.

GEORGE R. BROWN,
Chairman.

[F.R. Doc. 62-8536; Filed, Aug. 22, 1962; 8:52 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING DIRECTOR, ADMINISTRATIVE MANAGEMENT, REGION VI (SAN FRANCISCO)

Designation

The officer appointed to the following listed position in Region VI (San Francisco) is hereby designated to serve as Acting Director, Administrative Management, Region VI, during the absence of the Director, Administrative Management, with all the powers, functions, and duties delegated or assigned to the Director.

1. Assistant Director for Fiscal Operations.

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 23d day of August 1962.

[SEAL] J. G. MELVILLE,
Regional Administrator,
Region VI.

[F.R. Doc. 62-8486; Filed, Aug. 22, 1962; 8:55 a.m.]

ACTING REGIONAL ADMINISTRATOR, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Regional Administrator, Region VI, during the absence of the Regional Administrator, with all the powers, functions, and duties delegated or assigned to the Regional Administrator, provided that no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Regional Counsel.
2. Regional Director of Urban Renewal.
3. Regional Director of Community Facilities.

This designation supersedes the designation effective May 25, 1960 (25 F.R. 8393, September 1, 1960).

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 23d day of August 1962.

[SEAL] J. G. MELVILLE,
Regional Administrator,
Region VI.

[F.R. Doc. 62-8487; Filed, Aug. 22, 1962; 8:55 a.m.]

ACTING REGIONAL DIRECTOR OF URBAN RENEWAL, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Regional Director of Urban Renewal, Region VI, during the absence of the Regional Director of Urban Renewal, with all the powers, functions, and duties delegated or assigned to the Regional Director, provided that no officer is authorized to serve as Acting Regional Director unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Director of Urban Renewal.
2. Chief, Operations Staff, Urban Renewal Branch.

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 23d day of August 1962.

[SEAL] J. G. MELVILLE,
Regional Administrator,
Region VI.

[F.R. Doc. 62-8488; Filed, Aug. 22, 1962; 8:55 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24C-2334]

C. & S. INDUSTRIES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity For Hearing

AUGUST 17, 1962.

I. C. & S. Industries, Inc. (Issuer), 5310 W. 66th Street, Chicago, Illinois, a corporation incorporated under the laws of the State of Delaware on January 30, 1961, with offices at Chicago, Illinois, filed with the Commission on March 24, 1961, a notification on Form 1-A and offering circular pertaining to a proposed offering by the Issuer of 1,320 shares of its Class A common stock, 2,640 shares of its Class B common stock and 2,640 shares of its preferred stock in units consisting of one share of Class A common stock, 2 shares of Class B common stock and 2 shares of preferred stock at $125.00 per unit for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in the following respects:

1. Copies of the provisions of the governing instruments defining the rights of holders of the securities being offered were not filed as an exhibit to Item 11(a) of the notification as required by Form 1-A.

2. Officers and directors are not disclosed as affiliates of the issuer as required by Item 2(b) of Form 1-A.

3. Notification fails to show the subscriptions entered into by the officers and directors for shares of the Issuer's Class A common stock, as required by Item 9 of Form 1-A.

4. The offering circular fails to state the amount of expenses to be borne by the Issuer as required by Item 4(a) of Schedule I.

5. The offering circular fails to include a reasonably itemized statement of the purposes for which the net cash proceeds to the Issuer from the sale of the securities are to be used, the amount to be used for each such purpose and the order of priority in which the proceeds will be used for the respective purposes, as required by Item 6(a) of Schedule I.

6. The offering circular fails to describe accurately and adequately the Issuer's proposed business operations and products, fails to describe its plants or other physical properties now held or presently intended to be acquired and fails to disclose the serial number and date of patents, together with the commercial application of such patent, all as required by Item 8C of Schedule I.

7. The offering circular fails to identify the promoters of the Issuer, fails to disclose the security holdings of the officers and directors and fails to set forth accurately and adequately the percentages of securities of the Issuer which will be held by directors, officers and promoters, as a group, and the percentage of such securities which will be held by the public, if all the securities to be offered under this regulation are sold, all as required under Item 9 of Schedule I.

8. The offering circular does not contain the financial statements of the Issuer's predecessor as required by Item 11 of Schedule I.

9. The Issuer has failed to cooperate with the Commission, as required by Rule 261(a)(7) of the general rules and regulations under the Securities Act of 1933, as amended.

B. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time on its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8466; Filed, Aug. 22, 1962; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (20 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ashland Crafts, Inc., 18th Street and Carter Avenue, Ashland, Ky.; effective 8-8-62 to 8-7-63 (children's dresses).

Branchville Shirt Co., 103 Carroll Street, Branchville, S.C.; effective 8-24-62 to 8-23-63 (men's and boys' cotton and flannel shirts).

Clinton Shirt Corp., Moss Drive, Clinton, Ky.; effective 8-9-62 to 8-8-63 (boys' and men's knit sport shirts).

De Santis Dress Co., Inc., North Seventh and D Streets, Millville, N.J.; effective 8-13-62 to 8-12-63 (ladies' dresses).

New Era Shirt Co., 901 Lucas, St. Louis, Mo.; effective 8-8-62 to 8-7-63 (ladies' and girls' blouses).

Plains Manufacturing Co., Inc., 61 Hudson Road, Plains, Pa.; effective 8-16-62 to 8-15-63 (brassieres).

Shawmut Manufacturing Co., New Bedford, Mass.; effective 8-13-62 to 8-12-63 (women's dresses).

Shawnee Garment Manufacturing Co., 115½ North Bell Street, Shawnee, Okla.; effective 8-19-62 to 8-18-63 (men's and boys' overalls).

Somerset Shirt & Pajama Co., 221 South Pleasant Street, Somerset, Pa.; effective 8-23-62 to 8-22-63 (men's and boys' nightwear).

Stapleton Garment Co., Stapleton, Ga.; effective 8-20-62 to 8-19-63 (boys' and men's trousers).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bryan Infants' Wear, Inc., 6907 East 14th Street, Tulsa, Okla.; effective 8-10-62 to 8-9-63; eight learners (infants' wear—gowns, pajamas, toppers, etc.).

B. F. Davis Garment Co., Inc., 3000-2 Royal Street, New Orleans, La.; effective 8-11-62 to 8-10-63; 10 learners (men's work pants).

Piedmont Manufacturing Co., Piedmont, Mo.; effective 8-9-62 to 8-8-63; 10 learners (ladies' and girls' blouses).

Rose Marie, Inc., 117½ South Waco Street, Hillsboro, Tex.; effective 8-10-62 to 8-9-63; five learners (women's dresses and blouses, children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barbizon of Utah, Inc., 150 West 12th North, Provo, Utah; effective 8-9-62 to 2-8-63; 20 learners (ladies' lingerie—slips, gowns, and pajamas).

Clinton Shirt Co., Moss Drive, Clinton, Ky.; effective 8-9-62 to 2-8-63; 40 learners (boys' and men's knit sport shirts).

H. D. Lee Co., Inc., Boaz, Ala.; effective 8-9-62 to 2-8-63; 50 learners (men's work clothes).

Pinehill Manufacturing Co., 1224 Poinsett Highway, Greenville, S.C.; effective 8-8-62 to 2-7-63; 30 learners (ladies' dresses).

Swansea Manufacturing Co., Inc., Swansea, S.C.; effective 8-8-62 to 10-30-62; 75 learners in the production of robes (men's robes).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Haynesville Manufacturing Co., Inc., Haynesville, La.; effective 8-6-62 to 8-5-63; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Holston Manufacturing Co., Ninth Avenue, Knoxville, Tenn.; effective 8-10-62 to 8-9-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Tramit Hosiery Mill Corp., Dublin, Pa.; effective 8-9-62 to 8-8-63; five learners for normal labor turnover purposes (seamless).

B. E. Ragan, d/b/a Wilma Hosiery Mill, Inc., Spruce Pine, N.C.; effective 8-16-62 to 8-15-63; five learners for normal labor turnover purposes (ladies' nylon seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Lambert Mills, Inc., Lambert, Miss.; effective 8-13-62 to 2-12-63; five learners for plant expansion purposes (men's and boys' ban-lon knit shirts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

La Torre Co., Inc., Aibonito, P.R.; effective 8-1-62 to 7-31-63; 43 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies' underwear, sleepwear, and shoulder straps).

Sabana Grande Manufacturing Corp., Sabana Grande, P.R.; effective 7-23-62 to 1-22-63; 190 learners for plant expansion purposes, in the occupations of: (1) Machine fixer; looper, each for a learning period of 960 hours at the rates of 64 cents an hour for the first 480 hours and 70 cents an hour for the remaining 480 hours; (2) mender for a learning period of 720 hours at the rates of 64 cents an hour for the first 360 hours and 70 cents an hour for the remaining 360 hours; (3) knitter; examiner and inspector, each for a learning period of 240 hours at the rate of 64 cents an hour (ladies' seamless hosiery).

Trouser Corp. of Puerto Rico, Fajardo, P.R.; effective 7-23-62 to 1-22-63; 100 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator; final presser; hand sewer; finishing operation involving hand sewer, each for a learning period of 480 hours at the rates of 69 cents an hour for the first 240 hours and 81 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garment; presser other than final presser; and machine operations other than machine sewer for a learning period of 160 hours at the rate of 69 cents an hour (men's and boys' trousers and slacks).

Wilida, Inc., Km. 23.4 State Road No. 1, Ponce, P.R.; effective 7-30-62 to 7-29-63; five learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Wire Products Co., Matadero Road, Puerto Nuevo, P.R.; effective 7-26-62 to 7-25-63; one learner for normal labor turnover purposes, in the occupation of machine operator for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and $1.01 an hour for the remaining 240 hours (welded wire mesh).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 16th day of August 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-8464; Filed, Aug. 22, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 682]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 20, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65196. By order of August 16, 1962. The Transfer Board approved the transfer to Lawrence H. Roush and Joseph M. DeNardy, doing business as Roush and DeNardy Trucking, Cleveland, Ohio, of a portion of Certificate No. MC 60082, issued May 15, 1962, to Edward C. Eichler, doing business as Eichler Transfer, Sturgis, Mich., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Cuyahoga County, Ohio; and household goods, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia, and between points in St. Joseph County, Mich., on the one hand, and, on the other, points in Indiana and Ohio within 75 miles of Sturgis, Mich. J. C. Schriner, 5275 Ridge Road, Cleveland 29, Ohio, representative for applicants.

No. MC-FC 65255. By order of August 16, 1962. The Transfer Board approved the transfer to L. F. Taylor of Pa., Inc., Mount Bethel, Pa., of the operating rights in Certificate No. MC 65860, issued March 21, 1942, in the name of Horatio S. Shull, Jr., doing business as H. S. Shull, Jr., Easton, Pa., authorizing the transportation, over irregular routes, of such bulk commodities as are transported in dump trucks, between points in Pennsylvania and New Jersey, within 25 miles of Easton, Pa., including Easton. A. E. Enoch, 556 Main Street, Bethlehem, Pa., representative for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8476; Filed, Aug. 22, 1962; 8:52 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 20, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37891: *Grain and grain products from points in Montana.* Filed by North Pacific Coast Freight Bureau, Agent (No. 61-1, Amended), for interested rail carriers. Rates on grain, grain products and related articles, in carloads, from points in Montana, to points in North Pacific Coast territory.

Grounds for relief: Unregulated truck competition.

Tariff: Supplement 34 to North Pacific Coast Freight Bureau tariff I.C.C. 985.

FSA No. 37892: *Corn from Michigan, Ohio, and Pennsylvania to Manchester, Conn.* Filed by Traffic Executive Association—Eastern Railroads, Agent (E.R. No. 2629), for interested rail carriers. Rates on corn, in bulk, in carloads, subject to minimum 110,000 pounds per car, in multiple-car lots of 500 tons per shipment, from specified points in Michigan, Ohio and Pennsylvania, to Manchester, Conn.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 206 to Traffic Executive Association—Eastern Railroads tariff I.C.C. 4403 (Hinsch series).

FSA No. 37893: *Grain and grain products to points in California.* Filed by Pacific Southcoast Freight Bureau, Agent (No. 241), for interested rail carriers. Rates on grain, grain products and related articles, in carloads, from points in Montana, to points in California.

Grounds for relief: Unregulated truck competition.

Tariff: Supplement 121 to Pacific Southcoast Freight Bureau tariff I.C.C. 1577.

FSA No. 37894: *Substituted service—IC for Pre-Fab Transit Co., a corporation.* Filed by Pre-Fab Transit Co., a corporation (No. 1), for itself and interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Memphis, Tenn., on the one hand, and Champaign, Chicago, Clinton, Carbondale, Ill., and Louisville, Ky., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8477; Filed, Aug. 22, 1962; 8:52 a.m.]

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Corn Loan and Purchase Agreement Program

A price support program has been announced for the 1962-crop of corn. The 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) issued by the Commodity Credit Corporation and containing the specific regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1962 is supplemented as follows:

Sec.
421.1301 Purpose.
421.1302 Availability of price support.
421.1303 Eligibility requirements.
421.1304 Eligible corn.
421.1305 Determination of quality.
421.1306 Determination of quantity.
421.1307 Warehouse receipts.
421.1308 Warehouse charges.
421.1309 Maturity of loans.
421.1310 Inspection of corn under purchase agreements.
421.1311 Settlement.
421.1312 Support rates.

AUTHORITY: §§ 421.1301 to 421.1312 issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 421.1301 Purpose.

This supplement states additional specific requirements which, together with the applicable provisions of the general regulations contained in the 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) and any amendments thereto, apply to loans and purchase agreements under the 1962-Crop Corn Price Support Program.

§ 421.1302 Availability of price support.

(a) *Area.* Price support will be available through farm-storage and warehouse-storage loans and purchase agreements on eligible corn wherever corn is grown in the United States. Farm-storage loans will not be available in areas where the State committee determines that corn cannot be safely stored on the farm.

(b) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm.

(c) *When to apply.* Loans and purchase agreements will be available from the time of harvest through May 31, 1963: *Provided,* That in areas where it is determined by the State committee that producers may not be or are not, in a position to store corn safely for the full storage period because of infestation by angoumois moths or other insects, adverse climatic conditions, or other factors affecting the safe storage of corn, the final date of availability for loans and purchase agreements shall be such earlier date as may be determined by the State committee. The State committee shall notify producers in the area through public announcement sufficently in advance of such date in order to allow producers a reasonable period of time in which to place their corn under loans or purchase agreements. The applicable documents must be signed by the producer and delivered to the office of the county committee not later than the final date of availability for loans and purchase agreements in the area.

§ 421.1303 Eligibility requirements.

(a) *Beneficial interest.* To be eligible for price support, the beneficial interest must be in the eligible producer tendering the corn for loan or for delivery under a purchase agreement, and must always have been in him, or in him and a former producer whom he succeeded before the corn was harvested. Any producer who is in doubt as to whether his interest in the corn complies with the requirements of this paragraph (a) should make available to the county committee, prior to filing an application, all pertinent information which will permit a determination to be made by CCC.

(b) *Succession of interest.* To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the corn was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

§ 421.1304 Eligible corn.

The corn must meet all of the applicable requirements of this section in addition to other applicable provisions of the program in order to be eligible for a loan, delivery under a loan and for purchase under a purchase agreement.

(a) *Production.* The corn must have been produced in the United States in 1962 by an eligible producer.

(b) *Shelling requirements.* The corn must be ear or shelled corn: *Provided,* That the corn must be shelled before placed under a warehouse-storage loan or before delivery is made in liquidation of a loan or under a purchase agreement. If the corn is not shelled prior to delivery, the cost of shelling on or after delivery shall be for the account of the producer. A producer who obtains a farm-storage loan on ear corn must obtain prior written approval from the ASC county committee if he elects to shell the corn and keep it under loan in storage on the farm.

(c) *Grade requirements.* (1) Corn placed under loan must, except for moisture content, grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better and must meet the following additional requirements:

(i) For ear corn placed under a farm-storage loan, the moisture content must not exceed 21.0 percent if the corn is tested for loan from time of harvest through February 1963; 19.5 percent if tested for loan during March 1963; 18.0 percent if tested for loan during April 1963; and 16.0 percent if tested for loan during May 1963.

(ii) For shelled corn placed under a farm-storage loan, the moisture content must not exceed 14.0 percent irrespective of when the corn is tested for loan.

(iii) Corn placed under loan must not grade "Weevily."

(2) Corn delivered to CCC under a purchase agreement must meet the following additional requirements:

(i) Corn delivered to CCC from other than approved warehouse storage must grade No. 5 or better, except that such corn may bear the special grade "Weevily" in addition to the numerical grade.

(ii) Corn placed in approved warehouse storage prior to the time that the producer notifies the county committee of his intention to sell the corn to CCC must grade No. 3 or better or No. 4 on the factor of test weight only but otherwise No. 3 or better, must not contain in excess of 14.0 percent moisture, except as provided in paragraph (d) of this section, and must not grade "Weevily".

(d) *Corn containing in excess of 14 percent moisture in approved warehouse storage.* Corn shall not be eligible for a warehouse-storage loan or delivery from approved warehouse storage under a purchase agreement if it contains in excess of 14.0 percent moisture, except that corn represented by warehouse receipts which indicate that the corn is ineligible because of moisture content only, will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that corn of 14.0 percent moisture or less of an eligible grade and quality which meets the requirements of § 421.1304 will be delivered. The certification shall be substantially as follows:

CERTIFICATION

On corn containing in excess of 14.0 percent moisture, delivery will be made of corn which grades No. ------ which contains not in excess of 14.0 percent moisture, which is otherwise of the same quality or better as the corn described on warehouse receipt

No. ------, and which is the actual quantity obtained after drying the corn described in such receipt to not in excess of 14.0 percent moisture. No lien for processing will be claimed by the warehouseman from the Commodity Credit Corporation or any subsequent holder of the warehouse receipt.

(e) *Poisonous substances.* The corn must not contain mercurial compounds or other substances poisonous to man or animals.

(f) *Waiting period.* If offered as security for a farm-storage loan, shelled corn must have been in store for at least 30 days prior to inspection, measurement, sampling, and sealing, unless otherwise approved by the State committee.

(g) *Deliveries under farm-storage loans.* Only corn covered by the loan documents is eligible for delivery under farm-storage loans.

§ 421.1305 Determination of quality.

The grade, class grading factors and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for corn, whether or not such determinations are made on the basis of an official inspection.

§ 421.1306 Determination of quantity.

(a) *In warehouse.* The quantity of corn on which a warehouse-storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or purchase agreement shall be the net weight of the corn represented by the warehouse receipt or on the supplemental certificate, if applicable. If the warehouseman has made the certification provided in § 421.1304(d), such quantity shall be the net weight obtained after drying the corn to not in excess of 14.0 percent moisture.

(b) *On farm.* The quantity of corn placed under farm-storage loan may be determined by weight or by measurement. The quantity of corn delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(c) *Quantity determined by measurement (ear corn).* When determined by measurement, a bushel of ear corn shall be 2.5 cubic feet of ear corn testing not more than 16.0 percent in moisture content. An adjustment in the number of bushels of ear corn will be made for moisture content in excess of 16.0 percent in accordance with the following schedule:

Moisture content (percent):	Adjustment factor (percent)
16.1 to 17.0 both inclusive	98
17.1 to 18.0 both inclusive	96
18.1 to 19.0 both inclusive	94
19.1 to 20.0 both inclusive	92
20.1 to 21.0 both inclusive	90
Above 21.0—no loan	

(d) *Quantity determined by measurement (shelled corn).* When the quantity of shelled corn is determined by measurement, a bushel shall be 1.25 cubic feet of shelled corn testing 56 pounds per bushel. The quantity determined by measurement of shelled corn having a test weight of other than 56 pounds per bushel shall be adjusted by applying the applicable percentage as shown in the following table:

For shelled corn testing (pounds per bushel):	Percent
60 or over	107
59 or over, less than 60	105
58 or over, less than 59	104
57 or over, less than 58	102
56 or over, less than 57	100
55 or over, less than 56	98
54 or over, less than 55	96
53 or over, less than 54	95
52 or over, less than 53	93
51 or over, less than 52	91
50 or over, less than 51	89
49 or over, less than 50	88

(e) *Quantity determined by weight.* When the quantity is determined by weight, a bushel of shelled corn shall be 56 pounds. In determining the quantity of sacked corn by weight, a deduction of three-fourths of a pound for each sack will be made.

(f) *Safety margin.* A safety factor as established by the State committee shall be deducted from the quantity as determined by measurement in the case of farm-stored loans.

§ 421.1307 Warehouse receipts.

Warehouse receipts representing corn in approved warehouse storage, to be placed under a warehouse-storage loan; to be delivered in satisfaction of a farm-storage loan or; to be acquired under a purchase agreement, must meet the requirements of this section.

(a) *Manner of issuance and endorsement.* Warehouse receipts presented for warehouse-storage loans must be issued in the name of the producer and for deliveries under farm-storage loans or purchase agreements, in the name of the producer or CCC, and must be properly endorsed in blank when issued in the name of the producer so as to vest title in the holder. Receipts must be issued by a warehouse approved by CCC for price support purposes for which a Uniform Grain Storage Agreement is in effect or which is operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission. The term "Eastern common carriers" as used in this subpart includes the port of New York Authority.

(b) *Entries for weight and grade.* (1) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (i) Gross weight and net bushels, (ii) class, (iii) grade, (iv) test weight, (v) moisture, (vi) broken corn and foreign material, and (vii) any other grading factor(s) when such factor(s) and not test weight or moisture determine the grade. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by a licensed grain inspector.

(c) *Separate receipt.* A separate warehouse receipt must be submitted for each grade and class of corn.

(d) *Where warehouseman has furnished statement.* If the warehouseman has furnished a statement as provided in § 421.1304(d), the supplemental certificate must show the numerical grade, grading factors, and the quantity of the corn to be delivered. Where the grade, grading factors and the quantity of the corn shown on the supplemental certificate do not agree with the warehouse receipt, the grade, grading factors and quantity shown on the supplemental certificate shall take precedence.

(e) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 421.1308(a).

(f) *Where warehouseman is also owner.* If the receipt is issued for corn of which the warehouseman is the owner either solely, jointly or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own corn is not valid under State law and the warehouseman elects to deliver corn to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

(g) *Insurance.* Each warehouse receipt or accompanying supplemental certificate representing corn stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the corn is insured, in accordance with such agreement. Each warehouse receipt or accompanying supplemental certificate issued on warehouses operated by Eastern common carriers and representing corn to be placed under loan shall indicate that the corn is insured at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone, and tornado. The cost of such insurance shall not be for the account of CCC.

§ 421.1308 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the corn represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the corn is deposited in the warehouse for storage. Warehouse receipts and the corn represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the corn when CCC is holder of the warehouse receipts.

(b) *Deduction of storage charges—UGSA warehouses.* The table shown below provides the deduction for storage charges to be made from amount of the loan or purchase price in the case of corn stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on corn stored in warehouses operating under the Uniform Grain Storage Agreement shall be the date of deposit or the date storage charges start, whichever is later; if neither the date of deposit nor the date storage charges start is shown, the date of the warehouse receipt shall be used.

Schedule of Deductions for Storage Charges for States Having a Maturity Date Not Later Than July 31, 1963

Date storage charges start (all dates inclusive):	Amount of deduction (cents per bushel)
Prior to Sept. 25, 1962	12
Sept. 25–Oct. 21, 1962	11
Oct. 22–Nov. 17, 1962	10
Nov. 18–Dec. 14, 1962	9
Dec. 15, 1962–Jan. 10, 1963	8
Jan. 11–Feb. 6, 1963	7
Feb. 7–Mar. 5, 1963	6
Mar. 6–Apr. 1, 1963	5
Apr. 2–Apr. 28, 1963	4
Apr. 29–May 25, 1963	3
May 26–June 21, 1963	2
June 22–July 31, 1963	1

(c) *Deduction of storage charges—Eastern common carriers.* In the case of corn stored in an approved warehouse operated by an Eastern common carrier, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the ASCS commodity office to determine the amount of such charges. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1309 Maturity of loans.

(a) *Regular maturity date.* Loans mature on demand but not later than July 31, 1963.

(b) *Where producers may not be in a position to store corn safely.* In areas where it is determined by the State committee that some producers may not be in a position to store corn safely for the full storage period (for reasons set forth in § 421.1302(c) the State committee may establish an earlier delivery period prior to maturity (in addition to the regular delivery period) during which any producer in such areas may voluntarily deliver corn which is held in farm storage under loans and purchase agreements. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the State committee, and not before April 1, 1963. CCC will accept deliveries of corn during such early delivery period, provided the producer notifies the county committee at least 10 days prior to the date that he desires to deliver the corn.

(c) *Where producers are not in a position to store corn safely.* If the State committee determines that producers in any area are not in a position to safely store corn for the full storage period (for reasons set forth in § 421.1302(c), all farm-storage loans in such area shall be called promptly by the State committee, and producers who elect to make deliveries from farm storage under purchase agreements shall be required to do so during the delivery period for loans; except that for individual cases and upon the approval by the State committee a producer may be permitted to keep his corn in farm storage until the regular loan maturity date provided (1) such corn is shelled, and (2) the producer has satisfactory storage facilities and is adequately equipped to properly care for the corn. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the State committee, and not before April 1, 1963.

§ 421.1310 Inspection of corn under purchase agreement.

(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his corn stored in other than approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the corn prior to delivery of the corn. The primary importance of this inspection is to discuss with the producer the condition of his corn and the method for making settlement for corn delivered. This predelivery inspection shall not be used for settlement. If the corn, on the basis of predelivery inspection, is determined to be eligible for delivery to CCC in accordance with § 421.1304 or if the corn appears to be ineligible for delivery and the producer insists upon making delivery, the county office shall issue delivery instructions. The producer must then complete delivery within the period specified in the delivery instructions, unless the county office determines that more time is needed for delivery. A predelivery inspection shall not be made on corn in warehouses not approved for storage which is stored commingled or which is stored so that the identity of the producer's corn is maintained but a predelivery inspection is not possible.

(b) *Inspection of corn stored by producer, after maturity date.* The producer may be required, without any cost to CCC, to retain corn under purchase agreement which is stored in other than approved warehouse storage for a period of 60 days after the loan maturity date. CCC will not assume any loss in quantity or quality of the corn covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances: If a producer has properly requested delivery instructions for corn which was determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the corn is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the corn is going out of condition or is in danger of going out of condition and that the corn cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.1311 Settlement.

(a) *General.* Settlement for corn acquired by CCC under loan or purchase agreement will be made with the producer as provided in this section. The support rate per bushel at which settlement will be made for eligible corn shall be determined under the applicable provisions of § 421.1312 and this section. Payments for corn acquired under a purchase agreement will be made by the county office through the issuance of a sight draft drawn on CCC. The producer shall indicate on Commodity Purchase Form 4 to whom payment shall be made.

(1) *Warehouse-storage.* Settlement for eligible corn acquired by CCC under warehouse-storage loans or purchase agreements and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of weight, grade and other quality factors shown on such warehouse receipts or accompanying documents, as applicable. In the case of eligible corn under purchase agreement stored in an approved warehouse, the producer must, not later than the day following the loan maturity date or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of the corn he elects to sell to CCC.

(2) *Farm-storage loans and purchase agreements.* Delivery of corn under farm-storage loans and of corn under purchase agreements from other than approved warehouse storage shall be made in accordance with instructions issued by the county office. Settlement will be based on the quality and quantity as indicated on Form CCC Grain–50 or if applicable, on the quality and quantity as shown on warehouse receipts and accompanying documents issued by an approved warehouse.

(b) *Settlement rate to be established.* In the case of corn under a farm-stored loan and corn under a purchase agreement which upon delivery is of a grade or quality for which no support rate has

been established, the settlement rate shall be the applicable basic support rate adjusted by the premiums and discounts as shown in § 421.1312 to the extent they apply and in addition, by the amount of market discounts, if any, as determined by the appropriate ASCS Commodity Office for the quality by which the corn is lower than the quality for which such price support discounts are established: *Provided, however,* That if such corn is sold by CCC for the purpose of determining its market price, the settlement value shall not be less than such sales price. Notwithstanding the foregoing, the settlement rate shall not in any event be more than the rate which would have been established under § 421.1312 by using the price support premiums and discounts in such section to the extent they apply.

(c) *Compensation for hauling.* If the producer is directed by the county office to deliver his price support corn to a point a greater distance than to his customary delivery point, he shall be allowed compensation (as determined by the ASC State Committee at not to exceed the common carrier truck rate or the rate available from local truckers) for hauling the eligible corn the additional distance. The ASC State Committee may, in determining the rates of payment for any excess haul, establish reasonable mileage minimums below which producers will not receive compensation for hauling the corn.

(d) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on eligible corn delivered to CCC on track at a country point.

(e) *Storage payment where CCC is unable to take delivery of corn stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain corn under loan or purchase agreement which is stored in other than an approved warehouse for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery within the 60 day period after maturity, the producer shall be paid a storage payment upon delivery of the corn to CCC: *Provided, however,* That a storage payment shall be paid a producer whose corn under purchase agreement is stored in other than an approved warehouse only if he had properly given notice of his intention to sell the corn to CCC. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the storage rate for corn provided for in the Uniform Grain Storage Agreement in effect at the time of such storage.

(f) *Storage deduction for early delivery.* If farm-stored corn is delivered to CCC prior to the maturity date, a deduction for storage shall be made, except that no deductions shall be made if such early delivery is made because a loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the corn will be sold rather than stored, or if CCC requires early delivery on an area basis. No deduction for storage shall be made where an earlier delivery date is established by the State committee in accordance with § 421.1309(c). Where applicable, the deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.1308.

(g) *Refund or prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on eligible corn under loan or purchase agreement stored in an approved warehouse, the producer shall, upon delivery of the corn, to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the Uniform Grain Storage Agreement, provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid. In case an approved warehouse operated by an Eastern common carrier charges the producer for the elevation charges on eligible corn under loan or purchase agreement, the producer shall, upon delivery of the corn to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff; provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid and CCC has not previously given the producer credit for such charges as provided in § 421.1308.

(h) *Ineligible corn inadvertently accepted by CCC.* (1) In the following cases of ineligible corn inadvertently accepted by CCC, the settlement value shall be the market price as determined by CCC, but in no event more than the applicable support rate:

(i) Corn delivered in excess of the maximum quantity stated in the purchase agreement;

(ii) Corn in other than approved warehouse storage which, at the time of delivery, does not meet the eligibility requirements of § 421.1304;

(iii) Corn which is delivered to or acquired by CCC under loan or purchase agreement, and which has resulted or which otherwise would result in a producer receiving price support on a quantity of corn in excess of the total quantity on which price support may be received; and

(iv) Any other ineligible corn delivered to or acquired by CCC under a loan or purchase agreement.

(2) If CCC sells the corn for the purpose of determining its market price the settlement value shall be such sales price. The provisions of this paragraph do not apply to ineligible corn covered by paragraphs (i) and (j) of this section.

(i) *Fraud.* The making of any fraudulent representation by the producer, in connection with settlement or deliveries under a loan shall render the producer personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amounts paid to the producer on the corn, and for all costs which the Corporation would not have incurred had it not been for the producer's fraudulent representation, together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made such fraudulent representation, the value of the corn acquired by the Corporation under the loan shall be the market value, as determined by the Corporation, on the date of delivery or removal in the case of farm-storage loans or the market value of the corn as of the close of the market on the final date for repayment in the case of warehouse-storage loans, or in the case of both farm-storage and warehouse-storage loans, the sales price if the corn is sold by CCC in order to determine its market value. If the producer has made a fraudulent representation in a sale under a purchase agreement or in the purchase agreement documents, he shall be personally liable, aside from any additional liability under criminal or civil frauds statutes, for any loss which CCC sustains upon the corn delivered under the purchase agreement. For the purpose of this program, such loss shall be deemed to be the price paid to the producer on the corn delivered under the purchase agreement plus all costs sustained by CCC in connection with the corn, together with interest at a rate of 6 percent per annum from the date of disbursement, less the market value, as determined by CCC, of the corn as of the close of the market on the date of delivery, or the sales price if the corn is sold in order to determine its market value.

(j) *Poisonous substances.* If corn is delivered to CCC which contains mercurial compounds or other substances poisonous to man or animals, such corn shall be offered for sale for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except, that CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, as determined by CCC as of the date of delivery.

§ 421.1312 Support rates.

(a) *Applicable basic support rate.* The support rate for the quality of corn placed under a loan, or acquired under a loan or a purchase agreement shall be the applicable basic support rate established for the county in which the corn was produced, adjusted in accordance with the provisions of this section, and in the case of settlement of loans and purchase agreements as further provided in § 421.1311. Basic county support rates per bushel for corn grading No. 3 except for moisture, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better except for moisture, will be a part of this section to be issued at a later date.

(b) *Premiums and discounts—(1) Farm storage.* In the case of eligible corn under farm storage loan or delivered from farm storage under purchase agreement the applicable premiums and discounts shown in the schedule in subparagraph (4) of this paragraph shall be applied to the basic rate at the time of settlement, except in the case of loans the discount for corn grading "Mixed", and the discount for "Weed control laws", if applicable shall also be applied to the basic rate at the time the loan is completed.

(2) *Warehouse storage.* In the case of warehouse-storage loans the applicable premiums and discounts shown in the schedule in subparagraph (4) of this paragraph, shall be applied to the basic support rate at the time the loan is completed. In the case of corn represented by warehouse receipts tendered to CCC under a purchase agreement, the applicable premiums and discounts shown in subparagraph (4) of this paragraph, shall be applied to the basic support rate at the time of settlement.

(3) *Weed control laws.* Where the State committee determines that State, district, or county weed control laws, as administered, affect the corn crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the corn complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the corn is stored determines that State, district or county weed control laws, as administered, affect corn stored in approved warehouses, the rate shall be 10 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the corn complies with the weed control laws, and in the case of a certificate from the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

(4) *Schedule of premiums and discounts.*

	Cents per bushel
(i) Premiums:	
Grade No. 2 or better	+1
Broken corn and foreign material (percent) 2.0 or less	+1
Moisture content (percent) 14.0 or less	+1
(ii) Discounts:	
Weevily	−2
Mixed	−2
Weed control laws (see (3) above)	−10

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 21, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-8544; Filed, Aug. 23, 1962; 8:53 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 850.146]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms, 1963 Crop

The following determination is issued pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended and as further amended by Public Law 87-535.

§ 850.146 Proportionate shares for the 1963 crop of sugarbeets not required.

It is hereby determined that proportionate shares will not be in effect in the Domestic Beet Sugar Area for the 1963 crop of sugarbeets.

This determination has been made on the basis of the considerations discussed under the following statement.

Statement of bases and considerations. Under the provisions of the Sugar Act, as recently amended by the Congress, sugarbeet proportionate shares are required only when the Secretary determines that the production of sugar from any crop will be greater than the quantity needed to enable the area to meet the quota and provide a normal carryover inventory for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

The effective inventory of beet sugar on January 1 of this year was about 1,825,000 tons, or almost 200,000 tons smaller than a year earlier. The quantity of old crop sugar plus early new crop sugar on hand on September 30, just before the start of the heavy harvesting period, is not expected to exceed a minimal working level of 200,000 tons. A similar depletion of beet sugar inventories during this season has occurred in most of the last several years. As a result, the area customarily has had to curtail marketings somewhat in the first three quarters of the year and to press supplies on the market during the last quarter.

The latest estimates of sugarbeet production by the Department's Crop Reporting Board suggests that sugar production from the 1962 crop of sugarbeets will approximate the present quota of 2,650,000 tons. Because of short supplies during the first three quarters of this year, the area may not completely market its quota for the year. To the extent of any such short fall, the effective inventory at the beginning of next year will be higher than it was on January 1. Any such small increase, however, would fall far short of raising the inventory to a desirable level in view of the likely marketing opportunities in 1963.

Production from an unrestricted 1963 crop from acreages somewhat above the presently estimated 1962-crop acreages, even with yields considerably higher than the average for the last three crops, would not result in a quantity of beet sugar greater than that needed to enable the area to meet its quota and provide a normal carryover inventory.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. Supp. 1131, 1132, Pub. Law 87-535 approved July 13, 1962)

Effective date: Date of publication.

Signed at Washington, D.C., on August 20, 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-8540; Filed, Aug. 23, 1962; 8:52 a.m.]

[Sugar Determination 855.10]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1963 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended and as further amended by Public Law 87-535 (herinafter referred to as "act"), the following determination is hereby issued.

§ 855.10 Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1963 crop.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has been delegated, or

to whom authority may hereafter be delegated, to act in his stead.

(2) "Deputy Administrator" means the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(3) "Director" means the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(4) "State Committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee, under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(5) "County Committee" means the persons elected within a county as the County Committee pursuant to regulations governing the selection and function of Agricultural Stabilization and Conservation County and Community Committees, under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(6) "Producer" shall have the meaning set forth in section 101(k) of the act.

(7) "New producer" means the operator of a farm for which a 1963-crop proportionate share may not be established pursuant to the provisions of paragraph (b) of this section.

(8) "Operator" means the producer who controls and directs the sugarcane operations on the farm, who bears all or the major portion of the risk of financial loss or the opportunity for financial gain resulting from such operations and who has the authority to make the final decisions with respect to growing, harvesting and marketing the sugarcane crop.

(9) "Farm" shall have the meaning set forth in Part 822 of this chapter.

(10) "Accredited acreage" or "accredited acres" means the area on the farm for any crop year on which sugarcane was grown and marketed (or processed) for the extraction of sugar or liquid sugar, or which was harvested for seed or was determined by a member of the County Committee to have been bona fide abandoned acreage (hereinafter referred to as "abandoned acreage") to the extent of fulfilling at least the requirements for abandonment payments set forth in paragraph (c)(1)(i) and (ii) of § 845.2 of this chapter, as shown by the office records of the County Committee.

(b) *Farm proportionate shares.* A 1963-crop farm proportionate share shall be established by the County Committee for each farm, as constituted for the 1962 crop at the time the 1963 crop proportionate share is established, on which there was accredited acreage in either of the crop years 1960 or 1961, or on which the County Committee determines that 1962-crop sugarcane is being grown for the extraction of sugar or liquid sugar or for harvesting for seed or has been classified as abandoned acreage. Such farm proportionate share shall be the larger of 105 percent of the average accredited acreage on the farm for the crop years 1960 through 1962, or the 1962 acreage as determined by the County Committee from the best information available at the time the farm proportionate share is established. For the purpose of establishing farm proportionate shares, consideration of 1962-crop acreage shall be limited to the acreage of sugarcane determined by the County Committee to have been planted prior to April 16, 1962.

(c) *Redetermination of farm proportionate shares.* For the purpose of this paragraph, the division or combination of a farm or farms and the reconstitution of a farm or farms referred to in this paragraph shall be those which give effect to the definition of a farm set forth in Part 822 of this chapter. Farm proportionate shares shall be redetermined under the following circumstances.

(1) *Use of incorrect 1962-crop data.* Any necessary redetermination of the farm proportionate share after the County Committee has determined the 1962-crop acreage of sugarcane for a farm and prior to the beginning of harvest of the 1963 crop, on account of the use of estimated or incorrect 1962 acreage data in the original establishment of the farm proportionate share, shall be made in accordance with paragraph (b) of this section using actual 1962-crop accredited acreage. The original share shall be cancelled.

(2) *Improper constitution of a farm.* If at any time after the County Committee has established the proportionate share for a farm, it is determined by the Committee that such farm was not properly constituted for the 1963 sugarcane crop pursuant to the definition of a farm set forth in Part 822 of this chapter, the share shall be cancelled and the farm shall be reconstituted in accordance with such definition. A farm proportionate share shall be established for each reconstituted farm for purposes of the 1963 sugarcane crop program in accordance with paragraph (b) of this section, if permitted under the provisions of such paragraph, on the basis of the accredited acreage which is credited to the newly constituted farm or farms in accordance with the following subparagraph (3) of this paragraph, except that a proportionate share for a reconstituted farm which is a new-producer farm shall be established as provided in paragraph (e) of this section, if permitted under the provisions of such paragraph. Proportionate shares established for reconstituted farms shall be subject to adjustment as provided in paragraph (d) of this section, within the acreage, if any, used for adjustments in the proportionate share(s) for the farm or farms prior to reconstitution.

(3) *Credit for sugarcane acreage.* The subdivisions of any farm which is subdivided shall be credited with the accredited sugarcane acreage record of the crop years 1960 through 1962 of such farm by apportioning such record among the subdivisions on the basis of the cropland suitable for the production of sugarcane in such subdivisions. However, if the County Committee determines that the use of the cropland relationship is materially inconsistent with the accredited acreage of sugarcane grown on any subdivision during the crop years 1960 through 1962 or is not representative of the sugarcane acreage growing or grown on any subdivision in the 1963 crop year, or if all persons concerned in the subdivision file a written request with the County Committee which is approved by the Committee, such subdivisions shall be credited with a pro rata share of the farm determined either on the basis of the total accredited acreage of sugarcane on each subdivision during the crop years 1960 through 1962, or on the basis of the acreage of the 1963 sugarcane crop growing or grown and harvested on each subdivision. A reconstituted farm consisting of any combination of farms, subdivisions of farms, or combination of farms and subdivisions of farms shall be credited with the total of the accredited acreage records determined for the crop years 1960 through 1962 for the constituent parts of the farm.

(d) *Adjustments in proportionate shares.* Adjustments in proportionate shares may be made in the following circumstances and within the limitations provided.

(1) For the purpose of making adjustments in proportionate shares, a maximum of 825 acres is hereby established for the State of Louisiana, and a maximum of 350 acres is established for the State of Florida. Whenever the County Committee determines that the proportionate share established for a farm as provided in paragraph (b) of this section is not reasonably comparable to the proportionate shares for other farms in the county, considering the availability and suitability of land, adequacy of drainage, availability of production facilities, and the production experience of the operator, the County Committee shall forward to the appropriate State Committee the factual information upon which the share was determined, together with its recommendations as to the level of a suitable adjustment. The State Committee shall review the information submitted and the County Committee's recommendation, approve such adjustment in the proportionate share as is determined necessary to establish a proportionate share for the farm which is reasonably comparable considering the foregoing factors and return the case to the County Committee with directions to adjust the farm proportionate share accordingly.

(2) To offset estimated proportionate share acreages which will be unused on farms in Louisiana, a maximum of 10,000 acres is hereby made available for adjustments in shares for farms in the State on that account. Any operator of a farm in Louisiana for which a proportionate share is determined, other than the operator of a farm for which a proportionate share is determined pursuant to paragraph (e) of this section, may file a written request with the County Committee on or before September 7, 1962, for an increase in such share on a form available at the local Agricultural Stabilization and Conservation Service County Office (hereinafter referred to as "county office"). The County Committee shall forward the requests to the State Committee. Within the limitation of the 10,000 acres, plus any acreage remaining unused from acreage made

available to farms in Louisiana pursuant to paragraphs (d)(1) and (e) of this section, the State Committee shall authorize County Committees to increase the proportionate shares for farms with respect to which increases in shares were requested; *Provided*, That if the total of the requested increases exceeds the acreage available for increases within these sources, the total acreage available shall insofar as practicable be prorated by the State Committee to all farms for which additional acreages have been requested on the basis of the proportionate shares determined pursuant to paragraph (b) of this section for such farms.

(3) To offset proportionate share acreages which will be unused on farms in Florida, the State Committee may authorize County Committees to prorate such unused acreages to farms on which acreages are growing in excess of the proportionate shares determined pursuant to paragraph (b) of this section. Such proration shall be made insofar as practicable on the basis of the proportionate shares determined pursuant to such paragraph (b).

(e) *Establishment of proportionate shares for new-producer farms.* For the purpose of establishing proportionate shares for farms to be operated in the 1963-crop season by new producers, 350 acres are hereby made available for Florida and 825 acres are hereby made available for Louisiana. Any eligible farm operator desiring a new-producer proportionate share shall file a written request therefor with the County Committee on or before September 7, 1962, on a form available at the local county office. Each County Committee receiving a request for a new-producer share shall rate the operator, on a form provided by the State Committee as qualified or not qualified by taking into consideration the availability and suitability of land, adequacy of drainage, and the availability of production and marketing facilities. The forms showing the ratings of new producers shall be forwarded by the County Committee to the State Committee. The State Committee shall review such ratings, making such changes in ratings as are appropriate, and shall establish a proportionate share for each new producer who is rated as qualified at a level of 25 acres, or a lesser acreage, if requested or if the available cropland will not support a share of 25 acres. Where the acreage available for new producers in a State is insufficient to establish shares for all farms whose operators are rated as qualified under the aforestated considerations, shares shall be established for those farms whose operators are rated as qualified and who are selected by lot, except that the State Committee may elect to establish shares within the acreage available for those farms whose operators such committee determines are the best-qualified pursuant to the aforestated considerations. If selection is made by lot, each drawing shall be supervised by a representative of the State Committee. Each person requesting a new-producer share who will be included in the drawing shall be given a reasonable advance notice of the drawing and an opportunity to attend. The names (or corresponding numbers) of all such persons shall be placed in a container in such a manner that they are indistinguishable to the person making the "draws". Before the drawing, the person in charge shall announce whether the selections are to be made on consecutive draws or on some other specific basis. The entire acreage set aside for new producers shall be allotted to qualified new producers, if requested.

(f) *Notification of proportionate shares.* Each operator of a farm for which a proportionate share is established pursuant to this section and each operator of a farm filing a request for a new-producer share shall be notified in writing on behalf of the County Committee of the proportionate share established for his farm (even if "none" in case of a new-producer request) and of his right to appeal under paragraph (k) of this section and each such farm operator shall be notified in writing of any adjustment or change made in the proportionate share as provided in this section.

(g) *Notification of excess sugarcane acreage.* If the County Committee determines that the measured acreage of sugarcane for any farm is in excess of the acreage established as the proportionate share for such farm, written notice of such excess acreage (referred to in this section as "excess acreage") and of the eligibility requirements for payment as set forth in paragraph (i) of this section shall be furnished by mailing such notice to the person who is listed on the county office records as the operator of the farm.

(h) *Erroneous notice of 1963 proportionate share or of excess sugarcane acreage.* The provisions of this paragraph shall not apply in any case where a proportionate share has been established as a result of a reconstitution of a farm in accordance with paragraph (c) of this section. If through error, an operator is officially notified of a 1963 proportionate share for his farm greater than the proportionate share properly established pursuant to this section, or is furnished an incorrect notice of excess sugarcane acreage, or if the measured acreage of sugarcane is in excess of the proportionate share for the farm and a notice thereof is not mailed to the operator, and it is found by the County Committee that such operator, acting solely on the information contained in the erroneous notice or without a notice of excess sugarcane acreage being mailed to him, marketed 1963-crop sugarcane from an acreage in excess of the proportionate share properly established, the operator will be deemed to be in compliance with the farm proportionate share unless he harvested sugarcane for seed or marketed sugarcane for sugar from an acreage in excess of the proportionate share stated in the erroneous notice or unless it is determined by the County Committee that the error in the proportionate share or notice was so gross, or that the excess acreage was so gross as to place the operator on notice regarding the error in the proportionate share or in the existence of the excess acreage. However, the Sugar Act payment with respect to the farm shall be limited to the amount of sugar commercially recoverable from the sugarcane marketed (or processed) from the acreage within the properly-established proportionate share. If the proportionate share for any farm was established by the use of incorrect data, resulting in a proportionate share smaller than the share that would have been established by the use of correct data, such share shall be increased by the County Committee to the correct level.

(i) *Eligibility for payment under the act.* The eligibility of any producer of sugarcane for payment under the act shall be subject to the following conditions:

(1) The total acreage of 1963-crop sugarcane grown on the farm and harvested for seed or marketed (or processed) for the production of sugar or liquid sugar shall not exceed the proportionate share determined for the farm in accordance with this section, except that any sugarcane grown on acreage in excess of such proportionate share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator of the farm furnishes to the County Committee weight tickets evidencing that such sugarcane was sold by him, or was processed by or for him for the extraction of sugar or liquid sugar for livestock feed or the production of livestock feed, and if so sold, was purchased by the processor for such purpose. Notwithstanding the foregoing provision of this subparagraph, the producer shall be deemed to have met the requirements for payment with respect to marketings (or processings) within the farm proportionate share where sugarcane was marketed (or processed) for sugar or liquid sugar from an acreage on the farm exceeding the farm proportionate share; *Provided*, That (i) such excess acreage is not more than the larger of two-tenths acre or one percent of the farm proportionate share but not in excess of three acres, (ii) the County Committee finds that the marketings (or processings) of sugarcane from excess acreage were unintended by the operator of the farm and the State Committee concurs in such finding, and (iii) within one year from the date of the processing of such excess sugarcane, the producer has arranged for a quantity of sugar which was produced from sugarcane in the Mainland Cane Sugar Area, which had not been marketed to fill a quota for such area as provided in Part 816 of this chapter and which is equivalent to the quantity of sugar produced from such excess acreage, to be made subject to a bond given pursuant to the provisions of Part 816 of this chapter which provides that a condition of such bond be that the sugar shall be used for livestock feed or for the production of livestock feed. The Sugar Act payment in any such case shall be limited to the amount of sugar commercially recoverable from the sugarcane marketed (or processed) from the acreage within such share.

(2) The number of share tenants or sharecroppers engaged in the production

of sugarcane of the 1963 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the County Committee. In considering such approval, the County Committee shall be guided by whether the reduction was the result of a voluntary action of the share tenant or sharecropper, or whether the reduction was beyond the control of the producer.

(3) The producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect.

(4) The requirements of the act with respect to child labor shall have been met, except that such requirements shall not be applicable to any sugarcane marketed (or processed) from an acreage in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed if the producer furnishes proof which the County Committee finds acceptable and adequate that the work performed by any child subject to such requirements was related solely to such sugarcane.

(5) The requirements of the act and of the regulations issued pursuant thereto with respect to wage rates and, in the case of a processor-producer (a producer who is also a processor), prices paid for sugarcane shall have been met.

(6) If the County Committee determines there is excess acreage of sugarcane on a farm;

(i) Any excess acreage which the operator elects to plowout, abandon, or harvest separately must, except as provided in division (ii) of this subparagraph, be so disposed of before the harvest of sugarcane for sugar or seed or after the harvest of sugarcane for sugar or seed and appropriate notification must be given by the operator to permit verification by a County Committee representative of the action taken.

(ii) Any excess acreage of sugarcane which is disposed of concurrently with acreage within the proportionate share which is being harvested for sugar, liquid sugar or seed must be staked-out or similarly and clearly identified by a representative of the County Committee and the designated excess acreage must be so located on the farm that it may be disposed of without interfering with the harvest of proportionate share acreage and the identity of the sugarcane harvested from excess acreage must be maintained separately after harvest to assure its disposition: *Provided*, That if sugarcane is harvested from excess acreage for the manufacture of sirup concurrently with the harvest of sugarcane for seed and the production of sugar or liquid sugar, other than sugar for livestock feed, and such acreage is not staked-out or identified as provided above in this subdivision (ii), the producer shall not market a quantity of sugarcane for the production of sugar or liquid sugar or seed greater than the total of the tonnages of sugarcane marketed for sugar, liquid sugar, seed and sirup multiplied by the percentage that the acreage harvested for sugar, liquid sugar and seed on the farm is of the total acreage of all sugarcane marketed.

(iii) An estimate of the average tons of sugarcane per acre growing on excess acreage which has been staked-out or similarly identified and which has been designated for harvest for sirup or sugar for livestock feed must be made jointly and before harvest by a representative of the County Committee and by the operator of the farm, which estimate must be reduced to writing and signed by the operator and placed on record in the county office.

(iv) Any farm operator who markets sugarcane from excess acreage for sirup must furnish to the County Committee weight tickets evidencing that such sugarcane was sold by him or processed by him or for him for such purpose, and in the case where excess acreage is staked-out and an estimate is made as provided in subdivision (iii) of this subparagraph, if the average tonnage of sugarcane per acre grown on such excess acreage, as computed by dividing the total tonnage of sugarcane marketed for sirup by the excess acreage, is less than 80 percent of the estimate made pursuant to subdivision (iii) of this subparagraph, no payment shall be made until the operator furnishes proof acceptable to the County Committee that the sugarcane from all of the excess acreage on the farm was marketed or disposed of other than for seed or the production of sugar or liquid sugar except sugar or liquid sugar for livestock feed.

(v) The operator must maintain a record of the excess acreage in each field or parts of fields and the method and purpose of disposal of sugarcane grown on excess acreage in each such case, until receipt of the Sugar Act payment for the 1963 crop of sugarcane.

(j) *Filing application for payment.* Application for payments authorized under Title III of the act with respect to sugarcane planted on a farm for harvest during the 1963-crop season shall be made on Form SU-120 by a producer on the farm who must sign and file the form in the county office for the county where the farm or major portion thereof is located or with a representative of such office no later than June 30, 1965.

(k) *Determination of eligibility and basis for payment and appeals for review thereof; and appeals for review of proportionate shares.* Compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof, shall be determined by the County Committee, such determination to be subject to review and approval or redetermination by the State Committee and any determination by the State Committee shall be subject to review and approval or change by the Deputy Administrator or the Secretary. Determinations and corrections by the County Committee and determinations by the State Committee, the Deputy Administrator or the Secretary shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder, and on the facts in the individual case. Within 15 days after a notice of a farm proportionate share, or notice of excess acreage, or a notice of a determination by the County Committee is mailed to or otherwise made available in writing to a producer, he may file an appeal with respect thereto at the local ASCS county office. The appeal shall be addressed to the State Committee and shall be accompanied by a statement of facts constituting the basis for such appeal. The County Committee shall make such adjustments as are required to correct errors and to give effect to the substitution of correct data for incorrect data, and unless such adjustments dispose of all issues raised by the appeal, shall promptly transmit the appeal, together with the recommendations of the County Committee to the State Committee. The appellant or his representative or both shall be afforded the opportunity of appearing in person at the hearing before the State Committee in regard to his appeal, and shall, at a hearing, be advised of the issues and given the opportunity of cross-examination. Each witness at the hearing shall testify under oath or affirmation administered by a State Committeeman. A written record shall be compiled of the written material and information submitted to or considered by the Committee in reaching a decision and of any testimony adduced at the hearing. The appellant shall be notified in writing of the decision of the State Committee. If the producer is dissatisfied with the decision of the State Committee, he may, within 15 days after the notice of the decision is mailed to him, appeal in writing the decision of the State Committee to the Deputy Administrator. The Deputy Administrator shall render a decision upon each appeal to him, except any appeal which the Secretary directs shall be referred to himself, in which case the Secretary shall render the decision. The decision of the Deputy Administrator or of the Secretary shall be made after due consideration of all written material or briefs accompanying the appeal including the written record compiled of any hearing conducted in the course of the appeal, and of any oral argument. The Deputy Administrator or the Secretary may affirm or modify the decision of the State Committee, or remand the case to such committee for purposes of developing additional information or compiling an adequate record on which to reach a decision. The decision of the Deputy Administrator or the Secretary shall be final. The appellant may submit written briefs or arguments or may request a hearing for presentation of oral argument or views at Washington, D.C., and such submission or request may be made concurrently with an appeal to the Deputy Administrator or not later than 15 days after the date acknowledgment of the receipt of an appeal to the Deputy Administrator is mailed to the appellant. A hearing at Washington, D.C., shall be limited to the submission of arguments or views based on the information in the record of the appeal compiled by the State Committee. If the appellant appealing to the Deputy Administrator timely requests a hearing, the Deputy Administrator, or the Secretary in the case of an appeal referred to him for decision, shall fix the date, time and place of the hearing at Washington, D.C., shall notify the appellant thereof, and shall conduct the hearing. The procedures applicable to claims for unpaid wages are provided for under regulations pertaining thereto, as issued by the Secretary.

(l) *Obtaining information regarding eligibility for payment.* Where it is necessary to obtain information to assist the County Committee in determining compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment or the amount thereof, or to assist the State Committee or the Deputy Administrator or the Secretary in reviewing and acting upon any such determination by the County Committee, any such information with respect to acreage or compliance shall be obtained to the extent possible as provided in the applicable provisions of Part 718 of this title (24 F.R. 4223), as amended. In the absence of a provision in such Part 718 for obtaining any such information, any employee of the County Committee or the State Committee designated respectively by the County Office Manager or by the State Executive Director to be qualified to perform such a duty may obtain such information. If the operator, or his representative, of any farm with respect to which application is made for any payment authorized under Title III of the act prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis of any such payment or the amount thereof, as provided in this paragraph, the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been met until such farm operator or his representative permits such information to be obtained.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. As a condition for payment to producers, section 301(b) of the act, as modified by section 302(b)(6), provides that there shall not have been marketed (or processed), except for livestock feed or for the production of livestock feed, an amount of sugarcane grown on the farm and used for the production of sugar or liquid sugar or for seed in excess of the proportionate share for the farm, if farm proportionate shares are determined by the Secretary pursuant to section 302 of the act.

Section 302(a) provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed by the producer) for sugar or liquid sugar not in excess of the proportionate share for the farm, if farm proportionate shares are determined by the Secretary.

Subsections (1) and (6) of section 302(b) provide that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) for the extraction of sugar or liquid sugar or used for seed (within proportionate shares when in effect), and the ability to produce such sugarcane.

Section 302(b)(5) provides that in determining farm proportionate shares the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers, and of producers in any local producing area whose past production has been adversely, seriously and generally affected by drought, flood, storm, freeze, disease, insects, or other similar abnormal and uncontrollable conditions.

Pursuant to section 302(b)(6) of the act, it is hereby determined to be necessary for the effective administration of the provisions of subsection (b) of section 302 of the act, that consideration be given to acreage of sugarcane harvested for seed on the farm in addition to past production of sugarcane for the extraction of sugar in determining farm proportionate shares for farms in the Mainland Cane Sugar Area for the 1963 crop of sugarcane.

General. Pursuant to the foregoing provisions of the act, proportionate shares are required in any area for a given crop when the indicated production will be greater than the quantity needed to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

No restrictions under the act were applicable to sugarcane acreage in this area during World War II or during the postwar period until 1954. Acreage restrictions were applicable to each of the crops of 1954 through 1959, although such restrictions were modified on March 4, 1959, to permit the harvesting of all 1959-crop acreages of sugarcane then growing. The 1960, 1961 and 1962 crops were unrestricted. In the Department's press release of October 30, 1961, announcing that 1962-crop sugarcane acreages would be unrestricted, it was pointed out that restrictions would probably be necessary for the 1963 crop even if a material increase in the marketing quota for the area were to be provided by new sugar legislation.

Adverse weather conditions resulted in lower than anticipated sugar production from the 1958, 1959, and 1960 crops. This situation, together with the relatively large increases in the annual sugar marketing quotas because of deficits in marketings in Puerto Rico and Hawaii, resulted in the area falling short of meeting its augmented quota for either 1959 or 1960. Unusually favorable production from the 1961 crop enabled the area to meet the 1961 quota.

Increases in sugarcane plantings for the crops of 1960 and 1961 were moderate, with planted acreages (area harvested for sugar and seed or qualifying as bona fide acreage abandonment) for the latter crop totalling about 361,000 for the area. This compares with approximately 320,000 acres for the 1959 crop. Latest estimates for the 1962 crop indicate that between 465,000 and 466,000 acres are available for harvest for sugar and seed or will qualify as abandonment, with the acreage in Florida being more than doubled from the previous crop year. For the 1960 crop, three sugar mills were operating in that State. Two additional mills began operations effective for the 1961 crop, and six additional mills are intended to begin operating for the 1962 crop, the processing of which begins this fall. Considerable interest exists for further expansion in sugarcane acreages and processing facilities, particularly in Florida. In view of these circumstances, restrictive proportionate shares are deemed necessary to avoid a supply of sugar greater than that needed to meet quota and carryover requirements.

Informal meetings with industry representatives and public hearing. Early this year when the full extent of the expansion in processing facilities and the size of the 1961 crop became known, representatives of the Department met with sugarcane growers of Florida and Louisiana to discuss problems relating to the development of a 1963 acreage program. Because of indications that some producers in Florida intended to continue to plant acreages of sugarcane beyond the normal date for such plantings, and upon receipt of recommendations from grower groups, the Department issued a notice signifying its intent to disregard, for proportionate share history purposes, any plantings after April 15, 1962.

On March 13, 1962, an informal public hearing was held in New Orleans, Louisiana, to obtain the views and recommendations of interested persons on all matters relating to the establishment of proportionate shares. This hearing was attended by about 200 growers from the two States. Since the quota provisions to be applicable after June 30, 1962, were not known at that time, recommendations were requested by the Department on the acreage levels that should be provided for the 1963 program at each of several possible quota levels. Because of the many uncertainties relating to future sugar legislation, especially as to future quota levels, the testimony at the hearing was not conclusive. Therefore, the hearing was recessed.

After the March 13 hearing, representatives of sugarcane growers in Louisiana and Florida met separately and together on several occasions for the purpose of developing joint recommendations to the Department. On June 25 and 26, representatives of growers of these two States met informally with representatives of the Department and made certain recommendations on the 1963 acreage program. Such recommendations pertained par-

ticularly to the level of the acreages regarded as desirable for each State.

On July 16, 1962, the Department announced a continuation of the March 13 hearing for the purpose of receiving additional information and recommendations on the acreage program. The press release announcing the hearing included several suggestions to assure discussion of specific problems. At this hearing, which was held on July 20 at Miami Beach and which was attended by about 75 sugarcane producers, testimony was presented by several persons. The spokesman for the American Sugar Cane League, which is composed of sugarcane producers who produce more than 95 percent of the sugarcane grown in Louisiana and all of the processors of sugarcane for sugar in that State, made several recommendations including the following: (1) That 1963-crop proportionate shares be so established that the resultant acreages of sugarcane for sugar, seed and bona fide abandonment should be as close as administratively possible to the latest estimates of 1962-crop acreages for each of the States of Louisiana and Florida, i.e., 327,000 and 139,000 acres, respectively; (2) that a farm proportionate share be established for each farm having a record of planted acreage (area harvested for sugar, liquid sugar or seed plus acreage classified as bona fide abandonment) during any of the years 1960, 1961 or 1962, provided that acreages planted subsequent to April 15, 1962, would be disregarded; (3) that the proportionate share for each farm would be the larger of the 1962 acreage or 105 percent of such farm's average 1960–62 crop acreage; (4) that a "reserve" of 12,000 acres be established and made available to Louisiana producers who request additional proportionate shares above the levels established pursuant to the formula, thus compensating for historically-proven underplantings of proportionate shares; and (5) that the Department's suggestions with respect to the level of the acreage to be made available for new producers, the size of new producer shares, the acreage to be made available for adjustments in initial shares, and other provisions which were effective during the 1954–59 restrictive period, including the crediting of sugarcane acreage records in cases involving subdivisions or combinations of farms, be adopted.

Spokesmen for Florida growers recommended that the 1963-crop acreage level for the State be determined at 139,000. Most of the suggestions made in the Department's press release of July 16, 1962, were endorsed. One spokesman requested that if the total of the ultimate 1963-crop acreages utilized for sugar and seed plus bona fide abandonment in Louisiana were to exceed the 1962-crop acreages thus utilized, a corresponding increase in the proportionate shares for Florida should be made. Much of the discussion pertaining to Florida related to the possibility that all of the 1962-crop acreages of sugarcane might not qualify as proportionate share history acreage because some sugarcane mills might not be completed in time to grind cane of that crop. Several of those testifying at the hearing urged that 1962-crop acreage history credit be given to farms on which producers had demonstrated ability by planting sugarcane even though the acreages may not qualify as "planted acreage," as that term has been consistently used under sugarcane acreage programs in past years.

All of those testifying on the subject, unanimously agreed that acreage for the 1963 crop should be at the 1962-crop level. This recommendation was made with the full understanding that yields from the 1962 or 1963 crops above those used in their calculations for the two crops could result in excess carryover stocks and in cut-backs in acreages for subsequent crops.

Determination. This determination provides for establishing a 1963-crop proportionate share for each farm having a record of planted acreage (area harvested for sugar, liquid sugar or seed plus acreage classified as bona fide abandonment) during any year of the "base period", comprising the crop years 1960, 1961 and 1962. In accordance with the Department's notice appearing in the FEDERAL REGISTER on March 13, 1962 (27 F.R. 2373), only those acreages planted to sugarcane on or before April 15, 1962, will be considered in establishing proportionate shares. Each farm proportionate share will be established at the larger of 105 percent of the average acreage on the farm for the base period or 100 percent of the 1962 acreage for such farm. Since 1963-crop shares will be established before the actual disposition of 1962-crop acreage is known, data for the latter crop must be estimated. Hence, if it is determined by the ASC County Committee that the actual 1962-crop acreage record for any farm is different than the estimated acreage that was used in establishing the share, the share will be revised. Careful consideration has been given to the recommendation of a part of the Florida industry that 1963-crop proportionate shares which are based upon estimated 1962-crop acreages not be redetermined on the basis of actual 1962-crop sugarcane acreage harvested for sugar or seed or qualified as abandoned acres. As heretofore noted, however, section 302(b) of the act provides that the only consideration which may be given to past production of sugarcane is that marketed or harvested for purposes of extraction of sugar or for seed. It is hoped that operating mills will arrange to process sugarcane made available to them for processing.

For each State, an acreage equivalent to about one-fourth of one percent of the estimated total of the proportionate shares therein is made available for adjustments in the proportionate shares resulting from the formula. Such adjustments are needed in cases such as those wherein the sugarcane acreage record of the land being farmed by a producer is not fully representative of such producer's past production experience.

For each State, an acreage equivalent to about one-fourth of one percent of the estimated total of the proportionate shares therein is made available for establishing shares for new producers (those having no record of sugarcane production during the base period). Provision is made for the filing of written requests by such persons by an established deadline and the rating of such applicants in accordance with pertinent criteria. Selection of the new producers would be made by lot from among those rated as qualified if requests by such applicants exceed the acreage available, unless the State Committee elects to establish shares for those farms whose operators such committee determines to be the best-qualified by taking into consideration only those factors specifically enumerated in this regulation.

During the prior period (1954–1959) of restrictions, underplantings of proportionate shares in Louisiana averaged about 15,000 acres for each crop. To offset estimated underplantings for the 1963 program in that State, 10,000 acres are made available for increases in shares for those farms, the operators of which file timely written requests for such increases. If the total acreage increases requested exceed the available acreage, the available acreage will, insofar as practicable, be prorated to all farms for which additional acreages have been requested on the basis of the proportionate shares initially established pursuant to the formula. To avoid acreages being unused, requests by farm operators for additional acreages should be strictly limited to those that can be utilized.

In Florida, only negligible proportionate share acreages remained unused during the previous restrictive period. To offset any unused 1963-crop proportionate shares in that State, provision is made for the proration thereof to other farms having acreages growing thereon in excess of those established pursuant to the formula.

The provisions of this determination relating to notification to farm operators of the proportionate shares established for their farms, notification of excess sugarcane acreages, erroneous notices of proportionate shares or of excess acreages, the division of farm history when farms are reconstituted, and other miscellaneous provisions pertaining to eligibility for payment under the Sugar Act are comparable to those in effect in previous years.

The 1963-crop acreages resulting from this determination should provide a quantity of sugar which will enable the Mainland Cane Sugar Area to meet its quota under the act and provide a normal carryover inventory.

The provisions of this determination provide an equitable basis for establishing proportionate shares for farms in the Mainland Cane Sugar Area for the 1963 sugarcane crop.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153, Interprets or applies sec. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. Supp. 1131, 1132; Pub. Law 87–535, approved July 13, 1962)

Effective date of publication.

Signed at Washington, D.C., on August 20, 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62–8541; Filed, Aug. 23, 1962; 8:53 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 32]

PART 1032—MILK IN SUBURBAN ST. LOUIS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Suburban St. Louis marketing area (7 CFR Part 1032), it is hereby found and determined that:

(a) The following provision of the order, appearing in § 1032.7(b), does not tend to effectuate the declared policy of the Act for the month of August 1962: "any number of days during the months of March through July or to the extent of not more than 10 days' production during any month from August through February".

(b) By notice of proposed rule making issued August 6, 1962 (27 F.R. 7887; F.R. Docket 62–7951), by the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, interested parties were advised that suspension of this provision was under consideration and were given opportunity to submit written views, data or arguments with respect thereto. No interested parties submitted views, data or arguments in opposition to proposed suspension.

(c) Thirty days notice of effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will facilitate the orderly disposition of milk during the month of August 1962, a period when unusually heavy supplies of producer milk are expected.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of August 1962.

Effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on August 20, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62–8542; Filed, Aug. 23, 1962; 8:53 a.m.]

[Milk Order No. 67]

PART 1067—MILK IN OZARKS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Ozarks marketing area (7 CFR Part 1067), it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act for the month of August 1962:

1. In § 1067.7(b), the words, "during any of the months of February through July, or to the extent of not more than 10 days' production during any of the months of August through January"; and

2. In the table of § 1067.11(b) opposite the month of August, the following: "25".

(b) By notice of proposed rule making issued August 6, 1962 (27 F.R. 7887; F.R. Doc. 62–7952), by the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, interested parties were advised that suspension of these provisions was under consideration and were given opportunity to submit written views, data or arguments with respect thereto. Suspension of the provision in § 1067.11 (b) was supported by all interested parties who submitted views, data or arguments with respect thereto;

(c) Although some opposition was expressed to suspension of the provision of § 1067.7(b) relating to the diversion of producer milk, economic conditions prevailing in the market justify suspension of this provision for the month of August 1962;

(d) Thirty days notice of effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will facilitate the orderly disposition of milk during the month of August 1962, a period when unusually heavy supplies of producer milk are expected.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of August 1962.

Effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on August 20, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62–8511; Filed, Aug. 23, 1962; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8451]

PART 13—PROHIBITED TRADE PRACTICES

Allenton Mills, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Allenton Mills, Inc. (Allenton, R.I.), et al., Docket 8451, May 24, 1962]

In the Matter of Allenton Mills, Inc., Scots Mills, Inc., Maine Mills, Inc., Corporations, and Benjamin Furman, Fanny Furman, and Max Furman, Individually and as Officers of Said Corporations

Order requiring three affiliated family corporations and their officers to cease violating the Wool Products Labeling Act by such practices as labeling as "All Wool", fabrics which contained 50 percent or 25 percent reprocessed wool, and by failing in other respects to comply with labeling requirements.

The order to cease and desist is as follows:

It is ordered, That respondents, Allenton Mills, Inc., Scots Mills, Inc., Maine Mills, Inc., corporations, and their officers, and Benjamin Furman, Fanny Furman, and Max Furman, individually and as officers of said corporations, their agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of wool fabrics or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding of such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to, or place on, each such product a stamp, tag, label

or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 24, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8526; Filed, Aug. 23, 1962; 8:50 a.m.]

[Docket C-138]

PART 13—PROHIBITED TRADE PRACTICES

Brown and Loe, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Brown and Loe, Inc., Kansas City, Mo., Docket C-138, May 16, 1962]

In the Matter of Brown and Loe, Inc., a Corporation

Consent order requiring a Kansas City, Mo., wholesale distributor of citrus fruit and produce to cease violating section 2(c) of the Clayton Act by accepting illegal brokerage on its own purchases for resale, such as a commission or discount, usually at the rate of 10 cents per 1⅗ bushel box, on purchases of citrus fruit from Florida and California packers, or a lower price reflecting such commission.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Brown and Loe, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of citrus fruit or produce in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or produce for respondent's own account, or where respondent is the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: May 16, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8527; Filed, Aug. 23, 1962; 8:50 a.m.]

[Docket C-136]

PART 13—PROHIBITED TRADE PRACTICES

California Fruit Exchange

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): Section 13.820 Direct buyers.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, California Fruit Exchange, Sacramento, Calif., Docket C-136, May 11, 1962]

In the Matter of California Fruit Exchange, a Corporation

Consent order requiring a Sacramento, Calif., packer of fresh fruit to cease granting unlawful commissions or discounts on substantial sales to some of its brokers and direct buyers purchasing for their own account for resale.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent California Fruit Exchange, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of fresh fruit or related products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying, granting, or allowing, directly or indirectly to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of fresh fruit or related products to such buyer for his own account.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: May 11, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8528; Filed, Aug. 23, 1962; 8:50 a.m.]

[Docket C-143]

PART 13—PROHIBITED TRADE PRACTICES

Camera Specialty Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.250 *Success, use or standing.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* § 13.1900-30 *Foreign in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Camera Specialty Company, Inc., etc., et al., Bronxville, N.Y., Docket C-143, May 29, 1962]

In the Matter of Camera Specialty Company, Inc., a Corporation, Doing Business as Exakta Camera Company, and Max Wirgin, and Wolf Wirgin, Individually and as Officers of Said Corporation

Consent order requiring Bronxville, N.Y., distributors to retailers of cameras manufactured in Russian-occupied Germany to cease selling the cameras without conspicuous disclosure on containers of the fact of manufacture in U.S.S.R. territory, and advertising falsely that every major hospital in the U.S. used the camera.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Camera Specialty Company, Inc., a corporation trading and doing business as Exakta Camera Company, and its officers, and Max Wirgin and Wolf Wirgin, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of cameras or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing products which are in whole, or in substantial part, manufactured in the U.S.S.R. or in territory occupied by the U.S.S.R. or in countries which are a part of the Soviet Bloc, without clearly and conspicuously disclosing on such products and on any packages or containers in which the said products may be enclosed for display purposes, and in such manner that the words cannot readily be obliterated, that such products are manufactured in whole or in part in the U.S.S.R. or in territory occupied by the U.S.S.R., or in countries which are a part of the Soviet Bloc.

2. Representing directly or indirectly, that all major hospitals use respondents' cameras.

3. Misrepresenting in any manner the number or identity of users of their products.

4. Furnishing or otherwise placing in the hands of retailers or dealers in said products the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 29, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8529; Filed, Aug. 23, 1962; 8:50 a.m.]

[Docket C-141]

PART 13—PROHIBITED TRADE PRACTICES

L. R. Oatey Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.30 *Composition of goods.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1890 *Safety.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The L. R. Oatley Company et al., Cleveland, Ohio, Docket C-141, May 24, 1962]

In the Matter of The L. R. Oatey Company, a Corporation, and Robert L. Oatey, and Alan R. Oatey, Individually and as Officers of Said Corporation

Consent order requiring Cleveland, Ohio, distributors to cease representing falsely in price lists, circulars, and otherwise, that certain of their wire solders contained new and special metals and additives which made them more effective than competing products, and that their plastic metal mender "Bond-Tite" was nontoxic and would not cause itching; and requiring them to label containers of the "Bond-Tite" cream hardener and putty with a conspicuous warning of dangers in their use.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent The L. R. Oatey Company, a corporation, and its officers and respondents Robert L. Oatey and Alan R. Oatey, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of solders, or a plastic metal mender designated "Bond-Tite", or any other product of similar composition or possessing substantially similar properties, under whatever name sold, do forthwith cease and desist from:

1. Representing, directly or by implication, that any of their solders contain a metal or an additive which is new, special or unique or which makes the solder more effective than other solders.

2. Representing, directly or by implication:

(a) That the cream hardener is nontoxic or will not cause itching or skin irritation.

(b) That the plastic metal mender is nontoxic, safe or harmless or will not cause itching or skin irritation.

3. Using a label on the container for the cream hardener which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: Keep away from heat or flame. Keep out of reach of children. If taken internally, induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

4. Using a label on the container for the putty which does not set forth in a clear and conspicuous manner the following statement:

CAUTION: After mixing with cream hardener, avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 24, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8530; Filed, Aug. 23, 1962; 8:50 a.m.]

[Docket C-139]

PART 13—PROHIBITED TRADE PRACTICES

Mason Bros. & Tarlin, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Mason Bros. & Tarlin, Inc., et al., Boston, Mass., Docket C-139, May 18, 1962]

In the Matter of Mason Bros. & Tarlin, Inc., a Corporation, and Paul Mason, Individually and as an Officer of Said Corporation

Consent order requiring Boston importers to cease violating the Flammable Fabrics Act by selling in commerce leis which were so highly flammable as to be dangerous when worn.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Mason Bros. & Tarlin, Inc., a corporation and its officers, and respondent Paul Mason, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce, any article of wearing apparel which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 18, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8531; Filed, Aug. 23, 1962; 8:51 a.m.]

[Docket C-142]

PART 13—PROHIBITED TRADE PRACTICES

Milfur, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15-235 *Producer status of dealer or seller:* § 13.15-235(u) *Tanner;*[1] § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service;* § 13.185 *Refunds, repairs, and replacements;* § 13.225 *Services.* Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Milfur, Inc., et al., Milwaukee, Wis., Docket C-142, May 29, 1962]

In the Matter of Milfur, Inc., a Corporation, and Sidney Krasno, Alias W. L. Hudson, and Marion Krasno, Individually and as Officers of Said Corporation

Consent order requiring Milwaukee, Wis., manufacturers of garments, gloves, moccasins, and other leather products to order from hides furnished by hunters and others, to cease representing falsely in magazines of national circulation and in their catalog that they custom-tanned raw hides sent in by customers and made the leather products ordered by the customers from the raw hides so furnished; to cease representing falsely in their catalog and order blank that their leather products and services were of highest quality when actually many were defective, that adjustments would be

[1] New.

made when they were found unsatisfactory, and that they were unconditionally guaranteed; and to make deliveries within periods specified.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Milfur, Inc., a corporation, and its officers, and Sidney Krasno, alias W. L. Hudson, or any other name, and Marion Krasno, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of leather products or services in connection therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or indirectly that respondents tan raw hides.

2. Representing directly or indirectly that they own and operate facilities for tanning raw hides unless and until respondents own and operate or directly and absolutely control the plant wherein said hides are tanned.

3. Representing directly or indirectly that raw hides sent in by customers are custom-tanned or that such hides will be tanned and returned to customers if requested.

4. Representing directly or indirectly that leather products ordered by customers are made from the raw hides furnished by such customers.

5. Representing directly or indirectly that respondents' products or services which are defective in material, workmanship or in other respects are of high quality.

6. Representing directly or indirectly that purchasers will be satisfied with respondents' products or services unless respondents make satisfactory adjustment, voluntarily and promptly when apprised by a purchaser that said products or services are not satisfactory.

7. Representing directly or indirectly that said products or services are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed, and respondents do in fact fulfill all of their requirements under the terms of the said guarantee.

8. Failing to make deliveries of products or perform services within the period of time specified by respondents.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 29, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8532; Filed, Aug. 23, 1962; 8:51 a.m.]

[Docket C-140]

PART 13—PROHIBITED TRADE PRACTICES

North American Quilting Corp. et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053-90 *Wool Products Labeling Act.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-40 *Federal Trade Commission Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185-90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, North American Quilting Corp. et al., Brooklyn, N.Y., Docket C-140, May 18, 1962]

In the Matter of North American Quilting Corp., a Corporation, and Harry Belsky, Leon Diamond, and Mayer Ofman, Individually and as Officers of Said Corporation

Consent order requiring Brooklyn, N.Y., manufacturers to cease violating the Wool Products Labeling and Federal Trade Commission Acts by labeling and invoicing as "80% reused wool, 20% reused unknown fibers", quilted interlining materials which contained substantially less reused wool than so represented; failing to label certain interlining materials with the generic name of the constituent fibers and the percentage thereof, and to comply in other respects with labeling requirements; and furnishing false guaranties that products were not misbranded.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent North American Quilting Corp., a corporation, and its officers, and respondents Harry Belsky, Leon Diamond and Mayer Ofman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacture for introduction into commerce, the introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to securely affix to or place on each product, a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner, each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Minimizing or rendering obscure or inconspicuous the required information descriptive of the fiber content contained on the labels attached to such wool products.

4. Setting forth the name or designation of fibers not present in wool products on the stamp, tag, label or other mark of identification affixed to such wool products.

5. Furnishing false guaranties that wool products are not misbranded under the provisions of the Wool Products Labeling Act, when there is reason to believe that the wool products so guaranteed may be introduced, sold, transported or distributed in commerce.

It is further ordered, That respondent North American Quilting Corp., a corporation, and its officers, and respondents Harry Belsky, Leon Diamond, and Mayer Ofman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of interlining materials or other products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 18, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8533; Filed, Aug. 23, 1962; 8:51 a.m.]

[Docket 7806]

PART 13—PROHIBITED TRADE PRACTICES

Carey Surgical Appliance Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15-250 *Qualifications and abilities;* § 13.20 *Comparative data or merits;* § 13.30 *Composition of goods;* § 13.110 *Indorsements, approval and testimonials;* § 13.190 *Results;* § 13.205 *Scientific or other relevant facts;* § 13.280 *Unique nature or advantages.* Subpart—Using misleading name—Goods: § 13.2315 *Nature.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, R. C. Myrick (Los Angeles, Calif.) trading as Carey Surgical Appliance Co., etc., et al., Docket 7806, May 24, 1962]

In the Matter of R. C. Myrick, an Individual Trading as Carey Surgical Appliance Co., and Allied Surgical Appliance Co., and Dorothy M. Myrick, an Individual

Order requiring an individual with offices in Los Angeles and San Francisco, Calif., engaged in selling hernia trusses both in his offices and on the road, to cease making a variety of false claims for his said devices in advertising in newspapers, as in the order below more specifically set forth.

The order to cease and desist is as follows:

It is ordered, That respondent R. C. Myrick, an individual trading under his own name or as Carey Surgical Appliance Co., Allied Surgical Appliance Co., or under any other name or trade designation, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a device designated as Hernia Guard, Vacumatic Pad and Vacuum Pad, or any product or device of substantially similar construction or design, whether sold under the same names or any other name, do forthwith cease from directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mails or by any other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement:

(a) Which represents directly or by implication:

(1) That respondent's device operates upon a principle which is new, revolutionary or different from that employed by other trusses in common use.

(2) That respondent's device provides any benefits other than retaining a hernia, or affords benefits beyond those afforded by other trusses in common use.

(3) That respondent's device controls hernias unless expressly limited to reducible inguinal hernias.

(4) That said device is not equipped with a bulb in the sense in which bulbs are used in trusses.

(5) That the use of said device will help nature correct a hernia or have any beneficial effect on a hernia other than to prevent its protrusion.

(6) That said device will retain a hernia at all times and under all circumstances.

(7) That it will give greater relief than other trusses or is easier or more comfortable to wear than trusses in general use.

(8) That respondent's device consists of only a pad.

(9) That respondent's device has been endorsed by physicians as the most revolutionary or satisfactory hernia control, or misrepresenting in any manner the nature or extent of any endorsement of said device.

(b) Which uses the words "vacuum" or "vacumatic" or any other word or term of similar import in connection with said device, or represents in any other manner that said device operates on the vacuum principle.

(c) Which uses the expression "Certified Hernia Technologist" or any other words or expression of similar import, in reference to respondent, his agents, representatives or employees, or representing in any other manner that respondent, his agents, representatives or employees are medically trained or qualified to properly diagnose and treat hernias.

2. Disseminating or causing to be disseminated by any means, any advertisement for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said device in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1, hereof.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to respondent Dorothy M. Myrick.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent R. C. Myrick, an individual trading under his own name or as Carey Surgical Appliance Co., Allied Surgical Appliance Co., or under any other name or trade designation, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: May 24, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8534; Filed, Aug. 23, 1962; 8:52 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Parole Board Directive No. 1]

PART 2—PAROLE, RELEASE, SUPERVISION, AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Prescribing Regulations of the United States Board of Parole and Youth Correction Division of the Board

Under and by virtue of the authority vested in the United States Board of Parole and the Youth Correction Division thereof by Title 18 of the United States Code, particularly Chapter 311 and Part IV, and Subpart T of Part 0 of Chapter 1 of Title 28 of the Code of Federal Regulations, Part 2 of Chapter I of Title 28 of the Code of Federal Regulations is hereby amended to read as follows:

Sec.
2.1 Definitions.
2.2 Granting of parole.
2.3 Eligibility for parole.
2.4 Same; indeterminate sentence.
2.5 Same; juvenile delinquents.
2.6 Same; committed youth offenders.
2.7 Youth offenders; observation and study.
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2.42 Discharge from supervision.
2.43 Same; youth offenders.
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2.45 Jurisdiction over District of Columbia prisoners.
2.46 Jurisdiction over District of Columbia juveniles.
2.47 Jurisdiction over District of Columbia committed youth offenders.
2.48 Confidentiality of parole records.

AUTHORITY: §§ 2.1 to 2.48 issued under 18 U.S.C. Ch. 311 and Part 14; 28 CFR Part O, Subpart T.

§ 2.1 Definitions.

(a) For the purposes of this part the term "Board" means the United States Board of Parole and the terms "Youth Correction Division" and "Division" each mean the Youth Correction Division of the Board.

(b) All other terms used in this part shall be deemed to have the same meaning as identical or comparable terms have when those terms are used in Chapter 311 or Part IV of Title 18 of the United States Code.

§ 2.2 Granting of parole.

The granting of parole rests in the discretion of the Board of Parole. The Board may parole a prisoner who is otherwise eligible if (a) he has observed substantially the rules of the institution in which he is confined; (b) there is reasonable probability that he will live and remain at liberty without violating the laws; and (c) in the opinion of the Board such release is not incompatible with the welfare of society. (18 U.S.C. 4203(a))

§ 2.3 Eligibility for parole.

A Federal prisoner, other than a juvenile delinquent or a committed youth offender, wherever confined and serving a definite term or terms of over one hundred and eighty days may, in accordance with the regulations prescribed in this part, be released on parole after serving one third of such term or terms or after fifteen years of a life sentence, or of a sentence of over forty-five years. (18 U.S.C. 4202)

§ 2.4 Same; indeterminate sentence.

A Federal prisoner, other than a juvenile delinquent or a committed youth offender, who has been sentenced to a maximum term of imprisonment in excess of one year may, if the court has designated a minimum term to be served, which term may be less than, but not more than, one third of the maximum sentence imposed, be released on parole after serving the minimum term. In cases in which a court imposes a maximum sentence of imprisonment upon a prisoner and specifies that the prisoner may become eligible for parole at such time as the Board may determine, the prisoner may be released on parole at any time in the discretion of the Board. (18 U.S.C. 4208)

§ 2.5 Same; juvenile delinquents.

A juvenile delinquent who has been committed and who, by his conduct, has given satisfactory evidence that he has reformed, may be released on parole at any time under such terms and conditions as the Board deems proper if it shall appear to the satisfaction of the Board that there is reasonable probability that the juvenile will remain at liberty without violating the law. (18 U.S.C. 5037)

§ 2.6 Same; committed youth offenders.

The Youth Correction Division may at any time, after reasonable notice to the Director of the Bureau of Prisons, release conditionally under supervision a committed youth offender. A youth offender committed under section 5010(b) of Title 18 of the United States Code to a maximum six-year term shall be released conditionally under supervision on or before the expiration of four years from the date of his conviction. A youth offender committed under section 5010(c) of Title 18 of the United States Code to a maximum term which is more than six years shall be released conditionally under supervision not later than two years before the expiration of the term imposed by the court. (18 U.S.C. 5017)

§ 2.7 Youth offenders; observation and study.

The court may order a youth to be committed to the custody of the Attorney General for observation and study at an appropriate classification center or agency. Within sixty days from the date of the order, or such additional period as the court may grant, the Youth Correction Division shall, pursuant to the authority delegated to the Division by the Attorney General by § 0.127(c) of this chapter, report its findings to the court. (18 U.S.C. 5010(e))

§ 2.8 Date service of sentence commences.

(a) Service of a sentence of imprisonment commences to run on the date on which the person is received at the penitentiary, reformatory, or jail, for service of the sentence: *Provided, however,* That any such person shall be allowed credit toward the service of his sentence for any days spent in custody prior to the imposition of sentence by the sentencing court for want of bail set for the offense under which sentence was imposed in any case in which the statute involved requires the imposition of a minimum mandatory sentence.

(b) Service of the sentence of any person who is committed to a jail or other place of detention to await transportation to the place at which his sentence is to be served shall commence to run from the date on which he is received at such jail or other place of detention.

(c) Service of the sentence of a committed youth offender commences to run and continues to run uninterruptedly from the date of conviction.

§ 2.9 Parole of prisoner subject to local detainer.

A prisoner, after he becomes eligible for parole, may, in the discretion of the Board, be released to the custody of an authorized official who has lodged a detainer against the prisoner, and, in such case, the Board may expressly provide that the prisoner be released only to the detaining authorities.

§ 2.10 Parole of prisoner subject to deportation.

A prisoner, who is an alien and subject to deportation, may be released on parole on the express conditions that he be deported and that he remain outside of the jurisdiction of the United States. Any such prisoner, when his parole becomes effective, shall be delivered to a duly authorized immigration official for deportation. Alien prisoners who are deemed fit for release into community supervision by the Board, even though they may eventually be deported under detainers filed against them, may be paroled generally; provided, that immigration authorities shall be notified of all such general paroles, as well as other forms of release, and of the effective date of such releases as established by orders of the Board. In such cases, the Board may parole the prisoner subject either "to the immigration detainer only" or "to the immigration detainer or an approved plan should the detainer be lifted."

§ 2.11 Parole of prisoner in state or territorial institutions.

Any person who has been convicted of any offense against the United States, which is punishable by imprisonment but who is confined therefor in a state reformatory or other state or territorial institution, shall be eligible for parole by the Board on the same terms and conditions and by the same authority, and subject to recommittal for the violation of such parole as though he were confined in a Federal penitentiary, reformatory, or other correctional institution.

§ 2.12 Application by prisoner.

A prisoner, other than a juvenile delinquent or a committed youth offender, desiring to apply for a parole shall execute such form or forms as may be prescribed by the Board. Such forms shall be available at each Federal institution and shall be provided to prisoners eligible for parole. Juvenile delinquents and committed youth offenders shall not apply for parole. Instead, regular hearings, which may not be waived, shall be scheduled for each juvenile and committed youth offender by the Youth Correction Division. The Division may order parole as the result of any such hearing or may order a later review of the adjustment of the juvenile or youth concerned.

§ 2.13 Withheld and forfeited good time.

(a) Section 4202 of Title 18 of the United States Code permits Federal prisoners to be paroled if they have observed the rules of the institution in which they are confined and if they are otherwise eligible for parole. Any forfeiture of good time shall be deemed to indicate that the prisoner has violated the rules of the institution to a serious degree, and a parole will not be granted in any such case in which such a forfeiture remains effective against the prisoner concerned. Any withholding of good time shall be deemed to indicate that the prisoner has engaged in some less serious breach of the rules of the institution, and, except in unusual circumstances, a parole will not be granted in any such case unless and until such good time has been restored.

(b) However, neither a forfeiture of good time nor a withholding of good time shall bar a prisoner from applying for and receiving a parole hearing.

§ 2.14 Reports considered.

Decisions as to whether a parole shall be granted or denied shall be determined on the basis of the application, if any, submitted by the prisoner, together with the classification study and all reports assembled by all the services which shall have been active in the development of the case. These reports may include the reports by the prosecuting officer and the sentencing judge, records from the Federal Bureau of Investigation, reports from the officials in each institution in which the applicant shall have been confined, all records of social agency contacts, and all correspondence and such other records as are necessary or appropriate for a complete presentation of the case. Before making a decision as to whether a parole should be granted or denied in any particular case, the Board will consider all available relevant and pertinent information concerning the case. In furtherance of that policy, the Board encourages the submission by interested persons of pertinent and relevant information to the Board either before or after a Board order has been issued.

§ 2.15 Hearings at institution.

Regular hearings by a Member of the Board or an examiner designated by the Board shall be scheduled for each Federal institution. Prisoners serving sentences in excess of one year shall appear for such hearing in person. At the time of the hearing, or as soon after as is feasible, the Member or examiner shall prepare a report concerning the case which shall include a summary statement of relevant and pertinent facts involved and, if possible, shall include a recommendation, in keeping with the established policies of the Board, concerning the disposition of the case. Such report, together with the complete file of the prisoner, shall be submitted promptly to the Board for final action, which action shall ordinarily be taken in Washington, D.C.

§ 2.16 Same; procedure.

No prisoner, including juveniles and committed youth offenders, appearing at any hearing, other than a revocation hearing, shall be represented by counsel or by any other person. No interviews with the Board or any representative thereof shall be granted to a prisoner unless his name is docketed for a hearing in accordance with Board procedures. The hearings described in this section and the preceding section shall not be open to the public, and the records of all such hearings shall be treated as being confidential and shall not be open to inspection by the prisoner concerned or any other unauthorized person.

§ 2.17 Consideration by the Board.

Reports and records submitted to the Board in accordance with § 2.15, shall be considered by the Board in the light of the entire record of the prisoner concerned and in consonance with established policies of the Board.

§ 2.18 Prisoners with sentences of one year or less.

Parole of a prisoner serving more than one hundred and eighty days but less than one year and one day shall be decided on the basis of the record of the prisoner concerned without providing him a personal interview or hearing. In such cases, the Board shall, upon receipt of the prisoner's application for parole and the classification study prepared by the institutional officials with respect to him, review the prisoner's entire record and base its decision upon that record.

§ 2.19 Release plans.

(a) In general, the following factors should be present before a prisoner is released after parole has been granted.

(1) There should be available to the parolee an adviser who is a responsible citizen living in or near the community in which the parolee will reside. The probation officer may serve as such adviser in appropriate cases with approval of the Board;

(2) There should be satisfactory evidence that the prospective parolee will be legitimately employed following his release; and

(3) There should be satisfactory assurance that necessary after care will be available to a parolee who is ill or who has some other demonstrable problem which requires special care.

(b) Generally, parolees will be released only to the place of their legal residence unless the Board is satisfied that another place of residence will serve the public interest more effectively or will improve the probabilities of the applicant's readjustment. Any of the requirements described in paragraphs (a) and (b) of this section may be waived by the Board whenever circumstances warrant such waiver.

(c) Insofar as it is practicable, the details of each plan for release shall be verified by a field investigation by the United States Probation Officer of the district into which release will be made.

§ 2.20 Release; discretionary power of Board.

When an effective date has been set by the Board, release on that date shall be conditioned upon continued good conduct by the prisoner and the completion of a satisfactory plan for his supervision. The Board may, on its own motion, reconsider any case prior to release and may reopen and advance, postpone, or deny a parole which has been granted. The Board may add to or modify the conditions of parole at any time.

§ 2.21 Review of cases by progress report or other written information.

The Board shall, on the basis of special progress reports or otherwise, periodically review cases in which parole has previously been denied. It shall also periodically review cases of prisoners whose parole or mandatory release has been revoked. Any case may also be specially reviewed at other times upon the receipt of any new information of substantial significance bearing upon the possibility of parole.

§ 2.22 Review of cases at hearing in Washington, D.C.

Attorneys, relatives, and other interested persons desiring to appear in person for a hearing with Members of the Board may do so at the headquarters of the Board by requesting an appointment. Two Members of the Board shall constitute a quorum for any such hearing, and no hearing shall be held in the absence of a quorum. Except in emergencies, or in cases in which a prisoner's term is one year and one day or less, no such hearing on behalf of a prisoner shall be scheduled during the ninety-day period following the date of a previous hearing of this type. Similarly, such hearings shall not ordinarily be scheduled during the ninety-day period following any other official Board action concerning a prisoner. In addition, such hearings shall not ordinarily be scheduled prior to a Board decision to grant or deny parole or to establish a parole eligibility date.

(b) An exception is made in any case in which a prisoner is serving a sentence of one year and one day or less. In such cases, the waiting period shall be thirty days.

§ 2.23 Same; revocation proceedings.

Whenever the Board has considered or is about to consider the possible revocation of parole or mandatory release of a person, an attorney, relative, or other interested person may, by appointment, appear before the Board on behalf of that person at any time without regard to a waiting period.

§ 2.24 Same; prisoners under jurisdiction of the Youth Correction Division.

Review hearings before Members of the Youth Correction Division may be scheduled at the headquarters of the Division on an individual basis.

§ 2.25 Community supervision by United States Probation Officers.

Pursuant to section 3655 of Title 18 of the United States Code, United States Probation Officers are required to provide such parole services as the Attorney General may request. The attorney General has delegated his authority in this regard to the Board (28 CFR 0.126 (b)). In conformity with the foregoing, probation officers function as parole officers and provide supervision to parolees and mandatory releases under the Board's jurisdiction.

§ 2.26 Same; sponsorship of parolees.

It is the policy of the Youth Correction Division to cooperate with groups desiring to serve as sponsors of parolees. The functions and responsibilities of sponsors are prescribed by rules and regulations adopted by the Division. In all cases, sponsors are subordinate to and cooperate with probation officers to whom the parolees are assigned.

§ 2.27 Same; changes in parole plan.

A parole plan approved by the Board with respect to a prisoner may be changed after release of the prisoner upon application by a probation officer and approval by the Board.

§ 2.28 Same; travel by parolees and mandatory releasees.

Except as otherwise provided in this section, it is the general rule of the Board that a parolee may travel outside his supervision district only with the prior approval of the Board. Travel outside a district without prior Board approval may be authorized by a probation officer subject to the following-described limitations.

(a) Board approval shall be required for vacation trips outside the district.

(b) Board approval shall be required for recurring travel outside the district, except in cases involving parolees who cross district boundaries to engage in or seek employment or for shopping or recreation, if such travel is not more than fifty miles from the district line.

(c) Board approval shall be required for travel outside the continental limits

of the United States, including travel or work aboard ship.

(d) Board approval shall be required in any case in which specific travel conditions have been imposed upon the parolee by the Board.

Board approval shall not be required for temporary leave to enter another district for a period not to exceed twenty days to investigate reasonably certain employment possibilities, if such leave shall have been approved by the probation officer concerned.

§ 2.29 Same; supervision reports.

All parolees and mandatory releasees shall make such reports to the United States Probation Officers to whom they have been assigned as may be required by the Board. On the basis of summary reviews of the progress of parolees, submitted in accordance with Board procedures, the Board may modify the reporting requirement of parolees and releasees.

§ 2.30 Duration of period of community supervision.

Any prisoner, with the exception of those sentenced prior to June 29, 1932, who is paroled under the provisions of laws relating to parole, shall continue on parole until the expiration of the maximum term or terms specified in his sentence without deductions of allowance for good time. Prisoners sentenced prior to June 29, 1932, shall receive reductions in their maximum term or terms of imprisonment for such good time allowances as may be authorized by law.

§ 2.31 Extension of parole supervision because of unpaid fine.

In any case in which a parolee shall have had a fine imposed upon him by the committing court for which he is to stand committed until it is paid or until he is otherwise discharged according to law, such parolee shall remain under parole supervision until payment of the fine is resolved according to law, even though the date that his sentence would otherwise have expired shall have already passed.

§ 2.32 Same; discharge from supervision.

The authority vested in the Attorney General by section 3569 of Title 18 of the United States Code to release parolees who are unable to pay their fines in whole or in part from supervision under certain conditions has been delegated to the Board (28 CFR 0.126(a)). Whenever a parolee with an unpaid committed fine has been under supervision at least thirty days beyond the end of his normal sentence and meets other requirements according to law, the Board may discharge him from supervision. Such a discharge does not excuse the individual from paying the fine imposed by the court, but does excuse him from parole supervision.

§ 2.33 Mandatory release in the absence of parole.

Whenever an applicant shall have been denied a parole and there shall have been no subsequent change in the Board's order of denial such individual shall be released by operation of law. Such mandatory release shall occur at the end of the sentence imposed by the court less such good time and extra good time deductions as he may have earned through his behavior and efforts at the institution of confinement. He shall be released as though on parole, with supervision until the expiration of the maximum term or terms for which he was sentenced less one hundred and eighty days. Insofar as possible release plans shall be completed before the release of any such prisoner and he shall be continued under supervision for any period in excess of one hundred and eighty days which remains of his term, under such conditions as may be prescribed by the Board.

§ 2.34 Same; youth offenders.

A prisoner committed under the Youth Corrections Act must be released conditionally under supervision not later than two years before the expiration of the term imposed by the court.

§ 2.35 Revocation of parole or mandatory release.

If a parolee or mandatory releasee violates any of the conditions under which he shall have been released, and satisfactory evidence thereof is presented to the Board, a warrant may be issued and the offender returned to an institution.

§ 2.36 Same; youth offenders.

In addition to issuance of a warrant on the basis of violation of any of the conditions of release, the Youth Correction Division may, when the Division is of the opinion that such youth offender would benefit by further treatment, direct his return to custody or issue a warrant for his apprehension and return to custody. Upon return to custody, such youth offender shall be given an opportunity to appear before the Division or a Member thereof. The Division may then, or at its own discretion, revoke its order of conditional release.

§ 2.37 Same; issuance of warrant.

A warrant for the apprehension of any such prisoner shall be issued only by the Board or a Member thereof, and only within the maximum term or terms for which the prisoner was sentenced.

§ 2.38 Same; execution of warrant.

Any officer of any Federal penal or correctional institution, or any Federal officer authorized to serve criminal process within the United States, to whom a warrant shall be delivered shall execute such warrant by taking such prisoner and returning him to the custody of the Attorney General. Delivery of the warrant to a Federal officer shall be considered completed when the warrant is signed and placed in the mail at the Board headquarters before the expiration of the maximum term of sentence.

§ 2.39 Same; unexpired term of imprisonment.

Service of the unexpired term of imprisonment of any such prisoner shall begin to run on the date he is returned to the custody of the Attorney General under a violator warrant, and the time the prisoner was on parole or mandatory release shall not diminish the time he was sentenced to serve.

§ 2.40 Revocation hearing by Board.

A prisoner who is retaken pursuant to a warrant issued by the Board or a Member thereof and returned to a Federal institution shall be afforded an opportunity to appear before the Board, a Member thereof, or an examiner designated by the Board. The Board may then or at any time within its discretion revoke and terminate the order of parole or mandatory release or modify the terms and conditions thereof. Whenever a parole or mandatory release is thus revoked, the prisoner may be required to serve all or any part of the remainder of the term for which he was sentenced, less such good time as he may earn following his recommitment.

§ 2.41 Same; legal counsel and witnesses at revocation hearings.

Each alleged parole or mandatory release violator shall be advised that he may be represented by counsel and that voluntary witnesses who have information relevant and material may testify at the revocation hearing authorized by § 2.40: *Provided*, That the alleged violator arranges for the appearance of counsel and witnesses in accordance with procedures prescribed by the Board.

§ 2.42 Discharge from supervision.

When the Board shall have modified the reporting requirement of a parolee and a period of at least one year shall have passed since the modification occurred, the Board may further order that the parolee be released from all supervision by the probation officer. In such cases, however, the parolee may be reinstated to supervision, or a warrant may be issued for him as a violator at any time prior to the expiration of the sentence or sentences imposed by the court.

§ 2.43 Same; youth offenders.

A committed youth offender may remain under supervision until the expiration of his sentence or he may be unconditionally discharged at any time after one year of continuous supervision or parole.

§ 2.44 Setting aside of conviction.

When an unconditional discharge has been granted to a youth offender prior to the expiration of his maximum term of sentence, his conviction shall be automatically set aside and the Division shall issue to the youth offender a certificate to that effect.

§ 2.45 Jurisdiction over District of Columbia prisoners.

Whenever a prisoner who was convicted in the District of Columbia is confined in, or as a parolee is returned to, a penal or correctional institution other than an institution of the District of Columbia, the Board shall exercise the same power and authority with respect to that prisoner as the Board of Parole for the District of Columbia would exercise with respect to him if the prisoner had been confined in or returned to an institution of the District of Columbia.

§ 2.46 Jurisdiction over District of Columbia juveniles.

Authority to parole juveniles committed in the District of Columbia to the National Training School for Boys has been expressly vested in the Youth Correction Division by the Attorney General. (28 CFR 0.127(e))

§ 2.47 Jurisdiction over District of Columbia committed youth offenders.

The Youth Corrections Act (18 U.S.C. Ch. 402) applies to youth offenders convicted in the District of Columbia. Committed youth offenders convicted in the District of Columbia, wherever they may be undergoing treatment, are subject to all the provisions of the Youth Corrections Act and are therefore under the jurisdiction of the Youth Correction Division as provided in that Act.

§ 2.48 Confidentiality of parole records.

To the end that the objectives and procedures of professionalized parole may be advanced and, more specifically, so that the channels of information vital to sound parole actions may be kept open and that offenders released on parole may be protected against publicity deleterious to their adjustment, the following principles relating to the confidentiality of parole records shall be followed by the Board:

(a) Dates of sentence and commitment, parole eligibility dates, mandatory release dates, and dates of termination of sentence will be disclosed in individual cases upon proper inquiry by a party in interest.

(b) Whether an inmate is being considered for parole, has been granted or denied parole, and if granted parole, the effective date set by the Board may be disclosed by the Board in its discretion whenever the public interest is deemed to require it.

(c) Who, if anyone, has supported an application for parole may be revealed at the Board's discretion only in the most exceptional circumstances, with the express approval of such person(s), and after a decision to grant parole has been made.

(d) Other matters contained in parole records will be held strictly confidential and will not be disclosed to unauthorized persons.

The regulations prescribed by this order shall be effective upon the publication of this order in the FEDERAL REGISTER.

Dated: August 17, 1962.

RICHARD A. CHAPPELL,
Chairman, United States Board of Parole.

GERALD E. MURCH,
Chairman, Youth Correction Division, United States Board of Parole.

[F.R. Doc. 62-8535; Filed, Aug 23, 1962; 8:52 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

PART 365—ISSUE OF SUBSTITUTES OF LOST, DESTROYED, MUTILATED AND DEFACED CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES

Part 365, Chapter II, Title 31, of the Code of Federal Regulations (appearing also as Treasury Department Circular No. 1001, Revised), is hereby revised to read as follows:

Sec.
365.1 Introductory.
365.2 Advice of nonreceipt or loss.
365.3 Request for substitute check; requirements for undertaking of indemnity; execution of applications in foreign countries.
365.4 Issuance of substitute check.
365.5 Receipt or recovery of original check.
365.6 Removal of stoppage of payment.

AUTHORITY: §§ 365.1 to 365.6 issued under R.S. 3646, as amended; 31 U.S.C. 528; and Treasury Department Order No. 177-16, dated December 18, 1957, 22 F.R. 10761.

SOURCE: §§ 365.1 to 365.6, contained in Department Circular 1001, Revised, August, 1962.

§ 365.1 Introductory.

This part, governing the issuance of substitutes of checks drawn on the Treasurer of the United States, other than those drawn by officers or employees of the Post Office Department, is prescribed pursuant to the provisions of section 3646 of the Revised Statutes of 1873, as amended (31 U.S.C. 528), and of Treasury Department Order No. 177-16, dated December 18, 1957, 22 F.R. 10761, and shall be effective immediately.

§ 365.2 Advice of nonreceipt or loss.

(a) In the event of the nonreceipt, loss, or destruction of a check drawn on the Treasurer of the United States, or the mutilation or defacement of such a check to an extent which renders it nonnegotiable, the owner, better to protect his interest, should immediately notify the drawer, describing the check, stating the purpose for which it was issued, giving, if possible, its date, number and amount, and requesting that payment be stopped. If the name or address of the drawer is not known the request for stoppage of payment should be sent to the Treasurer of the United States, stating the purpose for which the check was issued, the name of the department or agency authorizing the payment and if possible, the date, number and amount of the check. In cases involving mutilated or defaced checks, the owner should enclose the mutilated or defaced check with his communication to the drawer or Treasurer.

(b) Upon receipt of advice from an owner as to the nonreceipt, loss, destruction, mutilation, or defacement of a check, the drawer will, if appropriate, transmit the owner's letter (together with the mutilated or defaced check in cases involving such checks) to the Treasurer of the United States, Washington 25, D.C., or other bank through which the check is payable, as the case may be, together with a request by the drawer for stoppage of payment which includes a certification as to the accuracy of the check description and that it was properly issued.

(c) If the check, which is the basis of the owner's claim, is determined to be outstanding, the Treasurer's Office will furnish the claimant an appropriate application form for obtaining a substitute check. However, the execution of an application will not be required in the event the original written statement submitted by the claimant substantially meets the requirements of the prescribed application form.

§ 365.3 Request for substitute check; requirements for undertaking of indemnity; execution of applications in foreign countries.

(a) An undertaking of indemnity on Form 2244 or Form 2244b in a penal sum equal to the amount of the check or, in an appropriate case, an application on Form 2244a, or an application substantially containing the same information as Form 2244a, must be executed by the claimant, as may be required by the Treasurer of the United States, and submitted to the Treasurer of the United States, Washington 25, D.C.

(b) Unless the Treasurer of the United States deems that an undertaking of indemnity is essential in the public interest, no undertaking of indemnity shall be required in the following classes of cases:

(1) If the Treasurer of the United States is satisfied that the loss, theft, destruction, mutilation, or defacement occurred without fault of the owner or holder and while the check was in the custody or control of the United States or of a person duly authorized as an agent of the United States, including the Postal Service when carrying mail for an officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the Postal Service when otherwise acting solely in its capacity as a public carrier of the mail, or while it was in the course of shipment effected pursuant to and in accordance with regulations issued under the provisions of the Government Losses in Shipment Act, as amended;

(2) If substantially the entire check is presented and surrendered by the owner or holder and the Treasurer of the United States is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States;

(3) If the Treasurer of the United States is satisfied that the original check is not negotiable and cannot be made the

basis of a valid claim against the United States;

(4) If the amount of the check is not more than $200.00 and the check has not been endorsed by the payee;

(5) If the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, a municipal corporation or political subdivision of any of the foregoing, a corporation the entire capital of which is owned by the United States, a foreign government, or a Federal Reserve Bank.

(c) An application executed in a foreign country other than by an officer or an employee of the United States or a member of the Armed Forces of the United States, shall be sworn to before (1) a diplomatic or consular officer of the United States, or (2) an officer of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or (3) an official of such foreign country authorized by law to administer oaths generally, and such foreign official shall affix his official seal, if any, and a diplomatic or consular officer of the United States shall certify that the foreign official who administered the oath was duly authorized under the laws of such foreign country so to act.

§ 365.4 Issuance of substitute check.

Upon approval of the undertaking of indemnity, application or statement of claim by the Treasurer of the United States and upon certification of that fact to the Chief Disbursing Officer of the United States, the Chief Disbursing Officer or his designee shall issue to the claimant a substitute check showing such information as may be necessary to identify the original check.

§ 365.5 Receipt or recovery of original check.

(a) If the original check is received or recovered by the owner after he has requested the drawer or the Treasurer of the United States to stop payment on the original check but before a substitute check has been received, he should immediately advise the drawer or the Treasurer, as the case may be, and hold such check until receipt of instructions with respect to the negotiability of such check.

(b) If the original check is received or recovered by the owner after a substitute has been received by him, the original shall not be cashed, but shall be immediately forwarded to the Treasurer of the United States, Washington 25, D.C. Under no circumstances should both the original and substitute checks be cashed.

§ 365.6 Removal of stoppage of payment.

Requests for removal of stoppage of payment shall be addressed by the drawer to the Treasurer of the United States, or other bank through which the check is payable, as the case may be. No request for removal of stoppage of payment shall be accepted by the Treasurer of the United States or other bank through which the check is payable, after issuance of a substitute check has been approved.

Dated: August 20, 1962.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 62-8523; Filed, Aug. 23, 1962; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER B—MILITARY PERSONNEL

[CGFR 62-26]

PART 40—CADETS OF THE COAST GUARD

Miscellaneous Amendments

By virtue of the authority contained in Title 14, United States Code, sections 92, 182, and 633 (secs. 92, 182, 633, 63 Stat. 503, 508, 545), and delegated to me as Commandant, United States Coast Guard, by Treasury Department Orders 167, dated December 30, 1952 (18 F.R. 233), 167-3, dated May 6, 1953 (18 F.R. 2961, 2962), and 167-17, dated June 29, 1955 (20 F.R. 4976), the following amendments to Part 40 are prescribed which shall be in effect on and after July 8, 1963, and editorial amendments of a prior document are prescribed effective on publication of this document in the FEDERAL REGISTER:

1. Section 40.1 is amended to read as follows:

§ 40.1 Purpose.

Cadets are appointed in the Coast Guard for education and training to fit them to become commissioned officers in the Service. The Coast Guard Academy, located at New London, Connecticut, is maintained by the Government for the practical and theoretical training of young men to enable them to enter upon the duties of Ensign in the Coast Guard. Appointments are made solely through competitive examinations.

2. Section 40.2 is amended to read as follows:

The Coast Guard is interested in receiving applications for cadetship from all young men who feel that they meet the requirements outlined in the regulations in this part. Any such young man who is sincerely interested in a Coast Guard career is encouraged to make application.

3. Section 40.3(f) is amended to read as follows:

§ 40.3 General requirements for eligibility.

* * * * *

(f) No person who has been dismissed or compelled to resign from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Merchant Marine Academy, or the United States Coast Guard Academy for improper conduct is eligible for appointment as a cadet in the Coast Guard. No person whose discharge from any branch of the military service was under conditions other than honorable is eligible for appointment as a cadet.

4. Section 40.4 is amended to read as follows:

§ 40.4 Specific requirements for eligibility.

(a) No waivers of educational or physical requirements are granted to applicants.

(b) A candidate must be a graduate of an accredited high school or preparatory school or be in actual attendance in his senior year at an accredited preparatory school or high school, and have already completed three (3) years' work at such a school. A candidate indicating prospective graduation from a preparatory school or high school must, as a condition of admission, satisfactorily complete his course not later than June 30. With the exception of courses completed through the United States Armed Forces Institute, for which credit has been granted by an accredited school, correspondence schools do not meet the requirements for "Accredited Schools." Certificates issued by correspondence schools will not be accepted. A total of 15 units obtained in high school, preparatory school, or college must be submitted.

REQUIRED

(1) The subjects listed below, comprising 6 units, are mandatory and are required for eligibility:

Mathematics (1) (algebra to quadratics)	1
Mathematics (2) (quadratics and beyond)	1
Mathematics (3) (plane geometry)	1
English 1, 2, and 3	3
Total	6

OPTIONAL

(2) Further evidence of adequate preparation, amounting to 9 units of optional subjects is required and may be offered from the following groups:

Mathematics.
Fourth Year English.
Social Studies (history, civics, problems of democracy, citizenship, American problems, sociology, Government).
Biological Science (biology, zoology, botany, physiology).
Physical Science (physics, chemistry, general science, geology, astronomy).
Foreign Language (not less than 2 units credit will be allowed in any language. This means the student must complete, successfully, a 2-year course in an accredited school).

(3) A total of not more than 2 units credit will be accepted from any or all of the following groups:

Agriculture.
Commercial Arithmetic.
Commercial History.
Commercial Law.
Driver Education.
Drama.
Fine Arts.
Industrial Problems.
Journalism.
Manual Training.
Mechanical Drawing.
Music.
Occupations.
Public Speaking.
Typing.

(4) While not required, it is strongly recommended that a candidate include Solid Geometry, Trigonometry, Physics, Chemistry, and a fourth year of English in his preparation.

(c) To satisfy the requirements of § 40.3(c), a candidate must submit both high school and college credits. Because of the great variation in academic standards and credit requirements among schools, the Commandant reserves the right to evaluate each academic record submitted on its individual merits. In general, college credits from an accredited institution will be given the same weight as high school credits for the same amount of work, and in no case will one unit of college work be considered equivalent to more than one unit of high school work.

5. Section 40.6 is amended to read as follows:

§ 40.6 Definition of units.

The definition of a unit and of the ground covered by the designated subjects is as follows: A unit represents a year's study in any subject in a secondary school. A 4-year secondary school curriculum should be regarded as representing 16 units of work. This statement is designed to afford a standard of measurement for the work done in secondary schools. It takes the 4-year high school course as a basis, and assumes that the length of the school year is from 36 to 40 weeks, that a period is from 40 to 60 minutes in length, and that the study is pursued for 4 or 5 periods a week; but under ordinary circumstances a satisfactory year's work in any subject cannot be accomplished in less than 120 sixty-minute periods or their equivalent. Schools organized on any other than a 4-year basis can, nevertheless, estimate their work in terms of this unit.

§ 40.7 [Cancellation]

6. Section 40.7 is cancelled in its entirety.

§ 40.8 [Redesignation; Amendment]

7. Section 40.8 *Physical requirements* is redesignated § 40.7 and paragraphs (a), (b), and (d) are amended by changing the reference from "§ 40.9" to "§ 40.8."

§ 40.9 [Redesignation; Amendment]

8. Section 40.9 *Physical standards and disqualifications* is redesignated § 40.8; Table 40.9(a1) is redesignated Table 40.8 (a1) and paragraph (a) is amended by changing the reference from "Table 40.9(a1) and Table 40.9(a2)" to "Table 40.8(a1) and Table 40.8(a2)."

§ 40.10 [Redesignation; Amendment]

9. Section 40.10 *Physical aptitude test* is redesignated 40.9 and the first sentence is amended by changing the reference from "§§ 40.8 and 40.9" to "§§ 40.7 and 40.8."

10. Part 40 is amended by inserting a new § 40.10 reading as follows:

§ 40.10 Submission of application.

A candidate for appointment must submit to the Coast Guard an application requesting participation in the competition for appointment. As a condition for consideration of the application, the candidate must take the prescribed competitive examination and submit his scores to the Coast Guard. The application must be postmarked not later than the day of the competitive examination.

11. Section 40.11 is amended to read as follows:

§ 40.11 Annual competitive examination.

(a) *Content of examination.* The annual nationwide competitive examination shall consist of the following College Entrance Examination Board Tests administered by the College Entrance Examination Board:

(1) Scholastic Aptitude Test:
(i) Verbal Section.
(ii) Mathematical Section.
(2) Achievement Tests:
(i) Intermediate Mathematics or Advanced Mathematics (optional choice)[1].
(ii) English Composition.

(b) *Scheduled examination date.* The December administration of the College Entrance Examination Board Test will be used as the competitive examination for appointment as Cadet, U.S. Coast Guard. The Coast Guard will not accept the results of any other testing date except as provided in paragraph (c) of this section.

(c) *Change in examination date.* If in future years, the College Entrance Examination Board discontinues testing in December, and establishes a November testing date in lieu thereof, the November administration of the College Entrance Examination Board Test will be the competitive examination. Should the College Entrance Examination Board establish testing dates in both November and December, the December test will be used for the competitive examination.

(d) *Expenses.* All expenses connected with the candidate's appearance before examiners, and medical boards must be borne by the candidate. The College Entrance Examination Board Test fee must be borne by the candidate.

12. Section 40.12 is amended to read as follows:

§ 40.12 Annual competition for appointment.

(a) *Purpose.* The annual competition for appointment as Cadet, U.S. Coast Guard, is designed to select, on a fair competitive basis, those candidates who are best qualified and most likely to succeed as cadets and officers in the United States Coast Guard.

(b) *Scope and form.* (1) Successful completion of the Academy course and success as an officer depends on:

(i) An adequate educational background;

(ii) The possession of aptitudes related to both technical and cultural studies;

(iii) A sincere interest in the Coast Guard as a career, and

(iv) Relevant personality and physical characteristics.

(2) In addition to the essential virtues of honesty, dependability and perservance, subdivision 1(iv) of this paragraph includes physical stamina, coordination, physical and mental courage, self-confidence, emotional stability, alertness, leadership and the ability to live and work harmoniously in close contact with others. The selection procedures will measure as fairly and accurately as possible the extent to which each candidate meets these requirements.

(c) *Selection instruments.* The instruments used in the selection are the competitive examination, the supplementary testing, the personal interview, and the transcripts, evaluations and questionnaires furnished by each candidate.

(d) *Submission and consideration of test scores.* A candidate's College Entrance Examination Board Test scores will be submitted to the Coast Guard by virtue of his having taken the required tests on the designated date and having indicated on the test application form that the Coast Guard Academy shall receive the results. Consideration of the test scores will only be granted to those condidates whose applications for participation in the competition for appointment are postmarked not later than the date of the competitive examination. The Coast Guard will advise each man of his standing on the competitive examination approximately seven weeks after the date of the examination. Those candidates who do not qualify on the examination will receive no further consideration for appointment.

(e) *Supplementary testing.* Those candidates who meet the minimum score requirements of the competitive examination are considered for appointment and shall be given a personal interview and be required to undergo supplementary testing. The supplementary testing will consist of one or more tests or questionnaires concerning the candidate's emotional stability, social adjustments, vocational interest, study habits, background, and personality characteristics. The supplementary testing will be held annually on the third Monday in February at places where examiners are available. If the day falls on Washington's Birthday, the examination will be held on the day immediately following the holiday. Examiners will be commissioned officers of the Coast Guard or Civil Service Examiners. All expenses connected with the candidate's appearance before examiners must be borne by the candidate.

(f) *Personal interview.* The interviewing officer before whom the candidate appears will report to the Commandant his appraisal of the candidate's fitness and adaptability for a career as an officer in the Coast Guard Particular attention will be paid to neatness, cleanliness, physical appearance, bearing, manner of speech, manliness, and quali-

[1] Only those applicants completing their fourth year of mathematics and who have had or are taking trigonometry should consider taking the advanced mathematics test.

ties of leadership. The interviewing officer will report in detail any defects of character or behavior that may hinder or prevent the development of leadership, any marked inaptitude or aversion for military training, and any evidence of evasion, insincerity, or immaturity.

(g) *Cadet candidate evaluation board.* (1) A specially designated board of Coast Guard officers will be charged with the duty of assigning an evaluation mark to each candidate who has satisfied the minimum score requirements of the competitive examination. The evaluation shall include all the factors known to influence success as a cadet and officer. The marks will be based on the relative merit of candidates as shown by tests, questionnaires, and the interview reports noted in paragraph (f) of this section. The Board's decision will be based on factual objective information such as the following:

(i) The candidate's attitude toward assigned tasks and his willingness to work as shown by the consistency and pattern of his previous school work.

(ii) The candidate's previous extracurricular and athletic interests and experience, with particular attention to evidence of leadership and teamwork.

(iii) The candidate's personal qualities as shown by his reference questionnaire, the interviewer's report, his high school principal's comments, etc.

(iv) The candidate's physical build, appearance, and his bearing, as shown by the photographs and the interviewer's report.

(v) The candidate's score on one or more tests of emotional stability, social adjustment, vocational interest, study habits, background, and personality characteristics as may be administered for the purpose.

(2) The Board will be charged with the duty of obtaining the best possible cadets and officers for the Coast Guard. It is, therefore, to a candidate's interest to cooperate fully in supplying the Board with all relevant information on the factors listed in this paragraph. The Board's judgment will be final and subject to review only by order of the Commandant.

(h) *Minimum requirements.* To establish a list of eligible candidates and eliminate those who are markedly deficient in one or more phases of the examination, the Board will not consider candidates who fail to meet the minimum test requirements. Candidates whose standard scores on required tests and measures fall below the prescribed individual and/or combined test level, will be eliminated from further consideration.

(i) *Computation of final mark.* The final marks of each candidate will be computed by averaging the standard weighted scores provided through the test marks and the Cadet Candidate Evaluation Board rating. The weight to be assigned to each test and to the Cadet Candidate Evaluation Board rating for that year will be published before the competitive examination.

(j) *Offering of appointments.* A formal physical examination will be given approximately eight (8) weeks after the competitive examination to those candidates who are offered an appointment. Candidates will be offered appointments in the order of their final marks until the vacancies for the year have been filled. A candidate who fails to receive an appointment may compete again in subsequent years without prejudice, provided he meets the age and physical qualifications.

§§ 40.13, 40.14, 40.15 [Cancellation]

13. Sections 40.13 *Annual competitive examinations,* 40.14 *Schedule of examinations* and 40.15 *Sample questions, answer sheet, and key are cancelled.*

§ 40.16 [Redesignation; Amendment]

14. Section 40.16 is redesignated § 40.13 and is amended by changing the headnote to read "Appointment at Cadet, U.S. Coast Guard."

§§ 40.17 to 40.24 [Redesignation]

15. Sections 40.17 to 40.24, inclusive are redesignated §§ 40.14 to 40.21, inclusive.

§ 40.25 [Redesignation; Amendment]

16. Section 40.25 is redesignated §40.22 and is amended by revising paragraph (d) to read as follows:

(d) In lieu of the oath of allegiance to the United States, a substitute oath will be required in substance as follows:

I, _____
a citizen of _____
aged _____ years _____ months, having been appointed a cadet at the United States Coast Guard Academy, do solemnly swear to comply with all regulations for the good order and discipline of the Academy, and to give my utmost efforts to accomplish satisfactorily the required curriculum; do swear not to divulge any information of military value which I may obtain, directly or indirectly, in consequence of my presence at the United States Coast Guard Academy, to any alien government; and do agree that I shall be withdrawn from the United States Coast Guard Academy if deficient in conduct, health or studies.

17. The Coast Guard Federal Register document, identified as CGFR 61-37 and Federal Register Document 62-301, published in the FEDERAL REGISTER of January 11, 1962 (27 F.R. 293-302), is amended as follows:

a. In § 40.9, regarding physical standards disqualifications, in paragraph (h)(3) the misspelled word is corrected from "nurmurs" to "murmurs"; and in paragraph (k)(2)(ix) the last word is corrected from "glands" to "glans".

b. In § 40.15(a)(3), regarding sample questions and answer sheet for mathematics, the answer designated (e) is changed from "$p^2=5q$" to "$p^2=4q$".

(Secs. 92, 182, 633, 63 Stat. 503, 508, 545; 14 U.S.C. 92, 182, 633)

Dated: August 20, 1962.

[SEAL] D. McG. MORRISON,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 62-8524; Filed, Aug. 23, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1030]

[Docket No. AO-101-A26]

MILK IN CHICAGO, ILLINOIS, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating handling of milk in the Chicago, Illinois, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the proposed amendments to the tentative marketing agreement and to the order was conducted at Chicago, Illinois, on June 29, 1962, pursuant to notice thereof which was issued June 13, 1962 (27 F.R. 5772).

The material issues on the record of the hearing relate to:

1. Reduction of the shipping percentage requirements for pooling supply plants.

2. Emergency action with respect to Issue 1.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Issue 1. The supply plant pooling provisions of the order should not be changed at this time.

As now provided in the order, a supply plant may attain pool plant status during any single month by shipping at least 30 percent of the butterfat in, or 30 percent of the volume of, milk received from dairy farmers to pool plants bottling and distributing Class I or Class II milk in the marketing area. If a supply plant ships monthly at least 30 percent of its receipts from dairy farmers in July and December, 40 percent August through November, and 15 percent in January and February, it is accorded pool plant status for the following months of March through June.

As proposed, the monthly shipping requirements for supply plants would be changed from 30 to 25 percent of receipts from dairy farmers; a supply plant that met the monthly 25 percent shipping requirement in July through October would be permitted to pool without further shipment the following November through October.

The proposed change, made by a cooperative that operates no plants, was supported by a number of producer groups that operate plants and by some proprietary handlers. As developed at the hearing by one proponent the proposal would use as a criterion for pooling a supply plant's offer to ship milk in lieu of actual shipments. Changing the supply plants standards for pooling was opposed by the major cooperative in the market and the principal proprietary handlers under the order.

The order was amended September 1, 1961, to provide the present performance standards for pooling supply plants. Prior to this amendment, handlers engaged in bottling and distributing operations in the Chicago area experienced considerable difficulty in obtaining sufficient milk from supply plants to meet their fluid milk requirements. Operators of the supply plants appeared reluctant to release any milk for fluid use in the market without receiving handling charges up to $1.25 per hundredweight. These supply plants were averse to shipping their milk to the market and were using it in their manufacturing operations. The present performance requirements for supply plants recognize that some plant operators would ship no milk to the market unless required as a condition for pooling.

Shipping standards are the basis for determining which supply plants are an integral part of the market and constitute the source of regular and dependable supplies for the market. They are specifically intended to distinguish between plants meeting a reasonable standard of regular and customary service to the market and those which do not.

The present provision, that a supply plant ship milk to the market July through February in order to pool without shipping the following March through June, results in a plant being required to ship during 8 months approximately 21 percent of its total receipts in a 12-month period. The proposal to permit a supply plant to pool November through October by shipping 25 percent of its monthly receipts in July through October would have the effect of enabling a plant to qualify for pooling for a 16-month period by an aggregate shipment (in 4 months) equal to as little as 6 percent of its total receipts during the 16 months. This would enable supply plants to make no shipments for sustained periods and thereby threaten the availability of an adequate supply of milk for the requirements of city plants. It cannot be concluded that the proposed provision is an appropriate alternative to that now provided in the order. Although one part of the proposal was to reduce the percentage shipping requirement for single months to 25 percent, no evidence was submitted relative to the effect this change would have on assuring adequate shipments to bottling plants. Hence, there was no evidence that the lower rate proposed would be more appropriate than the present 30 percent standard.

Reduction of the pool plant shipping percentages or replacing such standards with an "offer to ship" basis for qualifying would tend to the return of a condition prevalent in the market before the September 1961 amendment: i.e., the furnishing of the market's Class I and Class II requirements only at arbitrarily excessive handling charges from the supply plant operators who planned to retain milk in the country for manufacturing uses.

Proponents contend that increased production in the market and decreased Class I and Class II sales have resulted in unnecessary handling of milk to prevent loss of supply plants and producers from the pool. The present performance standards for supply plants to pool have been effective since September 1961. Between August 1961 and January 1962 there were 85 supply plants in the pool. Five of these have closed in recent months. In each case their closing was not because of inability to meet the pooling standards for supply plants but was the result of other business operating conditions. The current supply plant shipping requirements have not resulted in loss to the pool of plants or producers delivering to such plants.

A major purpose of the supply plant performance requirements is to insure that handlers engaged in bottling and distributing operations in the Chicago area will obtain sufficient milk from supply plants to meet their fluid milk requirements. Without such requirements, supply plants would tend to keep milk at their plants for manufacturing when it was to their advantage to do so. Moreover, any reduction in the pooling provisions would tend to attract additional manufacturing plant operations to the pool for the purpose of sharing the monetary benefits of the Class I and II utilizations of the market without bearing any responsibility for supplying the market's needs.

Reduction of the supply plant pooling standards as proposed was based on the contention that the present requirements resulted in forcing shipments to distributing plants. Such shipments which were for the purpose of qualifying a supply plant, were shipped back to it or to another plant for manufacturing purposes.

The quantity of milk and cream shipped back to the country is a relatively

small proportion of the total milk under the order. Whether there has been any increase or decrease in the frequency of or quantities of product involved in such shipments since the order change in September 1961 was not established on the record. There is no assurance that changing the pool plant shipping requirements as proposed would have any appreciable effect on the amount of shipments back to supply plants. Such shipments could be eliminated with certainty only if there were no performance standards at all.

It was claimed that the shipping requirements for pooling are too high at any time that there are shipments back to supply plants in the market. But no alternative basis that would accomplish the purpose of insuring the availability of milk and cream to Chicago order bottling and distributing plants for their fluid needs, if minimum shipping percentages were eliminated as a basis for pooling supply plants, was developed or substantiated at the hearing. The testimony for revising supply plant performance standards was directed at showing that supply plant handlers are at times inconvenienced by meeting the requirements for pooling. There is no assurance that the amendment proposed would eliminate such inconveniences. But it is clear that any such reduction would lessen the assurance of adequate shipments to bottling plants which is a central purpose of the pool plant standards.

A central point in proponents' contention for reducing supply plant standards is that producer deliveries have been increasing while Class I and II sales have been declining and that this has forced the shipment to distributing plants of milk not needed for Class I and Class II purposes. A question necessarily arises whether it is the order provisions which require these additional shipments or whether factors extraneous to the order are responsible. For several years a "super pool" has been effective in this market which results in the payment of prices higher than the minimums established by the order. These premium payments have no doubt encouraged the delivery of additional quantities of milk to pool plants regulated by this order and may also have had an influence in reducing Class I and II sales. The presence of these super pool payments makes it impossible to determine, therefore, whether any unnecessary shipments are the result of order provisions and thus should be dealt with through order amendment or whether such shipments are the consequence of conditions extraneous to the order operations and hence should be dealt with by means other than an order amendment. Until it can be shown that order provisions are responsible for unnecessary shipments, it would be inappropriate to amend the order to deal with the problems arising from any such shipments.

Since September 1, 1961, two or more supply plants have been permitted to qualify as a unit, enabling them to meet collectively the requirements for an individual plant. By this method, some plants have used all their milk in manufactured products and depended on shipments from other plants in the unit to qualify the unit. This pooling system enables marketing efficiency by keeping at a minimum the costs involved in moving milk between plants. Of the 82 supply plants pooled in February 1962, the most recent month for which such information is available, 55 were qualified through 12 units.

To a significant extent, unit pooling obviates the need for uneconomic movement of milk to the market. It does this without qualifying more milk for pooling than the aggregate performance standards warrant. Savings to the pool result from reducing uneconomic shipments of milk to distributing plants solely for the purpose of qualifying plants whose milk must be shipped back to supply plants for manufacture.

Issue 2. Emergency action should not be taken to suspend the supply plant qualifications for July. Such suspension was requested in conjunction with the request for a hearing on the proposed amendments.

In view of the findings on Issue 1, that no change in the supply plant pooling qualifications is warranted, the request for suspension action for July should be denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth herein. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Signed at Washington, D.C., on August 20, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-8512; Filed, Aug. 23, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Tennessee Corporation, Research and Development Department, Box 89, College Park, Georgia, proposing the establishment of exemptions from the requirements of tolerances for residues of copper abietate and copper linoleate when applied before harvest, for general agricultural use.

The analytical method proposed in the petition for determining residues of copper from use of these compounds is that published in the Ninth Edition of Official Methods of Analysis of the Association of Official Agricultural Chemists, sections 24.016-24.024.

Dated: August 17, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-8521; Filed, Aug. 23, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 533) has been jointly filed by Merck and Company, Inc., Rahway, New Jersey, and Abbott Laboratories, North Chicago, Illinois, proposing the amendment of § 121.210 of the food additive regulations to provide for the addition of 0.01 percent of arsanilic acid or sodium arsanilate to amprolium-medicated chicken and turkey feeds.

Dated: August 20, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8517; Filed, Aug. 23, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 892) has been filed by Fine Organics, Inc., 205 Main Street, Lodi, New Jersey, proposing the issuance of a regulation to provide for the safe use of oleyl palmitamide as a mold-release and slip agent in polymeric resins which contact food.

Dated: August 20, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8518; Filed, Aug. 23, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 903) has been filed by Kellogg Company, Battle Creek, Michigan, proposing the amendment of §§ 121.1034 and 121.1035 of the food additive regulations to recognize BHT and BHA as the common or usual names of butylated hydroxytoluene and butylated hydroxyanisole, respectively.

Dated: August 20, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8519; Filed, Aug. 23, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 910) has been filed by Merck and Company, Inc., Rahway, New Jersey, proposing the amendment of § 121.210 of the food additive regulations to provide for the addition of therapeutic levels of certain antibiotics to amprolium-medicated feed as follows:

Principal ingredient	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
Amprolium	113-227	Ethopabate (methyl-4-acetamido-2-ethoxy benzoate).	3.64	For chickens; not for laying hens.	Prevention of coccidiosis.
(a) Amprolium [1]	113-227	Ethopabate + Penicillin + Streptomycin	3.64 + 15 + 75	As procaine penicillin; not for laying hens.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever); prevention of early mortality of chicks.
(b) Amprolium [1]	113-227	Ethopabate + Chlortetracycline.	3.64 + 50-200	As chlortetracycline hydrochloride; not for laying hens; § 121.208(a)(1) (i), (ii), (iii), or (vii).	§ 121.208(a)(1) (i), (ii), (iii), or (vii).
(c) Amprolium [1]	113-227	Ethopabate + Bacitracin	3.64 + 50-100	As bacitracin, zinc bacitracin, bacitracin methylene disalicylate; not for laying hens.	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).
(d) Amprolium [1]	113-227	Ethopabate + Bacitracin	3.64 + 100-200	do	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).

[1] Where amprolium-ethopabate is combined with the other permitted additive, the appropriate limitations and indications for use for each additive shall apply.

Dated: August 20, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8520; Filed, Aug. 23, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. R-209]

[18 CFR Part 141]

MUNICIPAL ELECTRIC UTILITIES

Proposed Annual Report Form

AUGUST 20, 1962.

This proceeding was initiated by notice of proposed rule making issued on March 8, 1962, and published in the FEDERAL REGISTER on March 15, 1962 (27 F.R. 2481). The notice proposed a new F.P.C. Form No. 1-M to be required of all municipal electric utilities having annual electric operating revenues of $1,000,000 or more, and requested that all comments, data and suggestions be filed by interested parties on or before April 9, 1962. After receipt and study of the comments to that notice, the Commission has decided to add municipal electric utilities with annual electric operating revenues of $250,000 to $999,999 in the group required to file F.P.C. Form No. 1-M. Accordingly, in order to comply with the Administrative Procedure Act, it is necessary that an additional period for comment be afforded to all interested parties whether or not they previously filed a response to the notice issued March 8, 1962. The Commission has also decided to amend the proposed report form to substitute a new schedule, entitled "Taxes, Tax Equivalents, Contributions and Services During the Year" in lieu of the schedule "Contributions and Services During the Year." The Annual Report form now proposed by the Commission in this amended notice of rule making is as shown in the attachment hereto.[1]

Accordingly, take notice that it is proposed to amend Part 141, Statements and Reports (Schedules), of Subchapter D, Approved Forms, Federal Power Act, Chapter I of Title 18 of the Code of Federal Regulations, by adding a new § 141.7 to the regulations under the Federal Power Act, in lieu of the amendment set forth in the original notice, to read as follows:

§ 141.7 Form 1-M, Annual Report for municipal electric utilities having annual electric revenues of $250,000 or more.

(a) The form of Annual Report for municipal electric utilities having annual electric revenues of $250,000 or more, designated as F.P.C. Form No. 1-M in the Commission's regulations under the Federal Power Act is prescribed for the calendar year 1961 and fiscal years ending in 1961 and thereafter.

(b) Each "municipality" as defined in section 3 of the Federal Power Act, (each city, county, irrigation district, or other subdivision or agency of a State competent under laws thereof to carry on the business of developing, transmitting, utilizing or distributing power) which is engaged in generation, transmission, distribution or sale of electric energy, however produced, anywhere in the United States and its possessions, having annual electric operating revenues of $250,000 or more, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission for each calendar year or fiscal year ending after January 1, 1961, on or before the last day of the third month following the close of the calendar year or other established fiscal year (except that such reports for the calendar year 1961 or a fiscal year ending during 1961 may be filed on or before _____) and original and two conformed copies all properly filled out and verified. One copy of the report should be retained by the respondent in its files. The conformed copies may be carbon copies. If the respondent publishes financial and operating statements of its utility department submit three copies of such statements with the report,

(c) This annual report contains the following condensed schedules:

Identification.
General Instructions.
Excerpts From the Law.
Verification.
General Information.
Balance Sheet.
Condensed Income Statement.
Earned Surplus.
Electric Sales Data for the Year.
Sales of Electricity for Resale.
Operation and Maintenance Expenses.
Purchased Power.
Utility Plant.
Accumulated Provisions for Depreciation of Utility Plant.
Long-Term Debt.
Taxes, Tax Equivalents, Contributions and Services During Year.
Generating Station Statistics.
Steam Generating Stations.
Hydroelectric Generating Stations.
Transmission Line Statistics.
Transmission Lines Added During the Year.
Electric Energy Account.

Any person whether or not he responded to the former notice may submit to the Federal Power Commission, Washington 25, D.C., not later than September 19, 1962, data, views, comments and suggestions in writing concerning the proposed new annual report form for municipal electric utilities. An original and nine conformed copies of any such submittal should be filed. The Commission will consider all such written submittals before acting on the proposed revised report form and regulations.

JOSEPH H. GUTRIDE,
Secretary.

[1] Report filed as part of original document.

[F.R. Doc. 62-8503; Filed, Aug. 23, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

DEPUTY ASSISTANT ADMINISTRATOR, BUREAU FOR NEAR EAST AND SOUTH ASIA

Redelegation of Authority

Pursuant to the authority delegated to me, the Deputy Assistant Administrator, Bureau for Near East and South Asia, is hereby delegated to serve as full deputy and alter ego to the Assistant Administrator, Bureau for Near East and South Asia and is responsible under my general direction for all aspects of the activities of the Bureau for Near East and South Asia. In accordance with the foregoing and to the extent consistent with law, the Deputy Assistant Administrator, Bureau for Near East and South Asia is authorized to represent, and to exercise the authority of, the Assistant Administrator, Bureau for Near East and South Asia with respect to all functions now or hereafter conferred upon or held by the Assistant Administrator, Bureau for Near East and South Asia, including those conferred by Delegations of Authority Nos. 1, 3, 5, 12 and 17, dated September 30, 1961, November 4, 1961, December 29, 1961, February 17, 1962 and June 14, 1962, respectively, or by future delegations, or under any agency regulation, manual order, directive, notice or other issuance, whether heretofore or hereafter effective, and with respect to all functions or authorities now or hereafter delegated or assigned to or otherwise conferred upon or held by me as Assistant Administrator, Bureau for Near East and South Asia, by law or by regulation of any competent authority.

This redelegation of authority is effective immediately.

WILLIAM S. GAUD,
Assistant Administrator,
Bureau for Near East and South Asia.

AUGUST 6, 1962.

[F.R. Doc. 62-8507; Filed, Aug. 23, 1962; 8:46 a.m.]

DIRECTOR OF OFFICE OF NEAR EASTERN AFFAIRS ET AL.

Redelegation of Authority

Redelegation of authority to Director, Office of Near Eastern Affairs; Director, Office of Greece-Turkey-Iran-Cyprus-CENTO Affairs; Director, Office of India-Ceylon-Nepal Affairs; and Director, Office of Afghanistan and Pakistan Affairs.

Pursuant to the authority delegated to me by Delegation of Authority No. 5 dated December 29, 1961, I hereby redelegate the following functions to each of the directors listed above for the countries or areas within his responsibility, authority to implement:

(a) All loan and guaranty agreements authorized under the Foreign Assistance Act of 1961;

(b) All loan and guaranty agreements which have been authorized by the Board of Directors of the corporate Development Loan Fund;

(c) All guaranty agreements which have been authorized pursuant to section 413(b)(4) of the Mutual Security Act of 1954, as amended;

(d) All amendments to any such agreements.

This redelegation of authority is effective immediately.

WILLIAM S. GAUD,
Assistant Administrator,
Bureau for Near East and South Asia.

AUGUST 3, 1962.

[F.R. Doc. 62-8508; Filed, Aug. 23, 1962; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55691]

SHELL OIL CO.

Notice of Qualification as a Citizen of the United States

AUGUST 20, 1962.

To collectors of customs and others concerned:

This is to give notice that pursuant to § 3.21, Customs Regulations, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as amended by the Act of September 2, 1958 (46 U.S.C. 883-1), the Shell Oil Company of 50 West 50th Street, New York 20, New York, incorporated under the laws of the State of Delaware, did on July 9, 1962, file with the Commissioner of Customs in duplicate an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in customs Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commissioner of Customs having found this oath to be in compliance with the law and regulations, on August 20, 1962, issued to the Shell Oil Company a certificate of compliance on customs Form 1262 as provided in § 3.21(i) of the regulations. The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under § 3.21(h) of the regulations.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

[F.R. Doc. 62-8522; Filed, Aug. 23, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Proposed Renewal of Withdrawal and Reservation of Lands

JUNE 21, 1962.

The Department of the Navy has filed an application, Nevada 013136, for renewal of the withdrawal of the lands described below. These lands were withdrawn May 7, 1958, for a period of 5 years, by Public Land Order 1632.

The applicant will continue to use the land as an air-to-air gunnery range. For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 1551, Reno, Nevada.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 25 N., R. 25 E.,
Secs. 1 to 5, inclusive and 8 to 17, inclusive.
T. 25 N., R. 26 E.,
Secs. 1 to 18, inclusive.
T. 25 N., R. 27 E.,
Secs. 1 to 18, inclusive.
T. 26 N., R. 25 E.,
All.
T. 26 N., R. 26 E.,
All.
T. 26 N., R. 27 E.,
All.
T. 27 N., R. 25 E.,
All.
T. 27 N., R. 26 E.,
All.
T. 27 N., R. 27 E.,
All.
T. 28 N., R. 25 E.,
All.
T. 28 N., R. 26 E.,
All.
T. 28 N., R. 27 E.,
All.
T. 29 N., R. 25 E.,
All; unsurveyed.
T. 29 N., R. 26 E.,
All.
T. 29 N., R. 27 E.,
All.
T. 30 N., R. 25 E.,
All; unsurveyed.
T. 30 N., R. 26 E.,
All.
T. 30 N., R. 27 E.,
All.
T. 31 N., R. 25 E.,
All; unsurveyed.
T. 31 N., R. 26 E.,
All; unsurveyed.
T. 31 N., R. 27 E.,
All; unsurveyed.
T. 32 N., R. 25 E.,
All; unsurveyed.
T. 32 N., R. 26 E.,
All; unsurveyed.
T. 32 N., R. 27 E.,
All; unsurveyed.
T. 25 N., R. 28 E.,
Secs. 4 to 9, inclusive; and secs. 16 to 18, inclusive.
T. 26 N., R. 28 E.,
Secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.
T. 27 N., R. 28 E.,
Secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.
T. 28 N., R. 28 E.,
Secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.
T. 29 N., R. 28 E.,
Secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.
T. 30 N., R. 28 E.,
Secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.
T. 31 N., R. 28 E.,
Secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive; unsurveyed.
T. 32 N., R. 28 E.,
Secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.

The area as described contains approximately 600,000 acres.

R. M. ZUNDEL,
Acting Land Office Manager.

[F.R. Doc. 62-8505; Filed, Aug. 23, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

MEADOW BROOK STABLES ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Meadow Brook Stables, Novato, Calif.
Newman's Livestock Exchange, Inc., Newport, N.Y.
Cowtown Livestock Sale, Pauls Valley, Okla.
Dublin Auction Sale, Dublin, Tex.
Karnes City Livestock Auction, Inc., Karnes City, Tex.
Hopkins County Livestock Commission Co., Sulphur Springs, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of August 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-8537; Filed, Aug. 23, 1962; 8:52 a.m.]

SHASTA COUNTY LIVESTOCK AUCTION YARD ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original Name of Stockyard, Location, and Date of Posting	*Current Name of Stockyard and Date of Change in Name*
CALIFORNIA	
Shasta County Livestock Auction Yard, Anderson, Dec. 31, 1959.	Shasta Livestock Auction Yard, Inc., July 23, 1962.
Reed's Livestock Commission Co., Hayward, Apr. 19, 1961.	Reed's Livestock Co., Inc., Mar. 29, 1962.
Orland Livestock Commission Yard, Orland, Nov. 13, 1959.	Orland Livestock Commission Yard, Inc., July 23, 1962.
KANSAS	
Waverly Sales Co., Waverly, Sept. 28, 1959	Waverly Livestock Sales Barn, Apr. 20, 1962.
MINNESOTA	
Thief River Sales Barn, Thief River Falls, Sept. 21, 1959.	Terminal Auction Market, July 10, 1962.
OKLAHOMA	
Pauls Valley Livestock Sale, Pauls Valley, Apr. 6, 1959.	Pauls Valley Livestock Auction, May 16, 1962.
SOUTH DAKOTA	
Burke Livestock Auction, Burke, May 19, 1959	Burke Livestock Auction Co., Mar. 1, 1962.
TEXAS	
Bosque County Commission Co., Meridian, July 11, 1960.	Meridian Livestock Commission Co., Inc., Apr. 30, 1962.
Western Livestock Commission Co., San Angelo, Apr. 1, 1957.	West Texas Livestock Auction Co., May 7, 1962.

Done at Washington, D.C., this 21st day of August 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-8538; Filed, Aug. 23, 1962; 8:52 a.m.]

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the Act (27 F.R. 8045) for July and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2B					(*)	
Swift and Co.	3A			(*)			
Do.	3N						
Do.	3S						
Hygrade Food Products Corp.	12			(*)			
C. Finkbeiner, Inc.	18						
Wilson and Co., Inc.	20A						
Stark Wetzel and Co., Inc.	44					(*)	
Do.	44A						
Selkirk Realty Co.	65						
Somerville Packing Co.	66						
Kaplan, Inc.	102	(*)					
Swift and Co.	104		(*)	(*)		(*)	
Marhoefer Packing Co., Inc.	121						
Superior Packing Co.	127					(*)	
R. B. Rice Sausage Co., Inc.	144						
Kansas City Dressed Beef Co.	150	(*)				(*)	
Missouri Farmers Ass'n Packing Division	159						
Do.	159A						
George A. Hormel & Co.	199A						
Einge Packing Co., Inc.	205		(*)			(*)	
Central Packing Co.	208						
Balentine Packing Co.	258		(*)			(*)	
Bookey Packing Co.	281						
Stadler Packing Co., Inc.	320					(*)	
Midland Empire Packing Co., Inc.	339						
Des Moines Packing Co.	340						
McCandless Pack Co., Inc.	355						
Westport Packing Corp.	369						
Enge Packing Co., Inc.	380		(*)			(*)	
Oldhams Farm Sausage Co., Inc.	392					(*)	
E. W. Knelp Inc., of Iowa	422	(*)					
Monarch Meat Packing Co.	435						
Prime Packing Co., Inc.	447						
Pioneer Boneless Beef, Inc.	461						
Eldridge Packing Co.	478						
Memphis Butchers Association, Inc.	488		(*)			(*)	
Heim Brothers Packing Co.	490					(*)	
Frosty Morn Meats	507		(*)				
Greendell Packing Corp.	542						
Mid South Packers, Inc.	557					(*)	
Armour and Co.	579		(*)			(*)	
Stahl Meyer, Inc.	583						
Star Provision Co.	626					(*)	
Milwaukee Dressed Beef Co.	654	(*)					
Western Meat Packers, Inc.	662		(*)	(*)	(*)	(*)	(*)
E. S. Read and Sons, Inc.	672	(*)	(*)	(*)			
Pierce Packing Co.	691					(*)	
Bryan Brothers Packing Co.	780	(*)	(*)			(*)	
Home Packing Co.	823					(*)	
John Morrell and Co.	836	(*)					
Nat Buring Packing Co. of Ark., Inc.	837[1]	(*)				(*)	
Alco Packing Co.	885	(*)	(*)	(*)			
Sambol Packing Co.	892	(*)					
Hoosier Veterinary Laboratories, Inc.	912					(*)	
Wilson and Co., Inc.	940	(*)	(*)			(*)	
Reitz Meat Products Co.	983	(*)				(*)	
The Harris Packing Co.	1175					(*)	
Stevens Meat Co., Inc.	1485	(*)	(*)				

[1] 59 establishments reported.

Done at Washington, D.C., this 20th day of August 1962.

C. H. PALS,
Director, Meat Inspection Division,
Agricultural Research Service.

[F.R. Doc. 62-8539; Filed, Aug. 23, 1962; 8:53 a.m.]

Office of the Secretary

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of Arkansas a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Garland.	Polk.
Montgomery.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of August 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-8513; Filed, Aug. 23, 1962; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP63-41]

NORTHERN NATURAL GAS CO.

Order To Show Cause

AUGUST 17, 1962.

The application filed by El Paso Natural Gas Company (El Paso) on March 9, 1962, for amendment of the outstanding authorization in Docket No. G-12135 to increase the daily delivery volumes of natural gas to Pioneer Gas Company (Pioneer) for the account of Northern Natural Gas Company (Northern), presents an issue as to the jurisdiction of the Commission over the sale of gas by Northern to Pioneer which is involved in El Paso's service to Pioneer.

It appears that, pursuant to an exchange agreement between El Paso and Northern, El Paso receives gas at Plains, Texas, and delivers equivalent amounts to Northern or for Northern's account at various points north of Plains. Most of the gas delivered by Northern to El Paso at Plains under the subject agreement originates in the Permian Basin and the delivery by El Paso to Pioneer for Northern's account is made in Texas. Pioneer apparently receives the gas from El Paso for resale mainly for irrigation purposes in west Texas.

El Paso's transmission lines, from which the deliveries to Pioneer are made, are clearly interstate in character, carrying natural gas commingled from various sources and destined for interstate as well as local markets. The jurisdictional nature of El Paso's sales to Pioneer for its own account is unquestioned.

Northern has not filed any application for certificate authorization to make its sale (via El Paso's transportation) to Pioneer, contending, by letter dated July 12, 1962, in response to an inquiry from the Commission Secretary dated June 15, 1962: "In the case of Northern's sale of gas to Pioneer the specific gas sold and delivered to Pioneer is neither transported to or through a point outside the state of Texas nor is such gas resold to customers outside of Texas. It is wholly intrastate transportation and sale of gas." It would seem that the instant situation is very similar to that covered by Opinion No. 348, Lo Vaca Gathering Company, et al., issued October 23, 1961, in which the method of operation was held to establish the interstate nature of the transaction.

In view of the foregoing, it is necessary and appropriate in the administration of the Natural Gas Act that Northern Natural Gas Company show cause, if any there be, why it has not applied for a certificate of public convenience and necessity authorizing the sale of natural gas to Pioneer Gas Company for resale and why such failure to apply for and obtain such certificate prior to commencing such sale for resale should not be held to be a violation of the Natural Gas Act and the Commission's rules and regulations issued thereunder.

The Commission orders:

Northern Natural Gas Company shall show cause, if any there be, under oath and in writing, within thirty days from the date of issuance of this order, why the Commission should not find and determine:

(A) That Northern Natural Gas Company is in violation of the Natural Gas Act and the Commission's Regulations thereunder by failing to apply for and receive a certificate authorizing the sale of natural gas to Pioneer Gas Company for resale in the State of Texas; and

(B) That Northern is in violation of said provisions and regulations by failing to file with the Commission the contracts or service agreements between Northern and Pioneer relating to the aforesaid sale of natural gas.

By the Commission. Acting Chairman O'Connor not participating.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8499; Filed, Aug. 23, 1962; 8:45 a.m.]

[Docket Nos. CP62-238, CP62-239]

UNITED FUEL GAS CO. ET AL.

Notice of Applications and Date of Hearing

AUGUST 17, 1962.

United Fuel Gas Company, Kentucky Gas Transmission Corporation, Docket No. CP62-238; Kentucky West Virginia Gas Company, Docket No. CP62-239.

Take notice that on April 11, 1962, as supplemented on June 11, 1962, United Fuel Gas Company (United) and Kentucky Gas Transmission Corporation (Kentucky Gas), both of whose addresses are 1700 MacCorkle Avenue SE., Charleston, West Virginia, filed in Docket No. CP62-238 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the mutual exchange of natural gas, and for Kentucky Gas to acquire, construct and operate facilities, and to undertake a sale of natural gas for resale, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Take further notice that on April 11, 1962, as supplemented on May 10, 1962, Kentucky West Virginia Gas Company (Kentucky West Virginia), Second National Bank Building, Ashland, Kentucky, filed in Docket No. CP62-239 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon a sale of natural gas and for a certificate of public convenience and necessity to undertake a sale of natural gas for resale, all as more fully set forth in said application, as supplemented, which is on file with the Commission and open to public inspection.

Applicants in Docket No. CP62-238 seek authorization:

(1) for Kentucky Gas to acquire from Louisville Gas and Electric Company (Louisville), on a net investment basis (as of December 31, 1960, such net book cost was $1,183,711) a 107-mile portion of Louisville's 12-inch Eastern Kentucky Line and appurtenant transmission facilities in the eastern part of Kentucky;

(2) for Kentucky Gas to exchange with United natural gas received by Kentucky Gas from Kentucky West Virginia pursuant to the authorization sought in Docket No. CP62-239;

(3) for Kentucky Gas to construct and operate 0.5 mile of 10-inch transmission line in Menifee County, Kentucky, to provide an interconnection between its existing 20-inch Menifee-to-Foster transmission line and the Eastern Kentucky Line, at an estimated construction cost of $22,820; and

(4) for Kentucky Gas to commence at an existing interconnection the wholesale sale for resale of natural gas to Elam Gas Utility Company (Elam) in Morgan County, Kentucky.

Applicants in Docket No. CP62-238 seek the foregoing authorization in connection with Kentucky Gas' proposed obtaining of 15,504 Mcf of natural gas (15,000 Mcf at 15.225 p.s.i.a.) per day from Kentucky West Virginia as applied for in Docket No. CP62-239. The application states that Louisville has agreed to assign its interest in an existing gas purchase agreement with Kentucky West Virginia in order that Kentucky Gas may obtain the needed gas.

Kentucky Gas states that its construction of the 0.5 mile of 10-inch transmission line in Menifee County, Kentucky, will better enable Kentucky Gas to serve Elam as well as new customers of Columbia Gas of Kentucky, Inc. (Columbia-Ky.), to be acquired from Louisville, who are located in Columbia-Ky.'s existing service area.

Kentucky Gas estimates that the purchase of 15,504 Mcf of gas per day from Kentucky West Virginia under the overall proposed project will lower the anticipated cost of service of Kentucky Gas by an aggregate amount of $1,141,000 in the five-year period ending November 30, 1967, the termination date of its gas purchase agreement with Kentucky West Virginia.

The facilities proposed to be acquired and constructed by Kentucky Gas will be financed through the sale of securities to The Columbia Gas System, Inc.

Applicant in Docket No. CP62-239 seeks permission and approval to abandon service to Louisville and a certificate of public convenience and necessity to initiate service to Kentucky Gas. Applicant was authorized in Docket No. G-272 to sell 22,000 Mcf of gas per day to Louisville and, to the extent that it has sufficient gas available, to sell 65,000 Mcf of gas per day to Equitable Gas Company (Equitable). The application states that in recent years Applicant's gas supply has not been sufficient during the winter months for it to fulfill its obligation to both Louisville and Equitable. Therefore, the application states, Louisville has assigned its rights under the service agreement between it and Applicant to Kentucky Gas, and Applicant has entered into a new service agreement with Kentucky Gas as a substitute for the service agreement with Louisville. The new service agreement reduces Kentucky West Virginia's maximum daily obligation to 15,000 Mcf of gas which is a decrease of 7,000 Mcf of gas per day. This decrease will aid Applicant in meeting its total obligations, the application states.

Applicant in Docket No. CP62-239 does not propose any new facilities and states that the deliveries to Kentucky Gas would be made through existing delivery points.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 2, 1962, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 21, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8502; Filed, Aug. 23, 1962; 8:45 a.m.]

[Docket Nos. RI63-36—RI63-48]

SUN OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 17, 1962.

Sun Oil Company, Docket No. RI63-36; The Superior Oil Company (Operator), et al., Docket No. RI63-37; Sunray DX Oil Company, Docket No. RI63-38; J. Kornfeld (Operator), et al., Docket No. RI63-39; N. Appleman Company, Docket No. RI63-40; Rip C. Underwood (Operator), et al., Docket No. RI63-41; The Shamrock Oil and Gas Corporation, Docket No. RI63-42; Glenn F. Thomas, et al., d/b/a Thomas E. Brewer (Operator), et al., Docket No. RI63-43; W. J. Coppinger (Operator), et al., Docket No. RI63-44; J. M. Huber Corporation, Docket No. RI63-45; Cabot Corporation (SW), Docket No. RI63-46; Champlin Oil & Refining Company (Operator), et al., Docket No. RI63-47; Gulf Oil Corporation, Docket No. RI63-48.

The above-named Producers have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 with the exception of the sales made by Sun Oil Company and The Superior Oil Company (Operator), et al., which are made at a pressure base of 15.025 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI63-36	Sun Oil Co., 1608 Walnut St., Philadelphia 3, Pa.	87	5	Southern Natural Gas Co. (Gwinville Field, Jefferson Davis County, Miss.).	$19,200	7-25-62	[1] 9-3-62	2-3-63	[2] 20.0	[2] [3] 21.0	G-13064
RI63-37	The Superior Oil Co., (Operator), et al., P.O. Box 1521, Houston 1, Tex.	79	5	United Gas Pipe Line Co. (Theall Field, Vermilion Parish, La.).	6,969	8-3-62	[1] 9-3-62	2-3-63	20.25	[2] 22.25	.....
RI63-38	Sunray DX Oil Co., P.O. Box 2039, Tulsa 2, Okla.	167	3	Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.) (Panhandle Area).	216	7-18-62	[1] 8-18-62	1-18-63	[4] 16.0	[2] 17.2	.....
RI63-39	Jay Kornfeld (Operator), et al., Union National Bldg., Wichita 2, Kans.	[5] 3	[5] 1	Colorado Interstate Gas Co. (Hugoton Field, Finney County, Kans.).	[10] 595	2-1-62 7-19-62	[1] 8-19-62 [1] 8-19-62	1-19-63 1-19-63	[6] 11.0	[7] [8] 12.5	.....
RI63-40	N. Appleman Co., 654 Madison Ave., New York 21, N.Y.	8	4	Cities Service Gas Co. (Hugoton Field, Finney and Kearny Counties, Kans.).	[11] 958	7-19-62	[12] 8-19-62	1-19-63	[13] [14] 10.7195	[13] [14] [15] 14.5	.....
RI63-41	Rip C. Underwood (Operator), et al., First National Bank Bldg., Amarillo, Tex.	4	1	Northern Natural Gas Co. (North Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	3,067	7-23-62	[12] 8-23-62	1-23-63	16.5	[2] [17] 17.5	.....
RI63-42	The Shamrock Oil and Gas Corp., P.O. Box 631, Amarillo, Tex.	22	2	Northern Natural Gas Co. (Hansford and Ochiltree Counties, Tex.) (R.R. District No. 10).	44,775	7-23-62	[1] 10-1-62	3-1-63	16.5	[2] [17] 17.5	.....
	The Shamrock Oil and Gas Corp.	33	1	Northern Natural Gas Co. (Hansford County, Tex.) (R.R. District No. 10).	390	7-23-62	[1] 10-1-62	3-1-63	16.5	[2] [17] 17.5	.....
RI63-43	Glenn F. Thomas, et al., d/b/a Thomas & Brewer (Operator), et al., P.O. Box 1177, Liberal, Kans.	1	9	Colorado Interstate Gas Co. (Mocane-Adams Ranch Field, Meade County, Kans.).	24,443	7-23-62	[1] 8-23-62	1-23-63	[18] 17.10	[2] [19] [21] 19.38	....
RI63-44	W. J. Coppinger (Operator), et al., 717 Union National Bldg., Wichita 2, Kans.	6	17	Cities Service Gas Co. (Hugoton Field, Finney County, Kans.).	[16] 5,413	7-23-62	[12] 8-23-62	1-23-63	[13] 10.7195	[13] [14] [20] 14.5	.....
RI63-45	J. M. Huber Corp., 2401 East Second Ave., Denver 6, Colo.	14	5	Cities Service Gas Co. (Hugoton Field, Morton County, Kans.).	[16] 931	7-23-62	[12] 8-23-62	1-23-63	[13] 10.7195	[13] [14] [22] 14.5	.....
RI63-46	Cabot Corp. (8W), P.O. Box 1101 Pampa, Tex.	84	8	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	8,829	7-25-62	[1] 8-26-62	1-26-63	[23] 17.6708	[2] [23] [24] 18.8480	.....
RI63-47	Champlin Oil & Refining Co. (Operator), et al., P.O. Box 2365, Fort Worth 7, Tex.	66	8	....do.....	4,300	7-25-62	[1] 9-1-62	2-1-63	[23] 16.41	[2] [23] [24] 17.504	.....
RI63-48	Gulf Oil Corp., P.O. Drawer 2100, Houston 1, Tex.	98	12	....do.....	57,535	7-25-62	[1] 8-29-62	1-29-63	[23] 16.785	[2] [23] [24] 17.904	.....

[1] The stated effective date is the effective date proposed by respondent.
[2] Periodic rate increase.
[3] Subject to a 0.5 cent reduction should compression be required.
[4] Certificate issued May 29, 1962, at rate of 16.0 cents per Mcf.
[5] Supersedes Jay Kornfeld (Operator), et al., FPC Gas Rate Schedule No. 1.
[6] Rate adjusted for gas containing 800 Btu's per cu. ft. is 9.26315 cents per Mcf.
[7] Renegotiated rate increase.
[8] Rate adjusted for gas containing 800 Btu's per cu. ft. is 10.5263 cents per Mcf.
[9] Increase in rate if adjusted for Btu content is 1.26315 cents per Mcf.
[10] Based on contract rate-amount based on Btu content is $442.
[11] Taken directly from filing.
[12] The stated effective date is the first day after expiration of the required statutory notice.
[13] Redetermined rate increase.
[14] Corrected for supercompressibility.
[15] Subject to downward adjustment if gas is below 925 Btu's per Mcf.
[16] Uncorrected for Supercompressibility.
[17] Subject to downward Btu reduction if gas is below 1,000 Btu's per cu. ft.
[18] Base rate of 17.0 cents per Mcf plus Btu adjustment for gas containing 1,140 Btu's per cu. ft.
[19] Base rate of 15.0 cents per Mcf plus Btu adjustment for gas containing 1,140 Btu's per cu. ft.
[20] Subject to downward Btu reduction if below 925 Btu's per Mcf (estimated content: 895 Btu's per Mcf). Rate does not include Btu adjustment.
[21] Includes Btu adjustment.
[22] Subject to downward Btu reduction if below 925 Btu's per Mcf (estimated content: Over 1,000 Btu's per Mcf).
[23] Base rate of 16.0 cents per Mcf plus Btu adjustment.
[24] Base rate of 15.0 cents per Mcf plus Btu adjustment.

The proposed changes of W. J. Coppinger (Operator), et al.,[2] (Coppinger), N. Appleman Company (Appleman) and J. M. Huber Corporation,[3] (hereinafter referred to as Respondents), purport to be in accordance with the assignment and the price redetermination provisions of the Gas Purchase Contract dated June 23, 1950, between Cities Service Gas Company (Cities Service) and Pan American Petroleum Corporation (Pan American) (formerly Stanolind Oil and Gas Company (Stanolind)), which provide that after June 22, 1961, the price for gas shall be the fair and reasonable price for each successive 5-year period but not less than 12 cents per Mcf (10.7195 cents per Mcf at 14.65 p.s.i.a.). On May 2, 1962, the District Court of Shawnee County, Kansas, determined that a fair and reasonable price under Pan American's contract is 14.5 cents per Mcf at 14.65 p.s.i.a. for the 5-year period commencing on June 23, 1961, with correction for supercompressibility. The instant filings are based on such court decision.

Cities Service on July 26, 1962, filed its protest and motion to reject the proposed rate filing of Coppinger, and on August 2 and 3, 1962, respectively, the same such protest and motion were filed with respect to the rate filings of Appleman and Huber. In support thereof, Cities Service states, inter alia, that (1) the interest in all gas covered under the respective rate schedules can only be covered by Pan American's FPC Gas Rate Schedule No. 84 and that such supplements fall within the provisions of § 154.91(d) of the Commission's regulations under the Natural Gas Act;[4] (2) there is no contractual basis for Respondents' 14.5 cents per Mcf rate increase filings since: (a) Respondents have exercised their contractual right to a single rate change during the period June 23, 1961, to June 22, 1966, by filing the 12 cents per Mcf rate increase contained in a previously filed supplement; (b) the case filed in the District Court of Shawnee County, Kansas, out of which the 14.5 cents per Mcf price filed by Respondents has not become final but now pends on appeal in the Supreme Court of Kansas; and (c) the judgment of the court is erroneous and will be vacated by the Kansas Supreme Court; (3) Respondents have failed to comply with the requirements of the Commission's regulations in filing their respective supplements and have failed to submit a full statement in support of said proposed changes in rates, as required by the Commission's Regulations.

In the alternative, in the event the Commission accepts for filing Respondents' proposed changes, Cities Service requests that the effectiveness thereof be suspended for the statutory period of five months, and that such acceptance be conditioned upon and made subject to; (a) the judgment of the District Court of Shawnee County, Kansas, becoming final; (b) said supplements shall be of no force and effect in the event said judgment is reversed; (c) the acceptance for filing shall, in all other respects, be without prejudice to Cities Service's appeal from the judgment of the District Court of Shawnee County, Kansas, and the ultimate disposition thereof by the Courts; and (d) such acceptance be made expressly subject to the ultimate disposition by the Commission or the courts of the question of whether Pan American is, under the Regulations under the Natural Gas Act, required to make such filing on behalf of all nonsignatory co-owners, as such question shall be ultimately determined by this Commission or the courts as a result of the proceedings now pending in Docket No. RI61-532.

By this order we are suspending the effectiveness of the proposed increased rate contained in Respondents' aforementioned supplements. Such action, however, is without prejudice to the position of Cities Service with respect to the legality of such filings. Our action is also without prejudice to Cities Service's position in the event that various contingencies may occur as set forth above in connection with Cities Service's alternative request. Accordingly, we shall also provide that the hearings herein shall concern themselves with the legality of said filings. Under the circumstances, we do not consider it appropriate at this time to render a decision as to the effect that the contingencies mentioned above may have on the legality of said filings, as requested by Cities Service.

The proposed increased rates of all the Producers listed in the caption of this order exceed the applicable area price levels as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the legality of the filings made by Coppinger, Appleman and Huber, and the lawfulness of Respondents' proposed changes; and the lawfulness of the proposed changes of the other Producers listed in the caption of this order, and that the above-designated rate schedule (Jay Kornfeld (Operator), et al., superseding FPC Gas Rate Schedule No. 3) and supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secertary concerning the legality of the filings made by Coppinger, Appleman and Huber, and the lawfulness of the proposed rates and charges contained in their above-designated supplements; and the lawfulness of the increased rates and charges contained in Kornfeld's superseding FPC Gas Rate Schedule No. 3 and supplement thereto, and the supplements filed by the other Producers listed in the caption of this order.

(B) Pending hearings and decisions thereon, the above-designated rate schedule and supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule and supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)), on or before October 1, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8501; Filed, Aug. 23, 1962; 8:45 a.m.]

[2] Coppinger is recipient of farmed-out acreage from Stanolind (now Pan American) and sells his gas under a contract dated June 23, 1950, between Stanolind and Cities Service.

[3] Appleman and Huber are signatory to their gas sales contracts with Cities Service which include, as one of the pricing provisions, that the price to be paid to the producer will be the same price as paid to Stanolind.

[4] This ground for protest applies only to the rate filing made by Coppinger.

[Docket No. G-16425 etc.]

PAN AMERICAN PETROLEUM CORP.

Order Redesignating Proceedings, Substituting Respondents and Requiring Filing of Undertakings To Assure Refund of Excess Charges

AUGUST 17, 1962.

On October 2 and 19, 1961, Pan American Petroleum Corporation (Pan American) filed motions requesting (1) that it be substituted in lieu of Honolulu Oil Corporation (Honolulu) in Docket Nos. G-16425,[1] G-17059,[2] RI60-32,[1] and RI60-409, and (2) that it be substituted for Honolulu with respect to assuring refunds of any excess charges, as of the effective date of the proposed rates, in Docket Nos. G-17059, RI60-32, and RI60-409.[4]

In support of its motion to substitute Pan American states that pursuant to an agreement of sale and purchase, it acquired all the rights and properties of Honolulu covered by the FPC gas rate schedules related to the subject proceedings,[3] effective as of October 18, 1961.

On October 2, 1961, Pan American filed Certificates of Adoption of Rate Schedules (notices of succession) of the FPC gas rate schedules related to the subject proceedings. By letter dated October 18, 1961, the adoption of each of the subject rate schedules was accepted for filing and Honolulu's FPC Gas Rate Schedules Nos. 1, 3, 4, 5, and 6 were redesignated as Pan American's FPC Gas Rate Schedules Nos. 313, 315,[3] 316, 317, and 318, respectively.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Pan American be substituted for Honolulu in Docket Nos. G-16425, G-17059, RI60-32, and RI60-409, that such proceedings be redesignated accordingly, and that Pan American file agreements and undertakings in Docket Nos. G-17059, RI60-32, and RI60-409.

The Commission orders:

(A) Pan American Petroleum Corporation is hereby substituted for Honolulu Oil Corporation in Docket Nos. G-16425, G-17059, RI60-32, and RI60-409, and such proceedings are redesignated accordingly.

(B) Within 30 days of the issuance of this order, Pan American Petroleum Corporation shall execute, in the form set out below, acceptable agreements and undertakings, and shall tender for filing such agreements and undertakings in Docket Nos. G-17059, RI60-32, and RI60-409. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of filing, such agreements and undertakings shall be deemed to be satisfactory and to have been accepted for filing.

(C) Pan American Petroleum Corporation shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[1] Proceeding consolidated with proceedings in AR61-1, et al.

[2] Proper name designation of proceeding includes "(Operator), et al."

[3] Honolulu's FPC Gas Rate Schedules which relate to the subject proceedings are: Rate Schedules Nos. 1, 4, and 5 to RI60-32, Rate Schedule No. 3 to G-17059, Rate Schedule No. 5 to G-16425, and Rate Schedule No. 6 to RI60-409.

[4] Proposed increased rate in Docket No. G-16425 not made effective.

SUGGESTED AGREEMENT AND UNDERTAKING BEFORE THE FEDERAL POWER COMMISSION

(Name of respondent)

Docket No. ------

Agreement and Undertaking of ---------
(Name of
---------- *to Comply With Refunding* respondent)
and Reporting Provisions of Section 154.102 of the Commission's Regulations Under the Natural Gas Act

---------- hereby agrees
(Name of respondent)
and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's Regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto [1]) this ---- day of ----------, 196--.

(Name of respondent)

By ----------

Attest:

---

[1] If a corporation.

[F.R. Doc. 62-8500; Filed, Aug. 23, 1962; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CONNECTICUT BANK AND TRUST CO.

Order Approving Merger of Banks

In the matter of the application of The Connecticut Bank and Trust Company for approval of merger with The Wallingford Bank and Trust Company.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by The Connecticut Bank and Trust Company, Hartford, Connecticut, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Wallingford Bank and Trust Company, Wallingford, Connecticut, under the charter and title of the former and, as an incident to the merger, a branch would be operated at the location of The Wallingford Bank and Trust Company. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 17th day of August 1962.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON, *Assistant Secretary.*

[F.R. Doc. 62-8504; Filed, Aug. 23, 1962; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Boston.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Robertson, Shepardson, and King. Absent and not voting: Governor Mitchell.

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1521]

STEIN ROE & FARNHAM BALANCED FUND, INC.

Notice of Filing of Application

AUGUST 20, 1962.

Notice is hereby given that Stein Roe & Farnham Balanced Fund, Inc. ("Stein Roe"), 135 South La Salle Street, Chicago 3, Illinois, a registered open-end investment company has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of sections 10(d)(4) and 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Benco, Inc. ("Benco").

Shares of Stein Roe, a Maryland corporation, are offered to the public on a continuous basis at net asset value. As of June 30, 1962 the net assets of Stein Roe amounted to $63,991,263.

Benco, an unregistered investment company, was incorporated on July 2, 1956 as Charm Tred Mills, Inc., an Illinois corporation. In August of 1959, it changed its name to Benco, Inc. Benco has 12 stockholders and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Stein Roe and Benco, substantially all of the cash and securities of Benco, with a total value of $2,939,708 as of June 30, 1962, will be transferred to Stein Roe in exchange for shares of stock of Stein Roe. The shares acquired by Benco are to be distributed immediately to its shareholders who have agreed to acquire the shares of Stein Roe for investment and not for distribution to the public. The number of shares of Stein Roe to be delivered to Benco will be determined by dividing the net asset value per share of Stein Roe in effect at the closing time into the aggregate market value of the Benco assets to be exchanged (with certain adjustments as set forth below).

Since the exchange is expected to be tax free for Benco and its shareholders, Stein Roe's cost basis for tax purposes on the assets acquired from Benco will be the same as for Benco, rather than the price actually paid by Stein Roe for the assets. As of August 3, 1962, there was no unrealized appreciation on Benco's assets. However, if there would be unrealized appreciation on those assets before the closing date, their sale after acquisition would result in artificial capital gains and consequent tax liability thereon to the present shareholders of Stein Roe. An adjustment, which takes into account the possible tax consequences of the exchange, is to be made in the value of Benco's assets in accordance with the following formula:

From the value of Benco's assets will be deducted:

(1) 12½ percent of the unrealized net capital gain on Benco's assets; plus

(2) 12½ percent of the amount, if any, by which Benco's gain exceeds the amount produced by multiplying Benco's value by the percentage which Stein Roe's net unrealized capital gain is of Stein Roe's assets.

If the transaction had been closed on August 3, 1962, there would have been no adjustment as there was no unrealized appreciation on Benco's assets.

Applicant points out that the proposed acquisition is in the best interest of its shareholders as it will acquire Benco's assets at no expense.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between Stein Roe and Benco. The application further states that there is no affiliation or relationship of any kind between the officers and directors of Stein Roe and the officers, directors, and stockholders of Benco.

Section 10(d) of the Act provides that no registered investment company shall have a board of directors more than 60 percent of which are officers, employees, or affiliated persons of the investment advisor, subject to exceptions contained in section 10(d) of the Act. Section 10(d) provides that a registered investment company may have a board of directors all the members of which, except one, are officers, employees, or affiliated persons of the investment advisor if certain conditions are met. Section 10(d)(4) of the Act provides that any premium over net asset value charged by such company upon the issuance of any such security, plus any discount from net asset value charged on redemption thereof, shall not in the aggregate exceed 2 percent. Stein Roe operates under section 10(d) as 70 percent of its board of directors are officers, employees or affiliated persons of its investment advisor. Under the terms of the agreement, however, there may be a premium over net asset value amounting to more than 2 percent on this exchange.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the agreement, however, the shares of Stein Roe are to be issued to Benco at a price other than the public offering price stated in the prospectus.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 4, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-8509; Filed, Aug. 23, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 21, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37895: *Lumber articles from points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8248), for interested rail carriers. Rates on poles, piling, posts, crossarms, paving blocks, ties, mine ties and sections, railroad crossing, in carloads, from points in southwestern territory, to points in official (including Illinois) territory.

Grounds for relief: Market competition.

Tariffs: Supplements 152, 75, and 131 to Southwestern Freight Bureau tariffs I.C.C. 4061, 4282, and 4262, respectively.

FSA No. 37896: *Ground barite to Buna and Call, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8247), for interested rail carriers. Rates on barite (barytes), ground, not precipitated or refined by chemical process, in carloads, from specified points in Arkansas and Missouri, to Buna and Call, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 18 to Southwestern Freight Bureau tariff I.C.C. 4429.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-8514; Filed, Aug. 23, 1962; 8:47 a.m.]

[Notice 19]

APPLICATIONS FOR LOAN GUARANTIES

AUGUST 21, 1962.

Notice is hereby given of the filing of the following application under Part V of the Interstate Commerce Act:

Finance Docket No. 22231 filed August 20, 1962, by Boston and Maine Railroad, 150 Causeway Street, Boston 14, Massachusetts, for guaranty by the Interstate Commerce Commission of a loan in amount not exceeding $1,000,000. Applicant's representative: G. F. Glacy, Vice President, Accounting and Finance, Boston and Maine Railroad, 150 Causeway Street, Boston 14, Massachusetts. Loan is for the purpose of reimbursing applicant's treasury for expenditures made from its own funds after January 1, 1957, for additions and betterments and other capital improvements.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-8515; Filed, Aug. 23, 1962; 8:47 a.m.]

[Notice 683]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 21, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65112. By order of August 16, 1962. The Transfer Board approved the transfer to Robert C. Madsen, Kimballton, Iowa of Certificate No. MC 40844, issued January 20, 1954, to Magne Madsen, Kimballton, Iowa, authorizing the transportation of: Livestock, feed, farm machinery, building materials, sand and gravel, grain, seeds, binder twine, coal, furniture, and agricultural implements, between, and from and to, specified points in Iowa, and Omaha, Nebr.

No. MC-FC 65116. By order of August 16, 1962. The Transfer Board approved the transfer to Wm. J. Rupp and Wm. L. Rupp, a partnership, doing business as Wm. J. Rupp & Son, Adrian, Minn., of Certificates Nos. MC 23251 and MC 23251 Sub 1, issued February 21, 1941 and October 24, 1940, respectively, to William Rupp, Adrian, Minn., authorizing the transportation of: Livestock, feed, and farm machinery, between, and from and to, Adrian, Minn., and points within 15 miles thereof, and Sioux Falls, S. Dak., and Sioux City, Iowa.

No. MC-FC 65136. By order of August 16, 1962. The Transfer Board approved the transfer to Belmont Van & Storage Company, a Corporation, Long Beach, Calif., of Certificate No. MC 32601, issued September 7, 1949, to Charles K. Lester and Bernice C. Lester, a partnership, doing business as Belmont Van & Storage Company, Long Beach, Calif., authorizing the transportation of: Phonograph records compound, and new and used household and office furniture and equipment, over irregular routes, between Los Angeles Harbor and Long Beach Harbor, Calif., on the one hand, and, on the other, points in the City and County of Los Angeles within 25 miles of the intersection of Vermont Avenue and Santa Monica Boulevard, Los Angeles, Calif. James H. Lyons, 411 West Fifth Street, Los Angeles, Calif., attorney at law.

No. MC-FC 65172. By order of August 16, 1962. The Transfer Board approved the transfer to L. W. Transfer, Inc., Altenburg, Mo., of Certificate No. MC 59127 issued March 8, 1956, to Floyd F. Schuessler, doing business as L. W. Transfer, Altenburg, Mo., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Altenburg, Mo., and St. Louis, Mo., serving the offroute points of Frohna, Shawneetown, New Wells, Pocahontas, Brazeau, Farrar, Crosstown, Menfro, Wittenberg and Neeleys Landing, Mo., without restriction; and the intermediate and offroute points of East St. Louis, Ill., and those within 10 miles of Altenburg, restricted to livestock and feed; between junction U.S. Highway 61 and unnumbered highway at or near Uniontown, Mo., and Cape Girardeau, Mo., serving junction U.S. Highway 61 and unnumbered highway for purpose of joinder only; restricted against service traffic moving between St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, on the one hand, and, on the other, Cape Girardeau; between junction U.S. Highway 61 and Missouri Highway 51 at or near Perryville, Mo., and St. Louis, Mo., as an alternate route for operating convenience only, serving junction U.S. Highway 61 and Missouri Highway 51, for purpose of joinder only. A. A. Marshall, 305 Buder Building, St. Louis 1, Missouri, representative for applicants.

No. MC-FC 65190. By order of August 16, 1962. The Transfer Board approved the transfer to Reising Brothers, Inc., Valley Stream, Long Island, N.Y., of portion of Certificate No. MC 93937, issued April 22, 1960, to Anderson Transportation Co., Inc., East Northport, N.Y., authorizing the transportation of: Agricultural lime, limestone, and limestone poultry and animal feed in containers, from points in Sussex County, N.J., to points in Kings, Queens, Nassau, and Suffolk Counties, N.Y., and empty containers for the above-specified commodities, from points in the destination territory specified immediately above to points in Sussex County, N.J. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 35, N.Y., attorney for transferor. Paul Kramer, 2 Hempstead Avenue, Lynbrook, N.Y., attorney for transferee.

No. MC-FC 65202. By order of August 16, 1962. The Transfer Board approved the transfer to Knapp's Express, Inc., Ridgefield, N.J., of a portion of the operating rights in Certificate No. MC 116151, issued November 7, 1956, to Brooklyn Terminal Stores, Inc., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between New York, N.Y., on the one hand, and, on the other, points in Somerset and Morris Counties, N.J. Bernard F. Flynn, Jr., York-Flynn Building, East Blackwell Street, Dover, N.J., attorney at law.

No. MC-FC 65203. By order of August 16, 1962. The Transfer Board approved the transfer to Anthony S. Petruzzello, doing business as Petruzzello Transport, Shelton, Conn., of a portion of Certificate No. MC 116151, issued November 7, 1956, to Brooklyn Terminal Stores, Inc., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Hudson, Essex, Passaic, and Union Counties, N.J. Bernard F. Flynn, Jr., York-Flynn Building, East Blackwell Street, Dover, N.J., attorney at law.

SEAL HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8516; Filed, Aug. 23, 1962; 8:47 a.m.]

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Washington, Saturday, August 25, 1962

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11045

DISCONTINUING THE GUAM ISLAND NAVAL DEFENSIVE SEA AREA AND GUAM ISLAND NAVAL AIRSPACE RESERVATION

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. The Guam Island Naval Defensive Sea Area and the Guam Island Naval Airspace Reservation, heretofore existing under the provisions of Executive Order No. 8683 of February 14, 1941, as amended, are hereby discontinued.

SEC. 2. To the extent not heretofore rendered inapplicable, the following are hereby revoked:

(1) Executive Order No. 8683 of February 14, 1941.

(2) Executive Order No. 8729 of April 2, 1941.

(3) Executive Order No. 10341 of April 8, 1952.

JOHN F. KENNEDY

THE WHITE HOUSE,
August 21, 1962.

[F.R. Doc. 62-8612; Filed, Aug. 23, 1962; 1:56 p.m.]

Rules and Regulations

Title 26—INTERNAL REVENUE

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[T.D. 6606]

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SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Use of Identifying Numbers

On February 24, 1962, notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1761) regarding the amendments of the Income Tax Regulations (26 CFR Part 1), the Employment Tax Regulations (26 CFR Part 31), the Highway Motor Vehicle Use Tax Regulations (26 CFR Part 41), the Miscellaneous Stamp Tax Regulations (26 CFR Part 45), the Regulations Relating to Miscellaneous Excise Taxes Payable by Return (26 CFR Part 46), the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48), the Facilities and Services Excise Tax Regulations (26 CFR Part 49), the regulations relating to Machine Guns and Certain Other Firearms (26 CFR Part 179), the regulations relating to Liquor Dealers (26 CFR Part 194), the regulations relating to Stills (26 CFR Part 196), the regulations relating to Drawback on Distilled Spirits Used in Manufacturing Nonbeverage Products (26 CFR Part 197), the regulations relating to Distilled Spirits Plants (26 CFR Part 201), the regulations relating to Beer (26 CFR Part 245), and the Regulations on Procedure and Administration (26 CFR Part 301), prescribing regulations under sections 6109 and 6676 of the Internal Revenue Code of 1954 as added by the Act of October 5, 1961 (Public Law 87-397, 75 Stat. 828). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as proposed are hereby adopted subject to the following changes:

PARAGRAPH 1. Section 1.6109-1 as set forth in paragraph 1 of the notice of proposed rule making is changed by revising paragraph (a), subparagraph (1) of paragraph (b), and subdivisions (i) and (iii) of subparagraph (2) of paragraph (b); by adding new subdivisions (v) and (vi) at the end of subparagraph (2) of paragraph (b); and by revising subdivision (a) of subparagraph (2)(i) of paragraph (c).

PAR. 2. Section 31.3402(f)(2)-1 is amended by adding paragraph (d).

PAR. 3. The amendment of subdivisions (i) and (ii) in paragraph (a)(1) of § 31.6011(b)-1, as set forth under paragraph 4 of the notice of proposed rule making, is revised.

PAR. 4. Paragraphs (a), (b)(3) and (c)(2) of § 31.6109-1, as set forth under paragraph 6a of the notice of proposed rule making, are revised.

PAR. 5. Paragraphs (a) and (b) of § 41.6109-1, as set forth under paragraph 7 of the notice of proposed rule making, are revised.

PAR. 6. Paragraphs (a) and (b) of § 45.6109-1, as set forth under paragraph 8 of the notice of proposed rule making, are revised.

PAR. 7. Paragraphs (a) and (b) of § 46.6109-1, as set forth under paragraph 9 of the notice of proposed rule making, are revised.

PAR. 8. Paragraphs (a) and (b) of § 48.6109-1, as set forth under paragraph 11 of the notice of proposed rule making, are revised.

PAR. 9. Paragraphs (a) and (b) of § 49.6109-1, as set forth under paragraph 12 of the notice of proposed rule making, are revised.

PAR. 10. Section 179.52a, as set forth under paragraph 13 of the notice of proposed rule making, is revised.

PAR. 11. Paragraphs (b) and (c) of § 179.52b, as set forth under paragraph 13 of the notice of proposed rule making, are revised.

PAR. 12. Section 194.106a, as set forth under paragraph 14 of the notice of proposed rule making, is revised.

PAR. 13. Paragraphs (b) and (c) of § 194.106b, as set forth under paragraph 14 of the notice of proposed rule making, are revised.

PAR. 14. Section 196.34a, as set forth under paragraph 15 of the notice of proposed rule making, is revised.

PAR. 15. Paragraphs (b) and (c) of § 196.34b, as set forth under paragraph 15 of the notice of proposed rule making, are revised.

PAR. 16. Section 197.29a, as set forth under paragraph 16 of the notice of proposed rule making, is revised.

PAR. 17. Paragraphs (b) and (c) of § 197.29b, as set forth under paragraph 16 of the notice of proposed rule making, are revised.

PAR. 18. Section 201.32c, as set forth under paragraph 17 of the notice of proposed rule making, is revised.

PAR. 19. Paragraphs (b) and (c) of § 201.32d, as set forth under paragraph 17 of the notice of proposed rule making, are revised.

PAR. 20. Section 245.76b, as set forth under paragraph 18 of the notice of proposed rule making, is revised.

PAR. 21. Paragraphs (b) and (c) of § 245.76c, as set forth under paragraph 18 of the notice of proposed rule making, are revised.

PAR. 22. Section 301.6676-1 as set forth in paragraph 21 of the notice of proposed rule making is changed by revising paragraph (a).

PAR. 23. Section 301.7701-11 as set forth in paragraph 23 of the notice of proposed rule making is revised.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: August 20, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1), the Highway Motor Vehicle Use Tax Regulations (26 CFR Part 41), the Miscellaneous Stamp Tax Regulations (26 CFR Part 45), the Regulations Relating to Miscellaneous Excise Taxes Payable by Return (26 CFR Part 46), the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48), the Facilities and Services Excise Tax Regulations (26 CFR Part 49), the regulations relating to Machine Guns and Certain Other Firearms (26 CFR Part 179), the regulations relating to Liquor Dealers (26 CFR Part 194), the regulations relating to Stills (26 CFR Part 196), the regulations relating to Drawback on Distilled Spirits Used in Manufacturing Nonbeverage Products (26 CFR Part 197), the regulations relating to Distilled Spirits Plants (26 CFR Part 201), the regulations relating to Beer (26 CFR Part 245), and the Regulations on Procedure and Administration (26 CFR Part 301), to the amendments made to the Internal Revenue Code of 1954 by the Act of October 5, 1961 (Public Law

87-397, 75 Stat. 828), authorizing the requirement of identifying numbers, and in order to make changes relating to identifying numbers in the Employment Tax Regulations (26 CFR Part 31), the regulations are amended as follows:

Income Tax (26 CFR Part 1):

PARAGRAPH 1. Immediately after § 1.6102-1 there are inserted the following new sections:

§ 1.6109 Statutory provisions; identifying numbers.

SEC. 6109. *Identifying numbers*—(a) *Supplying of identifying numbers.* When required by regulations prescribed by the Secretary or his delegate:

(1) *Inclusion in returns.* Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

(2) *Furnishing number to other persons.* Any person with respect to whom a return, statement, or other document is required under the authority of this title to be made by another person shall furnish to such other person such identifying number as may be prescribed for securing his proper identification.

(3) *Furnishing number of another person.* Any person required under the authority of this title to make a return, statement, or other document with respect to another person shall request from such other person, and shall include in any such return, statement, or other document, such identifying number as may be prescribed for securing proper identification of such other person.

(b) *Limitation.* (1) Except as provided in paragraph (2), a return of any person with respect to his liability for tax, or any statement or other document in support thereof, shall not be considered for purposes of paragraphs (2) and (3) of subsection (a) as a return, statement, or other document with respect to another person.

(2) For purposes of paragraphs (2) and (3) of subsection (a), a return of an estate or trust with respect to its liability for tax, and any statement or other document in support thereof, shall be considered as a return, statement, or other document with respect to each beneficiary of such estate or trust.

(c) *Requirement of information.* For purposes of this section, the Secretary or his delegate is authorized to require such information as may be necessary to assign an identifying number to any person.

[Sec. 6109 as added by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87-397, 75 Stat. 828)]

§ 1.6109-1 Identifying numbers.

(a) *In general*—(1) *Designations.* The identifying number prescribed by this section for use by an individual is termed an "account number". However, the identifying number prescribed for use by an individual engaged in a trade or business within the meaning of subparagraph (2) of this paragraph, with respect to any trade or business, is termed an "employer identification number". The identifying number prescribed for use by a person other than an individual is termed an "employer identification number". For definition of the term "account number", see § 301.7707-11 of this chapter (Regulations on Procedure and Administration). For definition of the term "employer identification number", see § 301.7701-12 of this chapter (Regulations on Procedure and Administration). For purposes of this section, an estate or trust is considered to be a person other than an individual.

(2) *Trade or business.* For purposes of this section, an individual shall be considered to be engaged in a trade or business if any return is required to be filed by him with respect to his liability for any tax imposed by subtitle C, D, or E of the Code (other than a household employer's return on Form 942 or an employee representative's return on Form CT-2 required pursuant to § 31.6011(a)-1 or § 31.6011(a)-2, respectively, of this chapter (Employment Tax Regulations)).

(b) *Use of numbers*—(1) *Number of maker of return*—(i) *Return with respect to tax liability.* Every person required to make a return, statement, or other document for any period commencing after December 31, 1961, with respect to his liability, or to matters relating to or dealing with his liability, for any tax imposed by subtitle A shall include his account number or his employer identification number, as the case may be, in any such return, statement, or other document filed after September 30, 1962. If such person is an individual engaged in a trade or business within the meaning of this section, he shall include his account number in the return, statement, or other document, and shall also include his employer identification number in any Schedule C (Profit (or Loss) from Business or Profession) or Schedule F (Schedule of Farm Income and Expenses) filed as part of his individual income tax return. A fiduciary or agent making a return, statement, or other document for another person shall include therein the identifying number of such other person but not the identifying number of the person acting as fiduciary or agent. An income tax return or a declaration of estimated income tax filed jointly by a husband and wife need include the identifying number of only the husband except that the identifying number of the wife shall also be shown if, for the taxable year covered by the return or declaration, the wife has—

(*a*) Separate gross income of $600 or more, or $1,200 or more if she has attained the age of 65 before the close of the taxable year,

(*b*) Self-employment income, as defined in section 1402(b), or

(c) Income (such as wages, dividends, or interest) paid to her otherwise than with her husband which the payer thereof is required to report on a return or statement of information.

(ii) The application of subdivision (i) of this subparagraph may be illustrated by the following examples:

Example (1). A, an individual, operates a store during the year 1962 in which he employs three assistants and from which he derives net earnings from self-employment of more than $400. In making his income tax return for the calendar year 1962, A includes his account number in the return form and in his report of self-employment income on Schedule SE, and his employer identification number in Schedule C on which he computes the profit or loss from his business.

Example (2). D, an incompetent, receives in 1962, $800 of income from investments. D's guardian, E, is required to include in the income tax return filed for D on April 15, 1963, D's account number. E shall not include his own identifying number in such return.

Example (3). X, an organization exempt from taxation under section 501(a), is required to file an annual return of information on Form 990. In such return filed for the calendar year 1962, X is required to include its employer identification number.

Example (4). A, an individual engaged in a trade or business within the meaning of this section, dies on July 31, 1962. In his will, A provides that after the payment of certain specific bequests, the residue of his estate is to be held in trust for the benefit of his son, S. The administration of A's estate is completed on June 1, 1963, and the residue of the estate transferred to the trustee for S. The executor of A's estate is required to include the account number assigned to A in A's final income tax return (Form 1040) and in A's report of self-employment income on Schedule SE and is required to include A's employer identification number in Schedule C filed with the Form 1040. If the executor is required to file an income tax return (Form 1041) on behalf of the estate, he is required to obtain, and include therein, an employer identification number for the estate. If the trustee is required to file an income tax return (Form 1041) on behalf of the trust, he is required to obtain, and include therein, an employer identification number for the trust. See subparagraph (2)(iv)(*b*) of this paragraph for determining whether S's account number also should be included in the income tax return (Form 1041) of the estate or the trust.

Example (5). Brothers A, B, and C contribute the entire support of their mother in 1962. The brothers contribute the support in such a manner that any one of the brothers could claim a deduction for the exemption of the mother provided a written declaration on Form 2120 (Multiple Support Declaration) from each of his brothers is attached to his income tax return. Since Forms 2120 must be filed to enable any of the brothers to claim a deduction, the account number of each brother making a Form 2120 must be included in such form.

(iii) *Return with respect to another person.* Every person other than an individual not engaged in a trade or business within the meaning of this section, who is required to make a return, statement, or other document with respect to another person for any period commencing after December 31, 1961, shall include his employer identification number in any such return, statement, or other document filed after September 30, 1962. Every individual not engaged in a trade or business within the meaning of this section, who is required to make a return, statement, or other document with respect to another person for any period commencing after December 31, 1961, shall include his account number in any such return, statement, or other document filed after September 30, 1962. A fiduciary or agent making such a return, statement, or other document for another person shall include therein the identifying number of such other person and not his own identifying number.

(iv) The application of subdivision (iii) of this subparagraph may be illustrated by the following example:

Example. M, the estate of a decedent, paid during 1963, $700 for rental of a warehouse. The employer identification number of the estate is required to be included in the Form 1096 and Form 1099 required to be filed in 1964 with respect to such payment. However, the person acting as executor shall not include his own identifying number in such forms.

(v) *Exception.* Notwithstanding the provisions of subdivisions (i) and (iii) of this subparagraph, an individual who does not have an account number and who has not been requested by the Internal Revenue Service to obtain one is not required to include an account number in any return, statement, or other document filed in 1962.

(2) *Number of person with respect to whom return is made by another*—(i) *General rule.* Except as otherwise provided in subdivision (ii) of this subparagraph, when a return, statement, or other document with respect to any person is required to be made by another person for any period commencing after December 31, 1962, the account number or the employer identification number, as the case may be, of the person with respect to whom the return, statement, or other document is required to be made shall be—

(*a*) Requested of such person by the person required to make such return, statement, or other document;

(*b*) Furnished by such person to the person required to make the return, statement, or other document; and

(c) Included in the return, statement, or other document by the person required to make it.

A request should state that the identifying number is required to be furnished under authority of law. An individual who receives amounts of income in respect of which a return, statement, or other document is required to be made by the payer thereof, and which is payable to the trade name of a sole proprietorship operated by him, shall furnish his employer identification number to the payer of such amounts. If such individual is not required to secure an employer identification number he shall furnish his account number to the payer. When an amount is made payable to a fiduciary or agent for a named or otherwise designated trust, estate, minor, incompetent, or other person, the identifying number of such trust, estate, etc. (clearly linked with the name of such trust, estate, etc.), and not the identifying number of the person acting as fiduciary or agent, shall be included by the payer in the return or statement of information made by him with respect to such payment. In the case of dividends on stock made payable to a person other than the record owner of the stock, the identifying number and name of the record owner shall be included by the payer in the return or statement of information made by him with respect to such dividends.

(ii) *Exception.* The identifying number of a payee is not required to be included in any return or statement with respect to payments made to such payee if the total amount shown on such return or statement was paid to such payee prior to October 1, 1963.

(iii) *Multiple payees.* When an information return or statement is required to be made by any person with respect to a payment made by him to more than one person, the identifying number of only one of such payees is required to be requested of such payees by the payer, furnished to the payer by such payees, and included by the payer (clearly linked with the name of the payee to whom it belongs when the surnames are different) in the return or statement of information made by him with respect to such payment. When the multiple payees are husband and wife, the account number of the husband shall be requested and furnished and shall be included by the payer in the return or statement of information made by him with respect to the payment. When the multiple payees are an adult and a minor, the account number of the adult shall be requested and furnished and shall be included by the payer in the return or statement of information made by him with respect to the payment.

(iv) *Meaning of terms.* (*a*) Except as provided in (*b*) of this subdivision, the return of any person with respect to his liability for any tax imposed by subtitle A, or any statement or document in support thereof, is not considered a return, statement, or other document with respect to another person for purposes of this section. If any such return or supporting statement or document contains information with respect to another person, the identifying number of such other person shall not be requested or furnished, and shall not be included in such return, statement, or other document. For example, the identifying number of the doctor to whom an individual taxpayer has made a payment for medical services shall not be requested or furnished, and shall not be included in the individual's income tax return even though the name of the doctor may be required to be furnished in support of the medical deduction. Similarly, the identifying number of a newspaper to which a manufacturing corporation has made a payment for advertising shall not be requested or furnished, and shall not be included in the corporation's income tax return.

(*b*) The return of an estate or trust with respect to its liability for any tax imposed by subtitle A, and any statement or other document in support thereof, shall be considered as a return, statement, or other document with respect to each beneficiary of such estate or trust. Accordingly, the identifying number of each beneficiary whose name is required to be included in any such return or supporting statement or document shall be requested and furnished and shall be included in such return or supporting document to identify such beneficiary. The term "beneficiary" includes heirs, devisees, and legatees.

(v) *Renewal of requests for identifying numbers.* Where identifying numbers are requested it will not generally be necessary to renew requests for identifying numbers unless the Internal Revenue Service subsequently requires that requests be renewed.

(vi) The application of this subparagraph may be illustrated by the following examples:

Example (1). During 1963, Corporation C pays $100 in dividends to A, an individual. The identifying number to be furnished the payer is A's account number and not A's employer identification number even if A has secured the latter as the result of, for example, operating a sole proprietorship.

Example (2). During 1963, Corporation C pays $100 in dividends to A & Company, a sole proprietorship operated by A. If such operation requires A to secure an employer identification number, the identifying number to be furnished to Corporation C is that employer identification number; otherwise it is A's account number.

Example (3). A, an individual, dies February 28, 1964, owning among other income-producing property 1,000 shares of common stock of X Corporation. In his will, A provides that, after the payment of certain specific bequests, B, his executor, shall transfer the residue of his estate to C, who shall hold it in trust for the benefit of A's son, S. B qualifies as executor of the estate of A and secures an employer identification number for the estate. B notifies X Corporation of A's death, gives evidence of his qualification as executor, furnishes the employer identification number of the estate, and requests that dividends be paid to "B, executor for the estate of A". On June 3, 1964, B receives a cash dividend from X Corporation in the amount of $750. The administration of A's estate is completed on September 30, 1964, and the residue of the estate is transferred to C, trustee under the will of A. The residue of the estate includes the cash dividend of $750 and the X Corporation stock. C is required to obtain and furnish to B, and B is required to request, the employer identification number of the trust to be used in the income tax return (Form 1041) for the period February 28, 1964, to September 30, 1964, filed by B. The X Corporation is required to include the employer identification number of the estate on a Form 1099 filed with respect to the $750 dividend payment.

Example (4). A savings account is opened in the M Bank entitled "John and Mary Clark in trust for Dennis Clark." However, under State law a legal and valid trust was not created by this arrangement nor was a gift made of the account. Therefore, John and Mary Clark who are the parents of Dennis are the owners of the account. During the calendar year 1964, the M Bank credits this account with interest in the amount of $750. The Bank should ask Mr. and Mrs. Clark for an identifying number, and John Clark should furnish the Bank with his own account number because the $750 is income to him and Mrs. Clark. The M Bank then should include this number in the Form 1099 which the Bank must file with respect to the $750 interest. If a valid trust had been created under the State law, Mr. Clark should furnish the Bank with the employer identification number for the trust.

Example (5). During the calendar year 1964, Corporation Y pays dividends in the amount of $400 to "James Jones, Custodian for Mary Jones, a minor, under the Uniform Gifts to Minors Act of the State of R". The persons named are father and minor daughter. Y should ask James Jones for an identifying number and James Jones should furnish the Y Corporation with the account number of Mary Jones for inclusion in the Form 1099 which Y must file with respect to the $400 dividends paid. If Mary Jones has no account number, one must be obtained even if Mary Jones is not required to file any return in connection with this income.

Example (6). During the calendar year 1964, the X Federal Savings and Loan Association credited dividends in the amount of $600 to the savings account of "Maurice and Martha Milton, trustees for their minor son, Marvin Milton". The account is subject to the order of either trustee, but under this arrangement no taxable trust is created. The trustees are not subject to court order or any agreement. Under applicable State law, the savings account legally belongs to the child

and the parents are not legally permitted to use any of the funds to satisfy their obligation to support the child. The Association should request that it be furnished an identifying number and the trustees, or one of them, should furnish the Association with the identifying number of Marvin Milton for inclusion in the Form 1099 which the Association must file with respect to the dividends in the amount of $600.

Example (7). During the calendar year 1964, the Z Corporation pays dividends in the amount of $200 to "William Stanley, trustee under deed of trust dated May 1, 1957, for the benefit of Howard Patrick", an account registered in the Corporation's records as owning 400 shares of its common stock. For income tax purposes the trust is recognized as a separate entity. The Z Corporation should request that it be furnished an identifying number, and Mr. Stanley should furnish the Corporation with the employer identification number of the trust for inclusion in the Form 1099 which the Corporation must file with respect to the $200 dividend.

Example (8). During calendar year 1964, the X Corporation pays dividends in the amount of $1,500 to the A & B Company, a Partnership which is registered in the Corporation's records as the owner of 750 shares of its preferred stock. A and B are officers of Bank Y. They were appointed by Y as nominees to hold this stock. The stock is part of the corpus of a trust being administered by Y for the benefit of Mr. C. The identifying number to be furnished to the X Corporation by A & B Company is the employer identification number of the A & B Company, and not the identifying number of Bank Y, the trust, or Mr. C.

Example (9). In 1963, Corporation C pays $100 in dividends to John Doe and Mary Doe, as joint tenants with right of survivorship. If John and Mary are husband and wife, the identifying number to be furnished to Corporation C is the account number of John. If they are not husband and wife, and both are adults, the account number of either may be furnished. If Mary is the minor daughter of John, the identifying number to be furnished is the account number of John.

Example (10). In 1963, Corporation C pays $100 in dividends to John Smith and Mary Jones (two unmarried adult individuals) as tenants in common. The identifying number to be furnished the payer is the account number of either Mr. Smith or Miss Jones. The number furnished must be clearly linked with the name of the payee to whom it belongs.

Example (11). C Corporation, which meets all the requirements of section 1371(a) is an "electing small business corporation" within the meaning of section 1371(b). In accordance with section 6037 and the regulations thereunder, C files a return on Form 1120–S. This form is considered a return, statement, or other document made with respect to another person (C's shareholders) within the meaning of section 6109(a) (2) and (3). Accordingly the identifying numbers of C's shareholders should be requested and furnished, and included in the Form 1120–S.

(c) *Applications*—(1) *General.* An application for an identifying number shall be made in accordance with this paragraph by every person required under this section to include his identifying number in any return, statement, or other document required to be filed by him or to furnish his identifying number to another person for inclusion in any return, statement, or other document required to be filed by such other person. However, any person who has an identifying number, either an account number or an employer identification number, assigned to him under provisions other than the regulations in this section shall not make application for another number of the same kind under this section. A number so assigned is also prescribed for use in accordance with the requirements of this section.

(2) *Account number*—(i) *Time for filing application*—(a) *During 1962.* Application forms for use in obtaining account numbers under this section will as far as possible be furnished without request during 1962 to taxpayers needing numbers. Any individual so supplied with an application form shall complete and file it in accordance with the instructions for such form. A taxpayer is not required under this section to file an application for an account number during 1962 unless furnished with an application.

(b) *After 1962.* An individual needing an account number after 1962 shall file an application form in accordance with subdivision (ii) of this subparagraph far enough in advance of the first required use of such account number to permit issuance of the number in time for compliance with such requirement.

(ii) *Filing requirements.* Application for an account number shall be made on either Form SS–5 or Form 3227. An application form may be obtained from any district director, or any district office of the Social Security Administration. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed in accordance with the instructions on the form. An account number will be assigned to the applicant in due course upon the basis of information reported on the application. A card showing the name and account number of the individual to whom a number has been assigned will be furnished to the individual.

(3) *Employer identification number.* Application for an employer identification number shall be made on Form SS–4. Form SS–4 will generally be furnished only on request and may be obtained from any district director, or any district office of the Social Security Administration. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. The application for an employer identification number should be filed approximately one month in advance of the first required use of the number to permit issuance of the number in time for compliance with such requirement. The application shall be filed with the district director with whom the applicant is required to file his income tax return or with whom the applicant would be required to file an income tax return if such a return were required of him. An employer identification number will be assigned to the applicant in due course upon the basis of information reported on the application.

(d) *Nonresident aliens.* This section shall not apply to nonresident aliens not engaged in trade or business within the United States or to foreign corporations not engaged in trade or business within the United States and not having an office or place of business or a fiscal or paying agent in the United States.

(e) *Penalty.* For penalty for failure to supply identifying number, see section 6676 and § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

Employment Taxes (26 CFR Part 31):

PAR. 2. In paragraph (a) of § 31.0–2, subparagraphs (10) and (11) are amended to read as follows:

§ 31.0–2 General definitions and use of terms.

(a) *In general.* • • •

(10) Account number means the identifying number of an employee assigned, as the case may be, under the Internal Revenue Code of 1954, under subchapter A of chapter 9 of the Internal Revenue Code of 1939, or under title VIII of the Social Security Act. See also § 301.7701–11 of this chapter (Regulations on Procedure and Administration).

(11) Identification number means the identifying number of an employer assigned, as the case may be, under the Internal Revenue Code of 1954, under subchapter A or D of chapter 9 of the Internal Revenue Code of 1939, or under title VIII of the Social Security Act. See also § 301.7701–12 of this chapter (Regulations on Procedure and Administration).

PAR. 3. Section 31.3402(f)(2)–1 is amended by adding paragraph (d) as follows:

§ 31.3402(f)(2)–1 Withholding exemption certificates.

• • • • •

(d) *Inclusion of account number on withholding exemption certificate.* Every individual filing a withholding exemption certificate with an employer shall include his account number on such certificate.

PAR. 4. In paragraph (a) of § 31.6001–5, subparagraph (1) is amended to read as follows:

§ 31.6001–5 Additional records in connection with collection of income tax at source on wages.

(a) • • •

(1) The name and address of the employee, and, after December 31, 1962, the account number of the employee.

PAR. 5. In § 31.6011(a)–7 a new paragraph is added as follows:

§ 31.6011(a)–7 Execution of returns.

• • • • • •

(d) *Reporting of identifying numbers.* For provisions relating to the reporting of identifying numbers on returns required under the regulations in this part, see § 31.6109–1.

PAR. 6. In § 31.6011(b)–1, paragraphs (a), (b), and (d) are amended to read as follows:

§ 31.6011(b)–1 Employers' identification numbers.

(a) *Requirement of application*—(1) *In general*—(i) *Before October 1, 1962.* Except as provided in paragraph (b) of this section, every employer who on any day after December 31, 1954, and before October 1, 1962, has in his employ one or more individuals in employment for wages subject to the taxes imposed by the Federal Insurance Contributions Act, but who prior to such day neither has been assigned an identification number nor has applied therefor, shall make an application on Form SS–4 for an identification number.

(ii) *On or after October 1, 1962.* Except as provided in paragraph (b) of this section, every employer who on any day after September 30, 1962, has in his employ one or more individuals in employment for wages which are subject to the taxes imposed by the Federal Insurance Contributions Act or which are subject to the withholding of income tax from wages under section 3402, but who prior to such day neither has been assigned an identification number nor has applied therefor, shall make an application on Form SS–4 for an identification number.

(iii) *Method of application.* The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director, or any district office of the Social Security Administration. The application shall be filed with the district director with whom the employer will file returns pursuant to § 31.6091–1, or with the nearest district office of the Social Security Administration. The application shall be signed by (*a*) the individual, if the employer is an individual; (*b*) the president, vice president, or other principal officer, if the employer is a corporation; (*c*) a responsible and duly authorized member or officer having knowledge of its affairs, if the employer is a partnership or other unincorporated organization; or (*d*) the fiduciary, if the employer is a trust or estate. An identification number will be assigned to the employer in due course upon the basis of the information reported on the application required under this section.

(2) *Time for filing Form SS–4.* The application for an identification number shall be filed on or before the seventh day after the first payment of wages to which reference is made in subparagraph (1) of this paragraph. For provisions relating to the time when wages are paid, see § 31 3121(a)–2 and paragraph (b) of § 31.3402(a)–1.

(b) *Employers who are assigned identification numbers without application.* An identification number may be assigned, without application by the employer, in the case of an employer who has in his employ only employees who are engaged exclusively in the performance of domestic service in his private home not on a farm operated for profit (see § 31.3121(a)(7)–1). If an identification number is so assigned, the employer is not required to make an application on Form SS–4 for the number.

• • • • • •

(d) *Use of identification number.* The identification number assigned to an employer (other than a household employer referred to in paragraph (b) of this section) shall be shown in the employer's records, and shall be shown in his claims to the extent required by the applicable forms, regulations, and instructions. For provisions relating to the inclusion of identification numbers in returns, statements on Form W–2, and depositary receipts, see § 31.6109–1.

PAR. 7. In § 31.6011(b)–2, subparagraphs (1) and (2) of paragraph (a) are amended, and a new subparagraph is added to paragraph (b), as follows:

§ 31.6011(b)–2 Employees' account numbers.

(a) *Requirement of application*—(1) *In general*—(i) *Before November 1, 1962.* Every employee who on any day after December 31, 1954, and before November 1, 1962, is in employment for wages subject to the taxes imposed by the Federal Insurance Contributions Act, but who prior to such day has neither secured an account number nor made application therefor, shall make an application on Form SS–5 for an account number.

(ii) *On or after November 1, 1962.* Every employee who on any day after October 31, 1962, is in employment for wages which are subject to the taxes imposed by the Federal Insurance Contributions Act or which are subject to the withholding of income tax from wages under section 3402, but who prior to such day has neither secured an account number nor made application therefor, shall make an application on Form SS–5 for an account number.

(iii) *Method of application.* The application shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The employee shall file the application with any district office of the Social Security Administration or, if the employee is not working within the United States, with the district office of the Social Security Administration at Baltimore, Maryland. Form SS–5 may be obtained from any district office of the Social Security Administration or from any district director. An account number will be assigned to the employee by the Social Security Administration in due course upon the basis of information reported on the application required under this section. A card showing the name and account number of the employee to whom an account number has been assigned will be furnished to the employee by the Social Security Administration.

(2) *Time for filing Form SS–5.* The application shall be filed on or before the seventh day after the occurrence of the first day of employment to which reference is made in subparagraph (1) of this paragraph, unless the employee leaves the employ of his employer before such seventh day, in which case the application shall be filed on or before the date on which the employee leaves the employ of his employer.

• • • • • •

(b) *Duties of employee with respect to his account number.* • • •

(3) *Furnishing of account number by employee to employer.* See § 31.6109–1 for additional provisions relating to the furnishing of an account number by the employee to his employer.

PAR. 8. In § 31.6051–1, subparagraph (1)(i)(*b*) of paragraph (a) is amended, subparagraph (3) of paragraph (d) is deleted, and a new paragraph is added, as follows:

§ 31.6051–1 Statements for employees.

(a) *Requirement if wages are subject to withholding of income tax*—(1) *General rule.* (i) • • •

(*b*) The name and address of the employee, and his social security account number if wages as defined in section 3121(a) have been paid or if the Form W–2 is required to be furnished to the employee for a period commencing after December 31, 1962,

• • • • • •

(e) *Cross references.* For provisions relating to the penalties provided for the willful furnishing of a false or fraudulent statement, or for the willful failure to furnish a statement, see § 31.6674–1 and section 7204. For additional provisions relating to the inclusion of identification numbers and account numbers in statements on Form W–2, see § 31.6109–1. For provisions relating to the penalty for failure to report an identification number or an account number, as required by § 31.6109–1, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

PAR. 9. Immediately after § 31.6101–1 there is inserted the following:

§ 31.6109 Statutory provisions; identifying numbers.

SEC. 6109. *Identifying numbers*—(a) *Supplying of identifying numbers.* When required by regulations prescribed by the Secretary or his delegate:

(1) *Inclusion in returns.* Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

(2) *Furnishing number to other persons.* Any person with respect to whom a return, statement, or other document is required under the authority of this title to be made by another person shall furnish to such other person such identifying number as may be prescribed for securing his proper identification.

(3) *Furnishing number of another person.* Any person required under the authority of this title to make a return, statement, or other document with respect to another person shall request from such other person, and shall include in any such return, statement, or other document, such identifying

number as may be prescribed for securing proper identification of such other person.

• • • • •

(c) *Requirement of information.* For purposes of this section, the Secretary or his delegate is authorized to require such information as may be necessary to assign an identifying number to any person.

[Sec. 6109 as added by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87-397, 75 Stat. 828)]

§ 31.6109–1 Supplying of identifying numbers.

(a) *Identification number.* The identification number assigned to an employer (other than a household employer referred to in paragraph (b) of § 31.6011(b)–1) shall be shown in returns, statements on Form W–2, and depositary receipts made by the employer, pursuant to the regulations in this part, for any period ending after September 30, 1962.

(b) *Account number*—(1) *Employee to furnish to employer.* An employee to whom a statement on Form W–2 is required to be furnished for any period commencing after December 31, 1962, shall furnish his account number to each employer required to furnish such statement to him. For additional provisions relating to the furnishing of account numbers by employees to employers, see paragraph (b) of § 31.6011(b)–2.

(2) *Use of account number by employer.* Each statement required to be furnished to an employee on Form W–2 for any period commencing after December 31, 1962, shall show the account number of the employee. For additional provisions relating to requirements for furnishing a statement on Form W–2, see § 31.6051–1.

(3) *Use of account number by employee representative.* An employee representative shall include his account number on any return on Form CT–2 made by him, pursuant to paragraph (a)(2) of § 31.6011(a)–2, for any period commencing after September 30, 1962.

(c) *Procedure for applying for identifying number*—(1) *Identification number.* Every employer who has not been assigned an identification number, and who is not otherwise required by § 31.6011(b)–1 to make application therefor, shall make an application on Form SS–4 for an identification number. For provisions relating to the procedure to be followed in applying for an identification number, see paragraph (a) of § 31.6011(b)–1.

(2) *Account number.* An employee representative who has not been assigned an account number, and who is not otherwise required by § 31.6011(b)–2 to make application therefor, shall make an application on Form SS–5 for an account number. The application shall be filed on or before the last day of the first calendar quarter, beginning after September 30, 1962, for which the employee representative is required to make a return on Form CT–2. For provisions relating to the procedure to be followed in applying for an account number, see paragraph (a)(1) of § 31.6011(b)–2.

(d) *Penalty.* For provisions relating to the penalty for failure to supply an identification number or an account number, as required by this section, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

Excise Tax on Use of Certain Highway Motor Vehicles (26 CFR Part 41):

PAR. 10. Immediately after § 41.6101–1 there is inserted the following:

§ 41.6109 Statutory provisions; identifying numbers.

SEC. 6109. *Identifying numbers*—(a) *Supplying of identifying numbers.* When required by regulations prescribed by the Secretary or his delegate:

(1) *Inclusion in returns.* Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

• • • • •

(c) *Requirement of information.* For purposes of this section, the Secretary or his delegate is authorized to require such information as may be necessary to assign an identifying number to any person.

[Sec. 6109 as added by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87-397, 75 Stat. 828)]

§ 41.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person in whose name a highway motor vehicle is registered at a time, after September 30, 1962, when a taxable use of such vehicle occurs, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director. The application shall be filed with the district director with whom returns required pursuant to § 41.6011(a)–1 will be filed by the person who is required to make the application. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

(2) *Time for filing Form SS–4.* The application for an employer identification number shall be filed on or before the seventh day after the date of the first taxable use, after September 30, 1962, of a highway motor vehicle which is registered in the name of the person who is required to make the application.

(b) *Use of employer identification number.* The employer identification number assigned to a person liable for the tax imposed by section 4481 shall be shown in any return, statement, or other document made by such person for any period commencing after June 30, 1963.

(c) *Cross references.* For the definition of the term "employer identification number", see § 301.7701–12 of this chapter (Regulations on Procedure and Administration). For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

Miscellaneous Stamp Taxes (26 CFR Part 45):

PAR. 11. Immediately after § 45.6101–1 there is inserted the following:

§ 45.6109 Statutory provisions; identifying numbers.

SEC. 6109. *Identifying numbers*—(a) *Supplying of identifying numbers.* When required by regulations prescribed by the Secretary or his delegate:

(1) *Inclusion in returns.* Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

• • • • •

(c) *Requirement of information.* For purposes of this section, the Secretary or his delegate is authorized to require such information as may be necessary to assign an identifying number to any person.

[Sec. 6109 as added by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87-397, 75 Stat. 828)]

§ 45.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, performs any act with respect to which a tax is imposed by section 4461, 4471, 4821, or 4841, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director. The application shall be filed with any district director with whom a return on Form 11 or Form 11–B will be filed by the person who is required to make the application. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

(2) *Time for filing Form SS–4.* The application for an employer identification number shall be filed on or before the seventh day after the date of performance, by the person who is required to make the application, of the first act after September 30, 1962, with respect to

which tax is imposed by section 4461, 4471, 4821, or 4841.

(b) *Use of employer identification number.* If an employer identification number has been assigned to a person liable for the tax imposed by section 4461, 4471, 4821, or 4841, the number shall be shown in any return, statement, or other document made by such person for any period commencing after June 30, 1963.

(c) *One number per taxpayer.* Each taxpayer shall make application for, and shall be assigned, only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11 or Form 11–B.

(d) *Cross references.* For the definition of the term "employer identification number", see § 301.7701–12 of this chapter (Regulations on Procedure and Administration). For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

Regulations Relating to Miscellaneous Excise Taxes Payable by Return (26 CFR Part 46):

PAR. 12. Immediately after § 46.6101–1 there is inserted the following:

§ 46.6109 Statutory provisions; identifying numbers.

SEC. 6109. *Identifying numbers*—(a) *Supplying of identifying numbers.* When required by regulations prescribed by the Secretary or his delegate:

(1) *Inclusion in returns.* Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

• • • • •

(c) *Requirement of information.* For purposes of this section, the Secretary or his delegate is authorized to require such information as may be necessary to assign an identifying number to any person.

[Sec. 6109 as added by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87-397, 75 Stat. 828)]

§ 46.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, performs any manufacturing or processing operation with respect to which a tax is imposed by section 4501(a) or 4511, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director. The application shall be filed with any district director with whom returns on Form 720 will be filed by the person who is required to make the application. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

(2) *Time for filing Form SS–4.* The application for an employer identification number shall be filed on or before the seventh day after the date of the first sale of an article, after September 30, 1962, with respect to which a tax is imposed by chapter 31 or 32 of the Code.

(b) *Use of employer identification number.* The employer identification number assigned to a person liable for a tax imposed by chapter 31 or 32 of the Code shall be shown in any return, statement, or other document made by such person for any period commencing after September 30, 1962.

(c) *Cross references.* For the definition of the term "employer identification number", see § 301.7701–12 of this chapter (Regulations on Procedure and Administration). For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

PAR. 13. In § 46.6302(c)–1, subparagraph (3) of paragraph (a) is deleted.

Manufacturers and Retailers Excise Taxes (26 CFR Part 48):

PAR. 14. Immediately after § 48.6011(c)–1 there is inserted the following:

§ 48.6109 Statutory provisions; identifying numbers.

SEC. 6109. *Identifying numbers*—(a) *Supplying of identifying numbers.* When required by regulations prescribed by the Secretary or his delegate:

(1) *Inclusion in returns.* Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

• • • • •

(c) *Requirement of information.* For purposes of this section, the Secretary or his delegate is authorized to require such information as may be necessary to assign an identifying number to any person.

[Sec. 6109 as added by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87-397, 75 Stat. 828)]

§ 48.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, makes a sale of an article with respect to which a tax is imposed by chapter 31 or 32 of the Code, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director. The application shall be filed with the district director with whom returns on Form 720 will be filed by the person who is required to make the application. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

(2) *Time for filing Form SS–4.* The application for an employer identification number shall be filed on or before the seventh day after the date of performance by the person who is required to make the application, of the first manufacturing or processing operation after September 30, 1962, with respect to which a tax is imposed by section 4501(a) or 4511.

(b) *Use of employer identification number.* The employer identification number assigned to a person liable for the tax imposed by section 4501(a) or 4511 shall be shown in any return, statement, or other document made by such person for any period commencing after September 30, 1962.

(c) *Cross references.* For the definition of the term "employer identification number", see § 301.7701–12 of this chapter (Regulations on Procedure and Administration). For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

Facilities and Services Excise Taxes (26 CFR Part 49):

PAR. 15. Immediately after § 49.4287–1 there is inserted the following:

Subpart G—Refunds and Other Administrative Provisions of Special Application to Facilities and Services Taxes

§ 49.6109 Statutory provisions; identifying numbers.

SEC. 6109. *Identifying numbers*—(a) *Supplying of identifying numbers.* When required by regulations prescribed by the Secretary or his delegate:

(1) *Inclusion in returns.* Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

• • • • •

(c) *Requirement of information.* For purposes of this section, the Secretary or his delegate is authorized to require such information as may be necessary to assign an identifying number to any person.

[Sec. 6109 as added by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87-397; 75 Stat. 828)]

§ 49.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, receives a payment for a facility or service with respect to which a tax is imposed by chapter 33 of the Code, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director. The application shall be filed with the district director with whom returns on Form 720 will be filed by the person who is required to make the application. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

(2) *Time for filing Form SS–4.* The application for an employer identification number shall be filed on or before the seventh day after the date of the first receipt of a payment, after September 30, 1962, for a facility or service with respect to which a tax is imposed by chapter 33 of the Code.

(b) *Use of employer identification number.* The identification number assigned to a person liable for a tax imposed by chapter 33 of the Code shall be shown in any return, statement, or other document made by such person for any period commencing after September 30, 1962.

(c) *Cross references.* For the definition of the term "employer identification number", see § 301.7701–12 of this chapter (Regulations on Procedure and Administration). For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

Machine Guns and Certain Other Firearms (26 CFR Part 179):

PAR. 16. 26 CFR Part 179, Machine Guns and Certain Other Firearms, is amended by inserting immediately after § 179.52 three new sections as follows:

§ 179.52a Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each Form 11, including amended Form 11, filed pursuant to the provisions of this part for any period commencing after September 30, 1962. Failure of the taxpayer to include his employer identification number on Form 11 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 179.52b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Form 11 is required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 11 before October 1, 1962, for the period ending June 30, 1963, and who has neither secured an employer identification number nor made application therefor prior to October 1, 1962. Such application on Form SS–4 shall be filed on or before October 8, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer whose first return on Form 11 is filed on or after October 1, 1962, but who prior to the filing of such first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

§ 179.52c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director with whom a return on Form 11 will be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

Liquor Dealers (26 CFR Part 194):

PAR. 17. 26 CFR Part 194, Liquor Dealers, is amended as follows:

§ 194.106 [Amendment]

(A) Section 194.106 is amended as follows:

(1) By renumbering paragraphs (d), (e), and (f) as (e), (f), and (g), respectively;

(2) By inserting, immediately after paragraph (c), the following new paragraph:

(d) The employer identification number (see §§ 194.106a–194.106c);

and

(3) By changing the citation at the end of the section to read "(68A Stat. 732, 846; 75 Stat. 828; 26 U.S.C. 6011, 7011, 6109)".

(B) By inserting, immediately after § 194.106, three new sections as follows:

§ 194.106a Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each Form 11, including amended Form 11, filed pursuant to the provisions of this part for any period commencing after September 30, 1962. Failure of the taxpayer to include his employer identification number on Form 11 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 194.106b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Form 11 is required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 11 before October 1, 1962, for the period ending June 30, 1963, and who has neither secured an employer identification number nor made application therefor prior to October 1, 1962. Such application on Form SS–4 shall be filed on or before October 8, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer whose first return on Form 11 is filed on or after October 1, 1962, but who prior to the filing of such first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

§ 194.106c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director with whom a return on Form 11 will be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

Stills (26 CFR Part 196):

PAR. 18. 26 CFR Part 196, Stills, is amended as follows:

§ 196.34 [Amendment]

(A) Section 196.34 is amended by striking the word "form" at the end of the section, and inserting in lieu thereof the words "headings on the form and the instructions thereon or issued in respect thereto"; and

(B) By inserting, immediately after § 196.34, three new sections as follows:

§ 196.34a Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each Form 11, including amended Form 11, filed pursuant to the provisions of this part for any period commencing after September 30, 1962. Failure of the taxpayer to include his employer identification number on Form 11 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 196.34b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Form 11 is required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 11 before October 1, 1962, for the period ending June 30, 1963, and who has neither secured an employer identification number nor made application therefor prior to October 1, 1962. Such application on Form SS–4 shall be filed on or before October 8, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who first return on Form 11 is filed on or after October 1, 1962, but who prior to the filing of such first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 196.34c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director with whom a return on Form 11 will be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

Drawback on Distilled Spirits Used in Manufacturing Nonbeverage Products (26 CFR Part 197):

PAR. 19. 26 CFR Part 197, Drawback on Distilled Spirits Used in Manufacturing Nonbeverage Products, is amended as follows:

§ 197.29 [Amendment]

(A) Section 197.29 is amended as follows:

(1) By renumbering paragraphs (b), (c), and (d) as (c), (d), and (e), respectively; and

(2) By inserting, immediately after paragraph (a), the following new paragraph:

(b) The employer identification number (see §§ 197.29a–197.29c);

(B) By inserting, immediately after § 197.29, three new sections as follows:

§ 197.29a Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each Form 11, including amended Form 11, filed pursuant to the provisions of this part for any period commencing after September 30, 1962. Failure of the taxpayer to include his employer identification number on Form 11 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 197.29b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Form 11 is required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 11 before October 1, 1962, for the period ending June 30, 1963, and who has neither secured an employer identification number nor made application therefor prior to October 1, 1962. Such application on Form SS–4 shall be filed on or before October 8, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer whose first return on Form 11 is filed on or after October 1, 1962, but who prior to the filing of such first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

§ 197.29c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director with whom a return on Form 11 will be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

Distilled Spirits Plants (26 CFR Part 201):

PAR. 20. 26 CFR Part 201, Distilled Spirits Plants, is amended by inserting, immediately after § 210.32, five new sections as follows:

§ 201.32a Data required on Form 11.

Each return on Form 11 shall be prepared in accordance with the headings on the form and the instructions thereon or issued in respect thereto, and shall include the following:

(a) Where the rectifier is an individual or a corporation, the true name of such individual or corporation;

(b) In the case of a partnership, the true name of each and every person comprising the partnership;

(c) The employer identification number (see §§ 201.32c–201.32e);

(d) The exact location of the place of business, by name and number of building or street or, where these do not exist, by some particularization in addition to the post office address;

(e) The kind and class of tax (see § 201.31);

(f) All other information provided for on the form.

(68A Stat. 732, 846; 75 Stat. 828; 26 U.S.C. 6011, 7011, 6109)

§ 201.32b Execution of Form 11.

The return on Form 11 of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be

signed by a member of the firm; and the return of a corporation shall be signed by a duly authorized officer thereof: *Provided*, That any individual, partnership, or corporation may appoint an agent to sign in his behalf. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," "agent," "attorney-in-fact" or, in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a rectifier by reason of death, insolvency, or other circumstances, shall indicate the fiduciary capacity in which they act. Returns signed by persons, as agents or attorneys-in-fact, will not be accepted unless, in each instance, the principal named on the return has executed a power of attorney authorizing such person to sign the return, and such power of attorney is filed with the district director. Form 11 shall be verified by a written declaration that the return has been executed under the penalties of perjury.

(68A Stat. 748, 749; 75 Stat. 828; 26 U.S.C. 6061, 6065, 6109)

§ 201.32c Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each Form 11, including amended Form 11, filed pursuant to the provisions of this part for any period commencing after September 30, 1962. Failure of the taxpayer to include his employer identification number on Form 11 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 201.32d Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Form 11 is required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 11 before October 1, 1962, for the period ending June 30, 1963, and who has neither secured an employer identification number nor made application therefor prior to October 1, 1962. Such application on Form SS–4 shall be filed on or before October 8, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer whose first return on Form 11 is filed on or after October 1, 1962, but who prior to the filing of such first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

§ 201.32e Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director with whom a return on Form 11 will be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

Beer (26 CFR Part 245):

PAR. 21. 26 CFR Part 245, Beer, is amended by inserting, immediately after § 245.76, four new sections as follows:

§ 245.76a Data required on Form 11.

Each return on Form 11 shall be prepared in accordance with the headings on the form and the instructions thereon or issued in respect thereto, and shall include the following:

(a) Where the taxpayer is an individual or a corporation, the true name of such individual or corporation;

(b) In the case of a partnership, the true name of each and every person comprising the partnership;

(c) The employer identification number (see §§ 245.76b–245.76d);

(d) The exact location of the place of business, by name and number of building or street or, where these do not exist, by some particularization in addition to the post office address;

(e) The class of tax;

(f) All other information provided for on the form.

(68A Stat. 732, 846; 75 Stat. 828; 26 U.S.C. 6011, 7011, 6109)

§ 245.76b Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each Form 11, including amended Form 11, filed pursuant to the provisions of this part for any period commencing after September 30, 1962. Failure of the taxpayer to include his employer identification number on Form 11 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 245.76c Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Form 11 is required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 11 before October 1, 1962, for the period ending June 30, 1963, and who has neither secured an employer identification number nor made application therefor prior to October 1, 1962. Such application on Form SS–4 shall be filed on or before October 8, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer whose first return on Form 11 is filed on or after October 1, 1962, but who prior to the filing of such first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

§ 245.76d Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director with whom a return on Form 11 will be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

Procedure and Administration (26 CFR Part 301):

PAR. 22. Section 301.6109 is renumbered, is amended to change the number of the statute set forth therein, and a historical note is added at the end thereof, as follows:

§ 301.6110 Statutory provisions; cross references.

SEC. 6110. *Cross references.* (1) For reports of Secretary of Agriculture concerning cotton futures, see section 4876.

(2) For inspection of returns, order forms, and prescriptions concerning narcotics, see section 4773.

(3) For inspection of returns, order forms, and prescriptions concerning marihuana, see section 4773.

(4) For authority of Secretary or his delegate to furnish list of special taxpayers, see section 4775.

(5) For inspection of records, returns, etc., concerning gasoline or lubricating oils, see section 4102.

[Sec. 6110 as renumbered by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87–397, 75 Stat. 828)]

PAR. 23. Immediately after § 301.6108–1 there are inserted the following new sections:

§ 301.6109 Statutory provisions; identifying numbers.

SEC. 6109. *Identifying numbers*—(a) *Supplying of identifying numbers.* When required by regulations prescribed by the Secretary or his delegate:

(1) *Inclusion in returns.* Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

(2) *Furnishing number to other persons.* Any person with respect to whom a return, statement, or other document is required under the authority of this title to be made by another person shall furnish to such other person such identifying number as may be prescribed for securing his proper identification.

(3) *Furnishing number of another person.* Any person required under the authority of this title to make a return, statement, or other document with respect to another person shall request from such other person, and shall include in any such return, statement, or other document, such identifying number as may be prescribed for securing proper identification of such other person.

(b) *Limitation.* (1) Except as provided in paragraph (2), a return of any person with respect to his liability for tax, or any statement or other document in support thereof, shall not be considered for purposes of paragraphs (2) and (3) of subsection (a) as a return, statement, or other document with respect to another person.

(2) For purposes of paragraphs (2) and (3) of subsection (a), a return of an estate or trust with respect to its liability for tax, and any statement or other document in support thereof, shall be considered as a return, statement, or other document with respect to each beneficiary of such estate or trust.

(c) *Requirement of information.* For purposes of this section, the Secretary or his delegate is authorized to require such information as may be necessary to assign an identifying number to any person.

[Sec. 6109 as added by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87–397, 75 Stat. 828)]

§ 301.6109–1 Identifying numbers.

For provisions concerning the requesting and furnishing of identifying numbers, and their inclusion in returns, statements, or other documents, see the regulations relating to the particular tax.

PAR. 24. Immediately after § 301.6675–1 there are inserted the following new sections:

§ 301.6676 Statutory provisions; failure to supply identifying numbers.

SEC. 6676. *Failure to supply identifying numbers*—(a) *Civil penalty.* If any person who is required by regulations prescribed under section 6109—

(1) To include his identifying number in any return, statement, or other document,

(2) To furnish his identifying number to another person, or

(3) To include in any return, statement, or other document made with respect to another person the identifying number of such other person,

fails to comply with such requirement at the time prescribed by such regulations, such person shall pay a penalty of $5 for each such failure, unless it is shown that such failure is due to reasonable cause.

(b) *Deficiency procedures not to apply.* Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, and gift taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).

[Sec. 6676 as added by sec. 1(b), Act of Oct. 5, 1961 (Public Law 87–397, 75 Stat. 828)]

§ 301.6676–1 Penalty for failure to supply identifying number.

(a) *In general.* Except as provided in paragraph (c) of this section, if any person who is required by the regulations under section 6109—

(1) To include his identifying number in any return, statement, or other document,

(2) To furnish his identifying number to another person, or

(3) To include in any return, statement, or other document made with respect to another person the identifying number of such other person,

fails to comply with such requirement at the time prescribed by such regulations, such person shall pay a penalty of $5 for each such failure. Such penalty shall be paid in the same manner as tax upon the issuance of a notice and demand therefor. Under § 1.6109–1(b)(2) a payer is required to request the identifying number of the payee. If, after such a request has been made, the payee does not furnish the payer with his identifying number, the penalty will not be assessed against the payer.

(b) *Deficiency procedures not to apply.* Subchapter B, chapter 63, of the Code (deficiency procedures) shall not apply in respect of the assessment or collection of the penalty set forth in paragraph (a) of this section.

(c) *Reasonable cause.* If any person who is required by the regulations under section 6109 to supply an identifying number fails to comply with such requirement at the time prescribed by such regulations, but establishes to the satisfaction of the district director or the director of the regional service center that such failure was due to reasonable cause, the penalty set forth in paragraph (a) of this section shall not apply.

(d) *Persons required to supply identifying numbers.* For regulations under section 6109 relating to persons required to supply an identifying number, see the regulations relating to the particular tax.

PAR. 25. Section 301.7701–11 is renumbered and amended to read as follows:

§ 301.7701–13 Other terms.

Any terms which are defined in section 7701 and which are not defined in §§ 301.7701–1 to 301.7701–12, inclusive, shall, when used in this chapter, have the meanings assigned to them in section 7701.

PAR. 26. Immediately after § 301.7701–10 there are inserted the following new sections:

§ 301.7701–11 Account number.

For purposes of this chapter, the term "account number" means the identifying number of an individual which is assigned pursuant to section 6011(b) or corresponding provisions of prior law, or pursuant to section 6109, and in which nine digits are separated by hyphens as follows: 000–00–0000. Such term does not include a number with a letter as a suffix which is used to identify an auxiliary beneficiary under the social security program.

The terms "account number" and "social security account number" refer to the same number.

§ 301.7701–12 Employer identification number.

For purposes of this chapter, the term "employer identification number" means the identifying number of an individual or other person (whether or not an employer) which is assigned pursuant to section 6011(b) or corresponding provisions of prior law, or pursuant to section 6109, and in which nine digits are separated by a hyphen, as follows: 00–0000000. The terms "employer identification number" and "identification number" (defined in § 31.0–2(a)(11) of this chapter (Employment Tax Regulations)) refer to the same number.

(Sec. 7805, Internal Revenue Code, 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 62–8567; Filed, Aug. 24, 1962; 8:45 a.m.]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6609]

PART 151—REGULATORY TAXES ON NARCOTIC DRUGS

PART 152—REGULATIONS UNDER THE MARIHUANA TAX ACT OF 1937, AS AMENDED

Use of Identifying Numbers and Providing Directors of Regional Service Centers With Authority To Make Assessments and Perform Other Acts

On February 24, 1962, notice of proposed rule making to conform the regulations relating to Regulatory Taxes on Narcotic Drugs (26 CFR Part 151) and the Regulations Under the Marihuana Tax Act of 1937, As Amended (26 CFR Part 152) to the amendments made to the Internal Revenue Code of 1954 by the Act of October 5, 1961 (Public Law 87–397, 75 Stat. 828), authorizing the requirement of identifying numbers, was published in the FEDERAL REGISTER (27 F.R. 1770). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted, subject to the changes set forth below. In addition, paragraphs 2, 3, 4, and 5 below amend §§ 151.81, 151.84, 151.451, and 151.453 of the Regulatory Taxes on Narcotic Drugs to conform such sections to the provisions of T.D. 6585 (26 F.R. 12553) providing directors of regional service centers with authority to make assessments and to perform other acts.

PARAGRAPH 1. Paragraphs (a), (c), and (d) of § 151.30, as set forth under paragraph 1 of the notice of proposed rule making, are revised.

PAR. 2. Paragraph (b) of § 151.81 is amended.

PAR. 3. Paragraph (c) of § 151.84 is amended.

PAR. 4. Section 151.451 is amended.

PAR. 5. Paragraphs (c) and (d) of § 151.453 are amended.

PAR. 6. Paragraphs (a), (c), and (d) of § 152.9a, as set forth under paragraph 2 of the notice of proposed rule making, are revised.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.
CHARLES SUACUSA,
Acting Commissioner of Narcotics.

Approved: August 20, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the regulations relating to Regulatory Taxes on Narcotic Drugs (26 CFR Part 151) and the Regulations Under the Marihuana Tax Act of 1937, As Amended (26 CFR Part 152) to the amendments made to the Internal Revenue Code of 1954 by the Act of October 5, 1961 (Public Law 87–397, 75 Stat. 828), authorizing the requirement of identifying numbers, and to conform 26 CFR Part 151 to the provisions of T.D. 6585 (26 F.R. 12553) insofar as such Treasury decision relates to the granting of authority to directors of regional service centers to make assessments and perform other acts, the regulations are amended as follows:

Regulatory Taxes on Narcotic Drugs (26 CFR Part 151):

PARAGRAPH 1. Immediately after § 151.29 there is inserted the following:

§ 151.30 Employer identification numbers.

(a) Except as provided in paragraph (b) of this section, an application on Form SS–4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, performs any act with respect to which a tax is imposed by section 4721, but who prior to such time neither has been assigned an employer identification number nor has applied therefor.

(b) The provisions of this section shall not apply in respect of those employees and officials referred to in section 4772.

(c) The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director. The application on Form SS–4 shall be filed with any district director with whom a return on Form 678 will be filed by the person who is required to make the application. The application shall be filed on or before the seventh day after the first date, after September 30, 1962, on which occurs any act with respect to which a tax is imposed by section 4721. The application shall be signed by (1) the individual, if the person is an individual; (2) the president, vice president, or other principal officer if the person is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (4) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of the information reported on the application required under this section.

(d) If an employer identification number has been assigned to a person liable for the tax imposed by section 4721, the number shall be shown in any return, statement, or other document made by such person for any period commencing after June 30, 1963.

(e) Each taxpayer shall make application for, and shall be assigned, only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 678.

(f) For the definition of the term "employer identification number", see § 301.7701–12 of this chapter (Regulations on Procedure and Administration). For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

PAR. 2. Paragraph (b) of § 151.81 is amended to read as follows:

§ 151.81 Delinquent returns.

* * * * *

(b) A taxpayer who wishes to avoid the addition to the tax for delinquency must make an affirmative showing of all the facts alleged as reasonable cause for failure to file the return on time. Such showing should be made in the form of a written statement containing a declaration that it is made under penalties of perjury. The statement should be filed with the district director with whom the return is required to be filed. If the district director or the director of the regional service center determines that the delinquency was due to a reasonable cause, and not to willful neglect, the addition to the tax will not be assessed. If the taxpayer exercised ordinary business care and prudence and was nevertheless unable to file the returns within the prescribed time, then the delay is due to reasonable cause.

PAR. 3. Paragraph (c) of § 151.84 is amended to read as follows:

§ 151.84 Delinquent payment.

* * * * *

(c) Interest shall be assessed and collected in the same manner as tax and shall be paid upon notice and demand by the district director or the director of the regional service center. Interest on tax may be assessed and collected at any time within the period of limitation on collection after assessment of the tax to which it relates.

PAR. 4. Section 151.451 is amended to read as follows:

§ 151.451 Assessment of taxes.

Tax due on narcotic drugs not paid by attachment of stamps to containers shall be reported for assessment. Special tax which the taxpayer refuses or fails to pay may likewise be reported for assessment. The district director is authorized and required, and the director of the regional service center is authorized, to make all assessments of all taxes imposed by the Internal Revenue Code of 1954 or any prior internal revenue law.

PAR. 5. Paragraphs (c) and (d) of § 151.453 are amended to read as follows:

§ 151.453 Payment by check, etc.

* * * * *

(c) If a taxpayer gives a check or money order as payment for stamps but the check or money order is not paid upon presentment, then the district director or the director of the regional service center shall assess the amount of the check or money order against the taxpayer as if it were a tax due at the time the check or money order was received by the district director.

(d) If a check or money order is tendered in the payment for the special tax or for stamps, and such check or money order is not paid upon presentation, a penalty of 1 percent of the amount of the check or money order, in addition to any other penalties provided by law, shall be paid by the person who tendered such check or money order. If, however, the amount of the check or money order is less than $500, the penalty shall be $5 or the amount of the check or money order, whichever amount is the lesser. Such penalty shall be paid in the same manner as tax upon the issuance of a notice and demand therefor. The penalty set forth in this paragraph shall not apply if the person tendered such check or money order in good faith and with reasonable cause to believe that it would be duly paid.

Regulations Under the Marihuana Tax Act of 1937, As Amended (26 CFR Part 152):

PAR. 6. Immediately after § 152.9 there is inserted the following:

§ 152.9a Employer identification numbers.

(a) Except as provided in paragraph (b) of this section, an application on Form SS–4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, performs any act with respect to which a tax is imposed by section 4751, but who prior to such time neither has been assigned an employer identification number nor has applied therefor.

(b) The provisions of this section shall not apply in respect of those employees and officials referred to in section 4772.

(c) The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director. The application on Form SS–4 shall be filed with any district director with whom a return on Form 678 will be filed by the person who is required to make the application. The application shall be filed on or before the seventh day after the first date, after September 30, 1962, on which occurs any act with respect to which a tax is imposed by section 4751. The application shall be signed by (1) the individual, if the person is an individual; (2) the president, vice president, or other principal officer if the person is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (4) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of the information reported on the application required under this section.

(d) If an employer identification number has been assigned to a person liable for the tax imposed by section 4751, the number shall be shown in any return, statement, or other document made by such person for any period commencing after June 30, 1963.

(e) Each taxpayer shall make application for, and shall be assigned, only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 678.

(f) For the definition of the term "employer identification number", see § 301.7701–12 of this chapter (Regulations on Procedure and Administration). For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

(Sec. 7805, Internal Revenue Code, 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 62–8570; Filed, Aug. 24, 1962; 8:45 a.m.]

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T. D. 6607]

PART 201—DISTILLED SPIRITS PLANTS

PART 240—WINE

PART 245—BEER

Use of Identifying Numbers

On April 20, 1962, a notice of proposed rule making with respect to the amendment of 26 CFR Part 201, Distilled Spirits Plants, 26 CFR Part 240, Wine, and 26 CFR Part 245, Beer, was published in the FEDERAL REGISTER (27 F.R. 3816). No objections to the rules proposed having been received within the 30-day period prescribed in the notice, the regulations as so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Sections 201.380a, 201.380b, and 201.451a of 26 CFR Part 201; §§ 240.594a and 240.594b of 26 CFR Part 240; and §§ 245.117d and 245.117e of 26 CFR Part 245, are changed by striking "July 1, 1962" wherever that date appears and inserting in lieu thereof the date "October 1, 1962".

PAR. 2. Section 201.380b of 26 CFR Part 201; § 240.594b of 26 CFR Part 240; and § 245.117e of 26 CFR Part 245, are changed by striking "July 9, 1962" wherever that date appears and inserting in lieu thereof the date "October 8, 1962".

This Treasury decision shall become effective on October 1, 1962.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: August 20, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to implement the amendments made to the Internal Revenue Code by Public Law 87–397 (75 Stat. 828), authorizing the requirement of identifying numbers on tax returns, the regulations in 26 CFR Part 201, Distilled Spirits Plants, 26 CFR Part 240, Wine, and 26 CFR Part 245, Beer, are amended as set out below.

PARAGRAPH 1. 26 CFR Part 201, Distilled Spirits Plants, is amended as follows:

(A) By inserting, immediately after § 201.380, three new sections, as follows:

§ 201.380a Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each return on Form 2521 or Form 2522 filed pursuant to the provisions of this part on or after October 1, 1962. Failure of the taxpayer to include his employer identification number on Forms 2521 or 2522 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(Sec. 7805, Internal Revenue Code, 1954; 68A Stat. 917; 26 U.S.C. 7805)

§ 201.380b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Forms 2521 and 2522 are required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 2521 or Form 2522 before October 1, 1962, and who has neither secured an employer identification number nor made application therefor prior to October 1, 1962. Such application on Form SS–4 shall be filed on or before October 8, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer whose first return on Form 2521 or Form 2522 is filed on or after October 1, 1962, but who prior to the filing of such return on Form 2521 or Form 2522 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 2521 or Form 2522 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file a tax return under the provisions of this part.

(75 Stat. 828; 26 U.S.C. 6109)

§ 201.380c Execution of Form SS–4.

The application on Form SS–4 shall be prepared in accordance with the provisions of § 201.32e, and shall be filed with any district director with whom returns on Forms 2521 or 2522 will be filed by the person who is required to make the application.

(75 Stat. 828; 26 U.S.C. 6109)

(B) By inserting, immediately after § 201.451, three new sections, as follows:

§ 201.451a Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each return on Form 2523 or Form 2527 filed pursuant to the provisions of this part on or after October 1, 1962. Failure of the taxpayer to include his employer identification number on Forms 2523 or 2527 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 201.451b Application for employer identification number.

The provisions of § 201.380b, relating to application for employer identification number by taxpayers filing returns on Form 2521 or Form 2522, shall be applicable to taxpayers filing returns on Form 2523 or Form 2527.

(75 Stat. 828; 26 U.S.C. 6109)

§ 201.451c Execution of Form SS–4.

The application on Form SS–4 shall be prepared in accordance with the provisions of § 201.32e, and shall be filed with any district director with whom returns on Forms 2523 or 2527 will be filed by the person who is required to make the application.

(75 Stat. 828; 26 U.S.C. 6109)

PAR. 2. 26 CFR Part 240, Wine, is amended by inserting immediately after § 240.594, three new sections as follows:

§ 240.594a Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each return on Form 2050 or Form 2052 filed pursuant to the provisions of this part on or after October 1, 1962. Failure of the taxpayer to include his employer identification number on Forms 2050 or 2052 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 240.594b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Forms 2050 and 2052 are required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 2050 or Form 2052 before October 1, 1962, and who has neither secured an employer identification number nor made application therefor prior to October 1, 1962. Such application on Form SS–4 shall be filed on or before October 8, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer whose first return on Form 2050 or Form 2052 is filed on or after October 1, 1962, but who prior to the filing of such return on Form 2050 or Form 2052 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 2050 or Form 2052 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file a tax return under the provisions of this part.

(75 Stat. 828; 26 U.S.C. 6109)

§ 240.594c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director with whom returns on Forms 2050 or 2052 will be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

PAR. 3. 26 CFR Part 245, Beer, is amended by inserting, immediately after § 245.117c, three new sections as follows:

§ 245.117d Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each return on Form 2034 filed pursuant to the provisions of this part on or after October 1, 1962. Failure of the taxpayer to include his employer identification number on Form 2034 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 245.117e Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Form 2034 is required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 2034 before October 1, 1962, and who has neither secured an employer identification number nor made application therefor prior to October 1, 1962. Such application on Form SS–4 shall be filed on or before October 8, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer whose first return on Form 2034 is filed on or after October 1, 1962, but who prior to the filing of such return on Form 2034 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 2034 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file a tax return under the provisions of this part.

(75 Stat. 828; 26 U.S.C. 6109)

§ 245.117f Execution of Form SS–4.

The application on Form SS–4 shall be prepared in accordance with the provisions of § 245.76d, and shall be filed with any district director with whom returns on Form 2034 will be filed by the person who is required to make the application.

(75 Stat. 828; 26 U.S.C. 6109)

(Sec. 7805, Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 62–8568; Filed, Aug. 24, 1962; 8:45 a.m.]

[T.D. 6608]

PART 270—MANUFACTURE OF TOBACCO PRODUCTS

PART 285—MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Employer Identification Numbers

On April 20, 1962, a notice of proposed rule making with respect to the amendment of 26 CFR Part 270, Manufacture of Tobacco Products, and 26 CFR Part 285, Manufacture of Cigarette Papers and Tubes, was published in the FEDERAL REGISTER (27 F.R. 3817). No objections to the rules proposed having been received within the 30-day period prescribed in the notice, the regulations as so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Sections 270.169 and 270.170 (b) and (c) of 26 CFR Part 270, and §§ 285.29 and 285.30 (b) and (c) of 26 CFR Part 285 are changed by striking "July 1, 1962" wherever that date appears and inserting in lieu thereof the date "October 1, 1962".

PAR. 2. Section 270.170(b) of 26 CFR Part 270 and § 285.30(b) of 26 CFR Part 285 are changed by striking "July 9, 1962" wherever that date appears and inserting in lieu thereof the date "October 8, 1962".

This Treasury decision shall become effective on October 1, 1962.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: August 20, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to implement the amendments made to the Internal Revenue Code of 1954, by the addition of sections 6109 and 6676 (Act of October 5, 1961, Public Law 87–397, 75 Stat. 828), authorizing the requirement of employer identification numbers, the regulations relating to the Manufacture of Tobacco Products (26 CFR Part 270) and the Manufacture of Cigarette Papers and Tubes (26 CFR Part 285) are amended as set out below:

PARAGRAPH 1. 26 CFR Part 270 is amended as follows:

§ 270.162 [Amendment]

Section 270.162 is amended by inserting the words "his employer identification number as required by § 270.169," in the third sentence after the word "return," appearing the first time in the sentence, and by changing the law citation at the end of the section to read "(72 Stat. 1417, 1423, 75 Stat. 828; 26 U.S.C. 5703, 5741, 6109)".

§ 270.167 [Amendment]

Section 270.167 is amended by inserting the words "show therein his employer identification number as required by § 270.169," in the second sentence after the word "year,", and by changing the law citation at the end of the section to read "(72 Stat. 1417, 1423, 75 Stat. 828; 26 U.S.C. 5703, 5741, 6109)".

Three new sections designated §§ 270.169, 270.170, and 270.171, to read as follows, are added immediately after § 270.168:

§ 270.169 Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of a manufacturer of tobacco products who has been assigned such a number shall be shown on each semimonthly tax return, Form 3071, and on each prepayment tax return, Form 2617, filed by a manufacturer of tobacco products pursuant to the provisions of this part on or after October 1, 1962. Failure of the manufacturer to include his employer identification number on Form 3071 or Form 2617 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 270.170 Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by a manufacturer of tobacco products. Form SS–4 may be obtained from the district director with whom the tax returns, Form 3071 and Form 2617, are required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every manufacturer of tobacco products who filed a return on Form 3071 or Form 2617 before October 1, 1962, and who has neither secured an employer identification number nor made application for such a number prior to October 1, 1962. Such application on Form SS–4 shall be filed on or before October 8, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every manufacturer of tobacco products whose first return on Form 3071 or Form 2617 is filed on or after October 1, 1962, but who prior to the filing of such return has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return is filed.

(d) Each manufacturer of tobacco products shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the manufacturer is required to file returns pursuant to the requirements of this part.

(75 Stat. 828; 26 U.S.C. 6109)

§ 270.171 Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director with whom the returns on Form 3071 or Form 2617 are required to be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

PAR. 2. 26 CFR Part 285 is amended as follows:

§ 285.25 [Amendment]

Section 285.25 is amended by inserting the words "his employer identification number as required by § 285.29," in the first sentence after the word "showing", and by changing the law citation at the end of the section to read "(72 Stat. 1417, 68A Stat. 896, 75 Stat. 828; 26 U.S.C. 5703, 7503, 6109)".

Three new sections, designated §§ 285.29, 285.30 and 285.30a, to read as follows, are added immediately after § 285.28:

§ 285.29 Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of a manufacturer of cigarette papers or tubes who has been assigned such a number shall be shown on each monthly tax return, Form 2137, filed by a manufacturer of cigarette papers or tubes pursuant to the provisions of this part on or after October 1, 1962. Failure of the manufacturer to include his employer identification number on Form 2137 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 285.30 Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by a manufacturer of cigarette papers or tubes. Form SS–4 may be obtained from the district director with whom the Form 2137 is required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every manufacturer of cigarette papers or tubes who filed a return on Form 2137 before October 1, 1962, and who has neither secured an employer identification number nor made application for such a number prior to October 1, 1962. Such application on Form SS–4 shall be filed on or before October 8, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every manufacturer of cigarette papers or tubes whose first return on Form 2137 is filed on or after October 1, 1962, but who prior to the filing of such return has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return is filed.

(d) Each manufacturer of cigarette papers or tubes shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the manufacturer is required to file returns, pursuant to the requirements of this part.

(75 Stat. 828; 26 U.S.C. 6109)

§ 285.30a Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director of internal revenue with whom the return, Form 2137, is required to be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

(Sec. 7805, Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 62–8569; Filed, Aug. 24, 1962; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Barley Loan and Purchase Agreement Program

Correction

In F.R. Doc. 62–8231, appearing at page 8159 of the issue for Thursday, August 16, 1962, in the tabular material under § 421.1252, the rate per bushel entry for Adair County, Okla., should read "$0.91" instead of "$0.19".

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Amdt. 8]

PART 722—COTTON

Subpart—Regulations Pertaining To Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops

COUNTY NORMAL YIELDS

The purpose of this amendment to the Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops (26 F.R. 3672, 5489, 7755, 8069, 9899; 27 F.R. 4418, 5027, 6117, 7757) is to establish the normal yields for counties for the 1962 crop year. Such normal yields for counties as established by the Director, are hereby approved by the Administrator of Agricultural Stabilization and Conservation Service in accordance with §§ 722.2(a)(15) and 722.50. In order that such normal yields may be used by county committees in connection with determinations of farm normal yields, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice and public procedure requirements and com-

pliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

1. Section 722.50 of the Regulations Pertaining To Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops is hereby amended by adding a new paragraph (b) at the end thereof which reads as follows:

(b) *For 1962 crop year.* The following table sets forth the normal yields for the 1962 crop year, as adjusted pursuant to § 722.2(a)(15), which are established for the respective counties.

ALABAMA

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Autauga	453	Houston	369
Baldwin	276	Jackson	451
Barbour	298	Jefferson	379
Bibb	432	Lamar	338
Blount	434	Lauderdale	365
Bullock	274	Lawrence	448
Butler	346	Lee	360
Calhoun	324	Limestone	441
Chambers	366	Lowndes	330
Cherokee	486	Macon	342
Chilton	358	Madison	452
Choctaw	292	Marengo	342
Clarke	249	Marion	376
Clay	349	Marshall	533
Cleburne	306	Mobile	278
Coffee	337	Monroe	420
Colbert	419	Montgomery	333
Conecuh	285	Morgan	399
Coosa	269	Perry	380
Covington	355	Pickens	341
Crenshaw	308	Pike	273
Cullman	479	Randolph	331
Dale	339	Russell	283
Dallas	346	St. Clair	355
De Kalb	501	Shelby	450
Elmore	411	Sumter	299
Escambia	410	Talladega	315
Etowah	430	Tallapoosa	320
Fayette	415	Tuscaloosa	356
Franklin	362	Walker	305
Geneva	391	Washington	307
Greene	258	Wilcox	329
Hale	366	Winston	358
Henry	347		

ARIZONA

Cochise	806	Pima	896
Gila	724	Pinal	1,004
Graham	876	Santa Cruz	815
Greenlee	763	Yavapai	711
Maricopa	1,045	Yuma	1,040
Mohave	786		

ARKANSAS

Arkansas	431	Desha	561
Ashley	517	Drew	465
Baxter	425	Faulkner	340
Benton	262	Franklin	395
Boone	327	Fulton	402
Bradley	273	Garland	260
Calhoun	294	Grant	317
Chicot	499	Greene	487
Clark	341	Hempstead	367
Clay	489	Hot Spring	258
Cleburne	293	Howard	369
Cleveland	304	Independence	424
Columbia	211	Izard	371
Conway	408	Jackson	476
Craighead	518	Jefferson	572
Crawford	519	Johnson	555
Crittenden	487	Lafayette	498
Cross	468	Lawrence	473
Dallas	315	Lee	499
Lincoln	551	Prairie	428
Little River	451	Pulaski	414
Logan	422	Randolph	500
Lonoke	512	St. Francis	501
Marion	337	Saline	226
Miller	413	Scott	300
Mississippi	514	Searcy	392
Monroe	513	Sebastian	392
Montgomery	307	Sevier	309
Nevada	323	Sharp	337
Newton	301	Stone	450
Ouachita	265	Union	226
Perry	405	Van Buren	333
Phillips	508	Washington	306
Pike	327	White	335
Poinsett	479	Woodruff	498
Polk	318	Yell	510
Pope	446		

CALIFORNIA

Fresno	1,079	Riverside	1,094
Imperial	1,210	San Benito	767
Kern	1,118	San Bernardino	414
Kings	911	San Diego	1,029
Los Angeles	815	Stanislaus	747
Madera	826	Tulare	915
Merced	884		

FLORIDA

Alachua	356	Jefferson	229
Bay	296	Lafayette	215
Calhoun	373	Leon	199
Clay	374	Levy	234
Columbia	185	Liberty	224
Dixie	267	Madison	246
Duval	250	Okaloosa	290
Escambia	369	Santa Rosa	378
Gadsden	217	Suwannee	190
Gilchrist	198	Taylor	230
Hamilton	216	Union	230
Holmes	314	Walton	318
Jackson	278	Washington	298

GEORGIA

Appling	367	Decatur	301
Atkinson	333	De Kalb	265
Bacon	373	Dodge	365
Baker	279	Dooly	455
Baldwin	363	Dougherty	265
Banks	462	Douglas	263
Barrow	396	Early	404
Bartow	431	Echols	236
Ben Hill	386	Effingham	300
Berrien	342	Elbert	414
Bibb	403	Emanuel	385
Bleckley	441	Evans	415
Brantley	232	Fayette	364
Brooks	369	Floyd	389
Bryan	408	Forsyth	361
Bulloch	409	Franklin	371
Burke	368	Fulton	347
Butts	340	Glascock	333
Calhoun	414	Gordon	447
Candler	390	Grady	348
Carroll	323	Greene	257
Catoosa	451	Gwinnett	384
Charlton	195	Habersham	343
Chatham	275	Hall	367
Chattahoochee	155	Hancock	323
Chattooga	311	Haralson	386
Cherokee	313	Harris	314
Clarke	314	Hart	423
Clay	381	Heard	367
Clayton	277	Henry	421
Clinch	234	Houston	439
Cobb	236	Irwin	384
Coffee	361	Jackson	342
Colquitt	448	Jasper	394
Columbia	269	Jeff Davis	370
Cook	421	Jefferson	386
Coweta	300	Jenkins	364
Crawford	466	Johnson	346
Crisp	491	Jones	273
Dade	310	Lamar	214
Dawson	278	Lanier	310

GEORGIA—Continued

Laurens	343	Schley	357
Lee	368	Screven	434
Liberty	226	Seminole	385
Lincoln	248	Spalding	281
Long	343	Stephens	405
Lowndes	298	Stewart	361
Lumpkin	382	Sumter	479
McDuffie	354	Talbot	266
McIntosh	208	Taliaferro	248
Macon	467	Tattnall	396
Madison	381	Taylor	511
Marion	303	Telfair	328
Meriwether	366	Terrell	475
Miller	375	Thomas	384
Mitchell	336	Tift	365
Monroe	307	Toombs	420
Montgomery	314	Treutlen	337
Morgan	378	Troup	286
Murray	302	Turner	368
Muscogee	274	Twiggs	376
Newton	360	Upson	258
Oconee	424	Walker	320
Oglethorpe	347	Walton	401
Paulding	317	Ware	336
Peach	481	Warren	335
Pickens	481	Washington	393
Pierce	338	Wayne	379
Pike	401	Webster	288
Polk	399	Wheeler	371
Pulaski	389	White	395
Putnam	268	Whitfield	352
Quitman	259	Wilcox	401
Randolph	422	Wilkes	287
Richmond	293	Wilkinson	229
Rockdale	446	Worth	391

ILLINOIS

Alexander	324
Pulaski	306

KANSAS

Montgomery	169

KENTUCKY

Ballard	384	Graves	433
Calloway	315	Hickman	513
Carlisle	380	McCracken	406
Fulton	536	Marshall	396

LOUISIANA

Acadia	359	Livingston	276
Allen	291	Madison	514
Ascension	258	Morehouse	517
Avoyelles	415	Natchitoches	479
Beauregard	224	Ouachita	490
Bienville	291	Plaquemines	283
Bossier	501	Pointe Coupee	349
Caddo	524	Rapides	541
Calcasieu	287	Red River	504
Caldwell	485	Richland	386
Cameron	273	Sabine	304
Catahoula	381	St. Helena	227
Claiborne	207	St. James	227
Concordia	460	St. John the Baptist	223
De Soto	238	St. Landry	428
East Baton Rouge	205	St. Martin	324
East Carroll	520	St. Tammany	236
East Feliciana	268	Tangipahoa	223
Evangeline	443	Tensas	497
Franklin	378	Union	313
Grant	481	Vermilion	325
Iberia	264	Vernon	340
Iberville	237	Washington	296
Jackson	273	Webster	310
Jefferson	282	West Baton Rouge	295
Jefferson Davis	342	West Carroll	419
Lafayette	397	West Feliciana	309
La Salle	354	Winn	325
Lincoln	312		

MISSISSIPPI

Adams	182	Benton	467
Alcorn	438	Bolivar	520
Amite	280	Calhoun	447
Attala	351	Carroll	479

MISSISSIPPI—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Chickasaw	430	Marion	310
Choctaw	373	Marshall	461
Claiborne	325	Monroe	375
Clarke	243	Montgomery	449
Clay	387	Neshoba	308
Coahoma	558	Newton	284
Copish	328	Noxubee	344
Covington	363	Oktibbeha	286
De Soto	490	Panola	503
Forrest	369	Pearl River	345
Franklin	197	Perry	293
George	300	Pike	253
Greene	335	Pontotoc	472
Grenada	466	Prentiss	433
Hancock	295	Quitman	495
Harrison	399	Rankin	359
Hinds	291	Scott	334
Holmes	558	Sharkey	560
Humphreys	540	Simpson	286
Issaquena	565	Smith	369
Itawamba	402	Stone	289
Jackson	442	Sunflower	505
Jasper	317	Tallahatchie	510
Jefferson	248	Tate	474
Jefferson Davis	301	Tippah	440
Jones	348	Tishomingo	380
Kemper	277	Tunica	521
Lafayette	389	Union	448
Lamar	341	Walthall	324
Lauderdale	302	Warren	433
Lawrence	260	Washington	524
Leake	362	Wayne	318
Lee	358	Webster	475
Leflore	275	Wilkinson	249
Lincoln	275	Winston	342
Lowndes	335	Yalobusha	474
Madison	336	Yazoo	496

MISSOURI

Bollinger	457	New Madrid	513
Butler	468	Oregon	413
Cape Girardeau	439	Ozark	243
Carter	354	Pemiscot	544
Dunklin	513	Ripley	425
Howell	493	Scott	523
Mississippi	523	Stoddard	521
		Vernon	359

NEVADA

Clark	835
Nye	816

NEW MEXICO

Chaves	804	Lea	601
Curry	355	Luna	912
De Baca	633	Otero	814
Dona Ana	844	Quay	510
Eddy	862	Roosevelt	488
Grant	834	Sierra	808
Guadalupe	427	Socorro	665
Hidalgo	955	Valencia	505

NORTH CAROLINA

Alamance	337	Duplin	430
Alexander	348	Durham	322
Anson	351	Edgecombe	394
Beaufort	490	Forsyth	331
Bertie	436	Franklin	344
Bladen	335	Gaston	349
Brunswick	325	Gates	445
Burke	312	Granville	330
Cabarrus	343	Greene	374
Caldwell	280	Guilford	344
Camden	455	Halifax	419
Carteret	370	Harnett	361
Catawba	349	Hertford	418
Chatham	334	Hoke	344
Chowan	434	Hyde	340
Cleveland	410	Iredell	365
Columbus	330	Johnston	400
Craven	380	Jones	344
Cumberland	343	Lee	361
Currituck	424	Lenoir	425
Davidson	351	Lincoln	374
Davie	374	Martin	385

NORTH CAROLINA—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Mecklenburg	386	Robeson	304
Montgomery	350	Rowan	404
Moore	329	Rutherford	341
Nash	384	Sampson	384
New Hanover	247	Scotland	365
Northampton	437	Stanly	390
Onslow	352	Tyrrell	355
Orange	329	Union	372
Pamlico	336	Vance	405
Pasquotank	372	Wake	344
Pender	353	Warren	370
Perquimans	404	Washington	398
Person	392	Wayne	408
Pitt	372	Wilkes	277
Polk	358	Wilson	421
Randolph	325	Yadkin	271
Richmond	365		

OKLAHOMA

Adair	147	Le Flore	260
Atoka	223	Lincoln	309
Beaver	273	Logan	392
Beckham	304	Love	290
Blaine	289	McClain	415
Bryan	288	McCurtain	370
Caddo	357	McIntosh	240
Canadian	367	Major	271
Carter	266	Marshall	480
Cherokee	193	Mayes	264
Choctaw	331	Murray	602
Cleveland	450	Muskogee	364
Coal	331	Nowata	265
Comanche	193	Okfuskee	230
Cotton	228	Oklahoma	335
Craig	272	Okmulgee	194
Creek	284	Osage	459
Custer	415	Pawnee	371
Dewey	299	Payne	505
Ellis	243	Pittsburg	251
Garfield	437	Pototoc	291
Garvin	467	Pottawatomie	323
Grady	392	Pushmataha	167
Grant	281	Roger Mills	283
Greer	303	Rogers	240
Harmon	357	Seminole	201
Haskell	235	Sequoyah	359
Hughes	245	Stephens	293
Jackson	431	Texas	456
Jefferson	268	Tillman	320
Johnston	271	Tulsa	387
Kay	531	Wagoner	347
Kingfisher	195	Washington	373
Kiowa	257	Washita	332
Latimer	178	Woodward	213

SOUTH CAROLINA

Abbeville	366	Greenwood	326
Aiken	373	Hampton	461
Allendale	477	Horry	277
Anderson	390	Jasper	309
Bamberg	393	Kershaw	325
Barnwell	392	Lancaster	372
Beaufort	298	Laurens	369
Berkeley	360	Lee	377
Calhoun	421	Lexington	352
Charleston	262	McCormick	329
Cherokee	315	Marion	317
Chester	374	Marlboro	360
Chesterfield	292	Newberry	363
Clarendon	405	Oconee	379
Colleton	354	Orangeburg	425
Darlington	358	Pickens	361
Dillon	292	Richland	357
Dorchester	433	Saluda	371
Edgefield	402	Spartanburg	260
Fairfield	337	Sumter	387
Florence	344	Union	300
Georgetown	240	Williamsburg	344
Greenville	354	York	335

TENNESSEE

Bedford	382	Carroll	558
Benton	388	Chester	524
Bradley	345	Coffee	425
Cannon	313	Crockett	605

TENNESSEE—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Davidson	346	McMinn	316
Decatur	422	McNairy	470
De Kalb	400	Madison	545
Dyer	541	Marion	430
Fayette	501	Marshall	367
Franklin	536	Maury	352
Gibson	595	Meigs	338
Giles	360	Monroe	301
Grundy	424	Moore	313
Hamilton	395	Obion	552
Hardeman	502	Perry	357
Hardin	421	Polk	339
Haywood	547	Rhea	351
Henderson	520	Roane	376
Henry	450	Rutherford	417
Hickman	370	Shelby	495
Humphreys	370	Tipton	541
Knox	492	Van Buren	425
Lake	570	Warren	390
Lauderdale	547	Wayne	334
Lawrence	396	Weakley	523
Lewis	306	White	316
Lincoln	408	Williamson	401
Loudon	412	Wilson	337

TEXAS

Anderson	167	Denton	255
Andrews	280	DeWitt	158
Angelina	262	Dickens	303
Aransas	263	Dimmit	401
Archer	217	Donley	230
Armstrong	280	Duval	107
Atascosa	261	Eastland	146
Austin	326	Ector	617
Bailey	389	Ellis	196
Bandera	366	El Paso	961
Bastrop	184	Erath	150
Baylor	276	Falls	186
Bee	238	Fannin	214
Bell	180	Fayette	258
Bexar	211	Fisher	306
Blanco	179	Floyd	575
Borden	287	Foard	250
Bosque	143	Fort Bend	379
Bowie	451	Franklin	247
Brazoria	364	Freestone	170
Brazos	538	Frio	507
Brewster	852	Gaines	420
Briscoe	454	Galveston	354
Brooks	131	Garza	352
Brown	169	Gillespie	189
Burleson	454	Glasscock	542
Burnet	126	Goliad	172
Caldwell	247	Gonzales	164
Calhoun	291	Gray	228
Callahan	169	Grayson	222
Cameron	397	Gregg	197
Camp	178	Grimes	301
Carson	269	Guadalupe	216
Cass	208	Hale	536
Castro	503	Hall	341
Chambers	267	Hamilton	163
Cherokee	198	Hansford	384
Childress	277	Hardeman	311
Clay	268	Hardin	226
Cochran	404	Harris	260
Coke	158	Harrison	207
Coleman	176	Hartley	269
Collin	216	Haskell	288
Collingsworth	278	Hays	173
Colorado	265	Hemphill	262
Comal	156	Henderson	185
Comanche	127	Hidalgo	463
Concho	227	Hill	167
Cooke	245	Hockley	430
Coryell	173	Hood	207
Cottle	316	Hopkins	182
Crockett	439	Houston	204
Crosby	462	Howard	271
Culberson	1,003	Hudspeth	834
Dallam	364	Hunt	203
Dallas	202	Irion	352
Dawson	380	Jack	197
Deaf Smith	416	Jackson	311
Delta	249	Jasper	194

TEXAS—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Jeff Davis	971	Presidio	884
Jefferson	281	Rains	194
Jim Hogg	99	Randall	333
Jim Wells	217	Reagan	610
Johnson	180	Red River	265
Jones	224	Reeves	900
Karnes	150	Refugio	264
Kaufman	199	Roberts	326
Kendall	164	Robertson	560
Kent	249	Rockwall	224
Kerr	243	Runnels	232
Kimble	335	Rusk	174
King	275	Sabine	233
Kinney	608	San Augustine	187
Kleberg	353	San Jacinto	195
Knox	352	San Patricio	358
Lamar	236	San Saba	247
Lamb	457	Schleicher	354
Lampasas	165	Scurry	259
LaSalle	332	Shackelford	189
Lavaca	195	Shelby	178
Lee	186	Smith	144
Leon	186	Somervell	150
Liberty	255	Starr	229
Limestone	144	Stephens	185
Live Oak	204	Sterling	508
Llano	162	Stonewall	223
Loving	802	Sutton	737
Lubbock	507	Swisher	529
Lynn	366	Tarrant	232
McCulloch	172	Taylor	222
McLennan	172	Terry	482
McMullen	115	Throckmorton	202
Madison	233	Titus	207
Marion	141	Tom Green	301
Martin	377	Travis	177
Mason	436	Trinity	287
Matagorda	306	Tyler	313
Maverick	482	Upshur	113
Medina	321	Upton	441
Menard	200	Uvalde	746
Midland	396	Val Verde	530
Milam	207	Van Zandt	199
Mills	192	Victoria	302
Mitchell	268	Walker	204
Montague	233	Waller	341
Montgomery	190	Ward	971
Moore	252	Washington	309
Morris	153	Webb	481
Motley	298	Wharton	366
Nacogdoches	168	Wheeler	215
Navarro	168	Wichita	302
Newton	197	Wilbarger	322
Nolan	248	Willacy	462
Nueces	372	Williamson	210
Ochiltree	584	Wilson	198
Oldham	226	Winkler	794
Palo Pinto	197	Wise	175
Panola	189	Wood	151
Parker	150	Yoakum	387
Parmer	546	Young	208
Pecos	916	Zapata	527
Polk	197	Zavala	667
Potter	258		

VIRGINIA

Brunswick	362	Patrick	390
Charlotte	344	Prince Edward	351
Cumberland	333	Prince George	397
Dinwiddie	367	Princess Anne	348
Greensville	374	Southampton	364
Halifax	366	Surry	427
Isle of Wight	404	Sussex	363
Lunenburg	362		
Mecklenburg	349		
Nansemond	384		
Norfolk	382		

(Secs. 301, 375; 52 Stat. 38, 66, as amended; 7 U.S.C. 1301, 1375)

Effective date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on August 20, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-8543; Filed, Aug. 24, 1962; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 7]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1962

Basis and purpose and statement of bases and considerations. The regulations provided for herein are issued pursuant to the provisions of the Sugar Act of 1948, as amended, and are for the purpose of providing procedures to implement amendments 5 and 6 to Sugar Regulation 811 (27 F.R. 7951, 27 F.R. 8208); and to give effect to those provisions of sections 202(c)(4)(A) and 204(a) of such Act which require that special consideration be given to countries purchasing United States agricultural commodities in authorizing importation of sugar into the United States.

It is essential that the procedures established by this amendment be effective immediately so that all interested persons and countries will be able to make necessary arrangement for the shipment of sugar in accordance with the requirements set forth in this amendment, and that such shipments may be made to meet the needs of consumers in the continental United States in a manner that will provide for an orderly flow of sugar throughout the remainder of the year. Accordingly, it is hereby found and determined that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest and the amendment set forth herein shall become effective when filed for public inspection in the office of the Federal Register.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this Chapter is amended by adding the following new § 811.8.

§ 811.8 Procedures and requirements applicable to sugar imported with special consideration to countries purchasing United States agricultural commodities.

(a) This section sets forth the procedures to be followed and requirements to be met for purposes of giving special consideration to foreign countries purchasing United States agricultural products in connection with authorizing sugar for importation into the continental United States pursuant to § 811.3(a)(2) and paragraph (e) of § 811.4.

(b) A representative authorized by and acting on behalf of the Government of a foreign country desiring special consideration in accordance with paragraph (a) of this section, shall offer a proposal in writing to the Sugar Division, Agricultural Stabilization and Conservation Service, Washington 25, D.C., which shall be received on or before August 29, 1962 and shall include in substance the following information and commitments:

(1) Information identifying the sugar to be imported pursuant to the proposal as either (i) sugar for authorization for entry under the provisions of § 811.3(a)(2), which is limited to sugar imported from Western Hemisphere countries having prorations established under § 811.4(c)(1) and is subject to the import fee established under § 811.5(b) (0.24 cent per pound as of August 15, 1962); or (ii) sugar for authorization for entry under § 811.4(e) which is subject to the import fee established under § 811.5(a) (2.4 cents per pound as of August 15, 1962).

(2) A statement that the quantities of sugar covered by the proposal are available in addition to the supplies needed to meet the country's proration established under § 811.4(c)(1), the quantities authorized for importation or approved for set aside on or before August 15, 1962, under § 811.4(e) and any quantity to be imported under the provisions of § 811.3(a)(1).

(3) A statement that raw sugar will be available to be imported from such country into the United States in quantities which shall be stated in the proposal as the largest and smallest quantities to be imported by months through November 1962.

(4) The latest date the country's proposal may be accepted in whole or in part.

(5) A statement that the country will agree to use for the purchase and export of United States agricultural commodities prior to July 1, 1963, the percentage stated in the proposal, of the net receipts, f.a.s. port of shipment, derived from the sale of sugar covered by the proposal.

(6) A statement that the country will agree that the agricultural commodities purchased will be consumed solely within the country or geographical area thereof.

(7) A statement that the country will agree that the net receipts derived from the sale of sugar, to the extent stated in the proposal, will be held on deposit in a bank in the continental United States and will be drawn upon solely for the purchase and export of United States agricultural commodities prior to July 1, 1963.

(c) Proposals received by the Sugar Division as provided in this section will be reviewed under the considerations set forth in paragraph (a)(2) of § 811.3; the representatives of foreign countries submitting proposals found acceptable by the Secretary will be notified of the acceptance, in whole or in part; and agreements shall thereafter be entered into by the Governments of the respective foreign countries with the Government of the United States which agreements shall give effect to each proposal in accordance with the acceptance. Upon completion of each of such agreements, authorizations for importation will be issued and set-asides will be approved in accordance with the provisions of Part 817 of this chapter for the quantities of sugar covered by the agreements.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies secs. 202, 204, 61 Stat. 924, as amended, 7 U.S.C. 1112; Pub. Law 87-535; Pub. Law 87-539)

Issued at Washington, D.C., this 22d day of August 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-8579; Filed, Aug. 24, 1962; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 27]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.327 Valencia Orange Regulation 27.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 23, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 26, 1962, and ending at 12:01 a.m., P.s.t., September 2, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 24, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8655; Filed, Aug. 24, 1962; 11:22 a.m.]

[Lemon Reg. 36]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.336 Lemon Regulation 36.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 21, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 26, 1962, and ending at 12:01 a.m., P.s.t., September 2, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 302,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 23, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8607; Filed, Aug. 24, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1354; Amdt. 92]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by

establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.105 *Amber Federal airway 5* is deleted.

Section 610.225 *Red Federal airway 25* is amended to delete:

From Baker INT, Maine; to Int. SW crs Millinocket LFR and NW crs Bangor LFR; MEA 6,000.

Section 610.663 *Blue Federal airway 63* is amended to delete:

From Concord, N.H., LFR; to Laconia, N.H., LF/RBN; MEA 4,000.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From Birmingham, Ala., LFR; to Memphis, Tenn., LFR; MEA 2,500.

From Birmingham, Ala., LFR; to Muscle Shoals, Ala., LFR; MEA 2,500.

From Charlotte, N.C., LFR; to Raleigh, N.C., LFR; MEA 2,900.

From Cove INT, N.C.; to Winston-Salem, N.C., LFR; MEA 3,000.

From Danville, Va., LF/RBN; to Greensboro, N.C., LFR; MEA 2,300.

From Florence, S.C., LFR; to Greensboro, N.C., LFR; MEA 3,000.

From Greensboro, N.C., LFR; to Roanoke, Va., LFR; MEA 5,500.

From Galveston, Tex., LF/RBN; to NH2; MEA *1,700. *For that airspace over U.S. territory.

From Midland, Tex., LFR; to Wink, Tex., LFR; MEA 4,900.

From Norfolk, Va., LFR; to Raleigh, N.C., LFR; MEA 2,100.

From Raleigh, N.C., LFR; to Wilmington, N.C., LF/RBN; MEA 2,800.

From Roanoke, Va., LFR; to Int. dir. crs Winston-Salem, N.C., LFR; to Roanoke, Va., LFR and S. Boston, Va., VOR 280° rad.; MEA 5,600.

From Roanoke, Va., LFR; to Int. S crs Roanoke, Va., LFR, and NE crs Greensboro, N.C., LFR; MEA 5,600.

From Roanoke, Va., LFR; to Winston-Salem, N.C., LFR; MEA 5,600.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Etowah INT, Tenn.; to Little Tenn., INT, Tenn.; MEA 3,000.

From Little Tenn. INT, Tenn.; to Knoxville, Tenn., VOR; MEA 2,700.

From Gull INT, La.; to New Orleans, La., VOR; MEA 1,900.

From Harlingen, Tex., VOR; to Armstrong INT, Tex.; MEA *1,500. *1,300—MOCA.

From Huntington INT, Oreg.; to Ontario, Oreg., LF/RBN, southeastbound, MEA 7,000; northwestbound, MEA 9,000.

From Ontario, Oreg., LF/RBN; to Parma INT, Idaho; MEA 5,000.

From Int. SE crs Carter, Tex., ILS and 210 M Dallas VOR; to Dallas, Tex., VOR; MEA 2,000.

Section 610.1001 *Direct routes—U.S.* is amended to read in part:

From Miami, Fla., VOR; to West Palm Beach, Fla., VOR; MEA 2,000.

From Miami, Fla., LF/RBN; to West Palm Beach, Fla., LFR; MEA 2,000.

From Int. 128 M rad Huntsville VOR and 345 M rad La Grange VOR; to Int. 275 M rad Fulton VOR and 357 M rad La Grange VOR; MEA *5,000. *2,500—MOCA.

Route 4

From Idaho INT, P.R.; to Ramey, P.R., VOR; MEA 1,900.

Route 7

From Point Tuna INT, P.R., to *San Lorenzo INT, P.R.; MEA 3,300. *4,000—MRA.

Section 610.6001 *VOR Federal airway 1* is amended by adding:

From Trinity, N.Y., VOR; to Poughkeepsie, N.Y., VOR; MEA *3,000. *2,600—MOCA.

Section 610.6001 *VOR Federal airway 1* is amended to read in part:

From Idlewild, N.Y., VOR; to Trinity, N.Y., VOR; MEA *2,500. *1,400—MOCA.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From Riverdale INT, Md.; to Dayton INT, Md.; MEA 1,800.

From Pompano INT, Fla.; to W. Palm Beach, Fla., VOR; MEA 2,000.

From Delray INT, Fla., via E alter.; to West Palm Beach, Fla., VOR via E alter.; MEA 2,000.

From Solberg, N.J., VOR; to Trinity, N.Y., VOR; MEA *2,000. *1,900—MOCA.

From Trinity, N.Y., VOR; to Long Hill INT, Conn.; MEA *2,100. *2,000—MOCA.

From Long Hill INT, Conn.; to Hartford, Conn., VOR; MEA 2,100.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Malad City, Idaho, VOR; to Rock Springs, Wyo., VOR; MEA *14,000. *12,000—MOCA.

From Louisville, La., VOR via S alter.; to McAfee INT, La., via S alter.; MEA 2,200.

From McAfee INT, La., via S alter.; to Lexington, Ky., VOR via S alter.; MEA 2,000.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Mason INT, Ohio; to Mount Holly INT, Ohio; MEA 2,500.

From Mount Holly INT, Ohio; to South Solon INT Ohio; MEA *3,500. *2,500—MOCA.

From South Solon INT, Ohio; to London INT, Ohio; MEA *3,000. *2,500—MOCA.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From *Ogden, Utah, VOR; to Fort Bridger, Wyo., VOR; MEA 12,000. *11,000—MCA Ogden VOR, Northbound.

From Fort Bridger, Wyo., VOR via N alter.; to Green River INT, Wyo., via N alter.; MEA 10,000.

From Green River INT, Wyo., via N alter.; to Rock Springs, Wyo., VOR via N alter.; MEA *14,000. *12,000—MOCA.

From Sidney, Nebr., VOR via N alter.; to North Platte, Nebr., VOR via N alter.; MEA 6,100.

From Eddyville INT, Nebr.; to Grand Island, Nebr., VOR; MEA *4,600. *3,700—MOCA.

From Solberg, N.J., VOR; to Idlewild, N.Y., VOR; MEA 2,000.

From Waterville, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,000.

From Chagrin Falls INT, Ohio; to Youngstown, Ohio, VOR; MEA 2,600.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From Miami, Fla., VOR; to Hammock INT, Fla.; MEA 1,200.

From Hammock INT, Fla.; to *Bunker INT, Fla.; MEA **2,000. *2,000—MRA. **1,300—MOCA.

From Bunker INT, Fla.; to Fort Myers, Fla., VOR; MEA *2,000. *1,300—MOCA.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From Eddyville INT, Nebr., via N alter.; to Grand Island, Nebr., VOR via N alter.; MEA *4,600. *3,700—MOCA.

Section 610.6009 *VOR Federal airway 9* is amended to read in part:

From *Elkhorn INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,600. *3,000—MRA.

From Springfield, Ill., VOR; to Lincoln INT, Ill.; MEA *2,000. *1,900—MOCA.

From Lincoln INT, Ill.; to *Atlanta INT, Ill.; MEA **2,000. *2,300—MCA; Atlanta INT, northeastbound. **1,800—MOCA.

From Atlanta INT, Ill.; to Pontiac, Ill., VOR; MEA 2,300.

Section 610.6010 *VOR Federal airway 10* is amended to read in part:

From Litchfield, Mich., VOR; to Adrian INT, Mich.; MEA 2,500.

From Adrian INT, Mich.; to Carleton, Mich., VOR; MEA 2,000.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Reedsville, Mo., VOR via S alter.; to Hermann INT, Mo., via S alter.; MEA 2,200.

From Hermann INT, Mo., via S alter.; to Maryland Hgts., Mo., VOR via S alter.; MEA 2,000.

From Newcomerstown, Ohio, VOR; to Wheeling, W. Va., VOR; MEA 3,000.

From Wheeling, W. Va., VOR; to Pittsburgh, Pa., VOR; MEA 3,000.

From Dayton, Ohio, VOR via N alter.; to Appleton, Ohio, VOR via N alter.; MEA 3,000.

Section 610.6013 *VOR Federal airway 13* is amended to read in part:

From New Waverly INT, Tex., via W alter.; to Lufkin, Tex., VOR, via W alter.; MEA *2,800. *1,700—MOCA.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Tulsa, Okla., VOR via S alter.; to *Pryor INT, Okla., via S alter.; MEA 2,000. *2,500—MRA.

From Cleveland, Ohio, VOR; to Jefferson, Ohio, VOR; MEA 2,500.

From Cleveland, Ohio, VOR via N alter.; to Erie, Pa., VOR via N alter.; MEA 2,500.

From Erie, Pa., VOR via N alter.; to Harborcreek INT, Pa., via N alter.; MEA 2,900. *3,500—MRA.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From Okmulgee, Okla., VOR; to *Pryor INT, Okla.; MEA 2,700. *2,500—MRA.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Coyle, N.J., VOR; to *Woolf INT, N.J., MEA **2,000. *3,000—MRA. **1,500—MOCA.

From Woolf INT, N.J., to Patchogue INT, N.Y.; MEA **2,000. *6,000—MRA. **1,600—MOCA.

Section 610.6017 *VOR Federal airway 17* is amended to read in part:

From Austin, Tex., VOR via E alter.; to Tracy INT, Tex., via E alter.; MEA *2,700. *2,100—MOCA.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From Billings, Mont., VOR; to *Musselshell INT, Mont., northbound, MEA 8,000; southbound, MEA 6,000. *6,500—MRA.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Homer INT, Ga., via N alter.; to *Elizabeth INT, Ga., via N alter.; MEA 4,000. *4,000—MRA.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From *Lamont INT, Calif.; to Bakersfield, Calif., VOR; northbound, MEA 3,000; southbound, MEA 4,000. *6,100—MCA Lamont INT, southbound.

From Bakersfield, Calif., VOR via E alter.; to Dinuba INT, Calif., via E alter.; MEA 3,500.

Section 610.6026 *VOR Federal airway 26* is amended to read in part:

From Pierre, S. Dak., VOR via S alter.; to Huron, S. Dak., VOR via S alter.; MEA 3,400.

Section 610.6030 *VOR Federal airway 30* is amended to delete:

From Colts Neck, N.J., VOR; to Int. 089 M rad Colts Neck VOR and 224 M rad Idlewild VOR; MEA 2,000.

Section 610.6030 *VOR Federal airway 30* is amended by adding:

From Colts Neck, N.J., VOR; to Idlewild, N.Y., VOR; MEA 1,700.

From Idlewild, N.Y., VOR to *Patchogue INT, N.Y.; MEA **6,000. *6,000—MRA. **1,500—MOCA.

From Patchogue INT, N.Y.; to Beach INT, N.Y.; MEA *6,000. *1,500—MOCA.

From Beach INT, N.Y.; to Hampton, N.Y., VOR; MEA *5,000. *1,500—MOCA.

Section 610.6030 *VOR Federal airway 30* is amended to read in part:

From East Texas, Pa., VOR; to Adams INT, N.J.; MEA 2,500.

From Adams INT, N.J.; to Colts Neck, N.J., VOR; MEA 2,000.

Section 610.6032 *VOR Federal airway 32* is amended to read in part:

From *Salt Lake City, Utah, VOR; to Fort Bridger, Wyo., VOR; MEA 12,000. *11,000—MCA Salt Lake City VOR, northeast-bound.

Section 610.6034 *VOR Federal airway 34* is amended to delete:

From Wilton, Conn., VOR; to Saybrook INT, Conn.; MEA 2,000.

Section 610.6034 *VOR Federal airway 34* is amended by adding:

From Trinity, N.Y., VOR; to Riverhead, N.Y., VOR; MEA 2,000.

Section 610.6034 *VOR Federal airway 34* is amended to read in part:

From Hancock, N.Y., VOR; to Newburgh INT, N.Y.; MEA *4,400. *3,400—MOCA.

From Newburgh INT, N.Y., VOR; to Trinity, N.Y., VOR; MEA *3,000. *2,100—MOCA.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From Blackford, Va., VOR; to Paynesville INT, Va.; MEA 6,000.

Section 610.6036 *VOR Federal airway 36* is amended to delete:

From Sparta, N.J., VOR; to Paterson INT, N.J.; MEA 2,500.

Section 610.6036 *VOR Federal airway 36* is amended by adding:

From Sparta, N.J., VOR; to Hastings INT, N.Y.; MEA 2,500.

From Hastings INT, N.Y.; to Northport INT, N.Y.; MEA 2,000.

From Northport INT, N.Y.; to Riverhead, N.Y., VOR; MEA 1,700.

Section 610.6040 *VOR Federal airway 40* is amended to read in part:

From Cleveland, Ohio, VOR; to Sharon INT, Ohio; MEA 2,500.

From Sharon INT, Ohio; to Briggs, Ohio, VOR; MEA *3,000. *2,500—MOCA.

Section 610.6044 *VOR Federal airway 44* is amended to read in part:

From *Woolf INT, N.J.; to **Patchogue INT, N.Y.; MEA ***2,000. *3,000—MRA. **6,000—MRA. ***1,600—MOCA.

Section 610.6045 *VOR Federal airway 45* is amended to delete:

From Tipton INT, Mich.; to Jackson, Mich., VOR; MEA 2,300.

Section 610.6045 *VOR Federal airway 45* is amended by adding:

From Waterville, Ohio, VOR; to Adrian INT, Mich.; MEA 2,000.

From Adrian INT, Mich., to Jackson, Mich., VOR; MEA 2,500.

Section 610.6046 *VOR Federal airway 46* is amended to delete:

From Glen Cove INT, N.Y.; to Riverhead, N.Y., VOR; MEA 1,600.

From Riverhead, N.Y., VOR; to Mastic INT, N.Y.; MEA 3,000.

From Mastic INT, N.Y.; to Hampton, N.Y., VOR; MEA 1,500.

From Riverhead, N.Y., VOR via S alter.; to Beach INT, N.Y., via S alter.; MEA 1,500.

*From Beach INT, N.Y., via S alter.; to Hampton, N.Y., VOR via S alter.; MEA 5,000.

Section 610.6046 *VOR Federal airway 46* is amended by adding:

From Idlewild, N.Y., VOR; to Deer Park, N.Y., VOR; MEA 1,700.

From Deer Park, N.Y., VOR; to Beach INT, N.Y.; MEA 2,000.

From Beach INT, N.Y.; to Hampton, N.Y., VOR; MEA *5,000. *1,500—MOCA.

From Hampton, N.Y., VOR; to Nantucket, Mass., VOR; MEA *2,000. *1,700—MOCA.

From Deer Park, N.Y., VOR via N alter.; to Riverhead, N.Y., VOR via N alter.; MEA 1,700.

From Riverhead, N.Y., VOR via N alter.; to Beach INT, N.Y., via N alter.; MEA 1,700.

Section 610.6053 *VOR Federal airway 53* is amended to read in part:

From Louisville, Ky., VOR; to Houston INT, Ind.; MEA 2,600.

From Houston INT, Ind.; to Banta INT, Ind.; MEA 2,300.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From Taft INT, Ala., via N alter.; to *Haletown INT, Tenn., via N alter.; MEA **4,600. *4,600—MRA. **3,200—MOCA.

From Haletown INT, Tenn., via N alter.; to Chattanooga, Tenn., VOR via N alter.; MEA 4,000.

Section 610.6055 *VOR Federal airway 55* is amended to read in part:

From Pullman, Mich., VOR; to Muskegon, Mich., VOR; MEA 2,000.

Section 610.6057 *VOR Federal airway 57* is amended to read in part:

From Falmouth, Ky., VOR; to Hamilton INT, Ohio; MEA 2,500.

Section 610.6058 *VOR Federal airway 58* is amended to read in part:

From Salem INT, Conn.; to *Watch Hill INT, R.I.; MEA 2,000. *3,000—MRA.

Section 610.6059 *VOR Federal airway 59* is amended to read in part:

From Ivydale INT, W. Va.; to Walnut Grove INT, W. Va.; MEA *5,000. *3,000—MOCA.

From Walnut Grove INT, W. Va.; to Parkersburg, W. Va., VOR; MEA 3,000.

Section 610.6063 *VOR Federal airway 63* is amended to read in part:

From Janesville, Wis., VOR; to Milwaukee, Wis., VOR; MEA 2,600.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From McDonough, Ga., VOR; to Conyers INT, Ga.; MEA 2,200.

Section 610.6067 *VOR Federal airway 67* is amended to read in part:

From *Vinton INT, Iowa; to **Washburn INT, Iowa; MEA 2,500. *3,200—MRA. **3,200—MRA.

Section 610.6069 *VOR Federal airway 69* is amended to read in part:

From Springfield, Ill., VOR; to Lincoln INT, Ill.; MEA *2,000. *1,900—MOCA.

From Lincoln INT, Ill.; to *Atlanta INT, Ill.; MEA **2,000. *2,300—MCA Atlanta INT, Northeastbound. **1,800—MOCA.

From Atlanta INT, Ill.; to Pontiac, Ill., VOR; MEA 2,300.

Section 610.6072 *VOR Federal airway 72* is amended by adding:

From Concord, N.H., VOR; to Int. .027 M Concord VOR and 299 M rads Kennebunk VOR; MEA *4,000. *3,800—MOCA.

Section 610.6075 *VOR Federal airway 75* is amended to read in part:

From Briggs, Ohio, VOR; to Sharon INT, Ohio; MEA *3,000. *2,500—MOCA.

From Sharon INT, Ohio; to Cleveland, Ohio, VOR; MEA 2,500.

Section 610.6076 *VOR Federal airway 76* is amended to read in part:

From Austin, Tex., VOR; to *Paige INT, Tex.; MEA 2,000. *2,500—MRA.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From *Sabinal INT, Tex.; to Junction, Tex., VOR; MEA **4,700. *5,500—MRA. **3,500—MOCA.

From *Woodson INT, Tex.; via E alter. to **Archer INT, Tex., via E alter.; MEA ***3,800. *4,000—MRA. **4,000—MRA. ***2,500—MOCA.

Section 610.6082 *VOR Federal airway 82* is amended to read in part:

From Rochester, Minn., VOR; to Chatfield INT, Minn.; MEA 2,600.

From Chatfield INT, Minn.; to Nodine, Minn., VOR; MEA 2,700.

Section 610.6084 *VOR Federal airway 84* is amended to delete:

From Bradford, Ill., VOR; to Hinckley INT, Ill.; MEA 2,000.

From Hinckley INT, Ill.; to Northbrook, Ill., VOR; MEA 2,200.

Section 610.6084 *VOR Federal airway 84* is amended by adding:

From Bradford, Ill., VOR; to *Malta INT, Ill.; MEA **3,500. *3,500—MRA. **2,200—MOCA.

From Malta INT, Ill.; to Chicago-O'Hare, Ill., VOR; MEA 2,500.

Section 610.6091 *VOR Federal airway 91* is amended to delete:

From Burlington, Vt., VOR via E alter.; to Alburg INT, Vt., via E alter.; MEA 2,500.
From Alburg INT, Vt., via E alter.; to Montreal, Canada, VOR via E alter.; *2,000.
*For that airspace over U.S. territory.
From Idlewild, N.Y., VOR; to Jericho INT, N.Y.; *2,000. *1,500—MOCA.
From Jericho INT, N.Y.; to Wilton, Conn., VOR; *2,500. *1,500—MOCA.
From Wilton, Conn., VOR; to Poughkeepsie, N.Y., VOR; 3,000.

Section 610.6091 *VOR Federal airway 91* is amended by adding:

From Riverhead, N.Y., VOR; to Long Hill INT, N.Y.; MEA 2,000.
From Long Hill INT, N.Y.; to Poughkeepsie, N.Y., VOR; MEA 3,000.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From Miami, Fla., VOR; to Seminole INT, Fla.; MEA *1,500. *1,100—MOCA.
From Seminole INT, Fla., to LaBelle, Fla., VOR; MEA *1,500. *1,300—MOCA.

Section 610.6098 *VOR Federal airway 98* is amended by adding:

From Litchfield, Mich., VOR; to Dundee INT, Mich.; MEA 2,000.
From Dundee INT, Mich.; to Carleton, Mich., VOR; MEA 2,000.

Section 610.6119 *VOR Federal airway 119* is amended to read in part:

From Imperial, Pa., VOR; to Freeport INT, Pa.; MEA *3,000. *2,800—MOCA.
From Freeport INT, Pa.; to East Brady INT, Pa.; MEA 3,000.
From East Brady INT, Pa.; to Clarion, Pa., VOR; MEA *3,000. *2,800—MOCA.

Section 610.6120 *VOR Federal airway 120* is amended to read in part:

From Pierre, S. Dak., VOR; to Stephan INT, S. Dak.; MEA 3,400.

Section 610.6123 *VOR Federal airway 123* is amended to read in part:

From New Castle, Del., VOR; to Columbus INT, N.J.; MEA 1,800.
From Columbus INT, N.J.; to Robbinsville, N.J., VOR; MEA 2,000.
From Robbinsville, N.J., VOR; to Keansburg INT, N.J.; MEA 2,000.
From Keansburg INT, N.J.; to LaGuardia, N.Y., VOR; MEA 2,500.
From LaGuardia, N.Y., VOR; to Trinity, N.Y., VOR; MEA *2,500. *1,400—MOCA.
From Trinity, N.Y., VOR; to Litchfield INT, Conn.; MEA *3,000. *2,200—MOCA.
From Litchfield INT, Conn.; to Torrington INT, Mass.; MEA 3,000.

Section 610.6126 *VOR Federal airway 126* is amended to read in part:

From Waterville, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,000.
From Cleveland, Ohio, VOR; to Jefferson, Ohio, VOR; MEA 2,500.
From Jefferson, Ohio, VOR; to Erie, Pa., VOR; MEA 2,300.

Section 610.6128 *VOR Federal airway 128* is amended to read in part:

From York, Ky., VOR; to Crown City INT, W. Va.; MEA 2,600.
From Crown City INT, W. Va.; to Charleston, W. Va., VOR; MEA 3,000.

Section 610.6129 *VOR Federal airway 129* is amended by adding:

From Duluth, Minn., VOR; to International Falls, Minn., VOR; MEA *3,500. *2,900—MOCA.

Section 610.6139 *VOR Federal airway 139* is amended to read in part:

From Hampton, N.Y., VOR; to Int. 072 M Hampton VOR and 226 M Providence VOR; MEA 1,500.
From Int. 072 M Hampton VOR and 226 M Providence VOR; to *Watch Hill INT, R.I.; MEA 4,000. *3,000—MRA.
From Watch Hill INT, R.I.; to Wakefield INT, R.I.; MEA 3,000.
From Wakefield INT, R.I.; to Providence, R.I., VOR; MEA 1,700.

Section 610.6140 *VOR Federal airway 140* is amended to delete:

From Coyle, N.J., VOR; to Int. 107 M rad Robbinsville, N.J., VOR and 224 M rad Idlewild, N.Y., VOR; MEA 1,500.
From Int. 107 M rad Robbinsville, N.J., VOR and 224 M rad Idlewild, N.Y. VOR; to Idlewild, N.Y., VOR; MEA 1,600.

Section 610.6140 *VOR Federal airway 140* is amended by adding:

From Coyle, N.J., VOR; to Sea Side INT, N.J. MEA 1,500.
From Sea Side INT, N.J.; to Colts Neck, N.J., VOR; MEA 1,700.
From Colts Neck, N.J., VOR; to Preston INT, N.J.; MEA 1,700.

Section 610.6140 *VOR Federal airway 140* is amended to read in part:

From Fayetteville, Ark., VOR; to *Spring Valley INT, Ark.; MEA 3,100. *4,800—MRA.
From Tulsa, Okla., VOR; to *Pryor INT, Okla.; MEA 2,000. *2,500—MRA.

Section 610.6144 *VOR Federal airway 144* is amended to read in part:

From Zanesville, Ohio, VOR; to Beallsville INT, Ohio; MEA 2,500.
From Beallsville INT, Ohio; to Proctor INT, W. Va.; MEA *4,000. *2,500—MOCA.

Section 610.6153 *VOR Federal airway 153* is amended to delete:

From Int. 124 M rad Stillwater VOR and 061 M rad Solberg, N.J., VOR; to Stillwater, N.J., VOR; MEA 2,500.

Section 610.6153 *VOR Federal airway 153* is amended by adding:

From Sound INT, N.Y.; to Oakneck INT, N.Y.; MEA 2,000.
From Oakneck INT, N.Y.; to La Guardia, N.Y., VOR; MEA 1,700.
From La Guardia, N.Y., VOR; to Stillwater, N.J., VOR; MEA 2,500.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From Miami, Fla., VOR; to Seminole INT, Fla.; MEA *1,500. *1,100—MOCA.
From Seminole INT, Fla.; to La Belle, Fla., VOR; MEA *1,500. *1,300—MOCA.
From New Castle, Del., VOR; to Columbus INT, N.J.; MEA 1,800.
From Columbus INT, N.J.; to Robbinsville, N.J., VOR; MEA 2,000.
From Robbinsville, N.J., VOR; to Colts Neck, N.J., VOR; MEA 1,700.
From Colts Neck, N.J., VOR; to Idlewild, N.Y., VOR; MEA 1,700.

Section 610.6159 *VOR Federal airway 159* is amended to read in part:

From Andrews INT, Fla.; to W. Palm Beach, Fla., VOR; MEA 2,000.
From Vero Beach, Fla., VOR; to *Preston INT, Fla.; MEA **1,500. *2,500—MRA. **1,300—MOCA.
From Preston INT, Fla.; to Orlando, Fla., VOR; MEA *1,500. *1,300—MOCA.

Section 610.6159 *VOR Federal airway 159* is amended to delete:

From West Palm Beach, Fla., VOR via W alter.; to *Monet INT, Fla., via W alter.; MEA 1,300. *2,000—MRA.
From Monet INT, Fla., via W alter.; to *Pluto INT, Fla., via W alter.; MEA 1,200. *1,500—MRA.
From Pluto INT, Fla., via W alter.; to St. Lucie INT, Fla., via W alter.; MEA 1,100.
From St. Lucie INT, Fla., via W alter.; to *Dixie Ranch INT, Fla., via W alter.; MEA **1,700. *2,000—MRA. **1,200—MOCA.
From Dixie Ranch INT, Fla., via W alter.; to Bailey INT, Fla., via W alter.; MEA *1,800. *1,200—MOCA.
From Bailey INT, Fla., via W alter.; to *Gentry INT, Fla., via W alter.; MEA 1,200. *1,500—MRA.
From Gentry INT, Fla., via W alter.; to *St. Cloud INT, Fla., via W alter.; MEA 1,300. *1,500—MRA.
From St. Cloud INT, Fla., via W alter.; to Orlando, Fla., VOR via W alter.; MEA 1,300.

Section 610.6167 *VOR Federal airway 167* is amended to delete:

From *Pt. Pleasant INT, N.Y.; to Idlewild, N.Y., VOR; MEA **3,000. *3,000—MRA. **1,500—MOCA.

Section 610.6167 *VOR Federal airway 167* is amended by adding:

From Coyle, N.J., VOR; to Neptune INT, N.J.; MEA 3,000.
From Neptune INT, N.J.; to Idlewild, N.Y., VOR; MEA 1,700.

Section 610.6167 *VOR Federal airway 167* is amended to read in part:

From Hartford, Conn., VOR; to Int. 354 M Norwich VOR and 089 M Hartford VOR; MEA 2,000.
From Int. 354 M Norwich VOR and 089 M Hartford VOR; to Sterling INT, R.I.; MEA 2,500.
From Sterling INT, R.I., to Providence, R.I., VOR; MEA 2,000.
From Providence, R.I., VOR; to Caroline INT, Mass.; MEA 2,000.
From Caroline INT, Mass.; to Int. 115 M Providence VOR and 240 M Hyannis VOR; MEA 2,500.
From Int. 115 M Providence VOR and 240 M Hyannis VOR; to Hyannis, Mass., VOR; MEA 2,000.

Section 610.6171 *VOR Federal airway 171* is amended to read in part:

From Hinckley INT, Ill.; to *Malta INT, Ill.; MEA 2,100. *3,500—MRA.
From Malta INT, Ill.; to *Rockford, Ill., VOR; MEA 2,100. *2,500—MCA Rockford, Ill.; VOR, northwestbound.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From Polo, Ill. VOR; to *Malta INT, Ill.; MEA 2,000. *3,500—MRA.

Section 610.6178 *VOR Federal airway 178* is amended to read in part:

From McAfee INT, Ky.; to Lexington, Ky., VOR; MEA 2,000.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From Phoenix, Ariz., VOR; to Lake INT, Ariz.; MEA 6,000.
From *Lake INT, Ariz.; to **Salt River INT, Ariz., northeastbound MEA 12,000; southwestbound MEA 10,000. *9,000—MCA Lake INT, northeastbound. *13,000—MRA.

Section 610.6198 *VOR Federal airway 198* is amended to read in part:

From Rocksprings, Tex., VOR; to Haby INT, Tex.; MEA *4,000. *3,800—MOCA.

Section 610.6213 *VOR Federal airway 213* is amended by adding:

From Columbus INT, N.J.; to Robbinsville, N.J., VOR; MEA 2,000.
From Robbinsville, N.J., VOR; to Idlewild, N.Y., VOR; MEA 2,000.

Section 610.6214 *VOR Federal airway 214* is amended by adding:

From Richmond, Ind., VOR; to Liberty INT, Ohio; MEA 2,500.

Section 610.6215 *VOR Federal airway 215* is amended to read:

From Muskegon, Mich., VOR; to White Cloud, Mich., VOR; MEA 2,800.

Section 610.6216 *VOR Federal airway 216* is amended to read in part:

From Lamar, Colo., VOR; to *Twin Butte INT, Kans.; MEA **6,300. *6,200—MRA. **6,000—MOCA.
From Muskegon, Mich., VOR; to Kent City INT, Mich.; MEA 2,200.

Section 610.6217 *VOR Federal airway 217* is amended to read in part:

From Racine INT, Wis.; to Milwaukee, Wis., ILS loc.; MEA 2,500.

Section 610.6218 *VOR Federal airway 218* is amended to read in part:

From Rockford, Ill., VOR; to *Malta INT, Ill.; MEA 2,100. *3,500—MRA.

Section 610.6220 *VOR Federal airway 220* is amended to read in part:

From *Hudson INT, Colo.; to Wiggins INT, Colo.; MEA 9,000. *9,000—MRA.
From Wiggins INT, Colo.; to Akron, Colo., VOR; MEA 7,000.

Section 610.6221 *VOR Federal airway 221* is amended to read in part:

From Dolphin INT, Ont., Canada; to Sturgeon INT, Ohio; MEA *#2,500. *2,000—MOCA. #For that airspace over U.S. territory.
From Sturgeon INT, Ohio; to Erie, Pa., VOR; MEA 2,500.

Section 610.6226 *VOR Federal airway 226* is amended to delete:

From Stillwater, N.J., VOR; to Paterson INT, N.J.; MEA 2,500.

Section 610.6226 *VOR Federal airway 226* is amended by adding:

From Stillwater, N.J., VOR; to Idlewild, N.Y., VOR; MEA 2,500.

Section 610.6232 *VOR Federal airway 232* is amended to delete:

From Tannersville, Pa., VOR; to Int. 061 M rad Solberg VOR and 124 M rad Tannersville VOR; MEA 2,500.

Section 610.6232 *VOR Federal airway 232* is amended by adding:

From Tannersville, Pa., VOR; to Idlewild, N.Y., VOR; MEA 2,500.

Section 610.6241 *VOR Federal airway 241* is amended to read in part:

From Crestview, Fla., VOR; to Dothan, Ala., VOR; MEA *2,000. *1,500—MOCA.
From Dothan, Ala., VOR; to *Abbeville INT, Ala.; MEA 1,700. *2,500—MRA.
From Abbeville INT, Ala.; to *Bakerhill INT, Ala.; MEA 1,700. *2,500—MRA.
From Bakerhill INT, Ala.; to Eufaula, Ala., VOR; MEA 1,700.
From Columbus, Ga., VOR; to Atlanta, Ga., VOR; MEA 2,600.

Section 610.6243 *VOR Federal airway 243* is amended to read in part:

From Bowling Green, Ky., VOR; to St. Marks INT, Ind.; MEA *3,000. *2,500—MOCA.
From St. Marks INT, Ind.; to *Baden INT, Ind.; MEA 2,000. *2,500—MRA.

Section 610.6246 *VOR Federal airway 246* is amended to read in part:

From Rosewood, Ohio, VOR; to Marion INT, Ohio; MEA 2,800.

Section 610.6248 *VOR Federal airway 248* is amended to read in part:

From Avenal, Calif., VOR; to Shafter INT, Calif.; MEA 4,000.

Section 610.6249 *VOR Federal airway 249* is amended by adding:

From Colts Neck, N.J., VOR; to Kilmer INT, N.J.; MEA 1,700.
From Kilmer INT, N.J.; to Madison INT, N.J.; MEA 2,000.
From Madison INT, N.J.; to Sparta, N.J., VOR; MEA 2,500.

Section 610.6251 *VOR Federal airway 251* is amended by adding:

From Sparta, N.J., VOR; to Hartford, Conn., VOR; MEA 2,700.

Section 610.6251 *VOR Federal airway 251* is amended to read in part:

From Pottstown, Pa., VOR; to Sparta, N.J., VOR; MEA 2,300.

Section 610.6252 *VOR Federal airway 252* is amended to delete:

From Huguenot, N.J., VOR; to Paterson INT, N.J.; MEA 2,800.

Section 610.6252 *VOR Federal airway 252* is amended by adding:

From Huguenot, N.J., VOR; to Sparta, N.J., VOR; MEA 3,000.
From Sparta, N.J., VOR; to Morristown INT, N.J.; MEA 2,500.

Section 610.6263 *VOR Federal airway 263* is amended by adding:

From Pierre, S. Dak., VOR; to Aberdeen, S. Dak., VOR; MEA 3,000.

Section 610.6268 *VOR Federal airway 268* is amended to delete:

From Baltimore, Md., VOR; to Price INT, Md.; MEA 1,500. Price INT, Md.; to Ridgely INT, Md.; MEA *2,500. *1,700—MOCA. Ridgely INT, Md.; to Salisbury, Md., VOR; MEA 1,700.

Section 610.6268 *VOR Federal airway 268* is amended by adding:

From Baltimore, Md., VOR; to Kenton, Del., VOR; MEA 1,500.
From Kenton, Del., VOR; to Leesburg INT, N.J.; MEA 1,500.
From Leesburg INT, N.J.; to Avalon INT, N.J.; MEA 2,000.

Section 610.6269 *VOR Federal airway 269* is amended to read in part:

From *Twin Falls, Idaho, VOR; to Burley, Idaho, VOR; MEA 6,000. *8,000—MCA Twin Falls VOR, southwestbound.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From Roswell, N. Mex., VOR; to Dora INT, N. Mex.; MEA *6,500. *5,500—MOCA.

Section 610.6280 *VOR Federal airway 280* is amended by adding:

From Roswell, N. Mex., VOR via S alter.; to Ranch INT, N. Mex., via S alter.; westbound, MEA 5,000; eastbound, MEA 7,000.
Ranch INT, N. Mex., via S alter.; to *Caprock INT, N. Mex., via S alter.; MEA **7,500. *7,500—MRA. **7,100—MOCA.
Caprock INT, N. Mex., via S alter.; to Dora INT, N. Mex., via S alter.; MEA *8,500. *5,500—MOCA.
Dora INT, N. Mex., via S alter.; to Texico, N. Mex., VOR via S alter.; MEA *6,500. *5,500—MOCA.

Section 610.6287 *VOR Federal airway 287* is amended to read in part:

From Port Angeles, Wash., VOR; to Neah Bay, Wash., LF/RBN; MEA *7,000. *4,000—MOCA.

Section 610.6289 *VOR Federal airway 289* is amended to read in part:

From *Kountze INT, Tex.; to Lufkin, Tex., VOR; MEA **1,600. *2,800—MRA. **1,400—MOCA.

Section 610.6293 *VOR Federal airway 293* is deleted.

Section 610.6298 *VOR Federal airway 298* is amended to read in part:

From Boysen Reservoir, Wyo., VOR; to Casper, Wyo., VOR; MEA 11,000.

Section 610.6300 *VOR Federal airway 300* is amended by adding:

From U.S. Canadian Border via N alter.; to Millinocket, Maine, VOR via N alter.; MEA *7,000. *5,600—MOCA.

Section 610.6423 *VOR Federal airway 423* is amended by adding:

From Binghamton, N.Y., VOR; to Ithaca, N.Y., VOR; MEA 3,500.

Section 610.6427 *VOR Federal airway 427* is amended to read in part:

From Briggs, Ohio, VOR; to Int. 302 M Akron VOR and 094 M Cleveland VOR; MEA 3,000.

Section 610.6429 *VOR Federal airway 429* is amended to read in part:

From *Elkhorn INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,600. *3,000—MRA.

Section 610.6433 *VOR Federal airway 433* is amended to read:

From New Castle, Del., VOR; to Yardley, Pa., VOR; MEA 2,400.
From Yardley, Pa., VOR; to Amboy INT, N.J.; MEA 1,700.
From Amboy INT, N.J.; to La Guardia, N.Y., VOR; MEA 2,500.
From La Guardia, N.Y., VOR; to New Rochelle INT, N.Y.; MEA 2,500.
From New Rochelle INT, N.Y.; to Trinity, N.Y., VOR; MEA 2,500.
From Trinity, N.Y., VOR; to Saybrook INT, Conn.; MEA 2,000.

Section 610.6443 *VOR Federal airway 443* is amended to read in part:

From Tiverton, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,400.
From Tiverton, Ohio, VOR via E alter.; to Cleveland, Ohio, VOR via E alter.; MEA 2,500.

Section 610.6444 *VOR Federal airway 444* is amended to read in part:

From *Spokane, Wash., VOR; to Tekoa INT, Wash.; MEA **14,000. *12,000—MCA Spokane VOR, southeastbound. **9,000—MOCA.
From Tekoa INT, Wash.; to Fernwood INT, Idaho; MEA 9,000.
From Fernwood INT, Idaho; to Mullan Pass, Idaho, VOR; MEA 9,500.

Section 610.6445 *VOR Federal airway 445* is added to read:

From La Guardia, N.Y., VOR; to Hastings INT, N.Y.; MEA 2,000.
From Hastings INT, N.Y.; to Clermont, N.Y., VOR; MEA 3,000.

Section 610.6464 *VOR Federal airway 464* is amended to read:

From Dunkirk, N.Y., VOR; to Langford INT, N.Y.; MEA 3,000.
From Langford INT, N.Y.; to Geneseo, N.Y., VOR; MEA 4,800.

Section 610.6467 *VOR Federal airway 467* is added to read:

From La Guardia, N.Y., VOR; to Hastings INT, N.Y.; MEA 2,000.
From Hastings INT, N.Y.; to Huguenot, N.Y., VOR; MEA 3,000.

Section 610.6475 *VOR Federal airway 475* is amended to read in part:

From Madison, Conn., VOR; to Putnam, Conn., VOR; MEA 2,000.

Section 610.6477 *VOR Federal airway 477* is amended to read in part:

From *Magnolia INT, Tex., via W alter.; to Bedias INT, Tex., via W alter.; MEA **3,000. *3,000—MRA. **2,100—MOCA.
From Bedias INT, Tex., via W alter.; to Leona, Tex., VOR via W alter.; MEA 2,100.

Section 610.6492 *VOR Federal airway 492* is added to read:

From St. Petersburg, Fla., VOR; to LaBelle, Fla., VOR; MEA *2,000. *1,500—MOCA.
From LaBelle, Fla., VOR; to Pahokee, Fla., VOR; MEA 1,300.
From Pahokee, Fla., VOR; to West Palm Beach, Fla., VOR; MEA 1,300.
From LaBelle, Fla., VOR via N alter.; to *Brighton INT, Fla., via N alter.; MEA **2,000. *4,000—MRA. **1,200—MOCA.
From Brighton INT, Fla., via N alter.; to *Dixie Ranch INT, Fla., via N alter.; MEA **2,000. *2,000—MRA. **1,200—MOCA.
From Dixie Ranch INT, Fla., via N alter.; to St. Lucie INT, Fla., via N alter.; MEA *1,700. *1,200—MOCA.
From St. Lucie INT, Fla., via N alter.; to *Pluto INT, Fla., via N alter.; MEA 1,100. *1,500—MRA.
From Pluto INT, Fla., via N alter.; to *Monet INT, Fla., via N alter.; MEA 1,200. *2,000—MRA.
From Monet INT, Fla., via N alter.; to West Palm Beach, Fla., VOR via N alter.; MEA 1,300.
From LaBelle, Fla., VOR via S alter.; to *Clewiston INT, Fla., via S alter.; MEA 1,400. *2,000—MRA.
From Clewiston INT, Fla., via S alter.; to *Shawnee INT, Fla., via S alter.; MEA 1,400. *2,200—MRA.
From Shawnee INT, Fla., via S alter.; to West Palm Beach, Fla., VOR via S alter.; MEA 1,400.

Section 610.6493 *VOR Federal airway 493* is amended to read in part:

From Appleton, Ohio, VOR; to Upper Sandusky INT, Ohio; MEA 2,500.
From Upper Sandusky INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.

Section 610.6500 *VOR Federal airway 500* is amended to read in part:

From John Day, Oreg., VOR; to Vale INT, Oreg.; MEA 11,000.
From Vale INT, Oreg.; to Parma INT, Idaho; MEA 7,000.
From Parma INT, Idaho; to Boise, Idaho, VOR; MEA 5,000.

Section 610.6507 *VOR Federal airway 507* is amended to read in part:

From Sod House, Nev., VOR; to Rome, Oreg., VOR; MEA 10,000.
From Rome, Oreg., VOR; to Reynolds INT, Idaho; MEA 9,000.
From Reynolds INT, Idaho; to Boise, Idaho, VOR; southwestbound, MEA 9,000 northeastbound MEA 8,000.

Section 610.6536 *VOR Federal airway 536* is amended to read:

From *Walla Walla, Wash., VOR; to Mullan Pass, Idaho, VOR; MEA 9,500. *4,900—MCA Walla Walla VOR, northeastbound.

Section 610.6802 *VOR Federal airway 802* is amended to read in part:

From Newcomerstown, Ohio, VOR; to Wheeling, W. Va., VOR; MEA 3,000.
From Wheeling, W. Va., VOR; to Pittsburgh, Pa., VOR; MEA 3,000.

Section 610.6804 *VOR Federal airway 804* is amended to read in part:

From Clarion, Pa., VOR; to East Brady INT, Pa.; MEA *3,000. *2,800—MOCA.
From East Brady INT, Pa.; to Freeport INT, Pa.; MEA 3,000.
From Freeport INT, Pa.; to Imperial, Pa., VOR; MEA *3,000. *2,800—MOCA.

Section 610.6810 *VOR Federal airway 810* is amended to read in part:

From *Salt Lake City, Utah, VOR; to Fort Bridger, Wyo., VOR; MEA 12,000. *11,000—MCA Salt Lake City VOR, northeastbound.

Section 610.6819 *VOR Federal airway 819* is amended to read in part:

From Miami, Fla., VOR; to Seminole INT, Fla.; MEA *1,500. *1,100—MOCA.
From Seminole INT, Fla., to LaBelle, Fla., VOR; MEA *1,500. *1,300—MOCA.

Section 610.6837 *VOR Federal airway 837* is amended to delete:

From Kenton, Del., VOR; to Millville, N.J., VOR; MEA 1,600.
From Millville, N.J., VOR; to Coyle, N.J., VOR; MEA 1,500.
From Coyle, N.J., VOR; to *Pt. Pleasant INT, N.J.; MEA 1,500. *3,000—MRA.
From Pt. Pleasant INT, N.J.; to *Woolf INT, N.J.; MEA **2,000. *3,000—MRA. **1,500—MOCA.
From Woolf INT, N.J.; to *Patchogue INT, N.Y.; MEA **2,000. *4,000—MRA. **1,600—MOCA.
From Patchogue INT, N.Y.; to Mastic INT, N.Y.; MEA *6,000. *1,500—MOCA.
From Mastic INT, N.Y.; to Beach INT, N.Y.; MEA *11,000. *1,500—MOCA.
From Beach INT, N.Y.; to Hampton, N.Y., VOR; MEA 5,000.

Section 610.6837 *VOR Federal airway 837* is amended by adding:

From Kenton, Del., VOR; to Leesburg INT, N.J.; MEA 1,500.
From Leesburg INT, N.J.; to Avalon INT, N.J.; MEA 2,000.
From Avalon INT, N.J.; to Bluefish INT, N.J.; MEA 5,000.
From Bluefish INT, N.J.; to Pinta INT, N.Y.; MEA 6,000.
From Pinta INT, N.Y.; to Hampton, N.Y., VOR; MEA 5,000.

Section 610.6837 *VOR Federal airway 837* is amended to read in part:

From Hampton, N.Y., VOR; to Int. 072 M Hampton VOR and 226 M Providence VOR; MEA 1,500.
From Int. 072 M Hampton VOR and 226 M Providence VOR; to *Watch Hill INT, R.I.; MEA 4,000. *3,000—MRA.
From Watch Hill INT, R.I.; to Wakefield INT, R.I.; MEA 3,000.
From Wakefield INT, R.I.; to Providence, R.I., VOR; MEA 1,700.

Section 610.6839 *VOR Federal airway 839* is amended to read in part:

From Miami, Fla., VOR; to Seminole INT, Fla.; MEA *1,500. *1,100—MOCA.
From Seminole INT, Fla.; to La Belle, Fla., VOR; MEA *1,500. *1,300—MOCA.
From Ivydale INT, W. Va.; to Walnut Grove INT, W. Va.; MEA *5,000. *3,000—MOCA.
From Walnut Grove INT, W. Va.; to Parkersburg, W. Va., VOR; MEA 3,000.
From Briggs, Ohio, VOR; to Sharon INT, Ohio; MEA *3,000. *2,500—MOCA.
From Sharon INT, Ohio; to Cleveland, Ohio, VOR; MEA 2,500.

Section 610.6843 *VOR Federal airway 843* is amended to read in part:

From *Baden INT, Ind.; to St. Marks INT, Ind.; MEA 2,000. *2,500—MRA.
From St. Marks INT, Ind.; to Bowling Green, Ky., VOR; MEA *3,000. *2,500—MOCA.

Section 610.6845 *VOR Federal airway 845* is amended to read in part:

From Neosho, Mo., VOR; to *Pryor INT, Okla.; MEA 2,500. *2,500—MRA.

Section 610.6846 *VOR Federal airway 846* is amended to read in part:

From *Malta INT, Ill.; to Polo, Ill., VOR; MEA 2,000. *3,500—MRA.

Section 610.6853 *VOR Federal airway 853* is amended to read in part:

From Zanesville, Ohio, VOR; to Beallsville INT, Ohio; MEA 2,500.
From Beallsville INT, Ohio; to Proctor INT, W. Va.; MEA *4,000. *2,500—MOCA.

Section 610.6854 *VOR Federal airway 854* is amended to read in part:

From *Malta INT, Ill.; to Polo, Ill., VOR; MEA 2,000. *3,500—MRA.
From Fort Bridger, Wyo., VOR; to *Ogden, Utah, VOR; MEA 12,000. *11,000—MCA Ogden VOR, eastbound.

Section 610.6855 *VOR Federal airway 855* is amended to read in part:

From Naperville, Ill., VOR; to *Malta INT, Ill.; MEA 2,200. *3,500—MRA.

Section 610.6859 *VOR Federal airway 859* is amended to read in part:

From Neosho, Mo., VOR; to *Pryor INT, Okla.; MEA 2,500. *2,500—MRA.

Section 610.6861 *VOR Federal Airway 861* is amended to read in part:

From Hartford, Conn., VOR; to Int. 354 M Norwich VOR and 089 M Hartford VOR; MEA 2,000.
From Int. 354 M Norwich VOR and 089 M Hartford VOR; to Sterling INT, R.I.; MEA 2,500.
From Sterling INT, R.I.; to Foster INT, R.I.; MEA 1,900.

Section 610.6879 *VOR Federal airway 879* is amended to delete:

From Riverhead, N.Y., VOR; to Int. Riverhead 277 M and Wilton 158 M rads; MEA 1,600.

Section 610.6879 *VOR Federal airway 879* is amended by adding:

From Riverhead, N.Y., VOR; to Deer Park, N.Y., VOR; MEA 1,700.

Section 610.6881 *VOR Federal airway 881* is amended to read in part:

From Cleveland, Ohio VOR; to Reedsburg INT, Ohio; MEA *3,000. *2,300—MOCA.
From Reedsburg INT, Ohio; to Tiverton, Ohio, VOR; MEA *3,100. *2,400—MOCA.
From Paynesville INT, Va.; to Blackford, Va., VOR; MEA 6,000.

Section 610.6885 *VOR Federal airway 885* is amended to delete:

From Millville, N.J., VOR; to Coyle, N.J., VOR; MEA 1,500.
From Coyle, N.J., VOR; to *Pt. Pleasant INT, N.J.; MEA 1,500. *3,000—MRA.
From Pt. Pleasant INT, N.J.; to *Woolf INT, N.J.; MEA **2,000. *3,000—MRA. **1,500—MOCA.

Section 610.6885 *VOR Federal airway 885* is amended by adding:

From Millville, N.J., VOR; to Atlantic City, N.J., VOR; MEA 1,500.
From Atlantic City, N.J., VOR; to Barnegat, N.J., VOR; MEA 1,500.
From Barnegat, N.J., VOR; to *Woolf INT, N.J.; MEA **3,000. *3,000—MRA. **1,600—MOCA.

Section 610.6885 *VOR Federal airway 885* is amended to read in part:

From *Patchogue INT, N.Y.; to Beach INT, N.Y.; MEA **6,000. *6,000—MRA. **1,500—MOCA.
From Beach INT, N.Y.; to Hampton, N.Y., VOR; MEA *5,000. *1,500—MOCA.
From Hampton, N.Y., VOR; to Int. 072 M Hampton VOR and 226 M Providence VOR; MEA 1,500.
From Int. 072 M Hampton VOR and 226 M Providence VOR; to *Watch Hill INT, R.I.; MEA 4,000. *3,000—MRA.
From Watch Hill INT, R.I.; to Wakefield INT, R.I.; MEA 3,000.
From Wakefield INT, R.I.; to Providence, R.I., VOR; MEA 1,700.

Section 610.6886 *VOR Federal airway 886* is amended to read in part:

From Sound INT, N.Y.; to Norwich, Conn., VOR; MEA 2,000.

Section 610.6887 *VOR Federal airway 887* is amended to read in part:

From Texarkana, Ark., VOR; to Sulphur Springs, Tex., VOR; MEA 2,000.

Section 610.1505 *VOR Federal airway 1505* is amended to read in part:

From Solberg, N.J., VOR; to Trinity, N.Y., VOR; MEA 14,500; MAA 23,500.

Section 610.1510 *VOR Federal airway 1510* is amended to read in part:

From Idlewild, N.Y., VOR; to Nantucket, Mass., VOR; MEA 14,500; MAA 23,500.

Section 610.1516 *VOR Federal airway 1516* is amended to read in part:

From Milford, Utah, VOR; to Hanksville, Utah, VOR; MEA *16,000; MAA 24,000. *Continuous signal coverage does not exist below 17,500'.

Section 610.1528 *VOR Federal airway 1528* is amended to read in part:

From Milford, Utah, VOR; to Hanksville, Utah, VOR; MEA *16,000; MAA 24,000. *Continuous signal coverage does not exist below 17,500'.

Section 610.1534 *VOR Federal airway 1534* is amended to read in part:

From Solberg, N.J., VOR; to Trinity, N.Y., VOR; MEA 14,500; MAA 23,500.

Section 610.1609 *VOR Federal airway 1609* is amended to read in part:

From Red Bluff, Calif., VOR; to Lakeview, Oreg., VOR; MEA 14,500; MAA 24,000.

Section 610.1614 *VOR Federal airway 1614* is amended to delete:

From Salt Flat, Tex., VOR; to Hobbs, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Hobbs, N. Mex., VOR; to Lubbock, Tex., VOR; MEA 14,500; MAA 24,000.

Section 610.1614 *VOR Federal airway 1614* is amended by adding:

From Salt Flat, Tex., VOR; to Carlsbad, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Carlsbad, N. Mex., VOR; to Lubbock, Tex., VOR; MEA 14,500; MAA 24,000.

Section 610.1618 *VOR Federal airway 1618* is amended to read in part:

From Roswell, N. Mex., VOR; to Lubbock, Tex., VOR; MEA 14,500; MAA 24,000.

Section 610.1625 *VOR Federal airway 1625* is amended to read in part:

From Farmington, N. Mex., VOR; to Grand Junction, Colo., VOR; MEA 15,000; MAA 24,000.

Section 610.1629 *VOR Federal airway 1629* is amended to read in part:

From Farmington, N. Mex., VOR; to Grand Junction, Colo., VOR; MEA 15,000; MAA 24,000.

Section 610.1650 *VOR Federal airway 1650* is amended by adding:

From Bradford, Ill., VOR; to Int. 030 M Bradford, Ill., VOR and 288 M Naperville VOR; MEA 14,500; MAA 24,000.

Section 610.1658 *VOR Federal airway 1658* is amended by adding:

From Int. 105 M Baltimore VOR and 251 M Kenton VOR; to Kenton, Del., VOR; MEA 14,500; MAA 23,500.
From Kenton, Del., VOR; to Barnegat, N.J., VOR; MEA 14,500; MAA 23,500.

Section 610.1672 *VOR Federal airway 1672* is amended to delete:

From Poughkeepsie, N.Y., VOR; to Manchester, N.H., VOR; MEA 14,500; MAA 24,000.
From Manchester, N.H., VOR; to Kennebunk, Maine, VOR; MEA 14,500; MAA 24,000.

Section 610.1682 *VOR Federal airway 1682* is amended to read in part:

From Idlewild, N.Y., VOR; to Hampton, N.Y., VOR; MEA 14,500; MAA 23,500.

Section 610.1683 *VOR Federal airway 1683* is amended by adding:

From Rocky Mount, N.C., VOR; to Hopewell, Va., VOR; MEA 14,500; MAA 24,000.
From Hopewell, Va., VOR; to Int. 019T Hopewell VOR and 333T rads Cape Charles VOR; MEA 14,500; MAA 24,000.

Section 610.1685 *VOR Federal airway 1685* is amended to delete:

From Salisbury, Md., VOR; to New Castle, Del., VOR; MEA 14,500; MAA 24,000.

Section 610.1685 *VOR Federal airway 1685* is amended by adding:

From Int. 348 M Salisbury VOR and 105 M Baltimore VOR; to New Castle, Del., VOR; MEA 14,500; MAA 24,000.

Section 610.1698 *VOR Federal airway 1698* is amended to read in part:

From Huguenot, N.Y., VOR; to Trinity, N.Y., VOR; MEA 14,500; MAA 23,500.

Section 610.1702 *VOR Federal airway 1702* is amended to read in part:

From Sparta, N.J., VOR; to Int. 123 M Sparta VOR and 244 M Trinity, N.Y., VOR; MEA 14,500; MAA 23,500.

Section 610.1731 *VOR Federal airway 1731* is amended to read:

From Greensboro, N.C., VOR; to Richmond, Va., VOR; MEA 14,500; MAA 24,000.
From Richmond, Va., VOR; to Washington, D.C., VOR; MEA 14,500; MAA 24,000.

Section 610.1757 *VOR Federal airway 1757* is amended by adding:

From Salisbury, Md., VOR; to Int. 348 M Salisbury VOR and 105 M Baltimore VOR; MEA 14,500; MAA 24,000.

Section 610.1777 *VOR Federal airway 1777* is added to read:

From Poughkeepsie, N.Y., VOR; to Manchester, N.H., VOR; MEA 14,500; MAA 24,000.
From Manchester, N.H., VOR; to Kennebunk, Maine, VOR; MEA 14,500; MAA 24,000.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall become effective September 20, 1962.

Issued in Washington, D.C., on August 17, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-8498; Filed, Aug. 24, 1962; 8:45 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor, Department of Labor

PART 20—OCCUPATIONAL TRAINING OF UNEMPLOYED PERSONS

Pursuant to authority contained in section 207 of the Manpower Development and Training Act of 1962 (Pub. Law 87-415; 76 Stat. 29), I hereby amend Title 29 of the Code of Federal Regulations by establishing a new Part 20 to read as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules relate to public benefits. I do not believe such procedures will serve a useful purpose here. Accordingly, these amendments shall become effective immediately.

Subpart A—General

Sec.
20.1 Definitions.
20.2 Effective period of program.
20.3 Advisory committees.
20.4 State agency information requirements.
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Subpart B—Selection and Referral

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AUTHORITY: §§ 20.1 to 20.51 issued under Public Law 87-415; 76 Stat. 29.

Subpart A—General

§ 20.1 Definitions.

As used in this part, unless the context clearly indicates otherwise, the term:

(a) "Act" means the Manpower Development and Training Act of 1962, Public Law 87-415.

(b) "Agreement" means an agreement entered into by the Secretary pursuant to sections 203, 204, or 206 of the Act.

(c) "Allowance" includes training, subsistence, and transportation allowances provided under Title II of the Act.

(d) "Annual net farm family income" means the net income as computed or reported in the preceding year by the head of a farm family under Internal Revenue rules.

(e) "Compensated hours" means hours worked by a trainee in a training week:

(1) In on-the-job training for which the employer pays the trainee in accordance with provisions of the regulations and agreements under section 204 of the Act;

(2) In paid employment;

(3) In self-employment for profit engaged in by the trainee other than work on a farm as a member of a farm family with annual net farm family income of less than $1,200; or

(4) For which pay is due.

(f) "Farm family" means a family headed by an individual whose principal employment during the year was in agricultural labor which includes all services performed—

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife;

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

(3) In connection with the production or harvesting of maple sirup or maple sugar or any commodity defined as an agricultural commodity in section 15(g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, sec. 3; 12 U.S.C. 1141j), or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes; or

(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; and

As used in this paragraph, the term "farm" includes stock, dairy, poultry, fruit, furbearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(g) "Good cause" means justifiable reasons determined in accordance with a standard of conduct expected of an individual acting as a reasonable person in the light of all the circumstances, and includes but is not limited to reasons beyond the control of the individual or factors connected with the capabilities of the individual to satisfactorily progress or complete the training.

(h) "Head of family" means an individual who is responsible for supporting and maintaining a household or home for a dependent or dependents.

(i) "Head of household" means an individual not a nonresident alien who is not married and either—

(1) Maintains as his home a household which constitutes the principal place of abode, as a member of such household, of—

(i) A son, stepson, daughter, or stepdaughter of the individual or a descendant of a son or daughter of the individual if such son, stepson, daughter, stepdaughter, or descendant could be qualified as a deduction for Internal Revenue purposes, or

(ii) Any other person who could be qualified as a deduction for Internal Revenue purposes as a dependent of the individual, or

(2) Maintains a household which constitutes the principal place of abode of the father or mother of the individual, if the individual would be entitled to a deduction for the father or mother for Internal Revenue purposes.

An individual shall be considered as maintaining a household only if over half of the cost of maintaining the household is furnished by such individual.

(j) "Increased training allowance" means the training allowance that is payable to a qualified individual who, but for his training, would be entitled to receive unemployment compensation in an amount which exceeds the regular training allowance.

(k) "Labor market area" means any geographical area defined as a labor market area by the Secretary.

(l) "On-the-job training" means a training project, or that part of a training project, which uses instruction combined with work to qualify a trainee for a particular occupation.

(m) "Reduced training allowance" means the allowance payable (regular, increased, supplemental, or youth) in a reduced amount when a trainee has compensated hours in a week.

(n) "Regular place of residence" is the city, town, or other place where an individual has his principal place of abode.

(o) "Regular training allowance" means an allowance equal to the average unemployment compensation payment in the State for a week of total unemployment (including dependents' allowances) in the most recent quarter for which data is available.

(p) "Secretary" means the Secretary of Labor of the United States, or his authorized representatives.

(q) "State" includes the 50 States, the District of Columbia, Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(r) "State agency" means the agency of the State which administers the employment security program or any other agency of the State designated to cooperate with the Secretary of Labor to effectuate the purposes of the Act.

(s) "Subsistence allowance" is the allowance provided under subsection 203 (b) of the Act for the separate maintenance of an individual who is receiving training at a training facility which is not within commuting distance of his regular place of residence.

(t) "Supplemental training allowance" means the allowance payable to a trainee who receives unemployment compensation in an amount which is less than his regular or youth training allowance.

(u) "Three years experience in gainful employment" means any combination of qualifying periods of employment for pay (including military service), self-employment for profit, or as a worker whose principal employment is in a family enterprise and for which he receives no salary, that do not overlap and which aggregate 3 years.

(v) "Training" means a planned and systematic sequence of instruction under competent supervision designed to impart predetermined skills, knowledge or abilities with respect to a specific occupation and may include, to the extent necessary, instruction in basic subjects which is given specially in relation to such occupation.

(w) "Training allowance" means the weekly allowance made under sections 203 (a) or (c) of the Act to qualified trainees.

(x) "Training facility" means:

(1) A public or private educational or training institution which provides training under section 231 of the Act, or

(2) An institution, including but not limited to, a private or public agency, employer, trade association, labor organization, or other industrial or community group, conducting on-the-job training approved by the Secretary under Title II of the Act.

(y) "Training project" means a specified course of instruction for the training of referred individuals in one occupational training area.

(z) "Transportation allowance" is the allowance provided for under section 203(b) of the Act to an individual for transportation expenses where the training facility is not within commuting distance of his regular place of residence.

(aa) "Underemployed individual" means, for purposes of priority in selection and referral for training, (1) one working below his skill capacity or (2) one who now is or has received notice that he will be working less than full-time in his industry or occupation or (3) one who has received notice he will be unemployed because his skill is becoming obsolete.

(bb) "Unemployed individual" means (1) for purposes of priority in selection and referral for training an individual who is able to work and available for full-time employment and has no job or is a member of a farm family which has less than $1,200 annual net family income, and (2) for purposes of paying training allowances an individual who has worked less than 40 compensated or compensable hours in the week, or worked for less than a full work week scheduled for his industry or occupation, unless the shorter work week is not attributable to a shortage of work in the industry or occupation, or is a member of a farm family which has less than $1,200 annual net family income.

(cc) "Unemployment compensation" means the compensation payable for weeks of unemployment in accordance with the provisions of a State or Federal law, including but not limited to the unemployment compensation laws of the several states, the Railroad Unemployment Insurance Act and Title XV of the Social Security Act.

(dd) "Vocational education agency" means the authorized State vocational education agency which has entered into an agreement with the Secretary of Health, Education, and Welfare pursuant to section 231 of the Act.

(ee) "Week" means a calendar week or any 7 consecutive day period other than a calendar week.

(ff) "Weekly" means once a week.

(gg) "Youth" means a person who has attained the age of 16 years but has not reached his 22d birthday, except that for eligibility for a youth training allowance a youth must be over 19 years of age.

(hh) "Youth training allowance" means the training allowance not to exceed $20 per week that is payable to an unemployed individual who has attained his 19th birthday but has not reached his 22d birthday and does not qualify for a regular training allowance as head of a family or head of a household with at least 3 years of experience in gainful employment.

§ 20.2 Effective period of program.

Allowances shall be payable under the Act only for weeks of training beginning within the covered period, and reimbursement shall be payable under the Act only for State unemployment compensation paid with respect to weeks of training beginning within the covered period as follows:

(a) To begin within the covered period a week must begin on or after July 1, 1962, or, if the agreement under the Act is executed after July 1, 1962, the day on which the agreement is entered into by the State and the Secretary;

(b) After June 30, 1964, payment for training allowances may be made by the Secretary only if the State bears one half of the cost of training allowances paid, including State unemployment compensation paid for weeks of training under the Act;

(c) No payment shall be made after June 30, 1965, except in the case of a trainee who had begun a training project before July 1, 1965, with respect to which an allowance was payable under the Act or with respect to which reimbursement was payable under the Act or would have been so payable but for the fact that the unemployment compensation was payable under Title XV of the Social Security Act, the Railroad Unemployment Insurance Act or any other Federal law; and

(d) Payments may be made for weeks of training after July 1, 1965, but in no event may any payment be made after December 30, 1965.

§ 20.3 Advisory committees.

(a) *State advisory committees.* The Secretary, or his authorized representatives, shall utilize the consultative services of a State advisory committee composed insofar as practicable of persons representing education, training, labor, management, agriculture, and the public in general.

(b) *Local advisory groups.* The Secretary, or his authorized representatives, shall encourage the establishment, and utilize the consultative services, of local advisory groups composed, insofar as practicable, of persons representing education, training, labor, management, agriculture, and the public in general.

§ 20.4 State agency information requirements.

In order that they may fulfill their responsibilities under the Act State agencies will need the cooperation of the training facilities to secure the following:

(a) Acknowledgement in writing when referred individuals have been enrolled;

(b) Cooperation and assistance in the filing of allowance requests by eligible trainees;

(c) Notification of the completion or other termination or significant interruption of training of any enrolled trainee;

(d) Determinations and certification as to a trainee's attendance and progress, as provided for in § 20.50; and

(e) Such additional reports as may be required by the Secretary.

§ 20.5 Standards for vocational training.

Training projects conducted pursuant to section 231 of the Act shall meet the standards and policies prescribed by the Secretary of Health, Education, and Welfare.

Subpart B—Selection and Referral

§ 20.10 Determination of employment opportunities.

(a) *Reasonable expectation of employment.* Prior to referral to specific occupational training, a determination shall be made that there is a reasonable expectation of employment for the individual in the occupation. In the absence of such determination there shall be no referral of any person to a training program.

(b) *Jobs or opportunities excluded.* The determination of training needs shall not include jobs or opportunities which:

(1) Do not meet prevailing standards of the industry in the labor market area in which they exist with respect to wages (subject to the standards for on-the-job training prescribed in §§ 20.20 to 20.23), hours and conditions of employment;

(2) Exist due to the transfer of any establishment, production, business or service which has caused an increase in unemployment in the area of original location or in any other area where such establishment, production, business or service conducts business operations;

(3) Requires less than two weeks training, unless there are immediate employment opportunities in such ocupation; or

(4) Could not be filled by the United States Employment Service under its policies and regulations with respect to referrals to employment as contained in the Code of Federal Regulations and as implemented by the pertinent provisions of the Employment Security Manual.

§ 20.11 Determination of an individual's training needs.

Prior to selection and referral of a person for training, the Secretary shall determine through the State agency, or through such other agency as he may designate, the training needs of such person by interviewing, testing, and

counseling as necessary with regard to his aptitudes, interests, education and other pertinent factors.

§ 20.12 Selection and referral of trainees.

(a) Persons, including youths, who are otherwise eligible for training shall be selected for training projects which are commensurate with their training needs, if at the time of their selection and referral, they are:

(1) Unemployed or underemployed and cannot reasonably be expected to secure appropriate full-time employment without training;

(2) Registered at the appropriate local public employment service office or such other agency as may be designated by the Secretary; and

(3) Available for counseling or other personal interviews and for aptitude, proficiency, or other occupational tests which may be required.

(b) In selecting and referring applicants for training projects, priority shall be extended to:

(1) Unemployed over underemployed individuals, and

(2) Subject to the priority above individuals are to be trained for employment; first, within the labor market area in which they reside, second, within the State of their residence, and third, outside the State in which they reside if not in the same labor market area.

(c) Trainees shall not be referred to training projects to qualify them for employment where the terms or conditions of employment are contrary to Federal, State, or local law.

(d) Selection and referral of applicants shall be made in accordance with the policies and regulations of the United States Employment Service relating to referral to employment or such other criteria as may be established.

Subpart C—On-the-Job Training

§ 20.20 Standards for on-the-job training.

The following standards will be applied to on-the-job training projects. Each project shall:

(a) Have the objective of teaching the basic needs requisite for satisfactory performance in the occupation for which the training is given;

(b) Require that the trainee devote his time principally to training where the payment of allowances is contemplated;

(c) Provide methods of instruction, scheduling of sessions, progression of trainees, size of the training class or group, all of which shall meet the approval of the Secretary, and be comparable in duration to similar projects, and adequate in content to qualify trainees for employment;

(d) Provide adequate and safe facilities and equipment, qualified instructors and other personnel;

(e) Require that suitable records of attendance, performance and progress of trainees be maintained and that such records be made available to the Secretary, when so requested;

(f) Provide that upon request the trainee shall be given an opportunity to be heard and reconsideration or review of any certification made which terminates him from training absent good cause; and

(g) Provide that for hours spent in production of any goods or services the rate of compensation to be paid to trainees by employers shall be specified in a written agreement entered into by the training facility and the Secretary.

§ 20.21 Requirements for agreements for on-the-job training.

Prior to entering into an agreement with a training facility it shall first be determined that there is:

(a) Joint agreement to the training project and the wage scale by the training facility and the bargaining agent where there is a collective bargaining agreement applicable to the establishment and the occupation;

(b) Reasonable assurance that the wage rate set for the trainees will not tend to create unfair competitive labor cost advantages nor have the effect of impairing or depressing wage or working standards established for experienced workers for work of a like or comparable character in the establishment and industry; and

(c) No abnormal labor condition such as a strike, a lock-out, or other similar condition, existing at the establishment.

§ 20.22 Rates under agreements.

The agreement with the training facility shall include the rate of compensation to be paid to trainees by the training facility, determined as follows:

(a) If experienced workers are paid on a piece rate basis, trainees shall be paid at least the same piece rates as experienced workers employed on similar work in the establishment;

(b) If experienced workers in the establishment are paid on a time rate basis, trainees shall be paid on a time rate basis, which is to be expressed as a progressively increasing proportion of the rate paid to experienced workers and determined on a basis of information about the typical output curve of a trainee and the length of time required to reach the proficiency of an experienced worker, provided that the training project is of such duration that periodic increases are reasonable; and

(c) In no case shall the wage rate paid a trainee be less than the following, whichever is highest:

(1) The minimum entrance rate for inexperienced workers in the same occupation in the establishment or if the occupation is new to the establishment, the prevailing entrance rate for the occupation among other establishments in the community or area;

(2) The minimum rate required under the Fair Labor Standards Act (including any special rate provided by certification under section 14 of the Act) or the Walsh-Healey Public Contracts Act, to the extent that such Acts are applicable to the trainee; or

(3) Any minimum rate applicable to the trainee and required under any other Federal law, or any State or local law.

§ 20.23 Provisions of agreements.

Any agreement entered into pursuant to section 204 shall provide:

(a) That the training facility shall adhere to all requirements relative to terms or conditions of employment prescribed by any applicable Federal, State or local law;

(b) That after notice and opportunity to be heard, including an opportunity to demonstrate compliance and make restitution, a determination of failure to adhere to any such requirements shall constitute cause for termination of the agreement.

Subpart D—Allowances

§ 20.30 Eligibility for training allowances.

An unemployed individual who was selected and referred to training under Title II of the Act may be eligible for a regular or increased training allowance or the State's Unemployment Trust Fund may be reimbursed, if, during the week, he is the head of a family or head of a household, and has had three years' experience in gainful employment prior to the week of training involved, or, if not so qualified, for a youth training allowance if, prior to the week, he has reached his 19th birthday and has not reached his 22nd birthday. In order for an individual to have three years' experience in gainful employment the experience need not be consecutive and may have been acquired at any time in the individual's lifetime. Qualifying periods for the three years' experience are:

(a) A calendar year in which the individual had 150 days of work regardless of the months or quarters in the year in which the work was performed;

(b) A calendar quarter in which the individual had 35 days of work regardless of the months within the quarter in which it occurred; or

(c) A calendar month in which the individual had 10 days of work; and

(d) For purpose of this section a day of work shall include days on which work was performed, even though less than a full day.

§ 20.31 Qualifications for training allowances.

In order for an individual to be eligible for a training allowance or for a State's Unemployment Trust Fund to be reimbursed, an unemployed individual must also:

(a) Have been selected and referred to training under Title II of the Act;

(b) Make a request for the training allowance in the manner and form prescribed by the Secretary;

(c) Have been enrolled for the week during his training period in accordance with the requirements of the training facility;

(d) Not have received or be seeking unemployment compensation under any Federal or State law for the week or any part of the week, except that:

(1) If he is seeking unemployment compensation and his claim is finally denied by the responsible agency involved, this restriction shall not apply, or

(2) If he receives unemployment compensation in a lesser amount than the amount of the allowance to which he is otherwise entitled under this Act but for the receipt of such payment, he shall be entitled to the difference provided under this Act; and

(e) Not be within a period of ineligibility described in § 20.32.

§ 20.32 Periods of ineligibility for training allowances.

An individual may not receive any allowance under Title II of this Act and no reimbursement shall be made to a State for unemployment compensation paid for a week of training that begins within one year following the date that the individual:

(a) Is terminated from training pursuant to certification under subsection 202(g) of the Act;

(b) Refuses, without good cause, to accept training under the Act; provided, however, that no individual shall be required to accept training in an occupation which is below the economic or skill level of his present occupation; or

(c) Completes, or terminates prior to completion (for other than good cause), a training project in connection with which the individual received a training allowance under this Act or any other Federal Act or received unemployment compensation payments which were reimbursed under this Act or any other Federal Act or would have been reimbursed but for the fact that such payments were made under a Federal Act and which were paid with respect to such training. There is a completion of the training project when the individual has taken training for the number of weeks for which he was scheduled or rescheduled in a training project, or in the opinion of the training facility has achieved the objective of the training project.

§ 20.33 Maximum period for training allowances.

Training allowances may be paid to an individual for not more than 52 weeks. A payment under the Railroad Unemployment Insurance Act, the Temporary Extended Unemployment Compensation Act of 1961, or Title XV of the Social Security Act, or any payment (for which reimbursement is made under this Act) to an individual while taking training shall be applied against the 52 week maximum period.

§ 20.34 Minimum duration of training.

No training allowance may be paid to an individual if he has been referred to training for less than six days.

§ 20.35 Amount of training allowance.

The amount of the training allowance shall be as follows:

(a) *Regular training allowance.* The amount of a regular training allowance shall be the average of payments of State unemployment compensation for weeks of total unemployment paid by the State (including dependents' allowances) in the calendar quarter preceding the quarter in which the payment is computed. This amount shall be computed quarterly by dividing the total amount of such payment by the number of weeks of total unemployment compensation. The computed average, if not an exact dollar amount, shall be rounded to the next higher dollar. The amount of an allowance based upon data for a calendar quarter shall be payable for weeks of training that begin within the second calendar quarter following the data quarter.

(b) *Guam and the Virgin Islands.* The amount of a regular training allowance payable to an individual selected and referred to training under Title II of the Act in Guam and the Virgin Islands shall be a percentage of the average weekly wage paid during the latest calendar quarter for which data are available. The percentage used shall be the ratio of the average weekly unemployment compensation benefit amount to the average weekly total wages in State-covered employment for the United States for the latest period for which data are available for computing the ratio. The amount computed in accordance with this paragraph shall be determined and redetermined at the same intervals and shall apply to the same periods as in other States.

(c) *Youth training allowances.* The amount of a training allowance for a youth who does not qualify for a regular training allowance may not exceed the lesser of $20 or the amount of the regular training allowance in the State.

(d) *Increased training allowances.* A trainee who, but for his training, would have been entitled to unemployment compensation under a Federal or State law in an amount greater than the amount of a regular training allowance as provided above, shall have his training allowance increased to the amount he would have been entitled to under the State or Federal law for those weeks during which he would be entitled to unemployment compensation, including extended durations. All adjustments required by the applicable State or Federal law shall be made, e.g., deduction for pension or workmen's compensation and vacation pay. The amount and duration of an increased training allowance payable under this Act shall be for as long as the individual would draw unemployment compensation under the law of the State if the State's Unemployment Trust Fund were not reimbursed under this Act. The State will make the determination to be used in determining the weeks and amounts to which a trainee is entitled in those States that vary weekly benefit amounts during the benefit year because of (1) per employer determinations, (2) change in number of dependents, or (3) change in the State law.

(e) *Reduced training allowance.* The regular, increased, youth, or supplemental training allowance shall be reduced by two and one half percent of such allowance for each compensated hour of the week. No allowances to which an individual may otherwise be entitled under this Act shall be diminished in any respect because of his receipt or entitlement to any supplemental unemployment benefits or separation allowances provided under any collective bargaining agreement.

(f) *Supplemental training allowance.* Where the unemployment compensation received is less than the regular or youth training allowance, the difference shall be paid as a supplemental training allowance subject to paragraph (e) of this section.

§ 20.36 Request for training allowance.

(a) *Furnishing of Request form.* A Request for a training allowance shall be made in accordance with instructions issued by the Secretary. The form shall be furnished by the training facility to such trainee immediately following each week of training; Provided, that in the event the training facility fails to furnish the Request form promptly, the State agency shall furnish the trainee with a form for late filing.

(b) *Completion and mailing of Request.* The trainee shall complete his portion of the Request and return it to the training facility, which shall complete its portion and mail the Request to the State agency.

§ 20.37 Training allowance when more than one State is involved.

The State agency that makes the selection and referral of an individual shall pay allowances to the individual irrespective of the State in which the training is conducted and in which the individual may be eligible for unemployment compensation. In computing the amount of the training allowance payable, the trainee shall receive as his training allowance an amount equal to the average unemployment compensation paid in the State of selection and referral or his unemployment compensation rate, whichever is greater. The State paying the training allowance shall request appropriate information from the State in which he has worked (or the Railroad Retirement Board) to establish whether the individual is eligible for unemployment compensation, the weekly and total amount of such eligibility, and the termination date of the benefit year, or comparable date, and the amount of any unemployment compensation received for the week that is concurrent with or overlaps a week of the training period.

§ 20.38 Reimbursements for unemployment compensation paid by the State.

(a) The Secretary will authorize credit to the State's account in the Unemployment Trust Fund to reimburse the State for the amount of unemployment compensation paid by the State to trainees eligible to receive training allowances under the Act, provided, the maximum amount for which reimbursement will be authorized for youth training allowances may not exceed $20 a week, and provided further, that whenever an individual eligible for State unemployment compensation during a week of training elects to take an increased training allowance in lieu thereof, the total amount which the Secretary will pay as reimbursement or increased training allowance shall not exceed the total amount which he would have paid had the individual drawn his unemployment compensation first.

(b) A State that makes unemployment compensation payments to a trainee who is selected and referred to

training by an agent State and who is eligible for training allowances for weeks covered by such payments will be reimbursed. The agent State making the selection and referral in such cases will determine whether the trainee would be eligible for a training allowance (but for receipt of the unemployment compensation) and will notify the State that pays the unemployment compensation of its determination. The notification by the agent State to the State making the payment of unemployment compensation will be the evidence upon which the reimbursement will be authorized.

(c) The amount of reimbursement to the State will be limited to the amount of State unemployment compensation paid for periods of training under this Act and shall not include payments made pursuant to Federal law. Unemployment compensation paid under the wage combining plan will be reimbursed to the paying State. The agent State shall maintain records relating to the eligibility of the trainee for training allowances for the weeks involved in its request for reimbursement of unemployment compensation paid under this provision.

(d) Charges to the unemployment compensation entitlement of a trainee and the experience rating account of an employer may be correspondingly offset by credits to the extent the State's account in the Unemployment Trust Fund is reimbursed under the Act; *Provided*, The restored duration shall relate to a period following the period when training allowances are paid.

§ 20.39 Overpayment and fraud.

The trainee shall be required to repay the amount of any overpayment and any overpayment not repaid shall be setoff against any future allowance to which the trainee shall become entitled. Overpayments under any other program may not be offset against allowances payable to a trainee under the Act. The State agency shall use the same procedures as are provided under the State law in connection with this program. Waiver of any overpayment may be considered and granted in accordance with State unemployment compensation laws and regulations.

§ 20.40 Subsistence allowances.

(a) *Eligibility.* A State agency may pay a subsistence allowance, without regard to eligibility for a training allowance or the 52-week limitation, for the period that the trainee is in training away from home at a facility which is not within commuting distance of the trainee's regular place of residence.

(b) *Amount.* In determining the amount of a subsistence allowance the exact days that elapse shall be taken into account beginning with the day when the trainee departs and ending with the day in which he returns. Travel time shall not exceed the time required by the mode of public transportation that the trainee could reasonably be expected to take to and from his regular place of residence. The weekly subsistence allowance payments may be rounded to the next higher dollar. Subsistence allowance shall be paid at the rate of $35 per week, and $5 per day, provided that when the training facility furnishes or makes lodgings and meals available to trainees at a rate of $4 or less per day, the subsistence allowance shall not exceed the amount charged for those accommodations plus an allowance of $1 per day for incidentals.

(c) *Request for subsistence allowance.* Subsistence allowance will be paid to an eligible trainee upon the filing of a completed request. Allowance for subsistence is payable upon completion of a week of training except that the State agency may, if it determines it to be necessary, advance the allowance for a week at the beginning of a training project to enable the trainee to accept training.

§ 20.41 Transportation allowances.

(a) *Eligibility.* A State agency may pay a transportion allowance when the training facility is not within commuting distance of the trainee's regular place of residence. The State agency shall take into consideration the distance, time and cost involved in traveling to the training facility in determining whether a trainee's regular place of residence is not within commuting distance of the training facility. Factors which may enter into a determination in this respect shall include information gathered from (1) the established labor market area, (2) local practices, or (3) a place-of-work place-of-residence survey.

(b) *Frequency.* A trainee may receive transportation allowance only at the beginning and at the end of a training project, except that when the training facility is closed for one or more days and the trainee elects to return home he shall be entitled to receive either the transportation allowance or the subsistence allowance, whichever is less.

(c) *Amount.* The transportation allowance may not exceed the cost of the most economical public transportation the trainee could reasonably be expected to take or ten cents per mile, whichever is less.

(d) *Method of payment.* A transportation allowance will be paid to an eligible trainee upon the filing of a completed request, in accordance with instructions provided by the Secretary. When the payment is made in advance the trainee shall acknowledge receipt of the allowance.

Subpart E—Determinations and Review

§ 20.50 Determinations.

(a) *Training facility.* The State Agency will furnish instructions and forms for use by the training facility in:

(1) Determining whether a trainee has a satisfactory attendance record and is making satisfactory progress;

(2) Where unsatisfactory attendance or progress is determined to exist, determining whether there was a good cause for such condition; and

(3) Where the unsatisfactory attendance record or progress is determined to be absent good cause, certifying the determination to the State agency.

(b) *State agency.* The State agency shall determine whether an individual is qualified to receive training and eligible for training allowance, subsistence allowance, or transportation allowance and the amount of the allowance. Determinations of the State agency shall conform to standards and criteria that may be required by the Secretary and to precedent decisions published by the Secretary. The State agency shall give notice to the individual affected of any determination denying an allowance; the notice shall be in writing and shall clearly state the reasons for the denial. Notice of the determination shall be personally delivered to the individual or mailed to his last known address.

§ 20.51 Reconsideration or review of determination.

(a) *Training facility.* A determination of a training facility may be reconsidered or reviewed by the facility in accordance with its rules and regulations, which must meet the approval of the Secretary of Labor or the Secretary of Health, Education, and Welfare whichever is appropriate. Such reconsideration or review shall be final and conclusive.

(b) *State agency.* Any determination of a State agency with respect to allowances may be reconsidered by the agency and shall be appealable under the State's regular administrative appellate procedures except that there shall be no recourse to the State courts. Individuals shall be advised of their right to a reconsideration or review, by the Secretary, of the final determination under the State's administrative appellate procedures.

(c) *The Virgin Islands.* In the case of an appeal by an individual from a determination by the agency of the Virgin Islands, the appellant shall be entitled to a hearing and decision in accordance with the procedures governing appeals in 20 CFR 611.7, 611.8 (except paragraphs (b) and (i) of § 611.8) and 611.10, insofar as such sections apply to the Virgin Islands in regard to appeals under Title XV of the Social Security Act. Notice of the decision, and the reasons therefor, shall be given to the individual, the State agency, and the Secretary of Labor as provided in 20 CFR 611.8(i).

(d) *Guam.* In the case of an appeal by an individual from a determination by the agency of Guam, the appellant shall be entitled to a hearing and decision in accordance with the procedures governing appeals in 20 CFR 611.8 (except paragraphs (b) and (i) of that section) and 611.10, to the extent that such sections apply to Guam in regard to appeals under Title XV of the Social Security Act. Notice of the decision, and the reasons therefor, shall be given to the individual, the State agency, and the Secretary as provided in 20 CFR 611.8(i). An appeal from a determination made in Guam which denies or reduces an allowance will be heard and decided by a referee appointed by the Secretary.

(e) *Review by the Secretary.* The Secretary upon request of a trainee or a State agency, or upon his own motion, may review a decision of the authority in the State that has final administrative jurisdiction of appeals filed under the State law. Upon review the Secretary may affirm, modify or reverse the decision or may remand it with direction for further hearings. The Secretary's decision shall be final and conclusive. The Secretary may on his own motion review any determination made under the Act where review is not otherwise provided for under these regulations, and if upon such review he determines the action taken was inconsistent with the rules, regulations and procedures promulgated, he may require an appropriate modification of such determination or action.

Signed at Washington, D.C., this 21st day of August 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-8552; Filed, Aug. 24, 1962; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Crater Lake National Park, Oregon; Boating

On page 2607 of the FEDERAL REGISTER of March 20, 1962, there was published a notice and text of a proposed amendment to § 7.2 of Title 36, Code of Federal Regulations. The purpose of this amendment is to place limitations upon boating and related water activities upon the waters of Crater Lake National Park.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. All comments having been received within the 30-day period, which were carefully considered, the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(39 Stat. 535; 16 U.S.C. 3)

Paragraph (d) is added to § 7.2 to read as follows:

§ 7.2 Crater Lake National Park.

* * * * *

(d) *Boating.* No waterborne craft or devices of any kind other than those vessels owned and operated by the National Park Service and park concessioner shall be permitted upon the waters of the park.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 20, 1962.

[F.R. Doc. 62-8550; Filed, Aug. 24, 1962; 8:45 a.m.]

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Grand Teton National Park, Wyoming; Boats

On pages 6147 and 6148 of the FEDERAL REGISTER of June 29, 1962, there was published a notice and text of a proposed amendment to § 7.22 of Title 36, Code of Federal Regulations. The purpose of the amendment is to establish reasonable regulations which will provide adequate control over boats and insure a maximum of safety in their use.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. There have been minor revisions made in the text in the interest of uniformity with boating regulations as enforced elsewhere. These regulations shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

H. L. BILL,
Superintendent.

Paragraph (g) of § 7.22 is amended to read as follows:

§ 7.22 Grand Teton National Park.

* * * * *

(g) *Boats*—(1) *Permit required.* No privately owned waterborne craft, including but not limited to boats, canoes, rafts or other floating objects, shall be placed or operated upon the waters of Grand Teton National Park without a permit from the superintendent, who shall have authority to revoke the permit and require the immediate removal of such waterborne craft upon the failure of the permittee to comply with the terms and conditions of the permit. This permit must be carried within the craft at all times and shall be exhibited upon request to any person authorized to enforce the regulations in this chapter.

(2) *Numbering of boats.* No waterborne craft propelled by machinery of more than ten (10) horsepower shall be operated upon the waters of the park, unless such craft has been documented by the Bureau of Customs or, if undocumented, has been numbered by the United States Coast Guard or by a state having a numbering system approved by the United States Coast Guard.

(3) *Safety requirements and equipment.* (i) All boats or craft shall carry a life preserver, buoyant vest, buoyant cushion, or ring buoy approved by the United States Coast Guard and in good and serviceable condition for each person on board. Such devices shall be properly secured and stowed so as to be readily accessible in an emergency, except that, any person, twelve (12) years or younger and any nonswimmer, aboard a boat or craft while such boat or craft is in motion, and every person on the Snake River in a craft less than 20 feet in length shall have an approved buoyant device securely fastened to his or her person.

(ii) Every motorboat or other motor-propelled craft, operated between sunset and sunrise shall carry and exhibit the following lights, and during such time, no other lights which may be mistaken for those prescribed, shall be exhibited:

(*a*) Class A (less than 16 feet in length): A bright white light aft to show all around the horizon and visible for two (2) miles and a combined lantern in the forepart of the boat and lower than the white light, showing green to starboard (right) and red to port (left), each visible one (1) mile and so fixed as to throw the light from right ahead to two (2) points abaft the beam on their respective sides.

(*b*) Class 1 (16 feet to less than 26 feet in length): Same as required for Class A boats.

(*c*) Class 2 (26 feet to less than 40 feet in length): A bright white light aft showing all around the horizon and visible two (2) miles. A bright white light in the fore part of the boat as near the stem as possible and lower than the white light aft and so fixed as to throw the light ten (10) points on each side of the boat, from right ahead to two (2) points abaft the beam on either side, and visible two (2) miles. On the starboard (right) side, a green light and on the port (left) side a red light each visible one (1) mile and so fixed as to throw the light from right ahead to two (2) points abaft the beam on their respective sides.

(iii) Every motorboat of Class 1 or 2 shall be equipped with an efficient whistle or other sound producing mechanical device.

(iv) Every motorboat of Class 2 shall be provided with an efficient bell.

(v) Every motorboat shall have the carburetor or carburetors of every engine, except outboard motors, using gas-

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Yosemite National Park, California; Road Closure; Relaxation of Restrictions

Pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 USC 3), National Park Service Order No. 14, 19 F.R. 8824; Regional Director, Western Region, Order No. 3, 21 F.R. 1495, § 7.16 of Title 36 of the Code of Federal Regulations is amended as follows: Subparagraph (2) of paragraph (b) is revoked since this section of road is now required for public use in order to gain access to a new public camping area. This amendment will result in a relaxation of restrictions of the Special Regulations and is therefore exempt from the Administrative Procedures Act. Notice and public procedure thereon are deemed unnecessary and the amendment shall become effective upon publication in the FEDERAL REGISTER.

JOHN C. PRESTON,
Superintendent.

[F.R. Doc. 62-8563; Filed, Aug. 24, 1962; 8:47 a.m.]

oline as fuel, equipped with an efficient flame arrestor of a type approved by the United States Coast Guard.

(vi) Every motorboat, except open boats, using as fuel a liquid of a volatile nature, shall be provided with a natural or a mechanical ventilating system capable of effectively ventilating the bilges of the engine and fuel tank compartments, so as to remove any explosive or inflammable gases.

(vii) Every motorboat shall be provided with at least the minimum number of hand portable fire extinguishers of the size and type approved by the United States Coast Guard, and which shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible. Inboard motorboats and those outboard motorboats having fuel containers in compartments wherein vapors could be pocketed shall carry the following fire extinguishers:

(*a*) Class A: at least one (1) approved B–1 type extinguisher.

(*b*) Class 1: Same as Class A.

(*c*) Class 2: at least two (2) approved B–1 type extinguishers, or one (1) B–II type extinguisher, or should a motorboat have a fixed fire extinguishing system in machinery spaces, one (1) B–1 type extinguisher.

(4) *Rules of the road.* The following rules of the road shall apply:

(i) No person shall operate a waterborne craft of any type or description upon any body of water in the park in a reckless or negligent manner, so as to endanger or be likely to endanger the life, limb or property of any person.

(ii) In narrow channels, boats or other craft shall be operated to the right of the middle of the channel.

(iii) When boats or craft are approaching each other head on, or nearly so, each shall be operated to pass the other on the port (left) side at a distance and at a speed so that the wake of each will not endanger the other.

(iv) When a boat or craft desires to pass another traveling in the same direction, the overtaken boat or craft shall maintain its course and speed until the overtaking boat or craft has safely passed. An overtaking situation shall exist whenever a boat or craft approaches another from abaft the beam of the other boat or craft.

(v) A crossing situation shall exist when two boats are approaching each other at right angles or obliquely so as to involve risk of collision, other than when one vessel is overtaking another. In a crossing situation, the boat which has the other on her own port (left) shall hold her course and speed; and the boat which has the other on her own starboard (right) side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other boat, or stop and reverse, if necessary.

(vi) Any boat or craft propelled by machinery shall keep clear of any boat or craft under sail or being propelled by oars or paddles.

(vii) Slow speed shall be maintained in docking and fishing areas so as not to endanger persons or other craft.

(5) *Accidents.* (i) In case of collision, accident, or other casualty involving a motorboat or other craft, the operator shall, if, and so far as he can without serious danger to his own boat or craft, or persons aboard, render such assistance as may be practicable and necessary to other persons affected by the collision, accident, or casualty, in order to save them from danger caused by the collision, accident or casualty. He shall also give his name, address, and identification of his boat or craft to any person injured and to the owner of any property damaged.

(ii) A report of any collision, accident, fire or other casualty that results in property damage in excess of $50 or any personal injury or death to any person or persons must be made at the nearest Ranger Station within 24 hours.

(6) *Prohibited operation.* (i) No person shall operate, or knowingly permit any person to operate, any motorboat or craft in a reckless or negligent manner so as to endanger or be likely to endanger, the life, limb or property of any person.

(ii) No person shall operate or knowingly permit any person to operate any motorboat or craft while under the influence of intoxicants, narcotic drugs, barbituates or marijuana.

(iii) Boats propelled by a propeller above the water line of the boat or craft (airboats) are prohibited on all waters within the park.

(iv) No boat or craft shall be used to carry passengers for hire or be used in any commercial operation, unless authorization for such service has been granted by the Secretary.

(v) Motor-propelled waterborne craft are prohibited on all park waters, except Jackson and Phelps Lakes. On Jenny Lake, an authorized boating concessioner may operate motor-propelled boats under conditions specified by the Superintendent.

(vi) Hand-propelled waterborne craft may be used on Jackson, Jenny, Phelps, Emma Matilda, Two Ocean, Taggart, Bradley, Bearpaw, Leigh and String Lakes, and on the Snake River, except within 1,000 feet of the downstream face of Jackson Lake Dam. Hand-propelled craft may also be used on the stream flowing from the outlet of Bearpaw Lake to Jackson Lake. All other lakes, streams, and ponds in the park are closed to boating.

(vii) Sailboats may be used only on Jackson Lake.

(viii) No motor propelled waterborne craft shall be placed or operated upon Jackson Lake from November 1 through April 30.

(ix) No boat more than 32 feet in length shall be placed or operated on park waters, except that this prohibition shall not extend to concessioner-operated sightseeing launches.

(x) No waterborne craft shall be operated within any area delineated by a line of white buoys having a horizontal international orange stripe at the top and bottom and an international orange diamond with cross on the white portions of the buoy.

(xi) No waterborne craft shall be operated in excess of five (5) miles per hour within any area delineated by line of white buoys having a horizontal international orange stripe at the top and bottom and an international orange circle with a black 5 therein on the white portion of the buoy.

(xii) No motor-propelled craft shall be operated within 500 feet of any "bathing area designated by white floats and white float lines.

(xiii) The superintendent may authorize motor propelled craft engaged in the official business of the Federal Government to operate in closed or restricted water areas.

(xiv) The towing of water skis, surfboards, and similar devices by motorboats or other craft is prohibited on all park waters unless specifically authorized by the superintendent by the posting of signs setting forth the body of water and delineated portion thereof where such activity is permitted.

(xv) Swimming from unanchored boats is prohibited.

(xvi) No person, other than the authorized concessioner or his representatives, shall moor or beach a waterborne craft on the shore of a designated harbor area except in an emergency.

[F.R. Doc. 62–8561; Filed, Aug. 24, 1962; 8:47 a.m.]

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Natchez Trace Parkway, Alabama, Mississippi, Tennessee; Use of Radar

On page 6148 of the FEDERAL REGISTER of June 29, 1962, there was published a notice and text of a proposed amendment to § 7.43 of Title 36, Code of Federal Regulations. The purpose of the amendment is to permit the use of radiomicrowaves (radar) or other electrical timing devices in checking the speed of motor vehicles at Natchez Trace Parkway.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. Consideration having been given to all relevant matters presented, it has been determined that the amendment should be and is hereby adopted without change and it is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER. (60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

Paragraph (c) of § 7.43 is amended to read as follows:

§ 7.43 Natchez Trace Parkway.

* * * * * * *

(c) Except ambulances and Government cars on emergency trips:

* * * * * * *

(3) The speed of any motor vehicle may be checked on any park road in the Natchez Trace Parkway, in the States of Alabama, Tennessee, and Mississippi, by the use of radiomicrowaves or other electrical devices when such park road, on which the device is used, is clearly marked "Speed Checked by Radar" or "Speed Radar Enforced" at or near intersections with primary State or Federal highways between which the device is used. The results of such checks shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue.

MALCOLM GARDNER,
Superintendent,
Natchez Trace Parkway.

[F.R. Doc. 62–8562; Filed, Aug. 24, 1962; 8:47 a.m.]

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Grand Canyon National Monument, Arizona; Travel on Water

On page 6433 of the FEDERAL REGISTER of July 7, 1962, there was published a notice and text of a proposed amendment to Title 36, CFR 7. The purpose of the amendment is to establish suitable control to provide for safe travel over hazardous waters of the monument.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(39 Stat. 535; 16 U.S.C. 3)

JOHN S. MCLAUGHLIN,
Superintendent,
Grand Canyon National Park.

A new section is added to Part 7, to read as follows:

§ 7.60 Grand Canyon National Monument.

(a) *Travel on water*—(1) *Permit.* A permit, issued by the Superintendent of Grand Canyon National Park, is required for all travel upon the waters of the monument. Travel as used herein includes boat or raft use, or the use of any floating or mechanical device to support a person or property, or use by any means which may be deemed hazardous by the Superintendent.

(2) *Sanitation.* No cans, rubbish, bottles, or other refuse shall be discarded along the shores of the waters of the monument. Such refuse shall be buried or removed to facilities provided at specified places.

[F.R. Doc. 62–8560; Filed, Aug. 24, 1962; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 2085]

SERVICE FEES AND CHARGES

Miscellaneous Amendments to Chapter

On page 5712 of the FEDERAL REGISTER of June 15, 1962, there was published a notice and text of a proposed amendment of different parts of 43 CFR, Chapter I, as set forth above. The purpose of the amendment is to establish reasonable filing fees, service fees and charges and commissions with respect to applications and other documents relating to public lands and resources administered by the Bureau of Land Management in lieu of existing fees, charges, and commissions which were established by acts of the Congress and which are no longer reasonable under existing conditions.

Interested persons were given 30 days within which to submit written data, views, and arguments, and comments, suggestions or objections with respect to the proposed amendment. No comments were received and the proposed regulations are hereby adopted.

This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 16, 1962.

PART 61—CERTIFICATES AND SCRIP

§ 61.16 [Revocation]

1. Section 61.16 is revoked.

Section 61.17 is renumbered § 61.16 and revised to read as follows:

§ 61.16 Entry and final certificate.

The application and proof filed therewith will be carefully examined and, if all be found regular, the application will be allowed and final certificate issued upon the payment of a service charge of $25 and in the absence of objections shown by the records.

2. Section 61.18 is renumbered § 61.17 and revised to read as follows:

§ 61.17 Scrip which may and may not be located in Alaska.

No scrip or lieu rights can be located in Alaska except soldier's additional homestead rights.

PART 65—HOMESTEADS

3. Section 65.24 is revised to change the heading and to read as follows:

§ 65.24 Payments required at the time of entry and proof; form of remittances.

(a) When a homesteader applies to make entry he must pay an application nonrefundable service charge of $25. In addition, he must pay with his final proof, a nonrefundable service charge of $25. A successful contestant for the lands, pursuant to the Act of May 14, 1880 (21 Stat. 143; 43 U.S.C. 185), as amended, must pay, as a nonrefundable cancellation service charge, an additional $10. On all final proofs made before the manager, or before any other officer authorized to take proofs, the claimant must pay to the manager the costs of reducing the testimony to writing, as determined by the manager. No proof shall be accepted or approved until all charges have been paid.

(b) Remittances other than cash or currency are to be made payable to the Bureau of Land Management. Checks or drafts are accepted subject to collection and final payment without cost to the government.

PART 106—PROOFS

4. Section 106.15 is added reading as follows:

§ 106.15 Reducing testimony to writing.

On all final proofs made before the manager, or before any other officer authorized to take proofs, the claimant must pay to the manager the costs of reducing the testimony to writing, as determined by the manager. No proof shall be accepted or approved until such payment has been made.

PART 132—SOLDIERS' ADDITIONAL HOMESTEAD RIGHTS

5. Section 132.13 is revised to read as follows:

§ 132.13 Allowance of application and issuance of final certificate.

A soldier's additional application does not segregate the land nor prohibit the filing of other applications for such land until after its allowance. The entry and final certificate should bear the same date. The manager, after collecting a service charge of $25, will issue final certificate.

PART 166—ORIGINAL, ADDITIONAL, SECOND, AND ADJOINING FARM HOMESTEADS, AUTHORIZED BY THE GENERAL PROVISIONS OF THE HOMESTEAD LAWS

§ 166.1 [Amendment]

6. Paragraphs (c), (d), and (e) of § 166.1 are revoked in their entirety.

7. The heading and present text of § 166.8 are amended to read as follows:

§ 166.8 Payments required at the time of entry and proof; form of remittance.

(a) When a homesteader applies to make entry he must pay a nonrefundable application service charge of $25. In addition, he must pay with his final proof, a nonrefundable service charge of $25. A successful contestant for the

lands, pursuant to the act of May 14, 1880 (21 Stat. 141; 43 U.S.C. 185), as amended, must pay, as a cancellation service charge, an additional $10, which is not returnable. On all final proofs made before the manager, or before any other officer authorized to take proofs, the claimant must pay to the manager the costs of reducing the testimony to writing, as determined by the manager. No proof shall be accepted or approved until all charges have been paid.

(b) Remittances other than cash or currency are to be made payable to the Bureau of Land Management. Checks or drafts are accepted subject to collection and final payment without cost to the government.

PART 167—ENLARGED HOMESTEADS

8. The heading and present text of § 167.4 are amended to read as follows:

§ 167.4 Compactness; payments, forms of remittances.

(a) A tract included in an entry under the Enlarged Homestead Acts or in any entry under the general law, and an additional entry under said acts, should be in compact form, and such claim may not be permitted to entirely surround a subdivision of unappropriated lands subject to entry under said acts.[3]

(b) When a homesteader applies to make entry, he must pay a nonrefundable application service charge of $25. In addition, he must pay with his final proof, a nonrefundable service charge of $25. A successful contestant for the lands pursuant to the act of May 14, 1880 (21 Stat. 141; 43 U.S.C. 185), as amended, must pay, as a nonrefundable cancellation service charge, an additional $10. On all final proofs made before the manager, or before any other officer authorized to take proofs, the claimant must pay to the manager the costs of reducing the testimony to writing, as determined by the manager. No proof can be accepted or approved until all charges have been paid.

(c) Remittances other than cash or currency are to be made payable to the Bureau of Land Management. Checks or drafts are accepted subject to collection and final payment without cost to the government.

PART 169—KINKAID HOMESTEADS

9. The heading and present text of § 169.10 are amended to read as follows:

§ 169.10 Payments required at the time of entry and proof; form of remittances.

(a) When a homesteader applies to make entry, he must pay a nonrefundable application service charge of $25. In addition, he must pay with his final proof, a nonrefundable service charge of $25. A successful contestant for the lands, pursuant to the act of May 14, 1880 (21 Stat. 141; 43 U.S.C. 185), as amended, must pay, as a nonrefundable cancellation service charge, an additional $10. On all final proofs made before the manager, or before any other officer authorized to take proofs, the claimant must pay to the manager the costs of reducing the testimony to writing, as determined by the manager. No proof shall be accepted or approved until all charges have been paid.

(b) Remittances other than cash or currency are to be made payable to the Bureau of Land Management. Checks or drafts are accepted subject to collection and final payment without cost to the government.

[3] An original entry under the Enlarged Homestead Acts may not exceed one and one-half miles in extreme length (47 L.D. 370).

PART 181—VETERANS', SOLDIERS' AND SAILORS' RIGHTS

10. Paragraph (a) of § 181.6 is revised to read as follows:

§ 181.6 Soldiers' and sailors' declaratory statements.

(a) "Veterans of other wars" may initiate a homestead entry by filing a soldiers' and sailors' declaratory statement. Veterans who served between May 9, 1916, and March 3, 1921, must file their statements in person on Form 4–546. Others may file either on Form 4–545 through an agent acting under power of attorney, or on Form 4–546 when filing in person. Such statements must be accompanied by a nonrefundable application service charge of $10.

PART 185—GENERAL MINING REGULATIONS

11. Paragraph (b) of § 185.36 is amended to read as follows:

§ 185.36 Mineral locations in reclamation withdrawals.

* * * * *

(b) Application to open lands to location under the act may be filed by a person, association or corporation qualified to locate and purchase claims under the general mining laws. The application must be executed in duplicate and filed in the land office of the district in which the lands are situated, must describe the land the applicant desires to locate, by legal subdivision if surveyed, or by metes and bounds if unsurveyed, and must set out the facts upon which is based the knowledge or belief that the lands contain valuable mineral deposits, giving such detail as the applicant may be able to furnish as to the nature of the formation, kind and character of the mineral deposits. Each application shall be accompanied by a $10 nonrefundable service charge.

12. The heading and present text of § 185.84 are amended to read as follows:

§ 185.84 Service charge.

The service charge payable to the Bureau of Land Management for filing and acting upon applications for mineral-land patents is $25 to be paid by the applicant for patent at the time of filing, and a sum of $10 is payable by an adverse claimant at the time of filing his adverse claim. These charges are nonrefundable.

13. The present text of § 185.86 is designated as paragraph (a) and a new paragraph (b) added as follows:

§ 185.86 Protest against mineral applications.

* * * * *

(b) Such protest filed by any party, other than a Federal agency, must be accompanied by a $10 nonrefundable service charge.

14. Paragraph (a) of § 185.96 is amended to read as follows:

§ 185.96 Filing of petition for deferment, contests.

(a) In order to obtain temporary deferment, the claimant must file with the manager of the land office for the district in which the lands are situated, a petition in duplicate requesting such deferment. No particular form of petition is required, but the applicant must attach to one copy thereof a copy of the notice to the public required by the act which shows that it has been filed or recorded in the office in which the notices or certificates of location were filed or recorded. The petition and duplicate should be signed by at least one of the owners of each of the locations involved, shall give the names of the claims, dates of location, and the date of the beginning of the one-year period for which deferment is requested. Each petition shall be accompanied by a $10 nonrefundable service charge.

PART 186—MULTIPLE DEVELOPMENT OF MINERAL DEPOSITS UNDER THE MINING AND MINERAL LEASING LAWS

15. A new subparagraph (4) is added to paragraph (c) of § 186.10 reading as follows:

§ 186.10 Request for publication of notice of Leasing Act filing; supporting instruments.

(c) * * *

(4) A nonrefundable $10 remittance to cover service charge.

PART 192—OIL AND GAS LEASES

16. Section 192.60 is amended to read as follows:

§ 192.60 Application to exchange lease for a new lease.

Any lease which issued for a term of 20 years, or any renewal thereof, or which issued in exchange for a 20-year lease prior to August 8, 1946, may be exchanged for a new lease. Such new lease will be issued for a primary term of five years and so long thereafter as oil or gas is produced in paying quantities and will contain the rental and royalty rates prescribed in §§ 192.80, 192.81, and 192.82. An application to exchange a lease for a new lease should be filed in triplicate by the lessee with the manager of the appropriate land office, must show full compliance by the applicant with the terms of the lease and applicable regulations, and must be accompanied by a nonrefundable filing fee of $10.

17. Paragraph (a) of § 192.61 is amended to read as follows:

§ 192.61 Application for renewal.

(a) Twenty-year leases or renewals thereof may be renewed for successive terms of 10 years at the rental and royalty rates specified for such renewal leases in §§ 192.80, 192.81, and 192.82. An application to renew should be filed in triplicate, in the proper office as prescribed in § 192.42(b), at least 90 days, but not more than six months, prior to the expiration of its term, and must be accompanied by a nonrefundable filing fee of $10. Such application should be made by the record title holder or holders of the lease and may be joined in or consented to by the operator of record. The application should show whether all moneys due the United States have been paid and whether operations under the lease have been conducted in accordance with the regulations of the Department.

18. Part 216 is revised in its entirety to read as follows:

PART 216—PAYMENTS

Sec.
216.1 Amount of payments.
216.2 Forms of remittances.

AUTHORITY: §§ 216.1 and 216.2 issued under R.S. 2478; 43 U.S.C. 1201.

§ 216.1 Amount of payments.

(a) The amount of payments required in connection with the processing of any application, sale, entry, lease, permit, or other transaction governed by the regulations in this chapter are set forth in applicable regulations.

(b) The amount of payments required for copies and abstracts of records, including plats and diagrams showing the status of lands, are determined as provided in Part 2 of this title.

§ 216.2 Forms of remittances.

(a) Subject to the condition set forth in paragraph (b) of this section, forms of remittances that will be accepted in payment of fees, rentals, purchase price, and other charges required by the regulations in this Chapter include cash and currency of the United States and checks, money orders, and bank drafts if they are made payable to the Bureau of Land Management. Checks or drafts are accepted subject to collection and final payment without cost to the Government.

(b) Personal checks are an acceptable form of remittance except where the regulations in this chapter specifically provide otherwise.

PART 234—RECLAMATION OF ARID LANDS IN NEVADA

19. The text of § 234.4 preceding the lettered paragraphs of that section, is amended to read as follows:

§ 234.4 Application.[1]

Any qualified applicant desiring to explore for water under the terms of this act should file with the manager of the land office of the district in which the land is situated, an application for permit, together with a corroborated statement as to the character of the land, and pay a nonrefundable application service fee of $75. The application should be filed in duplicate and cover the following points:

Paragraph (f) of § 234.11 is added to read as follows:

§ 234.11 Final proof.

* * * * * *

(f) The claimant must pay to the manager a nonrefundable service charge of $25 and also the costs of reducing testimony to writing, as determined by the manager.

[1] 18 U.S.C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

PART 240—PUBLIC LAND RECORDS

§§ 240.9, 240.11, 240.12 [Revocations]

20. Sections 240.9, 240.11, and 240.12 are revoked in their entirety.

PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

21. Section 244.30 and the text of § 244.31 preceding the lettered paragraphs of that section are revised to read as follows:

§ 244.30 Declaratory statement.

To apply for a reservoir site under §§ 244.29 to 244.37, the applicant must file with the manager a declaratory statement drawn in accordance with Form 7,[4] together with a nonrefundable application service fee of $10. No other application is necessary.

§ 244.31 Action on declaratory statements; size, location, and number of reservoir sites.

In acting upon these statements the following general rules will be applied:

PART 270—STATE GRANTS FOR EDUCATIONAL, INSTITUTIONAL, AND PARK PURPOSES

22. Paragraph (e) of § 270.3 and paragraph (b) of § 270.9 are revised to read as follows:

§ 270.3 Applications for selection.

* * * * * *

(e) Applications for selection must be accompanied by a nonrefundable application service charge of $5.

§ 270.9 Applicable regulations.

* * * * * *

(b) Section 270.3(c)(1) is modified to require reference to the appropriate granting act; § 270.3(c)(3) is modified to require a statement testifying to the nonmineral character of each smallest legal subdivision of the selected land; § 270.3(d)(2) is modified to permit as much as 6,400 acres in a single selection; § 270.3(e) is modified to require a nonrefundable application service fee of $10, and § 270.3(c)(2)(v) is modified to require a certificate that the selection and those pending, together with those approved, do not exceed the total amount granted for the stated purpose of the grant.

[4] See appendix for forms.

PART 273—RAILROAD GRANTS, ETC.

23. Sections 273.70 and 273.73 are revised to read as follows:

§ 273.70 Applications.

Application, and supporting evidence, must be filed by the carrier in the proper land office, accompanied by a nonrefundable application service charge of $10. The lands listed in any one application must be limited to those embraced in a single sale upon which the claim for patent is based. The application should state that it is filed under the railroad land grant act involved, properly cited, and subsection (b) of section 321, Part II, Title III of the Transportation Act of 1940 (54 Stat. 954). The application must be supported by a showing that the land is of the character which would pass under the grant involved, and was not by some superior or prior claim, withdrawal, reservation, or other reason, excluded from the operation of the grant. Full details of the alleged sale must be furnished, such as dates, the terms thereof, the estate involved, consideration, parties, amounts and dates of payments, made, and amounts due, if any, description of the land, and transfers of title. The use, occupancy, and cultivation of the land and the improvements placed thereon by the alleged purchaser should be described. All statements should be duly corroborated. Available documentary evidence, including the contract or deed, should be filed, which may be authenticated copies of the originals. An abstract of title may be necessary, dependent upon the circumstances of the particular case. No application for a patent under this act will be favorably considered unless it be shown that the alleged purchaser is entitled forthwith to the estate and interest transferred by such patent. Evidence of a recorded deed of conveyance from the carrier to the purchaser may be required. Where the company has on file an application in which the sold land is embraced, it need not file a new application, but may file a request for amendment of the pending application to come under the Transportation Act of 1940, together with the showing, supra, required as to the bona fide sale.

§ 273.73 Patents.

If all be found regular and in conformity with the governing law and regulations, patent shall be issued in the name of the grantee under the railroad grant, the carrier paying the costs of preparation and issuance of the patent.

(R.S. 2478; 43 U.S.C. 1201)

[F.R. Doc. 62-8549; Filed, Aug. 24, 1962; 8:45 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2756]

[88051]

MONTANA

Restoring Lands to Tribal Ownership of the Northern Cheyenne Tribe

Whereas, pursuant to authority contained in the Act of June 3, 1926 (44 Stat. 691), certain lands within the Northern Cheyenne Indian Reservation, Montana, were reserved for a townsite at Lame Deer, Montana, and

Whereas, there are two vacant undisposed of lots within the townsite herein referred to, and

Whereas, the Tribal Council and the Commissioner of Indian Affairs have recommended restoration of the lands involved to tribal ownership,

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by sections 3 and 7 of the Act of June 18, 1934 (48 Stat. 984), I hereby find that restoration to tribal ownership of the following-described townsite lots will be in the public interest and the lots are hereby restored to tribal ownership for the use and benefit of the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana, and are added to and made a part of the existing reservation, subject to any valid existing rights:

LAME DEER TOWNSITE

Block 11, lot 1;
Block 23, lot 9.

Containing approximately 0.25 acre.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 20, 1962.

[F.R. Doc. 62-8551; Filed, Aug. 24, 1962; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 160—TRAINING PROGRAM UNDER THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

Part 160 establishes the rules and regulations for the administration of Part B of Title II of the Manpower Development and Training Act of 1962, Public Law 87-415, 76 Stat. 30.

Part 160 reads as follows:

Sec.
160.1 Definitions.
160.2 Summary of program.
160.3 Services and facilities for the provision of training.
160.4 Approval of projects.
160.5 Payment to State Agency.
160.6 Allowable costs.
160.7 Payment procedures.
160.8 Effect of payments.
160.9 Fiscal procedures.
160.10 Title to equipment and teaching aids.
160.11 Separate records.
160.12 Evaluation.
160.13 Records retention.

AUTHORITY: §§ 160.1 to 160.13 issued under § 232, 76 Stat. 30.

§ 160.1 Definitions.

(a) *Act.* "Act" means the Manpower Development and Training Act of 1962, Public Law 87-415, 76 Stat. 23, approved March 15, 1962.

(b) *Agreement.* "Agreement" means the written agreement for training entered into between a State and the Commissioner acting for the Secretary, pursuant to section 231 of the Act.

(c) *Commissioner.* "Commissioner" means the U.S. Commissioner of Education or his duly authorized representative.

(d) *Public.* "Public", as applied to any training agency or institution, means an agency or institution under public supervision and control.

(e) *Referred Person.* "Referred person" means an unemployed or other person referred to a State Agency for occupational training under the Act and the Agreement.

(f) *Secretary.* "Secretary" means the Secretary of the U.S. Department of Health, Education, and Welfare.

(g) *State.* "State" means any one of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, or Guam.

(h) *State Advisory Committee.* "State advisory committee" means the State-level committee provided for under and authorized by the State Agency in connection with its functions under the Agreement.

(i) *State Agency.* "State Agency" means the authorized State vocational education agency designated in the Agreement.

(j) *Training.* "Training" means planned and systematic sequence of instruction under competent supervision designed to impart predetermined skills, knowledge, or abilities with respect to a specific occupation and may include, to the extent necessary, instruction in basic subjects which is given specially in relation to such occupation.

(k) *Training Project.* "Training project" means a specified course of instruction for the training of referred individuals in one occupational training area.

(l) *Unemployed.* "Unemployed" as used in connection with a referred person means an individual whose status is so determined, at the time of the commencement of his training, by the Secretary of the U.S. Department of Labor for the purpose of payment of training allowances.

§ 160.2 Summary of program.

(a) *State participation in the Manpower Development and Training Program.* Each State which has entered into an Agreement has agreed to provide the training needed to equip both unemployed and other persons referred for training under the Act for the occupations that are specified in the referrals.

(b) *Conduct of training projects.* Under the Agreement the State Agency will provide the necessary training either by conducting training projects directly or by arranging for the conduct of training projects with public or private educational agencies or institutions. To the extent that the services and facilities of public educational agencies or institutions are not adequate pursuant to § 160.3 for the conduct of any training project or projects, the State Agency shall endeavor to make arrangements for the conduct of such training project or projects with private educational agencies or institutions whose services and facilities are found by the State Agency to be adequate pursuant to § 160.3.

(c) *State Agency's responsibility for training.* Notwithstanding any arrangements it may make for the conduct of training projects, the State Agency is responsible for taking such steps as are necessary to assure that training projects are expeditiously formulated for the training of referred persons and that the quality and adequacy of the training provided under such projects are consistently maintained. In any case in which it appears that the State Agency will be unable to arrange for the training of referred persons within the State, the Agency shall promptly notify the Commissioner to that effect.

§ 160.3 Services and facilities for the provision of training.

(a) *Adequacy.* The services and facilities of any public or private educational agency or institution shall be deemed adequate for the purpose of providing training under the Agreement only upon a finding by the State Agency that such agency or institution:

(1) Is generally regarded as offering quality training as reflected by such factors as its placement record and accreditation status;

(2) Will provide instructional staff for such training that meets or exceeds the State's standards of training, education, and experience for teaching similar courses in such occupations and related information;

(3) Will provide a course of instruction based on the recognized needs of the individuals who are to receive training and which will provide the skills and related information (including appropriate instruction in health and safety practices) requisite for employment in the occupation or occupations for which training is to be provided;

(4) Has developed suitable standards which set forth the level of competency in such occupation or occupations that will be required for the successful completion of the training project;

(5) Will have the facilities necessary for the training which is to be provided, including, but not limited to, space, tools, machines, supplies, and teaching aids;

(6) Will establish and maintain appropriate standards relating to health and safety in the conduct of the training; and

(7) Is financially sound and capable of fulfilling its commitments for training.

(b) *Nondiscrimination.* Training under the Act shall be given without distinction because of race, creed, color, or national origin.

§ 160.4 Approval of projects.

(a) *In general.* (1) Prior to the commitment of any funds for any training project, a proposal for the conduct of such project and a project budget prepared on the basis of the estimated costs of the training involved must be approved by the State Agency and the Commissioner.

(2) Project proposals and budgets will be approved by the Commissioner only if he is satisfied that the State Agency has taken all the steps necessary pursuant to Article II of the Agreement to assure high quality training and efficient utilization of resources.

(b) *Budgeting for training projects.* A budget (including directly attributable local supervisory costs as a separate item) shall be prepared for each proposed project for training and shall be reviewed by the State Agency in conjunction with its review of each proposed project.

(c) *Budgets for State administrative and supervisory costs.* As provided under Article IV C of the Agreement, an over-all budget estimate covering the cost of State administration and of supervision of the training program within the State under Article II of the Agreement shall be separately prepared and submitted to the Commissioner for approval. If the State Agency intends to expend any funds in connection with its utilization of the State advisory committee, such expenditure shall be separately identified and, to the extent permitted under Article II D (1) of the Agreement, included in the budget provided for under this subparagraph.

(d) *Maximum Federal commitment.* In order to assure that the Federal funds committed with respect to all approved training projects within any State and the State Agency's administration and supervision of the program do not exceed the total funds available for those purposes, each budget shall represent the maximum amount the Commissioner shall be obligated to pay the State Agency for such administration, supervision, or training. The maximum Federal financial commitment with respect to each budget may, with the approval of the State Agency and the Commissioner, be revised from time to time as reductions or increases in anticipated expenditures may warrant.

§ 160.5 Payment to State Agency.

(a) *In general.* Pursuant to Article IV of the Agreement within budget estimates therefor which have been approved by the State Agency and the Commissioner, the State Agency will be paid for either all or one-half of the allowable costs incurred in connection with training projects.

(b) *Determination of Federal share of allowable costs—training projects.* Subject to the maximum Federal commitment under § 160.4(d), the Federal share of all allowable costs incurred in connection with training provided under each project shall be (1) prior to July 1, 1964, 100 percent of such costs which are attributable to unemployed referred persons who have been enrolled for training in such projects, and (2) 50 percent of other allowable costs of such projects.

(c) *Determination of Federal share of allowable costs—State administration and supervision.* Subject to the maximum Federal commitment under § 160.4(d), the Federal share of allowable costs incurred in connection with the State Agency's administration and supervision of the program (including expenses of the State advisory committee) shall be (1) prior to July 1, 1964, 100 percent of the total allowable costs of such administration and supervision, and (2) thereafter 50 percent of such allowable costs.

§ 160.6 Allowable costs.

(a) *State administration of program.* To the extent that the items of cost are attributable to the carrying out of the responsibilities of the State Agency under Article II of the Agreement the allowable costs of the State Agency in its administration and supervision of the program of training may include such categories of expenses as the following: (1) Salaries (including employer's contributions to retirement, workmen's compensation, and other welfare funds maintained for one or more general classes of employees of the State Agency) of the staff, both clerical and professional; (2) equipment necessary for State programs for continuous supervision of the training projects conducted under the Agreement to insure the quality and adequacy of the training provided; (3) communications; (4) supplies, printing, and printed material; (5) office space as provided in paragraph (c) of this section; (6) expenses of the State advisory committee for necessary transportation and per diem to the extent permitted under Article II D (1) of the Agreement; (7) travel of staff; and (8) out-of-area travel of local supervisors when undertaken at the request of the State Agency.

(b) *Costs of training projects.* The allowable costs of the State Agency in the conduct of each training project either directly or by arrangement with public or private educational agencies or institutions may include, to the extent related to the conduct of an approved project and included in an approved project budget: (1) Salaries (including employer's contributions to retirement, workmen's compensation, and other welfare funds maintained for one or more general classes of employees) (i) of local vocational educational supervisory and supporting clerical staff and (ii) of instructional staff; (2) costs of teaching aids, training manuals and materials, supplies, and equipment including the purchase, transportation, rental, and/or maintenance of equipment; (3) rental, when publicly owned space is not available, utilities and custodial services for shop, classroom, and laboratory space; or (4) in the case of arrangements for the conduct of training projects with private educational agencies or institutions, in lieu of subparagraphs (1) (ii) through (3) of this paragraph, reasonable tuition and other charges, normally made by the facility for similar training; (5) costs for transportation within the geographic area of local supervisors in carrying out supervisory responsibilities in connection with approved training projects; and (6) minor remodeling of public buildings as provided in paragraph (d) of this section.

No fees or charges are to be collected from trainees as a condition of enrollment, participation, or completion of any approved training course of instruction. However, the cost applicable to services or materials for which such fees or charges are normally made by the training agency to enrollees for similar training may be included as a separate item in the budget for each training project, to the extent found to be necessary thereto.

(c) *Office space.* Allowable costs may include expenditures for office space (including the cost of utilities and janitorial services) in privately or publicly owned buildings if: (1) The expenditures for the space are necessary, reasonable, and properly related to the efficient administration of the program; (2) the State Agency will receive the benefits of the expenditures during the period of occupancy commencing with such expenditures; (3) the amounts paid by the State Agency are not in excess of comparable rental in a particular locality; and (4) expenditures represent an actual cost to the State Agency.

(d) *Minor remodeling.* Minor remodeling of a public building may be an allowable cost of a training project if it is necessary to make existing space suitable for classroom, shop, or laboratory purposes.

(e) *Proration of costs.* Only costs which are solely attributable to the carrying out of the provisions of the Agreement may be considered to be allowable costs. Budgets which include items of expenditure only part of which are attributable to carrying out the provisions of the Agreement must indicate the basis on which the portion of the total program costs is determined.

§ 160.7 Payment procedures.

(a) After it enters into the Agreement, there will be advanced promptly to each State an amount equal to one-quarter (or such portion thereof as may be requested by the State Agency) of the current training apportionment established pursuant to section 301 of the Act for use in that State. Subsequent advances will be made to each State from time to time (within the limits of amounts apportioned or reapportioned pursuant to section 301) on the basis of its need for further funds in carrying out the Agreement as determined from reports to the Commissioner of expenditures, estimates, and such other information as may be required.

(b) Upon notice to the State Agency that the Commissioner has determined that unused advances to a State Agency are in excess of its needs for carrying out the Agreement for a reasonable period, such excess will be returned to the Commissioner.

§ 160.8 Effect of payments.

Neither the approval of any project or administrative budget nor any advance or other payment made to the State Agency pursuant thereto shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of the failure of the State Agency to observe, before or after such administrative action, any Federal requirement.

§ 160.9 Fiscal procedures.

(a) The State Agency may make payments in advance or by way of reimbursement to agencies or institutions conducting training under the Agreement. Except for tuition payments to private institutions as provided in an approved training project such payments shall be supported by statements of proposed expenditures or by statements of expenditures on forms provided by the Commissioner.

(b) The advance of funds to an institution or agency will not be deemed an expenditure of such funds for purpose of the State's accountability for the expenditure of Federal funds under the Agreement.

(c) The State Agency will require each training institution or agency to keep adequate records by budget classification of expenditures made for each training project. Where training is procured from a public or private agency or institution on a reimbursable basis, prior to final settlement for a training project, the State Agency will satisfy itself through an audit by an appropriate State audit agency or staff or independent certified public accountant, of the correctness of amounts claimed by the training agency or institution. Such audits shall be conducted in accordance with standards approved by the Commissioner.

(d) (1) When the unit cost is $50.00 or more, the State Agency shall maintain an up-to-date inventory of (i) all equipment and teaching aids purchased as a part of a training project approved under the Act and (ii) all equipment purchased for use in State administration and supervision of training. A separate inventory must be maintained for subdivisions (i) and (ii) of this subparagraph.

(2) All equipment inventoried under subparagraph (1) (i) of this paragraph must be clearly marked to enable its easy identification as having been purchased with funds provided under the Act.

§ 160.10 Title to equipment and teaching aids.

Upon the termination of the Federal statutory authorization for Federal financial participation for the purposes of Part B of the Act, any equipment and teaching aids purchased by a State or local vocational education agency with funds to carry out the provisions of the Agreement shall become the property of the State.

§ 160.11 Separate records.

The State Agency shall maintain adequate records showing separately its activities under the Agreement for (a) State administration and supervision, and (b) training. Such records will indicate these activities as separate and distinct from other activities of the State Agency. The State Agency also will include a provision in its arrangements for training with each public and private educational agency or institution for the maintenance of records showing its training activities under the Act as separate and distinct from other activities.

§ 160.12 Evaluation.

The State Agency shall make provision for periodic reviews and evaluations of the training provided under the Agreement. Such evaluations shall include State Agency's recommendations for improvement and the need for continuing such training. Reports containing such reviews and evaluations shall be submitted by the State Agency to the Commissioner at such times as he may request.

§ 160.13 Records retention.

(a) The State Agency shall provide for keeping accessible and intact all records supporting claims for Federal funds or related to the accountability of a State Agency for expenditure of such funds and relating to the expenditure of its share of the costs of providing training under this Act

(1) For three years after the close of the fiscal year in which the expenditure was made by the State Agency or any public or private educational agency or institution; or

(2) Until the State Agency is notified that such records are not needed for program administration review; or

(3) Until the State Agency is notified of the completion of the Federal fiscal audit.

whichever is later.

(b) The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Commissioner.

Dated: August 16, 1962.

WAYNE O. REED,
Acting U.S. Commissioner of Education.

Approved: August 16, 1962.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 62-8558; Filed, Aug. 24, 1962; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-40]

PART 190—GENERAL

PART 194—RECORDING AND REPORTING OF ACCIDENTS

Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 6th day of August A.D. 1962.

It appearing that on December 7, 1959, a notice of proposed rule making was issued in the above-entitled proceeding with respect to proposals (1) to amend § 190.33 of Part 190 of the Motor Carrier Safety Regulations, (2) to change the title of Part 194 of said regulations from Reporting of Accidents to Recording and Reporting of Accidents, and (3) to vacate and set aside §§ 194.2 through 194.9 of the said regulations and to substitute revised sections in lieu thereof;

It further appearing that pursuant to such notice and the invitation contained therein, certain persons desiring to participate in the proceeding have submitted written statements containing data, views, and arguments concerning the proposed amendments and revisions, and that no useful purpose would be served by assigning the matter for oral hearing;

It further appearing that the said Commission, on the date hereof, has made and filed its report on further proceedings containing its findings of fact and conclusions thereon, which report and the prior report, 83 M.C.C. 607, are hereby referred to and made a part hereof:

It is ordered, That the specific requests for oral hearings, be, and they are hereby, denied.

It is further ordered, That effective January 1, 1963, § 190.33 *Applicability of regulations* (49 CFR 190.33) of the Motor Carrier Safety Regulations, as amended, be, and it is hereby, amended to read as follows:

§ 190.33 Applicability of regulations.

Parts 190–197 of this subchapter shall be applicable to common carriers, contract carriers, and private carriers subject to Part II, Interstate Commerce Act (49 U.S.C. 301 et seq.) as shown in the following table:

	Applicable parts of regulations						
	191	192	193	194	195	196	197
A. Vehicles and drivers used wholly within a municipality or the commercial zone thereof as defined by the Commission:							
1. When transporting explosives or other dangerous articles of such type and in such quantity as to require the vehicle to be specially marked or placarded under the Explosives and other Dangerous Articles Regulations, 49 CFR 77.823, or when operating without cargo under conditions which require the vehicle to be so marked or placarded under the cited regulations	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2. When operating under such conditions that special marking or placarding is not required under the regulations cited in paragraph A-1 of this table	No	No	No	Yes	Yes	No	No
B. Vehicles and drivers used beyond a municipality or the commercial zone thereof as defined by the Commission:							
1. When transporting explosives or other dangerous articles	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2. When not transporting explosives or other dangerous articles	Yes	Yes	Yes	Yes	Yes	Yes	No

NOTE: The operations outlined in A and B above, include the transportation and use of certain vehicles as specifically described in section 203(b) of the act, which include, generally, the following: (1) School buses; (2) taxicabs; (3) hotel buses; (4) motor vehicles under control of the Secretary of the Interior; (5) motor vehicles of agricultural cooperative associations; (6) motor vehicles used exclusively in carrying ordinary livestock, fish, or agricultural commodities; (7) motor vehicles used exclusively in distribution of newspapers; (7a) transportation incidental to transportation by aircraft; (8) transportation wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of such municipality or municipalities; (9) the casual, occasional, or reciprocal transportation of passengers (when arranged for by brokers or other persons for compensation) and of property consisting of explosives or other dangerous articles by motor vehicle, except that Part 195 is applicable to all casual, occasional, or reciprocal transportation by motor vehicle in interstate or foreign commerce for compensation by any person not engaged in transportation by motor vehicle as a regular occupation or business.

The term "private carrier of property by motor vehicle" means any person not included in the terms "common carrier by motor vehicle" or "contract carrier by motor vehicle", who or which transports in intefstate or foreign commerce by motor vehicle property of which such person is the owner, lessee, or bailee, when such transportation is for the purpose of sale, lease, rent, or bailment, or in furtherance of any commercial enterprise. (Section 203(a)(17) of the act.) Except as otherwise specifically provided, motor vehicles controlled and operated by any farmer when used in the transportation of agricultural commodities and products thereof from his farm, or in the transportation of supplies to his farm, are subject to the same regulations as those applicable to private carriers of property.

(Sec. 204(a), 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That effective January 1, 1963, the title of Part 194 of the Motor Carrier Safety Regulations, as amended, be, and it is hereby changed from Reporting of Accidents (Revised) to Recording and Reporting of Accidents (Revised);

It is further ordered, That effective January 1, 1963, §§ 194.2, 194.3, 194.4, 194.5, 194.6, 194.7, 194.8, and 194.9 of the Motor Carrier Safety Regulations, as amended, be, and they are hereby vacated and set aside and the following rules and regulations be, and they are hereby, substituted in lieu thereof:

§ 194.2 Definitions.

(a) *Recordable accident.* Any occurrence in the interstate, foregin, or intrastate operations of a motor carrier subject to Part II of the Interstate Commerce Act which involves a motor vehicle, whether loaded or empty, and which results in the death or injury of a person, or in property damage to any and all vehicles, cargo, and other property to an extent of $250.00 or more; except those occurrences which take place in boarding or alighting from stationary motor vehicles or in loading or unloading cargoes, unless explosives (or other dangerous articles as defined in Parts 71 to 90 of this chapter) or fire is involved. The term "recordable accidents" shall include, but is not limited to, the following:

(1) The contact of a motor vehicle, vehicle part or vehicle accessory, or of the cargo of a motor vehicle with another vehicle, a person, or an animal or any inanimate object.

(2) The overturn, running off the roadway, or rolling away from a parked position, by a motor vehicle.

(3) The unintended separation of units of a combination vehicle.

(4) Fire or explosion in or on a motor vehicle.

(5) The shifting of cargo within or upon a motor vehicle resulting in damage to property other than the cargo itself.

(6) The falling of cargo or of any person from a moving motor vehicle.

(7) Escape of any injurious, flammable or contaminating solid, liquid or gas, or of radiation from the cargo or other contents of a motor vehicle.

(8) Injury, as defined in paragraph (b) of this section, to any person in or on a motor vehicle, including injury resulting from inhalation of fumes.

(b) *Injury.* Bodily harm to any person resulting in one or more of the following:

(1) Loss of consciousness.

(2) Necessity to carry the person from the scene.

(3) Necessity for medical treatment.

(4) Disability which prevents the discharge of normal duties or the pursuit of normal activities beyond the day of the accident.

(c) *Property damage.* Physical damage, in dollars, to any and all vehicles, cargo, and other property, based upon actual cost or reliable estimates.

§ 194.3 Accident Register.

(a) Every motor carrier shall have in its files at its principal place of business—or at such regional office or offices as the Director of the Bureau of Motor Carriers, upon application by the motor carrier, may approve—a register, maintained currently and containing at least the following items of information with respect to each recordable accident.

(1) Accident Claim number, or carrier's file number.

(2) Date and hour of accident.

(3) Location of the accident (city or town and State).

(4) Name of driver.

(5) Numbers of deaths and of nonfatal injuries, and amounts of damage to property, in dollars.

(6) Nature of accident such as collision, overturn, fire, cargo damage, etc.

(7) Local or intercity operation (Did run extend beyond municipal commercial zone?).

(b) A copy of each report of a recordable accident made to the Interstate Commerce Commission, to any state or local regulatory agency, or to any insurance company, shall be filed with the Accident Register and shall be arranged in accordance with an orderly plan which is coordinated with the entries on the Accident Register.

(c) Retention of Accident Register: The Accident Register provided for in paragraph (a) of this section and the additional information provided for in paragraph (b) of this section, shall be retained in the carrier's files at least for three years following occurrence of any accident so recorded.

§ 194.4 Accident reporting.

(a) Every motor carrier, except private carriers of property, shall file a report prepared on the form prescribed in this section for such carrier's use, for each recordable accident (as defined in § 194.2(a)) which occurs in the operations of such carrier.

(b) Reports of accidents involving passenger-carrying vehicles: A detailed report of every recordable accident involving a bus operated by him or it shall be prepared by the motor carrier on Form BMC–50–B (1955) (§ 7.50b of this chapter).

(c) Reporting of accidents involving property-carrying vehicles: A detailed report of every recordable accident involving a motor vehicle other than a bus operated by him or it shall be prepared by the motor carrier on Form BMC–50–T (1955) (§ 7.50t of this chapter).

§ 194.5 Filing of accident reports of Forms BMC 50–B and BMC 50–T.

The original and one copy of each accident report of Forms BMC–50–B and BMC–50–T, prepared in compliance with this section, shall be filed by the motor carrier as soon as possible, and in every instance within 15 days after occurrence of the accident, with the District Director, Bureau of Motor Carriers, listed in § 190.40 of this subchapter, for the district in which the motor carrier has his or its principal place of business.

§ 194.6 Retention of copies of accident reports.

A copy of each accident report filed in compliance with this Section shall be retained by the motor carrier in the files of his or its principal place of business for at least 3 years: *Provided, however*, That a copy of an identical report of such accident filed with any State

public utilities or railroad commission or other State agency or insurance company requiring the reporting of accidents on forms identical with Form BMC–50–B and Form BMC–50–T will satisfy this requirement if such a copy carries a notation on its face that report of the accident has been made to this Commission.

§ 194.7 Immediate notice of fatal accidents.

Whenever a reportable accident results in the death of any person at the time of the accident or within 24 hours thereafter, the motor carrier, whether domiciled in the United States or elsewhere, shall immediately transmit notice of such accident by telegraph or telephone to the proper District Director as indicated in § 194.5. Such notice shall include the following information: The date, time, and exact location of the accident, the number of persons killed and the number injured, and the name and address of the motor carrier.

§ 194.8 Deaths occurring before filing report.

In addition to the requirements of § 194.7, every death shall be reported on Form BMC–50–B or Form BMC–50–T whether it occurs at the time of the accident or subsequently if such deaths occur prior to the filing of said accident report form.

§ 194.9 Notice of death after filing report.

Whenever any accident results in the death of any person after the motor carrier has filed his or its report of the accident on Form BMC–50–B or Form BMC–50–T, notice of such death shall be given in writing, as soon as possible after such death becomes known to the motor carrier, to the proper District Director as indicated in § 194.5. Such notice shall include the following information: The date and location of the accident, the name and age of the deceased, and the name and address of the motor carrier.

And it is further ordered, That notice of this order shall be given to motor carriers and the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(49 Stat. 546, as amended; 49 U.S.C. 304)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–8566; Filed, Aug. 24, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Rohm & Haas Company, 222 West Washington Square, Philadelphia 5, Pennsylvania, proposing the establishment of a tolerance for residues of a coordination product of zinc ion and manganese ethylenebisdithiocarbamate containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (calculated as zinc ethylenebisdithiocarbamate), in or on bananas at 15 parts per million, of which not more than 2 parts per million shall be in the pulp after peel is removed and discarded. The requested tolerance would apply to accumulative residues from both preharvest and postharvest use.

The analytical method proposed in the petition for determining residues of this coordination product of zinc ion and manganese ethylenebisdithiocarbamate as above described, is that published for maneb in the FEDERAL REGISTER of October 4, 1960 (25 F.R. 9473), with modifications and special methods for preparing banana samples for analysis.

Dated: August 20, 1962.

ROBERT S. ROE, *Director, Bureau of Biological and Physical Sciences.*

[F.R. Doc. 62–8557; Filed, Aug. 24, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket No. 13518]

STATEMENTS OF GENERAL POLICY; NON-TRANSPORT ACTIVITIES OF SUBSIDIZED AIR CARRIERS

Supplemental Notice of Proposed Rule Making

AUGUST 22, 1962.

The Board, in 27 F.R. 3295 and by circulation of a notice of proposed rule making PSDR–4, dated April 2, 1962, gave notice that it had under consideration a proposed addition to Part 399, Statements of General Policy, which would express the Board's policy of considering non-transport activities of subsidized air carriers as prima facie contrary to the public interest. By supplemental notice of rule making, PSDR–4A (27 F.R. 4309), the time for filing comments was extended to June 15, 1962. Since then, inquiries about the possibility of further comments have been received, and further comments have been tendered to the Board, including comments by the Administrator of the Federal Aviation Agency indicating certain air safety aspects of this matter.

It appears to the undersigned that good cause has been shown for further extension of time for comments on this proposal in order to regularize the filing of the comments tendered and to give all interested persons a further opportunity to comment on the proposal or on comments filed by other persons. The undersigned finds it in the public interest to grant an additional 10-day period in which comments will be received.

Accordingly, pursuant to authority delegated under section 7.3 C of Public Notice PN–15, the undersigned hereby extends the date for comments on PSDR–4 until September 5, 1962. All relevant matter in communications received on or before this date will be considered by the Board before taking final action on the proposed addition to Part 399. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a), 1001, Federal Aviation Act, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481)

[SEAL] JOSEPH B. GOLDMAN, *Acting General Counsel.*

[F.R. Doc. 62–8576; Filed, Aug. 24, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Notice of Proposed Rule Making With Respect to Carryover of Unexpended Funds and Establishment of Reserve

Correction

In F.R. Doc. 62–8422, appearing at page 8356 of the issue for Wednesday, August 22, 1962, the date immediately preceding the signature should read "August 17, 1962" instead of "August 7, 1962."

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 210]

[Release 33–4525]

FORM AND CONTENT OF FINANCIAL STATEMENTS OF LIFE INSURANCE COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed amendment to Regulation S–X (17 CFR Part 210) adding provisions with respect to form and content of financial statements and related schedules filed by life insurance companies.

Experience gained from the examination of financial statements and schedules filed with the Commission by life insurance companies indicates the desirability of amending Regulation S–X (Part 210) for the purpose of including therein a new article designated as Article 7A (§§ 210.7a–01 to 210.7a–06) and a new schedule designated as Schedule 12–31 (§ 210.12–31. The proposed requirements provide for reasonable uniformity in accounting policies and practices in financial statements included in registration statements and annual reports filed with the Commission. Other schedules which are required to be filed by such companies were adopted in connection with the revision of Article 7 of Regulation S–X (§§ 210.7–01 to 210.7–06) which applies to insurance companies other than life and title insurance companies. (See Accounting Series Release No. 89, July 26, 1961, and the FEDERAL REGISTER of August 9, 1961, 26 F.R. 7123.)

It is believed that the requirements of the proposed amendment call for information which is presently given in the Annual Statement filed with state regulatory authorities or is otherwise readily available. Wherever possible the order and terminology of the current Annual Statement have been used in this revision.

The principal variations between financial statements and schedules presently being filed with the Commission and those included in this proposal are in the form of the profit and loss or income statement and in the addition of a schedule calling for information regarding changes in policy reserves, benefits, and insurance in force. On the proposed profit and loss statement the manner of presenting investment income has been changed and interest required to maintain reserves is not required to be separately stated.

These revisions are proposed to be made pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10, and 19(a) thereof; the Securities Exchange Act of

1934, particularly sections 12, 13, 15(d), and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 5(b), 14, and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 8, 30, 31(c), and 38(a) thereof.

The proposed sections read as follows:

LIFE INSURANCE COMPANIES

§ 210.7a–01 Application of §§ 210.7a–01 to 210.7a–06.

These sections shall be applicable to financial statements filed for life insurance companies.

§ 210.7a–02 General requirement.

Except as otherwise provided in §§ 210.7a–01 to 210.7a–06, persons subject to these sections shall follow the rules and instructions governing the definition and computation of items in annual statements to their state regulatory authority. If the registrant deviates from such rules and instructions of its state regulatory authority, except in accordance with the provisions of these sections, the reason for and effect of such deviation shall be stated.

§ 210.7a–03 Balance sheets.

Balance sheets filed for life insurance companies shall comply with the following provisions:

ASSETS AND OTHER DEBITS

1. *Bonds.*

2. *Investments in stocks other than stocks of affiliates.* State separately (a) preferred stocks and (b) common stocks.

3. *Investments in stocks of affiliates*—(a) *In insurance companies.* Include only stocks of insurance companies under this subcaption.

(b) *In other affiliates.* Include under this subcaption stocks of other affiliates. If any such "other affiliates" controls insurance companies the stock of such "other affiliate" shall be included under this subcaption, and the fact of such control shall be stated in a note to the balance sheet.

4. *Mortgage loans on real estate.* State separately (a) first liens and (b) other than first liens.

5. *Real estate.* State parenthetically or otherwise the amount of encumbrances deducted.

6. *Policy loans.*

7. *Cash and cash items.* State separately (a) cash on hand, demand deposits, and time deposits and (b) call loans.

8. *Premiums and other considerations deferred and uncollected.*

9. *Interest, dividends and real estate income due and accrued.*

10. *Other assets.* State separately any significant items.

LIABILITIES, CAPITAL SHARES AND SURPLUS

11. *Aggregate reserves for all policies.*

12. *Policy and contract claims.*

13. *Policyholders' funds.* State separately (a) funds on deposit; (b) premiums received in advance; and (c) dividends to policyholders declared and unpaid.

14. *Dividends to stockholders declared and unpaid.*

15. *Borrowed money.* State here or in a note as to each loan (a) from whom borrowed; (b) date of loan; (c) repayment terms and other conditions governing each loan; (d) due date; (e) extensions granted; (f) original amount; and (g) interest rate.

16. *Other liabilities.* State separately any significant items.

17. *Commitments and contingent liabilities.* See §§ 210.3–18 and 210.3–19.

18. *Capital shares.* State for each class of shares the title of issue, the number of shares authorized, the number of shares outstanding and the capital share liability thereof, and, if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued and of subscriptions receivable thereon.

19. *Surplus.* (a) Separate captions shall be shown for (1) paid-in surplus, (2) surplus arising from revaluation of assets, (3) other capital surplus, and (4) earned surplus (i) appropriated and (ii) unappropriated. There shall be included under earned surplus, appropriated, all reserves and segregations of surplus, mandatory or voluntary, which are general contingency reserves whose purposes are not specific or reserves for indefinite possible future losses, such as, for example, to supplement and strengthen the legal reserve, for future decline in value of investments, or for contingencies. That portion of the surplus which is allocable to participating policies should be included in caption 20 below.

(b) If undistributed earnings of subsidiaries are included, state the amount thereof parenthetically or otherwise. However, in a consolidated statement the preceding sentence shall have reference only to the undistributed earnings of subsidiaries not consolidated in such statement.

(c) An analysis of each surplus account setting forth the information prescribed in § 210.11–02 shall be given for each period for which a profit and loss statement is filed, as a continuation of the related profit and loss statement or in the form of a separate statement of surplus, and shall be referred to here. In this statement caption 3, *Other additions to surplus,* shall be subdivided to show (1) unrealized gain on bonds and stocks from change in market values; (2) unrealized gain on other investments from change in market values; (3) realized gain on investments; and (4) all others, designating clearly the nature thereof. Likewise, caption 4, *Deductions from surplus other than dividends,* shall be subdivided to show (A) unrealized loss on bonds and stocks from change in market values; (B) unrealized loss on other investments from change in market values; (C) realized loss on investments; and (D) all others, designating clearly the nature thereof.

(d) If separate balances are not shown in the accounts for the divisions of surplus in (a) above other than for earned surplus appropriated, i.e., if the company has not, up to the opening of the period of report, differentiated in its accounting for surplus as indicated, then the unsegregated surplus may be stated in one amount, and, in lieu of such segregation, there shall be given as a note an analysis of surplus since organization. Such analysis shall show (1) total net income after income taxes; (2) aggregate dividends paid (A) in cash and (B) in capital stock; (3) total paid-in surplus; (4) realized gain or loss on investments; (5) unrealized gain or loss from change in market values; (6) aggregate transfers to reserves; (7) nonadmitted assets; and (8) other additions or deductions of material amount, indicating clearly the nature of the item.

20. *Surplus allocable to participating policies.* State the amount of surplus allocated to participating policies and not available for dividends to stockholders.

§ 210.7a–04 Profit and loss or income statements.

Profit and loss or income statements filed for life insurance companies shall comply with the following provisions:

1. *Premiums and other considerations.* State separately the amount arising from (a) life insurance, (b) accident and health insurance, and (c) considerations for supplementary contracts.

2. *Investment income*—(a) *Investment Income*—(1) *Interest on bonds.*

(2) *Dividends.* State separately dividends from (i) unaffiliated companies and (ii) affiliated companies.

(3) *Interest on mortgage loans.*

(4) *Real estate income.*

(5) *Interest on policy loans.*

(6) *Other investment income.* State separately any material amounts.

(7) *Total investment income.*

(b) *Investment expense.* Include interest on encumbrances, real estate expense, supervisory service, other fees, salaries, administrative expenses, etc. State separately any material amounts.

(c) *Net investment income.*

3. *Other income.* State separately any significant items.

4. *Total.*

5. *Death and other benefits.*

6. *Increase in aggregate reserves for all policies.*

7. *Total.*

8. *Balance.*

9. *Commissions.*

10. *Salaries and general insurance expenses.* Amounts allocable to investment expense shall be excluded from this caption and captions 11 and 12 below.

11. *Taxes, licenses and fees.* Income taxes shall not be included under this caption.

12. *Other underwriting expense.*

13. *Increase in loading on deferred and uncollected premiums.*

14. *Total income and profit and loss from underwriting and investment.*

15. *Dividends to policyholders.* State separately dividends to (a) life policyholders and (b) accident and health policyholders.

16. *Net income or loss before provision for income taxes.*

17. *Provision for income taxes.* State separately (a) Federal normal income tax and surtax and (b) other income taxes. See § 210.7a–05.2.

18. *Net income or loss.*

§ 210.7a–05 Special notes to financial statements.

1. Assets shall be set forth in the balance sheet at admitted asset values. Book values of assets included under captions 1, 2, 3(a), 3(b), 4, 5, and 6 shall be shown parenthetically or in a note.

The total amount of nonadmitted assets shall be stated in a note, and if such amount exceeds one percent of the total admitted assets then a separate statement shall be presented showing the details of such assets. State in a note or otherwise the amount of assets charged to income or surplus immediately upon acquisition during the period if significant.

There shall also be added as a note to the financial statements the following:

"The term 'admitted assets' means the assets stated at values at which they are permitted to be reported to the respective domiciliary state regulatory authority for balance sheet purposes in the annual report in accordance with the rules and regulations of such regulatory authority.

"The term 'nonadmitted assets' means assets other than assets which are so permitted to be reported."

2. State in notes or otherwise:

(a) The general policy of the company in determining dividends and profits allocable to participating policies.

(b) The amount of surplus not available for payment of dividends to stockholders. See § 210.3–19(f).

(c) The addition to the "policyholders' surplus" (under the sections of the Internal Revenue Code applicable to life insurance companies on which payment of income taxes has been deferred) for each period for which a profit and loss statement is filed and the total thereof accumulated as of the date of the most recent balance sheet filed. The income taxes, at current rates, which would become payable on these amounts upon distribution thereof to shareholders shall also be stated.

(d) The portion of the provision for income taxes applicable to realized gain or loss on investments reported as a surplus item.

(e) The amount of income tax which would accrue if the unrealized gain from change in market value of investments were realized by sale or maturity.

3. State in a note the types of mortality tables and rates of interest most generally used in calculating reserves and whether the net level premium or a modified reserve valuation method is used.

§ 210.7a–06 What schedules are to be filed.

(a) Except as expressly provided otherwise in the applicable form:

(1) The schedules specified below in this section as Schedules I, II, III, IV, V, VI, VIII, and IX shall be filed as of the date of the most recent balance sheet filed for each person or group. Such schedules shall be certified if the related balance sheet is certified.

(2) All other schedules specified below in this section shall be filed for each period for which a profit and loss statement is filed. Such schedules shall be certified if the related profit and loss statement is certified.

(b) Reference to the schedules shall be made against the appropriate captions of the balance sheet and the profit and loss statement.

(c) If the information required by any schedule (including the footnotes thereto) may be shown in the related balance sheet or profit and loss statement without making such statement unclear or confusing, that procedure may be followed and the schedule omitted.

Schedule I: Bonds. The schedule prescribed by § 210.12–23 shall be filed in support of caption 1 of each balance sheet.

Schedule II: Stocks—other than stocks of affiliates. The schedule prescribed by § 210.12–24 shall be filed in support of caption 2 of each balance sheet.

Schedule III: Mortage loans on real estate. The schedule prescribed by § 210.12–25 shall be filed in support of caption 4 of each balance sheet.

Schedule IV: Real estate. The schedule prescribed by § 210.12–26 shall be filed in support of caption 5 of each balance sheet.

Schedule V: Summary of investments in securities—other than securities of affiliates. The summary schedule prescribed by § 210.12–27 shall be filed in conjunction with Schedules I and II.

Schedule VI: Investments in stocks of affiliates. The schedule prescribed by § 210.12–28 shall be filed in support of caption 3 of each balance sheet.

Schedule VII: Policy reserves, benefits, and insurance in force. The schedule prescribed by § 210.12–31 shall be filed in support of caption 11 of each balance sheet and captions 5 and 6 of each profit and loss statement. The schedule prescribed by § 210.12–29 may be used insofar as it may more appropriately present those reserves of accident and health business which are based on unearned premiums and the related benefits paid.

Schedule VIII: Capital shares. The schedule prescribed by § 210.12–14 shall be filed in support of caption 18 of each balance sheet.

Schedule IX: Other securities. If there are any classes of securities not included in Schedule VIII, set forth in this schedule information concerning such securities corresponding to that required for the securities in such schedule. If the securities required to be reported on the schedules prescribed by §§ 210.12–10, 210.12–12, or § 210.12–15 are present, those schedules should be used. Information need not be set forth, however, as to notes, drafts, bills of exchange or bankers' acceptances having a maturity at the time of issuance of not exceeding one year.

Schedule X: Income from dividends—equity in net profit and loss of affiliates. The schedule prescribed by § 210.12–17 shall be filed in support of caption 2(a)(2)(ii) of each profit and loss statement.

Schedule XI: Summary of realized gains or losses on sale or maturity of investments. The schedule prescribed by § 210.12–30 shall be filed in support of the related amount shown on each analysis of surplus required under caption 19(c) of each balance sheet.

§ 210.12–31 Policy reserves, benefits, and insurance in force[1] (for life insurance companies).

Policy Reserves:		
1. Additions		$----
(a) Tabular net premiums and other considerations	----	
(b) Tabular interest	----	
(c) Other[2]	----	

Policy Reserves—Continued		
2. Deductions:		
(a) Tabular cost	$----	----
(b) Reserves released	----	----
(c) Annuity, supplementary contract and other payments	----	----
(d) Other[2]	----	----
	----	----
3. Increase in policy reserves		----
4. Policy reserves at beginning of period		----
5. Policy reserves at end of period		----
Death and other benefits	$----	
Insurance in force	----	

[1] This schedule shall be prepared from and be in substantially the same form as the analysis of increase in reserves during the year (gain and loss exhibit) of the annual statement filed with the respective domiciliary state regulatory authority. If the company writes more than one line of business, e.g., industrial, ordinary, group life insurance, the schedule shall show in columnar form the changes in the policy reserves and the amounts of benefits and insurance in force allocable to each line of business. In lieu of this schedule there may be filed the aforementioned analysis of increase in reserves during the year (gain and loss exhibit) of the annual statement filed with the respective domiciliary state regulatory authority together with the information required regarding death and other benefits and insurance in force.

[2] State separately any significant items.

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85, as amended, 15 U.S.C. 77f, 77g, 77h, 77j, 77s; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901, as amended, 15 U.S.C. 78l, 78m, 78o, 78w; secs. 5(b), 14, 20(a), 49 Stat. 812, 827, 833, 15 U.S.C. 79e, 79n, 79t; secs. 8, 30, 31(c), 38(a), 54 Stat. 803, as amended, 836, 838, 841, 15 U.S.C. 80a–8, 80a–29, 80a–30, 80a–37)

All interested persons are invited to submit data, views and comments on the above-mentioned proposal in writing to the Securities and Exchange Commission, Washington 25, D.C., on or before October 1, 1962. All such views and comments will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 20, 1962.

[F.R. Doc. 62–8554; Filed, Aug. 24, 1962; 8:46 a.m.]

Notices

ATOMIC ENERGY COMMISSION

STATE OF NEW YORK

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of New York for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of New York and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as Appendix "A" to this notice. A copy of the complete text of the New York program, including proposed New York regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Office of Radiation Standards, United States Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 9th day of August 1962.

For the Atomic Energy Commission.

HAROLD D. ANAMOSA,
Acting Secretary to the Commission.

Agreement Proposed by the State of New York Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended, for the Assumption of Certain of the Atomic Energy Commission's Regulatory Authority

Whereas the United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas the Governor of the State of New York is authorized under section 462 of the New York State Atomic Energy Law to enter into this Agreement with the Commission; and

Whereas the Governor of the State of New York certified on July 20, 1962, that the State of New York (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas the Commission found on ----------, 1962, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commision for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article VIII. This Agreement shall become effective on October 15, 1962, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

APPENDIX "A"

RADIATION CONTROL IN THE STATE OF NEW YORK

I. Introduction. The State of New York has had a comprehensive program for the control of the possession and use of radiation sources since 1955. The program described herein constitutes a continuation of this previously existing program as modified to accommodate responsibilities which the State will assume and the United States Atomic Energy Commission will discontinue under a contemplated agreement between the Commission and the State.

Background. There are three agencies within the State with primary regulatory responsibility regarding the health and safety of the possession and use of radiation sources. Each has its own jurisdiction and each has promulgated its own regulatory code. The State Department of Health is responsible for public and medical health throughout the State, except for New York City in which the New York City Department of Health is so responsible. The State Department of Labor is responsible for industrial health and safety throughout the entire State, including New York City. Collectively, the authority of these three agencies reaches all radiation sources subject to the State's jurisdiction.

In 1955, the State Department of Health was statutorily authorized to "supervise and regulate the public health aspects of the use of ionizing radiation and the handling and disposal of radioactive wastes" and, in 1960, to "license atomic energy activities within the State affecting or likely to affect public health and relating to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass". Within the State Department of Health there is the State Public Health Council, which is statutorily authorized to establish, subject to the approval of the State Commissioner of Health, the State Sanitary Code. The Code "may deal with any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York, and with any matters as to which jurisdiction is conferred upon the public health council". A 1960 amendment to the State Public Health Law expressly provides that the State Sanitary Code may "require that application be made for a license to possess or use atomic energy byproduct materials, source materials and special nuclear materials in quantities not sufficient to form a critical mass and prescribe the use to which any such materials may be put". Pursuant to the original statutory authority Chapter XVI (entitled "Ionizing Radiation") of the State Sanitary Code was made effective in 1955.

Within the State Department of Labor there is the State Board of Standards and Appeals with statutory power to make rules for proper sanitation and for guarding against and minimizing fire hazards, personal injuries and diseases in industrial facilities. The State Labor Law provides further that "Whenever the board finds that any industry, trade, occupation or process involves such elements of danger to the lives, health or safety of persons employed therein as to require special regulation for the protection of such persons, the board may make special rules to guard against such elements of danger by * * * requiring licenses to be applied for and issued by the Department as a condition of carrying on any such industry, trade, occupation or process * * *". Pursuant to this statutory authority, Rule No. 38 (entitled "Radiation Protection") of the State Industrial Code was made effective in 1955.

The New York City Department of Health has authority to regulate all matters affecting health over which the City has jurisdiction under its "Home Rule" charter from the State. Within the City Department of Health there is the City Board of Health, which is given the authority to promulgate the City Health Code embracing "all matters and subjects to which the power and authority of the Department extends * * *" and to "grant, suspend or revoke permits for businesses or other matters in respect to any subject regulated by the Department". Pursuant to this authority, Article 6 (entitled "Control of Radiological Hazards") of the City Sanitary Code, was made effective in 1958. This Article was superseded in 1959 by Article 175 (entitled "Radiological Hazards") of the City Health Code.

Coordination of the regulation of atomic energy activities within the state was begun by executive action in 1955, through the establishment of the Council on the Use of Nuclear Materials, whose functions included "to coordinate safety activities related to atomic energy in New York State * * * (and) to coordinate liaison relationships with the Atomic Energy Commission". In 1956, also by executive action, the Atomic Energy Advisory Committee was created to "assist the Governor and his Council on the Uses of Nuclear Materials in expanding industrial applications of atomic energy and maintaining the health and safety of workers in plants using nuclear materials", and also to produce "specific recommendations for * * * necessary legislation".

The enactment of the State Atomic Energy Law on March 9, 1959, placed the coordination of regulatory atomic energy activities within the state on a statutory basis. This law established the Office of Atomic Development, headed by a director responsible to the Governor. With respect to regulatory matters, the functions, powers and duties of the Office include advising and assisting the Governor and the Legislature on atomic energy matters; coordinating the atomic energy activities of the agencies of the state and its political subdivisions; and correlating the atomic energy activities of the state and its political subdivisions with similar activities of the federal government and the governments of other states.

In order to assist the Office to fulfill its coordinating function, the State Atomic Energy Law requires that all agencies of the state and its political subdivisions keep the Office fully and currently informed as to their activities relating to atomic energy or ionizing radiation; and that no rule or regulation or amendment thereto, primarily and directly related to atomic energy, take effect until 90 days after submittal to the Office, unless such waiting period is waived by the Governor or the director. In addition, the legislation established a State Atomic Energy Coordinating Council, consisting of the director as chairman and such other persons, including representatives of agencies of the State and its political subdivisions, as the Governor may appoint, to advise, assist and make recommendations to the director with respect to the coordination of atomic energy activities of agencies of the state and its political subdivisions. The present membership of the Council includes the New York City Commissioner of Health, the State Industrial Commissioner, the State Commissioners of Health, Education and Commerce, and the Chairman of the State Public Service Commission.

During the summer of 1959, at hearings of the Joint Congressional Committee on Atomic Energy on "Federal-State relationships in the Atomic Energy Field", representatives of the State testified in favor of the amendments to the Atomic Energy Act of 1954 which authorize the Atomic Energy Commission to discontinue certain of its regulatory activities within individual states upon execution of an agreement with such states. After enactment of such federal legislation (Public Law 86-373), the New York State Legislature, in early 1960, adopted an amendment to the State Atomic Energy Law expressly authorizing the Governor to enter into an agreement with the Commission relating to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass.

Development of modified program. The principal elements of the program for radiation control in the State are the State Sanitary Code, State Industrial Code and New York City Health Code, and, so far as coordination is concerned, the applicable provisions of the State Atomic Energy Law.

The regulatory codes have been modified by the three regulatory agencies, in cooperation with the Office of Atomic Development, in order to achieve:

1. An integrated program of radiation control covering not only activities over which authority will be discontinued by the Atomic Energy Commission (use of byproduct material, source material, and special nuclear materials in quantities not sufficient to form a critical mass), but also activities over which State agencies have exercised exclusive jurisdiction (use of naturally-occurring and accelerator-produced radioisotopes and radiation-producing equipment, e.g., X-ray equipment).

2. Uniformity, insofar as practicable, among the three codes, taking into consideration, however, necessary distinctions arising from the differing subject matters and conditions with which each agency is concerned and the previously existing code structure of each agency.

3. Compatibility between the State's radiation-control program and the Atomic Energy Commission's program for the regulation of like radioactive materials, as required by Section 274.d(2) of the Atomic Energy Act of 1954, as amended.

In developing the modified State program to achieve the foregoing objectives, the agencies concerned agreed that the substantive content of the program, i.e., the radiation protection standards, should be predicated both now and in the future upon the guides of the Federal Radiation Council as approved by the President and, where the Federal Radiation Council has been silent, pertinent recommendations of the National Committee on Radiation Protection and Measurements.[1]

[1] In response to a request by the Commission for clarification of this paragraph, the Director of the New York Office of Atomic Development submitted the following reply:

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AUGUST 7, 1962.

"DR. CLIFFORD K. BECK,
Acting Director of Regulation,
U.S. Atomic Energy Commission,
Washington 25, D.C.

"DEAR DR. BECK: During the course of our telephone conversation of August 6, 1962, you expressed concern that the following paragraph on page 4 of the introduction to the narrative material entitled 'Radiation Control in the State of New York,' submitted to the Commission by Governor Rockefeller on July 20, may be misinterpreted as inconsistent with the continuation of compatibility between the programs of the State and the Commission for the regulation of like materials:

"'In developing the modified State program to achieve the foregoing objectives, the agencies concerned agreed that the substantive content of the program, i.e., the radiation protection standards, should be predicated both now and in the future upon the guides of the Federal Radiation Council as approved by the President and where the Federal Radiation Council has been silent, pertinent recommendations of the National Committee on Radiation Protection and Measurements.'

"I would like to assure you that the pertinent regulations of the Commission, as well as the recommendations of the Federal Radiation Council and the National Committee on Radiation Protection and Measurements, will be utilized in achieving the desired objective of continuing compatibility.

"Sincerely yours,

OLIVER TOWNSEND,
Director."

Copy

With respect to other substantive matters, such as precautionary procedures, e.g., surveys, posting, labeling, existing Commission regulations were used as models. Accordingly, regulations on these subjects within the State program are substantially similar to Commission regulations, although some details were either condensed or eliminated, and several additional requirements were specified. Similarly, the Commission's regulations pertaining to licensing procedures were used as models, with some condensation and modification.

In general, modification of the previous regulatory codes has resulted in a State program which is compatible with the Commission's program but which differs from the Commission's program in several respects, primarily because of the applicability of the State's integrated program to all radiation sources, including those whose possession and use is subject to registration rather than licensing.

Public hearings on the proposed modifications of Industrial Code Rule No. 38, as required by law, were held by the State Board of Standards and Appeals in Syracuse on March 14, 1962, and in New York City on March 16, 1962. The New York City and State Departments of Health solicited comments and received advice from various interested groups and individuals within the City and State in accordance with their customary practices. Modifications of the Regulatory code of each department are scheduled to go into effect on October 15, 1962.

II. *Program description*—A. *Radiation protection standards.* The regulations specifying radiation protection standards which are contained in each of the regulatory codes are briefly described below. Except in certain limited respects, these radiation protection standards are identical in substance to existing provisions in Part 20 of the Commission regulations. It is the present intent of each of the three departments that the regulations specifying the radiation protection standards and the provisions pertaining to additional requirements and the granting of exemptions or variations will be administered in accordance with existing Commission practice. However, details pertaining to such administration found in Commission regulations have not been included in the codes because of the limited number of persons within the State to whom they would be applicable. It is important to note that these radiation protection standards will, except in certain specified respects, be uniformly applicable to regulated users of all radiation sources within the State, including all radioactive materials and radiation-producing equipment.

1. *Permissible doses, levels, and concentrations.* The three codes contain uniform provisions with respect to permissible occupational doses from external exposure and from concentration of airborne radioactive material and permissible doses in uncontrolled areas from external exposure and from concentration of airborne radioactive material.

The limits contained in the codes closely follow the radiation protection guides of the Federal Radiation Council and the recommendations of the National Committee on Radiation Protection and Measurements. Accordingly, permissible occupational doses are specified for periods of any 13 consecutive weeks and utilize the values specified for such 13 week periods by the Council. The values contained in the regulations of the Atomic Energy Commission, which are based upon the concept of fixed calendar quarters, were not adopted.

Among other excluded details, the codes do not specify under what conditions exposures in excess of permitted concentrations or radiation levels will be authorized. Such details have been excluded as unnecessary, but the regulatory departments intend to be guided by the Commission practice which is reflected in existing Commission regulations.

2. *Precautionary procedures.* The codes contain requirements with respect to surveys, checks and tests; personnel monitoring, caution signs, labels, signals, and control devices; instruction of personnel; posting of notices to employees; and securing of radioactive materials. These requirements are substantially uniform and identical in substance to present Commission requirements. Some differences have arisen since the State program covers radiation sources in addition to byproduct, source and special nuclear material. For example, each code requires the designation of a radiation safety officer and specifies his qualification and responsibilities. This requirement is particularly necessary in view of the fact that procedures for use of certain radiation sources will not necessarily be preevaluated, since such sources will be subject to registration rather than licensing. Similarly, requirements with respect to such items as surveys, checks and tests are more explicit in the State program. Some or all of the codes also contain additional provisions with respect to such items as vacated premises; exposure of food to ionizing radiation; protection against fire hazards, etc. On the other hand, the codes specifically exclude some radiation sources, outside of the purview of Commission responsibility, from certain requirements, e.g., X-ray equipment used for medical and dental purposes need not be labeled and installations containing only such equipment need not be posted.

3. *Waste disposal.* All three codes permit disposal of radioactive material by transfer to an authorized recipient and by release to uncontrolled areas in concentrations which do not exceed those specified in the applicable regulations. The three codes forbid disposal by incineration. The State Sanitary Code and City Health Code permit disposal of specified concentrations into sanitary sewer systems. The State Santiary Code permits burial of limited quantities under specified conditions, as do Commission regulations, but imposes the additional requirement of prior notification before a burial ground is established. The City Health Code does not permit burial of radioactive material within New York City. The Industrial Code permits release to sanitary sewer systems or burial in soil in accordance with applicable provisions of the City Health Code and State Sanitary Code. None of these codes specifies the requirements for additional methods of disposal, but permission for such methods could be requested as an exemption or variation from specific regulatory requirements, and in acting upon requests, current Commission practices will be considered.

4. *Transportation.* The State Sanitary Code and State Industrial Code permit intrastate shipment of radioactive materials if the shipment complies with such regulations of relevant federal agencies as would be applicable if it were in interstate commerce or if the shipment is specifically approved by the appropriate department. The New York City Health Code retains a provision with respect to shipments of radioactive materials which was adopted in 1960, after consultation with the Atomic Energy Commission, and requires prior notification and approval of route of shipments of radiation sources which may involve a high degree of hazard, as listed in a declaration published by the New York City Health Commissioner in the City Record.

It may also be noted that the State Public Service Commission requires that the regulations of the Interstate Commerce Commission relating to the transportation of explosives and other dangerous articles be followed by motor carriers within its jurisdiction. This requirement was first imposed in an order of the Public Service Commission of May 15, 1955 (Case MT-7482) and is now included in Part 821 of its regulations.*

5. *Records and reports.* The three codes require that accurate and complete written records be kept of results of required surveys, checks and tests; transfer, receipt and disposal of radioactive materials; occupational doses of monitored personnel; results of medical evaluation services; and doses required to be reported. The codes specify that personnel exposure records must be kept for five years after either termination of the individual's employment or the date of recording, whichever is later, and can be disposed of only by transfer to the regulatory department. Other records need be preserved only for a period of three years commencing on the date of occurrence of the subject of the record.

The codes require immediate notification to the appropriate department of any theft or loss of a radiation source, of any incident which caused or threatened to cause any individual to receive a does in excess of permitted limits, and of any level of radiation from or release of concentrations of, radioactive materials in excess of permitted limits. Follow-up action is required and a subsequent written report may be required by the appropriate department.

The codes require that previous employees be supplied reports of doses and exposures upon request. Annual reports to employees are also required upon request. If any report of possible exposures is required to be submitted to the regulatory department, such report must be automatically provided to the employee under the State Sanitary Code and the State Industrial Code and the providing of such report to the employee may be ordered by the New York City Health Department under the City Health Code.

6. *Professional practitioners and related provisions.* The State Sanitary Code and New York City Health Code, which govern the intentional internal or external administration of radiation or radioactive materials to any individual, specify that such administration is permitted only by a person licensed or otherwise authorized to practice medicine, dentistry, podiatry or osteopathy under the State Education Law, or by a person under the supervision of such professional practitioner. With respect to such use of radioactive materials required to be licensed by the Health Departments, an application form similar to that presently used by the Atomic Energy Commission will be supplied.

The State Sanitary Code and New York City Health Code also contain provisions requiring reports by professional practitioners treating or diagnosing radiation illness, injury or certain exposures and specifying procedures to be followed with respect to cadavers containing radioactive materials.

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*Part 821—Transportation of Explosives and other Dangerous Articles, Section 821.1. The rules and regulations prescribed now or to be prescribed in the future by the Interstate Commerce Commission relating to the transportation of explosives and other dangerous articles by motor carriers are adopted and prescribed for all motor carriers of property.

Section 821.2. All carriers transporting or holding themselves out to transport articles named in the said rules and regulations shall, on or before April 1, 1956, establish such rules by participation in the Motor Carriers' Explosives and Dangerous Articles Tariff No. 8 P.S.C.-N.Y.-MT-No. 4 as supplemented, and in any successive issues thereof as published by the American Trucking Associations, Inc., agent.

The State Industrial Code does not apply to human use of a radiation source which is licensed or authorized by the State or City Departments of Health. The State Department of Labor may perform inspection for these departments of medical users located within industrial installations.

The State Sanitary Code contains extensive provisions with respect to the use of radiation equipment in the diagnosis or therapy of individuals. These provisions are based on the recommendations of the National Committee on Radiation Protection and Measurements. The New York City Health Code requires that these same recommendations, contained in NCRP Handbook 76, or equivalent safeguards, be observed.

B. *Program Administration*—1. *Licensing.* Each code specifies that no person shall transfer, receive, possess or use any byproduct material, source material or special nuclear material in quantities not sufficient to form a critical mass without a license (or permit, as termed in the New York City Health Code) from the appropriate department. The New York City Health Code additionally requires a permit for all other radioactive materials, except as specified.

Exemptions from the licensing requirement are provided in all three codes for certain quantities of byproduct and source material and for certain devices which, however, are subject to the radiation protection standards within each code and to specified conditions. The use and possession of these items are thus regulated in a similar manner as generally licensed items under Commission regulations, although the term "general license" is not used in the codes.

Also exempt from the licensing requirements are certain luminous devices, concentrations of radioactive material, natural ore containing source material, items containing less than 0.05 percent source material, certain products, certain radioactive materials of specified radioactivity, and certain radiation equipment. These items, as they are under Commission regulations, are completely exempt from the requirements of other provisions of the codes but, in some cases, are subject to specified conditions.

Exemptions are also provided for radioactive materials to the extent that such materials are subject to regulation as provided for by law by the State Public Service Commission, Interstate Commerce Commission, the Coast Guard, the Civil Aeronautics Board and the Post Office Department, although such materials will still be subject to the transportation provision of the New York City Health Code.

A single license application form, applicable to all radioactive materials subject to licensing, will be used by all three departments. In addition, applicants for licenses covering human use will be required to submit an appendix to the application, generally similar to AEC Form 313a. Instructional documents specifying additional information required will be provided to applicants for licenses covering multiple quantities or types of unsealed radioactive materials, manufacturing of devices, or industrial radiography. The information required from such applicants is similar to that required by present Commission regulations. Other application forms and instructional documents will be developed as the need arises.

A license applicant will be required to demonstrate that his proposed use, equipment, facilities, procedures and personnel are adequate to protect public health and safety and to minimize danger to life and property from radiation hazards prior to the issuance of a license. Pre-licensing evaluation of applications will include inspections, as warranted in appropriate cases.

The codes incorporate certain conditions into each license and additional conditions may be set forth or incorporated by reference in each license at any time. The codes specify the manner in which licenses may be renewed, amended, suspended or revoked.

Upon the effective date of each amended code, the holder of a specific license heretofore issued by the Atomic Energy Commission will be deemed to hold an identical license pursuant to the appropriate code, which license shall expire upon the expiration date specified in the license or ninety days after receipt of a notice of expiration from the appropriate department. Each such licensee is required to comply with the conditions of his license and of the appropriate code.

Each code permits certain holders of licenses issued by the Atomic Energy Commission or any state which has entered into an effective agreement with the Commission to use the licensed radioactive materials within the jurisdiction of each department for a limited period of time without obtaining an additional license. Such users will be required to file certain information, including a copy of the license, with the appropriate department prior to use, although oral notification may be acceptable at the discretion of the department. Such users will be subject to the regulations of the appropriate department.

No fees will be charged under the State Sanitary Code or Industrial Code. Under the New York City Health Code a fee of $15 will be charged for each initial permit and of $10 for each renewal. No person will be required to pay a plurality of fees for a single installation. Accordingly, if a permit applicant currently holds a valid permit for activities at the same installation, or has registered such installation, no additional fee will be payable.

2. *Registration.* Radiation-producing equipment within the state will continue to be subject to registration provisions except as may be specified in each code. Radioactive materials other than agreement materials will continue to be subject to registration provisions under the State Sanitary Code and State Industrial Code except as may be specified. With certain limited exceptions, radioactive materials are not subject to registration under the New York City Health Code, which requires licensing of all materials.

Registrants will be required to notify the appropriate department of changes in registered information. Registrations will be valid indefinitely under the State Sanitary Code and State Industrial Code but will be subject to renewal every two years under the New York City Health Code.

3. *Enforcement.* In addition to inspections conducted for the purpose of evaluating the program proposed in a license application, inspections will also be conducted of all licensed and registered installations on a periodic basis. The frequency of inspections will depend on the relative hazards associated with the source of radiation and how it is to be used. When warranted immediate inspections will be conducted of especially significant registered installations. An evaluation will be made of all reported radiation incidents and an inspection will be conducted of all incidents that are considered to present significant radiation hazards.

While inspections may vary in scope, they will be sufficiently comprehensive to determine whether the licensee or registrant is complying with the appropriate regulatory requirements. An inspection will usually entail a comprehensive review of the licensee's or registrant's facilities, equipment, training and qualifications of personnel, and operating procedures, including handling, storage and disposal of radiation sources, survey and monitoring practices, labeling of sources, posting and control of areas, etc. In addition to observing operations, personnel will be interviewed and pertinent records examined. When appropriate, an inspection may include independent measurements and evaluations of radiation levels and concentrations of radioactive materials.

4. *Administrative procedures.* The State Board of Standards and Appeals is by law required to hold public hearings prior to modifying the State Industrial Code. Neither the State nor New York City Departments of Health is required by law to hold public hearings with respect to any modifications of its regulations, but each may do so at its discretion, although customary practice would be to obtain the advice and comments of interested groups and persons.

The State Sanitary Code provides for a public hearing upon timely request by an applicant if his license application is disapproved. Except in any case of wilfulness or in which the public health or safety requires otherwise, licenses may not be amended, suspended or revoked, nor may additional requirements be imposed nor radioactive material required to be surrendered without either obtaining the consent of the person involved or notifying such person of the contemplated action, giving him a reasonable opportunity to demonstrate or achieve compliance with all lawful requirements, and granting a public hearing upon request.

Actions taken by the State Industrial Commissioner are subject to review by the State Board of Standards and Appeals under the State Labor Law. In addition, the Industrial Code requires that, except where action is needed to secure safety, the Commissioner shall not suspend, revoke or restrictively amend a license without first giving the licensee reasonable notice and an opportunity to be heard.

Under section 5.19 of the New York City Health Code, whenever the City Commissioner of Health suspends, revokes, or refuses to issue or renew a permit, the aggrieved party may appeal such action to the Board of Health of the Department of Health of the City of New York. Under section 3.03 of the Code, except where the public health requires immediate action, the Department may not seize, embargo, condemn, destroy, render harmless or otherwise dispose of any material until the owner or person in control is notified and is given an opportunity to be heard by such personnel of the Department as the Commissioner may designate. A similar notice and opportunity to be heard must be granted under section 175.11(e) of the Code prior to the issuance of any order requiring a person to take additional precautions and procedures to protect public health and safety, except where immediate action is required.

Article 78 of the State Civil Practice Act provides a method of review in the courts, under certain circumstances, of the actions of each of the three regulatory departments.

5. *Coordination.* Coordination of the State program for the control of radiation hazards is facilitated through the direct functions of the State Office of Atomic Development. All agencies and political subdivisions of the State are required to keep the Director of the Office fully and currently informed as to their activities relating to atomic energy or ionizing radiation. The State Atomic Energy Law also provides that no rule, regulation or ordinance or amendment thereto or repeal thereof, primarily and directly relating to atomic energy, shall become effective until ninety days after it has been submitted to the Director of the Office, unless either the Governor or the Director waives such waiting period.

The State Atomic Energy Law also established the State Coordinating Council on Atomic Energy. The Coordinating Council has been functioning since 1959, and its recommendations have been instrumental in developing the present program.

To effect maximum coordination of the licensing of radioactive materials within the State, the Coordinating Council has established a Committee on Licensing to be advisory to the regulatory departments. The Committee will receive and forward to the appropriate department for processing all applications for licenses. In questionable cases, the Committee can be called on to resolve jurisdictional questions and to submit to the appropriate department a recommendation on the merits of issuing a license. The voting membership of the Committee consists of the Director of the Office of Radiation Control, New York City Department of Health; the Special Assistant for Radiological Health, State Department of Health; and the Director of the Division of Industrial Hygiene, State Department of Labor. The Nuclear Health Physicist of the Office of Atomic Development acts as secretary of the Committee.

III. *Organization and personnel*—A. *State Department of Health.* The Special Assistant to the Commissioner on Radiological Health under the State Department of Health has been assigned the responsibility for coordinating the control of public health and safety aspects of the use of all radiation sources in medical, dental, veterinarian, educational, diagnostic, and similar institutions outside New York City.

1. *Licensing.* Preevaluation of license applications with respect to training and experience of applicants, dosage, route of administration, metabolic fate, and new or unusual human use will be performed by the Special Assistant on Radiological Health. Medical experts will be utilized for advice on new or unusual human applications.

Preevaluation of license applications with respect to proposed instrumentation, storage facilities, shielding methods, personnel monitoring, waste disposal techniques and other technical procedures will be performed in the Bureau of Radiological Health Services by an Associate Sanitary Engineer and a Senior Sanitary Engineer.

Both the Office of the Special Assistant on Radiological Health and the Bureau of Radiological Health Services may call on the scientific specialists available in the Division of Laboratories and Research and may obtain assistance from legal, public relations, training and other disciplines within the State Department of Health.

2. *Inspections.* Inspections of licensed users of radiation sources will be performed in the Bureau of Radiological Health Services by an Associate Sanitary Engineer, one Senior Sanitary Engineer and one Assistant Sanitary Engineer.

Scientific specialists in the Division of Laboratories and Research and in other divisions of the Department will be available for technical support. One other Assistant Sanitary Engineer assigned to Radiological Health Services primarily in the field of X-ray protection will also be available for inspection assistance. Inspections of registered sources are routinely handled by local health officers.

B. *State Department of Labor.* The Director of the Division of Industrial Hygiene under the State Department of Labor has been assigned the responsibility for controlling the health and safety aspects of the use of radiation sources in industrial installations throughout the State.

1. *Licensing.* Prior evaluation of license applications will be performed in the Radiological Health Unit by an Associate Industrial Hygiene Physician and a Principal Radiophysicist.

2. *Inspections.* Inspections of licensed users of radiation sources will be performed in the Radiological Health Unit by three Senior Radiation Physicists and an Industrial Engineer (Radiophysics specialist). Four Industrial Hygiene Engineers with training in radiation protection will conduct inspections of registered installations and will be available for assistance with respect to licensed installations.

C. *New York City Department of Health.* The Director of the Office of Radiation Control in the New York City Department of Health has been assigned responsibility for the control of the public health and safety aspects of the release of radioactivity to the environment from all sources, and of the health and safety aspects of the use of radiation in medical, dental, veterinarian, educational, diagnostic, and similar institutions within the City of New York.

1. *Licensing.* Prior evaluation of license applications will be performed in the Office of Radiation Control by the Assistant Director of the Office, a Senior Public Health Sanitarian, and a Public Health Sanitarian. Medical experts will be utilized for advice on new and unusual human applications.

2. *Inspections.* Inspections of licensed and registered radiation sources will be performed in the Office of Radiation Control by the Senior Public Health Sanitarian, assisted by a Public Health Sanitarian. Fourteen other Public Health Sanitarians will be available for assistance.

[F.R. Doc. 62-8108; Filed, Aug. 10, 1962; 8:53 a.m.]

[Docket No. 50-188]

KANSAS STATE UNIVERSITY OF AGRICULTURE AND APPLIED SCIENCE

Notice of Proposed Issuance of Facility License

Please take notice that the Atomic Energy Commission proposes to issue to Kansas State University of Agriculture and Applied Science, a facility license substantially in the form set forth below. This license authorizes operation of the TRIGA Mark II tank-type nuclear reactor, located on the campus of the University at Manhattan, Kansas at steady state power levels up to 100 kilowatts (thermal).

The Commission has found that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR.

Prior to issuance of the license the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR-66.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the proposed issuance of this license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Director of Regulation will issue the license fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

For further details with respect to this proposed issuance see (1) the application and amendments thereto and (2) the related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 22d day of August 1962.

For the Atomic Energy Commission.

E. G. CASE,
Assistant Director for Facilities Licensing, Division of Licensing and Regulation.

PROPOSED FACILITY LICENSE

1. This license applies to the TRIGA Mark II nuclear reactor (hereinafter referred to as "the reactor") which is owned by Kansas State University of Agriculture and Applied Science (hereinafter referred to as "Kansas State University") and located on the University's campus in Manhattan, Kansas, and described in the University's application for license dated April 7, 1961, and amendments thereto dated April 24, 1961, June 9, 1961, May 19, 1962, and July 9, 1962, (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR-66 issued to Kansas State University.

2. Pursuant to the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR-66 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. Kansas State University is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. Kansas State University is a nonprofit educational institution and will use the reactor for the conduct of educational activities. Kansas State University is therefore exempt from the financial protection requirement of subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Kansas State University:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in Manhattan, Kansas, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use up to 2.510 kilograms of contained uranium 235 for use in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. (1) Kansas State University shall not operate the reactor at power levels in excess of 100 kilowatts (thermal) without prior written authorization from the Commission.

(2) Kansas State University shall not conduct any experiments whose reactivity worth is greater than 1.6 percent delta k/k without prior written authorization from the Commission.

B. Kansas State University shall comply with the shutdown procedures and precautions described in its application as amended, and the following additional limitations:

(1) Kansas State University shall maintain nuclear control instrumentation in operation and shall assure that such instrumentation is attended and observed at all times during operations which could involve changes in core reactivity when the reactor is shutdown.

(2) Kansas State University shall conduct core loading changes and all other operations which could involve changes in core reactivity when the reactor is shutdown only under the direct and personal supervision of a technically qualified and designated supervisor.

C. Kansas State University shall promptly submit a written report to the Commission whenever, during operation of the reactor subsequent to initial criticality any of the operating conditions or characteristics of the reactor, including those described in 4.D. below and the application as amended, which might affect nuclear safety, is observed to vary significantly from its predicted value.

D. As promptly as practicable, but no later than 60 days after the initial criticality of the reactor, Kansas State University shall submit a written report to the Commission describing the measured values of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

(1) Maximum excess reactivity of the facility, not including the worth of control rods or other control devices such as burnable poison strips or soluble poison, or any experiments;

(2) Total control rod worth;

(3) Minimum shutdown margin both at room and operating temperature;

(4) Maximum worth of the single control rod of highest reactivity value; and

(5) Maximum total and individual worth of any fixed or movable experiments inserted in the reactor.

E. In addition to those otherwise required under this license and applicable regulations, Kansas State University shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of Kansas State University as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

F. Kansas State University shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

5. This license is effective as of the date of issuance and shall expire at midnight August 15, 2001.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 62-8572; Filed, Aug. 24, 1962; 8:47 a.m.]

[Docket No. 50-182]

PURDUE UNIVERSITY

Notice of Issuance of Utilization Facility License

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on July 28, 1962, 27 F.R. 7463, the Atomic Energy Commission has issued Utilization Facility License No. R-87 which authorizes Purdue University to operate its pool-type nuclear reactor located on the campus in West Lafayette, Indiana. The license is substantially as published except that a new paragraph 2.E., concerning financial protection, has been subsituted to reflect the Commission's finding that the licensee is a nonprofit educational institution and will use the reactor for conduct of educational activities and is, therefore, exempt from the financial protection requirement of subsection 170.a. of the Act.

Dated at Germantown, Md., this 16th day of August 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-8546; Filed, Aug. 24, 1962; 8:45 a.m.]

[Docket No. 50-54]

UNION CARBIDE CORP.

Notice of Issuance of Amendment To Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 4, set forth below, to Facility License No. R-81. The license authorizes Union Carbide Corporation (the licensee) to operate the pool-type nuclear reactor (the reactor) located on the licensee's site in Sterling Forest, New York. The amendment authorizes the licensee, as requested by the licensee's application dated June 26, 1962, to extend the minimum frequency of (1) meetings of the licensee's Nuclear Safeguards Committee and (2) visits to the laboratory by the reactor and hot laboratory consultants.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance wtih the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see the licensee's application for license amendment dated June 26, 1962, which is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 16th day of August 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-81; Amdt. 4]

Facility License No. R-81, as amended, which authorizes Union Carbide Corporation ("the licensee") to operate its pool-type nuclear reactor ("the reactor") located on the licensee's site in Sterling Forest, New York, is hereby further amended as follows:

(1) The Nuclear Safeguards Committee shall hold formal meetings at least once every three months.

(2) The reactor and hot laboratory consultants shall visit the laboratory at least once every twelve months.

The reactor shall be operated in accordance with the terms and conditions contained in License No. R-81, as amended, and the licensee's application for license amendment dated June 26, 1962.

This amendment is effective as of the date of issuance.

Date of issuance: August 16, 1962.

For the the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-8547; Filed, Aug. 24, 1962; 8:45 a.m.]

[Docket No. 50-135]

WALTER REED ARMY MEDICAL CENTER

Notice of Issuance of Facility License

Please take notice that the Atomic Energy Commission has issued License No. R-85 authorizing the Walter Reed Army Medical Center to possess and operate, at power levels up to 50 kilowatts (thermal), its homogeneous solution-type, Atomics International Model L-54 nuclear reactor on the grounds of the Walter Reed Army Medical Center in Washington, D.C. The license is substantially as published in the FEDERAL REGISTER on September 2, 1961, 26 F.R. 8325, except that (1) the name of the licensee has been changed to Walter Reed Army Medical Center from Walter Reed Army Institute of Research, and (2) paragraph 1 of the facility license has been amended to include additional amendments to the application which have been submitted to date.

It should be noted that License No. R-85 has been issued to Walter Reed Army Medical Center pursuant to a letter request by the Commanding General, Walter Reed Army Medical Center, dated November 20, 1961, and approved by letter from the Department of the Army, Office of the Surgeon General, dated November 22, 1961, which designates the Walter Reed Army Medical Center as the cognizant agency responsible for safe operation of the nuclear reactor facility.

In view of the changes in the license from that which was published on September 2, 1961, 26 F.R. 8325, the Commission will, in accordance with its rules of practice (10 CFR Part 2), direct the holding of a hearing on the matter of the issuance of the License No. R-85 upon receipt of a request therefor from the licensee or a petition to intervene within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a hearing or an appropriate order will be issued.

For further details see (1) the application and subsequent amendments submitted by Walter Reed Army Medical Center, and (2) a Supplemental Hazards Analysis by the Test & Power Reactor Safety Branch of the Division of Licensing and Regulation, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 17th day of August 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-8545; Filed, Aug. 24, 1962; 8:45 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

EXECUTIVE ASSISTANT TO ASSISTANT SECRETARY OF DEFENSE (CIVIL DEFENSE) ET AL.

Delegation of Administrative Authorities for Civil Defense Functions

Executive Assistant to the Assistant Secretary of Defense (Civil Defense) Comptroller; Regional Directors; Director For Federal Assistance; Director of Security, et al.

References. (a) E.O. 10952, dated July 20, 1961, assigning Civil Defense responsibilities to the Secretary of Defense and others; (b) Department of Defense Organizational Statement, Assistant Secretary of Defense (Civil Defense), filed September 13, 1961 (26 F.R. 8604); (c) Delegation of Administrative Authorities for Civil Defense Functions dated January 20, 1962 (27 F.R. 903), as amended (27 F.R. 5749; 27 F.R. 7686).

The following amendment to reference (c) is hereby approved:

(1) Section 1 is revised to read as follows:

SECTION. 1. *Executive Assistant to the Assistant Secretary of Defense (Civil Defense).* Pursuant to the authority vested in the Assistant Secretary of Defense (Civil Defense) under Reference (b), and a Delegation of Authorities of even date herewith, the Executive Assistant to the Assistant Secretary of Defense (Civil Defense) or, in his absence the person acting for him is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DOD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Exercise the powers vested in the Secretary of Defense by section 204 of the National Security Act of 1947, as amended (5 U.S.C. 171d), section 12 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 22a), and sections 401(a) and 403(b) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2253 (a) and (b)), pertaining to the employment, direction and general administration of civilian personnel of the Office of Civil Defense and its subordinate activities.

(b) Fix rates of pay for wage board employees exempted from the Classification Act by section 202(7) of that Act on the basis of prevailing rates for comparable jobs in the locality where the Office of Civil Defense or each subordinate activity is located. The Assistant Secretary of Defense (Civil Defense), in fixing such rates, shall follow the wage schedule established by the local wage board.

(c) Establish such advisory committees and employ such part-time advisers as approved by the Secretary of Defense for the performance of civil defense functions pursuant to the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2253(b)) and Executive Order 10242, dated May 8, 1951 (16 F.R. 4262), as appropriate, or 10 U.S.C. 173, 5 U.S.C. 55a, and the Agreement between the DOD and the Civil Service Commission on employment of experts and consultants, dated July 22, 1959. The authority to establish advisory committees cannot be redelegated. The authority to employ part-time advisers can be redelegated.

(d) Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with the provisions of the Act of June 26, 1943 (5 U.S.C. 16a), and section 403(b) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2255(b)), and designate in writing, as may be necessary, officers and employees of the Office of Civil Defense and its subordinate activities to perform this function.

(e) Establish an Office of Civil Defense Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect the Office of Civil Defense or its subordinate activities in accordance with the provisions of the Act of September 1954 (5 U.S.C. 2123) and Civil Service Regulations.

(f) In accordance with the provisions of the Act of August 26, 1950, as amended (5 U.S.C. 22-1); Executive Order 10450, dated April 27, 1953, as amended; and DOD Directive 5210.7, dated August 12, 1953 (as revised):

(1) Designate any position in the Office of Civil Defense and its subordinate activities as a "sensitive" position;

(2) Authorize in case of an emergency, the appointment of a person to a sensitive position in the Office of Civil Defense and its subordinate activities for a limited period of time for whom a full field investigation or other appropriate investigation including the National Agency Check, has not been completed; and

(3) Authorize the suspension, but not the termination of the services of an employee in the interest of national security in positions within the Office of Civil Defense and its subordinate activities.

(g) Clear civil defense personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of DOD Directive 5210.8, dated June 29, 1955 (as revised), "Policy on Investigation and Clearance of Department of Defense Personnel for Access to Classified Defense Information" and of Executive Order 10501, dated November 5, 1953, as amended.

(h) Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Assistant Secretary of Defense (Civil Defense), pursuant to paragraphs III.A and V.B. of DOD Directive 5200.8, dated August 20, 1954, and section 403 (a) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2255 (a)).

(i) Authorize and approve overtime work for civilian officers and employees of the Office of Civil Defense and its subordinate activities in accordance with the provisions of section 25.221 of the Federal Employee Pay Regulations.

(j) Authorize and approve:

(1) Travel for civilian officers and employees in connection with civil defense activities in accordance with the Standardized Government Travel Regulations, as amended (BOB Circular A-7, Revised);

(2) Temporary duty travel only for military personnel assigned or detailed to the Office of Civil Defense or its subordinate activities in accordance with Joint Travel Regulations for the Uniformed Services dated April 1, 1951, as amended;

(3) Invitational travel to persons serving without compensation whose consultive, advisory, or other highly specialized technical services are required in a capacity that is directly related to or in connection with civil defense activities, pursuant to the provisions of section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2).

(k) Develop, establish, and maintain an active and continuing Records Management Program for the Office of Civil Defense and its subordinate activities, pursuant to the provisions of section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 396(b)).

(l) Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of the Office of Civil Defense and its subordinate activities (44 U.S.C. 324).

(m)(1) Establish and maintain appropriate Property Accounts for civil defense property, equipment and supplies for which the Assistant Secretary of Defense (Civil Defense) is assigned responsibility.

(2) Appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for civil defense property contained in the authorized Property Accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unservicable, in accordance with applicable laws and regulations.

(n) Establish and maintain, for assigned civil defense functions, an appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DOD Directive 5025.1, dated March 7, 1961.

(o) Enter into contracts for supplies, equipment and services for civil defense purposes and subject to the limitation contained in section 2311, Chapter 137, Title 10 U.S.C., to make the necessary determinations and findings required under that chapter. To the maximum practicable extent, procurement of supplies and equipment will be accomplished through established military procurement agencies.

(p) Enter into support and service agreements with the military departments, other DOD agencies, or other Governmental agencies as required for the effective performance of assigned civil defense responsibilities and functions.

(2) Section 6 *Director of Security*, is hereby deleted.

(3) Existing redelegations by the Director, Administrative Services of authority contained in section 1 of reference (c) are continued in effect until modified or revoked by the Executive Assistant to the Assistant Secretary of Defense (Civil Defense).

This amendment to the Delegation of Administrative Authorities for Civil Defense Functions is effective immediately.

Dated this 17th day of August 1962.

STEUART L. PITTMAN,
Assistant Secretary of Defense (Civil Defense).

[F.R. Doc. 62-8559; Filed, Aug. 24, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN EXPORT LINES, INC.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that American Export Lines, Inc., acting pursuant to Public Law 87-45, has applied to the Maritime Administration for approval of the following "SS Atlantic" cruises:

Departs New York	Ports of call	Arrives New York
1963 Dec. 19	Port-au-Prince, Kingston, Curaçao, Fort de France, San Juan, and St. Thomas.	*1963* Jan. 2
1963 Jan. 3	Baltimore, Wilmington, N.C., San Juan, St. Thomas, Kingston, Port-au-Prince, Wilmington, and Baltimore.	Jan. 17
Jan. 18	San Juan, St. Thomas, Curaçao, Kingston, and Nassau.	Jan. 31
Feb. 1	San Juan, St. Thomas, Curaçao, La Guaira, Port-au-Prince, and Nassau.	Feb. 15
Feb. 15	San Juan, St. Thomas, Curaçao, Kingston, and Port-au-Prince.	Feb. 28
Mar. 1	San Juan, St. Thomas, Curaçao, La Guaira, Port-au-Prince, and Nassau.	Mar. 15
Mar. 15	San Juan, St. Thomas, Curacao, Kingston, and Port-au-Prince.	Mar. 28
Mar. 29	San Juan, St. Thomas, Fort de France, Port of Spain, Curaçao, and Kingston.	Apr. 12
Apr. 12	Bermuda	Apr. 18
Dec. 20	Nassau, Willemstad, Port of Spain, Bridgetown, Fort de France, and San Juan.	*1964* Jan. 3

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington 25, D.C., by close of business on September 7, 1962. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: August 21, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-8571; Filed, Aug. 24, 1962; 8:47 a.m.]

Office of the Secretary

MARVIN S. PLANT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 15, 1962.

MARVIN S. PLANT.

AUGUST 15, 1962.

[F.R. Doc. 62-8574; Filed, Aug. 24, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13728; Order E-18727]

EASTERN NORTH CAROLINA AREA AIRLINE SERVICE AIRPORT INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of August 1962.

On June 22, 1962, the Pitt County-City of Greenville Airport Commission (Greenville) petitioned the Board to institute an investigation to determine the advisability of establishing a regional airport facility to serve eastern North Carolina.

In the Piedmont Local Service Area Investigation (Final Portion), Docket 5713, et al., Greenville earlier moved the Board to institute an investigation to determine whether a regional airport facility should be established in this area and to stay the awards granted therein to Kinston, Rocky Mount and Goldsboro, North Carolina, pending final determination of the advisability of establishing such a facility. In Order E-18478, June 20, 1962, we denied the motion of Green-

ville in order to avoid any further delay in the Piedmont Area Case. We made it clear, however, that our decision to refuse to institute an area airport investigation within the framework of the Piedmont Area Case would not preclude us from instituting at any time a separate proceeding directed to the area airport question.

In keeping with our established policy,[1] the Board plans a series of area airline service airport investigations.[2] Such investigations will usually originate where it appears that consolidation of services to two or more separate cities at a single airport will produce, without substantial inconvenience to air passengers, more economic airline operations, improved scheduling, a better quality of service through the use of larger equipment, and an overall improvement of air service to the area. There are indications that these factors as well as certain additional factors, may be present in this case.

We are aware that the Federal Aviation Agency has before it under the fiscal year 1963 Federal Aid to Airport Program an application filed by the city of Rocky Mount, North Carolina, requesting Federal financial assistance to construct a new airport approximately midway between the city and Wilson, North Carolina. The cost of the airport was estimated at $1,124,000, and Rocky Mount had applied for $562,000 in Federal funds. In addition, there was a request by the city of Kinston for $55,500 in Federal funds to improve Stallings Field located at that city. In the case of Goldsboro, the community is planning to use the facilities of Seymour-Johnson Air Force Base. At some future time, defense considerations may adversely affect ability to continue civilian service at the Base, or the civilian population of Goldsboro may decide to dispense with Seymour-Johnson facilities and seek Federal funds for civilian airport construction.

Answers to Greenville's petition were filed by Rocky Mount, Wilson, Kinston, Goldsboro, Farmville, Washington, the counties of Edgecombe, Nash and Wilson,[3] and Piedmont Aviation, Inc. (Piedmont). The answers of Farmville and Washington are in support of Greenville's petition. The remaining answers oppose the petition, alleging chiefly that: (1) the issues presented therein were recently raised and rejected in the Piedmont Area Case, and nothing new has been offered within this brief period to alter that determination; (2) during the past 10 years, efforts have been made with little success by local and county groups to establish an area airport and nothing has been offered by Greenville to show that such a concept is now feasible; and (3) the communities are entitled to receive air service as presently authorized without the burden of further litigation, and should be afforded a reasonable time within which to meet the standards imposed by the Board's "use it or lose it" policy prior to institution of an area airport proceeding.

The Board recognizes that the foregoing arguments are plausible. However, as such, they fail to persuade us that an area airport investigation is improper or unwarranted at this time. Our refusal to undertake such an investigation within the framework of the Piedmont Area Case was predicated solely upon our unwillingness to further delay the effectiveness of the awards granted therein.[4] Moreover, we expressly stated that such a determination "obviously does not preclude the Board from instituting at any time a separate proceeding directed to the area airport question."[5] Thus, the parties in the Piedmont Area Case were put on notice that such a proceeding might be imminent, particularly in light of our recently announced policy to examine the feasibility of service to communities on an area airport basis.[6] We see nothing here which is inconsistent with our previously announced policy, or with our determination in the Piedmont Area Case. Nor are we impressed by the argument that previous voluntary efforts on the part of local political bodies to establish an area airport in eastern North Carolina have accomplished little. It is our view that, in many instances, the question of area service can be resolved only through cooperation with the appropriate federal agencies. This would appear to be particularly true where federal funds are involved, either in the form of air carrier subsidy or matching funds for airport and highway construction. Institution of this investigation will not disturb the basic grants made in the Piedmont Area Case. Piedmont is currently providing service to the communities in question. The carrier's authority and its obligations thereunder are not affected by our action herein. We believe that it is now proper to set down for determination the question of whether the individual communities shall be served through their own airport or through one or more area airports.

Upon consideration of the foregoing, the Board has decided that an investigation should be instituted to determine whether an airline service airport to serve eastern North Carolina is warranted. Our overall objective in this investigation will be to determine the extent to which each of the cities involved in this case may be served through a single existing airport or, in the alternative, whether construction of a new airport in the particular area here involved may represent a sound, long-term solution to airline service problems. While not exhaustive, the following factors will serve as guidelines for the investigation.

I. *Airport Accessibility.* Significant aspects of accessibility would include the travel time between the airport and the points to be served, as well as the availability of public and private transportation. Further items pertinent to the question of accessibility are:

(1) Weather conditions,

(2) Geographical conditions,

(3) Present and future road conditions, and

(4) Present and future means of transportation to and from the airport.

II. *Traffic.* A. Traffic experience will be a major consideration. In many instances, traffic will determine the weight to be given all other factors. For example, if a point is more than a one-hour drive away from a potential area airline service airport, but is presently originating less than five passengers per day, it might still be deemed advisable to designate an area airport to serve the point in question.

B. Frequency of service has been shown to have a direct relationship to increased traffic development in many instances. Where, in a given situation, it would appear that schedules and frequency of service would improve by the use of an area airline service airport over that presently provided at the point or points in question, a factor favorable to the institution of an area airport exists.

III. *Airport Capabilities.* A. Factors to be included should include whether an airport is, or may be, an all-weather airport having an instrument landing system, runway lighting, control tower, adequate runway requirements, facilities for plane maintenance and housing, and facilities for the convenience of the public.

B. Determinative factors in the area airline service selection will include an airport's present condition, the ability to transform an existing airport into an acceptable area airport, and the practicability of building a new area airport.

IV. *Cost.* Present in all area airline service airport investigations will be the question of cost; cost to all concerned, the communities, the carriers, and the public in general. Community cost will include such items as the cost of ground transportation and the cost of further or new construction of airport facilities and runways. Included among carrier-cost will be the system and local station expenses and such costs as those involving changes in equipment which might be used at the area airports. Costs to the public in general would include the overall question of subsidy, and the funds expended in airport facility and public highway construction.

Accordingly, it is ordered:

1. That an investigation, to be known as the Eastern North Carolina Area Airline Service Airport Investigation, Docket 13728, be and it hereby is instituted, pursuant to sections 204, 401 and 1001 of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require that the following cities be served through an area airline service airport: Rocky Mount, Kinston, Goldsboro, Wilson, and Greenville;

2. That a copy of this order shall be served upon Piedmont Aviation, Inc., the Pitt County-City of Greenville Airport Commission, and the communities described above, which are hereby made parties to this proceeding;

3. That a copy of this order shall be served upon the counties of Edgecombe, Nash and Wilson, and the Governor of the State of North Carolina;

4. That the proceeding ordered herein be assigned for hearing, on an expedited basis, before an examiner of the Board at a time and place hereafter to be designated; and

5. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8578; Filed, Aug. 24, 1962; 8:48 a.m.]

[1] Southern Transcontinental Service Case, Docket 7984, Supplemental Opinion and Order E-16860, May 26, 1961; Greensboro-High Point/Winston-Salem Case, Docket 3496, Order E-17359, August 24, 1961; Piedmont Local Service Area Investigation (Final Portion), Docket 5713, et al., Order E-18125, March 19, 1962.

[2] The first of these, the New England Regional Airport Investigation, Docket 13494, was instituted on March 23, 1962, Order E-18146.

[3] The counties filed a joint answer with Rocky Mount and Wilson.

[4] Order E-18478, at p. 25 (mimeo.).

[5] Ibid.

[6] Joint statement by the Chairman, Civil Aeronautics Board, and the Federal Aviation Administrator, May 2, 1961, CAB 61-17; News Release of March 23, 1962, CAB 62-6, regarding institution of the New England Regional Airport Investigation, Docket 13494.

[Docket 12895; Order E-18729]

UNITED STATES-SOUTH AMERICA ROUTE CASE

Order Clarifying Issues and Procedure

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of August 1962.

In his prehearing conference report in this proceeding, served June 12, 1962, the examiner discussed in detail various questions arising from our earlier orders herein[1] and announced his intention to certify the questions involved to the Board for clarification. Thereafter, in a supplemental prehearing conference report served July 10, 1962, the examiner set forth 7 specific recommendations with respect to these questions which he intended to make to the Board, and all interested persons were afforded an opportunity to file exceptions to the supplemental prehearing conference report. Various statements in support of or in opposition to the examiner's recommendations have been filed[2] and the matter now stands submitted for decision.

Upon consideration of the examiner's reports and recommendations and the statements filed with reference thereto, we have decided to adopt the first 6 recommendations made by the examiner in his supplemental prehearing conference report. For the reasons stated by the examiner, the actions recommended are wholly consistent with our purposes in instituting this investigation and will facilitate the proper conduct of this proceeding. The recommended changes in, or clarifications of, the issues are reflected in the ordering paragraphs of this order.[3]

The remaining recommendation of the examiner relates to the manner in which the Board should hear and decide United States-South America service questions and those relating to the Caribbean area. The examiner pointed out the interdependence of many of the services and problems involving operations to and from these two areas and the desirability of having an adequate means for deciding all issues in the light of this interrelationship. He recommended that this proceeding go forward to hearing and decision on the United States-South America route pattern, with the amendments of the issues indicated in his supplemental prehearing conference report. A hearing would then be held and decision rendered concerning the United States-Caribbean route pattern. Finally, both proceedings would be consolidated for hearing and decision on issues relating to the selection of the carrier or carriers required to operate the routes.

The Board is in agreement with the examiner's basic objective of assuring that the Board ultimately will have before it a record which will permit it to focus upon and decide the service requirements of the entire United States-Caribbean-South America area. Our review of the matters now under consideration clearly demonstrates the substantial extent of the overlap in particular questions and the practical difficulties inherent in maintaining a complete segregation of the issues for the purposes of decision. Although due weight must be given to this interdependence, it must also be borne in mind that, for the reasons stated in Order E-17289, the public interest requires that the many problems involved in the reassessment of the United States flag carrier route pattern between the United States and South America be resolved with the minimum possible procedural delay.

The Board has decided upon a course of action with respect to the future steps in this proceeding which, in our view, represents a practical accommodation of the various pertinent factors. Under this procedure, we will also consider in this proceeding questions related to possible changes which may be required in the route pattern between the United States and the Caribbean area. In order that the issues may properly be formulated in this respect, all interested persons will be accorded an opportunity to submit appropriate motions, statements, and applications directed to United States-Caribbean matters which, in their judgment, should be investigated. Thereafter, a further period will be provided for answers to such pleadings and for the submission by the Bureau of Economic Regulation of its recommendations concerning the scope of the issues. As a final step, all parties will be permitted to submit replies to the prior filings.

The foregoing procedural schedule will be completed within a period of 60 days after the date of this order, and the Board will then be in a position to enter an appropriate order establishing the scope of the United States-Caribbean issues and disposing of requests for consolidation. In the meantime, however, this proceeding may proceed as presently constituted, subject to the amendments of the issues made by this order. We are therefore directing that the hearing on the establishment of the United States-South America route pattern go forward without further delay.

Accordingly, it is ordered:

1. That ordering paragraph 1 of Order E-17289 be and it hereby is amended to read as follows:

"1. That an investigation be and it hereby is instituted to determine whether the public convenience and necessity require, and the Board should order, the alteration, amendment, modification, or suspension, in whole or in part and including but not limited to the possible deletion of existing points or route segments, of the certificates of Pan American World Airways, Inc., for route 136; of Pan American-Grace Airways, Inc., for route 146; and of Braniff Airways, Inc., for route FAM-34; insofar as air transportation between the United States and South America is concerned, and whether the public convenience and necessity require and the Board should modify the certificate or certificates of all or any one of the named carriers in order to implement the route pattern set forth in the attached study."

2. That Order E-17932, insofar as it excluded Delta Air Lines, Inc., (Delta) as a party and denied intervention to the City of New Orleans, Louisiana, and the Chamber of Commerce of the New Orleans Area (New Orleans), be and it hereby is rescinded, and the petitions for leave to intervene filed by Delta and New Orleans be and they hereby are granted.

3. That Houston, Texas, and New Orleans, Louisiana, be considered as possible points on Route A.

4. That ordering paragraph 3 of Order E-17932 be and it hereby is amended to read as follows:

"3. In addition to the general issue stated by ordering paragraph 1 of Order E-17289 with reference to Braniff, Panagra, and Pan American, the following specific issues as to the possible alteration, amendment, modification, or suspension of Pan American's existing authority as described in its certificate for route 136 shall be considered: (a) the modification of the certificate designation as to the coterminal status of the northeastern United States cities named therein; (b) the continued authorization of Balboa-Miami service as part of a United States-South America authorization; and (c) the possible deletion of Pan American's existing route authority between Houston, Texas, on the one hand, and points south of Port-of-Spain, Trinidad, on the other hand, and between

[1] Order E-17289, dated Aug. 8, 1961; Order E-17932, dated Jan. 16, 1962; and Order E-18007, dated Feb. 9, 1962.

[2] Braniff Airways, Inc.; the City of Houston and the Houston Chamber of Commerce; Pan American World Airways, Inc.; Bureau Counsel; Pan American-Grace Airways, Inc.; Delta Air Lines, Inc.; and the City of New Orleans, Louisiana, and the Chamber of Commerce of the New Orleans Area.

[3] Ordering paragraphs 1 through 6. In addition to the matters specifically covered by the examiner, we are also amending ordering paragraph 1 of Order E-17289 so as to express more clearly our intentions with respect to the question of the possible modification of certificates which may involve the deletion of existing points or route segments.

New Orleans, Louisiana, on the one hand, and points south of Port-of-Spain, Trinidad, on the other hand;"

5. That ordering paragraph 13 of Order E–17932 be and it hereby is amended to read as follows:

"13. That Braniff's motion for consolidation of Dockets 12988 and 3482, as amended, be granted except to the extent that said applications seek the designations of Dallas as a coterminal point with Houston and of Havana, Cuba, as an intermediate point, and that the unconsolidated portions be dismissed, and that its application in Docket 12987 be dismissed;"

6. That Delta's motion for leave to file a petition for reconsideration of Order E–17932 be and it hereby is granted, and that, except to the extent granted herein, said petition be and it hereby is denied

7. That, with the changes and amendments made necessary by ordering paragraphs 1 through 6 of this order, the hearing on the establishment of the United States-South America route pattern go forward without further delay.

8. That all interested persons may file, within 15 days after the date hereof, appropriate statements, applications, and motions with respect to the scope of the review of the United States-Caribbean route pattern which should be considered herein.

9. That, within 30 days after the expiration of the 15-day period provided by paragraph 8 hereof, all interested persons may file answers to such statements, applications, and motions, and within said 30-day period the Bureau of Economic Regulation shall file its recommendations concerning the scope of the review which should be made of United States-Caribbean operations and services by United States flag carriers.

10. That, within 15 days after expiration of the 30-day period provided by paragraph 9 hereof, all interested persons may file replies to all prior filings.

11. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62–8577; Filed, Aug. 24, 1962; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

U.S. ATLANTIC AND GULF/VENEZUELA AND NETHERLANDS ANTILLES CONFERENCE AND COMPANIA ANONIMA VENEZOLANA DE NAVEGACION (VENEZUELAN LINE)

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 6190–A, between the member lines of the United States Atlantic and Gulf/Venezuela and Netherlands Antilles Conference and Compania Anonima Venezolana de Navegacion (Venezuelan Line), covers a supplemental arrangement whereby (1) the Venezuelan Line will participate in the tariff or tariffs published by the United States Atlantic and Gulf/Venezuela and Netherlands Antilles Conference under terms and conditions set forth in said agreement, and (2) it is agreed that the Venezuelan Line will be bound by the rates, charges, rules and regulations set forth therein, except as may be specifically provided in such tariff or tariffs by special notation.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 22, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc 62–8575; Filed, Aug. 24, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3445]

E. L. BRUCE CO. (INC.)

Order Summarily Suspending Trading

AUGUST 21, 1962.

The common stock, par value $1, of E. L. Bruce Co. (Incorporated), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 22, 1962, through August 31, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–8555; Filed, Aug. 24, 1962; 8:46 a.m.]

[File No. 1–4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

AUGUST 21, 1962.

The common stock, par value $1, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 22, 1962, through August 31, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–8556; Filed, Aug. 24, 1962; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to 29 CFR 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region II

G. C. Murphy Co. (#139), 25–27 East Washington Street, Washington, N.J.; effective 7–30–62 to 7–29–63 (variety store; 45 employees).

Region IV

Rose's Stores, Inc. (#48), Newberry, S.C.; effective 8–1–62 to 7–31–63 (variety store; 23 employees).

Region VI

Anthony's of Moorhead, 709 Center Avenue, Moorhead, Minn.; effective 8–2–62 to 8–9–63 (department store; 19 employees).

Region VII

Phillips Department Store, 4935 South 24th Street, Omaha, Nebr.; effective 8–1–62 to 7–31–63 (department store; 75 employees).

Phillips, Inc., 4935 South 24th Street, Omaha, Nebr.; effective 8–1–62 to 7–31–63 (food store; 49 employees).

Region VIII

C. R. Anthony Co. (#73), Sweetwater, Tex.; effective 8–1–62 to 7–31–63 (department store; 10 employees).

Region X

Dyche Jones Food Store, Manchester, Ky.; effective 7–26–62 to 7–25–63 (food store; 12 employees).

Dyche Jones Food Store, South Broad Street, London, Ky.; effective 7–26–62 to 7–25–63 (food store; 13 employees).

K. C. Super Market, Etowah, Tenn.; effective 7–28–62 to 7–27–63 (food store; 13 employees).

NORTH CAROLINA

Rose's Stores, Inc. (#52), Madison Street, Whiteville, N.C.; effective 8–1–62 to 7–31–63 (variety store; 22 employees).

Rose's Stores, Inc., Main Street, Roxboro, N.C.; effective 8–6–62 to 7–5–63 (variety store; 14 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates below $1.00 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Colonial Stores, Inc., 111 South McIntosh Street, Elberton, Ga.; effective 8–8–62 to 8–7–63; bagger, carryout, checker, clerk; between 0 and 8.3 percent (food store; 22 employees).

Consumers Warehouse Market, Inc., 2900 East Sunshine Street, Springfield, Mo.; effective 8–6–62 to 8–5–63; carryout; 10 percent each month (food store; new store).

Crysler United Super, Inc., 2604 South Crysler Avenue, Independence, Mo.; effective 8–1–62 to 7–31–63; sack boys, carryout; 10 percent each month (food store; 26 employees).

Fifty-ninth & Penn Variety, Inc., d/b/a T.G. & Y. Stores, (#82), 2130 Southwest 59th, Oklahoma City, Okla.; effective 6–21–62 to 6–20–63; clerical, sales, stocking; 10 percent each month (variety store; 637 employees).

Food Mart (#28), 7046 Alameda, El Paso, Tex.; effective 8–7–62 to 8–6–63; bagger, carryout, checker, stock clerk, janitor; between 9.2 percent and 10 percent (food store; 17 employees).

Food Mart (#13), 220 Cedar, Kermit, Tex.; effective 8–8–62 to 8–7–63; bag boy, carryout, janitor, stock clerk, checker; between 3.1 percent and 10 percent (food store; 13 employees).

GEM Supermarket, 2301 South Meridian, Wichita, Kans.; effective 8–6–62 to 8–5–63; stock clerk, checker, carryout; between 9.8 percent and 10 percent (food store; 39 employees).

S. S. Kresge Co. (#753), Chris-Town Shopping Center, 1703 West Bethany Home Road, Phoenix 15, Ariz.; effective 8–1–62 to 7–31–63; sales clerk; between 5.9 percent and 10 percent (variety store; 37 employees).

S. S. Kresge Co., 2545 Okeechobe Road, West Palm Beach, Fla.; effective 7–31–62 to 7–30–63; sales clerk, between 7.3 percent and 10 percent (variety store; 31 employees).

S. S. Kresge Co., Market Place Shopping Center, 755 West Golf Road, Des Plaines, Ill.; effective 7–31–62 to 7–30–63; sales clerk; 10 percent each month (variety store; 35 employees).

S. S. Kresge Co. (#25), 3041 West 159th Street, Markham, Ill.; effective 8–1–62 to 7–31–63; sales clerk; 10 percent each month (variety store; 48 employees).

S. S. Kresge Co. (#187), Palatine Plaza Shopping Center, 239 West Northwest Highway, Palatine, Ill.; effective 8–3–62 to 8–2–63; sales clerk; 10 percent each month (variety store; 26 employees).

S. S. Kresge Co. (#578), 21 Village Square, Hazelwood, Mo.; effective 8–1–62 to 7–31–63; sales clerk; 10 percent each month (variety store; 28 employees).

S. S. Kresge Co., Cherry Hill Shopping Center, 431 Cherry Hill, Merchantville, N.J.; effective 7–31–62 to 7–30–63; sales clerk; 10 percent each month (variety store; 50 employees).

S. S. Kresge Co., 1806 Duke Street, Alexandria, Va.; effective 8–1–62 to 7–31–63; sales clerk; 10 percent each month (variety store; 32 employees).

McCrory-McLellan-H. L. Green Co., Inc., Normandy Shopping Center, Ellicott City, Md.; effective 7–31–62 to 7–30–63; sales clerk, stock clerk, office clerk; 10 percent each month (variety store; 27 employees).

Neisner Brothers, Inc. (#192), 1091 West Main Street, Avon Park, Fla.; effective 8–1–62 to 7–31–63; sales clerk, stock clerk; between 6.0 percent and 10 percent (variety store; 28 employees).

Neisner Brothers, Inc. (#85), 2300 31st Street South, St. Petersburg, Fla.; effective 8–6–62 to 8–5–63; sales clerk, stock clerk, clerical; between 9.8 percent and 10 percent (variety store; 20 employees).

Neisner Brothers, Inc. (#202), Crystal Lake Plaza, Crystal Lake, Ill.; effective 8–3–62 to 8–2–63; sales clerk, stock clerk, office clerk; between 6.0 percent and 10 percent (variety store; 27 employees).

Rose's 5–10–25¢ Store, 322 Main Street, Tarboro, N.C.; effective 8–6–62 to 8–5–63; sales clerk, cashier; between 0 and 10 percent (variety store; 18 employees).

Second & Jackson Corp., Second and Broadwell, Grand Island, Nebr.; effective 8–6–62 to 8–5–63; sackers, carryout; 10 percent each month (food store; 44 employees).

F. W. Woolworth Co. (#2606), 11301 South Michigan Avenue, Chicago 28, Ill.; effective 8–1–62 to 7–31–63; sales clerk; between 7.0 percent and 10 percent (variety store; 62 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 20th day of August 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–8553; Filed, Aug. 24, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order 61]

MISSOURI

Authorization for Railroads To Transport Livestock Feed and Hay at Reduced Rates

It appearing that by reason of drouth conditions existing in certain portions of the State of Missouri, hereinafter referred to as the disaster area, the Secretary of the United States Department of Agriculture has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the disaster area at reduced rates.

It is ordered, That carriers by railroad participating in the transportation of livestock feed and hay to the disaster area in Missouri described in the appendix set forth below, be, and they are hereby authorized under section 22 of the Interstate Commerce Act to establish and maintain until November 20, 1962, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6

of the Interstate Commerce Act except that they may be made effective one day after publication and filing instead of thirty.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drouth.

It is further ordered, That, during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 22d day of August 1962.

By the Commission, Vice-Chairman Walrath.

[SEAL] HAROLD D. McCOY, *Secretary.*

APPENDIX

The disaster area referred to in Drouth Order No. 61 comprises 33 counties in the state of Missouri as follows:

Benton.	Moniteau.
Boone.	Morgan.
Butler.	Oregon.
Callaway.	Osage.
Camden.	Pettis.
Carter.	Phelps.
Cole.	Pulaski.
Cooper.	Reynolds.
Crawford.	Ripley.
Gasconade.	St. Francois.
Iron.	Ste. Genevieve.
Jefferson.	Shannon.
Johnson.	Stoddard.
Lafayette.	Stone.
Madison.	Texas.
Maries.	Washington.
Miller.	

[F.R. Doc. 62-8573; Filed, Aug. 24, 1962; 8:47 a.m.]

[Notice 684]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 22, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 35375. By order of August 17, 1962. The Transfer Board approved the lease to LaVern Dupuis, Sylvester Brown, Arthur Rindfleisch, Albert Grzesiak, Otto Rindfleisch, Robert Voeltner, Bert Facklum, Ervin Ahles and Frank Rindfleisch, a partnership, doing business as Associated Trucking Company, Mosinee, Wis., of Certificates Nos. MC 113535 and MC 113535 Sub 4, issued August 19, 1954 and May 14, 1957, respectively, to A & W Trucking Co., Inc., Mosinee, Wis., authorizing the transportation of: Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat-packing houses, between Winona, Minn., and LaCrosse, Wis., on the one hand, and, on the other, points in Wisconsin, with exceptions; and from Mosinee, Wis., to points in Wisconsin; and empty containers used in transporting above-specified commodities, from points in Wisconsin to Mosinee, Wis., and meats, meat products, and meat byproducts, from Madison, Wis., to Mosinee, Wis., Meat, meat products, meat byproducts, and articles distributed by meat packing houses from Madison and Mosinee, Wis., to Duluth, Minn., and empty containers used in transporting the above-specified commodities from Duluth, Minn., to Madison and Mosinee, Wis. Sylvester Brown, Manager, Associated Trucking Co., Route 2, Box 370, Mosinee, Wis., representative for applicants.

No. MC-FC 65169. By order dated August 17, 1962. The Transfer Board approved the transfer to Clyde S. Cripe, doing business as E. J. Cripe Moving and Storage Co., 2708 Pendleton Avenue, Anderson, Ind., of Certificate No. MC 101038, issued November 30, 1940, to Ezra J. Cripe, doing business as E. J. Cripe Moving, 931 Meridian Street, Anderson, Ind., authorizing the transportation of: Household goods, over irregular routes, from points in Madison County, Ind., to points in Illinois, Kentucky, Michigan, and Ohio.

No. MC-FC 65218. By order of August 17, 1962. The Transfer Board approved the transfer to Kuhn Trucking Co., Inc., 142 East 25th Street, New York, N.Y., of the operating rights in Permit No. MC 67093, issued December 2, 1958, to Adam Kuhn, doing business as Kuhn Trucking Co., 142 East 25th Street, New York, N.Y., authorizing the transportation, over irregular routes, of rayon and rayon products, between New York, N.Y., and Newark, N.J.

No. MC-FC 65259. By order of August 16, 1962. The Transfer Board approved the transfer to Robert Schreiber, doing business as Schreiber Trucking, Hebron, Ind., of Certificate No. MC 78711, issued February 7, 1941, to Michael Miller, Jr., Cedar Lake, Ind., authorizing the transportation of: Lumber, from Chicago, Ill., to Crown Point, Ind., and points within 40 miles of Crown Point; agricultural commodities, from Crown Point, Ind., and points within 40 miles of Crown Point to Chicago, Ill., crushed limestone, between Thornton, Ill., on the one hand, and, on the other, Cook, Ind., and points in Indiana and Illinois within 10 miles of Cook; fertilizer, feed, baled hay, seed, and skimmed milk powder, between Calumet City, Chicago, and Chicago Heights, Ill., on the one hand, and, on the other, points in Indiana, within 10 miles of Cook, Ind., including Cook; milk in containers, between Chicago, Ill., on the one hand, and, on the other, Cook, Ind., and points in Indiana, within 10 miles of Cook; horses and mules, between points in Indiana, on the one hand, and, on the other, points in Cook, Will, Kankakee, and Iroquois Counties, Ill., livestock, between Crown Point, Ind., and points within 75 miles of Crown Point, on the one hand, and, on the other, Chicago, Ill., agricultural machinery, farm equipment, and supplies, between Chicago, Ill., on the one hand, and, on the other, Crown Point, Ind., and points within 40 miles of Crown Point; and household goods and emigrant movables, between points in Illinois and Indiana. Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind., representative for applicants.

No. MC-FC 65261. By order of August 16, 1962. The Transfer Board approved the transfer to Floyd G. Friday, Amery, Wis., of Certificate No. MC 39112 issued August 16, 1961, to Elmer N. Nielsen, doing business as Nielsen Transfer, Amery, Wis., authorizing the transportation of general commodities, including household goods but excluding commodities in bulk, over irregular routes, from South St. Paul, St. Paul, Minneapolis, and Stillwater, Minn., to Wanderoos, Amery, Osceola, and Clayton, Wis., and livestock and farm products, over irregular routes, from points in St. Croix, Polk, and Barron Counties, Wis., to South St. Paul, Minn. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., representative for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.D. Doc. 62-8564; Filed, Aug. 24, 1962; 8:47 a.m.]

[Notice 684-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 22, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65048. By order of August 21, 1962. The Transfer Board approved the transfer to William H. Kluge, doing business as Baggstrom's Bus Service, Washington, N.J., of Certificates Nos. MC 88929 Sub 1 and MC 88929 Sub 2, issued July 24, 1939, amended April 13, 1947, and June 10, 1948, respectively, to Helga Baggstrom, doing business as Baggstrom's Bus Service, Frenchtown, N.J., authorizing the transportation of passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from points in Hunterdon County, N.J., to New York, N.Y., and points in that part of Pennsylvania bounded by a line beginning at Philadelphia, Pa., and extending in a northwesterly direction along U.S. Highway 422, thence in a northeasterly direction along Pennsylvania Highway 100 to Simerville, Pa., thence along Pennsylvania Highway 29 to Allentown, Pa., thence in an easterly direction along U.S. Highway 22 to the Delaware River, and thence along the Delaware River to Philadelphia, and return; from points in Hunterdon County, N.J., to Bushkill, Palms, and Mt. Rose, Pa., and return; and between Frenchtown, N.J., on the one hand, and, on the other, points in Pennsylvania within 10 miles of Frenchtown. Edward F. Bowes, 1060 Broad Street, Newark 2, N.J., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8565; Filed, Aug. 24, 1962; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11046

AUTHORIZING AWARD OF THE BRONZE STAR MEDAL

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. The Bronze Star Medal, with accompanying ribbons and appurtenances, which was first established by Executive Order No. 9419 of February 4, 1944, may be awarded by the Secretary of a military department or the Secretary of the Treasury with regard to the Coast Guard when not operating as a service in the Navy, or by such military commanders, or other appropriate officers as the Secretary concerned may designate, to any person who, while serving in any capacity in or with the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, after December 6, 1941, distinguishes, or has distinguished, himself by heroic or meritorious achievement or service, not involving participation in aerial flight—

(a) while engaged in an action against an enemy of the United States;

(b) while engaged in military operations involving conflict with an opposing foreign force; or

(c) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

2. The Bronze Star Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of Defense, and shall be awarded under such regulations as the Secretary concerned may prescribe. Such regulations shall, so far as practicable, be uniform, and those of the military departments shall be subject to the approval of the Secretary of Defense.

3. No more than one Bronze Star Medal shall be awarded to any one person, but for each succeeding heroic or meritorious achievement or service justifying such an award a suitable device may be awarded to be worn with the medal as prescribed by appropriate regulations.

4. The Bronze Star Medal or device may be awarded posthumously and, when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of the department concerned.

5. This order shall supersede Executive Order No. 9419 of February 4, 1944, entitled "Bronze Star Medal". However, existing regulations prescribed under that order shall, so far as they are not inconsistent with this order, remain in effect until modified or revoked by regulations prescribed under this order by the Secretary of the department concerned.

JOHN F. KENNEDY

THE WHITE HOUSE,
August 24, 1962.

[F.R. Doc. 62-8714; Filed, Aug. 27, 1962; 11:25 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 29—TOBACCO INSPECTION

Subpart C—Standards

A notice of proposed rule making covering the issuance of Official Standard Grades for Connecticut Valley Cigar-binder Tobacco, U.S. Types 51 and 52, was published in the FEDERAL REGISTER of July 4, 1962 (27 F.R. 6332). Interested persons were given 30 days following publication of the notice in the FEDERAL REGISTER in which to submit written data, views, or arguments with respect to the proposed standards.

After consideration of the data, views, and arguments presented, the official standards, as so published, are hereby adopted without change.

Effective date. In accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), these standards shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

The standards are set forth below.

Done at Washington, D.C., this 23d day of August 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

Insert in Subpart C of Part 29 immediately after § 29.3407 the following:

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29.5596 Rule 10.
29.5597 Rule 11.
29.5598 Rule 12.
29.5599 Rule 13.
29.5600 Rule 14.
29.5601 Rule 15.
29.5602 Rule 16.
29.5603 Rule 17.
29.5604 Rule 18.

GRADES

29.5626 Binder (B Group).
29.5627 Nonbinder (X Group).
29.5628 Nondescript (N Group).
29.5629 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.5651 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.5656 Key to standard grademarks.

AUTHORITY: §§ 29.5501 to 29.5656 issued under sec. 14, 49 Stat. 734; 7 U.S.C. 711m.

DEFINITIONS

§ 29.5501 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.5502 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat sometimes is used to control excess humidity during the curing period to prevent pole-sweat, pole-burn, and shed-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.5503 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart.)

§ 29.5504 Burn.

The duration of combustion or length of time that a tobacco leaf will hold fire after ignition. (See rule 18.)

§ 29.5505 Case (order).

The state of tobacco with respect to its moisture content.

§ 29.5506 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.5507 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more sand or dirt than those from higher stalk positions. (See rule 4.)

§ 29.5508 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.5509 Crude.

A subdegree of maturity. (See rule 15.)

§ 29.5510 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.5511 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 17.)

§ 29.5512 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See rule 17.)

§ 29.5513 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See chart.)

§ 29.5514 Elements of quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in the chart in § 29.5581.

§ 29.5515 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, and rubber bands. (See rule 17.)

§ 29.5516 Form.

The state of preparation of tobacco such as stemmed or unstemmed.

§ 29.5517 General quality.

The quality of tobacco considered in relation to the type as a whole. General quality is distinguished from the restricted use of the term "quality" within a group.

§ 29.5518 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.5519 Grademark.

In Types 51 and 52 a grademark normally consists of a letter to indicate group and a number to indicate quality. For example, B2 means Binder, good quality.

§ 29.5520 Group.

A type division consisting of one or more grades based on the general quality of tobacco. Groups in Types 51 and 52 are: Binder (B), Nonbinder (X), Nondescript (N), and Scrap (S).

§ 29.5521 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilization, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, frostbitten, frozen (see rule 16), sunburned, sunscalded, bulk-burnt, poleburnt, shed-burnt, pole-sweated, stemrotted, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See rule 13.)

§ 29.5522 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.5523 Leaf structure.

The cell development of a leaf as indicated by its porosity. The degrees range from close (slick and tight) to open (porous). (See chart.)

§ 29.5524 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.5525 Lot.

A pile, basket, bulk, package, or other definite unit.

§ 29.5526 Maturity.

The degree of ripeness. (See chart.)

§ 29.5527 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See rule 17.)

§ 29.5528 No Grade.

A designation applied to a lot of tobacco classified as damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, or has an odor foreign to the type. (See rules 5 and 17.)

§ 29.5529 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Type 51 or 52. (See rule 17.)

§ 29.5530 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.5531 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.5532 Quality.

A division of a group or the second factor of a grade, based upon the relative degree of one or more of the elements of quality.

§ 29.5533 Raw.

Tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.5534 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swell stems, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See definition of No-Grade and rule 17.)

§ 29.5535 Side.

A certain phase of quality as contrasted with some other phase of quality, or any peculiar characteristic of tobacco.

§ 29.5536 Sound.

Free of damage. (See rule 4.)

§ 29.5537 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.5538 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.5539 Stem rot.

The deterioration of an uncured or frozen stem resulting from bacterial action. Although stem rot results from bacterial action, it is inactive in cured tobacco and is treated as a kind of injury in Types 51 and 52. (See rule 14.)

§ 29.5540 Strength (tensile).

The stress a tobacco leaf can bear without tearing. (See chart.)

§ 29.5541 Strips.

The sides of tobacco leaves from which the stems have been removed or a lot of tobacco composed of strips.

§ 29.5542 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition sometimes is described as aged.

§ 29.5543 Tobacco.

Tobacco in its unmanufactured forms as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters a manufacturing process. Conditioning, sweating, and stemming are not regarded as manufacturing processes.

§ 29.5544 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.5545 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.5546 Type 51.

That type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced principally in the Connecticut River Valley.

§ 29.5547 Type 52.

That type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed or Havana Seed of Connecticut and Massachusetts, produced principally in the Connecticut River Valley.

§ 29.5548 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.5549 Uniformity.

A grade requirement designating the percentage of a lot which must meet the specified degree of each element of quality. (See rule 12.)

§ 29.5550 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.5551 Unsweated.

The condition of cured tobacco which has not been sweated.

§ 29.5552 Wet (high-case).

Any sound tobacco containing excessive moisture to the extent that it is in an unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 17.)

§ 29.5553 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart.)

ELEMENTS OF QUALITY

§ 29.5581 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These degrees are arranged to show their relative value, but the actual value of each degree varies with type and group. In each case the first and last degrees represent the full range for the element.

Elements	Degrees		
Body	Heavy	Medium	Thin.
Maturity	Immature	Mature	Ripe.
Leaf structure	Close	Firm	Open.
Elasticity	Inelastic	Semielastic	Elastic.
Strength (tensile)	Weak	Normal	Strong.
Width	Narrow	Normal	Spready.
Length	(1)	(1)	(1).
Uniformity	(2)	(2)	(2).
Injury tolerance	(2)	(2)	(2).

[1] Expressed in inches.
[2] Expressed in percentages.

RULES

§ 29.5586 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.5587 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.5588 Rule 2.

The determination of a grade shall be based upon a representative sample or a thorough examination of a packing of tobacco.

§ 29.5589 Rule 3.

The grade of unsorted tobacco shall be based upon a representative sample of the packing. A minimum of 10 percent of the bundles or bales shall be selected at random for sampling; a higher percentage may be sampled at the discretion of the inspector. To obtain the sample, a sufficient amount of tobacco shall be drawn to be representative of each selected bale. In determining the grade, the inspector shall consider the quality of all samples. The grade assigned shall represent the quality of the lot as a whole.

§ 29.5590 Rule 4.

Standard grades shall be applied to clean and sound tobacco only.

§ 29.5591 Rule 5.

Tobacco leaves shall be placed straight in bundles or bales of normal weight, size, and shape with the butts out and tips overlapping from 6 to 8 inches or sufficiently to make a level, solid, and uniform pack. The sides of the bundles shall be completely covered with paper, or other suitable protective material, and tightly bound with not less than three large twines spaced so that the tobacco will be held securely together. Improperly packed tobacco shall be designated as "No-G."

§ 29.5592 Rule 6.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.5593 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.5594 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.5595 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.5596 Rule 10.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards Branch and approved by the Director of the Tobacco Division, Agricultural Marketing Service.

§ 29.5597 Rule 11.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.5598 Rule 12.

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade; the remaining portion must be related. Grade specifications state the minimum acceptable degree of each element of quality. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.5599 Rule 13.

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury, and consideration shall be given to the kinds of injury normal to the group or grade.

§ 29.5600 Rule 14.

Stem rot shall not exceed 50 percent of the specified injury tolerance for any grade.

§ 29.5601 Rule 15.

In grade specifications the tolerance of crude shall apply to the entire leaf surface of the lot.

§ 29.5602 Rule 16.

In grade specifications frozen shall be treated as a separate kind of injury and the tolerance shall apply to the entire leaf surface of the lot.

§ 29.5603 Rule 17.

Tobacco shall be designated as No Grade, using the grademark "No-G," when it is damaged, dirty, nested, offtype, semicured, wet, improperly packed, contains foreign matter, or has an odor foreign to the type.

§ 29.5604 Rule 18.

Burn shall be determined as the average burning time of leaves selected at random from the sample. A minimum of 10 leaves shall be selected as representative regardless of the number of bundles or bales in the lot. All burn tests shall be made in the binder-cutting area on the same side of the leaf. The leaf shall be punctured to permit quick ignition when placed over a candle, alcohol lamp, or electrical-lighting device. Good burn shall average 6 seconds or longer; fair burn, 3 to 5 seconds; and poor burn, under 3 seconds. B1 and B2 shall require good burn and B3, fair burn.

GRADES

§ 29.5626 Binder (B Group).

Farm lots of tobacco suitable for utilization as cigar binders.

U.S. Grades	*Grade Names, Minimum Specifications, and Tolerances*
B1	Fine Quality Binder Thin, ripe, open, elastic, strong, spready, and over 19 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
B2	Good Quality Binder Thin, ripe, open, elastic, normal strength and width, and over 19 inches in length. Uniformity, 80 percent; injury tolerance, 20 percent.
B3	Fair Quality Binder Medium body, mature, firm, semielastic, normal strength and width, and over 19 inches in length. Uniformity, 70 percent; injury tolerance, 30 percent.
B4	Poor Quality Binder Medium body, mature, firm, inelastic, normal strength, and narrow. Uniformity, 60 percent; injury tolerance, 40 percent.
B5	Low Quality Binder Heavy, immature, close, inelastic, weak, and narrow. Uniformity, 60 percent. Tolerances: 5 percent crude, 5 percent frozen, and 40 percent injury.

§ 29.5627 Nonbinder (X Group).

Farm lots of nonbinder tobacco.

U.S. Grade	Grade Name, Minimum Specifications, and Tolerances
X1	Nonbinder Heavy, immature, close, inelastic, weak, and narrow. Tolerances: 10 percent crude, 10 percent frozen, and 50 percent injury.

§ 29.5628 Nondescript (N Group).

Tobacco which does not meet the minimum specifications of the lowest grade of any other group.

U.S. Grades	Grade Names and Tolerances
N1	First Nondescript Tolerances: 20 percent crude, 20 percent frozen, and 60 percent injury.
N2	Second Nondescript Over 20 percent crude, over 20 percent frozen, or over 60 percent injury.

§ 29.5629 Scrap (S Group).

A byproduct of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. Grade	Grade Name and Specifications
S	Scrap Loose, tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.5651 Summary of standard grades.

5 Grades of Binder	1 Grade of Nonbinder
B1	X1
B2	
B3	
B4	
B5	
2 Grades of Nondescript	**1 Grade of Scrap**
N1	S
N2	

Tobbacco not covered by standard grades is designated as "No-G."

KEY TO STANDARD GRADEMARKS

§ 29.5656 Key to standard grademarks.

Groups	Qualities
B—Binder.	1—Fine.
X—Nonbinder.	2—Good.
N—Nondescript.	3—Fair.
S—Scrap.	4—Poor.
	5—Low.

[F.R. Doc. 62-8625; Filed, Aug. 27, 1962; 8:55 a.m.]

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE FARM PRODUCTS INSPECTION ACT

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

Miscellaneous Amendments

Under the authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the United States Department of Agriculture hereby further amends the regulations governing the grading and inspection of egg products (7 CFR, as amended, Part 55).

Statement of consideration. At the request of industry leaders, a meeting was held in Omaha, Nebraska, on February 28, 1962, to discuss changes in the regulations which would aid in assuring a uniformly high quality in egg products produced by official plants. The meeting was attended by private and governmental research personnel working in the field and processor representatives. As a result of this meeting, a tentative proposal for changes was prepared on March 27, 1962. This was given limited circulation among the egg products processors with a request for comment.

Notice of proposed rule making was published in the FEDERAL REGISTER on Wednesday, June 27, 1962, and opportunity was afforded interested persons to comment thereon. Due consideration has been given to all comments received and to all information available to the Agricultural Marketing Service. The amendments conform in most respects to the proposal set forth in the notice and deviations therefrom are made pursuant to comments of interested persons or in the interests of clarity.

The amendments: (1) Provide for laboratory analysis on samples of egg products from nonofficial plants submitted by the applicant; (2) change lot size for dried eggs for sampling purposes from 2,500 pounds to 15,000 pounds; (3) clarify requirements for facilities for sampling and testing to be furnished by the applicant; (4) restrict organoleptic examination of egg products from nonofficial plants to frozen whole eggs; (5) limit the type of soap that is used in lavatories; (6) modify the provisions relating to shell egg washing procedures and equipment; (7) eliminate the requirement of reexamination of egg liquid by plant employees when high quality shell eggs are broken; (8) provide for applying temperature requirements to liquid egg at time of draw-off instead of time of breaking; (9) reduce percentage of solids in egg products to which 10 percent salt is added to be eligible for extended holding prior to freezing; (10) provide for breaking shell eggs at temperatures above 70° F. when liquid is mechanically cooled; (11) permit the national supervisor to approve other satisfactory cooling and freezing methods upon written request; (12) provide for time limit for freezing products to start at time of draw-off, rather than at time of placing in the freezer; (13) change the size of apertures from No. 16 mesh to No. 10 mesh for screening dried eggs; and (14) eliminate requirement for alarm devices on pasteurizing equipment. Other minor changes are made for clarification.

The provisions of the regulations under the Agricultural Marketing Act of 1946, appearing in 7 §§ 55.4, 55.6, 55.18, 55.41, 55.43, 55.75, 55.77, 55.78, 55.79, 55.80, 55.81, 55.82, 55.83, 55.84, 55.85, 55.88, 55.91, 55.92, and 55.101 are amended to read, respectively, as follows:

§ 55.4 Kinds of service available.

* * * * * *

(e) Condition inspection and laboratory analysis of frozen whole eggs which were prepared in nonofficial plants.

(f) Laboratory analysis of samples (with or without added ingredients) of dried and frozen egg products which were prepared in nonofficial plants and which are submitted to the laboratory by the applicant.

§ 55.6 Basis of service.

* * * * * *

(b) Whenever grading or inspection service is performed on a sample basis, such sample shall be drawn as follows: (1) When frozen eggs are packed in 30-pound or larger containers, a sufficient number of randomly selected containers equivalent to not less than the square root of the total number in the lot shall be selected. When frozen eggs are packed in smaller containers, the number of containers to be selected shall be not less than the figure obtained by dividing the total net weight of the lot by 30 and extracting the square root thereof; (2) samples of dried egg solids of appropriate size shall be drawn in approximately equal portions from four randomly selected containers in each lot. For sampling purposes, a lot shall consist of not more than 15,000 pounds. If the lot consists of less than four containers, the sample shall be drawn in approximately equal portions from each container in the lot.

§ 55.18 Facilities to be furnished for use of graders and inspectors in performing service on a resident inspection basis.

(a) Facilities for proper sampling, weighing, and examination of shell eggs and egg products shall be furnished by the official plant for use by inspectors and frozen egg graders. Such facilities shall include a candling light, a heavy duty, high speed (not less than 1,000 r.p.m. under load) drill with a 1 1/16" or larger bit of sufficient length to reach the bottom of a 30-pound can of frozen eggs, a nonbreakable thermometer, and a satisfactory test kit for determining the bactericidal strength. (See § 55.99 (b) (1).)

§ 55.41 Products not eligible for official identification.

(a) Egg products which are prepared in nonofficial plants shall not be officially identified.

(b) Frozen whole eggs may be inspected organoleptically and by laboratory analyses and covering certificates issued setting forth the results of the inspection. Such certificates shall apply only to samples examined and shall include a statement that the product was produced in a nonofficial plant. Each container of frozen whole eggs will be drilled and examined organoleptically and product which appears to be satisfactory shall for sampling purposes be placed in lots not exceeding 6,000 pounds. Samples for laboratory analyses will be taken from each lot as provided in § 55.6(b) and examined for direct microscopic bacterial count and for the presence of acetic and lactic acid. Frozen whole eggs shall be considered unsatisfactory if they contain acetic acid in any measurable quantity or if they contain lactic acid in excess of 7 milligrams per 100 grams of egg in combination with a direct microscopic bacterial count of more than 5,000,000 per gram of egg. The bacteriological analysis

shall be made in accordance with the methods prescribed in Standard Methods for the Examination of Dairy Products of the American Public Health Association. The chemical analyses shall be made in accordance with the methods prescribed in Official Methods of Analysis of the Association of Official Agricultural Chemists.

§ 55.43 Supervision of marking and packaging.

* * * * * *

(c) *Labels for products sold under Government contract.* The grader or inspector in charge may approve labels for containers of product sold under a contract specification to governmental agencies when such product is not offered for resale to the general public: *Provided,* That the contract specifications include complete specific requirements with respect to labeling, and are made available to the grader or inspector in charge.

§ 55.75 Plant requirements.

* * * * * *

(h) Shell egg storage rooms, either on or off the premises, shall be capable of precooling all shell eggs to meet the temperature requirements (set forth in § 55.85) for liquid eggs at time of draw-off. Such rooms shall be kept clean and free from objectionable odors and mold growth.

* * * * * *

(n) Lavatory accommodations (including, but not being limited to, hot and cold running water, towels, and soap which does not impart an odor which interferes with accurate evaluation of the product) shall be placed at such locations in the plant as may be essential to assure cleanliness of each person handling any shell eggs or egg products.

§ 55.77 General operating procedures.

(a) All operations involving processing, storing, and handling of shell eggs, ingredients to be added, and egg products shall be strictly in accord with clean and sanitary methods, and shall be conducted as rapidly as is practicable. Liquid egg products, other than whites, shall not be heated at any time during processing except as provided for in approved procedures for stabilization or pasteurization. (See § 55.101.) Stabilization procedures, when employed, shall be approved by the Administrator. Temperatures in all operations shall be such as will prevent a material increase in bacterial growth and deterioration or breakdown in the egg meat.

§ 55.78 Candling and transfer-room facilities.

(a) The room shall be so constructed that it can be adequately darkened to assure accuracy in removal of inedible or loss eggs by candling. Equipment shall be arranged so as to facilitate cleaning and the removal of refuse and excess packing material.

§ 55.79 Candling and transfer-room operations.

(a) Candling and transfer rooms shall be kept clean, free from cobwebs, dust, objectionable odors, and excess packing materials.

(b) Floors and benches shall be thoroughly cleaned daily.

§ 55.80 Egg washing area.

* * * * * *

(b) [Deleted]

§ 55.81 Egg cleaning operations.

(a) All shell eggs with adhering dirt shall be cleaned prior to breaking. If eggs are cleaned by washing, the washing process shall be continuous and eggs shall not be allowed to stand or soak in water or washing solution. Notwithstanding the foregoing, eggs may be washed in immersion type washers in a continuous and controlled operation provided such operations are approved by the national supervisor. The washing solution shall be changed with sufficient frequency to maintain it in reasonably clean condition. Washed eggs shall be spray-rinsed with water or water containing an approved sanitizing agent or may be immersed in water containing an approved sanitizing agent. Eggs not requiring cleaning may be immersed or sprayed with water containing an acceptable sanitizing agent. Eggs shall be dried prior to breaking sufficiently to prevent contamination or adulteration of the liquid eggs.

§ 55.82 Breaking room facilities.

* * * * * *

(l) A suitable container bearing an identifying mark shall be provided for disposal of rejected liquid.

§ 55.83 Breaking room operations.

* * * * * *

(h) Each shell egg must be broken in a satisfactory and sanitary manner and inspected for wholesomeness by smelling the shell or the egg meat and by visual examination at the time of breaking. All egg meat shall be re-examined by a limited licensed inspector before being emptied into the tank or churn except as otherwise approved by the national supervisor.

* * * * * *

(m) [Deleted.]

(n)—(gg) [Renumber paragraphs (n) through (gg) of § 55.83 to read "(m) through (ff)," respectively.]

* * * * * *

(s) Test kits shall be used to determine the bactericidal strength. (See § 55.99.)

§ 55.84 Liquid egg cooling facilities.

* * * * * *

(c) If adequate liquid cooling facilities are not provided, shell egg temperatures shall be such that the liquid egg temperature specified in § 55.85 will be produced.

§ 55.85 Liquid cooling operation.

* * * * * *

(c) All product, other than as provided in paragraph (d) of this section, liquid whites and product which is subjected to immediate stabilization or pasteurization, shall be cooled and held at 45° F. or less within one and one-half (1½) hours from time of draw-off of the liquid. For the purpose of this section, the time of draw-off is the time the product is placed into cans for freezing or transferred to vats or holding tanks for further processing or shipping. The time elapsed between time of breaking and draw-off shall not exceed 45 minutes. If the 45 minutes are not used up, the unused portion may be added to the one and one-half (1½) hour time requirement.

(d) Egg products containing 25½ percent or more egg solids, to which 10 percent salt has been added, may be accumulated up to four (4) hours at a temperature not exceeding 60° F.: *Provided,* That immediately thereafter the product is packaged and placed in a freezer. Liquid eggs, other than whites, if to be held more than eight (8) hours, shall be reduced to a temperature of 40° F. or less within one and one-half (1½) hours from time of draw-off and held at 40° F. or less until stabilizing or pasteurizing operations are begun or until delivered to the consumer.

* * * * * *

(g) (1) Liquid whites that are to be stabilized by removal of glucose and dried shall be held at a temperature not exceeding 70° F.: *Provided,* That the stabilization process is begun within eight (8) hours from time of draw-off. If to be held longer than eight (8) hours prior to stabilization, the liquid whites shall be cooled immediately after draw-off to 55° F. and held at that temperature or lower until stabilizing is begun. Drying shall be carried out as soon as possible after the removal of the glucose and the capacity of the drier shall be sufficient to handle the volume of product stabilized so that the storage of stabilized liquid white will not be necessary as a regular operating procedure.

(2) Liquid whites, that are to be frozen, may be broken at temperatures not exceeding 70° F. and if not cooled, shall be processed in a continuous operation and placed in a freezer immediately after draw-off. Liquid whites which are to be frozen, but which are to be held temporarily prior to freezing, shall be chilled to a temperature of 55° F. or lower within one and one-half (1½) hours from time of draw-off.

* * * * * *

(l) Notwithstanding provisions of paragraph (b) of this section, shell eggs exceeding 70° F. may be broken: *Provided,* That the liquid is immediately mechanically cooled prior to draw-off to the temperatures specified in paragraphs (c) through (g) of this section.

(m) Upon written request and under such conditions as may be prescribed by the national supervisor, liquid cooling and handling temperatures not otherwise provided for in this section may be approved.

§ 55.88 Freezing operations.

* * * * * *

(b) All egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. within 60 hours from time of draw-off. The temperature of products not solidly frozen shall be taken at the center of the package to determine compliance with this section.

§ 55.91 Spray process drying facilities.

• • • • •

(i) Sifters of approved construction and sifting screens shall be no coarser than the opening size specified for No. 10 mesh (U.S. Bureau of Standards). Sifters must be so constructed that accumulations of large particles or lumps of dried eggs can be removed continuously while the sifters are in operation.

§ 55.92 Spray process drying operations.

• • • • •

(d) All powder shall be sifted through a No. 10 or finer mesh screen (U.S. Bureau of Standards); and the screen shall be replaced whenever torn or worn.

§ 55.101 Pasteurization of liquid eggs.

(a) *Pasteurizing facilities.* Adequate pasteurizing equipment of approved construction shall be provided so that all of the liquid egg will be processed as provided in paragraph (b) of this section. The pasteurizing equipment shall be provided with a holding tube, an automatic flow diversion valve with attached thermal controls, and recording devices which will control the flow of egg liquid in such a manner as will accomplish pasteurization as set forth in paragraph (b) of this section and will record temperatures of the heated egg liquid at the flow diversion valve continuously and automatically during the process. Refrigerated holding vats of sufficient capacity shall be provided to hold liquid eggs prior to and after pasteurization.

(b) *Pasteurizing operations.* The strained or filtered liquid egg shall be flash heated to not less than 140° F. and held at this temperature for not less than 3½ minutes and not more than 4 minutes. The flow diversion valve shall be adjusted so that all liquid not meeting the temperature requirements shall be diverted to a receiving tank. The sanitary pipe leading from the flow diversion valve shall be dismantled, cleaned, and sanitized and the flow diversion valve flushed with cold water whenever a 30-minute time interval has elapsed between use and re-use. The pasteurizing equipment shall be dismantled, cleaned, and sanitized at the end of each day's operation. If the eggs are pasteurized within 30 minutes after time of breaking, they need not be chilled to 45° F. prior to pasteurization. Immediately after pasteurization, the liquid eggs shall be cooled as provided in § 55.85 unless they are dried immediately. Any other procedure for pasteurization must be submitted in writing and approved by the national supervisor prior to use.

These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. this 22d day of August 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-8609; Filed, Aug. 27, 1962; 8:52 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Farm Marketing Quotas for Extra Long Staple Cotton (Bulletin 2, Amdt. 5)]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops

FARM NORMAL YIELD

The purpose of this amendment is to clarify the definition of the "Normal yield" for any year for a farm. Such amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7 U.S.C. 1281 et seq.). In order that such amended definition may be used by county committees in connection with determination of farm normal yields it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.102(b)(4) of the Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops (26 F.R. 5489, 7758, 10093, 27 F.R. 5977, 6117) is amended to read as follows:

§ 722.102 Definitions.

• • • • •

(b) *Terms relating to farms.* • • •

(4) "Normal yield" for any year means the average yield per harvested acre of ELS lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year, actual yield data are not available or there was no actual yield, the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the county normal yield for the year for which the farm normal yield is being established, and the actual yield for the farm for the years for which acceptable data are available. The burden shall be upon the producer to prove the accuracy of the yield data furnished by the producer for any year for the farm and such data shall be subject to review and approval by the county committee. If the producer fails to prove to the satisfaction of the county committee that the yield data made available for any year are accurate or complete, the county committee shall appraise a normal yield for the farm taking into consideration the factors set forth above. In the case of new ELS cotton farms, the county committee may also take into consideration the normal yields for other farms in the locality which are similar with respect to soil and other physical factors affecting the production of ELS cotton. The determination made by the county committee under this subparagraph shall be subject to the approval of a representative of the State committee.

(Secs. 301, 375; 52 Stat. 38, 66, as amended; 7 U.S.C. 1301, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on August 23, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-8626; Filed, Aug. 27, 1962; 8:56 a.m.]

PART 728—WHEAT

Subpart—1963-64 Marketing Year

COUNTY ACREAGE ALLOTMENTS FOR 1963 CROP OF WHEAT

Correction

In F.R. Doc. 62-8253, appearing at page 8241 of the issue for Saturday, August 18, 1962, the following changes are made in the table in § 728.1307 *Wheat acreage apportioned to countries for 1963:*

1. Under "Alabama", the "County wheat base acreage" for Henry County should read "387" instead of "287";

2. Under "Kentucky", the "Acreage apportioned to counties from State allotments"—"Reserve appeals and corrections", should read "102" instead of "012";

3. Under "Minnesota", the "County wheat base acreage—Total" should read "1,055,799" instead of "1,005,799".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 13, Amdt. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of grapefruit.

(b) It is, therefore, ordered that:

The provisions in subparagraphs (2) and (3) of paragraph (b) of Grapefruit Regulation 13 (§ 905.331; 27 F.R. 5942) are hereby amended by deleting the date "August 27, 1962," wherever it appears and substituting therefor the date "September 3, 1962".

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 23, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division Agricultural Marketing Service.

[F.R. Doc. 62-8608; Filed, Aug. 27, 1962; 8:51 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Expenses of Prune Administrative Committee for 1962-63 Crop Year and Rate of Assessment for Such Crop Year

Notice was published in the August 10, 1962, issue of the FEDERAL REGISTER (27 F.R. 7989) regarding a proposal to approve expenses of the Prune Administrative Committee for the 1962-63 crop year and fix the rate of assessment for that crop year, pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the time prescribed therefor.

After consideration of all relevant matters presented, including those in the notice and the information and recommendations submitted by the Prune Administrative Committee, and other available information, it is hereby found and determined that the expenses of the Prune Administrative Committee and rate of assessment for the crop year beginning August 1, 1962, shall be as follows:

§ 993.313 Expenses of the Prune Administrative Committee and rate of assessment for the 1962-63 crop year.

(a) *Expenses.* Expenses in the amount of $70,000 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1962, and ending July 31, 1963, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative Committee, in accordance with the provisions of the marketing agreement, as amended, and this part, an assessment at the rate of 50 cents for each ton of prunes received by him as the first handler thereof during the crop year beginning August 1, 1962, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said marketing agreement and this part require that a rate of assessment fixed for a particular crop year shall be applicable to all prunes received by a handler from producers and dehydrators during such year; and (2) the current crop year began on August 1, 1962, and the rate of assessment herein fixed will automatically apply to all such prunes beginning with that date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 23, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8624; Filed, Aug. 27, 1962; 8:55 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Nonpayment of Fee

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Paragraph (d) of § 242.17 is amended to read as follows:

§ 242.17 Ancillary matters, applications.

• • • • •

(d) *General.* An application under this section shall be made only during the hearing and shall not be held to constitute a concession of alienage or deportability in any case in which the respondent does not admit his alienage or deportability. The respondent shall have the burden of establishing that he is eligible for any requested benefit or privilege and that it should be granted in the exercise of discretion. The respondent shall not be required to pay a fee on more than one application (including a motion to reopen the proceeding in conjunction therewith) within paragraphs (a) and (c) of this section. Nothing contained herein is intended to foreclose the respondent from applying for any benefit or privilege which he believes himself eligible to receive in proceedings under this part.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order confers a benefit upon persons affected thereby.

Dated: August 22, 1962.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 62-8610; Filed, Aug. 27, 1962; 8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Termination of Designations of Reserve Cities

1. Effective immediately, Part 204 is amended by adding thereto § 204.54 reading as follows:

§ 204.54 Termination of designations of reserve cities.

In accordance with paragraph (e) of § 204.51, as revised effective July 28, 1962, member banks in Topeka, Kansas, and Wichita, Kansas, have submitted written requests for the termination of the designations of such cities as reserve cities, and, acting pursuant to such paragraph (e) the Board of Governors has granted such requests. Accordingly, the designations of Topeka, Kansas, and Wichita, Kansas, as reserve cities are hereby terminated effective August 23, 1962.

2. The notice and public procedure described in sections 4(a) and 4(b) of the Administrative Procedure Act and the prior publication described in section 4(c) of such Act are impracticable, unnecessary and contrary to the public interest in connection with this action for the reasons and good cause found as stated in § 262.1(e) of the Board's rules of procedure (Part 262) and especially because such notice, procedure and prior publication would serve no useful purpose.

(Sec. 11, 38 Stat. 261 as amended; 12 U.S.C. 248. Interprets or applies sec. 19, 38 Stat. 270, as amended; sec. 19, 48 Stat. 54, as amended; 12 U.S.C. 461, 462, 462b, 464, 465)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 62-8583; Filed, Aug. 27, 1962; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter V—National Aeronautics and Space Administration

PART 1245—PATENTS

SUBPART 1—PATENT WAIVER REGULATIONS

Grant of Nonexclusive License to Contractors

New § 1245.111 added.

§ 1245.111 Grant of nonexclusive license to contractors.

In the case of each reported invention which is determined to have been made in the performance of work under a contract of the Administration under the conditions of section 305(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(a)), the Contractor will be granted a nonexclusive, irrevocable, royalty-free license to practice such invention together with the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contract was awarded. Such license and right is nontransferable except to the successor of that part of the Contractor's business to which the invention pertains.

(42 U.S.C. 2457(f), 2473(b)(1))

Effective date. This § 1245.111 is effective July 16, 1962.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 62-8598; Filed, Aug. 27, 1962; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-149]

PART 13—PROHIBITED TRADE PRACTICES

Donenfeld's, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1680 *Manufacture or preparation.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40(a) *Maker or seller;* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Donenfeld's, Inc., et al., Dayton, Ohio, Docket C-149, June 19, 1962]

In the Matter of Donenfeld's, Inc., a Corporation, and Ralph Donenfeld and Stanley R. Donenfeld, Individually and as Officers of Said Corporation

Consent order requiring furriers in Dayton, Ohio, to cease violating the Fur Products Labeling Act by failing to disclose on labels, invoices, and in advertising, the names of animals producing certain furs; failing to disclose on labels when fur products were composed of cheap or waste fur and to identify the manufacturer, etc.; failing to show on invoices and in advertising when furs were artificially colored or composed of flanks, and to use the terms "Persian Lamb" and "Dyed Mouton" as required; failing to show on invoices the country of origin of imported furs, and invoicing bleached and dyed fur as natural; and failing in other respects to comply with requirements of the Act.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Donenfeld's, Inc., a corporation, and its officers, and Ralph Donenfeld and Stanley R. Donenfeld, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively labeling or otherwise falsely or deceptively identifying any such product as to the country of origin of imported furs used in the fur product.

C. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder, mingled with nonrequired information.

(3) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

D. Failing to show that fur products are composed in whole or substantial part of flanks, when such is the fact.

E. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches.

F. Failing to set forth the information required by section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence in accordance with Rule 30 of the aforesaid rules and regulations.

G. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

H. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

D. Failing to set forth the term "Dyed Mouton Lamb" in the manner required where an election is made to use that term instead of the term "Dyed Lamb".

E. Failing to show that fur products are composed in whole or substantial part of flanks, when such is the fact.

F. Failing to set forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to each section of fur products composed of one or more sections containing different animal furs.

G. Failing to set forth the item number or mark assigned to a fur product.

H. Representing directly or by implication that the fur contained in fur products is natural, when such is not the fact.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

B. Fails to disclose that the fur product is composed in whole or in substantial part of flanks, when such is the fact.

C. Fails to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

D. Fails to set forth the term "Dyed Mouton Lamb" in the manner required where an election is made to use that term instead of the term "Dyed Lamb".

E. Fails to set forth all parts of information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 19, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8584; Filed, Aug. 27, 1962; 8:46 a.m.]

[Docket C-148]

PART 13—PROHIBITED TRADE PRACTICES

John Gerber Co.

Subpart—Advertising falsely or misleadingly: § 13.235 *Source or origin:* § 13.235-50 *Maker or seller, etc.:* § 13.235-50(a) *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act;* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, The John Gerber Company, Memphis, Tenn., Docket C-148, June 18, 1962]

Consent order requiring a furrier in Memphis, Tenn., to cease violating the Fur Products Labeling Act by failing to show on invoices of fur products the true animal name of the fur and the country of origin of imported fur, by advertising falsely in newspapers that prices were reduced due to a special purchase when the fur products concerned were the property of an independent third party operating temporarily and conducting a sales promotion on the premises under respondent's name; and by failing to keep adequate records disclosing the facts upon which price and value claims in advertising were based.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent The John Gerber Company, a Tennessee corporation, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which:

A. Represents directly or by implication that prices of fur products are reduced from regular or usual prices due to special purchases, when such is not the fact.

B. Misrepresents in any manner the savings available to purchasers of respondent's fur products.

3. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: June 18, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8585; Filed, Aug. 27, 1962; 8:46 a.m.]

[Docket 8443]

PART 13—PROHIBITED TRADE PRACTICES

Frank A. Gordon et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Frank A. Gordon trading as Gordon of California et al., San Francisco, Calif., Docket 8443, June 26, 1962]

In the Matter of Frank A. Gordon, an Individual Trading as Gordon of California, and Ida Gordon, Individually

Order requiring a San Francisco furrier to cease violating the Fur Products Labeling Act by failing to show on labels and invoices when the fur in a fur product was dyed and the country of origin of imported furs; failing to label fur products with the true animal name of the fur used; and failing to comply in other respects with labeling and invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That respondents Frank A. Gordon, individually and trading as Gordon of California or under any other trade name, and Ida Gordon, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution, of fur products, in commerce, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

(1) Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

(2) Failing to set forth on labels affixed to fur products the item number or mark assigned to a fur product.

B. Falsely and deceptively invoicing fur products by:

(1) Failing to furnish purchasers of fur products invoices showing the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

(2) Failing to set forth on invoices pertaining to fur products the item number or mark assigned to a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8586; Filed, Aug. 27, 1962; 8:46 a.m.]

[Docket C-144]

PART 13—PROHIBITED TRADE PRACTICES

Herter's, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185-80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-70 *Textile Fiber Products Identification Act.* Subpart—Using misleading name—Goods: § 13.2280 *Composition:* § 13.2280-70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Herter's, Inc., et al., Waseca, Minn., Docket C-144, May 29, 1962]

In the Matter of Herter's, Inc., a Corporation, George L. Herter, Berthe E. Herter, Clara Howald, Howard W. Herbst, Individually and as Officers of Said Corporation

Consent order requiring sellers in Waseca, Minn., to cease violating the Textile Fiber Products Identification Act by falsely labeling, invoicing, and advertising as "Nylodown", sleeping bags which did not contain either nylon or down, and failing to set forth in advertising "Nylodown", "duck", and "flannel" sleeping bags the information as to fiber content required to be disclosed.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Herter's, Inc., a corporation, and its officers, and George L. Herter, Berthe E. Herter, Clara Howald and Howard W. Herbst, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported, in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products:

1. As to the name or amount of constituent fibers contained therein.

2. By using the term "Nylodown" or words or terms of similar import to describe textile fiber products or portions of textile fiber products which are not composed of nylon and down.

B. Misbranding textile fiber products by falsely or deceptively stamping, tagging or labeling such products by the use of words, symbols or depictions which constitute or imply the name or designation of a fiber which is not present in the product.

C. Making any representations by disclosure or by implication of the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist directly or indirectly in the sale or offering for sale of such textile fiber products unless the same information required to be shown on the stamp, tag, label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 29, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8587; Filed, Aug. 27, 1962; 8:47 a.m.]

[Docket C-145]

PART 13—PROHIBITED TRADE PRACTICES

Livingston Bros., Inc.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-15 *Comparative;* § 13.155-40 *Exaggerated as regular and customary;* § 13.235 *Source or origin:* § 13.235-50 *Maker or seller, etc.:* § 13.235-50(a) *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Livingston Bros., Inc., San Francisco, Calif., Docket C-145, May 29, 1962]

Consent order requiring a San Francisco furrier to cease violating the Fur Products Labeling Act by such practices as advertising in newspapers which represented prices of fur products as reduced from regular prices which were in fact fictitious, and as reduced from higher prices without giving the time of such compared higher prices; and which represented falsely that fur products offered for sale were the stock of a business in liquidation.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Livingston Bros., Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce or the transportation or distribution in commerce of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product, which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice, which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale, of fur products, and which:

A. Represents, directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondent has usually and customarily sold such products in the recent regular course of business.

B. Misrepresents in any manner the savings available to purchasers of respondent's fur products.

C. Uses previous higher prices as comparatives without giving the time of such compared prices.

D. Represents directly or by implication that fur products offered for sale are the stock of a business in a state of liquidation, when such is not the fact.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: May 29, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8588; Filed, Aug. 27, 1962; 8:47 a.m.]

[Docket C-153]

PART 13—PROHIBITED TRADE PRACTICES

Dennis Hartman et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15-125 *Individual or private business being:* § 13.15-125(a) *Association;* § 13.15-125(u) *Nonprofit organization.* Subpart—Using misleading name—Vendor: § 13.2395 *Individual or private business being association or guild.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Dennis Hartman doing business as National Poetry Association, etc., West Los Angeles, Calif., Docket C-153, June 22, 1962]

In the Matter of Dennis Hartman, an Individual, Doing Business as National Poetry Association, National Essay Association, National High School Poetry Association, American Poetry Society and National Art Association

Consent order requiring an individual in West Los Angeles, Calif., engaged under various trade names in soliciting original manuscripts for publication largely through competitions in educational institutions and in publishing anthologies of poetry, essays, drawings, etc., to cease representing falsely by use of his trade names and his designation as secretary in his promotional materials that the organizations sponsoring the competitions and publishing the anthologies were nonprofit institutions or groups of persons associated together to promote interest in literary or artistic works, and that he was acting in the name of such a group.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That Dennis Hartman, an individual, doing business as National Poetry Association, National Essay Association, National High School Poetry Association, American Poetry Society, National Art Association, or under any other trade name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the solicitation of literary or artistic manuscripts for publication, or with the offering for sale, sale or distribution of published anthologies or other literary or artistic works, or of any other publications, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the names National Poetry Association, National Essay Association, National High School Poetry Association, American Poetry Society, National Art Association or any other words or names of similar import or meaning to designate, describe or refer to the respondent's business; or from otherwise representing, directly or by implication, that any business organized or operated for profit is composed of persons who are associated together for the purpose of promoting interest in poetry, essays, drawings, or other literary or artistic works;

2. Representing, directly or by implication, that any business organized or operated for profit is an eleemosynary or nonprofit institution;

3. Using the title of Secretary or any other title commonly used by officers of associations or eleemosynary organizations;

4. Representing, directly or by implication, that respondent is acting in the name of or with the approval of or is sponsored by any eleemosynary organization.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: June 22, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8589; Filed, Aug. 27, 1962; 8:47 a.m.]

[Docket C-152]

PART 13—PROHIBITED TRADE PRACTICES

Novel Manufacturing Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15-55 *Direct dealing advantages;* § 13.15-235 *Producer status of dealer or seller:* § 13.15-235(m) *Manufacturer;* § 13.20 *Comparative data or merits;* § 13.170 *Qualities or properties of product or service:* § 13.170-30 *Durability or permanence;* § 13.170-40 *Fire-extinguishing or fire-resistant;* § 13.195 *Safety:* § 13.195-60 *Product;* § 13.230 *Size or weight;* § 13.250 *Success, use or standing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Novel Manufacturing Corp. et al., New York, N.Y., Docket C-152, June 22, 1962]

In the Matter of Novel Manufacturing Corp., a Corporation, and Russell Weith and Alan Weston, Individually and as Officers of Said Corporation

Consent order requiring New York City distributors of toy playhouses to cease making misrepresentations in advertising concerning safety and flameproof features of the playhouses and other products, as well as the material, construction, size, pricing, etc., as in the order below indicated.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Novel Manufacturing Corp., a corporation, and its officers, and Russell Weith and Alan Weston, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of playhouse toy products, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) By use of the terms flameproof, fireproof, fire-resistant, fire-retardant, or any other terms or descriptions, that the product is noncombustible or free from the hazard of fire.

(b) That the type of material and manner of construction employed by respondents results in a product of such durability, sturdiness and stability as to afford safe shelter for children from the elements of the weather year round.

(c) By or through the use of any pictorial illustration or textual description that the product is larger or more commodious than is actually the fact.

(d) That their product is of a value comparable to any other product retailing at a higher price unless the merchandise to which their product is compared is at least of like grade and quality in all material respects and is generally available for purchase at the comparative price in the same trade area, or areas, where the claim is made.

(e) That any saving is afforded in the purchase of respondents' product as compared to the purchase of another product unless the merchandise to which respondents' product is compared is at least of like grade and quality in all material respects and is generally available for purchase at the comparative price in the same trade area, or areas, in which the claim is made.

(f) That the purchaser is buying the product direct from the factory.

(g) That the respondents are manufacturers of the product.

(h) That respondents have any particular number of satisfied customers, unless such claim is based upon affirmative proof of customer satisfaction exclusive of the number of sales.

2. Failing to disclose clearly and conspicuously that there is danger to children of fire or asphyxiation from the use of the product.

3. Failing to disclose clearly and conspicuously that the product is not complete or ready for use.

4. Failing to disclose clearly and conspicuously that the product is not inherently or independently rigid without the addition of, or necessity for, substantial interior structural support.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 22, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8591; Filed, Aug. 27, 1962; 8:48 a.m.]

[Docket 7121o.]

PART 13—PROHIBITED TRADE PRACTICES

National Retailer-Owned Grocers, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or

acceptance of commission, brokerage or other compensation under 2(c): § 13.805 Buyers' association.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Central Retailer-Owned Grocers, Inc. (Chicago, Ill.), et. al., Docket 7121, May 14, 1962]

In the Matter of National Retailer-Owned Grocers, Inc., a Corporation, Central Retailer-Owned Grocers, Inc., a Corporation, A. G. Tick Tock Stores, Inc., a Corporation, Allied Grocers of Indiana, Inc., a Corporation, Associated Grocers Co., Inc., a Corporation, Associated Grocers, Inc. (Wis.), a Corporation, Associated Grocers, Inc. (Mo.), a Corporation, Associated Grocers, Inc. (Kans.), a Corporation, Associated Grocers of Alabama, Inc., a Corporation, Associated Grocers of Colorado, Inc., a Corporation, Associated Grocers Coop., Inc., a Corporation, Associated Grocers of East Michigan, Inc., a Corporation, Associated Grocers of Oklahoma, Inc., a Corporation, Associated Grocers of Port Arthur, Inc., a Corporation, Associated Grocers Wholesale Co., a Corporation, Associated Wholesale Grocers Co., Inc., a Corporation, Associated Wholesale Grocers of Dallas, Inc., a Corporation, Bibb Grocery Co., Inc., a Corporation, Central Grocers Coop., Inc., a Corporation, Dixie Saving Stores, Inc., a Corporation, Grand Rapids Wholesale Grocery Co., a Corporation, Grocers Wholesale Coop., Inc., a Corporation, Kansas Service Grocers, Inc., a Corporation, Lake Erie Coop. Grocers Company, a Corporation, Miami Retail Grocers, Inc., a Corporation, Muskegon Wholesale Company, Coop., a Corporation, Panhandle Associated Grocers, Inc., a Corporation, Progressive Associated Grocers, Inc., a Corporation, Redman Bros. of Lansing, Inc., a Corporation, South Plain Associated Grocers, Inc., a Corporation, The Sylvester Company, a Corporation, The Tusco Grocers, Inc., a Corporation, United A–G Stores Coop., Inc., a Corporation, United Grocers Coop. Assn., a Corporation, Weona Food Stores, Inc., a Corporation, White Villa Grocers, Inc., a Corporation, and Central Florida Cooperative, Inc., a Corporation

Order requiring a cooperative purchasing organization and its 35 grocery wholesaler members, operating warehouses in 16 midwestern and southern states, to cease accepting unlawful brokerage in violation of section 2(c) of the Clayton Act, such as lower prices, discounts, and promotional allowances received from suppliers of private label merchandise and shared in by such members in the form of patronage dividends; and dismissing the complaint as to National Retailer-Owned Grocers, Inc., the evidence being insufficient to justify an order against it.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Central Retailer-Owned Grocers, Inc., a corporation, its officers, directors, representatives, agents and employees, directly or through any corporate or other device in connection with the purchase of food, grocery and related products, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation or any allowance or discount in lieu thereof upon any purchase for its own account or on behalf of its members when it is acting as agent, representative or controlled intermediary of its members.

It is further ordered, That respondents, A. G. Tick Tock Stores, Inc.; Allied Grocers of Indiana, Inc.; Associated Grocers Co., Inc.; Associated Grocers, Inc. (Wis.); Associated Grocers, Inc. (Mo.); Associated Grocers, Inc. (Kans.); Associated Grocers of Alabama, Inc.; Associated Grocers of Colorado, Inc.; Associated Grocers Coop., Inc.; Associated Grocers of East Michigan, Inc.; Associated Grocers of Oklahoma, Inc.; Associated Grocers of Port Arthur, Inc.; Associated Grocers Wholesale Co.; Associated Wholesale Grocers Co., Inc.; Associated Wholesale Grocers of Dallas, Inc.; Bibb Grocery Co., Inc.; Central Grocers Coop., Inc.; Dixie Saving Stores, Inc.; Spartan Stores, Inc. (formerly Grand Rapids Wholesale Grocery Co.); Grocers Wholesale Coop., Inc.; Kansas Service Grocers, Inc.; Spartan Grocers, Inc. (formerly Lake Erie Coop. Grocers Company); Miami Retail Grocers, Inc.; Muskegon Wholesale Company, Coop.; Panhandle Associated Grocers, Inc.; Progressive Associated Grocers, Inc.; Redman Bros. of Lansing, Inc.; South Plains Associated Grocers, Inc. (erroneously named in the complaint as South Plain Associated Grocers, Inc.); The Sylvester Company; The Tusco Grocers, Inc.; United A–G Stores Coop., Inc.; United Grocers Coop. Assn.; Weona Food Stores, Inc.; White Villa Grocers, Inc.; Certified Grocers of Florida, Inc. (formerly Central Florida Cooperative, Inc.), all corporations, and their officers agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of food, grocery and related products, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or any allowance or discount in lieu thereof upon any purchase where they are represented by Central Retailer-Owned Grocers, Inc., or any other agent, representative, or intermediary controlled by them.

It is further ordered, That the complaint as to respondent National Retailer-Owned Grocers, Inc., be, and it hereby is, dismissed.

It is further ordered, That respondents, with the exception of National Retailer-Owned Grocers, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the above order.

Issued: May 14, 1962.

By the Commission, Commissioner Elman dissenting.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–8590; Filed, Aug. 27, 1962; 8:48 a.m.]

[Docket C–147]

PART 13—PROHIBITED TRADE PRACTICES

Sue Brett, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Sue Brett, Inc., et al., New York, N.Y., Docket C–147, June 8, 1962]

In the Matter of Sue Brett, Inc., a Corporation, and Jack Baker and Florence Baker, Individually and as Officers of Said Corporation

Consent order requiring New York City manufacturers to cease violating the Flammable Fabrics Act by selling dresses so highly flammable as to be dangerous when worn.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Sue Brett, Inc., a corporation, and its officers, and respondents Jack Baker and Florence Baker, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Manufacturing for sale, selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

any article of wearing apparel which, under the provisions of section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

2. Manufacturing for sale, selling, or offering for sale any article of wearing apparel made of fabric, which fabric has been shipped or received in commerce, and which, under Section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 8, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–8592; Filed, Aug. 27, 1962; 8:48 a.m.]

[Docket C–146]

PART 13—PROHIBITED TRADE PRACTICES

Wesco Products Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price Discrimination Under 2(a): § 13.730 *Customer classification.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Wesco Products Company, Inc., Chicago, Ill., Docket C–146, May 29, 1962]

Consent order requiring Chicago distributors of automotive repair or replacement parts to cease discriminating in price in violation of section 2(a) of the Clayton Act by classifying some favored jobbers as warehouse distributors and thus allowing them higher discounts than competing jobbers who purchase at the regular jobber prices.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Wesco Products Company, Inc., a corporation, and said respondent's officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale and distribution of automotive repair or replacement parts, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating in the price of such products of like grade and quality:

By selling to any one purchaser at net prices higher than the net prices charged to any other purchaser who, in fact, competes with the purchaser paying the higher price in the resale and distribution of respondent's said products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: May 29, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–8593; Filed, Aug. 27, 1962; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

TOLERANCES FOR RESIDUE OF DDT

1. No comments were received on the proposal of the Commissioner of Food and Drugs published in the FEDERAL REGISTER of June 30, 1962 (27 F.R. 6236), with reference to establishing tolerances of 50 parts per million for residues of the insecticide DDT in or on peppermint hay and spearmint hay, and no request was received for referral of the proposal to an advisory committee. After consideration of all available data, the Commissioner has concluded that the tolerances established in this order will protect the public health.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 512; 21 U.S.C. 346a(c)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.147) are amended by adding thereto a new item, reading as set forth below:

§ 120.147 Tolerances for residues of DDT.

* * * * *

50 parts per million in or on peppermint hay and spearmint hay, which are not to be used for feeding livestock.

(Sec. 408, 68 Stat. 512; 21 U.S.C. 346a(c))

2. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Oregon State University, Agricultural Experiment Station, Corvallis, Oregon, and other relevant material, and no comments having been received on the proposed amendment published June 30, 1962 (27 F.R. 6236), has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the food additive DDT in peppermint oil and spearmint oil. Pesticide tolerances are concurrently being established to permit 50 parts per million in the peppermint and spearmint hay from which these oils are to be extracted. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1093 DDT.

Tolerances of 100 parts per million are established for residues of DDT (a mixture of 1,1,1-trichloro-2,2-bis(*p*-chlorophenyl)ethane and 1,1,1-trichloro-2-(*o*-chlorophenyl)-2-(*p*-chiorophenyl)ethane) in or on peppermint oil and spearmint oil, when present therein as a result of the application of this insecticide to the growing peppermint and spearmint crops.

(Sec. 409, 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 408, 409, 68 Stat. 512 as amended; 72 Stat. 1786; 21 U.S.C. 346a, 348)

Dated: August 22, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62–8606; Filed, Aug. 27, 1962; 8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

COLORANTS IN FOOD CONTAINERS AND EQUIPMENT; EDITORIAL REVISION

The following amendments to § 121.91 are for the purpose of more accurately identifying the items involved, and no changes are made in extension dates.

1. Section 121.91 is amended by deleting therefrom the following items appearing in the FEDERAL REGISTER of July 21, 1962 (27 F.R. 6928):

Barium sulfate (pigment white 21, 22, 23) * * *

Cadmium mercury sulfide * * *

Cadmium zinc sulfide (pigment yellow 35) * * *

Pigment blue 15 * * *

Pigment green 7 (Monastral GT 710D) * * *

Pigment orange 13 (pyrazalone YB–3) • • •
Pigment red 108 (cadmium red 500G) • • •
Pigment yellow 17 (benzidine yellow) • • •
Quinacridone red • • •
Chromium oxide green • • •
Pigment green No. 7 (Zulu green 614G)
• • •
Pigment red 106 (cadmium light 1405) • • •
Pigment yellow 52 (benzidine yellow 12220)
• • •

2. Section 121.91 is further amended by adding thereto the following new items:

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
Pigment white 21 (barium sulfate), Color Index No. 77120.	Colorant in food containers and equipment.	July 1, 1963	Jan. 1, 1963
Pigment orange 23 (cadmium mercury sulfide), Color Index No. 77201.	Colorant in food containers and equipment; no migration of mercury or cadmium.	do	Do.
Pigment red 113 (cadmium mercury sulfide), Color Index No. 77201.	do	do	Do.
Pigment yellow 35 (cadmium zinc sulfide), Color Index No. 77117.	Colorant in food containers and equipment; no migration of cadmium.	do	Do.
Pigment blue 15 (phthalocyanine blue), Color Index No. 74160.	Colorant in food containers and equipment.	do	Do.
Pigment green 7 (phthalocyanine green), Color Index No. 74260.	do	do	Do.
Pigment orange 13 (benzidine orange), Color Index No. 21110.	do	do	Do.
Pigment red 108 (cadmium selenide), Color Index No. 77196.	Colorant in food containers and equipment; no migration of cadmium or selenium.	do	Do.
Pigment yellow 17 (benzidine yellow), Color Index No. 21105.	Colorant in food containers and equipment.	do	Do.
Quinacridone red	Colorant in polyethylene in food packaging.	do	Do.
Pigment green 17 (chromium oxide green), Color Index No. 77288.	Colorant in food containers and equipment.	do	Do.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the changes made are editorial in nature or within the purview of sec. 2, of Public Law 87–19 (sec. 2, 75 Stat. 42; 21 U.S.C. note).

Effective date: This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1786, as amended 75 Stat. 42; 21 U.S.C. 342, note)

Dated: August 22, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62–8604; Filed, Aug. 27, 1962; 8:51 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

FORFEITURE

1. In § 3.900, paragraphs (b) and (d) are amended to read as follows:

§ 3.900 General.

• • • • •

(b)(1) Except as provided in subparagraph (2) of this paragraph, any offense committed prior to January 1, 1959, may cause a forfeiture and any forfeiture in effect prior to January 1, 1959, will continue to be a bar on and after January 1, 1959. (Section 3, Public Law 85–857.)

(2) Effective September 2, 1959, forfeiture of benefits may not be declared except under the circumstances set forth in §§ 3.901(d), 3.902(d), or 3.903. Forfeitures declared before September 2, 1959, will continue to be a bar on and after that date. (38 U.S.C. 3503(d) and 3505)

• • • • •

(d) When the person primarily entitled has forfeited his rights by reason of fraud or a treasonable act determination as to the rights of any dependents of record to benefits under § 3.901(c) or 3.902(c) may be made upon receipt of an application. (38 U.S.C. 3503(b) and 38 U.S.C. 3504(b))

2. The cross references following § 3.900 are deleted.

3. Section 3.901 is revised to read as follows:

§ 3.901 Fraud.

(a) *Definition.* An act committed when a person knowingly makes or causes to be made or conspires, combines, aids, or assists in, agrees to, arranges for, or in any way procures the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, concerning any claim for benefits under any of the laws administered by the Veterans Administration (except laws relating to insurance benefits).

(b) *Effect on claim.* For the purposes of paragraph (d) of this section, any person who commits fraud forfeits all rights to benefits under all laws administered by the Veterans Administration other than laws relating to insurance benefits.

(c) *Forfeiture before September 2, 1959.* Where forfeiture for fraud was declared before September 2, 1959, in the case of a veteran entitled to disability compensation, the compensation payable except for the forfeiture may be paid to his wife, children and parents. The total amount payable will be the lesser of these amounts:

(1) Service-connected death benefit payable.

(2) Amount of compensation payable but for the forfeiture.

No benefits are payable to any person who participated in the fraud causing the forfeiture.

(d) *Forfeiture after September 1, 1959.* After September 1, 1959, forfeiture by reason of fraud may be declared only

(1) Where the person was not residing or domiciled in a State as defined in § 3.1(i) at the time of commission of the fraudulent act; or

(2) Where the person ceased to be a resident of or domiciled in a State as defined in § 3.1(i) before expiration of the period during which criminal prosecution could be instituted; or

(3) The fraudulent act was committed in the Philippine Islands.

Where the veteran's rights have been forfeited, no part of his benefit may be paid to his dependents. (38 U.S.C. 3503 (a), (d), (e))

4. The cross references following § 3.901 are deleted.

5. Section 3.902 is revised to read as follows:

§ 3.902 Treasonable acts.

(a) *Definition.* An act of mutiny, treason, sabotage or rendering assistance to an enemy of the United States or of its allies.

(b) *Effect on claim.* For the purposes of paragraph (d) of this section, any person determined by the Veterans Administration to be guilty of a treasonable act forfeits all gratuitous benefits under laws administered by the Veterans Administration which he may be receiving or would have been entitled to receive in the future.

(c) *Forfeiture before September 2, 1959.* Where forfeiture for treasonable acts was declared before September 2, 1959, the Administrator may pay any part of benefits so forfeited to the dependents of the person except that the amount may not be in excess of that which the dependent would be entitled to as a death benefit.

(1) *Compensation.* Whenever a veteran entitled to disability compensation has forfeited his right, any part of the compensation payable except for the forfeiture may be paid to his wife, children and parents. The total amount payable will be the lesser of these amounts:

(i) Service-connected death benefit payable.

(ii) Amount of compensation payable but for the forfeiture.

No benefits are payable to any person participating in the treasonable act causing the forfeiture.

(2) *Pension.* Whenever a veteran entitled to pension has forfeited his right, any part of the pension payable except for the forfeiture provision may be paid to his wife, and children. The total amount payable will be the lesser of these amounts:

(i) Non-service-connected death benefit payable.

(ii) Amount of pension being paid the veteran at the time of forfeiture.

No benefits are payable to any person who participated in the treasonable act causing the forfeiture.

(d) *Forfeiture after September 1, 1959.* After September 1, 1959, forfeiture by reason of a treasonable act may be declared only

(1) Where the person was not residing or domiciled in a State as defined in § 3.1(i) at the time of commission of the act; or

(2) Where the person ceased to be a resident of or domiciled in a State as defined in § 3.1(i) before expiration of the period during which criminal prosecution could be instituted; or

(3) The treasonable act was committed in the Philippine Islands.

No part of the benefits forfeited by the person primarily entitled shall be paid to any dependent. (38 U.S.C. 3503 (d), (e), 3504).

(e) *Children.* A treasonable act committed by a child or children, regardless of age, who are in the widow's custody and included in an award to her will not affect the award to the widow.

6. The cross references following § 3.902 are deleted.

7. Section 3.903 is revised to read as follows:

§ 3.903 Subversive activities.

(a) *Definition.* Any offense for which punishment is prescribed:

(1) In title 18, United States Code, sections 792, 793, 794, 798, 2381 through 2385, 2387 through 2390, and chapter 105;

(2) In the Uniform Code of Military Justice, Articles 94, 104 and 106 (10 U.S.C. 894, 904, and 906);

(3) In the following sections of the Atomic Energy Act of 1954: Sections 222 through 226 (42 U.S.C. 2272–2276); and

(4) In the following sections of the Internal Security Act of 1950: Sections 4, 112, and 113 (50 U.S.C. 783, 822, and 823).

(b) *Effect on claim.* (1) Any person who is convicted after September 1, 1959, of subversive activities shall from and after the date of commission of such offense have no right to gratuitous benefits under laws administered by the Veterans Administration based on periods of military, naval, or air service commencing before the date of the commission of such offense and no other person shall be entitled to such benefits on account of such person.

(2) The Attorney General will notify the Veterans Administration in each case in which a person is indicted or convicted of an offense listed in paragraph (a) (1), (3), and (4) of this section. The Secretary of Defense or the Secretary of the Treasury, as may be appropriate, will notify the Veterans Administration in each case in which a person is convicted of an offense listed in paragraph (a)(2) of this section.

(c) *Presidential pardon.* Where any person whose right to benefits has been so terminated is granted a pardon of the offense by the President of the United States, the right to such benefits shall be restored as of the date of such pardon, if otherwise eligible. (38 U.S.C. 3505)

8. The cross reference following § 3.903 is deleted.

9. Former § 3.903 has been revised and redesignated § 3.904 to read as follows:

§ 3.904 Effect of forfeiture after veteran's death.

(a) *Fraud.* Whenever a veteran has forfeited his right by reason of fraud his surviving dependents upon proper application may be paid pension, compensation, or dependency and indemnity compensation, if otherwise eligible. No benefits are payable to any person who participated in the fraud causing the forfeiture. (38 U.S.C. 3503(c))

(b) *Treasonable acts.* Death benefits may be authorized as provided in paragraph (a) of this section where forfeiture by reason of a treasonable act was declared before September 2, 1959. Otherwise, no award of gratuitous benefits may be made to any person based on any period of service commencing before the date of commission of the offense which resulted in the forfeiture. (38 U.S.C. 3504(c))

(c) *Subversive activities.* Where the veteran was convicted of subversive activities after September 1, 1959, no award of gratuitous benefits may be made to any person based on any period of service commencing before the date of commission of the offense which resulted in the forfeiture unless the veteran had been granted a pardon of the offense by the President of the United States. If pardoned, his surviving dependents upon proper application may be paid pension, compensation or dependency and indemnity compensation if otherwise eligible. (38 U.S.C. 3505(a))

10. Immediately following § 3.904, the following cross references are added to read as follows:

CROSS REFERENCES: Effective dates; forfeiture. See § 3.400(m).

Reductions and discontinuances; fraud. See § 3.500(k).

Reductions and discontinuances; treasonable acts or subversive activities. See § 3.500 (t).

Adjustments and resumptions. See § 3.669.

Burial benefits. See § 3.1609.

Servicemen's indemnity. See § 3.1616.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective August 28, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62–8619; Filed, Aug. 27, 1962; 8:53 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2757]

[Utah 060709]

UTAH

Withdrawing Lands for Fish Hatchery and Other Uses

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved under jurisdiction of the Bureau of Sport Fisheries and Wildlife for establishment and operation of the Jones Hole National Fish Hatchery and for the development, conservation, utilization and maintenance of recreational resources, and the surface and subsurface water resources thereof (Executive Order No. 10355 of May 26, 1952):

SALT LAKE MERIDIAN

T. 3 S., R. 25 E.,
Sec. 1, lots 2, 3, SW¼NE¼, SE¼NW¼, and W½SE¼.

Containing 263.23 acres.

Management plans of the Bureau of Sport Fisheries and Wildlife for the utilization or development of the lands or any portions thereof for the preservation of recreational resources and the development of recreational facilities shall be coordinated with the National Park Service to assure that all resource values are given full consideration. Management plans may provide for cooperation with the State of Utah and its appropriate agencies for the protection, development, and propagation of fish and wildlife resources.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 22, 1962.

[F.R. Doc. 62–8597; Filed, Aug. 27, 1962; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department in § 168.5 *Individual country regulations* are amended as follows:

I. In country "Guatemala", under Postal Union Mail, amend the item *Prohibitions* to read as follows:

Prohibitions. Money in cash, banknotes, and values payable to the bearer. Such articles found in letters received in Guatemala are not delivered unless the addressees comply with special formalities and pay domestic insurance fees.

Articles prohibited as parcel post are prohibited in the postal union mail.

II. In country "Ireland", under Parcel Post, the item *Insurance* is amended to show that the limit of indemnity is increased to $1,000. As so amended, the item reads as follows:

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $10	$0.20
From $10.01 to $25	.25
From $25.01 to $50	.35
From $50.01 to $100	.55
From $100.01 to $200	.60
From $200.01 to $300	.65
From $300.01 to $400	.70
From $400.01 to $500	.75
From $500.01 to $600	.80
From $600.01 to $700	.85

Limit of indemnity—Continued	Fee
From $700.01 to $800	$0.90
From $800.01 to $900	.95
From $900.01 to $1,000	1.00

Print on the wrapper, near the "insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in United States currency and in gold francs. The indication in United States currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE
$25.75 (U.S.)
TWENTY-FIVE DOLLARS AND
SEVENTY-FIVE CENTS
77.25 GOLD FRANCS

See Part 133 of this chapter for method of converting United States currency into gold francs and for general information on insurance.

Parcels containing coin, bullion, valuable jewelry, or any other precious article must be insured.

III. In country "Laos", under Postal Union Mail the item *Observations* is amended to include additional post offices that are closed. As so amended, the item reads as follows:

Observations. The following post offices are closed: Phongsaly, Samneua, Xiengkhouang, Muongsai, Tchépone, Namtha, Honeisai, and Muongsing.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-8613; Filed, Aug. 27, 1962; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

[Docket No. AO-250-A3]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Decision and Referendum Order With Respect to Proposed Amendment of Marketing Agreement and Order, as Amended

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Los Angeles, California, on February 8, 1962, after notice thereof published in the FEDERAL REGISTER (27 F.R. 474, 864) on proposals to amend the marketing agreement and Order No. 908, as amended (7 CFR Part 908), hereinafter referred to collectively as the "order" regulating the handling of Valencia oranges grown in Arizona and designated part of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on July 19, 1962, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 62-7215; 27 F.R. 6982). No exception was filed.

The material issues, findings and conclusions, rulings, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 62-7215; 27 F.R. 6982) are hereby approved and adopted as the material issues, findings and conclusions, rulings, and the general findings of this decision as if set forth in full herein.

Amendment of the marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Valencia Oranges Grown in Arizona and Designated Part of California" and "Order Amending the Order, as Amended, Regulating the Handling of Valencia Oranges Grown in Arizona and Designated Part of California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the period February 1, 1961, through January 31, 1962 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Arizona and in that portion of the State of California that is south of a line drawn due east and west through the Post Office in Turlock, California, in the production of Valencia oranges for market to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of Valencia oranges grown in Arizona and designated part of California. Warren C. Noland and E. J. Blaine, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176, except that subparagraph (3) of paragraph (a) thereof is hereby modified for the purpose of this referendum to read as follows:

(3) Any individual casting a ballot in such referendum on behalf of a producer, other than an individual casting the ballot of a cooperative association, shall execute the following certification and submit it with the ballot: "I hereby certify that I am an officer, employee, or agent of the producer, or an administrator or executor of an estate, for whom this ballot is cast, and that I have authority to take such action on behalf of such producer or estate." In the case of a cooperative association, the individual casting the ballot of the cooperative association shall submit with the ballot a certified copy of the resolution of its Board of Directors authorizing such individual to cast such ballot.

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: August 23, 1962.

JOHN P. DUNCAN, JR.,
Acting Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Valencia Oranges Grown in Arizona and Designated Part of California

§ 908.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, California, on February 8, 1962, upon proposed amendments to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of Valencia oranges grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended, and as hereby further amended, prescribes,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Valencia oranges; and

(5) All handling of Valencia oranges grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of Valencia oranges grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. The provisions of § 908.4 *Production area* are revised to read as follows:

§ 908.4 Production Area.

"Production area" means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California.

§ 908.20 [Amendment]

2. Section 908.20 is revised by deleting from the second sentence the words "who shall not be handlers, or employees of handlers, or employees of central marketing organizations" and deleting from the fifth sentence the words "and who shall not be handlers, or employees of handlers, or employees of central marketing organizations."

§ 908.31 [Amendment]

3. The amount "$10" in § 908.31 is replaced by "$15."

4. A new § 908.33 is added as follows:

§ 908.33 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Valencia oranges, the expense of such projects to be paid from funds collected pursuant to this part.

§ 908.55 [Amendment]

5. The second sentence in § 908.55 is revised to read as follows: "The quantity of oranges so handled in excess of each such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from each such person's allotment for the next week: *Provided,* That no such deduction shall apply when such quantity is handled pursuant to early maturity allotment issued under § 908.60."

§ 908.56 [Amendment]

6. The following is added to the end of the sentence in § 908.56: "except that the undershipment of early maturity allotment shall not entitle a handler to so handle an additional quantity of oranges."

§ 908.57 [Amendment]

7. The words "early maturity" are deleted from the first sentence of § 908.57.

§ 908.60 [Amendment]

8. The proviso and all subsequent language in § 908.60 are deleted and the following substituted therefor: "Early maturity allotments issued to any handler may be used only during the week for which issued, and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early maturity allotments issued to him shall be adjusted by deducting therefrom a quantity of oranges equivalent to the total quantity of his oranges for which early maturity allotments were issued but were not used. A person to whom early maturity allotments have been issued may, after approval by the committee, transfer such allotments to other persons to whom such allotments also have been issued: *Provided,* That, upon such transfer of allotment, the transferee shall be obligated to use the transferred allotment during the week for which it was issued and if he fails to do so shall have his oranges available for current shipment adjusted in the same manner as if the transferred allotment had been issued to him by the committee. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Early maturity allotments issued, and any transfer thereof, under this section shall be on a prorate district basis."

§ 908.66 [Amendment]

9. Paragraphs (a), (b), and (c) of § 908.66 are revised to read as follows:

(a) District 1 shall include that part of the State of California which is south of a line drawn due east and west through the Post Office in Turlock, California, and north of a line drawn due east and west through the Post Office in Gorman, California, but excluding San Luis Obispo and Santa Barbara Counties and that part of San Bernardino County located east of the 115th Meridian.

(b) District 2 shall include that part of the State of California which is south and west of District 1, and west of a line drawn due north and south through the Post Office in White Water, California.

(c) District 3 shall include the State of Arizona and that part of the production area not included in Districts 1 and 2.

§ 908.67 [Amendment]

10. The first sentence in § 908.67 is revised to read as follows: "Except as otherwise provided in this section, nothing contained in this subpart shall be construed to authorize any limitation of the right of the initial handler of oranges to: (a) Handle oranges to charitable institutions for consumption by such institutions or to relief agencies for distribution by such agencies; (b) handle oranges to commercial processors for processing into products, including juice; (c) export oranges or handle oranges to exporters for export purposes; (d) handle oranges by parcel post or by railway express; or (e) handle oranges in such minimum quantities or in such types of shipments as the committee may, with the approval of the Secretary, prescribe."

§ 908.83 [Amendment]

11. Subparagraph (3) of § 908.83(c) is revised to read as follows:

(3) Upon recommendation of the committee, received not later than August 15 of an even numbered year, the Secretary shall conduct a referendum prior to October 15 of such year to ascertain whether continuance of this part is favored by producers.

[F.R. Doc. 62-8263; Filed, Aug. 27, 1962; 8:55 a.m.]

[7 CFR Part 909]

[Docket No. AO-85-A3]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA, IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Decision and Referendum Order With Respect to Proposed Amendment of Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Indio, California, on May 24, 1962, after notice thereof published in the FEDERAL REGISTER (27 F.R. 3858) on proposed amendment of the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), hereinafter called the "order" regulating the handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of the evidence introduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on July 25, 1962, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 62-7456; 27 F.R. 7436). No exception was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 62-7456; 27 F.R. 7436) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Grapefruit Grown in Arizona, in Imperial County, California, and in that Part of Riverside County, California, Situated South and East of White Water, California" and "Order Amending the Order, as Amended, Regulating the Handling of Grapefruit Grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, Situated South and East of White Water, California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1961, through July 31, 1962 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California, in the production of grapefruit for market, to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of grapefruit grown in the aforesaid production area. Warren C. Noland and E. J. Blaine, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176), except that subparagraph (3) of paragraph (a) thereof is hereby modified for the purpose of this referendum to read as follows:

(3) Any individual casting a ballot in such referendum on behalf of a producer, other than an individual casting the ballot of a cooperative association, shall execute the following certification and submit it with the ballot: "I hereby certify that I am an officer, employee, or agent of the producer, or an administrator or executor of an estate, for whom this ballot is cast, and that I have authority to take such action on behalf of such producer or estate." In the case of a cooperative association, the individual casting the ballot of the cooperative association shall submit with the ballot a certified copy of the resolution of its Board of Directors authorizing such individual to cast such ballot.

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: August 23, 1962.

JOHN P. DUNCAN, JR.,
Acting Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Grapefruit Grown in Arizona, in Imperial County, California, and in That Part of Riverside County, California, Situated South and East of White Water, California

§ 909.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Indio, California, on May 24, 1962, upon a proposed amendment of the marketing agreement, as amended, and to Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California, in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act; and

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the grapefruit covered thereunder.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California, shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. A new § 909.32 is added as follows:

§ 909.32 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of grapefruit; the expense of the projects to be paid from funds collected under § 909.41.

§ 909.40 [Amendment]

2. The first sentence of §909.40 is revised to read as follows: "The Administrative Committee is authorized to incur such expenses, including inspection expenses, as the Secretary finds may be necessary to carry out the functions of the committee under this part during each fiscal period."

§ 909.41 [Amendment]

3. The first sentence of § 909.41(a) is revised to read as follows: "Each handler who first handles grapefruit shall, with respect to the grapefruit so handled by him, pay to the Administrative Committee, upon demand, his pro rata share of the expenses, including inspection expenses, which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal period."

§ 909.51 [Amendment]

4. The second sentence of § 909.51(a) is revised to read as follows: "Whenever the committee finds that the conditions make it advisable to regulate the handling of particular grades or sizes of any variety of grapefruit during any period, it shall recommend the particular grades or sizes it deems advisable to be handled during that period; and the recommen-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

dation may include different size limitations for any variety handled to any of the marketing zones described in § 909.56."

§ 909.53 [Amendment]

5. The first sentence of § 909.53 is revised to read as follows: "Whenever the Secretary finds from the recommendation and information submitted by the Administrative Committee or from other available information, that limiting the handling of any variety of grapefruit to particular grades or sizes would tend to effectuate the declared policy of the act, he shall so limit the handling of that variety for a specified period; and the limitation may prescribe different size requirements for the handling of such variety by the initial handler thereof directly to the marketing zones specified."

6. A new § 909.56 is added as follows:

§ 909.56 Marketing zones.

(a) Zone 1: The States of California and Arizona.

(b) Zone 2: The States of Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah.

(c) Zone 3: The States not enumerated in zones 1, 2, and 4.

(d) Zone 4: All export markets and the States of Hawaii and Alaska.

[F.R. Doc. 62-8622; Filed, Aug. 27, 1962; 8:54 a.m.]

[7 CFR Part 990]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Notice of Proposed Exemption of Certain Grape Varieties From Volume Regulation

Notice is hereby given that need for volume regulation is likely and there is under consideration a proposal to exempt certain varieties of grapes from any volume regulation which may be established for the 1962-63 crop year beginning July 1, 1962, under the marketing agreement and Order No. 990 (7 CFR Part 990), hereinafter referred to collectively as the "order", regulating the handling of Central California grapes for crushing. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal is based on a determination and recommendation of the Grape Crush Administrative Committee and other available information that the varieties of grapes hereinafter set forth and produced in the nine-county area covered by the order are of such small production and restricted usage or in such short supply relative to demand that the exemption of such varieties from any volume regulation for the 1962-63 crop year would not tend to affect adversely the attainment of the purposes of the order.

The varieties of grapes hereinafter set forth would be exempt, pursuant to § 990.58(b), from such volume regulation and related setaside as may be established and effective pursuant to §§ 990.53 and 990.54, as applicable. However, such varieties would not be exempted from the other provisions of the order such as those pertaining to weight and sugar content determinations, reports and records, and assessments.

Should free and surplus percentages be established for 1962-63, it would be necessary in computing such percentages to make appropriate allowance for the tonnages of grape varieties as may be exempted.

The proposal is as follows:

§ 990.205 Exemption.

The following varieties of grapes for crushing are exempt from any volume regulation established for the 1962-63 crop year (July 1, 1962-June 30, 1963): Aleatico, Alicante Ganzin, Almission, Alvarelhao, Barbera, Beclan, Boaldoce, Catarratto, Emerald Riesling, Experimental No. 100, Experimental No. 101, F-5, Franken Riesling,[1] French Colombard, Freisa, Grand Noir, Grey Riesling, Green Hungarian, Grignolino, Inzolia, Johannisberger Riesling,[2] Lenoir, Malvasia Bianca, Malvoisie, Mataro, Mondeuse,[3] Muscat Bordolaise, Muscat Canelli[4] Niagara, Nebbiolo, Pagadebito, Pedro Ximenes, Pedro Zumbom, Petit Bouschet, Petite Sirah,[5] Peverella, Royalty, Rubired, Ruby Cabarnet, S-26, St. Emilion,[6] St. Macaire, Salvador, Sauvignon, Sauvignon Vert,[7] Scarlet, Semillon, Souzao, Tinta Cao, Tinta Madera, Touriga, Trousseau, Valdepenes, Verdona, Walschriesling, White No. 2, and Zinfandel.

Consideration will be given to written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the tenth day after the publication of this notice in the FEDERAL REGISTER.

Dated: August 22, 1962.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-8620; Filed, Aug. 27, 1962; 8:54 a.m.]

[7 CFR Part 990]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Notice of Proposed Establishment of Desirable Free Tonnage for 1962-63 Crop Year

Notice is hereby given that need for volume regulation is likely and there is under consideration a proposal to establish for the 1962-63 crop year (July 1, 1962-June 30, 1963) a desirable free tonnage of grapes for crushing of 1,167,000 tons at 22 degrees Balling, which handlers may freely acquire and use in such crop year. The proposal is based on the recommendation and marketing policy report, pursuant to § 990.47, of the Grape Crush Administrative Committee and other available information. The desirable free tonnage would be established pursuant to the marketing agreement and Order No. 990 (7 CFR Part 990), regulating the handling of Central California grapes for crushing, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposed desirable free tonnage is derived from the following estimated factors: (1) A desirable carryout (free inventory only) on June 30, 1963, of 56,764,000 proof gallons of products of grapes produced in the State of California—the same quantity as the reported comparable carryover on June 30, 1962; (2) a disappearance (total product need), including trade demand requirements and production losses but excluding any disposition of setaside, of 64,412,000 proof gallons, during the 1962-63 crop year, of products of grapes produced in the State of California—the same quantity as the reported comparable disappearance during the 1961-62 crop year; (3) a desirable crush during the 1962-63 crop year for the State of California of 1,337,000 tons of grapes at 22 degrees Balling, the equivalent of item (2); and (4) a crush of 170,000 tons of 1962 crop grapes at 22 degrees Balling, produced in California outside the nine-county area covered by the marketing agreement and order. The subtraction of item (4) from item (3) results in a desirable free tonnage of grapes for crushing of 1,167,000 tons at 22 degrees Balling for the nine-county area, which handlers may freely acquire and use during the 1962-63 crop year.

Such desirable free tonnage includes tonnages of grape varieties which may be exempted from any volume regulation for the 1962-63 crop year. If free and surplus percentages are established for such crop year, it will be necessary in computing such percentages to make appropriate allowance for the exempt tonnages.

The proposal is as follows:

§ 990.204 Desirable free tonnage.

The desirable free tonnage of grapes for crushing which handlers may freely acquire and use during the 1962-63 crop year (July 1, 1962-June 30, 1963) is 1,167,000 tons at 22 degrees Balling.

Consideration will be given to written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the tenth day after the publication of this notice in the FEDERAL REGISTER.

Dated: August 22, 1962.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-8621; Filed, Aug. 27, 1962; 8:54 a.m.]

[1] Franken Riesling includes Sylvener.

[2] Johannisberger Riesling includes White Riesling.

[3] Mondeuse includes Crabb's Black Burgundy and Refosco.

[4] Muscat Canelli includes Muscat de Frontignon.

[5] Petit Sirah includes Durif.

[6] St. Emilion includes Trebbiano and Ugni Blanc.

[7] Sauvignon Vert includes Colombard.

Agricultural Stabilization and Conservation Service

[7 CFR Part 1002]

[Docket No. AO-71-A44]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 301 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Woodbridge Motor Lodge, U.S. Route 9, Woodbridge, New Jersey, beginning at 10:00 a.m., e.d.t., on September 18, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the New York-New Jersey marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Hudson-Mohawk Independent Milk Producers' Cooperative, Inc., and Mutual Federation of Independent Cooperatives, Inc.:

Proposal No. 1. Provide in § 1002.71(c) for direct-delivery differentials at the same rates and applicable to the same zones as specified in the order as effective prior to December 1, 1961, at the plant where the milk of producers is first received or delivered, either in cans or from farm bulk tanks.

Proposed by Mutual Federation of Independent Cooperatives, Inc.:

Proposal No. 2. Provide that the point of pricing of bulk tank milk be the mileage zone of the plant to which a pool bulk tank unit delivers its milk, with the plant in the lowest mileage zone governing in cases where such unit delivers to plants in two or more zones.

Proposed by Metropolitan Cooperative Milk Producers Bargaining Agency, Inc., and United Milk Producers of New Jersey:

Proposal No. 3. Direct-delivery differentials as contained in § 1002.71(c) should be retained and apply to all milk received at plants located within the specified areas regardless of whether it is delivered in cans or in bulk tanks.

Proposed by Dairymen's League Cooperative Association, Inc.:

Proposal No. 4. The rate per hundredweight to be paid as a direct-delivery differential on can milk produced in the 0-80 mileage zone is to be determined by the availability of milk. Class I-A and I-B utilization percentage of total Federal Order No. 2 pool will be the determining factor as to the rate to be paid by handlers to producers as a direct-delivery differential. For plants located in the areas specified, the following flexible table should be applicable:

DIRECT-DELIVERY DIFFERENTIAL

[Dollars per hundredweight]

Mileage zone	Percentage utilization in class I-A and I-B				
	Under 45	45 and over but under 50	50 and over but under 55	55 and over but under 60	60 and over
1-10	$0.10	$0.15	$0.20	$0.25	$0.30
11-30	.05	.10	.15	.20	.25
31-50	------	.05	.10	.15	.20
51-70	------	------	.05	.10	.15
71-80	------	------	------	.05	.10

NOTE 1. Utilization percentages above are based on a 12-month moving average.

2. When the direct-delivery differential was established, the class I-A and I-B utilization percentage was 55 to 60 percent. Since August 1961 the percentage is in the bracket 45 to 50.

3. This table for direct-delivery differentials will work in the opposite direction from the one used for nearby differentials; that is, under the direct-delivery the lower the percent of class I-A and I-B the lower the differential to be paid while under the nearby differential the lower the percent of Class I-A and I-B the higher the differential to be paid.

Proposal No. 5. Direct delivery differentials should be applicable on bulk tank milk, the rates for which to be determined on the evidence presented at the hearing and in conformity with Proposal No. 4.

Proposal No. 6. Clarification is sought as to whether cooperative associations marketing bulk tank milk may establish the pricing point of such milk as (1) the township zone of the farm, or (2) the zone location of the handler's plant.

Proposed by Association of Ice Cream Manufacturers of New York State; Milk Dealers Association of Metropolitan New York, Inc., and Mifflin Creamery Co. Inc., et al.:

Proposal No. 7. Amend § 1002.70 as follows:

Delete the second proviso which reads: "*Provided further*, That for milk received in a bulk tank unit there may be no charge to the producer for service incident to moving the milk off the farm, if such charge reduces the net price to the farmer below that specified in this section" and substitute therefor the following: "*Provided further*, That for milk received in a bulk tank unit there may be deducted a tank service charge when it is authorized in writing by the producer and it is made not later than the date on which the producer is required to be paid."

Proposed by the Milk Dealers Association of Metropolitan New York, Inc., and Mifflin Creamery Co. Inc., et al.:

Proposal No. 8. Delete § 1002.71(c) (Direct-Delivery Differentials).

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 9. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereof that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 205 East 42d Street, New York 17, New York, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on August 23, 1962.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-8627; Filed, Aug. 27, 1962; 8:56 a.m.]

[7 CFR Parts 1125, 1133, 1136]

[Docket Nos. AO-226-A8, AO-275-A9, AO-309-A4]

MILK IN PUGET SOUND, INLAND EMPIRE AND GREAT BASIN MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held in the Federal Courthouse Building, 1010 5th Street, Seattle, Washington, beginning at 10:00 a. m., P.d.t., on September 14, 1962, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Puget Sound, Inland Empire and Great Basin marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposals No. 1 and No. 2 have been made by the following:

United Dairymen's Association.
Inland Empire Dairy Association.
Spokane Milk Producers Association.
Federated Milk Producers Association, Inc.
Hi-Land Dairyman's Association.
Weber Central Dairy Association.

Proposal No. 1. That the basic formula price to be used in computing the price for Class I milk under each of the following orders shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the applicable month, adjusted to a 3.5 percent butterfat basis by a butterfat differential computed by multiplying the Chicago 92-score butter price by 0.12. Adjustments of the several Class I price differentials appropriate in relation to the proposed formula price will also be considered.

This proposal affects the following marketing areas and order provisions: Puget Sound, § 1125.50; Inland Empire, § 1133.50 and Great Basin, § 1136.51.

Under this proposal evidence will be received only with respect to change in the basic formula prices used to compute Class I prices.

Proposal No. 2. That all class and producer prices under the orders for the Puget Sound and Inland Empire marketing areas be stated on a 3.5 percent butterfat basis.

Proposed by Foremost Dairies, Inc., for amendment of the order regulating the Puget Sound marketing area:

Proposal No. 3. Make changes in order language as shown below in order to exempt from the regular reporting requirement of the order any handler who operates a nonpool plant, a part of the premises of which is used as a "loading station" only for the purpose of receiving van loads of regulated fluid milk products in consumer packages for breakdown and distribution on retail and wholesale routes.

A. Change the opening paragraph of § 1125.30 to read as follows: "On or before the 8th day of each month and in detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 1125.15(a) shall submit to the market administrator a separate report for each of such handler's fluid milk plants, country plants, and plants (other than a plant which serves as a distributing point for packaged products in any of the forms prescribed in § 1125.41(a) received only from fluid milk plants or country plants) from which skim milk or butterfat in any of the forms specified in § 1125.41(a) is disposed of to any place or establishment within the marketing area other than a plant, and each cooperative association which is a handler pursuant to § 1125.15 (b) shall submit to the market administrator a report with respect to milk diverted on its account, containing the following information for the preceding month:".

B. Eliminate from subparagraph (3) of § 1125.41(b) the words "and to nonpool plants subject to the conditions of § 1125.44(c) (2) and (3)".

C. Change § 1125.44(c)(1) to read as follows:

(c) To a nonpool plant:

(1) Except as provided for in subparagraphs (2) and (3) of this paragraph, as Class I milk if the transfer or diversion is:

(i) To a nonpool plant located outside the marketing area;

(ii) To the plant of a person holding designation as a producer-handler at the time of the transfer or diversion; or

(iii) To a nonpool plant located in the marketing area which is engaged in the distribution of milk for consumption in fluid form to the extent that skim milk or butterfat in any of the forms specified in § 1125.41(a) are disposed of:

(*a*) To any place or establishment other than a plant; or

(*b*) To any other nonpool plant distributing milk in fluid form, and the remainder of such transfer or diversion shall be allocated to uses other than those covered by § 1125.54(a) to the extent that such other Class II milk uses are available at such nonpool plant, except that if the market administrator is not permitted to audit the records of such nonpool plant for the purpose of use verification, the entire transfer shall be classified Class I milk.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 4. Make such changes as may be necessary to make the entire marketing agreements and orders conform with any amendments thereto that may result from this hearing.

Copies of the notice of hearing and the orders may be inspected at the office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be procured from the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., or from the offices of the market administrators listed below or may be there inspected:

200 Bigelow Building, Fourth and Pike Streets, Seattle 1, Wash.
West 933 Third Avenue, Room 212, Spokane 4, Wash.
1935 South Main Street, Suite 339, Salt Lake City, Utah.

Signed at Washington, D.C., on August 23, 1962.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-8628; Filed, Aug. 27, 1962; 8:56 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Land

AUGUST 20, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Los Angeles 0170115, for the withdrawal of certain lands from location and entry, under the general mining laws, subject, however, to existing withdrawal and to valid existing rights.

The lands have previously been withdrawn for the San Bernardino Forest Reserve by Presidential Proclamation dated February 25, 1893, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit the use of such lands for the San Bernardino-Holcomb Valley Campground, which use is incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 3 N., R. 1 E.,
Sec. 32, S½S½NE¼SW¼NE¼, S½S½NW¼SE¼NE¼, SW¼SE¼NE¼, SE¼SE¼NE¼, S½NW¼SE¼, W½NE¼SE¼.

The above described area contains 65 acres of Federal land. The lands are located in San Bernardino County, California.

ROLLA E. CHANDLER,
Manager, Land Office, Riverside.

[F.R. Doc. 62-8594; Filed, Aug. 27, 1962; 8:49 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service of the United States Department of Agriculture has filed an application, Serial Number Colorado-078071, for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a ski area, campgrounds, picnic area, rest stop, and recreation area. It is located in the Arapaho and San Juan National Forests.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Gas and Electric Building, 910 15th Street, Denver 2, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ARAPAHO NATIONAL FOREST

Breckenridge Ski Area

T. 6 S., R. 78 W.,
Sec. 34: E½, E½W½, except that portion of MS 19959—approximately 620.00 acres.
Sec. 35: All, except those portions of MS 19959, 2533, 13343, and 13774—approximately 620.00 acres.
Sec. 36: Lots 3, 4, 8, 9 and N½NW¼, except all of those portions of the following: MS 15733, 3537, 3637A, 3539, 2630, 1807, 2533, 13774 and 13343—approximately 100.00 acres.
T. 7 S., R. 78 W.,
Sec. 1: Lots 3, 4, S½NW¼, SW¼, except those portions of MS 13774, 13343, 16786 and 13846—approximately 200.00 acres.
Sec. 2: All, except a portion of MS 13774—approximately 600.00 acres.
Sec. 3: Lots 1, 2, S½NE¼, N½N½SE¼, S½S½NW¼, N½N½SW¼ — approximately 279.87 acres.
Total area, approximately 2,419.87 acres.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAN JUAN NATIONAL FOREST

Barlow Creek Campground

T. 41 N., R. 10 W.,
Sec. 33: SW¼, N½SE¼.
Total area, 240 acres.

Cushman Gulch Campground

T. 38 N., R. 12 W.,
Sec. 2: Lot 4, SW¼NW¼.
Total area, 81.76 acres.

Scotch Creek Campground

T. 39 N., R. 11 W.,
Sec. 11: SE¼SW¼, SW¼SE¼;
Sec. 14: NW¼NE¼, NE¼NW¼.
Total area, 160 acres.

Groundhog Campground

T. 41 N., R. 12 W.,
Sec. 19: Lot 4, SE¼SW¼;
Sec. 30: Lots 1, 2, E½NW¼.
Total area, 244.13 acres.

Long Meadow Campground

T. 38 N., R. 4 W.,
Sec. 24: E½NE¼, NE¼SE¼.
Total area, 120 acres.

Lake View Campground

T. 38 N., R. 3 W.,
Sec. 19: Lots 2, 3, 6.
Total area, 163.17 acres.

Goose Neck Picnic Ground

T. 38 N., R. 3 W.,
Sec. 17: E½SW¼, E½SW¼SW¼;
Sec. 20: E½NW¼, NE¼NW¼NW¼.
Total area, 190 acres.

Snowshoe Campground

T. 38 N., R. 3 W.,
Sec. 18: S½NE¼, N½SE¼.
Total area, 160 acres.

Haviland Lake Recreation Area

T. 38 N., R. 9 W.,
Sec. 25: NE¼NW¼, W½NE¼, NW¼SE¼.
Total area, 160 acres.

Lizard Head Pass Rest Stop

T. 41 N., R. 9 W.,
Sec. 18: Lot 4, SE¼SW¼.
T. 41 N., R. 10 W.,
Sec. 13: SE¼SE¼.
Total area 119.63

Aggregate total area 1,638.69 acres.

The above described areas in the Arapaho National Forest aggregate 2,419.87 acres, and those in the San Juan National Forest aggregate 1,638.69 acres.

HAROLD T. TYSK,
Chief, Division of Lands and Minerals.

[F.R. Doc. 62-8595; Filed, Aug. 27, 1962; 8:49 a.m.]

MICHIGAN, MISSISSIPPI, ARKANSAS, LOUISIANA AND INDIANA

Notice of Proposed Withdrawal and Reservation of Land

AUGUST 22, 1962.

The United States Department of Agriculture, Washington 25, D.C., has filed application serial No. BLM 062875 for the withdrawal of public domain lands, described below, from all forms of appropriation, entry or sale under the public land laws, subject to valid existing rights.

The applicant desires the land to be formally added to the National Forests, hereafter identified, to promote efficient management of lands and national resource conservation therewith.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Washington 25, D.C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application, which are to be added to the National Forests as hereafter indicated, are as follows:

Huron National Forest, Michigan

Michigan Meridian

T. 27 N., R. 4 E.,
Sec. 7, S½SE¼—80.00 acres.
Sec. 8, SW¼SW¼—40.00 acres.
T. 26 N., R. 5 E.,
Sec. 29, SE¼SE¼NE¼—10.00 acres.
T. 25 N., R. 6 E.,
Sec. 6, Beginning 66 ft. east of southwest corner of sec. 6, thence north 660 ft. to a point, thence east 330 ft. to a point, south 660 ft., west 330 ft. to beginning being a parcel described as lot 16 in unrecorded Plat of Grantor, containing—5.00 acres.
T. 25 N., R. 8 E.,
Sec. 3, NW¼SW¼—40.00 acres.
Total, 175.00 acres.

Manistee National Forest, Michigan

Michigan Meridian

T. 23 N., R. 10 W.,
Sec. 26, Commencing at the northeast corner of NW¼NE¼, thence west 495 ft., south 302 ft., northeast to a point 105 ft. 6 in. south of point of beginning, north 105 ft. 6 in. to beginning, containing—2.31 acres.
T. 23 N., R. 11 W.,
Sec. 21, Commencing at the northeast corner of NE¼NW¼, west 396 ft., south 330 ft., east 396 ft., north 330 ft., to beginning, containing—3.00 acres.
T. 17 N., R. 12 W.,
Sec. 4, S½N½SW¼NW¼—10.00 acres.
Sec. 16, South 2 acres of S½S½NE¼SE¼—2.00 acres.
Sec. 17, E½E½E½SW¼SE¼—5.00 acres.
Sec. 28, Beginning at southeast corner of NE¼, thence west 13 rods, north 13 rods, east 13 rods, south 13 rods to beginning, and E½SE¼—81.16 acres.
T. 18 N., R. 12 W.,
Sec. 36, E½SE¼SW¼—20.00 acres.
T. 15 N., R. 13 W.,
Sec. 11, SW¼NE¼NW¼SE¼, SE¼NE¼NW¼SE¼, SE¼NW¼SE¼SE¼, SW¼SW¼NW¼SE¼SE¼, SE¼SW¼SE¼SE¼ except the SW¼SW¼NW¼SE¼SW¼SE¼SE¼—10.59 acres.
T. 17 N., R. 13 W.,
Sec. 8, N½N½NE¼NE¼—10.00 acres.
Sec. 14, NE¼SE¼—40.00 acres; and the following lots in the Village of Marlborough as shown on plat of said village recorded December 23, 1902, in Liber 1 of Plats, Page 10, records of Lake County:
Block 12, lots 1 to 92, inclusive—23.53 acres.
Block 13, lots 1 to 138, inclusive.
Block 20, lots 1 to 138, inclusive—120.00 acres.
Block 21, lots 1 to 174, inclusive.
Sec. 24, S½NW¼NW¼NW¼, N½SW¼NW¼NW¼—10.00 acres.
Sec. 28, E¾ of S½NE¼NE¼—15.00 acres.
T. 18 N., R. 13 W.,
Sec. 5, NW¼NW¼SW¼, N½SW¼NW¼SW¼—15.00 acres.
Sec. 6, N½S½NE¼NE¼—10.70 acres.
Sec. 19, East 660 ft. of N½S½N½NW¼, east 660 ft. of S½N½NW¼, west 330 ft. of east 900 ft. of N½S½NW¼, east 660 ft. of N½S½NW¼, except east 13 ft. for highway, east 660 ft. of S½NW¼, except east 15 ft. and south 33 ft. for highway—34.50 acres.
Sec. 20, N½NE¼SE¼—10.00 acres.
Sec. 28, the following described lots of the Village of Unora (Unora Park) as shown on plat of said Village recorded January 15, 1915 in Liber 1 of Plats, Page 26, records of Lake County:
Block 8, lots 1 to 27, inclusive;
Block 9, lots 1 to 54, inclusive;
Block 10, lots 1 to 54, inclusive;
Block 11, lots 1 to 54, inclusive;
Block 12, lots 1 to 54, inclusive;
Block 13, lots 1 to 54, inclusive;
Block 14, lots 1 to 54, inclusive;
Block 15, lots 1 to 54, inclusive;
Block 16, lots 1 to 54, inclusive;
Block 17, lots 1 to 54, inclusive;
Block 18, lots 1 to 54, inclusive;
Block 19, lots 1 to 54, inclusive;
Block 20, lots 1 to 27, inclusive;
Block 21, lots 1 to 24, inclusive;
Block 22, lots 1 to 48, inclusive;
Block 23, lots 1 to 48, inclusive;
Block 24, lots 1 to 48, inclusive;
Block 25, lots 1 to 48, inclusive;
Block 26, lots 1 to 48, inclusive;
Block 27, lots 1 to 48, inclusive;
The area above described in Blocks 8 to 27, inclusive, contains 61.00 acres.
Sec. 29, S½S½SW¼NW¼—10.00 acres.
T. 19 N., R. 13 W.,
Sec. 7, SE¼NW¼SE¼, NW¼NE¼SW¼, SE¼NE¼SW¼NE¼NE¼, SW¼NW¼SE¼, NW¼NE¼SE¼, SE¼NE¼SE¼—100.00 acres.
Sec. 15, NW¼SW¼SE¼—10.00 acres.
Sec. 16, That part of the E½SE¼SW¼ lying south of railroad, parcel beginning 13 rods south of northwest corner of SW¼NW¼, east 80 rods, south 12 rods, west 80 rods, north 12 rods to beginning—14.69 acres; NE¼SW¼SW¼ lying north of Pere Marquette Railroad—7.50 acres.
Sec. 17, SW¼NW¼SW¼, NE¼NE¼SW¼, NE¼NW¼SW¼—60.00 acres; S½SW¼SW¼, NE¼SW¼SW¼, commencing at northeast corner of NE¼SE¼SE¼ south along east line to north line of Pere Marquette Railroad, northwesterly along said railroad to north line of NE¼SE¼, east to beginning—0.61 acres; S½SE¼NW¼SE¼, W½NE¼NE¼SE¼, lying east of Pere Marquette Railroad, E½NW¼NE¼SE¼ lying east of Pere Marquette Railroad, E½NE¼NE¼SE¼, N½NE¼SE¼, west of Pere Marquette Railroad, W¼NE¼NW¼SE¼, SW¼NW¼SE¼, N½SE¼NW¼SE¼, SW¼SW¼SE¼, S½SE¼SE¼—73.89 acres.
Sec. 18, SE¼SW¼NE¼ lying south of Manistee East and West right-of-way, SW¼SE¼NE¼ lying south of Manistee East and West right-of-way—11.00 acres.
Sec. 19, SE¼NE¼NW¼, SE¼SE¼SE¼, SE¼NE¼SW¼, SE¼SE¼SW¼—40.00 acres.
Sec. 20, S½SE¼SW¼, NW¼SE¼SW¼, SW¼NE¼NE¼—40.00 acres.
Sec. 22, NE¼NE¼NW¼, SW¼NW¼, except that part west of Pere Marquette Railroad, NE¼NW¼NW¼, SW¼NW¼NW¼, except Railroad SW¼SE¼NW¼, N½SE¼SE¼NW¼—60.00 acres.
Sec. 29, SE¼SW¼NW¼, NE¼SW¼NE¼—20.00 acres.
Sec. 30, NE¼NW¼NE¼, NW¼NW¼NE¼, SE¼NW¼NE¼, NE¼SE¼NE¼, SE¼SW¼NE¼, SW¼NW¼SE¼, SE¼NE¼SE¼, SW¼NE¼NW¼, south 10 acres of north 20 acres of NW¼NW¼—90.00 acres.
Sec. 33, NW¼NW¼NE¼, SE¼NW¼NW¼, E½SW¼NW¼NW¼, E½NE¼SW¼NW¼, W½SW¼SW¼NW¼, E½NW¼SW¼NW¼—40.00 acres.
T. 21 N., R. 13 W.,
Sec. 3, SE¼SW¼NE¼—10.00 acres.
Sec. 4, That part of lot 4 lying west of north and south one-quarter line—9.86 acres.
Sec. 6, S½N½NE¼SW¼—10.00 acres.
Sec. 17, SE¼NE¼NW¼—10.00 acres.
Sec. 23, N½S½SE¼SE¼—5.00 acres.
T. 22 N., R. 13 W.,
Sec. 19, NW¼SE¼NW¼—10.10 acres.
T. 17 N., R. 14 W.,
Sec. 20, NW¼NW¼SW¼NE¼, SE¼NW¼SW¼NE¼, NE¼SW¼SW¼NE¼—7.50 acres.
Sec. 21, W½SW¼NW¼, SE¼SW¼NW¼, SW¼—190.00 acres.
T. 18 N., R. 14 W.,
Sec. 13, E½NW¼NW¼SE¼, E½NE¼SW¼SE¼, W½SE¼NW¼SE¼—15.00 acres.
Sec. 24, W½NW¼SE¼NW¼, W½SW¼SE¼NW¼, SE¼SE¼NW¼, W½SE¼NE¼NW, E½W½NW¼NE¼NW¼—27.50 acres.
T. 21 N., R. 14 W.,
Sec. 3, W½W½SW¼SE¼—10.00 acres.
Sec. 11, NW¼NE¼SE¼—10.00 acres.
Sec. 12, Parcel commencing at northwest corner of SW¼NW¼, thence south along west line of SW¼NW¼ 440 ft., thence east and parallel to north line of said description to a point 50 ft. west of west line of right-of-way, thence northerly and parallel with right-of-way to north line of SW¼NW¼, thence west along north line to beginning—11.00 acres; N½N½SE¼NE¼—10.00 acres.
T. 18 N., R. 15 W.,
Sec. 24, N½SW¼NW¼—20.00 acres.
Sec. 25, NE¼NE¼NW¼, N½NW¼NW¼—30.00 acres.
Sec. 35, E½NW¼NW¼—20.00 acres.
T. 20 N., R. 15 W.,
Sec. 3, E½SE¼SW¼, NW¼SE¼NW¼, SE¼ of south 40 acres of lot 3, NW¼ of south 40 acres of lot 3—50.00 acres.
Sec. 4, SE¼NW¼SE¼, NE¼NW¼SE¼—20.00 acres.
Sec. 5, lot 3, N½SW¼NW¼SW¼NW¼—62.80 acres.
Sec. 6, lot 3, part of lot 4 lying between north 20 acres and south 10 acres, W½ of lot 1 lying north of south 41 acres lot 1, NW¼ of south 41 acres of lot 1, SW¼ of lot 8—124.95 acres.
Sec. 7, NW¼NW¼NE¼, SE¼NE¼NE¼—20.00 acres.
Sec. 8, S½SW¼NW¼, SW¼NW¼NW¼, NE¼SW¼NW¼, NE¼SE¼NW¼—50.00 acres.
Sec. 9, NE¼NW¼SE¼, NW¼SE¼SE¼, NE¼SW¼SE¼, N½NE¼NE¼—50.00 acres.
Sec. 10, E½NE¼NE¼, NE¼NE¼SE¼, W½SE¼SE¼, NW¼SW¼SE¼, SW¼NW¼SE¼, SW¼NE¼NW¼—80.00 acres.
Sec. 11, SE¼SW¼SE¼, NW¼SW¼SE¼, N½SE¼SW¼—40.00 acres.
Sec. 12, S½NE¼SW¼, NE¼NE¼—60.00 acres.
Sec. 14, W¼NW¼NE¼—20.00 acres.
Sec. 15, SW¼NE¼NW¼, SE¼NW¼NW¼, NW¼SE¼NW¼, NE¼SW¼NE¼, NE¼NW¼SW¼—50.00 acres.
Sec. 17, NE¼NE¼NW¼, SE¼NW¼NW¼, S½SE¼NW¼, NE¼SE¼NE¼—50.00 acres.
Sec. 34, NW¼NE¼, except the SW¼NW¼NE¼ and except north 5 acres of the N½E½NW¼NE¼, NE¼SE¼SW¼, SE¼SE¼SW¼, SE¼NE¼SW¼, SE¼SE¼NW¼, N½SW¼SE¼—85.00 acres.
T. 22 N., R. 15 W.,
Sec. 32, NW¼SW¼—40.00 acres.
T. 20 N., R. 16 W.,
Sec. 1, SE¼NE¼SE¼, E½W½SW¼SE¼, W½SW¼SW¼, W½ of lot 10, SE¼ of lot 10, N½SW¼NW¼, SW¼SW¼NW¼, S½SE¼NW¼, SE¼SW¼NE¼, SW¼ of lot 7, NW¼SW¼NE¼, N½SE¼NE¼, E½W½ of lot 2, W½W½ of lot 2, NW¼ of lot 6—208.46 acres.

Sec. 2, NE¼SW¼NW¼, E½SE¼NW¼, NE¼SW¼, except northerly 60 ft. of southerly 930 ft. of easterly 132 ft. of westerly 264 ft. (except easement on the easterly 7½ ft. thereof) of the NE¼SW¼, except the south 60 ft. of the east 132 ft. of the west 924 ft. of the NE¼SW¼, SW¼SW¼SE¼—78.20 acres.
Sec. 5, S½NW¼SW¼, W½ of lot 10—40.00 acres.
Sec. 6, lot 8—40.00 acres.
Sec. 9, E½E½NE¼NW¼—10.00 acres.
Sec. 11, NE¼NW¼NE¼, SW¼NE¼SE¼, S½E½E½SE¼NW¼, SE¼SE¼SW¼—35.00 acres.
Sec. 12, SE¼SE¼NW¼, S½SW¼NW¼, NE¼NE¼SW¼, N½SW¼SW¼, E½SE¼NE¼, NW¼NW¼NE¼, E½NE¼NE¼, NE¼NW¼SE¼—120.00 acres.
Sec. 13, NW¼SW¼NE¼, NE¼SE¼NW¼, except commencing at a point 300 ft. south and 570.9 ft. west of northeast corner of SE¼NW¼, thence west 60 ft. at right angles, north 125 ft., east 60 ft. to a point 568.8 ft. west of east line of SE¼NW¼, thence south 125 ft. to beginning; W½NE¼NW¼, NW¼NW¼SW¼—49.83 acres.
T. 20 N., R. 17 W.,
Sec. 9, SW¼NE¼—40.00 acres.
Sec. 17, E½SW¼SW¼SE¼, N½SW¼SE¼, S½SE¼SE¼, E½SE¼SW¼SE¼—50.00 acres.
Sec. 19, E½SE¼NW¼SE¼, except the NW¼E½SE¼NW¼SE¼, E½NE¼NW¼SE¼, SW¼SW¼, except SW¼E½SE¼SW¼SW¼, N½NE¼SW¼, SW¼NE¼SW¼, NW¼SW¼, except the E½NE¼NW¼SW¼, E½SE¼NE¼SW¼, NW¼NW¼, except NE¼E½SE¼NW¼NW¼, N½SW¼NW¼, SE¼SW¼NW¼, W½SW¼SW¼NW¼, E½SW¼SW¼NW¼—175.84 acres.
Sec. 20, E½NE¼NE¼SE¼, E¼SE¼NE¼SE¼, W½NE¼SE¼, E½W½SW¼NW¼, W½NW¼NW¼—60.00 acres.
Sec. 21, E½NE¼NW¼SE¼, W½SW¼NW¼SE¼, E½SE¼NE¼NE¼, W½SW¼NW¼NE¼, S½NE¼NW¼, E½NW¼NW¼NW¼, E½SW¼NW¼NW¼, W¾ of N½NE¼NW¼, W½SW¼SW¼NW¼, E½SW¼SW¼NW¼, W½SE¼SW¼NW¼, W½SW¼SE¼NW¼, W½NE¼NE¼SW¼, E½SW¼NE¼SW¼, W½NW¼NW¼SW¼, W½SW¼NW¼SW¼—115.00 acres.
Sec. 28, E½SE¼SW¼SW¼—5.00 acres.
Total, 3,297.52 acres.

The areas above described contain in the aggregate 3,472.52 acres.

Holly Springs National Forest, Mississippi

Choctaw Meridian

T. 24 N., R. 4 E.,
Sec. 1, SW¼SE¼—39.48 acres.

Kisatchie National Forest, Louisiana

Louisiana Meridian

T. 22 N., R. 4 W.,
Sec. 2, SE¼NE¼—34.65 acres.

Ozark National Forest, Arkansas

Fifth Principal Meridian

T. 16 N., R. 32 W.,
Sec. 10, NE¼NW¼—40.00 acres.

Hoosier National Forest, Indiana

Second Principal Meridian

T. 7 N., R. 1 E.,
Sec. 13, SE¼SW¼—40.00 acres.
Sec. 24, NW¼NE¼, N½NW¼, SE¼NW¼—160.00 acres.
T. 8 N., R. 2 E.
Sec. 32, NE¼NE¼—40.00 acres.
Total, 240.00 acres.

JOSEPH P. HAGAN,
Acting Manager.

[F.R. Doc. 62-8596; Filed, Aug. 27, 1962; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets 13915, 13916]

WORLD WIDE AIRLINES, INC.

Notice of Oral Argument

Applications for Interim Certification under Public Law 87-528:

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 10, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the Board.

World Wide Airlines, Inc., will be allotted one hour for the presentation of its argument. The Bureau of Economic Regulation and air carriers opposing the grant of this authority will be allotted a total of one hour for argument. These parties will be expected to divide the one hour allotted to them and to notify this office not later than September 6, 1962, of the allocation and name of the representative who will present the argument. Counsel for World Wide Airlines, Inc., may reserve not to exceed one-quarter of its allotted time for rebuttal.

Dated at Washington, D.C., August 23, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8615; Filed, Aug. 27, 1962; 8:53 a.m.]

[Docket No. 13256 etc.; Order No. E-18728]

TRANS WORLD AIRLINES, INC.

Order of Consolidation and Institution of Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of August 1962: In the matter of the application of Trans World Airlines, Inc., for amendment of its certificate of public convenience and necessity for Route 2 under section 401(g) of the Federal Aviation Act of 1958, as amended; deletion of Terre Haute, Indiana, Docket Nos. 13256, 13306, and 13258.

On December 8, 1961, Trans World Airlines, Inc. (TWA), filed an application (Docket 13256), pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended (the Act), for an amendment of its certificate of public convenience and necessity for Route 2 so as to delete Terre Haute, Indiana. TWA is authorized by its certificate to serve Terre Haute as an intermediate point between St. Louis and Indianapolis, on segment 2 of Route 2. TWA alleges that the public convenience and necessity do not require its services at Terre Haute and that the deletion of Terre Haute from its certificate would be in the public interest.

Also on December 8, 1961, Lake Central Airlines, Inc. (Lake Central), filed an application (Docket 13258), pursuant to section 401(g) of the Act, for amendment of its certificate of public convenience and necessity so as to extend segment 4 of Route 88 from the present terminal point, Indianapolis, Indiana to the new terminal point, St. Louis, Missouri, via the intermediate point Terre Haute, Indiana.[1]

On December 21, 1961, Ozark Air Lines, Inc. (Ozark), filed an application (Docket 13306), pursuant to section 401(g) of the Act for amendment of its certificate of public convenience and necessity so as to add as an intermediate point on segment 2 of Route 107 Terre Haute, thereby authorizing service between Indianapolis and Davenport, Iowa-Moline, Illinois, via various intermediate points, including Terre Haute; and between Indianapolis and St. Louis, via various intermediate points, including Terre Haute. Ozark requests that its certificate be further amended so as to permit direct service between Terre Haute and St. Louis (provided Ozark has operated at least two daily round trips to the one intermediate point Mattoon-Charleston, Illinois), and to permit a minimum of one stop between Indianapolis and St. Louis.

Terre Haute would lose its sole east-west service, if it were deleted from TWA's certificate.[2] Both Lake Central and Ozark seek authority to replace this service in the event TWA's application is granted, since the city is in the area of overlap between the systems of Ozark and Lake Central. Therefore, the Board believes the issues raised by the three applications can best be resolved in a single formal investigation of the need for east-west air service at Terre Haute.

The Aeronautics Commission of Indiana has requested that it be permitted to intervene in Docket 13256.

Based upon the foregoing it is concluded that a proceeding should be instituted to determine whether the deletion of Terre Haute from TWA's certificate for Route 2 is in the public interest and, if so, whether the public convenience and necessity require east-west air service at Terre Haute by either Lake Central or Ozark.

Accordingly, it is ordered:

1. That the application in Docket 13256 be set down for hearing;

2. That Dockets 13258 and 13306 be and they hereby are consolidated for hearing and decision in Docket 13256;

3. That the petition to intervene in Docket 13256 filed by the Aeronautics Commission of Indiana be and hereby is granted;

4. That copies of this order shall be served upon Trans World Airlines, Inc., Ozark Air Lines, Inc., Lake Central Airlines, Inc., the City of Terre Haute, and the Aeronautics Commission of Indiana, which are hereby made parties to the consolidated proceeding in Docket 13256; and

[1] Segment 4 of Route 88 extends from the terminal point Indianapolis, Indiana via Dayton, Ohio, to Columbus, Ohio, thence (1) to the terminal point Cleveland, Ohio, via Mansfield, Ohio, and (2) to the terminal point Akron-Canton, Ohio.

[2] Lake Central presently serves Terre Haute in a north-south direction between Chicago and Evansville on its segment 7. In addition, Lake Central provides service eastward from Terre Haute to Indianapolis and Cincinnati via Bloomington.

5. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8616; Filed, Aug. 27, 1962; 8:53 a.m.]

[Docket 13879]

QUAKER CITY AIRWAYS, INC., AND ADMIRAL AIRWAYS, INC.

Notice of Oral Argument

Application for Interim Certification under Public Law 87-528:

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 10, 1962, at 2:30 p.m., e.d.s.t., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the Board.

Quaker City Airways, Inc., d/b/a Admiral Airways, Inc., will be allotted one hour for the presentation of its argument. The Bureau of Economic Regulation and air carriers opposing the grant of this authority will be allotted a total of one hour for argument. These parties will be expected to divide the one hour allotted to them and to notify this office not later than September 6, 1962, of the allocation and name of the representative who will present the argument. Counsel for Quaker City Airways, Inc., d/b/a Admiral Airways, Inc., may reserve not to exceed one-quarter of its allotted time for rebuttal.

Dated at Washington, D.C., August 23, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8617; Filed, Aug. 27, 1962; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

WALL SHIPPING CO., INC. AND SECURITY STORAGE CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Federal Maritime Commission for approval pursuant to section 15, Shipping Act, 1916, as amended.

Agreement No. 8984 is between Wall Shipping Company, Inc., of New York, with offices also in Baltimore and Washington, D.C., and Security Storage Company, of Washington, D.C. Both parties are eligible to carry on the business of forwarding pursuant to section 15, Shipping Act, 1916.

The agreement provides for the performance by Wall Shipping Company of forwarding services for Security Storage. Wall is to retain the forwarding fees and ocean freight brokerage will be divided equally.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., or at the Commission's field offices located at:

45 Broadway,
New York 4, N.Y.

New Federal Building
701 Loyola Street,
New Orleans, La.

180 New Montgomery Street,
San Francisco, Calif.

They may submit, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: August 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8618; Filed, Aug. 27, 1962; 8:53 a.m.]

[1] Dissenting statement of Vice Chairman Murphy filed as part of original document.

FEDERAL POWER COMMISSION

[Docket No. G-14943 etc.]

MINERAL RESOURCES, INC., ET AL.

Notice of Applications and Date of Hearing

AUGUST 21, 1962.

Mineral Resources, Inc., et al. (Successor to Chesapeake Industries, Inc., formerly Bass & Vessels, et al.), Docket Nos. G-14943, G-5192, G-5232; Producing Properties, Inc. (Operator), et al. (Successor to Christiana Oil Corporation (Operator), et al., formerly Southwestern Exploration Company (Operator), et al.), Docket Nos. G-16146, G-6406, G-6407, G-10726, G-10745, G-10762, G-12532; C. E. Ridenour d/b/a Ridenour Oil and Gas Company (Operator), et al (Successor to Neil C. Mathews), Docket Nos. CI60-102, G-4241, G-4457; Lawrence W. Curtin, et al. (Successor to George W. Walker, et al., Assignees of Neil J. Sharp and Mabel I. Sharp), Docket Nos. CI61-103,[1] G-4414; J. M. Zachary, et al. (Successor to Mapenza Oil Company, et al., formerly Makin Oil Company, et al), Docket Nos. CI61-114, G-6551, G-9401, G-12644; Aztec Oil & Gas Company (Successor to Raymond Oil Company, Inc. (Operator), et al.), Docket Nos. CI61-924, G-18283; Coastal States Gas Producing Company (Successor to Ray H. Bettis and G. Frederick Shepherd), Docket Nos. CI61-1008, CI61-1009, CI61-1010, CI61-1011, G-10102, G-17091, G-18646; Paul D. Little (Successor to Dalport Oil Corporation, et al), Docket Nos. CI62-690, G-8887; Texas Pacific Coal and Oil Company (Successor to Woodson Oil Company), Docket Nos. CI62-742, G-18954.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of a sale or sales of natural gas in interstate commerce previously authorized to a predecessor in interest. These sales, as represented in the respective applications, amendments and supplements thereto, on file with the Commission and open to public inspection, are proposed to be continued by the assignee Applicants in accordance with the terms of the respective original basic contracts (and any amendments and/or supplements thereto) which have been accepted for filing and are subject to appropriate redesignation.

C. E. Ridenour d/b/a Ridenour Oil and Gas Company (Operator) amended his certificate application in Docket No. CI60-102 on June 16, 1960, to incorporate a sale of natural gas originally authorized to Neil C. Mathews in Docket No. G-4241.

Aztec Oil & Gas Company proposes in Docket No. CI61-924 to continue a sale previously authorized to Raymond Oil Company, Inc. in Docket No. G-18283. On December 12, 1960, Raymond filed an abandonment application in Docket No. CI61-923, citing as reason therefor complete assignment of its interest to Aztec. Such filing was accepted and is pending as a petition to vacate the certificate issued in Docket No. G-18283 and the Docket No. CI61-923 designation was cancelled.

Coastal States Gas Producing Company proposes in Docket No. CI61-1009 to continue a sale covered by Roy H. Bettis, et al.'s, pending Docket No. G-18645. Coastal has been substituted for Bettis, et al., in Docket No. G-18645, consequently, the application in Docket No. CI61-1009 should be dismissed as moot.

Texas Pacific Coal and Oil Company (Assignee of The Prudential Company of America) proposes in Docket No. CI62-742 to continue a sale authorized to Woodson Oil Company (Assignor of Prudential) in Docket No. G-18954. On January 2, 1962, Woodson filed a motion for recission of the certificate issued in Docket No. G-18954, citing as reason therefor its complete assignment of interest to Prudential.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 25, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 14, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m)(2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8562; Filed, Aug. 27, 1962; 8:45 a.m.]

[1] Joint 7(b), 7(c) filing.

INTERSTATE COMMERCE COMMISSION

[Drouth Order 62]

KENTUCKY

Authorizing Railroads To Transport Hay at Reduced Rates

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing that by reason of drouth conditions existing in certain portions of the State of Kentucky, hereinafter referred to as the disaster area, the Secretary of the United States Department of Agriculture has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates.

It is ordered, That carriers by railroad participating in the transportation of hay to the counties of Ballard, Calloway, Graves, Logan, McCracken and Todd, all located in the State of Kentucky, referred to herein as the disaster area, be, and they are hereby authorized under section 22 of the Interstate Commerce Act to establish and maintain until November 23, 1962, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be made effective one day after publication and filing instead of thirty.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drouth.

It is further ordered, That, during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of Section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 23d day of August 1962.

By the Commission, Vice-Chairman Walrath.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8614; Filed, Aug. 27, 1962; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

AUGUST 22, 1962.

The class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on The National Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on The National Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 23, 1962, through September 1, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8599; Filed, Aug. 27, 1962; 8:50 a.m.]

[File No. 70-4054]

COLUMBIA GAS OF PENNSYLVANIA, INC.

Notice of Proposed Acquisition of Capital Stock of Industrial Development Corporation

AUGUST 22, 1962.

Notice is hereby given that Columbia Gas of Pennsylvania, Inc. ("Pennsylvania"), 800 Union Trust Building Pittsburgh 19, Pennsylvania, a wholly-owned public-utility subsidiary company of The Columbia Gas System, Inc., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9 and 10 of the Act and Rule 40 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to said application, on file at the office of the Commission, for a statement of the proposed transaction which is summarized below.

Pennsylvania proposes to purchase, at par, 5,800 shares of capital stock, $10 par value, of RIDC Industrial Development Fund ("RIDC"), at a total cost of $58,000.

The application states that RIDC was organized as a corporation under the Pennsylvania Business Development Credit Corporation Law by Regional Industrial Development Corporation of Southwestern Pennsylvania for the purpose, generally, of promoting, stimulating, developing, and advancing the business prosperity and economic welfare of southwestern Pennsylvania and of its citizens through loans, investments, other business transactions, and promotional activities. It is stated that RIDC is to begin with a fund of $11,000,000, of which $1,000,000 will be raised by the sale of stock to utility companies, manufacturers, businesses, and other interested parties and $10,000,000 will be obtained from participating financial institutions. As set forth in its Articles of Incorporation, RIDC is authorized to issue 100,000 shares of capital stock, $10 par value, which stock is to be fully paid and nonassessable. Pennsylvania has

been informed that as of June 11, 1962, subscriptions for capital stock totaled $444,000, representing firm commitments by utility companies. Industrial and foundation subscriptions are expected to amount to $500,000.

Under the Pennsylvania statute, RIDC shall set apart, as an earned surplus, all of its net earnings in each and every year, until such earned surplus shall equal twice the total of the capital and paid-in surplus then outstanding. All of the corporate powers of the corporation shall be exercised by the board of directors, consisting of 15 persons. Six members will be elected by the holders of capital stock and eight members by the participating financial institutions. The Secretary of Commerce of Pennsylvania will be a director ex officio.

The application states that expenses to be incurred by Pennsylvania in connection with the proposed transaction are estimated at $200. It is further stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 10, 1962 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as amended or as further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-8600; Filed, Aug. 27, 1962; 8:50 a.m.]

[File No. 70-4058]

COLUMBIA GAS OF PENNSYLVANIA, INC. AND COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Intrasystem Issuance and Acquisition of Common Stocks, Issuance of Holding Company's Common Stock to Nonaffiliate Company in Exchange for Assets and Assumption of Liabilities of Such Nonaffiliate

AUGUST 22, 1962.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York 17, New York, a registered holding company, and its wholly-owned subsidiary company, Columbia Gas of Pennsylvania, Inc. ("Pennsylvania"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9, 9(b)(1), 10, and 12 of the Act as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Columbia and Pennsylvania have entered into an agreement with The Ambridge Gas Company ("Ambridge"), a nonaffiliated gas utility company, whereby Pennsylvania is to acquire substantially all of the assets of Ambridge, which as of March 31, 1962, amounted to $133,097. In exchange, Pennsylvania is to (1) assume substantially all liabilities of Ambridge, which amounted to $43,424 as of March 31, 1962, and (2) deliver to Ambridge not exceeding 5,461 shares of common stock of Columbia. The filing states that the number of shares of common stock of Columbia to be delivered by Pennsylvania to Ambridge in connection with the proposed acquisition of assets was determined as a result of arm's-length bargaining. Sixteen and one-half shares of common stock of Columbia (plus additional shares, if necessary, to eliminate the issuance of fractional shares to any of Ambridge's sixteen shareholders) are to be given for each of the 330 shares of common stock of Ambridge presently outstanding.

Pennsylvania proposes to acquire from Columbia, for delivery to Ambridge, the necessary number of shares of Columbia's common stock and, in exchange therefor, proposes to issue its common stock to Columbia in an aggregate par amount equal to the net book value of the assets of Ambridge being acquired by Pennsylvania in the proposed transactions. Pennsylvania will pay cash in lieu of fractional shares. Based on the accounts as of March 31, 1962, an aggregate of 3,586 shares of Pennsylvania's common stock, having an aggregate par value of $89,650, would be required to be delivered to Columbia, together with $23 in cash. Columbia proposes to record the receipt of such shares at their aggregate par value. The issue by Columbia of its common stock will be recorded at the same aggregate amount, some $50,971 less than the current market value for such shares.

Ambridge, a Pennsylvania corporation, serves an area with an estimated population of 4,500 within the Borough of Ambridge, Pennsylvania. The service area of Ambridge is completely surrounded by the service area of Pennsylvania. Ambridge purchases its entire supply of natural gas from The Manufacturers Light and Heat Company, a subsidiary company of Columbia, and its utility plant consists mainly of distribution facilities, stated on its books at original cost. Ambridge's gross utility plant as of March 31, 1962, was $136,486, and the reserve for depreciation amounted to $61,085, or 44.8 percent thereof. Its gross operating revenues for the 12 months ended March 31, 1962, were $221,838. Its pro forma net income for such period is stated at $8,217 or approximately 5.8 percent of the current market price of the Columbia shares to be given in exchange for the net assets being acquired.

Pennsylvania's gross utility plant as of March 31, 1962, was $83,487,828, and its reserve for depreciation amounted to $16,656,577, or 20 percent thereof. Its gross operating revenues are estimated to total $73,622,751 for the calendar year 1962.

The joint application-declaration states that Pennsylvania and Ambridge have filed applications with the Pennsylvania Public Utility Commission for approval of (i) the transfer by Ambridge and the acquisition by Pennsylvania of the assets of Ambridge and (ii) the issuance and sale by Pennsylvania of its common stock to Columbia. A copy of the order or orders of said commission, when issued, and a statement of the fees and expenses incident to the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than September 10, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as it is to be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-8601; Filed, Aug. 27, 1962; 8:50 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

AUGUST 22, 1962.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 23, 1962, through September 1, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-8602; Filed, Aug. 27, 1962; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WILLEM LODEWIJK COHEN

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Willem Lodewijk Cohen, Amsterdam, The Netherlands, $2,426.28 in the Treasury of the United States. Claim No. 61488. Vesting Order No. 17129.

Executed at Washington, D.C., on August 21, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-8580; Filed, Aug. 27, 1962; 8:45 a.m.]

RUDOLF VON GOLDSCHMIDT-ROTHSCHILD ET AL.

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rudolf von Goldschmidt-Rothschild, Blonay sur Vevey, Switzerland, $401.51 in the Treasury of the United States.

Lucy von Spiegl, Blonay sur Vevey, Switzerland, $401.51 in the Treasury of the United States.

Erich von Goldschmidt-Rothschild, New York, New York, $401.51 in the Treasury of the United States.

Minka Strauss, Paris, France, $200.75 in the Treasury of the United States.

Alix de Rothschild, Paris, France, $200.75 in the Treasury of the United States.

Lucy Antoinette Bürki, Neuchatel, Switzerland, $100.37 in the Treasury of the United States.

Carl Maximilian Schuster, Rome, Italy, $100.37 in the Treasury of the United States.

Nadine Minka Mauthner, Frankfurt (Main), Germany, $100.38 in the Treasury of the United States.

Mathilde Krug, Konigstein (Taunus), Billandpark, Germany, $100.38 in the Treasury of the United States.

Claim No. 63755. Vesting Order No. 16680.

Executed at Washington, D.C., on August 21, 1962.

For the Attorney General.

PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-8581; Filed, Aug. 27, 1962; 8:46 a.m.]

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MAIN READING ROOM

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, subparagraph (20) is added to paragraph (a) of § 6.314 as set out below.

§ 6.314 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *
(20) One Staff Assistant to the Under Secretary (Manpower Training).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-8687; Filed, Aug. 28, 1962; 8:56 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

General Services Administration

Effective upon publication in the FEDERAL REGISTER, subparagraph (14) of paragraph (a) of § 6.333 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-8669; Filed, Aug. 28, 1962; 8:53 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM

PART 10—FEDERAL LAND BANKS GENERALLY

Miscellaneous Amendments

In order to reflect changes made in the Federal Land Bank Manual, Title 6 of the Code of Federal Regulations is amended as follows:

§ 10.42–50 [Deletion]

1. Section 10.42–50 is deleted in its entirety.

2. Paragraphs (a) and (c) of § 10.42–51 are amended to read as follows:

§ 10.42–51 Unamortized or partially amortized loans.

(a) *General.* Loans ordinarily should be made on an amortization plan requiring a fixed number of one or more principal payments each year sufficient to liquidate the loan during the specified term of years (referred to herein as being "fully amortized"). If indicated by the special circumstances of a borrower, a loan may be made on an unamortized or partially amortized basis as hereinafter provided.

* * * * *

(c) *Limitation on amount of loan and repayment schedule.* If a fully amortized maximum loan for a term of 30 years or more would be allowed on the security offered, an unamortized loan or a partially amortized loan may be made up to that amount. In all other circumstances, the outstanding balance of an unamortized or partially amortized loan should not at any time substantially exceed the amount which would be outstanding under a fully amortized maximum loan for the term which usually would be allowed under the policy followed by the bank for the type of farm involved. In applying this limitation, however, the balance may be that which would be outstanding on a maximum new loan which is fully amortized after an initial 5-year period during which no principal payments are scheduled.

3. Paragraph (e) of § 10.42–51 is deleted.

4. A new "Subpart—Servicing Loans", and new §§ 10.55–50 and 10.55–51 are added as follows:

Subpart—Servicing Loans

§ 10.55–50 Deferments.

On outstanding loans the total period of deferment for purposes other than to pay off a junior lien shall not exceed 5 years during the life of the loan, although the deferment may be for a longer period if the purpose is to pay off a junior lien. Only in exceptional cases should deferments be granted which would extend the repayment of the loan for more than 40 years from its making or beyond the term for which the appraiser stated the security is suitable. Deferments exceeding the limitations indicated herein may be granted in certain circumstances when necessary to work out a delinquency situation.

§ 10.55–51 Rescheduling loans on unamortized or partially amortized basis.

The payment of existing loans may be rescheduled on an unamortized or partially amortized basis subject to the same limitations as those applicable to new loans. In applying such limitations, unless an existing appraiser's report on the identical security can be utilized as permitted in connection with a new loan, a current appraisal report should be obtained.

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665)

HAROLD T. MASON,
Acting Governor,
Farm Credit Administration.

[F.R. Doc. 62-8654; Filed, Aug. 28, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 871.14, Amdt. 1]

PART 871—SUGAR BEETS

1961 Crop; Fair and Reasonable Prices; Reporting Requirements

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended by the act approved July 13, 1962 (herein referred to as "act"), paragraph (b) of § 871.14 *Fair and reasonable prices for the 1961 crop of sugar beets*, issued December 14, 1961 (26 F.R. 11968), is amended to read as follows:

(b) *Reporting requirements.* The processor shall submit to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C., within 60 days after the close of the sales period specified in the sugar beet purchase contract an itemized statement, for each settlement district, certified by an independent accountant showing the computation of "net proceeds" or "net returns" as provided in such contract, such statement to be in substantially the form as that contained in Schedule A attached hereto and made a part hereof: *Provided*, That, if the processor markets sugar to an affiliate company or other affiliate business entity or if the processor uses any beet sugar, the weighted average gross sales price for each category, the marketing expenses applicable to each, and the net proceeds derived therefrom shall be reported in substantially the form shown on Schedule A–1 attached hereto and made a part hereof, to supplement the information submitted in accordance with Schedule A: *Provided further*, That, if the processor in determining net proceeds makes a deduction for factory-site bulk sugar storage facilities owned by the processor, the total cost of such facilities, including improvements, the amount of the deduction and the expenses used in determining such deduction shall be reported in substantially the form shown on Schedule A–2 attached hereto and made a part hereof,

to supplement the information submitted in accordance with Schedule A.

STATEMENT OF BASES AND CONSIDERATIONS

The reporting requirements of the price determination for the 1961 crop of sugar beets provides that processors submit to the Director of the Sugar Division, a statement relating to the computation of net returns pursuant to their contracts and that such statement be furnished in substantially the form as that contained in the schedules to be added as an appendix by an amendment to the determination. Accordingly, such schedules are provided by this amendment.

The proposed schedules were submitted to all beet sugar processors for their review and comment. The schedules contained in this amendment have been modified to incorporate certain changes recommended by representatives of the sugar beet processors who responded.

The reporting requirements of this amendment have been approved by the Bureau of the Budget.

Accordingly, I hereby find and conclude that the foregoing amendment to the determination will effectuate the price provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. Sup. 1131, as amended by Public Law 87-535 approved July 13, 1962)

Signed at Washington, D.C., on August 24, 1962.

JOHN P. DUNCAN, Jr.,
Acting Secretary.

SCHEDULE A—STATEMENT OF AVERAGE NET RETURN OR NET PROCEEDS FROM SALES OF SUGAR [1]

	Per hundredweight sugar (dollars)
Company	
Settlement area	
Settlement period	
Gross sales price	
Less sales and marketing expenses (Applicable to Sugar only):	
Federal excise tax	
Freight on sugar to destination	
Cash discount	
Allowances	
Public storage (actually paid)	
Off-site storage owned by the processor (amount charged)	
On-site storage (computed charge) [2]	
Loading and handling	
Cost of packing in excess of basis pack	
Taxes	
Insurance	
Brokerage and commissions	
Advertising	
Sales department expenses:	
Salaries	
Travel	
Miscellaneous	
Other (specify)	
Total expense	
Net return or net proceeds	

[1] Where the purchase contract provides that the proceeds from the sales of molasses and beet pulp are to be included in calculating the net return or net proceeds, show separately the gross sales price and the marketing expenses applicable to each.

[2] Obtain from Schedule A-2.

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company).

SCHEDULE A-1—STATEMENT OF GROSS SALES PRICES APPLICABLE TO SUGAR SOLD TO AFFILIATED COMPANIES OR ENTITIES AND USED BY THE PROCESSOR, AS COMPARED TO SALES TO NONAFFILIATED PURCHASERS

	Affiliated purchasers	*Used by processor*	*Nonaffiliated purchasers*
Sugar sold or used—cwt.			
		Dollars per cwt.	
Quoted basis price			
Customary allowances (itemize):			
Open competitive			
Other:			
		XXXX	
		XXXX	
		XXXX	
Basis price—less allowances			
Prepay		XXXX	
Package differential		XXXX	
Gross sales price			
Marketing expenses		(1)	
Net proceeds			

[1] If any marketing expenses are deducted from the Gross Sales Price by the processor in computing net return for this particular sugar, such expenses shall be itemized separately.

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company).

SCHEDULE A-2—STATEMENT RELATING TO CHARGES FOR COMPANY-OWNED FACTORY SITE BULK SUGAR STORAGE IN COMPUTING NET PROCEEDS, 1961 CROP (SUBMIT SEPARATE SCHEDULE FOR EACH FACILITY)

	Total dollars
Company	
Location of bulk sugar storage facility	
Settlement areas included	
Settlement period	
Sugar sold during settlement period—cwt.	
Original cost of facility (year first used ____)	
Improvements (item and date):	
Total cost of facility including improvements	
Total amount recovered prior to 1961-crop	
Total unrecovered cost of facility	

SCHEDULE A-2—Continued

Operating Costs or Charges for 1961-crop:	
Interest on unrecovered cost	
Taxes	
Insurance	
Maintenance and operating (itemize):	
Total operating costs for 1961-crop	
Amount applied against 1961 crop to amortize cost of facility	
Total amount charged for facility in computing net proceeds—1961 crop (to be carried to Schedule A as amount of deduction)	
Unamortized cost of facility at end of 1961 crop	

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company.)

[F.R. Doc. 62-8686; Filed, Aug. 28, 1962; 8:56 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 138]

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Rio Grande Valley marketing area (7 CFR Part 1138), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for August 1962: § 1138.7(b)(1).

(b) Notice of proposed rule making, public procedure thereon, and thirty days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date;

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(3) This suspension will permit the diversion of producer milk in excess of the present 9-day limitation during the month of August 1962. This suspension is necessary because:

(i) The substantial drop in Class I sales to schools during August has resulted in surplus milk at several plants which must be diverted to nonpool plants;

(ii) Sales under military contracts which are usually supplied from local sources are being supplied in part by handlers located in other markets;

(iii) Some handlers have refused to accept milk from the Dairy Farmers Association, a cooperative association representing more than two-thirds of the producers on the market, while continuing to receive nonmember milk. This has compounded the cooperative's diversion problems; and

(iv) The most economical and orderly manner to handle the surplus in the market is diversion to a nonpool plant. In view of the current marketing problems, the diversion limitations should be suspended for the month of August 1962. This will enable the cooperative to keep its milk in the market pool and thus share the surplus and Class I sales equally with nonmember producers.

(4) The cooperative association representing more than two-thirds of the producers in the market and a handler who has required the cooperative to divert milk have requested suspension of this provision.

(5) An invitation to all interested parties to submit written data, views, or arguments in connection with a similar suspension for the month of July 1962 was issued on July 18, 1962, and published in the FEDERAL REGISTER on July 21, 1962 (27 F.R. 6940). No data, views, or arguments opposing the suspension were received.

Therefore, good cause exists for making this order effective for the period August 1962.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period August 1962.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: August 1, 1962.

Signed at Washington, D.C., on August 23, 1962.

JOHN P. DUNCAN, Jr.,
Acting Secretary.

[F.R. Doc. 62-8657; Filed, Aug. 28, 1962; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 9]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Miscellaneous Amendments

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Pub. Law 85-699, 72 Stat. 694, as amended, there is amended as set forth below §§ 107.302, 107.704, and 107.802 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232-8242, as amended.

Information and effective date. There were published in the FEDERAL REGISTER on July 20, 1962 (27 F.R. 6895), July 24, 1962 (27 F.R. 6987), and June 2, 1962 (27 F.R. 5271), notices of intention to amend §§ 107.302, 107.704, and 107.802 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations. Interested persons were given an opportunity to present their comments or suggestions pertaining thereto to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days (for §§ 107.302 and 107.704) and thirty days (for § 107.802) of the date of publication. Interested persons have submitted persuasive and sound legal and logical comments and suggestions with regard to the proposed amendments. After consideration of all such comments and suggestions, §§ 107.302, 107.704, and 107.802 with changes resulting from such consideration are hereby adopted as set forth below. Because of the necessity of promptly applying the amendments to the program authorized under the Small Business Investment Act of 1958, as amended, the subject amendments shall become effective upon publication in the FEDERAL REGISTER.

Proposed amendment to § 107.708(c) as published in 27 F.R. 2705 is, after consideration of all comments presented, hereby withdrawn from consideration.

The Regulations Governing Small Business Investment Companies (26 F.R. 8232-8242), as amended, is hereby further amended by:

1. Deleting paragraph (a) of § 107.302 in its entirety and substituting a new paragraph (a) which reads as follows:

§ 107.302 Consideration for stock of Licensee.

(a) A Licensee may issue any of its securities for (1) cash, (2) direct obligations of, or obligations guaranteed as to principal and interest by, the United States, (3) securities of which it is the issuer, in connection with a reclassification approved by SBA, (4) services previously rendered to the Licensee, (5) physical assets to be currently employed in the operation of the Licensee, (6) as a dividend, and (7) in connection with a statutory or other type of merger or consolidation with another Licensee approved by SBA: *Provided, however*, That any shares of stock issued as part of the initial minimum capital required by § 107.202(c) may be issued only in consideration of the simultaneous payment of cash or upon the simultaneous transfer to the Licensee of securities permitted by § 107.202(c). A Licensee may issue its stock for Equity Securities of a small business concern pursuant to the provisions of section 304(c) of the Act.

2. Adding a new paragraph (f) to § 107.704 which reads as follows:

§ 107.704 Activities of a Licensee.

* * * * *

(f) A Licensee may exchange with or purchase for cash from another Licensee, without recourse against the seller (except for such liability as may result from the falsity of representations or warranties as to matters of fact), portfolio securities (or any interest therein) acquired from small business concerns, by such Licensee or any other Licensee: *Provided, however*, That a licensee shall not have invested at any one time more than one-third of its total assets in such securities of small business concerns through such exchanges or purchases.

3. Deleting the period at the end of the first sentence of § 107.802(a) and inserting a comma in lieu thereof and by adding thereafter the following: "including the maintenance of books of account in accordance with the System of Account Classifications prescribed by SBA as set forth in Part 111 of the Regulations." As amended, § 107.802(a) reads as follows:

§ 107.802 Reports.

(a) Each Licensee shall keep current financial records in accordance with generally accepted accounting principles, including the maintenance of books of account in accordance with the System of Account Classifications prescribed by SBA as set forth in Part 111 of the Regulations. All such financial records and minutes of meetings of stockholders, directors, executive committees, or other officials, and all files containing pertinent documents and supporting material employed by a Licensee with respect to any and all transactions of the Licensee shall be kept at its principal place of business: *Provided, however*, That there shall be excepted from the foregoing all portfolio items held by a custodian for a Licensee pursuant to written custodian agreement. All financial reports furnished to SBA by Licensees shall make full and complete disclosure of all matters relevant to the Act and Regulations.

Dated: August 23, 1962.

IRVING MANESS,
Deputy Administrator.

[F.R. Doc. 62-8667; Filed, Aug. 28, 1962; 8:53 a.m.]

[Amdt. 7]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Procedures for Loan Applications

The Loans to State and Local Development Companies Regulation (Revision 1, 26 F.R. 1822) as amended is hereby further amended by:

Relettering present paragraphs (a) and (b) of § 108.3 to read paragraphs (b) and (c) respectively and by inserting a new paragraph (a) which reads as follows:

§ 108.3 Procedures for loan applications.

(a) *Relocation.* No loan shall be made under this part that will result in a substantial increase of unemployment in any area of the country.

(1) In cases where the small business concern to be assisted is relocating its operations, said concern must submit and certify to evidence, prior to the filing of the application by the State or local development company for a section 502 loan or prior to disbursement by the State development company of the proceeds of a section 501 loan previously

granted, that its relocation will not result in a substantial increase of unemployment in the area from which it is moving. Said evidence shall be submitted by the State or local development company to the SBA field office as designated in paragraph (c) of this section and within thirty days SBA will notify the development company whether it may file a section 502 loan application or disburse section 501 loan proceeds.

(2) A substantial increase in unemployment shall be presumed to occur when (i) the relocation would result in the unemployment of one-third of the work force of the small business concern to be assisted, (ii) the unemployment would result in making the area affected an area of substantial unemployment as designated by the Department of Labor, or (iii) the area affected is one of substantial unemployment as designated by the Department of Labor, or the area is a redevelopment area designated by the Secretary of Commerce pursuant to the Area Redevelopment Act (Pub. Law 87–27).

Dated: August 24, 1962.

IRVING MANESS,
Deputy Administrator.

[F.R. Doc. 62–8662; Filed, Aug. 28, 1962; 8:55 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1276; Amdt. 479]

PART 507—AIRWORTHINESS DIRECTIVES

Bellanca 14–13 Series, 14–19 and 14–19–2 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the rudder bellcranks and replacement of any with elongated bolt holes on Bellanca 14–13 Series, 14–19, and 14–19–2 aircraft, was published in 27 F.R. 6434.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489) § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding, the following new airworthiness directive:

BELLANCA. Applies to 14–13 Series, (Downer) 14–19, and 14–19–2 aircraft.

Compliance required as indicated.

As a result of instances of elongation of the control cable attachment bolt hole in the rudder bellcrank, P/N 9817, accomplish the following inspection within the next 25 hours' time in service after the effective date of this airworthiness directive, unless accomplished within the last 75 hours' time in service, and thereafter within each 100 hours' time in service.

Remove the left and right rudder bellcranks, P/N 9817, located at the left and right ends of the rudder torque tube. (This may be accomplished by working from inside the cabin and through the inspection hole in the bottom cabin cowl.) If the control cable attachment bolt hole in the rudder bellcrank is elongated beyond maximum diameter of 0.210 inch, the rudder bellcrank must be replaced with a new rudder bellcrank of the same part number (P/N 9817), or FAA approved equivalent prior to further flight. The new rudder bellcrank must be inspected thereafter within each 100 hours' time in service.

This amendment shall become effective September 28, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 23, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62–8629; Filed, Aug. 28, 1962; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–SW–23]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On June 7, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5404) stating that the Federal Aviation Agency proposed to revoke VOR Federal airway No. 22 north alternate from the intersection of the Sabine Pass, Texas, VOR 090° and the Lake Charles, La., VOR 218° radials via the Lake Charles VOR to the intersection of the Lake Charles VOR 119° and the Tibby, La., VOR 271° radials.

The Air Transport Association of America offered no objection to the proposed amendment. The Department of the Air Force concurred with the proposed amendment. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In the text of § 600.6022 (14 CFR 600.6022, 27 F.R. 3513) "including a N alternate from the INT of the Sabine Pass VOR 090° True and the Lake Charles, La., VOR 218° True radials, Lake Charles VOR, INT of the Lake Charles VOR 119° True and the Tibby VOR 271° True radials;" is deleted.

This amendment shall become effective 0001 e.s.t. October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 22, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–8630; Filed, Aug. 28, 1962; 8:46 a.m.]

[Airspace Docket No. 61–LA–130]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On August 10, 1962, Federal Register Document 62–7966 was published in the FEDERAL REGISTER (27 F.R. 7983) and amended in part, § 600.6004 of the regulations of the Administrator.

In amending the text of § 600.6004, a south alternate to VOR Federal airway No. 4 from Malad City, Idaho, via Fort Bridger, Wyo., to Rock Springs, Wyo., was inadvertently omitted. This south alternate was designated in an amendment to the regulations of the Administrator, published in the FEDERAL REGISTER on May 22, 1962, (27 F.R. 4809) as Airspace Docket No. 61–LA–68 and was effective at 0001 e.s.t. on July 26, 1962. Corrective action is being taken herein to reinsert this south alternate in the text of VOR Federal airway No. 4.

Since this alteration is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Federal Register Document 62–7966 (27 F.R. 7983) is altered as follows:

Item 2 is amended to read:

2. In the text of § 600.6004 (14 CFR 600.6004, 27 F.R. 1595, 4809, 6672) "Rock Springs, Wyo., VORTAC, including a south alternate via the Fort Bridger, Wyo., VOR; Cherokee, Wyo., omnirange station, including a north alternate;" is deleted and "Rock Springs, Wyo., VORTAC, including a S alternate via the Fort Bridger, Wyo., VOR; Cherokee, Wyo., VOR, including a N alternate via the INT of the Rock Springs VORTAC 053° and the Cherokee VOR 286° radials;" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; U.S.C. 1348)

Issued in Washington, D.C., on August 23, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–8631; Filed, Aug. 28, 1962; 8:46 a.m.]

[Airspace Docket No. 62–SO–41]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration

On August 4, 1962, Federal Register Document 62–7738 was published in the FEDERAL REGISTER (27 F.R. 7713) and amended § 601.2383 of the regulations of the Administrator by altering the description of the NAS Memphis, Tenn., control zone.

In the description of the NAS Memphis control zone the geographical coordinates given for NAS Memphis should have been latitude 35°21'15" N., longitude 89°52'10" W. Action taken herein reflects this change.

Since this alteration is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Federal Register Document 62–7738 (27 F.R. 7713) is altered as follows:

In Item 2, "(latitude 35°21'44" N., longitude 89°47'36" W.)" is deleted and "(latitude 35°21'15" N., longitude 89° 52'10" W.)" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 22, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–8632; Filed, Aug. 28, 1962; 8:47 a.m.]

[Airspace Docket No. 62–SW–27]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route

On June 16, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5748) stating that the Federal Aviation Agency (FAA) proposed to alter Jet Route No. 13 between Albuquerque, N. Mex., and Truth or Consequences, N. Mex., by designating it direct from the Albuquerque VORTAC to the Truth or Consequences VOR.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 602.100 Jet Routes (27 F.R. 7304), is amended as follows:

In the text of Jet Route No. 13 "INT of the Truth or Consequences 021° and the Albuquerque, N. Mex., 169° radials;" is deleted.

This action shall become effective 0001 e.s.t. October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 23, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–8633; Filed, Aug. 28, 1962; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Dockets C–150, C–151]

PART 13—PROHIBITED TRADE PRACTICES

H.S.D. Publications, Inc., and National Police Gazette Corp.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist orders: H.S.D. Publications, Inc., Riviera Beach, Fla., Docket C–150, June 19, 1962; and National Police Gazette Corporation, New York, N.Y., Docket C–151, June 22, 1962]

Consent orders requiring the publisher of "Alfred Hitchcock's Mystery Magazine" in Riviera Beach, Fla., and the New York City publisher of the "National Police Gazette", to cease paying promotional allowances to some customers but not to their competitors, in violation of section 2(d) of the Clayton Act—such as payments of $9,661 and $2,078.20, respectively, to Union News Co., New York City—and basing such allowances on individual negotiations resulting in proportionally unequal terms to even the favored customers.

Identical orders to cease and desist, including further orders requiring reports of compliance therewith—combining the respondents in each of these two cases—are as follows:

It is ordered, That respondent H.S.D. Publications, Inc., a corporation, its officers, employees, agents and representatives, and respondent National Police Gazette Corporation, a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the distribution, sale or offering for sale of publications including magazines in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from: Paying or contracting for the payment of an allowance or anything of value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of publications including magazines published, sold or offered for sale by respondents, unless such payment or consideration is affirmatively offered and otherwise made available on proportionally equal terms to all of their other customers competing with such favored customer in the distribution of such publications including magazines.

The word "customer" as used above shall be deemed to mean anyone who purchases from H.S.D. Publications, Inc., or National Police Gazette Corporation, acting either as principal or agent, or from a distributor or wholesaler where such transaction with such purchaser is essentially a sale by such respondents, acting either as principal or agent.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of these orders, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied with these orders.

Issued: June 19, 1962 and June 22, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–8635; Filed, Aug. 28, 1962; 8:48 a.m.]

[Docket C–154]

PART 13—PROHIBITED TRADE PRACTICES

Langley T.V., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.140 *Old, reclaimed or reused product being new.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Langley T.V., Inc. (Silver Spring, Md.), et al., Docket C–154, June 28, 1962]

In the Matter of Langley T.V., Inc., a Corporation, Belmont Electronics, Inc., a Corporation, and Casper Sickmen and Robert Sickmen, Individually and as Officers of Said Corporations, and Belmont of Virginia, Inc., a Corporation, and Walter Sickmen, Abe Mason, and Casper Sickmen, Individually and as Officers of Belmont of Virginia, Inc., and Casper Sickmen and Abe Mason, Individually and as Copartners Trading as Belmont Radio & Television Service

Consent order requiring four television repair concerns in the Washington, D.C., area to cease representing in newspaper advertising and otherwise, that rebuilt television tubes containing used parts were new and fully guaranteed, and to disclose clearly when the tubes they sold were not new in their entirety.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Langley T. V., Inc., a corporation, and its officers, and Belmont Electronics, Inc., a corporation, and its officers, and Casper Sickmen and Robert Sickmen, individually and as officers of said corporations, and Belmont of Virginia, Inc., a corporation, and its officers, and Walter Sickmen, Abe Mason and Casper Sickmen, individually

and as officers of Belmont of Virginia, Inc., and Casper Sickmen and Abe Mason, individually and as copartners, trading as Belmont Radio & Television Service, or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of rebuilt television picture tubes containing used parts, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that television picture tubes, or any other products, are new, when contrary to the facts;

2. Failing to clearly disclose in advertising, in invoices and warranties that said tubes are rebuilt and contain used parts, when such is the fact;

3. Representing, directly or by implication, that any merchandise is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed;

4. Placing any means or instrumentality in the hands of others whereby they may mislead the public as to the nature and condition of his television picture tubes.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8636; Filed, Aug. 28, 1962; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Big Bend National Park, Texas; Fishing

On page 6148 of the FEDERAL REGISTER of June 29, 1962, there was published a notice and text of a proposed amendment to § 7.41 of Title 36, Code of Federal Regulations. The purpose of the amendment is to establish a suitable management program for the waters of the park in the interest of fish conservation.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Paragraphs (a), (b), and (c) of § 7.41 are amended to read as follows:

§ 7.41 Big Bend National Park.

(a) *Fishing; closed waters.* Special ponds and springs reserved for species of rare fish are closed to fishing and bait collecting. The taking or release of any form of fish life in these ponds or springs is prohibited except by special authorization by the Superintendent. These ponds and springs will be posted as closed to fishing and bait collecting and molestation.

(b) *Fishing; method.* (1) Fishing with pole and line, rod and reel, and trot and throw line is permitted all year from the United States side of the Rio Grande.

(2) Use of seine: The use of seines and nets is prohibited except minnow seines no greater than 20 feet in length may be used for taking of minnows for bait.

(c) *Fishing; limit of catch.* The limit of catch per person per day or in possession shall be 25 fish, except that minnows caught for bait shall not be accountable for the purpose of this section.

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

STANLEY C. JOSEPH,
Superintendent,
Big Bend National Park, Texas.

[F.R. Doc. 62-8639; Filed, Aug. 28, 1962; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

FORFEITURE

1. Section 3.669 is added to read as follows:

§ 3.669 Forfeiture.

(a) *General.* Upon receipt of notice from a Chief Attorney that a case is being formally submitted for consideration of forfeiture of a payee's rights or that the payee has been indicted for subversive activities, payments will be suspended effective date of last payment.

(b) *Fraud or treasonable acts.* If forfeiture of rights is not declared, payments will be resumed from date of last payment, if otherwise in order. If it is determined that rights have been forfeited, benefits will be discontinued effective the commencing date of the award or the day preceding the commission of the act resulting in the forfeiture, whichever is later.

(c) *Subversive activities.* If the payee is acquitted of the charge, payments will be resumed from date of last payment, if otherwise in order. If he is convicted, benefits will be discontinued effective the commencing date of the award or the day preceding the commission of the act resulting in the forfeiture, whichever is later. Where the payee's offense has been pardoned by the President of the United States, the award will be resumed, if otherwise in order, effective the date of the pardon if claim is filed within 1 year from that date; otherwise benefits may not be paid for any period prior to the date of filing claim. The award will be subject to any overpayment under the earlier award.

2. Immediately following § 3.669, the following cross references are added as follows:

CROSS REFERENCES: *Fraud.* See § 3.901.
Treasonable acts. See § 3.902.
Subversive activities. See § 3.903.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 29, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-8659; Filed, Aug. 28, 1962; 8:51 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6609]

PART 151—REGULATORY TAXES ON NARCOTIC DRUGS

PART 152—REGULATIONS UNDER THE MARIHUANA TAX ACT OF 1937, AS AMENDED

Use of Identifying Numbers and Providing Directors of Regional Service Centers With Authority To Make Assessments and Perform Other Acts

Correction

In Federal Register Document 62-8570, published at page 8523 in the issue for Saturday, August 25, 1962, the signature of the Acting Commissioner of Narcotics should read: "CHARLES SIRAGUSA".

Title 46—SHIPPING

Chapter III—Great Lakes Pilotage Administration, Department of Commerce

PART 401—GREAT LAKES PILOTAGE REGULATIONS

PART 402—GREAT LAKES PILOTAGE RULES AND ORDERS

PART 403—GREAT LAKES PILOTAGE UNIFORM ACCOUNTING SYSTEM

The heading of Part 401 is hereby changed to read as set forth above.

There is hereby established Part 402—Great Lakes Pilotage Rules and Orders [Reserved], and Part 403—Great Lakes Pilotage Uniform Accounting System.

Certain provisions of the Great Lakes Pilotage Regulations (Part 401 of this chapter) authorize the Administrator to implement them by prescribing a Uniform Accounting System.

The following Uniform Accounting System is therefore promulgated.

PART 403—GREAT LAKES PILOTAGE UNIFORM ACCOUNTING SYSTEM

The following Uniform Accounting System Manual shall be adopted by voluntary associations of United States registered pilots authorized to form a pool.

Uniform Accounting System Manual:

General Accounting Provisions

1. INTRODUCTION TO SYSTEM OF ACCOUNTS AND REPORTS

1. Applicability of System of Accounts and Reports.
2. Waivers from this System of Accounts and Reports.
3. General description of System of Accounts and Reports.
4. System of accounts coding.
5. Records.
6. Accounting entities.
7. Interpretation of accounts.
8. Address for reports and correspondence.
9. Conversion to this System of Accounts and Reports.

2. GENERAL ACCOUNTING POLICIES

1. Bases of allocation between pool and nonpool operations.
2. Accounting period.
3. Liability accruals.
4. Federal income tax accruals.
5. Delayed items.
6. Unaudited items.
7. Improvements, additions and betterments.
8. Accounting for transactions in gross amounts.
9. Valuation of assets.
10. Establishment of reserves.
11. Depreciation and amortization.
12. Contingent assets and contingent liabilities.
13. Notes to financial statements.

Balance Sheet Classifications

3. CHART OF BALANCE SHEET ACCOUNTS

4. GENERAL

5. BALANCE SHEET ACCOUNT GROUPINGS

1. Current assets.
2. Investments and special funds.
3. Property and equipment.
4. Property and equipment depreciation reserves.
5. Deferred charges.
6. Current liabilities.
7. Noncurrent liabilities.
8. Deferred credits.
9. Association equity.

6. DESCRIPTION AND CLASSIFICATION OF BALANCE SHEET ACCOUNTS

Profit and Loss Classifications

7. CHART OF PROFIT AND LOSS ACCOUNTS

8. GENERAL

9. DESCRIPTION AND CLASSIFICATION OF PROFIT AND LOSS ACCOUNTS

Inter-Association Settlements

10. GENERAL

Financial Reporting

11. REPORTING REQUIREMENTS

Bonds

12. FIDELITY BONDS

Budgets

13. OPERATING BUDGETS

Accounting Records

14. UNIFORM PILOTS SOURCE FORM

AUTHORITY: Part 403 issued under secs. 4 and 5, 74 Stat. 260, 261; 46 U.S.C. 216.

General Accounting Provisions

1. INTRODUCTION TO SYSTEM OF ACCOUNTS AND REPORTS

1. *Applicability of System of Accounts and Reports.* Each voluntary association holding a Certificate of Authorization shall keep its books of account, records and memoranda and make reports to the Great Lakes Pilotage Administration in accordance with the system of accounts and reports prescribed herein. The Administration reserves the right, however, to expand or otherwise modify this system of accounts and reports.

2. *Waivers from this System of Accounts and Reports.* A waiver from any provision of this system of accounts or reports may be made by the Administrator upon his own initiative or upon the submission of written request therefor from any Association holding a Certificate of Authorization, provided that such a waiver is in the public interest and each request for waiver expressly demonstrates that: Existing peculiarities or unusual circumstances warrant a departure from a procedure or technique prescribed herein; a specifically defined alternative procedure or technique will result in a substantially equivalent or more accurate portrayal of operating results or financial condition, consistent with the principles embodied in the provisions of this system of accounts and reports; and the application of such alternative procedure will maintain or improve uniformity in substantive results as between Associations.

3. *General description of System of Accounts and Reports.* (a) This system of accounts and reports is designed to permit limited contraction or expansion to reflect the varying needs and capabilities of different Associations without impairing basic accounting comparability as between Associations.

(b) Under the system of accounts prescribed, both balance sheet and profit and loss accounts and account groupings are designed, in general, to embrace all activities, both pool and nonpool, in which the Association engages. Except for transactions which are of sufficient magnitude to distort current year operating results, prior year transactions are recorded in the same accounts as current year transactions of a like nature.

(c) In order to afford Associations as much flexibility and freedom as possible in establishing ledger and subsidiary accounts to meet their individual needs, a minimum number of account subdivisions have been prescribed in this Uniform System of Accounts. It is intended, however, that each Association, in maintaining its accounting records, will provide subaccount and subsidiary account segregations which are consistent with the prescribed accounts.

4. *System of Accounts coding.* (a) A four digit control number is assigned for each balance sheet and profit and loss account. Each account is numbered sequentially, within blocks, designating basic balance sheet and profit and loss classifications.

5. *Records.* (a) The general books of account and all books, records, and memoranda which support in any way the entries therein shall be kept in such manner as to provide at any time full information relating to any account. The entries in each account shall be supported by such detailed information as will render certain the identification of all facts essential to a verification of the nature and character of each entry and its proper classification under the prescribed Uniform System of Accounts.

(b) The books and records referred to herein include not only accounting records in a limited technical sense, but all other records such as organization tables and charts, internal accounting manuals and revisions thereto, minute books, stock books, reports, cost distributions and other accounting work sheets, correspondence, memoranda, etc., which may constitute necessary links in developing the history of, or facts regarding, any accounting or financial transaction.

(c) All books, records and memoranda shall be preserved and filed in such manner as to readily permit the audit and examination thereof by representatives of the Great Lakes Pilotage Administration. All books, records and memoranda shall be housed or stored in such manner as to afford protection from loss, theft, or damage by fire, flood or otherwise, and such books and records shall be retained for 10 years unless otherwise authorized by the Administration.

6. *Accounting entities.* Each Association holding a Certificate of Authorization shall be a separate accounting entity. However, the records shall be maintained with sufficient particularity to permit the association of items with each pool operation and to permit the equitable proration of items which are common to two or more pools and for nonpool operations of the Association.

7. *Interpretation of accounts.* To the end that uniform accounting may be maintained within the prescribed system, questions involving matters of significance which are not clearly provided for should be submitted to the Administrator for explanation, interpretation, or resolution.

8. *Address for reports and correspondence.* Reports, statements and correspondence submitted in accordance with or relating to instructions and requirements contained herein shall be addressed to the Great Lakes Pilotage Administration, United States Department of Commerce, Washington 25, D.C.

9. *Conversion to this system of Accounts and reports.* (a) All balance sheet account balances shall be restated as of the beginning of business May 1, 1961, unless otherwise designated by the Administrator, to conform with the pro-

visions of this system of accounts. All necessary adjustments to conform the accounts to the new system shall be accumulated in an appropriate clearing account and the net transferred to profit and loss classification 5590 Special items.

(b) Any adjustments of reserves for depreciation, uncollectible accounts or other valuations of assets, shall be retroactive as of May 1, 1961.

2. GENERAL ACCOUNTING POLICIES

1. *Bases of allocation between pool and nonpool operations.* (a) In accordance with the provisions of section 1, item 6 profit and loss items and assets applicable in common to two or more pools and/or nonpool operations shall be allocated equitably to each pool and to nonpool operations.

(b) Changes in methods of allocating items between pools shall only be made as of the beginning of each fiscal year.

2. *Accounting period.* (a) The accounting year of each Association subject to this Uniform System of Accounts shall be the calendar year unless otherwise approved by the Administration.

(b) Each Association shall keep its financial accounts and records on a full accrual basis so that all transactions, as nearly as may reasonably be ascertained, shall be fully reflected in the Association's books for the accounting period, matching revenues earned with the costs attaching thereto.

(c) Expenditures incurred during the current accounting year which demonstrably benefit operations to be performed during subsequent accounting years to a significant extent shall be deferred and amortized.

3. *Liability accruals.* Charges shall be made against income and accruals made for only those liabilities for which a definitely demonstrable obligation exists. Where a definite obligation has been incurred and the precise liability has not been determined, an estimate may be made of the currently existing liability on such acturial or other bases as can be justified from available information, provided that balances are re-evaluated and adjusted at least once each accounting year.

4. *Federal income tax accruals.* (a) All income taxes shall be accrued by proportionate charges or credits to income each accounting period in such manner as will allocate the charges for taxes, or the tax credits for losses, to the periods in which the related profits or losses respectively, are reflected.

(b) The general policy in respect to the accrual of income taxes for each accounting period will require that the Association take up in its accounts an amount equivalent to the actual tax liability applicable to the period as computed or estimated on the basis of income tax laws and regulations then in effect, except where Associations compute depreciation for tax purposes at rates in excess of those which are used for regular accounting purposes. In such cases the deferred income taxes shall be accrued for regular accounting purposes in order to apportion the total income tax cost among the various accounting periods on a basis which will fairly represent the actual tax burden in terms of actual income taken up by the Association in each of the various accounting periods.

5. *Delayed items.* (a) All items affecting net income, including income adjustments, shall be recorded in appropriate profit and loss accounts and reflected on the income statement and shall not be entered directly to retained earnings.

(b) Items applicable to operations occurring prior to the current accounting year which were not recorded in the books of account shall be included in the same accounts which would have been charged or credited if the items had not been delayed; provided, that if any delayed item is relatively so large in amount that its inclusion in the accounts for a single year would materially distort the affected accounts, it shall be included in profit and loss classification 5590 Special Items.

6. *Unaudited items.* If a transaction has occurred but the amount involved is not precisely determinable, the amount shall be estimated, included in the proper accounts, and where significant noted for financial statement purposes. The Association is not required to anticipate or disclose minor items which would not appreciably affect the results of its operations or financial position.

7. *Improvements, additions and betterments.* (a) As a general rule, expenditures for additions, betterments or improvements, which increase the productive capacity of units of property or equipment, shall be capitalized rather than charged directly against income of the period in which incurred. Expenditures of insignificant amount may be expensed as incurred, rather than capitalized, provided their inclusion as individual items or when aggregated for like items, will not distort current operating results.

(b) The costs to be capitalized shall include all costs directly incurred by reason of the acquisition of the capital item, including transportation and installation costs.

8. *Accounting for transactions in gross amounts.* (a) All assets and liabilities shall be stated in balance sheet presentations in gross values, provided that all depreciation, provisions for uncollectible accounts, and other valuation reserves shall be offset against the class of asset to which related.

(b) The cost of Treasury Certificates or other tax notes, which are to be surrendered to the United States Treasury, rather than independently sold, in satisfying Federal income tax liabilities, may be offset against accrued Federal income tax liabilities provided both the gross income tax liability and the value of the tax notes are reflected on the face of the balance sheet. The offset of other government securities or other assets against Federal income tax liabilities is prohibited.

9. *Valuation of assets.* All assets shall be recorded at cost to the Association and shall not be adjusted to reflect changes in market value except that items which have been expensed from current inventories, and are recovered, may be returned to inventory at estimated value with contra credit to the expense accounts initially charged.

10. *Establishment of reserves.* (a) Provisions for reserves covering transactions or conditions which do not diminish assets or result in demonstrable liability to the Association, with corresponding diminution in stockholder equity during the period over which accrued, shall not be charged against income but shall be charged directly against balance sheet account 2940 Unappropriated retained earnings.

(b) All reserves shall be classified in balance sheet presentations in terms of their inherent impact upon the Association's financial condition as either valuation of assets (offsetting the assets to which related), accrued liabilities, or appropriations of retained earnings.

11. *Depreciation and amortization.* (a) Assets of a type possessing prolonged service lives significantly longer than one year, and which are generally repaired and reused shall be written off against operations through periodic depreciation or amortization charges from the date first placed in regular service. Assets of a type which are recurrently expended and replaced, rather than repaired and reused, shall not be depreciated or amortized but shall be charged to expense as issued for use.

(b) Assets of a type which are subject to depreciation shall not be classified as current assets but shall be carried in property and equipment or other appropriate noncurrent asset account classifications. Assets of a type which are recurrently expended and replaced shall be classified as current assets.

(c) Depreciation shall be calculated in such manner as will prevent the charging of either excessive or inadequate expense or the accumulation of excessive or inadequate reserves.

12. *Contingent assets and contingent liabilities.* Contingent assets and contingent liabilities shall not be included in the body of the balance sheet but shall be explained in footnotes.

13. *Notes to financial statements.* All matters which are not clearly identified in the body of the financial statements but which may influence materially interpretations or conclusions which may reasonably be drawn in regard to financial condition or earnings position shall be clearly and completely stated as footnotes to the financial statements.

3. CHART OF BALANCE SHEET ACCOUNTS

CURRENT ASSETS

Account No.	Title
1010	Cash.
1030	Special deposits.
1110	United States Government securities.
1120	Other temporary cash investments.
1240	Accounts receivable—Pilotage.
1250	Notes and accounts receivable—Other associations.
1260	Notes and accounts receivable—Association personnel.
1280	Notes and accounts receivable—Other.
1290	Reserve for uncollectible accounts.
1310	Expendable spares.
1330	Materials and supplies.
1410	Short-term prepayments.
1420	Other current assets.

INVESTMENTS AND SPECIAL FUNDS

Account No.	Title
1510	Advances to other Associations.
1530	Other investments and receivables.
1550	Special funds.

PROPERTY AND EQUIPMENT

1601	Land.
1602	Buildings and structures.
1603	Other improvements and facilities.
1604	Vessels and floating equipment.
1605	Improvements to leased property.
1606	Other equipment.
1612	Reserve for depreciation—Building and structures.
1613	Reserve for depreciation—Other improvements and facilities.
1614	Reserve for depreciation—Vessels and floating equipment.
1615	Reserve for depreciation—Leasehold improvements.
1616	Reserve for depreciation — Other equipment.
1689	Construction work in progress.

DEFERRED CHARGES

1820	Long-term prepayments.
1840	Unamortized discount and expense on debt.
1850	Unamortized membership fee expense.
1280	Other intangibles.
1890	Other deferred charges.

CURRENT LIABILITIES

2010	Current notes payable.
2020	Accounts payable—General.
2040	Collections as agent.
2050	Notes and accounts payable—Other Associations.
2110	Accrued personnel compensation.
2120	Accrued vacation liability.
2131	Accrued Federal income taxes.
2139	Other accrued taxes.
2140	Dividends declared.
2190	Other current liabilities.

NONCURRENT LIABILITIES

2210	Long-term debt.
2240	Advances from other Associations.
2250	Pension liability.
2290	Other noncurrent liabilities.

DEFERRED CREDITS

2330	Unamortized premium on debt.
2340	Deferred Federal income taxes.
2390	Other deferred credits.

STOCKHOLDER EQUITY

2820	Preferred stock.
2840	Common stock.
2860	Capital stock subscribed and unissued.
2890	Other paid-in capital.
2930	Appropriations of retained earnings.
2940	Unappropriated retained earnings.
2990	Treasury stock.

4. GENERAL

1. The balance sheet accounts are designed to show the financial condition of the Association as at a given date, reflecting the asset and liability balances carried forward subsequent to the closing or constructive closing of the Association's books of account.

2. The balance sheet accounts prescribed in this system of accounts for each Association are listed in section 3, Chart of balance sheet accounts.

5. BALANCE SHEET ACCOUNT GROUPINGS

1. *Current assets.* (a) Include in this classification all resources which may reasonably be expected to be realized in cash or sold or consumed within one year, such as unrestricted cash, those assets that are readily convertible into cash or are held for current use in operations, and current receivables and claims against others to the extent settlement is reasonably assured, except that securities of other classified in investment and special fund accounts at date of acquisition need not be reclassified until disposition thereof.

(b) Inventories of all materials, supplies, lubricating oils, motor fuels, and expendable spares shall be physically verified at least annually. Differences between the inventory account and the actual physical inventory due to shortage, overage, shrinkage, etc. shall be adjusted by charges or credits to the appropriate expense account.

(c) Items of general current asset characteristics which are not expected to be realized or consumed within one year may be included in this classification provided the noncurrent portion is not substantial in amount and classification as a current item will not impair the significance of working capital.

2. *Investments and special funds.* (a) Include in this classification long-term investments in securities of others exclusive of United States Government securities, securities which are not readily marketable, funds set aside for specific purposes or involving restrictions preventing current use, contract performance deposits and other securities receivable, or funds not available for current operations. Investments in United States Government securities shall be included in the current assets account group.

(b) Investments in securities of others shall be recorded at cost exclusive of amounts paid for accrued interest or dividends.

(c) Permanent impairment in the value of securities may be reflected through charges to profit and loss classification 5530, Capital Losses-Securities and Investments.

3. *Property and equipment.* (a) All investments of the Association in land and units of tangible property and equipment shall be included within this general classification.

(b) The property and equipment records will be maintained so as to identify property with each pool operation, with nonpool operations, and joint pool and/or nonpool operations. Property used by two or more pools and/or nonpool operations will be maintained to permit an equitable proration of depreciation, amortization, repair and maintenance cost.

(c) Operating and nonoperating property and equipment shall be accounted for separately in accordance with the following instructions:

(1) Investment in property and equipment shall be recorded at total cost including all expenditures applicable to acquisition, other costs of a preliminary nature, costs incident to placing in position and conditioning for operation, and costs of additions, betterments, improvements and modifications.

(2) Upon disposal by sale, retirement, abandonment, dismantling, or otherwise, of equipment depreciated on a unit basis, the Association shall credit the account in which the property or equipment is carried with the cost thereof; charge the depreciation and maintenance reserves with the related reserve balance applicable to the property disposed of; and charge the cash proceeds of the sale or the value of salvaged material to the appropriate asset accounts. When the sales price or salvage value less the cost of dismantling differs from the cost of the property less accrued depreciation and maintenance reserves such difference shall be recorded in the appropriate capital gain or loss accounts.

(3) Upon disposal by sale, retirement, abandonment, dismantling, or otherwise of property or equipment depreciate on a group basis, the Association shall credit the account in which the property or equipment is carried, and charge the related depreciation reserve with the original cost thereof, less any salvage realized, regardless of the age of the item. No gain or loss is recognized on the retirement of individual items of property or equipment depreciated on a group basis.

(4) When property and equipment owned by the Association is applied as part payment of the purchase price of new property and equipment, the new property and equipment shall be recorded at its full purchase price provided an excessive allowance is not made for assets traded-in, in lieu of price adjustments or discounts on the purchase price of assets acquired. The difference between the depreciated cost of assets applied as payment and the amount allowed therefor shall be treated as retirement gain or loss.

(5) The Association shall maintain property and equipment records setting forth the description of all property and equipment recorded in balance sheet classification 1600 Property and Equipment. With respect to each unit or group of property or equipment, the record shall show the description, location, date of acquisition, the original cost, the cost of additions and betterments, the cost of parts retired, rates of depreciation, residual values not subject to depreciation, and the date of retirement or other disposition.

4. *Property and equipment depreciation and maintenance reserves.* (a) This balance sheet classification shall include the accumulation of all provisions for losses occurring in property and equipment from use and obsolescence. For example, it shall include reserves for depreciation established to record current lessening in service value due to wear and tear from use and the action of time and the elements which are not replaced by current repairs, as well as losses in capacity for use or service occasioned by obsolescence, supersession, discoveries, change in popular demand, or the requirement of public authority. Residual values and rates for accrual of depreciation and maintenance shall be calculated to prevent charging excessive or inadequate expense or the accumulation of inadequate or excessive reserves.

(b) Depreciation shall be calculated from the date on which a building, structure or unit of property is placed in service, and shall cease on the date such property is disposed of by sale, retirement, abandonment, or dismantling, or

when the difference between the cost and residual value, shall have been charged to expense.

(c) Property not subject to depreciation shall include: (1) Land owned or held in perpetuity; (2) expenditures on uncompleted units of property and equipment during the process of construction or manufacture; and (3) items classified as current assets.

5. *Deferred charges.* (a) Include in this classification all debit balances in general clearing accounts including charges held in suspense pending receipt of information necessary for final disposition, prepayments chargeable against operations over a period of years, capitalized expenditures of an organizational or developmental character, property acquisition adjustments, and the cost of patents, copyrights and miscellaneous intangibles.

(b) Deferred charges having a definite time incidence shall be amortized over the periods to which they apply.

6. *Current liabilities.* Include in this classification all debts or obligations the liquidation or payment of which is reasonably expected to require the use, within one year, of existing resources of a type which are properly classifiable as current assets, or the creation of other current liabilities. Current liabilities shall include payables incurred in the acquisition of materials, collections received in advance of performance of services, debts accruing from expenses incurred from operations and other liabilities that are regularly and ordinarily subject to current liquidation.

7. *Noncurrent liabilities.* (a) This classification shall include all debts or obligations the liquidation or payment of which is not reasonably expected to require the use within one year of existing resources of a type which are properly classifiable as current assets, or the creation of current liabilities. Noncurrent liabilities shall include mortgages, bonds and debentures maturing more than one year from the date of the balance sheet and other obligations not payable within 12 months. It shall reflect the principal amount or par value of debt securities issued or other long-term debt assumed by the Association. Discount and expenses on long-term debt shall be recorded in the Deferred Charges balance sheet group. Premiums on long-term debt shall be recorded in the Deferred Credits balance sheet account group.

(b) In cases where debt coming due within 12 months is to be refunded, or where payment is to be made from assets of a type not properly classifiable as current, the amount payable shall not be removed from this classification.

(c) Gains or losses on liquidation of bonds, debentures, or other debt securities of the Association shall be entered in profit and loss classification 4245, Capital Gains—Association's bonds, mortgages, etc., or 5535, Capital Losses—Association's Bonds, Mortgages, etc. Gains and losses or adjustments to liabilities applicable to expenses incurred in operations shall be entered in the expense accounts initially charged.

8. *Deferred credits.* (a) Include in this classification all credit balances in general clearing accounts including credits held in suspense pending receipt of information necessary for final disposition and premiums on long-term debt securities of the Association.

(b) Deferred credits having a definite time incidence shall be amortized over the periods to which they apply.

9. *Association equity.* (a) This general classification shall include all items which record the aggregate interest of Association members in assets owned by the Association.

(b) The general classification "Association Equity" shall be subdivided between that portion representing direct contributions of the members (Paid-In Capital) and that portion representing income retained from operations of the Association (Retained Earnings).

(c) The "Paid-In Capital" classification shall be subdivided between membership shares which shall include the par or stated value of shares issued or the cash value of the consideration actually received, in case of shares having no par or stated value, and "Other Paid-In Capital," which shall include the excess (premium) or deficiency (discount) of each value of the consideration received from the issue of any shares having par or stated value, donations by stockholders, adjustments of capital resulting from reorganization or recapitalization, and gains or losses from reacquisition and resale or retirement of the Association's shares.

(d) The "Retained Earnings" balance sheet classification shall reflect the balance of net profits, income, and gains of the Association from the date of formation. In cases where a deficit has been absorbed by a reduction of "Other Paid-In Capital" as a result of a restatement of shares or retained earnings, a new Retained Earnings account shall be established, dated to show that it runs from the effective date of the restatement. This date shall be disclosed in financial statements until such time as the effective date no longer possesses special significance.

6. DESCRIPTION AND CLASSIFICATION OF BALANCE SHEET ACCOUNTS

CURRENT ASSETS

1010 Cash.

Record here all funds which are available on demand and are not formally restricted or otherwise reserved, which are held:

(1) In banks or banking institutions;

(2) As undeposited collections and cash in transit; and

(3) As imprest and petty cash funds.

Funds deposited for special purposes which are to be satisfied within one year shall be included in account 1030 Special deposits and funds restricted as to general availability, which are not offset by current liabilities, shall be included in account 1550 Special funds—Other.

1030 Special deposits.

Record here funds or securities deposited with fiscal agents or others for payment of current obligations. Deposits for more than one year, not offset by current liabilities, shall not be included in this account but in Account 1550 Special funds—Other.

1110 United States Government securities.

Record here the cost of United States Treasury Certificates. This account shall be charged or credited for discount or premium to be amortized to profit and loss account 4210, Interest income.

1120 Other temporary cash investments.

Record here the cost of securities and other collectible obligations acquired for the purpose of temporarily investing cash, other than those issued by the United States Government. This account shall be charged or credited for discount or premium to be amortized to profit and loss account 4210 Interest income.

1240 Accounts receivable—Pilotage.

Record here all amounts billed for pilotage services.

1250 Notes and accounts receivable—Other associations.

Record here gross amounts due from other Associations, which are settled currently. Balances payable to other Associations shall not be offset against amounts carried in this account. Balances with Associations which are not normally settled currently shall not be included in this account but in balance sheet account 1510 Advances to other associations.

1260 Notes and accounts receivable—Association personnel.

Record here amounts due from officers and employees of the Association including advances for expenses.

1280 Notes and accounts receivable—Other.

Record here notes receivable and accounts due from others, which are to be settled currently, not provided for in accounts 1240 to 1260, inclusive.

1290 Reserve for uncollectible accounts.

(a) Record here accruals for estimated losses from uncollectible accounts.

(b) All accounts against which reserves have been established shall be examined at least annually for the purpose of redetermining the basis of accruals to be applied to subsequent accounting periods and the reasonableness of reserves already provided.

1310 Expendable spares.

(a) Record here the cost of replacement parts of a type which ordinarily would be recurrently expended and replaced rather than repaired and reused.

(b) Spares held in small supply and purchased currently may be charged to appropriate expense accounts when purchased.

1330 Materials and supplies.

(a) Record here the cost of unissued and unapplied materials and supplies, including motor fuels and lubricating oils, held in stock such as expendable tools, stationery and office supplies, and pilotage service supplies.

1410 Short-term prepayments.

Record here prepayments of obligations which if not paid in advance would require the expenditure of working capital within one year, such as prepaid rent, insurance, taxes, interest etc. Unexpired insurance and miscellaneous prepayments applicable to periods extending beyond one year where significant in amount shall be charged to balance sheet account 1820 Long-term prepayments.

1420 Other current assets.

Record here current assets not provided for in balance sheet accounts 1010 to 1410 inclusive.

INVESTMENTS AND SPECIAL FUNDS

1510 Advances to other Associations.

Record here advances, loans, and other amounts not settled currently with other Associations. Balances receivable from and payable to Associations shall not be offset.

1530 Other investments and receivables.

Record here notes and accounts receivable not due within one year and investments in securities issued by others. Securities held as temporary cash investments shall not be included in this account but in either balance sheet account 1110 United States Government securities or 1120 Other temporary cash investments as appropriate. Investments in and receivables from other Associations which are not settled currently shall be included in balance sheet account 1510 Advances to other Associations.

1550 Special funds.

Record here special funds not of a current nature and restricted as to general availability. Include items such as sinking funds, cash and securities posted with courts of law, employee's funds for purchase of membership shares, pension funds under the control of the Association, and equipment purchase funds.

PROPERTY AND EQUIPMENT

1601 Land.

Record here the total cost to the Association of all land owned by the Association. Cost of land includes appraisal fees, clearing costs, damage to property of others, drainage, grading, legal fees and expenses, removal and relocation of property belonging to others, as part of purchase contract, removal of structures purchased but not used, less credit for salvaged material. The account will be supported by subsidiary records showing for each parcel the date acquired, description, cost and disposition.

1602 Buildings and structures.

Record here the total cost to the Association of all buildings and structures owned by the Association. The cost includes the original cost and cost of any capital improvements incurred after acquisition by the Association. This account includes fixtures and equipment built into the structure or permanently affixed thereto, such as: plumbing, heating and lighting fixtures, elevators, air conditioning systems, vaults and partitions. However, the cost of all machinery, furniture and special-use items, which are not a part of the realty, should be included in the Equipment Account. The account will be supported by subsidiary records describing the individual buildings, location, cost and date acquired, depreciation rate, and cumulative depreciation to date.

1603 Other improvements and facilities.

Record here the total cost to the Association of all other improvements and facilities. Cost includes the purchase price, freight, and installation costs. Included in this account are structures and improvements to land, such as docks, piers, jetties, roads, culverts, sidewalks, parking areas and fences. The account will be supported by subsidiary records describing the improvements, location, cost, date improvements made, depreciation rates, and cumulative depreciation to date.

1604 Vessels and floating equipment.

Record here the total cost to the Association of all vessels, tugs, barges, scows, launches, etc., owned by the Association. Cost includes all necessary communication and navigational equipment, engines, transmissions, equipment, furniture and fixtures, and other appurtenances necessary to equip the vessels for service. The account will be supported by subsidiary records describing each vessel and piece of floating equipment, cost, date acquired, depreciation rate, and depreciation to date.

1605 Improvements to leased property.

Record here the total cost to the Association incurred in connection with modification, conversion or other improvements to leased property. The account will be subdivided as follows:

1605.2 Buildings and structures.
1605.3 Other improvements and facilities.
1605.4 Vessels and floating equipment.
1605.5 Other.

The accounts will be supported by subsidiary records describing such improvement, cost, date made, amortization rate, and cumulative amortization to date.

1606 Other equipment.

Record here the total cost to the Association of all other equipment owned by the Association. It includes the cost of all machinery, equipment, furniture and fixtures, automotive equipment and other nonexpendable property not otherwise classified. The account will be supported by subsidiary records describing each item by class or type, location, cost, date acquired, depreciation rate, cumulative depreciation, and method and date of disposal.

1612 Reserve for depreciation—Building and structures.

1613 Reserve for depreciation—Other improvements and facilities.

1614 Reserve for depreciation—Vessels and floating equipment.

1615 Reserve for depreciation—Leasehold improvements.

1616 Reserve for depreciation—Other equipment.

The separate accounts for depreciation set out above parallel balance sheet accounts 1602 through 1606. Record in these accounts the accruals for depreciation reserves as provided in section 5, item 4.

1689 Construction work in progress.

Record here the direct and indirect costs to the Association accumulated to the date of the balance sheet in connection with constructing and readying for installation property and equipment of all types and classes, as provided in section 5, item 3. The cost of completed construction shall be transferred to the appropriate asset account when it is completed and/or placed in operation.

DEFERRED CHARGES

1820 Long-term prepayments.

Record here prepayments of obligations applicable to periods extending beyond one year, such as payments on leased property and equipment and other payments and advances for rents, rights or other privileges.

1840 Unamortized discount and expense on debt.

(a) Record here the excess of the par value of debt securities issued over the cash value of consideration received therefor, exclusive of accrued interest, together with expenses related to the assumption by the Association of long-term debt of all types and classes.

(b) Amounts recorded in this account shall be amortized to profit and loss account 5510 Interest expense.

1850 Unamortized membership fee expense.

Record here all commissions and expenses incurred in the original issuance and sale of capital stock. The Association may amortize the balance in this account to profit and loss account 5570 Miscellaneous nonoperating expenses.

1880 Other intangibles.

Record here the cost of leaseholds, patents, copyrights and other intangible properties, rights and privileges and other intangible assets not provided for elsewhere. This account shall be subdivided to reflect the nature of each intangible asset included in this account. Amortization of each intangible asset recorded in this account shall be effected in accordance with generally accepted accounting principles.

1890 Other deferred charges.

Record here debits not provided for elsewhere, the proper final disposition of which cannot be effected until additional information has been received.

CURRENT LIABILITIES

2010 Current notes payable.

Record here the face value of all notes, drafts, acceptances, or other similar evidences of indebtedness payable on demand or within one year, including the portion of long-term debt due within one year of the balance sheet date. The

current portion of long-term debt expected to require the use of existing resources of a type not properly classifiable as current assets shall be included in appropriate noncurrent liability accounts and shall not be included in this account.

2020 Accounts payable—General.

Record here all accounts payable within one year which are not provided for in accounts 2010 to 2050, inclusive.

2040 Collections as agent.

Record here amounts collected for the account of others such as federal, state, local taxes, and other amounts deducted from employee salaries and wages for payments to others.

2050 Notes and accounts payable—Other associations.

Record here gross amounts due on current notes and open accounts with other Associations which are settled currently. Balances receivable from other Associations shall not be offset against amounts carried in this account. Balances with other Associations which are not normally settled currently shall not be included in this account but in balance sheet account 2240 Advances from other Associations.

2110 Accrued personnel compensation.

Record here amounts accrued for unpaid compensation to personnel.

2120 Accrued vacation liability.

(a) Record here any accruals for liabilities against the Association for personnel vacations. At the option of the Association the cost of personnel vacations may be charged directly to the applicable personnel compensation expense account without accrual through this account.

(b) This account shall be credited and the applicable personnel compensation expense account concurrently charged with the cost of any lag between vacations accrued and vacations taken. Accruals may be based upon standard rates of lag provided such standard rates are verified by physical inventory and adjusted accordingly at least once each calendar year. Adjustments of balances in this account shall be cleared to applicable compensation expense accounts. No accruals shall be made to this account for other than definitely demonstrable obligations of the Association (see section 2, item 3 for applicable accounting policy).

2131 Accrued Federal income taxes.

Record here accruals for currently payable Federal income taxes. Provisions for deferred taxes shall be accrued as provided in balance sheet account 2340 Deferred Federal income taxes.

2139 Other accrued taxes.

Record here accruals for taxes, exclusive of Federal income taxes.

2140 Dividends declared.

Record here in separate subdivisions for each class and series of capital stock, all dividends declared but unpaid to Association members.

2190 Other current liabilities.

Record here current and accrued liabilities not provided for in accounts 2010 to 2140, inclusive.

NONCURRENT LIABILITIES

2210 Long-term debt.

Record here the face value or principal amount of debt securities issued or assumed by the Association which has not been retired or cancelled and is not payable within 12 months of the balance sheet date, except as provided in section 5, item 7.

2240 Advances from other Associations.

Record here net amounts due other Associations for notes, loans and advances which are not settled currently. Balances payable to and receivable from different Associations shall not be offset.

2250 Pension liability.

Record here the liability of the Association under employee pension plans, to which either or both employees and the Association contribute, if the plan is administered by the Association.

2290 Other noncurrent liabilities.

Record here noncurrent liabilities not provided for in balance sheet accounts 2210 to 2250, inclusive.

DEFERRED CREDITS

2230 Unamortized premium on debt.

(a) Record here the excess of the cash value of consideration received over the par value plus accrued intrest on debt securities issued.

(b) Amounts recorded in this account shall be amortized to profit and loss account 5510 Interest expense.

2340 Deferred Federal income taxes.

(a) Accruals of deferred Federal Income Tax liability shall be recorded in this account. (See section 2, item 4 for applicable accounting policy.)

(b) Accruals to this account shall be made by charges to profit and loss account 5550 Federal income taxes. Such accruals shall be based upon tax rates currently applicable to income of the periods in which the tax liability is determined.

(c) This account shall be debited and profit and loss account 5550 Federal income taxes shall be credited with proportionate amounts which will amortize prior accruals for deferred Federal income taxes over the periods in which depreciation expense normally used in computing net income exceeds depreciation or amortization of property recognized for tax purposes.

(d) Any applicable balance remaining in this account upon termination of the normal service life or retirement of property and equipment to which related shall be credited to profit and loss account 5550 Federal income taxes.

(e) Each Association is restricted in its use of this account to the purposes set forth above. Deferred tax accruals shall not be reversed or revised without prior approval of the Administrator. This prohibition, however, does not apply to the correction of clerical errors.

2390 Other deferred credits.

Record here credits, not provided for elsewhere, the proper final disposition of which cannot be effected until additional information has been received.

STOCKHOLDER EQUITY

2820 Preferred stock.

Record here in separate subdivisions for each class and series, the par or stated value of preferred capital stock issued or in the case of no-par stock without stated value, the full consideration received.

2840 Common stock.

Record here in separate subdivisions for each class and series, the par or stated value of common stock issued or in case of no-par stock without stated value, the full consideration received.

2860 Capital stock subscribed and unissued.

Record here in separate subdivisions for each class and series, the par or stated value, or the subscription price in the case of stock without par or stated value, of legally enforceable subscriptions to the capital stock of the Association.

2890 Other paid-in capital.

Record here in separate subdivisions for each class and series, the difference between the price at which capital stock is sold and the par or stated value of such gains or losses arising from the reacquisition and the resale or retirement of each class and series of capital stock; donations; the excess of retained earnings capitalized over par or stated value of capital stock issued; and adjustments in capital resulting from reorganization or recapitalization. For unincorporated Associations this account shall include the capital contributions to the business enterprise by the members.

2930 Appropriations of retained earnings.

(a) Record here amounts of retained earnings segregated for contingencies and other special purposes.

(b) Charges resulting from the materialization of events for which retained earnings have been appropriated shall not be entered in this account but in appropriate profit and loss accounts. Balances in this account shall be returned to balance sheet account 2940 Unappropriated retained earnings when the reason for which created no longer exists.

2940 Unappropriated retained earnings.

(a) Record here the net income or loss from operations of the Association and dividends declared.

(b) Delayed credits or charges to income shall not be entered in this account directly but in appropriate profit and loss accounts.

(c) Net income or loss accounted for during the current fiscal year shall not be entered in this account until the close of the fiscal year. Unincorporated Associations may clear net income or loss accounted for during the year directly to balance sheet account 2890 Other paid-in capital, or optionally, to this account for subsequent transfer to balance sheet account 2890 Other paid-in capital.

2990 Treasury stock.

(a) Charge here the cost of capital stock issued by the Association reacquired by it and not retired or cancelled. Capital credits or debits resulting from the resale or retirement of capital stock held in this account shall be entered in balance sheet account 2890 Other paid-in capital.

(b) Separate records shall be established for each class and series of capital stock held in this account.

Profit and Loss Classifications

7. CHART OF PROFIT AND LOSS ACCOUNTS

Account No.	*Account Title*
4100	Pilotage revenue.
4200	Nonoperating income and gains.
5100	Pilotage expense.
5200	Operation, maintenance etc.—Vessels and floating equipment.
5300	Maintenance etc.—Buildings, structures and equipment (other than office).
5400	Administrative and general expense.
5500	Nonoperating expense and losses.
5900	Profit and loss.

8. GENERAL

1. The profit and loss accounts are designed to reflect, through natural groupings, the elements entering into income or loss accruing to the proprietary interests during each accounting period.

2. The system of accounts prescribed herein provides for the coordinate grouping of all revenues and expenses in terms of both major objectives and functional activities.

3. The major accounts established for profit and loss elements are set forth in section 7, Chart of profit and loss accounts.

9. DESCRIPTION AND CLASSIFICATION OF PROFIT AND LOSS ACCOUNTS

4100 Pilotage revenue.

Record here all revenues derived from pilotage services performed. Revenues will be recorded on the basis of services performed.

4200 Non-operating income and gains.

Record here all capital gains and income of a financial nature. Separate subsidiary accounts will be maintained as follows:

4210 Interest income.
4220 Dividend income.
4230 Capital gains—Vessels and floating equipment, buildings, structures and equipment.
4240 Capital gains—Securities and investments.
4245 Capital gains—Association's bonds, mortgages, etc.
4250 Other.

5100 Pilotage expenses.

Record here all expenses incurred for the performance of pilotage services rendered by member pilots, apprentices, or contract pilots. These expenses include all wages paid pilots and apprentices, related fringe benefits and payroll taxes, expenses for meals, taxis and rooms whether reimbursed or furnished, etc. Separate subsidiary accounts will be maintained as follows:

5110 Pilots' salaries and wages.
5120 Apprentices' salaries and wages.
5130 Contract pilot fees.
5140 Subsistence and travel expenses.
5150 Payroll taxes and fringe benefits.
5160 Other.

5200 Operation, maintenance etc.—Vessels and floating equipment.

Record here all expenses incurred for rental, operation, maintenance, repair and depreciation of vessels and floating equipment. These expenses include wages and payroll taxes, fringe benefits, and subsistence expenses of crews and operators. Separate subsidiary accounts will be maintained as follows:

5210 Wages, payroll taxes and other fringe benefits.
5220 Subsistence and travel expense.
5230 Charter hire.
5240 Depreciation and amortization of leasehold improvements.
5250 Fuel and oil.
5260 Other materials and supplies.
5270 Repairs.
5280 Insurance.
5290 Other.

5300 Maintenance etc., buildings, structures and equipment (other than office).

Record here all expenses, including rent and depreciation, of maintaining and repairing all buildings, structures and equipment, except: (1) Vessels and floating equipment and (2) buildings, fixtures and equipment used for office and administrative purposes. Separate subsidiary accounts will be maintained as follows:

5310 Wages, payroll taxes and other fringe benefits.
5320 Rents and leases.
5330 Depreciation and amortization of leasehold improvements.
5340 Heat, light and power.
5350 Motor fuel and oil.
5360 Other materials and supplies.
5370 Repairs.
5380 Insurance.
5390 Other.

5400 Office and administrative and general expense.

Record here all expenses incurred for office expense and administrative and general direction of the Association, except expense of a financial nature. Separate subsidiary accounts will be maintained as follows:

5410 Officers salaries, payroll taxes and fringe benefits.
5415 Employees salaries and wages, payroll taxes, etc.
5420 Rents and leases.
5425 Depreciation and amortization of leasehold improvements.
5430 Heat, light and power (office buildings and equipment).
5440 Motor fuel and oil.
5445 Other materials and supplies.
5450 Repairs.
5460 Traveling expenses.
5465 Telephone, telegraph, teletype.
5470 Insurance and bond premiums.
5475 Postage and express.
5480 Property taxes.
5490 Other.

5500 Nonoperating expense and losses.

Record here all capital losses, federal income tax, and expense of a financial nature. Subsidiary accounts 5580 and 5590 will be used only for material transactions whose inclusion in the other accounts would substantially distort current year operations. Except when material, prior year transactions will be recorded in the same account as current year transactions of like nature. Separate subsidiary accounts will be maintained as follows:

5510 Interest expense.
5520 Capital losses—Vessels and floating equipment, buildings, structures and equipment.
5530 Capital losses—Securities and investments.
5535 Capital losses — Association's bonds, mortgages, etc.
5540 Bad debt allowance.
5550 Federal income taxes.
5560 Dividends declared.
5570 Miscellaneous.
5580 Prior year adjustments (Net).
5590 Special items (Net).

5900 Profit and loss.

At the end of the accounting year, this account will be charged or credited, as the case may be, with the balances in all profit and loss accounts. The net balance in this account after the closing of the profit and loss accounts will be transferred to Account 2940 Unappropriated retained earnings or, optionally, in the case of unincorporated associations, to Account 2890 Other paid-in capital.

Inter-Association Settlements

10. GENERAL

Under the Memorandum of Arrangements between the Secretary of Commerce of the United States and the Minister of Transport of Canada it was agreed that settlement of accounts between United States Pools and Canadian Pools will be effected on an interim basis as of the end of each month with an annual settlement as of December 31 of each year. Payments on account will be made by the 15th of the following month.

The Canadian Government has agreed to furnish the following settlement statement for Districts 1 and 2:

REVENUE

		Current month	Year—to date
4100	Pilotage revenue	$	$
	OPERATING EXPENSES		
5130	Subsistence and travel		
5415	Employees' salaries, wages, etc.		
5420	Rents		
5430	Heat, light and power		
5445	Materials and supplies		
5450	Repairs		
5460	Traveling expenses		
5465	Telephone, telegraph, teletype, etc.		
5470	Insurance and bonding		
5475	Postage and express		
5540	Bad debts		
5570	Miscellaneous (bank charges)		
5490	Other		
	Net operating income		

	Total	U.S.	Canada
Actively participating pilot days			
Respective share of net operating income	$	$	$
Balance due association beginning of month			$
Add: current month share of net operating income			
		$	$
Deduct: Expenses paid on account for members of recipient association (boat and taxi charges)			$
Cash available for distribution:			
Cash in bank end of month	$		
Less: Accounts payable			
Net cash available for distribution			
Association share of cash available for distribution			
Unpaid balance due association			$

Pro Forma Journal Entries

Account 4100 Pilotage Revenue will be supported by copies of invoices prepared by issuing offices.

Account 5130 Subsistence and Travel Expense will be supported by listings giving the pilot's name and amount. The travel expenses recorded in this account are only those provided for under paragraph 4(c) of the Canada-United States Memorandum of Agreement and which are recoverable from operators of vessels.

Account 5415 Employees' Salaries and Wages, Payroll Taxes Etc. will be supported by list showing employee's name, title and salary. (Only employees directly engaged in dispatching and accounting activities are included.)

Account 5420 Rents and Leases will include agreed amount of rental for office space and necessary equipment.

Account 5430 Heat, Light and Power will be supported by listing of utilities and amounts.

Account 5465 Telephone, Telegraph and Teletype will be supported by listing of supplier and amounts.

Accounts 5445, 5450, 5460, 5470, 5475, 5540, and 5490 do not require supporting data.

The following entries will be made upon receipt of settlement statement:

Account No.	Association's share	
	Debit	Credit
1250	$xxx	
5130	xxx	
5415	xxx	
5420	xxx	
5430	xxx	
5445	xxx	
5450	xxx	
5460	xxx	
5465	xxx	
5475	xxx	
5490	xxx	
5540	xxx	
4100		$xxx

To record Association's share of revenue and expenses transferred from other Associations. (The debits and credits will be determined by multiplying the current month totals shown on the settlement statement by the Association's pro-rata share based on actively participating pilot days, and then in turn multiplying the result by the exchange rate.)

1010	$xxx	
1250		$xxx

To record cash received with settlement statement (in U.S. currency).

United States Associations will make similar settlement statements where they are operating joint dispatching services. Journal entries to record transactions shown by the settlement statements will be as follows:

Account No.	Debit	Credit
4100	$xxx	
2050		$xxx
5130		xxx
5415		xxx
5420		xxx
5430		xxx
5445		xxx
5450		xxx
5460		xxx
5465		xxx
5475		xxx
5490		xxx
5540		xxx

To eliminate Canadian Pilot Pool's share of Revenue and Expense based on pro-rata share.

2050	$xxx	
1010		$xxx

To record payment to Canadian Pilots' Pool.

Financial Reporting

11. REPORTING REQUIREMENTS

1. Each Association holding a Certificate of Authorization shall file quarterly with the Great Lakes Pilotage Administration the following financial statements:

a. Balance Sheet

b. Profit and Loss Statement

2. The financial statements will list each active account, including subsidiary accounts, prescribed in the Uniform System of Accounts.

3. The financial statements will be prepared for the calendar quarters ending March 31, June 30, September 30, and December 31, unless otherwise authorized in writing by the Administrator.

4. Each Association will furnish Great Lakes Pilotage Admininstration with one copy of all settlement statements whether issued or received.

5. The financial statements, together with any other required statistical data, shall be submitted to the Great Lakes Pilotage Administration within 30 days unless otherwise approved by the Administrator.

6. The financial statements at the end of each fiscal year will be audited by independent Certified Public Accountants and will bear a short form certificate.

Bonds

12. FIDELITY BONDS

Each association holding a Certificate of Authorization is required to maintain a fidelity bond to indemnify against loss of money or other property through fraudulent or dishonest acts by employees.

The board of directors of each association shall annually fix the amount and character of fidelity bonds required of those persons handling or having custody of funds or other liquid assets.

The Administration shall be advised of the amount and period of coverage.

Budgets

13. OPERATING BUDGETS

Each association holding a Certificate of Authorization is required to prepare and submit to the Administrator, by the 31st day of January of each year, an estimated operating budget for the forthcoming operating season.

Estimates of revenue shall be itemized to reflect the principal sources of income, with pilotage income segregated from other classes of income.

Estimates of expenses shall be on a calendar year basis, with adequate explanation of any unusual or nonrecurring item.

Those items of expense includable in Inter-Association settlement statements as outlined in section 10 of the Uniform Accounting System Manual shall be segregated and supported by required detail.

Estimates submitted shall be approved by the Association's Board of Directors.

Accounting Records

14. UNIFORM PILOTS SOURCE FORM

The "Pilot's Source Form—Great Lakes Pilotage" has been approved for use by pilots in Great Lakes Districts Nos. 1, 2, and 3.

Pilots shall complete forms in detail as soon as possible after completion of assignment and return entire set to dispatching office, together with supporting information required.

Upon receipt by the pilot association the five copies of the form shall be distributed as follows:

Original to accompany invoice.
First carbon to Administration for statistical purposes.
Second carbon to billing office for accounting record.
Third carbon to pilot's own association for pilot's personal record.
Fourth carbon to corresponding Canadian association or agency for office use.

Association shall account by number for all pilot source forms issued.

Dated: July 30, 1962.

A. T. MESCHTER,
Administrator.

[F.R. Doc. 62-8637; Filed, Aug. 28, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 990]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given that the Secretary has under consideration a proposal to amend the Subpart—Administrative Rules and Regulations (27 F.R. 3158; 27 F.R. 7539), effective under the marketing agreement and Order No. 990 (7 CFR Part 990) regulating the handling of Central California grapes for crushing. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposed amendatory action was unanimously recommended by the Grape Crush Administrative Committee and would add to the subpart: (1) A new § 990.150 pertaining to the receipt and use, by handlers of Central California grapes for crushing, of sweepings or other residual material from raisin processing which they obtain from raisin packers, either directly or indirectly; and (2) a new § 990.165 pertaining to reports to be submitted by handlers to the Committee.

Consideration will be given to any written data, views or arguments pertaining to the proposal which are submitted to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received within 20 days after publication of this notice in the FEDERAL REGISTER.

The proposal under consideration is as follows:

§ 990.150 Raisin residual material.

(a) *General.* In accordance with § 990.50, a handler may receive and use sweepings or other residual material from raisin processing (referred to herein as "residual material") from a raisin packer, or from a person (referred to herein as an "intermediary") receiving residual material directly from a raisin packer: *Provided*, That the usage is in accordance with the conditions established herein to restrict this usage to the approximate raisin weight of the industrywide normal residual material from processing standard raisins. The definition of the term "raisin packer" is synonymous with the definition of "packer" in § 989.14 of this chapter (Raisin Order No. 989, as amended).

(b) *Limitation on handler receipts as grapes for crushing.* No handler shall receive and use residual material except that received from authorized raisin packers, or authorized intermediaries, so designated by the Committee. Any raisin packer or intermediary may be so designated by executing an agreement with the Committee that he will: (1) Certify to the Secretary and the Committee the source and eligibility of each delivery of residual material on forms and in a manner prescribed by the Committee; (2) submit one copy of each completed certification to the Committee on Form GCAC–5 "Raisin Packer's Report of Delivery of Raisin Residual Material from Standard Raisins", Form GCAC–5A "Raisin Packer's Report of Delivery of Raisin Residual Material from Reconditioning", or GCAC–6 "Report of Indirect Delivery of Raisin Residual Material", as applicable, and where a packer adds certifications to weight certificates for use in lieu of Form GCAC–5, collectively report such weight certificates for each calendar week on Form GCAC–5; (3) afford the Secretary and the Committee, through their authorized representatives, access to any premises where the person executing the certification stores, reconditions, or processes raisins or residual material, including premises where applicable records are maintained, to observe the storage, reconditioning or processing and to examine these records; (4) retain records applicable to the disposition of residual material and off-grade raisins (as defined in § 989.24(b) of this chapter of (Raisin Order No. 989)) for at least two years after the close of the crop year to which these records relate; and (5) in the case of intermediaries, submit completed Form GCAC–6 only if he has received from the appropriate raisin packer completed Forms GCAC–5 or GCAC–5A, or weight certificates containing certifications as to source and eligibility, applicable to such residual material. The Committee shall make available to all handlers a list of all such authorized persons.

(c) *Limitations on usage*—(1) *Residual material from processing.* No handler shall use residual material from processing standard natural condition raisins unless he has in his possession, upon such use, the original of the certification of the delivering raisin packer. The certification shall be as to source and identifying information, as set forth on Form GCAC–5, or as such may be added to the weight certificate for each delivery which includes the identifying information required by Form GCAC–5.

(2) *Residual material from reconditioning.* No handler shall use residual material obtained from reconditioning off-grade raisins unless he has in his possession, upon such use, the original of the delivering raisin packer's certification. This certification shall be as to source, identifying information, and eligibility as set forth on Form GCAC–5A. The certification as to eligibility shall be that the residual material does not exceed the "eligible quantity" of residual material from reconditioning operations. The "eligible quantity" shall include not less than 20 percent, by weight, of stem material, and the total quantity shall be the lesser of either (i) the actual quantity of residual material obtained from the successful reconditioning of the off-grade lot, or (ii) the "standard natural condition equivalent" weight of such successfully reconditioned off-grade lot multiplied by the applicable factor specified in paragraph (e) of this section. The "standard natural condition equivalent" of the particular off-grade lot shall be computed by dividing the net weight of the successfully reconditioned raisins acquired by the raisin packer as packed raisins by the applicable factor specified in paragraph (d) of this section.

(3) *Receipts from intermediaries.* The foregoing limitations on usage of residual material received from raisin packers shall also apply to receipts from intermediaries except that the required certification shall be on Form GCAC–6 and the certification shall state that the intermedfary has in his possession the appropriate raisin packer certifications covering the total of such residual material on either Form GCAC–5 or 5A or the weight certificate.

(d) *Factors for computing "standard natural condition equivalent".* In accordance with the provisions of subparagraph (2) of paragraph (c) of this section, the following factors, by varietal type of raisins shall be used in computing the "standard natural condition equivalent" of successfully reconditioned off-grade raisins depending upon the degree of processing used for such reconditioning:

Varietal type	Weight taken after—	
	Passing through stemmer and blower	Completion of processing
Natural (sun-dried) Thompson Seedless	0.95	0.93
Natural (sun-dried) or artificially dehydrated Sultana	.94	.92
Natural (sun-dried) or artificially dehydrated Zante currant	.93	.91
Natural (sun-dried) Muscat and Valencia:		
Seeded		.80
Unseeded	.94	.92
Soda dipped	.96	.96
Sulfur bleached	.96	.96
Golden seedless	.96	.96

(e) *Factors for computing "eligible quantity".* In accordance with the provisions of subparagraph (2) of paragraph (c) of this section, the following factors, by varietal type of raisins shall be used in computing the "eligible quantity" of residual material referable to the successful reconditioning of off-grade raisins depending upon the degree of processing used:

Varietal type	Weight taken after—	
	Passing through stemmer and blower	Completion of processing
Natural (sun-dried) Thompson seedless	0.05	0.07
Natural (sun-dried) or artificially dehydrated Sultana	.06	.08
Natural (sun-dried) or artificially dehydrated Zante currant	.07	.09
Natural (sun-dried) Muscat and Valencia:		
Seeded		.20
Unseeded	.06	.08
Soda dipped	.04	.05
Sulfur bleached	.04	.05
Golden seedless	.04	.05

§ 990.165 Reports.

(a) *Receipts by handlers*—(1) *General.* For each week of operation, each handler shall submit a certified report to the Committee (on the applicable forms specified in subparagraphs (2) and (3) of this paragraph and furnished by it) of the total quantity of grapes for crushing (exclusive of raisin residual material) received by such handler during a calendar week and another report for raisin residual material. Each such report shall be submitted to the Committee not later than the second Monday following the week of receipts and the report form shall be completed by the handler in accordance with the provisions of subparagraph (2) or (3) of this paragraph, as applicable.

(2) *Receipts of grapes for crushing, other than raisin residual material.* Receipts of grapes for crushing other than raisin residual material shall be reported on Form GCAC–1 (Fresh), "Weekly Report of Receipts—Grapes for Crushing in Fresh Form". Such report shall show at least the following:

(i) The name and address of the reporting handler;

(ii) The reporting period (i.e., the calendar week involved) and the date the report is submitted;

(iii) The total quantity of exempt varieties received during the reporting period;

(iv) The total quantity of non-exempt varieties received during the reporting period;

(v) The cumulative quantities of exempt and non-exempt varieties as shown on the report of receipts for the previous reporting period; and

(vi) The cumulative quantities of exempt and non-exempt varieties received from the beginning of the crop year through the reporting period.

(3) *Receipts of raisin residual material.* Receipts of raisin residual material shall be reported on Form GCAC–2 (Dried), "Weekly Report of Receipts—Grapes for Crushing in Dried Form". Such report shall show at least the following:

(i) The name and address of the reporting handler;

(ii) The reporting period (i.e., the calendar week involved) and the date the report is submitted;

(iii) The total quantity of raisin residual material received during the reporting period;

(iv) The total quantity of such raisin residual material disposed of during such reporting period other than for distillation by the reporting handler;

(v) The net quantity of raisin residual material received and used for distillation; and

(vi) The cumulative net quantity of raisin residual material used for distillation from the beginning of the crop year through the reporting period.

(b) *Deliveries to handlers*—(1) *General.* During each crop year, each handler shall submit to the Committee, covering such reporting periods and not later than such times as specified by the Committee, certified reports (by loads, varieties, and persons delivering): (i) Of grapes for crushing (other than raisin residual material) delivered to the handler by producers or successors in interest; and (ii) of raisin residual material delivered to the handler by raisin packers or successors in interest who acquired such raisin residual material directly from raisin packers.

(2) *Content.* Each report (referred to as a "Producer Delivery Report") shall show for each load of grapes for crushing delivered at least the following information:

(i) Name and address of the person delivering the grapes for crushing (i.e., producer, raisin packer, or successor in interest);

(ii) The date of the delivery;

(iii) Where possible, the district where the grapes were produced;

(iv) Location where the grapes for crushing were crushed or otherwise prepared for fermentation or the production of grape juice or concentrate;

(v) Weight certificate number;

(vi) Net weight of the load;

(vii) Sugar content; and

(viii) Net sugar weight of the load.

(c) *Exemption from filing report.* A handler may be relieved by the Committee of submitting any of the reports required pursuant to paragraphs (a) and (b) of this section upon written application to the Committee stating that no transactions subject to such reports are contemplated for the balance of the crop year: *Provided*, That the exemption shall remain in effect only so long as the handler has no transactions subject to these reports.

Dated: August 24, 1962.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62–8656; Filed, Aug. 28, 1962; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

COLOR ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 52 Stat. 1055, 21 U.S.C. 376(d)), notice is given that a petition (CAP 1) has been filed by Hoffman-La Roche Incorporated, 340 Kingsland Road, Nutley 10, New Jersey, proposing the issuance of a regulation to provide for the safe use of β-apo-8'-carotenal as a color for foods, in an amount not to exceed 15 milligrams per pound of food or per pint of beverage.

Dated: August 22, 1962.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 62–8652; Filed, Aug. 28, 1962; 8:46 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 879) has been filed by Stoner-Mudge Division, Martin Marietta Corporation, 2000 Westhall Street, Pittsburgh 33, Pennsylvania, proposing the issuance of a regulation to amend § 121.2514 to provide for the safe use of: (1) Vinyl chloride-acetate, fumaric acid-modified copolymer; (2) vinyl chloride copolymerized with one or more of the following: methyl, ethyl, propyl, butyl, amyl, hexyl, heptyl, or octyl esters of fumaric acid, in resinous and polymeric coatings contacting food. The petition further requests the amendment of § 121.2520 to provide for the safe use of methyl, ethyl, propyl, butyl, amyl, hexyl, heptyl, or octyl esters of fumaric acid in adhesives in articles contacting food.

Dated: August 22, 1962.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 62–8653; Filed, Aug. 28, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 288]

[Docket No. 13970]

EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS

Proposed Minimum Cabin Loads for DC–8 Aircraft and Reporting of Total Revenues for Each Charter Trip Operated

AUGUST 24, 1962.

Notice is hereby given that the Civil Aeronautics Board is proposing amendments to Part 288 of its Economic Regulations which (1) establish minimum cabin loads for the DC–8 aircraft, and (2) require air carriers to report their total revenues for each charter trip operated.

The principal features of the proposed amendments are explained below in the

explanatory statement and these amendments are set forth below in the proposed rules. These rules are proposed under authority of sections 204(a), 407, and 416 of the Federal Aviation Act of 1958; (72 Stat. 743, 766, 771; 49 U.S.C. 1324, 1377, 1386).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before September 27, 1962, will be considered by the Board before taking final action on the proposed rules.

Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. Part 288 of the Board's Economic Regulations, 14 CFR Part 288, exempts air carriers, subject to certain conditions, limitations and requirements, from sections 401 and 403 of the Federal Aviation Act of 1958, to enable air carriers to perform certain charter services for the Military Air Transport Service (MATS) on short notice.

The Board is proposing herein two amendments to Part 288: (1) an amendment to § 288.7(b) which establishes minimum loads for the DC–8 aircraft; and (2) an amendment to § 288.8 which requires air carriers engaged in charter services pursuant to Part 288 to report to the Board total revenues received from each charter trip operated.

Section 288.7(b) of Part 288 sets forth the minimum aircraft loads to which the minimum charges contained in § 288.7 (a) are applied in determining whether an air carrier qualifies for the exemption contained in Part 288. Since DC–8 aircraft have not been used in short notice military charter services, no minimum loads were previously established in Part 288 for this type of aircraft.[1] The Board has been advised, however, that in the near future DC–8 aircraft will be used in such military charter operations. In view of the foregoing the Board proposes to establish the following minimum loads for the DC–8 aircraft:

For DC–8 aircraft of the 51 series, or any similar series, the Board proposes a minimum of 147 passengers. Since this particular series of DC–8 aircraft is not normally employed in a cargo configuration, no all-cargo or convertible cargo minima are proposed. The Board compared the configuration chart of the DC–8 with the configuration chart of the B–707, and found that the DC–8 passenger compartment is approximately 70 inches shorter than the B–707. Applying a 38-inch seat pitch, which is required by MATS, and six abreast seating to the passenger compartment, the Board is of the view that a 147 passenger minimum, or 12 less passengers than the 159 passenger minimum established for B–707 aircraft, is reasonable. With respect to the larger DC–8F, the Board proposes the following minima: 159 passengers, 23 tons of cargo when used in convertible service, and 28 tons of cargo when used in all-cargo service. These minima are identical to the minima established in Part 288 for the B–707, an aircraft which has a comparable cabin compartment.

Under the currently effective reporting provisions of § 288.8 there is no requirement that carriers report to the Board total revenues received for each charter trip conducted pursuant to Part 288. The Board believes that such information is essential in order for it to be fully appraised, and maintain a check, of an air carrier's military charter operations. Since this information is readily available to management, the reporting burden will be minimal. Accordingly, the Board proposes an amendment to § 288.8 to require the filing of such information.

In view of the foregoing, the Board proposes the following amendments to Part 288 of its Economic Regulations:

1. Amend paragraph (b) of § 288.7 by adding under the appropriate column headings the following:

Aircraft types	Number of passengers	Tons of cargo for convertible aircraft	Tons of cargo for all-cargo aircraft
DC–8, Series 51 or similar series	147		
DC–8F or similar series	159	23	28

2. Amend paragraph (a) of § 288.8 by adding a new subparagraph (8) to read:

(8) Total revenues received for each trip operated.

[F.R. Doc. 62–8681; Filed, Aug. 28, 1962; 8:54 a.m.]

[1] In Order E–18407, dated June 5, 1962, the Board granted an exemption to Trans Caribbean Airways, to conduct with DC–8 aircraft military charter operations pursuant to a "call contract" with MATS.

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 62–WA–82]

POSITIVE CONTROL AREA

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 601.9011 of the regulations of the Administrator, the substance of which is stated below.

The Chicago/Indianapolis positive control area encompasses the approximate area of radar coverage of the Chicago, Ill., Indianapolis, Ind., London, Ohio, Detroit, Mich., Cleveland, Ohio, and Buffalo, N.Y., long range radars extending from 24,000 feet MSL to flight level 600. Primary and secondary radar returns from the Pittsburgh, Pa. (Oakdale), radar system are now available in the Cleveland, Ohio, Air Route Traffic Control Center. In keeping with the policy of providing positive control where practical the FAA has under consideration the lateral expansion of the Chicago/Indianapolis positive control area by adding the area defined as follows:

That airspace within the continental control area, from flight level 240 to and including flight level 600 bounded by a line beginning at latitude 40°55'30'' N., longitude 78°27' W.; thence to latitude 40°51' N., longitude 78°02'30'' W.; thence to latitude 40°20' N., longitude 77°35' W.; thence to latitude 40°12' N., longitude 77°35' W.; thence to latitude 39°54' N., longitude 77°31'30'' W.; thence to latitude 39°51' N., longitude 77°56' W.; thence to latitude 39°49' N., longitude 78°03'30'' W.; thence to latitude 39°34' N., longitude 78°58' W.; thence to latitude 39°17'30'' N., longitude 79°51' W.; thence to latitude 40°15' N., longitude 78°25' W.; thence to latitude 40°45' N., longitude 78°35' W.; thence to the point of beginning.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 23, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–8634; Filed, Aug. 28, 1962; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55693]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Restrictions on the Entry or Withdrawal From Warehouse

AUGUST 22, 1962.

To collectors of customs and others concerned:

There is published below a letter of August 14, 1962, from the Interagency Textile Administrative Committee, recommending and requesting the taking of specified action relating to certain cotton textiles and cotton textile products produced or manufactured in Portugal which were exported from Portugal on or after a certain date.

Accordingly, it is hereby ordered that cotton textiles and cotton textile products produced or manufactured in Portugal included in Category 2 and exported from Portugal on or after August 20, 1962, shall not be permitted to be entered for consumption, or withdrawn from warehouse for consumption, at any port of entry in the United States (including the Commonwealth of Puerto Rico). The category involved is described in detail in the attached "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories," attached to the aforesaid letter. This order is not applicable to samples which would otherwise be eligible for duty-free importation pursuant to title 19, United States Code, section 1201, paragraph 1821(b). The procedures set forth in §§ 12.70 to 12.73 of the Customs Regulations, governing importations of restricted textiles, are applicable to importations of merchandise affected by this decision.

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

THE ASSISTANT SECRETARY OF COMMERCE,

THE INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE,

Washington 25, D.C., August 14, 1962.

Hon. C. DOUGLAS DILLON,
The Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: In accordance with the letter of March 16 to you from the President of the United States delegating authority under certain parts of Section 204 of the Agricultural Act of 1956 and in accordance with the authority granted to the Interagency Textile Administrative Committee in that letter, the Interagency Textile Administrative Committee recommends and requests, in accordance with Article IA of the Arrangements Regarding International Trade in Cotton Textiles done at Geneva July 21, 1961, that you take the actions listed below to prevent disruption or threatened disruption of the markets of listed textile products in the United States. These Arrangements were concluded under authority of Section 204 of the Agricultural Act of 1956 on a multilateral basis by countries accounting for a significant part of the world trade in cotton textiles and cotton textile products.

Actions Recommended and Requested

Cotton textiles and cotton textile products included in Category 2, produced or manufactured in Portugal and exported therefrom on or after August 20, 1962, shall be refused entry into the United States for consumption.

The products included in Category 2 are described in detail in the attached "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories." The foregoing restraint should not be made applicable to samples otherwise eligible for duty-free importation pursuant to paragraph 1821 of Section 1201 of Title 19 of the United States Code. Furthermore, in carrying out the above-described recommendations, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

This recommendation was arrived at on the 27th day of July 1962 by unanimous vote of the Interagency Textile Administrative Committee.

Sincerely yours,

HICKMAN PRICE, JR.,
Chairman.

AUGUST 15, 1962.

Enclosure.

SCHEDULE A AND U.S.I.D.A. COMPONENTS OF SELECTED INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORIES

Category	Schedule A No.	U.S.I.D.A. No.
2. Cotton yarn, plied, carded, not ornamented, etc.	3021 200	**0901 31

**The last two digits represent yarn number groups (e.g., *05* represents yarn numbers 1 through 5; *30* represents yarn numbers 26 through 30; *90* represents yarn numbers from 81 through 90, etc.).

[F.R. Doc. 62–8683; Filed, Aug. 28, 1962; 8:56 a.m.]

Comptroller of the Currency

MAHONING NATIONAL BANK OF YOUNGSTOWN AND FIRST STATE BANK

Notice of Decision Granting Application To Purchase Assets

In order to prevent the probable failure of The First State Bank, North Lima, Ohio, which had been declared to be in an emergency situation by Superintendent of Banks R. H. Willett, The Mahoning National Bank of Youngstown, Youngstown, Ohio, had applied to the Comptroller of the Currency for permission to purchase assets and assume the deposit liabilities of The First State Bank.

On August 17, 1962, the Acting Comptroller of the Currency, because of the emergency nature of the situation and in order to protect the depositors, creditors and shareholders of The First State Bank, granted this application effective at the close of business, Saturday, August 18, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 23, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62–8684; Filed, Aug. 28, 1962; 8:56 a.m.]

PEOPLES UNION BANK AND TRUST CO. AND BANK OF GLASSPORT

Notice of Report on Competitive Factors Involved in Merger Application

On August 18, 1962, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested that the Comptroller of the Currency report on the competitive factors involved in the proposed merger of the $123 million Peoples Union Bank and Trust Company, McKeesport, Pennsylvania, with the $6 million Bank of Glassport, Glassport, Pennsylvania, under the charter and title of the former.

On August 22, 1962, the Comptroller of the Currency reported that the proposed merger would bring directly to the residents of Glassport trust services and installment lending, not presently available, and would solve a serious management problem facing the Glassport bank. He concluded that the effect of the proposed merger would not be unfavorable.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 23, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62–8685; Filed, Aug. 28, 1962; 8:56 a.m.]

Foreign Assets Control

IMPORTATION OF DUCK PRODUCTS (DRIED AND CANNED) DIRECTLY FROM KOREA

Available Certifications by the Republic of Korea

Notice is hereby given that certificates of origin issued by the Ministry of Commerce and Industry of the Republic of Korea under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through

bill of lading, from Korea of the following additional commodity:

Duck products, dried and canned

[SEAL] MARGARET W. SCHWARTZ,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 62-8720; Filed, Aug. 28, 1962; 8:56 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE, INSTALLATIONS AND LOGISTICS, ET AL.

Delegation of Authority Regarding Reserve Forces Facilities

The Deputy Secretary of Defense approved the following delegation of authority August 20, 1962.

REFS.: (a) Chapter 133, Title 10, United States Code, as amended.

(b) Title VII of Public Law 87-554 and subsequent Acts authorizing facilities for the Reserve Forces; and unexpired and unrepealed provisions of the Reserve Forces Facilities Acts of 1958, 1959, 1960, and 1961 until they are repealed or otherwise expire.

(c) DoD Directive 1225.2, "Policies Governing the Contribution of Federal Funds to the States Under Chapter 133, Title 10, United States Code—Facilities for Reserve Components."

I. *Delegation.* By virtue of the authority vested in the Secretary of Defense by section 2233(c) of reference (a), there are hereby delegated to the following officers of the Department of Defense, with authority to redelegate, the authority conferred by references (a) and (b), and as may be similarly provided by future statutes, to take the respective specific actions indicated herein:

A. To the Assistant Secretary of Defense (Installations and Logistics)—

1. To make, on behalf of the Secretary of Defense, the determinations prescribed by sections 2233 and 2234 of reference (a), except the determinations prescribed by section 2234(1);

2. To consult with the Armed Services Committees of the Congress as prescribed by reference (a);

3. To approve projects and programs of facilities authorized by references (a) and (b), and to make such notifications to the Congress as are required thereby;

4. To issue instructions to the Secretaries of the military departments to govern the administration of references (a) and (b) in accordance with policies prescribed by the Secretary of Defense; and

5. To issue policy guidance for development of criteria, standards and other guidelines governing the administration of references (a) and (b), by the Secretaries of the military departments, to approve and establish such criteria, standards and other guidelines, and to effect the necessary surveillance of activities undertaken pursuant to references (a) and (b).

B. To the Assistant Secretary of Defense (Manpower)—To make, on behalf of the Secretary of Defense, the determinations prescribed by section 2234(1) of reference (a). Proposed projects, including statements regarding reserve manpower potential, shall be referred to the Assistant Secretary of Defense (M) by the Assistant Secretary of Defense (I&L) for the making of such determinations.

C. To the Secretary of the Army, the Secretary of the Navy and the Secretary of the Air Force, with respect to facilities for the Reserve Components under their respective jurisdictions—

1. To take action necessary to provide for the acquisition of approved facilities to be Federally owned or controlled including the development of plans and specifications therefor, as authorized by section 2233(e) of reference (a).

2. To negotiate and execute agreements with the States for those approved facilities which are to be provided from Federal contributions under sections 2233(a)(2), 2233(a)(3), and 2233(a)(4) of reference (a), in accordance with the policies prescribed by reference (c), and to take such action for the Federal Government as may be provided for in such agreements, including enforcement of the terms thereof;

3. To perform the inspection of, and to approve for final acceptance upon completion, facilities provided from Federal contributions under sections 2233(a)(2), 2233(a)(3), and 2233(a)(4) of reference (a); and

4. To make expenditures of appropriated funds for (a) the acquisition of approved facilities and (b) contributions to States for approved facilities, subject to fiscal controls otherwise prescribed.

NOTE: The term "acquisition" is used herein in the broad sense contemplated by section 2231(1) of reference (a), encompassing purchase, lease, transfer, construction, expansion, rehabilitation, and conversion of facilities.

II. *Cancellation.* Delegation of Authority published at 24 F.R. 4890, 16 June 1959, is hereby superseded and cancelled.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 62-8650; Filed, Aug. 28, 1962; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Ports of Entry for Aliens Arriving by Aircraft

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed:

The list of airports in District No. 10—St. Paul, Minn., of subparagraph (3) *Ports of entry for aliens arriving by aircraft* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended by adding "Williston, N. Dak., Sloulin Field (Municipal)" at the end thereof and by deleting "Baudette, Minn., Baudette Municipal Airport" and inserting "Baudette, Minn., Baudette International Airport" in lieu thereof.

Dated: August 22, 1962.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 62-8611; Filed, Aug. 28, 1962; 8:56 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 22, 1962.

Notice of an application, Serial Number A. 040688 (see A. 036257) for withdrawal and reservation of lands was published as F.R. Doc. 58-2198 on page 2011 of the issue for March 26, 1958. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on September 12, 1962, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

SEWARD MERIDIAN

T. 19 N., R. 2 E. (unsurveyed),
Section 1: All.
T. 20 N., R. 2 E. (unsurveyed),
Section 12: E½E½;
Section 13: E½NE¼, SE¼;
Section 24: E½, E½SW¼;
Section 25: E½, E½NW¼, SW¼;
Section 36: All.
T. 20 N., R. 3 E. (unsurveyed),
Section 6: W½E½, W½;
Section 7: W½E½, W½;
Section 18: W½NE¼, W½;
Section 19: NW¼, W½SW¼;
Section 30: W½NW¼.
T. 21 N., R. 2 E. (unsurveyed),
Section 25: NW¼SW¼, S½S½;
Section 26: NE¼SE¼;
Section 36: E½NE¼, NW¼NE¼.
T. 21 N., R. 3 E., (unsurveyed),
Section 31: W½.

Containing approximately 5,000 acres.

ROBERT J. COFFMAN,
Chief, Division of Lands and
Minerals Management.

[F.R. Doc. 62-8638; Filed, Aug. 28, 1962; 8:48 a.m.]

[Classification No. 63-1]

OREGON

Small Tract Opening

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby classify the following described lands, totaling 84.31 acres in Jackson County, Oregon, as suitable for sale under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682A) as amended:

WILLAMETTE MERIDIAN, OREGON

T. 37 S., R. 2 W.,
Sec. 31: Lots 7, 8, 11, 12, 14, 15, 16, 22, 24, 25, 26, 27, 29, 30, 31 and 32.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing law. There are no preference right applications as provided by 43 CFR 257.5.

3. The lands lie 1½ miles west to southwest of Jacksonville and about 6 miles west to southwest of Medford, Oreg., in what is locally known as Kanaka Flats. These lots are accessible via Oregon Highway No. 238, which bisects some of the lots. The nearest community is Jacksonville. The terrain is level to moderately rolling. Vegetation consists of a growth of grasses, forbs, Oregon oak, ceanothus, manzanita, madrona and other shrubs, along with a scattered stand of ponderosa pine and Douglas fir. The source of water for domestic use is obtained by drilling wells. Electric power and telephone facilities are available from lines which traverse the area. The highest and best use of these lots is for residential purposes because of their accessibility to Medford, which is the central trade and manufacturing center of Jackson County with a population of 25,000. The Jacksonville community is a part of the Medford area in which the principal industries are lumbering, agriculture in the form of mixed farm and small ranches, and the tourist industry.

4. The individual tracts vary in size from 5 to 6.38 acres. An unofficial plat of survey showing the approximate location of each tract within the area classified may be obtained by writing the Manager, Land Office, 710 Northeast Holladay, Portland 12, Oregon. The appraised value of the tracts varies from $650.00 to $750.00 per tract as shown below. The lots will be sold subject to rights-of-way of record. These rights-of-way include electrical transmission lines and a Federal Aid Highway. A reservation will also be made for rights-of-way for road purposes and public utilities located alongside those lots indicated below. All minerals in the land are reserved to the United States.

WILLAMETTE MERIDIAN, OREGON
T. 37 S., R. 2 W., Sec. 31

Lot No.	Acres	Sides with road R/W reservation	Appraised value minimum bid
7	5.00	25 ft. south	$750
8	5.00		750
11	5.75		750
12	5.74		750
14	5.73	25 ft. east	750
15	5.00	25 ft. north and west	750
16	5.00	60 ft. east, north of highway No. 238	750
22	5.71	25 ft. east and south as to easterly 342.5 ft.	750
24	5.00		750
25	5.00		650
26	5.00		650
27	5.00	25 ft. north and west	750
29	6.38		750
30	5.00		750
31	5.00		650
32	5.00		650

5. The above-described units will be sold at public auction at a public sale to be held at the Bureau of Land Management Warehouse Area, Armory Drive, Medford, Oreg. (Warehouse is in vicinity of the Bureau of Land Management District Office, which is located at 1133 South Riverside), beginning at 10:30 a.m., Pacific standard time, on September 19, 1962. Bids may be made personally by the bidder or his agent at the sale or may be mailed. Bids sent by mail will be considered only if received at the Portland Land Office, Bureau of Land Management, prior to 3:00 p.m. on September 14, 1962. (See mailing address below.) No sealed bid will be accepted if it is less than the appraised value of the tract. A list of the highest bids received for each lot will be posted for public inspection at the sale. Oral bidding will be in increments to be announced at the sale. See Paragraph 4 above for appraised values.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. Each bid sent by mail must clearly show (a) the name and the mailing address of the bidder, (b) Classification No. 63-1, and (c) the lot number for which the bid is made, described in accordance with Paragraph 4 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order, or bank draft for the amount of the bid made payable to the Bureau of Land Management. All unsuccessful bids will be promptly returned after the sale. Bids for separate lots must be enclosed in a separate envelope but payment need accompany only the highest bid, provided all other bids designate the envelope containing the payment. Each envelope must be addressed to the Manager, Land Office, Bureau of Land Management, 710 Northeast Holladay, Portland 12, Oregon, show the sender's name and address in the upper left hand corner, and must carry on its reverse the following information and nothing else: (a) Classification No. 63-1, September 19, 1962, (b) the number of the lot for which the bid is made, described in accordance with Paragraph 4 of this order.

8. Each lot will be awarded to the highest qualified bidder. If the highest bid is oral, the bidder will be required to make payment for the lot at the close of bidding and a personal check will be acceptable for that purpose. Any person who is declared high bidder for any lot will automatically be disqualified from consideration for other lots at the sale, unless he is an agent acting for one or more persons.

9. Any lots not sold when offered in the course of bidding (and on which no qualifying mailed bid has been received) will be reoffered at public auction upon the motion of any qualified bidder beginning at 10:30 a.m., Pacific standard time, September 26, 1962 at Bureau of Land Management, Land Office, 710 Northeast Holladay, Portland 12, Oreg. The remaining lots will continue to be subject to nomination and auction at that place each succeeding Wednesday at 10:30 a.m. (except holidays) until all tracts are sold or until the termination of the sale March 14, 1963.

Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 710 Northeast Holladay, Portland 12, Oregon.

Dated: August 21, 1962.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 62-8658; Filed, Aug. 28, 1962; 8:45 a.m.]

Office of the Secretary

JOHN L. McNEALEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Delete TXL Oil Corporation.
(3) No change.
(4) No change.

This statement is made as of August 17, 1962.

Dated: August 17, 1962.

JOHN LAWRENCE MCNEALEY.

[F.R. Doc. 62-8640; Filed, Aug. 28, 1962; 8:48 a.m.]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 16, 1962.

Dated: August 16, 1962.

CHARLES W. WATSON.

[F.R. Doc. 62-8651; Filed, Aug. 28, 1962; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13900]

ASSOCIATED AIR TRANSPORT, INC.

Notice of Oral Argument

Application for Interim Certification under Public Law 87-528.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 11, 1962, at 2:30 p.m., e.d.s.t., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., before the Board.

Associated Air Transport, Inc., will be allotted one hour for the presentation of its argument. The Bureau of Economic Regulation and air carriers opposing the grant of this authority will be allotted a total of one hour for argument. These parties will be expected to divide the one hour allotted to them and to notify this office not later than September 6, 1962, of the allocation and name of the representative who will present the argument. Counsel for Associated Air Transport, Inc., may reserve not to exceed one-quarter of its allotted time for rebuttal.

Dated at Washington, D.C., August 24, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8677; Filed, Aug. 28, 1962; 8:53 a.m.]

[Docket 13809]

BRANIFF AIRWAYS, INC., AND CONTINENTAL AIR LINES, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 25, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., August 24, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8678; Filed, Aug. 28, 1962; 8:53 a.m.]

[Docket 13898]

PARAMOUNT AIRLINES, INC.

Notice of Oral Argument

Application for Interim Certification under Public Law 87-528.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 11, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the Board.

Paramount Airlines, Inc., will be allotted one hour for the presentation of its argument. The Bureau of Economic Regulation and air carriers opposing the grant of this authority will be allotted a total of one hour for argument. These parties will be expected to divide the one hour allotted to them and to notify this office not later than September 6, 1962, of the allocation and name of the representative who will present the argument. Counsel for Paramount Airlines, Inc., may reserve not to exceed one-quarter of its allotted time for rebuttal.

Dated at Washington, D.C., August 24, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8679; Filed, Aug. 28, 1962; 8:53 a.m.]

[Docket 13203 etc.; Order No. E-18732]

AMERICAN AIRLINES, INC., ET AL.

Reduced Freight Rates; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of August 1962 in the matter of reduced freight rates proposed by American Airlines, Inc., Continental Air Lines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

Proposals effecting rate reductions were filed by American Airlines, Inc., Trans World Airlines, Inc. and United Air Lines, Inc. in tariffs marked to be effective August 29, 1962,[1] and by Continental Air Lines, Inc., effective August 30, 1962. The proposals apply to eastbound rates on selected commodities[2] from Los Angeles and/or San Francisco to important midwest and/or eastern markets. With one exception,[3] all filings are to expire, by their terms, on August 16, 1963. No complaint has been filed against these tariffs.

Each of the proposals is equivalent to rates in effect for The Flying Tiger Line Inc. (Tiger). However, certain of Tiger's rates (viz., selected rates on radios, electronic machines and designated types of office machines) are under investigation in The Flying Tiger Line Rate Cases, Docket 13203, et al. Upon consideration of all relevant matters, the Board finds that the current proposals that are identical to the foregoing rates in effect for Tiger and now under investigation may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and that they should be investigated. The investigation will be consolidated with that pending in the foregoing docket.

In view of the low level of the foregoing proposals and the fact that they typically meet rates which were put into effect for experimental purposes,[4] it is essential to ascertain the traffic and revenue experience from the rates filed. These would include both rates set for investigation as well as others. We have instructed our staff to arrange with the carriers for appropriate reporting procedures in this regard. This will enable the Board to monitor the results on a reasonably current basis and, in addition, have data available for use in the investigation and in case the issue of suspension is presented in connection with extension of the rates beyond the present expiry dates.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions for the commodities and markets described in Appendix A hereto,[5] including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions.

2. This investigation is consolidated with the proceeding entitled The Flying Tiger Line Rate Cases, Docket 13203, et al.

3. Copies of this order shall be served upon American Airlines, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., and United Air Lines, Inc., and upon all other parties in Docket 13203, et al., and upon Continental Air Lines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 62-8680; Filed, Aug. 28, 1962; 8:53 a.m.]

[1] One rate is to be effective September 1, 1962.

[2] Drugs and medicines, electronic machines, selected types of office machines, personal effects (originating under Government Bills of Lading), and radios.

[3] The exception is the rates proposed by Continental on electronic machines from Los Angeles to Chicago, which have no expiry dates.

[4] These are the rates which Tiger was permitted by the Board to put into effect on August 17, 1962, for a period not to exceed one year (Order E-18701, adopted August 14, 1962). A number of these rates were set for investigation under Docket 13203, et al., as indicated above. The Board's order provided for Tiger to report traffic and revenue data reflecting its experience from the rates thus put into effect.

[5] Appendix A filed as part of original document.

FEDERAL MARITIME COMMISSION

BLUE FUNNEL LINE AND BARBER-FERN-VILLE LINES

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8767-1, between the carriers comprising the Blue Funnel Line and the carriers comprising the Barber-Fern-Ville Lines, operating under approved joint service agreements 7568 and 8512, respectively, modifies the basic agreement (8767) which covered a through billing arrangement for the transportation of cargo between ports in Western Australia called at by Blue Funnel Line and ports on the Atlantic Coast of the United States of America called at by Barber-Fern-Ville Lines with transshipment at the port of Singapore. The purpose of this modification is to provide for the transportation of cargo from ports in Western Australia called at by the originating carrier, Blue Funnel Line, to Atlantic and Gulf ports of the United States of America called at by the delivering carrier, Barber-Fern-Ville Lines, with transshipment at the port of Singapore.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 10 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8674; Filed, Aug. 28, 1962; 8:55 a.m.]

[No. 1068]

LEEWARD & WINDWARD ISLANDS & GUIANAS CONFERENCE

General Increase in Rates in Atlantic/Gulf U.S. Virgin Islands Trade

It appearing, that there have been filed with the Federal Maritime Commission various tariff schedules naming increases in freight rates from Atlantic and Gulf ports in the United States to ports in the U.S. Virgin Islands to become effective August 20, 1962, designated as follows:

LEEWARD & WINDWARD ISLANDS & GUIANAS CONFERENCE

SOUTHBOUND TARIFF VS-5, FMC-F NO. 9

C. D. MARSHALL, AGENT

Tariff Pages

19th Revised Page 6.
20th Revised Page 6.
7th Revised Page 10.
11th Revised Page 11.
8th Revised Page 12.
5th Revised Page 13.
3d Revised Page 14.
14th Revised Page 15.
5th Revised Page 16.
11th Revised Page 17.
3d Revised Page 18.
11th Revised Page 19.
4th Revised Page 20.
7th Revised Page 21.
4th Revised Page 22.
6th Revised Page 23.

and

It further appearing, that a protest has been received petitioning the Commission to suspend said increases; and

It further appearing, that upon consideration of the said schedules, statements in support thereof, and protest made thereto, there is reason to believe that the said schedules, if permitted to become effective would result in rates, charges, rules, regulations, classifications or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the Commission is of the opinion that the new rates, charges, rules, regulations, classifications, and practices should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of said schedules should be suspended, pending such investigation:

Now therefore it is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, charges, rules, regulations, classifications, and practices contained in the said tariff schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That the rate increases published in the aforementioned tariff schedules, as well as "Item 6" published on 19th and 20th Revised Pages No. 6 be, and they are hereby, suspended, and that the use thereof be, and it is hereby, deferred to and including December 19, 1962, unless otherwise authorized by the Commission, and that the rates, charges, rules, regulations, classifications, and practices heretofore in effect, and which were to be changed by the suspended matter, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by the Leeward & Windward Islands & Guianas Conference, C. D. Marshall, Agent, a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid matter is suspended and may not be used until 20th day of December 1962, unless otherwise authorized by the Commission; and that the matter heretofore in effect, and which was to be changed by the suspended matter, shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That all revisions of the said tariff schedules subsequently filed by the respondent in this proceeding, shall be, and they are hereby, placed under investigation in this proceeding; and

It is further ordered, That copies of this order shall be filed with the said tariff in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced, to receive evidence in this proceeding, which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) Leeward & Windward Islands & Guianas Conference, C. D. Marshall, Agent, be and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon protestant and respondent herein; (IV) the said respondent and protestant be duly notified of the time and place of the hearing ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

By order of the Commission August 16, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8675; Filed, Aug. 28, 1962; 8:54 a.m.]

LORETZ & CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916.

Agreement No. 8949 is between Loretz & Company of Los Angeles (with offices in San Francisco and Houston), and Pace Shipping Co., Inc. of New York. Agreement No. 8973 is between Loretz & Company and Lusk Shipping Company, Inc. of New Orleans. All three parties are eligible, as independent ocean freight forwarders, to carry on the business of forwarding pursuant to section 44, Shipping Act, 1916.

The agreements, as originally filed, were not specific as to how the parties would divide ocean freight brokerage. In compliance with the request of the Bureau of Domestic Regulation, revised agreements were submitted.

The terms of the revised agreements are identical. Each sets forth the terms of the cooperative working arrangement under which the parties will perform freight forwarding services for each other. Forwarding fees and ocean freight brokerage are to be divided between the parties as agreed on each transaction.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Washington 25, D.C., or at the Commission's field offices at:

45 Broadway, New York 4, N.Y.
New Federal Building, 701 Loyola Street, New Orleans, La.
180 New Montgomery Street, San Francisco, Calif.

They may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements, and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 24, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8675; Filed, Aug. 28, 1962; 8:55 a.m.]

LORETZ & CO. AND SCHENKERS INTERNATIONAL FORWARDERS, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8931, between Loretz & Company, Los Angeles, and Schenkers International Forwarders, Inc., New York, is a nonexclusive cooperative working arrangement. Forwarding fees on each transaction are subject to negotiation according to services to be performed; ocean freight brokerage is to be divided on shipments handled by one party for the other. The agreement will remain in force unless one party notifies the other in writing of its desire to terminate.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., or at the Commission's field offices at:

45 Broadway, New York 4, N.Y.
701 Loyola Street, New Federal Building, New Orleans, La.
180 New Montgomery Street, San Francisco, Calif.

They may submit, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: August 24, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8676; Filed, Aug. 28, 1962; 8:55 a.m.]

NORTHERN COMMERCIAL COMPANY RIVER LINES

General Increase in Rates in Yukon River Area of Alaska

Whereas, by order dated January 15, 1962, the Commission entered into an investigation concerning the lawfulness of specified Alaska Steamship Company tariff schedules and suspended the operation of said schedules to and including May 17, 1962 (Docket No. 969); and

Whereas, the Northern Commercial Company River Lines has recently filed a new tariff designated Tariff No. 3-H, FMC-F. No. 45, applicable only in connection with Alaska Steamship Company, which names generally increased rates between Seattle and Tacoma, Washington, on the one hand and points along the Yukon River in Alaska, on the other; and

Whereas, it appears that the full percentage of increase published in the Northern Commercial Company River Lines tariff accrues in its entirety to Alaska Steamship Company; and

Whereas, the Commission is of the opinion that said tariff should be made the subject of a public investigation and hearing to determine whether the new rates, charges, classifications, rules, regulations, and practices named therein are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended;

Now therefore it is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, charges, classifications, rules, regulations, and practices contained in the said new tariff, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That all revisions of rates and/or other provisions published in the aforementioned new tariff subsequently filed by the Northern Commercial Company River Lines in this proceeding shall be, and they are hereby placed under investigation in this proceeding; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced by the Chief Examiner, to receive evidence in this proceeding, which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) Northern Commercial Company River Lines and Alaska Steamship Company be, and they are hereby, made respondents in this proceeding; (III) a copy of this order shall forthwith be served upon the Northern Commercial Company River Lines and Alaska Steamship Company (IV) the respondents be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

By order of the Commission, August 23, 1962.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 62-8672; Filed, Aug. 28, 1962; 8:54 a.m.]

FEDERAL RESERVE SYSTEM

LAWRENCE SAVINGS AND TRUST CO.

Order Approving Acquisition of Bank's Assets

In the matter of the application of Lawrence Savings and Trust Company for approval of acquisition of assets of First National Bank in Wampum.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Lawrence Savings and Trust Company, New Castle, Pennsylvania, a member bank of the Federal Reserve System, for the Board's prior consent to its acquisition of the assets and assumption of the liabilities of First National Bank in Wampum, Wampum, Pennsylvania, and, as an incident thereto, Lawrence Savings and Trust Company has applied, under section 9 of the Federal Reserve Act, for the Board's prior approval of the establishment of a branch by that bank at the present location of First National Bank in Wampum. Notice of the proposed acquisition of assets and assumption of liabilities, in form approved by the Board of Governors, has been published pursuant to said Bank Merger Act.

Upon consideration of all relevant material, including the reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed transaction,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said applications be and hereby are approved, provided that said acquisition of assets and assumption of liabilities and establishment of a branch shall not be consummated (a) within seven calendar days following the date of this Order, or (b) later than three months after said date.

Dated at Washington, D.C., this 22d day of August 1962.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 62-8670; Filed, Aug. 28, 1962; 8:53 a.m.]

STATE-PLANTERS BANK OF COMMERCE AND TRUSTS

Order Approving Merger of Banks

In the matter of the application of State-Planters Bank of Commerce and Trusts for approval of merger with The Suburban Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by State-Planters Bank of Commerce and Trusts, Richmond, Virginia, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of that Bank and The Suburban Bank, Henrico County (Richmond), Virginia, under the charter and title of the former, the head office and two branches of The Suburban Bank to be operated as branches of State-Planters Bank of Commerce and Trusts. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said publication be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 22d day of August, 1962.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 62-8671; Filed, Aug. 28, 1962; 8:53 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Cleveland.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Robertson, Shepardson, and King. Absent and not voting: Governor Mitchell.

FEDERAL POWER COMMISSION

[Docket No. CP62-121]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Motion To Amend

AUGUST 27, 1962.

Take notice that on July 23, 1962, Natural Gas Pipeline Company of America (Movant), 122 South Michigan Avenue, Chicago 3, Ill., filed in Docket No. CP62-121 a motion to amend the order in said docket issued on May 18, 1962, to authorize construction and operation of either approximately 15 miles of 8-inch pipeline or approximately 15 miles of 10-inch pipeline in Jim Hogg and Zapata Counties, Tex., in lieu of the 6-inch pipeline presently authorized, and also to authorize the installation of 880 BHP in lieu of the 660 BHP presently authorized for the Stephens County, Oklahoma, booster compressor station, all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

Movant states that it has contracted for the purchase of 10,000 Mcf of natural gas per day from Skelly Oil Company and Amerada Petroleum Corporation in the Los Mogotes Field in Zapata County, Tex., and that if these producers receive authorization to make the sales, Movant will need 15 miles of 10-inch pipeline in lieu of the presently authorized 15-mile 6-inch Escobas lateral. If, however, the producers do not receive the required Commission authorization for such sales, then Movant requests authorization to construct and operate an 8-inch line in lieu of the presently authorized 6-inch line in order to permit increased takes from the Escobas Field.

Movant further states that since the filing of the application in this proceeding it has been determined that 880 BHP should be installed in the proposed Stephens County booster station in lieu of the 660 BHP presently authorized in order to provide added flexibility of operation and to accommodate operation of the station to anticipated varying pipeline pressure conditions.

Movant estimates the increased costs to be either $64,450 or $169,750, depending on whether 8-inch or 10-inch pipe is used in the Escobas lateral. These costs consist of $27,000 for the increased compressor horsepower and $37,450 for the 8-inch line or $142,750 for the 10-inch line.

Protests, requests for hearing, or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 13, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8746; Filed, Aug. 28, 1962; 10:32 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, and King. Absent and not voting: Governors Robertson and Mitchell.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

AUGUST 23, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 24, 1962, through September 2, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8642; Filed, Aug. 28, 1962; 8:49 a.m.]

[File No. 24D-2260]

AMERICAN BERYLLIUM & OIL CORP.

Notice and Order for Hearing

AUGUST 23, 1962.

I. Great Divide Oil Corporation (issuer), a corporation, filed its notification on October 11, 1957, and its offering circular relating to the offer of 300,000 shares of common stock of a par value of 10 cents per share at an offering price of $1 per share for an aggregate of $300,000 and filed various amendments thereto for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) of the Act and Regulation A thereunder. On July 27, 1961, the company changed its name to American Beryllium & Oil Corporation, Salt Lake Stock Exchange Bldg., Salt Lake City, Utah.

II. The Commission, on July 23, 1962, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest in the matter an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., m.s.t., on October 17, 1962, at the Denver Regional Office of the Commission, 802 Midland Savings Building, 444 17th Street, Denver 2, Colorado, before Sidney Gross, Hearing Examiner, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. The expulsion of Elmer K. Aagaard, president, director, promoter and underwriter, from the National Association of Securities Dealers for conduct contrary to high standards of commercial honor and just and equitable principles of trade.

B. Whether the notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make

the statements made, in the light of the circumstances under which they were made, not misleading, in the failure to disclose in Item 6(c) of the notification the expulsion from membership in the National Association of Securities Dealers.

III. *It is further ordered*, That Sidney Gross, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on American Beryllium & Oil Corporation, that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before October 15, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That American Beryllium & Oil Corporation, pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that American Beryllium & Oil Corporation does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II hereinabove.

Notice is hereby given that if American Beryllium & Oil Corporation fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against American Beryllium & Oil Corporation by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8643; Filed, Aug. 28, 1962; 8:49 a.m.]

[File No. 811-768]

SECURITY CREDIT CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 23, 1962.

Notice is hereby given that Security Credit Corporation ("Applicant"), South 7 Post Street, Spokane, Washington, organized under Washington law and registered as a face-amount certificate investment company has filed an application under section 8(f) of the Investment Company Act of 1940 ("Act") for an order declaring that the Applicant has ceased to be an investment company.

Applicant makes the following representations in its application:

The Applicant registered on March 7, 1957 pursuant to section 8(a) of the Act. Thereafter for a period continuing to on or about June 27, 1957, the Applicant attempted to qualify under the Act as a face-amount certificate company. The Applicant was unable to meet the requirements of the Act and on June 27, 1957, the Board of Directors in Special Meeting unanimously adopted a resolution abandoning the attempt to qualify under the Act. All moneys invested in face-amount certificates issued by Applicant were refunded and the Applicant does not propose to engage in the business of issuing face-amount certificates in the future.

Section 8(f) of the Act provides, in part, that whenever the Commission on its own motion or upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 5, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

SEAL ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8644; Filed, Aug. 28, 1962; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 394]

MINNESOTA

Declaration of Disaster Area

Whereas, it has been reported that during the month of August, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Lake of the Woods County in the State of Minnesota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from hailstorms, high winds and water and accompanying conditions occurring on or about August 8, 1962.

Offices:

Small Business Administration Regional Office,
Lewis Building,
603 Second Avenue South,
Minneapolis 2, Minn.

Small Business Administration Branch Office,
American Life Building, Room 300,
207 North Fifth Street,
Fargo, N. Dak.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1963.

Dated: August 20, 1962.

C. R. LANMAN,
Deputy Administrator.

[F.R. Doc. 62-8645; Filed, Aug. 28, 1962; 8:49 a.m.]

[Delegation of Authority 30-VI-3 (Revision 1)]

ADMINISTRATIVE OFFICER

Delegation Relating to Administrative Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 7), (27 F.R. 6247), there is hereby delegated to the Administrative Officer, the authority:

A. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay not to exceed 30 days for employees under his supervision.

3. To authorize travel other than travel involving a change of official duty station for employees under his supervision.

4. To (a) make emergency purchases chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but not more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

5. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

6. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

7. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

8. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

9. To establish and classify all non-technical positions subject to the Classification Act of 1949, as amended, in grades GS-1 through GS-7.

II. The authority delegated herein cannot be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Administrative Officer.

Effective date: July 10, 1962.

J. G. GARWICK,
Regional Director,
Cleveland Regional Office.

[F.R. Doc. 62-8646; Filed, Aug. 28, 1962; 8:50 a.m.]

[Delegation of Authority 30-XIII-5 (Revision 2)]

BRANCH MANAGER, PORTLAND, OREGON

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 7), (27 F.R. 6247), there is hereby delegated to the Branch Manager, Portland, Oregon, the authority:

A. *Financial assistance.* 1. To approve and decline limited loan participation loans in which SBA's share does not exceed $15,000.

2. To approve and decline small loans in amounts not exceeding $12,000.

3. To approve and decline regular direct business loans in an amount not exceeding $20,000.

4. To approve and decline disaster loans not in excess of $50,000.

5. To approve and decline participation loans in amounts not to exceed $100,000 in which the bank's participation is not less than 25 percent and which otherwise qualify with respect to refunding of bank's existing exposure and "new money."

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By: ----------,
(Name)
Branch Manager.

7. To disburse approved loans.

8. To enter into Disaster Loan Participation Agreements with banks.

9. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

10. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorizations.

12. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

13. To take all necessary actions in connection with the administration, servicing and collection of all loans and other obligations or assets, and to do and to perform, and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, hereby ratifying and confirming all that said Branch Manager shall do or cause to be done by virtue hereof.

B. *Procurement and technical assistance.* 1. To determine joint set-asides for Government procurement and sales.

2. To make original determinations and determinations upon reconsiderations thereof as to which concerns are small business within the meaning of the Small Business Size Standard Regulation, as amended, except authority is not delegated in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractural agreements, unless otherwise authorized; nor is authority delegated for the issuance of Small Business Certificates. This authority is limited to the PTA program.

C. *Administration.* 1. To approve (a) annual and sick leave, except advance annual or sick leave; (b) leave without pay, not to exceed 30 days.

2. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $10 in any one object class in any one instance but not more than $20 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitation set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishing in an amount not to exceed $20 in any one instance.

3. To administratively approve all types of vouchers, invoices, and bills submitted by public creditors of the Agency for articles or service rendered.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The specific authority delegated in subsections B. 2. and C. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager is rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date: May 21, 1962.

WILLIAM S. SCHUMACHER,
Regional Director,
Seattle Regional Office.

[F.R. Doc. 62-8647, Filed, Aug. 28, 1962; 8:50 a.m.]

[Delegation of Authority 30-XIII-20]

CHIEF, FINANCIAL ASSISTANCE SECTION

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Branch Manager, Portland, Oregon, by Delegation of Authority No. 30-

XIII–5 (Revision 2), dated May 21, 1962, there is hereby redelegated to the Chief, Financial Assistance Section, Portland Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve and decline limited loan participation loans in which SBA's share does not exceed $15,000.

2. To approve and decline small loans in amounts not exceeding $12,000.

3. To approve and decline regular direct business loans in an amount not exceeding $20,000.

4. To approve and decline disaster loans not in excess of $50,000.

5. To approve and decline participation loans in amounts not to exceed $100,000 in which the bank's participation is not less than 25 percent and which otherwise qualify with respect to refunding of bank's existing exposure and "new money".

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
(Name)
Chief, Financial Assistance Section.

7. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To take all necessary actions in connection with the administration, servicing and collection of all loans and other obligations or assets, and to do and to perform, and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers.

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

(b) The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, hereby ratifying and confirming all that said Chief, Financial Assistance Section shall do or cause to be done by virtue hereof.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any employee designated as Acting Chief, Financial Assistance Section.

Effective date: May 21, 1962.

JOHN G. BARNETT,
Branch Manager,
Portland Branch Office.

[F.R. Doc. 62–8648; Filed, Aug. 28, 1962; 8:50 a.m.]

[Delegation of Authority 30–XIII–21]

BRANCH COUNSEL

Delegation Relating to Legal Functions

I. Pursuant to the authority delegated to the Branch Manager, Portland, Oregon, by Delegation of Authority No. 30–XIII–5 (Revision 2), dated May 21, 1962, there is hereby redelegated to the Branch Counsel, Portland Branch Office, Small Business Administration, the authority:

A. *Legal.* To disburse all approved loans.

II. The authority delegated herein may not be redelegated.

III. The authority delegated herein may be exercised by an SBA employee designated as Acting Branch Counsel.

Effective date: May 21, 1962.

JOHN G. BARNETT,
Branch Manager,
Portland Branch Office.

[F.R. Doc. 62–8649; Filed, Aug. 28, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 224]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 24, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 83) THE GREYHOUND CORPORATION, 5260 Peachtree Industrial Boulevard, Chamblee, Ga., filed July 13, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From Columbia, S.C., over U.S. Highway 76 (Interstate Highway 126) to junction Interstate Highway 26, approximately 4 miles west of Columbia, S.C., thence over Interstate Highway 26 to junction U.S. Highway 276, thence over U.S. Highway 276 to junction South Carolina Highway 14, at or near Mauldin, S.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a regular service route as follows: From Florence over U.S. Highway 76 via Sumter, S.C., to Columbia, thence over U.S. Highway 176 to junction of U.S. Highway 76, thence over U.S. Highway 76 to Laurens, S.C., thence over South Carolina Highway 14 to junction U.S. Highway 276 at or near Mauldin, thence over U.S. Highway 276 to Greenville, and return over the same route.

No. MC 1501 (Deviation No. 84) THE GREYHOUND CORPORATION, 5260 Peachtree Industrial Boulevard, Chamblee, Ga., filed July 13, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From Columbia, S.C., over U.S. Highway 231 to junction Interstate Highway 26, thence over Interstate Highway 26 to Charleston, S.C., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Columbia, S.C., over U.S. Highway junction U.S. Highway 176, thence over U.S. Highway 176 to junction South Carolina Highway 6, thence over South Carolina Highway 6 to St. Matthews, S.C., thence over U.S. Highway 601 via Stilton, S.C., to Orangeburg, S.C. (also from Stilton over South Carolina Highway 94 to Orangeburg), thence over U.S. Highway 178 to junction U.S. Highway 78, thence over U.S. Highway 78 to junction South Carolina Highway 173, thence over South Carolina Highway 173 to Ridgeville, S.C., thence return over said South Carolina Highway 173 to junction U.S. Highway 78, thence over U.S. Highway 78 to Charleston; From Walterboro, S.C., over South Carolina Highway 64 to junction U.S. Highway 21 via Orangeburg, to junction U.S. Highway 176; From junction U.S. Highway 52 and U.S. Highway 176 North of Charleston over U.S. Highway 176 to junction U.S. Highway 601 two miles Southwest of St. Matthews, and return over the same route.

No. MC 109598 (Deviation No. 7) CAROLINA SCENIC STAGES, 217 North Converse Street, Spartanburg, S.C., filed July 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From junction U.S. Highway 21 and South Carolina Highway 200 over U.S. Highway 21 to junction U.S. Highway 321, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From junction U.S. Highway 21 and South Carolina Highway 200 over South Carolina Highway 200 via Winnsboro, S.C., to junction U.S. Highway 321, thence over U.S. Highway 321 to junction U.S. Highway 21 and return over the same route.

No. MC 110595 Sub-No. 4, (Deviation No. 2) COASTAL STAGES, 217 North Converse Street, Spartanburg, S.C., filed July 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, over a deviation route as follows: From the junction of Interstate Highway 26 and U.S. Highway 17A over Interstate Highway 26 to junction of U.S. Highway 601, also from the junction of Interstate Highway 26 and U.S. Highway 301 over U.S. Highway 301 to Orangeburg, S.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From the junction of Interstate Highway 26 and U.S. Highway 17A to Moncks Corner, S.C., over U.S. Highway 17A, thence from Moncks Corner, S.C., over South Carolina Highway No. 6 to the junction of Squth Carolina Highway No. 6 and South Carolina Highway 33, thence over South Carolina Highway 33 to Orangeburg, S.C., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–8660; Filed, Aug. 28, 1962; 8:51 a.m.]

[Notice 471]

MOTOR CARRIER APPLICATIONS

Call of the Docket

AUGUST 24, 1962.

Opposition to the following applications noticed herein may be accomplished (1) by filing a protest in accordance with § 1.40 of the Commission's general rules of practice within 30 days from the date of this publication in the FEDERAL REGISTER, or (2) by filing a notice of intention to protest in accordance with the provisions of Special Rule 1.241(c)(1) when the date and place of hearing of these applications are subsequently published in the FEDERAL REGISTER.

Notice to the parties. A number of applications filed by passenger carriers, in which oral hearings appear to be required, are pending for motor carrier operating rights in Connecticut, New York, and New Jersey. These applications and the authority sought are listed in the appendix to this notice.

The Commission has become increasingly aware that some of the delays encountered in disposing of proceedings before it are attributable to a traditional liberality in granting requests for postponement of hearings. Such delays lead to additional expense and inconvenience to the other parties in such proceedings as well as to the Government.

Hearings in connection with the applications listed in the appendix will be assigned so as to give sufficient time to all parties to prepare their respective presentations. Accordingly, those participating in these proceedings will be expected to be ready for the hearing on the dates that are assigned and to refrain from requesting any postponement.

Those interested are requested to appear at a calling of the Docket by Chief Examiner James C. Cheseldine, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., on September 18, 1962, at 9:30 o'clock a.m., United States standard time (or, 9:30 o'clock a.m., local daylight saving time, if that time is observed). When the docket is called, an effort will be made with the aid of applicants or their representatives to arrive at dates and places of hearing which the parties will be expected to observe in order that all of the proceedings listed herein can be heard promptly and expeditiously.

No. MC 668 (Sub-No. 85), filed August 14, 1962. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Mahwah, N.J., and New York, N.Y., as follows: From Mahwah over New Jersey Highway 17 to junction New Jersey Highway 3 in Rutherford, N.J., thence over New Jersey Highway 3 to junction Depressed Highway in North Bergen, N.J., thence over Depressed Highway to junction Elevated Highway in Weehawken, N.J., thence over Elevated Highway to the Lincoln Tunnel Plaza, and thence through the Lincoln Tunnel to New York, and return over the same route. RESTRICTION: No service is proposed at intermediate points south of the Rochelle Park-Paramus, N.J., Municipal Line. Note: Applicant states it is already authorized to operate over the above-described route betwen Mahwah, N.J., and New York, N.Y., serving no intermediate points south of the Ramsey-Mahwah, N.J., Municipal Line on New Jersey Highway 17 with respect to traffic transported to or from New York, N.Y., via the Lincoln Tunnel. Applicant further states the purpose of this application is to open its doors on New Jersey Highway 17 between the Mahwah-Ramsey, N.J., Municipal Line and the Paramus-Rochelle Park, N.J., Municipal Line. Common control may be involved.

No. MC 3647 (Sub-No. 327) (AMENDMENT), filed May 23, 1962, published in FEDERAL REGISTER issue of August 1, 1962, republished as amended August 22, this issue. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicles with passengers, between Manhattan and Bronx Boroughs, New York, N.Y. The purpose of this application is to change the present New York City termini set forth in applicant's Present Certificates as "Manhattan, New York, N.Y." and the "Boroughs of Manhattan and Bronx, New York, N.Y." to read New York, N.Y., serving all intermediate points.

NOTE: The purpose of this republication is to set forth the amended application as shown above, and to show that it has been reassigned under the Call of the Docket.

No. MC 115025 (Sub-No. 7), filed July 6, 1962. Applicant: THE SHORT LINE OF CONNECTICUT, INCORPORATED, doing business as THE SHORT LINE, 12 James Street, East Hartford, Conn. Applicant's attorney: John L. Collins, 49 Pearl Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, (1) beginning and ending at Springfield, Hampton County, Mass., Hartford, Hartford County, Meriden, New Haven County, and Wallingford, New Haven County, Conn., and extending to Belmont Race Track, Nassau County, Long Island, N.Y., Roosevelt Race Track, Nassau County, Long Island, N.Y., Aqueduct Race Track, Queens County, Long Island, N.Y., and Jamaica Race Track, Queens County, Long Island, N.Y., (2) beginning and ending at New Haven, County of New Haven, Conn., and extending to Roosevelt Race Track, Nassau County, Long Island, N.Y., and Jamaica Race Track, Queens County, Long Island, N.Y., and (3) beginning and ending at Springfield, Hampton County, Mass., Hartford, Hartford County, Conn., Meriden, New Haven County, Conn., Wallingford, New Haven County, Conn., and New Haven, New Haven County, Conn., and extending to Madison Square Gardens, New York County, N.Y., Polo Grounds, New York County, N.Y., and Yankee Stadium, Bronx County, N.Y.

No. MC 123833 (Sub-No. 4), filed August 13, 1962. Applicant: THAMES VALLEY TRANSPORTATION, INC., 385 Central Avenue, Norwich, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations (1) beginning and ending at points in New London County, Conn., and extending to the site of the World's Fair, Flushing, N.Y., to be in effect for the duration of the Fair, (2) beginning and ending at points in New London County, Conn., and extending to Aqueduct, Belmont Park, Roosevelt and Yonkers Race Tracks, N.Y., and (3) beginning and ending at points in New London County,

Conn., and extending to Yankee Stadium and the Polo Grounds, New York, N.Y., during the baseball and football seasons.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8661; Filed, Aug. 28, 1962; 8:51 a.m.]

[Notice 472]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 24, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below.

SPECIAL RULES OF PROCEDURES FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statements as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 730 (Sub-No. 213), filed August 20, 1962. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), serving Champ, Mo., also the Champ Industrial Village, as off-route points in connection with applicant's authorized regular-route operations to and from St. Louis, Mo.

NOTE: Applicant states it controls Pacific and Atlantic Shippers, Inc., a freight forwarder holding Permit No. FF-52 and related subs, and National Carloading Corporation, a freight forwarder, Permits No. FF-68 and FF-71.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 1641 (Sub-No. 54), filed July 30, 1962. Applicant: PEAKE TRANSPORT SERVICE, INC., Chester, Nebr. Applicant's attorney: Einer Viren, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers, fertilizer solutions, and anhydrous ammonia*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Iowa.

HEARING: September 12, 1962 at the Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

No MC 2202 (Sub-No. 238), filed August 17, 1962. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: J. G. Dail, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Champ, Mo., Industrial Village as an off-route point in connection with applicant's regular route authority to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 3062 (Sub-No. 18), filed August 17, 1962. Applicant: L. A. TUCKER TRUCK LINES, INC., 1451 Independence, Cape Girardeau, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Village of Champ, Mo. (also known as Champ Industrial Village) as an off-route point in connection with applicant's presently authorized regular route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 10761 (Sub-No. 124), filed August 13, 1962. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products, dairy products*, and *articles distributed by meat packinghouses*, as shown in Appendix I to the report in *Descriptions in Motor Carriers Certificates* 61 M.C.C. 209 and 766, and *damaged and refused shipments*, (A) between Clovis, N. Mex., and points within five (5) miles thereof and Kansas City, Mo.-Kans., (B) between Clovis, N. Mex., and points within five (5) miles thereof and Oklahoma City, Okla., and (C) between Clovis, N. Mex., and points within five (5) miles thereof and Fort Worth and Dallas, Tex.

HEARING: September 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 10928 (Sub-No. 45), filed August 17, 1962. Applicant: SOUTHERN PLAZA EXPRESS, INC., 2001 Irving Boulevard (P.O. Box 10572), Dallas, Tex. Applicant's attorney: Dale Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, and those injurious or contaminating to other lading), serving the Village of Champ, Mo. (also known as Champ Industrial Village), as an off-route point in connection with applicant's regular-route operations.

NOTE: Common control may be involved.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 36832 (Sub-No. 15), filed August 20, 1962. Applicant: AMERICAN TRANSIT LINES, INCORPORATED, 221 North La Salle Street, Chicago 1, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 294, from points in Kankakee County, Ill., to points in Nebraska, Kansas, Missouri, Kentucky, Pennsylvania, Iowa, Indiana, Ohio, the lower peninsula of Michigan, and New York.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 50002 (Sub-No. 38), filed August 20, 1962. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE, a partnership, doing business as BRIDGE BROTHERS, North Santa Fe Trail, Lamar, Colo. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, in hopper and pneumatic trailers, (1) from Muskogee, Okla., and points within ten (10) miles thereof, to points in Arkansas, Colorado, Kansas, Missouri, and Texas, (2) from Lawrence, Kans., and points within ten (10) miles thereof, to points in Colorado, Iowa, Missouri, Nebraska, Oklahoma, South Dakota, and Wyoming, (3) from Horn, Mo., and points within ten (10) miles thereof, to points in Arkansas, Colorado, Iowa, Kansas, Nebraska, Oklahoma, South Dakota, and Wyoming, and (4) from St. Joseph, Mo., and points within ten (10) miles thereof, to points in Colorado, Iowa, Kansas, Nebraska, South Dakota, and Wyoming, and *rejected shipments* in (1), (2), (3), and (4) above, on return.

HEARING: September 12, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

No. MC 107698 (Sub-No. 29), filed August 10, 1962. Applicant: BONANZA INC., P.O. Box 5526, Midwest City, Okla. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products* and *articles distributed by meat packinghouses*, as defined by the Commission, Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Clovis, N. Mex., and points within 5 miles of Clovis to points in Arizona, California, Colorado, and Texas.

HEARING: September 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 118180 (Sub-No. 2), filed July 27, 1962. Applicant: MERRILL MOTOR LINE, INC., 2520 Northeast 35th Street, Fort Worth, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, as described in Sec. A of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C 209 and 766, from Clovis, N. Mex., and points within five (5) miles thereof, to points in Texas, Oklahoma, Arkansas, and Louisiana.

HEARING: September 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 124711, filed August 16, 1962. Applicant: BECKER AND SONS, INC., 801 East Clark, Emporia, Kans. Applicant's attorney: Michael A. Barbara, 214 West Sixth Street, Room 306, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk in tank vehicles, from Lawrence, Kans., to points in Missouri and Iowa.

HEARING: September 12, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8662; Filed, Aug. 28, 1962; 8:51 a.m.]

[Notice 685]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 24, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65171. By order of August 21, 1962, the Transfer Board approved the transfer to Dorothy K. Beatty, doing business as J. E. B. Transportation, Mansfield, Mass., of Certificate No. MC 62688, issued June 24, 1955, to The Albert A. Waterman Co., Inc., Mansfield, Mass., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between Walpole, Mass., and Norton, Mass., serving the intermediate points of Foxboro and Mansfield, Mass., household goods, between Mansfield, Mass., and points within 10 miles of Mansfield on the one hand, and, on the other, points in Rhode Island, New Hampshire, Massachusetts and Vermont; and general commodities, excluding commodities in bulk and other specified commodities, between Attleboro, Foxboro, Mansfield, and Norton, Mass. Ernest L. White, Jr., 102 North Main Street, Mansfield, Mass., attorney for applicants.

No. MC-FC 65174. By order of August 21, 1962, the Transfer Board approved the transfer to P. & S. Trucking Co., Inc., Vineland, N.J., of Certificate No. MC 65423, issued April 10, 1961, to James Pierce, doing business as P. & S. Trucking Co., Vineland, N.J., authorizing the transportation of: Agricultural commodities, between points in New Jersey on and south of New Jersey Highway 33, including Asbury Park, on the one hand, and, on the other, Philadelphia, Pa., and New York, N.Y., and between points in Maryland, Delaware, Virginia, Pennsylvania, New York, and the District of Columbia; dressed fowl, unfinished buttons, and button blanks, from points in Pittsgrove Township (Salem County), N.J., to New York, N.Y., and Seashells, from New York, N.Y., to points in Pittsgrove Township (Salem County), N.J., feed, bags, tobacco, and spraying materials, between Vineland, N.J., on the one hand, and, on the other, Philadelphia, Pa., and New York, N.Y., and hardware, electrical appliances, crockery, poultry equipment and supplies, and farm machinery and equipment, between Vineland, N.J., on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa. Charles H. Trayford, 220 East 42d Street, New York 17, N.Y., representative for applicants.

No. MC-FC 65181. By order of August 21, 1962, the Transfer Board approved the transfer to Williston-Sidney Transfer, Inc., Sidney, Mont., of Certificate No. MC 110815, issued June 6, 1949, to Lloyd S. Becker, doing business as Williston-Sidney Transfer Service, Williston, N. Dak., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between (a) Bainville, Mont., and Sidney, Mont., (b) Williston, N. Dak., and Sidney, Mont., and (c) Sidney, Mont., and Watford, N. Dak., all over specified regular routes, serving all intermediate points, and the off-route point of the CCC Camp, located six miles northeast of Sidney, Mont. John R. Davidson, Suite 200, American State Bank Building, Williston, N. Dak., attorney for applicants.

No. MC-FC 65183. By order of August 21, 1962, the Transfer Board approved the transfer to Frazer Truck Line, Inc., Pinckneyville, Ill., of Certificates Nos. MC 13865 and MC 13865 Sub 2, issued July 7, 1949 and October 10, 1950, to George Wolfe, doing business as Frazer Truck Line, Pinckneyville, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between Pinckneyville, Ill., and St. Louis, Mo., with service to and from off-route points within 12 miles of Pinckneyville, without restriction, and to the intermediate and off-route points of Lenzburg, Marissa, Tilden, and Lively Grove, Ill., and those within 10 miles of Craig, Ill., but over 12 miles of Pinckneyville, restricted to delivery of shipments from St. Louis only, and service to and from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as intermediate or off-route points; livestock and agricultural commodities, from Craig, Ill., to St. Louis, Mo., with service authorized from intermediate and off-route points within 10 miles of Craig, restricted to pick-up only. Delmar Koebel, 608 Spivey Building, East St. Louis, Ill., attorney for transferee.

No. MC-FC 65188. By order of August 21, 1962, the Transfer Board approved the transfer to William H. Sperstad, Rock Falls, Wis., of the operating rights in Certificate No. MC 47585, issued June 9, 1960, to Gene W. Pederson, doing business as Pederson Trucking Service, Rock Falls, Wis., authorizing the transportation, over irregular routes, of livestock and eggs, from points in the towns of Albany and Lima, Pepin County, those in the towns of Mondovi, Naples, and

Canton, Buffalo County, those in the towns of Peru and Rock Creek, Dunn County, and those in the towns of Pleasant Valley, Brunswick and Drammen, Eau Claire County, Wis., to Minneapolis, St. Paul, South St. Paul and Newport, Minn., flour, feed, windmills and parts, machinery, petroleum products, hatchery equipment, and poultry supplies, from Minneapolis, St. Paul, South St. Paul and Newport, Minn., to points in the above-specified Wisconsin towns. Warren P. Knowles, 103 North Main Street, New Richmond 1, Wis., applicants' attorney.

No. MC-FC 65189. By order of August 21, 1962, the Transfer Board approved the transfer to Cargo Distribution Corporation, Jersey City, N.J., of Certificate No. MC 59868, issued February 19, 1941, to William Hartwig, doing business as William Hartwig Trucking Co., Hoboken, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between New York, N.Y., and points in Hudson County, N.J., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Monmouth, Passaic and Union Counties, N.J., Nassau, Suffolk, Westchester, Rockland, Orange, Sullivan, Ulster, Greene, Columbia, Dutchess and Putnam Counties, N.Y., and Fairfield and New Haven Counties, Conn. Bowes & Millner, 1060 Broad Street, Newark 2, N.J., attorney for transferor. George A. Olsen, 67–69 Tonnelle Avenue, Jersey City, N.J., attorney for transferee.

No. MC-FC 65192. By order of August 21, 1962, the Transfer Board approved the transfer to Josephine Bono, doing business as Gus Bono, 454 E. Airy Street, Norristown, Pa., of Certificate No. MC 102323, issued July 10, 1942, to Gus Bono, 454 E. Airy Street, Norristown, Pa., authorizing the transportation, over irregular routes of: Bituminous concrete, asphalt, crushed stone, sand, gravel, and brick, from points in Upper Merion Township, Montgomery County, Pa., and points within 10 miles thereof (except those having rail sidings), to points in New Jersey, Delaware, and Maryland, and Ground Limestone, from Norristown, Pa., and points in Chester and Delaware Counties, Pa., to points in Delaware and Maryland.

No. MC-FC 65262. By order of August 21, 1962, the Transfer Board approved the transfer to James Simchuck and William Simchuck, a partnership, doing business as Kandi Trucking, Kandiyohi, Minn., of the operating rights in Certificate No. MC 115926, issued February 10, 1959, to Chris Beck, doing business as Chris Beck Trucking Service, Kandiyohi, Minn., authorizing the transportation, over irregular routes, of animal feed and poultry feed, in bulk and in packages, from New Richmond, Wis., to points in Swift and Kandiyohi Counties, Minn. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., applicants' representative.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8664; Filed, Aug. 28, 1962; 8:52 a.m.]

[No. MC-C 3865]

NOTICE OF FILING OF PETITION FOR INTERPRETATION AND DECLARATORY ORDER

AUGUST 24, 1962.

Petitioner: RENNER MOTOR LINES, INC., 622 West Waterloo Road, Akron 14, Ohio. Petitioner's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. By petition filed July 2, 1962, petitioner states that it is authorized, in part, under Certificate No. MC 10955 to transport: Such commodities as are manufactured, processed, or dealt in by rubber or rubber products manufacturers, from points in Summit County, Ohio, to points in West Virginia, Pennsylvania, Maryland, and the District of Columbia; and chemicals, from Barberton, Ohio, to points in West Virginia and Pennsylvania; under Certificate No. MC 10955 (Sub-No. 3), to transport: Such commodities as are manufactured, processed, or dealt in by rubber or rubber products manufacturers, from Mogadore, Ohio, to points in Pennsylvania, West Virginia, Maryland, and the District of Columbia; from DuBois and Oaks, Pa., to Akron, Ohio; under Certificate No. MC 10955 (Sub-No. 6), to transport: Such commodities as are manufactured, processed or dealt in by rubber or rubber products manufacturers, from points in Pennsylvania on and east of a line beginning at a point on Lake Erie due north of North East, Pa., and extending to North East, thence along Highway 89 to Titusville, Pa., thence along Pennsylvania Highway 8 to Butler, Pa., thence along Pennsylvania Highway 356 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to Greensburg, Pa., and thence along U.S. Highway 119 to the Pennsylvania-West Virginia line, to Barberton and Akron, Ohio, and Certificate No. MC 10955 (Sub-No. 7), to transport: Molds, machinery and fabric used in the manufacture of rubber products, from Cumberland, Md., to Akron, Ohio.

Petitioner seeks an interpretation and order declaring that under its said certificates and within the territorial scope of authority therein specified, it may properly transport the following items of property: (1) Plastic materials (power, pellets or solid mass); (2) vacuum cleaners—electric; (3) floor polishers—electric; (4) sadirons—electric; (5) power pumps; (6) window glass; (7) books; (8) picture puzzles; (9) school crayons; (10) iron oxide; (11) bottle carriers (hand, steel or wire); (12) high carbon ferrochrome; (13) cocks or valves; (14) bolts and nuts—iron or steel; (15) insulating fibre glass; (16) ladies hand bags; (17) boots or shoes; (18) caster wheels; (19) plastic tubing and fittings; (20) soap or detergents; (21) common salt; (22) ladies hosiery; (23) flavoring syrup; (24) shoe dressing; and (25) beverages (flavored or phosphated).

Any person or persons desiring to participate in this proceeding may file an appropriate pleading within 30 days from the date of this publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8665; Filed, Aug. 28, 1962; 8:52 a.m.]

[Notice 473]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 24, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 144), filed July 24, 1962. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, commodities in bulk, and those injurious or contaminating to other lading), serving the site of Lower Monumental Dam and points within 15 miles thereof (Lower Monumental Dam being located on Snake River about 45 miles upstream from Pasco, Wash.), as off-route points in connection with applicant's authorized regular-route operations between Pasco and Spokane, Wash., over U.S. Highways 395 and 10.

HEARING: October 31, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 1160 (Sub-No. 5), filed July 31, 1962. Applicant: WAGMAN TRANSFER CORPORATION, Summit Street, Peabody, Mass. Applicant's attorney: Phil David Fine, One State Street, Boston 9, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste paper and skids*, (a) from points in the Baltimore, Md., Commercial Zone, including Baltimore, points in the New York, N.Y., Commercial Zone, including New York, and points in New Jersey on and north of New Jersey Highway 33 to Versailles and Montville, Conn., and (b) from Boston, Mass., and points in Massachusetts within 50 miles of Boston to Montville, Conn., and (2) *paper box board and skids*, from Baltimore, Md., and Montville, Conn., to Boston, Brockton, Cambridge, Chelsea, Everett, Lynn, Malden, Medford, and Somerville, Mass.

HEARING: October 3, 1962, at the Hotel Essex, Boston, Mass., before Examiner Armin G. Clement.

No. MC 4405 (Sub-No. 394), filed July 9, 1962. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Trailers, semi-trailers and trailer chassis, and semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway and driveaway service, from Rockwall, Tex., to points in the United States, including Alaska but (excluding Hawaii), and (b) *tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveaway service, from Rockwall, Tex., to points in Alaska, Arizona, Nevada, Oregon, and Vermont.

NOTE: Common control may be involved.

HEARING: October 2, 1962, at the Baker Hotel, Dallas, Tex., before Examiner John L. York.

No. MC 4405 (Sub-No. 395), filed July 9, 1962. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers and trailer chassis, and semi-trailer chassis* (except those designed to be drawn by passenger automobiles in initial movements in truckaway and driveaway service), (a) from Brady, Tex. and points within five miles thereof, to points in the United States, including Alaska (but excluding Hawaii), and (b) *tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveaway service, from Brady, Tex., and points within five miles thereof, to points in Alaska, Arizona, Nevada, Oregon, and Vermont.

HEARING: October 2, 1962, at the Baker Hotel, Dallas, Tex., before Examiner John L. York.

No. MC 7325 (Sub-No. 9), filed April 30, 1962. Applicant: BLACK BALL FREIGHT SERVICE, a corporation, Pier 53, Seattle, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, (except commodities in bulk, and household goods), between points in Mason County, Wash., located on and north of a line designated as an unnumbered highway extending from a point near Arcadia, Wash., on the eastern boundary of the Mason County line, west through Shelton, Dayton, and Matlock, Wash., to the western boundary of Mason County.

NOTE: Common control may be involved.

HEARING: October 22, 1962, at the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 11220 (Sub-No. 79), filed August 3, 1962. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except automobiles set up on wheels, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Chicago, Ill., and Pulaski, Tenn.; (1) from Chicago over U.S. Highway 41 to Hopkinsville, Ky., thence over Alternate U.S. Highway 41 to Nashville, Tenn., and thence over U.S. Highway 31 to Pulaski, (2) from Chicago over U.S. Highway 41 to junction U.S. Highway 52, approximately 9 miles southeast of Kentland, Ind., thence over U.S. Highway 52 to Lebanon, Ind., thence over U.S. Highway 52 and Interstate Highway 65 to Indianapolis, thence over U.S. Highway 31 to junction with U.S. Highway 50, approximately three (3) miles east of Seymour, Ind., thence over U.S. Highway 50 to junction with Interstate Highway 65, thence over Interstate Highway 65 to its junction with U.S. Highway 31W, approximately three (3) miles north of Upton, Ky., thence over U.S. Highway 31W to Nashville, Tenn., thence over U.S. Highway 31 to Pulaski, and (3) from Chicago over Interstate Highway 65 to Pulaski, serving no intermediate or off-route points, as alternate routes for operating convenience only in connection with applicant's presently authorized regular-route operations.

NOTE: Applicant states it is in control of Huff Truck Line, Inc., Docket No. MC 20053.

HEARING: September 28, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Louis G. LaVecchia.

No. MC 21866 (Sub-No. 48), filed August 3, 1962. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, Pennsylvania Boulevard at 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, (1) from points in Bucks, Chester, Delaware, Montgomery, and Berks Counties, Pa., to Anderson, Columbia, Greenville, and Spartanburg, S.C., Philadelphia, Pa., and points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Rhode Island, Virginia, West Virginia, and the District of Columbia; and (2) from New York, N.Y., and points in New Jersey to points in Bucks, Chester, Delaware, Montgomery, and Berks Counties, Pa.

HEARING: October 10, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Leo A. Riegel.

No. MC 21866 (Sub-No. 49), filed August 8, 1962. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, Pennsylvania Boulevard at 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal articles*, from Pottsville, Pa., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, and Tennessee.

HEARING: October 11, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Leo A. Riegel.

No. MC 31367 (Sub-No. 22), filed June 12, 1962. Applicant: H. F. CAMPBELL & SON, INC., R.D. 1, Millerstown, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street, P.O. Box 581, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New empty containers*, from Baltimore, Md., to points in Tuscarora Township, Perry County, Pa., and points within one mile thereof, and points in Fermanagh and Turbett Townships, Juniata County, Pa., and points within one mile thereof, and *exempt commodities*, on return.

HEARING: October 3, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Leo A. Riegel.

No. MC 32838 (Sub-No. 12) (AMENDMENT), filed April 23, 1962, published FEDERAL REGISTER issue of July 25, 1962, amended August 17, 1962, and republished, as amended, this issue. Applicant: WEAVER W. SCHERFF, doing business as SCHERFF'S TRUCK LINE, 305 East Main Street, California, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between points in the St. Louis and Kansas City, Mo., Commercial Zones, on the one hand, and, on the other, Sedalia, Mo., and Whiteman Air Force Base and the missile launch and control sites, and supply points of the Whiteman Air Force Base Missile Complex located in Johnson, Pettis, Henry, Morgan, and Cooper Counties, Mo., and (2) serving Sedalia, Whiteman Air Force Base and the missile launch and control sites, and supply points of the Whiteman Air Force Base Missile Complex located in Johnson, Pettis, Henry, Morgan, and Cooper Counties, Mo., as intermediate and/or off-route points in connection with applicant's regular-route operations.

NOTE: The purpose of this republication is to add (2) above.

HEARING: Remains as assigned September 28, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board

No. 195, or, if the Joint Board waives its right to participate, before Examiner Alvin H. Schutrumpf.

No. MC 39969 (Sub-No. 4), filed July 9, 1962. Applicant: SOUTH HUDSON TRUCKING COMPANY, INC., 736 Avenue E, Bayonne, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barrels, cans, and drums*, from Jersey City, N.J., to Wilmington, Del., points in Maryland, and points in Berks, Bucks (except Bristol), Carbon, Chester, Lancaster, Lebanon, Lehigh, (except Allentown), Montgomery, Northampton (except Nazareth and Bethlehem) Counties, Pa.

HEARING: October 2, 1962, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Gerald F. Colfer.

No. MC 55898 (Sub-No. 37), filed March 22, 1962. Applicant: HARRY A. DECATO AND EUGENE J. DECATO, a partnership, doing business as DECATO BROS. TRUCKING CO., Dartmouth College Highway, Lebanon, N.H. Applicant's attorney: Andre J. Barbeau, 12 Paris Terrace, Manchester, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden fences* and *wooden posts, rails* and *pickets*, from points in New Hampshire and Vermont to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, and points in the Baltimore, Md., Commercial Zone, and *rejected and damaged shipments* of the above-specified commodities, on return.

NOTE: Applicant states it holds contract carrier authority in MC 111735; therefore, dual operations may be involved.

HEARING: October 11, 1962, at the New Hampshire Public Service Commission, Concord, N.H., before Examiner Armin G. Clement.

No. MC 55898 (Sub-No. 38), filed July 17, 1962. Applicant: HARRY A. DECATO AND EUGENE J. DECATO, a partnership, doing business as DECATO BROS. TRUCKING CO., Dartmouth College Highway, Lebanon, N.H. Applicant's attorney: Andre J. Barbeau, 12 Paris Terrace, Manchester, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in New Hampshire and Vermont, to points in Maine.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit 111735. Therefore, dual operations may be involved.

HEARING: October 9, 1962, at the New Hampshire Public Service Commission, Concord, N.H., before Joint Board No. 133, or, if the Joint Board waives its right to participate, before Examiner Armin G. Clement.

No. MC 66562 (Sub-No. 1868), filed December 20, 1961. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: John H. Engel, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in express service, between points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, that part of Pennsylvania located in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Lucerne, Montgomery, Northampton, Philadelphia, Schuylkill, and York Counties, Pa., that part of Vermont on and south of Vermont Highway 9, that part of New Hampshire on and south of a line beginning at the New Hampshire-Vermont State Line and extending along New Hampshire Highway 9 to Concord, N.H., and thence along U.S. Highway 202 to the New Hampshire-Maine State Line, and that part of Maine on and south of a line beginning at the Maine-New Hampshire State Line and extending along U.S. Highway 202 to junction Maine Turnpike, thence along the Maine Turnpike to junction U.S. Highway 202, thence north along U.S. Highway 202 to Augusta, Maine, and thence south along Maine Highway 27 to Booth Bay Harbor, Maine, including points on the highway boundary lines in Pennsylvania, Vermont, New Hampshire, and Maine.

HEARING: October 15, 1962, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Gerald F. Colfer.

No. MC 66562 (Sub-No. 1895), filed June 22, 1962. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Harrisburg, Shamokin, and Bethlehem (Allentown-Bethlehem), Minersville, Pa., and points in Muhlenberg Township, Berks County, Pa., (1) from Harrisburg, over U.S. Highway 11–15, to junction with U.S. Highway 122, thence over U.S. Highway 122 to Shamokin, (a) from Harrisburg, over U.S. Highway 22, to Bethlehem (Allentown-Bethlehem), (b) from Harrisburg, over U.S. Highway 22, to junction with U.S. Highway 122, thence over U.S. Highway 122, to junction with U.S. Highway 209, thence over U.S. Highway 209, to junction with Pennsylvania Highway 901, thence over Pennsylvania Highway 901, to Minersville, and (c) from Harrisburg, over U.S. Highway 322, to junction with U.S. Highway 422, thence over U.S. Highway 422, to junction with U.S. Highway 222, thence over U.S. Highway 222, to Muhlenberg Township.

NOTE: Applicant states that in the route description as shown above in (1) (a) through (c) it proposes to return over the same routes serving the intermediate point of Lebanon, Pa. It is further noted that applicant states the proposed service will be limited to that which is auxiliary or supplemental of express service, and shipments to be transported will be limited to those moving on a through bill of lading or express receipt.

HEARING: October 1, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Leo A. Riegel.

No MC 67245 (Sub-No. 2), filed July 23, 1962. Applicant: L & R TRUCKING CO., INC., 296 Midland Avenue, Saddle Brook, N.J. Applicant's attorney: Martin D. Cohen, 744 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mustard, mustard seed and containers including bottles, jars, barrels, and kegs*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between Saddle Brook, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y., and Franklin Square, New Hyde Park, Garden City, Rockville Centre, Farmingdale, Hicksville, Syosset, Brentwood, New Rochelle, Elmsford, and Mt. Kisco, N.Y.

HEARING: October 4, 1962, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Gerald F. Colfer.

No. MC 68100 (Sub-No. 13), filed July 19, 1962. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Box 1250, Bartlesville, Okla. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Well-pumping units*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *materials, equipment, and supplies*, used in the installation, operation, and maintenance of such units, between Bartlesville, Okla., on the one hand, and, on the other, points in California.

NOTE: Applicant states the authority granted herein is restricted against tacking or joinder with any other operating rights now held by carrier for the purpose of rendering a through service.

HEARING: October 12, 1962, at the Mayo Hotel, Tulsa, Okla., before Examiner John L. York.

No. MC 71902 (Sub-No. 66), filed July 12, 1962. Applicant: UNITED TRANSPORTS, INC., 4900 North Santa Fe Street, Oklahoma City 18, Okla. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Imported and foreign new motor vehicles* (except trailers), from Houston, Tex., to points in Colorado.

NOTE: Common control may be involved.

HEARING: October 1, 1962, at the Baker Hotel, Dallas, Tex., before Examiner John L. York.

No. MC 74120 (Sub-No. 9), filed October 5, 1961. Applicant: STRICKLAND MOTOR FREIGHT LINES, INC., 2917 Gulden Lane, P.O. Box 5689, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Boston, Mass., and Cleveland, Ohio; from Boston over Interstate Highway 90 to Cleveland, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations.

HEARING: October 5, 1962, at the Hotel Essex, Boston, Mass., before Examiner Armin G. Clement.

No. MC 83539 (Sub-No. 85), filed July 11, 1962. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and semi-trailers*, other than those designed to be drawn by passenger automobiles, in truckaway service, from Brady, Tex., to points in the United States (excluding Alaska and Hawaii).

HEARING: October 9, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner John L. York.

No. MC 83539 (Sub-No. 86), filed July 20, 1962. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, except in connection with main pipe lines, *road and bridge building machinery* and *equipment, commodities*, the transportation of which, because of their size or weight, requires the use of special equipment, and *parts* thereof when moving in connection with such commodities, between points in Wisconsin on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

NOTE: Applicant requests that duplication with present authority be eliminated.

HEARING: October 17, 1962, at the Mayo Hotel, Tulsa, Okla., before Examiner John L. York.

No. MC 87720 (Sub-No. 8), filed June 29, 1962. Applicant: BASS TRANSPORTATION CO., INC., Star Route A, Old Croton Road, Flemington, N.J. Applicant's attorney: Leroy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic gum resin*, dry, in bulk, in special stainless steel tank vehicles, from Raritan and Burlington Townships, N.J., to points in New York, Connecticut, Rhode Island, Massachusetts, that part of New Hampshire and Vermont on and south of U.S. Highway 4, and that part of Maine on and south of Maine Highway 25, and rejected shipments on return.

HEARING: October 2, 1962, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Gerald F. Colfer.

No. MC 87966 (Sub-No. 9), filed May 14, 1962. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 65 East 28th Street, Chicago, Ill. Applicant's attorney: Harold E. Marks, 208 South La Salle Street, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (uncrated), from Bloomington, Ill., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: October 17, 1962, at the Palmer House, Chicago, Ill., before Examiner James Anton.

No. MC 89697 (Sub-No. 22), filed June 28, 1962. Applicant: KRAJACK TANK LINES, INC., 480 Westfield Avenue, Roselle Park, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated slag*, for sandblasting, dry, in bulk, from Carteret, N.J., to points in Connecticut, Delaware, Maryland, New York, and Pennsylvania, and *returned, refused and rejected shipments*, on return.

HEARING: October 18, 1962, at 346 Broadway, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 93419 (Sub-No. 3) (CORRECTION), filed September 22, 1961, published FEDERAL REGISTER, issue of October 11, 1961, and republished issue of August 8, 1962, and republished as corrected this issue. Applicant: BALD EAGLE TRANSFER CO., a corporation, 300 Bellefonte Avenue, Lock Haven, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. The purpose of this republication is to add a line inadvertently omitted from the previous publication which set forth in part a Decision and Order dated June 22, 1962, and as published referred to "South Bend, and Salisbury, Md.," in error. Correctly stated, that portion of the publication should have read: Operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of *paper products* from Lock Haven and Castanea, Pa., to Dover and Wilmington, Del., Chicago, Elgin, Joliet, and Peoria, Ill., Evansville, Fort Wayne, Indianapolis, *South Bend, and Terre Haute, Ind., Baltimore, Delmar, Fruitland, Oakland, and Salisbury, Md.*, Detroit, Flint, Lansing, Pontiac, and Walled Lake, Mich., Camden, Dayton, Deepwater, Jersey City, Newark, Paterson, Pennsville, Phillipsburg, Trenton, and Westmont, N.J., Albany, Buffalo, Mechanicville, New York, North Tonawanda, Poughkeepsie, Rochester, Schenectady, and Utica, N.Y., Charlotte, Durham, Greensboro, and Raleigh, N.C., Charleston and Greenville, S.C., Franklin and Staunton, Va., Parkersburg and Wheeling, W. Va., and Madison, Milwaukee, and Sheboygan, Wis., and (2) of materials used in the manufacture of paper products, except commodities in bulk, from the destination points named in (1) above, to Lock Haven and Castanea, Pa., and stated that prior to the issuance of any certificate herein, a proper notice of the authority granted will be published in the FEDERAL REGISTER in order to allow a 30-day period during which any interested party, who may be affected by the broadened territorial scope of the application, may file and appropriate pleading.

No. MC 96098 (Sub-No. 25), filed July 27, 1962. Applicant: H. H. FOLLMER CONTRACT HAULING, INC., P.O. Box 389, Milton, Pa. Applicant's attorney: Preston B. Davis, 37 Arch Street, Milton, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, scrap or waste*, (not sensitized) in barrels, bags, boxes, crates and in bales, *including scrap or waste, fibreboard, pulpboard, strawboard, old directories, old magazines, old newspapers and old pamphlets*, folded flat, securely tied in bundles, (2) *woodpulp* not powdered, in packages, (3) *cores, chocks and canvas covers*, loose and in packages, (4) *machinery and machinery parts*, (5) *paper mill rolls*, loose and in boxes, (6) *flour, cassava, sago or tapioca*, in bulk in bags, barrels and boxes, (7) *oil and greases*, in barrels, boxes, kits and steel pails and in metal cans in crates, (8) *chemicals, chemical products and constituents*, used in the manufacture of woodpulp and paper or the processing thereof, from points in New York, New Jersey, and Connecticut, to the manufacturing plants of the New York and Pennsylvania Company, Inc., in Johnsonburg, Elk County, Pa., Lock Haven and Castenea, Clinton County, Pa.

NOTE: Applicant states the proposed operation will be for the New York and Pennsylvania Company, Inc.

HEARING: October 5, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Leo A. Riegel.

No. MC 97369 (Sub-No. 7), filed July 16, 1962. Applicant: BROOKS TRUCK LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, 207 Bokum Building, 142 West Palace Avenue, Sante Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined

by the Commission, commodities in bulk, and those requiring special equipment), serving the Intercontinental Ballistic Missile Launching Sites located within Vernon, Bates, Cass, Cedar, St. Clair, Henry, Johnson, Lafayette, Benton, Pettis, Saline, Camden, Morgan, Cooper, and Moniteau Counties, Mo., and the Whiteman Air Force Base located at or near Knob Noster, Mo., as offroute points in connection with applicant's regular-route operations.

HEARING: September 26, 1962, at the Missouri Hotel, Jefferson City, Missouri, before Joint Board No. 179, or, if the Joint Board waives its right to participate before Examiner Alvin H. Schutrumpf.

No. MC 98004, (Sub-No. 3), filed July 9, 1962. Applicant: P. J. NIX, doing business as TEXHOMA FREIGHT LINES, P.O. Box 2023, Wichita Falls, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Ardmore and Tulsa, Okla.; from Ardmore over U.S. Highway 70 to junction of Oklahoma Highway 18; thence over Oklahoma Highway 18 to its junction with Interstate Highway 44 (known as Turner Turnpike), thence over Interstate Highway 44 to Tulsa, and return over the same route, serving no intermediate points.

HEARING: October 8, 1962, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate before Examiner John L. York.

No. MC 102982 (Sub-No. 4) (CORRECTION), filed July 9, 1962, published in FEDERAL REGISTER issue of August 8, 1962, republished this issue to correct address of applicant's attorney. Applicant: GEORGE W. KUGLER, INC., P.O. Box 511, Clearfield, Pa. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio.

NOTE: This republication is for the purpose of correcting the address of applicant's attorney. It should have been shown as above instead of as previously published.

HEARING: September 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 103435 (Sub-No. 116), filed July 2, 1962. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, and household goods as defined in the *Practices of Motor Common Carriers of Household Goods*, 17, M.C.C. 467), serving the site of the Lower Monumental Dam, located approximately forty-five (45) miles upstream from Pasco, Wash., on the lower Snake River, and points within fifteen (15) miles thereof, as off route points in connection with applicant's authorized regular route operations.

HEARING: October 31, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 103435 (Sub-No. 118), filed July 2, 1962. Applicant: UNITED BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except articles of unusual value, livestock, Classes A and B explosives, commodities in bulk, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, M.C.C. 467), between Toppenish, Wash., and Buena, Wash., over U.S. Highway 97, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

HEARING: October 29, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 103435 (Sub-No. 119), filed July 2, 1962. Applicant: UNITED BUCKINGHAM FREIGHT LINES, East 915 Springfield, Spokane 2, Wash. Applicant's attorney: George LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, livestock Classes A and B explosives, commodities in bulk, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, M.C.C. 467), between Lewiston, Idaho, and Missoula, Mont.; from Lewiston over Idaho Highway 9 to the Idaho-Montana State line, thence over unnumbered highway to the junction of unnumbered highway with U.S. Highway 93 at or near Lolo, Mont., thence over U.S. Highway 93 to Missoula and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations.

HEARING: October 30, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 79, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 103880 (Sub-No. 268), filed August 13, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, from the site of the Terminal Outlet of the Mid-American Pipeline Company at or near Farmington, Ill., to points in Indiana, Kentucky, Michigan, Ohio, and Tennessee.

HEARING: September 21, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James O'D Moran.

No. MC 103993 (Sub-No. 165), filed June 14, 1962. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in New York to points in the United States, including Alaska but excluding Hawaii, and (2) *campers and camper coaches*, from points in New York to points in the United States, including Alaska but excluding Hawaii, and *rejected shipments* and *empty containers*, in (1) and (2) above, on return.

HEARING: October 9, 1962, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Gerald F. Colfer.

No. MC 106965 (Sub-No. 190) (CORRECTION), filed July 31, 1962, published FEDERAL REGISTER, issue of August 22, 1962, and republished as corrected this issue. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and vegetable oil products*, liquid in bulk, from points in Chatham County, Ga., to points in Maryland, Pennsylvania, West Virginia, Virginia, Delaware, and the District of Columbia.

NOTE: The purpose of this republication is to add the State of Virginia to the destination territory proposed to be served, inadvertently omitted from previous publication.

HEARING: Remains as assigned October 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 107698 (Sub-No. 30), filed August 13, 1962. Applicant: BONANZA, INC., P.O. Box 5526, Midwest City, Okla. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glass products*, from Sapulpa, Okla., to points in Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, Fresno County, Calif., and points in California on the north of U.S. Highway 50, including all of the San Francisco, Calif., commercial zone.

HEARING: October 10, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner John L. York.

No. MC 108449 (Sub-No. 154), filed August 15, 1962. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the plant site of the American Mineral Spirits Company at or near Lemont, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE: Applicant states that Moore Motor Freight Lines, Inc., MC 17481 is a wholly owned subsidiary.

HEARING: September 18, 1962, at the Conrad Hilton, Chicago, Ill., before Examiner Theodore Tahan.

No. MC 109769 (Sub-No. 13), filed May 24, 1962. Applicant: NEW JERSEY TRUCKING CORP., 148–151 First Street, Jersey City, N.J. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Compressed gases*, in cylinder and in multiple unit manifold tank trailers; (b) *liquefied air derived gases*, in containers, and in bulk, in shipper owned trailers, (c) *welding apparatus and supplies*, (d) *empty compressed gas cylinders* and *empty multiple unit manifold tank trailers*, and (e) *empty containers and empty shipper owned trailers*, between the plant sites of Air Reduction Sales Company located in New Jersey, on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: October 15, 1962, at 346 Broadway, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 112848 (Sub-No. 7), filed April 20, 1962. Applicant: J. H. JENKINS, doing business as THE B AND B LINES, 1002 North Owasso, Tulsa, Okla. Applicant's attorney: Martin E. Wyatt, 3108 East 15th Street, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Port of Catoosa, Okla., and points within ten (10) miles thereof as off-route points in connection with applicant's regular-route operations between Coffeyville, Kans., and Henryetta, Okla.

NOTE: Applicant states it controls through management The K and H Freight Lines, Inc., MC 56853.

HEARING: October 11, 1962, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner John L. York.

No. MC 114045 (Sub-No. 94), filed July 18, 1962. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and dairy products* from Fort Worth, Tex., to points in Maine, New Hampshire, and Vermont.

HEARING: October 4, 1962, at the Baker Hotel, Dallas, Tex., before Examiner John L. York.

No. MC 114091 (Sub-No. 46), filed August 17, 1962. Applicant: FLEET TRANSPORT CO. OF KY., INC., P.O. Box 13116, Louisville 13, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from the terminal of Mid-American Pipe Line near Farmington, Ill., to points in Indiana, Kentucky, Ohio, and Tennessee, and *rejected shipments*, on return.

HEARING: September 21, 1962, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner Louis G. LaVecchia.

No. MC 114486 (Sub-No. 9), filed July 23, 1962. Applicant: AUTREY F. JAMES, doing business as A. F. JAMES TRUCK Line, 2902 Lester Street, Texarkana, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, cane*, dry in packages, and dry and liquid in bulk from the Godchaux Sugar Refining Co. plant at Reserve, La., located 21.5 miles northwest of Kenner, La., in St. John the Baptist Parish, to points in Texas, Oklahoma, New Mexico, Nebraska, Missouri, Mississippi, Alabama, North Carolina, South Carolina, Florida, Kansas, Tennessee, Arkansas, and Georgia, and *distressed sugar, and equipment, materials and supplies* used in the manufacturing, packaging, transporting and distributing of sugar, on return.

HEARING: October 4, 1962, at the Baker Hotel, Dallas, Tex., before Examiner John L. York.

No. MC 114533 (Sub-No. 58), filed August 6, 1962. Applicant: B. D. C. CORP., 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents* and *written instruments* (except coins, currency, and negotiable securities) as are used in the conduct and operation of banks and banking institutions, between Rockford, Ill., on the one hand, and, on the other, Janesville and Madison, Wis., and points in Milwaukee County, Wis.

HEARING: October 17, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 13.

No. MC 114822 (Sub-No. 5), filed June 20, 1962. Applicant: RUDOLPH PAFFRATH, WILLIAM PAFFRATH, AND THOMAS PAFFRATH, a partnership, doing business as PAFFRATH BROS., 1415 Clinton Street, Linden, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap ferrous metal*, from New York, N.Y., to Burlington, High Bridge, Camden, Elizabeth, Mahwah, New Brunswick, and Phillipsburg, N.J., and Allentown and Fairless, Pa.

NOTE: Applicant states "If the authority herein sought is granted, applicants will surrender for cancellation present certificates in MC 114822 Sub 1 and Sub 3."

HEARING: October 19, 1962, at 346 Broadway, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 115331 (Sub-No. 31), filed August 20, 1962. Applicant: TRUCK TRANSPORT, INC., 719 Buder Building, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from the site of Mid-America Pine Line Company's terminal located at or near Farmington, Ill., to points in Indiana, Wisconsin, Iowa, and Missouri.

HEARING: September 21, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James O'D. Moran.

No. MC 116063 (Sub-No. 25), filed July 12, 1962. Applicant: WESTERN TRANSPORT CO., INC., P.O. Box 7346, Fort Worth, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags and containers, (1) from St. Francis and Etter, Tex., to points in Arkansas, and (2) from St. Francis, Tex., to points in New Mexico except on and north of U.S. Highway 66, and *rejected and damaged shipments*, on return.

HEARING: October 3, 1962, at the Baker Hotel, Dallas, Tex., before Examiner John L. York.

No. MC 116077 (Sub-No. 134), filed July 24, 1962. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 401 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from points in Ector County, Tex., to points in Alabama, Arkansas, California, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: October 5, 1962, at the Baker Hotel, Dallas, Tex., before Examiner John L. York.

No. MC 116816 (Sub-No. 7), filed May 29, 1962. Applicant: THE MERIT TERMINALS CORP., Building 206A, Port Newark, N.J. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Washers, dryers, refrigerators, air conditioning equipment, ranges, and water heaters, and household gas and electric appliances*, crated and uncrated, from Port Newark, N.J., to New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland

Counties, N.Y., and *returned shipments of the above named appliances*, on return.

NOTE: Applicant states that its under a continuing contract with Warren-Connolly Company, Inc., also it states further that applicant presently holds contract carrier Permit MC 116816 to transport similar commodities from and to similar territory. Purpose of application is to include authority to serve one additional shipper.

HEARING: October 16, 1962, at 346 Broadway, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 118101 (Sub-No. 4), filed June 21, 1962. Applicant: RAY GILBERT, JR., an individual, 3111 North 32d Street, Route 3, Muskogee, Okla. Applicant's attorney: Charles D. Dudley, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* from Mobile, Ala., to Topeka and Salina, Kans., Lincoln, Hastings, Omaha, Scottsbluff, McCook, and Holdredge, Nebr., Rapid City, S. Dak., Salt Lake City, Utah, and Casper, Wyo.

NOTE: Applicant specifies that the service to Omaha, Nebr., is restricted to the plant site of Pacific-Gamble-Robinson Co.

HEARING: October 11, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner John L. York.

No. MC 119784 (Sub-No. 2), filed July 9, 1962. Applicant: AUSTIN K. LIVELY, State Center, Iowa. Applicant's attorney: Robert R. Rydell, 1020 Savings and Loan Building, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Linseed meal and linseed screenings*, in bag and bulk, from Minneapolis and St. Paul, Minn., to points in that part of Iowa on and west of U.S. Highway 169 and on and north of U.S. Highway 30, and *exempt commodities*, on return.

HEARING: October 30, 1962, in Room 401, Old Federal Office Bldg., Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 146.

No. MC 119802 (Sub-No. 4), filed August 13, 1962. Applicant: NADEAU TRANSPORT LTD., Danville, Quebec, Canada. Applicant's attorney: J. L. Blais, Sheridan Building, Berlin, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and raw materials for the manufacture thereof*, (1) between Ports of Entry on the International Boundary line between the United States and Canada located at Derby Line, Norton and North Troy, Vt., Champlain, Trout River, and Rouses Point, N.Y., on the one hand, and, on the other, Groveton and Northumberland, N.H., and Corinth and Ogdensburg, N.Y., and (2) from Groveton and Northumberland, N.H., to Ports of Entry on the International Boundary line between the United States and Canada at Derby Line, Norton, and North Troy, Vt.

HEARING: October 19, 1962, at the Washington County Court House, Montpelier, Vt., before Joint Board No. 326, or, if the Joint Board waives its right to participate, before Examiner Armin G. Clement.

No. MC 120543 (Sub-No. 5), (CORRECTION), filed August 6, 1962, published in FEDERAL REGISTER of August 15, 1962, and republished, as corrected, this issue. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. 301 North, Dade City, Fla. Applicant's attorney: Lawrence D. Fay, 512 Barnett National Bank Building, P.O. Box 1086, Jacksonville 1, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in Florida to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, and *exempt commodities*, on return. RESTRICTION: Service to points in Texas to be limited to the delivery of part of a shipment, the ultimate destination of which is a point in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, or Wyoming.

NOTE: The purpose of this republication is to include "points in Florida" as the origin area inadvertently omitted in the previous publication.

HEARING: Remains as assigned September 20, 1962, in the U.S. Court Rooms, Tampa, Fla., before Examiner Warren C. White.

No. MC 123190 (Sub-No. 50), filed July 5, 1962. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Cincinnati, Ohio, to South Charleston, W. Va.

HEARING: September 28, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 62.

No. MC 124255, filed March 5, 1962. Applicant: JIM LYNN TRANSPORT, INC., 1112 Lincoln Avenue, Sherbrooke, Province of Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including machine parts, machinery, patterns, sand castings*, and *those requiring the use of special equipment*, from Painted Post, N.Y. and Phillipsburg, N.J., to Derby Line, Vt., a port of entry on the international boundary between the United States and Canada.

NOTE: Applicant states that this application covers only return trips as vehicles "will go empty to Phillipsburg and Painted Post." It is also stated that the service will be "on call, on emergency movements" and restricted to traffic consigned to Canadian Ingersoll-Rand Co., Ltd., Sherbrooke, Province of Quebec, Canada.

HEARING: October 15, 1962, at the Washington County Court House, Montpelier, Vt., before Examiner Armin G. Clement.

No. MC 124258 (Sub-No. 1), filed June 29, 1962. Applicant: FRANK A. KELLY, doing business as PALLET TRUCKING CO., 240 East Broad Street, Tamaqua, Pa. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood pallets*, from the site of Pallet Co., Inc., plant, located in Mahoning Township (Carbon County), Pa., to points in New York, New Jersey, and Delaware; and (2) *empty containers or other such incidental facilities (not specified)* used in transporting wood pallets, from points in New York, New Jersey, and Delaware to the site of Pallet Co., Inc., plant, located in Mahoning Township (Carbon County), Pa.

NOTE: Applicant states that the above will be transported for the account of Tam Pallet Co., Inc.

HEARING: October 9, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Leo A. Riegel.

No. MC 124260, filed March 8, 1962. Applicant: RODOLPHE GROULX, Guenett, Quebec, Canada. Applicant's attorney: Richard E. Davis, 25 Keith Avenue, Barre, Vt. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Granite blocks, rough granite* and *finished granite* from the port of entry in Vermont, on the United States-Canada boundary line near Highgate Springs, Vt., to Barre, Vt., as follows: From a point on the boundary line between United States and Canada at U.S.-Canada Highway 7, along U.S. Highway 7 to its junction with U.S. Highway 2A at Colchester, Vt., thence along U.S. Highway 2A to its junction with U.S. Highway 2 at Williston, Vt.; thence along U.S. Highway 2 (and Interstate Route 89) to the junction with U.S. Highway 302; thence along U.S. Highway 302 to Barre, Vt.

HEARING: October 17, 1962, at the Washington County Court House, Montpelier, Vt., before Joint Board No. 188, or, if the Joint Board waives its right to participate, before Examiner Armin G. Clement.

No. MC 124336 (Sub-No. 1), filed June 12, 1962. Applicant: GERALD P. BECKLEY, JR., Pleasant Street, South Ryegate, Vt. Applicant's attorney: Edwin W. Free, Jr., 107 North Main Street, Barre, Vt. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Curds of skim milk and cream and Italian type cheeses*, from Wells-River, Vt., to New Haven, Conn., and Medford, Mass., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: October 15, 1962, at the Washington County Court House, Montpelier, Vt., before Examiner Armin G. Clement.

No. MC 124420, filed April 26, 1962. Applicant: TRACTION TRUCKING, INC., 11941 Lakeside Avenue NE, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi and full, loaded and unloaded*, provided for transport by firms not engaged in the business of transportation for hire, (1) between points in Washington, Idaho, and Oregon; and (2) between points in Washington, Idaho, and Oregon on the one hand, and

on the other, points in Arizona, California, Colorado, Illinois, Iowa, Louisiana, Minnesota, Missouri, Nevada, New Mexico, Oklahoma, Texas, Utah, and Wisconsin.

HEARING: October 25, 1962, at the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash., before Examiner Leo M. Pellerzi.

No. MC 124440, filed May 11, 1962. Applicant: HEANEY CARTAGE AND STORAGE LIMITED, 521 Bastion Street, Victoria, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, heavy machinery, building materials* and *construction materials*, between ports of entry in the State of Washington, on the one hand, and on the other, points in Washington, the operations to be restricted to foreign commerce only, originating at or destined to points on Vancouver Island, British Columbia, Canada.

HEARING: October 23, 1962, at the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 124443 (Sub-No. 1), filed August 8, 1962. Applicant: LUCIEN L. FONTAINE, doing business as JOE'S PACKAGE DELIVERY, 431 Madison Avenue, Berlin, N. H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bread, bakery products, empty bread cartons, and empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between Berlin, N.H., and St. Johnsbury, Vt.

HEARING: October 10, 1962, at the New Hampshire Public Service Commission, Concord, N.H., before Joint Board No. 132, or, if the Joint Board waives its right to participate, before Examiner Armin G. Clement.

No. MC 124487, filed May 29, 1962. Applicant: WILLIAM WEINMANN, doing business as W. WEINMANN EXPRESS AND TRUCKING, 9 Gray Street, Stapleton (Staten Island), N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain food business houses*, and moving at the same time, *advertising matter and order books*, between Carlstadt, N.J., and Staten Island, N.Y.

NOTE: Applicant states the proposed service will be performed under contract with Seeman Bros., Inc.

HEARING: October 16, 1962, at 346 Broadway, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 124491, filed June 7, 1962. Applicant: DORIC DISTRIBUTORS, INC., 309 River Road, Edgewater, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products*, on winch equipped vehicles, between Edgewater, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, Orange, Rockland, and Westchester Counties, N.Y., points in Fairfield and New Haven Counties, Conn., and points in Bergen, Passaic, Hudson, and Essex Counties, N.J. RESTRICTION: The operations proposed will be limited to a transportation service to be performed under a continuing contract with Saxon Paper Company.

NOTE: Applicant states "Marvin Satenstein, officer and stockholder, is a partner in Marvin Satenstein and Sam Pravder, doing business as West Side Transportation Company, Permit No. MC 123900".

HEARING: October 17, 1962, at 346 Broadway, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 124515, filed June 5, 1962. Applicant: FEDERATED CARRIERS, INC., 1756 Plaza Avenue, New Hyde Park, N.Y. Applicant's attorney: Jerome G. Greenspan, 404 Clarendon Road, Uniondale, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric and gas appliances*, crated and uncrated, from points in Queens and Nassau Counties, N.Y., to retail stores and consumers located at points in New Jersey, and *damaged, trade-in, and returned merchandise* on return trips; (2) *electric and gas appliances*, crated and uncrated, in truckload and trailer load only, between points in Queens and Nassau Counties, N.Y., and Hartford, Conn.; and (3) *electric and gas appliances*, crated and uncrated, between points in Nassau County, N.Y., and North Bergen, N.J.

NOTE: Applicant states that the commodities will be transported in leased equipment.

HEARING: October 17, 1962, at 346 Broadway, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 124517 (AMENDMENT), filed June 7, 1962, published FEDERAL REGISTER issue July 25, 1962, amended August 16, 1962, and republished this issue. Applicant: MRS. RUBY N. PHILLIPS, doing business as SPEEDWAY WRECKER SERVICE, 96 Courtney Drive, Forest Park, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked or disabled trucks, tractors and semi-trailers* (excluding mobile homes and trailers designed to be drawn by passenger automobiles) in wrecker towaway service, and (2) *trucks, tractors and semi-trailers as replacement vehicles for wrecked or disabled trucks, tractors and semi-trailers*, between points in Georgia, on the one hand, and, on the other, points in Alabama, Florida, Indiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: The purpose of this republication is to show that in Item (1) above Georgia will be the radial base for the proposed operations, and to add (2) above.

HEARING: Remains as assigned September 24, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Examiner Edith H. Cockrill.

No. MC 124522, filed June 11, 1962. Applicant: CARLO C. DROGO, Harding Highway and Delaware Avenue, Landisville, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, including but not limited to *prestressed concrete forms* and *concrete blocks*, from Berlin, Folsom, Vineland, and Williamstown Junction, N.J., to points in Delaware, Maryland, New York, Pennsylvania, and Virginia; and *damaged or rejected shipments of above commodities*, on return.

HEARING: October 5, 1962, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Gerald F. Colfer.

No. MC 124535, filed June 28, 1962. Applicant: RICHARD S. SWANSON, 637 Pinebrook Boulevard, New Rochelle, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats and boat accessories*, between points in the New York, N.Y., Commercial Zone as defined by the Commission, Westchester County, N.Y., and Fairfield County, Conn., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

HEARING: October 12, 1962, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Gerald F. Colfer.

No. MC 124542, filed June 18, 1962. Applicant: GEORGE SCHUETZ, 27 Milton Road, Babylon, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts and accessories and equipment*, between Long Island City, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and New York.

NOTE: Applicant states the proposed service will be under a continuing contract with World-Wide Autos Corp., 49–12 Newton Road, Long Island City, N.Y.

HEARING: October 10, 1962, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Gerald F. Colfer.

No. MC 124545, filed June 15, 1962. Applicant: ERNEST E. GILMAN, doing business as GILMAN TRANSPORTATION CO., Lebanon, N.H. Applicant's attorney: Peter P. Plante, Municipal Building, White River Junction, Vt. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mined and ground talc*, in 50-pound capacity paper bags, from Chester, Vt. to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.

HEARING: October 17, 1962, at the Washington County Court House, Montpelier, Vt., before Examiner Armin G. Clement.

No. MC 124548, filed June 18, 1962. Applicant: PARTS DELIVERY SERVICE, INC., 72 Roosevelt Street, Babylon, Long Island, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts, accessories and equipment*, and *empty containers, or other such incidental facilities* (not specified) used in transporting the above described commodities, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, and Connecticut.

NOTE: Applicant states the proposed operation will be under continuing contract with World-Wide Automobile Corp.

HEARING: October 10, 1962, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y. before Examiner Gerald F. Colfer.

No. MC 124551, filed June 20, 1962. Applicant: CON-OV-AIR AIR FREIGHT SERVICE, INC., 128 Van Liew Avenue, Milltown, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Staten Island, N.Y., points in Essex, Union, Middlesex, and Somerset Counties, N.J., and that part of Mercer County, N.J., bounded as follows: on and west of U.S. Highway 1, on and east of U.S. Highway 206, and on the north of New Jersey Highway 546, on the one hand, and, on the other, Newark Airport, Newark, N.J., La Guardia and Idlewild Airports, New York, N.Y., and such other airports in New York and New Jersey that may in the future constitute additions to, or substitution or replacement for the airports named herein.

NOTE: Applicant states the proposed operation is restricted to service having an immediately prior or an immediately subsequent movement by aircraft.

HEARING: October 1, 1962, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Gerald F. Colfer.

No. MC 124563, filed June 21, 1962. Applicant: ALFRED J. COOPER, doing business as AL COOPER TRUCKING, 106 East 18th Street, New York 3, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 15, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated business machines and equipment*, between New York, N.Y., on the one hand, and on the other, points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Columbia, Rockland, Orange, Sullivan, and Ulster Counties, N.Y., points in New Jersey on and north of U.S. Highway 30, points in Fairfield, New Haven, Litchfield, Hartford, and Middlesex Counties, Conn., and points in Philadelphia, Chester, Bucks, Montgomery, Delaware, Northampton, Lehigh, Monroe, Pike, Lackawanna, Luzerne, Carbon, and Wayne Counties, Pa.

HEARING: October 11, 1962, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Gerald F. Colfer.

No. MC 124570, filed June 22, 1962. Applicant: CHESTER W. SOJKA, doing business as TINY'S GARAGE, 5 Atwood Avenue, Hudson, Hillsborough County, N.H. Applicant's attorney: Kenneth F. McLaughlin, 27 Elm Street, Nashua, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled motor vehicles* between points in Massachusetts, Connecticut, Maine and points in Hillsborough County, N.H.

HEARING: October 12, 1962, at the New Hampshire Public Service Commission, Concord, N.H., before Examiner Armin G. Clement.

No. MC 124574, filed June 22, 1962. Applicant: HAROLD WENNER, 178 Atlantic Avenue, Boston 10, Mass. Applicant's attorney: John M. Dudrick Miners National Bank Building, Wilkes-Barre, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Inedible animal tallow and grease* from Nescopeck, Pa., to points in New York, New Jersey, Maryland, and Pennsylvania; (2) *green salted hides* from Nescopeck, Pa., to points in Pennsylvania, New York, Massachusetts, and Maine; (3) *dried meat scraps, tankage, cracklings* and *similar products* from Nescopeck, Pa. to points in Pennsylvania, Delaware, Maryland, and New York; and (4) *feather meal* and *feather tankage, fertilizer, raw stock, filter powder, supplies and machinery* from points of destination above to Nescopeck, Pa.

HEARING: October 9, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Leo A. Riegel.

No. MC 124608, filed July 6, 1962. Applicant: WILLIAM GILCHRIST, 509 Susquehanna Avenue, Old Forge, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hollow metal products, including door frames and doors, window trim, bases, elevator entrances kalamein doors and frames, window trim, sash, sections or panels, and materials, parts or supplies used in the installation of hollow metal products*, from the plant site or sites of the Superior Fireproof Door and Sash Co., Inc., Scranton, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, and (2) *materials, supplies or equipment, used in, or useful or incidental to the manufacture of hollow metal products, including door frames and doors, window trim, bases, elevator entrances, kalamein doors and frames, window trim, sash, sections or panels, and materials, parts or supplies used in the installation of hollow metal products*, from the above-described destination territory to Scranton, Pa.

NOTE: Operations will be under a continuing contract with Superior Fireproof Door and Sash Co., Inc.

HEARING: October 4, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Leo A. Riegel.

No. MC 124612, filed July 10, 1962. Applicant: STEEL PLATE TANK COMPANY, INC., Old Bristol Turnpike, Morrisville, Pa. Applicant's attorney: Robert L. Kendall, Jr., 1719 Packard Building, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plate steel and plate steel products, including steel tanks and parts thereof*, (1) from the site of the warehouse and plant of Plate Steel Products, Inc., Morrisville, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, and (2) from the site of the plant and warehouse of Massachusetts Engineering Co., Inc., Quincy, Mass., to points in Connecticut, Delaware, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and *rejected and refused shipments* of the above-specified commodities in connection with routes (1) and (2) above, on return.

HEARING: October 8, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Leo A. Riegel.

No. MC 124633, filed July 20, 1962. Applicant: LEO BOUCHER, Union Street, Coaticook, Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between Ports of Entry on the International Boundary line between the United States and Canada at New York, Vermont, New Hampshire, and Maine, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, and the District of Columbia.

HEARING: October 16, 1962, at the Washington County Court House, Montpelier, Vt., before Examiner Armin G. Clement.

No. MC 124646, filed July 26, 1962. Applicant: ALBERT DUSSAULT AND NOELLA DUSSAULT, doing business as ST. JOHNSBURY MOBILE HOME SALES AND SERVICE AND TRANSPORT, Route No. 5 (Memorial Drive), St. Johnsbury, Vt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used mobile homes*, between points in Vermont, on the one hand, and, on the other, points in New Hampshire.

HEARING: October 18, 1962, at the Washington County Court House, Montpelier, Vt., before Joint Board No. 132, or, if the Joint Board waives its rights to participate, before Examiner Armin G. Clement.

No. MC 124688, filed August 9, 1962. Applicant: INDEPENDENT DELIVERY INC., 1331 Stewart Street, Seattle 9, Wash. Applicant's attorney: George Kargianis, 609–11 Norton Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet and drug preparations, drugs, medicines, chemicals, prescription items and ingredients and other commodities sold in drug stores*, in packages not exceeding 25 pounds, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between points in King, Pierce, Snohomish, Island, Kitsap, Thurston, Skagit, Mason, Clallam, and Jefferson Counties, Wash.

HEARING: October 11, 1962, at the New Hampshire Public Service Commission, Concord, N.H., before Examiner Armin G. Clement.

No. MC 124694, filed August 10, 1962. Applicant: JOHN J. HEGARTY, 251 West 18th Street, New York 11, N.Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy, syrup and cocoa powder*, from Hillside, N.J., to New York, N.Y., and *returned and rejected commodities*, on return.

NOTE: Applicant states the proposed operation will be under a continuing contract with R. A. Johnston Co. of Hillside, N.J.

HEARING: October 4, 1962, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Gerald F. Colfer.

MOTOR CARRIERS OF PASSENGERS

No. MC 124457 (Sub-No. 1), filed June 21, 1962. Applicant: SECHELT MOTOR TRANSPORT, LTD., Sechelt, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations beginning and ending at points in British Columbia, from ports of entry at Blaine, Sumas, and Lynden, Washington, on the International Boundary between United States and Canada, and extending to points in Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Montana, Wyoming, Colorado, and New Mexico.

HEARING: October 24, 1962, at the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash., before Examiner Leo M. Pellerzi.

No. MC 124519, filed June 7, 1962. Applicant: KENNETH M. DOYLE AND HELEN E. DOYLE, Preston Park, Pa. Applicant's attorney: A. EMERSON HOWELL, Foster Building, Honesdale, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, and *their baggage* in same vehicle with passengers, in round trip, charter and special operations between Preston Park, Wayne County, Pa., and points in Scott, Preston, and Buckingham Townships, Wayne County, on the one hand, and, on the other, points in Sullivan, Broome, and Delaware Counties, and Cooperstown, Oxford, Painted Post, Monticello, and Walton, N.Y.

HEARING: October 18, 1962, at 346 Broadway, New York, N.Y., before Examiner Leo A. Riegel.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PROPERTY

No. MC 12815, filed July 9, 1962. Applicant: JULIUS J. SCHAEFER, doing business as SCHAEFER ASSOCIATES, 37 Lee Place, Bergenfield, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, 6, N.J. For a license (BMC 4) to engage in operations as a *broker* at Bergenfield, N.J., in arranging for transportation in interstate or foreign commerce by motor vehicle of *General commodities*, between points in the United States (excluding points in Alaska and Hawaii).

HEARING: October 3, 1962, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Gerald F. Colfer.

MOTOR CARRIERS OF PASSENGERS

No. MC 12803 (AMENDMENT), filed April 12, 1962, published in FEDERAL REGISTER issue of June 6, 1962, republished this issue as amended July 10, 1962. Applicant: GEORGE L. SISSON, JR., doing business as WHALE TOURS COMPANY, 7 Purchase Street, Fall River, Mass. Applicant's attorney: Frances E. Barrett, Jr., 25 Bryant Avenue, East Milton 86 (Boston), Mass. For a license (BMC 5) to engage in operations as a *broker* at Fall River, Mass., in arranging for transportation in interstate or foreign commerce by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, between points in the United States.

NOTE: This republication is to change the name of applicant to "George L. Sisson, Jr., doing business as Whale Tours Company," with address as 7 Purchase Street, Fall River, Mass., instead of as previously published, and to strike the specifications of types of tours and beginning and ending point of Fall River, Mass.

HEARING: October 2, 1962, at the Hotel Essex, Boston, Mass., before Joint Board No. 231, or, if the Joint Board waives its right to participate before Examiner Armin G. Clement.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 22229 (Sub-No. 32), filed August 13, 1962. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta 16, Ga. Applicant's attorney: Jacob P. Billig, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Tarversville, and Bonaire, Ga., from Tarversville, over Georgia Highway 96, to Bonaire, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only.

No. MC 28573 (Sub-No. 20), filed August 13, 1962. Applicant: GREAT NORTHERN RAILWAY COMPANY, a corporation, 175 East Fourth Street, St. Paul 1, Minn. Applicant's attorney: R. W. Cronon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Niobe and Northgate, N. Dak., from Niobe, over unnumbered highway to Bowbells, N. Dak., thence over U.S. Highway 52, and North Dakota Highway 8, to Northgate, and return over the same route, serving all intermediate and off-route points which are stations on Great Northern rail lines.

NOTE: Applicant states the proposed service will be restricted to service which is auxiliary to or supplemental of rail service of the Great Northern Railway Company.

No. MC 41849 (Sub-No. 15), filed August 21, 1962. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1311–12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from St. Louis, Mo., to points in Illinois on and south of Illinois Highway 9, points in Indiana on and south of U.S. Highway 136, and on and west of Indiana Highway 37, and points in Kentucky on and west of U.S. Highway 41.

No. MC 66562 (Sub-No. 1904), filed July 5, 1962. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Middlebury, and Burlington, Vt., from Middlebury, over U.S. Highway 7, to Burlington, and return over the same route, serving no intermediate points.

NOTE: Applicant states this proposed route will serve Burlington, as an extension of and in connection with existing authorized regular route operations between Middlebury, and Albany, N.Y.

No. MC 66562 (Sub-No. 1912), filed August 14, 1962. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in express service, (1) between Traverse City, Mich., and Petoskey, Mich.; from Traverse City over Michigan Highway 72 to junction Michigan Highway 66; thence over Michigan Highway 66 to Charlevoix, Mich., thence over U.S. Highway 31 to Petoskey, and return over the same route serving the intermediate points of Kalkaska, Mancelona, East

Jordan, and Charlevoix, Mich. (2) Between Charlevoix, Mich., and Traverse City, Mich.; from Charlevoix over U.S. Highway 31 to Traverse City, serving no intermediate points. Restriction: The service to be performed will be limited to shipments moving on through bills of lading or express receipts covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub-No. 1913), filed August 20, 1962. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities moving in express service*, between Ames, Iowa, and Ankeny, Iowa, as follows: over U.S. Highway 69 between Ames and Ankeny, as an alternate route for operating convenience only, in connection with applicant's regular-route operations.

NOTE: Applicant states the authority requested would be subject to the restrictions now applicable to its existing operation under MC 66562 Sub 1508, namely: (1) The service to be performed by carrier shall be limited to that which is auxiliary to, or supplemental of, air or railway express service, (2) shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by carrier, an immediately prior or an immediately subsequent movement by air or rail, (3) such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict carrier's operations to service which is auxiliary to, or supplemental of, air or railway express service, and (4) the authority granted herein, to the extent it authorizes the transportation of Class A and B explosives, shall be limited to point of time to a period expiring five years after December 10, 1959. Applicant is wholly owned by 64 carriers by rail.

No. MC 89684 (Sub-No. 42), filed August 20, 1962. Applicant: WYCOFF COMPANY, INC., 560 South Second West, Salt Lake City 10, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations*, from Salt Lake City, Utah, to points in Utah and points in Idaho, south of the southern boundary of Idaho County, Idaho; also from Pocatello and Boise, Idaho, to points in Idaho, south of the southern boundary of Idaho County, Idaho.

No. MC 106608 (Sub-No. 3), filed August 13, 1962. Applicant: W. A. GIVENS, 250 West Thornton, Akron 11, Ohio. Applicant's representative: John R. Meeks, P.O. Box 1889, Akron 9, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical household appliances and parts thereof, castings, die castings, advertising matter, office furniture, supplies and equipment*, and *machinery, supplies, equipment and materials* used in the manufacture of electrical household appliances, automatic transmission castings and electrical household appliance parts, and die castings, (a) between Canton and North Canton, Ohio, on the one hand, and, on the other, Boston, Mass., Brooklyn, N.Y., Buffalo, N.Y., Chicago, Ill., Dallas, Tex., Denver, Colo., Detroit, Mich., the District of Columbia, Los Angeles, Calif., Newark, N.J.; New York, N.Y.; Philadelphia, Pa., San Francisco, Calif., and Seattle, Wash., and (b) from Aurora and Rockford, Ill., Mishawaka, South Bend, and Wabash, Ind., Midland and Owosso, Mich., points in Erie and Niagara Counties, N.Y., and Troy, N.Y., and points in Pennsylvania, to Canton and North Canton, Ohio; (2) *games and toys, modeling clay sets, swimming fins, goggles, masks, nose clips and snorkels, pitching horse shoes*, and *rubber shoe soles, with cement*, from Deming, N. Mex., to points in California, Illinois, Indiana, Michigan, Missouri, Ohio, and Pennsylvania, (3) *equipment, machinery, materials and supplies*, used in the manufacture of the commodities named in item (2) above, from points in the States named in item (2) above, to Deming, N. Mex.

No. MC 113024 (Sub-No. 22), filed August 14, 1962. Applicant: ARLINGTON JOHN WILLIAMS, doing business as A. J. WILLIAMS, 152 Killoran Drive, New Castle, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from Los Angeles, Calif., to Atlanta, Ga., Greensboro, N.C., Jersey City, N.J., Long Island City, N.Y., Philadelphia, Pa., Baltimore, Md., Meridian, Miss., and Memphis, Tenn.

No. MC 115179 (Sub-No. 11), filed August 17, 1962. Applicant: GLACKEN TRANSPORTATION, INC., 4083 Faries Parkway, Decatur, Ill. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin plasticizer*, in bulk, in tank vehicles, from Decatur, Ill., to Marrero, La., and *damaged and rejected shipments*, on return.

NOTE: Common control may be involved.

No. MC 116091 (Sub-No. 3), filed August 20, 1962. Applicant: STANLEY LEMONS AND CLAUDE LEMONS, a partnership, doing business as LEMONS BROTHERS, East Bridge Street, Cynthiana, Ky. Applicant's attorney: Robert H. Kinker, Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed*, in bulk, in vehicles equipped with augers or blowers for unloading, and (2) *animal and poultry feed*, in bags, moving in the same vehicle with (1) above and constituting not more than 45 percent of total volume, from Lexington, Ky., to farm sites in Adams, Brown, Clermont, Clinton, Hamilton, Highland, Pike, Scioto, and Warren Counties, Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above specified commodities, on return.

No. MC 119934 (Sub-No. 52), filed August 16, 1962. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Denatured alcohol solvents, and ethyl ether*, in bulk, in tank vehicles, from Ficklin, Ill., to Higganum, Conn., and *damaged and rejected shipments*, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 13300 (Sub-No. 76), filed August 13, 1962. Applicant: CAROLINA COACH COMPANY, a corporation, 1201 South Blount Street, Raleigh, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, (1) between Richmond, Va., and junction Interstate Highway 95, U.S. Highway 301 and Virginia Highway 35, approximately 10 miles south of Petersburg, Va., as follows: from Richmond over Interstate Highway 95 to its junction with U.S. Highway 301 and Virginia Highway 35 approximately 10 miles south of Petersburg, Va., and return over the same route, serving all intermediate points, and (2) between junction Interstate Highway 95 and U.S. Highway 301 approximately 4 miles north of Emporia, Va., and junction Interstate Highway 95 and U.S. Highway 158 between Roanoke Rapids, N.C., and Weldon, N.C., as follows: from junction Interstate Highway 95 and U.S. Highway 301 approximately 4 miles north of Emporia, over Interstate Highway 95 to its junction with U.S. Highway 158 between Roanoke Rapids and Weldon, and return over the same route, serving all intermediate points.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 69274 (Sub-No. 7), filed August 15, 1962. Applicant: M & R TRANSPORTATION CO., INC., 75 Federal Street, Boston, Mass. Applicant's attorney: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between points in Massachusetts.

NOTE: Common control may be involved. It is further noted that this application is directly related to MC-F-8218, published this issue.

No. MC 109533 (Sub-No. 13), filed August 16, 1962. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, P.O. Box 1216, Richmond 8, Va. Applicant's representative: C. H. Swanson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Danville, Va., and Lynchburg, Va.: from Danville over U.S. Highway 29 to Lynchburg, and return over the same route serving all intermediate points. (2) Between Lynchburg, Va., and South Boston, Va.: from Lynchburg over U.S. Highway 501 to South Boston, and return over the same route serving all intermediate points. (3) Between Lynchburg, Va., and Kenbridge, Va.: from Lynchburg, over U.S. Highway 501 and Virginia Highway 40 thru Brookneal, Va., to Phenix, Va., thence over Virginia Highway 40, thru Charlotte Court House, Keysville, Lunenburg and Victoria, Va., to Kenbridge, and return over the same route, serving no intermediate points. (Restriction) No property shall be transported which originates in Lynchburg, Va., and is destined to Richmond, Va., and no property shall be transported which originates in Richmond, Va., and is destined to Lynchburg, Va. No property shall be transported from Lunenburg, Va., to Kenbridge, Va., and vice versa, or intermediate points. (4) Between Kenbridge, Va., and South Hill, Va., from Kenbridge, over Virginia Highway 138 and U.S. Highway 1 to South Hill. (Restriction.) No freight shall be transported from Kenbridge, Va., to South Hill, Va., or from South Hill, Va., to Kenbridge, Va. (5) Between Altavista, Va., and Smith Mountain Dam Site, Va.; from Altavista over Virginia Highways 43 and 630 to Smith Mountain Dam Site, and return over the same route, serving all intermediate points. (6) Between Gretna, Va., and Smith Mountain Dam Site, Va.: from Gretna over Virginia Highways 40, 751 and 777 to Smith Mountain Dam Site, and return over the same route serving all intermediate points. (7) Between Chatham, Va., Halifax, Va.: from Chatham over Virginia Highways 832 and 642 and U.S. Highway 501 to Halifax, and return over the same route, serving all intermediate points.

NOTE: This application is directly related to MC-F-8219, published this issue.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8198 (LIGHTNING EXPRESS, INC.—PURCHASE (PORTION)—CHARLES J. DICKMAN, JR. (ROBERT B. DICKMAN, EXECUTOR), published in the August 1, 1962, issue of the FEDERAL REGISTER on page 7596. Supplement filed August 16, 1962, to show joinder of JOSEPH L. SALVATORA, L. B. SALVATORA, ALBERT W. SALVATORA, CHARLES E. SALVATORA, LOUIS T. SALVATORA, and PAUL J. SALVATORA, all of 2701 Railroad Street, Pittsburgh 22, Pennsylvania, as persons in control of LIGHTNING EXPRESS, INC.

No. MC-F-8216. Authority sought for purchase by JAKE STOKES, doing business as PRICKETT TRANSPORTATION, 1836 Robles Street, Modesto, Calif., of the operating rights of PRICKETT TRANSPORTATION CO., P.O. Box 205, Salida, Calif. Applicants' representative: Charles D. Gilbert, P.O. Box 824, Stockton, Calif. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of California, as more specifically described in Docket No. MC-121198. JAKE STOKES, doing business as PRICKETT TRANSPORTATION, holds no authority from this Commission. However he and Johnson McMurphy are in a partnership, doing business as Swanson's Trucking Service, P.O. Box 227, Turlock, Calif., which is authorized to operate as a *common carrier* in California, and also under the Second Proviso of section 206(a)(1) of the Act, in California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8217. Authority sought for purchase by CLAIRMONT TRANSFER CO., 1803 Seventh Avenue North, Escanaba, Michigan, of the operating rights and properties of JASPER & CHICAGO MOTOR EXPRESS, INC. (RICHARD E. FOLZ, TRUSTEE), 1725 West Franklin Street, Evansville, Indiana, and for acquisition by RUTH K. NORTON and HERBERT J. NORTON, both of 518 Third Avenue South, Escanaba, Michigan, of control of such rights and property through the purchase. Applicants' attorneys: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wisconsin and David MacDonald, 1000 16th Street NW., Washington, D.C. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over regular routes, between New Albany, Ind., and East Mount Carmel, Ind., serving all intermediate points, without restriction, and the offroute points of Mount Carmel, Ill., and Winslow, Holland, Otwell, Ireland, and Velpen, Ind., restricted to the transportation of general commodities except those of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, and from points in Indiana within five miles of New Albany, Princeton, and East Mount Carmel, Ind., restricted to the transportation of general commodities, except those of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and commodities in bulk; *general commodities*, excepting, among others, household goods and commodities in bulk, between Huntingburg, Ind., and Chicago, Ill., between Jasper, Ind., and Santa Claus, Ind., between Evansville, Ind., and Loogootee, Ind., serving all intermediate and certain offroute points in Indiana as follows: from Palmyra over Indiana Highway 135 to junction unnumbered highway, thence over unnumbered highway to junction Indiana Highway 335, thence east over Indiana Highway 335 to a point four miles from Martinsburg, thence north over unnumbered highway to a point three miles from Martinsburg, and thence northeast over Indiana Highway 335 to a point four miles northeast of Martinsburg, thence over unnumbered highway to junction Indiana Highway 135, and thence over Indiana Highway 135 to Palmyra, and from Bradford over unnumbered highway to junction U.S. Highway 150, serving all farms on the above-specified routes, between Louisville, Ky., and Palmyra, Ind., serving certain intermediate and offroute points, between Paoli, Ind., and Palmyra, Ind., serving all intermediate points, and between Loogootee, Ind., and Burns City, Ind., serving certain intermediate and offroute points, over alternate routes for operating convenience only, between Vincennes, Ind., and Flora, Ill., serving certain intermediate and offroute points; *milk, cream and farm machinery*, from Palmyra, Ind., to Edwardsville, Ind., serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between junction Indiana Highways 241 and 61, and Vincennes, Ind., serving the intermediate point from Verne, Ind., restricted against the transportation of any shipment originating at or destined to Louisville, Ky., Jasper, Ind., or points on U.S. Highway 50 west of Vincennes, Ind., and between junction Indiana Highways 64 and 257, and Washington, Ind., serving certain intermediate points. Vendee is authorized to operate as a common carrier in Wisconsin, Michigan, Illinois, Missouri, Minnesota, Indiana and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8218. Authority sought for purchase by M. & R. TRANSPORTATION CO., INC., 147 Park Street, Akron 9, Ohio, of the operating rights of CLINTON AUTO EXPRESS, INC., 29 Plain Street, Clinton, Mass., and CLINTON AUTO, INC., also of 29 Plain Street, Clinton, Mass., and for acquisition by ROADWAY EXPRESS, INC., and in turn by GALEN J. ROUSH, both of 147 Park Street, Akron 9, Ohio, of control of such rights through the purchase. Applicants' attorneys: John R. Turney or Russell R. Sage, 2001 Massachusetts Avenue NW., Washington 6, D.C. Operating rights sought to be transferred: (CLINTON AUTO EXPRESS, INC.) *general commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Clinton, Mass., and Boston, Mass., serving the offroute point of Wayland, Mass., and between Clinton, Mass., and Worcester, Mass., serving all intermediate points; (CLINTON AUTO, INC.) operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of Massachusetts, covering the trans-

portation of *general commodities* over irregular routes, between all points in Massachusetts. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, Pennsylvania, Rhode Island, Connecticut, and New Jersey. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-69274 Sub 7 is a matter directly related.

No. MC-F-8219. Authority sought for purchase by OVERNITE TRANSPORTATION COMPANY, 1100 Ninth Street Road (P.O. Box 1216), Richmond, Va., of the operating rights and property of HILL CITY TRANSFER, INCORPORATED, Murray Place (P.O. Box 4236, Fort Hill Station), Lynchburg, Va., and for acquisition by J. HARWOOD COCHRANE, 1100 Ninth Street Road, Richmond, Va., of control of such rights and property through the purchase. Applicants' representative: C. H. Swanson, P.O. Box 1216, Richmond, Va. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route, serving Drakes Branch, Va., as an off-route point in connection with carrier's regular route authority described in Docket No. MC-99698; operations under the Second Proviso of Section 206(a)(1) of the Interstate Commerce Act, in the State of Virginia, covering the transportation of *freight*, between Danville, Va., and Lynchburg, Va., via U.S. Highway No. 29, between Lynchburg, Va., and South Boston, Va., via U.S. Highway No. 501; between Lynchburg, Va., and Kenbridge, Va., over U.S. Highway No. 501 and Va. Route No. 40 from Lynchburg via Brookneal to Phenix, thence Va. Route No. 40 from Phenix via Charlotte C. H., Keysville, Lunenburg, and Victoria to Kenbridge, LIMITATIONS: No property shall be transported which originates in Lynchburg and is destined to Richmond and no property shall be transported which originates in Richmond and is destined to Lynchburg and no property shall be transported from Lunenburg to Kenbridge, and vice versa, or intermediate points; between Kenbridge, Va., and South Hill, Va., over Virginia Highway No. 138 and U.S. Highway No. 1, LIMITATION: No freight shall be transported from Kenbridge to South Hill or from South Hill to Kenbridge; between Altavista, Va., and Smith Mountain Dam Site, Va., via Virginia Highways 43 and 630, serving intermediate points; Gretna, Va., and Smith Mountain Dam Site, Va., via Virginia Highways 40, 751 and 777, serving intermediate points; Chatham, Va., and Halifax, Va., via Virginia Highways 832 and 642 and U.S. Highway 501, serving intermediate points. Vendee is authorized to operate as a *common carrier* in Virginia, North Carolina, South Carolina, Tennessee and Georgia. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC-109533 Sub 13 is a matter directly related.

NOTE: Application for authority under section 214 was filed in conjunction with the application under section 5, in Finance Docket No. 22230.

No. MC-F-8220. Authority sought for control by DON WARD, 241 West 56th Avenue, Denver, Colo., of BOYD E. RICHNER, INC., DON WARD, INC., both of P.O. Box 1488, Durango, Colo., and C. B. JOHNSON, INC., P.O. Drawer "S", Cortez, Colo. Applicants' attorney: Peter J. Crouse, 730 Equitable Building, Denver 2, Colo. Operating rights sought to be controlled: (BOYD E. RICHNER, INC.), *soda ash*, as a *common carrier* over regular routes from the site of the Westvaco plant near Green River, Wyo., to the plant site of the Vanadium Corporation of America at Durango, Colo., and from the site of the Westvaco plant near Green River, Wyo., to the plant site of the Vanadium Corporation of America at Naturita, Colo., serving no intermediate points; *uranium and vanadium ores*, in bulk over irregular routes, from points within 175 miles of Monticello, Utah, to Naturita and Durango, Colo.; *mining supplies and equipment*, excluding Class A and B explosives, between points within 175 miles of Monticello, Utah, on the one hand, and, on the other, Durango, and Naturita, Colo.; *ore concentrates*, in containers, from points in McKinley and Valencia Counties, N. Mex., within 30 miles of Grants, N. Mex., to the site of the plant of the Atomic Energy Commission located approximately four miles from Grand Junction, Colo.; *soda ash*, from the site of the Westvaco plant near Green River, Wyo., to Shiprock, N. Mex., and Moab and Monticello, Utah, and points within five miles of each; *soda ash*, in bags, from the site of the Westvaco Chemical Company plant near Green River, Wyo., to Uravan, Colo.; *soda ash*, in bulk, from the site of the Westvaco Chemical Company plant near Green River, Wyo., to Grand Junction, Uravan, and Gunnison, Colo., the site of Phillips Petroleum and Chemical Company plant about 24 miles northwest of Grants, N. Mex., and the site of the Homestake of New Mexico Partners plant near Grants, N. Mex.; *soda ash*, in bulk, in tank-type vehicles, from Thompson and Crescent Junction, Utah, and Grand Junction, Colo., to Uravan, Colo., and to the plant site of the Vanadium Corporation of America, at or near Durango, Colo. RESTRICTION: The service authorized herein is restricted to the transportation of shipments having an immediately prior movement by rail from the plant site of the Food Machinery and Chemical Corporation, at Westvaco, Wyo., (near Green River, Wyo.). (DON WARD, INC.), *coal*, as a *common carrier*, over regular routes from Broadus, Mont., to Rapid City, S. Dak., serving the intermediate points of Belle Fourche, Spearfish, and Sturgis, S. Dak., and the off-route points of Deadwood, Lead, and Newell, S. Dak., for delivery only, and intermediate and off-route points within 15 miles of Broadus for pickup only; *petroleum products*, in bulk or in packages from Osage, Wyo., to Broadus, Mont., serving the intermediate point of Biddle, Mont., restricted to delivery only; *hides, pelts, and wool*, from Newell, S. Dak., to Broadus, Mont., serving all intermediate points and the offroute point of Colony, Wyo., restricted to delivery only and from Broadus, Mont., to Miles City, Mont., serving all intermediate points restricted to delivery only; *cement and clay products*, over irregular routes, from Rapid City, S. Dak., to points in McCone, Garfield, Richland, Wibaux, Fallon, Treasure, Yellowstone, Sheridan, Daniels, Roosevelt, and Valley Counties, Mont.; *cement, lime, and clay products*, from Rapid City, S. Dak., to points in Dawson, Powder River, Carter, Prairie, Rosebud, Big Horn, and Custer Counties, Mont.; *lumber, building materials, agricultural implements, machinery, clay products, lime, and cement*, from Belle Fourche, S. Dak., to points in Carter, Custer and Powder River Counties, Mont.; *packing house products*, from Belle Fourche, S. Dak., to points in Carter and Powder River Counties, Mont.; *hides, pelts, and wool*, from points in Carter, Custer and Powder River Counties, Mont., to Belle Fourche, S. Dak.; *livestock, feed, salt, hay, grain, grain products, twine, branding paint, and wool bags*, between Sioux City, Iowa, and Belle Fourche, S. Dak., on the one hand, and, on the other, points in Treasure, Rosebud, Custer, Powder River, and Carter Counties, Mont.; *cement*, from Portland, Colo., to points in Taos, Colfax, Union, and Harding Counties, N. Mex., and from Fort Collins, Colo., and points within ten miles of Fort Collins, to Henry, Nebr., and points in that part of Wyoming and Nebraska within 150 miles of Henry, and from Laramie, Wyo., and points within ten miles of Laramie, to Henry, Nebr., and points in Nebraska within 150 miles of Henry; *cement*, in bulk, from Laramie, Wyo., to points in Colorado on or north of a line beginning at the Colorado-Kansas State line, and extending along U.S. Highway 24 to Grand Junction, Colo., and thence along U.S. Highway 6 to the Colorado-Utah State line, and to points in that part of Nebraska on or west of a line beginning at the Nebraska-South Dakota State line and extending along Nebraska Highway 27 to Ellsworth, Nebr., thence south along a line to Oshkosh, Nebr., and thence along Nebraska Highway 27 to the Nebraska-Kansas State line; *cement*, in bulk, in tank or hopper-type vehicles, from Rapid City, S. Dak., and points within ten miles thereof, to points in Wyoming, and points in that part of Nebraska west of a line beginning at the South Dakota-Nebraska State line and extending along Nebraska Highway 27 to junction Nebraska Highway 2 at Ellsworth, thence along Nebraska Highway 2 to Bingham, thence along unnumbered highway to Oshkosh, thence along Nebraska Highway 27 to the Nebraska-Colorado State line, and from Portland, Colo., to points in Laramie County, Wyo.; *tile and brick*, from Denver, Golden, Longmont, Loveland and Boulder, Colo., and points within two miles of each, and from Fort Collins, Colo., and points within ten miles of Fort Collins, to points in Platte, Goshen, and Laramie Counties, Wyo., and from Denver, Colo., and points within ten miles thereof to points in Wyoming (except points in Platte, Goshen and Laramie Counties, Wyo.); *feed*, except molasses, in bulk, from Fort Collins, Colo., to points in Wyoming; *pozzolan*, in bulk, in tank vehicles, from Laramie, Wyo., to Denver, Colo., Vernal, Utah, and Kimball, Nebr.; *vanadium liquor*, in bulk, in tank vehicles, between points in McKinley and Valencia Counties, N. Mex., on the one hand, and on the other, Salt Lake City, Utah, and points in La Plata, Mesa, and Montrose Counties, Colo.; *sulphuric acid*, in bulk, in tank vehicles, from Garfield, Utah, to Naturita and Durango, Colo., from Garfield, Utah, to Uravan, Colo., from Garfield, Utah, to points in San Juan Counties, N. Mex., from Thompson, Utah, to Durango, Naturita, and Uravan, Colo., and Shiprock, N. Mex., from Rico, Colo., to Shiprock, N. Mex., from Garfield, Utah, to Maybell, Colo., from Garfield and Thompson, Utah, to Slick Rock, Colo., from Rico, Colo., to Monticello, Utah, and from points within 25 miles of Grants, N. Mex. (not including Grants), to points in Colorado west of the Continental Divide; authority applied for by (C. B. JOHNSON, INC.), covering the transportation of *lead* and *zinc ore* and *lead* and *zinc ore concentrates*, as a *common carrier*, over irregular routes, from Rico, Colo., to railheads at Gallup, N. Mex. DON WARD holds no authority from this Commission. However, he owns 60 percent of the voting stock of DON WARD, INC., and BOYD E. RICHNER, INC. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8221. Authority sought for purchase by HASLETT WAREHOUSE COMPANY, 680 Beach Street (Post Office Box 3270, Zone 19), San Francisco 9, Calif., of the operating rights and property of HOWARD TERMINAL, 95 Market Street (Post Office Box 857), Oakland 4, Calif., and for acquisition by S. M. HASLETT, JR., 680 Beach Street, San Francisco, Calif., of control of such rights and property through the purchase. Applicants' attorneys: Marvin Handler, Handler, Baker & Mastoris, 625 Market Street, San Francisco 5, Calif., and Gerald H. Trautman, McCutchen, Doyle, Brown & Enersen, 601 California Street, San Francisco 8, Calif. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Sacramento, Calif., and Pollock Pines, Calif., serving all intermediate and certain off-route points, and between Sacramento, Calif., and Jackson, Calif., serving certain intermediate points; operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, covering the transportation of general commodities, with exceptions between all points in the San Francisco-East Bay Cartage Zone; and between Sacramento and points within a radius of ten miles thereof, on the one hand, and, on the other hand, Grass Valley, Nevada City, points within a radius of five miles of Grass Valley and of Nevada City and intermediate points on California Highway 49 between Nevada City and Auburn but not including Auburn, locally between all points on California Highway 49 between Nevada City and Auburn but not including Auburn including all points within a radius of five miles of Grass Valley and Nevada City, Calif., as more specifically described in Docket Nos. MC-98379 Sub-2 and MC-98379 Sub-3, respectively. Vendee is authorized to operate as a *common carrier* in the State of California, and under the Second Proviso of section 206(a)(1) of the Act in California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8222. Authority sought for control by WATKINS MOTOR LINES, INC., Albany Road, Thomasville, Ga., of NEBRASKA-EASTERN EXPRESS, INC., 628 Keeline Building, Omaha, Nebr., and for acquisition by BILL WATKINS, also of Thomasville, Ga., of control of NEBRASKA-EASTERN EXPRESS, INC., through the acquisition by WATKINS MOTOR LINES, INC. Applicants' attorney: Duane W. Acklie, Nelson, Harding & Acklie, Box 2028, 14th and J Streets, Lincoln, Nebr. Operating rights sought to be controlled: *Packinghouse products and supplies*, as a *common carrier*, over irregular routes between Chicago, Ill., on the one hand, and, on the other, Sioux City, Iowa, and Omaha and South Omaha, Nebr., between Sioux City, Iowa, on the one hand, and, on the other, East St. Louis, Ill., and Omaha and South Omaha, Nebr., and between Omaha and South Omaha, Nebr., on the one hand, and, on the other, East St. Louis, Ill.; *dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 677, from points in the New York, N.Y., Commercial Zone, as defined by the Commission, to Omaha, Nebr., and from Omaha, Nebr., to Cleveland, Ohio, Philadelphia, Pa., Boston, Mass., Rochester, N.Y., and points in the New York, N.Y., Commercial Zone, as defined by the Commission (except New York City); *butter, eggs*, and *dressed poultry*, from Omaha, Nebr., to New York, N.Y.; *fish*, from Boston, Mass., to Omaha, Nebr., and Sioux City, Iowa; *oysters*, during the season extending from September 15th to April 16th, inclusive, of each year, from Oyster Bay, N.Y., to Port Norris, N.J., and Baltimore, Salisbury, Galesville, Nanticoke, Chester, and Crisfield, Md., to Omaha, Nebr., and Sioux City, Iowa; *petroleum products*, in containers, from Emlenton, Pa., to Council Bluffs, Sioux City, Mason City and Waterloo, Iowa, and Grand Island, Nebr.; *rugs* and *linoleum*, and *such materials and supplies* used in the laying of rugs and linoleum, from Philadelphia, Marcus Hook, and Carlisle, Pa., Camden and Kearny, N.J., Yonkers and New York, N.Y., and Worcester, Mass., to Des Moines, Iowa, and Omaha, Nebr.; *rubber and rubber products*, from Passaic and Jersey City, N.J., and New York, N.Y., to Des Moines, Iowa; *paper and fibre boxes*, knocked down, from Kansas City, Mo., to Jackson, Miss.; *toilet preparations* and *barber supplies* and *ingredients and supplies* used in the manufacture of toilet preparations and barber supplies, and *empty containers* for toilet preparations and barber supplies, from Des Moines, Iowa, to St. Louis, Mo., Chicago, Ill., and Detroit, Mich.; *toilet preparations* and *barber supplies*, from Des Moines, Iowa, to Philadelphia, Pa., Jersey City, N.J., and New York, N.Y.; *glass bottles and caps*, and *materials* used in the manufacture of toilet preparations and barber supplies, from Philadelphia, Pa., and Jersey City, N.J., and New York, N.Y., to Des Moines, Iowa; *toilet preparations, glass bottles and caps* and *products* used in the manufacture of toilet preparations, between Des Moines, Iowa, and Bayonne, N.J.; *toilet preparations* and *ingredients and supplies* used in the manufacture of toilet preparations between Jackson, Miss., on the one hand, and, on the other, Des Moines, Iowa, and Bayonne, N.J.; *toilet preparations* and *barber supplies*, and *empty containers* for toilet preparations and barber supplies, between Jackson, Miss., and Des Moines, Iowa, on the one hand, and, on the other, Houston and Dallas, Tex.; and *carpets, rugs*, and *linoleum*, and *materials and supplies* used in the installation thereof, from Kearny, N.J., and Marcus Hook, Pa., to Sioux City, Iowa, and Lincoln, Nebr. RESTRICTION: The authority granted herein may not be joined or tacked, directly or indirectly, one to another, for the purpose of performing any through service. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8666; Filed, Aug. 28, 1962; 8:53 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 24, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37897: *Natural asphalt to official and southern territories.* Filed by Western Trunk Line Committee, Agent (No. A-2269), for interested rail carriers. Rates on asphalt, natural (gilsonite), in carloads, from specified points in Colorado, Utah and Wyoming, to points in official (not including Illinois), and southern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 76 to Trans-Continental Freight Bureau tariff I.C.C. 1578.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8663; Filed, Aug. 28, 1962; 8:52 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to 29 CFR 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region III

F. W. Woolworth Co., 906-08 Wood Street, Wilkinsburg, Pa.; effective 7-13-62 to 7-12-63 (variety store; 21 employees).

Region VI

Ball Stores, Inc., Muncie, Ind.; effective 8-9-62 to 8-9-63 (department store; 256 employees).

Region VII

Boulevard Food Store, 1021 Nebraska Street, Sioux City, Iowa; effective 8-6-62 to 8-5-63 (food store; 22 employees).

Town & Country Market (#2), 916 Market Street, Olathe, Kans.; effective 8-6-62 to 8-5-63 (food store; 21 employees).

Region X

The Purcell Co. Inc., 320 West Main Street, Lexington, Ky.; effective 8-10-62 to 8-9-63 (department store; 134 employees).

North Carolina

Rose's Stores (#43), 102-08-04 Main Street, Clinton, N.C.; effective 8-8-62 to 8-7-63 (variety store; 20 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates below $1.00 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Baytown Variety, Inc., d/b/a T.G. & Y. Stores (#244), 1006 Market Street, Baytown, Tex.; effective 7-23-62 to 7-22-63; office clerk, sales clerk, stock clerk; 10 percent each month (variety store; 15 employees).

Belen Variety, Inc., d/b/a T.G. & Y. Stores (#281), De Beca Building, Los Alamos, N. Mex.; effective 8-13-62 to 8-12-63; clerical, sales, stock clerk; 10 percent each month (variety store; 13 employees).

Colonial Stores, Inc., 59 South Church Street, Canton, Ga.; effective 8-7-62 to 8-6-63; clerk, bagger, carryout, checker; between 6.7 percent and 10 percent (food store; 22 employees).

Colonial Stores, Inc., 134 Oak Street, Jackson, Ga.; effective 8-15-62 to 8-14-63; bagger, carryout, checker, clerk; between 7.7 percent and 10 percent (Food store; 13 employees).

Colonial Stores, Inc., 62 Keys Ferry Street, McDonough, Ga.; effective 8-8-62 to 8-7-63; bagger, carryout, checker, clerk; between 5.1 percent and 10 percent (food store; 18 employees).

Food Mart (#32), 800 West Hobbs, Roswell, N. Mex.; effective 8-15-62 to 8-14-63; bagger, carryout, janitor, stock clerk, checker; 10 percent each month (food store; 34 employees).

W. T. Grant Co. (#238), 6001 Q. Lumas Boulevard NE., Albuquerque, N. Mex.; effective 8-13-62 to 8-12-63; sales clerk; between 3.2 percent and 10 percent (department store; 33 employees).

Griffin Piggly Wiggly Groc. & Market, Texas Street (#2), DeRidder, La.; effective 8-13-62 to 8-12-63; bagger; between 2.8 percent and 10 percent (food store; 21 employees).

Jupiter (#4514), 22 Independence Street, Shamokin, Pa.; effective 8-1-62 to 7-31-63; sales clerk; between .3 percent and 10 percent (variety store; 14 employees).

S. S. Kresge Co., South Shore Plaza, Granite Street (Route 37) and Route 128, Braintree, Mass.; effective 7-31-62 to 7-30-63; sales clerk; 10 percent each month (variety store; 63 employees).

S. S. Kresge Co., Westgate Center, 2511 Jackson Road, Ann Arbor, Mich.; effective 8-13-62 to 8-12-63; sales clerk; 10 percent each month (variety store; 35 employees).

S. S. Kresge Co. (#135), 7971 Southtown Center, Minneapolis 20, Minn.; effective 8-1-62 to 7-31-63; sales clerk; 10 percent each month (variety store; 41 employees).

S. S. Kresge Co. (#434), 5837 Smith Road, Cleveland 42, Ohio; effective 8-13-62 to 8-12-63; sales clerk; 10 percent each month (variety store; 28 employees).

S. S. Kresge Co., West Hills Shopping Center, 925 Broadhead Road, Coraopolis, Pa.; effective 8-13-62 to 8-12-63; sales clerk; between 0 and 10 percent (variety store; new store).

S. S. Kresge Co. (#189), 19 Olmsted Plaza, Middletown, Pa.; effective 8-13-62 to 8-12-63; sales clerk; 10 percent each month (variety store; 33 employees).

S. S. Kresge Co., Village Shopping Center, Keith Street and Harrison Pike, Cleveland, Tenn.; effective 8-1-62 to 7-31-63; sales clerk; between 2.2 percent and 10 percent (variety store; 31 employees).

S. H. Kress & Co., Cache Road Square Shopping Center, 38th and Cache Road, Lawton, Okla.; effective 8-13-62 to 8-12-63; sales clerk; between 5.6 percent and 10 percent (variety store; 27 employees).

G. C. Murphy Co. (#291), 17400 Lorain Avenue, Cleveland 11, Ohio; effective 8-10-62 to 8-9-63; sales clerk, stock clerk, janitor, clerical; between 2.2 percent and 10 percent (variety store; 36 employees).

Neisner Brothers, Inc. (#180), 650 South Main Street, Del Rio, Tex.; effective 8-13-62 to 8-12-63; sales clerk, stock clerk, clerical; between 5.9 percent and 10 percent (variety store; 23 employees).

F. W. Woolworth Co., 2040 William Street, Cape Girardeau, Mo.; effective 8-13-62 to 8-12-63; sales clerk; between 4.3 percent and 10 percent (variety store; 18 employees).

F. W. Woolworth Co., 150 East Front Street, Traverse City, Mich.; effective 8-13-62 to 8-12-63; sales clerk, stock clerk; between 8.3 percent and 10 percent (variety store; 36 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 22d day of August 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-8641; Filed, Aug. 28, 1962; 8:49 a.m.]

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Title 3, 1954–1958 Compilation ($4.00); 1961 Supplement to Title 3 ($0.60); Titles 1–4 ($1.00); Title 5 ($0.50); Title 6 ($2.00); Title 7, Parts 1–50 ($0.65); Parts 51–52 ($0.70); Parts 53–209 ($0.60); Parts 210–399 ($0.40); Parts 400–899 ($2.50); Parts 900–944 (Revised) ($1.00); Parts 945–980 (Revised) ($1.00); Parts 981–999 (Revised) ($0.55); Parts 1000–1029 (Revised) ($1.00); Parts 1030–1059 (Revised) ($1.50); Parts 1060–1089 (Revised) ($1.00); Parts 1090–1119 (Revised) ($1.25); Parts 1120 to end (Revised) ($1.00); Title 8 ($0.50); Title 9 ($0.65); Titles 10–13 ($1.25); Title 14, Parts 1–19 (Revised) ($2.50); Parts 20–199 (Revised) ($1.75); Parts 200–399 (Revised) ($1.00); Parts 400–599 (Revised) ($0.65); Parts 600 to end (Revised) ($0.70); Title 15 ($1.25); Title 16 ($0.45); Title 17 ($1.00); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.40); Title 21 ($2.25); Titles 22–23 ($0.55); Title 24 (Revised) ($3.00); Title 25 ($0.50); Title 26, Part 1 (§§ 1.0–1—1.400) ($0.40); Part 1 (§§ 1.401—1.860) ($0.55); Part 1 (§ 1.861 to end) to Part 19 ($0.30); Parts 20–29 ($0.30); Parts 30–39 ($0.30); Parts 40–169 ($0.50); Parts 170–299 ($0.50); Parts 300–499 ($0.35); Parts 500–599 ($0.30); Parts 600 to end ($0.30); Title 27 ($0.30); Titles 28–29 ($2.25); Titles 30–31 ($1.00); Title 32, Parts 1–39 ($0.50); Parts 40–399 ($0.40); Parts 400–589 (Revised) ($3.50); Parts 590–699 (Revised) ($4.25); Parts 700–799 (Revised) ($5.00); Parts 800–999 ($0.50); Parts 1000–1099 ($1.75); Parts 1100 to end (Revised) ($4.50); Title 32A ($0.75); Titles 33–34 (Revised) ($8.25); Title 35 ($0.30); Title 36 ($0.35); Title 37 ($0.30); Title 38 ($1.25); Title 39 (Revised) ($5.25); Titles 40–41 (Revised) ($1.75); Title 42 ($0.40); Title 43 ($1.25); Title 44 ($0.30); Title 45 ($0.45); Title 46, Parts 1–145 ($1.50); Parts 146–149 (1962 Supplement 1) ($1.50); Parts 150 to end ($1.25); Title 47, Parts 1–29 ($1.50); Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.25); Parts 91–164 ($0.55); Parts 165 to end ($0.30); Title 50 ($0.40); General Index ($1.25)

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VOLUME 27 NUMBER 169

Washington, Thursday, August 30, 1962

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Presidential Documents

Title 3—THE PRESIDENT

PROCLAMATION 3488

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1962

By the President of the United States of America

A Proclamation

WHEREAS our handicapped workers have contributed immeasurably to the strength of our Nation through their productive capacity; and

WHEREAS our expanding economy demands effective and ever-enlarging utilization of our total manpower, suitably placed according to individual skills and talents; and

WHEREAS the physically and mentally handicapped, through increased emphasis on rehabilitation and training to prepare them for occupations commensurate with their abilities, stand ready to assume an even greater share in our social and economic progress; and

WHEREAS their readiness to assume this greater role can be translated into action by acquainting more employers and the public generally with the policy of giving full consideration to handicapped persons in employment, promotion, reassignment and retention; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530), has designated the first week in October of each year as National Employ the Physically Handicapped Week and has requested the President to issue a suitable proclamation each year:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do call upon the people of our Nation to observe the week beginning October 7, 1962, as National Employ the Physically Handicapped Week, and to cooperate with the President's Committee on Employment of the Handicapped in furthering equal employment opportunity for the handicapped.

I also call upon the Governors of States, mayors of municipalities, Federal and other public officials, leaders of industry and labor, and other interested individuals and organizations to take part in this observance. I particularly urge employers to renew their efforts to give the handicapped equal consideration with others similarly qualified for employment; and I request all our people to follow the American tradition of helping others to help themselves by assisting handicapped persons to achieve economic independence and active participation in the total life of the national community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fourth day of August in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-seventh.

[SEAL]

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62-8804; Filed, Aug. 29, 1962; 11:15 a.m.]

Executive Order 11047

DELEGATING CERTAIN AUTHORITY TO THE SECRETARY OF DEFENSE AND THE ADMINISTRATOR OF THE FEDERAL AVIATION AGENCY

By virtue of the authority vested in me by Section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of Defense and the Administrator of the Federal Aviation Agency are hereby designated and empowered to exercise jointly, without the approval, ratification, or other action of the President, the authority vested in the President by the first sentence of Section 304 of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1345 (first sentence)) to transfer functions (including, as used in this order, powers, duties, activities, facilities, and parts of functions) as described in that sentence to the extent that the said authority is in respect of transfers from the Department of Defense or any officer or organizational entity thereof to the Administrator of the Federal Aviation Agency of functions relating to flight inspection of air navigation facilities.

SEC. 2. The Administrator and the Secretary shall exercise the authority hereinabove delegated to them only as they shall deem such exercise to be necessary or desirable in the interest of promoting, in respect of either civil or military aviation or both, safe and efficient air navigation and air traffic control.

SEC. 3. (a) To the extent necessitated by transfers of functions effected under the provisions of Section 1 of this order:

(1) Transfers of balances of appropriations available and necessary to finance and discharge the transferred functions shall be made under the authority of Section 202(b) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c(b)) as affected by the provisions of Section 1(k) of Executive Order No. 10530 of May 10, 1954.

(2) Provisions for appropriate transfers of records and property shall be made under the authority of the last sentence of Section 304 of the Federal Aviation Act of 1958 as affected by the provisions of Section 1 of Executive Order No. 10797 of December 24, 1958.

(b) Neither this order nor the said Executive Order No. 10797 shall be deemed to require or authorize the transfer of any civilian or military personnel from the Department of Defense to the Federal Aviation Agency, under authority of the said Section 304, in connection with transfers of functions effected under the provisions of Section 1 of this order.

SEC. 4. (a) In order to facilitate the orderly and timely accomplishment of the transfers and other arrangements mentioned in Section 3(a) of this order, the Secretary of Defense and the Administrator of the Federal Aviation Agency shall transmit to the Director of the Bureau of the Budget, not less than 30 days prior to the execution by them of any order or other transfer instrument in pursuance of the provisions of Section 1 of this order, all appropriate information in respect of any transfers or other arrangements proposed to be made in connection therewith under the provisions of Section 3 hereof, together with copy of the order or other transfer instrument proposed to be executed by them.

(b) In connection with any particular action or actions under Section 1 of this order, the Director of the Bureau of the Budget may either waive the requirements of Section 4(a), above, or reduce the 30 day period there prescribed.

JOHN F. KENNEDY

THE WHITE HOUSE,
August 28, 1962

[F.R. Doc. 62-8792; Filed, Aug. 29, 1962; 10:45 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, subparagraphs (41) and (42) are added to paragraph (a) of § 6.312 as set out below.

§ 6.312 **Department of Commerce.**

(a) *Office of the Secretary.* • • •

(41) One special Assistant to the National Export Expansion Coordinator.

(42) One private Secretary to the National Export Expansion Coordinator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-8725; Filed, Aug. 29, 1962; 8:52 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Amdt. 2]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—General Provisions 1962-Crop Price Support Programs for Grains and Related Commodities

COMPLIANCE REQUIREMENTS FOR RICE

The regulations issued by the Commodity Credit Corporation published in 27 F.R. 4411 and 27 F.R. 6583 containing the general provisions for the 1962-crop price support programs for grains and related commodities are hereby amended as follows:

Section 421.1127 is amended to read as follows:

§ 421.1127 **Compliance requirements for rice.**

(a) Except as provided in paragraph (b) of this section, a producer shall not be eligible for price support on rice produced in 1962 if the 1962 rice acreage on the farm on which such rice is produced is in excess of the rice acreage allotment.

(b) Notwithstanding the fact that the farm rice acreage allotment may have been exceeded, a producer shall be eligible for price support on the quantity of rice which he may market under his marketing card or marketing certificate for the farm if the producer establishes to the satisfaction of CCC that (1) he did not in any way knowingly contribute to the acreage on the farm being in excess of the farm rice acreage allotment, (2) the excess rice acreage results from a revision of the farm rice acreage allotment originally established for the farm due to the revocation or recall of an allocation to the farm of another producer's allotment, (3) the penalty on the entire farm marketing excess has been paid, or postponed or avoided by storage or delivery as provided in the Rice Marketing Quota Regulations for 1958 and Subsequent Crop Years (7 CFR 730.972 to 730.983) and any amendments thereto, and (4) the producer otherwise complies with the terms of the program. Each producer who wishes to establish his eligibility for price support under the provisions of this paragraph shall submit to the county committee a certification that he did not in any way knowingly contribute to the acreage on the farm being in excess of the farm rice acreage allotment. He shall also submit to the county committee a written statement signed by him and setting forth such facts as will establish that he was "engaged in the production of rice" of the 1962 crop on the farm as that term is defined in the Regulations for the Determination of Rice Acreage Allotments for the 1959 and Subsequent Crops of Rice (7 CFR 730.1011(g)), and disclose the nature and extent of his farm operations in connection with such rice crop, and shall submit such other information as may be required for the purpose of establishing his eligibility for price support hereunder.

(c) Any producer who is engaged in the production of 1962-crop rice on any farm other than the farm on which the rice tendered for price support was produced shall not be eligible for price support unless he meets the requirements of this paragraph. If the producer has an interest in the 1962 rice crop produced on any other farm in the same county, he must also be entitled to receive a marketing certificate for each such farm. If the producer is engaged in the production of rice in more than one county (in the same State or in two or more States) and the State or county committee has determined to apply the requirements of 7 CFR 730.967(c), 23 F.R. 2897, and any amendments thereto to such multiple farm producer, he must be entitled to receive a marketing certificate for each such farm.

(d) A cooperative marketing association shall not be eligible for price support on rice produced by a producer who has not fulfilled the applicable requirements of this section. If any rice tendered for price support has been produced on a farm to which the provisions of paragraph (b) of this section are applicable, the association shall submit in behalf of each producer who produced such rice the certification and other material required by said paragraph.

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 401, 408, 63 Stat. 1051, as amended; 15 U.S.C. 714 (b) and (c); 7 U.S.C. 1441, 1421 and 1428)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 24, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-8733; Filed, Aug. 29, 1962; 8:53 a.m.]

[1962 C.C.C. Cotton Bulletin 1, Amdt. 2]

PART 427—COTTON

Subpart—1962 Cotton Purchase Program Regulations

PREPARATION OF DOCUMENTS

The regulations issued by Commodity Credit Corporation, published in 27 F.R. 6530 as 1962 C.C.C. Cotton Bulletin 1 and containing the terms and conditions with respect to the 1962 Cotton Loan Program, are hereby amended to revise the procedure dealing with the data required to be stamped on a warehouse receipt in order to facilitate the disbursement to the producer by the lending agency of the loan proceeds from the cotton pledged by the producer to CCC under the provisions of this subpart.

Section 427.1311(b) is hereby amended to read as follows:

§ 427.1311 **Preparation of documents.**

• • • • • •

(b) The Clerk's Certificate on each Form A tendered for a loan must be executed by the approved clerk who assisted the producer in the preparation and execution of the Form A. The Form A must be signed by the producer in the presence of an approved clerk, and the copy marked "Producer's Copy" is to be retained by the producer. The copy marked "Lending Agency" shall be retained by the lending agency or the county office, whichever makes the loan. If the lending agency makes the loan, it shall retain the copy at the location for which approved unless otherwise authorized by the New Orleans office. The copy marked "Warehouseman" shall be transmitted to the warehouseman by the lending agency or the county office at the time the original Form A is transmitted to the New Orleans office. Loan forms must not be signed in blank under any circumstances. All applicable entries must be completed prior to the time the form is signed by either the producer or the loan clerk. The Schedule of Pledged Cotton on the Form A shall be completed, and the data entered

therein shall be verified by the loan clerk or an employee in the county office when the loan is disbursed in the county office. The cotton classification memorandums covering the cotton in the Schedule of Pledged Cotton shall be forwarded along with the other applicable loan documents to the New Orleans office. All persons claiming liens on the cotton must sign the Lienholder's Waiver on the Form A except that in lieu of signing the Lienholder's Waiver on each Form A, the lienholder may waive his lien on all cotton produced on a farm by executing Form 889 as provided in § 427.1314. Cotton pledged as security for a loan may be of different grades and staple lengths but must be stored in the same warehouse. When the classification memorandum shows that the cotton has been reduced in grade because of the presence of extraneous matter or because of spindle twist, the reduction data shown on the classification memorandum must be entered in the column headed "Reduced from A/C" in the Schedule of Pledged Cotton. When the cotton has been designated as "wasty" on the cotton classification memorandum, the notation "wasty" must be entered in the column "Reduced from A/C" in the Schedule of Pledged Cotton. The loan clerk shall enter all applicable information from the warehouse receipts representing the cotton. However, if any warehouse receipt contains any notation indicating that the bale is not eligible for a loan, the clerk shall not enter the bale on the Form A and shall inform the producer that the bale is not eligible. Not more than 500 bales shall be pledged as security for any one Form A. When disbursement on the Form A is made by a lending agency, the lending agency shall transmit the loan documents to the New Orleans office and must execute the covering Lending Agency's Letter of Transmittal (Form CCC Cotton C, referred to in this subpart as "Form C"). Date of disbursement shown on the Form A must be the actual date of disbursement to the producer by the lending agency or the county office.

Section 427.1319 is hereby amended to read as follows:

§ 427.1319 Warehouse receipts and insurance.

Only negotiable machine card-type warehouse receipts, acceptable to CCC, issued by an approved warehouse and properly assigned by an endorsement in blank so as to vest title in the holder or issued to bearer will be acceptable. The warehouse receipts must contain the gin bale number, must show that the cotton is covered by fire insurance, must be dated on or prior to the date the producer signs the notes, and must be stamped by the warehouseman to show "Receiving charges paid" or "Rec. Chgs. Pd." before the cotton represented by the warehouse receipt will be acceptable to CCC when submitted to CCC by the lending agency for reimbursement of a loan advance made on such cotton, or before the county office will disburse the proceeds of a loan on such cotton. Open yard endorsement, if any, on the warehouse receipt must have been rescinded with the legend "Open yard disclaimer deleted" with appropriate warehouseman's signature. Each receipt must set out in its written or printed terms a description by tag number and weight of the bale represented thereby and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. If the cotton has been compressed by either a gin or a warehouse, each receipt covering a compressed bale must also be stamped or printed to reflect the compression status of the cotton; i.e., "Standard Density" or "Std. Den." for cotton compressed to standard density at a warehouse; or "Gin Standard Density" or "Gin Std. Den." for cotton compressed to standard density by a gin. If the cotton has been compressed and the charge for such compression has been paid by the depositor or others, the receipts must also be stamped either "Compression Paid" or "Comp. Pd." Block warehouse receipts will not be accepted except on cotton to be reconcentrated pursuant to § 427.1322.

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421)

Effective date: This subpart shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 24, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-8732; Filed, Aug. 29, 1962; 8:53 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 615]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Mediterranean Fruit Fly

ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN LOCALITIES AS REGULATED AREAS

Pursuant to § 301.78–2 of the regulations supplemental to the Mediterranean Fruit Fly Quarantine (7 CFR 301.78–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions appearing as 7 CFR 301.78–2a are hereby amended to read as follows:

§ 301.78–2a Administrative instructions designating regulated areas under the Mediterranean fruit fly quarantine and regulations.

Infestations of the Mediterranean fruit fly have been determined to exist in the parts of civil divisions listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such parts of civil divisions because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such parts of civil divisions are hereby designated as Mediterranean fruit fly regulated areas within the meaning of the provisions in this subpart:

FLORIDA

Broward County. That portion of Broward County bounded by a line beginning at a point where Northwest 72d Avenue and Northwest 25th Street (Sheridan Street) intersect; thence east along Northwest 25th Street to its intersection with the Seaboard Airline Railroad; thence north along said railroad to its intersection with Oakland Park Beach Boulevard (Northwest 31st Street); thence east along said Boulevard to the Atlantic Ocean; thence south along the coastline to the Dade-Broward County line; thence west along said line to a point where a line extended due south from the termination of Southwest 72d Avenue would intersect said county line; thence north along said extended line, Southwest 72d Avenue and Northwest 72d Avenue, to the point of beginning.

Dade County. That portion of the county lying east of the west line of R. 39 E. (State Highway 27 and extension thereof to Dade-Broward County line) and north of the north line of T. 57 S. (Waldin Drive or extension thereof).

Palm Beach County. That portion of the county bounded by a line beginning at a point where the Seaboard Airline Railroad intersects Woolbright (15th) Avenue and extending along said avenue to its intersection with Southeast 5th Street; thence east on a line projected from said intersection to the point where Chickasaw Avenue intersects the Intercoastal Waterway; thence along said avenue to its intersection with Ocean Boulevard; thence along a line projected due east from said intersection to the Atlantic coastline; thence south along the coastline to its intersection with a line projected due east from the intersection of Hibiscus Road and Ocean Boulevard; thence west along said projected line and Hibiscus Road to its intersection with Sea Sage Drive; thence west along a line projected due west from said point to its intersection with the Intercoastal Waterway; thence southwest along a line projected from said point to the point where Germantown Road (Southeast 10th Street) intersects the Intercoastal Waterway; thence west and southwest along said road to its intersection with the Seaboard Airline Railroad; thence northward along said railroad to the point of beginning.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.78–2)

These administrative instructions shall become effective August 30, 1962, when they shall supersede P.P.C. 615, effective July 18, 1962 (7 CFR 301.78–2a).

The purpose of this amendment is to extend the regulated area in Broward County, Florida, and to designate as regulated an isolated area in Palm Beach County in which a Mediterranean fruit fly infestation was found at one location.

Those instructions list the parts of civil divisions regulated under the Mediterranean fruit fly quarantine and regulations, and supplement such regulations. They must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of August 1962.

[SEAL] D. R. SHEPHERD,
Acting Director, Plant Pest Control Division.

[F.R. Doc. 62–8715; Filed, Aug. 29, 1962; 8:51 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Farm Marketing Quotas for Extra Long Staple Cotton (Bulletin 2)] (Amdt. 6)

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops

COUNTY NORMAL YIELDS

The purpose of this amendment to the Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops (26 F.R. 5489, 7758, 10093, 27 F.R. 5977, 6117) is to establish the normal yields for counties for the 1962 crop year. Such normal yields for counties as established by the Director, are hereby approved by the Administrator of Agricultural Stabilization and Conservation Service in accordance with §§ 722.102(a)(16) and 722.151. In order that such normal yields may be used by county committees in connection with determinations of farm normal yields, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.151 of the Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops is hereby amended by addition of a new paragraph (b) at the end thereof which reads as follows:

(b) *For 1962 crop year.* The following table sets forth the normal yields for the 1962 crop year, as adjusted pursuant to § 722.102(a)(16), which are established for the respective counties.

ARIZONA

Cochise	630	Pima	602
Gila	402	Pinal	512
Graham	637	Santa Cruz	588
Maricopa	517	Yuma	490

CALIFORNIA

Imperial	393	Riverside	393

FLORIDA

Alachua	192	Putnam	150
Hamilton	155	Seminole	189
Lake	162	Sumter	184
Madison	155	Union	195
Marion	246		

GEORGIA

Berrien	283	Lanier	308
Cook	303		

NEW MEXICO

Dona Ana	440	Otero	317
Eddy	395	Sierra	417
Luna	374		

TEXAS

Brewster	403	Pecos	435
Culberson	676	Presidio	537
El Paso	577	Reeves	449
Hudspeth	476	Ward	566
Loving	490		

PUERTO RICO

North	198	South	98

(Secs. 301, 375; 52 Stat. 38, 66, as amended; 7 U.S.C. 1301, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on August 24, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-8730; Filed, Aug. 29, 1962; 8:53 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8290 o.]

PART 13—PROHIBITED TRADE PRACTICES

Mary Carter Paint Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.155 *Prices:* § 13.155–80 *Retail as cost, wholesale, discounted, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45). [Cease and desist order, Mary Carter Paint Co. (Tampa, Fla.) et al., Docket 8290, June 28, 1962]

In the Matter of Mary Carter Paint Company, Inc., a Corporation, and John C. Miller and I. G. Davis, Individually and as Officers of Said Corporation, and Robert Van Worp, Jr., Individually

Order requiring manufacturers of paint and related products, with principal place of business in Tampa, Fla., to cease representing falsely in advertisements in newspapers and periodicals and by radio and television—by such statements as "Buy only Half the Paint You Need", "Every Second Can Free of Extra Cost", etc.—that the advertised price was the usual retail price of a can of paint and was a factory price, and that if one can was purchased at that price, a second can would be given "free" when, actually, the advertised price was the regular retail price for two cans.

The order to cease and desist is as follows:

It is ordered, That respondents Mary Carter Paint Co., a corporation, and its officers, and Robert Van Worp, Jr., individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of paint or any other product, do forthwith cease and desist from representing, directly or by implication:

(a) That any amount is respondents' customary and usual retail price of any merchandise when said amount is in excess of the price at which such merchandise is customarily and usually sold by respondents at retail in the recent and regular course of business;

(b) That any article of merchandise is being given free or as a gift, or without cost or charge, when such is not the fact; and

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as respects respondents John C. Miller and Irving G. Davis, Jr. (named in the complaint as I. G. Davis), in their individual capacities, but not to the extent that they may be subject to this order as officers or agents of the corporate respondent; and

It is further ordered, That to the extent that the complaint alleges that the respondents have represented that their advertised price is a factory price or that such a representation, if made, is false, such allegations in the complaint are dismissed.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 28, 1962.

By the Commission, Commissioner Elman dissenting.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–8696; Filed Aug. 29, 1962; 8:47 a.m.]

[Dockets 7702; 7702 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Olson Radio Corp. and Olson Radio Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Neglecting,

unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and and desist orders: Olson Radio Corp., Akron, O., Docket 7702; Olson Radio Corp. et al., Akron, O., Docket 7702 c.o.; both orders, June 26, 1962]

In the Matter of Olson Radio Corporation, a Corporation, and Irving Olson, Sidney Olson and Albert Schultz, Individually and as Officers of Said Corporation

Order requiring an Akron, Ohio, corporate distributor to cease selling rebuilt television tubes containing a used "envelope" without clearly disclosing that the tubes contained used parts; and selling imported products with markings showing the foreign origin so small, or indistinct, or so placed—even entirely lacking on containers—as not to give adequate notice of foreign manufacture to purchasers; and

Consent order requiring said corporate distributor and three officials to cease making deceptive pricing, savings, and guarantee claims for their products.

The order to cease and desist with regard to the corporate respondent only (Docket 7702), together with further order requiring report of compliance therewith, is as follows:

It is therefore ordered, That the respondent Olson Radio Corporation, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of imported merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing said products without affirmatively and clearly disclosing legibly and indelibly in a conspicuous place on the products themselves the country of origin thereof.

2. Offering for sale, selling or distributing said products in containers or with attachments in a manner which causes the mark on the products identifying the country of origin to be hidden or obscured, without clearly disclosing legibly and indelibly the country of origin of the products in a conspicuous place on the container or attachment; and

It is further ordered, That respondent Olson Radio Corporation, a corporation, and its officers, representatives, agents and employees, directly, or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of rebuilt television picture tubes containing used parts, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that said television picture tubes are new.

2. Failing to disclose on the tubes, on the cartons in which they are packed, and in advertising that said tubes are rebuilt and contain used parts.

3. Placing any means or instrumentality in the hands of others whereby they may mislead the public as to the nature and condition of respondent's television picture tubes.

It is further ordered, That paragraphs Six (3), seven, eight, nine, ten and eleven of this amended and supplemental complaint be, and they hereby are, dismissed as to the individual respondents Irving Olson, Sidney Olson, and Albert Schultz.

It is further ordered, That respondent Olson Radio Corporation, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist as set forth herein.

The order to cease and desist with regard to the corporate respondent and three officials (Docket 7702 c.o.) is as follows:

It is ordered, That the respondents Olson Radio Corporation, a corporation, and its officers, and Irving Olson, Sidney Olson, and Albert Schultz, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any amount is respondents' regular and usual price of merchandise when it is in excess of the price at which said merchandise is usually and regularly sold by respondents in the recent course of their business.

2. Representing, directly or by implication, that any saving is afforded in the purchase of merchandise from respondents' price unless the price at which it is offered constitutes a reduction from the price at which the merchandise has been usually and regularly sold by respondents in the recent course of business.

3. Misrepresenting, in any manner, the amount by which the price of merchandise is reduced from the price at which it has been usually and regularly sold by respondents in the normal course of business.

4. Using the words "Reg.", "list" or any other words of similar import or meaning to designate or describe prices of merchandise unless such prices are the prices at which the merchandise has been sold by respondents in the recent regular course of business.

5. Representing, directly or by implication, that merchandise offered for sale or sold by respondents is guaranteed unless the terms, conditions and extent to which such guarantee applies and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

By the Commission's second "Final Order" in this matter (Docket 7702 c.o.), the corporate respondent and three officials were ordered to file report of compliance with said order, set out immediately preceding, as follows:

It is further ordered, That respondents, Olson Radio Corporation, a corporation, and Irving Olson, Sidney Olson, and Albert Schultz, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist in said initial decision.

Issued: June 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8694; Filed, Aug. 29, 1962; 8:46 a.m.]

[Docket C-156]

PART 13—PROHIBITED TRADE PRACTICES

Stein Brothers Fur Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–04 *Exaggerated as regular and customary;* § 13.235 *Source or origin:* § 13.235–50 *Maker or seller, etc.:* § 13.235–50(a) *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Stein Brothers Fur Company, Inc. (Wichita, Kans.), et al., Docket C-156, June 28, 1962]

In the Matter of Stein Brothers Fur Company, Inc., a Corporation, and Morris S. Lavin, Individually and as an Officer of Said Corporation, and Also Trading as A. Keller Fur Company

Consent order requiring furriers with places of business in Wichita, Kans., and Kansas City, Mo., to cease violating the Fur Products Labeling Act by labeling fur products with fictitious prices represented thereby as the usual retail prices, and by advertising in newspapers which failed to describe fur products as natural when such was the fact, and which represented fur products falsely as being from the stock of a business of a recently deceased individual or as being sold for the benefit of the estate of a late owner of a business, or as distress merchandise or products unclaimed from storage.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Stein Brothers Fur Company, Inc., and its officers and respondent Morris S. Lavin, individually and as an officer of said corporation, and also trading as A. Keller Fur Company or under any other trade name and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying such products by any representation, directly or by implication:

(1) That the regular or usual prices of such products are any amount in excess of the prices at which respondents have usually and customarily sold such products in the recent regular course of business.

(2) That the prices of such products are reduced from the prices at which respondents have usually or customarily sold such products, when such is not the case.

(3) That any amount is the sale price of any fur product when such amount is in excess of the price at which such fur product is actually sold during the period such product is labeled or otherwise represented as being on sale.

(4) That savings are available to purchasers of respondents' fur products when such is not the case.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which:

A. Fails to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored, as natural.

B. Represents directly or by implication, contrary to fact, that any such products are the regular stock of a business.

C. Represents in any manner, contrary to fact, that fur products are being sold for the benefit of any one other than the owners of such business.

D. Represents in any manner, contrary to fact, directly or by implication, that fur products are distress merchandise, or are fur products uncalled for or unclaimed from storage or are fur products from a business or estate in the process of liquidation.

E. Represents in any manner, contrary to fact, directly or by implication, that prices of such products are reduced from the prices at which respondents have usually or customarily sold such products in the recent regular course of business.

F. Represents in any manner, directly or by implication, that any amount is the sale price of any fur product when such amount is in excess of the price at which such fur product is actually sold during the period the fur product is represented as being on sale.

G. Represents in any manner that savings are available to purchasers of respondents' products, when such is not the fact.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8697; Filed, Aug. 29, 1962; 8:48 a.m.]

[Docket 7997]

PART 13—PROHIBITED TRADE PRACTICES

Waltham Watch Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–105 *Identity;* § 13.15–225 *Personnel or staff;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.105 *Individual's special selection or situation;* § 13.185 *Refunds, repairs, and replacements;* § 13.195 *Safety:* § 13.195–30 *Investment.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* § 13.1900–35 *Foreign product as domestic.* Subpart—Securing agents or representatives by misrepresentation: § 13.2120 *Dealer or seller assistance;* § 13.2125 *Demand or business opportunities;* § 13.2130 *Earnings;* § 13.2132 *Exclusive territory.* Subpart—Using misleading name—GOODS: § 13.2345 *Source or origin:* § 13.2345–50 *Maker;* § 13.2345–65 *Place:* § 13.2345–65 (e) *Imported products or parts as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Waltham Watch Company (Chicago, Ill.) et al., Docket 7997, June 15, 1962]

In the Matter of Waltham Watch Company, a Corporation, and Harry Aronson and Lawrence Aronson, Individually and as Officers of Said Corporation, and David Singer, an Individual Trading as Time Industries, and Muriel Singer, Individually

Order requiring a Chicago importer of clocks from West Germany—actually a concern spun-off the assets of the old Waltham firm in 1957 which licensed the distributor respondent to use the "Waltham" trade name—and the sole distributor of the clocks, to cease using the word "Waltham" without clear notice that their products were not manufactured by the well-known Waltham Watch Co. of Waltham, Mass. (now in business under another name); and requiring said distributor to cease making numerous false claims in connection with its franchise distributor plan whereby it sold "Waltham" clocks, together with display cases, to operators for resale to the public, including claims of exaggerated profits and misrepresentations of refund and return policies and guarantees, as in the order below more specifically set forth.

The order to cease and desist is as follows:

It is ordered, That Time Industries, an unincorporated business, David Singer, individually and trading as Time Industries, or under any other trade name or names, and Muriel Singer, individually, and as Office and Field Manager of Time Industries, and said respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of clocks or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

I. Offering for sale or selling any product which is in whole or substantial part of foreign origin, without clearly and conspicuously disclosing on such product the country of origin of the product, and on the advertising used in connection therewith, and if said product is enclosed in a package or container, on the package or container of the product, in such manner that the name of the country of origin will not be hidden, obscured or obliterated.

II. Using the word "Waltham" as part of the name of any product unless the public is clearly warned by a statement, in immediate connection therewith, that the product is not manufactured by the Waltham Watch Company of Waltham, Massachusetts, and, unless, in addition, the product is manufactured under the direction of respondent, Waltham Watch Company, and the right to use such name is licensed and the use supervised by said respondent, Waltham Watch Company.

III. Representing, directly or by implication, when such is not the fact that:

1. Any product is manufactured by Waltham Watch Company of Waltham, Massachusetts, or in any other way misrepresenting the age, reputation or location of the manufacturer.

2. The business of said respondents is connected in any way with the Waltham Watch Company of Waltham, Massachusetts.

3. Display cases for the sale of clocks will be located in leading drug stores, chain stores, markets and other profitable locations.

4. Selling is not required of persons who purchase franchises.

5. The initial investment of persons who purchase franchises, is protected or guaranteed.

6. Any percentage will be earned on an investment in a franchise.

7. The products are sold only to a limited number of selected and qualified franchise distributors.

8. Any sales proposition is guaranteed to be money making.

9. Any product is unconditionally guaranteed, or guaranteed to any extent unless the terms and conditions of the guarantee are clearly and unmistakably disclosed.

10. Any territory is reserved exclusively for any franchised distributor, or he is granted any exclusive territory within which to operate his business.

11. Any salesman is an executive of Time Industries, or a representative or executive of Waltham Watch Company of Waltham, Massachusetts, or connected with the latter firm..

12. The full refund of the purchase price of unsold merchandise will be made.

13. Any designated profit will be earned.

14. Employees of said respondents will relocate display cases.

15. Any number of clocks will be sold from each display case during any interval or that the national average of such sales is any particular figure.

16. Any number of franchise dealers liquidate their investments through profits during any period of time.

IV. Placing in the hands of others means and instrumentalities whereby they may mislead the public as to the manufacturer or the place of origin of clocks or any other product.

It is further ordered, That Waltham Watch Company, a corporation, and its officers and Harry Aronson, individually and as an officer of said corporation, and Lawrence Aronson as an officer of said corporation, and said respondents' officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the use of the name "Waltham," in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

I. Using or authorizing any person to use the name "Waltham" in connection with the sale of clocks or any other product unless it supervises said use and insures that the name is so utilized that:

1. The public is clearly warned by a statement immediately in connection therewith, that the product is not manufactured by the Waltham Watch Company of Waltham, Massachusetts, and,

2. If the product is of foreign origin, the country of origin of the product is clearly and conspicuously disclosed on the product, on the advertising used in offering it for sale, and on any package or container in which the product is enclosed, in such manner that the name of the country of origin will not be hidden, obscured or obliterated.

II. Placing any means or instrumentality in the hands of others whereby they may mislead the public, as to the manufacturer of any product which they sell, the manufacturer's age, experience and reputation or the country of origin of the product.

It is further ordered, That the complaint is dismissed as against respondent, Lawrence Aronson, individually, but not as an officer of respondent, Waltham Watch Company.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents, Waltham Watch Company, a corporation, Lawrence Aronson, as an officer of the said corporation, Harry Aronson, individually and as an officer of the said corporation, and David Singer and Muriel Singer, individually, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 15, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 62-8695; Filed, Aug. 29, 1962; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Blackbeard Island National Wildlife Refuge, Georgia

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of raccoon and turkey gobblers on the Blackbeard Island National Wildlife Refuge, Georgia, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres or 82 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Raccoons and turkey gobblers. The taking of other upland game species as may be otherwise authorized by Georgia State regulations is prohibited.

(b) Open season: November 19 through November 24, 1962, and December 31, 1962, through January 5, 1963. Daylight to 9:30 a.m. and 3:30 p.m. to sunset daily (standard time). Total season kill for turkeys limited to twenty (20) gobblers.

(c) Daily bag limits: Turkey gobblers—two per season, raccoons—no limit.

(d) Methods of hunting:

(1) Weapons: Bows of not less than forty (40) pounds pull and arrows.

(2) Prohibited methods: Firearms, crossbows, and mechanical bows.

(3) Dogs: No dogs permitted.

(4) Hunting permitted from daylight to 9:30 a.m. (standard time) and from 3:30 p.m. (standard time) to sunset each day.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Preseason scouting prohibited. Hunters will be restricted to the camping area until the morning of the first day of the hunt.

(3) Participants must arrange their own transportation to the Island and may not enter the refuge more than three days in advance of each opening date.

(4) A Federal permit is required to enter the public hunting area. Permit applications will be received by the Refuge Manager, Savannah National Wildlife Refuge, Port Wentworth, Georgia until November 7, 1962.

(5) The provisions of this special regulation are effective to January 6, 1963.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-8699; Filed, Aug. 29, 1962; 8:48 a.m.]

PART 32—HUNTING

Blackbeard Island National Wildlife Refuge, Georgia

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Blackbeard Island National Wildlife Refuge, Georgia, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres or 82 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer, either sex. The hunting of big game species as may be otherwise authorized by Georgia State Regulations is prohibited.

(b) Open season: November 19 through November 24, 1962, and December 31, 1962, through January 5, 1963. Daylight to 9:30 a.m., and 3:30 p.m. to sunset daily (standard time). Total season kill limited to 150 animals.

(c) Daily bag limits: 2 of either sex per hunter for the season.

(d) Methods of hunting:

(1) Bow and arrows only. Bows of not less than forty (40) pounds pull. Arrowheads must be ⅞ inch wide or wider. Crossbows and mechanical bows prohibited.

(2) Dogs prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) All State regulations must be obeyed while hunting on the refuge and hunting license must be carried on the person to be exhibited to Federal or State officers upon request.

(3) All camping will be done at designated camping areas only. Fires must be confined to this area.

(4) Participants must arrange their own transportation to the island and may not enter the refuge more than three days in advance of each opening date.

(5) Hunters will be restricted to the camping area until the morning of the first day of the hunt.

(6) A Federal permit is required to enter the public hunting area. Permit applications will be received by the Refuge Manager, Savannah National Wildlife Refuge, Port Wentworth, Georgia, until November 7, 1962.

(7) The provisions of this special regulation are effective to January 6, 1963.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-8700; Filed, Aug. 29, 1962; 8:48 a.m.]

PART 32—HUNTING

Piedmont National Wildlife Refuge, Georgia

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Piedmont National Wildlife Refuge, Georgia, is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,358 acres or 98 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer (bucks only with visible antlers). The hunting of big game species as may be otherwise authorized by Georgia State regulations, is prohibited.

(b) Open season: November 20, 1962, through November 24, 1962, and November 27, 1962, through November 29, 1962.

(c) Total bag limits: Deer—1.

(d) Methods of hunting:

(1) Guns for hunting deer are limited to shotguns, 20 gauge or larger loaded with slugs, or to rifles using center fire cartridges .22 calibre or above, with the following exceptions: .25–.20; .32–.20; .30 Army Carbine; .22 Hornet or .218 Bee.

(2) Dogs are prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Preseason scouting prohibited.

(3) Hunters must remain on their stands between sunrise and 9:30 a.m. (standard time).

(4) Camping and fires are restricted to designated camping area.

(5) A Federal permit is required to enter the public hunting area and may be obtained, without charge, by writing only to the Refuge Manager, Piedmont National Wildlife Refuge, Round Oak, Georgia.

(6) The provisions of this special regulation are effective to November 18, 1962.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Piedmont National Wildlife Refuge, Georgia is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,358 acres or 98 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer (bucks only with visible antlers). The hunting of big game species as may be otherwise authorized by Georgia State regulations, is prohibited.

(b) Open season: November 20, 1962, through November 24, 1962, and November 27, 1962, through November 29, 1962.

(c) Total bag limits: Deer—1.

(d) Methods of hunting:

(1) Guns for hunting deer are limited to shotguns, 20 gauge or larger loaded with slugs, or to rifles using center fire cartridges .22 calibre or above, with the following exceptions: .25–.20; .32–.20; .30 Army Carbine; .22 Hornet or .218 Bee.

(2) Dogs are prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Preseason scouting prohibited.

(3) Camping and fires prohibited.

(4) A Federal permit is required to enter the public hunting area and may be obtained, without charge, by writing only to the Refuge Manager, Piedmont National Wildlife Refuge, Round Oak, Georgia.

(5) The provisions of this special regulation are effective to December 2, 1962.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-8713; Filed, Aug. 29, 1962; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788, as amended sec. 2, Public Law 87-19; 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.91 is amended by deleting the items "Carbon disulfide", "Carbon tetrachloride", and "Ethylene dichloride" (26 F.R. 7963), and by adding thereto the following new items:

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
• • •	• • •	• • •	• • •
Butyl palmitate	Component of a textile-processing lubricant used in the manufacture of filter fabric for food processing.	Jan. 1, 1963	
Butyl stearate	do	Jan. 1, 1963	
Carbon disulfide	Fumigant for grain-mill machinery	Jan. 1, 1963	
Carbon tetrachloride	do	Jan. 1, 1963	
Di-*tert*-butyl hydroquinone	Component of a textile-processing lubricant used in the manufacture of filter fabric for food processing.	Jan. 1, 1963	
Diethylene glycol monolaurate	do	Jan. 1, 1963	
Dimethylpolysiloxane, 100 centistokes, minimum.	do	Jan. 1, 1963	
Ethylene dichloride	Fumigant for grain-mill machinery	Jan. 1, 1963	
Fatty acid (C_{16}–C_{18}) diethanolamide condensate.	Component of a textile-processing lubricant used in the manufacture of filter fabric for food processing.	Jan. 1, 1963	
Fatty acid (C_{16}–C_{18}) triethanolamide condensate.	do	Jan. 1, 1963	
Fatty acid (C_{16}–C_{18}) mono- and diesters of polyoxyethylene glycol (mol. wt. 400–8,000).	do	Jan. 1, 1963	
Isobutyl palmitate	do	Jan. 1, 1963	
Isobutyl stearate	do	Jan. 1, 1963	
Methyl esters of fatty acids (C_{16}–C_{18})	do	Jan. 1, 1963	
Mineral oil meeting the following specifications: Virgin distillate from petroleum; no cracked products present; percent boiling below 700° F. (50% minimum); percent boiling below 775° F. (95% minimum).	do	Jan. 1, 1963	
Polyamide resin (thermoplastic) derived from vegetable oil acids, reacted with ethylenediamine.	Component of paper and paper board for food packaging.	Jan. 1, 1963	
Polyoxyethylene (9–10 mols) ether of isooctyl phenol.	Component of a textile-processing lubricant used in the manufacture of filter fabric for food processing.	Jan. 1, 1963	
Polyoxyethylene (9–10 mols) ether of nonyl phenol.	do	Jan. 1, 1963	
Polyoxyethylene (4 mols) ethylenediamine monolauramide.	do	Jan. 1, 1963	
Potassium salts of fatty acids (C_{16}–C_{18})	do	Jan. 1, 1963	
Rice bran oil	do	Jan. 1, 1963	
Sodium salts of fatty acids (C_{16}–C_{18})	do	Jan. 1, 1963	

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the extensions of time, under certain conditions, for the effective date of the food additives amendments to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 6(c), Public Law 85–929; as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: August 22, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62–8605; Filed, Aug. 29, 1962; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal Feed Supplements

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Bacitracin; Zinc Bacitracin

In the matter of establishing regulations under the provisions of sections 409 (c) and (d) and 507 of the Federal Food, Drug, and Cosmetic Act with respect to prescribing conditions of use for food additives incorporated in the feed of animals intended for human consumption, the Commissioner of Food and Drugs has concluded that the following regulations should issue:

1. Upon consideration of information available to him, in addition to that submitted by Commercial Solvents Corporation, Terre Haute, Indiana, and Pabst Brewing Company, 917 West Juneau Avenue, Milwaukee 1, Wisconsin, with respect to bacitracin and zinc bacitracin in chicken and turkey feeds, it has been determined that establishment by regulation in Part 121 of appropriate labeling to set forth levels, limitations, and indications for use of such additives in feed would be in the public interest. Therefore, pursuant to authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and delegated to the Commissioner by the Secretary (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart C the following new sections:

§ 121.232 Bacitracin.

The food additive bacitracin may be safely used in animal feed in accordance with the following prescribed conditions:

(a) Bacitracin is the antibiotic substance produced by growth of Bacillus subtilis var. Tracy or the same antibiotic substance produced by any other means, and for the purposes of this section refers to bacitracin or feed grade bacitracin.

(b) The quantities of the antibiotics referred to in this section refer to the activity contained in an equivalent weight of the standard of comparison used for the drug.

(c) It is used or intended for use as follows:

BACITRACIN WITH OR WITHOUT OTHER ADDITIVES IN CHICKEN AND TURKEY FEED

Principal ingredient	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
1. Bacitracin	10–50			50 gm. per ton first 4 to 6 weeks of egg production; 10–50 gm. per ton for remainder of egg-laying period; as bacitracin; for chickens.	Maintaining or increasing egg production.
	50–100			As bacitracin; for chickens and turkeys.	Prevention of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis, mud fever).
	50–100			As bacitracin; for turkeys.	Prevention of infectious sinusitis.
	100			As bacitracin; for chickens.	Maintaining or increasing batchability of eggs.
	100–500			As bacitracin; for chickens and turkeys.	Treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis, mud fever).
	100–500			As bacitracin; for turkeys.	Treatment of infectious sinusitis.
	100–500			As bacitracin; for chicks.	Prevention of early mortality due to susceptible organisms.
2. Bacitracin	7.5–37.5	Penicillin	2.5–12.5	12.5 gm. of penicillin plus 37.5 gm. of bacitracin first 4 to 6 weeks of egg production; not less than 2.5 gm. nor more than 12.5 gm. of penicillin plus not less than 7.5 gm. nor more than 37.5 gm. of bacitracin for remainder of laying period; as procaine penicillin plus bacitracin; for chickens.	Maintaining or increasing egg production.

BACITRACIN WITH OR WITHOUT OTHER ADDITIVES IN CHICKEN AND TURKEY FEED—Continued

Principal ingredient	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
3. Bacitracin	25–67.5	Penicillin	12.5–75	50–100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus bacitracin; for chickens and turkeys.	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).
4. Bacitracin	25–67.5	Penicillin	12.5–75	50–100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus bacitracin; for turkeys.	Prevention of infectious sinusitis.
5. Bacitracin	75	Penicillin	25	100 gm. of combination; as procaine penicillin plus bacitracin; for chickens.	Maintaining or increasing hatchability of eggs.
6. Bacitracin	50–475	Penicillin	25–125	100–500 gm. of combination; not less than 25 gm. of penicillin nor less than 50 gm. of bacitracin; as procaine penicillin plus bacitracin; for chickens and turkeys.	Treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis, mud fever).
7. Bacitracin	50–475	Penicillin	25–125	100–500 gm. of combination; not less than 25 gm. of penicillin nor less than 50 gm. of bacitracin; as procaine penicillin plus bacitracin; for turkeys.	Treatment of infectious sinusitis.
8. Bacitracin	50–475	Penicillin	25–125	100–500 gm. of combination; not less than 25 gm. of penicillin nor less than 50 gm. of bacitracin; as procaine penicillin plus bacitracin; for chicks.	Prevention of early mortality of chicks due to susceptible organisms.

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any intermediate premix or final feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

§ 121.233 Zinc bacitracin.

The food additive zinc bacitracin may be safely used in animal feed in accordance with the following prescribed conditions:

(a) Zinc bacitracin is the zinc salt of the antibiotic substance produced by growth of Bacillus subtilis var. Tracy or the same antibiotic substance produced by any other means, and for the purposes of this section refers to zinc bacitracin or feed grade zinc bacitracin.

(b) The quantities of the antibiotics referred to in this section refer to the activity contained in an equivalent weight of the standard of comparison used for the drug.

(c) It is used or intended for use as follows:

ZINC BACITRACIN WITH OR WITHOUT OTHER ADDITIVES IN CHICKEN AND TURKEY FEED

Principal ingredient	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
1. Zinc bacitracin	10–50			50 gm. per ton first 4 to 6 weeks of egg production; 10–50 gm. per ton for remainder of egg-laying period; as zinc bacitracin; for chickens.	Maintaining or increasing egg production.
	50–100			As zinc bacitracin; for chickens and turkeys.	Prevention of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis, mud fever).
	50–100			As zinc bacitracin; for turkeys.	Prevention of infectious sinusitis.
	100			As zinc bacitracin; for chickens.	Maintaining or increasing hatchability of eggs.
	100–500			As zinc bacitracin; for chickens and turkeys.	Treatment of chronic respiratory disease (air-sac infection); blue comb nonspecific infectious enteritis, mud fever).
	100–500			As zinc bacitracin; for turkeys.	Treatment of infectious sinusitis.
	100–500			As zinc bacitracin; for chicks.	Prevention of early mortality of chicks due to susceptible organisms.
2. Zinc bacitracin	7.5–37.5	Penicillin	2.5–12.5	12.5 gm. of penicillin plus 37.5 gm. of bacitracin first 4 to 6 weeks of egg production; not less than 2.5 gm. nor more than 12.5 gm. of penicillin plus not less than 7.5 gm. nor more than 37.5 gm. of bacitracin for remainder of laying period; as procaine penicillin plus zinc bacitracin; for chickens.	Maintaining or increasing egg production.
3. Zinc bacitracin	25–67.5	Penicillin	12.5–75	50–100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus zinc bacitracin; for chickens and turkeys.	Prevention chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).
4. Zinc bacitracin	25–67.5	Penicillin	12.5–75	50–100 gm. of combination; not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus zinc bacitracin; for turkeys.	Prevention of infectious sinusitis.
5. Zinc bacitracin	75	Penicillin	25	100 gm. of combination; as procaine penicillin plus zinc bacitracin; for chickens.	Maintaining or increasing hatchability of eggs.

BACITRACIN WITH OR WITHOUT OTHER ADDITIVES IN CHICKEN AND TURKEY FEED—Continued

Principal ingredient	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
6. Zinc bacitracin...	50–475	Penicillin.....	25–125	100–500 gm. of combination; not less than 25 gm. of penicillin nor less than 50 gm. of bacitracin; as procaine penicillin plus zinc bacitracin; for chickens and turkeys.	Treatment of chronic respiratory disease (airsac infection); blue comb (nonspecific infectious enteritis, mud fever).
7. Zinc bacitracin...	50–475	Penicillin.....	25–125	100–500 gm. of combination; not less than 25 gm. of penicillin nor less than 50 gm. of bacitracin; as procaine penicillin plus zinc bacitracin; for turkey.	Treatment of infectious sinusitis.
8. Zinc bacitracin...	50–475	Penicillin.....	25–125	100–500 gm. of combination; not less than 25 gm. of penicillin nor less than 50 gm. of bacitracin; as procaine penicillin plus zinc bacitracin; for chicks.	Prevention of early mortality of chicks due to susceptible organisms.

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any intermediate premix or final feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

2. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the Commissioner finds that animal feeds containing bacitracin, zinc bacitracin, or a combination of either with penicillin are safe and efficacious for use in the amounts and under the conditions prescribed in amendment 1 of this order. Therefore, § 146.26 *Animal feed containing penicillin* * * * (21 CFR 146.26) is amended by adding to paragraph (b) the following new subparagraph:

(51) It is a medicated chicken and turkey feed containing bacitracin or zinc bacitracin up to 500 grams per ton or up to 500 grams per ton of a combination of either with penicillin in the amounts and for the purposes indicated in §§ 121.232 and 121.233 of this chapter and its labeling bears adequate directions and warnings for such use.

(Sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), 507(c), 59 Stat. 463 as amended, 72 Stat. 1786; 21 U.S.C. 348(c)(1), 357(c))

Dated: August 22, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8603; Filed, Aug. 29, 1962; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart B—Burial Benefits

FORFEITURE

1. Section 3.1609 is revised to read as follows:

§ 3.1609 Forfeiture.

(a) Forfeiture of benefits for fraud by a veteran during his lifetime will not preclude payment of burial allowance if otherwise in order. No benefits will be paid to a claimant who participated in the fraud which caused the forfeiture by the veteran. (38 U.S.C. 3503(c))

(b) Burial allowance is not payable based on a period of service commencing prior to the date of commission of the offense where either the veteran or claimant has forfeited the right to gratuitous benefits under § 3.902 or 3.903 by reason of a treasonable act or subversive activities, unless the offense was pardoned by the President of the United States prior to the date of the veteran's death. (38 U.S.C. 3504(c)(2), 3505(a))

2. Following § 3.1609, the cross reference "Effect of forfeiture after veteran's death. See § 3.903." is changed to read "Effect of forfeiture after veteran's death. See § 3.904."

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 30, 1962.

[SEAL] A. T. MCANSH,
Acting Associate Deputy Administrator.

[F.R. Doc. 62-8736; Filed, Aug. 29, 1962; 8:54 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2758]

[88277]

UTAH

Partly Revoking Executive Order of July 2, 1910, Which Created Power Site Reserve No. 34

By virtue of the authority vested in the President by the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and determination DA-156-Utah of the Federal Power Commission issued June 22, 1962, it is ordered as follows:

1. The Executive Order of July 2, 1910, creating Power Site Reserve No. 34, as construed by Interpretation No. 133 of May 27, 1929, and Interpretation No. 156 of October 10, 1930, is hereby revoked so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 26 S., R. 20 E.,
Sec. 13, lot 3.
T. 26 S., R. 21 E.,
Sec. 19, lot 4;
Sec. 30, lots 2, 3, and 6.

The areas described aggregate 61.52 acres.

2. The lands lie on the west bank of the Colorado River some 12 to 14 miles below Moab, Utah. Topography varies from rolling to rough, and soils are mostly shallow and rocky.

3. The lands are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals provided, that, until 10:00 a.m. on February 23, 1963, the State of Utah shall have (1) a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways in accordance with the provisions of Section 24 of the Federal Power Act.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 24, 1962.

[F.R. Doc. 62-8705; Filed, Aug. 29, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1135, 1137]

[Docket Nos. AO-300-A5RO1; AO-326-A2RO1]

MILK IN COLORADO SPRINGS-PUEBLO AND EASTERN COLORADO MARKETING AREAS

Notice of Reopening of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a reopening of a public hearing held at Pueblo, Colorado, on June 26, 1962, pursuant to notice thereof which was issued June 6, 1962 (27 F.R. 5508), with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Colorado Springs-Pueblo and Eastern Colorado marketing areas.

Such public hearing will be reopened at the Green Room of the Antlers Hotel, Cascade Avenue and Pikes Peak Avenue, Colorado Springs, Colorado, beginning at 10:00 a.m. local time, on September 19, 1962.

Subjects and issues involved in the hearing. The purpose of the reopened hearing, which has been called upon the petition of the Eastern Colorado Dairymen Association, Colorado Springs, Colorado; Red Canyon Dairy, Canon City, Colorado; Four Mile Dairy, Canon City, Colorado; and Morning Star Dairy, Florence, Colorado, is to afford interested persons the further opportunity to introduce additional evidence with respect to proposals Nos. 1, 2, and 15 of the original notice of hearing which deal with the expansion of the marketing area.

The proposal relative to a redefinition of the Colorado Springs-Pueblo marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

Copies of this notice of hearing and the order may be procured from the Market Administrator, H. Alan Luke, 121 East Boulder, Colorado Springs, Colorado, and 2765 South Colorado Boulevard, Denver 22, Colorado, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on: August 24, 1962.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-8716; Filed, Aug. 29, 1962; 8:52 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 514]

[Reg. Docket No. 775; Draft Release No. 62-40]

AIRBORNE STATIC ELECTRICAL POWER INVERTER FOR AIR CARRIER AIRCRAFT

Proposed Technical Standard Order

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator by adding a § 514.79 establishing minimum performance standards for airborne static electrical power inverter equipment which is to be used on air carrier aircraft. These standards are necessary to provide a basis for the approval of such equipment under the Technical Standard Order system.

A previous notice of proposed rule making setting forth minimum standards for airborne static electrical power inverter equipment was published in 26 F.R. 5472. However, based upon the comments received in reference to such notice it was determined that certain substantive changes were necessary to the proposed standards. In this connection, a new paragraph 2.12 specifying radio interference requirements has been added to the proposal. Accordingly, this proposal will replace the notice of proposed rule making, 26 F.R. 5472, which is hereby withdrawn.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 15, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By adding the following § 514.79:

§ 514.79 Airborne static electrical power inverter (for air carrier aircraft)—TSO-C73.

(a) *Applicability—Minimum performance standards.* Minimum performance standards are hereby established for airborne static electrical power inverter equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne static electrical power inverter equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the standards set forth in FAA Standard, "Airborne Static Electrical Power Inverter", dated June 15, 1962.[1]

(b) *Marking.* In addition to the markings specified in § 514.3(d), the equipment rating, as specified by the manufacturer, shall be shown.

(c) *Data requirements.* Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(3) One copy of the manufacturer's test report.

Issued in Washington, D.C., on August 23, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-8689; Filed, Aug. 29, 1962; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 627) has been filed by Chapman Chemical Company, P.O. Box 138, Memphis, Tennessee, proposing the issuance of a regulation to provide for the safe use of pentachlorophenol and its sodium salts as a preservative in lumber used in shipping and storage containers for food.

Dated: August 24, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8723; Filed, Aug. 29, 1962; 8:52 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 883) has been filed by Ionac Chemical Company, a division of Pfaudler Permutit Inc., Birmingham, New Jersey, proposing the issuance of a regulation to provide for the safe use in food processing of the following ion-exchange resins:

Sulfonated coal cation exchanger.

Sulfonated styrene-divinylbenzene copolymer cation exchanger.

Polystyrene alkyl quaternary ammonium strong base anion exchanger.

Polystyrene alkanol quaternary ammonium anion exchanger.

Epichlorohydrin-tetraethylene pentamine polyamine anion exchanger.

Acetone formaldehyde-tetraethylene pentamine polyamine anion exchanger.

Dated: August 24, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8724; Filed, Aug. 29, 1962; 8:52 a.m.]

[1] Copies may be obtained upon request addressed to Publishing and Graphics Branch, Inquiry Section, MS-158, Federal Aviation Agency, Washington 25, D.C.

Notices

GENERAL SERVICES ADMINISTRATION

Defense Materials Service

REPORT OF PURCHASES UNDER PURCHASE REGULATIONS

June 30, 1962.

Regulation	Termination date	Unit	Program limitation (quantity)	Purchases [1] during quarter		Cumulative purchases [1] through end of quarter	
				Quantity	Amount	Quantity	Amount
Active programs:							
Public Law 206, 83d Cong.							
Beryl	6-30-62	Short dry tons, beryl ore	4,500	94	$55,469	3,202	$1,786,698
Mica	6-30-62	Short tons, hand-cobbed mica or equivalent	25,000	413	651,114	25,000	26,267,198
Completed programs:							
Public Law 206, 83d Cong.							
Asbestos	10-1-57	Short tons, crude No. 1 and/or crude No. 2 asbestos	1,500			1,499	1,762,541
		Short tons, crude No. 3				850	340,070
Columbium tantalum	12-31-58	Pounds, contained combined pentoxide	15,000,000			15,567,912	60,637,262
Manganese:							
Butte-Philipsburg	6-30-58	Long ton units, recoverable manganese	6,000,000			6,020,471	9,074,869
Deming	6-30-58	....do	6,000,000			6,215,258	12,036,388
Wenden	6-30-58	....do	6,000,000			6,106,316	10,743,179
Domestic small producers	1-1-61	Long ton units, contained manganese	28,000,000			28,069,901	71,398,922
Tungsten	7-1-58	Short ton units, tungsten trioxide	3,000,000			2,996,280	189,212,786
Public Law 520, 79th Cong.							
Chrome	6-30-59	Long dry tons, chrome ore and/or chrome concentrates.	200,000			199,961	18,588,036
Defense Production Act							
Mercury:							
Domestic	12-31-57	Flasks, prime virgin mercury	125,000			9,428	2,121,300
Do	12-31-58	....do	30,000			17,463	3,938,879
Mexican	12-31-57	....do	75,000			766	172,317
Do	12-31-58	....do	20,000			2,508	570,797

[1] Quantities represent deliveries.

Date: August 23, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-8698; Filed, Aug. 29, 1962; 8:48 a.m.]

Office of the Secretary

[Delegation of Authority No. 418]

SECRETARY OF DEFENSE

Authority to Represent Interests of Executive Agencies of Federal Government Before Federal Power Commission

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of Increased Gas Rates, United Gas Pipe Line Company, before the Federal Power Commission Docket No. RP 60-1, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective August 13, 1962.

Dated: August 23, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-8717; Filed, Aug. 29, 1962; 8:52 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order No. 193-2]

OFFICE OF DOMESTIC GOLD AND SILVER OPERATIONS

Delegation of Authority

By virtue of the authority vested in me by Treasury Department Order 193-1, dated October 20, 1961, it is hereby ordered as follows:

The Administrative Officer of the Office of Domestic Gold and Silver Operations shall act as Director, Office of Domestic Gold and Silver Operations during the absence or disability of the Director, or when there is a vacancy in such office.

[SEAL] LELAND HOWARD,
Director, Office of Domestic Gold and Silver Operations.

AUGUST 24, 1962.

[F.R. Doc. 62-8722; Filed, Aug. 29, 1962; 8:52 a.m.]

[Treasury Dept. Order No. 162-4]

COMMISSIONER OF ACCOUNTS

Delegation of Authority

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, the authority conferred upon the Treasury Department by the President of the United States to liquidate the following agency is hereby delegated to the Commissioner of Accounts:

Name of agency and date of Presidential letter	
The United States Study Commission, Texas	Aug. 1, 1962.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

AUGUST 23, 1962.

[F.R. Doc. 62-8721; Filed, Aug. 29, 1962; 8:52 a.m.]

DEPARTMENT OF DEFENSE

Department of the Army

STATEMENT OF ORGANIZATION AND FUNCTIONS

Reorganization of the Department of the Army

The following Department of Defense Reorganization Order, reorganizing the Department of the Army, was issued by the Secretary of Defense on January 10, 1962:

DEPARTMENT OF DEFENSE REORGANIZATION ORDER

REORGANIZATION OF THE DEPARTMENT OF THE ARMY

By virtue of the authority vested in me by section 202(c) of the National Security Act of 1947, as amended (72 Stat. 514; 5 U.S.C. 171a(c)), and as Secretary of Defense, it is hereby ordered as follows:

SECTION 1. *Abolition of officers and transfer of functions.* The following officers named in section 3036, Title 10, United States Code, are hereby abolished and their functions transferred to the Secretary of the Army:

(a) Chief Signal Officer;
(b) Adjutant General;
(c) Quartermaster General;
(d) Chief of Finance;
(e) Chief of Ordnance;
(f) Chief Chemical Officer, and
(g) Chief of Transportation.

SEC. 2. *Transfer of functions from Chief of Engineers.* The functions vested in the Chief of Engineers by sections 3038 and 3533, Title 10, United States Code, are hereby transferred to the Secretary of the Army.

SEC. 3. *Performance of transferred functions.* The Secretary of the Army may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any office, agency, or employee of the Department of the Army of any function transferred to the Secretary by the provisions of this order.

SEC. 4. *Transitional provisions.* In order to assist in the orderly transfer of functions and to promote continuity of operation, the Secretary of the Army may, if he considers it necessary, delay beyond the effective date of this order the abolition of any office or transfer of any function.

SEC. 5. *Effective date.* The provisions of this order shall take effect on the date determined under section 202(c) of the National Security Act of 1947, as amended (72 Stat. 514; 5 U.S.C. 171a(c)), or the 16th day of February 1962, whichever is later.

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-8688; Filed, Aug. 29, 1962; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Termination Thereof

AUGUST 22, 1962.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 072061 for the withdrawal of the lands described below, from prospecting, location, entry, and purchase under the mining laws, subject to existing valid claims. The applicant desires the land for use by the Forest Service as recreation areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 4201 U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

PLUMAS NATIONAL FOREST

Little Grass Valley Reservoir Area

T. 21 N., R. 9 E.,
Sec. 3: Lot 4.
T. 22 N., R. 9 E.,
Sec. 19: S½SE¼;
Sec. 20: S½S½;
Sec. 21: S½S½;
Sec. 22: SW¼;
Sec. 27: Lot 3, NW¼, N½SW¼, SW¼SW¼;
Sec. 28: N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 29:
Sec. 30: E½, SE¼SW¼;
Sec. 31: Lots 1 and 2, NE¼, E½NW¼, NE¼SE¼;
Sec. 32: N½NW¼, SW¼NW¼, N½N½NW¼SW¼;
Sec. 33: SE¼NE¼, SE¼NW¼, E½SW¼;
Sec. 34: Lots 4 and 5, W½NW¼, SW¼.

The area described immediately above aggregates approximately 3,459 acres of Federal land.

MOUNT DIABLO MERIDIAN

SIERRA NATIONAL FOREST

Lewis Creek Recreation Area

T. 6 S., R. 21 E.,
Sec. 12: S½NE¼NW¼, SE¼NW¼NW¼, E½SW¼NW¼, SE¼NW¼, E½W½SW¼, E½SW¼;
Sec. 13: NW¼SE¼;
Sec. 14: NE¼NE¼;
Sec. 24: E½NW¼.

The area described immediately above aggregates approximately 370 acres of Federal land.

The applicant agency has cancelled its application insofar as it involved the lands described below, which were included in its application. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on September 26, 1962, relieved of the segregative effect of the above-mentioned application.

The lands terminated are:

MOUNT DIABLO MERIDIAN

PLUMAS NATIONAL FOREST

Little Grass Valley Reservoir Area

T. 22 N., R. 9 E.,
Sec. 31: Lot 3, NE¼SW¼.

JOHN E. CLUTE,
Acting Manager, Land Office,
Sacramento.

[FR. Doc. 62-8703; Filed, Aug. 29, 1962; 8:49 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation of the Department of the Interior has filed an application, Colorado 081296 for withdrawal of the lands described below from public entry, under the first form of withdrawal, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388).

The applicant desires the land for reclamation purposes in connection with the Fruitgrowers Dam Project.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Gas and Electric Building, 910 15th Street, Denver 2, Colo.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 14 S., R. 94 W.,
Sec. 18, SE¼SW¼;
Sec. 19, N½NW¼.

The above described area aggregates approximately 120 acres.

HAROLD T. TYSK,
Chief,
Division of Lands and Minerals.

[F.R. Doc. 62-8702; Filed, Aug. 29, 1962; 8:49 a.m.]

[No. 63-5]

OREGON

Notice of Proposed Withdrawal and Reservation of Additional Lands

AUGUST 21, 1962.

The Department of Agriculture has amended its application, Serial No. Ore-

gon 012268, for the withdrawal of the additional lands described below, from entry under the mining laws, subject to existing withdrawals and valid existing rights. Notice of proposed withdrawal and reservation of land under this application, Oregon 012268, was published as F.R. Doc. 62-7027; Filed, July 18, 1962; 8:49 a.m., on pages 6904-5 of the issue of July 20, 1962.

The applicant desires the exclusion of mining activity to permit proper protection for the purpose of conserving, developing, and making accessible for the inspiration, enjoyment, and use of all American people of present and future generations the recreational and scenic resources of the area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE Holladay, Portland 12, Oreg.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the amended application are:

WILLAMETTE MERIDIAN, OREGON

SIUSLAW NATIONAL FOREST

Oregon Dunes Recreation Area Addition

T. 20 S., R. 12 W.,
Sec. 30: Lots 1, 2, 3.
T. 23 S., R. 13 W.,
Sec. 14: N½SW, SW¼NE¼, SE¼NW¼.

The total area of additional lands in the amended application contains approximately 209.14 acres.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 62-8704; Filed, Aug. 29, 1962; 8:49 a.m.]

[I-45]

UTAH

Notice of Proposed Withdrawal for Preservation of Scenic and Geologic Features and Spring Ridge Administrative Site; Correction

AUGUST 23, 1962.

The notice of proposed withdrawal of lands from location and entry under the General Mining Laws for the United States Department of Agriculture published in the FEDERAL REGISTER of August 16, 1962, on page 8192, F.R. Doc. 62-8226, is hereby corrected to describe the third parcel in sec. 9, T. 2 N., R. 19 E.: "SE¼ SE¼NW¼".

R. D. NIELSON,
State Director.

[F.R. Doc. 62-8701; Filed, Aug. 29, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Amdt. 3]

NOTICE OF TERMS AND CONDITIONS FOR MAKING PAYMENTS UNDER SECTION 32 TOBACCO EXPORT PAYMENT PROGRAM

The notice published on March 10, 1962 (27 F.R. 2329), provided that applications must be submitted by November 30, 1962, and that export shipment must be made on or before December 31, 1962. In many instances, it is difficult to complete arrangements for shipment within 30 days. In order to make full use of the time for submission of applications, the final date for shipment of tobacco is being extended. Accordingly, the second sentence of paragraph 9 of the notice is hereby amended to read as follows: "Export shipment shall be made after date of approval of the related Application for Participation and on or before April 1, 1963, unless such date is extended by the Secretary in writing."

STEPHEN E. WRATHER,
Director, Tobacco Division, Agricultural Marketing Service.

AUGUST 20, 1962.

[F.R. Doc. 62-8734; Filed, Aug. 29, 1962; 8:54 a.m.]

Agricultural Stabilization and Conservation Service

SUGARBEETS

Notice of Hearing

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended by Public Law 87-535, is preparing to consider the commitment of the sugarbeet acreage reserve with respect to the 1962, 1963, 1964, and 1965 crops of sugarbeets. This reserve is provided for in the act for the growth and expansion of the beet sugar industry. An informal public hearing on the matter will be held in the Auditorium of the Natural History Building, Smithsonian Institution, 10th and Constitution Avenue NW., Washington, D.C. beginning at 10 a.m., on September 25, 1962.

(1) *Submittal of requests for acreage.* Requests for reserve acreage for each of the crops of 1962 through 1965 (preferably one request for each project) shall be addressed to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., and shall be submitted in triplicate at the hearing. Interested persons will be given the opportunity at the hearing to submit data, views and arguments in regard to such requests. Provision for submitting written arguments and briefs after the hearing will be announced at the hearing. The Department will announce, at a later date, the place and date for a hearing with respect to receiving requests for acreage for the 1966 crop.

(2) *Specifications to be covered in requests.* Requests for reserve acreage should include all relevant information, including the following:

(a) The location of the processing facility and concise delineation of the area wherein the beets for the new or expanded facility will be grown.

(b) The acreage desired and its sugar equivalent, including the basis for the estimate of the sugar equivalent; also the crop year when the new facility would commence processing sugarbeets or when the expansion in the old facility would be effective, and, if a case can be made for commencement in an alternate year, the alternate year for which consideration is desired if the reserve acreage has been committed for the year of first choice.

(c) In the case of a new factory, the daily slicing capacity and the contemplated slicing period. In the case of an expanded facility, the details of the expansion, including the percentage of such expansion and the full details of the changes made in the facilities.

(d) A complete description of the arrangements made for capital financing. The firmness of the capital commitment would be considered as shown by the applicant if all arrangements for the necessary funds for the project, contingent only upon the commitment of an acreage by the Secretary, have been completed.

(e) The suitability of the area for growing sugarbeets, as evidenced by any production records, results of plantings on test plots which were performed and supervised by competent authorities, a showing of the availability of irrigation water or of adequate rainfall, availability of suitable land, and other evidence relating to the continued feasibility of growing the required sugarbeets in the area, including also proof of interest of farmers in entering into and continuing in sugarbeet production.

(f) The proximity of other factories and the extent to which sugarbeets are now being produced in the area in which the beets for the new or expanded facility will be contracted.

(g) The need for a cash crop or a replacement crop in the area, including a full statement regarding the crops presently being grown and the crops which are to be replaced by sugarbeets.

(h) The accessibility to sugar markets, as indicated by population data, the extent of the existence in the proposed markets of industrial users of sugar, distances and freight costs to proposed sales areas and the extent and nature of the competition for the market in such areas.

(i) The estimated amount of acreage that would be supplied by each of the following categories and subcategories of growers and the number of growers involved in each instance (all reference to sugarbeets relates to those grown for the extraction of sugar):

For an expanded facility. Growers who did not grow sugarbeets during any of the three years immediately preceding the year when the facility will become operative; growers who grew sugarbeets during all three such years (a) for the proposed expanded facility or (b) for another facility; growers who grew sugarbeets during only the immediately preceding two of such years (a) for the proposed expanded facility or (b) for another facility; and growers who grew sugarbeets during only the immediately preceding year of such years (a) for the proposed expanded facility or (b) for another facility.

For a new facility. Growers who did not grow sugarbeets for any facility during any of the three years immediately preceding the year when the facility will become operative; growers who grew sugarbeets for another facility during all three such years; growers who grew sugarbeets during only the immediately preceding two of such years, and growers who grew sugarbeets during only the immediately preceding first of such years.

Sugar marketing allotments. The submission of views, data, or evidence with respect to sugar marketing allotments under section 205(a) of the Sugar Act of 1948, as amended, should be made at such hearings as will be held for establishing marketing allotments. Public notice of such hearings will be given by publication in the FEDERAL REGISTER.

Provisions of Sugar Act and legislative history. Section 302(b) of such Act was amended to read as follows:

* * * (3) In order to make available acreage for growth and expansion of the beet sugar industry, the Secretary, in addition to protecting the interest of new and small producers by regulations generally similar to those heretofore promulgated by him pursuant to this Act, shall reserve each year from the national sugarbeet acreage requirement established by him the acreage required to yield 65,000 short tons, raw value, of sugar. The acreage so reserved shall be distributed on a fair and reasonable basis, when it can be utilized, to farms without regard to any other acreage allocations to States or areas within States determined by him and shall be withheld from such other allocations until it can be so utilized: *Provided, however,* That beginning with 1966, the total acreage previously reserved and not used, plus that reserved in the current year, shall not exceed the acreage required to produce 100,000 short tons, raw value, of sugar. At the time the Secretary distributes the sugarbeet acreage reserve for any year, which determination of distribution shall be made as far in advance of such year as practicable, such distribution shall thereby be committed to be in effect for the year in which production of sugarbeets is scheduled to commence in a locality or localities determined by the Secretary to receive such reserves for such year, such determination of distribution by the Secretary shall be final, and such commitment of the sugarbeet acreage reserve shall be irrevocable upon issuance of such determination of the Secretary by publication in the FEDERAL REGISTER; except that if the Secretary finds in any case that construction of sugarbeet processing facilities and the contracting for processing of sugarbeets has not proceeded in substantial accordance with the representations made to him as a basis for his determination of distribution of the sugarbeet acreage reserve, he shall revoke such determination in accordance with and upon publication in the FEDERAL REGISTER of such findings. In determining distribution of the sugarbeet acreage reserve and whenever proposals are made to construct sugarbeet processing facilities in two or more localities where sugarbeet production is scheduled to commence in the same year, the Secretary shall base his determination and selection upon the firmness of capital commitment, suitability for growing sugarbeets, the proximity of other mills, need for a cash crop or a replacement crop, and accessibility of sugar markets, and the relative qualifications of localities under such criteria. Whenever there is no interest in constructing a new facility to commence production in a certain year, the Secretary shall give consideration to proposals, if any, to substantially expand existing factory facilities and in such event he shall base his determination of distribution of the sugarbeet acreage reserve on the aforementioned criteria and the extent of the proposed substantial expansion or expansions. If proportionate shares are in effect in the two years immediately following the year for which the sugarbeet acreage reserve is committed for any locality, the acreage of proportionate shares established for farms in such locality in each of such two years shall not be less than the smaller of the acreage committed to such forms or the acreage required to yield 50,000 short tons, raw value, of sugar based upon the yield expectancy initially considered by the Secretary in distributing the sugarbeet acreage reserve to such locality.

(4) The allocation of the national sugarbeet acreage requirement to States for sugarbeet production, as well as the distribution of the sugarbeet acreage reserve, shall be determined by the Secretary after investigation and notice and opportunity for an informal public hearing. * * *

The following contains information relating to the legislative history of this acreage reserve provision of the Act. H.R. Rep. No. 1829, 87th Congress, 2d Session, commencing on page 6, states, in part, as follows (it should be noted that the bill as then reported provided for the reserve of an acreage to yield 50,000 tons of sugar and that the latter figure was increased to 65,000 tons in the legislation as enacted).

PROVISION FOR NEW BEET FACTORIES

The provisions of the sugar bill providing for growth and expansion of the beet sugar industry take the form of an amendment to section 302(b) of the present law, the section which authorizes the Secretary to establish and allocate proportionate shares to sugarbeet farms.

Under the terms of the bill, the Secretary shall, in order to make available acreage for growth and expansion of the beet sugar industry, reserve each year, from the national sugarbeet acreage requirement established by him, not in excess of the acreage required to yield 50,000 short tons, raw value of sugar. On the basis of the national average yield of 2½ tons of sugar per acre, this provision would permit the Secretary to establish a sugarbeet acreage reserve of 20,000 acres. In areas where the sugar yield per acre is less, the sugarbeet acreage reserve might be somewhat greater and in the areas where the sugar yield per acre is higher than the national average, the sugarbeet acreage reserve might be less than 20,000 acres. In any event, regardless of the sugar yield per acre of any area to which the sugarbeet acreage reserve might be distributed, such area will have an opportunity to produce enough sugarbeets to support the operation of a sugar plant having a production capacity of 1 million hundred-pound bags of refined sugar.

The reasonableness of this figure is confirmed by three facts: (1) The average production of the 61 beet sugar plants in operation in 1961 in the United States was less than 800,000 hundred-pound bags of refined sugar. (2) A study by an independent, reputable engineering firm recently recommended to interested producers in one of the important sugarbeet producing areas the economic feasibility of a factory with a capacity slightly under 1 million bags. (3) Even in areas where conditions might suggest the feasibility of a plant eventually having a larger capacity, it is generally recognized that a 1-million-bag output would be adequate to underwrite successfully the initiation of such a plant.

The bill provides that the sugarbeet acreage reserve shall be established only in years when restrictive proportionate shares are in effect. It is unnecessary to establish acreage priorities in years when plantings of producers, whether old or new, are not restricted by the Government.

The bill provides that the sugarbeet acreage reserve shall be distributed by the Secretary, after investigation and notice and opportunity for public hearing, on a fair and reasonable basis to farms without regard to other acreage allocations to States or areas within States. Except as indicated, the bill does not contain any standards to guide the Secretary in distributing the sugarbeet acreage reserve. The sugarbeet acreage reserve is available for distribution to new growers supplying a new factory in a new area. The Secretary of Agriculture stated in his testimony before the House Agriculture Committee that, in distributing the sugarbeet acreage reserve, he would give priority to new growers for a new factory over new growers for an old factory. That such priority is inherently assured by the language and the origin of the pertinent provisions of the bill was underscored by the comments of Congressman Poage in the record of the House hearings.

In the event of the proposed opening of more than one new factory in a single year, the Secretary would have to decide which new growers group, taking into account all the relevant facts, has the more valid claim. The Secretary's decision in 1 year would, of course, be without prejudice to the position of any losing group in a subsequent year.

Quite properly the bill does not undertake to define a new area. A new area could include a State where sugarbeets have never been commercially grown, such as Maine or Missouri; a State where sugarbeets have not been commercially grown for a number of years, such as New York; a State where only a few beets, for sugar or for seed, are now being grown, such as Texas, New Mexico, Indiana, or Arizona; or, a State where sugarbeets are being commercially grown in significant volume, such as Nebraska, California, North and South Dakota, Idaho, Washington, or Minnesota.

Growth and expansion of the beet-sugar industry is also possible through increases in the capacities of existing plants. Subject to the priority claims of new growers for new plants in new areas, the sugarbeet acreage reserve is available for distribution to new growers suppling beets to an old plant which is being expanded. Such new growers would, of course, have prior claims over old growers who might wish to expand their production to supply the additional beets needed for the expanded plant. If two or more plants are expanded in a single year, the Secretary has to decide which new grower groups, or which old grower groups, have the most valid claim to all, or some part, of the sugarbeet acreage reserve available for distribution.

The sugarbeet acreage reserve provided by the bill is in addition to provisions already

in the law authorizing the Secretary to protect the interest of new and small producers.

It is estimated that about 70,000 tons of quota will be credited annually to the beet area as a result of its share of the 63 percent of market growth reserve for continental areas. It is generally assumed that U.S. market growth is about 150,000 tons a year; 63 percent of this amount is roughly 95,000 tons. Under the bill the 95,000 tons is split approximately 3 to 1 between the domestic beet and mainland cane areas—70,000 tons for beets, 25,000 tons for cane.

The 50,000 tons needed for the sugarbeet acreage reserve is thus covered by the annual growth increment accruing to the domestic beet area. The difference (20,000 tons) between the expected growth increment (70,000 tons) and the maximum sugarbeet acreage reserve (50,000 tons), however, cannot be construed as being available for "expansion" of the existing industry because it is not enough to absorb the industry's annual technological growth, which amounts to about 50,000 tons.

Accordingly, under the terms of the bill most of the annual technological growth of the industry—that is, higher sugar yields per acre—will have to be absorbed by the old beet grower group. This could involve a cut in old grower acreages.

The probability of future acreage reductions for old growers is compounded by the level of the basic beet quota—2,650,000 tons as compared with a 1962 crop now estimated to yield 2,800,000 tons of sugar. The low level of the industry's current carryover, due to last year's below average yields, will probably avoid the need for acreage cuts for old beet growers for 1963. Under these circumstances, as Secretary Freeman has said, acreage restrictions next year appear unlikely.

In summary: The sugarbeet acreage reserve may equal only the equivalent of one million-bag factory a year for new growers. The 1 million-bag-a-year technological growth of the industry may have to be carried, in large part, by the old growers—and by the new growers after they enter the business. The conservative level of the basic quota, and the modest growth increment, awarded the domestic beet industry in the bill reveal clearly, on analysis, the willingness of the beet industry, old and new, to make a real contribution to industry unity, to permit the foreign suppliers to continue to have a guaranteed share of about 40 percent of the U.S. sugar market.

Senate Rep. No. 1631, 87th Congress, 2d Session, commencing on page 5, states, in part, as follows:

Under the terms of the bill, the Secretary would, in order to make available acreage for growth and expansion of the beet sugar industry, reserve each year, from the national sugarbeet acreage requirement established by him, the acreage required to yield 65,000 tons, raw value of sugar. On the basis of the national average yield of 2½ tons of sugar per acre, this provision would permit the Secretary to establish a sugarbeet acreage reserve of 26,000 acres. In areas where the sugar yield per acre is higher than the national average, the sugarbeet acreage might be somewhat less. In any event, regardless of the sugar yield per acre of any area to which the sugarbeet acreage reserve might be distributed, such area will have an opportunity to produce enough sugarbeets to support the operation of a sugar plant having a production capacity of about 1 million hundred-pound bags of refined sugar.

It has been ascertained that an efficient mill can be operated on the basis of about 1 million hundred-pound bags of refined sugar which, on the average, would come from 50,000 tons, raw value, of sugar which, in turn, would be produced on 20,000 acres of average land. The bill, as reported, would, therefore, cause the accrual of some 6,000 acres per year over and above that necessary for the establishment of one efficient factory per year. Thus, at the end of 3 years, the Secretary would be able to allow or provide for the establishment of an extra new factory.

The average production of the 61 sugarbeet plants in the United States is less than 800,000 hundred-pound bags of refined sugar. The provision for one new factory each year could be made by reserving 20,000 acres each year for new beet production and the bill, as reported, would provide for 65,000 tons of new production each year which would be grown on 26,000 acres. At the end of 3 years the Secretary would have approximately 16,000 acres capable of producing 45,000 tons of sugar to allocate to a new area where an extra mill could be established.

Under the bill, as reported the sugarbeet acreage reserve is to be distributed by the Secretary, after investigation and notice and opportunity for public hearing, on a fair and reasonable basis to farms without regard to other acreage allocations to States or areas within States. The sugarbeet acreage reserve is available for distribution to new growers supplying a new factory in a new area. The language of the bill assures that the Secretary of Agriculture, in distributing the sugarbeet acreage reserve will give priority to new growers for a new factory over new growers for an expanded old factory. The Secretary must not assign any of this reserve to old areas unless he determines that the reserve, or portion thereof, cannot be assigned cumulatively, for the life of this extension, to prospective new areas for new mills. When the reserve beyond that needed for one factory per year reaches the point where an extra factory might be provided in any one year, the Secretary will take into account all the relevant facts and decide which growing group has the more valid claim. The Secretary's decision in any one year would, of course, be entirely without prejudice to the position of any group that had not been successful in acquiring a priority.

The bill does not undertake to define a new area. The Secretary, with all the facts of the immediate time of the consideration before him, will make such a decision. It may be assumed that the Secretary will formulate a workable definition. It would appear that a new area should not be compelled to show that no sugarbeets at all are now being raised, as there may be qualified areas where a few farmers have had some small sugarbeet history with beet shipments being made over great distances to be processed with the grower absorbing part of the freight charges. On the other hand, an area in which sugarbeet raising is and has been an important and significant part of agriculture might not qualify as a new area.

The growth and expansion of the beet-sugar industry is also possible through increases in the capacities of existing plants. The bill expands the share of the market growth allocated to domestic producers of beets and cane to 65 percent. The growth factor is such that approximately 160,000 tons of sugar are consumed each year over and above that consumed in the prior year. Thus, 65 percent reserved for new production in the United States would provide for 104,000 tons more for domestic production, cane and beet, new and old.

The Conference Report, No. 1957, 87th Congress, 2d Session states in part on page 15, paragraph 4: The bill * * * "Stipulates that the Secretary of Agriculture, in order to make available acreage for growth and expansion of the beet sugar industry, reserve each year, from the national sugarbeet acreage requirement, not in excess of the acreage required to yield 65,000 tons, which represents a reserve amounting to the average production of approximately 26,000 acres. This reserve would be distributed to farms without regard to other acreage allocations to States or to areas within States. The sugarbeet acreage reserve would be available for distribution to new growers supplying a new factory in a new area, and it is contemplated that this would enable the establishment of one new factory each year with two factories in each third year."

Pages 10011, 10012, 11009, 11010, 11011, 11014, 11016, 11017, 11018, 11034, 11499, and 11583 of Volume 108 of the Congressional Record contain general discussion concerning the acreage reserve.

Signed at Washington, D.C., on August 27, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-8731; Filed, Aug. 29, 1962; 8:53 a.m.]

Office of the Secretary

SOUTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Aurora County, South Dakota, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of August 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-8735; Filed, Aug. 29, 1962; 8:54 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct additional annual surveys listed below for the year 1961 and for each year thereafter, under the authority of Title 13, United States Code, sections 181, 224, and 225 approved August 31, 1954. These annual surveys are additions to those included in a notice published January 3, 1962 (27 F.R. 20). Such surveys relate to important industry areas within manufacturing and on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not available on an adequate basis from other Governmental agencies or private sources.

In 1958 the establishments to be covered by these new surveys directly employed about 475 thousand persons; shipped products valued at $6.8 billion; and purchased supplies and services from other industries costing $2.7 billion. The shipments data to be collected in these surveys will fill gaps in the statistical picture available for those major product areas; will furnish valuable statistical information for the use of industry, trade associations, and Government; and will satisfy the expressed needs of Government and industry for such information.

Report forms furnishing quantity and value of shipments data will be required from all producers of the products covered by these surveys.

The following surveys are included in this announcement:

Switchgear, switchboard apparatus, relays and industrial controls.
Selected instruments and related products.
Selected electronic and associated products.

The surveys, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington 25, D.C.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Census within 30 days after the date of publication and will receive consideration.

Dated: August 24, 1962.

RICHARD M. SCAMMON,
Director, Bureau of the Census.

[F.R. Doc. 62-8712; Filed, Aug. 29, 1962; 8:51 a.m.]

Office of the Secretary

JAMES A. BRANDT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 27, 1962.

JAMES A. BRANDT.

AUGUST 23, 1962.

[F.R. Doc. 62-8711; Filed, Aug. 29, 1962; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13873]

BLATZ AIRLINES, INC.

Notice of Oral Argument

Application for Interim Certification under Public Law 87-528:

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 12, 1962, at 2:30 p.m., e.d.s.t., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the Board.

Blatz Airlines, Inc., will be allotted one hour for the presentation of its argument. The Bureau of Economic Regulation and air carriers opposing the grant of this authority will be allotted a total of one hour for argument. These parties will be expected to divide the one hour allotted to them and to notify this office not later than September 6, 1962, of the allocation and name of the representative who will present the argument. Counsel for Blatz Airlines, Inc., may reserve not to exceed one-quarter of its allotted time for rebuttal.

Dated at Washington, D.C., August 27, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8727; Filed, Aug. 29, 1962; 8:52 a.m.]

[Docket 12258 etc.]

C. E. WALTS AND HI-PLAINS AIRWAYS

Notice of Oral Argument

In the matter of the applications of C. E. Walts, d/b/a Hi-Plains Airways, Inc., et al., for certificates and/or amendment of certificates of public convenience and necessity.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on September 26, 1962 at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 27, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8728; Filed, Aug. 29, 1962; 8:52 a.m.]

STANDARD AIRWAYS, INC.

Notice of Oral Argument

Application for Interim Certification under Public Law 87-528;

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 12, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the Board.

Standard Airways, Inc., will be allotted one hour for the presentation of its argument. The Bureau of Economic Regulation and air carriers opposing the grant of this authority will be allotted a total of one hour for argument. These parties will be expected to divide the one hour allotted to them and to notify this office not later than September 6, 1962, of the allocation and name of the representative who will present the argument. Counsel for Standard Airways, Inc., may reserve not to exceed one-quarter of its allotted time for rebuttal.

Dated at Washington, D.C., August 27, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8729; Filed, Aug. 29, 1962; 8:52 a.m.]

[Docket 12837, etc.]

UNITED AIR LINES, INC., COMPETITIVE SERVICE INVESTIGATION

Notice of Hearing

In the matter of competitive service between Cleveland-Chicago, Cleveland-New York, Cleveland-Philadelphia, and Philadelphia-Detroit.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding will be held September 18, 1962, at 10:00 a.m., e.d.t., in Room 725 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

For further information regarding the issues involved herein interested persons may refer to the pertinent applications, orders of the Board, and the prehearing conference report, all of which are on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 24, 1962.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 62-8726; Filed, Aug. 29, 1962; 8:52 a.m.]

[Docket 13896]

COLUMBIA AIRLINES

Application for Interim Certification; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 13, 1962, at 2:30 p.m. (eastern daylight saving time), in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the Board.

Air Cargo Express, Inc., d/b/a Columbia Airlines will be allotted one hour for the presentation of its argument. The Bureau of Economic Regulation and air carriers opposing the grant of this authority will be allotted a total of one hour for argument. These parties will be expected to divide the one hour allotted to them and to notify this office not later than September 6, 1962, of the allocation and name of the representative who will present the argument. Counsel for Air Cargo Express, Inc., d/b/a Columbia Airlines may reserve not to exceed one-quarter of its allotted time for rebuttal.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8776; Filed, Aug. 29, 1962; 8:54 a.m.]

[Docket 13902]

CALIFORNIA HAWAIIAN AIRLINES

Application for Interim Certification; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 14, 1962, at 10 a.m. (eastern daylight saving time), in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the Board.

Airline Transport Carriers, Inc., d/b/a California Hawaiian Airlines, will be allotted one hour for the presentation of its argument. The Bureau of Economic Regulation and air carriers opposing the grant of this authority will be allotted a total of one hour for argument. These parties will be expected to divide the one hour allotted to them and to notify this office not later than September 6, 1962, of the allocation and name of the representative who will present the argument. Counsel for Airline Transport Carriers, Inc., d/b/a California Hawaiian Airlines, may reserve not to exceed one-quarter of its allotted time for rebuttal.

Dated at Washington, D.C., August 27, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8777; Filed, Aug. 29, 1962; 8:54 a.m.]

[Docket 13892]

SOURDOUGH AIR TRANSPORT

Application for Interim Certification; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 14, 1962, at 2:30 p.m. (eastern daylight saving time) in Room 1027, Universal Building, Florida and Connecticut Avenues, NW., Washington, D.C., before the Board.

Sourdough Air Transport will be allotted one hour for the presentation of its argument. The Bureau of Economic Regulation and air carriers opposing the grant of this authority will be allotted a total of one hour for argument. These parties will be expected to divide the one hour allotted to them and to notify this office not later than September 6, 1962, of the allocation and name of the representative who will present the argument. Counsel for Sourdough Air Transport may reserve not to exceed one-quarter of its allotted time for rebuttal.

Dated at Washington, D.C., August 27, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8778; Filed, Aug. 29, 1962; 8:54 a.m.]

[Docket 13908]

UNITED STATES OVERSEAS AIRLINES, INC.

Application for Interim Certification; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 13, 1962, at 10 a.m. (eastern daylight saving time) in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the Board.

United States Overseas Airlines, Inc., will be allotted one hour for the presentation of its argument. The Bureau of Economic Regulation and air carriers opposing the grant of this authority will be allotted a total of one hour for argument. These parties will be expected to divide the one hour allotted to them and to notify this office not later than September 6, 1962, of the allocation and name of the representative who will present the argument. Counsel for Sourdough Air Transport may reserve not to exceed one-quarter of its allotted time for rebuttal.

Dated at Washington, D.C., August 27, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8779; Filed, Aug. 29, 1962; 8:54 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2317]

APPALACHIAN POWER CO.

Notice of Application for Preliminary Permit

AUGUST 22, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Appalachian Power Company (correspondence to: H. A. Kammer, Vice President, Appalachian Power Company, Post Office Box 7, Church Street Station, New York 8, New York) for preliminary permit for proposed water power Project No. 2317, to be located on New River, Grayson County, Virginia, and Alleghany County, North Carolina, in the vicinity of Independence, Fries, and Galax, Virginia.

The proposed project would be a pumped-storage type of development comprising: Upper Dam and Reservoir—a dam to be located on New River about 5 miles upstream from the mouth of Elk Creek, a reservoir with an area of 15,000 acres at full pool and a capacity of 960,000 acre-feet extending about 36 miles upstream, and a powerhouse; and Lower Dam and Reservoir—a dam to be located about 12 miles downstream from the Upper Dam, a reservoir with an area of 2,000 acres at full pool and a capacity of 60,000 acre-feet extending to the Upper Dam, and a powerhouse. The powerhouses will be located near each dam, will be supplied with water by means of tunnels and/or penstocks, and will have a combined installation of about 400,000 kilowatts.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 15, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8693; Filed, Aug. 29, 1962; 8:45 a.m.]

[Docket Nos. CP62-28; CI62-53]

EL PASO NATURAL GAS CO. AND SHELL OIL CO.

Notice of Postponement of Hearing

AUGUST 23, 1962.

Take notice that the hearing in the above-docketed proceeding heretofore scheduled to commence on September 10, 1962, by notice issued June 6, 1962, and published in the FEDERAL REGISTER on June 13, 1962, (27 F.R. 5625) be and hereby is postponed to a date to be fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8691; Filed, Aug. 29, 1962; 8:45 a.m.]

[Docket No. CP62-215]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application and Date of Hearing

AUGUST 23, 1962.

Take notice that on March 15, 1962, Kansas-Nebraska Natural Gas Company, Inc. (Applicant) filed an application, as supplemented on May 16, 1962, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 63 miles of 2- and 3-inch lateral pipeline and five town border stations in order to render direct natural gas service to the communities of Polk, Winside, Sargent, and Comstock, Nebraska, and wholesale service to Natural Gas Distributing Company of Nebraska (for resale in Grant, Nebraska).

Applicant proposes that the customers to be served contribute to the cost of the laterals, such contributions to be calculated by application of the "Michigan-Wisconsin 10-cent formula" as interpreted by Applicant. The estimated cost of the facilities proposed is $309,500.

The estimated requirements of the five communities are as follows:

REQUIREMENTS IN MCF AT 14.73 P.S.I.A.

	1962	1963	1964	1965
Peak day	615	935	1,185	1,325
Annual	42,025	122,300	150,100	166,900

Of the estimated fourth year annual sales of 166,900 Mcf, approximately 38,500 Mcf per year will be used as fuel for internal combustion engines in the municipal power plants of Sargent and Winside.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 1, 1962, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 17, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8692; Filed, Aug. 29, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

AUGUST 24, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's

Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 26, 1962, through September 4, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8707; Filed, Aug. 29, 1962; 8:50 a.m.]

[File No. 24A-1465]

WYNNCO INVESTMENT CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 24, 1962.

I. Wynnco Investment Company (Issuer), 233 West Venice Avenue, P.O. Box 1282, Venice, Florida, a Florida corporation, filed with the Commission on February 27, 1961, a notification on Form 1-A and an offering circular relating to a proposed public offering of 2,050 shares of $100 par value Class B common stock at $100 per share for an aggregate amount of $205,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. Of these 2,050 shares, 1,050 were reserved for issue pursuant to the exercise of outstanding options held by promoters. To the extent these options were not exercised, the remaining underlying shares were to be offered to the public. The filing was completed on April 24, 1961, and the offering was commenced on May 1, 1961. Reports on Form 2-A were filed on December 4, 1961, and July 18, 1962, the latter report being amended on July 26, 1962.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer has failed to file a revised offering circular at the expiration date of the nine-month period as required by Rule 256(e).

2. The issuer is an investment company as defined in section 3(a) of the Investment Company Act of 1940, and accordingly no exemption is available under Regulation A by reason of Rule 252(b)(2) thereunder.

3. The issuer has filed Form 2-A reports which fail to disclose adequately and accurately the number of shares sold pursuant to the offering and the aggregate amount of proceeds received therefrom in violation of Rule 260.

B. The offering circular fails to meet the requirements of Regulation A, contains untrue statements of material facts, omits to state material facts and contains a misleading presentation of facts, in that the proceeds from the offering were not used for the purposes set out in the offering circular.

C. The issuer has failed to cooperate in that it has failed to state in its reports on Form 2-A, the date on which the last offer and/or sale of securities was made by the issuer and has failed to submit a list of the companies whose securities have been purchased by the issuer, as requested by the Atlanta Regional Office.

D. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8708; Filed, Aug. 29, 1962; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-II-1 (Rev. 2)]

CHIEF, FINANCIAL ASSISTANCE DIVISION, NEW YORK REGIONAL OFFICE

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 7) 27 F.R. 6247 there is hereby redelegated to the Chief, Financial Assistance Division, the authority:

A. *Financial assistance.* 1. To approve the following:

a. Direct loans not exceeding $50,000.

b. Participation loans not exceeding $150,000.

c. Limited loan participation not exceeding $25,000.

d. Small loans not exceeding $25,000.

e. Disaster loans not exceeding $50,000.

2. To enter into business loan and disaster loan participation agreements with banks.

3. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read:

(Name). *Administrator.*
By ----------,
(Name)
Chief, Financial Assistance Division.

4. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

5. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

6 To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

7. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

8. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Eligibility.* 1. To make original determinations and determinations upon the reconsideration thereof as to which concerns are small business within the meaning of the Small Business Size Standards Regulations, as amended, except no determinations will be made in those cases which involve questions of dominance, questions relating to cooperatives, and questions involving franchise, license or other contractual agreements, unless otherwise authorized. This authorization does not permit the issuance of Small Business Certificates. This authority is limited to the Financial Assistance program only.

C. *Administration.* 1. To approve annual and sick leave for employees under his supervision, other than advanced annual and sick leave.

2. To authorize and approve official travel other than travel involving a change of official duty station.

II. The authority delegated herein may be redelegated, except Item I.B.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under such delegation.

Effective Date: August 10, 1962.

CHARLES H. KRIGER,
Regional Director.

[F.R. Doc. 62-8709; Filed, Aug. 29, 1962; 8:50 a.m.]

[Delegation of Authority No. 30-II-11 (Rev. 1)]

CHIEF, LOAN PROCESSING SECTION, F.A.D., NEW YORK REGIONAL OFFICE

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation of Authority No. 30-II-1 (Revision 2), dated August 10, 1962, there is hereby redelegated to the Chief, Loan Processing Section, the authority:

A. *Financial assistance.* 1. To approve the following:

a. Direct loans not exceeding $50,000.

b. Participation loans not exceeding $150,000.

c. Limited loan participation not exceeding $25,000.

d. Small loans not exceeding $25,000.

e. Disaster loans not exceeding $50,000.

2. To enter into business loan and disaster loan participation agreements with banks.

3. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read:

(Name), *Administrator,*
By ----------
(Name)
Chief, Loan Processing Section.

4. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

5. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

6. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

7. To approve service charges by participating bank not to exceed 2% per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

B. *Administration.* 1. To approve annual and sick leave for employees under his supervision, other than advanced annual and sick leave.

2. To authorize and approve official travel other than travel involving a change of official duty station.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Processing Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division, to the Chief, Loan Processing Section, is hereby rescinded without prejudice to actions taken under such delegation.

Effective Date: August 10, 1962.

GEORGE E. CHAPIN,
Chief,
Financial Assistance Division.

[F.R. Doc. 62-8710; Filed, Aug. 29, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 27, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37898: *Substituted service—IC and Wab. for Gordons Transports, Inc.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 74), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Kansas City, Mo., and New Orleans, La., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Southern Motor Carriers Rate Conference tariff M.F.-I.C.C. 1212, I.C.C. 37.

FSA No. 37899: *Scrap iron or steel from Canton, Ohio, to Calvert, Ky.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2630), for interested rail carriers. Rates on iron or steel scrap (not copper clad), viz: Scraps or pieces of iron or steel having value for remelting purposes only; grindings, iron or steel (refuse material from grinding operations, not further processed), in carloads, from Canton, Ohio, to Calvert, Ky.

Grounds for relief; Truck-barge competition.

Tariff: Supplement 25 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C-102.

FSA No. 37900: *Processed clay between points in southwestern territory.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 447), for interested rail carriers. Rates on clay, processed for neutralization, clarifying, purifying, refining, filtering, and/or decolorizing oils or solvents (mineral, animal or vegetable), or fats, waxes or greases, in carloads, between points in southwestern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 24 to Texas-Louisiana Freight Bureau tariff I.C.C. 948.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8719; Filed, Aug. 29, 1962; 8:52 a.m.]

[Notice 686]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 27, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65212. By order of August 22, 1962. The Transfer Board approved the transfer to J. Garufi Trucking Corp., a corporation, New York, N.Y., of Certificate No. MC 88416, issued July 18, 1939, to James Garufi, doing business as James Garufi Trucking Company, New York, N.Y., authorizing the transportation of: Building bricks, between New York, N.Y., on the one hand, and, on the other, points in New Jersey and Connecticut within 50 miles of Harlem River Yards, New York, N.Y. Jay Wertheimer, 61 Broadway, New York 6, N.Y., attorney for applicants.

No. MC-FC 65270. By order of August 21, 1962. The Transfer Board approved the transfer to Terminal Warehouse & Storage Company, Inc., 200 Southern Avenue, Dubuque, Iowa, of the operating rights in Certificate No. MC 123941, issued December 7, 1961, in the name of J. L. Kessenich, doing business as D M R Freight Line, 1404 29th Avenue, Monroe, Wisconsin, authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between Darlington, Wis., and Freeport, Ill., between Monroe, Wis., and Rockford, Ill., between Gratiot, Wis., and Stockton, Ill., between Hollandale, Wis., and Monroe, Wis., and over irregular routes, between points within 3 miles of Monroe, Wis., including Monroe.

No. MC-FC 65272. By order of August 21, 1962. The Transfer Board approved the transfer to John Swanson, doing business as Swanson Trucking Company, Manistique, Mich., of Certificate No. MC 81835, issued June 7, 1950, to John Swanson and Herman Swanson, a partnership, doing business as Swanson Trucking Company, Manistique, Mich., authorizing the transporation, over irregular routes, of household goods, between Manistique, Mich., and points within 50 miles of Manistique, on the one hand, and, on the other, points in Michigan and Wisconsin. Michael D. O'Hara, Spies Building, Menominee, Mich., applicants' attorney.

No. MC-FC 65279. By order of August 21, 1962. The Transfer Board approved the transfer to J. W. Kline and E. L. Seastrom, a partnership, doing business as K & S Truck Line, Burlingame, Kans., of Certificate No. MC 55668 issued February 10, 1941, to H. A. Schroeder, Harveyville, Kans., authorizing the transportation, over regular routes, of livestock, between Harveyville, Kans., and Kansas City, Mo., and return, with service authorized to and from intermediate and offroute points of Kansas City, and Topeka, Kans., and those within 15 miles of Harveyville; agricultural implements and parts, agricultural machinery, feed, hardware, building materials, petroleum products in containers, empty petroleum containers, paints, drugs, household goods, caskets, and fencing materials, from Harveyville to Kansas City, Mo., with service authorized to and from intermediate and offroute points of Kansas City, Kans., and those within 10 miles of Harveyville; and barrels and boxes, box lumber, seeds, feed, binder twine, groceries, fruits, vegetables, candy, and paper bags, between Topeka, Kans., and Kansas City, Mo., with service authorized to and from the intermediate point of Kansas City, Kans. E. L. Seastrom, Burlingame, Kans., for transferee. H. A. Schroeder, Harveyville, Kans., for transferor.

No. MC-FC 65280. By order of August 21, 1962. The Transfer Board approved the transfer to Edgar Rimback, doing business as Maplewood Transfer & Storage Company, Millburn, N.J., of Certificate No. MC 4186, issued June 10, 1941, to Thomas Grimm, Maplewood, N.J., authorizing the transportation of household goods, over irregular routes, between points in New Jersey, on the one hand, and, on the other, points in New York, Pennsylvania, and Connecticut. John P. Walsh, 241 Millburn Avenue, Millburn, N.J., applicants' attorney.

No. MC-FC 65284. By order of August 22, 1962. The Transfer Board approved the transfer to Peter Kupselaitis, doing business as G & R Enterprise Trucking, Newark, N.J., of Certificate No. MC 55429, issued July 8, 1941, to G.M.C. Express Co., Inc., Newark, N.J., authorizing the transportation, over irregular routes, of general commodities not including household goods, commodities in bulk, and other specified commodities, between points in Essex, Hudson, Union, Bergen, and Passaic Counties, N.J., on the one hand, and, on the other, New York, N.Y. James J. Farrell, 201 Montague Place, South Orange, N.J., applicants' representative.

No. MC-FC 65285. By order of August 21, 1962. The Transfer Board approved the transfer to Harold D. Fosmo, Ellsworth, Wis., of Certificate No. MC 19014, issued March 13, 1942, to Herbert M. Hope & Harry L. Hope, a partnership, doing business as Hope Brothers, Ellsworth, Wis., authorizing the transportation of general commodities, excluding household goods and commodities in bulk other than agricultural commodities, over irregular routes, between points in the Towns of Trenton, Trimbelle, Martell, Oak Grove and Ellsworth, Pierce County, Wis., on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, Hopkins, Newport and Red Wing, Minn. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., representative for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8718; Filed, Aug. 29, 1962; 8:52 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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Announcing: Volume 75

UNITED STATES STATUTES AT LARGE

[87th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1961, reorganization plans, amendment to the Constitution, and Presidential proclamations

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PART II

FEDERAL REGISTER

VOLUME 27 NUMBER 169

Washington, Thursday, August 30, 1962

System of Account Classifications for Small Business Investment Companies

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

PART 111—SYSTEM OF ACCOUNT CLASSIFICATIONS FOR SMALL BUSINESS INVESTMENT COMPANIES

On June 2, 1962, notice of proposed rule making regarding the System of Account Classifications for Small Business Investment Companies was published in the FEDERAL REGISTER (27 F.R. 5219–5239). After consideration of all such relevant matter as was presented by interested persons regarding the Proposed System of Account Classifications for Small Business Investment Companies, the said System of Account Classifications for Small Business Investment Companies is hereby adopted as published in 27 F.R. 5219–5329 with one change made so that the said System of Account Classifications would provide accounts for time deposits in commercial banks.

The System of Account Classifications for Small Business Investment Companies shall be effective upon publication in the FEDERAL REGISTER.

IRVING MANESS,
Deputy Administrator.

Dated: August 23, 1962.

AUTHORITY: Part 111 issued under section 308, Public Law 85–699, as amended.

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Capital Stock and Surplus Accounts

40–41—Capital Stock

400–404 _____ capital stock authorized.
(Type and class)
405–409 _____ unissued capital stock.
(Type and class)
410–412 _____ capital stock subscribed.
(Type and class)
415–419 Treasury stock—_____
(Type and class)

42—Surplus

420 Paid-in surplus.
425 Retained earnings from net income.
426 Retained earnings from net realized gain on investments.

427 Appropriated retained earnings.
429 Profit and loss summary.
430 Realized gain and loss summary.

Income Accounts

50—Commitment Income

500 Commitment income.

51–52—Interest Income

510 Interest on U.S. Government securities.
512 Interest on loans.
514 Interest on funds in escrow pending closing of financing.
516 Interest on debt securities.
518 Interest on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.
520 Interest income—other.

53—Compensation Income

530 Compensation income—participations sold.
532 Advisory and consulting service fees.
534 Appraisal and investigation fees.
536 Miscellaneous fees.

54—Dividends and Other Earnings

540 Dividends on capital stock of SBCs.
541 Sharings in income of SBCs.

55—Amortization of Premium on Debentures Payable

550 Amortization of premium on debentures payable.

56—Gain on Debentures Purchased and Retired

560 Gain on debentures purchased and retired.

57—Gain on Securities and Other Assets

570 Gain on U.S. Government securities.
572 Gain on debt securities (section 304).
574 Recoveries on asset losses charged to loss accounts.
576 Gain on capital stock of SBCs.
577 Gain on stock purchase warrants or options of SBCs.
578 Gain on assets acquired in liquidation of loans and debt securities.
579 Gain on other assets.

58—Miscellaneous Income

580 Rental income.
582 Income from assets acquired in liquidation of loans and debt securities.
584 Other income.

Expense Accounts

60—Commitment Expense

600 Commitment expense.

61–62—Interest Expense

610 Interest on notes payable to SBA.
614 Interest on debentures payable, issued to SBA.
618 Interest on loans sold with recourse.
620 Interest on debt securities sold with recourse.
622 Interest on notes payable to other than SBA.
624 Interest on debentures payable, issued to other than SBA.
626 Interest on mortgages payable.
628 Interest expense—other.

63—Compensation Expense

630 Compensation expense—participations purchased.

64—Debenture, Fiscal Agent, and Stock Record Expense

640 Debenture and fiscal agent expense.
642 Transfer agent and registrar expense.

65–67—Operating Expenses

650–679 Operating expenses.
650 Advertising and promotional costs.
651 Appraisal, consulting, and engineering costs.
652 Auditing and examination costs.
653 Communications.
654 Cost of space occupied.
655 Depreciation of corporate premises owned—building.
656 Depreciation of furniture and equipment.
657 Directors' and stockholders' meetings costs.
658 Insurance.
659 Investigation and financial service costs.
660 Investment adviser and supervisory costs.
661 Legal services.
662 Miscellaneous services and supplies.
663.1 Salaries of officers.
663.2 Salaries of employees.
664 Taxes, excluding Federal and State income taxes.
665 Travel.
666 Uncollectible notes and accounts.
667 Uncollectible interest receivable.
668 Uncollectible loans (section 305).
669 Uncollectible amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.
670 Maintenance and repairs.
671 Retirement benefits expense.
672 Organization expense.
673 Estimated losses on debt securities (section 304).
674 Estimated losses on capital stock of SBCs.
675 Estimated losses on assets acquired in liquidation of loans and debt securities.

68—Amortization of Discount on Debentures Payable

680 Amortization of discount on debentures payable.

69—Loss on Debentures Purchased and Retired

690 Loss on debentures purchased and retired.

70—Loss on Securities and Other Assets

700 Loss on U.S. Government securities.
702 Loss on debt securities (section 304).
706 Loss on capital stock of SBCs.
708 Loss on assets acquired in liquidation of loans and debt securities.
709 Loss on other assets.

71—Miscellaneous Expenses

710 Expense on assets acquired in liquidation of loans and debt securities.

72—Federal and State Income Taxes

720 Federal income taxes—net income.
722 Federal income taxes—net realized gain on investments.
725 State income taxes—net income.
727 State income taxes—net realized gain on investments.

Memorandum Records

Contingent Assets

CA–1 Documentary items in process of collection.
CA–2 Other contingent assets.

Contingent Liabilities

CL–6 Commitments outstanding.
CL–7 Other contingent liabilities.

Nominal Assets

NA–10 Stock purchase warrants or options on stock of SBCs.

Nominal Liabilities

NL–16.

Options on Company's Stock

OCS–1 Options on company's stock.

General Instructions

1. This system of account classifications for small business investment companies is adaptable to manual or machine accounting procedures employing the double-entry method, and is otherwise designed to meet the specific needs of companies licensed in accordance with the provisions of the Small Business Investment Act of 1958, as amended. Financial data accumulated in the manner required by this accounting system will facilitate the preparation of the annual, semiannual, and interim financial reports on SBA Form 468 to be furnished by licensed companies pursuant to the Act and Regulations.

2. Account classifications in use by companies licensed prior to issuance of this system shall be converted to the classifications set forth herein as soon as practicable but not later than sixty days after their publication in the FEDERAL REGISTER. If a small business investment company considers that it needs one or more additional accounts, it shall submit a detailed description of the proposed account(s) to SBA for approval.

3. Subdivisions of any account in this system of account classifications may be kept in the general ledger without the prior approval of SBA, provided that such subaccounts do not impair the integrity of the accounts set forth in the prescribed system. The titles of all such subaccounts shall refer by number and title to the accounts of which they are subdivisions, and a description of such subaccounts shall be furnished to SBA promptly upon their establishment. Use of a decimal system is required for extending the account numbers to identify such subaccounts.

4. This account classification system provides for two-digit number designations for major categories under which accounts are listed, and three-digit number designations for individual general ledger accounts. The first two digits of an individual account number refer to the major category under which the account is classified and the third digit identifies the specific account. Digits from zero through nine are used to identify specific accounts. For example, the first deposit bank account established will be designated "100" and the second "101." It will be noted that some categories encompass individual accounts in sufficient number to require assignment of more than one two-digit number to identify the category. For example, "Cash on Hand and in Banks" has been assigned category numbers "10," "11," and "12."

5. Books of account shall be maintained on an accrual basis and, at the end of each month, all transactions and accruals applicable to the month, as nearly as may be ascertained, shall be entered in the books.

6. It is very important that complete and accurate records of all contingent and nominal assets and liabilities be maintained. This is especially true with respect to outstanding commitments to finance small business concerns through

loans to them or the acquisition of their equity securities, and to make funds available to other lenders through deferred participations. A section providing for the maintenance of appropriate memorandum records is included herein, covering contingent assets, contingent liabilities, nominal assets, nominal liabilities, and options on the capital stock of the small business investment company.

7. Each small business investment company shall keep its books of account, and all other books, records, and memoranda which support in any way the entries in its books of account, in such manner as to be able readily to furnish full information on any item included in any account. The books and records referred to herein include not only accounting records in a limited technical sense, but all other records, such as minute books, capital stock records, reports, correspondence, and memoranda which may be useful in developing the history of, or facts regarding, any transaction.

8. Nothing contained in this system of account classifications can or is intended to authorize or approve any operation or action by a Licensee, or any other, not authorized by the Small Business Investment Act of 1958, as amended.

ASSET ACCOUNTS

100–102 Deposits in ---------- bank.

These accounts will represent funds on demand deposit in banks, other than closed banks.

Debit:

(a) With amount of funds deposited.

Credit:

(a) With amount of funds withdrawn, and charges made by bank for such items as dishonored checks, transfer of funds by wire, collection, exchange, etc.

115–117 Time deposits in ---------- bank.

These accounts will represent funds on time deposit in banks, other than closed banks.

Debit:

(a) With amount of funds deposited.

(b) With amount of interest received on such deposits.

Credit:

(a) With amount of funds withdrawn.

118 Cash items in process of collection.

This account will represent the amount of cash items placed with banks for collection.

Debit:

(a) With amount of such items placed with banks for collection.

Credit:

(a) With amount of items collected.

(b) With amount of uncollected items returned or withdrawn.

120 Petty cash fund.

This account will represent the imprest petty cash fund maintained for the purpose of making small disbursements.

Debit:

(a) With amount placed in the fund when established.

(b) With amount of increase in the fund.

Credit:

(a) With amount of decrease in the fund.

NOTE: The petty cash fund may be reimbursed and expenditures recorded as often as circumstances require, but must be reimbursed at the close of the company's fiscal year. Checks to replenish the fund will be drawn on a general fund bank account and include "petty cash" as a payee. Debits totaling the amount of this replenishment should be made concurrently to the appropriate accounts.

130 United States Government obligations, direct and fully guaranteed.

This account will represent the cost of temporary investments made from general cash funds in direct obligations of the United States Government and obligations guaranteed as to principal and interest by the United States Government. When United States Savings Bonds redeemable at par value on maturity are purchased at less than face value, the increase in redemption value may be periodically charged to this account with concurrent credit to account No. 510—Interest on U.S. Government securities.

Debit:

(a) With cost of such securities acquired.

(b) With increase in redemption value of United States Savings Bonds.

Credit:

(a) With redemption value of United States Savings Bonds redeemed.

(b) With cost of such securities sold or disposed of otherwise.

NOTE: Increase in value over cost of United States Treasury bills, which are issued at a discount and are non-interest bearing, will not be reflected in this account but will be debited at the end of each month to account No. 160—Accrued interest receivable, with concurrent credit to account No. 510—Interest on U.S. Government securities.

(See accounts Nos. 570 and 700)

140 Notes receivable.

This account will represent the unpaid balance of miscellaneous notes receivable. Notes representing amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities will be reflected in account No. 210.

Debit:

(a) With amount of such miscellaneous notes received.

Credit:

(a) With amount collected on principal of such miscellaneous notes.

(b) With unpaid principal balance written off or disposed of otherwise.

(See account No. 390)

150 Accounts receivable.

This account will represent the amount due on open account for advisory, consulting, appraisal, financial, and miscellaneous services rendered, declared dividends receivable on capital stock of small business concerns, amounts receivable representing sharings in the income of small business concerns, and other current receivables for which no specific accounts have been provided.

Debit:

(a) With amount due the company.

Credit:

(a) With amount collected.

(b) With amount written off or disposed of otherwise.

(See account No. 390)

154 Accounts receivable for compensation on participations sold.

This account, on the books of the "initiating" company, will represent the amount of accrued compensation receivable for services rendered to "participating" companies, such as banks, small business investment companies, and other lenders or investors, on their participations in loans (section 305), debt securities (section 304), assets acquired in liquidation of loans and debt securities, and amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities of the "initiating" company.

Debit:

(a) With amount of accrued compensation for such services rendered.

Credit:

(a) With amount of such accrued compensation collected.

(b) With amount of such accrued compensation written off or disposed of otherwise.

(See accounts Nos. 390 and 530)

155 Accounts receivable for commitment fees on deferred participations and financing commitments.

This account, on the books of the "participating" company, will represent the amount of accrued commitment fees receivable for making funds available on a deferred basis to "initiating" companies, such as banks, small business investment companies, and other lenders, in connection with their financing of, or commitments to finance, small business concerns.

In addition, an "initiating" company will use this account to record the amount of accrued commitment fees receivable for making funds available on a deferred basis on commitments to finance small business concerns.

Debit:

(a) With amount of such accrued fees.

Credit:

(a) With amount of such accrued fees collected.

(b) With amount of such accrued fees written off or disposed of otherwise.

NOTE: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern.

(See accounts Nos. 390 and 500)

160 Accrued interest receivable.

This account will represent the amount of interest accrued on loans to and debt securities of small business concerns, United States Government obligations, direct and fully guaranteed, notes receivable, sales contracts, and other interest-bearing amounts due from debtors, including funds placed in escrow pending the closing of financing.

On the books of the "initiating" company, the full amount of interest accrued on loans (section 305) and debt securities (section 304) participated in by others will be reflected in this account pending collection from borrowers,

or other disposition thereof (account No. 352 will be credited with amount due "participating" companies).

On the books of the "participating" company, interest accrued on the amount of the company's participation in loans and debt securities of others will be reflected in this account pending receipt of payment from the "initiating" company, or other disposition thereof.

Debit:

(a) With amount of accrued interest purchased, at date loans or debt securities are acquired.

(b) At the end of each month, with amount of interest accrued on all items covered by this account on that date.

(c) With amount of interest accrued during the month on such items disposed of during the month.

Credit:

(a) With amount of interest payments received.

(b) With amount of accrued interest transferred to assets acquired in liquidation of loans and debt securities.

(c) Upon disposition of loans or debt securities, with amount of accrued interest thereon included in this account.

(d) With amount of accrued interest written off or disposed of otherwise.

NOTE: At the option of the company, interest payments received in cash from debtors prior to the interest maturity date may be credited to account No. 376—Advance interest payments, until the maturity date.

170 Loans (section 305).

This account will represent the unpaid balance of net funds advanced on loans made to small business concerns pursuant to Section 305 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With face amount of direct loans.

(b) On the books of the "initiating" company, with total face amount of the loan made to borrower by both the "initiating" company and the "participating" company (account No. 330 will be credited with the portion purchased by the "participating" company).

(c) On the books of the "participating" company, with amount of participations in loans of others.

(d) With that portion of amount collected allocable to discount, fees, and other charges included in the face amount of direct loans but withheld from disbursements to debtor small business concerns (contra credit will be made to account No. 253).

(e) On the books of the "initiating" company, with total amount of uncollected discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with loans participated in by other lenders (contra credit will be made to account No. 253 for the "initiating" company's portion and to account No. 330 for the "participating" company's portion).

(f) On the books of the "participating" company, with amount collected allocable to that portion of such discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in loans of other lenders (contra credit will be made to account No. 253).

(g) With unpaid principal of loans represented by renewal notes accepted or notes taken in substitution for those held (appropriate adjustment will be made to account No. 253).

(h) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:

(a) With amount of uncollected discount, fees, and other charges included in the face amount of direct loans but withheld from disbursements to debtor small business concerns (contra debit will be made to account No. 253).

(b) On the books of the "initiating" company, with total amount of uncollected discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with loans participated in by other lenders (contra debit will be made to account No. 253).

(c) On the books of the "participating" company, with that portion of uncollected discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in loans of other lenders (contra debit will be made to account No. 253).

(d) With amount collected on face amount of direct loans.

(e) On the books of the "initiating" company, with full amount collected on unpaid principal of loans participated in by others.

(f) On the books of the "participating" company, with full amount by which participations in loans of others are reduced by repayments transmitted by the "initiating" company.

(g) With unpaid principal of loans represented by notes renewed or for which other notes have been substituted (appropriate adjustment will be made to account No. 253).

(h) With amount transferred to assets acquired in liquidation of loans and debt securities (appropriate adjustment will be made to account No. 253).

(i) With unpaid principal of loans written off or disposed of otherwise (appropriate adjustment will be made to account No. 253).

NOTE 1: It is assumed that in all loan participation arrangements the "initiating" company will service the loans.

NOTE 2: It is recommended that individual loan ledger cards or sheets be maintained for all loans. Such ledger cards or sheets should contain the detailed information needed for account No. 253—Uncollected discount, fees, and other charges on loans (section 305), account No. 330—Participations of other lenders in loans, and account No. 382—Unearned discount, fees, and other charges on loans (section 305).

(See accounts Nos. 310 and 392)

179 Funds in escrow pending closing of financing.

This account will represent the amount of funds placed in escrow pending the closing of financing for small business concerns.

Debit:

(a) With amount of funds placed in escrow.

Credit:

(a) With amount of funds withdrawn from escrow.

180 Debt securities, convertible, and with stock purchase warrants or options (section 304).

This account will represent the unpaid balance of net funds advanced on small business concerns' debt securities, convertible, and with attached stock purchase warrants or options acquired by the company pursuant to Section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With face amount of debt securities, convertible, and with stock purchase warrants, or options acquired, without allocating any of the amount to nondetachable or detachable stock purchase warrants or options.

(b) On the books of the "initiating" company, with total face amount of the debt securities, convertible, and with stock purchase warrants or options purchased by both the "initiating" company and the "participating" company (account No. 331 will be credited with the portion purchased by the "participating" company).

(c) On the books of the "participating" company, with amount of participations in purchases by others of debt securities, convertible, and with stock purchase warrants or options.

(d) With that portion of amount collected allocable to discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns (contra credit will be made to account No. 254).

(e) On the books of the "initiating" company, with total amount collected allocable to such discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors (contra credit will be made to account No. 254 for the "initiating" company's portion and to account No. 331 for the "participating" company's portion).

(f) On the books of the "participating" company, with amount collected allocable to that portion of such discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (contra credit will be made to account No. 254).

(g) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:

(a) With amount of uncollected discount, fees, and other charges included in the face amount of debt securities, convertible, and with stock purchase

warrants or options, but withheld from disbursements to debtor small business concerns (contra debit will be made to account No. 254).

(b) On the books of the "initiating" company, with total amount of uncollected discount, fees, and other charges included in the face amount of debt securities, convertible, and with stock purchase warrants or options, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors (contra debit will be made to account No. 254).

(c) On the books of the "participating" company, with that portion of uncollected discount, fees, and other charges included in the face amount of debt securities, convertible, and with stock purchase warrants or options, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (contra debit will be made to account No. 254).

(d) With amount collected on face amount of debt securities, convertible, and with stock purchase warrants or options.

(e) On the books of the "initiating" company, with full amount collected on unpaid principal of debt securities, convertible, and with stock purchase warrants or options, through payments amortizing such securities and on partial calls of such securities.

(f) On the books of the "participating" company, with full amount by which participations in purchases by others of debt securities, convertible, and with stock purchase warrants or options, are reduced by repayments transmitted by the "initiating" company.

(g) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, or portions thereof, converted into capital stock (appropriate adjustment will be made to account No. 254).

(h) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options which have been divested of stock rights through (1) the expiration of the conversion privilege, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options.

(i) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, transferred to assets acquired in liquidation of loans and debt securities (appropriate adjustment will be made to account No. 254).

(j) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, written off or disposed of otherwise (appropriate adjustment will be made to account No. 254).

NOTE 1: It is assumed that in all arrangements for participation in the purchase of debt securities, convertible, and with stock purchase warrants or options the "initiating" company will service the financing.

NOTE 2: It is recommended that individual ledger cards or sheets be maintained for all debt securities, convertible, and with stock purchase warrants or options. Such ledger cards or sheets should contain the detailed information needed for account No. 254—Uncollected discount, fees, and other charges on debt securities (section 304), account No. 331—Participations of other investors in debt securities, and account No. 384—Unearned discount, fees, and other charges on debt securities (section 304).

(See accounts Nos. 184, 312, and 393, and memorandum record No. NA–10)

184 Debt securities divested of stock rights (section 304).

This account will represent the unpaid balance of net funds advanced on small business concerns' debt securities which have been divested of stock rights through (1) the expiration of the conversion privilege of convertible debt securities, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options of debt securities, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of debt securities pursuant to Section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With unpaid principal of debt securities divested of stock rights through (1) the expiration of the conversion privilege, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options.

(b) On the books of the "initiating" company, with total unpaid principal of the debt securities divested of stock rights (account No. 331 will be credited with the portion purchased by the "participating" company).

(c) On the books of the "participating" company, with amount of participations in purchases by others of debt securities which have been subsequently divested of stock rights.

(d) With that portion of amount collected allocable to discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns (contra credit will be made to account No. 254).

(e) On the books of the "initiating" company, with total amount collected allocable to such discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors (contra credit will be made to account No. 254 for the "initiating" company's portion and to account No. 331 for the "participating" company's portion).

(f) On the books of the "participating" company, with amount collected allocable to that portion of such discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (contra credit will be made to account No. 254).

(g) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:

(a) With amount of uncollected discount, fees, and other charges included in the face amount of debt securities divested of stock rights but withheld from disbursements to debtor small business concerns (contra debit will be made to account No. 254).

(b) On the books of the "initiating" company, with total amount of uncollected discount, fees, and other charges included in the face amount of debt securities divested of stock rights, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors (contra debit will be made to account No. 254).

(c) On the books of the "participating" company, with that portion of uncollected discount, fees, and other charges included in the face amount of debt securities divested of stock rights, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (contra debit will be made to account No. 254).

(d) With amount collected on face amount of debt securities divested of stock rights.

(e) On the books of the "initiating" company, with full amount collected on unpaid principal of debt securities divested of stock rights through payments amortizing such securities and on partial calls of such securities.

(f) On the books of the "participating" company, with full amount by which participations in purchases by others of debt securities which have been subsequently divested of stock rights are reduced by repayments transmitted by the "initiating" company.

(g) With unpaid principal of debt securities divested of stock rights transferred to assets acquired in liquidation of loans and debt securities (appropriate adjustment will be made to account No. 254).

(h) With unpaid principal of debt securities divested of stock rights written off or disposed of otherwise (appropriate adjustment will be made to account No. 254).

NOTE 1: It is assumed that in all arrangements for participation in the purchase of debt securities the "initiating" company will service the financing.

NOTE 2: It is recommended that individual ledger cards or sheets be maintained for all debt securities which have been divested of stock rights. Such ledger cards or sheets should contain the detailed information needed for account No. 254—Uncollected discount, fees, and other charges on debt securities (section 304), account No. 331—Participations of other investors in debt securities, and account No. 384—Unearned discount, fees, and other charges on debt securities (section 304).

(See accounts Nos. 180, 314, and 393)

190 Convertible capital stock of SBCs.

This account will represent the value at cost of small business concerns' convertible capital stock acquired by the company pursuant to Section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With cost of such convertible capital stock acquired.

(b) On the books of the "initiating" company, with total cost of the convertible capital stock of SBCs purchased by both the "initiating" company and the "participating" company (account No. 332 will be credited with the portion representing the investment of the "participating" company).

(c) On the books of the "participating" company, with amount of participations in acquisitions by others of convertible capital stock of SBCs.

Credit:

(a) With cost of such convertible capital stock converted to another class of capital stock.

(b) With cost of such convertible capital stock in connection with which the conversion privilege has expired.

(c) With cost of such convertible capital stock written off or disposed of otherwise.

NOTE 1: It is assumed that in all arrangements for participation in the acquisition of capital stock of SBCs the "initiating" company will service the financing.

NOTE: 2: It is recommended that individual ledger cards or sheets be maintained for all convertible capital stock of SBCs. Such ledger cards or sheets should contain the detailed information needed for account No. 332—Participations of other investors in capital stock of SBCs.

(See accounts Nos. 198 and 394)

194 Capital stock of SBCs with stock purchase warrants or options.

This account will represent the value at cost of small business concerns' capital stock with attached stock purchase warrants or options acquired by the company pursuant to Section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With cost of such capital stock of SBCs with stock purchase warrants or options acquired, without allocating any of the cost to the nondetachable or detachable stock purchase warrants or options.

(b) On the books of the "initiating" company, with total cost of the capital stock of SBCs with stock purchase warrants or options purchased by both the "initiating" company and the "participating" company (account No. 332 will be credited with the portion representing the investment of the "participating" company).

(c) On the books of the "participating" company, with amount of participations in acquisitions by others of capital stock of SBCs with stock purchase warrants or options.

Credit:

(a) With cost of such capital stock of SBCs with stock purchase warrants or options which has been divested of stock purchase rights through either (1) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (2) the detachment of detachable stock purchase warrants or options.

(b) With cost of such capital stock of SBCs with stock purchase warrants or options written off or disposed of otherwise.

NOTE 1: It is assumed that in all arrangements for participation in the acquisition of capital stock of SBCs with stock purchase warrants or options the "initiating" company will service the financing.

NOTE 2: It is recommended that individual ledger cards or sheets be maintained for all capital stock of SBCs with stock purchase warrants or options. Such ledger cards or sheets should contain the detailed information needed for account No. 332—Participations of other investors in capital stock of SBCs.

(See accounts Nos. 198 and 394, and memorandum record No. NA–10)

198 Capital stock of SBCs—other.

This account will represent the value at cost of small business concerns' capital stock acquired by the company without conversion privileges or stock purchase warrants or options, or existing on the books as the result of (1) the expiration of the conversion privilege of convertible capital stock of SBCs, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of capital stock of small business concerns pursuant to Section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With cost of such capital stock of SBCs—other acquired through (1) purchase, (2) conversion of convertible debt securities or convertible capital stock of SBCs, or (3) exercise of rights conveyed by stock purchase warrants or options issued by small business concerns in connection with their debt securities or capital stock acquired by the company.

(b) With cost of such capital stock of SBCs—other resulting from (1) the expiration of the conversion privilege of convertible capital stock of SBCs, (2) the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of capital stock of small business concerns.

(c) On the books of the "initiating" company, with total cost of the capital stock of SBCs—other acquired or subsequently existing on the books without conversion privileges or stock purchase warrants or options (account No. 332 will be credited with the portion representing the investment of the "participating" company).

(d) On the books of the "participating" company, with amount of participations in acquisitions by others of capital stock of SBCs—other acquired by or subsequently existing on the books of others without conversion privileges or stock purchase warrants or options.

Credit:

(a) With cost of such capital stock of SBCs—other written off or disposed of otherwise.

NOTE 1: It is assumed that in all arrangements for participation in capital stock of SBCs—other the "initiating" company will service the financing.

NOTE 2: It is recommended that individual ledger cards or sheets be maintained for all capital stock of SBCs—other acquired or subsequently existing without conversion privileges or stock purchase warrants or options. Such ledger cards or sheets should contain the detailed information needed for account No. 332—Participations of other investors in capital stock of SBCs.

NOTE 3: In acquisitions of capital stock through exercise of rights conveyed by stock purchase warrants or options issued by small business concerns in connection with their debt securities or capital stock previously acquired by the company, the amount of the expenditure made by the company in the current acquisition of the capital stock will be considered the cost value of the stock, without consideration of the nominal or other value of the stock purchase rights surrendered.

NOTE 4: In conversions of convertible debt securities of small business concerns into capital stock, or in conversions of convertible capital stock of SBCs into another class of capital stock, the value at cost of the particular convertible debt security or convertible capital stock may be considered the cost value of the capital stock received in the conversion for the purpose of recording the transaction in this account. In such event, any uncollected and any unearned discount or fees relating to such debt securities converted may be eliminated in clearing the debt securities account of the converted instruments. If it is preferred to value the acquired stock at the unpaid principal balance of such debt securities surrendered therefor, there should be included in the principal balance any related uncollected discount, fees, and other charges. Also, it may be appropriate to consider any related unearned discount or fees as earned as of the date of completion of the conversion.

(See accounts Nos. 190, 194, 254, 384, and 394)

200 Assets acquired in liquidation of loans and debt securities.

This account will represent the company's investment in assets acquired by foreclosure, or otherwise, in liquidation of loans (section 305) and debt securities (section 304). Judgments, sheriffs' certificates (including property acquired subject to redemption), etc., will be reflected in this account.

The investment in property at the date of acquisition by the company should be determined by the Board of Directors on the most suitable of the following bases, but not to exceed the total amount of the related loan or debt security involved: (1) Bid-in price of the property; (2) agreed consideration for the property; (3) fair appraised value of the property. Any remaining indebtedness will be written off unless the company expects further liquidation of the debt from other sources. Insofar as practicable, investment values will be determined for each individual asset, or unit, at the time such assets are recorded in this account, and when an asset is sold only an amount equal to the investment in such asset will be credited to this account.

The company's investment in judgments should be recorded at the face amount of the judgment. When the company acquires the underlying security to the related loan or debt security outright or subject to redemption, the investment in the property should be determined in accordance with the bases set forth in the second paragraph.

Debit:

(a) With amount of the company's investment in the property at the time of acquisition.

(b) With amount of the company's investment in the property at the date of judgment, sheriffs' certificate, etc.

(c) On the books of the "participating" company, with amount of participation in assets acquired in liquidation of loans and debt securities of others.

Credit:

(a) With proceeds of partial sale of property.

(b) With amount of the company's investment at date of sale, or other disposition of property.

(c) With amount written off.

NOTE 1: Collateral notes receivable acquired in the liquidation of loans and debt securities will be reflected in this account; but notes receivable that are subsequently accepted in connection with the disposition of assets acquired in the liquidation of loans and debt securities will be included in account No. 210—Amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

NOTE 2: The full amount of assets acquired in liquidation of loans and debt securities participated in by other lenders or investors will be included in this account on the books of the "initiating" company.

NOTE 3: It is recommended that subsidiary records be maintained in sufficient detail to disclose for report and tax purposes all transactions affecting assets acquired in liquidation of loans and debt securities.

(See accounts Nos. 170, 180, 184, 333, and 395)

210 Amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

This account will represent the unpaid balance of accounts receivable, notes receivable, sales contracts, purchase money mortgages, and similar evidences of indebtedness to the company arising from the sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

Debit:

(a) With amount of such receivables.

(b) On the books of the "participating" company, with amount of participations in amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities of other lenders or investors.

Credit:

(a) With amount collected on principal of such receivables.

(b) With amount transferred to assets acquired in liquidation of loans and debt securities.

(c) With unpaid principal balance written off or disposed of otherwise.

NOTE 1: The full amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities participated in by other lenders or investors will be included in this account on the books of the "initiating" company.

NOTE 2: It is recommended that subsidiary records be maintained in sufficient detail to disclose for report and tax purposes all transactions affecting amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

(See accounts Nos. 334 and 396)

220 Prepaid expenses.

This account will represent the unexpired or unconsumed portion of expenses expressly applicable to future periods for which no specific accounts have been provided. Such expenses should be amortized over the appropriate period.

Debit:

(a) With amount of prepaid or deferred expenses.

Credit:

(a) At the end of each month, with the proportional amount of such expenses applicable to the current month.

NOTE: Subsidiary records should be maintained to identify the items reflected in this account and to facilitate their monthly amortization.

224 Unamortized discount on debentures payable.

This account will represent the amount of the unamortized balance of discount on unmatured outstanding debentures payable sold by the company for a sum less than par.

Debit:

(a) With amount of discount on such debentures at the time of sale.

Credit:

(a) At the end of each month, with the monthly amount necessary to amortize the discount over the life of such debentures.

(b) With the unamortized portion of discount applicable to such debentures purchased and retired prior to maturity.

(c) When such debentures mature during the month, with amount of discount applicable to the portion of the month the debentures were outstanding.

(See accounts Nos. 560, 680, and 690)

230 Furniture and equipment.

This account will represent the cost of furniture, fixtures and equipment, including automobiles, owned by the company. The cost of freight, drayage, cartage, express, etc., in connection with the purchase of such items of furniture and equipment, will be included in this account.

Debit:

(a) With cost of such assets purchased.

Credit:

(a) With cost of such assets at the time of sale or other disposition.

NOTE: An inventory record should be maintained for all such assets and each item should be tagged or numbered to facilitate ready identification.

(See account No. 397)

240 Corporate premises owned—land.

This account will represent the actual cost of acquisition of the land used as the site of the company's office quarters. The account also will include the actual cost of any improvements, such as street, sidewalk and other benefits, applicable to the land.

Debit:

(a) With actual cost of acquisition of the land.

(b) With actual cost of any improvement to the land.

Credit:

(a) With the acquisition cost of the land, plus the cost of improvements made thereto, when the land is sold or disposed of otherwise.

241 Corporate premises owned—building.

This account will represent the actual cost of acquisition of the building used as the company's office quarters. The account also will include the actual cost of any improvements applicable to the building.

Debit:

(a) With actual cost of acquisition of the building.

(b) With actual cost of any improvement to the building.

Credit:

(a) With the acquisition cost of the building, plus the cost of improvements made thereto, when the building is sold or disposed of otherwise.

(See account No. 398)

242 Leasehold improvements.

This account will represent the actual cost of improvements to leased property used as the company's office quarters. The amount of this account will be amortized over the life of the lease or the life of the improvements, whichever is the shorter.

Debit:

(a) With actual cost of improvements to leasehold.

Credit:

(a) At the end of each month, with the monthly amount necessary to amortize the cost of leasehold improvements.

250–252 Capital stock subscriptions receivable ----------
(Type and class)

These accounts will represent the total unpaid balances of capital stock subscriptions receivable from subscribers of the company's authorized capital stock. A separate subscriptions receivable account should be provided for each type and class of capital stock.

Debit:

(a) With amount of such capital stock subscriptions received.

Credit:

(a) With amount collected on such capital stock subscriptions.

(b) With amount of such capital stock subscriptions cancelled or disposed of otherwise.

(See accounts Nos. 410–412)

253 Uncollected discount, fees, and other charges on loans (section 305).

This account will represent the amount of uncollected discount, fees, and other charges on loans (section 305) included in the face amount of loans charged to account No. 170—Loans (section 305).

Debit:

(a) With amount of uncollected discount, fees, and other charges included in the face amount of direct loans but withheld from disbursements to debtor small business concerns (contra credit will be made to account No. 170).

(b) On the books of the "initiating" company, with total amount of uncollected discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with loans participated in by other lenders (contra credit will be made to account No. 170).

(c) On the books of the "participating" company, with that portion of uncollected discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in loans of other lenders (contra credit will be made to account No. 170).

(d) With amount of any adjustment required because of adjustment of account No. 170.

Credit:

(a) On the books of the "initiating" company, with amount of uncollected discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participation in the loans (contra debit will be made to account No. 330).

(b) With that portion of amount collected allocable to discount, fees, and other charges included in the face amount of direct loans but withheld from disbursements to debtor small business concerns (contra debit will be made to account No. 170).

(c) On the books of the "initiating" company, with the "initiating" company's portion of amount collected allocable to such discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with loans participated in by other lenders (contra debit will be made to account No. 170).

(d) On the books of the "participating" company, with amount collected allocable to that portion of such discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in loans of other lenders (contra debit will be made to account No. 170).

(e) With amount of any adjustment required because of adjustment of account No. 170.

NOTE: Appropriate subsidiary records should be maintained for all uncollected amounts included in this account to permit identification of such amounts with the particular loans to which they relate.

(See account No. 382)

254 Uncollected discount, fees, and other charges on debt securities (section 304).

This account will represent the amount of uncollected discount, fees, and other charges on debt securities (section 304) included in the face amount of debt securities charged to account No. 180—Debt securities, convertible, and with stock purchase warrants or options (section 304), or account No. 184—Debt securities divested of stock rights (section 304).

Debit:

(a) With amount of uncollected discount, fees, and other charges included in the face amount of such debt securities but withheld from disbursements to debtor small business concerns (contra credit will be made to account No. 180 or account No. 184, as appropriate).

(b) On the books of the "initiating" company, with total amount of uncollected discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors (contra credit will be made to account No. 180 or account No. 184, as appropriate).

(c) On the books of the "participating" company, with that portion of amount collected allocable to discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (contra credit will be made to account No. 180 or account No. 184, as appropriate).

(d) With amount of any adjustment required because of adjustment of account No. 180 or account No. 184.

Credit:

(a) On the books of the "initiating" company, with amount of uncollected discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participation in purchases of the debt securities (contra debit will be made to account No. 331).

(b) With that portion of amount collected allocable to discount, fees, and other charges included in the face amount of such debt securities but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in loans of other lenders (contra debit will be made to account No. 180 or account No. 184, as appropriate).

(c) On the books of the "initiating" company, with the "initiating" company's portion of amount collected allocable to such discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors (contra debit will be made to account No. 180 or account No. 184, as appropriate).

(d) On the books of the "participating" company, with amount collected allocable to that portion of such discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (contra debit will be made to account No. 180 or account No. 184, as appropriate).

(e) With amount of any adjustment required because of adjustment of account No. 180 or account No. 184.

NOTE: Appropriate subsidiary records should be maintained for all uncollected amounts included in this account to permit identification of such amounts with the particular debt securities to which they relate.

(See account No. 384)

255 Amounts due from directors, officers, and employees.

This account will represent the unpaid balance of amounts advanced to directors, officers, and employees.

Debit:

(a) With amount of such advances made.

Credit:

(a) With amount collected on such advances.

(b) With amount transferred to appropriate expense classification upon proper authorization.

(c) With amount written off or disposed of otherwise.

(See account No. 709)

256 Organization costs.

This account will represent the amount of legal fees, promotional expense, stock certificate costs, incorporation fees, taxes, and other related costs incurred in organizing the company.

Debit:

(a) With amount of such costs incurred.

Credit:

(a) At the end of each month, with the monthly amount necessary to amortize the organization costs in accordance with Treasury regulations.

(See account No. 672)

257 Other assets.

This account will represent the amount of assets of the company not specifically provided for in other accounts, including recoverable amounts advanced for the protection and preservation of the company's investments.

Debit:

(a) With amount of the company's investment in such assets.

Credit:

(a) With amount of such assets sold or disposed of otherwise.

(See account No. 709)

Liability and Valuation Reserve Accounts

300 Notes payable to SBA.

This account will represent the unpaid principal balance of notes payable for funds borrowed from the Small Business Administration.

Debit:

(a) With amount of principal payments made on such notes.

Credit:

(a) With amount of funds borrowed.

302 Debentures payable, subordinated, issued to SBA.

This account will represent the unpaid principal balance of funds received by the company under its subordinated debenture bonds payable issued to the Small Business Administration for funds borrowed pursuant to section 302(a) of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With amount of principal payments made on such debentures.

Credit:

(a) With amount of funds received under such debentures.

NOTE: The subordinated debentures purchased by the Small Business Administration under section 302(a) of the Small Business Investment Act of 1958, as amended, shall be deemed a part of the capital and surplus of the company for purposes of sections 302(a), 303(b), and 306 of the Act.

310 Loans sold with recourse.

This account will represent the unpaid balance of net funds advanced on loans outstanding to small business concerns which have been sold to individuals, banks, insurance companies, or other financial institutions with recourse upon the company in the event of default.

Debit:

(a) With amount collected on net funds advanced on such loans as reported to the company by the purchaser.

(b) With unpaid balance of net funds advanced on such loans repurchased.

Credit:

(a) With unpaid balance of net funds advanced on such loans sold.

NOTE: This account is contra to account No. 170—Loans (section 305). For balance sheet purposes account No. 310 will be deducted from account No. 170.

312 Debt securities, convertible, and with stock purchase warrants or options sold with recourse.

This account will represent the unpaid balance of net funds advanced on unmatured debt securities, convertible, and with stock purchase warrants or options, issued by small business concerns to the company, which are sold to individuals, banks, insurance companies, or other financial institutions with recourse upon the company in the event of default.

Debit:

(a) With unpaid balance of net funds advanced on such debt securities, convertible, and with stock purchase warrants or options paid on maturity as reported to the company by the purchaser.

(b) With unpaid balance of net funds advanced on such debt securities, convertible, and with stock purchase warrants or options repurchased.

Credit:

(a) With unpaid balance of net funds advanced on debt securities, convertible, and with stock purchase warrants or options sold with recourse.

NOTE: This account is contra to account No. 180—Debt securities, convertible, and with stock purchase warrants or options (section 304). For balance sheet purposes account No. 312 will be deducted from account No. 180.

314 Debt securities divested of stock rights sold with recourse.

This account will represent the unpaid balance of net funds advanced on small business concerns' unmatured debt securities divested of stock rights which are sold to individuals, banks, insurance companies, or other financial institutions with recourse upon the company in the event of default.

Debit:

(a) With unpaid balance of net funds advanced on such debt securities divested of stock rights paid on maturity as reported to the company by the purchaser.

(b) With unpaid balance of net funds advanced on such debt securities divested of stock rights repurchased.

Credit:

(a) With unpaid balance of net funds advanced on such debt securities divested of stock rights sold with recourse.

NOTE: This account is contra to account No. 184—Debt securities divested of stock rights (section 304). For balance sheet purposes account No. 314 will be deducted from account No. 184.

315 Notes payable to other than SBA.

This account will represent the unpaid principal balance of notes payable for funds borrowed from other than the Small Business Administration.

Debit:

(a) With amount of principal payments made on such notes.

Credit:

(a) With amount of funds borrowed.

316 Debentures payable, unsubordinated.

This account will represent the par value of the company's unsubordinated debenture bonds payable which are issued for funds borrowed.

Debit:

(a) With the par value of such debentures retired upon maturity.

(b) With the par value of such debentures purchased and retired by the company before maturity.

Credit:

(a) With the par value of such debentures issued for funds borrowed.

318 Debentures payable, subordinated, issued to other than SBA.

This account will represent the par value of the company's subordinated debenture bonds payable which are issued to other than the Small Business Administration for funds borrowed.

Debit:

(a) With the par value of such debentures retired upon maturity.

(b) With the par value of such debentures purchased and retired by the company before maturity.

Credit:

(a) With the par value of such debentures issued to other than the Small Business Administration for funds borrowed.

319 Mortgages payable.

This account will represent the unpaid principal balance of mortgages payable for funds borrowed on corporate premises or other real estate owned by the company. Purchase money mortgages, conditional sales contracts, or similar documentary evidence of indebtedness given by the company in the acquisition of real property will be included in this account.

Debit:

(a) With amount of principal payments made on such indebtedness.

Credit:

(a) With amount of funds borrowed.

320 Notes payable—other.

This account will represent the unpaid principal balance of notes payable in evidence of amounts owed by the company other than for funds borrowed. Notes payable, conditional sales contracts, and liens for the acquisition of furniture, fixtures, equipment, and automobiles will be included in this account.

Debit:

(a) With amount of principal payments made on such notes.

Credit:

(a) With amount of unpaid principal of such notes executed.

330 Participations of other lenders in loans.

This account will be used only by the "initiating" company and will represent the outstanding balance of participations by other lenders in net funds advanced on loans (section 305).

The total unpaid balances of net funds advanced on loans in which other lenders participate will be carried in account No. 170 by the "initiating" company for accounting convenience. The balance of this account will not be treated as a liability on the balance sheet but as an offset to the asset account.

Debit:

(a) With amount of uncollected discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participation in the loans (contra credit will be made to account No. 253).

(b) With amount of repayments transmitted by the "initiating" company to the "participating" company in reduction of such participations.

Credit:

(a) With amount of participations of other lenders in loans.

(b) With the "participating" company's portion of amount collected allocable to discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with loans participated in by other lenders (contra debit will be made to account No. 170).

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture bond, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: Appropriate subsidiary records should be maintained for all loan participations of other lenders reflected in this account as indicated in Note 2 of account No. 170.

(See account No. 530)

331 Participations of other investors in debt securities.

This account will be used only by the "initiating" company and will represent the outstanding balance of participations by other investors, incorporated or unincorporated, in net funds advanced on debt securities (section 304).

The total unpaid balances of net funds advanced on debt securities, convertible, and with stock purchase warrants or options, and debt securities divested of stock rights, in which other investors participate, will be carried by the "initiating" company in accounts Nos. 180 and 184, respectively, for accounting convenience. The balance of this account will not be treated as a liability on the balance sheet but as an offset to the related asset accounts.

Debit:

(a) With amount of uncollected discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participation in purchases of the debt securities (contra credit will be made to account No. 254).

(b) With amount of repayments transmitted by the "initiating" company to the "participating" company in reduction of such participations.

Credit:

(a) With amount of participations of other investors in debt securities.

(b) With the "participating" company's portion of amount collected allocable to discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors (contra debit will be made to account No. 180 or account No. 184, as appropriate).

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture bond, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: Appropriate subsidiary records should be maintained for all participations of other investors in debt securities as indicated in Note 2 of accounts Nos. 180 and 184.

(See account No. 530)

332 Participations of other investors in capital stock of SBCs.

This account will be used only by the "initiating" company and will represent the outstanding balance of participations by other investors, incorporated or unincorporated, in capital stock of SBCs.

The total value at cost of small business concerns' capital stock in which other investors participate will be carried by the "initiating" company in accounts Nos. 190, 194, and 198, respectively, for accounting convenience. The balance of this account will not be treated as a liability on the balance sheet but as an offset to the related asset accounts.

Debit:

(a) With amount of reductions of such participations.

Credit:

(a) With amount of participations of other investors in capital stock of SBCs.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture bond, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: Appropriate subsidiary records should be maintained for all participations of other investors in capital stock of SBCs as indicated in Note 2 of accounts Nos. 190, 194, and 198.

(See account No. 530)

333 Participations in assets acquired in liquidation of loans and debt securities.

This account will be used only by the "initiating" company and will represent the outstanding balance of participations by other lenders or investors in assets acquired in liquidation of loans (section 305) and debt securities (section 304). The total amount of such assets will be carried in account No. 200 by the "initiating" company for accounting convenience. The balance of this account will not be treated as a liability on the balance sheet but as an offset to the asset account.

Debit:

(a) With amount of reductions of such participations.

Credit:

(a) With amount of participations of other lenders or investors in assets acquired in liquidation of loans and debt securities.

NOTE: Appropriate subsidiary records should be maintained for all participations of other lenders or investors in assets acquired in liquidation of loans and debt securities reflected in this account as indicated in Note 3 of account No. 200.

(See account No. 530)

334 Participations in amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

This account will be used only by the "initiating" company and will represent the outstanding balance of participations by other lenders or investors in amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304). The total unpaid balance of such amounts due will be carried in account No. 210 by the "initiating" company for accounting convenience. The balance of this account will not be treated as a liability on the balance sheet but as an offset to the asset account.

Debit:

(a) With amount of reductions of such participations.

Credit:

(a) With amount of participations of other lenders or investors in amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities reflected in this account as indicated in Note 2 of account No. 210.

(See account No. 530)

340 Accounts payable for compensation on participations purchased.

This account, on the books of the "participating" company, will represent the amount of accrued compensation payable for services rendered to it on its participations in loans, debt securities, assets acquired in liquidation of loans (section 305) and debt securities (section 304), and amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304) of the "initiating" company.

Debit:

(a) With amount of such accrued compensation paid or disposed of otherwise.

Credit:

(a) With amount of such accrued compensation.

(See account No. 630)

342 Accounts payable for commitment fees on deferred participations.

This account, on the books of the "initiating" company, will represent the amount of accrued commitment fees payable for having funds made available on a deferred basis by "participating" companies such as banks, small business investment companies, and other lenders in connection with the financing of, or commitments to finance, small business concerns.

Debit:

(a) With amount of such accrued fees paid.

Credit:

(a) With amount of such accrued fees.

NOTE: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern.

(See account No. 600)

344 Accounts payable—other.

This account will represent amounts payable on open account for which other specific accounts have not been provided.

Debit:

(a) With amount of such indebtedness paid, or disposed of otherwise.

Credit:

(a) With amount of such indebtedness incurred.

350 Accrued interest payable.

This account will represent the amount of liability for interest accrued on the company's notes, mortgages and debentures payable, and on loans (section 305) and debt securities (section 304) of small business concerns sold with recourse upon the company in the event of default. The account also will include accrued interest payable on other interest-bearing obligations of the company except accrued interest payable provided for in account No. 352.

Debit:
(a) With amount of such interest paid or disposed of otherwise.
Credit:
(a) At the end of each month, with amount of interest accrued on all interest-bearing obligations covered by this account on that date.
(b) With amount of interest accrued during the month on such obligations paid in full or disposed of otherwise during the month.

352 Accrued interest payable on participations of other lenders or investors in loans, debt securities, and amounts due from debtors.

This account will be used only by the "initiating" company and will represent the accrued interest receivable due "participating" companies, such as other small business investment companies, banks, etc., on their participations in loans, debt securities, and amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

The total accrued unpaid interest receivable on loans, debt securities, and amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities in which other lenders or investors participate will be carried in account No. 160 by the "initiating" company for accounting convenience. The balance of this account will not be treated as a liability on the balance sheet but as an offset to the asset account.

Debit:
(a) With amount of such interest paid or disposed of otherwise.
Credit:
(a) With amount due "participating" companies representing their portion of accrued interest receivable on participations in loans, debt securities, and amounts due from debtors.

354 Estimated Federal income taxes accrued.

This account will represent the balance of estimated Federal income taxes accrued which have not been remitted to the Internal Revenue Service.

Debit:
(a) With amount of such taxes paid.
Credit:
(a) With amount of such taxes accrued during the month.

(See accounts Nos. 720 and 722)

356 Estimated State income taxes accrued.

This account will represent the balance of estimated State income taxes accrued which have not been remitted to the appropriate collector of such taxes.

Debit:
(a) With amount of such taxes paid.
Credit:
(a) With amount of such taxes accrued during the month.

(See accounts Nos. 725 and 727)

358 Other accrued expenses.

This account will represent the amount of the company's liability as of the end of the month for accrued expenses, such as salaries, the company's portion of social security taxes, and other accrued expenses not provided for in other accounts.

Debit:
(a) With amount of such expenses paid or disposed of otherwise.
Credit:
(a) With amount of such expenses accrued during the month.

NOTE: Increases or decreases in the liability for accrued expenses, through accruals or adjustments, will be offset by increases or decreases, respectively, in the appropriate expense accounts.

360–362 Dividends payable on _____ capital stock.
(Type and class)

These accounts will represent the company's liability for dividends, other than stock dividends, declared by the company's Board of Directors on the respective types and classes of capital stock issued and outstanding. A separate account should be used to reflect the dividends payable for each type and class of capital stock outstanding.

Debit:
(a) With amount of such dividends paid.
Credit:
(a) With amount of such dividends declared payable by the company's Board of Directors.

365–367 Stock dividends payable on _____ capital stock.
(Type and class)

These accounts will represent the amounts of capital stock dividends declared payable by the company's Board of Directors on the respective types and classes of capital stock issued and outstanding. A separate account should be used to reflect the stock dividends payable with respect to each type and class of capital stock outstanding.

Debit:
(a) With amount of such stock dividends issued (contra credit will be made to accounts Nos. 405–409).
Credit:
(a) With amount of such stock dividends declared payable by the company's Board of Directors (contra debit will be made to account No. 420, No. 425, or No. 426, as appropriate).

NOTE: A stock dividend payable is not considered a liability, since the use of assets is not required. In instances when a statement of financial condition is prepared between the dates of declaration and payment, the stock dividend payable should be reflected in the capital stock and surplus section as an addition to the capital stock.

370 Federal taxes withheld.

This account will represent the amount of Federal income and social security taxes withheld from employees' salaries which have not been remitted to the Internal Revenue Service.

Debit:
(a) With amount of such taxes remitted to Internal Revenue Service.
Credit:
(a) With amount of such taxes withheld.

372 State and city taxes withheld.

This account will represent the amount of State income and city taxes withheld from employees' salaries which have not been remitted to the appropriate collector of such taxes.

Debit:
(a) With amount of such taxes remitted.
Credit:
(a) With amount of such taxes withheld.

374 Unapplied receipts.

This account will represent the amount of funds received by the company which have not been applied to loans (section 305), debt securities (section 304), interest receivable, etc. The account will be used only in instances when the funds received cannot be applied promptly.

Debit:
(a) With amount of such funds applied or disposed of otherwise.
Credit:
(a) With amount of funds received which cannot be applied promptly.

376 Advance interest payments.

This account will represent the amount of interest collected through cash payments by debtors on interest-bearing items prior to the interest maturity date.

Debit:
(a) On the interest maturity date with amount of such interest heretofore credited to this account as an advance payment.
Credit:
(a) With amount of interest received prior to the interest maturity date.

378 Miscellaneous trust receipts.

This account will represent the liability of the company for funds withheld or received in trust, for which no specific account is provided, including earnest money deposits, and funds withheld from employees' salaries for the purchase of United States Savings Bonds, payment of group life insurance premiums, payment of pension fund contributions, etc.

Debit:
(a) With amount of such funds disbursed or disposed of otherwise.
Credit:
(a) With amount of such funds withheld or received.

380 Unamortized premium on debentures payable.

This account will represent the amount of the unamortized balance of premium on unmatured outstanding debentures payable sold by the company for a sum in excess of par.

Debit:
(a) At the end of each month, with the monthly amount necessary to amortize the premium over the life of such debentures.
(b) With the unamortized portion of premium applicable to such debentures purchased and retired prior to maturity.
(c) When such debentures mature during the month, with the amount of premium applicable to the portion of the month the debentures were outstanding.
Credit:

(a) With the amount of premium on such debentures at the time of sale.

(See accounts Nos. 550, 560, and 690).

382 Unearned discount, fees, and other charges on loans (section 305).

This account will represent the amount of unearned discount, fees, and other charges included in the face amount of loans made to small business concerns pursuant to Section 305 of the Small Business Investment Act of 1958, as amended, and which is withheld from disbursements to such small business concerns.

Debit:
(a) On the books of the "initiating" company, with that portion of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participation in the loans.
(b) With amount of unearned discount, fees, and other charges included in the face amount of direct loans, but withheld from disbursements to debtor small business concerns, which becomes earned through collection, passage of time, or sale of loans.
(c) On the books of the "initiating" company, with amount earned of that portion of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is retained by the "initiating" company in connection with loans participated in by other lenders (the amount to be recorded becomes earned through collection, passage of time, or sale of loans).
(d) On the books of the "participating" company, with amount earned of that portion of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in loans of other lenders (the amount to be recorded becomes earned through collection, passage of time, or sale of loans).
(e) With amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is rebated to borrowers upon early repayment of loans, or is closed into the asset account upon liquidation of loans at less than full amount.
Credit:
(a) With amount of unearned discount, fees, and other charges included in the face amount of direct loans but withheld from disbursements to debtor small business concerns.
(b) On the books of the "initiating" company, with total amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with loans participated in by other lenders.
(c) On the books of the "participating" company, with that portion of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (the amount to be recorded becomes earned through collection, passage of time, or sale of debt securities).
(e) With amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is rebated to borrowers, upon early repayment of debt securities, or is closed into the asset account upon liquidation of debt securities at less than full amount.
Credit:
(a) With amount of unearned discount, fees, and other charges included in the face amount of debt securities acquired but withheld from disbursements to debtor small business concerns.
(b) On the books of the "initiating" company, with total amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors.
(c) On the books of the "participating" company, with that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture bond, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.
NOTE 2: Unearned discount in this account will be transferred to account No. 512—Interest on loans, as it becomes earned, and unearned fees and other charges will be transferred to account No. 536—Miscellaneous fees, under similar circumstances.
NOTE 3: Any fees and other charges considered earned immediately upon closing of loans will be recorded in the appropriate income accounts at once without first being entered in this account.
NOTE 4: Appropriate subsidiary records should be maintained for all unearned amounts included in this account to permit identification of such amounts with the particular loans to which they relate.

(See account No. 253)

384 Unearned discount, fees, and other charges on debt securities (section 304).

This account will represent the amount of unearned discount, fees, and other charges included in the face amount of small business concerns' debt securities acquired pursuant to Section 304 of the Small Business Investment Act of 1958, as amended, and which is withheld from disbursements to such small business concerns.

Debit:
(a) On the books of the "initiating" company, with that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participation in purchases of the debt securities.
(b) With amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which becomes earned through collection, passage of time, or sale of debt securities.
(c) On the books of the "initiating" company, with amount earned of that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is retained by the "initiating" company in connection with purchases of debt securities participated in by other investors (the amount to be recorded becomes earned through collection, passage of time, or sale of debt securities).
(d) On the books of the "participating" company, with amount earned of that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (the amount to be recorded becomes earned through collection, passage of time, or sale of debt securities).
(e) With amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is rebated to borrowers, upon early repayment of debt securities, or is closed into the asset account upon liquidation of debt securities at less than full amount.
Credit:
(a) With amount of unearned discount, fees, and other charges included in the face amount of debt securities acquired but withheld from disbursements to debtor small business concerns.
(b) On the books of the "initiating" company, with total amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors.
(c) On the books of the "participating" company, with that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (the amount to be recorded becomes earned through collection, passage of time, or sale of debt securities).
(e) With amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is rebated to borrowers, upon early repayment of debt securities, or is closed into the asset account upon liquidation of debt securities at less than full amount.
Credit:
(a) With amount of unearned discount, fees, and other charges included in the face amount of debt securities acquired but withheld from disbursements to debtor small business concerns.
(b) On the books of the "initiating" company, with total amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors.
(c) On the books of the "participating" company, with that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (the amount to be recorded becomes earned through collection, passage of time, or sale of debt securities).

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture bond, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.
NOTE 2: Unearned discount in this account will be transferred to account No. 516—Interest on debt securities, as it becomes earned, and unearned fees and other charges will be transferred to account No. 536—Miscellaneous fees, under similar circumstances.
NOTE 3: Any fees and other charges considered earned immediately upon closing of financing through purchase of debt securities will be recorded in the appropriate income accounts at once without first being entered in this account.
NOTE 4: Appropriate subsidiary records should be maintained for all unearned amounts included in this account to permit identification of such amounts with the particular debt securities to which they relate.

(See account No. 254)

386 Other liabilities.

This account will represent the amount of liabilities of the company not specifically provided for in other accounts.

Debit:
(a) With amount of such liabilities paid or disposed of otherwise.
Credit:
(a) With amount of such liabilities incurred.

390 Allowance for uncollectible notes and accounts receivable.

This account will represent the valuation reserve provided for estimated

losses on notes and accounts receivable and should be maintained in an amount not less than a conservative estimate of probable losses on notes and accounts receivable. The valuation reserve will be adjusted upward as conditions make advisable, and may be adjusted downward if circumstances justify or occasion demands, in order to reflect the true value of the company's notes and accounts receivable.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of notes and accounts receivable written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries on notes and accounts receivable written off.

(See account No. 666)

391 Allowance for uncollectible interest receivable.

This account will represent the valuation reserve provided for estimated losses of accrued interest receivable, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve should be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses of accrued interest receivable.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of accrued interest receivable written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries of accrued interest receivable written off.

NOTE: In instances when a loan to, or debt security of, a small business concern or an amount due from debtors on sale of assets acquired in liquidation of loans and debt securities is participated in by other lenders or investors, the valuation reserve on the books of the "initiating" company should not exceed the total accrued interest receivable, less the amount of such interest due other lenders or investors on their participations as reflected in account No. 352.

392 Allowance for uncollectible loans (section 305).

This account will represent the valuation reserve provided for estimated losses on loans (section 305) and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted upward as conditions make advisable, and may be adjusted downward if circumstances justify or occasion demands, in order to reflect the true value of the company's loans to small business concerns.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of such loans written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries on such loans written off.

(See account No. 668)

393 Allowance for losses on debt securities (section 304).

This account will represent the valuation reserve provided for estimated losses on debt securities, convertible, and with stock purchase warrants or options, and debt securities divested of stock rights (all such securities section 304) and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on debt securities of small business concerns.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for debt securities which are sold or disposed of otherwise (contra credit will be made to account No. 673).

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE: When debt securities of small business concerns are sold by the company or disposed of otherwise, the appropriate asset account will be credited for the related cost value carried therein, and an additional credit will be made to account No. 572 if a gain is realized, or a concurrent debit will be made to account No. 702 if a loss is sustained.

(See accounts Nos. 180, 184, 572, 673, and 702)

394 Allowance for losses on capital stock of SBCs.

This account will represent the valuation reserve provided for estimated losses on convertible capital stock of SBCs, capital stock of SBCs with stock purchase warrants or options, and capital stock of SBCs—other, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on capital stock of SBCs.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for capital stock which is sold or disposed of otherwise (contra credit will be made to account No. 674).

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE: When capital stock of SBCs is sold by the company or disposed of otherwise, the appropriate asset account will be credited for the related cost value carried therein, and an additional credit will be made to account No. 576 if a gain is realized, or a concurrent debit will be made to acount No. 706 if a loss is sustained.

(See accounts Nos. 190, 194, 198, 576, 674, and 706)

395 Allowance for losses on assets acquired in liquidation of loans and debt securities.

This account will represent the valuation reserve provided for estimated losses on assets acquired in liquidation of loans (section 305) and debt securities (section 304), and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on assets acquired in liquidation of loans and debt securities.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for assets acquired in liquidation of loans and debt securities which are sold or disposed of otherwise (contra credit will be made to account No. 675).

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE: When assets acquired in liquidation of loans and debt securities are sold by the company or disposed of otherwise, account No. 200 will be credited for the related investment carried therein, and an additional credit will be made to account No. 578 if a gain is realized, or a concurrent debit will be made to account No. 708 if a loss is sustained.

(See accounts Nos. 200, 578, 675, and 708)

396 Allowance for uncollectible amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

This account will represent the valuation reserve provided for estimated losses of amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304), and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted upward as conditions make advisable, and may be adjusted downward if circumstances justify or occasion demands, in order to reflect the true value of such amounts due from debtors on the company's books.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount due from debtors on sale of assets acquired in liquidation of loans and debt securities written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries on such items written off.

(See accounts Nos. 210 and 669)

397 Accumulated depreciation on furniture and equipment.

This account will represent the valuation reserve provided for depreciation of furniture, fixtures, and equipment including automobiles owned by the company. This account should be maintained in an amount not less than a conservative estimate of the expired service life of such assets while owned by the company.

Debit:

(a) With amount of depreciation accumulated, when such an asset is sold or disposed of otherwise.

Credit:

(a) At the end of each month, with the monthly amount necessary to depreciate the cost of such assets over the estimated service life.

(See accounts Nos. 230 and 656)

398 Accumulated depreciation on corporate premises owned—building.

This account will represent the valuation reserve provided for depreciation of the building and other depreciable improvements of corporate premises owned and used as the company's office quarters. This account should be maintained in an amount not less than a conservative estimate of the expired service life of such building and improvements while owned by the company.

Debit:

(a) With amount of depreciation accumulated, when such an asset is sold or disposed of otherwise.

Credit:

(a) At the end of each month, with the monthly amount necessary to depreciate the cost of such assets over the estimated service life.

(See accounts Nos. 241 and 655)

Capital Stock and Surplus Accounts

400–404 _____ capital stock (Type and class) authorized.

These accounts will represent the total par or stated value of the capital stock authorized, as provided for in the company's charter. A separate account should be provided for each type and class of capital stock authorized.

Debit:

(a) With amount of reductions of such capital stock authorized.

Credit:

(a) With original amount of such capital stock authorized.

(b) With additional amounts of such capital stock authorized.

(See accounts Nos. 405–409)

405–409 _____ unissued (Type and class) capital stock.

These accounts will represent the total par or stated value of unissued capital stock of the company. A separate account should be provided for each type and class of unissued capital stock.

Debit:

(a) With original amount of such unissued capital stock, as provided for in the company's charter.

(b) With additional amounts of such unissued capital stock authorized.

(c) With par or stated value of capital stock retired.

Credit:

(a) With amount of such capital stock issued (contra debit will be made to accounts Nos. 410–414).

(b) With amount of reductions of capital stock authorized.

(See accounts Nos. 400–404)

410–412 _____ capital stock (Type and class) subscribed.

These accounts will represent the total amount at the subscription price of the company's capital stock subscribed. A separate account should be provided for each type and class of capital stock subscribed. These accounts will reflect the company's responsibility to issue shares of its stock to subscribers who have made final payment of their capital stock subscriptions.

Debit:

(a) With amount at the subscription price of such subscribed capital stock issued (contra credits will be made to accounts Nos. 405–409 and, as appropriate, No. 420).

(b) With amount at the subscription price of such subscribed capital stock cancelled or disposed of otherwise.

Credit:

(a) With amount at the subscription price of such capital stock subscribed.

(See accounts Nos. 250–252)

415–419 Treasury stock _____. (Type and class)

These accounts will represent the total amount of the company's issued capital stock which has been reacquired through purchase or donation and has not been retired. A separate account should be provided for each type and class of such capital stock held by the company.

Debit:

(a) With cost of such capital stock acquired through purchase.

(b) With amount of fair market value or par value of such capital stock acquired through donation (contra to account No. 420).

Credit:

(a) With cost of such capital stock acquired through purchase, when sold or disposed of otherwise.

(b) With amount of fair market value or par value of such capital stock acquired through donation, when sold or disposed of otherwise.

NOTE: Appropriate subsidiary records should be maintained when deemed necessary.

420 Paid-in surplus.

This account will represent the amount of surplus arising from (1) sales initially of the company's capital stock at a price in excess of par value (including amounts transferred from capital stock subscribed at a price above par, when shares are issued); (2) donations to the company of its issued capital stock carried as treasury stock at fair market value or par value; (3) retirements of capital stock purchased at less than the par value thereof; (4) sales of treasury stock in excess of its carrying value on the books of the company; (5) donations or gifts to the company of assets carried at not in excess of fair market value; (6) other capital equity transactions with stockholders.

Debit:

(a) With amount of loss on treasury stock sold which was acquired through purchase.

(b) With amount received by the company below fair market value, or par value, whichever applicable, for treasury stock sold which was acquired through donation.

(c) With amount paid by the company in excess of par value, but not to exceed the premium received initially, for shares of capital stock retired (any amount paid in excess of par plus initial premium received will be charged to retained earnings, accounts Nos. 425 and 426 as appropriate).

(d) With amount of stock dividends, at par value of the stock, declared payable out of paid-in surplus by the company's Board of Directors.

Credit:

(a) With amount paid in, or transferred from capital stock subscribed, representing the excess (after deduction of underwriters' fees and commissions) over par value of the company's capital stock, when shares are issued.

(b) With amount of fair market value or par value of the company's capital stock acquired through donation.

(c) With amount of discount below par value of the company's capital stock acquired through purchase, when such stock is retired.

(d) With amount received by the company in excess of cost, or in excess of fair market value or par value, whichever applicable, for treasury stock sold.

(e) With amount not to exceed fair market value of donations or gifts of assets to the company.

425 Retained earnings from net income.

This account will represent the accumulated balance of the company's undistributed net income since incorporation.

Debit:

(a) At the end of the fiscal year, with any debit balance reflected in the profit and loss summary account.

(b) With amount of dividends, other than stock dividends, declared payable out of retained earnings from net income by the company's Board of Directors.

(c) With amount of stock dividends, at par value of the stock, declared payable out of retained earnings from net income by the company's Board of Directors.

(d) With appropriate amount paid by the company in excess of par plus initial premium received on the type and class of shares of capital stock retired.

(e) With amounts transferred to appropriated retained earnings upon approval by the Board of Directors.

Credit:

(a) At the end of the fiscal year, with the credit balance of the profit and loss summary account.

(b) With amounts returned from appropriated retained earnings.

(See account No. 427)

426 Retained earnings from net realized gain on investments.

This account will represent the accumulated balance of the company's undistributed net realized gain on investments since incorporation.

Debit:

(a) At the end of the fiscal year, with any debit balance reflected in the realized gain and loss summary account.

(b) With amount of dividends, other than stock dividends, declared payable out of retained earnings from net realized gain on investments by the company's Board of Directors.

(c) With amount of stock dividends, at par value of the stock, declared payable out of retained earnings from net realized gain on investments by the company's Board of Directors.

(d) With appropriate amount paid by the company in excess of par plus initial premium received on the type and class of shares of capital stock retired.

(e) With amounts transferred to appropriated retained earnings upon approval by the Board of Directors.

Credit:

(a) At the end of the fiscal year, with the credit balance of the realized gain and loss summary account.

(b) With amount returned from appropriated retained earnings.

(See account No. 427)

427 Appropriated retained earnings.

This account will represent the amount of retained earnings restricted from dividend distribution and thus earmarked for some future purpose, such as the retirement of debentures payable, the acquisition of treasury stock, etc.

Debit:

(a) With amounts returned to the appropriate retained earnings account after purpose has been served.

Credit:

(a) With amounts transferred from retained earnings upon approval by the Board of Directors.

(See accounts Nos. 425 and 426)

429 Profit and loss summary.

This account will be used as a clearing account through which all income and expense accounts on the books of the company will be closed.

Debit:

(a) At the end of the fiscal year, with the debit balances of all expense and income accounts.

(b) At the end of the fiscal year, with the credit balance of the account (transfer to retained earnings from net income).

Credit:

(a) At the end of the fiscal year, with the credit balances of all income and expense accounts.

(b) At the end of the fiscal year, with the debit balance of the account (transfer to retained earnings from net income).

(See account No. 425)

430 Realized gain and loss summary.

This account will be used as a clearing account through which all accounts for realized gains and losses on investments on the books of the company will be closed.

Debit:

(a) At the end of the fiscal year, with the balances of all accounts for losses on investments.

(b) At the end of the fiscal year, with the credit balance of the account (transfer to retained earnings from net realized gain on investments).

Credit:

(a) At the end of the fiscal year, with the balances of all accounts for gains on investments.

(b) At the end of the fiscal year, with the debit balance of the account (transfer to retained earnings from net realized gain on investments).

(See account No. 426)

Income Accounts

500 Commitment income.

This account will represent the amount of income earned during the month on commitments to small business concerns for loans (section 305) and equity securities (section 304). This account, on the books of the "participating" company, will include the amount of commitment income during the month on deferred participations.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of income earned during the month on commitments and deferred participations.

NOTE: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern.

(See account No. 155)

510 Interest on U.S. Government securities.

This account will represent the amount of interest earned during the month on United States Government obligations, direct and fully guaranteed, owned by the company.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with amount of interest earned during the period on securities owned on that date.

(b) With amount of interest earned during the month on securities disposed of during the month.

(See accounts Nos. 130 and 160)

512 Interest on loans.

This account will represent the amount of interest earned during the month on loans (section 305) to small business concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with amount of interest earned during the period on loans outstanding to small business concerns on that date.

(b) With amount of interest earned during the month on loans to small business concerns paid in full during the month.

(See accounts Nos. 160, 170, and 382)

514 Interest on funds in escrow pending closing of financing.

This account will represent the amount of interest earned during the month on funds in escrow pending closing of financing for small business concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with amount of interest earned during the period on funds in escrow pending closing of such financing on that date.

(b) With amount of interest earned during the month on funds in escrow pending closing, when related financing was closed during the month.

(See accounts Nos. 160 and 179)

516 Interest on debt securities.

This account will represent the amount of interest earned during the month on debt securities of small business concerns owned by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with amount of interest earned during the period on such debt securities owned on that date.

(b) With amount of interest earned during the month on such debt securities paid in full or converted to capital stock during the month.

(See accounts Nos. 160, 180, 184, and 384)

518 Interest on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

This account will represent the amount of interest earned during the month on amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with amount of interest earned during the period on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities on that date.

(b) With amount of interest earned during the month on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities paid in full or converted to capital stock during the month.

(See accounts Nos. 160 and 210)

520 Interest income—other.

This account will represent the amount of interest earned during the month on miscellaneous notes receivable. Interest earned during the month on notes representing amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities will be reflected in account No. 518. This account, however, will include interest earned on interest-bearing receivables not otherwise classified.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with amount of interest earned during the period on such receivables on that date.

(b) With amount of interest earned during the month on such receivables paid in full during the month.

(See accounts Nos. 140 and 160)

530 Compensation income—participations sold.

This account, on the books of the "initiating" company, will represent the amount of compensation earned during the month for financial services rendered in connection with participations sold.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such compensation income.

(See account No. 154)

532 Advisory and consulting service fees.

This account will represent the amount of fees charged during the month for advisory, consulting, and related services rendered to small business concerns pursuant to section 308(b) of the Small Business Investment Act of 1958, as amended.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such fees charged.

534 Appraisal and investigation fees.

This account will represent the amount of fees charged during the month for appraisal, investigation, and related services rendered to banks or other lenders or investors, pursuant to section 308(a) of the Small Business Investment Act of 1958, as amended. The account will exclude compensation for financial services rendered in connection with participations sold (see account No. 530).

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such fees charged.

536 Miscellaneous fees.

This account will represent the amount of fees charged during the month for application, appraisal, investigation, and related services rendered to small business concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such fees charged.

(See accounts Nos. 382 and 384)

540 Dividends on capital stock of SBCs.

This account will represent the amount of income from declared dividends on capital stock of small business concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of income from such dividends.

541 Sharings in income of SBCs.

This account will represent the amount of sharings or participations in the income of small business concerns from which the company has acquired debt securities (section 304).

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such sharings.

550 Amortization of premium on debentures payable.

This account will represent the amount of amortization of premium on unmatured outstanding debentures payable issued by the company.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with the monthly amount necessary to amortize the premium over the life of such debentures.

(b) With the unamortized portion of premium applicable to such debentures purchased and retired prior to maturity.

(c) When such debentures mature during the month, with the amount of premium applicable to the portion of the month the debentures were outstanding.

(See account No. 380)

560 Gain on debentures purchased and retired.

This account will represent the amount of excess of (1) the par value of debentures payable purchased and retired plus unamortized premium and minus unamortized discount in connection with such debentures over (2) the cost of the principal sum of such debentures.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such gain on debentures payable purchased and retired during the month.

(See accounts Nos. 224, 316, 318, and 380)

570 Gain on U.S. Government securities.

This account will represent the amount of gain on the sale or other disposition of United States Government obligations, direct and fully guaranteed, carried in account No. 130.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such securities sold or disposed of otherwise.

NOTE: Increase in value over cost of United States Treasury bills, which are issued at a discount and are noninterest bearing, will not be reflected in this account but will be credited at the end of each month to account No. 510—Interest on U.S. Government securities, with concurrent debit to account No. 160—Accrued interest receivable.

572 Gain on debt securities (section 304).

This account will represent the amount of gain on the sale or other disposition of debt securities (section 304) of small business concerns carried in accounts Nos. 180 and 184.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such debt securities sold or disposed of otherwise.

574 Recoveries on asset losses charged to loss accounts.

This account will represent the amount of recoveries on losses sustained through sale or other disposition of assets for which direct charges to loss accounts have been recorded.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary and realized gain and loss summary, as appropriate, on the basis of analysis of this account).

Credit:

(a) With amount collected on such items written off.

(See accounts Nos. 702, 708, and 709)

576 Gain on capital stock of SBCs.

This account will represent the amount of gain on the sale or other disposition of capital stock of small business concerns carried in accounts Nos. 190, 194, and 198.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such capital stock sold or disposed of otherwise.

577 Gain on stock purchase warrants or options of SBCs.

This account will represent the amount of gain on the sale or other disposition of detachable stock purchase warrants or options of small business concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such stock purchase warrants or options sold or disposed of otherwise.

NOTE: Inasmuch as detachable stock purchase warrants or options of small business concerns are not to be established as assets on the company's books when detached from capital stock certificates or debt securities, but instead are to be entered in a memorandum record at a nominal value of one dollar ($1.00) for each such warrant or option certificate, the full amount received upon sale or other disposition of the warrants or options will constitute the gain to be recorded in this account.

(See memorandum record No. NA–10)

578 Gain on assets acquired in liquidation of loans and debt securities.

This account will represent the amount of gain on the sale or other disposition of assets acquired in liquidation of loans (section 305) and debt securities (section 304) of small business concerns carried in account No. 200.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such assets acquired in liquidation of loans and debt securities sold or disposed of otherwise.

579 Gain on other assets.

This account will represent the amount of gain on the sale or other disposition of assets not specifically provided for in other accounts.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of gain on such assets sold or disposed of otherwise.

580 Rental income.

This account will represent the income earned during the month from the leasing or renting to others of portions of corporate premises owned.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of income earned during the month.

582 Income from assets acquired in liquidation of loans and debt securities.

This account will represent the amount of income earned during the month on assets acquired in liquidation of loans (section 305) and debt securities (section 304), including the operation of properties, carried in account No. 200.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such income earned during the month.

NOTE: In instances when a liquidating agent is employed to supervise the disposition of the assets, appropriate subsidiary accounts should be maintained by the agent. Cash collected from the sale of assets by the liquidating agent should be remitted immediately to the company. The company should maintain a local depository bank account, in which all receipts of the agent are deposited when direct remittances to the company are not feasible. Deposit balances in this account should be subject to withdrawal by check only by the company and should be reflected on the company's records in the same manner as other bank accounts.

Any advances to a liquidating agent for expenses incident to the operation of or in the disposition of assets acquired in the liquidation of loans and debt securities should be charged to account No. 220—Prepaid expenses.

584 Other income.

This account will represent the income earned during the month not specifically provided for in other accounts.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such income earned during the month.

Expense Accounts

600 Commitment expense.

This account will represent the amount of commitment expense during the month on commitments from the Small Business Administration and on commitments from lending institutions other than the Small Business Administration.

On the books of the "initiating" company, this account also will include the the amount of commitment expense during the month on deferred participations.

Debit:

(a) With amount of expense incurred during the month on commitments and deferred partcipations.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

NOTE: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern.

(See account No. 342)

610 Interest on notes payable to SBA.

This account will represent the amount of interest expense accrued during the month on notes payable for funds borrowed from the Small Business Administration.

Debit:

(a) With amount of such interest accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 300 and 350)

614 Interest on debentures payable, issued to SBA.

This account will represent the amount of interest expense accrued during the month on subordinated debentures payable, issued to the Small Business Administration.

Debit:

(a) With amount of such interest accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 302 and 350)

618 Interest on loans sold with recourse.

This account will represent the amount of interest expense accrued during the month on loans to small business concerns sold to individuals, banks, insurance companies, or other financial institutions with recourse upon the company in the event of default.

Debit:

(a) With amount of such interest accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 170, 220, and 350)

620 Interest on debt securities sold with recourse.

This account will represent the amount of interest expense accrued during the month on debt securities of small business concerns sold to individuals, banks, insurance companies, or other financial institutions with recourse upon the company in the event of default.

Debit:

(a) With amount of such interest accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 180, 184, and 350)

622 Interest on notes payable to other than SBA.

This account will represent the amount of interest expense accrued during the month on notes payable for funds borrowed from other than the Small Business Administration.

Debit:

(a) With amount of such interest accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 315 and 350)

624 Interest on debentures payable, issued to other than SBA.

This account will represent the amount of interest expense accrued during the month on subordinated and unsubordinated debentures payable, issued to other than the Small Business Administration.

Debit:

(a) With amount of such interest accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 340)

626 Interest on mortgages payable.

This account will represent the amount of interest expense accrued during the month on mortgages payable for funds borrowed by the company, carried in account No. 319.

Debit:

(a) With amount of such interest accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 350)

628 Interest expense—other.

This account will represent the amount of interest expense accrued during the month on obligations of the company not specifically provided for in other accounts.

Debit:

(a) With amount of such interest accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 350)

630 Compensation expense—participations purchased.

This account, on the books of the "participating" company, will represent the amount of compensation expense during the month for financial services received from "initiating" companies in connection with participations purchased.

Debit:

(a) With amount of such compensation expense.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 340)

640 Debenture and fiscal agent expense.

This account will represent the amount of (1) charges by the company's fiscal agent for services rendered, including reimbursements of expenses incurred by the fiscal agent on behalf of the company, and (2) expenses directly incident to the sale, redemption, and servicing of debentures payable, including such items as commissions, advertising in financial journals, communications, printing, stationery and supplies, shipping expenses, and such other expenses as may be properly charged to the sale, redemption, and servicing of debentures.

Debit:

(a) With amount of such expenses incurred during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

642 Transfer agent and registrar expense.

This account will represent the amount of charges to the company by the transfer agent and the registrar for services rendered in connection with the issuance and transfer of the company's capital stock.

Debit:

(a) With amount of such expenses incurred during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

650–679 Operating expenses.

The accounts under this caption will represent the amounts of operating expenses incurred.

Debit appropriate account:

(a) With amount of operating expenses incurred during the month.

Credit appropriate account:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

650 Advertising and promotional costs.

This account will represent the cost of advertising and promoting the company's services, including the cost of entertaining prospective borrowers and clients.

651 Appraisal, consulting, and engineering costs.

This account will represent the amount of charges made by outside firms and individuals for appraisal, consulting, and engineering services rendered to the company.

652 Auditing and examination costs.

This account will represent the amount of charges for auditing, examination, and bookkeeping services rendered by accountants not on the company's payroll, and charges for services rendered by SBA examiners.

653 Communications.

This account will represent telephone, telegraph, and postage expense.

654 Cost of space occupied.

This account will represent the cost of space occupied such as rent, alterations, amortization of leasehold improvements, light, heat, power, janitor service, etc., but not including maintenance and repairs, and depreciation.

655 Depreciation of corporate premises owned—building.

This account will represent the amount of provision applicable to the fiscal year for depreciation of the building and other depreciable improvements of corporate premises owned and used as the company's office quarters.

656 Depreciation of furniture and equipment.

This account will represent the amount of provision applicable to the fiscal year for depreciation of furniture, fixtures, and equipment, including automobiles, owned by the company.

657 Directors' and stockholders' meetings costs.

This account will represent directors' fees, and travel expense for attendance at directors' and stockholders' meetings. This account also will include the cost of holding stockholders' meetings, such as rental of the meeting hall and related expenses.

658 Insurance.

This account will represent fire, theft, employee group life insurance, and other insurance expense, including fidelity bond premiums and insurance on automobiles. With respect to employee group life insurance coverage, only that portion of the premiums paid by the company will be charged to this account. The portion, if any, of employee group life insurance premiums withheld from salaries or received from employees will be reflected in account No. 378.

(Insurance premiums to be amortized will be charged to account No. 220)

659 Investigation and financial service costs.

This account will represent the amount of charges made by outside firms and individuals for investigation and financial services rendered to the company. Such services may be required in connection with applications for loans and applications for financing small business concerns through acquisition of their debt securities.

660 Investment adviser and supervisory costs.

This account will represent the amount of charges made by outside firms and individuals for furnishing advice to the company with respect to the desirability of investing in, purchasing, or selling loans, debt securities, and capital stock of small business concerns and other property, or for determining, if so empowered, what securities or other property shall be purchased or sold by the company.

661 Legal services.

This account will represent the cost of legal services rendered to the company.

662 Miscellaneous services and supplies.

This account will represent the amount of charges made to the company for custodial or safekeeping services in connection with its portfolio securities, bank service charges, exchange on checks, protest fees, and other miscellaneous service charges, and the cost of office supplies such as stationery, accounting forms, blank books, pencils, binders, etc.

663.1 Salaries of officers.

This account will represent the salary cost of all officers of the company, including directors' salaries, if any, but not directors' fees for attendance at meetings.

663.2 Salaries of employees.

This account will represent the salary cost of all employees other than officers, including salaries of any temporary or

part-time employees engaged for specific assignments.

664 Taxes, excluding Federal and State income taxes.

This account will represent the cost of all taxes, including those on corporate premises owned, motor vehicle, personal property, social security (company's portion) and other taxes charged to the company, exclusive of Federal and State income taxes.

665 Travel.

This account will represent all travel expense, including transportation charges, automobile maintenance and operating expense, meals, lodging, telephone, telegraph, and other company costs incurred by officers and employees while in a travel status.

666 Uncollectible notes and accounts.

This account will represent the amount of estimated uncollectible notes and accounts receivable applicable to the fiscal year.

667 Uncollectible interest receivable.

This account will represent the amount of estimated uncollectible interest receivable applicable to the fiscal year.

668 Uncollectible loans (section 305).

This account will represent the amount of estimated uncollectible loans (section 305) to small business concerns applicable to the fiscal year.

669 Uncollectible amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

This account will represent the sum of estimated uncollectible amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304) applicable to the fiscal year.

NOTE: Appropriate subsidiary accounts should be maintained when deemed necessary.

670 Maintenance and repairs.

This account will represent all maintenance and repairs expense on buildings, furniture, and equipment (other than automobiles) owned by the company.

671 Retirement benefits expense.

This account will represent the cost assumed by the company in contributing to a pension fund providing for employee retirement benefits. The portion, if any, of the cost of retirement benefits withheld from salaries or received from employees will be reflected in account No. 378.

672 Organization expense.

This account will represent the amount of legal fees, promotional expense, stock certificate costs, incorporation fees, taxes, and other related costs incurred in organizing the company, which are charged to expense (this account) as incurred or are transferred to this account periodically through the amortization of organization costs established as an asset in account No. 256.

673 Estimated losses on debt securities (section 304).

This account will represent the amount of estimated losses applicable to the fiscal year on debt securities (section 304) of small business concerns.

674 Estimated losses on capital stock of SBCs.

This account will represent the amount of estimated losses applicable to the fiscal year on capital stock of small business concerns.

675 Estimated losses on assets acquired in liquidation of loans and debt securities.

This account will represent the amount of estimated losses applicable to the fiscal year on assets acquired in liquidation of loans and debt securities.

680 Amortization of discount on debentures payable.

This account will represent the amount of amortization of discount on unmatured outstanding debentures payable issued by the company.

Debit:

(a) At the end of each month, with the monthly amount necessary to amortize the discount over the life of such debentures.

(b) With the unamortized portion of discount applicable to such debentures purchased and retired prior to maturity.

(c) When such debentures mature during the month, with the amount of discount applicable to the portion of the month the debentures were outstanding.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 224)

690 Loss on debentures purchased and retired.

This account will represent the amount of excess of (1) the cost of the principal sum of debentures payable purchased and retired over (2) the par value of such debentures plus unamortized premium and minus unamortized discount in connection with such debentures.

Debit:

(a) With amount of such loss on debentures payable purchased and retired during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 224, 316, 318, and 380)

700 Loss on U.S. Government securities.

This account will represent the amount of loss on the sale or other disposition of United States Government obligations, direct and fully guaranteed, carried in account No. 130.

Debit:

(a) With amount of loss on such securities sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

702 Loss on debt securities (section 304).

This account will represent the amount of loss on the sale or other disposition of debt securities (section 304) of small business concerns carried in accounts Nos. 180 and 184.

Debit:

(a) With amount of loss on such debt securities sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See account No. 574)

706 Loss on capital stock of SBCs.

This account will represent the amount of loss on the sale or other disposition of capital stock of small business concerns carried in accounts Nos. 190, 194, and 198.

Debit:

(a) With amount of loss on such capital stock sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

708 Loss on assets acquired in liquidation of loans and debt securities.

This account will represent the amount of loss on the sale or other disposition of assets acquired in liquidation of loans (section 305) and debt securities (section 304) of small business concerns carried in account No. 200.

Debit:

(a) With amount of loss on such assets sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See account No. 574)

709 Loss on other assets.

This account will represent the amount of loss on the sale or other disposition of assets not specifically provided for in other accounts.

Debit:

(a) With amount of loss on such assets sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 574)

710 Expense on assets acquired in liquidation of loans and debt securities.

This account will represent the amount of expense incurred during the month on assets acquired in liquidation of loans (section 305) and debt securities (section 304), including the operation of properties, carried in account No. 200.

Debit:

(a) With amount of such expense incurred during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

NOTE: In instances when a liquidating agent is employed to supervise the disposition of the assets, appropriate subsidiary accounts should be maintained by the agent.

Cash collected from the sale of assets by the liquidating agent should be remitted immediately to the company. The company should maintain a local depository bank account, in which all receipts of the agent are deposited when direct remittances to the company are not feasible. Deposit balances in this account should be subject to withdrawal by check only by the company and should be reflected on the company's records in the same manner as other bank accounts.

Any advances to a liquidating agent for expenses incident to the operation of or in the disposition of assets acquired in the liquidation of loans and debt securities should be charged to account No. 220—Prepaid expenses.

720 Federal income taxes—net income.

This account will represent the amount of Federal income taxes applicable to net income for the current fiscal year.

Debit:

(a) With amount of such taxes accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 354)

722 Federal income taxes—net realized gain on investments.

This account will represent the amount of Federal income taxes applicable to net realized gain on investments for the current fiscal year.

Debit:

(a) With amount of such taxes accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See account No. 354)

725 State income taxes—net income.

This account will represent the amount of State income taxes applicable to net income for the current fiscal year.

Debit:

(a) With amount of such taxes accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 356)

727 State income taxes—net realized gain on investments.

This account will represent the amount of State income taxes applicable to net realized gain on investments for the current fiscal year.

Debit:

(a) With amount of such taxes accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See acount No. 356)

Memorandum Records

Contingent Assets

CA–1 Documentary items in process of collection.

This record will show the amount of trade acceptances, bills of sale, sight drafts, and other similar documents received by the company. It is intended that items entered in this record will not of themselves be considered collateral, but will represent instruments used in effecting collection of the proceeds of the sale of collateral which has been released on trust receipts or similar collateral documents. When collection is effected, appropriate entry will be made in this record.

CA–2 Other contingent assets.

This record will show the amount of miscellaneous contingent assets, such as postdated checks, etc.

Contingent Liabilities

CL–6 Commitments outstanding.

This record will show the amount of financing commitments made and outstanding to small business concerns, including commitments for loans and for the acquisition of small business concerns' capital stock and debt securities. This record also will show the amount of deferred participations. A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern. When funds are advanced against commitments, appropriate entry will be made in this record.

CL–7 Other contingent liabilities.

This record will show the amount of miscellaneous contingent obligations not otherwise classified.

Nominal Assets

NA–10 Stock purchase warrants or options on stock of SBCs.

This record will show the company's ownership of detachable stock purchase warrants or options which have been detached from the capital stock certificates or debt securities with which they were issued by small business concerns.

Each detachable stock purchase warrant or option certificate should be entered in this record, upon detachment, at a nominal value of one dollar ($1.00). Upon sale of a detachable stock purchase warrant or option or upon exercise or expiration of rights conveyed by a detachable stock purchase warrant or option, the entry establishing such certificate in the memorandum records is to be discharged through an equivalent credit.

Debit:

(a) With nominal value of detachable stock purchase warrants or options upon their detachment from capital stock certificates or debt securities.

Credit:

(a) With nominal value of detachable stock purchase warrants or options upon exercise or expiration of rights conveyed by such warrant or option certificates.

(b) With nominal value of detachable stock purchase warrants or options sold or disposed of otherwise.

(See accounts Nos. 180 and 194)

Options on Company's Stock

OCS–1 Options on company's stock.

This record will show details of outstanding options on the company's capital stock granted in lieu of salary or in payment for services actually rendered to the company. The following data will be included:

1. Identification of person or entity holding options.
2. Number of shares optioned.
3. Type and class of stock called for by options.
4. Dates of grant and of expiration of options.
5. Price or prices at which options exercisable, with dates they apply.
6. Fair market value, per share, of stock called for at date each option was granted.
7. Price of each option as percent of fair market value of optioned stock at date option was granted.
8. Provisions for termination of options in case of death or retirement of optionees, or other circumstances.
9. Details of authorization, shares reserved for, issuance, exercise, lapse, and forfeiture of options provided for under the company's stock option plan.

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Rules and Regulations

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6610]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Insurance Companies

On May 12, 1961, notice of proposed rule making regarding amendment of the Income Tax Regulations under sections 821, 822, 823, 832, and 843 of the Internal Revenue Code of 1954 to conform to the Life Insurance Company Tax Act for 1955 (70 Stat. 47, 48) and under sections 801, 809, 841, 842, 891, 1016, and 1201 of the Internal Revenue Code of 1954 to conform to the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112, 121, 139, 140), relating to insurance companies, was published in the FEDERAL REGISTER (26 F.R. 4102). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as proposed are hereby adopted, subject to the changes set forth below. The amendments adopted by this Treasury decision do not include the amendment of paragraph (c)(2)(ii) of § 1.822–5, relating to deduction of investment expenses from gross income, set forth in paragraph 7 of the notice of proposed rule making. Further consideration is being given to the rules contained therein and revised rules will be republished in a subsequent notice of proposed rule making. In addition, there is contained herein an amendment of the Income Tax Regulations under section 11 of the Internal Revenue Code of 1954 to conform to the Tax Rate Extension Act of 1962 (76 Stat. 114).

PARAGRAPH 1. Section 1.801–7, as set forth in paragraph 1 of the notice of proposed rule making, is changed by revising paragraph (a)(1), paragraph (b)(2)(ii), paragraph (b)(3)(ii), and paragraph (c)(1)(ii).

PAR. 2. Paragraph (a)(1)(i) of § 1.809–4, as set forth in paragraph 2 of the notice of proposed rule making, is revised.

PAR. 3. Section 1.821, as set forth in paragraph 4 of the notice of proposed rule making, is changed by revising section 821(a)(1)(A), section 821(b)(1)(A) and (B), and the historical note.

PAR. 4. Section 1.821–3, as set forth in paragraph 5 of the notice of proposed rule making, is changed by revising subparagraphs (1), (3), and (4) of paragraph (b) and example (5) of paragraph (c).

PAR. 5. Paragraph (c)(2)(ii) of § 1.822–5, as set forth in paragraph 7 of the notice of proposed rule making, is revised.

PAR. 6. New paragraphs 19 through 26 are included in this Treasury decision.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: August 27, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 821, 822, 823, 832, and 843 of the Internal Revenue Code of 1954 to the Life Insurance Company Tax Act for 1955 (70 Stat. 47, 48) and under sections 801, 809, 841, 842, 891, 1016, and 1201 of the Internal Revenue Code of 1954 to the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112, 121, 139, 140), such regulations are amended. The amendments adopted by this Treasury decision do not include the amendment of paragraph (c)(2)(ii) of § 1.822–5, relating to deduction of investment expenses from gross income. In addition, there is contained herein an amendment of the Income Tax Regulations under section 11 of the Internal Revenue Code of 1954 to conform to the Tax Rate Extension Act of 1962 (76 Stat. 114).

PARAGRAPH 1. Section 1.801–7 is amended to read as follows:

§ 1.801–7 Variable annuities.

(a) *In general.* (1) Section 801(g)(1) provides that for purposes of part I, subchapter L, chapter 1 of the Code, an annuity contract includes a contract which provides for the payment of a variable annuity computed on the basis of recognized mortality tables and the investment experience of the company issuing such a contract. A variable annuity differs from the ordinary or fixed dollar annuity in that the annuity benefits payable under a variable annuity contract vary with the insurance company's investment experience with respect to such contracts while the annuity benefits paid under a fixed dollar annuity contract are guaranteed irrespective of the company's actual investment earnings.

(2) The reserves held with respect to the annuity contracts described in section 801(g)(1) and subparagraph (1) of this paragraph shall qualify as life insurance reserves within the meaning of section 801(b)(1) and paragraph (a) of §1.801–4 provided such reserves are required by law (as defined in paragraph (b) of §1.801–5) and are set aside to mature or liquidate, either by payment or reinsurance, future unaccrued claims arising from such contracts involving, at the time with respect to which the reserve is computed, life, health, or accident contingencies. Accordingly, a company issuing variable annuity contracts shall qualify as a life insurance company for Federal income tax purposes if it satisfies the requirements of section 801(a) (relating to the definition of a life insurance company) and paragraph (b) of §1.801–3.

(b) *Special rules for variable annuities*—(1) *Adjusted reserves rate; assumed rate.* The adjusted reserves rate for any taxable year with respect to the annuity contracts described in section 801(g)(1) and paragraph (a)(1) of this section, and the rate of interest assumed by the taxpayer for any taxable year in calculating the reserve on any such contract, shall be a rate equal to the current earnings rate determined under section 801(g)(3) and subparagraph (2) of this paragraph. However, any change in the rate of interest assumed by the taxpayer in calculating the reserve on a variable annuity contract for any taxable year which is attributable to an increase or decrease in the current earnings rate, shall not be treated as a change of basis in computing reserves for purposes of section 806(b) (relating to certain changes in reserves) or section 810(d)(1) (relating to adjustment for change in computing reserves).

(2) *Current earnings rate.* (i) The current earnings rate for any taxable year with respect to the annuity contracts described in section 801(g)(1) and paragraph (a)(1) of this section shall be the current earnings rate determined under section 805(b)(2) and paragraph (a)(2) of § 1.805–5 with respect to such contracts, reduced by the percentage obtained by dividing (*a*) the amount of the actuarial margin charge on, all such variable annuity contracts issued by the taxpayer, by (*b*) the mean of the reserves for such contracts.

(ii) For purposes of section 801(g)(3) and subdivision (i) of this subparagraph, the term "actuarial margin charge" means any amount retained by the company from gross investment income pursuant to the terms of the variable annuity contract in excess of any portion of the investment expenses which is attributable to such contract and which is deductible under section 804(c) and paragraph (b) of § 1.804–4.

(3) *Increases and decreases in reserves.* (i) Section 801(g)(4) provides that for purposes of section 810 (a) and (b) (relating to adjustments for increases or decreases in certain reserves), the sum of the items described in section 810(c) and paragraph (b) of § 1.810–2 taken into account as of the close of the taxable year shall be adjusted—

(*a*) By subtracting therefrom the sum of any amounts added from time to time (for the taxable year) to the reserves for variable annuity contracts described in section 801(g)(1) and paragraph (a)(1) of this section by reason of realized or unrealized appreciation in the value of the assets held in relation thereto, and

(*b*) By adding thereto the sum of any amounts subtracted from time to time

(for the taxable year) from such reserves by reason of realized or unrealized depreciation in the value of such assets.

(ii) The application of section 801(g)(4) and subdivision (i) of this subparagraph may be illustrated by the following example:

Example. Company M, a life insurance company issuing only variable annuity contracts of the type described in section 801(g)(1) and paragraph (a)(1) of this section, increased its life insurance reserves held with respect to such contracts during the taxable year 1959 by $275,000. Of the total increase in the reserves, $100,000 was attributable to premium receipts, $50,000 to dividends and interest, $100,000 to unrealized appreciation in the value of the assets held in relation to such reserves, and $25,000 to realized capital gains on the sale of such assets. As of the close of the taxable year 1959, the reserves held by company M with respect to all variable annuity contracts amounted to $1,275,000. However, under section 801(g)(4) and subdivision (i) of this subparagraph, this amount must be reduced by the $100,000 unrealized asset value appreciation and the $25,000 of realized capital gains. Accordingly, for purposes of section 810 (a) and (b), the amount of these reserves which is to be taken into account as of the close of the taxable year 1959 under section 810(c) is $1,150,000 ($1,275,000 less $125,000).

(c) *Companies issuing variable annuities and other contracts.* (1) In the case of a life insurance company which issues both annuity contracts described in section 801(g)(1) and paragraph (a)(1) of this section and other contracts, the policy and other contract liability requirements (as defined in section 805(a) and paragraph (b) of § 1.805–4) of such a company for any taxable year shall be considered to be the sum of—

(i) The policy and other contract liability requirements computed with respect to the items which relate to such variable annuity contracts, and

(ii) The policy and other contract liability requirements computed by excluding the items taken into account under subdivision (i) of this subparagraph.

(2) [Reserved for regulations to be issued under section 801(g)(5)(B).]

(d) *Termination.* Paragraphs (1), (2), (3), (4), and (5) of section 801(g) and paragraphs (a), (b), (c), and (d) of § 1.801–7 shall not apply with respect to any taxable year beginning after December 31, 1962.

PAR. 2. Paragraph (a)(1)(i) of § 1.809–4 is amended to read as follows:

§ 1.809–4 Gross amount.

(a) *Items taken into account.* • • •

(1) *Premiums.* (i) The gross amount of all premiums and other consideration on insurance and annuity contracts (including contracts supplementary thereto); less return premiums and premiums and other consideration arising out of reinsurance ceded. The term "gross amount of all premiums" means the premiums and other consideration provided in the insurance or annuity contract. Thus, the amount to be taken into account shall be the total of the premiums and other consideration provided in the insurance or annuity contract without any deduction for commissions, return premiums, reinsurance, dividends to policyholders, dividends left on deposit with the company, discounts on premiums paid in advance, interest applied in reduction of premiums (whether or not required to be credited in reduction of premiums under the terms of the contract), or any other item of similar nature. Such term includes advance premiums, premiums deferred and uncollected and premiums due and unpaid, deposits, fees, assessments, and consideration in respect of assuming liabilities under contracts not issued by the taxpayer (such as a payment or transfer of property in an assumption reinsurance transaction as defined in paragraph (a)(7)(ii) of § 1.809–5). The term also includes amounts a life insurance company charges itself representing premiums with respect to liability for insurance and annuity benefits for its employees (including full-time life insurance salesmen within the meaning of section 7701(a)(20)).

PAR. 3. Paragraph (a)(12) of § 1.809–5 is amended to read as follows:

§ 1.809–5 Deductions.

(a) *Deductions allowed.* • • •

(12) *Other deductions.* Except as modified by section 809(e) and § 1.809–6, all other deductions allowed under subtitle A of the Code for purposes of computing taxable income to the extent not allowed as a deduction in computing investment yield. For example, a life insurance company shall be allowed a deduction under section 809(d)(12) and this subparagraph for amounts representing premiums charged itself with respect to liability for insurance and annuity benefits for its employees (including full-time life insurance salesmen within the meaning of section 7701(a)(20)) in accordance with the rules prescribed in sections 162 and 404 and the regulations thereunder, to the extent that a deduction for such amounts is not allowed under section 804(c)(1) and paragraph (b)(1) of § 1.804–4 or section 809(d)(9) and subparagraph (9) of this paragraph.

PAR. 4. Section 1.821 is amended by revising subdivision (i) of subsection (a)(1)(A), by adding subdivision (ii) of subsection (a)(1)(A), by revising paragraph (2) of subsection (a), by revising subparagraph (A) of subsection (b)(1), by revising subsection (c), and by adding a historical note. These amended and added provisions and added historical note read as follows:

§ 1.821 Statutory provisions; tax on mutual insurance companies (other than life or marine or fire insurance companies issuing perpetual policies).

SEC. 821. *Tax on mutual insurance companies (other than life or marine or fire insurance companies issuing perpetual policies)—(a) Imposition of tax on mutual companies other than interinsurers.* • • •

(1) • • •

(A) *Normal tax—(i) Taxable years beginning before July 1, 1963.* In the case of taxable years beginning before July 1, 1963, a normal tax of 30 percent of the mutual insurance company taxable income, or 60 percent of the amount by which such taxable income exceeds $3,000, whichever is the lesser;

(ii) *Taxable years beginning after June 30, 1963.* In the case of taxable years beginning after June 30, 1963, a normal tax of 25 percent of the mutual insurance company taxable income, or 50 percent of the amount by which such taxable income exceeds $3,000, whichever is the lesser; plus

• • • • •

(2) If for the taxable year the gross amount of income from the items described in section 822(b) (other than paragraph (1)(D) thereof) and net premiums, minus dividends to policyholders, minus the interest which under section 103 is excluded from gross income, exceeds $75,000, a tax equal to 1 percent of the amount so computed, or 2 percent of the excess of the amount so computed over $75,000, whichever is the lesser.

(b) *Imposition of tax on interinsurers.* • • •

(1) *Normal tax—(A) Taxable years beginning before July 1, 1963.* In the case of taxable years beginning before July 1, 1963, a normal tax of 30 percent of the mutual insurance company taxable income, or 60 percent of the amount by which such taxable income exceeds $50,000, whichever is the lesser;

(B) *Taxable years beginning after June 30, 1963.* In the case of a taxable year beginning after June 30, 1963, a normal tax of 25 percent of the mutual insurance company taxable income, or 50 percent of the amount by which such taxable income exceeds $50,000, whichever is the lesser; plus

• • • • •

(c) *Gross amount received, over $75,000 but less than $125,000.* If the gross amount received during the taxable year from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments) is over $75,000 but less than $125,000, the tax imposed by subsection (a) or subsection (b), whichever applies, shall be reduced to an amount which bears the same proportion to the amount of the tax determined under such subsection as the excess over $75,000 of such gross amount received bears to $50,000.

• • • • •

[Sec. 821 as amended by sec. 2, Tax Rate Extension Act 1955 (69 Stat. 14); sec. 3(a) (1) and (2), Life Insurance Company Tax Act 1955 (70 Stat. 47); sec. 2, Tax Rate Extension Act 1956 (70 Stat. 66); sec. 2, Tax Rate Extension Act 1957 (71 Stat. 9); sec. 2, Tax Rate Extension Act 1958 (72 Stat. 259); sec. 2, Tax Rate Extension Act 1959 (73 Stat. 157); sec. 201, Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 2, Tax Rate Extension Act 1961 (75 Stat. 193); sec. 2, Tax Rate Extension Act 1962 (76 Stat. 114)]

PAR. 5. There are inserted immediately after § 1.821–1 the following new sections:

§ 1.821–2 Taxable years affected.

Section 1.821–1 is applicable only to taxable years beginning after December 31, 1953, but before January 1, 1955, and ending after August 16, 1954, and all references to sections of part II, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, before amendments. Section 1.821–3 is applicable only to taxable years beginning after December 31, 1954, and all references to sections of part II, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Tax Act for 1955 (70 Stat. 36).

§ 1.821–3 Tax on mutual insurance companies other than life or marine or fire insurance companies subject to the tax imposed by section 831.

(a) *In general.* (1) For taxable years beginning after December 31, 1954, all mutual insurance companies, including foreign insurance companies carrying on an insurance business within the United States, not taxable under section 802 or 831 and not specifically exempt under the provisions of section 501(c)(15), are subject to the tax imposed by section 821 on their investment income or on their gross income, whichever tax is the greater, except interinsurers and reciprocal underwriters which are taxed only on their investment income. For the alternative tax, in lieu of the tax imposed by section 821 (a) or (b), where the net long-term capital gain for any taxable year exceeds the net short-term capital loss, see section 1201(a) and the regulations thereunder.

(2) The taxable income of mutual insurance companies subject to the tax imposed by section 821 differs from the taxable income of other corporations. See section 821(a)(2) and section 822. Such companies are entitled, in computing mutual insurance company taxable income, to the deductions provided in part VIII (section 241 and following, except section 248), subchapter B, chapter 1 of the Code. The gross amount of income during the taxable year from interest, the deduction under section 822(c)(1) for wholly tax-exempt interest, and the deduction under section 242 for partially tax-exempt interest, are decreased by the appropriate amortization of premium and increased by the appropriate accrual of discount attributable to the taxable year on bonds, notes, debentures or other evidences of indebtedness held by a mutual insurance company subject to the tax imposed by section 821. See section 822(d)(2) and § 1.822–7. However, for taxable years beginning after May 31, 1960, only the accrual of discount relating to issue discount will increase the deduction for wholly tax-exempt interest. See section 103. In the case of any such evidence of indebtedness, adjustment shall be made to basis in the same manner as that made by life insurance companies under section 1016(a)(17) and the regulations thereunder.

(3) All provisions of the Internal Revenue Code and of the regulations in this part not inconsistent with the specific provisions of section 821 are applicable to the assessment and collection of the tax imposed by section 821(a) or (b) and mutual insurance companies subject to the tax imposed by section 821 are subject to the same penalties as are provided in the case of returns and payment of income tax by other corporations. The return shall be on Form 1120M.

(4) Foreign mutual insurance companies not carrying on an insurance business within the United States are not taxable under section 821 (a) or (b), but are taxable as other foreign corporations. See section 881.

(5) Mutual insurance companies subject to the tax imposed by section 821, except interinsurers or reciprocal underwriters, with mutual insurance company taxable income (computed without regard to the deduction provided in section 242 for partially tax-exempt interest) of over $3,000 or with gross amounts of income during the taxable year from the items described in section 822(b) (other than paragraph (1)(D) thereof) and net premiums (minus dividends to policyholders and wholly tax-exempt interest) in excess of $75,000, are subject to a tax computed under section 821(a)(1) or section 821(a)(2) whichever is the greater. Interinsurers and reciprocal underwriters with mutual insurance company taxable income (computed without regard to the deduction provided in section 242 for partially tax-exempt interest) of over $50,000 are subject to a tax computed under section 821(b).

(b) *Rates of tax.* (1) For taxable years beginning before July 1, 1963, the normal tax under section 821(a)(1)(A) and 821(b)(1), except as hereinafter indicated, is computed upon mutual insurance company taxable income for purposes of the normal tax at the rate of 30 percent.

(2) The surtax under section 821(a)(1)(B) and 821(b)(2), except as hereinafter indicated, is computed on that portion of the mutual insurance company taxable income for the purposes of the surtax in excess of $25,000 at the rate of 22 percent. The tax under section 821(a)(2), except as hereinafter indicated, is 1 percent of the gross amount of income during the taxable year from the items described in section 822(b) (other than paragraph (1)(D) thereof) and net premiums, minus dividends to policyholders and minus wholly tax-exempt interest.

(3) For taxable years beginning before July 1, 1963, under section 821(a)(1)(A) companies with mutual insurance company taxable income for purposes of the normal tax of over $3,000 and not over $6,000 pay a normal tax, at a specified rate, on that portion of such income in excess of $3,000. The rate applicable in computing the normal tax of such companies is 60 percent. Under section 821(a)(2) companies with gross amounts of income during the taxable year from the items described in section 822(b) (other than paragraph (1)(D) thereof) and net premiums, minus dividends to policyholders and minus wholly tax-exempt interest, of over $75,000 and not over $150,000 pay a tax equal to 2 percent of that portion in excess of $75,000.

(4) For taxable years beginning before July 1, 1963, under section 821(b)(1) interinsurers and reciprocal underwriters with mutual insurance company taxable income for purposes of the normal tax of over $50,000 and not over $100,000 pay a normal tax computed on that portion of such income in excess of $50,000 at the rate of 60 percent. Under section 821(b)(2) interinsurers and reciprocal underwriters with mutual insurance company taxable income for purposes of the surtax of over $50,000 and not over $100,000 pay a surtax, at the rate of 33 percent, on that portion of such income in excess of $50,000.

(5) Section 821(c) provides for an adjustment of the amount computed under section 821(a)(1), section 821(a)(2), and section 821(b) where the gross amount received during the taxable year from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments) is over $75,000 and less than $125,000. The adjustment reduces the tax otherwise computed under those sections to an amount which bears the same proportion to such tax as the excess over $75,000 bears to $50,000.

(c) *Application.* The application of section 821 (a) to (c) inclusive, may be illustrated by the following examples:

Example (1). The W Company, a mutual casualty insurance company, for the calendar year 1958, has mutual insurance company taxable income for purposes of the surtax of $5,500 and, due to partially tax-exempt interest of $800, has income for purposes of the normal tax of $4,700. The gross amount of income of the W Company from the items described in section 822(b) (other than paragraph (1)(D) thereof) and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $150,000. Its normal tax under section 821(a)(1) for the calendar year 1958 is 60 percent of $1,700 ($4,700 minus $3,000) or $1,020, since its income subject to normal tax is not over $6,000. It is not liable for surtax for the calendar year 1958 as its mutual insurance company taxable income for purposes of the surtax does not exceed $25,000. It has no surtax and, therefore, its total tax under section 821(a)(1)(A) is the normal tax of $1,020. The tax under section 821(a)(2) is 2 percent of $75,000 ($150,000 − $75,000), or $1,500. Since the tax under section 821(a)(2) exceeds the tax under section 821(a)(1), the tax under section 821 is $1,500, namely, that imposed by section 821(a)(2).

Example (2). If in the above example the income for purposes of the normal tax were not over $3,000, the income for purposes of the surtax were not over $25,000, the gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) were $90,000, and the gross amount of income from the items described in section 822(b) (other than paragraph (1)(D) thereof) and net premiums, minus dividends to policyholders and wholly tax-exempt interest, were $70,000, the W Company would be required to file an income tax return but due to section 821(a) no income tax would be imposed.

Example (3). The X Company, a mutual casualty insurance company, for the calendar year 1958, has mutual insurance company taxable income for surtax purposes of $28,000 and, due to partially tax-exempt interest of $5,000, has income for normal tax purposes of $23,000. The gross amount of income of the X Company received during the taxable year from the items described in section 822(b) (other than paragraph (1)(D) thereof) and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $1,200,000. Under section 821(a)(1) its normal tax for the calendar year 1958 is 30 percent of $23,000, or $6,900, and the surtax is 22 percent of $3,000 ($28,000 − $25,000), or $660. The combined tax under section 821(a)(1) is $7,560 ($6,900 plus $660). The tax under section 821(a)(2) is 1 percent of $1,200,000, or $12,000. Since the tax under section 821(a)(2) exceeds the tax under section 821(a)(1), the tax under section 821 (a) is $12,000, namely, that imposed by section 821(a)(2).

Example (4). The Y Company, a mutual fire insurance company subject to the tax imposed by section 821 for the calendar year 1958, has mutual insurance company taxable

income for purposes of the surtax of $35,000 and, due to partially tax-exempt interest of $5,000, has income for purposes of the normal tax of $30,000. The gross amount received during the taxable year from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments) is $120,000, and the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $100,000. Under section 821(a)(1), without application of section 821(c), the normal tax would be 30 percent of $30,000, or $9,000, since this is less than $16,200, 60 percent of $27,000 (excess of $30,000 over $3,000); and the surtax would be 22 percent of $10,000 (excess of $35,000 over $25,000), or $2,200. The combined tax of $11,200 ($9,000 plus $2,200) would then be reduced by applying section 821(c), since the gross receipts are between $75,000 and $125,000. The tax under section 821(a)(1), as thus adjusted, would be 90 percent of $11,200, or $10,080, since $45,000 (excess of $120,000 over $75,000) is 90 percent of $50,000. Under section 821(a)(2), without reference to section 821(c), the tax is 2 percent of $25,000 (excess of $100,000 over $75,000), or $500, since this is less than $1,000, 1 percent of $100,000. Applying section 821(c) reduces this to $450, or 90 percent of $500. Since $10,080, the tax under section 821(a)(1), as adjusted, exceeds $450, the tax under section 821(a)(2), as adjusted, the tax under section 821(a)(1), as adjusted, is applicable. The Y Company would accordingly pay a combined normal tax and surtax of $10,080.

Example (5). The Z Exchange, an interinsurer, for the calendar year 1958 has mutual insurance company taxable income for purposes of the surtax of $60,000 and, due to partially tax-exempt interest of $12,000, has income for purposes of the normal tax of $48,000. The gross amount received during the taxable year from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments) is $2,700,000. The Z Exchange is not liable for normal tax under section 821(b)(1) for the calendar year 1958 as its mutual insurance company taxable income for purposes of the normal tax does not exceed $50,000. Its surtax is 33 percent of $10,000 ($60,000 minus $50,000), or $3,300, since that amount is less than $7,700, 22 percent of $35,000 (excess of $60,000 over $25,000). Since the Z Exchange has no normal tax, is not subject to the tax imposed by section 821(a)(2), and is not entitled to the adjustment provided in section 821(c), its total tax under section 821(b) is $3,300.

PAR. 6. Section 1.822 is amended by revising section 822(b), by revising paragraphs (3) and (6) of section 822(c), by adding paragraphs (8) and (9) to paragraph 822(c), by revising paragraph (1) of section 822(d), by revising section 822(e), and by adding a historical note. These amended and added provisions and added historical note read as follows:

§ 1.822 Statutory provisions; determination of mutual insurance company taxable income.

SEC. 822. *Determination of mutual insurance company taxable income*—(a) *Definition.* • • •

(b) *Gross investment income.* For purposes of subsection (a), the term "gross investment income" means the sum of the following:

(1) The gross amount of income during the taxable year from—

(A) Interest, dividends, rents, and royalties,

(B) The entering into of any lease, mortgage, or other instrument or agreement from which the insurance company derives interest, rents, or royalties,

(C) The alteration or termination of any instrument or agreement described in subparagraph (B), and

(D) Gains from sales or exchanges of capital assets to the extent provided in subchapter P (sec. 1201 and following, relating to capital gains and losses).

(2) The gross income during the taxable year from any trade or business (other than an insurance business) carried on by the insurance company, or by a partnership of which the insurance company is a partner. In computing gross income under this paragraph, there shall be excluded any item described in paragraph (1).

(c) *Deductions.* • • •

(3) *Real estate expenses.* Taxes (as provided in section 164), and other expenses, paid or accrued during the taxable year exclusively on or with respect to the real estate owned by the company. No deduction shall be allowed under this paragraph for any amount paid out for new buildings, or for permanent improvements or betterments made to increase the value of any property.

• • • • • •

(6) *Capital losses.* Capital losses to the extent provided in subchapter P (sec. 1201 and following) plus losses from capital assets sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. Capital assets shall be considered as sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders to the extent that the gross receipts from their sale or exchange are not greater than the excess, if any, for the taxable year of the sum of dividends and similar distributions paid to policyholders, losses paid, and expenses paid over the sum of the items described in subsection (b) (other than paragraph (1)(D) thereof) and net premiums received. In the application of section 1212 for purposes of this section, the net capital loss for the taxable year shall be the amount by which losses for such year from sales or exchanges of capital assets exceeds the sum of the gains from such sales or exchanges and whichever of the following amounts is the lesser:

(A) The mutual insurance company taxable income (computed without regard to gains or losses from sales or exchanges of capital assets or to the deduction provided in section 242 for partially tax-exempt interest); or

(B) Losses from the sale or exchange of capital assets sold or exchanged to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders.

• • • • • •

(8) *Trade or business deductions.* The deductions allowed by this subtitle (without regard to this part) which are attributable to any trade or business (other than an insurance business) carried on by the insurance company, or by a partnership of which the insurance company is a partner; except that for purposes of this paragraph—

(A) Any item, to the extent attributable to the carrying on of the insurance business, shall not be taken into account, and

(B) The deduction for net operating losses provided in section 172 shall not be allowed.

(9) *Depletion.* The deduction allowed by section 611 (relating to depletion).

(d) *Other applicable rules*—(1) *Rental value of real estate.* The deduction under subsection (c)(3) or (4) on account of any real estate owned and occupied in whole or in part by a mutual insurance company subject to the tax imposed by section 821 shall be limited to an amount which bears the same ratio to such deduction (computed without regard to this paragraph) as the rental value of the space not so occupied bears to the rental value of the entire property.

• • • • • •

(e) *Foreign mutual insurance companies other than life or marine.* In the case of a foreign mutual insurance company (other than a life or marine insurance company or a fire insurance company subject to the tax imposed by section 831), the mutual insurance company taxable income shall be the taxable income from sources within the United States (computed without regard to the deductions allowed by subsection (c)(7)), and the gross amount of income from the items described in subsection (b) (other than paragraph (1)(D) thereof) and net premiums shall be the amount of such income from sources within the United States. In the case of a company to which the preceding sentence applies, the deductions allowed in this section shall be allowed to the extent provided in subpart B of part II of subchapter N (sec. 881 and following) in the case of a foreign corporation engaged in trade or business within the United States.

[Sec. 822 as amended by sec. 3(a)(3), (4), (5), (6), (7), and (8), Life Insurance Company Tax Act 1955 (70 Stat. 47)]

Par. 7. There are inserted immediately after §1.822–3 the following new sections:

§ 1.822–4 Taxable years affected.

Sections 1.822–1 through 1.822–3 are applicable only to taxable years beginning after December 31, 1953, but before January 1, 1955, and ending after August 16, 1954, and all references to sections of part II, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, before amendments. Sections 1.822–5 through 1.822–7 are applicable only to taxable years beginning after December 31, 1954, and all references to sections of part II, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Tax Act for 1955 (70 Stat. 36).

§ 1.822–5 Mutual insurance company taxable income.

(a) *Mutual insurance company taxable income defined.* Section 822(a) defines the term "mutual insurance company taxable income" for purposes of part II, subchapter L, chapter 1 of the Code. Mutual insurance company taxable income means gross investment income (as defined in section 822(b) and paragraph (b) of this section), less the deductions provided in section 822(c) and paragraph (c) of this section for wholly tax-exempt interest, investment expenses, real estate expenses, depreciation, interest paid or accrued, capital losses, special deductions, trade or business (other than an insurance business) expenses, and depletion. However, such expenses are deductible only to the extent that they relate to investment income and the deduction of such expenses is not disallowed by any other provision of subtitle A of the Code. For example, investment expenses are not allowable unless they are ordinary and necessary expenses within the meaning of section 162. In addition to the limitations on deductions relating to real estate owned and occupied by a mutual insurance company subject to the tax imposed by section 821 provided in section 822(d)(1), the adjustment for amortization of premium and accrual of discount provided in section 822(d)(2), and the limitation on the deduction for investment expenses where general expenses are allocated to investment income provided in section 822(c)(2), mutual insurance companies subject to the tax imposed by section 821 are subject to the limitation on deductions relating to wholly tax-exempt income provided in section 265. Such companies are not entitled to the net operating loss deduction provided in section 172, and a deduction shall not be permitted with respect to the same item more than once.

(b) *Gross investment income defined.* For purposes of part II, subchapter L, chapter 1 of the Code, section 822(b) defines the term "gross investment income" of a mutual insurance company subject to the tax imposed by section 821 as the sum of the following:

(1) The gross amount of income during the taxable year from—

(i) Interest (including tax-exempt interest and partially tax-exempt interest), as described in § 1.61–7. Interest shall be adjusted for amortization of premium and accrual of discount in accordance with the rules prescribed in section 822(d)(2) and § 1.822–7;

(ii) Dividends, as described in § 1.61–9;

(iii) Rents and royalties, as described in § 1.61–8;

(iv) The entering into of any lease, mortgage or other instrument or agreement from which the company may derive interest, rents, or royalties;

(v) The alteration or termination of any instrument or agreement described in subdivision (iv) of this subparagraph;

(vi) Gains from sales or exchanges of capital assets to the extent provided in subchapter P (section 1201 and following, relating to capital gains and losses), chapter 1 of the Code.

(2) The gross income from any trade or business (other than an insurance business) carried on by a mutual insurance company subject to the tax imposed by section 821, or by a partnership of which the insurance company is a partner.

For example, gross investment income includes amounts received as commitment fees, or as a bonus for the entering into of a lease, or as a penalty for the early payment of a mortgage. In computing the gross income from any trade or business (other than an insurance business) carried on by the insurance company, or by a partnership of which the insurance company is a partner, any item described in section 822(b)(1) and paragraph (a)(1) of this section shall not be considered as gross income arising from the conduct of such trade or business, but shall be taken into account under section 822(b)(1) and paragraph (a)(1) of this section.

(c) *Deductions from gross investment income*—(1) *Wholly tax-exempt interest.* Interest which in the case of other taxpayers is excluded from gross income by section 103 but included in the gross investment income by section 822(b) is allowed as a deduction from gross investment income by section 822(c)(1).

(2) *Investment expenses.* (i) The deduction for investment expenses under section 822(c)(2) includes only those expenses of the taxable year which are fairly chargeable against gross investment income. For example, investment expenses include salaries and expenses paid exclusively for work in looking after investments, and amounts expended for printing, stationery, postage, and stenographic work incident to the collection of interest. An itemized schedule of such expenses shall be attached to the return.

(ii) [Reserved]

(iii) If any general expenses are in part assigned to or included in investment expenses, the total deduction under section 822(c)(2) shall not exceed the sum of—

(a) One-fourth of 1 percent of the mean of the book value of the invested assets held at the beginning and end of the taxable year, plus

(b) One-fourth of the amount by which mutual insurance company taxable income (computed without any deduction for investment expenses, tax-free interest, partially tax-exempt interest, or dividends received) exceeds 3¾ percent of the book value of the mean of the invested assets held at the beginning and end of the taxable year.

For purposes of section 822(c)(2) and this paragraph, the term "invested assets" means only those assets which are owned and used, and to the extent used, for the purpose of producing the income specified in section 822(b). See paragraph (b) of this section. The term does not include real estate owned and occupied, and to the extent owned and occupied, by the company.

(3) *Real estate expenses and taxes.* The deduction for real estate expenses and taxes under section 822(c)(3) includes taxes (as defined in section 164) and other expenses for the taxable year exclusively on or with respect to real estate owned by the company. For example, no deduction shall be allowed under section 822(c)(3) for amounts allowed as a deduction under section 164(e) (relating to taxes of shareholders paid by a corporation). No deduction shall be allowed under section 822(c)(3) for any amount paid out for new buildings, or for permanent improvements or betterments made to increase the value of any property. An itemized schedule of such taxes and expenses shall be attached to the return. See § 1.822–6 for limitation of such deduction.

(4) *Depreciation.* The deduction allowed by section 822(c)(4) for depreciation is, except as provided in section 822(d)(1) and § 1.822–6, identical to that allowed other corporations by section 167. Such amount allowed as a deduction from gross investment income in determining mutual insurance company taxable income is limited to depreciation sustained on the property used, and to the extent used, for the purpose of producing the income specified in section 822(b).

(5) *Interest paid or accrued.* The deduction allowed by section 822(c)(5) for interest on indebtedness is the same as that allowed other corporations by section 163. See § 1.163–1.

(6) *Capital losses.* (i) The deduction for capital losses under section 822(c)(6) includes not only capital losses to the extent provided in subchapter P, chapter 1 of the Code but in addition thereto losses from capital assets sold or exchanged to provide funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. Losses in the latter case may be deducted from ordinary income while the deduction for losses under subchapter P is limited to the gains. See section 1211.

(ii) Capital assets are considered as sold or exchanged to provide for the funds or payments specified in section 822(c)(6), to the extent that the gross receipts from the sale or exchange of such assets are not greater than the excess, if any, for the taxable year of the sum of dividends and similar distributions paid to policyholders, and losses and expenses paid over the sum of the items described in section 822(b) (other than paragraph (1)(D) thereof) and net premiums received. If, by reason of a particular sale or exchange of a capital asset, gross receipts are greater than such excess, the gross receipts and the resulting loss should be apportioned and the excess included in capital losses subject to the provisions of subchapter P. Capital losses actually used to reduce net income in any taxable year may not again be used in a succeeding taxable year as an offset against capital gains in that year and for that purpose a special rule is set forth for the application of section 1212.

(iii) The application of section 822(c)(6) may be illustrated by the following examples:

Example (1). The X Company, a mutual fire insurance company subject to the tax imposed by section 821, in the taxable year 1958 sells capital assets in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. The gross receipts from the sale are $60,000, resulting in losses of $20,000. It pays dividends to policyholders of $150,000. It sustains losses of $25,000, and pays expenses of $25,000. It receives interest of $50,000, dividends of $5,000, royalties of $4,000, and net premiums of $66,000. The excess of the sum of dividends, loses, and expenses paid ($200,000) over the sum of the items described in section 822(b) (other than paragraph (1)(D) thereof) and net premiums received ($125,000) is $75,000. As the gross receipts from the sale of capital assets ($60,000) do not exceed such excess ($75,000), the losses of $20,000 are allowable as a deduction from gross investment income.

Example (2). If in example (1) the gross receipts were $76,000 and the last capital asset sold, for the purpose therein specified, resulted in gross receipts of $2,000 and a loss of $500, the losses allowable as a deduction from gross investment income would be $19,750. The last sale made the gross receipts of $76,000 exceed by $1,000 the excess ($75,000) of the sum of dividends, losses, and expenses paid ($200,000) over the sum of the items described in section 822(b) (other than paragraph (1)(D) thereof) and net premiums received ($125,000). The gross

receipts and the resulting loss from the last sale are apportioned on the basis of the ratio of the excess of $1,000 to the gross receipts of $2,000, or 50 percent. Fifty percent of the loss of $500 is deducted from the total loss of $20,000. The remaining gross receipts of $1,000 and the proportionate loss of $250 should be reported as capital losses under subchapter P.

Example (3). If in example (1) the X Company had mutual insurance company taxable income for purposes of the surtax of $9,750 and, under the provisions of subchapter P, chapter 1 of the Code, had capital losses of $18,000 and capital gains of $10,000, the net capital loss for the taxable year 1958, in applying section 1212 for the purposes of section 822(c)(6), would be $8,000. This is determined by subtracting from total losses of $38,000 ($18,000 capital losses under subchapter P plus $20,000 other capital losses under section 822(c)(6)) the sum of capital gains of $10,000 and losses from the sale or exchange of capital assets sold or exchanged to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders of $20,000. Such losses of $20,000 are added to capital gains of $10,000, since they are less than taxable income for purposes of the surtax, computed without regard to gains or losses from sales or exchanges of capital assets, of $29,750 ($9,750 taxable income for purposes of the surtax plus $20,000 other capital losses under section 822(c)(6) plus the portion of capital losses allowable under subchapter P of $10,000 minus capital gains under subchapter P of $10,000).

(7) *Special deductions.* Section 822(c)(7) allows a mutual insurance company the special deductions provided by part VIII (section 241 and following), except section 248, subchapter B, chapter 1 of the Code, relating to partially tax-exempt interest and to dividends received.

(8) *Trade or business deductions.* (i) Under section 822(c)(8), the deductions allowed by subtitle A of the Code (without regard to this part) which are attributable to any trade or business (other than an insurance business) carried on by the insurance company, or by a partnership of which the company is a partner are, subject to the limitations in subdivision (ii) of this subparagraph, allowable as deductions from gross investment income in computing mutual insurance company taxable income. Such deductions are allowable, however, only to the extent that they relate to income which is included in the company's gross investment income by reason of section 822(b)(2). Thus, a deduction shall not be allowed under section 822(c)(8) with respect to any item described in section 822(b)(1). The allowable deductions may exceed the gross income from such business.

(ii) In computing the deductions under section 822(c)(8)—

(a) Any item, to the extent attributable to the carrying on of the insurance business, shall not be taken into account. For example, if the company operates a radio station primarily to advertise its own insurance services, a portion of the expenses of the radio station shall not be allowed as a deduction. The portion disallowed shall be an amount which bears the same ratio to the total expenses of the station as the value of advertising furnished to the insurance company bears to the total value of services rendered by the station.

(b) The deduction for net operating losses provided in section 172 shall not be allowed.

(9) *Depletion.* The deduction allowed by section 822(c)(9) for depletion is the same as that allowed life insurance companies under section 804(c)(4). See paragraph (b)(5) of § 1.804–4.

§ 1.822–6 Real estate owned and occupied.

Section 822(d)(1) provides that the amount allowable as a deduction for taxes, expenses, and depreciation on or with respect to any real estate owned and occupied in whole or in part by a mutual insurance company subject to the tax imposed by section 821 shall be limited to an amount which bears the same ratio to such deduction (computed without regard to this limitation) as the rental value of the space not so occupied bears to the rental value of the entire property. For example, if the rental value of the space not occupied by the company is equal to one-half of the rental value of the entire property, the deduction for taxes, expenses, and depreciation is one-half of the taxes, expenses, and depreciation on account of the entire property. Where a deduction is claimed as provided in this section, the parts of the property occupied and the parts not occupied by the company, together with the respective rental values thereof, must be shown in a statement accompanying the return.

§ 1.822–7 Amortization of premium and accrual of discount.

Section 822(d)(2) makes provision for the appropriate amortization of premium and the appropriate accrual of discount, attributable to the taxable year, on bonds, notes, debentures, or other evidences of indebtedness held by a mutual insurance company subject to the tax imposed by section 821. Such amortization and accrual is the same as that provided for life insurance companies by section 818(b)(1), as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 133), and shall be determined in accordance with paragraphs (a) and (b) of § 1.818–3, except in the case of a mutual insurance company subject to the tax imposed by section 821, paragraph (b) of § 1.818–3 shall apply without regard to the date of acquisition and the basis provided in section 1012 shall be used in lieu of the acquisition value.

PAR. 8. There are inserted immediately after § 1.823–2 the following new sections:

§ 1.823–3 Taxable years affected.

Sections 1.823–1 and 1.823–2 are applicable only to taxable years beginning after December 31, 1953, but before January 1, 1955, and ending after August 16, 1954, and all references to sections of part II, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, before amendments. Sections 1.823–4 and 1.823–5 are applicable only to taxable years beginning after December 31, 1954, and all references to sections of part II, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Tax Act for 1955 (70 Stat. 36).

§ 1.823–4 Net premiums.

Net premiums are one of the items used, together with the gross amount of income during the taxable year from the items described in section 822(b) (other than paragraph (1)(D) thereof), less dividends to policyholders and wholly tax-exempt interest, in determining tax liability under section 821(a)(2). They are also used in section 822(c)(6) in determining the limitation on certain capital losses and in the application of section 1212. The term "net premiums" is defined in section 823(1) and includes deposits and assessments, but excludes amounts returned to policyholders which are treated as dividends under section 823(2).

§ 1.823–5 Dividends to policyholders.

(a) Dividends to policyholders is one of the deductions used, together with wholly tax-exempt interest, in determining tax liability under section 821(a)(2). They are also used in section 822(c)(6) in determining the limitation on certain capital losses and in the application of section 1212. The term "dividends to policyholders" is defined in section 823(2) as dividends and similar distributions paid or declared to policyholders. It includes amounts returned to policyholders where the amount is not fixed in the insurance contract but depends upon the experience of the company or the discretion of the management. Such amounts are not to be treated as return premiums under section 823(1). Similar distributions include such payments as the so-called unabsorbed premium deposits returned to policyholders by factory mutual fire insurance companies. The term "paid or declared" is to be construed according to the method of accounting regularly employed in keeping the books of the insurance company, and such method shall be consistently followed with respect to all deductions (including dividends and similar distributions to policyholders) and all items of income.

(b) If the method of accounting so employed is the cash receipts and disbursements method, the deduction is limited to the dividends and similar distributions actually paid to policyholders in the taxable year. If, on the other hand, the method of accounting so employed is the accrual method, the deduction, or a reasonably accurate estimate thereof, for dividends and similar distributions declared to policyholders for any taxable year will, in general, be computed as follows: To dividends and similar distributions paid during the taxable year add the amount of dividends and similar distributions declared but unpaid at the end of the taxable year and deduct dividends and similar distributions declared but unpaid at the beginning of the taxable year. If an insurance company using the accrual method does not compute the deduction for dividends and similar distributions declared to policyholders in the manner stated, it must submit with its return a full and complete explanation of the manner in which the deduction is computed. For the rule as to when dividends are considered paid, see the regulations under section 561.

PAR. 9. Section 1.832 is amended by revising paragraph (4) of section 832(b), by revising paragraphs (5) and (8) of section 832(c), and by adding a historical note. These amended provisions and added historical note read as follows:

§ 1.832 Statutory provisions; insurance company taxable income.

SEC. 832. *Insurance company taxable income*—(a) *Definition of taxable income.* * * *

(b) *Definitions.* * * *

(4) *Premiums earned.* The term "premiums earned on insurance contracts during the taxable year" means an amount computed as follows:

(A) From the amount of gross premiums written on insurance contracts during the taxable year, deduct return premiums and premiums paid for reinsurance.

(B) To the result so obtained, add unearned premiums on outstanding business at the end of the preceding taxable year and deduct unearned premiums on outstanding business at the end of the taxable year.

For purposes of this subsection, unearned premiums shall include life insurance reserves, as defined in section 801(b), pertaining to the life, burial, or funeral insurance, or annuity business of an insurance company subject to the tax imposed by section 831 and not qualifying as a life insurance company under section 801.

* * * * *

(c) *Deductions allowed.* * * *

(5) Capital losses to the extent provided in subchapter P (sec. 1201 and following, relating to capital gains and losses) plus losses from capital assets sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. Capital assets shall be considered as sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders to the extent that the gross receipts from their sale or exchange are not greater than the excess, if any, for the taxable year of the sum of dividends and similar distributions paid to policyholders in their capacity as such, losses paid, and expenses paid over the sum of the items described in section 822(b) (other than paragraph (1)(D) thereof) and net premiums received. In the application of section 1212 for purposes of this section, the net capital loss for the taxable year shall be the amount by which losses for such year from sales or exchanges of capital assets exceeds the sum of the gains from such sales or exchanges and whichever of the following amounts is the lesser:

(A) The taxable income (computed without regard to gains or losses from sales or exchanges of capital assets or to the deductions provided in section 242 for partially tax-exempt interest); or

(B) Losses from the sale or exchange of capital assets sold or exchanged to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders;

* * * * *

(8) The depreciation deduction allowed by section 167 and the deduction allowed by section 611 (relating to depletion);

* * * * *

[Sec. 832 as amended by sec. 3(b) (1), (2), and (3), Life Insurance Company Tax Act 1955 (70 Stat. 48)]

PAR. 10. Section 1.841 is amended by revising section 841(1) and adding a historical note. This amended provision and added historical note read as follows:

§ 1.841 Statutory provisions; credit for foreign taxes.

SEC. 841. *Credit for foreign taxes.* * * *

(1) In the case of the tax imposed by section 802, the life insurance company taxable income (as defined in section 802(b)), and

* * * * *

[Sec. 841 as amended by sec. 5(4), Life Insurance Company Tax Act 1955 (70 Stat. 49); sec. 3(b), Life Insurance Company Income Tax Act 1959 (73 Stat. 139)]

PAR. 11. Section 1.842 is amended by adding a historical note at the end thereof. This added historical note reads as follows:

§ 1.842 Statutory provisions; computation of gross income.

SEC. 842. *Computation of gross income.* * * *

[Sec. 842 as amended by sec. 5(5), Life Insurance Company Tax Act 1955 (70 Stat. 49); sec. 3(f)(1), Life Insurance Company Income Tax Act 1959 (73 Stat. 140)]

PAR. 12. There is inserted immediately after § 1.842 the following new section:

§ 1.843 Statutory provisions; annual accounting period.

SEC. 843. *Annual accounting period.* For purposes of this subtitle, the annual accounting period for each insurance company subject to a tax imposed by this subchapter shall be the calendar year.

[Sec. 843 as added by sec. 4(a), Life Insurance Company Tax Act 1955 (70 Stat. 48)]

PAR. 13. Section 1.891 is amended by revising section 891 and the historical note. This amended provision and historical note read as follows:

§ 1.891 Statutory provisions; doubling of rates of tax on citizens and corporations of certain foreign countries.

SEC. 891. *Doubling of rates of tax on citizens and corporations of certain foreign countries.* Whenever the President finds that, under the laws of any foreign country, citizens or corporations of the United States are being subjected to discriminatory or extraterritorial taxes, the President shall so proclaim and the rates of tax imposed by sections 1, 3, 11, 802, 821, 831, 852, 871, and 881 shall, for the taxable year during which such proclamation is made and for each taxable year thereafter, be doubled in the case of each citizen and corporation of such foreign country; but the tax at such doubled rate shall be considered as imposed by such sections as the case may be. In no case shall this section operate to increase the taxes imposed by such sections (computed without regard to this section) to an amount in excess of 80 percent of the taxable income of the taxpayer (computed without regard to the deductions allowable under section 151 and under part VIII of subchapter B). Whenever the President finds that the laws of any foreign country with respect to which the President has made a proclamation under the preceding provisions of this section have been modified so that discriminatory and extraterritorial taxes applicable to citizens and corporations of the United States have been removed, he shall so proclaim, and the provisions of this section providing for doubled rates of tax shall not apply to any citizen or corporation of such foreign country with respect to any taxable year beginning after such proclamation is made.

[Sec. 891 as amended by sec. 5(6), Life Insurance Company Tax Act 1955 (70 Stat. 49); sec. 3(f)(1), Life Insurance Company Income Tax Act 1959 (73 Stat. 140)]

PAR. 14. Section 1.1016 is amended by revising paragraphs (3) (A) and (B) of section 1016(a), by adding paragraphs (3)(C) and (17) to section 1016(a), and by revising the historical note. These amended and added provisions and amended historical note read as follows:

§ 1.1016 Statutory provisions; adjustment to basis.

SEC. 1016. *Adjustment to basis*—(a) *General rule.* * * *

(3) * * *

(A) Before March 1, 1913,

(B) Since February 28, 1913, during which such property was held by a person or an organization not subject to income taxation under this chapter or prior income tax laws, and

(C) Since February 28, 1913, and before January 1, 1958, during which such property was held by a person subject to tax under part I of subchapter L (or the corresponding provisions of prior income tax laws), to the extent that paragraph (2) does not apply.

* * * * *

(17) In the case of any evidence of indebtedness referred to in section 818(b) (relating to amortization of premium and accrual of discount in the case of life insurance companies), to the extent of the adjustments required under section 818(b) (or the corresponding provisions of prior income tax laws) for the taxable year and all prior taxable years;

* * * * *

[Sec. 1016 as amended by sec. 4(c), Act of June 29, 1956 (Pub. Law 629, 84th Cong., 70 Stat. 407); sec. 8(d) (1) and (2), Life Insurance Company Income Tax Act 1959 (73 Stat. 139)]

PAR. 15. Section 1.1016–4 is amended to read as follows:

§ 1.1016–4 Exhaustion, wear and tear, obsolescence, amortization, and depletion; periods during which income was not subject to tax.

(a) Adjustments to basis must be made for exhaustion, wear and tear, obsolescence, amortization, and depletion to the extent actually sustained in respect of:

(1) Any period before March 1, 1913,

(2) Any period since February 28, 1913, during which the property was held by a person or organization not subject to income taxation under chapter 1 of the Code or prior income tax laws, and

(3) Any period since February 28, 1913, and before January 1, 1958, during which the property was held by a person subject to tax under part I, subchapter L, chapter 1 of the Code, or prior income tax law, to the extent that section 1016(a)(2) does not apply.

(b) The amount of the adjustments described in paragraph (a) of this section actually sustained is that amount charged off on the books of the taxpayer where such amount is considered by the

Commissioner to be reasonable. Otherwise, the amount actually sustained will be the amount that would have been allowable as a deduction:

(1) During the period described in paragraph (a) (1) or (2) of this section, had the taxpayer been subject to income tax during those periods, or

(2) During the period described in paragraph (a)(3) of this section, with respect to property held by a taxpayer described in that paragraph, to the extent that section 1016(a)(2) was inapplicable to such property during that period.

In the case of a taxpayer subject to the adjustment required by subparagraph (1) or (2) of this paragraph, depreciation shall be determined by using the straight line method.

PAR. 16. Section 1.1016–5 is amended by adding a new paragraph (n) at the end thereof. This added provision reads as follows:

§ 1.1016–5 Miscellaneous adjustments to basis.

* * * * *

(n) *Life insurance companies.* In the case of any evidence of indebtedness referred to in section 818(b), the basis shall be adjusted to the extent of the adjustments required under section 818(b) (or the corresponding provisions of prior income tax laws) for the taxable year and all prior taxable years. The basis of any such evidence of indebtedness shall be reduced by the amount of the adjustment required under section 818(b) (or the corresponding provision of prior income tax laws) on account of amortizable premium and shall be increased by the amount of the adjustment required under section 818(b) on account of accruable discounts.

PAR. 17. Section 1.1201 is amended by revising the portion of section 1201(a) which precedes paragraph (1), by adding subsection (c), and by revising the historical note. These amended and added provisions and amended historical note read as follows:

§ 1.1201 Statutory provisions; alternative tax.

SEC. 1201. *Alternative tax*—(a) *Corporations.* If for any taxable year the net long-term capital gain of any corporation exceeds the net short-term capital loss, then, in lieu of the tax imposed by sections 11, 511, 821 (a)(1) or (b), and 831(a), there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of—

* * * * *

(c) *Life insurance companies.* For alternative tax in case of life insurance companies, see section 802(a)(2).

[Sec. 1201 as amended by sec. 5(7), Life Insurance Company Tax Act 1955 (70 Stat. 49); sec. 3(f)(2), Life Insurance Company Income Tax Act 1959 (73 Stat. 140)]

PAR. 18. Paragraph (a) of § 1.1201–1 is amended to read as follows:

§ 1.1201–1 Alternative tax.

(a) *Corporations.* In case the net long-term capital gain of any corporation exceeds the net short-term capital loss, section 1201(a) imposes an alternative tax in lieu of the tax imposed by sections 11, 511, 821 (a)(1) or (b), and 831(a), if and only if such alternative tax is less than the tax imposed by such sections. For taxable years beginning after December 31, 1954, and before January 1, 1958, the alternative tax shall also be in lieu of the tax imposed by section 802(a), as amended by the Life Insurance Company Tax Act for 1955 (70 Stat 38), if such alternative tax is less than the tax imposed by such section. See section 802(e), as added by the Life Insurance Company Tax Act for 1955 (70 Stat. 39). However, for taxable years beginning after December 31, 1958, section 802(a)(2), as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 115), imposes a separate tax equal to 25 percent of the amount by which the net long-term capital gain of any life insurance company (as defined in section 801(a) and paragraph (b) of § 1.801–3) exceeds its net short-term capital loss. See paragraph (f) of § 1.802–3. The alternative tax is not in lieu of the personal holding company tax imposed by section 541, or of any other tax not specifically set forth in section 1201(a). The alternative tax is the sum of (1) a partial tax computed at the rates provided in sections 11, 511, 802(a) (for taxable years beginning after December 31, 1954, and before January 1, 1958), 821 (a) or (b), and 831(a) on the taxable income of the taxpayer decreased by the amount of the excess of the net long-term capital gain over the net short-term capital loss, and (2) an amount equal to 25 percent of such excess or, in the case of a taxable year beginning before April 1, 1954, an amount equal to 26 percent of such excess. In the computation of the partial tax the special deductions provided for in sections 243, 244, 245, 247, 922, and 941 shall not be recomputed as the result of the reduction of taxable income by the excess of net long-term capital gain over net short-term capital loss.

PAR. 19. Section 1.11 is amended by revising section 11(b) and the historical note. This amended provision and historical note read as follows:

§ 1.11 Statutory provisions; tax imposed.

SEC. 11. *Tax imposed*—(a) *Corporations in general.* * * *

(b) *Normal tax*—(1) *Taxable years beginning before July 1, 1963.* In the case of a taxable year beginning before July 1, 1963, the normal tax is equal to 30 percent of the taxable income.

(2) *Taxable years beginning after June 30, 1963.* In the case of a taxable year beginning after June 30, 1963, the normal tax is equal to 25 percent of the taxable income.

* * * * *

[Sec. 11 as amended by sec. 2, Tax Rate Extension Act 1955 (69 Stat. 114); sec. 2, Tax Rate Extension Act 1956 (70 Stat. 66); sec. 2, Tax Rate Extension Act 1957 (71 Stat. 9); sec. 2, Tax Rate Extension Act 1958 (72 Stat. 259); sec. 2, Tax Rate Extension Act 1959 (73 Stat. 157); sec. 201, Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 2, Tax Rate Extension Act 1961 (75 Stat. 193); sec. 2, Tax Rate Extension Act 1962 (76 Stat. 114)]

PAR. 20. Paragraph (c) of § 1.11–1 is amended to read as follows:

§ 1.11–1 Tax on corporations.

* * * * *

(c) The normal tax is computed by applying to the taxable income the rate of tax in effect for the taxable year. The rates of tax applicable for the respective taxable years are as follows:

	Percent
For taxable years beginning before July 1, 1963	30
For taxable years beginning after June 30, 1963	25

PAR. 21. Section 1.803 is amended by revising the historical note. This revised historical note reads as follows:

§ 1.803 Statutory provisions; life insurance companies; income and deductions.

SEC. 803. *Income and deductions*—(a) *Application of section.* * * *

[Sec. 803 as amended by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 39). Sec. 803, as set forth herein, is applicable only for taxable years beginning after December 31, 1954, and before January 1, 1958; however, the regulations set forth below do not reflect amendment of sec. 803 by sec. 2, Life Insurance Company Tax Act 1955. See § 1.803–7. For taxable years beginning after December 31, 1957, see subch. L as amended by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 112)]

PAR. 22. Section 1.807 is amended by adding a historical note at the end thereof. This added historical note reads as follows:

§ 1.807–1 Statutory provisions; life insurance companies; foreign life insurance companies.

SEC. 807. *Foreign life insurance companies*—(a) *Carrying on United States insurance business.* * * *

[Sec. 807 is applicable only for taxable years beginning after December 31, 1953, and before January 1, 1955. For taxable years beginning after December 31, 1954, and before January 1, 1958, see sec. 816 as added by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 36). For taxable years beginning after December 31, 1957, see sec. 819 as added by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 112)]

PAR. 23. Section 1.809 is amended by revising paragraph (11) of section 809(d) and the historical note. These amended provisions read as follows:

§ 1.809 Statutory provisions; life insurance companies; in general.

SEC. 809. *In general*—* * *

(d) *Deductions.* * * *

(11) *Certain mutualization distributions.* The amount of distributions to shareholders made in 1958, 1959, 1960, and 1961 in acquisition of stock pursuant to a plan of mutualization adopted before January 1, 1958.

* * * * *

[Sec. 809 as added by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 121); amended by sec. 2, Act of June 27, 1961 (Pub. Law 87–59, 75 Stat. 120)]

PAR. 24. Paragraph (a)(11) of § 1.809–5 is amended to read as follows:

§ 1.809–5 Deductions.

(a) *Deductions allowed.* * * *

(11) *Certain mutualization distributions.* The amount of distributions to shareholders actually made by the life insurance company in 1958, 1959, 1960, and 1961 in acquisition of stock pursuant to a plan of mutualization adopted by the company before January 1, 1958. If such deduction is claimed, there must be attached to the return of the company claiming such deduction a certified copy of the plan of mutualization and proof that such plan was adopted prior to January 1, 1958. See section 809(g) and § 1.809–8 for limitation of such deduction.

PAR. 25. Section 1.813 is amended by revising the historical note. This revised historical note reads as follows:

§ 1.813 Statutory provisions; life insurance companies; adjustment for certain reserves.

SEC. 813. *Adjustment for certain reserves.* * * *

[Sec. 813 as added by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 46). Sec. 813 is applicable only for taxable years beginning after December 31, 1954, and before January 1, 1958. For taxable years beginning after December 31, 1957, see subch. L as amended by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 112)]

PAR. 26. Section 1.816 is amended by revising the historical note. This revised historical note reads as follows:

§ 1.816 Statutory provisions; life insurance companies; foreign life insurance companies.

SEC. 816. *Foreign life insurance companies*—(a) *Carrying on United States insurance business.* * * *

[Sec. 816 as added by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 46). Sec. 816 is applicable only for taxable years beginning after December 31, 1954, and before January 1, 1958. For taxable years beginning after December 31, 1953, and before January 1, 1955, see sec. 807. For taxable years beginning after December 31, 1957, see sec. 819 as added by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 112)]

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 62–8770; Filed, Aug. 30, 1962; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Sugar Determination 831.4, Amdt. 4, Supp. 1]

PART 831—BEET SUGAR AREA

Rates of Recoverability; 1962 Crop

§ 831.8 Rates of recoverability; 1962 crop.

The hundredweight of sugar, raw value, commercially recoverable from sugar beets of the 1962 crop shall be computed by multiplying the net weight thereof in tons at the time of delivery to a processor by the rate of commercially recoverable sugar, which is applicable under the following provisions of this section.

(a) For sugar beets marketed within a settlement area under any type of agreement other than an "individual test" or a "combined individual-cossette test" contract, the rate of commercially recoverable sugar per ton of beets with respect to each settlement area is established as follows:

Settlement areas by factories in States	1955–61 average sugar content	Rate of commercially recoverable sugar
IDAHO, OREGON, WASHINGTON	*Percent*	*Cwt.*
Idaho Falls	16.18	3.029
Nyssa, Nampa	15.27	2.859
Preston	15.86	2.969
Rupert, Twin Falls	16.40	3.070
Toppenish, Moses Lake	15.18	2.842
UTAH		
Centerfield	15.82	2.961
Garland	16.16	3.025
Layton	15.92	2.980
Lewiston (Ogden)	15.65	2.930
West Jordan	15.31	2.866
COLORADO, SOUTH DAKOTA		
Sugar City	14.71	2.754
Belle Fourche	16.00	2.995
WYOMING, MONTANA		
Lovell	16.70	3.126
Worland	16.18	3.029
Billings	16.67	3.121
Hardin	16.47	3.083
Missoula	16.34	3.059
Sidney	16.31	3.053
MINNESOTA, IOWA		
East Grand Forks, Moorhead, Crookston	15.64	2.928
Chaska, Mason City	14.29	2.675
GREAT LAKES STATES		
Alma	14.70	2.752
Bay City	14.67	2.746
Caro	14.73	2.757
Carrollton	14.36	2.688
Croswell	14.68	2.748
Illinois	14.55	2.724
Ottawa	14.48	2.711
Sebewaing	14.80	2.771

(b) For sugar beets marketed under "individual test" contracts, the rate of commercially recoverable sugar per ton of beets shall be computed by multiplying 20 hundredweight by the percentage of sugar content of such beets, and then multiplying the result by 89.6 percent (the average extraction rate, as adjusted for shrink, effective for such beets). This computation can be shortened by the use of the factor of 0.1792. As an example, a content of 16.37 when multiplied by 0.1792 would result in a rate of commercially recoverable sugar of 2.933 hundredweight.

(c) For sugar beets marketed under "combined individual-cossette test" contracts, the rate of commercially recoverable sugar per ton of beets shall be computed by multiplying 20 hundredweight by the percentage of sugar content on which settlement under the marketing contract is made, and then multiplying the result by 93.6 percent (the average extraction rate effective for such beets). This computation can be shortened by the use of the factor of 0.1872. As an example, a content of 16.37 would result in a rate of commercially recoverable sugar of 3.064 hundredweight.

STATEMENT OF BASES AND CONSIDERATIONS

The determination of sugar commercially recoverable for the Beet Sugar Area, as issued August 26, 1959, and as subsequently amended, provides the method of determining and establishing amounts of sugar commercially recoverable from sugar beets of the 1962 crop, and it also provides that the rates shall become effective when public notice thereof is given in the FEDERAL REGISTER.

Pursuant to that determination, this supplement sets forth the rates of recoverability as determined for the 1962 crop. Definitive rates are specified for the various settlement areas where the only tests available for ascertaining the sugar content of the beets are cossette tests. Within these areas, the rates give effect to 1955–61 average percentages of sugar content and the 1956–60 national average extraction rate of beet sugar, raw value, of 93.6 percent.

In lieu of an extensive table of definitive rates applicable to sugar beets of various percentages of sugar content as marketed under "individual test" contracts, this supplement shows that the rate of recoverability per ton of beets of any given percentage of sugar content so marketed may be computed by multiplying such content by the factor of 0.1792. This factor gives effect to the average rate of extraction of sugar, raw value, of 89.6 percent, as applicable to individual test beets. Similarly, for beets marketed under "combined individual-cossette test" contracts, a factor of 0.1872 may be used to give effect to the average extraction rate of 93.6 percent. The difference between 93.6 and 89.6 percent represents the average "shrink" in percentage of sugar content between the time of delivery and the time of processing for all beets of the crops of 1956–60 marketed under individual test contracts. The lower percentage is not specified for beets marketed under combined individual-cossette tests inasmuch as the results of such tests include adjustment to the cossette basis. Listings of the applicable rates (expressed in hundredths) will be available for inspection at ASCS County Offices in sugar beet producting counties.

The percentages of 93.6 and 89.6, as determined herein for the 1962 crop, compare with percentages of 93.3 and 89.6, as effective for the 1961 crop.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153. Interprets or applies sec. 302, 303, 304, 61 Stat. 930, as amended, 931; 7 U.S.C. Supp. 1132, 1133, 1134; Pub. Law 87–535 approved July 13, 1962)

Effective date of publication.

Signed at Washington, D.C., on August 27, 1962.

W. E. UNDERHILL,
Acting Deputy Administrator for Price and Production.

[F.R. Doc. 62–8774; Filed, Aug. 30, 1962; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 3]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

§ 906.306 Grapefruit Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 906 (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on August 20, 1962; such meeting was held to consider recommendations for regulation, after giving due notice of such meeeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter when used herein shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.658 of this title).

(2) During the period beginning at 12:01 a.m., c.s.t., September 1, 1962, and ending at 12:01 a.m., c.s.t., May 1, 1963, no handler shall, except as otherwise provided, handle:

(i) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade at least U.S. No. 3;

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than 3 inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than 3 inches in diameter;

(iii) Any grapefruit of any variety, grown as aforesaid, in any box or carton having inside dimensions other than those specified in subdivision (iv) of this subparagraph unless (*a*) the grapefruit are packed in accordance with the requirements of standard pack; or (*b*) are of a diameter within the diameter limits specified for the following pack size except that not more than 10 percent, by count, of the grapefruit in such container may be outside of such diameter limits:

Pack size	Diameter limits in inches	
	Minimum	Maximum
46	4 5/16	5

(iv) Any grapefruit of any variety, grown as aforesaid, in a container having inside dimensions of 19¾ x 13½ x 13½ inches unless such container is packed in accordance with one of the following pack sizes and contain the applicable number of grapefruit that are within the diameter limits specified for the particular pack sizes, except that not more than 10 percent, by count, of such grapefruit in such container may be outside such diameter limits:

Pack size:	Number of grapefruit
46	48
54 or 56	56
64	64
70 or 72	72
80	80
96	96
112 or 113	112
125 or 126	125

(v) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(vi) The provisions of subdivisions (iii) and (iv) of this subparagraph shall not apply to the grapefruit in any gift package of fruit.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container regulations which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 29, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–8818; Filed, Aug. 30, 1962; 8:45 a.m.]

[Orange Reg. 4]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

§ 906.307 Orange Regulation 4.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 906 (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on August 20, 1962; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the regulation of the handling of oranges at the start of this marketing season, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

(2) During the period beginning at 12:01 a.m., c.s.t., September 1, 1962, and ending at 12:01 a.m., c.s.t., May 1, 1963, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade at least U.S. No. 3;

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than 2 3/16 inches in diameter, except that not more than ten (10) percent, by count, of such oranges in any lot of containers, and not more than fifteen (15) percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2 3/16 inches in diameter;

(iii) Any oranges of any variety, grown as aforesaid, packed in any box or carton of inside dimensions other than those specified in subdivision (iv) of this subparagraph, unless the oranges are of a size within the diameter limits specified for one of the following pack sizes and otherwise are packed in accordance with the requirements of standard pack, except that not to exceed a total of 10 percent, by count, of the oranges in any such container may be outside such diameter limits:

Pack sizes:	Diameter limits in inches	
	Minimum	Maximum
100	3 3/16	3 13/16
125	3 3/16	3 9/16
163	2 15/16	3 5/16
200	2 11/16	3 1/16
252	2 7/16	2 12/16
324	2 3/16	2 8/16

(iv) Any oranges of any variety, grown as aforesaid, packed in a box or carton having inside dimensions of 19¾ x 13½ x 13½ inches, unless such container is packed in accordance with one of the following pack sizes and contains the applicable number of oranges specified for the pack size: *Provided,* Such oranges are within the diameter limits specified in subdivision (iii) of this subparagraph for the particular pack size, except that not to exceed a total of 10 percent, by count, of the oranges in any such container may be outside such diameter limits:

Pack sizes:	Number of oranges
100	100
125	125
163	163
200	198
252	252
324	319

(v) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(vi) The provisions of subdivisions (iii) and (iv) of this subparagraph shall not apply to the oranges in any gift package of fruit.

All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container regulations which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 29, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–8819, Filed Aug. 30, 1962; 8:45 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Expenses of Date Administrative Committee for the 1962–63 Crop Year and Rate of Assessment; Operating Monetary Reserve

Notice was published in the August 16, 1962, issue of the FEDERAL REGISTER (27 F.R. 8182) regarding a proposal to approve expenses of the Date Administrative Committee for the 1962–63 crop year, fix the rate of assessment for that crop year and establish an operating monetary reserve, pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 27 F.R. 6818), regulating the handling of domestic dates produced or packed in a designated area of California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the time prescribed therefor.

After consideration of all relevant matters presented, including those in the notice and the information and recommendations submitted by the Date Administrative Committee, and other available information, it is hereby found and determined that the expenses of the Date Administrative Committee for the crop year beginning August 1, 1962, the rate of assessment for that crop year, and the establishment of an operating monetary reserve shall be as follows:

§ 987.307 Expenses of the Date Administrative Committee and rate of assessment for the 1962–63 crop year; operating monetary reserve.

(a) *Expenses.* Expenses (including $2,500 for the maintenance of an operating monetary reserve fund) in the amount of $42,630 are reasonable and likely to be incurred by the Date Administrative Committee during the crop year beginning August 1, 1962, for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the crop year beginning August 1, 1962, which each handler is required to pay in accordance with § 987.72 of the marketing agreement, as amended, and this part, to the Date Administrative Committee as his pro rata share of the Committee's expenses is hereby fixed at 17 cents per hundredweight of free dates he handles or has certified for handling or for further processing during such crop year.

(c) *Operating monetary reserve.* The establishment of the operating monetary reserve permitted by § 987.72(c) is hereby approved. The Committee is authorized to place in such reserve for the crop year beginning August 1, 1962, not to exceed $2,500 of the assessments collected pursuant to said § 987.72 and this section. Funds in such reserve are available for use in accordance with said § 987.72(c).

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said marketing agreement and this part require that a rate of assessment fixed for a particular crop year shall be applicable to all dates handled or certified for handling or for further processing during such year; (2) the current crop year began on August 1, 1962, and the rate of assessment herein fixed will automatically apply to all such dates beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 28, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division.

[F.R. Doc. 62–8773; Filed, Aug. 30, 1962; 8:51 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Office of Emergency Planning

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) is added to paragraph (f) of § 6.321 as set out below.

§ 6.321 Office of Emergency Planning.

• • • • • •

(f) *Office of Liaison and Public Affairs.*

• • •

(3) Chief, Information Division.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-8751; Filed, Aug. 30, 1962; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Baldwin, Barbour, Blount, Calhoun, Chambers, Cherokee, Clay, Cleburne, Coffee, Coosa, Covington, Cullman, Dale, De Kalb, Escambia, Etowah, Geneva, Henry, Houston, Jackson, Lauderdale, Lee, Limestone, Macon, Madison, Marshall, Morgan, Randolph, Russell, St. Clair, Talladega, and Tallapoosa Counties;

Arizona. The entire State;

Arkansas. The entire State;

California. Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba Counties;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Idaho. The entire State;

Illinois. Alexander, Bond, Boone, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Greene, Grundy, Hamilton, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McHenry, McLean, Macon, Macoupin, Madison, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Perry, Piatt, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Salina, Sangamon, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Washington, Wayne, White, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana. The entire State;

Iowa. Audubon, Boone, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Greene, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

Kansas. Allen, Anderson, Atchison, Barber, Barton, Brown, Cheyenne, Clark, Clay, Cloud, Comanche, Decatur, Dickinson, Ellis, Finney, Ford, Franklin, Geary, Gove, Graham, Gray, Greeley, Hamilton, Harper, Harvey, Haskell, Hodgeman, Jefferson, Johnson, Kearney, Kingman, Kiowa, Lane, Leavenworth, Lincoln, Linn, Logan, Marshall, Meade, Miami, Mitchell, Morris, Morton, Nemaha, Norton, Osage, Osborne, Pawnee, Phillips, Pratt, Rawlins, Reno, Rice, Riley, Rooks, Rush, Russell, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Thomas, Trego, Wallace, Wichita, and Wyandotte Counties;

Kentucky. Allen, Anderson, Ballard, Barren, Boone, Boyd, Bracken, Breathitt, Breckinridge, Butler, Calloway, Campbell, Carlisle, Carroll, Carter, Clay, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Elliott, Estill, Floyd, Franklin, Fulton, Gallatin, Grant, Graves, Green, Greenup, Hardin, Harlan, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jackson, Jefferson, Johnson, Kenton, Knott, Knox, Larue, Laurel, Lawrence, Leslie, Letcher, Lewis, Lincoln, Livingston, Logan, McCracken, McCreary, McLean, Magoffin, Marion, Marshall, Martin, Mason, Meade, Menifee, Mercer, Metcalfe, Monroe, Morgan, Muhlenberg, Nelson, Ohio, Oldham, Owen, Pendleton, Perry, Pulaski, Robertson, Rockcastle, Rowan, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster, Whitley, and Wolfe Counties;

Louisiana. Ascension, Assumption, Claiborne, St. Helena, St. James, St. John the Baptist, Tangipahoa, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Choctaw, Covington, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lowndes, Marion, Monroe, Neshoba, Newton, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. Adair, Barry, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Case, Cedar, Christian, Clark, Cole, Crawford, Dade, De Kalb, Dent, Douglas, Dunklin, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Iron, Jackson, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Madison, Maries, Marion, Mercer, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Ozark, Pemiscot, Perry, Pettis, Phelps, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, Ste. Genevieve, St. Louis, Saline, Scotland, Scott, Shannon, Shelby, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, and Wright Counties;

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska. Adams, Banner, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Grand Forks, Grant, Griggs, Hettinger, Kidder, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Butler, Carroll, Champaign, Clark, Clinton, Columbiana, Coshocton, Crawford, Guyahoga, Darke, Defiance, Delaware, Fayette, Franklin, Fulton, Greene, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Jackson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Canadian, Choctaw, Cimarron, Delaware, Grant, Mayes, Nowata, and Ottawa Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Brookings, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Harding, Lawrence, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Turner, Union, and Walworth Counties, and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Andrews, Bailey, Bandera, Baylor, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Cameron, Childress, Cochran, Coke, Coleman, Comal, Concho, Cottle, Crane, Crockett, Crosby, Culbarson, Dallam, Dawson, Ector, Edwards, El Paso, Fisher, Gaines, Gillespie, Glasscock, Hardeman, Hartley, Haskell, Hays, Hidalgo, Howard, Hudspeth, Irion, Jeff Davis, Kendall, Kerr, Kimble, King, Kinney, Lampasas, Lipscomb, Llano, Loving, McCulloch, Martin, Mason, Menard, Midland, Mills, Mitchell, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor, Terrell, Throckmorton, Tom Green, Upton, Val Verde, Ward, Winkler, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Lincoln, Niobrara, Park, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis area because it has been determined that such areas come within the definition of § 78.1(i): Clear Creek, Gilpin, and Jefferson Counties in Colorado; Calhoun County in Illinois; Anderson, Atchison, Brown, Cloud, Ellis, Hodgeman, Lincoln, Pratt, Seward, and Stafford Counties in Kansas; Daviess County in Kentucky; Tangipahoa Parish in Louisiana; Benton, Covington, and Monroe Counties in Mississippi; Boone, Caldwell, Douglas, Johnson, Moniteau, Putnam, Ray, and Wright Counties in Missouri; Hayes, Kearney, and Phelps Counties in Nebraska; Lawrence and Morgan Counties in Ohio; Canadian County in Oklahoma; and McCook County and Crow Creek Indian Reservation in South Dakota.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 278.1(i): Daviess, Platte, and Stoddard Counties in Missouri.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of August 1962.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 62-8775; Filed, Aug. 30, 1962; 8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8163 o.]

PART 13—PROHIBITED TRADE PRACTICES

American Oil Co.

Subpart—Discriminating in price under section 2, Clayton Act—Price Discrimination under 2(a): § 13.715 *Charges and price differentials.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1537; 15 U.S.C. 13) [Cease and desist order, American Oil Company, New York, N.Y., Docket 8163, June 27, 1962]

Order requiring the distributor of "Amoco" and "American" gasoline, selling its products throughout some 25 states, to cease discriminating in price in violation of section 2(a) of the Clayton Act by such practices as its selling of gasoline in October 1958 to certain dealers in and around Smyrna, Marietta, and Rome, Ga., at prices lower than those it charged their competitors.

The order to cease and desist is as follows:

It is ordered, That respondent, The American Oil Company, a corporation, its officers, directors, agents, representatives, or employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of gasoline in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Discriminating in price by selling products of like grade and quality to any purchaser at prices higher than those granted other purchasers who in fact compete with the nonfavored purchaser in the resale or distribution of respondent's products.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent, The American Oil Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 27, 1962.

By the Commission, Commissioner Elman dissenting.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8755; Filed, Aug. 30, 1962; 8:48 a.m.]

[Docket C-168]

PART 13—PROHIBITED TRADE PRACTICES

Morris Greenbaum et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1680 *Manufacture or preparation.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(a) *Maker or seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Morris Greenbaum et al. trading as Morris Greenbaum & Bro., New York, N.Y., Docket C-168, July 13, 1962]

In the Matter of Morris Greenbaum, Jacob Greenbaum and Nathan Greenbaum, Individually and as Co-Partners Trading as Morris Greenbaum & Bro.

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by failing to show on labels the true animal name of fur used in a fur product and the identification of the manufacturer, etc.; failing to show on labels and invoices when fur was artificially colored; invoicing as natural, furs which were bleached, dyed, etc.; and furnishing false guaranties that certain of their fur products were not misbranded.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Morris Greenbaum, Jacob Greenbaum and Nathan Greenbaum, individually and as co-partners trading as Morris Greenbaum & Bro. or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution, of any fur product which has been made in whole or in part of

fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing directly or by implication, on labels that the fur contained in fur products is natural, when such is not the fact.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Representing directly or by implication on invoices that the fur contained in fur products is natural, when such is not the fact.

B. Failing to furnish invoices to purchasers of fur products showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

3. Furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 13, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8756; Filed, Aug. 30, 1962; 8:49 a.m.]

[Docket C-167]

PART 13—PROHIBITED TRADE PRACTICES

Regent Games, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin:* § 13.1325-70 *Place.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* § 13.1900-35 *Foreign product as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Regent Games, Inc., et al., New York, N.Y., Docket C-167, July 13, 1962.]

In the Matter of Regent Games, Inc., a Corporation, and Popular Sports, Inc., a Corporation, and Irving Lawner, and Joseph Lipman, Individually and as Co-Partners Trading as Regent Sports Co., and as Officers of Each of Said Corporations

Consent order requiring affiliated distributors of sporting goods and games in New York City, to cease setting forth in catalogues as customary retail prices, amounts in excess of usual selling prices in the trade areas concerned; and selling badminton sets comprised of various items on which the name of the foreign country of origin was set forth inconspicuously on their wrappings and with only the address of an American company on the outer container.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Regent Games, Inc., a corporation, and its officers, and Popular Sports, Inc., a corporation, and its officers, and Irving Lawner and Joseph Lipman, individually and as co-partners trading as Regent Sports Co. and as officers of each of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sporting goods, games or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any amount is the usual and customary price of merchandise in the trade area or areas where the representations are made when it is in excess of the generally prevailing price or prices at which said merchandise is sold in said trade area or areas.

2. Representing, directly or indirectly, in advertising or in labeling that products manufactured in any foreign country are manufactured in the United States.

3. Offering for sale or selling products which are, in whole or in substantial part, of foreign origin, without clearly and conspicuously disclosing on such products the country of origin thereof, and if the products are enclosed in a package or carton, clearly and conspicuously disclosing on such package or carton that all or a part of the contents thereof are imported and that the country of origin of foreign made products is set forth on each said product.

4. Furnishing or otherwise placing in the hands of retailers or dealers in said products the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 13, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8757; Filed, Aug. 30, 1962; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

PART 125—SCREENING THE READY RESERVE UNDER THE PROVISIONS OF SECTION 271, TITLE 10, UNITED STATES CODE

Revision

The Secretary of Defense approved the following revision of Part 125. Appendixes A and B published at 21 F.R. 3251 remain unchanged.

Sec.
125.1 Purpose.
125.2 Policy.
125.3 Regulations.
125.4 Ministerial Students.
125.5 Persons who become liable for induction if screened into the Standby Reserve.
125.6 Reservists Transferred to Standby Reserve.
125.7 Reports to the Secretary of Defense.

AUTHORITY: §§ 125.1 to 125.7 issued under R.S. 161; 5 U.S.C. 22. Interpret or apply sec. 208, 69 Stat. 598, 599; secs. 269, 273, 70A Stat. 12, 13; 50 U.S.C. 928, 10 U.S.C. 269, 273.

§ 125.1 Purpose.

This part provides the Military Departments with policy and regulations for screening the Ready Reserve.

§ 125.2 Policy.

(a) Each Service shall continuously screen its Ready Reserve in peacetime in order to provide a Ready Reserve composed of individuals (1) who meet Service standards of mental, moral, professional and physical fitness, and possess the required military qualifications in the various ranks, grades, ratings, and specialties and (2) who are immediately available for military service during a national emergency without seriously impairing production and research vital to the national military effort, or activities necessary to the maintenance of the national health, safety or interest, or without creating extreme personal or community hardship.

(b) In selecting members of the Ready Reserve to be transferred to the Standby Reserve who are otherwise equally eligible for transfer under the criteria established herein, the Service concerned shall accord preference for transfer in the following order: (1) Those who have participated in combat; and (2) those with the least remaining obligated service in the Ready Reserve.

§ 125.3 Regulations for screening the Ready Reserve.

Screening of the Ready Reserve shall be in accordance with the provisions of section 271, Title 10, United States Code and Executive Order 10651 and the following implementing instructions. Citations refer to specific paragraphs in Executive Order 10651.

(a) *Reference paragraph 2(a)—fulfilled Ready Reserve obligation.* Members of the Ready Reserve who have completed their ready reserve obligation will be transferred to the Standby Reserve as provided for by Part 115 of this chapter.

(b) *Reference paragraph 3—extreme hardship.* Positive action shall be taken to insure that all Ready Reservists are informed of the provisions of paragraph 3, Executive Order 10651, and the following implementing instructions relative to hardship:

(1) *Extreme personal hardship.* An individual desiring transfer from the Ready Reserve to the Standby Reserve must establish by documentary evidence that his dependents would, by his call to active duty in an emergency, suffer extreme hardship greater than that which dependents of other Reservists can be expected to experience from the Reservist's order to active duty. In order to insure a uniform standard, the criteria established by the Services should conform generally with current Selective Service regulations on extreme hardship deferment. (See § 1622.30 (b) and (c)(1) of this title (Selective Service regulations).) In those cases where the Reservist is registered with Selective Service, documentary evidence may include a recommendation by the State Director of Selective Service of the State in which the registrant's Local Board is located. Requests for consideration under this paragraph must be initiated by the Reservist or by his dependents.

(2) *Extreme community hardship.* An individual desiring transfer from the Ready Reserve to the Standby Reserve must establish by documentary evidence that his withdrawal from the community in a national emergency would have a substantially adverse effect on the health, safety or welfare of the community. In those cases where the Reservist is registered with Selective Service, documentary evidence may include a recommendation by the State Director of Selective Service of the State in which the registrant's Local Board is located. Requests for consideration under this paragraph must be initiated by the Reservist.

(c) *Reference paragraph 4—critical military skills and critical civilian occupations*—(1) *Critical military skills.* (i) A critical military skill is one appearing on the list of Critical Military Skills for Use in Screening the Ready Reserve, published by the Department of Defense. This list is subject to periodic revision.

(ii) The criteria used in establishing the List of Critical Military Skills are as follows:

(a) The military skill must be indispensable to the success of the Ready Reserve Mobilization mission.

(b) A long period of mobilization-accelerated training in the Reservist's individual military specialty to include prerequisite specialty training (totalling at least 6 months) must be needed to develop the degree of skill required.

(c) An appreciable shortage (at least 10 percent of Ready Reserve requirements) of available personnel with the skill exists or is anticipated.

(iii) The DOD List will be revised from time to time by the Assistant Secretary of Defense (Manpower), as necessitated by changes in the military missions and manpower requirements of the Services.

(iv) The Military Departments may furnish special justification for those skills which in their judgment should be included on the List of Critical Military Skills where manning circumstances justify a deviation from the above criteria.

(v) To the maximum extent possible, Military Departments will utilize overages in critical military skills in one geographical area to meet the requirements for such skills in other areas.

(2) *Critical civilian occupations.* (i) The Department of Labor has issued a List of Critical Civilian Occupations for Screening the Ready Reserve. This list was developed by an Interagency Committee on which the Department of Defense is represented, and is subject to periodic revision.

(ii) To the extent that such assistance may be needed, authority is granted the Services to request the technical advice of the Department of Labor's affiliated State Employment Service Offices in classifying the civilian occupations of particular individual Reservists, other than Farm Operators and Assistants. There are some 1,800 full-time and 2,100 part-time Employment Service Offices located in communities throughout the country. The County Agricultural Stabilization and Conservation Committees of the Department of Agriculture may be used in a similar manner with respect to Farm Operators and Assistants. These committees, which exist in all agricultural counties in the country, generally have their headquarters in the county seats.

(3) *Utilization of Volunteers with Critical Civilian Occupations.* A Ready Reservist with a critical civilian occupation in excess of requirements in the Ready Reserve who has been selected for transfer to the Standby Reserve in accordance with paragraphs 4 and 7 of the Executive Order, and who then volunteers to remain in the Ready Reserve, under the provisions of Part 115 CFR of this chapter, shall be given a military assignment utilizing his critical civilian occupation. If no military requirement exists for his critical civilian occupation and he possesses another critical military skill, he shall be utilized in that skill. If no requirement exists for him in a critical civilian occupation or in a critical military skill, he shall be utilized, insofar as possible, in a related military assignment.

(d) *Reference paragraph 5—apprentices and students.*

(1) Ready Reservists who are apprentices or students shall be transferred to the Standby Reserve in accordance with the following regulations except that no person shall be transferred hereunder who (i) has not had active duty, other than for training, of at least twelve (12) months, (ii) possesses a critical military skill, or (iii) volunteers to remain in the Ready Reserve and executes a written agreement to remain in such Reserve for a minimum period of one year, as provided in Part 115 of this chapter.

(*a*) *Apprentices.* Ready Reservists who are undergoing apprenticeship training in critical civilian occupations appearing in Department of Labor List of Critical Occupations for Screening the Ready Reserve, in such numbers as are in excess of the requirements for the Ready Reserve for such occupations, and who meet the standards and requirements described in Appendix A shall be transferred to the Standby Reserve. At such time as the Reservist ceases to qualify for consideration as an apprentice under these regulations, he should be considered for transfer to the Ready Reserve.

(*b*) *Students.* Ready Reservists who are students in colleges or universities pursuing studies that will qualify them for critical civilian occupations appearing in Department of Labor List of Critical Occupations for Screening the Ready Reserve and who meet the standards and requirements described in Appendix B shall be transferred to the Standby Reserve. Excluded from consideration are those students enrolled or enlisted in programs leading to appointment to commissioned rank. At such time as the Reservist ceases to qualify for consideration as a student under these regulations, he should be considered for transfer to the Ready Reserve.

§ 125.4 Ministerial students.

Any Ready Reservist who is preparing for the ministry in a recognized theological or divinity school shall be transferred to the Standby Reserve unless he executes a written agreement to remain in the Ready Reserve for a minimum of one year, as provided in Part 115 of this chapter.

§ 125.5 Persons who become liable for induction if screened into the Standby Reserve.

Certain persons, such as persons covered by section 6(c)(2)(A) of the Universal Military Training and Service Act (50 App. U.S.C. 456(c)(2)(A)), are exempted or deferred from induction so long as they serve satisfactorily as members of organized units. Since these persons cannot be screened to the Standby Reserve under certain circumstances without losing their exemptions or deferments, they shall be informed of this fact if they become qualified for transfer to the Standby Reserve and be given an opportunity to volunteer to remain in the Ready Reserve, if qualified.

§ 125.6 Reservists transferred to Standby Reserve.

Separate instructions govern the administrative actions involved in the transfer of individuals to the Standby

Reserve. These instructions include the procedures which Selective Service and the Military Departments follow when Ready Reservists are transferred to the Standby Reserve. They also describe the type of information which will have to be forwarded by the Military Departments to Selective Service upon such transfer.

§ 125.7 Reports to the Secretary of Defense.

In order that the Secretary of Defense may review progress of the screening of the Ready Reserve, and report to the President as required by paragraph 10 of Executive Order 10651, semiannual reports of the status of the screening operations will be required of each Military Department in accordance with DOD Instruction 7730.16, "Reserve Personnel Report".

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 62-8750; Filed, Aug. 30, 1962; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 62-25]

DESCRIPTIONS OF CERTAIN MARINE INSPECTION ZONE BOUNDARIES AND CAPTAIN OF THE PORT AREAS, AND VESSEL TRAFFIC IN WEST NEEBISH CHANNEL, ST. MARYS RIVER, MICH.

The amendments to 33 CFR 3.45-30 and 3.45-35 revise the language used in describing the boundaries for Ludington and Milwaukee Marine Inspection Zones, but no change is made in the areas comprising these zones. The amendments to 33 CFR 3.10-75, and 3.45-55 to 3.45-97, inclusive, revise the areas under the administration of various Captains of the Port whose offices are in Louisville, Buffalo, Chicago, Cleveland, Detroit, Duluth, Ludington, Milwaukee, Oswego, Sault Ste. Marie, and Toledo. The change to 33 CFR 67.50-45(a) substitutes a reference to the correct description so that this section will be similar to the others in the same subpart.

Amendments revising procedures followed after the reopening of the West Neebish Channel to vessel traffic were published in the FEDERAL REGISTER, April 4, 1962 (27 F.R. 3200, 3201). Several changes were made to the regulations in 33 CFR Part 92 which included the procedures to be followed when the West Neebish Channel may be temporarily closed. The revised wording of 33 CFR 92.19(a) has been questioned and some people have assumed the West Neebish Channel is still closed. The amendment in this document to 33 CFR 92.19(a) states that procedures provided therein shall apply in the event the Channel is temporarily closed. The Pilot Island Range referred to in 33 CFR 92.65 has been discontinued, and the amendment to this section brings up to date required references.

Because the regulations in this document are rules describing Coast Guard organization, procedures, or editorial corrections concerning references to aids to navigation, it is hereby found that the Coast Guard is exempt from compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule-making procedures thereon, and effective date requirements).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-3 dated May 6, 1953 (18 F.R. 2962), 167-15 dated January 30, 1955 (20 F.R. 840), 167-17 dated June 25, 1955 (20 F.R. 4976), and 167-23 dated July 27, 1956 (21 F.R. 5852), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall be in effect on and after the date of publication in the FEDERAL REGISTER:

SUBCHAPTER A—GENERAL

PART 3—COAST GUARD DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Subpart 3.10—Second Coast Guard District

1. Section 3.10-75 is amended to read as follows:

§ 3.10-75 Louisville Captain of the Port.

(a) The Louisville Captain of the Port Office is in Louisville, Kentucky.

(b) The Louisville Captain of the Port area comprises all navigable waters of the United States and contiguous land areas of the Ohio River from Mile 595.0 to Mile 615.0.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Subpart 3.45—Ninth Coast Guard District

2. Section 3.45-30(b) is amended to read as follows:

§ 3.45-30 Ludington Marine Inspection Zone.

* * * * *

(b) The Ludington marine inspection zone boundary starts at 42°30' N. latitude and 87° W. longitude; thence due east to 84°45' W. longitude; thence due north to 45° N. latitude; thence northwesterly to 45°20' N. latitude and 86°11' W. longitude; thence southwesterly to 44°30' N. latitude and 87° W. longitude; thence due south to 42°30' N. latitude.

3. Section 3.45-35(b) is amended to read as follows:

§ 3.45-35 Milwaukee Marine Inspection Zone.

* * * * *

(b) The Milwaukee marine inspection zone boundary starts at 42°30' N. latitude and 90° W. longitude; thence due east to 87° W. longitude; thence due north to 44°30' N. latitude; thence northeasterly to 45°33' N. latitude and 85°56' W. longitude; thence due west to 88° W. longitude; thence due north to 46°20' N. latitude; thence due west to 90° W. longitude; thence due south to 42°30' N. latitude.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

4. Sections 3.45-55 to 3.45-97, inclusive, are amended to read as follows:

Sec.
3.45-55 Buffalo Captain of the Port.
3.45-60 Chicago Captain of the Port.
3.45-65 Cleveland Captain of the Port.
3.45-70 Detroit Captain of the Port.
3.45-75 Duluth Captain of the Port.
3.45-80 Ludington Captain of the Port.
3.45-85 Milwaukee Captain of the Port.
3.45-90 Oswego Captain of the Port.
3.45-95 Sault Ste. Marie Captain of the Port.
3.45-97 Toledo Captain of the Port.

AUTHORITY: §§ 3.45-55 to 3.45-97 issued under sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.S. 1002, 14 U.S.C. 633.

§ 3.45-55 Buffalo Captain of the Port.

(a) The Buffalo Captain of the Port Office is in Buffalo, New York.

(b) The Buffalo Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From the Canadian border in Lake Erie at 80°17' W. longitude; thence southeast to 41° N. latitude and 80° W. longitude; thence due east to 79° W. longitude; thence north to 42° N. latitude; thence east to 77°28' W. longitude; thence due north to the Canadian border; thence west along the Canadian border to 80°17' W. longitude.

§ 3.45-60 Chicago Captain of the Port.

(a) The Chicago Captain of the Port Office is in Chicago, Illinois.

(b) The Chicago Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From the Illinois, Wisconsin State line and 90° W. longitude; thence due east to 84°45' W. longitude; thence due south to 41° N. latitude; thence due west to 90° W. longitude; thence due north to the Illinois, Wisconsin State line.

§ 3.45-65 Cleveland Captain of the Port.

(a) The Cleveland Captain of the Port Office is in Cleveland, Ohio.

(b) The Cleveland Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From the Canadian border in Lake Erie at 82°25' W. longitude; thence due south to 41° N. latitude; thence due east to 80° W. longitude; thence northwest to 80°17' W. longitude on the Canadian border; thence west along the Canadian border to 82°25' W. longitude.

§ 3.45-70 Detroit Captain of the Port.

(a) The Detroit Captain of the Port Office is in Detroit, Michigan.

(b) The Detroit Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From 84°45' W. longitude and 42° N. latitude; thence due east to the Canadian border; thence north along the Canadian border to 45° N. latitude; thence due west to 84°45' W. longitude; thence due south to 42° N. latitude.

§ 3.45-75 Duluth Captain of the Port.

(a) The Duluth Captain of the Port Office is in Duluth, Minnesota.

(b) The Duluth Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From the intersection of the Red River of the North and 46°20' N. latitude; thence due east to 89° W. longitude; thence due north to 47°30' N. latitude; thence northwesterly to the intersection of the Canadian border with 89°30' W. longitude; thence westward along the Canadian border to its intersection with the Red River of the North, thence south along the river's course to 46°20' N. latitude.

§ 3.45-80 Ludington Captain of the Port.

(a) The Ludington Captain of the Port Office is in Ludington, Michigan.

(b) The Ludington Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From 42°30' N. latitude and 87° W. longitude; thence due east to 84°45' W. longitude; thence due north to 45° N. latitude; thence northwesterly to 45°20' N. latitude and 86°11' W. longitude; thence southwesterly to 44°30' N. latitude and 87° W. longitude; thence due south to 42°30' N. latitude.

§ 3.45-85 Milwaukee Captain of the Port.

(a) The Milwaukee Captain of the Port Office is in Milwaukee, Wisconsin.

(b) The Milwaukee Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From 42°30' N. latitude and 90° W. longitude; thence due east to 87° W. longitude; thence due north to 44°30' N. latitude; thence northeasterly to 45°33' N. latitude and 85°56' W. longitude; thence due west to 88° W. longitude; thence due north to 46°20' N. latitude; thence due west to 90° W. longitude; thence due south to 42°30' N. latitude.

§ 3.45-90 Oswego Captain of the Port.

(a) The Oswego Captain of the Port Office is in Oswego, New York.

(b) The Oswego Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From the Canadian border in Lake Ontario at 77°28' W. longitude; thence due south to 42° N. latitude; thence due east to 74°40' W. longitude; thence due north to the Canadian border; thence west and south along the Canadian border to 77°28' W. longitude.

§ 3.45-95 Sault Ste. Marie Captain of the Port.

(a) The Sault Ste. Marie Captain of the Port Office is in Sault Ste. Marie, Michigan.

(b) The Sault Ste. Marie Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From Detour Reef Light southeast (135°) to the Canadian border; thence northerly along the Canadian border to the 85° W. longitude; thence due south to the 46°10' N. latitude; thence due east to the 84°30' W. longitude; thence southeasterly to Detour Reef Light.

§ 3.45-97 Toledo Captain of the Port.

(a) The Toledo Captain of the Port Office is in Toledo, Ohio.

(b) The Toledo Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From 84°45' W. longitude and 42° N. latitude; thence due south to 41° N. latitude; thence due east to 82°25' W. longitude; thence due north to the Canadian border in Lake Erie; thence northwest along the Canadian border to 42° N. latitude; thence due west to 84°45' W. longitude.

SUBCHAPTER C—AIDS TO NAVIGATION

PART 67—PRIVATE AIDS TO NAVIGATION, OUTER CONTINENTAL SHELF AND WATERS UNDER THE JURISDICTION OF THE UNITED STATES

Subpart 67.50—District Regulations

Section 67.50-45(a) is amended to read as follows:

§ 67.50-45 Thirteenth Coast Guard District.

(a) *Description.* See § 3.65-1 of this chapter.

(Sec. 633, 63 Stat. 545, sec. 4, 67 Stat. 462; 14 U.S.C. 633, 43 U.S.C. 1333)

SUBCHAPTER E—NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARYS RIVER

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS; ST. MARYS RIVER, MICHIGAN

Section 92.19(a) is amended to read as follows:

§ 92.19 Temporary closure of West Neebish Channel.

(a) In the event the West Neebish Channel is temporarily closed to navigation (due to dredging, grounding of vessels, or other reasons), the resulting two-way navigation will pass through the Middle Neebish, Munuscong, and Sailors Encampment Channels. The closure and obstruction signals shall be shown from Lookout Stations Nos. 4, 3, and 1.

(Secs. 1-3, 29 Stat. 54-55, as amended; 33 U.S.C. 474)

Section 92.65 is amended to read as follows:

§ 92.65 Vessels going in the same direction; when passing prohibited.

No vessel shall pass or attempt to pass another vessel bound in the same direction, when such passing would bring more than two vessels abreast in any of the passages between Lake Munuscong Junction Lighted Bell Buoy in Upper Lake Munuscong and Big Point in the upper St. Marys River, except that such passing is permitted between Little Rapids Cut Lighted Buoy No. 105 and the St. Marys Falls Canal.

(Secs. 1-3, 29 Stat. 54-55, as amended; 33 U.S.C. 474)

Dated: August 22, 1962.

[SEAL] D. McG. MORRISON,
Vice Admiral, U.S. Coast Guard
Acting Commandant.

[F.R. Doc. 62-8754; Filed, Aug. 30, 1962; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart C—Servicemen's Indemnity

FORFEITURE

In § 3.1816, paragraph (c) is amended to read as follows:

§ 3.1816 Forfeiture.

* * * * *

(c) *Beneficiary; fraud, treasonable acts or subversive activities.* A forfeiture of gratuitous benefits by a beneficiary under §§ 3.901, 3.902 or 3.903 is applicable to payments of servicemen's indemnity.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 31, 1962.

[SEAL] A. T. MCANSH,
Acting Associate
Deputy Administrator.

[F.R. Doc. 62-8761; Filed, Aug. 30, 1962; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9-55—JUSTIFICATION AND DOCUMENTATION OF PROCUREMENT ACTIONS

Part 9-55 is added to read as follows:

Sec.
9-55.000 Scope of part.
9-55.001 Applicability.

Subpart 9-55.1 Justification of Procurement

9-55.100 Scope of subpart.
9-55.101 Formal advertising.
9-55.102 Negotiated procurements.
9-55.102-1 Applicability.
9-55.102-2 Justification of negotiated contracts and subcontracts.
9-55.102-3 Procurement by cost-type contractors—exceptions.

Subpart 9-55.2 Documentation

9-55.200 Scope of subpart.
9-55.201 Procurement files.
9-55.202 Documentation of negotiated contracts and subcontracts.
9-55.203 Documentation of procurement through formal advertising.
9-55.204 Approval files—cost-type contractor procurement.

AUTHORITY: §§ 9–55.100 to 9–55.204 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486.

§ 9–55.000 Scope of part.

This part sets forth the administrative requirements for the justification of AEC procurement actions for equipment, supplies, and services (including construction) and for the establishment and maintenance of complete files of documents in support of AEC procurement actions, whether formally advertised or negotiated.

§ 9–55.001 Applicability.

This part applies to AEC direct procurement actions. Contracting officers shall require AEC cost-type contractors to follow policies and procedures similar to those set forth in this part.

Subpart 9–55.1 Justification of Procurements

§ 9–55.100 Scope of subpart.

This subpart sets forth the type of information required for justification of procurements by AEC and its cost-type contractors through formal advertising or by negotiation.

§ 9–55.101 Formal advertising.

Justification for formally advertised procurements shall consist of the information required by § 9–55.202.

§ 9–55.102 Negotiated procurements.

Justification for negotiated procurements shall consist of a compilation, in written form, of all data with respect to a proposed procurement upon which it has been determined that such procurement is in the best interest of the Government.

§ 9–55.102–1 Applicability.

This section is applicable to all negotiated contracts (including letters of intent or letter contracts), subcontracts under cost-type contracts, and modifications thereof involving additional supplies or services, to the extent indicated in the following §§ 9–55.102–2 and 9–55.102–3. It is not applicable to: (a) Orders for $2,500 or less, (b) orders against Federal Supply Schedules, (c) orders placed against other Government agencies, (d) orders placed against other AEC offices, and (e) orders placed by one AEC cost-type contractor against another AEC contractor when the cost of the work will be paid for under the AEC contract held by the contractor receiving the order.

§ 9–55.102–2 Justification of negotiated contracts and subcontracts.

The justification of negotiated contracts, and subcontracts under cost-type contractors required for actions in excess of $100,000 shall be in the form of a narrative statement covering, to the extent applicable to the particular transaction, the general type of information as indicated in paragraphs (a) through (l) of this section. Actions under $100,000 shall be supported by files containing substantially the same information required by paragraphs (a) through (l) of this section. The scope and detail of information to be included in the contract file should generally be determined on the basis of the nature, dollar value, and complexity of the transaction involved.

(a) Name and address of proposed contractor.

(b) Location of plant or work site for performance of the contract.

(c) Contract number, including amendment number if applicable.

(d) Name of price contractor and contract number if procurement action pertains to a subcontract.

(e) Nature of contract action (letter contract, conversion of letter contract, extension of existing contract, etc., as well as type of contract—cost, CPFF, incentive, etc.).

(f) A reference to the program basis for the contract, including scope of the work or description of supplies or services being procured, delivery or construction schedules, period of contract, quantities, unit prices, and total price or estimated cost. If procurement action is a contract modification, show relation to the program under the basic contract and the effect thereof.

(g) A statement justifying the use of negotiation in lieu of formal advertising.

(h) The methods of solicitation employed and the information requested from sources of supplies or services; the distribution and response to such solicitations or requests; and the basis upon which it is concluded that such solicitations or requests were sufficient to assure such full and free competition as is consistent with the procurement of the required supplies or services. This shall include:

(1) A brief summary of request for proposal used as a basis for solicitation;

(2) Number of firms invited to submit proposals and a list of firms quoting together with their respective quotations; and

(3) The reasons for selection of the proposed contractor, when award is to be made to other than the low offeror or there is a wide margin between the acceptable quotation and other quotations received.

(i) The history of negotiations with the proposed contractor, including the consideration given to appropriate factors, and the basis upon which it is concluded that the results of the negotiations are advantageous to the Government. This shall include:

(1) A brief summary of principal points involved in negotiation and the final results thereof, indicating price changes, if any, during negotiations and explanations therefor;

(2) A comparison of the proposed contract with previous procurements of the same or similar supplies or services, including dates of previous procurements, quantities, changes in specifications from last purchase, if any, and justification for changes in price.

(3) For all contracts and subcontracts involving construction and related engineering services, the cost breakdown resulting from contract negotiations which was used to arrive at the total price or estimated cost for fee or profit computation purposes;

(4) For all contracts for the operation or management of AEC facilities on a cost or CPFF basis, a complete explanation of provisions agreed on for reimbursing costs generated elsewhere than at the project site, together with complete justification for fixed fee, if any;

(5) For each supply, production, and research and development contract, an appropriately detailed analysis of cost and price reflecting final negotiation, with suitable consideration of the policies and principles stated in FPR, Part 1–3, AECPR 9–3, and AECPR 9–15.5008, including comments showing appropriate review and evaluation of major elements of cost and price by financial, technical, and other qualified personnel.

(6) Names and locations, when available, of prospective subcontractors and estimated amounts of respective subcontracts which will exceed $100,000;

(7) A statement as to whether the contract will contain any form of price redetermination or escalation, including reasons for inclusion or omission;

(8) General types and value of Government property to be furnished, or already furnished to the proposed contractor and which will be use in performance of the work.

(9) Statement as to whether the financial condition of the proposed contractor is considered satisfactory, whether the contract is to be partly or wholly financed by Government funds, whether guaranteed loans are involved, whether the contractor's accounting system is satisfactory and adequate to furnish information required by AEC under the contract, and whether or not accounts under the contract are to be integrated with AEC accounts (if a performance bond is to be furnished, state name of bonding company and amount of bond);

(10) Statement as to the technical ability and past performance of proposed contractor (if the contractor is presently performing other AEC contracts, state uncompleted contract value, status of work thereunder and the effect of proposed additional contracts or backlog on the proposed contract);

(11) Amount of funds available and encumbered for proposed contract, including appropriation, allotment number, subprogram class and budget item;

(12) Basis for establishing delivery requirements or other performance schedules;

(13) Any other pertinent data in the form of explanations, comments, or comparisons concerning any unusual or new phases of the procurement or negotiations relating thereto (comments or report of the Division of Finance of the Operations Office concerned as to the financial and pricing aspects of the proposed contract should be included under this paragraph. Comment on recent and current contracts of the contractor with other Operations Offices and other Government agencies with particular emphasis on a comparison of business aspects of such contract with the proposed contract): and

(14) In the case of contract actions requiring Washington approval, the name of the AEC negotiator responsible for the transaction together with telephone number and extension (in the case of subcontract actions, requiring Washington approval, give the name and telephone number of the AEC representative at the operations or area office level responsible for reviewing the proposed action).

§ 9–55.102–3 Procurement by cost-type contractors—exceptions.

The requirements of § 9–55.102–2 with respect to justification of negotiated subcontracts are not applicable to contracts and purchase orders, placed by cost-type contractors, which are entered into through procedures similar to those of formal advertising. The exception shall apply only to subcontract actions which meet all of the criteria set forth in paragraphs (a) through (e) of this section.

(a) The purchased item is offered for sale in a normal competitive market. This will usually be the case in standard or semistandard commercial items where keen competition is normally found. Caution should be exercised, however, in relying on comparisons of quotations as indicative of reasonableness of price.

(b) The solicitation of quotations is adequate to assure such full and free competition as is consistent with securing the required supplies and services. In determining the adequacy of the solicitation, the following points should be considered: (1) Prospective suppliers should be given adequate notice and reasonable time in which to submit quotations; (2) the solicitation should not impose conditions or restrictions which would tend to limit competition; and (3) there should be reasonably wide dissemination of information on the pending procurement.

(c) The competition obtained is adequate to assure the reasonableness of prices to be paid.

(d) Award is in the best interest of the Government. As in the case of formally advertised procurements, award may occasionally be made to other than the low offeror. In such instances, the file documentation should roughly parallel that of a comparable prime contract.

(e) The resulting contract will be a fixed-price type without provision for price redetermination; however, escalation may be used. Time and material contracts are not to be considered as a fixed-price type of contracting.

Subpart 9–55.2 Documentation

§ 9–55.200 Scope of subpart.

This subpart sets forth the administrative requirements for the establishment and maintenance of complete files of documents in support of AEC procurement actions for equipment, supplies, and services (including construction), whether formally advertised or negotiated.

§ 9–55.201 Procurement files.

The procurement file shall include copies of all documents, certified if necessary that present a historical record of the facts of the transaction. Basic papers of the procurement file shall be arranged and secured in a logical order so as to facilitate review and audit. A complete file shall be maintained, and the removal of pertinent papers avoided. Bulky material, such as unsuccessful proposals, specifications, drawings, etc., need not be physically kept in the file, but may be filed elsewhere under the case reference number, cross referenced in both files.

§ 9–55.202 Documentation of negotiated contracts and subcontracts.

Files of essential documents for substantially all contracts and modifications made without formal advertising, except files for small purchases (less than $2,500) [see AECPR 9–3.6] shall include the following:

(a) Copy of the procurement directive, requisition or other document upon which the procurement is based;

(b) Justification of negotiation required by § 9–55.102;

(c) Copy of request for proposals, including drawings and specifications when applicable or references thereto;

(d) List of prospective contractors solicited;

(e) Abstract of proposals both oral and written;

(f) Copies of written proposals or confirming quotations received;

(g) The "Findings and Determinations" required by AECPR 9–3;

(h) The basis upon which it has been determined that the contractor was financially and technically able to perform;

(i) Cost breakdown or other appropriate information used to determine reasonableness of price in making award, including a statement on the analysis of the price;

(j) Approval of appropriate reviewing authority when required;

(k) Conformed copy of contract or purchase order with specific reference to any unusual contract provisions and reasons therefor;

(l) Related correspondence; and

(m) Copies of any modifications.

§ 9–55.203 Documentation of procurement through formal advertising.

The file covering a procurement by formal advertising shall include the following:

(a) Copy of the procurement directive, requistion or other document upon which procurement is based;

(b) Copy of the bid invitation;

(c) List of prospective bidders solicited;

(d) Copies of addenda or supplemental notices;

(e) Abstract of bids;

(f) Copy of successful bid;

(g) An evaluation of the reasonableness of the low bid accepted; including a comparison with the independent government cost estimate, if applicable;

(h) Copy of notice of award;

(i) Conformed copy of contract;

(j) Copies of unsuccessful bids;

(k) Copies of any modifications;

(l) Justification for award to other than the low bidder and other circumstances justifying award, such as basis for making the award in case of equal low bids;

(m) If performance or payment bond requirements on lump-sum or unit-price construction contracts and subcontract do not conform to the requirements of AECM 9114, state the reason.

(n) Related correspondence.

§ 9–55.204 Approval files—Cost-type contractor procurement.

A file shall be established in the Field Office which will document each cost-type contractor procurement requiring prior approval by AEC. These files shall include such pertinent and supporting material as may be determined by the Field to adequately reflect the procurement practices and procedures used and the circumstances supporting the particular transaction.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 23d day of August 1962.

For the U.S. Atomic Energy Commission.

JOHN V. VINCIGUERRA,
Director, Division of Contracts.

[F.R. Doc. 62–8737; Filed, Aug. 30, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 2086]

SUBCHAPTER C—AREAS SUBJECT TO SPECIAL LAWS

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

SUBCHAPTER T—SALE, LEASE, OR USE, AND ACQUISITIONS

PART 259—DISPOSAL OF TIMBER AND MINERAL RESOURCES

Miscellaneous Amendments

On page 5770 of the FEDERAL REGISTER of June 19, 1962, there was published a notice and text of a proposed amendment of §§ 115.16, 115.27, 115.28, 115.29, 115.30, 115.31, 259.1, 259.2, 259.8, 259.14, 259.15, 259.16, 259.17, and 259.18 of Title 43, Code of Federal Regulations.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. As the result of comments received within the 30 day period, which were carefully considered, the proposed regulations are hereby adopted with the following changes to clarify the text and are set forth below.

1. The first sentence of §§ 115.27(b) and 259.14(b) is revised.

2. The third sentence of §§ 115.27(b) and 259.14(b) is revised.

3. The second sentence of § 115.28(c)(2) is revised.

4. The second sentence of § 259.15(c)(2) is revised.

In order that the public may promptly receive the benefit of the amendment it shall become effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 24, 1962.

1. Section 115.16 is amended by the addition of a new paragraph designated (g) as follows:

§ 115.16 Definitions.

* * * * *

(g) "Logging unit" means a portion of the cutting area under contract clearly designated or marked by the authorized officer for the purpose of administering optional bonding and payment provisions of the timber sale contract. The total cutting area under contract may not be divided into less than two logging units.

2. Section 115.27 is amended to raise optional bonding limit to $2,500; establish $500 minimum bond on installment contracts valued from $500 to $2,500; delete the present paragraph (b) and substitute therefor provision for the optional cut against the performance bond; and provide for reducing bond below 20 percent of purchase price. As so amended § 115.27 reads as follows:

§ 115.27 Performance bonds.

(a) A minimum performance bond of not less than 20 percent of the total contract price will be required for all contracts of $2,500 or more. A minimum performance bond of not less than $500 will be required for all installment contracts less than $2,500. For cash sales less than $2,500, bond requirements, if any, will be in the discretion of the authorized officer. The performance bond may be:

(1) Bond of a corporate surety shown on the approved list issued by the United States Treasury Department and executed on an approved standard form; or

(2) Personal surety bond, executed on an approved standard form if the authorized officer determines the principals and bondsmen are capable of carrying out the terms of the contract; or

(3) Cash bond; or

(4) Negotiable securities of the United States.

(b) The authorized officer may allow the cutting of timber before payment of the second and subsequent installments as provided in this paragraph. The authorized officer shall designate logging units within the cutting area under contract and assign to them values solely for the purpose of increasing the amount of the performance bond and for payment. The purchaser shall increase the minimum performance bond required by paragraph (a) of this section by an amount equal to the value of the timber on each logging unit and shall obtain written approval of the authorized officer for the adjusted bond prior to cutting any timber on such unit. Cutting authorized in advance of payment shall be limited to one logging unit and the increased amount of the bond shall be used to assure payment for the timber on that unit. Upon payment for the timber on such unit, the increased amount may then be applied to another logging unit subject to any adjustment in the amount of the performance bond to cover the value of timber on such logging unit.

(c) As contract provisions are completed to the satisfaction of the authorized officer, he may, in his discretion, reduce the amount of the performance bond required; *Provided, however,* The amount of the performance bond shall not be reduced below the minimum required by paragraph (a) of this section until payment for the timber sold is complete.

3. Section 115.28 is amended to conform to the provisions of § 115.27(b); permit installment payments on timber sales over $500; provide for payment of total purchase price prior to original expiration date of contract; and delete provision for payment of road right-of-way timber in advance of payment of the second installment. As so amended § 115.28 reads as follows:

§ 115.28 Payments.

(a) Except as provided in § 115.27(b), no part of any timber sold may be cut or removed unless advance payment has been made as provided in the contract.

(b) For sales under $500 the full amount shall be paid prior to or at the time the authorized officer signs the contract. For sales of $500 or more the authorized officer may allow payment by installments as provided in the following paragraph (c) of this section.

(c) Contract installment payments shall be determined by the authorized officer as follows:

(1) *Payment in advance of cutting.* For sales under $100,000 installment payments shall be not less than 10 percent of the total purchase price. For sales of $100,000 or more installment payments shall not be less than $10,000. The first installment shall be paid prior to, or at the time the authorized officer signs the contract. The second installment shall be paid prior to the cutting or removal of the timber sold. Each subsequent installment shall be due and payable without notice when the value of the timber cut or removed equals the sum of all the payments minus the first installment.

(2) *Payment in advance of removal.* The first installment shall be paid in the same manner as provided in subparagraph (1) of this paragraph. If cutting of timber before payment of the second and subsequent installments, as provided by § 115.27(b) is permitted, the amounts of the second and subsequent installment payments shall be based on the authorized officer's determination of the value of the timber located upon the logging units. Payment shall be made for the value of the timber on each logging unit in advance of removal of any timber from such unit.

(d) The total amount of the contract purchase price must be paid prior to expiration of the original time for cutting and removal under the contract. For a cruise sale the purchaser shall not be entitled to a refund even though the amount of timber cut, removed, or designated for cutting may be less than the estimated total volume shown in the contract. For a scale sale, if it is determined after all designated timber has been cut and measured that the total payments made under the contract exceed the total value of the timber measured, such excess shall be refunded to the purchaser within 60 days after such determination is made.

4. Section 115.29 is amended to provide for coincidental expiration of the time for cutting and removal and provides that time for cutting and removal shall not exceed a period of thirty months. As so amended § 115.29 reads as follows:

§ 115.29 Time for cutting and removal.

Time for cutting and removal of timber sold shall not exceed a period of thirty months except that such time for cutting and removal may be extended as provided in § 115.30.

5. Section 115.30 is amended to conform to the provisions of § 115.29. As so amended § 115.30 reads as follows:

§ 115.30 Extension of time.

If the purchaser shows that his delay in cutting or removal was due to causes beyond his control and without his fault or negligence, the authorized officer may grant an extension of time, not to exceed one year, upon written request of the purchaser. Such written request must be received not later than thirty (30) days prior to the expiration date of the time for cutting and removal but not earlier than ninety (90) days prior thereto. Additional extensions may be granted if the purchaser submits a written request not later than thirty (30) days prior to the expiration date of an extension but not earlier than ninety (90) days prior thereto. No extension may be granted without reappraisal as provided in § 115.31.

6. Section 115.31 is amended to clarify reappraisal procedures. As so amended § 115.31 reads as follows:

§ 115.31 Reappraisal.

(a) If an extension is granted as provided in § 115.30, the timber sold shall be reappraised by the authorized officer. In making the reappraisal, the authorized officer shall use the Bureau of Land Management's prescribed procedures.

(b) For a cruise sale the timber sold remaining on the contract area shall be reappraised for the purpose of computing the reappraised total purchase price. The reappraised total purchase price shall not be less than the total purchase price established by the contract or previous extension. The reappraised total purchase price shall be paid in advance as a condition of granting an extension.

(c) For a scale sale each species of timber remaining on the contract area shall be reappraised. The reappraised unit price for each species shall be effective for the remaining life of the contract; *Provided, however,* The reappraised unit price for each species shall not be less than the unit price established by the contract or previous extension.

(Sec. 5, 50 Stat. 875; 43 U.S.C. 1181e)

7. Section 259.1(a) is amended to change and clarify the wording of the last sentence. As so amended § 259.1(a) reads as follows:

§ 259.1 Statutory authority.

(a) The act of July 31, 1947 (61 Stat. 681), as amended by the act of July 23, 1955 (69 Stat. 367; U.S.C. 601 et seq.) authorizes the disposal of timber on public lands of the United States, if the disposal of such timber (1) is not otherwise expressly authorized by law including, but not limited to, the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315), as amended, and the United States mining laws, (2) is not expressly prohibited by laws of the United States, and (3) would not be detrimental to the public interest. The act authorizes the United States, its permittees, and licensees to use so much of the surface of any unpatented mining claim located under the mining laws of the United States after July 23, 1955, as may be necessary for access to adjacent land for the purposes of such permittees or licensees. Any authorized use of the surface shall be such as not to endanger or materially interfere with prospecting, mining, or processing operations or uses reasonably incident thereto.

8. Section 259.2 is amended by the addition of a new paragraph designated (h) as follows:

§ 259.2 Definitions.

* * * * *

(h) "Logging Unit" means a portion of the cutting area under contract clearly designated or marked by the authorized officer for the purpose of administering optional bonding and payment provisions of the timber sale contract. The total cutting area under contract may not be divided into less than two logging units.

9. Section 259.8(a) is amended to clarify the paragraph. As so amended § 259.8(a) reads as follows:

§ 259.8 Negotiated sales.

(a) When it is determined by the authorized officer to be in the public interest, he may sell at not less than the appraised value, without advertising or calling for bids, timber not exceeding an estimated volume of 100 M board feet and not exceeding $1,000, or, if the timber is not measured in board feet, a quantity not exceeding $1,000 in appraised value, to or for the benefit of any one person, partnership, association, or corporation in any period of twelve consecutive months.

10. Section 259.14 is amended to raise optional bonding limit to $2,500; establish $500 minimum bond on installment contracts valued from $500 to $2,500; delete the present paragraph (b) and substitute therefor provision for the optional cut against the performance bond; and provide for reducing bond below 20 percent of purchase price. As so amended § 259.14 reads as follows:

§ 259.14 Performance bonds.

(a) A minimum performance bond of not less than 20 percent of the total contract price will be required for all contracts of $2,500 or more. A minimum performance bond of not less than $500 will be required for all installment contracts less than $2,500. For cash sales less than $2,500, bond requirements, if any, will be in the discretion of the authorized officer. The performance bond may be:

(1) Bond of a corporate surety shown on the approved list issued by the United States Treasury Department and executed on an approved standard form; or

(2) Personal surety bond, executed on an approved standard form if the authorized officer determines the principals and bondsmen are capable of carrying out the terms of the contract; or

(3) Cash bond; or

(4) Negotiable securities of the United States.

(b) The authorized officer may allow the cutting of timber before payment of the second and subsequent installments as provided in this paragraph. The authorized officer shall designate logging units within the cutting area under contract and assign to them values solely for the purpose of increasing the amount of the performance bond and for payment. The purchaser shall increase the minimum performance bond required by paragraph (a) of this section by an amount equal to the value of the timber on each logging unit and shall obtain written approval of the authorized officer for the adjusted bond prior to cutting any timber on such unit. Cutting authorized in advance of payment shall be limited to one logging unit and the increased amount of the bond shall be used to assure payment for the timber on that unit. Upon payment for the timber on such unit, the increased amount may then be applied to another logging unit subject to any adjustment in the amount of the performance bond to cover the value of timber on such logging unit.

(c) As contract provisions are completed to the satisfaction of the authorized officer, he may, in his discretion, reduce the amount of the performance bond required: *Provided, however,* The amount of the performance bond shall not be reduced below the minimum required by paragraph (a) of this section until payment for the timber sold is complete.

11. Section 259.15 is amended to conform to the provisions of § 259.14(b); permit installment payments on timber sales over $500; provide for payment of total purchase price prior to original expiration date of contract; and delete provision for payment of road right of way timber in advance of payment of the second installment. As so amended § 259.15 reads as follows:

§ 259.15 Payments.

(a) Except as provided in § 259.14(b), no part of any timber sold may be cut or removed unless advance payment has been made as provided in the contract.

(b) For sales under $500 the full amount shall be paid prior to or at the time the authorized officer signs the contract. For sales of $500 or more the authorized officer may allow payment by installments as provided in the following paragraph (c) of this section.

(c) Contract installment payments shall be determined by the authorized officer as follows:

(1) *Payment in advance of cutting.* For sales under $100,000 installment payments shall be not less than 10 percent of the total purchase price. For sales of $100,000 or more installment payments shall not be less than $10,000. The first installment shall be paid prior to, or at the time the authorized officer signs the contract. The second installment shall be paid prior to the cutting or removal of the timber sold. Each subsequent installment shall be due and payable without notice when the value of the timber cut or removed equals the sum of all the payments minus the first installment.

(2) *Payment in advance of removal.* The first installment shall be paid in the same manner as provided in subparagraph (1) of this paragraph. If cutting of timber before payment of the second and subsequent installments, as provided by § 259.14(b) is permitted, the amounts of the second and subsequent installment payments shall be based on the authorized officer's determination of the value of the timber located upon the logging units. Payment shall be made for the value of the timber on each logging unit in advance of removal of any timber from such unit.

(d) The total amount of the contract purchase price must be paid prior to expiration of the original time for cutting and removal under the contract. For a cruise sale the purchaser shall not be entitled to a refund even though the amount of timber cut, removed, or designated for cutting may be less than the estimated total volume shown in the contract. For a scale sale, if it is determined after all designated timber has been cut and measured that the total payments made under the contract exceed the total value of the timber measured, such excess shall be refunded to the purchaser within 60 days after such determination is made.

12. Section 259.16 is amended to provide for coincidental expiration of the time for cutting and removal and provides that time for cutting and removal shall not exceed a period of thirty months. As so amended § 259.16 reads as follows:

§ 259.16 Time for cutting and removal.

Time for cutting and removal of timber sold shall not exceed a period of thirty months except that such time for cutting and removal may be extended as provided in § 259.17.

13. Section 259.17 is amended to conform to the provisions of § 259.16. As so amended § 259.17 reads as follows:

§ 259.17 Extension of time.

If the purchaser shows that his delay in cutting or removal was due to causes beyond his control and without his fault

or negligence, the authorized officer may grant an extension of time, not to exceed one year, upon written request of the purchaser. Such written request must be received not later than thirty (30) days prior to the expiration date of the time for cutting and removal but not earlier than ninety (90) days prior thereto. Additional extensions may be granted if the purchaser submits a written request not later than thirty (30) days prior to the expiration date of an extension but not earlier than ninety (90) days prior thereto. No extension may be granted without reappraisal as provided in § 259.18.

14. Section 259.18 is amended to clarify reappraisal procedures. As so amended § 259.18 reads as follows:

§ 259.18 Reappraisal.

(a) If an extension is granted as provided in § 259.17, the timber sold shall be reappraised by the authorized officer. In making the reappraisal, the authorized officer shall use the Bureau of Land Management's prescribed procedures.

(b) For a cruise sale the timber sold remaining on the contract area shall be reappraised for the purpose of computing the reappraised total purchase price. The reappraised total purchase price shall not be less than the total purchase price established by the contract or previous extension. The reappraised total purchase price shall be paid in advance as a condition of granting an extension.

(c) For a scale sale each species of timber remaining on the contract area shall be reappraised. The reappraised unit price for each species shall be effective for the remaining life of the contract: *Provided, however,* The reappraised unit price for each species shall not be less than the unit price established by the contract or previous extension.

(61 Stat. 681, as amended; 30 U.S.C. 601)

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

[F.R. Doc. 62-8745; Filed, Aug. 30, 1962; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER H—TRAINING

[General Order 24, Rev. (WSA Function Series), Supp. 2, Amdt. 5]

PART 310—MERCHANT MARINE TRAINING

Subpart C—Appointment and Training of Cadets in the United States Merchant Marine Cadet Corps

TRANSPORTATION AND TRAVEL EXPENSES

Effective July 30, 1962, § 310.63 *Transportation and travel expenses* of Subpart C is amended to read as follows:

§ 310.63 Transportation and travel expenses.

(a) *Entitlement.* Cadets of the U.S. Merchant Marine Academy are entitled to the class of transportation and accommodations authorized for Cadets of the U.S. Coast Guard or reimbursement in lieu thereof as provided in Joint Travel Regulations.

(b) *Approval of travel.* The Maritime Administrator, the Maritime Administration Personnel Officer, Superintendent, U.S. Merchant Marine Academy, and Academy Training Representatives at Coast District Offices are authorized to issue or approve travel orders for Cadets, to the extent of the cost of direct travel, within the prescribed limitations of paragraph (c) of this section.

(c) *Travel of Cadets.* Travel of Cadets may be approved as follows:

(1) From permanent place of abode, home, school, or duty station to Academy upon approval of appointment to the Academy;

(2) To proceed to, from, and between hospitals for observation and treatment;

(3) As provided in § 310.66;

(4) From Academy upon graduation or upon separation from the U.S. Merchant Marine Academy, prior to graduation, to his abode, home, or to his proper military station.

(5) Following satisfactory completion of the first year at the Academy, from the Academy to Coast District Offices and to the U.S. port where vessel of assignment is located; transfer between ports for vessel assignments; and return to the Academy; provided such transportation has not or is not being paid by the steamship company employer. Cadets may be issued transportation requests or reimbursed for such travel.

(d) *Travel while in leave status.* Cadets, other than as set forth in paragraph (c)(5) of this section, will not be reimbursed or issued transportation requests for travel while in a leave status, other than for travel in connection with observation and treatment while on sick leave.

(Sec. 204, 49 Stat. 1987, as amended: U.S.C. 1114)

Dated: August 24, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-8741; Filed, Aug. 30, 1962; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Alaska; Wildlife Refuge Areas

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Aleutian Islands National Wildlife Refuge, Alaska, is permitted only on the islands of Adak, Atka, Unimak, Shemya, Attu, and Great Sitkin. A map of the area is available at the refuge headquarters, Cold Bay, Alaska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Juneau, Alaska. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, coot, all species of duck except canvasback and redheads and all specics of geese except Canada or subspecies of Canada geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset during the period September 1 through October 15, 1962.

(2) Coots, ducks, geese and brant—from one-half hour before sunrise to sunset during the period September 1 through December 14, 1962.

(c) Daily bag and possession limits:

(1) Ducks—daily bag of 5 and a possession limit of 10; in addition, a daily bag of 15 and a possession limit of 30, singly or in the aggregate of the following species are permitted: scoter, eider, harlequin, old squaw, and American and red-breasted mergansers.

(2) Geese—daily bag of 6 and a possession limit of 12, of which not more than 3 daily, singly or in the aggregate, nor more than 6 in possession, singly or in the aggregate may be whitefronted geese of subspecies thereof.

(3) Brant—daily bag and possession limit of 3.

(4) Coot—daily bag and possession limit of 15.

(5) Wilson's snipe—daily bag and possession limit of 8.

(d) Methods of hunting:

(1) As prescribed in current Federal Migratory Bird Regulations.

(2) Guides may be employed for hunting.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1962.

ARCTIC NATIONAL WILDLIFE RANGE

Public hunting of migratory game birds on the Arctic National Wildlife Range, Alaska, is permitted on all lands within the Arctic National Wildlife Range. A map of the area is available from the Regional Director, Bureau of Sport Fisheries and Wildlife, Juneau, Alaska. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, coot, all species of ducks except canvasback and redhead and all species of geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset during the period September 1 through October 15, 1962.

(2) Coots, ducks, geese and brant—from one-half hour before sunrise to sunset during the period September 1 through December 14, 1962.

(c) Daily bag and possession limits:

(1) Ducks—daily bag of 5 and a possession limit of 10; in addition, a daily bag of 15 and a possession limit of 30, singly or in the aggregate of the following species are permitted: scoter, eider, harlequin, old squaw, and American and red-breasted mergansers.

(2) Geese—daily bag of 6 and a possession limit of 12, of which not more than 3 daily, singly or in the aggregate, nor more than 6 in possession, singly or in the aggregate may be white-fronted or Canada geese or subspecies thereof.

(3) Brant—daily bag and possession limit of 3

(4) Coot—daily bag and possession limit of 15

(5) Wilson's snipe—daily bag and possession limit of 8

(d) Methods of hunting:

(1) As prescribed in current Federal Migratory Bird Regulations.

(2) Guides may be employed for hunting.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1962.

CLARENCE RHODE NATIONAL WILDLIFE RANGE

Public hunting of migratory game birds on the Clarence Rhode National Wildlife Range, Alaska, is permitted on all lands within the Clarence Rhode National Wildlife Range. A map of the area is available from the Regional Director, Bureau of Sport Fisheries and Wildlife, Juneau, Alaska. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, coot, little brown crane, all species of duck except canvasback and redhead and all species of geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset during the period September 1 through October 15, 1962.

(2) Coots, ducks, geese and brant—from one-half hour before sunrise to sunset during the period September 1 through December 14, 1962.

(3) Little brown crane—from one-half hour before sunrise to sunset during the period September 1 through September 30, 1962.

(c) Daily bag and possession limits:

(1) Ducks—daily bag of 5 and a possession limit of 10; in addition, a daily bag of 15 and a possession limit of 30, singly or in the aggregate of the following species are permitted: scoter, eider, harlequin, old squaw, and American and red-breasted mergansers.

(2) Geese—daily bag of 6 and a possession limit of 12, of which not more than 3 daily, singly or in the aggregate, nor more than 6 in possession, singly or in the aggregate may be white-fronted or Canada geese or subspecies thereof.

(3) Brant—daily bag and possession limit of 3.

(4) Coot—daily bag and possession limit of 15.

(5) Wilson's snipe—daily bag and possession limit of 8.

(6) Little brown crane—daily bag of 2 and possession limit of 4.

(d) Methods of hunting:

(1) As prescribed in current Federal Migratory Bird Regulations.

(2) Guides may be employed for hunting.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1962.

IZEMBEK NATIONAL WILDLIFE RANGE

Public hunting of migratory game birds on the Izembek National Wildlife Range, Alaska, is permitted on all lands within the Izembek National Wildlife Range. A map of the area is available at the refuge headquarters, Cold Bay, Alaska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Juneau, Alaska. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, coot, all species of ducks except canvasback and redhead and all species of geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset during the period September 1 through October 15, 1962.

(2) Coots, ducks, geese and brant—from one-half hour before sunrise to sunset during the period September 1 through December 14, 1962.

(c) Daily bag and possession limits:

(1) Ducks—daily bag of 5 and a possession limit of 10; in addition, a daily bag of 15 and a possession limit of 30, singly or in the aggregate of the following species are permitted: scoter, eider, harlequin, old squaw, and American and red-breasted mergansers.

(2) Geese—daily bag of 6 and a possession limit of 12, of which not more than 3 daily, singly or in the aggregate, nor more than 6 in possession, singly or in the aggregate may be white-fronted or Canada geese or subspecies thereof.

(3) Brant—daily bag and possession limit of 3.

(4) Coot—daily bag and possession limit of 15.

(5) Wilson's snipe—daily bag and possession limit of 8.

(d) Methods of hunting:

(1) As prescribed in current Federal Migratory Bird Regulations.

(2) Guides may be employed for hunting.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1962.

KENAI NATIONAL MOOSE RANGE

Public hunting of migratory game birds on the Kenai National Moose Range, Alaska, is permitted on all the lands within the Kenai National Moose Range. A map of the area is available at the refuge headquarters, Kenai, Alaska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Juneau, Alaska. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, coot, all species of ducks except canvasback and redhead and all species of geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset during the period September 1 through October 15, 1962.

(2) Coots, ducks, geese and brant—from one-half hour before sunrise to sunset during the period September 1 through December 14, 1962.

(c) Daily bag and possession limits:

(1) Ducks—daily bag of 5 and a possession limit of 10; in addition, a daily bag of 15 and a possession limit of 30, singly or in the aggregate of the following species are permitted: scoter, eider, harlequin, old squaw, and American and red-breasted mergansers.

(2) Geese—daily bag of 6 and a possession limit of 12, of which not more than 3 daily, singly or in the aggregate, nor more than 6 in possession, singly or in the aggregate may be white-fronted or Canada geese or subspecies thereof.

(3) Brant—daily bag and possession limit of 3

(4) Coot—daily bag and possession limit of 15

(5) Wilson's snipe—daily bag and possession limit of 8

(d) Methods of hunting:

(1) As prescribed in current Federal Migratory Bird Regulations

(2) Guides may be employed for hunting

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge

areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1962.

KODIAK NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Kodiak National Wildlife Refuge, Alaska, is permitted on all the lands within the Kodiak National Wildlife Refuge. A map of the area is available at the refuge headquarters, Kodiak, Alaska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Juneau, Alaska. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, coot, all species of ducks except canvasback and redhead and all species of geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset during the period September 1 through October 15, 1962.

(2) Coots, ducks, geese and brant—from one-half hour before sunrise to sunset during the period September 1 through December 14, 1962.

(c) Daily bag and possession limits:

(1) Ducks—daily bag of 5 and a possession limit of 10; in addition, a daily bag of 15 and a possession limit of 30, singly or in the aggregate of the following species are permitted: scoter, eider, harlequin, old squaw, and American and red-breasted mergansers.

(2) Geese—daily bag of 6 and a possession limit of 12, of which not more than 3 daily, singly or in the aggregate, nor more than 6 in possession, singly or in the aggregate may be white-fronted or Canada geese or subspecies thereof.

(3) Brant—daily bag and possession limit of 3

(4) Coot—daily bag and possession limit of 15

(5) Wilson's snipe—daily bag and possession limit of 8

(d) Methods of hunting:

(1) As prescribed in current Federal Migratory Bird Regulations

(2) Guides may be employed for hunting

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1962.

NUNIVAK NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Nunivak National Wildlife Refuge, Alaska, is permitted on all of the lands within the Nunivak National Wildlife Refuge. A map of the area is available from the Regional Director, Bureau of Sport Fisheries and Wildlife, Juneau, Alaska. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, coot, all species of ducks except canvasback and redhead and all species of geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset during the period September 1 through October 15, 1962.

(2) Coots, ducks, geese and brant—from one-half hour before sunrise to sunset during the period September 1 through December 14, 1962.

(c) Daily bag and possession limits:

(1) Ducks—daily bag of 5 and a possession limit of 10; in addition, a daily bag of 15 and a possession limit of 30, singly or in the aggregate of the following species are permitted: scoter, eider, harlequin, old squaw, and American and red-breasted mergansers.

(2) Geese—daily bag of 6 and a possession limit of 12, of which not more than 3 daily, singly or in the aggregate, nor more than 6 in possession, singly or in the aggregate may be white-fronted or Canada geese or subspecies thereof.

(3) Brant—daily bag and possession limit of 3.

(4) Coot—daily bag and possession limit of 15.

(5) Wilson's snipe—daily bag and possession limit of 8.

(d) Methods of hunting:

(1) As prescribed in current Federal Migratory Bird Regulations.

(2) Guides may be employed for hunting.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1962.

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 28, 1962.

[F.R. Doc. 62-8748; Filed, Aug. 30, 1962; 8:46 a.m.]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Illinois, and Yazoo National Wildlife Refuge, Mississippi

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Crab Orchard National Wildlife Refuge, Illinois, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 12,380 acres or 28 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Mourning doves.

(b) Open season: September 1 through November 9, 1962. Shooting hours from 12 o'clock noon until sunset.

(c) Daily bag limits: 12 per day. Possession limit 24.

(d) Methods of hunting:

(1) Weapons—shotguns only; not larger than 10 gage and incapable of holding more than three shells.

(2) Dogs—not to exceed two dogs per hunter may be used to retrieve mourning doves.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 10, 1962.

MISSISSIPPI

YAZOO NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Yazoo National Wildlife Refuge, Mississippi, is permitted only on the area designated by signs as open to hunting. This open area, comprising 960 acres or 35 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Atlanta, Ga. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Mourning doves.

(b) Open season: September 29 through October 12, 1962. Shooting hours from 12 o'clock noon until sunset.

(c) Daily bag limits: 12 per day. Possession limit 24.

(d) Methods of hunting:

(1) Weapons—shotgun only; not larger than 10 gage and incapable of holding more than three shells.

(2) Dogs—not to exceed one dog per hunter, may be used to retrieve mourning doves.

(3) Blinds—use of portable blinds permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) No hunting will be permitted within 250 yards of any building or pastured cattle.

(3) A Federal permit is required to enter the public hunting area. Permits may be obtained by writing to the Refuge Manager, Yazoo National Wildlife Refuge, Hollandale, Mississippi, or come in and pick up. Hunters will be required to submit a form questionnaire to be used in analysis of hunter participation and success. Forms to be made available near the hunt area.

(4) The provisions of this special regulation are effective to October 13, 1962.

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 28, 1962.

[F.R. Doc. 62-8749; Filed, Aug. 30, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DEDUCTION FOR INVESTMENT EXPENSES OF MUTUAL FIRE AND CASUALTY INSURANCE COMPANIES

Notice of Proposed Rule Making

Pursuant to the Administrative Procedure Act, approved June 11, 1946, proposed regulations under section 822(c)(2) were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER for May 12, 1961 (26 F.R. 4102). Notice is hereby given that proposed § 1.822–5(c)(2)(ii) is hereby withdrawn.

Further, notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to provide regulations under section 822(c)(2) of the Internal Revenue Code of 1954, relating to the deduction for investment expenses of mutual fire and casualty insurance companies, for taxable years beginning after December 31, 1954, the Income Tax Regulations (26 CFR Part 1) are amended by revising paragraph (c)(2)(ii) of § 1.822–5 to read as follows:

§ 1.822–5 Mutual insurance company taxable income.

* * * * * * *

(c) *Deductions from gross investment income*—* * *

(2) *Investment expenses.* * * *

(ii) Any assignment of general expenses to the investment department of a mutual insurance company subject to the tax imposed by section 821 subjects the entire deduction for investment expenses to the limitation provided in section 822(c)(2) and subdivision (iii) of this subparagraph. As used in section 822(c)(2), the term "general expenses" means any expense paid or incurred for the benefit of more than one department of the company rather than for the benefit of a particular department thereof. For example, if an expense, such as a salary, is attributable to more than one department, including the investment department, such expense may be properly allocated among these departments. If such expense is allocated, the amount properly allocable to the investment department shall be deductible as general expenses assigned to or included in investment expenses and as such shall be subject to the limitation of section 822(c)(2) and subdivision (iii) of this subparagraph. However, a company subject to the tax imposed by section 821 shall not deduct under section 822(c)(2) its real estate taxes, depreciation, or other expenses with respect to any portion of the real estate which it owns, irrespective of whether such items are properly allocable to its investment department. For the rules relating to the deductibility of these items, see section 822(c)(3) and (4) and subparagraphs (3) and (4) of this paragraph. If general expenses are in part assigned to or included in investment expenses, the maximum allowance (as determined under section 822(c)(2)) shall not be granted unless it is shown to the satisfaction of the district director that such allowance is justified by a reasonable assignment of actual expenses. The accounting procedure employed is not conclusive as to whether any assignment has in fact been made. Investment expenses do not include Federal income and excess profits taxes, if any.

[F.R. Doc. 62–8769; Filed, Aug. 30, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 290]

ISSUANCE OF CEASE AND DESIST ORDERS BY GOVERNMENT

Proposed Rules of Procedure

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of June 25, 1934 (48 Stat. 1213; 15 U.S.C. 521–522), and section 4(e) of 1939 Reorganization Plan (53 Stat. 1433), it is proposed to amend Title 50, Code of Federal Regulations, by adding a new Subchapter I as set forth below. The purpose of these amendments is to prescribe rules of procedure governing the enforcement of section 2 of the act of June 25, 1934, which provides for the issuance of cease and desist orders against associations of producers of aquatic products monopolizing or restraining trade in interstate or foreign commerce to such an extent that the price of any aquatic product is unduly enhanced by reason thereof.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Commercial Fisheries, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Part 290, reading as follows, is added to 50 CFR, Subchapter I—Fishery Marketing Cooperatives:

Sec.
290.1 Scope of rules.
290.2 Institution of proceeding.
290.3 Complaint.
290.4 Notice of hearing.
290.5 Service of documents.
290.6 Hearing official.
290.7 Intervention.
290.8 Hearing.
290.9 Preliminary decision by hearing official.
290.10 Argument before the Secretary.
290.11 Preparation and issuance of final decision and order.

AUTHORITY: §§ 290.1 to 290.11 issued under sec. 2, 48 Stat. 1213; 15 U.S.C. 522; 1939 Reorganization Plan No. II, 53 Stat. 1433.

§ 290.1 Scope of rules.

The Act of June 25, 1934 (48 Stat. 1213; 15 U.S.C. 521–522), the functions under which were transferred to the Secretary of the Interior by 1939 Reorganization Plan No. II, hereinafter in these rules referred to as the Act, in section 2 thereof provides a remedy whereby the associations of producers of aquatic products authorized by section 1 of the Act may be ordered by the Secretary of the Interior to cease and desist from monopolizing or restraining trade in interstate or foreign commerce to such an extent that the price of any aquatic product is unduly enhanced by reason thereof. These rules implement section 2 of the Act by establishing the procedure to be followed by the Secretary of the Interior or his authorized representative, hereinafter referred to in these rules as the Secretary, in the enforcement of the section. For rules governing practice generally before the Department of the Interior see Part 1 of Title 43, Code of Federal Regulations.

§ 290.2 Institution of proceeding.

(a) *Application to institute proceeding.* Any person having any information that an association of producers of aquatic products is monopolizing or restraining trade may file with the Secretary an application requesting the institution of such proceeding as is authorized under the Act. The application shall be in writing, signed by or on behalf of the applicant, and shall include a concise statement of the facts constituting the alleged activities and the name and address of the applicant together with the name and address of the association against which the applicant complains.

(b) *Status of the applicant.* The person filing an application as described in paragraph (a) of this section shall have no legal status in the proceeding which may be instituted as a result of the application, except where the applicant may be permitted to intervene therein, in the manner hereinafter provided, or may be called as a witness, and the applicant's identity shall not be divulged except with the applicant's prior consent or upon court order.

(c) *Who may institute.* If, after investigation of the matter complained of in the application described in paragraph (a) of this section, or upon application of another Federal agency, or after investigation made on his own motion, the Secretary has reason to believe that any association organized under the provisions of the Act is engaging in monopolization or restraint of trade in interstate or foreign commerce to such an extent that the price of any aquatic product is unduly enhanced by reason thereof, he will institute a proceeding. Proceedings will be instituted only upon complaint issued by the Secretary.

§ 290.3 Complaint.

(a) *Service.* The complaint shall be served upon the association by being sent by certified mail with return receipt requested to its principal place of business or by being left with a responsible person at the association's principal place of business.

(b) *Contents.* The complaint shall state in concise terms the allegations of fact which constitute a basis for the proceeding and shall require the association to show cause why an order should not be issued requiring it to cease and desist from the activities alleged therein to be in restraint of trade.

§ 290.4 Notice of hearing.

There shall also be served upon the association a notice of hearing, which shall be attached to the complaint or contained therein, and which shall specify a day and place not less than thirty days after service thereof to appear, introduce evidence, and make arguments to show cause why an order should not be made directing it to cease and desist from monopolization or restraint of trade.

§ 290.5 Service of documents.

Copies of all pleadings, briefs, memoranda, letters, and other documents filed by or on behalf of any party or which are otherwise submitted to an official conducting any part of the proceeding for consideration in connection therewith, shall be served upon all parties or their representatives in person or by certified mail.

§ 290.6 Hearing official.

The hearing for the purpose of taking evidence and hearing arguments to determine whether an order should be issued requiring the association to cease and desist from monopolization or restraint of trade shall be conducted by a hearing official designated by the Secretary. No person shall be assigned as hearing official who (a) has any pecuniary interest in the matter or business involved in the proceeding, or (b) has participated in the investigation preceding the institution of the proceeding, in the preparation of the complaint, or in the development of the evidence to be introduced in the proceeding.

§ 290.7 Intervention.

Upon written application, interested parties shall be permitted to intervene in the proceedings when the hearing official or the Secretary shall determine that the interests of justice will be served thereby.

§ 290.8 Hearing.

(a) *Departmental counsel.* The case against the association shall be presented by a Departmental counsel appointed for that purpose. The Bureau of Commercial Fisheries shall be responsible for the case against the association and the Bureau shall be considered a party within the purview of these rules.

(b) *Conduct of hearing.* Insofar as feasible, hearings shall be informal. Parties may offer oral and written evidence, subject to the exclusion by the hearing official, in his discretion, of irrelevant, immaterial, repetitious, or hearsay evidence.

(c) *Briefs.* Briefs may be submitted on behalf of interested parties at any time prior to thirty days after the termination of the hearing.

(d) *Examination of witnesses.* Attention of witnesses shall be invited to 18 U.S.C. 1001. Testimony may be received under oath or affirmation. All witnesses may be examined or cross-examined by the hearing official and by representatives of any party.

(e) *Transcript.* The hearing official shall make provision for a complete transcript of the hearing. A copy of the transcript shall be available to interested parties upon payment of a fee prescribed by the Chief Clerk of the Department of the Interior pursuant to Part 2 of Title 43, Code of Federal Regulations, or pursuant to any applicable Departmental contract covering reporting services.

§ 290.9 Preliminary decision by hearing official.

(a) *Issuance of preliminary decision.* Following the hearing and upon completion of the time allowed for filing briefs, the hearing official shall issue a decision embodying his findings of fact and conclusions of law on all issues as to whether the association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any aquatic product is unduly enhanced thereby. The decision of the hearing official shall be made a part of the record and a copy thereof shall be served upon all parties to the proceeding.

(b) *Filing of exceptions.* Within thirty days after service of the decision of the hearing official any party to the proceeding may file with the hearing official exceptions to his decision. This document of exceptions shall set forth separately and specifically each error asserted.

(c) *Transmittal of record.* The hearing official, immediately following the period allowed for the filing of exceptions, shall transmit to the Secretary the entire record of the proceeding.

§ 290.10 Argument before the Secretary.

(a) *Oral argument.* Unless a party has included in the exceptions a request for oral argument before the Secretary or has filed a separate request for oral argument prior to the expiration of the last date for filing such exceptions, the right to such oral argument shall be deemed to have been waived.

(b) *Briefs.* The parties may file written briefs either in addition to oral argument or in lieu thereof.

(c) *Scope of argument.* Except where the Secretary determines that argument on additional issues would be helpful, argument, whether oral or on brief, shall be limited to the issues raised by the exceptions. If the Secretary determines that additional issues should be argued, the parties or their representatives shall be given reasonable notice of such determination, so as to permit preparation of adequate argument on all the issues argued.

§ 290.11 Preparation and issuance of final decision and order.

As soon as practicable after the receipt of the record from the hearing official, or in case further proceedings were had before the Secretary, as soon as practicable thereafter, the Secretary, upon the basis of and after due consideration of the record as a whole, including that of any proceedings before him, shall prepare a final decision and an order based upon the decision. If the Secretary has found that the association is engaged in monopolization or restraint of trade in interstate or foreign commerce to such an extent that the price of any aquatic product is unduly enhanced thereby, the order shall recite the facts found by him and direct such association to cease and desist from monopolization or restraint of trade. The Secretary shall cause this order to be served upon the association. On the request of the association, or if it fails and neglects for thirty days to obey such order, the Secretary shall, in accordance with the Act, file in the district court in the judicial district in which the association has its principal place of business a certified copy of the order and of all the records in the proceeding together with a petition asking that the order be enforced and shall give notice to the Attorney General and to the association of such filing.

FRANK P. BRIGGS,
Assistant Secretary of the Interior.

AUGUST 27, 1962.

[F.R. Doc. 62–8744; Filed, Aug. 30, 1962; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 146]

PENICILLIN, STREPTOMYCIN, CHLORTETRACYCLINE, CHLORAMPHENICOL, OR BACITRACIN FOR INVESTIGATIONAL USE

Notice of Proposal To Amend Regulations

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend § 146.23 *Exemptions for investigational use* in the same manner and to contain the same conditions as set forth in the proposed regulations for new drugs for investigational use published in the FEDERAL REGISTER of August 10, 1962 (27 F.R. 7990). The Commissioner hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., on or before October 9, 1962. Views and comments should be submitted in quintuplicate. Comments on the proposals to amend § § 130.3 and 146.23 will be considered simultaneously, and the final order in each case will reflect the status of each category of drugs.

Dated: August 27, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8747; Filed, Aug. 30, 1962; 8:46 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 11]

[Docket No. R-221]

COMPUTATION OF ANNUAL CHARGES FOR HEADWATER BENEFITS TO OWNERS OF NONFEDERAL HYDROELECTRIC PROJECTS

Notice of Proposed Rule Making

AUGUST 24, 1962.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Commission's regulations under the Federal Power Act, which appear in Part 11—Annual Charges, of Subchapter B—Regulations under the Federal Power Act, of Chapter I—Federal Power Commission, Title 18—Conservation of Power, of the Code of Federal Regulations so as to provide for the first time criteria to be used in computing the annual billings for headwater benefits pursuant to section 10(f) of the Federal Power Act. The proposed regulations are as specifically set forth below.

3. Two billing rules are proposed: One for headwater storage reservoirs at which there are at-site generating facilities, § 11.27(a); and a second for headwater storage reservoirs at which there are no at-site generating facilities, § 11.27(b).

4. Section 11.27(a) relating to reservoirs at which there are at-site generating facilities apportions average annual charges for interest, maintenance and depreciation of the headwater improvement to the at-site and downstream plants in direct proportion to the respective power gains from storage during the critical period. After the initial bill is determined, the same bill will be submitted annually until there is a change in the development of the river basin or a substantial change in the costs to be apportioned under section 10(f).

5. Section 11.27(b) relating to reservoirs at which there are no at-site generating facilities, contemplates that, generally, such a reservoir is operated primarily for purposes other than power, such as flood control or irrigation. The benefits at downstream power plants attributable to such a reservoir are usually incidental to the operation of the reservoir for its primary purposes, and they have little, if any, relationship to storage releases during the critical period. For example, the downstream power benefits from flood control storage usually occur during periods of high stream flow. The proposed rule requires the making of an initial estimate of the average annual value of power gains attributable to the headwater reservoir. The average annual value of the power gains would then be used in apportioning the section 10(f) annual charges of the headwater improvement to the respective project purposes, including downstream power. This method of computing payments would make it unnecessary to estimate annually the actual power gains, and the value thereof, attributable to the headwater storage reservoir.

6. It should be noted that the would be prescribed foregoing methods of determining the annual charges for headwater benefits for the purpose of billing only § 11.28 would apply if the billing is protested and a hearing requested. In such event, the Commission would not be limited to the methods set forth in § 11.27, but could use any method of determining the equitable portion of the annual charges of the headwater improvement found applicable under the facts in the particular case. In this regard, § 11.31(b) provides that where the owner of a project receiving headwater benefits requests a hearing, the burden of proof will be on such owner to show that the amount billed exceeds the value of the power benefits received.

7. The amendments to the Commission's regulations under the Federal Power Act herein described and as set forth below are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act particularly sections 10(f) and 309 thereof (49 Stat. 842, 858; 16 U.S.C. 803 (f), 825h).

8. Any person may submit to the Federal Power Commission, Washington 25, D.C., not later than October 16, 1962, data, views, comments and suggestions in writing concerning the proposed addition to the regulations under the Federal Power Act. An original and nine conformed copies of any such submittals should be filed. The Commission will consider any such written submittals before acting on the proposed regulations.

JOSEPH H. GUTRIDE,
Secretary.

1. Present §§ 11.25 *Effective date* and 11.26 *Adjustment of annual charges*, shall be renumbered §§ 11.29 and 11.30.

§ 11.25 Headwater benefits.

Annual charges will be assessed or determined and fixed by the Commission against the owners of non-Federal power projects directly benefited by the construction of a storage reservoir or other headwater improvement of the United States or its licensees or permittees for an equitable part of the annual charges for interest, maintenance, and depreciation on such reservoir or other headwater improvement. When used in §§ 11.26 and 11.27 the term "critical period" shall mean the period during which conservation storage at reservoirs in the basin would be released for power production, assuming a recurrence of the most adverse streamflow conditions of record.

§ 11.26 Information to be submitted concerning headwater benefits.

In order to facilitate annual assessments for headwater benefits, necessary data available to the affected parties shall be filed with the Commission each year on or before the last day of the third month following the close of the calendar year or their established fiscal year.

(a) *Data to be supplied by the owner or operator of each storage reservoir of the United States or its licensees or permittees at which there are at-site generating facilities.* (1) Name and location of the storage project, including name of stream on which located.

(2) Total name plate rating of installed generating capacity of the project expressed in kilowatts.

(3) Total storage capacity of the reservoir and a breakdown to show the amount of dead storage, conservation storage, flood control storage, etc.

(4) Copy of rule curves and agreements governing the release of water from the reservoir, including a statement of their effective dates and the extent to which downstream power developers are assured of storage releases during the critical period.

(5) The critical period and the amount of storage that would be withdrawn from the reservoir during the critical period.

(6) An estimate of the amount of electric energy that would be produced during the critical period at the at-site plant from at-site storage.

(7) An estimate of the total electric energy that would be produced during the critical period at the at-site plant from natural flow and from storage at-site and upstream.

(8) Investment costs:

(i) The total investment cost of the headwater improvement project at the close of the year.

(ii) The investment cost of the dam and reservoir at the close of the year.

(iii) The allocation of such investment cost of the dam and reservoir to power and to each of the other project purposes, such as flood control, navigation, irrigation, etc.

(iv) The cost of land included in the investment cost of the dam and reservoir allocated to power.

(9) Annual costs:

(i) Total annual cost of the dam and reservoir.

(ii) Annual cost of interest, maintenance, and depreciation on the dam and reservoir (each item shown separately). Show the annual interest rate and the rate and method used to compute the depreciation charge.

(iii) Estimated long-term average of the annual costs requested in subdivision (i) and (ii) of this subparagraph, stating the period used in obtaining the averages.

(b) *Data to be supplied by the owner or operator of each storage reservoir of the United States or its licensees or permittees at which there are no at-site generating facilities.* (1) Name and location of reservoir, including name of stream on which located.

(2) Copy of rule curves and agreements governing the release of water from the reservoir, including a statement of their effective dates and the extent to which downstream power developers are assured of storage releases.

(3) Also the information requested under paragraph (a) (3), (8) and (9) of this section.

(c) *Data to be supplied by the owner of each hydroelectric power plant, having an installed capacity greater than 2,000 horsepower, downstream from a headwater storage reservoir at which there are at-site generating facilities.* (1) Name and location of the hydroelectric power plant, including the name of the stream on which located.

(2) Total name plate rating of the installed generating capacity of the plant expressed in kilowatts.

(3) The estimated average net head at each plant during the critical period.

(4) The estimated average over-all water use in cubic feet per second per kilowatt, corresponding to the estimated average net head during the critical period.

(d) *Data to be supplied by the owner of each hydroelectric power plant, having an installed capacity greater than 2,000 horsepower, downstream from a headwater storage reservoir at which there are no at-site generating facilities.* (1) Name and location of the hydroelectric power plant, including the name of the stream on which located.

(2) Total name plate rating of the installed generating capacity of the plant expressed in kilowatts.

§ 11.27 Computation of headwater benefits charges for billing purposes.

Annual charges will be assessed or determined and fixed by the Commission without a hearing against each owner or owners of a non-Federal power project, having an installed capacity in excess of 2000 horsepower, which is directly benefited by the construction of a storage reservoir or other headwater improvement of the United States or its licensees or permittees on the following basis:

(a) Whenever power generating facilities are installed at such headwater storage reservoir or improvement:

The average annual cost of interest, maintenance, and depreciation on the dam and reservoir of each headwater improvement project, to be borne by power both at-site and downstream, is to be apportioned to storage and head functions. The amount of such cost to be apportioned to the storage function shall be determined by multiplying such total cost by the ratio of the average power (at-site and downstream) from at-site storage during the critical period to the sum of the average power (at-site and downstream) from at-site storage during the critical period and the total average power at-site (from natural flow and from at-site and upstream storage) during the critical period. The amount of such annual cost of the headwater improvement thus apportioned to the storage function shall be apportioned to the at-site power plant and to each downstream plant in direct proportion to the average power from at-site storage at each plant during the critical period. The average annual cost thus apportioned to a downstream power plant shall be the annual payment to be made for headwater benefits.

(b) Whenever power generating facilities are not installed at such headwater storage reservoir or improvement:

The average annual power gains at each downstream plant will be estimated. The total estimated value of such power gains will be used in allocating the average annual costs of interest, maintenance, and depreciation on the headwater improvement project to power and other purposes. The average annual costs thus apportioned to power shall be apportioned to each downstream plant in direct proportion to the value of the average annual power gain at each plant. The average annual cost thus apportioned to each downstream power plant shall be the annual payment to be made for headwater benefits.

§ 11.28 Assessment of headwater benefit charges after hearing.

In the event annual charges are assessed or determined and fixed by the Commission against the owner or owners of a downstream power plant after a hearing requested by the downstream owner pursuant to § 11.31(b) the Commission need not allocate the annual costs of interest, maintenance, and depreciation on the dam and reservoir of the headwater improvement to the various purposes served by the headwater improvement. Such annual costs shall be equitably apportioned among the power plants benefited and the annual cost thus apportioned to each downstream power plant shall be the annual payment to be made for headwater benefits: *Provided*, That the amount so assessed shall not exceed the value of the power benefits received by the owner of the power project.

2. The present § 11.27 *Payment of charges*, shall be renumbered and amended to read as follows:

§ 11.31 Time for payment, protest or request for hearing.

(a) *Payment of charges.* Annual charges shall be paid within 30 days of rendition of a bill therefor by the Commission except that persons located outside the continental limits of the United States shall be allowed a period of 45 days after rendition of the bill.

(b) *Protest or request for hearing.* Any protest against the assessment or determination by the Commission of the amount of any annual charge, or request for a hearing thereon, must be filed within 30 days from the date of the billing. At any hearing which is requested by the owner of a downstream plant in connection with annual charges for headwater benefits, the burden of proof will be on such owner to show that the amount billed exceeds the value of the total power benefits received.

(c) *Penalties.* In case of failure on the part of any person to pay annual charges within the periods specified in paragraph (a) of this section, a penalty of 5 percent of the total amount so delinquent is assessed and added to the total charges which shall apply for the first month or part of month so delinquent with an additional penalty of 3 percent for each full month thereafter until the charges and penalties are satisfied in accordance with law: *Provided, however*, That for good cause shown, the Commission may, by order, waive any penalty imposed by this paragraph.

[F.R. Doc. 62-8742; Filed, Aug. 30, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

AMERICAN NATIONAL BANK OF RAPID CITY ET AL.

Notice of Decision Granting Application To Consolidate

On June 15, 1962, the $47.5 million American National Bank of Rapid City, Rapid City, South Dakota, the $4.3 million Western National Bank of Rapid City, and the $1.5 million Rapid City Trust Company, applied to the Comptroller of the Currency for permission to consolidate under the charter of the former and with the title, "American National Bank and Trust Company."

On August 24, 1962, the Comptroller of the Currency granted this application, effective on or after August 31, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 29, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-8764; Filed, Aug. 30, 1962; 8:50 a.m.]

CONESTOGA NATIONAL BANK OF LANCASTER AND LITITZ SPRINGS NATIONAL BANK

Notice of Decision Granting Application To Merge

On June 26, 1962, the $37.3 million Conestoga National Bank of Lancaster, Lancaster, Pennsylvania, and the $8.5 million Lititz Springs National Bank, Lititz, Pennsylvania, applied to the Comptroller of the Currency for permission to merge under the title and charter of the former.

On August 24, 1962, the Comptroller of the Currency granted this application, effective on or after August 31, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 29, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-8765; Filed, Aug. 30, 1962; 8:50 a.m.]

NATIONAL BANK AND TRUST COMPANY OF CENTRAL PENNSYLVANIA AND CITIZENS TRUST COMPANY OF HARRISBURG

Notice of Decision Granting Application To Merge

On June 14, 1962, the $130.4 million National Bank and Trust Company of Central Pennsylvania, York, Pennsylvania, applied to the Comptroller of the Currency to merge under its charter and title the $7.8 million Citizens Trust Company of Harrisburg, Harrisburg, Pennsylvania.

On August 24, 1962, the Comptroller of the Currency granted this application, effective on or after August 31, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: August 29, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-8766; Filed, Aug. 30, 1962; 8:50 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1962 Rev. Supp. No. 6]

SOUTHWEST CASUALTY INSURANCE CO.

Acceptable Surety on Federal Bonds

AUGUST 28, 1962.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $90,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1963. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated; Name of Company; and Location of Principal Executive Office

Arkansas; Southwest Casualty Insurance Co.; Chicago, Ill.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 62-8767; Filed, Aug. 30, 1962; 8:50 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

DIRECTOR, PERSONNEL OFFICE, ET AL.

Redelegation of Administrative Authorities for Civil Defense Functions

REFERENCES: (a) Department of Defense Organizational Statement, Assistant Secretary of Defense (Civil Defense), filed September 13, 1961 (26 F.R. 8604, as amended by Change 1 thereto published at 27 F.R. 905). (b) Delegation of Administrative Authorities for Civil Defense Functions dated January 20, 1962 (27 F.R. 903), as amended (27 F.R. 5749; 27 F.R. 7686; and by a redelegation dated August 17, 1962).

The following redelegations of authority are hereby approved:

1. *Director, Personnel Office.* Pursuant to the authority vested in the Executive Assistant to the Assistant Secretary of Defense (Civil Defense) by reference (b) the Director, Personnel Office, or in his absence, the person acting for him, is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DOD policies, directives, and instructions and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Exercise the powers vested in the Secretary of Defense by section 204 of the National Security Act of 1947, as amended (5 U.S.C. 171d), section 12 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 22a), and sections 401(a) and 403(b) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2253 (a) and (b)), pertaining to the employment, direction and general administration of civilian personnel of the Office of Civil Defense and its subordinate activities.

(b) Fix rates of pay for wage board employees exempted from the Classification Act by section 202(7) of that Act on the basis of prevailing rates for comparable jobs in the locality where the Office of Civil Defense or each subordinate activity is located. The Assistant Secretary of Defense (Civil Defense), in fixing such rates, shall follow the wage schedule established by the local wage board.

(c) Employ such part-time advisors as approved by the Secretary of Defense for the performance of civil defense functions pursuant to the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2253(b)) and Executive Order 10242, dated May 8, 1951 (16 F.R. 4262), as appropriate, or 10 U.S.C. 173, 5 U.S.C. 55a, and the Agreement between the DOD and the Civil Service Commission on employment of experts and consultants, dated July 22, 1959.

(d) Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with the employment therein, in accordance with the provisions of the Act of June 26, 1943 (5 U.S.C. 16a), and section 403(b) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2255(b)), and designate in writing, as may be necessary, officers and employees of the Office of Civil Defense and its subordinate activities to perform this function.

(e) Establish an Office of Civil Defense Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect the Office of Civil Defense or its subordinate activities in accordance with the provisions of the Act of September 1954 (5 U.S.C. 2123) and Civil Service Regulations.

2. *Director, Security Office.* Pursuant to the authority vested in the Executive Assistant to the Assistant Secretary of Defense (Civil Defense) by reference (b) the Director, Security Office, or in his absence, the person acting for him is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DOD policies, directives, and instructions and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) In accordance with the provisions of the Act of August 26, 1950, as amended (5 U.S.C. 22–1); Executive Order 10450, dated April 27, 1953, as amended; and DOD Directive 5210.7, dated August 12, 1953 (as revised):

(1) Designate any position in the Office of Civil Defense and its subordinate activities as a "sensitive" position;

(2) Authorize in case of an emergency, the appointment of a person to a sensitive position in the Office of Civil Defense and its subordinate activities for a limited period of time for whom a full field investigation or other appropriate investigation including the National Agency Check, has not been completed; and

(3) Authorize the suspension, but not the termination of the services of an employee in the interest of national security in positions within the Office of Civil Defense and its subordinate activities.

(b) Clear civil defense personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of DOD Directive 5210.8, dated June 29, 1955 (as revised), "Policy on Investigation and Clearance of Department of Defense Personnel for Access to Classified Defense Information" and of Executive Order 10501, dated November 5, 1953, as amended.

(c) Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Assistant Secretary of Defense (Civil Defense), pursuant to paragraphs IIIA and VB of DOD Directive 5200.8, dated August 20, 1954, and section 403(a) of the Federal Civil Defense Act of 1950; as amended (50 U.S.C. App. 2255(a)).

3. *Director, Personnel Office; Director, Procurement Services Office; Director, Management Office; and the Staff Secretary.* Pursuant to the authority vested in the Executive Assistant to the Assistant Secretary of Defense (Civil Defense) by reference (b) the Director, Personnel Office; Director, Procurement Services; Director, Management Office; and Staff Secretary, or in their absence, the persons acting for them are hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DOD policies, directives, and instructions and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to authorize and approve overtime work for civilian officers and employees of the Office of Civil Defense and its subordinate activities in accordance with the provisions of section 25.221 of the Federal Employee Pay Regulations.

4. *Staff Secretary.* Pursuant to the authority vested in the Executive Assistant to the Assistant Secretary of Defense (Civil Defense) by reference (b) the Staff Secretary, or in his absence, the person acting for him is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DOD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Authorize and approve:

(1) Travel for civilian officers and employees in connection with civil defense activities in accordance with the Standardized Government Travel Regulations, as amended (BOB Circular A–7, revised).

(2) Temporary duty travel only for military personnel assigned or detailed to the Office of Civil Defense or its subordinate activities in accordance with Joint Travel Regulations for the Uniformed Services dated April 1, 1951, as amended;

(3) Invitational travel to persons serving without compensation whose consultive, advisory, or other highly specialized technical services are required in a capacity that is directly related to or in connection with civil defense activities, pursuant to the provisions of section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b–2). This authority cannot be redelegated.

(b) Develop, establish, and maintain an active and continuing Records Management Program for the Office of Civil Defense and its subordinate activities, pursuant to the provisions of section 506 (b) of the Federal Records Act of 1950 (44 U.S.C. 396(b)).

(c) Maintain, for assigned civil defense functions, and appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DOD Directive 5025.1, dated March 7, 1961.

5. *Director, Procurement Services Office.* Pursuant to the authority vested in the Executive Assistant to the Assistant Secretary of Defense (Civil Defense) by reference (b) the Director, Procurement Services Office, or in his absence, the person acting for him is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DOD policies, directives, and instructions and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of the Office of Civil Defense and its subordinate activities (44 U.S.C. 324).

(b)(1) Establish and maintain appropriate Property Accounts for Civil Defense property, equipment and supplies for which the Assistant Secretary of Defense (Civil Defense) is assigned responsibility;

(2) Appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for civil defense property contained in the authorized Property Accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

(c) Enter into contracts for supplies, equipment and services for civil defense purposes and subject to the limitation contained in section 2311, Chapter 137, Title 10 U.S.C., to make the necessary determinations and findings required under that chapter. To the maximum practicable extent, procurement of supplies and equipment will be accomplished through established military procurement agencies.

(d) Enter into support and service agreements with the military departments, other DOD agencies, or other Governmental agencies as required for the effective performance of assigned civil defense responsibilities and functions.

6. *Director, Management Office.* Pursuant to the authority vested in the Executive Assistant to the Assistant Secretary of Defense (Civil Defense) by reference (b) the Director, Management Office, or in his absence, the person acting for him is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DOD policies, directives, and instructions and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to establish, for assigned civil defense functions, an appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DOD Directive 5025.1, dated March 7, 1961.

Existing redelegations by the Director, Administrative Services of authority contained in section 1 of reference (b) are continued in effect until modified or revoked by the Executive Assistant to the Assistant Secretary of Defense (Civil Defense) except that references in section 2 of a redelegation of authority published at 27 F.R. 7747 to the Director and Deputy Director, Procurement Services Division are deemed to refer to the Procurement Services office and the $100,000 limitation on approval of expenditures placed upon the Director and Deputy

Director, Procurement Services Office, is removed.

This redelegation of Administrative Authorities for Civil Defense Functions is effective immediately.

Dated this 18th day of August 1962.

ROBERT E. HOLT,
Executive Assistant to the Assistant Secretary of Defense (Civil Defense).

[F.R. Doc. 62-8760; Filed, Aug. 30, 1962; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-29]

RADIOLOGICAL SERVICE CO., INC.

Notice of Proposed Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that Radiological Service Company, Inc., 811 West Merrick Road, Valley Stream, New York, holder of License No. 31-1672-1, which authorizes the receipt, storage and disposal of waste byproduct, source and special nuclear material by shipment to the AEC-designated land burial site at Oak Ridge, Tennessee, has applied for an amendment which would authorize the receipt and storage of radioactive waste material at a new site located at 11-16 44th Avenue, Long Island City, New York.

The Atomic Energy Commission has reviewed the application for amendment and proposes to grant the amendment subject to appropriate limitations, unless within fifteen (15) days after filing of this notice with the Office of the Federal Register, a petition to intervene and a request for a formal hearing are filed with the Commission in the manner prescribed in Title 10, Code of Federal Regulations, Chapter I, Part 2, rules of practice, or unless the Commission upon further consideration, directs the holding of such a hearing on its own motion.

The application for license amendment and a memorandum prepared by the Division of Licensing and Regulation which summarizes the considerations evaluated prior to the issuance of this notice of proposed licensing action are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C. Copies of the memorandum referenced above may also be obtained by request addressed to the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C. or to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

The text of the proposed amendment is set forth below.

Dated at Germantown, Md., August 24, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Licensing and Regulation.

[License No. 31-1672-1 (C63); Amdt. 16]

In accordance with application dated May 21, 1962, and amendment thereto dated June 29, 1962 (hereinafter referred to as the application), License No. 31-1672-1 is amended as follows:

Condition 4 is amended to read as follows:

4. Except as specifically authorized otherwise in this license, the licensee shall receive, store and transfer byproduct, source and special nuclear material in accordance with statements, representations and procedures contained in his applications dated August 26, 1958, August 29, 1958, October 27, 1958, September 14, 1959, January 5, 1960, August 23, 1960, September 2, 1960, October 10, 1960, November 30, 1960, March 27, 1962, May 15, 1962, May 21, 1962, June 4, 1962, and June 29, 1962.

Condition 6 is amended to read as follows:

6. Byproduct, source and special nuclear material shall be stored at the facilities of Radiological Service Company, Inc., 28-22A Astoria Boulevard, Long Island City, New York, and/or 11-16 44th Avenue, Long Island City, New York.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 62-8738; Filed, Aug. 30, 1962; 8:45 a.m.]

[Docket No. 50-62]

UNIVERSITY OF VIRGINIA

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to Facility License No. R-66. The license authorizes the University of Virginia (the licensee) to operate its pool-type nuclear reactor (the reactor) located on its campus in Charlottesville, Virginia. The amendment authorizes the licensee to conduct a broad irradiation program in the reactor as described in the licensee's application for license amendment dated February 22, 1962.

The Commission has found that:

(1) Operation of the reactor, including conduct of the broad irradiation program, in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor, including conduct of the broad irradiation program, in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the hazards analysis prepared by the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated February 22, 1962, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 23d day of August 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-66; Amdt. 3]

Facility License No. R-66, as amended, which authorizes University of Virginia (the licensee) to operate its pool-type nuclear reactor (the reactor) located on its campus in Charlottesville, Virginia, is hereby further amended to authorize the conduct in the reactor of the broad irradiation program described in the licensee's application for license amendment dated February 22, 1962.

The activities in the broad irradiation program shall be conducted in accordance with the provisions of License No. R-66, as amended, and the licensee's application for license amendment dated February 22, 1962, provided, however, that in the event of any conflict between any limitation included in the licensee's application for license amendment dated February 22, 1962, and the provisions of the Commission's regulation, "Standards for Protection Against Radiation", 10 CFR Part 20, the provisions of 10 CFR Part 20 shall control.

This amendment is effective as of the date of issuance.

Date of issuance: August 23, 1962.

For the Atomic Energy Commission.

EDSON G. CASE,
Assistant Director for Facilities Licensing, Division of Licensing and Regulation.

[F.R. Doc. 62-8739; Filed, Aug. 30, 1962; 8:45 a.m.]

[Docket No. 50-57]

WESTERN NEW YORK NUCLEAR RESEARCH CENTER, INC.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 4, set forth below, to Facility License No. R-77. The license, as previously amended, authorizes Western New York Nuclear Research Center, Inc., to possess and operate the nuclear reactor facility located on the campus of The University of Buffalo at Buffalo, New York. This amendment authorizes Western New York Nuclear Research Center, Inc., to install and use a uranium fission plate in their nuclear reactor facility as described in the licensee's application for license amendment dated July 10, 1962.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated July 10, 1962, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 24th day of August 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-77; Amdt. 4]

License No. R-77, as amended, which authorizes Western New York Nuclear Research Center, Inc., to possess and operate the nuclear reactor located on the campus of The University of Buffalo at Buffalo, New York, is hereby further amended as follows:

1. Western New York Nuclear Research Center, Inc., is authorized to install and use a uranium fission plate in their nuclear reactor facility as described in their application for amendment dated July 10, 1962.

Date of issuance: August 24, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-8740; Filed, Aug. 30, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13728]

EASTERN NORTH CAROLINA AREA AIRLINE SERVICE AIRPORT INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a prehearing conference in the above-entitled proceeding is assigned to be held on October 5, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., August 28, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8771; Filed, Aug. 30, 1962; 8:51 a.m.]

[Docket 13743]

NORTH CENTRAL AREA AIRLINE SERVICE AIRPORT INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a prehearing conference in the above-entitled proceeding is assigned to be held on October 2, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., August 28, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-8772; Filed, Aug. 30, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

GALLAGHER & ASCHER CO.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8992, between Gallagher & Ascher Co., Chicago, Illinois, and San Diego Traffic Services, San Diego, California, provides for the completion and processing of shipping documents by the San Diego forwarder on shipments referred to it by the Chicago forwarder. For these services San Diego Traffic Services will receive half the ocean brokerage plus specified services fees.

Agreement No. 8994, between George N. Leininger Co., Inc., New Orleans, Louisiana, and Schaefer & Krebs, Inc., New York, New York, is a reciprocal arrangement under which the parties will perform freight forwarding services for each other. Ocean brokerage will be equally divided, and the entire forwarding fee retained by the party performing the work.

All four parties to these two agreements are independent ocean freight forwarders eligible to carry on the business of forwarding pursuant to section 44, Shipping Act, 1916.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., or at the Commission's field offices at:

45 Broadway, New York 4, N.Y.
701 Loyola Street, New Federal Building, P.O. Box 52948, New Orleans 50, La.
180 New Montgomery Street, San Francisco, Calif.

They may submit, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: August 28, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8759; Filed, Aug. 30, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7050]

IOWA SOUTHERN UTILITIES CO.

Notice of Application

AUGUST 28, 1962.

Take notice that on August 22, 1962 an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Iowa Southern Utilities Company (Applicant), a corporation organized under the laws of the State of Delaware, qualified to do business as a foreign corporation in the States of Iowa and Illinois, and doing business in the State of Iowa, with its principal place of business at Centerville, Iowa, seeking authorization to issue $4,900,000 principal amount of First Mortgage Bonds ___ percent Series due 1992. Applicant proposes to issue the aforesaid Bonds under its presently existing Indenture dated February 1, 1923, executed by Applicant to The

Northern Trust Company and Harold H. Rockwell, as Trustees, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of September 1, 1962. The Bonds, to be dated September 1, 1962, will be sold at competitive bidding and will bear interest at the rate per annum to be fixed by competitive bidding. Applicant states that the net proceeds from the sale of the new Bonds will be used to redeem its presently outstanding First Mortgage Bonds, 5¾ percent Series, due August 1, 1987, in the principal amount of $4,900,000 plus a call premium of 5.35 percent and accrued interest to date of redemption, which Applicant believes will result in a lower rate of interest and a substantial saving to Applicant in annual cost of money.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 11th day of September, 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8763; Filed, Aug. 30, 1962; 8:50 a.m.]

[Docket No. G-3708 etc.]

FOREST OIL CORP.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity, Substituting Applicant in Certificate Applications and Respondent in Rate Proceedings, Accepting and Redesignating FPC Gas Rate Filings, Accepting Successor's Agreements and Undertakings and Redesignating Rate Proceedings, and Making Suspended Rate Effective

AUGUST 24, 1962.

In the matter of Forest Oil Corporation (Successor to C. L. McMahon, Inc.), Docket Nos. G-3708, G-10379, G-15425, G-18250, CI61-392, CI61-583, and CI61-584, RI60-63, RI60-400 and RI61-31; and Forest Oil Corporation (Successor to Inland Producers Company), G-18239.

On February 19, 1962, Forest Oil Corporation (Forest) filed two petitions requesting, respectively, the amendment of the certificate authorizations heretofore issued to C. L. McMahon, Inc. (McMahon) in Docket Nos. G-3708, G-10379, G-15425 and CI61-583, and the pending certificate applications filed by McMahon in Docket Nos. G-18250, CI61-392 and CI61-584, together with the outstanding temporary authorizations therein, by substituting Forest for McMahon as certificate holder or applicant in said dockets; and the amendment of the pending certificate application filed by Inland Producers Company (Inland) in Docket No. G-18239, together with the outstanding temporary authorization therein, by substituting Forest for Inland in said docket.

Also on February 19, 1962, Forest and McMahon, jointly, filed a motion in Docket Nos. RI60-63, RI60-400 and RI61-31 to substitute Forest for McMahon as party respondent in each of said rate proceeding dockets.

The foregoing filings of February 19, 1962, show that by two Indentures of Conveyance, each dated as of December 1, 1961, Forest acquired all of the interests of McMahon and Inland, respectively, in natural gas producing properties subject to the jurisdiction of the Commission and assumed all of the obligations, contractual and otherwise, of McMahon and Inland pertaining thereto.

It appears that the acquisition by Forest of the properties and obligations of McMahon and Inland will have no adverse effect on the ultimate consumers of the gas involved.

Concurrently with the filings of February 19, 1962, Forest filed notices of succession to McMahon's eight active rate schedules and to Inland's one active rate schedule, and duly-executed instruments of agreement and undertaking whereby Forest assumed the obligations of McMahon in Docket Nos. RI60-63, RI60-400 and RI61-31.

The proposed increased rates in Docket Nos. RI60-400 and RI61-31 were made effective, subject to refund, under agreements and undertakings duly filed by McMahon, on August 31, 1960, and January 8, 1961, respectively. The proposed increased rates in Docket No. RI60-63 have never been made effective. Forest's filing of its agreement and undertaking in said Docket No. RI60-63 will be accepted for filing as a motion to make the rate contained therein effective as of February 19, 1962.

It would appear that the proceedings in Docket Nos. RI60-400 and RI61-31 should be redesignated so as to make both assignor and assignee parties to said proceedings, thus continuing McMahon's obligation to refund excess charges that may be determined to have been collected prior to Forest's acquisition.

The Commission finds:

(1) It is in the public interest and appropriate in carrying out the provisions of the Natural Gas Act to amend, as hereinafter ordered and conditioned, the outstanding certificate authorizations, the pending certificate applications and the outstanding temporary authorizations of McMahon and Inland by substituting Forest for McMahon and Inland, as hereinbefore set forth.

(2) Forest Oil Corporation should be substituted for C. L. McMahon, Inc. as respondent in Docket Nos. RI60-63, RI60-400 and RI61-31, the proceedings therein should be appropriately redesignated, Forest's agreements and undertakings in said proceedings should be accepted for filing and the rate suspended in Docket No. RI60-63 should be made effective, subject to refund, as of February 19, 1962.

(3) Further, Forest's notices of succession filed on February 19, 1962, should be accepted for filing and the related filed rate schedules of McMahon and Inland should be appropriately redesignated to reflect Forest's succession thereto.

The Commission orders:

(A) The orders of the Commission issuing certificates of public convenience and necessity in Docket Nos. G-3708 (Docket Nos. G-6405, et al., issued November 20, 1952), G-10379 (Docket Nos. G-8754, et al., issued July 29, 1957), G-15425 (Docket Nos. G-10688, et al., issued February 9, 1960) and CI61-583 (Docket Nos. G-14986, et al., issued September 20, 1961) be and the same are hereby amended by substituting Forest Oil Corporation for C. L. McMahon, Inc. as certificate holder therein.

(B) The pending certificate applications and the outstanding temporary authorizations in Docket Nos. G-18250, CI61-392 and CI61-584 be and the same are hereby amended by substituting Forest Oil Corporation for C. L. McMahon, Inc. as applicant and temporary authorization holder therein, and the pending certificate application and outstanding temporary authorization in Docket No. G-18239 be and the same are hereby amended by substituting Forest Oil Corporation for Inland Producers Company as applicant and temporary authorization holder therein.

(C) The agreements and undertakings filed by Forest Oil Corporation on February 19, 1962, in the proceedings in Docket Nos. RI60-63, RI60-400 and RI61-31, to assume the duties and obligations under agreements and undertakings heretofore filed by C. L. McMahon, Inc. are hereby accepted for filing, with the understanding that C. L. McMahon, Inc. shall continue to be responsible for any refunds which may be found necessary as to sales prior to the succession of Forest Oil Corporation in Docket Nos. RI60-400 and RI61-31.

(D) The rate, charge and classification heretofore suspended in Docket No. RI60-63 are hereby made effective, subject to refund under the agreement and undertaking filed by Forest Oil Corporation therein, as of February 19, 1962.

(E) The related rate filings of February 19, 1962, by Forest Oil Corporation listed below are hereby accepted and the respective predecessor rate schedules redesignated as shown. Such acceptance for filing shall not be construed as constituting approval by this Commission of any service, rate, charge, classification, nor any rule, regulation or practice affecting such service or rate; nor shall this order be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the Applicants involved. Further, in the event that any document comprising the listed rate schedules was executed on or after April 3, 1961, and contains provisions either therein or by adoption of the terms and provisions of other agreements, for a change in rate other than those permitted by § 154.93 of the Commission's regulations under the Natural Gas Act, such rate change provisions shall be inoperative and of no effect at law and any tendered rate change under such provisions will be rejected.

Docket No.; Predecessor and Prior Rate Schedule Designation; and Successor Rate Schedule Designation

G-3708; C. L. McMahon, Inc. FPC Gas Rate Schedule No. 6; Forest Oil Corporation FPC Gas Rate Schedule No. 22 and Supplement Nos. 1-3, inclusive.

G-10379; C. L. McMahon, Inc. FPC Gas Rate Schedule No. 4; Forest Oil Corporation FPC Gas Rate Schedule No. 19 and Supplement No. 1.

G-15425; C. L. McMahon, Inc. FPC Gas Rate Schedule No. 3; Forest Oil Corporation FPC Gas Rate Schedule No. 20 and Supplement Nos. 1-4, inclusive.

G-18250; C. L. McMahon, Inc. FPC Gas Rate Schedule No. 5; Forest Oil Corporation FPC Gas Rate Schedule No. 21.

CI61-392; C. L. McMahon, Inc. FPC Gas Rate Schedule No. 7; Forest Oil Corporation FPC Gas Rate Schedule No. 25 and Supplement Nos. 1 and 2.

CI61-583; C. L. McMahon, Inc. FPC Gas Rate Schedule No. 8; Forest Oil Corporation FPC Gas Rate Schedule No. 23.

CI61-584; C. L. McMahon, Inc. FPC Gas Rate Schedule No. 9; Forest Oil Corporation FPC Gas Rate Schedule No. 24 and Supplement Nos. 1 and 2.

G-18239; Inland Producers Company FPC Gas Rate Schedule No. 1; Forest Oil Corporation FPC Gas Rate Schedule No. 18.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8743; Filed, Aug. 30, 1962; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING DIRECTOR FOR NORTHWEST OPERATIONS, REGION VI

Designation

1. The officers appointed to the following listed positions in the Office of the Director for Northwest Operations, Region VI, are hereby designated to serve as Acting Director for Northwest Operations, Region VI, during the absence of the Director for Northwest Operations, with all the powers, functions, and duties redelegated or assigned to the Director, provided that no officer is authorized to serve as Acting Director for Northwest Operations unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

(a) Deputy Director for Northwest Operations;

(b) Area Engineer;

(c) Area Finance Officer.

2. This designation supersedes the designation effective July 4, 1962 (27 F.R. 6350, July 4, 1962).

(Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 31st day of August 1962.

[SEAL] J. G. MELVILLE,
Regional Administrator, Region VI.

[F.R. Doc. 62-8768; Filed, Aug. 30, 1962; 8:50 a.m.]

TARIFF COMMISSION

[AA1921-24]

SHEET GLASS FROM CZECHOSLOVAKIA

Notice of Investigation

Having received advice from the Assistant Secretary of the Treasury on August 20, 1962 that Glass, Sheet, in Jalousie Louvre Sizes, from Czechoslovakia is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may within 15 days after the date of publication of this notice in the FEDERAL REGISTER request that a public hearing be held, stating reasons for the request.

Any interested party may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. Fifteen clear copies of such statement should be submitted. Information which an interested party desires to submit in confidence should be submitted on separate pages each clearly marked "Submitted in Confidence". Written statements must be filed not later than September 30, 1962.

Issued: August 28, 1962.

By order of the Commission.

DONN N. BENT,
Secretary.

[F.R. Doc. 62-8758; Filed, Aug. 30, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 687]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 28, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64899. By order of August 24, 1962, the Transfer Board approved the transfer to Interline Motor Freight, Inc., Galesburg, Ill., of Certificate No. MC 59622 issued May 15, 1950 to James M. Ratcliffe, doing business as Ratcliffe Trucking Service, Kewanee, Ill., authorizing the transportation over irregular routes, of general commodities, excluding commodities in bulk and household goods, between Bettendorf, and Davenport, Iowa, on the one hand, and, on the other Carbon Cliff, East Moline, Moline, Milan, Rock Island, and Silvis, Ill., malt beverages, from Milwaukee, Wis., to Rock Island, Ill., and Davenport, Iowa; from Monroe, Wis., to Davenport, Iowa, and empty malt beverages containers, on return; brick, title (tile) and clay products, other than pottery, from Galesburg and Streator, Ill., to points in that part of Iowa on and east of U.S. Highway 69; cement building products, from Davenport, Iowa, to specified area in Illinois; butter, from Peoria, Ill., to Racine and Milwaukee, Wis., canned goods, from points in Wisconsin to Peoria, Ill., malt liquor beverages and still and carbonated non-intoxicating beverages, from Waukesha and Milwaukee, Wis., to Peoria, Ill., empty containers on return; and dairy machinery and creamery supplies, from Milwaukee, Wis., to Peoria, Ill. Thomas F. Roche, 111 West Washington Street, Chicago 2, Ill., attorney for applicants.

No. MC-FC 65149. By order of August 24, 1962, the Transfer Board approved the transfer to Active Express Co., a Corporation, Jersey City, N.J., of Certificate No. MC 116798, issued August 25, 1959, to Aragona Trucking Co., a Corporation, Jersey City, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Hoboken, N.J., on the one hand, and, on the other, points in New Jersey within 25 miles of City Hall, New York, N.Y. George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J., representative for applicants.

No. MC-FC 65295. By order of August 24, 1962, the Transfer Board approved the transfer to Beauseigneur Moving & Storage Corp., New York, N.Y., of Certificate No. MC 112639, issued April 28, 1960, to Emil Beauseigneur, doing business as Beauseigneur Moving and Storage, New York, N.Y., authorizing the transportation of household goods, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and Pennsylvania, and between New York, N.Y., on the one hand,

and, on the other, points in Rhode Island and New York. Morris Honig, 150 Broadway, New York 38, N.Y., applicants' attorney.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8753; Filed, Aug. 30, 1962; 8:48 a.m.]

[Drouth Order Nos. 60-62]

KENTUCKY, MISSOURI, PENNSYLVANIA, NEW JERSEY, AND NEW YORK

Drouth Orders; Extension of Expiration Dates

In the matter of Relief under section 22 of the Interstate Commerce Act; Amendment No. 3 to Drouth Order No. 60, Amendment No. 1 to Drouth Order No. 61, Amendment No. 1 to Drouth Order No. 62.

It appearing, that due to the drouth conditions existing in the States of Kentucky, Missouri, Pennsylvania, New Jersey, and New York, the Commission issued its Drouth Orders Nos. 60, 61, and 62, and as amended, under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the drouth area at reduced rates;

And it further appearing, that the United States Department of Agriculture has requested the Commission to enter an order extending the expiration dates of the orders to March 31, 1963:

It is ordered, That the expiration dates of October 23, 1962, November 20, 1962, and November 23, 1962, appearing in the first ordering paragraphs of Drouth Orders Nos. 60, 61, and 62, respectively, be, and they are hereby, changed so that the authority therein granted extends to and includes March 31, 1963.

It is further ordered, That in all other respects Drouth Orders Nos. 60, 61, and 62, and as amended, shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 27th day of August A.D. 1962.

By the Commission, Chairman Murphy.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8762; Filed, Aug. 30, 1962; 8:50 a.m.]

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Rules and Regulations

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 22—FOOD FLAVORINGS; DEFINITIONS AND STANDARDS OF IDENTITY

Vanilla Extract and Related Products

In the matter of establishing definitions and standards of identity for vanilla extract and related products:

A notice of proposed rule making was published in the FEDERAL REGISTER of July 19, 1960 (25 F.R. 6850), setting forth two sets of proposals for establishing standards of identity for vanilla extract and related products. One set was sponsored by McCormick and Company, Baltimore, Maryland, and the other set was sponsored by American Food Laboratories, 1000 Stanley Avenue, Brooklyn 8, New York, et al. The notice invited all interested persons to submit views and comments on the proposals.

Upon consideration of the views and comments submitted and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish the definitions and standards of identity hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), Title 21 is amended by adding thereto the following new part:

Sec.
22.1 Definitions.
22.2 Vanilla extract; identity; label statement of optional ingredients.
22.3 Concentrated vanilla extract; identity; label statement of optional ingredients.
22.4 Vanilla flavoring; identity; label statement of optional ingredients.
22.5 Concentrated vanilla flavoring; identity; label statement of optional ingredients.
22.6 Vanilla-vanillin extract; identity; label statement of optional ingredients.
22.7 Vanilla-vanillin flavoring; identity; label statement of optional ingredients.
22.8 Vanilla powder; identity; label statement of optional ingredients.
22.9 Vanilla-vanillin powder; identity; label statement of optional ingredients.

AUTHORITY: §§ 22.1 to 22.9 issued under secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371.

§ 22.1 Definitions.

For the purposes of this part:

(a) The term "vanilla beans" means the properly cured and dried fruit pods of Vanilla planifolia Andrews and of Vanilla tahitenis Moore.

(b) The term "unit weight of vanilla beans" means, in the case of vanilla beans containing not more than 25 percent moisture, 13.35 ounces of such beans; and, in the case of vanilla beans containing more than 25 percent moisture, it means the weight of such beans equivalent in content of moisture-free vanilla-bean solids to 13.35 ounces of vanilla beans containing 25 percent moisture. (For example, one unit weight of vanilla beans containing 33.25 percent moisture amounts to 15 ounces.) The moisture content of vanilla beans is determined by the method prescribed in Official Methods of Analysis of the Association of Official Agricultural Chemists, Ninth Edition, 1960, sections 22.004 and 22.005, except that the toluene used is blended with 20 percent by volume of benzene and the total distillation time is 4 hours. To prepare samples for analysis, the pods are chopped into pieces approximately ¼-inch in longest dimension, using care to avoid moisture change.

(c) The term "unit of vanilla constituent" means the total sapid and odorous principles extractable from one unit weight of vanilla beans, as defined in paragraph (b) of this section, by an aqueous alcohol solution in which the content of ethyl alcohol by volume amounts to not less than 35 percent and not more than 45 percent.

§ 22.2 Vanilla extract; identity; label statement of optional ingredients.

(a) Vanilla extract is the solution in aqueous ethyl alcohol of the sapid and odorous principles extractable from vanilla beans. In vanilla extract the content of ethyl alcohol is not less than 35 percent by volume and the content of vanilla constituent, as defined in § 22.1 (c), is not less than one unit per gallon. The vanilla constituent may be extracted directly from vanilla beans or it may be added in the form of concentrated vanilla extract or concentrated vanilla flavoring or vanilla flavoring concentrated to the semisolid form called vanilla oleoresin. Vanilla extract may contain one or more of the following optional ingredients:

(1) Glycerin.
(2) Propylene glycol.
(3) Sugar (including invert sugar).
(4) Dextrose.
(5) Corn sirup (including dried corn sirup).

(b) (1) The specified name of the food is "vanilla extract" or "extract of vanilla."

(2) When the vanilla extract is made in whole or in part by dilution of vanilla oleoresin, concentrated vanilla extract, or concentrated vanilla flavoring, the label shall bear the statement "made from _____" or "made in part from _____," the blank being filled in with the name or names "vanilla oleoresin," "concentrated vanilla extract," or "concentrated vanilla flavoring," as appropriate.

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the labeling required by subparagraph (2) of this paragraph shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 22.3 Concentrated vanilla extract; identity; label statement of optional ingredients.

(a) Concentrated vanilla extract conforms to the definition and standard of identity and is subject to any requirement for label statement of optional ingredients prescribed for vanilla extract by § 22.2, except that each gallon contains two or more units of vanilla constituent as defined in § 22.1(c). The content of ethyl alcohol is not less than 35 percent by volume.

(b) The specified name of the food is "concentrated vanilla extract _____ fold" or "_____ fold concentrated vanilla extract," the blank being filled in with the whole number (disregarding fractions) expressing the number of units of vanilla constituent per gallon of the article. (For example, "concentrated vanilla extract 2-fold.")

§ 22.4 Vanilla flavoring; identity; label statement of optional ingredients.

(a) Vanilla flavoring conforms to the definition and standard of identity and is subject to any requirement for label statement of optional ingredients prescribed for vanilla extract by § 22.2, except that its content of ethyl alcohol is less than 35 percent by volume.

(b) The specified name of the food is "vanilla flavoring."

§ 22.5 Concentrated vanilla flavoring; identity; label statement of optional ingredients.

(a) Concentrated vanilla flavoring conforms to the definition and standard of identity and is subject to any requirement for label statement of optional ingredients prescribed for vanilla flavoring by § 22.4, except that each gallon contains two or more units of vanilla constituent as defined in § 22.1(c).

(b) The specified name of the food is "concentrated vanilla flavoring _____ fold" or "_____ fold concentrated vanilla flavoring," the blank being filled in with the whole number (disregarding fractions) expressing the number of units of vanilla constituent per gallon of the article. (For example, "concentrated vanilla flavoring 3-fold.")

§ 22.6 Vanilla-vanillin extract; identity; label statement of optional ingredients.

(a) Vanilla-vanillin extract conforms to the definition and standard of iden-

tity and is subject to any requirement for label statement of optional ingredients prescribed for vanilla extract by § 22.2, except that for each unit of vanilla constituent, as defined in § 22.1(c), contained therein, the article also contains not more than 1 ounce of added vanillin.

(b) The specified name of the food is "vanilla-vanillin extract _____ fold" or "_____ fold vanilla-vanillin extract," followed immediately by the statement "contains vanillin, an artificial flavor (or flavoring)." The blank in the name is filled in with the whole number (disregarding fractions) expressing the sum of the number of units of vanilla constituent plus the number of ounces of added vanillin per gallon of the article. However, if the strength of the article is less than 2-fold, the term "_____ fold" is omitted from the name.

§ 22.7 Vanilla-vanillin flavoring; identity; label statement of optional ingredients.

(a) Vanilla-vanillin flavoring conforms to the definition and standard of identity and is subject to any requirement for label statement of optional ingredients prescribed for vanilla-vanillin extract by § 22.6, except that its content of ethyl alcohol is less than 35 percent by volume.

(b) The specified name of the food is "vanilla-vanillin flavoring _____ fold" or "_____ fold vanilla-vanillin flavoring," followed immediately by the statement "contains vanillin, an artificial flavor (or flavoring)." The blank in the name is filled in with the whole number (disregarding fractions) expressing the sum of the number of units of vanilla constituent plus the number of ounces of added vanillin per gallon of the article. However, if the strength of the article is less than 2-fold, the term "_____ fold" is omitted from the name.

§ 22.8 Vanilla powder; identity; label statement of optional ingredients.

(a) Vanilla powder is a mixture of ground vanilla beans or vanilla oleoresin with one or more of the following optional blending ingredients:

(1) Sugar.
(2) Dextrose.
(3) Lactose.
(4) Food starch (including food starch-modified as prescribed in § 121.1031 of this chapter).
(5) Dried corn sirup.

Vanilla powder may contain one or any mixture of two or more of the anticaking ingredients specified in paragraph (b) of this section, but the total weight of any such ingredient or mixture is not more than 2 percent of the weight of the finished vanilla powder. Vanilla powder contains in each 8 pounds not less than one unit of vanilla constituent, as defined in § 22.1(c).

(b) The anticaking ingredients referred to in paragraph (a) of this section are:

(1) Aluminum calcium silicate.
(2) Calcium silicate.
(3) Calcium stearate.
(4) Magnesium silicate.
(5) Tricalcium phosphate.

(c)(1) The specified name of the food is "vanilla powder _____ fold" or "_____ fold vanilla powder," except that if sugar is the optional blending ingredient used, the word "sugar" may replace the word "powder." The blank in the name is filled in with the whole number (disregarding fractions) expressing the number of units of vanilla constituent per 8 pounds of the article. However, if the strength of the article is less than 2-fold, the term "_____ fold" is omitted from the name.

(2) The label of vanilla powder shall bear the common names of any of the optional ingredients specified in paragraphs (a) and (b) of this section that are used, except that where the alternative name "vanilla sugar" is used for designating the food it is not required that sugar be named as an optional ingredient.

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the labeling required by subparagraph (2) of this paragraph shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 22.9 Vanilla-vanillin powder; identity; label statement of optional ingredients.

(a) Vanilla-vanillin powder conforms to the definition and standard of identity and is subject to any requirement for label statement of optional ingredients prescribed for vanilla powder by § 22.8, except that for each unit of vanilla constituent as defined in § 22.1(c) contained therein, the article also contains not more than 1 ounce of added vanillin.

(b) The specified name of the food is "vanilla - vanillin powder _____ fold" or "_____ fold vanilla-vanillin powder," followed immediately by the statement "contains vanillin, an artificial flavor (or flavoring)." If sugar is the optional blending ingredient used, the word "sugar" may replace the word "powder" in the name. The blank in the name is filled in with the whole number (disregarding fractions) expressing the sum of the number of units of vanilla constituent plus the number of ounces of added vanillin per 8 pounds of the article. However, if the strength of the article is less than 2-fold, the term "_____ fold" is omitted from the name.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371)

Dated: August 28, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8816; Filed, Aug. 31, 1962; 8:51 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of O, O-Diethyl O-(2-Isopropyl-4-Methyl-6-Pyrimidinyl) Phosphorothioate

A petition was filed with the Food and Drug Administration by Geigy Agricultural Chemicals, Division of Geigy Chemical Corporation, Saw Mill River Road, Ardsley, New York, requesting the establishment of a tolerance for residues of the insecticide *O, O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate, in or on the fat, meat, and meat byproducts of sheep from use to control ectoparasites.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.153) are amended by inserting the words "the insecticide" in the introduction to the section and by adding thereto a tolerance of 0.75 part per million for residues of the subject pesticide chemical in or on the fat, meat, and meat byproducts of sheep, as follows:

§ 120.153 Tolerances for residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate.

Tolerances for residues of the insecticide (*O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on raw agricultural commodities are established as follows:

* * * * *

0.75 part per million in or on the fat, meat, and meat byproducts of sheep from preslaughter application.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: August 28, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8807; Filed, Aug. 31, 1962; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

YELLOW PRUSSIATE OF SODA (SODIUM FERROCYANIDE DECAHYDRATE)

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Morton Salt Company, 110 North Wacker Drive, Chicago 6, Illinois, and other relevant material, has concluded that the food additive regulation with respect to yellow prussiate of soda (sodium ferrocyanide decahydrate) should be amended as set forth below. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1032 is amended to read as follows:

§ 121.1032 Yellow prussiate of soda (sodium ferrocyanide decahydrate; $Na_4Fe(CN)_6 \cdot 10H_2O$).

Yellow prussiate of soda (sodium ferrocyanide decahydrate; $Na_4Fe(CN)_6 \cdot 10H_2O$) may be safely used as a component of food for the uses prescribed in paragraph (a) of this section, subject to the limitations prescribed in this section:

(a) The uses permitted are as follows:

Uses	*Limitations*
As an anticaking agent in salt	5 parts per million (0.0005 percent) calculated as anhydrous sodium ferrocyanide.
As an adjuvant in the production of dentritic crystals of salt.	13 parts per million (0.0013 percent) calculated as anhydrous sodium ferrocyanide.

(b) The additive contains a minimum of 99.0 percent by weight of sodium ferrocyanide decahydrate.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the persons filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: August 28, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8809; Filed, Aug. 31, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Diversay Corporation, 212 West Monroe Street, Chicago 6, Illinois, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of sanitizing solutions on food-processing equipment and utensils without a final potable water rinse. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2547 Sanitizing solutions.

Sanitizing solutions may be safely used on food-processing equipment and utensils in accordance with the following prescribed conditions:

(a) Such sanitizing solutions are used, followed by adequate draining, before contact with food.

(b) The solutions contain potassium, sodium, or calcium salts of bromide or hypochlorite and, as used, provide not more than 100 parts per million of total available halogen, as chlorine and bromine.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: August 28, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8808; Filed, Aug. 31, 1962; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ETHYLENE-ETHYL ACRYLATE COPOLYMERS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 851) filed by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, and other relevant material, has concluded that the following regulation should issue with respect to the food additive ethylene-ethyl acrylate copolymers in packaging materials, containers, and equipment intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to Subpart F the following new section:

§ 121.2554 Ethylene-ethyl acrylate copolymers.

Ethylene-ethyl acrylate copolymers may be safely used to produce packaging materials, containers, and equipment intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or

holding food, in accordance with the following prescribed conditions:

(a) Ethylene-ethyl acrylate copolymers consist of basic resins produced by the catalytic copolymerization of ethylene and ethyl acrylate, to which may have been added certain optional substances to impart desired technological properties to the resin. Subject to any limitations prescribed in this section, the optional substances may include:

(1) Substances generally recognized as safe in food and food packaging.

(2) Substances the use of which is permitted under applicable regulations in this Part 121, prior sanction, or approvals.

(b) The ethyl acrylate content of the copolymer does not exceed 8 percent by weight unless it is blended with polyethylene complying with § 121.2510 or with one or more ethylene-alkene-1 copolymers complying with § 121.2508 or with a mixture of polyethylene and one or more ethylene-alkene-1 copolymers, in such proportions that the ethyl acrylate content of the blend does not exceed 8 percent by weight.

(c) Ethylene-ethyl acrylate copolymers or the blend shall conform to the specifications prescribed in subparagraph (1) of this paragraph and shall meet the ethyl acrylate content limits prescribed in paragraph (b) of this section, and the extractability limits prescribed in subparagraph (2) of this paragraph, when tested by the methods prescribed in § 121.2510.

(1) *Specifications*—(i) *Infrared identification.* Ethylene-ethyl acrylate copolymers can be identified by their characteristic infrared spectra.

(ii) *Quantitative determination of ethyl acrylate content.* The ethyl acrylate can be determined by the infrared spectra. Prepare a scan from 10.5 microns to 12.5 microns. Obtain a baseline absorbance at 11.6 microns and divide by the plaque thickness to obtain absorbance per mil. From a previously prepared calibration curve, obtain the amount of ethyl acrylate present.

(iii) *Specific gravity.* Ethylene-ethyl acrylate copolymers have a specific gravity of not less than 0.920 nor more than 0.935, as determined by A.S.T.M. Method D–1505.

(2) *Limitations.* (i) Ethylene-ethyl acrylate copolymers or the blend may be used in contact with food except as a component of articles used for packaging or holding food during cooking, provided they meet the following extractability limits:

(a) Maximum soluble fraction of 11.3 percent in xylene after refluxing and subsequent cooling to 25° C.

(b) Maximum extractable fraction of 3.1 percent when extracted with ethyl acetate at 50° C.

(c) Maximum extractable fraction of 5.5 percent when extracted with *n*-hexane at 50° C.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 28, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62–8806; Filed, Aug. 31, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 107; Reg. No. SR–450A]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

Airspeed Operation Limitation for Transport Category Airplanes; Special Civil Air Regulation

Special Civil Air Regulation No. SR–450, effective May 3, 1962, (27 F.R. 2995), contained a number of requirements dealing with airspeed operating limitations to airplanes certificated under the provisions of Part 4b in effect prior to May 3, 1962. A revision of the Airplane Flight Manual statement concerning airspeed operating limitations was prescribed for all such airplanes. Consistent revision of airspeed placards and instrument markings, and the installation of a speed warning device, were additionally prescribed for turbine-powered airplanes. The special regulation required compliance with the speed warning device provision on or before February 1, 1963; with all other provisions, on or before September 1, 1962.

Several operators of airplanes affected by SR–450 have requested extensions of the compliance dates specified therein, contending that compliance before these dates would be unnecessarily and excessively burdensome in relation to the attained increment of safety. With respect to the September 1, 1962, compliance date specified in section 1(a)(2), they point out that remarking airspeed instruments generally involves removal of the instrument seal. When this is done, the instrument is processed through a time-consuming overhaul schedule to make certain that its calibration has not been changed. They state, in addition, that the airplane manufacturer delayed delivery of the detailed service information required for the modification until necessary technical consultations with the instrument manufacturer, and with representatives of this Agency, could be completed. With respect to the February 1, 1963, date established for compliance with section 1(b), operators of turbine-powered airplanes not already equipped with a speed warning device report that they cannot obtain delivery of the device in less than 5 months; that installation of the device involves extensive electrical modifications, rework of the pitot-static pressure system, and other installation changes; that ground and flight tests are necessary to insure proper functioning of the modified systems; and that such modifications and tests, to be conducted in a safe manner, should be scheduled during a major airplane overhaul.

The Agency has determined that, for the reasons stated above and despite diligent efforts on their part, many persons affected by SR–450 will not be able to comply with its provisions before the specified dates and that a period of relief may be granted without adversely affecting safety. Accordingly, SR–450 has been amended by extending the September 1, 1962, compliance dates to March 1, 1963, and by extending the February 1, 1963, compliance date to February 1, 1964.

Since this regulation provides relief from the provisions of the previous regulation, and imposes no additional burden upon any persons, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary, and good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted to become effective August 31, 1962:

Contrary provisions of the Civil Air Regulations notwithstanding, the following requirements shall be applicable to transport category airplanes certificated under the provisions of Part 4b in effect prior to May 3, 1962:

1. *Turbine-powered airplanes.* (a) On or before March 1, 1963: (1) The airspeed operating limitations in the Airplane Flight Manual shall be revised by deleting the term "normal operating limit speed" and the corresponding symbols "V_{NO}/M_{NO}", together with statements explaining the significance of this term, and inserting in lieu thereof the term "maximum operating limit speed", the corresponding symbols "V_{MO}/M_{MO}", and the following statement explaining the significance of the new term:

The maximum operating limit speed shall not be deliberately exceeded in any regime of flight (climb, cruise, or descent), except where a higher speed is specifically authorized for flight test or pilot training operations, or in approved emergency procedures.

(2) Airspeed placards and instrument markings shall be consistent with subparagraph (1) of this paragraph. Where color markings are used on airspeed or Mach indicators, the red radial line shall be at V_{MO}/M_{MO}. Where a maximum allowable airspeed indicator is used, the limit hand shall indicate V_{MO}/M_{MO}.

(b) On or before February 1, 1964, each airplane shall be equipped with a speed warning device which shall provide aural warning to the pilots, which is distinctly different from aural warnings used for other purposes, whenever the speed exceeds V_{MO} plus 6 knots or $M_{MO}+0.01$. The upper limit of the production tolerances permitted for the warning device shall be at a speed not greater than the prescribed warning speed.

2. *Reciprocation engine-powered airplanes.* On or before March 1, 1963, the airspeed operating limitations in the Airplane Flight Manual shall be revised as necessary to state that the normal operating limit speed, or the maximum structural cruising speed (whichever term is used in the particular manual), shall not be deliberately exceeded in any regime of flight (climb, cruise, or descent), except where a higher speed is specifically authorized for flight test or pilot training operations, or in approved emergency procedures.

This regulation supersedes Special Civil Air Regulation No. SR–450.

(Secs. 313(a), 601, 603, 604; 72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354, 1421, 1423, 1424)

Issued in Washington, D.C., on August 29, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–8814; Filed, Aug. 31, 1962; 8:51 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1288; Amdt. 480]

PART 507—AIRWORTHINESS DIRECTIVES

Rolls Royce Tyne Engines

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement of the flame tubes on Rolls Royce Tyne engines, was published in 27 F.R. 6678.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

ROLLS ROYCE. Applies to all Tyne 512 and 515 engines with Pre-Modification 750 flame tubes installed.

Compliance required as indicated.

Investigation of an inflight failure of flame tubes on a Rolls Royce Tyne engine reveals the need for the following corrective action.

(a) Pre-Modification 750 flame tubes shall be removed and replaced with new Pre-Modification 750 or Modification 750 flame tubes as follows:

(1) On engines not incorporating a clutch mounted tail bearing (Rolls Royce Modification 549),

(i) Pre-Modification 750 flame tubes which have accumulated 325 or more hours' time in service as of the effective date of this AD shall be replaced within the next 25 hours' time in service after the effective date of this AD.

(ii) Pre-Modification 750 flame tubes which have accumulated less than 325 hours' time in service as of the effective date of this AD shall be replaced prior to the accumulation of 350 hours' time in service.

(2) On engines incorporating a clutch mounted tail bearing (Rolls Royce Modification 549),

(i) Pre-Modification 750 flame tubes which have accumulated 450 or more hours' time in service as of the effective date of this AD shall be replaced within the next 50 hours' time in service after the effective date of this AD.

(ii) Pre-Modification 750 flame tubes which have accumulated less than 450 hours' time in service as of the effective date of this AD shall be replaced prior to the accumulation of 500 hours' time in service.

(b) If new Pre-Modification 750 flame tubes are installed in accordance with paragraph (a), such flame tubes must be replaced with Modification 750 flame tubes prior to the accumulation of 350 hours' time in service.

(Rolls Royce Service Bulletin No. Ty72–375 concerns the same subject.)

This amendment shall become effective October 2, 1962.

(Sec. 313 (a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 27, 1962.

G. S. MOORE,
Director,
Acting Flight Standards Service.

[F.R. Doc. 62–8783; Filed, Aug. 31, 1962; 8:45 a.m.]

[Reg. Docket No. 1371; Amdt. 60]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS AND APPLIANCES

TSO C62b Aircraft Tires

Technical Standard Order C62a published in the FEDERAL REGISTER of March 20, 1962, as § 514.67 of the regulations of the Administrator contains the minimum performance standards for aircraft tires. Since the standards were developed, most aircraft tire manufacturers have installed the more precise and perfected acceleration type dynamometer which more accurately simulates airplane tire takeoff performance. The tire manufacturers have requested and FAA concurs, that the use of the more realistic and conservative acceleration method of testing high speed tires should be incorporated in the standard as an alternative testing method.

Accordingly, the Federal Aviation Agency Standard, "Aircraft Tires," has been revised and reissued dated August 1, 1962. The alternative test method is provided for in paragraph 6.2.4 of the standard, and the present paragraph 6.2.4.2 is renumbered to 6.2.4.1. In addition certain changes have been made to the format of the TSO as set forth in C–62(a) to make it consistent with the revised Subpart A of Part 514 which became effective July 1, 1962. In this connection, the TSO now provides for six copies of the required data.

Since this regulatory action provides an additional acceptable method of tire testing and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 514.67 of Part 514 of the Regulations of the Administrator (14 CFR Part 514) is hereby revised to read as follows:

§ 514.67 Aircraft tires—TSO–C62b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft tires, excluding tailwheel tires, which are to be used on civil aircraft of the United States. New design tires, manufactured on or after the effective date of this section, which are to be used on civil aircraft of the United States shall meet the standards specified in Federal Aviation Agency Standard, "Aircraft Tires" dated August 1, 1962.[1]

(b) *Marking.* In lieu of the marking requirements of § 514.3(d), aircraft tires shall be legibly and permanently marked with the following information:

(1) Brand name or name of the manufacturer responsible for compliance and the country of manufacture if outside the United States.

(2) The size, ply rating, and serial number.

(3) The qualification test speed and skid depth when the test speed is greater than 160 m.p.h., also, the word "reinforced" if applicable.

(4) Applicable Technical Standard Order (TSO) number.

(c) *Data requirements.* Six copies each of the following shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located: tire size, static and dynamic load rating, ply rating, rated inflation pressure, outside diameter, skid depth, static unbalance, tire weight and a summary of the load-speed-time parameters used in the high speed dynamometer tests.

(d) *Effective date.* September 1, 1962.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on August 27, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–8784; Filed, Aug. 31, 1962; 8:45 a.m.]

[1] Copies may be obtained upon request addressed to Publishing and Graphics Branch, Inquiry Section MS–158, Federal Aviation Agency, Washington 25, D.C.

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1341; Amdt. 285]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Ephrata VOR	EH-LFR	Direct	3500	T-dn	300–1	300–1	200–½
				C-dn	800–2	800–2	800–2
				S-dn-34	500–1	500–1	500–1
				A-dn	1000–3	1000–3	1000–3

Radar transitions and vectoring utilizing Larson RAPCON Radar authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 157° Outbnd, 337° Inbnd, 3000′ within 10 miles. NA beyond 10 mi. (Nonstandard to avoid Larson AFB.)
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 337°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing LFR, turn right, climb to 4000′ on E crs Ephrata LFR within 20 miles or, when directed by ATC, turn right, return to EH-LFR, hold at 3000′ on W crs, right turns, 1-minute holding pattern.
CAUTION: 2455′ msl radio tower 3.0 miles west of airport.

City, Ephrata; State, Wash.; Airport Name, Ephrata Municipal; Elev., 1272′; Fac. Class., BMRLZ; Ident., EH; Procedure No. 1, Amdt. 7; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 6; Dated, 3 Mar. 62

Klamath Falls VOR	KL LFR	Direct	7500	T-dn	500–1	500–1	500–1
				C-d	1200–1	1200–1	1200–1½
				C-n	1200–2	1200–2	1200–2
				A-dn	1500–2	1500–2	1500–2

Procedure turn E side of S crs, 162° Outbnd, 342° Inbnd, 7500′ within 10 miles.
Minimum altitude over facility on final approach crs, 5700′.
Crs and distance, facility to airport, 345°—1.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing LFR, turn left, climb to 8000′ on W crs of Klamath Falls LFR in a standard 1-minute holding pattern, all turns S side of crs.
CAUTION: High terrain all quadrants.

City, Klamath; State, Oreg.; Airport Name, Kingsley Field; Elev., 4092′; Fac. Class., SBRAZ; Ident., KL; Procedure No. 1, Amdt. 10; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 9; Dated, 22 Feb. 58

PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 15, 1962.

City, Tallahassee; State, Fla.; Airport Name, Tallahassee Municipal; Elev., 82′; Fac. Class., SBRAZ; Ident., TH; Procedure No. 1, Amdt. 2; Eff. Date, 9 Sept. 61; Sup. Amdt. No. 1; Dated, 22 Apr. 61

Silver Lake Int	TDO-LFR	Direct	4000	T-d	500–1	500–1	500–1
				C-d	1000–1	1000–1	1000–1½
				A-d	1400–2	1400–2	1400–2

Procedure turn W side of S crs, 153° Outbnd, 333° Inbnd, 3700′ within 10 miles. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 235°—2.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing LFR, make left climbing turn and return to TDO-LFR, climbing to 4000′, in a 1-minute holding pattern on S crs. All turns W of crs.
NOTES: ADF Procedure NA. Night operations NA.
CAUTION: High terrain NE through SE of range station.

City, Toledo; State, Wash.; Airport Name, Toledo-Winlock; Elev., 371′; Fac. Class., BMRLZ; Ident., TDO; Procedure No. 1, Amdt. 2; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 1; Dated, 22 Jan. 58

PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 15, 1962.

City, Tucson; State, Ariz.; Airport Name, Tucson Municipal; Elev., 2630′; Fac. Class., SBRAZ; Ident., TUS; Procedure No. 1, Amdt. 3; Eff. Date, 16 Nov. 57; Sup. Amdt. No. 2; Dated, 14 Sept. 57

PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 15, 1962.

City, Winslow; State, Ariz.; Airport Name, Municipal; Elev., 4937′; Fac. Class., SBRAZ; Ident., INW; Procedure No. 1, Amdt. 8; Eff. Date, 16 July 60; Sup. Amdt. No. 7; Dated, 4 June 60

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CLE LFR	LOM	Direct	3000	T-dn	300–1	300–1	200–½
Vermillion Int	LOM	#	3000	C-dn	400–1	500–1	500–1½
Mentor Int	LOM	##	3000	S-dn-5L and R	400–1	400–1	400–1
CLE VOR	LOM	Direct	3000	A-dn	800–2	800–2	800–2
CLE VOR	Louis Int. (Final)	Direct	3000				
Louis Int.*	LOM (Final)	Direct	2200				

Radar transitions and vectoring authorized in accordance with approved radar patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of final approach fix is required.
Procedure turn S side of crs, 234° Outbnd, 054° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 054°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, make left climbing turn to 3000′ on STG VOR R-360 intercept and proceed outbnd on CXR R-281 to Crib Int, hold E 1-minute left turns.
CAUTION: TV towers approximately 1970′ approximately 6 miles ESE of airport.
*Louis Int.: Int CLE VOR R-141 and CLE ILS 5L SE course.
#This transition via the STG VOR R-309 and the CLE ILS 5L SE course.
##This transition via the CLE VOR R-072 and the CLE ILS 5L localizer course.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class., LOM; Ident., CL; Procedure No. 1, Amdt. 3; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 2; Dated, 14 Dec. 61

Lexington Int	LOM	Direct	1700	T-dn	300–1	300–1	200–½
Columbia VOR	LOM	Direct	1700	C-dn	400–1	500–1	500–1½
Thomas Int	LOM (final)	Direct	1200	S-dn-5	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side SW crs, 226° Outbnd, 046° Inbnd, 1700′ within 10 mi.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 046°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2000′ on crs of 046° from the LOM, intercept and proceed outbound on R-005 of VOR within 20 miles.
Other change: Delete transition from Columbia LFR.

City, Columbia; State, S.C.; Airport Name, Columbia; Elev., 244′; Fac. Class., LOM; Ident., CA; Procedure No. 1, Amdt. 6; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 5; Dated, 1 Oct. 60

APE VOR	CMH RBn	Direct	2500	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn North* side of crs, 257° Outbnd, 077° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 070°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mile after passing CMH "H" fac. climb straight ahead to 2500′ and proceed direct to CM LOM and hold east, 1-minute, right turn.
*Nonstandard procedure turn due to traffic.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816′; Fac. Class., H; Ident., CMH; Procedure No. 4, Amdt. 1; Eff. Date, 15 Sept. 62; Sup. Amdt. No. Orig.; Dated, 18 Aug. 62

BVL VOR	DPG RBn	Direct	7500	T-dn	600–1	600–1	600–1½
Vernon Int	DPG RBn	Direct	11,100	C-dn	600–1	600–1	600–1½
DTA VOR	DPG RBn	Direct	10,500	S-dn	NA	NA	NA
DT LFR	DPG RBn	Direct	10,500	A-dn	NA	NA	NA

Procedure turn S side of crs, 272° Outbnd, 092° Inbnd, 6700′ within 10 miles.
Minimum altitude over facility on final approach crs, 4900′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 8000′ on crs 147° Outbnd within 15 miles, reverse crs to the west and return on crs 327° inbnd to the DPG RBn at 9000′. Hold south 147° Outbnd, 327° Inbnd, all turns to the left.
CAUTION: 5533′ terrain 4 miles SE of airport. 7068′ terrain 16 miles SW of airport.
NOTE: Prior arrangements for landing are required for civil aircraft not on official business.

City, Dugway; State, Utah; Airport Name, Michael AAF; Elev., 4349′; Fac. Class., MH; Ident., DPG; Procedure No. 1, Amdt. 2; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 1; Dated, 2 Dec. 61

DLH VOR	DLH RBn	Direct	2500	T-dn	200–1	300–1	200 ½
				C-d	400–1	500–1	500–1½
				C-n	400–1½	500–1½	500–1½
				S-dn-3	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 194° Outbnd, 014° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 014°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing RBn, climb to 2800′ on 014° bearing from DLH RBn.

City, Duluth; State, Minn.; Airport Name, William-Johnson; Elev., 1430′; Fac. Class., SABH; Ident., DLH; Procedure No. 2, Amdt. 1; Eff. Date, 15 Sept. 62; Sup. Amdt. No. Orig.; Dated, 14 July 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
GTF VOR	GTF RBn	Direct	5500	T-dn	300–1	300–1	*200–½
Belt FM	GTF RBn	Direct	5500	C-dn	500–1	500–1	500–1½
Ulm Int.#	GTF RBn (Final)	Direct	4300	A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 203° Outbnd, 023° Inbnd, 5500′ within 10 miles. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 4300′.
Crs and distance, facility to airport, 009°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile, climb to 5500′ on 018° crs within 20 mi of GTF RBn or, when directed by ATC, left turn, climb to 5500′ on 311° crs within 20 miles of GTF RBn.
*300–1 required on Runways 11–29.
#Ulm Int: (023° brng. to GTF RBn and 067° brng. to GT LOM.

City, Great Falls; State, Mont.; Airport Name, Great Falls International; Elev., 3671′; Fac. Class., SABHZ; Ident., GTF; Procedure No. 2, Amdt. 1; Eff. Date, 15 Sept. 62; Sup. Amdt. No. Orig.; Dated, 10 Mar. 62

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				C-n	400–1½	500–1½	500–1½
				S-d-31	400–1	400–1	400–1
				S-n-31	400–1½	400–1½	400–1½
				A-dn	800–2	800–2	800–2

Radar vectoring by Bunker Hill Radar authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn 3 mi. from OKK RBn at 2200′.
Procedure turn S side of crs, 134° Outbnd, 314° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 314°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing RBn, turn right immediately, climb to 2200′ and return to OKK "H".
NOTES: 1. All aircraft except scheduled air carriers obtain Bunker Hill AFB current weather prior to IFR approach. 2. No voice on this facility.

City, Kokomo; State, Ind.; Airport Name, Kokomo Municipal; Elev., 827′; Fac. Class., MHW; Ident., OKK; Procedure No. 1, Amdt. 1; Eff. Date, 15 Sept. 62; Sup. Amdt. No. Orig.; Dated, 28 Jan. 61

LCH VOR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
LCH RBn	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
				S-dn-15	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar terminal transition altitude 1500′ within 25 miles. Radar may be used to position aircraft on final approach with elimination of procedure turn.
Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 148°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing LOM, make an immediate right turn, climbing to 1500′ and return to the LOM.

City, Lake Charles; State, La.; Airport Name, Lake Charles Municipal; Elev., 16′; Fac. Class., LOM; Ident., LL; Procedure No. 1, Amdt. 3; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 2; Dated, 1 Sept. 62

MIA VOR	MIA RBn	Direct	1100	T-dn	300–1	300–1	200–½
Perrine RBn	MIA RBn	Direct	1300	C-d	1000–1	1000–1	1000–1½
				C-n	1000–2	1000–2	1000–2
				A-dn	1000–2	1000–2	1000–2
				If aircraft is equipped with dual ADF and course guidance is provided by Receiving MIA-NDB and the 212° brng to MF-LOM is received the following minimums apply:			
				S-dn-12	800–1	800–1	800–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 342° Outbnd, 162° Inbnd, 1100′ within 10 miles.
Procedure turn nonstandard to provide separation with northbound traffic.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 139°—10.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing MIA NDB, climb to 1400′ on 139° crs from MIA NDB within 20 miles.
NOTE: Procedure turn nonstandard to provide separation with northbound traffic.

City, Miami; State, Fla.; Airport Name, Miami International; Elev., 9′; Fac. Class., SABH; Ident., MIA; Procedure No. 2, Amdt. 2; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 1; Dated, 18 Apr. 59

PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 14, 1962.

City, Myrtle Beach; State, S.C.; Airport Name, Myrtle Beach AFB-Municipal; Elev., 25′; Fac. Class., BMH; Ident., MYR; Procedure No. 1, Amdt. 2; Eff. Date, 28 Sept. 57; Sup. Amdt. No. 1; Dated, 16 Apr. 54

PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 15, 1962.

City, Myrtle Beach; State, S.C.; Airport Name, Myrtle Beach AFB-Municipal; Elev., 25′; Fac. Class., BMH; Ident., MYR; Procedure No. 2, Amdt. 1; Eff. Date, 4 Nov. 61; Sup. Amdt. No. Orig.; Dated, 20 July 57

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
STL-VOR	LOM	Direct	1900	T-dn	300–1	300–1	200–½
SL-LFR	LOM	Direct	1900	C-dn	500–1	500–1	500–1½
Cora Int	LOM (Final)	Direct	1800	S-dn-24	500–1	500–1	500–1
Lake "H"	LOM	Direct	2000	A-dn	800–2	800–2	800–2
Academy Int	LOM (Final)	Direct	1900				
Maryland Hgts VOR	LOM	Direct	2000				
Prairie Int	LOM	Direct	2000				

Radar transitions to final approach course authorized.
Procedure turn N side of crs, 058° Outbnd, 238° Inbnd, 1900′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 238°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 2100′ on crs of 238° to Lake "H" or, as directed by ATC, make right (North) turn, climb to 2100′ direct to STL-VOR.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., LOM; Ident., ST; Procedure No. 1, Amdt. 22; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 21; Dated, 28 July 62

Goshen LFR	Elkhart Int@	Direct	2200	T-dn	300–1	300–1	200–½
Goshen VOR	Elkhart Int@	Direct	2500	C-dn	500–1	500–1	500–1½
South Bend VOR	LOM	Direct	2200	S-dn-27	500–1	500–1	500–1
Bristol Int#	Elkhart Int@	Direct	2200	A-dn	800–2	800–2	800–2
Goshen LFR	LOM	Direct	2900				
Elkhart Int@	LOM (Final)	Direct	1900				
North Liberty Int	LOM	Direct	3000				

Procedure turn N side of crs, 089° Outbnd, 269° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, make climbing right turn to 2300′ and proceed direct to SBN VOR or when directed by ATC, make climbing right turn to 2200′ and proceed direct to SBN LOM.
CAUTION: 1917′ MSL tower 5.6 mi south of LOM.
#Bristol Int: Int 089° brng from SBN LOM and R-148 ELX-VOR.
@Elkhart Int: Int 089° brng from SBN LOM and R-360 GSH-VOR or 144° brng to GH-LFR.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., LOM; Ident., SB; Procedure No. 1, Amdt. 15; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 14; Dated, 25 Aug. 62

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				A-dn*	800–2	800–2	800–2

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 1700′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 095°—6.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing UBS-VOR, climb to 1700′ on crs of 095° within 20 miles.
NOTE: Weather service not available to public.
*AIR CARRIER NOTE: Alternate minima authorized for air carriers only, provided such air carriers have approval of their arrangement for weather service at this airport.
Other change: Deletes LFR transition.

City, Columbus; State, Miss.; Airport Name, Columbus Loundes County; Elev., 186′; Fac. Class., BVORTAC; Ident., UBS; Procedure No. 1, Amdt. 2; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 1; Dated, 2 Apr. 60

CMI VOR	DNV VOR	Direct	2100	T-dn	300–1	300–1	200–½
EPT VOR	DNV VOR	Direct	2100	C-dn	400–1	500–1	500–1½
Tab Int#	DNV VOR (Final)	Direct	1300	S-dn-21	400–1	400–1	400–1
				A-dn*	NA	NA	NA

Procedure turn W side of crs, 015° Outbnd, 195° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach course, 1300′.
Crs and distance, facility to airport, 195°—5.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing VOR make immediate left climbing turn to 2100′ and return to DNV VOR.
NOTE: 122.1 mc. receiver remoted from Danville VOR to Lafayette FSS.
CAUTION. 1090′ tower 3 miles SSW of airport.
*900-2 authorized for Air Carrier with approved weather service.
#Tab Int.: Int DNV R-346 and EPT R-288.

City, Danville; State, Ill.; Airport Name, Vermilion County; Elev., 687′; Fac. Class., LBVOR; Ident., DNV; Procedure No. 1, Amdt. Orig ; Eff. Date, 15 Sept. 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Quincy Int	EPH-VOR	Direct	4000	T-dn	300–1	300–1	200–½
				C-dn	800–2	800–2	800–2
				S-dn-20	500–1	500–1	500–1
				A-dn	1000–3	1000–3	1000–3

Radar transitions and vectoring utilizing Larson RAPCON Radar authorized in accordance with approved radar patterns.
Procedure turn N side of crs, 021° Outbnd, 201° Inbnd, 3500′ within 10 miles. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 201°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, turn left, climb to 4000′ on R-060 within 20 miles or, when directed by ATC, turn left, return to VOR, hold at 3500′ on R-021 in a 1-minute right turn holding pattern.
CAUTION: 2455′ msl radio tower 3 miles west of airport.

City, Ephrata; State, Wash.; Airport Name, Ephrata Municipal; Elev., 1272′; Fac. Class., H-BVOR; Ident., EPH; Procedure No. 1, Amdt. 6; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 5; Dated, 3 Mar. 62

MJ-LFR	MKG-VOR	Direct	2000	T-dn#	500–1	500–1	500–1
MKG LOM	MKG-VOR	Direct	2000	C-dn	1000–2	1000–2	1000–2
				A-dn	NA	NA	NA
				The following minimums are authorized for aircraft capable of receiving VOR and ILS or ADF simultaneously and Spring Int* identified:			
				C-d	700–1	700–1	700–1½
				C-n	700–2	700–2	700–2

Procedure turn N side of crs, 042° Outbnd, 222° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′; over Spring Int*, 1600′.
Crs and distance, facility to airport, 222°—10.7 mi.; Spring Int* to airport, 222°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.7 miles after passing MKG-VOR or 4.6 miles after passing Spring Int*, make climbing right turn to 2800′ and proceed direct to MKG-VOR or, when directed by ATC, climb to 2000′ on MKG-VOR R-222 and proceed to Bullfrog Int via MKG-VOR R-222 and PMM-VOR R-335.
CAUTION: Rapid rising terrain 950′ msl 1.2 mile WSW of airport.
*Spring Int: Int MKG-VOR R-222 and SE crs MKG-VOR localizer or 137° brng from MK LOM.
#For takeoffs on Runways 18 and 27, climb to 1300′ msl before proceeding SW-bnd.

City, Grand Haven; State, Mich.; Airport Name, Grand Haven Memorial Airpark; Elev., 604′; Fac. Class., BVORTAC; Ident., MKG; Procedure No. 1, Amdt. 1; Eff. Date, 15 Sept. 62; Sup. Amdt. No. Orig.; Dated, 18 Aug. 62

				T-dn	600–2	600–2	600–2
				C-dn	1200–2	1200–2	1200–2
				A-dn	1500–3	1500–3	1500–3

Procedure turn S side crs, 090° Outbnd, 270° Inbnd, 7500′ within 10 miles.
Minimum altitude over facility on final approach crs, 5700′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left climbing turn, climb to 10,000′ on R-050 within 20 miles.
NOTE: All turns to be made on south side of course, high terrain to north.

City, Hanksville; State, Utah; Airport Name, FAA Site 54; Elev., 4490′; Fac. Class., BVORTAC; Ident., HVE; Procedure No. 1, Amdt. 4; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 3; Dated, 13 Sept. 58

				T-d	500–2		
				C-d	800–2		
				A-d	800–2		

Procedure turn W side crs, 320° Outbnd, 140° Inbnd, 3600′ within 10 miles.
Minimum altitude over facility on final approach crs, 3100′.
Crs and distance, facility to airport, 140°—5.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles, climb to 3600′ on R-140 within 20 miles.
Major changes: Delete transition from JCT RBn to JCT VOR.

City, Junction; State, Tex.; Airport Name, Kimble County; Elev., 1729′; Fac. Class., BVOR; Ident., JCT; Procedure No. 1, Amdt. 3; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 2; Dated, 30 Apr. 55

Miami NDB	Miami VOR	Direct	1100	T-dn	300–1	300–1	200–½
				C-d	1000–1	1000–1	1000–1½
				C-n	1000–2	1000–2	1000–2
				A-dn	1000–2	1000–2	1000–2
				If 6 mi DME fix R-137 received the following minimums apply:			
				S-dn-12	800–1	800–1	800–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 345° Outbnd, 165° Inbnd, 1100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 137°—13.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing MIA VOR, climb to 1400′ on R-137 within 20 miles.
NOTE: Procedure turn nonstandard to provide separation with northbound traffic.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class., BVORTAC; Ident., MIA; Procedure No. 1, Amdt. 11; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 10; Dated, 4 Apr. 59

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–½
				C-dn	400–1	400–1	400–1½
				S-dn-12L	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 305° Outbnd, 125° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 125°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing VCT VOR, climb to 1500′ on the VCT R-125 within 15 miles.
NOTE: Night operations authorized on Runway 12L/30R only.
CAUTION: 1. 2 control towers 200′ MSL W side of airport. 2. Ammo dump E side of airport 185′ MSL. 3. Five TV and Radio antennas up to 547′ MSL along E edge of city from north through south, within 3 to 5 miles of airport.

City, Victoria; State, Tex.; Airport Name, Victoria County-Foster; Elev., 115′; Fac. Class., L-BVOR; Ident., VCT; Procedure No. 1, Amdt. 1; Eff. Date, 15 Sept. 62, or upon commissioning of VCT VOR; Sup. Amdt. No. Orig.; Dated, 3 Mar. 62

Wilmington Rbn	ILM-VOR	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side crs, 021° Outbnd, 201° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 201°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing ILM-VOR, climb to 1600′ on R-201 within 20 miles.

City, Wilmington; State, N.C.; Airport Name, New Hanover County; Elev., 31′; Fac. Class., BVORTAC; Ident., ILM; Procedure No. 1, Amdt. 1; Eff. Date, 15 Sept. 62; Sup. Amdt. No. Orig.; Dated, 26 Jan. 55

				T-dn	300–1	300–1	
				C-d	600–1	600–1	
				C-n	600–2	600–2	
				A-dn	NA	NA	

Procedure turn W side of crs, 021° Outbnd, 201° Inbnd, 3900′ within 10 miles.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, 201°—6.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 miles after passing ISD-VOR, make right climbing turn to 3900′ and return to ISD-VOR. Hold NE on R-021.
NOTES: 122.1 receiver remoted to Pierre FSS from Winner VOR.
CAUTION: 2300′ MSL tower 0.5 mile WSW of airport.

City, Winner; State, S. Dak.; Airport Name, Bob Wiley Field; Elev., 2038′; Fac. Class., BVORTAC; Ident., ISD; Procedure No. 1, Amdt. 1; Eff. Date, 15 Sept. 62; Sup. Amdt. No. Orig.; Dated, 23 June 62

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PWE-VOR	BIE-VOR	Direct	2700	T-dn	300–1		
O'Dell Int	BIE-VOR	Direct	2800	C-dn	600–1		
				S-dn-13	600–1		
				A-dn	NA		

Procedure turn W side of crs, 310° Outbnd, 130° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, breakoff point to Runway 14, 133°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, execute climbing left turn to 3000′. Return to BIE-VOR. Hold on R-310, 1-minute pattern, all turns to the right.
CAUTION: 1668′ MSL tower 5.5 miles NE of airport. 1560′ MSL tower 3.2 miles SSW of airport. 1585′ MSL tower 3.5 miles SE of airport. 1508′ MSL tower 3.0 miles SSW of airport. 1709′ MSL tower 2.7 miles SSW of airport.
NOTES: 1. Facility monitored Category III 2100 to 0600. 2. Final approach from holding pattern at VOR not authorized, procedure turn required.

City, Beatrice; State, Nebr.; Airport Name, Municipal; Elev., 1318′; Fac. Class., VOR (State-owned); Ident., BIE; Procedure No. TerVOR-13, Amdt. 3; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 2; Dated, 11 Aug. 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bradley Int	CLT-VOR	Direct	2900	T-dn	300-1	300-1	200-½
Weddington Int	CLT-VOR	Direct	2100	C-dn#	600-1	600-1	600-1½
Bethany Int	CLT-VOR	Direct	2200	S-dn-23#	600-1	600-1	600-1
Waco Int	CLT-VOR	Direct	2900	A-dn	800-2	800-2	800-2
Stanley Int	CLT-VOR	Direct	2900				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn North side of crs, 060° Outbnd, 240° Inbnd, 2900' within 10 miles of Parks Int.*
Minimum altitude over Parks Int* on final approach crs, 1800'.#
Crs and distance, Parks Int* to airport, 240°—4.2 mi.
Crs and distance, breakoff point to end of runway, 220°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles of Parks Int,* climb to 2100', turn left and proceed to FML-VOR via FML R-007.
NOTE: Dual VOR receivers required for execution of this procedure.
*Parks Int: Int R-060 CLT-VOR and R-018 FML-VOR.
#If Parks Int not identified on final approach, descent below 1800' MSL not authorized.

City, Charlotte; State, N.C.; Airport Name, Douglas Municipal; Elev., 748'; Fac. Class., BVORTAC; Ident., CLT; Procedure No. Ter VOR-23, Amdt. 2; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 1; Dated, 12 Aug. 61

FML-VOR	Ross Int (Final)*	Direct	1700	T-dn	300-1	300-1	200-½
Bradley Int	CLT VOR	Direct	2900	C-dn	400-1	500-1	500-1½
Weddington Int	CLT VOR	Direct	2100	S-dn-36	400-1	400-1	400-1
Bethany Int	CLT VOR	Direct	2200	A-dn	800-2	800-2	800-2
Waco Int	CLT VOR	Direct	2900				
Stanley Int	CLT VOR	Direct	2900				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2100' within 10 miles of Ross Int.*
Minimum altitude over Ross Int* on final approach crs, 1800'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing Ross Int,* climb to 2300' on R-009 of CLT VOR to Mt. Holly Int or, when directed by ATC, turn right, climb to 2100' and proceed to FML-VOR via FML R-007.
Crs and distance, Ross Int* to airport, 351°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles of Ross Int,* climb to 2300' on R-009 of CLT VOR to Mt. Holly Int or, when directed by ATC, turn right, climb to 2100' and proceed to FML-VOR via FML R-007.
NOTE: VOR and ADF receivers required for execution of this procedure.
*Ross Int: Int R-171 CLT-VOR and brng 282° to CL LOM.

City, Charlotte; State, N.C.; Airport Name, Douglas Municipal; Elev., 748'; Fac. Class., BVORTAC; Ident., CLT; Procedure No. Ter VOR-36, Amdt. 1; Eff. Date, 15 Sept. 62; Sup. Amdt. No. Orig.; Dated, 20 May 61

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 1500' within 10 miles.
Minimum altitude on final approach crs until passing Baker Int# 1300'.*
Crs and distance, Baker Int# to Runway 5, 050°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 1600' on R-017 within 20 miles.
*If Baker Int# is not received, descent below 1300' NA.
#Baker Int: Int Dothan R-230 and Cairns R-115.

City, Dothan; State, Ala.; Airport Name, Municipal; Elev., 330'; Fac. Class., BVOR; Ident., DHN; Procedure No. Ter VOR-5, Amdt. 3; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 2; Dated, 18 June 60

Harpoon Int	Mango Int	Direct	4000	T-dn	500-1	500-1	500-1
Int LNY R-096 and OGG R-205	Mango Int	Direct	4000	C-d	700-1	700-1	700-1½
Mango Int	Int OGG R-190 and LNY R-081 or 148° brng to MAU LFR.	Direct	3000	C-n	700-2	700-2	700-2
Int OGG R-190 and LNY R-081 or 148° brng to MAU LFR.	OGG-VOR (Final)	Direct	800	A-dn	800-2	800-2	800-2

Procedure turn not authorized. Straight-in approach from Mango Int only.
Minimum altitude over facility on final approach crs, 800'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 3000' on R-027 within 20 miles, reverse course climbing to 5000' over OGG-VOR.

City, Kahului, Maui; State, Hawaii; Airport Name, Kahului; Elev., 50'; Fac. Class., VOR; Ident., OGG; Procedure No. TerVOR-2, Amdt. 4; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 3; Dated, 28 Apr. 62

Marcellus Int**	AZO-VOR	Direct	2400	T-dn	300-1	300-1	200-½
BTL-VOR	AZO-VOR	Direct	2400	C-dn	1000-1	1000-1	1000-1½
GRR LOM	AZO-VOR	Direct	2900	S-dn-5	1000-1	1000-1	1000-1
PMM-VOR	AZO-VOR	Direct	2400	A-dn#	NA	NA	NA
ELX-VOR	AZO-VOR	Direct	2400	The following minimums apply for aircraft equipped with dual VOR and Sugar Int* identified:			
Cooper Int	AZO-VOR	Direct	2400	C-dn	500-1	500-1	500-1½
Leroy Int	AZO-VOR	Direct	2400	S-dn-5	500-1	500-1	500-1
Lawton Int	AZO-VOR	Direct	2400				
Centerville Int	AZO-VOR	Direct	2100				
Marcellus Int**	Sugar Int (Final)*						

Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 2100' within 10 miles.
Minimum altitude over facility on final approach crs, 2100'; over Sugar Int,* 2100'.
VOR on airport.
Crs and distance, Sugar Int* to airport, 050°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing AZO-VOR, make climbing left turn to 2700' and proceed to Cooper Int via AZO R-321 or, when directed by ATC, climb to 2700' on AZO-VOR R-060, then reverse course and proceed direct to the AZO-VOR.
NOTE: All approaches controlled by Battle Creek Approach.
#800-2 minimums authorized when AZO Tower operational or for Air Carrier with weather reporting service.
* Sugar Int: Int AZO R-230 and PMM R-128.
**Marcellus Int: Int AZO R-230 and PMM R-148.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874'; Fac. Class., BVOR; Ident., AZO; Procedure No. Ter VOR-5, Amdt. 3; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 2; Dated, 16 June 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Greentown Int	OKK-VOR	Direct	2200	T-dn	300-1	300-1	200-½
OKK-RBn	OKK-VOR	Direct	2200	C-d	500-1	500-1	500-1½
MZZ-VOR	OKK-VOR	Direct	2200	C-n	500-1½	500-1½	500-1½
Fairmont Int	OKK-VOR	Direct	2200	S-d-22	500-1	500-1	500-1
				S-n-22	500-1½	500-1½	500-1½
				A-dn**	NA	NA	NA
				If aircraft equipped with dual VOR, or ADF and VOR and Grove Int* received the following minimums apply:			
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				S-d-22	400-1	400-1	400-1
				S-n-22	400-1½	400-1½	400-1½

Radar vectoring by Bunker Hill Radar authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn 6 mi. from OKK VOR at 2200'.
Procedure turn E side of final approach crs, 039° Outbnd, 219° Inbnd, 2200' within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1300'; after Grove Int,* 1200'.
Crs and distance, Grove Int* to airport, 219°—1.7 mi; breakoff point to Runway 22, 225°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of OKK-VOR, make immediate left turn climbing to 2200' on heading of 130° and return to VOR.
NOTE: Nonstandard Procedure Turn: Bunker Hill AFB west. All aircraft except scheduled air carriers obtain Bunker Hill AFB weather prior to IFR approach.
*Grove Int: Int OKK-VOR R-039 and MZZ-VOR R-283 or OKK-VOR R-039 and 354° brng from OKK "H" facility.
**800-2 authorized for Air Carrier with approved weather reporting service.

City, Kokomo; State, Ind.; Airport Name, Kokomo Municipal; Elev., 827'; Fac. Class., BVOR; Ident., OKK; Procedure No. Ter VOR-22, Amdt. 1; Eff. Date, 15 Sept. 62; Sup. Amdt. No. Orig.; Dated, 18 Nov. 61

Greentown Int	OKK-VOR	Direct	2200	T-dn	300-1	300-1	200-½
Okk RBn	OKK-VOR	Direct	2200	C-d*	500-1	500-1	500-1½
				C-n*	500-1½	500-1½	500-1½
				S-d-31*	500-1	500-1	500-1
				S-n-31*	500-1½	500-1½	500-1½
				A-dn**	NA	NA	NA
				*Following minimums apply after passing OKK "H" facility:			
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				S-d	400-1	400-1	400-1
				S-n	400-1½	400-1½	400-1½

Radar vectoring by Bunker Hill Radar authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn 6 mi from OKK VOR at 2200'.
Procedure turn S side of crs, 130° Outbnd, 310° Inbnd, 2200' within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1200'; abeam* OKK "H", 1300'.
Crs and distance, breakoff point to approach end of Runway 31, 310°—0.7 mi.
Crs and distance, abeam* OKK "H" to airport, 310°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right immediately and climb to 2200' and return to OKK-VOR.
NOTE: All aircraft except scheduled air carriers obtain Bunker Hill AFB current weather prior to IFR approach.
**800-2 authorized for Air Carrier with approved weather reporting service.

City, Kokomo; State, Ind.; Airport Name, Kokomo Municipal; Elev., 827'; Fac. Class., BVOR; Ident., OKK; Procedure No. TerVOR-31, Amdt. 2; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 1; Dated, 1 July 61

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
18 mi fix R-136	10 mi fix R136	Direct	3000	T-dn	300-1	300-1	*200-½
10 mi fix R-136	5 mi fix R136	Direct	1500	c-dn	600-1	600-1	600-1½
5 mi fix R-136	Albany VOR R136 (Final)	Direct	900	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
No procedure turn—final approach crs, 316° inbnd.
Minimum altitude over facility on final approach crs, 900'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 3000' on R015 within 15 miles.
*300-1 required on Runways 15, 33; 10 and 28.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 288'; Fac. Class., BVORTAC; Ident., ALB; Procedure No. 2, Amdt. 2; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 1; Dated, 25 Aug. 62

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Peconic MHW	OM (Final)	Direct	1800	T-dn	300–1	300–1	200–½
Riverhead VOR	OM	Direct	1800	C-dn	400–1	500–1	500–1½
				S-dn-5	#300–¾	#300–¾	#300–¾
				A-dn	600–2	600–2	600–2

Procedure turn S side of crs, 228° Outbnd, 048° Inbnd, 1800′ within 10 miles of PIC MHW.
Minimum altitude at glide slope int inbnd 1800′.
Altitude of glide slope and distance to approach end of runway at OM, 1730′, 5.0 miles; MM 320′, 0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1000′ on the ILS NE crs within 10 miles, then make a left climbing turn to 1800′ and proceed direct to the Peconic MHW. Hold SW of Peconic MHW on SW crs of ILS, one-minute, right turns.
#400–¾ required with glide slope inoperative.

City, Calverton; State, N.Y.; Airport Name, Calverton-Peconic River; Elev., 75′; Fac. Class., ILS; Ident., I-PIC; Procedure No. ILS-5, Amdt. 3; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 2; Dated, 24 Feb. 62

CLE LFR	LOM	Direct	3000	T-dn**	300–1	300–1	200–½
Vermillion Int	LOM	@	3000	C-dn	400–1	500–1	500–1½
Louis Int#	LOM (Final)	Direct	2200	S-dn-5L%**	200–½	200–½	200–½
Mentor Int	LOM	##	3000	A-dn	600–2	600–2	600–2
CLE VOR	Louis Int# (Final)	Direct	3000				

Radar transitions and vectoring authorized in accordance with approved radar patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of final approach fix is required.
Procedure turn S side of SW crs, 234° Outbnd, 054° Inbnd, 3000′ within 10 miles.
Minimum altitude at glide slope int inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at OM, 2080′—3.9 mi.; at MM, 1020′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left climbing turn to 3000′ on STG VOR R-360, intercept and proceed outbnd on CXR R-281 to Crib Int. hold E 1-minute left turns.
CAUTION: TV towers approximately 1970′ approximately 6 mi ESE of airport.
*400–¾ required with glide slope inoperative.
@This transition via the STG VOR R-309 and the ILS 5L front course.
#Louis Int: Int CLE VOR R-141 and CLE ILS 5L front course.
##This transition via the CLE VOR R-072 and the ILS 5L localizer course.
%Runway Visual Range 2600′ also authorized for landing on Runway 5L, provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 989′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway Visual Range 2600′ also authorized for takeoff on Runway 5L in lieu of 200–½ when 200–½ authorized, providing high intensity runway lights are operational.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class., ILS; Ident., I-CLE; Procedure No. ILS-5L, Amdt. 20; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 19; Dated, 14 Dec. 61

Lexington Int	LOM	Direct	1700	T-dn	300–1	300–1	200–½
Columbia VOR	LOM	Direct	1700	C-dn	400–1	500–1	500–1½
Thomas Int	LOM (Final)	Direct	1200	S-dn-5*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Procedure turn S side SW crs, 226° Outbnd, 046° Inbnd, 1700′ within 10 miles.
Minimum altitude at glide slope int Inbnd, 1500′.
Altitude of glide slope and distance to appr end of runway at OM 1440′—3.9, MM 402′—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on crs of 046° from the LOM, intercept and proceed outbound on R-006 of VOR within 20 miles.
Other change: Deletes transition from Columbia LFR.
*400–¾ required when glide slope not utilized.

City, Columbia; State, S.C.; Airport Name, Columbia; Elev., 244′; Fac. Class., ILS; Ident., I-CAE; Procedure No. ILS-5, Amdt. 6; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 5; Dated, 22 Oct. 60

GTF RBn	LOM	Direct	6200	T-dn**	200–1	300–1	200–½
GTF-VOR	LOM	Direct	6200	C-dn	500–1	500–1	500–1½
Belt FM	LOM	Direct	6200	S-dn-34*	200–½	200–½	200–½
Cascade FM	LOM	Direct	6200	A-dn	600–2	600–2	600–2
Milegan Int	LOM	Direct	6200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 161° Outbnd, 341° Inbnd, 6200′ witbin 10 miles. NA beyond 10 mi. All turns West side of course—high terrain East.
Minimum altitude at Glide Slope intercepition inbnd, 6200′.
Altitude of Glide Slope and distance to approach end of Runway at OM, 5535′—6.6 mi.; at MM, 3915′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 6000′ on N crs ILS within 20 miles or, when directed by ATC, climb to 5000′ on 311° brng from GTF RBn or R-311 GTF-VOR within 15 miles.
CAUTION: 3642′ MSL LFR towers 0.9 mile SW of airport.
*400–¾ required with glide slope inoperative.
**300–1 required for runways 11–29.

City, Great Falls; State, Mont.; Airport Name, Great Falls International; Elev., 3671′; Fac. Class., ILS; Ident., I-GTF; Procedure No. ILS-34, Amdt. 7; Eff. Date, 15 Sept 62; Sup. Amdt. No. 6; Dated, 9 June 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Chatham RBn	NE crs ILS	095°—14.5	2000	T-dn	300–1	300–1	200–½
Paterson RBn	NE crs ILS (Final)	161—7.5	2000	C-dn	600–1	600–1	600–1½
Teterboro LMM	OM (Final)	Direct	2000	S-dn-22*	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2

Radar vectors may be used to effect above transitions.
Radar transitions:
058 090 within 20 miles 2800′.
090 058 within 20 miles 2000′.
S quad EWR-LFR within 15 miles 1500′.
Procedure turn W side NE crs, 037° outbnd, 217° inbnd, 2000′ within 10 miles.
Minimum altitude at G.S int inbnd, 2000′.
Altitude of G.S. and distance to appr end of Rny at OM 2029′—6.1; at MM 236′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ straight ahead on SW crs of Newark ILS to Amboy VHF Int, then turn right and proceed direct to Kilmer VHF Int at 2000′. Hold SW Kilmer Int right turns, 1 minute, 069° inbnd.
CAUTION: 50′ hangar row 200′ east of approach light lane between MM and end of Runy 22.
CAUTION: Procedure turn accomplished over Teterboro LMM. Teterboro OM and Newark OM at approximately same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems.
*600–1 required when glide path inoperative.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class., ILS; Ident., I-ARK; Procedure No. ILS-22, Amdt. 6; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 5; Dated, 11 Jan. 62

Deer Park VOR (22 mi DME fix IDL R-077)	Roslyn VHF Int#	IDL R-077 to 12 mi counter clockwise Arc.	2000	T-dn	300–1	300–1	200–½
			1700	C-dn	400–1	500–1	500–1½
			1700	S-dn-22L*	300–¾	300–¾	300–¾
Roslyn VHF Int#	OM (Final)	Direct	2000	A-dn	600–2	600–2	600–2
Idlewild VOR	OM	Direct					
Deer Park VOR	Roslyn VHF Int#	LGA R-101					

Radar terminal area transition altitudes: All directions—within 25 miles, 2500′; E of NE/SW crs LaGuardia LFR—within 15 miles, 1500′.
Procedure turn E side of NE crs, 043° Outbnd, 223° Inbnd, 1700′ within 10 miles of OM. (Nonstandard to avoid LGA traffic.)
Minimum altitude at glide slope int inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1680′—5.5 mi; at MM, 216′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 500′ on SW crs ILS, make climbing left turn to 2000′ on IDL R-190 to Sandy Hook VHF Int (19 mi DME Fix), hold South one-minute right turns inbound course 010°.
CAUTION: Circling minimums do not provide standard clearance over the following obstructions: 278′ stack 1.1 mi SSE of Runway 4; 187′ control tower on airport.
Other changes: Deletes transitions from Glen Cove MHW and Mitchell LFR.
NOTE: DME Fixes—Line of Sight.
*400–¾ required with glide slope inoperative.
#Roslyn Int: Int LGA VOR R-101 and IDL NE ILS crs (12 mi DME Fix IDL VOR R-042).

City, New York; State, N.Y.; Airport Name, International; Elev., 12′; Fac. Class., ILS; Ident., I-IWY; Procedure No. ILS-22L, Amdt. 4; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 3; Dated, 11 Jan. 62

Commodore Int	Island Int*	Direct	2500	T-dn#	300–1	300–1	200–½
Richmond Int	Island Int*	Direct	2500	C-dn	500–1	600–1	600–1½
Island Int*	Tower Int (Final)##	Direct	2000	S-dn-11	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar transitions and vectoring authorized using OAK Radar in accordance with approved radar patterns.
Procedure turn not authorized. Aircraft must (1) proceed via Commodore Int. (2) via Richmond Int. or (3) be radar vectored to final approach crs.
Final approach crs, 114°.
Minimum altitude over Tower Int on final approach crs, 2000′.
Crs and distance, Tower Int to approach end of runway, 114°—5.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing Tower Int., proceed direct to the OAK VORTAC, climbing to 2000′ in a 1-minute holding pattern, on R-300 (120° Inbnd, 300° Outbnd) right turns, or when directed by ATC, proceed direct to the INB LOM, climbing to 2000′, in a 1-minute holding pattern (294° Inbnd, 114° Outbnd) left turns.
CAUTION: In vicinity of Tower Int, heavy Jet Traffic, Navy Alameda.
*Island Int: Int W Crs INB ILS and SFO VOR R-342.
#300–1 required for take-off runway 33.
##Tower Int: Int W Crs INB ILS and SFO VOR R-355.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 5′; Fac. Class., ILS; Ident., I-INB; Procedure No. ILS-11, Amdt. Orig.; Eff. Date, 15 Sept. 62

OAK VOR	Fremont FM/RBn	Direct	4000	T-dn#*	300–1	300–1	200–½
Mission Int	Fremont FM/RBn (Final)	Direct	3700	C-dn	400–1	500–1	500–1½
Sunlo Int	Fremont FM/RBn (Final)	Direct	3700	S-dn-29##	200–½	200–½	200–½
Fremont FM/RBn	LOM (Final)	Direct	1700	A-dn	600–2	600–2	600–2

Radar transitions and vectoring authorized using Oakland Radar in accordance with approved patterns.
Procedure turn not authorized. Aircraft must (1) proceed via Sunol or Mission Int. or (2) descend in the Fremont holding pattern or (3) be vectored to final approach course by Oakland Radar.
Final approach course inbound, 294°.
Minimum altitude at glide slope intercept, 1700′.
Altitude of glide slope and distance to approach end of runway from Fremont FM/RBn 3709′–11.7 mi; LOM 1700′–5.2 mi; LMM 230′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 1000′ on the localizer course, then turn right and continue climb to 2000′ on R-320 OAK VOR in a 1-minute holding pattern (120° Inbnd, 300° Outbnd), left turns, or when directed by ATC, proceed to the Tower Int (NW Crs of INB ILS and SFO R-355), climb to 2000′ in a 1-minute holding pattern (114° Inbnd, 294° Outbnd), left turns.
NOTE: Narrow localizer crs, 4°.
CAUTION: In vicinity of LOM, heavy VFR traffic in Hayward traffic pattern.
*Runway Visual Range 2600′ authorized for takeoff Runway 29; providing high-intensity runway lights are operational.
#300–1 required for takeoff on Runway 33.
##Runway Visual Range 2600′, authorized for landing on Runway 29; providing that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 206′ MSL shall not be made unless visual contact with the approach lights has been established or aircraft is clear of clouds.

City, Oakland; State, Calif.; Airport Name, Metroplitan Oakland International; Elev., 5′; Fac. Class., ILS; Ident., INB; Procedure No. ILS-29, Amdt. Orig.; Eff. Date, 15 Sept. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Latrobe Int	McKeesport RBn (Final)	Direct	3000	T-dn	300–1	300–1	200–½
Scottdale Int	McKeesport RBn	Direct	3000	C-dn	500–1	500–1	500–1½
Butler RBn	McKeesport RBn	Direct	3000	S-dn-27%°	300–¾	300–¾	300–¾
River RBn	McKeesport RBn	Direct	3000	A-dn*	600–2	600–2	600–2
McKeesport RBn	ILS OM (Final)	Direct	2700				
Imperial VOR	IRL R-116		3000				
Pittsburgh VOR	McKeesport RBn	Direct	3000				

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 096° Outbnd, 275° Inbnd, 3000′ within 10 miles. Nonstandard due to traffic.
Minimum altitude at glide slope int inbnd, 2700′. Glide slope may be intercepted at 3000′ over MKP-RBn or 2700′ between MKP-RBn and the ILS-OM.
Altitude of glide slope and distance to appr end of runway at OM, 2615′—4.2; at MM, 1480′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ proceeding to Cecil RBn. Hold West left turns, one minute pattern, 085° inbnd.
NOTE: Radar may be used to position aircraft to final approach course inbnd (275°) within 10 miles of McKeesport RBn with the elimination of a procedure turn.
*All installed components of the ILS must be operating, otherwise alternate minimums of 800–2 will apply.
%400–¾ with Glide Slope inoperative.

City, Pittsburgh; State, Pa.; Airport Name, Allegheny County; Elev., 1252′; Fac. Class., ILS; Ident, I-AGC; Procedure No. ILS-27, Amdt. 10; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 9; Dated, 14 Dec. 61

St Louis VOR	LOM	Direct	1900	T-dn**	300–1	300–1	200–½
St Louis LFR	LOM	Direct	1900	C-dn	500–1	500–1	500–1½
Lake RBn	LOM	Direct	2000	S-dn-24#°	200–½	200–½	200–½
Cora Int	LOM (Final)	Direct	1900	A-dn	600–2	600–2	600–2
Academy Int	LOM	Direct	1900				
Maryland Hgts VOR	LOM	Direct	2000				
Prairie Int	LOM	Direct	2000				
Godfrey Int	LOM	Direct	1900				

Radar transitions to final approach course authorized.
Procedure turn N side NE crs, 058° Outbnd, 238° Inbnd, 1900′ within 10 miles.
Minimum altitude at glide slope int inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM, 1852′—4.1; at MM, 759′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2100′ on SW crs of ILS to Lake "H" or, when directed by ATC, make right (North) turn, climb to 2100′ direct to STL–VOR.
*Runway visual range 2600 feet also authorized for landing on Runway 24; provided, that all components of the ILS or PAR, high-intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 771′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600′ also authorized for takeoff on Runway 24 in lieu of 200–½ when 200–½ authorized, providing high intensity runway lights are operational.
#400–1 required with glide slope inoperative.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., ILS; Ident., I-STL; Procedure No. ILS-24, Amdt. 26; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 25; Dated, 28 July 62

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within:		Surveillance approach			
All directions		15 mi	3000	T-dn	300–1	300–1	200–½
All directions		25 mi	5000	C-dn	600–1	600–1	600–1½
160°	210°	10 mi	3000	S-dn-5, 14 and 23.	600–1	600–1	600–1
210°	160°	10 mi	2500	A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 5: Climb straight ahead to 2800′, proceed to LOM, hold NE 1-minute right turn inbound crs 230°.
Runways 14 and 23: Climb straight ahead to 3000′, then proceed direct to CRW VOR, maintain 3000′, hold CRW VOR R-192 1-minute right turn.

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 982′; Fac. Class. and Ident., Charleston Radar; Procedure No. 1, Amdt. 1; Eff. Date, 15 Sept. 62; Sup. Amdt. No. Orig.; Dated, 24 Mar. 62

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Radar terminal area maneuvering sectors and altitudes: From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
000°	360°	20 mi	#1500											Surveillance approach			
														T-dn	300–1	300–1	200–½
														C-dn	400–1	500–1	500–1½
														S-dn-9L, 9R, and 12.	400–1	400–1	400–1
														S-dn-27L°, 27R° and 30.°	400–1	400–1	400–1
														A-dn	800–2	800–2	800–2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to 1500′, then proceed direct to the MIA-VOR or MIA-"I".
#2000′ required within 3.0 mi of towers 999′ and 997′ 10.8 and 12.5 miles NNE of radar site.
°1400′ required until within 4.5 miles from end of runway and on runway extended centerline.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class. and Ident., Miami Radar; Procedure No. 1, Amdt. 2; Eff. Date, 15 Sept. 62; Sup. Amdt. No. 1; Dated, 21 July 62

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
340°	070°	0–5 mi	2500	T-dn	300–1	300–1	200–½
070°	340°	0–5 mi	2300	C-dn	400–1	500–1	500–1½
340°	070°	5#–25 mi	2800	S-dn-1	400–1	400–1	400–1
160°	340°	5#–25 mi	2500	A-dn	800–2	800–2	800–2
070°	160°	5#–25 mi	2600				

Radar transition altitudes: All bearings and distances are from Wichita Municipal Airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on heading 010° intercept and proceed outbnd on N crs IT LFR within 20 miles, or when directed by ATC, make left turn climbing to 3400′, intercept ICT VOR R-216, proceed outbnd on R-216 within 20 miles of ICT VOR.
#3400′ within 0–3 miles and 2900′ within 3–5 miles of 2444′ TV tower located 10 mi NNW of airport.

City, Wichita; State, Kansas; Airport Name, Municipal; Elev., 1332′; Fac. Class. and Ident., Wichita Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 15 Sept. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 9, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62–8189; Filed, Aug. 31, 1962; 8:45 a.m.]

[Reg. Docket No. 1345; Amdt. 286]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 20, 1962.

City, Bethpage; State, N.Y.; Airport Name, Grumman; Elev., 119′; Fac. Class., SBMRAZ; Ident., HEM; Procedure No. 1, Amdt. 3; Eff. Date, 5 July 58; Sup. Amdt. No. 2; Dated, 11 May 57

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Shuttle north crs 328° Outbnd, 148° Inbnd, 3700′ within 20 mi				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side N crs, 328° Outbnd, 148° Inbnd, 3700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 142°—2.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles after passing LFR, climb to 7000′ on south course within 20 mi.
NOTE: Final approach from holding pattern at Gulkana LFR not authorized. Procedure turn required.
Other change: Deletes straight-in minima.

City, Gulkana; State, Alaska; Airport Name, Gulkana; Elev., 1567′; Fac. Class., SBRAZ; Ident., GKN; Procedure No. 1, Amdt. 6; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 5; Dated, 9 Dec. 61

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side NW crs, 291° Outbnd, 111° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 111°—1.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 miles after passing KG LFR, climb on SE course KG LFR to 3000′ within 20 miles, or when directed by ATC, make right turn, climb on SW course KG LFR to 1500′ (205° Outbnd, 025° Inbnd) within 20 miles.
Other change: Straight-in to Runway 11 deleted.

City, King Salmon; State, Alaska; Airport Name, King Salmon; Elev., 63′; Fac. Class., SBRAZ; Ident., KG; Prodceure No. 1, Amdt. 12; Eff. Date, 22 Sept. 12; Sup. Amdt. No. 11; Dated, 11 Mar. 61

PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 22, 1962.

City, Pensacola; State, Fla.; Airport Name, Municipal; Elev., 121′; Fac. Class., SBRAZ; Ident., PNS; Procedure No. 1, Amdt. 13; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 12; Dated, 26 Dec. 59

North Beach Int	ADW LFR	Direct	1500	T-dn	300–1	300–1	200–½
ADW LFR	DA LFR	Direct	1500	C-dn	700–1	700–1	700–1½
Herndon VOR	DA LFR	Direct	1800	S-dn-36	500–1	500–1	500–1½
Unity Int	GTN RBn	Direct	1800	A-dn	800–2	800–2	800–2
GTN RBn	DA LFR	Direct	1800				
Ironsides Int	DA LFR	Direct	1500				

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 198° Outbnd, 018° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 001°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing LFR, make a left climbing turn as soon as practicable, climb to 1800′, proceed to Georgetown MHW. Hold NW GTN MHW on brng 150°, 1-minute right turns.
NOTE: These procedures and airport minimums do not provide standard clearance over the following obstructions: 442′ monument 1.7 miles W of final approach crs, 193′ stacks 1.5 miles S of airport, and 696′ monument 1.6 miles N of airport.

City, Washington; State, D.C.; Airport Name, National; Elev., 16′; Fac. Class., SABRA; Ident., DA; Procedure No. 1, Amdt. 10; Eff. Date, 20 Sept. 62; Sup. Amdt. No. 9; Dated, 2 Sept. 61

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Radar terminal area transitions all directions.	BBN-RBn	Within 25 mi of IDL.	3000	T-dn	300–1	300–1	300–1
				C-dn	500–1	500–1½	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 177° Outbnd, 357° Inbnd, 1500′ within 10 miles.
Minimum altitude over facilty on final approach crs, 800′.
Crs and distance, facility to airport, 357°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing Babylon RBn, climb on a crs of 357° to 1500′ within 10 miles, make left turn, proceed direct to BBN RBn. Hold south BBN RBn 1-minute right turns, inbnd crs 357°.
Other changes: Deletes all transitions except radar. Deletes straight-in minima.

City, Amityville, Long Island; State, N.Y.; Airport Name, Zahn's; Elev., 54′; Fac. Class., MHW; Ident., BBN; Procedure No. 1, Amdt. 3; Eff. Date, 20 Sept. 62; Sup. Amdt. No. 2; Dated, 31 May 58

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
AC-LFR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Delta Island Int	LOM	Direct	1500	C-dn	500–1	500–1	500–1½
Susitna Int	LOM	Direct	1500	S-dn-6	500–1	500–1	500–1
Turnagain Int	LOM	Direct	1500	A-dn	800–2	800–2	800–2
				If radar tracking established and approach lights operative, the following minimums apply:			
				S-dn-6°	400–1	400–1	400–1

Radar transition to final approach course authorized. Radar transitions and vectoring using Anchorage Radar authorized in accordance with approved radar patterns.
Procedure turn S side of W crs, 244° Outbnd, 064° Inbnd, 1500′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 064°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1.7 mi radar* fix, climb to 1500′ on SW crs (183°) AC-LFR within 20 miles or, when directed by ATC, (1) climb to 1500′ on W crs (244°) within 20 miles of LOM; (2) climb to 1500′ on NW crs AC-LFR (305°) to hold at Susitna Int.
CAUTION: Terrain 372′ msl 1.6 miles SW of airport and 1.6 miles S of approach to Runway 6, 300′ msl 0.8 mile SSW MM and 320′ msl 1.0 mile SSW MM.
*Positive radar fix at 1.7 miles, and approach lights in sight at radar fix required.
#If radar tracking not established, or approach lights inoperative, missed approach will be initiated 4.4 miles after passing LOM.

City, Anchorage; State, Alaska; Airport Name, International; Elev., 124′; Fac. Class., LOM; Ident., AN; Procedure No. 1, Amdt. 12; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 11; Dated, 8 Sept. 62

				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-11	800–1	800–1	800–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of course 292° Outbnd, 112° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach course, 1200′.
Crs and distance, facility to airport, 112°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, make left climbing turn to 2000′. Hold W of LOM 112° inbnd. Right turns 1-minute.
CAUTION: 570′ msl tower 3 miles NE of airport.

City, Bedford; State, Mass.; Airport Name, Hanscom Field; Elev., 133′; Fac. Class., HW (LOM); Ident., BE; Procedure No. 1, Amdt. 1; Eff. Date, 22 Sept. 62; Sup. Amdt. No. Orig., ADF portion comb. ADF-ILS; Dated, 13 Oct. 56

Radar terminal area transitions all directions		Within 25 mi of IDL.	3000	T-dn	300–1	300–1	200–½
				C-dn	500–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 143° Outbnd, 323° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach course, 800′.
Crs and distance, facility to airport, 323°—6.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing BBN RBn, climb on crs 323° to 1500′ within 10 miles, make left turn, proceed direct to BBN RBn, hold south, 1-minute right turns, inbnd crs 323°.

City, Bethpage; State, N.Y.; Airport Name, Grumman-Bethpage; Elev., 119′; Fac. Class., MHW; Ident., RBn; Procedure No. 1, Amdt. Orig.; Eff. Date, 20 Sept. 62

Radar terminal area transitions all directions.	BBN-RBn	Within 25 mi of IDL radar.	3000	T-dn	300–1	300–1	
				C-dn	500–1½	500–1½	
				S-dn-1,32	500–1	500–1	
				A-dn	800–2	800–2	

Procedure turn E side of crs, 167° Outbnd, 347° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to Runway 1, 347°—3.2 mi.; to Runway 32, 356°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Babylon RBn, climb on a crs of 350° to 1500′ within 10 miles, make left turn, proceed direct to BBN RBn. Hold south BBN RBn 1-minute right turns, inbnd crs 347°.
NOTE: Final approach approved on a crs of 350° to the Babylon RBn within 10 miles as determined by surveillance radar. Procedure approved only during the hours that the control tower is in operation.
Other changes: Deletes all transitions except radar.

City, Farmingdale; State, N.Y.; Airport Name, Republic Aviation; Elev., 82′; Fac. Class., MHW; Ident., BBN; Procedure No. 1, Amdt. 2; Eff. Date, 20 Sept. 62; Sup. Amdt. No. 1; Dated, 8 Feb. 58

LAW VOR#	PFL RBn (Final)	Direct	1900	T-dn	300–1	300–1	200–½
Fort Sill Int	PFL RBn	Direct	2600	C-dn	400–1	500–1	500–1½
				S-dn-35	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs 172° Outbnd, 352° Inbnd, 2600′ within 10 miles. Nonstandard due ATC.
Minimum altitude over facility on final approach course, 1900′.
Crs and distance, facility to airport, 352°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing PFL RBn, turn right, climb to 2000′ on the 172° mag brng from PFL RBn within 15 miles or, climb to 3500′ on LAW-VOR R-352 and proceed to Apache Int.
NOTE: Prior arrangements for landing are required for civil aircraft not on official business.
CAUTION: 1428′ msl tower 4 miles SE; 1644′ msl tower 5 miles ESE of airport. High terrain NW.
#Descent below 2200′ NA on final approach until passing LAW VOR.

City, Lawton (Fort Sill); State, Okla.; Airport Name, Post AAF; Elev., 1187′; Fac. Class., MHZ; Ident., PFL; Procedure No. 1, Amdt. 2; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 1; Dated, 14 July 62

Lexington VOR	LE RBn	Direct	2300	T-dn	300–1	300–1	200–½
Richmond Int	LE RBn	Direct	2300	C-dn	400–1	500–1	500–1½
Keene Int	LE RBn (Final)	Direct	2000	S-dn-4	400–1	400–1	400–1
McAfee Int	LE RBn	Direct	2000	A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 222° Outbnd, 042° Inbnd, 2000′ within 10 mi (nonstandard due more favorable terrain).
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 042°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing RBn, climb to 2600′ on crs 042° to the Fayette Int., hold N, 1-minute right turns, 222° Inbnd, 042° Outbnd.

City, Lexington; State, Ky.; Airport Name, Blue Grass; Elev., 978′; Fac. Class., HW; Ident., LE; Procedure No. 1, Amdt. 3; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 2; Dated, 17 Dec. 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	200-1	300-1	200-1½
				C-dn	500-1	500-1	500-1½
				S-dn-5	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns, utilizing Quonset Pt. RATCC.
Procedure turn S side SW crs, 233° Outbnd, 053° Inbnd, 1500′ within 10 miles of LMM.
Minimum altitude over LMM inbnd final 800′.#
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing LMM, make a climbing left turn to 1500′. Return to LMM hold NE 1-minute right turns 233° Inbnd
#Descent to straight-in minimums authorized after passing OM. If OM not received, maintain 800′ LMM and circling minimums apply.

City, New Bedford; State, Mass.; Airport Name, Municipal; Elev., 79′; Fac. Class., LMM; Ident., WB; Procedure No. 1, Amdt. 8; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 7 (ADF portion comb. ILS-ADF); Dated, 22 Apr. 58

New Orleans VOR	MSY RBn	Direct	1500	T-dn	300-1	300-1	200-1½
LaPlace MHW	MSY RBn (Final)	Direct	1500	C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				A-dn	NA	NA	NA

Radar vectoring authorized in accordance with approved procedures.
Procedure turn S side of crs., 246° Outbnd, 066° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs. and distance facility to airport, 066°—9.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.1 miles after passing MSY RBn, climb to 1500′ on 066 brng. from MSY RBn within 20 miles.
NOTE: Night operation NA Runways 8–26 and 4–22.

City, New Orleans; State, La.; Airport Name, Municipal; Elev., 8′; Fac. Class., SABH; Ident., MSY; Procedure No. 1, Amdt. 3; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 2; Dated, 30 Mar. 57

Int SW crs Allentown LFR and 181° brng to LOM.	LOM	Direct	2500	T-dn°	300-1	300-1	200-1½
Honeybrook Int	LOM (Final)	Direct	1600	C-dn	1000-2	1000-2	1000-2
				S-dn-36	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn E side of crs, 181° Outbnd, 001° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 001°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2500′ on crs of 001° from RDG LOM. Reverse course and return to RDG LOM. Hold south inbnd heading 001°, 1 minute, right turns.
AIR CARRIER NOTE: Neither sliding scale nor any reduction in takeoff minimums authorized on Runways 31 or 36.
#300–1 required for takeoff on Runways 31 and 36; takeoff on Runways 18 and 13, make right turn as soon as practical to avoid towers 1236′ msl and high terrain 2.6 miles SE of airport.

City, Reading; State, Pa.; Airport Name, General Spaatz; Elev., 343′; Fac. Class., LOM; Ident., RD; Procedure No. 1, Amdt. 6; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 5; Dated, 12 Nov. 60

EOS VOR	ROG RBn	Direct	2300	T-dn	300-1	300-1	NA
FYV VOR	ROG RBn	Direct	2700	C-dn	500-1	500-1	NA
				S-dn	400-1	400-1	NA
				A-dn	NA	NA	NA

Procedure turn W side of crs, 356° Outbnd, 176° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs. and distance, facility to airport, 176°—5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing ROG RBn, turn left, climb to 2500′ returning to the ROG RBn, or when direct by ATC, climb to 3000′ proceeding to the FYV VOR.
NOTES: 1. No weather service available. 2. Private facility. Authorized for public use.

City, Rogers; State, Ark.; Airport Name, Rogers Municipal; Elev., 1360′; Fac. Class., MHW; Ident., ROG; Procedure No. 1, Amdt. Orig.; Eff. Date, 22 Sept. 62

				T-dn	300-1	300-1	200-1½
				C-dn	400-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 295° Outbnd, 115° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 115°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing RBn, climb to 1700′ on 115° brng from TXK RBn within 20 miles.
CAUTION: Radio tower 565′ msl 2 miles NE and 740′ msl 4 miles West of airport.

City, Texarkana; State, Ark.; Airport Name, Municipal; Elev., 389′; Fac. Class., SABH; Ident., TXK; Procedure No. 1, Amdt. 1; Eff. Date, 22 Sept. 62; Sup. Amdt. No. Orig.; Dated, 14 July 62

TPH VOR	TPH SABH	Direct	8800	T-dn	1000-1	1000-1	1000-1
				C-dn	1000-1	1000-1	1000-1
				A-dn	1000-2	1000-2	1000-2

Procedure turn E side of crs, 180° Outbnd, 000° Inbnd, 8000′ within 10 miles.
Minimum altitude over facility on final approach, 6400′.
Crs and distance, facility to airport, 168°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make a right climbing turn, climb to 8000′ in a standard holding pattern on 180° bearing within 15 miles.

City, Tonopah; State, Nev.; Airport Name, Municipal; Elev., 5426′; Fac. Class., SABH; Ident., TPH; Procedure No. 1, Amdt. Orig.; Eff. Date, 22 Sept. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
North Beach Int	ADW LFR	Direct	1500	T-dn	200-1	300-1	200-1½
ADW LFR	DA LFR	Direct	1500	C-dn	700-1	700-1	700-1½
Herndon VOR	DA LFR	Direct	1800	S-dn-36	500-1	500-1	500-1½
Unity Int	GTN RBn	Direct	1800	A-dn	800-2	800-2	800-2
GTN RBn	DA LFR	Direct	1800				
Ironsides Int	DA LFR	Direct	1500				

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 181° Outbnd, 001° Inbnd, 1500′ within 10 miles (nonstandard to avoid Andrews traffic).
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 001°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing DA LFR, make a left climbing turn as soon as practicable, climb to 1800′, proceed to Georgetown RBn. Hold NW GTN RBn on brng 150°, 1-minute right turns.
NOTE: These procedures and airport minimums do not provide standard clearance over the following obstructions: 422′ monument 1.7 miles W of final approach crs, 193′ stacks 1.5 miles S of airport, 596′ monument approximately 1.8 miles N of airport.

City, Washington; State, D.C.; Airport Name, National; Elev., 16′; Fac. Class., SABRA; Ident., DA; Procedure No. 2, Amdt. 7; Eff. Date, 20 Sept. 62; Sup. Amdt. No. 6; Dated, 2 Sept. 61

Herndon VOR	GTN–RBn	Direct	1800	T-dn	300-1	300-1	200-1½
Unity Int	GTN–RBn	Direct	1800	C-dn	900-1	900-1	900-1½
North Beach Int	ADW LFR	Direct	1800	S-dn-18, 18	900-1	900-1	900-1
ADW LFR	GTN RBn	Direct	1800	A-dn	1000-2	1000-2	1000-2
Ironsides Int	DA LFR	Direct	1800				
DA LFR	GTN RBn	Direct	1800				

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 150°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing Georgetown MHW, climb to 1000′ on crs of 150°, make a right turn and proceed to DA-LFR at 1500′.

City, Washington; State, D.C.; Airport Name, National; Elev., 16′; Fac. Class., MHW; Ident., GTN; Procedure No. 3, Amdt. 8; Eff. Date, 20 Sept. 62; Sup. Amdt. No. 7; Dated, 13 Jan. 62

PBI-VOR	LOM	Direct	1500	T-dn	300-1	300-1	200-1½
PBI-LFR	LOM	Direct	1500	C-dn	800-1	800-1	800-1½
Monet Int	LOM	Direct	1500	S-dn-9	800-1	800-1	800-1
Andrews Int	LOM	Direct	1500	A-dn	800-2	800-2	800-2
Shawnee Int° (Final)	LOM	Direct	1500				

Procedure turn N side of crs, 273° Outbnd, 093° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 093°—5.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, climb to 1500′ on crs of 093° within 20 miles of LOM.
°Shawnee Int. may be used in lieu of procedure turn when authorized by West Palm Beach approach control.

City, West Palm Beach; State, Fla.; Airport Name, Palm Beach International; Elev., 19′; Fac. Class., LOM; Ident., PB; Procedure No. 1, Amdt. 1; Eff. Date, 22 Sept. 62; Sup. Amdt. No. Orig.; Dated, 19 May 62

				T-dn	300-1	300-1	200-1½
				C-dn	600-1	600-1	600-1½
				S-dn-33	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 332°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at LOM, make an immediate climbing left turn to 2400′ on crs 152° from LOM within 10 miles. Hold SE of LOM, 332° inbnd, right turns, 1 minute.
CAUTION: 1640′ radio tower 2.2 miles NNW of airport.
Departure Procedures—
Departure Runway 33: Execute left climbing turn as soon as practicable after takeoff to 300° magnetic heading climbing to 2000′ before proceeding northwestbound.
Departure Runway 29: Climb to 2000′ on a magnetic heading of 270° before proceeding northwestbound.
Departure Runway 2: Climb to 2000′ on a magnetic heading of 020° before making a left turn.

City, Worcester; State, Mass.; Airport Name, Municipal; Elev., 1009′; Fac. Class., LOM; Ident., OR; Procedure No. 1, Amdt. 7; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 6; Dated, 2 Dec. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ABQ-RBn	ABQ-VOR	Direct	8000	T–dn	300–1	300–1	200–½
				C–d*	1000–1	1000–1	1000–1½
				C–n*	1000–2	1000–2	1000–2
				S–d–8	1000–1	1000–1	1000–1
				S–n–8	1000–2	1000–2	1000–2
				A–dn	1200–2	1200–2	1200–2

Radar transitions and vectoring using Albuquerque Radar authorized in accordance with approved radar patterns.
Procedure turn N side of crs, 257° Outbnd, 077° Inbnd, 8000' within 10 miles. (All turns to be made on N side of crs.)
Minimum altitude over facility on final approach crs, 7000'.
Crs and distance, facility to airport, 077°—9.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.6 miles after passing VOR, make left climbing turn, climb to 8000' on 260° crs to ABQ-VOR or, when directed by ATC, turn right and climb to 7000' on 170° crs to ABQ LOM. All turns to be made W of the localizer course.
CAUTION: Terrain exceeding 8000' east of airport.
*Runway 36–17 currently limited to aircraft of 33,000 lbs gross weight.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Mun.; Elev., 5352'; Fac. Class., BVORTAC; Ident., ABQ; Procedure No. 1, Amdt. 10; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 9; Dated, 24 June 61

PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 22, 1962.

City, Colusa; State, Calif.; Airport Name, Colusa County; Elev., 25'; Fac. Class., VORTAC; Ident., ILA; Procedure No. 1, Amdt. 1; Eff. Date, 14 July 62; Sup. Amdt. No. Orig.; Dated, 2 June 62

Dyersburg MH	DYR-VOR	Direct	1500	T–d	300–1	300–1	200–½
				C–d	400–1	500–1	500–1½
				A–d	800–2	800–2	800–2

Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 253°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, turn left, climb to 1600', return to DYR VOR and contact ATC for further clearance.

City, Dyersburg; State, Tenn.; Airport Name, Municipal; Elev., 337'; Fac. Class., BVORTAC; Ident., DYR; Procedure No. 1; Amdt. 6; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 5; Dated, 14 Jan. 61

KG–LFR	AKN-VOR	Direct	1760	T–dn	300–1	300–1	200–½
				C–dn*	400–1	500–1	500–1½
				S–dn–11*	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 291° Outbnd, 111° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 111°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing VOR, climb on R-111 AKN VOR to 3000' within 20 miles, or when directed by ATC, make right turn, climb on SW course KG LFR to 1500' (205° Outbnd, 025° Inbnd) within 20 miles.

City, King Salmon; State, Alaska; Airport Name, King Salmon; Elev., 63'; Fac. Class., BVOR; Ident., AKN; Procedure No. 1, Amdt. 1; Eff. Date, 22 Sept. 62; Sup. Amdt. No. Orig.; Dated, 11 Mar. 61

Fort Sill Int	LAW VOR	Direct	2600	T–dn	300–1	300–1	200–½
Apache Int	LAW VOR	Direct	2600	O–dn*	400–1	500–1	500–1½
				S–dn–35*	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 174° Outbnd, 354° Inbnd, 2200' within 10 miles. Nonstandard due ATC.
Minimum altitude over LAW VOR on final approach crs, 2200'.
Crs and distance, facility to airport, 354°—8.8 mi; abeam PFL BRn to airport, 354°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.8 miles after passing LAW-VOR, or 2.3 miles after passing PFL RBn, turn right, climb to 2600' and return to LAW-VOR on R-005 or, when directed by ATC, climb to 3500' on LAW-VOR R-352 and proceed to Apache Int.
NOTE: Prior arrangements for landing are required for civil aircraft not on official business.
CAUTION: 1428' msl tower 4 miles SE; 1644' msl tower 5 miles ESE; 1800' msl terrain 3.6 miles NW of airport.
*If RBn or Z marker not received, descent below 1900' NA and minima are 700–2.

City, Lawton (Fort Sill); State, Okla.; Airport Name, Post AAF; Elev., 1187'; Fac. Class., BVOR; Ident., LAW; Procedure No. 1, Amdt. 1; Eff. Date, 22 Sept. 62; Sup. Amdt No. Orig.; Dated, 14 July 62

MSY RBn	MSY VOR	Direct	1500	T–dn	300–1	300–1	200–½
Laplace RBn	MSY VOR (Final)	Direct	1500	C–d	500–1	500–1	500–1½
Turtle Int	LaPlace RBn	Direct	1500	C–n	500–2	500–2	500–2
				A–dn	NA	NA	NA

Radar vectoring authorized in accordance with approved procedure.
Procedure turn S side of crs, 261° Outbnd, 081° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 081°—7.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.4 miles after passing VOR, turn left climb to 2000' on MSY VOR R-079 within 20 miles or, when directed by ATC, turn left, intercept MSY VOR R-064, climbing to 1500' within 20 miles.
NOTE: Night operations NA Runways 8–26, 4–22.

City, New Orleans; State, La.; Airport Name, New Orleans; Elev., 8'; Fac. Class., BVORTAC; Ident., MSY; Procedure No. 1, Amdt. 3; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 2; Dated, 29 July 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Tyrone VOR	PSB-VOR	Direct	4000	T–dn	500–1	500–1	NA
				C–d	800–1	800–1	NA
				C–n	800–2	800–2	NA
				A–dn	1000–2	1000–2	NA

Procedure turn N side of crs, 074° Outbnd, 254° Inbnd, 3500' within 10 miles.
Minimum altitude over facility on final approach crs, 3500'.
Crs and distance, facility to airport, 254°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing VOR, make a right climbing turn returning to the PSB–VOR at 4000'. Hold NE 1-minute right turns, inbound course 254°.

City, Philipsburg; State, Pa.; Airport Name, Black Moshannon State; Elev., 1933'; Fac. Class., BVORTAC; Ident., PSB; Procedure No. 1, Amdt. 6; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 5; Dated, 17 Mar. 62

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cleo Int*	MKT VOR	Direct	2500	T–dn	300–1	300–1	**200–½
				C–d	600–1	600–1	600–1½
				C–n	600–2	600–2	600–2
				S–d–32	600–1	600–1	600–1
				S–n–32	600–2	600–2	600–2
				A–dn#	NA	NA	NA

Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of MKT-VOR, make immediate left turn climbing to 2400' on R-142 within 10 miles.
NOTE: 122.1 receiver remoted from MKT VOR to MSP FSS.
CAUTION: 1200' water tower 1.2 miles NW, 1260' tower 3 miles ENE, 1373' tower 2 miles NE, 1508' tower 3 miles NW.
*Cleo Int: Int RWF-VOR R-103 and MKT-VOR R-013.
**300–1 required for all takeoffs on Runway 32.
#800–2 authorized for air carriers with weather reporting at the airport.

City, Mankato; State, Minn.; Airport Name, Municipal; Elev., 1005'; Fac. Class., BVOR; Ident., MKT; Procedure No. TerVOR-32, Amdt. Orig.; Eff. Date, 22 Sept. 62

Potomac Int	DCA-VOR	Direct	1800	T–dn	300–1	300–1	200–½
Herndon VOR	DCA-VOR	Direct	1800	C–dn	700–1	700–1	700–1½
Andrews LFR	DCA-VOR	Direct	1600	S–dn–15	600–1	600–1	600–1
Nottingham VOR	DCA-VOR	Direct	1600	A–dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn S side, 320° Outbnd, 140° Inbnd, 1800' within 10 miles of Georgetown MHW.
Minimum altitude over Roslyn Int.* on final approach crs 1300'. Descend to landing minimums after passing Roslyn Int.* on crs 140°.
Crs and distance, breakoff point to app end Runway 15, 150°—0.6 mi; Roslyn Int.* to breakoff point, 140°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1000' on crs 150°, make a right turn and proceed to Washington LFR at 1500'.
CAUTION: Standard clearance not provided over obstructions within circling area of airport.
NOTE: Pilots using this procedure shall monitor DCA VOR for radar advisories.
*Roslyn Int.: Int. 230° bearing GTN RBn and R-320 DCA VOR.

City, Washington; State, D.C.; Airport Name, National; Elev., 16'; Fac. Class., VOR MHW; Ident., DCA GTN; Procedure No. TerVOR-15, Amdt. 6; Eff. Date, 20 Sept. 62; Sup. Amdt. No. 5; Dated, 16 Dec. 61

Potomac Int	DCA-VOR	Direct	1800	T–dn	300–1	300–1	200–½
Herndon VOR	DCA-VOR	Direct	1800	C–dn	700–1	700–1	700–1½
Andrews LFR	DCA-VOR	Direct	1600	S–dn–36	800–1½	800–1½	800–1½
Nottingham VOR	DCA-VOR	Direct	1600	A–dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 186° Outbnd, 006° Inbnd, 1500' within 10 miles of Washington LFR. Procedure turn W to avoid Andrews LFR.
Minimum altitude over facility on final approach crs, 400'. Maintain 1000' until passing Alexandria Int.#*
Crs and distance, breakoff point to approach end of Runway 36, 003°—0.5 mi; Alexandria Int# to approach end of Runway 36, 003°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make a left climbing turn as soon as practical, climb to 1800' on R-320 DCA VOR and proceed to Potomac Int. Hold NW on DCA VOR R-320, 1-minute right turns.
CAUTION: Standard clearance not provided over obstructions in final approach area and within circling area of airport.
*Descend to landing minimums after passing Alexandria Int#.
#Alexandria Int: Int NW crs Washington LFR and R-186 DCA VOR.

City, Washington; State, D.C.; Airport Name, National; Elev., 16'; Fac. Class., BVOR; Ident., DCA; Procedure No. TerVOR-36, Amdt. 5; Eff. Date, 20 Sept. 62; Sup. Amdt. No. 4; Dated, 22 Mar. 58

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
15 mi fix R-259	8 mi fix R-259	Direct	8800	T-dn	300-1	300-1	200-½
8 mi fix R-259	0 mi fix R-259	Direct	5200	C-dn	400-1	500-1	500-1½
10 mi fix R-081	10 mi fix R-077	Via 10 mi counter-clockwise orbit N.	5500	S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
10 mi fix R-081	7 mi fix R-081 (Giffen Int.)	Direct	5500				
7 mi fix R-081 (Giffen Int.)	7 mi fix R-077	Via 7 mi counter-clockwise orbit N.	#4800				
7 mi fix R-077	5 mi fix R-077	Direct	#4600				
5 mi fix R-077	0 mi fix R-077	Direct	#4000				
0 mi fix R-257	3.8 mi fix R-257	Direct	4300				

Radar transitions and vectoring using El Paso Radar authorized in accordance with approved radar patterns.
Procedure turn S side R-077, 6500' within 10 miles. When authorized by ATC, DME may be used within 10 miles between radials 325 clockwise to 200 at 7300' to position aircraft for final approach, with the elimination of a procedure turn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.8 miles DME Fix R-257, turn left to heading of 125°, climb to 5200', intercept and proceed on R-151 within 20 miles.
#5500' without DME, in which case procedure turn is required.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3956'; Fac. Class., BVORTAC; Ident., ELP; Procedure No. VOR-DME #1, Amdt. 6; Eff. Date, 22 Sept. 62 Sup. Amdt. No. 5; Dated, 23 Dec. 61

PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 22, 1962.

City, Greensboro; State, N.C.; Airport Name, Greensboro-High Point; Elev., 913'; Fac. Class. and Ident., BVOR-DME-GSO; Procedure No. VOR-DME-5, Amdt. Orig. Eff. Date, 24 Dec. 55

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Aden Int	Weiler Int	Direct	8000	T-dn	300-1	300-1	200-½
Weiler Int	Sandoval Int. (Final)	Direct	7000	C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-d-17#	500-1	500-1	500-1½
				S-n-17#	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring using Albuquerque Radar authorized in accordance with approved radar patterns.
Procedure turn W side of N crs 350° Outbnd; 170° Inbnd, 8000' within 10 miles of North Int.
Minimum altitude over Sandoval Int. on final approach, 7000'.
No glide slope.
Course and distance, Sandoval Int to airport, 170°—6.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing Sandoval Int, climb straight ahead to 7000' on ABQ ILS localizer to ABQ LOM or when directed by ATC, make right climbing turn, climb to 8000' direct to ABQ VOR.
CAUTION: Terrain exceeding 8000' E of ILS localizer; all turns to be made W of crs.
#Runway 17-35 currently limited to aircraft of 33,000 lbs. gross weight or less.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Municipal; Elev., 5352'; Fac. Class., ILS; Ident., I-ABQ; Procedure No. ILS-17, Amdt. 6; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 5; Dated, 21 Oct. 61

Albuquerque RBn	LOM	Direct	7000	T-dn	300-1	300-1	200-½
Albuquerque VOR	LOM	Direct	7000	C-dn	400-1	500-1	500-1½
Aden Int	LOM	Direct	8000	S-dn-35°	300-½	300-½	200-½
Bacaville VOR	S crs ILS	Via R-020 BCV VOR 19.4 mi.	7000	A-dn	800-2	800-2	800-2
Coyote Int	LOM	Direct	9000				
Sandoval Int	LOM	Direct	7000				
Dalles Int	LOM	Direct	7000				
Bean Int	LOM	Direct	10,500				
Valencia Int	S crs ILS	061°—5.8 mi.	7000				

Radar transitions and vectoring using Albuquerque Radar authorized in accordance with approved radar patterns.
Procedure turn W side S crs, 170° Outbnd, 350 Inbnd, 7000' within 10 miles.
Minimum altitude at glide slope int Inbnd, 7000'.
Altitude of glide slope and distance to appr end of runway at OM 6400'—3.8 mi, at MM 5530'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a left climbing turn, climb to 8000' direct to ABQ-VOR or, when directed by ATC, turn left and climb to 8000' on 260° crs from ABQ RBn within 20 miles.
CAUTION: Terrain exceeding 8000' E of ILS localizer, all turns to be made W of localizer crs.
*Runway 17-35 currently limited to aircraft of 33,000 pounds or less gross weight.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Municipal; Elev., 5352'; Fac. Class., ILS; Ident., I-ABQ; Procedure No. ILS-35, Amdt. 12; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 22; Dated, 24 Mar. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Bowie Int	LOM	Direct	1900	T-dn**	300-1	300-1	200-½
Baltimore VOR	LOM	Direct	1700	C-dn	400-1	500-1	500-1½
Lisbon Int	LOM	Direct	1800	S-dn-10°	#200-½	#200-½	#200-½
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn S side W crs, 282° Outbnd, 102° Inbnd, 1700' within 10 miles.
Minimum altitude at glide slope int inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1423'—3.8 mi, at MM, 380'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1700' on east crs of ILS within 10 miles of LOM. Return to LOM, hold west 1-minute right turns.
GLIDE SLOPE NOTE: Glide slope not useable inbound from middle marker; satisfactory for authorized minimums.
LOCALIZER NOTE: Narrow localizer course, 4°.
#400-¾ required when glide slope inoperative.
*Runway visual range 2600' also authorized for landing on Runway 10, provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are in satisfactory operating condition. Descent below 346' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600' authorized for takeoff on Runway 10 in lieu of 200-½ when 200-½ authorized, providing associated high intensity runway lights are operational.

City, Baltimore; State, Md.; Airport Name, Friendship International; Elev., 146'; Fac. Class., ILS; Ident., I-BAL; Procedure No. ILS-10, Amdt. 13; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 12; Dated, 28 Apr. 62

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-11°	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Procedure turn N side of crs, 292° Outbnd, 112° Inbnd, 1600' within 10 miles.
Minimum altitude at glide slope int inbnd, 1600'.
Altitude of glide slope and distance to approach end of runway at OM 1440'—3.9 mi., at MM 360'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left climbing turn to 2000', return to LOM. Hold W 112° inbound, 1-minute right turns.
CAUTION: 570' MSL tower 3 miles NE of airport.
*500-¾ required with glide slope inoperative.

City, Bedford; State, Mass.; Airport Name, Hanscom Field; Elev., 133'; Fac. Class., ILS; Ident., I-BED; Procedure No. ILS-11, Amdt. 1; Eff. Date, 22 Sept. 62; Sup. Amdt. No. Orig., ILS portion comb. ADF-ILS; Dated, 13 Oct. 56

LEX VOR	LOM	Direct	2300	T-dn	300-1	300-1	200-½
McAfee Int	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Richmond Int	LOM	Direct	2300	S-dn-4°	300-¾	300-¾	300-¾
Keene Int	LOM (final)	Direct	2000	A-dn	600-2	600-2	600-2

Procedure turn N side of crs, 222° Outbnd, 042° Inbnd, 2000' within 10 miles (nonstandard due to more favorable terrain).
Minimum altitude at glide slope int inbnd, 2000'.
Altitude of glide slope and distance to appr end of runway at OM 2000'—3.4 mi., at MM 1190'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2600' on crs, 042° to the Fayette Int. Hold N, 1-minute right turns, 222° Inbnd, 042° Outbnd.
CAUTION: Glide slope point of touchdown approx. 1450' in from approach end of runway.
*400-1 when glide slope inoperative.

City, Lexington; State, Ky.; Airport Name, Blue Grass; Elev., 978'; Fac. Class., ILS; Ident., I-LEX; Procedure No. ILS-4, Amdt. 3; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 2; Dated, 12 Nov. 60

				T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				S-dn-5°	200-½	200-½	200-½
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns, utilizing Quonset Pt. RATCC.
Procedure turn S side SW crs, 233° Outbnd, 053° Inbnd, 1500' within 10 miles of LMM.
Minimum altitude at glide slope intercept inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1333'—3.9 mi, at MM, 284'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a climbing left turn to 1500', return to LMM. Hold northeast 1-minute right turns, 233° Inbnd.
*500-1 required with glide slope inoperative.

City, New Bedford; State, Mass.; Airport Name, Municipal; Elev., 79'; Fac. Class., ILS; Ident., EWB; Procedure No. ILS-5, Amdt. 8; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 7 (ILS portion comb. ILS-ADF); Dated, 22 Apr. 58

Int SW crs Allentown LFR and South crs ILS	LOM	Direct	2500	T-dn*	300-1	300-1	200-½
				C-dn	800-2	800-2	800-2
Honeybrook Int	LOM (Final)	Direct	#2100	S-dn-36**	400-1	400-1	400-1
Rienholds Int	LOM	Direct	2500	A-dn	1000-2	1000-2	1000-2

Procedure turn E side S crs, 181° Outbnd, 001° Inbnd, 2100' within 10 N miles.
Minimum altitude at glide slope intercept inbound, 2100'.
Altitude of glide slope and distance to appr end of runway at OM 1631'—3.9 mi, at MM 541'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000' on crs of 001° from the RDG LOM to intercept the 322° radial of the Pottstown VOR direct to Hamburg Int and hold southwest on R-255 ABE VOR, 1-minute pattern, left turns.
AIR CARRIER NOTE: Neither sliding scale nor any reduction in takeoff minimums authorized on Runways 31 or 36.
*300-1 required for takeoff on Runways 31 and 36; takeoff on Runways 18 and 13, make right turn as soon as practical, to avoid towers 1236' msl and high terrain 2.6 miles SE of airport.
**600-1 required with glide slope inoperative.
#After interception of localizer course inbound, descent on glide slope to cross outer marker at 1631' on final approach is authorized.

City, Reading; State, Pa.; Airport Name, General Spaatz; Elev., 343'; Fac. Class., ILS; Ident., I-RDG; Procedure No. ILS-36, Amdt. 7; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 6; Dated, 21 Jan. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Andrews LFR	OM	Direct	1500	T-dn**	300-1	300-1	200-½
Andrews LFR via crs 273°	ILS S crs	Direct	#1500	C-dn	700-1	700-1	700-1½
Herndon VOR	OM	Direct	1800	S-dn-36°	200-½	200-½	200-½
Potomac Int	OM	Direct	1800	A-dn	700-2	700-2	700-2
Nottingham VOR	OM	Direct	1500				
Ironsides Int	OM	Direct	1500				

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn W side S crs, 183° Outbnd, 003° Inbnd, 1400' within 10 miles of OM (nonstandard due to traffic).
Minimum altitude at glide slope int inbnd, 1400'.
Altitude of glide slope and distance to appr end of runway at OM 1360'—4.6 mi., at MM 205'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, if contact not established at LMM, make climbing turn to left as soon as practicable and climb to 1800', proceed to Georgetown MHW. Hold NW GTN on brng 180°, 1-minute right turns.
CAUTION: Standard clearance not provided over obstructions within circling area of airport or within final approach area with glide slope inoperative.
*Runway visual range 2600' also authorized for landing on Runway 36; provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 216' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600' also authorized for takeoff on Runway 36 in lieu of 200-½ when 200-½ is authorized, providing associated high intensity runway lights are operational.
#After interception of localizer crs inbnd, descent on glide slope to cross outer marker at 1360' on final is authorized.

City, Washington; State, D.C.; Airport Name, National; Elev., 16'; Fac. Class., ILS; Ident., I-DCA; Procedure No. ILS-36, Amdt. 14; Eff. Date, 20 Sept. 62; Sup. Amdt. No. 13; Dated, 2 Sept. 61

PBI-VOR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
PBI-LFR	LOM	Direct	1500	C-dn	*400-1	500-1	500-1½
Monet Int	LOM	Direct	1500	S-dn-9°	300-¾	300-¾	300-¾
Andrews Int	LOM	Direct	1500	A-dn	600-2	600-2	600-2
Shawnee Int# (Final)	LOM	Direct	1500				

Procedure turn N side of crs, 273° Outbnd, 093° Inbnd, 1600' within 10 miles.
Minimum altitude at glide slope interception inbnd, 1600'.
Altitude of glide slope and distance to approach end of runway at OM, 1560'—5.6 mi, at MM, 217'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500' on E crs of ILS within 20 miles.
*No approach lights. 500-¾ required when glide slope inoperative.
#Shawnee Int may be used in lieu of procedure turn when authorized by West Palm Beach approach control.

City, West Palm Beach; State, Fla.; Airport Name, Palm Beach International; Elev., 19'; Fac. Class., ILS; Ident., I-PBI; Procedure No. ILS-9, Amdt. 1; Eff. Date, 22 Sept 62; Sup. Amdt. No. Orig.; Dated, 19 May 62

MIP-VOR	Picture Rocks Int.#	Direct	3700	T-dn	800-1	800-1	800-1
IPT-VOR	Picture Rocks Int.#	Direct	3700	C-dn	900-2	900-2	900-2
				S-dn-27°	800-2	800-2	800-2
				A-d	1500-2	1500-2	1500-2
				A-n	1500-3	1500-3	1500-3

Procedure turn S side of crs, 086° Outbnd, 266° Inbnd, 3700' within 10 miles of Picture Rock Int.# Nonstandard due to higher terrain north of ILS course.
Minimum altitude over Picture Rocks Int. on final approach crs, 3600'.
Altitude at glide slope and distance to approach end of runway at OM, 1809'—3.8 mi, at MM, 766'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 3.6 miles after passing outer marker or 9.4 miles after passing Picture Rocks Int, make immediate right (north) climbing turn to 4000', proceed direct to IPT-VOR. Hold IPT-VOR 1-minute left turn, inbnd crs, 136° or, when directed by ATC, make a right (northwest) climbing turn to 4000' to intercept the MIP-VOR R-325, proceed to Trout Run Int. Hold West Trout Run Int 1-minute right turns inbound course 116°.
CAUTION: 2000' ridge approx. 2.0 miles south of airport. All circling approaches are prohibited in the area south of Runway 9-27.
NOTE: Procedure restricted to aircraft capable of receiving ILS and VOR simultaneously.
AIR CARRIER NOTE: Sliding scale not authorized for takeoffs and landings. Runway 15-33 closed to Air Carrier Operations.
*If glide slope inoperative, maintain 2000' until past OM; circling minimums apply.
#Picture Rocks Int: IPT-VOR R-151 and IPT East ILS crs, or MIP-VOR R-002.

City, Williamsport; State, Pa.; Airport Name, Williamsport-Lycoming County; Elev., 528'; Fac. Class., ILS; Ident., I-IPT; Procedure No. ILS-27, Amdt. 2; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 1; Dated, 1 Sept. 62

Woodstown VOR	LOM	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-1°	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn W side S crs 194° Outbnd, 014° Inbnd, 1600' within 10 miles.
Minimum altitude at glide slope interception inbnd, 1600'.
Altitude of glide slope and distance to approach end of runway at OM 1600'—5.3 miles, at MM 295'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing left turn to 1600' and return to Wilmington LOM. Hold south 1-minute right turns inbound crs 014°.
CAUTION: Turn left as soon as practical to avoid holding pattern at Philadelphia LOM.
*300-¾ required with glide slope inoperative.

City, Wilmington; State, Del.; Airpot Name, Greater Wilmington; Elev., 79'; Fac. Class., ILS; Ident., I-ILG; Procedure No. ILS-1, Amdt. 7; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 6; Dated, 28 Apr. 62

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-33	200-½	200-½	200-½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 2400' within 10 miles.
Minimum altitude at glide slope interception inbnd, 2400'.
Altitude of glide slope and distance to approach end of runway at OM, 2330'—4.0 mi; at MM, 1214'—0.6 mi.
If visual contact not established at middle marker, make an immediate climbing left turn to 3400' on SE crs of ILS within 10 miles of LOM. Hold SE of LOM, 332° Inbnd right turns, 1-minute.
CAUTION: 1640' radio tower 2.2 miles NNW of airport. Do not proceed beyond middle marker unless landing is assured.
NOTE: Provisions of inoperative ILS components authorized except 400-1 required when middle marker inoperative.
Departure Procedures—
Departure Runway 33: Execute left climbing turn as soon as practicable after takeoff to 300° magnetic heading climbing to 2000' before proceeding northwestbound.
Departure Runway 29: Climb to 2000' on a magnetic heading of 270° before proceeding northwestbound.
Departure Runway 2: Climb to 2000' on a magnetic heading of 020° before making a left turn.

City, Worcester; State, Mass.; Airport Name, Municipal; Elev., 1009'; Fac. Class., ILS; Ident., I-ORH; Procedure No. ILS-33, Amdt. 7; Eff. Date, 22 Sept. 62; Sup. Amdt No. 6; Dated 2 Dec. 61

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes: From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
															Surveillance approach		
325	020	0-5	5900											T-dn	300-1	300-1	200-½
355	065	15-20	12000	20-25	10000									C-dn	400-1	500-1	500-1½
355	075	5-10	11000	10-15	12000	25-30	10000							S-dn-35, 17	400-1	400-1	*400-1
020	150	0-3	6800	3-5	8100									S-dn-8, 3	400-1	400-1	**400-1
065	100	15-25	9000											A-dn	800-2	800-2	800-2
075	100	10-15	9000	25-30	9000												
															Precision approach		
075	122	5-10	8600											S-dn-8	300-¾	300-¾	**400-1
100	150	10-15	11000											A-dn	600-2	600-2	600-2
100	160	15-20	11000														
100	165	20-30	11000														
122	355	5-10	7000														
150	325	0-5	6400														
150	355	10-15	7000														
160	355	15-20	7000														
165	290	20-25	7000														
165	220	25-30	7000														
220	240	25-30	8000														
240	290	25-30	7000														
290	355	20-30	7500														

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runways 35, 8, and 3: Turn left and climb to 8000' on 260° crs direct to ABQ-VOR or, when directed by ATC, turn left and climb to 8000' on 260° crs from ABQ-RBn within 20 miles.
Runway 17: Climb straight ahead to AB-LOM and climb in a holding pattern S to 7000' (inbnd brg 360°), left turns, or (1) when directed by ATC, turn right, climb to 8000' on 260° crs from ABQ-RBn within 20 miles or (2) make right climbing turn to 8000' on 260° crs direct to ABQ VOR.
NOTE: No approach lights.
CAUTION: Terrain exceeding 8000' msl in east quadrants.
*Runway 17-35 restricted to aircraft gross weight of 33,000 lbs. or less.
**500-1½ required for jet aircraft.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Municipal; Elev., 5362'; Fac. Class. and Ident., Kirtland Radar; Procedure No. 1, Amdt. 8; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 7; Dated, 12 May 62

010	160	5	1500	10	6500	15	9000	20	9000	25	12000				Surveillance approach		
160	320	5	1500	10	1500	17	1500	20	2500	25	2800			T-dn	300-1	300-1	200-½
320	010	5	1500	10	1500	15	1500	20	3000	25	5000			C-dn	500-1	500-1	500-1½
														S-dn-6°	400-1	400-1	400-1
														A-dn	800-2	800-2	800-2

All bearings are from the radar site with sector azimuths progressing clockwise.
Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 4400' Mt. Susitna 30 miles NW, terrain 2000' 6 miles SE, and 4600' terrain 20 miles S.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1.7 mi radar fix,* climb to 1500' on SW crs Anchorage LFR within 20 miles, or when directed by ATC. (1) Climb to 1500' proceeding direct to Anchorage LOM, thence on crs of 244° Outbnd, 064° Inbnd, within 20 miles; (2) climb to 1500' on NW crs Anchorage LFR to hold at Susitna Int.
CAUTION: (1) Terrain 373' msl 1.6 miles SW of airport and 1.6 miles S of approach crs to Runway 6, 309' msl 0.8 mile SSW MM, 320' msl 1 mi SSW MM, and 367' msl 1.5 miles W of approach course to Runway 31. (2) Unusable sector 068° to 074°, 20 to 25 miles.
*Positive radar fix at 1.7 miles, and approach lights in sight at radar fix required. If approach lights inoperative, minima become 800-1.

City, Anchorage; State, Alaska; Airport Name, International; Elev., 124'; Fac. Class. and Ident., Anchorage Radar; Procedure No. 1, Amdt. 9; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 8; Dated, 8 Sept. 62

340	270	20 mi	2700												Precision approach		
270	340	20 mi	3500											T-dn	300-1	300-1	200-½
														C-dn	400-1	500-1	500-1½
														S-dn-17 and 35	200-½	200-½	200-½
														A-dn	600-2	600-2	600-2
															Surveillance approach		
														T-dn	300-1	300-1	200-½
														C-dn	400-1	500-1	500-1½
														S-dn-17 and 35	400-1	400-1	400-1
														A-dn	800-2	800-2	800-2

All bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 17: Climb to 2800' on LAW R-382 and proceed to VOR.
Runway 35: Turn right, climb to 2800' on LAW R-382 to LAW-VOR or, when directed by ATC, climb to 3800' to Apache Int on LAW-VOR R-382.
CAUTION: High terrain northwest.
NOTES: 1. Hours of operation: 0800-1600 Monday through Friday. 1 hour prior notice on IFR, holidays and weekends. 2. Prior arrangements for landing are required for civil aircraft not on official business.

City, Lawton; State, Okla.; Airport Name, Post AAF; Elev., 1187'; Fac. Class. and Ident., Post Radar; Procedure No. 1, Amdt. 2; Eff. Date, 22 Sept. 62; Sup. Amdt. No. 1; Dated, 14 July 62

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
E, W, and S Quadrants DA-LFR	Radar Site	Within 25 mi	1800	Precision approach			
N Quadrant DA-LFR	Radar Site	Within 25 mi	1800	S-dn-36*	200-½	200-½	200-½
All Quadrants	Radar Site	Within 40 mi	#2500	A-dn	700-2	700-2	700-2
				Surveillance approach			
				T-dn**	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a climbing left turn as soon as practicable and climb to 1800', proceed to Georgetown MHW. Hold NW GTN MHW on brng 150°, 1-minute right turns.

CAUTION: Circling minimums do not provide standard clearance over monument 1.6 miles N of airport.

*Runway visual range 2600' also authorized for landing on Runway 36, provided that all components of the PAR, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are operating satisfactorily. Descent below 216' msl shall not be made unless visual contact with the approach lights has been established or aircraft is clear of the clouds.

**Runway visual range 2600' also authorized for takeoff on Runway 36 in lieu of 200-½ when 200-½ is authorized, provided high intensity runway lights are operational.

#Exclusive of danger and prohibited areas.

City, Washington; State, D.C.; Airport Name, National; Elev., 16'; Fac. Class., and Ident., Washington Radar; Procedure No. 1, Amdt. 11; Eff. Date, 20 Sept. 62; Sup. Amdt. No. 10; Dated, 14 Apr. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 16, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-8444; Filed, Aug. 31, 1962; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSIONS FROM PROVISIONS OF FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

Chaplain Residents

1. Effective September 1, 1962, the item under § 27.1 for chaplain residents, Department of Health, Education, and Welfare [Saint Elizabeths Hospital], second year approved clinical training following completion of four or more years approved postgraduate theological training is amended as follows:

§ 27.1 Exclusions from provisions of Federal Employees Pay Act and Classification Act.

* * * * *

Chaplain residents, Department of Health, Education, and Welfare, fifteen months' approved clinical training following completion of four or more years' approved postgraduate theological training.

2. Effective September 1, 1962, the item under § 27.2 for chaplain residents, Department of Health, Education, and Welfare, second year approved clinical training following completion of four or more years' approved postgraduate theological training__ $4,200, is amended as follows:

§ 27.2 Maximum stipends prescribed.

* * * * *

Chaplain residents, Department of Health, Education, and Welfare, fifteen months' approved clinical training following completion of four or more years' approved postgraduate theological training___ $5,250.

(61 Stat. 727; 5 U.S.C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-8795; Filed, Aug. 31, 1962; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 28]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.328 Valencia Orange Regulation 28.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 30, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 2, 1962, and ending at 12:01 a.m., P.s.t., September 9, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 500,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 31, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8896; Filed, Aug. 31, 1962; 11:28 a.m.]

[Lemon Reg. 37]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.337 Lemon Regulation 37.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 28, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 2, 1962, and ending at 12:01 a.m., P.s.t., September 9, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 30, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8844; Filed, Aug. 31, 1962; 8:53 a.m.]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 98, as amended, and Order No. 945, as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER August 1, 1962 (27 F.R. 7574). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Potato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 945.215 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 945, both as amended, to enable such committee to perform its functions, pursuant to the provisions of the aforesaid amended marketing agreement and order, during the fiscal period June 1, 1962, through May 31, 1963, will amount to $30,000.00.

(b) The rate of assessment to be paid by each handler shall be seventy cents per carload or fraction thereof or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on June 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 29, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8820; Filed, Aug. 31, 1962; 8:51 a.m.]

[Area No. 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Approval of Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, was published in the August 3, 1962, FEDERAL REGISTER (27 F.R. 7681). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice afforded interested persons

an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relative matters, including the proposals set forth in the aforesaid notice which were recommended by the Area No. 3 Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 948.239 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area No. 3 Potato Committee, established pursuant to the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof during the fiscal period beginning June 1, 1962, and ending May 31, 1963, will amount to $3,125.00.

(b) The rate of assessment to be paid by each handler in Area No. 3 in accordance with the applicable provisions of said marketing agreement and order shall be $0.00125 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on June 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 29, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–8822; Filed, Aug. 31, 1962; 8:51 a.m.]

[Area No. 2]

PART 948—IRISH POTATOES GROWN IN COLORADO

Approval of Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment for Area No. 2, to be effective under Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, was published in the August 2, 1962, FEDERAL REGISTER (27 F.R. 7227). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relative matters, including the proposals set forth in the aforesaid notice which were recommended by the Area No. 2 Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 948.240 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area No. 2 Potato Committee, established pursuant to the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof during the fiscal period beginning June 1, 1962, and ending May 31, 1963, will amount to $13,494.60.

(b) The rate of assessment to be paid by each handler in Area No. 2 in accordance with the applicable provisions of said marketing agreement and order shall be $0.002205 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on June 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 29, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–8821; Filed, Aug. 31, 1962; 8:51 a.m.]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958) regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER August 3, 1962 (27 F.R. 7681). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.206 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, to enable such committee to perform its functions, pursuant to provisions of the aforesaid marketing agreement and order, during the fiscal period beginning July 1, 1962, and ending June 30, 1963, will amount to $4,991.00.

(b) The rate of assessment to be paid by each handler shall be three-tenths of one cent ($0.003) per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable onions from the beginning of such period, and (2) the current fiscal period began on July 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable onions beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 29, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–8823; Filed, Aug. 31, 1962; 8:52 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 107]

PART 1107—MILK IN MISSISSIPPI GULF COAST MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Mississippi Gulf Coast marketing area, it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act: "from which during the month 50 percent or more of receipts from dairy farmers producing Grade A milk is moved to a plant described in paragraph (a) of this section" in paragraph (b) of § 1107.10.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension action was requested by the Mississippi Milk Producers Association which is now receiving a large proportion of its member producer milk at its local supply plant pending settlement of a dispute with local handlers over the association's efforts to market its members' milk in compliance with its membership contract. The association has had the responsibility of marketing the market's reserve supply over an extended period of time. With the transition to farm bulk tanks and tank hauling, control of the hauling and payment of producers was deemed essential in order that milk supplies could be marketed in the most economical manner and the total association membership would share in costs of handling the market's reserve supply. Central to the dispute is the reluctance of some handlers to recognize the association's responsibility to its membership in marketing their milk and they have discontinued the purchase of milk from the association. A substantial part of the market's regular milk supply has been temporarily displaced by purchases from adjacent Federal order markets.

The existing market situation has been aggravated by the small size of the market, its interrelationship with adjacent Federally regulated markets, the wide fluctuation in Class I sales due to government contract sales and the ready availability of milk in the region.

In the interest of greater market stability the association requested a hearing to consider combination of the Mississippi Gulf Coast market and the Central Mississippi market under one order. The hearing in this matter was held in Jackson, Miss., on July 23–27, 1962.

The association's position was generally supported by the Gulf Milk Association. The two cooperative associations represent the majority of producers in the two respective markets.

(4) Loss of producer status at this time for a large percentage of the regular producers historically associated with the Mississippi Gulf Coast market would seriously disrupt the orderly marketing of milk not only in this market but in the adjacent Federal order markets which represent alternative outlets.

The views of all parties in the market are known. A hearing to consider proposed amendments to ameliorate the existing situation was held on July 23–27, 1962. It is apparent that some amendatory action is necessary. However, time will not permit amendatory action by September 1 after which date, except for this suspension action, a substantial number of producers would lose producer status. Pending a decision on the issues considered at the hearing the status of the regular suppliers of the market as producers should be maintained.

Therefore, good cause exists for making this order effective September 1, 1962.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1962.

Signed at Washington, D.C., on August 28, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62–8824; Filed, Aug. 31, 1962; 8:53 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8212 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Arrow Food Products, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials;* [Discriminating in price under section 2, Clayton Act]—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services or facilities;* [Discriminating in price under section 2, Clayton Act]—Furnishing services or facilities for processing, handling, etc., under 2(e): § 13.843 *Promotional enterprises.* Subpart—Misbranding or mislabeling: § 13.1230 *Identity.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1645 *Government standards or specifications.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Arrow Food Products, Inc., et al., Dallas, Tex., Docket 8212, June 26, 1962]

In the Matter of Arrow Food Products, Inc., a Corporation, and Markus Rosenberg, Emanuel Rohan, and David Rosenberg, Individually and as Officers of Said Corporation

Consent order requiring Dallas, Tex., wholesalers of dried beans and peas and other food products which they purchased and packaged under the trade names "Arrow" and "Rose" and under private brands and sold to distributor-customers principally in the southwest and southeast, to cease discriminating among such purchasers in violation of the Clayton Act by: I. such practices as giving to certain large retail chains and wholesalers (1) one case free with each 10 purchased, (2) so-called "advertising" and "promotional" allowances for which no services were rendered, and (3) special selling terms and conditions of sale such as trucking allowances, cash discounts, and advance notice of price changes, of as much as 30 days, in violation of section 2(a); II. making to a limited number of large purchasers allowances for advertising their products in catalogs, price lists, and on radio; paying "push money" to customers' salesmen; and making allowances for promotions of their products at new retail store openings and for other special promotions, in violation of section 2(d); and III. furnishing only to certain large purchasers special packaging in connection with aforesaid promotions, and prizes in the form of their products for special promotional contests, in violation of section 2(e); and, with regard to the alleged violation of section 5 of the Federal Trade Commission Act covered by Count IV of the complaint, to cease misrepresenting the identity, etc., of their food products, and that such products conform to standards established by the U.S. Department of Agriculture.

The order to cease and desist is as follows:

It is ordered, That respondent Arrow Food Products, Inc., a corporation, and its officers, representatives, agents and employees, and respondents Marcus Rosenberg, Emanuel Rohan and David Rosenberg, individually and as officers of said corporation, and their representatives, agents and employees, directly or through any corporate or other device, in or in connection with the sale of food products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Discriminating, directly, or indirectly, in the price of such products of like grade and quality by selling to any one purchaser at net prices higher than the net prices charged to any other purchaser who in fact competes in the resale and distribution of the respondents' products with the purchaser, or the customer of the purchaser, paying the higher price. "Net" price as used in this order shall mean the ultimate net cost to the purchaser.

2. Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondents as compensation or in consideration for advertising, promotional, or any other services or facilities furnished by or through such customer in connection with the processing, handling, sale or offering for sale of food products processed, manufactured, sold or offered for sale by respondents, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution of such products.

3. Furnishing, contracting to furnish, or contributing to the furnishing of, services or facilities in connection with the handling, processing, sale or offering for sale of respondents' food products to any purchaser from respondents of such products bought for resale when such services or facilities are not accorded, affirmatively offered or otherwise made available on proportionally equal terms to all other purchasers from respondents who resell such products in competition with such purchasers who receive such services or facilities.

It is further ordered, That the allegations of discriminations in price insofar as they relate to primary line injury, as set forth in paragraphs five and six, count I, of the complaint, and the alleged effects thereof insofar as they relate to primary line injury, as set forth in paragraph seven, count I, of the complaint, be dismissed.

It is further ordered, That respondent Arrow Food Products, Inc., a corporation, and its officers, representatives, agents and employees, and respondents Marcus Rosenberg, Emanuel Rohan, and David Rosenberg, individually and as officers of said corporation, and their representatives, agents and employees, directly or through any corporate or other device, in or in connection with the sale of food products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing that their food products conform in quality or type to standards established for such products by the United States Department of Agriculture, when such is not a fact, or in any other manner misrepresenting the quality, type, origin, or other characteristics of such food products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Arrow Food Products, Inc., a corporation, and Marcus Rosenberg (erroneously named in the complaint as Markus Rosenberg), Emanuel Rohan and David Rosenberg, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8794; Filed, Aug. 31, 1962; 8:47 a.m.]

Title 29—LABOR

Chapter XI—Office of Welfare and Pension Plans

PART 1307—EXEMPTION FROM BONDING REQUIREMENTS

Pursuant to section 16 of the Welfare and Pension Plans Disclosure Act Amendments of 1962 (76 Stat. 38, 39) which added a new section 13 to the Welfare and Pension Plans Disclosure Act (72 Stat. 997, 29 U.S.C. 301 et seq.), and Secretary of Labor's Order 15-62 (27 F.R. 4977), Chapter XI of Title 29, Code of Federal Regulations, is hereby amended by adding thereto a new part, designated Part 1307, which is hereinafter set forth.

The amendment shall become effective concurrently with the effective date of the general regulations governing bonding under the Act (29 CFR Part 1306). The rules contained therein are procedural, and the public participation provisions of section 4 of the Administrative Procedure Act do not apply.

The new 29 CFR Part 1307 reads as follows:

PART 1307—EXEMPTION FROM BONDING REQUIREMENTS

Sec.

1307.1 Definitions.
1307.2 Application of this part.
1307.3 Petition for exemption—who may file.
1307.4 Petitions concerning individual plans.
1307.5 Petitions concerning a class of plans.
1307.6 Review of petition—informal conferences.
1307.7 Consolidation.
1307.8 Decisions.
1307.9 Hearings.
1307.10 Cancellation or termination of bond.
1307.11 Information—suspension or revocation of exemption.

AUTHORITY: §§ 1307.1 to 1307.11 issued under sec. 16, 76 Stat. 38, 39.

§ 1307.1 Definitions.

(a) "Interested person" means any person whose interests are or will be affected by the granting or denying of any exemption from the requirements of bonding otherwise required by the Act.

(b) "Act" means the Welfare and Pension Plans Disclosure Act, as amended by the Welfare and Pension Plans Disclosure Act Amendments of 1962.

(c) "Assistant Secretary" means the Assistant Secretary of Labor for Labor-Management Relations.

(d) "Director" means the Director of the Office of Welfare and Pension Plans.

§ 1307.2 Application of this part.

(a) Subsection (a) of section 13 of the Act requires every administrator, officer and employee of any employee welfare benefit plan subject to the Act who handles funds or other property to be bonded in the amount of not less than 10 percent of the amount of funds handled except that such bonds shall be in at least the amount of $1,000 and no bond shall be required in an amount in excess of $500,000 except as prescribed by the Secretary of Labor. Bonds must provide protection to the plan against loss by reason of acts of fraud or dishonesty on the part of the administrator, officer or employee, directly or through connivance with others. Any bond shall have as surety thereon a corporate surety company which is an acceptable surety on Federal bonds under authority granted by the Secretary of the Treasury pursuant to the Act of July 30, 1947 (6 U.S.C. 6-13). A bond is required by the Act to be in a form or of a type approved by the Secretary of Labor, and is to include individual bonds or schedule or blanket forms of bonds which cover a group or class.

(b) Subsection (b) of section 13 makes it unlawful for administrators, officers or employees subject to the Act to receive, handle, disburse or otherwise exercise custody or control of any of the funds or other property of an employee welfare or pension benefit plan without being bonded, and makes it unlawful for an administrator, officer or employee to permit such functions or any of them to be performed by such persons who are not bonded.

(c) Subsection (e) of section 13 provides that when, in the opinion of the Secretary, the administrator of a plan offers adequate evidence of the financial responsibility of the plan, or that other bonding arrangements would provide adequate protection of the beneficiaries and participants, he may exempt such plan from the requirements of section 13.

(d) Consistent with subsection (e) of section 13, the purpose of this Part 1307 is to provide procedures to govern the application, consideration, and decision upon petition for an exemption of any employee welfare or pension benefit plan from the requirements of section 13.

§ 1307.3 Petition for exemption—who may file.

Any administrator or any person or organization acting on behalf of an administrator or group or class of plan administrators may petition the Director, Office of Welfare and Pension Plans, on behalf of an employee welfare or pension benefit plan or a group or class of plans for an exemption from one or all of the bonding requirements of section 13 of the Act.

§ 1307.4 Petitions concerning individual plans.

If a petition concerns an individual plan, such petition shall be submitted in writing, accompanied by three copies, and shall set out in detail the following:

(a) If an exemption is requested which will not require a bond, the petition shall set out in detail:

(1) The name of the plan, and the identification number, if any, assigned to it by the Office of Welfare and Pension Plans. Petitions filed on behalf of plans which have not previously filed a Form D-1 and a current Form D-2, as required by sections 6 and 7 of the Act, shall be accompanied by such form or forms as is appropriate, completed as required by § 2.11 of Title 29.

(2) The petitioner's capacity or function with respect to the plan or plans, or otherwise a statement of the petitioner's interest in obtaining the exemption requested.

(3) The nature of the exemption requested, and the reasons why such exemption is desired.

(4) Arrangements for a trust company, bank, insurance carrier or other financial institution to manage the funds of the plan, together with a resume of the control and authority delegated to such trust company, bank, insurance carrier or other financial institution, and the control or authority retained by the plan administrator or trustees.

(5) Whether the plan has suffered any losses within the past 5 years attributable to dishonesty, theft, fraud, embezzlement, or other criminal acts; the amount of the loss; the circumstances; and whether prosecution resulted therefrom.

(6) Whether coverage under any prior bond has been cancelled or revoked by a surety with respect to any administrator, officer, or employee, the reasons therefor, and whether, to the best of the petitioner's knowledge, any officer administrator or employee of the fund has been indicted for, or convicted of, any felony by the United States, any State or any foreign country.

(7) Details of any civil actions brought by or in the interest of creditors, participants or beneficiaries against the plan within the past 5 years other than litigation resulting from interpretation of the provisions of the plan in connection with the granting or denial of benefits.

(8) If the petition requests an exemption which will not require a bond, a statement concerning the nature and details of the protection afforded the participants or beneficiaries of the fund.

(b) If it is contemplated that a bonding arrangement which would not satisfy the specific terms of the Act is to be obtained, the petitioner shall, in addition to the requirements of paragraph (a) of this § 1307.4, state:

(1) The name of the bonding company or association, state(s) where licensed to operate, and place of incorporation (if a corporate surety) or home office.

(2) Whether any cash bond or escrow arrangement is contemplated. If so, the amount of such bond or fund, and the terms and details of the arrangement shall be stated. A copy of any instrument creating the bond or arrangement shall accompany the petition.

(3) Petitioners contemplating procurement of a bond other than of a type stipulated in the Act shall attach a copy of the bond and all riders thereto, or other instrument, completely filled out.

§ 1307.5 Petitions concerning a class of plans.

If a petition concerns a class of plans, or plans of a certain type, such petition shall be submitted in writing accompanied by three copies, and shall set out in detail:

(a) A description of the type or class of plans involved, a description of the administration of such plans and the petitioner's interest in obtaining the exemption requested.

(b) If it is not contemplated that a bond is to be obtained, evidence and a description of the protection (other than a bond) provided for such plans which would assure adequate protection for the participants and beneficiaries.

(c) If it is contemplated that a bonding arrangement which would not satisfy the terms of the Act is to be obtained, the petitioner shall identify the name of the bonding company or association, State(s) where licensed to operate, corporate structure (e.g., corporation, group of individual underwriters, or other association), place of incorporation (if a corporate surety) or home office. A copy of the bond form(s) proposed to be employed shall accompany such petition.

§ 1307.6 Review of petition—informal conferences.

Petitions described in §§ 1307.4 and 1307.5 shall be reviewed by the Director for adequacy of the protection to be afforded participants and beneficiaries of employee welfare or pension benefit plans consistent with the intent of the Act. Notice of receipt of a petition may be afforded other interested persons, such as participants or beneficiaries, as is deemed appropriate. The petitioner and other interested persons may be requested to confer informally regarding the petition, and the petitioner may be required to submit additional information concerning the petition.

§ 1307.7 Consolidation.

Upon motion and good cause shown or upon his own initiative, the Director may at any stage in the consideration of a petition or petitions, as set out in this part, contemporaneously consider or consolidate for conference or hearing, or for other purposes, two or more proceedings if he determines that such action is appropriate and equitable to all interested persons.

§ 1307.8 Decisions.

Upon consideration of the facts and reasons stated in a petition, the Director may, without further proceedings or after such other proceedings as are provided for in this Part 1307, grant or deny in whole or in part a petition. A petition may be denied on the ground that it fails to allege facts entitling the petitioner to the exemption requested, or on such other grounds as shall be stated in notice given to the petitioner. An exemption from bonding may be granted with certain stated qualifications. No exemption from the bonding requirements of the Act shall be deemed effective until after express grant by the Director following filing of a petition.

§ 1307.9 Hearings.

Upon consideration and investigation of the facts and reasons stated in a petition, the Director may set the matter for formal or informal hearing whenever it is deemed appropriate or necessary in the interests of the proper administration of the Act.

§ 1307.10 Cancellation or termination of bond.

(a) Administrators shall notify the Director immediately upon cancellation or termination of a bond permitted or procured pursuant to an exemption granted under this Part 1307, or on other failure of, or material change in the nature and details of the protection afforded participants or beneficiaries, unless contemporaneously with or prior to such cancellation, termination, failure or change, a new bond or bonds or other protection meeting the requirements of the Act shall have been provided.

(b) A copy of such substitute bond or a resume of the current protection afforded the participants or beneficiaries of the fund shall be provided to the Director within 20 days following such cancellation, termination, failure, or change.

§ 1307.11 Information—suspension or revocation of exemption.

If at any time there is a material change in the information submitted in support of a request for exemption while such request is pending before the Director or after such request has been granted, the administrator or person or organization acting on his behalf shall immediately notify the Director in writing, detailing the nature of the change. At any time following granting of an exemption, the Director may request information concerning the administration of an employee welfare or pension benefit plan. An exemption previously granted under section 13 of the Act and this Part 1307 may be suspended, withdrawn, or revoked after facts or conduct which may warrant such action shall have been called to the attention of the administrator of a plan by the Director in writing, and the administrator shall have been afforded opportunity to demonstrate or achieve compliance with the requirements of the Act as expressed by the Office of Welfare and Pension Plans. No such prior notice shall be given if the administrator's conduct is considered willful.

Signed at Washington, D.C., this 30th day of August 1962.

JAMES J. REYNOLDS, *Assistant Secretary of Labor for Labor-Management Relations.*

[F.R. Doc. 62-8846; Filed, Aug. 31, 1962; 8:53 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Planning

PART 1710—FEDERAL DISASTER ASSISTANCE

Revision

Part 1710 of this Chapter is revised to read as follows:

Sec.

1710.1 Purpose.
1710.2 Definitions.
1710.3 Policy.
1710.4 Requests for Federal assistance.
1710.5 Processing the request of a Governor for a declaration of a major disaster.
1710.6 Initiation of Federal assistance.
1710.7 Allocations to the Director.
1710.8 Federal-State Disaster Assistance Agreements.
1710.9 Project applications.
1710.10 Criteria of eligibility for financial assistance.
1710.11 State action in connection with Federal assistance.
1710.12 Assistance rendered by Federal agencies.
1710.13 Federal assistance by loan or donation of Federal surplus property to the States.
1710.14 The American National Red Cross.
1710.15 Minimum State and Local Expenditures.
1710.16 Time limits.
1710.17 Utilization of State and local agencies.

AUTHORITY: §§ 1710.1 to 1710.17 issued under sec. 5, 64 Stat. 1110, as amended; 42 U.S.C. 1855d. E.O. 10427, 18 F.R. 407, 3 CFR, 1953 Supp., E.O. 10737, 22 F.R. 8799, 3 CFR, 1957 Supp.; Reorganization Plan No. 1 of 1958, 23 F.R. 4991; E.O. 10773, 23 F.R. 5061, 3 CFR, 1958 Supp., as amended by E.O. 10782, 23 F.R. 6971, 3 CFR, 1958 Supp. and E.O. 10952, 26 F.R. 6577, 3 CFR, 1961 Supp.; Public Law 85–763 and Public Law 87–296.

§ 1710.1 Purpose.

The purpose of this part is to prescribe the standards and procedures to be followed in providing Federal assistance to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship or suffering caused by major disasters, under Public Law 875, 81st Congress, as amended (42 U.S.C. 1855–1855g). Executive Order 10427, dated January 16, 1953, and Executive Order 10737, dated October 29, 1957.

§ 1710.2 Definitions.

Except as otherwise stated, the following terms shall have the following meanings when used in the regulations in this part:

(a) *Act.* Means the Act of September 30, 1950, entitled "An Act To Authorize Federal Assistance to State and Local Governments in Major Disasters and for Other Purposes" (64 Stat. 1109, 42 U.S.C. 1855–1855g), as amended, popularly known as the "Federal Disaster Act."

(b) *Major disaster.* Means any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship, or suffering caused thereby, and respecting which the Governor of any State (or the Board of Commissioners of the District of Columbia) in which such catastrophe may occur or threaten certifies the need for disaster assistance under the Act, and shall give assurance of expenditure of a reasonable amount of the funds of the government of such State, local governments therein, or other agencies, for the same or similar purposes with respect to such catastrophe;

(c) *Damage.* Includes suffering and hardship;

(d) *United States.* Includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(e) *State.* Any State in the United States, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(f) *Local Government.* Any county, city, village, town, district, or other political subdivision of any State, or the District of Columbia;

(g) *Federal Agency.* Any department, independent establishment, government corporation, or other agency of the Executive Branch of the Federal Government excepting, however, the American National Red Cross;

(h) *Governor.* The Chief Executive of any State;

(i) *Director.* The Director of the Office of Emergency Planning;

(j) *Regional Director.* A Director of a Regional Office of the Office of Emergency Planning.

(k) *Federal assistance.* Assistance which is supplementary to relief afforded by State, local, or private agencies, and not in substitution therefor.

(l) *Termination.* Termination, as used in this part, means completion of all physical work to be accomplished and therefore the end of the need for Federal assistance.

§ 1710.3 Policy.

(a) It is the policy of the Office of Emergency Planning to provide an orderly and continuing means of supplemental assistance by the Federal Government to States and local governments in carrying out their responsibilities to alleviate suffering and damage resulting from major disasters.

(b) It is also the policy to foster the development of State and local organizations and plans for coping with major disasters, and to provide advice and guidance to States and local governments on organization and planning to meet the effects of major disasters and to assure the maximum application of this experience in preparing Federal, State and local governments to meet the effects of enemy attack.

§ 1710.4 Requests for Federal assistance.

(a) Upon the occurrence or threat of a catastrophe within a State which, in the opinion of its Governor (or the Board of Commissioners of the District of Columbia) constitutes, or will constitute, a major disaster requiring supplementary Federal assistance, the Governor shall present to the Director, through the appropriate Regional Director, a request for Federal assistance. The request shall contain the certification required by § 1710.15(a) and shall include assurance of expenditure of a reasonable amount of the funds of State, local governments, or other agencies therein, for alleviating damage resulting from such disaster. In addition, the request shall contain the following information and data:

(1) An estimate of the severity and extent of damage resulting from the disaster, and the total funds, personnel, equipment, and material or other resources required to alleviate such damage.

(2) A statement of action taken or recommended to be taken by the State legislature or local legislative and governing authorities with regard to the disaster.

(3) An estimate of State and local funds, personnel, equipment and material or other resources, available and to be made available, to alleviate such damage.

(4) A statement of the extent and nature of Federal assistance needed, including an estimate of the minimum Federal funds, personnel, equipment, material or other resources necessary to supplement the efforts and available resources of the State in alleviating the damage.

(b) When the request of a Governor for Federal assistance is solely for agricultural relief purposes and such assistance is to be furnished by virtue of authority other than the Act, and the exercise of such other authority is dependent upon the existence of a major disaster declared pursuant to the Act, the following shall apply:

(1) The Governor shall forward a copy of his request for Federal assistance to the Secretary of Agriculture at the same time he forwards his request to the Regional Director as provided in this section.

(2) The Secretary of Agriculture will conduct an investigation relative to the propriety of declaring a major disaster in accordance with the delegation of authority from the Director for such purposes, and submit to the President, through the Director, his recommendations thereon.

§ 1710.5 Processing the request of a Governor for a declaration of a "major disaster".

(a) The Regional Director shall forward the Governor's request, together with his report and recommendations, to the Director.

(b) The Director shall forward the Governor's request to the President, together with his recommendation as to action by the President thereon. In formulating his recommendation concerning a declaration, the Director shall consider:

(1) The severity and extent of the disaster;

(2) The reasonableness of State and local efforts in relation to the severity of the disaster, the resources and funds available to State and local governments for the alleviation of damage resulting from the disaster, and the operational disaster plans of the State and local governments;

(3) The extent and nature of Federal assistance requested;

(4) The report and recommendation of the Regional Director;

(5) Any other available information.

§ 1710.6 Initiation of Federal assistance.

Upon a declaration by the President that a major disaster exists, the Director will immediately initiate action to provide Federal assistance in accordance with such declaration, allocation of funds by the President, applicable law and this part. The determination of the President, with respect to the declaration of a major disaster, will be promptly transmitted to the Governor of the State concerned.

§ 1710.7 Allocations to the Director.

Upon allocation of funds by the President to the Director to provide assistance to State and local governments in a major disaster, funds so allocated may be reallocated by the Director: (a) (1) Upon a showing of need, to the State and local governments for utilization for the purposes of the Act; (2) for providing direct assistance to the States for the purposes set forth in section 3 of the Act;

and (b) for reimbursement of any Federal agency for any of its authorized expenditures directed by the Director pursuant to sections 3 and 7 in connection with a major disaster: *Provided, however,* That such reimbursement of Federal agencies shall be made in accordance with the regulations of the Director and subject to the concurrence of the Director of the Bureau of the Budget.

§ 1710.8 Federal-State Disaster Assistance Agreements.

(a) Upon the declaration of a major disaster, a Federal-State Disaster Assistance Agreement will be executed by the Governor (or the Acting Governor) acting for the State and the appropriate Regional Director, acting for the Federal Government. Such Agreement shall provide for the manner in which Federal assistance is to be made available and contain the assurance of the State that a reasonable amount of the funds of the State, local governments or other agencies therein will be expended in alleviating damage caused by the disaster. The Agreement will also contain such other terms and conditions consistent with the provisions of the Act, Executive Orders 10427 and 10737, and this part, as the Director may require, including but not limited to a clause which contains the requirements set forth in § 1710.16.

(b) The Agreement may provide for assistance to be furnished by other Federal agencies, financial assistance to be furnished for protective and other work for the protection of life and property, debris and wreckage clearance, and emergency repairs and temporary replacement of essential public facilities of States and local governments, or other assistance to be provided pursuant to the Act and in accordance with this part.

(c) In the event the President has allocated funds to the Director for use in connection with a major disaster, every Federal-State Disaster Assistance Agreement shall contain the following provision:

> Federal assistance under this Agreement and applicable law and regulations shall not exceed the sum of $------. This sum includes the amount of $------ to be reserved by the Director for such reallocations as he deems proper, including such amount as he may determine necessary for the reimbursement of other Federal agencies for their expenditures in connection with furnishing assistance in this disaster. Not more than $------ shall be available for transfer to the State under this Agreement, and project applications submitted under this Agreement and applicable Federal regulations will not be approved in excess of this amount.

(d) In the event funds are to be transferred to a State for disaster relief purposes under an allocation made by the Director, every Federal-State Disaster Assistance Agreement shall contain, and the State and its political subdivisions will agree to, the following provision:

> In the event that a State or local government violates any of the conditions imposed upon disaster relief assistance under law, this Agreement or applicable Federal regulations, the Director will notify the State of said violation and the necessary corrective measures, and will notify the State that additional financial assistance for the purpose of the project in connection with which the violation occurred will be withheld until such violation has been corrected: *Provided,* That, if the Director, after such notice to the State, is not satisfied with the corrective measures taken to comply with his notification, the Director will notify the State that further financial assistance will be withheld for the project for which it has been determined that a violation exists, or for all or any portion of financial assistance which has or is to be made available to the State or local governments for the purpose of disaster relief assistance under the provisions of this Agreement, applicable Federal regulations and the Act.

(e) The following provisions shall be included in every Federal-State Disaster Assistance Agreement entered into:

> In connection with the performance of work under this contract, the contractor agrees as follows:
>
> (1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
>
> (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.
>
> (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
>
> (4) The contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.
>
> (5) The contractor will furnish all information and reports required by Executive Order 10925 of March 6, 1961, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
>
> (6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order 10925 of March 6, 1961, and such other sanctions may be imposed and remedies invoked as provided in the said Executive order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.
>
> (7) The contractor will include the provisions of the foregoing paragraphs (1) through (6) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order 10925 of March 6, 1961, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(f) The following provision shall be included in every Federal-State Disaster Assistance Agreement entered into:

> No member of or Delegate to Congress, or resident commissioner, shall be admitted to any share or part of this agreement, or to any benefit to arise thereupon; Provided, however, this provision shall not be construed to extend to any contract made with a corporation for its general benefit.

§ 1710.9 Project applications.

(a) Federal financial assistance shall be provided on the basis of project applications submitted by the State and local governments and approved by the Regional Director pursuant to the Federal-State Disaster Assistance Agreement and in accordance with this part. The project application will provide the basis of a request for an advance or a reimbursement for such expenditure: *Provided,* That the total of all advances and requests for reimbursement shall not exceed the amount of financial assistance stipulated in the aforementioned agreement.

(b) Payments will be made directly to the State for its own use or for the use of the particular local government.

(c) If a project application is approved without change by the Office of Emergency Planning, signed copies thereof evidencing such approval shall be returned to the State.

(d) If OEP's approval of the project application is made subject to revisions or additional conditions, the project application may be given provisional approval and returned to the State (and through the State to the political subdivision, if applicable) for consent to such revisions or additional conditions. If the State (and the political subdivision, if applicable) accepts such revisions or additional conditions, it shall so signify by signing and returning the project application.

(e) If disapproved, the project application shall be returned to the State with a statement of the reasons for such disapproval.

(f) Project applications shall be submitted not later than ninety days following the date of the President's declaration of a major disaster. If the circumstances of the disaster are such as to make an immediate detailed assessment of damage impossible, the Regional Director may extend this period provided that the extension does not con-

flict with the time limits established under § 1710.16: *Provided, however,* That if the project application is disapproved by the Regional Director, because of inadequacy of information, it may be resubmitted by the State within thirty days of the date of the return to the State: *And provided further,* That if again disapproved by the Regional Director, it may be resubmitted, in writing, within thirty days of such disapproval through the Regional Director with any further justification for consideration by the Director.

(g) Every project application shall contain a certification by the Governor, or his authorized representative, that Federal financial assistance involved will be, or has been, expended in accordance with applicable law and regulations thereunder.

§ 1710.10 Criteria of eligibility for financial assistance.

Federal financial assistance under Public Law 875 shall be limited to protective work and other work for the protection of life and property, debris and wreckage clearance, and emergency repairs and temporary replacement of essential public facilities of States and local governments, including provisions for temporary housing or emergency shelter.

(a) *Protective work.* In providing financial assistance for the performance on public or private lands of protective or other work essential to the preservation of life and property, the following criteria shall apply:

(1) When necessary to preserve life, protective and other work shall be limited to the minimum amount necessary to remove the immediate threats to health and safety.

(2) When necessary to preserve property, protective and other work shall be limited to the minimum amount necessary to prevent immediate damage to such property.

(b) *Debris and wreckage clearance.* In providing financial assistance for clearing of debris and wreckage, the following criteria shall apply:

(1) Clearing of debris and wreckage may be accomplished on public property which is essential to the immediate resumption of essential public services.

(2) Clearance of debris and wreckage may also be accomplished under this paragraph upon public or private property, when the public health or safety is endangered or threatened.

(c) *Emergency repairs and temporary replacements.* In providing financial assistance for making emergency repairs to and temporary replacements of public facilities of States and local governments which have been damaged or destroyed, the following criteria shall apply:

(1) Emergency repairs and temporary replacements shall be made only to those facilities the operation of which is essential to health, safety or welfare.

(2) Assistance in making emergency repairs or temporary replacements shall be limited to providing for the resumption of essential public services until such time as permanent repairs or replacements may be made, except when specifically authorized by the Director pursuant to subparagraph (3) of this paragraph.

(3) A Federal financial contribution toward the permanent replacement of a public facility, in lieu of and in an amount no greater than that estimated to be required for the temporary replacement or emergency repair, may be authorized where such permanent replacement will expeditiously permit the resumption of the essential public service provided by the facility.

(d) *Temporary housing or emergency shelter.* In providing assistance under this section for temporary housing or other emergency shelter for persons requiring such housing or shelter as a result of the disaster, the following criteria shall apply:

(1) Prior to provision of temporary housing or other emergency shelter a determination of the need for same will be made by the Regional Director after consultation and survey of available facilities by the Housing and Home Finance Agency, the American National Red Cross, and such officials of State and local governments as he deems appropriate.

(2) Assistance for temporary housing or emergency shelter shall be limited to the minimum required to provide shelter during such period of time as would be reasonably necessary to permit the construction or repair of permanent housing in the area, or relocation of displaced persons in permanent housing in unaffected areas.

§ 1710.11 State action in connection with Federal assistance.

(a) The Governor of the State shall designate an appropriate State official, Board or Committee which shall review all project applications. In addition, the Governor (or his designee) shall certify that the project application meets all the requirements and conditions of the Agreement, the Act, the regulations thereunder, and such other terms established by the Director.

(b) Federal funds shall be controlled in accordance with accepted or prescribed methods of accounting, identification and administrative responsibilities. Representatives of the Office of Emergency Planning and the General Accounting Office shall have access during normal business hours to the books and records of the State, local governments, and other agencies relating to Federal financial assistance under the Act.

(c) Procurement of work and services under project applications hereunder must comply with all statutes, regulations and ordinances covering procurement of such supplies and services by such State or the political subdivision thereof.

§ 1710.12 Assistance rendered by Federal agencies.

(a) Upon the declaration of a major disaster, the Director may direct any Federal agency, and such Federal agency shall provide assistance to State and local governments by:

(1) Utilizing or lending its equipment, supplies, facilities, personnel and other resources, other than the extension of credit;

(2) Distributing through the American National Red Cross, or otherwise, medicine, food, or other consumable supplies;

(3) Donating or lending equipment and supplies surplus to the needs of the Federal Government in accordance with the provisions of § 1710.13;

(4) Performing on public or private lands protective and other work essential for the preservation of life and property, clearing debris and wreckage, making emergency repairs to, and temporary replacement of, public facilities of States and local governments damaged or destroyed in a major disaster.

(b) The Director will coordinate the activities of Federal agencies in providing disaster assistance and may direct any Federal agency to furnish such assistance as he determines appropriate.

(c) Assistance to be furnished by any Federal agency under paragraph (a)(4) of this section shall be subject to the same criteria of eligibility provided for under § 1710.10.

(d) Assistance under paragraph (a) of this section, when directed by the Director, shall not affect the authority of any Federal agency to provide disaster relief assistance independent of the Act: *Provided,* Such disaster relief assistance by other Federal agencies shall be subject to the coordination of the Director.

§ 1710.13 Federal assistance by loan or donation of Federal surplus property to the States.

(a) The States shall, when available, make maximum utilization of Federal surplus property.

(b) The Federal Government will donate or lend equipment and supplies determined to be surplus to the needs and responsibilities of the Federal Government, to States for use or distribution by them for the purposes of the Act, including the restoration of public facilities damaged or destroyed in such disaster and the essential rehabilitation of individuals in need as a result of such major disaster. The loan or donation of such surplus property shall be made to the States upon the basis of a certification by the State that such property is usable and necessary for disaster relief purposes, and will be made in accordance with the procedures prescribed by the General Services Administration.

(c) The States may obtain information on the availability of surplus property from the State surplus property agency, or the State agency designated for such purposes under State law. Assistance and information with regard to property which may be usable or necessary for disaster relief purposes may also be available from the Regional Coordinator of Surplus Property of the Department of Health, Education and Welfare, or the appropriate OEP Region.

(d) Property acquired by State and local governments under the Contributions Program of the Department of Defense, Office of Civil Defense, or which has been donated to the States for Civil Defense purposes pursuant to the Department of Defense, Office of Civil Defense, Surplus Property Program, may be utilized by the States and local governments therein in combating the effects of major disasters. When property so utilized is consumed, damaged or destroyed, the State or local government may be eligible for Federal financial assistance to repair or replace such property: *Provided, however,* When such property is damaged, consumed, or destroyed in combating the effects of a major disaster, replacement by the State or local government may be waived by the Department of Defense, Office of Civil Defense.

(e) Surplus property which may be utilized in combating the effects of a major disaster may not be donated to the States for this purpose prior to the declaration of a major disaster: *Provided, however,* That for replacement purposes of property damaged, consumed, or destroyed in combating the effects of a major disaster, the State or local government may be eligible to receive donated surplus property for such purposes; or, in the discretion of the Assistant Secretary of Defense (Civil Defense), Federal financial assistance for such replacement under this part or under the Department of Defense, Office of Civil Defense, Contributions Program may be extended to such State or local government.

§ 1710.14 The American National Red Cross.

The disaster relief capabilities of the American National Red Cross shall be utilized to the maximum extent. Where practical, the distribution of medicine, food, and other consumable supplies shall be made by the American National Red Cross in accordance with the Memorandum of Understanding between the Office of Emergency Planning and the American National Red Cross. Nothing contained herein shall be construed to limit or in any way affect the responsibilities of the American National Red Cross.

§ 1710.15 Minimum State and local expenditures.

(a) Federal assistance under Public Law 875 in any State will be available only after the Governor of that State certifies that the total of State and local expenditures and obligations (or resources utilized) by the government of each State, local government thereof, or other agencies (over and above their normal expenditures) for disaster relief purposes exceeds an amount published by the Director as the minimum for that State in that disaster and for all disasters during the twelve-month period immediately preceding the request for assistance under Public Law 875.

(b) The Director, in unusual circumstances, or in disasters in which exceptional destruction and/or suffering and hardship have occurred, may waive in whole or in part this requirement.

§ 1710.16 Time limits.

Federal assistance extended under the Act shall terminate upon notice by the Director to the Governor of the State or upon the expiration of one year from the date of notification to the Governor of the President's determination that a major disaster exists, whichever is first, except that upon a showing of unusual circumstances, the Director, with the consent of the President, may extend this period: *Provided,* That, upon a showing of the need and with the recommendation of the Secretary of Agriculture, the Director may extend such termination dates, for such purposes and such periods of time as he may determine to be necessary, with respect to disaster relief assistance solely for agricultural purposes.

§ 1710.17 Utilization of State and local agencies.

In carrying out disaster relief assistance under the Act and this part, any Federal agency is authorized to accept and utilize, with the consent of the State or local government, the services, personnel, materials and facilities of such State or local agency in connection with the disaster: *Provided, however,* Such utilization shall not be considered to make such services, personnel, materials, or facilities, Federal in nature, or to make the State, local governments, or agencies thereof an arm or agent of the Federal Government.

Effective date. This part shall take effect upon the date of publication in the FEDERAL REGISTER.

Dated: August 24, 1962.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 62-8782; Filed, Aug. 31, 1962; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.400, paragraph (e) is amended to read as follows:

§ 3.400 General.

* * * * *

(e) *Apportionment (§§ 3.450 through 3.461, 3.551, 3.557).* On original claims, in accordance with the facts found. On other than original claims from the first day of the month (in Philippine cases, the first day of the second month) following the month in which:

(1) Claim is received for apportionment of a veteran's award, except that where payments to him have been interrupted, apportionment will be effective the day following date of last payment if a claim for apportionment is received within 1 year after that date;

(2) Notice is received that a child included in a widow's award is not in the widow's custody, except that where payments to her have been interrupted, apportionment will be effective the day following date of last payment if such notice is received within 1 year after that date.

2. In § 3.452(c), subparagraph (3) is amended to read as follows:

§ 3.452 Veterans benefits apportionable.

* * * * *

(c) * * *

(3) Where a married veteran is receiving pension at the rate provided by 38 U.S.C. 521(b) and pension is reduced under the provisions of § 3.551(c), because of hospitalization by the Veterans Administration, all or any part of the pension at the rate payable under 38 U.S.C. 521(c) in excess of $30 monthly may be paid to his estranged wife as provided in § 3.454(b) if it is affirmatively shown that hardship exists. (38 U.S.C. 3203(d); Public Law 87-556)

3. In § 3.454, paragraph (b) is amended to read as follows:

§ 3.454 Veterans disability pension.

* * * * *

(b) Where the pension of any married veteran who is receiving pension under 38 U.S.C. 521(b) is reduced to $30 under the provisions of § 3.551(c), an apportionment may be made to his estranged wife upon an affirmative showing of hardship. The amount of the apportionment generally will be the difference between $30 and the rate payable if pension were being paid under 38 U.S.C. 521(c). Apportionments authorized under 38 U.S.C. 3203(d) in effect prior to enactment of Public Law 87-556 may be continued as special apportionments, subject to review at the request of the veteran or apportionee. (38 U.S.C. 3203(d); Public Law 87-556)

4. In § 3.551, paragraphs (c) and (f) are amended to read as follows:

§ 3.551 Reduction because of hospitalization.

* * * * *

(c) *Reduction after 2 months.* Where pension is being paid to a veteran under 38 U.S.C. 521(b) or to a Spanish-American War veteran or an Indian War veteran who was not receiving pension for June 30, 1960, or who elected pension as prescribed by 38 U.S.C. 521 pursuant to 38 U.S.C. 511(c) and 512(a)(3), the pension for a veteran who has neither wife nor child, or who, though married, is receiving pension as prescribed by 38 U.S.C. 521(b) because not living with or reasonably contributing to the support of his spouse shall continue at the full monthly rate until the end of the second calendar month (except as provided in paragraph (d) of this section) following the month of admission for hospitalization. The rate payable will be reduced effective the first of the third calendar month to $30 monthly. Where the veteran has been discharged from a period of hospitalization of not less than 2 full calendar months and is readmitted within 6 months, the award will be reduced effective the date of readmission. Where pension was being paid to a married veteran at the rate prescribed by 38 U.S.C. 521(b), all or any part of the rate payable under 38 U.S.C. 521(c) may be

apportioned for an estranged wife as provided in § 3.454(b). (38 U.S.C. 3203(d); Public Law 87–556)

* * * * *

(f) *Proof of dependents.* The veteran will be considered to have neither wife, child nor dependent parent in the absence of satisfactory proof. Statements contained in the claims folder concerning the existence of such dependents will be considered a prima facie showing. If the necessary evidence is not received (1) within 60 days after the date of request where the award is subject to reduction under paragraph (b) of this section, or (2) prior to the effective date of reduction under paragraph (c) of this section, the veteran's award will be reduced on the basis of no dependents. The full rate may be authorized from the date of reduction if the necessary evidence is received within 1 year after the date of request.

5. Following § 3.551, the cross reference "Effective dates. See § 3.400(e)(2)" is changed to read "Apportionment. See § 3.400(e)."

6. In § 3.556, paragraphs (a) and (e) are amended to read as follows:

§ 3.556 Adjustment on discharge or release.

(a) *Temporary absence—30 days.* Where a competent veteran whose award was reduced under § 3.551(b) is placed on trial visit status or other authorized absence of 30 days or more, the full monthly rate, excluding any allowance for regular aid and attendance, will be restored effective the date of reduction. The full monthly rate for an incompetent veteran, or for a competent veteran whose pension was reduced under § 3.551(c), will be restored effective the date of departure from the hospital unless it is determined that apportionment for an estranged wife should be continued. In all instances, any allowance for regular aid and attendance will be restored effective the date of departure from the hospital. The award will again be reduced, if in order, effective the date of the veteran's return to the hospital.

* * * * *

(e) *Approved discharge.* When a veteran, either competent or incompetent, is given an approved discharge or release, the full rate, including any allowance for regular aid and attendance will be restored effective the date of release from the hospital, subject to prior payments. The award will be based on the most recent rating and, where the award was reduced under § 3.551(b), will include, in the case of a competent veteran, any amounts withheld because of hospitalization. The amount withheld for an incompetent veteran will not be authorized until the expiration of 6 months following a rating of competency by the Veterans Administration or 6 months following removal of legal disability, whichever is later. Any institutional award will be discontinued effective date of last payment, as provided in § 3.501(j). Where an apportionment made under § 3.551(c) is not continued, the apportionment will be discontinued effective the day preceding the date of the veteran's release from the hospital, or, if adjusted, effective the date of the veteran's release from the hospital, unless an overpayment would result. In the excepted cases, the awards to the veteran and apportionee will be adjusted as of date of last payment.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective September 1, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62–8815; Filed, Aug. 31, 1962; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2759]

[Idaho 08047]

IDAHO

Transferring From the Atomic Energy Commission to the Department of the Interior, Jurisdiction To Issue Rights-of-Way Over Certain Lands

The authority of the Atomic Energy Commission, as the agency having jurisdiction over the public lands withdrawn or set aside for its use as a part of the National Reactor Testing Station by Public Land Orders No. 637 of April 7, 1950, No. 691 of December 5, 1950, and No. 1770 of December 19, 1958, to issue grants of rights-of-way over such lands, is hereby transferred from the Atomic Energy Commission to the Department of the Interior, provided, that any grant under the authority transferred hereby shall be subject to the approval of the Atomic Energy Commission and to such terms and conditions as it may specify. (Authority: Executive Order No. 10355 of May 26, 1952)

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 28, 1962.

[F.R. Doc. 62–8796; Filed, Aug. 31, 1962; 8:47 a.m.]

[Public Land Order 2760]

[Montana 023270]

MONTANA

Reclamation Withdrawal Missouri River Basin Project

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Reclamation in connection with the Missouri River Basin Project (Auth: Sec. 3, Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416)):

PRINCIPAL MERIDIAN

T. 5 S., R. 6 W.,
Sec. 6, lot 1.
Containing 41.64 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 28, 1962.

[F.R. Doc. 62–8797; Filed, Aug. 31, 1962; 8:47 a.m.]

[Public Land Order 2761]

ALASKA

Revoking Certain Alaska Withdrawal Orders in Whole or in Part

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 11 of the Act of March 3, 1891 (26 Stat. 1099; 48 U.S.C. 355), it is ordered as follows:

1. Public Land Order No. 899 of June 15, 1953; Executive Order No. 3406 of February 13, 1921; Executive Order No. 4257 of June 27, 1925; Executive Order No. 5419 of August 5, 1930, and the Departmental orders of March 29, 1940, and May 18, 1948, are hereby revoked as hereafter indicated:

a. Public Land Order No. 899, so far as it withdrew the following-described lands as public recreation, park, and campsite areas:

(Juneau 012027)

Elfin Cove

U.S. Survey 2963,
Lot 50.
Containing 0.85 acre.

b. Executive Order No. 4257, so far as it withdrew the following-described lands for use of the United States Coast Guard for lighthouse purposes:

(Juneau 012159)

McFarland Island

U.S. Survey No. 1720,
Tracts A and B.
Containing 136.96 acres.

c. Executive Order No. 3406 of February 13, 1921, withdrawing lands for lighthouse purposes, and Executive Order No. 5419, transferring the lands on Mountain Point, Revillagigedo Channel, to the War Department for a radio station, so far as they affect the following-described lands:

(Juneau 012036)

Revillagigedo Island

Parcel A

A parcel of land situated within U.S. Survey No. 1627, located on Revillagigedo Island, approximately 4.5 miles southeast of Ketchikan, in the First Judicial Division, State of Alaska, more particularly described as follows:

Commencing at Corner No. 2 of U.S. Survey No. 1627; thence West 500.00 feet to a point on the north boundary line of said survey, the True Point of Beginning of this description; thence

S. 1°30' W., 1,822.80 feet;
S. 87°46' W., 85.00 feet;
S. 68°58' W., 235.62 feet;
N. 88°55' W., 174.90 feet;

N. 62°52' W., 150.48 feet;
N. 64°53' W., 221.10 feet;
N. 54°32' W., 253.44 feet;
N. 35°39' W., 261.36 feet;
N. 41°57'W., 377.52 feet;
N. 32°49' W., 221.10 feet;
N. 35°25' W., 512.82 feet to Corner No. 3 of said Survey;
East, 1,871.38 feet to the Point of Beginning.

Containing 41.94 acres.

Parcel B

A parcel of land situated within U.S. Survey No. 1627, located on Revillagigedo Island, approximately 4.5 miles southeast of Ketchikan, in the First Judicial Division, State of Alaska, more particularly described as follows:

Commencing at Corner No. 1 of U.S. Survey No. 1627, the True Point of Beginning of this description; thence

S. 56°08' W., 236.94 feet;
N. 75°50' W., 145.86 feet;
S. 42°12' W., 95.04 feet;
S. 55°42' W., 223.74 feet;
S. 60°15' W., 234.30 feet;
N. 68°28' W., 161.70 feet;
N. 47°12' W., 400.00 feet;
N. 45°28' E., 927.84 feet;
S. 45°00' E., 810.00 feet to the Point of Beginning.

Containing 13.75 acres.

d. The Departmental orders of March 29, 1940, and May 18, 1948, which withdrew the following-described lands for use of the Civil Aeronautics Authority, now Federal Aviation Agency, in the maintenance of air navigation facilities:

(Juneau 011139)

Petersburg Townsite

From the stone reference monument at the intersection of the center lines of "F" Street and Sixth Street in Petersburg, Alaska, run N. 00°18' E. along the center line of Sixth Street 325.0 feet to a point on the north line of "E" Street; thence S. 89°42' E. along the north line of "E" Street and the prolongation thereof 800.00 feet to a pipe which marks the true point of beginning; thence

N. 00°18' E., 900.00 feet to a pipe;
S. 89°42' E., 1,000.00 feet to a pipe;
S. 00°18' W., 900.00 feet to a pipe;
N. 89°42' W., along the prolongation of the north line of "E" Street 1,000.00 feet to the point of beginning, in Petersburg Townsite, Petersburg, Alaska.

A right-of-way 50.0 feet in width adjoining the southerly boundary of the above described property and extending from the southeasterly corner of said property N. 89°42' W., 1,150.0 feet to the end of "E" Street as said street is delineated and laid down on "Plat of Petersburg Townsite", U.S. Survey No. 1252, Approved April 26, 1919.
Containing approximately 22 acres.

The areas described in this paragraph total in the aggregate approximately 216 acres.

2. The lands described in Subparagraph b. above, are national forest lands in the Tongass National Forest. Those in Subparagraph c. are in part tidelands title to which is in the State of Alaska pursuant to the Submerged Lands Act of May 22, 1953 (67 Stat. 29; 43 U.S.C. 1301), which was made applicable to the State of Alaska by section 6(m) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339). The lands described in Subparagraph d. are in the Petersburg Townsite, and have been patented to the Townsite Trustee for disposal under applicable townsite laws.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to settlement and to filing of applications, selections and locations in accordance with the following:

(a) Until 10 a.m. on November 28, 1962, the State of Alaska shall have a preferred right to select the public lands in accordance with the provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and such of the national forest lands as may be adjacent to established communities or suitable for prospective community centers and recreation areas, in accordance with the provisions of section 6(a) of the Alaska Statehood Act of July 7, 1958, supra.

(b) Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws may be presented to the Manager named below, beginning on the date of this order. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support thereof. All other applications will be subject to the applications and claims mentioned in this paragraph.

(c) All valid applications and selections under the nonmineral public land laws, other than those coming under Subparagraphs (a) and (b) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on November 28, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(d) The public lands will be open to settlement under the homestead and Alaska homesite laws, and to location under the United States mining laws beginning at 10:00 a.m. on November 28, 1962, the national forest lands being open at that time to such forms of disposition as may by law be made of national forest lands.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 28, 1962.

[F.R. Doc. 62–8798; Filed, Aug. 31, 1962; 8:48 a.m.]

[Public Land Order 2762]

[Riverside 0688]

CALIFORNIA

Partly Revoking Public Land Order No. 706

1. Public Land Order No. 706 of March 15, 1951, withdrawing lands for use of the Department of the Navy, is hereby revoked so far as it affects the following-described lands. (Authority: Executive Order No. 10355 of May 26, 1952):

SAN BERNARDINO MERIDIAN

T. 9 N., R. 1 W.,
Sec. 15, an irregular portion described as commencing at the corner common to Secs. 10, 11, 14, and 15, T. 9 N., R. 1 W., S.B.M.; thence
S. 1°05'45" E., along the East line of said Sec. 15 a distance of 1,321.86 feet to a point, said point being marked with a brass disk marked U.S.N. 1942, L.S. 2210; thence
S. 88°53'55" W., a distance of 660.97 feet to the true point of beginning, said true point of beginning being marked with a brass disk marked U.S.N. 1942, L.S. 2210; thence
S. 88°53'55" W., 839.24 feet;
S. 1°06'05" E., 562.93 feet;
N. 88°53'55" E., 719.98 feet to an intersection with the Westerly line of Cape Gloucester Avenue; thence
N. 1°01'05" W. 45.00 feet;
N. 88°53'55" E., 5.00 feet;
N. 1°01'05" W., 4.88 feet to the beginning of a tangent curve concave Easterly having a radius of 440.32 feet; thence
Northeasterly along the arc of said tangent curve through a central angle of 15°-24'25" a distance of 118.40 feet; thence
N. 14°23'20" E., a distance of 325.79 feet to the beginning of a tangent curve concave Westerly having a radius of 307.56 feet; thence
Northerly along the arc of said last mentioned tangent curve through a central angle of 15°29'25" a distance of 83.15 feet to the true point of beginning.
Containing 10.016 acres.

2. The lands have been transferred to the General Services Administration for disposition as unsuitable for return to the public domain.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 28, 1962.

[F.R. Doc. 62–8799; Filed, Aug. 31, 1962; 8:48 a.m.]

[Public Land Order 2763]

[Sacramento 064217]

CALIFORNIA

National Forest Administrative Site Withdrawal

The following described lands in the El Dorado National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as recreation areas in connection with D. L. Bliss Memorial State Park (Auth: Executive Order 10355 of May 26, 1952):

MOUNT DIABLO MERIDIAN

T. 13 N., R. 17 E.,
Sec. 9, SW¼NE¼, E½SW¼, and SE¼.

Containing 280 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 28, 1962.

[F.R. Doc. 62–8800; Filed, Aug. 31, 1962; 8:48 a.m.]

[Public Land Order 2764]

(Utah 010062)

(Nevada 044346)

NEVADA AND UTAH

Partly Revoking and Amending National Forest Protective Withdrawals

1. Public Land Order No. 2400 of June 8, 1961, withdrawing national forest lands for use of the Forest Service, is hereby revoked so far as it affects the following-described lands:

(Utah 010062)

CACHE NATIONAL FOREST

SALT LAKE MERIDIAN

Blacksmith Fork Administrative Site

T. 11 N., R. 2 E.,
Sec. 25, S½SW¼.

Friendship Recreation Area

T. 11 N., R. 2 E.,
Sec. 25, SE¼NE¼SE¼.

Monte Christo Administrative Site

T. 8 N., R. 4 E.,
Sec. 3, lots 3, 4, NE¼SW¼NW¼, and NW¼SE¼NW¼.

Monte Christo Recreation Area

T. 8 N., R. 4 E.,
Sec. 4, SW¼SW¼NE¼, NE¼NW¼SE¼, and NW¼NE¼SE¼.

Blake Administrative Site

T. 8 N., R. 4 E.,
Sec. 6, S½ of lot 4, lot 5, W½NW¼SE¼, and SW¼SW¼NE¼.

Curtis Creek Administrative Site

T. 10 N., R. 4 E.,
Sec. 1, SW¼NE¼ and E½SE¼.

Garden City Administrative Site

T. 14 N., R. 5 E.,
Sec. 19, SE¼SE¼;
Sec. 30, NE¼NE¼.

Public Land Order No. 2564 of December 15, 1961, withdrawing lands for use of the Forest Service as administrative sites, is hereby revoked so far as it affects the following-described lands:

(Utah 010062)

MANTI-LASAL NATIONAL FOREST

SALT LAKE MERIDIAN

Mt. Baldy Administrative Site

T. 19 S., R. 4 E.,
Sec. 20, W½SE¼.

Indian Creek Administrative Site

T. 34 S., R. 22 E. (Unsurveyed),
Sec. 9, SE¼NW¼, SW¼NW¼, and N½SW¼.

Pack Creek Administrative Site

T. 27 S., R. 23 E.,
Sec. 24, W½SE¼SW¼ and E½SW¼SE¼;
Sec. 25, N½NW¼NE¼ and N½NE¼NW¼.

Grayson Administrative Site

T. 35 S., R. 28 E.,
Sec. 8, S½S½NW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, W½SE¼SW¼, and SE¼SE¼SW¼;
Sec. 17, NE¼NW¼, W½NW¼NE¼, E½SE¼NW¼, and NW¼SW¼NE¼.

The areas released from withdrawal by this order aggregate approximately 1,040 acres.

2. The following-described national forest lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, in aid of programs of the Forest Service for utilization of the surface of the lands as indicated:

(Utah 010062)

MANTI-LASAL NATIONAL FOREST

SALT LAKE MERIDIAN

Mt. Baldy Administrative Site

T. 19 S., R. 4 E.,
Sec. 20, W½SW¼.

Indian Creek Administrative Site

T. 34 S., R. 22 E. (Unsurveyed),
Sec. 9, NE¼NW¼ and E½NW¼NW¼.

The areas described aggregate approximately 100 acres.

3. Public Land Order No. 1796 of February 19, 1959 (Nevada 044346) withdrawing lands in the Humboldt National Forest, Nevada, for use of the Forest Service, so far as it describes lands comprising the Camp Creek Pasture Administrative Site as in T. 45 N., R. 59 E., Mt. Diablo Meridian, is hereby corrected to read T. 44 N., R. 59 E., effective upon publication of this order in the FEDERAL REGISTER.

4. At 10:00 a.m. on October 3, 1962, the lands released from withdrawal by this order shall be open to such forms of disposition as may by law be made of national forest lands. (Authority: Executive Order No. 10355 of May 26, 1952.)

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 28, 1962.

[F.R. Doc. 62-8801; Filed, Aug. 31, 1962; 8:48 a.m.]

[Public Land Order 2766]

[Arizona 010137]

ARIZONA

Transferring Lands From Department of Air Force to Department of Navy

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following described public lands withdrawn by Public Land Order No. 1889 of June 26, 1959, for use of the Department of the Air Force in connection with Vincent Air Force Base, are hereby transferred to the jurisdiction of the Department of the Navy for use in connection with the U.S. Marine Corps Auxiliary Air Station, Yuma, Arizona:

GILA & SALT RIVER MERIDIAN

T. 9 S., R. 23 W.,
Sec. 16, SE¼SE¼NE¼.

Containing 10 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 28, 1962.

[F.R. Doc. 62-8802; Filed, Aug. 31, 1962; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

PART 17—CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

Miscellaneous Amendments

The Commission having under consideration Parts 0 and 17 of its rules and regulations; and

It appearing that references to the Foreign Operations Administration in § 0.136 are outdated and should be replaced by references to the Agency for International Development; that the 111-watt lamp referred to in Part 17 is no longer manufactured and that references to that lamp should be deleted; and that other editorial changes should be made in Part 17; and

It further appearing that the amendments adopted herein are editorial in nature and hence that compliance with the notice and procedural provisions of section 4 of the Administrative Procedure Act is neither necessary nor appropriate; and

It further appearing that authority for issuance of the amendments herein is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's rules;

It is ordered, This 24th day of August 1962, That Parts 0 and 17 of the Commission's rules are amended, effective August 30, 1962, as set forth below: *Provided, however*, That the deletion of references in Part 17 to the 111-watt lamp shall not preclude the use of existing supplies of that lamp.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1062, as amended; 47 U.S.C. 303)

Released: August 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 0.136 is amended to read as follows:

§ 0.136 Technical Assistance Division.

The Technical Assistance Division develops, in cooperation with the Agency for International Development, technical assistance programs with respect to communications in accordance with Commission policies, and maintains liaison with the Agency for International Development and other government agencies concerning technical assistance.

2. Section 17.17(a) is amended to read as follows:

§ 17.17 Existing structures.

(a) Nothing in the criteria in this subpart concerning antenna structures or locations shall apply to those structures authorized prior to February 15, 1951, the effective date of these criteria.

§§ 17.24–17.33, 17.36 [Amendment]

3. Delete the words "111–" and "#111 A21/TS" from the following sections: §§ 17.24(a)(1), 17.25(a)(2), 17.26(a)(2), 17.27(a)(3), 17.28(a)(3), 17.29(a)(3), 17.30(a)(3), 17.31(a)(3), 17.32(a)(3), 17.33(a)(3), and 17.36.

4. Section 17.38(c)(3) is amended to read as follows:

§ 17.38 Recording of tower light inspections in the station record.

* * * * *

(c) * * *

(3) Date, time, and nature of the adjustments, repairs, or replacements made.

5. In the table in § 17.42, delete the last four entries and substitute the following, and amend footnote 1 to the table to read as set forth below:

§ 17.42 Lighting equipment.

* * * * *

116-watt lamp	------	#116 A21/TS (6,000 hours).
500-watt lamp	------	#500 PS 40/45 (1,000 hours).[1]
620-watt lamp	------	#620 PS 40 (3,000 hours).

[1] Copies of this specification can be obtained from the Federal Supply Service Center, General Services Administration, Seventh and D Streets SW., Washington 25, D.C. (Outside white, 10 cents; aviation surface orange, paint 5 cents, enamel 15 cents.)

[F.R. Doc. 62-8787; Filed, Aug. 31, 1962; 8:46 a.m.]

PART 1—PRACTICE AND PROCEDURE

PART 13—COMMERCIAL RADIO OPERATORS

Miscellaneous Amendments

The Commission having under consideration the amendment of Parts 1 and 13 of its rules and regulations; and

It appearing that the abbreviations kc (for kilocycles) and Mc (for megacycles) have been amended in the Geneva Radio Regulations to read kc/s and Mc/s respectively; and

It further appearing that the amendments herein ordered make no substantive change, and, being editorial in nature, the prior public notice and effective date provisions of the Administrative Procedures Act are not applicable; and

It further appearing that the amendments adopted herein are issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's rules;

It is ordered, This 24th day of August 1962, that effective August 31, 1962, the terms "kc," "kcs," "kilocycles," "Mc," and "megacycles" are amended to read "kc/s" and "Mc/s" wherever they appear in Parts 1 and 13 of the Commission's rules.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303; 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: August 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8788; Filed, Aug. 31, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Office of Welfare and Pension Plans

[29 CFR Part 1306]

BASIC BONDING REQUIREMENTS

Notice of Proposed Rule Making

Section 16 of the Welfare and Pension Plans Disclosure Act Amendments of 1962 (76 Stat. 38, 39), added a new section 13 to the Welfare and Pension Plans Disclosure Act of 1958 (72 Stat. 997, 29 U.S.C. 301 et seq.) requiring every administrator, officer, and employee of any employee welfare or pension benefit plan subject to the Act who handles funds or other property of such plan to be bonded as provided in this section of the Act, and authorizing the Secretary to issue such regulations from time to time as may be necessary to carry out the provisions of the section.

It is therefore proposed to implement section 13 of the amended Act by promulgating general regulations governing the meaning and scope of this section, including regulations for estimating the amount of funds to be handled during the current reporting year by the person, group or class to be bonded, if there is no preceding reporting year. Separate regulations will govern that portion of section 13(a) which provides for bonding in excess of the statutory amount of $500,000 and that portion of section 13(e) which provides for exempting plans from the requirements of section 13 when the plan administrator offers adequate evidence of the financial responsibility of the plan or that other bonding arrangements exist which provide adequate protection to the participants and beneficiaries of the plans.

Interested persons are afforded 30 days within which to submit data, views and arguments in writing to the Secretary of Labor, United States Department of Labor, 14th Street and Constitution Avenue, NW., Washington 25, D.C.

Accordingly, pursuant to section 13 of the Welfare and Pension Plans Disclosure Act, as amended (76 Stat. 38, 39), and Secretary's Order No. 15–62 (27 F.R. 4977) it is proposed to amend Chapter XI of Title 29, Code of Federal Regulations, by adding thereto a new Part 1306 as follows:

PART 1306—BASIC BONDING REQUIREMENTS

Subpart A—Criteria for Determining Who Must Be Bonded

Sec.
1306.1 Statutory provisions.
1306.2 Plans within the coverage of section 13.
1306.3 Plans exempt from the coverage of Section 13.
1306.4 Plan administrators, officers and employees for purposes of section 13.
1306.5 "Funds or other property" of a plan.
1306.6 Determining when "funds or other property" belong to a plan.
1306.7 Persons who "handle" funds or other property of a plan.

Subpart B—Scope of the Bond

1306.8 Statutory provision.
1306.9 The nature of the duties or activities to which the bonding requirement relates.
1306.10 Meaning of fraud or dishonesty.

Subpart C—Amount of the Bond

1306.11 The statutory provision.
1306.12 Relationship of determining the amount of the bond to "handling".
1306.13 The meaning of "funds".
1306.14 Determining the amount of funds handled during the preceding reporting year.
1306.15 The amount of the bond in respect to the person, group or class to be covered.
1306.16 Bonds over $500,000.
1306.17 Procedures to be used for estimating the amount of funds to be handled during the current reporting year in those cases where there is no preceding reporting year.

Subpart D—Form and Type of Bond

1306.18 Individual or schedule or blanket form of bonds.
1306.19 Bonding a group or class of persons and the use of aggregate penalty and multiple penalty clauses.
1306.20 Bonding more than one plan on the same bond.
1306.21 Naming of insureds.
1306.22 Term of the bond, discovery period, and other bond clauses.
1306.23 Use of existing bonds, separate bonds and additional bonding.

Subpart E—Qualified Agents, Brokers and Surety Companies for the Placing of Bonds

1306.24 Corporate sureties holding grants of authority from the Secretary of the Treasury.
1306.25 Interests held in agents, brokers and surety companies.

Subpart F—Miscellaneous Provisions

1306.26 Prohibition of certain activities by unbonded persons.
1306.27 Payment of bonding costs.
1306.28 Powers of the Secretary of Labor to regulate and exempt.
1306.29 Enforcement.
1306.30 Effect of other laws.
1306.31 Effective date of the bonding requirement.

AUTHORITY: §§ 1306.1 to 1306.31 issued under sec. 13, 76 Stat. 38.

Subpart A—Criteria for Determining Who Must Be Bonded

§ 1306.1 Statutory provisions.

Section 13(a) of the Welfare and Pension Plans Disclosure Act of 1958, as amended, states, in part, that—

Every administrator, officer, and employee of any employee welfare benefit plan or of any employee pension benefit plan subject to this Act who handles funds or other property of such plan shall be bonded as herein provided; except that, where such plan is one under which the only assets from which benefits are paid are the general assets of a union or of an employer, the administrator, officers and employees of such plan shall be exempt from the bonding requirements of this section.

* * * Such bond shall provide protection to the plan against loss by reason of acts of fraud or dishonesty on the part of such administrator, officer, or employee, directly or through connivance with others.

§ 1306.2 Plans within the coverage of section 13.

Any employee welfare benefit plan and any employee pension benefit plan as defined in sections 3(1) and 3(2) of the Act and covered within the terms of section 4 is subject to the bonding requirements of section 13 of the Act and to the rules and regulations promulgated thereunder; except that, where such plan is one under which the only assets from which benefits are paid are the general assets of a union or of an employer, the plan is not subject to section 13 and the administrator, officers and employees of such plan are exempt from the bonding requirements of the section. Exemption from the annual report requirements of section 7 for plans having fewer than 100 participants does not exempt such plans from the bonding requirements of section 13.

§ 1306.3 Plans exempt from the coverage of section 13.

Consistent with indicated Congressional intent [1] to exempt from the coverage of the bonding provisions only those completely unfunded plans in which the assets of the plan are not segregated in any way from the general assets of a union [2] or employer, the language "where such plan is one under which the only assets from which benefits are paid are the general assets of a union or employer" shall not be deemed to exempt the administrators, officers and employees of any plan from the coverage of section 13 if the plan is one in which:

(a) Any benefits thereunder are underwritten by an insurance carrier or service or other organization, or

(b) There is a trust or other separate entity to which contributions are made or out of which benefits are paid, or

(c) Contributions to the plan are made by the employees, either through withholding or otherwise, or from any source other than the employer or union involved, or

(d) There is a separately maintained bank account or separately maintained books and records for the plan or other evidence of the existence of a segregated or separately maintained or administered fund out of which plan benefits are to be provided.

As such, only those plans in which the plan benefits derive solely from the general assets of the union or employer and remain solely within and unsegregated from the general assets until the time of distribution of benefits shall be exempt from the bonding provisions. As a general rule, the presence of special ledger accounts or accounting entries for plan funds as an integral part of the general books and records of an employer or union shall not, in and of itself, be deemed sufficient evidence of segregation of plan funds to take a plan out of the exempt category, but shall be considered along with the other factors and criteria discussed above in determining whether the exemption applies. It should also be noted that the fact that administrators, officers or employees are not exempt as discussed above does not necessarily mean they are required to be bonded. This will depend on whether or not they "handle" funds or other property of a plan within the meaning of section 13.

§ 1306.4 Plan administrators, officers and employees for purposes of section 13.

(a) *Administrator.* (1) For purposes of the bonding provisions, the term "administrator" is defined in the same manner as under section 5 of the Act and refers to—

(i) The person or persons designated by the terms of the plan or the collective bargaining agreement with responsibility for the ultimate control, disposition, or management of the money received or contributed; or

(ii) In the absence of such designation, the person or persons actually responsible for the control, disposition, or management of the money received or contributed, irrespective of whether such control, disposition, or management is exercised directly or through an agent or trustee designated by such person or persons.

(2) Where by virtue of this definition, or regulations, interpretations or opinions issued with respect thereto, the term embodies natural persons such as members of the board of trustees of a trust, the bonding requirements shall apply to such persons.

(3) However, when by virtue of this definition or regulations, interpretations, or opinions issued with respect thereto, the administrator in a given case is an entity such as a partnership, corporation, mutual company, joint stock company, trust, unincorporated organization, union or employees' beneficiary association, the term shall be deemed to apply, in meeting the bonding requirements, only to those natural persons who—

(i) Are vested under the authority of the entity-administrator with the responsibility for carrying out functions constituting control, disposition or management of the money received or contributed within the definition of administrator, or who, acting on behalf of or under the actual or apparent authority of the entity-administrator, actually perform such functions, and who

(ii) "Handle" funds or other property of the plan within the meaning of these regulations.

(4) The term shall not be deemed to apply to persons such as banks, corporate trustees, insurance companies, pension consultants or other independent contractors who are performing functions for any plan (other than a plan for the benefit of its own employees) subject to ultimate powers of direction or removal in natural persons representing or constituting the administrator as described above; however, the terms "officer" or "employee" as defined in paragraphs (b) and (c) of this section may have application with respect to such persons, unless they are excluded by virtue of paragraph (d) of this section.

(b) *Officers.* For purposes of the bonding provisions, the term "officer" shall include any person designated by the terms of a plan or collective bargaining agreement as an officer, any person performing or authorized to perform executive functions of the plan or any member of a board of trustees or similar governing body of a plan. The term shall include such persons regardless of whether they are representatives of or selected by an employer, employees or an employee organization. In its most frequent application the term will encompass those natural persons appointed or elected as officers of the plan or as members of boards or committees performing executive or supervisory functions for the plan, but who may not have responsibility for the "ultimate control, disposition or management of the funds received or contributed."

(c) *Employees.* For purposes of the bonding provisions the term "employee" shall, to the extent a person performs functions not falling within the definition of officer or administrator, include any person, who performs work for or directly related to a covered plan, regardless of whether technically he is employed, directly or indirectly, by or for a plan, a plan administrator, a trust, or by an employer or employee organization within the meaning of section 3(3) or 3(4) of the Act. As such, the term extends not only to those persons acting in a direct employment capacity for a plan, but also to those persons indirectly employed by the plan in the performance of work for the plan (unless such persons fall within the category of independent institutions set forth in paragraph (d) of this section as not being included within the terms of the definition). In its most frequent application, such persons will include pension consultants and planners, and attorneys who perform "handling" functions as defined in § 1306.7.

(d) *Independent institutions not included.* The terms "administrator, officer and employee" shall not be deemed to include the following independent institutions, or natural persons acting in an employment or other representative capacity for such institutions, except with respect to covered plans for the benefit of their own employees.

(1) Any commercial bank or trust company subject to regulation and examination by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation or chartered under the laws of any state and operating in accordance with state law and subject to state supervision and examination.

(2) Any insurance company or service organization providing or underwriting benefits under the plan in accordance with state law and subject to state supervision and examination.

(3) Brokers or independent contractors who have contracted for the performance of functions which are not normally carried out by the administrators, officers or employees of a plan, such as securities brokers who purchase and sell securities or armored motor vehicle companies.

§ 1306.5 "Funds or other property" of a plan.

The affirmative requirement for bonding persons falling within the definition of administrator, officer or employee is applicable only if they handle "funds or other property" of the plan concerned. The term "funds or other property" is intended to encompass all property which is used or may be used as a source for the payment of benefits to plan participants. It does not include permanent assets used in the operation of the plan such as land and buildings, furniture and fixtures or office and delivery equipment used in the operation of the plan. It does include all items in the nature of quick assets, such as cash, checks and other negotiable instruments, government obligations and marketable securities. It also includes all other property or items convertible into cash or having a cash value and held or acquired for the ultimate purpose of distribution to plan participants or beneficiaries. In the case of a plan which has investments, this would include all the investments of the plan even though not in the nature of quick assets, such as land and buildings, mortgages, and securities in closely held corporations. However, in a given case, the question of whether a person was "handling" such "funds or other property" so as to require bonding would depend on whether his relationship to this property was such that there was a significant risk that he, alone or in connivance with others, could cause a loss of such "funds or other property" through fraud or dishonesty.

§ 1306.6 Determining when "funds or other property" belong to a plan.

With respect to any contribution to a plan from any source, including employers, employees or employee organizations, the point at which any given item or amount becomes "funds or other property" of a plan for purposes of the bonding provisions is that point at which such item or amount is received by the plan. Where the contribution is from a source other than the plan administrator, this shall be the point at which such item or

[1] Daily Cong. Rec., pp. 1847–8, House, February 7, 1962.

[2] For purposes of the exemption discussed in § 1306.3, the term "union" shall include "* * * any organization of any kind or any agency or employee representation committee, association, group, or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning an employee welfare or pension benefit plan, or other matters incidental to employment relationships * * *".

amount is received by the plan administrator. Where an employer or employee organization making the contribution is itself the plan administrator, this shall be the point at which such item or amount is identified, segregated or earmarked for use for plan purposes. For example:

(a) With respect to contributions from employees or other persons who are plan participants, they would become "funds or other property" of the plan at the time they are received from the contributor by the plan administrator, either actually or constructively. Thus, in a case where contributions to a plan are withheld from the salary of employees, they would become "funds or other property" of the plan at the time of the withholding by the employer if the employer is the plan administrator. If the employer is not the plan administrator and these withholdings are later turned over to a separate trust which administers the plan, they would not become "funds or other property" of the plan until receipt by the administrator. (See § 1306.7(g)(2).)

(b) Similarly, with respect to contributions directly from an employer or employee organization to a separate trust or other entity which is the administrator of the plan within the meaning of section 5 of the Act, they would become "funds or other property" of the plan at the time of receipt by the administrator.

(c)(1) With respect to contributions made to a plan by an employer or employee organization which is itself the administrator of the plan, a given item would become "funds or other property" of the plan if and when it is taken out of the general assets of the employer or employee organization and placed in a special bank account or investment account; or identified on a separate set of books and records; or paid over to a corporate trustee or used to purchase benefits from an insurance carrier or service or other organization; or otherwise segregated, paid out, used, or earmarked to be used for plan purposes, whichever shall occur first. Thus, if a plan is operated by a corporate trustee and no segregation from general assets is made of monies to be turned over to the corporate trustee prior to the actual transmittal of such monies, the contribution represented in the transmission becomes "funds or other property" of the plan at the time of receipt by the corporate trustee. On the other hand, if a special fund is first established from which monies are paid over to the corporate trustee, a given item would become "funds or other property" of the plan at the time it is placed in the special fund. Similarly, if plan benefits are provided through the medium of an insurance carrier or service or other organization and no segregation from general assets of monies used to purchase such benefits is made prior to turning such monies over to the organization contracting to provide benefits, plan funds or other property come into being at the time of receipt of payment for such benefits by the insurance carrier or service or other organization. In such a case, the "funds or other property" of the plan would be represented by the insurance contract or other obligations to pay benefits and would not be normally subject to "handling". Bonding would not be required for any covered person with respect to the purchase of such benefits directly from general assets nor with respect to the bare existence of the contract obligation to pay benefits. However, if the particular arrangement were such that monies derived from the contract could subsequently flow back to the plan, bonding may be required if such monies returning to the plan were subject to handling by covered persons. (See § 1306.7(g)(1).)

(2) Once an item or amount becomes "funds or other property" of a plan, it and any amount derived from it, or representing it, shall be deemed to continue to be "funds or other property" of the plan until it is distributed to participants or beneficiaries, unless such monies represent a reimbursement for a previously paid contribution or disbursement by an employer or employee organization, or unless the plan by its specific terms permits or requires otherwise.

§ 1306.7 Persons who "handle" funds or other property of a plan.

(a) *General scope of term.* (1) A plan administrator, officer, or employee shall be deemed to be "handling" funds or other property of a plan, so as to require bonding under section 13, whenever his duties or activities with respect to given funds or other property are such that there is a significant risk that such funds or other property could be lost in the event of fraud or dishonesty on the part of such person, acting either alone or in collusion with others. Section 13 contains no exemptions based on the amount or value of funds or other property handled, regardless of how great or small, nor is the determination of the existence of risk of loss based on the amount involved. Therefore, with respect to any amount to which such risk of loss attaches, a person shall be deemed to be "handling" and bonding shall be required. The amount of the required bond, however, shall be calculated in the manner described in Subpart C of these regulations.

(2) A more specific content may be assigned to the term "handles" by reference to the prohibition of paragraph (b) of section 13 against permitting any administrator, officer or employee not covered by an appropriate bond to "receive, handle, disburse, or otherwise exercise custody or control" over funds or other property of any covered plan. However, the phrase "receive, handle, disburse, or otherwise exercise custody or control" shall not be considered as expanding or limiting the scope of the term "handles" for purposes of the prohibition, but shall merely be considered as delineating more specifically some of the various aspects of that term. While, ordinarily, those persons who "handle" funds or other property within the meaning of section 13 will be persons with duties related to the receipt, disbursement or safekeeping of funds, the term shall be deemed to encompass any relationship of an administrator, officer or employee with respect to funds or other property which may give rise to a significant possibility of risk of loss through fraud or dishonesty, directly or in connivance with others. This shall include relationships such as those which involve access to funds or other property, as well as those involving various decision-making powers which could give rise to such a risk of loss. Applications of the basic standard of risk of loss through fraud or dishonesty to various types of general relationships to funds and other property and examples of "handling" problems peculiar to employee benefit plans are set forth in the subsections immediately following.

(b) *Physical contact as a criterion of "handling".* Physical dealing with funds or other property, under the principles above stated, is an important criterion in determining whether such funds or other property are being "handled", and, as a general rule, all covered persons who physically deal with funds or other property of a plan shall be deemed to be "handling" such funds or other property. However, office personnel who from time to time perform counting, packaging, tabulating, messenger, typing or similar duties which involve physical contact with checks, securities or other items of funds or other property, may not necessarily be "handling" when they perform these duties under conditions or circumstances that cannot reasonably be said to give rise to significant risk of loss through fraud or dishonesty. This may be the case where the risk of mishandling is precluded by the nature of the funds or other property (e.g., checks, securities or title papers which can not be negotiated by the persons performing duties with respect to them). It may also be the case where significant risk of mishandling in the performance of duties of an essentially clerical character is precluded by fiscal controls.

(c) *The possibility of physical contact as a criterion of "handling".* Persons whose functions do not generally require them to physically handle funds or other property may nevertheless "handle" within the meaning of section 13 where they have access to or custody or control of funds or other property that there is power to exert physical control, the dishonest or fraudulent exercise of which power could cause a loss of such funds or other property. For example, persons who have access to a safe deposit box or similar depository for the purpose of adding to, withdrawing, checking or otherwise dealing with its contents shall be deemed to "handle" these contents to the extent that they can cause a loss of these contents to the plan through fraud or dishonesty, even though they do not at any time during the year actually secure such access. Similarly, a bank account in the name of a person whose signature the bank was authorized to honor, or customarily did honor, shall be deemed to be subject to "handling" by that person. This is true even though the person has no authority from either the plan or from his superiors to make deposits or withdrawals in the safe deposit box or bank account, since the extent of authority granted is immaterial where custody or other powers which create a substantial risk of mishandling are permitted or granted. For example, an office employee whose position gives him frequent access to unguarded or unprotected cash or negotiable assets shall be regarded as "handling" such assets despite the fact that he has no specific duties in regard to those assets. Necessarily, where a person is charged with duties, whether specific or general, of custody or safekeeping of funds or other property, involving the possibility of physical contact and loss through fraud or dishonesty, such person shall be regarded as "handling" even though the access he has to such funds or other property by virtue of his position is never, in fact, used. Thus, a treasurer or similar person charged with general responsibility for safekeeping of funds or other property of the plan shall be regarded as "handling" within the meaning of section 13 to the extent the funds or other property involved are of a type susceptible of mishandling through fraud or dishonesty.

(d) *Power to transfer funds or other property to oneself or a third party or to negotiate it for value as a criterion of "handling".* With respect to certain types of funds or other property, the fact of physical contact or possibility of physical contact through access may not, in and of itself, give rise to a risk of loss because the nature of the property is such that it cannot be transferred or negotiated for value by any person dealing with it. This may be true with respect to items like mortgages, title to land or buildings, or securities in closely held corporations. In any given case, however, a person shall be regarded as "handling" such items whenever there is a significant risk that the particular person in question, through actual or apparent authority to act on behalf of the plan in dealing with such funds or other property can cause those items to be transferred to himself or to a third party or to be negotiated for value through fraudulent or dishonest acts.

(e) *Disbursement and signing of checks as a criterion of "handling".* Clearly, from the principles set forth above, persons who actually disburse funds or other property, such as officers or trustees authorized to sign checks or other negotiable instruments, or persons who make cash disbursements, shall be considered to be "handling" such funds or property. Similarly, the power to endorse checks or similar instruments or otherwise render them negotiable shall be considered to be "handling" such funds and property. Where more than one individual is required to authorize a disbursement, or sign or endorse a check or similar instrument, each of them shall be considered to be "handling", regardless of how many persons are required to co-sign and each of them shall be covered by an appropriate bond in a form and amount permissible within the meaning of these regulations. Whether other persons who may influence, authorize or direct disbursements or the signing or endorsing of checks or similar instruments will be considered to be "handling" funds or other property shall be determined by reference to the particular duties or responsibilities of these persons in a given plan, as applied to the criteria set forth herein.

(f) *Supervisory or decision making responsibility as a criterion of "handling".* (1) With respect to persons having supervisory or decision making responsibility in a plan, to the extent that those duties or responsibilities involve factors in relationship to funds or other property treated in paragraphs (b), (c), (d) and (e) of this section, they shall be considered as "handling" such funds or other property in the same manner as any person to whom the criteria of those subsections are applicable. To the extent that the duties and responsibilities of such persons do not involve these factors, but involve general responsibility for the conduct and business affairs of the plan, including such functions as approval of contracts, authorization of disbursements, auditing of accounts, investment decisions, determination of benefit claims and similar responsibilities, such persons shall be considered to be "handling" whenever the facts of the particular case raise a significant possibility that funds or other property of the plan could be lost in the event of fraud or dishonesty by such persons in performing the functions in question. The mere fact of general supervision would not necessarily in and of itself mean that such persons are "handling". For example, where all the day to day functions of administering a plan are in the hands of a bank or corporate trustee, supervisory personnel of the plan (other than the administrator having ultimate responsibility for the plan) would clearly not be "handling". By way of contrast if such persons are responsible for exercising close supervision over corporate trustees or other parties charged with handling funds, or they in fact exercise close control or supervision, it would be unreasonable to conclude that these persons are not themselves participating in "handling" such funds. For example, a board of trustees or similar body, rather than a bank or corporate trustee, may exercise such close supervision over investment policy that it in effect controls all specific investments, even though it is not specifically charged with such responsibility. Similarly, where a person in a supervisory capacity conducts what is, in effect, a continuing daily audit of those whom he supervises, he shall be deemed to be "handling" funds within the meaning of the statute. On the other hand, conducting a sporadic or periodic audit would by itself not constitute "handling".

(2) With respect to particular responsibilities of persons with supervisory or decision making responsibility in disbursing and authorizing the disbursement of funds, the two following factors shall be accorded great weight, first, the type of fiscal control system provided in a particular plan, and second, who is in fact charged with, or actually exercising, final responsibility for determining whether specific disbursements are bona fide, regular, and made in accordance with the applicable trust instrument or other plan documents governing the disbursement of funds or other property. For example, the performance of such functions as allocation of funds or general authorization of disbursements shall not be deemed to be "handling" for purposes of section 13 where there is merely a broad general allocation of authority intended to permit expenditures by a disbursing officer who has final responsibility for determining the propriety of any specific expenditure and for making the actual disbursement. In such a case, only the action of the disbursing officer shall be deemed to constitute "handling" since it is not possible for any action by a person or body with general supervisory authority to result in a significant risk of loss through fraud or dishonesty. It would be the duty of the disbursing officer to prevent any unauthorized or irregular expenditures. Any risk that funds or other property would be lost lies primarily in the failure of the supervisory person to act properly. On the other hand, if the disbursing officer's duties are only ministerial, and he has no power of review or veto, both he and the supervisory person shall be required to be appropriately bonded.

(g) *Some examples of "handling" in situations peculiar to employee benefit plans.* (1) In situations where there is no segregation of funds or property from general assets until payment for the purchase of benefits from an insurance company, the existence of "funds or other property" of the plan is deemed to come into being at such time as the benefits are purchased and is represented by the insurance contract or other benefit arrangement purchased from the insurance company. If the insurance company is responsible for the functions of determining the persons entitled to receive benefits and to make benefit payments, there would be no "handling" function in any person required to be covered by the Act. On the other hand, any monies forwarded by the insurance company to the plan for distribution or by way of dividends or cash surrender are subject to "handling" by covered persons. (See § 1306.6(a).)

(2) In some plans "funds or other property" of the plan originate with a withholding from the salary of an employee who is a plan participant. This act alone would not constitute "handling" since it is a mere bookkeeping entry which could not result in a risk of loss. However, subsequent activity involving access to or powers of disbursement of these funds shall be considered to be "handling" where the employer is the administrator of the plan, even though the funds are not segregated from the other assets of the employer making the withholding.

(3) One of the functions of plan officers or plan personnel may be the making of investment decisions. If such decisions are made solely on an advisory basis, with final authority being left to the administrator of the plan, or if some other plan official is authorized to veto or control these decisions, these functions shall not be considered to be "handling". On the other hand, if by virtue of the authority granted, or as a matter of actual practice, investment

decisions are final, the function of making such decisions shall be considered to be "handling", since persons making them can direct, in collusion with others, investments or expenditures to be made in insecure or unsafe sources as part of a scheme to receive kickbacks or because of a conflict of interest, in which event depreciation or loss of the investment would thereby cause a loss to the plan through acts of fraud or dishonesty.

(4) Plan administrators having ultimate control and responsibility for making decisions or determinations shall generally be regarded as "handling" since, by definition, they have ultimate control or responsibility, and can use their authority either to obtain access to funds or other property, or to exercise control of funds or other property, and thereby cause a loss through acts of fraud or dishonesty. This, however, can be stated only as a general rule since the facts of the particular case may show that the plan administrator does not in fact have such powers or that while his powers can cause loss by negligence, poor judgment, or other factors of unfaithful discharge of duties, they could not possible cause a loss to occur through acts of fraud or dishonesty. Whenever this is the case, the function involved shall not be considered as "handling" within the meaning of the definition.

Subpart B—Scope of the Bond

§ 1306.8 Statutory provision.

The statute requires that the bond shall provide protection to the plan against loss by reason of acts of fraud or dishonesty on the part of a plan administrator, officer, or employee, directly or through connivance with others.

§ 1306.9 The nature of the duties or activities to which the bonding requirement relates.

The bond required under section 13 is limited to protection for those duties and activities from which loss can arise through fraud or dishonesty. It is not required to provide the same scope of coverage that is required in faithful discharge of duties bonds under the Labor-Management Reporting and Disclosure Act of 1959 or in the faithful performance bonds of public officials.

§ 1306.10 Meaning of fraud or dishonesty.

The term "fraud or dishonesty" shall be deemed to encompass all those risks of loss that might arise through dishonest or fraudulent acts in handling of funds as delineated in § 1306.7. As such, the bond must provide recovery for loss occasioned by such acts even though no personal gain accrues to the person committing the act and the act is not subject to punishment as a crime or misdemeanor, provided that within the law of the state in which the act is committed, a court would afford recovery under a bond providing protection against fraud of dishonesty. As usually applied under state laws, the term "fraud or dishonesty" encompasses such matters as larceny, theft, embezzlement, forgery, misappropriation, wrongful abstraction, conversion, willful misapplication or any other fraudulent or dishonest acts. For the purposes of section 13, other fraudulent or dishonest acts shall also be deemed to include acts where losses result through a conflict of interest, or through any arrangement or scheme to provide a "kickback," or through any act or arrangement prohibited by Title 18, Section 1954 of the United States Code.

Subpart C—Amount of the Bond

§ 1306.11 The statutory provision.

Section 13 requires that the amount of the bond be fixed at the beginning of each calendar, policy or other fiscal year, as the case may be, which constitutes the reporting year of the plan for purposes of the reporting provisions of the Act. The amount of the bond shall be not less than 10 per centum of the amount of funds handled, except that any such bond shall be in at least the amount of $1,000 and no such bond shall be required in an amount in excess of $500,000: *Provided*, That the Secretary, after due notice and opportunity for hearing to all interested parties, and after consideration of the record, may prescribe an amount in excess of $500,000, which in no event shall exceed 10 per centum of the funds handled. For purposes of fixing the amount of such bond, the amount of funds handled shall be determined by the funds handled by the person, group, or class to be covered by such bond and by their predecessor or predecessors, if any, during the preceding reporting year, or if the plan has no preceding reporting year, the amount of funds to be handled during the current reporting year by such person, group, or class, estimated as provided in these regulations.

§ 1306.12 Relationship of determining the amount of the bond to "handling".

A determination of whether persons falling within the definition of administrator, officer or employee are required to be bonded depends on whether they "handle" funds or other property. Determining the amount of the bond is an aspect of the same process in that it requires a determination of what funds or other property are being handled or what amounts of funds or other property are subject to risk of loss with respect to the duties or powers of an administrator, officer or employee of a covered plan. Once this calculation is made, the required amount for which that person must be covered by a bond, either by himself or as a part of a group or class being bonded under a blanket or schedule bond, is not less than 10 percent of the amount handled or $1,000, whichever is the greater amount, except that no such bond shall be required in an amount greater than $500,000 by virtue of these regulations. (See § 1306.16.)

§ 1306.13 The meaning of "funds".

The amount of the bond depends on the amount of "funds" handled, and shall be sufficient to provide bonding protection against risk of loss through fraud or dishonesty for all plan funds, including other property similar to funds or in the nature of funds. As such, the term "funds" shall be deemed to include and be equivalent to "funds and other property" of the plan as described in § 1306.5 of these regulations. With respect to any item of "funds or other property" which does not have a cash or readily ascertainable market value, the value of such property may be estimated on such basis as will reasonably reflect the loss the plan might suffer if it were mishandled.

§ 1306.14 Determining the amount of funds handled during the preceding reporting year.

(a) The amount of funds handled by each person falling within the definition of administrator, officer, or employee (or his predecessors) during the preceding reporting year shall be the total of funds subject to risk of loss, within the meaning of the definition of "handling" (see § 1306.7), through acts of fraud or dishonesty, directly or in connivance with others, by such person or his predecessors during the preceding reporting year. The relationship of the determination of the amount of funds handled to the determination of who is handling can best be illustrated by a situation that commonly arises with respect to executive personnel of a plan, where a bank or corporate trustee has the responsibility for the receipt, safekeeping, physical handling and investment of a plan's assets and the basic function of the executive personnel is to authorize payments to beneficiaries and payments for services to the corporate trustee, the actuary and the employees of the plan itself. Normally, in any given year, only a small portion of the plan's total assets is disbursed, and the question arises as to whether an administrator or executive personnel are handling only the amounts actually disbursed each year or whether they are handling the total amounts of the assets. The answer to this question depends on the same basic criterion that governs all questions of handling, namely the possibility of significant risk of loss. If the authorized duties of the persons in question are strictly limited to disbursements of benefits and payments for services, and the fiscal controls and practical realities of the situation are such that these persons cannot gain access to funds which they are not legitimately allowed to disburse, the amount on which the bond is based may be limited to the amount actually disbursed in the reporting year. This would depend, in part, on the extent to which the bank or corporate trustee which has physical possession of the funds also has final responsibility for questioning and limiting disbursements from the plan, and on whether this responsibility is embodied in the original plan instruments. On the other hand, where insufficient fiscal controls exist so that the persons involved have free access to, or can obtain control of, the total amount of the fund, the bond shall reflect this fact and the amount handled shall be based on the total amount of the fund. This would generally occur with respect to persons such as the "administrator", regardless of what functions are performed by a bank or corporate trustee, since the "administrator" by definition retains ultimate power to revoke any arrangement with a bank or corporate trustee. In such case, the "administrator" would have the power to commit the total amount of funds involved in his control, unless the plan itself or other specific agreement (1) prevents such revocation or (2) requires that such revocation cannot be had unless a new agreement providing for similar controls and limitations on the handling of funds as the previous arrangement is simultaneously entered into.

(b) Where the circumstances of handling are such that the total amount of a given account or fund is subject to "handling", the amount handled shall include the total of all such funds on hand at the beginning of the reporting year, plus any items received during the year for any reason, such as contributions or income, or items received as a result of sales, investments, reinvestment, interest or otherwise. It would not, however, be necessary to count the same item twice in arriving at the total funds handled by a given person during a reporting year. For example, a given person may have various duties or powers involving receipt, safekeeping or disbursement of funds which would place him in contact with the same funds at several times during the same year. Different duties, however, would not make it necessary to count the same item twice in arriving at the total handled by him. Similarly, where a person has several different positions with respect to a plan, it would not be necessary to count the same funds each time that they are handled by him in these different positions, so long as the amount of the bond is sufficient to meet the 10% requirement with respect to the total funds handled by him subject to risk of loss through fraud of dishonesty, whether acting alone or in a collusion with others. In general, once an item properly within the category of "funds" has been counted as handled by a given person, it need not be counted again even though it should subsequently be handled by the same person during the same year.

§ 1306.15 The amount of the bond in respect to the person, group or class to be covered.

There is no objection to obtaining that form of bond which covers persons by group, class or other category or breakdown so long as the amount of the bond for each person involved does not represent an amount less than 10 percent of the funds handled by him. This question is further covered in § 1306.19.

§ 1306.16 Bonds over $500,000.

The upper limit of the required bond for any one person in any one plan is $500,000, even if a person is handling more than $5,000,000. However, the Act provides that the Secretary, after due notice and opportunity for hearing to all interested parties, and after consideration of the record, may prescribe an amount in excess of $500,000, which in no event shall exceed 10 per centum of the funds handled. Any requirement for bonding in excess of $500,000 shall be according to such other regulations as the Secretary may prescribe.

§ 1306.17 Procedures to be used for estimating the amount of funds to be handled during the current reporting year in those cases where there is no preceding reporting year.

If for any reason a plan does not have a complete preceding reporting year, the amount handled by persons required to be covered by a bond shall be estimated at the beginning of the calendar, policy or other fiscal year, as the case may be, which would constitute either the operating year or the reporting year of the plan, whichever shall occur first, as follows:

(a) In the case of a plan having a previous experience year, even though it has no preceding reporting year, the estimate of the amount to be handled for any person required to be covered shall be based on the experience in the previous year by applying the same standards and criteria as in a plan which has a preceding reporting year. Similarly, where a plan is recently established, but has had, at the time a bond is obtained, sufficient experience to reasonably estimate a complete year's experience for persons required to be bonded, the amount of funds to be handled shall be projected to the complete year on the basis of the period in which the plan has had experience, unless to the knowledge of the plan administrator the given period of experience is so seasonal or unrepresentative of the complete year's experience as not to provide a reasonable basis for projecting the estimate for the complete year.

(b) Where a plan does not have any prior experience sufficient to allow it to estimate the amount handled in the manner outlined in paragraph (a) of this section, the amount to be handled by the administrators, officers and employees of the plan during the current reporting year shall be that amount initially required to fund or set up the plan, plus the amount of contributions required to be made under the plan formula from any source during the current reporting year. In most cases, the amount of contributions will be calculated by multiplying the total yearly contribution per participant (required by the plan formula from either employers, employees, employer organizations or any other source) by the number of participants in the plan at the beginning of such reporting year. In cases where the per capita contribution cannot readily be determined, such as in the case of certain insured plans covered by the Act, the amount of contributions shall be estimated on the amount of insurance premiums which are actuarially estimated as necessary to support the plan, or on such other actuarially estimated basis as may be applicable. In the case of a newly formed profit-sharing plan covered by the Act, if the employer establishing the plan has a previous year of experience, the amount of contributions required by the plan formula shall be estimated on the basis of the profits of the previous year. The amount of the bond shall then be fixed at 10 percent of this calculation, but not more than $500,000. A bond for such amount shall be obtained in any form the plan desires (including a commercial blanket bond) covering all persons who are administrators, officers or employees of the plan and who handle funds or other property of the plan.

Subpart D—Form and Type of Bond

§ 1306.18 Individual or schedule or blanket form of bonds.

Section 13 provides that "any bond shall be in a form or of a type approved by the Secretary, including individual or schedule bonds or blanket forms of bonds which cover a group or class." Pending the possible adoption of regulations by the Secretary prescribing specific bond forms, any form of bond which may be described as individual, schedule or blanket in form under general trade usage, or any combination of such forms of bonds shall be acceptable to meet the requirements of section 13, provided that in each case, the form of the bond, in its particular clauses and application, is not inconsistent with meeting the substantive requirements of the statute for the persons and plan involved and with meeting the specific requirements of these regulations, or such other regulations as shall be promulgated under section 13, as to the form, type and content of the bond. Basic types of bonds which are individual, schedule or blanket in form are:

(a) *Individual bond.* Covering a single named individual in a specified amount.

(b) *Name schedule bond.* Covering several named individuals in respective amounts set opposite their individual names.

(c) *Position schedule bond.* Covering any occupants of listed positions in amounts set opposite each position.

(d) *Blanket bond.* Covering a designated group of individuals without having a schedule or list of names of the individuals in such a group or the titles of the offices or positions held by them. It is typically either:

(1) A multiple penalty bond which covers each of the individuals in the group up to the face amount of the bond for any loss in which such person was involved, with the total amount available for recovery in any collusive loss being the face amount of the bond multiplied by the number of identifiable individuals involved in the collusive loss (blanket bonds with this multiple penalty feature are most often known as blanket position bonds) or,

(2) An aggregate penalty bond which covers each of the individuals in the group collectively up to the face amount of the bond for each separate loss. While payment of a loss with respect to covered individuals does not reduce the amount of coverage available for separately arising losses not involving such individuals, no more than the face amount of the bond will be paid with respect to each separate loss regardless of the number of covered individuals collusively involved in such a loss (blanket bonds with this penalty feature

are most often known as commercial blanket bonds).

§ 1306.19 Bonding a group or class of persons and the use of aggregate penalty and multiple penalty clauses.

(a) The Act permits the use of blanket bonds or similar forms of bonds which bond a person as part of a group or class, so long as the amount of the bond penalty is sufficient to meet the requirements of the Act for any person within the group or class who is an administrator, officer or employee of a plan handling funds or other property of the plan. Each such person must be covered for 10 percent of the amount he handles and the amount of the bond must be sufficient to indemnify the plan for any losses caused by such person up to that amount, either by reason of acts committed alone or in connivance with others. Thus, where several persons are bonded as part of a group or class on a position schedule bond, a blanket bond, or other similar form of bond, the amount of the bond shall be at least 10 percent of the highest amount handled by any one such person in the group or class.

(b) Additionally, where two or more such persons covered within a group or class may act in collusion to cause a loss through fraud or dishonesty, the total available bond penalty with respect to such acts shall be in an amount not less than 10 percent of the total of the amounts handled by each of them. This would normally be provided by position schedule bonds or by blanket bonds having a multiple penalty feature as described above. However, in the usual form of commercial blanket bond, this substantive requirement might not be met since such bonds generally contain an aggregate penalty clause and pay no more than the face amount of the bond for any single loss, regardless of how many persons are involved in the loss. For example, where ten persons each handling $100,000 are bonded as part of a group or class on a $10,000 blanket bond, the aggregate bond penalty of $10,000 for any single loss would be sufficient to meet the substantive requirement of coverage for 10 percent of the amount handled with respect to a loss caused by any one of them acting independently, since it would provide $10,000 recovery for each such loss. However, where two such persons act collusively to cause a loss of $20,000, the usual form of commercial blanket bond would still provide only $10,000 recovery, and in effect each of the two persons involved would be covered by the bond only to the extent of $5,000, which is, of course, less than 10 percent of the $100,000 handled by each of them. Thus, with respect to the possibility of collusive loss between persons who are part of a group or class covered by a blanket or similar type of band and who are being bonded pursuant to section 13, it shall be necessary that the bond, in order to meet the substantive requirements of the Act as to amount of coverage, either contain a multiple penalty clause or otherwise provide equivalent protection as to the amount of coverage in the event of such collusive loss. Aggregate penalty protection, however, shall be deemed sufficient to provide the protection required by section 13 in any of the following situations:

(1) Where the persons bonded pursuant to the requirements of section 13 are part of a group or unit, such as a board of trustees or similar board, which acts as a group and performs its functions by majority rule.

(2) Where the persons bonded pursuant to the requirements of section 13 are bonded under the second alternative of the estimating rules of § 1306.17.

(3) Where the persons bonded pursuant to the requirements of section 13 act or perform their functions independently of one another so that there is no significant possibility for loss to be caused by collusion between any of them.

(4) Where, with respect to persons bonded pursuant to the requirements of section 13, the amount of an aggregate penalty bond covering such persons is not less than 20 percent of the amount handled by any such person. For example, an employer may already have a commercial blanket bond for fraud and dishonesty covering all of its officers and employees for $2,000,000, based on all the assets of the employer subject to exposure of loss through fraud or dishonesty. Included in this bond may be persons who are administrators, officers, or employees of a covered plan, none of whom are required to be bonded for more than $300,000 (10 percent of $3,000,000 of handled plan funds or other property). As such, an aggregate penalty bond of $2,000,000 would be more than 20 percent of the amount handled by any such person and would be deemed sufficient. The following schedule illustrates the amount of aggregate penalty bonds required to meet this alternative for given amounts of funds handled as compared to multiple penalty bonds.

Amount of funds handled	Minimum bond coverage multiple penalty	Aggregate penalty coverage under alternative (4)
Not over $100,000	Minimum bond—$1,000. $1,000 for each $10,000 or fraction thereof over $10,000.	Minimum bond—$1,000. $2,000 for each $10,000 or each fraction thereof over $10,000.
$100,001 to $200,000	$10,000 plus $1,000 for each $10,000 or fraction thereof over $100,000.	$10,000 plus $2,000 for each $100,000 or fraction thereof over $100,000.
$200,000 to $500,000	$20,000 plus $1,000 for each $10,000 or fraction thereof over $200,000.	$20,000 plus $2,000 for each $100,000 or fraction thereof over $200,000.
$500,001 to $1,000,000	$50,000 plus $10,000 for each $100,000, $500,000 plus 10% of the remaining amount.	$50,000 plus $20,000 for each $100,000 over $500,000 plus 20% of the remaining amount.
$1,000,001 to $5,000,000	$100,000 plus $100,000 for each $1,000,000 over $1,000,000 plus 10% of the remaining amount.	$100,000 plus $200,000 for each $1,000,000 over $1,000,000 plus 20% of the remaining amount.
	Maximum bond—$500,000.	Maximum bond—$1,000,000.

NOTE: It should be noted that the maximum amounts apply only to this part and that the Secretary may prescribe excess bonding in additional amounts. (See § 1306.16.)

§ 1306.20 Bonding more than one plan on the same bond.

(a) The Act does not prohibit more than one plan from being named on a bond or from being covered together on the same bond. However, any such bond must allow for enforcement and recovery by each plan involved in an amount at least equal to that for which it or the plan administrators, officers or employees covered under such bond would be required to be covered if bonded separately. This requirement has particular application where a person sought to be bonded pursuant to the requirements of section 13 has "handling" functions in more than one plan covered under the bond. For example, X is the administrator of both a pension plan and a welfare plan run by the same employer. He handled $100,000 in the preceding reporting year for the welfare plan and $500,000 in the preceding reporting year for the pension plan. If both plans are covered on the same bond, the amount of the bond with respect to X must be sufficient to allow for recovery and enforcement as to each plan to the same extent that each would be protected by a separate bond (namely 10 percent of the $500,000 handled or $50,000 for the pension plan and 10 percent of the $100,000 handled or $10,000 for the welfare plan). Thus, the amount of the bond with respect to X shall be at least $60,000, or 10 percent of the total handled by X for all plans covered by the bond in which X has powers and duties of handling, since the pension plan must be protected at least to the extent of $50,000, and the welfare plan at least to the extent of $10,000. If X were covered for only $50,000, the amount of the bond would not be sufficient, since if X stole $30,000 from the welfare plan and $40,000 from the pension plan, only $50,000 would be available for recovery with respect to X. Additionally, in order to meet the requirement of protection for each plan, it shall be necessary that arrangement be made, either by the terms of the bond or by rider to the bond or by separate agreement among the parties concerned, that payment of a loss to one plan shall not work to the detriment of any other plan covered under the bond with respect to the amount for which that plan is required to be covered. For example, if the welfare plan suffered a loss of $30,000 as described above and such loss was recompensed in its entirety by the surety company, it would receive $20,000 more than the $10,000 protection required under section 13, and only $30,000 would be available for recovery with respect to further losses caused by X. In a subsequently discovered defalcation of $40,000 by X from the pension plan, it would be necessary that the bond or rider or separate agreement provide that such amount of recovery paid to the welfare plan in excess of the $10,000 for which it is required to be covered be made available to, or held for the use of, the pension plan in such amount as the pension plan would receive if bonded separately. Thus, in the instant case, the pension plan would be able to recover the full $40,000 of its loss. Where the funds or other property of several plans are commingled with each other or with other funds, such arrangements shall allow recovery to be attributed proportionately to the amount for which each plan is required to be protected. Thus, in the instant case, if funds or other property were commingled, and X caused a loss of these funds through fraud or dishonesty, one sixth of the loss would be attributable to the welfare plan and five sixths of the loss attributable to the pension plan.

(b) On the other hand, if there are several plans covered under the same bond, and none of the plan administrators, officers, or employees covered under the bond have handling functions in more than one of these plans, it shall not be necessary to provide the protections discussed in the example, since no single loss could involve more than one plan. Also, it shall not be necessary to base the amount of the bond on the total amount handled in all of the plans involved. Rather, it may be based on the highest amount necessary to provide the required amount of coverage for any one of the plans, provided that the bond penalty is adequate to protect against the possibility of collusive loss within each plan, as discussed in § 1306.19.

§ 1306.21 Naming of insureds.

(a) Since section 13 is intended to protect funds or other property of each plan involved, bonds under this section shall allow for enforcement or recovery for the benefit of the plan concerned by those persons usually authorized to act for the plan in such matters. In most cases, the naming of the administator as insured will provide for such recovery. However, where it is not clear that such recovery will be provided, a rider shall be attached to the bond, or assurances shall given by separate agreement among the parties concerned, so as to make certain that any funds collected under the bond will be held for the benefit and use of the plan suffering a loss. For example, where several plans are covered on the same bond and the employer administering the plans is named as insured, it shall be necessary to assure that any recovery under the bond will be held for use of the plan suffering the loss in such proportions and in such amount as will be necessary to give each plan the protection which it would have under a bond of its own.

(b) A bond would not meet the requirements of the Act, for example, if only the interests of one plan covered were protected or if only the interests of a given employer or employee organization were protected but recovery was not specifically assured to the plan involved.

§ 1306.22 Term of the bond, statute of limitations, other bond clauses.

(a) *Term of the bond.* The amount of any required bond must in each instance be based on the amount of funds handled and must be fixed or estimated at the beginning of the plan's reporting year, that is, as soon after the date when such year begins as the necessary information from the preceding reporting year can practicably be ascertained. This does not mean, however, that a new bond must be obtained each year. There is nothing in the Act that prohibits a bond for a term longer than one year, with whatever advantages such a bond might offer by way of a lower premium. However, at the beginning of each reporting year the bond shall be in at least the requisite amount. If, for any reason, the bond is below the required level at that time, the existing bond shall either be increased to the proper amount, or a supplemental bond shall be obtained.

(b) *Discovery period.* A bond shall not be adequate to meet the requirements of section 13 if, with respect to a loss for which bonding is required under section 13, it requires that the loss be discovered less than one year from the time of termination or cancellation of the bond. However, if a bond provides that a loss must be discovered within the term of the bond as a prerequisite to recovery of such loss, it shall be adequate to meet the requirements of section 13, if at the termination of such bond it is replaced by a continuing bond covering any loss thereafter discovered which occurred while any preceding bond was in effect.

(c) *Other bond clauses.* A bond shall not be adequate to meet the requirements of section 13, if, with respect to bonding coverage required under section 13, it contains a clause, or is otherwise, in contravention of the law of the state in which it is executed.

§ 1306.23 Use of existing bonds, separate bonds and additional bonding.

(a) *Additional bonding.* Section 13 neither prevents additional bonding beyond that required by its terms, nor prescribes the form in which additional coverage may be taken. Thus, so long as a particular bond meets the requirements of these regulations as to the persons required to be bonded and provides coverage for such persons in at least the minimum required amount, additional coverage as to persons or amount may be taken in any form, either on the same or separate bond.

(b) *Use of existing bonds.* Insofar as a bond currently in use is adequate to meet the requirements of the Act and these regulations or may be made adequate to meet these requirements through rider, modification or separate agreement between the parties, no further bonding is required.

(c) *Use of separate bonds.* The choice of whether persons required to be bonded should be bonded separately or under the same bond, whether given plans should be bonded separately or under the same bond, whether existing bonds should be used or separate bonds for Welfare and Pension Plans Disclosure Act bonding should be obtained, or whether the bond is underwritten by a single surety company or more than one surety company either separately or on a cosurety basis is left up to the judgment of the parties concerned, so long as the bonding program adopted meets the requirements of the Act and these regulations.

Subpart E—Qualified Agents, Brokers and Surety Companies for the Placing of Bonds

§ 1306.24 Corporate sureties holding grants of authority from the Secretary of the Treasury.

(a) The provisions of section 13 require that any surety company with which a bond is placed pursuant to that section must be a corporate surety which holds a grant of authority from the Secretary of the Treasury under the Act of July 30, 1947 (6 U.S.C. 6–13), as an acceptable surety on Federal bonds. The Act provides, among other things, that in order for a surety company to be eligible for such grant of authority, it must be incorporated under the laws of the United States or of any State and the Secretary of the Treasury shall be satisfied of certain facts relating to its authority and capitalization. Such grants of authority are evidenced by Certificates of Authority which are issued by the Secretary of the Treasury and which expire on the April 30 following the date of their issuance. A list of the companies holding such Certificates of Authority is published annually in the FEDERAL REGISTER, usually in May or June. Changes in the list, occurring between May 1 and April 30, either by addition to or removal from the list of companies, are also published in the FEDERAL REGISTER following each such change.

(b) Where a qualified surety company surrenders its authority from the Secretary of the Treasury to act as an acceptable surety under the Act of July 30, 1947, the plan shall have the balance of the current reporting year in order to secure a new bond with an acceptable surety.

(c) Where a surety becomes insolvent and is placed in receivership, or if for any other reason the Secretary of the Treasury determines that its financial condition is not satisfactory to him and he revokes the authority of such company to act as an acceptable surety under the Act of July 30, 1947, the insured plan shall secure immediately a new bond with an acceptable surety.

§ 1306.25 Interests held in agents, brokers and surety companies.

Section 13(c) prohibits the placing of bonds, required to be obtained pursuant to section 13, with any surety or other company, or through any agent or broker in whose business operations a plan or any party in interest in a plan has significant control or financial interest, direct or indirect.

Subpart F—Miscellaneous Provisions

§ 1306.26 Prohibition of certain activities by unbonded persons.

(a) Section 13(b) makes it unlawful for any administrator, officer or employee to whom subsection 13(a) applies to receive, handle, disburse or otherwise exercise custody or control of any of the funds or other property of any employee

welfare benefit plan or employee pension benefit plan without being bonded as required by subsection 13(a). Section 13(b) also makes it unlawful for any administrator, officer or employee of such a plan, or any other person having authority to direct the performance of handling functions, to permit such functions to be performed by any administrator, officer or employee with respect to whom the requirements of subsection 13(a) have not been met. The effect of this section is to prohibit persons who are required to be bonded from performing any acts for which bonding would be required, if they are not properly bonded. It also prohibits any person with the power to do so, to delegate, assign or permit such persons to receive, handle, disburse or otherwise exercise custody or control of the funds or other property of a covered plan if they are not properly bonded.

(b) While responsibility for prohibiting administrators, officers or employees from performing acts of "handling" without being properly bonded rests with any person who has the authority to do so, the plan administrator shall have initial responsibility for ensuring that a proper bond is obtained.

(c) Prohibitions set forth in this section are not intended to extend to those acts or activities which do not fall within the definition of "handling". Similarly, these prohibitions are not intended to extend to any person, institution or party not falling within the definition of administrator, officer or employee (e.g., banks or insurance companies are deemed not to fall within those definitions; see § 1306.4). The prohibitions shall be applicable, however, to any person falling within the definition of administrator, officer or employee who because of election, employment, appointment, or change in duties, commences to handle funds or other property during the course of a particular plan reporting year. Before such persons are permitted to engage in any handling activities, a bond shall be secured for them in an amount based on the funds handled by their predecessor or predecessors, or by persons in similar positions during the preceding plan reporting year, unless coverage with respect to such persons is currently being provided by bonds which meet the requirements of section 13 and these regulations.

§ 1306.27 Payment of bonding costs.

The Act does not prohibit the plan or employers or employee organizations having an interest in the plan from paying all or any part of the costs of bonds required by section 13. The decision as to who should bear cost is left to the duly authorized discretion and agreement of the parties concerned in each case, provided such agreement does not violate state or federal law.

§ 1306.28 Powers of the Secretary of Labor to regulate and exempt.

Section 13(e) of the Act provides that the Secretary of Labor shall from time to time issue such regulations as may be necessary to carry out the provisions of section 13 and further provides that when, in the opinion of the Secretary, the administrator of a plan offers adequate evidence of the financial responsibility of the plan, or that other bonding arrangements would provide adequate protection of the beneficiary and participants, he may exempt the plan from the requirements of section 13. Pursuant to these powers, regulations with respect to applications for exemptions under section 13(e) have been issued. Any such applications shall be made in accordance with provisions and requirements of those regulations.

§ 1306.29 Enforcement.

(a) Section 9(a) of the Act provides that any person who willfully violates any provision of this Act shall be fined not more than $1,000, or imprisoned not more than six months, or both.

(b) Section 9(f) provides that whenever it shall appear to the Secretary that any person is engaged in any violation of the provisions of this Act, he may in his discretion bring an action in the proper district court of the United States or United States court of any place subject to the jurisdiction of the United States to enjoin such acts or practice, and upon a proper hearing showing a permanent or temporary injunction or restraining order shall be granted.

§ 1306.30 Relationship to other laws.

Section 13(d) provides that nothing in any other provision of law shall require any person, required to be bonded as provided in subsection 13(a) of the Act because he handles funds or other property of an employee welfare benefit plan or an employee pension benefit plan, to be bonded insofar as the handling by such person of the funds or other property of such plan is concerned. This provision shall be deemed to make inapplicable the bonding requirements of other laws only insofar as a covered person in a covered plan is required to be bonded in handling the funds and other property of such plan. To the extent that any other law may require bonding falling outside this scope, section 13(d) shall not apply. The primary purpose of section 13(d) is to relieve from the bonding requirements of the Labor-Management Reporting and Disclosure Act of 1959 any persons required to be bonded within the meaning of section 13 and the regulations promulgated thereunder.

§ 1306.31 Effective date of the bonding requirement.

The bonding provisions of section 13 become effective on September 16, 1962.

Signed at Washington, D.C., this 30th day of August 1962.

JAMES J. REYNOLDS,
Assistant Secretary of Labor.

[F.R. Doc. 62-8839; Filed, Aug. 31, 1962; 8:53 a.m.]

Notices

ATOMIC ENERGY COMMISSION

STATE OF NEW YORK

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of New York for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of New York and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as Appendix "A" to this notice. A copy of the complete text of the New York program, including proposed New York regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Office of Radiation Standards, United States Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 9th day of August 1962.

For the Atomic Energy Commission.

HAROLD D. ANAMOSA,
Acting Secretary to the Commission.

Agreement Proposed by the State of New York Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended, for the Assumption of Certain of the Atomic Energy Commission's Regulatory Authority

Whereas the United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas the Governor of the State of New York is authorized under section 462 of the New York State Atomic Energy Law to enter into this Agreement with the Commission; and

Whereas the Governor of the State of New York certified on July 20, 1962, that the State of New York (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas the Commission found on ------ ----, 1962, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article VIII. This Agreement shall become effective on October 15, 1962, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

APPENDIX "A"

RADIATION CONTROL IN THE STATE OF NEW YORK

I. *Introduction.* The State of New York has had a comprehensive program for the control of the possession and use of radiation sources since 1955. The program described herein constitutes a continuation of this previously existing program as modified to accommodate responsibilities which the State will assume and the United States Atomic Energy Commission will discontinue under a contemplated agreement between the Commission and the State.

Background. There are three agencies within the State with primary regulatory responsibility regarding the health and safety of the possession and use of radiation sources. Each has its own jurisdiction and each has promulgated its own regulatory code. The State Department of Health is responsible for public and medical health throughout the State, except for New York City in which the New York City Department of Health is so responsible. The State

Department of Labor is responsible for industrial health and safety throughout the entire State, including New York City. Collectively, the authority of these three agencies reaches all radiation sources subject to the State's jurisdiction.

In 1955, the State Department of Health was statutorily authorized to "supervise and regulate the public health aspects of the use of ionizing radiation and the handling and disposal of radioactive wastes" and, in 1960, to "license atomic energy activities within the State affecting or likely to affect public health and relating to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass". Within the State Department of Health there is the State Public Health Council, which is statutorily authorized to establish, subject to the approval of the State Commissioner of Health, the State Sanitary Code. The Code "may deal with any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York, and with any matters as to which jurisdiction is conferred upon the public health council". A 1960 amendment to the State Public Health Law expressly provides that the State Sanitary Code may "require that application be made for a license to possess or use atomic energy byproduct materials, source materials and special nuclear materials in quantities not sufficient to form a critical mass and prescribe the use to which any such materials may be put". Pursuant to the original statutory authority Chapter XVI (entitled "Ionising Radiation") of the State Sanitary Code was made effective in 1955.

Within the State Department of Labor there is the State Board of Standards and Appeals with statutory power to make rules for proper sanitation and for guarding against and minimizing fire hazards, personal injuries and diseases in industrial facilities. The State Labor Law provides further that "Whenever the board finds that any industry, trade, occupation or process involves such elements of danger to the lives, health or safety of persons employed therein as to require special regulation for the protection of such persons, the board may make special rules to guard against such elements of danger by * * * requiring licenses to be applied for and issued by the Department as a condition of carrying on any such industry, trade, occupation or process * * *". Pursuant to this statutory authority, Rule No. 38 (entitled "Radiation Protection") of the State Industrial Code was made effective in 1955.

The New York City Department of Health has authority to regulate all matters affecting health over which the City has jurisdiction under its "Home Rule" charter from the State. Within the City Department of Health there is the City Board of Health, which is given the authority to promulgate the City Health Code embracing "all matters and subjects to which the power and authority of the Department extends * * *" and to "grant, suspend or revoke permits for businesses or other matters in respect to any subject regulated by the Department". Pursuant to this authority, Article 6 (entitled "Control of Radiological Hazards") of the City Sanitary Code, was made effective in 1958. This Article was superseded in 1959 by Article 175 (entitled "Radiological Hazards") of the City Health Code.

Coordination of the regulation of atomic energy activities within the state was begun by executive action in 1955, through the establishment of the Council on the Use of Nuclear Materials, whose functions included "to coordinate safety activities related to atomic energy in New York State * * * (and) to coordinate liaison relationships with the Atomic Energy Commission". In 1956, also by executive action, the Atomic Energy Advisory Committee was created to "assist the Governor and his Council on the Uses of Nuclear Materials in expanding industrial applications of atomic energy and maintaining the health and safety of workers in plants using nuclear materials", and also to produce "specific recommendations for * * * necessary legislation".

The enactment of the State Atomic Energy Law on March 9, 1959, placed the coordination of regulatory atomic energy activities within the state on a statutory basis. This law established the Office of Atomic Development, headed by a director responsible to the Governor. With respect to regulatory matters, the functions, powers and duties of the Office include advising and assisting the Governor and the Legislature on atomic energy matters; coordinating the atomic energy activities of the agencies of the state and its political subdivisions; and correlating the atomic energy activities of the state and its political subdivisions with similar activities of the federal government and the governments of other states.

In order to assist the Office to fulfill its coordinating function, the State Atomic Energy Law requires that all agencies of the state and its political subdivisions keep the Office fully and currently informed as to their activities relating to atomic energy or ionizing radiation; and that no rule or regulation or amendment thereto, primarily and directly related to atomic energy, take effect until 90 days after submittal to the Office, unless such waiting period is waived by the Governor or the director. In addition, the legislation established a State Atomic Energy Coordinating Council, consisting of the director as chairman and such other persons, including representatives of agencies of the State and its political subdivisions, as the Governor may appoint, to advise, assist and make recommendations to the director with respect to the coordination of atomic energy activities of agencies of the state and its political subdivisions. The present membership of the Council includes the New York City Commissioner of Health, the State Industrial Commissioner, the State Commissioners of Health, Education and Commerce, and the Chairman of the State Public Service Commission.

During the summer of 1959, at hearings of the Joint Congressional Committee on Atomic Energy on "Federal-State relationships in the Atomic Energy Field", representatives of the State testified in favor of the amendments to the Atomic Energy Act of 1954 which authorize the Atomic Energy Commission to discontinue certain of its regulatory activities within individual states upon execution of an agreement with such states. After enactment of such federal legislation (Public Law 86-373), the New York State Legislature, in early 1960, adopted an amendment to the State Atomic Energy Law expressly authorizing the Governor to enter into an agreement with the Commission relating to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass.

Development of modified program. The principal elements of the program for radiation control in the State are the State Sanitary Code, State Industrial Code and New York City Health Code, and, so far as coordination is concerned, the applicable provisions of the State Atomic Energy Law.

The regulatory codes have been modified by the three regulatory agencies, in cooperation with the Office of Atomic Development, in order to achieve:

1. An integrated program of radiation control covering not only activities over which authority will be discontinued by the Atomic Energy Commission (use of byproduct material, source material, and special nuclear materials in quantities not sufficient to form a critical mass), but also activities over which State agencies have exercised exclusive jurisdiction (use of naturally-occurring and accelerator-produced radioisotopes and radiation-producing equipment, e.g., X-ray equipment).

2. Uniformity, insofar as practicable, among the three codes, taking into consideration, however, necessary distinctions arising from the differing subject matters and conditions with which each agency is concerned and the previously existing code structure of each agency.

3. Compatibility between the State's radiation-control program and the Atomic Energy Commission's program for the regulation of like radioactive materials, as required by Section 274.d(2) of the Atomic Energy Act of 1954, as amended.

In developing the modified State program to achieve the foregoing objectives, the agencies concerned agreed that the substantive content of the program, i.e., the radiation protection standards, should be predicated both now and in the future upon the guides of the Federal Radiation Council as approved by the President and, where the Federal Radiation Council has been silent, pertinent recommendations of the National Committee on Radiation Protection and Measurements.[1]

[1] In response to a request by the Commission for clarification of this paragraph, the Director of the New York Office of Atomic Development submitted the following reply:

Copy

AUGUST 7, 1962.

"DR. CLIFFORD K. BECK,
Acting Director of Regulation,
U.S. Atomic Energy Commission,
Washington 25, D.C.

"DEAR DR. BECK: During the course of our telephone conversation of August 6, 1962, you expressed concern that the following paragraph on page 4 of the introduction to the narrative material entitled 'Radiation Control in the State of New York,' submitted to the Commission by Governor Rockefeller on July 20, may be misinterpreted as inconsistent with the continuation of compatibility between the programs of the State and the Commission for the regulation of like materials:

"'In developing the modified State program to achieve the foregoing objectives, the agencies concerned agreed that the substantive content of the program, i.e., the radiation protection standards, should be predicated both now and in the future upon the guides of the Federal Radiation Council as approved by the President and where the Federal Radiation Council has been silent, pertinent recommendations of the National Committee on Radiation Protection and Measurements.'

"I would like to assure you that the pertinent regulations of the Commission, as well as the recommendations of the Federal Radiation Council and the National Committee on Radiation Protection and Measurements, will be utilized in achieving the desired objective of continuing compatibility.

"Sincerely yours,

OLIVER TOWNSEND,
Director."

Copy

With respect to other substantive matters, such as precautionary procedures, e.g., surveys, posting, labeling, existing Commission regulations were used as models. Accordingly, regulations on these subjects within the State program are substantially similar to Commission regulations, although some details were either condensed or eliminated, and several additional requirements were specified. Similarly, the Commission's regulations pertaining to licensing procedures were used as models, with some condensation and modification.

In general, modification of the previous regulatory codes has resulted in a State program which is compatible with the Commission's program but which differs from the Commission's program in several respects, primarily because of the applicability of the State's integrated program to all radiation sources, including those whose possession and use is subject to registration rather than licensing.

Public hearings on the proposed modifications of Industrial Code Rule No. 38, as required by law, were held by the State Board of Standards and Appeals in Syracuse on March 14, 1962, and in New York City on March 16, 1962. The New York City and State Departments of Health solicited comments and received advice from various interested groups and individuals within the City and State in accordance with their customary practices. Modifications of the Regulatory code of each department are scheduled to go into effect on October 15, 1962.

II. *Program description*—A. *Radiation protection standards.* The regulations specifying radiation protection standards which are contained in each of the regulatory codes are briefly described below. Except in certain limited respects, these radiation protection standards are identical in substance to existing provisions in Part 20 of the Commission regulations. It is the present intent of each of the three departments that the regulations specifying the radiation protection standards and the provisions pertaining to additional requirements and the granting of exemptions or variations will be administered in accordance with existing Commission practice. However, details pertaining to such administration found in Commission regulations have not been included in the codes because of the limited number of persons within the State to whom they would be applicable. It is important to note that these radiation protection standards will, except in certain specified respects, be uniformly applicable to regulated users of all radiation sources within the State, including all radioactive materials and radiation-producing equipment.

1. *Permissible doses, levels, and concentrations.* The three codes contain uniform provisions with respect to permissible occupational doses from external exposure and from concentration of airborne radioactive material and permissible doses in uncontrolled areas from external exposure and from concentration of airborne radioactive material.

The limits contained in the codes closely follow the radiation protection guides of the Federal Radiation Council and the recommendations of the National Committee on Radiation Protection and Measurements. Accordingly, permissible occupational doses are specified for periods of any 13 consecutive weeks and utilize the values specified for such 13 week periods by the Council. The values contained in the regulations of the Atomic Energy Commission, which are based upon the concept of fixed calendar quarters, were not adopted.

Among other excluded details, the codes do not specify under what conditions exposures in excess of permitted concentrations or radiation levels will be authorized. Such details have been excluded as unnecessary, but the regulatory departments intend to be guided by the Commission practice which is reflected in existing Commission regulations.

2. *Precautionary procedures.* The codes contain requirements with respect to surveys, checks and tests; personnel monitoring, caution signs, labels, signals, and control devices; instruction of personnel; posting of notices to employees; and securing of radioactive materials. These requirements are substantially uniform and identical in substance to present Commission requirements. Some differences have arisen since the State program covers radiation sources in addition to byproduct, source and special nuclear material. For example, each code requires the designation of a radiation safety officer and specifies his qualification and responsibilities. This requirement is particularly necessary in view of the fact that procedures for use of certain radiation sources will not necessarily be preevaluated, since such sources will be subject to registration rather than licensing. Similarly, requirements with respect to such items as surveys, checks and tests are more explicit in the State program. Some or all of the codes also contain additional provisions with respect to such items as vacated premises; exposure of food to ionizing radiation; protection against fire hazards, etc. On the other hand, the codes specifically exclude some radiation sources, outside of the purview of Commission responsibility, from certain requirements, e.g., X-ray equipment used for medical and dental purposes need not be labeled and installations containing only such equipment need not be posted.

3. *Waste disposal.* All three codes permit disposal of radioactive material by transfer to an authorized recipient and by release to uncontrolled areas in concentrations which do not exceed those specified in the applicable regulations. The three codes forbid disposal by incineration. The State Sanitary Code and City Health Code permit disposal of specified concentrations into sanitary sewer systems. The State Sanitary Code permits burial of limited quantities under specified conditions, as do Commission regulations, but imposes the additional requirement of prior notification before a burial ground is established. The City Health Code does not permit burial of radioactive material within New York City. The Industrial Code permits release to sanitary sewer systems or burial in soil in accordance with applicable provisions of the City Health Code and State Sanitary Code. None of these codes specifies the requirements for additional methods of disposal, but permission for such methods could be requested as an exemption or variation from specific regulatory requirements, and in acting upon requests, current Commission practices will be considered.

4. *Transportation.* The State Sanitary Code and State Industrial Code permit intrastate shipment of radioactive materials if the shipment complies with such regulations of relevant federal agencies as would be applicable if it were in interstate commerce or if the shipment is specifically approved by the appropriate department. The New York City Health Code retains a provision with respect to shipments of radioactive materials which was adopted in 1960, after consultation with the Atomic Energy Commission, and requires prior notification and approval of route of shipments of radiation sources which may involve a high degree of hazard, as listed in a declaration published by the New York City Health Commissioner in the City Record.

It may also be noted that the State Public Service Commission requires that the regulations of the Interstate Commerce Commission relating to the transportation of explosives and other dangerous articles be followed by motor carriers within its jurisdiction. This requirement was first imposed in an order of the Public Service Commission of May 15, 1955 (Case MT-7482) and is now included in Part 821 of its regulations.*

5. *Records and reports.* The three codes require that accurate and complete written records be kept of results of required surveys, checks and tests; transfer, receipt and disposal of radioactive materials; occupational doses of monitored personnel; results of medical evaluation services; and doses required to be reported. The codes specify that personnel exposure records must be kept for five years after either termination of the individual's employment or the date of recording, whichever is later, and can be disposed of only by transfer to the regulatory department. Other records need be preserved only for a period of three years commencing on the date of occurrence of the subject of the record.

The codes require immediate notification to the appropriate department of any theft or loss of a radiation source, of any incident which caused or threatened to cause any individual to receive a does in excess of permitted limits, and of any level of radiation from or release of concentrations of, radioactive materials in excess of permitted limits. Follow-up action is required and a subsequent written report may be required by the appropriate department.

The codes require that previous employees be supplied reports of doses and exposures upon request. Annual reports to employees are also required upon request. If any report of possible exposures is required to be submitted to the regulatory department, such report must be automatically provided to the employee under the State Sanitary Code and the State Industrial Code and the providing of such report to the employee may be ordered by the New York City Health Department under the City Health Code.

6. *Professional practitioners and related provisions.* The State Sanitary Code and New York City Health Code, which govern the intentional internal or external administration of radiation or radioactive materials to any individual, specify that such administration is permitted only by a person licensed or otherwise authorized to practice medicine, dentistry, podiatry or osteopathy under the State Education Law, or by a person under the supervision of such professional practitioner. With respect to such use of radioactive materials required to be licensed by the Health Departments, an application form similar to that presently used by the Atomic Energy Commission will be supplied.

The State Sanitary Code and New York City Health Code also contain provisions requiring reports by professional practitioners treating or diagnosing radiation illness, injury or certain exposures and specifying procedures to be followed with respect to cadavers containing radioactive materials.

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*Part 821—Transportation of Explosives and other Dangerous Articles, Section 821.1. The rules and regulations prescribed now or to be prescribed in the future by the Interstate Commerce Commission relating to the transportation of explosives and other dangerous articles by motor carriers are adopted and prescribed for all motor carriers of property.

Section 821.2. All carriers transporting or holding themselves out to transport articles named in the said rules and regulations shall, on or before April 1, 1956, establish such rules by participation in the Motor Carriers' Explosives and Dangerous Articles Tariff No. 8 P.S.C.-N.Y.-MT-No. 4 as supplemented, and in any successive issues thereof as published by the American Trucking Associations, Inc., agent.

The State Industrial Code does not apply to human use of a radiation source which is licensed or authorized by the State or City Departments of Health. The State Department of Labor may perform inspection for these departments of medical users located within industrial installations.

The State Sanitary Code contains extensive provisions with respect to the use of radiation equipment in the diagnosis or therapy of individuals. These provisions are based on the recommendations of the National Committee on Radiation Protection and Measurements. The New York City Health Code requires that these same recommendations, contained in NCRP Handbook 76, or equivalent safeguards, be observed.

B. *Program Administration*—1. *Licensing.* Each code specifies that no person shall transfer, receive, possess or use any byproduct material, source material or special nuclear material in quantities not sufficient to form a critical mass without a license (or permit, as termed in the New York City Health Code) from the appropriate department. The New York City Health Code additionally requires a permit for all other radioactive materials, except as specified.

Exemptions from the licensing requirement are provided in all three codes for certain quantities of byproduct and source material and for certain devices which, however, are subject to the radiation protection standards within each code and to specified conditions. The use and possession of these items are thus regulated in a similar manner as generally licensed items under Commission regulations, although the term "general license" is not used in the codes.

Also exempt from the licensing requirements are certain luminous devices, concentrations of radioactive material, natural ore containing source material, items containing less than 0.05 percent source material, certain products, certain radioactive materials of specified radioactivity, and certain radiation equipment. These items, as they are under Commission regulations, are completely exempt from the requirements of other provisions of the codes but, in some cases, are subject to specified conditions.

Exemptions are also provided for radioactive materials to the extent that such materials are subject to regulation as provided for by law by the State Public Service Commission, Interstate Commerce Commission, the Coast Guard, the Civil Aeronautics Board and the Post Office Department, although such materials will still be subject to the transportation provision of the New York City Health Code.

A single license application form, applicable to all radioactive materials subject to licensing, will be used by all three departments. In addition, applicants for licenses covering human use will be required to submit an appendix to the application, generally similar to AEC Form 313a. Instructional documents specifying additional information required will be provided to applicants for licenses covering multiple quantities or types of unsealed radioactive materials, manufacturing of devices, or industrial radiography. The information required from such applicants is similar to that required by present Commission regulations. Other application forms and instructional documents will be developed as the need arises.

A license applicant will be required to demonstrate that his proposed use, equipment, facilities, procedures and personnel are adequate to protect public health and safety and to minimize danger to life and property from radiation hazards prior to the issuance of a license. Pre-licensing evaluation of applications will include inspections, as warranted in appropriate cases.

The codes incorporate certain conditions into each license and additional conditions may be set forth or incorporated by reference in each license at any time. The codes specify the manner in which licenses may be renewed, amended, suspended or revoked.

Upon the effective date of each amended code, the holder of a specific license heretofore issued by the Atomic Energy Commission will be deemed to hold an identical license pursuant to the appropriate code, which license shall expire upon the expiration date specified in the license or ninety days after receipt of a notice of expiration from the appropriate department. Each such licensee is required to comply with the conditions of his license and of the appropriate code.

Each code permits certain holders of licenses issued by the Atomic Energy Commission or any state which has entered into an effective agreement with the Commission to use the licensed radioactive materials within the jurisdiction of each department for a limited period of time without obtaining an additional license. Such users will be required to file certain information, including a copy of the license, with the appropriate department prior to use, although oral notification may be acceptable at the discretion of the department. Such users will be subject to the regulations of the appropriate department.

No fees will be charged under the State Sanitary Code or Industrial Code. Under the New York City Health Code a fee of $15 will be charged for each initial permit and of $10 for each renewal. No person will be required to pay a plurality of fees for a single installation. Accordingly, if a permit applicant currently holds a valid permit for activities at the same installation, or has registered such installation, no additional fee will be payable.

2. *Registration.* Radiation-producing equipment within the state will continue to be subject to registration provisions except as may be specified in each code. Radioactive materials other than agreement materials will continue to be subject to registration provisions under the State Sanitary Code and State Industrial Code except as may be specified. With certain limited exceptions, radioactive materials are not subject to registration under the New York City Health Code, which requires licensing of all materials.

Registrants will be required to notify the appropriate department of changes in registered information. Registrations will be valid indefinitely under the State Sanitary Code and State Industrial Code but will be subject to renewal every two years under the New York City Health Code.

3. *Enforcement.* In addition to inspections conducted for the purpose of evaluating the program proposed in a license application, inspections will also be conducted of all licensed and registered installations on a periodic basis. The frequency of inspections will depend on the relative hazards associated with the source of radiation and how it is to be used. When warranted immediate inspections will be conducted of especially significant registered installations. An evaluation will be made of all reported radiation incidents and an inspection will be conducted of all incidents that are considered to present significant radiation hazards.

While inspections may vary in scope, they will be sufficiently comprehensive to determine whether the licensee or registrant is complying with the appropriate regulatory requirements. An inspection will usually entail a comprehensive review of the licensee's or registrant's facilities, equipment, training and qualifications of personnel, and operating procedures, including handling, storage and disposal of radiation sources, survey and monitoring practices, labeling of sources, posting and control of areas, etc. In addition to observing operations, personnel will be interviewed and pertinent records examined. When appropriate, an inspection may include independent measurements and evaluations of radiation levels and concentrations of radioactive materials.

4. *Administrative procedures.* The State Board of Standards and Appeals is by law required to hold public hearings prior to modifying the State Industrial Code. Neither the State nor New York City Departments of Health is required by law to hold public hearings with respect to any modifications of its regulations, but each may do so at its discretion, although customary practice would be to obtain the advice and comments of interested groups and persons.

The State Sanitary Code provides for a public hearing upon timely request by an applicant if his license application is disapproved. Except in any case of wilfulness or in which the public health or safety requires otherwise, licenses may not be amended, suspended or revoked, nor may additional requirements be imposed nor radioactive material required to be surrendered without either obtaining the consent of the person involved or notifying such person of the contemplated action, giving him a reasonable opportunity to demonstrate or achieve compliance with all lawful requirements, and granting a public hearing upon request.

Actions taken by the State Industrial Commissioner are subject to review by the State Board of Standards and Appeals under the State Labor Law. In addition, the Industrial Code requires that, except where action is needed to secure safety, the Commissioner shall not suspend, revoke or restrictively amend a license without first giving the licensee reasonable notice and an opportunity to be heard.

Under section 5.19 of the New York City Health Code, whenever the City Commissioner of Health suspends, revokes, or refuses to issue or renew a permit, the aggrieved party may appeal such action to the Board of Health of the Department of Health of the City of New York. Under section 3.03 of the Code, except where the public health requires immediate action, the Department may not seize, embargo, condemn, destroy, render harmless or otherwise dispose of any material until the owner or person in control is notified and is given an opportunity to be heard by such personnel of the Department as the Commissioner may designate. A similar notice and opportunity to be heard must be granted under section 175.11(e) of the Code prior to the issuance of any order requiring a person to take additional precautions and procedures to protect public health and safety, except where immediate action is required.

Article 78 of the State Civil Practice Act provides a method of review in the courts, under certain circumstances, of the actions of each of the three regulatory departments.

5. *Coordination.* Coordination of the State program for the control of radiation hazards is facilitated through the direct functions of the State Office of Atomic Development. All agencies and political subdivisions of the State are required to keep the Director of the Office fully and currently informed as to their activities relating to atomic energy or ionising radiation. The State Atomic Energy Law also provides that no rule, regulation or ordinance or amendment thereto or repeal thereof, primarily and directly relating to atomic energy, shall become effective until ninety days after it has been submitted to the Director of the Office, unless either the Governor or the Director waives such waiting period.

The State Atomic Energy Law also established the State Coordinating Council on Atomic Energy. The Coordinating Council has been functioning since 1959, and its recommendations have been instrumental in developing the present program.

To effect maximum coordination of the licensing of radioactive materials within the State, the Coordinating Council has established a Committee on Licensing to be advisory to the regulatory departments. The Committee will receive and forward to the appropriate department for processing all applications for licenses. In questionable cases, the Committee can be called on to resolve jurisdictional questions and to submit to the appropriate department a recommendation on the merits of issuing a license. The voting membership of the Committee consists of the Director of the Office of Radiation Control, New York City Department of Health; the Special Assistant for Radiological Health, State Department of Health; and the Director of the Division of Industrial Hygiene, State Department of Labor. The Nuclear Health Physicist of the Office of Atomic Development acts as secretary of the Committee.

III. *Organization and personnel*—A. *State Department of Health.* The Special Assistant to the Commissioner on Radiological Health under the State Department of Health has been assigned the responsibility for coordinating the control of public health and safety aspects of the use of all radiation sources in medical, dental, veterinarian, educational, diagnostic, and similar institutions outside New York City.

1. *Licensing.* Preevaluation of license applications with respect to training and experience of applicants, dosage, route of administration, metabolic fate, and new or unusual human use will be performed by the Special Assistant on Radiological Health. Medical experts will be utilized for advice on new or unusual human applications.

Preevaluation of license applications with respect to proposed instrumentation, storage facilities, shielding methods, personnel monitoring, waste disposal techniques and other technical procedures will be performed in the Bureau of Radiological Health Services by an Associate Sanitary Engineer and a Senior Sanitary Engineer.

Both the Office of the Special Assistant on Radiological Health and the Bureau of Radiological Health Services may call on the scientific specialists available in the Division of Laboratories and Research and may obtain assistance from legal, public relations, training and other disciplines within the State Department of Health.

2. *Inspections.* Inspections of licensed users of radiation sources will be performed in the Bureau of Radiological Health Services by an Associate Sanitary Engineer, one Senior Sanitary Engineer and one Assistant Sanitary Engineer.

Scientific specialists in the Division of Laboratories and Research and in other divisions of the Department will be available for technical support. One other Assistant Sanitary Engineer assigned to Radiological Health Services primarily in the field of X-ray protection will also be available for inspection assistance. Inspections of registered sources are routinely handled by local health officers.

B. *State Department of Labor.* The Director of the Division of Industrial Hygiene under the State Department of Labor has been assigned the responsibility for controlling the health and safety aspects of the use of radiation sources in industrial installations throughout the State.

1. *Licensing.* Prior evaluation of license applications will be performed in the Radiological Health Unit by an Associate Industrial Hygiene Physician and a Principal Radiophysicist.

2. *Inspections.* Inspections of licensed users of radiation sources will be performed in the Radiological Health Unit by three Senior Radiation Physicists and an Industrial Engineer (Radiophysics specialist). Four Industrial Hygiene Engineers with training in radiation protection will conduct inspections of registered installations and will be available for assistance with respect to licensed installations.

C. *New York City Department of Health.* The Director of the Office of Radiation Control in the New York City Department of Health has been assigned responsibility for the control of the public health and safety aspects of the release of radioactivity to the environment from all sources, and of the health and safety aspects of the use of radiation in medical, dental, veterinarian, educational, diagnostic, and similar institutions within the City of New York.

1. *Licensing.* Prior evaluation of license applications will be performed in the Office of Radiation Control by the Assistant Director of the Office, a Senior Public Health Sanitarian, and a Public Health Sanitarian. Medical experts will be utilized for advice on new and unusual human applications.

2. *Inspections.* Inspections of licensed and registered radiation sources will be performed in the Office of Radiation Control by the Senior Public Health Sanitarian, assisted by a Public Health Sanitarian. Fourteen other Public Health Sanitarians will be available for assistance.

[F.R. Doc. 62-8108; Filed, Aug. 10, 1962; 8:53 a.m.]

[Docket No. 50-193]

RHODE ISLAND AND PROVIDENCE PLANTATIONS ATOMIC ENERGY COMMISSION

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on August 10, 1962, 27 F.R. 7995, the Atomic Energy Commission has issued Construction Permit No. CPRR-73. The construction permit authorizes the Rhode Island and Providence Plantations Atomic Energy Commission to construct a one megawatt (thermal) pool-type nuclear reactor at Fort Kearney in Narragansett, Rhode Island.

For the Atomic Energy Commission.

Dated at Germantown, Md., this 27th day of August 1962.

ROBERT H. BRYAN,
Chief, Research Power & Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-8780; Filed, Aug. 31, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARKANSAS AND VIRGINIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the States of Arkansas and Virginia natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Arkansas

Marion.

Virginia

Caroline. Spotsylvania.
Louisa.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 29th day of August, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-8825; Filed, Aug. 31, 1962; 8:53 a.m.]

BUREAU OF THE BUDGET

UTAH

Order Transferring Certain Lands From Department of Agriculture to Department of the Interior

By virtue of the authority vested in the President of the United States by the last sentence of section 32(c) of Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 526; 7 U.S.C. 1011(c)), and delegated to the Director, Bureau of the Budget, by section 1(f) of Executive Order No. 10530 of May 10, 1954, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to any valid existing rights, the following-described lands, acquired by or transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the Bankhead-Jones Farm Tenant Act, together with title and use records, water or water rights, improvements, appurtenances, and structures on such lands, are hereby transferred from the Department of Agriculture to the Department of the Interior for use, administration, or exchange under the applicable provisions of the Taylor Grazing Act (48 Stat. 1269; 43 U.S.C. 315 et seq.), as amended, or for use or administration under the general land-management authority of the Secretary of the Interior as the Secretary shall determine, including the authority to grant licenses and easements upon such terms as he may deem reasonable: *Provided*, That twenty-five percent of the net revenues received by the Secretary of the Interior from grazing and other uses of the transferred lands shall continue to be paid to the county in which such lands are located for the purposes specified in Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012) in lieu of payments therefrom to the State or counties at the rates specified in Section 10 of the Taylor Grazing Act (43 U.S.C. 315i) or in any other act under which the transferred lands are used and administered under this order:

UTAH

SALT LAKE MERIDIAN

T. 34 S., R. 2 W.; Those lands in section 22 shown as Lots 1 and 2 of Block 17 and as Lot 2 of Block 25 on Plat B of the Winder Townsite, Garfield County.

ELMER B. STAATS,
Acting Director,
Bureau of the Budget.

AUGUST 24, 1962.

[F.R. Doc. 62-8781; Filed, Aug. 31, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10976 etc.; Order No. E-18743]

CALIFORNIA-NEVADA EXCURSION FARES

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of August 1962.

By Order E-14979, March 3, 1960, Order E-18369, May 25, 1962, and Order E-18468, June 19, 1962, the Board instituted investigations with respect to various excursion fares between Los Angeles and Las Vegas filed by Bonanza Air Lines, Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., and between Burbank and Las Vegas filed by Pacific Air Lines, Inc. (Pacific), and consolidated these matters in Docket 10976 et al.

On July 26, 1962 Pacific filed a tariff amendment to become effective August 25, 1962, which would provide for a two-day excursion fare of $26 between Long Beach and Las Vegas.[1] Subsequently, Pacific submitted a special tariff permission application to advance the effective date of the Long Beach-Las Vegas fare to August 16, 1962. Since no objections were filed, and Pacific's fare is in line with its currently effective excursion fare between Burbank and Las Vegas and with other similar existing fares in the Los Angeles-Las Vegas market, the carrier has been permitted to establish the aforesaid fare effective August 16, 1962.

However, in light of the fact that the matters already under investigation in Docket 10976 et al, and the issues therein, are closely related to Pacific's Long Beach-Las Vegas excursion tariff, it is found that the latter should be investigated, and consolidated with Docket 10976 et al.[2]

Accordingly, it is ordered, That:

1. An investigation is instituted to determine whether the fare and provisions applicable between Long Beach, Calif., and Las Vegas, Nev., in Pacific Air Lines, Inc.'s Excursion Passenger Tariff No. Ex-3, C.A.B. No. 3, including subsequent revisions and reissues thereof, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fare and provisions.

2. The proceeding ordered herein is consolidated into the proceeding in Docket 10976 et al.

3. Copies of this order be served upon Bonanza Air Lines, Inc., Pacific Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the City and Chamber of Commerce of Las Vegas, Nevada.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-8817; Filed, Aug. 31, 1962; 8:51 a.m.]

[1] Pacific Air Lines, Inc., Excursion Passenger Tariff No. Ex-3, C.A.B. No. 3.

[2] The procedural steps in this case have already been set, with the hearing scheduled to begin on October 16, 1962.

FEDERAL AVIATION AGENCY

AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC., KGO-TV

Notice of Hearing on Proposed Television Antenna Structure

Notice is hereby given, pursuant to the provisions of Part 626 of the regulations of the Administrator, as amended, that the hearing in the above-entitled proceeding will be reconvened on September 17, 1962, at 9:00 a.m., e.d.t., in the South and Lee Rooms of the Marriott Motor Hotel, Twin Bridges, Washington 1, D.C., before the undersigned Presiding Officer.

For information concerning the details in this proceeding, interested persons are referred to Obstruction Evaluation Docket No. 61-WE-25 on file in the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C.

Issued in Washington, D.C., on August 23, 1962.

W. THOMAS DEASON,
Presiding Officer.

[F.R. Doc. 62-8785; Filed, Aug. 31, 1962; 8:45 a.m.]

CHRONICLE PUBLISHING COMPANY, KRON-TV

Notice of Hearing on Proposed Television Antenna Structure

Notice is hereby given, pursuant to the provisions of Part 626 of the regulations of the Administrator, as amended, that the hearing in the above-entitled proceeding will be reconvened on September 17, 1962, at 9:00 a.m., e.d.t., in the South and Lee Rooms of the Marriott Motor Hotel, Twin Bridges, Washington 1, D.C., before the undersigned Presiding Officer.

For information concerning the details in this proceeding, interested persons are referred to Obstruction Evaluation Docket No. 61-WE-26 on file in the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C.

Issued in Washington, D.C., on August 23, 1962.

W. THOMAS DEASON,
Presiding Officer.

[F.R. Doc. 62-8786; Filed, Aug. 31, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14676; FCC 62M-1146]

ST. MARTIN BROADCASTING CO.

Order Continuing Hearing

In re application of Dierrell Hamm, tr/as St. Martin Broadcasting Co., St. Martinville, Louisiana, Docket No. 14676, File No. BP-14207; for construction permit.

The Hearing Examiner having before him a petition for extension of time to exchange exhibits and for continuance of hearing date, filed on August 7, 1962, by St. Martin Broadcasting Co.; and

It appearing that applicant's engineering counsel, because of a death in his family, desires additional time to complete the extensive engineering showing required; and

It further appearing that all other parties to this proceeding have consented to this request;

It is ordered, This 23d day of August 1962, that the above-described petition is granted to the extent that continuances are ordered as follows:

Time for Engineering Presentations to other parties continued from August 27, 1962, to October 1, 1962;

Deadline for other parties to notify petitioner of requests for supplement or correction of his engineering presentation continued from September 7, 1962, to October 12, 1962;

Hearing continued from September 17, 1962, to November 1, 1962.

Released: August 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8789; Filed, Aug. 31, 1962; 8:46 a.m.]

[Docket No. 14730; FCC 62M-1145]

KIMBLE COMMUNICATIONS

Order Continuing Prehearing Conference

In re applications of W. A. Henley, d/b as Kimble Communications, Docket No. 14730, File Nos. 2397/2398-C1-P-62; for construction permits to establish stations in the Point-to-Point Microwave Radio Service near Kerrville, and at Midway, Texas.

The Hearing Examiner having under consideration the informal request of the applicant for a continuance of the date of the prehearing conference presently scheduled for September 4, 1962, and the statement of the applicant that counsel for the Commission has consented to such extension;

It is ordered, This 22d day of August 1962, That the prehearing conference presently scheduled for September 4, 1962, is continued to September 13, 1962, commencing at 9:00 a.m. at the offices of the Commission in Washington, D.C.

Released: August 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8790; Filed, Aug. 31, 1962; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Docket Nos. 988, 1064]

AMERICAN UNION TRANSPORT, INC.

Purchase of Vessels "Alicia" and "Dorothy"

On August 2, 1962, the Commission denied a petition by American Union Transport, Inc. to reopen Docket No. 988, but ordered that pursuant to sections 15 and 22 of the Shipping Act, 1916, a hearing be held upon the Commission's own motion, to determine if agreements 8745 and 8745-1 should be disapproved, cancelled, or modified because unjustly discriminatory or unfair as between "the McLean-controlled carriers (including Sea-Land and Waterman P.R.) and A.U.T.", or "detrimental to the commerce of the United States and contrary to the public interest as part of a conspiracy to monopolize Atlantic-Puerto Rico trade and to eliminate competition therein".

On August 8, 1962, American Union Transport filed a motion for (1) reconsideration of order denying its petition to reopen Docket 988, or (2) for amendment of hearing order in Docket No. 1064, this being the proceeding instituted by the Commission's order of August 2, 1962.

The motion for reconsideration of the Commission's order denying American Union Transport Inc's. petition to reopen Docket No. 988 is denied.

It is further ordered:

(1) That the portion of the Commission's order, entered August 2, 1962, instituting the proceeding now known as Docket No. 1064 be amended to read as follows:

(2) That pursuant to sections 15 and 22 of the Shipping Act, 1916, a hearing be held upon the Commission's own motion to determine if agreements 8745 and 8745-1 should be disapproved, cancelled, or modified (a) because unjustly discriminatory or unfair as between "the McLean-controlled carriers (including Sea-Land and Waterman P.R.), and A.U.T." or "detrimental to the commerce of the United States and contrary to the public interest as a part of a conspiracy to monopolize Atlantic-Puerto Rico trade and to eliminate competition therefrom", (b) because approval of said agreements was improperly secured in Docket No. 988; or (c) pursuant to any provision of section 15 of the Shipping Act, 1916.

(2) That all parties signatory to Agreements 8745 and 8745-1 are made respondents in Docket No. 1064, and

(3) That a copy of this order be published in the FEDERAL REGISTER, and served upon American Union Transport, Inc., and all respondents in Docket No. 1064.

By the Commission, August 28, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8813; Filed, Aug. 31, 1962; 8:51 a.m.]

[Docket No. 1069]

TERMINAL PROPERTY IN PORT OF OAKLAND, CALIF.

Lease and Preferential Assignment

Whereas, pursuant to section 15 of the Shipping Act, 1916, an agreement between the City of Oakland, acting by and through its Board of Port Commissioners, and Sea-Land Service, Inc., covering a lease and preferential assignment of terminal property in the Port of Oakland, California, has been filed for approval and has been assigned Federal Maritime Commission Agreement No. 8845; and

Whereas, pursuant to notice of filing of Agreement No. 8845 in the FEDERAL REGISTER of June 29, 1962, several protests were filed (1) urging that the Commission find Agreement No. 8845 subject to the provisions of section 15; (2) requesting disapproval of the agreement under the standards of section 15; and (3) requesting that a formal hearing be instituted; and

Whereas, The Commission has considered Agreement No. 8845 and the protests filed, and is of the opinion that an investigation should be undertaken to determine (1) whether the agreement is subject to the provisions of section 15; and (2) if so, whether said agreement should be approved, disapproved or modified, pursuant to section 15;

It is ordered, That, pursuant to sections 15 and 22 of the Shipping Act, 1916, the Commission, upon its own motion, enter upon an investigation and hearing for the taking of evidence to determine (1) whether Agreement No. 8845 is subject to the provisions of section 15; and (2) if so, whether said Agreement should be approved, disapproved, or modified; and

It is further ordered, That the City of Oakland, California, acting by and through its Board of Port Commissioners, and Sea-Land Service, Inc., be made respondents in this proceeding; and

It is further ordered, That this matter be assigned for hearing before an Examiner at a date and place to be determined and announced by the Chief Examiner; and

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER, and served upon respondents and other interested parties.

By the Commission August 28, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8812; Filed, Aug. 31, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-302]

FLORIDA GAS TRANSMISSION CO.[1]

Notice of Postponement of Hearing

AUGUST 27, 1962.

Take notice that the hearing in the above-docketed proceeding heretofore scheduled to commence on September 6, 1962, by notice issued July 27, 1962, and published in the FEDERAL REGISTER on August 7, 1962 (27 F.R. 7811) is hereby postponed to a date to be fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8791; Filed, Aug. 31, 1962; 8:46 a.m.]

[Docket Nos. RI 63-49—RI 63-56]

SUPERIOR OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[2]

AUGUST 27, 1962

In the matter of The Superior Oil Company, Docket No. RI63-49; Union Oil Company of California, Docket No. RI 63-50; Sunray DX Oil Company, Docket No. RI63-51; W. H. Black, Docket No. RI63-52; Ben F. Brack, Docket No. RI63-53; United Producing Company, Inc., Docket No. RI63-54; Samedan Oil Corporation (Operator), et al., Docket No. RI63-55; Producing Properties, Inc. (Operator), et al., Docket No. RI63-56.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 p.s.i.a. with the exception of the sale made by Samedan Oil Corporation (Operator), et al., which is made at a pressure base of 15.025 p.s.i.a. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Coastal Transmisison Corporation was the original Applicant in this proceeding. On August 3, 1962, the Commission authorized Florida Gas Transmission Company to merge Coastal Transmission Corporation and directed that the name of Florida Gas Transmission Company be substituted for that of Coastal Transmission Corporation in all pending proceedings.

[2] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI63-49	The Superior Oil Co., P.O. Box 1521, Houston 1, Tex. Attn: Mr. H. W. Varner.	99	1	Coastal Transmission Corp. (Pheasant Field, Matagorda County, Tex.) (R.R. District No. 3).	[4] $656	8-3-62	[1] 9-3-62	2-3-63	17.5	[2] [3] 18.5	----------
RI63-50	Union Oil Co. of California, P.O. Box 7600, Los Angeles 54, Calif.	20	5	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Tex. and Beaver Counties, Okla.).	564	8-2-62	[1] 9-2-62	2-2-63	[5] 16.8	[2] [6] 17.0	RI62-22
RI63-51	Sunray DX Oil Co., P.O. Box 2039, Tulsa 2, Okla.	143	2	Cities Service Gas Co. (Northwest Avard Field, Wood County, Okla.).	(7)	7-27-62	[1] 9-20-62	2-20-63	[5] 12.0	[2] [8] 13.0	----------
RI63-52	W. H. Black, c/o Wm. F. Pielsticker, 607 Union National Building, Wichita 2, Kans.	6	2	Colorado Interstate Gas Co. (Hugoton Field, Kearny County, Kans.).	502	7-30-62	[5] 8-30-62	1-30-63	[5] 11.0	[2] [8] 12.0	----------
RI63-53	Ben F. Brack, c/o Fleeson, Gooing, Coulson & Kitch, 901 First National Bank Building, Wichita 2, Kans. Attn: Mr. Dale M. Stucky.	1	3	Cities Service Gas Co. (Hugoton Field, Kearny County, Kans.).	[9] 3,050	8-1-62	[1] 9-1-62	2-1-63	[9] [10] 10.7195	[9] [10] 14.5	----------
RI63-54	United Producing Co., Inc., P.O. Box 1503, Houston 1, Tex.	28	2	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.).	101	8-6-62	[1] 10-1-62	3-1-63	17.0	[2] 17.2	RI62-42
RI63-55	Samedan Oil Corp. (Operator), et al., Ardmore, Okla.	6	3	United Fuel Gas Co. (Chalkley Field, Cameron Parish, La.).	33	8-6-62	[1] 11-1-62	4-1-63	20.3	[2] 20.7	RI62-98
RI63-56	Producing Properties, Inc. (Operator), et al., 35th Floor Southland Center, Dallas 1, Tex.	30	10	Colorado Interstate Gas Co. (Greenwood Field, Baca County, Colo.).	9,250	8-9-62	[5] 9-9-62	2-9-63	[11] 15.0	[11] [12] 16.0	----------

[1] The stated effective date is the effective date proposed by Respondent.
[2] Periodic rate increase.
[3] Subject to determination of proper initial rates in Docket No. G-18338, et al.
[4] Buyer must take-or-pay for 125 Mcf per day.
[5] The stated effective date is the first day after expiration of the required statutory notice.
[6] Subject to downward Btu adjustment.
[7] No deliveries during last 12 months.
[8] Subject to upward and downward Btu adjustment.
[9] Revenues taken directly from filing.
[10] Redetermined rate increase.
[11] Uncorrected for supercompressibility.
[12] Corrected for supercompressibility.
[13] Subject to Btu adjustment upward or downward from a base of 1000 Btu. (Average Btu content of gas is estimated at 965 Btu).

The proposed change of Ben F. Brack (Brack)[1] purports to be in accordance with the Gas Purchase Contract dated September 6, 1951, between Brack and Cities Service Gas Company (Cities Service), and the price redetermination provisions of the Gas Purchase Contract dated June 23, 1950, between Cities Service and Pan American Petroleum Corporation (Pan American) (formerly Stanolind Oil and Gas Company) (Stanolind), which provides that after June 22, 1961, the price for gas shall be the fair and reasonable price for each successive five year period but not less than 12 cents per Mcf (10.7195 cents per Mcf at 14.65 p.s.i.a.). On May 2, 1962, the District Court of Shawnee County, Kansas, determined that a fair and reasonable price under Pan American's contract is 14.5 cents per Mcf at 14.65 p.s.i.a. for the five year period commencing on June 23, 1961, with correction for supercompressibility. Brack's filing is based on such court decision.

Cities Service on August 6, 1962, filed its protest and motion to reject the proposed rate filing of Brack. In support thereof, Cities Service states, inter alia, that (1) there is no contractual basis for Brack's 14.5 cents per Mcf rate increase filing since; (a) Brack has exercised his contractual right to a single rate change during the period June 23, 1961, to June 22, 1966, by filing the 12 cents rate increase in a previously filed supplement; (b) the case filed in the District Court of Shawnee County, Kansas, out of which the 14.5 cents per Mcf price filed by Brack has not become final but now pends on appeal in the Supreme Court of Kansas; and (c) the judgment of the court is erroneous and will be vacated by the Kansas Supreme Court; (2) Brack has failed to comply with the requirements of the Commission's regulations in filing his supplement and has failed to submit a statement in support of said proposed change in rate, as required by the Commission's regulations.

In the alternative, in the event the Commission accepts for filing Brack's proposed change, Cities Service requests that the effective date thereof be suspended for the statutory period of five months, and that such acceptance be conditioned upon and made subject to; (a) the judgment of the District Court of Shawnee County, Kansas, becoming final; (b) Brack's filing shall be of no force and effect in the event said judgment is reversed; and (c) the acceptance for filing shall, in all other respects, be without prejudice to Cities Service's appeal from the judgment of the District Court of Shawnee County, Kansas, and the ultimate disposition thereof by the courts.

By this order we are suspending the effectiveness of the proposed increased rate contained in Brack's aforementioned supplement. Such action, however, is without prejudice to the position of Cities Service with respect to the legality of such filing. Our action is also without prejudice to Cities Service's position in the event that various contingencies may occur as set forth above in connection with Cities Service's alternative request. Accordingly, we shall also provide that the hearing herein shall concern itself with the legality of said filing. Under the circumstances, we do not consider it appropriate at this time to render a decision as to the effect that the contingencies mentioned above may have on the legality of said filing, as requested by Cities Service.

The proposed increased rates of all of the Respondents listed in the caption of this order exceed the applicable area price levels as set forth in the Commission's Statement of General Policy No. 61-1, as amended [18 CFR, Chapter 1, Part 2, § 2.56].

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the legality of the filing made by Brack, and the lawfulness of Brack's proposed change, and the lawfulness of the proposed changes of the other Respondents listed in the caption of this order, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the legality of the filing made by Brack, and the lawfulness of the proposed rate and charge contained in Brack's above-designated supplement; and the lawfulness of the increased rates and charges contained in the supplements filed by the other Respondents listed in the caption of this order.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)), on or before October 10, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8805; Filed, Aug. 31, 1962; 8:48 a.m.]

[1] Brack is signatory to his gas sales contract with Cities Service which includes, as one of the pricing provisions, that the price to be paid to the producer will be the same price as paid to Stanolind (now Pan American).

FEDERAL RESERVE SYSTEM

FARMERS AND MERCHANTS BANK OF LAWRENCEVILLE

Order Approving Merger of Banks

In the matter of the application of Farmers and Merchants Bank of Lawrenceville for approval of merger with Bank of Alberta.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Farmers and Merchants Bank of Lawrenceville, Lawrenceville, Virginia, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Bank of Alberta, Alberta, Virginia, under the charter and title of the former, the office of Bank of Alberta to be operated as a branch of Farmers and Merchants Bank of Lawrenceville. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 27th day of August 1962.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 62-8793; Filed, Aug. 31, 1962; 8:47 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, and King. Absent and not voting: Governors Robertson and Mitchell.

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to 29 CFR 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region IV

Autry Greer & Sons, Inc., P.O. Drawer 349, Mobile, Ala.; effective 8-15-62 to 8-14-63 (food store; 454 employees).

Region VI

Grebe's Bakeries, Inc., 5132 West Lincoln, Milwaukee, Wis.; effective 8-13-62 to 7-31-63 (food store; 104 employees).

Park 'N Shop Supermarkets, Lincolnway at Beech Roads, Osceola, Ind.; effective 8-15-62 to 7-31-63 (food store; 28 employees).

Region VII

Olson Food Store, Main Street, Erie, Kans.; effective 8-10-62 to 8-9-63 (food store; 12 employees).

Region VIII

H.E.B. Food Store (No. 27), 407 East Main, Alice, Tex.; effective 8-13-62 to 8-12-63 (food store; 35 employees).

H.E.B. Food Store (No. 73), 520 South Commercial, Aransas Pass, Tex.; effective 8-13-62 to 8-12-63 (food store; 21 employees).

H.E.B. Food Store (No. 30), 2701 East Seventh Street, Austin, Tex.; effective 8-13-62 to 8-12-63 (food store; 38 employees).

H.E.B. Food Store (No. 31), 824 West 12th Street, Austin, Tex.; effective 8-13-62 to 8-12-63 (food store; 29 employees).

H.E.B. Food Store (No. 32), 1405 San Jacinto, Austin, Tex.; effective 8-13-62 to 8-12-63 (food store; 18 employees).

H.E.B. Food Store (No. 33), 3106 Windsor Road, Austin, Tex.; effective 8-13-62 to 8-12-63 (food store; 21 employees).

H.E.B. Food Store (No. 34), 1111 East First Street, Austin, Tex.; effective 8-13-62 to 8-12-63 (food store; 13 employees).

H.E.B. Food Store (No. 39), 3901 Guadalupe Street, Austin, Tex.; effective 8-13-62 to 8-12-63 (food store; 17 employees).

H.E.B. Food Store (No. 45), 2400 South Congress, Austin, Tex.; effective 8-13-62 to 8-12-63 (food store; 62 employees).

H.E.B. Food Store (No. 51), 5814 Burnet Road, Austin, Tex.; effective 8-13-62 to 8-12-63 (food store; 49 employees).

H.E.B. Food Store (No. 79), 5404 Cameron Road, Austin, Tex.; effective 8-13-62 to 8-12-63 (food store; 59 employees).

H.E.B. Food Store (No. 17), 60 Parkdale Plaza, Corpus Christi, Tex.; effective 8-13-62 to 8-12-63 (food store; 50 employees).

H.E.B. Food Store (No. 19), 3926 Highway 9, Corpus Christi, Tex.; effective 8-13-62 to 8-12-63 (food store; 39 employees).

H.E.B. Food Store (No. 21), 2300 Leopard, Corpus Christi, Tex.; effective 8-13-62 to 8-12-63 (food store; 23 employees).

H.E.B. Food Store (No. 23), 1403 Third Street, Corpus Christi, Tex.; effective 8-13-62 to 8-12-63 (food store; 8 employees).

H.E.B. Food Store (No. 26), 409 East Kleberg, Kingsville, Tex.; effective 8-13-62 to 8-12-63 (food store; 22 employees).

H.E.B. Food Store (No. 35), Agnes and 19th Streets, Corpus Christi, Tex.; effective 8-13-62 to 8-12-63 (food store; 16 employees).

H.E.B. Food Store (No. 37), 3133 South Alameda, Corpus Christi, Tex.; effective 8-13-62 to 8-12-63 (food store; 41 employees).

H.E.B. Food Store (No. 38), 2818 North Water Street, Corpus Christi, Tex.; effective 8-13-62 to 8-12-63 (food store; 7 employees).

H.E.B. Food Store (No. 46), 3001 Ayres, Corpus Christi, Tex.; effective 8-13-62 to 8-12-63 (food store; 35 employees).

H.E.B. Food Store (No. 65), 3102 Baldwin, Corpus Christi, Tex.; effective 8-13-62 to 8-12-63 (food store; 32 employees).

H.E.B. Food Store (No. 8), 1002 Farragut, Laredo, Tex.; effective 8-13-62 to 8-12-63 (food store; 32 employees).

H.E.B. Food Store (No. 16), 1201 Guadalupe, Laredo, Tex.; effective 8-13-62 to 8-12-63 (food store; 34 employees).

H.E.B. Food Store (No. 22), 406 East Main, Robstown, Tex.; effective 8-13-62 to 8-12-63 (foodstore; 29 employees).

H.E.B. Food Store (No. 50), 901 Elm Street, Waco, Tex.; effective 8-13-62 to 8-12-63 (food store; 24 employees).

H.E.B. Food Store (No. 64), 3900 Bosque, Waco, Tex.; effective 8-13-62 to 8-12-63 (food store; 32 employees).

H.E.B. Food Store (No. 70), 581 Westview Village, Waco, Tex.; effective 8-13-62 to 8-12-63 (food store; 36 employees).

H.E.B. Food Store (No. 76), Southgate Shopping Center, Waco, Tex.; effective 8-13-62 to 8-12-63 (food store; 35 employees).

H.E.B. Food Store (No. 87), 910 Webster Street, Waco, Tex.; effective 8-13-62 to 8-12-63 (food store; 27 employees).

H.E.B. Food Store (No. 10), 200 North St. Marys, Beeville, Tex.; effective 8-14-62 to 8-13-63 (food store; 42 employees).

H.E.B. Food Store (No. 1), 924 South Elizabeth Street, Brownsville, Tex.; effective 8-14-62 to 8-13-63 (food store; 39 employees).

H.E.B. Food Store (No. 14), 2230 Boca Chica Road, Brownsville, Tex.; effective 8-14-62 to 8-13-63 (food store; 22 employees).

H.E.B. Food Store (No. 15), 556 West Elizabeth, Brownsville, Tex.; effective 8-14-62 to 8-13-63 (food store; 15 employees).

H.E.B. Food Store (No. 80), 605 North Esplande, Cuero, Tex.; effective 8-14-62 to 8-13-63 (food store; 17 employees).

H.E.B. Food Store (No. 88), 512 Pecan, Del Rio, Tex.; effective 8-14-62 to 8-13-63 (food store; 33 employees).

H.E.B. Food Store (No. 9), Main and Miller, Donna, Tex.; effective 8-14-62 to 8-13-63 (food store; 16 employees).

H.E.B. Food Store (No. 75), 282 Main, Eagle Pass, Tex.; effective 8-14-62 to 8-13-63 (food store; 23 employees).

H.E.B. Food Store (No. 6), 123 East McIntyre, Edinburg, Tex.; effective 8-14-62 to 8-13-63 (food store; 24 employees).

H.E.B. Food Store (No. 78), 306 North Mechanic, El Campo, Tex.; effective 8-14-62 to 8-13-63 (food store; 27 employees).

H.E.B. Food Store (No. 3), 201 East Jackson, Harlingen, Tex.; effective 8-14-62 to 8-13-63 (food store; 16 employees).

H.E.B. Food Store (No. 55), 821 West Harrison, Harlingen, Tex.; effective 8-14-62 to 8-13-63 (food store; 40 employees).

H.E.B. Food Store (No. 77), 1202 Elm Avenue, Harlingen, Tex.; effective 8-14-62 to 8-13-63 (food store; 16 employees).

H.E.B. Food Store (No. 89), 217 Quinlan, Kerrville, Tex.; effective 8-14-62 to 8-13-63 (food store; 31 employees).

H.E.B. Food Store (No. 72), 809 North Sixth Street, Killeon, Tex.; effective 8-14-62 to 8-13-63 (food store; 25 employees).

H.E.B. Food Store (No. 7), 101 South Broadway, McAllen, Tex.; effective 8-14-62 to 8-13-63 (food store; 24 employees).

H.E.B. Food Store (No. 86), 10th and Pecan, McAllen, Tex.; effective 8-14-62 to 8-13-63 (food store; 22 employees).

H.E.B. Food Store (No. 4), 402 South Texas Avenue, Mercedes, Tex.; effective 8-14-62 to 8-13-63 (food store; 16 employees).

H.E.B. Food Store (No. 13), 114 West Ninth Street, Mission, Tex.; effective 8-14-62 to 8-13-63 (food store; 25 employees).

H.E.B. Food Store (No. 62), 843 West San Antonio, New Braunfels, Tex.; effective 8-14-62 to 8-13-63 (food store; 29 employees).

H.E.B. Food Store (No. 12), 100 South Cage Boulevard, Pharr, Tex.; effective 8-14-62 to 8-13-63 (food store; 25 employees).

H.E.B. Food Store (No. 11), 105 West Hidalgo, Raymondville, Tex.; effective 8-14-62 to 8-13-63 (food store; 21 employees).

H.E.B. Food Store (No. 24), 210 Commerce, Refugio, Tex.; effective 8-14-62 to 8-13-63 (food store; 22 employees).

H.E.B. Food Store (No. 40), 1509 North Main, San Antonio, Tex.; effective 8-14-62 to 8-13-63 (food store; 31 employees).

H.E.B. Food Store (No. 41), 4821 Broadway, San Antonio, Tex.; effective 8-14-62 to 8-13-63 (food store; 37 employees).

H.E.B. Food Store (No. 42), 3221 West Commerce, San Antonio, Tex.; effective 8-14-62 to 8-13-63 (food store; 39 employees).

H.E.B. Food Store (No. 43), 1601 Nogalitos, San Antonio, Tex.; effective 8-14-62 to 8-13-63 (food store; 43 employees).

H.E.B. Food Store (No. 44), 2110 Fredericksburg Road, San Antonio, Tex.; effective 8-14-62 to 8-13-63 (food store; 55 employees).

H.E.B. Food Store (No. 47), 2701 South Presa, San Antonio, Tex.; effective 8-14-62 to 8-13-63 (food store; 61 employees).

H.E.B. Food Store (No. 48), 410 North New Braunfels, San Antonio, Tex.; effective 8-14-62 to 8-13-63 (food store; 47 employees).

H.E.B. Food Store (No. 49), 261 McCullough, San Antonio, Tex.; effective 8-14-62 to 8-13-63 (food store, 18 employees).

H.E.B. Food Store (No. 52), 811 Bandera Road, San Antonio, Tex.; effective 8-14-62 to 8-13-63 (food store; 38 employees).

H.E.B. Food Store (No. 53), 803 SW. Military, San Antonio, Tex.; effective 8-14-62 to 8-13-63 (food store; 61 employees).

H.E.B. Food Store (No. 2), 207 North Sam Houston, San Benito, Tex.; effective 8-14-62 to 8-13-63 (food store; 16 employees).

H.E.B. Food Store (No. 63), 170 South Austin, San Marcos, Tex.; effective 8-14-62 to 8-13-63 (food store; 23 employees).

H.E.B. Food Store (No. 71), 1312 West Adams, Temple, Tex.; effective 8-14-62 to 8-13-63 (food store; 34 employees).

H.E.B. Food Store (No. 74), 130 East Main, Uvalde, Tex.; effective 8-14-62 to 8-13-63 (food store; 25 employees).

H.E.B. Food Store (No. 25), 2702 North Laurent, Victoria, Tex.; effective 8-14-62 to 8-13-63 (food store; 30 employees).

H.E.B. Food Store (No. 28), 706 North Main, Victoria, Tex.; effective 8-14-62 to 8-13-63 (food store; 42 employees).

H.E.B. Food Store (No. 5), 510 South Texas, Weslaco, Tex.; effective 8-14-62 to 8-13-63 (food store; 21 employees).

H.E.B. Food Store (No. 81), 201 West Gonzales, Yoakum, Tex.; effective 8-14-62 to 8-13-63 (food store; 15 employees).

H.E.B. Food Store (No. 29). 330 Green Avenue, Taft, Tex.; effective 8-17-62 to 8-16-63 (food store; 26 employees).

H.E.B. Food Store (No. 69), 719 South Brazos, San Antonio, Tex.; effective 8-17-62 to 8-16-63 (food store; 25 employees).

H.E.B. Food Store (No. 60), 4503 Blanco Road, San Antonio, Tex.; effective 8-17-62 to 8-16-63 (food store; 38 employees).

H.E.B. Food Store (No. 68), 1200 Austin Highway, San Antonio, Tex.; effective 8-17-62 to 8-16-63 (food store; 42 employees).

H.E.B. Food Store (No. 57), 106 Goliad Road, San Antonio, Tex.; effective 8-17-62 to 8-16-63 (food store; 41 employees).

H.E.B. Food Store (No. 61), 2011 Vance Jackson, San Antonio, Tex.; effective 8-17-62 to 8-16-63 (food store; 19 employees).

H.E.B. Food Store (No. 67), 102 Dakota, San Antonio, Tex.; effective 8-17-62 to 8-16-63 (food store; 22 employees).

H.E.B. Food Store (No. 66), 719 Castroville Road, San Antonio, Tex.; effective 8-17-62 to 8-16-63 (food store; 46 employees).

Woolworth Co. (No. 2252), Alamogordo, N. Mex.; effective 8-14-62 to 8-13-63 (variety store; 15 employees).

Region X

W. T. Grant Co., 315 Gay Street, Knoxville, Tenn.; effective 8-11-62 to 8-10-63 (department store; 63 employees).

North Carolina

P & Q Super Market, Inc., South Broad Street, Edenton, N.C.; effective 8-18-62 to 8-17-63 (food store; 34 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates below $1.00 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Centers Store, 62 Church Street, Burlington, Vt.; effective 8-13-62 to 8-12-63; sales clerk; between 1.6 percent and 4.7 percent (variety store; 35 employees).

Cram's Iowa Markets, Inc., d/b/a Cram's Jack & Jill, 400 Fifth Avenue NE., Independence, Iowa; effective 8-21-62 to 8-20-63; stock clerk, carryout, janitor: between 7.8 percent and 10 percent (food store; 16 employees).

Jupiter Discount Store (no. 4504), 648 Penn Street, Reading, Pa.; effective 8-15-62 to 8-14-63; sales clerk; between 4.5 percent and 10 percent (variety store; 16 employees).

Kohl's Food Stores-Silver Spring, Inc., 6350 West Silver Spring Drive, Box 4196, Station K, Milwaukee, Wis.; effective 8-21-62 to 8-20-63; bag boy; between 9.7 percent and 10 percent (food store; 59 employees).

Kohl's Food Stores-Cudahy, Inc., 4630 South Kinnickinnic Avenue, Box 4196, Station E, Milwaukee 10, Wis.; effective 8-21-62 to 8-20-63; bag boy; between 9.4 percent and 10 percent (food store; 50 employees).

Kohl's Food Stores-Howell, Inc., 3333 South Howell Street, Box 4196 Station K, Milwaukee 10, Wis.; effective 8-21-62 to 8-20-63; bag boy; between 9.3 percent and 10 percent (food store; 51 employees).

S. S. Kresge Co., Arborland Shopping Center, 3601 Washtenaw Avenue, Ann Arbor, Mich.; effective 8-13-62 to 8-12-63; sales clerk; 10 percent each month (variety store; 60 employees).

S. S. Kresge Co., 17101 Kercheval Avenue, Crosse Pointe 30, Mich.; effective 8-13-62 to 8-12-63; sales clerk; 10 percent each month (variety store; 32 employees).

S. S. Kresge Co., Pontiac Mall Shopping Center, 343 North Telegraph Road, Pontiac, Mich.; effective 8-13-62 to 8-12-63; sales clerk; 10 percent each month. (variety store; 111 employees).

Wm. A. Lewis Clothing Co., Elmhurst Road (Route 83) and Rand Road, Mt. Prospect, Ill.; effective 8-20-62 to 8-19-63; receptionist, check writer, wrapper, stock clerk; between 9.1 percent and 10 percent (apparel store; new store).

G C. Murphy Co. (No. 281), Forest Park Plaza Shopping Center, 4420 Forest Park Mall, Dayton 5, Ohio; effective 8-15-62 to 8-14-63; sales clerk, stock clerk; janitorial, clerical; between 5.4 percent and 10 percent (variety store; 50 employees).

Newberry Poplar Bluff Corp., Valley Plaza Shopping Center, Poplar Bluff, Mo.; effective 8-13-62 to 8-12-63; office clerk, sales clerk, stock clerk; 10 percent each month (department store; 66 employees).

Rose's 5-10-25 cent Store, 4840 Forest Drive, Trenholm Plaza, Columbia, S.C.; effective 8-16-62 to 8-15-63; sales clerk, stock clerk; between 6 percent and 10 percent (variety store; 31 employees).

F. W. Woolworth (No. 2497), 629 West North Avenue, Villa Park, Ill.; effective 8-16-62 to 8-15-63; sales clerk; between 5.5 percent and 10 percent (variety store; 22 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C. this 29th day of August 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-8803; Filed, Aug. 31, 1962; 8:48 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (20 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Connellsville Sportswear Co., South First Street, Connellsville, Pa.; effective 8-24-62 to 8-23-63 (men's and boys' sport slacks).

C. R. Dix., Inc., 7 Augusta Street, Greenville, S.C.; effective 8-13-62 to 8-12-63 (junior and petite size dresses and robes).

Dover Mills, Inc., Pisgah, Ala.; effective 9-3-62 to 9-2-63 (children's knit shirts, children's woven shirts and pants).

E & W Manufacturing Co., Kennett, Mo.; effective 9-3-62 to 9-2-63 (men's and boys' dress and western shirts).

G & S Manufacturing, Inc., Central and F Streets, Auburn, Nebr.; effective 8-24-62 to 8-23-63 (infants' coats, pants, etc.).

The Jerold Corp., Smithfield, N.C.; effective 9-15-62 to 9-14-63 (men's and boys' outerwear jackets).

Kent Uniforms, Inc., Burkesville, Ky.; effective 8-20-62 to 8-19-63 (nurse and waitress uniforms).

H. D. Lee of Virginia, Inc., Broadway, Va.; effective 8-21-62 to 8-20-63 (leisure and work pants).

Levi Strauss & Co., 201 South Dillard Street, Blackstone, Va.; effective 8-20-62 to 8-19-63 (men's and boys' pants).

McNair Clothing Manufacturing Co., Brownsville, Tex.; effective 8-16-62 to 8-15-63 (men's and boys' pants and shirts).

Reed Manufacturing Co., Inc., 307 South Spring Street, Tupelo, Miss.; effective 8-20-62 to 8-19-63 (men's and boys' dungarees, shorts, slacks, etc.).

Rita's Sportswear, 242 Main Street, Moscow, Pa.; effective 8-20-62 to 8-19-63 (children's dresses, ladies' blouses).

Rural Retreat Garment Co., Rural Retreat, Va.; effective 8-16-62 to 8-15-63 (ladies' blouses, children's pants).

Sussex Sportswear, Inc., 419 West Third Street, Lewes, Del.; effective 9-3-62 to 9-2-63 (ladies' blouses and dresses).

Todd Manufacturing Co., Elkton, Ky.; effective 8-19-62 to 8-18-63 (work shirts and jackets).

Vernon Manufacturing Co., Inc., Vernon, Ala.; effective 9-1-62 to 8-31-63 (men's dress pants).

Warsaw Manufacturing Co., Warsaw Road, Kingstree, S.C.; effective 8-18-62 to 8-17-63 (ladies' sportswear—shorts, pedal pushers, and slacks).

Wright Manufacturing Co., 626 West Currahee Street, Toccoa, Ga.; effective 8-20-62 to 8-19-63 (boys' and men's casual pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Elite Sportswear of New Bedford, Inc., 85 Coggeshall Street, New Bedford, Mass.; effective 8-20-62 to 8-19-63; 10 learners (children's blouses).

A. Oestreicher Co., Wilkes Barre, Pa.; effective 8-15-62 to 8-14-63; 10 learners (infants' cotton wear).

Old Hickory Co., Inc., 39 Second Street Place SW., Hickory, N.C.; effective 8-15-62 to 8-14-63; 10 learners (men's overalls, pants, dungarees, etc.).

Oregon Manufacturing Co., 126 North Third Street, Oregon, Ill.; effective 8-30-62 to 8-29-63; 10 learners (infants' polo shirts).

Pam-Bu Fashions, 18 West Pen Argyl Street, Pen Argyl, Pa.; effective 8-17-62 to 8-16-63; 3 learners (ladies' blouses).

Roseboro Manufacturing Co., Roseboro, N.C.; effective 8-14-62 to 8-13-63; 5 learners (ladies' cotton dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Central Apparel Corp., 2409 North Main Street, Danville, Va.; effective 8-15-62 to 2-14-63; 40 learners (children's pants).

Rural Retreat Garment Co., Rural Retreat, Va.; effective 8-16-62 to 2-15-63; 90 learners (ladies' blouses, children's pants).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

J. A. Cline and Son, Inc., Hildebran, N.C.; effective 8-20-62 to 8-19-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

DeKalb Hosiery Mills, Inc., Fort Payne, Ala.; effective 8-15-62 to 8-14-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Fort Payne Hosiery Mills, Inc., Fort Payne, Ala.; effective 8-24-62 to 8-23-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Salem Hosiery Co., 215 Maple Street, Salem, Va.; effective 9-3-62 to 9-2-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Silver Knit Hosiery Mills, Inc., 401 South Hamilton, High Point, N.C.; effective 8-28-62 to 8-27-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' hosiery).

Valley Hosiery Mills, Inc., Fort Payne, Ala.; effective 8-20-62 to 8-19-63; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Chadbourn Textiles, Inc., Chadbourn, N.C.; effective 8-20-62 to 2-19-63; 25 learners for plant expansion purposes (men's and boys' knit undershirts and sport shirts).

Junior Form Lingerie Corp., Route 601, Jerome, Pa.; effective 8-19-62 to 8-18-63; five learners for normal labor turnover purposes (women's sleepwear).

L. Mathews & Bros., 64 Conduit Street, New Bedford, Mass.; effective 8-14-62 to 8-13-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's and ladies' cotton panties—underwear).

Shadowline Inc., Boone, N.C.; effective 8-14-62 to 8-13-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' knit lingerie, panties, slips, etc.).

Snowdon, Inc., Osceola, Iowa; effective 8-26-62 to 8-25-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Puerto Rican Textiles, Ltd., Ponce Playa, P.R.; effective 8-13-62 to 8-12-63; five learners for normal labor turnover purposes, in the occupations of: (1) color mixer for a learning period of 240 hours at the rate of 59 cents an hour; and (2) printer; pinner each for a learning period of 160 hours at the rate of 59 cents an hour (screen printing on piece goods).

Puerto Rican Textiles, Ltd., Ponce Playa, P.R.; effective 8-13-62 to 2-12-63; 15 learners for plant expansion purposes, in the occupations of: (1) color mixer for a learning period of 240 hours at the rate of 59 cents an hour; and (2) printer; pinner each for a learning period of 160 hours at the rate of 59 cents an hour (screen printing on piece goods).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not

available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 24th day of August 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-8706; Filed, Aug. 29, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 562; Taylor's I.C.C. Order No. 147]

CHICAGO AND NORTH WESTERN RAILWAY CO.

Diversion or Rerouting of Traffic

Due to impending work stoppage, the Chicago & North Western Railway Company having placed an embargo on all freight, it is the opinion of Charles W. Taylor, Agent, that the Chicago & North Western Railway Company is unable to transport traffic routed over its lines.

It is ordered, That:

(a) Rerouting of traffic: Because of impending work stoppage and embargo placed, The Chicago and North Western Railway Company and its connections being unable to transport traffic in accordance with shippers' routing, are hereby authorized to divert and reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad or railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic authorized by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a.m., August 29, 1962.

(g) Expiration date: This order shall expire at 11:59 p.m., September 15, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 28, 1962.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 62-8810; Filed, Aug. 31, 1962; 8:50 a.m.]

[Notice 688]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 29, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65094. By order of August 28, 1962. The Transfer Board approved the transfer to Boston & Woonsocket Express Co., Inc., Woonsocket, R.I., of Certificate No. MC 1990, issued March 22, 1937, and amended June 13, 1940, to Thomas J. Gamache, doing business as Boston & Woonsocket Express Co., Woonsocket, R.I., authorizing the transportation, over regular routes, between Woonsocket, R.I., and Boston, Mass., of general commodities, excluding commodities in bulk, used household goods in full loads, and other specified commodities. Omer A. Sutherland, St. Jean Baptiste Building, Woonsocket, R.I., applicants' attorney.

No. MC-FC 65297. By order of August 28, 1962. The Transfer Board approved the transfer to Gerald W. Chaney, doing business as Clark Fork Freight, Hope, Idaho, of the operating rights in Certificate No. MC 114543, issued January 27, 1955, to Joseph F. Brashear, doing business as Clark Fork Freight, Clark Fork, Idaho, authorizing the transportation, over a regular route, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Sandpoint, Idaho, and Clark Fork, Idaho.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8811; Filed, Aug. 31, 1962; 8:50 a.m.]

Announcing first 5-year Cumulation

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VOLUME 27 NUMBER 172

Washington, Wednesday, September 5, 1962

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 8]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1962

Basis and purpose. The purpose of this amendment to Sugar Regulation 811 (26 F.R. 11963; 27 F.R. 3733, 4585, 5255, 6862, 7951, 8208, 8530) is to revise the determination of sugar requirements for the calendar year 1962, establish quotas, prorations and allocations and direct-consumption limits thereof consistent with such requirements and to determine and prorate or allocate deficits pursuant to the Sugar Act of 1948, as amended, and as further amended by Public Law 87-535 and Public Law 87-539 (hereinafter referred to as the "Act").

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears necessary to increase the estimate of requirements for the calendar year 1962 by 200,000 short tons, raw value, to a total of 9,900,000 short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota. On the basis of quotas herein established for domestic areas for the calendar year 1962 in § 811.2, the quotas herein established for foreign countries for the six-month period ending December 31, 1962, in § 811.4 and the supply of sugar expected to be available from each area and country for marketing in the continental United States during such periods, it is herein found that the following areas and countries will be unable to fill their respective quotas by the quantities, in short tons, raw value, as follows: Domestic Beet Sugar Area—97,179; Mainland Cane Sugar Area—82,821; Hawaii—30,000; Puerto Rico—250,000; Virgin Islands—4,000; Mexico—24,697; and British Honduras—3,981. The supply of sugar expected to be available from these areas is based on government reports of crop prospects for the Mainland Cane Sugar Area, sugar production reports from Puerto Rico and the Virgin Islands, forecasts of production and shipments of the Hawaiian sugar industry and information on available supplies from Mexico and British Honduras received through official government channels. The extent to which the named areas are unable to fill their established quotas, amounting to a total of 492,678 short tons, raw value, of sugar, is herein determined to be a deficit in quotas for proration and allocation to foreign countries pursuant to section 204(a) of the Act.

The ability of the Republic of the Philippines to fill its share of the deficit is herein determined to be 70,000 short tons, raw value, based upon the best available information concerning sugar supplies available for importation into the United States in 1962 from that country and such quantity, accordingly, is prorated to that country in accordance with the provisions of section 204(a) of the Act. The remainder of the deficit is allocated as provided in section 204(a) of the Act to Western Hemisphere countries having quota prorations established pursuant to section 202(c) of the Act.

This action increases the quotas for individual countries named in § 811.4 (c)(1) by 24,620 short tons, raw value, establishes additional deficits of 138,941 short tons, raw value, that may be authorized for importation from Western Hemisphere countries as a group, and increases by 40,439 short tons, raw value, the quantity of sugar that may be authorized for purchase and importation from all countries as a group. In order to obtain needed supplies of sugar imports without delay and to promote orderly marketing, it is essential at this time that all persons selling and purchasing sugar for consumption in the continental United States be informed as soon as possible of the changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when filed for public inspection in the Office of the Federal Register.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this Chapter is hereby amended by amending §§ 811.1, 811.2, 811.3, 811.4, and paragraphs (b) and (e) of § 811.5 as follows:

§ 811.1 Sugar requirements, 1962.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1962 is hereby determined to be 9,900,000 short tons, raw value.

§ 811.2 Quotas for domestic areas.

(a)(1) For the calendar year 1962 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2), as follows:

[Short tons, raw value]

Area	(1) Quotas	(2) Direct-consumption limits
Domestic beet sugar	2,747,179	(1)
Mainland cane sugar	927,821	(1)
Hawaii	1,110,000	33,858
Puerto Rico	1,140,000	148,500
Virgin Islands	15,000	0

[1] No limit.

(2) It is hereby determined pursuant to sec. 204(a) of the Act, that for the calendar year 1962 the domestic areas will be unable to fill the quotas established for such areas in subparagraph (1) of this paragraph by the following quantities in short tons, raw value: Domestic Beet Sugar Area—97,179; Mainland Cane Sugar Area—82,821; Hawaii—30,000; Puerto Rico—250,000; Virgin Islands—4,000. Pursuant to sec. 204(b) of the Act the determination of deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

§ 811.3 Proration and allocation of deficits and quotas in effect.

(a) The deficits in quotas determined in paragraph (a)(2) of § 811.2 and in paragraph (c)(1) of § 811.4 amounting to a total of 492,678 short tons, raw value, are hereby prorated, pursuant to section 204(a) of the Act, between the Republic of the Philippines and Western Hemisphere countries named in section 202(c)(3)(A) of the Act which have quota prorations established for them in this Part, by prorating 70,000 tons to the Republic of the Philippines, which is herein determined to be the extent of its ability to fill its share of the deficit, and by allocating the remainder of the deficit amounting to 422,678 short tons, raw value, to such Western Hemisphere countries as a group on the following basis:

(1) 100,000 short tons, raw value, for importation into the United States on or before September 30, 1962, in order of priority as specified in Part 817 of this chapter except that applications received on or before August 17 will receive equal consideration for priority as of that date; and 135,000 short tons, raw value, for importation into the United States on or before October 31, 1962, in order of eligibility for authorization and priority as specified in Part 817 of this chapter, except that applications received on or before August 29, 1962, will be considered as though received at the same time on such date and except that first priority will be given to applications for release or set aside covering sugar to be imported from any Western Hemisphere country which has filled its quota proration established in § 811.4(c)(1).

(2) 187,678 short tons, raw value, for importation into the United States by giving consideration to the following factors with respect to each such country, in accordance with the procedures set forth in § 811.8 of this Chapter, for purposes of giving special consideration to Western Hemisphere countries purchasing United States agricultural commodities.

(i) Supplies of sugar on hand to fill the allocation of deficit in addition to the quantity required to fill the present quota;

(ii) The time that the sugar to fill the allocation of deficit can be imported into the United States on or before but no later than November 30, 1962, with special consideration being given to importations which can be made prior to November 1; and

(iii) The extent to which the sugar exporting country agrees to utilize the receipts derived from the sale of sugar imported to fill the deficit allocation for purchase and export of United States agricultural commodities prior to July 1, 1963.

(b) All importations of sugar within the prorations or quantities established in paragraph (a) of this section are conditioned upon the payment of a fee as provided in § 811.5.

§ 811.4 Quotas for foreign countries.

(a) The quotas or prorations for foreign countries limiting the quantities of sugar which may be imported into the continental United States during the calendar year 1962 and the six-month period ending December 31, 1962, for consumption therein and the amounts of such quotas and prorations that may be filled by direct-consumption sugar are hereby established as set forth in the following paragraphs (b), (c), (d), (e) and (f) of this section. All importations of sugar within the prorations or quantities established in paragraphs (c), (d) and (e) of this section are conditioned upon the payment of a fee as provided in § 811.5.

(b) (1) For the calendar year 1962, the quota for the Republic of the Philippines is 1,120,000 short tons, raw value, and the amount of such quota that may be filled by direct-consumption sugar is 59,920 short tons, raw value.

(2) Of the total quota established for the Republic of the Philippines in subparagraph (1) of this paragraph, 70,000 short tons, raw value, represents the quantity prorated as a quota deficit to such country in § 811.3 of this Part, and importations within this 70,000 short tons, raw value, portion of the quota are conditioned upon the payment of a fee as provided in § 811.5.

(c) (1) For the 6-month period ending December 31, 1962, the prorations or allocations for individual foreign countries of the quota for foreign countries other than the Republic of the Philippines pursuant to section 202(c)(3) of the Act are as follows, as adjusted to reflect deficits of 24,697 tons in the proration for Mexico and 3,981 tons in the proration for British Honduras which are hereby determined pursuant to section 204(a) of the Act:

Country:	*Short tons, raw value*
Peru	76,332
Dominican Republic	76,332
Mexico	51,635
Brazil	72,464
British West Indies	36,289
Australia	16,040
Republic of China	14,106
French West Indies	12,058
Colombia	12,059
Nicaragua	10,011
Costa Rica	10,011
Ecuador	10,011
India	8,077
Haiti	8,077
Guatemala	8,077
South Africa	8,077
Panama	6,029
Ireland	5,000
El Salvador	4,095
Paraguay	3,981
British Honduras	0
Fiji Islands	3,981
Belgium	91
Unprorated	4,557

On the basis of information available, it is found that in the calendar year 1961 the aggregate exports of sugar in each case from the United Kingdom, Canada, Hong Kong and the Netherlands to countries other than the United States did not equal or exceed the aggregate imports into each of such countries. Consequently, under the provisions of section 202(e) of the Act, sugar may not be exported from such countries to the United States during 1962 to fill the quota prorations for the six-month period ending December 31, 1962, for the United Kingdom, Canada, Hong Kong and the Netherlands in the respective amounts of 258, 316, 2 and 3,981 short tons, raw value.

(2) For the six-month period ending December 31, 1962, the allocations for foreign countries pursuant to section 202(c)(4)(B) of the Act and the President's Proclamation 3485 are as follows:

Country:	*Short tons, raw value*
Dominican Republic	65,000
Argentina	10,000

(d) For the six-month period ending December 31, 1962, the amount of each proration and allocation established in paragraph (c) of this section that may be filled by direct-consumption sugar pursuant to section 207(e) of the Act is as follows:

Country:	*Short tons, raw value*
Nicaragua	10,011
Ireland	5,000
Republic of China	3,795
Panama	3,817
Costa Rica	1,944
Haiti	1,175
Belgium	91
Guatemala	3
Ecuador	3

(e) For the six-month period ending December 31, 1962, the amount of sugar available for authorization for purchase and importation from foreign countries as a group, pursuant to section 202(c)(4)(A) of the Act, in addition to the quantities established as the quota for the Republic of the Philippines for the calendar year 1962 in paragraph (b) and the quota prorations or allocations for individual foreign countries for the six-month period ending December 31, 1962, in paragraph (c) of this section, is 582,182 short tons, raw value, which shall be authorized for purchase and importation from foreign countries as a group on the following basis:

(1) 400,000 short tons, raw value, subject to change to reflect correct final outturn weights and tests, representing sugar for importation by September 30, 1962, covered by authorizations for release of sugar or approved applications for set-aside issued in accordance with provisions of Part 817 of this chapter on or before August 15, 1962.

(2) The remaining quantity, approximating 182,000 short tons, raw value, shall be authorized for purchase and importation pursuant to proposals received on or before August 29, 1962 and subsequently accepted as provided for in § 811.8 of this Chapter. This quantity is being made available for authorization for purchase and importation for purposes of giving special consideration to those countries purchasing United States agricultural commodities.

(3) Any part of the quantity of 182,000 short tons, raw value, not authorized for release or covered by approved applications for set-aside under paragraph (e)(2) of this section is authorized for purchase and importation in accordance with the procedures set forth in Part 817 of this chapter. It is hereby found that the total quantity of 582,182 short tons, raw value, may not be reasonably available as raw sugar to supply our requirements during such period. Accordingly, sugar testing in excess of 99 degrees polarization and raw sugar may be authorized for release within the quantity of 582,182 short tons, raw value, all of such quantity to be further refined or improved in quality in the United States in accordance with the requirements of Part 810 of this Chapter. Sugar may be authorized for purchase and importation within the quantity of 582,182 short tons, raw value, established in this paragraph only from countries with which the United States is in diplomatic relations and from countries that had in the calendar year 1961 aggregate exports of sugar to countries other than the United States equal to or in excess of aggregate imports.

(f) For the calendar year 1962 the quota for liquid sugar for foreign countries as a group is 2,000,000 gallons of sirup of cane juice of the type of Barbados molasses, limited to liquid sugar-containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) of more than 5 percent of the total soluble solids, which is not to be used as a component of any direct-consumption sugar but is to be used as molasses without substantial modification of its characteristics after importation.

(g) Quotas or prorations thereof for any foreign country, in subsequent years shall be reduced in accordance with the provisions of paragraph (e) of section 202 of the Act if sugar is imported into the continental United States within the quotas or prorations established in this section in violation of such paragraph (e) of section 202 of the Act.

§ 811.5 Import fee.

* * * * *

(b) As a condition for the importation of any quantity of raw sugar within (1) the quota prorations established for individual foreign countries in paragraph (c) of § 811.4; (2) the quantity identified for the Republic of the Philippines in paragraph (b)(2) of § 811.4; and (3) the quantities prorated as provided in § 811.3, a fee of 0.24 cent per pound, raw value, shall be paid as provided in pargaraphs (d) and (e) of this section.

* * * * *

(e) The applicable fee established in paragraph (a), (b) or (c) of this section shall be paid by the person applying to the Secretary for authorization for release of sugar for consumption in the continental United States. With each application submitted as provided in § 817.4 of Part 817 covering sugar to be imported within the quota prorations and quantity established respectively in paragraphs (b)(2), (c), and (e) of § 811.4, the applicant shall make an initial payment in an amount determined by multiplying the quantity of sugar stated in pounds as shown on the application by 1.05 and multiplying the result by the applicable fee per pound as established in paragraph (b) or (a) of this section. With each application submitted as provided in § 817.4 of Part 817 covering direct-consumption sugar to be imported within the direct-consumption limitation established in paragraph (d) of § 811.4, the applicant shall make an initial payment in an amount determined by multiplying the quantity of sugar stated in pounds as shown in the application by 1.07 and multiplying the result by the applicable fee per pound as established in paragraph (c) of this section. Upon receipt of such an application and initial payment, the Secretary may issue an authorization for release by a Collector as provided in § 817.6 of this chapter of the quantity of sugar covered by the application. The payment required under this paragraph shall be made in the form of a certified check payable to the Agricultural Stabilization and Conservation Service and mailed to the Sugar Division of such Service. Any application submitted for the purpose of changing the date of departure to a subsequent date of not more than fifteen days after the date stated on the application, the port of departure or the port of arrival in the continental United States, the identity of the vessel or carrier, or the identity of the receiver as shown on the original application shall be considered as an amendment to the original application and no initial payment is required to accompany the amendatory application.

STATEMENT OF BASES AND CONSIDERATIONS

The increase in total quotas from 9,700,000 short tons, raw value, to 9,900,000 is based on the need of the domestic market for additional supplies for consumption during 1962.

Total domestic sugar distribution through August 11 was 109,000 tons in excess of that for the corresponding period of 1961 when distribution amounted to 9,600,000 tons for the year. However, distribution of beet sugar through August 11 was down 151,000 tons while distribution of refined cane sugar was up 278,000 tons. Small stocks of beet sugar will restrict distribution of beet sugar until the fall harvest gets underway and it is evident that the beet sugar marketing quota of 2,650,000 tons can be filled only by large constructive deliveries at the end of the year. Such sugar will not reach consumers until 1963. Thus, additional supplies of foreign cane sugar are needed to meet the requirements of consumers during 1962.

Currently market demand is strong and sales of foreign sugar to this country have been restricted until after August 29 for the purpose of obtaining and considering offers to purchase United States agricultural products in addition to ability to supply sugar promptly.

Sugar prices have been rising. The duty-paid price of raw sugar in mid-August reached 6.60 cents per pound compared with an average of 6.35 for the month of July. On August 20, the September futures price closed at 6.76 cents per pound. The raw sugar price adjusted for the change in the parity index at mid-July was 6.49 cents per pound. Domestic prices of refined sugar are also reported to have strengthened in response to the increases in prices of raw sugar.

It is evident that the domestic sugar market is in urgent need of additional supplies that can be received promptly. Previous actions were taken to provide sugar supplies for arrival prior to the end of September. Apparently additional supplies will be needed for that period. At the present time additional supplies are needed for October as well as for September. Accordingly, 135,000 tons of the additional sugar made available as quota deficits by this amendment will be allotted on condition that it arrive on or before October 31 with a priority to be given to earlier arrivals. Such allocations will be made on the basis of promptness of arrival of the sugar and not on the purchases of agricultural commodities by the respective exporting country.

It has been determined that the domestic sugar-producing areas, the Republic of the Philippines, Mexico and British Honduras will be unable to supply any part of the 200,000-ton quota increase and that the Virgin Islands will be unable to supply 4,000 tons of the quota previously established for that area. Therefore, the entire 204,000 tons to become available as a result of the increase in quotas and determination of additional deficits is allocated to foreign countries in accordance with the provisions of the Sugar Act as follows: 24,620 tons are prorated to individual foreign countries in accordance with section 202(c)(3); 138,941 tons are allocated to Western Hemisphere countries as a group in accordance with section 204(a); and 40,439 tons are allocated to all foreign countries (global quota) pursuant to section 202(c)(4)(A).

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies secs. 201, 202, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 927 as amended and 928, as amended, sec. 213 as added by Public Law 87-535; 7 U.S.C. 1111, 1112, 1117, 1118 and 1119; Public Law 87-539)

Issued at Washington, D.C., this 29th day of August 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-8871; Filed, Sept. 4, 1962; 8:53 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[948.339]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments; Area 3

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended, and Marketing Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of recommendations and information submitted by the Area No. 3 Committee, established pursuant to § 948.50 of said order, as amended, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (3) reasonable time is permitted under the circumstances, for such preparation, (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (5) this amendment relieves restrictions on the handling of potatoes in the production area.

Order as amended. In § 948.339 (27 F.R. 6776, 7487) paragraph (c) is deleted and in lieu thereof new paragraph (c) is substituted as set forth below.

§ 948.339 Limitation of shipments.

* * * * *

(c) *Special purpose shipments*—(1) *Chipping stock.* Potatoes may be handled for chipping if they meet the requirements of U.S. No. 2, or better grade, 1⅞ inches minimum diameter, if such potatoes are handled in accordance with paragraph (d) of this section.

(2) The quality and maturity requirements of paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed; and

(ii) Charity.

(3) The maturity requirements of paragraph (b) of this section shall not be applicable to shipments of potatoes for:

(i) Chipping; and

(ii) Prepeeling.

(4) The quality and maturity requirements of paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for seed (§ 948.6) but such shipments shall be subject to assessments.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, August 30, 1962, to become effective August 30, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–8869; Filed, Sept. 4, 1962; 8:53 a.m.]

[948.340]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments; Area 2

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Area No. 2 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth, will tend to maintain orderly marketing conditions and increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1962 crop potatoes grown in Area No. 2 will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to all such shipments, (3) producers and handlers have operated under the said marketing order program since 1949 so special preparation on the part of handlers is not required, and (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

§ 948.340 Limitation of shipments.

During the period from September 5, 1962, through June 30, 1963, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with the provisions of paragraphs (c), (d), (e), (f), and (g) of this section. The maturity requirements specified in paragraph (b) shall terminate October 15, 1962, at 11:59 p.m.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better, grade, 2⅛ inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1 or better, grade and if handled in accordance with the reporting requirements of paragraph (g) of this section.

(b) *Minimum maturity (skinning) requirements*—(1) *Russet Burbank and Red McClure varieties.* Not more than "slightly skinned."

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Special purpose shipments*—(1) *Chipping stock.* Potatoes may be handled for shipping if they meet the requirements of 1½ inches minimum diameter and if they are U.S. No. 2, or better grade, except for (i) scab, and (ii) the maturity requirements of paragraph (b) of this section, if such potatoes are handled in accordance with paragraph (d) of this section.

(2) *Other special uses.* (i) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to the handling of potatoes for livestock feed, relief, or charity.

(ii) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to the handling of potatoes for seed pursuant to § 948.6, but any lot of potatoes handled for seed shall be subject to assessments.

(d) *Safeguards.* (1) Each handler of potatoes which do not meet the quality and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) of this section for any of the special purposes set forth therein shall,

(i) Prior to handling, apply for and obtain a Certificate of Privilege from the Committee,

(ii) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(iii) Bill each shipment directly to the applicable processor or receiver.

(2) Potatoes handled for livestock feed pursuant to paragraph (c) of this section shall be mutilated so as to render them unfit for commercial tablestock market.

(e) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any portion of a shipment of over 1,000 pounds of potatoes.

(f) *Inspection.* No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date shown on the inspection certificate, except that inspection certificates issued on potatoes for use as potato chips handled pursuant to paragraph (c)(1) of this section shall be exempt from this requirement.

(g) *Reports.* Pursuant to § 948.80, no handler may ship Size B potatoes from Area No. 2 unless he reports to the committee in a manner prescribed by it the quantities handled and the destinations of such potatoes.

(b) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "slightly skinned," "moderately skinned," and "scab" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, August 30, 1962, to become effective September 5, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–8868; Filed, Sept. 4, 1962; 8:53 a.m.]

PART 981—HANDLING OF ALMONDS GROWN IN CALIFORNIA

Salable and Surplus Percentages for 1962–63 Crop Year

Notice was published in the FEDERAL REGISTER on August 14, 1962 (27 F.R. 8077) that there was under consideration the proposed establishment of a salable percentage of 85 percent and surplus percentage of 15 percent for California almonds during the crop year which began July 1, 1962. The percentages are based on recommendations of the Control Board and other available information and are designated pursuant to the provisions of the amended marketing agreement and order (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The notice afforded interested persons opportunity to file written data, views or arguments pertaining thereto with the Department for consideration prior to establishment of salable and surplus percentages for the 1962–63 crop year. The prescribed time has elapsed and no such communications have been received.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that the salable and surplus percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable and surplus percentages for almonds received by handlers for their own accounts during the 1962–63 crop year are hereby designated as follows:

§ 981.212 Salable and surplus percentages for almonds during the crop year beginning July 1, 1962.

The salable and surplus percentages during the crop year beginning July 1, 1962 shall be 85 percent and 15 percent, respectively.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) the relevant provisions of said amended marketing agreement and this part require that salable and surplus percentages designated for a particular crop year shall be applicable to all almonds received by handlers for their own accounts during such year; and (2) the current crop year began on July 1, 1962, and the percentages herein designated will automatically apply to all such almonds beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 29, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 68–8867; Filed, Sept. 4, 1962; 8:52 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 40—LICENSING OF SOURCE MATERIAL

Miscellaneous Amendments; Correction

In the document amending Part 40 of Chapter I of Title 10, of the Code of Federal Regulations, published at 27 F.R. 8173, the following correction is made: The paragraph added to § 40.23 and identified as paragraph "(c)" should be identified as paragraph "(d)".

Dated at Germantown, Md., this 29th day of August 1962.

For the Atomic Energy Commission.

HAROLD D. ANAMOSA,
Acting Secretary.

[F.R. Doc. 62–8826; Filed, Sept. 4, 1962; 8:45 a.m.]

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Authorization of Changes, Tests, and Experiments

Statement of considerations. The Atomic Energy Commission has adopted a corrective amendment of 10 CFR 50.59 to eliminate the present applicability of the section to construction permit holders. Section 50.59 was added as one of the amendments to Part 50 designed to clarify the extent to which licensees may make changes and conduct tests and experiments which are not specifically provided for in their facility licenses. These Part 50 amendments were published in 27 F.R. 5991, June 9, 1962, to be effective 30 days after publication.

Proposed § 50.59 as published for comment April 8, 1961 in the FEDERAL REGISTER applied only to operating licensees. The Statement of Considerations for the April 8, 1961, and the June 9, 1962, publications both noted that § 50.59 was based upon the provisions incorporated in License No. DPR–1 (General Electric, Vallecitos Boiling Water Reactor) an operating licensee, and that the proposed amendments would apply to "all reactor operating licenses." As published June 9, 1962, § 50.59 inadvertently included language applying to holders of construction permits as well as holders of operating licenses. The words "construction or" which are now to be deleted, were not in the proposed regulation as originally published for comment, and were added inadvertently at the time of final publication.

The amendment does not have any substantive effect on existing construction permittees, because presently no holder of an existing construction permit is bound by a complete set of technical specifications in the sense presupposed by the inclusion of these words in the amendment. For these reasons, the Commission has found for good cause that notice of proposed rule making and public procedure are unnecessary, and that this rule should be made effective without the customary period of prior notice.

Notice is hereby given that pursuant to the Administrative Procedure Act and the Atomic Energy Act of 1954, as amended, the following rule is published to be effective on publication in the FEDERAL REGISTER.

Paragraph (a) of § 50.59 is amended to read as follows:

§ 50.59 Authorization of changes, tests and experiments.

(a) The holder of a license authorizing operation of a production or utilization facility may (1) make changes in the facility as described in the hazards summary report, (2) make changes in the procedures as described in the hazards summary report, and (3) conduct tests or experiments not described in the hazards summary report, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety question, as defined in paragraph (c) of this section. If the proposed change, test or experiment involves a change in the technical specifications or an unreviewed safety question, it shall not be carried out unless authorized by the Commission pursuant to the procedures set forth in this section.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 21st day of August 1962.

For the Atomic Energy Commission.

HAROLD D. ANAMOSA,
Acting Secretary.

[F.R. Doc. 62–8827; Filed, Sept. 4, 1962; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 16,258]

PART 521—DEFINITIONS

"State"

AUGUST 30, 1962.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of § 521.10 of the regulations for the Federal Home Loan Bank System (12 CFR 521.10) for the purpose of having a cross-reference to § 522.45 of said regulations changed to § 522.27 so as to conform to changes in Part 522 of said regulations, as amended by Federal Home Loan Bank Board Resolution No. 15,778, dated April 19, 1962, effective April 25, 1962, which resulted in the revision and renumbering of §§ 522.20 to 522.45 and making § 522.27 of the applicable section governing the exception to the definition of the term "State", and for the purpose of effecting such amendment, hereby amends the aforesaid § 521.10 as follows, effective September 5, 1962:

Section 521.10 is amended by deleting the language "§ 522.45" and inserting in lieu thereof the language "§ 522.27". As so amended, § 521.10 reads as follows:

§ 521.10 State.

Except as defined in § 522.45 of this subchapter, the term "State" means any one of the States, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, or Guam.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, since this is in the nature of a technical amendment to delete a cross-reference to a section of regulations which has been revised and renumbered, and to substitute a proper cross-reference, and since such amendment is essential to give effect to the provisions of Public Law 87–211, governing election and appointment of directors, without further delay, the Board hereby finds and determines that notice and public procedure with respect to said amendments would be impracticable under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act, and, for the same reasons, the Board hereby finds and determines that deferment of the effective date of such amendment under section 4(c) of

said Act would be impractical and not in the public interest, and accordingly the amendment shall be effective upon publication in the FEDERAL REGISTER.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 62-8899; Filed, Sept. 4, 1962; 8:54 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-101]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On July 26, 1962, there was published in the FEDERAL REGISTER (27 F.R. 7321) a revision of Part 608 of the regulations of the Administrator (Airspace Docket No. 62-WA-77). The purpose of the revision was to combine, in a single document, all amendments to Part 608 which had been previously published by the Administrator, and which were effective prior to June 30, 1962.

In compiling the above information, an amendment to § 608.42 was inadvertently overlooked. This amendment, which altered the description of the Lake Margrethe, Mich., Restricted Area R-4202 was published in the FEDERAL REGISTER (26 F.R. 10965) on November 23, 1961, as Airspace Docket No. 59-KC-93. This alteration was not reflected in the revised Part 608 which was published on July 26, 1962. Therefore, action is taken herein to correct this error.

Since the change effected by this action corrects an error and imposes no additional burden on the public, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.42 (27 F.R. 7344), the Lake Margrethe, Mich., Restricted Area R-4202 is amended to read:

R-4202 Lake Margrethe, Mich.:

Boundaries. Beginning at latitude 44°36'-45" N., longitude 84°51'00" W.; to latitude 44°36'45" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°-50'00" W.; to latitude 44°35'00" N., longitude 84°51'00" W.; to the point of beginning.

Designated altitudes. Surface to 8,200 feet MSL.

Time of designation. June 1 through August 31, with specific dates to be published by NOTAM.

Using agency. Adjutant General, State of Michigan, Lansing, Mich.

This amendment shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on August 28, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-8828; Filed, Sept. 4, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8475]

PART 13—PROHIBITED TRADE PRACTICES

Dixie-Central Produce Co., Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.800 *Buyers' agents.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Dixie-Central Produce Co., Inc., et al., Columbia, S.C., Docket 8475, July 14, 1962]

In the Matter of Dixie-Central Produce Co., Inc., a Corporation, and Chris P. Leventis, Individually and as a Director and Stockholder of Said Corporation, and Also Doing Business as Dixie Brokerage Company a Sole Proprietorship

Order requiring a Columbia, S.C., food wholesaler and one of its directors to cease accepting illegal brokerage on purchases of food products made through a brokerage business operated by aforesaid individual—such as commissions on substantial purchases of potatoes from several Illinois suppliers—in violation of section 2(c) of the Clayton Act.

The order to cease and desist is as follows:

It is ordered, That respondent Dixie-Central Produce Co., Inc., a corporation, and Chris P. Leventis, individually and as a Director and stockholder of Dixie-Central Produce Co., Inc., and respondents' agents, representatives and employees, directly or through any corporate, partnership, sole proprietorship or other device in connection with the purchase of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly from any seller, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of food products for respondents' own account, or on purchases made through the Dixie Brokerage Company, or any other brokerage organization, where and so long as, any relationship exists between the brokerage organization and the respondents named herein, either through owhership, control or management.

It is further ordered, That respondent Chris P. Leventis, individually and doing business as Dixie Brokerage Company, or under any other name, and his agents, representatives, and employees, directly or through any corporate, partnership, sole proprietorship or other device, in connection with the purchase or sale of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving, or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of food products for his own account, or for the account of the Dixie Brokerage Company, or for the account of the Dixie-Central Produce Co., Inc., so long as any relationship exists between the brokerage organization and the buyer organization, either through ownership, control or management, or where respondent Chris P. Leventis, or the Dixie Brokerage Company, is the agent, representative or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer, including the Dixie-Central Produce Co., Inc.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 13, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8831; Filed, Sept. 4, 1962; 8:46 a.m.]

[Docket C-170]

PART 13—PROHIBITED TRADE PRACTICES

Rose Duval

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Rose Duval trading as Rose Duval, New York, N.Y., Docket C-170, July 13, 1962]

Consent order requiring the operator of a retail dress shop in New York City to cease violating the Flammable Fabrics Act by selling in commerce scarves which were so highly flammable as to be dangerous when worn.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Rose Duval, an individual, trading as Rose Duval, or under any other trade name and respondent's representatives, agents and employees, directly or through any

corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce,

any article of wearing apparel which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

Issued: July 13, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8832; Filed, Sept. 4, 1962; 8:46 a.m.]

[Docket 8446]

PART 13—PROHIBITED TRADE PRACTICES

Edgar Gevirtz and Regal Furs

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–235 *Producer status of dealer or seller:* § 13.15–235(m) *Manufacturer;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155–80 *Retail as cost, wholesale, discounted, etc.;* § 13.155–100 *Usual as reduced, special, etc.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–30 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition:* § 13.1590–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.-1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(a) *Maker or seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Edgar Gevirtz trading as Regal Furs, Los Angeles, Calif., Docket 8446, July 17, 1962]

In the Matter of Edgar Gevirtz, an Individual Trading as Regal Furs

Order requiring a Los Angeles furrier to cease violating the Fur Products Labeling Act by failing to disclose the names of animals producing furs on labels and invoices and in advertising; failing to set forth on labels the name of the manufacturer, etc.; failing to disclose on invoices when fur was dyed, and invoicing "Japanese Mink" as "mink"; by advertising which falsely represented that fur prices were "at actual cost", that he owned a factory producing his fur products, that his products were guaranteed, and that "sale prices" attached to products were reduced from usual prices; by failing to maintain adequate records as a basis for pricing claims; and by failing in other respects to comply with requirements of the Act.

The order to cease and desist is as follows:

It is ordered, That Edgar Gevirtz, an individual trading as Regal Furs, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying such products by any representation, directly or by implication:

(1) That the prices of such products are reduced from the prices at which respondent has usually or customarily sold such products, when such is not the case.

(2) That savings are available to purchasers of respondent's fur products, when such is not the case.

B. Falsely or deceptively labeling or otherwise identifying any such product during any period such product is labeled as on sale, by any representation, directly or by implication, that any amount is the sale price of such products when such amount is in excess of the price at which the product is actually sold during such sale period.

C. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

D. Setting forth on labels affixed to fur products: Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

E. Failing to set forth all the information required to be disclosed by section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of labels.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth on invoices pertaining to fur products the name or names of any animal or animals other than the name or names of the animal producing the fur product as specified in the Fur Products Name Guide and as prescribed under the rules and regulations.

C. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

D. Failing to set forth on invoices the item number or mark assigned to a fur product.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

A. Fails to set forth all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

B. Represents directly or by implication that prices of fur products are "at actual cost" or words of similar import when such is not the fact.

C. Represents in any manner, contrary to fact, directly or by implication, that prices of such products are reduced from the prices at which respondent has usually or customarily sold such products in the recent regular course of business.

D. Represents in any manner, during any period any such product is on sale, that any amount is the sale price of such product when such amount is in excess of the price at which the product is actually sold during such sale period.

E. Represents in any manner that savings are available to purchasers of respondent's fur products, when such is not the fact.

F. Represents directly or by implication that respondent owns or operated a factory, or words of similar import, when such is not the fact.

G. Represents directly or by implication that fur products are guaranteed, unless the nature and extent of such guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously set forth.

4. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondent Edgar Gevirtz shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he

has complied with the order to cease and desist.

Issued: July 17, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8833; Filed, Sept. 6, 1962; 8:47 a.m.]

[Docket 8061]

PART 13—PROHIBITED TRADE PRACTICES

Exchange Distributing Co.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Exchange Distributing Company, Birmingham, Ala., Docket 8061, July 9, 1962]

Order requiring a Birmingham, Ala., wholesale distributor of citrus fruit, vegetables, and produce, to cease receiving unlawful brokerage on purchases of citrus fruit from Florida packers for resale, such as allowances of 10 cents per box of 1⅗ bushels and 5 cents per carton of ⅘ bushels, equal to the standard brokerage fee on sales made through brokers.

The order to cease and desist, as modified by the Commission, is as follows:

It is ordered, That respondent, Exchange Distributing Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the purchase of citrus fruit or any other food products, in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance, or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or any other food products for respondent's own account, or where respondent is the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent, Exchange Distributing Company, a corporation, shall, within sixty (60) days after service upon it of this decision, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the aforesaid initial decision, as modified.

Issued: July 9, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8834; Filed, Sept. 4, 1962; 8:48 a.m.]

[Docket C-190]

PART 13—PROHIBITED TRADE PRACTICES

Jake Feldman et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.525 *Wool products tags or identification.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Jake Feldman et al. trading as Dixie Army Surplus Store, Chattanooga, Tenn., Docket C-190, July 23, 1962]

In the Matter of Jake Feldman and Rose Feldman, Individually and as Co-owners Trading as Dixie Army Surplus Store

Consent order requiring retail sellers in Chattanooga, Tenn., to cease violating the Wool Products Labeling Act by failing to label wool products as required, and by removing the identifying labels from wool products prior to ultimate sale.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Jake Feldman and Rose Feldman, individually and as co-owners trading as Dixie Army Surplus Store, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation or delivery for shipment, in commerce, of any wool product, as "wool product" and "commerce" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from failing to securely affix to or place on each such product, a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Jake Feldman and Rose Feldman, individually and as co-owners trading as Dixie Army Surplus Store or under any other trade name, and respondents' agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of any stamp, tag, label or other means of identification affixed to any wool product subject to the provisions of the Wool Products Labeling Act of 1939 with the intent to violate the provisions of the said Act. this order, file with the Commission a respondents herein shall, within sixty (60) days after service upon them of this order, file with the Comission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 23, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8835; Filed, Sept. 4, 1962; 8:48 a.m.]

[Docket C-169]

PART 13—PROHIBITED TRADE PRACTICES

Lady Carol Dresses, Inc., and Jack Pearlstein

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Lady Carol Dresses, Inc., et al., New York, N.Y., Docket C-169, July 13, 1962]

In the Matter of Lady Carol Dresses, Inc., a Corporation, and Jack Pearlstein, Individually, and as an Officer of Said Corporation

Consent order requiring New York City manufacturers of wearing apparel to cease violating the Flammable Fabrics Act by selling in commerce dresses which were so highly flammable as to be dangerous when worn.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Lady Carol Dresses, Inc., a corporation, and its officers, and Jack Pearlstein, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Manufacturing for sale, selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

any article of wearing apparel which, under the provisions of section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

2. Manufacturing for sale, selling or offering for sale any article of wearing apparel made of fabric, which fabric has been shipped or received in commerce, and which, under section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

3. Furnishing to any person a guaranty with respect to any article of wearing apparel which respondents, or any of them, have reason to believe may be introduced, sold or transported in commerce, which guaranty represents, contrary to fact, that reasonable and representative tests made under the procedures provided in Section 4 of the Flammable Fabrics Act, as amended, and the Rules and Regulations promulgated thereunder, show and will show that the article of wearing apparel, or the fabric used or contained therein, covered by the guaranty, is not, in the form delivered or to be delivered by the guarantor, so highly flammable under the provisions of the Flammable Fabrics Act as to be dangerous when worn by individuals, provided, however, that this prohibition shall not be applicable to a guaranty furnished on the basis of, and in reliance upon, a guaranty to the same effect received by respondents in good faith signed by and containing the name and address of the person by whom the article of wearing apparel or fabric was manufactured or from whom it was received.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 13, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8836; Filed, Sept. 4, 1962; 8:48 a.m.]

[Docket C-189]

PART 13—PROHIBITED TRADE PRACTICES

Tom C. Lange et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Tom C. Lange, St. Louis, Mo., Docket C-189, July 23, 1962]

In the Matter of Tom C. Lange, an Individual Formerly doing business as Tom Lange Company, and Now President of Tom Lange Company, Inc., Successor and Assign of Tom C. Lange, an Individual Doing Business as Tom Lange Company

Consent order requiring a St. Louis broker of citrus fruit and produce to cease accepting illegal brokerage on substantial purchases of said food products for his own account for resale, such as a discount usually at the rate of 10 cents per 1⅗ bushel box of citrus fruit from Florida packers.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Tom C. Lange, and respondent's agents, representatives, employees, successors and assigns, directly or through any corporate or other device, in connection with the purchase of citrus fruit or produce in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or produce for respondent's own account, or where respondent is the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

It is further ordered, That respondent Tom C. Lange, and his successor and assign, Tom Lange Company, Inc., shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with said order.

Issued: July 23, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8837; Filed, Sept. 4, 1962; 8:48 a.m.]

[Docket C-191]

PART 13—PROHIBITED TRADE PRACTICES

Louis Marx & Co., Inc.

Subpart—Advertising falsely or misleadingly: Section 13.30 *Composition of goods.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Louis Marx & Co., Inc., New York, N.Y., Docket C-191, July 23, 1962]

Consent order requiring a New York City toy distributor to cease misrepresenting the toys it sold by such practices as making statements and pictorial presentations on television commercials which represented falsely that its "Giant Blue & Grey Battle Set" included numerous trees and other scenery, components that produced smoke, and toy cannons that fired projectiles which exploded.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Louis Marx & Co., Inc., a corporation, and its officers, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of toys or related products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, by use of any illustration, depiction or demonstration, alone or accompanied by oral or written statements, purporting to illustrate, depict or demonstrate any toy or related product, or the performance thereof, or representing in any other manner, directly or by implication, that any toy or related product contains a component or performs in any manner not in accordance with fact.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: July 23, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8838; Filed, Sept. 4, 1962; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Demethylchlortetracycline-Nystatin for Oral Suspension

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of chlortetracycline and chlortetracycline-containing drugs (21 CFR Parts 141c, 146c) are amended by adding the following new sections.

§ 141c.263 **Demethylchlortetracycline-nystatin for oral suspension.**

(a) *Potency*—(1) *Demethylchlortetracycline content.* Reconsititute as directed in the labeling. Remove an appropriate aliquot (usually from 1.0 milliliter to 5.0 milliliters) and proceed as directed in § 141c.251(a). Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Nystatin content.* Reconstitute as directed in the labeling. Transfer an appropriate aliquot (usually from 1.0

milliliter to 5.0 milliliters) to a blending jar containing 150 milliliters of dimethylformamide. Blend for 2 minutes in a high-speed blender and then dilute an aliquot with sufficient dimethylformamide to give a concentration of 400 units per milliliter (estimated). Further dilute this solution with 10 percent phosphate buffer, pH 6.0, to give a concentration of 20 units per milliliter (estimated). Proceed as directed in § 141c.-224(b). Its content of nystatin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5(a) or § 141a.26(e) of this chapter.

§ 146c.263 Demethylchlortetracycline-nystatin for oral suspension.

Demethylchlortetracycline-nystatin for oral suspension conforms to all requirements and procedures prescribed by § 146c.254 for demethylchlortetracycline for oral suspension, except that:

(a) When reconstituted as directed in the labeling, each milliliter of oral suspension shall contain a quantity of demethylchlortetracycline hydrochloride equivalent to not less than 15 milligrams of demethylchlortetracycline hydrochloride and not less than 25,000 units of nystatin. The nystatin used conforms to the standards prescribed therefor by § 146c.224(a).

(b) The expiration date of the drug shall be 12 months.

(c) In addition to complying with the requirements of § 146c.254(d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the nystatin used in making the batch for potency, toxicity, pH, moisture, and identity. He shall submit in connection with his request a sample consisting of one package for each 5,000 packages in the batch, but in no case less than 6 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal, and (unless it was previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the nystatin used in making the batch.

(d) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (c) of this section shall be:

(1) $5.00 for each immediate container in the sample of the batch.

(2) $4.00 for each immediate container of the nystatin used in making the batch.

I find that the drug demethylchlortetracycline-nystatin is safe and efficacious for use, conditions pertinent to its certification. I further find that notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: August 29, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8855; Filed, Sept. 4, 1962; 8:51 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

Preservation of Public Property, Natural Features and Curiosities; Picking of Cactus Fruit at Saguaro National Monument by Indians of Papago Reservation

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), § 1.2 of Title 36, Code of Federal Regulations, is amended as set forth below.

The purpose of the amendment is to permit the Indians of the Papago Reservation in Arizona to pick and remove from the Tucson Mountain District of Saguaro National Monument the fruits of the Saguaro Cactus and other cacti in accord with other regulations applicable to the administration of the monument.

The following amendment shall become effective upon publication in the FEDERAL REGISTER in order to give the Indians of the Papago Reservation in Arizona the benefit of its provisions as soon as possible.

Paragraph (c) of § 1.2 is amended to read as follows:

§ 1.2 Preservation of public property, natural features and curiosities.

* * * * *

(c) Visitors may pick and eat, but not carry out of the parks or monuments, such native fruits and berries as the superintendent may designate. Fruits and berries shall be picked by hand. The use of rakes or mechanical pickers is prohibited. The regulations in this paragraph shall not apply to the Indians of the Papago Reservation in Arizona, who are permitted to pick and remove from the Tucson Mountain District of Saguaro National Monument the fruits of the Saguaro Cactus and other cacti; however, all such harvesting operations shall be done in a manner which will be in accord with other regulations applicable to the administration of the monument and pursuant to a written agreement between the superintendent of the monument and the Chairman of the Papago Tribal Council which will specify routes and methods of travel in the monument, camping places to be used, types of camps to be erected, condition in which campsites are to be left and the sanitary conditions to be maintained. Any such agreement shall be subject to review annually prior to the harvest season.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 28, 1962.

[F.R. Doc. 62-8840; Filed, Sept. 4, 1962; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

REDUCTIONS AND DISCONTINUANCES; GENERAL

In § 3.500, paragraphs (t) and (u) are amended to read as follows:

§ 3.500 General.

* * * * *

(t) *Treasonable acts or subversive activities.* (38 U.S.C. 3504 and 3505; §§ 3.902, 3.903.) Beginning date of award, or day preceding date of commission of treasonable act or subversive activities for which convicted, whichever is later. (See § 3.669.)

(u) *Whereabouts unknown* (§§ 3.158, 3.656). Date of last payment.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective September 5, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-8848; Filed, Sept. 4, 1962; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2765]

[Wyoming 043373]

WYOMING

Withdrawals for Forest Service Administrative Sites and Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described lands within the Bridger National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as administrative sites and recreation areas, as indicated:

SIXTH PRINCIPAL MERIDIAN

BRIDGER NATIONAL FOREST

Kelley Administrative Site

T. 26 N., R. 117½ W.,
Sec. 2, lot 4;
Sec. 11, lot 1.
T. 26 N., R. 118 W.,
Sec. 1, NW¼SE¼ and SE¼NE¼.
Containing 112.20 acres.

Deadline Ridge Administrative Site

T. 28 N., R. 115 W.,
Sec. 4, SW¼SW¼SW¼;
Sec. 5, SE¼SE¼SE¼;
Sec. 8, NE¼NE¼NE¼;
Sec. 9, NW¼NW¼NW¼.
Containing 40 acres.

LaBarge Scaler Cabin Administrative Site

T. 28 N., R. 116 W.,
Sec. 10, SE¼SE¼NE¼ and NE¼NE¼SE¼;
Sec. 11, SW¼SW¼NW¼ and NW¼NW¼SW¼.
Containing 40 acres.

Snider Basin Administrative Site

T. 29 N., R. 115 W.,
Sec. 15, SW¼.
Containing 160 acres.

LaBarge Meadows Administrative Site

T. 29 N., R. 116 W.,
Sec. 7, lot 1 and N½NE¼.
Containing 126.57 acres.

Smith Fork Administrative Site

T. 29 N., R. 118 W., Unsurveyed,
Sec. 24, S½SE¼ and S½SE¼SW¼.
Containing 100 acres.

Sweetwater Administrative Site

T. 30 N., R. 102 W.,
Sec. 18, SW¼SE¼.
Containing 40 acres.

Corral Creek, Greys River Administrative Site

T. 31 N., R. 116 W.,
Sec. 16, W½NW¼.
Containing 80 acres.

South Fork Administrative Site

T. 33 N., R. 105 W.,
Sec. 15, NW¼, unsurveyed.
Containing 160 acres.

Boulder Lake Administrative Site

T. 33 N., R. 107 W.,
Sec. 3, SW¼SW¼ and S½NW¼SW¼, unsurveyed;
Sec. 10, N½NW¼NW¼, unsurveyed.
Containing 80 acres.

Fremont Lake Administrative Site

T. 34 N., R. 109 W.,
Sec. 23, lot 2, NW¼SW¼ and S½SW¼.
Containing 159.42 acres.

Sherman Administrative Site

T. 34 N., R. 113 W.,
Sec. 6, lot 5 and SE¼NW¼.
T. 34 N., R. 114 W.,
Sec. 1, lot 1 and SE¼NE¼.
Containing 154.75 acres.

Prospect Lookout Administrative Site

T. 34 N., R. 114 W.,
Sec. 19, W½SW¼NE¼ and E½SE¼NW¼.
Containing 40 acres.

Meadows Administrative Site

T. 34 N., R. 116 W.,
Sec. 20, lots 4, 5, W½W½SE¼, E½SW¼, and SE¼NW¼SW¼.
Containing 185.68 acres.

Elkheart Park Administrative Site

T. 35 N., R. 108 W.,
Sec. 16, E½NW¼, E½NW¼NW¼, and E½SW¼NW¼.
Containing 120 acres.

Willow Creek Administrative Site

T. 36 N., R. 109 W.,
Sec. 19, SE¼SE¼, E½NE¼SE¼, and SW¼NE¼SE¼;
Sec. 30, N½NE¼NE¼.
Containing 90 acres.

Deer Creek Administrative Site

T. 36 N., R. 117 W.,
Sec. 29, S½SW¼SW¼;
Sec. 32, W½NE¼NW¼ and NW¼NW¼.
Containing 80 acres.

Boulder Creek Administrative Site

T. 37 N., R. 109 W.,
Sec. 19, SW¼NE¼ and SW¼SE¼NE¼.
Containing 50 acres.

Elk Creek Recreation Area

T. 26 N., R. 117 W.,
Sec. 16, NE¼NW¼ and E½NW¼NW¼.
Containing 60 acres.

Lake Alice Recreation Area

T. 28 N., R. 117 W.,
Sec. 20, lots 9, 10, 11, and 12.
Containing 123.55 acres.

Upper Lake Alice Recreation Area

T. 28 N., R. 117 W.,
Sec. 9, lots 8, 9, and S½N½NW¼.
Containing 110.64 acres.

Spring Lake Creek Recreation Area

T. 28 N., R. 117½ W.,
Sec. 24, SE¼SW¼NE¼, SW¼SE¼NE¼, NE¼NW¼SE¼, and NW¼NE¼SE¼.
Containing 40 acres.

Allred Flat Recreation Area

T. 29 N., R. 119 W.,
Sec. 23, W½NE¼.
Containing 80 acres.

Larson Park Recreation Area

T. 30 N., R. 103 W.,
Sec. 12, NE¼NE¼NW¼.
Containing 10 acres.

Middle Piney Lake Recreation Area

T. 30 N., R. 115 W.,
Sec. 8, lots 1, 2, and 3.
Containing 89.49 acres.

Sacajawea Recreation Area

T. 30 N., R. 115 W.,
Sec. 4, SW¼SW¼;
Sec. 5, SE¼SE¼;
Sec. 8, N½NE¼NE¼.
Containing 100 acres.

Mud Lake Recreation Area

T. 31 N., R. 104 W.,
Sec. 8, N½N½.
Containing 160 acres.

Cottonwood Lake Recreation Area

T. 31 N., 117 W., unsurveyed,
Sec. 30, SW¼.
Containing 160 acres.

Swift Creek Recreation Area

T. 32 N., R. 118 W.,
Sec. 29, SE¼ and NE¼SE¼SW¼, unsurveyed.
Containing 170 acres.

Bousman Recreation Area

T. 33 N., R. 107 W.,
Sec. 3, SW¼SW¼NE¼, SE¼SE¼NW¼, the unpatented portions of NW¼SE¼, and E½SW¼, (unsurveyed).
Containing 70 acres.

Forest Park Recreation Area

T. 33 N., R. 116 W.,
Sec. 16, W½SE¼;
Sec. 21, W½NE¼.
Containing 160 acres.

Grover Park Recreation Area

T. 33 N., R. 118 W.,
Sec. 26, SW¼SW¼;
Sec. 27, E½SE¼SE¼.
Containing 60 acres.

Camp Wilderness Recreation Area

T. 35 N., R. 108 W.,
Sec. 7, SE¼, unsurveyed.
Containing 160 acres.

Moose Flat Recreation Area

T. 35 N., R. 117 W.,
Sec. 35, E½NW¼SW¼, NE¼SW¼SW¼, N½SE¼SW¼, and NE¼SW¼.
Containing 90 acres.

Surveyor Park Recreation Area

T. 35 N., R. 108 W.,
Sec. 20, N½SE¼, W½SW¼SE¼, S½S½NE¼, unsurveyed NE¼NE¼SW¼;
Sec. 21, SW¼NW¼SW¼ and S½SW¼;
Sec. 28, W½SW¼NW¼, NW¼NW¼SW¼, and N½NW¼;
Sec. 29, N½NE¼SE¼, S½NE¼NE¼; SE¼NE¼, and NE¼NW¼NE¼.
Containing 440 acres.

Stump Lake Recreation Area

T. 36 N., R. 117 W.,
Sec. 32, SW¼NE¼ and SE¼NW¼.
Containing 80 acres.

Murphy Creek Recreation Area

T. 36 N., R. 117 W.,
Sec. 30, E½E½SE¼.
Containing 40 acres.

Greys River Bridge Recreation Area

T. 37 N., R. 118 W.,
Unsurveyed sec. 34, SW¼SE¼.
Containing 40 acres.

Forks of Greys River Recreation Area

T. 37 N., R. 117 W., unsurveyed,
Sec. 28, NE¼SE¼.
Containing 40 acres.

Kendall Warm Springs Recreation Area

T. 38 N., R. 110 W.,
Sec. 2, E½E½SW¼SW¼, SE¼SW¼, SW¼SE¼, W½SE¼SE¼, S½NE¼SW¼, S½NW¼SE¼, and SW¼NE¼SE¼.
Containing 160 acres.

Green River Lakes Recreation Area

T. 39 N., R. 106 W.,
Sec. 29, S½SW¼, unsurveyed;
Sec. 30, lots 6, 7, 8, 9, and SW¼SE¼;
Sec. 31, lots 1, 2, 3, 4, 5, NW¼NE¼, E½NW¼SE¼, and E½SE¼SE¼.
Containing 529.93 acres.

The areas described aggregate approximately 4,792 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

August 28, 1962.

[F.R. Doc. 62-8843; Filed, Sept. 4, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 981]

ALMOND CONTROL BOARD

Proposed Expenses and Rate of Assessment for 1962–63 Crop Year

Notice is hereby given that there is under consideration a proposal regarding expenses of the Almond Control Board and a rate of assessment for the 1962–63 crop year which began July 1, 1962. The proposal, which is based on the recommendation of the Almond Control Board and other available information, would be established pursuant to the provisions of the amended marketing agreement and order (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to written data, views, or arguments pertaining to the proposal, which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

The quantity of assessable almonds for the 1962–63 crop year is presently estimated at 50 million pounds (kernel weight). On this basis, an assessment rate of 0.15 cent per pound of almond kernels would assure the availability of sufficient funds to meet the expenses of the Almond Control Board for the 1962–63 crop year.

The proposal is as follows:

§ 981.312 Budget of expenses of the Almond Control Board and rate of assessment for the 1962–63 crop year.

(a) *Budget of expenses.* The budget of expenses of the Almond Control Board for the crop year beginning July 1, 1962, shall be in the total amount of $63,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Board, and for such purposes, as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The assessment required to be paid by each handler in accordance with § 981.81 is established for said year at the rate of 0.15 cent per pound of almonds (kernel weight basis).

Dated: August 30, 1962.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 62–8866; Filed, Sept. 4, 1962; 8:52 a.m.]

Agricultural Research Service

[9 CFR Part 74]

SCABIES IN SHEEP

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), it is proposed to add a new subparagraph (4) to § 74.3(a) of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, to read as follows:

(4) The following Counties in Kansas: Washington, Clay, Dickinson, Marion, Butler, Cowley, and all Counties in the State of Kansas lying east thereof.

The proposed amendment would add the 43 Counties in the State of Kansas heretofore designated as infected areas to the eradication areas since the cooperative sheep scabies eradication program is now being conducted in such Counties.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 45 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of August 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62–8870; Filed, Sept. 4, 1962; 8:53 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

PASTEURIZED PROCESS CHEESE SPREAD AND RELATED CHEESE-SPREAD PRODUCTS

Notice of Proposal To Amend Standards of Identity

Notice is given that a petition has been filed by National Cheese Institute, Inc., 110 North Franklin Street, Chicago, Ill., proposing amendments of the standard of identity for pasteurized process cheese spread to permit the optional use of sorbic acid in consumer-sized packages of such food. The petition recognizes that because of cross-references in existing standards, adoption of the amendments would result in their becoming applicable to the standards for pasteurized cheese spreads; pasteurized process cheese spread with fruits, vegetables, or meats; and pasteurized cheese spread with fruits, vegetables, or meats (21 CFR 19.776, 19.780, 19.781).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare, all interested persons are invited to present their views in writing regarding the proposals published in this notice. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

The petitioner proposes that § 19.775 *Pasteurized process cheese spread* • • • be amended, as follows:

1. By adding to paragraph (f) the following new subparagraph:

(8) Pasteurized process cheese spread in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

2. By adding to paragraph (g) the following new subparagraph:

(8) If pasteurized process cheese spread in consumer-sized packages contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

Dated: August 28, 1962.

WINTON B. RANKIN,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–8854; Filed, Sept. 4, 1962; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 10, 11, 16, 19]

[Docket No. 14503 (RM–201,306); FCC 62–906]

ALLOCATION OF ASSIGNABLE FREQUENCIES IN 25–42 Mc/s BAND

Order Extending Time for Filing Comments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of August 1962;

The Commission having before it petitions filed by the Associated Public-Safety Communication Officers, Inc. (APCO) and the International Association of Police Chiefs (IAPC), requesting a further extension of ninety (90) days for the filing of reply comments in the above-entitled matter. The date now specified is August 31, 1962.

It appearing that the notice of proposed rule making in this matter was adopted by the Commission on February 6, 1962. The date for comments was May 1, 1962, and the date for reply comments was May 11, 1962; and

It further appearing that prior to the May 1, 1962, date, petitions were filed by the International Municipal Signal Association (IMSA), the International Association of Fire Chiefs (IAFC), the Forestry Conservation Communications Association (FCCA), and by the Associated Public-Safety Communication Officers, Inc. (APCO), for an extension of time for comments from May 1, 1962, to August 1, 1962; and

It further appearing that the Commission granted the extension of time for comments until August 1, 1962, and extended the time for reply comments to August 31, 1962, but that the Commission denied a request for a further extension of the comment date filed by the City of Cleveland; and

It further appearing that APCO now requests an additional ninety (90) days for reply comments due to the volume of engineering data, channel loadings, the need of various services for additional frequencies, etc., all of which must be collected, analyzed and collated before presentation to the Commission. APCO also contends that annual meetings of other Safety groups will be held in October and the results of these meetings would be available to the Commission for consideration; and

It further appearing that while the Commission cannot gear its rule-making proceedings to the annual meetings of the various licensee organizations, and that although there is some question as to whether additional time for reply comments is justified for the preparation of the data described, it is informally understood that other affected parties will not oppose the requested extension; and

It further appearing that the comments already filed by Public Safety Radio users indicate that the instant proceeding is considered to be of major significance to the Public Safety Radio Services, and, accordingly, granting the requested extension so as to provide every reasonable opportunity for all interested parties to present their positions with the data they deem essential seems to be warranted;

It is ordered, That the time for the filing of reply comments is extended to November 30, 1962.

Released: August 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–8872; Filed, Sept. 4, 1962; 8:53 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Offer

AUGUST 17, 1962.

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. sec. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 201), sealed bids addressed to the Manager, Bureau of Land Management, P.O. Box 53226, New Orleans 50, Louisiana, will be received until 9:30 a.m., c.s.t., on October 9, 1962, for the lease of oil and gas in certain areas of the Outer Continental Shelf, adjacent to the State of Louisiana. Bids will be opened at 10 a.m., c.s.t., October 9, 1962, in the Conference Room, T-13028 Federal Office Building, New Orleans, Louisiana. On that day bids may be delivered in person to the Office of the Manager or the Conference Room, between 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t. No bids received either by mail or in person after 9:30 a.m., c.s.t., will be accepted.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 201.20, 201.21, and 201.22. Bids may not be modified or withdrawn, unless the modifications or withdrawals are received prior to the time fixed for filing of the bids. Bidders are warned against violation of section 1860, Title 18 U.S.C., prohibiting unlawful combination or intimidation of bidders. Attention is directed to the nondiscrimination clauses in sec. 2(k) of the lease agreement (Form 4-1255, July 1962). Bidders must submit with each bid one-fifth of the amount bid in cash, or by cashier's check, bank draft, certified check, or money order payable to the order of the Bureau of Land Management. The leases will provide for a royalty rate of one-sixth, and a rental or minimum royalty of $10.00 per acre or fraction thereof. The leases will be subject to terms and conditions of the agreement of October 12, 1956, between the United States and the State of Louisiana.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than $25.00 per acre or fraction thereof will be considered. The United States Government reserves the right to reject any and all bids even though the bid may exceed the minimum referred to previously. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered. A separate bid, in a separate sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, Louisiana (insert number of tract), not to be opened until 10 a.m., c.s.t., October 9, 1962."

Official leasing maps in a set of 12, which contains the maps showing the tracts being offered for lease, can be purchased for one dollar per set from Manager, Bureau of Land Management, T-9003 Federal Office Building, 701 Loyola Avenue, New Orleans 50, Louisiana, or Director, Bureau of Land Management, Washington 25, D.C. Copies of the lease agreement (Form 4-1255 (July 1962)) also can be obtained from the above offices.

The tracts offered for bid are as follows:

LOUISIANA

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1

(Approved June 8, 1954; Revised July 22, 1954)

West Cameron Area

Tract No.	Block	Description	Acreage
1641	21	W½ (portion in Zone 2) [1]	1186
1642	34	S½	2500
1643	44	NW¼	1250

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 2

(Approved June 8, 1954)

East Cameron Area

1644	2	All (portion in Zone 2) [1]	2220
1645	11	W½	2500
1646	23	NE¼ (portion in Zone 2) [1]	907

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3

(Approved June 8, 1954; Revised June 25, 1954, and July 22, 1954)

Vermilion Area

1647	27	W½ (portion in Zone 2) [1]	1990

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 4

(Approved June 8, 1954; Revised July 22, 1954)

Eugene Island Area

1648	5	N½ (portion in Zone 2) [1]	1980
1649	19	E½ (portions in Zone 2) [1]	327

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5

(Approved June 8, 1954)

Ship Shoal Area

1650	11	S½	2500
1651	12	S½	2500

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8

(Approved June 8, 1954)

West Delta Area

1652	23	S½ (portion in Zone 2) [1]	1800
1653	32	W½ (portion in Zone 2) [1]	1906

See footnote at end of table.

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 9

(Approved June 8, 1954; Revised July 22, 1954)

South Pass Area

1654	29	SW¼ portion in Zone 2) [1]	921
1655	36	NW¼ (portion in Zone 2) [1]	1244
1656	36	SW¼	1249.99
1657	37	S½	2499.98
1658	38	S½	2499.98

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10

(Approved June 8, 1954; Revised July 22, 1954)

Main Pass Area

1659	65	S½ (portion in Zone 2) [1]	1625

[1] That portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956. Until final determination of the State boundary has been made, the acreage assigned to each tract will be considered administratively to be the acreage of that tract.

Bidders are requested to submit their bids in the following form:

MANAGER, BUREAU OF LAND MANAGEMENT,
Department of the Interior, T-9003 Federal Office Building, New Orleans 50, La.

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on land of the Outer Continental Shelf specified below:

Area ----------
Official Leasing Map No. ----------
Tract No. ----------
Total amount ----------
Amount per acre ----------
Amount submitted with bid ----------

---------- (Signature)

---------- (Address)

IMPORTANT: The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft.

A separate bid must be made for each tract.

L. T. HOFFMAN,
Acting Director,
Bureau of Land Management.

Approved: August 28, 1962.

STEWART L. UDALL,
Secretary, Department of the Interior.

[F.R. Doc. 62-8841; Filed, Sept. 4, 1962; 8:48 a.m.]

Bureau of Reclamation

[Public Announcement No. 35]

COLUMBIA BASIN PROJECT, WASHINGTON

Public Announcement of the Sale of Full-Time Farm Units

LANDS COVERED

AUGUST 25, 1962.

SECTION 1. Offer of farm units for sale. It is hereby announced that certain farm units in the Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications for certificates of qualification to purchase farm units may be submitted beginning at 2 p.m., September 10, 1962.

In order to permit the continued orderly development and settlement of project lands, this public announcement is issued irrespective of there being pending applications for exchange pursuant to the Act of August 13, 1953 (67 Stat. 566).

a. *Farm units presently owned.* The farm units which are presently owned by the United States and hereby offered for sale are described as follows:

Irrigaion block	Farm unit	Gross acres	Tentative irrigable acreage				Non-irrigable	Price
			Total	Class 1	Class 2	Class 3		
23	1	183.9	134.3	----------	100.8	33.5	49.6	$3,009.90
	2	181.5	136.3	----------	85.8	50.5	45.2	2,905.40
	3	176.8	128.2	26.4	55.3	46.5	48.6	2,920.90
	4	189.7	150.4	----------	91.5	58.9	39.3	3,001.20
	9	188.0	141.3	56.7	30.7	53.9	46.7	3,254.30
	10	197.1	148.6	13.7	91.6	43.3	48.5	3,255.30
	20	184.1	122.6	63.2	37.3	22.1	31.5	3,174.40
	23	158.9	127.8	10.6	63.0	54.2	31.1	2,926.10
	27	172.9	122.4	36.1	54.5	31.8	50.5	3,147.10
	28	161.0	110.5	40.0	21.5	49.0	50.5	2,710.15
	40	162.3	121.0	----------	36.2	84.8	41.3	2,403.20
	49	179.9	122.6	47.7	52.3	22.6	57.3	3,087.30
	50	208.1	142.2	21.1	89.1	32.0	65.9	3,236.60
	51	184.3	118.6	----------	65.0	53.6	35.7	2,400.90
	52	150.2	125.1	16.6	73.1	35.4	25.1	2,517.20
	53	194.9	140.2	31.5	72.1	36.6	54.7	3,315.75
20	202	171.5	144.9	----------	15.9	129.0	26.6	21,155.10

b. *Additional farm units.* If, through the operation of its land acquisition program, the United States should, following the date of this announcement and prior to the date on which the first farm unit is offered for selection to an applicant, under the provisions hereof, own additional farm units in the Columbia Basin Project which are scheduled to receive water before the close of the 1963 irrigation season, such farm units may be offered for sale under the provisions of this announcement.

The official plats of these irrigation blocks are on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho. The prices of the farm units are subject to minor changes which may result from adjustments in the irrigable acreages due to changes in rights of way or other causes.

SEC. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region 1, Bureau of Reclamation, will support an average size family at a suitable level of living. The law provides that no application for a certificate of qualification shall be received from (1) anyone who then has outstanding a certificate of qualification to select a farm unit on the Columbia Basin Project, (2) anyone who owns another farm unit on that project, or (3) any person who, or a member of whose family, has theretofore purchased or entered into a contract to purchase a farm unit under the Columbia Basin Project Act, except those whose farm units have been acquired by the United States for exchange purposes. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCE OF APPLICANTS

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange under the provisions of the Act of August 13, 1953 (67 Stat. 566), who are hereinafter called "exchange applicants", preference right to purchase the farm units described above will be given to persons who submit applications during a 45-day period beginning at 2 p.m., September 10, 1962, and ending at 2 p.m., October 25, 1962.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 4. *Examining board.* An examining board of three members has been appointed by the Regional Director to determine the qualifications, and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The Board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application and cancellation of the applicant's right to purchase a farm unit.

SEC. 5. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants, unless qualified exchange applicants, must, in the judgment of the examining board, meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations after reaching the age of 17 years. At least one year of such full-time farm experience must have been obtained after a date 5 years prior to the date of this announcement, except as provided in section 12. Except for the above-mentioned one year of recent farm experience, time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which in the opinion of the Board will be of value to an applicant in operating a farm, may be substituted for full-time experience. Such substitution shall be on the basis of 1 year (academic year of at least 9 months) of agricultural college courses or 1 year (12 months) of work closely associated with farming for 6 months of full-time farm experience. Not more than one year of full-time experience of this type will be allowed.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. *Capital.* To be eligible for a certificate of qualification for farms listed in Section 1, applicants must possess in excess of liabilities either (1) at least $7,500 in cash or (2) various assets amounting to at least $8,500. No value will be allowed for a passenger car or household goods. At the time he moves to the Project to take possession of the farm unit selected, the applicant must re-establish to the satisfaction of the Project Manager that he possesses in excess of liabilities either (1) at least $7,500 in cash or (2) at least $5,000 in cash plus $3,500 in property such as livestock, farm machinery, or equipment which, in the opinion of the Board and the Project Manager, will be useful in the development and operation of a new, irrigated farm on the Columbia Basin Project. Before executing a land sale contract and acquiring the right of possession of the farm unit, the purchaser must establish, to the satisfaction of the Project Manager, that he has moved to the Project to take possession of the farm unit selected and re-establish his net worth as required above, except that the amount paid as an earnest money deposit can be credited as part of the assets making up the applicant's net worth.

SEC. 6. *Other qualifications required.* Each applicant must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. In addition to the limitations in Section 2, not own outright, or be acquiring under a contract to purchase, more than 10 acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. Not previously have purchased a farm unit from the United States under provisions of the Reclamation Law, excepting therefrom actions under the Act of August 13, 1953.

d. Not have outstanding a certificate of qualification for the purchase of a farm unit on the Columbia Basin Project.

e. Not own outright, or be acquiring under a contract to purchase, a farm unit on the Columbia Basin Project.

f. If a married woman or a person under 21 years of age who is not a veteran with acceptable service, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

Where and How To Submit an Application

Sec. 7. *Filing application blanks.* Any person desiring to apply for a certificate of qualification to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Boise, Idaho; or Washington, D.C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

Selection of Qualified Applicants

Sec. 8. *Priority of applications.* All applications, except those received from qualified exchange applicants prior to 2 p.m., October 10, 1962 which shall be given prior preference, will be classified for priority purposes as follows:

a. *First group.* All complete applications filed prior to 2 p.m., October 10, 1962. Such applications will be treated as simultaneously filed.

b. *Second group.* All complete applications filed after 2 p.m., October 10, 1962. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

Sec. 9. *Public drawing.* After the priority classification, the Board will conduct a public drawing of the names of the applicants in the First Group as defined in Subsection 8a. of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units offered for sale) shall be drawn and numbered in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the Board to determine whether the applicants meet the minimum qualifications prescribed in this announcement and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the Board will notify each applicant of his respective standing as a result of the drawing.

Sec. 10. *Submission of evidence of qualification.* After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification showing that they meet the qualifications set forth in sections 5 and 6 of this announcement. Full and accurate answers must be made to all questions. The completed form, together with any attachments required, must be mailed or delivered to the Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

Sec. 11. *Examination and interview.* After the information outlined in section 10 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications, together with the evidence of qualification submitted, to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants. If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by certified mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Project Manager, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Project Manager will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purposes of: (1) Affording the Board any additional information it may desire relative to his qualifications; (2) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (3) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing. If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by certified mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the Board of such selection within the time specified in the notice.

Selection of Farm Units

Sec. 12. *Order of selection.* The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders his right in writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit and if additional applicants remain in the First Group, all said remaining applicants will be advised by the Board as to the number and nature of the unsold units. If any of the applicants so advised wish to be considered for the possible purchase of one of the remaining units, they must so advise the Board in writing within 20 days of the date of the notice. The Board will consider, in the order of their selection priority as established by drawing, only those applicants who make affirmative reply within the period stipulated.

Any farm units remaining unselected after all qualified applicants in the First Group have had an opportunity to select a farm unit will be offered to applicants in the Second Group in the order in which their applications are filed, subject to the determination of the Board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement. In considering the qualifications of applicants in the Second Group, the Board of Examiners may waive the requirement that one year of the two years' full-time farm experience be obtained after a date five years prior to the date of this announcement if in the opinion of the Board the applicant has sufficient capital or outside income to make the required real estate improvements largely with his own resources.

If any farm units offered by or under this announcement remain unsold for a period of 2 years following the date of this announcement, the Project Manager may sell, lease, or otherwise dispose of such units to qualified applicants without regard to the provisions of Section 9 of this announcement.

Sec. 13. *Failure to select.* If any applicant, except a qualified exchange applicant, refuses to select a farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

Purchase of Selected Unit

Sec. 14. *Execution of earnest money agreement and land sale contract.* When a farm unit is selected by an applicant as provided in Section 12 of this announcement, the Project Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish an earnest money agreement together with instructions concerning its execution and return. In that notice, the Project Manager will inform the applicant of the amount of his down payment and the amount of the irrigation charges assessed by the irrigation district or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the irrigation district.

The earnest money agreement will require the applicant to deposit $200 or 5 percent of the purchase price of the farm, whichever amount is greater, with the Project Manager. The amount deposited with the earnest money agreement will be applied to the down payment if the applicant (1) submits proof that he has moved to the Columbia Basin Project before March 1 of the year water is first declared available to the irrigation block in which the farm unit is located or within six months of the earnest money agreement, whichever is later, and possesses the minimum capital assets required under Subsection 5d, (2) pays the real or estimated amount of the irrigation charges which will be required by the irrigation district for the first year of the development period following the date of contract, (3) pays the remainder of the required down payment on the purchase price of the farm unit, and (4) executes a land sale contract in accordance with the Project Manager's instructions. If the applicant fails to comply with any of the four requirements described in this paragraph, he will forfeit his right to purchase the farm unit and the amount he has deposited as earnest money will be retained by the United States as liquidated damages. When the applicant submits proof to the Project Manager or his representative that he has moved to the Project to take possession of the farm unit and that he possesses the minimum capital assets required under Subsection 5d, the Project Manager will promptly furnish the applicant the necessary land sale contract, together with instructions concerning its execution and return. Such proof shall be in the form of an affidavit that he has actually moved to the Project area, a current financial statement, and where appropriate, a personal inspection of farm equipment by a representative of the Project Manager.

If the purchase is made subsequent to July 1 of any year during the development period, a deposit may be required to cover payment of water charges for the balance of that year as well as for the year following the purchase.

Sec. 15. *Terms of sale.* Contracts for the sale of farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of $400 or 10 percent of the purchase price of the lands being purchased from the United States, whichever is larger, will be required. Larger proportions or the entire amount of the price may be paid initially at the purchaser's option.

b. *Schedule for payment of balance: Interest rate.* If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years, and the Project Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three percent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the Project Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. *Development requirements.* In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below and to maintain in crops thereafter the following percentages of irrigable land as tentatively or finally classified:

Percentage of Land Classified Tentatively or Finally as Irrigable To Be Developed by End of Each Year (Period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year.)

2d year	3d year	4th year	5th year
35	50	65	75

d. *Residence requirements.* A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) Within 1 year from the date of his contract or by March 1 of the year water is first declared available to the irrigation block in which the farm unit is located, whichever is later, he must initiate residence by actually moving onto the unit; such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the land sale contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the Project Manager for periods of as long as 6 months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than 1 year in addition to the 1-year period specified above.

e. *Speculation and landholding limitations.* Land sale contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable lands; (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitations as to total area that may be operated on the Project, whether as lessee or as owner or both.

f. *Possession.* The purchaser may take possession of the lands being purchased when he has complied with the requirements described in section 14 and the land sale contract has been executed by the Project Manager for the United States, except that if a farm unit is under lease when sold possession may not be taken until the end of the period for which the unit is leased. Such leases occur infrequently and are of not more than one year's duration.

g. *Sales, assignments, leases.* Each purchaser shall be required to agree that he, his heirs, and assigns will not, except with the approval of the Project Manager, sell, assign, lease, or otherwise dispose of, or contract to sell, assign, lease, or otherwise dispose of, his land during a period ending five years from the date of his purchase contract.

h. *Copies of contract form.* The terms listed above and all other standard contract provisions are contained in the land sale contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

Irrigation Charges

Sec. 16. *Water rental charges.* In Irrigation Block 23 some construction activities will be continuing and the

system will be tested during the irrigation season of 1963. However, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Project Manager before the beginning of the irrigation season.

SEC. 17. *Development period charges.* Pursuant to the provisions of the repayment contracts of October 9, 1945, between the United States and the three irrigation districts of the Columbia Basin Project, the Secretary of the Interior will establish a development period, normally ten years, for each irrigation block, during which time payment of construction charge installments will not be required. The Secretary will annouce the development period for Irrigation Block 23 when the testing of the irrigation facilities gives assurance that the development period can begin. The development period began in 1960 for Irrigation Block 20.

During the development period, water rental charges, except as pointed out later in this section, will average an estimated $6.40 per year for each irrigable acre as tentatively or finally classified. This figure is an estimate and is subject to adjustment when the actual costs are determined. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year by the Project Manager.

The present plans are: (1) To vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (2) to increase the minimum charge from 70 percent of the estimated cost for the first year to about 115 percent for the later years of the development period; and (3) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water, to be specified by the Project Manager, varying with the water requirement classification of the land and the size of the farm unit. In addition to the water rental charges, the irrigation district will levy a charge to cover administrative costs and probable delinquencies in collections and to accumulate reserve funds.

SEC. 18. *Construction period repayment charges—a. Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the Project irrigation system which will be uniform for the irrigation blocks throughout the Project. These charges may or may not be graduated among land classes, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, present regulations require that this annual minimum charge will entitle the water user to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contracts with the irrigation districts. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

b. *Construction charges.* The existing repayment contracts between the United States and the irrigation districts require the payment of construction charges for the Project irrigation system during the forty years following the end of the development period. Under the present repayment contracts, the average construction charge per irrigable acre for the entire Project is $2.12 per year. Thus, the total construction repayment obligation averages $85 per irrigable acre. However, that amount is predicated on an estimated total direct investment in irrigation works costing not to exceed $280,782,180, most of which has already been made. If the existing repayment contracts are amended to increase this amount, the construction repayment obligation of the districts will be increased, as will the average construction charge per irrigable acre. The present contracts further provide that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

SEC. 19. *Drainage charges.* In addition to the charges described in sections 17 and 18 above, a charge will be assessed to provide for the construction of drainage facilities. This charge may range from $1.50 to $3.50 per acre per year if it is added to the annual water rental charge or the annual operation and maintenance charge. However, the drainage construction costs would be removed from the annual water rental charge or the annual operation and maintenance charge if the repayment contracts with the irrigation districts are amended to allow these costs to be charged and collected as part of the cost of construction of the Project irrigation system.

JAMES K. CARR,
Acting Secretary of the Interior.

AUGUST 25, 1962.

[F.R. Doc. 62-8853; Filed, Sept. 4, 1962; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13494 etc.]

NEW ENGLAND REGIONAL AIRPORT INVESTIGATION

Notice of Change in Place of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding will be held on September 17, 1962, at 10 a.m. (local time), in the Ammon Terminal, Grenier Field/Manchester Municipal Airport, Manchester, New Hampshire, instead of in Room 480, the State House, Boston, Massachusetts, as previously announced. This session of the hearing will be concerned with issues relating to air services in the States of Maine, Massachusetts, New Hampshire, and Vermont.

The hearing will reconvene on October 2, 1962, at 10 a.m. (local time), in the Judicial Hearing Room, third floor east, State Capitol, Hartford, Connecticut, for the purpose of considering the issues in this proceeding insofar as they relate to air services within the State of Connecticut.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to Board Orders E-18146, dated March 23, 1962, and E-18435, dated June 11, 1962; the prehearing conference report served May 14, 1962, and the supplemental prehearing conference report served May 25, 1962; the Notice To All Parties, dated August 30, 1962; and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 30, 1962.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 62-8857; Filed, Sept. 4, 1962; 8:51 a.m.]

[Docket 13745]

TASMAN EMPIRE AIRWAYS LTD.

Notice of Cancellation of Prehearing Conference and Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, (1) that the prehearing conference assigned to be held in the above-entitled proceeding on September 4, 1962, is canceled, and (2) that a hearing in said proceeding will be held on September 7, 1962, at 9:15 a.m., e.d.s.t., in Room 1029, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., August 30, 1962.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 62-8856; Filed, Sept. 4, 1962; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14743; FCC 62M-1163]

CAROL MUSIC INC.

Order Scheduling Hearing

In the matter of revocation of license and subsidiary communications authorization of Carol Music, Inc., for FM Broadcast Station WCLM, Chicago, Illinois.

It is ordered, This 30th day of August 1962, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which will be held in Chicago, Illinois, commencing on a date to be specified by subsequent order. *And, it is further ordered,* That a prehearing conference in the proceeding will be held in Washington, D.C., on Wednesday, September 19, 1962, commencing at 10:00 a.m.

Released: August 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8873; Filed, Sept. 4, 1962; 8:53 a.m.]

[Docket No. 14380; FCC 62M-1150]

KSAY BROADCASTING CO.

Order Continuing Hearing

In re application of Grant R. Wrathall and Taft R. Wrathall as Trustee for Grant R. Wrathall, Jr., Charlotte Wrathall, Lawrence Wrathall and Loretta Wrathall, d/b as KSAY Broadcasting Company, San Francisco, California, Docket No. 14380, File No. BR-3528; for renewal of license of standard broadcast Station KSAY.

The Hearing Examiner having under consideration a "Petition For Continuance" filed by the applicant on August 15, 1962, in the above-entitled matter, and

It appearing, that all parties agreed to the continuance and that good cause for granting the petition has been shown;

It is ordered, This 28th day of August 1962, that the hearing now scheduled for September 18, 1962, is changed to October 22, 1962, and that the date for exchange of exhibits is extended to October 15, 1962.

Released: August 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8874; Filed, Sept. 4, 1962; 8:53 a.m.]

[Docket Nos. 13067, 13068; FCC 62M-1151]

NEWTON BROADCASTING CO. AND TRANSCRIPT PRESS, INC.

Order Continuing Hearing

In re applications of Charles A. Bell, George J. Helmer, III, Wayne H. Lewis and Edward Bleier, d/b as Newton Broadcasting Company, Newton, Massachusetts, Docket No. 13067, File No. BP-12884; Transcript Press, Inc., Dedham, Massachusetts, Docket No. 13068, File No. BP-12901; for construction permits.

The Hearing Examiner having under consideration petition to extend hearing date, filed by Transcript Press, Inc., on August 7, 1962; statement, filed by the Chief of the Commission's Broadcast Bureau on August 10, 1962; and comment, filed by Newton Broadcasting Company on August 14, 1962; [1]

It appearing, that good cause has been shown for the continuance requested and that December 3, 1962, will best accommodate the Hearing Examiner's schedule in view of the Hearing Examiner's need for a period free from hearings to prepare an initial decision in a proceeding in which the record has been closed since February 8, 1962:

It is ordered, This 27th day of August 1962, that the petition to extend hearing date is granted, and the hearing herein, previously scheduled for October 29, 1962, is continued to December 3, 1962, at 10 a.m.

Released: August 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8875; Filed, Sept. 4, 1962; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

ABELMAN, INC., ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following applicants, located in Great Lakes ports, have been issued application numbers by the Federal Maritime Commission for licenses as independent ocean freight forwarders, pursuant to section 44(a), Shipping Act, 1916, as amended (Public Law 87-254). Applicants are listed by cities and are corporations unless otherwise indicated.

Protests to the granting of any application should be filed in writing with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

DETROIT, MICH.

No.; Name and Address; and Officers

779; Frank Abelman, Inc., 1522 Guardian Building (26)—Frank Abelman, pres.; Irma Abelman, vice pres.; Geraldine L. Schmitt, sec.-treas.

22; A. F. Burstrom & Son, Inc., 535 Griswold Street (26)—Donald M. Stern, Pres.; James A. Burstrom, vice pres.; Berta Kiestadt, director; Helmut Kiestadt, sec.

902; Export-Import Service Co., Inc., 4000 West Jefferson Avenue (9)—Chester P. Miller, pres.; Forrest H. Hughes, vice pres.; Ralph J. Watson, sec.-treas.

803; W. R. Filbin & Co., Inc., 1249 Washington Boulevard (26)—W. R. Filbin, pres.; P. A. Filbin, sec.-treas.; R. A. MacNeil, vice pres.

862; I. C. Harris & Co., 65 Cadillac Square (26)—Mrs. Frances A. Harris, pres.-director and treas.; Nicholas Klopsis, vice pres.; Hugh W. Harris, sec.-director; Mrs. Floyd Metz, director.

[1] In addition, a letter addressed to the Hearing Examiner by counsel for Transcript Press, Inc., was received in the office of the Secretary of the Commission on August 16, 1962.

84; The J. D. Richardson Co., 149 Michigan Street (26)—Amanda A. Richardson, vice pres.; John David Richardson, Jr., pres.; Norman D. Richardson, treas.-vice pres.; Jack R. Morris, vice pres.; Betty J. Straub, sec.

DULUTH, MINN.

240; Duluth Seaway Agency, Inc., 303 West First Street (2)—J. H. Remington, pres.; Dimitri A. Manthos, vice pres.; D. A. Zubrod, treas.; Geo. J. Janis, sec.

781; Great Lakes Forwarding Co., Ralph James Henderson, owner, Board of Trade Building (2)—Individual.

795; Svensson & Baker, Inc., 301 West First Street (2)—Theodore W. Svensson, pres.-treas.; Robert J. Baker, vice pres.; Conrad M. Fredin, sec.

MILWAUKEE, WIS.

860; M. E. Dey & Co., Inc., 759 North Milwaukee Street—Rolland E. Gardenier, pres.; Richard W. Gardenier, vice pres.; Maybelle M. Gardenier, sec.

462; Salentine and Company, Inc., 314 East Juneau Avenue—Dave A. Salentine, pres.; Louise A. Salentine, vice pres.-sec.; Frank R. Weber, treas.; James G. Becker, asst. treas.

PORT HURON, MICH.

901; Wm. R. Neal, Inc., Blue Water Bridge, P.O. Box 564—William R. Neal, pres.-treas.; Barbara L. Neal, sec.; William G. McAfee, vice pres.; William R. Filbin, vice pres.

Dated: August 29, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8849; Filed, Sept. 4, 1962; 8:49 a.m.]

BENNETT FORWARDING CO. ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following applicants, located in Gulf ports, have been issued application numbers by the Federal Maritime Commission for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87-254). Applicants are listed by cities and are corporations unless otherwise indicated.

Protests to the granting of any application should be filed in writing with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

HOUSTON, TEXAS

No.; Name and Address; and Officers

934; Bennett Forwarding Co. (J. E. Bennett, dba), 617 Shell Building (2)—Individual.

189; J. P. Harle Forwarding Co., 1220 Texas Avenue—J. P. Harle, pres.; Raul Nunes, vice pres.; Alton A. Dunn, vice pres.; Leo B. Thompson, sec.-treas.

NOTE: No. 189 also issued to Krennerich & Harle, Inc. See F.R. 7-28-62.

351; Houston Freight Forwarding Co., Inc., 405 Main Street (2)—Geo. O. Puig, pres.-director; Louis F. Linnenberg, vice pres. and director; Richard H. Powell, sec.-treas.

749; Inland Forwarding, Inc., 1217 Prairie Street—A. W. Lasher, Jr., chairman of board of directors, director; Bernard Weingarten, director; N. R. Wittkamp, pres.-director; Milton Goodman, sec.-treas.;

H. A. Barrios, vice pres.; L. C. Wheedon, vice pres.; Arthur Shorck, asst. sec.; Harry R. Jones, asst. sec.

409; International Shipping Services, Inc., 103 Auston Street (1)—Nicholas Patton, pres.-director; R. R. Warren, Sr., vice pres., director, sec.-treas.

782; J. R. Michels, Inc., 1127 Cotton Exchange Building (1)—Bessie Mae Michels, chairman of board; W. R. Cumming, Jr., pres.; Russell C. Michels, vice pres.; R. A. Chapman, vice pres.; E. A. Kelly, director; J. W. Conerly, sec.-treas.

895; G. E. Posey Corp., 201 Main Street (2)—Gregory E. Posey, director-pres.-treas.; Arthur J. Fritz, director-vice pres.; Jose F. Miranda, director-sec.

314; H. E. Schurig & Co., Inc., 1310 Prairie Avenue (1)—H. E. Schurig, Sr., pres.-director; R. B. Ekelund, vice pres.-director; J. R. Gross, sec.-treas. and director; John Schroeder, asst. sec.-treas. and director; S. A. Blankenship, asst. sec.-treas.; Sam D. W. Low, director.

845; Stone Forwarding Co., Inc., 806 Cotton Exchange Building—Raymond C. Stone, pres.; Stephen P. Perich, vice pres.-general manager; Herman F. Weber, vice pres.; John M. Dodds, vice pres.; Truett D. Moseley, sec.-treas.

669; C. J. Thibodeaux and Co., 1212 Prairie Avenue (2)—C. J. Thibodeaux, chairman of board; A. Macy Smith, pres.-director; Jack E. Kelley, vice pres.-director; James H. Chadwick, Jr., vice pres. and director; Geo. L. Oser, vice pres.; Martha Munhausen Cook, sec.-treas. and director.

227; H. L. Ziegler, Inc., 1310 Prairie Avenue (1)—E. C. Leutsch, Jr., pres.-director; L. A. Weber, vice pres.-director; S. G. Thompson, treas.-director; Geo. C. Rube, sec.; G. A. Gustafson, asst. sec.-treas.

LAKE CHARLES, LA.

217; H. S. Thielen, Inc., 3600 Shell Beach Drive—H. S. Thielen, pres. and member of the board; Gladys C. Thielen, sec.-treas. and member of the board; J. E. Thielen, asst. sec., asst. treas. and member of the board; B. F. Levy, member of the board; G. A. Becnel, vice pres., asst. sec., asst. treas.

PENSACOLA, FLA.

163; Fillette, Green and Co., Inc., 11 North Palafox Street—T. O. Fillette, Sr., pres.; T. O. Fillette, Jr., vice pres.; Felix A. Seibt, vice pres.; H. Hilton-Green, Sr., exec. vice pres.; H. Hilton-Green, Jr., vice pres.; W. H. Hilton-Green, sec.-treas.

86; John A. Merritt and Co., 804 South Palafox Street—R. H. Merritt, Sr., pres.; Mrs. E. P. Nickinson, vice pres. and general manager; R. H. Merritt, Jr., sec.; E. P. Nickinson, Jr., treas.; Mrs. H. B. Merritt, director; Mrs. A. O. Rule, director; John A. Merritt III, director.

PORT ST. JOE, FLA.

607; Southern States Shipping Co., Niles Road, P.O. Box. 280—William R. Tapper, pres.; George G. Tapper, vice pres.; Frank S. Gonzalez, sec.

ST. MARY'S, GA.

312; Blue Star Shipping Corp., P.O. Box 487—R. A. Forker, pres.; M. F. Martin, Jr., sec.-treas.; J. H. Church, vice pres.

Dated: August 29, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8850; Filed, Sept. 4, 1962; 8:49 a.m.]

FRONTIER FREIGHT FORWARDERS, INC., ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following applicants, located in South Atlantic cities, have been issued application numbers by the Federal Maritime Commission for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87-254). Applicants are listed by cities and are corporations unless otherwise indicated.

Protests to the granting of any application should be filed in writing with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

HIALEAH, FLA.

No.; Name and Address; and Officers

103; Frontier Freight Forwarders, Inc., 1370 Flamingo Way, East Fourth Avenue—George W. B. Whiting, pres.; John M. Murdock, vice pres.-treas.; Dale J. Whiting, sec.

JACKSONVILLE, FLA.

905; Southern Shipping Co., P.O. Box 4668 (1)—John W. Middleton, pres.; C. R. Opper, vice pres.-treas.; Sam Ross, vice pres.; Kurt Nanninga, vice pres.; M. L. Hardee, sec.

806; Henry E. Sullivan, Jr., 218 West Church Street (1)—Henry E. Sullivan, owner.

37; Sunshine Forwarders, Inc., P.O. Box 86 (1)—Jno. G. McGiffin, pres.-treas.; Emily H. McGiffin, asst. sec.; Harry H. Martin, vice pres.-sec.

SAVANNAH, GA.

218; Arrow Van Lines, 88 Randolph Street, P.O. Box 1051; Partnership—George S. Smith, partner; Henry C. Smith, partner.

905; Smith & Kelly Co., Ocean Terminal Building, P.O. Box 1639—John W. Middleton, pres.-treas.-director; Kurt H. Nanninga, vice pres.; Muller M. Maner, sec.-director; Anastasia L. Colvin, asst. sec.; Sam Ross, director; Wm. M. Barrett, director.

801; Stevens Shipping Co., 26 East Bay Street—Thomas Oxnard, director-vice pres.; Lawton M. Calhoun, director; Robert O. Sprague, director; John P. Stevens, chairman; Frank K. Peeples, director-pres.; E. R. Daniels, vice pres.-sec.-treas.; C. A. Brogdon, asst. treas.

WILMINGTON, S.C.

70; Waters Shipping Co., P.O. Box 116—O. W. Waters, pres.; E. C. Snead, exec. vice pres.; J. C. Haire, sec.-treas.; J. W. Farrow, vice pres.

469; Wilmington Shipping Co., North Carolina State Docks, P.O. Box 1809—Peter B. Ruffin, pres.-director; W. P. Emerson, exec. vice pres.-director; W. D. Williams, vice pres.-director.; Wade H. Pierce, sec.; J. P. Wilson, treas.

Dated: August 29, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8851; Filed, Sept. 4, 1962; 8:50 a.m.]

PUERTO RICAN FORWARDING CO., INC., ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following applicants, located in North Atlantic cities, have been issued application numbers by the Federal Maritime Commission for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87-254). Applicants are listed by cities and are corporations unless otherwise indicated.

Protests to the granting of any application should be filed in writing with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

JERSEY CITY, N.J.

No.; Name and Address; and Officers

873; Puerto Rican Forwarding Co., Inc., 1234 Broadway (1)—Henry V. Kantzer, pres.-treas.; Max Margolin, vice pres.-sec.

540; J. R. Willever, Inc., 34 Exchange Place—Alex P. Lukas, pres.-treas.-director; William G. McKnight Jr., director-vice pres.; Richard J. Reiser, sec.; Joseph R. Willever, director.

NEWARK, N.J.

197; Import-Export Service of New Jersey, Inc., 972 Broad Street (2)—Versabel Perry, pres.; Blanche Perry, vice pres.; R. H. C. Freund, treas.; Mildred Karkella, sec.

739; Charles A. Redden, Inc., 40 Walnut Street (2)—Edward D. Comer, director-pres.; Joseph J. Sergi, vice pres.-director; Bernice M. Comer, director; Kay Argast, sec.; C. L. Geils, treas.

NEWPORT NEWS, VA.

339; T. Parker Host, Inc., 2200 River Road—T. Parker Host, pres.-director; T. Parker Host, Jr., Director-vice pres.; Jane S. Host, sec.-director; E. Edwin Davis, vice pres.

349; Wilfred Schade & Co., Inc., P.O. Box 278—Harry A. Keitz, pres.; James C. Dyer, vice pres.; J. Robert Carr., sec.-treas.

NORFOLK, VA.

338; Fred P. Gaskell Co., Inc., 301 Plume Street, P.O. Box 3157—F. H. Gaskell, pres.-director; Robt. E. Garris, vice pres.-director; Geo. C. Garris, sec.-treas.-director.

810; Hasler & Co., 1428 Maritime Tower Building, 234 Monticello Avenue; Partnership—Robert T. Hasler, partner; Walter Schafer, partner; Sallie D. Williams, partner; Jack H. Bennett, partner; John E. Wagner, partner; Riley M. Gregory, partner.

498; The Hipage Co., Inc., 109 East Main Street, P.O. Box 3237—James G. Page, pres.-treas.-director; W. Preston Bass, vice pres.-director; F. H. Phillips, sec.; R. C. W. Hitch, director.

311; Norton & Ellis, Inc., P.O. Box 3257 (10)—J. H. Devereux, Jr., chairman; R. E. Bennett, pres.; T. J. Gills, Jr., vice pres.-treas.; R. A. Descoteaux, sec.; M. U. Devereux, director.

915; Port Services Co., Inc., P.O. Box 894 (1)—Arthur Walters, pres.-director; Marion Walters, sec.-treas.-director; Michael Eugene Walters, vice pres.-director.

419; H. B. Rogers, Inc., P.O. Box 1569 (1)—H. B. Rogers, pres.-treas.; M. S. Coppedge, sec.-asst. treas.; T. P. Winborne, vice pres.; W. R. Winborne, vice pres.; G. A. Treakle, director.

156; W. M. Stone & Co., Inc., 212 East Plume Street (10)—W. M. Stone, pres.-sec.-director; Meade G. Stone, vice pres.-treas.-director; E. M. Gallup, asst. sec.; James Mann, Jr., director.

PHILADELPHIA, PA.

774; Alla Bros. Co., Inc., 2224-38 North 19th Street (33)—Stanley Bernstein, pres.; Benj. D. Bernstein, vice pres.; Edward Bernstein, sec.; George Bernstein, treas.

82; Allen Forwarding Co., Mall Building, Fourth and Chestnut Streets (6)—Leonard B. Friedman, pres.-treas.-director; Alma S. Friedman, director; William Radbill, vice pres.-sec.-director; John W. Eisenhower, vice pres.

307; Chas. Kurz Co., 115 Chestnut Street (6)—Chas. Kurz, director; J. C. Kall, pres.; Karl R. Kurz, vice pres.; Adolph B. Kurz, vice pres.; Harry C. Bennett, vice pres.-treas.; Lucille M. Buerkle, sec.; Martin L. Hoffman, asst. sec.; Wm. Reitze, asst. treas.

868; Markley Export Corp., 437 Chestnut Street (6)—George S. Moyer, pres.-director; John H. Frazier, Jr., vice pres.-director; Eugene L. Frazier, vice pres.-director; Walter F. Murray, sec.-treas.-director.

936; Milton C. Merion, Southeast Corner Water and Ritner Streets (48)—Milton C. Merion, Owner.

682; Parker Commission Co., 401 Bourse Building (6)—Charles I. Rini, pres.; Nunzio A. Rini, M.D., director; Kathleen B. Sorbo, sec.-treas.

124; John C. Rogers & Co., Inc., 214-216 South Fifth Street (6)—Jacob L. Alwine, pres.-director; James A. McCauley, vice pres.-director; William Alwine, sec.-treas.-director.

466; B. H. Sobelman & Co., Inc., 21 South Fifth Street (6)—Benjamin H. Sobelman, pres.-treas.; Stuart J. Sobelman, exec. vice pres.; Domenic V. Mastrangelo, vice pres. operations; Bernhard R. Krones, vice pres. traffic; Allan Sobelman, sec.

858; John A. Steer Co., 349 Bourse Building, 21 South Fifth Street (6)—C. W. Moore, pres.-treas.-director; F. M. Poole, sec.-director; H. B. Callahan, director; G. S. Moore, director.

757; Thomson & Earle Inc., c/o Stoughton Sterling, Corner Broad and Sanson Streets—Charles S. Gowans, pres.; Richard F. Norton, director; Thomas B. Earle, director; Herbert A. Bray, director; John W. Hampel, director.

395; F. B. Vandergrift & Co., Inc., Bourse Building, 16-32 South Fourth Street (6)—William J. Martin, pres.-treas.; Andrew Douglas, Jr., vice pres.; John A. Steer, Jr., vice pres.; Emma R. Martin, asst. treas.; Richard K. Wagner, sec.; Raymond H. Wismer, asst. sec.; J. Harry Wagner, Jr., director; Emma R. Martin, director; William J. Martin, director.

ROUSES POINT, N.Y.

710; F. W. Myers & Co., Inc., Myers Building, 72 Lake Street—William R. Casey, pres.-director; Robert E. Casey, vice pres.-director; Robert E. Casey Jr., sec.-director; William R. Casey Jr., treas.-director; Elmer A. May, vice pres.-director.

UNION CITY, N.J.

260; Dana Shipping Corp., 400 38th Street—Joseph Catarina, pres.-director-treas.; Marvel S. Platoff, director; Caroline Krohn, director.

WASHINGTON, D.C.

869; Union Storage Co., Inc., 635-647 N Street NW.—Benjamin Pincus, pres.; Morton Jaffe, vice pres.; Herman Kallins, sec.; Benjamin Pincus, treas.

Dated: August 29, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8852; Filed, Sept. 4, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2316]

NORTH FORK OF THE SNOQUALMIE RIVER WATER SUPPLY PROJECT

Washington; Notice of Land Withdrawal

AUGUST 29, 1962.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat, 1063), as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States are included in project No. 2316 (North Fork of the Snoqualmie River Water Supply Project) for which completed application for preliminary permit was filed June 29, 1962, by Water District No. 97 of King County, Washington. Under said Section 24 these lands are, from said date of filing, reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

WILLAMETTE MERIDIAN

T. 25 N., R. 10 E.,
Sec. 7: Lots 2, 3, 4, SE¼NW¼, NE¼SW¼, NW¼SE¼.

The area of United States land reserved pursuant to the filing of this application is approximately 207.27 acres wholly within the Snoqualmie National Forest, none of which has been previously withdrawn for power development.

Copies of Project Maps, Exhibits, H and I (FPC Nos. 2316-1, -2, -4 and -5) filed in the Commission June 29, 1962, delimiting the project boundary and project works, are being transmitted to the Bureau of Land Management, Geological Survey, and Forest Service.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8858; Filed, Sept. 4, 1962; 8:52 a.m.]

[Docket No. E-7050]

IOWA SOUTHERN UTILITIES CO.

Notice of Application

AUGUST 28, 1962.

Take notice that on August 22, 1962 an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Iowa Southern Utilities Company (Applicant), a corporation organized under the laws of the State of Delaware, qualified to do business as a foreign corporation in the States of Iowa and Illinois, and doing business in the State of Iowa, with its principal place of business at Centerville, Iowa, seeking authorization to issue $4,900,000 principal amount of First Mortgage Bonds ____ percent Series due 1992. Applicant proposes to issue the aforesaid Bonds under its presently existing Indenture dated February 1, 1923 executed by Applicant to The Northern Trust Company and Harold H. Rockwell, as Trustees, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of September 1, 1962. The Bonds, to be dated September 1, 1962, will be sold at competitive bidding and will bear interest at the rate per annum to be fixed by competitive bidding. Applicant states that the net proceeds from the sale of the new Bonds will be used to redeem its presently outstanding First Mortgage Bonds, 5¾ percent Series, due August 1, 1987, in the principal amount of $4,900,000 plus a call premium of 5.35 percent and accrued interest to date of redemption, which Applicant believes will result in a lower rate of interest and a substantial saving to Applicant in annual cost of money.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 11th day of September 1962 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8859; Filed, Sept. 4, 1962; 8:52 a.m.]

[Docket No. CP62-282]

MISSISSIPPI RIVER FUEL CORP.

Notice of Application and Date of Hearing

AUGUST 28, 1962.

Take notice that on June 1, 1962, as supplemented on July 24, 1962, Mississippi River Fuel Corporation (Applicant), 9900 Clayton Road, St. Louis 24, Mo., filed in Docket No. CP62-282 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of facilities used to serve Sterling Steel Castings Company (Sterling) and Hill Brick Company (Hill) in St. Clair County, Ill., all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The subject application was filed pursuant to the Commission's Opinion No. 355 and accompanying order issued April 18, 1962, in Docket No. G-17567, et al.,

which requires Applicant to apply for certificates of public convenience and necessity for authorization to continue to serve direct sale customers who were not being served on the effective date of Applicant's "grandfather" certificate.

The application states that Sterling has been served for about 16 years and uses natural gas supplied by Applicant for heat treating, core baking,, ladle heating, space heating, mold drying, and in gas oxygen torches, all in connection with the manufacture of small steel castings. Sterling's peak day use of gas during the past 3 years of operation has ranged from 160 to 182 Mcf and annual requirements during the same period have ranged from 21,719 to 30,179 Mcf. Estimated peak day and annual requirements for the next 3 years of operation are estimated to be 170 and 25,000 Mcf, respectively. The application states that the only facilities installed in connection with service to Sterling consist of a meter station since Applicant's pipeline passes the customer's plant.

The application further states that Hill has been served for about 17 years and uses natural gas supplied by Applicant for baking and space and water heating, all in connection with the manufacture of structural clay products. Hill's peak day use of gas during the past 3 years of operation has ranged from 1,239 to 1,415 Mcf and annual requirements during the same period have ranged from 189,307 to 300,294 Mcf. Estimated peak day and annual requirements for the next three years of operation are estimated to be 1,250 and 275,000 Mcf, respectively. The application states that a meter station and lateral line have been installed in connection with the service to Hill.

The subject application does not propose any new service or facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 9, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c)(1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8860; Filed, Sept. 4, 1962; 8:52 a.m.]

[Docket No. CP61-132]

NORTHERN NATURAL GAS CO.

Order Fixing Date for Oral Argument

AUGUST 28, 1962.

The presiding examiner on June 28, 1962, filed and served on all the parties his decision in this proceeding, and in addition certified the record herein to the Commission.

Thereafter, exceptions were filed by Northern Natural Gas Company, Minnesota Valley Natural Gas Company, by nineteen interveners, including customer companies, the Public Service Commission of Wisconsin, the cities of Minneapolis, St. Paul, and Duluth, Minnesota, the State of Minnesota and the Municipal Gas Utility of the City of Cedar Falls, Iowa, and by Mid-America Pipeline Company and the Commission Staff. A request for oral argument was made by Mid-America.

It appears reasonable and appropriate in the public interest that oral argument be had in this proceeding concerning the matters involved and the issues presented by the exceptions filed by the foregoing parties to the decision of the presiding examiner.

The Commission orders:

(A) Oral argument be had before the Commission on October 1, 1962, at 10 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved and the issues presented by the said exceptions to the decision of the presiding examiner.

(B) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of the Commission on or before September 17, 1962, of such intention and of the time requested for presentation of such argument.

By the Commission. Commissioner Woodward dissenting.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8861; Filed, Sept. 4, 1962; 8:52 a.m.]

[Docket No. RI63-57]

SUNRAY DX OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

AUGUST 28, 1962.

On July 27, 1962, Sunray DX Oil Company (Sunray) [1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change (by letter dated July 25, 1962).

Purchaser and producing area: Natural Gas Pipeline Company of America (Camrick Field, Texas County, Okla.)

Rate schedule designation: Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 114.

Proposed rate: 17.2 cents per Mcf.

Effective date: August 27, 1962. (The first day after expiration of the required statutory notice.)

Sunray was notified by telegram dated August 24, 1962, of the suspension of the subject increased rate.

Sunray's proposed rate exceeds the applicable area price level as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed increased rate may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 114 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Sunray's FPC Gas Rate Schedule 114.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 26, 1963, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f) on or before October 10, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8862; Filed, Sept. 4, 1962; 8:52 a.m.]

[1] Address is: P.O. Box 2039, Tulsa 2, Okla.

[Docket No. RI63-60]

SUNRAY DX OIL CO.

Order To Show Cause

AUGUST 28, 1962.

By letter dated July 25, 1962, Sunray DX Oil Company (Sunray) [1] submitted a purported two-step periodic rate increase of 0.4 cent per Mcf, from 16.8 cents to 17.2 cents per Mcf, for gas sold at or near the wellhead to Natural Gas Pipeline Company of America from the Camrick Field, Texas County, Oklahoma. The proposed filing has been designated as Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 114 and by order issued concurrently herewith [2] is being suspended and the use thereof deferred until January 26, 1963, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

The subject gas is sold under the terms of a contract dated November 7, 1955, between Carter Oil Company (now Humble Oil & Refining Company) and Natural Gas Pipeline Company of America. Sunray ratified such contract by agreement dated January 6, 1956. On April 30, 1956, Sunray submitted the ratification, contract and a billing statement reflecting a rate of 16.0 cents per Mcf plus Btu adjustment. Such ratification and contract are designated as Sunray's Rate Schedule No. 114 and Supplement No. 1 thereto, respectively. Sunray's lease was pooled with other acreage (including Carter's, the operator) to form a single unit by order of the Oklahoma Corporation Commission. Sunray owns 12.5 percent of such unit. By order issued December 15, 1958, Sunray was given certificate authorization for the subject sale in Docket No. G-10325 and Sunray accepted such authorization on December 1, 1960.

The contract provides for an initial rate of 16.0 cents per Mcf with 0.2 cent per Mcf periodic increases every year for the 20-year term of the contract. At the end of the 20-year term the price is to be renegotiated every 5 years. The price for gas under the contract is also subject to a downward Btu adjustment for gas containing less than 1,000 Btu per cubic foot.

On January 14, 1957, Sunray filed a notice of change in rate of 0.2 cent per Mcf, from 16.0 cents to 16.2 cents per Mcf, under the subject rate schedule. The accompanying comparative statement of volumes and revenues showed Sunray's sales as beginning on March 21, 1956. The notice of change was designated as Supplement No. 2 to Sunray's FPC Gas Rate Schedule No. 114 and the increased rate was suspended in Docket No. G-11992.

On April 12, 1957, Sunray filed a notice of withdrawal of the suspended rate increase contending that it was erroneously filed since the rate schedule was not effective and no gas was being delivered thereunder. However, Carter Oil Company (operator of the unit) under its Rate Schedule No. 35 (now Humble Oil & Refining Company (Operator), et al., FPC Gas Rate Schedule No. 191) began deliveries on March 21, 1956. By order issued May 9, 1957, in Docket No. G-11992, Sunray's Rate Schedule No. 114 was allowed to become effective as of March 21, 1956, and the proposed notice of withdrawal was rejected. Sunray has not made the necessary filing to put the increased rate designated as Supplement No. 2 into effect.

By letter dated December 8, 1960, Sunray submitted a revised billing statement reflecting a rate of 16.8 cents per Mcf. Such letter stated that the proceeding in Docket No. G-10325 (Sunray's related certificate docket), among others, was involved in the case of Sunray Mid-Continent Oil Company v. Federal Power Commission, United States Court of Appeals for the Tenth Circuit, Case No. 6142, and that the petition for review in this case had been dismissed. In such letter Sunray also states that on December 1, 1960, they accepted the related certificate issued in Docket No. G-10325 and that their rate schedule will become effective upon deliveries of gas thereunder on January 1, 1961, and that the billing statement was submitted to reflect the initial price payable under the rate schedule as of that date.

Section 4(c) of the Natural Gas Act provides that "every natural-gas company shall file * * * and keep open * * * for public inspection, schedules showing all rates and charges * * *", "and Section 4(d) provides that "unless the Commission otherwise orders, no change shall be made * * *, in any such rate, charge, classification, or service, * * * except by thirty days' notice to the Commission and to the public. Such notice shall be given by filing with the Commission and keeping open for public inspection new schedules stating plainly the change or changes to be made in the schedule or schedules then in force * * *." The only manner in which Sunray could make effective an increased rate in excess of 16 cents per Mcf would be by a motion making effective the 16.2 cents per Mcf rate suspended in Docket No. G-11992, or by filings of increased rates above that figure pursuant to contractual authorization. Sunray's filing of Supplement No. 3 to its FPC Gas Rate Schedule No. 114 apparently indicates it is now charging a rate of 16.8 cents per Mcf without having filed a notice of change in rate, and in reliance only on a revised billing statement. The Natural Gas Act requires that any change in a rate or charge may only be made by filing a "new schedule". A billing statement is not a notice of change within the purview of the Natural Gas Act and the regulations thereunder, and it appears that the 16.0 cents per Mcf rate is Sunray's presently effective rate.

In view of the foregoing, it is necessary and appropriate for the purposes of administering the Natural Gas Act that Sunray show cause, if any there be, for its apparent past and continuing noncompliance with the Natural Gas Act, and the Commission's Regulations thereunder; all in the manner hereinafter provided.

The Commission orders:

Sunray shall show cause, if any there be, under oath and in writing, within 30 days from the date of issuance of this order, why the Commission should not find and determine:

(A) That Sunray is charging and collecting rates in violation of the Natural Gas Act and the Commission's regulations thereunder;

(B) That this action by Sunray is a willful and knowing violation of the Natural Gas Act and the regulations thereunder;

(C) That Sunray be required to collect the legally effective rate of 16.0 cents per Mcf and to refund, with interest, any amounts collected in excess of such effective rate, if any such amounts were collected, and report such amounts and facts relative thereto, to this Commission.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8863; Filed, Sept. 4, 1962; 8:52 a.m.]

[1] Formerly Sunray Mid-Continent Oil Co.

[2] Sunray was advised by telegram on August 24, 1962, of the Commission's action suspending such proposed increased rate.

FEDERAL RESERVE SYSTEM

COMMERCIAL ASSOCIATES, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Commercial Associates, Inc. for permission to become a bank holding company by acquiring stock of two banks in Florida.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(1) of the Board's Regulation Y (12 CFR 222.4(a)(1)), an application by Commercial Associates, Inc., Pensacola, Florida, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of more than 50 percent of the voting shares of The Commercial National Bank of Pensacola, Pensacola, Fla., and the Bank of Gulf Breeze, Gulf Breeze, Fla. Notice of receipt of said application was published in the FEDERAL REGISTER on March 30, 1962 (27 F.R. 3017), which notice provided for the filing of comments and views regarding the proposed acquisition. No comments or views have been received.

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that the said application be and hereby is granted, and the acquisition by Applicant of more than 50 percent of the voting shares of the abovementioned banks is hereby approved, provided that such acquisition shall not be consummated (a) within 7 calendar days after the date of this Order or (b) later than three months after said date.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 29th day of August 1962.

By order of the Board of Governors.[3]

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 62-8829; Filed, Sept. 4, 1962; 8:45 a.m.]

FIRST VIRGINIA CORP.

Order Denying Application Under Bank Holding Company Act

In the matter of the application of The First Virginia Corporation for prior approval of the acquisition of 80 percent or more of the outstanding voting shares of Farmers and Merchants National Bank, Winchester, Va.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of The First Virginia Corporation, Arlington, Virginia, for the Board's prior approval of the acquisition of 80 percent or more of the outstanding voting shares of Farmers and Merchants National Bank, Winchester, Virginia.

A Notice of Receipt of Application was published in the FEDERAL REGISTER on December 7, 1961 (26 F.R. 11742), which provided an opportunity for submission of comments and views regarding the proposed acquisition, and the time for filing such comments and views has expired and all comments and views filed with the Board have been considered by it.

It is ordered, For the reasons set forth in the Board's Statement[2] of this date, that said application be and hereby is denied.

Dated at Washington, D.C., this 29th day of August 1962.

By order of the Board of Governors.[4]

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 62-8830; Filed, Sept. 4, 1962; 8:46 a.m.]

[3] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Robertson, Shepardson, and King. Absent and not voting: Governor Mitchell.

[2] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Richmond. Dissenting statement of Governor Mills also filed as part of the original document and available upon request.

[4] Voting for this action: Chairman Martin, and Governors Balderston, Robertson, Shepardson, King, and Mitchell. Voting against this action: Governor Mills.

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2845]

WONDERBOWL, INC.

Notice and Order for Hearing

AUGUST 29, 1962.

I. Wonderbowl, Inc., 7805 Sunset Boulevard, Los Angeles 46, Calif. (issuer), filed with the Commission on February 6, 1961 a notification and offering circular relating to an offering of 150,000 shares of its $2 par value common stock at $2 per share for an aggregate offering price of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on July 24, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10 a.m., on October 11, 1962, at the Los Angeles Branch Office of the Commission, Room 309 Guaranty Building, 6331 Hollywood Boulevard, Los Angeles 28, Calif., with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether a person who is an officer, director, promoter and principal security holder of issuer, is subject to an order of a court of competent jurisdiction permanently restraining such person from engaging in any conduct or practice in connection with the purchase or sale of any security and arising out of such person's conduct as an underwriter, broker or dealer, and whether had such event, which occurred after the filing of the notification, occurred prior to such filing, it would have rendered the exemption hereunder unavailable under Rule 252(d)(2).

B. Whether the offering circular used by the issuer omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading in that the issuer failed to disclose that it had an interest in a department store and motel and intended to expend the proceeds of the offering to provide working capital for the department store.

III. *It is further ordered,* That the designated hearing examiner, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Wonderbowl, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before October 8, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That Wonderbowl, Inc., pursuant to Rule 7 of the Rules of Practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II hereinabove. Such answer shall be filed in the manner, form, and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Wonderbowl, Inc. does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II hereinabove.

Notice is hereby given that if Wonderbowl, Inc. fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Wonderbowl, Inc., by the Commission upon consideration of this notice and order for hearing and said allegations in section II hereinabove may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8842; Filed, Sept. 4, 1962; 8:48 a.m.]

TARIFF COMMISSION

[7-116]

SOFTWOOD LUMBER

Notice of Broadened Investigation

On July 26, 1962, the United States Tariff Commission issued notice of the institution of an investigation under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to certain softwood lumber and timber and scheduled a public hearing in connection therewith for October 2, 1962 (27 F.R. 7583; August 2, 1962 issue of Treasury Decisions). The investigation was instituted upon application of the Lumbermen's Economic Survival Committee, Seattle, Wash.

On August 27, 1962, applicants filed an amendment of the application to include additional species of softwood lumber and timber. On August 29, 1962, the Tariff Commission accepted the amendment and, on the basis of the amended application, broadened the investigation so that its purpose is to determine whether sawed lumber and timber produced from trees of the coniferous species (order Coniferae) not further manufactured than planed, and tongued and grooved (not including dowels), provided for in paragraph 401 or 1803(1) of the Tariff Act of 1930, as amended, or in section 4551 of the Internal Revenue Code of 1954, as amended (items 202.03-.31, 202.45-.50, 202.52, or 202.63 of the Tariff Schedules of the United States the adoption of which is provided for in Public Law 87-456, approved May 24, 1962), are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like products.

Date of hearing not changed. The public hearing set for October 2, 1962, will be held as scheduled, but appropriately broadened in scope in view of the broadened investigation. The hearing will begin on the date specified at 10 a.m. e.d.t. in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least 5 days in advance of the date set for the hearing. Parties who have heretofore entered an appearance need not reenter an appearance because of the broadened investigation.

Inspection of application as amended. The original application filed in this case and the amendment filed August 27, 1962, are available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse, where they may be read and copied by persons interested.

Issued: August 30, 1962.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 62-8864; Filed, Sept. 4, 1962; 8:52 a.m.]

DRIED FIGS

Reports to the President

AUGUST 30, 1962.

The U.S. Tariff Commission today submitted to the President its ninth periodic report on the developments in the trade in dried figs since the "escape clause" action, on August 30, 1952, modifying the concession granted in the General Agreement on Tariffs and Trade on such figs classifiable under paragraph 740 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952, which order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its report, the Commission advised the President that the conditions of competition between imported and domestic dried figs had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in dried figs do not warrant a formal inquiry into the question of whether a reduction in the duty on dried figs could be made without resulting in serious injury to the domestic industry concerned.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW, Washington 25, D.C.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 62-8865; Filed, Sept. 4, 1962; 8:52 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 28, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37901: *Corn starch to Houston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8250), for interested rail carriers. Rates on corn starch, in bulk or in bulk in bags, in carloads, from specified points in Illinois, and Iowa, also Kansas City, Mo.-Kans., and St. Louis, Mo., to Houston, Tex.

Grounds for relief: Foreign import competition.

Tariff: Supplement 104 to Southwestern Freight Bureau tariff I.C.C. 4397.

FSA No. 37902: *Bituminous coal to East St. Louis, Ill.* Filed by Roy S. Kern, Agent (No. 59), for interested rail carriers. Rates on bituminous coal, as described in the application, in carloads, from mine origins in eastern Kentucky, Tennessee and southwestern Virginia, to East St. Louis, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 54 to Southern Freight Association tariff I.C.C. S-69.

FSA No. 37903: *Class rates—Seatrain Lines, Inc.* Filed by Seatrain Lines, Inc. (No. 25), for itself and interested rail carriers. Rates on various commodities moving on class rates, loaded in containers, and transported over joint rail-water-rail, rail-water and water-rail routes of the applicant carriers, between points in Connecticut, Massachusetts and Rhode Island, on the lines of the NYNH&H RR, on the one hand, and points in Louisiana and Texas, on the other.

Grounds for relief: Motor-water and water-motor competition.

Tariff: Supplement 28 to Seatrain Lines, Inc., tariff I.C.C. 189.

FSA No. 37904: *Petroleum products from Billings, East Billings and Laurel, Mont.* Filed by Great Northern Railway Company (No. 1082), jointly with the Northern Pacific Railway Company, (No. 126), for themselves. Rates on topped or reduced crude petroleum oil or refinery cracking stock, as described in the application, in tank-car loads, from Billings, East Billings and Laurel, Mont., to Minneapolis, Minnesota Transfer, St. Paul, Refinery Spur (St. Paul Park), Alford and Wrenshall, Minn., also Superior, Wis.

Grounds for relief: Carrier competition.

Tariffs: Supplements 45 to Great Northern Railway Company tariff I.C.C. A-8854, and supplement 19 to Northern Pacific Railway Company tariff I.C.C. 9977.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8752; Filed, Aug. 30, 1962; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 30, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37905: *Bituminous coal to Gastonia, N.C.* Filed by O. W. South, Jr., Agent (No. A4229), for interested rail carriers. Rates on bituminous coal, as described in the application, in car-

loads, from mine origins in Kentucky and Virginia, to Gastonia, N.C.

Grounds for relief: Origin rate relationship.

Tariffs: Supplements 59 and 43 to Southern Freight Association tariffs I.C.C. S–62 and S–64, respectively.

FSA No. 37906: *Sand to Boston, Mass.* Filed by Southwestern Freight Bureau, Agent (No. B–8249), for interested rail carriers. Rates on sand, as described in the application, in carloads, from Guion, Ark., Mill Creek and Roff, Okla., to Boston, Mass.

Grounds for relief: Market competition.

Tariff: Supplement 178 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 37907: *Iron and Steel Pipe from Points in Pennsylvania.* Filed by Southwestern Freight Bureau, Agent (No. B–8251), for interested rail carriers. Rates on iron and steel pipe and related articles, in carloads, from specified points in Pennsylvania, to points in Arkansas, Louisana, New Mexico, Oklahoma and Texas.

Grounds for relief: Market competition.

Tariff: Supplement 283 to Southwestern Freight Bureau tariff I.C.C. 4116.

FSA No. 37908: *Vinyl acetate from Geismar, La., to Demopolis, Ala.* Filed by O. D. South, Jr., Agent (No. A4230), for interested rail carriers. Rates on vinyl acetate, in tank-car loads, from Geismar, La., to Demopolis, Ala.

Grounds for relief: Barge competition.

Tariff: Supplement 81 to Southern Freight Association tariff I.C.C. S–89.

FSA No. 37909: *Spelter, zinc alloy and zinc anodes from Oklahoma and Texas.* Filed by Southwestern Freight Bureau, Agent (No. B–8258), for interested rail carriers. Rates on spelter (slab zinc), zinc alloy and zinc anodes, in carloads, from specified points in Oklahoma and Texas, also Ft. Smith, Ark., to Baltimore and Sparrows Point, Md.

Grounds for relief: Market competition.

Tariff: Supplement 317 to Southwestern Freight Bureau tariff I.C.C. 4045.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–8845; Filed, Sept. 4, 1962; 8:49 a.m.]

[Drouth Order 61, Amdt. 2]

MISSOURI

Authorizing Railroads To Transport Feed and Hay at Reduced Rates; Addition of Certain Counties

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing, that due to the drouth conditions existing in the State of Missouri the Commission issued its Drouth Order No. 61 as amended under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the drouth area at reduced rates;

And it further appearing, that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to thirteen additional counties:

It is ordered, That Drouth Order No. 61 as amended, be, and it is hereby, further amended by adding thereto the following counties:

Missouri, 13 counties, viz.:

Bollinger.	Laclede.
Cass.	Perry.
Christian.	Saline.
Dent.	Scott.
Hickory.	Wayne.
Howard.	Webster.
Howell.	

It is further ordered, That in all other respects Drouth Order No. 61 as amended shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 29th day of August, A.D. 1962.

By the Commission, Chairman Murphy.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–8847; Filed, Sept. 4, 1962; 8:49 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11048

ADMINISTRATION OF WAKE ISLAND AND MIDWAY ISLAND

By virtue of the authority vested in me by section 48 of the Hawaii Omnibus Act (approved July 12, 1960; 74 Stat. 424; P.L. 86–624) and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

Part I—Wake Island

SECTION 101. The Secretary of the Interior shall be responsible for the civil administration of Wake Island and all executive and legislative authority necessary for that administration, and all judicial authority respecting Wake Island other than the authority contained in the act of June 15, 1950 (64 Stat. 217), as amended (48 U.S.C. 644a), shall be vested in the Secretary of the Interior.

SEC. 102. The executive, legislative, and judicial authority provided for in section 101 of this order (1) may be exercised through such agency or agencies of the Department of the Interior, or through such officers or employees under the jurisdiction of the Secretary of the Interior, as the Secretary may direct or authorize, (2) may be exercised through such agency or agencies, other than or not in the Department of the Interior, or through such officers or employees of the United States not under the administrative supervision of the Secretary, for such time and under such conditions as may be agreed upon between the Secretary and such agency, agencies, officers or employees of the United States, and (3) shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

SEC. 103. Executive Order No. 6935 of December 29, 1934, to the extent that it pertains to Wake Island, is hereby superseded.

Part II—Midway Island

SECTION 201. The Secretary of the Navy shall be responsible for the civil administration of Midway Island and all executive and legislative authority necessary for that administration, and all judicial authority respecting Midway Island other than the authority contained in the act of June 15, 1950 (64 Stat. 217), as amended (48 U.S.C. 644a), shall be vested in the Secretary of the Navy.

SEC. 202. The executive, legislative, and judicial authority provided for in section 201 of this order shall be exercised through such agency or agencies of the Navy Department, or through such officers or employees under the jurisdiction of the Secretary of the Navy, as the Secretary may direct or authorize, and shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

SEC. 203. Such public lands on the Midway Islands, Hawaiian group, between the parallels of 28°5′ and 28°25′ North latitude, and between the meridians of 177°10′ and 177°30′ West longitude, as were placed under the jurisdiction and control of the Navy Department by the provisions of Executive Order No. 199–A of January 20, 1903, are hereby continued under the jurisdiction and control of that Department. Executive Order No. 199–A is hereby superseded.

Part III—Miscellaneous Provisions

SECTION 301. The provisions of each of the foregoing Parts of this order shall continue in force until the Congress shall provide for the civil administration of the affected Island or until such earlier time as the President may specify.

SEC. 302. As used herein, the terms "Wake Island" and "Midway Island" include the reefs appurtenant to, and the territorial waters of, Wake Island and Midway Island, respectively.

SEC. 303. To the extent that any prior Executive order or proclamation is inconsistent with the provisions of this order, this order shall control.

SEC. 304. This order shall not be deemed to affect Executive Order No. 9709 of March 29, 1946, or Executive Order No. 9797 of November 6, 1946.

SEC. 305. Nothing in this order shall be deemed to reduce, limit, or otherwise modify the authority or responsibility of the Attorney General to represent the legal interests of the United States in civil or criminal cases arising under the provisions of the act of June 15, 1950.

JOHN F. KENNEDY

THE WHITE HOUSE,
September 4, 1962.

[F.R. Doc. 62-8983; Filed, Sept. 5, 1962; 10:06 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, subparagraph (9) is added to paragraph (a) of § 6.114 as set out below.

§ 6.114 Department of Health, Education, and Welfare.

(a) *St. Elizabeths Hospital.* * * *

(9) Not to exceed 22 positions of Chaplain Residents; provided, that employment under this authority shall not exceed 39 months for any individual. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80-330.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-8915; Filed, Sept. 5, 1962; 8:51 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (45) is added to paragraph (a) of § 6.304 as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* * * *

(45) One Private Secretary to the Chairman, Joint Chiefs of Staff.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-8917; Filed, Sept. 5, 1962; 8:52 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (f) of § 6.311 is amended as set out below.

§ 6.311 Department of Agriculture.

* * * * * * *

(f) *Farmers Home Administration.* * * *

(2) One Assistant Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-8916; Filed, Sept. 5, 1962; 8:52 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (40) is added to paragraph (a) of § 6.342 as set out below.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* * * *

(40) One Secretary and Confidential Assistant to the Assistant Administrator for Public Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-8918, Filed, Sept. 5, 1962; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 27, Amdt. No. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 908.327 (Valencia Orange Regulation 27, 27 F.R. 8531) are hereby amended to read as follows:

(ii) District 2: 500,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 31, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8895; Filed, Sept. 5, 1962; 8:48 a.m.]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Determination Relative to Expenses and Fixing of Rate of Assessment for 1962-63 Season

Pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 926.201 Expenses and rate of assessment for the 1962-63 season.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the season beginning April 1, 1962, and ending on

March 31, 1963, both dates inclusive, will amount to $43,011.

(b) *Rate of assessment.* The rate of assessment, which each handler who first ships Tokay grapes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at twelve mills ($0.012) per standard package, or the equivalent thereof in weight, of Tokay grapes shipped by such handler during said season.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of the current crop of Tokay grapes grown in San Joaquin County, California, are now being made; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular season shall be applicable to all assessable Tokay grapes from the beginning of such season; and (3) the current season began April 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable Tokay grapes beginning with such date.

As used herein, the terms "handler," "ships," "shipped," "season," and "standard package" shall have the same meaning as when used in said amended marketing agreement and order and Industry Committee rules and regulations (7 C.F.R. 926.103).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 31, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–8894; Filed, Sept. 5, 1962; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), Part 74 of Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, is hereby amended in the following respects:

1. Section 74.7a is deleted.

2. The introductory paragraph of § 74.9 is amended by deleting after the words "public stockyard" and before the word "or," the words "other than the Denver Union Stockyards, Denver, Colorado."

3. Paragraph (a) of § 74.12 is amended by deleting after the words "public stockyard" and before the word "or," the words "other than the Denver Union Stockyards, Denver, Colorado."

4. The introductory paragraph of § 74.13 is amended by deleting after the words "public stockyard" and before the word "or," the words "other than the Denver Union Stockyards, Denver, Colorado."

5. Paragraphs (a) and (b), respectively, of § 74.22 are amended by deleting after the words "public stockyard" and before the word "or," the words "other than the Denver Union Stockyards, Denver, Colorado."

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Since October 18, 1961, sheep shipped interstate from the infected or the eradication areas, to the Denver Union Stockyards, have been subject to the same requirements as sheep moved interstate from such areas to points other than public stockyards or recognized slaughtering centers. These requirements were imposed because such animals are handled in great volume at the Denver Union Stockyards, and it was impossible with the facilities formerly available at these stockyards, to maintain the segregation of sheep from different areas required at public stockyards generally, without at the same time disrupting the normal marketing of such animals at these stockyards and also interfering with the implementation of the sheep scabies eradication program. In view of the fact that facilities at the Denver Union Stockyards have been expanded and improved, the foregoing amendments provide that hereafter sheep may be shipped to these stockyards under the same conditions as apply to their movement to other public stockyards in the free areas.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of August 1962.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 62–8921; Filed, Sept. 5, 1962; 8:52 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF ORGANIZATION, DELEGATIONS, AND GENERAL INFORMATION

Office of the Controller

The Commission, this 29th day of August 1962, is amending Part 1 of its regulations by redefining the responsibilities of the Office of the Controller. 10 CFR § 1.42 is amended by deleting paragraph (j) and redesignating paragraphs (k), (l), (m), and (n) as (j), (k), (l), and (m) respectively. Redesignated paragraph (l) is revised.

Because this amendment relates to matters of agency management, notice of proposed rule making and public procedure thereon are unnecessary.

Pursuant to the Administrative Procedure Act, 1 CFR 13.2, and the Atomic Energy Act of 1954, as amended, the following amendment of Part 1 of the Commission's regulations is published as a document subject to codification, effective upon publication in the FEDERAL REGISTER.

As amended, 10 CFR § 1.42 reads as follows:

§ 1.42 Office of the Controller.

The Controller reports to the General Manager but also has direct responsibilities to the Commission for advice and counsel on financial matters. The Office of the Controller: (a) Develops and maintains the policies, procedures, and standards of accounting, auditing, budgeting, pricing, insurance, contract finance, records and personal property and supply management, and related reporting that are essential to the financial integrity and efficient management of the Atomic Energy Commission's direct and contract operations and to the safeguarding of AEC funds and property; (b) provides technical guidance to field staffs performing such functions; (c) reviews activities on an AEC-wide basis to evaluate the adequacy of established policies, procedures, and standards governing functions for which the Office of the Controller has responsibility and to evaluate the performance of such functions; (d) develops an internal audit program covering activities of Headquarters, field offices, and their contractors, that have an impact upon the financial interests of AEC; (e) coordinates, reviews and recommends action on budget and financial plan proposals; and provides central administration of AEC-wide budgets and appropriations; (f) serves as liaison with the General Accounting Office, Bureau of the Budget, Treasury Department, General Services Administration, other agencies and Congressional committees and industry in areas of the Controller's responsibility; (g) approves contractors' insurance programs and negotiates settlements with insurance companies; (h) performs accounting, auditing, budgeting, insurance and certain statistical functions for the Headquarters office, and to the extent that such financial activities are centralized, for the AEC as a whole; (i) reports the financial status of the agency and the results of its operations; (j) develops, interprets, and modifies contract cost principles; (k) maintains accounting for the Combined Development Agency, and reviews financial and accounting aspects of proposed CDA contracts and other agreements; (l) provides staff advice and assistance on automatic data processing systems and equipment for all AEC operations, and at Headquarters adapts data-handling systems to automation and operates the Headquarters ADP installation; and (m) provides staff advice and assistance on and conducts AEC-wide programs for personal property and supply management.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 29th day of August 1962.

For the Atomic Energy Commission.

HAROLD D. ANAMOSA,
Acting Secretary.

[F.R. Doc. 62–8877; Filed, Sept. 5, 1962; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 10]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Aggregate Limitation on Investments and Loans

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, there is amended, as set forth below, § 107.708 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232–8242 and amended.

Information and effective date. The subject amendment increases the amount that may be provided by participation or otherwise under § 107.708(b). Since the subject amendment is a relaxation of the former limitation and is therefore exempt from the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003), it shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies (26 F.R. 8232–8242), as amended, is hereby further amended by:

1. Deleting the figure $300,000 as it appears in § 107.708(b) and inserting in lieu thereof the figure $500,000.

As amended § 107.708(b) reads as follows:

§ 107.708 Aggregate limitation on investments and loans.

* * * * *

(b) Without the prior written approval of SBA, no more than five Licensees may, by participation or otherwise, provide Equity Capital or long-term loans to any single small business concern unless the total financing involved is $500,000 or less.

Dated: August 29, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–8906; Filed, Sept. 5, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER I—AIRPORTS [NEW]

[Reg. Docket No. 1374]

PART 165—WAKE ISLAND CODE [NEW]

Pursuant to section 48 of the Hawaii Omnibus Act (74 Stat. 411, 424) the President has by Executive Order[1] named the Secretary of the Interior as responsible for the civil administration of Wake Island, and has vested in him all executive and legislative authority necessary for that administration and all judicial authority respecting Wake Island other than the authority contained in the Act of June 15, 1950, as amended (48 U.S.C. 644a), to be exercised through such agency, officers and employees of the Government as may be agreed upon by such agency and the Secretary of the Interior. The Secretary of the Interior and the Administrator of the Federal Aviation Agency have entered into an Agreement[2] providing that all executive, legislative and judicial authority vested in the Secretary of the Interior shall be exercised by such persons as may be designated by the Administrator of the Federal Aviation Agency.

This part, to be known as the Wake Island Code, provides a scheme for the civil administration of Wake Island. Civil and criminal laws to be applied in the administration of the Island are included.

Prior to the publication of this part, civil acts and deeds taking place on Wake Island were determined and adjudicated as provided in the Act of June 15, 1950 (64 Stat. 217; 48 U.S.C. 644a) according to the laws of the United States relating to such acts as if occurring on board a merchant vessel or other vessel belonging to the United States on the high seas. This part is not intended to diminish the application of those laws, and they continue to apply as fully as before. This part adds to the substantive civil law applicable to Wake Island by a recital of further specific civil provisions in the part itself, and by providing that where the civil rights, powers, and duties of any person on Wake are not otherwise prescribed by the civil maritime laws or this part, the civil rights, powers and duties as they obtain under the laws of the State of Hawaii shall apply. Thus, where the effect of a civil act on Wake cannot be determined by reference to the maritime laws or this part, the laws of Hawaii will determine the effect.

Similarly, prior to the publication of this part, as provided in the Act of June 15, 1950, offenses and crimes committed on Wake Island were deemed to have been committed on the high seas on board a merchant vessel or other vessel belonging to the United States and were adjudged and punished according to the laws of the United States relating to such offenses on such vessels on the high seas. In addition, certain other criminal statutes of the United States applied to acts committed on Wake, included among them the provisions of Title 18 of the United States Code relating to the special maritime and territorial jurisdiction of the United States.

The provisions of this part are not intended to disturb the application of United States criminal laws at Wake as they applied before the publication of this part. This part is designed to incorporate and apply all criminal laws of the United States as they applied previously, so far as that is deemed necessary to continue the applicability of those laws, and, in addition, includes a list of Petty Offenses and other minor criminal provisions for Wake and penalties therefor.

The jurisdiction of the United States District Court for the District of Hawaii remains the same as prior to the publication of this part.

The civil jurisdiction of the local court created by this part, the Wake Island Justice Court, extends to actions where the claimed amount is $1000 and less. It is thus intended to serve as a court for the adjudication of small claims.

The criminal jurisdiction of the Wake Island Justice Court extends to violations of Subparts E, I, J, K, and L of this part. The regulations in Subpart M are promulgated under Section 10 of the International Aviation Facilities Act (62 Stat. 453; 49 U.S.C. 1159) and are federal offenses cognizable in the U.S. District Court for the District of Hawaii or before the U.S. Commissioner for Wake Island.

Subparts N, O, and P relating to landing charges, utility service, and medical and hospital services on Wake Island are based on present Parts 575, 576, and 577 of the Regulations of the Administrator. Their applicability to Canton Island will be recodified in proposed Part 163 [New] in Subchapter I "Airports" [New].

In order to avoid its issuance, and then immediate reissuance in a recodified form, this amendment is issued as a part of the program of the Federal Aviation Agency to recodify its regulatory material. In the "Outline and Analysis" for the proposed recodification, contained in Draft Release 61–25 and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698), provision is made for a new subchapter I "Airports" [New] in Chapter I of Title 14. This amendment, as the first final rule to be published in that subchapter, adds the new subchapter I "Airports" [New] to Chapter I of Title 14. Other new parts will be added to the subchapter at a later date, in conformity with the "Outline and Analysis".

[1] See E.O. 11048, Title 3, *supra*.

[2] See F.R. Doc. 62–8904, Notices Section, *infra*.

The definitions in Part 1, "Definitions and Abbreviations" [New] apply to the new subchapter I.

Since FAA management and public property are involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedures Act is not required.

In consideration of the foregoing, effective September 4, 1962, Chapter I of Title 14 is amended by adding a Subchapter I, "Airports" [New], as set forth below.

Issued in Washington, D.C., on September 4, 1962.

N. E. HALABY,
Administrator.

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Subpart A—General

AUTHORITY: Subpart A issued under sec. 10, 62 Stat. 453; 49 U.S.C. 1159; sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of the Interior, Feb. 5, 1962.

§ 165.1 Applicability.

(a) The local civil and criminal laws of Wake Island consist of this part and applicable provisions of the laws of the United States.

(b) For the purposes of this part, Wake Island includes Wake, Peale, and Wilkes Islands, and the appurtenant reefs, shoals, shores, bays, lagoons, keys, territorial waters, and superadjacent airspace of them.

§ 165.3 Purpose.

The purpose of this part is to provide—

(a) For the civil administration of Wake Island;

(b) Rules applicable to the Wake Island Airport, prescribed under section 10 of the International Facilities Act (49 U.S.C. 1159);

(c) For vesting powers and duties in appropriate officials of the United States for the civil administration of Wake Island, including judicial and executive functions;

(d) Civil laws for Wake Island; and

(e) Certain criminal provisions applicable to Wake Island, and penalties for their violation.

Subpart B—The Island Governor

AUTHORITY: Subpart B issued under sec. 10, 62 Stat. 453; 49 U.S.C. 1159; sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.11 Appointment and removal.

The executive authority at Wake Island is vested in the Island Governor. The Governor is appointed from among Federal Aviation Agency employees, and is subject to removal, by the FAA Assistant Administrator for the Pacific Region. The Assistant Administrator may designate a person to serve as Acting Island Governor in the event of the absence, disability, or death of the Island Governor. While so serving, the Acting Governor is vested with the authority prescribed in this part for the Island Governor.

§ 165.13 Permits.

Subject to reasonable restrictions and conditions that he considers appropriate, the Island Governor may issue Island permits for the following:

(a) Businesses, including any trade, profession, calling, or occupation, and any establishment where food or beverages are prepared, offered, or sold for human consumption.

(b) Self-propelled motor vehicles, except aircraft; including attached trailers.

(c) Vehicle operators.

(d) Boats.

(e) Dogs.

(f) Food handlers.

(g) Explosives and guns and pistols (including those operated by air, gas, or spring).

(h) Drugs, narcotics, and poisons.

(i) Construction.

(j) Burials.

§ 165.15 Authorized functions, powers, and duties.

The Island Governor may, personally or through his official staff—

(a) Issue citations for violations of Subpart I of this part (the Motor Vehicle Code).

(b) Abate any public nuisance upon the failure of the person concerned to comply with a removal notice.

(c) Make sanitation and fire prevention inspections.

(d) Perform marriages, and maintain records of vital statistics.

(e) Inspect motor vehicles for roadworthiness, and boats for seaworthiness.

(f) Confiscate property used in committing a crime.

(g) Investigate accidents and suspected crimes.

(h) Control the use of the Island airport and the assigned area used for its immediate support.

(i) Deputize any person to serve as a Peace Officer.

(j) Move unlawfully parked vehicles, boats, or aircraft.

(k) Take possession of lost or abandoned property and dispose of it in accordance with law.

(l) Delay or restrict the departure of any aircraft for reasonable cause.

(m) Impose quarantines.

(n) Impound and destroy unsanitary food, fish, or beverages.

(o) Evacuate any person from a hazardous area.

(p) Issue arms and ammunition to Peace Officers.

(q) Commission notaries public, as required.

(r) Establish and maintain a facility for the lawful restraint or confinement of persons and provide for their care.

(s) Remove any person from Wake Island for cause.

(t) Issue traffic regulations that are not inconsistent with this part, and post traffic signs.

(u) Perform any other acts, not inconsistent with this part or other applicable laws or regulations, that he considers necessary for protecting the health and safety of persons and property on Wake Island.

(v) Issue any order or notice necessary to implement this section.

§ 165.17 Emergency authority.

During the imminence and duration of any major emergency, the Island Governor may perform any acts necessary to protect life and property.

Subpart C—Civil Law

AUTHORITY: Subpart C issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.21 Applicable law.

Civil acts and deeds taking place on Wake Island shall be determined and adjudicated as provided in this part; and otherwise, as provided in the Act of June 15, 1950 (64 Stat. 217) (48 U.S.C. 644a), according to the laws of the United States relating to such an act or deed taking place, on the high seas, on board a merchant vessel or other vessel belonging to the United States.

§ 165.23 Civil rights, powers, and duties.

In any case in which the civil rights, powers, and duties of any person on Wake Island are not otherwise prescribed by the laws of the United States or this part, the civil rights, powers, and duties as they obtain under the laws of Hawaii apply to persons on Wake Island.

Subpart D—Criminal Law

AUTHORITY: Subpart D issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.31 General.

In addition to any act made criminal in this part, any act committed on Wake Island that would be criminal if committed on board a merchant vessel or other vessel belonging to the United States is a criminal offense and shall be adjudged and punished according to the laws applicable on board those vessels on the high seas.

Subpart E—Petty Offenses

AUTHORITY: Subpart E issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.41 General criminal offenses.

No person may, while on Wake Island—

(a) By design or any false pretense, and with intent to defraud, obtain any money, goods, or other things of value from any other person;

(b) Possess, sell, give away, or transport any narcotic or dangerous drug named in § 165.45 unless it is prescribed or administered by a licensed physician or with the specific permission of the Island Governor;

(c) Carry on his person any weapon or explosive unless he is a member of the armed forces on active duty, a peace officer, or is otherwise authorized to do so by law, or holds an Island permit therefor;

(d) Store, carry, or use any explosive, hazardous material, or dangerous weapon (including any device or instrument primarily designed for the purpose of inflicting bodily injury, and including guns and pistols, whether fired by air, gas, spring, or other means), except at places, and under conditions, prescribed by the Island Governor;

(e) Sell or give an alcoholic beverage manufactured for consumption (including beer, ale, or wine) to any person who is not at least 18 years of age, without the permission of that person's parent or guardian;

(f) Procure for, engage in, aid or abet in, or solicit for prostitution;

(g) Use any building, structure, vehicle, or public lands for the purposes of lewdness, assignation, or prostitution;

(h) Possess or display (publicly or privately) any pornographic literature, film, device, or any matter containing obscene language, that tends to corrupt morals;

(i) Make any obscene or indecent exposure of his person;

(j) Commit any disorderly, obscene, or indecent act;

(k) Commit any act of voyeurism (Peeping Tom) or perversion;

(l) Enter upon any assigned residential quarter or areas immediately adjacent thereto, without permission of the assigned occupant;

(m) Mischievously destroy, deface, or damage the property of any other person or of the United States;

(n) Throw away any paper, debris, refuse, garbage, litter, bottle, or can, except into a receptacle or area designated for that purpose;

(o) Commit any act of nuisance;

(p) With intent to provoke a breach of the peace or under such circumstances that a breach of the peace may be occasioned thereby, act in such a manner as to annoy, disturb, interfere with, obstruct, or be offensive to any other person;

(q) Be drunk in any public place;

(r) Use any profane or vulgar language in a public place;

(s) Loiter or roam about Wake Island, without any lawful purpose, at late and unusual hours of the night;

(t) Lodge or sleep in any place without the consent of the person in legal possession of that place;

(u) Corruptly give or promise to any employee or officer of the United States any gift, gratuity, service, or benefit, with intent to influence his official judgment or action;

(v) If he is an officer or employee of the United States, accept any gift, gratuity, service or benefit, the giving of which is prohibited by subparagraph (u) of this section;

(w) Impersonate or improperly assume the prerogatives of any Peace Officer, civil officer of the United States, or officer of the armed forces;

(x) Interfere, or attempt to interfere, with any Peace Officer during an arrest or official investigation, or with any personnel while engaged in crash, firefighting, or emergency activities.

(y) Instigate, conspire in, willfully attempt, cause, or participate in, any riot;

(z) Grossly waste any potable water;

(aa) Contribute to the delinquency of any person who is less than 18 years of age, or by force, persuasion, or demonstration induce such a person to violate any provision of this part, or any applicable criminal statute;

(bb) Assist, aid, abet, or give comfort to any other person who is committing a crime, or before or after that person has committed a crime;

(cc) Temporarily appropriate and drive or use any boat, aircraft, motor vehicle, or bicycle of any other person without his consent;

(dd) Knowingly participate in any action prohibited by subparagraph (cc) of this section;

(ee) Wrongfully issue a personal check against any bank account knowingly without sufficient funds on deposit therein, or forge or alter a check of any other person with intent to deceive to the detriment of another;

(ff) Being a male, knowingly enter any area, building, or quarter reserved for women, except in accordance with established visiting procedures;

(gg) Use or attempt to use a coin-operated machine that requires the deposit of a coin for its use without first depositing the coins required by the instructions on the machine;

(hh) Place or attempt to place, in a coin-operated machine, a slug, foreign coin, or object other than the coin required by the instructions on the machine;

(ii) Knowingly and falsely impart or convey information that any aircraft has been sabotaged, is unairworthy, or carries or may carry a bomb or other device hazardous to the safety of flight; or

(jj) Having taken an oath or affirmation before a competent tribunal, officer, or person, in any case in which the law authorizes such an oath or affirmation to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to that oath or affirmation state or subscribe to any material matter that he does not believe is true.

§ 165.43 Criminal offenses on the airport.

No person may, while on the airport (including the assigned area used for its immediate support)—

(a) Consume or carry any alcoholic beverage manufactured for consumption (including beer, ale, and wine) in an unsealed container without an Island permit;

(b) Smoke or ignite any fire in any designated and posted "No Smoking" area, or in the immediate proximity of any aircraft or fueling pit;

(c) Enter any airplane parking area or ramp, unless he is on duty therein, is a passenger under appropriate supervision, or is authorized by the Island Governor to enter that place;

(d) Interfere or tamper with any aircraft or servicing equipment or facility, or put in motion the engine of any aircraft without the permission of its operator;

(e) Spit, or deposit human waste, anywhere on the airport, except directly into a fixture designed for that purpose;

(f) Place any fabric, food, trash, or any other foreign object in any plumbing fixture on the airport;

(g) Gamble, wager, operate, or participate in a lottery;

(h) Loiter or loaf, or fail to leave the airport premises when directed by authorized personnel;

(i) Solicit alms, funds, or fares except by permission of the Island Governor;

(j) Engage in any sport or play in which a ball, stone, or other firm substance is thrown or propelled through the air;

(k) Bring onto the airport any animal, except by permission of the Island Governor, and then only if the animal is restrained by a leash or other adequate means of control;

(l) Post, distribute, or publicly display advertisements, signs, circulars, or similar materials, except by permission of the Island Governor; or

(m) Participate in any picket activity except at an area that is specifically assigned for that purpose by the Island Governor.

§ 165.45 Narcotics and dangerous drugs.

(a) For the purposes of this part, narcotic drugs include opium, cocoa leaves, cocaine, isonipecaine, opiate, diethyl barbituric acid (barbital), marijuana, or any compound, manufacture, salt, or derivative, whether produced from vegetable origin or through chemical synthesis.

(b) For the purposes of this part, dangerous drugs are any drugs that are unsafe for self-medication, including—

(1) Any hypnotic drugs, including acetyluria derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfonmethane derivatives, or any compound, mixture, or preparation that may be used for producing hypnotic effects;

(2) Aminopyrine, or compounds or mixtures thereof;

(3) Amphetamine, desoxyephedrine, or compounds or mixtures thereof, except preparations for use in the nose and unfit for internal use;

(4) Cinchophen, neocinchophen, or compounds or mixtures thereof;

(5) Diethyl-stilbestrol, or compounds or mixtures thereof;

(6) Ergot, cotton root, or their contained or derived active compounds or mixtures thereof;

(7) Oils of croton, rue, saving, or tansy, or their contained or derived compounds or mixtures thereof;

(8) Sulfanilamide or substituted sulfanilamides, or compounds or mixtures thereof, except preparations for topical application only containing not more than five percent strength;

(9) Thyroid and its contained or derived active compounds or mixtures thereof;

(10) Phenylhydantoin derivatives;

(11) Any drug that bears the legend: "Caution: Federal law prohibits dispensing without prescription";

(12) Hypnotic drugs that are combined and compounded with nonhypnotic drugs.

However, preparations of drugs named in subparagraphs (5), (6), (8), and (9) of paragraph (b) of this section, designed for the purpose of feeding or treating animals (other than man) or poultry, and are so labeled, are not dangerous drugs for the purposes of this part.

Subpart F—Penalties

AUTHORITY: Subpart F issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.51 Petty offenses.

Whoever is found guilty of a violation of any provision of Subpart E of this part is subject to a fine of not more than $500 or imprisonment of not more than six months, or both.

§ 165.53 Motor vehicle violations.

Whoever is found guilty of a violation of Subpart I of this part is subject to a fine of not more than $100, imprisonment of not more than 30 days, or suspension or revocation of his motor vehicle operator's permit, or any combination or all of these punishments.

§ 165.55 Violations of Subparts J, K, or L of this part.

(a) Whoever is found guilty of a violation of Subparts J, K, or L of this part is subject to a fine of not more than $100, or imprisonment of not more than 30 days, or both.

(b) The penalties prescribed in paragraph (a) of this section are in addition to and do not take the place of any criminal penalty otherwise applicable and currently provided by the laws of the United States.

§ 165.57 Contempt.

Justices of the Wake Island Justice Court may, in any civil or criminal case or proceeding, punish any person for disobedience of any order of the court, or for any contempt committed in the presence of the court, by a fine of not more than $100, or imprisonment of not more than 30 days, or both.

§ 165.59 Substitution of penalty.

Whenever the sentence imposed includes a fine, the sentence may further provide that, if the fine is not paid, the person fined shall, in addition to any other period of confinement adjudged be further confined one day for each $10 of the unpaid fine.

Subpart G—Justice Court and Rules of Procedure

AUTHORITY: Subpart G issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.60 Establishment; employees; sessions.

(a) There is created a "Wake Island Justice Court" which is vested with the judicial authority provided in this Part. The Court consists of a Chief Justice and such number of Associate Justices as are considered advisable. The Justices are appointed by the FAA Assistant Administrator for the Pacific Region. The Chief Justice shall assign matters to Justices of the court, and shall determine whether the Justices will sit individually or en banc.

(b) A Clerk of the Court shall be appointed by the FAA Assistant Administrator for the Pacific Region. The Clerk shall maintain a public docket containing such information as the Chief Justice may prescribe.

(c) Sessions of the Court are held on Wake Island at times and places designated by the Chief Justice.

§ 165.61 Island Attorney.

The FAA Assistant Administrator for the Pacific Region shall appoint an Island Attorney to represent the United States in any civil or criminal case in the Wake Island Justice Court, and before the Assistant Administrator.

§ 165.63 Jurisdiction.

(a) The Wake Island Justice Court has jurisdiction over all actions of a civil nature, whether cognizable as cases at law or in equity, where the amount claimed or involved is not more than $1000, exclusive of interest and costs, and all petty offenses and other violations of this Part, except violations of subpart M of this Part that are under the jurisdiction of the United States District Court for the District of Hawaii.

(b) The Justice Court does not have jurisdiction over divorce actions.

§ 165.65 Rules of Civil Procedure; general.

(a) The Federal Rules of Civil Procedure apply to civil actions in the Justice Court to the extent the Presiding Justice considers applicable under the circumstances.

(b) There is one form of action called the "Civil Action".

(c) Except as otherwise provided in this part, there is not trial by jury.

(d) A civil action begins with the filing of a complaint with the Justice Court. The form of the complaint is as follows except as it may be modified to conform as appropriate to the particular action:

IN THE WAKE ISLAND JUSTICE COURT

Civil Action No. ------

(Plaintiff) vs. (Defendant) } Complaint

---------- plaintiff alleges that the defendant is indebted to plaintiff in the sum of $------; that plaintiff has demanded payment of said sum; that defendant has refused to pay; that defendant resides at ---------- on Wake Island; that plaintiff resides at ----------

----
(Plaintiff)

§ 165.67 Summons.

Upon the filing of a complaint, a Justice or Clerk of the Court shall issue a summons in the following form and deliver it for service to a peace officer or other person specifically designated by the court to serve it:

IN THE WAKE ISLAND JUSTICE COURT

Civil Action No. ------

(Plaintiff) vs. (Defendant) } Summons

To the above named Defendant:

You are hereby directed to appear and answer the attached cause at ---------- on ---------- a.m. ------ day of ---------- 19--, at ------ p.m. and to have with you all books, papers and witnesses needed by you to establish any defense you have to said claim.

You are further notified that in case you do not appear, judgment will be given against you, for the amount of said claim, together with cost of this suit and the service of this order.

Dated: -------- 19--

(Clerk, Wake Island Justice Court)

§ 165.69 Service of complaint.

(a) A peace officer or other person designated by the Justice Court to make service shall serve the summons and a copy of the complaint at Wake Island upon the defendant personally, or by leaving them at his usual place of abode with any adult residing or employed there.

(b) In the case of a corporation, partnership, joint stock company, trading association, or other unincorporated association, service may be made at Wake Island by delivering a copy of the summons and complaint to any of its officers, a managing or general agent, or any other agent authorized by appointment or by law to receive service.

§ 165.71 Delivery of summons to plaintiff.

The Clerk of the Court shall promptly provide a copy of the summons to the plaintiff, together with notice that if the plaintiff fails to appear at the Court at the time set for the trial, the case will be dismissed. The trial shall be set at a date that will allow each party at least seven days, after the pleadings are closed, to prepare.

§ 165.73 Answer.

(a) The defendant may, at his election, file an answer to the complaint.

(b) The defendant may file a counterclaim, set-off, or any reasonable affirmative defense.

(c) If the defendant elects to file a counterclaim, set-off, or affirmative defense, the Court shall promptly send a copy of it to the plaintiff and shall allow him enough time to prepare his position with regard thereto.

§ 165.75 Proceedings; record; judgment.

(a) The presiding Justice is responsible for the making of an appropriate record of each civil action.

(b) All persons shall give their testimony under oath or affirmation. The Chief Justice shall prescribe the oath and affirmation that may be administered by any Justice or the Clerk of the Court.

(c) Each party may present witnesses and other forms of evidence. In addition, the presiding Justice may informally investigate any controversy, in or out of the Court, if the evidence obtained as a result is adequately disclosed to all parties. Witnesses, books, papers, documents or other objects may be subpoenaed as provided in § 165.97 for criminal cases.

(d) The Court may issue its judgment in writing or rally from the bench. However, if an appeal is taken from the judgment, the presiding Justice shall, within 10 days after it is filed, file a memorandum of decision as a part of the record. The Justice shall place in the memorandum findings of fact, conclusions of law, and any comments that he considers will be helpful to a thorough understanding and just determination of the case on appeal.

§ 165.77 Appeals.

(a) Any party to a civil action may, within 15 days after judgment, appeal to the FAA Assistant Administrator for the Pacific Region, by filing a notice of appeal with the Clerk of the Wake Island Justice Court and serving a copy on the opposing party. The judgment is stayed while the appeal is pending.

(b) Upon receiving a notice of appeal, with proof of service on the opposing party, the Clerk shall forward the record of the action to the Assistant Administrator.

(c) The appellant shall serve and file a memorandum setting forth his grounds of appeal with the Assistant Administrator within 10 days after the date of the Court's memorandum of opinion. The appellee may serve and file a reply memorandum within 10 days thereafter.

(d) After expiration of the date for filing memoranda under paragraph (c) of this section, the Assistant Administrator shall render his decision.

(e) The decision of the Assistant Administrator shall be in writing and based on the record prepared at Wake Island Justice Court and any memoranda that are filed. If the Assistant Administrator considers that the record is incomplete, he may remand the case to the court for supplemental proceedings. The decision of the Assistant Administrator is final.

§ 165.79 Execution of judgment.

(a) If, after 60 days after the date of entry of judgment (or such other period as the court may prescribe), the judgment debtor has not satisfied the judgment, the judgment creditor may apply to the court for grant of execution on the property of the judgment debtor.

(b) Upon a writ issued by the court, any peace officer may levy execution on any property of the judgment debtor except—

(1) His wearing apparel up to $300 in value;

(2) His beds, bedding, household furniture and furnishings, stoves and cooking utensils, up to $300 in value; and

(3) Mechanics tools and implements of the debtor's trade up to $200 in value.

(c) Within 60 days after levy of execution, a peace officer shall sell the seized property at public sale and shall pay the proceeds to the Clerk of the court. The Clerk shall apply the proceeds as follows:

(1) First, to the reasonable costs of execution and sale and court costs.

(2) Second, to the judgment.

(3) Third, the residue (if any) to the debtor.

(d) In any case in which property has been seized under a writ of execution, but not yet sold, the property seized shall be released upon payment of the judgment, court costs, and the costs of execution.

§ 165.81 Garnishment.

(a) If a judgment debtor fails to satisfy a judgment in full within 60 days

after the entry of judgment (or such other period as the court may prescribe, the court may, upon the application of the judgment creditor issue a writ of garnishment directed to any person having money or property in his possession belonging to the judgment debtor or owing money to the judgment debtor. The following are exempt from judgment:

(1) 90 percent of so much of the gross wages as does not exceed $200 due to the judgment debtor from his employer.

(2) 80 percent of so much of the gross wages as exceeds $200 but does not exceed $500 due to the judgment debtor from his employer;

(3) 50 percent of so much of the gross wages as exceeds $500 due to the judgment debtor from his employer.

(b) The writ of garnishment shall be served on the judgment debtor and the garnishee and shall direct the garnishee to pay or deliver from the money or property owing to the judgment debtor such money or property as the court may prescribe.

(c) The garnished amount shall be paid to the Clerk of the court, who shall apply it as follows:

(1) First, to satisfy the costs of garnishment and court costs.

(2) Second, to satisfy the judgment.

(3) Third, the residue (if any) to the judgment debtor.

(d) Funds of the debtor held by the United States are not subject to garnishment.

§ 165.83 Rules of criminal procedure; general.

(a) Sections 165.83 through 165.101 govern the procedure in criminal proceedings in the Wake Island Justice Court. They shall be construed to secure simplicity in procedure, fairness in administration, and to eliminate unjustifiable expense and delay.

(b) Before proceeding with the hearing of any criminal matter the Justice Court shall satisfy itself that it has jurisdiction to try the accused as charged.

(c) The Justice of the court who presides at any trial or other criminal proceeding is responsible for the making of an appropriate record of the proceeding.

(d) Due to the location of Wake Island, there is no public defender to be made available to an accused.

§ 165.85 Bail.

(a) A person who is arrested on Wake Island for a violation of this Part is entitled to be released on bail in an amount set by a Justice or Clerk of the Justice Court or by the Governor. The court or Governor may refuse to set bail if, in his judgment, the release of the defendant would not be in the public interest. On payment of the amount, in cash, to the Clerk of the court, the accused is entitled to be released from detention. If the accused fails to appear for arraignment, for trial, or for sentencing, or otherwise breaches any condition of bail, the court may direct a forfeiture of the whole or part of the bail and may on motion after notice to the surety or sureties, if any, enter a judgment for the amount of the forfeiture.

(b) When an offense has been charged by a citation issued by a peace officer, bail shall be in the amount prescribed by the Chief Justice for the violation. The bail shall be paid in cash to the Clerk of the Court and may be forfeited by the accused. Such a forfeiture terminates the proceeding.

§ 165.87 Seizure of property.

Any property seized in connection with an alleged offense (unless the property is perishable) is retained pending trial in accordance with the orders of the Court. The property must be produced in Court, if practicable. At the termination of the trial, the Court shall restore the property or the funds resulting from the sale of the property to the owner, or make such other proper order as may be required and incorporate its order in the record of the case.

§ 165.89 Information.

(a) Any offense may be prosecuted by a written information signed by the Island Attorney. However, if the offense is one for which a peace officer is entitled to issue citations and a citation for the offense has been issued, the citation serves as an information.

(b) A copy of the information shall be delivered to the accused, or his counsel, as soon as practicable after it is filed.

(c) Each count of an information may charge one offense only and must be particularized sufficiently to identify the place, the time, and the subject matter of the alleged offense. It shall refer to the provision of law under which the offense is charged, but any error in this reference or its omission may be corrected by leave of Court at any time before sentence and is not grounds for reversal of a conviction if the error or omission did not mislead the accused to his prejudice.

§ 165.91 Motions and pleas.

(a) Upon motion of the accused at any time after filing of the information or copy of citation, the Court may order the prosecutor to allow the accused to inspect and copy or photograph designated books, papers, documents, or tangible objects obtained from or belonging to the accused, or obtain from others by seizure or process, upon a showing that the items sought may be material to the preparation of his defense and that the request is reasonable.

(b) When the Court is satisfied that it has jurisdiction to try the accused as charged, it shall require the accused to identify himself and state whether or not he has counsel. If he has no counsel, but desires counsel, the Court shall give him a reasonable opportunity to procure counsel.

(c) When both sides are ready for arraignment, or when the Court determines that both sides have had adequate opportunity to prepare for arraignment, the Court shall read the charges to the accused, explain them (if necessary), and, after the reading or stating of each charge in Court, ask the accused whether he pleads "guilty" or "not guilty". The Court shall enter in the record of the case the plea made to each charge.

(d) The accused may plead "guilty" to any or all of the charges against him, except that the Court may at its discretion refuse to accept a plea of guilty, and may not accept a plea without first determining that the plea is made voluntarily with understanding of the nature of the charge.

(e) The accused may plead "not guilty" to any or all of the charges against him. The Court shall enter a plea of not guilty if the answer of the accused to any charge is such that it does not clearly amount to a plea of guilty or not guilty.

(f) The accused may, at any stage of the trial, with the consent of the Court, change a plea of not guilty to one of guilty. The Court shall then proceed as if the accused had originally pleaded guilty.

§ 165.93 Sentence after plea of guilty.

If the Court accepts a plea of guilty to any charge or charges, it shall make a finding of guilty on that charge. Before imposing sentence, the Court shall hear such statements for the prosecution and defense, if any, as it requires to enable it to determine the sentence to be imposed. The accused or his counsel may make any reasonable statement he wishes in mitigation or of previous good character. The prosecution may introduce evidence in aggravation, or of bad character if the accused has introduced evidence of good character. The Court shall then impose any lawful sentence that it considers proper.

§ 165.95 Trial.

(a) If the accused pleads not guilty, he is entitled to a trial on the charges in accordance with procedures prescribed in the Rules of Criminal Procedure for the United States District Courts, except as otherwise provided in this Part, to the extent the Presiding Justice considers practicable and necessary to the ends of justice. There is not trial by jury.

(b) All persons shall give their testimony under oath or affirmation. The Chief Justice shall prescribe the oath and affirmation that may be administered by any Justice or the Clerk of the Court.

(c) Upon completion of the trial, the Court shall enter a judgment consisting of a finding or findings and sentence or sentences, or discharge of the accused.

(d) The Court may suspend any sentence imposed, may order the revocation of any automobile Island permit in motor vehicle cases, and may place the accused on probation. It may delay sentencing pending the receipt of any presentencing report ordered by it.

§ 165.97 Subpoenas.

(a) The Clerk of the Court shall issue subpoenas for the attendance of witnesses. The subpoena must include the name of the Court and the title, if any, of the proceeding; and shall command each person to whom it is directed to attend and give testimony at the time and place specified therein. The Clerk shall issue a subpoena to a party requesting it, setting forth the name of the witness subpoenaed.

(b) The Clerk may also issue a subpoena commanding the person to whom it is directed to produce the books, papers, documents, or other objects designated therein. The Court may direct that books, papers, and documents designated in the subpoena be produced before the Court at a time before the trial or before the time when they are to be offered in evidence. It may, upon their production, allow the books, papers, documents, or objects or portions thereof to be inspected by the parties and their representatives.

(c) Any Peace Officer or any other person who is not a party and who is at least 18 years of age may serve a subpoena. Service of a subpoena shall be made by delivering a copy thereof to the person named.

§ 165.99 Appeals.

(a) The defendant in any criminal case may appeal from any judgment of the Wake Island Justice Court to the FAA Assistant Administrator for the Pacific Region by filing a notice of appeal with the Clerk of the Wake Island Justice Court, and serving a copy on the Island Attorney. The United States may not appeal.

(b) The notice must be served and filed within 15 days after the judgment of the Court.

(c) Upon receiving a notice of appeal, with proof of service on the Island Attorney, the Clerk shall forward the record of the case to the Assistant Administrator.

(d) The appellant must serve and file a memorandum with the Assistant Administrator within 10 days after filing notice of appeal setting forth the grounds for appeal. The Island Attorney may file a reply memorandum within 10 days thereafter.

(e) The Assistant Administrator may affirm, dismiss, or modify the order of the Court, or exercise any of the other powers of the Justice Court. The judgment of the Assistant Administrator is final.

§ 165.101 New trial.

A justice of the Court may order a new trial as required in the interest of justice, or vacate any judgment and enter a new one, on motion made within a reasonable time after discovery by the moving party of matters constituting the grounds upon which the motion for new trial or vacation of judgment is made.

Subpart H—Special Procedures

AUTHORITY: Subpart H issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.111 Revocation or suspension of permits.

(a) The Island Governor may, after notifying the holder of an Island permit and giving him an opportunity to be heard, order the permit suspended or revoked for cause, including—

(1) Lack of physical fitness required to hold the permit;

(2) Lack of roadworthiness of a vehicle, or of seaworthiness of a boat;

(3) Lack of need for the permit;

(4) Breach of any term or condition of the permit; and

(5) Conviction for violation of any regulation of this part where the violation is related to activities conducted under the permit.

(b) In any case in which he determines that an emergency exists requiring immediate action, the Governor may issue an order of suspension or revocation, effective immediately, without notice. However, the Permit holder may, within 10 days after the suspension or revocation, request a hearing. If he so requests a hearing he is entitled to it. The emergency order is not stayed pending the hearing.

§ 165.113 Disposition of confiscated, lost, or abandoned property.

Whenever the Island Governor confiscates property under this Part, or takes custody of lost or abandoned property (and is unable to ascertain the owner), he shall hold it for at least 30 days before disposing of it by auction, destruction, or donation for civic benefit, or in the case of lost or abandoned property, return it to the finder, as he considers appropriate.

§ 165.115 Abatement of nuisance.

Whenever the Island Governor determines that, on any premises on Wake Island, a condition exists that is unsanitary or hazardous, that may be injurious to the public, or is otherwise a nuisance, he may order the condition abated. If the legal custodian of the premises concerned does not take action to abate the nuisance within 30 days after the order is issued, the Governor may enter on the premises and abate the nuisance for, and at the expense of, the custodian.

§ 165.117 Vital statistics.

(a) The Island Governor shall maintain a Register of Vital Statistics on Wake Island, with a duplicate copy in the FAA Regional Office in Honolulu, Hawaii.

(b) Upon application and payment of a reasonable fee prescribed by the Governor, any person may obtain a copy of any Certificate of Birth, Marriage, or Death on Wake Island.

§ 165.119 Service of civil process.

Any peace officer may serve any civil process on Wake Island that is allowed to be served under a Federal or State law. The officer serving the process shall execute any required affidavit of service.

§ 165.121 Marriage ceremonies.

The Island Governor, or any clergyman authorized by him, may perform marriage ceremonies on Wake Island. The person performing the marriage shall execute a Certificate of Marriage for each marriage that he performs.

§ 165.123 Autopsies.

The medical officer on Wake Island, or any other qualified person under his supervision, may perform autopsies upon the authorization of the Island Governor, or a Justice of the Wake Island Justice Court.

§ 165.125 Arrests.

(a) Any person may make an arrest on Wake Island, without a warrant, for any crime (including a petty offense) that is committed in his presence.

(b) Any Peace Officer may, without a warrant, arrest any person on Wake Island who violates any provision of this part or commits a crime that is not a violation of this part, in his presence, or that he reasonably believes that person to have committed.

(c) In making an arrest, a Peace Officer must display a warrant, if he has one, or otherwise clearly advise the person arrested of the violation alleged, and thereafter require him to submit and be taken before the appropriate official on Wake Island.

(d) In making an arrest, a Peace Officer may use only the degree of force needed to effect submission, and may remove any weapon in the possession of the person arrested.

(e) A Peace Officer may, whenever necessary to enter any building, vehicle, or aircraft to execute a warrant of arrest, force an entry after verbal warning.

(f) A Peace Officer may force an entry into any building, vehicle or aircraft whenever—

(1) It appears necessary to prevent serious injury to persons or damage to property and time does not permit the obtaining of a warrant;

(2) To effect an arrest when in hot pursuit; or

(3) To prevent the commission of a crime which he reasonably believes is being committed or is about to be committed.

§ 165.127 Warrants.

(a) The Island Governor or any Justice of the Wake Island Justice Court may issue a warrant for arrest if, upon complaint, it appears that there is probable cause to believe an offense has been committed and that the person named in the warrant has committed it. The issuing officer shall—

(1) Place the name of the person charged with the offense in the warrant, or if his name is not known, any name or description by which he can be identified with reasonable certainty;

(2) Sign the warrant;

(3) Describe in the warrant the offense charged;

(4) Issue the warrant to a peace officer for execution; and

(5) Place in the warrant a command that the person charged with the offense be arrested and brought before him.

(b) Each person making an arrest on Wake Island shall take the arrested person, without unnecessary delay, before the Island Governor, a Justice of the Wake Island Justice Court, or the United States Commissioner on Wake Island, as appropriate.

(c) The official before whom an arrested person is brought shall inform him of the complaint against him and his right to counsel. The official shall also advise the arrested person that he is not required to make a statement and that any statement made by him may be used against him. If the arrested person requests it, the official shall allow

him reasonable time to consult counsel and shall admit him to bail as provided in § 165.85.

§ 165.129 Citation in place of arrest.

In any case in which he may make an arrest without a warrant, a peace officer may, under such limitations as the Island Governor may impose, issue and serve a citation to a person in place of arresting him if the officer considers that the public interest does not require an arrest. The citation must briefly describe the offense charged and direct the accused to appear before the Wake Island Justice Court at a designated time and place.

§ 165.130 Notaries public.

(a) Each notary public commissioned by the Island Governor shall file his signature and deposit an impression of his seal in the office of the Clerk of the Wake Island Justice Court.

(b) Each notary public may take and certify acknowledgments or proof of powers of attorney, mortgages, deeds, and other instruments in writing; may take depositions and administer oaths and affirmations; and may take affidavits to be used before any justice or other official on Wake Island. Each notary public may also perform such other acts, for use and effect beyond Wake Island, as may be performed by notaries public according to the laws of the United States, any State or Possession, the District of Columbia, or any foreign government in amity with the United States.

(c) In any case in which a prothonotarial certificate is required, the Clerk of the Court shall issue it.

Subpart I—Motor Vehicle Code

AUTHORITY: Subpart I issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.131 Applicability.

This subpart applies to self-propelled motor vehicles (except aircraft), including attached trailers.

§ 165.133 Right-hand side of road.

Each person driving a motor vehicle on Wake Island shall drive on the right-hand side of the road, except where necessary to pass or where a sign declaring one-way traffic is posted.

§ 165.135 Speed limits.

Each person operating a motor vehicle on Wake Island shall operate it at a speed—

(a) That is reasonable, safe, and proper, considering road and weather conditions, the kind of motor vehicle, and the proximity to persons or buildings, or both; and

(b) That does not exceed 40 miles an hour or such lesser speed limit as may be posted.

§ 165.137 Right-of-way.

(a) A pedestrian has the right-of-way over vehicular traffic when in the vicinity of a building, school, or residential area, or when on the airport.

(b) In any case in which two motor vehicles have entered an intersection at the same time, the vehicle on the right has the right-of-way.

(c) If the driver of a motor vehicle enters an intersection with the intent of making a left turn, he shall yield the right-of-way to any other motor vehicle that has previously entered the intersection or is within hazardous proximity.

(d) When being overtaken by another motor vehicle, the driver of the slower vehicle shall move it to the right to allow safe passing.

(e) Each driver of a motor vehicle shall yield the right-of-way to an emergency vehicle on an emergency run.

§ 165.139 Arm signals.

(a) A signal for a turn or stop is made by fully extending the left arm as follows:

(1) Left turn—extend left arm horizontally.

(2) Right turn—extend left arm upward.

(3) Stop or decrease speed—extend left arm downward.

(b) A signal light or other device may be used in place of an arm signal prescribed in paragraph (a) of this section if it is visible and intelligible.

§ 165.141 Making turns.

(a) Each person making a right turn in a motor vehicle shall make the approach and turn as close as practicable to the right hand curb or road edge.

(b) Each person making a left turn in a motor vehicle shall make the approach and turn immediately to the right of the center of the road, except that on multilane roads of one-way traffic flow he may make the turn only from the left lane.

(c) No person may make a U-turn in a motor vehicle if he cannot be seen by the driver of each approaching vehicle within a distance of 500 feet.

(d) No person may place a vehicle in motion from a stopped position, or change from or merge into a lane of traffic, until he can safely make that movement.

§ 165.143 General operating rules.

No person may, while on Wake Island—

(a) Operate a motor vehicle in a careless or reckless manner;

(b) Operate or occupy a motor vehicle while he is under the influence of a drug or intoxicant;

(c) Consume an alcoholic beverage (including beer, ale, or wine) while he is in a motor vehicle;

(d) Operate a motor vehicle that is overloaded or is carrying more passengers than it was designed to carry;

(e) Ride on the running board, step, or outside of the body of a moving motor vehicle;

(f) Ride a moving motor vehicle with his arm or leg protruding;

(g) Operate a motor vehicle in a speed contest or drag race;

(h) Park a motor vehicle for a period longer than the posted time limit;

(i) Stop, park, or operate a motor vehicle in a manner that impedes or blocks traffic;

(j) Park a motor vehicle in an unposted area, except adjacent to the right-hand curb or edge of the road;

(k) Park a motor vehicle in a reserved or restricted parking area that is not assigned to him;

(l) Sound the horn of a motor vehicle, except as a warning signal;

(m) Operate a tracked or cleated vehicle in a manner that damages a paved or compacted surface, except with the permission of the Island Governor;

(n) Operate any motor vehicle contrary to a posted traffic sign;

(o) Operate a motor vehicle as to follow any other vehicle closer than is safe under the circumstances;

(p) Operate a motor vehicle off of established roads, or in a cross-country manner, except when necessary in conducting business; or

(q) Operate a motor vehicle at night on the traveled part of a street or road, without using operating headlights.

§ 165.145 Operating requirements.

(a) Each person operating a motor vehicle on Wake Island shall—

(1) Dim the headlights of his vehicle when approaching an oncoming vehicle at night; and

(2) Comply with any special traffic instruction given by an authorized person.

(b) Each person operating a motor vehicle that is involved in an accident or collision on Wake Island shall immediately report it to the Island Governor. In addition, if the Governor so requests, the operator of such a motor vehicle shall send a written report of the accident to the Governor.

(c) Each person operating a bicycle, mechanized crane, item of heavy motorized equipment, or item of self propelled ramp equipment on Wake Island shall conform as nearly as practicable to the rules applicable to motor vehicles.

§ 165.147 Motor bus operation.

Each person operating a motor bus on Wake Island shall—

(a) Keep its doors closed while the bus is moving with passengers on board; and

(b) Refuse to allow any person to board or alight from the bus while it is moving.

§ 165.149 Motor vehicle operator qualifications.

(a) No person may operate a privately-owned motor vehicle on Wake Island unless he has an Island operator's permit.

(b) The Island Governor may issue—

(1) A student operator's permit to any person who is at least 14 years af age, to be exercised only when the holder is accompanied by a qualified operator who assumes full responsibility for operating the vehicle; and

(2) An unlimited operator's permit to any person who is at least 16 years of age and satifactorily demonstrates safe-driving knowledge, ability, and physical fitness.

(c) No person may operate, on Wake Island, a motor vehicle owned by the United States unless he holds a current operator's permit issued by the United States.

(d) Each person operating a motor vehicle on Wake Island shall present his operator's permit to any peace officer, for inspection, upon request.

§ 165.151 Motor vehicle maintenance and equipment.

(a) Each person who has custody of a motor vehicle on Wake Island shall present that vehicle for periodic safety inspection, as required by the Island Governor.

(b) No person may operate a motor vehicle on Wake Island unless it is in a condition that the Island Governor considers to be safe and operable.

(c) No person may operate a motor vehicle on Wake Island unless it is equipped with—

(1) A horn;
(2) A wiper, for any windshield;
(3) A rear vision mirror;
(4) Head lights and tail lights;
(5) A muffler; and
(6) Properly functioning spark or ignition noise suppressors.

(d) No person may operate a motor vehicle on Wake Island if that vehicle is equipped with a straight exhaust or muffler cutoff.

§ 165.153 Motor vehicle operations on the airport.

(a) No person operating a motor bus may load or unload passengers on the airport except at designated locations.

(b) No person may park a motor vehicle on the airport (except in the public airport parking lot) unless that vehicle is secured by handbrakes.

(c) No person may operate a privately-owned motor vehicle on a ramp, taxiway, or runway of the airport, unless authorized by the Island Governor.

(d) No person may operate a motor vehicle on a ramp, taxiway, or runway of the airport unless it is required in performing official or tenant business.

Subpart J—Registration and Island Permits

AUTHORITY: Subpart J issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.161 Registration of certain property.

(a) Each person who has custody of any of the following on Wake Island shall register it with the Island Governor:

(1) A privately-owned motor vehicle as described in § 165.131.
(2) A privately-owned boat.
(3) An animal.
(4) Any device or instrument primarily designed for inflicting bodily injury, including a gun, pistol, or other firearm operated by air, gas, spring, or otherwise.
(5) A narcotic or dangerous drug described in § 165.45, or any poison.
(6) Any known explosive.

(b) Each person who obtains custody of an article described in subparagraphs (4), (5), or (6) of paragraph (a) of this section shall register it immediately upon obtaining custody. Each person who obtains custody of any other article described in paragraph (a) of this section shall register it within 10 days after obtaining custody.

§ 165.163 Island permit for boat, vehicle, or firearm.

(a) No person may use a privately-owned motor vehicle, boat, or a firearm, gun, or pistol operated by air, gas, or spring, or otherwise, on Wake Island unless he has an Island Permit for it.

(b) The operator of a motor vehicle shall display its registration number on the vehicle in a place and manner prescribed by the Island Governor.

§ 165.165 Activities for which permit is required.

No person may engage in any of the following on Wake Island unless he has an Island Permit:

(a) Any business, commercial, or recreational activity conducted for profit, including a trade, profession, calling, or occupation, or an establishment where food or beverage is prepared, offered, or sold for human consumption (except for personal or family use).

(b) The practice of any medical profession, including dentistry, surgery, osteopathy, and chiropractic.

(c) The erection of any structure or sign, including a major alteration or enlargement of an existing structure.

(d) The discharge of explosives or fireworks or of firearms, guns, or pistols operated by air, gas, spring or otherwise.

(e) The burial of any human or animal remains, except that fish and bail scrap may be buried at beaches where fishing is permitted, without obtaining a permit.

(f) Keeping or maintaining an animal.

§ 165.167 Expiration of permits.

(a) Each Island permit expires on the earliest of the following dates:

(1) Two years after the date it is issued.
(2) The date specified on the permit.
(3) In the case of a motor vehicle, boat, or firearms, the date its custody is transferred to any person other than the holder of the permit therefor.
(4) The date it is revoked by the Island Governor.

(b) Notwithstanding subparagraph (1) of paragraph (a) of this section, the Island Governor may issue a permit for a period longer than two years to coincide with the terms of any agreement between the FAA Pacific Region and the permit holder, applicable to Wake Island.

Subpart K—Health and Sanitation

AUTHORITY: Subpart K issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.171 Inspections.

The following areas of Wake Island are subject to sanitation and health inspection by the Island Governor:

(a) Any place or building (except residential quarters) where food or beverages are stored or dispensed, or any equipment therein for handling or processing food or beverages.

(b) Any facility available to the public or to business visitors of a tenant.

(c) Any residential quarters where there is reason to believe that an infectious, communicable, or loathsome disease or unsanitary condition may exist.

(d) Any potable water storage area or distribution or dispensing facility or equipment.

(e) Any area where there is reason to believe that there are rodents, pests, or infected animals.

§ 165.173 Reporting of diseases.

The head of any household shall immediately report, to the Island Governor, any infectious, communicable, or loathsome disease in that household.

Subpart L—Public Safety

AUTHORITY: Subpart L issued under sec. 48, 74 Stat. 424; E.O. 11048; Agreement between FAA and Department of Interior, Feb. 5, 1962.

§ 165.181 Emergency requirements and restrictions.

In the event of any fire, crash, search and rescue, natural disaster, national peril, radiological hazard, or other calamitous emergency—

(a) No person may impede or hamper any officer or employee of the United States or any other person who has emergency authority;

(b) No unauthorized persons may congregate at the scene of the emergency; and

(c) Each person present shall promptly obey the instructions, signals, or alarms of any peace officer, fire or crash crew, or other authorized person, and any orders of the Island Governor.

§ 165.183 Fire hazards.

(a) Each person engaged in a business or other non-FAA activity on Wake Island shall, at his expense, provide and maintain (in an accessible location) fire extinguishers of the type, capacity, and quantity that the Island Governor considers satisfactory for protecting life and property in the areas under that person's control.

(b) To minimize fire hazards, no person may store any waste or inflammable fluids or materials except in a manner and at a place prescribed by the Island Governor.

§ 165.185 Use of special areas.

The Island Governor may regulate the use of designated or posted areas on Wake Island, as follows:

(a) Restricted areas—which no person may enter without lawful permission.

(b) Prohibited activities areas—in which no person may engage in any activity that is specifically prohibited.

(c) Special purpose areas—in which no person may engage in any activity other than that for which the area is reserved.

§ 165.187 Unexploded ordnance material.

Any person who discovers any unexploded ordance material on Wake Island shall refrain from tampering with it and shall immediately report its site to the Island Governor.

§ 165.189 Boat operations.

The operator of each boat used at Wake Island shall conform to the limitations on its operations as the Island

Governor may prescribe in the public interest.

§ 165.191 Floating objects.

No person may anchor, moor, or beach any boat, barge, or other floating object on Wake Island in any location or manner other than as prescribed by the Island Governor.

Subpart M—Airport Rules

AUTHORITY: Subpart M issued under sec. 10, 62 Stat. 458, 49 U.S.C. 1159.

§ 165.201 Tenants; cleaning of premises.

(a) Each person engaged in a business or other non-FAA activity on the airport shall—

(1) Keep the surface of the premises assigned to him (including ramp areas) free and clear of oil, grease, and other inflammable materials;

(2) Clear and clean any joint-use area promptly after using it; and

(3) Remove any potentially injurious spillage immediately.

(b) In any case in which a person covered by this section neglects or refuses to clean and clear the premises assigned to him, the Island Governor may perform the necessary work and assess a charge against the tenant for that service.

§ 165.203 Tenants; unlawful activities.

No person engaged in a business or other non-FAA activity on the airport may knowingly allow property under his control to be used or occupied for an unlawful purpose or activity.

§ 165.205 Tenants and other users; property and equipment.

(a) Each person engaged in a business or other non-FAA activity on the airport and each other user of facilities at the airport shall stow all materials, supplies, tools, and equipment in a neat, safe, and workmanlike manner satisfactory to the Island Governor.

(b) Each person using ramp servicing shall return the equipment to its assigned location or area promptly after using it.

§ 165.207 Notice of accidents.

(a) Each person concerned shall immediately notify the Island Governor of—

(1) Any personal injury on the airport;

(2) Any property damage to the airport; and

(3) Any accident on the airport involving property damage of more than $50.

(b) Subparagraph (3) of paragraph (a) of this section does not apply to motor vehicle accidents required to be reported under § 165.145(b).

§ 165.209 Discrimination.

All services performed in operating a facility at the airport must be without discrimination or segregation as to race, creed, color or national origin.

§ 165.211 Parked aircraft; responsibility.

The United States is not responsible for the care or protection of any aircraft parked at the airport.

§ 165.213 General operating rules.

No person on the airport may—

(a) Leave an aircraft unattended unless it is properly secured;

(b) Park an aircraft in an improper place or obstruct ground traffic;

(c) Run-up an aircraft engine except in a designated area;

(d) Start or run-up an aircraft unless a certificated pilot or knowledgeable mechanic is at the controls;

(e) Start an aircraft unless its main landing wheels are firmly secured by blocks or adequate locking brakes; or

(f) Taxi or operate any aircraft on the ground so as to allow the propeller wash or engine exhaust to endanger persons or property.

§ 165.215 Disabled aircraft.

(a) Each person who is in command of an aircraft that becomes disabled on the airport shall immediately notify the Island Governor. The operator of the aircraft shall, if so directed by the Governor, promptly move it to a safer area.

(b) If the operator of a disabled aircraft neglects or refuses to comply promptly with a removal order, the Governor may, without liability for any damage thereto, move the aircraft as he considers necessary for aviation safety and may assess a charge for the service.

§ 165.217 Fueling operations.

(a) No person may fuel or defuel an aircraft on the airport while—

(1) Its engine is running or is being warmed by applying external heat;

(2) It is in a hangar or enclosed space;

(3) It is within 50 feet of any hangar or other building on the airport; or

(4) Passengers are in the aircraft, unless a passenger loading ramp is in place at the cabin door, that door is open, and a cabin attendant is at or near that door.

(b) No person other than those covered by subparagraph (4) of paragraph (a) of this section and those persons necessarily engaged in the fueling or defueling may be within 100 feet of an aircraft that is being fueled or defueled.

(c) No person may smoke within 100 feet of an aircraft that is being fueled or defueled on the airport.

(d) No person may operate a radio transmitter or receiver, or switch electrical appliances on or off, in an aircraft on the airport, while it is being fueled or defueled.

(e) During the fueling of an aircraft, on the airport, the dispensing apparatus and the aircraft must both be grounded to a point of zero electrical potential.

(f) Each person engaged in fueling or defueling, on the airport, shall exercise care to prevent the overflow of fuel, and must have adequate fire extinguishers within ready reach.

(g) During the fueling or defueling of an aircraft, on the airport, no person may use any material that is likely to cause a spark or be a source of ignition, or start the engine if there is any gasoline on the ground underneath it.

(h) Each hose, funnel, or appurtenance used in fueling or defueling an aircraft on the airport must be maintained in a safe, sound, and nonleaking condition and must have a grounding device to prevent ignition of volatile liquids.

§ 165.219 Fire hazards.

(a) Each person engaged in a business or other non-FAA activity on the airport shall provide suitable metal receptacles, with self-closing covers, for storing waste, rags, and other rubbish, and shall remove all rubbish from its premises each day.

(b) No person may conduct an open-flame operation on the airport without the specific permission of the Island Governor.

(c) No person may store an inflammable, explosive, or hazardous liquid, gas, flare, or material on the airport except in proper receptacles and in areas designated by the Island Governor.

(d) No person may store any material on the airport in a manner that constitutes a fire hazard.

(e) No person may clean an aircraft, engine, or appliance on the airport with an inflammable volatile liquid having a flash point of less than 110 degrees Fahrenheit, except in designated open-air areas.

(f) No person may use a portable aircraft ground-power unit, operated by an internal combustion engine, on the airport, unless it has a muffler and a proper spark arresting device on the exhaust system.

§ 165.221 Operation of motor vehicles in air traffic areas.

(a) No person may operate a motor vehicle on any surface on the airport that is under air traffic control, unless he has a tower clearance.

Subpart N—Airport Charges

AUTHORITY: Subpart N issued under sec. 10, 62 Stat. 453; 49 U.S.C. 1159.

§ 165.231 Landing charges.

The charge for each landing of an aircraft at the airport is 30 cents for each 1,000 pounds of aircraft weight. There is no additional charge for takeoffs. In addition, there is no landing charge for—

(a) A civil or public aircraft that is not engaged in commercial operations;

(b) An aircraft engaged in a test flight, not including a survey or proving run; or

(c) An aircraft compelled to return after takeoff.

§ 165.233 Parking charges.

(a) The charge for parking an aircraft in a hangar at the airport is 5 cents for each 1,000 pounds of aircraft weight for each 6-hour period, or fraction thereof.

(b) The charge for parking an aircraft on the airport, other than in a hangar, is two and one-half cents for each 1,000 pounds of aircraft weight for each 6-hour period, or fraction thereof, beginning 6 hours after the aircraft lands.

(c) The FAA official in charge of the airport may assess excess parking fees of $5 an hour, or fraction thereof, for aircraft that fails to conform to assignments of space on the airport.

§ 165.235 Computation of weight for payment of charges.

For the purposes of §§ 165.231 and 165.233, the weight of an aircraft is the maximum takeoff weight permitted for that aircraft by the appropriate aeronautical authority of the country in which it was made, computed to the nearest 1,000 pounds.

§ 165.237 Charges for aircraft based at the airport.

The Assistant Administrator of the Pacific Region fixes charges for aircraft based at the airport without regard to the charges prescribed in §§ 165.231 and 165.233.

§ 165.239 Payment of charges.

Charges due under this subpart must be paid in United States currency at the time the airport is used. However, scheduled air carriers and other aircraft operators may make prior financial arrangements with the FAA official in charge of the airport, including provision to pay on a monthly or other suitable basis.

Subpart O—Utility Services

AUTHORITY: Subpart O issued under sec. 10, 62 Stat. 453; 49 U.S.C. 1159.

§ 165.241 Applicability.

This subpart prescribes the conditions under which the Administrator provides water, electric power, sewerage, and communications service at Wake Island to persons and organizations engaged directly or indirectly in aeronautical activity, except agencies of the United States.

§ 165.243 Services available.

The services available under this subpart are limited to those that are excess to the needs of the FAA and are within the capacities of installed facilities. If additional services are desired, permission may be given to build additional complementary facilties or extensions to the system involved.

§ 165.245 Applications.

A person desiring service under this subpart must apply in writing to the Assistant Administrator, FAA Pacific Region, P.O. Box 4009, Honolulu, Hawaii, setting forth in detail the type, location, and amount of service desired, the maximum demand, and other pertinent information, including, for electric power applications, information on all motor loads of more than two horsepower.

§ 165.247 Connections to sewer and water systems.

(a) A connection to an existing sewer and water system (other than an extension of the system) is made by the user, with the written approval of the Chief of the Facilities Division of the FAA Pacific Region (in this subpart called the "Facilities Chief"). The method of connection and workmanship are subject to inspection and approval of the Island Structural Maintenance Engineer.

(b) For the purpose of this section, an extension to an existing sewer or water system includes additional lateral or trunk sewers, manholes, or sewerage disposal facilities, water mains, and water collection, production, storage or pumping facilities, as distinguished from a connection to the system to provide service to an individual user.

(c) When necessary, meters are furnished, installed, and serviced by FAA. In addition, FAA maintains the fresh water connection between the main and the building of the user, but the user shall maintain the sewer connection between the building and the lateral sewer, subject to the inspection and approval of the Island Structural Maintenance Engineer.

§ 165.249 Connections to electric power systems.

(a) A connection to existing electric power systems is made by and at the expense of the FAA.

(b) For the purposes of this section, a connection is limited to providing a meter, installing and connecting the meter to the service drop, and connecting the service drop to the power supply line. Any other work is considered to be an extension to the existing system.

(c) The user shall provide, install, and maintain a safety switch, a meter socket, a one-span service drop, and the work and materials necessary to distribute the power from the service drop.

(d) The workmanship, materials, and equipment provided by the user under this section must conform to FAA Technical Standard Order N 17A.

§ 165.251 Connections to communications systems.

(a) Only the FAA makes connections to the existing communications system.

(b) For the purposes of this section, a connection is limited to providing and installing telephones and lines from the service drop, adding or removing telephone extensions on either private or party lines, and changing the location of an authorized telephone. Any other work or materials that are necessary to provide the user with communications services is considered to be an extension to an existing system.

(c) Title to the communication system is in the United States. The system is maintained by the FAA.

§ 165.253 Extensions to systems.

(a) An extension to an existing water, sewerage, electric power, or communications system may be made only with the written approval of the Facilities Chief.

(b) Based on circumstances, as determined by the Facilities Chief, an extension to a facility is made by the user at his expense, or by the FAA.

(c) An extension made by the user becomes the property of the United States upon being incorporated into the system.

§ 165.255 Rates of payment; electric power.

The charge for electric power is $0.060 a kilowatt-hour.

§ 165.257 Rates of payment: water and sewerage.

(a) The charge for fresh water at Wake Island is $0.02 a gallon, and for brackish water is $150 a year for each building connection. However, the Chief of the Facilities Division of the FAA Pacific Region may set a higher rate for brackish water, based on the number of exterior hose bibbs, water closets, and use, for a building with more than two exterior hose bibbs or more than one water closet.

(b) The charge for sewerage at Wake Island is $60 a year for a family residence and $210 a year for any other building. However, the Facilities Chief may set a higher rate, based on the number of connections, for the service to a building with more than 10 sewerage fixture connections.

§ 165.259 Rates of payment: communications.

(a) The charge for individual line service for telephones is $8.75 a month and for two-party service is $7.75 a month, plus $5 a month for each additional instrument connection.

(b) The charge for an extension to an existing telephone system or for relocating an existing telephone connection is $10.

§ 165.261 Rates of payment: measurement, adjustment, and billing.

(a) Fresh water and electric power use are measured by meter. However, in an exceptional circumstance, use may be based on estimates agreed to by the user and the Facilities Chief.

(b) Rates prescribed in this subpart may be adjusted equitably as circumstances warrant. However, each user shall be notified at least 30 days before any rate is adjusted.

(c) Each utility user is billed monthly for services used. Each user shall pay his bill as previously arranged between the user and the FAA Assistant Administrator for the Pacific Region.

§ 165.263 Liability of the United States.

The United States is not liable for any loss, damage, or injury of any user of the utility services authorized by this subpart, or of any third party, because of a part or complete failure or shutdown of a utility, unless the loss, damage, or injury was caused by a negligent or wrongful act or omission of an employee of the United States acting within the scope of his employment, under circumstances where the United States would, if it were a private person, be liable to the claimant for the loss, damage, or injury under the law of the place where it occurred.

Subpart P—Medical and Hospital Services

AUTHORITY: Subpart P issued under sec. 10, 62 Stat. 453, 49 U.S.C. 1159.

§ 165.271 Applicability.

This subpart prescribes the conditions under which the Administrator provides medical services, medical supplies, and hospitalization at Wake Island.

§ 165.273 Supervision.

The medical services, medical supplies, and hospitalization furnished by the FAA at Wake Island are under the administrative control of the Island Governor and the professional direction of the designated Island Medical Officer.

§ 165.275 Transportation for treatment purposes.

In any case in which the Island Medical Officer determines that the medical services or facilities on the Island are inadequate, an FAA employee who is under the jurisdiction of the Bureau of Employees' Compensation is entitled to transportation, without cost to him, to adequate services or facilities in Honolulu, Hawaii, or to the closest place where they are adequate. The employing agency must provide transportation in similar cases for persons other than FAA employees.

§ 165.277 Treatment in non-compensation cases.

(a) Subject to the charges prescribed in §§ 165.279, 165.281, and 165.283, general treatment of injury or disease, other than that authorized by § 165.279, is provided for—

(1) Civilian employees of the United States;

(2) Members of the armed forces on active duty;

(3) Employees of a non-United States agency that is engaged in aeronautical activity who are at an Island location under temporary or permanent assignment;

(4) The spouse, child (including an unmarried stepchild or adopted children) under 21 years of age or mentally or physically incapable of supporting himself, or parent, of a person covered by subparagraph (1), (2), or (3) of this paragraph, who receives more than one-half of his support from that person; and

(5) Transient persons, not otherwise covered by this section, who are on the Island for a period of less than one month in connection with an aeronautical activity.

(b) In any case in which the Island Medical Officer determines that the medical services or facilities on the Island cannot provide proper treatment for an FAA employee covered by this section, or his dependent covered by subparagraph (4) of paragraph (a) of this section, the employee or dependent shall be sent without cost to him, to Honolulu, Hawaii, or to the closest other place, where proper treatment can be provided. Transportation in similar cases for other persons must be provided by the employing agency, or by the patient if he is a transient covered by subparagraph (5) of paragraph (a) of this section.

§ 165.279 Charges for medical services and supplies.

(a) Charges for medical services at Wake Island are as follows:

(1) For civilian employees of the United States who are under the jurisdiction of the Bureau of Employees' Compensation, and members of the armed forces on active duty—no charge for treatment of injury incurred while performing their duties or disease proximately caused by conditions of their employment.

(2) For civilian employees of the United States, members of the armed forces on active duty, and the dependents of either of them—

(i) For each call at the FAA dispensary during regular hours—$0.50 for the services of a technician; $1 for the services of a nurse; and $3 for the services of a doctor; and

(ii) For each call at the dispensary outside of regular hours or at a place other than the dispensary—$1 for the services of a technician; $2 for the services of a nurse; and $5 for the services of a doctor.

(3) For employees of a non-United States agency and their dependents—an apportionment of all items of cost involved in the furnishing of supplies and services as fixed in written agreements with the employing agency.

(4) For transients—an apportionment of all items of cost involved in the furnishing of services and supplies.

(b) The charge for medical supplies not administered by the medical staff at Wake Island is determined administratively but may not be more than $3 for any one supply furnished.

§ 165.281 Charges for hospitalization.

(a) Except as provided in paragraph (b) of this section, the charge for hospital services is $7.50 a calendar day, or fraction thereof, for each person, not including meals (which must be otherwise provided and charged for), but including the services of the doctor and nurse, medical supplies, drugs, X-rays, and other medical services and supplies available on the Island that the doctor considers necessary for treating the patient.

(b) The charge for maternity care is $125, including prenatal, delivery, and postnatal care and attendance, and hospitalization, for a period of not more than 3 days, but not including meals (which must be otherwise provided and charged for).

§ 165.283 Charges for miscellaneous services.

(a) Except where required in connection with employment by the United States, the charge for each immunization (including vaccine and administering it) is not more than $3 if the cost of the vaccine is not more than $3. However, if the cost of the vaccine is more than $3, the charge is the cost of the vaccine.

(b) The following laboratory or special treatment charges apply to all persons:

(1) Diathermy treatments—$1 each.
(2) X-rays—$3 each.
(3) Complete blood count—$3 each.
(4) Wassermann—$3 each.
(5) Urinalysis—$1 each.

(c) The charge for each physical examination not required in connection with employment by the United States is $10.

(d) The charge for services and treatment not otherwise covered by this section or §§ 165.279 or 165.281 are as prescribed by the FAA Assistant Administrator for the Pacific Region.

(e) A list of the charges authorized by or under this subpart is posted in a prominent place in each Island Dispensary.

§ 165.285 Method of payment.

(a) Amounts due from civilian employees of the United States, members of the armed forces, and the dependents of either of them, shall be paid as administratively determined. However, in the case of an FAA employee, amounts due under this subpart may not be deducted from his pay.

(b) Amounts due from employees of a non-United States agency must be paid at the time the service is performed, unless the employing agency has made a written arrangement with the FAA for payment on a periodic basis or unless immediate payment is not practicable in a particular case.

(c) Amounts due from transients must be paid at the time the service is performed unless immediate payment is not practicable in a particular case. If not paid immediately, the transient's home or business address must be noted before he leaves the Island so that he may be contacted later to pay the charges.

§ 165.287 Processing of payments.

Payments for medical and hospital services at Wake Island shall be collected as provided in this subpart and sent promptly to the Island Governor. The Island Governor schedules them and sends them to the FAA Assistant Administrator for the Pacific Region, in accordance with prescribed procedure.

§ 165.289 Exceptions.

The Island Governor may waive any requirement of this subpart when he determines that it is appropriate in an emergency case or is required for humanitarian reasons. The Island Governor shall report once each year to the Administrator, through the FAA Assistant Administrator for the Pacific Region, on the waivers granted by him under this section during the preceding fiscal year.

[F.R. Doc. 62-8985; Filed, Sept. 5, 1962; 10:12 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-155 etc.]

PART 13—PROHIBITED TRADE PRACTICES

Williams Press, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist orders: Williams Press, Inc., Albany, N.Y., Docket C-155, June 28, 1962; Johnson Publishing Co., Inc., Chicago, Ill., D. C-157, July 10, 1962; Gernsback Publications, Inc., New York, N.Y., Docket C-158, July 10, 1962; Mercury Press, Inc., New York, N.Y., Docket C-159, July 10, 1962; Feature Publications, Inc., New York, N.Y., Docket C-160, July 10, 1962; Ballantine Books, Inc., New York, N.Y., Docket C-161, July 11, 1962; Ideal Publishing Corp., New York, N.Y., Docket C-162, July 11, 1962; Flying Eagle Publications, Inc., et al., New York, N.Y., Docket C-163, July 11, 1962; Paperback Library, Inc., New York, N.Y., Docket C-164, July 13, 1962; The Ring, Inc., New York, N.Y., Docket C-165, July 13, 1962; Berkley Publishing Corp., New York, N.Y., Docket C-166, July 13, 1962; Belmont Productions, Inc., New York, N.Y., Docket C-173, July 17, 1962; Sterling Group, Inc., et al., New York, N.Y., Docket C-174, July 18, 1962; Kable News Co., Mount Morris, Ill., Docket C-175, July 18, 1962; Archie Comic Publications, Inc., et al., New York, N.Y., Docket C-176, July 18, 1962; By-Line Publications, Inc., et al., New York, N.Y., Docket C-177, July 18, 1962; Stanley Publications, Inc., et al., New York, N.Y.; Docket C-178, July 18, 1962; Petersen Publishing Company et al., Los Angeles, Calif., Docket C-179, July 18, 1962; E. C. Publications, Inc., New York, N.Y., Docket C-180, July 18, 1962; Publication Management Corporation et al., New York, N.Y., Docket C-181, July 18, 1962; Harvey Publications, Inc., et al., New York, N.Y., Docket C-182, July 18, 1962; Popular Publications, Inc., New York, N.Y., Docket C-183, July 18, 1962; Publishers Distributing Corporation, New York, N.Y., Docket C-184, July 18, 1962; Pyramid Publications, Inc., New York, N.Y., Docket C-187, July 18, 1962; and Male Publishing Corp. et al., New York, N.Y., Docket C-200, July 26, 1962]

In the Matters of: Docket C-155: *Williams Press, Inc., a Corporation* Docket C-157: *Johnson Publishing Company, Inc., a Corporation;* Docket C-158: *Gernsback Publications, Inc., a Corporation;* Docket C-159: *Mercury Press, Inc., a Corporation;* Docket C-160: *Feature Publications, Inc., a Corporation; and Paul Epstein, Individually and as an Officer of Feature Publications, Inc.;* Docket C-161: *Ballantine Books, Inc., a Corporation;* Docket C-162: *Ideal Publishing Corporation, a Corporation;* Docket C-163: *Flying Eagle Publications, Inc., a Corporation; and Michael St. John, Individually and as an Officer of Flying Eagle Publications, Inc.;* Docket C-164: *Paperback Library, Inc., a Corporation;* Docket C-165: *The Ring, Inc., a Corporation;* Docket C-166: *Berkley Publishing Corporation, a Corporation;* Docket C-173: *Belmont Productions, Inc., a Corporation;* Docket C-174: *Sterling Group, Inc., a Corporation; Publication House, Inc., a Corporation; and Morris S. Latzen, Individually and as an Officer of Sterling Group, Inc., and Publication House, Inc.;* Docket C-175: *Kable News Company, a Corporation;* Docket C-176: *Archie Comic Publications, Inc., a Corporation; Close Up, Inc., a Corporation; Radio Comics, Inc., a Corporation; and Louis H. Silberkleit, John L. Goldwater and Maurice Coyne, Individually and as Officers of Said Corporations;* Docket C-177: *By-Line Publications, Inc., a Corporation; and Hy Steirman, Individually and as an Officer of By-Line Publications, Inc.;* Docket C-178: *Stanley Publications, Inc., a Corporation; and Stanley P. Morse and Michael Morse, Individually and as Officers of Stanley Publications, Inc.;* Docket C-179: *Petersen Publishing Company, a Corporation; Trend Books, Inc., a Corporation; Quinn Publications, Inc., a Corporation; 'Teen Publications, Inc., a Corporation; and Robert E. Petersen, Individually and as an Officer of Petersen Publishing Company, Trend Books, Inc., Quinn Publications, Inc., and 'Teen Publications, Inc.;* Docket C-180: *E. C. Publications, Inc., a Corporation;* Docket C-181: *Publication Management Corporation, a Corporation; and Jules J. Warshaw and Arthur Warshaw Individualy and as Officers of Publication Management Corporation;* Docket C-182: *Harvey Publications Inc., a Corporation; Harvey Hits, Inc., a Corporation; Illustrated Humor, Inc., a Corporation; Harvey Enterprises, Inc. a Corporation; Harvey Picture Magazines, Inc., a Corporation; and Alfred Harvey, Leon Harvey, and Robert Harvey, Individually and as Officers of Said Corporations;* Docket C-183: *Popular Publications, Inc., a Corporation;* Docket C-184: *Publishers Distributing Corporation, a Corporation;* Docket C-187: *Pyramid Publications, Inc., a Corporation; and* Docket C-200: *Male Publishing Corp., a Corporation, Atlas Magazines, Inc., a Corporation; Official Magazine Corp., a Corporation; Canam Publishers Sales Corp., a Corporation; Bard Publishing Corp., a Corporation; Interstate Publishing Corp., a Corporation; Hercules Publishing Corp., a Corporation; Leading Magazine Corp., a Corporation; Zenith Publishing Corp., a Corporation; Atlas Publications, Inc., a Corporation; and Martin Goodman, Individually, and as Controlling Member of a Partnership Doing Business Under the Trade Name and Style of Magazine Management Company, and as an Officer of Male Publishing Corp., Atlas Magazines, Inc., Official Magazine Corp., Canam Publishers Sales Corp., Bard Publishing Corp., Interstate Publishing Corp., Hercules Publishing Corp., Leading Magazine Corp., Zenith Publishing Corp., and Vista Publications, Inc.*

Consent orders requiring publishers and national distributors of magazines, comic books, and paperback books to cease discriminating in price in violation of section 2(d) of the Clayton Act by paying promotional allowances to certain retail customers—some of whom operated chain retail outlets in railroad, airport, and bus terminals, and outlets in hotels and office buildings, and others of whom furnished services in connection with the handling of respondents' publications such as the taking of purchase orders and distributing, billing, and collecting—while not making such payments available on proportionally equal terms to their competitors, including drug chains, grocery chains, and other newsstands.

Combining all respondents in the 25 captioned cases, the basically identical orders to cease and desist, together with further orders requiring reports of compliance therewith, are as follows:

It is ordered, That respondents (named in the captions of these 25 cases) and respondents' employees, agents and representatives, directly or through any corporate or other device, in connection with the distribution, sale or offering for sale of publications including magazines, paperback books, and comic books in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Paying or contracting for the payment of an allowance or anything of value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of publications including magazines, paperback books, and comic books published, sold or offered for sale by respondents, unless such payment or consideration is affirmatively offered and otherwise made available on proportionally equal terms to all of their other customers competing with such favored customer in the distribution of such publications including magazines, paperback books, and comic books.

The word "customer" as used above shall be deemed to mean anyone who purchases from a respondent, acting either as principal or agent, or from a distributor or wholesaler where such transaction with such purchaser is essentially a sale by such respondent, acting either as principal or agent.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of these orders, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied with these orders.

The following additional paragraph was included as part of the order in Docket C-200, applicable only to the individual respondent named therein:

For purposes of this order, the individual respondent named herein shall be presumed to formulate, direct and control the policies, acts and practices of any corporation or other business enterprise in which his beneficial interest exceeds fifty percent (50%) of the total. The "beneficial interest" of said respondent, within the meaning of the foregoing, shall be deemed to include the beneficial interest of any and all members of his immediate family by blood or marriage. Nothing contained herein shall be construed to prevent a due showing by said respondent that he does not in fact formulate, direct and control the policies, acts and practices of any corporation or other business enterprise.

Issued: June 28, 1962 (D. C-155), July 10, 1962 (D. C-157, C-158, C-159, C-160), July 11, 1962 (D. C-161, C-162, C-163), July 13, 1962 (D. C-164, C-165, C-166), July 17, 1962 (D. C-173), July 18, 1962 (D. C-174, C-175, C-176, C-177, C-178, C-179, C-180, C-181, C-182, C-183, C-184, C-187), July 26, 1962 (D. C-200).

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8884; Filed, Sept. 5, 1962; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER R—IRRIGATION PROJECTS

PART 197—FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

Revision

There was published in the FEDERAL REGISTER on May 24, 1962, (27 F.R. 4885–4886) notice to revise Part 197 of the Code of Federal Regulations, Title 25, Indians, dealing with the rules and regulations governing the management of the Fort Hall Indian Irrigation Project, Idaho, as set forth below. The purpose of the revision is to make applicable the provisions of Part 197 to the Michaud Division, eliminate provisions no longer applicable to the project operations, improve editorial construction, and adjust the organizational arrangement of the sections.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(34 Stat. 1024, 38 Stat. 583, 68 Stat. 1026)

JOHN A. CARVER, JR.,
Acting Secretary of the Interior.

AUGUST 30, 1962.

Sec.

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§ 197.1 Organization.

The Fort Hall Indian Irrigation Project which consists of the Fort Hall Project proper, Michaud Division and Minor Units on the Fort Hall Indian Reservation is under the charge of an engineer of the Bureau of Indian Affairs who is fully authorized to administer, carry out and enforce the rules and regulations in this part, either directly or through project employees delegated by him such as watermasters, ditchriders, foremen, and other assistants. The project engineer, or his representative, is fully authorized to refuse or discontinue delivery of water to any person who willfully disregards the rules and regulations in this part.

§ 197.2 Irrigation season.

Water will be available for irrigation purposes from April 1 to September 30 of each year. These dates may be varied by 15 days depending on weather conditions and the necessity for doing maintenance work.

§ 197.3 Farm units defined.

For the purpose of the rules and regulations in this part and the delivery of water, a farm unit on the Fort Hall Indian Irrigation Project shall consist of:

(a) Twenty or more contiguous acres of land in single ownership covered by one or more water right contracts.

(b) Twenty or more contiguous acres of Indian-owned land under lease to the same party or being farmed by the same Indian.

(c) A minimum of 20 contiguous acres of land in multiple ownership.

§ 197.4 Delivery points and maintenance.

(a) Except as provided hereafter, the project will deliver water to one point on the boundary of each farm unit on the project, except that where the cost or topography makes it impractical for the landowner to irrigate the entire irrigable area of his unit from one delivery point, the Project Engineer may establish additional delivery points if the landowner cannot, at a reasonable expense, provide for the delivery by construction of suitable head ditches.

(b) The project will maintain canals, laterals and necessary appurtenances in proper condition to make deliveries of water at such elevation as is necessary to serve each farm unit by gravity flow. Where portions of a farm unit lie at an elevation too high to be watered by gravity flow from the present normal elevation of water level in the canal system, no change will be made in the water level elevation of the canal system so as to place water on such land. Where such land has been included in the project the landowner may install and operate pumping equipment at his own expense to raise water to such included land at a point on the canal system designated by the Project Engineer and in accordance with his specifications. If the landowner so installs pumping equipment and pays the established project charges, the project will deliver in its canal at such point of installation the same amount of water per acre for his land as the project delivers at the delivery point for other lands on the project.

(c) In those areas of the project in which irrigation water is supplied from wells, the delivery point may, at the discretion of the Project Engineer, be made either at the wellhead or at the boundary of the farm unit.

(d) Where under the system as presently constructed there has been established a point of delivery for a farm unit and this unit is subsequently subdivided into smaller units by ownership, no further extensions will be made to the project canal system to deliver to the subdivided units. Any additional canals necessary to deliver water to such subdivided units shall be constructed by the landowner, at his expense, so as to receive the water from the delivery point established for the original farm unit and such canals shall at all times be maintained and operated by the owner or owners benefited.

§ 197.5 Methods of irrigation.

Where soil, topography, and other physical conditions are unfavorable for surface irrigation and the project facilities are designed to deliver water to farm units for sprinkler irrigation, the Project Engineer may limit deliveries to this type of irrigation.

§ 197.6 Delivery.

Water for irrigation purposes will be delivered throughout the irrigation season, at the discretion of the Project Engineer, by either the continuous flow or rotation method. If during a time when delivery is by the rotation method, a wateruser desires to loan his turn to another eligible wateruser he shall notify either the Watermaster or the Ditchrider who will permit such loan, if possible.

§ 197.7 Division of water.

The division of water in all cases will be made or authorized by a Watermaster or Ditchrider and any person, who in any manner interferes with the flow of water in or from a project canal or who opens, closes or in any manner changes the position of a control structure in a project canal without specific authority to do so will be liable to prosecution. The cutting of a canal bank for the purpose of diverting water from the canal or the placing of an obstruction in a canal for the purpose of increasing or decreasing the flow through a project control structure will be considered a violation of this section.

§ 197.8 Preparation and submission of a water schedule.

If the decision of the Project Engineer is to deliver water by the rotation method, the Watermaster will assist the waterusers on each lateral in preparing a rotation schedule should they choose to get together and prepare the schedule. In cases where the waterusers fail to exercise this right before March 1, a schedule will be prepared by the Watermaster which shall be final for the season. Owners of 120 acres or more in one farm unit may elect between the continuous flow and rotation method of delivery, provided such choice does not interfere with delivery to other lands served by the canal.

§ 197.9 Record of deliveries.

A careful record of water deliveries will be kept by the ditchrider, on forms furnished for that purpose, such records to state the time of beginning and ending and the amount of each delivery.

§ 197.10 Duty of water.

Dependent upon available supplies of water for the various units of the project the duty of water is based on the delivery of 3.5 acre feet of water per acre per irrigation season to the farm unit. This duty of water may be varied at the discretion of the Project Engineer dependent on water supplies available to the particular unit of the project but in all cases each irrigable acre shall be entitled to its pro-rata share of the total water supply available to the particular unit.

§ 197.11 Waste water.

In all cases waste water must be kept to a minimum consistent with good irrigation practice and the wateruser will be held responsible for the disposal of all waste water coming from his fields, in such a manner that no injury is done to his or other land by flooding or "subbing". Waste water may be emptied into project canals or drain ditches only at points designated by the Project Engineer. The project management shall have the right to cease delivery to any lands where water is being unnecessarily wasted or where the provisions of this section are being violated by the landowner or other person who may be in charge of such land under authority of the landowner.

§ 197.12 Structures.

(a) All necessary headgates, checks, drops, turnouts, flumes and measuring devices will be installed and maintained by the project. Any person or corporation desiring to build a bridge or other structures over, under, in or across a project canal, lateral or drainage ditch, shall first obtain from the Project Engineer a written permit to build such structures, which permit shall stipulate that it is granted, and accepted by the permittee, on the condition that the repair and maintenance of the structure shall be the duty of the permittee or his successors, without cost to the project. The permit shall further provide that if any such structure be not regularly used for a period of one year or more the Project Engineer may notify the person responsible for its maintenance to remove it within a period of 90 days; and that if the structure is not removed within the time allowed, it may thereafter be removed by the Project Engineer, the cost of such removal to be paid by the party responsible for the maintenance of the structure. All persons or corporations are warned against the violation of this section.

(b) When a new irrigation division or minor unit is developed, or the existing project is extended to an area without roads, and the construction of roads, bridges or culverts are necessary, the Project Engineer shall investigate the possibility of liquidating all or part of the cost of such construction by securing funds from any governmental agency providing funds for such purposes, and he is authorized to negotiate, subject to the approval of the Commissioner of Indian Affairs, any necessary agreement with such governmental agency.

§ 197.13 Head or service ditches.

The farm unit or service ditch into which water is delivered from the project canals must have ample capacity and be maintained by the wateruser in proper condition to receive water and convey it to its place of use with a minimum of loss.

§ 197.14 Right-of-way.

For use in the necessary activities and emergencies incident to the operation and maintenance of the irrigation system, there is reserved a right-of-way along all canals, laterals, sublaterals and drains, in addition to the land actually occupied by such channels and their embankments, measured from the outside limits of the embankments or channel, a strip of land of sufficient width on each side of said canals, laterals, sublaterals and drains to permit the operation of maintenance equipment making repairs and improvements, and travel by the project ditchriders.

§ 197.15 Obstructions; their removal.

No trees, buildings, fences, head or service ditches, hay or straw stacks or other obstructions are to be placed upon reserved right-of-way by any adjacent landowners or others. Any obstructions of any kind located upon said right-of-way may be ordered removed by the Project Engineer, and if not removed by the person or persons placing them thereon, they shall be removed under the supervision of the Project Engineer at his discretion and the cost of such removal shall be added to the cost of operation and maintenance for the particular tract of land under the project belonging to the persons so placing or causing such obstruction to be placed thereon.

§ 197.16 Fencing.

No fences shall be placed within the right-of-way excepting those crossing a canal or lateral, and in such cases a gate of approved type shall be installed and maintained by the property owner, on each side of the canal or lateral, of sufficient width to permit the operation of maintenance equipment and travel on the banks of the canal or lateral by the ditchriders. Such gates must be provided with some approved convenient type of fastening which will permit the ditchrider to open and close them with a minimum loss of time. Any wire or timbers used in fencing across a canal or lateral shall not be closer than 12 inches to the maximum high water surface.

§ 197.17 Charges.

Bills covering irrigation charges will be issued to the owner of record taken from the Bannock, Bingham or Power County records as of January 31, preceding the due date. In the case of Indian-owned land leased to a non-Indian where an approved lease contract is on file with the Superintendent of the Fort Hall Indian Agency bills for operation and maintenance charges will be issued to the lessee of record.

§ 197.18 Charges for small acreages.

Any owner of a small tract of irrigable land may take advantage of the same per acre rate charged owners of farm units by joining in a written contract with other owners of small tracts under which an agent is appointed in whom shall be vested full power and authority to enter into a contract on their behalf with the Superintendent of the Fort Hall Indian Agency covering the water rights for the entire involved area of their several small acreages which total area, however, shall be not less than 10 contiguous acres. Such contract between the agent of the owners of the small tracts and the Superintendent shall be be executed on or before February 1 of the year preceding the next irrigation season. The agent shall, at the time of executing the contract with the Superintendent on the form approved by the Secretary of the Interior, furnish a certified copy of the contract executed by the several landowners appointing the agent to act in their stead.

§ 197.19 Crop and statistical report.

A crop and statistical report on forms furnished for that purpose will be taken each year by the ditchriders, or some person authorized to do so. This report will show the number of acres devoted to each crop, total yield and value of crops for each unit of the project and for the entire project.

§ 197.20 Complaints.

All complaints must be made in writing to the Project Engineer.

§ 197.21 Disputes.

In case of any dispute between a wateruser and the Project Engineer concerning the application of the regulations of this part, an appeal may be taken through the Superintendent of the Reservation to the Area Director. If the Area Director cannot satisfactorily adjust the dispute, he shall refer the same to the Commissioner of Indian Affairs.

[F.R. Doc. 62-8686; Filed, Sept. 5, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260) as amended, and 10 U.S.C. 2202, and have the concurrence of the military departments.

PART 1—GENERAL PROVISIONS

§§ 1.110, 1.308, 1.702, 1.803 [Amendment]

1. Reference to "Subpart I, Part 16 of this chapter," appearing in §§ 1.110, 1.308(b)(17), 1.702(c), and 1.803(b), is deleted.

2. New §§ 1.302–6 and 1.317 are added, as follows:

§ 1.302–6 Contracts between the government and its employees or business organizations substantially owned or controlled by government employees.

(a) Contracts shall not knowingly be entered into between the Government

and employees of the Government or business organizations which are substantially owned or controlled by Government employees, except for the most compelling reasons, such as cases where the needs of the Government cannot reasonably be otherwise supplied.

(b) When a contracting officer has reason to believe that an exception as described in paragraph (a) of this section should be made, approval of the Head of a Procuring Activity shall be obtained prior to entering into any such contract.

§ 1.317 Rental in lieu of purchase.

There are many situations in which the Government's equipment requirements may be more economically filled by rental than by purchase. This is particularly true in the case of certain expensive commercial equipments. The decision to rent rather than purchase must be made on a case-by-case basis, and rental should be used where it is in the Government's interest. The criteria to be considered in each case include the following:

(a) the Government requirement is of short duration, and purchase would be costlier than rental (generally, long-term rentals should be avoided in the absence of compelling circumstances);

(b) the probability that the equipment will become obsolete and that replacement within a short period will be necessary;

(c) the equipment is special or technical, and the lessor will provide the equipment, as well as maintenance and repair services, at a lower cost than would otherwise be available to the Government.

3. New material is added to § 1.603(a), as follows:

§ 1.603 Grounds for listing and treatment to be accorded listed concerns.

(a) • • •

Type F includes concerns which have been reported by the appropriate Secretary or the Executive Vice Chairman of the President's Committee on Equal Employment Opportunity as ineligible for Government contracts for noncompliance with the Nondiscrimination in Employment clause. Concerns under Type F listing may not be awarded contracts or be solicited for bids.

4. Sections 1.604–2 and 1.701–1(a) (2) (iv) and (3) are revised to read as follows:

§ 1.604–2 Period of debarment.

All debarments shall be for a reasonable definitely stated period of time, commensurate with the seriousness of the cause therefor. As a general rule, a period of debarment should not exceed 5 years following the date of conviction for fraud or other criminal offense, or 3 years following the date of debarment for any other cause. In the event debarment is preceded by suspension, consideration shall be given to such period of suspension in determining the period of debarment.

§ 1.701–1 Small business concern.

(a) • • •

(2) *Special industry definitions.* • • •

(iv) *Certain industries employing not more than 1,000 employees.* In the following industries the number of employees of the concern and its affiliates must not exceed 1,000 employees:

(*a*) *Aircraft equipment and parts industry.* This special definition for the aircraft equipment and parts industry applies in the procurement of the following items, except that this subparagraph shall not be applicable to the size classification of subcontractors as provided for in paragraph (b) of the Small Business Subcontracting Program Clause (see § 1.707–3(b)) until January 2, 1963:

Airframes and structural components.
Aircraft propellers and hubs.
Wheel and brake systems.
Jet engines.
Fuel tanks.
Aircraft hydraulic systems.
Aircraft vacuum systems.
Aircraft air-conditioning.
Heating and pressurizing equipment.
Fire control systems.
Flight instruments.
Flight simulators (except small cockpit trainers).
Aircraft deicing systems.

(*b*) *Petroleum refining industry.* This special definition for the petroleum refining industry, excepting procurement of lubricants and miscellaneous petroleum products, applies to a concern and its affiliates which have a capacity of not more than 30,000 barrels per day crude oil capacity from owned or leased facilities. ("Crude oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.)

(*c*) *Air transportation industry.*

(*d*) *Rubber footwear industry.*

(*e*) *Tire and inner tube industry.*

(*f*) *Small arms industry.* This special definition for the small arms industry applies to the procurement of small firearms having a bore of 30-mm (or 1.18 inches) and below.

(*g*) *Small arms ammunition.* This special definition applies to the procurement of ammunition for small arms having a bore of 30-mm (or 1.18 inches) and below.

(3) *Labor surplus area small business concerns.* If a concern qualifies as a labor surplus area concern (see § 1.801–1), the pertinent size standard (i.e., number of employees or annual receipts) shall be deemed to be increased by 25 percent, except that this paragraph shall not be applicable to the size classification of subcontractors as provided for in paragraph (b) of the Small Business Subcontracting Program (see § 1.707–3(b)).

5. Sections 1.701–4, 1.1003–1(d), 1.1003–5, and 1.1003–9(a) are revised to read as follows:

§ 1.701–4 Regular dealer (nonmanufacturer) as small business concern.

One who submits bids or offers in his own name, but who proposes to furnish a product not manufactured by himself, shall be deemed to be a small business concern only if (a) he is a small business concern within the meaning of § 1.701–1; (b) he is a regular dealer (nonmanufacturer) (see § 1.201–18(a)); and (c) in the case of a procurement set aside for small business (see § 1.706) or involving equal low bids (see § 2.407–6 of this chapter) or otherwise involving the preferential treatment of small business, he agrees to furnish in the performance of the contract and items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns; provided, that this section does not apply to construction or services, and provided further that this section shall not be applicable to the size classification of subcontractors as provided for in paragraph (b) of the Small Business Subcontracting Program Clause (see § 1.707–3(b)) until 2 January 1963. However, if the goods to be furnished are wool, worsted, knitwear, duck, webbing and thread (spinning and finishing), nonmanufacturers (dealers and converters) shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher.

§ 1.1003–1 General.

• • • • •

(d) Procurement (whether advertised or negotiated) which is of such urgency that the Government would be seriously injured by the delay involved in permitting the date set for receipt of bids, proposals, or quotations to be more than 15 calendar days from the date of transmittal of the synopsis or the date of issuance of the solicitation, whichever is earlier.

§ 1.1003–5 Publication of procurements of less than $10,000.

When recommended by procurement personnel or the small business specialist, and approved by the contracting officer, proposed procurements of less than $10,000 may be publicized in the Commerce Business Daily.

§ 1.1003–9 Preparation and transmittal.

(a) Each purchasing office shall transmit a synopsis of proposed procurements as follows:

(1) When teletypewriter service is available, all synopses shall be forwarded daily as soon as practical via teletypewriter covering invitations for bids, requests for proposals or quotations issued on that day, or at the earliest practical time prior to issuance of the invitation for bids, requests for proposals or quotations, as is deemed appropriate, to the following address:

Synopsis, U.S. Department of Commerce, Administrative Service Office, Chicago, Ill.

(2) When teletypewriter service is not available, synopses shall be dispatched by airmail or ordinary mail, whichever is considered most expeditious, addressed as follows:

U.S. Department of Commerce, Administrative Service Office, 433 West Van Buren Street, Chicago 7, Ill.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

6. In § 2.201, new subparagraph (28) is added to paragraph (a), as follows:

§ 2.201 Preparation of invitation for bids.

• • • • •

(a) • • •

(28) A statement that the Nondiscrimination in Employment clause is not applicable to contracts (i) not involving the employment of persons, (ii) not exceeding $10,000, (iii) where work is to be performed entirely outside the United States and no recruitment of workers within the United States is involved, (iv) standard commercial supplies or raw materials not exceeding $100,000, or (v) specifically exempt by the Executive Vice Chairman of the President's Committee on Equal Employment Opportunity.

PART 3—PROCUREMENT BY NEGOTIATION

7. Section 3.103 is revised to read as follows:

§ 3.103 Records and reports of negotiated contracts.

In addition to the records and reports described in §§ 1.308, 3.211–4, and 3.216–4 of this chapter, each military department is required to maintain a record of the total value of all contracts negotiated by it during each fiscal year under each of the circumstances permitting negotiation enumerated in Subpart B of this part. These records and reports based thereon, are maintained through the Department of Defense procurement reporting system described in §1.110 of this chapter.

§§ 3.211–4, 3.216–4 [Amendment]

8. Reference to "Subpart I, Part 16 of this chapter," appearing in §§ 3.211–4 and 3.216–4, is deleted.

9. In § 3.501, paragraph (b)(23) is revised and new paragraph (b)(39) is added, as follows:

§ 3.501 Preparation of request for proposals or request for quotations.

• • • • •

(b) • • •

(23) a provision for late proposals as set forth in § 3.804–2(d) in the case of request for quotations, the provision in § 3.804–2(d) will be appropriately modified and, in addition, the following notice shall be prominently set forth in the request for proposals:

CAUTION—LATE PROPOSALS. See the special provision entitled "Late Proposals" which provides that late proposals sent through the mails will be considered ONLY IF SENT BY REGISTERED MAIL, OR BY CERTIFIED MAIL FOR WHICH A POSTMARKED RECEIPT HAS BEEN OBTAINED, AS SPECIFIED IN SUCH PROVISION.

• • • • •

(39) a statement that the Nondiscrimination in Employment clause is not applicable to contracts (i) not involving the employment of persons, (ii) not exceeding $10,000, (iii) where work is to be performed entirely outside the United States is involved, (iv) for standard commercial supplies or raw materials not exceeding $100,000, or (v) specifically exempt by the Executive Vice Chairman of the President's Committee on Equal Employment Opportunity.

10. Sections 3.804–2 and 3.805–1(b) are revised to read as follows:

§ 3.804–2 Late proposals.

(a) Proposals which are received in the office designated in the requests for proposals after the date specified for their submission are "Late Proposals." Late Proposals shall not be considered for award, except under the circumstances set forth in § 2.303 of this chapter relating to late bids and § 2.305 of this chapter relating to late modifications, or where only one proposal is received. (For the purpose of applying the late bid rules to late proposals, unless a specific time for receipt of proposals is stated in the request for proposals, the time for such receipt shall be deemed to be the time for close of business of the office designated for receipt of proposals on the date stated in the request for proposals.) Notwithstanding the provisions of § 1.109 of this chapter, exceptions may be authorized only by the Secretary concerned, and only where consideration of a late proposal is of extreme importance to the Government, as for example where it offers some important technical or scientific breakthrough.

(b) In the exceptional circumstances where the Secretary concerned authorizes an exception from paragraph (a) of this section, the contracting officer shall resolicit all firms (including late offerors) which have submitted proposals and are determined to be capable of meeting current requirements. Such resolicitation shall specify a date for submission of new proposals and include the "Late Proposals" provision set forth in paragraph (d) of this section.

(c) The normal revisions of proposals by selected offerors occurring during the usual conduct of negotiations with such offerors are not to be considered as late proposals but shall be handled in accordance with § 3.805–1(b).

(d) Written requests for proposals shall contain the following provisions:

Late proposals. In accordance with § 3.804 of the Armed Services Procurement Regulation, proposals received at the office designated in the Request for Proposals after the close of business on the date set for receipt thereof (or after the time set for receipt if a particular time is specified) will not be considered unless:

(a) They are received before award is made;

(b) They are sent by registered mail or by certified mail for which an official post office stamp (postmark) on the original Receipt for Certified Mail has been obtained, or by telegraph; and

(c) It is determined by the Government that late receipt was due solely to either:

(i) Delay in the mails, or delay by the telegraph company, for which the offeror was not responsible; or

(ii) Mishandling by the Government after receipt at the Government installation.

Offerors using certified mail are cautioned to obtain a legibly postmarked Receipt for Certified Mail and retain it against the chance that the postmark thereon will be required as evidence that a late proposal was timely mailed. If the postmark on such receipt, or on the registered mail wrapper shows the hour of mailing as well as the date, the time of mailing shall be established accordingly; if it shows the date but not the hour, the time of mailing shall be deemed to be the last minute of the date shown, unless the offeror furnishes evidence from the post office of mailing which, in the case of registered mail, establishes an earlier time; or in the case of certified mail where the Receipt for Certified Mail identifies the post office station of mailing, the time of mailing shall be deemed to be the last minute of the business day of that station. (Jun 1962)

(e) Offerors submitting late proposals shall be notified in accordance with § 2.303–6 of this chapter, except that the notices provided for therein shall be appropriately modified to relate to the request for proposals and the proposal thereunder.

§ 3.805–1 General.

• • • • •

(b) Whenever negotiations are conducted with more than one offeror, no indication shall be made to any offeror of a price which must be met to obtain further consideration since such practice constitutes an auction technique which must be avoided. After receipt of proposals, no information regarding the number or identity of the offeror's participating in the negotiations shall be made available to the public or to any one whose official duties do not require such knowledge. Whenever negotiations are conducted with several offerors, while such negotiations may be conducted successively, all offerors selected to participate in such negotiations (see paragraph (a) of this section) shall be offered an equitable opportunity to submit such price, technical, or other revisions in their proposals as may result from the negotiations. All such offerors shall be informed of the specified date (and time if desired) of the closing of negotiations and that any revisions to their proposals must be submitted by that date. All such offerors shall be informed that any revision received after such date shall be treated as a late proposal in accordance with the "Late Proposals" provisions of the request for proposals. (In the exceptional circumstance where the Secretary concerned authorizes consideration of such a late proposal, resolicitation shall be limited to the selected offerors with whom negotiations have been conducted.) In addition, all such offerors shall also be informed that after the specified date for the closing of negotiation no information will be furnished to any offeror until award has been made.

11. The section heading of § 3.808–4 and all of § 3.808–6 are revised to read as follows:

§ 3.808–4 Minimal fees or cost sharing arrangements.

§ 3.808–6 Renegotiation information.

The purchasing activity will document the contract file in sufficient detail to indicate those factors considered under §§ 3.808 to 3.808–6, so that appropriate information can be supplied to the Renegotiation Board.

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

12. Section 4.107 is revised to read as follows:

§ 4.107 Expediting, construction contracts.

No expediting action involving additional costs under a construction contract which involves funds appropriated under the Military Construction Appropriations Act (Public Law 87–302) or any substantially identical law shall be taken without the prior approval of the Assistant Secretary of Defense (Installations and Logistics). For the purpose of requesting such approval, expediting action shall be construed to include only an action which advances a completion date established in the contract.

PART 5—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

13. Section 5.907 is revised to read as follows:

§ 5.907 Contract clause.

Insert the following clause in all cost-reimbursement type contracts under which the contractor may acquire supplies for the account of the Government.

GENERAL SERVICES ADMINISTRATION SUPPLY SOURCES (JUL. 1962)

The Contracting Officer may issue the Contractor an authorization to utilize General Services Administration supply sources for property to be used in the performance of this contract. Title to all property acquired under such an authorization shall be in the Government. All property acquired under such an authorization shall be subject to the provisions of paragraphs (b) through (k) of the clause of this contract entitled "Government Property," unless this contract is for research and development with a nonprofit institution executed on a no-fee basis, in which case paragraphs (c) through (n) shall apply.

PART 6—FOREIGN PURCHASES

14. Revise § 6.000; change heading of Subpart G; revise the introductory portion of § 6.701–1; and revise § 6.701–3, as follows:

§ 6.000 Scope of part.

This part deals with (a) restrictions upon the procurement, or the use in construction, of supplies originating in foreign countries, (b) purchases from Soviet-controlled countries or areas, (c) purchases from Canadian sources, (d) duty and customs, and (e) certain Military Assistance Act procurements.

Subpart G—Military Assistance Program

§ 6.701–1 General.

With respect to purchases authorized to be made outside the United States under the Military Assistance Program authorized by the Foreign Assistance Act of 1961 (Public Law 87–195), Executive Order No. 10784, dated October 1, 1958, as amended by Executive Order No. 10845, dated October 12, 1959 exempts:

§ 6.701–3 Contracts with other foreign contractors.

In any particular contract within the scope of § 6.701–1(a) which is made with a foreign contractor other than a foreign government, the Examination of Records clause set forth in § 7.104–15 of this chapter may be omitted (in the case of a fixed-price contract) and the Records clause set forth in § 7.203–7 of this chapter may be modified as indicated in § 6.701–2(b) (in the case of a cost-reimbursement type contract) if such omission or modification is approved by the contracting activity concerned in accordance with Departmental procedures, following a determination that such omission or modification will further the purposes of the Foreign Assistance Act of 1961.

PART 7—CONTRACT CLAUSES

15. A new clause paragraph (i) is added to clause in § 7.203–8; and new clause paragraph (i) is added to clause in § 7.402–8(a), as follows:

§ 7.203–8 Subcontracts.

* * * * *

(i) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments on the fixed-priced types of subcontracts of those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraphs 503 and 514 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

§ 7.402–8 Subcontracts.

(a) * * *

(i) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments on the fixed-price types of subcontracts of those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraphs 503 and 514 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

PART 8—TERMINATION OF CONTRACTS

16. In § 8.702, revise clause heading and clause paragraph (a); and revise § 8.707, as follows:

§ 8.702 Termination clause for cost-reimbursement type contracts.

* * * * *

TERMINATION (JUL. 1962)

(a) The performance of work under the contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part:

(i) Whenever the Contractor shall default in performance of this contract in accordance with its terms (including in the term "default" any such failure by the Contractor to make progress in the prosecution of the work hereunder as endangers such performance), and shall fail to cure default within a period of ten days (or such longer periods as the Contracting Officer may allow) after receipt from the Contracting Officer of a notice specifying the default; or

(ii) Whenever for any reason the Contracting Officer shall determine that such termination is in the best interest of the Government.

Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying whether termination is for the default of the Contractor or for the convenience of the Government, the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective. If, after notice of termination of this contract for default under (i) above, it is determined for any reason that the Contractor was not in default pursuant to (i), or that the Contractor's failure to perform or to make progress in performance is due to causes beyond the control and without the fault or negligence of the Contractor pursuant to the provisions of the clause of this contract relating to excusable delays, the Notice of Termination shall be deemed to have been issued under (ii) above, and the rights and obligations of the parties hereto shall in such event be governed accordingly.

§ 8.707 Default clause for fixed-price supply contracts.

(a) Except as provided in (b) below, insert the following clause:

DEFAULT [JUL. 1962]

(a) The Government may, subject to the provisions of paragraph (c) below, by written notice of default to the Contractor, terminate the whole or any part of this contract in any one of the following circumstances:

(i) If the Contractor fails to make delivery of the supplies or to perform the services within the time specified herein or any extension thereof; or

(ii) If the Contractor fails to perform any of the other provisions of this contract, or so fails to make progress as to endanger performance of this contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of 10 days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer specifying such failure.

(b) In the event the Government terminates this contract in whole or in part as provided in paragraph (a) of this clause, the Government may procure, upon such terms and in such manner as the Contracting Officer may deem appropriate, supplies or services similar to those so terminated, and the Contractor shall be liable to the Government for any excess costs for such similar supplies or services; provided, that the Contractor shall continue the performance of this contract to the extent not terminated under the provisions of this clause.

(c) Except with respect to defaults of subcontractors, the Contractor shall not be liable for any excess costs if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the

Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be liable for any excess costs for failure to perform, unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery schedule.

(d) If this contract is terminated as provided in paragraph (a) of this clause, the Government, in addition to any other rights provided in this clause, may require the Contractor to transfer title and deliver to the Government in the manner and to the extent directed by the Contracting Officer, (i) any completed supplies, and (ii) such partially completed supplies and materials, parts, tools, dies, jigs, fixtures, plans, drawings, information, and contract rights (hereinafter called "manufacturing materials") as the Contractor has specifically produced or specifically acquired for the performance of such part of this contract as has been terminated; and the Contractor shall, upon direction of the Contracting Officer, protect and preserve property in possession of the Contractor in which the Government has an interest. Payment for completed supplies delivered to and accepted by the Government shall be at the contract price. Payment for manufacturing materials delivered to and accepted by the Government and for the protection and preservation of property shall be in the amount agreed upon by the Contractor and Contracting Officer; failure to agree to such amount shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." The Government may withhold from amounts otherwise due the Contractor for such completed supplies or manufacturing materials such sum as the Contracting Officer determines to be necessary to protect the Government against loss because of outstanding liens or claims of former lien holders.

(e) If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause.

(f) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(b) In contracts which do not contain a clause providing for termination for convenience of the Government, add the following sentence to subparagraph (e) of the clause set forth in paragraph (a) of this section:

If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, and if this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

17. In § 8.709, revise the introductory portion of paragraph (a) and the clause heading; revise clause paragraph (e); and add new paragraph (c), as follows:

§ 8.709 Default clause for fixed-price construction contracts.

(a) Except as provided in paragraph (c) of this section insert the following clause:

TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS (JUL. 1962)

* * * * *

(e) If, after notice of termination of the Contractor's right to proceed under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the delay was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause.

* * * * *

(c) In contracts which do not contain a clause providing for termination for convenience of the Government, add the following sentence to paragraph (e) of the clause set forth in paragraph (a) of this section:

If, in the foregoing circumstances, this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

18. Section 8.710 is revised to read as follows:

§ 8.710 Default clause for fixed-price research and development contracts.

(a) The following clause shall be used in all fixed-price research and development contracts as defined in § 7.301 of this chapter, except:

(1) As provided in paragraph (b) of this section; and

(2) Contracts with educational or nonprofit institutions which are awarded on the basis of no profit.

DEFAULT (JUL. 1962)

(a) The Government may, subject to the provisions of paragraph (c) of this clause, by written Notice of Default to the Contractor terminate the whole or any part of this contract in any one of the following circumstances:

(i) If the Contractor fails to perform the work called for by this contract within the time(s) specified herein or any extension thereof; or

(ii) If the Contractor fails to perform any of the other provisions of this contract, or so fails to prosecute the work as to endanger performance of this contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of 10 days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer specifying such failure.

(b) In the event the Government terminates this contract in whole or in part as provided in paragraph (a) of this clause, the Government may procure, upon such terms and in such manner as the Contracting Officer may deem appropriate, work similar to the work so terminated and the Contractor shall be liable to the Government for any excess costs for such similar work; provided, that the Contractor shall continue the performance of this contract to the extent not terminated under the provisions of this clause.

(c) Except with respect to defaults of subcontractors, the Contractor shall not be liable for any excess costs if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be liable for any excess costs for failure to perform, unless the supplies or service to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery schedule or other performance requirements.

(d) If this contract is terminated as provided in paragraph (a) of this clause, the Government, in addition to any other rights provided in this clause, may require the Contractor to transfer title and deliver to the Government, in the manner and to the extent directed by the Contracting Officer any of the completed or partially completed work not theretofore delivered to, and accepted by, the Government and any other property, including contract rights, specifically produced or specifically acquired for the performance of such part of this contract as has been terminated; and the Contractor shall, upon the direction of the Contracting Officer, protect and preserve property in the possession of the Contractor in which the Government has an interest. The Government shall pay to the Contractor the contract price, if separately stated, for completed work accepted by the Government and the amount agreed upon by the Contractor and the Contracting Officer for (i) completed work for which no separate price is stated, (ii) partially completed work, (iii) other property described above which is accepted by the Government and, (iv) the protection and preservation of property. Failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." The Government may withhold from amounts otherwise due the Contractor for such completed supplies or manufacturing materials such sum as the Contracting Officer determines to be necessary to protect the Government against loss because of outstanding liens or claims of former lien holders.

(e) If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination has been issued pursuant to such clause.

(f) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(b) In contracts which do not contain a clause providing for termination for convenience of the Government, add the following sentence to subparagraph (e)

of the clause set forth in paragraph (a) of this section:

If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, and if this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

PART 9—PATENTS, DATA, AND COPYRIGHTS

§ 9.107 [Amendment]

19. Reference to "Mutual Security Program", in paragraph (b) of § 9.107, is changed to "Military Assistance Program."

20. Section 9.304–1 is revised to read as follows:

§ 9.304–1 International Traffic in Arms Regulations.

Pursuant to Section 414 of the Mutual Security Act of 1954, as amended (22 U.S.C. 1934), the Department of State controls the exportation of data relating to articles designated in the United States Munitions List as arms, ammunition, or munitions of war. (The Munitions List and pertinent procedures are set forth in the International Traffic in Arms Regulations, 22 CFR 121 et seq.) Before authorizing such exportation, the Department of State generally requests comments from the Department of Defense. Each Military Department will, on request of the Office of the Assistant Secretary of Defense (International Security Affairs), submit comments thereon as the basis for a Department of Defense reply to the Department of State. Such comments will be prepared in the light of the following excerpt from the International Traffic in Arms Regulations.

§ 124.04 *Required provisions in agreements.* (a) Manufacturing license or technical assistance agreements should define in precise terms the following:

(1) The equipment and technology involved;

(2) The scope of the information to be furnished;

(3) The period of duration of the agreement;

(4) Statement of ownership of equipment and special tools involved which would be made available in connection with the agreement. In lieu of inclusion as an integral part of the agreement, the applicant may submit this information in the form of an attachment or enclosure to the agreement submitted for review.

(b)(1) It is the policy of the United States Government not to pay or allow to be paid in connection with purchases made with Mutual Security Program funds, a charge for patent rights in which it holds a royalty-free license, or for technical data which it has a right to use and disclose to others for purposes of the Mutual Security Program, or which are in the public domain, or with respect to which it has been placed in possession without restriction upon their use and disclosure to others. Reasonable charges for reproduction, handling, mailing, and other similar administrative costs do not fall within this policy.

(2) Pursuant to the above policy (subparagraph (1) of this paragraph) agreements shall be written in such a way as to provide that (i) purchases of items by or for the United States Government, or with funds derived through the Mutual Security Program, will not include a charge (a) for technical data in the possession of the United States Government, or in which the United States Government has a right to possession, and regarding which there is no prohibition against use by the United States Government and disclosure to others and (b) for royalties or amortization for patents or inventions in which the United States Government holds a royalty-free license; and (ii) the license rights transferred by such agreements will be subject to existing rights of the United States Government.

§ 9.304–2 [Amendment]

21. References to "§ 124.3" and "§ 124.3(b)," appearing in § 9.302–2(a), (b)(1), and (c)(2), are changed to "§ 124.04" and "§ 124.04(b)."

PART 10—BONDS AND INSURANCE

22. Section 10.202–2 is revised to read as follows:

§ 10.202–2 Certified or cashier's checks, bank drafts, money orders, or currency.

Any person required to furnish a bond has the option, in lieu of furnishing surety or sureties thereon, of depositing a certified or cashier's check, a bank draft, a Post Office money order, or currency, in an amount equal to the penal sum of the bond. Certified or cashier's checks, bank drafts, or Post Office money orders shall be drawn to the order of the Treasurer of the United States.

§ 10.403 [Amendment]

23. Reference to "Mutual Security Act as amended (22 U.S.C. 1871 et seq.)", appearing in § 10.403(a), is changed to read "Foreign Assistance Act of 1961."

PART 11—FEDERAL, STATE, AND LOCAL TAXES

24. In § 11.403–1, paragraph (a) is revised to read as follows:

§ 11.403–1 General.

(a) *Use of clauses.* Tax agreements have been made with Belgium, Denmark, France, Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, Norway, the Philippines, Portugal, Spain, Turkey, the United Kingdom, and Yugoslavia, under which the United States expenditures for the common defense are exempt from certain specified taxes of the countries in which these expenditures are made. The clauses in § 11.403–2 shall be included in all contracts to be performed by contractors or by foreign governments in those foreign countries with which such tax agreements have been made. However, such clauses need not be included in contracts under $1,000 if the contracting officer determines that the administrative burden of securing relief from such taxes would be out of proportion to the relief obtained; provided, that such clauses shall be included in all contracts in support of NATO infrastructure programs involving the expenditure of funds under section 503(b) of the Foreign Assistance Act of 1961, as amended.

PART 12—LABOR

25. Section 12.401(d) is revised, and new sentence is added to § 12.402, as follows:

§ 12.401 Statutes and regulations.

* * * * *

(d) *Department of Labor regulations.* Pursuant to the foregoing statutes and Reorganization Plan No. 14 of 1950 (15 F.R. 3176), the Secretary of Labor has issued Regulations, Part 3, Title 29, Subtitle A, Code of Federal Regulations (7 F.R. 686, as amended) and Regulations, Part 5, Title 29, Subtitle A, Code of Federal Regulations (16 F.R. 4430 as amended), providing for the administration and enforcement of these statutes in construction contracts. Each Department shall comply with the regulations, rulings, interpretations and decisions of the Department of Labor issued pursuant to the above provisions unless other action is specifically authorized in advance by OASD (Manpower). In any case where resolution of a question by higher authority is deemed appropriate, such question shall be submitted, in the case of the Army to the Deputy Chief of Staff for Logistics, ATTN: Labor Advisor; in the case of the Navy to the Office of Naval Material, ATTN: Code MOOF; in the case of the Air Force to the Deputy Chief of Staff, Systems and Logistics, ATTN: AFSPM; and, in the case of the Defense Supply Agency to the Executive Director for Procurement and Production, ATTN: DSAH–PL.

§ 12.402 Applicability.

* * * * *

The requirements under the Davis-Bacon Act and the Copeland Act apply only to the United States while the Eight-Hour Laws apply also to other areas over which the United States has direct legislative control.

26. Subpart H is revised to read as follows:

Subpart H—Nondiscrimination in Employment

Sec.
12.801 Policy.
12.802 Basic requirement.
12.803 Applicability and exemptions.
12.804 Requests for exemptions.
12.805 Interpretations.
12.806 Administration.
12.806–1 General.
12.806–2 Educational responsibility.
12.806–3 Posting of notices.
12.806–4 Compliance reports.
12.806–5 Compliance reviews.
12.806–6 Complaints.
12.806–7 Processing of complaints.
12.806–8 Sanctions.
12.807 Contact with President's Committee.
12.808 Hearings.
12.808–1 General.
12.808–2 Delegation of authority.
12.808–3 Notice and contents.
12.808–4 Continuance and delays.
12.808–5 Parties.
12.808–6 Representation and hearing assistants.

Sec.
12.808–7 Transcript.
12.808–8 Conduct of hearings.
12.808–9 Depositions.
12.808–10 Absence of parties.
12.808–11 Argument.
12.808–12 Findings and recommendations.
12.809 Certificates of merit.

AUTHORITY: §§ 12.801 to 12.809 issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart H—Nondiscrimination in Employment

§ 12.801 Policy.

Executive Order 10925, dated March 6, 1961, states that discrimination because of race, creed, color or national origin is contrary to the Constitutional principles and policies of the United States, and that it is the plain and positive obligation of the U.S. Government to promote and insure equal opportunity for all qualified persons, without regard to race, creed, color or national origin, employed by, or seeking employment with, Government contractors. To carry out this policy, the President's Committee on Equal Employment Opportunity was created by the Executive Order to provide regulations, guide lines and instructions to Government agencies. The head of each contracting agency was made primarily responsible for obtaining compliance by any contractor or subcontractor with the provisions of the Executive Order and the rules, regulations and orders of the President's Committee. Although initial emphasis for obtaining compliance should be placed upon methods of conference, conciliation, mediation and persuasion, if such measures do not succeed in obtaining the necessary degree of progress, consideration will be given to invoking the appropriate sanctions as set forth in § 12.806–8.

§ 12.802 Basic requirement.

(a) Each Department shall include in each of its contracts the following clause, unless the contract is exempt under § 12.803:

NONDISCRIMINATION IN EMPLOYMENT (JUL. 1962)

In connection with the performance of work under this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Nondiscrimination in Employment clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the said labor union or workers' representative of the Contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity in effect as of the date of this contract.

(e) The Contractor will furnish all information and reports required by Executive Order 10925 of March 6, 1961, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Nondiscrimination in Employment clause of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

(g) The Contractor will include the provisions of the foregoing paragraphs (a) through (f) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, so that such provisions will be binding upon each subcontractor or vendor.* The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(b) Supplemental agreements that increase the scope of the contract work shall include the clause set forth in paragraph (a) of this section, unless exempt in accordance with § 12.803 or unless the clause is contained in the existing contract. Change orders, price redeterminations, and unilateral contract modifications are not included in this requirement.

(c) Prime contractors and first-tier subcontractors may make necessary modifications in language in the clause as shall be appropriate to identify properly the parties and their undertakings. Subcontractors below the first-tier shall not be required to insert the contract clause in contracts which they may make in connection with the performance of the prime contract except upon special order of the Secretary of the Department or of the Executive Vice Chairman of the President's Committee. Subcontractors may incorporate by reference the above contract clause.

*The President's Committee on Equal Employment Opportunity interprets the first sentence of paragraph (g) to mean that the Contractor will include the provisions of the foregoing paragraphs (a) through (f) in every first-tier subcontract or purchase order, so that such provisions will be binding upon each such subcontractor or vendor, and will require each first-tier subcontractor or vendor similarly to include the provisions of paragraphs (a) through (f) in any subcontract or purchase order which he places, unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order 10925 of March 6, 1961.

§ 12.803 Applicability and exemptions.

(a) The clause set forth in § 12.802 shall not be included in the following:

(1) Contracts or subcontracts not involving the employment of persons;

(2) Contracts, or subcontracts for $10,000 or less, except Government bills of lading which are required to contain the clause or a reference to the Executive Order, regardless of their amount: *Provided however,* That with respect to Government bills of lading carriers are exempt from complying with paragraphs (c) through (g) of the clause unless otherwise specifically ordered by the Department or the Executive Vice Chairman of the President's Committee.

(3) contracts or subcontracts for standard commercial supplies or raw materials not in excess of $100,000;

(4) contracts or subcontracts to be performed outside the United States where no recruitment of workers within the United States is involved (where a contract involves performance of work or recruitment of workers both within and outside the United States, the Nondiscrimination in Employment clause will be included in the contract but will be applicable only to work and recruitment within the United States); United States as used herein includes the Commonwealth of Puerto Rico, the Panama Canal Zone and the possessions of the United States;

(5) contracts for the sale of Government property, where supplies are not furnished nor services rendered to the Government; or

(6) contracts or subcontracts exempt under § 12.804.

§ 12.804 Requests for exemptions.

Where special circumstances indicate that use of the clause set forth in § 12.802 in a contract, subcontract or purchase order would not be in the national interest, the contracting officer should submit a request to the Secretary of the Department for authority to omit or modify the clause. The Secretary of the Department may request an exemption of any specific contract, subcontract or purchase order from the requirements of the clause. Such requests will be directed through the Office of the Department of Defense Coordinator to the Executive Vice Chairman of the President's Committee, who will rule upon the request in accordance with the Commit-

tee's regulations. Prior to the submission of such requests, the Secretary or his designee for the purpose will, in appropriate cases, personally discuss with head of the company concerned the inclusion of the clause in the pending contract, subcontract, or purchase order.

§ 12.805 Interpretations.

In the application and enforcement of the provisions of Executive Order 10925 and of the rules and regulations of the President's Committee, the following interpretations are applicable:

(a) Standard commercial supplies means an article:

(1) which in the normal course of business is customarily maintained in stock by the manufacturer or any dealer, distributor, or other commercial dealer for the marketing of such article; or

(2) which is manufactured and sold by two or more persons for general commercial or industrial use or which is identical in every material respect with an article so manufactured and sold.

(b) A bidder or prospective contractor, and any contractor or subcontractor holding a contract or subcontract containing the Nondiscrimination in Employment clause, who owns, operates or controls one or more plants or facilities in addition to those engaged in the performance of work upon such contract or subcontract may request a ruling by the Executive Vice Chairman as to the applicability of the clause to any plant or facility which he deems to be outside the scope of the clause.

(c) The obligation to include the Nondiscrimination in Employment clause exists even though the contract is required to be awarded to the lowest responsible bidder.

(d) The obligation to include the Nondiscrimination in Employment clause exists even though the contract is between the Federal Government and a State, or a subdivision or agency thereof.

§ 12.806 Administration.

§ 12.806–1 General.

(a) The Secretary of each Department shall be primarily responsible for obtaining compliance with the provisions of the Nondiscrimination in Employment clause set forth in § 12.802, and the rules and regulations and order promulgated by the President's Committee. Each Department shall furnish the Committee such information and assistance as it may require in the performance of its functions under the Executive Order.

(b) Committee Guidance Manual. (Reserved.)

§ 12.806–2 Educational responsibility.

(a) Contracting officers and other personnel concerned with procurement shall be apprised of their responsibility in obtaining compliance with the clause.

(b) The Departments shall publicize the nondiscrimination policy to prospective bidders and contractors, and shall make available to contractors information concerning their responsibilities under the Nondiscrimination in Employment clause.

§ 12.806–3 Posting of notices.

In the case of each contract containing the clause, the contracting officer shall furnish to contractors an appropriate number of copies of the notice entitled "Equal Employment Opportunity" (listed in the GSA Stores Stock Catalog as Item No. 7530–338–5437 for the 12½- x 18¼-inch size, and as Item No. 7530–338–5448 for the 8½- x 12-inch size) and Standard Form 38, June 1961, entitled "Nondiscrimination in Employment" for notification to labor unions or other organizations of workers. Contracting officers shall obtain these documents in accordance with Departmental procedures; contractors shall obtain from the contracting officers, copies for first- and second-tier subcontractors.

§ 12.806–4 Compliance reports.

(a) The contracting officer shall require each contractor having a contract subject to the provisions of Section 301 of Executive Order 10925 to file, and each contractor shall cause each of his first-tier subcontractors not exempted under the provisions of § 12.803 to file, compliance reports in accordance with instructions attached to the official Compliance Report, Standard Form 40. Subsequent reporting shall be accomplished as indicated in those instructions. Whenever a contractor or subcontractor is currently engaged in the performance of any part or all of another contract or subcontract subject to the nondiscrimination clause with any Government agency, and has filed within a current reporting period, a compliance report covering the plants, facilities, and activities which will be involved in the performance of a new contract, this requirement shall be satisfied by the filing, with the contracting officer, of the Certificate of Submission of Current Compliance Report, Standard Form 40A.

(b) The contracting officer shall furnish the contractor a sufficient number of report forms (Standard Forms 40 and 40A) to satisfy the requirements of paragraph (a) of this section.

(c) The designated time for filing compliance reports may be extended with the approval of the Executive Vice Chairman. Requests by contractors or subcontractors for such an extension should be directed to the contracting officer for forwarding to the Executive Vice Chairman in accordance with Departmental procedures.

(d) The contracting officer shall require any bidder or prospective contractor, or any of their proposed subcontractors, to state as an initial part of the bid or negotiations of the contract whether they have participated in any previous contract subject to the provisions of Section 301 of the Executive Order. Upon the direction of the Executive Vice Chairman, the contracting officer shall require the submission of a compliance report by any bidder or prospective contractor prior to the award of the contract upon which the contractor has bid.

(e) Whenever directed by the Executive Vice Chairman, the contracting officer will, as a part of the bid or negotiation of a contract, direct a bidder, proposed contractor, or any proposed subcontractor to file a statement in writing (signed by an authorized officer or agent of any labor union or other worker's representative with which the bidder or prospective contractor or subcontractor deals or has reason to believe he will deal in connection with performance of the proposed contract), together with supporting information, to the effect that the said labor union's or other workers' representative's practices and policies do not discriminate on the grounds of race, color, creed or national origin, and that the labor union or other worker's representative either will affirmatively cooperate, within the limits of its legal and contractual authority, in the implementation of the policy and provisions of the Executive Order, or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the Executive Order. If the union or other worker's representative fails or refuses to execute such a statement, the bidder or proposed contractor or subcontractor shall so certify, and state what efforts have been made to obtain such a statement. Upon receipt of such certification, the Executive Vice Chairmain will be notified in accordance with Departmental procedures. However, non-receipt of such certification shall not be a ground for withholding an award.

§ 12.806–5 Compliance reviews.

(a) Both routine and special compliance reviews shall be conducted to ascertain the extent to which contractors and subcontractors are complying with the provisions of the Nondiscrimination in Employment clause and to furnish educational data in connection with the program.

(b) A routine compliance review consists of a general review of the practices of the contractor or subcontractor to ascertain compliance with the requirements of the clause. This type of review shall include a verification that the notices are appropriately posted and that the clause is included in subcontracts where required. A routine compliance review shall be considered a normal part of contract administration.

(c) A special compliance review consists of a comprehensive review of the employment practices of the contractor or subcontractor with respect to the requirements of the clause. In addition to discussions with management, personnel conducting special compliance reviews should, when appropriate, discuss the contractor's or subcontractor's employment practices with employment sources, minority groups, and interested civic groups. Special compliance reviews shall be conducted (1) from time to time, (2) when special circumstances, including complaints which are processed under § 12.806–6, warrant, and (3) when requested by proper authority. The Department shall report the results of any special compliance reviews to the Executive Vice Chairman in accordance with Departmental procedures.

§ 12.806–6 Complaints.

(a) Complaints may be submitted in writing to the President's Committee, the Secretary of Defense, or the Departments. The Departments will investigate promptly complaints based upon alleged noncompliance with the provisions of the Nondiscrimination in Employment clause. Where a complaint is filed directly with a Department, it will be forwarded in accordance with Departmental procedures to the Departmental Contracts Compliance Officer, who will transmit a copy of the complaint directly to the Executive Vice Chairman within ten days after receipt thereof. The Department shall proceed with a prompt investigation of the complaint, provided the complaint is submitted not later than 90 days from the date of the alleged discrimination, unless the time is extended by the Department or the Executive Vice Chairman for good cause shown.

(b) Complaints will be required to be signed by the complainants and to contain the following information:

(1) Name and address (including telephone number) of the complainant.

(2) Name and address of the contractor or subcontractor who committed the alleged act of discrimination.

(3) A description of the act or acts considered to be discriminatory.

(4) Other pertinent information which will assist in the investigation and resolution of the complaint.

(c) Where a complaint contains incomplete information, the Department will request promptly the needed information from the complainant. In the event such information is not furnished within 60 days of the date of such request, the case may be closed.

§ 12.806–7 Processing of complaints.

Complaints submitted or referred to a Department and determined to involve a Government contract or subcontract, shall be processed in accordance with Departmental procedures which will assure:

(a) Prompt investigation of statements and allegations contained in the complaint. Such investigation should include, where necessary, (1) a review of the pertinent personnel practice of the contractor or subcontractor concerned, (2) the circumstance under which the discriminatory action is alleged to have taken place, and (3) other factors which may determine whether the contractor or subcontractor in the particular case complied with the provisions of the nondiscrimination clause set forth in the contract or subcontract concerned;

(b) Resolution of complaints by conciliatory means whenever possible;

(c) The preparation and submission, within 30 days of the completion of the case processing, of a summary report to the Executive Vice Chairman setting forth (1) the name and address of the complainant, (2) a brief summary of the findings, (3) a statement of the disposition of the case, including any corrective action taken or sanction imposed, or (4) whenever appropriate, the recommended corrective action and sanctions or penalties; and

(d) Prompt notification to the appropriate contractor or subcontractor, of the closing of the case in those cases wherein the investigative findings by the Department concerned, upon review and concurrence by the Executive Vice Chairman, show no violation of the Nondiscrimination in Employment clause.

§ 12.806–8 Sanctions.

(a) *General.* In every case where investigation indicates the existence of an apparent violation of the provisions of the clause, the matter should be resolved by informal means whenever possible. This will include, where appropriate, establishing a program for future compliance approved by the Secretary of the Department. If a contractor or subcontractor, without a hearing, has complied with the recommendations or orders of a Department and believes such orders or recommendations to be erroneous, he shall, upon request, he accorded a hearing and review of the alleged erroneous action under § 12.808.

(b) *Termination.* No contract or subcontract will be terminated in whole or in part for failure to comply with the provisions of the Nondiscrimination in Employment clause, without the approval of the Secretary. Whenever it is proposed to terminate a contract or a subcontract, the contractor or subcontractor will be notified in writing of such proposed action and given ten days (or such longer period as the Secretary, with the approval of the Executive Vice Chairman, may consider appropriate) from the receipt of the notice either to comply with the provisions of the contract or to mail a request for a hearing under § 12.808.

(c) *Debarment and suspension.* No contractor or subcontractor will be debarred or suspended from receiving Government contracts for failure to comply with the provisions of the clause except under the recommendations of the Secretary and the approval of the Executive Vice Chairman. In every case where debarment or suspension is being proposed, the contractor or subcontractor will be notified by the Secretary, in writing, of the proposed recommendation and given ten days from the receipt of such notice in which to mail a request for a hearing under § 12.808 or for one before the President's Committee.

(d) *Referral to the Department of Justice.* Each Department, after coordination with the Special Assistant to the Secretary of Defense, and with the approval of the Executive Vice Chairman, may recommend to the Department of Justice that, in cases where there is substantial or material violation or the threat of substantial or material violation of the contractual provisions set forth in § 12.802, appropriate proceedings be brought to enforce those provisions, including the enjoining, within the limitations of applicable law, of organizations, individuals, or groups which prevent directly or indirectly, compliance with the aforesaid provisions. The Department may also recommend to the Department of Justice that criminal proceedings be brought for the furnishing of false information to the Department. Provided, however, that no case shall be referred to the Department of Justice until the expiration of 10 days (unless a longer period is fixed by the Department with the approval of the Executive Vice Chairman) from the mailing of notice of such proposed referral by the Department to the contractor or subcontractor involved, affording him an opportunity to comply with the provisions of the Order.

§ 12.807 Contact with the President's Committee.

Contact with the President's Committee on Equal Employment Opportunity concerning the conduct of investigations or any other matters shall not be undertaken without the approval of the Departmental Contracts Compliance Officer.

§ 12.808 Hearings.

§ 12.808–1 General.

Hearings may be held by a Department when an apparent act, or acts, of discrimination, as shown by investigation, are not resolved informally by conference, conciliation, mediation, or persuasion. Hearings shall be held by a Department when:

(a) A contractor or subcontractor who has complied with the recommendations or orders of the Department, but believes such recommendations or orders to be erroneous, and requests a hearing thereon; or

(b) A Department proposes to debar a contractor or subcontractor, or to terminate a contract or subcontract.

§ 12.808–2 Delegation of authority.

The Secretary may delegate to any person, military or civilian, or board of such persons within his Department, all the authority of the Secretary conferred by the Order or the rules and regulations of the President's Committee to give notice of hearings, to conduct hearings, and to make findings of fact and recommendations with respect to determining whether a contractor or subcontractor is or has been in violation of the contract clause. If the Secretary delegates his authority to a board, one of the members thereof shall be a person trained in the law, and the Secretary shall designate one member to be the presiding officer of the board.

§ 12.808–3 Notice and contents.

(a) Whenever a hearing is to be held, the Department shall cause a written notice to be served upon the contractor or subconstractor in the manner hereinafter provided. The notice shall be signed by the Secretary or his designee and dated, and shall include the following items:

(1) A statement of the time, place, and purpose of the hearing, and the authority and jurisdiction under which it will be held. The statement as to purpose need only identify the contract clause, the contracts or subcontracts involved, and the ultimate facts to be determined. The time of the hearings

shall not be less than 10 days after service of the notice.

(2) Brief allegations in reasonable detail setting forth the circumstances surrounding the act or acts of discrimination, the name(s) of the complainant(s), and the approximate date and place of each alleged discriminatory act. Such allegations need be only sufficient to apprise the contractor or subcontractor reasonably of the issues involved in the hearing.

(3) A request that the contractor or subcontractor answer in writing the allegations of the notice, including in his answer such facts or arguments as he may wish, and that he attend the hearings to adduce such evidence with respect to the alleged discrimination as he may desire.

(b) *Service of notice.* Service shall be made by mailing by registered mail, return receipt requested, a copy of the notice to the contractor or subcontractor.

§ 12.808–4 Continuances and delays.

The authority to grant continuances or to adjourn the hearing shall rest with the person presiding at the hearing. Continuances will only be allowed for the most compelling reasons.

§ 12.808–5 Parties.

The parties to the hearing will be the contractor or subcontractor concerned and the Government.

§ 12.808–6 Representation and hearing assistants.

The parties may be represented at the hearing and proceedings incident thereto by legal counsel. Upon the appearance of record of legal counsel of the contractor or subcontractor in the proceedings, service of papers as may thereafter be required may be made upon such legal counsel. The Department will make available such technical assistants, including a reporter, secretary or notary, as may be required.

§ 12.808–7 Transcript.

Testimony and arguments shall be reported verbatim. The reporter or secretary shall make available to the contractor or subcontractor and to the Government transcripts of the proceedings, including all testimony and copies of all documentary exhibits upon the payment of the reasonable costs thereof as the Department may by order fix.

§ 12.808–8 Conduct of hearings.

Hearings shall be conducted by the Secretary or his designee. Hearings will be as informal as may be reasonably appropriate under all the circumstances. Evidence and testimony, although not ordinarily admissible under legal rules of evidence, may be received subject to the discretion of the person presiding at the hearing. Immaterial irrelevant, or unduly repetitious evidence shall be excluded. The parties may stipulate as to any facts or testimony. The testimony of witnesses shall be under oath and witnesses shall be subject to cross-examination. The hearing officer shall make such rulings with respect to the conduct of hearings as circumstances may require to ensure the orderly and expeditious presentation of evidence in a manner fair to the parties and consistent with this part and requirements of due process of law.

§ 12.808–9 Depositions.

Following service of the notice of hearing, a deposition may be taken as herein provided, and placed in evidence whenever the ends of justice will be served thereby.

(a) *Notice to take.* When either party desires to take a deposition, unless the parties stipulate as to the time when, and place where, the deposition is to be taken, the name of the officer before whom it is to be taken, and the names and addresses of the witnesses, the moving party shall give to the opposite party at least ten days' notice of the time when and the place where such deposition will be taken; the name and address and official title of the officer before whom it is proposed to take the deposition, and the names of the witnesses. A deposition may be taken either upon written interrogatories or upon oral examination, as may be specified in the notice. If the deposition is to be taken upon written interrogatories, copies thereof must accompany the notice to take depositions; if the opposite party desires to submit cross-interrogatories, written cross-interrogatories should be served upon the party giving the notice within 5 days from the receipt of the notice to take the deposition. Notices may be served upon the contractor or subcontractor as provided in § 12.808–3 or upon his legal counsel of record. Service upon the Government may be made upon the person signing the notice of hearing or the Government representative of record. If service is made by mail, the mail shall be registered and service will be complete upon mailing.

(b) *Taking depositions.* Depositions may be taken before and authenticated by any officer, military or civil, authorized by the laws of the United States or by the laws of the place where the deposition is taken, to administer oaths. Witnesses shall be under oath and shall be subject to cross-examination as at the hearing. Objections will be reserved for determination at the hearing: Provided, however, Objections as to the form of questions shall be made and noted in the deposition. Each deposition shall show the caption of the proceeding, the place and date of taking, the names of the witnesses, and the party by whom called. The officer taking a deposition shall enclose the original deposition and exhibits, in a sealed packet, with postage or other transportation prepaid, and forward the same to the Secretary or his designee.

(c) *Use of deposition.* Testimony taken by deposition will not be considered until offered in whole or in part and received in evidence. A deposition taken by one party may be offered by the opposite party.

§ 12.808–10 Absence of parties.

If the contractor or subcontractor fails or refuses to appear, the hearing shall proceed upon such evidence as the Government may offer. The unexcused absence of any party shall not be occasion for delay of the hearing.

§ 12.808–11 Argument.

Within the discretion of the person presiding at the hearing, limited oral argument may be presented by the parties upon the completion of the hearing.

§ 12.808–12 Findings and recommendations.

As soon as practicable after completion of the hearing, the person or board that conducted the hearing shall make written findings and recommendations with respect to all material issues; reasons for the findings will be included at such length as may be appropriate. The findings and recommendations shall be forwarded in accordance with Departmental procedures to the President's Committee for approval.

§ 12.809 Certificates of Merit.

(a) Certificates of Merit may be awarded:

(1) By the Committee on its own initiative. The Committee acting through the Chairman or Vice Chairman may award United States Government Certificates of Merit to employers or employee organizations which are or may hereafter be engaged in work under Government contracts, if the Committee is satisfied that the personnel and employment practices of the employer, or that the personnel, training, apprenticeship, membership, grievance and representation, upgrading, and other practices and policies of the employee organization conform to the purposes and provisions of the Order.

(2) By the Executive Vice Chairman upon the recommendation of a Department. The Committee, acting through the Executive Vice Chairman, may award a United States Government Certificate of Merit upon the recommendation of the Department. The recommendation should include a statement in sufficient detail to inform the Executive Vice Chairman of the basis for the recommended award.

(b) *Benefits.* A United States Government Certificate of Merit shall entitle the recipient to an exemption from the submission of the reports otherwise required by § 12.806–4. Before allowing such exemption, contracting officers will require holders of Certificates of Merit to clearly identify the certificate by number or otherwise.

(c) *Suspension or revocation.* The Committee, acting through the Chairman or Vice Chairman, may at any time review the continued entitlement of any employer or employee organization to a Certificate of Merit, and may suspend or revoke the Certificate.

PART 13—GOVERNMENT PROPERTY

27. Sections 13.102–3(a)(2) and 13.701(b) are revised to read as follows:

§ 13.102–3 Facilities.

(a) • • •

(2) Industrial facilities may be provided by the Government only when it is determined that:

(i) It is not possible to obtain contract performance without Government-owned industrial facilities; or

(ii) Contractor-furnished industrial facilities would likely result in allocations of costs to the contract in excess of reasonable depreciation costs; or

(iii) Furnishing of existing Government-owned industrial facilities will most likely result in substantially lower cost to the Government of the items produced, after taking into account transportation costs, maintenance costs, reactivation costs, and any other costs for the furnishing of such facilities; and that it is otherwise in the best interest of the Government. Before the Government agrees to provide industrial facilities, the contractor shall be required to show that subcontractors possessing adequate and available capacity to meet military production requirements have been or will be appropriately and fully utilized. The appropriateness of meeting requirements by means of rental of the facilities at economical rates should likewise be considered.

§ 13.701 Use without charge.

• • • • •

(b) the foreign government would be authorized to place the contract with a Department concerned under the Foreign Assistance Act of 1961 as amended or such use is legally authorized by an agreement with the foreign government;

PART 14—INSPECTION AND ACCEPTANCE

§ 14.109 [Amendment]

28. Reference to "mutual security programs", in § 14.109, is changed to "military assistance programs".

PART 16—PROCUREMENT FORMS

29. A new paragraph (e) is added to §§ 16.101–2 and 16.102–2; §§ 16.202(c)(1) and 16.203–2(d) are revised; and new § 16.203–3 is added, as follows:

§ 16.101–2 Conditions for use.

• • • • •

(e) Where the Nondiscrimination in Employment clause in § 12.802 of this chapter is required to be used by that section, the clause set forth therein including the footnote thereto, shall be substituted for the Nondiscrimination in Employment clause in Standard Form 32.

§ 16.102–2 Conditions for use.

• • • • •

(e) Where the Nondiscrimination in Employment clause in § 12.802 of this chapter is required to be used by that section, the clause set forth therein including the footnote thereto, shall be substituted for the Nondiscrimination in Employment clause in Standard Form 32.

§ 16.202 Negotiated contract forms (DD Forms 1261 and 1270).

• • • • •

(c) *Long form negotiated supply contracts.* (1) Except as provided in paragraphs (a)(3) and (b) of this section, DD Form 1261 (Negotiated Contract) shall be used with Standard Form 32 (General Provisions (Supply Contract)), any other forms containing contract provisions which are prescribed by this subchapter or Departmental procedures, and Standard Form 36 (Continuation Sheet) for entering into negotiated fixed-price type supply contracts to which Subpart A, Part 7 of this chapter, is applicable. (Where the Nondiscrimination in Employment clause in § 12.802 of this chapter is required to be used by that section, the clause set forth therein including the footnote thereto, shall be substituted for the Nondiscrimination in Employment clause in Standard Form 32.)

§ 16.203–2 Conditions for use.

• • • • •

(d) Standard Form 32, if applicable, and any other general provisions may be attached to each copy of the Request for Proposals. Alternatively, one copy only of Standard Form 32 and any other general provisions need be furnished to each supplier, for retention, if such provisions are specifically incorporated by reference, including each form name, number and date, in DD Form 746–1. Provisions which are inapplicable to a particular procurement, or to military procurements generally, may be deleted by appropriate reference in an "Alterations in Contract" clause. (Where the Nondiscrimination in Employment clause in § 12.802 of this chapter is required to be used by that section, the clause set forth therein including the footnote thereto, shall be substituted for the Nondiscrimination in Employment clause in Standard Form 32.)

§ 16.203–3 Instructions regarding late proposals.

(a) Pending revision of DD Form 746 (1958 edition) paragraph 9(c) of the terms and conditions on the back of the form shall be deleted and the request for proposals shall contain, in lieu thereof, the provisions set forth in § 3.804–2(d) of this chapter.

(b) The Request for Proposals block on the face of DD Form 746 may be modified so as to specify a time, as well as a date, by which proposals are to be received at the issuing office.

30. Paragraph (h) is added to § 16.401–4 and §§ 16.801, 16.803–1(b), and 16.803–2(c) are revised to read as follows:

§ 16.401–4 Terms, conditions, and provisions.

• • • • •

(h) Where the Nondiscrimination in Employment clause in § 12.802 of this chapter is required to be used by that section, the clause set forth therein including the footnote thereto, shall be substituted for the nondiscrimination in Employment clause in Standard Form 23A.

§ 16.801 Statement and Certificate of Award (Standard Form 1036).

(a) Standard Form 1036 (Statement and Certificate of Award), which briefly recites the circumstances relating to contract awards, shall be prepared and executed by the contracting officer in connection with all contracts entered into after formal advertising, as required by § 2.407–7 of this chapter.

(b) At the option of the contracting officer, a Standard Form 1036 may be prepared either:

(1) For each individual award, in which case the Standard Form 1036 will be attached to the copy of the award which is forwarded to the General Accounting Office; or

(2) For each invitation for bids which results in multiple awards, provided:

(i) An original Standard Form 1036 is signed by the contracting officer;

(ii) The invitation number is shown in the upper right corner of the Standard Form 1036 in lieu of a contract number;

(iii) The Standard Form 1036 identifies each contract awarded under that invitation, as well as including information required by § 2.407–7 of this chapter.

(iv) The signed Standard Form 1036 is attached to the copy of the first contract awarded under the invitation when forwarded to the General Accounting Office; and

(v) The other contracts forwarded to the General Accounting Office and the copies retained in the Contract Files contain on their face the words "Standard Form 1036 filed with Contract Number _____."

§ 16.803–1 Construction contracts.

• • • • •

(b) Standard Form 1093 (Schedule of Withholdings under the Davis-Bacon Act) shall be used, in accordance with the provisions of § 12.404–9 of this chapter, to report deductions against payment vouchers of contractors on account of failure to comply with labor laws, regulations and clauses. To facilitate the work of contracting agencies in computing underpayments (and, where applicable, Eight-Hour Laws penalties) in investigation reports involving apparent violations of the Davis-Bacon and related Acts, the Department of Labor has developed and will furnish, on request, Form SOL–164 "Wage Computation and Transcription Sheet." Use of this form is optional; its use will also facilitate review of investigation reports.

§ 16.803–2 Supply contracts.

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(c) DD Form 350 shall be used in accordance with the provisions of § 12.603 of this chapter to furnish the Department of Labor with certain information in lieu of utilizing the Standard Form 99 as required by administrative regulations of the Secretary of Labor.

[ASPR, Rev. 10, 30 July 1962] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–8878; Filed, Sept. 5, 1962; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

DELETION OF CHAPTER

AUGUST 29, 1962.

All regulations heretofore contained in Chapter XIV are hereby deleted from the Code of Federal Regulations as being obsolete.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-8885; Filed, Sept. 5, 1962; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

General Provisions and Definitions

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), §§ 1.0 and 1.1(e) of Title 36, Code of Federal Regulations, are amended as set forth below. The purpose of these amendments is to indicate which regulations of the National Park Service are to apply to Cape Cod National Seashore and other areas which are, or hereafter may be, under the administrative jurisdiction of the National Park Service of the Department of the Interior.

The following amendments shall become effective upon publication in the FEDERAL REGISTER in order that the public will have advantage of special hunting regulations to be promulgated by the superintendent of Cape Cod National Seashore, under authority provided in Part 1, 36 CFR and pursuant to Public Law 87-126 (75 Stat. 284).

Section 1.0 is amended to read as follows:

§ 1.0 General provisions.

Except as otherwise provided in special regulations found in Part 7 of this chapter, the following regulations are hereby made and prescribed for the proper use, management, government, and protection of, and maintenance of good order in, all the national parks, national monuments, national military parks, national battlefield parks, national historical parks, national historic sites, national parkways and connected recreational areas, battlefield sites, miscellaneous memorials, national seashores, and other areas which are, or hereafter may be, under administrative jurisdiction of the National Park Service of the Department of the Interior. The rules and regulations of this part shall not apply to national cemeteries, National Capital Parks, or national recreation areas.

Paragraph (e) of § 1.1 is amended to read as follows:

§ 1.1 Definitions.

• • • • •

(e) The term "park" includes national parks, national military parks, national battlefield parks, national historical parks, national parkways and connected recreational areas as well as Cape Hatteras National Seashore Recreational Area and Cape Cod National Seashore.

JOHN A. CARVER, JR.,
Acting Secretary of the Interior.

AUGUST 30, 1962.

[F.R. Doc. 62-8891; Filed, Sept. 5, 1962; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Charles Sheldon Antelope Range, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEVADA

Charles Sheldon Antelope Range

Public hunting of Upland Game on the Charles Sheldon Antelope Range, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 365,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 N. E. Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Sage Grouse, Chukar Partridge, Hungarian Partridge, Quail (all species) and Cottontail Rabbits.

(b) Open season: Sage grouse—September 8 through 10, 1962; Quail, Chukar, and Hungarian Partridge—September 29 through December 9, 1962; Cottontail Rabbits—September 8 through December 9, 1962. Shooting hours—sunrise to sunset.

(c) Bag limits: As prescribed by State regulations.

(d) Methods of hunting:

(1) Weapons—shotguns only, not to exceed 10 gauge, may be used for taking upland game birds. Rabbits may be taken with shotguns or .22 cal. rifles.

(2) Dogs: Dogs, not to exceed two in number may be used for hunting upland game.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping: Camping will be permitted at designated areas.

(3) A Federal permit is not required to enter the public hunting area, but hunters will be required to report at such checking stations as may be established, when entering or leaving the area.

(4) The provisions of this special regulation are effective to December 10, 1962.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 29, 1962.

[F.R. Doc. 62-8887; Filed, Sept. 5, 1962; 8:46 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

PART 99—STOCK PILING OF STRATEGIC AND CRITICAL MATERIAL

Deletion of Part

AUGUST 29, 1962.

All purchase programs heretofore contained in Part 99 are hereby deleted from the Code of Federal Regulations as being obsolete.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-8886; Filed, Sept. 5, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 990]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given that the Secretary is proposing to amend the Subpart—Administrative Rules and Regulations (27 F.R. 3158; 27 F.R. 7539) by the addition of new § 990.162 (b) and (c) defining the limits of normal outlets for concentrate, high proof, and dessert wine, thereby also defining limits of nonnormal outlets for these setaside products. The subpart is under the marketing agreement and Order No. 990 (7 CFR Part 990) regulating the handling of Central California grapes for crushing, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal would implement the provisions of § 990.62 (b) and (c). Section 990.62(b) provides, in part, that, for the purpose of disposition of setaside, normal outlets mean the established trade channels for wine, brandy, high proof, grape juice, concentrate, and wine vinegar, and that the limits of any normal outlets may be defined by administrative rules to effectuate other provisions of the program. Section 990.62(c) provides, in part, that the Grape Crush Administrative Committee may sell or dispose of setaside in the non-normal outlets (those other than normal). Since the marketing agreement and order define non-normal outlets as being those other than normal outlets, any definition of the limits of normal outlets perforce defines the limits of non-normal outlets.

Concentrate, high proof, and dessert wine are now set aside for the account of the Committee and available for disposition in non-normal outlets. It is necessary to define the geographical and usage limits of normal outlets for these items, and thus the limits of their non-normal outlets, to assure disposition of setaside for uses and in areas consistent with the attainment of program objectives. Moreover, handlers, by having knowledge of such delineations of normal and non-normal outlets, would be in a better position to find and develop outlets for surplus set aside for the account of the Committee.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are submitted to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received within 15 days after publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

§ 990.162 Disposition.

• • • • •

(b) *Normal outlets.* (1) *Concentrate.* The established trade channels (i.e., normal outlets) for concentrate mean the sale for use within the United States in the production of wine, brandy, grape beverages, high proof, jams, or jellies.

(2) *High proof.* The established trade channels (i.e., normal outlets) for high proof mean the sale for use within the United States, Canada, or Mexico in the production of wine and other alcoholic beverages.

(3) *Dessert wine.* The established trade channels (i.e., normal outlets) for dessert wine mean the sale for use within the United States, Canada, or Mexico as a beverage or for distillation.

(c) *Nonnormal outlets.* Nonnormal outlets for concentrate, high proof, and dessert wine, respectively, mean all outlets not specifically set forth in paragraph (b) of this section for each of those setaside items.

Dated: August 30, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division.

[F.R. Doc. 62-8893; Filed, Sept. 5, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 208]

[Docket No. 13984]

TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Notice of Proposed Rule Making

SEPTEMBER 4, 1962.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a new Part 208 of the Economic Regulations which would contain the Board's substantive regulations implementing paragraphs (1), (2), and (3) of section 401(n) of the Federal Aviation Act of 1958, as amended, and make these requirements applicable to authority issued under section 417 of the Act and sections 7 and 9 of Public Law 87-528.

This regulation is proposed under the authority of sections 204(a), 401(n), and 417 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 76 Stat. 144, 145; 49 U.S.C. 1324, 1371, 1387) and sections 7 and 9 of P.L. 87-528, 76 Stat. 146, 148. The principal features of the proposed regulation are explained in the Explanatory Statement below, and the proposed new Part 208 is set forth below.

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining hereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before September 17, 1962, will be considered by the Board before taking final action on the Proposed Rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory Statement. Public Law 87-528, of July 10, 1962, amends the Federal Aviation Act of 1958 to authorize the Board to issue certificates of public convenience and necessity for supplemental air transportation under new section 401(d)(3) of the Act. In addition, new section 401(n) gives the Board express statutory authority to impose certain requirements upon supplemental carriers that will assure the public of financially responsible and safe transportation. Maintenance of liability insurance, in such amount as prescribed by the Board, is made mandatory, as is the requirement that a supplemental carrier be and continue to be fit, willing and able to perform the services authorized and to conform to the provisions of the Act and the requirements of the Board thereunder. The Board has discretionary authority to require performance bonds conditioned upon the carrier's making appropriate compensation to shippers and travelers, as prescribed by the Board, for nonperformance of contracts for air transportation services, and also to impose minimum requirements as to the extent to which the authorized services must be performed. The regulations proposed herein implement the insurance, performance of contracts, and minimum operations provisions of the statute.

To implement section 401(n)(1), the Board proposes to adopt, with clarifications and some changes, the liability insurance requirements now set forth in Policy Statement No. 13, § 399.37 of the Board's Policy Statements, as the insurance requirements which the Board would impose under this legislation. The permissible exclusion relating to aircraft of a type not declared to the insurer is omitted; the exclusion relating to liability assumed by contract is reworded for clarification; and the exclusion relating to the carrier's own property is also clarified. The Board believes that these requirements provide adequate protection to the public and do not constitute an undue burden on the supplemental carriers because most of them now have such insurance in force.

Section 401(n)(2) authorizes the Board to require supplemental air carriers to make appropriate compensation, pre-

scribed by it, to travelers and shippers for failure on their part to perform air transportation services in accordance with agreements therefor. The Board is also authorized to require supplemental carriers to file performance bonds or equivalent security arrangements to secure the payment of such compensation. In light of the fact that under the new legislation supplemental air carriers will be required to demonstrate their continuing financial and managerial fitness, and in light of the considerable expense of securing performance bonds, it appears to the Board that it may be sufficient to require these carriers to assume the obligation vis-a-vis their passengers contemplated by this statutory provision. A requirement that the obligation be secured by performance bonds may be added later if experience shows that it is needed. The Board therefore proposes to require that supplemental carriers provide alternate transportation or promptly refund the value of the transportation not furnished in case of delayed or canceled charter and individually-ticketed passenger flights in interstate or overseas transportation, and that these carriers expressly assume and define such obligations in their tariffs filed with the Board. As of this time, it also does not appear necessary to the Board to impose similar performance requirements applicable to cargo transportation.

However, for the protection of both passengers and shippers, the proposed regulation provides that supplemental air carriers may subcontract services which they have obligated themselves to perform, only to air carriers which themselves are authorized to perform such services. For instance, a passenger charter could not be subcontracted to an operater not an air carrier (e.g., a so-called "Part 45 operator") or to an air carrier not authorized to perform such passenger charters.

Extended periods during which a carrier does not operate unavoidably impair the efficiency of the carrier's organization and thus its fitness to operate. Experience with the previous class of supplemental air carriers also indicated that dormant certificates might lead to trafficking in such certificates or to seizure of control by incompetent management or by persons previously responsible for violations of the Act or the Board's regulations. After careful consideration of the various criteria that could be applied to all supplemental air carriers regardless of the kind of services authorized by the certificate, the Board has decided that a requirement based on the number of operating hours per quarter is the fairest and most reasonable measure of minimum services to be performed. The Board therefore proposes to adopt a standard of 250 operating hours of revenue flight per calendar quarter as the minimum extent of service that will assure continued operational proficiency and actual performance of the services authorized by the certificate.

The Board proposes that the requirements to be imposed on certificated supplemental air carriers, as contained in this Notice, will also be attached as terms, conditions and limitations of interim certificates or interim authorizations issued under section 7 of Public Law 87–528, pending issuance or denial of certificates to engage in supplemental air transportation under section 401(d)(3) of the Act. Therefore, it is proposed that a final rule will be adopted before October 8, 1962, the day on which the statutory operating authority granted by section 8 of Public Law 87–528 will terminate. The requirements of the regulation would further apply to authorizations issued under section 417 of the Act and section 9 of Public Law 87–528.

The proposed new Part 208 is set forth as follows:

GENERAL PROVISIONS

§ 208.1 Applicability.

This part contains the Board's substantive regulations implementing paragraphs (1), (2), and (3) of section 401 (n) of the Act. The requirements of this part shall constitute terms, conditions, and limitations attached to certificates issued pursuant to section 401(d)(3) of the Act. The requirements shall also attach to special operating authorizations issued under section 417 of the Act, and to interim certificates or authorizations issued pursuant to section 7, and to authority issued pursuant to section 9, of Public Law 87–528.

§ 208.2 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of persons, or circumstances is held invalid, the remainder of the part and the application of such provisions to other air transportation, persons, classes of persons, or circumstances shall not be affected thereby.

§ 208.3 Definitions.

For the purposes of this part, supplemental air carrier shall mean any air carrier holding a certificate issued under section 401(d)(3) of the Federal Aviation Act of 1958, as amended, or a special operating authorization issued under section 417 of the Federal Aviation Act, or operating authority issued pursuant to section 7 or 9 of Public Law 87–528.

LIABILITY INSURANCE REQUIREMENTS

§ 208.10 Liability insurance requirements.

(a) On or before October 8, 1962, as a condition precedent to beginning operations in air transportation, each supplemental air carrier shall file an affidavit with the Board that such carrier has in effect liability insurance coverage that substantially complies with the requirements of this part. On or before November 8, 1962, each such air carrier shall file a copy of the insurance policy required by this part and the certificate of insurance issued by the insurer stating that such policy complies with all the requirements of this part in accordance with § 208.14. The Board will review the policy and certificate for compliance; if the policy or certificate does not comply with the requirements of this part, the Board will notify the air carrier and the insurer by registered mail stating the deficiencies of the policy or the certificate of insurance. If no objections are raised by the Board within 30 days after receipt of the policy and the certificate of insurance, such policy and certificate shall be deemed filed with and approved by the Board as complying with the requirements of this part.

(b) On and after February 1, 1963, no supplemental air carrier shall perform any service unless the carrier maintains a currently effective policy (or policies) of liability insurance filed with and approved by the Board as complying with the requirements of this part.

(c) Such insurance policy shall be issued by a reputable and financially responsible insurance company which is legally authorized to issue policies of that type in any state, territory or possession of the United States, or the District of Columbia.

§ 208.11 Minimum limits of liability.

(a) Except as provided in paragraph (b) of this section, the minimum limits of liability insurance carried by a supplemental air carrier shall be as follows:

(1) Liability for bodily injury to or death of aircraft passengers: A minimum of $50,000 for any one passenger, and a minimum total amount for each accident in any one aircraft equal to the sum produced by multiplying $50,000 by 75 percent of the total number of seats.

(2) Liability for bodily injury to or death of non-passengers: A minimum of $50,000 for one person in any one accident, and a minimum of $500,000 for each accident.

(3) Liability for loss of or damage to property: A minimum of $500,000 for each accident.

(b) Liability insurance applicable to circumstances in which the amount of recovery is limited by the Warsaw Convention, 49 Stat. 3000, T.S. 876, or treaties amendatory thereof, need not exceed such limits.

§ 208.12 Terms and conditions of insurance coverage.

(a) Insurance contracts shall provide for payment, within the specified minimum limits of liability, by the insurer of any final judgments recovered against the insured for bodily injury to or death of any person, or loss of or damage to property of others, resulting from negligence of the insured, or his duly authorized agent, in the operation, maintenance, or use of any aircraft on a flight conducted by a supplemental air carrier pursuant to authority granted by the Civil Aeronautics Board, or under an invalid claim of such authority.

(b) The liability of the insurer shall apply to any and all such flights conducted by the insured air carrier, irrespective of whether the aircraft involved in such liability are specifically described in the policy, and shall not be subject to any exclusion by virtue of violations, by said carrier, of any applicable safety provisions of the Federal Aviation Act of 1958, as amended, or of any rule, regulation, order or other legally imposed safety requirement prescribed by the Federal Aviation Agency.

(c) Such liability shall not be contingent upon the financial condition, solvency or freedom from bankruptcy of the insured. The limits of the insurer's liability for the amounts prescribed herein shall apply separately to each accident, and any payment under the policy because of any one accident shall not reduce the liability of the insurer for payment of final judgments resulting from any other accident.

(d) Within the limits of liability herein prescribed, the insurer shall not be relieved from liability by any condition in the policy or any endorsement thereon, or violation thereof by the insured air carrier, other than the exclusions set forth in § 208.13, or such other exclusions as may be individually approved by the Board. Such policy shall not be subject to cancellation, change or suspension, by either party, on less than 30 days' notice, by registered mail, to both the other party to the insurance contract and the Board.

§ 208.13 Authorized exclusions of liability.

Unless other exclusions are individually approved by the Board, any insurance policy or policies may contain only one or more of the following authorized exclusions:

The insurance afforded under this policy shall not apply to:

(1) Any loss against which the named Insured has other valid and collectible insurance, except that the limits of liability provided under this policy shall be excess of the limits provided by such other valid and collectible insurance but in no event exceeding the limits of liability expressed elsewhere in this policy;

(2) Liability, beyond or in addition to liability imposed by law, assumed by the Insured under any contract or agreement;

(3) Bodily injury, sickness, disease, mental anguish or death of any employee of the Insured while engaged in the duties of his employment, or any obligation for which the Insured or any Company as his Insurer may be held liable under any Workmen's Compensation or occupational disease law;

(4) Damage to or destruction of property owned, rented, occupied or used by, or in the care, custody or control of the Insured;

(5) Personal injuries or death or damage to or destruction of property, caused directly or indirectly, by hostile or warlike action, including action in hindering, combating or defending against an actual, impending or expected attack by any government or sovereign power, de jure or de facto, or military, naval, or air forces, or by an agent of such government, power, authority or forces; the discharge, explosion, or use of any weapon of war employing atomic fission or atomic fusion, or radio-active materials; insurrection, rebellion, revolution, civil war or usurped power, including any action in hindering, combating, or defending against such an occurrence; or confiscation by any government or public authority.

§ 208.14 Filing of policy and certificate of insurance.

(a) Each supplemental air carrier shall file with the Board a copy of the policy or policies of insurance and all endorsements thereof and a duly executed certificate of insurance, signed by an authorized representative of the insurer. Whenever any change is made in a previously issued policy, a new certificate of insurance shall be filed with the Board at least 30 days prior to the proposed effective date of the change, and such certificate shall be accompanied by a copy of the new endorsement or endorsements made to such policy.

(b) Each certificate of insurance shall expressly certify that the insurance company has issued to the insured air carrier a policy (or policies) which:

(1) Incorporates the minimum limits of liability set forth in § 208.11;

(2) Contains the specific terms and conditions of coverage set forth in § 208.12; and

(3) Incorporates only exclusions which have been specifically authorized in § 208.13 or individually approved by the Board.

PERFORMANCE REQUIREMENTS

§ 208.20 Assumption of performance obligations in tariffs.

Supplemental air carriers shall assume, and publish as part of the rules and regulations of their tariffs applicable to passenger service in interstate and overseas air transportation, the following obligations without prejudice, and in addition, to any other rights or remedies of passengers under applicable law:

(a) In case of flight delays of more than four hours beyond the departure time stated in the charter contract or time of departure stated on an individual flight ticket, the carrier must provide alternate air transportation at no additional cost to the passenger or charterer, or immediately refund the full value of the unused ticket or the unperformed charter contract.

(b) In case of unscheduled flight delays enroute exceeding two hours, the carrier must, upon request and at the passenger's or charterer's option, furnish alternate transportation to the specified destination, or immediately refund the full value of unperformed transportation.

(c) In case of flight cancellations or flight delays, refunds shall be paid immediately upon presentation of an unused flight coupon or upon demand of the charterer to the air carrier or its agent.

§ 208.21 Substitution or subcontracting.

Supplemental air carriers may subcontract the performance of services which they have contracted to perform, only to air carriers authorized by the Board to perform such services.

MINIMUM EXTENT OF SERVICE

§ 208.25 Minimum service requirements.

Each supplemental air carrier shall perform services authorized by the Board for at least 250 hours of revenue flight in each calendar quarter, and shall file the reports of such operations required by the Board to determine compliance with this requirement.

[F.R. Doc. 62–8976; Filed, Sept. 5, 1962; 8:54 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 514]

[Reg. Docket No. 1339; Draft Release No. 62–37]

TECHNICAL STANDARD ORDERS; AIRCRAFT MATERIALS PARTS AND APPLIANCES

Correction

In F.R. Doc. 62–8073 appearing at page 8077 of the issue for Tuesday, August 14, 1962, the following note should be added to § 514.83 *Gas Turbine Auxiliary Power Units—TSO–C77* after the last sentence in paragraph (a):

[1] Copies may be obtained upon request addressed to Publishing and Graphics Branch, Inquiry Section, MS–158, Federal Aviation Agency, Washington 25, D.C.

Issued in Washington, D.C., on August 30, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–8879; Filed, Sept. 5, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13852; RM–102; RM–183]

TELEVISION BROADCAST STATIONS, AUGUSTA, BANGOR, CALAIS AND PRESQUE ISLE, MAINE; TABLE OF ASSIGNMENTS

Order Extending Time for Filing Comments and Reply Comments

1. On July 30, 1962, the Commission released a further notice of proposed rule making in this proceeding in which comments and reply comments were invited to be submitted by August 31, 1962, and September 10, 1962, respectively.

2. On August 29, 1962, counsel for Community Telecasting, Inc., filed with the Commission a request for extension of time in which to file comments. It is stated therein that the request is occasioned by the fact that, because of the press and timing of other Commission business, half of the legal staff of that firm found it necessary to take vacations at the same time; that the firm is therefore presently shorthanded; and that therefore, in order to prepare and file full and responsive comments, an extension of two weeks is required.

3. We are of the opinion that good cause has been shown and that an extension of time for filing comments should be granted together with a requisite extension of time for filing reply comments.

4. In view of the foregoing: *It is ordered,* This 30th day of August, 1962, That the request for extension of time

for filing comments filed by counsel for Community Telecasting Service, Inc., is granted and that the time for filing comments and reply comments in this proceeding is extended from August 31, 1962, and September 10, 1962, to September 14, 1962, and September 24, 1962, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.241 (d)(8) of the Commission's rules.

Released: August 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8911; Filed, Sept. 5, 1962; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1962, Rev. No. 7]

NATIONWIDE MUTUAL INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds

AUGUST 30, 1962.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $8,769,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1963. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in which Incorporated; Name of Company; and Location of Principal Executive Office

Ohio; Nationwide Mutual Insurance Company; Columbus, Ohio.

[SEAL] J. K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 62-8908; Filed, Sept. 5, 1962; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

The United States Forest Service of the Department of Agriculture has filed an application, Serial No. Colorado 072838 for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a winter sports area located in the Gunnison National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Gas and Electric Building, 910 15th Street, Denver 2, Colo.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN
GUNNISON NATIONAL FOREST
Crested Butte Winter Sports Area

T. 13 S., R. 85 W.,
Sec. 19, Lot 4;
Sec. 30, Lots 1, 2, 3 and 4, E½W½;
Sec. 31, Lot 1, NE¼NW¼.
T. 13 S., R. 86 W.,
Sec. 24, S½SW¼, S½SE¼;
Sec. 25, All;
Sec. 36, N½NE¼.

The above described areas in the Gunnison National Forest aggregate approximately 1300.87 acres.

HAROLD T. TYSK,
Chief,
Division of Lands and Minerals.

[F.R. Doc. 62-8889; Filed, Sept. 5, 1962; 8:47 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Forest Service of the Department of Agriculture has filed an application, Serial No. Colorado 069941 for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a recreation area extension located in the Roosevelt National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Gas and Electric Building, 910 15th Street, Denver 2, Colo.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN
ROOSEVELT NATIONAL FOREST
Dowdy Lake Recreation Area Extension

T. 9 N., R. 73 W.,
Sec. 2, Lot 1, S½N½, NE¼SW¼, W½SE¼, NE¼SE¼;
Sec. 3, Lots 1, 2 and 3, SE¼NE¼.
T. 10 N., R. 73 W.,
Sec. 34, S½S½SE¼ (that part south of Redfeather Road only);
Sec. 35, S½NE¼, SE¼NW¼, NW¼SW¼ (less 1050' x 500' tract in northwest corner containing 12.05 acres), and N½SE¼.

The above described area in Roosevelt National Forest aggregates approximately 772.66 acres.

HAROLD T. TYSK,
Chief, Division of Lands and Minerals.

[F.R. Doc. 62-8890; Filed, Sept. 5, 1962; 8:47 a.m.]

Office of the Secretary

CIVIL ADMINISTRATION OF WAKE ISLAND

Agreement Between the Federal Aviation Agency and the United States Department of the Interior

CROSS REFERENCE: For a joint agreement of the Federal Aviation Agency and the Department of the Interior respecting the civil administration of Wake Island, see F.R. Doc. 62-8984, *infra.*

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the following counties in the State of Mississippi, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Clarke	Newton
Copiah	Rankin
Jasper	Scott
Lawrence	Smith
Neshoba	Wayne

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of August 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-8897; Filed, Sept. 5, 1962; 8:48 a.m.]

NORTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87–128 (7 U.S.C. 1961) it has been determined that in Cavalier County, North Dakota, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 30th day of August 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–8898; Filed, Sept. 5, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–133]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Provisional Operating License

Please take notice that pursuant to an Initial Decision of the Hearing Examiner dated August 17, 1962, the Director of the Division of Licensing and Regulation has issued Provisional Operating License No. DPR–7 to Pacific Gas and Electric Company for its boiling water nuclear reactor located in Humboldt County, Calif.

The license authorizes the loading of the reactor, the conduct of tests and the operation of the reactor up to and including steady-state power levels of 165 megawatts thermal but specifies that the core may not be loaded and operation of the facility may not begin until the Director of the Division of Licensing and Regulation has found that construction of the facility has been completed in conformity with Construction Permit No. CPPR–10, as amended, and the Application.

The license will expire eighteen months after the date of its issuance (unless extended for good cause shown), or upon the earlier issuance of a superseding operating license.

Copies of the Initial Decision and the license are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C.

Dated at Germantown, Maryland this 28th day of August, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62–8876; Filed, Sept. 5, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13939; Order No. E–18759]

CONTINENTAL AIR LINES, INC., ET AL.

Order Denying Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of August, 1962.

By Order E–18706, August 15, 1962, the Board ordered an investigation of Continental Air Lines' tariff proposing new jet business and jet economy fares between Chicago, Denver, Kansas City, and Los Angeles, as well as similar defensive tariffs of American Airlines, Braniff Airways, Trans World Airlines, and United Air Lines. American, Braniff, Delta Air Lines, Eastern Air Lines, National Airlines, Northwest Airlines, Trans World and United filed complaints requesting that Continental's proposed fares be investigated and suspended. These complaints were denied insofar as they requested suspension, and the fares became effective on August 24, 1962.

By telegram, dated August 20, 1962, Delta informed the Board that it intended to file a timely petition for reconsideration, and urged the Board to take immediate action to amend Order E–18706 so as to preclude the combination of the special business and economy fares with other existing standard fares and through bookings. Delta alleged that such combinations would result in a frustration of the experiment intended to be conducted with respect to the stimulative impact of the new fares. On August 22, 1962, Delta filed its petition for reconsideration seeking the relief requested in its telegram of August 20, 1962. Delta argues, essentially, that the combination of the new business and economy fares with existing standard fares must be prohibited if the Board's desire for a controlled experiment is to be realized, since these combinations, if permitted, would inflate local traffic movements. Such inflation, contends Delta, would be occasioned through combination of the experimental fares with existing fares so as to undercut through-fares in markets far removed from those directly involved, and result in diversion from the distant markets of traffic which would not normally move over the subject routings. Delta maintains that this is precisely what Continental and Trans World intend to do in various domestic markets as evidenced by their advertisements, and states further that Continental would also stand in a position to combine its economy fares with existing Chicago-Europe fares so as to undercut the IATA fares between the west coast and Europe.

The petition of Delta is supported by National, United, and Braniff on basically the same grounds raised by Delta. American, Northwest, and Eastern urge the impracticability of Delta's suggestion, and oppose the imposition of a restriction as suggested, primarily on the basis that off-line advertising and promotion should not be inhibited. Trans World "sympathizes" with Delta, but also points out the practical difficulties involved in Delta's proposal and requests that any limitation imposed by the Board be directed only to carrier promotion and advertising.

Continental has answered Delta's petition stating, in part, that 36 percent of its total traffic in the markets involved is connecting traffic and that any restriction as proposed by Delta would render the traffic results under the experiment noncomparable to historic results, thus impairing the validity of the experiment. Continental also argues that advance bookings indicate that its connecting traffic under the new fares will be no greater than that experienced historically; that imposition of the restriction would seriously jeopardize the financial results of the operation in light of the high percentage of historical connecting traffic in the subject markets; and that it cannot conduct the experiment if the restriction is imposed.

We are not persuaded that restrictions urged by Delta should be imposed as a condition upon our permitting these fares to become effective for a period of about five months. No judgments have been advanced as to the likely volumes of traffic subject to this type of routing diversion. We are not now prepared, just as these fares become effective, to impose restrictions which might have most serious and far-reaching effects on the carriers and the traveling public without a more compelling showing than has here been made.[1] In any event, restrictions which would interfere with the flow of traffic in accordance with the free choices of the traveling public are more likely to impair than to enhance the validity of this experiment. Moreover, to the extent that passengers seek to circumvent such restrictions by purchasing two local tickets instead of one through ticket, the traffic statistics would not reflect the true movements. Accordingly, Delta's petition will be denied.

Accordingly, it is ordered that:

1. The petition for reconsideration of Delta Air Lines, Inc. is denied.

2. All other requests filed subsequent to Order E–18706 (August 15, 1962) by American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., in this proceeding are denied except insofar as they may be granted by paragraph 1 of this order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–8909; Filed, Sept. 5, 1962; 8:50 a.m.]

[1] Although several of the complainants in this matter based their complaints in part on alleged diversion from other markets, no carrier proposed restrictions at that time of the type now before us.

[2] Member Gurney would grant the petition for reconsideration and member Gillilland did not participate.

[Docket 11879; Order No. E–18753]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of August, 1962.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreement, adopted pursuant to unprotested notices to the carriers, names an additional specific commodity rate, as follows:

Item 0007—Fruits and/or Vegetables
Rate 22 cents per kilogram, minimum weight 500 kilograms, from Santo Domingo to New York City.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered:

1. That Agreement C.A.B. 14827, R–109, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–8910; Filed, Sept. 5, 1962; 8:51 a.m.]

FEDERAL AVIATION AGENCY

CIVIL ADMINISTRATION OF WAKE ISLAND

Agreement Between the Federal Aviation Agency and the United States Department of the Interior

This Agreement is entered into by and between the United States Department of the Interior (hereinafter referred to as Interior), and the Federal Aviation Agency (hereinafter referred to as FAA).

Whereas it is contemplated that Interior will be vested with executive and legislative authority necessary for the civil administration of Wake Island, and all judicial authority respecting that Island other than that contained in the Act of June 15, 1950, as amended (48 U.S.C. 644(a)), and

Whereas the FAA has primary use, jurisdiction, control, responsibility and interest in the facilities on Wake Island;

Now, therefore, in consideration of the above, Interior and FAA hereby covenant and agree as follows:

(a) *Exercise of authority.* All executive, legislative and judicial authority for the civil administration of Wake Island, now or hereafter vested by law in the Secretary of the Interior, shall be exercised by such person or persons (which shall include a position or positions) as may be designated by the Administrator of the FAA. This authority shall be exercised in accordance with such directives as may be prescribed by the Secretary of the Interior.

(b) *Rules and regulations.* All authority invested by law in Interior to make necessary rules and regulations for the orderly maintenance and the civil administration of Wake Island shall be exercised by the person or persons designated pursuant to paragraph (a), and in accordance with such directives as may be prescribed by the Secretary of the Interior.

(c) *Reports.* The FAA shall submit annual reports to Interior outlining the rules and regulations adopted pursuant to this Agreement and covering administrative action with respect to such rules and regulations.

(d) *Funding.* The FAA assumes responsibility for the administration of Wake Island and assumes the necessary funding obligations for such purposes. It is further agreed that the administration of and operation on Wake Island shall be without expense to Interior, except that expenses incurred by Interior in discharging functions not delegated pursuant to this Agreement shall be at Interior's expense.

(e) *Facilities.* Since, under the International Aviation Facilities Act, as amended, 49 U.S.C. 1151, et seq., FAA possesses exclusive authority in all matters relating to the installation, consolidation, operation, protection, maintenance, improvement, and administration over all facilities, structures and equipment on Wake Island, which are or may hereafter become the property of FAA, it is hereby agreed that Interior will take no action that may be in derogation of this authority, and no action or directive of Interior will be construed to be in derogation of this authority.

(f) *Support.* Interior will provide such assistance to FAA as may be mutually determined upon in the future.

(g) *Law enforcement.* Interior and FAA shall cooperate to obtain the appointment of persons to such positions as United States Commissioner, and Deputy United States Marshal, and to other positions as may be necessary at Wake Island not within the appointing authority of Interior or FAA.

(h) *Duration.* This Agreement shall become effective upon the vesting of the authority for the civil administration of Wake Island in the Secretary of the Interior, and shall continue in force for five years following such date. This Agreement may be renewed or modified thereafter, as Interior and FAA may mutually agree.

Dated: December 22, 1961.

N. E. HALABY,
Administrator, Federal Aviation Agency.

Dated: February 5, 1962.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 62–8984; Filed, Sept. 5, 1962; 10:11 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14721, 14722; FCC 62M–1166]

GENERAL COMMUNICATIONS, INC. AND SOUTH MISSISSIPPI BROADCASTING CO.

Order Continuing Prehearing Conference

In re applications of General Communications, Incorporated (KXKW), Lafayette, La., Docket No. 14721, File No. BMP–9060; Holton D. Turnbrough and George J. Sliman, d/b as South Mississippi Broadcasting Company, Mississippi City, Miss., Docket No. 14722, File No. BP–14865; for construction permits.

On the oral request of counsel for General Communications, Incorporated (KXKW), and without objection by counsel for the other parties:

It is ordered, This 30th day of August 1962, that:

(1) The time for filing a response to the petition for leave to amend, filed by South Mississippi Broadcasting Company on August 9, 1962, is further extended from August 30 to October 1, 1962.

(2) The prehearing conference is rescheduled from September 12 to Friday, October 12, 1962, at 9 a.m., in the offices of the Commission, Washington, D.C.

Released: August 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–8913; Filed, Sept. 5, 1962; 8:51 a.m.]

[Docket Nos. 14269, 14270; FCC 62M–1165]

HERSHEY BROADCASTING CO., INC. AND READING RADIO, INC.

Order Continuing Hearing

In re applications of Hershey Broadcasting Company, Inc., Hershey, Pennsylvania, Docket No. 14269, File No. BPH–3246; Reading Radio, Inc., Reading, Pennsylvania, Docket No. 14270, File No. BPH–3322; for construction permits.

The Hearing Examiner having under consideration a Motion For Continuance Of Hearing filed jointly by the applicants in the above-entitled matter on August 29, 1962, and

It appearing, that all parties agree to the continuance and that good cause therefor has been shown:

It is ordered, This 30th day of August 1962, that the aforesaid motion is granted and that, accordingly, the hearing now scheduled for September 4, 1962 is rescheduled to commence at 10 a.m., November 5, 1962, in the Commission's offices in Washington, D.C.

Released: August 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8914; Filed, Sept. 5, 1962; 8:51 a.m.]

[Docket No. 13085 etc.; FCC 62M-1168]

NATIONAL BROADCASTING CO., INC., ET AL.

Order Continuing Prehearing Conference

In re applications of:

I. (a) National Broadcasting Company, Inc., Philadelphia, Pa., Docket No. 13085, File Nos. BR-562, BRCT-4; for renewal of licenses of stations WRCV, WRCV-TV, KA-4465, KA-7914, KC-8393 and KGC-93 for the period 1957-1960. (b) National Broadcasting Company, Inc., Docket No. 14091, File No. BR-562; Docket No. 14092, File No. BRCT-4; for renewal of licenses of stations WRCV and WRCV-TV (Channel 3), Philadelphia, Pa. (including TV auxiliary stations KA-4465, KA-7914, KC-8393, KGC-93; and AM and TV auxiliary stations KE-2020 and KGG-593). (c) Philco Broadcasting Company, Docket No. 14054, File No. BPCT-2774; for a permit to construct a new television station on Channel 3, Philadelphia, Pa. (d) National Broadcasting Company, Inc., Assignor, Docket No. 14055, File No. BAL-3911; RKO General, Inc., Assignee, Docket No. 14056, File No. BALCT-122; for consent to assign the licenses of stations WRCV and WRCV-TV, Philadelphia, Pa. (Including TV auxiliary stations KA-4465, KA-7914, KC-8393, KGC-93; and AM and TV auxiliary stations KE-2020 and KGG-593).

II. (a) RKO General, Inc., Docket No. 14057, File No. BR-953; for renewal of license of station WNAC, Boston, Mass. (including AM auxiliary stations KA-5617 and KCB-87). (b) RKO General, Inc., Assignor, Docket No. 14058, File No. BAL-3912; National Broadcasting Company, Inc., Assignee, Docket No. 14059, File No. BALH-423; Docket No. 14060, File No. BASCA-47; Docket No. 14061, File No. BALCT-123; for consent to assign and licenses of Stations WNAC, WRKO-FM and SCA, WNAC-TV, Boston, Mass. (including AM auxiliary stations KA-5617, KCB-87; and TV auxiliary station KA-4866).

The Hearing Examiner having under consideration a petition in behalf of the Commission's Broadcast Bureau, filed August 29, 1962, as amended by document filed August 30, 1962, requesting that the prehearing conference in the above-entitled proceeding, which was originally scheduled to commence September 10, 1962, be continued to September 17, 1962;

It appearing, that all other parties to the proceeding consent to the continuance sought and to a waiver of the provisions of § 1.43 of the rules to permit immediate consideration of the matter:

It is ordered, This 30th day of August, 1962, that the amended petition is granted and that the prehearing conference in the above-entitled proceeding is hereby continued from September 10 to September 17, 1962.

Released: August 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8912; Filed, Sept. 5, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[First Supp. Order No. 1068]

ATLANTIC/GULF U.S. VIRGIN ISLANDS TRADE

General Increase in Rates

It appearing, that there is currently pending in this proceeding an investigation into and a hearing concerning increased rates from Atlantic and Gulf ports in the United States to ports in the U.S. Virgin Islands which became effective August 20, 1962; and

It further appearing, that Leeward & Windward Islands & Guianas Conference, C. D. Marshall, Agent has been named a respondent in these proceedings; and

It further appearing, that there has been filed with the Federal Maritime Commission by Chester, Blackburn & Roder, Inc., Agent for Atlantic Lines, Ltd., certain revised pages naming increases in freight rates and charges from U.S. Atlantic and Gulf ports to ports in the U.S. Virgin Islands, to become effective August 30, 1962, designated as follows:

Southbound Freight Tariff 2, FMC-F NO. 2
First Revised Page No. 5.
First Revised Page No. 9.
First Revised Page No. 10.
First Revised Page No. 11.
First Revised Page No. 12.
First Revised Page No. 13.
First Revised Page No. 14.
First Revised Page No. 15.
First Revised Page No. 16.
Original Page No. 16A.
First Revised Page No. 17.
First Revised Page No. 18.
First Revised Page No. 19.

and

It further appearing, that upon consideration of the said schedules, there is reason to believe that the increased rates and charges named thereon, if permitted to become effective, would result in rates and charges which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the Commission is of the opinion that the new increased rates and charges should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said increases should be suspended pending such investigation;

Now, therefore, it is ordered, That the proceeding in Docket No. 1068 be, and it is hereby, expanded to include, in addition to the matters now under investigation, an investigation into and concerning the lawfulness of the increased rates and charges contained in the said tariff schedules with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and:

It is further ordered, That said increased rates and charges be, and they are hereby, suspended and that the use of the said rates be, and is hereby, deferred to and including December 29, 1962, unless otherwise authorized by the Commission, and that the rates heretofore in effect, and which were to be changed by the suspended rates, shall remain in effect during the period of suspension; and:

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless authorized by the Commission; and:

It is further ordered, That there shall be filed immediately with the Commission by Chester, Blackburn & Roder, Inc., Agent, a consecutively numbered supplement to the aforesaid tariff schedule which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is deseribed, and shall state that the aforesaid rates are suspended and may not be used until December 30, 1962, unless otherwise authorized by the Commission, and that the rates heretofore in effect, and which were to be changed by the suspended rates, shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and:

It is further ordered, That all revisions of the said tariff schedules subsequently filed by the respondent in this proceeding, shall be, and they are hereby, placed under investigation in this proceeding; and:

It is further ordered, That copies of this order shall be filed with the said tariff in the Bureau of Domestic Regulation of the Federal Maritime Commission; and:

It is further ordered, That, (I) the investigation herein ordered in Docket No. 1068 be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced, to receive evidence in this consolidated proceeding, which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) a copy of this order shall forthwith be served upon Atlantic Lines, Ltd., Chester, Blackburn & Roder, Inc., Agent (who are hereby named respondents herein), and upon Leeward & Windward Islands & Guianas Conference, C. D. Marshall, Agent; (III) the said respondents be duly notified of the time and place of the hearing ordered; and (IV) this order and notice of the said hearing be published in the FEDERAL REGISTER.

By order of the Commission; August 28, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8920; Filed, Sept. 5, 1962; 8:52 a.m.]

STOCKARD STEAMSHIP CORP., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 7812-7, between Stockard Steamship Corporation, Atlantic Ocean Transport Corporation and Mediterranean Transport Corporation, the carriers comprising the Levant Line joint service, modifies the approved joint service Agreement 7812, as amended, which covers the trade between Canadian and United States Atlantic and Gulf ports on the one hand, and ports of Portugal, Spain, France, Italy, Yugoslavia, Albania, Greece, Bulgaria, Rumania, Union of Soviet Socialist Republics, Turkey, Cyprus, Lebanon, Israel (Palestine), Suez, United Arab Republic (Egypt and Syria), Libya, Tunisia, Algeria, Morocco and the various islands in the Mediterranean, ports of the Red Sea and Persian Gulf, India, Pakistan, Ceylon, Burma, Federation of Malaya, Colony of Singapore, the United States of Indonesia, British North Borneo and to also include ports in Mexico, Central America and the islands of the West Indies. This modification provides for the substitution of the Estate of Lester N. Stockard for Stockard Steamship Corporation, one of the carriers comprising the joint service, which carrier shall have all the rights and be subject to all the obligations of Stockard Steamship Corporation. This action was contemplated by the parties and provision made therefor by prior approved modification of Article 20 of the basic Agreement (7812-5).

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Commission.

Dated: August 31, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8919; Filed, Sept. 5, 1962; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7051]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

AUGUST 29, 1962.

Take notice that on August 24, 1962, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co. (Applicant), a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at 831 Second Avenue South, Minneapolis 2, Minn., seeking authorization to issue unsecured Promissory Notes in the aggregate principal amount of $3,000,000 in addition to the presently authorized aggregate principal amount of $12,000,000 (Docket No. E-7027). Applicant proposes to issue the additional Notes to the First National City Bank of New York City. The additional Notes will be dated as of the dates of their respective issuances, which will be not later than December 31, 1962, and will become due not more than one year after the dates of their respective issuances and not later than December 31, 1963. The interest rate on the additional Notes will be the prime commercial rate in effect at the time of each borrowing. The Northwestern Bank of Minneapolis and the First National Bank of Minneapolis will each have a 25 percent participation in each Note. Applicant states that the additional Promissory Notes will be issued and sold from time to time during the balance of the year 1962 to provide additional funds as they are required for Applicant's construction program. Applicant states that it had planned to sell First Mortgage Bonds in the fall of 1962, to provide funds for payment of the $12,000,000 aggregate principal amount of unsecured Promissory Notes issuance of which was authorized in Docket No. E-7027, but it now appears that Applicant may not sell those Bonds until after December 1, 1962, the plan being to sell the Bonds either in December 1962 or early in 1963. The reason for the delay in selling the Bonds, according to the application, is that Applicant plans first to call for redemption the balance of its outstanding 4¾ percent Debentures due June 1, 1977, which are convertible into common stock, thereby inducing the holders to convert those Debentures into common stock. Applicant believes that the conversion of the aforementioned Debentures into common stock will provide a broader equity base and improve the capital ratio, as a result of which Applicant will obtain more favorable terms for the sale of its Bonds.

Applicant states that the proceeds to be obtained from the proposed issuance of Notes will be used to provide temporary financing for part of the cost of Applicant's 1962 construction program, estimated at $18,000,000, which is approximately equally divided between additions to Applicant's electric facilities and additions to Applicant's gas facilities. The principal item in the electrical program is $6,000,000 for the 66,000 kw generating unit addition to the R. M. Heskett station near Mandan, North Dakota, scheduled to be completed in late 1963 at a total cost of $10,425,000. The principal items in Applicant's gas program are: $4,425,000 for 106 miles of twelve inch natural gas pipeline between Minot and Bismarck, North Dakota, with laterals to and distribution systems in six contiguous communities; $715,000 for 29 miles of 6- and 4-inch pipeline between Williston and Watford City, N. Dak.; and $1,382,000 for 26 miles of 12-inch pipeline loop between the Little Beaver, Mont., and Belle Fourche, S. Dak., compressor plants and one 880-hp compressor unit at each plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 18th day of September 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8890; Filed, Sept. 5, 1962; 8:45 a.m.]

[Docket No. RI63-59]

H. H. BLAIR

Order Providing for Hearing on and Suspension of Proposed Rate Schedule and Related Changes in Rates

AUGUST 29, 1962.

On April 3, 1962, H. H. Blair (Blair) [1] tendered for filing a proposed rate schedule consisting of a contract dated November 17, 1958, which is designated as Blair's FPC Gas Rate Schedule No. 3,[2] with Colorado Interstate Gas Company covering Blair's interest in the sale of gas or near the wellhead from the Ingle No. 1 and Denny A-1 Gas Units, in the Greenwood Field, Morton County, Kans.

[1] Address P.O. Box 93, Atlanta, Kansas.
[2] See footnote on page 8890.

Blair's interests in the Denny A–1 and Ingle No. 1 Gas Units were previously covered, prior to November 17, 1958, the date of his contract filed herein, under Cities Service Oil Company (Operator), et al., (Cities Service) FPC Gas Rate Schedule No. 87[2] and Champlin Oil and Refining Company (Operator), et al., (Champlin), FPC Gas Rate Schedule No. 59, respectively. Cities Service is operator of the Denny A–1 Unit and Champlin is operator of the Ingle No. 1 Unit. Service under the related rate schedules of Cities Service and Champlin was started prior to September 28, 1960.

On July 30, 1962, Blair filed a notice of change in rate for the Denny A–1 Unit of 4.0 cents per Mcf from 12.0 cents to 16.0 cents[3] per Mcf which is designated as Supplement No. 1[4] to Blair's FPC Gas Rate Schedule No. 3, and a notice of change in rate for the Ingle No. 1 Unit of 1.0 cent per Mcf from 15.0 cents to 16.0 cents[3] per Mcf which is designated as Supplemented No. 2[4] to Blair's FPC Gas Rate Schedule No. 3. The notices of change in rates reflect an annual increase of $3,562.

As of the date of Blair's contract the rates being paid under the rate schedules of Cities Service and Champlin were 12.0 cents per Mcf (Denny A–1 Unit) and 15.0 cents per Mcf (Ingle No. 1 Unit), respectively. The current rate being paid for the subject gas from the Denny A–1 Unit under Cities Service's superseding rate schedule is 16.0 cents per Mcf subject to Btu adjustment which rate is in effect subject to refund in Docket No. G–17313. The current rate being paid for the subject gas from the Ingle No. 1 Unit under Champlin's rate schedule is 16.0 cents per Mcf, which rate was approved by the Commission via Champlin's offer of settlement.

Blair's proposed renegotiated rates exceed the applicable 11.0 cents per Mcf ceiling for increased rates in Kansas as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that Blair's FPC Gas Rate Schedule No. 3 and Supplement Nos. 1 and 2 related thereto be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR (Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Blair's FPC Gas Rate Schedule No. 3 and Supplement Nos. 1 and 2 related thereto.

(B) Pending such hearing and decision thereon, said rate schedule and supplements be and they are suspended and the use thereof deferred until January 30, 1963, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule nor the supplements hereby suspended shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 15, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–8881; Filed, Sept. 5, 1962; 8:45 a.m.]

[Docket No. G–19983]

TENNESSEE GAS TRANSMISSION CO.

Order Fixing Date for Oral Argument

AUGUST 29, 1962.

Exceptions to the initial decision of the Presiding Examiner issued on May 28, 1962, were filed in the above-captioned proceeding, together with a motion by Tennessee Gas Transmission Company that it be granted an opportunity to present oral argument before the Commission sitting en banc in support of its exceptions. It is appropriate that oral argument be held concerning the matters involved in and the issues presented in the above-captioned proceeding.

The Commission orders:

(A) Oral argument be had before the Commission on October 15, 1962, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the exceptions to the aforesaid decision.

(B) Parties to these proceedings intending to participate in the oral argument shall notify the Secretary of the Commission in writing on or before September 21, 1962, of such intention and of the length of time requested for presentation of their arguments.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–8882; Filed, Sept. 5, 1962; 8:45 a.m.]

[2] Superseded by Cities Service Petroleum Company FPC Gas Rate Schedule No. 126 insofar as it pertains to the Greenwood Field which includes the Denny A–1 Gas Unit.

[3] Pressure base of 14.65 psia.

[4] The effective date is August 30, 1962, which is the first day after expiration of the required statutory notice.

FEDERAL RESERVE SYSTEM

BANK HOLDING COMPANIES

Forms

The Board of Governors of the Federal Reserve System is considering the adoption of Form F.R. Y–1[1] to be used by a company in making application, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (70 Stat. 133), for prior approval by the Board of action resulting in such company's becoming a bank holding company. The Board is also considering the adoption of a revised Form F.R. Y–2[1] to be used by an existing bank holding company in making application for prior approval of the acquisition of bank shares pursuant to section 3(a)(2) of such Act.

These forms are designed to provide for the submission of information regarding the factors set forth in section 3(c) of the Bank Holding Company Act of 1956 which are required to be considered by the Board in passing upon any such applications.

This notice is published pursuant to section 4 of the Administrative Procedure Act and the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.1).

To aid in the consideration of this matter, the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board it is preferable that it be sent to the Federal Reserve Bank of the District which will forward it to the Board to be considered. All such material should be submitted in writing to be received not later than September 21, 1962.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 62–8883; Filed, Sept. 5, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 7–2235]

JONATHAN LOGAN, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 30, 1962.

In the matter of application of the Philadelphia-Baltimore stock exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Jonathan Logan, Incorporated, File 7–2235.

Upon receipt of a request, on or before September 14, 1962, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–8892; Filed, Sept. 5, 1962; 8:47 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

INTERSTATE COMMERCE COMMISSION

[Notice 225]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 31, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 8999 (Deviation No. 3), ZENO FREIGHTWAYS, INC., Rt. No. 5, Irwin, Pa., filed August 22, 1962. Attorney Samuel P. Delisi, 1515 Park Building, Pittsburgh, 22, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Massillon, Ohio over U.S. Highway 21 to junction Ohio Highway 5 and thence over Ohio Highway 5 to Akron, Ohio and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Massillon over Ohio Highway 241 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Ohio Highway 8, and thence over Ohio Highway 8 to Akron, and return over the same route.

No. MC 8999 (Deviation No. 4), ZENO FREIGHTWAYS, INC., Rt. No. 5, Irwin, Pa., filed August 22, 1962. Attorney Samuel P. Delisi, 1515 Park Building, Pittsburgh, 22, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Twinsburg over Ohio Highway 82 to Brecksville, and thence over U.S. Highway 21 to Cleveland, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Twinsburg over Ohio Highway 91 to junction U.S. Highway 422 and thence over U.S. Highway 422 to Cleveland, and return over the same route.

No. MC 111594 (Deviation No. 4), CENTRAL WISCONSIN MOTOR TRANSPORT COMPANY, P.O. Box 200, Wisconsin Rapids, Wis., filed August 24, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: From (A) Milwaukee, Wis. over Wisconsin Highway 32 to junction Wisconsin Highway 31, thence over Wisconsin Highway 31 to the Wisconsin-Illinois State Line, (B) From junction Interstate Highway 94 and Wisconsin Highway 20 over Wisconsin Highway 20 to Racine, Wis., (C) From junction Interstate Highway 94 and Wisconsin Highway 43 over Wisconsin Highway 43 to Kenosha, Wis. (D) From junction Interstate Highway 94 and Wisconsin Highway 50 over Wisconsin Highway 50 to Kenosha, and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Milwaukee, Wis. over U.S. Highway 41 to junction Interstate Highway 94, thence over Interstate Highway 94 to Wisconsin-Illinois State Line; From Milwaukee, Wis. over the Wisconsin Highway 32 to the Wisconsin-Illinois State Line, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–8900; Filed, Sept. 5, 1962; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 31, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37910: *Joint motor-rail rates from and to southern territory.* Filed by Pre-Fab Transit Co., a corporation, (No. 2), for itself and interested carriers. Rates on various commodities moving on commodity rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flat cars of the railroad, from points in Louisiana and Mississippi, on the one hand, to points in Arkansas and official (including Illinois) territory, on the other, also between points in official (including Illinois), southern, southwestern, and western trunk-line territories, via interchange points named in the application.

Grounds for relief: Motor-truck competition.

Tariffs: Pre-Fab Transit Co., tariffs M.F.-I.C.C. 82, 84 and 86.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc: 62–8901; Filed, Sept. 5, 1962; 8:49 a.m.]

[Notice 474]

MOTOR CARRIER APPLICATIONS

Call of the Docket

AUGUST 31, 1962.

Opposition to the following applications noticed herein, may be accomplished (1) by filing a protest in accordance with Rule 1.40 of the Commisison's general rules of practice within 30 days from the date of this publication in the FEDERAL REGISTER, or (2) by filing a notice of intention to protest in accordance with the provisions of Special Rule 1.241(c) (1) when the date and place of hearing of these applications are subsequently published in the FEDERAL REGISTER.

Notice to the parties. A number of applications filed by passenger carriers, in which oral hearings appear to be required, are pending for motor carrier operating rights in Connecticut, New York, and New Jersey. In addition a broker application involving the transportation of passengers in the same area is also pending. The applications and the authority sought are listed in the Appendix to this Notice.

The Commission has become increasingly aware that some of the delays encountered in disposing of proceedings before it, are attributable to a traditional liberality in granting requests for postponement of hearings. Such delays lead to additional expense and inconvenience to the other parties in such proceedings as well as to the Government.

Hearings in connection with the applications listed in the Appendix will be

assigned so as to give sufficient time to all parties to prepare their respective presentations. Accordingly, those participating in these proceedings will be expected to be ready for the hearing on the dates that are assigned and to refrain from requesting any postponement.

Those interested are requested to appear at a Calling of the Docket by Chief Examiner James C. Cheseldine, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., on September 18, 1962, at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight savings time, if that time is observed). When the docket is called, an effort will be made with the aid of applicants or their representatives to arrive at dates and places of hearing which the parties will be expected to observe in order that all of the proceedings listed herein can be heard promptly and expeditiously.

No. MC 12813, filed July 2, 1962. Applicant: SNOW EAGLE TOURS, LTD., a corporation, 277 Broadway, c/o Mr. David Edelman, New York 7, N.Y. Applicant's attorney: David Edelman, 277 Broadway, New York 7, N.Y. For a license (BMC 5) authorizing operations as a *broker* at New York, N.Y., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, both as individuals and groups, in round-trip all-expense package tours, beginning and ending at New York, N.Y., and extending to points in New York, Vermont, Massachusetts, New Hampshire, Connecticut, Pennsylvania, and New Jersey.

No. MC 66582 (Sub-No. 26), filed August 23, 1962. Applicant: ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N.J. Applicant's attorney: William E. Rubin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Cliffside Park, N.J. and Manhattan, New York, N.Y. The purpose of this application is to change the present New York City Terminus stated in applicant's present Certificate as "Manhattan, New York, N.Y." to read "New York, N.Y.", serving all intermediate points.

No. MC 66582 (Sub-No. 27), filed August 28, 1962. Applicant: ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N.J. Applicant's attorney: William E. Rubin, 419 Anderson Avenue, Fairview, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Fort Lee, N.J., and New York, N.Y.: from the junction of Lemoine Avenue and George Washington Bridge Plaza Access Road in Fort Lee, N.J., along George Washington Bridge Plaza Access Road, George Washington Bridge Plaza and George Washington Bridge to New York, N.Y., and return over the same route, serving all intermediate points.

No. MC 108136 (Sub-No. 13), filed August 28, 1962. Applicant: VALLEY CAB COMPANY, INCORPORATED, Main Street, Moodus, Conn. Applicant's attorney: Reubin Kaminsky, Suite 223–410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, in limousine-type vehicles, limited to the transportation of not more than nine (9) passengers in any one vehicle, not including the driver thereof, and not including children under ten (10) years of age who do not occupy a seat or seats, between points in Middlesex and New London Counties, Conn. and Branford and Madison, Conn., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, and New Jersey.

No. MC 111504 (Sub-No. 5), filed August 21, 1962. Applicant: STAR TRANSIT CO., INC., 50 North Johnston Avenue, Trenton, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Bucks County, Pa., and extending to points in Connecticut, Delaware, Florida, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8902; Filed, Sept. 5, 1962; 8:49 a.m.]

[Notice 475]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 31, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 19 (Sub-No. 17), filed July 30, 1962. Applicant: BINGAMAN MOTOR EXPRESS CO., INC., Fifth and Vine Streets, Box 738, Sunbury, Pa. Applicant's attorney: John E. Fullerton, 131 State Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Philadelphia, Pa., and Albany, N.Y.; from Philadelphia over Pennsylvania Highway 73 and continuing over New Jersey Highway 73 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to New Jersey Highway 17, thence over New Jersey Highway 17 to junction Interstate Highway 87, thence over Interstate Highway 87 to junction U.S. Highway 9, thence over U.S. Highway 9 to Albany, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Applicant states that all of its outstanding capital stock is owned by Hall's Motor Transit Company, (MC 67646).

HEARING: October 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 1968 (Sub-No. 76), filed August 29, 1962. Applicant: BRASWELL FREIGHT LINES, INC., 301 Raynolds Street (P.O. Box 9518), El Paso, Tex. Applicant's attorney: M. Ward Bailey, 2412 Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the National Aeronautics and Space Administration Centralized Testing Site and the easements thereto and a part thereof located in Hancock County, Miss., and St. Tammany Parish, La., near Santa Rosa and Gainesville, Miss., as off-route points in connection with applicant's regular-route operations to and from New Orleans, La.

NOTE: Applicant states that it is a wholly owned subsidiary of Braswell Motor Freight Lines, Inc., and is under common control and management with Braswell Motor Freight Lines, Inc.

HEARING: September 25, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 2202 (Sub-No. 227), filed April 2, 1962. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from the North Carolina-Virginia State line near Price, N.C. over U.S. Highway 220 to Martinsville, Va., and return over the same route, (2) from Martinsville, Va., over U.S. Highway 58 to Danville, Va. and return over the same route, (3) from the junction of U.S. Highway 220 and Virginia Highway 87 over Virginia Highway 87 to the North Carolina-Virginia State line and return over the same route with service at the junction of U.S. Highway 220 and U.S. Highway 87 for the purpose of joinder only, and (4) from the junction of U.S. Highway 58 and Virginia Highway 863 over Virginia Highway 863 to the North Carolina State line and return over the same route with service at the junction of U.S. Highway 58 and Virginia Highway 863 for the purpose of joinder only, serving no intermediate points on any of the four routes described above, as alternate routes for operating convenience only in connection with applicant's regular-route operations.

NOTE: Applicant states it is opening a new terminal at Leaksville, N.C. It is proposed to serve both Martinsville, Va. and Danville, Va. through this terminal. Less truckload inbound and outbound service will be by shuttle runs in connection with service at other points in North Carolina.

HEARING: October 18, 1962, at the Hotel Richmond, Richmond, Va., before Joint Board, No. 7.

No. MC 2202 (Sub-No. 230), filed May 16, 1962. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Gadsden, Ala., and Decatur, Ala., as follows: From Gadsden over U.S. Highway 278 to junction with U.S. Highway 231, thence over U.S. Highway 231 to junction with Alabama Highway 67, thence over Alabama Highway 67 to Decatur, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations (1) between Athens, Ala., and Gadsden, Ala., and (b) between Nashville, Tenn., and Birmingham, Ala.

HEARING: October 31, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 100.

No. MC 10761 (Sub-No. 125), filed August 17, 1962. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210–12, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value and except dangerous explosives, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving LeRoy and Victor, N.Y., as off-route points in connection with applicant's presently authorized regular-route operation between Buffalo and Rochester, N.Y.

HEARING: October 17, 1962, at the Manger Hotel, Rochester, N.Y., before Examiner Wm. N. Culbertson.

No. MC 29566 (Sub-No. 73), filed August 22, 1962. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving ballistic missile and launching sites, and supply points therefor, located in the Whiteman Air Force Base Complex located in Barton, Vernon, Bates, Cass, Jackson, Dade, Cedar, St. Clair, Henry, Johnson, Lafayette, Polk, Hickory, Benton, Pettis, Saline, Dallas, Camden, Morgan, Cooper, Miller, Moniteau, and Morgan Counties, Mo., as off-route points in connection with applicant's authorized regular route operations.

HEARING: September 27, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 179, or, if the Joint Board waives its right to participate, before Examiner Alvin H. Schutrumpf.

No. MC 30844 (Sub-No. 71), filed May 10, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Summer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, frozen and unfrozen, from Lawton, Mich., to points in Illinois, Indiana, Missouri, Ohio, Wisconsin, and points in the Upper Peninsula of Michigan.

HEARING: October 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 30844 (Sub-No. 77), filed August 1, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1560 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Boyertown, Downingtown, Morgantown, Philadelphia and Pottstown, Pa., to points in Colorado, Kansas, Iowa, Minnesota, Missouri, Nebraska, Oklahoma, and Texas.

HEARING: October 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 30844 (Sub-No. 78), filed August 1, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in New Jersey, to Pittsburgh, Pa.

HEARING: October 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 35508 (Sub-No. 7), filed May 25, 1962. Applicant: C. MILLS, INC., Laurel, Md. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock*, other than ordinary livestock, and, in connection therewith, *personal effects of attendants*, and *supplies* and *equipment*, including *mascots*, used in the care and exhibition of such livestock, between points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Ohio, Illinois, Virginia, West Virginia, Greensboro, N.C., South Carolina, Florida, Kentucky, Indiana, Michigan, and Washington, D.C.

HEARING: October 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC–52629 (Sub-No. 49), filed August 24, 1962. Applicant: HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte No. MC–45, including but not limited to corrugated sheet steel, steel wire in bales, wire fencing in rolls, boxes of nails, wire mesh in rolls, from Kokomo, Ind., to points in Kentucky and Tennessee.

HEARING: September 17, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 264.

No. MC 56679 (Sub-No. 11), filed August 16, 1962. Applicant: BROWN TRANSPORT CORP., Manau Lane, P.O. Box 551, Waynesboro, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving the plant site of A. M. Karagheusian, Inc., located near U.S. Highway 301 at a point between Statesboro and Dover, Ga., and approximately eight miles from Statesboro, as an off-route point in connection with applicant's regular-route operations between Athens and Statesboro, Ga., and between Savannah and Augusta, Ga.

HEARING: October 22, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 57880 (Sub-No. 5), filed July 23, 1962. Applicant: JAMES E. ASHTON, doing business as JIM ASHTON TRUCK LINE, 1201 North Broadway, Monte Vista, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato starch*, from Monte Vista, Colo., to Carlsbad, N. Mex., and points within 25 miles of Carlsbad, N. Mex., and *empty containers or other such incidental facilities* (not

specified) used in transporting the above described commodity, on return.

NOTE: Dual operations may be involved.

HEARING: October 18, 1962, at the New Customs House, Denver, Colo., before Joint Board No. 125.

No. MC 64806 (Sub-No. 8), filed August 6, 1962. Applicant: R. P. THOMAS TRUCKING COMPANY, INCORPORATED, Danville Road, Martinsville, Va. Applicant's representative: Thaxton Richardson, P.O. Box 612, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, from Norfolk and Portsmouth, Va., to Martinsville, Va.

HEARING: October 19, 1962, at the Hotel Richmond, Richmond, Va., before Joint Board No. 108.

No. MC 64994 (Sub-No. 43), filed August 8, 1962. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tire fabric and tire cord*, from Scottsville, Va., to Chicago, Ill.

HEARING: October 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 66562 (Sub-No. 1908), filed July 17, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Rochester, N.Y. and Albany, N.Y.; (1) from Rochester over U.S. Highway 15 to junction with Interstate Highway 90 at West Henrietta, N.Y.; thence over Interstate Highway 90 to Albany, and return over the same route, serving the intermediate point of Syracuse, N.Y., and (2) from Rochester over U.S. Highway 15 to junction of New York Highway 5 at East Avon, thence over New York Highway 5 to Albany, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations in MC 66562 Subs 947 (Geneva-Syracuse, N.Y.), 1793 (Buffalo-Rochester, N.Y.), and others. Restriction: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and shipments to be transported will be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air.

HEARING: October 12, 1962, at the Federal Building, Syracuse, N.Y., before Examiner Wm. N. Culbertson.

No. MC 70451 (Sub-No. 243), filed August 17, 1962. Applicant: WATSON-WILSON TRANSPORTATION SYSTEM, INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Monroe, and Winder, Ga., from Monroe, over Georgia Highway 11, to Winder, and return over the same route serving all intermediate points.

HEARING: October 19, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 80430 (Sub-No. 104), filed August 29, 1962. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130–2150 South Avenue, La Crosse, Wis. Applicant's attorney: Charles L. Redel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 294, from points in Kankakee County, Ill., to points in Ohio, Wisconsin, New York, Iowa, Michigan, Pennsylvania, Indiana, Minnesota, and Missouri.

HEARING: September 9, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 83360 (Sub-No. 3), filed August 6, 1962. Applicant: T. M. McLAUGHLIN, doing business as MACK BROTHERS, Victoria, Va. Applicant's attorney: Lionel Moses, 1116 Mutual Building, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, in containers and loose, from Kenbridge, Va., to points in Maryland (except Baltimore), Pennsylvania (except Hanover), New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Delaware and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

HEARING: October 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 94201 (Sub-No. 51), filed August 8, 1962. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. Applicant's attorney: Donald L. Morris, 325–29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yarn, staple fiber, thread, tire cord yarn, synthetic plastic, nylon flake, and synthetic fiber yarns*, on beams, bobbins, cones, cores, tubes, in hank and tow, in bales, bags, boxes, cases crates, cradles, and on wrapped beams loose, and (2) *empty warp beams, empty bobbins, and empty containers therefor*, between Pensacola and Gonzales, Fla., on the one hand, and, on the other, points in Georgia.

NOTE: Common control may be involved.

HEARING: October 18, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 64.

No. MC 95540 (Sub-No. 446), filed July 23, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products, articles distributed by meat-packing houses*, and *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, as defined in sections A, B, C, and D of Appendix I to the Commission's decision in *Descriptions in Motor Carrier Certificates*, 61 M.C. 209, 272–273, from Fort Worth, Tex., to points in Connecticut, Maine, Massachusets, New Hampshire, Rhode Island, and Vermont.

NOTE: Common control may be involved.

HEARING: October 24, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Samuel C. Shoup.

No. MC 95540 (Sub-No. 448), filed August 2, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Elmira, New York to points in Indiana, Illinois, Michigan, Missouri, Pennsylvania, Ohio, Virginia, Maryland, and the District of Columbia.

HEARING: October 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 95540 (Sub-No. 452), filed August 8, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs, frozen*, from Pittsburgh and Saltsburg, Pa., to points in Alabama, Arkansas, Florida, Georgia, Kentucky (except Louisville), Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and the District of Columbia.

HEARING: October 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 95540 (Sub-No. 453), filed August 8, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, frozen, from Lake City, Fla., to points in Alabama, Arkansas, Florida, Georgia, Kentucky (except Louisville), Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and the District of Columbia.

HEARING: October 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 100666 (Sub-No. 43), filed February 19, 1962. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7295, Shreveport, La. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *lumber mill products*, from Crossett, Ark., to points in Georgia, Alabama, and Florida.

HEARING: October 15, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Samuel C. Shoup.

No. MC 100666 (Sub-No. 46), filed August 13, 1962. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7295, Shreveport, La. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition or prepared roofing, including composition shingles, asbestos siding and* (2) *materials used in the installation thereof* (when moving at the same time and in the same vehicle), from Shreveport, La., to points in Alabama, Mississippi, and Colorado.

HEARING: October 16, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Samuel C. Shoup.

No. MC 103051 (Sub-No. 135), filed August 9, 1962. Applicant: WALKER HAULING CO., INC., 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Montgomery County, Ala., to points in Muscogee, Chattahoochee, and Marion Counties, Ga.

HEARING: October 23, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 157.

No. MC 103378 (Sub-No. 238), filed June 22, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed acids (sulphuric acid and nitric acid)*, in bulk, in tank vehicles, from McAdory, Ala., to points in South Carolina.

HEARING: October 23, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 339.

No. MC 104123 (Sub-No. 66), filed August 3, 1962. Applicant: JOHN SCHUTT, JR., INC., 4361 River Road, Tonawanda, N.Y. Applicant's attorney: Robert G. Gawley, 631 Niagara Street, Buffalo 1, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum chloride*, in bulk, in sealed tank vehicles with pneumatic unloading devices, from Lockport, N.Y., to Institute, W. Va.

HEARING: October 19, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Wm. N. Culbertson.

No. MC 104149 (Sub-No. 169), filed July 25, 1962. Applicant: LEROY OSBORNE, doing business as OSBORNE & COMPANY, 520 North 31st Street, Birmingham, Ala. Applicant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, machinery and machinery parts, contractors' equipment, materials and supplies, commodities which by reason of size or weight, require the use of special equipment or special handling*, and *related contractors' materials and supplies* when transported in connection with commodities, which, by reason of size or weight, require the use of special equipment or special handling, (1) from points in Alabama to railheads in Alabama for subsequent movement by rail and (2) from railheads in Alabama, after prior transportation by rail to points in Alabama and (3) *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: October 26, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 100.

No. MC 105461 (Sub-No. 46), filed July 31, 1962. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard and pulpboard packing materials and containers*, from Bayonne, Bound Brook, Delair, Hackensack, North Bergen, and Riegelsville, N.J., and Lancaster, Philadelphia, Pittsburgh, and Valley Forge, Pa., to Elmira and Horseheads, N.Y.

HEARING: October 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 106398 (Sub-No. 197), filed June 4, 1962. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Applicant's attorney: Wm. R. Privitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Arkansas (except Camden) to points in the United States including Alaska but excluding Hawaii, and (2) *camper bodies and camper coaches*, in initial movement, in truckaway service, from points in Arkansas to points in the United States including Alaska but excluding Hawaii, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (1) and (2) above, on return.

HEARING: October 19, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Samuel C. Shoup.

No. MC 106398 (Sub-No. 201), filed July 23, 1962. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Street, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 711 Fourteenth Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles (including but not limited to utility trailers, camp trailers, mobile homes, and commercial or other adaptations of the foregoing)*, in initial movements, by truckaway service, from points in New York (except Buffalo and Latham), to points in the United States, including Alaska but excluding Hawaii, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: October 11, 1962, at the Federal Building, Albany, N.Y., before Examiner Wm. N. Culbertson.

No. MC 107515 (Sub-No. 405), filed August 1, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217, Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food dressing*, in vehicles equipped with mechanical refrigeration, from Dallas, Fort Worth, Houston, Sherman, San Antonio, Tyler and Abilene, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Kentucky, Virginia, West Virginia, and Tennessee (except Memphis).

NOTE: Common control may be involved.

HEARING: October 25, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Samuel C. Shoup.

No. MC 107544 (Sub-No. 50), filed June 6, 1962. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, (except liquid chemicals), in bulk, in tank vehicles, from Friendship, N.C., to points in West Virginia (except points in Mercer, McDowell and Wyoming Counties, W. Va.).

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 113959 and Subs; therefore dual operations may be involved.

HEARING: October 15, 1962, at the Hotel Richmond, Richmond, Va., before Joint Board No. 292.

No. MC 107871 (Sub-No. 15), filed August 16, 1962. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, P.O. Box 1012, Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, Fifth Floor, Weiler Building, 407

South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, and (2) *contaminated, refused, rejected, and returned shipments* of petroleum products, between New Windsor and Newburgh, N.Y., on the one hand, and, on the other, points in Pennsylvania, New Jersey, and New York.

HEARING: September 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 108207 (Sub-No. 97), filed July 31, 1962. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, in vehicles equipped with mechanical refrigeration, (1) from points in Arkansas, Louisiana, Missouri, and Oklahoma, to Dallas, Tex., and (2) from points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas, to points in California.

HEARING: October 23, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Samuel C. Shoup.

No. MC 109478 (Sub-No. 52), filed July 31, 1962. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West Tenth Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elmira, N.Y., to points in Indiana, Illinois, Ohio, Pennsylvania, Maryland, New Jersey, New York, Delaware, Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, West Virginia, and points in Maine on and south of U.S. Highway 2 from the New Hampshire State line to Bangor, Maine, thence over U.S. Highway 1 to Ellsworth, Maine, and thence over Maine Highway 3 to Bar Harbor, Maine, including all points on the highways specified.

NOTE: Common control may be involved.

HEARING: October 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D Moran.

No. MC 109637 (Sub-No. 211), filed August 24, 1962. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the terminal of Mid-American Pipe Line Company, near Farmington, Ill., to points in Indiana, Kentucky, Michigan, Ohio, and Tennessee.

HEARING: September 21, 1962, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner Louis G. LaVecchia.

No. MC 110284 (Sub-No. 16), filed March 23, 1962. Applicant: H. W. MILLER TRUCKING COMPANY, a corporation, P.O. Box 126 East Durham Station, Durham, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Norfolk, Va., and points within ten (10) miles thereof, Danville, Va., and Hopewell, Va., to points in North Carolina.

NOTE: Applicant holds contract authority in MC 118864 Sub. No. 1; therefore, dual operations may be involved.

HEARING: October 17, 1962, at the Hotel Richmond, Richmond, Va., before Joint Board No. 7.

No. MC 110193 (Sub-No. 48), filed August 23, 1962. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago 32, Ill. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packing-houses*, from Denison, Iowa, to points in Connecticut, Massachusetts, Rhode Island, New Jersey, and New York.

HEARING: September 19, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James O'D Moran.

No. MC 110698 (Sub-No. 214), filed June 1, 1962. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Dale Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Charlotte, N.C., to Charleston, S.C.

NOTE: Common control may be involved.

HEARING: October 23, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 2.

No. MC 110698 (Sub-No. 215), filed June 8, 1962. Applicant: RYDER TANK LINE, INC., Winston Salem Road, P.O. Box 457, Greensboro, N.C. Applicant's attorney: Dale Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except liquid chemicals), in bulk, in tank vehicles, from Friendship, N.C., to points in West Virginia.

NOTE: Applicant states the proposed service will be restricted against serving points in McDowell, Mercer, and Wyoming Counties, W. Va. It is further noted that common control may be involved.

HEARING: October 15, 1962, at the Hotel Richmond, Richmond, Va., before Joint Board No. 292.

No. MC 110789 (Sub-No. 2) (AMENDMENT), filed December 12, 1961, published FEDERAL REGISTER issue August 15, 1962, amended August 29, 1962, and republished as amended this issue. Applicant: JOHN MARSHALL PHILLIPS, doing business as J. MARSHALL PHILLIPS, R.D. No. 3, Laurel, Del. Applicant's attorney: Paul R. Reed, Georgetown, Del. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides, herbicides, pesticides* and *fertilizer spreaders* (except in bulk, in tank vehicles), from the site of the Armour & Co. plant located at Baltimore, Md., to points in Delaware and Maryland east of the Susquehanna River and Chesapeake Bay including points in Delaware and points in Cecil, Kent, Queen Annes, Caroline, Talbot, Dorchester, Wicomico, and Worcester Counties, Md.

NOTE: The purpose of this republication is to add "except in bulk, in tank vehicles" to the proposed authority.

HEARING: Remains as assigned September 26, 1962, at the Court Room County Court House, Salisbury, Md., before Joint Board No. 40, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 111045 (Sub-No. 27), filed May 21, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Tampa, Fla., to points in Georgia.

HEARING: October 16, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 64.

No. MC 111812 (Sub-No. 171), filed July 9, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O., Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in Appendix XIII, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in containers, and including *compound oils or greases and lubricating greases* in packages or containers, (1) from Rouseville, Oil City, Reno, Franklin, Emlenton, Farmers Valley and Bradford, Pa., St. Mary's, W. Va., and Buffalo, N.Y. (Buffalo, N.Y., to be restricted to partial loading with stop-off to complete loading at Pennsylvania origins), to points in Kentucky, Tennessee and Michigan, (2) from Rouseville, Oil City, Reno, Franklin and Bradford, Pa., St. Mary's, W. Va., and Buffalo, N.Y. (Buffalo, N.Y., to be restricted to partial loading with stop-off to complete loading at Pennsylvania origins), to points in Iowa, Tennessee, Kentucky, Michigan, Minnesota, Missouri, Kansas, Nebraska, North Dakota, South Dakota, and Wisconsin, and (3) from Rouseville, Oil City, Reno, Franklin, Farmers Valley, and Bradford, Pa., and Buffalo, N.Y. (Buffalo, N.Y., to be restricted to partial loading with stop-off to complete loading at Pennsylvania origins), to points in Arkansas, and (4) from Emlenton and Farmers Valley, Pa., to Chicago, Ill., and points in the Chicago, Ill., commercial zone.

NOTE: Common control may be involved.

HEARING: October 22, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Wm. N. Culbertson.

No. MC 111871 (Sub-No. 5), filed July 25, 1962. Applicant: SOUTHEASTERN FREIGHT LINES, Highway 378, West Columbia, S.C. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except petroleum products, in bulk, in tank trucks, commodities requiring special equipment, high explosives and other dangerous commodities, office furniture and household goods), (1) between points in Charleston County, S.C., and (2) between points in Charleston County, S.C., on the one hand, and, on the other, points in South Carolina (except points in Chesterfield, Darlington, Dillon and Marlboro Counties).

HEARING: November 2, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 177.

No. MC 112020 (Sub-No. 171), filed August 2, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oil products, detergents, cleaning compounds, and chemicals*, in bulk, from points in California, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, New Mexico, and Oklahoma, and (2) *vegetable oil products, detergents, and cleaning compounds*, in bulk, from points in California, to points in Texas.

NOTE: Common control may be involved.

HEARING: October 26, 1962, at the Baker Hotel, Dallas, Texas, before Examiner Samuel C. Shoup.

No. MC 113267 (Sub-No. 74), filed May 27, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packing houses, frozen and prepared foods* in vehicles equipped with mechanically temperature controlled units, between points in South Carolina.

NOTE: Applicant states that its officers are officers and stockholders in the following motor carriers of passengers, their baggage and express, Industrial Bus Lines, Inc., MC 114168, Vandalia Bus Lines, Inc., MC 2698. In addition thereto Oliver Anderson and Kathryn Anderson are officers and stockholders in Caseyville Bus Line, Inc., MC 110845.

HEARING: November 1, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 177.

No. MC 113267 (Sub-No. 75), filed May 27, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packing houses, frozen and prepared foods* in vehicles equipped with mechanically temperature controlled units, and (b) *canned and preserved foods*, between points in North Carolina.

NOTE: Applicant states that its officers are officers and stockholders in the following motor carriers of passengers, their baggage, newspapers and express, Industrial Bus Lines, Inc., MC 114168, Vandalia Bus Lines, Inc., MC 2698. In addition thereto Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Line, Inc., MC 110845.

HEARING: October 22, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 113828 (Sub-No. 17), filed June 6, 1962. Applicant: O'BOYLE TANK LINES, INCORPORATED, Arlington Towers, Arlington, Va. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* (except liquid chemicals), in bulk, in tank vehicles, from Friendship, N.C. to points in West Virginia except those in Mercer, McDowell and Wyoming Counties, W. Va.

NOTE: Applicant states that it is under common control and management with M. I. O'Boyle & Son, Inc.

HEARING: October 15, 1962, at the Hotel Richmond, Richmond, Va., before Joint Board No. 292.

No. MC 114019 (Sub-No. 97), filed June 14, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, including *compounded oils and greases*, in containers, from Rouseville, Oil City, Reno, Emlenton, Franklin, Farmers Valley and Bradford, Pa., St. Marys, W. Va., and Buffalo, N.Y. (Buffalo, N.Y., to be restricted to partial loading with stop-offs to complete loading at Pennsylvania origins), to points in Iowa, Minnesota, Missouri, Kansas, Arkansas, Nebraska, North Dakota, South Dakota, Wisconsin, Tennessee and Kentucky.

NOTE: Applicant states it controls Little Audrey's Transportation, Inc.

HEARING: October 22, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Wm. N. Culbertson.

No. MC 114920 (Sub-No. 2), filed June 25, 1962. Applicant: GEORGE W. STARLING, INC., 545 West Avenue, Lockport, N.Y. Applicant's attorney: Norman M. Pinsky, 407 South Warren Street, Syracuse, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* (other than ordinary livestock), *equipment and paraphernalia*, incidental to the transportation and display as such horses, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, between points in New York, on the one hand, and, on the other, points in Florida, Maine, and Vermont.

HEARING: October 18, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Wm. N. Culbertson.

No. MC 114301 (Sub-No. 10), filed August 20, 1962. Applicant: DELAWARE EXPRESS CO., a corporation, P.O. Box 141, Elkton, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, in tank vehicles, from Port Deposit and Havre de Grace, Md., and points within twenty (20) miles of each to points in Delaware and Maryland, those in New Jersey, on and south of New Jersey Highway 33, and those in Pennsylvania on and east of U.S. Highway 219.

HEARING: September 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 115496 (Sub-No. 7), filed April 26, 1962. Applicant: GAY TRUCKING COMPANY, a corporation, 4600 Augusta Road, Savannah, Ga. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Savannah, Ga., to points in South Carolina, and *empty containers or other such incidental facilities* used in transporting the above described commodities, on return.

HEARING: October 30, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 131.

No. MC 115841 (Sub-No. 116), filed August 20, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from points in Cuyahoga County, Ohio, to points in Alabama, Georgia (except Atlanta), Kentucky, North Carolina, South Carolina, Tennessee, Virginia and West Virginia, and (2) *advertising, promotional and display materials*, when shipped with the said frozen foods, from points in Cuyahoga County, Ohio, to points in Alabama, Florida, Georgia, Kentucky, North Carolina, Tennessee, Virginia, South Carolina and West Virginia.

HEARING: September 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 115946 (Sub-No. 19), filed May 16, 1962. Applicant: GAY TRUCKING COMPANY, a corporation, 4800 Augusta Road, Savannah, Ga. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Tampa, Fla., to points in Georgia.

HEARING: October 16, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 64.

No. MC 115946 (Sub-No. 21), filed August 14, 1962. Applicant: GAY TRUCKING COMPANY, a corporation 4800 Augusta Road, Savannah, Ga. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Savannah, Ga., to points in South Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: October 31, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 131.

No. MC 116514 (Sub-No. 15), filed June 21, 1962. Applicant: EDWARDS TRUCKING, INC., Main Street, Hemingway, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wool and synthetic fibre*, between Wilmington, N.C. and Charleston, S.C. and points in North Carolina and South Carolina.

HEARING: October 30, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 2.

No. MC 117119 (Sub-No. 56), filed May 21, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickled cucumbers, okra, peppers, tomatoes, onions*, in glass and wooden containers, from Atkins, Ark., to points in California, Illinois, Ohio, Michigan, New York, Missouri, Colorado, New Jersey, Maryland and Pennsylvania, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: October 18, 1962, at the Arkansas Comerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Samuel C. Shoup.

No. MC 117119 (Sub-No. 57), filed May 21, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marshall, Moberly, Macon, Milan, Carrollton, and St. Joseph, Mo., to points in Texas.

HEARING: October 18, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Samuel C. Shoup.

No. MC 118130 (Sub-No. 8) (AMENDMENT), filed July 23, 1962, published in FEDERAL REGISTER issue of August 8, 1962, republished this issue as amended August 20, 1962. Applicant: BENJAMIN M. HAMRICK, doing business as BEN HAMRICK, 1208 Jones Street, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, potatoes and potato products, frozen and unfrozen, cooked, uncooked and blanched, from points in North Dakota and Minnesota to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Tennessee, Louisiana, Missouri, Nebraska, Kansas, Oklahoma, and Texas and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: The purpose of this republication is to substitute "points in North Dakota" for the points in that state named in original publication.

HEARING: Remains as assigned, September 28, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner Dallas B. Russell.

No. MC 119778 (Sub-No. 7), filed May 18, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413–414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry crude sulphate of soda*, better known as salt cake, in bulk, in hopper and tank vehicles, from Coosa Pines, Ala., and the plant of the Reichold Chemical Company located at or near Tuscaloosa, Ala., to points in Georgia and Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Common control may be involved.

HEARING: November 1, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 99.

No. MC 119778 (Sub-No. 8), filed May 18, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413–414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tall oil*, in bulk, in tank vehicles, from points in Georgia and Florida, to Fox, Ala.; (2) *tall oil*, in bulk, in tank vehicles, from Tuscaloosa, Ala. and Fox, Ala., to Savannah, Ga.; and (3) *petroleum and petroleum products*, in bulk, in tank vehicles, between points in Alabama.

NOTE: Common control may be involved.

HEARING: November 1, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 99.

No. MC 119778 (Sub-No. 10), filed June 11, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413 Bell Building, Montgomery 4, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alum*, liquid and dry, from Counce, Tenn., to points in Alabama and Mississippi, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

NOTE: Common control may be involved.

HEARING: October 31, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 110.

No. MC 119778 (Sub-No. 15), filed July 30, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413–414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Montgomery and Lee Counties, Ala., to points in Georgia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Common control may be involved.

HEARING: October 30, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 157.

No. MC 123674 (Sub-No. 1), filed July 20, 1962. Applicant: ARCTIC STORAGE OF UTICA, INC., Truck Route 5-A, Yorkville (Oneida County), N.Y. Applicant's attorney: Norman M. Pinsky, Fifth Floor, Weiler Building, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the site of carrier's and shipper's warehouse in the Town of Whitestown, Oneida County, N.Y., to customers of the "Rich Plan" at points in Vermont, and *exempt commodities*, on return.

NOTE: Applicant states the proposed operations will be under continuing contract or contracts with Rich Plan of Utica, Inc., of Truck Route 5-A, Yorkville (Oneida County), N.Y.

HEARING: October 15, 1962, at the Federal Building, Syracuse, N.Y., before Examiner Wm. N. Culbertson.

No. MC 124212 (Sub-No. 11), filed August 2, 1962. Applicant: MITCHELL TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: John Andrew Kundtz, 1060 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* (1) from the plant site of the Lehigh Portland Cement Company located at Richmond, Va., to points in North Carolina, (2) from the plant site of the Lehigh Portland Cement Company located at Portsmouth, Va., to points in North Carolina and Delaware, and points in Maryland on the Delaware-Maryland-Virginia peninsula, (3) from the plant site of the Lehigh Portland Cement Company located at or near Waynesboro (Augusta County), Va., to points in West Virginia, and (4) from the plant site of the Lehigh Portland Cement Company located at Durham, N.C., to points in Virginia, and *rejected and returned shipments* in connection with the commodities specified in (1) through (4) above, on return.

HEARING: October 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas B. Russell.

No. MC 124237, filed February 26, 1962. Applicant: J. A. WHITE COMPANY, INC., 224 Jordan Street, Danville, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* in bulk and in bags, from Danville, Va., to points in that part of North Carolina beginning at the North Carolina-Virginia line and extending along U.S. Highway 301 to the North Carolina-South Carolina line thence along the North Carolina-South Carolina line to U.S. Highway 25, thence along U.S. Highway 25 to junction of U.S. Highways 25 and 23, thence along U.S. Highway 23 to the North Carolina-Tennessee line to the North Carolina-Virginia line and thence along the North Carolina-Virginia line to the point of beginning, including points on the highways specified, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: October 19, 1962, at the Hotel Richmond, Richmond, Va., before Joint Board No. 7.

No. MC 124391 (Sub-No. 2), filed August 20, 1962. Applicant: JAMES R. HUNTINGTON AND HELEN F. HUNTINGTON, a partnership, Westford (Otsego County), N.Y. Applicant's attorney: Warren G. Farrington, 10 Ford Avenue, Oneonta, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Concrete stave silos and component parts thereof*, from Ravena, N.Y., to points in Vermont, New Hampshire, Connecticut, Rhode Island, and Massachusetts (except points in Barnstable, Dukes and Nantucket Counties), points in Maine (except points in Aroostook, Somerset, Piscataquis, Washington, Hancock, and Penobscot Counties), points in Pike, Wayne, and Susquehanna Counties, Pa., and points in Sussex and Morris Counties, N.J.; (B) *wood products of dimension stock*, from Worcester, N.Y., to Winooski and East Arlington, Vt., points in Worcester County, Mass., Nashua and Laconia, N.H., York, Pa., and points in the New York, N.Y. Commercial Zone; (C) *new and used metals, and scrap metals*, from points in the Boston, Mass. Commercial Zone, points in the New York, N.Y. Commercial Zone, points in the Philadelphia, Pa. Commercial Zone, and Bayonne and Newark, N.J., to Warnerville, N.Y.; and (D) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (A), (B), and (C) above, on return.

HEARING: October 10, 1962, at the Federal Building, Albany, N.Y., before Examiner Wm. N. Culbertson.

No. MC 124429 (Sub-No. 2), filed July 25, 1962. Applicant: SULLIVAN CONSTRUCTION & RIGGING CO., INC., 146 West Main Street, Watertown, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and *related machinery parts and related contractors' material and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Lewis, Clinton, St. Lawrence, Jefferson and Franklin Counties, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Indiana, Illinois, Wisconsin, Michigan and the District of Columbia. (2) *Snow and ice removal equipment and snow and ice control equipment*, from Watertown, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Indiana, Illinois, Wisconsin, Michigan and the District of Columbia.

HEARING: October 16, 1962, at the Federal Building, Syracuse, N.Y., before Examiner Wm. N. Culbertson.

No. MC 124610, filed July 25, 1962. Applicant: LAYTON LEE VERPLANK, 1302 12th Avenue, Sidney, Nebr. Applicant's attorney: J. H. McNish, 842 Eleventh Avenue, Box 611, Sidney, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Safflower meal and soybean meal*, from the site Pacific Vegetable Oil Mill, approximately one mile east of Sidney, Nebr., to the Colorado boundary line over U.S. Highway 30 and Nebraska State Highway 19 and thence to points in Sedgwick, Phillips, Logan, Weld, Boulder, Yuma, Washington, Morgan, Adams, Denver, Jefferson, Arapahoe, Kit Carson, Lincoln, Elbert, Douglas, Cheyenne, El Paso, Kiowa, Crowley, Prowers, Bent, Otero, Pueblo, and Larimer Counties, Colo., and *exempt agricultural commodities*, on return.

HEARING: October 18, 1962, at the New Customs House, Denver, Colo., before Joint Board No. 31.

No. MC 124641, filed July 25, 1962. Applicant: AMERIGO BOCCHI, 371 South Main Street, Mechanicville, N.Y. Applicant's attorney: Thomas D. Nolan, 116 Park Avenue, Mechanicville, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, (1) from Coeyman's, N.Y., to points in Vermont, Massachusetts, New Hampshire and Connecticut, and (2) from East Windsor, Conn., to points in Saratoga, Albany, Washington and Greene Counties, N.Y.

NOTE: Applicant holds contract carrier authority in MC 110691; therefore dual operations may be involved.

HEARING: October 10, 1962, at the Federal Building, Albany, N.Y., before Examiner Wm. N. Culbertson.

No. MC 124642, filed July 25, 1962. Applicant: S. A. LEICESTER, Windsor, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips, farm produce, lumber, veneer, and other manufactured forest products*, Highway No. 1 in Virginia, (2) *fertilizer, materials*, in bags, from points in Martin, Bertie, Hertford, Chowan, and Gates Counties, N.C. to points on and east of Highway No. 1 in Virginia, (2) *fertilizer, and fertilizer materials* in bags, from Norfolk, Va. to points in Martin, Bertie, Hertford, Chowan, and Gates Counties, N.C., (3) *crushed rock* from Skippers, Va. to points in Martin, Bertie, Hertford, Chowan, and Gates Counties, N.C., and (4) *fertilizer and fertilizer materials* in bags, from Norfolk, Va. to points in Martin, Bertie, Hertford, Chowan, and Gates Counties, N.C.

HEARING: October 25, 1962, at the U.S. Court Rooms, Uptown, P.O. Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 124644, filed July 24, 1962. Applicant: WAINER CONSTRUCTION COMPANY, INC., 110 South Fry Street, Valdosta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Highway construction machinery and equipment, and mining equipment and machinery*, between points in Georgia and Florida.

HEARING: October 17, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 64.

No. MC 124645, filed July 25, 1962. Applicant: KENAN TRANSPORT COMPANY, a corporation, 2907 Hillsboro Road, Durham, N.C. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35, C & S National Bank Building, Durham, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from the Dixie Pipe Line Terminal at or near Cheraw, S.C., to points in North Carolina, and (2) from the Dixie Pipe Line Terminal at or near Apex, N.C., to points in Virginia.

NOTE: Applicant states the above operations will be performed subject to a restriction that the same will be limited to a transportation service to be performed under a continuing contract or contracts with Phillips Petroleum Corporation of Bartlesville, Okla.

HEARING: October 24, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 124496, filed May 25, 1962. Applicant: WILLIAM J. TORRINGTON, doing business as THE SURVEY COMPANY, 1003 Maryland Trust Building, Baltimore 2, Md. Applicant's attorney: William J. Torrington, 1003 Maryland Trust Building, Baltimore 2, Md. Au-

thority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in the United States.

NOTE: Applicant states restricted to those movements being conducted in connection with and incidental to transportation surveys. Applicant further states that it proposes to conduct transport studies and surveys under written contracts with shippers, carriers and interested persons. As a necessary incident to such consulting services applicant proposes to conduct wholly independent testing operations as a common, contract or private carrier of the relevant commodities in the study area to assist in making determinations of feasibility, efficiency and economy of existing and proposed operations. The above application was accompanied by a Motion to Dismiss which was denied July 19, 1962.

HEARING: October 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

MOTOR CARRIERS OF PASSENGERS

No. MC 13300 (Sub-No. 74), filed June 8, 1962. Applicant: CAROLINA COACH COMPANY, doing business as CAROLINA TRAILWAYS, a corporation, 1201 South Blount Street, Raleigh, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers*, in same vehicle with passengers, between Raleigh, and Charlotte, N.C., from Raleigh, over U.S. Highway 64, to junction North Carolina Highway 49 thence over North Carolina Highway 49 and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Common control may be involved.

HEARING: October 26, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 61599 (Sub-No. 127), filed March 30, 1962. Applicant: QUEEN CITY COACH COMPANY, a corporation, 417 West Fifth Street, Charlotte, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, mail, newspapers* and *baggage* of passengers, in the same vehicle with passengers, between the junction of South Carolina Highway 51 and U.S. Highway 301, south of Florence, S.C., and the junction of South Carolina Highway 51 and U.S. Highway 378 west of Kingsburg, S.C.; from the junction of South Carolina Highway 51 and U.S. Highway 301 south of Florence, over South Carolina Highway 51 via Evergreen, Pamplico and Blossom, to the junction of South Carolina Highway 51 and U.S. Highway 378 west of Kingsburg, and return over the same route, serving all intermediate points.

NOTE: Applicant states it "is a member of the National Trailways Bus System. It owns 50 percent of the stock of Smoky Mountain Stages, Inc.; 66⅔ percent of the stock of Georgia-Florida Coaches, Inc., and 100 percent of the stock of Fort Bragg Coach Company."

HEARING: October 29, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 177.

No. MC 114271 (Sub-No. 8), filed July 19, 1962. Applicant: CONTINENTAL CRESCENT LINES, INC., 425 Bolton Avenue, Box 4407, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and baggage of passengers* in the same vehicle with passengers or in a separate vehicle, and in the same vehicle with passengers, *express and newspapers*, between Anniston, Ala. and Austell, Ga.; from Anniston over U.S. Highway 431 to Junction U.S. Highways 431 and 78, thence over U.S. Highway 78 to Austell, and return over the same route, for operating convenience only, serving no intermediate points.

NOTE: Applicant states that it is owned by Transcontinental Bus System, Inc.

HEARING: October 29, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 157.

No. MC 124599, filed July 5, 1962. Applicant: PHILIP L. GUIFFRE AND ANTON J. GUIFFRE, doing business as GUIFFRE BROTHERS, R.D. No. 5, Amsterdam, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in one way and round-trip charter service beginning and ending at points in Fulton, Hamilton, Montgomery and Schoharie Counties, N.Y. and extending to points in the United States including ports of entry on the International Boundary line between the United States and Canada and the United States and Mexico.

HEARING: October 8, 1962, at the Federal Building, Albany, N.Y., before Examiner Wm. N. Culbertson.

No. MC 124689, filed August 9, 1962. Applicant: WILLIAM H. STEVENS, doing business as BILL'S TAXI, Greensboro Road, Hanover, N.H. Applicant's attorney: Peter P. Plante, Municipal Building, White River Junction, Vt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and chartered party service, between points in New Hampshire, Vermont, Maine, Massachusetts, Connecticut, New York, and New Jersey, restricted to transportation in vehicles of seating capacity not in excess of nine passengers.

HEARING: October 11, 1962, at the New Hampshire Public Service Commission, Concord, N.H., before Examiner Armin G. Clement.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12811, filed June 22, 1962. Applicant: LINCOLN TOUR & TRAVEL AGENCY, INC., 204 South 13th Street, Lincoln, Nebr. Applicant's attorney: James E. Ryan, 214 Sharp Building, Lincoln 8, Nebr. For a license (BMC 5) to engage in operations as a *broker* at Lincoln and Omaha, Nebr., and Mason City, Iowa, in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in charter operations, in round-trip sightseeing tours, beginning and ending at points in Iowa and Nebraska, and extending to points in the United States.

HEARING: October 22, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 138.

No. MC 12821, filed July 25, 1962. Applicant: ROBERT L. HOYT, doing business as HOYT TOUR AND TRAVEL SERVICES, 1019 First National Building, No. 1 Burnett Plaza, Fort Worth 2, Tex. For a license (BMC 5) to engage in operations as a *broker* at Fort Worth, Tex., in arranging for transportation in interstate or foreign commerce of *Passengers and their baggage* in the same vehicle, both as individuals and in groups, in special and charter operations, between points in Texas on the one hand, and, on the other, points in the United States.

HEARING: October 22, 1962, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board wavies its right to participate, before Examiner Samuel C. Shoup.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 128), filed August 27, 1962. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Grand Junction, Colo., and points within 5 miles thereof to Mexican Hat and points in San Juan County, Utah, and *rejected shipments*, on return.

NOTE: Applicant states the proposed operation will be restricted to shipments having a prior movement by rail. Common control may be involved.

No. MC 13367 (Sub-No. 6), filed August 20, 1962. Applicant: ROBERT MERLEY, P.O. Box 1312, New Carlisle, Ind. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps, tankage and dried blood*, from points in Illinois and points in Iowa and Missouri on the west bank of the Mississippi River, to Milwaukee, Wis.

No. MC 95743 (Sub-No. 23), filed August 24, 1962. Applicant: WILLIAM FREDERICK MEHRING, doing business as WILLIAM F. MEHRING, P.O., Keymar, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed dolomite*, in bulk, in dump vehicles, from West York, Pa., to Keymar, Md., and (2) *triple superphosphate*, in bulk, in dump vehicles, from Philadelphia, Pa., to Keymar, Md.

No. MC 103378 (Sub-No. 247), filed August 22, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Nitric acid*, in bulk, in tank vehicles, from Mineral Springs, Ala., to Memphis, Tenn.

No. MC 103654 (Sub-No. 69), filed August 23, 1962. Applicant: SCHIRMER TRANSPORTATION COMPANY, a corporation, 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wrenshall, Minn., to points in Minnesota.

No. MC 108449 (Sub-No. 156), filed August 23, 1962. Applicant: INDIANHEAD TRUCK LINE, Inc., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wrenshall, Minn., to points in Minnesota.

No. MC 112750 (Sub-No. 110), filed August 16, 1962. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, DeBevoise Building, Bayside 61, N.Y. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Charge sales tickets, cash sales tickets, charge credit sales tickets, refund slips, cash register tapes, application forms and accompanying documents*, between Silver Spring, Md., on the one hand, and on the other, Richmond, Va.

NOTE: Applicant states that the above operation will be conducted for the account of J. C. Penney Company, Inc.

No. MC 117001 (Sub-No. 1), filed August 27, 1962. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 277 Monroe Avenue, P.O. Box 66, Memphis 3, Tenn. Applicant's attorney: Louis I. Dailey, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and other valuables*, requiring special protection by guards in armored vehicles while in transit, between Augusta, Ga., on the one hand, and, on the other, points in Aiken and Barnwell Counties, S.C.

NOTE: Common control may be involved.

No. MC 124731, filed July 23, 1962. Applicant: PETROLEUM TRANSPORT COMPANY, a corporation, 1700 Broadway, Denver, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products*, and *water*, in bulk, in tank vehicles, between points in Colorado.

NOTE: Applicant states that it is controlled by The Permian Corporation.

MOTOR CARRIERS OF PASSENGERS

No. MC 83928 (Sub-No. 6), filed August 27, 1962. Applicant: COLONIAL COACH LINES, LIMITED, 265 Albert Street, Ottawa, Ontario, Canada. Applicant's attorney: Herbert M. Canter, 5th Floor, Weiler Building, 407 South Warren Street, Syracuse, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express, newspapers and mail*, in the same vehicle with passengers, between Ogdensburg, N.Y., and the port of entry at or near Ogdensburg, N.Y., on the International Boundary line between the United States and Canada, as follows: from Ogdensburg over city streets and Ogdensburg-Prescott International Bridge (also called the Seaway-Skyway Bridge) to the United States-Canada boundary line, and return over the same route, serving all intermediate points.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8223. Authority sought for purchase by CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, Eau Claire, Wisconsin, of the operating rights and certain property of HENRY F. FALBE, doing business as CORNELL TRANSFER, Cornell, Wisconsin, and for acquisition by FRANK BABBITT, 215 W. Fillmore Avenue, Eau Claire, Wisconsin, of control of such rights and property through the purchase. Applicants' attorney: Claude J. Jasper, 111 S. Fairchild Street, Madison 3, Wisconsin. Operating rights sought to be transferred: General commodities, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Eau Claire, Wis., and Ladysmith, Wis., and the intermediate points of Chippewa Falls, Anson, Jim Falls, Cobban, Cornell, and Holcombe, Wis., and between Chippewa Falls, Wis., and Cornell, Wis., and the intermediate point of Crescent, Wis., and the off-route point of Drywood, Wis. Vendee is authorized to operate as a *common carrier* in Minnesota, Illinois, Wisconsin, Michigan, Iowa, North Dakota, South Dakota, Indiana, Kentucky and Ohio. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-8903; Filed, Sept. 5, 1962; 8:49 a.m.]

[Notice 476]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 31, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below.

SPECIAL RULES OF PROCEDURES FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statements as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 10761 (Sub-No. 126), filed August 24, 1962. Applicant: TRANS-AMERICAN FREIGHT LINES, INC.,

1700 North Waterman Avenue, Detroit 9, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving the Village of Champ, Mo., also known as Champ Industrial Village, as an off-route in connection with applicant's presently authorized regular route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 45158 (Sub-No. 19), filed August 23, 1962. Applicant: KILLION MOTOR EXPRESS, INC., 1417 Magazine Street, Louisville, Ky. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods, commodities in bulk and commodities requiring special equipment), serving the Village of Champ, Mo., also known as Champ Industrial Village, as an off-route point in connection with applicant's authorized regular route operations.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 50002 (Sub-No. 37), filed August 2, 1962. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE doing business as BRIDGE BROTHERS, North Santa Fe Trail, Lamar, Colo. Applicant's attorney: C. Zimmerman, 503 Schweiter, Building, Wichita 2, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, fertilizer compounds, fertilizer ingredients, urea, ammonia, nitrate, and nitrogen solution*, in bulk, from Lawrence, Kans., and points within ten (10) miles thereof, to points in Iowa, and *empty containers or other such incidential facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: September 12, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

No. MC 58954 (Sub-No. 37), filed August 22, 1962. Applicant: McNAMARA MOTOR EXPRESS, INC., 433 East Parsons Street, Kalamazoo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, serving Champ, Mo., Industrial Village as an off-route point in connection with applicant's regular-route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 58954 (Sub-No. 38), filed August 22, 1962. Applicant: McNAMARA MOTOR EXPRESS, INC., 433 East Parsons Street, Kalamazoo, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and those requiring special equipment), serving the site of Grand Valley State College, located south of Grand Rapids, Mich., and points within two (2) miles thereof, as off-route points in connection with applicant's authorized regular route operations to and from Grand Rapids, Mich.

HEARING: September 27, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 89723 (Sub-No. 29), filed August 27, 1962. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis 3, Mo. Applicant's attorney: Robert S. Davis, 1218 Olive Street, St. Louis 3, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in auxiliary or supplemental service of the Missouri Pacific Railroad, between St. Louis, Mo., and Champ, Mo., also known as Champ Industrial Village, from St. Louis commercial zone over U.S. Highway 40 Interstate Highway 70 to Champ, Mo., also using any other access roads or highways between the St. Louis commercial zone and Champ, Mo., a distance of approximately 2.5 miles.

NOTE: Common control may be involved.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC-111397 (Sub-No. 47), filed August 27, 1962. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., 215 Katterjohn Building, Box 1282, Avondale Station, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: (1) *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed trailers, and (2) *refused and rejected shipments* of the above-specified commodities, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC-113410 (Sub-No. 38), filed August 28, 1962. Applicant: DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul, Minn. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed trailers, between missile sites, production plants, and missile test facilities located at points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington and Wyoming.

NOTE: Common control may be involved.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8904; Filed, Sept. 5, 1962; 8:49 a.m.]

[Drouth Order No. 60, Amdt. No. 4]

OHIO AND TENNESSEE

Drouth Order; Addition of Certain Counties

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing, that due to the drouth conditions existing in the States of Pennsylvania, New Jersey, and New York the Commission issued its Drouth Order No. 60 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the drouth area at reduced rates;

And it further appearing, that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to 31 counties located in the States of Ohio and Tennessee:

It is ordered, That Drouth Order No. 60 as amended, be, and it is hereby, further amended by adding thereto the following counties:

OHIO, 20 counties, viz.:

Belmont	Marion
Carroll	Mahoning
Columbiana	Monroe
Coshocton	Morrow
Delaware	Portage
Guernsey	Richland
Hardin	Stark
Harrison	Tuscarawas
Holmes	Wayne
Jefferson	Wyandot

TENNESSEE, 11 counties, viz.:

Bledsoe	Macon
Crockett	Obion
Dickson	Trousdale
Dyer	Warren
Gibson	White
Houston	

It is further ordered, That in all other respects Drouth Order No. 60 as amended shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 30th day of August, A.D. 1962.

By the Commission, Chairman Murphy.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-8907; Filed, Sept. 5, 1962; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

PAUL SALOMON, ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Paul Salomon, Lakeland, Blackwood P.O., New Jersey, $148.72 in the Treasury of the United States.

Betty Wiener, New York, New York, $148.72 in the Treasury of the United States.

Herta Latz Holland, London, England, $148.72 in the Treasury of the United States.

Anna Latz Stein, London, England, $148.72 in the Treasury of the United States.

Ernestine Latz, Salomon, Lakeland, Blackwood P.O., New Jersey, $297.42 in the Treasury of the United States.

Claim No. 64352, Vesting Order No. 6851.

Executed at Washington, D.C., on August 24, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-8905; Filed, Sept. 5, 1962; 8:50 a.m.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES

Subpart—Hawaiian Fruits and Vegetables

VEGETABLES OF GENUS ALLIUM, AND ONIONS

Pursuant to the authority conferred by sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), § 318.13–2(b) of the regulations supplemental to the quarantine relating to the interstate movement of Hawaiian fruits and vegetables (7 CFR 318.13–2 (b)) is hereby amended by deleting from the list of fruits and vegetables therein the following items: "Chives (Allium schoenoparasum)," "Garlic (Allium sativum)," "Leek (Allium porrum)," "Onion, green (Allium fistulosum)," and "Shallot (Allium ascalonicum)"; and substituting therefor, in the said list, in the proper alphabetical order, the item "Allium spp., such as chives, garlic, leek, onions, and shallot."

(Secs. 8, 9, 37 Stat. 318, as amended, 7 U.S.C. 161, 162; 19 F.R. 74, as amended)

The foregoing amendment shall become effective September 7, 1962.

The purpose of the amendment is to simplify the item concerning vegetables of the genus Allium, and to authorize the interstate movement from Hawaii of dry onions. Heretofore, onions have been authorized interstate movement from Hawaii only in the green stage, since that is the only condition in which they are customarily shipped. There is now a request for authorization to ship dry onions. Dry onions as ordinarily packed and shipped do not present a risk of spreading plant pests, and thus may be safely certified for movement when they have been inspected and found free of infestation.

The lifting of the present prohibition on the entry of dry onions should be made effective as promptly as possible in order to permit pending commercial shipments to move from Hawaii under inspection and certification. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 31st day of August 1962.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62–8974; Filed, Sept. 6, 1962; 8:55 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

On March 7 and May 10, 1962, there were published in the FEDERAL REGISTER (27 F.R. 2179 and 27 F.R. 4483) notices with respect to the proposed amendment of Part 76, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notices and pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126; 75 Stat. 481; 76 Stat. 129), said Part 76 is amended to read as follows:

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AUTHORITY: §§ 76.1 to 76.33 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, sec. 3, 76 Stat. 129; 21 U.S.C. 111–113, 114g, 120, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U.S.C. 115, 117.

GENERAL PROVISIONS

§ 76.1 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section.

(a) *Administrator.* The Administrator of the Agricultural Research Service, United States Department of Agriculture, or any other official of such Service to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) *Division.* The Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture.

(c) *Director of Division.* The Director of the Division or any other official of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *Hog cholera.* The contagious, infectious, and communicable disease of swine commonly known as hog cholera.

(e) *Exposed swine.* Swine that have been in contact with animals known to be or suspected of being affected with hog cholera.

(f) *Virulent hog cholera virus.* The living agent capable of causing hog cholera and found in the clear serum, plasma, defibrinated blood, whole blood, or other tissue derived from pigs sick of hog cholera; or in any material used as a vehicle for perpetuating such living agent.

(g) *Modified live virus vaccine.* A living hog cholera virus vaccine produced from a modified or attenuated strain of hog cholera virus and prepared under license from the Secretary of Agriculture, issued pursuant to Subchapter E of this chapter.

(h) *Killed or inactivated hog cholera virus vaccine.* A vaccine produced from killed or inactivated hog cholera virus and prepared under license from the Secretary of Agriculture, issued pursuant to Subchapter E of this chapter.

(i) *Garbage.* Waste consisting in whole or in part of animal waste resulting from handling, preparing, cooking, and consuming of food including the offal from animal carcasses or parts thereof, but excluding such waste from ordinary household operations which is fed directly to swine on the same premises.

(j) *Raw garbage.* Garbage that has not been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method specifically approved by the Director of Division.

(k) *Cooked garbage.* Garbage that has been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method specifically approved by the Director of Division.

(l) *State.* Any State, Territory, the District of Columbia, or Puerto Rico.

(m) *Interstate.* From one State into or through any other State.

(n) *Quarantined area.* A State or area quarantined under this part because of hog cholera or other contagious, infectious, or communicable disease of swine.

(o) *Nonquarantined area.* Any State or area not quarantined under this part because of hog cholera or other contagious, infectious, or communicable disease of swine.

(p) *Person.* Any person, company, or corporation.

(q) *Moved or movement.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person, by land, water or air.

(r) *Public stockyard.* A stockyard where trading in livestock is carried on; where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company; and where Federal inspection is maintained for the inspection of livestock for communicable disease. Such stockyards are listed in § 78.14(a) of this chapter.

(s) *Approved stockyard or livestock market.* Any place where swine are assembled for public auction or private sale which is under State or Federal supervision, with an accredited veterinarian performing inspection and treatment of swine as prescribed in the regulations in this part, and which has been approved by the Director of Division under § 76.16.

(t) *Recognized slaughtering center.* Any point where slaughtering facilities are provided and to which animals are regularly shipped and slaughtered.

(u) *Swine product.* Any carcass, part or offal of swine.

(v) *Special processing.* Subjecting a swine product to heat treatment in accordance with the requirements contained in § 76.14.

(w) *Clean stockyard.* A public stockyard or approved stockyard or livestock market in a quarantined area which is found by the Director of Division to be free from hog cholera and other contagious, infectious, or communicable diseases of swine.

(x) *Official vaccinates.* Swine vaccinated against hog cholera by one of the methods prescribed in § 76.9(b) or § 76.10(b) under the supervision of a Federal or State veterinary official, permanently identified as such vaccinates as specified in this part, and reported at the time of vaccination to the appropriate State or Federal agency.

§ 76.2 Notices relating to existence of hog cholera; prohibition of movement of virulent virus; spread of disease through raw garbage; regulations; quarantines; and eradication States.

(a) Notice is hereby given that hog cholera exists in swine in each State.

(b) Notice is hereby given that the Administrator has determined that the prohibition of the interstate movement of virulent hog cholera virus, with the exceptions as specified in § 76.4, is necessary in order to effectuate the eradication of hog cholera.

(c) Notice is hereby given that there is reason to believe raw garbage is one of the primary media through which the contagion of hog cholera, swine erysipelas, trichinosis, tuberculosis, or other contagious, infectious, or communicable diseases of swine is disseminated, and that one or more of such diseases exists in each State. Notice is hereby given that there is reason to believe that if certain foreign diseases, such as foot-and-mouth disease and African swine fever, gain entrance into the United States, the contagion of such diseases may be spread through the medium of raw garbage. Therefore, the regulations in this part are deemed necessary in order to more effectually prevent, suppress, and extirpate such diseases, to prevent the interstate spread thereof, and to guard against the dissemination of diseases from foreign countries.

(d) Notice is hereby given that in order to effectually suppress and extirpate hog cholera and other contagious, infectious, and communicable diseases of swine, to prevent the spread and dissemination of the contagion thereof and to protect the livestock of the United States, the regulations in this part are promulgated to govern the interstate movement of swine and swine products.

(e) There are no areas presently quarantined under the regulations in this part because of hog cholera or other contagious, infectious, or communicable disease of swine.

(f) There are no States presently designated as hog cholera eradication States under the regulations in this part.

§ 76.3 General restrictions.

Swine or swine products referred to in this part may not be moved interstate except in accordance with the regulations in this part.

MOVEMENT OF VIRULENT VIRUS AND SWINE TREATED WITH VIRULENT VIRUS

§ 76.4 Interstate movement of virulent hog cholera virus prohibited, except as provided.

On and after January 1, 1963, virulent hog cholera virus shall not be moved interstate except that:

(a) In specific cases and under such conditions as he may impose, the Director of the Animal Disease Eradication Division may authorize the interstate movement of stated quantities of virulent hog cholera virus for particular purposes, if he determines that such movement will not endanger swine or impair the hog cholera eradication program. Such movements shall be accompanied by a permit from the appropriate official of the State of destination and a certificate issued by the Animal Disease Eradication Division specifying any such conditions imposed regarding the specific shipment.

(b) In specific cases and under such conditions as he may impose, the Director of the Animal Inspection and Quarantine Division may authorize the interstate movement of stated quantities of virulent hog cholera virus for export, research, or biologics production, if he determines that such movement will not endanger swine or impair the hog cholera eradication program. Such interstate movements for purposes other than export shall be accompanied by a permit from the appropriate official of the State of destination and all such movements shall be accompanied by a certificate issued by the Animal Inspection and Quarantine Division specifying any such conditions imposed regarding the specific shipment.

§ 76.5 Interstate movement of swine treated with virulent virus prohibited, except as provided.

On and after July 1, 1963, swine treated with virulent hog cholera virus shall not be moved interstate, except as provided in this section.

(a) Swine treated with virulent virus, and not known to be affected with hog cholera, may be moved interstate if:

(1) Such swine have not been treated with virulent hog cholera virus within 30 days immediately prior to movement interstate and are consigned for immediate slaughter; or

(2) Such swine have not been treated with virulent hog cholera virus within 30 days immediately prior to movement interstate; are accompanied by a permit from the appropriate official of the State of destination; are moved interstate under such conditions as may be imposed by the Director of Division in order to prevent such swine from endangering other swine and impairing the hog cholera eradication program; and are accompanied interstate by a certificate issued by the Division specifying any such conditions imposed regarding the specific movement.

(b) Swine treated with virulent hog cholera virus for research and biologics production, and not known to be affected with hog cholera, may be moved interstate if such swine are accompanied by a permit from the appropriate official of the State of destination; are moved interstate under such conditions as may be imposed by the Director of the Animal Inspection and Quarantine Division in order to prevent such swine from endangering other swine and impairing the hog cholera eradication program; and are accompanied interstate by a certificate issued by the Animal Inspection and Quarantine Division specifying any such conditions imposed regarding the specific movement.

MOVEMENT OF SWINE AFFECTED WITH OR EXPOSED TO HOG CHOLERA

§ 76.6 Interstate movement of swine affected with or exposed to hog cholera prohibited, except as provided.

(a) No swine which are affected with hog cholera shall be moved interstate for any purpose.

(b) No swine known to be, or suspected of being, exposed to hog cholera shall be moved interstate except as provided in paragraph (c) or (d) of this section or in § 76.11 or § 76.13.

(c) Swine known to be, or suspected of being, exposed to hog cholera and which were officially vaccinated prior to such exposure and remain healthy may be moved interstate under a certificate issued by a representative of the appropriate State or Federal agency for immediate slaughter at a recognized slaughtering center operating under Federal, State, or local meat inspection requirements; except that such movement may not be made into States designated in § 76.2(f).

(d) Swine known to be, or suspected of being, exposed to hog cholera may be moved interstate subject to other provisions of this part if a veterinarian employed by the appropriate State or Federal agency or an accredited veterinarian authorized for the purpose by the appropriate State or Federal agency examines all swine in the herd at least 60 days after the last contact with animals known to be or suspected of being affected with hog cholera, and finds no clinical evidence of hog cholera; except that such swine shall not be moved into States designated in § 76.2(f).

MOVEMENT OF SWINE AND SWINE PRODUCTS

§ 76.7 Movement to recognized slaughtering centers, licensed establishment, approved feed lot, public stockyard, or approved stockyard or livestock market.

Swine not known to be affected with or exposed to hog cholera may be moved interstate to a recognized slaughtering center for immediate slaughter, or to a licensed establishment as defined in § 101.1(q) of this chapter or a feed lot approved by the Director of the Animal Inspection and Quarantine Division for biologics production, or to a public stockyard, or to an approved stockyard or livestock market, and shall not be diverted en route for any other purpose; except that feeder or breeder swine moved interstate for feeding or breeding purposes from a public stockyard or approved stockyard or livestock market to another public stockyard or approved stockyard or livestock market shall be subject to the provisions of § 76.9(a).

§ 76.8 Interstate movement of swine for feeding or breeding purposes prohibited, except as provided.

No swine shall be moved interstate for feeding or breeding purposes, except as provided in §§ 76.9 and 76.10.[1]

[1] In each instance the regulations of the State of destination should be consulted before shipments are made.

§ 76.9 Movements from public stockyards, or approved stockyards or livestock markets.

(a) Swine not known to be affected with or exposed to hog cholera may be moved interstate for feeding or breeding purposes from public stockyards or approved stockyards or livestock markets, to States the laws, rules, or regulations of which provide for the segregation or quarantine of imported hogs for a period of not less than 21 days,[2] [3] if:

(1) The swine have not been treated with anti-hog cholera serum alone or antibody concentrate alone; and

(2) The swine are inspected by a Division inspector or accredited veterinarian at such yard or market; and

(3) The swine, upon such inspection, are found free from symptoms of hog cholera, in a thrifty condition, and are treated by a veterinarian under Division supervision, or by an accredited veterinarian in an approved stockyard or livestock market, in a portion of the yard or market set aside for that purpose, in accordance with the provisions of paragraph (b) of this section: *Provided, however* (i) That swine officially vaccinated not less than 21 days nor more than 1 year prior to inspection with modified live virus vaccine prepared under license from the Secretary of Agriculture and administered as recommended on the product label by the licensed manufacturer, or officially vaccinated within 21 days prior to inspection with the simultaneous inoculation of modified live virus vaccine prepared under license from the Secretary of Agriculture and a minimum of 15 cc of anti-hog cholera serum or 7.5 cc of antibody concentrate with the dosage of such vaccine to be that recommended on the product label by the licensed manufacturer, or officially vaccinated with killed or inactivated hog cholera vaccine not less than 21 days nor more than 6 months prior to inspection,[4] are not required to be so treated but are subject to the other provisions of this paragraph; and (ii) that suckling pigs under 8 weeks of age nursing officially vaccinated sows are not required to be so treated; and

(4) The swine required to be so treated, are permanently identified as official vaccinates by individual eartag or other proper individual identification; and

(5) The swine are accompanied by a health certificate issued by a Division inspector at the public stockyard, or the accredited veterinarian at the approved stockyard or livestock market, showing place and date of issue, destination of shipment, record of official vaccination when applicable, the permanent identification of the swine, and that the swine are apparently free from hog cholera and other contagious, infectious, or communicable diseases; with a copy of the certificate forwarded to the appropriate livestock sanitary official of the State of destination; [3] and

(6) The swine are transported in a cleaned and disinfected vehicle: *Provided, however,* That if the vehicle is not regularly used to transport livestock disinfection is not required.

(b) *Simultaneous inoculation method.* Swine required under this section to be treated shall be given simultaneous inoculation with antihog cholera serum or antibody concentrate and modified live virus vaccine, prepared under license from the Secretary of Agriculture. The dosage of serum or antibody concentrate used with modified live virus vaccine shall be as follows:

(1) The dosage of serum or antibody concentrate for the treatment of swine shall in no instance be less than the respective dosage specified in subparagraph (2) of this paragraph. The dosage of modified live virus vaccine for the treatment of swine should be the respective dosage suggested in subparagraph (3) of this paragraph.

(2) *Dosage of antihog cholera serum or antibody concentrate.* Except for swine under 20 pounds in weight, the dosage of serum should not exceed one cc. per pound body weight, or ½ cc. per pound body weight if antibody concentrate is used.

Weight of swine (pounds)	Minimum dose of serum (cubic centimeters)	Minimum dose of antibody concentrate (cubic centimeters)
Under 60	20	10
60-120	30	15
Over 120	40	20

(3) *Dosage of modified live virus vaccine.* The dosage of modified live virus vaccine should be that recommended on the product label by the licensed manufacturer for use with the amounts of antihog cholera serum or antibody concentrate given in subparagraph (2) of this paragraph.

§ 76.10 Other movements for feeding or breeding purposes.

Swine not known to be affected with or exposed to hog cholera may be moved interstate for feeding or breeding purposes to any destination if:

(a) The swine have not been treated with antihog cholera serum alone or antibody concentrate alone; and

(b) The swine are officially vaccinated not less than 21 days nor more than 1 year prior to shipment with modified live virus vaccine prepared under license from the Secretary of Agriculture and administered as recommended on the product label by the licensed manufacturer; or are officially vaccinated within 21 days of shipment with the simultaneous inoculation of modified live virus vaccine prepared under license from the

[2] In order to minimize possible stress associated with shipping and vaccination, feeder and breeder swine should be in transit as short a period of time as possible, with not more than 72 hours between shipment and arrival at destination.

[3] A period of at least 21 days is required for the development of immunity following the administration of killed or inactivated hog cholera vaccine; therefore this product should be used only for swine that have not been exposed to hog cholera and which will not be in contact with other herds, or in transit, for at least 21 days following administration.

Secretary of Agriculture and a minimum of 15 cc. of antihog cholera serum or 7.5 cc. of antibody concentrate with the dosage of such vaccine to be that recommended on the product label by the licensed manufacturer; or are officially vaccinated not less than 21 days nor more than 6 months prior to shipment with killed or inactivated hog cholera virus vaccine prepared under license from the Secretary of Agriculture[2] with the dosage of such vaccine to be that recommended on the product label by the licensed manufacturer: *Provided, however*, That swine moved interstate from a farm of origin, on which such swine and all other swine on the farm have been located for not less than 21 days, to a farm of destination in a State the laws, rules, or regulations of which provide for the segregation or quarantine of imported swine for a period of not less than 21 days, and without contact with other swine en route, are not required to be so treated if accompanied by a permit from the appropriate official of the State of destination, but are subject to the provisions of paragraph (d) of this section except official vaccination; [1] and

(c) The swine, required to be so treated, are permanently identified as official vaccinates by individual eartag or other proper individual identification; and

(d) The swine are accompanied by a health certificate issued by a State or Federal inspector or an accredited veterinarian specifying the permanent individual identification of the swine and showing consignee, consignor, record of official vaccination when applicable and that the swine are apparently free from hog cholera and other contagious, infectious, or communicable diseases or exposure thereto. A copy of the certificate shall be forwarded to the appropriate livestock sanitary official of the State of destination.

§ 76.11 Movement of swine and swine products from a quarantined area.

(a) Movement of swine: Swine may be moved interstate under this part from a quarantined area to an establishment specifically approved for the purpose by the Director of Division for immediate slaughter and special processing at such establishment if accompanied by a certificate of a veterinarian of the Division or a veterinarian specifically approved for this purpose by the Director of Division, stating that veterinary inspection of such swine on the premises of origin just prior to movement therefrom disclosed no evidence of hog cholera or other contagious, infectious, or communicable disease.

(b) Movement of swine products: (1) Swine products may be moved interstate under this part from a quarantined area if such products are moved to an establishment specifically approved for the purpose by the Director of Division for special processing at such establishment and are accompanied by a permit obtained by the owner or shipper from an inspector of the Division.

(2) The following swine products may be moved interstate under this part from a quarantined area under such conditions as may be prescribed by the Director of Division to prevent the spread of hog cholera and other contagious, infectious, or communicable diseases: (i) Swine products which have been processed in the course of normal establishment procedures in a manner approved by said Director as adequate to prevent the spread of hog cholera and other contagious, infectious, or communicable diseases; (ii) swine products derived from swine, permitted interstate movement under this part which were moved from a nonquarantined area directly to a clean stockyard in a quarantined area and which were slaughtered immediately upon their removal from such stockyard, at an establishment specifically approved for the purpose by said Director in a manner approved by said Director as adequate to prevent the spread of hog cholera and other contagious, infectious, or communicable diseases, and, if required by said Director, processed in a manner approved by him; (iii) swine products derived from swine, permitted interstate movement under this part, which were moved from a nonquarantined area directly to a slaughtering establishment in a quarantined area and there slaughtered immediately upon arrival, under conditions approved by said Director. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

(c) Swine and swine products in transit between points in nonquarantined areas through any quarantined area shall not be deemed to be moved from the quarantined area under this section.

§ 76.12 Movement of swine and swine products through a quarantined area.

Swine or swine products which are moved interstate in transit between points in non-quarantined areas through any quarantined area shall not be unloaded in any quarantined area unless all facilities to be used therein in connection with the unloading have been approved for such purpose by the Division and have been cleaned and disinfected before such use in a manner approved by the Division and under the supervision of a person authorized for the purpose by the Division.

§ 76.13 Movement of swine for slaughter and special processing.

Swine which have been exposed to hog cholera, or other contagious, infectious or communicable disease, may be moved interstate to an establishment for slaughter and special processing if moved under Division seals or accompanied by a representative of the Division or a person specifically authorized for the purpose by the Director of Division.

§ 76.14 Special processing of swine products.

All swine products required under the regulations in this part to be specially processed shall be heated to an internal temperature of at least 147° F. for 30 minutes or to an internal temperature of 156° F. momentarily.

§ 76.15 Movement of specially processed swine products.

Except as provided in §§ 76.11 and 76.17, swine products which have been specially processed may be moved interstate without restriction under this part.

§ 76.16 Approved stockyards and livestock markets.

(a) Notices containing lists of stockyards and livestock markets approved for the purposes of the regulations in this part will be published in the FEDERAL REGISTER. Information with respect to those stockyards and livestock markets may also be obtained from the Division.

(b) The Director of Division is hereby authorized to approve stockyards and livestock markets for the purpose of the regulations in this part when he determines that the inspection and handling of swine are adequate to effectuate the purposes of the regulations in this part; and to remove any stockyard or market from the approved list when he finds that the inspection or handling of swine at such stockyard or market is no longer adequate to effectuate the purposes of such regulations.

§ 76.17 Movement of swine fed raw garbage and products from swine fed raw garbage.

(a) *Movement of swine.* Swine which have been fed any raw garbage may be moved interstate under this part to a slaughtering establishment specifically approved for the purpose by the Director of Division for immediate slaughter and special processing at such establishment in a manner approved by the Director as adequate to prevent the spread of disease, if accompanied by a certificate of an inspector of the Agricultural Research Service, showing that the establishment to which the animals are consigned has been specifically approved by the Director, that the inspector has made an inspection of all swine on the premises of origin within 48 hours of the movement interstate, and that the inspection did not disclose any evidence of contagious, infectious, or communicable disease.

(b) *Movement of swine products.* (1) Swine products produced at an establishment operating under the Meat Inspection Act of March 4, 1907, as amended (21 U.S.C. 71 et seq.), which handles products of swine fed any raw garbage, but specially processes all such products separate and apart from other swine products, keeps the products properly identified, and otherwise handles the products in a manner approved by the Director of Division as adequate to prevent the spread of disease, may be moved interstate without other restriction under this section.

(2) Swine products produced at an establishment operating under the Meat Inspection Act of March 4, 1907, as amended, which handles any products of swine fed any raw garbage and does not handle all such products as specified in subparagraph (1) of this paragraph, may be moved interstate under this section if accompanied by a certificate signed by an inspector of the Agricultural Research Service (i) identifying the products to be moved interstate and stating that, insofar as he has been able to determine, the particular products were derived from swine which had not been fed any raw garbage, or (ii) identifying the products to be moved interstate and stating that the particular products have been handled as specified in subparagraph (1) of this paragraph.

§ 76.18 Other movements.

The Director of Division may authorize the interstate movement of swine or swine products, not otherwise authorized under this part, under such conditions as he may prescribe to prevent the spread of hog cholera or other contagious, infectious, or communicable diseases, if accompanied by a permit from the appropriate official of the State of destination and a certificate from the Animal Disease Eradication Division specifying any such conditions imposed regarding such movement.

CLEANING AND DISINFECTION OF VEHICLES AND FACILITIES

§ 76.30 Cleaning and disinfecting vehicles which have contained movements of diseased swine.

(a) Any railroad car, boat, truck, or other vehicle, and its equipment, which has contained an interstate movement of swine affected with a contagious, infectious, or communicable disease, shall be cleaned and disinfected under the supervision of a Federal or State inspector or an accredited veterinarian, in accordance with the provisions of this section, as soon as possible after the swine are unloaded and before further use.

(b) Any vehicle that has contained an interstate movement of swine destined to a place where Division inspection is maintained shall not be moved from such place until a Division inspector has ascertained the condition of the animals and the vehicle has been released or has been cleaned and disinfected in accordance with the provisions of this section.

(c) The carrier shall be responsible for having all railroad cars, boats, trucks, and other vehicles, and their equipment, cleaned and disinfected as required under this section, and the cleaning and disinfecting shall be done without expense to the Division.

(d) The following prescribed method of cleaning and disinfecting railroad cars, boats, trucks, and other vehicles and their equipment shall be used: Remove all litter, feed, and manure from all portions of each car, boat, truck, or other vehicle including all ledges and framework outside, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; clean the interior and the exterior of each such vehicle and its equipment; saturate the entire interior surface including all doors, endgates, portable chutes, and similar equipment with disinfectants as prescribed in § 76.33.

§ 76.31 Cleaning and disinfecting other vehicles and facilities.

(a) Any railroad car, boat, truck, or other vehicle, and its equipment, and all other facilities, including facilities for receiving, shipping, loading, unloading, and delivering swine and for feeding, watering, and resting swine, which are used in connection with the interstate movement of swine shall be kept clean.

(b) The Director of Division may require the thorough cleaning and disinfecting, under the supervision of a Federal or State inspector or an accredited veterinarian in accordance with paragraph (d) of § 76.30 and paragraphs (c) and (d) of this section, of any vehicle or facility which has been used in connection with the interstate movement of any swine which have been fed any raw garbage or swine products derived from such swine, or swine exposed to hog cholera or other contagious, infectious, or communicable disease, or which the Director has reason to believe may have been infected with or exposed to such a disease, when he determines that such cleaning and disinfecting is necessary to guard against the spread of disease.

(c) The carrier shall be responsible for having all railroad cars, boats, trucks, and other vehicles, and their equipment, cleaned and disinfected as required under this section, and the owner of other facilities shall be responsible for having such facilities cleaned and disinfected as required under this section, and the cleaning and disinfecting shall be done without expense to the Division.

(d) The following prescribed method of cleaning and disinfecting of facilities shall be used: Empty all troughs, racks, and other feeding and watering appliances; remove all litter, feed, and manure from the floors, posts, or other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; saturate the entire surface of the fencing, troughs, chutes, floors, walls, and all other parts with disinfectants as prescribed in § 76.33.

(e) Vehicles and equipment required to be cleaned and disinfected under this section shall be cleaned and disinfected in accordance with the method prescribed in § 76.30(d).

§ 76.32 Cleaning and disinfecting public stockyards, and approved stockyards and livestock markets.

(a) The Director of Division may require the thorough cleaning and disinfecting of any public stockyard, or any approved stockyard or livestock market, or any portion thereof, which has been used in the handling of swine which have been fed any raw garbage, or of swine infected with or exposed to hog cholera or other contagious, infectious, or communicable disease, or which the Director has reason to believe may have been so infected or exposed, when he determines that such cleaning and disinfecting are necessary to guard against the spread of disease. Any stockyard or market, or any portion thereof, so required to be cleaned and disinfected shall not be used in handling swine until after the cleaning and disinfecting have been completed. Such cleaning and disinfecting shall be done without expense to the Division, except as provided under the provisions of Part 53 of this chapter.

(b) The following prescribed method of cleaning and disinfecting shall be used: Empty all troughs, racks, and other feeding and watering appliances; remove all litter, feed, and manure from the floors, posts, and other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; and saturate the entire surface of the fencings, troughs, chutes, floors, walls, and all other parts with one of the disinfectants prescribed in § 76.33.

§ 76.33 Disinfectants to be used.

The disinfections required under the regulations in this part shall be performed with one of the following:

(a) Lye (sodium hydroxide) used at the rate of 16 ounces to four gallons of water. (Due to the extreme caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves and boots to protect the hands and feet, and goggles to protect the eyes, should be taken by those engaged on the disinfection job. It is also advisable to have an acid solution, such as vinegar, in readiness in case any of the sodium hydroxide solution should come in contact with any part of the body.)

(b) A permitted brand of sodium orthophenylphenate used in a proportion of at least one pound to 12 gallons of water. (It is absolutely necessary that the solution be applied at a temperature of 60° F. or over. Whenever the temperature of the building to be disinfected is below 60° F., as indicated by a wall thermometer, the solution shall be heated to 120° F. and higher in very cold weather, to insure effective disinfection.)[4]

(c) Permitted cresylic disinfectant in the proportion of at least 4 fluid ounces to 1 gallon of water, as prescribed under §§ 71.10(b) and 71.11 of this chapter.

The foregoing amendment makes certain changes in the proposed amendments to 9 CFR Part 76, published in the FEDERAL REGISTER on March 7, and May 10, 1962, and also makes certain changes in the regulations in addition to those proposed in such notices. Such changes have been made after thorough consideration of all relevant material submitted in connection with the notices. Some of such changes have been made for purposes of clarity and consistency. Certain changes make provisions of the regulations less resrictive, and certain other changes have been made in order to afford additional protection to the livestock of the United States. It does not appear that further public rulemaking procedure would make additional information available to the Department in connection with the amendment of the regulations. Accordingly,

[1] In each instance the regulations of the State of destination should be consulted before shipments are made.

[2] A period of at least 21 days is required for the development of immunity following the administration of killed or inactivated hog cholera vaccine; therefore this product would be used only for swine that have not been exposed to hog cholera and which will not be in contact with other herds, or in transit, for at least 21 days following administration.

[4] Lye has an inhibiting effect on sodium orthophenylphenate and these should not be used in combination or sequence.

under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further notice and public procedure with respect to the foregoing amendment are impracticable and unnecessary.

Effective date. This amendment shall become effective on November 5, 1962.

Done at Washington, D.C., this 31st day of August 1962.

M. R. CLARKSON,
Acting Administrator.

[F.R. Doc. 62-8975; Filed, Sept. 6, 1962; 8:55 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1375, Amdt. 481]

PART 507—AIRWORTHINESS DIRECTIVES

General Electric Models CJ805-23, CJ805-23B, and CJ805-23C Engines

Amendment 437, 27 F.R. 4552 (AD 62-11-2), requires removal of the fan bluckets of General Electric Model CJ805 Series turbofan engines. Since the issuance of the AD, the manufacturer has made changes in the bluckets and identified them by a new part number. As the possibility of low cycle fatigue failures is equally present in the modified bluckets as in the original bluckets, the provisions of Amendment 437 are therefore being applied to the modified bluckets.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 437, 27 F.R. 4552, General Electric Model CJ805-23 Series turbofan engines, is amended by changing the first sentence of the first paragraph to read: "To preclude low cycle fatigue failure of the fan bluckets, remove GE P/N's 109R164P1, 107R392P1, 107R362P5, 107R362P6, 109R200P1, or 109R197P1 from engines * * *"

This amendment shall become effective September 7, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 30, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-8923; Filed, Sept. 6, 1962; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 204—RESERVES OF MEMBER BANKS

Kansas City, Kansas; Termination of Designation as Reserve City

1. Effective immediately, Part 204 is amended by adding thereto § 204.55 reading as follows:

§ 204.55 Termination of Kansas City, Kansas designation as reserve city.

In accordance with paragraph (e) of § 204.51, as revised effective July 28, 1962, member banks in Kansas City, Kansas, have submitted written requests for the termination of the designation of such city as a reserve city, and, acting pursuant to such paragraph (e) of § 204.51, the Board of Governors has granted such request. Accordingly, the designation of Kansas City, Kansas, as a reserve city is hereby terminated effective September 6, 1962.

2. The notice and public procedure described in sections 4(a) and 4(b) of the Administrative Procedure Act and the prior publication described in section 4(c) of such Act are impracticable, unnecessary and contrary to the public interest in connection with this action for the reasons and good cause found as stated in § 262.1(e) of the Board's rules of procedure (12 CFR Part 262) and especially because such notice, procedure and prior publication would serve no useful purpose.

(Sec. 11, 38 Stat. 261 as amended; 12 U.S.C. 248. Interprets or applies sec. 19, 38 Stat. 270, as amended; sec. 19, 48 Stat. 54, as amended; 12 U.S.C. 461, 462, 462b, 464, 465)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 62-8933; Filed, Sept. 6, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-198]

PART 13—PROHIBITED TRADE PRACTICES

Barclay Distributors

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary;* § 13.155-70 *Percentage savings;* § 13.155-80 *Retail as cost, wholesale, discounted, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sylvia Abrams trading as Barclay Distributors, New York, N.Y., Docket C-198, July 26, 1962]

In the Matter of Sylvia Abrams an Individual Trading as Barclay Distributors

Consent order requiring a New York City distributor of men's wallets, calendar banks, self-illuminating power magnifiers, travel irons and immersion heaters, and other merchandise, to cease making such false price and savings claims and misleading guarantees as those she made in newspaper advertising and catalogs.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Sylvia Abrams, trading and doing business as Barclay Distributors, or under any other name or names, and her agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of men's wallets, calendar banks, self-illuminating magnifiers, travel irons, travel immersion heater kits, wrist watches, cigarette lighters and any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Any amount is the usual and customary retail price of respondent's merchandise when it is in excess of the price at which said merchandise is usually and customarily sold at retail by respondent.

(b) Any saving is afforded in the purchase of merchandise from respondent's retail price unless the price at which it is offered is lower than the price at which said merchandise is usually and customarily sold at retail by the respondent.

2. Misrepresenting, in any manner, the savings available to purchasers of respondent's merchandise or the amount by which the price of said merchandise has been reduced from the price at which it is customarily sold by respondent in the usual course of business.

3. Using the word "wholesale" or any other word or term of similar import or meaning, in connection with the direct or indirect solicitation of sales to individual members of the public or other consumers, to describe a price which is higher than the generally prevailing price at which the merchandise is sold by wholesalers to retailers in the trade area or areas where the representation is made.

4. Representing, directly or by implication, that Sovereign watches are manufactured and guaranteed by the Benrus Watch Company, or in any other manner misrepresenting, directly or by implication, the identity of the manufacturer or the guarantor of any of the respondent's merchandise.

5. Representing, directly or by implication, that any of respondent's products are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

Issued: July 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8937; Filed, Sept. 6, 1962; 8:47 a.m.]

[Docket C-185]

PART 13—PROHIBITED TRADE PRACTICES

Cincinnati Food Service & Appliance Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15-195 *Nature;* § 13.70 *Fictitous or misleading guarantees;* § 13.75 *Free goods or services;* § 13.155 *Prices:* § 13.155-75 *Product or quantity covered;* § 13.155-100 *Usual as reduced, special, etc.;* § 13.260 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Alpin, Inc. doing business as Cincinnati Food Service & Appliance Company, et al., Cincinnati, Ohio, Docket C-185, July 18, 1962]

In the Matter of Alpin, Inc., a Corporation Trading and Doing Business as Cincinnati Food Service & Applicance Company and Milton Pinsky and Daniel J. Allen, Individually and as Officers of Said Corporation

Consent order requiring Cincinnati sellers of freezers and food freezer plans to the public to cease using false pricing, savings, and guarantee claims and other misrepresentations in advertising, including radio and television broadcasts, to sell their freezers and freezer food plans, as in the order below more fully set out.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

PART I

It is ordered, That respondents Alpin, Inc., a corporation, and its officers, and Milton Pinsky and Daniel J. Allen, individually and as officers of said corporation, and respondents' agents, representatives and employees directly or through any corporate or other device in connection with the offering for sale, sale or distribution of freezers, food or freezer-food plans, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication:

(a) That respondents' principal business is the sale of food;

(b) That purchasers of a freezer food plan from respondents will for any stated price receive all of their food or any amount of food in excess of the amount actually received and a freezer;

(c) That by purchasing a freezer food plan from respondents purchasers are thereby able to purchase food for less money than they would otherwise have to pay;

(d) That purchasers of a freezer food plan from respondents save from $200.00 to $300.00 a year on their food purchases, or will save any other stated or specified amount of money;

(e) That respondents give away free gifts;

(f) That purchasers of a freezer food plan from respondents are required to pay no money for any stated period of time;

(g) That a customary or usual price is a reduced price;

(h) That any freezer or part thereof is unconditionally guaranteed or is guaranteed in any manner unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

2. Misrepresenting in any manner the savings realized by purchasers of a freezer food plan.

3. Misrepresenting in any manner the purchase price of any such freezer, food, or freezer food plan.

PART II

It is further ordered, That respondents Alpin, Inc., a corporation, and its officers, and Milton Pinsky and Daniel J. Allen, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of any food or any purchasing plan involving food, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in paragraphs 1, 2, and 3 of Part I of this order.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any food, or any purchasing plan involving food in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in paragraphs 1, 2, and 3 of Part I of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 18, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8944; Filed, Sept. 6, 1962; 8:50 a.m.]

[Docket C-195]

PART 13—PROHIBITED TRADE PRACTICES

Colt Fashions, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053-35 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Compositions:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 3, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Colt Fashions, Inc., et al., New York, N.Y., Docket C-195, July 24, 1962]

In the Matter of Colt Fashions, Inc., a New York Corporation, and Isadore Greenberg and Myron Greenberg, Individually and as Officers of Said Corporation

Consent order requiring manufacturing furriers in New York City to cease violating the Fur Products Labeling Act by failing to show on labels and invoices the true animal name of furs used in fur products and when fur was artificially colored, failing to use the term "natural" where required and to comply with other requirements of the Act, and furnishing false guaranties with respect to certain fur products.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Colt Fashions, Inc., a corporation, and its officers, and Isadore Greenberg and Myron Greenberg, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Failing to disclose that fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored are natural.

C. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and

regulations promulgated thereunder in the sequence required by Rule 30 of the aforesaid rules and regulations.

D. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Failing to disclose that fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored are natural.

C. Failing to set forth the item number or mark assigned to a fur product.

3. Furnishing false guaranties that fur products are not misbranded, falsely advertised or falsely invoiced under the provisions of the Fur Products Labeling Act, when there is reason to believe that the fur products falsely guaranteed may be introduced, sold, transported or distributed in commerce.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 24, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8936; Filed, Sept. 6, 1962; 8:47 a.m.]

[Docket C-196]

PART 13—PROHIBITED TRADE PRACTICES

Custom Builders et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–10 *Bait.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Aluminum Enterprises, Inc., doing business as Custom Builders et al., Colmar Manor, Md., Docket C-196, July 24, 1962]

In the Matter of Aluminum Enterprises, Inc., a Corporation, Doing Business as Custom Builders, and Abraham Comberg, Individually and as an Officer of Said Corporation

Consent order requiring Colmar Manor, Md., sellers of aluminum windows and doors and other home improvements, to cease using bait advertisements in newspapers to sell their products, which were not bona fide offers to sell at the advertised prices but were made to obtain leads to prospects.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Aluminum Enterprises, Inc., a corporation, and its officers, and Abraham Gomberg, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of aluminum storm windows or doors, or products or services in connection with the improvement, repair or remodeling of homes or other buildings, do forthwith cease and desist from representing directly or indirectly that such windows, doors, products or services are offered for sale when such offer is not a bona fide offer to sell said products or services.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 24, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8934; Filed, Sept. 6, 1962; 8:47 a.m.]

[Docket C-171]

PART 13—PROHIBITED TRADE PRACTICES

Fine Quilting Corp. et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–90 *Wool Products Labeling Act.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition:* § 13.1590–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–80 *Wool Products Labeling Act:* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Fine Quilting Corp. et al., Bronx, N.Y., Docket C-171, July 13, 1962]

In the Matter of Fine Quilting Corp., a Corporation, and Lazar Deutsch, and Samuel Mandel, Individually and as Officers of Said Corporation

Consent order requiring manufacturers of quilted interlining materials in Bronx, N.Y., to cease violating the Wool Products Labeling Act by failing to show on labels on such materials the true generic names of the constituent fibers and the percentage thereof, and failing in other respects to comply with labeling requirements; and to cease such unfair practices as stating on invoices and shipping memoranda that certain quilted interlining materials sold to their jobber and manufacturer customers were "Not less than 50 percent Rep. wool, 50 percent Unknown fiber" when the fabrics contained substantially different fibers and in different quantities than so represented.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Fine Quilting Corp., a corporation, and its officers, and Lazar Deutsch and Samuel Mandel, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, delivery for shipment, or distribution, in commerce, of quilted interlining materials or other wool products, as "commerce" and "wool product", are defined in the Wool Products Labeling Act of 1939 do forthwith cease and desist from misbranding wool products by:

1. Failing to securely affix to or place on each such product, a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

2. Setting forth the required information descriptive of the fiber content on labels in abbreviated words or terms.

It is further ordered, That respondents Fine Quilting Corp., a corporation, and its officers, and Lazar Deutsch and Samuel Mandel, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of quilted interlining materials or other fiber products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 13, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8945; Filed, Sept. 6, 1962; 8:50 a.m.]

[Docket 7773 o.]

PART 13—PROHIBITED TRADE PRACTICES

Giant Food, Inc.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–15 *Comparative;* § 13.155–60 *List or catalog as regular selling.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Giant Food, Inc., Landover, Md., Docket 7773, July 31, 1962]

Order requiring a large chain store distributor of food and other merchandise, with more than 50 retail outlets in Maryland, Virginia, and the District of Columbia, to cease representing falsely in advertising, by means of comparative price claims—such as setting forth a higher "Reg. Price" or "Mfr." or "Mfg. List" price together with a lower offered price—that the higher amounts were the usual retail prices in the trade area and that customers buying at the lower amounts were afforded savings in the amount of the difference between the two.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Giant Food, Inc., a Delaware corporation, and its officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of household electrical appliances, kitchen utensils, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the words "regular price," or words of similar import, to refer to any amount which is in excess of the price at which such merchandise has been usually and regularly sold by the respondent at retail in the recent, regular course of its business; or otherwise misrepresenting the respondent's usual and customary retail selling price of such merchandise;

(2) Using the words "manufacturer's list price," "suggested list price," "factory suggested retail price," or words of similar import, to refer to any amount which is in excess of the price or prices at which such merchandise is usually and customarily sold in the trade area where the representation is made; or otherwise misrepresenting the usual and customary retail selling price or prices of such merchandise in the trade area;

(3) Representing in any manner that, by purchasing any of its merchandise, customers are afforded savings amounting to the difference between respondent's stated selling price and any other price used for comparison with that selling price, unless the comparative price used represents the price at which the merchandise is usually and customarily sold at retail in the trade area involved, or is the price at which such merchandise has been usually and regularly sold by respondent at retail in the recent, regular course of its business.

It is further ordered, That respondent Giant Food, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 13, 1962.

By the Commission, Commissioners Anderson and Kern concurring in the result.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8938; Filed, Sept. 6, 1962; 8:48 a.m.]

[Docket C-188]

PART 13—PROHIBITED TRADE PRACTICES

Giant Plastics Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.235 *Source or origin:* § 13.235–60 *Place:* § 13.235–60(e) *Imported products or parts as domestic.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* § 13.1900–35 *Foreign product as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Giant Plastics Corp. et al., New York, N.Y., Docket C-188, July 20, 1962]

In the Matter of Giant Plastics Corporation, a Corporation, and Herbert J. Rosenberg, Harold Rosenberg, and Celia Rosenberg, Individually and as Officers of Said Corporation

Consent order requiring Bronx, N.Y., distributors of toys, novelties, and jewelry, much of it imported from Hong Kong and Japan, to jobbers and retailers to cease selling such merchandise so packaged—commonly on a printed cardboard mount secured by clear plastic-like material—that any identification of foreign origin is not visible except by destroying the so-called "bubble pack"; to cease representing such foreign-made articles falsely as of domestic origin by their practice of stating on some of the packages "Made in U.S.A." and on all of them "Giant Plastics Corp., New York, N.Y."; and requiring them to clearly and conspicuously disclose the foreign source of such display material.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Giant Plastics Corporation, a corporation, and its officers, and Herbert J. Rosenberg, Harold Rosenberg, and Celia Rosenberg, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of children's toys, novelties, and jewelry, and any other imported products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, in advertising or in labeling that products manufactured in Hong Kong, Japan, or any other foreign country are manufactured in the United States.

2. Offering for sale, selling, or distributing any such product which is packaged, or placed in a container, or mounted on or affixed to a card or other device, in such a manner as to conceal the country or place of origin, unless the country or place of origin is clearly and conspicuously disclosed on the package, container, card or other device.

3. Offering for sale, selling, or distributing any such product in such a manner that the country or place of origin of the product cannot be readily seen by prospective purchasers.

4. Disseminating or causing to be disseminated any display or point of sale material with respect to any such product which fails to clearly and conspicuously disclose the country or place of origin of the product.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 20, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8940; Filed, Sept. 6, 1962; 8:48 a.m.]

[Docket C-186]

PART 13—PROHIBITED TRADE PRACTICES

House of Good Foods, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.71 *Financing;* § 13.75 *Free goods or services;* § 13.155 *Prices;* § 13.155–5 *Additional charges mentioned;* § 13.155–80 *Retail as cost, wholesale, discounted, etc.;* § 13.225 *Services;* § 13.260 *Terms and conditions.* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, House of Good Foods, Inc. (Pennsauken, N.J.), et al., Docket C-186, July 18, 1962]

In the Matter of House of Good Foods, Inc., a Corporation, House of Good Foods of Pennsylvania, Inc., a Corporation, and Morris J. Salis, Individually and as an Officer of Said Corporations

Consent order requiring two affiliated sellers of freezers and foods by means of a "freezer food plan", located in Pennsauken, N.J., and Philadelphia, Pa., to cease making false claims in advertising in newspapers, circulars, by radio broadcasts, etc., to sell their products, as set out in the order below.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

PART I

It is ordered, That respondents House of Good Foods, Inc., a corporation, House of Good Foods of Pennsylvania, Inc., a corporation, and their officers and Morris J. Salis, individually and as an officer of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of freezers, food or a freezer food plan in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that:

(a) Such products or any parts thereof are guaranteed in any manner unless the nature and extent of the guarantee

and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction with any such representation;

(b) "Home Economists", trained food consultants or other qualified individuals will assist purchasers of the aforesaid freezer food plan in planning their food orders;

(c) Purchasers receive a free life insurance policy;

(d) Purchasers of a freezer food plan will receive the same or any amount of food, and a freezer for the same or less money than they have been paying for the food alone;

(e) Purchasers of their freezer food plan can save enough money on the purchase of their food to pay for the freezer;

(f) Purchasers of a freezer food plan will have their contracts financed through banks unless such contracts are in fact financed through banks;

(g) Certain charges constitute the total amount purchasers are required to pay when such amount is not the total amount purchasers are required to pay;

(h) Certain items constitute the total security required under a contract when in fact other security is required;

(i) Purchasers of the aforesaid freezer food plan can purchase their note in advance at a reduction in price;

(j) Respondents will erect shelves or other facilities for storing food;

(k) The freezer or food are fully insured or fully or unconditionally guaranteed under the contract.

(l) Respondents sell food at wholesale prices.

2. Obtaining purchasers' signatures on sales contracts, negotiable or nonnegotiable notes or other instruments or mortgage agreements or any other type of agreements unless said contracts, notes or agreements contain at that time all of the terms and conditions of said contracts, notes or agreements and unless such purchasers are fully apprised of the nature and contents of the contracts, notes or agreements.

3. Misrepresenting in any manner the extent to which respondents' prices are reduced prices or the savings realized by purchasers of a freezer food plan.

PART II

It is further ordered, That respondents House of Good Foods, Inc., a corporation, House of Good Foods of Pennsylvania, Inc., a corporation, and their officers and Morris J. Salis, individually and as an officer of said corporations and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of any food or any purchasing plan involving food, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in paragraphs 1 and 3 of Part I of this order.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly the purchase of any food, or any purchasing plan involving food in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in paragraphs 1 and 3 of Part I of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 18, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8946; Filed, Sept. 6, 1962; 8:50 a.m.]

[Docket 8140 o.]

PART 13—PROHIBITED TRADE PRACTICES

Leeds Travelwear, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Leeds Travelwear, Inc., et al., New York, N.Y., Docket 8140, July 20, 1962]

In the Matter of Leeds Travelwear, Inc., a Corporation, and Irving L. Braverman, Individually and as an Officer of Said Corporation

Order requiring a New York City distributor of luggage and golf and bowling bags to cease deceptively pricing its products, by such practices as showing on price tickets on its "regular" line of golf bags sold in department and specialty stores and in catalog sheets furnished to catalog house customers listing luggage and golf and bowling bags which carried a "Retail" price and a substantially lower "coded" price at which the product was sold, higher prices than the generally prevailing retail prices for the articles in the trade areas concerned.

The order to cease and desist, as modified by the Commission, is as follows:

It is ordered, That Leeds Travelwear, Inc., a corporation, and Irving L. Braverman, individually, and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of luggage, golf bags, bowling bags, or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. The act or practice of preticketing merchandise at an indicated retail price when the indicated retail price is in excess of the generally prevailing retail price for such merchandise in the trade area or when there is no generally prevailing retail price for such merchandise in the trade area.

2. Supplying to, or placing in the hands of, any distributor, dealer or other purchaser, catalog sheets or other materials which are displayed to the purchasing public and which contain an indicated retail price for respondents' merchandise when the indicated retail price is in excess of the generally prevailing retail price for such merchandise in the trade area or when there is no generally prevailing retail price for such merchandise in the trade area.

3. Furnishing to others any means or instrumentality by or through which the public may be misled as to the generally prevailing retail prices of respondents' merchandise.

4. Putting into operation any plan through the use of which retailers or others may misrepresent the generally prevailing retail price of respondents' merchandise.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents, Leeds Travelwear, Inc., and Irving L. Braverman, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: July 20, 1962.

By the Commission:

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8947; Filed, Sept. 6, 1962; 8:51 a.m.]

[Docket C-199]

PART 13—PROHIBITED TRADE PRACTICES

Remco Industries, Inc.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Remco Industries, Inc., Newark, N.J., Docket C-199, July 26, 1962]

Consent order requiring a Newark, N.J., distributor to cease misrepresenting the toys it sold by such practices as representing falsely in television commercials that a transistor radio could be constructed from the components contained in its "Radiocraft Kit" and radio broadcasts transmitted, and that its "Electro Chemistry Science Kit" contained a battery and a glass beaker.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Remco Industries, Inc., a corporation, and its officers, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of toys or related products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, by use of any illustration, depiction or demonstration, alone or accompanied by oral or written statements, purporting to illustrate, depict or demonstrate any toy or related product, or the performance thereof, or representing in any other manner, directly or by implication, that any toy or related product contains a component or performs in any manner not in accordance with fact.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: July 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8935; Filed, Sept. 6, 1962; 8:47 a.m.]

[Docket C-172]

PART 13—PROHIBITED TRADE PRACTICES

U.S. Rubber Co.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, United States Rubber Company, New York, N.Y., Docket C-172, July 13, 1962]

Consent order requiring a manufacturer of motor vehicle tires to cease making deceptive pricing and savings claims for its tires, batteries, and accessories by such practices as publishing in newspaper advertising a higher and fictitious "Mfr's list price", followed by a lower "sale prices" and representing falsely that the difference constituted savings from usual prices, and furnishing its dealers and retail outlets with advertising mats and price lists containing similar statements.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent United States Rubber Company, a corporation, and its officers, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of tires, batteries and accessories, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Any amount is the usual and customary price of merchandise in any trade area when it is in excess of the generally prevailing price or prices at which said merchandise is sold in said trade area.

(b) Any saving from a trade area price or from the customary and usual price of the advertiser is afforded in the purchase of respondent's merchandise unless the price at which such merchandise is offered constitutes a reduction from the generally prevailing price or prices at which said merchandise is sold in the trading area in which the representation is made or the price at which it is customarily and usually sold by the advertiser.

2. Misrepresenting in any manner the savings available to purchasers of respondent's merchandise or the amount by which the price of merchandise has been reduced from the price at which it is customarily sold by respondent or its competitors in the usual course of business in the trade area or areas where the representations are made.

3. Using the words or terms "Mfr's list price", or any other words or terms of similar import, to refer to prices of merchandise unless such amounts are the prices at which the merchandise is usually and customarily sold in the trade area in which such representations are made.

4. Placing in the hands of distributors, retailers or others advertising material or other printed matter respresenting in any manner that any amount is the usual and customary retail price of merchandise when it is in excess of the price at which the merchandise is usually and customarily sold at retail in the trade area or areas where the advertising material or printed matter is displayed or otherwise used.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: July 13, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8939; Filed, Sept. 6, 1962; 8:48 a.m.]

[Docket C-192]

PART 13—PROHIBITED TRADE PRACTICES

Western Flavor Seal Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170–52 *Medicinal, therapeutic, healthful, etc.;* § 13.170–70 *Preventive or protective.* Subpart—Disparaging competitors and their products—Competitors' Products: § 13.1025 *Safety.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Western Flavor Seal Company et al., Omaha, Nebr., Docket C-192, July 24, 1962]

In the Matter of Western Flavor Seal Company, a Corporation, and Robert T. Caldwell and Jeannette Caldwell, Individually and as Officers of Said Corporation

Consent order requiring Omaha sellers of stainless steel cooking utensils to the public, chiefly through demonstrations by salesmen before groups of prospects, to cease representing falsely through statements by such sales persons and in pamphlets and brochures that cooking foods in their stainless steel utensils was more conducive to health and would retain more vitamins, minerals, and other nutrients than cooking in other materials and would prevent disease; that cooking in utensils of other materials was injurious to health; and that soap and water was all that was required to keep their stainless steelware sterile.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Western Flavor Seal Company, a corporation, and its officers, and Robert T. Caldwell and Jeannette Caldwell, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of cooking utensils made of stainless steel or of any other product of substantially similar composition, design, construction or purpose, do forthwith cease and desist from representing, directly or by implication, that:

1. The use of respondents' stainless steel cooking utensils is more conducive to health than the use of cooking utensils manufactured from materials other than stainless steel.

2. The use of cooking utensils manufactured from materials other than stainless steel is injurious to health.

3. Food cooked in respondents' stainless steel cooking utensils retains more vitamins, minerals or other nutrients than food cooked by the same method in cooking utensils manufactured from materials other than stainless steel.

4. The use of respondents' stainless steel cooking utensils will prevent disease or illness.

5. Respondents' stainless steel cooking ware can be rendered sterile merely by the application of soap and water.

6. Potatoes or any other foods cooked in respondents' stainless steel utensils are less fattening than potatoes or any other foods cooked in utensils manufactured from materials other than stainless steel.

It is further ordered, That the respondents herein shall, within sixty (60)

days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 24, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8948; Filed, Sept. 6, 1962; 8:51 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Statement of General Policy 61-1; Amdt. 5]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Area Price Levels for Natural Gas Sales by Independent Producers

AUGUST 30, 1962.

The Commission's Statement of General Policy No. 61-1 issued September 28, 1960, announced a price level of 18 cents per Mcf for initial sales in Texas District No. 4 (at 14.65 p.s.i.a.). The Statement of Policy specified that the price levels announced therein were to be "adjusted from time to time as such facts as may come before us compel such adjustments." The price level previously announced for Southern Louisiana was in fact adjusted by the Fourth Amendment to the Statement of General Policy on October 31, 1961.

The Commission in its opinion in the Skelly case issued this date has had occasion to re-examine the question of the in-line price in Texas District No. 4 immediately prior to September 28, 1960, in light of the subsequent court decisions dealing with the initial pricing question in producer certificate cases.

We have also reviewed the sales in District No. 4 subsequent to September 28, 1960. We have carefully re-examined the appropriate level of initial ceilings in this district in light of present conditions in the area giving due consideration to the applicable court decisions and the factors set forth in our original statement of policy.[1]

Just as was the case in our revision of the ceiling price in South Louisiana, our guiding purpose here is to arrive at a revised price which will enable the Commission to hold the line on new sales in this area at a level consistent with the public interest and, at the same time, to enable producers to obtain authorizations which provide them a reasonable basis for proceeding with their operations and furnishing needed supplies of gas. We conclude that, effective this date, the ceiling price level for initial sales in Texas District No. 4, inclusive of state taxes, shall be 16 cents per Mcf (at 14.65 p.s.i.a.).

By the Commission. Commissioners Morgan and Ross dissenting and filed separate statements.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-8925; Filed, Sept. 6, 1962; 8:45 a.m.]

[1] We there stated that these "included cost information from all decided and pending cases, existing and historical price structures, volumes of production, trends in production, price trends in the various areas over a number of years, trends in exploration and development, trends in demands, and the available markets for the gas."

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. FDC-64]

PART 37—FISH; DEFINITIONS AND STANDARDS OF IDENTITY; STANDARDS OF FILL OF CONTAINER

Findings of Fact and Order Ruling on Objections to Standard of Identity for Canned Tuna

In the matter of establishing a definition and standard of identity for canned tuna fish:

In the FEDERAL REGISTER of August 28, 1956 (21 F.R. 6492), there was published a notice of a proposal to establish a definition and standard of identity and a standard of fill of container for canned tuna fish. An order was published February 13, 1957 (22 F.R. 892), adopting the proposals, with modifications. Subsequently, objections were filed, and a public hearing was requested on two of the labeling requirements in the identity standard: (1) The requirement that tuna darker than a prescribed level be labeled "dark"; and (2) the requirement that for water-pack tuna the name on the label should include the words "in water". By an order published in the FEDERAL REGISTER of August 29, 1957 (22 F.R. 6961), notice was given that no objections had been filed to the fill of container standard or to the compositional requirements of the identity standard, and the effective date for these provisions, as set out in the order of February 13, 1957 (22 F.R. 892), was confirmed. In recognition of the objections to the labeling requirements of the identity standard, these requirements were stayed pending the outcome of the hearing on the issues raised by the objections (23 F.R. 245).

Pursuant to a notice of hearing published in the FEDERAL REGISTER (22 F.R. 10964), a public hearing was held to receive evidence on the issues raised by the objectors. Thereafter a tentative order including proposed findings of fact was published March 31, 1961 (26 F.R. 2723). Exceptions to this tentative order were filed in behalf of distributors of water-pack tuna imported from Japan. These exceptions challenged the conclusion that the objectors had failed to prove that the interests of consumers would be promoted by rescinding the provision requiring that the words "in water" be included in the name on labels of water-pack tuna. The record has been restudied, in the light of the exceptions, and findings concerning the objectors' claim that consumers usually discard the oil from oil-pack tuna have been revised. However, these revisions do not alter the ultimate conclusion that consumer interests would not be served by rescinding the requirement for including the words "in water" in the name on labels of water-pack canned tuna.

On the basis of the evidence received at the hearing, and pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e)(3), 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U.S.C. 341, 371(e)(3)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), and after consideration of the exceptions filed, which are adopted in part and rejected in part as is apparent from the detailed findings herein made; *It is ordered:*

A. That the findings of fact in the above-identified matter be established as follows:

Findings of fact.[1] 1. By an order published in the FEDERAL REGISTER of February 13, 1957 (22 F.R. 892), a definition and standard of identity for canned tuna fish was promulgated. Objections were filed protesting those portions of the order requiring that tuna darker in color than Munsell value 5.3 be declared on the label as "dark tuna" and that the name on the label of canned tuna packed in water rather than in oil include the words "in water" as a part of the name of the food. Notices of the objections, the stay of the labeling requirements, and the announcement of the public hearing on the objections were published in the FEDERAL REGISTER on August 29, 1957 (22 F.R. 6961), and December 28, 1957 (22 F.R. 10964). (Ex. 2, 4, 5, 7, 23)

2. The only issue concerning the color of canned tuna to be determined on the basis of the evidence was raised in the objection filed by one packer, the operator of a cannery in Maine, who advocated changing the wording of § 37.1(d)(3) of the standard from:

(3) *Dark.* This color designation includes all tuna darker than Munsell value 5.3, to

(3) *Tuna.* This designation includes all tuna darker than Munsell value 5.3 canned from the light meat of tuna.

The objection did not make an issue of whether the method specified in the order was appropriate for making the differentiation between dark and light tuna; of whether the value for such differentiation was properly set at 5.3 on the Munsell scale; or of whether the standard should require the label designation for tuna darker than Munsell value 5.3 to be different from the label designation for tuna lighter than Munsell value 5.3. The sole issue was whether the standard should require

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

cans containing tuna darker than Munsell value 5.3 to be labeled "dark tuna" rather than simply "tuna." (R. 9, 11–12, 14, 17, 38, 47, 54–55; Ex. 7)

3. The only witness who supported the objection to the label declaration "dark tuna" sometimes employed the phrase "light meat of tuna" to mean striated muscular tissue, as specified in § 37.1(c) of the standard, without regard to the color shade of such tissue. At other times, when referring to this same striated muscular tissue (as prepared from large blue-fin tuna and from Atlantic little tunny), the witness used the term "dark meat." Apparently, it was for this dark-colored striated muscular tissue that he urged the change of the standard to provide for labeling it by the unmodified word "tuna" though he sometimes used the designation "dark meat" or "black meat" to mean non-striated tissue, which is an entirely different part of the fish and which the standard requires to be eliminated before canning. (R. 18, 33–34, 37, 43, 50, 66)

4. Several kinds of tuna have been caught in the Atlantic waters, but the only color determinations reported in the record are for the categories little tunny; large blue-fin tuna, exceeding 500 pounds in weight; and blue-fin tuna ranging in weight from 20 pounds to 104 pounds. These color determinations showed that little tunny and the large blue-fin tuna yield canned tuna of color darker than Munsell 5.3. The canned tuna prepared from the smaller blue-fin tuna (those not exceeding 104 pounds in weight) measured lighter than Munsell 5.3. (R. 10, 18, 29–30, 54, 58, 60, 74, 76; Ex. 8)

5. The canned article prepared from large blue-fin tuna, where the fish weighed in excess of 500 pounds each, not only was of a dark color but it was coarse in texture and had a distinctive taste, described as stronger, heartier, and more fishy. The opinion was expressed that this darker colored, stronger flavored article prepared from large blue-fin tuna would appeal to a limited segment of consumers. (R. 14, 33–35, 46–47, 58–59)

6. The responses to a questionnaire answered by more than 4,000 consumers showed an interest on the part of a substantial number of consumers in having labels show whether the meat in the can is light or dark. A consumer survey in which interviewers visited 252 households in which the homemaker used canned tuna showed that 65 percent of these homemakers regarded a color photograph of a can of tuna measuring 5.3 on the Munsell scale as dark tuna. Over two-thirds of the homemakers interviewed were interested in whether the tuna they serve is light or dark tuna, and substantially all wanted the label on the cans to show whether the tuna is light or dark. (R. 140–141, 162–164, 168, 172, 184–189, 202–204, 210–212, 273, 278–279, 281–282; Ex. 14, 17, 18, 24, 25, 26)

7. In households where canned tuna is used, one of the forms in which it is most frequently served is as a salad. For use as a salad the color of tuna is important to housewives and they wish to avoid dark tuna for salads. (R. 42, 168–169)

8. The other issue for the hearing arose from objections filed by distributors of water-pack tuna imported from Japan. These distributors objected to the requirement that the name on the label of such canned tuna should include the words "in water." They asserted: (a) That showing the words "in water" in the name would lead consumers to believe that water would be a major ingredient of the food and that cans so labeled would contain less fish than equal-sized cans of oil-pack tuna; (b) that consumers usually discard the oil from oil-pack canned tuna; (c) that by inference the provision concerning label declaration of the words "in water" requires that these words must follow the word "tuna" in the same line on labels. They declared that these assertions would be proved by consumer letters and consumer-survey data that would be produced at the hearing. (R. 86–87, 91, 98, 101, 106–107, 109, 111–114, 134–135; Ex. 23)

9. Historically, it has been conventional to use vegetable oil as the packing medium for canned tuna. Tuna canned in the United States, with the exception of tuna prepared for special dietary usage, has been packed in oil. Around 1951 or 1952 small quantities of imported canned tuna packed in water appeared on the United States markets. Since then, the volume of imported water-pack tuna has increased considerably but remains substantially below the total volume of oil-pack tuna on the market. (R. 108, 112, 121, 127, 145–146, 148–149, 173, 249–250; Ex. 15, 16)

10. By various expressions the objectors asserted that consumers usually discard the oil from oil-pack tuna. Two objectors stated that the oil is "in practically all instances discarded"; one that it "is usually discarded"; another that it is "common practice to discard the oils"; and two objectors asserted that it is safe to state that 98 percent of consumers dispose of the oil "since it is not considered an edible part of the contents." The objectors failed to prove their assertions. The results of a questionnaire-type survey submitted by the Food and Drug Administration showed that of more than 4,000 consumers who answered the questionnaire, 56.4 percent reported that when using oil-pack tuna they either always or sometimes use the oil. This percentage agrees well with data published by the Fish and Wildlife Service of the United States Department of the Interior, showing that of more than 1,900 homemakers interviewed in a 1956 survey, 38.7 percent reported that in using oil-pack tuna they always use the oil with the fish and 20.4 percent reported that they sometimes use the oil. (R. 109, 150, 278–279; Ex. 16, 24–26)

11. Consumers are concerned whether the canned tuna they purchase is the conventional oil-pack article or is tuna packed in water. Some labels on water-pack tuna have shown "no oil added" or "without added oil," but, in general, the declaration that the tuna is packed in water has been so subordinated on labels that consumers would be apt to overlook it under customary conditions of purchase. Housewives serve canned tuna in various ways; they make salads, sandwiches, casserole dishes, tuna-with-noodles, and use tuna in other cooked dishes. Generally, recipes for the cooked dishes, and frequently those for tuna in salads, call for using the oil from the can along with the tuna fish. The oil adds richness and significantly increases the caloric value of the dishes. When following such recipes, a housewife using water-pack tuna needs to add butter, margarine, or salad oil. It promotes her interests for the label declaration showing that the tuna is packed in water to be so displayed that under ordinary conditions of purchase she will note it.

Some distributors of imported water-pack tuna have sought in their promotions to appeal to those consumers who wish to avoid high-calorie foods. These promotions have emphasized that canned tuna where water has been substituted for oil as the packing medium is lower in caloric value than conventional oil-pack tuna. The interest of these consumers also is promoted by a prominent label declaration to show that the tuna is packed in water. (R. 120, 128, 134, 137, 138, 167–174; Ex. 12)

12. A consumer survey especially designed to elicit evidence from a fair sample of homemakers on the issues raised in the objections to the canned tuna order was carried out by an organization experienced in conducting such consumer interviews. In this survey homemakers were shown cans of water-pack tuna under conditions designed to simulate those she would experience in marketing for canned foods. For cans with commercial labels, fairly representative of the labels that have been used on water-pack tuna and showing "Packed in water" on side panels, two-thirds of the homemakers interviewed mistakenly thought that the tuna was packed in oil. (R. 79–83, 178–190, 200–202, 207–210, 219, 221–223, 237, 245, 255, 270–271; Ex. 17–22)

13. The evidence at the hearing did not support the assertion by the objectors that including the words "in water" in the name on labels of water-pack tuna would lead consumers to believe water to be a major ingredient and to believe that the cans so labeled would contain less fish than similar cans of oil-pack tuna. In the consumer survey described in Finding 12, the interviewers showed homemakers cans of water-pack tuna with labels specially printed to conform to the requirements of the standard. The names on the labels were:

LIGHT TUNA FLAKES
IN WATER

and

SOLID PACK
LIGHT TUNA IN WATER

The homemakers were asked whether they thought the cans of water-pack tuna would contain less fish, the same amount of fish, or more fish than cans of the same size where the tuna is packed in oil. Half the homemakers answered that the amount of fish would be the

same and the others divided about equally between answering that there would be less fish or more fish in the cans of water-pack tuna. Two witnesses trained in statistically evaluating such data testified that these results do not support the claim that showing the words "in water" in the names on labels would lead consumers to believe the cans contain less tuna fish. (R. 87, 106–107, 111–112, 135, 204, 213–214, 251, 267–269, 274–275; Ex. 17–22)

14. The objectors to the labeling requirement for water-pack tuna failed to show that it would promote consumer interests to rescind the provision that the words "in water" be included in the name and to substitute a requirement that water be named on labels as an optional ingredient. One witness, supporting the objections, expressed approval of a suggestion that the words "in water" be shown on labels in type half as large, and on a line below, the other words in the name. A witness, trained and employed in the field of home economics, objected to the use of smaller type for the words "in water." She explained that women are accustomed to getting tuna packed in oil and for that reason when the tuna is packed in water the label should declare "in water" in easily legible type. She made no specific objection to the suggestion that these words be shown in a line immediately below other words in the name. (R. 97, 152, 154, 156, 165–168, 170, 173)

B. That the objections to the standard of identity be disallowed.

Effective date. Provisions A and B of this order are effective 120 days from the date of publication in the FEDERAL REGISTER.

C. That the stay as to the effective date of the labeling requirements of § 37.1(h) of the standard of identity for canned tuna (23 F.R. 245) shall terminate 120 days following the date of publication of this order in the FEDERAL REGISTER.

(Secs. 401, 701(e)(3), 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U.S.C. 341, 371(e)(3))

Dated: August 31, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62–8942; Filed, Sept. 6, 1962; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

LUBRICANTS WITH INCIDENTAL FOOD CONTACT

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Baker Castor Oil Company, 40 Avenue A, Bayonne, New Jersey, and The Haynes Manufacturing Company, 4180 Lorain Avenue, Cleveland 13, Ohio, and other relevant material, has concluded that the following regulation should issue with respect to food additives resulting from the use of lubricants for food-handling and processing machinery. Therefore, pursuant to the provisions of the Federal Food, Drug, and Costmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2553 Lubricants with incidental food contact.

Lubricants with incidental food contact may be safely used on machinery used for producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section:

(a) The lubricants are prepared from one or more of the following substances:

(1) Substances generally recognized as safe for use in food.

(2) Substances used in accordance with the provisions of a prior sanction or approval.

(3) Substances identified in this subparagraph.

Substances:	*Limitations*
Castor oil	Addition to food not to exceed 10 parts per million
Mineral oil	Do.
Polybutene (minimum average molecular weight 80,000).	Do.
Polyethylene	Do.

(b) The lubricants are used on food-processing equipment as a protective antirust film, as a release agent on gaskets or seals of tank closures, and as a lubricant for machine parts and equipment in locations in which there is exposure of the lubricated part to food. The amount used is the minimum required to accomplish the desired technical effect on the equipment, and the addition to food of any constituent identified in this section does not exceed the limitations prescribed.

(c) Any substance employed in the production of the lubricants described in this section that is the subject of a regulation in this Subpart F conforms with any specifications in such regulation; and any substance that is not the subject of a regulation in this Subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 31, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62–8941; Filed, Sept. 6, 1962; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

YELLOW PRUSSIATE OF SODA (SODIUM FERROCYANIDE DECAHYDRATE)

Correction

In F.R. Doc. 62–8809, appearing at page 8759 of the issue for Saturday, September 1, 1962, in the table for § 121.1032(a), the second entry in the "Uses" column should read: "As an adjuvant in the production of dendritic crystals of salt."

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 574—UNITED STATES SOLDIERS' HOME

Eligibility for Admission

Paragraph (a) of § 574.3 is amended by adding new subparagraph (4), as follows:

§ 574.3 Persons eligible for admission to the home.

(a) The following personnel are eligible for admission to the home, except as indicated in § 574.4:

* * * * *

(4) *Female personnel.* Enlisted women and warrant officers of the Regular Air Force and enlisted women and warrant officers of the Regular Women's Army Corps are eligible for membership under the same conditions set forth in this part for enlisted men and warrant officers of the Regular Army and Regular Air Force.

[AR 905–10, 3 August 1962] (R.S. 4815, as amended; 24 U.S.C. 41)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–8940; Filed, Sept. 6, 1962; 8:51 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Education and Training of World War II Veterans and Vocational Rehabilitation Under 38 U.S.C. Ch. 31

VOCATIONAL REHABILITATION FOR CERTAIN VETERANS BLINDED BY REASON OF A SERVICE-CONNECTED DISABILITY

A new § 21.801 is added to read as follows:

§ 21.801 Vocational rehabilitation for certain veterans blinded by reason of a service-connected disability.

(a) *Provisions of the act.* The law amends chapter 31, title 38, United States Code, by adding after section 1502 the following new section 1502A.

§ 1502A *Blinded veterans:* A veteran who is found to be in need of vocational rehabilitation to overcome the handicap of blindness resulting from a service-connected disability which affords basic eligibility for vocational rehabilitation under section 1502 (a) of this title may be afforded such vocational rehabilitation after the termination date otherwise applicable to him, but not beyond June 30, 1975, if

(1) he had not previously been rehabilitated (that is, rendered employable) as the result of training furnished under this chapter, or

(2) his blindness either has worsened, or has developed as a result of the worsening of his service-connected disability, since he was declared rehabilitated to the extent that it precludes his performing the duties of the occupation for which he was previously trained under this chapter.

(b) *Effect of the act.* The amendment makes vocational rehabilitation benefits available to disabled veterans of World War II and the Korean conflict who have not been rehabilitated from the present termination date to June 30, 1975, if the veteran is in need of vocational rehabilitation to overcome the handicap of blindness resulting from his service-incurred disability. Also included are benefits to a veteran who has been rehabilitated and whose blindness has developed as a result of his service-connected disability since he was declared rehabilitated to the extent that he is no longer able to perform duties of the occupation for which he received vocational rehabilitation training under chapter 31.

(c) *Definition.* For purposes of this act, blindness is defined as a visual impairment rated 70 percent or more disabling under the provisions of the Veterans Administration 1945 Schedule for Rating Disabilities, 1957 Loose Leaf Edition. The descriptions for these ratings are, in general, the same as the descriptions that are used to define industrial blindness. (Instruction 1, 38 U.S.C. 1502(c), Public Law 87–591.)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective September 7, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62–8979; Filed, Sept. 6, 1962; 8:56 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 2087]

SUBCHAPTER C—AREAS SUBJECT TO SPECIAL LAWS

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

SUBCHAPTER T—SALE, LEASE, OR USE, AND ACQUISITIONS

PART 259—DISPOSAL OF TIMBER AND MINERAL RESOURCES

Qualifications of Bidders and Purchasers

On page 5873 of the FEDERAL REGISTER of June 21, 1962, there was published a notice and text of a proposed amendment of 115.22 and 259.9 of Title 43, Code of Federal Regulations. The purpose of the amendment is to provide for an access road loan program for small concerns.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received and the proposed amendment is hereby adopted without change and is set forth below. In order that the public may promptly receive the benefits of the amendment, it shall become effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

AUGUST 31, 1962.

1. Section 115.22 is amended by designating the existing language as paragraph (a) and changing the letters in the first sentence to numbers in chronological order. A new paragraph, designated (b), is added. As so amended § 115.22 reads as follows:

§ 115.22 Qualifications of bidders.

(a) A bidder for the sale of timber must be (1) an individual who is a citizen of the United States, (2) a partnership composed wholly of such citizens, (3) an unincorporated association composed wholly of such citizens, or (4) a corporation authorized to transact business in the State of Oregon. A bidder must also have submitted a deposit in advance of sale as required by § 115.23. To purchase set-aside timber, the bidder must accompany his deposit with a self certification statement that he is qualified as a small business concern as defined by the Small Business Administration in its regulations (13 CFR Part 121).

(b) Where a timber sale notice provides that the successful bidder may use a Small Business Administration road construction loan, and the bidder has reason to believe that he qualifies for such road construction loan under SBA regulations (13 CFR Part 121), the bidder shall submit with his deposit a statement of his intention to file with SBA for such SBA road construction loan. If a statement is not timely filed, the Bureau may not participate in the cooperative loan program.

2. Section 259.9 is amended by designating the existing language as paragraph (a) and changing the letters in the first sentence to numbers in chronological order. A new paragraph, designated (b), is added. As so amended § 259.9 reads as follows:

§ 259.9 Qualification of bidders and purchasers.

(a) A bidder or purchaser for the sale of timber must be (1) an individual who is a citizen of the United States, (2) a partnership composed wholly of such citizens, (3) an unincorporated association composed wholly of such citizens, or (4) a corporation authorized to transact business in the States in which the timber is located. A bidder must also have submitted a deposit in advance, as required by § 259.10. To qualify for bidding to purchase set-aside timber, the bidder must accompany his deposit with a self certification statement that he is qualified as a small business concern as defined by the Small Business Administration (13 CFR Part 121).

(b) Where a timber sale notice provides that the successful bidder may use a Small Business Administration road construction loan, and the bidder has reason to believe that he qualifies for such road construction loan under SBA regulations (13 CFR Part 121), the bidder shall submit with his deposit a statement of his intention to file with SBA for such SBA road construction loan. If a statement is not timely filed, the Bureau may not participate in the cooperative loan program.

[F.R. Doc. 62–8966; Filed, Sept. 6, 1962; 8:54 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2767]

[Sacramento 072087]

CALIFORNIA

Partly Revoking Reclamation Withdrawal; Truckee-Carson Project

The departmental order of June 24, 1912, withdrawing lands in California in the first form of withdrawal for reclamation uses, is hereby revoked so far as it affects the following described lands (Auth: Sec. 3, act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416):

MOUNT DIABLO MERIDIAN

T. 13 N., R. 17 E.,
Sec. 5, lots 1 and 2.

Containing 80 acres.

The lands are a part of the Eldorado National Forest. At 10:00 a.m. on October 6, 1962, they shall be subject to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 31, 1962.

[F.R. Doc. 62-8967; Filed, Sept. 6, 1962; 8:54 a.m.]

[Public Land Order 2768]

[Fairbanks 010082]

ALASKA

Partly Revoking Public Land Order No. 1205; Withdrawing Lands for Department of Army

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1205 of August 10, 1955, withdrawing lands for use of the Department of the Air Force, is hereby revoked so far as it affects the following described lands:

FAIRBANKS MERIDIAN

T. 1 S., R. 4 E.,
Sec. 10, That portion of the W½ lying south of the Chena River;
Sec. 15, W½;
Sec. 18, That portion lying south of the Chena River;
Sec. 19, N½;
Sec. 20, S½;
Sec. 21, SW¼;
Sec. 22, NW¼.

Containing approximately 1,780 acres.

2. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Department of the Army for military training purposes:

FAIRBANKS MERIDIAN

T. 1 S., R. 4 E.,
Sec. 20, S½;
Sec. 21, SW¼.

Containing approximately 480 acres.

3. Until 10:00 a.m. on December 1, 1962, the State of Alaska shall have a preferred right to select the released lands in accordance with provisions of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

4. Applications and selections under the nonmineral public land laws and applicable regulations may be presented to the Manager, named below, beginning on the date of this order. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support thereof. All other applications will be subject to the applications and claims mentioned in this paragraph.

a. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (3) and (4) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on December 1, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands will be open to settlement under the homestead and Alaska homesite laws, and to location under the U.S. mining laws beginning at 10:00 a.m. on December 1, 1962.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 31, 1962.

[F.R. Doc. 62-8968; Filed, Sept. 6, 1962; 8:54 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Bombay Hook National Wildlife Refuge, Delaware, is permitted only on the area designated by signs as open to hunting. This open area, comprising 800 acres or 6 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston 11, Massachusetts. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer.

(b) Open season: From ½ hour before sunrise to ½ hour after sunset on October 6, 13, 20, and 27, 1962.

(c) Daily bag limits: One deer of either sex.

(d) Methods of hunting: Bows and arrows.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Persons may enter the public hunting area only at the designated entrance gate.

(3) A Federal permit is required to enter the public hunting area. Permits may be obtained at the entrance to the public hunting area from ½ hour before sunrise to ½ after sunrise and at the refuge headquarters from ½ hour after sunrise to sunset on the days when hunting is permitted on the refuge.

(4) The provisions of this special regulation are effective to October 28, 1962.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 31, 1962.

[F.R. Doc. 62-8950; Filed, Sept. 6, 1962; 8:51 a.m.]

PART 32—HUNTING

Deer Flat National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

IDAHO

DEER FLAT NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Deer Flat National Wildlife Refuge, Idaho, is permitted only on the area designated by signs as open to hunting. This open area, comprising 840 acres or 7 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Mule Deer.

(b) Open season: October 20 through November 4, 1962 (shotgun)—December 1 through 16, 1962 (bow and arrow)—Shooting hours—one hour before sunrise to one hour after sunset.

(c) Bag limits: One deer, either sex, each season.

(d) Methods of hunting:

(1) Weapons—Shotguns only (first season). Bow and arrow only (second season).

(2) Dogs—Dogs are not permitted for the hunting of deer.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping—Camping will be permitted in designated areas only.

(3) Hunters must report at such checking stations as may be established when entering or leaving the area.

(4) State Cooperation—State cooperation may be enlisted in the regulation, management, and operation of checking stations or the public hunting areas, and the state may promulgate such special regulations as may be necessary for these purposes.

(5) A Federal permit is not required to enter the public hunting area.

(6) The provisions of this special regulation are effective to December 17, 1962.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 30, 1962.

[F.R. Doc. 62-8955; Filed, Sept. 6, 1962; 8:52 a.m.]

PART 32—HUNTING

Fallon National Wildlife Refuge, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEVADA

FALLON NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Fallon National Wildlife Refuge, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,600 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant, Chukar and Hungarian Partridge, quail, sage grouse, mourning dove, and cottontail rabbit.

(b) Open season: Ring-necked pheasant—November 4 through 12, 1962; Chukar and Hungarian Partridge—September 29 through December 9, 1962; Quail—November 4 through 12, 1962; Sage Grouse—September 9–10, 1962; Mourning Dove—September 9 through October 20, 1962; Cottontail Rabbit—September 9, 1962, through January 31, 1963.

(c) Bag limits: As prescribed by State Regulation.

(d) Methods of hunting:

1. Weapons—Shotguns not larger than 10 gauge. Limited to 3 shell capacity when hunting mourning dove.

2. Dogs—Dogs may be used for hunting upland game.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area.

3. The provisions of this special regulation are effective to February 1, 1963.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 31, 1962.

[F.R. Doc. 62-8980; Filed, Sept. 6, 1962; 8:56 a.m.]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vermont

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special conditions; big game; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Hunting of big game on the Missisquoi National Wildlife Refuge, Vermont, is suspended for the 1962 season.

Annual inventory of big game animals indicates the population is such that no hunting should be permitted this year.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 31, 1962.

[F.R. Doc. 62-8951; Filed, Sept. 6, 1962; 8:51 a.m.]

PART 32—HUNTING

Montezuma National Wildlife Refuge, New York

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Montezuma National Wildlife Refuge, New York, is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,700 acres or 90 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston 11, Massachusetts. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer.

(b) Open season: Saturday, November 10, 1962 from 7:00 a.m. until 5:00 p.m.

(c) Daily bag limits: One deer of either sex.

(d) Methods of hunting: Bows and arrows only.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Such permits may be obtained by applying in person at the refuge headquarters on the day of the hunt.

(3) The provisions of this special regulation are effective to November 11, 1962.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 31, 1962.

[F.R. Doc. 62-8952; Filed, Sept. 6, 1962; 8:51 a.m.]

PART 32—HUNTING

Moosehorn National Wildlife Refuge, Maine

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Moosehorn National Wildlife Refuge, Maine, is permitted only on the area designated by signs as open to hunting. This open area, comprising 21,000 acres or 93 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston 11, Massachusetts. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer.

(b) Open season: From ½ hour before sunrise to ½ hour after sunset November 1 to December 5, 1962 except Sundays.

(c) Daily bag limits: One deer only of either sex.

(d) Methods of hunting: Rifles firing center fire cartridges and shotguns with loads of either rifled slugs, single ball, or buckshot not smaller than single 0 may be used.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) All deer taken on the refuge must be presented at a refuge checking station for examination.

(3) A Federal permit is required to enter the public hunting area. Such permits may be obtained at the refuge headquarters Monday through Friday from 7:30 a.m. to 4:00 p.m. during the fifteen days prior to the hunt and thereafter on the days and during the hours when hunting is permitted.

(4) The provisions of this special regulation are effective to December 6, 1962.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 31, 1962.

[F.R. Doc. 62-8953; Filed, Sept. 6, 1962; 8:51 a.m.]

PART 32—HUNTING

Necedah National Wildlife Refuge, Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Necedah National Wildlife Refuge, Wis-

consin, is permissible only on the areas designated by signs as open to hunting. These open areas, comprising approximately 39,500 acres and 98 percent of the total area of the refuge, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer only, during the season specified below. The hunting of big game species as may be otherwise authorized by Wisconsin State regulations is prohibited.

(b) Open season: Early bow season, September 22 through November 13, 1962; gun season, November 17 through November 25, 1962; late bow season, December 1 through December 31, 1962. Hunting hours: from one-half hour before sunrise to sunset each day.

(c) Bag limit is one deer per person: Bow seasons, one deer of any age or sex; gun season, one deer, buck only, with antlers not less than three inches in length.

(d) Methods of hunting:

(1) Weapons—It is unlawful to hunt deer with any .22 rim-fire rifle or any .410 bore shotgun or any shotgun or musket charge other than single ball or slug. Bows used must have a pull of not less than 30 pounds. Arrows used must have well-sharpened metal broad head blades not less than seven-eighths of an inch long and not more than one and one-half inches in width.

(2) Blinds—May be constructed of dead materials only, no live trees or shrubs may be cut.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective September 22 through December 31, 1962.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 30, 1962.

[F.R. Doc. 62-8957; Filed, Sept. 6, 1962; 8:52 a.m.]

PART 32—HUNTING

Parker River National Wildlife Refuge, Massachusetts

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Hunting of big game on the Parker River National Wildlife Refuge, Massachusetts, is suspended for the 1962 season.

Annual inventory of big game animals indicates the population is such that no hunting should be permitted this year.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 31, 1962.

[F.R. Doc. 62-8954; Filed, Sept. 6, 1962; 8:51 a.m.]

PART 32—HUNTING

Stillwater Wildlife Management Area, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEVADA

STILLWATER WILDLIFE MANAGEMENT AREA

Public hunting of upland game on the Stillwater Wildlife Management Area, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 180,430 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant, Chukar and Hungarian partridge, quail, sage grouse, mourning dove, and cottontail rabbit.

(b) Open season: Ring-necked pheasant—November 4 through 12, 1962; Chukar and Hungarian partridge—September 29 through December 9, 1962; Quail—November 4 through 12, 1962; Sage grouse—September 9–10, 1962; Mourning dove—September 9 through October 20, 1962; Cottontail rabbit—September 9, 1962 through January 31, 1963.

(c) Bag limits: As prescribed by State regulations.

(d) Methods of hunting:

(1) Weapons—Shotguns not larger than 10 gage. Limited to 3-shell capacity when hunting mourning dove.

(2) Dogs—Dogs may be used for hunting upland game.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to February 1, 1963.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 31, 1962.

[F.R. Doc. 62-8956; Filed, Sept. 6, 1962; 8:52 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 95]

TRANSPORTATION OF MAIL BEYOND BORDERS OF UNITED STATES

Proposed Increase in Compensation for Sea Transportation of Surface Mail and Formal Declaration of Service Elements Included in Compensation

The Department proposes, effective October 13, 1962, to amend the regulations in § 95.4 *Compensation for transportation of surface mail,* of Title 39, Code of Federal Regulations, as follows:

1. In general the rates of compensation for the services performed for the transportation of mail by American registry vessels are increased by about 10 percent. This overall increase has been made as a result of an analysis by the Post Office Department of claims made by the shipping lines in a petition filed with the Department on January 16, 1962, on behalf of 21 shipping lines, a staff report reviewing this petition, various factors pertaining to the handling of mail in international maritime service, increases in net cost to the shipping lines as well as increases made in commercial rates subsequent to 1951, and the response of the shipping lines to the staff report of the Department.

The increase is effected by a separate payment of some of the components of the present rate structure, that is, for cartage from postal facilities to piers, return of empty equipment, and by payment for foreign closed transit mail at the same rate as for U.S. origin mail. The payment on the basis of net weight is continued following a review and determination by the Department that the total maritime transportation compensation is adequate. Restatement to produce the same compensation on a gross weight basis could be done by a reduction in the maritime transportation rate. While the Department would have preferred to change the basis of payment from net to gross weight, industry representatives requested that the rate be continued on a net weight basis, if necessary, to prevent a reduction in the scale of maritime transportation rates.

2. No change is made in the level of compensation to foreign flag vessels nor to U.S. flag vessels transporting mail forwarded from the Canal Zone.

3. A new paragraph (d) is added permitting steamship companies which do not desire to carry mail to make application to the Department.

Although these proposed amendments relate to a proprietary function of the Government and confer a benefit upon the steamship companies, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that interested persons may have an opportunity to present written views concerning the proposed amendments. Accordingly, such written views may be submitted to the Assistant Postmaster General, Bureau of Transportation, Post Office Department, Washington 25, D.C. at any time prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

I. Section 95.4 *Compensation for transportation of surface mail,* is amended, effective October 13, 1962, to read as follows:

§ 95.4 Compensation for transportation of surface mail.

(a) Definite rates: Payment shall be made for the transportation of United States mail and foreign closed transit mail on steamships of the United States and foreign registry at the rates specified in the schedule below. The word "mail" includes parcel post. The rates cover all services performed by foreign flag vessels and all maritime services of U.S. flag vessels.

Distance conveyed (nautical miles)	(1) Rates [1]	(2) Rates [2]
Up to 300 miles	3.6	1.8
Over 300 up to 600 miles	3.6	2.5
Over 600 up to 1,000 miles	3.6	3.1
Over 1,000 up to 1,500 miles	4.1	3.6
Over 1,500 up to 2,000 miles	5.4	4.0
Over 2,000 up to 2,500 miles	5.4	4.4
Over 2,500 up to 3,000 miles	5.4	4.7
Over 3,000 up to 3,500 miles	5.8	5.0
Over 3,500 up to 4,000 miles	6.1	5.3
Over 4,000 up to 5,000 miles	6.4	5.6
Over 5,000 up to 6,000 miles	7.0	6.1
Over 6,000 up to 7,000 miles	7.5	6.5
Over 7,000 up to 8,000 miles	7.8	6.8
Over 8,000 miles	8.0	7.1

[1] Rates for: Maritime transportation of mail (except U.S. Mail transshipped from the Canal Zone) including outbound empty equipment on steamships of United States registry (cents per pound, net weight for mail).

[2] Rates for: 1. All mail (including empty air mail sacks) on steamships of foreign registry; and 2. United States Mail transshipped from Canal Zone on steamships of United States registry (cents per pound, net weight for mail).

In addition to the maritime transportation rates shown in column (1) above, the Post Office Department will either pay steamships of United States registry directly for costs incurred by them or assume the responsibility for cartage from postal facility to pier.

(b) Special rates: This section shall not prevent a carrier from accepting maritime transportation rates lower than those shown in paragraph (a) of this section.

(c) The maritime transportation rates prescribed in paragraph (a) of this section while measured by the net weight of the mail, are intended in all cases to include payment for the weight of the covering mail bags. In the case of vessels of foreign registry, the maritime transportation rates prescribed in paragraph (a) of this section while measured by the net weight of the mail, also include compensation for the return of empty surface mail bags and the transportation from the postal facility to the pier. Acceptance by steamship companies of mail for transportation constitutes an acceptance of this method of computing payment.

(d) Any steamship company desiring to be relieved of the transportation of mail may make written application to the Assistant Postmaster General, Bureau of Transportation, Post Office Department, Washington 25, D.C.

(R.S. 161, as amended; 5 U.S.C. 22, 18 U.S.C. 1724, 39 U.S.C. 501, 6101, 6409)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-9013; Filed, Sept. 6, 1962; 8:56 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 944]

ORANGES

Proposed Grade, Size, Quality, and Maturity Requirements for Importations

Pursuant to the authority contained in section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and as further amended by the Agricultural Act of 1961 (75 Stat. 303–306), notice is hereby given that the Department is giving consideration to the grade, size, quality and maturity requirements that will govern the importation of oranges into the United States.

There are at present four marketing orders effective pursuant to the said act that regulates the handling of oranges grown in the United States. Order No. 907, as amended (7 CFR Part 907), is applicable to Navel oranges grown in Arizona and in designated counties in California; Order No. 908, as amended (7 CFR Part 908), is applicable to Valencia oranges grown in Arizona and designated counties in California; Order No. 905, as amended (7 CFR Part 905), is applicable to Florida grown oranges; and Order No. 906 (7 CFR Part 906) is applicable to Texas grown oranges.

The act provides that, for specified commodities, including oranges, whenever two or more marketing orders regulating the same agricultural commodity produced in different areas of the United States are concurrently in effect, imports of such commodity shall be required to comply with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary, regulates the commodity produced in the area with which the imported commodity is in most direct competition. The proposal under consideration is to make applicable to all imports of oranges the same requirements as to grade, size,

quality, and maturity as those imposed under Order No. 906 on Texas oranges. Such requirements (§ 906.307 *Orange Regulation 4*) effective on September 1, 1962, are as follows:

• • • no handler shall handle:

(i) Any oranges of any variety, grown in the production area, which do not grade at least U.S. No. 3;

(ii) Any oranges of any variety, grown as aforesaid, which are smaller than 2⅜6 inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot, may be of a size smaller than 2⅜10 inches in diameter; • • •

When used herein, the terms "U.S. No. 3" and "diameter" shall have the same meaning as when used in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680–51.712).

All persons who desire to submit written data, views, or arguments for consideration in connection with the foregoing proposals should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the fifteenth day after publication of this notice in the FEDERAL REGISTER.

Dated: August 31, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–8973; Filed, Sept. 6, 1962; 8:55 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1002]

[Docket No. AO–71–A44]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice was issued on August 23, 1962 (27 F.R. 8597), of a public hearing beginning at 10:00 a.m., e.d.t., September 18, 1962, at Woodbridge Motor Lodge, Woodbridge, New Jersey, on proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey marketing area.

Notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders, (7 CFR Part 900), that, in addition to the proposed amendments set forth in the original notice of hearing, evidence will be received with respect to the additional provisions specified in the proposals listed below or to appropriate modifications thereof.

The additional proposals set forth below have not received the approval of the Secretary of Agriculture.

Proposals numbered 1, 4, and 5 in the original notice (27 F.R. 8597) are hereby modified as follows:

Proposed by Hudson-Mohawk Independent Milk Producers' Cooperative, Inc., and Mutual Federation of Independent Cooperatives, Inc.:

Proposal No. 1 is amended to read as follows:

Proposal No. 1. Provide in § 1002.71(c) for direct-delivery differentials at the same rates and applicable to the same zones as specified in the order as effective prior to December 1, 1961, at the pasteurizing and bottling plant where the milk of producers is first received or delivered, either in cans or from farm bulk tanks.

Proposed by Dairymen's League Cooperative Association, Inc.:

Add the following as the introductory sentence to proposal No. 4: "Direct-delivery differentials should be applicable on can milk produced and delivered to pasteurizing and bottling plants only."

Proposal No. 5 is amended to read as follows:

Proposal No. 5. Direct-delivery differentials should be applicable on bulk tank milk received at pasteurizing and bottling plants, the rates for which to be determined on the evidence presented at the hearing and in conformity with Proposal No. 4.

Copies of this supplemental notice of hearing and the order may be procured from the Market Administrator, 205 East 42d Street, New York 17, New York, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on August 31, 1962.

H. C. FEDDERSON,
Acting Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–8982; Filed, Sept. 6, 1962; 8:56 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1962 Rev. Supp. No. 8]

BALBOA INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

AUGUST 31, 1962.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $244,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1963. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in which Incorporated, Name of Company and Location of Principal Executive Office

California, Balboa Insurance Company, Los Angeles, California.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 62–8981; Filed, Sept. 6, 1962; 8:56 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 030451]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The United States Army Corps of Engineers has filed an application, Serial Number Arizona 030451 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws, subject to existing valid claims.

The applicant desires the land for construction, operation, and maintenance of Camelsback Dam and Reservoir.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections, in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix 25, Arizona.

If circumstances warrant it a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER BASE MERIDIAN, ARIZONA

T. 5 S., R. 28 E.,
Sec. 36: SE¼, unsurveyed.
T. 6 S., R. 26 E.,
Sec. 1: Lots 1 and 2, S½NE¼ and unsurveyed W½, SE¼;
Sec. 2: S½, unsurveyed;
Sec. 11: N½, unsurveyed;
Sec. 12: N½NE¼, NW¼, and N½SW¼, unsurveyed.
T. 5 S., R. 29 E.,
Sec. 7: W½E½, E½W½, and SW¼NW¼;
Sec. 11: E½NE¼, S½SW¼, SE¼;
Sec. 12: Lot 1, Lots 5 to 16 inclusive, NW¼NW¼, S½NW¼, SW¼, and Patented Mineral Survey 1029B to 1033B inclusive;
Sec. 13: NW¼NW¼;
Sec. 14: SW¼NE¼, N½NE¼, W½;
Sec. 15: E½NE¼, S½SW¼, SE¼;
Sec. 16: SE¼SE¼;
Sec. 18: N½, E½SW¼, SE¼;
Sec. 19: W½E½, and E½W½;
Sec. 21: NE¼, E½SW¼, SE¼;
Sec. 22: N½, NW¼SW¼, S½S½;
Sec. 25: Lots 2 and 3, Lots 5 to 16 inclusive, S½NW¼, SW¼;
Sec. 26: All;
Sec. 27: N½, N½N½SW¼, SE¼;
Sec. 28: N½N½;
Sec. 29: NE¼, S½NW¼, W½SW¼, N½SE¼;
Sec. 30: All;
Sec. 31: N½NE¼, W½;
Sec. 32: NW¼NW¼;
Sec. 35: N½N½;
Sec. 36: Lots 1 and 2.
T. 6 S., R. 29 E.,
Sec. 6: NW¼, W½SW¼, unsurveyed;
Sec. 7: NW¼NW¼, unsurveyed.
T. 5 S., R. 30 E.,
Sec. 6: Lots 3 to 6, 8, 9, 12, 13, 14, 15, 16, 17, 19, 20, 23, and 24 inclusive, and Mineral Survey 1654B;
Sec. 7: Lots 1 to 4 inclusive, and NE¼NW¼;
Sec. 30: Lots 2, 3, 4, SE¼NW¼, and E½SW¼;
Sec. 31: Lot 1, NW¼NE¼, S½NE¼, E½W½, SE¼;
Sec. 32: S½NW¼, SW¼;
Sec. 33: SE¼NE¼, S½;
Sec. 34: SW¼NW¼, W½SW¼.
T. 6 S., R. 30 E.,
Sec. 1: Lots 5 to 12 inclusive;
Sec. 2: Lots 1 to 12 inclusive;
Sec. 3: Lots 1 to 7 inclusive;
Sec. 4: Lots 1 to 6 inclusive, the North 9.44 acres of Lot 7, SE¼NW¼, and the Gila River between the meander lines of said lots of secs. 1, 2, 3, and 4.

The area described above aggregates approximately 13,232.43 acres.

Dated: August 29, 1962.

FRED J. WEILER,
State Director.

[F.R. Doc. 62–8963; Filed, Sept. 6, 1962; 8:53 a.m.]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 28, 1962.

The United States Department of Agriculture has cancelled its Proposed Withdrawal Application Serial No. Sacramento 048402 for withdrawal and reservation of lands as published in the FEDERAL REGISTER Document No. 57–7493 on page 7345 of the issue for September 13, 1957. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on October 2, 1962, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

MOUNT DIABLO MERIDIAN

T. 23 N., R. 10 E.,
Sec. 4: Lots 3, 4, SW¼;
Sec. 5: Lots 1, 2, 3, 4, S½N½;
Sec. 6: Lots 1, 2, S½NE¼;
Sec. 9: NW¼.
T. 24 N., R. 10 E.,
Sec. 31: SE¼NE¼, SE¼;
Sec. 32: NE¼NE¼, S½NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 33: N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 34: NW¼NE¼NW¼, NW¼NW¼, NW¼SW¼NW¼.

The area described totals approximately 879.96 acres in Plumas National Forest.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 62–8964; Filed, Sept. 6, 1962; 8:53 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 31, 1962.

The Bureau of Reclamation of the Department of the Interior has filed an application, Colorado 088220 for withdrawal of the lands described below from public entry, under the first form of withdrawal, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 338).

The applicant desires the land for reclamation purposes in connection with the Paonia Dam and Reservoir.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Gas and Electric Building, 910 15th Street, Denver 2, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 12 S., R. 89 W.,
Sec. 28, SW¼NW¼.

The above described area aggregates 40 acres.

HAROLD T. TYSK,
Chief, Division of Lands and Minerals.

[F.R. Doc. 62-8961; Filed, Sept. 6, 1962; 8:52 a.m.]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 31, 1962.

The Bureau of Reclamation has filed an application, Serial Number Nevada 058648 for the withdrawal of the lands described below, from all forms of appropriation, including the mining laws.

The applicant desires the land for use in connection with the proposed Moapa Valley Pumping Plant. For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box Number 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 14 S., R. 65 E.,
Sec. 13, NE¼, E½NW¼, NW¼NW¼, N½SE¼, SE¼SE¼;
Sec. 15, N½NE¼;
Sec. 16, SW¼;
Sec. 22, SE¼NE¼;
Sec. 24, E½NE¼, SW¼NE¼, SE¼SW¼, SE¼;
Sec. 25, NE¼SE¼;
Sec. 35, W½NW¼;
Sec. 36, lots 6 and 7.
T. 13 S., R. 66 E.,
Sec. 32, S½;
Sec. 33, S½;
T. 14 S., R. 66 E.,
Secs. 4 and 5;
Sec. 8, E½;
Sec. 9;
Sec. 10, W½;
Secs. 15 and 16;
Sec. 17, E½;
Sec. 18, lots 1, 2, 3, 4, E½W½;
Sec. 19;
Sec. 20, N½, N½S½;
Sec. 21, N½, SE¼;
Sec. 22, E½;
Sec. 23, W½NW¼, SW¼, SW¼SE¼;
Sec. 25, SW¼SW¼;
Sec. 26, W½NE¼, E½NW¼, NW¼NW¼, SW¼SW¼, E½SW¼, SE¼;
Sec. 27, S½NW¼, SW¼, S½SE¼;
Sec. 28, N½NE¼, SE¼NE¼;
Sec. 31, lot 2, SE¼NW¼, NE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 34, N½, SW¼, W½SE¼;
Sec. 35, N½, NE¼SE¼;
Sec. 36, W½, SW¼SE¼.
T. 15 S., R. 66 E.,
Sec. 1, lot 2, SW¼NE¼, SE¼NW¼, NW¼SE¼, SE¼SE¼;
Sec. 3, lots 3 and 4, S½NW¼;
Sec. 4, lots 1, 2, 3, and 4, S½N½, N½SW¼, SW¼SW¼;
Sec. 5, lots 1, 2, 3, and 4, S½NE¼, SW¼NW¼, N½SE¼;
Sec. 6, lots 1 and 7;
Sec. 8, S½NE¼, NW¼NW¼;
Sec. 9, S½NE¼.
T. 15 S., R. 67 E.,
Sec. 7, lot 1, SE¼NE¼, SW¼SE¼, NE¼SE¼;
Sec. 8, SW¼NW¼, NW¼SW¼, E½SW¼;
Sec. 14, W½;
Sec. 15, NE¼, N½NW¼;
Sec. 16, SW¼SE¼, NE¼SE¼;
Sec. 17, N½NW¼, SW¼NW¼, NW¼SW¼, SE¼SW¼;
Sec. 20, N½NE¼;
Sec. 21, N½NW¼, W½E½;
Sec. 23, SE¼NW¼;
Sec. 26, N½NW¼, SE¼NW¼;
Sec. 28, E½E½;
Sec. 34, SW¼NW¼, W½SW¼;
Sec. 35, NE¼SE¼;
Sec. 36, NW¼SE¼, SE¼SE¼.
T. 16 S., R. 67 E.,
Sec. 3, lot 3, SW¼NE¼, W½SE¼.
T. 15 S., R. 68 E.,
Sec. 31, lot 4, SE¼SW¼.
T. 16 S., R. 68 E.,
Sec. 6, lots 3-7, inclusive, SE¼NW¼, E½SW¼;
Sec. 7, lots 1 and 2, E½NW¼.

The area described contains 15,176.46 acres.

R. M. ZUNDEL,
Acting Land Office Manager, Post Office Box 1551, Reno, Nevada.

[F.R. Doc. 62-8962; Filed, Sept. 6, 1962; 8:53 a.m.]

[No. 63-2]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 29, 1962.

The Bureau of Land Management has filed an application, Serial No. Oregon 012693, for the withdrawal of all public domain lands in Oregon which are in and west of Range 8 East, Willamette Meridian, Oregon, excepting and excluding the lands described below, from application under the nonmineral public land laws, except the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended; leases, permits, or easements under the act of September 3, 1954 (63 Stat. 1146; 43 U.S.C. 931c, 931d); and the right-of-way laws. The area to be withdrawn aggregates approximately 242,417 acres.

The withdrawal is applicable to all lands within the area described upon the cancellation or release of prior entries, selections, or claims, or upon the revocation of prior withdrawals unless expressly otherwise provided in the order of revocation. This withdrawal shall attach to all nonpublic lands in the area described, upon acceptance of title to such lands by the United States which are received through exchange, or otherwise, and would became public domain lands.

The applicant desires these lands to facilitate their management for multiple uses including sustained yield timber production.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands excepted and excluded are:

WILLAMETTE MERIDIAN, OREGON

T. 4 S., R. 10 W.,
Sec. 19: Lots 1 and 2.
T. 6 S., R. 11 W.,
Sec. 15: Lot 15;
Sec. 23: Lot 13;
Sec. 24: Lot 35;
Sec. 27: Lot 15.
T. 15 S., R. 3 W.,
Sec. 20: Lots 1 and 2;
Sec. 26: Lots 4 and 5, South 8 feet of SE¼.
T. 15 S., R. 5 W.,
Sec. 6: Lot 5.
T. 16 S., R. 3 W.,
Sec. 26: Lot 3.
T. 17 S., R. 5 W.,
Sec. 28: Lot 5.
T. 17 S., R. 6 W.,
Sec. 14: Lot 4.
T. 22 S., R. 6 W.,
Sec. 8: Lot 7.
T. 23 S., R. 5 W.,
Sec. 1: Lot 1.
T. 23 S., R. 7 W.,
Sec. 32: Lot 5.
T. 23 S., R. 8 W.,
Sec. 1: Lot 4.
T. 25 S., R. 4 W.,
Sec. 16: NE¼NW¼.
T. 26 S., R. 4 W.,
Sec. 10: Lot 1.
T. 27 S., R. 5 W.,
Sec. 12: NW¼NE¼.
T. 28 S., R. 7 W.,
Sec. 14: Lot 1, N½NE¼.
T. 30 S., R. 2 W.,
Sec. 34: SE¼SW¼.
T. 30 S., R. 6 W.,
Sec. 20: Lots 1, 2, and 3.
T. 31 S., R. 2 W.,
Sec. 4: Lots 1 and 8.
T. 32 S., R. 7 W.,
Sec. 28: SW¼NE¼SW¼.
T. 35 S., R. 6 W.,
Sec. 14: NW¼SE¼.
T. 36 S., R. 1 E.,
Sec. 6: SE¼SE¼.
T. 37 S., R. 1 W.,
Sec. 10: SE¼SW¼.
T. 37 S., R. 2 W.,
Sec. 31: Lots 7 to 32 inclusive, NE¼NW¼SE¼.
T. 38 S., R. 2 W.,
Sec. 10: NE¼NW¼.
T. 39 S., R. 1 W.,
Sec. 3: Lot 1.
T. 39 S., R. 2 W.,
Sec. 18: NW¼NE¼SW¼.
T. 41 S., R. 7 E.,
Sec. 13: Lot 4, NE¼NE¼.

The areas described aggregate 924.94 acres.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 62-8965; Filed, Sept. 6, 1962; 8:54 a.m.]

[Utah (A-2); Order No. 1, Amdt.]

UTAH

Small Tract Classification; Amendment

Effective August 31, 1962, paragraph 5 is hereby amended to read as follows:

The lands classified by this order shall not become subject to applications under the Small Tract Act unless and until it is so provided by an order to be issued by an authorized officer of the Bureau of Land Management.

R. D. NIELSON,
State Director.

[F.R. Doc. 62-8959; Filed, Sept. 6, 1962; 8:52 a.m.]

[Utah (11-7)]

UTAH

Small Tract Classification; Amendment

Effective August 31, 1962, paragraph 9 is hereby amended to read as follows:

The lands classified by this order shall not become subject to application under the Small Tract Act unless and until it is so provided by an order to be issued by an authorized officer of the Bureau of Land Management.

R. D. NIELSON,
State Director.

[F.R. Doc. 62-8960; Filed, Sept. 6, 1962; 8:52 a.m.]

[Order No. 696, Amdt. 1]

CONTRACTS AND LEASES

Delegation of Authority

AUGUST 31, 1962.

1. Section 1(a)(5) is amended to read as follows:

SECTION 1 *Authority of Certain Offices to enter into Contracts and Leases.*
(a) • • •
(5) Those authorized to exercise the authority delegated by this section are: Assistant Director, Administration, Chief, Division of Administrative Services, Field Administrative Officers, State Directors.

2. Section 3 is amended to read as follows:

SEC. 3 *Revocation.* Bureau Order 679 of June 27, 1961, and its subsequent amendments are revoked. Redelegations of authority pursuant to Order No. 679 not inconsistent with the delegations herein made shall continue in force until revoked or superseded.

J. P. BEIRNE,
Acting Associate Director.

[F.R. Doc. 62-8958; Filed, Sept. 6, 1962; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-141]

AMERICAN EXPORT LINES, INC.

Notice of Hearing, Consolidation and Prehearing Conference

Notice is hereby given that a hearing has been authorized and directed to be held concerning an application filed by American Export Lines, Inc., 37-39 Broadway, New York 6, N.Y., for written permission of the Maritime Subsidy Board, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to allow this company's vessels operating in the subsidized Line F Round-the-World (Eastbound) Service to carry cargo and/or passengers without restriction from a port or ports in Puerto Rico to all United States North Atlantic ports (Maine-Virginia, inclusive).

The hearing will be conducted by the Chief Hearing Examiner, Maritime Administration/Maritime Subsidy Board, in accordance with the rules of practice and procedure of the Maritime Administration/Maritime Subsidy Board at a time and place to be announced and an initial decision will be issued.

Interested parties may inspect said application in the Office of the Chief Hearing Examiner, Room 3095 of the General Accounting Office Building, 441 G Street NW., Washington 25, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on September 14, 1962, notify the Secretary, Maritime Administration/Maritime Subsidy Board, in writing, in triplicate, and file a Petition for Leave to Intervene which shall state clearly and concisely the grounds of interest, and the alleged facts in support thereof. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration/Maritime Subsidy Board, Petitions for Leave to Intervene received after the close of business on September 14, 1962, will not be granted in this proceeding.

Notice is further given that a Prehearing Conference in this proceeding will be held in Room 4519 of the General Accounting Office Building at 10 a.m., e.d.t., on Friday, September 21, 1962, before the Chief Hearing Examiner.

In order to facilitate conduct of the Prehearing Conference, Petitioners for Leave to Intervene are requested to file with the Chief Hearing Examiner (with copies to the Applicant and the Hearing Counsel Branch, Division of Operating Subsidy Contracts, Office of General Counsel, Maritime Administration/Maritime Subsidy Board) on or before September 19, 1962:

1. Motions pertaining to the scope of the proceeding.
2. Proposed stipulations.
3. Statements of position.
4. Requests for evidence.
5. Proposed procedural dates.

Service of the foregoing documents should also be made by each Petitioner for Leave to Intervene upon all other Petitioners for Leave to Intervene. Their names may be obtained from the Docket Clerk in the office of the Chief Hearing Examiner from and after September 17, 1962.

Since the geographical area of Puerto Rico is involved in both, the proceedings in Docket S-141 are hereby consolidated with the proceedings in Docket S-140, notice of which was published in the FEDERAL REGISTER on August 1, 1962 (27 F.R. 7580).

Dated: September 4, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-9031; Filed, Sept. 6, 1962; 8:56 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-155]

CONSUMERS POWER CO.

Notice of Issuance of Provisional Operating License

Please take notice that pursuant to an Initial Decision of the Hearing Examiner dated August 16, 1962, the Director of the Division of Licensing and Regulation has issued Provisional Operating License No. DPR-6 to Consumers Power Company for its boiling water nuclear reactor located in Charlevoix County, Michigan.

The license authorizes the loading of the reactor, the conduct of tests and the operation of the reactor up to and including steady-state power levels of 157 megawatts thermal but specifies that the core may not be loaded and operation of the facility may not begin until the Director, Division of Licensing and Regulation, has found that construction of the facility has been completed in conformity with Construction Permit No. CPPR-9 and the Application.

The license also provides that Consumers shall not load fuel or operate the reactor until it has filed with the Division of Licensing and Regulation proof of financial protection in accordance with Part 140 of the Commission's regulations in the amounts specified in the license.

The license will expire eighteen months after the date of its issuance (unless extended for good cause shown), or upon the earlier issuance of a superseding operating license.

Copies of the Initial Decision and the license are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 30th day of August 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-8923; Filed, Sept. 6, 1962; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

PAN AMERICAN FORWARDING CO., INC., AND J. D. SMITH INTER-OCEAN, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8999, is between Pan American Forwarding Co., Inc. of Miami, and J. D. Smith Inter-Ocean, Inc., of New York, each of whom is an independent ocean freight forwarder pursuant to section 44, Shipping Act, 1916. The parties will perform freight forwarding services for each other, dividing ocean freight brokerage equally. The party accomplishing the work will retain the entire forwarding fee.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., or at the Commission's field offices at:

45 Broadway,
New York 4, N.Y.

701 Loyola Street,
New Federal Building,
P.O. Box 52948 (mailing address),
New Orleans, La.

180 New Montgomery Street,
San Francisco, Calif.

They may submit, to the Secretary, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: September 4, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-8977; Filed, Sept. 6, 1962; 8:56 a.m.]

AMERICAN PRESIDENT LINES, LTD., AND KNUTSEN LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8991, between American President Lines, Ltd., and the carriers comprising the Knutsen Line joint service, covers a through billing arrangement for the transportation of frozen lobster tails, in boxes, from Fremantle, Australia to Honolulu, Hawaii, with transhipment at Hong Kong.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulations, Federal Maritime Commission, Washington, D.C., and may submit within eight days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Commission.

Dated: September 6, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-9034; Filed, Sept. 6, 1962; 8:56 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-11294 etc.]

ARKANSAS LOUISIANA GAS CO.

Notice of Further Extension of Time and Postponement of Hearing

AUGUST 30, 1962.

Arkansas Louisiana Gas Company, Docket Nos. G-11294, G-13459, G-16508, G-19657, and RP61-11.

Upon consideration of the request filed August 24, 1962, by Counsel for Arkansas Louisiana Gas Company for a further extension of time within which to serve prepared testimony and exhibits for its case-in-chief upon all parties as ordered in Paragraph (C) of the Commission's order of July 5, 1962, and for further postponement of the hearing presently scheduled for September 24, 1962;

Notice is hereby given that the time within which Arkansas Louisiana Gas Company shall serve its prepared testimony and exhibits for its case-in-chief upon all parties is hereby further extended to and including September 30, 1962, and that the hearing presently scheduled for September 24, 1962, is further postponed to October 24, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8926; Filed, Sept. 6, 1962; 8:45 a.m.]

[Docket Nos. CP62-266, CP62-267]

EL PASO NATURAL GAS CO. AND SOUTHWEST GAS CORP.

Notice of Applications and Date of Hearing

AUGUST 30, 1962.

Take notice that on May 16, 1962, as supplemented on June 26 and June 27, 1962, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP62-266 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon facilities and for a certificate of public convenience and necessity to acquire, construct, and operate facilities, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Take further notice that on May 16, 1962, as supplemented on June 19, June 28, July 16, and July 19, 1962, Southwest Gas Corporation (Southwest), P.O. Box 271, Las Vegas, Nevada, filed in Docket No. CP62-267 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon facilities and for a certificate of public convenience and necessity to construct and operate facilities, all as more fully set forth in the application as supplemented, which is on file with the Commission and open to public inspection.

El Paso seeks authority to (1) purchase approximately 35 miles of 10¾-inch and 16-inch transmission lines from Southwest, (2) abandon in place approximately 7.52 miles of 10¾-inch pipeline purchased from Southwest, and (3) loop approximately ten miles of its San Juan main line facilities with 30-inch pipe and approximately nine miles of the lateral serving Southwest with 16-inch pipe, construct and operate a 1,040 horsepower compressor station to serve the lateral line to Southwest, and add 2,500 additional horsepower and other compression modifications at various stations on the San Juan Topock main line.

Southwest proposes to (1) sell the facilities described above to El Paso, (2) abandon and remove approximately 29.52 miles of 10¾-inch pipeline located in California, and (3) relocate approximately 15 miles of the 10¾-inch abandoned line and loop existing facilities in Nevada with approximately 55.1 miles of 16-inch line.

El Paso plans to pay $885,467 for the pipeline to be acquired from Southwest. The part of this pipeline to be abandoned is valued at about $102,000. El Paso's construction costs are estimated at $3,247,000. El Paso proposes to finance the project from current working funds, supplemented, as necessary, with short-term bank loans.

Southwest's project is estimated to cost $2,686,776, to be financed from internal sources, from short-term bank loans, and from such external sources as may be authorized by the Public Utilities Commission of California and the Arizona Corporation Commission.

El Paso's project will increase the capacity on its San Juan line by 70,340 Mcf per day. Southwest's project is designed to increase its present capacity by 40,000 Mcf to a total of 100,000 Mcf per day. The proposed increased capacity will enable Southwest to make increased deliveries to its existing customers. The principal purchaser of the increased quantities will be Nevada Power Company which desires the additional gas to increase its electrical output.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 9, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1962 . Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8928; Filed, Sept. 6, 1962; 8:45 a.m.]

[Docket No. RI63-58]

HURLEY OIL AND GAS CO: ET AL.

Order Suspending Proposed Change in Rate and Setting Date for Hearing

AUGUST 30, 1962.

On August 10, 1962, Hurley Oil and Gas Company (Operator), et al., (Hurley)[1] tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The sale is made at a pressure base of 15.025 psia. The proposed change is designated as follows:

Description: Notice of Change, dated August 6, 1962.
Purchaser: Transcontinental Gas Pipe Line Corporation.
Producing area: Vacherie Field, St. James Parish, La. (Southern Louisiana).
Rate schedule designation: Supplement No. 1 to Hurley's FPC Gas Rate Schedule No. 8.
Proposed rate: 24.05 cents per Mcf.[2]
Effective rate: 23.05 cents per Mcf.[3]
Annual increase: $1,825.
Effective date: September 10, 1962 (stated effective date is the date proposed by Hurley).

The fact that the increased rate herein proposed is the highest ever filed with this Commission for sales in the South Louisiana area and is higher than any rate ever proposed by a producer for the initial sale of gas from this area, points up the need to suspend the effectiveness of the rate and to order an expeditious hearing thereon. Moreover, this need is underlined by the fact that not only will the increased rate, if permitted to become effective, result in a substantial increase in pipeline gas purchase costs[4] but the triggering effect of such increased rate on other producer rates could exceed $230,000 per year from this area. The proposed rate may also serve as a basis for a price redetermination at a higher rate under other gas purchase contracts in this area. Additionally, the proposed increased rate is greatly in excess of the applicable price level set forth in the Commission's Statement of General Policy No. 61-1, as amended.

In view of the need for expeditious action herein, the hearing examiner is directed to take all steps necessary to make certain that the hearing proceeds with the greatest dispatch and in accordance with the procedural requirements hereinafter set forth.

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 15, and 16 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held on October 15, 1962, commencing at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Hurley's FPC Gas Rate Schedule No. 8.

(B) Pending such hearing and decision thereon, Supplement No. 1 to Hurley's FPC Gas Rate Schedule No. 8 is hereby suspended and the use thereof deferred until February 10, 1963, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Prior to the hearing, on or before October 1, 1962, Hurley shall serve upon all parties to this proceeding its direct evidence in support of its proposed increased rate and charge for the subject sale; at the beginning of the hearing, witnesses for Hurley shall adopt their testimony and be cross-examined; the presiding examiner shall then determine and order such further procedures as will expedite the determination of the issues in this proceeding.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 17, 1962. Answers to petitions to intervene may be filed within 10 days after the date of service of the petition, but in no event later than September 25, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8931; Filed, Sept. 6, 1962; 8:46 a.m.]

[1] Address is: 400 Petroleum Building, Shreveport, Louisiana.

[2] Periodic rate increase.

[3] Hurley is presently selling gas under a temporary certificate issued in Docket No. G-17775, at 23.05 cents per Mcf unconditioned.

[4] Indeed the proposed increased rate exceeds the commodity component in the CD rate of the purchaser, Transcontinental Gas Pipe Line Corporation, for its applicable rate zone.

[Project No. 2318]

NIAGARA MOHAWK POWER CORP.

Notice of Application for License

AUGUST 30, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Niagara Mohawk Power Corporation (correspondence to Lauman Martin, Vice President and General Counsel, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse 2, New York) for a license for constructed water-power Project No. 2318, known as the "E. J. West Project", located on the Sacandaga River, about six miles upstream from the confluence of the Sacandaga and Hudson Rivers, in Saratoga County, New York, in the vicinity of Hadley and Conklingville, affecting navigable waters of the United States, and consisting of the intake structure with tractor type headgates located at the downstream end of the spillway channel of the Conklingville Dam, of the Hudson River-Black River Regulating District of the State of New York; four concrete penstocks, two for each unit; a powerhouse located 600 feet downstream containing two 14,000-horsepower turbines each connected to a generator of 10,000-kilowatt capacity; tailrace and other necessary appurtenances.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is October 11, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8927; Filed, Sept. 6, 1962; 8:45 a.m.]

[Docket No. G-13255 etc.]

SHELL OIL CO. ET AL.

Notice of Severance

AUGUST 30, 1962.

Shell Oil Company, et al., Docket No. G-13255, et al.; Edwin L. Cox, Docket No. CI62-621; Dunlap Oil Company, Docket No. CI62-954; Texaco Inc., Docket No. CI61-1757.

Notice is hereby given that the three above-entitled matters, heretofore scheduled for a hearing to be held in Washington, D.C., on September 5, 1962, at 9:30 a.m. e.d.s.t. in the consolidated proceeding entitled Shell Oil Company, et al.,

Docket Nos. G–13255, et al., are severed therefrom and will be consolidated in the proceeding entitled Amerada Petroleum Corporation, et al., Docket Nos. CI62–1544, et al., by order of the Commission issued August 30, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–8929; Filed, Sept. 6, 1962; 8:46 a.m.]

[Docket No. G–13255 etc.]

SHELL OIL CO. ET AL.

Notice of Severance

AUGUST 30, 1962.

Shell Oil Company, et al., Docket No. G–13255, et al.; Producing Properties, Inc., et al., Docket No. CI61–1236; J. N. Pratt, et al., Docket No. CI62–1373.

Notice is hereby given that the proceedings in Docket Nos. CI61–1236 and CI62–1373, being the applications of Producing Properties, Inc., et al. and J. N. Pratt, et al., respectively, heretofore scheduled for a hearing to be held in Washington, D.C., on September 5, 1962, at 9:30 a.m., e.d.s.t., in the consolidated proceeding entitled Shell Oil Company, et al., Docket Nos. G–13255, et al., are severed therefrom for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–8930; Filed, Sept. 6, 1962; 8:46 a.m.]

[Docket No. G–9446 etc.]

SHELL OIL CO. ET AL.

Order Amending Order Conditionally Approving General Rate Settlement Proposal, Severing Proceedings, Terminating Proceedings and Requiring Refunds

AUGUST 30, 1962.

On August 1, 1962, the Commission issued an order in the above-entitled proceedings conditionally approving the general rate settlement proposal of Shell Oil Company (Shell). In the order we noted that the settlement proposal involved certain sales for which the issuance of related permanent certificates is pending, and provided for the setting of abridged certificate hearings thereon, indicating that the proposed initial price is the settlement price. Included in such sales is the Eugene Island Block No. 128 Field sale to Transcontinental Gas Pipe Line Corporation (Transco) under Shell's FPC Gas Rate Schedule No. 244 which is being rendered under temporary authorization in Docket No. CI61–1066.

By telegram of August 13, 1962, to the Secretary, Shell informed the Commission that when preparing its settlement proposal Shell erroneously assumed that a Louisiana gas severance tax was being paid on production of gas under its Rate Schedule No. 244 and that Transco was reimbursing Shell for part of said tax. Shell stated that as the lands covered by said rate schedule are located within Zone 3, Offshore Louisiana, its sales of gas therefrom are not subject to such tax. Accordingly, Shell agrees that the settlement price and the proposed initial price involved in the abridged certificate hearing should be 19.5 cents per Mcf, in lieu of the 21.25 cents per Mcf as reflected in Appendix A, Sheet 10 of 15 of the Commission's order issued herein on August 1.

The Commission orders:

For the foregoing reasons, our order issued August 1, 1962 in these proceedings, is hereby amended to reflect therein the substitution of 19.5 cents per Mcf, in lieu of 21.25 cents per Mcf, as the proposed settlement price under Shell's FPC Gas Rate Schedule No. 244 in Appendix A, Sheet 10 of 15.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–8932; Filed, Sept. 6, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 4, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37911: *Fine coal to McManus and Mitchell, Ga.* Filed by O. W. South, Jr., Agent (No. A4231), for interested rail carriers. Rates on bituminous fine coal, as described in the application, in carloads, from mine origins on the N & W Ry., in southwest Virginia, to McManus and Mitchell, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 44 to Southern Freight Association tariff I.C.C. S–64.

FSA No. 37912: *Iron and steel articles to points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B–8257), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from points in official (not including Illinois), and southern territories, to Fondren, Nadeau, San Leon and Seabrook, Tex.

Grounds for relief: Market Competition.

Tariff: Supplement 277 to Southwestern Freight Bureau tariff I.C.C. 4308.

By the Commission.

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–8943; Filed, Sept. 6, 1962; 8:50 a.m.]

[Drouth Order No. 62; Amdt. No. 2]

KENTUCKY AND GEORGIA

Drouth Order; Addition of Certain Counties

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing, that due to the drouth conditions existing in the State of Kentucky the Commission issued its Drought Order No. 62 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport hay to the drouth area at reduced rates;

And it further appearing, that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to additional counties in the State of Kentucky and to portions of the State of Georgia:

It is ordered, That Drouth Order No. 62, as amended, be, and it is hereby, further amended by adding thereto the following counties:

Kentucky, 24 counties, viz.:

Allen.	Daviess.	Jefferson.
Barren.	Edmonson.	Larue.
Butler.	Fulton.	Livingston.
Caldwell.	Hancock.	Lyon.
Carlisle.	Hardin.	Marshall.
Christian.	Hart.	Meade.
Crittenden.	Henderson.	Ohio.
Cumberland.	Hickman.	Warren.

Georgia, 4 counties, viz.:

Bleckley.	Screven.	Twiggs.
Laurens.		

It is further ordered, That in all other respects Drouth Order No. 62 as amended shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 31st day of August, A.D. 1962.

By the Commission, Chairman Murphy.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–8978; Filed, Sept. 6, 1962; 8:56 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

AUGUST 31, 1962.

The Class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on The National Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on The National Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10), days, September 2, 1962, through September 11, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–8969; Filed, Sept. 6, 1962; 8:54 a.m.]

[File No. 1–3445]

E. L. BRUCE CO.

Order Summarily Suspending Trading

AUGUST 31, 1962.

The common stock, par value $1.00, of E. L. Bruce Co. (Incorporated), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 1, 1962, through September 10, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–8970; Filed, Sept. 6, 1962; 8:54 a.m.]

[File No. 1–4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

AUGUST 31, 1962.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 2, 1962, through September 11, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–8971; Filed, Sept. 6, 1962; 8:54 a.m.]

[File No. 1–4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

AUGUST 31, 1962.

The Common Stock, Par Value $1.00, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 1, 1962, through September 10, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–8972; Filed, Sept. 6, 1962; 8:54 a.m.]

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Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55), AND MARYLAND TOBACCO

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GENERAL

§ 724.50 Basis and purpose.

(a) The regulations contained in §§ 724.50 through 724.67 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) and govern the establishment of farm acreage allotments and normal yields for burley, flue-cured, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder (types 51 and 52), cigar-filler and binder (types 42, 43, 44, 53, 54 and 55), and Maryland tobacco for the 1963–64 and subsequent marketing years. The regulations shall apply to the 1963–64 and subsequent marketing years and shall remain in effect until amended, superseded, or cancelled, except that allotments shall not be determined for any year for any kind of tobacco for which the Secretary is not required to announce a national marketing quota under section 312(a) of the Act. The regulations for the kinds of tobacco covered in these regulations for marketing years prior to the 1963–64 marketing year (Burley, Flue-cured, Fire-cured, Dark Air-cured and Virginia Sun-cured, Part 725; Cigar-binder (types 51 and 52) and Cigar-filler and Binder (types 42, 43, 44, 53, 54 and 55), Part 723; and Maryland, Part 727) were issued on an annual basis and shall remain in full force and effect for the marketing years for which they were issued. Prior to preparing the regulations in §§ 724.50 through 724.67, public notice (27 F.R. 7034) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1001–1011). The data, views, and recommendations pertaining to the regulations in §§ 724.50 through 724.67, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In view of the fact that the determination of 1962 tobacco history acreage and 1963 preliminary acreage allotments is required to be undertaken immediately in order to timely establish farm acreage allotments and such work cannot be done until these regulations become effective, it is hereby found and determined that compliance with the 30-day effective date provision of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore, these regulations shall become effective upon the date of publication in the FEDERAL REGISTER.

§ 724.51 Definitions.

As used in §§ 724.50 through 724.67, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The following terms shall have the meanings assigned to them in Part 719 of this chapter: "Allotment", "combination", "community committee", "county committee", "State committee", "county", "county office manager", "cropland", "closing dates", "Department", "Deputy Administrator", "division", "farm", "farm serial number", "field", "history acreage", "operator", "person", "photograph number", "producer", "reconstitution", "Secretary", "Soil Bank Contract", "State Executive Director", and "subdivision". References contained herein to other parts of this chapter or title shall be construed as references to such parts and any amendments.

(b) "Director" means the Director, or Acting Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(c) "Base period" means the five calendar years immediately preceding the year for which farm acreage allotments are currently being established.

(d) "New farm" means a farm on which there is no tobacco history acreage in one or more years of the base period. If, in accordance with applicable law and regulations, no tobacco acreage allotment was determined for the farm for any year of the base period, any production of tobacco on such farm during the base period shall not be considered in determining whether the farm is a new farm. The term "tobacco history acreage" as used in this paragraph shall be as defined and explained in § 724.55.

(e) "Old farm" means a farm on which there is tobacco history acreage in one or more years of the base period. If, in accordance with applicable law and regulations, no tobacco acreage allotment was determined for the farm for any year of the base period, any production of tobacco on such farm dur-

ing the base period shall not be considered in determining whether the farm is an old farm. The term "tobacco history acreage" as used in this paragraph shall be as defined and explained in § 724.55.

(f) "Current year" means the calendar year for which acreage allotments are being established, or tobacco history acreage and normal yields are being determined.

(g) "Tobacco" means:

(1) Burley tobacco type 31; flue-cured tobacco types 11, 12, 13, and 14; fire-cured tobacco type 21, fire-cured tobacco types 22, 23, and 24; dark air-cured tobacco types 35 and 36; Virginia sun-cured tobacco type 37; cigar-binder (types 51 and 52) tobacco; cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco; or Maryland tobacco type 32, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the United States Department of Agriculture, or all, as indicated by the context; and

(2) Any tobacco that has the same characteristics, and corresponding qualities, colors, and lengths as either burley tobacco type 31; flue-cured tobacco types 11, 12, 13 and 14; fire-cured tobacco type 21; fire-cured tobacco types 22, 23 and 24; dark air-cured tobacco types 35 and 36; Virginia sun-cured tobacco type 37; cigar-binder (types 51 and 52) tobacco; cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco; or Maryland tobacco type 32; shall be considered respectively either burley tobacco type 31; flue-cured tobacco types 11, 12, 13 and 14; fire-cured tobacco type 21; fire-cured tobacco types 22, 23 and 24; dark air-cured tobacco types 35 and 36; Virginia sun-cured tobacco type 37; cigar-binder (types 51 and 52) tobacco; cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco; or Maryland tobacco type 32; regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 724.52 Extent of determination of allotments, computations, and rule of fractions.

Farm acreage allotments shall be determined in hundredths and any allotment of less than 0.01 acre shall be increased to 0.01 acre. Computations shall be carried two places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 equal 10.55; 10.5550 equals 10.55; 10.5551 equals 10.56; 10.5582 equals 10.56; and .0001 equals .01.

§ 724.53 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by, the Deputy Administrator for State and County Operations of the Agricultural Stabilization and Conservation Service.

§ 724.54 Applicability of §§ 724.50 through 724.67.

Sections 724.50 through 724.67 govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the 1963–64 and subsequent marketing years beginning July 1 for flue-cured tobacco, and October 1 for other kinds of tobacco.

ACREAGE ALLOTMENTS, HISTORY ACREAGE, AND NORMAL YIELDS FOR OLD FARMS

§ 724.55 Determination of preliminary acreage allotments and tobacco history acreage for old farms.

(a) Subject to the provisions of paragraph (b) of this section, the preliminary tobacco acreage allotment for a farm for the current year shall be the same as the allotment (prior to any reduction for violation) for the preceding year: *Provided*, That if the tobacco history acreage for the farm in neither of the two preceding years was as much as 75 percent of the allotment (after any reduction for violation), the preliminary allotment shall be the larger of (1) the largest tobacco history acreage in the two preceding years, or (2) the five-year average tobacco history acreage during the base period.

(b) Notwithstanding the foregoing provisions of this section, no farm tobacco preliminary allotment (or farm tobacco acreage allotment) for the current year shall be determined for any land which the county committee determines is devoted to commercial or residential development or other nonagricultural purposes, was not and could not have been acquired under the right of eminent domain by the person or agency that acquired it, and is retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment (or allotment) for (1) an old farm returned to agricultural production if the allotment for the retired land was not allocated to other land contained in the farm of which the retired land was a part, or (2) a farm for which an acreage allotment may be determined under the provisions of § 724.59 (a): *And provided further*, That the provisions of this paragraph and section shall be subject to the provisions of § 719.9(h) of this chapter under which, subject to the conditions contained therein, the allotment and history acreage for a farm remain with the parent farm if a tract of land, which was not or could not have been acquired by eminent domain, is transferred from the parent farm for non-agricultural purposes.

(c) The tobacco history acreage during the base period shall be determined as follows:

(i) *For 1960 and subsequent years.* *a.* The tobacco history acreage for 1960 and each subsequent year shall be the same as the allotment for 1960 or the respective subsequent year (prior to any reduction for violation) if (*1*) the farm consists of Federally-owned land for which a restrictive lease is in effect as provided in Part 719 of this chapter, or (2) if in 1960 or the respective subsequent year, or in either of the two preceding years, the sum of the final tobacco acreage on the farm, any acreage transferred from the farm under lease and transfer provisions, and the acreage regarded as planted to tobacco under the provisions of the Soil Bank Act was as much as 75 percent of the allotment (after any reduction for violation), or (3) if in 1960 or the respective subsequent year or in either of the two preceding years, the allotment for a farm is or was in a pool as described in paragraph (g) of this section.

b. If the tobacco history acreage cannot be considered the same as the tobacco acreage allotment under the provisions of (*a*) of this subdivision, it shall be the sum of the final tobacco acreage on the farm, any acreage transferred from the farm under lease and transfer provisions, the acreage regarded as planted to tobacco under the Soil Bank Act, and the amount of any reduction for violation, not to exceed the allotment prior to any reduction for violation, (unless the provisions of (c) of this subdivision are applicable);

(c) If the county committee determines (with the approval of a representative of the State committee) that for any year the sum of the final tobacco acreage, any acreage transferred from the farm under lease and transfer provisions, and the acreage regarded as planted to tobacco under the Soil Bank Act is less than 75 percent of the allotment (after any reduction for violation) because of abnormal weather or disease, the tobacco history acreage for such year shall be adjusted to become the smaller of (*1*) the allotment (prior to any reduction for violation), or (2) the sum of the final tobacco acreage for the farm, any acreage leased and transferred from the farm, the additional acreage which the county committee determines (with the approval of a representative of the State committee) would have been included in the final acreage except for abnormal weather or disease, the acreage regarded as planted to tobacco under the Soil Bank Act, and the amount of any reduction for violation. However, even if the tobacco history acreage is adjusted to 75 percent or more of the allotment, the allotment for such year shall still be considered less than 75 percent planted or regarded as planted in connection with determining the tobacco history acreage for one or both of the next two succeeding years. No adjustment for abnormal weather or disease shall be made unless the farm operator requests such an adjustment in writing to the county committee no later than October 1 of the crop year involved.

(*d*) Notwithstanding the provisions of (*a*), (*b*), and (c) of this subdivision, for any year for which an allotment of zero (or no allotment) was established, any acreage planted to tobacco on the farm in such year shall not be taken into account in determining whether at least 75 percent of the allotment in 1960 or any subsequent year was or is planted or regarded as planted.

(ii) *For 1958 and 1959.* The tobacco history acreage for a farm shall be the

allotment prior to any reduction for violation.

(d) The acreage regarded as planted to tobacco under the Soil Bank Act for any year of the base period shall be the sum of (1) the tobacco acreage devoted to the acreage reserve program, and (2) the tobacco acreage regarded as planted to tobacco under the provisions of the conservation reserve program. The tobacco acreage entered on the acreage reserve agreement shall be regarded as the tobacco acreage devoted to the acreage reserve program. The acreage regarded as planted to tobacco under the conservation reserve program shall be determined in accordance with Part 719 of this chapter.

(e) As used in this section, final tobacco acreage means the acreage determined under the provisions of Part 718 of this chapter to be the final acreage of tobacco on the farm.

(f) As used in this section, Federally-owned land means land owned by the Federal Government or any department, bureau or agency thereof, or by any corporation all of the stock of which is owned by the Federal Government.

(g) For future allotment and tobacco history acreage purposes, allotments in a pool as provided in Part 719.12 of this chapter shall be considered fully planted, including any year in which the pooled allotment is released by the displaced owner pursuant to § 724.59(b) to the county committee for reapportionment to other farms in the county. The tobacco history acreage shall be the same as the pooled allotment.

(h) As used in this section, the term "allotment" means the allotment (1) prior to any increase from reapportionment of acreage released from the pool pursuant to § 724.59(b) by the displaced owner for reapportionment to other farms, and (2) prior to the application of the lease and transfer provisions of § 724.67.

(i) Notwithstanding any other provisions of this section, a farm shall be construed to have no tobacco history acreage during the base period and shall not be considered an old farm, if the only tobacco history acreage computed for the farm during the base period consists of tobacco history acreage restored pursuant to reduction(s) of the allotment(s) for violation(s) of the tobacco marketing quota regulations.

(j) Notwithstanding the foregoing provisions of this section, the tobacco history acreage for a farm for the year that it received an allotment as a new farm shall be the same as the new farm allotment for such year. Although no adjustment for abnormal weather or disease shall be made as such under paragraph (c)(i)(c) of this section in the tobacco history acreage for a farm for the year that it was a new farm, the final tobacco acreage for such farm for such year shall include acreage on which the county committee determines tobacco was planted in the field but was destroyed by natural causes, up to the amount by which the originally issued new farm allotment would otherwise be considered underplanted.

§ 724.56 Old farm tobacco acreage allotment.

The preliminary allotments determined for all old farms in the State pursuant to § 724.55 shall be adjusted uniformly so that the total of such allotments for old farms plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 724.57 shall not exceed the State acreage allotment: *Provided*, That in the case of burley tobacco the farm acreage allotment for the current year shall not be less than the smallest of (a) the allotment for the preceding year, (b) fifty-hundredths of an acre, or (c) 10 percent of the cropland in the farm: *Provided further*, That no burley tobacco allotment for any one year of seventy-hundredths of an acre or less shall be reduced more than 0.10 acre, and no burley tobacco farm acreage allotment for any one year or more than seventy-hundredths of an acre will be reduced to less than 0.60 acre.

§ 724.57 Adjustment of acreage allotments for old farms, correction of errors made in acreage allotments for old farms, and allotments for overlooked old farms.

Notwithstanding the limitations contained in § 724.55, the individual current year's farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the county on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco, crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Not to exceed one-tenth of one percent, in the case of burley, flue-cured, fire-cured, dark air-cured, and cigar-binder (types 51 and 52) tobacco, and not to exceed 2 percent in the case of Virginia sun-cured, cigar-filler and binder (types 42, 43, 44, 53, 54 and 55), and Maryland tobacco, of the total acreage for the respective kind of tobacco allotted to all tobacco farms in the State for the preceding year shall be made available in the State for increasing allotments as described above in this section, for correcting errors, and for providing allotments for overlooked farms. The allotment for a farm under a conservation reserve contract shall be given the same consideration under this section as the allotments for other similar farms.

§ 724.58 Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

(a) If tobacco was marketed or was permitted to be marketed in the preceding marketing year or a prior marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for the current year shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing;

(b) If complete and accurate proof of the disposition of all tobacco produced on the farm in the preceding year or a prior year is not furnished in the manner and within the time prescribed by the marketing quota regulations for the crop involved, the acreage allotment for the current year for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof;

(c) If any producer files, aids, or acquiesces in the filing of, a false report with respect to the acreage of tobacco grown on the farm in the preceding year or a prior year, the acreage allotment for the current year for the farm shall be reduced as provided in this section except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in the filing of, the false acreage report.

(d) If in any calendar year, more than one crop of tobacco is grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco is

so grown and harvested. In case the allotment is transferred through a pool to another farm under § 724.59(a) before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's acreage allotment for the current year for any of the reasons heretofore provided in this section shall be made no later than (1) April 1 of the current year in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia or (2) May 1 of the current year in all other States. If the reduction cannot be made by such dates for the current year, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by corresponding dates in a subsequent year: *Provided, however,* That no reduction shall be made under this section in the acreage allotment for the current year for any farm for a violation described in paragraph (a), (b), (c) or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the allotment for the current year for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If (1) the actual quantity of tobacco produced on acreage falsely omitted from an acreage report or for which proof of disposition has not been furnished is not known, or (2) if the actual total production of tobacco on the farm is not known, the county committee shall determine such actual quantity or such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided,* That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre, and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c) or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c) or (d) of this section.

(i) Producers of tobacco shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 725.1352 of this chapter (27 F.R. 5849, 6187), § 723.1352 of this chapter (27 F.R. 6371), and § 727.1352 of this chapter (27 F.R. 6593), or as set forth in comparable sections of previous or subsequent regulations.

§ 724.59 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having the right of eminent domain, or shifted from production of cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco to production of shade-grown cigar-leaf (type 61) wrapper tobacco.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 724.61 for determining normal yields for old farms.

(b) The displaced owner of a farm may, not later than April 1 of the current year in the States of Alabama, Florida, Georgia, North Carolina, South Carolina and Virginia, and not later than May 1 of the current year in all other States, release in writing to the county committee for the current year all or part of the acreage for the farm in a pool under § 719.12 of this chapter for reapportionment for the current year by the county committee to other farms in the county having allotments for the same kind of tobacco. The county committee may reapportion, not later than May 1 of the current year in the States of Alabama, Georgia, Florida, North Carolina, South Carolina and Virginia, and not later than June 1 of the current year in all other States the released acreage or any part thereof to other farms in the county on the basis of the past acreage of the same kind of tobacco, land, labor, equipment available for the production of such kind of tobacco, crop rotation practices, and soil and other physical facilities affecting the production of such kind of tobacco. The allotment acreage released shall, for tobacco history acreage and future allotment purposes, be considered to have remained in the pool as though it had not been released therefrom. The acreage reapportioned to a farm under this paragraph shall automatically be reduced, where applicable, so as not to exceed the acreage by which the final tobacco acreage on the farm for the current year determined pursuant to Part 718 of this chapter, exceeds the allotment for the current year for the farm prior to being increased by reapportionment of acreage under this paragraph.

(c) The allotment determined or which would have been determined for any land which has been used for the production of cigar-binder (types 51 and 52) tobacco or cigar-filler (types 42, 43, 44, 53, 54, and 55) tobacco but which will be shifted in the current year to the production of shade-grown cigar-leaf (type 61) wrapper tobacco shall be placed in a State pool and shall be available to the State committee to establish allotments pursuant to § 724.64(a).

§ 724.60 Farms divided or combined.

(a) The provisions of Part 719 of this chapter, subject to the provisions of paragraph (b) of this section, shall apply to allotments for farms that are reconstituted.

(b) If, as a result of a combination of two or more farms, or otherwise, the tobacco history acreage for a farm for the year preceding the current year includes tobacco history acreage for both fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco, a single combined acreage allotment for one of such two kinds of tobacco shall be established for the farm for the current and subsequent years. The county committee shall mail a written notice to the owner(s) of such farm that such a single combined acreage allotment is being established and such owner(s) may, within 15 days of the mailing of such notice, designate the kind of tobacco (type 21 or type 37) for which an allotment shall be established. If such owner, or if there is more than one owner the representative of all owners, does not designate the type of tobacco for which the combined allotment is to be established within such 15 days, or within any extension of time which may be granted by the county committee, the county committee, with the approval of a representative of the State committee, shall designate the single combined acreage allotment for the farm as either for fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco on the basis of the prevalent kind of tobacco grown in the area in which the farm is located, the curing facilities on the farm, and the proximity and nature of markets. The allotment established for the one kind of tobacco for the current year shall be equal to the total of the allotment for the two kinds of tobacco which would have been otherwise established, and for years previous to the current year the tobacco history acreage shall include the tobacco history acreage for both kinds of tobacco and effect shall be given for such years to the provisions of section 377 of the Act. The provisions of this paragraph shall apply to a farm the acreage allotments for which are in a pool (see § 724.59).

§ 724.61 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years of the base period for which data are available (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors. The normal yield first determined for a farm for any year in accordance with the foregoing provision, shall serve as the normal yield for the farm for all purposes in connection with the tobacco marketing quota program for the year for which such normal yield is determined.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 724.62 Determination of acreage allotments for new farms.

(a) The acreage allotment, other than an allotment made under § 724.59(a), for a new farm shall be that acreage which the county committee, with approval of the State committee, determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more but not more than five old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further,* That if the acreage planted to tobacco on a new tobacco farm is less than 75 percent of the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the planted tobacco acreage on the farm.

(b) Notwithstanding any other provision of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm shall be operated by the owner thereof.

(2) The farm covered by the application shall be the only farm in the United States owned or operated by the farm operator for which a burley, flue-cured, fire-cured, dark air-cured, Virginia sun-cured, Maryland, cigar-filler (type 41); cigar-binder (types 51 and 52) or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco acreage allotment is established for the current crop year.

(3) The farm shall not have an allotment for the current year for any of the kinds of tobacco listed in subparagraph 2 of this paragraph, other than the allotment requested in the application.

(4) The available land, type of soil, and topography of the land on the farm for which the allotment is requested is suitable for the production of the kind of tobacco requested in the application and the production of such kind of tobacco on the farm ordinarily will not result in an undue erosion hazard under continuous production.

(5) The operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water) necessary to the successful production of the kind of tobacco requested on the farm.

(6) The operator will obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must obtain, during the current year, more than 50 percent of his income from agricultural commodities or products from the farm; where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership where applicable, of such farm, and the officers and general manager of the corporation must obtain more than 50 percent of their income, including dividends and salary, from the corporation.

(7) The farm operator shall have had experience in producing, harvesting and marketing the kind of tobacco requested in the application either as a sharecropper, tenant or farm operator during at least two of the five years immediately preceding the year for which the new farm allotment is requested. The production of tobacco of the kind requested in the application on a farm for which no farm acreage allotment for such kind of tobacco was established, shall not be deemed as experience in growing tobacco for this purpose.

(8) A written application is filed by the farm operator at the office of the county committee on or before February 15 of the calendar year for which the application is made, except that in the case of cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, the application shall be so filed not later than March 10 of the current year.

(c) The acreage allotments established as provided in this section for each kind of tobacco shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-fourth of one percent of the national marketing quota for the current year shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

(d) Any new farm allotment approved under §§ 724.50 through 724.67 which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date established.

§ 724.63 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 724.64 Determination of acreage allotments and normal yields for farms shifted from production of shade-grown cigar-leaf (type 61) wrapper tobacco to production of cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco.

(a) Notwithstanding the foregoing provisions of §§ 724.50 through 724.63, an allotment may be established for a farm for the current year which in the preceding year was producing shade-grown cigar-leaf (type 61) wrapper tobacco but on which cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco will be produced in the current year. The acreage used for such purpose will be limited to that placed in the State pool pursuant to § 724.59(c).

Any allotment established pursuant to this paragraph shall, to the extent of available acreage in such pool, be determined by the county committee so as to be fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowance for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco, crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Allotments established pursuant to this paragraph shall be eligible for consideration for adjustments under § 724.57.

(b) The normal yield for any farm for which an allotment is established under paragraph (a) of this section shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 724.61 for similar farms in the community.

§ 724.65 Approval of determinations made under §§ 724.50 through 724.64 and notices of farm acreage allotment.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determination made under §§ 724.50 through 724.64. All acreage allotments and yields shall be approved by a representative of the State committee, and no official notice of acreage allotment shall be mailed to a farm operator until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage, or (2) of allotment reductions due to failure to return marketing cards where a satisfactory report of disposition of tobacco is not otherwise furnished as provided in § 724.58(b).

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or fascimile signature of a member of the county committee. The fascimile signature may be affixed by a county committeeman or an employee of the county office. Insofar as practical, all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than (i) April 1 of the current year in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, or (ii) May 1 of the current year in all other States.

(d) If the county committee determines with the approval of the State executive director that (1) the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and (2) the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the current year, except that in determining whether or not 75 percent of the allotment is planted, the provisions of § 724.55 (c), (d), (e), (f), (g), (h), (i) and (j) shall be followed.

§ 724.66 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within 15 days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASCS county office to have such allotment reviewed by a review committee. The procedure governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter, which is available at the ASCS county office.

§ 724.67 Lease and transfer of tobacco acreage allotment.

(a) Notwithstanding the provisions of §§ 724.50 through 724.66, but subject to the limitations provided in this § 724.67, the owner and operator (acting together if different persons) of any farm for which an old farm 1963 tobacco acreage allotment for flue-cured, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder (types 51 and 52), cigar-filler and binder (types 42, 43, 44, 53, 54 and 55), or Maryland tobacco is established under § 724.50 through § 724.66 may lease and transfer all or any part of such allotment to any other owner or operator of a farm in the same county with a 1963 allotment (old or new farm) for the same kind of tobacco for use on such farm. Such lease and transfer of allotment acreage shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) Any lease shall be made on such terms and conditions, except as otherwise provided in this section, as the parties thereto agree upon. No lease of a 1963 tobacco acreage allotment or any part thereof shall be entered into for any period in excess of the 1963 crop year. A lease of a 1962 allotment pursuant to §§ 725.1328, 723.1329 or 727.1328 of this chapter may be renewed, subject to the provisions of this section, for the 1963 crop year, if the parties so agree.

(c) The lease and transfer of any 1963 allotment or any part thereof shall not be effective until a copy of such lease is filed with and determined by the county committee to be in compliance with the provisions of this section. Such lease and transfer shall not be effective unless a copy of the lease is filed with the county committee not later than April 1, 1963 for the States of Alabama, Florida, Georgia, North Carolina, South Carolina and Virginia, and not later than May 1, 1963 for all other States.

(d) A 1963 Maryland tobacco acreage allotment shall not be eligible for lease and transfer from a farm pursuant to this section unless at least 75 percent of the allotment for the farm was actually planted in each of the years 1960 and 1961.

(e) The county committee shall determine a normal yield per acre, in accordance with the provisions of § 724.61 in the case of old farms and, in the case of new farms, § 724.63, for each farm from which, and for each farm to which, a tobacco acreage allotment or any part thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than ten percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment acreage is transferred by more than ten percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred.

(f) The amount of allotment acreage which is leased from a farm (prior to any reduction made under this section) shall be considered for the purpose of determining future allotments (and tobacco history acreage) to have been planted to tobacco on such farm. The amount of allotment acreage which is leased and transferred to a farm shall not be taken into account in establishing allotments for subsequent years for such farm.

(g) No one farm may receive by lease and transfer more than five acres of allotment acreage (prior to any adjustment under paragraph (e) of this section for normal yields): *Provided*, That the total acreage allotted to any farm after such transfer (the sum of its own allotment and the acreage leased and transferred to it prior to any adjustment in normal yields) shall not exceed 50 percent of the acreage of cropland in the farm.

(h) A 1963 new farm allotment shall not be leased or transferred.

(i) 1963 tobacco allotment acreage shall not be leased and transferred to or from any farm which for 1963 is under a conservation reserve contract covering the entire farm. If only part of a farm is under a conservation reserve contract for 1963, tobacco allotment acreage shall not be leased and transferred from such farm in excess of the permitted acreage for the farm and 1963 tobacco allotment acreage shall not be leased and transferred to such a farm in excess of the permitted acreage less the 1963 tobacco acreage allotment for the farm without regard to a lease and transfer.

(j) The 1963 tobacco allotment acreage in a pool (see § 724.59(a)), including allotment acreage which has been released to the county committee and reapportioned under the provisions of § 724.59(b), shall not be eligible for lease and transfer.

(k) Any allotment acreage leased shall not be subleased.

(l) A revised notice showing the allotment acreage after lease and transfer shall be issued by the county committee to each of the operators of all farms from which or to which 1963 tobacco allotment acreage is leased under this section.

(m) If a violation is pending which may result in an allotment reduction for a farm for 1963, the county committee shall delay approval of any lease and transfer of allotment from or to the farm until the violation is cleared or the allotment reduction is made. However, if the allotment reduction in such a case cannot be made effective for 1963 before the final date for reducing allotments for violations (see § 724.58), the lease may be approved by the county committee. In any case, if, after a lease and transfer of a 1963 tobacco acreage allotment has been approved by the county committee, it is determined that the allotment for the farm from which or to which such acreage is leased is to be reduced for a violation, the allotment reduction for such farm shall be delayed until 1964.

(n) Except with respect to the erroneous allotment notice provisions in § 724.65, and the provisions for review in § 724.66, the term "tobacco acreage allotment" as used in §§ 724.50 through 724.66 shall mean the allotment without regard to the application of the provisions of this section.

(o) If the 1963 allotment for a farm is reduced to zero, no 1963 tobacco allotment acreage for such kind of tobacco may be leased to such farm.

(p) No lease shall be approved by the county committee for any farm involved in a lease and transfer of allotment acreage until the time for filing an application for review (see § 724.66), as shown on the original allotment notice for the farm, has expired. If an application for review is filed for a farm involved in a lease and transfer agreement, such agreement shall not be approved by the county committee until the allotment for such farm is finally determined pursuant to Part 711 of this chapter.

(q) The acreage allotment finally determined (after lease and transfer) for a farm under the provisions of this § 724.67 shall be the 1963 allotment for such farm only for the purposes of determining (1) 1963 excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco including absorption of carry-over penalty tobacco, (3) eligibility for price support, and (4) the farm marketing quota and the percentage reduction for a violation in the allotment for the farm (see § 724.58). Such percentage reduction determined as applicable when the violation occurred shall be applied to the allotment being reduced prior to any lease and transfer of allotment.

(r) An agreement for leasing 1963 tobacco allotment acreage may be dissolved at the request of all parties to the leasing by so notifying the county committee in writing not later than April 1, 1963, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, and May 1, 1963, in all other States. In such a case, an official notice of the farm acreage allotment and marketing quota, disregarding lease and transfer, shall be issued by the county committee to each of the operators involved in the leasing agreement. If the request to dissolve the lease is made after the above-specified date(s), the acreage allotments resulting from the lease and transfer shall remain in effect.

(s) Allotments for reconstituted farms shall be divided or combined in accordance with Part 719 of this chapter. For this purpose, the farm acreage allotment being divided or combined for a farm in 1963 shall be the allotment after lease and transfer has been made. For 1964, that part of the acreage allotment leased shall revert to the farm from which it was transferred. Notwithstanding the above, in the case of divisions, the county committee may allocate for 1963 the leased acreage involved to the tracts involved in the division as the farm operators interested in such tracts agree in writing.

NOTE: The record-keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 5, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9030; Filed, Sept. 7, 1962; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 14]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.333 Grapefruit Regulation 14.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 4, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§ 51.750–51.783 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., September 10, 1962, and ending at 12:01 a.m., e.s.t., October 1, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 6, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9059; Filed, Sept. 7, 1962; 8:52 a.m.]

[Orange Reg. 14]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.334 Orange Regulation 14.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 4, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., September 10, 1962, and ending at 12:01 a.m., e.s.t., September 17, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2\frac{8}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2\frac{8}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter or smaller.

(3) During the period beginning at 12:01 a.m., e.s.t., September 17, 1962, and ending at 12:01 a.m., e.s.t., October 1, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2\frac{8}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2\frac{8}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter or smaller.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 6, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9060; Filed, Sept. 7, 1962; 8:52 a.m.]

[Valencia Orange Reg. 29]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.329 Valencia Orange Regulation 29.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 6, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 9, 1962, and ending at 12:01 a.m., P.s.t., September 16, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 550,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 7, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9062; Filed, Sept. 7, 1962; 11:33 a.m.]

[Lemon Reg. 38]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.338 Lemon Regulation 38.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 4, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 9, 1962, and ending at 12:01 a.m., P.s.t., September 9, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 279,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 7, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9081; Filed, Sept. 7, 1962; 11:33 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 106]

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area (7 CFR Part 1106), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act:

In § 1106.62 the words: "and on or before the 12th day of each month he shall pay to the market administrator an amount computed by multiplying the total volume of Class I milk disposed of on routes in the marketing area from such nonpool plant during the preceding month by the rate of compensatory payment computed pursuant to § 1106.55".

(b) Notice of proposed rule making, public procedure thereon, and 30 days' notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will relieve nonpool handlers of the obligation to make payments to the producer-settlement fund in an amount equal to such a handler's Class I sales in the marketing area times a rate equal to the difference between the Class I and Class II prices. Such a payment, imposed on handlers who have paid dairy farmers at least the full class use value for milk purchased, results in a greater obligation on such handlers than was contemplated in the application of this provision.

(4) On June 4, 1962, the United States Supreme Court in Lehigh Valley Cooperative Farmers, Inc., et al. vs. United States et al., concluded that the compensatory payment provision of the New York-New Jersey milk marketing order must fall as inconsistent with the policy expressed by Congress in section 8c(5)(G) of the Agricultural Marketing Agreement Act of 1937, as applied to the plaintiffs in that case. There is cause to believe that the application of § 1106.62 in its entirety to a handler operating a nonpool plant under Part 1106 is similar to the conditions considered in Lehigh Valley Cooperative Farmers, Inc., et al. vs. United States et al., and that the provision may be inappropriate under the requirements of the Agricultural Marketing Agreement Act of 1937.

(5) A distributing plant which had previously qualified as a pool plant under Part 1106 failed to qualify as a pool plant in June and July 1962, because the plant failed to dispose of 50 percent of its Grade A milk receipts as Class I milk in each of these months. The handler has paid dairy farmers at least the classified use value of milk which would have been required at minimum order prices. However, by becoming a nonpool plant this handler became subject to the compensatory charge on milk disposed of in the marketing area. The plant may fail to qualify as a pool plant in succeeding months.

Therefore, good cause exists to make this suspension order effective June 1, 1962, and to continue it in effect until a hearing can be held and an alternative provision developed which will deal equitably with the problems of nonpool milk.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: June 1, 1962.

Signed at Washington, D.C., on September 4, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62–9028; Filed, Sept. 7, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1294; Amdt. 482]

PART 507—AIRWORTHINESS DIRECTIVES

General Dynamics/Convair Models 22, 22M and 30 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the aileron override spring assembly of General Dynamics/Convair Models 22, 22M and 30 Series aircraft to prevent jamming in the compressed position, was published in 27 F.R. 6940.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

GENERAL DYNAMICS/CONVAIR. Applies to all Models 22, 22M and 30 Series aircraft.

Compliance required within the next 350 hours' time in service from the effective date of this AD, unless already accomplished.

To prevent the aileron override spring from jamming in the compressed position if full opposition loads are applied to the lateral control system, the aileron override spring assembly shall be modified to incorporate a stop in accordance with General Dynamics/Convair Service Bulletins A27–56, A27–25, or A27–26 for the Models 22, 22M or 30, respectively, or in accordance with an FAA engineering approved equivalent.

(General Dynamics/Convair Alert Service Bulletin A27–56 for the Model 22, A27–25 for the Model 22M, and A27–26 for the Model 30 cover this same subject.)

This amendment shall become effective October 9, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 31, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–8988; Filed, Sept. 7, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–SW–37]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of these amendments to §§ 600.6016, 600.6278, 600.6830, and 600.1628 of the regulations of the Administrator is to alter low altitude VOR Federal airway Nos. 16 and 278 and their associated control areas, low altitude VOR Federal airway No. 830, and intermediate altitude VOR Federal airway No. 1628 in the vicinity of Paris, Texas.

Victors 278, 830, and 1628 are designated in part between Dallas, Texas, and Texarkana, Ark., via the intersection of the Dallas VORTAC 061° and the Texarkana VORTAC 271° radials. Victor 16 has a north alternate designated between Sulphur Springs, Texas, VORTAC and Texarkana VORTAC. The Federal Aviation Agency is commissioning a new VOR on or about October 18, 1962, at Lat. 33°32'33'' N., and Long. 95°26'51'' W. This site is approximately 8 miles southeast of Paris, Texas, and approximately 5 miles east of the present intersection over which Victor 278, 830, and 1628 are designated. The Federal Aviation Agency is taking action herein to realign Victor 278 and Victor 830 via the new facility. Victor 1628 is being realigned via the intersection of the Dallas VORTAC 062° and the Texarkana VORTAC 272° radials so that it will coincide with the new airways alignment. Also, the segment of the north alternate of Victor 16 extending westward from the Texarkana VORTAC is being realigned via the Texarkana VORTAC 272° radial so that it will coincide with the above realignment. The control areas associated with Victor 278 and the north alternate of Victor 16 are so designated that they will automatically conform to the altered airways.

Since these alterations are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. In the text of § 600.6016 (14 CFR 600.6016, 27 F.R. 467, 4244, 4734, 5863) "Sulphur Springs, Tex., VOR, including a north alternate from the Mineral Wells VOR to the Sulphur Springs VOR via the INT of the Mineral Wells VOR 062° and the Sulphur Springs VOR 275° radials; Texarkana, Ark., VOR, including a north alternate," is deleted and "Sulphur Springs, Tex., VORTAC, including a N alternate from the Mineral Wells VORTAC to the Sulphur Springs VORTAC via the INT of the Mineral Wells VORTAC 062° and the Sulphur Springs VORTAC 275° radials; Texarkana, Ark., VORTAC including a N alternate via the INT of the Sulphur Springs VORTAC 060° and the Texarkana VORTAC 272° radials," is substituted therefor.

2. In the text of § 600.6278 (14 CFR 600.6278) "Dallas, Tex., VOR; INT of the Dallas VOR 061° and the Texarkana VOR 271° radials; Texarkana, Ark., VOR;" is deleted and "Dallas, Tex., VORTAC; Paris, Tex., VOR; Texarkana, Ark., VORTAC;" is substituted therefor.

3. In the text of § 600.6830 (14 CFR 600.6830, 27 F.R. 4734) "via the INT of the Dallas VORTAC 061° True and the Texarkana, Ark., VORTAC 271° True radials; Texarkana VORTAC;" is deleted and "via the Paris, Tex., VOR; Texarkana, Ark., VORTAC;" is substituted therefor.

4. In the text of § 600.1628 (14 CFR 600.1628) "Dallas, Tex., VOR; INT of the Dallas VOR 061° and the Texarkana, Ark., VOR 271° radials; Texarkana VOR;" is deleted and "Dallas, Tex., VORTAC; INT of the Dallas VORTAC 062° and the Texarkana, Ark., VORTAC 272° radials; Texarkana VORTAC;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 31, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–8987; Filed, Sept. 7, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–194]

PART 13—PROHIBITED TRADE PRACTICES

Artel Textile Co., Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–80 *Textile Fiber Products Identification Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–70 *Textile Fiber Products Identification Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–70 *Textile Fiber Products Identification Act;* § 13.1900 *Source or origin:* § 13.1900–80 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Artel Textile Co., Inc., et al., New York, N.Y., Docket C–194, July 24, 1962]

In the Matter of Artel Textile Co., Inc., a Corporation, Armar Mfg. Co., Inc., a Corporation, and Arthur Abrams, Individually and as an Officer of Said Corporations

Consent order requiring two affiliated New York City distributors of textile fiber products to cease violating the Textile Fiber Products Identification Act by such practices as labeling draperies which contained no glass fibers as "Fibreglaze", failing to disclose the true generic names of fibers present in draperies and the percentage thereof, failing to identify the manufacturer, etc., failing to maintain proper records showing the fiber content of their products, furnishing false guaranties that their products were not misbranded, and failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Artel Textile Co., Inc., a corporation and its officers, Armar Mfg. Co., Inc., a corporation, and its officers, and Arthur Abrams, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

1. Misbranding textile fiber products by:

A. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products:

(1) As to the name or amount of the constitutent fibers contained therein.

(2) By using the term "fibreglaze" or any other term of similar import or meaning or otherwise representing in any manner, directly or by implication, that the said textile fiber products are composed of glass fibers, when such is not the case.

B. Failing to affix labels to such textile fiber products:

(1) Showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

(2) Which are conspicuous and appropriate to the nature and type of product.

(3) Setting forth information required in section 4(b) of the Textile Fiber Products Identification Act conspicuously and separately on the same side of the label in such a manner as to be clearly legible and readily accessible to the prospective purchaser.

C. Setting forth on labels non-required information which interferes with, minimizes, detracts from, or conflicts with information required by section 4(b) of the Textile Fiber Products Identification Act.

D. Using the term "fibreglaze" or any other non-required information on labels in such a way as to be false, deceptive and misleading as to fiber content.

E. Setting forth on labels words, symbols, or depictions which constitute or imply the name or designation of a fiber which is not present in the product.

F. Using the term "fibreglaze" or any other words, symbols or depictions of similar import on labels affixed to textile fiber products where glass fibers are not present in the product.

2. Failing to maintain and preserve for at least 3 years proper records showing the fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

3. Furnishing false guaranties that textile fiber products are not misbranded or otherwise misrepresented under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 24, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–8991; Filed, Sept. 7, 1962; 8:46 a.m.]

[Docket C–193]

PART 13—PROHIBITED TRADE PRACTICES

Greater Premium Food Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–225 *Personnel or staff;* § 13.15–235 *Producer status of dealer or seller;* § 13.15–275 *Stock, product or service;* § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.155 *Prices:* § 13.155–80 *Retail as cost, wholesale, discounted, etc.;* § 13.180 *Quantity;* § 13.185 *Refunds, repairs, and replacements;* § 13.225 *Services.* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Greater Premium Food Co., Inc., et al., Philadelphia, Pa., Docket C–193, July 24, 1962]

In the Matter of Greater Premium Food Co., Inc., a Corporation, and Irving Canter, and Abraham E. Ludwig, Individually and as Officers of Said Corporation

Consent order requiring Philadelphia sellers of freezers, food, and freezer food plans to cease making a variety of misrepresentations to sell their products, in newspaper advertising, circulars, etc., as in the order below specified.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

PART I.

It is ordered, That respondent Greater Premium food Co., Inc., a corporation, and its officers and Irving Canter and Abraham E. Ludwig individually and as officers of said corporation and respondents' agents, representatives and employees directly or through any corporate or other device in connection with the offering for sale, sale or distribution of freezers, food or a freezer food plan in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that:

a. "Home Economists" or other formally trained individuals will assist purchasers of the aforesaid freezer food plan in planning their food orders;

b. Purchasers of a freezer food plan will receive the same amount of food and a freezer for the same or less money than they have been paying for the food alone;

c. Purchasers of the freezer food plan can save enough money on the purchase of their food to pay for the freezer;

d. Purchasers will have the free use of a freezer if they subscribe to a food plan;

e. Respondents will erect shelves or other facilities for the storage of food;

f. The freezer or any part thereof or the food are guaranteed or insured in any manner unless the nature and extent of the guarantee or insurance and the manner in which the guarantor or insurer will perform thereunder are clearly and conspicuously disclosed in writing in immediate conjunction with any such representations.

g. Food ordered by the purchaser will be sufficient to last such purchaser any stated or specified period of time.

h. Respondents process their own foods.

i. Toiletries, paper products, drug items or any other items not included in the food budget are included in the food budget.

j. Money paid by purchasers for a freezer or a freezer food plan will be refunded if they are not satisfied.

2. Representing that products or brands of products are available which respondents do not supply.

3. Misrepresenting in any manner the savings realized by purchasers of a freezer food plan.

4. Inducing purchasers of the freezer food plan or purchasers of food or freezers to sign any contract to purchase which does not at that time contain all the terms and conditions of sale.

5. Representing that purchasers of their freezer food plan can buy their food from respondents at wholesale prices.

6. Inducing purchasers of a freezer food plan or purchasers of food or freezers to sign any promissory note or instrument of like nature unless said instrument contains all the terms and conditions of the promise and unless purchasers are fully apprised of the nature and contents of the instrument.

PART II.

It is further ordered, That respondents Greater Premium Food Co., Inc., a corporation, and its officers and Irving Canter and Abraham E. Ludwig individually and as officers of said corporation and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of any food or any purchasing plan involving food, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in paragraph 1 through 5 of Part I of this Order.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly the purchase of any food, or any purchasing plan involving food in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in paragraphs 1 through 5 of Part I of this Order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 24, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8992; Filed, Sept. 7, 1962; 8:46 a.m.]

[Docket 8480]

PART 13—PROHIBITED TRADE PRACTICES

John Hamilton Agency

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170–35 *Educational, informative, training.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, John Hamilton trading as John Hamilton Agency, West Hollywood, Calif., Docket 8480, Aug. 4, 1962]

In the Matter of John Hamilton, an Individual Trading as John Hamilton Agency

Order requiring an individual in West Hollywood, Calif., engaged in selling printed forms designated as "Last Will and Testament" and "Will Planning Guide" to distributors for resale, to cease representing falsely in advertisements he placed in magazines, bearing the names and addresses of said distributors, that his said products would afford the purchaser the legal knowledge necessary to enable him to prepare a will that would be valid in all States of the United States.

The order to cease and desist is as follows:

It is ordered, That respondent, John Hamilton, an individual, trading as John Hamilton Agency, or under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale and distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of printed forms designated as "Will Planning Guide" and "Last Will and Testament", or any other forms or products purportedly designed to enable the purchaser to prepare a legal document, do forthwith cease and desist from:

1. Representing, directly or by implication, that said products will afford the purchaser or user that degree of legal knowledge necessary to enable such person to prepare a last will and testament or other legal document which would be valid and operative in any or all States of the United States.

2. Furnishing or otherwise placing in the hands of distributors or dealers in said products the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: August 3, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8993; Filed, Sept. 7, 1962; 8:46 a.m.]

[Docket C-197]

PART 13—PROHIBITED TRADE PRACTICES

Polly Bergen's Fashions Of The Four Seasons et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification;* § 13.523 *Textile fiber products tags or identification;* § 13.525 *Wool products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1852–70 *Textile Fiber Products Identification Act;* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; sec. 8, 65 Stat. 179; 72 Stat. 1717; 15 U.S.C. 45, 68, 69f, 70) [Cease and desist order, Kam Enterprises, Ltd., trading as Polly Bergen's Fashions Of The Four Seasons et al., Knoxville, Tenn., Docket C-197, July 26, 1962]

In the Matter of Kam Enterprises, Ltd., a Corporation Trading as Polly Bergen's Fashions Of The Four Seasons and Lucy Burgin, Individually and as an Officer of Said Corporation and Manager of Polly Bergen's Fashions Of The Four Seasons

Consent order requiring operators of a ladies' specialty shop in Knoxville, Tenn., to cease violating the Textile Fiber Products Identification Act, the Wool Products Labeling Act, and the Fur Products Labeling Act, by failing to label textile fiber, wool, and fur products as required and by removing from the products prior to ultimate sale the labels or other identification required, and by failing to comply with invoicing requirements of the Fur Products Labeling Act.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Kam Enterprises, Ltd., a corporation, trading as Polly Bergen's Fashions of the Four Seasons or under any other trade name, and its officers, and Lucy Burgin, individually and as an officer of said corporation, and manager of Polly Bergen's Fashions of the Four Seasons, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or in the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act do forthwith cease and desist from misbranding textile fiber products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Kam Enterprises, Ltd., a corporation, trading as Polly Bergen's Fashions of the Four Seasons or under any other trade name and its officers, and Lucy Burgin, individually and as an officer of said corporation and as manager of Polly Bergen's Fashions of the Four Seasons, and respondents' agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, the stamp, tag, label, or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce and prior to the time such textile fiber product is sold and delivered to the ultimate consumer.

It is further ordered, That respondents Kam Enterprises, Ltd., a corporation, trading as Polly Bergen's Fashions of the Four Seasons or under any other trade name, and its officers, and Lucy Burgin, individually and as an officer of said corporation, and as manager of Polly Bergen's Fashions of the Four Seasons, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the introduction into commerce, or the offering for sale, sale, transportation or delivery for shipment, in commerce, of any wool product, as "wool product" and "commerce" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from failing to securely affix to or place on each product, a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Kam Enterprises, Ltd., a corporation, trading as Polly Bergen's Fashions of the Four Seasons or under any other trade name, and its officers, and Lucy Burgin, individually and as an officer of said corporation and as manager of Polly Bergen's Fashions of the Four Seasons, and respondents' agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of any stamp, tag, label or other means of identification affixed to any wool product subject to the provisions of the Wool Products Labeling Act of 1939 with intent to violate the provisions of the said Act.

It is further ordered, That respondents Kam Enterprises, Ltd., a corporation, trading as Polly Bergen's Fashions of the Four Seasons or under any other trade name, and its officers, and Lucy Burgin, individually and as an officer of said corporation and as manager of Polly Bergen's Fashions of the Four Seasons and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, advertising, transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce; as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and disist from:

A. Misbranding fur products by failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(a) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

It is further ordered, That respondents Kam Enterprises, Ltd., a corporation, trading as Polly Bergen's Fashions of the Four Seasons or under any other trade name, and its officers, and Lucy Burgin, individually and as an officer of said corporation and as manager of Polly Bergen's Fashions of the Four Seasons, and respondents' agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, prior to the time any fur product subject to the provisions of the Fur Products Labeling Act is sold and delivered to the ultimate consumer, any label required by the said Act to be affixed to such fur product.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-8994; Filed, Sept. 7, 1962; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kentucky Woodlands National Wildlife Refuge, Kentucky

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Kentucky Woodlands National Wildlife Refuge, Kentucky, is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,000 acres or 38 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Ga. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Gray and fox squirrels, wild turkey gobblers, gray fox, bobcat, woodchuck, and crows. The hunting of upland game species as may be otherwise authorized by Kentucky State regulations is prohibited.

(b) Open season: October 14 through October 27, Sundays excepted.

(c) Daily bag limits: Squirrel—6; wild turkey gobbler limited to one per season. Other species—no limit.

(d) Methods of hunting:

(1) Bow and arrow. Cross bows and mechanical bows may not be used.

(2) Firearms are prohibited.

(3) The use of dogs is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) All camping will be at the designated archery camp.

(3) Hunters must check in at the archery camp and must check out at the end of the hunt.

(4) Preseason scouting will not be permitted.

(5) Archers will be required to claim their stands between 4:30 a.m. and 5:30 a.m. and remain on stands until 8 a.m. Hunting for the day will cease at sunset.

(6) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Kentucky Woodlands National Wildlife Refuge, Golden Pond, Kentucky, starting October 14, 1962.

(7) The provisions of this special regulation are effective to October 28, 1962.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Kentucky Woodlands National Wildlife Refuge, Kentucky, is permitted only on the area designated by signs as open to hunting. This open area, comprising 65,000 acres or 98 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Raccoons.

(b) Open season: November 1 through November 10, Daylight hours only.

(c) Daily bag limits: No limit.

(d) Methods of hunting:

(1) Taking of raccoons, alive only is permitted employing "shake-out" techniques.

(2) Tree climbing devices may be used.

(3) No dogs allowed.

(4) Use of firearms, axes and saws, and smoking devices are prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A special State permit is required and is obtainable from the Commissioner, Department of Fish and Wildlife Resources, Frankfort, Ky. Groups may be covered by a single permit, both State and Federal.

(3) Hunters must check in and check out at Kentucky Woodlands National Wildlife Refuge headquarters.

(4) A Federal permit is required to enter the public hunting area. Permit may be obtained from the Refuge Manager, Kentucky Woodlands National Wildlife Refuge, Golden Pond, Ky.

(5) The provisions of this special regulation are effective to November 11, 1962.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-8995; Filed, Sept. 7, 1962; 8:47 a.m.]

PART 32—HUNTING

Kentucky Woodlands National Wildlife Refuge, Kentucky

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Kentucky Woodlands National Refuge, Kentucky, is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,000 acres or 38 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Ga. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Fallow deer, white-tailed deer.

(b) Open season: October 14, 1962, through October 27, 1962.

(c) Total bag limits: Deer—one only of either sex.

(d) Methods of hunting:

(1) Bow and arrow. Cross bows and mechanical bows may not be used.

(2) The use of dogs is prohibited.

(3) Firearms are prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) All camping will be at the designated Archery Camp.

(3) Hunters must check in at the Archery Camp and must check out at end of the hunt.

(4) Preseason scouting will not be allowed.

(5) Archers will be required to claim their stands between 4:30 a.m. and 5:30 a.m. and remain on stands until 8 a.m. Hunting for the day will cease at sunset.

(6) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Kentucky Woodlands National Wildlife Refuge, Golden Pond, Kentucky starting October 14, 1962.

(7) The provisions of this special regulation are effective to October 28, 1962.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-8996; Filed, Sept. 7, 1962; 8:47 a.m.]

PART 32—HUNTING

Noxubee National Wildlife Refuge, Mississippi

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the area designated by signs as open to hunting. This open area, comprising 43,454 acres or 97 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, 23, Ga. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Squirrel, rabbit, bobcat, fox, crow, and feral cats.

(b) Open season: October 1 through 6, and October 8 through 13, 1962.

(c) Daily bag limits: 5 per day—10 in possession for both squirrel and rabbit. No bag limit on other species.

(d) Methods of hunting:

(1) Any type gun may be used, except shotguns holding more than three shells.

(2) No dogs allowed.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits are obtainable from the Refuge Manager, Noxubee National Wildlife Refuge, Brooksville, Miss., starting September 19, 1962.

(3) The provisions of this special regulation are effective to October 14, 1962.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the area designated by signs as open to hunting. This open area, comprising 44,798 acres or 100 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Wild turkey.

(b) Open season: April 13, and April 15 through April 20, 1963.

(c) Daily bag limits: one (1) gobbler per season.

(d) Methods of hunting:

(1) Any type gun may be used, except shotguns holding more than three shells.

(2) Baiting, feeding, and hunting with dogs, live decoys, or electrically or mechanically operated calling or sound reproducing devices are prohibited.

(e) Other provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits are obtainable from the Refuge Manager, Noxubee National Wildlife Refuge, Brooksville, Miss., starting April 1, 1963.

(3) The provisions of this special regulation are effective to April 20, 1963.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

In FEDERAL REGISTER, Volume 27, No. 158, appearing at page 8120 of the issue for August 15, 1962, § 32.22 (b) and (e) (4) are corrected as follows:

(b) Open season: October 1, 1962, through October 6, 1962.

* * * * * *

(e) * * *

(4) The provisions of this special regulation are effective to October 7, 1962.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-8997; Filed, Sept. 7, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 121—FOOD ADDITIVES

Food Additives Permitted in Food for Human Consumption; Azodicarbonamide; Confirmation of Effective Date of Order Permitting Use as Optional Ingredient and Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 409, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948, 1786; 21 U.S.C. 341, 348, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of July 18, 1962 (27 F.R. 6784), with respect to amending the definitions and standards of identity for flour; enriched flour, bromated flour, enriched bromated flour, self-rising flour, enriched self-rising flour, phosphated flour, whole wheat flour, bromated whole wheat flour, and whole durum wheat flour to permit the use of azodicarbonamide as an optional ingredient, and with respect to the addition of azodicarbonamide to cereal flours. Accordingly, the amendments promulgated by that order will become effective September 16, 1962.

(Secs. 401, 409, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948, 1786; 21 U.S.C. 341, 348, 371)

Dated: AUGUST 31, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-9005; Filed, Sept. 7, 1962; 8:48 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601, 608]

[Airspace Docket No. 62-WE-77]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND SPECIAL USE AIRSPACE

Proposed Alteration of Federal Airways, Control Area Extensions and Continental Control Area; Proposed Alteration and Designation of Restricted Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.-13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.1516, 600.1529, 601.1281, 601.1347, 601.7101 and 608.26 of the regulations of the Administrator, the substance of which is stated below.

The Fort Carson, Colo., Restricted Area R-2601, located 10 miles south of Colorado Springs, Colo., is assigned to the Commanding General, Fort Carson for rocketry and gunnery activities. The area encompasses 62 square miles of airspace and is designated from the surface to 40,000 feet MSL on a continuous basis. The Federal Aviation Agency, Denver ARTC Center is the controlling agency. The Department of the Army has advised that due to the recent activation of an infantry division at Fort Carson, R-2601 does not contain sufficient area to accommodate the increased training requirements for mechanized units assigned to that division.

The Federal Aviation Agency is considering a Department of the Army proposal for the designation of a new restricted area immediately south and southwest of R-2601. Under this proposal, the area would be designated on a continuous basis from the surface to 35,000 feet MSL and would be designated for joint use with the Federal Aviation Agency, Denver ARTC Center as controlling agency. The area would be designated as part of the continental control area. A preliminary review of this proposal together with the current airspace utilization report for R-2601 indicates no firing activities are planned which would exceed an altitude of 35,000 feet MSL. Therefore, it is proposed that the presently designated altitudes of R-2601, surface to 40,000 feet MSL, be reduced to surface to 35,000 feet MSL.

The proposed restricted area would impinge upon portions of the Colorado Springs and the Pueblo, Colorado, control area extensions. It is proposed to modify the descriptions of these control area extensions to permit use of the portions which would be coincident with the restricted area only after obtaining prior approval from appropriate authority.

The segment of intermediate altitude VOR Federal airway No. 1516 which is presently designated from the Gunnison, Colo., VOR as a 16-mile wide airway to the intersection of Pueblo, Colo., VOR 275° and the Colorado Springs, Colo., VOR 195° True radials; thence as a 10-mile wide airway to the Pueblo VOR would be redesignated from the Gunnison VOR as a 16-mile wide airway to the intersection of the Pueblo VOR 275° and the Colorado Springs VOR 209° True radials; thence as a 10-mile wide airway to the Pueblo VOR. This airway width reduction would provide lateral separation between aircraft operating along Victor 1516 and activities conducted in the proposed restricted area.

In addition, it is proposed to alter the segment of intermediate altitude VOR Federal airway No. 1529 between the Tobe, Colo., VOR and the Pueblo VOR which is presently designated as a 16-mile wide airway. This segment of Victor 1529 would be redesignated from the Tobe VOR as a 16-mile wide airway to the intersection of the Pueblo VOR 147° and the Hugo, Colo., VOR 225° True radials; thence as a 10-mile wide airway to the Pueblo VOR. This airway width reduction would provide lateral separation between aircraft operating on Victor 1529 and those aircraft transitioning to the Colorado Springs ILS via the 183° True radial of the Colorado Springs VOR and the 327° True radial of the Pueblo VOR.

Therefore, the following actions are proposed:

1. The description of Fort Carson, Colo., Restricted Area R-2601 would be altered as follows: "*Designated altitudes.* Surface to 40,000 feet MSL." would be deleted and "*Designated altitudes.* Surface to 35,000 feet MSL." would be substituted therefor.

2. A new restricted area would be designated as follows:

R-2602 Fort Carson South, Colo.

Boundaries. Beginning at Lat. 38°32'06" N., Long. 104°45'00" W.; to Lat. 38°24'00" N., Long. 104°45'00" W.; to Lat. 38°25'00" N., Long. 104°56'00" W.; to Lat. 38°27'00" N., Long. 104°56'00" W.; to Lat. 38°27'00" N., Long. 105°01'00" W.; thence along State Highway No. 115 to Lat. 38°34'00" N., Long. 104°56'30" W.; to Lat. 38°36'20" N., Long. 104°51'40" W.; to Lat. 38°32'06" N., Long. 104°49'18" W.; to the point of beginning.

Designated altitudes. Surface to 35,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Denver ARTC Center.

Using agency. Commanding General, Fort Carson, Colo.

3. The Fort Carson South, Colo., Restricted Area R-2602 would be designated as part of the continental control area.

4. The description of the Colorado Springs control area extension would be modified to permit use of the portion coincident with R-2602 only after obtaining prior approval from appropriate authority.

5. The description of the Pueblo control area extension would be modified to permit use of the portion coincident with R-2602 only after obtaining prior approval from appropriate authority.

6. That segment of intermediate altitude VOR Federal airway No. 1516 extending from the intersection of the Pueblo VOR 275° and the Colorado Springs VOR 209° True radials to the Pueblo VOR would be designated as a 10-mile wide airway.

7. That segment of intermediate altitude VOR Federal airway No. 1529 extending from the intersection of the Pueblo VOR 147° and the Hugo, Colo., VOR 225° True radials to the Pueblo VOR would be designated as a 10-mile wide airway.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 4, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-8986; Filed, Sept. 7, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 944]

IMPORTS OF GRAPEFRUIT

Notice of Proposed Rule-Making

Pursuant to the authority contained in section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), notice is hereby given that the Department is giving consideration to the grade, size, quality, and maturity requirements to be made applicable to the importations of grapefruit into the United States.

There are at present three marketing orders effective pursuant to the said act that regulate the handling of grapefruit grown in the United States. Order No. 905, as amended (7 CFR Part 905), is applicable to Florida grown grapefruit; Order No. 906 (7 CFR Part 906) is applicable to Texas grown grapefruit, and Order No. 909, as amended (7 CFR Part 909), is applicable to grapefruit grown in Arizona and designated counties in California.

The act provides that, for specified commodities, including grapefruit, whenever two or more marketing orders regulating the same agricultural commodity produced in different areas of the United States are concurrently in effect, imports of such commodity shall be required to comply with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary, regulates the commodity produced in the area with which the imported commodity is in most direct competition. The proposal under consideration is to make applicable to all imports of grapefruit the same requirements as to grade, size, quality, and maturity as those imposed under Order No. 905 on Florida grapefruit. Such requirements (§ 905.333 Grapefruit Regulation 14) effective on September 10, 1962, are as follows:

* * * no handler shall ship:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit.

When used herein, the terms "U.S. No. 1" and "diameter" shall have the same meaning as when used in the United States Standards for Florida Grapefruit (7 CFR 51.750-51.783; 26 F.R. 163).

All persons who desire to submit written data, views, or arguments for consideration in connection with the foregoing proposals should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the fifteenth day after publication of this notice in the FEDERAL REGISTER.

Dated: September 6, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division Agricultural Marketing Service.

[F.R. Doc. 62-9062; Filed, Sept. 7, 1962; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 882) has been filed by The Dow Chemical Company, Abbott Road, Midland, Michigan, proposing the amendment of § 121.207 of the food additive regulations to provide for the safe use of zoalene with zinc bacitracin in chicken feeds as follows:

Principal ingredient	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
1. Zoalene	113			For broiler chickens	Prevention and control of coccidiosis.
(a) Zoalene [1]	113	Bacitracin	50-100	For broiler chickens; as zinc bacitracin.	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).
(b) Zoalene [1]	113	Bacitracin	100-200	do	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).
2. Zoalene	113			Starter ration for replacement chickens.	Development of active immunity from severe exposure to coccidiosis.
(a) Zoalene [1]	113	Bacitracin	50-100	Starter ration for replacement chickens as zinc bacitracin.	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).
(b) Zoalene [1]	113	Bacitracin	100-200	do	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).
3. Zoalene	75.4-113			Grower ration for replacement chickens; not to be fed to birds under 5½ nor over 14 weeks of age.	Development of active immunity from severe exposure to coccidiosis.
(a) Zoalene [1]	75.4-113	Bacitracin	50-100	Grower ration for replacement chickens; not to be fed to birds under 5½ nor over 14 weeks of age; as zinc bacitracin.	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).
(b) Zoalene [1]	75.4-113	Bacitracin	100-200	do	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).
4. Zoalene	75.4-113			Starter ration for replacement chickens.	Development of acitve immunity from light to moderate exposure to coccidiosis.
(a) Zoalene [1]	75.4-113	Bacitracin	50-100	Starter ration for replacement chickens; as zinc bacitracin.	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).
(b) Zoalene [1]	75.4-113	Bacitracin	100-200	do	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).
5. Zoalene	36.4-75.4			Grower ration for replacement chickens; not to be fed to birds under 5½ nor over 14 weeks of age.	Development of active immunity from light to moderate exposure to coccidiosis.

See footnote at end of table.

Principal ingredient	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
(a) Zoalene [1]	36.4–75.4	Bacitracin	80–100	Grower ration for replacement chickens; not to be fed to birds under 5½ nor over 14 weeks of age; as zinc bacitracin.	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).
(b) Zoalene [1]	36.4–75.4	Bacitracin	100–200	do	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).

[1] Where zoalene is combined with the other permitted additive, the appropriate limitations and indications or use for each additive shall apply.

Dated: August 31, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9006; Filed, Sept. 7, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B4) has been filed by General Mills, Inc., South Kensington Road, Kankakee, Illinois, proposing the amendment of § 121.2514 of the food additive regulations to permit the use of polyamide resins, derived from vegetable oil acids and ethylenediamine, in resinous and polymeric coatings that contact food.

Dated: August 31, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9007; Filed, Sept. 7, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 11]

[Docket No. R-221]

COMPUTATION OF ANNUAL CHARGES FOR HEADWATER BENEFITS TO OWNERS OF NONFEDERAL HYDROELECTRIC PROJECTS

Correction

AUGUST 31, 1962.

In the notice of proposed rule making issued August 24, 1962, and published in the FEDERAL REGISTER on August 31, 1962 (F.R. Doc. 62-8742; 27 F.R. 8744), in paragraph (6), correct the first four lines of that paragraph to read:

6. It should be noted that the foregoing methods of determining the annual charges for headwater benefits would be prescribed for * * *

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9016; Filed, Sept. 7, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 209; Delegation of Authority No. 105]

VARIOUS OFFICIALS

Mutual Educational and Cultural Exchange Act of 1961

Delegation of Functions

By virtue of the authority vested in me by the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527) (hereinafter referred to as the Act), Executive Order No. 11034 of June 25, 1962, entitled "Administration of the Mutual Educational and Cultural Exchange Act of 1961" (hereinafter referred to as the Executive Order), and section 4 of the Act of May 26, 1949 (63 Stat. 111) it is ordered as follows:

SECTION 1. *Functions of the Assistant Secretary of State for Educational and Cultural Affairs.* Exclusive of the functions otherwise delegated or reserved to the Secretary of State herein there are hereby delegated to the Assistant Secretary of State for Educational and Cultural Affairs all functions conferred upon the Secretary of State by the Act and the Executive Order.

SEC. 2. *Functions of the Deputy Under Secretary of State for Administration.* (a) The following functions are hereby delegated to the Deputy Under Secretary of State for Administration:

(1) The functions conferred upon the Secretary of State by section 5 (a)(2), (b) and (c) of the Executive Order.

(2) The functions conferred upon the Secretary of State by section 104(c) of the Act.

(3) The functions conferred upon the President by section 104(d) of the Act insofar as such functions have been delegated to the Secretary of State by section 1(a)(4) of the Executive Order.

(4) The functions conferred upon the Secretary of State by section 1(a)(3) of the Executive Order.

(b) The Deputy Under Secretary of State for Administration shall be responsible for carrying out the directives contained in section 8(b) of the Executive Order.

SEC. 3. *Functions reserved to the Secretary of State.* There are hereby reserved to the Secretary of State:

(a) The functions conferred upon the President by section 103 of the Act.

(b) The functions conferred upon the President by section 105(d)(1) of the Act.

(c) The functions conferred upon the Secretary of State by section 106(c)(1) of the Act.

SEC. 4. *General provisions.* (a) With the exception of the following functions, any officer to whom functions are delegated by this Delegation of Authority may, to the extent consistent with law, delegate or assign any of the functions delegated or assigned to him by this Delegation of Authority and authorize any of his subordinates to whom functions are so delegated or assigned successively to redelegate or reassign any of such functions:

(1) The functions conferred upon the President by section 102(a)(2)(iv) of the Act of determining that the participation therein specified is in the national interest.

(2) The functions conferred upon the President by section 106(d) of the Act insofar as such functions have been delegated to the Secretary of State by section 5 of the Executive Order.

(3) The functions conferred upon the Secretary of State by section 6 of the Executive Order.

(4) The functions conferred upon the Secretary of State by section 1(a)(5) of the Executive Order.

(5) The functions conferred upon the Secretary of State by section 5(b) of the Executive Order.

(b) Any reference in this Delegation of Authority to any Act or order shall be deemed to be a reference to such Act or order as amended from time to time.

(c) Except to the extent that they may be inconsistent with this Delegation of Authority, all delegations, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this Delegation of Authority and not revoked, superseded, or otherwise made inapplicable before the effective date of this Delegation of Authority shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(d) Notwithstanding any provision of this Delegation of Authority, the Secretary of State may at any time exercise any function delegated to any officer of the Department of State by this Delegation of Authority.

(e) This Delegation of Authority shall be effective immediately.

Dated: August 14, 1962.

[SEAL] DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-9003; Filed, Sept. 7, 1962; 8:48 a.m.]

[Public Notice 210; Delegation of Authority No. 105-1]

ASSISTANT SECRETARY OF STATE FOR EDUCATIONAL AND CULTURAL AFFAIRS

Delegation of Authority

Pursuant to the authority vested in me by section 4 of the Act of May 26, 1949 (63 Stat. 111; 5 U.S.C. 151c), I hereby delegate to the Assistant Secretary of State for Educational and Cultural Affairs, or in his absence to the officer designated to act for him, the authority to perform the functions vested in the Secretary of State by section 12 of the Act of August 1, 1956 (5 U.S.C. 170q) relating to the establishment of per diem rates or similar allowances to foreign participants in any exchange of persons program, or in any program of furnishing technical information and assistance, under the jurisdiction of any Government agency.

This Delegation of Authority shall be effective immediately.

Dated: August 14, 1962.

[SEAL] DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-9004; Filed, Sept. 7, 1962; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[Delegation Order No. 7]

VARIOUS OFFICIALS

Order of Succession to Act as Comptroller

By virtue of the authority vested in me by Treasury Department Order No. 129 (Revision No. 2), dated April 22, 1955, it is hereby ordered as follows:

1. The following officers in the Bureau of the Comptroller of the Currency, in the order of succession enumerated, shall act as Comptroller of the Currency during the absence or disability of the Comptroller of the Currency or when there is a vacancy in such office:

(1) Clarence B. Redman, First Deputy Comptroller of the Currency.
(2) Albert J. Faulstich, Administrative Assistant to the Comptroller of the Currency.
(3) Griffith W. Garwood, Deputy Comptroller of the Currency.
(4) William B. Camp, Deputy Comptroller of the Currency.
(5) Justin T. Watson, Deputy Comptroller of the Currency.
(6) Thomas G. DeShazo, Chief National Bank Examiner.
(7) Regional Chief National Bank Examiner at Richmond, Va.
(8) Regional Chief National Bank Examiner at Philadelphia, Pa.
(9) Regional Chief National Bank Examiner at New York, N.Y.
(10) Regional Chief National Bank Examiner at Cleveland, Ohio.
(11) Regional Chief National Bank Examiner at Atlanta, Ga.
(12) Regional Chief National Bank Examiner at Boston, Mass.
(13) Regional Chief National Bank Examiner at Chicago, Ill.
(14) Regional Chief National Bank Examiner at Memphis, Tenn.
(15) Regional Chief National Bank Examiner at Kansas City, Mo.
(16) Regional Chief National Bank Examiner at Minneapolis, Minn.
(17) Regional Chief National Bank Examiner at Dallas, Tex.
(18) Regional Chief National Bank Examiner at Denver, Colo.

(19) Regional Chief National Bank Examiner at San Francisco, Calif.
(20) Regional Chief National Bank Examiner at Portland, Oreg.

2. In the event of an enemy attack on the continental United States, all Regional Chief National Bank Examiners, including any Acting Regional Chief National Bank Examiners, are authorized in their respective regions to perform any function of the Comptroller of the Currency, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

3. Delegation Order No. 6 is hereby repealed.

Dated: September 4, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-9019; Filed, Sept. 7, 1962; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Offer, Correction

In F.R. Document 62-8841, appearing at page 8834 of the issue for Wednesday, September 5, 1962, the following changes should be made under "Official Leasing Map, Louisiana Map No. 9": For Tract No. 1654 the Description entry now reading "SW¼ (portion in Zone 2)[1]" should read "W½ (portion in Zone 2)[1]," and the Acreage entry now reading "921" should read "1110."

KARL S. LANDSTROM,
Director, Bureau of Land Management.

Approved: September 6, 1962.

JOHN A. CARVER, JR.,
Acting Secretary, Department of the Interior.

[F.R. Doc. 62-9078; Filed, Sept. 7, 1962; 10:27 a.m.]

Bureau of Reclamation

[Public Announcement No. 35]

COLUMBIA BASIN PROJECT, WASHINGTON

Public Announcement of the Sale of Full-Time Farm Units; Correction

AUGUST 25, 1962.

In F.R. Doc. 62-8853, appearing at page 8834 of the issue for Wednesday, September 5, 1962, the date shown in section 8, and 8a and 8b should be October 25, 1962, rather than October 10, 1962.

N. B. BENNETT, JR.,
Acting Commissioner.

SEPTEMBER 4, 1962.

[F.R. Doc. 62-8998; Filed, Sept. 7, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ASSISTANT SECRETARY OF COMMERCE FOR DOMESTIC AFFAIRS

Delegations Relating to Certain Patent Matters; Revocation

1. Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, the delegations of authority (26 F.R. 2813) dated April 5, 1961 and (26 F.R. 5439) dated June 17, 1961, to the Assistant Secretary of Commerce for Domestic Affairs relating to certain patent matters are hereby revoked.

2. The revocation of these delegations of authority shall be effective as of the date hereof.

Dated: August 28, 1962.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 62-9008; Filed, Sept. 7, 1962; 8:48 a.m.]

RICHARD P. STEINER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 21, 1962.

RICHARD P. STEINER.

AUGUST 31, 1962.

[F.R. Doc. 62-9009; Filed, Sept. 7, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13602 etc.; Order No. E-18771]

EASTERN AIR LINES, INC., AND OZARK AIR LINES, INC.

Order Instituting Proceeding and Granting Temporary Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of September 1962.

In the matter of the application of Eastern Air Lines, Inc., and Ozark Air Lines, Inc., Docket 13602, Docket 13349, Docket 13155, Docket 13186; for transfer of certain route authority pursuant to section 401(h) of the Federal Aviation Act of 1958, as amended.

On May 15, 1962, Eastern Air Lines, Inc. (Eastern) and Ozark Air Lines, Inc. (Ozark) filed a joint application for approval by the Board, pursuant to section 401(h) of the Federal Aviation Act of 1958, as amended (the Act), and any other sections thereof that may be applicable, of the transfer of certain route authority to Ozark from Eastern in accordance with the provisions of an agreement dated May 2, 1962, attached to and made a part of the application (Docket 13602).

In essence, the agreement contemplates that Eastern will transfer to Ozark that portion of the authority contained in its certificate of public convenience and necessity for Route 10 which authorizes service between the points of Louisville, Ky., and Nashville, Tenn., via Bowling Green, Ky., and that portion of the authority contained in its certificate of public convenience and necessity for Route 5 which authorizes service between the points of Owensboro and Louisville, Ky., and Ozark will assume the rights and responsibilities inherent in that transfer of authority.

It is further contemplated that, pursuant to the agreement, Eastern will cease operations at Bowling Green and Owensboro. Ozark alleges that it will welcome the employment of all of Eastern's employees at these two stations and will offer employment to all those employees for service at those stations, in positions comparable to those now held by them, with compensation comparable to that which they now receive and with seniority privileges as if employment with Ozark were from the date of employment with Eastern, or its predecessor, Colonial Airlines, Inc. Eastern alleges that any of its employees at these two stations who desire to continue in the employ of Eastern will be offered employment with Eastern elsewhere on its system, in positions comparable to those now held by them, without decrease in compensation, and with the same seniority rights which they presently enjoy. Eastern further alleges that all Eastern employees, other than those located at Bowling Green and Owensboro, who are engaged in providing air service to and from Bowling Green and Owensboro will retain their present seniority positions with Eastern and their employment will not be affected by the agreement.

Finally, both Eastern and Ozark state that the proposed transfer will be consistent with the public interest and is required by the public convenience and necessity, and aver that it will strengthen the route system of Ozark, reduce subsidy requirements and assure better public service. The carriers request expeditious consideration of the application.

Ozark has also filed with the Board an application for temporary exemption authority to operate nonstop between Clarksville, Tenn.–Ft. Campbell-Hopkinsville, Ky. (Clarksville), and Louisville (Docket 13349), January 22, 1962,[1] as well as a certificate amendment application for authority to serve these points on a nonstop basis (Docket 13348).

On June 1, 1962, Lake Central Airlines (Lake Central) moved to consolidate in the Eastern-Ozark transfer docket (Docket 13602) its application for

[1] Ozark is presently authorized to serve Clarksville–Ft. Campbell-Hopkinsville and Louisville on separate legs of its segment 4, but is not authorized to provide direct service between these two points. See Order E-17804, Dec. 4, 1961.

amendment of its Route 88 certificate,[2] and Louisville's application for air service (Docket 13235)[3] which, in essence, coincides with the certificate authority sought by Lake Central. Lake Central also requests consolidation in Docket 13602 of Ozark's exemption application to provide Clarksville-Louisville nonstop service (Docket 13349) and Eastern's applications in Dockets 13152 and 13153.[4]

In addition to all of the above dockets, there are currently pending before the Board, Docket 13155, a joint application of Eastern and Ozark in which Eastern seeks temporary suspension at Owensboro and Bowling Green until final disposition of Eastern's applications to abandon such points filed in Dockets 13152 and 13153, and in which Ozark seeks exemption authority to serve Bowling Green as an intermediate point between Louisville and Nashville and between Louisville and Clarksville; and Docket 13349, in which Ozark seeks amendment of its certificate so as to authorize service to Bowling Green and service between Clarksville and Louisville.[5]

By letter filed May 15, 1962 (Docket 13155), Eastern and Ozark have requested that the jointly filed temporary suspension (Eastern) and exemption (Ozark) application in Docket 13155 be dismissed. We shall grant this request.

Answers in support of Lake Central's motion to consolidate were filed by the Evansville Chamber of Commerce and the Evansville-Vanderburgh Airport Authority District, Owensboro-Daviess County Airport Board, and the Indianapolis Airport Authority and Indianapolis Chamber of Commerce. The Air Line Pilots Association, International has filed a petition in Docket 13602 requesting intervention. We shall grant this request.

Upon consideration of the foregoing and all relevant data available to the Board, we find that it is in the public interest to proceed promptly with a hearing on the proposed transfer agreement in Docket 13602.[6] However, inasmuch as Eastern and Ozark do not propose a certificate transfer entirely within the scope of section 401(h) of the Federal Aviation Act of 1958, as amended,[7] but rather, seek in addition the deletion of Eastern at Owensboro and the addition of Ozark between Louisville and Nashville, the proceeding will be pursuant to section 401(g) of the Act, as well as section 401(h). Accordingly, the applications of Eastern in Dockets 13152 and 13153 will be consolidated in this proceeding.

With respect to Lake Central's motion to consolidate, the carrier applied, inter alia, for Cincinnati-Nashville authority via Louisville and Bowling Green, and its request would involve traffic moving between Cincinnati, on the one hand, and Louisville, Nashville and Bowling Green, on the other. This portion of Lake Central's application seeks the same authority sought by Ozark between Louisville and Nashville via Bowling Green, and we will therefore as a matter of discretion hear it in this proceeding.[8] However, to hear only the Louisville-Nashville portion of Lake Central's application would be unfair to that carrier because there would not be a link with the remainder of its system. Consequently, we will also hear Lake Central's Cincinnati-Louisville request.[9] We will, however, restrict the issues in this proceeding in such a manner as to insure that they are confined, insofar as possible, to a contemporaneous consideration of the markets for which both carriers seek authority. Thus, we will provide that any award to Lake Central in this proceeding shall contain a restriction which will preclude Lake Central from providing single-plane service north of Cincinnati on flights serving Bowling Green or Louisville. In this manner, the instant proceeding will not be unduly expanded nor will service considerations which are not directly germane to the issues become involved. We find that consolidation of Lake Central's application, Docket 13179, except to the extent here consolidated, is not required as a matter of law. Furthermore, the issues raised by Lake Central's application will unduly expand and complicate this proceeding and therefore will not be consolidated.

Two related matters require action by the Board. Lake Central also filed, pursuant to section 416(b) of the Act, an application for exemption authority (Docket 13186) to provide service to Bowling Green and Owensboro, among other points, until 60 days after final disposition of its application in Docket 13179 for the amendment of its Route 88 certificate.[10] The principal thrust of Lake Central's argument in support of its request is that upon suspension of Eastern at Bowling Green and Owensboro, Lake Central can best serve the needs of the traveling public at these two cities pending action upon the various certificate applications.

We find, however, that Lake Central has not established that the enforcement of the provisions of section 401 of the Act, including the costs of a certificate proceeding, insofar as they prevent the carrier from engaging in such air transportation as is proposed in its application, would be an undue burden upon it by reason of the limited extent of, or unusual circumstances affecting its operations, and would not be in the public interest. Nor has Lake Central shown on public interest grounds any unusual circumstances which require immediate service outside the scope of the transfer agreement.

In Docket 13349 Ozark has also filed, pursuant to section 416(b) of the Act, an application for exemption authority to serve Clarksville-Louisville on a nonstop basis pending disposition of its certificate application for the same authority.[11] In support of its application, Ozark alleges that since it began nonstop service between Clarksville and Louisville in April, 1957, in the belief that such service was permissible under the terms of its certificate,[12] this market has rapidly developed, particularly Fort Campbell, which has generated substantial military traffic between Clarksville and Louisville. Ozark further asserts that to require a section 401 certificate amendment proceeding in order to authorize future needed operations would be ineffectual to validate continuation of operations which are clearly required in the public interest, and would be an undue burden on Ozark.

We agree, Ozark is the only carrier providing service in the Clarksville-Louisville market. The relatively light loads on the Clarksville segment have improved since inauguration of the nonstop operation. In 1956, the year before nonstop service was instituted, on-and-off passengers at Clarksville totaled 3,398; in 1961, the city's traffic had increased to 5,606. The Defense Traffic Management Service estimates that Fort Campbell generated approximately 2,000 passengers between Clarksville and Louisville in addition to the official travel for which 354 transportation requests were issued during 1961. During the 56 months in which the nonstop service has been offered, Clarksville's

[2] In its application, as amended (Docket 13179), Lake Central seeks authority to engage in scheduled air transportation of persons, property and mail: "(a) Between the terminal point Nashville, Tennessee, the intermediate points Bowling Green and Louisville, Kentucky, and (i) beyond Louisville, Kentucky, the intermediate point Bloomington, Indiana, and (ii) beyond Louisville, Kentucky, the terminal point Cincinnati, Ohio; (b) Between the terminal point Evansville, Indiana, the intermediate points Owensboro and Louisville, Kentucky, and the terminal point Cincinnati, Ohio; (c) Between the terminal point Evansville, Indiana, the intermediate points Owensboro and Bowling Green, Kentucky, and the terminal point Nashville, Tennessee." with authority to operate skip-stop services over each of the above-described segments. Lake Central has also applied for exemption authority to provide the above-described services (Docket 13186).

[3] A joint application filed by the Louisville & Jefferson County Air Board and the Louisville Chamber of Commerce. Louisville has since requested consolidation of Lake Central's application in Docket 13179 with Louisville's application in Docket 13235.

[4] Request for removal of Owensboro, Ky., from Eastern's Route 5 certificate, and request for removal of Bowling Green from Eastern's Route 10 certificate, respectively.

[5] Ozark is presently authorized to serve, and does serve, Owensboro as an intermediate point on its segment 4.

[6] Expeditious consideration has been the Board's practice in cases of this sort. Eastern-Mohawk Transfer Case, Docket 12130, Order E-16666, April 14, 1961.

[7] Section 401(h) provides: "No certificate may be transferred unless such transfer is approved by the Board as being consistent with the public interest."

[8] In view of this determination, we find it unnecessary to pass on the question of whether we are required as a matter of law to consolidate this portion of Lake Central's application.

[9] Louisville's request for air service, Docket 13235, will also be consolidated to the extent that it requests service over a Cincinnati-Nashville routing via Louisville and Bowling Green.

[10] Objections to the exemption application were filed by Piedmont Aviation, Inc., Trans World Airlines, Inc., Delta Air Lines, Inc., and Ozark.

[11] Docket 13348.

[12] Ozark's certificate does not authorize nonstop service between these points which are on separate legs of the same segment.

on-and-off passengers have averaged 396 per month. Of these, 232 per month, or approximately 59 percent of the total traffic, were carried on the nonstop flights. If authority to continue the nonstop service is withheld, these passengers, who now travel 142 miles, would be required to travel via Paducah, a distance of 265 miles, with a corresponding increase in fare. To require Ozark to await authority for the Clarksville-Louisville nonstop until decision on its certificate application in Docket 13348 would not be in the interest of either the public or the Defense Agency and would be an undue burden upon the carrier.

Consequently, upon consideration of the foregoing and acting pursuant to section 416(b) of the Federal Aviation Act, the Board finds that the enforcement of the provisions of section 401(a) of the Act and of the terms, conditions and limitations of Ozark's certificate of public convenience and necessity insofar as they would prohibit the services herein authorized would be an undue burden on Ozark by reason of the limited extent of, or unusual circumstances affecting, its operations and would not be in the public interest. We, therefore, will grant Ozark's exemption application in Docket 13349, effective until 90 days after the decision in Docket 13348, provided that the exemption authority is not used to provide single-plane service between Nashville and Louisville. *Accordingly, it is ordered*, That:

1. The application in Docket 13602 be set down for hearing on an expedited basis;

2. Eastern's applications, Dockets 13152 and 13153, be and they hereby are consolidated herein for hearing and decision;

3. Lake Central's application, Docket 13179, insofar as it requests authority between Cincinnati and Nashville, via Louisville and Bowling Green, be and it hereby is consolidated herein for hearing and decision: *Provided, however*, Any award to Lake Central in this proceeding shall contain a restriction which will preclude Lake Central from providing single-plane service between Bowling Green or Louisville, on the one hand, and points north of Cincinnati on the other hand.

4. The petition of the City of Louisville, Docket 13235, insofar as it requests service between Cincinnati and Nashville, via Louisville and Bowling Green, be and it hereby is consolidated herein for hearing and decision;

5. The joint application of Eastern and Ozark, Docket 13155, be and it hereby is dismissed;

6. Lake Central's application, Docket 13186, be and it hereby is denied;

7. Ozark be and it hereby is temporarily exempted from the provisions of section 401 of the Act and the terms, conditions, and limitations of its certificate of public convenience and necessity insofar as they would otherwise prohibit Ozark from providing nonstop Clarksville-Louisville service, subject to the condition that Ozark shall not provide single-plane service between Nashville and Louisville. The authority granted in this paragraph shall become effective on the effective date of this order and shall expire 90 days after final decision in Docket 13348;

8. The applications of Lake Central and Louisville, Dockets 13179 and 13235, except to the extent consolidated herein, be and they hereby are dismissed without prejudice pursuant to Rule 12(d) of the Board's rules of practice;

9. A copy of this order shall be served upon Eastern Air Lines, Inc., Ozark Air Lines, Inc., Lake Central Airlines, Inc., the Cities and Chambers of Commerce of Cincinnati, Nashville, Owensboro and Bowling Green, the Louisville and Jefferson County Air Board and the Louisville Chamber of Commerce and the Air Line Pilots Association, International, which are hereby made parties to the proceeding herein; and

10. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-9018; Filed, Sept. 7, 1962; 8:50 a.m.]

[Docket 13415 etc.]

WEST COAST AIRLINES, INC., "USE IT OR LOSE IT" INVESTIGATION AND ROUTE REALIGNMENT CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the first portion of the hearing in the above-entitled proceeding is assigned to be held on October 2, 1962, at the Davenport Western Hotel, Spokane, Wash., at 10 a.m. (local time) before the undersigned Examiner. Upon conclusion of the Spokane session, the hearing will reconvene on October 10, 1962, at 10 a.m. (local time) in the Court of Appeals Room, Federal Building, Southwest Broadway and Main Street, Portland, Oreg.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on June 22, 1962, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 4, 1962.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 62-9017; Filed, Sept. 7, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the lists previously published under the Act (27 F.R. 8045 and 8499) for July and represents those establishments and species which were reported too late to be included in the earlier lists or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier lists were based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Swift and Co.	3AF	(*)	(*)	------	------	------	------
Western Packing Co.	288	(*)	------	------	------	------	------
Melton Provision Co.	311	(*)	(*)	(*)	(*)	------	------
Granite State Packing Co.	785	(*)	(*)	------	------	------	------
Berchems Meat Co.	830	(*)	------	------	------	------	------

5 Establishments Reported.

Done at Washington, D.C., this 31st day of August 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-9010; Filed, Sept. 7, 1962; 8:49 a.m.]

Office of the Secretary

AUTHENTICATING DOCUMENTS

Delegation of Authority

In addition to the officers named in the Delegation of May 12, 1958 (23 F.R. 3336), I hereby authorize that the name of the Secretary of Agriculture be subscribed by the Chief of the Eastern Laboratory and by the Chief of the Western Laboratory, Agricultural Stabilization and Conservation Service, and by the Chief of the Reproduction Branch, Cartographic Division, Soil Conservation Service, to certificates authenticating aerial photographic reproductions, including photo indexes, pursuant to the provisions of 28 U.S.C. 1733, as true copies of those on file in the Department and thereby in the custody of the Secretary of Agriculture.

The authority given by this Delegation of Authority cannot be redelegated.

The Delegation of Authority shall be effective immediately.

Signed at Washington, D.C., this 4th day of September 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-9029; Filed, Sept. 7, 1962; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13062; FCC 62M-1178]

CHE BROADCASTING CO.

Order Continuing Hearing

In re application of CHE Broadcasting Company (NSL), Albuquerque, New Mexico, Docket No. 13062, File No. BP-11842; for construction permit.

The Hearing Examiner having under consideration further proceedings in the above-entitled matter;

It appearing, that on August 30, 1962, the applicant filed a petition requesting that its application in the above-entitled proceeding be dismissed; and

It further appearing, that the Chief Examiner, to whom the above-mentioned petition for dismissal is addressed, has ruled that the said petition for dismissal be held in abeyance pending submission of an affidavit of no consideration, and that said affidavit shall be filed no later than September 10, 1962; and

It further appearing, that a hearing in this matter has been scheduled for September 6, 1962, in Washington, D.C., which date should be postponed because of the pendency of the aforementioned petition to dismiss:

It is ordered, This 4th day of September 1962, that the hearing presently scheduled for September 6, 1962, be, and the same is, hereby continued without date.

Released: September 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9020; Filed, Sept. 7, 1962; 8:50 a.m.]

[Docket No. 14691; FCC 62M-1175]

GEOFFREY A. LAPPING

Order Continuing Hearing

In re application of Geoffrey A. Lapping, Blythe, California, Docket No. 14691, File No. BP-13609; for construction permit.

Pursuant to prehearing conference as of this date: *It is ordered*, This 4th day of September 1962, that the hearing herein now scheduled for October 11, 1962, be and the same is hereby rescheduled for November 5, 1962, 10 a.m. in the Commission's Offices, Washington, D.C.

Released: September 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9021; Filed, Sept. 7, 1962; 8:50 a.m.]

[Docket No. 14611; FCC 62R-27]

PROGRESS BROADCASTING CORP.

Memorandum Opinion and Order Amending Issues

In re application of Progress Broadcasting Corporation, (WHOM), New York, New York, Docket No. 14611, File No. BP-13915; for construction permit.

1. Petitioner, Progress Broadcasting Corp. (licensee of standard broadcast Station WHOM, New York, N.Y.) is an applicant for a construction permit to change its DA and ground systems.[1] The proposed operation would cause objectionable cochannel nighttime interference to Station WSAR, Fall River, Massachusetts.[2] K & M Publishing Co., Inc., licensee of WSAR, is a respondent in this proceeding. Petitioner's application was designated for hearing on an interference issue, an engineering issue, and an air safety issue (27 F.R. 4258). Petitioner requests that the issues be enlarged to include the following:

To determine the needs for program service of the area to be served by WHOM, the extent to which the WHOM proposal will serve those needs, and the extent to which those needs may be served by the programming of existing stations.

In support of its request, petitioner urges that the highly specialized nature of WHOM's program service and the need therefor in the area proposed to be served by WHOM satisfy the requirement of a "special factual showing" for the addition of a programming issue established in Mid-America Broadcasting System, Inc., 19 RR 889 (1960). WHOM devotes 19 hours per day, Monday through Saturday, to Spanish language programs, designed primarily to serve the Spanish-speaking Puerto Rican population in and around New York City. Under its proposed operation, WHOM alleges that it would bring its Spanish language programs to additional thousands of Spanish-speaking Puerto Ricans in the proposed gain area.

2. The Broadcast Bureau supports petitioner's request on the basis that the "threshold showing" required to justify enlargement has been made. However, the Bureau urges that petitioner be required to establish by probative evidence the number of Spanish-speaking people in the gain area as a condition precedent to any consideration of petitioner's programming. In addition, the Bureau recommends that the following issue be included as well:

To determine the type and character of program service rendered by standard broadcast Station WSAR; the extent to which this program service meets the requirements of the populations and areas proposed to lose such service; and the extent to which the programming services of existing standard broadcast stations meet the requirements of the populations and areas proposed to lose the service of WSAR.

3. Petitioner objects to both of the Bureau's recommendations. With respect to the matter of evidence regarding the number of Spanish-speaking peoples in the gain areas, petitioner asserts that the question of the nature of the population in the proposed gain area is a matter for determination by the Commission in its final decision.

4. With regard to the issue concerning the needs for program service of the population in the interference area and the nature of the service WSAR now provides to that area, petitioner asserts that the Bureau's request is erroneous. Petitioner alleges that since WSAR has not demonstrated that it serves any special need of the interference area for program service, the special factual showing required for the addition of a programming issue in the interference area (established in Mid-America) has not been made. Moreover, petitioner claims that WSAR's failure to seek enlargement of issues requires a presumption by the Commission that WSAR serves no special needs in the interference area (Regional Radio Service, 32 FCC 1073, 23 RR 599).

5. Lastly, petitioner argues that should the Commission determine that an issue concerning the program service of WSAR is necessary, both the burden of proceeding with the introduction of evidence and the burden of proof on that issue cannot be assigned to petitioner, but must rest on the Broadcast Bureau. Fredericksburg Broadcasting Corp., 20 RR 189.

6. We agree with the Broadcast Bureau that a sufficient showing has been made by the petitioner to warrant enlargement of the issues. We also agree with the Broadcast Bureau that the significance to be attached to WHOM's specialized programming in the proposed gain area can be determined only if a showing is made by WHOM as to the number of Spanish-speaking persons in those areas.

[1] The Review Board has before it for consideration (1) a petition to enlarge issues, filed May 18, 1962, by Progress Broadcasting Corporation; (2) comments filed June 14, 1962, by the Broadcast Bureau; and (3) a reply filed June 25, 1962, by petitioner.

[2] The WHOM application shows that it will cause objectionable nighttime cochannel interference to 7,824 persons in an area of 22 square miles within the normally protected nighttime 2.5 mv/m contour of WSAR, or approximately 2 percent of the population within the normally protected nighttime contour. In addition, the application also shows that the proposal will result in WHOM providing a new 2 mv/m or better service daytime to more than 500,000 persons in an area of almost 80 square miles, and a new primary service (2.5 mv/m or better) nighttime to more than 1,200,000 persons in an area of 30 square miles.

7. We also agree with the Broadcast Bureau that a companion issue [3] should be added to determine the programming needs of the area that would lose the service of Station WSAR. Consideration of the programming needs only of the gain area, without consideration of the loss area, would result in a qualitative versus quantitive comparison of relative need. Such comparison was enjoined in Democrat Printing Co. v. FCC, 7 RR 2138, 202 F. 2d 298 (C.A.D.C., 1952).

8. The burden of proceeding with the introduction of evidence and the burden of proof will be placed upon the petitioner insofar as the programming needs of the proposed gain areas are concerned. Insofar as the proposed loss area is concerned, these burdens will be placed upon Station WSAR; the interference is cochannel in nature, with no substitution of service, and hence, both from the standpoint of primary concern for the needs of the interference area and from the standpoint of knowledge as to the manner in which the programming needs of the interference are now met, these burdens should be on WSAR. Such assignment of the burden of proceeding with the introduction of evidence and the burden of proof does not, of course, serve to relieve petitioner of the ultimate burden of showing that the need for its proposed service outweighs the need for the service that would be lost by reason of interference. See § 3.24(b) of the rules; *Fredericksburg Broadcasting Corp.*, FCC 60-635, 20 RR 189 (1960).

Accordingly, it is ordered, This 30th day of August 1962, That the petition to enlarge issues, filed May 18, 1962, by Progress Broadcasting Corp. is granted to the extent indicated herein and is otherwise denied; and

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issues:

To determine the type and character of program service rendered by Station WSAR; whether such program service meets the requirements of the population and area which would lose such service as a result of the grant of the modification application of Progress Broadcasting Corp. (File No. BP-13915); and the extent to which the programming of other existing standard broadcast stations meets the requirements of this interference area.

To determine the type and character of the program service to be rendered by Station WHOM; whether this program service would meet the requirements of the population and area which would gain service upon grant of its modification application; and the extent to which the programming of other existing standard broadcast stations meets the requirements of the area thus gained.

It is further ordered, That K & M Publishing Co., Inc., the licensee of Station WSAR, shall have the burden of proceeding with the introduction of evidence and the burden of proof under the first of the two added issues; and that Progress Broadcasting Corp. shall have the burden of proceeding with the introduction of evidence and burden of proof under the second of the two added issues.

Released: September 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-8999; Filed, Sept. 7, 1962; 8:47 a.m.]

[3] The companion issue being added is like one that was adopted in Fredericksburg Broadcasting Corp., FCC 60-99, 19 RR 895 (1960).

[Docket No. 14753]

RALPH YAGO

Order To Show Cause

In the matter of Ralph Yago, Pittsburgh, Pennsylvania, Docket No. 14753; order to show cause why there should not be revoked the license for radio station 20W1705 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of an alleged violation of section 303(n) of the Communications Act of 1934, as amended, and of § 19.73 of the Commission's rules by the above-captioned licensee;

It appearing, that, on July 28, 1962, authorized representatives of the Commission requested that the above-named licensee make the facilities of Citizens radio station 20W1705 available for inpection but that said licensee refused to permit such inspection; and

It further appearing, that, in view of the foregoing, the licensee willfully violated section 303(n) of the Communications Act of 1934, as amended, and § 19.73 of the Commission's rules:

It is ordered, This 4th day of September 1962, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at 61 Baldwick Road, Pittsburgh 5, Pennsylvania.

Released: September 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9023; Filed, Sept. 7, 1962; 8:50 a.m.]

[Docket Nos. 14193, 14194; FCC 62M-1177]

SMACKOVER RADIO, INC., AND MAGNOLIA BROADCASTING CO.

Order Continuing Hearing

In re applications of Smackover Radio, Inc., Smackover, Arkansas, Docket No. 14193, File No. BP-14663; Magnolia Broadcasting Company (KVMA), Magnolia, Arkansas, Docket No. 14194, File No. BP-14717; for construction permits.

Because of the pendency of a petition to change place of hearing filed by the Broadcast Bureau on August 29, 1962, on the Hearing Examiner's own motion: *It is ordered*, This 4th day of September 1962, that the hearing now scheduled for September 12, 1962, is continued to a date to be set by subsequent order.

Released: September 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9022; Filed, Sept. 7, 1962; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

LORETZ & CO. AND GEO. S. BUSH & CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement 8929 is a cooperative working arrangement between Loretz & Company and Geo. S. Bush & Co., Inc., each of whom is an independent ocean freight forwarder eligible to carry on the business of forwarding pursuant to section 44, Shipping Act, 1916. Loretz & Company has offices in Los Angeles, San Francisco and Houston; Geo. S. Bush & Co., Inc. is located in Seattle, Washington.

The agreement provides for the division, after negotiation, of forwarding fees and ocean freight brokerage on shipments which the parties dispatch for each other under the agreement.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., or at the Commission's District Offices at:

45 Broadway,
New York, N.Y.

New Federal Building,
701 Loyola Street, P.O. Box 52948,
New Orleans 50, La.

180 New Montgomery Street,
San Francisco, Calif.

They may submit, to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: September 5, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-9027; Filed, Sept. 7, 1962; 8:51 a.m.]

LORETZ & CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15, Shipping Act, 1916, as amended.

No. 8947 (Revised) between Loretz & Company (Los Angeles) and Geo. S. Bush & Co., Inc. (Portland, Oreg.).

No. 8952 between W. R. Zanes & Co. of La., Inc. (New Orleans) and James Loudon & Co., Inc. (Los Angeles).

No. 8986 between Express Forwarding & Storage Co., Inc. (N.Y.) and The Hipage Company, Inc. (Norfolk).

No. 8988 between Mohegan International Corp. of Louisiana (New Orleans) and Traeger Shipping Corp. (Miami).

Each of the parties is an independent ocean freight forwarder eligible to carry on the business of forwarding pursuant to section 44 of the Shipping Act, 1916. No. 8947, between Loretz & Company and Geo. S. Bush & Co., Inc. was revised to comply with the request of the Bureau of Domestic Regulation that the provision relative to division of brokerage be clarified. The terms of the four agreements are now identical. The agreements are non-exclusive, cooperative working arrangements under which the parties will perform freight forwarding services for each other, dividing forwarding fees and ocean freight brokerage as agreed on each transaction. Termination may be effected by written notice from one party to the other.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., or at the Commission's field offices at:

45 Broadway,
New York 4, N.Y.

701 Loyola Street, New Federal Building,
P.O. Box 52948 (mailing address),
New Orleans 50, La.

180 New Montgomery Street,
San Francisco, Calif.

They may submit, to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: September 5, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-9026; Filed, Sept. 7, 1962; 8:51 a.m.]

WEST COAST OF INDIA AND PAKISTAN/U.S.A. CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contracts

Notice is hereby given that the West Coast of India and Pakistan/U.S.A. Conference has filed with the Commission, pursuant to section 14b, Shipping Act, 1916, a proposed Exclusive Patronage (Dual Rate) Contract and an application for permission to use a dual rate system in the trade from ports in the range from Karachi to Tuticorin inclusive to U.S. Atlantic and Gulf ports.

Interested parties may inspect a copy of the contract and application at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and application and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: September 4, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-9025; Filed, Sept. 7, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2319]

COOS-CURRY ELECTRIC COOPERATIVE, INC.

Notice of Application for Preliminary Permit

SEPTEMBER 5, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Coos-Curry Electric Cooperative, Inc. (correspondence to Bruce Shavere, Manager, Coos-Curry Electric Cooperative, Inc., Post Office Box 427, Coquille, Oregon), for a preliminary permit for proposed water-power Project No. 2319, designated by applicant as "Buzzard's Roost Hydroelectric Project", to be located on the Illinois River, a principal tributary of the Rogue River, in Curry and Josephine Counties, Oregon, in the region of Port Orford, Gold Beach, Brookings and Pistol River, affecting lands of the United States within the Siskiyou National Forest, and to consist of a rock-filled dam about 560 feet high with crest at elevation 710 feet on the Illinois River about 4.5 miles upstream from the confluence of the Illinois and Rogue Rivers; a reservoir with total storage capacity of 915,000 acre-feet at elevation 700 feet and about 680,000 acre-feet of usable storage with 200 feet of reservoir drawdown; a spillway controlled by a radial gate in the left abutment; intake structure, pressure tunnel, penstock and an underground powerhouse in the right abutment containing two turbine-generating units, each rated at 100,000 kilowatts; a re-regulating dam about 1.5 miles downstream with anadromous fish facilities; and appurtenant facilities.

While no construction is authorized under a preliminary permit, such a permit does give the permittee the right of priority of application for license while the permittee undertakes the necessary studies and examinations required by section 9(b) of the Act, in order to determine the economic feasibilty of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be applied for under the permit.

Pursuant to section 24 of the Federal Power Act, the filing of this application has the effect of segregating from all forms of disposal any lands of the United States which may be contained within the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions to intervene may be filed is October 18, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9014; Filed, Sept. 7, 1962; 8:49 a.m.]

[CP62-243 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Notice of Postponement of Hearing

SEPTEMBER 4, 1962.

In the matter of Natural Gas Pipeline Company of America, CP62-243 and CP61-339; Mississippi River Transmission Corporation, CP62-242, CP61-341, CP62-76, and CP61-339; Mississippi River Fuel Corporation, CP61-341.

Take notice that the hearing in the above-docketed proceeding heretofore scheduled to commence on September 17, 1962, by notice issued July 12, 1962, is hereby postponed to a date to be fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8989; Filed, Sept. 7, 1962; 8:45 a.m.]

[Docket No. E-7049]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Application

SEPTEMBER 5, 1962.

Take notice that an application was filed on August 9, 1962, as amended on August 27, 1962, with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Southern California Edison Company (Applicant) for authorization to acquire the electric facilities of Avalon Public Service Company, the electric facilities of the City of Avalon, California, and the electric

facilities of the Santa Catalina Island Company.

Applicant states that the proposed acquisitions are part of a plan to provide improved electric service throughout the Island of Santa Catalina and adequate gas service in at least the territory now served. Applicant provides electric, gas and water service to customers in central and southern California, and proposes to acquire all of the facilities of Avalon Public Service Company, a company which provides gas, water and electric service to customers in the City of Avalon, California, and in a four square mile adjacent area, together with certain facilities of the Santa Catalina Island Company.

Applicant proposes to issue approximately 9,166 shares of its common stock in exchange for all of the outstanding shares of Avalon Public Service Company's common stock, and thereupon to dissolve Avalon Public Service Company, acquiring all of its assets and assuming all of its outstanding debts and liabilities. The purchase price allocated for the electric facilities of the Santa Catalina Island Company is approximately $28,000. The price which Applicant will pay the City of Avalon for those of its facilities which Applicant will acquire will be determined through the submission of bids. Applicant states that the terms of the agreements are such that either all of the proposed acquisitions will be made or none.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 18th day of September 1962 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9015; Filed, Sept. 7, 1962; 8:49 a.m.]

[Docket No. 11980 etc.]

TENNESSEE GAS TRANSMISSION CO.

Order Consolidating Proceedings and Fixing Date of Prehearing Conference

AUGUST 31, 1962.

In the matter of Tennessee Gas Transmission Company, Docket Nos. G-11980, G-17166, G-19983.

By order issued June 22, 1962, the Commission consolidated the matters involved in Tennessee Gas Transmission Company, Docket Nos. G-11980 and G-17166, for the purposes of hearing and decision. The Commission concluded that in the event the pending conference to explore the possibilities for settlement of the issues in all three pending Tennessee rate proceedings, including the two mentioned dockets and Docket No. G-19983, should not be successful, the consolidated hearing should be convened as expeditiously as possible.

The Commission is now informed that the settlement conferences were terminated on August 17, 1962, because of the inability of the parties to reconcile substantial differences. Under the circumstances, the public interest requires that a hearing be convened at the earliest possible date for the purpose of completing the record and proceeding to a decision as expeditiously as possible on all matters remaining at issue and still undecided in all three of the said Tennessee dockets.

The Commission orders:

(A) The matters involved in Tennessee Gas Transmission Company, Docket Nos. G-11980, G-17166, and G-19983, are hereby consolidated for the purposes of hearing and decision.

(B) Presiding Examiner Joseph Zwerdling, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the prehearing conferences and the hearing in this matter, pursuant to the Commission's rules of practice and procedure.

(C) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner herein designated shall commence at 10 a.m., e.d.s.t., on September 11, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating the expeditious disposition of this consolidated proceeding.

(D) The purpose of such conference shall be to consider all matters remaining at issue in the above dockets, the evidence required to complete the record on such matters in each of the said dockets, and the manner in which such evidence shall be presented, to fix dates for the distribution of such evidence, to fix the date on which the consolidated hearing shall commence, and to consider any and all other matters which might contribute to an expeditious disposition of the entire consolidated proceeding.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8990; Filed, Sept. 7, 1962; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL DIRECTOR OF ADMINISTRATION REGION II (PHILADELPHIA)

Designation

Pursuant to the Housing and Home Finance Administrator's delegation of authority to Regional Administrators, effective as of May 4, 1962 (27 F.R. 4319), the following officers of Region II are hereby designated to act in the place and stead of the Regional Director of Administration for Region II, with the title of "Acting Regional Director of Administration", and with all the powers, functions, duties, and responsibilities delegated or assigned to the said Regional Director of Administration, in the event the Regional Director of Administration is unable to act by reason of his absence, illness, or other cause, provided that no officer identified below shall have authority to act as "Acting Regional Director of Administration" unless all those whose title appears before his hereunder are unable to act by reason of absence, illness or other cause:

(1) Director, Administrative Management.

(2) Assistant Director, Administrative Management.

Effective as of the 28th day of August 1962.

[SEAL] WARREN P. PHELAN,
Regional Administrator.

[F.R. Doc. 62-9024; Filed, Sept. 7, 1962; 8:51 a.m.]

SMALL BUSINESS ADMINISTRATION

[Amdt. 1 to Declaration of Disaster Area 364, 27 F.R. 4857]

NEVADA

Amendment to Declaration of Disaster Area

Declaration of Disaster Area 364, dated February 15, 1962, for the State of Nevada, is hereby amended so that Applications for disaster loans under the authority of said Declaration will not be accepted subsequent to September 30, 1962.

Dated: August 27, 1962.

C. R. LANMAN,
Deputy Administrator.

[F.R. Doc. 62-9002; Filed, Sept. 7, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

SEPTEMBER 4, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful

under section 15(c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a) (4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 5, 1962, through September 14, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-9000; Filed, Sept. 7, 1962; 8:48 a.m.]

[File No. 811-569]

ARMFIELD PLAN

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 4, 1962.

Notice is hereby given that Armrey Company ("Applicant"), (407 Reynolds Building, Winston-Salem, North Carolina), sponsor of The Armfield Plan ("Plan"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that the Plan has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the facts which are summarized below.

On August 14, 1953, sales of Armfield Plans were voluntarily discontinued by Applicant and since that date no offering of such plans has been made. There are no active plans in existence at this time and all underlying securities (shares of R. J. Reynolds Tobacco Company New Class B Common Stock) accumulated under the plans have been distributed to the holders of such plans and the plans have terminated by their terms.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 21, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. [A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request.] At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-9001; Filed, Sept. 7, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 5, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37913: *Liquid caustic soda from Brunswick, Ga., to Chickamauga, Tenn.* Filed by O. W. South, Jr., Agent (No. A4232), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Brunswick, Ga., to Chickamauga, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 53 to Southern Freight Association tariff I.C.C. S-194.

FSA No. 37914: *Returned shipments of lime to Mosher and Ste. Genevieve, Mo.* Filed by O. W. South, Jr., Agent (No. A4233), for interested rail carriers. Rates on returned carload shipments of lime, as described in the application, from points in southern territory, also Ohio and Mississippi River crossings and Virginia cities gateway points, to Mosher and Ste. Genevieve, Mo.

Grounds for relief: Carrier competition.

Tariff: Supplement 7 to Southern Freight Association tariff I.C.C. S-257.

FSA No. 37915: *Animal or poultry feed from and to points in Wyoming.* Filed by Western Trunk Line Committee, Agent (No. A-2271), for interested rail carriers. Rates on animal or poultry feed, viz: mineral mixtures for animal or poultry feeding, as described in the application, in carloads, between points in Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 12 to Western Trunk Line Committee tariff I.C.C. A-4422.

FSA No. 37916: *Liquid chlorine gas from and to points in Wyoming.* Filed by Western Trunk Line Committee, Agent (No. A-2273), for interested rail carriers. Rates on liquid chlorine gas, in tank-car loads, between points in Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 12 to Western Trunk Line Committee tariff I.C.C. A-4422.

FSA No. 37917: *Paint material from and to points in Wyoming.* Filed by Western Trunk Line Committee, Agent (No. A-2274), for interested rail carriers. Rates on paint material, as described in the application, in carloads, between points in Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 12 to Western Trunk Line Committee tariff I.C.C. A-4422.

FSA No. 37918: *Seeds from and to points in Wyoming.* Filed by Western Trunk Line Committee, Agent (No. A-2277), for interested rail carriers. Rates on seeds, in carloads, between points in Wyoming, on the one hand, and points in Minnesota, North Dakota and South Dakota, on the other.

Grounds for relief: Unregulated motor competition.

FSA No. 37919: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 448), for interested rail carriers. Rates on transmissions, flavoring syrup and wallboard cement, in carloads, and chinaware, in less-than-carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff: Supplement 33 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37920: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 449), for interested rail carriers. Rates on various commodities in carloads and less-than-carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 33 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9011; Filed, Sept. 7, 1962; 8:49 a.m.]

[Notice 689]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 5, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65205. By order of August 31, 1962. The Transfer Board approved the transfer to Ed Rubright, doing business as ABC Trailer Towing, Yuma, Ariz., of Certificate No. MC 119117, issued June 20, 1961, to Charles Wyatt and George McCormick, doing business as M & W Trailer Sales, Yuma, Ariz., authorizing the transportation of: Mobile homes, in secondary movements, in truckaway service, from points in Yuma County, Ariz., to points in California. Peter C. Byrne, 152 First Avenue, Yuma, Ariz., attorney for applicants.

No. MC-FC 65306. By order of August 31, 1962. The Transfer Board approved the transfer to Bellmont Trucking Company, Inc., Fort Wayne, Ind., of the operating rights in Permits Nos. MC 88174 Sub 2, MC 88174 Sub 4, and MC 88174 Sub 7, issued March 20, 1940, April 26, 1943 and July 12, 1950, respectively, to William H. Bell, doing business as Bellmont Trucking Company, Fort Wayne, Ind., authorizing the transportation over irregular routes, of sugar, tile, feed, offal, hides, tankage, salt, calcium, meat scraps, bone meal, bags, fertilizer, livestock, such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and canned goods, and over regular routes, of radiators, engine cooling, on racks, from, to, and between specified points in Indiana, Ohio, and Illinois. Louis E. Smith, 511 Fidelity Building, Indianapolis 4, Ind., applicants' attorney.

No. MC-FC 65309. By order of August 31, 1962. The Transfer Board approved the transfer to Heber G. Bearden, Marie Bearden, Raymond J. Plein, and Irene C. Plein, a partnership, doing business as Alaska Auto Transport, Seattle, Wash., of the operating rights in Certificate No. MC 117137, issued September 29, 1961, to N. J. Matlock and L. E. Whiting, a partnership, doing business as Alaska Auto Transport, Fairbanks, Alaska, authorizing the transportation of automobiles and pick-up trucks, in truckaway service, in secondary movements, between Seattle, Wash., and Fairbanks, Alaska. James T. Johnson, 609 Norton Building, Seattle 4, Wash., applicants' attorney.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9012; Filed, Sept. 7, 1962; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 7, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37923: *Less-than-carload commodity rate via The New York Central Railroad Company.* Filed by The New York Central Railroad Company (No. 260), for itself. Rates on commodities moving on less-than-carload commodity and/or trap or ferry car rates, between points on The New York Central Railroad Company.

Grounds for relief: Carrier competition.

Tariff: New York Central Railroad Company tariff I.C.C. 2296.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9064; Filed, Sept. 7, 1962; 9:29 a.m.]

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FEDERAL REGISTER

VOLUME 27 NUMBER 176

Washington, Tuesday, September 11, 1962

THE UNIVERSITY OF MICHIGAN

SEP 17 1962

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UNITED STATES GOVERNMENT ORGANIZATION MANUAL

[Revised as of June 1, 1962]

Official handbook of the Federal Government, describing the organization and functions of the agencies in the legislative, judicial, and executive agencies

Price: $1.50

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3489

NATIONAL VOTER REGISTRATION MONTH, 1962

By the President of the United States of America

A Proclamation

WHEREAS a disturbingly large number of citizens, who would otherwise be qualified to vote in Federal, State and local elections, are barred from voting because they fail to register to vote in compliance with State election laws; and

WHEREAS each qualified citizen has not only a right to vote but also a civic obligation and responsibility to do so; and

WHEREAS the failure of such a critical number of our qualified citizens to register and vote necessarily weakens our system of free democratic institutions and processes and constitutes a reflection upon our traditional concept of popularly-elected representative government; and

WHEREAS I am convinced that an immediate and intensive nationwide voter registration campaign could substantially reduce the number of qualified citizens who will be barred from voting in the forthcoming congressional elections by reason of failure to comply with election registration laws:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America do hereby designate September, 1962, as National Voter Registration Month; and I urge the Governors and election officials of the several States, together with other officials, candidates for public office, and political parties and organizations to institute an immediate and intensive non-partisan campaign designed to achieve the registration of as many qualified citizens as possible prior to the forthcoming congressional elections.

I also urge all interested citizens and all civic and educational organizations to partipicate in this voter registration campaign and to take all appropriate steps to assure a maximum registration of qualified voters.

Finally, I urge our newspapers, magazines, and other periodicals, our television and radio stations and networks, our motion picture industry, and all other news media to publicize and promote this voter registration drive.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of September in the year of our Lord nineteen hundred and sixty-two and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-9140; Filed, Sept. 10, 1962; 10:27 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

Department of Health, Education, and Welfare

1. Effective September 15, 1962, § 27.1 is amended by the addition of the following item:

§ 27.1 Exclusion from provisions of Federal Employees Pay Act and Classification Act.

• • • • • •

Counseling psychology interns and speech therapy interns, Department of Health, Education, and Welfare, approved postgraduate training during programs for graduate degree.

• • • • • •

Student educationa' therapists and student manual arts therapists, Department of Health, Education, and Welfare, approved training after a minimum of two years' college level training.

2. Effective September 15, 1962, § 27.2 is amended by the addition of the following items:

§ 27.2 Maximum stipends prescribed.

• • • • • •

Counseling psychology interns and speech therapy interns, Department of Health, Education, and Welfare, approved training during programs for graduate degree, no stipend other than any maintenance provided.

• • • • • •

Student educational therapists and student manual arts therapists, Department of Health, Education, and Welfare, approved training after a minimum of two years' college level training, no stipend other than any maintenance provided.

(61 Stat. 727, 728, as amended; 5 U.S.C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-9058; Filed, Sept. 10, 1962; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Plums

MISCELLANEOUS AMENDMENTS

On June 13, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5611) regarding proposed amendments to the United States Standards for Grades of Canned Plums (7 CFR 52.1781–52.1796).

Statement of consideration leading to the amendments of the grade standards. The amendments involve: (1) Combining the two categories of "green gage plum groups" and "yellow egg plum groups" into one classification; and (2) providing for whole plums to be peeled as well as unpeeled.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

Under former marketing practices light-colored plums suitable for canning were divided into two basic groups: (a) Green gage plum groups and (b) yellow egg plum groups. In each of these light-colored plum groups are specific varieties of plums which, upon canning, resemble each other as to color and other characteristics depending upon the degree of maturity at time of canning. In the canned product it is difficult to differentiate between plums of the two groups, and confusion arises in buying and selling when either of the two varietal groups is specified. The current practice of canners is to process several varieties of light-colored plums all of which may be offered interchangeably as greenish-yellow or yellow plums.

Whereas canned plums are generally canned without peeling, increased volumes of "peeled" style plums are now being canned.

No opposition was registered to either of the amendments proposed, and the earliest adoption date was suggested by interested canners. The amendments should assist processors and others in marketing canned plums more effectively on the basis of current commercial practices.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following amendments to the United States Standards for Grades of Canned Plums are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627):

1. Change § 52.1782 to read:

§ 52.1782 Varietal types of canned plums.

(a) Purple plum groups.
(b) Green-yellow plum groups.

2. Change paragraph (a) of § 52.1783 to read:

§ 52.1783 Styles of canned plums.

(a) "Whole" canned plums are whole, unpitted plums which may or may not be peeled.

It is hereby found that good cause exists for not postponing the effective date of these amendments beyond the date of publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), in that:

(1) The 1962 canning season for canned plums is underway and it is in the interest of the public and the industry that these amendments be placed in effect at the earliest possible date; and,

(2) No special preparation is required for compliance with these amendments on the part of members of the canning industry or of other parties interested in marketing canned plums.

Accordingly the amendments to the United States Standards for Grades of Canned Plums set forth herein shall become effective upon publication in the FEDERAL REGISTER.

Dated: September 6, 1962.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 62-9061; Filed, Sept. 10, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-86]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route and Jet Advisory Area

On August 2, 1962, a notice of proposed rule making was published in the FEDERAL

REGISTER (27 F.R. 7652) stating that the Federal Aviation Agency proposed to alter the segment of Jet Route No. 500 and its associated en route radar jet advisory area, over United States territory, from Sherbrooke, Quebec, to Fredericton, New Brunswick.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 602.100 *Jet Routes* (27 F.R. 7304) Jet Route No. 500 is amended to read:

Jet Route No. 500 (Lakehead, Ontario, to Fredericton, New Brunswick) (joins Canadian high level airway No. 500). From the Lakehead, Ontario RR via Sault Ste. Marie, Mich.; Gore Bay, Ontario, RR; Killaloe, Ontario, RBN; Ottawa, Ontario; St. Johns, Quebec; Sherbrooke, Quebec; Millinocket, Maine to Fredericton, New Brunswick excluding the portions outside the United States.

2. In § 602.200 *En route jet advisory areas* (27 F.R. 7312) Jet Route No. 500 is amended to read:

Jet Route No. 500 jet advisory area. Radar—From the United States/Canadian Border SE of Lakehead, Ont., Canada, RR to the United States/Canadian Border E of Sault Ste. Marie, Mich.; from the United States/Canadian Border W of Millinocket, Maine, to the United States/Canadian Border NE of Millinocket, excluding the airspace below flight level 290 from the United States/Canadian Border SE of Lakehead RR to the United States/Canadian Border E of Sault Ste. Marie.

These amendments shall become effective 0001 e.s.t. October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 4, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9033; Filed, Sept. 10, 1962; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Programs

Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[Ninth Gen. Rev. of Export Regs., Amdt. 57]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Export Licensing General Policy

Section 373.1 *Export licensing general policy* is amended as follows:

Paragraphs (a), (b), and (c) are redesignated (b), (c), and (d) respectively, and a new paragraph (a) is added to read as follows:

(a) *National security and welfare.* It is the policy to deny any request or application for authorization to export or reexport either commodities or technical data to any nation or combination of nations threatening the national security of the United States, if such export or reexport makes a significant contribution to the military or economic potential of such nation or nations which would prove detrimental to the national security and welfare of the United States.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487)

RAUER H. MEYER,
Acting Director,
Office of Export Control.

[F.R. Doc. 62-9105; Filed, Sept. 10, 1962; 8:51 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55697]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Ports of Entry

AUGUST 30, 1962.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 1 (26 F.R. 11877), and under the authority contained in section 2 of the Act of July 5, 1884, as amended (46 U.S.C. 2), and section 1 of the Act of February 16, 1925, as amended (46 U.S.C. 18), Greenville, Mississippi, is designated as a customs port of entry and port of documentation in Customs Collection District No. 20 (New Orleans).

The port of entry of Greenville, Mississippi, shall include the area within the corporate limits of the City of Greenville, Mississippi, and all the area to the southwest of such limits bounded by a line beginning at the intersection of the Greenville city boundary and the Mississippi River Levee; thence in a southwesterly direction along the centerline of the Mississippi River Levee to Levee Station 4292; thence in a northerly direction along the dike to the east bank of the Mississippi River; thence in a northeasterly direction along the east bank of the Mississippi River and the Greenville Harbor Entrance Channel to the southern boundary of the City of Greenville; thence east along the Greenville southern boundary to the point of beginning.

Section 1.1(c) of the Customs Regulations is amended by adding "'Greenville, Mississippi (T.D. 55697)" in the column headed "Ports of Entry" in District No. 20 (New Orleans).

Notice of the proposed designation of Greenville as a customs port of entry was published in the FEDERAL REGISTER of April 26, 1962 (27 F.R. 3999), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No objections were received. It is considered in the best interest of the public that this action be put in effect as soon as possible. For this reason it is found that compliance with the effective date limitations of section 4(c) of that Act serves no good purpose. Accordingly, this Treasury Decision shall be effective upon publication in the FEDERAL REGISTER.

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-9048; Filed, Sept. 10, 1962; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Hospital and Medical Services for Veterans Suffering From Noncompensable Peacetime Service-Connected Disabilities

A new § 17.953 is added to read as follows:

§ 17.953 Instructions authorizing hospital and medical services for veterans suffering from noncompensable peacetime service-connected disabilities.

(a) *Instructions.* Public Law 87-583 amended 38 U.S.C. 610(a) and 612(a) to provide that hospital care and medical services which the Administrator of Veterans Affairs determines are needed, may, within the limits of Veterans Administration facilities, be furnished to veterans suffering from a noncompensable service-connected peacetime disability. In brief, persons in need of hospital care or medical services for a noncompensable service-connected peacetime incurred disability and who were retired or separated for reasons other than disability are now eligible for such benefits.

(b) *Effective date.* This section applies to those applications received for these benefits on and after August 14, 1962, the enactment date of Public Law 87-583. Applications pending on August 14th, on which no determination of ineligibility has been made by the Veterans Administration before that date, may be considered as received on August 14th for the purpose of these benefits. (Instruction 1, Title 38, United States Code, Chapter 17, Public Law 87-583.)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective September 11, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-9049; Filed, Sept. 10, 1962; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2769]

[Riverside 0637]

[Sacramento 062480]

CALIFORNIA

Opening Lands Under Section 24 of the Federal Power Act

1. In DA-982 and DA-988, California, the Federal Power Commission:

(a) Vacated the withdrawal created pursuant to the filing of the application for a preliminary permit for proposed Project No. 564 for the following described lands:

MOUNT DIABLO MERIDIAN

T. 26 S., R. 32 E.,
Sec. 25, NE¼SE¼ and S½SE¼;
Sec. 36, N½NE¼ and SW¼NE¼.

(b) Determined that the value of the following described lands would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and subject to the condition that no improvements or structures shall be placed or erected upon said lands which will in any manner interfere with or increase the cost of the operation or maintenance of the Isabella Dam and Reservoir or any of its appurtenant facilities:

MOUNT DIABLO MERIDIAN

T. 26 S., R. 32 E.,
Sec. 25, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 36, N½NE¼, SW¼NE¼, NW¼, and W½SE¼.
T. 26 S., R. 33 E.,
Sec. 30, lots 3 and 4;
Sec. 31, lots 1, 2, and 3.

The areas described, aggregating approximately 971 acres, are in part withdrawn for the Monache-Walker Pass National Cooperative Land and Wildlife Management Area. The Area lands are not subject to the opening provisions of this order.

2. The lands are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals provided, that until 10 a.m. on March 6, 1963, the State of California shall have (1) a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act.

3. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621), those withdrawn for transmission line purposes having been open subject to the general determination of the Federal Power Commission issued April 7, 1922.

4. Any disposals of the lands described in paragraph 1(b) of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, and to the condition specified by the Federal Power Commission in its determination.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California, as to the lands in T. 26 S., R. 32 E., and Riverside, California, as to those in T. 26 S., R. 33 E.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 4, 1962.

[F.R. Doc. 62-9038; Filed, Sept. 10, 1962; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter IV—Office of Vocational Rehabilitation, Department of Health, Education, and Welfare

PART 401—THE VOCATIONAL REHABILITATION PROGRAM

Subpart A—Definitions

Subpart B—State Plans and Grants for Vocational Rehabilitation

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred by section 7 of the Vocational Rehabilitation Act, as amended, the following amendments are prescribed to Part 401 to reflect (1) the amendments to subsections (g), (h), and (i) of section 11 of said Act, made by 73 Stat. 147 (sec. 24 of the Alaska Omnibus Act) and by 74 Stat. 416-417 (sec. 20 of the Hawaii Omnibus Act), and (2) the effective date provisions respecting said amendments set by 73 Stat. 153 and 74 Stat. 423-424.

1. Paragraph (r) of § 401.1 is revised to read as follows:

§ 401.1 Terms.

* * * * * *

(r) "State" means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, and Guam.

2. Section 401.50(a) is amended by revising subparagraphs (1) and (2) and by adding new subparagraph (3). As amended, § 401.50(a) reads as follows:

§ 401.50 Allotment of Federal funds for vocational rehabilitation services.

* * * * * *

(a) * * *

(1) Subject to the provisions of subparagraph (3) of this paragraph, the "allotment percentage" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States (i.e., the 50 States and the District of Columbia), except that the allotment percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and the allotment percentage for Puerto Rico, the Virgin Islands, and Guam shall be 75 per centum.

(2) Subject to the provisions of subparagraph (3) of this paragraph, the allotment percentages shall be promulgated by the Secretary between July 1 and August 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States (i.e., the 50 States and the District of Columbia) for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce, and such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation.

(3) For the fiscal years 1955 through 1961, Alaska and Hawaii shall not be included as part of the United States, as that term is used for purposes of determining and promulgating allotment percentages for the States, and the allotment percentages for Alaska and Hawaii for each such fiscal year shall be 75 per centum and 50 per centum, respectively. The allotment percentage determined for Alaska in accordance with subparagraph (1) of this paragraph for the fiscal years 1962, 1963, 1964, and 1965 shall be increased by 76 per centum, 64 per centum, 52 per centum, and 28 per centum, respectively, of the difference between such allotment percentage for the year involved and 75 per centum.

3. Paragraphs (a) and (c) of § 401.51 are revised to read as follows:

§ 401.51 Payments from allotments.

* * * * * *

(a) Beginning with the fiscal year 1963, the Federal share for any State shall be 100 per centum less that percentage which bears the same ratio to 40 per centum as the per capita income of such State bears to the per capita income of the United States (i.e., the 50 States and the District of Columbia), except that the Federal share shall in no case be more than 70 per centum or less than 50 per centum, and the Federal share for Puerto Rico, the Virgin Islands, and Guam shall be 70 per centum. In computing the Federal share of a State for a year, the Director shall use the same figures for per capita incomes of the States and of the United States as were used in computing the allotment percentage of such State for such year.

For purposes of the references in paragraphs (b) and (c) of this section to the determination of the Federal shares for the States in accordance with this paragraph, for the fiscal years 1955 through 1961 only, the term United States, as used herein, shall not include Alaska and Hawaii, and the Federal share for Alaska and Hawaii for each such fiscal year shall be 60 per centum.

• • • • •

(c) For the fiscal years 1960, 1961, and 1962, with respect to an amount equal to the State's base allotment, the Federal share for each State shall be the Federal share for such State for such year, as determined in accordance with paragraph (a) of this section, increased (if it is less than such State's 1954 Federal share) or decreased (if it is greater than such State's 1954 Federal share) by 75 per centum, 50 per centum, and 25 per centum, respectively, of the difference between such Federal share for the year involved and the 1954 Federal share; with respect to amounts in excess of such base allotments, the Federal share for each State shall be determined in accordance with paragraph (a) of this section. Notwithstanding the provisions of this section, the Federal share for Alaska for fiscal year 1962, both with respect to an amount equal to its base allotment and with respect to amounts in excess of such base allotment, shall be the Federal share for such year determined in accordance with the first sentence of paragraph (a) of this section increased by 70 per centum of the difference between such Federal share for such year and 60 per centum.

(Sec. 7(b) of the Vocational Rehabilitation Act, 68 Stat. 659; 29 U.S.C. 37(b). Interpret or apply secs. 11 (g), (h), and (i), 68 Stat. 661, as amended, secs. 24, 47 (a), and (d), 73 Stat. 147, 153, secs. 20, 47 (a), (f), and (g), 74 Stat. 416–417, 423–424; 29 U.S.C. 41 (g), (h), and (i))

Dated: August 31, 1962.

[SEAL] ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 62-9040; Filed, Sept. 10, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

SEQUOIA AND KINGS CANYON NATIONAL PARKS, CALIFORNIA

Dogs and Cats

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Western Region Order No. 3 (21 F.R. 1495), as amended, it is proposed to amend 36 CFR 7.8 as set forth below. The purpose of this amendment is to establish regulations governing the presence of dogs and cats in certain portions of Sequoia and Kings Canyon National Parks to provide protection to and avoid harrassment of wildlife and pack and saddle stock.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Sequoia and Kings Canyon National Parks, Three Rivers, California, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

A new paragraph (f) is added to § 7.8 to read as follows:

§ 7.8 Sequoia and Kings Canyon National Parks.

• • • • •

(f) *Dogs and cats.* Dogs and cats are prohibited on any park land or trail, except the immediate developed areas which are accessible by a designated public automobile road.

CHAS. F. HILL,
Acting Superintendent, Sequoia and Kings Canyon National Parks.

[F.R. Doc. 62-9037; Filed, Sept. 10, 1962; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 911) has been filed by Nuodex, Products Company, Elizabeth, New Jersey, proposing the issuance of a regulation to provide for the safe use of a mixture of calcium stearate, zinc stearate, and sorbitol as a stabilizer in vinyl chloride films used in contact with food.

Dated: September 5, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9055; Filed, Sept. 10, 1962; 8:49 a.m.]

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Safety Standards: Poliomyelitis Vaccine, Adenovirus Vaccine; Proposed Amendment

Notice is hereby given of proposed rule making pursuant to section 351 of the Public Health Service Act, as amended (58 Stat. 702; 42 U.S.C. 262). The proposal is to amend safety standards in Part 73 to include a test for the simian agent, SV_{40}, prior to inactivation of each virus pool of Poliomyelitis Vaccine and Adenovirus Vaccine.

The proposed additional test does not involve extensive preparatory measures by manufacturers. Because of the importance of the test, it is proposed, in the public interest, to make any amendments that are adopted effective on the date of their publication in the FEDERAL REGISTER.

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

1. Amend § 73.102(a) to read as follows:

(a) *The virus pool.* Prior to inactivation each virus pool shall be tested for the presence of B virus, SV_{40} and Mycobacterium tuberculosis by suitable animal or culture methods. The virus pool is satisfactory for vaccine manufacture only if there is no evidence of the presence of such agents.

2. Amend § 73.132(a)(1) to read as follows:

(a) *The virus pool.* (1) Prior to inactivation each virus pool shall be tested for the presence of B virus, SV_{40} and Mycobacterium tuberculosis by suitable animal or culture methods. The virus pool is satisfactory for vaccine manufacture only if there is no evidence of the presence of such agents.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U.S.C. 262)

Dated: August 20, 1962.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: September 4, 1962.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 62-9039; Filed, Sept. 10, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 242]

[Economic Regs. Docket No. 14003]

FILING OF REPORTS BY SUPPLEMENTAL AIR CARRIERS

Notice of Proposed Rule Making

SEPTEMBER 7, 1962.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment of Part 242 of the Economic Regulations (14 CFR Part 242) which would require carriers holding operating authority under section 7 or 9 of Public Law 87-528, or a certificate issued under section 401(d)(3) of the Federal Aviation Act of 1958, as amended, or a special operating authorization issued under section 417 of the Federal Aviation Act (a) to report in addition to the information currently required to be reported pursuant to this part, (1) an aging of accounts receivable and payable, (2) anticipated cash needs and sources, and (3) revenue aircraft hours flown, and (b) to maintain their financial accounts and prepare their financial reports on an accrual basis.

The principal features of the amendment are set forth below in the explanatory statement.

The proposed amendment of Part 242 is set forth below in the proposed rule. This regulation is proposed under authority of sections 204(a), 407, and 401(n) of the Federal Aviation Act of 1958 (72 Stat. 743, 766; 76 Stat. 144, 145; 49 U.S.C. 1324, 1377) and sections 7, 8(a), and 9 of Public Law 87–528 (76 Stat. 146, 147, 148).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before September 20, 1962, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof. It is contemplated that this amendment may be made effective on October 1, 1962 in order that the revised requirements may be reflected for the full monthly and quarterly periods commencing on that date.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Public Law 87–528, of July 10, 1962, amended the Federal Aviation Act of 1958 to expressly authorize the Board to issue certificates to supplemental air carriers. This legislation added, inter alia, a new section 401(n)(4) to the Federal Aviation Act, which imposes a continuing requirement that supplemental air carriers stay fit, willing and able to perform services under certificates issued to them, and also authorizes the Board to require the carriers to file those reports deemed necessary for a determination of their continuing fitness. Also, section 7 of Public Law 87–528 provides authority to the Board to issue interim certificates or interim authority to engage in supplemental air transportation, subject to such terms, conditions and limitations as the Board may prescribe. The Board finds that it is appropriate to subject interim authorizations to the requirement that the carriers maintain their fitness and file reports necessary for the determination thereof.

Upon a review of the reporting regulations currently applicable to supplemental carriers, the Board has tentatively concluded that certain additional requirements are necessary to enable the Board effectively to implement Public Law 87–528. Specifically, it is proposed to require:

(1) A monthly report on the status of accounts receivable and payable (indicating the aging of accounts overdue). This information will, among other things, indicate the extent to which the carriers are currently able to meet their cash commitments.

(2) A quarterly report on anticipated cash needs and sources for each succeeding three-month period. Such reports will provide information on the incipient financial condition of the carriers.

(3) A quarterly report of the revenue aircraft hours flown for the preceding three-month period. Such a report will provide information on continued operational fitness and, in particular, will be necessary to implement the minimum service requirement generally prescribed in section 401(n)(3) of the Act and proposed in an outstanding notice of rule making to promulgate a new Part 208 (EDR–43, dated September 4, 1962, in Docket 13984).

(4) A general requirement that all financial accounts and reports be maintained and prepared on the accrual basis. At the present time, a number of these carriers report their expenditures and receipts in part on a cash basis and in part on an accrual basis. This practice has resulted in reports which are inconsistent within themselves and it has also limited the value of such reports, both for purposes of financial analyses and for industry-wide comparisons due to lack of uniformity.

Proposed rule. It is proposed to amend Part 242 of the Board's Economic Regulations (14 CFR Part 242), as follows:

1. By removing from the title of this part and from §§ 242.1(e), 242.2(a)(1), and 242.3(a) all reference to large irregular air carriers.

2. By amending § 242.1(d) to read as follows:

(d) "Supplemental air carrier" shall mean any air carrier holding a certificate issued under section 401(d)(3) of the Federal Aviation Act of 1958, as amended, or a special operating authorization issued under section 417 of the Federal Aviation Act, or operating authority under sections 7, 8(a), or 9 of Public Law 87–528.

3. By amending § 242.2 by inserting in paragraph (a) *General reporting instructions*, under the listing of required reporting schedules and after Schedule No. A–1, the following:

A–2	Current and Long-Term Receivables; Current and Long-Term Payables	Monthly.
A–3	Anticipated Cash Needs and Sources	Quarterly.

4. By amending § 242.2 by inserting in paragraph (a) *General Reporting Instructions*, a new subparagraph (6) to read as follows:

(6) Each supplemental air carrier shall keep its financial accounts and records, and make financial reports to the Board, on a full accrual basis for each quarter so that every transaction, as nearly as may reasonably be ascertained, shall be fully reflected in the air carrier's accounts, records and reports for the quarter in which revenues have been earned and the costs attaching to the revenues so earned in each quarter have been incurred, independently of the incidence of sales or purchases and settlement with debtors or creditors.

5. By amending § 242.2 through redesignating paragraphs (g) through (m) as (i) through (o), respectively, and adding new paragraphs (g) and (h) to read as follows:

(g) *Current and long-term receivables; Current and Long-Term Payables (Schedule A–2).* Schedule A–2, attached hereto and incorporated herein,[1] shall reflect the aging of current and long-term receivables and payables and specify the balances thereof as at the end of each month. With respect to such schedule:

(1) Columns (1) and (2) shall reflect the balance sheet item number and description of the type of receivable or payable for which report is to be made: Namely, Item 2—Notes receivable, accounts receivable, Item 4—Other current and accrued assets, Item 9—Other assets, Item 11—Notes payable and accounts payable, Item 12—Accrued taxes, Item 13—Other current and accrued liabilities, Item 15—Long-Term Debt. Item 4—"Other Current and Accrued Assets" and Item 9 "Other Assets" shall be reported in sufficient detail to identify all receivables included in these items. Item 15 "Long-Term Debt" shall be detailed by class of debt, giving prescribed principal repayment schedules, effective interest rates, and any significant covenants relative to the debt.

(2) Column (3) "Total" shall reflect the total amount recorded in each account and shall agree with the amounts reported on Schedule A "Balance Sheet".

(3) Columns (4) through (8) "Amounts Overdue" shall reflect receivables or payables, the receipt or payment of which is overdue. For each total amount listed in column (4), enter in the appropriate Column (5) through (8) the amount thereof overdue for periods of 30 days or less, 31 to 60 days, 61 to 90 days, and over 90 days, respectively.

(h) *Anticipated cash needs and sources (Schedule A–3).* Schedule A–3, attached hereto and incorporated herein,[1] shall reflect the carrier's anticipated cash needs and sources for the three-month period subsequent to the reporting date, which shall be as at the end of each calendar quarter. With respect to this schedule:

(1) Anticipated cash needs during the succeeding three (3) months shall be detailed as set forth in Items 1 through 6 of the schedule to reflect the nature of such requirements. Items not properly classifiable in Items 1 through 5 shall be reported in detail in Item 6 with complete explanations as to their nature. The schedule shall reflect the following categories of items: Item 1—Acquisitions of property and equipment, Item 2—Retirement of debt, Item 3—Interest on debt, Item 4—Additional working capital, Item 5—Operations (losses), Item 6—Other (explain), Item 7—Total anticipated cash needs.

(2) Anticipated cash sources during the succeeding three (3) months shall be detailed on such schedule as set forth in Items 8 through 14 to reflect the nature of such sources. Items not properly classifiable in Items 8 through 13 shall be reported in detail in Item 14 with complete explanation as to their nature.

[1] Filed as part of original document.

The schedule shall reflect the following categories of items: Item 8—Retirements of property, Item 9—New debt, Item 10—New equity, Item 11—Working capital reduction, Item 12—Operations (profits), Item 13—Depreciation and amortization, Item 14—Other (explain), Item 15—Total anticipated cash sources. The reflected total amounts for anticipated cash needs and sources on this schedule under Items 7 and 15, respectively, shall agree.

6. By amending redesignated paragraph (k) of § 242.2 by incorporating an additional item, "Total revenue aircraft hours flown," in the description of Schedule C contained in said paragraph and revising the same to read as follows:

(k) *Flight and traffic statistics (Schedule C).* Schedule C, attached hereto and incorporated herein,[1] shall reflect in part I certain specified data regarding aircraft miles and hours flown, capacity and traffic carried, and in Part II the number of carrier employees engaged in air transportation. With respect to such schedule:

(1) *Part I—Statistics.* In reporting data hereunder the carrier shall file separate reports for (i) domestic operations, (ii) territorial operations between Alaska and Hawaii, or between Alaska or Hawaii and the contiguous 48 states, (iii) other territorial operations, and (iv) international operations. In each report, the operation reported on shall be identified by making a check mark in the box opposite the appropriate heading on the form. The data hereinafter listed shall be segregated between items relating to (*a*) individual sales and (*b*) contract and charter services, and the combined total thereof shall also be shown. All mileage data shall be based upon direct great circle distances between points served as distinguished from course-flown distances. The specific items to be included under Part I are as follows:

Items 1 through 4—Revenue aircraft miles flown by aircraft type.

Item 5—Total (of Items 1–4).

Item 6—Total aircraft miles flown.

Item 7—Total aircraft hours flown (aircraft hours shall be computed from the time the plane becomes airborne on take-off to the time of ground contact upon landing).

Item 8—Total revenue aircraft hours flown (revenue aircraft hours flown is defined as the aircraft hours for flights performed in revenue service (block-to-block).)

Item 9—Available ton-miles of capacity (available ton-miles (revenue flights only) is defined as the miles flown per each interstation trip in revenue service multiplied by the available load for that trip. "Available load" means the remainder of the gross weight which the airplane is licensed to carry into the air after deducting first, its weight empty plus all justificable airplane equipment, and second, the operating load consisting of gasoline and oil, ship's crew, steward's supplies, etc. In arriving at the available load, the air carrier may use either the actual capacity for each trip or an average for each type of equipment which represents the capacity actually available for sale in its own operations).

Item 10—Available seat-miles (000) (available seat-miles is defined as the miles flown per each interstation trip multiplied by the number of seats available on that trip for the carriage of passengers).

Item 11—Number of revenue passengers carried.

Item 12—Tons of revenue cargo carried.

Item 13—Revenue passenger miles (000) (revenue passenger-miles is defined as the revenue miles flown per each interstation trip multiplied by the number of revenue passengers carried on that trip).

Item 14—Revenue passenger ton-miles (passenger ton-miles is defined as the miles flown per each interstation trip in revenue service multiplied by the number of tons of revenue passengers (including free baggage) carried on that trip).

Item 15—Revenue cargo ton-miles (cargo ton-miles is defined as the miles flown per each interstation trip in revenue service multiplied by the number of tons of revenue cargo carried on that trip).

(2) *Part II—Number of employees engaged in air transportation.* In reporting hereunder, the carrier need not report the number of employees separately for domestic, territorial and international operations but may report such data in total only. The employee figures shall be classified, however, as between flight personnel and other personnel and the combined total thereof shall also be reported. Employee figures shall include all full and part-time employees, both permanent and temporary, who worked or received pay for any part of the pay period(s) ending nearest the 15th of the last month in the quarter.

[F.R. Doc. 62–9086; Filed, Sept. 10, 1962; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55698]

COTTON TEXTILES

Importation of Samples of Otherwise Restricted Cotton Textiles and Cotton Textile Products

AUGUST 23, 1962.

There is published below a letter of August 10, 1962, from the Interagency Textile Administrative Committee, recommending and requesting the taking of specified action relating to certain restricted cotton textiles and cotton textile products.

Accordingly, it is hereby ordered that cotton textiles and cotton textile products, included in Categories 5, 6, 24, and 25, which are not permitted to be entered for consumption, or withdrawn from warehouse for consumption, at any port of entry in the United States, may be so entered or withdrawn when transported as samples via air parcel post directly from the country of origin. The categories involved are described in detail in the "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories," attached to the aforesaid letter. This order is in addition to, and not in lieu of, the presently allowed importation of samples pursuant to title 19, United States Code, section 1201, paragraph 1821(b). A sample of a cotton textile or of a cotton textile product to qualify under paragraph 1821 must either have a value not over $1, or must be marked, torn, perforated or otherwise treated in such a manner that it is unsuitable for use otherwise than as a sample.

[SEAL] JAMES D. REED,
Assistant Secretary of the Treasury.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON 25, D.C.

THE INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

AUGUST 10, 1962.

The Honorable C. DOUGLAS DILLON,
The Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: In accordance with the letters of March 16 and June 21, 1962, to you from the President of the United States delegating authority under certain parts of section 204 of the Agricultural Act of 1956 as amended by Public Law 87-488 and in accordance with the authority granted to the Interagency Textile Administrative Committee in those letters, the Interagency Textile Administrative Committee recommends and requests, in accordance with Article IA of the Arrangements Regarding International Trade in Cotton Textiles done at Geneva July 21, 1961, that you take the actions listed below. These Arrangements were concluded under authority of section 204 of the Agricultural Act of 1956 on a multilateral basis by countries accounting for a significant part of the world trade in cotton textiles and cotton textile products.

Actions Recommended and Requested

Cotton textiles and cotton textile products, included in Categories 5, 6, 24, and 25, which are refused entry into the United States for consumption pursuant to the provisions of section 204 of the Agricultural Act of 1956, as amended, may be allowed entry when transported as samples via air parcel post directly from the country of origin.

The products included in the above listed categories are described in detail in the attached "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories." This allowance of entry is in addition to, and not in lieu of, the presently allowed duty free importation of samples pursuant to paragraph 1821 of Section 1201 of Title 19 of the United States Code.

This recommendation was arrived at on the 27th day of July 1962 by unanimous vote of the Interagency Textile Administrative Committee.

Sincerely yours,

HICKMAN PRICE, JR.,
Chairman.

Enclosure

SCHEDULE A AND U.S.I.D.A. COMPONENTS OF SELECTED INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORIES

Category	Schedule A number	U.S.I.D.A. number
5. Ginghams, carded yarn	3068 100	*0904.300 *0905.300
6. Ginghams, combed yarn	3068 150	*0904.301 *0905.301
24. Yarn-dyed fabrics, except ginghams, carded yarn	3068 800	*0904.390 *0905.390
25. Yarn-dyed fabrics, except ginghams, combed yarn	3068 850	*0904.391 *0905.391

* The last digit represents average yarn number groups (e.g., "0" represents average yarn numbers 10 or lower; "3" represents average yarn numbers 21 through 25; "9" represents average yarn numbers over 60, etc.).

[F.R. Doc. 62-9047; Filed, Sept. 10, 1962; 8:47 a.m.]

Coast Guard

[CGFR 62-28]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted during the period from June 20 to July 17, 1962. These actions were taken in accordance with procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-15 dated January 3, 1955 (20 F.R. 840), 167-20 dated June 18, 1956 (21 F.R. 4894), CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), or 167-38 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(s), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/40/0, 30-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by George Broom's Sons, 2620 Commodore Way, Seattle 99, Washington, effective July 17, 1962. (It is an extension of Approval No. 160.1009/40/0 dated July 17, 1957, published in FEDERAL REGISTER July 17, 1957.)

SIGNALS, DISTRESS, HAND RED FLARE

Approval No. 160.021/5/2, Coston's hand red flare distress signal, 500 candlepower, 2-minute burning time, assembly dwg. No. FXC-740, Rev. 1 dated October 26, 1961, manufactured by Harvell-Kilgore Sales Corp., Bolivar, Tennessee for Coston Supply Co., Inc., 31 Water Street, New York 4, New York, effective July 2, 1962. (It supersedes Approval No. 160.-021/5/1 dated January 18, 1960.)

Approval No. 160.021/6/2, International's hand red flare distress signal, 500 candlepower, 2-minute burning time, assembly dwg. No. FXC-740, Rev. 1 dated October 26, 1961, manufactured by Harvell-Kilgore Sales Corp., Bolivar, Tennessee, effective July 2, 1962. (It supersedes Approval No. 160.021/6/1 dated January 18, 1960.)

SIGNALS, DISTRESS, HAND COMBINATION FLARE AND SMOKE

Approval No. 160.023/2/0, Hand Combination Flare and Smoke Distress Signal, Bill of Materials No. 337 D dated September 3, 1959, formerly Kilgore, Inc., Westerville, Ohio, manufactured by Harvell-Kilgore Sales Corp., Bolivar, Tennessee, effective July 3, 1962. (It supersedes Approval No. 160.023/2/0 dated June 21, 1960, to show change in name and address of manufacturer.)

Approval No. 160.032/130/0, Gravity davit, type G.D. 30-72-7.6, approved for maximum working load of 22,000 pounds per set (11,000 pounds per arm) using 2-part falls, identified by general arrangement dwg. No. 1497-1 dated May 8, 1951, and revised May 13, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, New York, effective July 17, 1962. (It is an extension of Approval No. 160.032/130/0 dated July 17, 1957, published in FEDERAL REGISTER August 31, 1957.)

DAVITS

Approval No. 160.032/113/2, Mechanical davit, straight boom sheath screw, Type 26-53, MKII, approved for a maximum working load of 15,000 pounds per set (7,500 pounds per arm) using not less than two-part falls, identified by general arrangement dwg. 5008-1D, revision D dated April 17, 1959, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective July 9, 1962. (It supersedes Approval No. 160.032/113/1 dated September 27, 1958.)

LIFEBOATS

Approval No. 160.035/187/2, 26.0' x 9.0' x 3.83' steel oar-propelled lifeboat, 53-person capacity, identified by construction and arrangement dwg. No. 3201 dated Dec. 14, 1953, and revised June 29, 1962, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective July 10, 1962. (It reinstates and supersedes Approval No. 160.035/187/1 terminated October 6, 1959, published in FEDERAL REGISTER December 17, 1959.)

KITS, FIRST-AID

Approval No. 160.041/3/0, First-aid Kit, Model No. 600 M, dwg. No. 100A dated February 25, 1952, manufactured by Medical Supply Co., 1027 West State Street, Rockford, Illinois, effective July 17, 1962. (It is an extension of Approval No. 160.041/3/0 dated July 17, 1957, published in FEDERAL REGISTER August 31, 1957.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1 or 2 not carrying passengers for hire.

Approval No. 160.049/46/0, Special approval for 15" x 21" x 2" rectangular unicellular plastic foam buoyant cushion with vinyl dip coating, dwg. No. 15 dated June 19, 1962, manufactured by Crawford Manufacturing Company, 3rd and Decatur Streets, Richmond 12, Virginia, effective July 6, 1962.

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/91/1, Series No. 200 steel body pop safety valve, enclosed spring, expanded outlet, maximum pressure 600 p.s.i., maximum temperature 450° F., dwg. No. P-20119-B, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by MIPCO Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective July 9, 1962. (It supersedes Approval No. 162.001/91/1 dated October 8, 1958, to show change of name and address of manufacturer.)

Approval No. 162.001/92/1, Series No. 200-E steel body pop safety valve, exposed spring, expanded outlet, maximum pressure 600 p.s.i. maximum temperature 750° F., dwg. No. P-20120-B, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by MIPCO Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective July 9, 1962. (It supersedes Approval No. 162.001/92/1 dated October 6, 1958, to show change of name and address of manufacturer.)

Approval No. 162.001/94/1, Series No. 210 steel body pop safety valve, enclosed spring, standard outlet, maximum pressure 600 p.s.i., maximum temperature 450° F., dwg. No. P-20119-B, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by MIPCO Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective July 9, 1962. (It supersedes Approval No. 162.001/94/1 dated October 6, 1958, to show change of name and address of manufacturer.)

Approval No. 162.001/95/1, Series No. 210-E steel body pop safety valve, exposed spring, standard outlet, maximum pressure 600 p.s.i., maximum temperature 750° F., dwg. No. P-20120-B, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by MIPCO Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective July 9, 1962. (It supersedes Approval No. 162.001/95/1 dated October 6, 1958, to show change of address and name of manufacturer.)

Approval No. 162.001/98/1, Series No. 5-102, bronze body pop safety valve, enclosed spring, maximum pressure 300 p.s.i., maximum temperature 450° F., dwg. No. 5-102 dated December 14, 1948, approved for sizes 1½", 2", 2½", and 3", manufactured by MIPCO Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective July 9, 1962. (It supersedes Approval No. 162.001/98/1 dated March 25, 1959, to show change of name and address of manufacturer.)

Approval No. 162.001/99/1, Series No. 5-101, bronze body pop safety valve, enclosed spring, maximum pressure 150 p.s.i., maximum temperature 366° F., dwg. No. 5-101 dated December 14, 1948, approved for sizes 1½", 2", 2½", and 3", manufactured by MIPCO Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective July 9, 1962. (It supersedes Approval No. 162.001/99/1 dated March 25, 1959, to show change of name and address of manufacturer.)

Approval No. 162.001/177/0, Series 110-E cast steel body safety valve, 600 p.s.i. maximum pressure, 750° F. maximum temperature, dwg. No. D-110-E dated July 10, 1950, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by MIPCO Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective July 9, 1962. (It supersedes Approval No. 162.001/177/0 dated May 1, 1962, to show change of name and address of manufacturer.)

Approval No. 162.001/178/0, Series 110-E cast steel body safety valve, 600 p.s.i. maximum pressure, 650° F. maximum temperature, dwg. No. D-110-E dated July 10, 1950, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by MIPCO Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective July 9, 1962. (It supersedes Approval No. 162.001/178/0 dated May 1, 1962, to show change of name and address of manufacturer.)

Approval No. 162.001/179/0, Series 100-HT cast steel body safety valve, 600 p.s.i. maximum pressure, 750° F. maximum temperaure, dwg. No. D-100-HT dated July 10, 1950, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by MIPCO Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective July 9, 1962. (It supersedes Approval No. 162.001/179/0 dated May 1, 1962, to show change of name and address of manufacturer.)

Approval No. 162.001/180/0, Series 110-HT cast steel body safety valve, 600

p.s.i. maximum pressure, 750° F. maximum temperature, dwg. No. D–110–HT dated July 10, 1950, approved for sizes 1½'', 2'', 2½'', 3'' and 4'', manufactured by MIPCO Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective July 9, 1962. (It supersedes Approval No. 162.001/180/0 dated May 1, 1962, to show change of name and address of manufacturer.)

Approval No. 162.001/181/0, Series 100 cast steel body safety valve, 600 p.s.i. maximum pressure, 450° F. maximum temperature, dwg. No. D–100 dated July 27, 1951, approved for sizes 1½'', 2'', 2½'', 3'' and 4'', manufactured by MIPCO Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective July 9, 1962. (It supersedes Approval No. 162.001/181/0 dated June 14, 1962, to show change of name of manufacturer.)

Approval No. 162.001/182/0, Series 110 cast steel body safety valve, 600 p.s.i. maximum pressure, 450° F. maximum temperature, dwg. No. D–110, dated July 27, 1951, approved for sizes 1½'', 2'', 2½'', 3'' and 4'', manufactured by MIPCO Division of Associated Valve Co., 337 West Walnut Street, North Wales, Pennsylvania, effective July 9, 1962. (It supersedes Approval No. 162.001/182/0 dated June 14, 1962, to show change of name of manufacturer.)

SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/8/0, Fig. 629 pop safety valve, bronze body, for steam heating boilers and unfired steam generators, dwg. No. S4785 dated Feb. 27, 1952, approved for a maximum pressure of 30 p.s.i. in the following sizes:

Size (inches)	Capacity (pounds/hour)	
	At 15 p.s.i.	At 30 p.s.i.
¾	98	148
1	163	246
1¼	204	307
1½	294	443
2	457	688
2½	653	983
3	980	1,475

Manufactured by The Lunkenheimer Company, Cincinnati 14, Ohio, effective July 17, 1962. (It is an extension of Approval No. 162.012/8/0 dated July 17, 1957, published in FEDERAL REGISTER August 31, 1957.)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/36/1, Type 4076 backfire flame arrester for carburetors with Type 4075 or Type 4024 grille, Assembly dwg. 4076, dated June 4, 1962, or Assembly dwg. FM–422A, dated May 12, 1958, manufactured by Dearborn Marine Engine Division, Eaton Manufacturing Company, 31465 Stephenson Highway, Madison Heights, Michigan, effective July 6, 1962. (It supersedes Approval No. 162.015/36/0 for Type 422A arrester.)

Approval No. 162.015/54/1, Model 2–26–10 backfire flame arrester for carburetors, dwg. No. F–1124, marine flame arrester dated 9/13/61, Change (V) dated June 8, 1962, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective July 16, 1962. (It supersedes Approval No. 162.015/54/0 dated January 29, 1962.)

Approval No. 162.015/56/1, Model 4–5–125–6, backfire flame arrester for carburetors, dwg. No. F–1124, marine flame arrester dated 9/13/61, Change (V) dated June 8, 1962, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective July 16, 1962. (It supersedes Approval No. 162.015/56/0 dated January 29, 1962.)

Approval No. 162.015/57/1, Model 4–4–125–6 backfire flame arrester for carburetors, dwg. No. F–1124, marine flame arrester dated 9/13/61, Change (V) dated June 8, 1962, to be assembled with either lower ring detail 4–1 or lower ring detail 4–2, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective July 16, 1962. (It supersedes Approval No. 162.015/57/0 dated March 2, 1962.)

Approval No. 162.015/58/1, Model 4–4–10 backfire flame arrester for carburetors, dwg. No. F–1124, marine flame arrester dated 9/13/61, Change (V) dated June 8, 1962, to be assembled with either lower ring detail 4–1 or lower ring detail 4–2, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective July 16, 1962. (It supersedes Approval No. 162.015/58/1 dated March 2, 1962.)

Approval No. 162.015/70/0, Model 110A–1 backfire flame arrester for carburetors, flame arrester assembly for 4BBL Models R & C, marine carburetor air intake, dwg. No. 110A–1 dated June 19, 1961, Change B dated April 12, 1962, manufactured by Industrial Strainer Company, 695 Amelia Street, Plymouth, Michigan, effective July 3, 1962.

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/72/0, "Microlite" fibrous glass insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2091:FR 3614 dated May 1, 1962, approved in a density of ¾- and 1-pound per cubic foot, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, New York, effective June 20, 1962.

Dated: September 4, 1962.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard Commandant.

[F.R. Doc. 62–9041; Filed, Sept. 10, 1962; 8:47 a.m.]

Comptroller of the Currency

BRENTON COMPANIES, INC., AND FIRST NATIONAL BANK OF PERRY

Application of Bank Holding Company To Acquire Bank Stock; Notice of Report of No Objection

On July 16, 1962, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1842(b), requested the views and recommendations of the Comptroller of the Currency on the application of Brenton Companies, Inc., Des Moines, Iowa, a bank holding company, to acquire 80 percent or more of the outstanding shares of the First National Bank of Perry, Perry, Iowa.

On August 24, 1962, the Comptroller of the Currency reported that since the proposed acquisition was not likely to result in any change in the scope or method of operation of The First National Bank of Perry and would not put competing banks at a disadvantage there was no basis for objection.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 5, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62–9042; Filed, Sept. 10, 1962; 8:47 a.m.]

BRENTON COMPANIES, INC., AND POWESHIEK COUNTY NATIONAL BANK

Application of Bank Holding Company To Acquire Bank Stock; Notice of Report of No Objection

On July 16, 1962, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1842(b), requested the views and recommendations of the Comptroller of the Currency on the application of Brenton Companies, Inc., Des Moines, Iowa, a bank holding company, to acquire 80 percent or more of the outstanding shares of the Poweshiek County National Bank of Grinnell, Grinnell, Iowa.

On August 24, 1962, the Comptroller of the Currency reported that since the proposed acquisition was not likely to result in any change in the scope or method of operation of the Poweshiek County National Bank and will not put competing banks at a disadvantage, there was no basis for objection.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 5, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62–9043; Filed, Sept. 10, 1962; 8:47 a.m.]

HAMLIN BANK AND TRUST CO. AND MOUNT JEWETT NATIONAL BANK

Notice of Report on Competitive Factors Involved in Purchase of Assets

On July 27, 1962, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828(c), requested that the Comptroller of the Currency report on the competitive factors involved in the proposed purchase of assets and assumption of liabilities of the Mount Jewett National Bank, Mount Jewett, Pennsylvania, by the Hamlin Bank and Trust Company, Smethport, Pennsylvania.

On August 31, 1962, the Comptroller of the Currency reported that approval of this merger would not have an adverse effect upon competition.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 5, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62–9044; Filed, Sept. 10, 1962; 8:47 a.m.]

UNION TRUST COMPANY OF MARYLAND AND LIBERTY BANK

Notice of Report on Competitive Factors Involved in Merger Application

On July 18, 1962, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested that the Comptroller of the Currency report on the competitive factors involved in the proposed merger of the $318 million Union Trust Company of Maryland, Baltimore, Maryland, with the $7.5 million Liberty Bank, Easton, Maryland.

On August 24, 1962, the Comptroller of the Currency reported that the entry of Union Trust into the Easton area would, in addition to bringing a second bank with adequate resources to service the area, also present Maryland National Bank with sufficient competition in all areas of service redounding to the best interests of the public. He concluded that the effect on competition proposed by this transaction would not be unfavorable.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 5, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62–9045; Filed, Sept. 10, 1962; 8:47 a.m.]

UNION AND NEW HAVEN TRUST CO. AND MADISON TRUST CO.

Notice of Report on Competitive Factors Involved in Merger Application

On July 24, 1962, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested that the Comptroller of the Currency report on the competitive factors involved in the proposed merger of the $81.8 million Union and New Haven Trust Co., New Haven, Connecticut, and the $4.3 million Madison Trust Company, Madison, Connecticut, under the charter and title of the former.

On August 24, 1962, the Comptroller of the Currency reported that the proposed merger would bring new benefits to the people of the City of Madison and, by opening the city to branching, provide the basis for increased banking competition and further service to the convenience and needs of the public. He concluded that the proposed merger would not have an adverse competitive effect.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 5, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62–9046; Filed, Sept. 10, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

QUINAULT INDIAN RESERVATION

Transfer of Land Records to Portland Area Office

In accordance with 25 CFR Part 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given that all source title documents and land records pertaining to trust or restricted Indian-owned lands on the Quinault Indian Reservation in the State of Washington, have been transferred from the City of Washington, D.C., to the Portland Area Office, Bureau of Indian Affairs, 1002 NE. Holliday Street, P.O. Box 4097, Portland 8, Oregon.

Effective August 27, 1962, the Portland Area Office will be the office for the maintenance of records for all trust and restricted lands on the Quinault Reservation.

JAMES E. OFFICER,
Acting Commissioner.

SEPTEMBER 5, 1962.

[F.R. Doc. 62–9035; Filed, Sept. 10, 1962; 8:45 a.m.]

Bureau of Land Management

IVANPAH VALLEY, CALIFORNIA

Notice of Availability of Lands for Oil and Gas Leasing

AUGUST 31, 1962.

On August 20, 1962, the Assistant Secretary, Public Land Management, Department of the Interior, approved the revocation of the Directive of the Assistant Secretary of the Interior, dated April 18, 1942, which declared that the lands in the Ivanpah Valley area in California were not subject to oil and gas leasing. The lands affected extend eastward from the west side of R. 10, northward from the south line of T. 11 N., San Bernardino Meridan, to the Nevada State line.

The lands involved will not become available for oil and gas leasing until 10 a.m., P.s.t., on the 60th calendar day following the date of this publication in the FEDERAL REGISTER. On and after that date and hour the lands will be subject to oil and gas leasing pursuant to the regulations in 43 CFR Part 192. All oil and gas lease offers filed in the Land Office, Bureau of Land Management, 1414 Eighth Street (P.O. Box 725), Riverside, California, on and after the date of this publication and prior to the 60th calendar day thereafter will be considered as having been simultaneously filed. The priorities of all conflicting offers will be determined in accordance with the regulations 43 CFR 295.8.

J. P. BEIRNE,
Director.

[F.R. Doc. 62–9036; Filed, Sept. 10, 1962; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

Utilization and Disposal Service

[Wildlife Order 64]

DUTCH ISLAND LIGHT STATION (PORTION), NARRAGANSETT BAY, RHODE ISLAND

Transfer of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated August 7, 1962, a portion of that property known as Dutch Island Light Station, located on Dutch Island, Washington County, State of Rhode Island, and more particularly described in said deed, has been tranferred from the United States to the State of Rhode Island and Providence Plantations.

2. The above-described property was transferred to the State of Rhode Island for wildlife conservation purposes in accordance with the provisions of section 1 of the said Public Law 537 (16 U.S.C. 667b).

Dated: September 5, 1962.

WALTER C. MORELAND,
Acting Commissioner, Utilization and Disposal Service.

[F.R. Doc. 62–9050; Filed, Sept. 10, 1962; 8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

KENTUCKY

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Kentucky, dated April 11, 1962 (27 F.R. 3476), as amended June 12, 1962 (27 F.R. 5582), is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 12, 1962:

Leslie.
Madison.
McCracken.
Marshall.
Trimble.

Dated: September 4, 1962.

EDWARD A. MCDERMOTT,
Director.

[F.R. Doc. 62–9032; Filed, Sept. 10, 1962; 8:45 a.m.]

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

The following revised description of the Post Office Department's organization and administration which is an excerpt from Chapter 8 of the Postal Manual is published pursuant to section 3(a)(1) of the Administrative Procedure Act (5 U.S.C. 1002(a)(1)). It supersedes FEDERAL REGISTER documents appearing in 23 F.R. 4010–4018, 23 F.R. 5278–5281, 23 F.R. 6799, 23 F.R. 9146; 24 F.R. 2450–2451, 24 F.R. 7424–7426, 24 F.R. 8751–8752; 25 F.R. 6526–6545, 26 F.R. 626–627, 26 F.R. 3726, 26 F.R. 6863–6864, 26 F.R. 9957–9958; 27 F.R. 2375–2378, and 27 F.R. 5408, and it reflects the delegations of authority and amendments thereof which have been published in the FEDERAL REGISTER as follows: 18 F.R. 1187, 2480, 8458, 8460, 8908; 19 F.R. 342, 361, 2376, 3065, 3970, 4043, 4331, 4483, 4484, 4584, 5323, 5971, 6168, 6169, 6351, 6862, 7275, 7416, 7510, 7910, 8042, 8226; 20 F.R. 98, 165, 234, 276, 567, 941, 1103, 1186, 2205, 2206, 2669, 3266, 3548, 3833, 5269, 7399, 7946, 8478, 8522; 21 F.R. 162, 613, 1075, 1189, 2896, 5335, 5462, 6096, 7809, 8778; 22 F.R. 3737, 4166, 4673, 6022, 7382, 8542; 23 F.R. 616, 805, 1798, 2754, 2816, 2817, 3740, 5021, 6215, 7676, 8162; 24 F.R. 2451, 4272, 4273, 6584, 6878, 8750, 8751; 25 F.R. 9959, 9960, 12375; 26 F.R. 2759, 2760, 3963, 6822, 10002, 10241; 27 F.R. 1463, 2811, 3936, 4310, 5821, 5995, 6436, 7461.

SUBCHAPTER 810—GENERAL PRINCIPLES OF ORGANIZATION

PART 811—RESPONSIBILITY DISTRIBUTION

811.1—POSTMASTER GENERAL AND DEPUTY POSTMASTER GENERAL

.11 All responsibilities and authorities for performance of the work of the Post Office Department are vested by law in the Postmaster General, who may redelegate them to subordinate officers. The Postmaster General operates by delegation, as provided herein, except as to any matters which he may generally or specifically reserve for his personal decision, notwithstanding formal delegations.

.12 The Deputy Postmaster General functions as full alternate to the Postmaster General with full authority to act in his stead on all matters. The Assistant Deputy Postmaster General provides staff assistance to the Deputy Postmaster General in the management of the Postal Service.

811.2—BUREAUS AND OFFICES

.21 The Postmaster General and the Deputy Postmaster General are assisted in the performance of their duties by five Assistant Postmasters General, the General Counsel, the Chief Postal Inspector, and the Director, Office of Research and Engineering, who are assigned to Department Headquarters. Functions of these officers, each within the area of his assigned responsibility, relate mainly to:

a. Program planning, direction, and review.

b. Establishment of policies, procedures, and standards, and other guidelines.

c. Operational determinations on matters not logically within the full jurisdiction of field officers.

.22 Each bureau and office, as affected, shall participate in the selection of key officials in the regional components of the Field Postal Establishment; shall review personnel actions warranting Headquarters action; and shall deal with employee organizations on matters within its jurisdiction.

811.3—POSTAL FIELD SERVICE

.31 The postal field service is divided into fifteen regions, each under the jurisdiction of a Regional Director, who is responsible for:

a. Efficient operation of all post offices and other postal installations (except those specifically reserved to Headquarters) within his region in accordance with official delegations and prescribed policies, procedures, and standards.

b. Referral to superior authority of matters requiring higher decision, accompanied by appropriate recommendations.

c. Reporting of performance, special problems, trends, and other operating information necessary for effective planning and action by Headquarters.

.32. The following are the official abbreviations and numerical designations of the fifteen regions of the Post Office Department. They should be used, respectively, when abbreviations or numbers are used to identify the regions. This does not permit the substitution of abbreviations or numbers in formal reports where names of regions should be used.

Region	*Abbreviation*	*No.*
Boston	BOS	1
New York	NY	2
Philadelphia	PHI	3
Cincinnati	CIN	4
Washington	WDC	5
Atlanta	ATL	6
Chicago	CHI	7
St. Louis	STL	8
Minneapolis	MIN	9
Wichita	WIC	10
Dallas	DAL	11
San Francisco	SF	12
Memphis	MEM	13
Denver	DEN	14
Seattle	SEA	15

NOTE: The official abbreviation for the word "region" is RGN.

PART 812—DELEGATIONS OF AUTHORITY

812.1—AUTHORITY FOR DELEGATION

.11 The Postmaster General is vested with authority for the administration of all functions of the Post Office Department (39 U.S.C. 302) and is authorized to delegate to any officer, employee, or agency of the Department such of the functions vested by law in him or any other officer or employee of the Department as he deems appropriate (39 U.S.C. 309).

.12 The Deputy Postmaster General functions as full alternate to the Postmaster General with authority to act in his stead on all matters.

.13 Each Assistant Postmaster General, the General Counsel, the Chief Postal Inspector, and the Director, Office of Research and Engineering, are authorized to act on behalf of the Postmaster General on all matters within the the area of their assigned duties. In the absence of any of these officers from duty, his functions shall be discharged by his deputy or other designated officer, next in line, who shall sign documents in his own name as Acting Assistant Postmaster General, Acting General Counsel, etc. Prior approval of the Postmaster General or Deputy Postmaster General is required before an officer of lesser rank than a Deputy Assistant Postmaster General may be designated to act as head of a bureau or office.

812.2—MEDIA OF DELEGATION

.21 All delegations of authority shall be issued through officially established media as defined herein. Statements of delegation shall normally be prepared for inclusion in the Postal Manual or other manuals of regulations and procedures, in the style of such manuals.

.22 Chapter 8 of the Postal Manual shall serve as the general medium for conferring authority to organization units and their heads to perform the duties and responsibilities delegated to them. Other official issuance series may be used as media for conveying specific, related operating authorities when issuance in the Postal Manual is not appropriate or feasible. Individual memoranda of delegation, numbered serially for record purposes, may be issued when required.

.23 In addition to publication in suitable headquarters and field service series, delegations shall be published in the FEDERAL REGISTER when required.

.24 Headquarters or regional officials shall not orally authorize postmasters to deviate from published instructions, except in emergencies. An oral authorization shall be confirmed by a memorandum or order dated subsequent to the issuance date of the most recently published instructions on the subject. Postal inspectors shall charge as irregularities any deviations not properly authorized which are observed in the course of office inspections.

812.3—CONTENTS OF DELEGATIONS

.31 Delegations shall ordinarily be made by position title rather than by individual name. The term "chief or acting chief" or any comparable term need not be used as it will be presumed that the officer acting in the absence of a principal shall have the full authority of that principal.

.32 When authority is delegated to an officer, the officers in line of command above the officer to whom authority is delegated shall have the same authority. This authority shall not extend to associates, deputies, assistant chiefs, assistants to the chief, or other aides to a principal, except on an acting basis as specified in 812.31 or unless specifically authorized.

.33 A delegation shall set forth the specific actions for which an officer has authority as well as limitations and special conditions for exercising the authority. Any delegation of authority shall be subject to any legally prescribed conditions or criteria of execution, whether or not mentioned in the delegation. In addition, conditions or criteria may be administratively included. A delegation may also include a requirement for the making of periodic reports of the exercise of the delegated authority.

812.4—REDELEGATION

.41 The head of a bureau or office may redelegate any authority vested in him, except as otherwise provided by law or administrative regulations.

.42 Authority to commit the Post Office Department or the United States Government may be subdelegated by the Deputy Postmaster General or by the head of a bureau or office. Other subordinate officers may not redelegate authority to perform acts in accordance with legal requirements.

.43 An officer may redelegate responsibility for the ordinary performance of duties, except as provided in 812.41.

812.5—AUTHORITY TO EFFECT PERSONNEL ACTIONS

.51 *Delegation.* The officials and employees listed below are hereby delegated authority, to approve and sign POD Forms 50, Notification of Personnel Action, for appointments, changes during employment, and separations affecting employees under their jurisdiction in the postal field service, except as may be limited by other provisions of the Postal Manual or by the Regional Director:

a. *Regional Headquarters.*

Regional Director.
Deputy Regional Director.
Director, Personnel Division.
Chief, Employment and Placement Branch.

b. *Postal Installations.*

Postmaster.
Assistant Postmaster.
Manager and Administrative Officer, Money Order Center, Kansas City, Missouri.
Supervisor Assigned to Personnel Office in Postal Installation.
Area Supply and Superintendent, Supply Center.
Manager and Assistant Manager, Mail Equipment Shops.
Chief Cartographer.

.52 *Redelegation.* The authority to approve and sign POD Forms 50 may be redelegated by the Regional Director to such officers and supervisors under his jurisdiction as is considered necessary and essential to efficient operation of this personnel function.

.53 *Administrative clearances and approval.* The authority delegated herein does not preclude the securing of administrative clearances and approvals which may be required by instructions implementing this part issued through other media.

812.6—AUTHORITY TO ADMINISTER OATHS OF OFFICE

.61 *Delegation.* The officials listed below are authorized to administer oaths of office in connection with employment:

a. *Regional Headquarters.*

Regional Director.
Deputy Regional Director.
Director, Personnel Division.
Regional Controllers.
Chief, Employment and Placement Branch.
Employment and Placement Officers.
Personnel Assistant.
Postal Service Officer.

b. *Postal Installations.*

Postmasters.
Assistant Postmasters.
Manager and Administrative Officer, Money Order Center, Kansas City, Missouri.
Superintendent and Administrative Clerk, Mail Bag Depository.
Superintendent, Assistant Superintendent where authorized, and Administrative Clerk of Combined Mail Bag Depository and Mail Bag Repair Center.
Supervisor Assigned to Personnel Office in Postal Installation.
Executive Secretary, Postal Board of Civil Service Examiners.
Area Supply Manager; Superintendent, Supply Center; and Personnel Officer, Supply Center.
Manager, Assistant Manager, and Administrative Assistant, Mail Equipment Shops.
Chief Cartographer.
U.S. Postal Agent.
U.S. Stamped Envelope Agent.

c. *Inspection Service.*

Postal Inspector in Charge.
Deputy Postal Inspector in Charge.
Assistant Postal Inspector in Charge.
Postal Inspector.
Area Manager, Internal Audit Division.

.62 *Prohibition on redelegation.* The authority delegated to the officers and supervisors specified in 812.61 cannot be redelegated by such officers and supervisors to any officials or employees under their jurisdiction.

.63 *Administration of the oath of office.*—.631 POD Forms 61, Appointment Affidavits, and 62, Oath of Office and Appointment Affidavit, shall be used to ascertain that the personal action being taken conforms with the Civil Service Act and rules and applicable laws pertaining to holding of office, pensions, suitability in connection with any record of discharge or arrest, age, citizenship, and other requirements relating to employment in the Postal Service. No employee shall be assigned to duty if the form indicates that he does not meet the requirements. Appointing officers shall guard against impersonation and determine beyond reasonable doubt that the appointee is the same person who qualified for the appointment. It is incumbent upon officials and supervisors administering oaths of office to become familiar with those organizations in which membership, past or present, may constitute a bar to employment or retention in the Postal Service. (See Part 837.)

.632 The oath of office incident to entrance into the Postal Service (or to a conversion to career status) shall be administered without charge or fee.

PART 813—RELATIONSHIPS AND CHANNELS OF COMMUNICATION

813.1—RELATIONSHIPS

.11 *Between headquarters bureaus and Offices.*—.111 Headquarters bureaus and offices serve in a staff relationship to the Postmaster General and his Deputy.

.112 The Office of Regional Management acts for the Postmaster General and his Deputy, under general supervision of the Assistant Deputy Postmaster General, in directing, in coordination with bureaus and offices, the activities of the regional offices to assure that the Regional Director effectively executes the policies, procedures, regulations, and programs of the bureaus and offices.

.113 Each bureau and office performs the following functions within the scope of its functional statements and delegations: (a) develops policies and programs, (b) prepares effective procedures, (c) promulgates definitive standards and other guidelines, (d) performs the planning required to accomplish the mission of the Postal Service and to give it direction, and (e) reviews regional performance and takes action to assure that policies, procedures, and programs are effectively carried out (the bureau or office in each instance will inform the Office of Regional Management of the action taken). These functions are performed in coordination with the appropriate bureaus and offices to eliminate possible duplication, to provide uniform guidance to the field, and to assure that policies and programs serve operating needs.

.12 *Between headquarters and regional offices.*—.121 Each Headquarters bureau and office shall provide direct functional guidance and policy interpretation to regional officials in its area of responsibility. Bureaus and offices have direct access to their regional counterparts for this purpose.

.122 It is essential to the smooth day-to-day operations of the postal field service that there be free, direct communication between Headquarters bureaus and offices and regional officials in those areas where the bureaus and offices are charged with providing functional guidance and direction.

.13 *Between regional offices and postal installations.*—.131 The line of responsibility for the effective operation of postal installations is from the Regional Director to the installations within his region, except for specific matters reserved to the Postmaster General and to Headquarters bureaus and offices.

.132 The Regional Director discharges his responsibilities with the assistance, advice, and support of his staff in their areas of specialization.

813.2—CHANNELS OF COMMUNICATION

.21 *General.*—.211 Any communication on matters requiring discretion or policy determination shall proceed through each successive level of authority, upward and downward, without bypassing any. This practice must be followed if each officer who is responsible for an area of activity is to be kept informed of what is going on. An officer who is accountable for any activity must be given an opportunity to pass judgment on matters under his jurisdiction.

.212 Nonpolicy transactions may be conducted across bureau and office lines between officials of the same level, each acting within the scope of his responsibility. This time-saving practice should be followed routinely, unless a specific transaction or a category of transactions is reserved for a higher official. Direct

communication between the same lower levels is also encouraged during informal, developmental phases of interbureau or interoffice policy, program, and procedural planning. In such cases, the persons involved must not commit their principals without prior consultation.

.213 Any officer who is bypassed in accordance with principles in 813.212 must, however, be kept informed. This may be done orally or by carbon copy, as the situation may require. The information notification must be transmitted without any delay to the officer concerned.

.22 *Headquarters and regional offices*—.221 The Postmaster General relies on the heads of the various bureaus and offices to formulate the directives necessary to provide functional guidance for the Regional Directors and their staffs.

.222 Policy directives will be issued over the signatures of the heads of the bureaus and offices, covering matters within their responsibility, except in cases where the Postmaster General or Deputy Postmaster General may wish to personally issue such directives. Policy directives will be coordinated with the Office of Regional Management before issuance.

.223 Instructions and procedures not involving policy, which will include the bulk of communications, will ordinarily be issued over the signature of the bureau head having jurisdiction. In any such case, the communication will have the same effect as though it were sent to the Regional Director by the Postmaster General or his Deputy. In any event, the Regional Director shall be responsible for performance.

.224 Functional field staff officers may communicate directly with the corresponding functional bureau in Headquarters on matters within their area of jurisdiction. In addition, where specifically authorized in the Department's instructions, they may also directly contact supporting Headquarters offices, such as General Counsel, Chief Postal Inspector, Research and Engineering, and Public Relations, on matters of a technical nature not requiring administrative judgment of the Regional Director.

.225 The Office of Regional Management must be kept informed of communications from regional offices to Headquarters bureaus and offices on policy or other matters of similar importance. For correspondence, this may be accomplished by sending a copy of the correspondence to the Office of Regional Management.

.226 Operating reports ordinarily will be sent directly to the respective bureaus and offices for analysis and consideration. The Regional Director will make such additional reports as are required directly to the Director, Office of Regional Management.

.227 There should be close liaison between the regional officials and the Inspection Service which, as an independent arm of the Postmaster General, does not come under the jurisdiction of the Regional Director. The Inspection Service may be requested to make findings of fact and give recommendations on postal matters.

.23 *Regional Offices and Postal Installations*—.231 The regular channel of communication to the postmaster or to the head of any postal installation is through the Regional Director and his staff specialists in the areas concerned.

.232 Direct communication between Headquarters officials and the heads of postal installations will be kept to a minimum. When such communication is necessary, the Regional Director shall be fully informed by the official concerned.

.233 Communications from postal installations to Washington Headquarters shall be through the same channels in reverse.

SUBCHAPTER 820—ORGANIZATION STATEMENTS

PART 821—OFFICE OF THE POSTMASTER GENERAL

821.1—POSTMASTER GENERAL

a. Administers the Postal Service in all its branches, the appointment of its personnel, its relationships with the Congress, and the management of its finances including the disbursement of appropriations.

b. Appoints postmasters at fourth-class offices and submits nominations to the President on appointments to be made by him for other classes of offices.

c. Determines appeals from the action of the bureau and office heads, except as otherwise delegated.

d. Promulgates rules and regulations and issues all orders requiring the formal approval of the Postmaster General.

e. Performs all special duties enjoined by law upon the Postmaster General.

821.2—EXECUTIVE ASSISTANT TO THE POSTMASTER GENERAL

Performs such duties as are assigned by the Postmaster General.

821.3—SPECIAL ASSISTANT TO THE POSTMASTER GENERAL (PUBLIC RELATIONS)

a. Initiates and directs the formulation of policies and programs for the administration of public relations matters throughout the Postal Establishment.

b. Directs the Post Office Department's information and public education program, providing current information on problems, policies, and programs of the Post Office Department to the public, the principal mail users, the press, and radio and TV commentators.

c. Formulates the policy for the Post Office Department's philatelic program including selection of subject matter, design, first-day sales, and promotion of United States postage stamps; serves as the Department's liaison with the Citizen's Stamp Advisory Committee.

d. Directs the operation of the Philatelic Exhibition Room and the Department's participation in national and international philatelic exhibits.

821.4—JUDICIAL OFFICER

a. An independent officer appointed by the Postmaster General, who acts for the Postmaster General in the performance of quasi-judicial functions, having delegated authority from the Postmaster General to—

(1) Execute in his own name the final decision and order in proceedings authorized by section 1717 of title 18, and by sections 4001, 4003, 4004, 4005, 4006, 4007, 4351 and 4352 of title 39, United States Code, and the Rules of Practice and Procedures of the Post Office Department.

(2) Modify, suspend, or rescind any action heretofore taken (including any order issued) or which hereafter may be taken by the Judicial Officer pursuant to the powers, functions, authority, and duties conferred upon the Postmaster General by the sections of title 39, United States Code, set forth in paragraph a(1) above.

(3) Preside at the reception of evidence in proceedings where expedited hearings are requested by either party or are provided in Rules of Practice. When the Judicial Officer presides at the reception of evidence he may issue a tentative decision.

(4) Revise or amend the rules governing eligibility to practice before the Post Office Department, and to revise or amend the Post Office Department Rules of Practice governing proceedings conducted under the Administrative Procedure Act (5 U.S.C. 1001–1011).

(5) Name and delegate authority to an Acting Judicial Officer.

(6) Exercise jurisdiction over the Hearing Examiners for administrative purposes only, but not to direct or participate in the initial decisions of Hearing Examiners in any proceeding.

(7) Exercise such other authority as the Postmaster General shall delegate to him.

b. Decisions and orders of the Judicial Officer made under the delegated authority shall be the final departmental decision and orders except that the Judicial Officer may refer any proceeding to either the Postmaster General or the Deputy Postmaster General for final decision. The Judicial Officer is responsible only to the Postmaster General and the Deputy Postmaster General. The Office of the General Counsel and the Bureau of the Chief Postal Inspector do not participate in or advise as to the decisions of the Judicial Officer in any proceeding.

821.5—HEARING EXAMINERS

a. Hearing examiners are appointed and qualified in the manner prescribed by law (5 U.S.C. 1010). They preside at administrative hearings involving alleged violations of postal laws or conflicts arising over second-class mail permits.

b. Initial decisions prepared by Hearing Examiners become final departmental decisions unless an appeal is taken to the Judicial Officer.

c. The Hearing Examiners are under the jurisdiction of the Judicial Officer for administrative purposes only in the same manner as are hearing examiners assigned to independent regulatory commissions.

821.6—BOARD OF CONTRACT APPEALS

a. The Board of Contract Appeals is authorized to decide all disputes arising out of appeals from decisions of contracting officers for the Post Office Department. The chairman of the Board of Contract Appeals is authorized to promulgate rules of procedure for the Board of Contract Appeals. These duties shall be performed by the members of the Board of Contract Appeals in addition to their regular duties in the Department.

b. The Board of Contract Appeals for the Post Office Department is composed of:

(1) The Judicial Officer of the Post Office Department who is the permanent chairman, and the Chief Hearing Examiner who shall be a permanent member.

(2) One of the Hearing Examiners of the Post Office Department appointed pursuant to the provisions of Section 11 of the Administrative Procedure Act, as amended, designated by the Judicial Officer on a rotating basis.

821.7—ADVISORY BOARD

The Advisory Board for the Department consists of seven members representative of the public with the Postmaster General as chairman and the Deputy Postmaster General as vice chairman. The Board considers methods and policies for the improvement of the postal service, and advises and makes recommendations to the Postmaster General thereon.

PART 822—OFFICE OF THE DEPUTY POSTMASTER GENERAL

822.1—DEPUTY POSTMASTER GENERAL

a. Executes and performs all powers, functions, and duties conferred by law upon the Postmaster General, including the modification, suspension, or rescission of orders, instructions, and regulations heretofore, or hereafter, issued in the name of the Postmaster General.

b. Delegates to any officer, employee, or agency of the Post Office Department designated by him such of the foregoing powers, functions, and duties as he deems appropriate.

c. Resolves differences of opinions between bureaus and offices as to policies, programs, and areas of responsibility.

822.2—ASSISTANT DEPUTY POSTMASTER GENERAL

a. Acts as the Deputy Postmaster General's chief adviser and principal assistant in the day-to-day management functions of the Postal Service; provides policy and program direction for the Postal Modernization Coordinator, the Office of Management Services, Office of Regional Management, and the Executive Secretariat.

b. Coordinates activities of bureaus and offices in areas requiring joint planning and action.

c. Develops the agenda for the Postmaster General's staff meetings and follows up on actions required of staff members.

d. Provides executive secretariat services for the Office of the Postmaster General and administrative staff services for Headquarters; serves as a center of executive communication, keeping the Postmaster General's staff advised of developments about which they should be appraised.

e. Develops and directs long-range programs, such as ADP, for improving management and performance; stimulates bureaus and offices to develop comprehensive programs for accomplishing their missions.

f. Apprises the Deputy Postmaster General of the status of bureau programs and projects; identifies matters requiring attention of or action by the Deputy Postmaster General.

g. Establishes policy for and directs the preparation, release, and distribution of all official orders, regulations, and issuances of the Department.

h. Represents the Deputy Postmaster General on manpower control matters requiring his determination.

.21 *Postal Modernization Coordinator.* Acts, through the Assistant Deputy Postmaster General, as the Deputy Postmaster General's representative for coordinating all aspects of the postal modernization and mechanization program to provide an integrated, efficient system, as follows:

a. Directs studies in specific areas to obtain necessary data for policy determination and to clarify or expedite projects.

b. Initiates, in coordination with bureaus and offices, adjustments in their responsibilities for the modernization program to eliminate problem areas and expedite the flow of work.

c. Approves recommendations for new major facilities and modernization and mechanization of existing facilities; initiates action to establish priorites; and requests the Bureau of Facilties to acquire sites.

d. Approves and directs a reporting system to keep top management apprised of the status, progress and problems in bureau programs affecting postal modernization and mechanization.

e. Approves all plans and specifications for mechanization of major facilities, prior to advertising for bids.

.22 *Office of Regional Management.* a. Acts for the Deputy Postmaster General, under the general supervision of the Assistant Deputy Postmaster General, in directing and coordinating with bureaus and offices the activities of the regional offices to assure that the Regional Director effectively executes the policies, regulations, procedures, projects, and programs of the bureaus and offices.

b. Directs management appraisal of regional office operations and performance on a regularly scheduled basis to see that regional offices carry out the policies and programs of the bureaus and offices; advises bureaus and offices.

c. Reviews policies and programs of bureaus and offices which have a substantial effect on field management requirements, and advises them of modifications needed to reflect Department plans and objectives, to achieve uniformity of administration throughout the regions, and to obtain optimum results in the field.

d. Establishes standards and ceilings for determining regional organization and complements; establishes and approves regional office budgets and funds.

e. Develops, in cooperation with Bureau of Personnel, programs for training and indoctrination of regional personnel; coordinates such programs with bureaus and offices.

f. Coordinates with the bureaus and offices in the selection and discipline of regional personnel in their areas of responsibility.

.23 *Executive Secretariat.* a. Prepares the weekly Report of the Postmaster General to the President of the United States, and special reports as required.

b. Serves as Executive Secretary of the Post Office Department Advisory Board. Prepares Record of Proceedings and assists the Board in preparing its reports to the Postmaster General.

c. Serves on the Telecon Steering Committee and coordinates preparation of planning for the weekly telecon agenda.

d. Attends the Postmaster General's staff meetings and prepares minutes.

e. Coordinates preparation of replies to General Accounting Office reports. Prepares briefing papers thereon for the Postmaster General and Deputy Postmaster General, and follows up with bureaus and offices to see that corrective action is taken on approved recommendations.

f. Provides staff assistance requested by the Assistant Deputy Postmaster General, and handles special projects assigned by him.

g. Coordinates the preparation of the Annual Report of the Postmaster General to the President and the Congress, and interim reports.

h. Evaluates reports on projects submitted by bureaus and offices. On the basis of this evaluation, selects and prepares material for, and issues, the Monthly Management Report.

i. Coordinates preparation of the Weekly Highlight Report of the Post Office Department.

j. Performs staff work on the Postmaster General's and Deputy Postmaster General's Statements to Congressional Appropriations and other Committees.

k. Coordinates the preparation and revision of regional office and headquarters goals to reflect current objectives and priorities.

.24 *Office of Management Services.* a. Furnishes staff support and assistance to the Deputy Postmaster General, the Assistant Deputy Postmaster General, and the heads of bureaus and offices in evaluating and improving the administration of their respective organizations.

b. Plans, develops, and administers, a Department-wide ADP program; maintains liaison with ADP equipment manufacturers and other Government agencies to continually improve the postal ADP program.

c. Directs staff and activities of ADP Management Division, Management and Information Systems Division, Headquarters Services Division, and the Library.

d. Provides policies and guidance to improve effectiveness of management practices and processes.

e. Serves as defense coordination representative for the Offices of the Postmaster General and the Deputy Postmaster General.

f. Provides policies and establishes priorities for organization, paperwork, and other management improvement studies; approves plans for major studies; and evaluates the findings and recommendations of such studies.

.241 *ADP Management Division.* Provides Department-wide direction and leadership for the automatic data processing (ADP) program as follows:

a. Develops and coordinates the design and directs the installation of ADP systems for bureaus, regional offices, and other field units.

b. Provides continuing technical services for data processing units.

c. Conducts research in data processing, including simulation, and formulates ADP systems concepts for developing Department-wide plans using ADP technology.

d. Conducts ADP feasibility studies; approves proposals and plans to study or test new types of ADP equipment, and coordinates such tests.

e. Determines the need for ADP contractual services and evaluates proposals for such service; determines the optimum data processing methods.

f. Determines need for procurement or release of ADP equipment in headquarters, regional offices, and other field units.

g. Evaluates, with Bureau of Finance, proposals that involve major changes in data processing workload in the headquarters installation or in regional data processing centers.

h. Approves technical competence of all professional and supervisory ADP personnel selected for headquarters, regional offices, and other field units; establishes performance standards for and evaluates the effectiveness and need for improving ADP operations.

i. Provides an ADP consultant and advisory service for bureaus and offices, including the analysis of data problems to determine whether manual, electrical, or electronic processing is required.

j. Initiates proposals for educational activities designed to update ADP knowledge of departmental and field officials; approves or disapproves headquarters and field ADP training proposals; evaluates availability and quality of facilities for ADP training; and makes recommendations to Assistant Deputy Postmaster General.

k. Develops ADP programs for the support of Department-wide statistical procedures.

.242 *Management and Information Systems Division.* a. Plans and directs Department-wide organization and paperwork studies.

b. Directs the staff and activities of the Management Analysis Branch, the Directives Management Branch, the Reports Management Branch, and the Forms and Records Management Branch.

c. Maintains a continuous Department-wide review of proposed changes in organization, functions, and staffing to eliminate potential duplication of effort, conflicts in responsibilities, and deviations from policy.

d. Conducts special studies, as requested, for the Director, Office of Management Services, and the Assistant Deputy Postmaster General.

e. Provides advice and assistance to bureaus and offices in planning and conducting management studies.

f. Works with bureaus and offices to develop and maintain effective interbureau working relationships and to clarify functional responsibilities.

g. Maintains liaison with other Government agencies to obtain assistance in organization and paperwork surveys and to incorporate improvements in these areas in the Department's programs.

h. Plans for, and assists in, the preparation and presentation of program reviews.

(1) *Management Analysis Branch.* (a) Conducts Department-wide organization, functional, staffing, and procedural studies, including the presentation of findings, preparation of reports, guidance in implementing approved recommendations, and followup to resolve problems and evaluate effectiveness of changes.

(b) Reviews and recommends action on manpower and organization matters, including evaluation of requests for changes in established manpower ceilings and proposed changes in approved organization and functions.

(c) Prepares reports, as requested, on the status of operating programs for management use by the Postmaster General, the Deputy Postmaster General, and the Assistant Deputy Postmaster General.

(d) Conducts special studies, and coordinates surveys, programs, and projects of an interbureau nature, where required.

(e) Maintains followup with bureaus and offices on internal audit reports of major importance to see that corrective action is taken on approved recommendations; prepares reports on significant developments, as required.

(f) Provides staff assistance in developing and coordinating Headquarters programs and projects; develops management reporting systems to apprise top officials of the status of programs and projects, including problem areas requiring management attention. Prepares material for periodic review by top officials of Headquarters programs, and coordinates program changes to reflect current policies and priorities.

(2) *Directives Management Branch.* (a) Plans, develops, installs, and maintains a Department-wide directives system for the promulgation of policy statements, orders, regulations, operating procedures, and instructions. This includes such issuances as the Postal Manual, the Regional Manual, the Postal Bulletin, technical handbooks and publications, regional letters, headquarters circulars, and headquarters announcements.

(b) Reviews all proposed directives to assure adequacy of staff coordination, to achieve conformity with established policies, and to avoid the issuance of incorrect or conflicting instructions; initiates remedial action, through appropriate operating officials, of policy and procedural deficiency identified through the review and coordination of issuance material.

(c) Conducts a central editing function for the directives program to assure conformity with prescribed style standards.

(d) Resolves differences arising out of the review, clearance, and editing processes.

(e) Plans, develops, manages, and coordinates the Post Office Department publication distribution program, including the storage, issuance, and disposition.

(3) *Reports Management Branch.* (a) Conducts, coordinates, and provides technical assistance and direction for surveys and studies designed to evaluate reporting needs, and assists in the development and installation of improved reporting systems.

(b) Develops policies, procedures, and issues guides and standards for the effective management of reports throughout the Postal Establishment.

(c) Serves as a central point for the approval and clearance, prior to issuance, of new or revised reporting requirements of a multi-use or multi-bureau nature.

(d) Provides assistance and guidance to all organizational elements of the Postal Establishment in developing reporting requirements, techniques, and standards.

(e) Maintains an index of recurring reports and publishes necessary lists of both current and discontinued reports for use of Headquarters, regional, and post office personnel.

(f) Maintains liaison with the Bureau of the Budget, the General Accounting Office, and other Government agencies as necessary to perform the functions of the branch.

(4) *Forms and Records Management Branch.* (a) Develops, installs, promotes, and appraises the effectiveness of the Postal Establishment's forms and records programs; conducts forms and records surveys and special studies as needed to meet program requirements.

(b) Conducts a continuous analysis and evaluation of the development and use of forms in headquarters and the field to eliminate duplication, to reduce the number of forms, and to obtain maximum utilization of forms data.

(c) Prepares forms and records handbooks and instructions for the guidance of headquarters, regional, and post office personnel.

(d) Develops sound principles for the design and utilization of forms and related material required for postal operations; controls issuance of all POD forms.

(e) Develops and establishes policies, procedures, and standards for the operation of the records management program including the creation, processing, storage, and disposal of records; and provides assistance to headquarters and field offices in developing effective records filing and disposal systems.

(f) Maintains liaison with the General Accounting Office, the Bureau of the Budget, the General Services Administration, and other Government agencies as necessary to perform the functions of the branch.

.243 *Headquarters Services Division.* a. Provides plans, policies, and programs for and appraises the effectiveness of the following headquarters activities of the Post Office Department;

Office communications and building services.

Graphics, printing and distribution services.

Mail and messenger services.

Development, maintenance, and distribution of exhibits for the Postal Service.

Parking space and permits.

b. Directs the staffs of the Operating Services Branch and the Graphic Arts Branch.

c. Maintains liaison on policy and planning matters with the General Services Administration concerning headquarters building and cafeteria; and with the Government Printing Office and the Joint Committee on Printing for all printing of the Postal Establishment, except for accountable paper.

(1) *Operating Services Branch.* (a) Plans, programs, and directs the Headquarters supplies, equipment, and services procurement program.

(b) Provides telephone and related services for Headquarters, Washington Region, Supply Center, City Post Office, and Mail Equipment Shops; maintains liaison with telephone company and General Services Administration on communications matters.

(c) Approves requests to, and arranges with, General Services Administration for building maintenance, repairs, and alterations.

(d) Plans and directs a program for the maintenance and repair of all office equipment.

(e) Analyzes and plans space requirements for Headquarters and negotiates with General Services Administration for space allocations.

(f) Provides automotive transportation and delivery services for Headquarters; and manages the official parking facilities.

(g) Manages and controls Headquarters property; conducts inventories, initiates surveys, and maintains property records.

(h) Plans, programs, and directs the mechanical shop and the labor unit.

(i) Organizes and directs arrangement of facilities for movies, television and press conferences, and other ceremonies; handles receipt or shipment of exhibits.

(j) Plans, programs, and directs Headquarters mail and messenger operations.

(k) Administers the Headquarters records program, within the policies and guidelines established by the Forms and Records Management Branch in the Management and Information Systems Division.

(2) *Graphic Arts Branch.* (a) Serves as printing technician for the Department; renders technical advisory services to all components of the Department on printing and duplicating plans and projects.

(b) Administers Headquarters reproduction plant, personnel, and facilities; determines how and when equipment may be procured, maintained, operated, and disposed of; initiates actions for acquisition, use, and maintenance of reproduction equipment.

(c) Plans, organizes, coordinates, and controls all reproduction needs for Headquarters; recommends policies affecting programs of the Branch; formulates and installs work methods and procedures.

(d) Provides technical coordination of field reproduction activities of the Department; provides technical service to bureaus and offices for field printing and duplicating needs and participates in surveys.

(e) Maintains liaison with the Joint Committee on Printing and is responsible for:

(i) Application and enforcement of Joint Committee on Printing regulations on purchase, rental, exchange, or transfer of equipment.

(ii) Coordination for the Department of all reproduction and reports required by Committee regulations.

(f) Serves as liaison with the Government Printing Office; provides technical visual arts services to bureaus and offices on preparation of manuscripts for printing by Government Printing Office or the Department's plant, including development of graphics, statistical drafting, art designs, and other illustrative materials, printing of budget, statistical, and tabular data.

(g) Assists in planning, coordinating, and developing the Department's visual aid program, including the design, layout, and execution of artwork for postal exhibits; assisting in determining exhibits requirements; and advising officials of graphics techniques to improve management and reporting procedures.

.244 *Library.* a. Maintains a law library and provides legal reference service.

b. Maintains a technical reference library and provides assistance required by departmental and field personnel.

c. Serves as a repository of Postal Service historical source materials for use by the Department and the general public.

d. Provides Department-wide coordination and control in the acquisition and distribution of all nonpostal publications.

PART 823—BUREAUS AND OFFICES

823.1—BUREAU OF THE CHIEF POSTAL INSPECTOR

a. Directs the execution of policies, regulations, and procedures governing all investigations, and operating inspections and audits for the Postal Service.

b. Advises the Postmaster General, the Deputy Postmaster General, and other principal assistants on the condition and needs of the service.

c. Acts as Security Officer and Defense Mobilization Officer for the Postal Establishment.

d. Directs the selection, training, and supervision of inspection service personnel.

e. Maintains liaison with other investigative and law enforcement agencies of the Government.

f. Administers payment of rewards for information and services.

.11 *Deputy Chief Postal Inspector.* Advises and assists the Chief Postal Inspector and acts for him in his absence or at his direction.

.12 *Assistant Chief Postal Inspector.* Directs those responsibilities of the Chief Postal Inspector which relate to mail loss and depredations, mail fraud investigations, financial investigations, service investigations and inspections, and identification laboratory.

.121 *Mail Loss and Depredation Division.* a. Directs investigations of:

(1) Mail theft, loss, rifling, and damage.

(2) Armed robbery, burglary, or assaults on postal employees.

(3) Casualties, fires, natural disasters, and train and plane crashes involving the Postal Service.

(4) Alterations and forgeries of postal financial papers.

(5) Counterfeiting of stamps, money orders, or other postal paper.

b. Traces registered and other mail losses with foreign governments.

c. Maintains liaison with other Federal, State, and local law enforcement agencies.

d. Coordinates major postal criminal cases on national basis.

.122 *Fraud and Mailability Investigations Division.* a. Directs investigations of:

(1) Mail frauds, lotteries, conspiracies.

(2) Extortions, mailing of bombs, poisons, obscene, scurrilous, libelous, or other prohibited matter.

b. Maintains liaison with Department of Justice and U.S. attorneys.

c. Examines, analyzes, and disseminates information and decisions affecting criminal investigations.

.123 *Financial Investigations Division.*

a. Directs investigations involving:

(1) Shortages and embezzlements of funds.

(2) Falsification of financial records, including timecard irregularities.

(3) Inflation of post office receipts.

(4) Loss of revenue from all classes of mail.

(5) Violations of Private Express Statutes.

(6) Motor vehicle and other accidents resulting in injuries to private persons or damage to private property; also damage to Government property.

(7) Misuse of stamped paper.

b. Determines financial responsibility in cases involving mistreatment of mail, and failure to collect or remit COD funds.

c. Initiates actions to enforce recoveries resulting from mistreatment of mail and COD funds, misappropriation of funds and other financial irregularities, revenue due the Post Office Department; determines ownership and disposition of money and property recovered by inspectors.

.124 *Service Investigations and Inspections Division.* a. Directs special and confidential investigations.

b. Directs audit-inspections and rating of post offices, other stationary mail handling installations, mobile units, vehicle maintenance facilities and other vehicle service, and Federal and leased buildings housing postal installations.

c. Directs investigations of:

(1) Major charges resulting from inspections and those involving postal employees as requested by operating management.

(2) Malfeasance and misfeasance (coordinated, as applicable, with Department of Justice).

d. Directs other investigations requested or approved by operating management involving:

(1) Space and equipment requirements.

(2) Suitability of postmaster candidates.

(3) Installation of postmasters and acting postmasters.

(4) Establishment and discontinuance of post offices, stations, and branches.

(5) Rural route changes.

(6) Service matters.

e. Plans for and transports in inspector custody President's mail while he is traveling or is away from Washington.

.125 *Identification Laboratory.* a. Conducts scientific examinations of handwriting, typewriting, mail tampering, inks, poison foods, bomb parcels, and burglary evidence relating to postal crimes.

b. Presents expert testimony in court action.

.13 *Assistant to the Chief Postal Inspector.* Administers staff matters and, with the Chief Postal Inspector, provides general direction on defense coordination matters as follows:

a. Assists the Chief Postal Inspector on matters of organization, personnel administration, budget administration, management controls, methods procedures, office management, records management, and issuance of publications and instructions; on examination and selection of inspection service personnel; and on operation of Inspectors' Training School.

b. Formulates, develops, and coordinates civil defense and defense mobilization programs for the Postal Establishment; maintains liaison with the Department of Defense and the Office of Emergency Planning; and other agencies concerning these activities.

c. Maintains liasion with the Department of Defense on postal service problems and administers the Army Affiliation Program for the Postal Establishment.

.14 *Internal Audit Division.* a. Develops and directs an internal audit program for the Post Office Department, including property, fiscal, cost, and operating accounts pertaining to revenues, appropriated funds, and assets of the Department.

b. Establishes standards, principles, and procedures for audits of all postal activities and organizations for use by internal auditors and postal inspectors.

c. Develops programs and conducts internal audits of postal activities and organizations other than post offices.

d. Makes post-audit reviews and evaluations of the procurement and contracting policies, procedures, methods, and practices which the Department follows.

e. Provides audit service to the Department's contracting officers under negotiated fixed-price and cost-type contracts by (1) analyzing and substantiating cost and price estimates and proposals submitted by prospective contractors, (2) performing on-site audits of contractors' records and determining allowable cost under cost-type and price-redeterminable contracts, and (3) coordinating results when Defense Department auditors perform assist-audits of contractors' records for the Post Office Department.

f. Represents the Department in dealing with other Government agencies and industry representatives on internal and contract auditing matters, including the coordination of audit programs with General Accounting Office auditors assigned to the Post Office Department.

.15 *Personnel Security.* a. Formulates, with the Office of the General Counsel, personnel security regulations and procedures of the Department; administers personnel and physical security programs for the Postal Establishment.

b. Maintains liaison with the Department of Justice, the Civil Service Commission, and other agencies related to security activities.

c. Assists operating officials and appointing officers in determining sensitive positions; evaluates security checks and investigations; effects clearances or recommends appropriate action; prepares charges in instances of suspension.

d. Collaborates with the Office of the General Counsel on recommendations for disposition of cases in which suspended employees have submitted statements refuting or explaining security charges against them.

e. Designates postal officials to serve on security hearing boards and arranges facilities for those boards.

823.2—GENERAL COUNSEL

a. Serves as legal adviser to the Postmaster General, the Deputy Postmaster General, and the entire Postal Establishment with respect to (1) legal interpretations and opinions; (2) drafting or approving legal documents; (3) legal matters involved in all stages of procurement and contracting activities, including matters of compliance with Federal procurement regulations and departmental regulations and instructions; and (4) conduct of administrative hearings before regulatory agencies of the Federal Government and court proceedings on behalf of the Department.

b. Institutes proceedings under the Administrative Procedure Act in fraud and mailability cases, and defends decisions of administrative officials involving entry of second-class mail or suspension of second-class mailing privileges. He does not advise or consult with the Judicial Officer or the Hearing Examiners with respect to their performance of the duties and functions assigned to them under 821.4 and 821.5, except in the disposition of ex parte matters as authorized by law, nor does he participate in the decision of the Judicial Officer or Hearing Examiners.

c. Acts as legislative officer for the Department by drafting bills, preparing reports on proposed legislation, and representing the Department in hearings and conferences on legislative matters.

d. Maintains liaison with other agencies of the Government on legal matters and determines questions concerning legal relations between the Department and other agencies.

e. Collaborates with the Security Officer (Chief Postal Inspector) in developing procedures and taking action required to effecuate laws, Executive orders, and instructions of the President relating to personnel security.

f. Makes rulings and advisory opinions, with authority to redelegate, as to mailability of matter under laws covering fraud, obscene matter, lotteries, subversive and propaganda matter, extortions and threats, and firearms.

g. Acts for the Postmaster General, with authority to redelegate the function to General Counsel staff members, in the settlement of personal or property damage claims of $100 to $2,500, inclusive, brought against the Department or claims in excess of $100 by postmasters for unavoidable losses by fire, burglary, or casualty; formulates and administers policies and standards governing the adjudication and settlement by regional offices of personal or property damage claims under $100, and claims of postmasters of $100 or under.

h. Acts for the Department in requesting the Department of Justice to institute or defend civil suits involving the Post Office Department or its operations.

i. Initiates and prosecutes, in his name or by his designee, mailability proceedings under laws prohibiting the mailing of fraud, lottery, obscene, subversive or propaganda, extortious, or threatening matter and firearms.

j. Initiates and prosecutes, in his name or by his designee, cases seeking the issuance of final agency "fraud," "unlawful business," and "fictitious name" orders.

k. Determines legal questions arising in the use of the frank for the transmission of mail matter.

l. Authorizes the closing of post office boxes when used in violation of law or regulation.

m. Provides experienced attorneys to serve as members of contract negotiating teams which deal with negotiated contracts over $2,500.

.21 *Deputy General Counsel.* a. Exercises direct professional supervision over the staff of the Office of the General Counsel.

b. Provides the General Counsel with recommended interpretations, opinions, regulations, and procedures on matters requiring legal action.

c. Represents and acts for the General Counsel in his absence or at his request.

.22 *Special Assistant to the General Counsel.* Performs such duties as are assigned by the General Counsel.

.23 *Special Associate General Counsel.* Performs such duties as are assigned by the General Counsel.

.24 *Administrative Aide.* Assists and, as directed, acts for the General Counsel in matters of organization, management, budget and personnel administration, and other related staff activities.

.25 *Associate General Counsel (Litigation-Claims).* Directs those phases of the responsibilities of the General Counsel relating to proceedings before regulatory bodies and other agencies of the Government concerning transportation of mail, transportation rates and postage rates; and to fraud, damages, and claims.

.251 *Litigation Division.* a. Prepares and tries before regulatory bodies, and other agencies of the Government, cases dealing with the transportation of mail, transportation rates paid by the Department to railroads and airlines, and postage rates.

b. Prepares and tries before hearing examiners and the Judicial Officer cases arising under statutes governing fraudulent use of the mail.

c. Assists and collaborates with the Department of Justice in the institution and defense of law suits involving the work defined in a and b above.

.252 *Claims Division.* a. Prepares interpretations and applications of the Federal Tort Claims Act to the Post Office Department.

b. Correlates the responsibilities, rights, and respective spheres of action of Federal and State governments under motor vehicle safety responsibility laws.

c. Considers and, under authority delegated by the General Counsel, settles personal or property damage claims brought against the Department; maintains liaison with regional offices in the adjudication there of claims under $100.

d. Considers and recommends settlement to the General Counsel of claims in excess of $100 by postmasters for unavoidable losses by fire, burglary, or casualty; maintains liaison with regional offices in the adjudication there of claims of $100 or under.

e. Maintains liaison with other agencies of the Government and assists the Department of Justice in the defense of suits brought under the Federal Tort Claims Act.

.26 *Associate General Counsel (Legal Counsel).* Directs those phases of the responsibilities of the General Counsel which relate to opinions, contracts, personnel security, legislation; and to acquisition, disposal, and leasing of real property.

.261 *Opinions Division.* a. Prepares interpretations of laws, regulations, treaties, and conventions; and prepares opinions as requested.

b. Examines, approves, or drafts contracts and bonds as requested.

c. Recommends approval, as to legal acceptability, of securities offered by banks to secure postal savings deposits.

d. Recommends disposition of questions arising from application of the Private Express Statutes.

e. Assists and collaborates with the Department of Justice in the institution and defense of civil suits involving the Department, other than those handled by other divisions of the Office of the General Counsel.

f. Recommends approval of procedures and actions under laws and executive orders relating to personnel security.

g. Prepares and tries before Hearing Examiners and the Judicial Officer cases involving the denial of entry or revocation of entry of second-class mail when obscenity questions are not involved.

h. Examines, approves, or drafts contracts and bonds, as requested, between the Post Office Department and railroads and airlines.

.262 *Legislative Division.* a. Coordinates within the Department the analysis, interpretation, and preparation of reports on proposed legislation affecting the Postal Establishment.

b. Prepares and coordinates the legislative program of the Department, including the drafting of bills, maintenance of liaison with other agencies of the Government, and participation in appearances before congressional committees and the Bureau of the Budget.

c. Represents the Department on material to be published in the FEDERAL REGISTER and questions arising under the Administrative Procedure Act.

d. Prepares amendments to postal regulations resulting from new legislation.

.263 *Real Property Division.* a. Prepares legal opinions and documents, and performs all other legal work arising from the acquisition, use, disposal, and leasing of real property or space by the Post Office Department.

b. Assists and collaborates with the Department of Justice in the institution or defense of civil suits involving the Post Office Department arising out of real property and space acquisition program.

.27 *Mailability Division.* Responds directly to the Deputy General Counsel.

a. Prepares interpretations as to mailability of matter under statutes relating to obscenity, lotteries, subversive, extortious and threatening material, and firearms.

b. Prepares and tries before hearing examiners and the Judicial Officer cases arising under statutes covering obscene matter and lotteries, and second-class mail matters involving questions of obscenity.

c. Collaborates with the Department of Justice in the handling of court proceedings brought against the Post Office Department involving mailability matters.

d. Considers and recommends to the General Counsel the closing of post office boxes used for deceptive or immoral purposes.

823.3—OFFICE OF RESEARCH AND ENGINEERING

a. Develops and administers research and engineering programs for the Postal Establishment.

b. Develops, designs, and tests postal equipment, vehicles, and supplies, and prepares specifications for their use.

c. Develops and recommends (1) methods standards for nationwide application, and (2) improved processing systems and procedures in mechanization.

d. Develops and recommends production measurement standards and manpower utilization systems.

e. Develops physical site requirements and plans, functional building design, mail handling systems layouts, and space utilization requirements in accordance with operational concepts.

f. Provides architectural and engineering policies and services for the planning and construction of all facilities, including site utilization, structures, utilities, process machinery, and other plant equipment, as well as field supervision of construction and process machinery installations.

g. Develops functional designs, systems layouts, and space utilization plans in accordance with operational concepts for alterations, or extensions to Government-owned buildings occupied by the Post Office Department.

h. Formulates and provides architectural and engineering policies and services for the modification, modernization, and mechanization of existing facilities.

i. Maintains liaison with foreign postal officials on technical matters.

.31 *Deputy Director.* Assists the Director and acts for him in his absence or at his request.

.311 *Special Assignments.* a. Performs special assignments for the Director and the Office.

b. Coordinates the preparation, clearance, and distribution of handbooks, manuals, technical instructions, and related publications and issuances for the Office of Research and Engineering.

c. Acts as liaison for the Office of Research and Engineering with (1) Bureau of Personnel on employee-management relations, preparation of technical training materials, engineering film reports, and related materials; (2) Special Assistant to the Postmaster General (Public Relations) on preparing and clearing proposed news releases, films, speeches, and articles for outside publications as they relate to research and engineering matters; (3) Office of Management Services on matters relating to publications, office space, furniture, and equipment affecting the Office of Research and Engineering; and (4) the Bureau of the Chief Inspector on civil defense matters.

.312 *Field Engineering.* a. Represents the Director in reviewing the quality and scope of regional engineering and furnishing technical guidance to regional engineers, including criteria and guidelines.

b. Maintains liaison with regional authorities in developing engineering information for use by bureaus and offices having primary responsibility in the establishment of priorities for all construction projects and the funding of improvement projects.

c. Coordinates the research and engineering programs of the Office of Research and Engineering with regional engineering.

d. Supervises and distributes communications, reports, and information between the Office of Research and Engineering and the regional engineering organization.

.313 *Assistant Director for Programming and Control.* a. Formulates and develops general policies and plans for the application of research and engineering to postal problems.

b. Conducts long- and short-range planning for, and develops an integrated program of, research and engineering projects.

c. Coordinates nontechnical aspects of research and engineering programs with the activities and responsibilities of other bureaus and offices.

d. Plans, establishes, and administers budgetary programs and schedules, allocates allotted funds, and evaluates expenditures for the Office of Research and Engineering.

e. Directs studies of the economics of research and engineering improvements and programs; evaluates program performance.

f. Directs the negotiation, preparation, consummation and administration of research and engineering contracts; for such contracts over $2,500, furnishes a contracting officer to act as the head of the contract negotiating team and chief negotiator.

g. Establishes and maintains a system of program and project control and reporting for the Office; and maintains the Headquarters master major facilities project control deck, assigns project numbers, and prepares status reports.

h. Represents and acts for the Director, in a staff capacity, on matters of organization and administration, of the Office of Research and Engineering.

i. Establishes internal procedures for the planning and review of research and engineering programs and projects to assure Office of Research and Engineering internal coordination.

j. Develops and makes recommendations concerning proposed patent policies and their application to research and engineering programs.

.314 *Assistant Director for Research and Development.* Directs those phases of responsibility of the Director, Office of Research and Engineering, that concern research and development activities for the Post Office Department.

a. *Research Division.* (1) Conducts exploratory and applied research and evaluates the advance made in research and development fields.

(2) Develops new concepts and mechanized systems applicable to postal operations.

(3) Develops and implements long- and short-range programs for overall research and development objectives.

(4) Provides consultant and advisory services to other divisions of the office and to other elements of the Department on research matters.

(5) Conducts "Operations Research" studies.

b. *Development Division.* (1) Designs and develops new mail processing machinery, experimental systems, and equipment.

(2) Prepares specifications for newly developed and tested postal equipment.

(3) Establishes and maintains engineering standards pertaining to the mechanical and electronic design of mail processing machinery.

(4) Prepares production drawings for procurement of prototype and production equipment.

(5) Provides consultant and advisory services to other divisions of the Office and to other elements of the Department on development matters.

c. *Automotive Division.* (1) Plans, designs, develops, and recommends experimental, new, or modified vehicles of all types, including trailers and other vehicle components and vehicle maintenance equipment; prepares technical specifications for such vehicles and equipment.

(2) Inspects factory pilot models of vehicles to assure compliance with technical specifications; prepares, and furnishes guidance for use in the quality control inspection of vehicles at manufacturers' plants at time of acceptance.

(3) Initiates action for necessary adjustments during vehicle warranty periods, and for correction of structural defects and weaknesses, or deviations from approved specifications.

(4) Provides concepts for developing experimental vehicles; selects vehicles or vehicle components from private industry and other sources for experimental use in postal operations; coordinates assignment and testing of experimental vehicles with Bureaus of Operations, Facilities, and Finance; evaluates test reports and recommends further action.

(5) Provides technical guidelines on new or modified vehicles for use by the Bureaus of Operations and Facilities.

(6) Informs Vehicle Utilization Branch, Bureau of Operations, of new vehicle developments as a basis for revision of service-type specifications.

(7) Provides spare parts requirements for newly developed vehicles pending development of permanent parts lists based on operating and maintenance experience.

(8) Provides, on request of Bureaus of Operations and Facilities, engineering consultation on vehicle utilization and maintenance problems; performs trouble shooting on such problems.

d. *Postal Laboratory Division.* (1) Develops, maintains, and operates the postal laboratory for the testing of machinery, post office equipment, and supplies.

(2) Tests and evaluates new mail processing machinery and equipment.

(3) Tests and evaluates postage meters, vending equipment, and other revenue-type machines.

(4) Conducts experimentation and independent developments and consultation.

.315 *Assistant Director for Management Engineering.* Directs those phases of responsibility of the Director, Office of Research and Engineering, that concern the most efficient use of manpower, space, and equipment.

a. *Systems Analysis Division.* (1) Analyzes operating requirements and conditions and determines their relationship to facility needs and operational concept.

(2) Studies mail movement and handling, as required, to make recommendations on general location of new facilities.

(3) Analyzes volumes and flow data on mail processing in participation with other bureaus and offices; reviews and adjusts space estimates to assure adequacy and suitability of space in proposed mail processing facilities for the utilization of new methods, machinery, and equipment in accordance with operating concepts.

(4) Determines processing machinery and equipment requirements that will provide maximum economical and service efficiencies within established operational concept.

b. *Industrial Engineering Division.* (1) Applies industrial work measurement techniques to develop work measurement standards; recommends programs for improving manpower utilization.

(2) Conducts engineering studies and evaluations of mailer techniques, methods, and equipment to improve service to the public in coordination with other offices and bureaus.

(3) Develops and provides technical criteria on amounts of space required for various items of equipment for use by all elements of departmental and field management.

(4) Develops and provides criteria for economic evaluations for plant, equipment, and systems.

(5) Develops and recommends criteria to insure that equipment is used in accordance with design concept.

c. *Mechanization Utilization Division.* (1) Coordinates with postmasters, regional officials, and Headquarters personnel to clarify and resolve engineering problems arising during the phase-in of initial operations; assures that mail processing equipment is utilized in accordance with original design and planned operation.

(2) Verifies the satisfactory completion of items remaining on the acceptance "punch list," coordinating the remaining deficiencies with departmental representatives.

(3) Reviews and evaluates suggestions and proposals by local, regional, and Headquarters personnel concerning all phases of the new operation and assists in implementing any changes in procedures to improve the efficiencies of the operation of the new facility.

(4) Conducts engineering analyses of all mechanized facilities to evaluate performance, identify problem areas, and provide recommendations.

d. *Project Engineering Division.* (1) Provides the Office of Research and Engineering project coordinators for major facility projects and programs; coordinates and serves as the focal point within the Office of Research and Engineering for information necessary to assure orderly and timely progress of such projects from inception to completion.

(2) Manages the general and overall research and engineering progress of the project, expediting and coordinating independent actions from planning and design through acceptance.

(3) Reports general and overall progress or status of assigned facility projects to other elements of the Office concerned.

.316 *Assistant Director for Construction Engineering.* Directs those phases of responsibility of the Director, Office of Research and Engineering, that concern construction engineering activities for the Post Office Department.

a. *Architectural Division.* (1) Prepares preliminary and schematic building plans to assist in (a) determining facility requirements, and (b) studying land utilization and site requirements; assists in site selection.

(2) Coordinates and prepares plans for the inclusion in buildings of mechanical and electrical utility equipment and mail processing machinery.

(3) Develops architectural plans and elevations of buildings, final site plans, and prepares building construction specifications and preliminary cost estimates.

(4) Develops buildings design criteria and standard construction details.

(5) Coordinates and prepares plans for postal-occupied space and facilities in multi-purpose Government-owned buildings to be constructed by General Services Administration.

(6) Establishes the structural standards, including design criteria for floor loads and column spacing to adequately support and provide flexibility for the installation of mail processing machinery and equipment.

(7) Reviews and checks the architectural and structural design of drawings submitted by bidders, lessors, and architects to insure maximum stability and economy consistent with established structural design practices.

(8) Reviews for approval and for compliance with contractual requirements preliminary, intermediate, and final working drawings and specifications prepared by bidders, lessors, and architects.

(9) Recommends to the Bureau of Facilities the selection of architectural and engineering firms and assists in negotiating contract services.

(10) Reviews and evaluates regional engineering proposals for extension, remodeling, and modernization of Government-owned buildings; prepares plans of such work and, after approval by the Bureaus of Operations and Facilities, forwards to Facilities for transmission to GSA for performance; reviews for compliance, and approves, contract drawings and specifications prepared by General Services Administration for improvement projects.

(11) Recommends to the Maintenance Division, Bureau of Facilities, technical criteria for vehicle maintenance facility planning; provides technical advice for typical and schematic plans; reviews proposals, specifications, and plans from the standpoint of technical requirements.

b. *Utilities Division.* (1) Develops and establishes design criteria for plumbing, heating, electrical, lighting, ventilation, air conditioning, elevators, fire prevention equipment and similar mechanical features and components for all buildings and space acquired by the Post Office Department under its leasing program, and for postal space provided by General Services Administration in Government-owned buildings.

(2) Establishes and prepares mechanical criteria in building specifications requirements.

(3) Makes preliminary design layouts for heating, ventilating, lighting, electrical, and air conditioning systems to insure integration and coordination with processing machinery systems and architectural and construction requirements.

(4) Reviews, approves, and checks for compliance with contractual requirements preliminary, intermediate, and final work drawings submitted by bidders, lessors, and architects.

(5) Renders technical guidance to contract architectural engineering firms and lessors in the development of mechanical contract drawings.

(6) Establishes criteria for and designs communications systems to meet operating needs of new and modernized facilities.

(7) Develops and recommends policies and procedures for the operation and control of communication systems throughout the Postal Service, including telephone, teletype, mobile radio, intercommunication, and sound systems.

(8) Prepares specifications for and recommends heating equipment to be used in new or modified buildings and for conversion of existing systems based on fuel availability, economics, maintenance factors, and recommendation from the Bureau of Facilities.

c. *Process Machinery Division.* (1) Designs and prepares drawings for mail processing equipment that has been developed, tested, and proved as a basis for procurement; prepares progressive modification drawings to incorporate latest advances and improvements in existing equipment.

(2) Designs and prepares drawings for processing machinery to meet operational and functional requirements in established projects.

(3) Prepares contract drawings and specifications for all types of processing machinery; reviews and approves contractors' bids and proposals; checks and approves contractors' engineering and shop drawings.

(4) Coordinates the location and installation of processing machinery and equipment with architectural and utility planning.

(5) Provides a documentation and consultation service on equipment contractors' opinions and appeals from Post Office Department decisions.

d. *Project Construction Division.* (1) Responsible for field supervision of the departmental construction program on leased facilities including utilities and the installation of mail processing machinery.

(2) Establishes guidelines for regional engineers in supervision of delegated building construction programs.

(3) Assists with field supervision of extension and remodeling of postal space in Federal buildings.

(4) Coordinates with bureaus and offices proposed changes in construction and lease contracts, including the processing of change orders, proposals for changes in contract price, and requests for payments.

(5) Maintains liaison with contracting offices and coordinates the review of contract drawings, specifications and related materials submitted for approval by bidders, architects, and lessors for buildings, utilities, and fixed mail processing equipment after the award of contract.

(6) Prepares and reviews estimates of costs during the construction phases and evaluates construction bids and proposals for construction and contract changes.

(7) Provides a documentation and consultation service on construction contractors' opinions and appeals from Post Office Department decisions.

(8) Coordinates and makes periodic and final inspections and evaluations of building construction and equipment installation work as to adequacy, sufficiency, and timeliness, and recommends final acceptance.

823.4—ASSISTANT POSTMASTER GENERAL, BUREAU OF OPERATIONS

a. Provides functional direction for the execution of policies, programs, regulations, and procedures governing the operational activities of the Postal Establishment which involve the admissibility, classification, collection, processing, dispatch, and delivery of mail; administers the operations budget.

b. Selects, appoints, and disciplines postmasters; appraises the performance of postmasters.

c. Selects and appoints rural carriers.

d. Directs the establishment, consolidation, and discontinuance of mail-handling facilities (except transfer offices, airport mail facilities, and truck terminals); recommends site locations for leased and federally constructed buildings.

e. Determines the consolidation, conversion, extension, and discontinuance of city and rural delivery services.

f. Coordinates the space, mail handling equipment, and mechanization requirements of post offices; directs the vehicle utilization program.

g. Determines staffing standards, maintains manpower and personnel complement controls, and administers control of supervisory staffing of post offices; directs the work measurement program.

h. Promotes a patron relations program to encourage customer participation in the improvement of practices involving the makeup and processing of mail; directs the customer complaint program.

i. Formulates and implements policies concerning the entry, makeup, and classification of domestic mail and the application of postage rates and fees.

.41 *Executive Assistant.* a. Provides staff assistance to the Assistant Postmaster General and his deputies in the formulation of policies, programs, regulations, and procedures regarding all matters within the jurisdiction of the Bureau of Operations.

b. Responsible for the administrative direction of the Fiscal Control Office; directs the Administrative Management Office.

.411 *Fiscal Control Office.* a. Reviews, coordinates, and approves budget policies of the various divisions of the Bureau to assure that they conform with policy direction of the Assistant Postmaster General; prepares the Bureau's budget submission; assists in the presentation of the Bureau budget before review authorities.

b. Develops appropriated fund allocations for submission to the Assistant Postmaster General.

c. Advises the Executive Assistant and the Assistant Postmaster General and his deputies on cost trends, expenditures, and expenditure control; makes periodic and special analyses of the status of appropriation accounts.

d. Serves as consultant to Bureau officials on financial and cost aspects of programs, projects, and management and operations studies. Provides assistance to the Executive Assistant and the Assistant Postmaster General in the

preparation of the Bureau's legislative program.

.412 *Administrative Management Office.* a. Conducts a continuing review of organization and management practices, including manpower utilization and staffing, within the Bureau.

b. Reviews, coordinates, and controls the clearance of proposed regulations, manuals, and procedural issuances.

c. Coordinates the Bureau's annual work program.

d. Develops, administers, and controls the Bureau's progress and status reporting system; prepares periodic and special reports as required by Bureau and Department management, including the Bureau portion of the Postmaster General's Annual Report.

e. Directs the administrative services for the Bureau, including the review and approval of travel orders, travel vouchers; approves requests for issuance of permanent travel commissions and issues temporary travel commissions.

f. Performs the Bureau personnel functions and maintains personnel ceiling control.

g. Maintains control of property within the Bureau; determines office space requirements.

h. Coordinates charity campaigns for the Bureau.

.42 *Special Assistant.* Performs such duties as are assigned by the Assistant Postmaster General.

.43 *Deputy Assistant Postmaster General—Postmasters and Patron Relations.* a. Advises and assists the Assistant Postmaster General and acts for him at his direction.

b. Directs the staff and activities of Postmasters and Rural Appointments Division, Customer Relations Division, and Classification and Special Services Division.

.431 *Postmasters and Rural Appointments Division.* a. Performs functions pertaining to selection, appointment, installation, indoctrination, and training of postmasters and acting postmasters.

b. Performs functions pertaining to selection and appointment of rural carriers.

c. Establishes criteria and administers the program for appraising the conduct and performance of postmasters and acting postmasters; executes disciplinary action where warranted.

d. Maintains liaison with the Congress, the Civil Service Commission, and with other interested agencies and parties as necessary in order to perform the functions of the division.

(1) *Postmasters Branch.* (a) Ascertains qualifications and suitability of candidates for postmaster and acting postmaster.

(b) Recommends candidates and processes the nomination, confirmation, and appointment actions.

(c) At time of appointment, arranges for ceremonies attendant to the installation of acting postmasters and postmasters, including departmental or regional representation where appropriate.

(d) After installation, issues instructions governing the indoctrination of newly appointed postmasters and acting postmasters.

(e) Conducts performance appraisal program; analyzes and evaluates reports of regional officials and inspectors (and, when required, initiates special investigations) pertaining to conduct and performance of acting postmasters and postmasters; issues commendations, reprimands, withholding or periodic salary increases, or removal notices.

(f) Performs personnel management functions for postmasters and acting postmasters.

(2) *Rural Appointments Branch.* (a) Determines method of filling carrier vacancies; ascertains qualifications and suitability of applicants; and issues instructions for the appointment of rural carriers.

(b) Recommends policies and procedures relating to auxiliary and regular rural carrier appointments.

(c) Coordinates with the Distribution and Delivery Services Division the discontinuance or consolidation of rural carrier routes when carrier vacancies occur.

.432 *Classification and Special Services Division.* a. Recommends policies, prescribes standards, and issues regulations for the management and control of the admissibility, classification, and application of rates and fees for domestic mail and the disposition of undeliverable mail.

b. Makes final departmental determination, subject to appeal and hearing under the Administrative Procedure Act, on sufficiency of applications for (1) entry of newspapers and other periodical publications as second-class matter, (2) acceptance into the mail of controlled circulation publications and matter for use by the blind, and (3) granting of mailing privileges of news agents.

c. Recommends policies, and prescribes regulations governing the operation of post office lockbox service and the domestic registry, insurance, COD, and certified mail services.

(1) *Mail Classification Branch.* (a) Prescribes standards and regulations covering admissibility of matter to the mail, classification, and application of rates; addressing, preparation and packaging, and weight and size limitations for domestic mail, domestic free mail, official Government mail, use of penalty and franking privileges, and acceptance of mail for the Armed Forces.

(b) Prescribes the regulations and procedures for collection of postage by various permit methods, such as postage permit imprints and postage meter stamps, etc.; interprets the laws and regulations pertaining to refunds of postage.

(c) Performs staff work pertaining to the adequacy of applications for entry of newspapers and other periodical publications as second-class matter, acceptance into the mail of controlled circulation publications and matter for use by the blind, granting of mailing privileges to news agents, and authorization of nonprofit organizations to enter second- and bulk third-class matter at reduced postage rates.

(d) Administers provisions of law requiring filing and publication of statements of ownership, management, and circulation of second-class publications.

(e) Prescribes standards and regulations governing management and control of mail forwarding and return, disposition of undeliverable matter, exceptional dispatch of publisher's second-class mail, approval of additional mailing places for second-class publications, newspaper handling, mailing list correction, and handling of short-paid and unpaid mail.

(f) Administers the annual migratory waterfowl kill survey.

(g) Administers the annual alien address report program.

(h) Provides representation on the Inter-Agency Committee on Transportation of Radioactive Material and on the Advisory Committee formed by the Surgeon General to advise the Post Office Department regarding toxicity of materials where mailability is concerned.

(2) *Special Services Branch.* (a) Prescribes rules for the acceptance and handling of domestic registered, insured, special delivery, certified, COD, and special handling mail, and for the application of the fees and other charges required by law or regulation. Maintains liaison with other Government agencies and the Federal Reserve Board concerning use of the special mail services.

(b) Administers the laws and prescribes regulations under which postal insurance is paid for the loss or rifling of, or damage to, domestic registered, insured, and COD mail. Maintains actuarial data and controls.

(c) Prescribes procedures and regulations governing the use of post office lockboxes.

(d) Develops and prescribes criteria for the placement in post offices of postage metering and vending equipment for stamps and other accountable stock.

(e) Prescribes standards and maintains controls over the manufacture, distribution, and use of all postage meter equipment and the use of meter advertising dies.

(f) Administers the law and prescribes regulations for the authorization, use, and disposition of special cancellation dies used to print advertising slogans on postmarked mail.

(g) Administers the application of fees for special delivery and special handling mail.

(h) Administers the law under which certificates of mailing are issued for domestic ordinary mail of any class, and for duplicate receipts for registered, insured, certified, and COD mail.

(i) Develops and prescribes procedures for the preparation and use of Parcel Post Zone Guides and the standardization of Parcel Post Zone Keys.

(j) Prescribes the regulations for treatment of dead mail and management of dead letter and dead parcel post branches.

.433 *Customer Relations Division.* a. Plans and directs programs concerned with promoting public cooperation in accepting new and improved mailing practices designed to reduce costs, improve mail handling efficiency and provide better mail service.

b. Conducts a continuing program of study and analysis of mailing public requirements; coordinates these requirements with other divisions and offices of concern; plans and develops improved customer service programs to meet public requirements; and directs and maintains control over customer service programs in the field.

c. Administers a comprehensive customer relations program designed to reduce public complaints, eliminate service deficiencies, and promote public goodwill; develops postal educational material of interest and concern to the mailing public and coordinates the release of such information with the Special Assistant for Public Relations; conducts surveys and requests investigations as required; conducts and coordinates experiments of new and improved customer services.

(1) *Customer Services Branch.* (a) Develops and recommends policies, regulations, and procedures for all customer service functions.

(b) Develops the Bureau's program for replies, or referral of individual complaints, including followup to assure that proper corrective action is taken.

(c) Administers a continuing program to evaluate customer complaints involving mailing problems, policies and procedures; reviews and analyzes the source, cause, and pattern of complaints; and based on the complaint pattern, refers problems or service deficiencies to the appropriate functional division for corrective action.

(d) Plans and develops technical and educational postal information to assist the mailing public in the effective and economic use of various classes of mail and special mail services.

(e) Directs a continual program of study and analysis on the availability and adequacy of mail and special mail services in relation to customer requirements; coordinates requirements with other divisions and offices; assists in obtaining customer acceptance of new and improved procedures for handling mail and special mail services.

(f) Plans and directs a program designed to promote the most economical and effective method for dispensing and using postage.

(2) *Public Cooperation Branch.* (a) Plans and directs the Nationwide Improved Mail Service (NIMS) program designed to encourage large business mailers to cycle, presort, schedule, and deposit mail in a manner that will assure expeditious and efficient handling, including such major activities as:

(i) Contacts mailers and representative organizations to promote interest and acceptance of NIMS.

(ii) Promulgates criteria for establishing and operating local mail users councils.

(iii) Administers merit award program and conducts public award ceremonies to honor mail users showing outstanding cooperation.

(iv) Conducts scheduled visits to participating field installations to stimulate interest and effort in NIMS.

(v) Analyzes statistical and other reports for measuring NIMS progress.

(vi) Initiates corrective action where indicated.

(b) Plans and develops other diversified public cooperative programs to emphasize, encourage, and promote the mailing public's acceptance and use of such improved mailing practices as postal delivery zone numbers, preseparation of mail by mailers, "local" and "out-of-town" separation, dual-collection boxes, proper and correct addressing and packaging, mailer cooperation racks in lobbies, and other proven labor- and time-saving methods for the effective makeup and processing of mail.

(c) Represents the Department, and maintains liaison with the mailing public and representative mail users in studying, recommending, coordinating, and promoting the use of letter-mail standards, new procedures, and equipment for the efficient and economical handling of mail.

.44 *Deputy Assistant Postmaster General—Field Operations.* a. Advises and assists the Assistant Postmaster General and acts for him at his direction.

b. Provides functional direction of post office operations and activities.

c. Directs the staff and activities of Installations Management Division, Distribution and Delivery Division, and Space and Mechanization Requirements Division.

.441 *Installations Management Division.* a. Performs functions pertaining to the organization, management, establishment, discontinuance, and productivity of post offices and subunits thereof.

b. Establishes standards for the determination of supervisory structure, staffing, and complements of post offices; reviews recommendations for supervisory promotions; reviews disciplinary and grievance cases of post office personnel.

c. Establishes and administers a work measurement system in post offices; responsible for manpower and complement control; determines proper utilization of manpower.

d. Provides functional direction for the service analysis program.

e. Promulgates criteria for the establishment and operation of military post offices.

f. Provides policy guidance for distribution of less than bulk lot shipments of accountable paper.

g. Maintains liaison with the Congress, Government agencies, employee organizations, and other Bureaus as required to carry out the assigned functions of the division.

(1) *Work Measurement Branch.* (a) Develops and issues policies and procedures for the measurement of productivity of employees engaged in clerical and mail handling activities.

(b) Installs and administers, through the regions, work measurement systems and performance standards; defines areas for expansion of work measurement systems.

(c) Reviews distribution and allied work standards developed at local offices for mail handling operations, determines validity of such standards from engineering standpoint; and insures simplicity of application of standards in conformance with established policy.

(d) Initiates procedures for control of nondistribution time in mail handling operations; develops criteria for determining proper ratio of nondistribution time to total time.

(e) Initiates action through the regions to insure compliance with the work measurement system, and reviews the applicability of work standards and work volume counting; initiates special checks to determine, for example, whether nonpreferential circular mail is distributed during nonpremium pay hours.

(f) Appraises regional administration of work measurement system; initiates corrective action when necessary.

(g) Develops policies and guidelines for adjusting work standards to reflect installation of mechanized equipment, improved procedures, or changes in mail distribution patterns.

(2) *Organization and Management Branch.* (a) Develops and issues standards governing the organization, management, staffing, and proper utilization of manpower for post offices and subunits thereof; determines and allocates the number and kinds of positions required, including supervisory and administrative positions. Where functional responsibility for an activity rests with another Bureau, positions will be allocated after consulation with the Bureau concerned.

(b) Maintains control over clerical and mail handling allocations for post offices and subunits thereof; insures proper supervisory-employee ratios.

(c) Analyzes and evaluates manpower usage in post offices; recommends corrective action when indicated.

(d) Develops and issues policies and procedures for the provision of general delivery, lockbox, and window services in post offices.

(e) Reviews regional recommendations for supervisory promotions; reviews disciplinary cases involving clerical and mail handler personnel in post offices.

(f) Establishes criteria for the general management of the military postal service, the establishment, discontinuance, and conversion of military post offices, branches, and stations, and the appointment of military postal clerks.

(g) Develops systems, procedures, and controls governing the shipment of stamp stock and other accountable paper by regional distributing post offices; recommends changes in operation, including establishment or discontinuance, of units established as accountable paper depositories and designated regional distributing post offices.

(3) *Post Office Changes Branch.* (a) Develops standards and criteria for the establishment, consolidation, conversion, or discontinuance of post offices, stations, branches, and annexes; develops criteria for consideration of requests for name change of post offices or subunits.

(b) Evaluates requests for establishment, discontinuance, or change in status of post offices or subunits; determines Department position on request, performing coordination as required with other Headquarters organizational elements.

(c) Coordinates program designed to integrate smaller post offices with stations and branches in contiguous postal service areas so that a composite postal area or district results.

(4) *Service Analysis Branch.* (a) Develops and directs a continuous program of nationwide testing and analysis to determine the efficiency of mail handling systems and procedures, including collection, transportation, and delivery services; recommends areas for improvement.

(b) Directs service analysis and testing procedures to be used by regional offices; develops criteria for these procedures and evaluates the effectiveness and results of the overall test program.

(c) Provides technical assistance and information to Customer Services Branch in determining the Bureau response to customer complaints.

(d) Processes service complaints concerning delayed mail; conducts special tests for proper evaluation; recommends corrective action incident to these complaints.

.442 *Distribution and Delivery Division.* a. Develops and issues policies, procedures, and regulations for the collection, distribution, and delivery of mail; develops and issues standards governing the establishment, extension, conversion, curtailment, and mechanization of city and rural delivery services.

b. Develops and issues standards prescribing type, arrangement, and specifications of mail handling equipment and criteria for equipment allocation; approves vehicle design from the operational point of view, assigns new and replacement vehicles, and prescribes standards and procedures governing vehicle utilization.

c. Prescribes procedures and systems for the makeup, distribution, and dispatch of mail at post offices and stationary installations; issues guidelines and general format for city schemes.

d. Maintains liaison with the Congress, Government agencies, employee organizations, and other Bureaus to the extent required for the performance of the functions assigned to the division.

(1) *Delivery Services Branch.* (a) Develops and provides direction for the implementation of policies, procedures, and regulations essential to uniformity, efficiency, and economy in the collection and delivery of mail.

(b) Conducts studies, performs analyses, and coordinates projects regarding collection and delivery services to determine adequacy, appropriateness, or required revision of policies, procedures, or regulations.

(c) Coordinates matters involving delivery, employee grievances, uniforms, training programs, non-motorized equipment, and service improvement with the appropriate offices and bureaus in Headquarters and with other interested organizations and agencies as required.

(d) Provides professional guidance and renders decisions on establishment, extension, conversion, and mechanization of city and rural delivery service; coordinates rural route consolidation and curtailment cases with the Rural Appointments Branch.

(e) Approves specifications for the manufacture and installation of apartment house mail receptacles, rural mail boxes, and mail chutes and receiving boxes; authorizes manufacture of approved design models.

(f) Appraises the effectiveness of regional and field operations and recommends corrective action when required.

(2) *Distribution Procedures Branch.* (a) Develops instructions for the preparation of city schemes and prescribes methods and procedures for correcting and maintaining them; develops procedures and systems governing the makeup, distribution, and dispatch of mail at post offices and stationary installations.

(b) Establishes city scheme examination requirements, specifying frequency and method of conducting; establishes minimum proficiency levels.

(c) Issues criteria governing diagrams of letter cases and pouch- and sack-racks with emphasis on adequacy of makeup and effect on service; coordinates mail handling plans and diagrams of outgoing and transit mail with the Distribution and Routing Division, Bureau of Transportation.

(d) Develops operational data for selecting type of equipment employed in mail handling operations, for establishing standards for its allocation, and for its layout.

(e) Reviews operational procedures and utilization data for mail processing equipment; recommends changes essential to proper mail distribution.

(f) Develops criteria and evaluates requests for establishment or change in the postal delivery zone system.

(g) Coordinates matters concerning city schemes, distribution, training programs, and service improvement with appropriate offices and bureaus in Headquarters and other interested organizations and agencies as required.

(3) *Vehicle Utilization Branch.* (a) Provides program, planning, and management guidance for the effective control and utilization of Government-owned, hire, and contract automotive vehicles; develops methods and procedures to assist regions in improving fleet operations and in establishing vehicle utilization program goals.

(b) Determines the need, assigns, reassigns, and recommends delivery schedules and priorities, and directs the allocation, by regions, of all additional and replacement automotive vehicles within the approved disposal policy; recommends acquisition of, and assigns, vehicles surplus to the needs of other agencies when such vehicles are usable in the postal service.

(c) Recommends and approves design, capacity, and quantity of vehicle requirements to assure conformance with operating requirements.

(d) Establishes standards and guidelines for, and administers, the vehicle hire program; develops criteria for comparing costs of contract and Government-owned vehicles.

(e) Administers the semiannual vehicle utilization survey; establishes reporting needs for vehicle utilization.

(f) Maintains necessary liaison on cost accounting with Bureau of Finance.

(g) Develops criteria and plans for the installation and operation of vehicle traffic control centers.

.443 *Space and Mechanization Requirements Division.* a. Develops and promulgates policies, plans, and procedures governing the determination of space for post offices and other postal facilities; authorizes and directs operations surveys and space surveys; analyzes, coordinates, and takes final action on space reports and recommendations received from regional offices to establish a firm operational concept for major modernization projects.

b. Develops policies, procedures, and coordinates program for acquiring new facilities and the modernization of existing facilities; recommends priorities for new installations and for modification or alteration of existing facilities according to service needs.

c. Reviews and coordinates mechanization requirements, testing, and installation with operating organizations and Headquarters; participates in the evaluation of installed machines and systems.

d. Maintains liaison with the Congress, Government agencies, and other Bureaus as required in order to perform the assigned functions of the division.

(1) *Mechanization Coordinating* Branch. (a) Serves as the central coordinating office (1) in the Bureau for operational matters involved in the mechanization of mail processing functions, and (2) for the Bureau, through the project coordinator, with other Bureaus and the regional offices for all matters involved in the mail processing mechanization program.

(b) Conducts and participates, coordinating with Bureau of Finance, in studies and analyses of performance, economy, and efficiency of installed mechanized equipment; determines the relative effectiveness and appropriateness of proposed mechanized processes as compared to current manual or mechanized processes.

(c) Approves, from an operational or service standpoint, type and quantity of proven mechanization equipment required for new and existing postal facilities.

(d) Reviews and evaluates operations analyses and preliminary proposals of the Office of Research and Engineering for machines and machine systems to determine operational practicability; prepares recommendations.

(e) Reviews and evaluates preliminary tentative mechanization drawings and systems proposals; prepares recommendations.

(f) Participates in the operational testing of prototype models of mail processing machines; reviews specifications and operational test data preliminary to the decision to enter into production.

(g) Coordinates the selection of post offices for testing new mail processing machines and mechanized systems; coordinates test programs to insure correct test data and to minimize service interference at the test site.

(h) Coordinates machine installation projects to facilitate orderly transition from existing to proposed mail handling, timely preparation of operating manuals, and proper scheduling of training of employees to operate the equipment.

(2) *Space Requirements Branch.* (a) Develops from an operational viewpoint policies and standards governing the determination of space requirements for post offices and other postal facilities.

(b) Provides technical guidance from an operational standpoint in the planning of new facilities and modernization of existing Federally owned and leased buildings.

(c) Develops criteria and establishes procedures for the conduct of operations surveys and space and nonmechanized equipment surveys; reviews and initiates final action on recommendations received from the regions.

(d) Serves as the Bureau coordinating office for all matters relating to space and nonmechanized equipment needs; provides project coordinators for the planning of postal space requirements.

(e) Provides project coordinator to assist in determining site locations for Federal building and leased quarters from an operational standpoint.

(f) Develops priorities from an operational standpoint and Bureau reporting procedures relating to the postal facility modernization program.

823.5—ASSISTANT POSTMASTER GENERAL, BUREAU OF TRANSPORTATION

a. Develops policies and programs for the transportation of mail and related mail equipment, and the exchange of mail with other countries and the territories and possessions, and with military installations outside the United States.

b. Prescribes the regulations governing the selection of transportation media and the procurement of transportation from and supervision of service performance by mail carriers; appraises the administration of these regulations by regional offices.

c. Establishes the policies governing the distribution, routing, and dispatch of outgoing and other transit mail in all postal units and designates the installations at which intransit mail distribution will be performed.

d. Determines the establishment and discontinuance of railway post offices, highway post offices, airport mail facilities, transfer offices, and truck terminals and develops the regulations governing the performance of their functions.

e. Represents the Department in dealings with other countries and international postal unions on the exchange of mail.

f. Plans, programs, and evaluates the expenditure of all funds appropriated for transportation activities.

.51 *Executive Assistant.* a. Advises and assists the Assistant Postmaster General and acts for him at his direction. Directs the activities of the Fiscal Control and Administrative staffs, and the Congressional liaison function.

b. Assists the Assistant Postmaster General on matters of staff coordination, planning, and reporting.

c. Provides staff assistance to the Assistant Postmater General and his deputies in the formulation of policies, programs, regulations, and procedures regarding all matters under the jurisdiction of the Bureau of Transportation.

.511 *Administrative Officer.* a. Provides administrative assistance to the Assistant Postmaster General and his deputies and common administrative services for all components of the Bureau; performs the Bureau personnel functions.

b. Reviews and recommends Bureau organization and management practices, including manpower utilization and staffing; maintains the personnel ceiling control.

c. Coordinates the Bureau annual work program and develops, administers, and controls the Bureau system for reporting project status and major accomplishments; prepares periodic and special reports as required by top management.

d. Coordinates legislative matters within the Bureau.

e. Develops, reviews coordinates, and controls the clearance of proposed issuances for the Bureau.

f. Conducts the Bureau forms control and reports management program; arranges for issuance of permanent travel commissions and issues temporary commissions.

g. Maintains control of property within the Bureau; determines office space requirements.

h. Develops, coordinates, and publishes transportation civil defense plans and transportation mobilization plans.

.512 *Fiscal Control Officer.* a. Reviews and coordinates field budget proposals for transportation of mail and mail bag equipment; prepares the Bureau budget submission and assists in its presentation before departmental and Bureau of the Budget review authorities.

b. Recommends allocations of funds for procurement of transportation services.

c. Advises the Executive Assistant, Assistant Postmaster General, his deputies, and other staff members on cost trends, expenditures, and expenditure control; makes periodic and special analyses of the status of appropriation accounts.

.52 *Deputy Assistant Postmaster General—(Domestic transportation and distribution and routing).* a. Advises and assists the Assistant Postmaster General and acts for him as directed.

b. Directs the activities and staff of the Divisions of Domestic Transportation and Distribution and Routing.

c. Acts as chairman of the Mail Service Coordinating Committee and directs its activities.

.521 *Domestic Transportation Division.* a. Provides assistance to the Assistant Postmaster General and the deputies in carrying out the transportation policies of the Bureau.

b. Directs and coordinates the activities of the Air, Highway, Railway, and Mail Equipment Transportation Branches.

(1) *Air Transportation Branch.* (a) Recommends policies, develops procedures, and issues regulations governing transportation of domestic mail by certificated domestic and territorial air carriers, including U.S. flag carriers to and within Puerto Rico and the Virgin Islands.

(b) Reviews legislation and governmental regulations affecting transportation of mail by air carriers and recommends necessary changes in procedures. Makes administrative interpretation and determines applicability to mail service of orders issued by the Civil Aeronautics Board.

(c) Confers with air carriers for new or improved schedules to better meet postal needs.

(d) Constructs and publishes standard mileages and composite rates payable under CAB orders for domestic transportation of mail by air.

(e) Negotiates with air carriers to resolve matters of schedule deficiencies, divisions of mail, rate differences and overload situations, exercising necessary latitude as to mail to be carried, coordinating with Distribution and Routing Division for issuance of any necessary field instructions.

(f) Maintains liaison with air carriers and the industry associations concerning all operational matters pertaining to the domestic transportation of mail by air.

(g) Reviews airline schedules and prepares departmental air schedules for publication to assure prompt distribution to postal facilities concerned.

(h) Recommends policy for the equitable division of airmail and first-class-mail-by-air among domestic air carriers.

(i) Develops and recommends operating programs, in cooperation with air carriers, for improvement of performance, facilities, and equipment.

(j) Designs systems for appraising the performance of domestic air carriers and imposing penalties for irregularities or deficiencies in service rendered; reviews regional performance to assure equitable and uniform administration of the system.

(k) Develops requirements for training of field personnel engaged in supervision of the transportation of mail by domestic air carriers.

(l) Coordinates with Bureau of Finance, carriers and industry associations on programs to simplify and improve procedures on common interest matters.

(m) Implements departmental policy regarding philatelic recognition of CAB authorizations for new domestic air service and prepares appropriate Postal Bulletin announcements.

(2) *Highway Transportation Branch.* (a) Recommends policies, develops procedures and issues regulations governings transportation of mail by contract on highways, domestic water routes, and air star routes.

(b) Reviews legislation and Government regulations affecting transportation of mail by contract carriers and recommends necessary procedural changes.

(c) Maintains liaison with highway and water carriers and their associations concerning all operational matters pertinent to the the transportation of mail.

(d) Develops and recommends operating programs, in cooperation with contract carriers, for improvement of performance, facilities, and equipment.

(e) Designs systems for appraising the performance of and imposing penalties on highway carriers for deficiencies in service; reviews regional performance to assure equitable and uniform administration of the system.

(f) Works closely with the Vehicle Utilization Branch of the Bureau of Operations to develop policies and to integrate mail transportation by contract motor carriers and Government-owned motor vehicles.

(g) Develops and recommends specifications for functional design and construction of highway post office vehicles.

(h) Designs systems for appraising and determining the justification and validity of contract carriers' applications for increased compensation.

(i) Develops requirements for training field personnel engaged in supervision of mail handling by highway and water carriers.

(3) *Railway Transportation Branch.* (a) Develops and recommends policies, procedures, and regulations governing transportation of mail by railroads.

(b) Reviews proposals, negotiates, revises, prepares, and recommends appropriate action on all contracts and agreements with railroads to meet current transportation service requirements. Maintains Bureau files of all contracts and agreements.

(c) Maintains close liaison with Research and Development and Distribution and Routing Divisions in the process of entering into contracts and agreements with railroads to insure adherence to the national transportation pattern, the service requirements and long-range planning.

(d) Develops carload movements and schedules for bulk mail and coordinates rail transportation of such mail in participation with Distribution and Routing and Research and Development Divisions.

(e) Develops mail handling and transportation programs in cooperation with railroads for improvement of schedules, mail handling and mobile equipment.

(f) Designs systems for appraising performance of and imposing penalties upon rail carriers for deficiencies in the required service; reviews regional performance to assure equitable and uniform administration of the system.

(g) Maintains liaison with rail carriers and railroad associations concerning all operational matters pertaining to the transportation of mail by railroads.

(h) Reviews legislation and Government regulations affecting the transportation of mail by rail and recommends necessary procedural changes.

(i) Participates in the preparation of data and exhibits and in their presentation before regulatory bodies responsible for regulations and rates governing the operation of rail carriers.

(j) Develops and recommends specifications for functional design and construction of railway post office and storage mail cars, in collaboration with the railroads.

(k) Develops requirements for training field personnel engaged in supervision of mail handling by railroads.

(l) Provides liaison between other bureaus and the railroads for transportation of special shipments of supplies and equipment not ordinarily provided for in the regulations.

(4) *Mail Equipment Transportation Branch.* (a) Recommends policies, designs procedures, and issues regulations governing the transportation, storage, and distribution of mail bags and locks.

(b) Prepares the annual estimates for mail bags and locks and recommends their priority of manufacture.

(c) Recommends the location and size of mail bag depositories and their establishment, discontinuance, or modification.

(d) Coordinates the activities of regional mail equipment officers to ensure adherence to national policies and procedures.

(e) Maintains liaison with carriers to develop new or improved methods for handling and transporting mail bags and locks. Negotiates with carriers for favorable rates.

(f) Develops and recommends criteria for the establishment and maintenance of mail equipment stock levels by depositories, large offices, and large private users.

(g) Prescribes criteria for the assignment of wire-tying machines for empty sacks and pouches to postal installations and exercises overall control of their location and transfer.

(h) Participates with the Bureaus of Facilities and Operations and the Office of Research and Engineering in the design, development, and testing of new or improved mail bags, locks, and seals.

(i) Maintains liaison with large private users of mail bags to ensure maximum utilization of bags.

(j) Maintains contact with General Services Administration for proper processing of freight rate quotations offered to the Post Office Department by carriers.

.522 *Distribution and Routing Division.* a. Provides assistance to the Assistant Postmaster General and the deputies in carrying out the mail transportation policies of the Bureau.

b. Directs and coordinates the activities of the Schemes and Routing, Transit Organization Control, and the Transportation Requirements Branches.

(1) *Schemes and Routing Branch.* (a) Develops criteria and instructions for the preparation of all types of schemes (except city schemes) used in the distribution and dispatch of all classes of mail; establishes methods and procedures for correcting and maintaining schemes in current status.

(b) Authorizes distribution of interregional outgoing and transit mail of all classes in postal installations and units; approves all distribution performed in mobile units; and maintains control over changes made in the distribution pattern.

(c) Prescribes content and frequency of issuance of Regional Schedules of Mail Routes; designs format for these schedules and establishes control over material to be included therein.

(d) Provides support to the Bureau of Operations in the encouragement of large mailers in the makeup and processing of mail on the mailer's premises; advises on the dispatch and transportation of large mailings.

(e) Prescribes the distribution and routing within the United States of overseas military mail and the routing of international mail to exchange offices.

(f) Participates in the development of policies for and maintains control over the labeling of mail and the production of necessary labels and slips.

(g) Recommends the establishment or discontinuance of airport mail facilities.

(h) Develops policies and issues instructions for the handling of registered mail, including the routing and protecting in transit.

(i) Arranges for and coordinates such changes in schedules, schemes, and other instructions as are necessary to assure correct routing of mail.

(j) Establishes scheme examination requirements, including types, frequency, and method of conducting for all except city schemes; determines minimum proficiencies to be attained in qualifying under scheme examination; and coordinates these requirements with Distribution and Delivery Division, Bureau of Operations, to insure uniformity of departmental policy.

(k) Develops programs and procedures for maintaining a well qualified work force in coordination with the Bureaus of Personnel and Operations.

(l) Administers and controls programs for the preparation and issuance of schemes and related routing instructions through use of data-processing equipment.

(m) Determines the format of post route maps and other study aids.

(2) *Transportation Requirements Branch.* (a) Recommends specific requirements for surface and air transportation.

(b) Recommends the location and service areas of mail concentration centers—sectional centers, national transportation centers, and central distribution units.

(c) Recommends the establishment, discontinuance, or major modification of the operation of railway and highway post offices and transfer offices, based on analysis of functional data, service criteria, and transportation cost.

(d) Develops and recommends operating requirements for all forms of intercity contract and common carrier mail transportation to assure the integration of individual movements with the overall transportation pattern for the most expeditious movement of all classes of mail.

(e) Participates in the development of requirements for training field personnel engaged in supervision of mail handling by carriers and issues regulations governing the performance of their functions.

(f) Maintains liaison with the Bureaus of Personnel and Operations and the Office of Research and Engineering in cases involving personnel impact caused by diversions of distribution between mobile units and post offices, and by facility planning.

(3) *Transit Organization Control Branch.* Develops and recommends action on the following:

(a) Policies and instructions for the general field management of RPOs, HPOs, AMFs, transfer offices, and truck terminals.

(b) Procedures and systems for internal mail handling in RPOs, HPOs, AMFs, transfer offices, and truck terminal type installations. Coordinates with the Bureau of Operations when these units are an integral part of the local post office.

(c) Staffing requirements for the efficient management of RPOs, HPOs, AMFs, transfer offices, and truck terminals by field installations.

(d) Standards for the supervisory organization in RPOs, HPOs, AMFs, transfer offices, and truck terminals, including determination of the number and kind of supervisory positions required.

(e) Clerical and mail handler staffing standards in RPOs, HPOs, AMFs, transfer offices and truck terminals.

(f) Appraises operating efficiency of RPOs, HPOs, AMFs, transfer offices, and truck terminals through periodic analysis of inspection, trip observation, mail volume, and special reports.

(g) Makes periodic analysis of delayed mail reports (Form 5339) and recommends changes to assure completion of essential distribution in mobile units.

.53 *Deputy Assistant Postmaster General (International and research and development).* a. Advises and assists the Assistant Postmaster General and acts for him as directed.

b. Directs the activities and staff of the Divisions of International Service, and Research and Development.

.531 *International Service Division.* a. Recommends policies, develops procedures, and administers regulations for exchange and transportation of all classes of international mail and United States military mail to bases in other countries.

b. Designates distribution points within the United States, and prescribes schemes and regulations for distribution and makeup of international and United States military mail; prescribes the overseas routing of all international mail and military air mail.

c. Recommends policies, develops procedures, and administers regulations relating to rates for transportation of mail between the United States and other countries.

d. Designs systems for reviewing and appraising the performance of, and imposing penalties on, United States international carriers for deficiencies in service; reviews regional performance to assure equitable and uniform administration of the system.

e. Interprets and implements international postal conventions and regulations.

f. Advises the Bureau of Finance concerning international mail accounting and postage rates.

g. Develops and recommends United States policy and position on proposals of other governments submitted to postal congresses; prepares and recommends similar United States proposals. When directed, negotiates and prepares separate postal agreements with other countries.

.532 *Research and Development Division.* a. Assists the Assistant Postmaster General and deputies in carrying out the transportation policies of the Bureau.

b. Directs and coordinates the activities of the Research and Development Branches.

(1) *Research Branch.* (a) Makes economic and statistical studies and develops operating data, cost formulas, and rate structures relating to mail transportation; applies these and other economic principles in special projects; provides information and professional guidance in transport economics and statistics required in planning for overall mail transportation programs.

(b) Develops sound methods and techniques for management review, analysis, and control of effectiveness of purchase and use of transportation services and facilities, including unit cost factors for mail transportation.

(c) Makes short- and long-range projections of mail traffic trends, in terms of priority and nonpriority movements, by type of transport, and between areas.

(d) Provides economic support for legislative matters concerning mail transportation.

(e) In cooperation with General Counsel and interested Bureaus or departmental units, develops and coordinates departmental presentations in transportation rate and route cases before regulatory agencies.

(f) Makes comprehensive studies of carrier economics, including development of trends in carrier availability and transportation potential, as well as carrier costs and operating data.

(g) Analyzes commercial transportation rates and pricing practices to provide basis for rate negotiations with carriers and development of new methods of pricing for mail transportation.

(h) Maintains necessary liaison with regulatory, rate, statistical, operational, and economic specialists in Department and other Government agencies.

(i) Gives functional guidance and professional direction to regional transportation research personnel.

(2) *Development Branch.* (a) Develops, defines, and reviews the national postal transportation system to insure a uniform and coordinated transportation pattern; serves as the focal point for long range transportation planning and programming.

(b) Develops new concepts of postal service, such as National Integrated Postal Service (NIPS) plan, and reviews revisions thereof.

(c) Establishes transportation needs for all major new or modernized postal facilities and their interrelationship in the national transportation pattern. Coordinates with other divisions, bureaus, offices, and regions in planning, layout, and activation of all major new or modernized postal facilities. Represents Bureau on departmental facility planning groups.

(d) Negotiates, when directed, with carriers and terminal companies for agreements on mail exchange and conveyor construction and maintenance at new or modernized postal facilities.

(e) Evaluates, in conjunction with other Bureau divisions, major proposals for mail diversions, changes in transportation media, and change in mail patterns.

(f) Negotiates, when directed, terms for contractual agreements with carriers, terminal companies, and transportation agencies for major services, for new services, and for special rates in cases which affect the national transportation pattern.

(g) Directs studies of mail flows and routings by major geographic areas to determine best service and cost routings and most effective transit distribution concentration points. Reviews suggested changes and revisions in these flows and routings. Recommends to Distribution and Routing Division points at which distribution of transit mail should be performed and the routing of such mail to and from these points.

(h) Directs studies of mailings by publishers, mail order houses, and other large mailers to determine most expeditious and economic methods of entry and transportation, in coordination with Distribution and Routing and Domestic Transportation Divisions.

(i) Develops label coding systems for improved mail routing and handling.

(j) Develops container uses for mail transportation.

(k) Conducts experimental operations in conjunction with carriers to test postal feasibility of transportation equipment and terminal systems developments.

(l) Maintains liaison with departmental and other Government bureaus and offices and with transportation industry and trade groups with regard to developments in transportation and terminal services and their applicability to the postal service.

(m) Determines need for legislative changes to improve mail transportation and makes appropriate recommendations.

S23.6—ASSISTANT POSTMASTER GENERAL, BUREAU OF FINANCE

a. Responsible for the policies and overall development and administration of the Department's financial management program which includes the following areas:

(1) Collection, custody, and disbursement of funds and control of accountable paper.

(2) Budget formulation and execution.

(3) Accounting and costing.

(4) Cost ascertainment (determination of revenues, costs, and volumes by classes of mail and service).

(5) Postal rates and fees development.

(6) Statistics and economics.

(7) Domestic and international money order system.

(8) Postal savings system.

(9) Financial and statistical reporting (internal and external).

(10) Liaison with the Treasury Department, the Bureau of the Budget, and the General Accounting Office.

(11) Philatelic sales agency.

b. Develops and coordinates long-range programming and planning for impact upon the Department's budget requests and for improved financial management.

c. Serves as financial advisor to the Postmaster General and his staff and has primary responsibility for the development and presentation of testimony at

hearings on appropriation requests and requests for actions on postal rates and other financial legislative actions.

.61 *Deputy Assistant Postmaster General and Controller.* a. Acts for the Assistant Postmaster General in his absence or as assigned.

b. Directs the staff and activities of the Bureau of Finance.

.62 *Executive and Administrative Services*—.621 *Executive Assistant to the Controller.* Provides staff assistance to the Controller in the formulation of policies, programs, regulations, and procedures regarding all matters under the jurisdiction of the Bureau of Finance.

.622 *Special Assistant to the Controller.* Represents Bureau of Finance in carrying out the procurement policies of the Post Office Department, and assists in the development and establishment of financial policy for all types of Post Office Department procurement.

.623 *Administrative Services.* a. Provides administrative assistance to the Assistant Postmaster General, his Deputy, and his staff.

b. Develops the Bureau's budgetary requirements.

c. Maintains personnel ceilings and provides assistance in all areas of personnel administration for employees under the direction of the Assistant Postmaster General.

d. Handles Bureau property control, and provides common administrative services to all components of the Bureau.

.63 *Director, Office of Statistical Programs.* Directs those phases of the responsibilities of the Assistant Postmaster General which relate to cost analysis, cost ascertainment, statistics, and economics.

.631 *Cost Ascertainment Division.* a. Supervises operation of the cost ascertainment system, and the development and distribution of procedures, forms, and instructions pertaining to the allocation of postal revenues and costs to the specific classes of mail and services, and the determination of total volumes of each class of mail and service.

b. Conducts special or nonrecurring analyses and trend studies on revenues, costs, and volumes involving specific classes and subclasses of mail and services on request from bureaus in the Department, other Government agencies, and the Congress.

c. Provides source data for rate computations, hearings on rate proposals before the Congress, and hearings before other Government agencies in matters involving rate revisions.

d. Controls incoming cost ascertainment reports from field installations, and handles printing and requisitions for cost ascertainment forms and reports.

(1) *Revenue and Volume Branch.* (a) Provides general supervision, analysis guidelines, and accounting procedures for allocation of revenues to classes of mail and special services, and for development of volumes (pieces, weight, cubic feet, average hauls) of classes and subclasses of mail.

(b) Prepares reports of revenues allocated to specific classes of mail or service and related volume data.

(2) *Expenditures and Costs Branch.* (a) Provides general supervision, analysis guidelines, and accounting procedures for the apportionment and allocation of expenditures to each of the classes of mail and special services.

(b) Prepares reports of expenditures allocated to specific classes of mail or service from each expenditure account.

.632 *Cost Analysis Division.* a. Plans and directs the development of programs, principles, and techniques relating to cost analysis and control of postal operations, and to coordination of cost functions in the regions.

b. Prepares cost analysis and control reports for the Post Office Department; provides technical guidance to field personnel for work measurement system data accumulation, report preparation, and interpretative analysis.

c. Provides professional accounting and management analysis techniques and services for various cost analysis programs.

d. Prepares cost data, in conjunction with Bureau of Transportation, for presentation to regulatory agencies in the fixing of transportation rates.

e. Conducts cost studies of the effect of legislative proposals.

(1) *Costs Branch.* (a) Formulates programs and standards for regional and post office cost accounting and reporting, including analysis and interpretation of postal operating, transportation, maintenance, and occupancy cost data.

(b) Provides technical guidance for comparative cost studies on effects of major mechanical installations in post offices. Consults with and advises Office of Research and Engineering and Bureau of Operations on current and indicated cost aspects of mechanization installations.

(c) Reviews, analyzes, and interprets vehicle operating, servicing, and maintenance cost data.

(d) Develops procedures for accumulating mechanized delivery service operating costs and provides all interested bureaus and offices with analyses and interpretations.

(e) Maintains program of cost reporting and analysis of standard cost data on operations of the Mail Equipment Shops and the Mail Bag Repair Units.

(2) *Control Branch.* (a) Develops methods and maintains systems for providing statistics for evaluation by management of city delivery service, including periodic analysis, interpretation and reporting of performance.

(b) Provides recording and non-cost reporting methods for measuring the effectiveness of mechanical maintenance staff performance at large post offices with major mechanical systems.

(c) Prepares periodic reports including analysis and interpretation of mechanical maintenance performance for use in determining appropriate standards and maintenance schedules.

(d) Provides technical guidance on related cost and statistical functions, including accumulation of data, preparation of reports and interpretive analysis of work measurement systems, all responsive to management needs, and implementation of mail count procedures; monitors and validates mail volume and manhour usage reports.

.633 *Statistics and Economics Division.* a. Formulates programs, principles, and standards for the collection, analysis, and presentation of statistical and economic information.

b. Conducts, in cooperation with other interesteu bureaus, orientation and training sessions for selected levels of postal employees on sampling and other statistical methods as applied to various functions, such as internal audit, inventory, forecasting, budget preparation, and mail count procedure.

c. Provides consultation service and technical assistance to bureaus and offices on operating and research activities which involve statistical and economic techniques, beginning with the initial planning phases.

d. Plans, designs, installs, and periodically validates scientific sampling, quality control, and other statistical programs and systems.

e. Conducts research in and develops methods and formulas for applying:

(1) Statistical techniques including sampling, analysis of variance, quality control, and regression analysis to measure or evaluate characteristics of mail and postal operations.

(2) Econometric techniques (including regression analysis, economic models, seasonal indexes, etc.), for short range (targeting) and long range forecasting of manpower, mail volume, workload, and postal revenue at the national and regional levels.

f. Renders statistical review and analysis of reported financial and operating data pertaining to mail volume, revenue, manpower utilization, etc.

g. Assembles, reviews, and edits statistical materials included in the Annual Report of the Postmaster General.

h. Develops economic assumptions as the basis for the preparation of estimates for the Department's budget; develops estimates of mail volume, workload, and postal revenue at national and regional levels for use in preparation of the budget.

.64 *Assistant Controller, Budget.* a. Develops and recommends an overall financial plan for the Department based on the programs of the operating bureaus and the regions.

b. Prepares, reviews, apportions, allots, and adjusts the Post Office Department budget.

c. Prepares instructions governing development and review of the Post Office Department budget.

d. Assists or represents the Assistant Postmaster General in the presentation of estimates before the Bureau of the Budget and the congressional committees on appropriations; maintains liaison with these bodies.

e. Forecasts obligations; maintains budgetary summaries reflecting current obligations, expenditures, and trends, based on accounting reports.

.65 *Assistant Controller, Accounting.* Directs those phases of the responsibilities of the Assistant Postmaster General which relate to financial systems, procedures, and accounting; maintains functional liaison with regional finance divisions.

.651 *Accounting Division.* Maintains general controlling accounts for the entire Postal Service and detailed cost, budgetary, and other financial accounts for Headquarters; prepares financial statements of the Post Office Department for internal and external use; reviews and approves obligations for propriety; examines and certifies documents related to payables and receivables; audits and settles accounts related to international services; and prepares interpretations on doubtful and difficult questions in specific cases and prepares submissions requesting legal interpretations for the Assistant Postmaster General.

a. *General Ledger—Accounts Control Branch.* (1) Maintains control accounts for departmental appropriations, revenues, and expenditures.

(2) Provides electronic and other machine accounting and statistical services for headquarters.

(3) Maintains general ledger control and detail accounts for Headquarters activities, and reciprocal account control with all regional offices and the Money Order Center.

(4) Performs reconciliations, as required, between reports submitted by regions, Federal Reserve banks, Treasury, and other departments.

b. *Mails Transport and Claims Branch.* (1) Assists in formulation of procedures for examination, accounting, and certification of payment of transportation vouchers and claims; provides technical guidance for related regional activities.

(2) Maintains liaison with the General Counsel of the Post Office Department, the General Accounting Office, the Civil Aeronautics Board, the Interstate Commerce Commission, transportation companies, and other organizations as necessary.

(3) Negotiates, adjusts, and makes determination for the Department on doubtful and difficult claims referred to Headquarters.

c. *Payables and Property Accounts Branch.* (1) Examines, determines accounting classification, and certifies for payment all departmental supply, facilities, payroll, retirement, insurance, travel, and other expense claims payable.

(2) Performs liaison with General Accounting Office and Civil Service Commission and other Government departments on laws, regulations, and policy necessary for departmental settlements.

(3) Performs accounting operations under the property accounting system, including recording and reporting all personal and real property through Headquarters.

d. *Reports Branch.* (1) Analyzes, interprets, and prepares operating, financial, and budgetary statements and reports for the Post Office Department.

(2) Maintains necessary liaison with other bureaus, regions, and Government agencies on reporting and related accounting activities.

(3) Consolidates departmental and regional financial statements and reports for the Department, the Congress, and other agencies of the Government.

e. *International Accounts Branch.* (1) Audits and settles postal accounts between the United States and other countries, including accounts for international money orders, international reply coupons, and terminal and transit charges.

(2) Examines, makes accounting determination, and certifies for payment claims and vouchers relating to international mail.

(3) Maintains liaison with State Department, embassies, and steamship, air, and other transportation companies.

.652 *Systems and Procedures Division.* Performs staff work required for planning and coordinating the development of programs and related systems and procedures for effective financial management and modern controllership in the Post Office Department; maintains bureau control and review of all issuances, coordinating drafts with appropriate divisions and bureaus, and coordinates bureau program on employee suggestions.

a. *Property Accounting Branch.* (1) Develops and installs property accounting systems and procedures for the entire Post Office Department.

(2) Establishes and supervises programs and procedures for complete and current inventorying of real and personal property.

(3) Establishes uniform reports required for effective property management.

b. *Accounting Systems and Financial Procedures Branch.* (1) Maintains liaison and collaborates with other bureaus and offices and Federal agencies in developing principles and requirements for financial procedures in the Post Office Department, and, in particular, with the General Accounting Office for the formulation and approval of accounting policies applicable to the Postal Service.

(2) Plans and develops accounting systems and procedures, including a general classification of accounts required for recording and reporting of financial transactions, and for producing financial data for effective management in the Post Office Department.

(3) Reviews proposed instructions for conformance with accounting policy; assists operating personnel in installing, testing, and maintaining field procedures, including use of business machines; collaborates in evaluating their effectiveness and in establishing performance standards.

.66 *Director, Postal Rates.* a. Develops and recommends rate philosophy, with related principles and programs, for establishing and maintaining a domestic and international postal rate structure for the Post Office Department.

b. Develops and maintains a long-range rate program consistent with approved departmental ratemaking principles and policies.

c. Develops and recommends rates and fees for domestic and international mail services to implement departmental policies, international agreements and conventions, and the expressed wishes of Congress.

d. Provides a central research, statistical, and analytical service on all facets of domestic and international postal rate matters.

e. Conducts research, as required, on the historic and economic antecedents of postal rates and rate policy, public attitudes on postal rates and services, and the probable effects of proposed revisions in rates and fees.

f. Assists or represents the Postmaster General and his staff in the presentation of rate proposals before the Interstate Commerce Commission, Congressional committees, and other agencies of the Government; maintains liaison with these bodies.

g. Participates in conferences within the Department or with outside groups from which may originate proposals for changes in domestic and international postal rates and fees; furnishes representation for the Department on postal rate matters at international conferences.

h. Coordinates and prepares for the Postmaster General the report to Congress of results and recommendations of reviews, studies, and surveys of postal rates, fees, expenditures, and services as required by 39 U.S.C. 2304 each alternate fiscal year.

.67 *Finance Officer.* a. Carries out those responsibilities of the Assistant Postmaster General which relate to postal funds, postal savings, money orders, and philatelic sales.

b. Determines financial responsibility of employees for loss of funds due to error or wrong payment.

c. Directs the operation of the Money Order Audit Offices.

d. Directs the operation of the Philatelic Sales Agency.

e. Negotiates lump-sum settlements with other Government agencies for postal services used by them.

f. Provides liaison for Bureau of Finance on legislative and civil defense matters.

.671 *Philatelic Sales Agency.* Provides the headquarters over-the-counter and mail order service for the sale of select quality stamps.

.672 *Postal Funds Division.* Formulates and recommends policies and directs administration of regulations and procedures for the handling and protection of monies, stamps, and accountable paper; the receipt, banking, and disbursement of funds; the postal savings system and the money order system.

a. *Postal Funds Branch.* (1) Receives and disburses all monies for headquarters of the Post Office Department.

(2) Approves the issuance of duplicate checks on Treasury checking accounts of the Post Office Department when the originals have been lost, destroyed, or mutilated.

(3) Maintains liaison with Treasury and Federal Reserve in matters relating to the deposit of funds in banks and the posting of collateral.

(4) Formulates and administers policies relating to the redemption of all stamped paper.

b. *Postal Savings Branch.* (1) Administers regulations, formulates and recommends policies, and establishes procedures for those activities of the Postal Savings System for which the As-

sistant Postmaster General, Finance, serves as the agent of the board of trustees of the system.

(2) Maintains liaison with the Treasury Department on the sale of bonds under the payroll savings plan, and on the sale by post offices of U.S. savings bonds and stamps; formulates internal procedures governing the Post Office Department sales of such bonds and stamps.

c. *Money Order Branch.* (1) Administers regulations, formulates and recommends policies, and establishes procedures for the domestic and international money order systems.

(2) Provides information and advice for the negotiation of agreements with other countries related to international money orders.

(3) Determines currency conversion rates.

823.7—ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

a. Formulates and administers policies, programs, and procedures governing the acquisition, management, maintenance, improvement, and disposal of real property occupied by the Post Office Department and of utilities, operating equipment, and supplies used in the Postal Service.

b. Formulates and administers policies, programs, and procedures governing the procurement, maintenance, storage, and disposal of vehicles used in the Postal Service.

c. Directs operation of the supply system; the production, repair, and storage of mail bags; the production of keys, locks, and postal route maps; and the production, distribution, and control of bulk lot shipments of accountable paper supplies.

d. Exercises procurement authority for the Department, except for items or services specifically delegated by the Postmaster General to other bureaus.

e. Represents the Postmaster General on the joint departmental committee to administer the public buildings program outside the District of Columbia.

f. Maintains liaison with the General Services Administration, other agencies of Government, and committees of Congress; handles inquiries from outside the Department and from Members of Congress regarding postal facilities, equipment, and supplies.

g. Advises and assists the Bureau of Operations in establishing building project priorities, based on financial and technical considerations; authorizes expenditure of appropriated funds for such projects.

h. Serves the civil defense program of the Department, as coordinated by the Chief Postal Inspector, in the fields of real estate, motor vehicles, and supply.

.71 *Deputy Assistant Postmaster General.* a. Acts for the Assistant Postmaster General, Bureau of Facilities, in his absence or as directed.

b. Directs the staff and activities of the Bureau of Facilities.

.72 *Executive Assistant.* a. Advises and assists the Assistant Postmaster General and his Deputy in the formulation of policies, regulations, and procedures regarding all matters under the jurisdiction of the Bureau of Facilities.

b. Directs the community and congressional relations and administrative management programs of the Bureau.

.721 *Assistant for Community Programs.* a. Develops policies for planning, funding, and directing a substantive facilities dedication program affecting departmental, regional, and local levels of the Postal Establishment.

b. Develops criteria and procedures for guidance of regional and local postal officials in preparation for, and implementation of, dedicatory activities.

c. Coordinates clearance and approval of dedication plans with assistants to Regional Directors and appropriate departmental officials.

.722 *Assistant for Congressional Relations.* Establishes, maintains, and coordinates Bureau legislative programs; maintains relationships with the legislative branch of the Government and the public.

.723 *Assistant for Administrative Management.* a. Directs the Bureau's programs for management assistance and control with respect to forms, records, administrative issuances, printing and reproduction, organization, methods, manpower, and security.

b. Services the civil defense program of the Department, as coordinated by the Chief Postal Inspector, in the fields of real estate, maintenance, and supply.

.73 *Office of Financial Management.* Develops, implements, and adjusts the Bureau's financial program; evaluates costs and related data against programs; evaluates effectiveness of cost control systems; assembles budget proposals; exercises financial control over the Department's capital programs and the Bureau's operating program.

.74 *Maintenance Division.* a. Plans and administers policies and procedures governing care of the real and personal property controlled by the Post Office Department.

b. Directs the programming and expenditure of funds allocated for custodial, mechanization, and vehicle maintenance activities.

c. Establishes standards and technical requirements for maintenance organization structure, for maintenance of buildings, mechanical equipment in buildings, postal operating machinery, postage vending equipment, and motor vehicles.

d. Provides functional guidance to regional officials responsible for maintenance management program.

e. Coordinates with the General Services Administration on maintenance matters.

.741 *Buildings Branch.* a. Develops policies, programs, methods, and standards for operating and maintaining buildings, including the use and maintenance of related equipment.

b. Appraises the effectiveness of regional offices in their administration of building maintenance standards and methods and in the use of manpower and equipment; advises on deficiences and recommends corrective action.

c. Develops technical requirements for establishing the structure and personnel complements of building maintenance organizations, and for appraising the performance of such personnel.

d. Develops, in coordination with Bureau of Finance, a system for determining building maintenance costs; coordinates with the Operating Equipment Branch in developing reporting requirements for maintenance organizations. Recommends changes in building specifications to promote economy in building maintenance.

e. Develops criteria governing the use of contract services in maintaining buildings and building equipment.

f. Determines training needs of building maintenance personnel; in coordination with the Bureau of Personnel, provides guidelines for training program implementation through regional offices.

g. Develops supply and equipment requirements for building maintenance functions, directs tests and develops supply and equipment items; prepares purchase descriptions or specifications and establishes criteria for their use.

h. Develops policies, programs, methods, and standards for the procurement and use of light, power, and other utilities, including conventional communications services.

i. Develops programs for modernizing existing heating plants, including determining type of fuel to be used.

j. Prepares specifications for fuels; makes technical review of proposals and recommends awards for departmental fuel procurement, and for field procurement of fuel where cost exceeds $1,000 per year.

k. Administers the program for rate analysis for utilities service.

.742 *Operating Equipment Branch.* a. Administers functions related to maintenance of postal operating equipment, including mail processing systems and machines, postage vendors, and other mechanical service appliances.

b. Develops policies, programs, methods, and standards for preventive and repair maintenance, maintenance inspection, and inventory management.

c. Appraises the effectiveness of regional offices in their administration of maintenance standards and methods and in the use of maintenance manpower and equipment; advises on deficiencies and recommends corrective action.

d. Develops technical requirements for establishing organizational structures and personnel complements for maintenance of mail-handling systems and other operating equipment and mechanical appliance; and for appraising the performance of such personnel.

e. Formulates parts inventory levels and controls; coordinates with the Procurement Division and with the Office of Research and Engineering to provide current information to the regions on supplies, parts, and related procurement.

f. Develops, in coordination with Bureau of Finance, a system for determining operating equipment maintenance costs; coordinates with the Building Branch in developing reporting requirements for postal plant engineers.

g. Develops criteria governing the use of contract services in maintaining operating equipment.

h. Determines training needs of operating equipment maintenance personnel; in coordination with the Bureau of Personnel, provides guidelines for training program implementation through regional offices.

.743 *Vehicles Branch.* a. Develops and administers policies, programs, methods, and standards for vehicle preventive and repair maintenance, maintenance inspection, and inventory management.

b. Appraises the effectiveness of regional offices in their administration of vehicle maintenance standards and methods, and in the use of manpower and equipment; notes deficiencies and recommends corrective action.

c. Recommends approval of establishment of new vehicle maintenance facilities and remodeling or extension of existing facilities; establishes criteria for initial equipment requirements.

d. Develops criteria for structure and complement of maintenance organizations, including the types, qualifications, and numbers of employees.

e. Provides criteria for local purchase of garage and vehicle accessory equipment; coordinates the issuance of procedures and instructions relative to vehicle supplies, parts, and related procurement. Approves and determines types and adequacy of inventory levels of vehicle maintenance supplies.

f. Evaluates maintenance supplies, equipment, and facilities for suitability; recommends changes or modifications to maintenance facility specifications or building layouts.

g. Appraises effectiveness of methods and standards for, and the utilization of, vehicle maintenance manpower and equipment.

h. Develops and administers the vehicle disposal program.

i. Recommends to the Office of Research and Engineering changes or requirements for standard or experimental vehicles, based on maintenance experience and cost factors.

j. Initiates vehicle procurement based on requirements furnished by the Bureau of Operations.

k. Develops a program for determining training needs among field maintenance employees; provides guidelines for training program implementation through regional offices, in coordination with the Bureau of Personnel.

l. Issues criteria governing contract maintenance, and prepares specifications for contract maintenance and repair of postal vehicles.

.75 *Procurement Division.* a. Plans and develops policies and procedures for the procurement, inventory control, transportation, and distribution of equipment (except mail bag equipment), supplies, materials, and accountable paper for the entire Postal System.

b. Administers procurement programs including a program of quality assurance; develops and issues Post Office Department regulations to implement and supplement Federal Procurement Regulations.

c. Directs the production, repair, and storage of mail bags and the production of keys, locks, and postal maps.

d. Operates area supply centers, U.S. Stamped Envelope Agency, U.S. Postal Agency, capital equipment warehouses, mail equipment shops, repair centers and depositories; develops and plans the number, location, complements, inventories, services, production standards, cost reporting (in conjunction with Bureau of Finance), and operating procedures for field supply, repair, and warehouse units.

e. Directs programs of utilization and restoration of excess personal property and of the disposal of unserviceable obsolete, or excess items of equipment and supplies.

f. Provides assistance to requirements bureaus and offices and is responsible for the final determination of total equipment, supply, and procurement needs, except as otherwise provided by delegations to other bureaus and offices by the Postmaster General or the Deputy Postmaster General.

g. Directs liaison with General Services Administration, Small Business Administration, other Government agencies, manufacturing companies, private contractors, common and contract carriers on supply, traffic, and procurement matters; and with the Bureau of Engraving and Printing and the Government Printing Office on accountable paper.

h. Provides design and specifications of lockbox equipment, locks, and standard post office workroom furniture.

i. Initiates and conducts negotiations directly with carriers for special rates or services in connection with movements of post office property.

.751 *Traffic Staff.* a. Establishes, maintains, and determines freight classification, rates, and routings for the transportation of all supplies, materials, equipment (except mail bag equipment), and accountable paper procured for the Postal Service at departmental headquarters; selects mode of transportation, consolidates shipments, and designates the carrier.

b. Plans and selects distribution points, analyzes tonnage, load factors, and traffic flow; conducts related studies and recommends improved traffic and transportation procedures and practices.

c. Negotiates reduced rates on postal shipment including unusual and special items; secures rate adjustments as necessary; assesses damage and repair claims; effects payment suspensions; and resolves questions of jurisdiction and responsibility.

d. Maintains accountability of transportation requests, bills of lading; and the posting of negotiated, reduced, special, and adjusted rates.

e. Maintains liaison with commercial carriers, traffic officials of other Government agencies in traffic and transportation matters (other than transportation of mail).

f. Provides office management guidance and instructions to area supply centers, capital equipment warehouses, and the U.S. Stamped Envelope Agency.

.752 *Contract Branch.* a. Effects final review and approval of invitations for bids, purchase orders, and modifications thereto, issued by the Procurement Division, including the mechanization and equipment contracts under the Modernization and Improvement Program; provides for publication of proposed procurements and contract awards in the Department of Commerce "Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards."

b. Provides a contracting officer who executes and administers contracts let by the Procurement Division, including the mechanization and equipment contracts.

c. Directs preaward surveys of prospective contractors' plants.

d. Administers a quality control program to assure compliance with specifications and to maintain quality of equipment, supplies, and materials; determines and establishes complement and directs staff of equipment examiners, including their training.

e. Directs testing, final inspection, and acceptance of equipment supplies, material (except accountable paper) under contracts let by the Procurement Division.

f. Maintains liaison with contractors after award of contract; monitors progress; negotiates price adjustments; and with concurrence by the Inventory and Distribution Branch effects changes in delivery schedules.

g. Handles default and dispute cases; directs evaluation and approval of requests for progress payments; provides assistance in Departmental Contract Appeal Board cases.

h. Provides necessary advice and assistance to bureaus and offices on negotiation of contracts over $2,500 and on renegotiation for price redetermination.

i. Directs the preparation and processing of purchase documents; assures bid security; establishes validity of bids and conducts their public opening.

j. Effects compliance with the reporting requirements of the President's Committee on Equal Employment Opportunity and provides liaison with the deputy contract compliance officer on all applicable purchase orders let by the Procurement Division.

.753 *Inventory and Distribution Branch.* a. Develops and administers policies and procedures for the procurement of all equipment, supplies, and accountable paper for the Postal Service; directs the procurement program of the Department, excluding negotiated contracts over $2,500 specifically delegated to other bureaus and offices.

b. Develops policies and procedures for the distribution of equipment, supplies, bulk lot accountable paper, and other materials of the Postal Establishment.

c. Directs operations of the Area Supply Centers, Capital Equipment Warehouses, U.S. Stamped Envelope Agency, and the U.S. Postal Agency.

d. Develops and establishes manpower, space, equipment, and location needs of field supply and warehouse units.

e. Develops policies and procedures for use by bureaus, offices, and field installations in determining current and future requirements for equipment, supplies, and material; provides assistance to bureaus and offices on requirements matters.

(2) Maintains liaison with the Treasury Department on the sale of bonds under the payroll savings plan, and on the sale by post offices of U.S. savings bonds and stamps; formulates internal procedures governing the Post Office Department sales of such bonds and stamps.

c. *Money Order Branch.* (1) Administers regulations, formulates and recommends policies, and establishes procedures for the domestic and international money order systems.

(2) Provides information and advice for the negotiation of agreements with other countries related to international money orders.

(3) Determines currency conversion rates.

823.7—ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

a. Formulates and administers policies, programs, and procedures governing the acquisition, management, maintenance, improvement, and disposal of real property occupied by the Post Office Department and of utilities, operating equipment, and supplies used in the Postal Service.

b. Formulates and administers policies, programs, and procedures governing the procurement, maintenance, storage, and disposal of vehicles used in the Postal Service.

c. Directs operation of the supply system; the production, repair, and storage of mail bags; the production of keys, locks, and postal route maps; and the production, distribution, and control of bulk lot shipments of accountable paper supplies.

d. Exercises procurement authority for the Department, except for items or services specifically delegated by the Postmaster General to other bureaus.

e. Represents the Postmaster General on the joint departmental committee to administer the public buildings program outside the District of Columbia.

f. Maintains liaison with the General Services Administration, other agencies of Government, and committees of Congress; handles inquiries from outside the Department and from Members of Congress regarding postal facilities, equipment, and supplies.

g. Advises and assists the Bureau of Operations in establishing building project priorities, based on financial and technical considerations; authorizes expenditure of appropriated funds for such projects.

h. Serves the civil defense program of the Department, as coordinated by the Chief Postal Inspector, in the fields of real estate, motor vehicles, and supply.

.71 *Deputy Assistant Postmaster General.* a. Acts for the Assistant Postmaster General, Bureau of Facilities, in his absence or as directed.

b. Directs the staff and activities of the Bureau of Facilities.

.72 *Executive Assistant.* a. Advises and assists the Assistant Postmaster General and his Deputy in the formulation of policies, regulations, and procedures regarding all matters under the jurisdiction of the Bureau of Facilities.

b. Directs the community and congressional relations and administrative management programs of the Bureau.

.721 *Assistant for Community Programs.* a. Develops policies for planning, funding, and directing a substantive facilities dedication program affecting departmental, regional, and local levels of the Postal Establishment.

b. Develops criteria and procedures for guidance of regional and local postal officials in preparation for, and implementation of, dedicatory activities.

c. Coordinates clearance and approval of dedication plans with assistants to Regional Directors and appropriate departmental officials.

.722 *Assistant for Congressional Relations.* Establishes, maintains, and coordinates Bureau legislative programs; maintains relationships with the legislative branch of the Government and the public.

.723 *Assistant for Administrative Management.* a. Directs the Bureau's programs for management assistance and control with respect to forms, records, administrative issuances, printing and reproduction, organization, methods, manpower, and security.

b. Services the civil defense program of the Department, as coordinated by the Chief Postal Inspector, in the fields of real estate, maintenance, and supply.

.73 *Office of Financial Management.* Develops, implements, and adjusts the Bureau's financial program; evaluates costs and related data against programs; evaluates effectiveness of cost control systems; assembles budget proposals; exercises financial control over the Department's capital programs and the Bureau's operating program.

.74 *Maintenance Division.* a. Plans and administers policies and procedures governing care of the real and personal property controlled by the Post Office Department.

b. Directs the programming and expenditure of funds allocated for custodial, mechanization, and vehicle maintenance activities.

c. Establishes standards and technical requirements for maintenance organization structure, for maintenance of buildings, mechanical equipment in buildings, postal operating machinery, postage vending equipment, and motor vehicles.

d. Provides functional guidance to regional officials responsible for maintenance management program.

e. Coordinates with the General Services Administration on maintenance matters.

.741 *Buildings Branch.* a. Develops policies, programs, methods, and standards for operating and maintaining buildings, including the use and maintenance of related equipment.

b. Appraises the effectiveness of regional offices in their administration of building maintenance standards and methods and in the use of manpower and equipment; advises on deficiences and recommends corrective action.

c. Develops technical requirements for establishing the structure and personnel complements of building maintenance organizations, and for appraising the performance of such personnel.

d. Develops, in coordination with Bureau of Finance, a system for determining building maintenance costs; coordinates with the Operating Equipment Branch in developing reporting requirements for maintenance organizations. Recommends changes in building specifications to promote economy in building maintenance.

e. Develops criteria governing the use of contract services in maintaining buildings and building equipment.

f. Determines training needs of building maintenance personnel; in coordination with the Bureau of Personnel, provides guidelines for training program implementation through regional offices.

g. Develops supply and equipment requirements for building maintenance functions, directs tests and develops supply and equipment items; prepares purchase descriptions or specifications and establishes criteria for their use.

h. Develops policies, programs, methods, and standards for the procurement and use of light, power, and other utilities, including conventional communications services.

i. Develops programs for modernizing existing heating plants, including determining type of fuel to be used.

j. Prepares specifications for fuels; makes technical review of proposals and recommends awards for departmental fuel procurement, and for field procurement of fuel where cost exceeds $1,000 per year.

k. Administers the program for rate analysis for utilities service.

.742 *Operating Equipment Branch.* a. Administers functions related to maintenance of postal operating equipment, including mail processing systems and machines, postage vendors, and other mechanical service appliances.

b. Develops policies, programs, methods, and standards for preventive and repair maintenance, maintenance inspection, and inventory management.

c. Appraises the effectiveness of regional offices in their administration of maintenance standards and methods and in the use of maintenance manpower and equipment; advises on deficiencies and recommends corrective action.

d. Develops technical requirements for establishing organizational structures and personnel complements for maintenance of mail-handling systems and other operating equipment and mechanical appliance; and for appraising the performance of such personnel.

e. Formulates parts inventory levels and controls; coordinates with the Procurement Division and with the Office of Research and Engineering to provide current information to the regions on supplies, parts, and related procurement.

f. Develops, in coordination with Bureau of Finance, a system for determining operating equipment maintenance costs; coordinates with the Building Branch in developing reporting requirements for postal plant engineers.

g. Develops criteria governing the use of contract services in maintaining operating equipment.

h. Determines training needs of operating equipment maintenance personnel; in coordination with the Bureau of Personnel, provides guidelines for training program implementation through regional offices.

.743 *Vehicles Branch.* a. Develops and administers policies, programs, methods, and standards for vehicle preventive and repair maintenance, maintenance inspection, and inventory management.

b. Appraises the effectiveness of regional offices in their administration of vehicle maintenance standards and methods, and in the use of manpower and equipment; notes deficiencies and recommends corrective action.

c. Recommends approval of establishment of new vehicle maintenance facilities and remodeling or extension of existing facilities; establishes criteria for initial equipment requirements.

d. Develops criteria for structure and complement of maintenance organizations, including the types, qualifications, and numbers of employees.

e. Provides criteria for local purchase of garage and vehicle accessory equipment; coordinates the issuance of procedures and instructions relative to vehicle supplies, parts, and related procurement. Approves and determines types and adequacy of inventory levels of vehicle maintenance supplies.

f. Evaluates maintenance supplies, equipment, and facilities for suitability; recommends changes or modifications to maintenance facility specifications or building layouts.

g. Appraises effectiveness of methods and standards for, and the utilization of, vehicle maintenance manpower and equipment.

h. Develops and administers the vehicle disposal program.

i. Recommends to the Office of Research and Engineering changes or requirements for standard or experimental vehicles, based on maintenance experience and cost factors.

j. Initiates vehicle procurement based on requirements furnished by the Bureau of Operations.

k. Develops a program for determining training needs among field maintenance employees; provides guidelines for training program implementation through regional offices, in coordination with the Bureau of Personnel.

l. Issues criteria governing contract maintenance, and prepares specifications for contract maintenance and repair of postal vehicles.

.75 *Procurement Division.* a. Plans and develops policies and procedures for the procurement, inventory control, transportation, and distribution of equipment (except mail bag equipment), supplies, materials, and accountable paper for the entire Postal System.

b. Administers procurement programs including a program of quality assurance; develops and issues Post Office Department regulations to implement and supplement Federal Procurement Regulations.

c. Directs the production, repair, and storage of mail bags and the production of keys, locks, and postal maps.

d. Operates area supply centers, U.S. Stamped Envelope Agency, U.S. Postal Agency, capital equipment warehouses, mail equipment shops, repair centers and depositories; develops and plans the number, location, complements, inventories, services, production standards, cost reporting (in conjunction with Bureau of Finance), and operating procedures for field supply, repair, and warehouse units.

e. Directs programs of utilization and restoration of excess personal property and of the disposal of unserviceable obsolete, or excess items of equipment and supplies.

f. Provides assistance to requirements bureaus and offices and is responsible for the final determination of total equipment, supply, and procurement needs, except as otherwise provided by delegations to other bureaus and offices by the Postmaster General or the Deputy Postmaster General.

g. Directs liaison with General Services Administration, Small Business Administration, other Government agencies, manufacturing companies, private contractors, common and contract carriers on supply, traffic, and procurement matters; and with the Bureau of Engraving and Printing and the Government Printing Office on accountable paper.

h. Provides design and specifications of lockbox equipment, locks, and standard post office workroom furniture.

i. Initiates and conducts negotiations directly with carriers for special rates or services in connection with movements of post office property.

.751 *Traffic Staff.* a. Establishes, maintains, and determines freight classification, rates, and routings for the transportation of all supplies, materials, equipment (except mail bag equipment), and accountable paper procured for the Postal Service at departmental headquarters; selects mode of transportation, consolidates shipments, and designates the carrier.

b. Plans and selects distribution points, analyzes tonnage, load factors, and traffic flow; conducts related studies and recommends improved traffic and transportation procedures and practices.

c. Negotiates reduced rates on postal shipment including unusual and special items; secures rate adjustments as necessary; assesses damage and repair claims; effects payment suspensions; and resolves questions of jurisdiction and responsibility.

d. Maintains accountability of transportation requests, bills of lading; and the posting of negotiated, reduced, special, and adjusted rates.

e. Maintains liaison with commercial carriers, traffic officials of other Government agencies in traffic and transportation matters (other than transportation of mail).

f. Provides office management guidance and instructions to area supply centers, capital equipment warehouses, and the U.S. Stamped Envelope Agency.

.752 *Contract Branch.* a. Effects final review and approval of invitations for bids, purchase orders, and modifications thereto, issued by the Procurement Division, including the mechanization and equipment contracts under the Modernization and Improvement Program; provides for publication of proposed procurements and contract awards in the Department of Commerce "Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards."

b. Provides a contracting officer who executes and administers contracts let by the Procurement Division, including the mechanization and equipment contracts.

c. Directs preaward surveys of prospective contractors' plants.

d. Administers a quality control program to assure compliance with specifications and to maintain quality of equipment, supplies, and materials; determines and establishes complement and directs staff of equipment examiners, including their training.

e. Directs testing, final inspection, and acceptance of equipment supplies, material (except accountable paper) under contracts let by the Procurement Division.

f. Maintains liaison with contractors after award of contract; monitors progress; negotiates price adjustments; and with concurrence by the Inventory and Distribution Branch effects changes in delivery schedules.

g. Handles default and dispute cases; directs evaluation and approval of requests for progress payments; provides assistance in Departmental Contract Appeal Board cases.

h. Provides necessary advice and assistance to bureaus and offices on negotiation of contracts over $2,500 and on renegotiation for price redetermination.

i. Directs the preparation and processing of purchase documents; assures bid security; establishes validity of bids and conducts their public opening.

j. Effects compliance with the reporting requirements of the President's Committee on Equal Employment Opportunity and provides liaison with the deputy contract compliance officer on all applicable purchase orders let by the Procurement Division.

.753 *Inventory and Distribution Branch.* a. Develops and administers policies and procedures for the procurement of all equipment, supplies, and accountable paper for the Postal Service; directs the procurement program of the Department, excluding negotiated contracts over $2,500 specifically delegated to other bureaus and offices.

b. Develops policies and procedures for the distribution of equipment, supplies, bulk lot accountable paper, and other materials of the Postal Establishment.

c. Directs operations of the Area Supply Centers, Capital Equipment Warehouses, U.S. Stamped Envelope Agency, and the U.S. Postal Agency.

d. Develops and establishes manpower, space, equipment, and location needs of field supply and warehouse units.

e. Develops policies and procedures for use by bureaus, offices, and field installations in determining current and future requirements for equipment, supplies, and material; provides assistance to bureaus and offices on requirements matters.

f. Controls inventory levels; coordinates current and future supplies, equipment, and materials requirements; schedules procurement for direct shipment and for warehousing.

g. Develops and directs a cataloging program for supply management in the Postal Establishment.

h. Maintains contact with suppliers, manufacturing firms, and contractors to ascertain market trends and technological developments and to develop sources of supply and increased competition.

i. Maintains liaison with General Services Administration and other Government agencies on procurement, warehousing, supply, and property management matters.

j. Develops a program of excess personal property utilization and equipment restoration; develops procedures for the disposal of unserviceable or obsolete items of equipment.

k. Assists in the formulation of Bureau's budget estimates; makes review of specifications and requirements for materials, equipment, and supplies; provides assistance and guidance to departmental bureaus and offices on procurement matters.

l. Administers total and partial set-aside determinations developed in cooperation with Small Business Administration.

.754 *Mail Bag Equipment Branch.* a. Directs the manufacture, repair, storage, and availability of mail bags, pouches, postal maps, locks and keys, and special mail equipment.

b. Directs operations of the Mail Equipment Shops, Mail Bag Depositories, and Mail Bag Repair Centers.

c. Develops and establishes manpower, space, machinery, materials, and technical needs of the mail bag equipment field installations.

d. Coordinates with other bureaus in developing total requirements for mail bags, postal locks and keys, special items of postal equipment, and postal maps. Collaborates with postal field units in requesting and filling postal equipment needs.

e. Directs and controls maintenance, parts, and material stocks, inventory procedures, improvement and replacement of mechanical equipment at the Mail Equipment Shops, Depositories, and Repair Centers.

f. Develops and maintains standards and procedures for examining and condemning mail bags and equipment and for repairing defective bags and equipment.

g. Provides designs and specifications and prepares detailed drawings of lock-box equipment and postal furniture, and examines and evaluates preproduction models and production samples.

h. Develops and revises production and cost standards in conjunction with the Bureau of Finance; prepares basic budgetary estimates.

i. Maintains liaison with manufacturers, suppliers, and other Government agencies, as required, on materials, equipment, and space.

j. Cooperates with the Office of Research and Engineering and the Bureau of Transportation on the conduct of research programs and activities relating to new or improved materials, equipment designs, and the development of specialized equipment.

.76 *Realty Division.* a. Plans, develops, and administers policies, programs, and procedures governing the acquisition and disposal of real property.

b. Directs the programming and expenditure of funds for acquisitions of space by lease or rental agreement, and for alteration, remodeling, extension, and modernization of federally owned post office buildings occupied by the Post Office Department.

c. Coordinates actions and requirements of the Bureau of Facilities concerning approved major modernization or new facility projects, and occupancy of space in multipurpose Federal buildings.

.761 *Realty Planning Branch.* a. Coordinates the Bureau's actions and requirements in connection with approved realty projects including the occupancy of space in new and modernized buildings, both leased and federally owned.

b. Advises and assists representatives of the Office of the Deputy Postmaster General, the Bureau of Operations, and the Office of Research and Engineering in establishing building project priorities; and in programming the rental of space, the utilization of space in new federally owned buildings, and the modernization of space in existing federally owned buildings.

c. Formulates and develops long-range plans for the adaptation of the realty program to changing postal requirements, including coordination with plans of other Government agencies.

d. Develops, programs, and schedules the major modifications of federally owned buildings from the time of approval of each project to its completion.

e. Coordinates for planning purposes Post Office Department space requirements with General Services Administration for new Federal buildings.

f. Coordinates deliveries of equipment and furnishings with the completion schedules of newly constructed or modernized facilities and arranges for the disposal of excess equipment and furnishings resulting therefrom.

g. Prepares budget estimates and administers funds appropriated for the realty program.

h. Programs expenditures for:

(1) The rental of space for postal operations;

(2) The alteration, remodeling, extension and modernization of federally owned post office buildings occupied by the Post Office Department; and

(3) The acquisition of sites and architect-engineering services under the Reimbursable Site Acquisition Fund or similar appropriations.

i. Prepares replies to inquiries relating to the realty program originating both inside and outside the Department and furnishes information and prepares correspondence for communicating with Members of Congress regarding postal facilities projects.

j. Assists in developing the Bureau's position on proposed legislation and in drafting new legislation relating to the realty program.

.762 *Realty Acquisition Branch.* a. Develops the policies and standards and provides functional guidance under which postal regions perform the following functions within the limits of their delegated authority:

(1) Negotiate, commit, revise, execute, and terminate agreements for real estate facilities covered under lease or rental agreements.

(2) Acquire control of real property through assignable options; recommend control through purchase, leases, contracts, condemnation, donation or other means; approve options for advertising purposes; assign rights in such properties to successful bidders.

(3) Prepare bidding documents and issue invitations to bid for proposed leased postal facilities.

(4) Analyze bids submitted for leasing space to the Postal Service; accept agreements to lease or recommend action to be taken.

(5) Assign nonpostal space in buildings operated by the Post Office Department and the nonpostal use of post office lobby space by Federal or non-Federal agencies.

b. Performs those parts of functions described in 823.762a reserved for this branch, beyond the regional authority.

c. Compiles and analyzes real estate market data for determining real estate values and rentals.

d. Maintains liaison with the General Services Administration and other Federal agencies on real property matters, such as acquisition and disposal of excess property, transfers of vacated Federal buildings, land acquisitions incident to both Post Office Department and GSA projects, and postal space requirements in GSA buildings.

e. Prepares required inventories and reports of Government-owned and leased real properties controlled by the Post Office Department.

f. Provides interim management and out-leasing of Government-owned property pending development for postal use.

823.8—ASSISTANT POSTMASTER GENERAL, BUREAU OF PERSONNEL

a. Represents and acts for the Postmaster General and takes final action on all personnel management matters relating to employee relations, compensation administration, and employee training at professional and educational institutions.

b. Represents and acts for the Postmaster General in dealings with employee organizations; maintains liaison with the legislative and executive branches and agencies of Government on personnel matters.

c. Directs the formulation of policies, programs, regulations, and procedures required for the development and maintenance of an effective personnel management program throughout the Postal Establishment.

d. Exercises the appointive powers of the Postmaster General with respect to employees in the departmental service, in accordance with the recommendations of the bureaus and offices concerned.

e. Administers the incentive awards program and authorizes awards as provided by law and regulation.

f. Provides following services concerning negotiated contracts over $2,500 (other than for mail transportation and real estate):

(1) Advises the contracting officer on all postal personnel provisions including safety, training, compensation, and any other matters affecting postal employees.

(2) Provides technical assistance, as required, in the preparation and administration of negotiated contracts.

.81 *Deputy Assistant Postmaster General.* a. Assists the Assistant Postmaster General and acts for him in his absence or at his request.

b. Exercises direct supervision over the staff of the Bureau of Personnel.

.811 *Special Assistant, Employee Relations.* a. Serves as principal assistant on employee relations to the Assistant Postmaster General and Deputy Assistant Postmaster General.

b. Formulates and recommends policies and develops procedures on employee relations.

c. Maintains liaison with national officers of employee organizations and provides the principal point of contact between these organizations and the Department.

d. Represents the Assistant Postmaster General in contacts with other Government agencies and outside organizations on employee relations matters.

e. Reviews employee grievances and discrimination complaints, recommending departmental action to Assistant Postmaster General.

f. Develops plans for and administers employee services in the postal field service including, but not limited to, cafeterias, vending machines, and welfare funds.

.812 *Special Assistant, Employee Information.* a. Serves as principal assistant to the Assistant Postmaster General and the Deputy Assistant Postmaster General on employee information programs and problems.

b. Formulates and recommends policies relating to employee information programs and issuances.

c. Prepares, edits, and issues the Postal Service News and other publications for the information of postal employees.

d. Prepares articles for publication and for delivery as speeches on subjects related to the field of personnel management.

e. Conducts research on information needs of postal personnel and provides technical staff assistance to headquarters and regional staffs in the development of effective employee information programs.

.82 *Departmental Personnel Division.* a. Formulates and recommends policies and develops procedures relating to personnel matters affecting departmental (headquarters) employees.

b. Provides staff guidance and technical assistance to headquarters bureaus and offices on all matters of personnel administration affecting headquarters personnel.

c. Administers the provisions of the Classification Act of 1949, the Departmental Wage Board, and section 15 of Public Law 600 (5 U.S.C. 55a); takes final action on personnel actions covered by such provisions.

d. Administers applicable policies, programs, and procedures with respect to headquarters employees relating to recruiting; testing, placement, and separations; training; performance rating; safety and health; suggestions and awards; relations with employee organizations; and employee services.

e. Maintains direct relations with the Civil Service Commission on all headquarters personnel matters except policy matters.

f. Processes formal personnel transactions, maintains central personnel records, issues personnel reports, and conducts official correspondence relative to proposed, current, and former headquarters employees.

g. Represents the Bureau of Personnel in civil defense planning and security control.

.83 *Employment and Placement Division.* a. Formulates and recommends policies and develops procedures relating to recruiting, examining, employing, placing, and promoting personnel in the Postal Establishment.

b. Determines the need for employee examining and testing in conjunction with affected bureaus and offices and, in collaboration with the Civil Service Commission, develops and directs the application of a program of suitable examinations and tests.

.84 *Training and Development Division.* a. Determines general need for and plans training and development programs for the Postal Establishment in conjunction with affected bureau and offices, including general course outlines, instructional guides, and training materials.

b. Reviews and approves proposals for subsidized outside courses of study.

c. Controls the development, procurement, production, and distribution of training aids, films, and auxiliary equipment.

d. Reviews the progress and effectiveness of training activities in all headquarters and field services and reports to the appropriate bureaus and offices.

e. Provides official representation of the Department with governmental, educational, and industrial groups on national training matters.

.85 *Compensation Division.* a. Develops and maintains a system for evaluating and classifying all positions in the postal field service. Ranks authorized standard and individual positions, except those in salary levels PFS–17, –18, –19, and –20 and such other positions as the Assistant Postmaster General, Bureau of Personnel, may specify.

b. Conducts surveys and establishes procedures and guidelines for proper maintenance of position standards and adherence to approved position ranking criteria.

c. Develops and maintains procedures for hearing appeals and for conducting reviews of actions taken under the postal field service classification system.

d. Promulgates instructions and allowance tables, in accord with legal requirements, covering basic compensation, overtime, compensatory time, holiday pay, night differential, longevity pay, periodic step increases, uniform allowances, equipment maintenance allowances, heavy duty compensation, and per diem allowances for mobile service personnel.

e. Develops and administers policies and procedures, except for accounting procedures, on Civil Service retirement, social security, Federal employees group life insurance, and unemployment compensation.

f. Conducts research on compensation practices and trends in private industry and Government services; submits recommendations for legislation, including fringe pay benefits; and assists in formulating departmental position on other legislative proposals affecting the compensation of postal employees or of the entire Federal service.

.86 *Safety and Health Division.* a. Develops and maintains an effective safety and health program for the Postal Establishment, in conjunction with other bureaus and offices, covering health hazards, fire prevention and protection, transport and traffic safety, first aid and medical services, and safety aspects of property and equipment conservation and utilization.

b. Provides consulting service on safety and health matters to management officials throughout the Postal Establishment.

c. Provides official representation of the Department with other agencies of the Government and with outside organizations on safety and health matters of a national character.

d. Maintains liaison with Department of Labor on injury compensation.

.87 *Policy Review and Analysis Division.* a. Determines need for and develops written statements covering personnel policies, regulations, operating procedures, and reports for the Postal Establishment.

b. Reviews and comments on all legislative proposals relating to personnel management, coordinating with other divisions and bureaus in developing a final position.

c. Maintains bureau control and review of all issuances, coordinating drafts with appropriate divisions and bureaus.

d. Interprets Civil Service Commission regulations, Executive orders, and legislation relating to personnel administration, utilizing the services of the Office of the General Counsel, where required.

e. Conducts studies of procedures and methods used in the administration of the personnel program and develops improvements thereto.

f. Determines personnel reports requirements and maintains liaison with the Bureau of Finance and Civil Service Commission in preparing personnel reports.

.88 *Suggestions and Awards Division.* a. Develops procedures for an effective suggestion and incentive awards system throughout the Postal Establishment.

b. Processes employee contributions of national significance.

c. Conducts promotional campaigns to increase employee participation in the incentive awards program.

PART 824—REGIONAL DIRECTOR

a. Administers the execution of policies, regulations, and procedures governing, and takes final action within his delegated authority on, matters relating to management, operations, transportation, finance, engineering, equipment, supply, facilities, and personnel within an assigned region (except the postal inspection service, internal auditors, the mail bag equipment shops, mail bag repair centers and depositories, area supply centers, capital equipment warehouses, cartography section, examiners of equipment and supplies, and other specific matters reserved to the Postmaster General and to the bureaus and offices of the national headquarters).

b. Is responsible for the efficient management, utilization, and control of manpower, allotted funds, facilities, and equipment within the authority delegated to the region.

c. Directs the conduct of management and operating surveys in post offices.

d. Provides guidance and specialized assistance to post offices on mail processing, mail movement methods, and other postal operations.

e. Exercises direct supervision over all officers and employees within the regions, except as provided in part 825a.

f. Is responsible for the annual appraisal of performance and final rating of postmasters at first-class offices.

824.1—DEPUTY DIRECTOR

a. Assists the Regional Director in the overall management of the region.

b. Acts for the Regional Director in his absence and at his direction.

.11 *Coordinated Field Staff*—.111 *Principal Postal Service Officer.* Directs and coordinates the activities of the postal service officers. Initiates and conducts field studies and serves as liaison with postmasters and division directors on major programs.

.112 *Postal Service Officer.* a. Provides liaison, on a continuing basis, between regional officers and all postmasters within an assigned geographical area.

b. Provides guidance and counsel to postmasters on postal service matters.

c. Analyzes mail distribution, dispatch schedules, and mail movement, and recommends improvements.

d. Makes the annual appraisal of performance of postmasters at first-class offices and recommends ratings.

e. Carries out special assignments for the Regional Director.

824.2—ASSISTANT TO DIRECTOR

a. Assists the Regional Director in liaison with the general public, principal mail users, Members of Congress, other Federal agencies, local authorities, and others.

b. Directs regional information activities and promulgation of postal instructions to the public.

824.3—SPECIAL ASSISTANT TO REGIONAL DIRECTOR FOR EMPLOYEE RELATIONS

a. Develops and maintains sound employee-management relations throughout the region, in conformance with policy directives of the President and the Postmaster General.

b. Serves as deputy employment policy officer under Executive Order 10925.

824.4—FINANCIAL DIVISION

Advises and assists the Regional Director on all financial matters within the region; provides technical financial guidance to post offices; prepares the regional budget and maintains accounting records on the control of funds; develops regional targets, makes cost studies and related recommendations responsive to management needs; provides data processing services; maintains general ledger accounts; processes transportation claims and employee accounts and settles various other claims; compiles, analyzes, and interprets financial, statistical, and economic data in order to advise the Regional Director and other regional officials on regional operations.

.41 *Postal Funds (Office of Controller).* a. Interprets and amplifies Bureau of Finance instructions and regulations on depository policies and procedures.

b. Performs regional disbursing functions.

c. Authorizes post office reserves and bank accounts up to $50,000; authorizes the increase or release of collateral pledged to secure postmasters' deposits.

d. Reviews postmasters' remittance procedures to insure compliance with regulations.

e. Makes continuing review of accounts receivable and processes difficult cases.

.42 *Financial Control Branch.* (In some regions the budget and cost activities are not combined but are established as two separate branches—the Budget Branch and the Cost Control and Analysis Branch.)

.421 *Budget.* a. Develops and directs the regional budget and planning control program in accordance with established policies; advises the Regional Director and his staff on all regional budget matters.

b. Coordinates budget activities with related activities of other regional divisions.

c. Establishes budgetary controls to prevent overobligation of funds; develops effective budgetary reporting to promptly inform management on progress under approved financial plans, targets, and allotments; analyzes budgetary trends and statistics for management.

d. Provides technical supervision for budget activities in large operating installations to improve forecast of revenues, workload, and man-hours to permit operating budgets and targets to be more closely related to actual operations.

.422 *Cost Control and Analysis.* a. Directs the application of approved policies and procedures for accumulating, analyzing, and reporting cost data, postal program progress, and cost ascertainment data, including work and volume measurement, man-hours, and production; and for controlling the release of data to other agencies and the public.

b. Collaborates with other regional offices in developing cost control programs to produce comparative statistics as management tools in measuring and regulating operating costs; evaluates operating and financial reports prepared in the Finance Division and at post offices; prepares highlights of significant changes, interpretations, and recommendations for use by management.

c. Provides technical guidance to post offices on financial and statistical functions, including accumulation of data, preparation of reports, and interpretative analysis of work measurement systems, all responsive to management needs, and implementation of mail count procedures; monitors and validates mail volume and man-hour usage reports.

d. Conducts before and after cost studies for measuring the effectiveness of new machinery, procedures, and facilities, and such other cost studies as required by management.

.43 *Accounting branch.* a. Maintains the general ledger for regional financial transactions.

b. Provides management with current statements of financial, operating, and statistical data.

c. Processes payrolls, maintains leave records, and prepares reports of all postal employees in the region (except inspectors); establishes controls and processes records relating to the various payroll deductions and receivables.

d. Examines postmasters' statements of accounts to assure conformity with postal laws, policies, and regulations, and Comptroller General decisions.

e. Preaudits claims and certifies for payment regional expenditures for highway, powerboat, rail, and air transportation, customs collections, indemnity claims, contract stations and clothing allowance, rents and leases, tort claims under $100, and miscellaneous disbursements including claims for utilities, fuel, supplies and services, travel, outside training, etc.

f. Establishes and maintains accounting records for control of property; interprets and monitors application of property accounting instructions; provides information and reports to meet property management requirements.

g. Provides regional data processing services.

h. Provides technical assistance and guidance to post offices on related Accounting Branch functions and internal control procedures.

i. Designates and revokes post offices as postal savings depositories, U.S. savings bond issuing agents, and U.S. savings stamp offices; establishes and discontinues international money order business at post offices, after coordinating with the Local Services Division.

824.5—PERSONNEL DIVISION

a. Assists the Regional Director in administering the personnel management program in the region in accordance with departmental policies and procedures.

b. Renders personnel service to the regional office.

c. Maintains liaison with the Civil Service Commission.

d. Gives technical advice and assistance to postmasters, operating officials, and employees in the region on all matters involving recruitment, selection, and employment of personnel, training and development of employees, classification of positions, examinations (except proficiency examinations), disciplinary actions and grievances, health and safety, suggestions and incentive awards, pay administration, and employee benefits.

e. Cooperates with Special Assistant for Employee Relations in providing guidance to regional and installation officials and supervisors on equal employment, civil rights, and ethical conduct policies and procedures affecting postal field service personnel.

.51 *Safety (Office of Director).* Assists installation heads in organizing and implementing safety activities and furnishing necessary technical guidance on safety and health matters.

.52 *Employment and Placement Branch.* a. Plans, directs, and coordinates the employment and placement program throughout the region.

b. Gives technical advice and assistance to regional officials, postmasters, and other employees throughout the region on personnel matters relating to recruitment, selection, assignment, promotion, separations, leave, conduct, performance evaluation, discipline, veterans preference, personnel records, transactions, seniority, suggestions, awards, and fringe benefits.

c. Maintains liaison with Civil Service Commission on personnel management problems, examinations, and appeals.

.53 *Compensation Branch.* a. Plans, directs, and coordinates the compensation program throughout the region.

b. Gives technical advice and assistance on the classification of positions and on all phases of pay and salary administration.

.54 *Training Branch.* a. Plans, directs, and coordinates the training and employee development program throughout the region.

b. Gives technical advice and assistance to postmasters, supervisors, and other employees in the region in implementing training policies and improving the quality of training services throughout the region.

c. Assists local officials in developing internal civil defense and radiological monitor training; and in developing and conducting scheme training programs.

d. Develops training plans for appropriate orientation of newly appointed postmasters and regional officials; arranges for participation by postal personnel in Federal or non-Federal training programs outside the Postal Establishment.

824.6—POSTAL SYSTEMS DIVISION

a. Assists the Regional Director in development, installation, and analysis of postal, administrative, and supporting procedures (including distribution procedures), methods, and work standards, utilizing industrial engineering and other analytical techniques.

b. Studies mail handling systems, production requirements, and procedures to improve equipment, work place, and process of performing any postal service in the region.

c. Installs, operates, and refines systems of work measurement and various performance standards; analyzes labor performance and causes for major variances.

d. Performs service analyses through selected test programs.

e. Directs the paperwork management program.

f. Assists Regional Director in organization and space matters concerning administration of regional office.

g. Participates in the coordinated regional staff planning of facilities and mechanization, organization and operating standards, and budgeting.

.61 *Methods Branch.* a. Develops, installs, and analyzes post office operational methods and procedures (including distribution procedures).

b. Evaluates effectiveness of mail handling systems as related to service requirements.

c. Studies mail handling systems and mechanization requirements; identifies areas where improvement in physical environment, space layout, and equipment will increase productive mail handling capacity.

d. Participates in the development of methods and techniques to insure, where applicable, orderly transition from manual to mechanized mail processing.

e. Implements and conducts records management, forms management, reports management, and office methods programs throughout the region; arranges for correspondence training and conducts the correspondence management program for the region; maintains a control on issuances received and issued in the region; promotes work simplification techniques.

f. Conducts regional selected mail test and service analysis program.

.62 *Work Standards Branch.* a. Installs and reviews prescribed work measurement systems and appraises system effectiveness.

b. Determines need for expansion of work measurement systems and promotes effective manpower utilization in post offices.

c. Establishes performance goals and monitors system effectiveness as a basis for improvement.

d. Develops controls for effective man-hour utilization.

e. Identifies areas in operations where excessive manpower is evident and recommends corrective action.

824.7—LOCAL SERVICES DIVISION

a. Assists the Regional Director in determining organization and manpower needs; and reviews local postal service and organization proposals.

b. Determines establishment (except airport mail facilities, transfer offices, and mobile units) needs of the Postal Service within the region; makes recommendations on opening, closing, and merging of facilities.

c. Determines collection and delivery, patron, vehicle, and other program service requirements of post offices; furnishes guidance to postmasters on operation of these services; and appraises performance.

d. Participates in the coordinated regional staff planning of facilities and mechanization, organization and operating standards, and budgeting.

e. Makes determination of legitimate receipts and classification of post office.

.71 *Organization Services Branch.* a. Determines staffing requirements and authorizes complements and man-hours based upon a continuous analysis of manpower usage related to work volume in all postal installations.

b. Provides organizational guides and service standards to postmasters; appraises effectiveness of postmasters in maintaining alignment of complements.

c. Participates in the development of timely reporting systems designed to provide data essential to evaluation and review of organization and staffing in post offices.

d. Recommends establishment, discontinuance, consolidation or merging of postal installations; regulates hours and adequacy of service to the public.

.72 *Delivery Services Branch.* a. Establishes and adjusts patterns of delivery services.

b. Conducts studies to promote efficiency and economy in collection, delivery (including general delivery, lockbox, and carrier window service), and related patron services.

c. Authorizes the establishment, transfer and discontinuance of routes. Approves extensions and consolidation of routes and issues criteria therefor.

d. Maintains man-hour and complement control for delivery service.

e. Promotes programs designed to elicit patron cooperation in undertaking mail separation and processing at the patron's premises and improved scheduling of mailings.

f. Directs studies to determine effects of population shifts, and changes in city and business district boundaries, for use in evaluating demands for delivery services.

g. Determines city scheme requirements and delivery zone changes; directs the examination program for city schemes.

h. Determines feasibility of mechanizing carrier routes.

.73 *Vehicle Services Branch.* a. Responsible for the assignment, utilization, and operation of Government-owned vehicles within the region; reviews and approves contracts for vehicle hire.

b. Establishes priorities for replacement.

c. Directs a program designed to instruct post office personnel in the scheduling, assignment, and utilization of vehicles.

d. Conducts studies to determine proper size and type of vehicle for most efficient operation.

e. Makes cost comparisons of contract and Government-owned vehicles; recommends most economical vehicle service to Chief, Delivery Services Branch, for local service, and to the Chief, Highway Transportation Branch, involving star route and mail messenger service.

824.8—TRANSPORTATION DIVISION

a. Assists the Regional Director in the general direction of all mail transportation activities within the region.

b. Develops and maintains an integrated regional pattern for transportation of all classes of mail, coordinating the regional pattern with national plans.

c. Prepares schemes and schedules governing the distribution and dispatch of mail.

d. Maintains liaison with carriers; negotiates for the transportation of mail oy railroads and highway vehicles and insures efficient utilization, citing irregularities and imposing penalties when warranted.

e. Provides policy guidance to postmasters in planning and operation of mobile units, transfer offices, airport facilities, and truck terminals; and determines the need for their establishment or discontinuance.

f. Insures efficient utilization of air transportation for mail movements.

g. Represents transportation requirements in the coordinated regional staff planning of facilities and mechanization, organization and operating standards, and budgeting.

.81 *Air Transportation Officer (Office of Director).* a. Provides functional and technical direction to airport mail facilities and post offices on the dispatch, receipt, and exchange of mail by air with and between air carriers.

b. Coordinates with other regions in the air transportation of mail to secure maximum performance, effective utilization of space and weight, and improved connections, and to assist in resolving problem areas.

c. Investigates irregularities, delinquencies, and other deficiencies in air service; appraises results of investigations and recommends penalties against air carriers when warranted.

d. Interprets Civil Aeronautics Board regulations.

.82 *Transportation Planning Branch.* a. Directs and conducts studies to evaluate modes of transportation from standpoint of cost and effective service; recommends improvements within and between regions consistent with cost and service.

b. Makes surveys of changes in modes of transportation such as rail to highway, rail to air, etc., and develops plans for implementation.

c. Develops emergency transportation plans.

d. Provides plans and participates in necessary studies to keep regional transportation patterns integrated with national plans.

e. Studies changing mail volume and flows, and closely coordinates with other branches to assure best mode of transportation.

f. Directs mail equipment transportation program within region.

g. Recommends improvements based on service analysis.

.83 *Schemes and Routing Branch.* a. Establishes general pattern and, except for local mail, determines what mail shall be distributed by all installations.

b. Directs manner of routing mail within region and coordinates with other regions.

c. Directs preparation of schemes (except city) and study maps; issues corrections.

d. Except for city schemes, establishes scheme knowledge requirements and directs examination program; prepares, Schedule of Mail Routes and corrections thereto.

e. Issues pouch orders and dispatch instructions, with special instructions for registered mail.

f. Provides guidelines for distribution training; coordinates with Local Services Division on distribution manpower.

g. Issues instructions for the proper labeling of mail and provides technical direction to insure the quality and timeliness of production of label printing units.

h. Develops routing plans for large mailers.

i. Provides technical and functional direction to the postmaster for proper and efficient distribution in mobile units and airport mail facilities, and determines need for establishment or discontinuance of these units.

.84 *Railway Transportation Branch.* a. Supervises railroad performance and prepares railroad agreements.

b. Coordinates with other regions in effecting efficient transportation of mail by rail.

c. Provides technical, functional, and policy direction to postmasters on the operation of transfer offices, and determines need for establishment or discontinuance.

d. Investigates irregularities in rail service and recommends penalties on carriers where warranted.

e. Interprets Interstate Commerce Commission regulations.

f. Maintains liaison with rail carriers concerning scheduling, railrpad personnel, facilities, and protection of mail.

g. Inspects RPO cars for adequacy and conformity with standards.

h. Administers rail space-basis system, exclusive of processing of claims.

i. Observes the handling of mail by railway personnel in terminals and stations, and the operation of the transfer service, for evaluation of carrier performance and adequacy of supervision.

.85 *Highway Transportation Branch.* a. Recommends the procurement of highway transportation service, route establishments, consolidations, discontinuances, changes, and review of schedules to provide the best service at least cost.

b. Reviews and acts on requests for compensation adjustments under Public Laws 669 and 763.

c. Examines agreements and contracts for conformity with laws and regulations; enforces adequate protection of the mail by contractors.

d. Inspect HPO vehicles for adequacy and conformity with standards.

e. Observes operation of highway routes, the handling of mail by highway carriers, and the operation of truck terminals, to evaluate carrier performance and adequacy of service. Recommends penalties against highway carriers when warranted.

f. Provides guidance to postmasters on planning and operation of truck terminals, and determines the need for their establishment or discontinuance.

824.9—ENGINEERING AND FACILITIES DIVISION

a. Assists the Regional Director in administering construction, leasing, and maintenance programs; provides supply and equipment services; and maintains program controls within delegated authority.

b. Forecasts, plans, and determines plant requirements.

c. Within delegated authority, designs Federal building extensions and improvements, and leased facilities.

d. Manages real estate program, renewing leases, obtaining site options, and negotiating lease contracts; inspects and accepts construction.

e. Provides building and equipment preventive maintenance programs for Federal and leased facilities.

f. Provides Government vehicle maintenance guidance and technical direction to post offices; assists the Training Branch in implementing and improving vehicle maintenance training programs; analyzes cost control reports; and administers the vehicle disposal program.

.91 *Engineering Branch.* a. Makes engineering studies concerning space and equipment requirements, sites, locations, facilities, mechanization, plant layout, and work flow and processing methods, in connection with new and modernized facility proposals.

b. Prepares, reviews, and approves bid and construction plans, specifications, cost estimates, and evaluations involving remodeling of existing and new postal facilities.

c. Inspects and recommends acceptance or rejection of new and remodeled leased buildings. Also, conducts with GSA engineers the inspection of construction and modernization of Federal postal buildings. As delegated by Headquarters, performs resident engineer technical and administrative services in connection with construction and mechanization projects initiated by Headquarters.

d. Conducts research and development tests and evaluations of mail processing machines and systems, including design and testing of vehicles when required by Office of Research and Engineering.

e. Directs and evaluates surveys, programs, designs, installation and tests on the need, adequacy, and operation of all building equipment. Provides technical assistance and guidance to other staff members and postal officials on the operation and maintenance of utilities equipment and services.

f. Makes studies and prepares reports and recommendations on the utilization and efficiency of newly developed postal equipment systems and materials.

g. Makes studies on economics of engineering programs.

h. Plans and coordinates with the responsible officials of regional staff immediate and long-range engineering and capital improvement programs and priorities.

i. Evaluates technical suggestions under the Incentive Awards Program.

.92 *Space Requirements Branch.* a. Acts as regional coordinator in all matters relating to space and equipment requirements in postal installations throughout the region.

b. Analyzes requests for improved space, or for new or enlarged facilities, received from installation heads or other sources, and recommends action to be taken.

c. Develops regional priority lists after considering (1) budgetary limitations and (2) the urgency for correcting space deficiencies to permit efficient and economical mail-handling operations.

d. Conducts or requests space surveys after coordination with interested regional divisions and the Engineering and Real Estate Branches. Issues instructions to assure compliance with approved standards in developing space and equipment requirements.

e. Furnishes analyses of space survey reports and related data to the Engineering Branch for developing refined space needs and optimum plot and building arrangements as guides in site selections.

f. For leased facilities, requests the Real Estate Branch to obtain information on (1) available existing buildings which might be modified for postal use, or (2) suitable sites. For Federal Buildings, requests the Engineering Branch to initiate action with General Services Administration to accomplish the improvement or modernization.

g. Participates with the Engineering and Real Estate Branches in site evaluations. From a service point of view, (1) approves site locations and (2) obtains concurrence of the Local Services and Transportation Divisions, and the postmaster's views as necessary, on plot plans and space and equipment arrangements.

h. Responsible for initiation of requisitions and delivery schedule and placement of furniture and equipment required for new and improved facilities, within authority delegated to the regions.

i. Directs and assists with special regional studies and surveys initiated by Headquarters.

.93 *Real Estate Branch.* a. Formulates and develops long-range plans for coordinating regional realty programs with changing postal requirements.

b. Negotiates, commits, revises, executes, and terminates agreements for real estate facilities used by the Department under leases, rental agreements, or agreements with other Government agencies for space in Government-owned buildings.

c. Acquires control of real property through assignable options; recommends control through purchase, leases, contracts, condemnation, donation, or other means; approves options for advertising purposes, and assigns such options to the successful bidder.

d. Prepares bidding documents; assembles bid packages including plot plan, floor plan, elevations and building requirements; and submits to interested bidders for leased postal facilities.

e. Takes final action on deferred maintenance in all leased or rented postal space and negotiates with lessors for corrective measures.

f. Conducts surveys and analyses of regional land and building acquisition or rental costs, and recommends procedures whereby economy can be effected in the regional realty program.

.94 *Plant Maintenance Branch.* a. Directs the operation and maintenance of buildings and building mechanical equipment; and the maintenance of postal operating equipment and vending machines.

b. Implements and administers policies, programs, methods, and standards for preventive maintenance, repair maintenance, maintenance inspection and inventory management.

c. Reviews and approves estimates for annual and incidental allowances covering operation and maintenance of buildings and building mechanical equipment; and the maintenance of postal operating equipment and vending machines.

d. Recommends to Local Services Division organizational structures and complements for maintenance of postal installations.

e. Conducts periodic surveys of maintenance of buildings and equipment to determine the effectiveness of, and to improve, the maintenance program.

f. Initiates action to provide for maintenance needs at new or modernized facilities, including supplies, spare parts, and equipment.

g. Develops guidelines for use of postmasters in soliciting bids for contract maintenance; makes review of performance under approved contracts.

h. Directs regional field representatives engaged in region-wide sanitation and postal equipment maintenance.

.95 *Vehicle Maintenance Branch.* a. Directs the maintenance and repair of Government-owned vehicles program.

b. Implements and administers policies, programs, methods, and standards for preventive maintenance, repair maintenance, vehicle inspection, and vehicle parts inventory management.

c. Reviews and approves estimates for annual and incidental allowances covering supplies, automotive parts, and equipment used in maintenance of vehicles.

d. Recommends to Local Services Division organizational structures and complements for vehicle maintenance facilites.

e. Conducts periodic surveys of vehicle maintenance facilities in the region to determine effectiveness of, and to improve, the maintenance program.

f. Reviews requests for and recommends additional, new, or modernized vehicle facilities, including garage layout and equipment requirements, based on service needs.

g. Develops guidelines for use of postmasters in soliciting bids for contract maintenance; makes continuous review of performance under approved contracts.

h. Administers the vehicle disposal program; in conjunction with Local Services Division, develops annual vehicle procurement needs.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-9085; Filed, Sept. 10, 1962; 8:50 a.m.]

HEARING OFFICERS, CONTRACT COMPLIANCE PROGRAM

Delegation of Authority

The following is the text of Headquarters Circular No. 62-32, dated August 28, 1962, signed by the Assistant Postmaster General, Bureau of Operations (27 F.R. 6436):

I. *Purpose.* To designate hearing officers for the Post Office Department and to provide for final Departmental action, and transmittal of reports by the Judicial Officer pursuant to the provisions of Part III, of Executive Order 10925 dated March 6, 1961.

II. *Designation of hearing officers.* The hearing examiners of the Post Office Department, appointed pursuant to the provisions of section 11 of the Administrative Procedure Act (5 U.S.C. 1010), are designated hearing officers for the purpose of conducting hearings pursuant to paragraph 60-1.27(b) of Government Contract Employment Rules and Regulations of the President's Committee on Equal Employment Opportunity. The proposed findings and recommended conclusions of such hearing officers shall, in each case be delivered to the Judicial Officer of the Post Office Department.

III. *Action by Judicial Officer.* The Judicial Officer of the Post Office Department is hereby designated as the authorized representative of the Postmaster General:

1. For the purpose of receiving and considering the proposed findings and recommended conclusions of the hearing officers as provided in paragraph II above;

2. To take final action for the Post Office Department as provided in the aforesaid rules and regulations and said Executive Order; and

3. To submit the case records and reports as required by paragraph 60-1.24 (c) of the aforesaid rules and regulations.

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 309, 501, 74 Stat. 554 (Public Law 86-676))

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-9056; Filed, Sept. 10, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

September 1962 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

These prices at which Commodity Credit Corporation commodity holdings are availabe for sale during September 1962 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, grain sorghums, soybeans, dry edible beans, rice (rough), peanuts (farmers' stock), and gum turpentine.

Principal changes in the list for September are a shift to a 1962-crop price support basis in setting minimum domestic sales prices for dry edible beans, and the addition of peanuts (farmers' stock) as available.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for special export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cotton, tobacco, wheat, corn, rye, barley, grain sorghums, and pea and pinto beans. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for September 1962 are 3½ percent for periods up to 12 months, and 4 percent for periods from over 12 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS Office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Programs (the Bureau of Foreign Commerce until Aug. 9, 1961), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agriculture commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, § 379.10(c) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store at storage location of products.
Butter	Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland ASCS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati ASCS Commodity Office. Domestic, unrestricted use: announced prices, under LD-29 as amended: 65.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65 cents per pound—Washington, Oregon, and California. All other States, 64.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any butter offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.

Commodity	Sales price or method of sale
Nonfat dry milk	Domestic, unrestricted use; announced prices, under LD-29, as amended: Spray process, U.S. Extra Grade, 17.40 cents per pound. Export: Competitive bid under LD-33 as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland ASCS Commodity Offices. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday. In redemption of payment-in-kind certificates under LD-29, as amended: Under both LD-33, as amended, and LD-35, CCC will offer nonfat dry milk under SM-7.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 38.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any cheese offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16 (Sale of Upland Cotton for Unrestricted Use). Under this Announcement, upland cotton acquired under price support programs will be sold at the highest price offered but not less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton as determined by CCC. Export: CCC credit sales: Competitive bid under the terms and conditions of Announcements CN-EX-14 (Acquisition of Cotton for Export under Credit Sales Program) and NO-C-17 (Sale of Upland Cotton for Export Credit Sales Program) and NO-C-16 (Sale of Upland Cotton for Unrestricted Use). In no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price for such cotton as determined by CCC.
Cotton, extra long staple	CCC export sales: Competitive bid under the terms and conditions of Announcements CN-EX-16 (Upland Cotton, Export Program—Sales) and NO-C-18 (Sale of Upland Cotton, Cotton Export Program—1962-63 Marketing Year). Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-6 (Revised July 22, 1960), as amended and NO-C-10, as amended. Under these Announcements extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price for such cotton as determined by CCC.
Catalogs	Catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans ASCS Commodity Office.
Wheat, bulk	Domestic, unrestricted use: Market price basis in store,[1] but not less than 105 percent of the applicable 1962 support price [2] for the class, grade, and quality of the wheat plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added.

Unit	Received by—Truck	Received by—Rail or barge	Examples of minimum prices (exrail or barge): Terminal	Class and grade	Price
Bushel	*Cents* 8	*Cents* 2	Chicago	No. 1 RW	$2.42
			Minneapolis	No. 1 DNS	2.49
			Kansas City	No. 1 HW	2.42
			Portland	No. 1 SW	2.31

See footnotes at end of table.

Commodity	Sales price or method of sale	Unit	Received by—Truck	Received by—Rail or barge	Examples of minimum prices (exrail or barge): Terminal	Class and grade	Price
Wheat, bulk (continued)	Available at bin sites through ASCS County Offices. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Export: (1) Under Announcement GR-345 (Revised June 30, 1960), as amended, for redemption of certificates under export payment-in-kind program, (2) under Announcement GR-212 (Revision 2, Jan. 9, 1961), for specified offerings as announced, and (3) as wheat under Announcement GR-261 (Revision 2, Jan. 9, 1961), or as flour under Announcement GR-262 (Revision 2, Jan. 9, 1961), for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Office hard red winter wheat is not available for barter or Title I, P.L. 480 transactions.)						
Domestic, unrestricted use: Storable: Market price basis in store,[1] but not less than 105 percent of the applicable 1962 support price,[2] for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.							
Rye, bulk		Bushel	*Cents* 8	*Cents* 2	Minneapolis	No. 2 or better (or No. 2 on TW only).	$1.31
	Available at bin sites through ASCS County Offices. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. *Nonstorable* (as available): At not less than market price as determined by CCC through the ASCS grain offices listed on page 10.						
Rye	Export: Under Announcement GR-388 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. Available: Evanston, Dallas, Kansas City and Portland ASCS Commodity Offices, also Minneapolis ASCS Commodity Office as available in terminal locations in Minneapolis area.						
Barley, bulk	Domestic and export: Storable: A. Redemption of feed grain program certificates: Such CCC dispositions of storable barley as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under Feed Grain Program. Selection will be made at prices determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of barley that will be made available for redemption. CCC also reserves the right to restrict the availability of barley at any location whenever such action is deemed necessary. For information on the availability of such barley from bin sites, contact the ASCS State or county offices. For information on the availability of such barley at other locations, contact the Kansas City, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. B. General sales:[4] Market price in store,[1] but not less than 105 percent of the applicable 1962 support price,[2] for the class, grade, and quality of the barley plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.						

Commodity	Sales price or method of sale
Barley, bulk (continued)	Domestic and export—Continued

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
Bushels	*Cents* 7	*Cents* 2	Minneapolis	No. 2 or better	$1.20

Barley

Available: For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the grain ASCS commodity offices listed on page 19.
Export announcement sales: Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is the adjusted support price referred to in subparagraph B on the preceding page.
Available: Evanston, Dallas, and Kansas City ASCS Commodity Offices. Stocks at seaboard in the Portland ASCS Commodity Office area and at Duluth and Minneapolis in the Minneapolis ASCS Commodity Office area are also available.

Corn, bulk

Domestic and export:
Storable:
A. Redemption of feed grain program certificates:[1] Such CCC dispositions of storable corn as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a Feed Grain Program. Redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, and quality and quantity of corn that will be made available for redemption. CCC also reserves the right to restrict the availability of corn at any location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices.
B. General sales:[1] Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price,[1] for the class, grade, and quality of the corn plus the amount shown below applicable to the storage point involved. For corn in store at other than the point of production the freight from point of production to the present point of storage will also be added.

Unit	In store at—		Examples of minimum prices (exrail or barge)		
	Point of production	Other point	Terminal	Class and grade	Price
Bushel	*Cents* 13	*Cents* 16	Chicago [1]	No. 2 YC (13% moisture, 2% foreign material).	$1.62¼

Corn

[1] Woodford County, Ill., origin.

Available: For information on the availability of such corn from bin sites, contact ASCS State or county offices. For information on the availability of such corn from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the grain ASCS commodity offices listed on page 19.

Commodity	Sales price or method of sale
Corn, bulk (continued)	Export announcement sales: Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to arrangements for barter, approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under these announcements. CCC stocks of corn in Portland ASCS Commodity Office area available for sale under these export announcements, except such corn shall not be eligible for application to Title I, P.L. 480 purchase authorizations or for barter. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is the adjusted support price referred to in subparagraph B above. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Oats, bulk	Domestic and export: Storable: A. Redemption of feed grain program certificates:[1] Such CCC dispositions of storable oats as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a Feed Grain Program. Redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality and quantity of oats that will be made available for redemption. CCC also reserves the right to restrict the availability of oats at any location whenever such action is deemed necessary. For information on the availability of such oats from bin sites, contact ASCS State or county offices. For information on the availability of such oats from other locations, contact the Evanston, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. B. General sales:[1] Market price basis in store,[1] but not less than 105 percent of the applicable 1962 support price [1] for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in store at other than the point of production the freight from point of production to the present point of storage will also be added.

Unit	In store at—		Examples of minimum prices (exrail or barge)		
	Point of production	Other point	Terminal	Class and grade	Price
Bushel	*Cents* 2	*Cents* 5	Chicago [1]	No. 2 or better, extra heavy.	$0.83½

Oats

[1] Woodford County, Ill., origin.

Available: For information on the availability of such oats from bin sites, contact ASCS State or county offices. For information on the availability of such oats from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS Commodity Offices listed on page 19.
Export announcement sales: Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind programs, and under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to approved credit and emergency sales. Oats will not be sold for application to Title I, P.L. 480 purchase authorizations or for barter. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is the adjusted support price referred to in subparagraph B above.
Available: Evanston, Dallas, Kansas City, Minneapolis and Portland ASCS Commodity Offices.

See footnotes at end of table.

Commodity	Sales price or method of sale
Grain Sorghums, bulk	Domestic and export: Storable: A. Redemption of feed grain program certificates: Such CCC dispositions of storable sorghums as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a Feed Grain Program. Redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain sorghums that will be made available for redemption. CCC also reserves the right to restrict the availability of grain sorghums at any location whenever such action is deemed necessary. For information on the availability of such grain sorghums from bin sites, contact ASCS State or county offices. For information on the availability of such grain sorghums from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. B. General sales:[1] Market prices in store,[1] but not less than 105 percent of the applicable 1962 support price [2] for the class, grade, and quality of the grain sorghums plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
Hundredweight	*Cents* 15	*Cents* 4	Kansas City	No. 2 or better	$2.44

Grain sorghums

Available: For information on the availability of such grain sorghums from bin sites, contact ASCS State or county offices. For information on the availability of such grain sorghums from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis and Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the grain ASCS commodity offices listed on page 19.
Export announcement sales: Under Announcement GR-368 (Revised Aug. 31, 1959) as amended for feed grain export payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. CCC stocks of grain sorghums held in California export terminals are the only grain sorghums stored in California available for sale under these export announcements, except that such sorghums shall not be eligible for application to Title I, P.L. 480 purchase authorizations or for barter. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is the adjusted support price referred to in subparagraph B above.
Available: Evanston, Dallas, Kansas City, Minneapolis and Portland ASCS Commodity Offices.

Soybeans, bulk (as available)

Domestic or export: Market price basis in store but not less than the 1961 basic loan rate for No. 2 grade, basis point of production plus 16¼ cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above price.
Available: Evanston, Minneapolis, Kansas City, Dallas ASCS Commodity Offices.

See footnotes at end of table.

Commodity	Sales price or method of sale
Dry edible beans (bagged) (as available).	Domestic: Domestic market price but not less than the following minimum price per cwt. for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in-freight to be added as applicable. For other grades, adjust by market differentials. In other areas, adjust by the 1962 price support differential.

Class	Price per cwt.	Area of production
Red kidney	$9.07	Michigan, New York.
Great northern	7.47	Nebraska.
Small red	7.54	Washington.
Pinto	6.70	Eastern Colorado.
Pea	7.39	Michigan.

Export:
Under Announcement GR-409 the following prices per cwt. for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in-freight to be added as applicable.[3] In other areas, adjust by the 1962 price support differential.

Class	Price per hundredweight	Area of production
Red Kidney	$8.52	Michigan, New York.
Great Northern	6.99	Nebraska.
Small Red	7.15	Washington.
Pinto	6.37	Eastern Colorado.
Pea	7.03	Michigan.

Available: Great Northern beans available at Kansas City and Portland ASCS Commodity Offices. Pinto beans available at Kansas City, Dallas, Portland, and Minneapolis ASCS Commodity Offices. Pea beans and Red Kidney available at Evanston ASCS Commodity Office. Small Red beans available at Portland ASCS Commodity Office.

Rice, rough (as available)

Domestic, unrestricted use: Market price but not less than 105 percent of the applicable 1962 support price, plus 16 cents per cwt. basis in store.
Export:
As milled or brown rice under Announcement GR-369 (Revision 1, Feb. 1, 1961) Rice Export Program—Payment-in-Kind, and under GR-379 (Revision 1, May 1, 1961), for approved credit sales.
Prices, quantities, and varieties of rough rice available from Dallas ASCS Commodity Office.

Peanuts, unshelled (farmers' stock) (as available).

Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (Revised Jan. 4, 1962), as amended.

Gum turpentine

Domestic, unrestricted use:
Competitive offers for unrestricted use, bulk in storage tanks, subject to Announcement TB-21-61 and supplements thereto.
Available through Naval Stores Branch, Tobacco Division, ASCS U.S. Department of Agriculture.

[1] On bin site sales such delivery basis shall be f.o.b. buyer's conveyance at the bin site.
[2] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight for grain stored outside the area of production. Such support price shall include the loan bulletin premium for applicable sedimentation value, if the wheat is sold on a sedimentation basis. If it is not sold on a sedimentation basis such support price shall be increased by market premiums for applicable protein content.
[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight for grain stored outside the area of production.
[4] Such dispositions shall be for domestic unrestricted use or for export.
[5] To compute, multiply applicable support prices by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.
[6] Except that small Red beans will be available on a competitive bid basis but not less than the listed price.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on September 6, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-9063; Filed, Sept. 10, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[CI62–1544 etc.]

AMERADA PETROLEUM CORP. ET AL.

Order Severing and Consolidating Proceedings

AUGUST 30, 1962.

Amerada Petroleum Corporation, et al., Docket No. CI62–1544; American Petrofina Company of Texas, Docket No. CI61–1418; Busmore Oil & Gas Company, Docket No. CI61–1641; Cherosage Enterprises Inc., et al., Docket No. CI62–1459; Clark Fuel Producing Company (Operator), et al., Docket No. CI61–1279; Coates, George H., Docket No. CI62–355; Cotton, W. L. (Operator), et al., Docket No. CI61–1572; Cox, Edwin L., Docket No. CI62–621; Dunlap Oil Corporation, Docket No. CI62–954; Gulf Oil Corporation, Docket No. CI62–607; Hamon, Jake L. (Operator), et al., Docket No. CI61–922; Hamon, Jake L., Docket No. CI61–1745; Hudson, W. H., Docket No. CI62–1074; Humble Oil & Refining Company, Docket No. CI62–704; Hunt, Lamar, Docket No. CI61–730; Katz Oil Company (Operator), et al., Docket No. CI61–627; McWood Corporation, Docket No. CI62–839; McWood Corporation, Docket No. CI62–703; Miller & Fox (Operator), et al., Docket No. CI62–624; Monsanto Chemical Company, Docket No. CI61–876; MPS Production Company (Operator), et al., Docket No. CI62–726; MPS Production Company (Operator), et al., Docket No. CI62–738; Skelly Oil Company, Docket No. CI63–73; Spencer, Emory M., et al., Docket No. CI61–1451; Standard Oil Company of Texas (Division of California Oil Company), Docket No. CI61–1377; Standard Oil Company of Texas (Division of California Oil Company), Docket No. CI62–1140; Sun Oil Company, Docket No. CI61–657; Sun Oil Company, Docket No. CI61–754; Sun Oil Company, Docket No. CI61–755; Sun Oil Company, Docket No. CI61–1101; Sun Oil Company, Docket No. CI61–1584; Sun Oil Company, Docket No. CI62–276; Sun Oil Company, Docket No. CI61–956; Sunray Mid-Continent Oil Company, Docket No. CI61–1103; Texaco Inc., Docket No. CI61–961; Texaco Inc., Docket No. CI61–1757; Tex-Star Oil & Gas Corporation, et al., Docket No. CI62–729; Union Producing Company, Docket No. CI62–639.

At page 14 of our Opinion No. 362, Skelly Oil Company, et al., Docket Nos. G–18638, et al.—FPC—issued on August 30, 1962, we noted that four contracts [1] at issue in those proceedings were entered into after September 28, 1960, at prices above 15 cents and at or below the 18-cent per Mcf price established as the guideline price for Texas Railroad District No. 4 in our Statement of General Policy No. 61–1. We conditioned the certificates granted to the producers in those proceedings who entered into contracts prior to September 28, 1960, so as to provide for a 15-cent per Mcf in-line price. In the above-mentioned Opinion we also took note of the fact that at least 21 other temporary certificates (and one permanent certificate) have been issued without price condition for sales in Texas Railroad District No. 4 under contracts negotiated subsequent to the issuance of the Policy Statement at prices between 15 cents and 18 cents per Mcf. In the Opinion we noted that it would not be in the public interest to issue permanent certificates requiring the four producers referred to in footnote 1 to accept 15 cents per Mcf because they happened to be consolidated with the proceedings on the applications of Skelly Oil Company, et al., Docket Nos. G–18638, et al. (Skelly) while we permitted others who also had contracted subsequent to the Policy Statement to continue collecting higher prices.

In Skelly we indicated that we are adopting a new ceiling price of 16 cents applicable to all future sales in Texas Railroad District No. 4. We are cognizant of the fact that there were numerous temporary certificates issued for sales in Texas Railroad District No. 4 which are covered by contracts executed between the date of issuance of the Statement of General Policy No. 61–1 and the date of issuance of the amendatory statement changing the area ceiling for this District which we adopted simultaneously with the issuance of Opinion No. 362.

In light of the fact that the holders of these temporary certificates are continuing to collect prices that may exceed those at which they should be permanently certificated, it seems only proper that a hearing be convened for the purpose of determining whether permanent certificates should be issued to those producers.

There are pending before the Commission certain applications for certificates for the sale of natural gas from Texas Railroad District No. 4 by producers who have not requested the issuance of temporary certificates. It seems proper that these applications should be consolidated for hearing with the aforesaid applications in which temporary certificates have been granted.

In such a hearing all of the applicants will have an opportunity to show whether the appropriate price at which they should be permanently certificated should be limited to the 15 cents per Mcf price which we found to be the in-line price as of September 28, 1960, the 16 cents per Mcf price which is being adopted as the future area ceiling price for this area, or the 18 cents per Mcf price established on September 28, 1960.

The proceedings upon the applications of the four producer applicants holding temporary certificates for sales in which the contracts were executed subsequent to the effective date of our Statement of General Policy No. 61–1 should therefore be severed from the Skelly proceedings.

The other producer applicants listed herein produce and sell or proposed to produce and sell natural gas in interstate commerce for transportation and resale as indicated below:

Docket No.; Purchaser; Field and County; and Initial Price Per Mcf

CI62–1544; Natural Gas Pipeline; Los Mogotes, Zapata; 18.0.
CI61–1418; Tennessee Gas; Donna, Hidalgo; 17.24347.
CI61–1641; Ben Bolt Gathering; Alice, Jim Wells; 16.0.
CI62–1459; Natural Gas Pipeline; Hebbronville Area, Jim Hogg; 18.0.
CI61–1279; Tennessee Gas; El Puerto, Starr; 17.24.
CI62–355; S. Texas Gathering; N. E. Thompsonville, Jim Hogg; 18.0.
CI61–1572; S. Texas Gathering; Nicholson, Webb; 16.0.
CI62–621; S. Texas Gathering; Yeary, Kleberg; 17.0.
CI62–954; Tennessee Gas; Seeligson, Jim Wells; 17.24347.
CI62–607; Natural Gas Pipeline; Escobas (et al.), Zapata (et al.); 18.0.
CI61–922; S. Texas Gathering; Thompsonville, Jim Hogg; 18.0.
CI61–1745; S. Texas Gathering; N. E. Thompsonville, Jim Hogg; 18.0.
CI62–1074; Tennessee Gas; Lopeno, N. E.; Zapata; 16.5.
CI62–704; Tennessee Gas; N. E. Loma Novia, Duval; 17.24347.
CI61–730; S. Texas Gathering; May, Kleberg; 16.50.
CI61–627; S. Texas Gathering; Vela, Zapata; 17.0.
CI61–839; Tennessee Gas; Potrero Lopeno, Kennedy; 17.24347.
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CI62–624; Ben Bolt Gathering; Alice, Jim Wells; 16.0.
CI61–876; Tennessee Gas; El Ebanito Area, Starr; 17.24347.
CI62–726; S. Texas Gathering; Shepherd, Hidalgo; 16.0.
CI62–738; S. Texas Gathering; Shepherd, Hidalgo; 16.0.
CI63–73; Natural Gas Pipeline; Los Mogotes Area, Zapata; 18.0.
CI61–1451; Natural Gas Pipeline; Fulton Beach, Aransas; 18.0.
CI61–1377; S. Texas Gathering; N. E. Thompsonville, Jim Hogg; 19.795.
CI62–1140; Natural Gas Pipeline; Sejita, Duval; 18.0.
CI61–657; Tennessee Gas; Seeligson, Jim Wells; 17.24347.
CI61–754; Tennessee Gas; Hidalgo, Hidalgo; 17.24347.
CI61–755; Tennessee Gas; Shepherd, Hidalgo; 17.24347.
CI61–1101; Tennessee Gas; Donna, Hidalgo; 17.24347.
CI61–1584; Tennessee Gas; El Puerto, Starr; 17.24.
CI62–276; S. Texas Gathering; Jamieson Unit, Hidalgo; 16.0.
CI61–1103; Tennessee Gas; Seeligson, Jim Wells; 17.24347.
CI61–1757; Ben Bolt Gathering; Palito Blanco, Jim Wells; 15.944.
CI62–729; Tennessee Gas; Tabasco, Hidalgo; 17.24347.
CI62–639; Natural Gas Pipeline; Jennings Area, Zapata (et al.); 18.0.
CI61–956; S. Texas Gathering; Yeary & Riviera Beach, Kleberg; 17.0.
CI61–961; S. Texas Gathering; Riviera Beach, Kleberg; 16.4965.

The Commission finds:

(1) The public convenience and necessity require that hearings on all of these related matters be held in consolidated proceedings.

(2) The public convenience and necessity require that the proceedings upon the applications of producers referred to in footnote 1 hereof be severed from the proceedings entitled Skelly Oil Company, et al., Docket Nos. G–18638, et al., and be consolidated for the purpose of hearings with the proceedings upon the applications of the other applicants listed in the caption of this order.

The Commission orders:

(A) The proceedings upon the applications referred to in footnote 1 hereof are hereby severed from the proceedings in Skelly Oil Company, et al., Docket Nos. G–18638, et al., and are consolidated for purpose of hearing with the proceedings upon the applications of the other applicants listed in the caption of this order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure a hearing will be held on October 29, 1962, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented in the proceedings hereby consolidated for purposes of hearing.

(C) Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 27, 1962.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-9053; Filed, Sept. 10, 1962; 8:49 a.m.]

[1] These contracts are those of the following producers:

	Date	Initial price (cents)	Docket No.
Katz Oil Company, Operator	10–17–60	17	CI61–627
Jake L. Hamon	11–21–60	18	CI61–922
Sun Oil Company	12–1–60	17	CI61–956
Texaco Inc.	12–1–60	16.4965	CI61–961

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4063]

ALLIED NEW HAMPSHIRE GAS CO.

Notice of Filing of Application Regarding Proposal To Issue and Sell Bonds and Notes

SEPTEMBER 5, 1962.

Notice is hereby given that Allied New Hampshire Gas Company ("New Hampshire"), P.O. Box 236, Portsmouth, New Hampshire, a gas utility subsidiary company of Colonial Utilities Corporation, a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and has specified section 6(b) of the Act and Rule 50(a)(4) promulgated thereunder as applicable to the transactions described below.

All interested persons are referred to the application on file at the office of the Commission for a full statement of the proposed transactions, which are summarized as follows:

New Hampshire proposes to issue and sell to Monarch Life Insurance Company $400,000 principal amount of 5⅝ percent First Mortgage Bonds maturing in 1982. The bonds will be issued under and pursuant to the terms of an Indenture dated July 1, 1944, in which Schroder Trust Company is designated Trustee, as heretofore supplemented, and as further supplemented by a Supplemental Indenture dated July 1, 1962. The price, the principal amount plus accrued interest from July 1, 1962, to be received by the company for the bonds and the interest rate were determined by negotiation following contact with four insurance companies and the submission of proposals by two of these companies.

New Hampshire also proposes to issue and sell to The Lincoln National Life Insurance Company an unsecured, 20-year, promissory note in the face amount of $225,000, bearing interest at 6½ percent per annum, payable semiannually. The note is prepayable from time to time, upon 30-days written notice, in whole or in part in multiples of $1,000, upon payment of accrued interest on the prepayment plus a premium of 10 percent during 1963, decreasing at the rate of 1 percent per year through 1967, and thereafter at the rate of 0.4 percent per year. The note will be issued under and pursuant to an agreement, dated as of July 1, 1962, between the company and the insurance company. The price, the face amount, to be received by the company for the note and the interest rate were determined after negotiations with The Lincoln National Life Insurance Company and Massachusetts Mutual Life Insurance Company.

The net proceeds from the sale of the bonds and note will be used to pay at maturity, October 1, 1962, an outstanding long-term bank note in the amount of $56,000; to retire the company's outstanding 2,000 shares of $100 par value, Series A, 6½ percent preferred stock, including the premium thereon in the sum of $12,000; to pay all then outstanding short-term bank notes which, at May 31, 1962, aggregated $30,000 face amount; to reimburse the treasury for expenditures for the purchase and construction of additional utility assets; and for other corporate purposes.

The application states that the fees and expenses to be incurred in connection with the issue and sale of the bonds and note are estimated at $14,750, including legal fees of $6,500, accountant's fees of $1,000, and $6,000 to Duff & Phelps for financial advice and assistance in negotiating the sale of the securities.

It is further stated that the Public Utilities Commission of the State of New Hampshire, the State commission of the State in which New Hampshire is organized and transacts its business, has jurisdiction over the creation, issue and sale of the bonds and note; and a copy of that commission's order, dated June 29, 1962, authorizing the issue and sale of the securities is supplied as an exhibit to the application.

Notice is further given that any interested person may request in writing, on or before September 20, 1962, that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request and the issues of fact or law he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served upon applicant personally or by mail (air mail if the person being served resides more than 500 miles from the point of mailing), and proof of service thereof (by affidavit or, if by an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, the Commission may grant the application as filed or as it may be amended, as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided by Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9051; Filed, Sept. 10, 1962; 8:48 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 27 — NUMBER 176

Washington, Tuesday, September 11, 1962

Vessel Inspection Regulations; Miscellaneous Amendments

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 62–17]

VESSEL INSPECTION REGULATIONS

Miscellaneous Amendments and Editorial Changes

The Merchant Marine Council held a public hearing on March 12, 1962, for the purpose of receiving comments, views and data with respect to miscellaneous vessel inspection proposals. The notice of proposed rule making was published in the FEDERAL REGISTER on January 23, 1962 (27 F.R. 657–665). The Merchant Marine Council Public Hearing Agenda (CG–249), dated March 12, 1962, sets forth the proposed regulations in detail and copies thereof were furnished to all who indicated an interest in the subjects set forth therein.

This document is the sixth of a series regarding the regulations and actions considered at the March 12, 1962, Public Hearing and Annual Session of the Merchant Marine Council. This document contains the final actions taken with respect to the following proposals:

ITEM III—VESSEL OPERATIONS AND INSPECTIONS

Prevention of oil pollution (CG–249, pages 115–119).
Inspection of foreign vessels of unusual design or construction (CG–249, pages 126–129).
Vessel plan approval; ventilation and hull opening closures (CG–249, pages 130–139).
Drydocking or hauling out vessels; authorizing administrative extensions of time (CG–249, page 140).

ITEM IV—LIFESAVING AND FIRE PROTECTION

Specification for unicellular plastic ring lifebuoy (CG–249, pages 161–164).
Specifications for distress signals and ahoulder gun type line-throwing appliance (CG–249, pages 165–169).
Fire protection equipment (CG–249, pages 170–173).
Portable fire extinguishers (specification only) (partial) (CG–249, pages 179–180).

ITEM V—TANK VESSELS

Fire retardant construction (CG–249, pages 183–189).
Pumproom ventilation (CG–249, pages 190–193).

ITEM VI—MARINE ENGINEERING

Materials—Maximum allowable stresses, unfired pressure vessels, valves, fittings, welding and stress relieving (CG–249, pages 198–225).
Pressure vessels, dished heads, malleable iron, piping, bilge pumps and valves (CG–249, pages 226–230).
Use of flexible hose (CG–249, pages 231–233).
Unfired pressure vessels; shop inspections and inspections on vessels (CG–249, pages 236–239).
Boiler mountings and attachments (CG–249, pages 240–241).

Those proposals in Item III regarding "Vessel operations and inspections," as revised, are approved with respect to prevention of oil pollution. The proposals designated 46 CFR 32.50–17 and 55.10–35(g) were not adopted and in lieu thereof regulations designated 46 CFR 35.01–40, 78.85–1 and 97.75–1 regarding prevention of oil pollution as operating requirements were added. In line with comments received, changes were made in the proposals designated 46 CFR 55.07–25(u), 55.10–25(n), 93.13–1 to 93.13–10, inclusive, and 167.20–35. With respect to the proposals regarding inspection of foreign vessels of unusual design or construction, the comments received were rejected and the proposals adopted. The procedures regarding inspection in 46 CFR Part 2 were revised to bring them up to date with present practices. In line with several comments received, changes were made in 46 CFR 72.10–25(a), 78.45–1, and 91.55–5(d) regarding vessel plan approval, ventilation and hull opening closures. In line with comments received, changes were made in 46 CFR 31.10–20(a), 71.50–1(a), 91.40–1(a), and 176.15–1(a) regarding authorizing administrative extensions of time with respect to drydocking or hauling out vessels.

Those proposals in Item IV regarding "Lifesaving and fire protection," as revised, are approved. In line with comments received, 46 CFR 160.050–2 and 160.050–3 were revised with respect to dimensions and materials for unicellular plastic ring lifebuoy. In line with comments received concerning cotton or flax line now provided with the line-throwing appliance, changes were made in 46 CFR 160.031–4(b) and clarification included in 46 CFR 33.55–10(b), 75.45–15(b)(3), and 94.45–15(b)(3). The comments were not accepted with respect to the proposals regarding fire protection equipment, which are approved without change. The proposals regarding inspection standards for a portable fire extinguisher are still being studied and these changes will be published at a later date. With respect to specific requirements for materials in 46 CFR 162.028–3 the text was revised to reflect changes based on certain comments which were accepted. The proposal to discontinue the requirement for a safety relief on foam type extinguishers in 46 CFR 162.028–3(i) was accepted and this change was also included in amendments to 46 CFR 76.50–15(c), 95.50–15(c), and 167.45–70(a).

Those proposals in Item V regarding "Tank vessels," as revised, are approved. With respect to fire retardant construction, 46 CFR 32.57–10(d)(6) and 32.57–10(e) were revised. With respect to pumproom ventilation, changes were made in the headnote for 46 CFR 32.60–20 and in text of § 32.60–20(c)(3) in line with comments received. The proposals concerning freeboard for tankers above 600 feet in length were adopted without change and published in a separate document.

The proposals in Item VI regarding "Marine Engineering," as revised, are adopted. In line with comments received, changes were made in 46 CFR 51.01–10(b), 51.04–1, 51.13–1, 51.24–1, 51.25–1, 51.34–1, 51.46–1, 51.49–1, 51.58–1, 51.90–1, 52.05–10, 54.03–1(c), 55.07–15, and 56.01–70(h) regarding material specifications, maximum allowable stresses, unfired pressure vessels, valves, fittings, welding and stress relieving.

Changes were made in 46 CFR 55.07–1(e), 55.07–10(c), and 55.10–25(d)(3) in line with comments received regarding pressure vessels, dished heads, malleable iron, piping, bilge pumps and valves.

The proposals regarding use of flexible hose are adopted without change. The proposals regarding boiler mountings and attachments are adopted without change and comments received were rejected. As a result of comments received, the proposals regarding vent opening closures were rejected and no change will be made in the regulations.

The regulations in these parts are being reviewed to bring them up to date pending the contemplated issuance of a revision, as of January 1, 1963, of the Code of Federal Regulations volumes containing Parts 1 to 145 and 146 to 149, respectively, of Chapter I of Title 46. As necessary, certain editorial changes may be made without prior publication in the FEDERAL REGISTER of each individual change so that these regulations will be in agreement with style requirements as set forth in the latest edition of the Style Manual, published by the United States Government Printing Office, which will be followed with respect to the spelling of words, compounding of words, punctuation, and abbreviations. While Webster's New International Dictionary is the general guide with respect to spelling, it may not always be followed with respect to compounding of words. As a general rule when it is necessary to assure proper emphasis, the two-word form will be used rather than one-word, as examples: fog bell, load lines, motor lifeboat, open end, sea anchor, side lights, tank vessels, water main, wire rope, and wrought iron. The following words where used may have been written either as one or two words and will be normally written as one word as set forth in the Style Manual:

alongside	lifefloat
backlash	lifejacket
boatowner	lifeline
boilerplate	liferaft
boilerroom	lifering
bowsprit	lifesaving
bridgehouse	lifevest
bulkhead	logbook
canalboat	longshoreman
centerboard	loudspeaker
centerline	motorboat
drainpipe	nameplate
drydock	oarlock
firebell	offshore
fireboat	oilproof
firefighting	oiltight
firehose	overage
firehouse	overall
fireline	paintroom
fireproof	panelboard
fireroom	percent
flashpoint	pilothouse
flashproof	porthole
floorboard	powerboat
floorline	pumproom
floorplate	radarman
foghorn	radarscope
freeboard	railguard
gasline	raintight
gastight	rowboat
guardrail	rowlock
guideline	rudderpost
handhold	rudderstock
handline	rustproof
handrail	safeguard
handtight	seaman
hatchway	seaworthy
hawsepipe	searchlight
helmsman	shipboard
houseboat	shipbuilder
lifeboat	shipload
lifeboatman	shipwreck
splashproof	vaportight
subpena	voltammeter
steampipe	voltohmmeter
steamship	watchman
steamtight	watercraft
stempost	waterline
sternpost	waterproof
tankship	watertight
towboat	weatherproof
towline	weathertight
tugboat	wheelhouse

The amendments to 46 CFR Parts 2 to 181, inclusive, which were not described in the FEDERAL REGISTER of January 23, 1962 (27 F.R. 657–665), are considered to be interpretations of law, procedures, or editorial changes, and it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule-making, public rule-making procedure thereon, and effective date requirements thereon) is unnecessary with respect to such changes.

By the authority invested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–9, dated August 3, 1954 (19 F.R. 5195), 167–14 dated November 26, 1954 (19 F.R. 8026), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), 167–38, dated October 26, 1959 (24 F.R. 8857), and 167–46, dated November 6, 1961 (26 F.R. 10609), the following actions are ordered:

1. The vessel inspection regulations shall be amended in accordance with the changes in this document.

2. Unless specifically specified otherwise, the regulations in this document shall become effective on and after the 90th day following the date of publication of this document in the FEDERAL REGISTER.

3. Regulations containing specific effective dates shall become effective on and after such dates.

4. The regulations in this document may be complied with on and after the date of publication of this document in the FEDERAL REGISTER in lieu of existing requirements. However, the new or revised requirements in this document shall be met by no later than the effective dates specified herein.

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

PART 2—VESSEL INSPECTIONS

1. The authority for Part 2 is amended to read as follows:

AUTHORITY: §§ 2.01–1 to 2.95–10 issued under R.S. 4405, as amended, 4462, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret sec. 3, 60 Stat. 238, 5 U.S.C. 1002. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521. Additional authority cited with sections affected.

Subpart 2.01—Inspecting and Certificating of Vessels

2. Immediately following heading for Subpart 2.01 insert the following authority note:

AUTHORITY: §§ 2.01–1 to 2.01–80 issued under R.S. 4421, as amended, 4453, as amended; 46 U.S.C. 399, 435; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 167–14, November 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857.

3. Section 2.01–1 is amended by adding at the end thereof a new paragraph (d) reading as follows:

§ 2.01–1 Application for inspections.

* * * * * *

(d) *Foreign-built vessels.* (1) Those foreign-built vessels which are specifically authorized by public or private laws to engage in the coastwise trade, and those foreign-built vessels which are documented to engage in the foreign trade shall be inspected and certificated as required by law and/or the regulations in this chapter which are applicable to their class and employment.

(2) Under certain circumstances as described in law (see 46 U.S.C. 11, 13, 289, 292, 316, 808, 883, or other laws), certain foreign-built vessels are not permitted to engage in the United States coastwise trade (domestic trade) unless specifically authorized by law. Therefore, when foreign-built vessels are intended for use in the coastwise trade as defined by the Bureau of Customs, such vessels will not be inspected and certificated unless specifically authorized by law to engage in the coastwise trade.

4. Subpart 2.01 is amended by inserting after § 2.01–5 a new § 2.01–7 reading as follows:

§ 2.01–7 Classes of vessels (including motorboats) examined or inspected and certificated.

(a) The regulations in this chapter concerning inspecting and certificating vessels are applicable to vessels (including motorboats) as indicated in the following Table 2.01–7(a):

TABLE 2.01–7(a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [3] [4] [5] or Subchapter T—Small Passenger Vessels [3] [4] [6]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [3] [5]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [3] [5]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[4]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. On and after May 2, 1962, this expression "means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline."

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U.S.C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

TABLE 2.01–7(a)—Continued

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [3] [4] [5] or Subchapter T—Small Passenger Vessels [3] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [3] [4]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [3] [4]
Column 1	Column 2	Column 4	Column 4	Column 5	Column 6
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessles carrying combustible or inflammable liquid cargo in bulk.[6]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3 All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.

See footnotes on preceding page.

(b) The specific application of regulations concerning inspecting and certificating vessels is set forth in the specific subchapter governing a particular class of vessels.

(1) For passenger vessels see Part 70 of Subchapter H (Passenger Vessels) of this chapter.

(2) For cargo and miscellaneous vessels see Part 90 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(3) For tank vessels see Part 30 of Subchapter D (Tank Vessels) of this chapter.

(4) For small passenger vessels see Part 175 of Subchapter T (Small Passenger Vessels) of this chapter.

(5) For uninspected vessels see Part 24 of Subchapter C (Uninspected Vessels) of this chapter.

5. The headnote for § 2.01–10 is amended to read as follows: "§ 2.01–10 *Inspection requirements—domestic vessels.*"

6. Subpart 2.01 is amended by inserting after § 2.01–10 a new § 2.01–13 reading as follows:

§ 2.01–13 Inspection requirements—foreign vessels.

(a) Foreign vessels registered in countries which are parties to the effective International Convention for Safety of Life at Sea are normally subject to the examination provided for in Chapter I of that Convention. However, in the case of any vessel involving novel features of design or construction, upon which that Convention is silent or which involve potential unusual operating risks, a more extensive inspection may be required when considered necessary to safeguard the life or property in United States' ports where such vessel may enter. In such a case, pertinent plans and/or calculations may be required to be submitted sufficiently in advance to permit evaluation before inspection.

(b) Foreign vessels registered in countries which are not parties to the effective International Convention for Safety of Life at Sea, or foreign vessels registered in countries which are parties to the effective Convention but which vessels are exempted from part or all of the Convention, may under conditions specified in applicable inspection laws be subject to inspection and certification as specified in regulations governing specific categories of vessels.

(c) For details concerning application of regulations to foreign vessels, see Part 30 in Subchapter D (Tank Vessels), Part 70 in Subchapter H (Passenger Vessels), Part 90 in Subchapter I (Cargo and Miscellaneous Vessels), § 146.02–2 in Subchapter N (Dangerous Cargoes), and Part 175 in Subchapter T (Small Passenger Vessels) of this chapter.

(R.S. 4400, as amended, 4417a, as amended, 4472, as amended, sec. 26, 41 Stat. 998, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 362, 391a, 170, 882, 390b; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–20, June 18, 1956, 21 F.R. 4894)

7. Section 2.01–15(a) is amended to read as follows:

§ 2.01–15 Vessel repairs.

(a) The procedures to be followed in notifying the Coast Guard about vessel repairs varies according to the type of vessel and service in which engaged. Additional requirements for repairs of certain equipment and installations are in Subchapters E (Load Lines), F (Marine Engineering), and/or J (Electrical Engineering) of this chapter. The requirements by types of vessels are as follows:

(1) Tank vessels—Parts 31 and 35 of Subchapter D (Tank Vessels) of this chapter.

(2) Passenger vessels—Part 71 of Subchapter H (Passenger Vessels) of this chapter.

(3) Cargo and miscellaneous vessels—Part 91 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(4) Small passenger vessels—Part 176 of Subchapter T (Small Passenger Vessels) of this chapter.

(5) Public nautical school ships—Subpart 167.30 of Subchapter R (Nautical Schools) of this chapter.

8. Section 2.01–20 is amended by designating the present text (a) and by adding a new paragraph (b) so this section now reads as follows:

§ 2.01–20 Revocation of certificates of inspection.

(a) Under the authority of 46 U.S.C. 391, 391a, or 435 the certificates of inspection referred to in § 2.01–5 may be revoked if the vessel is found at a reinspection not to comply with the terms of the vessel's certificate of inspection.

(b) Under the authority of 46 U.S.C. 390c(c) the certificates of inspection referred to in § 2.01–5 for a small passenger vessel may be revoked or suspended if such a vessel is found not to comply with the terms of the vessel's certificate of inspection when carrying more than 6 passengers.

9. Section 2.01–25 is amended by revising subparagraphs (a)(2) and (b)(3) to read as follows:

§ 2.01–25 International Convention for the Safety of Life at Sea, 1948.

(a) *Certificates required.* • • •

(2) The United States Coast Guard will issue the safety certificate for passenger vessels and the safety equipment certificate for cargo ships (including tank ships), and when necessary an exemption certificate.

(b) *Applications.* • • •

(3) The application for the inspection of a vessel other than a passenger vessel concerning the issuance of a safety radiotelegraphy certificate or a safety radiotelephony certificate is made by letter to the local office of the Federal Communications Commission.

10. Section 2.01–50 is canceled and the following three sections are inserted in lieu thereof.

§ 2.01–40 Passengers or persons in addition to crew on cargo or tank vessels.

(a) Under authority of 46 U.S.C. 882 a cargo vessel or a tank vessel documented under the laws of the United States and subject to inspection under applicable regulations in Subchapter D (Tank Vessels) or Subchapter I (Cargo and Miscellaneous Vessels) of this chapter may be allowed by its certificate of inspection to carry not to exceed 16 persons in addition to the crew: *Provided,* That such vessel subject to the applicable provisions of the effective International Convention for Safety of Life at Sea may carry not to exceed 12 persons in addition to the crew.

(b) The application for permission to carry persons in addition to the crew may be included in the application described in § 2.01–1. If granted it is endorsed on the certificate of inspection.

(R.S. 4421, as amended, 4453, as amended; 46 U.S.C. 399, 435; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

§ 2.01–45 Excursion permit.

(a) Under authority of 46 U.S.C. 453 a passenger vessel may be permitted to engage in excursions and carry additional numbers of passengers. For details see Part 71 of Subchapter H (Passenger Vessels) of this chapter.

(b) The application for an excursion permit is made by the master, owner, or agent of the vessel to the Officer in Charge, Marine Inspection, on Coast Guard Form CG–950, Application for Excursion Permit. If, after inspection, permission is granted, it is given on Coast Guard Form CG–949, Permission to Carry Excursion Party. The permit describes the vessel, the route over which and the period during which the excursions may be made, and the safety equipment required for the additional persons indicated.

(R.S. 4421, as amended, 4453, as amended; 46 U.S.C. 399, 435; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

§ 2.01–50 Persons other than crew on towing, oyster, or fishing steam vessels.

(a) Under authority of 46 U.S.C. 458 a steam vessel engaged in towing, oyster dredging and planting, and fishing may be permitted to carry persons in addition to its crew.

(b) The application for a permit to carry such persons may be included in the application described in § 2.01–1. If granted it is endorsed on the certificate of inspection.

(R.S. 4421, as amended, 4453, as amended; 46 U.S.C. 399, 435; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

• • • • •

11. The following authority note is inserted after § 2.01–70(c):

§ 2.01–70 Appeals.

(R.S. 4417, as amended, 4453, as amended, 4463, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, sec. 8, 75 Stat. 403; 46 U.S.C. 391, 435, 222, 367, 390b, 50 U.S.C. 198, 33 U.S.C. 1007; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 167–14, November 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–46, November 6, 1961, 26 F.R. 10609)

Subpart 2.30—Numbering of Undocumented Vessels

12. Subpart 2.30, consisting of §§ 2.30–1 to 2.30–30, inclusive, is canceled. These procedures are now obsolete and no longer in effect.

Subpart 2.75—Approvals of Safety Equipment, Materials and Installations, and Qualifications for Construction Personnel

13. The title for Subpart 2.75 is amended by deleting the comma from between the words "safety" and "equipment" so that it reads as set forth above.

14. The authority note following the heading for Subpart 2.75 is amended to read as follows:

AUTHORITY: §§ 2.75–1 to 2.75–50 interpret or apply R.S. 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 4(e), 67 Stat. 462, sec. 2, 68 Stat. 675, sec. 8, 75 Stat. 403; 46 U.S.C. 481, 489, 367, 526p, 1333, 390b, 43 U.S.C. 1333(e), 50 U.S.C. 198, 33 U.S.C. 1007. Treasury Department Orders 167–14, November 26, 1954, 19 F.R. 8026; 167–15, January 3, 1955, 20 F.R. 840; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857; 167–46, November 6, 1961, 26 F.R. 10609.

15. Section 2.75–60 is amended to read as follows:

§ 2.75–60 Certification of ship's stores and supplies.

(a) Ship's stores and supplies of a dangerous nature, as defined in §§ 147.02–1 and 147.02–2 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter, shall not be used on board vessels, domestic or foreign, on the navigable waters of the United States, including its territories and possessions (see 33 CFR Part 2), unless they have been certified for such use by the Coast Guard.

(b) The procedure for obtaining certification of ship's stores and supplies are in §§ 147.03–1 to 147.03–10, inclusive, of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(c) The ship's stores and supplies of a dangerous nature which do not require a certification are described in §§ 147.03–1 and 147.03–11 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(R.S. 4472, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 170, 50 U.S.C. 198. Treasury Department Order 167–14, November 26, 1954, 19 F.R. 8026)

16. The following authority note is inserted after paragraph (a) of § 2.75–70 *Welders:*

(R.S. 4417, as amended, 4417a, as amended, 4418, as amended, 4429 as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 391a, 392, 407, 367, 1333, 390b, 50 U.S.C. 198. Treasury Department Orders 167–14, November 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659)

Subpart 2.85—Load Lines

17. Section 2.85–1 is amended to read as follows:

§ 2.85–1 Assignment of load lines.

(a) Vessels listed in 46 U.S.C. 85, 88, and 88a are required by those laws to have load lines assigned.

(b) The procedures for the assignment of load lines, the issuance of Load Line Certificates, the annual inspections required, the causes for cancellation of certificates, and the forms of those certificates are contained in Parts 43–45 of Subchapter E (Load Lines) of this chapter.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

SUBCHAPTER C—UNINSPECTED VESSELS

PART 24—GENERAL PROVISIONS

Subpart 24.05—Application

Section 24.05–1(a) is amended by revising Table 24.05–1(a) to read as follows:

§ 24.05–1 Vessels subject to the requirements of this subchapter.

(a) • • •

TABLE 24.05–1(a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]: Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [3] [4] or Subchapter T—Small Passenger Vessels [2] [3] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2] [4]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [3] [5]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	1. All vessels carrying more than 12 passengers on an international voyage; except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. On and after May 2, 1962, this expression "means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline."

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U.S.C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

(R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p)

PART 25—REQUIREMENTS

Subpart 25.30—Fire Extinguishing Equipment

Section 25.30–10 is amended by adding a new paragraph (f) reading as follows:

§ 25.30–10 Hand portable fire extinguishers and semiportable fire extinguishing systems.

• • • • • •

(f) Hand portable or semiportable extinguishers which are required on their name plates to be protected from freezing shall not be located where freezing temperatures may be expected.

(R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p)

SUBCHAPTER D—TANK VESSELS

PART 30—GENERAL PROVISIONS

Subpart 30.01—Administration

Section 30.01–5 is amended by revising Table 30.01–5(d) in paragraph (d) (but not the written text), by revising paragraph (e) and by adding a new paragraph (f), reading as follows:

§ 30.01–5 Application of regulations—TB/ALL.

• • • • • •

(d) • • •

TABLE 30.01–5(d)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]: Vessels inspected and certificated under Subchapter D—Tank Vessels [1]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [3] [4] or Subchapter T—Small Passenger Vessels [2] [3] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2] [4]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [3] [5]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. On and after May 2, 1962, this expression "means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline."

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U.S.C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

TABLE 30.01–5(d)—Continued

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [3] [4] or Subchapter T—Small Passenger Vessels [2] [3] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2] [3]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [3]
Column 1	Column 2	Column 4	Column 4	Column 5	Column 6
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.

See footnotes on preceding page.

(e) This subchapter shall be applicable to all foreign flag vessels carrying combustible or inflammable liquid cargo in bulk while in the navigable waters over which the United States has jurisdiction, except that:

(1) A vessel of a foreign nation signatory to the International Convention on Safety Of Life At Sea, 1948, which has on board a current valid Safety Equipment Certificate; or a vessel of a foreign nation having inspection laws approximating those of the United States, together with reciprocal inspection arrangements with the United States and which has on board a current valid Certificate of Inspection issued by its government under such arrangements; in either case, shall be subject only to the requirements of § 35.01–1 of Subpart 35.01, and the safety and cargo handling requirements in Subparts 35.30 and 35.35.

(f) Notwithstanding the exceptions previously noted in paragraph (e) of this section, foreign vessels of novel design or construction, whose operation involves potential unusual risks, shall be subject to inspection to the extent necessary to safeguard life and property in United States ports, as further provided by § 2.01–13 of Subchapter A (Procedures applicable to the Public) of this chapter.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 31—INSPECTION AND CERTIFICATION

Subpart 31.10—Inspections

Section 31.10–20(a) is amended to read as follows:

§ 31.10–20 Drydocking or hauling out—TB/ALL.

(a) Except for extensions as authorized by the Commandant, each steel hull tank vessel shall be placed in a drydock or on a slipway or hauled out for examination within the periods set forth in this paragraph, depending upon the service.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply R.S. 4488, as amended, sec. 3, 68 Stat. 675, 46 U.S.C. 481, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR 1952 Supp.)

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

1. Part 32 is amended by adding after § 32.55–45 a new Subpart 32.57 entitled "Structural fire protection for tank vessels contracted for on or after January 1, 1963," consisting of §§ 32.57–1 to 32.57–10, inclusive, reading as follows:

Subpart 32.57—Structural Fire Protection for Tank Vessels Contracted for on or After January 1, 1963

Sec.
32.57–1 Application—TB/ALL.
32.57–5 Definitions—TB/ALL.
32.57–10 Construction—TB/ALL.

AUTHORITY: §§ 32.57–1 to 32.57–10 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

§ 32.57–1 Application—TB/ALL.

(a) The provisions of this subpart shall apply to all tank vessels contracted for on or after January 1, 1963.

§ 32.57–5 Definitions—TB/ALL.

(a) *Standard fire test.* A "standard fire test" is one which develops in the test furnace a series of time temperature relationships as follows:

5 minutes—1,000° F.
10 minutes—1,300° F.
30 minutes—1,550° F.
60 minutes—1,700° F.

(b) *"A" Class divisions.* Bulkheads or decks of the "A" Class shall be composed of steel or equivalent metal construction, suitably stiffened and made intact with the main structure of the vessel; such as shell, structural bulkheads, and decks. They shall be so constructed, that if subjected to the standard fire test, they would be capable of preventing the passage of flame and smoke for one hour.

(c) *"B" Class bulkheads.* Bulkheads of the "B" Class shall be constructed with approved incombustible materials and made intact from deck to deck and to shell or other boundaries. They shall be so constructed that, if subjected to the standard fire test, they would be capable of preventing the passage of flame and smoke for one half hour.

(d) *"C" Class divisions.* Bulkheads or decks of the "C" Class shall be constructed of approved incombustible materials, but need meet no requirements relative to the passage of flame.

(e) *Steel.* Where the term "steel or other equivalent metal" is used in this subpart, it is intended to require a material which, by itself or due to insulation provided, has structural and integrity qualities equivalent to steel at the end of the applicable fire exposure.

(f) *Approved material.* Where in this subpart approved materials are required, they refer to materials approved under the applicable subparts of Subchapter Q (Specifications) of this chapter, as follows:

Deck Coverings	164.006
Structural Insulation	164.007
Bulkhead Panels	164.008
Incombustible Materials	164.009
Interior Finish	164.012

§ 32.57–10 Construction—TB/ALL.

(a) The hull, superstructure, structural bulkheads, decks, and deckhouses shall be constructed of steel. Alternately, the Commandant may permit the use of other suitable material in special cases, having in mind the risk of fire.

(b) Bulkheads of galleys, paint and lamp lockers, and emergency generator rooms shall be of "A" Class construction.

(c) The boundary bulkheads and decks separating the accommodations and control stations from cargo, and machinery spaces and from galleys, main pantries and storerooms other than small service lockers shall be of "A" Class Construction.

(d) Within the accommodation and service areas (i.e., Galleys, main pantries and storerooms other than small service lockers) the following conditions shall apply:

(1) Corridor bulkheads in accommodation areas shall be of "A" or "B" Class intact from deck to deck. Stateroom doors in such bulkheads may have a louver in the lower half.

(2) Elevator, dumbwaiter, and other trunks shall be of "A" Class construction.

(3) Bulkheads not already specified to be of "A" or "B" Class construction may be of "A", "B", or "C" Class Construction.

(4) The integrity of any deck in way of a stairway opening shall be maintained by means of "A" or "B" Class bulkheads and doors at one level. The doors shall be of the self closing type. Such doors shall be fitted with a suitable kickout panel in the lower half. Holdback hooks, or other means of permanently holding the door open will not be permitted. However, magnetic holdbacks operated from the bridge or from other suitable remote control positions are acceptable.

(5) Interior stairs, including stringers and treads shall be of steel or other suitable material having in mind the risk of fire. This is not intended to preclude the use of other material for nosing, walking surfaces, etc., over the steel.

(6) Except for washrooms and toilet spaces, deck coverings within accommodation spaces shall be of an approved type. However, overlays for leveling or finishing purposes which do not meet the requirements for an approved deck covering may be used in thicknesses not exceeding 3/8 of an inch.

(7) Ceilings, linings, and insulation, including pipe and duct laggins, shall be of approved incombustible material.

(8) Any sheathing, furring or holding pieces incidental to the securing of any bulkhead, ceiling, lining, or insulation shall be of approved incombustible materials.

(9) Combustible veneers, trim, decorations, etc. shall not be used in corridors or hidden spaces. This is not intended to preclude the use of paint or an approved interior finish.

(e) Wood hatch covers may be used between cargo spaces or between stores spaces. Hatch covers in other locations shall be of steel or equivalent metal construction. Tonnage openings shall be closed by means of steel plates or equivalent metal construction.

(f) Nitrocellulose or other highly inflammable or noxious fume-producing paints or lacquers shall not be used.

Subpart 32.60—Hull Requirements for Tank Vessels Contracted for on or After July 1, 1951

2. Section 32.60–1 is amended to read as follows:

§ 32.60–1 Scantlings, material, and workmanship—TB/ALL.

(a) All tank vessels, the construction or conversion of which is started on or after July 1, 1951, shall conform to the requirements in this subpart in construction of hulls. The hull and deckhouses shall be of steel or iron construction except that the pilothouse and decks over quarters may be constructed of wood. Scantlings, material, and workmanship, subdivision of cargo spaces, fitting of cofferdams, and testing of tanks shall be at least equivalent to the requirements of the American Bureau of Shipping or other recognized classification society.

(b) See Subpart 32.57 for structural fire protection requirements for tank vessels contracted for on or after January 1, 1963.

3. Section 32.60–20 is amended to read as follows:

§ 32.60–20 Pumprooms on tank vessels carrying Grade A, B, C, D and/or E liquid cargo—TB/ALL.

(a) *Cargo pumps.* Cargo pumps shall be isolated from sources of vapor ignition by gastight bulkheads. A gastight bulkhead between the pumproom and the pump engine room may be pierced for drive shaft and pump engine control rods provided such openings are fitted with stuffing boxes or other approved gland arrangement. A steam driven pump shall not be considered a source of vapor ignition provided the steam temperature does not exceed 500° F.

(b) *Ventilation for pumprooms on tank vessels the construction or conversion of which is started between July 1, 1951, and January 1, 1963.* (1) Pumprooms of all tank vessels, the construction or conversion of which is started between July 1, 1951, and January 1, 1963, shall be ventilated in such a way as to remove vapors from points near the floor level or bilges. Pumprooms on tank ships handling Grade A, B, or C liquid cargo, with machinery located below the freeboard deck, shall be equipped with power ventilation. Pumprooms equipped with power ventilation shall have the ventilation outlets terminate more than six feet from any opening to the interior part of the vessel which normally contains sources of vapor ignition.

(2) For all tank vessels, the construction or conversion of which is started between October 1, 1959, and January 1, 1963, the power ventilation shall not produce a source of vapor ignition in either the pumproom or the ventilation systems associated with the pumproom. The capacity of power ventilation units shall be sufficient to effect a complete change of air in not more than 3 minutes, based upon the volume of the pumproom and associated trunks up to the deck at which access from the weather is provided.

(c) *Ventilation for pumprooms on tank vessels the construction or conversion of which is started on or after January 1, 1963.* (1) For all tank vessels, the construction or conversion of which is started on or after January 1, 1963, the cargo pumprooms shall be fitted in accordance with paragraphs (a) and (d) of this section. Cargo pumprooms on these vessels shall be ventilated in such a way as to remove vapors from points near the floor level or bilges. Cargo pumprooms on tank vessels handling Grade A, B, or C liquid cargo, shall be equipped with power ventilation of the exhaust type having capacity sufficient to effect a complete change of air in not more than 3 minutes based upon the volume of the pumproom and associated trunks up to the deck at which access from the weather is provided.

(2) The power ventilation units shall not produce a source of vapor ignition in either the pumproom or the ventilation systems associated with the pumproom. Inlets to exhaust ducts shall be provided and located near the floor level at points where concentrations of vapors may be expected. Ventilation from the weather deck shall be provided. Power supply ventilation may be fitted in lieu of natural ventilation, but when fitted shall be arranged to avoid turbulence in the cargo pumproom. Cargo pumprooms equipped with power ventilation shall have the ventilation outlets terminate more than six feet from any opening to the interior part of the vessel which normally contains sources of vapor ignition, and shall be so located as to minimize the possibility of recirculating contaminated air through the pumproom.

(3) Cargo pumprooms handling Grade D and/or E liquid cargo only shall be fitted with at least two ducts extended to the weather deck, one of which shall be extended to a point near the floor level. This does not preclude installation of power ventilation, if desired.

(d) *Access.* The access to a cargo pumproom shall be from the open deck.

4. Section 32.60–25 is amended to read as follows:

§ 32.60–25 Living quarters—TB/ALL.

(a) For living quarters the partitions and sheathing shall be of an approved fire resistive construction. The specification for incombustible materials is in Subchapter Q (Specifications) of this chapter.

(b) See Subpart 32.57 for structural fire protection for tank vessels contracted for on or after January 1, 1963.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 33—LIFESAVING APPLIANCES

Subpart 33.15—Equipment for Lifeboats, Liferafts, or Buoyant Apparatus

1. Section 33.15–10(j) is amended to read as follows:

§ 33.15–10 Description of equipment for lifeboats—TB/ALL.

* * * * *

(j) *Flashlight.* The flashlight shall be of an approved Type I, Size No. 3, constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter. Three spare cells (or one 3-cell battery) and two spare bulbs shall be provided with each flashlight. Batteries shall be replaced yearly during the annual stripping, cleaning, and overhaul of the lifeboat.

2. Section 33.15–90(b) is canceled. (This paragraph has served its purpose and is now out of date.)

Subpart 33.55—Line-Throwing Appliances

3. Section 33.55–10(b) is amended to read as follows:

§ 33.55–10 Equipment for line-throwing appliances—T/OC.

• • • • •

(b) *Shoulder gun type.* Ten (10) service projectiles, 4 service lines (each not less than 400 feet in length of ⅜-inch circumference flax or cotton and having not less than 250 pounds breaking strength, or each not less than 600 feet in length of 1/16-inch or more diameter woven or braided nylon, very flexible, having a breaking strength not less than 140 pounds, or equivalent, to be kept in faking boxes or reels), 25 cartridges, 1 cleaning rod with brush, 1 can of oil, 12 wiping patches and 1 set of instructions, all in a suitable case or box with the gun, with an auxiliary line (500 feet of 3-inch circumference manila) accessible for use.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended, 4488, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 391a, 416, 481, 526p)

PART 35—OPERATIONS

Subpart 35.01—Special Operating Requirements

1. Subpart 35.01 is amended by adding after § 35.01–35 a new § 35.01–40 reading as follows:

§ 35.01–40 Prevention of oil pollution—TB/ALL.

(a) All tank vessels shall be so operated as to meet the requirements of the Oil Pollution Act, 1924 (33 U.S.C. 431–437). In addition, all tank ships shall be so operated as to avoid discharging any oil, oily ballast, or tank washings which may foul the surface of the sea, within any of the prohibited zones set forth in the Oil Pollution Act, 1961 (33 U.S.C. 1001–1015).

Subpart 35.07—Logbook Entries

1a. Section 35.07–10 is amended by adding new subparagraphs (b)(9) and (c)(3) reading as follows:

§ 35.07–10 Actions required to be logged—TB/ALL.

(b) *Entries—T/ALL.* • • •

(9) Cargo gear inspections: At least once a month. See § 31.37–70 of this subchapter.

(c) *Entries—B/ALL.* • • •

(3) Cargo gear inspections: At least once a month. See § 31.37–70 of this subchapter.

Subpart 35.30—General Safety Rules

2. Subpart 35.30 is amended by adding after § 35.30–40 a new § 35.30–45 reading as follows:

§ 35.30–45 Motion picture film—TB/ALL.

(a) Only acetate or slow-burning film may be used. Nitrocellulose film is specifically prohibited.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

SUBCHAPTER F—MARINE ENGINEERING

PART 51—MATERIALS

Subpart 51.01—General

1. Section 51.01–10(b) is amended to read as follows:

§ 51.01–10 General classification of materials.

• • • • •

(b) Except as may be otherwise required, the classification of materials under classes A and B and the subparts of this part in which they are specified, are as follows:

CLASS A

Subparts
- 51.04 Marine boiler steel plate.
- 51.07 Staybolt and rivet steel.
- 51.10 Steel bars and shapes.
- 51.13 Staybolt and rivet iron.

CLASS B

- 51.22 Flange and firebox steel plates.
- 51.23 Corrosion resisting steel, plate, and strip for unfired pressure vessels.
- 51.24 Materials for low temperature service.
- 51.25 Carbon and alloy-steel wrought iron tubes.
- 51.34 Carbon and alloy-steel wrought iron pipe.
- 51.46 Steel forgings.
- 51.49 Carbon and alloy-steel bolting and nut material.
- 51.58 Steel castings.
- 51.61 Iron castings.
- 51.67 Copper and copper-alloy plate.
- 51.70 Seamless copper and copper-alloy pipe.
- 51.73 Seamless copper and copper-alloy tubes.
- 51.76 Copper-alloy castings.
- 51.79 Aluminum-alloy plate.
- 51.90 Rigid poly (vinyl chloride) (PVC) materials.

2. Section 51.01–30(b) is amended to read as follows:

§ 51.01–30 Tension tests.

• • • • •

(b) The test specimens and procedures employed for the mechanical testing of steel products covered by the specifications listed in this part shall be in conformance with A.S.T.M. A370–60T, except as otherwise provided for in this subchapter.

Subpart 51.04—Marine Boiler Steel Plate

3. Section 51.04–1(a) is amended by revising table 51.04–1 to read as follows:

§ 51.04–1 Scope.

(a) • • •

TABLE 51.04–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
A201–61T	A and B	A and B.
A212–61T	A and B	A and B.
A204–61	A, B, and C	A, B, and C.
A202–56	A	A.
A203–61	A, B, D, E	A, B, D, E.
A225–56	A and B	A and B.
A299–56	A	A.
A302–56	A and B	A and B.
A353–58	A and B	A and B.
A357–58		A.
A387–61T	A, B, C, D, E	A, B, C, D, E.

4. Subparts 51.13, 51.22, 51.25, and 51.34, containing §§ 51.13–1, 51.22–1, 51.24–1, 51.25–1, and 51.34–1, respectively, are canceled, and the following inserted in lieu thereof:

Subpart 51.13—Staybolt and Rivet Iron

§ 51.13–1 Scope.

(a) The material specifications covering wrought iron bars for stays and staybolts and wrought iron rivets subject to Class A inspection shall comply with the following standard specifications issued by the American Society for Testing Materials:

TABLE 51.13–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
A84–60T	Staybolts	A
A152–60T	Rivets	B

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interprets or applies R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4488, as amended, 4491, as amended, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435; 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 51.22—Flange and Firebox Steel Plates

§ 51.22–1 Scope.

(a) The material specifications covering carbon steel plate of flange and firebox quality, Class B, certified material, shall comply with the following standard specification issued by the American Society for Testing Materials:

TABLE 51.22–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
A285–57T	A (flange quality)	A
A285–57T	B (flange quality)	B
A285–57T	C (flange quality)	C
A285–57T	A (firebox quality)	A
A285–57T	B (firebox quality)	B
A285–57T	C (firebox quality)	C
A410–57		

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interprets or applies R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4488, as amended, 4491, as amended, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435; 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 51.23—Corrosion Resisting Steel Plate, Sheet and Strip for Unfired Pressure Vessels

§ 51.23–1 Scope.

(a) The material specifications for corrosion resisting steel plate, sheet, and strip, Class B, certified materials, shall comply with the following standard specifications issued by the American Society for Testing Materials:

TABLE 51.23–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
A240–61T	Type 302	Type 302.
A240–61T	Type 304	Type 304.
A240–61T	Type 304L	Type 304L.
A240–61T	Type 308S	Type 308S.
A240–61T	Type 310S	Type 310S.
A240–61T	Type 316	Type 316.
A240–61T	Type 316L	Type 316L.
A240–61T	Type 317	Type 317.
A240–61T	Type 321	Type 321.
A240–61T	Type 347	Type 347.
A240–61T	Type 348	Type 348.
A240–61T	Type 405	Type 405.
A240–61T	Type 410	Type 410.
A240–61T	Type 410S	Type 410S.
A240–61T	Type 430A	Type 430A.
A240–61T	Type 430B	Type 430B.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interprets or applies R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4488, as amended, 4491, as amended, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435; 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 51.24—Materials for Low Temperature Service

§ 51.24–1 Scope.

(a) The material specifications for materials for service at low temperatures shall comply with the following standard specifications of the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.24–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	Materials
A300–58	Steel plates for pressure vessels for service at low temperatures.
A333–61T	Seamless and welded steel pipe for low temperature service.
A334–61T	Seamless and welded steel tubes for low temperature service.
A350–61T	Forged or rolled carbon and alloy steel flanges, forged fittings, and valves and parts for low temperature service.
A352–60T	Ferritic steel castings for pressure containing parts suitable for low temperature service.

(b) Acceptance of materials listed in this subpart will be contingent upon the impact properties of the material tested at such temperatures and by such methods as may be required by the Commandant.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interprets or applies R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4488, as amended, 4491, as amended, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435; 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E. O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 51.25—Carbon and Alloy-Steel and Wrought Iron Tubes

§ 51.25–1 Scope.

(a) The material specifications covering steel and iron tubes, Class B, certified material, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.25–1(a)—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Carbon-steel and iron: A53–61T	A (low-carbon seamless steel).	T53–A
A178–61T	A (low-carbon electric-resistance welded steel).	T178–A
A178–61T	B (electric-resistance welded iron).	T178–B
A178–61T	C (medium-carbon electric resistance welded steel).	T178–C
A179–61T	Low-carbon seamless steel condenser tubes.	T179
A192–61T	Low-carbon seamless steel	T192
A210–61T	Medium-carbon seamless steel.	T210
A226–61T	Electric resistance welded steel.	T226
Alloy steel: A209–61T	T1	T1
A209–61T	T1a	T1a
A209–61T	T1b	T1b
A213–61T	T2	T2
A213–61T	T5	T5
A213–61T	T5b	T5b
A213–61T	T7	T7
A213–61T	T9	T9
A213–61T	T11	T11
A213–61T	T12	T12
A213–61T	T17	T17
A213–61T	T21	T21
A213–61T	T22	T22
A213–61T	TP304	T304
A213–61T	TP304L	T304L
A213–61T	TP310	T310
A213–61T	TP316	T316
A213–61T	TP316L	T316L
A213–61T	TP321	T321
A213–61T	TP321H	T321H
A213–61T	TP347	T347
A213–61T	TP348	T348
A250–61T	T1	T1
A250–61T	T1a	T1a
A250–61T	T1b	T1b
A423–61T		

(b) Grade T179 shall be permitted only for use as tube material in heat exchangers and tubing for hydraulic systems.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interprets or applies R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4488, as amended, 4491, as amended, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435; 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 51.34—Carbon and Alloy-Steel and Wrought Iron Pipe

§ 51.34–1 Scope.

(a) The material specifications covering steel and wrought iron pipe, Class B, certified material, shall comply with the following standard specifications issued by the American Society for Testing Materials:

TABLE 51.34–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Carbon-steel and iron: A53–61T	Lap-welded steel	P53–LW
A53–61T	Butt-welded steel	P53–BW
A53–61T	A (seamless steel)	P53–A
A53–61T	B (seamless steel)	P53–B
A53–61T	A (electric resistance welded steel).	P53–RW–A
A53–61T	B (electric resistance welded steel).	P53RW–B
A106–61T	A (seamless steel)	P106–A
A106–61T	B (seamless steel)	P106–B
A106–61T	C (seamless steel)	P106–C
A135–61T	A (electric resistance welded steel).	P135–A
A135–61T	B (electric resistance welded steel).	P135–B
A72–59T	Lap-welded wrought iron.	P72–LW
A72–59T	Butt-welded wrought iron.	P72–BW
Alloy steel: A312–61T	TP304	P304
A312–61T	TP304L	T304L
A312–61T	TP309	P309
A312–61T	TP310	P310
A312–61T	TP316	P316
A312–61T	TP316L	P316L
A312–61T	TP317	P317
A312–61T	TP321	P321
A312–61T	TP347	P347
A312–61T	TP348	P348
A335–61T	P1	P1
A335–61T	P2	P2
A335–61T	P5	P5
A335–61T	P5C	P5C
A335–61T	P7	P7
A335–61T	P9	P9
A335–61T	P11	P11
A335–61T	P12	P12
A335–61T	P15	P15
A335–61T	P21	P21
A335–61T	P22	P22

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interprets or applies R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4488, as amended, 4491, as amended, 29

Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435; 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 51.46—Steel Forgings

5. Section 51.46–1 is amended by revising table 51.46–1 to read as follows:

§ 51.46–1 Scope.

• • • • • •

TABLE 51.46–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Carbon-steel:		
A105–61T	I	F105–I
A105–61T	II	F105–II
A181–61T	I	F181–I
A181–61T	II	F181–II
Alloy-steel:		
A182–61T	F1	F1
A182–61T	F5	F5
A182–61T	F5a	F5a
A182–61T	F6	F6
A182–61T	F7	F7
A182–61T	F9	F9
A182–61T	F11	F11
A182–61T	F12	F12
A182–61T	F21	F21
A182–61T	F22	F22
A182–61T	F304	F304
A182–61T	F304L	F304L
A182–61T	F310	F310
A182–61T	F316	F316
A182–61T	F316L	F316L
A182–61T	F321	F321
A182–61T	F347	F347
A182–61T	F348	F348
A234–59T	WPA	WPA
A234–59T	WPB	WPB
A234–59T	WPC	WPC
A234–59T	WPI	WPI
A234–59T	WP12	WP12
A234–59T	WP11	WP11
A234–59T	WP22	WP22
A234–59T	WP5	WP5
A336–61T	F1	F1
A336–61T	F2	F2
A336–61T	F5	F5
A336–61T	F5a	F5a
A336–61T	F6	F6
A336–61T	F22	F22
A336–61T	F8	F8
A336–61T	F8M	F8M
A336–61T	F8C	F8C
A336–61T	F8T	F8T
A336–61T	F25	F25
A403–61T	WP304	WP304
A403–61T	WP304L	WP304L
A403–61T	WP309	WP309
A403–61T	WP310	WP310
A403–61T	WP347	WP347
A403–61T	WP316	WP316
A403–61T	WP316L	WP316L
A403–61T	WP317	WP317
A430–61T	WP321	WP321
A403–61T	WP348	WP348

Subpart 51.49—Carbon and Alloy-Steel Bolting and Nut Material

6. Section 51.49–1 is amended by revising table 51.49–1 to read as follows:

§ 51.49–1 Scope.

• • • • • •

TABLE 51.49–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Carbon-steel bolting:		
A307–61T	B	B
Alloy-steel bolting:		
A193–61T	B5 (5 Cr–0.50 Mo)	B5
A193–61T	B6 (12 Cr)	B6
A193–61T	B7 (1 Cr–0.20 Mo)	B7
A193–61T	B14 (1 Cr–0.35 Mo–0.25 Va)	B14
A193–61T	B16 1 Cr–0.55 Mo–0.30 Va)	B16
A193–61T	B8C (18 Cr–8 Ni+Co)	B8C
A193–61T	B8T (18 Cr–8 Ni+Ti)	B8T
Carbon and alloy steel nuts:		
A194–59T	1 (carbon-steel)	1
A194–59T	2 (carbon-steel)	2
A194–59T	2H (carbon-steel)	2H
A194–59T	3 (5 Cr–0.50 No–1W)	3
A194–59T	4 (0.15 Si–0.20 Mo)	4

Subpart 51.58—Steel Castings

7. Section 51.58–1(a) is amended by revising table 51.58–1 to read as follows:

§ 51.58–1 Scope.

(a) • • •

TABLE 51.58–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Carbon-steel:		
A216–60T	WCA	WCA
A216–60T	WCB	WCB
Alloy-steel:		
A217–60T	WC1 (C–Mo)	WC1
A217–60T	WC4 (1 Ni–0.65 Cr–0.50 Mo)	WC4
A217–60T	WC5 (0.80 Ni–0.70 Cr–1 Mo)	WC5
A217–60T	WC6 (1.25 Cr–0.50 Mo)	WC6
A217–60T	WC9 (2.25 Cr–1 Mo)	WC9
A217–60T	C5 (5 Cr–0.50 Mo)	C5
A217–60T	C12 (9 Cr–1 Mo)	C12
A351–61T	CA15	CA15
A351–61T	CF8	CF8
A351–61T	CF8M	CF8M
A351–61T	CF8C	CF8C
A351–61T	CH20	CH20
A351–61T	CK20	CK20

8. Part 51 is amended by inserting after § 51.79–1 a new subpart 51.90 entitled "Rigid poly (vinyl chloride) (PVC) materials," and § 51.90–1 reading as follows:

Subpart 51.90—Rigid Poly (Vinyl Chloride) (PVC) Materials

§ 51.90–1 Scope.

(a) The material specifications covering materials fabricated of rigid polyvinylchloride (PVC), Class B, certified materials, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.90–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
D1784–60T	Type I, Grade 1	
D1784–60T	Type I, Grade 2	
D1784–60T	Type II, Grade 1	
D1785–60T	Type I, Grade 1	
D1785–60T	Type I, Grade 2	
D1785–60T	Type II, Grade 1	

(b) PVC pipe that is to be used for potable water shall bear the seal of approval or NSF mark of the National Sanitation Foundation Testing Laboratory Incorporated, School of Public Health, University of Michigan, Ann Arbor, Michigan.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 52—CONSTRUCTION

Subpart 52.05—Cylindrical Shells

1. Section 52.05–10 is amended by revising table 52.05–10(a) to read as follows:

§ 52.05–10 Computations.

(a) • • •

TABLE 52.05–10(a)—MAXIMUM ALLOWABLE STRESSES [1] FOR FERROUS MATERIALS

[Boilers, Unfired Pressure Vessels, Boiler Tubes and Bolting]

Specification subpart	A.S.T.M. designation	Grade A.S.T.M.	Grade C.G.	Minimum tensile strength p.s.i.	Notes	For metal temperatures not exceeding °F.[3] 650	700	750	800	850	900	950	1,000	1,050	1,100	1,150	1,200
PLATE																	
Carbon steel:																	
51.04	A201	A	A	55,000		13,750	13,250	12,050	10,200								
51.04	A201	B	B	60,000		15,000	14,350	12,950	10,900								
51.04	A212	A	C	65,000		16,250	15,500	13,850	11,400								
51.04	A212	B	D	70,000		17,500	16,600	14,750	12,000								
51.22	A285	A	A	45,000		11,250											
51.22	A285	B	B	50,000		12,500											
51.22	A285	C	C	55,000		13,750											
Alloy steel:																	
51.04	A202	A	A	75,000		18,750	17,700	15,650	12,600								
51.04	A203	A, D	A, D	65,000		16,250	15,500	13,850	11,400								
51.04	A203	B, E	B, E	70,000		17,500	16,600	14,750	12,000								
51.04	A203	A	E	65,000	(5)	16,250	16,250	16,250	15,650	14,400	12,500						
51.04	A204	B	F	70,000	(5)	17,500	17,500	17,500	16,900	15,000	12,750						
51.04	A204	C	G	75,000	(5)	18,750	18,750	18,750	18,000	15,900	13,000						
51.04	A225	A	A	70,000		17,500	16,600	14,750	12,000								
51.04	A225	B	B	75,000		18,750	17,700	15,650	12,000								
51.04	A299		A	75,000		18,750	17,700	15,650	12,000								
51.04	A302	A	A	75,000	(5)	18,750	18,750	18,750	18,000	15,900	13,000						
51.04	A302	B	B	80,000	(5)	20,000	20,000	20,000	19,100	16,800	13,250						
51.04	A353	A and B	A and B	90,000		22,500											
51.04	A357		A	60,000		13,700	13,400	13,100	12,800	12,400	11,500	10,000	7,300	5,200			
51.04	A387	A	A	65,000	(5)	16,250	16,250	16,250	15,650	14,400	12,500	10,000					
51.04	A387	B	B	60,000	(5)	15,000	15,000	15,000	14,750	14,200	13,100	11,000	7,500	5,000			
51.04	A387	C,D	C,D	60,000	(5)	15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,800			
51.04	A387	E	E	60,000	(5)	15,000	14,800	14,500	13,900	13,200	12,000	9,000	7,000	5,500			
51.22	A410			60,000		15,000											
High alloy steel:																	
51.23	A240	302	302	75,000	(4 5)	11,200	10,800	10,400									
51.23	A240	304	304	75,000	(4 5)	11,200	10,800	10,400	10,000	9,700	9,400	9,100	8,800	8,500	7,500	5,750	4,500
51.23	A240	304L	304L	70,000	(5)	8,700	8,500	8,300	8,100								
51.23	A240	309S	309S	75,000	(4 5)	16,450	16,400	16,200	15,700	14,900	13,800	12,500	10,500	8,500	6,500	5,000	3,800
51.23	A240	310S	310S	75,000	(4 5)	16,900	16,600	16,250	15,700	14,900	13,800	12,500	11,000	7,100	5,000	3,600	2,500
51.23	A240	316	316	75,000	(4 5)	17,050	17,000	16,900	16,750	16,500	16,000	15,100	14,000	12,200	10,400	8,500	6,800
51.23	A240	316L	316L	70,000	(5)	9,800	9,450	9,100	8,800	8,500							
51.23	A240	317	317	75,000	(4 5)	17,050	17,000	16,900	16,750	16,500	16,000	15,100	14,000	12,200	10,400	8,500	6,800
51.23	A240	321	321	75,000	(4 5)	14,850	14,800	14,700	14,450	14,300	14,100	13,850	13,500	13,100	12,500	8,500	6,800
51.23	A240	347	347	75,000	(4 5)	14,850	14,800	14,700	14,450	14,300	14,100	13,850	13,500	13,100	12,500	8,500	6,800
51.23	A240	348	348	75,000	(4 5)	14,850	14,800	14,700	14,450	14,300	14,100	13,850	13,500	13,100	12,500	8,500	6,800
51.23	A240	405	405	60,000	(5)	13,000	12,450	11,800	11,000	10,100	9,100	8,000	4,000				
51.23	A240	410	410	65,000	(5)	13,700	13,400	13,100	12,750	12,100	11,000	8,800	6,400	4,400			
51.23	A240	410S	410S	60,000	(5)	12,700	12,500	12,250	11,950	11,600	11,000	8,800	6,400	4,400			
51.23	A240	430A	430A	65,000	(5)	13,250	12,900	12,500	12,050	11,500	10,800	9,200	6,500	4,500			
51.23	A240	430B	430B	65,000	(5)	13,250	12,900	12,500	12,050	11,500	10,800	9,200	6,500	4,500			

See footnotes at end of table.

See footnotes at end of table.

TABLE 52.05-10(a)—MAXIMUM ALLOWABLE STRESSES[1] FOR FERROUS MATERIALS—Continued

[Boilers, Unfired Pressure Vessels, Boiler Tubes and Bolting]

Specification subpart	A.S.T.M. designation	Grade A.S.T.M.	Grade C.G.	Minimum tensile strength p.s.i.	Notes	For metal temperatures not exceeding °F.[3] 650	700	750	800	850	900	950	1,000	1,050	1,100	1,150	1,200
PIPES AND TUBES																	
Seamless carbon steel:																	
51.25	A83	A	T83-A	(47,000)	(8)	11,750	11,450	10,550									
51.25	A192		T192	(47,000)	(8)	11,750	11,450	10,550	9,000								
51.25	A210		T210	60,000		15,000	14,350	12,950	10,800								
51.25	A179		T179	(47,000)	(8 7)	11,750	11,450	10,550									
51.34	A53	A	P53-A	48,000		12,000	11,650	10,700									
51.34	A53	B	P53-B	60,000		15,000	14,350	12,950									
51.34	A106	A	P106-A	48,000		12,000	11,650	10,700	9,000								
51.34	A106	B	P106-B	60,000		15,000	14,350	12,950	10,800								
51.34	A106	C	P106-C	70,000	(8)	17,500	16,600	14,750	12,000								
Seamless alloy steel:																	
51.25	A209	T1	T1	55,000	(8)	13,750	13,750	13,750	13,450	13,150	12,500						
51.25	A209	T1a	T1a	60,000	(8)	15,000	15,000	15,000	14,400	13,750	12,500						
51.25	A209	T1b	T1b	53,000	(8)	13,250	13,250	13,250	13,000	12,750	12,500						
51.25	A213	T2	T2	60,000		15,000	15,000	15,000	14,400	13,750	12,500	10,000	6,500				
51.25	A213	T5	T5	60,000	(10)		13,400	13,100	12,800	12,400	11,500	10,000	7,300	5,200			
51.25	A213	T5b	T5b	60,000	(8)	13,700	13,400	13,100	12,800	12,400	10,900	9,000	5,500	3,500			
51.25	A213	T7	T7	60,000	(3)	13,700	13,400	13,100	12,800	12,500	11,500	9,500	7,000	5,000	3,500		
51.25	A213	T9	T9	60,000	(3)	13,700	13,400	13,100	12,800	12,500	12,000	10,800	8,500	5,500			
51.25	A213	T11	T11	60,000		15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,500			
51.25	A213	T12	T12	60,000		15,000	15,000	15,000	14,750	14,200	13,100	11,000	7,500	5,000			
51.25	A213	T17	T17	60,000	(11)	15,000											
51.25	A213	T21	T21	60,000		15,000	14,800	14,500	13,900	13,200	12,000	9,000	7,000	5,500			
51.25	A213	T22	T22	60,000		15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,800			
51.25	A213	TP304	T304	75,000	(4 6)	11,200	10,800	10,400	10,000	9,700	9,400	9,100	8,800	8,500	7,500	5,750	4,500
51.25	A213	TP304L	T304L	70,000	(8)	8,750	8,500	8,300	8,100								
51.25	A213	TP310	T310	75,000	(8)	16,900	16,600	16,750	15,700	14,900	13,800	12,500	11,000	7,100	5,000	3,600	2,500
51.25	A213	TP316	T316	75,000	(4 6)	17,050	17,000	16,900	16,750	16,500	16,000	15,100	14,000	12,200	10,400	8,500	6,800
51.25	A213	TP316L	T316L	70,000	(8)	9,800	9,450	9,100	8,800	8,500							
51.25	A213	TP321	T321	75,000	(4 6)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500				
51.25	A213	TP321H	T321H	75,000	(4 6)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.25	A213	TP347	T347	75,000	(4 6)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.25	A213	TP348	T348	75,000	(4 6)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.25	A423			60,000		15,000											
51.34	A312	TP304	P304	75,000	(4 6)	11,200	10,800	10,400	10,000	9,700	9,400	9,100	8,800	8,500	7,500	5,750	4,500
51.34	A312	TP304L	P304L	70,000	(8)	8,750	8,500	8,300	8,100								
51.34	A312	TP309	P309	75,000	(4 6)	16,450	16,400	16,200	15,700	14,900	13,800	12,500	10,500	8,500	6,500	5,000	3,800
51.34	A312	TP310	P310	75,000	(4 6)	16,900	16,600	16,250	15,700	14,900	13,800	12,500	11,000	7,100	5,000	3,600	2,500
51.34	A312	TP316	P316	75,000	(4 6)	17,050	17,000	16,900	16,750	16,500	16,000	15,100	14,000	12,200	10,400	8,500	6,800
51.34	A312	TP316L	P316L	70,000	(8)	9,800	9,450	9,100	8,800	8,500							
51.34	A312	TP317	P317	75,000	(4 6)	17,050	17,000	16,900	16,750	16,500	16,000	15,100	14,000	12,200	10,400	8,500	6,800
51.34	A312	TP321	P321	75,000	(4 6)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.34	A312	TP347	P347	75,000	(4 6)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.34	A312	TP348	P348	75,000	(4 6)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.34	A335	P1	P1	55,000	(8)	13,750	13,750	13,750	13,750	13,450	13,150	12,500					
51.34	A335	P2	P2	55,000		13,750	13,750	13,750	13,450	13,150	12,500	10,000	6,250				
51.34	A335	P5	P5	60,000	(5)	13,700	13,400	13,100	12,800	12,400	11,500	10,000	7,300	5,200			
51.34	A335	P5c	P5c	60,000	(5)	13,700	13,400	13,100	12,800	12,400	11,500	10,000	7,300	4,800			
51.34	A335	P7	P7	60,000	(5)	13,700	13,400	13,100	12,800	12,500	11,500	9,500	7,000	5,000	3,500		
51.34	A335	P9	P9	60,000	(5)	13,700	13,400	13,100	12,800	12,500	12,000	10,800	8,500	5,500			
51.34	A335	P11	P11	60,000		15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,500			
51.34	A335	P12	P12	60,000		15,000	15,000	15,000	14,750	14,200	13,100	11,000	7,500	5,000			
51.34	A335	P15	P15	60,000		15,000	15,000	15,000	14,400	13,750	12,500	10,000	6,250				
51.34	A335	P21	P21	60,000		15,000	14,800	14,500	13,900	13,200	12,000	9,000	7,000	5,500			
51.34	A335	P22	P22	60,000		15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,800			
Electric-resistance-welded pipe:																	
51.25	A178	A	T178-A	(47,000	(8 12 13)	10,000	9,700	8,950									
51.25	A178	B	T178-B	(40,000	(8 12 13)	8,500	8,300	7,750									
51.25	A178	C	T178-C	60,000	(12 13)	12,750	12,200	11,000									
51.25	A226		T226	47,000	(8 12 13)	10,000	9,700	8,950	7,800								
51.25	A250	T1	T1-RW	55,000	(3 13)	11,700	11,700	11,700	11,450	11,200	10,650						
51.25	A250	T1a	T1a-RW	60,000	(3 13)	12,750	12,750	12,750	12,750	11,700	10,650						
51.25	A250	T1b	T1b-RW	53,000	(3 13)	11,250	11,250	11,250	11,050	10,850	10,650						
51.25	A423		T423-RW	60,000	(13)	12,750											
51.34	A53	A	P53-RW-A	48,000	(13)	10,200											
51.34	A53	B	P53-RW-B	60,000	(13)	12,750											
51.34	A135	A	P135-A	48,000	(13)	10,200											
51.34	A135	B	P135-B	60,000	(13)	12,750											
51.34	A312	TP304	P304-RW	75,000	(4 6 13)	9,500	9,200	8,850	8,500	8,250	8,000	7,750	7,500	7,200	6,400	4,900	3,800
51.34	A312	TP304L	P304L-RW	70,000	(4 13)	7,450	7,200	7,050	6,900								
51.34	A312	TP309	P309-RW	75,000	(4 13)	14,000	13,950	13,800	13,350	12,700	11,700	10,600	8,900	7,200	5,500	4,250	3,200
51.34	A312	TP310	P310-RW	75,000	(4 6 13)	14,400	14,400	14,100	13,800	13,350	12,700	11,700	10,600	9,350	6,000	4,250	2,950	2,100
51.34	A312	TP316	P316-RW	75,000	(4 6 13)	14,500	14,450	14,350	14,250	14,000	13,600	12,800	11,900	10,400	8,850	7,200	5,800
51.34	A312	TP316L	P316L-RW	70,000	(4 13)	8,350	8,050	7,750	7,500	7,200							
51.34	A312	TP317	P317-RW	75,000	(4 6 13)	14,500	14,450	14,350	14,250	14,000	13,600	12,800	11,900	10,400	8,850	7,200	5,800
51.34	A312	TP321	P321-RW	75,000	(4 6 13)	12,650	12,600	12,500	12,350	12,150	12,000	11,800	11,500	11,100	10,600	6,800	4,200
51.45	A312	TP347	P347-RW	75,000	(4 6 13)	12,650	12,600	12,500	12,350	12,150	12,000	11,800	11,500	11,100	10,600	6,800	4,200
51.45	A312	TP348	P348-RW	75,000	(4 6 13)	12,650	12,600	12,500	12,350	12,150	12,000	11,800	11,500	11,100	10,600	6,800	4,200

See footnotes at end of table.

TABLE 52.05-10(a)—MAXIMUM ALLOWABLE STRESSES[1] FOR FERROUS MATERIALS—Continued

[Boilers, Unfired Pressure Vessels, Boiler Tubes and Bolting]

Specification subpart	A.S.T.M. designation	Grade A.S.T.M.	Grade C.G.	Minimum tensile strength p.s.i.	Notes	For metal temperatures not exceeding °F.[3] 650	700	750	800	850	900	950	1,000	1,050	1,100	1,150	1,200
FORGINGS																	
Carbon steel:																	
51.46	A105	I	F105-I	60,000		15,000	14,350	12,950	10,800								
51.46	A105	II	F105-II	70,000		17,500	16,600	14,750	12,000								
51.46	A181	I	F181-I	60,000		15,000	14,350	12,950	10,800								
51.46	A181	II	F181-II	70,000		17,500	16,600	14,750	12,000								
Alloy steel:																	
51.46	A182	F1	F1	70,000	(8)	17,500	17,500	17,500	16,900	15,000	12,750						
51.46	A182	F5	F5	60,000	(16)		13,400	13,100	12,800	12,400	11,500	10,000	7,300	5,200			
51.46	A182	F5a	F5a	90,000	(8)	19,000	17,500	16,000	14,500	13,000	11,500	10,000	7,300	5,200			
51.46	A182	F6	F6-410	85,000	(8)	17,900	17,500	17,050	16,300	14,000	11,000	8,800	6,400	4,400			
51.46	A182	F7	F7	80,000	(8)	13,700	13,400	13,100	12,800	12,500	11,500	9,500	7,000	5,000	3,500		
51.46	A182	F9	F9	100,000	(8)	22,000	21,200	20,000	17,700	15,400	13,100	10,800	8,500	5,500			
51.46	A182	F11	F11	70,000	(8)	16,800	16,150	15,500	15,000	14,400	13,100	11,000	7,800	5,500			
51.46	A182	F12	F12	70,000	(16)	16,800	16,150	15,500	14,850	14,200	13,100	11,000	7,500	5,000			
51.46	A182	F21	F21	70,000	(8)	15,600	15,100	14,600	13,900	13,200	12,000	9,000	7,800	5,500			
51.46	A182	F22	F22	70,000		17,500	17,500	17,500	17,500	16,000	14,000	11,000	7,800	5,800			
51.46	A182	F304	F304	75,000	(4 6)	11,200	10,800	10,400	10,000	9,700	9,400	9,100	8,800	8,500	7,500	5,750	4,500
51.46	A182	F304L	F304L	65,000	(8)	8,750	8,500	8,300	8,100								
51.46	A182	F310	F310	95,000	(4 6)	16,900	16,600	16,250	15,700	14,900	13,800	12,500	11,000	7,100	5,000	3,600	2,500
51.46	A182	F316	F316	75,000	(4 6)	17,050	17,000	16,900	15,750	16,500	16,000	15,100	14,000	12,200	10,400	8,500	6,800
51.46	A182	F316L	F316L	65,000	(8)	9,800	9,450	9,100	8,800	8,500							
51.46	A182	F321	F321	75,000	(4 6)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.46	A182	F347	F347	75,000	(4 6)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.46	A182	F348	F348	75,000	(4 6)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.46	A336	F1	F1	70,000	(8)	17,500	17,500	17,500	16,900	15,000	12,750						
51.46	A336	F3	F2	70,000	(8 14)	16,800	16,150	15,500	14,850	14,200	13,100	11,000	7,500	5,000			
51.46	A336	F5	F5	60,000	(8 16)	13,700	13,400	13,100	12,800	12,400	11,500	10,000	7,300	5,200			
51.46	A336	F5a	F5a	90,000	(8 16)	17,300	16,500	15,500	14,500	13,000	11,500	10,000	7,300	5,200			
51.46	A336	F6	F6-410	75,000	(8)	15,700	15,400	15,100	14,650	14,000	11,000	8,800	6,400	4,400			
51.46	A336	F22	F22	70,000	(16)	17,500	17,500	17,500	17,500	16,000	14,000	11,000	7,800	5,800			
51.46	A336	F8	F8-304	75,000	(4 6)	11,200	10,800	10,400	10,000	9,700	9,400	9,100	8,800	8,500	7,500	5,750	4,500
51.46	A336	F8m	F8m-316	75,000	(4 6)	17,050	17,000	16,900	16,750	16,500	16,000	15,100	14,000	12,200	10,400	8,500	6,800
51.46	A336	F8c	F8c-347	75,000	(4 6)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.46	A336	F8t	F8t-321	75,000	(4 6)	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	12,500	8,000	5,000
51.46	A336	F25	F25-310	95,000	(4 6)	20,850	20,000	18,500	17,000	15,500	14,000	12,500	11,000	9,750	8,500	7,250	6,000
BOLTING																	
Carbon steel:																	
51.49	A307		B	55,000	(15)	7,000											
Alloy steel:																	
51.49	A193	B5	B5		(16)	20,000	20,000	20,000	20,000	17,250	13,750	10,300	7,300				
51.49	A193	B6	B6		(16)	20,000	18,400	16,700	14,300	11,800	8,400						
51.49	A193	B7	B7		(16)	20,000	20,000	20,000	20,000	18,750	16,650	14,250	11,000	6,250			
51.49	A193	B14	B14		(16)	20,000	20,000	20,000	20,000	18,750	16,650	14,250	11,000	6,250			
51.49	A193	B16	B16		(16)	20,000	20,000	20,000	20,000	18,750	16,650	14,250	11,000	6,250			
51.49	A193	B8C	B8C			11,850	11,800	11,750	11,650	11,450	11,300	11,100	10,800	10,500	10,000	8,000	5,000
51.49	A193	B8T	B8T			11,850	11,800	11,750	11,650	11,450	11,300	11,100	10,800	10,500	10,000	8,000	5,000
CASTINGS																	
Carbon steel:																	
51.58	A95		A	70,000	(17)	17,500	16,600	14,750	12,000								
51.58	A216	WCA	WCA	60,000	(17)	15,000	14,350	12,950	10,800								
51.58	A216	WCB	WCB	70,000	(17)	17,500	16,600	14,750	12,000								
Alloy steel:																	
51.58	A217	WC1	WC1	65,000	(3 17 18)	16,250	16,250	16,250	15,650	14,400	12,500						
51.58	A217	WC4	WC4	70,000	(17 18)	17,500	17,500	17,500	17,000	15,800	14,000						
51.58	A217	WC5	WC5	70,000	(17 18)	17,500	17,500	17,500	17,000	15,800	14,000	11,000	7,800	5,500			
51.58	A217	WC6	WC6	70,000	(17 18)	17,500	17,500	17,500	17,000	15,800	14,000	11,000	7,800				
51.58	A217	WC9	WC9	70,000	(17 18)	17,500	17,500	17,500	17,000	15,800	14,000	11,000	7,800	5,800			
51.58	A217	C5	C5	90,000	(17)	22,500	21,600	20,400	19,000	17,000	13,000	10,000	7,300				
51.58	A217	C12	C12	90,000	(17)	22,500	22,000	21,000	19,400	17,300	15,000	11,750	8,500				
51.58	A351	CA15	CA15	90,000	(17)	21,600	20,700	19,800	18,300	16,000	11,000	7,600	5,000	3,300	2,200	1,500	1,000
51.58	A351	CF8	CF8	70,000	(4 6 17)	11,500	11,300	11,100	10,900	10,650	10,400	10,100	9,850	9,600	7,800	5,700	4,500
51.58	A351	CF8M	CF8M	70,000	(4 6 17)	15,000	14,700	14,380	14,000	13,500	13,000	12,350	11,700	10,600	9,400	8,000	6,800
51.58	A351	CF8C	CF8C	70,000	(4 6 17)	11,900	11,700	11,600	11,400	11,350	11,200	11,100	11,000	10,900	10,800	8,000	5,000
51.58	A351	CH20	CH20	70,000	(4 6 17)	14,400	14,250	14,300	14,150	13,900	13,500	12,950	10,500	8,250	5,500	3,000	3,800
51.58	A351	CK20	CK20	65,000	(4 6 17)	14,400	14,250	14,300	14,150	13,900	13,500	12,500	11,000	9,750	8,500	7,250	6,000

[1] In general, the allowable "S" values in Table 52.05-10(a) except for welded pipe and tubing, and bolting, are based on one-fourth of the minimum of the specified tensile range of the material for temperatures of 650° and below; and on creep stress or stress-rupture for temperatures above 650° F.

[3] Intermediate values of "S" may be obtained by interpolation.

[4] Carbon-molybdenum alloy-steel plate, pipe, forging, and cast material shall be limited to a maximum temperature of 875° F.

[5] These stress values apply only when carbon content is 0.04 percent or higher.

[6] Higher values of maximum allowable stress for temperatures between 0° F. and 650° F. will be considered based on the proposed application.

[8] The minimum tensile strength employed not given in the specification; tensile strength value assumed.

[7] Permitted only for use as tube material in heat exchangers and tubing for hydraulic systems.

[9] This material limited to the construction of superheater, waterwall and economiser headers when used in boilers. Where welding fabrication is employed, a minimum preheat temperature of 300° F. shall be used.

[10] This material shall be limited to a temperature of 875° F. when used in the design of pressure vessels.

[11] Maximum allowable stress values for temperatures below 700° F. are as follows:

A.S.T.M. designation	Grade	For metal temperatures not exceeding °F. −20 to 400	500	600	650
A213	T5	15,000	14,800	14,000	13,700
A182	F12	17,800	17,800	17,800	16,800
A182	F5	22,800	21,600	20,100	18,600

[12] Maximum allowable stress values for temperatures exceeding 650° F. will be considered based on the proposed application.

[13] These stresses include weld joint efficiency of 0.85.

[14] When material conforming to this specification is used in boiler, waterwall, economiser, and superheater tubes that are fully enclosed within the boiler setting, and in heat exchanger tubes, the maximum allowable stress may be used without weld joint efficiency of 0.85.

[15] Welding or brazing not permitted on liquid quenched and tempered materials.

[16] This stress not permitted for temperatures exceeding 450° F.

[17] Between temperatures of −20° to 400° F., stress values equal to the lower of the following will be permitted; 20 percent of the minimum tensile strength or 25 percent of the minimum yield strength.

[18] To these stresses a quality factor as specified in § 52.05-12 shall be applied.

[19] These stresses apply to the normalized material only.

2. Section 52.05–15(a) is amended to read as follows:

§ 52.05–15 Seamless pipe shells.

(a) Shells may be seamless pipe or tubing with or without integral heads for boilers and unfired pressure vessels provided the material conforms to Subpart 51.25 or 51.34 of this subchapter, except that Grades T83, P53–A and P–53B shall not be used for boiler shells exceeding 18 inches in diameter.

Subpart 52.20—Dished Heads

3. Section 52.20–15(i) is amended to read as follows:

§ 52.20–15 Detailed requirements.

* * * * *

(i) (1) The maximum allowable pressure and the minimum thickness of an unstayed dished head of any form excluding hemispherical heads, without manhole or handholes with the pressure on the convex side shall be calculated by Formulas (1) and (2) of § 52.20–10, but only 60 percent of the maximum allowable pressure thus determined shall be allowed.

(2) The maximum allowable pressure and minimum thickness of an unstayed hemispherical head without manhole or handholes with the pressure on the convex side shall be calculated by Formulas (3) and (4) of § 52.20–10, but only 60 percent of the maximum allowable pressure thus determined shall be allowed.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4491, as amended, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 54—UNFIRED PRESSURE VESSELS

Subpart 54.01—General Requirements

1. The introductory text only of paragraph (b) is amended to read as follows:

§ 54.01–1 Scope.

* * * * *

(b) The following classes of unfired pressure vessels are not subject to plan approval or shop inspection by the Coast Guard and are exempt from the requirements of this part:

Subpart 54.03—Design and Construction

2. Section 54.03–1 is amended by revising paragraphs (b) and (c) to read as follows:

§ 54.03–1 Materials.

* * * * *

(b) Steel plate used for pressure parts of unfired pressure vessels may be of Class B material complying with the requirements of Subpart 51.04, 51.22, or 51.23 of this subchapter, except that unfired pressure vessels designed for pressures exceeding 700 pounds per square inch or temperatures exceeding 650 degrees F. shall be constructed of Class A steel plate meeting the requirements of Subpart 51.04 of this subchapter.

(c) (1) Arc- or gas-welded pressure vessels over one inch in thickness, when constructed of steel plate complying with Subpart 51.04 of this subchapter conforming to specifications A202, A203, A204, A212, A225, A299, A302, and A387, Grade A, B, or C, shall conform to the requirements for Class I welded pressure vessels.

(2) Where vessels are constructed of steel plate, conforming to specifications A202, A203, A204, A212, A225, A299, A302, and A387, Grade A, B, or C, which do not exceed one inch in thickness, the requirements for Class II welded pressure vessels shall apply and the vessels shall be stress-relieved as required by § 56.01–70(h) of this subchapter.

(3) Arc- or gas-welded pressure vessels, when constructed of steel plate conforming to specifications A357, A387, Grades D and E, and A410, shall conform to the requirements for Class I pressure vessels.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 55—PIPING SYSTEMS AND APPURTENANCES

Subpart 55.07—Detail Requirements

1. Section 55.07–1 is amended by revising the text of paragraph (b), but not Table 55.07–1(b), by changing the word "material" to "materials"; by revising subparagraphs (1) and (3) of paragraph (e); by revising subparagraph (h) (1); and by revising paragraph (i) to read as follows:

§ 55.07–1 Material.

* * * * *

(b) Pipe and flange materials are acceptable for the pressures and temperatures listed in Table 55.07–1(b).

* * * * *

(e) (1) Malleable iron castings conforming to the requirements of Subpart 51.61 of this subchapter for Grade A1 or A2 material, may be used in the construction of valves and fittings for pressures not exceeding 300 pounds per square inch and temperatures not exceeding 450 degrees F. Grade B malleable iron may be used for pressures not exceeding 150 pounds per square inch and temperatures not exceeding 450 degrees F. Cast iron conforming to the requirements of Subpart 51.61 may be used in the construction of valves and fittings for maximum saturated steam service pressure of 125 pounds per square inch. Cast iron conforming to the requirements of Subpart 51.61 may also be used in the construction of valves and fittings for maximum liquid and gas service pressures of 100 pounds per square inch at 340 degrees F. and 150 pounds per square inch at 150 degrees F. or less. Intermediate values may be obtained by interpolation. For exceptions to these limits see subparagraphs (2), (3), and (4) of this paragraph.

* * * * *

(3) Cast iron conforming to the requirements of Subpart 51.61 of this subchapter may be used in the construction of valves and fittings of special design for hydraulic systems. Prior to use of such valves and fittings for pressures exceeding 150 pounds per square inch, each design shall be subjected to a high shock test by a recognized testing laboratory as prescribed by the Commandant and shall show no fracture when subjected to the impact test.

* * * * *

(h) (1) Except as otherwise provided for in this paragraph, plastic pipe may be used for fresh and salt water supply to nonvital machinery and to all machinery fitted with a duplicate standby unit, and for other piping systems as may be authorized by the Commandant. Plastic pipe may be used in lines which lead through watertight decks or bulkheads provided a spool piece and shutoff valve constructed of an acceptable metallic material is fitted at the bulkhead. Such valves shall be operable from above the bulkhead deck. Plastic pipe shall not be used in any overboard discharge line outboard of the required overboard discharge valves.

* * * * *

(i) (1) Except as otherwise provided for in this paragraph, flexible hose and hose assemblies may be used for fresh and salt water supply to quarters, sanitary drains, cooling water supply to nonvital machinery and to all machinery fitted with a duplicate standby unit or duplicate piping system, and for other piping systems as may be authorized by the Commandant. Flexible hose may be used in lines which lead through watertight decks or bulkheads provided a spool piece and shutoff valve constructed of an acceptable metallic material are fitted at the bulkhead. Such valves shall be operable from above the bulkhead deck. Flexible hose shall not be installed outboard of the required overboard discharge valves.

(2) Nonmetallic flexible hose shall be fabricated with an inner tube and cover of synthetic rubber or other suitable material reinforced with wire braid. The material for the cover shall be fire-resistant. The inner tube shall be of seamless construction, uniform gage and shall be compatible with the substance carried therein.

(3) Piping systems using flexible hose shall be limited to a maximum pressure of 150 pounds per square inch except that short lengths of flexible hose may be installed in fuel and lubricating lines at or near machinery units and in pneumatic systems where flexibility is required. Unreinforced flexible hose may be used in water and pneumatic piping systems for pressures not exceeding 50 pounds per square inch. For flexible hose installed in hydraulic systems, see § 55.17–25.

(4) Flexible hose assemblies shall be designed for a bursting pressure of not less than 4 times the maximum allowable pressure.

2. Section 55.07–10 is amended by revising paragraph (c) and (e) to read as follows:

§ 55.07–10 Valves and fittings.

* * * * *

(c) Valves, flanges, fittings and appurtenances shall be designed for the maximum pressure to which they may be subjected, but in no case shall the design pressure be less than 50 pounds per square inch. When butterfly or wafer type resilient seated valves are used for shell connections, the valve bodies shall be designed for 150 pounds per square inch. Large fabricated ballast manifolds connecting lines exceeding eight inches nominal pipe size may be designed for a pressure of not less than 25 pounds per square inch.

* * * * *

(e) Valves, flanges, and fittings shall be marked in conformance with the requirements of MSS Standard SP–25–1960.[1]

3. Section 55.07–15(e) (1) is amended by revising table 55.07–15(e) (1) to read as follows:

§ 55.07–15 Joints and flange connections.

* * * * *

(e) (1) * * *

TABLE 55.07-15(e1)—STANDARDS FOR FLANGED, BUTT-WELDING, AND SOCKET-WELDING VALVES, FITTINGS, AND PIPE FLANGES

Type	Pressure rating	Standard	Notes
Cast iron	125	ASA B16.1–1960	(1)
Do	250	ASA B16b–1960	(2)
Bronze	150	ASA B16.24–1953	(3)
Do	300	ASA B16.24–1963	(3)
Steel	150	ASA B16.5–1961	(4)
Do	300	ASA B16.5–1961	(4)
Do	400	ASA B16.5–1961	(4)
Do	600	ASA B16.5–1961	(4)
Do	900	ASA B16.5–1961	(4)
Do	1,500	ASA B16.5–1961	(4)
Do	2,500	ASA B16.5–1961	(4)
Do		ASA B16.9–1958	(5)
Do		ASA B16.11–1946	(6)

[1] American Standard Cast Iron Pipe Flanges and Flanged Fittings, Class 125, published by the American Society of Mechanical Engineers, 29 West 39th St., New York 18, N.Y.

[2] American Standard Cast Iron Pipe Flanges and Flanged Fittings, Class 250, published by the American Society of Mechanical Engineers, 29 West 39th St., New York 18, N.Y.

[3] American Standard Brass or Bronze Flanges and Flanged Fittings, 150- and 300-lb., published by the American Society of Mechanical Engineers, 29 West 39th St., New York 18, N.Y.

[4] American Standard Steel Pipe Flanges and Flanged Fittings, published by the American Society of Mechanical Engineers, 29 West 39th St., New York 18, N.Y.

[5] American Standard Steel Butt-Welding Fittings, published by the American Society of Mechanical Engineers, 29 West 39th St., New York 18, N.Y.

[6] American Standard Steel-Socket Welding Fittings, published by the American Society of Mechanical Engineers, 29 West 39th St., New York 18, N.Y.

[1] The "Standard Marking System for Valves, Fittings, Flanges and Unions," is published by Manufacturers Standardization Society of the Valves and Fittings Industry, 420 Lexington Avenue, New York 17, N.Y.

4. Section 55.07–25 is amended by adding a new paragraph (u) at the end thereof reading as follows:

§ 55.07–25 Installation.

* * * * *

(u) Oil piping drains, strainers, and other equipment subject to normal oil leakage shall be fitted with drip pans or other means to prevent oil draining to the bilge.

Subpart 55.10—Pumping Arrangements and Piping Systems

5. Section 55.10–25 is amended by revising subparagraph (d) (3) and paragraph (n) to read as follows:

§ 55.10–25 Bilge and ballast piping.

* * * * *

(d) * * *

(3) For vessels of 150 gross tons and over, no main suction piping shall be less than 2½ inches internal diameter. Branch piping need not be more than 4 inches and shall not be less than 2 inches in diameter except for drainage of small pockets or spaces in which case 1½ inch diameter may be used. For vessels less than 150 gross tons no bilge suction shall be less than 1½ inches internal diameter and no branch piping shall be less than one inch nominal pipe size.

* * * * *

(n) Oily water separators, if installed as a means of meeting the requirements of § 74.15–10 of Subchapter H (Passenger Vessels), § 93.13–10 of Subchapter I (Cargo and Miscellaneous Vessels), or § 35.01–40 of Subchapter D (Tank Vessels) of this chapter, shall be of sufficient capacity to provide acceptable separation under the least favorable anticipated service conditions.

(Sec. 8, 75 Stat. 403; 33 U.S.C. 1007)

6. Section 55.10–30(c) is amended to read as follows:

§ 55.10–30 Bilge pumps.

* * * * *

(c) *Capacity of independent power bilge pump.* Each power bilge pump shall have a capacity of developing a suction velocity of not less than 400 ft. per minute through the size of pipe required by § 55.10–25 under ordinary conditions, except that for vessels of less than 65 ft. in length not engaged on international voyages the pump shall have a minimum capacity of 25 gallons per minute and need not meet the velocity requirement of this paragraph.

7. Section 55.10–40(b) (1) is amended to read as follows:

§ 55.10–40 Fuel-oil service systems.

* * * * *

(b) (1) All vessels having oil fired power boilers shall have at least two fuel-oil service pumps each of sufficient capacity to supply all the boilers at full power, and arranged so that one may be overhauled while the other is in service. At least two fuel-oil heaters of approximately equal capacity shall be installed and so arranged that any heater may be overhauled while the other(s) are in service. Suction and discharge strainers shall be of the duplex or other type capable of being cleaned without interrupting the oil supply. Coamings, drip pans, etc. shall be fitted under fuel oil service pumps, heaters, etc. where necessary to prevent oil drainage to the bilge.

Subpart 55.17—Hydraulic Systems

8. Section 55.17–25 is amended by revising paragraphs (a) and (b) to read as follows:

§ 55.17–25 Hydraulic hose and fittings.

(a) Hose and fittings shall meet the requirements of § 55.07–1 of this subchapter. Hose shall be complete with factory-assembled end fittings requiring no further adjustment, of the fittings on the hose, except that reusable type fittings may be used provided they are of the nipple and socket type in which the hose is securely attached to the fitting by compression of the hose.

(b) Hose assemblies may be installed between two points of relative motion but shall not be subjected to torsional deflection (twisting) under any conditions of operation and shall be limited, in general, to short lengths required for flexibility. Special consideration may be given to the use of longer lengths of flexible hose where required for proper operation of machinery and components in the hydraulic system.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 56—ARC WELDING, GAS WELDING AND PREHEATING

Subpart 56.01—Arc Welding and Gas Welding

1. Section 56.01–70(h) (1) is amended to read as follows:

§ 56.01–70 Preheating and stress relieving.

* * * * *

(h) (1) Class II welded pressure vessels shall be stress-relieved under the following conditions:

(i) If required by Figure 56.01–70(h).

(ii) If fabricated of steel plate exceeding 0.58 inch thickness conforming to specifications A202, A203, A204, A225, A299, A387 Grade A, and for any steel having a specified molybdenum content of 0.50 percent nominal (permissible range 0.40 to 0.65 percent) with a chromium content not greater than 0.70 percent.

(iii) If fabricated of steel conforming to specifications A302, A387 Grades B and C, D and E, and for a chrome-molybdenum steel having a chromium content greater than 0.70 percent.

(iv) If fabricated as a Class II pressure vessel for use as a cargo tank for the storage or transportation of liquefied compressed gases and if designed for

pressures exceeding 100 pounds per square inch.

Subpart 56.05—Tests and Inspection

2. Section 56.05–5 is amended by revising paragraph (a)(2) and by changing the word "mark" to "mask" in paragraph (c)(2), so that these subparagraphs read as follows:

§ 56.05–5 Nondestructive tests.

(a) • • •

(2) Each welded butt-joint of Class II welded pressure vessels shall be examined throughout its entire length by means of radiography, preferably by X-ray, when the plate thickness at the welded joint exceeds 1½ inches, or when required by § 54.03–1 of this subchapter and Table 56.01–25.

• • • • • •

(c) • • •

(2) The weld ripples or weld surface irregularities, on both inside and outside, shall be removed by any suitable mechanical process to a degree such that the resulting radiographic contrast due to any remaining irregularities cannot mask or be confused with that of any objectionable defect.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434 as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 61—INSTALLATIONS, TESTS, INSPECTIONS, MARKINGS, AND OFFICIAL FORMS

Subpart 61.20—Tests and Inspection of Boilers

1. Section 61.20–20 is amended to read as follows:

§ 61.20–20 Boiler mountings and attachments.

(a) All valves and boiler mountings and attachments shall be opened up and examined by the marine inspector after each four years of service.

(b) All boiler mounting studs or bolts shall be examined after each 8 years of service.

(c)(1) Boiler mountings shall be removed from the boiler for examination after each eight years of service where any of the following conditions exist:

(i) Boilers having boiler mountings attached directly to the boiler plating by screwed studs and nuts.

(ii) Boilers having boiler mountings attached to a reinforcing pad by screwed studs and nuts; and this pad it attached directly to the boiler plating.

(iii) Boilers having boiler mountings so installed that a satisfactory examination of these mountings or of their attaching studs cannot be made by removing the bonnet and internal parts of the valve.

(2) Where boiler mountings or valves are attached to boiler nozzles and a satisfactory internal examination of these mountings or valves and their attaching studs, bolts, or other means of attachment, can be performed by opening up the valves, such mountings or valves need not be removed from the boiler unless in the opinion of the Officer in Charge, Marine Inspection, such action is necessary.

(d) The Officer in Charge, Marine Inspection, may require the examinations prescribed in this section to be made at more frequent intervals, if in his opinion such action is necessary to be assured of the safety of the boiler and its attachments.

(e) Water columns, gage glasses, and gage cocks shall be examined to determine that they are in satisfactory working order.

(f) Steam gages on boilers or main steam lines shall be examined and checked for accuracy.

(g) The marine inspector shall examine the fusible plugs.

2. Section 61.20–25(c) is amended to read as follows:

§ 61.20–25 Boilers of foreign-built vessels admitted to American registry.

• • • • • •

(c) The boiler or boilers shall be measured in order to obtain accurate data, which data shall be embodied in the report of the inspector making the examination. All plates shall be drilled and gaged by the inspector to determine the actual thickness, and upon the thickness thus obtained the maximum allowable pressure shall be based. The furnaces shall be trammed to ascertain if there is any distortion. The safety valves on the boiler and its superheater shall be Coast Guard approved safety valves designed, constructed and flow-tested in conformance with Subpart 162.001 of Subchapter Q (Specifications) of this chapter. The safety valves and mountings shall be thoroughly examined to determine if they are in good working condition and if their capacity is ample.

Subpart 61.25—Tests and Inspections of Pressure Vessels

3. Section 61.25–20 is amended to read as follows:

§ 61.25–20 Pressure vessels in service.

(a) At each initial and subsequent inspection for certification the marine inspector shall examine or test all unfired pressure vessels to the extent necessary to determine that their condition is satisfactory and that they are fit for service intended.

(b) Unfired pressure vessels which are fitted with manholes or other inspection openings, so they can be satisfactorily examined internally, except as otherwise exempted by provisions of this section, shall be opened beiennially at the regular annual or biennial inspection and thoroughly examined internally and externally. Such pressure vessels are not required to be hydrostatically tested unless defects are found which in the marine inspector's opinion may impair the safety of the pressure vessel. In this case a hydrostatic test shall be applied at a pressure equal to 1¼ times the maximum allowable pressure.

(c) Tubular heat exchangers, hydraulic accumulators, and those pressure vessels used in refrigeration service shall be examined under operating conditions at the regular annual or biennial inspection.

(d) All unfired pressure vessels, other than those exempt by the provisions of this section, shall be subjected to a hydrostatic test 1¼ times the maximum allowable pressure biennially at the regular annual or biennial inspection.

(e) The following unfired pressure vessels will not normally be subjected to a hydrostatic test:

(1) Tubular heat exchangers.

(2) Pressure vessels used in refrigeration service.

(3) Hydraulic accumulators.

(4) Unfired pressure vessels which have been satisfactorily examined internally by a marine inspector and in which no defects have been found which impair the safety of the pressure vessel.

(5) Unfired pressure vessels which have an internal volume of not more than 5 cubic feet and a maximum allowable pressure of not more than 100 pounds per square inch.

(6) Compression tanks containing water under pressure, including those containing an aircushion, subject to pressures not exceeding 100 pounds per square inch and temperatures not exceeding 200 degrees F., except those fitted with permanent air charging lines.

(7) All unfired pressure vessels having a maximum allowable working pressure not exceeding 15 pounds per square inch.

(8) Pressure vessels containing mediums at or below pressures and temperatures specified in Table 61.25–20(e).

TABLE 61.25–20(e)

Service	Pressure p.s.i.	Temperature °F.
Steam, gas, or vapors	15	----------
Fuel oil	100	150
Lubricating oil	100	200
Liquids, except fuel oil, and lubricating oil	100	200

(f) Unfired pressure vessels containing liquefied compressed gases or hazardous liquids shall be inspected and tested as required by the applicable regulations published in Subchapter D (Tank Vessels) and Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(g) Bulk storage tanks containing refrigerated liquefied CO_2 gas for use on board vessels as a fire extinguishing agent shall be subjected to a hydrostatic test at the periodic inspection period on the eighth year of the installation and at eight-year intervals thereafter. The hydrostatic test pressure shall be 1½ times the allowable pressure. At the conclusion of the hydrostatic test, the tank shall be drained and an internal examination made. Portions of the jacket and lagging on the underside of the tank shall be removed at the time of the hydrostatic test as deemed necessary by the marine inspector so as to determine the external condition of the tank.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 3, 17, 54 Stat. 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 481, 489, 366, 363 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

SUBCHAPTER H—PASSENGER VESSELS

PART 70—GENERAL PROVISIONS

1. The authority for Part 70 is amended to read as follows:

AUTHORITY: §§ 70.01–1 to 70.35–5 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4426, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 404, 366, 395, 363, 367, 1333, 390b, 526p, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; 167–20 June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659. Additional authority cited with sections affected.

Subpart 70.01—Authority and Purpose

2. Section 70.01–10 is amended to read as follows:

§ 70.01–10 Authority for regulations.

(a) *General.* (1) The authority to prescribe regulations generally is set forth in 46 U.S. Code, sections 375 and 416, as well as in certain other provisions in 46 U.S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230–234, 239, 240, 361, 362, 364, 372, 381, 391, 391a, 392, 393, 399, 400, 402–414, 435, 436, 451–453, 460, 461, 462, 464, 467, 470–482, and 489–498, and acts amendatory thereof or supplemental thereto. Under the provisions of 46 U.S. Code, section 372, the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws to produce a correct and uniform administration of the inspection laws, rules, and regulations.

(b) *Inspection and certification.* (1) The regulations regarding inspection and certification of passenger vessels interpret or apply 46 U.S. Code, sections 361, 362, 363, 367, 369, 390b, 391, 392, 395, 399, 400, 404, 406–408, 411, 412, 435, 660a, and 1333, and 50 U.S. Code, section 198.

(c) *Construction and arrangement.* (1) The regulations regarding the construction and arrangement of passenger vessels interpret or apply 46 U.S. Code, sections 363, 367, 369, 390b, 391, 392, 404, 481–483, and 1333, and 50 U.S. Code, section 198.

(d) *Subdivision.* (1) The regulations regarding subdivision of passenger vessels interpret or apply 46 U.S. Code, sections 85a, 88a, 363, 367, 369, 390b, 391, 392, 404, 482, 483, and 1333 and 50 U.S. Code, section 198.

(e) *Stability.* (1) The regulations regarding stability of passenger vessels interpret or apply 46 U.S. Code, sections 85a, 88a, 363, 367, 369, 390b, 391, 392, 404, 482, 483, and 1333, and 50 U.S. Code, section 198.

(f) *Lifesaving equipment.* (1) The regulations regarding lifesaving equipment of passenger vessels interpret or apply 46 U.S. Code, sections 367, 390b, 391, 392, 404, 481, 489, 526p, and 1333, and 50 U.S. Code, section 198.

(g) *Fire protection and equipment.* (1) The regulations regarding fire protection equipment of passenger vessels interpret or apply 46 U.S. Code, sections 367, 390b, 391, 392, 404, 470, 481, 526p, and 1333, and 50 U.S. Code, section 198.

(h) *Vessel control and miscellaneous systems and equipment.* (1) The regulations regarding vessel control and miscellaneous systems and equipment of passenger vessels interpret or apply 46 U.S. Code, sections 363, 367, 390b, 391, 392, 404, 526p, and 1333, and 50 U.S. Code, section 198.

(i) *Operations.* (1) The regulations regarding operations of passenger vessels interpret or apply 46 U.S. Code, sections 367, 390b, 391, 392, 404, 435, 526p, and 1333, and 50 U.S. Code, section 198.

Subpart 70.05—Application

3. Section 70.05–1(a) is amended by revising in paragraph (a) Table 70.05–1(a) (but not the written text), which reads as follows:

§ 70.05–1 United States flag vessels subject to the requirements of this chapter.

(a) • • •

TABLE 70.05–1(a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [3] [4] [5] or Subchapter T—Small Passenger Vessels [3] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [6] [7]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [8] [9]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[4]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. On and after May 2, 1962, this expression "means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline."

[2] Subchapters E (Load Lines), J (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U.S.C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

TABLE 70.05–1(a)—Continued

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [3] [4] or Subchapter T—Small Passenger Vessels [2] [3]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2] [3]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [3]
Column 1	Column 2	Column 4	Column 4	Column 5	Column 6
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 2 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.

See footnotes on preceding page.

4. Section 70.05–3 is amended by adding a new paragraph (c) at the end thereof reading as follows:

§ 70.05–3 Foreign vessels subject to the requirements of this subchapter.

• • • • • •

(c) Nothwithstanding the exceptions previously noted in paragraph (b) of this section, foreign vessels of novel design or construction, whose operation involves potential unusual risks shall be subject to inspection to the extent necessary to safeguard life and property in United States' ports, as further provided by § 2.01–13 of Subchapter A (Procedures Applicable to the Public) of this chapter.

(R.S. 4472, as amended; 46 U.S.C. 170)

Subpart 70.35—American Bureau of Shipping's Standards

5. After the heading for Subpart 70.35 there is inserted additional authority reading as follows:

AUTHORITY: §§ 70.35–1 and 70.35–5 interpret or apply sec. 25, 41 Stat. 998, as amended, sec. 5, 49 Stat. 1384, as amended; 46 U.S.C. 881, 369.

PART 71—INSPECTION AND CERTIFICATION

1. The authority for Part 71 is amended to read as follows:

AUTHORITY: §§ 71.01–1 to 71.75–1 issued under R.S. 4405, as amended, 4426, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4453, as amended, 4488, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 392, 404, 411, 435, 481, 366, 395, 363, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857. Additional authority cited with sections affected.

Subpart 71.01—Certificate of Inspection

2. After the heading for Subpart 71.01 there is inserted additional authority reading as follows:

AUTHORITY: §§ 71.01–1 to 71.01–20 interpret or apply R.S. 4421, as amended, 4423, as amended, sec. 12, 35 Stat. 428, as amended; 46 U.S.C. 399, 400, 397. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; CGFR 56–28, July 24, 1956, 21 F.R. 5659.

Subpart 71.45—Sanitary Inspections

3. The following authority is added after § 71.45–1(a):

(Sec. 4, 49 Stat. 1935, as amended; 46 U.S.C. 660a. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

Subpart 71.50—Drydocking

4. Section 71.50–1 is amended by revising paragraph (a) and the introductory text only of paragraph (b) to read as follows:

§ 71.50–1 When required.

(a) Except for extensions as authorized by the Commandant, all vessels making international voyages shall be placed in drydock or hauled out for examination at least once every 12 months.

(b) Except for extensions as authorized by the Commandant, all vessels not making international voyages shall be placed in drydock or hauled out for examination within the periods set forth in this paragraph, depending upon the service.

Subpart 71.65—Plan Approval

5. After the heading for Subpart 71.65 there is inserted additional authority reading as follows:

AUTHORITY: §§ 71.65–1 to 71.65–20 interpret or apply R.S. 4490, as amended, sec. 3, 24 Stat. 129, as amended; 46 U.S.C. 482, 483. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

6. Section 71.65–5(d)(6) is amended by changing the word "steam" to "foam" so this subparagraph reads as follows:

§ 71.65–5 Plans and specifications required for new construction.

• • • • • •

(d) *Fire control.* • • •

(6) Extinguishing systems, including fire mains, carbon dioxide, foam, and sprinkling systems.

7. Section 71.65–15(a) is amended by revising subparagraph (3) and adding a new subparagraph (4), reading as follows:

§ 71.65–15 Procedure for submittal of plans.

(a) • • •

(3) The plans may be submitted directly to field technical offices:

(i) Commander, 3d Coast Guard District (mmt), 45 Broadway, New York, N.Y., for geographical area covered by 1st, 3d, and 5th Coast Guard Districts.

(ii) Commander, 8th Coast Guard District (mmt), Room 308, Custom House, New Orleans, La., for geographical area covered by 2d, 7th, and 8th Coast Guard Districts.

(iii) Commander, 12th Coast Guard District (mmt), 630 Sansome St., San Francisco, Calif., for geographical area covered by 11th, 12th, 13th, 14th, and 17th Coast Guard Districts.

(4) In the case of classed vessels, upon specific request by the submitter, the American Bureau of Shipping will arrange to forward the necessary plans to the Coast Guard indicating its action thereon. In this case, the plans will be returned as noted in subparagraph (2) of this paragraph.

8. Section 71.65–20(a) is amended to read as follows:

§ 71.65–20 Number of plans required.

(a) Four copies of each plan are normally required so that one can be returned to the submitter. If the submitter desires additional approved plans, a suitable number should be submitted to permit the desired distribution.

PART 72—CONSTRUCTION AND ARRANGEMENT

1. The authority for Part 72 is amended to read as follows:

AUTHORITY: §§ 72.01–1 to 72.40–90 issued to R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 14, 24 Stat. 129, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 483, 395, 363, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857.

Subpart 72.03—General Fire Protection

2. Section 72.03–20 *Segregation of spaces containing the emergency source of electric power* is canceled.

Subpart 72.05—Structural Fire Protection

3. Section 72.05–50(i) is amended to read as follows:

§ 72.05–50 Ventilation.

• • • • • •

(i) In all ventilation systems, manually operated dampers or other suitable means shall be provided in accessible locations, outside the spaces served by the system, for shutting off the passage of air in the event of fire; however, no dampers shall be placed in exhaust ducts from film lockers or projection rooms.

Subpart 72.10—Means of Escape

4. Section 72.10–5(a) is amended to read as follows:

§ 72.10–5 Two means required.

(a) There shall be at least two means of escape from all general areas accessible to the passengers or where the crew may be quartered or normally employed. At least one of these two means of escape shall be independent of watertight doors. For stairway continuity and general requirements for stairways on any vessel of 100 gross tons and over, or any vessel which carries more than 150 passengers, or any vessel on an international voyage, see § 72.05–20.

5. Section 72.10–25(a) is amended to read as follows:

§ 72.10–25 Stairway size.

(a) Stairways shall be of sufficient width to satisfactorily accommodate the number of persons having access to such stairs for escape purposes.

Subpart 72.15—Ventilation

6. Section 72.15–15 is amended by adding at the end thereof a new paragraph (b) reading as follows:

§ 72.15–15 Ventilation for closed spaces.

• • • • • •

(b) Means shall be provided for stopping all fans in ventilation systems serving machinery and cargo spaces and for closing all doorways, ventilators and annular spaces around funnels and other openings to such spaces, from outside these spaces, in case of fire.

PART 73—WATERTIGHT SUBDIVISION

1. The authority for Part 73 is amended to read as follows:

AUTHORITY: §§ 73.01–1 to 73.90–1 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 489, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857.

PART 74—STABILITY

1. The authority for Part 74 is amended to read as follows:

AUTHORITY: §§ 74.01–1 to 74.25–1 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 482, 483, 395, 363, 84a, 88a, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857.

PART 75—LIFESAVING EQUIPMENT

1. The authority for Part 75 is amended to read as follows:

AUTHORITY: §§ 75.01–1 to 75.90–10 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 489, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857.

Subpart 75.20—Equipment for Lifeboats, Liferafts, Lifefloats, and Buoyant Apparatus

§ 75.20–10 [Amendment]

2. In § 75.20–10(a), Table 75.20–10(a) is amended by changing the footnote reference from "4" to "3" for "1 unit" which is in the third column entitled "ocean and coastwise" opposite letter identification "ii" (in column 1) for the item "Signals, distress, red hand flare."

3. Section 75.20–15(j) is amended to read as follows:

§ 75.20–15 Description of equipment for lifeboats.

• • • • • •

(j) *Flashlight.* The flashlight shall be of an approved Type I, Size No. 3,

constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter. Three spare cells (or one 3-cell battery) and two spare bulbs shall be provided with each flashlight. Batteries shall be replaced yearly during the annual stripping, cleaning and overhaul of the lifeboat.

§ 75.20–90 [Amendment]

4. Section 75.20–90(a)(5) is canceled. (This subparagraph has served its purpose and is now out of date.)

Subpart 75.45—Line-Throwing Appliances

5. Section 75.45–15(b)(3) is amended to read as follows:

§ 75.45–15 Equipment for line-throwing appliances.

• • • • • •

(b) • • •

(3) Four service lines, each not less than 400 feet in length, of ⅜-inch circumference flax or cotton and having a breaking strength of at least 250 pounds, or each not less than 600 feet in length of 1/16-inch or more diameter woven or braided nylon, very flexible, having a breaking strength not less than 140 pounds, or equivalent, to be kept in faking boxes or on reels. These lines may be kept either in the box or case with the remainder of the equipment or be stowed in an accessible location nearby.

PART 76—FIRE PROTECTION EQUIPMENT

1. The authority for Part 76 is amended to read as follows:

AUTHORITY: §§ 76.01–1 to 76.60–10 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 489, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857.

Subpart 76.05—Fire Detecting and Extinguishing Equipment, Where Required

2. In § 76.05–1(a), Table 76.05–1(a) is amended by inserting a reference to footnote 4 after the phrase "carbon dioxide" in the third column entitled "Fire extinguishing systems," which is opposite the "Cargo spaces" in the first column entitled "Inaccessible during voyage (combustible cargo), including trunks (excluding tanks)"; and by adding to footnote 6 the phrase "where the space is normally manned."

Subpart 76.15—Carbon Dioxide Extinguishing Systems, Details

3. Section 76.15–5(e)(3) is amended by revising table 76.15–5(e)(3) by changing the second maximum quantity of carbon dioxide in the first column from "200" to "225" so that this table reads as follows:

§ 76.15–5 Quantity, pipe sizes, and discharge rates.

(e) • • •

(3) • • •

TABLE 76.15–5(e)(3)

Maximum quantity of carbon dioxide required, pounds	Minimum nominal pipe size, inches	Maximum quantity of carbon dioxide required, pounds	Minimum nominal pipe size, inches
100	1½	2,500	2½
225	¾	4,450	3
300	1	7,100	3½
600	1¼	10,450	4
1,000	1½	15,000	4½
2,450	2		

Subpart 76.50—Hand Portable Fire Extinguishers and Semiportable Fire Extinguishing Systems, Arrangements and Details

4. Section 76.50–10 is amended by adding at the end thereof a new paragraph (f) reading as follows:

§ 76.50–10 Location.

• • • • • •

(f) Hand portable or semiportable extinguishers, which are required on their name plates to be protected from freezing, shall not be located where freezing temperatures may be expected.

§ 76.50–15 [Amendment]

5. Section 76.50–15(c) is canceled.

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

1. The authority for Part 77 is amended to read as follows:

AUTHORITY: §§ 77.01–1 to 77.30–90 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 30, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 39, 392, 404, 435, 395, 363, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857. Additional authority cited with sections affected.

Subpart 77.07—Anchors, Chains, and Hawsers

2. After the heading for Subpart 77.07 there is inserted additional authority reading as follows:

AUTHORITY: §§ 77.07–1 to 77.07–90 interpret or apply to R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857.

Subpart 77.20—Whistles

§ 77.20–1 [Amendment]

3. The following additional authority is added after § 77.20–1(a)(3):

(R.S. 4488, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 481, 526p. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–38, October 26, 1959, 24 F.R. 8857)

Subpart 77.23—Foghorns

§ 77.23–1 [Amendment]

4. The following additional authority is added after § 77.23–1(a):

(R.S. 4488, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 481, 526p. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–38, October 26, 1959, 24 F.R. 8857)

Subpart 77.27—Sounding Equipment

§ 77.27–1 [Amendment]

5. The following additional authority is added after § 77.27–1(a):

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857)

Subpart 77.30—Emergency Equipment

6. After the heading for Subpart 77.30 there is inserted additional authority reading as follows:

AUTHORITY: §§ 77.30–1 to 77.30–90 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857.

PART 78—OPERATIONS

1. The authority for Part 78 is amended to read as follows:

AUTHORITY: §§ 78.01–1 to 78.85–1 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 8, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 395, 363, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956; CGFR 56–28, July 24, 1956, 21 F.R. 5659. Additional authority cited with sections affected.

Subpart 78.07—Notice of Casualty and Voyage Records

2. After the heading for Subpart 78.07 there is inserted additional authority reading as follows:

AUTHORITY: §§ 78.07–1 to 78.07–25 interpret or apply R.S. 4450, as amended, 4488, as amended, secs. 13, 17, 54 Stat. 166, as amended, sec. 10, 18 Stat. 128, as amended; 46 U.S.C. 239, 481, 526 l(c), 526p, 33 U.S.C. 361. Treasury Department Orders 120, July 31, 1950; 167–32, September 23, 1958, 23 F.R. 7605; 167–38, October 26, 1959, 24 F.R. 8857.

Subpart 78.13—Stations Bills

3. After the heading for Subpart 78.13 there is inserted additional authority reading as follows:

AUTHORITY: §§ 78.13–1 to 78.13–25 interpret or apply R.S. 4488, as amended, 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857.

Subpart 78.17—Tests, Drills, and Inspections

4. After the heading for Subpart 78.17 there is inserted additional authority reading as follows:

AUTHORITY: §§ 78.17–1 to 78.17–65 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857.

Subpart 78.30—Lookouts, Pilothouse Watch, Patrolmen, and Watchmen

5. After the heading for Subpart 78.30 there is inserted additional authority reading as follows:

AUTHORITY: §§ 78.30–5 to 78.30–20 interpret or apply R.S. 4477, 4488, as amended; 46 U.S.C. 470, 481. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–38, October 26, 1959, 24 F.R. 8857.

Subpart 78.37—Logbook Entries

5a. Section 78.37–5(a) is amended by adding a subparagraph (13) reading as follows:

§ 78.37–5 Actions required to be logged.

(a) • • •

(13) Cargo gear inspections: At least once a month. See § 71.47–70 of this subchapter.

Subpart 78.45—Display of Plans

6. Section 78.45–1(a)(1) is amended to read as follows:

§ 78.45–1 When required.

(a) • • •

(1) General arrangement plans showing for each deck the fire control stations, the various sections enclosed by fire-resisting bulkheads, the sections enclosed by fire-retarding bulkheads, together with particulars of the fire alarms, detecting systems, the sprinkler installation (if any), the fire extinguishing appliances, means of access to different compartments, decks, etc., and the ventilating systems including particulars of the master fan controls, the positions of dampers, the location of the remote means of stopping the fans, and identification numbers of the ventilating fans serving each section. Alternatively, at the discretion of the Commandant, the aforementioned details may be set out in a booklet, a copy of which shall be supplied to each officer, and one copy at all times shall be available on board in an accessible position.

(R.S. 4488, as amended, sec. 5, 49 Stat. 1384, as amended; 46 U.S.C. 481, 369. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–38, October 26, 1959, 24 F.R. 8857)

Subpart 78.70—De-energizing of Cargo Hold Lighting Circuits When Grain or Other Combustible Bulk Cargo is Carried

7. After the heading for Subpart 78.70 the additional authority is amended to read as follows:

AUTHORITY: §§ 78.70–1 and 78.70–5 interpret or apply R.S. 4488, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 481, 526. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–38, October 26, 1959, 24 F.R. 8857.

Subpart 78.75—Motion Picture Film and Equipment

§ 78.75–1 [Amendment]

8. The authority following § 78.75–1(b) is amended to read is follows:

(R.S. 4488, as amended, 46 U.S.C. 481. Treasury Department Order 167–38, October 26, 1959, 24 F.R. 8857)

Subpart 78.80—Power-Operated Industrial Trucks

9. After the heading for Subpart 78.80 the additional authority is amended to read as follows:

AUTHORITY: §§ 78.80–1 to 78.80–35 interpret or apply R.S. 4417a, as amended, 4472, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 391a, 170, 481, 489. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–38, October 26, 1959, 24 F.R. 8857.

Subpart 78.85—Prevention of Oil Pollution

10. Part 78 is amended by adding after § 78.80–35 a new Subpart 78.85, entitled "Prevention of Oil Pollution," consisting of § 78.85–1, which reads as follows:

§ 78.85–1 Prohibited zones.

(a) All passenger vessels shall be so operated as to meet the requirements of the Oil Pollution Act, 1924 (33 U.S.C. 431–437). In addition, all passenger ships shall be so operated as to avoid discharging any oil or oily ballast which may foul the surface of the sea, within any of the prohibited zones set forth in the Oil Pollution Act, 1961 (33 U.S.C. 1001–1015).

(Sec. 8, 75 Stat. 403; 33 U.S.C. 1007. Treasury Department Order 167–46, November 6, 1961, 26 F.R. 10609)

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 90—GENERAL PROVISIONS

1. The authority for Part 90 is amended to read as follows:

AUTHORITY: §§ 90.01–1 to 90.35–5 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4426, as amended, 4427, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 404, 405, 366, 395, 363, 367, 526p, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; CGFR 56–28, July 24, 1956, 21 F.R. 5659. Additional authority cited with sections affected.

Subpart 90.01—Authority and Purpose

2. Section 90.01–10 is amended to read as follows:

§ 90.01–10 Authority for regulations.

(a) *General.* (1) The authority to prescribe regulations generally is set forth in 46 U.S.C. Code, sections 375 and 416, as well as in certain other provisions in 46 U.S.C. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230–234, 239, 240, 361, 362, 364, 372, 381, 391, 391a, 392, 393, 399, 400, 402–414, 435, 436, 451–453, 460, 461, 462, 464, 467, 470–482, and 489–498, and acts amendatory thereof or supplemental thereto. Under the provisions of 46 U.S. Code, section 372, the Commandant, United States Coast Guard, superintends the administration of vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules, and regulations.

(b) *Inspection and certification.* (1) The regulations regarding inspection and certification of cargo and miscellaneous vessels interpret or apply 46 U.S. Code, sections 361, 362, 363, 366, 367, 391, 392, 395, 404, 405, 411, 435, and 481, and 50 U.S. Code, section 198.

(c) *Construction and arrangement.* (1) The regulations regarding the construction and arrangement of cargo and miscellaneous vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 404, 481, and 482, and 50 U.S. Code, section 198.

(d) *Stability.* (1) The regulations regarding stability of cargo and miscellaneous vessels interpret or apply 46 U.S. Code, sections 85a, 88a, 363, 367, 391, 392, 404, 481, 482, and 483, and 50 U.S. Code, section 198.

(e) *Lifesaving equipment.* (1) The regulations regarding lifesaving equipment of cargo and miscellaneous vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 404, 481, and 526p, and 50 U.S. Code, section 198.

(f) *Fire protection equipment.* (1) The regulations regarding fire protection equipment of cargo and miscellaneous vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 395, 404, 481, and 526p, and 50 U.S. Code, section 198.

(g) *Vessel control and miscellaneous systems and equipment.* (1) The regulations regarding vessel control and miscellaneous systems and equipment of cargo and miscellaneous vessels interpret or apply 46 U.S. Code, sections 363, 367, 395, 391, 392, 404, and 435, and 50 U.S. Code, section 198.

(h) *Operations.* (1) The regulations regarding operations of cargo and miscellaneous vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 395, 404, and 435, and 50 U.S. Code, section 198.

(i) *Special construction, arrangement, and provisions for certain dangerous cargoes in bulk.* (1) The regulations regarding special construction, arrangement, and provisions for certain dangerous cargoes in bulk of cargo and miscellaneous vessels interpret or apply 46 U.S. Code, section 170, and 50 U.S. Code, section 198.

Subpart 90.05—Application

3. Section 90.05–1 is amended by revising in paragraph (a) Table 90.05–1(a) (but not the written text), and by adding a paragraph (b), which read as follows:

§ 90.05–1 Vessels subject to requirements of this subchapter.

(a) • • •

TABLE 90.05-1(a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [3]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [3] [4] [5] or Subchapter T—Small Passenger Vessels [3] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [3] [6]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [3] [6]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[4]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessles carrying combustible or inflammable liquid cargo in bulk.[4]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[4]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. On and after May 2, 1962, this expression "means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline."

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U.S.C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

(b) Notwithstanding the exception previously noted in subparagraph (a) (1) of this section, foreign vessels of novel design or construction whose operation involves potential unusual risks shall be subject to inspection to the extent necessary to safeguard life and property in United States ports, as further provided by § 2.01-13 of Subchapter A (Procedures Applicable to the Public) of this chapter.

(R.S. 4472, as amended; 46 U.S.C. 170)

Subpart 90.35—American Bureau of Shipping's Standards

4. After the heading for Subpart 90.35 there is inserted additional authority reading as follows:

AUTHORITY: §§ 90.35-1 and 90.35-5 interpret or apply sec. 25, 41 Stat. 998, as amended; 46 U.S.C. 881.

PART 91—INSPECTION AND CERTIFICATION

1. The authority for Part 91 is amended to read as follows:

AUTHORITY: §§ 91.01-1 to 91.60-1 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 392, 404, 405, 411, 435, 481, 366, 395, 363, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-38, October 26, 1959, 24 F.R. 8857. Additional authority cited with sections affected.

Subpart 91.01—Certificate of Inspection

2. After the heading for Subpart 91.01 there is inserted additional authority reading as follows:

AUTHORITY: §§ 91.01-1 to 91.01-20 interpret or apply R.S. 4421, as amended, 4423, as amended, sec. 12, 35 Stat. 428, as amended; 46 U.S.C. 399, 400, 397. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; CGFR 56-28, July 24, 1956, 21 F.R. 5659.

Subpart 91.25—Inspection and Certification

2a. Section 91.25-10 *Scope of inspection* is amended by deleting the last sentence in paragraph (a). (This is an editorial correction to remove wording which partially repeats requirements in paragraph (b).)

Subpart 91.35—Sanitary Inspections

§ 91.35-1 [Amendment]

3. The following authority is added after § 91.35-1(a):

(Sec. 4, 49 Stat. 1935, as amended; 46 U.S.C. 660a. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

Subpart 91.40—Drydocking

4. Section 91.40-1 is amended by revising only the introductory text of paragraph (a) to read as follows:

§ 91.40-1 When required.

(a) Except for extensions as authorized by the Commandant, all vessels shall be placed in drydock or hauled out for examination within the periods set forth in this paragraph, depending upon the service.

Subpart 91.55—Plan Approval

5. After the heading for Subpart 91.55 there is inserted additional authority reading as follows:

AUTHORITY: §§ 91.55-1 to 91.55-20 interpret or apply R.S. 4490, as amended, sec. 3, 24 Stat. 129, as amended; 46 U.S.C. 482, 483. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

6. Section 91.55-5(d) is amended to read as follows:

§ 91.55-5 Plans and specifications required for new construction.

* * * * *

(d) *Fire control.* (1) General arrangement plans showing for each deck the control stations, the various fire sections enclosed by fire resisting bulkheads, the arrangement of the alarm and extinguishing systems, the fire extinguishers, means of access to different compartments and decks and the ventilation system including location of ventilation shut-downs, positions of dampers and the numbers identifying each system.

(2) Ventilation diagram including dampers and other fire control features.

(3) Details of alarm systems.

(4) Details of extinguishing systems, including fire mains, carbon dioxide, foam and sprinkling systems.

7. Section 91.55-15(a) is amended by revising subparagraph (3) and by adding a new subparagraph (4), reading as follows:

§ 91.55-15 Procedure for submittal of plans.

(a) * * *

(3) The plans may be submitted directly to field technical offices.

(i) Commander, 3d Coast Guard District (mmt), 45 Broadway, New York, N.Y., for the geographical area covered by 1st, 3d and 5th Coast Guard Districts.

(ii) Commander, 8th Coast Guard District (mmt), Room 308, Custom House, New Orleans, La., for geographical area covered by 2d, 7th and 8th Coast Guard Districts.

(iii) Commander, 12th Coast Guard District (mmt), 630 Sansome St., San Francisco, Calif., for geographical area covered by 11th, 12th, 13th, 14th and 17th Coast Guard Districts.

(4) In the case of classed vessels, upon specific request by the submitter, the American Bureau of Shipping will arrange to forward the necessary plans to the Coast Guard indicating its action thereon. In this case, the plans will be returned as noted in subparagraph (2) of this paragraph.

8. Section 91.55-20 is amended to read as follows:

§ 91.55-20 Number of plans required.

(a) Four copies of each plan are normally required so that one can be returned to the submitter. If the submitter desires additional approved plans, a suitable number should be submitted to permit the required distribution.

PART 92—CONSTRUCTION AND ARRANGEMENT

1. The authority for Part 92 is amended to read as follows:

AUTHORITY: §§ 92.01-1 to 92.25-90 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 395, 363, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-38, October 26, 1959, 24 F.R. 8857.

Subpart 92.15—Ventilation

2. Section 92.15-10 is amended to read as follows:

§ 92.15-10 Ventilation for closed spaces.

(a) Except as noted in paragraph (c) of this section, all enclosed spaces within the vessel shall be properly vented or ventilated. Means shall be provided to close off all vents and ventilators.

(b) Means shall be provided for stopping all fans in ventilation systems serving machinery and cargo spaces and for closing all doorways, ventilators and annular spaces around funnels and other openings to such spaces, from outside these spaces, in case of fire.

(c) On unmanned cargo barges not fitted with a fixed bilge system, vents and ventilators may be omitted from void spaces.

PART 93—STABILITY

1. The authority for Part 93 is amended to read as follows:

AUTHORITY: §§ 93.01-1 to 93.15-5 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 2, 45 Stat. 1948, as amended, sec. 2, 49 Stat. 888, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 483, 363, 85a, 88a, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-38, October 26, 1959, 24 F.R. 8857. Additional authority cited with sections affected.

2. Part 93 is amended by inserting after § 93.13-1 a new Subpart 93.13, entitled "Ballast," consisting of §§ 93.13-1 to 93.13-10, inclusive, reading as follows:

Subpart 93.13—Ballast

Sec.
93.13-1 When needed.
93.13-5 Fixed ballast.
93.13-10 Liquid ballast.

AUTHORITY: §§ 93.13-1 to 93.13-10 interpret or apply R.S. 4423, as amended, sec. 8, 75 Stat. 404; 46 U.S.C. 411, 23 U.S.C. 1007.

Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-46, November 6, 1951, 26 F.R. 10609.

§ 93.13-1 When needed.

(a) In view of the wide range of cargo weight and distribution placed in a cargo vessel, the use of ballast may be necessary in order to provide satisfactory immersion, trim and stability.

§ 93.13-5 Fixed ballast.

(a) When fixed ballast is installed, its amount and location shall be included in the stability information provided the vessel.

(b) Fixed ballast shall not be removed from the vessel or relocated unless first approved by the Commandant, except that such ballast may be temporarily moved for examination or repair of the vessel and then only under the supervision of a marine inspector.

§ 93.13-10 Liquid ballast.

(a) Liquid ballast may be used when necessary to provide satisfactory draft, trim, weight distribution, or stability.

(b) If it is necessary to put liquid ballast in oil tanks, the oily ballast shall not be discharged overboard within any of the prohibited zones as defined in the Oil Pollution Act, 1961 (33 U.S.C. 1011), except through oily water separators which meet the requirements in § 55.10-25(n) of Subchapter F (Marine Engineering) of this chapter, or directly into sludge barges or shore facilities, or other approved means.

PART 94—LIFESAVING EQUIPMENT

1. The authority for Part 94 is amended to read as follows:

AUTHORITY: §§ 94.01-1 to 94.90-10 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 489, 395, 363, 367, 526p, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-38, October 26, 1959, 24 F.R. 8857.

Subpart 94.01—Application

1a. Section 94.01-1 *Details of application* is amended by revising the last reference in paragraph (a) from "§ 94.10-1 (b)" to "§ 94.10-1(c)."

Subpart 94.20—Equipment for Lifeboats, Liferafts, Lifefloats, and Buoyant Apparatus

2. Section 94.20-15(j) is amended to read as follows:

§ 94.20-15 Description of equipment for lifeboats.

• • • • •

(j) *Flashlight.* The flashlight shall be of an approved Type I, Size No. 2, constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter. Three spare cells (or one 3-cell battery) and two spare bulbs shall be provided with each flashlight. Batteries shall be replaced yearly during the annual stripping, cleaning and overhaul of the lifeboat.

§ 94.20-90 [Amendment]

3. Section 94.20-90(a)(5) is canceled. (This subparagraph has served its purpose and is now out of date.)

Subpart 94.45—Line-Throwing Appliances

4. Section 94.45-15(b)(3) is amended to read as follows:

§ 94.45-15 Equipment for line-throwing appliances.

• • • • •

(b) • • •

(3) Four service lines, each not less than 400 feet in length, of ⅜-inch circumference flax or cotton and having a breaking strength of at least 250 pounds, or each not less than 600 feet in length of 1/16-inch or more diameter woven or braided nylon, very flexible, having a breaking strength not less than 140 pounds, or equivalent, to be kept in faking boxes or on reels. These lines may be kept either in the box or case with the remainder of the equipment or be stowed in an accessible location nearby.

PART 95—FIRE PROTECTION EQUIPMENT

1. The authority for Part 95 is amended to read as follows:

AUTHORITY: §§ 95.01-1 to 95.60-10 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 395, 363, 367, 526p, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-38, October 26, 1959, 24 F.R. 8857.

Subpart 95.13—Steam Smothering System, Details

§ 95.13-90 [Amendment]

2. Section 95.13-90(b), first sentence, is amended by changing the phrase "July 1, 1955, but prior to November 19, 1952," to read "July 1, 1935, but prior to November 19, 1952."

Subpart 95.15—Carbon Dioxide Extinguishing Systems, Details

3. Section 95.15-5(e)(3) is amended by revising table 95.15-5(e)(3) by changing the second maximum quantity of carbon dioxide required in the first column from "200" to "225" so that this table reads as follows:

§ 95.15-5 Quantity, pipe sizes, and discharge rates.

• • • • •

(e) • • •

(3) • • •

TABLE 95.15-5(e)(3)

Maximum quantity of carbon dioxide required, pounds	Minimum pipe size, inches	Maximum quantity of carbon dioxide required, pounds	Minimum pipe size, inches
100	¼	2,500	2½
225	¾	4,450	3
300	1	7,100	3½
600	1¼	10,450	4
1,000	1½	15,000	4½
2,450	2		

Subpart 95.50—Hand Portable Fire Extinguishers and Semiportable Fire Extinguishing Systems, Arrangements and Details

4. Section 95.50-10 is amended by adding a new paragraph (f) reading as follows:

§ 95.50-10 Location.

• • • • •

(f) Hand portable or semiportable extinguishers, which are required on their name plates to be protected from freezing, shall not be located where freezing temperatures may be expected.

§ 95.50-15 [Amendment]

5. Section 95.50-15(c) is canceled.

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

1. The authority for Part 96 is amended to read as follows:

AUTHORITY: §§ 96.01-1 to 96.30-90 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 395, 363, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; CGFR 56-28, July 24, 1956, 21 F.R. 5659. Additional authority cited with sections affected.

Subpart 96.07—Anchors, Chains, and Hawsers

2. After the heading for Subpart 96.07 there is inserted additional authority reading as follows:

AUTHORITY: §§ 96.07-1 to 96.07-90 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167-38, October 26, 1959, 24 F.R. 8857.

Subpart 96.20—Whistles

3. After the heading for Subpart 96.20 there is inserted additional authority reading as follows:

AUTHORITY: §§ 96.20-1 to 96.20-10 interpret or apply sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

Subpart 96.23—Foghorns

§ 96.23-5 [Amendment]

4. The following additional authority is added after § 96.23-5(a):

(Sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

Subpart 96.25—Fog Sound Signal Devices

5. After the heading for Subpart 96.25 there is inserted additional authority reading as follows:

AUTHORITY: §§ 96.25-1 to 96.25-10 interpret or apply sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

Subpart 96.30—Emergency Equipment

6. After the heading for Subpart 96.30 there is inserted additional authority reading as follows:

AUTHORITY: §§ 96.30-1 to 96.30-90 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167-38, October 26, 1959, 24 F.R. 8857.

PART 97—OPERATIONS

1. The authority for Part 97 is amended to read as follows:

AUTHORITY: §§ 97.01-1 to 97.75-1 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 395, 363, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; CGFR 56-28, July 24, 1956, 21 F.R. 5659. Additional authority cited with sections affected.

Subpart 97.13—Station Bills

2. After the heading for Subpart 97.13 there is inserted additional authority reading as follows:

AUTHORITY: §§ 97.13-1 to 97.13-20 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167-38, October 26, 1959, 24 F.R. 8857.

3. Section 97.13-15(d) is amended by changing the reference from "the section" to "this section," so that this paragraph reads as follows:

§ 97.13-15 Emergency signals.

• • • • •

(d) in the case of river vessels, the ship's bell may be used in lieu of the whistle signals stipulated in this section.

4. Section 97.13-30 is redesignated as § 97.13-20 and as redesignated reads as follows:

§ 97.13-20 Master to instruct crew.

(a) The master shall conduct such drills and give such instructions as are necessary to insure that all hands are familiar with their duties as specified in the station bill.

§ 97.13-25 [Cancellation]

5. Section 97.13-25 *Manning of lifeboats and liferafts* is canceled. (The provisions of this section have been incorporated in new §§ 97.14-5 to 97.14-20, in order to clarify requirements.)

6. Part 97 is amended by inserting after § 97.13-20 a new Subpart 97.14, entitled "Manning of lifeboats and liferafts," which consists of §§ 97.14-1 to 97.14-20, inclusive, which read as follows:

Subpart 97.14—Manning of Lifeboats and Liferafts

Sec.

97.14-1 Application.
97.14-5 Person in command of lifeboat or liferaft.
97.14-10 Certificated lifeboatmen.
97.14-15 Motor-propelled lifeboat.
97.14-20 Lifeboat carrying a wireless and/or searchlight.

AUTHORITY: §§ 97.14-1 to 97.14-20 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167-38, October 26, 1959, 24 F.R. 8857.

§ 97.14-1 Application.

(a) The provisions of this subpart shall apply to all vessels equipped with lifeboats and/or liferafts, except unmanned barges.

§ 97.14-5 Person in command of lifeboat or liferaft.

(a) For vessels in ocean service, the master shall appoint a first and second in command of each lifeboat and each liferaft who shall be either a licensed deck officer, an able seaman, or a certificated lifeboatman.

(b) For vessels in services other than ocean service, the master shall appoint a person in command of each lifeboat and each liferaft. Except for vessels in river service, this person in command shall be either a licensed deck officer or an able seaman: *Provided,* That liferafts for 15 persons or less carried on vessels in Great Lakes service or lakes, bays and sounds service may be placed in the charge of a certificated lifeboatman.

(c) The person in charge of each lifeboat or liferaft shall have a list of its crew, and shall see that the persons under his orders are acquainted with their several duties.

§ 97.14-10 Certificated lifeboatmen.

(a) Except for vessels in river service, there shall be for each lifeboat and each liferaft a number of certificated lifeboatmen equal to that specified in Table 97.14-10(a): *Provided,* That vessels required to carry sufficient lifeboats on each side to accommodate all persons on board need only carry the certificated lifeboatmen required for the manning of the lifeboats on one side.

TABLE 97.14-10(a)

Prescribed complement of lifeboat or liferaft		Minimum number of lifeboatmen	
Over	Not over	Ocean service	All services other than ocean[1]
	25	2	1
25	40	2	2
40	60	3	3
60	85	4	4
85	110	5	5
110		6	6

[1] Certificated lifeboatmen are not required on vessels in river service.

(b) The allocation of the certificated lifeboatmen to each lifeboat and each liferaft shall be at the discretion of the master according to the circumstances.

§ 97.14-15 Motor-propelled lifeboat.

(a) The master shall assign to each motor-propelled lifeboat a man capable of working the motor.

§ 97.14-20 Lifeboat carrying a wireless or searchlight.

(a) The master shall assign to each lifeboat carrying a wireless and/or searchlight a man capable of operating such equipment.

Subpart 97.15—Tests, Drills, and Inspections

7. After the heading for Subpart 97.15 there is inserted additional authority reading as follows:

AUTHORITY: §§ 97.15-1 to 97.15-60 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167-38, October 26, 1959, 24 F.R. 8857.

Subpart 97.34—Work Vests

8. After the heading for Subpart 97.34 there is inserted additional authority reading as follows:

AUTHORITY: §§ 97.34-1 to 97.34-20 interpret or apply R.S. 4488, as amended, 4491, as amended; 46 U.S.C. 481, 489. Treasury Department Order 167-38, October 26, 1959, 24 F.R. 8857.

Subpart 97.35—Logbook Entries

8a. Section 97.35-5(a) is amended by adding a new subparagraph (9) reading as follows:

§ 97.35-5 Actions required to be logged.

(a) • • •

(9) Cargo gear inspections: At least once a month. See § 91.37-70 of this subchapter.

9. Part 97 is amended by inserting after § 97.35-10 a new Subpart 97.36, entitled "Display of Plans," consisting of § 97.36-1, which reads as follows:

Subpart 97.36—Display of Plans

§ 97.36-1 When required.

(a) Barges with sleeping accommodations for more than six persons and all self-propelled vessels shall have permanently exhibited for the guidance of the officer in charge of the vessel, general arrangement plans showing for each deck the various fire retardant bulkheads together with particulars of the fire detecting, manual alarm and fire extinguishing systems, fire doors, means of ingress to the different compartments, and the ventilating systems including the positions of the dampers, the location of the remote means of stopping the fans, and the identification of the fans serving each section.

(R.S. 4488, as amended, 46 U.S.C. 481. Treasury Department Order 167-38, October 26, 1959, 24 F.R. 8857)

Subpart 97.37—Markings for Fire and Emergency Equipment, Etc.

10. After the heading for Subpart 97.37 there is inserted additional authority reading as follows:

AUTHORITY: §§ 97.37-1 to 97.37-90 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167-38, October 26, 1959, 24 F.R. 8857.

Subpart 97.55—De-energizing of Cargo Hold Lighting Circuits When Grain or Other Combustible Bulk Cargo is Carried

11. After the heading for Subpart 97.55 the additional authority is amended to read as follows:

AUTHORITY: §§ 97.55-1 and 97.55-5 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167-38, October 26, 1959, 24 F.R. 8857.

Subpart 97.60—Motion Picture Film and Equipment

12. The additional authority following § 97.60-1(b) is amended to read as follows:

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Department Order 167-38, October 26, 1959, 24 F.R. 8857)

Subpart 97.70—Power-Operated Industrial Trucks

13. After the heading for Subpart 97.70 the additional authority is amended to read as follows:

AUTHORITY: §§ 97.70-1 to 97.70-35 interpret or apply R.S. 4417a, as amended, 4472, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 391a, 170, 481, 489. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-38, October 26, 1959, 24 F.R. 8857.

14. Part 97 is amended by adding after § 97.70-35 a new Subpart 97.75, entitled "Prevention of Oil Pollution," consisting of § 97.75-1, which reads as follows:

Subpart 97.75—Prevention of Oil Pollution

§ 97.75-1 Prohibited zones.

(a) All cargo vessels shall be so operated as to meet the requirements of the Oil Pollution Act, 1924 (33 U.S.C. 431-437). In addition, all cargo ships shall be so operated as to avoid discharging any oil or oily ballast which may foul the surface of the sea, within any of the prohibited zones set forth in the Oil Pollution Act, 1961 (33 U.S.C. 1001-1015).

(Sec. 8, 75 Stat. 403; 33 U.S.C. 1007. Treasury Department Order 167-46, November 6, 1961, 26 F.R. 10609)

SUBCHAPTER J—ELECTRICAL ENGINEERING

PART 110—GENERAL PROVISIONS

Subpart 110.05—Application

1. Section 110.05-1(a) is amended by revising Table 110.05-1(a) (but not the written text of paragraph (a)) to read as follows:

§ 110.05-1 Vessels subject to the requirements of this subchapter.

(a) • • •

TABLE 110.05-1(a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [2]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [3]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [3 4 5 6] or Subchapter T—Small Passenger Vessels [3 5 6]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [3 5]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [3 5 6]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. On and after May 2, 1962, this expression "means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline."

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1960 (sec. 1, 70 Stat. 151; 46 U.S.C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

TABLE 110.05-1(a)—Continued

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [2]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [3]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [3 4 5 6] or Subchapter T—Small Passenger Vessels [3 5 6]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [3 5]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [3 5 6]
Column 1	Column 2	Column 4	Column 4	Column 5	Column 6
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.

See footnotes on preceding page.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

SUBCHAPTER M—BULK GRAIN CARGOES

PART 144—LOADING AND STOWAGE OF GRAIN CARGOES

Subpart 144.20—Detailed Loading and Stowage Requirements

§ 144.20-20 [Amendment]

1. In § 144.20-20(a) the first sentence is amended by changing the reference from "§ 144.20-10(b)(2)" to "§ 144.20-10(b)(3)."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

Subpart 144.30—Vessels Shifting Ports

§ 144.30-1 [Amendment]

2. Section 144.30-1 is amended by changing in paragraph (b) and paragraph (c)(2) the reference from "§ 144.20-10(c)" to "§ 144.20-24(a)(1)."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

SUBCHAPTER N—EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Subpart—General Regulations

1. Section 146.02-2 is amended by adding at the end thereof a new paragraph (i) reading as follows:

§ 146.02-2 Application to vessels.

• • • • •

(i) In addition to complying with the requirements of this part, foreign vessels of novel design or construction whose operation involves potential unusual risks shall be subject to inspection to the extent necessary to safeguard life and property in United States' ports. For details concerning inspection see § 2.01-13 of Subchapter A (Procedures Applicable to the Public), § 30.01-5 of Subchapter D (Tank Vessels), § 70.05-3 of Subchapter H (Passenger Vessels), and § 90.05-1 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

SUBCHAPTER Q—SPECIFICATIONS

PART 160—LIFESAVING EQUIPMENT

Subpart 160.021—Signals, Distress, Hand Red Flare, for Merchant Vessels

1. The authority note for Subpart 160.021 is amended to read as follows:

AUTHORITY NOTE: §§ 160.021-1 to 160.021-7 interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec.

3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; 167-20, June 18, 1956, 21 F.R. 4894; 167-38, October 26, 1959, 24 F.R. 8857.

2. Section 160.021-7(c) is amended to read as follows:

§ 160.021-7 Procedures for approval.

• • • • •

(c) *Preapproval sample.* After the first drawings and specifications have been examined and found to appear satisfactory, a marine inspector will be detailed to the factory to observe the production facilities and manufacturing methods and to select at random, from not less than 50 signals already manufactured, a sample of not less than 24 specimens which will be forwarded prepaid by the manufacturer to the Commandant for the necessary conditioning and tests in accordance with § 160.021-4(b) to determine compliance with this subpart for qualification for type or brand approval for use on merchant vessels. Costs of these tests of the preapproval sample shall be borne by the manufacturer.

Subpart 160.022—Signals, Distress, Floating Orange Smoke, for Merchant Vessels

3. Section 160.022-6(c) is amended to read as follows:

§ 160.022-6 Procedure for approval.

• • • • •

(c) *Preapproval sample.* After the first drawings and specifications have been examined and found to appear satisfactory, the manufacturer will be advised as to any corrections or additions which are necessary. A marine inspector then will be detailed to the factory to observe the production facilities and manufacturing methods and to select at random from not less than 30 signals already manufactured a sample of not less than 15 specimens which will be forwarded prepaid by the manufacturer to the Commandant for the necessary conditioning and tests in accordance with the schedule outlined in § 160.022-4(b) to determine compliance with this subpart for qualification for type or brand approval for use on merchant vessels. Costs of these tests of the preapproval sample shall be borne by the manufacturer.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 160.023—Signals, Distress, Combination Flare and Smoke, Hand, for Merchant Vessels

4. The authority note of Subpart 160.023 is amended to read as follows:

AUTHORITY NOTE: §§ 160.023-1 to 160.023-7 interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 947, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; 167-20, June 18, 1956, 21 F.R. 4894; 167-38, October 26, 1959, 24 F.R. 8857.

5. Section 160.023-7(c) is amended to read as follows:

§ 160.023-7 Procedure for approval.

• • • • •

(c) *Preapproval sample.* After the first drawings and specifications have been examined and found to appear satisfactory, the manufacturer will be advised as to any corrections or additions which are necessary. A marine inspector then will be detailed to the factory to observe the production facilities and manufacturing methods and to select at random from not less than 50 signals already manufactured, a sample of not less than 24 specimens which will be forwarded prepaid by the manufacturer to the Commandant for the necessary conditioning and tests in accordance with § 160.023-4 to determine compliance for qualification for type or brand approval for use on merchant vessels. Costs of these tests of the preapproval sample shall be borne by the manufacturer.

Subpart 160.024—Signals, Distress, Pistol-Projected Parachute Red Flare, for Merchant Vessels

6. Section 160.024-3(c) is amended to read as follows:

§ 160.024-3 Materials, workmanship, construction and performance requirements.

• • • • •

(c) *Construction.* The exterior case of the cartridge shall be made of suitable metal and shall protect against the entrance of moisture. The projectile case and delay element shall be so constructed as to prevent any possibility of the propelling charge blowing by and causing premature ejection of the projectile contents. The shoulder of the base of the cartridge shall be between .090 inch and .105 inch in thickness. The centered primer shall be set below the surface of the base between .010 inch and .020 inch.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 1333, 50 U.S.C. 198)

7. Section 160.024-7(c) is amended to read as follows:

§ 160.024-7 Procedure for approval.

• • • • •

(c) *Preapproval sample.* After the first drawings and specifications have been examined and found to appear satisfactory, a marine inspector will be detailed to the factory to observe the production facilities and manufacturing methods and to select at random, from not less than 50 signals already manufactured, a sample of not less than 24 specimens which will be forwarded prepaid by the manufacturer to the Commandant for the necessary conditioning and tests in accordance with § 160.024-4(b) to determine compliance with this subpart for qualification for type or brand approval for use on merchant vessels. Costs of these tests of the preapproval sample shall be borne by the manufacturer.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 1333, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 160.028—Signal Pistols for Parachute Red Flare Distress Signals for Merchant Vessels

8. Section 160.028-3(c) is amended to read as follows:

§ 160.028-3 Materials, workmanship, construction, and performance requirements.

• • • • •

(c) *Construction and performance requirements.* Signal pistol shall be of rugged construction and shall operate satisfactorily in firing and ejecting pistol-projected parachute red flare distress signals of the type covered by Subpart 160.024. The ejection mechanism shall be of sturdy design capable of withstanding rough and repeated usage. The overall size and weight of signal pistols should be kept to a minimum consistent with adequate strength and safety. When the pistol is cocked and the trigger is pulled, the firing pin shall project between 0.060 inch and 0.100 inch beyond the face plate of the frame. When the barrel is locked in the firing position, the barrel chamber shall be not more than .010 inch from the face plate of the frame.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 1952 Supp.)

Subpart 160.031—Line-Throwing Appliance, Shoulder Gun Type (and Equipment), for Merchant Vessels

9. Section 160.031-4(b) is amended to read as follows:

§ 160.031-4 Equipment for shoulder gun type line-throwing appliance.

• • • • •

(b) Four service lines, each not less than 600 feet in length, of 1/16-inch or more in diameter, woven or braided nylon, very flexible, and having a breaking strength of not less than 140 pounds, or equivalent. Each line shall be one continuous length without splice, knot, or other weakening features and shall be made up or coiled in such way as to render it ready at all times for immediate use. The end of the line intended to be attached to the projectile shall have securely attached thereto a substantial tag bearing a permanent legend indicating its purpose, and the other end of the line shall be tagged in the same manner to prevent delay in securing proper and immediate action with the equipment. The line shall be coiled or reeled in such manner that when all the line leaves the canister it automatically becomes unattached and free from the canister and the gun. The line canister shall be secured by clamps or brackets below the barrel of the gun.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 1333, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

§ 160.037-7 Procedure for approval.

• • • • •

(c) *Preapproval sample.* After the first drawings and specifications have been examined and found to appear satisfactory, a marine inspector will be detailed to the factory to observe the production facilities and manufacturing methods and to select at random, from not less than 50 signals already manufactured, a sample of not less than 24 specimens which will be forwarded prepaid by the manufacturer to the Commandant for the necessary conditioning and tests in accordance with § 160.037-4(b) to determine compliance with this subpart for qualification for type or brand approval for use on merchant vessels. Costs of these tests of the preapproval sample shall be borne by the manufacturer.

Subpart 160.036—Signals, Distress, Hand-Held Rocket-Propelled Parachute Red Flare, for Merchant Vessels

10. Section 160.036-7(c) is amended to read as follows:

§ 160.036-7 Procedure for approval.

• • • • •

(c) *Preapproval sample.* After the first drawings and specifications have been examined and found to appear satisfactory, a marine inspector will be detailed to the factory to observe the production facilities and manufacturing methods and to select at random, from not less than 50 signals already manufactured, a sample of not less than 24 specimens which will be forwarded prepaid by the manufacturer to the Commandant for the necessary conditioning and tests in accordance with § 160.036-4(b) to determine compliance with this subpart for qualification for type or brand approval for use on merchant vessels. Costs of these tests of the preapproval sample shall be borne by the manufacturer.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 1333, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 160.037—Signals, Distress, Hand Orange Smoke, for Merchant Vessels

11. The authority note for Subpart 160.037 is amended to read as follows:

AUTHORITY NOTE: §§ 160.037-1 to 160.037-7 interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; 167-20, June 18, 1956, 21 F.R. 4894; 167-38, October 26, 1959, 24 F.R. 8857.

12. Section 160.037-7(c) is amended to read as follows:

§ 160.037-7 Procedure for approval.

• • • • •

(c) *Preapproval sample.* After the first drawings and specifications have been examined and found to appear satisfactory, a marine inspector will be detailed to the factory to observe the production facilities and manufacturing methods and to select at random, from not less than 50 signals already manufactured, a sample of not less than 24 specimens which will be forwarded prepaid by the manufacturer to the Commandant for the necessary conditioning and tests in accordance with § 160.037-4(b) to determine compliance with this subpart for qualification for type or brand approval for use on merchant vessels. Costs of these tests of the preapproval sample shall be borne by the manufacturer.

Subpart 160.047—Buoyant Vests, Kapok or Fibrous Glass, Adult and Child, for Motorboats of Classes A, 1 or 2 Not Carrying Passengers for Hire

§ 160.047-5 [Amendment]

13. Table 160.047-5(c)(4) in § 160.047-5(c)(4) is amended by changing the amount for the "front pads" in the third column for "Model CKM-1 and CFM-1" from "4½ pounds ±¼ pound" to "4¼ pounds ±¼ pound."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, as amended, 166, as amended; 46 U.S.C. 526e, 526p)

Subpart 160.050—Buoys, Life, Ring, Unicellular Plastic

14. The authority note for Subpart 160.050 is amended to read as follows:

AUTHORITY: §§ 160.050-1 to 160.050-7 interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 6, 17, 3, 54 Stat. 164, as amended, 166, as amended, 347, as amended, sec. 3, 70 Stat. 152, sec. 4, 67 Stat. 462, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 526e, 526p, 1333, 390b, 43 U.S.C. 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; 167-15, January 3, 1955, 20 F.R. 840; 167-20, June 18, 1956, 21 F.R. 4894; 167-38, October 26, 1959, 24 F.R. 8857.

15. Section 160.050-1 is amended to read as follows:

§ 160.050-1 Applicable specifications.

(a) *Specifications.* The following specifications, of the issue in effect on the date ring life buoys are manufactured, form a part of this subpart:

(1) Military specifications:

MIL-T-7807—Thread, Nylon.
MIL-R-16847—Ring Buoy, Lifesaving, Unicellular Plastic.

(b) *Copies on file.* Copies of the specifications referred to in this section shall be kept on file by the manufacturer, together with the certificate of approval. The Military Specifications may be obtained from the Bureau of Supplies and Accounts, Department of the Navy, Washington 25, D.C.

16. Section 160.050-2(b), including Table 160.050-2(b), is amended to read as follows:

§ 160.050-2 Types and sizes.

• • • • • •

(b) *Sizes.* Ring life buoys shall be of the sizes set forth in Table 160.050-2(b). A tolerance of plus or minus 5 percent will be allowable on the dimensions indicated in Table 160.050-2(b).

TABLE 160.050-2(b)—SIZES AND DIMENSIONS OF RING LIFE BUOYS

Size	Dimensions (inches)			
	Finished ring		Cross section of body	
	Outside diameter	Inside diameter	Long diameter	Short diameter
30-inch	30	17	6½	3½
24-inch	24	12	5½	3
20-inch	20	11	4½	3½

17. Section 160.050-3 is amended to read as follows:

§ 160.050-3 Materials.

(a) *Unicellular plastic.* The unicellular plastic material used in fabrication of the buoy body shall be Class I or II material meeting the requirements of Section 3.1.1 of Specification MIL-R-16847 except that volume loss or heat aging shall be not more than 4 percent. The buoy body shall be uniformly pigmented throughout with either white or international orange color, or may be painted with two coats of white or international orange vinyl base paint.

(b) *Grab line.* The grab line shall be ⅜-inch diameter polyethylene, polyproylene, nylon or other suitable synthetic material having a minimum breaking strength of 1,350 pounds.

(c) *Straps.* The straps for securing the grab line shall be 2-inch polyethylene, polyproylene, nylon, saran or other suitable synthetic material having a minimum breaking strength of 585 pounds. In addition, polyethylene and polyproylene are to be of the stabilized type containing an anti-oxidant.

(d) *Thread.* The thread shall be nylon conforming to Type II, Size 4, Class 2, of Specification MIL-T-7807. Alternate threads will be given special consideration.

18. Section 160.050-4(e) is amended to read as follows:

§ 160.050-4 Construction and workmanship.

• • • • •

(e) *Weight.* The weight of the completely assembled buoy shall be not less than 2.5 pounds and not more than 4.25 pounds for the 20-inch size, not less than 3.0 pounds and not more than 5.5 pounds for the 24-inch size, and not less than 5.0 and not more than 7.5 pounds for the 30-inch size.

19. Section 160.050-5 is amended by revising the headnote and paragraph (a) to read as follows:

§ 160.050–5 Sampling, tests, and inspection.

(a) *General.* A marine inspector shall examine all ring life buoys at the place of manufacture for compliance with this specification. Ring life buoys on a lot basis shall be tested for strength, resistance to damage, and buoyancy in accordance with the methods set forth in paragraphs (b), (c), and (d) respectively of this section with the exception that the test for resistance to damage may be omitted at the discretion of the marine inspector. If the marine inspector has any doubt regarding compliance with this specification, he may make such other examinations and tests as he may deem necessary. The manufacturer shall provide a suitable place and necessary apparatus for the use of the marine inspector in conducting tests at the place of manufacture, and shall provide labor for all handling of ring buoys requisite to inspection.

(1) *Lot size and sampling.* A lot shall consist of not more than 500 ring life buoys. A new lot shall be started with any change or modification in material used or manufacturing methods employed. When a lot of ring buoys is ready for inspection, the manufacturer shall notify the Officer in Charge, Marine Inspection, U.S. Coast Guard, of the inspection zone in which the factory is located, who will assign a marine inspector to the plant for the purpose of making the necessary tests and inspections. From each lot of ring life buoys the marine inspector shall select samples in accordance with the following table to be tested for strength and buoyancy in accordance with paragraphs (b) and (d) respectively of this section:

TABLE 160.050–5(a)(1)—SAMPLING FOR TESTS

Lot size	No. of ring buoys in sample
100 and under	1
101 to 200	2
201 to 300	3
301 to 500	4

PART 162—ENGINEERING EQUIPMENT

Subpart 162.028—Extinguishers, Fire, Portable, Marine Type

1. Section 162.028–3 is amended by canceling paragraph (i) and by revising paragraphs (c), (f), (f)(1) (but not subparagraphs (f) (2) through (5)), and (g) to read as follows:

§ 162.028–3 Requirements.

• • • • • •

(c) *Materials.* Materials used for exposed working parts shall be corrosion-resistant to salt water and spray. Materials used for other exposed parts shall be either corrosion-resistant or shall be protected by a suitable corrosion-resistant coating.

(1) *Corrosion-resistant materials.* The materials which are considered to be corrosion-resistant are copper, brass, bronze, certain copper-nickel alloys, certain alloys of aluminum, certain plastics, and certain stainless steels.

(2) *Corrosion-resistant coatings.* (i) The following systems of organic or metallic coatings for exposed non-working ferrous parts, when applied on properly prepared surfaces after all cutting, forming, and bending operations are completed, are considered to provide suitable corrosion resistance:

(*a*) Bonderizing, followed by the application of zinc chromate primer, followed by one or more applications of enamel; or,

(*b*) Hot-dipped or electrodeposited zinc in thicknesses not less than 0.002 inch; or,

(*c*) Electrodeposited cadmium in thicknesses not less than 0.001 inch; or,

(*d*) Hot-dipped or sprayed aluminum in thicknesses not less than 0.002 inch; or,

(*e*) Copper plus nickel in total thicknesses not less than 0.003 inch, of which the nickel is not less than 0.002 inch, plus any thickness of chrome.

(ii) The metallic platings of less than the thicknesses specified in this paragraph are not acceptable for the protection against corrosion of ferrous parts.

(3) *Decorative platings.* Decorative platings in any thicknesses applied over corrosion-resistant materials and corrosion-resistant coatings are acceptable for either working or non-working parts.

(4) *Dissimilar metals.* The use of dissimilar metals in combination shall be avoided wherever possible, but when such contacts are necessary, provisions (such as bushings, gaskets, or o-rings) shall be employed to prevent such deleterious effects as galvanic corrosion, freezing or buckling of parts, and loosening or tightening of joints due to differences in thermal expansion.

(5) *Suitability of materials.* In event of question as to the suitability of the materials (including coatings) used, the salt spray test described in subparagraph (6) of this paragraph shall be conducted.

(6) *Salt spray test.* Expose the complete, fully charged specimen extinguisher to a 20 percent sodium-chloride solution spray at a temperature of 95° F. (35° C.) for a period of 240 hours. The procedures and apparatus described in Method 811 of Federal Test Method Standard No. 151 are suitable. Alternate methods may be found satisfactory if the results are comparable. Following the test, allow the specimen extinguisher to air dry for a period of 48 hours. Following the air drying, the specimen extinguisher shall be capable of being operated satisfactorily without undue effort or special procedures on the part of the operator, and it shall be capable of being recharged satisfactorily in accordance with the directions on the name plate without the use of extraordinary tools or procedures.

• • • • • •

(f) *Additional marking.* (1) As part of the usual name plate marking, there shall be included the rated capacity of the extinguisher in gallons, quarts, or pounds, and complete instructions for recharging, including the identification of the recharge materials and of the pressure cartridge or separate container if one is used.

• • • • • •

(g) *Mounting bracket.* Every portable fire extinguisher shall be supplied with a suitable bracket which will hold the extinguisher securely in its stowage location on vessels or boats, and which is arranged to provide quick and positive release of the extinguisher for immediate use. The materials of the bracket shall be sufficiently corrosion-resistant or protected against corrosion to withstand the test prescribed by paragraph (c)(6) of this section without showing more than traces of slight corrosion, which may be easily wiped off after rinsing with tap water.

(i) [Canceled]

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 6, 17, 54 Stat. 165, as amended, 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 4, 67 Stat. 462, and sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 526g, 526p, 1333, 390b, 43 U.S.C. 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; 167–38, October 26, 1959, 24 F.R. 8857)

SUBCHAPTER R—NAUTICAL SCHOOLS

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

1. The authority note for Part 167 is amended to read as follows:

AUTHORITY: §§ 167.01–1 to 167.65–70 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4450, as amended, 4453, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, as amended, secs 1 and 2, 49 Stat. 1544, 1545, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, sec. 8, 75 Stat. 403; 46 U.S.C. 391, 392, 404, 411, 239, 222, 481, 489, 363, 367, 390b, 50 U.S.C. 198, 33 U.S.C. 1007; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857; 167–46, November 6, 1961, 26 F.R. 10609.

Subpart 167.20—Hull Requirements, Construction and Arrangement of Nautical School Ships

2. Subpart 167.20 is amended by adding after § 167.20–30 a new § 167.20–35 reading as follows:

§ 167.20–35 Liquid ballast.

When water ballasting of fuel tanks is necessary, such oily ballast shall not be subsequently discharged overboard within any of the prohibited zones as defined by the Oil Pollution Act, 1961 (33 U.S.C. 1011), except through oily water separators which meet the requirements in § 55.10–25(n) of Subchapter F (Marine Engineering) of this chapter, or directly into sludge barges or shore facilities, or other approved means.

Subpart 167.35—Lifesaving Equipment

3. Section 167.35–65(a)(1) is amended to read as follows:

§ 167.35–65 Motor lifeboat equipment.

(a) • • •

(1) Two portable fire extinguishers having Coast Guard classification B–1, C–1. (Carbon dioxide or dry chemical type approved by the Coast Guard or the Navy.)

Subpart 167.45—Special Fire-Fighting and Fire Prevention Requirements

4. The introductory text of § 167.45–70 (a), but not subparagraphs (1) and (2), is amended to read as follows:

§ 167.45–70 Portable fire extinguishers, general requirements.

(a) Extra charges shall be carried on board for 50 percent of each size and variety of fire extinguishers provided. If 50 percent of each size and variety of fire extinguishers carried gives a fractional result, extra charges shall be provided for the next largest whole number.

• • • • • •

PART 168—CIVILIAN NAUTICAL SCHOOL VESSELS

1. The authority note for Part 168 is amended to read as follows:

AUTHORITY: §§ 168.01–1 to 168.15–60 issued under sec. 3, 54 Stat. 347, as amended; 46 U.S.C. 1333. Treasury Department Order 120, July 31, 1950; 15 F.R. 6521.

Subpart 168.05—General Requirements

2. Section 168.05–5(a) is amended to read as follows:

§ 168.05–5 Application of passenger vessel inspection regulations.

(a) Where the requirements are not covered specifically in this part, all the regulations applying to passenger vessels in Subchapter E (Load Lines), F (Marine Engineering), H (Passenger Vessels), J (Electrical Engineering), P (Manning), Q (Specifications), and T (Small Passenger Vessels) of this chapter are hereby made applicable to all vessels or other floating equipment used by or in connection with any civilian nautical school, whether such vessels or other floating equipment are being navigated or not, except vessels of the Navy or Coast Guard.

SUBCHAPTER T—SMALL PASSENGER VESSELS (NOT MORE THAN 65 FEET IN LENGTH)

PART 175—GENERAL PROVISIONS

Subpart 175.05—Application

1. Section 175.05–1(a) is amended by revising only Table 175.05–1(a) (no change in written text) so this table reads as follows:

§ 175.05–1 Vessels subject to the requirements of this subchapter.

(a) • • •

TABLE 175.05–1(a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [3] [4] [6] or Subchapter T—Small Passenger Vessels [3] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [3] [6]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [3] [5]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[3]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. On and after May 2, 1962, this expression "means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline."

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U.S.C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

TABLE 175.05-1(a)—Continued

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]: Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2,3,4,5] or Subchapter T—Small Passenger Vessels [2,3,4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2,6]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2,3,4]
Column 1	Column 2	Column 4	Column 4	Column 5	Column 6
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessles carrying combustible or inflammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.

See footnotes on preceding page.

(Sec. 3, 70 Stat. 152; 46 U.S.C. 390b. Interpret or apply R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

PART 176—INSPECTION AND CERTIFICATION

Subpart 176.15—Drydocking or Hauling Out

1. Section 176.15-1 is amended by revising paragraph (a) but not subparagraphs (1) to (3) thereof to read as follows:

§ 176.15-1 When required.

(a) Except for extensions as authorized by the Commandant, all vessels shall be drydocked or hauled out and made available for examination, and shall be examined by a marine inspector within the periods set forth in this paragraph, depending upon the service.

(Sec. 3, 70 Stat. 152; 46 U.S.C. 390b)

PART 181—FIRE PROTECTION EQUIPMENT

Subpart 181.20—Fixed Fire Extinguishing Systems

1. Section 181.20-20(b) is amended by revising table 181.20-20(b) by changing the second maximum quantity of carbon dioxide required in the first column from "200" to "225" so that this table reads as follows:

§ 181.20-20 Piping.

(b) • • •

TABLE 181.20-20(b)

Maximum quantity of carbon dioxide required, pounds	Minimum pipe size, inches
100	¼ (Schedule 40).
225	¾ (Schedule 40).
300	1 (Schedule 80).
600	1¼ (Schedule 80).

Subpart 181.30—Portable Fire Extinguishers

2. Section 181.30-10 is amended by adding at the end thereof a new subparagraph (c) reading as follows:

§ 181.30-10 Installation and location.

• • • • •

(c) Portable fire extinguishers, which are required on their nameplates to be protected from freezing, shall not be located where freezing temperatures may be expected.

(Sec. 3, 70 Stat. 152; 46 U.S.C. 390b)

Dated: September 6, 1962.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard
Commandant.

[F.R. Doc. 62-9057; Filed, Sept. 10, 1962; 8:50 a.m.]

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, subparagraphs (21) and (22) are added to paragraph (a) of § 6.314 as set out below.

§ 6.314 **Department of Health, Education, and Welfare.**

(a) *Office of the Secretary.* * * *

(21) One Assistant to the Secretary (For Educational Television).

(22) One Deputy Assistant to the Secretary (For Educational Television).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-9097; Filed, Sept. 11, 1962; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 28, Amdt. No. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 908.328 (Valencia Orange Regulation 28, 27 F.R. 8784) are hereby amended to read as follows:

(ii) District 2: 550,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 7, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9083; Filed, Sept. 11, 1962; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-204]

PART 13—PROHIBITED TRADE PRACTICES

David Benioff Brothers, Inc., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin:* § 13.1325–70 *Place:* § 13.1325–70(g) *Imported product or parts as domestic.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, David Benioff Brothers, Inc., et al., San Francisco, Calif., Docket C-204, Aug. 14, 1962]

In the Matter of David Benioff Brothers, Inc., a Corporation, and David Benioff, Robert Benioff, Robert Taylor, and John Everett, Individually and as Officers of the Said Corporation

Consent order requiring San Francisco furriers to cease violating the Fur Products Labeling Act by substituting nonconforming labels for those affixed to fur products by manufacturers or distributors; by labels and invoices which showed the United States to be the country of origin of imported furs; by failing to disclose on labels when furs were artificially colored or composed of cheap or waste fur; failing to show on labels and invoices the country of origin of imported furs; failing to show on invoices the true animal name of fur and to disclose when fur products were natural; and by failing in other respects to comply with labeling requirements.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents David Benioff Brothers, Inc., a corporation, and its officers, and David Benioff, Robert Benioff, Robert Taylor, and John Everett, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the sale, advertising, offering for sale or processing of any fur product which has been shipped and received in commerce, and upon which fur products a substitute label has been placed by the respondents, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Misrepresenting the country of origin of the furs contained in fur products.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

C. Substituting labels for labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act and which substitute labels do not conform to the requirements of section 4 of said Act.

D. Failing to disclose that fur products are composed in whole or in sub-

stantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur, when such is the fact.

E. Failing to set forth all the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of such labels.

2. Falsely or deceptively invoicing fur products by:

A. Misrepresenting the country of origin of the imported furs contained in fur products.

B. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

C. Failing to disclose that fur products are natural, when such is the fact.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 14, 1962.

By the Commission.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 62-9070; Filed; Sept. 11, 1962; 8:46 a.m.]

[Docket 7848 o.]

PART 13—PROHIBITED TRADE PRACTICES

Nu Arc Co., Inc.

Subpart — Discriminating in price under sec. 2, Clayton Act—Payment For Services or Facilities for Processing or Sale Under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Nu Arc Company, Inc., Chicago, Ill., Docket 7848, Aug. 7, 1962]

Order requiring a Chicago manufacturer of equipment used in printing, offset printing, and lithography, to cease discriminating among customers in violation of section 2(d) of the Clayton Act in paying advertising allowances—such as payments of approximately $3,000 for advertisements of its products in "Printing Impressions-National Edition", a newspaper owned by a customer.

The order to cease and desist is as follows:

It is ordered, That respondent The Nuarc Company, a corporation, erroneously named as Nu Arc Company, Inc., in the complaint, and its officers, employees, agents and representatives, directly or through any corporate or other device in or in connection with the offering for sale, sale or distribution of arc lamps, vacuum frames, light tables, dark room lights, and other of respondent's products manufactured for printing, offset printing or lithography, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to or for the benefit of a customer of respondent as compensation for or in consideration of any advertising services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of said products, unless such payment or consideration is affirmatively made available on proportionally equal terms to all other customers competing in the distribution of such products.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent, The Nuarc Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the initial decision as modified.

Issued: August 7, 1962.

By the Commission, Commissioner Anderson concurring in the result, and Commissioner Elman dissenting.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 62-9071; Filed, Sept. 11, 1962; 8:46 a.m.]

[Docket C-205]

PART 13—PROHIBITED TRADE PRACTICES

Walter Holding Co.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment or Acceptance of Commission, Brokerage or Other Compensation Under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Walter Holding Company, Tampa, Fla., Docket C-205, Aug. 15, 1962]

Consent order requiring a Tampa, Fla., packer of citrus fruit to cease allowing illegal commissions on a large number of sales to direct buyers purchasing for their own accounts for resale.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Walter Holding Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: August 15, 1962.

By the Commission.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 62-9072; Filed, Sept. 11, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of O,O-Diethyl O-(2-Isopropyl-4-Methyl-6-Pyrimidinyl)Phosphorothioate

A petition was filed with the Food and Drug Administration by Geigy Agricultural Chemicals, Division of Geigy Chemical Corporation, Saw Mill River Road, Ardsley, New York, requesting the establishment of tolerances for residues of the insecticide *O,O*-diethyl *O*-(2-isopropyl-4-methyl - 6 - pyrimidinyl) phosphorothioate in or on raw agricultural commodities as follows: Range and pasture forage, grass hay, wild hay, mixed grass and legume hay at 40 parts per million; corn (kernels plus cob with husks removed) at 0.75 part per million. The petition also proposed an increase in tolerances for residues of the subject insecticide in or on alfalfa and alfalfa hay, bean forage and bean hay, corn forage, pea forage (pea vines and pods) and pea hay to 40 parts per million; and in or on almond hulls to 3 parts per million.

The petition was amended to:

1. Request the establishment of a tolerance for this insecticide in or on grass hay at 10 parts per million.

2. Propose increases in the tolerances for this insecticide in or on alfalfa, bean forage and bean hay, corn forage, pea vines and pea vine hay (previous listing as pea forage and pea hay) to 10 parts per million, and in or on almond hulls to 3 parts per million.

3. Change the designation for "sweet corn" to "corn" and change the designation for "peas" to "peas with pods (determined on peas after removing any shell present when marketed)" in the item listing 0.75 part per million tolerance limitations.

The Secretary of Agriculture has certified that this insecticide is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by changing § 120.153 (21 CFR 120.153) to read as follows:

§ 120.153 Tolerances for residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate.

Tolerances for residues of the insecticide *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on raw agricultural commodities are established as follows:

10 parts per million in or on alfalfa, alfalfa hay, bean forage, bean hay, corn forage, grass hay, pea vines, pea vine hay.

3 parts per million in or on almond hulls.

1 part per million in or on olives.

0.75 part per million in or on apples, apricots, beans (snap), beet roots, beet tops, broccoli, cabbage, cantaloups, carrots, cauliflower, celery, cherries, collards, corn (kernels and cob with husks removed), cranberries, cucumbers, endive (escarole), figs, grapes, hops, kale, lemons, lettuce, lima beans, muskmelons, nectarines, onions, oranges, parsley, parsnips, peaches, pears, peas with pods (determined on peas after removing any shell present when marketed), peppers, plums (fresh prunes), radishes, spinach, strawberries, summer squash, Swiss chard, tomatoes, turnip roots, turnip tops, watermelons, winter squash.

0.75 part per million in or on the fat, meat, and meat byproducts of sheep from preslaughter application.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 6, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-9099; Filed, Sept. 11, 1962; 8:51 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of O,O-Diethyl S-2-(Ethylthio)Ethyl Phosphorodithioate

A petition was filed with the Food and Drug Administration by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, requesting the establishment of tolerances for residues of the insecticide *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate in or on alfalfa hay at 12 parts per million, fresh alfalfa and wheat foliage at 5 parts per million, broccoli at 0.75 part per million, and wheat grain at 0.3 part per million.

The Secretary of Agriculture has certified that this insecticide is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.183) are amended by adding to § 120.183 tolerances for residues of the aforementioned raw agricultural commodities. As amended, the affected portions of this section read as follows:

§ 120.183 Tolerances for residues of *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate.

• • • • • •

12 parts per million in or on alfalfa hay.

5 parts per million in or on alfalfa (fresh), barley (green fodder and straw), bean vines, oats (green fodder and straw), peanut hay, pea vines, pineapple foliage, rice straw.

5 parts per million in or on wheat (green fodder and straw) from application at planting time in the fall.

• • • • • •

0.75 part per million in or on barley grain, beans (dry), beans (lima), beans (snap), broccoli, brussels sprouts, cabbage, cauliflower, cottonseed, lettuce, oat grain, peanuts, peas, pineapples, potatoes, rice, spinach, tomatoes.

• • • • • •

0.3 part per million in or on wheat grain from application at planting time in the fall.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 6, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-9098; Filed, Sept. 11, 1962; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 126—READY RESERVISTS INVOLUNTARILY ORDERED TO ACTIVE DUTY: DELAY, EXEMPTION, AND EARLY RELEASE

The Secretary of Defense approved Part 126.

Sec.
126.1 Purpose.
126.2 Definitions.
126.3 Policy.
126.4 Applicability.

AUTHORITY: § 126.1 to 126.4 issued under R.S. 161; 5 U.S.C. 22.

§ 126.1 Purpose.

This part provides policy guidance to the military departments concerning delay, exemption, and early release of Ready Reservists who have been involuntarily ordered to active duty. It supplements current policy guidance pertaining to fulfilling the military service obligation, the screening of the Ready Reserve, and the assignment to and transfer between reserve categories and discharge from reserve status, set forth in Parts 50, 115 and 125 of this Subchapter B.

§ 126.2 Definitions.

(a) Delay is considered to be a postponement in reporting to active duty by Ready Reservists not to exceed 30 days from date initially designated to report to active duty. This delay period may be extended by the appropriate Secre-

tary if the merits of the individual case so warrant.

(b) **Exemption** is considered to be total relief from the requirement of reporting to active duty.

(c) **Early release** is considered to be the release of a Ready Reservist from active duty prior to the normal expiration of the scheduled release date.

§ 126.3 Policy.

(a) *Screening.* The screening of Ready Reservists will cease when they have been alerted for involuntary order to active duty. Ready Reservists who have been alerted for involuntary order to active duty will continue to be screened in accordance with Part 125 of this Subchapter B.

(b) *Delay or exemption.* (1) Ready Reservists who have been alerted for involuntary order to active duty may request delay or exemption if they are—

(i) High school students, in which case they may be delayed until graduation or until age 20, whichever occurs first;

(ii) Students or teachers who are not members of organized units, in which case, to the extent practicable and subject to military requirements, they may be delayed until they complete the quarter or semester in which they are enrolled or employed at the time they are alerted for order to active duty;

(iii) Ready Reservists whose involuntary order to active duty would result in an extreme personal or community hardship; or

(iv) Ready Reservists not in a drill pay status whose circumstances qualify them for transfer to the Standby Reserve, pursuant to the provisions of Part 125 of this Subchapter B, and who have either:

(*a*) Requested such transfer before being alerted for active duty; or

(*b*) Presented a good and sufficient reason for not having made a timely request for such transfer.

(2) Ready Reservists not in a drill pay status who are students in the professions of medicine, dentistry or other allied medical health specialties shall be transferred to the Standby Reserve unless they elect to be transferred to the Early Commissioning Program. This latter program is preferable from the standpoint of proper utilization since these students will be retained in a Ready Reserve status and will be available to the military services as commissioned physicians, dentists or other allied medical specialists upon completion of their education and training.

(3) Request for delay or exemption from a member of the reserve forces involuntarily ordered to active duty will be considered on the merits of the individual case and the requirements of the services concerned. Such requests will be submitted through the military chain of command prescribed by the military departments. Final decision in all cases of appeal is vested in the Secretaries of the military departments concerned or their designated representatives.

(4) Reservists who have completed their military obligation and request exemption are required to submit their resignation or request for discharge from the Reserve forces. If the individual so desires, he may include a statement in his resignation or request for discharge that he would be willing to accept a transfer to the inactive status list of the Standby Reserve, or to the Retired Reserve, if eligible, in lieu of the acceptance of his resignation or discharge. Reservists who are obligors and request exemption will, if requests are approved, be discharged or retained in the Reserve to be available for mobilization at such time as the reason for their exemption is removed. Reservists retained in the Reserves upon the approval of their request for exemption will not be permitted to participate in any reserve training for which they would be entitled to receive pay from Federal funds or be credited with points toward retirement under Chapter 67, Title 10, U.S. Code, until they have served on active duty (other than for training) or the Secretary of the military department concerned makes a special finding in each case that their return to active participating status is in the best interest of the particular military department. The Secretary concerned may not delegate his authority under the preceding sentence.

(5) Request for delay or exemption will be processed expeditiously and the individual concerned will be notified promptly of the action taken. Every effort will be made to process such action and notify the individual prior to the date on which travel must commence in order to effect compliance with active duty orders. However, when such action cannot be completed prior to effective date of active duty orders, the Reservist will be required to report for duty and await final determination of his case unless specifically granted permission not to report by the local area commander delegated this authority.

(c) *Early release.* In the event Reserve units are released from active duty prior to their planned expiration date, it is the policy of the DOD to retain those Reservists requesting such action for the fully planned length of active duty for which they were recalled when a hardship would be created by early release.

§ 126.4 Applicability.

This policy is applicable to all officers and enlisted personnel of the Ready Reserve Components who have been alerted for or involuntarily ordered to active duty.

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

[F.R. Doc. 62-9084; Filed, Sept. 11, 1962; 8:48 a.m.]

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 505—SAFEGUARDING DEFENSE INFORMATION

Visitors

Section 505.17 is revised to read as follows:

§ 505.17 Visitors.

(a) *General.* (1) This section establishes procedures for visits by United States citizens and foreign nationals to Army installations and activities within the continental United States. The Commanding General, U.S. Army Alaska; the Commanding General, U.S. Army, Hawaii; and overseas commanders may utilize this section for guidance in establishing local procedures. Requests to visit activities in Alaska, Hawaii, or oversea commands should be submitted to the commanding general of the area concerned.

(2) The commanding officer of an Army installation, or the Department of Army representative, hereinafter referred to as the Army representative, at an Army activity will determine whether the situation at the time of the visit makes the admission of a visitor inadvisable, and is empowered to postpone the visit and request instructions from the office which authorized it.

(b) *Definitions.* For the purpose of this section, the following definitions apply:

(1) *Foreign national.* Any person not a citizen of nor immigrant alien to the United States.

(2) *Foreign representative.* Any citizen of the United States or immigrant alien thereto who is acting as a representative, official, or employee of a foreign government, firm, association, corporation, or individual.

(3) *Army installation.* A post, camp, or station, generally self-sufficient, situated on Department of the Army controlled land and established by Department of the Army orders. (Fort Belvoir, Marion Engineer Depot, etc.)

(4) *Army activity.* Agency, detachment, office, or other Department of the Army operated entity established by competent orders.

(5) *DA agency.* Those Headquarters, Department of the Army, agencies having command functions.

(c) *Release of military information.* Where the visit involves access to classified defense information the installation commander or the Army representative concerned will be responsible for controlling access to such information consistent with the purpose of the visit and will not permit access to any other classified defense information in his custody. In no case will visitors be granted access to information classified higher than that indicated by the Department of the Army agency approving the specific visit, nor will visitors be permitted to take photographs of a classified subject or object unless prior written approval has been obtained from the Department of the Army agency concerned. During periods of access to classified defense information, visitors will be escorted or supervised by responsible persons designated by the installation commander or Army representative concerned.

(d) *Visits of foreign nationals and foreign representatives.* Foreign nationals and foreign representatives will be admitted to Department of the Army installations and activities only in accordance with the authorization procedures established by this paragraph. Authorization of a visit in itself does not constitute authority for the release of classified defense information to visitors, nor retention by visitors of any classified documents or material. Visitors should be advised that requests for such information or material connected with their visits must be submitted to the Department of the Army by the appropriate diplomatic representative of their country or the country of the firm which they are representing. Where visual or oral disclosures only are desired or indicated, such a request may be made in conjunction with the request for the visit. Foreign nationals and foreign representatives will not be permitted access to classified defense information until their identity has been clearly established and it has been determined that the release of the information requested has been authorized.

(1) *By authority of the Assistant Chief of Staff for Intelligence, Department of the Army.* (i) Foreign nationals and foreign representatives, except as otherwise indicated, may be admitted to Department of the Army installations and activities only upon written authority of the Assistant Chief of Staff for Intelligence, Department of the Army. Requests for visit approval will be submitted by or through the prospective visitor's diplomatic representative in the United States, to the Assistant Chief of Staff for Intelligence, ATTN: Foreign Liaison Office, Department of the Army. Requests for visits by foreign nationals while acting as representatives of international organizations, involving the release of United States classified defense information, will be submitted by the U.S. agency charged with maintaining liaison between the international organization and the United States. Such requests will be forwarded to the Secretariat, State-Defense Military Information Control Committee (S/SDMICC). All visit requests will include:

(*a*) Name in full.
(*b*) Official title or position.
(*c*) Nationality.
(*d*) Visa, passport, or orders number.
(*e*) Date and place of birth.
(*f*) Name of installation, or activity to which admission is desired.
(*g*) Date of visit or dates between which visits are desired.
(*h*) Purpose of visit.
(*i*) Sponsor.
(*j*) Security clearance.

(ii) Requests for visits of foreign nationals and foreign representatives to:

(*a*) Installations or activities under the command jurisdiction of a DA agency will be processed through that agency.

(*b*) Installations or activities under command jurisdiction of ZI armies or Military District of Washington, U.S. Army, will be processed directly between Headquarters, Department of the Army, and the ZI army (or MDW) concerned, with information copy furnished to Headquarters, U.S. Continental Army Command.

(*c*) U.S. Army Human Resources Research Units and Combat Surveillance and Target Aquisition Training Command will be processed through Headquarters, U.S. Continental Army Command.

(iii) The Assistant Chief of Staff for Intelligence, in approving a visit, will specifically state the limitations for disclosure of classified defense information that are applicable to the particular visit. When disclosure of classified information is authorized in connection with a visit, such disclosure will be limited to the information necessary to accomplish the purpose of the visit. When classified information or material in documentary form is made available to visitors during the course of briefings or presentations, all necessary precautions will be taken to safeguard such information or material. Classified information or material in documentary form will not be released to visitors for their personal retention, but must be requested through diplomatic channels in the manner previously indicated in this paragraph.

(2) *By authority of heads of Headquarters, Department of the Army agencies and Commanding Generals, U.S. Continental Army Command, Army Materiel Command, and Combat Development Command.* Military representatives of foreign governments who are duly accredited by the Assistant Chief of Staff for Intelligence, Department of the Army, to the head of a Department of the Army agency, to visit the office of the agency head or installations under jurisdiction, may submit visit requests directly to the agency head. The agency head may approve such requests provided the visit is being made for a purpose within the terms of accreditation. The provisions of this subparagraph apply also to military representatives of foreign governments accredited by the Assistant Chief of Staff for Intelligence, Department of the Army, to the Commanding Generals, U.S. Continental Army Command, Army Materiel Command, and Combat Development Command.

(3) *By authority of the installation commander or Army representative.* By authority of the commanding officer of an Army installation or the Army representative at an Army activity, foreign nationals and foreign representatives may be admitted to the installation or activity under the following conditions, provided that no classified defense information is disclosed:

(i) For social purposes.

(ii) For activities open to the general public.

(iii) For authorized medical treatment.

(iv) In connection with emergency landings or other emergency situations.

(v) For domestic, janitorial, housekeeping, repair, and maintenance activities.

(vi) As transients through military installations (i.e., port of embarkation, port of debarkation).

(vii) On matters of official business when the individual is employed by a contractor in the performance of a military contract, or by an agency of the United States Armed Forces or other agency of the United States Government.

(viii) For visits approved by the Defense Logistics Center, Defense Supply Agency made for the purpose of inspecting items of excess material available for sale to eligible foreign governments.

(ix) Canadian defence suppliers and representatives of the Canadian Department of Defence Production in connection with procurement solicitations or other matters related thereto. Discussions conducted during visits in this category cannot be expanded to include classified matters.

(x) For those visits described under subdivisions (vii) and (ix) of this subparagraph, the following will be accomplished:

(*a*) A visit request in accordance with subparagraph (1) of this paragraph will be submitted to the Army installation commander or to the Army representative at the activity to be visited.

(*b*) The applicant will be notified whether the visit is approved or disapproved.

(c) Prior to admittance the identity of the visitor will be clearly established.

(4) *By authority of Commanding General, U.S. Army Air Defense Command.* (i) Canadian military personnel assigned to North American Air Defense Command and Continental Air Defense Command accredited to U.S. Army Air Defense Command may be admitted to U.S. Army installations, in connection with air defense activities, on the authority of the Commanding General, U.S. Army Air Defense Command. Classified information may be disclosed, at the lowest appropriate level consistent with the purpose of the visit, within the limits of the accreditation.

(ii) Members of the Armed Forces of Canada or representatives of the government of the Dominion of Canada may be admitted to antiaircraft installations on matters of mutual interest in connection with Air Defense operational matters on the authority of the Commanding General, U.S. Army Air Defense Command.

(5) *By authority of Commanding Generals, ZI armies.* Members of the Armed Forces of Canada and Mexico may be admitted to Department of the Army installations or activities near the borders of those countries and the United States in connection with border incidents, disciplinary problems, coordination of security matters pertaining to the border, and such other matters of mutual interest as may arise, on the authority of the commanding general of the ZI army concerned without reference to higher headquarters, provided

that no unauthorized classified defense information is disclosed.

(6) *By authority of commandants of service schools.* Commandants of service schools are authorized to approve visits of foreign nationals to military installations and activities when such visits are field trips scheduled in the program of instruction of a course in which the foreign nationals are students, and when such field trips are in consonance with the purpose and scope of the school course attended. The school commandant will obtain the concurrence of the commander of the installation or activity to be visited before approval. During such visits, foreign students will not be furnished classified information higher than that which they have been authorized to receive in the school course which they have been attending.

(7) *Visits to Army Language School.* The Commandant of the Army Language School, Presidio of Monterey, California, is authorized to approve visits of foreign nationals and foreign representatives to his installation for the purpose of conducting lectures or discussions in a foreign language when such visits will result in a benefit to the school, provided that no classified defense information is disclosed.

(8) *Visits by foreign news-media representatives.* Foreign news-media representatives may request permission to visit Army installations or activities. Such requests will be processed through the Chief of Information, Headquarters, Department of the Army. The Chief of Information may approve such requests without reference to the Assistant Chief of Staff for Intelligence, Department of the Army, provided that no classified defense information is disclosed and no classified installations are visited.

(e) *Visits of United States citizens.* By authority of the Army installation commander or the Army representative at an Army activity, United States citizens, except as provided in paragraph (b)(2) of this section, may be admitted to Army installations or activities under the following conditions:

(1) Casual visitors (visitors on a transient status, passing through port of embarkation or port of debarkation, parents or relatives of personnel stationed within the installation or activity, individuals invited for social occasions or activities open to the public, domestics or personnel employed or admitted for housekeeping, repair, and maintenance purposes or such other casual visitors who may be considered under similar criteria) may be admitted provided that no classified defense information is disclosed.

(2) Representatives of United States Government agencies or of the Military Establishment, and individuals employed by United States contractors or subcontractors or individuals engaged in cooperating with the Department of Defense in the capacity of engineer, inventor, consultant, or advisor, may be admitted provided that the local representative of the Department of the Army agency concerned considers the visit necessary or desirable and not in conflict with the best interests of the services. Classified defense information may be disclosed on a need-to-know basis to such visitors that appropriate visitor clearance, including security clearance, is obtained by the visitor prior to the visit in accordance with the requirements of the head of the Department of the Army agency concerned, or by authority of the Assistant Chief of Staff for Intelligence, Department of the Army; and provided that no information of a classification higher than that of the individual's clearance is disclosed. Access to classified defense information will not be permitted until identity and security clearance have been clearly established. Authorization for the visit in itself does not constitute authority for the release of classified defense information to visitors nor retention by the visitor of any classified documents or material. In case doubt exists as to the identity of the visitor, or whether he is acting in an official capacity, verification will be made with the Assistant Chief of Staff G2 of the Army or other command concerned.

(3) Visits of representatives of the Atomic Energy Commission, its contractors and its contractor employees, and visits which will involve access to restricted data as defined by the Atomic Energy Act of 1954, will be controlled by Headquarters, Department of the Army.

(4) Installation commanders and Army representatives at activities may contact any cognizant security office or the Chief, Industrial and Personnel Security Group, ATTN: Central Index File, Fort Holabird, Baltimore 19, Md., direct on matters pertaining to visits by contractor employees.

(5) Reporters, photographers, and other representatives of public information media may be admitted to Army installations or facilities provided that no unauthorized classified defense information is disclosed.

(6) Union officials not employed by contractors but who may require access to classified defense information or to closed or restricted areas in connection with the specific terms of a bargaining or other agreement with a contractor may be granted access to such information or areas by the commander of an installation under the following procedures:

(i) Appropriate documentation will be furnished by the union official to the commander of the installation as follows:

(*a*) Name and address of the person for whom visit is requested.

(*b*) Citizenship.

(*c*) Date and place of birth.

(*d*) Organization with which the person is associated.

(*e*) Position of person in organization.

(*f*) Date of requested visit or dates of intermittent visits.

(*g*) Purpose of visit in detail, including classified information to which access is required and the reason therefor.

(*h*) Person(s) to be visited, if known.

(*i*) Name and address of any facility or Army installation to which the person has submitted previously, forms identified in (*j*) of this subdivision.

(*j*) Five signed Personnel Security Questionnaires (DD Form 48), five signed Certificate of Non-Affiliation with certain Organizations (DD Form 48–1) and one executed fingerprint card.

(ii) The contractor who employs the union members may act as sponsor in submission of the foregoing documentation except that forms required in subdivision (i) (*j*) of this subparagraph may be submitted directly to the installation commander.

(iii) Notice of approval or disapproval of visit will be furnished the requestor by the commander.

(iv) These provisions are not to be interpreted as modifying in any way the authority of the commander of a military installation to deny admittance of any individual to a military installation under his control. Actions under such authority are not appealable.

[AR 380–25, 12 September 1961, including C 1, 19 July 1962] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc 62–9068; Filed, Sept. 11, 1962; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Flushing Bay, N.Y.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.36 is hereby prescribed to govern the use and navigation of an area in Flushing Bay near La Guardia Airport, Flushing, New York, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.36 Flushing Bay near La Guardia Airport, Flushing, N.Y.; restricted area.

(a) *The area.* An area in the main channel in Flushing Bay extending for a distance of 300 feet on either side of the extended center line of Runway No. 13–31 at La Guardia Airport.

(b) *The regulations.* (1) All vessels traversing in the area shall pass directly through without unnecessary delay.

(2) No vessels having a height of more than 35 feet with reference to the plane of mean high water shall enter or pass through the area whenever visibility is less than one mile.

[Regs., 24 August 1962, 285/111 (Flushing Bay, N.Y.)–ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–9066; Filed, Sept. 11, 1962; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Bear Creek, Pomona, Wilkesboro, and Whitney Point Reservoir Areas

The Secretary of the Army having determined that the use of Bear Creek Reservoir Area, Lehigh River, Pennsylvania; Pomona Reservoir Area, One Hundred Ten Mile Creek, Kansas; Wilkesboro Reservoir Area, Yadkin River, North Carolina; and Whitney Point Reservoir Area, Otselic River, New York, by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of Section 209 of the Flood Control Act of 1954 (68 Stat. 1266) by adding them to the list in §311.1, as follows:

§ 311.1 Areas covered.

* * * * *

KANSAS

* * * * *

Pomona Reservoir Area, One Hundred Ten Mile Creek.

NEW YORK

* * * * *

Whitney Point Reservoir Area, Otselic River.

NORTH CAROLINA

* * * * *

Wilkesboro Reservior Area, Yadkin River.

PENNSYLVANIA

* * * * *

Bear Creek Reservoir Area, Lehigh River.

[Regs., 28 August 1962, ENGCW–OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–9067; Filed, Sept. 11, 1962; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are amended as follows:

PART 16—SECOND-CLASS BULK MAILINGS

I. In § 16.3, paragraph (f), as amended by 27 F.R. 6976, is further amended by inserting a new subparagraph (2) to require periodic verification of total copies delivered by a publisher to another post office under exceptional dispatch; and by redesignating subparagraphs (2) through (5) as subparagraphs (3) through (6) respectively. As so amended, paragraph (f) reads as follows:

§ 16.3 Mailing.

* * * * *

(f) *Exceptional dispatch*—(1) *Applications.* Postmasters will approve or disapprove applications filed under § 22.3 (c)(4) of this chapter for exceptional dispatch on the basis of whether such dispatch will improve service. They will notify other post offices concerned and the appropriate Regional Director of approved arrangements and include a list showing how the sacks or outside bundles are to be labeled and the approximate number of copies.

(2) *Delivery to other post offices.* Only after notification by the postmaster at the office of original entry shall copies be accepted at another office directly from the publisher. At least once each 6 months the postmaster shall verify the number of copies received directly from the publisher. Any significant increase noted at time of verification or at any other time shall be reported promptly to the post office of original entry.

(3) *Delivery by mobile unit clerks.* Mobile unit clerks, when authorized by the postmaster, may receive packages of second-class publications directly from publishers or news agents and deliver them as directed, provided the packages are presented and called for at the mail car and are not received from or intended for delivery in any post office.

(4) *Delivery by baggageman.* Baggagemen when authorized by an appropriate Regional Director may receive packages of second-class publications directly from publishers and news agents on trains to which no mobile unit clerk is assigned. The baggageman will deliver the packages of outside matter at the place shown on the address. When in his custody, the packages will be considered as mail.

(5) *Delivery to agents.* Packages marked to be delivered outside the mail will be so delivered only when addressed to news agents or agents of publishers.

(6) *Preparation.* Bundles or packages intended for delivery outside the mail must be adequately wrapped with heavy paper and tied with twine heavy enough to stand up under the regular handling and dispatch of these packages. The wrapper of the bundles must be conspicuously marked "U.S. Mail for Outside Delivery at Publisher's Risk."

NOTE: The corresponding Postal Manual section is 126.36.

II. In § 16.6, paragraph (e) is amended to require the postmaster to retain a record of verifications. As so amended, paragraph (e) reads as follows:

§ 16.6 Weighing and collection of postage.

* * * * *

(e) *Verification by postmasters of weights and number of copies.* The average weight per copy obtained by the publisher in the manner prescribed by paragraph (b) of this section for use either in computing postage on the bulk weight of a single issue or in determining the weight of one sheet as provided for by paragraph (d) of this section, must be verified by the postmaster by weighing, or by supervising the weighing of, a representative number of copies of the issue. If the average weight per copy is used for determining the weight of one sheet, the postmaster must also verify the computation by which the publisher determines the weight of one sheet. At the end of each calendar month, when postage is computed on the total bulk weight of all issues mailed during the month, the postmaster must verify the combined weight of one copy from each issue by counting the sheets in the copies filed under the provisions of § 16.5(a) and multiplying the total by the previously verified weight of one sheet furnished by the publisher on Form 3542 (Statement Showing Number of Copies of Second-Class Publication Mailed). If there is reason at any time to doubt the accuracy of the number of copies reported on Form 3542, sufficient weighings must be made to resolve the doubt. The postmaster shall keep a record of the verification; preferably on the back of applicable Form 3542.

NOTE: The corresponding Postal Manual section is 126.65.

PART 22—SECOND-CLASS

III. In § 22.3, paragraph (d) is amended for the purpose of clarification to read as follows:

§ 22.3 Application for second-class privileges.

* * * * *

(d) *Reentry because of change in name, frequency, or location.* When the name or frequency is changed, an application for reentry must be filed on Form 3510 "Application for Reentry of Second-Class Publication", at the post office of original entry, accompanied by two copies of the publication showing the new name or frequency. When the location is changed, an application for reentry must be filed on Form 3510 at the new office, accompanied by two copies of the publication showing the name of the new office as the known office of publication. Copies of second-class publications will be accepted for mailing at the second-class postage rates during the time applications for their reentry are pending. Copies of Form 3510 may be obtained from local postmasters. An application for reentry is not required when only the ownership is changed unless the change disqualified the publication for entry which was authorized under § 22.2(c).

NOTE: The corresponding Postal Manual section is 132.34.

§ 22.4 [Amendment]

IV. In § 22.4, *What may be mailed at the second-class rates,* make the following changes in paragraph (g) *Copies not paid for by the addressee* to include proper cross-references therein:

A. In subparagraph (1) amend subdivisions (i) and (v) to read as follows:

(1) *Sample copies.* (i) Complete copies of regular issues or editions may be mailed as samples at the second-class rates provided by § 22.1 (a) and (b).

* * * * *

(v) The transient rate provided by § 22.1(c) must be paid on samples mailed in excess of the 10 percent limit.

NOTE: The corresponding Postal Manual section is 132.461 a and c.

B. Amend subparagraphs (2) and (3) to read as follows:

(2) *Copies paid for by advertisers.* Copies paid for by advertisers or others for advertising purposes, may be mailed only at the transient rate provided by § 22.1(c). When copies are being furnished free to the addressees, publishers may be required to tell the postmaster the purpose for sending the copies, the amount that the publisher received for the copies, and whether the purchaser is an advertiser.

(3) *Copies paid for as gifts.* A minor portion of the subscription list may consist of persons whose subscriptions were paid for as gifts. Subscriptions paid for by advertisers or other interested persons to promote their own interests are not gift subscriptions and subscriptions given free by the publishers are not gift subscriptions; postage at the transient rate in § 22.1(c) must be paid on these copies.

NOTE: The corresponding Postal Manual sections are 132.462 and 132.463.

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

V. In Part 31, a new § 31.8 is added to prohibit acceptance of matter bearing on the address side imitations of postage stamps, seals, or stickers resembling postage stamps. As so added, § 31.8 reads as follows:

§ 31.8 Imitations of postage stamps and other adhesives, seals, or stickers resembling postage stamps.

Matter bearing imitations of postage stamps, or private seals or stickers in form and design like a postage stamp shall not be accepted for mailing. Pictorial seals or stickers that do not resemble postage stamps and do not bear numerals or other markings indicating a value may be fixed on other than the address side of mail.

NOTE: The corresponding Postal Manual section is 141.8.

PART 34—PERMIT IMPRINTS

VI. In § 34.5, subparagraph (5) of paragraph (g) is amended to include the weight of mail sacks for purpose of computing tare. As so amended, subparagraph (5) reads as follows:

§ 34.5 Mailings with permit imprints.

* * * * * * *

(g) *Post office computation of postage.* * * *

(5) *Tare.* Tare includes sacks, cartons or other containers, hand trucks, skids, or similar pieces of equipment upon which the mail may be placed during the weighing operation. The standard weights for new sacks are 3 pounds, 7 ounces for a No. 1 size; 2 pounds, 8 ounces for a No. 2 size; and 1 pound, 12 ounces for a No. 3 size.

NOTE: The corresponding Postal Manual section is 144.575.

VII. Section 34.7 is amended to require that permit imprints be obliterated on envelopes used for nonpermit mailings. As so amended, § 34.7 reads as follows:

§ 34.7 Improper use of permit imprints.

Mail bearing permit imprints must not be distributed otherwise than through the mails, and will not be accepted at any post office except that shown in the imprint. Matter bearing permit imprints must not be used as enclosures, nor should envelopes bearing permit imprints be used for nonpermit mailings prepaid with stamps unless the imprint is obliterated.

NOTE: The corresponding Postal Manual section is 144.7.

PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

VIII. In § 112.1 subparagraph (2) of paragraph (c) is amended to include the minimum dimensions applicable to outgoing postal union mail effective January 1, 1963. As so amended, subparagraph (2) reads as follows:

§ 112.1 Letters and letter packages.

* * * * * * *

(c) *Dimensions.* * * *

(2) *Minimum dimensions.* The address side must measure at least 4 inches in length and 2¾ inches in width. (Effective January 1, 1963, the dimensions will be 4¼ by 3 inches.) When in the form of a roll, the length may not be less than 4 inches, or the length plus twice the diameter may not be less than 6¾ inches. Articles having lesser dimensions are accepted on condition that a rectangular address tag is attached whose length plus width measure not less than 6¼ inches, with the shorter side not less than 1½ inches.

NOTE: The corresponding Postal Manual section is 222.132.

IX. In § 112.2, paragraph (b) is amended to reflect the provisions of the previous amendment. As so amended, paragraph (b) reads as follows:

§ 112.2 Post cards.

* * * * * * *

(b) *Dimensions.* Maximum dimensions, 6 by 4¼ inches. Minimum dimensions, 4 by 2¾ inches. (Effective January 1, 1963, the minimum dimensions will be 4¼ by 3 inches.)

NOTE: The corresponding Postal Manual section is 222.22.

§ 112.4 [Amendment]

X. In § 112.4 *Printed matter* as amended by 27 F.R. 3737–3738, make the following changes:

A. Paragraph (b) is amended for the purpose of clarification and to revise the maximum weight limit of individual packages of second-class publications for Canada to 30 pounds. As so amended, paragraph (b) reads as follows:

(b) *Weight limits*—(1) *All printed matter except books.* The weight limit is 6 pounds 9 ounces, except as follows:

(i) 11 pounds to Paraguay and Peru.

(ii) 22 pounds to Argentina, Bolivia, Brazil, Fernando Po, Rio Muni, Spain (including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa), and Spanish West Africa.

(iii) 33 pounds to Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, El Salvador, Uruguay, and Venezuela.

(iv) Packages of second-class publications for Canada may weigh up to 30 pounds.

(v) See paragraph (f) of this section concerning use of direct sacks for mailing large quantities of prints to one addressee.

(2) *Books, including directories and catalogs.* The weight limit is 11 pounds, except as follows:

(i) 22 pounds to Argentina, Bolivia, Brazil, Fernando Po, Rio Muni, Spain (including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa), and Spanish West Africa.

(ii) 33 pounds to Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, El Salvador, Uruguay, and Venezuela.

(iii) See paragraph (f) of this section concerning use of direct sacks for mailing large quantities of books to one addressee.

NOTE: The corresponding Postal Manual section is 222.42.

B. In paragraph (d) *Description,* make the following changes:

1. Subdivision (ix) of subparagraph (2) is amended by inserting "printed or sheets" after "Patterns" therein. As so amended, subdivision (ix) reads as follows:

(2) *What is admissible as printed matter.* * * *

(ix) Patterns printed or sheets to be cut out.

2. Subdivision (x) of subparagraph (3) is amended by inserting "unused" preceding "greeting cards" therein. As so amended, subdivision (x) reads as follows:

(3) *Not admissible as printed matter.* * * *

(x) Bulk shipments of printed envelopes, letterheads, billheads, calendar pads and similar articles as well as of diaries (books), check books, unused greeting cards or folders, and the like, which although containing some printed matter, such as dates, headings, etc., have blank spaces or pages in which entries are to be made in manuscript or on the typewriter.

NOTE: The corresponding Postal Manual sections are 222.4421 and 222.443j.

C. That part of paragraph (f) which precedes subparagraph (1) and subparagraph (1) are respectively amended to delete the provision limiting the use of direct sacks of prints to mailing by publishers and news agents, and to increase the weight limit to 66 pounds per sack. As so amended, that part of paragraph (f) which precedes subparagraph (1) and subparagraph (1) read as follows:

(f) *Direct sacks of prints.* Ordinary (unregistered) packages of printed matter being mailed in quantity to one addressee may be transmitted in direct sacks under the following conditions:

(1) The minimum amount that may be mailed in a direct sack is 30 pounds; the maximum is 66 pounds (sack and contents).

* * * * * * *

NOTE: The corresponding Postal Manual section is 222.46.

XI. In § 112.6, subdivisions (i) and (ii) of paragraph (g) (2) are amended to substitute fiberboard in lieu of cardboard as packaging material for glass, liquids, and oils. As so amended, subdivisions (i) and (ii) read as follows:

§ 112.6 Samples of merchandise.

* * * * * * *

(g) *Packing and mailing.* * * *

(2) *Packing requirements for certain articles.*—(i) *Glass.* Articles of glass or other fragile materials must be securely packed (in boxes of metal, wood, or strong corrugated fiberboard), so as to avoid all danger to postal employees and the mails.

(ii) *Liquids, oils, etc.* Liquids, oils, and substances which easily liquefy must be enclosed in hermetically sealed receptacles. Each receptacle must be placed in a separate box of metal, strong wood or strong corrugated fiberboard containing enough sawdust, cotton, or spongy material to absorb the liquid in the event of breakage of the receptacle. The cover of the box must be fastened in such a way that it cannot be easily detached.

NOTE: The corresponding Postal Manual section is 222.672 a and b.

XII. In § 112.9, paragraph (b) is amended for the purpose of clarification, and to add a new subparagraph (3) to require that senders place an identifying endorsement on the address side of packages having mixed contents which places them in the category of "grouped articles". As so amended, paragraph (b) reads as follows:

§ 112.9 Combination packages and articles grouped together.

* * * * * * *

(b) *Articles grouped together*—(1) *Grouping permitted.* A single envelope or package may contain commercial papers, samples of merchandise, and/or printed matter subject to the following conditions:

(i) Each article taken singly must not exceed the limits of weight applicable to it.

(ii) The total weight must not exceed 4 pounds 6 ounces per package if it consists solely of commercial papers and samples.

(iii) The weight limit is raised to 6 pounds 9 ounces if the package also contains prints, but in such case the total weight of the commercial papers and samples must not exceed 4 pounds 6 ounces.

(iv) The dimensions of the package must not exceed those of letters.

(2) *Rates.* Postage will be charged at the highest surface rate (including minimum charge) applicable to any of the categories of mail involved. For air service the rates for "Other Articles" apply. See individual country items in § 168.5 of this chapter.

(3) *Preparation and marking.* Envelopes or packages mailed as grouped articles must not be sealed. Senders must mark the address side of the envelope or package "Grouped Article."

NOTE: The corresponding Postal Manual section is 222.92.

PART 141—SHIPPER'S EXPORT DECLARATION

XIII. Sections 141.1, 141.4, and 141.5 are amended for the purpose of clarification and to provide that the Bureau of International Programs, Department of Commerce, has jurisdiction over export control regulations. As so amended, §§ 141.1, 141.4, and 141.5 reads as follows:

§ 141.1 When required.

Business concerns sending merchandise valued at $50 and over to other business concerns—

(a) From the United States,[1] Puerto Rico, or the Virgin Islands of the United State to any foreign country and to the Canal Zone;

(b) From the United States[1] to Puerto Rico and the United States possessions; [2]

(c) From Puerto Rico or the Virgin Islands of the United States to the United States; [1]

must fill out a "Shipper's Export Declaration on Department of Commerce Form 7525–V" and present it at the post office at the time of mailing. The Shipper's Export Declaration is required only for goods mailed for commercial purposes and not for goods which involve no commercial consideration. However, Commerce Form 7525–V must also be filed for shipments of all articles covered by a validated export license from the Bureau of International Programs, Department of Commerce, regardless of value or whether the sender or addressee is a business concern. (See Part 142 of this chapter.) The declaration need not be furnished for catalogs, instruction books, and other advertising matter, or for magazines, newspapers, and periodicals. It is also not required for shipments of technical data, regardless of value and whether or not they are covered by export licenses, except as stated in § 142.3(c) of this chapter.

§ 141.4 How obtained.

Occasional shippers may obtain Form 7525–V "Shipper's Export Declaration" free of charge at post offices. Regular exporters may purchase copies of the Shipper's Export Declaration from the Superintendent of Documents, Government Printing Office, Washington 25, D.C., from Collectors of Customs or from Department of Commerce field offices. They may be privately printed, provided they conform to the official form in size, wording, color, quality (weight) of paper stock, and arrangement. Postmasters may obtain supplies without cost, for limited distribution to occasional shippers from the Foreign Trade Division, Bureau of the Census, Washington 25, D.C.

[1] For the purposes of this instruction the term "United States" refers to the fifty States and the District of Columbia.

[2] Virgin Islands of the United States, Guam, Samoa, Canton and Enderbury Islands, Johnston, Midway, Palmyra, and Wake Islands.

§ 141.5 Handling and disposal.

(a) When a shipper's export declaration is presented at the post office in accordance with § 141.1, postmark it in the lower left corner and send it to:

New York Office,
Foreign Trade Branch,
Bureau of the Census,
Room 434, Customhouse,
New York 4, N.Y.

(b) When an export declaration bearing the authentication of a collector of customs is presented at the time of mailing a partial shipment under a validated export license (see § 142.3(e) of this chapter), postmark it and send it to the Bureau of International Programs, Department of Commerce, Washington 25, D.C.

NOTE: The corresponding Postal Manual sections are 251.1, 251.4, and 251.5.

PART 142—COMMERCE DEPARTMENT REGULATIONS (COMMODITIES AND TECHNICAL DATA)

XIV. In Part 142 make the following changes for the purpose of clarification and to make appropriate reference to the Bureau of International Programs, Department of Commerce:

A. Amend § 142.1 to read as follows:

§ 142.1 Scope and applicability.

(a) The Bureau of International Programs, Department of Commerce, controls all exportations, except certain commodities licensed for export by other United States Government agencies, to all countries except Canada. Mailers must inform themselves as to the regulations and comply with them in making any exportations of commodities and technical data as parcel post or postal union mail or letter package. A brief summary of the regulations as they apply to mail shipments is given in this part. Additional information is available from a Commerce Department bulletin entitled "Public Notice—Requirements for Exports by Mail" on bulletin boards in first-, second-, and third-class post offices and in classified stations and branches. Mailers desiring further information may make inquiry of the Exporters' Service Section, Bureau of International Programs, Department of Commerce, Washington 25, D.C., or of any field office of that department. A list of field offices is included in the above mentioned public notice.

(b) Postal employees will not advise prospective mailers as to the type of license applicable to any commodities or any destination, except that such controls do not apply to Canada. However, before accepting parcels employees should satisfy themselves that the mailers have complied with the regulations so far as they are applicable.

NOTE: The corresponding Postal Manual section is 163.1.

B. In § 142.2, amend paragraph (a) and subparagraph (2) of paragraph (f) to read as follows:

§ 142.2 General licenses.

(a) *Definition and use.* A general license established by the Bureau of International Programs is not a specific document, but is a general authorization covering exportations within its provisions, each general license being designated by symbol, such as GRO, GLV, GIFT, GUS, etc. A brief description of the general licenses usually used for mail shipments is given in this section. Further information can be obtained as set forth in § 142.1(a). When a prospective mailer finds that the contents of his package are properly exportable under a general license, other than G–PUB, GTDP, GTDU, or GTDS, he must mark the wrapper with the appropriate symbol and the words "Export license not required" before presenting it at the post office. The postal clerk may accept any package so marked unless the symbol is obviously being misused. The marking certifies that the mailer has complied with the regulations governing the use of the general license denoted by the symbol. No marking is required on wrappers of packages containing printed matter and technical data mailed under general licenses G–PUB, GTDP, GTDU, and GTDS.

• • • • • •

(f) *General licenses GTDP, GTDU, and GTDS for technical data.* • • •

(2) General license GTDU may be used for mailing technical data not generally available in published form, except for certain data as specified by the Bureau of International Programs relating to civil aircraft, parts, accessories and electronic equipment used in connection therewith and petroleum and petrochemical plants and processes. It may not be used to Cuba, Poland or any Soviet bloc country listed in paragraph (b) of this section except for manuals, instruction sheets, or blueprints.

NOTE: The corresponding Postal Manual sections are 252.21 and 252.262.

C. Amend § 142.3 to read as follows:

§ 142.3 Validated licenses.

(a) *Definition and use.* A validated license is an individual document issued by the Bureau of International Programs, authorizing a specific exportation. Further information can be obtained as set forth in § 142.1. Before mailing a shipment under a validated license, the sender must put the license number on the wrapper.

(b) *Export declaration required.* An export declaration (see Part 141 of this chapter) is required for every shipment covered by a validated license, except technical data. However, partial shipments of technical data must comply with paragraph (c) of this section.

(c) *Mailing under validated licenses.* In making a shipment against a validated license, the mailer must surrender the license at the post office regardless of whether the total quantity shown on the license is mailed. However, if only a part of the licensed quantity is mailed, the mailer may, as an alternative, deposit the license with a collector of customs and surrender at the post office a shipper's export declaration (Commerce Form 7525–V) bearing the number of the license and an authorization dated and signed by the collector or by his representative for shipment of the goods shown on the declaration. This is in addition to the declarations required by Part 141 of this chapter and paragraph (b) of this section.

(d) *Technical data licenses.* Licenses issued by the Bureau of International Programs for exportations of technical data are similar in form to the usual type of validated license, but no shipper's export declaration is required, except for partial shipments (see paragraph (c) of this section).

(e) *Processing in post offices*—(1) *Entire shipments.* The postal employees must see that the correct license number is shown on the wrapper of every package presented for mailing with a validated license. The number appears in the upper right portion of the license, adjacent to the validation stamp of the Bureau of International Programs. Compare the contents as shown on the customs declaration (or as stated by the mailer in the case of shipments mailed as printed matter) with the commodities stated on the license and on the shipper's export declaration when required. If no discrepancy is noted and the package is mailable, accept it and take the license and export declaration (if required) from the mailer. Write "Completed" on the back of the license and apply postmark. Send the license to the Bureau of International Programs, Department of Commerce, Washington 25, D.C. Postmark the export declaration and dispose of it as instructed in § 141.5 of this chapter.

(2) *Partial shipments.* When a mailer presents an authenticated export declaration with a partial shipment in lieu of a validated license, as prescribed in paragraph (c) of this section, take the authenticated declaration, postmark it and send it to the Bureau of International Programs. If a validated license is presented with a partial shipment, take it up and dispose of it in the same manner as for an entire shipment.

NOTE: The corresponding Postal Manual section is 252.3.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-9079; Filed, Sept. 11, 1962; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50–201—GENERAL REGULATIONS

Partial Exemption for Export Merchants

Pursuant to section 6 of the Walsh-Healey Public Contracts Act (41 U.S.C. 40), subparagraph (2) of 41 CFR 50–201.604(c) is hereby revoked.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because this rule relates to public contracts. I do not believe such procedures will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

Signed at Washington, D.C., this 6th day of September 1962.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 62–9118; Filed, Sept. 11, 1962; 8:55 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER F—COLOR OF TITLE AND RIPARIAN CLAIMS

[Circular No. 2088]

PART 141—COLOR OF TITLE AND RIPARIAN CLAIMS APPLICABLE TO PARTICULAR STATES

Snake River, Idaho, Omitted Lands

In order to implement the Act of May 31, 1962 (76 Stat. 89), §§ 141.24 through 141.28 are added to Part 141, as set forth below.

This amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003), and although the Department of the Interior customarily observes the rule making requirements voluntarily, that procedure was not followed in this case because of the limited applicability of the Act of May 31, 1962, supra, and because procedural requirements for claimants are closely patterned after those in existing regulations in Parts 140 and 141. The provisions of this change in the regulations shall become effective upon publication in the FEDERAL REGISTER.

SNAKE RIVER, IDAHO, OMITTED LANDS

Sec.
141.24 Statutory Authority.
141.25 Offers of Land for Sale.
141.26 Applications for Purchase.
141.27 Payment and Publication.
141.28 Public Auctions.

AUTHORITY: §§ 141.24 to 141.28 issued under Act of May 31, 1962; 76 Stat. 89.

§ 141.24 Statutory authority.

(a) The Act of May 31, 1962 (76 Stat. 89), hereafter referred to as "the Act", authorizes the Secretary of the Interior, in his discretion, to sell at not less than their fair market value any of those lands in the State of Idaho, in the vicinity of the Snake River or any of its tributaries, which have been, or may be, found upon survey to be omitted public lands of the United States, and which are not within the boundaries of a national forest or other Federal reservation and are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws, or are not used and occupied by Indians claiming by reason of aboriginal rights or are not used and occupied by Indians who are eligible for an allotment under the laws pertaining to allotments on the public domain.

(b) The Act provides that in all patents issued under the Act, the Secretary of the Interior (1) shall include a reservation to the United States of all the coal, oil, gas, oil shale, phosphate, potash, sodium, native asphalt, solid and semisolid bitumen, and bitumen rock (including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried), together with the right to prospect for, mine, and remove the same; and (2) may reserve the right of access to the public through the lands and such other reservations as he may deem appropriate and consonant with the public interest in preserving public recreational values in the lands.

(c) The Act further provides that the Secretary of the Interior shall determine the fair market value of the lands by appraisal, taking into consideration any reservations specified pursuant to paragraph (b) of this section and excluding, when sales are made to preference-right claimants under section 2 of the Act, any increased values resulting from the development or improvement thereof for agricultural or other purposes by the claimant or his predecessors in interest.

(d) The Act grants a preference right to purchase lands which are offered by the Secretary of the Interior for sale under the Act to any citizen of the United States (which term includes corporations, partnerships, firms, and other legal entities having authority to hold title to lands in the State of Idaho) who, in good faith under color of title or claiming as a riparian owner has, prior to March 30, 1961, placed valuable improvements upon, reduced to cultivation or occupied any of the lands so offered for sale, or whose ancestors or predecessors in title have taken such action.

§ 141.25 Offers of lands for sale.

Before any lands may be sold under the Act, the authorized officer of the Bureau of Land Management shall publish in the FEDERAL REGISTER and in at least one newspaper of general circulation within the State of Idaho a notice that the lands will be offered for sale, which notice shall specify a period of time not less than 30 days in duration during which citizens may file with the land office at Boise, Idaho, a notice of their intention to apply to purchase all or part of the lands as qualified preference-right claimants.

§ 141.26 Applications for purchase.

(a) All citizens who file a notice of intention in accordance with § 141.25 within the time period specified in the published notice or any amendment thereof will be granted by the authorized officer a period of time not less than 30 days in duration in which to file, in duplicate with the Manager of the Boise Land Office, their applications to purchase lands as preference-right claimants.

(b) Every application must be accompanied by a filing fee of $10, which is not returnable.

(c) No particular form is required but the applications must be typewritten or in legible handwriting and must contain the following information: [1]

(1) The name and post office address of the claimant.

(2) The description and acreage of the public lands claimed or desired.

(3) The description of the lands owned by the applicant, if any, adjoining the public lands claimed or desired, accompanied by a certificate from the proper county official or by an abstractor or by an attorney, showing the date of acquisition of the lands by the applicant and that the applicant owns the lands in fee simple as of the date of application.

(4) A statement showing that the claimant is a citizen of the United States, as defined in paragraph (d) of § 141.24.

(5) A statement giving the basis for color of title or claim of riparian ownership.

(6) A statement showing the improvements, if any, placed on the public lands applied for including their location, nature, present value, date of installation, and the names of the person or persons who installed them.

(7) A statement showing the cultivation and occupancy, if any, of the lands applied for, including the nature, location, and date of such cultivation and occupancy.

(8) The names and post office addresses of any adverse claimants, settlers, or occupants of the public lands claimed.

(9) The names and addresses of at least two disinterested persons having knowledge of the facts relating to the applicant's claim.

(10) A citation of the act under which the application is made.

§ 141.27 Payment and publication.

(a) Before lands may be sold to a qualified preference-right claimant, the claimant will be required to pay the purchase price of the lands and will be required to publish once a week for four consecutive weeks, at his expense, in a designated newspaper and in a designated form, a notice allowing all persons having objections to file with the Manager of the Land Office at Boise, Idaho, their objections to issuance of patent to the claimant. A protestant must serve on the claimant a copy of the objections and must furnish the Manager with evidence of such service.

(b) Among other things, the notice will describe the lands to be patented, state the purchase price for the lands, and the reservations, if any, to be included in the patent to preserve public recreational values in the lands.

[1] Title 18, U.S.C., sec. 1001, makes it a crime for any person knowingly and willfully to make any false, fictitious, or fraudulent statements or representations to any department or agency as to any matter within its jurisdiction.

(c) The claimant must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication has been had for the required time.

§ 141.28 Public auctions.

(a) The authorized officer may sell under the Act at public auction any lands for which preference-claimants do not qualify for patents under the regulations of §§ 141.24–141.27.

(b) Lands will be sold under this section at not less than their appraised fair market value at the time and place and in the manner specified by the authorized officer in a public notice of the sale.

(c) Bids may be made by the principal or his agent, either personally at the sale or by mail.

(d) A bid sent by mail must be received at the place and within the time specified in the public notice. Each such bid must clearly state (1) the name and address of the bidder and (2) the specified tract, as described in the notice for which the bid is made. The envelope must be noted as required by the notice.

(e) Each bid by mail must be accompanied by certified or cashier's check, post office money order or bank draft for the amount of the bid.

(f) The person who submits the highest bid for each tract at the close of bidding, but not less than the minimum price, will be declared the purchaser.

JOHN A. CARVER, JR.,
Acting Secretary of the Interior.

SEPTEMBER 6, 1962.

[F.R. Doc. 62–9077; Filed, Sept. 11, 1962; 8:47 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2770]

[Anchorage 057314]

ALASKA

Partly Revoking Executive Order of January 4, 1901

By virtue of the authority vested in the President, and pursuant to Executive Order 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of January 4, 1901, withdrawing public lands in Alaska for lighthouse purposes is hereby revoked so far as it affects the following-described lands:

CAPE EDGECOMBE

Beginning at a point at low water mark, said point being at extreme S.E. point of what is known as Point Shoals; thence N. 45° W., 2 miles; thence due W. to low water mark; thence following winding of low water mark to place of beginning.

Containing approximately 7,500 acres.

2. The lands are within the boundaries of the Tongass National Forest. Until 10:00 a.m. on December 7, 1962, the State of Alaska shall have a preferred right to select the lands as provided by section 6(a) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), as amended. At 10:00 a.m. on December 7, 1962, the lands shall be subject to such

other forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 6, 1962.

[F.R. Doc. 62-9075; Filed, Sept. 11, 1962; 8:47 a.m.]

[Public Land Order 2771]

[Nevada 058078]

NEVADA

Withdrawing Lands for Use of Atomic Energy Commission

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Atomic Energy Commission for experimental project purposes and allied safety areas (Authority: Executive Order 10355 of May 26, 1952):

MOUNT DIABLO MERIDIAN

T. 16 N., R. 32 E.,
Secs. 33 and 34.
T. 15 N., R. 32 E. (unsurveyed),
Secs. 3 and 4.

Containing approximately 2,560 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 6, 1962.

[F.R. Doc. 62-9076; Filed, Sept. 11, 1962; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-936]

PART 0—COMMISSION ORGANIZATION

Safety and Special Radio Services Bureau

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th of September 1962;

The Commission having under consideration the organization and functions of its Safety and Special Radio Services Bureau and the Report, dated March 23, 1962, to the Bureau of the Budget, by Booz, Allen, and Hamilton, concerning its management survey of the Federal Communications Commission; and

It appearing that greater efficiency in the Commission's operations would be promoted and the public interest would be served by organizational and functional changes in the Safety and Special Radio Services Bureau which are ordered herein; and

It appearing that authority for the internal organizational and functional changes herein ordered is contained in sections 4(i) and 5 of the Communications Act of 1934, as amended, and that such changes are not subject to the prior notice and effective date provisions of Section 4 of the Administrative Procedure Act;

It is ordered, That, effective September 5, 1962, within the Safety and Special Radio Services Bureau, (a) functions pertaining to the Amateur Radio Service and the Radio Amateur Civil Emergency Service now performed by the Public Safety and Amateur Division are removed from this Division and said Division is retitled the Public Safety Radio Division, (b) the Land Transportation Division is retitled as the Amateur and Citizens Radio Division, the adminstration of the Amateur Radio Service and of the Radio Amateur Civil Emergency Service is added to its functions, and its responsibilities for the Land Transportation Radio Services are transferred to the Industrial Radio Division, (c) the Law and Enforcement Office is retitled the Legal, Policy, and Enforcement Office, and its functions are expanded by adding the responsibility to coordinate rules proposed and drafted within the Bureau, as well as to study general developments concerning the radio services administered by the Bureau; and

It is further ordered, That, effective September 5, 1962, Part 0—Commission Organization is amended as set forth below to reflect the changes ordered herein; and

It is further ordered, That the Chief of the Safety and Special Radio Services Bureau, in cooperation with the Executive Officer, are authorized in their discretion to organize and change subsidiary units within the various divisions and offices of the Bureau and to transfer such positions, personnel, equipment, and records within the Bureau as they deem necessary to effectuate the changes ordered herein.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 5, 66 Stat. 713; 47 U.S.C. 155)

Released: September 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

§§ 0.63, 0.64, 0.65, 0.66, 0.77, 0.68, 0.69 are amended and rearranged and a new section 0.70 is added, as follows.

§ 0.63 Units in the Bureau.

The Safety and Special Radio Services Bureau is divided into the following units:

(a) Office of the Bureau Chief.
(b) Legal, Policy, and Enforcement Office.
(c) Aviation Radio Division.
(d) Marine Radio Division.
(e) Public Safety Radio Division.
(f) Industrial Radio Division.
(g) Amateur and Citizens Radio Division.

§ 0.64 Office of the Bureau Chief.

The Office of the Bureau Chief is composed of the immediate offices of the Chief and the Assistant Chief of the Bureau, and the Office of the Administrative Assistant. The Office of the Administrative Assistant is responsible for the administrative program and the forms and procedural program of the Bureau.

§ 0.65 Legal, Policy and Enforcement Office.

The Legal, Policy, and Enforcement Office advises the Bureau Chief on legal, legislative, and policy matters; advises the Chiefs of the Divisions on legal matters of unusual complexity; performs legal work affecting the Bureau as a whole; coordinates rule making proposed and drafted within the Bureau; studies general developments pertaining to the radio uses within the Bureau's responsibility; executes special assignments for the Bureau Chief of a legal or policy character; and plans and executes the enforcement program for the Bureau.

§ 0.66 Aviation Radio Division.

The Aviation Radio Division is responsible for all functions indicated in the statement contained in § 0.61, insofar as such functions pertain to aviation radio and safety matters, except for enforcement matters (§ 0.65).

§ 0.67 Marine Radio Division.

The Marine Radio Division is responsible for all functions indicated in the statement contained in § 0.61, insofar as such functions pertain to marine radio and safety services, to scheduled weather transmission, and to the Alaskan services, except for enforcement matters (§ 0.65).

§ 0.68 Public Safety Radio Division.

The Public Safety Radio Division is responsible for all functions indicated in the statement contained in § 0.61, insofar as such functions pertain to the public safety and the disaster radio services, except for enforcement matters (§ 0.65).

§ 0.69 Industrial Radio Division.

The Industrial Radio Division is responsible for all functions indicated in the statement contained in § 0.61, insofar as such functions pertain to the industrial and the land transportation radio services, except for enforcement matters (§ 0.65).

§ 0.70 Amateur and Citizens Radio Division.

The Amateur and Citizens Radio Division is responsible for all functions indicated in the statement contained in § 0.61, insofar as such functions pertain to the amateur and the citizens services and the radio amateur civil emergency service, except for enforcement matters (§ 0.65).

[F.R. Doc. 62-9109; Filed, Sept. 11, 1962; 8:53 a.m.]

[Docket No. 14655; FCC 62-914]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 9—AVIATION SERVICES

Temporary Provision for Airborne Doppler Radars in the Band 9750-9850 Mc/s; Deletion

1. The Commission adopted a Notice of Proposed Rule Making in the above-entitled matter on May 29, 1962, published in the FEDERAL REGISTER on June 6, 1962 (27 F.R. 5347), looking toward amendment of Parts 2 and 9 to delete the temporary provision for airborne Doppler radar operation in the 9750-9850 Mc/s band. Interested parties were invited to file comments on or before July 6, 1962, and reply comments on or before July 16, 1962.

2. Comments received from Aeronautical Radio, Inc. (ARINC) and Air Transport Association of America (ATA) were in support of this proposal and stated that they had ascertained that none of the airborne Doppler equipment in current use aboard scheduled aircraft operates on frequencies in the band 9750-9850 Mc/s. No other comments or reply comments were received.

3. This Report and Order completes rule-making with regard to the alignment of the national allocation of this band with the Geneva (1959) Radio Regulations.

4. In view of the foregoing; *It is ordered*, Pursuant to the authority contained in section 303 (c) and (r) of the Communications Act of 1934, as amended, that effective October 15, 1962, §§ 2.106 and 9.312 are amended as set forth below, and the proceeding in Docket No. 14655 is terminated:

§ 2.106 [Amendment]

a. Section 2.106 *Table of frequency allocations*, is amended by deleting the Footnote designator US57 in column 6 opposite 9500-10000 Mc/s in column 5, and by deleting Footnote US57 in the Table.

§ 9.312 [Amendment]

b. Section 9.312 is amended by deleting paragraph (w).

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1032, as amended; 47 U.S.C. 303)

Adopted: September 5, 1962.

Released: September 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9110; Filed, Sept. 11, 1962; 8:53 a.m.]

[Docket No. 14656; FCC 62-918]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 9—AVIATION SERVICES

Civil Air Patrol Stations in the United States; Use of Frequency 26.62 Mc/s

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of September 1962.

The Commission having under consideration the amendment of Part 2—U.S. Footnote No. 10 and § 9.912, Part 9—Aviation Services, to make available the frequency 26.62 Mc/s for assignment to land and mobile stations of the Civil Air Patrol in the continental United States; and

It appearing that a need exists for use of the frequency 26.62 Mc/s without limitation as to the area of operation;

It further appearing that notice of proposed rule making in the above-entitled matter was released on June 1, 1962;

It further appearing that the notice which made provision for filing comments by July 9, 1962 was published in the FEDERAL REGISTER on June 6, 1962 (27 F.R. 5346);

It further appearing that no comments were received in this proceeding; and

It further appearing that the authority for the issuance of this Order is contained in sections 4(i) and 303 (c), (d), (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That U.S. Footnote No. 10 and Part 9 of the Commission's rules be amended effective October 15, 1962, as set forth below; and

It is further ordered, That the proceedings in Docket No. 14656 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: September 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Footnote US10 to § 2.106 of the Commission's rules and regulations is amended to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

US10 The use of the frequencies 26.62 Mc/s (in all areas), 143.91 Mc/s (in the continental United States excluding Alaska), and 148.14 Mc/s (in all areas) may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations on the condition that harmful interference will not be caused to Government stations.

2. Section 9.912(g) is amended to read as follows:

§ 9.912 Frequencies available.

* * * * *

(g) 26.62 Mc/s, A-3 emission, 5 watts maximum power. In the State of Hawaii, A-1, A-2, A-3 emission and 250 watts maximum power is permissible.

[F.R. Doc. 62-9111; Filed, Sept. 11, 1962; 8:53 a.m.]

[Docket No. 14704; FCC 62-910]

PART 6—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

Addressed Press and Meteorological Services

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of September 1962;

The Commission having under consideration:

(a) Its notice of proposed rule making adopted on July 13, 1962 (27 F.R. 6849), wherein it was proposed to amend the introductory text of § 6.53(a) of Part 6 of the Commission's rules and regulations to provide for the transmission without coordinated reception of weather maps, charts and photographs for reception by meteorological organizations to one or more persons at one or more overseas or foreign fixed points not specifically named in the license, and which provided that comments thereon were to be filed by August 20, 1962 and replies within 15 days thereafter;

(b) Comments filed thereon by Press Wireless, Inc., on July 26, 1962 supporting and approving the Commission's proposed rule-making in the above-mentioned matter;

(c) Comments filed thereon by the United States Weather Bureau on August 23, 1962 which urged immediate approval of the proposed amendment in time to make maximum use of photographs received from the weather satellite TIROS V in connection with hurricanes and tropical storms which reach their seasonal peak in September, and which noted that such action would, it felt, constitute an important contribution to the peaceful uses of outer space envisaged in U.N. Resolution 1721;

It appearing that no other comments were filed nor were any replies filed regarding the proposed rule-making in the above-entitled proceeding;

It further appearing that, as cited above, the United States Weather Bureau, because hurricanes and tropical storms reach their peak in September, desires immediate establishment of this service, which was more fully described in the Commission's aforementioned notice of proposed rule making, and which would be provided by the international telegraph carriers pursuant to the amended § 6.53(a) of the rules;

It further appearing that the foregoing constitutes the good cause required by § 1.219(b) of Part 1 of the Commission's rules for making the aforementioned amendment of § 6.53(a) of Part 6 of the rules effective on less than 30 days' notice;

It further appearing that the amendment herein adopted is issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That effective September 10, 1962 Part 6 of the Commission's rules and regulations is amended as set forth below;

It is further ordered, That the proceedings in Docket No. 14704, are terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: September 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

The headnote of § 6.53 and the introductory text of paragraph (a) are amended to read as follows:

§ 6.53 **Addressed press and meteorological services.**

(a) The licensee of a station in the fixed public or fixed public press service may be authorized to transmit, without coordinated reception, addressed press messages (including press facsimile and photographs) and weather maps, charts and photographs for reception at overseas or foreign points by meteorological organizations by facsimile and radio phototelegraphy, to one or more persons at one or more fixed points not specifically named in its license:

[F.R. Doc. 62-9112; Filed; Sept. 11, 1962; 8:54 a.m.]

[Docket No. 14524; FCC 62-919]

PART 9—AVIATION SERVICES

Aeronautical Mobile (R) Communications in Domestic Service Within the Continental United States; Discontinuance of Use of High Frequencies

1. Notice of proposed rule making in the above-entitled matter was released by the Commission on February 16, 1962. This notice, which made provision for the filing of comments by March 26, 1962, was published in the FEDERAL REGISTER on February 21, 1962 (27 F.R. 1659).

2. The present rulemaking was initiated in recognition of Resolution No. 13 of the Administrative Radio Conference (Geneva 1959) of the International Telecommunication Union (ITU) which calls for a review of frequency allotment plans for the Aeronautical Mobile Service prior to the convening of the next Ordinary Administrative Radio Conference.

3. The Commission, after consultation with certain government agencies, reached six conclusions concerning the HF communication requirements. These conclusions were contained in the notice of proposed rule making and formed the basis for the proposal to amend Part 9 of the Commission's Rules to preclude the use of high frequencies for domestic aeronautical mobile (R) communications within the continental United States (excluding Alaska) after January 1, 1965.

4. Comments in this proceeding were filed by Aeronautical Radio, Inc. (ARINC), the Aircraft Owners and Pilots Association (AOPA), the Air Transport Association (ATA) and Alaska Aviation Radio, Inc. (AARI). In addition to these comments, the Commission considered information submitted by the Federal Aviation Agency.

5. AOPA offered no objection to the proposal providing the information available to the Commission indicates that there is no significant use of the HF enroute frequencies by general aviation aircraft within the continental United States (excluding Alaska). AARI, likewise offered no objection but emphasized the continuing need for HF in Alaska. The present rulemaking specifically excludes Alaska.

6. ARINC and ATA in a joint comment supported the general concept and objectives of the Commission as expressed in the proposal. However, they did request that the proposal be modified to retain a few HF assignments for emergency, backup and nonroutine communications for domestic air transport operations. Respondents support their request with examples where HF is necessary, such as, emergency backup for VHF failures or outages, or during interruptions of the associated land line circuits serving an area where VHF stations are located. VHF stations are, for the most part, dependent on land line systems for interconnection between control points and station sites. These sites are frequently located on mountain tops which are remote and not readily accessible. This is necessary to assure optimum range and maximum radio service coverage.

7. The FAA stated that it "is not in a position at this time to give it [the present rulemaking] unqualified support. Although the ATA/ARINC comments with respect to the retention of six frequencies may be justified, the FAA requirements in this matter would be met by the adoption of the Commission's proposal in Docket 14524, provided that the adoption order indicates that further advice from the FAA and other interested parties with respect to the retention of six frequencies would be solicited by the Commission prior to the end of 1964. The FAA, by that time, would be in a better position to provide more definitive comments."

8. In view of the above, the Commission feels that the conclusions reached prior to the notice of proposed rule making and contained in it are basically correct. The question of whether all domestic HF use should be discontinued or a limited number of frequencies retained, appears to be a matter that can best be determined at a future date, prior to January 1, 1965. Accordingly, a note is added to § 9.432(f) which indicates that the Commission will determine, prior to January 1, 1965, if a limited number of HF frequencies should be retained for domestic use, and if so, what frequencies. In any event, regular operation will not be permitted after January 1, 1965; therefore, § 9.432(f) is changed from the proposal by the addition of the word "Regular" to the beginning of the subsection.

9. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in sections 4(i), 303 (c), (f), and (r) of the Communications Act of 1934, as amended, that effective October 15, 1962, Part 9 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: September 5, 1962.

Released: September 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 9.432 is amended by adding new paragraph (f), as follows:

§ 9.432 **Frequencies available.**

• • • • •

(f) Regular use of high frequencies for aeronautical mobile (R) communications in the Domestic Service within the continental U.S. (excluding Alaska), will not be permitted after January 1, 1965.

NOTE: The Commission in Docket 14524 proposed the discontinuance of the use of HF for aeronautical mobile (R) communications in the Domestic Service within the continental U.S. (excluding Alaska). In view of the comments submitted in response to the Notice, it will be determined, prior to January 1, 1965, if a limited number of high frequencies should be retained for Domestic use, and if so, what frequencies. It should be noted that if certain frequencies are retained, their use will not be on a regular basis but will be available on an emergency or backup basis.

[F.R. Doc. 62-9106; Filed, Sept. 11, 1962; 8:53 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Aleutian Islands National Wildlife Refuge, Alaska; Correction

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 **Special regulations; upland game; for individual wildlife refuge areas.**

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

In the special regulations published in the FEDERAL REGISTER, Volume 27, Issue Number 149, page 7643, on August 2, 1962, paragraphs (a), (b), and (c) are amended to read as follows:

(a) Species permitted to be taken: ptarmigan and fox.

(b) Open season: ptarmigan—August 10 to April 15; fox—no closed season.

(c) Daily bag limits: ptarmigan—20 a day; fox—no limit.

RAY WOOLFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 31, 1962.

[F.R. Doc. 62-9073; Filed, Sept. 11, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Parts 141, 143]

FORESTRY AND TIMBER ENTERPRISES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Revised Statutes, sections 161, 463, and 465 (5 U.S.C. 22; 25 U.S.C. 2 and 9), it is proposed to amend Parts 141 and 143 of Title 25, Code of Federal Regulations.

The purpose of these amendments is to: (1) Redefine "Indian forest lands" so that no specific determination is needed to classify such lands; (2) expand and clarify the procedures for Indian operation of timber enterprises and permit sale of timber products by tribal enterprises operating under approved agreements without compliance with 25 CFR Part 142; and (3) revoke 25 CFR Part 143, which pertains to forestry matters on the Menominee Reservation, as Federal trust responsibility over the Menominee Tribe was terminated on April 30, 1961.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Paragraph (b) of § 141.1 is amended to read as follows:

§ 141.1 **Definitions.**

• • • • •

(b) "Indian forest lands" means lands held in trust by the United States for Indian tribes or individual Indians or owned by such tribes or individuals subject to restrictions against alienation, that are considered to be chiefly valuable for the production of forest crops, or on which it is considered that a forest cover should be maintained in order to protect watershed or other values. A formal inspection and land classification action is not required before applying the provisions of this Part 141 to the management of any particular tract of land.

2. Section 141.6 is amended to read as follows:

§ 141.6 **Indian operations.**

Subject to approval by the Secretary, the following actions may be taken:

(a) Indian tribal logging or sawmill enterprises may be initiated and organized with the consent of the authorized tribal representatives.

(b) Such enterprises which do not operate under the provisions of Part 142 of this chapter shall enter into formal agreements with tribal representatives for the use of tribal timber, and with the individual Indian owners for allotted timber.

(c) Such enterprises may contract for the purchase of Indian-owned timber with the consent of the tribal representatives or the individual owners at stumpage rates established by the Secretary.

(d) Such enterprises may negotiate for the purchase of non-Indian owned timber.

(e) Performance bonds need not be required in connection with the use of timber by such enterprises.

(f) Payment for tribal timber cut by such enterprises may be authorized by methods other than those in § 141.15.

(g) Authorized officers of tribal enterprises, operating under approved agreements for the use of tribal or allotted timber pursuant to this section, may sell the forest products produced in accordance with generally accepted trade practices without compliance with section 3709 of the Revised Statutes.

3. The introductory paragraph of § 141.8 is amended to read as follows:

§ 141.8 **Advertisement of sales.**

Except as provided in §§ 141.6, 141.9, and 141.19, sales of timber shall be made only after advertising.

4. Section 141.14 is amended to read as follows:

§ 141.14 **Bonds required.**

Performance bonds will be required in connection with all sales of Indian timber, except they may or may not be required, as determined by the approving officer, in connection with the use of timber by tribal enterprises pursuant to § 141.6, or in timber cutting permits issued pursuant to § 141.19. In sales in which the estimated stumpage value, calculated at the appraised stumpage rates, does not exceed $10,000 the bond shall be approximately 20 percent of the estimated stumpage value. In sales in which the estimated stumpage value exceeds $10,000 but is not over $100,000, the bond shall be approximately 15 percent of the estimated stumpage value but not less than $2,000; in sales in which the estimated stumpage value exceeds $100,000 but is not over $250,000, the bond shall be approximately 10 percent of the estimated stumpage value but not less than $15,000; and in sales in which the estimated stumpage value exceeds $250,000, the bond shall be approximately 5 percent of the estimated stumpage value but not less than $25,000. Bonds may be in the form of a corporate surety bond by an acceptable surety company; or cash bond designating the approving officer to act under a power of attorney; or negotiable United States Government bonds supported by appropriate power of attorney and performance bond.

5. Section 141.15 is amended to read as follows:

§ 141.15 **Payments for timber.**

The basis of volume determination for timber sold shall be the Scribner Decimal C, International ¼ inch, or International Decimal ¼ inch log rules, cubic volume, weight, or such other form of measurement as the Secretary shall designate for each sale. Payment for timber will be required in advance of cutting pursuant to § 141.16, except for Indian enterprises pursuant to § 141.6. Each advance deposit shall be at least 10 percent of the value of the minimum volume of timber required to be cut annually, figured at the appraised stumpage rates: *Provided*, That the approving officer may reduce the size of the last advance deposit before the completion of the sale or before periods of approximately 3 months or longer during which no timber cutting is anticipated. If a contract stipulates no minimum annual cutting requirements the amount of each advance deposit shall be determined by the approving officer. The advance payments that may be required in the sale of trust allotted timber, pursuant to § 141.16, shall not operate to reduce the size of advance deposits required by this section, but may postpone the necessity of requiring such deposits until the advance payments on the particular allotments being cut have been exhausted.

6. Part 143 of Title 25, Code of Federal Regulations, is revoked.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

SEPTEMBER 6, 1962.

[F.R. Doc. 62-9074; Filed, Sept. 11, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Notice of Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given of a proposal to amend the administrative rules and regulations, as amended (Subpart—Administrative rules and regulations, 7 CFR 987.100–987.165; 27 F.R. 7088), effective under the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 27 F.R. 6818), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order (hereinafter referred to collectively as the "order") are effective pursuant to the Agricultural

Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is based on recommendations submitted by the Date Administrative Committee, established under the order, and other available information. The proposal is intended to implement certain of the new or revised provisions of the last amendment (27 F.R. 6818) of the order and make conforming or other changes in present provisions of the administrative rules and regulations.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the tenth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

§§ 987.100, 987.141, 987.145 [Amendment]

1. Wherever it appears in §§ 987.100, 987.141, and 987.145, the word "agency" is replaced by the word "service".

§ 987.145 [Amendment]

2. In the last sentence of § 987.145(b)(1), "words 'Meet 103–M' " is replaced by "letters 'DAC' ".

3. In the last sentence of § 987.145(b)(2)(i), "words 'Meet 103 F.P.' " is replaced by "letters 'FP' ".

4. In the last sentence of § 987.145(c)(1)(iv), "words '103–EXPORT' " is replaced by "word 'EXPORT' ".

5. In § 987.145, the caption for paragraph (g) is revised to read "Credit for disposition in excess of restricted obligation".

§ 987.152 [Amendment]

6. In § 987.152(a), "§§ 987.45, 987.72, and 987.73" is revised to read "§§ 987.45, 987.48, and 987.72".

7. In § 987.152(b), subparagraph (2) is revised to read:

(2) *Specialty packs.* Dates in specialty packs such as hand layered dates in glass, tin, plastic, film, or other types of container approved by the Committee may be sold free from the provisions of §§ 987.41(a) and 987.48: *Provided,* That the dates shall have been packed from dates that have been certified as meeting the applicable grade requirements and have not been commingled with other dates.

8. A new section is added to read:

§ 987.168 Minimum record requirements.

Each handler shall, pursuant to § 987.68, maintain at least the following types of records and retain them for a minimum period of two years subsequent to the termination of the crop year in which the transactions occurred: (a) A record of grower deliveries of dates showing, for each delivery: (1) The name of the grower; (2) the date of delivery; (3) the varieties of dates so delivered; and (4) the net weight of the dates delivered;

(b) A record of all shipments of dates showing, by variety and for each shipment: (1) The date of shipment; (2) the number and size of the containers; (3) the net weight of the shipment; and (4) the name and address of the person to whom the dates were shipped;

(c) A record of all sales of dates showing, by variety and for each sale: (1) The name and address of the purchaser; (2) the date of sale; (3) the number and size of the containers; and (4) the net weight of dates sold; except when all information in such a record would be the same as contained in the record of shipments maintained pursuant to paragraph (b) of this section; and

(d) A record of dates held, respectively, on each January 1, June 1, and August 1 showing, by variety, for each of these days and by category (i.e., as described in § 987.161): (1) The number and size of the containers of dates; and (2) the net weight of the dates.

9. A new section is added to read:

§ 987.174 Establishment of divisor to convert weight of pitted dates to the the equivalent weight of whole dates.

For the purpose of determining the whole date equivalent (i.e., weight) of a given quantity of pitted dates, the weight of the pitted dates shall be divided by 0.875.

Dated: September 7, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9121; Filed, Sept. 11, 1962; 8:55 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1002]

[Docket No. AO–71–A44]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Notice of Postponement of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given that the public hearing on proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York-New Jersey marketing area, scheduled to begin at 10:00 a.m., e.d.t., on September 18, 1962, at Woodbridge Motor Lodge, Woodbridge, New Jersey, as announced in the notice of hearing issued August 23, 1962 (27 F.R. 8597) and in the supplemental notice of hearing issued August 31, 1962, is hereby postponed until further notice.

Signed at Washington, D.C., on September 7, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9122; Filed, Sept. 11, 1962; 8:55 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1003, 1016]

[Docket Nos. AO–293–A6, AO–312–A3]

MILK IN WASHINGTON, D.C., AND UPPER CHESAPEAKE BAY MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary of Agriculture, with respect to proposed amendments to the tentative marketing agreements, and orders regulating the handling of milk in the Washington, D.C., and Upper Chesapeake Bay marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quintuplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at the Southern Hotel, Baltimore, Maryland, on June 11–12, 1962, and continued at the Marriott Key Bridge Motor Hotel, Arlington, Virginia, on June 13, 1962, pursuant to notice thereof which was issued May 29, 1962 (27 F.R. 5195).

The material issues on the record of the hearing relate to:

A. Issues with respect to the Washington, D.C., order:

1. Definition of producer with respect to delivery of milk to a plant regulated under another order.

2. Qualification of a cooperative association as a handler on bulk tank milk delivered from the farm to other handlers for the cooperative's account.

3. Shrinkage allowances.

4. Modification of base and excess milk provisions.

B. Issues with respect to the Upper Chesapeake Bay order:

5. Diversion of producer milk to nonpool plants.

6. Classification of:

(a) Fortified milk products; (b) milk dumped; and (c) milk lost in transit.

7. Shrinkage allowances.

8. Modification of base and excess milk provisions.

9. Type of pool.

C. Issues with respect to both the Washington, D.C., and the Upper Chesapeake Bay orders:

10. Classification of fluid cream disposition.

11. Application of allocation provisions to milk received from another Federal order market.

12. Class I prices.

13. Miscellaneous and conforming changes.

A proposal with respect to pool plant qualifications under the Washington, D.C., order was not supported at the hearing. This recommended decision deals with Issue No. 5 with respect to diversion under the Upper Chesapeake Bay order and Issue No. 12 with respect to Class I prices under both orders.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

5. *Diversion.* The diversion provisions of the producer definition should be modified to allow more diversion on a percentage basis during the months of October, November, January and February.

The term "diversion" is used to mean the movement of a producer's milk from the farm directly to a nonpool plant while the farmer nevertheless maintains his producer status. Such diversion is an ordinary part of the handling of milk supplies for fluid milk marketing areas. Assurance of an adequate, reliable supply for the market contemplates some reserve in excess of handlers' immediate fluid requirements to meet variations in Class I sales as well as seasonal variation of production. Diversion of reserve milk to nonpool manufacturing plants is more economical than first assembling the milk at a pool plant for subsequent transfer to a manufacturing plant. The advantage of such movement has been enhanced by bulk tank truck pickup at farms, which is the predominant method used in this market.

Under present order provisions, a producer's milk may be diverted to a nonpool plant on any day in the months of March through September, but diversion in other months is limited. During any month of the period October through February a producer's milk may be diverted on 10 days (5 days in the case of every-other-day delivery). As an alternative, it is provided that the total milk of a cooperative's membership may be 10 percent diverted during any of the months of October, November, January and February, and 15 percent in December. The same percentages apply to milk of producers received by handlers who are not cooperative associations. While the percentage diversion allowance is a lesser proportion of the total producer milk during a month than may be diverted on the basis of 10 days per month, it nevertheless provides desirable flexibility and economy in the handling of reserve milk.

Proponent for the change in the diversion provisions is a cooperative association which has assumed responsibility for disposing of a very large part of the reserve milk in the market. Most of this reserve milk is moved to two manufacturing plants, one of which is a pool plant at Westminster, Maryland, and the other, a nonpool plant at Laurel, Maryland. These plants represent the principal outlets readily available with capacity to handle the reserve milk.

The proponent complained that the present diversion provisions tend to restrict the choice of manufacturing outlets during the months of October through February. The present limitations have impelled the cooperative to move substantially more milk to the pool manufacturing plant than is permitted to be diverted to the nonpool plant under the 10 percent diversion allowance.

Greater flexibility in the disposition of reserve milk is desirable. The cooperative association should not be so largely dependent upon pool status of the manufacturing plant. It is concluded the percentage allowance for diverted milk should be 15 percent in each of the months of October through February.

Diversion on a percentage basis may be made under the present order provisions by a cooperative for its members, and by a proprietary handler with respect to milk of either cooperative members or nonmembers. To avoid possible confusion as to diversions by cooperatives and other handlers of cooperative member milk, it should be provided under the percentage diversion provision that member milk will be diverted only for the account of the association. All nonmember milk which is diverted would be, of course, for the account of the operator of the pool plant from which it is diverted. The percentage allowance for nonmember milk should be stated separately.

It would be incumbent upon a handler receiving member milk to ascertain, prior to diverting any of such milk, the basis on which the cooperative is accounting for milk it is diverting to nonpool plants during the month. If the cooperative association is using the percentage basis for diversion, no other handler could account for milk of its members under any diversion provision. It is possible, however, under the provisions adopted herein that the physical arrangements for diversion of member milk might be made by a handler other than the cooperative association under agreement with the association that such diversion will be reported by the association as diversion for its account. The diversion provision should be modified to clearly exclude delivery of milk to a plant where it is priced as producer milk under another order or to the plant of a producer-handler.

12. *Class I price.* The Class I price provisions of the Washington, D.C., and Upper Chesapeake Bay orders should be revised to reflect current marketing conditions.

Since the establishment of the order in the Washington, D.C., market, effective July 1, 1959, the Class I price for milk testing 3.5 percent butterfat has been $5.55 for the months of July through February and $5.10 in other months. A price adjustment formula based on the average of Class I prices under the New York-New Jersey, Philadelphia, and Chicago Federal orders is also provided in the Washington order. The price adjustment depends on the change in the three-market average from the price in the same month of 1958. The Upper Chesapeake Bay order, made effective February 1, 1960, contains the same pricing provisions.

Class I prices in both markets were adjusted downward 20 cents per hundredweight, effective July 1, 1962, on the basis of the formula using the three-market average.[1] This is the only such adjustment the formula has produced.

The Washington, D.C., and Upper Chesapeake Bay markets are closely related and similar considerations affecting the pricing of milk prevail. Although each marketing area is supplied very largely by plants regulated under the respective order, handlers under the two orders compete for sales of milk and cream in fringe areas and particularly with respect to military contracts. Both markets obtain their milk supply largely from producing areas in the States of Maryland, Virginia and Pennsylvania. Producer receipts under both orders from the counties within these states show substantial overlapping of production areas. A large part of the reserve milk of both markets is handled in a single plant. Over the period during which the orders have been effective, the identity of Class I prices in the two markets has been well accepted by producers and handlers as a proper intermarket relationship.

For each of the markets, the supply of producer milk has increased during the period of order regulation. On an annual basis, the supply of milk on the Washington market increased 8.2 percent from 1960 to 1961. For the first six months of 1962, production for the market was 3.3 percent higher than a year earlier. In the Upper Chesapeake Bay market, producer milk supply was 7.3 percent higher in the 12-month period February 1961 through January 1962 than in the preceding 12-month period. In the first six months of 1962, it was 10.1 percent higher than a year before. Part of this increase, however, was due to the advent of new plants under regulation.

During the same periods, the ratio of producer milk to Class I disposition of handlers has also increased. For the Washington market, producer milk was 145.2 percent of handlers' Class I disposition in 1960, and 155.4 in 1961. Data are available for the first six months of 1962 on the basis of official notice of statistics published by the market administrators for these markets for June. For the first six months of each of the years 1960, 1961, and 1962, the ratio of producer milk in the Washington market to Class I disposition of handlers was 145.7 percent, 157.9 percent, and 157.4 percent, respectively.

During the lesser period in which the Upper Chesapeake Bay order has been effective, the ratio of producer milk to Class I disposition in the first twelve months (February 1960 through January 1961) was 133.4 percent, and was 138.0 percent in the like period of 1961–1962.

[1] Official notice is taken of market data published by the market administrators for Washington, D.C., and Upper Chesapeake Bay orders.

For the first six months of 1961 the ratio was 136.8 percent, and for the same period of 1962 was 139.3 percent.

Combined data for both markets show a ratio of producer milk to Class I sales of 140.4 percent for the first twelve months both orders were in operation (February 1960 through January 1961). For the most recent twelve-month period, ending with June 1962 the ratio was 148.0 percent.

In view of the increased amplitude of supply in relation to Class I sales, it is concluded that the price adjustment produced by the formula is in line with changes in market conditions since the establishment of order regulation in the two markets.

Producers in both markets contended that the Class I price should be higher than the level herein adopted, and based their argument on the calculated cost during 1961 of Chicago order milk if delivered to Washington. In the decision of May 1, 1959, a similar calculation, based on 1958 data, produced a figure of $5.375 per hundredweight for the cost of Chicago order milk delivered to Washington. The comparable figure based on 1961 data would be $5.615. Both computations exclude the effect of the Chicago order supply-demand. In that decision, such calculation was used upon the premise that the Class I price ". . . cannot be established at a level which would exceed the cost of securing dependable alternative supplies." The Chicago-Washington relationship was thus used to establish an upper limit, or ceiling. While the same calculation, based on more recent data, might be similarly relevant as to an upper limit for the Washington or Upper Chesapeake Bay price, it does not at the same time establish a lower limit. The relevant information pertaining to local market conditions shows that the market is assured of an adequate supply at a price level lower than the price calculation based upon the Chicago price.

For the preceding reasons, the level of price established for July 1962 ($5.35) is taken as the basic price for months of July through February, and the corresponding seasonal level of $4.90 is taken as the basic price for the months of March through June. This would provide an annual average of $5.20. It is concluded that such basic prices should apply in both markets because of their close relationship and the similarity of conditions affecting the production and marketing of milk.

The basic price should be adjusted in relation to changing market conditions of supply and demand. Local conditions should provide the primary basis for price adjustment. This is in contrast to the present price adjustment formula based entirely upon Class I prices under other orders. It was noted, however, when the Washington, D.C., order was issued, that the formula based on the three-market average was intended only as a temporary method for adjusting prices in line with changing conditions until more complete market information was available. The same formula was adopted on a temporary basis when an order was later issued for the Upper Chesapeake Bay market. Now that more comprehensive market information is available, and in view of the considerable changes in the supply-sales relationship since these orders were issued, it is concluded that the pricing provisions of the two orders should be revised to give significance to local market factors.

The basic price should be adjusted in relation to the ratio of producer milk supplies to Class I milk disposition. In view of the conclusion to maintain the same Class I price in both markets, the price adjustment factor should be based on total producer milk and the total Class I disposition of pool handlers in the two markets.

The adjustment mechanism adopted herein is intended to reflect changing market conditions while at the same time assuring considerable stability in Class I pricing. The percentage relationship of producer milk to Class I disposition of pool handlers in the most recent two-month period for which data are available should be the primary basis of the adjustment. Thus, a January Class I price adjustment would be based on producer milk supplies and Class I dispositions in the months of October and November preceding. Deviation of such current utilization percentages from a corresponding standard (base) percentage would provide the measure of the amount of price adjustment to be made. The order provisions herein adopted provide a table of standard utilization percentages which recognize seasonal changes in utilization of the two markets.

It is not to be expected, however, that the ratio of producer milk to Class I milk disposition will follow a precise seasonal pattern each year. For this reason, the standard utilization percentages include a range within which utilization may vary without producing price adjustment. Deviations of the current two-month utilization percentage above the maximum or below the minimum range of these standards would be the basis for minus or plus adjustments, respectively, at the rate of 2 cents for each whole percentage of deviation. Two additional features limiting the adjustments will tend to assure that the adjustments will reflect substantial trends in utilization in the two markets. First, changes in the amount of the adjustment would be limited to 4 cents per month. Second, the amount of the adjustment would be limited in relation to the most recent 12-month average utilization percentage.

The 12-month utilization percentage (producer milk as a percent of Class I disposition) for the two markets increased from 140.4 percent in the period February 1960 through January 1961 to 148.0 percent in the most recent period of July 1961 through June 1962. During most of this period, the percentage shows a steady upward trend of supply in relation to Class I milk disposition, reaching a maximum of 149.2 percent in the 12 months ending with April 1962.

The six most recent 12-month utilization percentages (for periods ending with the months of January through June 1962) average approximately 148.5 percent. This is taken as a base utilization percentage from which future changes would be reckoned. Deviation of any current 12-month utilization percentage (that ending with the second month preceding the pricing month) from 148.5 percent would be the measure of change. This deviation would not be used directly to adjust the Class I price, but would provide a limiting factor. Price adjustments based on the current two-month utilization percentage would be limited to the extent that the deviation of such percentage from the applicable standard does not differ by more than 5 from the deviation of the 12-month utilization percentage from 148.5 percent.

If the supply-demand adjustment described herein had been in effect during 1961 and the first eight months of 1962, monthly price adjustments ranging from minus 4 cents to plus 6 cents would have occurred. The average for the period, including months in which no adjustment would have occurred, would have been a plus 0.5 cents.

A reasonable alignment of the price level in these markets with nearby other major markets in the East is desirable. With respect to the relationship to the Philadelphia and New York markets, the Secretary's decision of May 1, 1959, on the promulgation of the Washington, D.C., order (24 F.R. 3630) cites the findings of a committee of economists, who had studied the pricing problem, "• • • that the Washington market production area overlaps that of Philadelphia and to a degree that of New York and hence bulk milk supplies regulated by these orders are, in many instances, within easy trucking distance of Washington. They[2] concluded, therefore, that notwithstanding the need for general price alignment with Chicago, for reasons previously stated, it is essential that a close alignment also be maintained between Class I prices in the Washington, Philadelphia and New York markets." In that decision, it was concluded that, "• • • this mechanism will produce appropriate changes in the Washington Class I price which reflect changes on the national market for milk and cost factors affecting the supply and demand for milk and will maintain a reasonable alignment of price between markets during the interim period of operation of the order."

Although the prior and direct monthly relationship to the Chicago order price should be discontinued, price alignment for the Washington, D.C., and Upper Chesapeake Bay markets with the Philadelphia and New York-New Jersey markets is needed. The contiguity of production areas, which in some parts overlap, and the accessibility of milk supplies from such other markets indicate the need for reasonable price relationship.

For the purpose of making price comparisons, monthly prices in the several markets have been adjusted to the corresponding annual level by eliminating the seasonal adjustment, and the price for the Philadelphia market has been converted to a 3.5 percent butterfat basis. In the Philadelphia order, this is the

[2] The committee.

"annual level" referred to in § 1004.50 (a)(3) adjusted for supply-demand and the relationship to the Midwestern condensery price. In the case of the New York-New Jersey prices, the announced Class I–A price for the 201–210 mile zone was divided by the seasonal adjustment factor. From this comparison of the Washington, D.C., Class I price with the average of the Philadelphia and New York-New Jersey prices, it is seen that the Washington price has been lower in 33 months of the 36-month period ending with June 1962. The average difference was 9 cents. During the first 6 months of 1962, the Washington, D.C., price averaged 7 cents under the Philadelphia and New York-New Jersey average.

The preceding historical data are not considered to show precisely what relationship should be maintained for the Washington and Upper Chesapeake Bay markets in comparison to the Philadelphia and New York markets. In view of the availability of supplies from the other markets, however, it is reasonable under foreseeable conditions that the price for the Washington and Upper Chesapeake Bay markets should not differ significantly from the past relationship to the average level of prices under the other orders. For this reason, a 15-cent limitation is adopted as the maximum amount by which the Class I price in the local markets might differ from the average of the Philadelphia and New York-New Jersey prices of the same month, in each case converted to an annual equivalent basis.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the isssuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders regulating the handling of milk in the Washington, D.C., and Upper Chesapeake Bay marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

1. The introductory text and paragraph (a) in § 1003.50 is revised to read as follows:

§ 1003.50 Class prices.

Subject to the provisions of §§ 1003.51 and 1003.52 the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I price.* The price for Class I milk shall be $5.35 per hundredweight for the months of July through February and $4.90 per hundredweight for the months of March through June, plus or minus a supply-demand adjustment computed pursuant to subparagraph (1) of this paragraph: *Provided*, That the Class I price less 15 cents in any of the months of July through February and plus 30 cents in any of the months of March through June shall not differ by more than 15 cents from the average price determined pursuant to subparagraph (2) of this paragraph.

(1) Calculate a supply-demand adjustment by multiplying by 2 cents the adjusted deviation percentage calculated pursuant to subdivision (iv) of this subparagraph, such supply-demand adjustment to be a plus adjustment if such deviation percentage is negative, or a minus adjustment if such deviation percentage is positive: *Provided*, That the supply-demand adjustment for any month shall not differ from the supply-demand adjustment of the preceding month by more than 4 cents.

(i) Calculate the utilization percentages for the two-month period and the 12-month period each ending with the second preceding month, by dividing the total quantity of producer milk received under the Washington, D.C., and Upper Chesapeake Bay Federal milk orders during each period by the total quantity of Class I milk disposed of from all pool plants regulated under both orders (excluding any duplication because of disposition between plants) during the same period, respectively, and in each case multiply by 100.

(ii) If the 2-month utilization percentage computed pursuant to subdivision (i) of this subparagraph is less than the applicable minimum standard utilization percentage in the following table, calculate the difference (rounded to the nearest whole percent) as a negative deviation percentage; or if the 2-month utilization percentage calculated pursuant to subdivision (i) of this subparagraph exceeds the applicable maximum standard utilization percentage in the following table, calculate the difference (rounded to the nearest whole percent) as a positive deviation percentage:

Month for which price applies	Month for which utilization is computed	Standard utilization range	
		Minimum	Maximum
January	October–November	122	137
February	November–December	138	137
March	December–January	138	142
April	January–February	140	144
May	February–March	140	144
June	March–April	143	147
July	April–May	156	160
August	May–June	160	164
September	June–July	159	163
October	July–August	160	164
November	August–September	152	156
December	September–October	138	142

(iii) If the 12-month utilization percentage calculated pursuant to subdivision (i) of this subparagraph is less than 148.5 percent, calculate such difference (rounded to the nearest whole percent) as a negative deviation percentage or if such 12-month utilization percentage is more than 148.5 percent, calculate such difference (rounded to the nearest whole percent) as a positive deviation percentage.

(iv) Calculate an adjusted deviation percentage by adjusting the deviation percentage calculated pursuant to subdivision (ii) so that it does not differ by more than 5 from the deviation percentage calculated pursuant to subdivision (iii).

(2) The average (rounded to the nearest even cent) of the prices determined pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) The Class I price for the same month under Order No. 4 for the Philadelphia marketing area for milk testing 3.5 percent butterfat adjusted by adding 40 cents in the months of April, May, and June and subtracting 40 cents in the months of October, November, and December, and

(ii) The Class I–A price for the same month prior to seasonal adjustment under Order No. 2 for the New York-New Jersey marketing area.

2. In section 1016.2, paragraph (e) is revised to read as follows:

§ 1016.2 Definitions of persons.

• • • • • •

(e) "Producer" means any dairy farmer (except a producer-handler or a dairy farmer for other markets) with respect to milk of his production which is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4), or which is diverted to a nonpool plant

(except a plant of a producer-handler or a plant where such milk would be priced as producer milk subject to the provisions of another order issued pursuant to the Act) during any month(s) of March through September, or which is diverted during any month(s) of October through February to such a nonpool plant in accordance with the provisions of subparagraphs (1), (2), or (3) of this paragraph: *Provided*, That the milk so diverted shall be deemed to have been received at the pool plant from which diverted: *And provided further*, That a handler shall notify a cooperative association prior to diverting milk of such cooperative's members during the month: *And provided also*, That if diversions by a cooperative association or other handler exceed the limits described in subparagraphs (1) or (2), respectively, of this paragraph, all diversions by such handler shall be subject to the limit of the number of days of diversion pursuant to subparagraph (3) of this paragraph:

(1) Diverted as the milk of a member of a cooperative association for the account of such association, if member milk so diverted does not exceed 15 percent of the total of such diverted milk and other milk of members of such cooperative association received at pool plants during the month;

(2) Diverted as the milk of a dairy farmer not a member of a cooperative association for the account of a handler not a cooperative association in his capacity as the operator of a pool plant from which the quantity of nonmember milk so diverted does not exceed 15 percent of the total of such diverted milk and other nonmember milk which is received at the pool plant during the month; or

(3) Diverted not more than 10 days (5 days in the case of every-other-day delivery) during the month, except that the definition of producer pursuant to this subparagraph shall not include any dairy farmer with respect to the milk of such farmer which is, during any month of the October through February period, delivered to nonpool plants on days in excess of the number of days specified in this subparagraph.

3. The introductory text and paragraph (a) in § 1016.50 is revised to read as follows:

§ 1016.50 Class prices.

Subject to the provisions of §§ 1016.51 and 1016.52 the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I price.* The price for Class I milk shall be $5.35 per hundredweight for the months of July through February and $4.90 per hundredweight for the months of March through June, plus or minus a supply-demand adjustment computed pursuant to subparagraph (1) of this paragraph: *Provided*, That the Class I price less 15 cents in any of the months of July through February and plus 30 cents in any of the months of March through June shall not differ by more than 15 cents from the average price determined pursuant to subparagraph (2) of this paragraph.

(1) Calculate a supply-demand adjustment by multiplying by 2 cents the adjusted deviation percentage calculated pursuant to subdivision (iv) of this subparagraph, such supply-demand adjustment to be a plus adjustment if such deviation percentage is negative, or a minus adjustment if such deviation percentage is positive: *Provided*, That the supply-demand adjustment for any month shall not differ from the supply-demand adjustment of the preceding month by more than 4 cents.

(i) Calculate the utilization percentages for the two-month period and the 12-month period, each ending with the second preceding month, by dividing the total quantity of producer milk received under the Washington, D.C., and Upper Chesapeake Bay Federal milk orders during each period by the total quantity of Class I milk disposed of from all pool plants regulated under both orders (excluding any duplication because of disposition between plants) during the same period, respectively, and in each case multiply by 100.

(ii) If the 2-month utilization percentage computed pursuant to subdivision (i) of this subparagraph is less than the applicable minimum standard utilization percentage in the following table, calculate the difference (rounded to the nearest whole percent) as a negative deviation percentage; or if the two-month utilization percentage calculated pursuant to subdivision (i) of this subparagraph exceeds the applicable maximum standard utilization percentage in the following table, calculate the difference (rounded to the nearest whole percent) as a positive deviation percentage:

Month for which price applies	Month for which utilization is computed	Standard utilization range	
		Minimum	Maximum
January	October–November	133	137
February	November–December	133	137
March	December–January	138	142
April	January–February	140	144
May	February–March	140	144
June	March–April	143	147
July	April–May	156	160
August	May–June	160	164
September	June–July	159	163
October	July–August	160	164
November	August–September	152	156
December	September–October	138	142

(iii) If the 12-month utilization percentage calculated pursuant to subdivision (i) of this subparagraph is less than 148.5 percent, calculate such difference (rounded to the nearest whole percent) as a negative deviation percentage, or if such 12-month utilization percentage is more than 148.5 percent calculate such difference (rounded to the nearest whole percent) as a positive deviation percentage.

(iv) Calculate an adjusted deviation percentage by adjusting the deviation percentage calculated pursuant to subdivision (ii) so that it does not differ by more than 5 from the deviation percentage calculated pursuant to subdivision (iii).

(2) The average (rounded to the nearest even cent) of the prices determined pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) The Class I price for the same month under Order No. 4 for the Philadelphia marketing area for milk testing 3.5 percent butterfat adjusted by adding 40 cents in the months of April, May, and June and subtracting 40 cents in the months of October, November, and December, and

(ii) The Class I-A price for the same month prior to seasonal adjustment under Order No. 2 for the New York-New Jersey marketing area.

Signed at Washington, D.C., on September 7, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-9123; Filed, Sept. 11, 1962; 8:56 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Parts 608, 609, 611]

[Administrative Order No. 566]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment to Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511. I hereby appoint Industry Committee No. 56–A for the Women's and Children's Underwear and Women's Blouse Industry in Puerto Rico; Industry Committee No. 56–B for the Handkerchief, Scarf, and Art Linen Industry in Puerto Rico; and Industry Committee No. 56–C for the Sweater and Knit Swimwear Industry in Puerto Rico.

The definitions of the industries for which industry committes are appointed by this order are set forth below.

The Women's and Children's Underwear and Women's Blouse Industry in Puerto Rico is defined as:

The knitting or manufacture from woven or knit fabric, of women's, misses', girls', boys' size 6x or under, and infants' underwear and nightwear, including but not by way of limitation, slips, petticoats, nightgowns, negligees, panties, undershirts, briefs, shorts, pajamas, sleepers, and similar articles; and the manufacture of women's and misses' blouses, shirts, waists, and neckwear (including collar and cuff sets but excluding scarves): *Provided, however*, That the industry shall not include any product or activity included in the corsets, brassieres, and allied garments industry in Puerto Rico (29 CFR Part 614); or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

The Handkerchief, Scarf, and Art Linen Industry in Puerto Rico is defined as:

The manufacture of plain, scalloped, or ornamented handkerchiefs and scarves; the manufacture of art linen, including, but not by way of limitation, table cloths, luncheon cloths, altar cloths, napkins, bridge sets, table covers, sheets, pillow cases, and towels; and the manufacture of needlepoint on canvas or other materials: *Provided, however*, That the industry shall not include the outlining or embroidery of lace by machine or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

The Sweater and Knit Swimwear Industry in Puerto Rico is defined as:

The manufacture of men's, women's, misses', boys', and girls' knit sweaters, shrugs, shoulderettes, boleros, and similar knitwear, and women's, misses', and girls' knit swimwear: *Provided, however*, That the industry shall not include the embroidery of any article or trimming by a crochet beading process or with bullion thread.

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene each of the above-appointed industry committees;

(b) Refer to each of these industry committees the following:

(1) The question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned for employees who are engaged in commerce or in the production of goods for commerce, and (2) the question of the minimum rate or rates of wages to be fixed for any employees covered by the Act by reason of the Fair Labor Standards Amendments of 1961;

(c) Give notice of the hearing to be held by each of them at the times and places indicated below. Each industry committee shall investigate conditions in its industry, and each industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 56–A shall meet in executive session to commence its investigation at 10:00 a.m. on October 15, 1962, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 2:00 p.m. on the same date at the same place. Following this hearing Industry Committees Nos. 56–B and 56–C shall meet seriatim at the same place at hours designated by the committee chairman to conduct their investigations and to hold their hearings.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of this Department the highest minimum wage rates (in the case of question (1) referred to the committee, not exceeding the minimum wage rate of $1.15 prescribed in paragraph (1) of section 6(a) of the Act, and in the case of question (2) referred to the committee, not exceeding the minimum wage rate of $1.00 prescribed in section 6(b) of the Act, and in no case less than the currently effective rate) which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa.

Whenever any industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare economic reports for the industry committees containing such data as he is able to assemble pertinent to the matters referred to them. Copies of each such reports may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each industry committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearings.

The procedure of industry committees shall be governed by 29 CFR Part 511. As a prerequisite to participation in the hearings, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than October 5, 1962.

Signed at Washington, D.C., this 7th day of September 1962.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 62–9120; Filed, Sept. 11, 1962 8:55 a.m.]

[29 CFR Parts 614, 615]

[Administrative Order No. 567]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment to Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint Industry Committee No. 57–A for the Corsets, Brassieres, and Allied Garments Industry in Puerto Rico; and Industry Committee No. 57–B for the Men's and Boys' Clothing and Related Products Industry in Puerto Rico.

The definitions of the industries for which industry committees are appointed by this order are set forth below.

The Corsets, Brassieres, and Allied Garments Industry in Puerto Rico is defined as:

The manufacture of corsets, brassieres, brassiere pads, girdles, foundation garments, sanitary belts, surgical or abdominal supports, and all similar body-supporting garments.

The Men's and Boys' Clothing and Related Products Industry in Puerto Rico is defined as:

The manufacture from any material of men's and boys' clothing, furnishings, accessories, and related products: *Provided, however*, That the industry shall not include the manufacture of handmade straw hats, gloves, hosiery, footwear, belts (except fabric), sweaters, handkerchiefs, scarves, mufflers, or any product or activity included in the children's dress and related products industry in Puerto Rico (29 CFR Part 610) or in the women's and children's underwear and women's blouse industry in Puerto Rico (29 CFR Part 609).

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene each of the above-appointed industry committees;

(b) Refer to each of these industry committees the following:

(1) The question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned for employees who are engaged in commerce or in the production of goods for commerce, and

(2) the question of the minimum rate or rates of wages to be fixed for any employees covered by the Act by reason of the Fair Labor Standards Amendment of 1961;

(c) Give notice of the hearing to be held by each of them at the times and places indicated below. Each industry committee shall investigate conditions in its industry, and each industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the com-

mittee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 57–A shall meet in executive session to commence its investigation at 10:00 a.m. on November 8, 1962, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 2:00 p.m. on the same date at the same place. Following this hearing Industry Committee No. 57–B shall meet at the same place at the time designated by the committee chairman to conduct its investigation and to hold its hearing.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of this Department the highest minimum wage rates (in the case of question (1) referred to the committee, not exceeding the minimum wage rate of $1.15 prescribed in paragraph (1) of section 6(a) of the Act, and in the case of question (2) referred to the committee, not exceeding the minimum wage rate of $1.00 prescribed in section 6(b) of the Act, and in no case less than the currently effective rate) which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa.

Whenever any industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters referred to them. Copies of each such report may be obtained at the national and Puerto Rican office of the United States Department of Labor as soon as they are completed and prior to the hearings. Each industry committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearings.

The procedure of industry committees shall be governed by 29 CFR, Part 511. As a prerequisite to participation in the hearings, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than October 29, 1962.

Signed at Washington, D.C., this 6th day of September 1962.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 62–9119; Filed, Sept. 11, 1962; 8:55 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, proposing an increase in the tolerances for residues of 1-naphthyl *N*-methylcarbamate in or on corn fodder and corn forage from 25 parts per million to 100 parts per million.

The analytical method proposed in the petition for determining residues of 1-naphthyl *N*-methylcarbamate consists of extraction with methylene chloride. The cleaned up residue is hydrolyzed with potassium hydroxide, and the 1-naphthol formed is determined colorimetrically at 475 mμ after reacting with p-nitrobenzenediazonium fluoroborate.

Dated: September 5, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62–9100; Filed, Sept. 11, 1962; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 918) has been filed by Chas. Pfizer and Company, Inc., 235 East Forty-second Street, New York 17, New York, proposing the issuance of a regulation to provide for the safe use of polyethylene glycol 400 as a dispersing adjuvant for fat-soluble vitamins in vitamin and vitamin-mineral preparations.

Dated: September 6, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–9101; Filed, Sept. 11, 1962; 8:52 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Withdrawal of Notice of Filing of Petition

In the FEDERAL REGISTER of January 19, 1962 (27 F.R. 588), notice was given that a petition (FAP 658) had been filed by The Griffith Laboratories, Inc., 855 Rahway Avenue, Union, New Jersey, proposing the issuance of a regulation to provide for the safe use of ethylene oxide as a fumigating agent for isolated soybean protein employed as a sizing agent in the manufacture of paper and paperboard intended for use in contact with food.

Evaluation of the data contained in the petition, and other relevant material, demonstrates that fumigating agents are not food additives when used to fumigate materials employed as sizing in the manufacture of paper and paperboard intended for use in contact with food. Notice of filing of petition is hereby withdrawn.

Dated: September 6, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–9102; Filed, Sept. 11, 1962; 8:52 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 925) has been filed by Atlas Chemical Industries, Inc., Wilmington 99, Delaware, proposing the issuance of a regulation to provide for the safe use of synthetic glycerin containing not more than 0.2 percent by weight of butanetriols in or on food.

Dated: September 6, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–9103; Filed, Sept. 11, 1962; 8:52 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 904) has been filed by W. R. Grace and Company, Dewey and Almy Chemical Division, 62 Whittemore Avenue, Cambridge 40, Massachusetts, proposing the issuance of a regulation to provide for the safe use of *p, p'*-oxybis (benzenesulfonylhydrazide) at less than 2 percent in compositions for closures with sealing gaskets for food containers.

Dated: September 6, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–9104; Filed, Sept. 11, 1962; 8:53 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 211]

[Delegation of Authority No. 85–11A]

PEACE CORPS

Continuance

By virtue of the authority vested in me by the Executive Order No. 11041 of August 6, 1962 (27 F.R. 7859), the Peace Corps Act (75 Stat. 612) (hereinafter "the Act"), section 4 of the Act of May 26, 1949 (63 Stat. 111), and as Secretary of State, it is ordered as follows:

SECTION 1. *Continuance of the Peace Corps.* There is hereby continued in existence under the Act as an agency in the Department of State the Peace Corps established by Delegation of Authority No. 85–11 of March 3, 1961 (26 F.R. 2196), pursuant to Executive Order No. 10924 of March 1, 1961 (26 F.R. 1789), with the records, property, functions, personnel, positions and funds thereof. The Peace Corps shall be headed by a Director as provided in section 102(b) of Executive Order No. 11041. The Deputy Director of the Peace Corps shall exercise such functions as the Director deems appropriate.

SEC. 2. *Functions of the Director of the Peace Corps.* (a) Exclusive of the functions otherwise delegated or reserved to the Secretary of State herein, there are hereby delegated to the Director:

(1) The functions conferred upon the Secretary of State by the sections 101 and 303 of Executive Order No. 11041.

(2) The functions conferred upon the Secretary of State by the second sentence of section 9 of the Act.

(3) The functions conferred upon the Secretary of State under any provision of law, other than the Act and the Foreign Service Act of 1946, pertaining specifically, or generally applicable, to Foreign Service Reserve officers, Foreign Service Staff officers and employees, and alien clerks and employees, including the authority to prescribe or issue regulations, orders, and instructions in pursuance of such provisions of law.

(4) The functions conferred upon the Secretary of State by the last sentence of section 402 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 398) to the extent they relate to functions under the Act delegated to or vested in the Director.

(b) The authority of the Foreign Service Act of 1946 to appoint, employ, and assign personnel, which the Director is authorized to exercise pursuant to section 7(c)(2) of the Act, and the provisions of the Foreign Service Act which shall apply to personnel so appointed or assigned, shall consist of:

(1) The authority available to the Secretary of State under the Foreign Service Act of 1946 (including section 571 of that Act) relating to Foreign Service Reserve officers, Foreign Service Staff officers and employees, and alien clerks and employees.

(2) The authority available to the Secretary of State under sections 1021 through 1071 of the Foreign Service Act of 1946.

(3) The authority available to the Board of Foreign Service under the Foreign Service Act of 1946.

(4) The authority to prescribe or issue in pursuance of the Foreign Service Act of 1946 and the Act, such regulations, orders, and instructions, as may be incidental to, or necessary for, or desirable in connection with, the carrying out of the provisions of section 7(c)(2) of the Act or the provisions of this Delegation of Authority.

(5) The prohibitions contained in sections 1001 through 1005 of the Foreign Service Act of 1946.

(c) The concurrence of the Secretary of State shall be required with respect to the exercise by the Director of so much of the functions herein delegated pursuant to section 7(c)(1) of the Act as consists of the authorization of compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946 for persons employed or assigned by United States Government agencies, other than the Peace Corps.

SEC. 3. *Allocation of funds.* The Director is designated as the officer to whom all funds appropriated or otherwise made available to the President for carrying out the provisions of the Act shall be deemed to have been allocated by section 103 of Executive Order No. 11041.

SEC. 4. *Functions reserved to the Secretary of State or otherwise provided for.* There are hereby reserved to the Secretary of State:

(a) The functions of fixing the rates of compensation of the Director and Deputy Director of the Peace Corps conferred upon the President by section 4(a) of the Act.

(b) The functions with respect to the Foreign Service Act of 1946 conferred upon the President by section 5(f)(1)(B) of the Act.

(c) The functions of negotiating, concluding and terminating international agreements under the Act.

SEC. 5. *Successive delegation of functions.* The Director may, to the extent consistent with law, delegate or assign any of the functions delegated or assigned to him by this Delegation of Authority and authorize any of his subordinates to whom functions are so delegated or assigned successively to redelegate or reassign any of such functions.

SEC. 6. *Rules and regulations.* The Director may promulgate from time to time, to the extent consistent with law, such rules and regulations as may be necessary and proper to carry out any of his functions.

SEC. 7. *General provisions.* (a) Any reference in this Delegation of Authority to any Act, order, or delegation of authority shall be deemed to be a reference to such Act, order, or delegation of authority as amended from time to time.

(b) This Delegation of Authority supersedes Delegation of Authority No. 85–11 of March 3, 1961 (26 F.R. 2196), and Redelegation of Authority No. 85–10B of March 4, 1961 (26 F.R. 2196): *Provided*, That all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any functions affected by this Delegation of Authority, and not revoked, superseded, or otherwise made inapplicable before the effective date of this Delegation of Authority shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(c) Notwithstanding any provisions of this Delegation of Authority, the Secretary of State may at any time exercise any function delegated by this Delegation of Authority.

(d) This Delegation of Authority shall be deemed to have become effective on August 6, 1962.

Dated: August 29, 1962.

[SEAL] DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-9080; Filed, Sept. 11, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-99]

BABCOCK & WILCOX CO.

Notice of Proposed Issuance of Construction Permit and Amendment to Utilization Facility License

Please take notice that unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission ("the Commission") by The Babcock and Wilcox Company ("the licensee") or a petition for leave to intervene is filed, as provided by and in accordance with the Commission's rules of practice (10 CFR 2), the Commission proposes to issue to the licensee a construction permit substantially as set forth in Appendix A. The permit, as requested by the licensee in its application dated May 11, 1962, and supplement thereto dated July 27, 1962 (these two documents are hereinafter collectively referred to as "the application"), would authorize the licensee to make certain modifications in its Lynchburg Pool Reactor ("the reactor") located near Lynchburg, Virginia, to enable the reactor to be operated at increased power levels.

Notice is also hereby given that upon completion of construction and inspection of the activities authorized by the construction permit the Commission may, without further prior public notice, issue an amendment to Facility License No. R–47, substantially as set forth in Appendix B, authorizing operation of the modified reactor at steady-state power levels not exceeding one megawatt thermal.

The Commission has found that the application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR.

For further details see (1) the hazards analysis prepared by the Division of Licensing and Regulation and (2) the application, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 5th day of September 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-9065; Filed, Sept. 11, 1962; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

FIRST AND MERCHANTS NATIONAL BANK OF RICHMOND AND AUGUSTA NATIONAL BANK OF STAUNTON

Notice of Decision Granting Application To Merge

On June 27, 1962, the $284.7 million First and Merchants National Bank of Richmond, Richmond, Virginia, applied to the Comptroller of the Currency for permission to merge, under its charter and title, the $12 million Augusta National Bank of Staunton, Staunton, Virginia.

On August 31, 1962, the Comptroller of the Currency granted this application, effective on or after September 7, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 5, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-9093; Filed, Sept. 11, 1962; 8:50 a.m.]

INDUSTRIAL VALLEY BANK AND TRUST CO. AND PHOENIXVILLE TRUST CO.

Notice of Report on Competitive Factors Involved in Merger Application

On July 31, 1962, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the $101 million Industrial Valley Bank and Trust Company, Jenkintown, Pennsylvania, with the $7 million Phoenixville Trust Company, Phoenixville, Pennsylvania, under the charter and title of the former.

On August 31, 1962, the Comptroller of the Currency reported that there is no present direct competition between the two institutions and that the proposed merger would not adversely affect the banking structure of the area served by either bank. He concluded that the effect of the proposed transaction on banking competition would not be unfavorable.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 7, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-9094; Filed, Sept. 11, 1962; 8:50 a.m.]

NORTHWESTERN BANK, BANK OF MADISON, STATE PLANTERS BANK, AND STATE BANK OF BURKE

Notice of Report on Competitive Factors Involved in Merger Applications

On August 1, 1962, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed mergers of the $122.5 million Northwestern Bank, North Wilkesboro, North Carolina, with the $7.3 million Bank of Madison, Madison, North Carolina, the $4.9 million State Planters Bank, Walnut Cove, North Carolina, and the $7.5 million State Bank of Burke, Morganton, North Carolina, all under the charter and title of the Northwestern Bank.

On September 6, 1962, the Comptroller of the Currency reported that the three proposed mergers would have an adverse effect upon competition in the areas involved. He observed that under the banking laws of North Carolina, larger banks could expand through de novo branching to meet increasing economic demands without the detriment to healthy banking competition flowing from a wholesale elimination of small banks.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 7, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-9095; Filed, Sept. 11, 1962; 8:50 a.m.]

STATE NATIONAL BANK OF CONNECTICUT

Notice of Decision Approving Change of Location

On May 29, 1962, the State National Bank of Connecticut, pursuant to 12 U.S.C. 30, applied for the approval by the Comptroller of the Currency of a change of location of its main office from 1 Atlantic Street, Stamford, Connecticut, to 2834 Fairfield Avenue, Bridgeport, Connecticut, and for contemporaneous permission to continue operation of its banking facility at 1 Atlantic Street. Because of widespread public interest, the Comptroller of the Currency held a public hearing on August 9, 1962, in Washington, D.C.

On August 31, 1962, the Comptroller of the Currency approved the change of location of the main office to become effective on or after approval by the vote of shareholders owning two-thirds of the stock of the banking association, but stated that approval of the relocation contemplated the closing of the bank's present office at 1 Atlantic Street on the effective date of the move to Bridgeport.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 7, 1962.

A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-9096; Filed, Sept. 11, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12865, 12866; FCC 62M-1161]

CHRONICLE PUBLISHING CO. (KRON–TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO–TV)

Order Scheduling Prehearing Conference

Chronicle Publishing Company (KRON–TV), San Francisco, California, Docket No. 12865, File No. BPCT–2168; American Broadcasting-Paramount Theatres, Inc. (KGO–TV), San Francisco, California, Docket No. 12866, File No. BPCT–2401; for construction permits to increase antenna heights.

Pursuant to a prehearing conference held this date: *It is ordered*, This 5th

day of September 1962, that a further prehearing conference will be held on January 4, 1963, 9:00 a.m., in the Commission's Offices, Washington, D.C.

Released: September 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9114; Filed, Sept. 11, 1962; 8:54 a.m.]

[Docket No. 14677; FCC 62M-1182]

POPLAR BLUFF BROADCASTING CO. (KWOC)

Order Regarding Procedural Dates

In re application of Poplar Bluff Broadcasting Company (KWOC), Poplar Bluff, Missouri, Docket No. 14677, File No. BP-14495; for construction permit.

The Hearing Examiner having under consideration a "Petition to Continue Hearing and to Change Procedural Dates" filed by Poplar Bluff Broadcasting Company in the above-entitled proceeding on August 31, 1962, requesting that the dates now fixed for further proceedings in this case be continued;

It appearing, that additional engineering data in the form of measurements on file with the Commission necessitate a revision of the engineering exhibits on the part of the applicant, which revision will make the presently scheduled dates for further proceedings in this matter impossible of attainment; and

It further appearing, that counsel for the other parties and the Broadcast Bureau have consented to the immediate consideration and grant of this petition, and that good cause has been shown therefor;

It is ordered, This 5th day of September 1962, that the "Petition to Continue Hearing and to Change Procedural Dates" filed by Poplar Bluff Broadcasting Company, be, and the same is, hereby granted, and that the following dates shall govern further proceedings in this matter in lieu of those presently specified:

Exchange of Engineering Exhibits	Sept. 28, 1962
Exchange of Rebuttal Exhibits	Oct. 12, 1962
Notification of Witnesses	Oct. 19, 1962
Hearing	Oct. 24, 1962

Released: September 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9115; Filed, Sept. 11, 1962; 8:54 a.m.]

[Docket Nos. 14193, 14194; FCC 62M-1184]

SMACKOVER RADIO, INC., AND MAGNOLIA BROADCASTING CO. (KVMA)

Order Regarding Date and Place of Hearing

In re applications of Smackover Radio, Inc., Smackover, Arkansas, Docket No. 14193, File No. BP-14663; Magnolia Broadcasting Company (KVMA), Magnolia, Arkansas, Docket No. 14194, File No. BP-14717; for construction permits.

The Chief Hearing Examiner having under consideration a petition in behalf of the Commission's Broadcast Bureau, filed August 29, 1962, requesting change in the place of hearing in the above-entitled proceeding from Washington, D.C., to Camden, Arkansas;

It appearing, that the petition states sufficient cause, and that a field hearing in the proceeding is required in order to obtain a complete record under the "good faith" issue herein presented;

It appearing further, that, by order released September 5, 1962, the presiding officer originally designated to serve herein, on his own motion, continued indefinitely the hearing in the proceeding which had been scheduled to commence September 12, 1962;

It is ordered, This 6th day of September 1962, that the petition is granted and that the place of hearing in the above-entitled proceeding is changed from Washington, D.C., to Camden, Arkansas: *And it is further ordered*, That Thomas H. Donahue, who presently has hearings in Docket No. 14723 scheduled to be held in the State of Arkansas commencing October 22, 1962, in lieu of Herbert Sharfman, will preside at the hearing in this proceeding which is hereby scheduled to commence on November 1, 1962.

Released: September 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9116; Filed, Sept. 11, 1962; 8:54 a.m.]

[Docket No. 14676; FCC 62M-1187]

ST. MARTIN BROADCASTING CO.

Order Continuing Hearing

In re application of Dierrell Hamm, tr/as St. Martin Broadcasting Co., St. Martinville, Louisiana, Docket No. 14676, File No. BP-14207; for construction permit.

It is ordered, This 6th day of September 1962, on the Chief Hearing Examiner's own motion, that, by reason of the field hearing schedule of the presiding Hearing Examiner in the above-entitled proceeding which will require his presence in Camden, Arkansas, during the early part of November 1962, the hearing herein which heretofore was scheduled to commence November 1, 1962, is continued to November 21, 1962.

Released: September 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9117; Filed, Sept. 11, 1962; 8:54 a.m.]

[Docket No. 14754; FCC 62-908]

WESTERN UNION TELEGRAPH CO.

Proposed New and Increased Rates for Telegraph Messages of Tieline Customers; Order Instituting Investigation

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 5th day of September 1962;

The Commission having under consideration Transmittal Letter No. 5327 and revised tariff schedules filed therewith by The Western Union Telegraph Company (Western Union) to become effective September 9, 1962, designated as follows: "The Western Union Telegraph Company, Tariff F.C.C. No. 232, 17th Revised Page 9, 4th Revised Page 9A", amending certain schedules contained in the tariff so as to discontinue "a reduction of 20 cents per message" for certain messages filed over a tieline connection or a Telex connection to any office of the Telegraph Company; and also having under consideration a request of The Administrator of General Services for suspension and investigation of the above-cited tariff schedules and a reply thereto filed by Western Union; and also having under consideration monthly reports of origin to destination speed of service submitted by Western Union pursuant to Part 64 of the Commission's rules; and

It appearing, that the above-cited schedules contain new and increased charges for certain interstate communications services and that the Commission is unable to determine from an examination of the above-cited tariff schedules whether the charges contained therein will be lawful under the Communications Act of 1934, as amended;

It further appearing, that the speed of message telegraph service in certain cities may be inadequate;

It further appearing, that if the above-cited tariff schedules are permitted to become effective on the dates specified therein, the rights and interests of the public may be adversely affected thereby;

It is ordered, That, pursuant to sections 201, 202, 204, 205, 214, and 403 of the Communications Act of 1934, as amended, the Commission shall enter upon a hearing and investigation concerning the lawfulness of the charges set forth in the above-cited tariff schedules and any amendments or successive issues thereof effected during the pendancy of the investigation;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-described tariff schedules is hereby suspended, unless otherwise ordered by the Commission, until December 9, 1962, and that during said period of suspension no changes shall be made in said tariff schedules or in the charges sought to be altered thereby, unless authorized by special permission of the Commission;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following matters:

(1) The effect of increased wages, effective June 1, July 1, and September 1, 1962, and June 1 and 30, 1963, on Western Union's operating expenses to be allowed in fixing rates for the future and the proper apportionment of such expenses to each of the services and classifications offered by the Company;

(2) Whether the above-cited tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or advantage to any person, class of persons or locality, or subject any person, class of persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

(3) Whether any of the charges, classifications, regulations or practices contained in the above-cited tariff schedules are or will be unjust and unreasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended;

(4) Whether the proposed increased rates will cause the users affected thereby to divert their communications from Western Union, and, if so, to what extent;

(5) Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to the services governed by the tariffs herein suspended, and, if so, what charges, classifications, regulations and practices should be prescribed;

(6) Whether Western Union should be required to improve the speed of domestic message telegraph service within the United States in connection with any rate increases to be authorized herein, and, if so, to what extent;

It is further ordered, That, in the event a decision as to the lawfulness of the provisions suspended has not been made during the aforesaid suspension period, and said increased charges, practices, classifications, regulations, facilities, and services go into effect, The Western Union Telegraph Company and its connecting and concurring carriers shall, until further order of the Commission, keep accurate account of all amounts received by reason of such increase specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision herein the Commission may by further order require the refund thereof, with interest, pursuant to section 205 of the Communications Act of 1934, and the carrier shall file with the Commission a report on or before the 10th day of each calendar month, commencing January 10, 1963, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That, a copy of this Order be filed in the offices of the Commission with said tariff schedules herein suspended; that The Western Union Telegraph Company and all carriers listed in its Tariff F.C.C. No. 211 as concurring carriers with respect to matters contained in said tariff schedules herein suspended are hereby made parties respondent to this proceeding; and that a copy hereof be served upon each such respondent; upon the agency of each State which has regulatory jurisdiction with respect to communication rates and services and the National Association of Railroad and Utilities Commissioners;

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified, before a presiding officer to be designated hereafter who shall certify the record to the Commission for decision without preparing either an Initial Decision or a Recommended Decision.

Released: September 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9106; Filed, Sept. 11, 1962; 8:53 a.m.]

[Docket No. 14754; FCC 62M-1193]

WESTERN UNION TELEGRAPH CO.

Proposed New and Increased Rates for Telegraph Messages of Tieline Customers; Order Scheduling Hearing and Prehearing Conference

It is ordered, This 7th day of September 1962, that Arthur A. Gladstone will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 15, 1962, at 10:00 a.m. in the Offices of the Commission, Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer on October 1, 1962, at 10:00 a.m., in the Offices of the Commission, Washington, D.C.

Released: September 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9107; Filed, Sept. 11, 1962; 8:53 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24B-1206]

AMERICAN RADIOTELEPHONE CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 5, 1962.

I. American Radiotelephone Corporation (issuer), a Massachusetts corporation, 215 Oak Street, Natick, Massachusetts, filed with the Commission on March 2, 1961, a notification on Form 1-A and an offering circular relating to a proposed public offering of $250,000 of 8 percent convertible debentures due 1966, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that:

A. The terms and conditions of Regulation A were not complied with in that:

1. The issuer failed to furnish the offering circular required by Rule 256 to certain purchasers of the issuer's convertible debentures.

2. The issuer failed to file sales literature with the Commission as required by Rule 258.

B. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, in that:

1. It was misrepresented to certain investors that an offering of common stock of the issuer would shortly go on the market at $15 to $20 per share.

2. It was misrepresented to certain investors that of the $250,000 of convertible debentures offered pursuant to the filing, $221,000 had been sold.

3. It was misrepresented to certain investors that the issuer was acquiring several companies through mergers.

4. It was misrepresented to certain investors that the "Nomad" cordless microphone was the best in the field because "all the bugs had been worked out."

5. It was misrepresented to certain investors that the former president of the company owned 73 percent of the voting stock.

III. *It is ordered*, Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-9052; Filed, Sept. 10, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 228]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 7, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1824 (Deviation No. 1), PRESTON TRUCKING COMPANY, INC., Preston, Md., filed August 29, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Maryland Highway 3 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 17, thence over U.S. Highway 17 to Newport News, Va., thence via Hampton Roads Bridge Tunnel to Norfolk, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baltimore over U.S. Highway 1 to Petersburg, Va. and thence over U.S. Highway 460 to Norfolk, Va. and return over the same route.

No. MC 1824 (Deviation No. 2), PRESTON TRUCKING COMPANY, INC., Preston, Md., filed August 29, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general* commodities, with certain exceptions, over a deviation route as follows: From Washington over Maryland Highway 5 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 17 and thence over U.S. Highway 17 to Newport News, Va., thence over Hampton Roads Bridge Tunnel to Norfolk, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baltimore over U.S. Highway 1 to Petersburg, Va., thence over U.S. Highway 460 to Norfolk, Va., and return over the same route.

No. MC 1824 (Deviation No. 3), PRESTON TRUCKING COMPANY, INC., Preston, Md., filed August 29, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, as follows: From Fredericksburg over U.S. Highway 17 to Newport News, Va., thence via Hampton Roads Bridge Tunnel to Norfolk, Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baltimore over U.S. Highway 1 to Petersburg, Va., thence over U.S. Highway 460 to Norfolk, Va., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9067; Filed, Sept. 11, 1962; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 7, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37921: *Roofing materials from and to East Chicago, Ind.* Filed by Southwestern Freight Bureau, Agent (No. B-8259), for interested rail carriers. Rates on roofing materials and sheathing, as described in the application, in carloads, between East Chicago, Ind., on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 31 to Southwestern Freight Bureau tariff I.C.C. 4456.

FSA No. 37922: *Joint motor-rail rates from, to, and between points in southwestern territory.* Filed by Middlewest Motor Freight Bureau, Agent (No. 326), for interested carriers. Rates on commodities moving on class and commodity rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flat cars of the railroads, between points in southwestern territory, also Kansas, via interchange points named in the application between the St. Louis-San Francisco Railway Company, and/or St. Louis, San Francisco and Texas Railway Company, on the one hand, and Frisco Transportation Company, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplements 40, 17, 1, 23, and 6 to Middlewest Motor Freight Bureau tariffs M.F.-I.C.C. 355, 380, 394, 374 and 388, respectively, also supplements to M.F.-I.C.C. 351 and 346, of the same publishing agent.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9068; Filed, Sept. 11, 1962; 8:49 a.m.]

[Notice 477]

MOTOR CARRIER APPLICATIONS

Call of the Docket

SEPTEMBER 7, 1962.

Opposition to the following applications noticed herein, may be accomplished (1) by filing a protest in accordance with Rule 1.40 of the Commission's general rules of practice within 30 days from the date of this publication in the FEDERAL REGISTER, or (2) by filing a notice of intention to protest in accordance with the provisions of Special Rule 1.241 (c)(1) when the date and place of hearing of these applications are subsequently published in the FEDERAL REGISTER.

NOTICE TO THE PARTIES

A number of applications, filed by passenger carriers, in which oral hearings appear to be required, are pending for motor carrier operating rights in Connecticut, New York, and New Jersey. In addition a broker application involving the transportation of passengers in the same area is also pending. The applications and the authority sought are listed in the Appendix to this Notice.

The Commission has become increasingly aware that some of the delays encountered in disposing of proceedings before it, are attributable to a traditional liberality in granting requests for postponement of hearings. Such delays lead to additional expense and inconvenience to the other parties in such proceedings as well as to the Government.

Hearings in connection with the applications listed in the Appendix will be assigned so as to give sufficient time to all parties to prepare their respective presentations. Accordingly, those participating in these proceedings will be expected to be ready for the hearing on the dates that are assigned and to refrain from requesting any postponement.

Those interested are requested to appear at a Calling of the Docket by Chief Examiner James C. Cheseldine, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., on September 18, 1962, at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed). When the docket is called, an effort will be made with the aid of applicants or their representatives to arrive at dates and places of hearing which the parties will be expected to observe in order that all of the proceedings listed herein can be heard promptly and expeditiously.

No. MC 12739 (Sub-No. 1), filed August 28, 1962. Applicant: PEAK TOURS, INC., 6 West Columbia Street, Hempstead, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. For a license (BMC-5) to engage in operations as a *broker* at Hempstead, N.Y., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, both as individuals and groups, in round-trip all-expense tours, beginning and ending at New York, N.Y., and extending to points in the United States.

No. MC 109312 (Sub-No. 37), filed August 30, 1962. Applicant: DE CAMP BUS LINES, a corporation, 30 Allwood Road, Clifton, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in Livingston, N.J., from the junction of Northfield Road and South Livingston Avenue along South Livingston Avenue to its junction with West Hobart Gap Road, thence along West Hobart Gap Road to its junction with Walnut Street, thence along Walnut Street to its junction with South Orange Avenue, thence along South Orange Avenue to the site of the Foster Wheeler Corp. General Offices, return over the same route, serving all intermediate points.

NOTE: It is proposed to tack the extension of route to the present authority in order to provide direct service between New York, N.Y., and the site of the General Offices of Foster Wheeler Corp. on South Orange Avenue, Livingston, N.J.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9089; Filed, Sept. 11, 1962; 8:49 a.m.]

[Notice 478]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 7, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 11220 (Sub-No. 79), (REPUBLICATION FOR CLARIFICATION), filed August 3, 1962, published FEDERAL REGISTER issue of August 29, 1962. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except automobiles set up on wheels, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Chicago, Ill., and Pulaski, Tenn.; (1) from Chicago over U.S. Highway 41 to Hopkinsville, Ky., thence over Alternate U.S. Highway 41 to Nashville, Tenn., and thence over U.S. Highway 31 to Pulaski, (2) from Chicago over U.S. Highway 41 to junction U.S. Highway 52, approximately 9 miles southeast of Kentland, Ind., thence over U.S. Highway 52 to Lebanon, Ind., thence over U.S. Highway 52 and Interstate Highway 65 to Indianapolis, thence over U.S. Highway 31 to junction with U.S. Highway 50, approximately three (3) miles east of Seymour, Ind., thence over U.S. Highway 50 to junction with Interstate Highway 65, thence over Interstate Highway 65 to its junction with U.S. Highway 31W, approximately three (3) miles north of Upton, Ky., thence over U.S. Highway 31W to Nashville, Tenn., thence over U.S. Highway 31 to Pulaski, and (3) from Chicago over Interstate Highway 65 to Pulaski, serving no intermediate points and serving Pulaski as a point of joinder only, all as alternate routes for operating convenience only in connection with applicant's presently authorized regular-route operations.

NOTE: Applicant states it is in control of Huff Truck Line, Inc., Docket No. MC 20053.

HEARING: Remains as assigned September 28, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Louis G. LaVecchia.

No. MC 31600 (Sub-No. 534), filed August 14, 1962. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains, varnishes, paint products, paint materials, and plastics*, in bulk, in tank vehicles, from Circleville, Ohio, to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Kansas, Maine, Maryland, Massachusetts, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 42261 (Sub-No. 69, filed September 4, 1962. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: S. Sidney Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between New Windsor and Newburgh, N.Y., on the one hand, and, on the other, points in Pennsylvania, New Jersey, and New York.

HEARING: September 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 51855 (Sub-No. 19), filed July 23, 1962. Applicant: HAECKL'S EXPRESS, INCORPORATED, doing business as HAECKL, 2345 South 13th Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from Kokomo, Ind., to points in Kentucky and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: September 17, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 264.

No. MC 57899 (Sub-No. 3), filed February 8, 1962. Applicant: W. O. HUGHEY, doing business as HUGHEY TRANSPORTATION COMPANY, McComb, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700, Petroleum Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives* (except commodities in bulk, household goods as defined by the Commission, commodities of unusual value, and those injurious or contaminating to other lading), between (1) Natchez, Miss., and Baton Rouge, La., from Natchez over U.S. Highway 61 through Woodville, Miss., and St. Francisville, La., to Baton Rouge; (2) Centreville, Miss., and Baton Rouge, La.; from Centreville, over Mississippi Highway 33 to the Mississippi-Louisiana State line, thence over Louisiana Highway 19 to Scotlandville, La., thence over U.S. Highway 61 to Baton Rouge; (3) Beechwood, Miss., and Baton Rouge, La.; from Beechwood, over Mississippi Highway 569 to the Mississippi-Louisiana State line, thence over Louisiana Highway 67 through Clinton and Slaughter, La., to Baton Rouge; (4) Clinton, and St. Francisville, La., to Baton Rouge, La., from Clinton over Louisiana Highway 10 through Jackson, La., to St. Francisville; (5) McComb, and Woodville, Miss., from McComb, over Mississippi Highway 24 to Liberty, thence over Mississippi Highway 48 to Centreville, thence over Mississippi Highway 24 to Woodville; (6) McComb and Natchez, Miss., from McComb over U.S. Highway 98 to Bude, thence over U.S. Highways 84 and 98 to Washington, Miss., thence over U.S. Highway 61 to Natchez, serving no intermediate points; (7) Centreville and Crosby, Miss., from Centreville, over Mississippi Highways 24 and 33 to Gloster, Miss., thence over

Mississippi Highway 33 to Crosby; (8) Liberty and Gloster, Miss., from Liberty, over Mississippi Highway 24 to Gloster; (9) Crosby and Natchez, Miss., from Crosby, over Mississippi Highway 563 to Wilkinson, Miss., thence over Mississippi Highway 554 to junction of Mississippi Highway 554 and U.S. Highway 61, thence over U.S. Highway 61 to Natchez, (10) Crosby, Miss., and junction of Mississippi Highway 563 and U.S. Highway 61, over Mississippi Highway 563 through Wilkinson, Miss., (11) Crosby, and Natchez, Miss., from Crosby over Mississippi Highway 33 to junction of Mississippi Highway 33 and U.S. Highways 84 and 98, thence over U.S. Highways 84 and 98 to Washington, Miss., thence over U.S. Highway 61 to Natchez, and return over the same route, serving no intermediate points, and (12) serving Fernwood, Magnolia, and Gillsburg, Miss., as offroute points in connection with carrier's authorized regular route operations.

NOTE: Service is proposed to all intermediate points on the above described routes between the above described points, with return operations over the above described routes (except in Items 6 and 11 above).

RESTRICTION: Restricted against the transportation of traffic moving between Natchez, Miss. and Baton Rouge, La.

HEARING: October 15, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 59940 (Sub-No. 2), filed August 8, 1962. Applicant: P. SALDUTTI & SON, INC., Raymond Boulevard, Newark, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant site of Atlantic Cement Company, Inc., Bayonne, N.J., to points in Connecticut, New York, and Pennsylvania, beyond 125 miles of Bayonne, N.J., and Delaware, Maryland, and the District of Columbia.

NOTE: Applicant states the proposed operations are to be limited to a transportation service to be performed under a contract or continuing contracts with Atlantic Cement Company, Inc., New York, N.Y.

HEARING: October 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 61403 (Sub-No. 80), filed June 14, 1962. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins*, in bulk, in tank vehicles, from Newark, Ohio, to points in Alabama, Arkansas, Georgia, Mississippi, South Carolina, and Tennessee.

NOTE: Common control may be involved.

HEARING: October 16, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William A. Royall.

No. MC 64994 (Sub-No. 41), filed August 8, 1962. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Chicago, Ill., and Cincinnati, Ohio, to Crozet, Va.

HEARING: October 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 66340 (Sub-No. 4) (AMENDMENT), filed May 17, 1962, published FEDERAL REGISTER issue June 13, 1962, and republished as amended this issue. Applicant: MILLIS TRANSPORTATION CO., INC., 91 Union Street, Millis, Mass. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials, wrapping paper, and materials, equipment, and supplies used in the manufacturing or shipping of building and roofing materials*, between Millis, Mass., and points within ten (10 miles thereof, on the one hand, and, on the other, points in Connecticut, Main, New Hampshire, Vermont, and Boston, Mass., and points in Massachusetts within ten (10) miles of Boston.

NOTE: The purpose of this republication is to correct the inadvertent omission of Boston, Mass., from the requested destination territory.

HEARING: Remains as assigned September 26, 1962, at the Hotel Essex, Boston, Mass., before Examiner Francis A. Welch.

No. MC 70451 (Sub-No. 242), filed August 8, 1962. Applicant: WATSON-WILSON TRANSPORTATION SYSTEM, INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Frozen foods*, serving Deerfield, Ill., as an offroute point in connection with applicant's regular-route operations to and from Chicago, Ill.

HEARING: October 16, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 73165 (Sub-No. 170), filed August 13, 1962. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. Applicant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt mixtures, pepper, and mineral mixtures*, from points in Louisiana west of the Mississippi River, Hutchinson, Kans., St. Clair, Marysville, Manistee, Detroit, and Port Huron, Mich., Akron, Rittman, Fairport, and Cleveland, Ohio, Grand Saline and Missouri City, Tex., Chattanooga and Charleston, Tenn., and points within fifteen (15) miles of each of the aforenamed cities, to points in Alabama, Florida, Georgia, Arkansas, Mississippi, North Carolina, South Carolina, Kentucky, and Tennessee.

HEARING: October 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 83850 (Sub-No. 6), filed July 23, 1962. Applicant: JOHNSONS TRANSFER, INC., 2519 Morris Street, Philadelphia, Pa. Applicant's attorney: Beverly S. Simms, 612 Barr Building, 910 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials and gypsum products*, from Baltimore, Md., to points in Delaware, and (2) *damaged or rejected shipments of building materials and gypsum products* which have been accepted by consignee for delivery, from points in Delaware to Baltimore, Md.

HEARING: October 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 199.

No. MC 89529 (Sub-No. 10), (CLARIFYING AMENDMENT), filed April 3, 1962, published FEDERAL REGISTER, issue of June 6, 1962, and republished as amended, this issue. Applicant: UNITED PARCEL SERVICE OF PENNSYLVANIA, INC., 2600 North Broad Street, Philadelphia, Pa. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold by department stores and retail specialty shops*, between department stores and retail specialty shops or warehouses thereof in Camden and Cherry Hill, N.J., on the one hand, and, on the other, points in Pennsylvania, New Jersey, and Delaware, within 60 (sixty) miles of Camden, N.J.

NOTE: Common control may be involved. The purpose of this republication is to show the method of distribution which was not reflected in the territorial scope of the application in the previous publication. Applicant states that in the proposed method of distribution it is probable that packages destined for delivery to points in New Jersey within 60 miles of Camden will be transported initially to a sorting facility at or near Philadelphia, Pa., and transported from that sorting facility to the customer of the store.

HEARING: Remains as assigned October 12, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Leo A. Riegel.

No. MC 98707 (Sub-No. 10) (AMENDMENT) filed May 7, 1962, published in FEDERAL REGISTER issue of August 1, 1962, amended September 5, 1962, republished as amended this issue. Applicant: MILES MOTOR TRANSPORT SYSTEM, P.O. Box 510, Stockton, Calif. Applicant's attorney: Marshall G. Berol, 100 Bush Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, liquid commodities in bulk, articles of unusual value, livestock, poultry, and unprocessed agricultural commodities (poultry

and unprocessed agricultural commodities being excepted only when moving in mixed loads with other commodities not named in section 203(b)(6) of the Interstate Commerce Act, (A) over REGULAR ROUTES between points in California, serving all intermediate points and points within 15 miles of the highways named as follows: (1) From San Diego over U.S. Highways 101, bypass 101 and alternate 101 to Ukiah; (2) from Ukiah over U.S. Highway 101 to Eureka, and return over the same route, except that no service shall be provided at intermediate points and points within 15 miles of U.S. Highway 101 between Ukiah and Eureka, and further provided that service herein (from Ukiah to Eureka and return) shall not be tacked with the other authority herein granted; (3) from Los Angeles over U.S. Highway 99 to Sacramento; (4) from Stockton over U.S. Highway 50 to San Francisco; (5) from San Francisco over U.S. Highway 40 and California Highway 4 to Pittsburg, serving all points within 5 miles of Pittsburg; and return over the same routes serving all intermediate points and points within 15 miles of the highways named; and also serving the off-route points of Davenport, Antioch, Watsonville, Lyoth, Lathrop, Nimbus, Rogas, the mine of Coalinga Asbestos Company, Ltd. (approximately 30 miles northwest of Coalinga), and the site of the Mont LaSalle Vineyards at LacJac (near Reedley); and (B) over IRREGULAR ROUTES, between points in California within an area bounded by a line beginning at the point where the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point where it intersects California Highway 118, approximately 2 miles west of Chatsworth; thence easterly along California Highway 118 to Sepulveda Boulevard; thence northerly along Sepulveda Boulevard to Chatsworth Drive; thence northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; thence westerly and northerly along said corporate boundary to McClay Avenue; thence northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; thence southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; thence westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; thence southerly along said county road to and including the unincorporated community of Yucaipa; thence westerly along Redlands Boulevard to U.S. Highway 99; thence northwesterly along U.S. Highway 99 to the corporate boundary of the City of Redlands; thence westerly and northerly along said corporate boundary to Brookside Avenue; thence westerly along Brookside Avenue to Barton Avenue; thence westerly along Barton Avenue and its prolongation to Palm Avenue; thence westerly along Palm Avenue to LaCadena Drive; thence southwesterly along LaCadena Drive to Iowa Avenue; thence southerly along Iowa Avenue to U.S. Highway 60; thence southwesterly along U.S. Highways 60 and 395 to the county road approximately 1 mile north of Perris; thence easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; thence easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; thence southerly along San Jacinto Avenue to California Highway 74; thence westerly along California Highway 74 to the corporate boundary of the City of Hemet; thence southerly, westerly, and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; thence southwesterly along said right of way to Washington Avenue; thence southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; thence westerly along Benton Road to the county road intersecting U.S. Highway 395, 2.1 miles north of the unincorporated community of Temecula; thence southerly along said county road to U.S. Highway 395; thence southeasterly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; thence westerly along said boundary line to the Orange County-San Diego County boundary line; thence southerly along said boundary line to the Pacific Ocean; thence northwesterly along the shoreline of the Pacific Ocean to point of beginning.

NOTE: This republication is for the purpose of amending the application to add the offroute points of Nimbus, Rogas, the mine of the Coalinga Asbestos Company, Ltd., and the site of the Christian Brothers winery at Mt. LaSalle; it also adds the regular route between San Francisco and Pittsburg, and extends the regular-route operations between Los Angeles and San Diego, and between Ukiah and Eureka. In addition, it requests irregular-route authority in the Los Angeles area and within 15 miles of each of the regular-route highways, except from Ukiah to Eureka on U.S. Highway 101.

HEARING: September 26, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75.

No. MC 103490 (Sub-No. 52), filed September 4, 1962. Applicant: PROVAN PETROLEUM TRANSPORTATION COMPANY, INC., 210 Mill Street, Newburgh, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, between New Windsor and Newburgh, N.Y., on the one hand, and, on the other, points in Pennsylvania.

HEARING: September 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 103654 (Sub-No. 68), filed July 30, 1962. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas and natural gasoline*, in bulk, in tank vehicles, from Mentor, Minn. and points within five (5) miles thereof, to points in North Dakota, South Dakota, Iowa, Wisconsin, and the Upper Peninsula of Michigan.

HEARING: September 24, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner Dallas B. Russell.

No. MC 105813 (Sub-No. 64) (CLARIFICATION), filed April 18, 1962, published in FEDERAL REGISTER issue of July 18, 1962, republished to clarify commodity description this issue. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Norman J. Bolinger, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *citrus products not canned and not frozen*, from points in Alabama, Florida and Georgia to points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming.

NOTE: The purpose of this republication is to indicate the commodity description as above instead of as originally published.

HEARING: Remains as assigned September 20, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner Warren C. White.

No. MC 107515 (Sub-No. 408), filed August 13, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts and pineapples*, from Charleston, S.C., Tampa, West Palm Beach, Port of Palm Beach and Port Everglades, Fla., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states "J. L. Lawhon, President of Refrigerated Transport Co., Inc., and owner of ½ of the stock holds permits as a contract carrier (MC 104589 Subs 5, 7, 10, 13, 17) which authorize the transportation of carbonated beverages".

HEARING: October 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 109637 (Sub-No. 208) (CORRECTION), filed July 30, 1962, published in the FEDERAL REGISTER issue of August 15, 1962, republished to correct point of origin. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. In the original notice of the filing of the above application the origin point appeared as "the plant site of American Mineral Spirits Company at or near *Lemon*, Ill." This should have been shown as *Lemont*, Ill.

HEARING: Remains as assigned September 18, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 113651 (Sub-No. 41) (CORRECTION), filed June 11, 1962, published in FEDERAL REGISTER issue of July 25, republished August 22, and again this issue to correct hearing date. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: William J. Boyd, 30 North LaSalle Street, Chicago, Ill. This republication is for the purpose of correcting the hearing date as it appeared in the FEDERAL REGISTER on August 22. It should be as follows:

HEARING: Remains as assigned September 19, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James O'D. Moran.

No. MC 113843 (Sub-No. 45) (AMENDMENT), filed April 20, 1962, published FEDERAL REGISTER August 22, 1962, amended August 31, 1962, and republished as amended this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *supplies*, used in conjunction with the dispensing and serving of frozen foods, from points in Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and New York (except points within a 75 mile radius of Rochester, N.Y.), and *returned, rejected and refused shipments*, on return.

NOTE: The purpose of this republication is to add "supplies used in the dispensing and serving of frozen food" to the requested authority.

HEARING: Remains as assigned October 9, 1962, at The Cleveland Statler Hilton, Cleveland, Ohio, before Examiner Reece Harrison.

No. MC 113843 (Sub-No. 52), filed August 31, 1962. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing houses*, from Whitehall, Marshfield, and LaCrosse, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and *returned rejected and refused shipments*, of the commodities specified above, on return.

NOTE: Common control may be involved.

HEARING: October 24, 1962, at The Palmer House, Chicago, Ill., before Examiner Reece Harrison.

No. MC 116442 (Sub-No. 4), filed August 13, 1962. Applicant: BAKER'S EXPRESS CO., INC., Dagsboro, Del. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feather meal*, in bags, in bulk, from Salisbury, Md., to Baltimore, Md., Philadelphia and Fort Washington, Pa., Jersey City, N.J., points in Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset and Union Counties, N.J., New York, N.Y., and points in Rockland and Westchester Counties, N.Y.

HEARING: October 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 116763 (Sub-No. 23), filed August 14, 1962. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Applicant's attorneys: Herbert Baker, 50 West Broad Street, Cleveland 15, Ohio, and Benjamin J. Brooks, 4700 Connecticut Avenue, Washington 8, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodenware and related articles, including paper products, styrofoam products, plastic products and other items manufactured, sold or distributed by woodenware manufacturers* from points in Maine, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and to points in New York on and west of U.S. Highway 11, and points in Pennsylvania on and west of U.S. Highway 11.

HEARING: October 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 118318 (Sub-No. 4) (AMENDMENT), filed May 8, 1962, published FEDERAL REGISTER issue of August 1, 1962, amended August 31, 1962, and republished, as amended, this issue. Applicant: IDA-CAL FREIGHT LINES, INC., 1798 Floral Avenue (P.O. Box 455), Twin Falls, Idaho. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, as described in paragraphs (a) and (c) of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Caldwell, Idaho, to points in California on and south of an imaginary east-west line drawn through Yuba City, Calif.

NOTE: The purpose of this amendment is to expand the territory sought to be served in California.

HEARING: Remains as assigned September 28, 1962, at the New Mint Building, 133 Herman Street, San Francisco, Calif., before Examiner William E. Messer.

No. MC 118415 (Sub-No. 12), filed August 27, 1962. Applicant: WILLIAM E. HUSBY, doing business as HUSBY TRUCKING SERVICE, Box 238, R.R. 1, Menomonie, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat products*, as listed in Appendix I, Sub Heading "A", in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in mechanically refrigerated vehicles, (1) from Whitehall, La Crosse and Marshfield, Wis., to Chicago, Ill., Cedar Rapids, Des Moines and Waterloo, Iowa, Covington, Lexington and Louisville, Ky., Boston, Springfield and Worcester, Mass., Albany, Buffalo, Kingston, New York, and Rochester, N.Y., Philadelphia, Pittston and Scranton, Pa., Detroit, Mich., and Baltimore, Md., and (2) *inedible packinghouse products*, from Whitehall, La Crosse and Marshfield, Wis., to Chicago, Ill., and Marshall, Minneapolis, New Ulm, and St. Paul, Minn.

HEARING: October 24, 1962, at The Palmer House, Chicago, Ill., before Examiner Reece Harrison.

No. MC 123383 (Sub-No. 6), filed August 13, 1962. Applicant: BOYLE BROTHERS, INC., 256 River Road, Edgewater, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and gypsum products*, between Baltimore, Md., on the one hand, and, on the other, points in Delaware.

HEARING: October 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 199.

No. MC 124541 (CORRECTION), filed June 18, 1962, published FEDERAL REGISTER issue August 22, 1962, and republished, as corrected, this issue. Applicant: LES LEVITT CORPORATION, doing business as LES LEVITT AUTO TRANSPORT, 958 East Stocker, Glendale, Calif. Applicant's attorney: Edward S. Cooper, Suite 318, Douglas Building, 257 South Spring Street, Los Angeles 12, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Foreign made automobiles and compact automobiles*, between Los Angeles, Calif., and Salt Lake City, Utah; over U.S. Highway 91 from Long Beach, Calif., to Salt Lake City, and return over the same route, serving no intermediate points.

NOTE: The purpose of this republication is to show that applicant will traverse the state of Arizona.

HEARING: Remains as assigned October 11, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 124605, filed July 5, 1962. Applicant: HOWELL TRANSPORTATION, INC., Wall Street, West Lafayette, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated paper boxes (knocked down) fillers, liners, pads and parts therefor, and paperboard sheets*, from Coshocton, Ohio, to Washington, Pa., and to points in Wayne, Randolph and Jay Counties, Ind., and points in Hancock, Brooke, Ohio, Marshall, Wetzel, Pleasants, Wood, Jackson, Mason, Cabell, and Wayne Counties, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return, and (2) *corrugated paper boxes (knocked down), fillers, liners, pads and parts therefor, and paperboard sheets*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between Coshocton, Ohio, on the one hand, and on the other, Pittsburgh, Pa.

NOTE: Applicant states that service will be restricted to that performed under contract with St. Regis Paper Company, New York, N.Y.

HEARING: October 16, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William A. Royall.

No. MC 124645 (CORRECTION), filed July 25, 1962, published in the FEDERAL REGISTER issue of September 5, 1962, republished this issue to correct address of applicant's attorney. Applicant: KENAN TRANSPORT COMPANY, a corporation, 2907 Hillsboro Road, Durham, N.C. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35, C and S National Bank Building, Atlanta, Ga. In the original notice of the filing of this application, the address of applicant's attorney was incorrectly published. It should have been shown as above.

HEARING: Remains as assigned October 24, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 196.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub-No. 1916), filed August 22, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Boston, Mass. and Auburn, Mass.; (1) from Boston over Massachusetts Highway 9 to junction with U.S. Highway 20, thence over U.S. Highway 20 to Auburn, and return over the same route, serving no intermediate points, and (2) from Boston over Massachusetts Highway 9 to Massachusetts Highway 128, thence over Massachusetts Highway 128 to Massachusetts Turnpike, thence over Massachusetts Turnpike to Auburn, Mass., Interchange No. 10, thence over Massachusetts Highway 12 to Auburn, and return over the same route, serving no intermediate points. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 107496 (Sub-No. 260), filed August 23, 1962. Applicant: RUAN TRANSPORT CORPORATION, 401 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wrenshall, Minn., to points in Minnesota.

NOTE: Applicant holds contract carrier authority in MC 119136, therefore, dual operations may be involved. Common control may also be involved.

No. MC 107605 (Sub-No. 12), filed September 4, 1962. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Road, Minneapolis 13, Minn. Applicant's attorney: James L. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Madison and Milwaukee, Wis., from Madison, over Wisconsin Highway 30, to Milwaukee, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Applicant states the proposed service will be restricted to traffic moving between the Minneapolis-St. Paul, Minn., Commercial Zone, on the one hand, and, on the other, Milwaukee, Wis.

No. MC 112446 (Sub-No. 35), filed August 22, 1962. Applicant: REFINERS TRANSPORT, INC., 1300 51st Avenue North, Nashville, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except asphalt and asphalt compounds), in bulk, from points in Davidson County, Tenn., to points in Kentucky (except points in Graves, Marshall, Calloway, Lyon, Trigg, Caldwell, Hopkins, Christian, Webster, McLean, Muhlenberg, Todd, Ohio, Hancock, Breckinridge, Meade, Grayson, Butler, Logan, Hart, Edmonson, Warren, Simpson, Allen, Barren, Metcalfe, Green, Taylor, Adair, Cumberland, Monroe, and Clinton Counties).

No. MC 115162 (Sub-No. 81), filed August 30, 1962. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, P.O. Box 869, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Randolph County, Mo., to points in Baldwin County, Ala.

No. MC 115162 (Sub-No. 82), filed August 30, 1962. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, P.O. Box 869, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Dallas County, Ala., to points in Poinsett County, Ark.

No. MC 124573 (Sub-No. 2), filed September 4, 1962. Applicant: STILL FERTILIZER AND GRAIN COMPANY, a corporation, Steele, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Jefferson Island, La., to points in Butler, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, and Stoddard Counties, Mo., and *refused and returned shipments*, and *exempt commodities*, on return.

NOTICE OF FILING OF PETITION SEEKING MODIFICATION OF COMMODITY DESCRIPTION IN PERTINENT ACTIVE OPERATING AUTHORITY HELD BY PETITIONER

In a report on reconsideration, decided October 16, 1962, and served November 9, 1962, in No. MC 109637 (Sub-No. 74), *Southern Tank Lines, Inc., Extension—St. Bernard, Ohio*, the Commission concluded generally that the commodity descriptions utilized in granting operating authority to motor carriers of liquid chemicals, including those prescribed in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *Maxwell Co. Extension—Addyston*, 63 M.C.C. 677, should be revised for use in making future grants, and as a basis for modifying outstanding certificates and permits upon application of the holders thereof in accordance with approved procedure. The Commission found with respect to the commodity descriptions at issue, that the generic heading "liquid chemicals, in bulk, in tank vehicles," is a proper and reasonable commodity description for use in motor carrier operating authorities issued by the Commission; and that where such commodity description described is utilized, the following will be reasonable and proper definition thereof for determining the commodities which are embraced in such description: Liquid chemicals, as used in the foregoing commodity description are those substances or materials resulting from a chemical or physical change induced by processes employed in the chemical industry, including uniting, mixing, blending, and compounding. The subject report provided: "All motor carriers holding certificates or permits authorizing the transportation in bulk, in tank vehicles, of 'liquid chemicals as defined in the *Maxwell* case', of 'acids and chemicals as described in the *Descriptions* case', or of liquid chemicals under any other commodity description, are hereby notified that petitions will be entertained requesting the modification of such authorities to reflect the revised commodity description promulgated herein. Such petitions should refer to the specific authority which the carrier desires to have modified, and should contain a certification that there is, in fact, traffic available for the transportation from and to the points it is authorized to serve, and that its operations are not dormant. The petitions should be filed in the proceedings in which the authority held was granted, these petitions will be published in the FEDERAL REGISTER, and if no objections are filed thereto, they will be disposed of without extended further proceedings. If protests are received, a hearing may

be required for their disposition; but, in such event, every effort will be made to conclude the proceedings promptly." The following petition seeking modification of its operating authority has been received.

No. MC 112446 (Sub-No. 18), filed August 24, 1962. Petitioner: REFINERS TRANSPORT, INC., Nashville, Tenn. Petitioner's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Any person or persons desiring to participate in this proceeding may file replies to said petitioners (original and fourteen (14) copies each) within 30 days from the date of this publication in the FEDERAL REGISTER. In the event it is deemed necessary or desirable, informal conferences between our staff members and the tank truck carriers, and any other persons who may have an interest in the matter, can be arranged for the purpose of implementing the matter. Persons responding to this publication should specifically advise whether an informal conference is desired.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8224. Authority sought for purchase by A-P-A TRANSPORT CORP., 2110 85th Street, North Bergen, New Jersey, of the operating rights and property of HUDSON TRANSPORTATION COMPANY (ROBERT S. FEDER, RECEIVER), 3440 Paterson Plank Road, North Bergen, New Jersey, and for acquisition by ARTHUR E. IMPERATORE, 2110 85th Street, North Bergen, New Jersey, of control of such rights and property through the purchase. Applicants' attorneys: Zelby & Burstein, 160 Broadway, New York 38, New York, and Kleinberg, Moroney & Masterson, 1180 Raymond Boulevard, Newark, New Jersey. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between Stroudsburg, Pa., and points in Pennsylvania within 40 miles of Stroudsburg, on the one hand, and, on the other, New York, N.Y., between New York, N.Y., and Stroudsburg, Pa., and points in Pennsylvania within 40 miles of Stroudsburg, on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J. RESTRICTION: The operation immediately above does not include authority to transport *concrete pipe* from Kenvil, N.J., to New York, N.Y., and Stroudsburg, Pa., and points in Pennsylvania within 40 miles of Stroudsburg, and *damaged, defective, rejected or returned shipments of concrete pipe*, from New York, N.Y., and Stroudsburg, Pa., and points in Pennsylvania within 40 miles of Stroudsburg to Kenvil, N.J.; between Philadelphia, Pa., and points in Warren, Sussex, Morris, and Somerset Counties, N.J. RESTRICTION: The service authorized hereinabove is restricted against the transportation of *concrete pipe* from Kenvil, N.J., to Philadelphia, Pa., and *damaged, defective, rejected or returned shipments of concrete pipe* from Philadelphia, Pa., to Kenvil, N.J.; *tractors, mowers, dump carts, seeders, grass boxes, and other equipment* used in equipping and maintaining golf courses, between Stroudsburg, Pa., on the one hand, and, on the other, points in New Jersey, Connecticut, Rhode Island, Massachusetts, those in the New York, N.Y., Commercial Zone as defined by the Commission, those in that part of Delaware on and north of a line beginning at the Delaware-Maryland State line and extending along Delaware Highway 12 to Frederica, Del., and thence eastward to Delaware Bay, those in that part of Maryland on and north of U.S. Highway 50 and Maryland Highway 404, and on and east of U.S. Highway 15, and those in the District of Columbia. Vendee is authorized to operate in New Jersey, New York, Pennsylvania, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8211 (DEALERS TRANSIT, INC.—CONTROL AND MERGER—WILLIAM CORBITT, INC.), published in the August 22, 1962, issue of the FEDERAL REGISTER on page 8412. Application filed August 30, 1962, for temporary authority under section 210a(b).

No. MC-F-8226. Authority sought for purchase by ET & WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn., of a portion of the operating rights and property of HOMER S. ROBINSON, doing business as W. R. CANDLER TRANSFER COMPANY, 400 Swannanoa Road, Asheville, N.C. Applicants' attorneys: Russell Sage and John R. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between Asheville, N.C., and points within 20 miles of Asheville, on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665, between Baltimore, Md., and Philadelphia, Pa., on the one hand, and, on the other, Asheville, N.C., and between Asheville, Pisgah Forest, Swannanoa, and Woodfin, N.C., on the one hand, and, on the other, Washington, D.C., points in New Jersey, Delaware, and Pennsylvania, within 35 miles of Philadelphia, Pa., and points in New Jersey, within 35 miles of the New York, N.Y., Commercial Zone, as defined by the Commission in New York, N.Y., Commercial Zone, 1 M.C.C. 665; *apple products*, from Biglerville, Pa., to Bristol, Tenn., and points in North Carolina, on and west of U.S. Highway 29; *canned goods*, from Newport, Tenn., to points in North Carolina and South Carolina, from New York, N.Y., to Asheville, N.C., Columbia, Greenville and Spartanburg, S.C., and points in N.C., within 125 miles of Asheville, from Camden, N.J., to Asheville, N.C., and points in N.C., within 125 miles of Asheville, from points in Maryland and Delaware to Asheville, N.C., and points in N.C., within 125 miles of Asheville, N.C., and from New Freedom, Pa., to Asheville, N.C.; *cranberries*, from Mount Holly, N.J., and points within 20 miles of Mount Holly, to Asheville, N.C.; *cranberry products*, from Hammonton, N.J., to Asheville, N.C.; *dimension stock lumber*, from Black Mountain and Asheville, N.C. to Philadelphia, Pa., and Newark and Elizabeth, N.J.; *electrical supplies*, from Conshohocken, Pa., New York, N.Y., and Philadelphia, Pa., to Asheville, N.C., and points in N.C. within 150 miles of Asheville; *groceries*, from Baltimore, Md., and Philadelphia, Pa., to Asheville, N.C., and points in N.C. within 115 miles of Asheville; *hides, grease, tallow and metal*, scrap, from Asheville, N.C., to Baltimore, Md., Philadelphia, Pa., and New York, N.Y.; *meats and packing house products*, from Asheville, N.C., to points in N.C., within 100 miles of Asheville; *oil*, lubricating, from Marcus Hook, Pa., to Asheville, N.C., *pickles*, from Baltimore, Md., to Marion and Waynesville, N.C.; *soap and soap products*, from Asheville, N.C., to points in N.C. within 150 miles of Asheville; *wine*, from Egg Harbor City, N.J. to Asheville, N.C. Vendee is authorized to operate as a *common carrier* in Tennessee, North Carolina, Virgina, South Carolina, Georgia, Arkansas, Alabama, and Mississippi. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8227. Authority sought for purchase by MINNESOTA-WISCONSIN TRUCK LINES, INCORPORATED, 2711 Fairview Avenue North, St. Paul 13, Minn., of the operating rights and property of JOHN L. DUNLAP, doing business as DUNLAP TRANSFER, White Bear Lake, Minn., and for acquisition by A. A. McCUE, 2711 Fairview Avenue North, St. Paul, Minn., of control of such rights and property through the purchase. Applicants' attorneys: John R. Turney and Russell R. Sage, 2001 Massachusetts Avenue NW., Washington 6, D.C. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of Minnesota, covering the transportation of freight over regular routes, from the Twin Cities to Mahtomedi, Willernie, Withrow, White Bear Lake and North St. Paul, via Highways 36, 61 and 100 and County Roads E and 44. Vendee is authorized to operate as a *common carrier* in Minnesota and Wisconsin. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-119914 Sub-4 is a matter directly related.

MOTOR CARRIERS OF PASSENGERS

No. MC-F-8225. Authority sought for control by QUEENSBORO BRIDGE RAILWAY COMPANY, INC., 124-15 28th Avenue, Flushing 54, New York, of CITY SERVICE TRANSIT CO., 848 Broadway, Newark, New Jersey. Applicants' attorney: Jacob I. Goodstein, 21 East 40th Street, New York 16, New York. Operating rights sought to be controlled: *Passengers and their baggage*, restricted to traffic originating at the point and in the territory indicated, in charter operations, as a *common carrier*, over irregular routes from Newark, N.J. and points within 25 miles of Newark, to points in New Jersey, New York, Connecticut, Rhode Island, Pennsylvania, Delaware, Maryland, the District of Columbia and Virginia. QUEENSBORO BRIDGE RAILWAY COMPANY holds no authority from this Commission. However, its controlling stockholders MURRAY M. SALZBERG, MEYER P. GROSS, and MORRIS H. SNERSON, 124-15 28th Avenue, Flushing 54, New York, are affiliated with (1) THE LOUISIANA AND NORTH WEST RAILROAD COMPANY, West Main St., Homer, La., and (2) ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD, Morrisville, Vt., which are authorized to operate as *common carriers* in (1) Louisiana, Arkansas, and (2) Vermont, respectively. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9090; Filed, Sept. 11, 1962; 8:49 a.m.]

[Notice 479]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 7, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below.

SPECIAL RULES OF PROCEDURES FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statements as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in this written statement is permissible.

No. MC 1222 (Sub-No. 21), filed August 30, 1962. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 Tenth Street, Portsmouth, Ohio. Applicant's attorney: Harry McChesney, Jr., Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, described in Appendix V *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from points in Kankakee County, Ill., to points in Kentucky, points in Ohio, on and south of U.S. Highway 40, and points in West Virginia, on and south of U.S. Highway 60, and *only empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: September 19, 1962, at The Midland Hotel, Chicago, Ill., before Examiner William R. Tyers.

No. MC 37473 (Sub-No. 22), filed August 30, 1962. Applicant: DETROIT-PITTSBURGH MOTOR FREIGHT, INC., 5324 Grant Avenue, Cuyahoga Heights, Ohio. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 294, between points in Kankakee County, Ill., on the one hand, and, on the other, points in Pennsylvania, Michigan, Ohio, West Virginia, New York, Indiana, and Louisville, Ky.

HEARING: September 19, 1962, at The Midland Hotel, Chicago, Ill., before Examiner William R. Tyers.

No. MC 80430 (Sub-No. 104) (CORRECTION), filed August 29, 1962, published issue of September 6, 1962, and republished as corrected this issue. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130-2150 South Avenue, La Crosse, Wis. Applicant's attorney: Charles L. Redel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 294, from points in Kankakee County, Ill., to points in Ohio, Wisconsin, New York, Iowa, Michigan, Pennsylvania, Indiana, Minnesota, and Missouri.

NOTE: The purpose of this republication is to correct the Hearing date to September 19, 1962 and also to show Midland Hotel.

HEARING: September 19, 1962, at the Midland Hotel, Chicago, Ill., before Examiner William R. Tyers.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9091; Filed, Sept. 11, 1962; 8:50 a.m.]

[Notice 690]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 7, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64920. By order of September 5, 1962, Division 3, acting as an Appellate Division, approved the transfer to Donald W. Winland, doing business as Winland Trucking, R. R. No. 1, Georgetown, Ill., of Permit No. MC 114668, issued March 15, 1956, to Don's Trucking, Inc., R. R. No. 1, Georgetown, Ill., authorizing the transportation of: Fertilizer and fertilizer materials, between Danville, Ill., and points within 5 miles thereof, on the one hand, and, on the other, Columbus, Ohio, Butler, Ind., and Louisville, Ky., and from Danville, Ill., and points within five miles thereof, to points in specified Indiana counties; and fertilizer materials, from points in the specified Indiana counties, to Danville, Ill.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9092; Filed, Sept. 11, 1962; 8:50 a.m.]

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Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 730—RICE

Subpart—Rice Marketing Quota Regulations for 1958 and Subsequent Crop Years

MISCELLANEOUS AMENDMENTS

The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended.

The first amendment is for the purpose of making it clear that in determining farm normal yields of rice the adjustments provided for on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause are applicable both to yields based on reliable records and to appraised yields. As presently written the adjustments appear to apply to appraised yields only.

The second amendment is for the purpose of issuing regulations which require generally that the classes and grades of rice stored for the purpose of avoiding or postponing a marketing quota penalty be representative of the quantity of rice produced by the producer on the farm who is storing such farm marketing excess.

The third amendment is for the purpose of making it clear that warehouse receipts may be accepted in escrow by the county office manager covering the farm marketing excess when a lien is held by another party against the producer's entire crop.

The fourth amendment authorizes the issuance of a marketing card or marketing certificate to a producer in a producer State who the county or State committee has reason to believe has not been engaged in the production of rice on a farm and whose allocation to such farm of his producer allotment may be subject to recall under § 730.1021(e) if the producer deposits in escrow the amount of penalty which will be determined if such recall is made, or stores the farm marketing excess of rice to postpone or avoid payment of such penalty in accordance with regulations, pending the holding of the formal hearing under § 730.1021(e). If such producer is found by the county or State committee at such hearing to have been engaged in the production of rice on the farm the funds in escrow will be refunded or the amount of rice stored to postpone or avoid such penalty will be released to the producer. Issuance of this amendment will promote the orderly marketing of rice by enabling producers who so guarantee payment of the penalty to secure for themselves and all other producers on the farm marketing cards or marketing certificates by which they may market their rice without waiting until the formal hearing under § 730.1021 (e) has been held.

Since farmers in producer States are now in the process of harvesting their 1962 crop of rice these amendments are needed immediately in connection with the orderly marketing of such crops, and it is hereby found that with respect to these amendments compliance with the notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and these amendments shall become effective upon filing with the Director, Office of the Federal Register.

§ 730.953 [Amendment]

1. Section 730.953 is amended by deleting from paragraph (c) the second and third sentences thereof and including the context of these sentences into a new paragraph (d) to read as follows:

(d) *Adjustments for uncontrollable natural causes.* If on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield determined under paragraph (b) or (c) of this section for any year of such 5-year period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre for the farm. If, on account of abnormally favorable weather conditions, the yield for any year of such period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre for the farm.

§ 730.980 [Amendment]

2. Section 730.980(a) is amended (a) by changing the title to read as follows: "(a) *Amount, type and grade of rice to be stored*" and

(b) by adding the following new sentence at the end thereof: "The amount of rice so stored shall be of those classes and grades which are representative of the entire quantity of rice produced on the farm, as determined by the county committee, except that if the rice produced on the farm consists of two or more classes or varieties of rice which mature and are harvested at different and distinct times and the producer stores the excess rice from the class or variety first harvested prior to the harvest of the remaining types or varieties, the stored amount shall be representative of the class or variety first harvested, as determined by the county committee: *Provided*, That if an individual producer on the farm stores the entire marketing excess determined for the farm, or his pro rata share of such farm marketing excess as determined under § 730.975(c), the rice so stored shall be representative of the classes and grades produced on the farm by him, as determined by the county committee."

3. Section 730.980(c) is amended by adding the following new sentences at the end thereof: "A warehouse receipt covering a farm marketing excess or any pro rata share of a farm marketing excess may be accepted in escrow in accordance with this paragraph even though a lien is held by another party against the producer's entire crop. Upon notice of foreclosure proceedings to enforce the lien, the county office manager shall advise the lien holder and the purchaser of the rice at the foreclosure sale that penalty shall become due and payable upon the sale of the rice and of the purchaser's liability to collect and remit the penalty."

4. A new § 730.966 is added to read as follows:

§ 730.996 Issuance of marketing card or marketing certificate after guarantee of penalty.

Notwithstanding any other provision of the regulations in this part, upon request of any producer on a farm on which there is a producer who the county or State committee has reason to believe has not been engaged in the production of rice on such farm, marketing cards or marketing certificates, whichever are appropriate under §§ 730.967 and 730.968, will be issued to the producers on such farm upon the deposit of funds with the county office manager sufficient to pay the penalty on the farm marketing excess which may be determined for the farm if the allocation to the farm of such producer's allotment is recalled after hearing provided by § 730.1021(e) of the rice acreage allotment regulations in this part, or if the payment of such penalty is secured by storage of such farm marketing excess in accordance with the regulations in this part. If pursuant to the hearing held pursuant to § 730.1021(e) the producer is found not to have been engaged in the production of rice on such farm and the allocation of his producer allotment to such farm is recalled, the funds so deposited in escrow will be applied to payment of the penalty found to be due and the rice so stored will be considered as rice stored to postpone or avoid payment of the penalty; and if the producer is found to have been engaged in the production of rice on the farm, the funds deposited in escrow will be returned to the producer making such deposit and any rice stored to secure payment of the penalty, together with any bond given in connection herewith, will be released to the producer storing the rice.

(Secs. 301, 353, 356, 375, 52 Stat. 38, as amended, 61, as amended, 62, as amended, 66, as amended; 7 U.S.C. 1301, 1353, 1356, 1375)

Effective upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on September 7, 1962.

RAPHAEL V. FITZGERALD,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9150; Filed, Sept. 12, 1962; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 871.15]

PART 871—SUGAR BEETS

Fair and Reasonable Prices, 1962 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended by the act approved July 13, 1962 (herein referred to as "act"), after investigation and due consideration of evidence presented at public hearings held in October and December of 1961, the following determination is hereby issued.

§ 871.15 Fair and reasonable prices for the 1962 crop of sugar beets.

A producer of sugar beets who is also a processor of sugar beets (herein referred to as "processor") shall have paid, or contracted to pay for all sugar beets of the 1962 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Purchase agreements.* (1) The price for all sugar beets delivered by a producer and processed by a processor in regions other than the Imperial Valley, California, shall be not less than that required to be paid pursuant to the 1962-crop sugar beet purchase contract between the processor and the producer for sugar beets processed from the acreage specified in such contract.

(2) The price for sugar beets in Imperial Valley, California, shall be not less than that required to be paid pursuant to the 1962 crop sugar beet purchase contract which may be negotiated between the processor and the producer unless the price for sugar beets in Imperial Valley, California, is determined by an amendment to this determination prior to March 31, 1963.

(3) If the processor, in determining the net proceeds pursuant to the contract, makes a deduction from the gross sales price of sugar for factory-site bulk sugar storage facilities owned by the processor, such deduction shall be limited to amortization of such facilities, including improvements, over a reasonable period, interest at prevailing rates on the unrecovered cost, taxes, insurance, maintenance, and operating costs properly applicable thereto. After the cost of the facilities, including improvements, have been fully recovered such deduction shall be limited to taxes, insurance, maintenance, and operating costs properly applicable thereto.

(4) In determining the net proceeds pursuant to the contract, the gross sales price per 100 pounds to be applicable to sugar sold to an affiliate company or other affiliate business entity, or to sugar used by the processor during the settlement period, shall be not less than the weighted average quoted basis price, less customary allowances, and plus appropriate prepays and package differentials which would have been applicable to such sugar had it been marketed to nonaffiliated purchasers.

(b) *Reporting requirements.* The processor shall submit to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C., within 60 days after the close of the sales period specified in the sugar beet purchase contract an itemized statement, for each settlement district, certified by an independent accountant showing the computation of "net proceeds" or "net returns" as provided in such contract, such statement to be in substantially the form as that contained in Schedule A attached hereto and made a part hereof: *Provided,* That, if the processor markets sugar to an affiliate company or other affiliate business entity or if the processor uses any beet sugar, the weighted average gross sales price for each category, the marketing expenses applicable to each, and the net proceeds derived therefrom shall be reported in substantially the form shown on Schedule A–1 attached hereto and made a part hereof, to supplement the information submitted in accordance with Schedule A: *Provided further,* That, if the processor in determining net proceeds makes a deduction for factory-site bulk sugar storage facilities owned by the processor, the total cost of such facilities, including improvements, the amount of the deduction and the expenses used in determining such deduction shall be reported in substantially the form shown on Schedule A–2 attached hereto and made a part hereof, to supplement the information submitted in accordance with Schedule A.

(c) *Subterfuge.* The processor shall not reduce returns to producers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugar beets of the 1962 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides that the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1962 fair price determination.* This determination provides that in regions other than Imperial Valley, California, a processor shall be deemed to have complied with the fair price provisions of the act if he has paid, or contracted to pay, a price for all sugar beets processed not less than the price determined pursuant to the applicable 1962-crop purchase contract with producers for sugar beets processed from the acreage specified in such contract. The price for 1962-crop sugar beets in Imperial Valley, California, shall be that determined pursuant to purchase contracts which may be negotiated between the processor and producers unless such price is deemed to be inequitable or a contract is not negotiated. Other provisions of the 1961-crop determination are continued substantially unchanged.

At the public hearing held at Sacramento, California, on October 7, 1961, the witness for the California Beet Growers Association again recommended that the Department make a thorough study of all phases of grower-processor contractual relations, including consideration for a basis of determining payments for beets other than net selling price. He also recommended that the determination provide that charges and credits to the net selling price for sugar be spelled out to assure uniform treatment of these items by all processors; and that each processor be required to furnish to its growers a certification by a certified public accountant setting forth in detail the manner in which the net selling price was computed. The witness also testified that his association was opposed in principle to grower participation in the cost of financing bulk sugar facilities which are a capital asset of the processor. The representative of the Holly Sugar Corporation stated that changes in its 1962 Northern California contract included a provision for a deduction, as a marketing expense, of 3 cents per hundredweight of sugar sold during the settlement period in the event the processor decided to construct bulk sugar storage bins in California; that such deduction would be made until the aggregate amount deducted equalled the cost of the bins including interest, taxes, insurance, and maintenance costs properly applicable thereto, and, thereafter, a deduction would be made for the costs incurred for taxes, insurance, and maintenance of such bins. The representative of the American Crystal Sugar Company stated that although it had no plans for the construction of mill site storage bins for bulk sugar there was a possibility it might want to construct such storage facilities in the future. The representatives for Holly and American Crystal each stated that arrangements with growers apart from their contracts include the payment of hauling allowances to growers and a 3 cent per net ton charge to growers for the hauling of dirt in screenings away from the company beet dumps. The representative of the Union Sugar Division, Consolidated Foods Corporation, stated that the changes in its 1962-crop coastal contract include a provision for the pricing of sugar used in the manufacture of vitamin and mineral fortified sugar.

At the public hearings held in December 1961, a representative of the Nyssa-Nampa Beet Growers Association testified that returns to growers for 1961-crop beets would be below average because of low yields and sugar content of beets. He also stated that he believed that the net returns for sugar would be less as a result of lower sugar prices. A representative of the American Crystal Sugar Company stated that 1962-crop purchase contracts had been negotiated with producers in the Red River Valley and in Southern Minnesota with only minor changes from the 1961 contracts.

Examination of the 1962-crop purchase contracts which have been negotiated by producers and processors and submitted to the Department, indicates that in most respects the major provisions relating to payments for sugar beets conform to those applicable for the 1961 crop. One processor reduced the payment scale by an average of about 7 percent and also changed the basis of net returns from sugar on which the payments are based. In a contract of another processor the basis of payment for quality of beets was changed from a factory average cossette test to an individual test basis, adjusted by the average sugar content in cossettes of all beets sliced at the factory during the settlement period. The contracts of another processor changed the basis of payment for quality of beets from a factory average to an individual test basis. A processor in one State entered into a new contract with producers in another State, which differs from other contracts of this processor in that these producers will not receive the additional payment of 15 percent of the amount by which the average net proceeds from sugar exceeds $7.50 per hundredweight, and such producers must bear transportation costs of $2.00 per ton of beets. In one or more of the other contracts changes include increased participation by producers in the cost of transporting beets to the factory; an authorization for the company to make a deduction from payments for sugar beets to pay one-half of the salary and expenses of an agronomist, if employed by the company; a provision that if the company constructs factory-site bulk storage bins, a deduction of 3 cents per hundredweight of beet sugar sold during the settlement period will be made as a marketing expense; and the use of a quoted basis price for that quantity of sugar used by the processor in the production of mineral or vitamin fortified sugar.

In the Imperial Valley (California) the 1962 crop will not be planted to sugar beets until the fall of 1962 and the purchase contracts are not now available for examination. When such contracts for this region are received by the Department, they will be examined to determine whether the terms and conditions provide for an equitable sharing relationship. If the pricing provisions are found to be fair and reasonable, no amendment to this determination will be required. However, if any of the contracts do not provide for an equitable sharing of returns, or if contracts are not negotiated, an amendment to this determination will be required.

Consideration has been given to the recommendations made at the public hearings, to the purchase contracts, to the comparative average operating results of producers and processors obtained by field study for a recent crop and recast in terms of prospective price and production conditions for the 1962 crop, and to other pertinent factors. The analysis indicates that the payments for sugar beets provided in the 1962-crop purchase contracts are fair and reasonable at current prices of sugar.

The provisions relating to the charge for constructing factory-site bulk sugar storage bins and the method of pricing of sugar used by the processor in producing a fortified sugar which are included in certain 1962-crop contracts are the same as those in their 1961-crop contracts in other settlement districts. Accordingly, the requirements of the 1961-crop fair price determination with respect to these matters are continued in this determination.

The reporting schedules of this determination relate to (1) the computation of net returns or net proceeds from the sale of sugar, (2) the gross sales price of sugar sold to affiliated companies or used by the processor, and (3) charges for company-owned factory-site bulk sugar facilities. The schedules have been designed to furnish the Department with itemized data used by the processor in computing the "net proceeds" or "net returns" which are to be determined on the basis of his contract and with the requirements of this determination.

The reporting requirements of this determination have been approved by the Bureau of the Budget.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932, 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. Sup. 1131, as amended by Pub. Law 87-535 approved July 13, 1962)

Signed at Washington, D.C., on September 7, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

SCHEDULE A—STATEMENT OF AVERAGE NET RETURN OR NET PROCEEDS FROM SALES OF SUGAR [1]

Company _____
Settlement area _____
Settlement period _____

	Per hundredweight sugar (dollars)
Gross sales price	
Less sales and marketing expenses (applicable to sugar only):	
Federal excise tax	
Freight on sugar to destination	
Cash discount	

[1] Where the purchase contract provides that the proceeds from the sales of molasses and beet pulp are to be included in calculating the net return or net proceeds, show separately the gross sales price and the marketing expenses applicable to each.

SCHEDULE A—Continued

Less sales and marketing expenses (applicable to sugar only)—Con.	*Per hundredweight sugar (dollars)*
Allowances	
Public storage (actually paid)	
Off-site storage owned by the processor (amount charged)	
On-site storage (computed charge) [2]	
Loading and handling	
Cost of packing in excess of basis pack	
Taxes	
Insurance	
Brokerage and commissions	
Advertising	
Sales department expenses:	
Salaries	
Travel	
Miscellaneous	
Other (specify)	
Total expense	
Net return or net proceeds	

[2] Obtain from Schedule A–2.

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company.)

SCHEDULE A–1—STATEMENT OF GROSS SALES PRICES APPLICABLE TO SUGAR SOLD TO AFFILIATED COMPANIES OR ENTITIES AND USED BY THE PROCESSOR, AS COMPARED TO SALES TO NON-AFFILIATED PURCHASERS

Sugar sold or used—hundredweight.	*Affiliated purchasers*	*Used by processor*	*Nonaffiliated purchasers*
	Dollars per hundredweight		
Quoted basis price			
Customary allowances (itemize):			
Open competitive		XXXX	
Other:		XXXX	
		XXXX	
		XXXX	
Basis price—less allowances			
Prepay		XXXX	
Package differential		XXXX	
Gross sales price	$	$	$
Marketing expenses		(1)	
Net proceeds			

[1] If any marketing expenses are deducted from the gross sales price by the processor in computing net return for this particular sugar, such expenses shall be itemized separately.

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company.)

SCHEDULE A–2—STATEMENT RELATING TO CHARGES FOR COMPANY-OWNED FACTORY-SITE BULK SUGAR STORAGE IN COMPUTING NET PROCEEDS, 1962 CROP (SUBMIT SEPARATE SCHEDULE FOR EACH FACILITY)

Company _____
Location of bulk sugar storage facility _____
Settlement areas included _____
Settlement period _____
Sugar sold during settlement period—hundredweight _____
Total dollars _____
Original cost of facility (year first used ____) _____
Improvements (item and date):

_____	____
_____	____
_____	____
_____	____
Total cost of facility including improvements	____
Total amount recovered prior to 1962-crop	____
Total unrecovered cost of facility	____
Operating costs or charges for 1962-crop:	
Interest on unrecovered cost	____
Taxes	____
Insurance	____

SCHEDULE A–2—Continued

Operating costs or charges for 1962 crop—Continued	
Maintenance and operating (itemize)	

Total operating costs for 1962-crop	----
Amount applied against 1962-crop to amortize cost of facility	----
Total amount charged for facility in computing net proceeds—1962-crop (to be carried to Schedule A as amount of deduction)	----
Unamortized-cost of facility at end of 1962-crop	

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company.)

[F.R. Doc. 62–9149; Filed, Sept. 12, 1962; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Amended Order Regulating Handling

Secs.

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AUTHORITY: §§ 984.0 to 984.90 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 984.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations which were made in connection with the issuance of the order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such previous findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 13 F.R. 4344, 19 F.R. 4214, 20 F.R. 5387, 22 F.R. 7885 and 22 F.R. 8775.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was held in San Francisco, California, on April 5, 1962, on a proposed amendment of the amended marketing agreement and order (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon and Washington. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of walnuts grown in California, Oregon and Washington in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act and issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) The order, as amended, and as hereby further amended, prescribes, so far as is practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to differences in the production and marketing of the walnuts covered thereby; and

(5) All handling of walnuts as defined in the order is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

(c) *Additional findings.* It is hereby further found that good cause exists for not postponing the effective time of this order beyond the time of its publication in the FEDERAL REGISTER (5 U.S.C. 1003 (c)) because: (1) Regulations for the 1962–63 marketing year should be considered before harvest which will soon begin and such regulations should be arrived at pursuant to the marketing order under which they will be administered; and (2) delayed application hereof would have an unfavorable effect on regulated persons in that they would have to adjust their marketing plans and operations to accommodate program changes after handling of the 1962 walnut crop had begun.

(d) *Determinations.* It is hereby determined that:

(1) The "Amended Marketing Agreement Regulating the Handling of Walnuts Grown in California, Oregon, and Washington", upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping walnuts covered by this order) who, during the period August 1, 1961, through June 30, 1962, handled not less than 50 percent of the volume of such walnuts covered by said order; and

(2) The issuance of this order is favored or approved by at least two-thirds

of the producers who participated in a referendum on the question of its approval and who, during the representative period (August 1, 1961, through June 30, 1962) were engaged within the area of production specified in this order, in the production of walnuts for market.

It is, therefore, ordered, That, on and after the effective time hereof, all handling of walnuts grown in California, Oregon, and Washington shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 984.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 984.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.)

§ 984.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 984.4 Area of production.

"Area of production" means the States of California, Oregon, and Washington, of which the State of California shall be District 1, and the States of Oregon and Washington District 2.

§ 984.5 Grower.

"Grower" is synonymous with "producer" and means any person engaged in a proprietary capacity in the commercial production of walnuts.

§ 984.6 Board.

"Board" means the Walnut Control Board established pursuant to § 984.35.

§ 984.7 Marketing year.

"Marketing year" means the twelve months from August 1 to the following July 31, both inclusive.

§ 984.8 Walnuts.

"Walnuts" means only walnuts of the "English" (Juglans regia) varieties grown in the States of California, Oregon, and Washington.

§ 984.9 Inshell walnuts.

"Inshell walnuts" means walnuts the kernels of which are contained in the shell.

§ 984.10 Shelled walnuts.

"Shelled walnuts" means walnut kernels after the shells are removed.

§ 984.11 Merchantable walnuts.

(a) *Inshell.* "Merchantable inshell walnuts" means all inshell walnuts meeting the minimum grade and size regulations set forth in § 984.50.

(b) *Shelled.* "Merchantable shelled walnuts" means all shelled walnuts meeting the minimum grade and size regulations effective pursuant to § 984.50.

§ 984.12 Substandard walnuts.

"Substandard walnuts" means all walnuts (whether inshell or shelled) the kernels of which do not meet the minimum standard prescribed for merchantable shelled walnuts.

§ 984.13 To handle.

"To handle" means to sell, consign, transport or ship (except as a common or contract carrier of walnuts owned by another person), or in any other way to put walnuts, inshell or shelled, in the current of commerce either within the area of production, or from such area to any point outside thereof, or for a manufacturer or retailer within the area of production to purchase directly from a grower: Except, that the term "to handle" shall not include sales and deliveries within the area of production by growers to handlers, or the authorized disposition of merchantable restricted, surplus, or substandard walnuts.

§ 984.14 Handler.

"Handler" means any person who handles inshell or shelled walnuts.

§ 984.15 To pack.

"To pack" means to bleach, clean, grade, or otherwise prepare walnuts for market as inshell walnuts.

§ 984.16 Packer.

"Packer" means any person who is engaged in the business of packing walnuts or has walnuts packed for his account and handles them as inshell walnuts, categorized as either:

(a) *Cooperative packer,* meaning any packer which is a cooperative marketing association of growers regardless of where or under what laws it may be organized; or

(b) *Independent packer,* meaning any packer who is not a cooperative packer.

§ 984.17 Pack.

"Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition, of merchantable inshell walnuts, packed in accordance with the pack specifications prescribed pursuant to § 984.50.

§ 984.18 Sheller.

"Sheller" means any person who is engaged in the business of shelling walnuts or has walnuts shelled for his account and handles them as shelled walnuts.

§ 984.19 Manufacturer.

"Manufacturer" means any person who uses walnuts in the production of bakery goods, ice cream, candy, or other food products, except walnut oil.

§ 984.20 Kernelweight.

"Kernelweight" means the total weight of the kernels in a quantity of walnuts regardless of their quality.

§ 984.21 Handler carryover.

"Handler carryover," as of any date, means:

(a) *Inshell.* All merchantable inshell walnuts (except those held in satisfaction of control obligations) wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable inshell walnuts in lots then held by a handler for packing as merchantable inshell walnuts;

(b) *Shelled.* All merchantable shelled walnuts (except those held as surplus) wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable shelled walnuts to be produced from inshell and shelled walnuts then held by a handler.

§ 984.22 Trade demand.

(a) *Inshell.* The quantity of merchantable inshell walnuts which the trade will acquire from all handlers during a marketing year for distribution in the United States, Puerto Rico, and the Canal Zone.

(b) *Shelled.* The quantity of merchantable shelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the United States, Puerto Rico, and the Canal Zone.

(c) *Inclusion of Canada and Cuba in trade demand.* Whenever there is reasonable probability that distribution of inshell and shelled walnuts may be made to the trade in either Canada or Cuba at prices reasonably comparable with prices received in the United States, either or both may be included in the trade demand.

§ 984.23 Free walnuts.

"Free walnuts" means those inshell walnuts which are included in the free percentage established by the Secretary pursuant to § 984.49.

§ 984.24 Restricted walnuts.

"Restricted walnuts" means those inshell walnuts which are withheld in satisfaction of a restricted obligation arising from application of a restricted percentage.

§ 984.25 Marketable walnuts.

"Marketable walnuts" means those walnuts, inshell or shelled, which are included in the marketable percentage established by the Secretary pursuant to § 984.49.

§ 984.26 Surplus walnuts.

"Surplus walnuts" means those inshell or shelled walnuts which are withheld in satisfaction of a surplus obligation arising from application of a surplus percentage.

§ 984.27 Allocation percentage.

"Allocation percentage" means the quotient, expressed as a percentage with applied accuracy to the nearest pound, that results from dividing the restricted percentage by the free percentage.

§ 984.28 Diversion percentage.

"Diversion percentage" means the quotient, expressed as a percentage with ap-

plied accuracy to the nearest pound, that results from dividing the surplus percentage by the marketable percentage.

§ 984.29 Control percentages.

"Control percentages" means free, restricted, marketable, and surplus percentages established by the Secretary pursuant to § 984.49.

§ 984.30 Control obligations.

"Control obligations" means the quantity of walnuts each handler must withhold to meet the restricted or the surplus percentage established by the Secretary pursuant to § 984.49.

§ 984.31 Part and subpart.

"Part" means the order regulating the handling of walnuts grown in California, Oregon, and Washington, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of walnuts grown in California, Oregon, and Washington shall be a "subpart" of such part.

ADMINISTRATIVE BODY

§ 984.35 Walnut Control Board.

(a) A Walnut Control Board is hereby established, consisting of ten members, selected by the Secretary, each of whom shall have an alternate nominated and selected in the same way and with the same qualifications as the member. One member and one alternate member shall be selected by the Secretary from nominees submitted by each of the following groups or from among other eligible persons belonging to such groups:

(1) The cooperative packers doing business within the State of California;

(2) The independent packers doing business within the State of California;

(3) The group of cooperative packers or independent packers doing business within the State of California, who, during the preceding marketing year, handled more than 50 percent of the merchantable inshell walnuts handled by packers located within the State of California;

(4) Walnut growers whose orchards are located in California and who market their walnuts through cooperative packers;

(5) All other walnut growers whose orchards are located in California;

(6) Walnut growers whose orchards are located in California and whose walnuts were marketed during the preceding marketing year through the packer group specified in subparagraph (3) of this paragraph;

(7) Walnut packers whose plants are located within the States of Oregon or Washington;

(8) Walnut growers whose orchards are located within the States of Oregon or Washington;

(9) Walnut shellers within the area of production who are handlers but who are not packers.

(b) The tenth member shall be selected after the selection of the nine members from the above specified groups and after opportunity for such nine members to nominate the tenth member.

§ 984.36 Term of office.

The term of office of Board members and alternate members shall be for a period of two years ending on June 30 of odd-numbered years, but they shall serve until their respective successors are selected and have qualified.

§ 984.37 Nominations.

(a) Each of the nine groups specified in § 984.35 may nominate one person as member and one person as alternate, and the nine members selected to represent such groups may nominate by majority vote one person as member and one person as alternate for the tenth member position. Nominations for each group of handlers shall be submitted on ballots mailed by the Board to all handlers in such groups. Nominations on behalf of growers who market their walnuts through cooperative handlers shall be submitted on ballots cast by each such handler for its growers: Except, that growers in group 8 shall vote individually. Nominations on behalf of growers in groups 5 (and 6 when group 7 represents independent packers) and 8 shall be submitted after ballot by such growers pursuant to announcements by press releases of the Board to the principal papers in the walnut producing area in California, Oregon, and Washington. Such releases shall provide pertinent voting information, including the names of the candidates and the locations where ballots may be obtained. The ballots shall be accompanied by full instructions as to their marking and mailing and shall include the names of the incumbents who are willing to continue serving on the Board and such other candidates as may be proposed pursuant to methods established by the Board, with the approval of the Secretary. All packer votes shall be weighted by the quantity (rounded upward to the nearest whole ton) of merchantable inshell walnuts handled by each packer during the preceding marketing year and all grower votes shall be given equal weight. Sheller votes shall be weighted by the quantity of merchantable shelled walnuts handled by each sheller during the preceding marketing year. The packer, sheller, or grower receiving the highest vote for each position shall be the nominee.

(b) Nominations received in the foregoing manner by the Board shall be reported to the Secretary on or before June 15 of each odd-numbered year, together with a certified summary of the results of the nominations. If the Board fails to report nominations to the Secretary in the manner herein specified by June 15 of any such year, the Secretary may select the members without nomination. If nominations for the tenth member are not submitted by August 1 of any such year, the Secretary may select such member without nomination.

§ 984.38 Eligibility.

No person, other than the tenth member and alternate, shall be selected or continue to serve on the Board more than 30 days after he ceases to be a member of or employed by a member of the group he represents.

§ 984.39 Qualify by acceptance.

Each person selected by the Secretary as a member or alternate of the Board shall, prior to serving; qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of such selection.

§ 984.40 Alternates.

(a) An alternate for a member of the Board shall act in the place and stead of such member in his absence or in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

(b) In the event any member of the Board and his alternate are both unable to attend a meeting of the Board, any alternate for any other member representing the same group as the absent member may serve in the place of the absent member, or in the event such other alternate cannot attend, or there is no such other alternate, such member, or in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place of such member. For the purposes of this paragraph, a cooperative handler group and a cooperative grower group in the same state shall be considered the same group.

§ 984.41 Vacancy.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member or alternate, or any need to select a successor through failure of any person selected as a member or alternate member to qualify, shall be recognized by the Board causing a nomination to be made by the appropriate group and certifying to the Secretary a new nominee within 60 calendar days.

§ 984.42 Expenses.

The members of the Board shall serve without compensation, but shall be allowed their necessary expenses.

§ 984.43 Powers.

The Board shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 984.44 Duties.

The duties of the Board shall be as follows:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

(c) To furnish to the Secretary a complete report of all meetings and such other available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries, define the duties, and fix the bonds of such employees;

(e) To cause the books of the Board to be audited by one or more competent public accountants at least once for each marketing year and at such other times as the Board deems necessary or as the Secretary may request, and to file with the Secretary three copies of all audit reports made;

(f) To investigate the growing, shipping and marketing conditions with respect to walnuts and to assemble data in connection therewith;

(g) To investigate compliance with the provisions of this part; and

(h) To recommend rules and regulations for the purpose of administering this subpart.

§ 984.45 Procedure.

(a) The members of the Board shall select a chairman from their membership, and shall select such other officers and adopt such rules for the conduct of Board business as they deem advisable. The Board shall give the Secretary the same notice of its meetings as is given to members of the Board.

(b) All decisions of the Board, except where otherwise specifically provided, shall be by majority vote of the members present. A quorum of six members shall be required for the conduct of Board business.

(c) The Board may vote by mail or telegram upon due notice to all members. When any proposition is submitted for voting by one of such methods, one dissenting vote or failure of a member or alternate to vote, shall prevent its adoption until submitted to a meeting of the Board.

RESEARCH AND DEVELOPMENT

§ 984.46 Research and development.

The Board, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote marketing, distribution, and consumption of walnuts, the expense of such projects to be paid from funds collected pursuant to § 984.69.

MARKETING POLICY

§ 984.48 Marketing estimates and recommendations.

(a) Each marketing year prior to September 20, the Board shall hold a meeting for the purpose of recommending to the Secretary a marketing policy for such year. Such recommendation shall be adopted by the affirmative vote of at least six members of the Board and shall include the following:

(1) Its estimate of the orchard-run production in each district for the marketing year;

(2) Its estimate of the quantity of merchantable inshell walnuts likely to be produced and be available for inshell use during such year, expressed in pounds, inshell weight, and kernelweight;

(3) Its estimate of merchantable inshell walnut handler carryover as of August 1, expressed in pounds, inshell weight, and kernelweight;

(4) Its estimate of merchantable inshell walnut trade demand for such year, taking into consideration trade carryover at the beginning and end of the year, imports, prices, prospective shelled walnut market conditions, and other factors affecting inshell trade demand during such year, expressed in pounds, inshell weight, and kernelweight;

(5) Its recommendation for inshell walnut handler carryover on July 31 of such year expressed in pounds, inshell weight, and kernelweight;

(6) Its estimate of merchantable shelled walnut production during such marketing year;

(7) Its estimate of merchantable shelled walnut handler carryover as of August 1;

(8) Its estimate of merchantable shelled walnut trade demand, taking into consideration trade carryover, at the beginning and end of the year, imports, prices, and other factors affecting shelled walnut trade demand;

(9) Its recommendation for shelled walnut handler carryover on July 31 of such year;

(10) Its recommendation as to the merchantable free and restricted percentages to be fixed for inshell walnuts produced in each district. In recognition of differences in production and marketing, the Board shall recommend that the restricted percentage in District 2 be one-half of the percentage in District 1;

(11) Its recommendation as to the marketable and surplus percentages to be fixed for walnuts produced in each district. In recognition of differences in production and marketing, the Board shall recommend that the surplus percentage in District 2 be one-half of the percentage in District 1; and

(12) Its recommendation as to grade and size regulations.

§ 984.49 Control percentages.

(a) *Free and restricted percentages.* Whenever the Secretary finds on the basis of the Board's recommendations or other information that limiting the quantity of merchantable inshell walnuts which may be handled during a marketing year would tend to effectuate the declared policy of the Act, he shall establish for District 1 a free percentage to prescribe the portion of such walnuts which may be handled as inshell walnuts and a restricted percentage to prescribe the portion that must be withheld from such handling and similarly for District 2 except that the restricted percentage shall be one-half that of District 1.

(b) *Marketable and surplus percentages.* Whenever the Secretary finds on the basis of the Board's recommendations or other information that limiting the quantity of merchantable inshell and shelled walnuts which may be handled during a marketing year would tend to effectuate the declared policy of the Act, he shall establish for District 1 a marketable percentage to prescribe the portion of such walnuts which may be handled in normal markets and a surplus percentage to prescribe the portion that must be withheld from handling in such markets and similarly for District 2 except that the surplus percentage shall be one-half that of District 1.

(c) *Revision of percentages.* In the same manner, at any time prior to February 15 of the marketing year, the Board may recommend that the marketable and free percentages be increased and the surplus and restricted percentages decreased. On the basis of the Board's recommendation or other information, the Secretary may establish revised control percentages. Upon revision, all control obligations theretofore accrued on walnuts handled or declared for handling during such year on the basis of previously effective percentages shall be adjusted accordingly.

QUALITY CONTROL

§ 984.50 Grade and size regulations.

(a) *Minimum standards for inshell walnuts.* No handler shall handle inshell walnuts unless such walnuts are equal to or better than the requirements of U.S. No. 3 grade and baby size as defined in the then effective United States Standards for Walnuts (Juglans regia) in the Shell. This minimum standard may be modified by the Secretary on the basis of a Board recommendation or other information.

(b) *Minimum standard for shelled walnuts.* No handler shall handle shelled walnuts unless such walnuts are equal to or better than the requirements of the U.S. Commercial grade as defined in the then effective United States Standards for Shelled Walnuts (Juglans regia) and the minimum size shall be pieces not more than 5 percent of which will pass through a round opening $\frac{6}{64}$ inch in diameter. This minimum standard may be modified by the Secretary on the basis of a Board recommendation or other information.

(c) *Effective period.* The minimum standards established pursuant to paragraphs (a) and (b) of this section and the provisions of this part relating to the administration thereof, shall continue in effect irrespective of whether the season average price for walnuts is above the parity level specified in section 2(1) of the Act.

(d) *Additional grade and size regulations.* The Board may recommend to the Secretary additional grade and size regulations in the form of more restrictive minimum standards than those specified in this section, or pack specifications as to grades and sizes that may be handled. Different regulations may be recommended for each district when necessary due to significant differences in the quality of walnuts produced in each district. If the Secretary finds, on the basis of such recommendation or other information, that additional grade and size regulations for a district would tend to effectuate the declared policy of

the Act, he shall establish such regulations.

(e) *Minimum requirements for surplus.* The Board, with the approval of the Secretary, may specify the minimum kernel content and related requirements for any lot of walnuts acceptable in satisfaction of a surplus obligation: *Provided*, That surplus walnuts exported must meet the requirements of paragraph (a) of this section, if inshell, or paragraph (b) of this section, if shelled.

§ 984.51 Inspection and certification of inshell and shelled walnuts.

(a) Before or upon handling or withholding any walnuts, each handler, at his own expense, shall cause such walnuts to be inspected and certified as meeting the then effective grade and size regulations or the quality requirements for walnuts withheld, by the inspection service designated, with approval of the Secretary, by the Board. Each certificate shall show the identity of the handler, the quantity of walnuts, the date of inspection, and for inshell walnuts, the kernelweight, and the grade and size of such walnuts as set forth in the United States Standards for Walnuts in the Shell. Certificates covering surplus shelled walnuts for export shall also show the grade, size, and color of such walnuts as set forth in the United States Standards for Shelled Walnuts. The Board may prescribe such additional information to be shown on the inspection certificates as it deems necessary for the proper administration of this part. Handlers shall cause a copy of each certificate issued by the inspection service to be furnished to the Board.

(b) Upon inspection, all certified walnuts shall be identified by seals, stamps, or other means of identification prescribed by the Board and affixed to the container by the handler under the supervision of the Board or a designated inspector and such identification shall not be altered or removed except as directed by the Board. The Board may, with the approval of the Secretary, prescribe such other requirements as may be necessary to insure adequate identification of such certified walnuts.

(c) Whenever the Board determines that the length of time in storage or conditions of storage of any lot of walnuts which has been previously inspected have been or are such as normally to cause deterioration, such lot of walnuts shall be reinspected at the handler's expense and recertified as merchantable prior to shipment.

§ 984.52 Processing of shelled walnuts.

(a) No handler shall slice, chop, grind, or in any manner change the form of shelled walnuts unless such walnuts have been certified as merchantable or as suitable for processing pursuant to paragraph (b) of this section. The Board shall establish such procedures as are necessary to insure that all such walnuts are inspected and certified prior to any such processing.

(b) Any lot of shelled walnuts which, upon inspection, fails to meet the minimum standard effective pursuant to § 984.50 solely due to excess shriveling may be certified for processing provided that the total amount of shrivel does not exceed 20 percent, by weight, of the lot. All such walnuts must be reinspected after processing and shall be certified as merchantable if the processed material meets the effective minimum standard. The provisions of this paragraph may be modified by the Secretary, upon recommendation of the Board or other information.

CONTROLLED WALNUTS

§ 984.54 Withholding obligation.

(a) *Restricted obligation.* No handler shall handle inshell walnuts unless prior to or upon shipment thereof (or purchase if applicable), he has withheld a quantity, by weight, of certified merchantable inshell walnuts equal to the allocation percentage of the inshell walnuts handled or declared for handling by him: *Provided*, That such withholding may be temporarily deferred pursuant to the bonding provisions of § 984.57 and that the Board, with the approval of the Secretary, may modify the merchantable requirements for walnuts withheld for shelling.

(b) *Surplus obligation.* No handler shall handle walnuts unless prior to or upon shipment thereof (or purchase if applicable) he has withheld a quantity of walnuts meeting the requirements of § 984.50(e) and having a certified kernelweight equal to the diversion percentage of the kernelweight of all inshell walnuts handled or declared for handling and the actual net weight of all shelled walnuts handled or declared for handling by him: *Provided*, That such withholding may be temporarily deferred pursuant to the bonding provisions of § 984.57.

(c) Walnuts withheld as surplus shall be set aside and thereafter held for the account of the Board at the expense of the handler and, from the date of withholding, shall be available for inspection during reasonable business hours by the Board or its designees. Such walnuts shall be stored in such manner as to maintain them in the same condition as when certified for surplus, except for loss through conditions beyond the handler's control. Upon demand of the Board, they shall be delivered to the Board f.o.b. rail car or truck at handlers' warehouse or point of storage. All such surplus walnuts so withheld by the handler shall be at the time of withholding placed by the handler, at his own expense, in suitable containers, which may be prescribed by the Board and identified by appropriate seals, stamps, or other means of identification to be furnished by the Board and to be affixed to the containers by the handler under the direction or supervision of the Board or a designated inspector.

(d) The requirement for withholding a quantity of walnuts pursuant to paragraphs (a) and (b) of this section shall be the restricted and surplus obligations, respectively. The control obligations applicable to the district of production shall apply to any walnuts transferred to the other district prior to handling. Merchantable walnuts handled in accordance with the provisions of this subpart shall be deemed to be such handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act.

(e) Any handler may at any time prior to the end of the marketing year satisfy his control obligations with respect to a specified quantity of certified merchantable walnuts which he then owns and has on hand and on which he declares to the Board his intention to handle, by withholding a quantity of walnuts sufficient to meet the obligations on the walnuts so declared for handling. Such declared quantity, if not handled, and the applicable withholding may be canceled by the handler prior to the end of the marketing year.

(f) Any handler withholding restricted or surplus walnuts in excess of his respective obligations may have excess walnuts of his choice freed from withholding by complying with such procedures as the Board may require to insure compliance with his obligations and identification of the remaining walnuts withheld. Similarly, he may exchange other eligible walnuts for walnuts withheld.

§ 984.55 Interhandler transfers.

(a) Within the area of production inshell walnuts other than free walnuts may be sold or delivered by one handler to another for packing or shelling and the receiving packer or sheller shall comply with the regulations made effective pursuant to this part with respect to such walnuts.

(b) A handler may, for the purposes of meeting his control obligations, acquire walnuts from another handler, and any assessments, control obligations, and inspection requirements with respect to walnuts so transferred shall be waived insofar as the seller is concerned. The Board, with the approval of the Secretary, may establish methods and procedures including necessary reports for such transfers.

(c) Except as provided in paragraphs (a) and (b) of this section, whenever transfers of walnuts are made from one handler to another, the first handler thereof shall comply with all of the regulations effective pursuant to this part.

§ 984.56 Deferment of withholding.

(a) *General.* Compliance by any handler with the requirements of § 984.54 as to the time during the marketing year when restricted and surplus walnuts shall be withheld may be deferred to any date desired by the handler up to December 31 for restricted and March 31 for surplus obligations. Such deferment shall be granted only upon the execution and delivery by such handler to the Board of a written undertaking that on or prior to the dates specified he will have fully satisfied his control obligations.

(b) *Filing of bond.* Such undertaking shall be secured by a commercial surety bond or a personal bond with surety to be filed with, and acceptable to, the Board in the amount stated in paragraph (c) of this section, conditioned upon full compliance with such undertaking. The amount of the bond for deferment of compliance with a restricted or surplus obligation shall be the total weight of the applicable obligation multiplied by the applicable bonding rate. The cost of the bond shall be borne by the handler.

(c) *Bonding rates*—(1) *Establishment.* The bonding rate for restricted walnuts shall be the price per pound for bulk pack, U.S. No. 2, medium size inshell walnuts, f.o.b. shipping point, and for surplus walnuts the price per pound for bulk U.S. Commercial grade light amber halves and pieces, f.o.b. shipping point as determined by the Board to be prevailing at the time bonding rates are established, which shall be not later than October 15 of any marketing year in which control percentages are recommended to the Secretary.

(2) *Effective period.* The bonding rates established for any marketing year shall continue in effect after the end of such marketing year until such bonding rates are modified. After bonding rates are established for the new marketing year, the new rates shall be applicable and any bonds theretofore given for that marketing year shall be adjusted to the new rates.

(d) *Disposition of bond collections.* (1) Any sums collected through default of a handler on his bond shall be used by the Board to purchase from handlers walnuts not to exceed the total quantity of default referable to such bond or that represented by the sums collected, whichever is lesser. The Board shall at all times purchase the lowest priced walnuts offered.

(2) Any unexpended sums, which have been collected by the Board through default of a handler on his bond, remaining in the possession of the Board at the end of a marketing year shall be used to reimburse the Board for its expenses, including administrative and other costs, incurred in the collection of such sums and in the purchase of walnuts. Any balance remaining after reimbursement of such expenses shall be returned to the defaulting handler.

(3) Walnuts purchased as provided for in this section shall be turned over to the defaulting handler for restricted or surplus disposition, as appropriate. If the quantity of walnuts represented by the bond collection cannot be purchased, the Board shall distribute any unexpended sum collected, after deducting necessary expenses, to all handlers on the basis of their respective inshell handlings with respect to a restricted obligation default or total handlings, kernelweight basis, with respect to a surplus obligation default.

(e) *Satisfaction of control obligations.* Collection by the Board upon any bond filed pursuant to the provisions of this section shall be deemed a satisfaction of the control obligations represented by such collection and the handler shall be credited on his control obligation with that quantity of walnuts represented by the bond sums collected on account of such default.

DISPOSITION OF CONTROLLED WALNUTS

§ 984.60 Shelling restricted walnuts.

(a) Any handler may shell restricted walnuts which he has withheld pursuant § 984.54 or deliver them for shelling to another handler or an authorized sheller (i.e., a person other than a handler).

(b) Any person within the area of production who desires to become an authorized sheller may submit an application to the Board. Such authorization shall be granted to the applicants for a period of one year upon submission to the Board of an agreement, in writing, to:

(1) Shell restricted walnuts within the area of production or deliver them as inshell walnuts only to another authorized sheller for shelling;

(2) Comply fully with all requirements of this part, applicable to the shelling of walnuts;

(3) Permit such audits and inspections as the Board may require to determine compliance with provisions of this part; and

(4) Make such reports, certified to the Board and the Secretary as to their correctness, as the Board may require.

§ 984.61 Export.

(a) Sale or shipment of merchantable restricted and merchantable surplus walnuts in export to destination outside of the United States, Puerto Rico, and the Canal Zone, and Canada and Cuba when included in the trade demand, shall be made only by the Board. The Board shall be obligated to export only such quantities for which it is able to find satisfactory outlets. Any handler may be designated an agent of the Board under such terms and conditions as the Board may specify for export sales. Proceeds of any export sales made by the Board after deducting all expenses actually and necessarily incurred shall be paid to the handler withholding the walnuts.

(b) The respective kernelweights of restricted and surplus walnuts so exported shall be credited against the applicable withholding obligations of the withholding handler. Upon a handler's written request during a marketing year, the Board shall transfer any part or all of such handler's exports in excess of his withholding obligations to such other handlers as he may designate.

§ 984.62 Surplus pool.

(a) Surplus walnuts which are not disposed of pursuant to § 984.61 shall be pooled not later than August 31 of the next marketing year and shall be disposed of by the Board upon the best terms and highest prices obtainable consistent with the ultimate complete disposition of surplus, subject to the following conditions:

(1) No such surplus walnuts shall be sold in the United States, Puerto Rico, or the Canal Zone, other than to Government agencies or to charitable institutions for charitable purposes or for diversion into walnut oil, poultry or animal feed, or such other uses as the Board finds to be non-competitive with normal markets and with proper safeguards in each case to prevent such walnuts thereafter entering the channels of trade in such normal markets.

(2) The Board shall not accept delivery of any surplus walnuts for pooling and disposition prior to making a determination on or before December 15 of any marketing year as to the percentage of a handler's withholding obligation which may be accepted for pooling and disposition prior to February 15 of such year.

(b) *Disposition of proceeds from sales of pooled surplus.* Expenses incurred by the Board in receiving, handling, holding, and disposing of the pooled surplus walnuts shall be charged against the proceeds of the sales of such surplus walnuts. The remaining proceeds from the disposition of pooled surplus walnuts shall be distributed by the Board to handlers in proportion to their contribution thereto, measured in kernelweight.

(c) *Surplus pool credits.* Upon a handler's written request during a marketing year, the Board shall transfer any part or all of a handler's surplus pool credits in excess of his surplus withholding obligation to such other handler as he may designate.

§ 984.63 Storage facilities.

The Board may rent and operate, or arrange for the use of facilities for storage and handling of surplus walnuts withheld.

§ 984.64 Disposition of substandard walnuts.

Substandard walnuts may be disposed of only for manufacture into oil, livestock feed, or for such other uses as the Board determines to be noncompetitive with existing normal markets for walnuts and with proper safeguards to prevent such walnuts from thereafter entering the channels of trade in such normal markets.

§ 984.65 Compliance.

Except as provided in this subpart, no person shall handle walnuts, inshell or shelled, during any marketing year in which this subpart and any regulations issued by the Secretary hereunder are in effect, unless such person has previously met the obligations imposed by each such regulation and the provisions of this subpart.

§ 984.66 Assistance of Board in meeting control obligations.

The Board, on written request, may assist handlers in accounting for their control obligations and may aid any handler in acquiring walnuts to meet any deficiency in a handler's control obligation, or in accounting for and disposing of walnuts withheld.

§ 984.67 Exemptions.

(a) *Exemption from volume regulations.* Control percentages shall not apply to lots of merchantable inshell walnuts which are of Mammoth size or larger as defined in the then effective United States Standards for Walnuts in the Shell, or to such quantities as the Board may, with the approval of the Secretary, prescribe.

(b) *Exemptions from assessments, quality, and volume regulations*—(1) *Sales by growers direct to consumers.* Any walnut grower may handle walnuts of his own production free of the regulatory and assessment provisions of this part if he sells such walnuts in the area of production directly to consumers under the following types of exemptions:

(i) At roadside stands and farmers' markets;

(ii) In quantities not exceeding an aggregate of 500 pounds of inshell walnuts or 200 pounds of shelled walnuts during any marketing year (at locations other than those specified in subdivision (i) of this subparagraph); and

(iii) If shipped by parcel post or express in quantities not exceeding 10 pounds of inshell walnuts or 4 pounds of shelled walnuts to any one consumer in any one calendar day.

(2) *Green walnuts.* Walnuts which are green and which are so immature that they cannot be used for drying and sale as dried walnuts may be handled without regard to the provisions of this part.

(3) *Noncompetitive outlets.* Any person may handle walnuts, free of the provisions of this part, for use by charitable institutions, relief agencies, governmental agencies for school lunch programs, and diversion to animal feed or oil manufacture pursuant to an authorized governmental diversion program.

(c) *Rules and modifications.* The Board may establish, with the approval of the Secretary, such rules, regulations and safeguards and such modifications as will promote the objectives of this subpart.

EXPENSES AND ASSESSMENTS

§ 984.68 Expenses.

The Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for the maintenance and functioning of the Board, and for such other purposes as the Secretary may, pursuant to this part, determine to be appropriate. Such expenses shall be allocated between inshell and shelled walnuts handled or declared for handling on the basis of the estimated costs of the respective operations. The Board shall file a proposed budget of expenses and rates of assessment for inshell and shelled walnuts with the Secretary as soon as practicable after the beginning of each marketing year.

§ 984.69 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the Board, on demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro rata share shall be the rate of assessment per pound for inshell or shelled walnuts fixed by the Secretary times the respective quantity of merchantable inshell or shelled walnuts he has handled or declared for handling. At any time during or after a marketing year the Secretary may increase the assessment rates as necessary to cover authorized expenses and each handler's pro rata share shall be adjusted accordingly.

(b) *Surplus walnut pool expenses.* The Board is authorized temporary use of funds derived from assessments collected pursuant to paragraph (a) of this section to defray expenses incurred in disposing of surplus walnuts pooled. All such expenses shall be deducted from the proceeds obtained by the Board from the sale or other disposal of pooled surplus walnuts.

(c) *Refunds.* At the end of a marketing year, funds in excess of the marketing year's expenses shall be refunded to handlers from whom collected and each handler's share of such excess funds shall be the amount of assessments he has paid in excess of his pro rata share of the actual expenses of the Board. Excess funds may be used temporarily by the Board to defray expenses of the subsequent marketing year: *Provided,* That each handler's share of such excess shall be made available to him by the Board within five months after the end of the year.

(d) *Termination.* Any money collected from assessments hereunder and remaining unexpended in the possession of the Board upon termination of this part shall be distributed in such manner as the Secretary may direct.

REPORTS, BOOKS, AND OTHER RECORDS

§ 984.71 Reports of handler carryover.

Each handler, on or before August 15 and January 15 of each marketing year, shall file with the Board a written report of his handler carryover of inshell and shelled walnuts as of August 1 and January 1 on such forms as the Board may prescribe.

§ 984.72 Reports of merchantable walnuts handled.

Each handler who handles merchantable walnuts, inshell or shelled, at any time during a marketing year shall submit to the Board in such form and at such intervals as the Board may prescribe, reports showing the quantity so handled and such other information pertinent thereto as the Board may specify.

§ 984.73 Reports of disposition of controlled walnuts.

Each handler who disposes of restricted or surplus walnuts shall submit to the Board in such form and at such intervals as the Board may prescribe reports showing the quantity so disposed of and such other information pertinent thereto as the Board may specify.

§ 984.74 Reports of interdistrict shipments of walnuts.

Any shipments of walnuts between District 1 and District 2 for sale or delivery to a handler shall be reported to the Board by the receiving handler, upon receipt, on forms prescribed by the Board, showing the net weight of each shipment and such other information pertinent thereto as the Board may specify.

§ 984.75 Reports of disposition of substandard walnuts.

Each handler shall submit, in such form and at such intervals as the Board may determine, reports of (a) his production and holdings of substandard walnuts and (b) the disposition of all substandard walnuts, including all deliveries of such walnuts to any other person, showing the quantity, lot, date, name and address of the person to whom delivered, the approved use and such other information pertaining thereto as the Board may specify.

§ 984.76 Other reports.

Upon request of the Board, made with the approval of the Secretary, each handler shall furnish to the Board in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for herein) such other information as will enable the Board to perform its duties and exercise its powers hereunder.

§ 984.77 Verification of reports.

For the purpose of checking and verifying reports filed by handlers or the operations of handlers under the provisions of this part, the Board, through its duly authorized agents shall have access to any handler's premises wherein walnuts may be held by such handler and, at any time during reasonable business hours, shall be permitted to inspect any walnuts so held by such handler and any and all records of the handler with respect to the holding or disposition of all walnuts which may have been disposed of by such handler, including records with respect to acquirements, packing, shelling, and shipment of both inshell and shelled walnuts, as applicable. Each handler shall furnish all labor necessary to facilitate such inspections as the Board may make of such handler's holdings of any walnuts. Each handler shall store all restricted and surplus walnuts held by him in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to inspection certificates of respective lots and of all such walnuts held or disposed of theretofore.

§ 984.78 Certification of reports.

All reports submitted to the Board as required in this part shall be certified to the Secretary and the Board as to the completeness and correctness of the information contained therein.

§ 984.79 Confidential information.

All reports and records submitted by handlers to the Board, which include data or information constituting a trade secret or disclosing the trade position, or financial condition or business operations of the handler shall be kept in custody of one or more employees of the Board and shall be disclosed to no person except the Secretary.

§ 984.80 Books and other records.

Each handler shall maintain such records of walnuts received, held and disposed of by him as may be prescribed by the Board for the purpose of performing its functions under this subpart. Such books and records shall be retained and be available for examination by authorized representatives of the Board and the Secretary for a period of two years after the end of the marketing year in which the recorded transactions are completed.

MISCELLANEOUS PROVISIONS

§ 984.83 Rights of the Secretary.

The members and alternates of the Board and any agent or employee appointed or employed by the Board, shall be subject to removal or suspension by the Secretary, at his discretion, at any time. Each and every decision, determination, or other act of the Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

§ 984.84 Personal liability.

No member or alternate of the Board nor any employee or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate, employee or agent, except for acts of dishonesty.

§ 984.85 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 984.86 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 984.87 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination hereof except with respect to acts done under and during the existence hereof.

§ 984.88 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any subdivision of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 984.89 Effective time and termination.

(a) *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this subpart at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers of walnuts who during the preceding marketing year have been engaged in the production for market of walnuts in the States of California, Oregon, and Washington: *Provided,* That such majority have during such period produced for market more than 50 percent of the volume of such walnuts produced for market within said States, but such termination shall be effected only if announced on or before July 1 of the then current marketing year.

(4) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions of this subpart, the members of the Board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Board, of all funds and property then in the possession or under the control of the Board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and the joint trustees to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Board or the joint trustees pursuant hereto.

(3) Any person to whom funds, property or claims have been transferred or delivered by the Board or its members, pursuant to this section, shall be subject to the same obligation imposed upon the members of the said Board and upon said joint trustees.

§ 984.90 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

Dated, September 10, 1962, to become effective upon publication in the FEDERAL REGISTER.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

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Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1365; Amdt. 483]

PART 507—AIRWORTHINESS DIRECTIVES

Vertol Model 107–II Helicopters

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on August 24, 1962, and made effective immediately because of the safety emergency involved as to all known United States operators of Vertol Model 107–II helicopters. The directive requires inspection of all blade sockets and rotor pitch housing and replacement of any cracked parts, as well as retirement from service parts which have accumulated 350 or more hours' time in service.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Vertol Model 107–II helicopters by individual telegrams dated August 24, 1962. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

VERTOL. Applies to all Model 107–II helicopters.

Compliance required as indicated.

As a result of a fatigue failure in service of the rotor pitch housing accomplish the following:

(a) Unless already accomplished within the last 30 hours' time in service, prior to further flight inspect all blade socket P/N's 42R1043–7 and –8 in the eight lug areas and rotor pitch housing P/N's 107R2553–1, –2, –3, –4, –5, and –6, in the four lug areas which have accumulated 260 or more hours' time in service using magnetic particle inspection method or FAA approved equivalent. To accomplish the inspection, remove rotor blades and rotor hub pitch bearing assemblies. This inspection shall be repeated at intervals not to exceed 30 hours' time in service since the last inspection.

(b) Parts which have accumulated less that 260 hours' time in service shall be inspected in accordance with (a) upon the accumulation of 260 hours' time in service.

(c) A daily visual inspection for cracks in the lug areas shall be conducted. This may be accomplished without disassembly from the helicopter.

(d) If any cracks are found, the parts must be replaced prior to further flight.

(e) Parts which have accumulated 350 or more hours' time in service must be retired from service.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated August 24, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 5, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-9126; Filed, Sept. 12, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WE-95]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2420 of the regulations of the Administrator is to alter the time of designation of the Santa Monica, Calif., control zone.

The Santa Monica control zone is presently designated as a full-time control zone. However, the Santa Monica Airport Traffic Control Tower, which provides the weather reporting and communications service within the control zone, operates only during the hours from 0700 to 2300 hours, local time, daily. Therefore, action is taken herein to reduce the time of designation of the control zone to coincide with the hours of operation of the control tower.

Since the change effected by this amendment is less restrictive in nature than present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2420 (14 CFR 601.2420) is amended to read:

§ 601.2420 Santa Monica, Calif., control zone.

Within a 3-mile radius of the Santa Monica Municipal Airport (lat. 34°00'57" N., long. 118°27'00" W.), excluding the portion subtended by a chord drawn between the points of INT of the Santa Monica 3-mile radius zone with the Los Angeles, Calif., control zone (§ 601.2179) 5-mile radius zone. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 6, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9124; Filed, Sept. 12, 1962; 8:45 a.m.]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Dubois, Idaho, control zone.

The Flight Service Station at Dubois has been decommissioned and the weather observation service formerly provided by the Flight Service Station is no longer available. Therefore, the Federal Aviation Agency has determined that the Dubois control zone is no longer justified as an assignment of controlled airspace and action is taken herein to revoke the Dubois control zone.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.1983 (14 CFR 601.1983) is amended by deleting the following:

Dubois, Idaho: Dubois intermediate field.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 6, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9125; Filed, Sept. 12, 1962; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VII—Under Secretary of Commerce for Transportation

T-1 (AMENDED)—SHIPPING RESTRICTIONS; SUBGROUP A, HONG KONG, MACAO, CUBA AND REPUBLIC OF THE CONGO

Transportation Order T-1 (15 F.R. 8777, Dec. 8, 1950), as amended (26 F.R. 2711, March 31, 1961; 26 F.R. 5927, July 1, 1961), is hereby amended to read as follows.

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950, as amended. Consultation with industry in advance of the issuance of this order has been rendered impracticable by the need for immediate issuance.

Sec.
1. Prohibited transportation and discharge.
2. Applications for adjustment or exceptions.
3. Reports.
4. Records.
5. Defense against claims for damages.
6. Violations.

AUTHORITY: Secs. 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App. 2154, as amended; Interpret or apply secs. 101, 705, 64 Stat. 799, as amended; 50 U.S.C. App. 2071; E.O. 10480, 18 F.R. 4939, 3 CFR, 1953 Supp.

Section 1. Prohibited transportation and discharge.

(a) No person shall transport in any ship documented under the laws of the United States or in any aircraft registered under the laws of the United States any commodity at the time on the Positive List (as amended from time to time) of the Comprehensive Export Schedule of the Bureau of International Programs, Department of Commerce (15 CFR Parts 368-399), any article designated as arms, ammunition, and implements of war in the United States Munitions List (22 CFR Parts 121-128), or any commodity, including fissionable materials controlled for export under the Atomic Energy Act of 1954 (10 CFR Parts 40 and 50), to any destination at the time in Subgroup A of the Comprehensive Export Schedule (15 CFR 371.3(a)), to Hong Kong, Macao, or Cuba, and no person shall discharge from any such ship or any such aircraft any such commodity or article at any such port or place or at any other port or place in transit to any such destination, unless a validated export license under the Export Control Act of 1949, as amended, under section 414 of the Mutual Security Act of 1954, as amended, or under the Atomic Energy Act of 1954, as amended, has been obtained for the shipment, or unless authorization for the shipment has been obtained from the Under Secretary for Transportation. This prohibition applies to the owner of the ship or aircraft, the master of the ship or aircraft, or any other officer, employee or agent of the owner of the ship or aircraft who participates in the transportation. The consular officers of the United States are furnished with current information as to commodities on the Positive List and will advise whether commodities are currently on that List.

(b) No person shall transport in any ship documented under the laws of the United States or in any aircraft registered under the laws of the United States any arms, ammunition or implements of war; aircraft and aircraft engines and parts; automotive vehicles of military design; motor trucks and chassis and special purpose vehicles, commercial, of 10,000 pounds or under gross vehicle weight, and having front and rear axle drive, new or used; and bayonets if he knows or has reason to believe that said commodity or article is destined directly or indirectly for the Republic of the Congo, and no person shall discharge from any such ship or any such aircraft any such commodity or article at any port or place or at any other port or place in transit to any such destination, or within the Republic of the Congo, unless a validated export license under the Export Control Act of 1949, as amended, or under section 414 of the Mutual Security Act of 1954, as amended, has been obtained for the shipment, or unless authorization for the shipment has been obtained from the Under Secretary for Transportation. This prohibition applies to the owner of the ship or aircraft, and any other officer, employee or agent of the owner of the ship or aircraft who participates in the transportation.

Sec. 2. Applications for adjustment or exceptions.

Any person affected by any provisions of this order may file an application for an adjustment or exception upon the ground that such provision works an exceptional hardship upon him, not suffered by others, or that its enforcement against him would not be in the interest of the national defense program. Such an application may be made by letter or telegram addressed to the Under Secretary for Transportation, Washington 25, D.C., reference T-1. If authorization is requested, any such application should specify in detail the material to be shipped, the name and address of the shipper and of the recipient of the shipment, the ports or places from which and to which the shipment is being made and the use to which the material shipped will be put. The application should also specify in detail the facts which support the applicant's claim for an exception.

Sec. 3. Reports.

Persons subject to this order shall submit such reports to the Under Secretary for Transportation as he shall require, subject to the terms of the Federal Reports Act.

Sec. 4. Records.

Each person participating in any transaction covered by this order shall retain in his possession, for at least two years, records of shipments in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

Sec. 5. Defense against claims for damages.

No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this order or any provision thereof, notwithstanding that this order or such provision shall thereafter be declared by judicial or other competent authority to be invalid.

Sec. 6. Violations.

Any person who wilfully violates any provisions of this order or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person, denying him the privileges generally accorded under this order.

This order shall be effective on the date of its publication in the FEDERAL REGISTER.

LUTHER H. HODGES,
Secretary of Commerce.

SEPTEMBER 6, 1962.

[F.R. Doc. 62-9147; Filed, Sept. 12, 1962; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATIONS

PART 195—HOURS OF SERVICE OF DRIVERS

Coupling Devices and Towing Methods, Driveaway-Towaway Operations

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held at its office in Washington, D.C., on the 30th day of August A.D. 1962.

The matters of parts and accessories necessary for safe operation and hours of service of drivers under the Motor Carrier Safety Regulations prescribed by order April 14, 1952, as amended, being under consideration; and

It appearing that amendment of paragraphs (a) and (c) of § 193.17 of the Code of Federal Regulations (49 CFR 193.71 (a) and (c)) relating to coupling devices and towing methods, driveaway-towaway operations, is warranted, and good cause appearing therefor;

It further appearing that a petition has been filed on behalf of National Automobile Transporters Association, Howard Sober, Inc., Fleet Carrier Corp., Fugate and Girton Driveaway, Inc., Kenosha Auto Transport Corp., Commercial Carriers, Inc., Insured Transporters, Inc., and Truckaway Corp., dated August 10, 1961, requesting that § 193.71 of the Code of Federal Regulations be amended;

It further appearing, that this amendment which will permit, under certain conditions, a motor vehicle to be full mounted on motor vehicles being towed by means of a double saddle mount, is a relaxation of presently prescribed requirements and therefore, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) for good cause it is found that notice of proposed rule making is unnecessary;

It further appearing that by petition dated September 16, 1961, Howard Sober, Inc., has requested the Commission to modify, revise, or suspend from its Motor Carrier Safety Regulations, §§ 193.30, 193.78, 193.65(k), 195.2(a) and 195.8(2) of Title 49, Code of Federal Regulations, or otherwise amend said sections;

Upon consideration of the record, and of the said petitions, and good cause appearing therefor:

It is ordered, That the petition dated September 16, 1961, filed by Howard Sober, Inc., concerning §§ 193.30, 193.78, 193.65(k), 195.2(a), and 195.8(2) of Title 49, Code of Federal Regulations be, and it is hereby denied, for the reason that the petition states no adequate justification for the relief sought, and that the requirements for safe operation of commercial vehicles justify retention of the existing requirements until further justification and facts warrant further consideration.

It is ordered, That paragraphs (a) and (c) of § 193.71 of the Code of Federal Regulations (49 CFR 193.71 (a) and (c)) be, and they are hereby, amended to read as follows:

§ 193.71 Coupling devices and towing methods, driveaway-towaway operations.

(a) *Number in combination.* No more than 2 saddle-mounts may be used in any combination. No more than one motor vehicle shall be towed by tow-bar.

* * * * * *

(c) *Carrying vehicles on towed vehicles.* No full-mounted motor vehicle shall be towed by a tow-bar. No motor vehicle shall be full-mounted on a motor vehicle towed by means of a saddle-mount unless the center line of the king pin or equivalent means of attachment of such towed vehicle shall be so located on the towing vehicle that the relationship to the rear axle or axles results in proper distribution of the total gross weight of the vehicles and does not unduly interfere with the steering, braking, or maneuvering of the towing motor vehicle, or otherwise contribute to the unsafe operation of the vehicles comprising the combination; and unless a perpendicular to the ground from the center of gravity of the full-mounted vehicles lies forward of the center line of the rear axle of the saddle-mounted vehicle. If a motor vehicle towed by means of a saddle-mount has any vehicle full-mounted on it, such saddle-mounted vehicle shall at all times while so loaded have effective brakes acting on those wheels which are in contact with the roadway.

(Sec. 204, 49 Stat. 546, as amended, 49 U.S.C. 304)

It is further ordered, That this order shall become effective on the date of service of this order and shall continue in effect until further order of the Commission.

It is further ordered, That except to the extent that § 193.71 (a) and (c) of the Code of Federal Regulations is modified by this order, the above mentioned petitions are hereby denied.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-9153; Filed, Sept. 12, 1962; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Big Lake National Wildlife Refuge, Arkansas, and St. Marks National Wildlife Refuge, Florida

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of raccoon on the Big Lake National Wildlife Refuge, Arkansas is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,300 acres or 25 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Raccoon.

(b) Open season: November 20, 1962 through November 29, 1962.

(c) Daily bag limits: No limit.

(d) Methods of hunting:

(1) Dogs may be used while hunting raccoons, but must be licensed in accordance with State regulations.

(2) Only .22 caliber rimfire weapons will be permitted.

(3) Hunting shall take place only between the hours of 5:00 p.m. and 5:00 a.m.

(4) Cutting or setting fires to trees prohibited.

(5) Warming fires permitted, but must be extinguished before leaving.

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits are free and may be obtained at the Big Lake Refuge Headquarters, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m.

(3) The provisions of this special regulation are effective to November 30, 1962.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of squirrel on the Big Lake National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres or 33 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Squirrel.

(b) Open season: October 3, 1962 through October 8, 1962. One-half hour before sunrise to sunset.

(c) Daily bag limits: 8.

(d) Methods of hunting:

(1) Shotgun only.

(2) Dogs—prohibited.

(3) Cutting or setting fires to trees prohibited.

(4) Warming or other fires prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits are free and may be obtained from the Big Lake Refuge Headquarters, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.

(3) The provisions of this special regulation are effective to November 30, 1962.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of squirrel on the Big Lake National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres or 33 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Squirrel.

(b) Open season: October 3, 1962 through October 8, 1962. One-half hour before sunrise to sunset.

(c) Daily bag limits: 8.

(d) Methods of hunting:

(1) Shotgun only.

(2) Dogs—prohibited.

(3) Cutting or setting fires to trees prohibited.

(4) Warming or other fires prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits are free and may be obtained from the Big Lake Refuge Headquarters, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.

(3) The provisions of this special regulation are effective to October 9, 1962.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the St. Marks National Wildlife Refuge, Florida is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,800 acres or 3 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Turkey, quail, squirrel, and rabbit.

(b) Open season: November 17, 1962 through January 6, 1963.

(c) Daily bag limits: Turkey—2, either sex, 3 per season; quail—10; squirrel—10 gray and 2 fox; rabbits—no limit.

(d) Methods of hunting:

(1) Weapons: Rifle and shotgun.

(2) Dogs permitted for the hunting of squirrel, rabbit, and quail.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) No camping permitted within the hunting area.

(3) The St. Marks area is managed in conjunction with the State's Aucilla Game Management Area. Hunters will be charged a hunting fee for the season by the State for hunting on the Management Area which will include the privilege of entering the refuge hunting area.

(4) A Federal permit is not required to enter the public hunting area; however, the State permit as sold to hunters by the Florida Game and Fresh Water Commission will be required as a permit to enter the St. Marks Refuge hunting area.

(5) The provisions of this special regulation are effective to January 7, 1963.

JAMES R. FIELDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-9132; Filed, Sept. 12, 1962; 8:45 a.m.]

PART 32—HUNTING

White River National Wildlife Refuge, Arkansas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the White River National Wildlife Refuge, Arkansas is permitted only on the area designated by signs as open to hunting. This open area, comprising 115,000 acres or 99 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Squirrel, rabbit, and bobcat.

(b) Open season: October 1 through October 9, 1962.

(c) Daily bag limits: Squirrels—8; rabbit—8, and bobcat—no limit. The hunting of upland game species, as may be otherwise authorized by Arkansas State regulations is prohibited.

(d) Methods of hunting:

(1) Any type of gun may be used.

(2) Dogs prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, White River National Wildlife Refuge, Box 7L, St. Charles, Arkansas.

(3) The provisions of this special regulation are effective to October 10, 1962.

JAMES R. FIELDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-9133; Filed, Sept. 12, 1962; 8:45 a.m.]

PART 32—HUNTING

Deer Flat National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

IDAHO

DEER FLAT NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds on the Deer Flat National Wildlife Refuge, Idaho, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,100 acres or 10 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 N.E. Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasants, Hungarian and chukar partridge, and quail.

(b) Open season: Ring-necked pheasant—October 27 (noon) through November 25, 1962; chukar and Hungarian partridge, and quail October 27 (noon) through December 9, 1962.

(c) Bag limits: Pheasant: 4 cocks, except November 17 through 25 only, when the bag limit shall be four (4) pheasants, one (1) of which may be a hen. Hungarian Partridge—7 birds. Chukars—7 birds. Quail—10 birds in the aggregate of all quail.

(d) Methods of hunting:

1. Weapons—Shotguns only may be used.

2. Dogs—Dogs, not to exceed two (2) per hunter, may be used for hunting upland game birds.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but hunters will be required to report at such checking stations as may be established when entering or leaving the area.

3. The provisions of this special regulation are effective to December 10, 1962.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 5, 1962.

[F.R. Doc. 62-9135; Filed, Sept. 12, 1962; 8:46 a.m.]

PART 32—HUNTING

Snake River National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

IDAHO

SNAKE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds on the Snake River National Wildlife Refuge, Idaho, is permitted only on the area designated by signs as open to hunting. This open area, comprising 376 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 N.E. Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant, bob white, Valley quail, and Hungarian and chukar partridge.

(b) Open season: Ring-necked pheasant—October 27 (noon) through November 25, 1962; chukar and Hungarian partridge, and quail October 27 (noon) through December 9, 1962.

(c) Bag limits: Pheasant: 4 cocks, except November 17 through 25 only, when the bag limit shall be four (4) pheasants, one (1) of which may be a hen. Hungarian Partridge—7 birds. Chukars—7 birds. Quail—10 birds in the aggregate of all quail.

(d) Methods of hunting:

1. Weapons—Shotguns only may be used.

2. Dogs—Dogs, not to exceed two (2) per hunter, may be used for hunting upland game birds.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but hunters will be required to report at such checking stations as may be established when entering or leaving the area.

3. The provisions of this special regulation are effective to December 10, 1962.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 5, 1962.

[F.R. Doc. 62-9136; Filed, Sept. 12, 1962; 8:46 a.m.]

PART 32—HUNTING

St. Marks National Wildlife Refuge, Florida, and White River National Wildlife Refuge, Arkansas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the St. Marks National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1800 acres or 3 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer (bucks only) and black bear (adults only).

(b) Open season: November 17, 1962 through January 6, 1963.

(c) Daily bag limits: Deer—1, Season's limit—2. Bear—1, Season's limit—1.

(d) Methods of hunting:

(1) Weapons: Rifle (not including 22 rimfire) and shotgun.

(2) Dogs permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) No camping permitted in the refuge hunting area.

(3) The St. Marks area is managed in conjunction with the State's Aucilla Game Management Area. Hunters will be charged a hunting fee for the season by the State for hunting on the State's management area and this will include the privilege of entering the refuge hunting area.

(4) A Federal permit is not required to enter the public hunting area; however, the State permit as sold to hunters by the Florida Game and Fresh Water Fish Commission will be required as a permit to enter the St. Marks Refuge hunting area.

(5) The provisions of this special regulation are effective to January 6, 1963.

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of big game on the White River National Wildlife Refuge, Arkansas is permitted only on the area designated by signs as open to hunting. This open area, comprising 113,000 acres or 97 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White tailed deer of either sex, and bobcat.

(b) Open season: October 17 through October 30, 1962, with bows and arrows. November 12, 1962 through November 17, 1962, with firearms.

(c) Daily bag limits: Deer 1, either sex.

(d) Methods of hunting:

(1) Weapons: Bows with pull of not less than 40 lbs., and arrows with 7/8 inch minimum width blade. Guns—all rifles must be greater than .22 caliber and shotguns larger than 410 gauge. Shotguns must use buckshot larger than No. 4 or ball shot or rifle slugs.

(2) Cross bows or other mechanical bows and firearms during the archery season are prohibited.

(3) Rifles of .22 caliber and under including 218 Bee, 219 Zipper, 22 Hornet, 22 Savage, 220 Swift and 222 Remington and all rifles using rim fire cartridges are prohibited.

(4) Dogs are not allowed.

(5) Shooting from the White River Levee and the Jacks Bay road is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Hunting will cease 30 minutes before sunset, gun hunt only.

(3) Camping permitted only in designated campsites.

(4) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, White River National Wildlife Refuge, Box 7L, St. Charles, Arkansas. Check station tags will be used on the gun hunt.

(5) The provisions of this special regulation are effective to November 18, 1962.

JAMES R. FIELDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-9134; Filed, Sept. 12, 1962; 8:45 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Parts 161 [New], 574]

[Reg. Docket No. 1380; Draft Release No. 62-41]

FEDERAL AIRPORTS IN ALASKA [NEW]

Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to amend Chapter I of Title 14 of the Code of Federal Regulations by adding a Part 161 [New].

Interested persons are invited to submit such written data, views, or comments as they may desire. Communications should be submitted to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received before November 9, 1962, will be considered before taking action on the proposal. The proposal may be changed in the light of comments received. All written comments submitted will be available for examination by interested persons, both during and after the comment period, in the Docket Section. Copies of all comments received may be examined at the Regional Office of the Federal Aviation Agency, Hill Building, Area 8K, 632 Sixth Avenue, Anchorage, Alaska.

Under section 10 of the International Aviation Facilities Act (49 U.S.C. 1158) the Administrator of the FAA is authorized to make just and reasonable charges for aeronautical services at certain airports, including United States owned airports in Alaska. At the present time, however, no charge is made for the use of the airports in Alaska operated by the FAA, other than landing and parking fees at the Federal Civil Airport at Cold Bay, an alternate international terminal. Due to the increased activity at many of the airports operated in Alaska by the FAA and the increase in the cost of operating and maintaining the facilities, it is considered necessary to adopt a new part establishing general rules and landing and parking charges for all airports in Alaska which are owned by the United States and are operated and maintained by the FAA.

The Bureau of the Budget, acting in behalf of the President, issued Circular No. A-25 on September 23, 1959. That circular sets forth general policies for developing an equitable and uniform system of charges for certain Government services and property. It provides that a reasonable charge be made for any Federal activity which conveys special benefits to the recipient above and beyond those which accrue to the public at large, and that this charge should cover the total cost of the service, unless payment of the full costs would not be in the interest of the program. The charges provided for in this part are in accord with Circular No. A-25.

In arriving at these charges the Agency took into consideration the cost to the United States of maintaining airports throughout Alaska, the reasonableness of the charge in relation to the benefit derived, and whether the imposition of a landing and parking fee was in the interest of developing and maintaining a sound civil aviation program. After considering these factors, it has been determined that, although it would not be feasible to pass the total costs of maintaining these facilities on to the users, the charges proposed should represent a satisfactory balance between the costs of maintaining the facilities and the aircraft operators' ability to pay.

With certain exceptions, a landing charge of 30 cents per 1,000 pounds will be charged at Cold Bay Airport and 25 cents at all other airports for each aircraft of more than 6,000 pounds maximum certificated takeoff weight, and a parking charge will be made for all aircraft utilizing airport property, the amount depending upon the weight of the airplane. These charges are considered to be within the ability of civil aviation to pay, although they will only partially compensate for the cost to the United States of maintaining and operating the airports involved. Based on the ability of civil aviation to pay full charges, the level of charges may be revised at a later date to recover a larger portion of the total costs of maintaining and operating these airports.

In addition to providing for user charges, this amendment provides certain general motor vehicle, safety, and enforcement provisions applicable to the airports and for which there is no adequate provision in other applicable State or Federal laws or regulations. At the present time, the airports are operating under administratively prescribed rules without uniformity. The rules set forth in the new part will simplify administration of the airports and avoid future confusion and inconsistencies.

In order to avoid its issuance, and then immediate reissuance in a recodified form, this amendment is issued as a part of the program of the Federal Aviation Agency to recodify its regulatory material. In the FEDERAL REGISTER for August 9, 1962 (27 F.R. 7908), this Agency published a notice of proposed rule making for a proposed Subchapter I—Airports [New], in Chapter I of Title 14. There was included in the subchapter a proposed Part 161 [New] that prescribed landing and parking charges at the Cold Bay, Alaska, Airport. However, in view of the necessity for prescribing a regulation setting forth basic rules and regulations, and covering charges, for all United States airports in Alaska, this proposal replaces the proposed Part 161 [New] that was published as a part of the proposed Subchapter I and repeals current Part 574 of the regulations of the Administrator. The remainder of the new Subchapter I—Airports [New] is not affected by this notice.

The definitions in Part 1—Definitions and Abbreviations [New] apply to the new Part 161.

This amendment is proposed under the authority of section 10 of the International Aviation Facilities Act (49 U.S.C. 1158) and section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)).

Issued in Washington, D.C., on September 10, 1962.

HAROLD W. GRANT,
Acting Administrator.

PART 161—FEDERAL AIRPORTS IN ALASKA [NEW]

Subpart A—General

Sec.
161.1 Applicability.
161.3 Loading, unloading, and parking of aircraft.
161.5 Disabled aircraft.
161.7 Taxiing rules.
161.9 Sanitation.
161.11 Weapons and explosive materials.

Subpart B—Fire Hazards and Fueling Operations

161.21 Open-flame operations.
161.23 Storage.
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161.27 Fueling operations.

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161.31 General.
161.33 Motorized equipment.
161.35 Parking.
161.37 Buses.
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161.41 Landing charges.
161.43 Parking charges.
161.45 Charges for aircraft based at an airport.
161.47 Payment of charges.

Subpart E—Enforcement

161.51 Penalties.

Subpart A—General

§ 161.1 Applicability.

(a) This part prescribes the rules governing the use of airports in Alaska that are owned by the United States and operated by the Federal Aviation Agency (in this part referred to as the "Airport").

(b) The Airport or Station Manager (in this part referred to as the "Manager") of any airport covered by this part may, subject to the approval of the Assistant Administrator, Alaskan Region, FAA, issue such orders and instructions as are necessary for administering this part.

§ 161.3 Loading, unloading, and parking of aircraft.

No person may load, unload, or park an aircraft in any area on an airport other than that prescribed by the Man-

ager or that prescribed in a contract between the United States and the person concerned. The Manager may, without liability for any damages resulting to the aircraft from the removal, move any aircraft that is parked in violation of this section.

§ 161.5 Disabled aircraft.

The owner of an aircraft or part thereof that is disabled on an airport shall have it promptly moved from any area in which it would impede the operation of other aircraft, unless he is required to delay it pending investigation of an accident. If the owner does not remove it within a reasonable time, the Manager may remove it at the owners expense and without liability for additional damages resulting from the removal.

§ 161.7 Taxiing rules.

(a) Each person who taxis an aircraft on an airport must do so in accordance with taxiing patterns prescribed, for the particular runway in use.

(b) No person may run an engine of an aircraft parked on an airport in a manner that damages any other aircraft or property, or that blows paper, dust, or other material across a taxiway or runway.

(c) No person may move an aircraft on an airport in a careless or reckless manner.

(d) No person may start or run an engine in an aircraft on an airport unless there is a competent person in the aircraft at its controls, and unless blocks have been placed in front of the wheels, or the aircraft has adequate parking brakes.

§ 161.9 Sanitation.

No person may dispose of sewage, garbage, refuse, paper, or other material on an airport except in a receptacle provided for that purpose.

§ 161.11 Weapons and explosive materials.

No person except an employee of a municipal or State government, an air carrier, or of the United States, who is authorized to carry firearms, may carry or possess any loaded weapon or concealed firearm, or any explosive or inflammable material, on any airport unless he has the permission of the Manager.

Subpart B—Fire Hazards and Fueling Operations

§ 161.21 Open-flame operations.

No person may conduct an open-flame operation on an airport without the specific permission of the Manager.

§ 161.23 Storage.

(a) No person may store or stock material or equipment on an airport in a manner that constitutes a fire hazard.

(b) No person may keep or store any flammable liquid or other similar material on the airport except in a room or area approved for that storage by the Manager.

§ 161.25 Smoking.

No person may smoke on the apron of an airport, in any hangar or shop on an airport, or in any other place on an airport where smoking is specifically prohibited by the Manager.

§ 161.27 Fueling operations.

(a) No person may fuel or defuel an aircraft on an airport while—

(1) Its engine is running or is being warmed by applying external heat;

(2) It is in a hangar or enclosed space; or

(3) It is within 50 feet of any hangar or other building on the airport.

(b) No person may smoke, light a match, or use a flame or spark producing object within 100 feet of an aircraft that is being fueled or defueled on an airport.

(c) No person may operate a radio transmitter or receiver, or switch electrical appliances on or off, in an aircraft on an airport, while it is being fueled or defueled.

(d) During the fueling of an aircraft, on an airport, the dispensing apparatus and the aircraft must both be grounded to a point of zero electrical potential.

(e) Each person engaged in fueling or defueling, on an airport, shall exercise care to prevent the overflow of fuel, and must have readily accessible and adequate fire extinguishers.

(f) During the fueling or defueling of an aircraft, on an airport, no person may use any material that is likely to cause a spark or be a source of ignition, or start the engine if there is any gasoline on the ground underneath it.

(h) Each hose, funnel, or appurtenance used in fueling or defueling an aircraft on an airport must be maintained in a safe, sound, and non-leaking condition and must be properly grounded to prevent ignition of volatile liquids.

Subpart C—Motor Vehicle Rules

§ 161.31 General.

(a) Pursuant to section 13 of Title 18, United States Code, except as otherwise provided in this part, the laws of the State of Alaska relating to the operation of motor vehicles on the public highways thereof, apply to the operation of motor vehicles on an airport.

(b) Except under special directions by an authorized employee of the airport, each person who operates a motor vehicle on an airport shall operate it under the general rules prescribed by the Manager, this part, and applicable laws.

§ 161.33 Motorized equipment.

No person may operate a motor vehicle on the landing areas, aprons, or ramps of an airport except in accordance with the rules prescribed by the Manager or applicable laws regulating the operation of such a vehicle.

§ 161.35 Parking.

(a) No person may park a motor vehicle on an airport except in an area specifically designated for parking and in a manner prescribed by the Manager.

(b) No person may abandon a motor vehicle on an airport, or park a motor vehicle on it for a period longer than 72 hours without the specific approval of the Manager.

§ 161.37 Buses.

No person operating a motor bus for hire may load or unload passengers at an airport at a place other than that designated by the Manager.

§ 161.39 Moving of vehicles.

The Manager may tow away or otherwise move any motor vehicle on an airport if it is parked in violation of the regulations of the airport and the Manager determines that it is a nuisance or hazard. The Manager may charge the owner or operator of the vehicle a reasonable amount for the moving service.

Subpart D—Charges

§ 161.41 Landing charges.

(a) Except as provided in paragraphs (b) and (c) of this section, the charge for each landing of an aircraft at an airport is 25 cents for each 1,000 pounds of its maximum certificated takeoff weight (rounded to the nearest 1,000). The minimum charge is $1.00.

(b) At the Cold Bay, Alaska, Airport the charge for each landing is 30 cents for each 1,000 pounds of maximum certificated takeoff weight.

(c) There is no landing charge for—

(1) Public aircraft;

(2) An aircraft engaged in a test flight, not including a survey or proving run;

(3) An aircraft compelled to return after takeoff; or

(4) An aircraft, operated for personal use without remuneration, whose maximum certificated takeoff weight is 6,000 pounds or less.

§ 161.43 Parking charges.

(a) The charge for parking an aircraft of 6,000 pounds maximum certificated takeoff weight, or less, at an airport is as follows:

Period of time:	*Charge*
Each day, or fraction thereof	$1.00
Each week	3.00
Each month	6.00

(b) The charge for parking an aircraft of more than 6,000 pounds maximum certificated takeoff weight, at an airport to which this part applies, is as follows:

Period of time:	*Charge for each 1,000 pounds (rounded to the nearest 1,000)*
Each day, or fraction thereof	[1] $0.10
Each week	0.50
Each month	1.50

[1] Minimum charge $1.00.

(c) Charges for the parking of aircraft under this section begin six hours after the aircraft lands at the Airport.

§ 161.45 Charges for aircraft based at an airport.

The Assistant Administrator of the FAA Alaskan Region may fix such fair and reasonable landing and parking charges for aircraft based at an airport as he considers necessary, without regard to §§ 161.41 and 161.43.

§ 161.47 Payment of charges.

(a) Each person who uses facilities at an airport and each person to whom storage, repairs, supplies, or other services, are furnished by the FAA at an airport, shall, before leaving the airport, pay the applicable charges to the Manager concerned. The user shall pay the charges in cash, unless he has arranged with the Assistant Administrator of the FAA Alaskan Region, or the Manager concerned, to pay the charges in some other manner.

(b) The pilot of each aircraft whose owner or lessee does not have a contract with the FAA for the aircraft to use an airport shall, immediately upon arriving at that airport, register at the airport office.

Subpart E—Enforcement

§ 161.51 Penalties.

(a) Each person who willfully and knowingly violates a rule prescribed in this part, or an order or instruction issued under this part, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $500, or imprisoned for not more than six months, or both.

(b) In addition to the penalties prescribed in paragraph (a) of this section, the Manager concerned may have any person removed or ejected from the airport, if that person willfully and knowingly violates a rule prescribed in this part, an order or instruction issued under this part, or any applicable State or Federal law.

[F.R. Doc. 62-9160; Filed, Sept. 12, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1040]

MILK IN SOUTHERN MICHIGAN MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq), the suspension of certain provisions of the order regulating the handling of milk in the Southern Michigan marketing area is being considered.

The provisions proposed to be suspended for the months of October 1962 through March 1963 are:

(1) Section 1040.16(a)(3)(i), and

(2) All of § 1040.16(a)(3)(ii) except "45 percent".

Suspension of the above pooling provisions for the months of October 1962 through March 1963 is requested pending the results of a hearing held in October 1961, at which consideration was given to the pooling provisions of the order.

The proposed suspension is requested because of a changed seasonality of production, and current production increases relative to Class I sales. These changed marketing conditions, it is stated, are making it increasingly difficult for some distributing pool plants to meet the pooling provisions provided in the order and such difficulty is likely to be aggravated during the forthcoming months of October 1962 through March 1963.

All perons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than three days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Signed at Washington, D.C., on September 7, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9167; Filed, Sept. 12, 1962; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 193]

[Ex Parte No. MC-40]

PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Parking Brakes and Brake Performance; Notice of Proposed Rule Making

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held at its office in Washington, D.C., on the 30th day of August, A.D. 1962.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended, being under consideration; and

It appearing, That continuing study and investigation has established facts which warrant some amendment of §§ 193.41 and 193.52 of the Code of Federal Regulations (49 CFR 193.41, 193.52) relating to parking brakes and brake performance; and good cause appearing therefore;

It is ordered, That pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), notice is hereby given of the Commission's proposal to amend § 193.41 *Parking brakes*, and § 193.52 *Brake performance* of the Motor Carrier Safety Regulations, adopted April 14, 1952, as amended (49 CFR Part 193), by substituting the following rules in lieu of the rules now in effect.

§ 193.41 Parking brakes.

(a) Every singly driven motor vehicle and every combination of motor vehicles shall at all times be equipped with a parking brake or brakes adequate to hold the vehicle or combination on any grade on which it is operated, under any condition of loading, on a surface free from ice or snow.

(b) The parking brake or brakes shall at all times be capable of being applied in conformance with the requirements of paragraph (a) of this section by the driver's muscular effort, by spring action, or by other energy, provided that if such other energy is used, it shall be derived from a source which is isolated from any energy on which the service brake system depends. The operation of the parking brake may be assisted by the service brakes or other source of power provided that failure of the service brakes or other power assisting mechanism will not prevent the parking brake from being applied in conformance with the foregoing requirements.

(c) The parking brake or brakes, shall be so designed, constructed, and maintained that when once applied they shall remain in the applied condition with the required effectiveness despite exhaustion of any source of energy or leakage of any kind, and so that they cannot be released unless adequate energy is available to make immediate further application with the required effectiveness.

§ 193.52 Brake performance.

(a) Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

(1) Developing a braking force that is not less than the percentage of its gross weight tabulated in paragraph (b) of this section for its classification.

(2) Decelerating to a stop from not more than twenty miles per hour at not less than the feet per second tabulated in paragraph (b) of this section for its classification, and

(3) Stopping from a speed of twenty miles per hour in not more than the distance tabulated in paragraph (b) of this section for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for deceleration and stopping distance shall be made on a substantially level, dry, smooth, hard surface that is free from loose material.

(b) Classification of vehicles:

	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second	Brake system application and braking distance in feet from an initial speed of 20 m.p.h.
	Percent		
(1) Passenger vehicles with a seating capacity of 10 people or less including driver, not having a manufacturer's gross weight rating	52.8	17	25
(2) Single unit vehicles with a manufacturer's gross weight rating of 10,000 pounds or less	43.5	14	30
(3) Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 pounds	43.5	14	40
(4) Combinations of a two-axle towing vehicle and a trailer with a gross weight of 3,000 pounds or less	43.5	14	40
(5) Buses, regardless of the number of axles, not having a manufacturer's gross weight rating	43.5	14	40
(6) All combinations of vehicles in driveaway or tow-away operations	43.5	14	40
(7) All other vehicles and combinations of vehicles	43.5	14	50

Prior to final adoption of such regulations, consideration will be given to any written statements containing data, views, or arguments concerning the subject matter hereof which are submitted on or before October 15, 1962. No oral hearing is contemplated and any request for oral hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in written form. One original signed copy and 4 additional copies of such written statements containing data, views, or arguments shall be submitted in accordance with the Commission's general rules of practice.

Notice of this proceeding shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy of this notice in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

By the Commission, Motor Carrier Board No. 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9152; Filed, Sept. 12, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1962 Rev. Supp. No. 10]

PENNSYLVANIA MANUFACTURERS' ASSOCIATION CASUALTY INSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

SEPTEMBER 10, 1962.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $1,375,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1963. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

PENNSYLVANIA

Pennsylvania Manufacturers' Association Casualty Insurance Co., Philadelphia, Pa.

[SEAL] GEORGE F. STICKNEY, *Deputy Fiscal Assistant Secretary.*

[F.R. Doc. 62-9158; Filed, Sept. 12, 1962; 8:49 a.m.]

[Dept. Circ. 570, 1962 Rev. Supp. No. 9]

UNITED FIRE & CASUALTY COMPANY

Surety Companies Acceptable on Federal Bonds

SEPTEMBER 7, 1962.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $131,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1963. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

IOWA

United Fire & Casualty Co., Cedar Rapids, Iowa.

[SEAL] GEORGE F. STICKNEY, *Deputy Fiscal Assistant Secretary.*

[F.R. Doc. 62-9159; Filed, Sept. 12, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 31, 1962.

The U.S. Department of Agriculture, Forest Service, has filed an application, Serial Number J-012193 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws, except for disposal of the Materials Act.

The applicant desires the land for an administrative site for the Sitka Ranger District.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 555 Cordova Street, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SITKA, ALASKA

U.S. Survey 3746,
Lot 1 and 2.

Containing 6.96 acres.

ROBERT J. COFFMAN, *Chief, Division of Lands and Minerals Management.*

[F.R. Doc. 62-9157; Filed, Sept. 12, 1962; 8:49 a.m.]

[Arizona 031307]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number Arizona 031307, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws, subject to existing valid rights. The applicant desires the lands for a right-of-way for the proposed Granite Reef and Salt-Gila Aqueduct, Central Arizona Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix 25, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER BASE MERIDIAN, ARIZONA

T. 5 N., R. 1 E.,
Sec. 27: All;
Sec. 28: E½.
T. 1 N., R. 7 E.,
Sec. 8: NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 17: NW¼;
Sec. 18: NE¼, E½NW¼.
T. 2 S., R. 8 E.,
Sec. 15: W½NE¼, NW¼.
T. 4 S., R. 8 E.,
Sec. 13: NW¼NE¼, S½NE¼, NE¼SE¼.
T. 4 S., R. 9 E.,
Sec. 9: E½;
Sec. 18: Lots 3 and 4, E½SW¼;
Sec. 24: All;
Sec. 25: N½NW¼;
Sec. 26: SW¼NE¼, S½NW¼;
Sec. 27: S½NE¼.
T. 4 S., R. 10 E.,
Sec. 17: NE¼NE¼, SW¼NE¼, S½NW¼;
Sec. 18: NE¼SE¼, S½SE¼;
Sec. 19: Lots 1 and 2, N½NE¼, E½NW¼.
T. 5 N., R. 1 W.,
Sec. 21: S½;
Sec. 22: N½, SW¼;
Sec. 24: Lots 1 and 2;
Sec. 28: All;
Sec. 29: NE¼, N½SE¼, SE¼SE¼.
T. 4 N., R. 3 W.,
Sec. 16: All.
T. 3 N., R. 4 W.,
Sec. 6: Lots 1 and 2, NE¼, E½NW¼.
T. 4 N., R. 4 W.,
Sec. 13: N½, SE¼;
Sec. 14: N½, SW¼;
Sec. 22: All;
Sec. 23: S½;
Sec. 24: All;
Sec. 25: N½;
Sec. 26: All;
Sec. 27: S½;
Sec. 28: All;
Sec. 31: Lots 1, 2, 3, 4, E½W½, E½ (All);
Sec. 32: All;
Sec. 33: N½.

T. 3 N., R. 5 W.,
Sec. 14: NE¼, E½SE¼;
Sec. 17: All;
Sec. 18: Lots 1, 2, 3, 4, E½W½, E½ (All);
Sec. 19: Lots 1, 2, 3, 4, E½W½, E½ (All);
Sec. 20: N½;
Sec. 21: N½;
Sec. 22: N½.
T. 3 N., R. 6 W.,
Sec. 13: All;
Sec. 14: All;
Sec. 15: All;
Sec. 16: All;
Sec. 17: All;
Sec. 18: Lots 1, 2, 3, 4, E½W½, E½ (All);
Sec. 19: Lots 1, 2, 3, 4, E½W½, E½ (All);
Sec. 20: N½, SE¼;
Sec. 21: N½;
Sec. 22: NE¼;
Sec. 23: All;
Sec. 24: All;
Sec. 30: Lots 1, 2, 3, 4, E½SW¼.
T. 2 N., R. 7 W.,
Sec. 6: Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼.
T. 3 N., R. 7 W.,
Sec. 22: All;
Sec. 23: All;
Sec. 24: All;
Sec. 25: E½;
Sec. 26: All;
Sec. 27: All;
Sec. 28: All;
Sec. 29: All;
Sec. 31: Lots 1, 2, 3, 4, E½W½, E½ (All);
Sec. 32: All;
Sec. 33: All;
Sec. 34: N½.
T. 2 N., R. 8 W.,
Sec. 1: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 3: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 4: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 5: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 6: Lots 1, 2, 3, 4, 5, S½NE¼, SE¼NW¼;
Sec. 8: N½;
Sec. 9: N½;
Sec. 10: All;
Sec. 11: N½;
Sec. 12: N½.
T. 3 N., R. 8 W. (partially surveyed),
Sec. 30: All;
Sec. 31: All;
Sec. 32: NE¼, W½, N½SE¼, SW¼SE¼.
T. 3 N., R. 9 W.,
Sec. 19: Lots 1, 2, 3, 4, E½W½, E½ (All);
Sec. 20: All;
Sec. 21: All;
Sec. 22: SW¼, S½SE¼;
Sec. 23: NE¼, N½NW¼, SE¼NW¼, S½;
Sec. 24: All;
Sec. 25: All;
Sec. 26: All;
Sec. 27: N½;
Sec. 28: N½;
Sec. 29: All;
Sec. 30: Lots 1, 2, E½, E½NW¼.
T. 3 N., R. 10 W.,
Sec. 24: E½;
Sec. 25: N½.
T. 3 N., R. 11 W.,
Sec. 7: Lots 1, 2, 3, 4, E½W½, E½ (All).
T. 3 N., R. 12 W.,
Sec. 11: All;
Sec. 12: All;
Sec. 14: All;
Sec. 27: W½;
Sec. 32: All;
Sec. 36: All.
T. 3 N., R. 13 W. (partially surveyed),
Sec. 7: All;
Sec. 13: All;
Sec. 14: All;
Sec. 15: All;
Sec. 16: All;
Sec. 17: All;
Sec. 18: All;
Sec. 19: All;
Sec. 20: All;
Sec. 24: All;
Sec. 30: All.

T. 3 N., R. 14 W.,
Sec. 1: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 3: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 4: Lots 1, 2, 3, 4, S½N½;
Sec. 5: Lots 1, 2, S½NE¼;
Sec. 10: All;
Sec. 11: All;
Sec. 12: All;
Sec. 13: All;
Sec. 14: All;
Sec. 24: All.
T. 4 N., R. 14 W.,
Sec. 5: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 6: Lots 3, 4, 5, 6, 7, SE¼NW¼, E½SW¼, SE¼;
Sec. 7: Lots 1, 2, 3, 4, E½W½, E½ (All);
Sec. 8: All;
Sec. 9: W½;
Sec. 15: S½;
Sec. 17: All;
Sec. 18: Lots 1, 2, 3, 4, E½W½, E½ (All);
Sec. 19: Lots 3, 4, E½, E½SW¼;
Sec. 20: All;
Sec. 21: All;
Sec. 22: All;
Sec. 23: S½;
Sec. 25: All;
Sec. 26: All;
Sec. 27: All;
Sec. 28: All;
Sec. 29: All;
Sec. 32: NE¼SW¼;
Sec. 33: All;
Sec. 34: All;
Sec. 35: All;
Sec. 36: All.
T. 5 N., R. 14 W.,
Sec. 19: Lots 1, 2, E½W½, E½;
Sec. 29: N½, SE¼;
Sec. 30: NE¼, E½NW¼;
Sec. 32: All;
Sec. 33: All.
T. 5 N., R. 15 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 3: Lots 1, 2, S½NE¼, SE¼;
Sec. 10: E½;
Sec. 11: All;
Sec. 12: All;
Sec. 13: All;
Sec. 14: All;
Sec. 24: All.
T. 6 N., R. 15 W.,
Sec. 3: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 4: Lots 1, 2, S½NE¼, SE¼;
Sec. 9: E½;
Sec. 10: All;
Sec. 15: All;
Sec. 16: E½;
Sec. 21: E½;
Sec. 22: All;
Sec. 26: W½;
Sec. 27: All;
Sec. 34: All;
Sec. 35: All.
T. 7 N., R. 15 W.,
Sec. 6: Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼ (All);
Sec. 18: Lots 3, 4, E½SW¼, SE¼;
Sec. 19: Lots 1, 2, 3, 4, E½W½, E½ (All);
Sec. 20: All;
Sec. 21: All;
Sec. 22: S½;
Sec. 26: W½;
Sec. 27: All;
Sec. 28: N½;
Sec. 29: N½;
Sec. 34: All;
Sec. 35: W½.
T. 8 N., R. 15 W. (partially surveyed),
Sec. 19: All;
Sec. 30: All;
Sec. 31: All.
T. 7 N., R. 16 W. (partially surveyed),
Sec. 1: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 2: Lots 1, 2, 3, 4, S½N½, SW¼, W½SE¼, NE¼SE¼;
Sec. 3: All;
Sec. 4: All;
Sec. 5: All;
Sec. 6: E½;
Sec. 8: All;
Sec. 9: All;
Sec. 10: All;
Sec. 11: All;
Sec. 12: All;
Sec. 13: All;
Sec. 14: All;
Sec. 23: E½;
Sec. 24: All;
Sec. 25: N½.
T. 8 N., R. 16 W. (partially surveyed),
Sec. 1: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 2: S½NE¼, SE¼;
Sec. 3: All;
Sec. 4: All;
Sec. 5: All;
Sec. 6: All;
Sec. 7: All;
Sec. 8: All;
Sec. 9: All;
Sec. 10: All;
Sec. 11: All;
Sec. 12: All;
Sec. 13: All;
Sec. 14: All;
Sec. 15: All;
Sec. 16: All;
Sec. 17: All;
Sec. 18: All;
Sec. 19: All;
Sec. 20: All;
Sec. 21: All;
Sec. 22: All;
Sec. 23: All;
Sec. 24: All;
Sec. 25: All;
Sec. 26: All;
Sec. 27: All;
Sec. 28: All;
Sec. 29: All;
Sec. 30: All;
Sec. 31: All;
Sec. 32: N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 33: All;
Sec. 34: All;
Sec. 35: All;
Sec. 36: All.
T. 9 N., R. 16 W. (partially surveyed),
Sec. 17: All;
Sec. 18: All;
Sec. 19: All;
Sec. 20: All;
Sec. 21: All;
Sec. 28: All;
Sec. 29: All;
Sec. 30: All;
Sec. 31: All;
Sec. 33: All;
Sec. 34: W½.
T. 8 N., R. 17 W. (partially surveyed),
Sec. 1: All;
Sec. 3: All;
Sec. 4: All;
Sec. 9: N½;
Sec. 10: All;
Sec. 11: All;
Sec. 12: All;
Sec. 13: All;
Sec. 14: All;
Sec. 23: All;
Sec. 24: All;
Sec. 25: All.
T. 9 N., R. 17 W. (partially surveyed),
Sec. 3: All;
Sec. 4: All;
Sec. 5: All;
Sec. 8: All;
Sec. 9: All;
Sec. 10: All;
Sec. 11: All;
Sec. 12: S½;
Sec. 13: All;
Sec. 14: All;
Sec. 15: All;
Sec. 16: All;
Sec. 21: All;
Sec. 22: All;
Sec. 23: All;
Sec. 24: All;
Sec. 25: All;
Sec. 26: All;
Sec. 27: All;
Sec. 28: All;
Sec. 32: All;
Sec. 33: All;
Sec. 34: All;
Sec. 35: All.
T. 10 N., R. 17 W.,
Sec. 2: Lots 3, 4, 5, S½NW¼, NW¼SW¼, E½SW¼;
Sec. 3: Lots 1, 2, 3, Part Lot 4, Lots 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼NW¼, SW¼;
Sec. 9: E½SE¼;
Sec. 10: Lots 1, 2, 3, 4, 5, W½, SW¼SE¼;
Sec. 11: Lots 1, 2, 3, 4, 5, E½, E½SW¼;
Sec. 14: W½;
Sec. 15: All;
Sec. 16: E½;
Sec. 19: Lots 1, 2, 3, 4, E½W½, E½ (All);
Sec. 20: All;
Sec. 21: All;
Sec. 28: All;
Sec. 29: All;
Sec. 32: All;
Sec. 33: W½.
T. 11 N., R. 17 W.,
Sec. 29: SW¼.

The area described above aggregates approximately 163,000.00 acres.

Dated: September 6, 1962.

FRED J. WEILER,
State Director.

[F.R. Doc. 62-9138; Filed, Sept. 12, 1962; 8:46 a.m.]

[Arizona 031029]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Sport Fisheries and Wildlife, Department of the Interior, has filed an application, Serial Number Arizona 031029 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining but not the mineral leasing laws, subject to existing valid claims and existing withdrawals.

The applicant desires the land for inclusion as part of the Cibola National Wildlife Refuge to preserve and enhance ancestral waterfowl wintering grounds.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix 25, Arizona.

If circumstances warrant it a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER BASE MERIDIAN, ARIZONA

T. 1 S., R. 23 W.,
Sec. 6: Lot 4, SE¼NW¼, NE¼SW¼;
Sec. 7: SE¼SW¼;
Sec. 18: NE¼NW¼;

Sec. 19: Lot 4, SE¼SW¼;
Sec. 30: Lots 1, 2, 3, E½NW¼, NE¼SW¼;
Sec. 31: Lots 3, 4, E½SW¼.
T. 2 S., R. 23 W.,
Sec. 5: Lot 4;
Sec. 6: Lots 1, 2, 3, 4, 5, 8, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7: Lots 1, 2, 3, 4, 5, NE¼, N½SE¼;
Sec. 18: Lots 2, 3, 4, S½NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 19: Lots 1, 2, 3, N½NE¼, SW¼NE¼, E½NW¼, NE¼SW¼;
Sec. 30: Lots 5, 6, 7, E½NE¼;
Sec. 31: Lots 5, 6, 7, 8, W½E½.
T. 1 S., R. 24 W.,
Sec. 1: Lots 1, 2, 3, 4, SW¼NE¼, S½NW¼, N½SW¼, NW¼SE¼;
Sec. 2: All, fractional;
Sec. 11: All, fractional;
Sec. 12: SW¼NW¼, N½SW¼, SW¼SW¼;
Sec. 13: NW¼NW¼;
Sec. 14: All, fractional;
Sec. 22: All, fractional;
Sec. 23: Lots 1, 2, 5, 6, 7, 8, S½NE¼NE¼; SE¼NE¼;
Sec. 24: SW¼NE¼, S½NW¼NW¼; S½NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 25: N½, SW¼, N½SE¼;
Sec. 26: Lots 1, 2, 5, 6, 7, 8, E½NE¼, W½;
Sec. 27: All, fractional;
Sec. 34: All, fractional;
Sec. 35: Lots 2, 3, W½NE¼, W½, SE¼;
Sec. 36: Lots 6, 7, 8, 9, 10, 11, W½SW¼.
T. 2 S., R. 24 W.,
Sec. 1: Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13;
Sec. 2: All, fractional;
Sec. 3: All, fractional;
Sec. 12: All, fractional;
Sec. 24: All, fractional.

The area described above aggregates approximately 8,193 acres. The above described lands are situated in the Lower Colorado River Valley in Yuma County.

Dated: September 6, 1962.

FRED J. WEILER,
State Director.

[F.R. Doc. 62-9139; Filed, Sept. 12, 1962; 8:46 a.m.]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Land and Correction

Notice of an application Serial No. Sacramento 050114, filed by the United States Department of Agriculture, for withdrawal and reservation of lands was published in the Federal Register Document 62-8413 on page 8393 of the issue for August 22, 1962. The applicant agency has cancelled its application insofar as it involves the land described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such land will be at 10:00 a.m., October 10, 1962, relieved of the segregative effect of the above-mentioned application.

The land terminated is:

MOUNT DIABLO MERIDIAN, CALIFORNIA

INTO NATIONAL FOREST

T. 1 N., R. 24 E.,
Sec. 1: S½NE¼, SE¼.

The above described area aggregates 120.00 acres.

The above identified Notice of Partial Termination of Proposed Withdrawal and Reservation of Land published in the Federal Register Document 62-8413 on page 8393 of the issue for August 22, 1962, indicated the date of September 14, 1952, for desegregation of the lands eliminated from the application. This date is corrected to read September 14, 1962.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 62-9137; Filed, Sept. 12, 1962; 8:46 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 5, 1962.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 090726, for the withdrawal from location and entry under the General Mining Laws, subject to existing valid claims, of about 3,322 acres of public lands in the sections and townships described below.

The applicant desires the land for use as a ski area and recreational areas, located in the Roosevelt National Forest. The specific areas are: Eldora-Bryan Mt. Ski Area; Indian Peaks Recreation Area Extension; Middle St. Vrain Recreation Area Extension, and Dowdy Lake Recreation Area Extension #3.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Gas and Electric Building, 910 15th Street, Denver 2, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROOSEVELT NATIONAL FOREST

T. 1 S., R. 73 W.,
In Secs. 19 and 30.
T. 1 N., R. 73 W.,
In Secs. 3, 7, 8, 9, and 10.
T. 1 N., R. 74 W.,
In Sec. 12.
T. 2 N., R. 73 W.,
In Secs. 7, 8, and 18.
T. 2 N., R. 74 W.,
In Secs. 1, 2, 3, 11, and 12.
T. 9 N., R. 73 W.,
In Sec. 2.
T. 10 N., R. 73 W.,
In Secs. 26, 27, and 35.

The above-described area in Roosevelt National Forest aggregates approximately 3,322.00 acres.

J. ELLIOTT HALL,
Manager, Land Office,
Denver.

[F.R. Doc. 62-9151; Filed, Sept. 12, 1962; 8:48 a.m.]

MONTANA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 6, 1962.

Notice of an application Serial No. Montana 032545, for withdrawal and reservation of lands was published as Federal Register Document No. 60–9827 on page 10037 of the issue for October 20, 1960. The Bureau of Sport Fisheries and Wildlife has canceled its application involving the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, the lands are relieved of the segregative effect of the withdrawal application. The lands have been classified under the Act of June 14, 1926 (44 Stat. 741), as amended, for sale to the Department of Fish and Game, State of Montana. Accordingly, the land will not be opened to applications under the public land laws.

The lands involved in this notice of termination are:

T. 2 S., R. 2 E., P.M., Montana,
Sec. 6: Lots 1, 8, 9, and 14.

Total area 105.64 acres.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 62–9141; Filed, Sept. 12, 1962; 8:47 a.m.]

MONTANA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 6, 1962.

Notice of an application Serial No. Montana 033460, for withdrawal and reservation of lands was published as Federal Register Document No. 61–8328 on page 8215 of the issue for August 31, 1961. The Bureau of Sport Fisheries and Wildlife has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, the lands are relieved of the segregative effect of the withdrawal application. The lands have been classified under the Act of June 14, 1926 (44 Stat. 741), as amended, for sale to the Department of Fish and Game, State of Montana. Accordingly, the land will not be opened to application under the public land laws.

The lands involved in this notice of termination are:

T. 10 N., R. 12 E., P.M., Montana,
Sec. 21, Lot 8;
Sec. 28, Lots 1 and 5.

Total area 92.84 acres.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 62–9142; Filed, Sept. 12, 1962; 8:47 a.m.]

National Park Service

[Order 3, Amdt. 8]

NATIONAL PARK SERVICE SUPERINTENDENTS ET AL.

Delegation of Authority

Order No. 3, issued February 17, 1956 (21 F.R. 1494), is amended by changing the regional designation references in sections 1, 1(a), 4, and 5 from Region Two to Midwest Region; by withdrawal of sections 1(h), 2(i), and 3(o) pertaining to the inspection of properties transferred to state and local agencies for park, recreation, and historic monument purposes pursuant to the Act of June 10, 1948, (62 Stat. 350), in view of the limitation contained in 245 DM 1.2A(3); by changing section 4 so that it applies to the Assistant Regional Director (Administration) rather than to the Regional Administrative Officer and raises the contract authority from $100,000 to $200,000; and by changing section 5 so as to apply to the Regional Chief, Division of Property Management and General Services, rather than to the Regional Procurement and Property Management Officer. Amendments are as follows:

SECTION 1. The National Park Service superintendents in the Midwest Region whose positions are allocated to Civil Service grades GS-14 and above, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

(a) Appointments and status changes involving personnel in GS–14 and higher grades; however, appointments and status changes involving grade GS–13 must be submitted to the Midwest Regional Office for review before being finalized.

Section 1(h) shall be deleted.
Section 2(i) shall be deleted.
Section 3(o) shall be deleted.

SEC. 4. *Assistant Regional Director (Administration).* The Assistant Regional Director (Administration) may execute and approve contracts not in excess of $200,000 for construction, supplies, equipment, and services. This authority may be exercised by the Assistant Regional Director (Administration) in behalf of any office or area for which the Midwest Regional Office serves as the field finance office.

SEC. 5. *Regional Chief, Division of Property Management and General Services.* The Regional Chief, Division of Property Management and General Services may execute and approve contracts not in excess of $50,000 for construction, supplies, equipment, and services. This authority may be exercised by the Regional Chief, Division of Property Management and General Services in behalf of any office or area for which the Midwest Regional Office serves as the field finance office.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C., sec. 2. Region Two Order No. 3 (21 F.R. 1494))

Dated: August 23, 1962.

HOWARD W. BAKER,
Regional Director, Midwest Region.

[F.R. Doc. 62–9144; Filed, Sept. 12, 1962; 8:47 a.m.]

ADMINISTRATIVE OFFICER AND PROCUREMENT AND PROPERTY MANAGEMENT OFFICER

Delegation of Authority Regarding Execution and Approval of Contracts for Construction, Supplies, Equipment or Services

Section 1 shall read:

SECTION 1. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $100,000 for construction, supplies, equipment and services. This authority may be exercised by the Administrative Officer in behalf of any office or area for which the Blue Ridge Parkway serves as the field finance office.

Section 2 shall be added to read:

SEC. 2. *Procurement and Property Management Officer.* The Procurement and Property Management Officer may execute and approve contracts not in excess of $25,000 for construction, supplies, equipment and services. This authority may be exercised by the Procurement and Property Management Officer in behalf of any office or area for which the Blue Ridge Parkway serves as the field finance office.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C., sec. 2, Region One Order No. 3 (21 F.R. 1493)

Dated: August 3, 1962.

SAM P. WEEMS,
Superintendent, Blue Ridge Parkway.

[F.R. Doc. 62–9145; Filed, Sept. 12, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14724, 14725; FCC 62M–1186]

CAPITOL TELECASTING CO. AND AUSTIN BROADCASTING CO., INC.

Order Continuing Hearing

In re applications of Dalton Homer Cobb tr/as Capitol Telecasting Company, Austin, Texas, Docket No. 14724, File No. BPCT–2947; Austin Broadcasting Company, Inc., Austin, Texas, Docket No. 14725, File No. BPCT–2985; for construction permits for new television broadcast stations (Channel 24).

It is ordered, This 5th day of September 1962, that due to a conflict in the hearing schedule the hearing herein now scheduled for November 5, 1962, be and the same is hereby rescheduled for November 19, 1962, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: September 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–9168; Filed, Sept. 12, 1962; 8:51 a.m.]

[Docket Nos. 14635, 14636; FCC 62M–1194]

SALEM BROADCASTING CO. (WJBD) AND LEADER BROADCASTING CO.

Order After Further Prehearing Conference

In re applications of Thomas S. Land and Bryan Davidson d/b as Salem Broadcasting Company (WJBD), Salem, Illinois, Docket No. 14635; File No. BP–14073; Donald E. Condee and Ned M. Webber d/b as Leader Broadcasting Co., Edwardsville, Illinois, Docket No. 14636, File No. BP–14530; for construction permits.

During a further prehearing conference on the above-entitled matter held September 7, 1962, it became apparent that new procedural understandings and dates had to be established and the date for the commencement of the hearing postponed. Accordingly, for reasons detailed in the transcript of the September 7 proceedings: *It is ordered,* This 7th day of September 1962:

(1) That the hearing, which is presently scheduled to commence at 10 a.m., September 19, 1962, at the Commission's offices, Washington, D.C., is hereby rescheduled to commence on Tuesday, October 16, 1962, at the same time and place;

(2) That by October 1, 1962, applicant "Leader" will provide copies of its engineering exhibits in support of its showing under the new issue added by the Review Board's order of August 8, 1962, to the consulting engineers and counsel of the opposing parties (and the Hearing Examiner) by mailing same (airmail, special delivery) to the Bureau's counsel and staff engineer, the Hearing Examiner and the other lawyers and personally delivering same to the consulting engineers concerned;

(3) That by October 8, 1962, the parties will exchange corrected engineering exhibits pertaining to the originally designated hearing issues among themselves, with one copy of each to the Hearing Examiner;

(4) That exhibits pertaining to rebuttal of the material to be furnished earlier (see above) by "Leader" under the newly added issue, and the measurement data "Leader" has provided, will be exchanged by October 10, with one copy of each to the Hearing Examiner;

(5) That the consulting radio engineers will confer with Bureau's staff engineer not later than October 4, 1962, with a view to ironing out differences among them so as to expedite the progress of the hearing;

(6) That the pertinent specific biographical data of the respective consulting radio engineers deemed to qualify them to provide the specific evidence they are proffering under the specific issues in this proceeding will be reduced to writing and submitted in exhibit form, such exhibits to be exchanged by October 10; and

(7) That the transcript of the prehearing conference proceedings of September 7 is incorporated herein by reference and will guide the parties on any otherwise doubtful points.

Released: September 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–9169; Filed, Sept. 12, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

MEMBER LINES OF JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 3103–19, between the member lines of the Japan-Atlantic and Gulf Freight Conference, modifies the approved agreement of that Conference (Agreement 3103, as amended) in the trade from Japan, Korea and Okinawa to U.S. Atlantic and Gulf ports. This modification provides that new members of the conference, in addition to executing a counterpart of Agreement 3103, as amended, as required for admission to membership therein, shall also execute a counterpart of Agreement 8600, the joint agreement between this conference and the Trans-Pacific Freight Conference of Japan.

Agreement 7787–2, proposes to amend joint service Agreement 7787, as amended, between the carriers comprising the Federal-New Zealand Lines, a joint service (7786, as amended), and the carriers comprising Ellerman and Bucknall Associated Lines, a joint service (7788), operating under the name of American-Australian Steamship Lines, to include Blue Star Line, Limited, as a party thereto. The basic agreement provides for the establishment and maintenance of a joint cargo and limited passenger service in the trade from the United States Atlantic and Gulf ports to ports in Australia (including Tasmania), New Zealand, Cook Islands, Fiji Islands, New Caledonia, Australian Mandated New Guinea, New Hebrides, Norfolk Island, British Samoa, Solomon Islands, Tahiti, Thursday Island, Tonga Islands, and Gilbert and Ellice Islands.

Agreement 7996–2, between the carriers comprising the American & Australian Steamship Lines, a joint service (Agreement 7787, as amended) and the carriers comprising the Port and Associated Lines, a joint service (Agreement 7791), is an amendment to a sailing agreement in the trade from New York to Australia and New Zealand (Agreement 7796, as amended). The purpose of this amendment is to provide for the participation of Blue Star Line, Ltd., in Agreement 7996, as amended, as a party to the American & Australian Steamship Line joint service Agreement 7787, as amended.

Agreement 8848, between United States Lines Company and P. Bork Shipping A/S, covers a through billing arrangement in the trade from ports in the Portland, Maine/Key West Florida range of the United States to Copenhagen, Denmark, with transshipment at London, England.

Agreement 8974, between American Mail Line, Ltd. and Everett Orient Line, Inc., covers a through billing arrangement on cargo from ports in Washington, Oregon and Alaska to ports of Calcutta, Chalna, Chittagong, Vizagapatam, and Rangoon, via ports in Japan, Hong Kong, or Singapore.

Agreement 8987, between the carriers comprising the M.A.N.Z. Line joint service (operating under approved joint service Agreement 7814) and Sea-Land Service, Inc., Puerto Rican Division, covers a through billing arrangement in the trade from ports in the Commonwealth of Australia (including Tasmania), the Dominion of New Zealand, Cook Islands, Fiji Islands, New Caledonia, Australian Mandated New Guinea, New Hebrides, Norfolk Island, British Samoa, Solomon Islands, Tahiti, Thursday Island, Tonga Islands, and Gilbert and Ellice Islands.

Agreement 8993, between Grace Line, Inc., and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from Colombia (Atlantic Coast), Venezuela, Netherlands Antilles, Jamaica (BWI), and Haiti to Puerto Rico, with transshipment at New York and Baltimore.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 7, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–9162; Filed, Sept. 12, 1962; 8:50 a.m.]

MEMBER LINES OF U.S. GREAT LAKES-BORDEAUX/HAMBURG RANGE EASTBOUND AND WESTBOUND CONFERENCES

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 7820–7, between the member lines of the United States Great Lakes-Bordeaux/Hamburg Range Eastbound Conference, modifies the basic agreement of that Conference (7820, as amended), which covers the trade eastbound from Great Lakes ports of the United States to ports in Continental Europe within the Bordeaux/Hamburg range; and

Agreement 7830–7, between the member lines of the United States Great Lakes-Bordeaux/Hamburg Range Westbound Conference, modifies the basic agreement of that Conference (7830, as amended), which covers the trade westbound from ports in Continental Europe within the Bordeaux/Hamburg range to Great Lakes ports of the United States.

The purpose of these modifications is to provide (1) for an exception to the filing with the Commission of rates quoted by the Conference of rates on cargo loaded and carried in bulk without mark or count; and (2) for the agreement of only two-thirds of the conference members in establishing and altering rates for the carriage of commodities.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 7, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–9161; Filed, Sept. 12, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on August 1, 1962, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after August 1, as using humane methods on August 1 or a later date in August, will be listed in a supplemental list. Previously published lists represented establishments reported in July or August as humanely slaughtering and handling the designated species of livestock on July 1 or some later date in July 1962 (27 F.R. 8045, 8499 and 8958). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD	○	(*)				
Do.	2AG	○					
Do.	2AU	○		○			
Do.	2C	○				○	
Do.	2F	○		○			
Do.	2HT	○	(*)				
Do.	2LT	○					
Do.	2WN	○	(*)				
Swift and Co.	3AC	○				(*)	
Do.	3AF	○					
Do.	3AN	○					
Do.	3B	○		○			
Do.	3C	○		○		○	
Do.	3CC	○					
Do.	3F	○		○	(*)	○	
Do.	3FF	○					
Do.	3H	○		○			
Do.	3K	○		○		○	
Do.	3L	○					
Do.	3NN	○					
Do.	3R	○	(*)	(*)		○	
Do.	3S	○					
Do.	3UU	○		(*)		○	
Do.	3Z	○					
Pauly Packing Co., Inc.	10	○					
Hygrade Food Products Corp.	12A	○	(*)	○		○	
Do.	12C	○					
Do.	12D	○		(*)			
Do.	12G	○	(*)			(*)	
Do.	12P	○					
Mickelberrys Food Products Co.	16					(*)	
John Morrell and Co.	17	○					
Do.	17A	○					
The Cudahy Packing Co.	19	○				○	
The Cudahy Packing Co. of Nebraska	19E	○		○			
Wilson and Co., Inc.	20N	○		○		○	
Do.	20Q	○					
Do.	20Y	○		○		○	
Swift and Co.	23	○					
Brander Meat Co.	25	○		(*)	(*)		
The Sperry and Barnes Co.	27C	○				○	
Patrick Cudahy, Inc.	28	○					
Kreinberg and Krasny, Inc.	30	○				○	
Valleydale Packers, Inc.	34	○		○		○	
Kenton Packing Co.	36	○		○			
Armour and Co.	40	○				○	
Lackawanna Beef and Provision Co.	49	○					
Midwestern Beef, Inc.	53	○					
Glover Packing Co. of Amarillo	60	○					
Glover Packing Co.	60A	○		(*)	(*)	(*)	
Selkirk Realty Co.	65					○	
Somerville Packing Co.	66						
The Quaker Oats Co.	67E						(*)
Minchs Wholesale Meats, Inc.	72	○	(*)	(*)		(*)	
Eastern Packing Co.	74E						(*)
Armour and Co.	75	○		(*)	(*)		
The Braun Brothers Packing Co.	79	○				○	
City Packing Co.	80	○		(*)			
The Cudahy Packing Co.	81	○				○	
Excel Packing Co., Inc.	86	○					
The E. Kahns Sons Co.	89	○		(*)		(*)	
Hygrade Food Products Corp.	90	○					
Sugardale Provision Co.	92	○				○	
The Val Decker Packing Co.	95	○		(*)			
A. Kochs Sons	98	○				○	
Armour and Co.	100	○		(*)			
Liberty Packing Co.	101	○					
Kaplan, Inc.	102	○					
H. Graver & Co.	103	○		(*)			
Swift and Co.	104	○				○	
J. Lynn Cornwell, Inc.	107	○		(*)			
Wilson and Co., Inc.	111	○				○	
Morris Packing Co.	113	○					
The Merchants Co.	116	○				○	
West Coast Meat Co., Inc.	117	○		(*)			
Wilson and Co., Inc.	119	○					
E. J. Archie and Sons, Inc.	122	○					
City Dressed Beef	125	○					
John Roth and Son, Inc.	130	○					
Tobin Packing Co., Inc.	133	○				(*)	
Armour and Co.	139	○		(*)			
Edward J. Kluener, Inc.	142	○					
Cornland Dressed Beef, Inc.	157	○					
Armour and Co.	158	○					
Joel E. Harrell and Son, Inc.	162	○				○	
Swift and Co.	166A	○		(*)	(*)	○	
Peerless Packing Co.	180	○					
Montrose Beef Co.	181						
The Rath Packing Co.	186	○		(*)		(*)	
Do.	186C	○					
Do.	186F	○		○		○	

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Neuhoff Bros.	406	○	(*)			(*)	
Endlich Packing Co., Inc.	410	○	(*)	(*)			
Alpine Packing Co.	412	○				○	
The Lundy Packing Co.	413	○				○	
Frosty Morn Meats	414						
Murray Packing Co., Inc.	421	○	(*)	(*)			
E. W. Kneip, Inc., of Iowa	422						
Farmers Packing Co.	423	○				(*)	
Hebron Packing Co.	425		(*)				
Lone Star Packing Co.	433	○					
Monarch Meat Packing Co.	435	○					
Queen Packing Corp.	436	○					
Schneider Packing Co.	439	○					
Omaha Dressed Beef Co., Inc.	441	○					
Prime Packing Co., Inc.	443	○					
Prime Meat Packing Co.	445	○				(*)	
Peerless Packing Co., Inc.	448	○	(*)	(*)	(*)		
Swift and Co.	450	○				(*)	
Lancaster Packing Co.	462	○					
Litvak Packing Co.	465	○					
Becwar Packing Co.	467	○	(*)	(*)		(*)	
Otto Kuehne Packing Co.	468	○					
Midwest Beef Packers, Inc.	469	○	(*)			(*)	
East Tennessee Packing Co.	487	○		(*)			
Nebraska Beef Co.	490	○					
Goldring Packing Co., Inc.	494	○					
Mid State Packers, Inc.	505	○	(*)				
S. Rothschild and Co.	506	○					
Frosty Morn Meats	507	○		(*)			
Gruenfelder Packing Co.	508	○					
Armour and Co.	509	○					
The Hull and Dillon Packing Co.	510	○					
Shen Valley Meat Packers, Inc.	511	○					
Capitol Packing Co.	513	○					
Illinois Packing Co.	521	○		(*)			
Small Packing Co., Inc.	524	○		(*)			
Omaha Packing Co.	529	○	(*)				
Rosenthal Packing Co., Inc.	532	○					
Pepper Packing Co.	535	○					
Oscar Mayer and Co., Inc.	536	○	(*)	(*)		○	
Oscar Mayer and Co., Inc.	537A						
Midwest Packing Co.	537C						
Swift and Co.	538	○				○	
Pride Packing Co.	545	○					
Pride Packing Co., Inc.	546	○					
Salter Packing Co.	549	○					
Springfield Rendering Co.	550	○					
D. and W. Packing Co.	551	○					
Farmers Packing Co., Inc.	553D	○					
John Morrell and Co.	560	○	(*)				
Texas Meat Packers, Inc.	561	○				(*)	
Elmer Binder & Son, Inc.	562	○					
Frosty Morn Meats, Inc.	565	○					
Kingsford Packing Co., Inc.	566	○	(*)			(*)	
Empire Packing Co., Inc.	570	○					
Sanitary Meat Co.	580	○					
Herman Packing Co.	581	○		(*)		(*)	
Central Packing Co.	604	○					
Donner Packing Co.	606	○	(*)				
Kummer Packing Co.	614	○		(*)		(*)	
Acme Meat Co., Inc.	617	○					
Star Provision Co.	618	○	(*)			(*)	
Big Foot Meat Co., Inc.	626	○					
Ozark Meat Co.	627	○					
Ebner Bros. Packers	632	○	(*)			(*)	
Zipron Bros., Inc.	633	○					
Auburn Packing Co., Inc.	636	○					
R. and C. Packing Co.	640	○					
Bird Provision Co.	647	○				(*)	
Spencer Packing Co.	648	○					
Spencer Packing Co., Inc.	649	○				(*)	
Nagle Packing Co.	653	○	(*)				
Milwaukee Dressed Beef Co.	654	○		(*)			
Wilson and Co., Inc.	655	○					
Bauma Bologna, Inc.	657	○		(*)			
St. Louis Dressed Beef Co.	659	○					
McCook Packing Co.	660	○					

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Standard Packing Co.	188	○					
Beef Packers, Inc.	191	○					
Kretschmar Packing Co.	192	○					
Hygrade Packing Co.	197	○					
United Fryer and Stillman, Inc.	198	○					
George A. Hormel and Co.	199	○					
Do.	199I	○					
Do.	199N	○					
Cudahy Packing Co.	202	○					
Swift Packing Co.	211	○	(*)				
Elburn Packing Co.	213	○					
Kneip Packing Co.	213C	○					
Fred Dold and Sons Packing Co.	214	○					
Lincoln Meat Co.	217	○					
York Packing Co., Inc.	220	○					
Gwaltney, Inc.	221A	○	(*)			(*)	
Dayton Beef Co.	222	○					
Hygrade Food Products Corp.	224	○					
Do.	224B	○					
Walti Schilling and Co., Inc.	230	○					
Raskin Packing Co.	237	○					
Armour and Co.	238	○					
P. D. and J. Meats	240	○					
Iowa Beef Packers, Inc.	242	○					
John Morrell and Co.	244	○					
Hurst Realty Corp.	247	○					
Baletine Packing Co.	258	○					
The Jones Dairy Farm	263	○					
Pacific Meat Co., Inc.	267	○					
Houston Packing Co.	271	○					
Wm. Packing Co., Inc.	272	○					
American Stores Co.	270	○					
Bookey Packing Co.	282	○					
Agar Packing Co., Inc.	285	○					
Solano Meat Co.	286	○					
Western Packing Co.	289	○					
Arpacet and Bastian Co.	290	○					
Stone City Dressed Pork, Inc.	292	○					
Ora Joenting and Son, Inc.	296	○	(*)				
Waldock Packing Co.	299	○					
Great Falls Meat Co.	301	○					
Commercial Packing Co., Inc.	302	○					
Union Packing Co.	303	○					
Do.	303A	○					
Star Packing Co.	306	○					
Surrell Packing Co.	307	○					
Ideal Packing Co., Inc.	312	○					
Webb Packing Co.	315	○					
Essex Packing Co.	316	○					
Rudys Farm Co.	319	○					
Fulton Meat Co.	322	○					
Fulton Packing Co.	323	○					
Royal Packing Co.	329	○					
Sokolik Packing Co.	331	○					
Great Western Packing Co., Inc.	331A	○					
Noble Independent Meat Co.	334	○					
Chippewa Valley Meat Packing Co., Inc.	335	○					
Midland Empire Packing Co., Inc.	336	○					
Des Moines Packing Co.	340	○					
State Packing Co., Inc.	344	○					
Union Packing Co.	345	○					
Farmers Meat Packing Co.	351	○					
Hall Packing Co.	354	○					
Marks Meat Co.	357	○					
Montebello Meat Packing Co.	362	○					
Meyers Packing Co.	364	○					
James Allan and Sons.	365	○					
Bowling Provision Co., Inc.	372	○					
Fischer Packing Co.	374	○					
Lehmann Packing Co.	383	○					
Roth Packing Co.	384	○					
Robert L. Runts, Inc.	386	○					
Dubuque Packing Co.	387	○					
Logan Packing Co.	396	○					
Wisconsin Dressed Beef, Inc.	398	○					
Rodeo Packing Co.	399	○					
Los Banos Abattoir	400	○					

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Quality Meat Packing Co	661	(*)	(*)				
Western Meat Packers, Inc	662	(*)	(*)	(*)		(*)	
Globe Packing Co	663	(*)					
Crown Packing Co	666					(*)	
Scottsbluff Packing Co	667	(*)		(*)			
San Joaquin Packing Co	671	(*)					
Union Packing Co	673	(*)					
Jacob Bauers Sons, Inc	678	(*)					
Colville Meats, Inc	679	(*)	(*)	(*)		(*)	
Armour and Co	680	(*)	(*)	(*)		(*)	
The William Fockes Sons Co	685	(*)	(*)	(*)	(*)	(*)	
The Sucher Packing Co	689	(*)	(*)	(*)		(*)	
Pierce Packing Co	691	(*)				(*)	
Marco Packing Co	692	(*)	(*)				
Bryan Meat Co	693	(*)					
Kramer Beef Co	695	(*)					(*)
Central Nebraska Packing Co	713E						
Davenport Packing Co., Inc	716	(*)					
Farmbest, Inc	717	(*)				(*)	
The Joseph N. Rice Co	719	(*)	(*)			(*)	
Swift and Co	726	(*)	(*)	(*)		(*)	
Decker and Son	727					(*)	(*)
The Quaker Oats Co	734E						
The Jacob Schlachter's Son & Co	739	(*)	(*)	(*)			
Mid State Meat Co	741	(*)	(*)				
Pioneer Provision Co	742	(*)				(*)	
Howard Pancero and Co	747	(*)	(*)				
Ruchti Bros	749	(*)	(*)				
Luck Brothers Cooperative Packing Co	753	(*)					
Monroe Packing Co., Inc	755	(*)					
The American Meat Packing Corp	760					(*)	
Schaake Packing Co., Inc	761	(*)					
Karler Packing Co	767	(*)	(*)				
Earl C. Gibbs, Inc	770	(*)					
Cadwell Martin Meat Co	773	(*)					
Modern Meat Packing Co	774	(*)		(*)			
Atlas Packing Co	775	(*)					
The Cudahy Packing Co	779	(*)	(*)			(*)	
Diamond Meat Co., Inc	783	(*)	(*)				
Granite State Packing Co	785	(*)	(*)				
Aurora Packing Co., Inc	788	(*)					
Wimp Packing Co	791	(*)					
Max Bauer Meat Packer	800	(*)	(*)				
The G. Erhardt Sons, Inc	810	(*)	(*)				
William N. H. Peters	813	(*)					
Rochester Independent Packer, Inc	817	(*)					
J. H. Ruth Packing Co	818					(*)	
Henry Meyers Sons, Inc	822	(*)	(*)				
Hibbs Packing Co	825	(*)		(*)			
Penford Packing Co	827	(*)	(*)				
Bristol Packing Co	828	(*)	(*)				
Berchems Meat Co	830	(*)					
Norman Peters Packing Co	834	(*)					
Herman Kempers Sons	839	(*)	(*)				
Sioux City Dressed Beef, Inc	857	(*)					
Jordan Meat & Livestock Co	858	(*)	(*)	(*)	(*)	(*)	
Sam McDaniel and Sons, Inc	859	(*)					
Sierra Meat Co	862	(*)					
Gunsberg Beef Co	867	(*)					
Genesee Packing Co	868	(*)					
Samuels & Co., Inc	878	(*)	(*)	(*)	(*)		
Alco Packing Co	885	(*)	(*)	(*)			
Walden Packing Co., Inc	886	(*)					
William Davies Co., Inc	888A	(*)				(*)	
Vernon Calhoun Packing Co	897	(*)					
Meats, Inc	899	(*)	(*)				
Sigman Meat Co., Inc	901	(*)	(*)				
Chiapetti Packing Co	916			(*)			
National Meat Packers, Inc	917	(*)	(*)			(*)	
Valleydale Packers, Inc., of Bristol	922	(*)	(*)			(*)	
Wisconsin Packing Co	924	(*)					
Peoples Packing Co	925	(*)	(*)	(*)	(*)	(*)	
Kerber Packing Co	929	(*)	(*)			(*)	
Tarpoff Packing Co	931	(*)					
McKenney Meat Co	932	(*)	(*)				
E. B. Manning and Son	934	(*)					
Volz Packing Co	938	(*)					
Gentner Packing Co., Inc	941	(*)					
M. Brizer & Co	948	(*)					
Joe Doctorman and Son Packing Co., Inc	949	(*)	(*)	(*)			
Armour and Co	956	(*)				(*)	
Reliable Packing Co., Inc	959	(*)				(*)	
Greater Omaha Packing Co., Inc	960	(*)	(*)				
Virginia Packing Co., Inc	963	(*)	(*)	(*)			
Earl Flick Wholesale Meats, Inc	965	(*)	(*)				
T. L. Lay Packing Co	967	(*)				(*)	
Monfort Packing Co	969	(*)		(*)			
Hawaii Meat Co., Ltd	970	(*)	(*)				
National Food Stores, Inc	981	(*)					
Hospers Packing Co	985	(*)					
Eagle Packing Co	987	(*)					
Everett C. Horlein and Son, Inc	988	(*)					
The Klarer Co	995	(*)	(*)				
Do	995A					(*)	
Do	995C	(*)				(*)	
Valley Meat Co	1009	(*)	(*)	(*)			
Armour and Co	1085	(*)	(*)				
Nebraska Meat Packers, Inc	1307	(*)					
McCabe Packing Plant	1312	(*)	(*)				
H. and H. Packing Co	1315	(*)	(*)			(*)	
Nebraska Iowa Dressed Beef Co	1318	(*)					
Stevens Meat Co., Inc	1485	(*)	(*)				

356 Establishments Reported.

Done at Washington, D.C., this 10th day of September 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-9164; Filed, Sept. 12, 1962; 8:52 a.m.]

Office of the Secretary

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of Arkansas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Baxter.
Independence.
Lawrence.
Perry.
Randolph.
Sharp.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 7th day of September 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-9148; Filed, Sept. 12, 1962; 8:47 a.m.]

ARKANSAS AND UTAH

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the States of Arkansas and Utah natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Bradley.
Calhoun.
Lonoke.

UTAH

Cache.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties in Arkansas after June 30, 1963, and emergency loans will not be made in Cache County, Utah, after December 31, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of September 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-9165; Filed, Sept. 12, 1962; 8:51 a.m.]

MISSISSIPPI AND NORTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the States of Mississippi and North Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Claiborne.

NORTH DAKOTA

Pembina.
Walsh.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of September 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-9166; Filed, Sept. 12, 1962; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RICHMOND LEWIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Celanese Corporation.
B. Additions: Bay State Corporation; Automatic Radio Company.

This statement is made as of August 27, 1962.

RICHMOND LEWIS.

AUGUST 28, 1962.

[F.R. Doc. 62-9155; Filed, Sept. 12, 1962; 8:49 a.m.]

MARGUERITE M. SAUERS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No Change.
B. Additions: Armco Steel Corp.; Ford Motor Co.

This statement is made as of August 29, 1962.

MARGUERITE M. SAUERS.

AUGUST 29, 1962.

[F.R. Doc. 62-9156; Filed, Sept. 12, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI63-20 etc.]

McCURDY & McCURDY ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

AUGUST 10, 1962.

McCurdy & McCurdy, et al., Docket Nos. RI63-20, et al.; McCurdy & McCurdy, Docket No. RI63-20.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued July 31, 1962, and published in the FEDERAL REGISTER August 7, 1962 (F.R. Doc. 62-7847, 27 F.R. 7807), in the chart under column headed "Effective Date Unless Suspended", in Docket No. RI63-20, change "Footnote 1" to read "Footnote 7" also under "Footnotes" delete "Footnote 1" in its entirety.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9128; Filed, Sept. 12, 1962; 8:45 a.m.]

[Docket No. RI63-1]

SKELLY OIL CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Correction

SEPTEMBER 5, 1962.

In the Order Providing for Hearing on and Suspension of Proposed Changes in Rates and Allowing Increased Rates To Become Effective, issued July 6, 1962 and published in the FEDERAL REGISTER August 13, 1962 (F.R. Doc. 62-6858, 27 F.R. 6681) change the designation of the respondent from "Skelly Oil Company (Operator), et al", to "Skelly Oil Company" in the caption of the order, in the first line of the first paragraph, and after "Rate Schedule Designation."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9129; Filed, Sept. 12, 1962; 8:45 a.m.]

[Docket No. RI63-36 etc.]

SUN OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

SEPTEMBER 5, 1962.

Sun Oil Company, et al., Docket Nos. RI63-36, et al.; Jay Kornfeld (Operator), et al., Docket No. RI63-39; W. J. Coppinger (Operator), et al., Docket No. RI63-44; J. M. Huber Corporation, Docket No. RI63-45.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued August 17, 1962, and published in the FEDERAL REGISTER August 24, 1962 (F.R. Doc. 62-8501 27 F.R. 8501), in the Caption, Docket No. RI63-39, change "J. Kornfeld (Operator), et al", to read "Jay Kornfeld (Operator), et al", also in the chart, under column headed "Amount of Annual Increase" change "Footnote 20" to read "Footnote 11" for Docket No. RI63-44 and Docket No. RI63-45.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9130; Filed, Sept. 12, 1962; 8:45 a.m.]

[Docket No. RI61-275 etc.]

SUNRAY MID-CONTINENT OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

SEPTEMBER 5, 1962.

Sunray Mid-Continent Oil Company, et al., Docket Nos. RI61-275, et al.; Sun Oil Company, Docket No. RI61-276.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued December 13, 1960, and published in the FEDERAL REGISTER December 21, 1960 (F.R. Doc. 60-11773, 25 F.R. 13146), in the chart, change "Supplement No. 10 to Sun Oil Company FPC Gas Rate Schedule No. 63" to "Supplement No. 12 to Sun Oil Company FPC Gas Rate Schedule No. 63".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9131; Filed, Sept. 12, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 691]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 10, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65018. By order of September 4, 1962, The Transfer Board approved the transfer to Anthony Charles

Moriello, doing business as Middlehope Cold Storage, Newburgh, N.Y., of Certificate No. MC 21230 Sub-2, issued June 28, 1945, to Camillo Moriello, doing business as C. Moriello, Newburgh, N.Y., authorizing the transportation of: Frozen fruits and berries, over irregular routes, from Highland, Milton, Newburgh, and Clintondale, N.Y., to New York, N.Y., and Jersey City, N.J., and empty containers for the above-specified commodities on return. David W. Corwin, 71 Main Street, New Paltz, N.Y., attorney for applicants.

No. MC–FC 65099. By order of September 4, 1962, The Transfer Board approved the transfer to Assonet Trucking Co., Inc., Assonet, Mass., of Certificate No. MC 104168, issued July 21, 1943, to Alfred C. Dawson, doing business as A. C. Dawson, Fall River, Mass., authorizing the transportation of: Sand, gravel, excavated materials, crushed stone, tar, asphalt, cement, and other road surfacing materials, over irregular routes, between points in Bristol, Kent, Newport, and Providence Counties, R.I., those in North Kingstown Township of Washington County, R.I., and designated points in Massachusetts. James T. Waldron, 57 North Main Street, Fall River, Mass., attorney for transferee.

No. MC–FC 65211. By order of September 4, 1962, The Transfer Board approved the transfer to The J. C. Redifer Co., Inc., Portland, Oreg., of Certificate No. MC 114035 Sub-1, issued October 9, 1953, to J. C. Redifer, doing business as The J. C. Redifer Co., Portland, Oreg., authorizing the transportation of: Machinery, materials, and supplies used in the construction and maintenance of electric power lines, over irregular routes, between points in Benton and Klickitat Counties, Wash., on the one hand, and, on the other, points in Wasco, Gilliam, and Hood River Counties, Oreg., and building materials, over irregular routes, between Longview, Kelso, Ridgefield, Vancouver, Pasco, Walla Walla, Kennewick, Goldendale, and White Salmon, Wash., on the one hand, and, on the other, Portland, The Dalles Hood River, Mosier, Maupin, Redmond, Grass Valley, Wasco, Burns, Pendleton, Heppner, Hermiston, and Freewater, Oreg. A. J. Johnson, Weatherly Building, Portland, Oreg., attorney for applicants.

No. MC–FC 65228. By order of September 4, 1962. The Transfer Board approved the transfer to Alfred E. Jacques, doing business as Boutin's Bus Lines, Newburyport, Mass., of Certificate No. MC 119644 issued April 28, 1961, to Gordon S. Munroe, doing business as Munroe Bus Service, Hampstead, N.H., authorizing the transportation of passengers and their baggage in the same vehicle with passengers, over regular routes, between East Hampstead, N.H., and North Andover, Mass., serving all intermediate points, except those between Plaistow, N.H., and North Andover, Mass. Philip G. Peters, 95 Market Street, Manchester, N.H., attorney for applicants.

No. MC–FC 65298. By order of September 4, 1962, The Transfer Board approved the transfer to D and J Transfer Co., a corporation, Jackson, Minn., of Permit No. MC 114734, issued December 8, 1961, to Donald Webster and Harold Jorgenson, a partnership, doing business as D and J Transfer Company, Jackson, Minn., authorizing the transportation of fresh meats, in carcasses, or part carcasses, and in packages, over irregular routes, from Spencer, Iowa, to Minneapolis, Minn., Decatur, Rockford, and Elgin, Ill., and Madison and Milwaukee, Wis. John W. Flynn, Luedtke Building, Fairmont, Minn., attorney for applicants.

No. MC–FC 65293. By order of September 4, 1962, The Tranfser Board approved the transfer to Nebraska Motor Express, Inc., Lincoln, Nebr., of Certificate No. MC 60301 issued May 3, 1956, to Hoops, Inc., Grand Island, Nebr., authorizing the transportation, over irregular routes, of grain from points in Iowa, to Grand Island, Nebr., petroleum products, in containers, from Kansas City, Mo., and Kansas City and Topeka, Kans., to Grand Island, Nebr., agricultural implements and parts thereof and twine, from Chicago, Canton, and East Moline, Ill., to Grand Island, Nebr., feed, from Topeka, Kans., to Grand Island, Nebr., canned goods, from points in Iowa, Illinois, and Kansas, to Grand Island, Nebr., food products and canned goods, from Chicago, Ill., and Kansas City, Mo., to Grand Island, Nebr., hides and junk metal, from Hastings, Nebr., to Chicago, Ill., livestock, between Grand Island, Nebr., and points in Nebraska within 50 miles of Grand Island, and Columbus, Nebr., on the one hand, and, on the other, points in Colorado, Wyoming, South Dakota, Kansas, Iowa, Missouri, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, and Pennsylvania; household goods and emigrant movables, between points within 25 miles of Grand Island, Nebr., including Grand Island, on the one hand, and, on the other, points in Iowa, Illinois, Missouri, Kansas, Colorado, and South Dakota, agricultural machinery, trucks, tractors, and parts thereof, between Chicago, Rock Island, and Canton, Ill., and Council Bluffs, Iowa, on the one hand, and, on the other, Grand Island, Ogallala, Sutherland, Big Spring, and Brule, Nebr. Donald E. Leonard, 605 South 14th Street, Lincoln, Nebr., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–9154; Filed, Sept. 12, 1962; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (20 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Angier Garment Co., Angier, N.C.; effective 9–3–62 to 9–2–63 (sport and utility shirts).

Archbald Sewing Co., 140 Cherry Street, Archbald, Pa.; effective 8–23–62 to 8–22–63 (children's dresses).

Caledonia Manufacturing Co., Inc., Caledonia, Miss.; effective 9–11–62 to 9–10–63 (men's dress and play slacks).

Clyde Shirt Co., Ninth and Main Street, Northampton, Pa.; effective 9–3–62 to 9–2–63 (women's and children's blouses, children's playsuits).

Delmeade Slacks, Catlin Street, Okolona, Miss.; effective 8–23–62 to 8–22–63 (ladies' slacks).

Detroit Slacks, Inc., Detroit, Ala.; effective 9–1–62 to 8–31–63 (men's and boys' dress and play slacks).

Horton Garment Co., Inc., Horton, Kans.; effective 9–5–62 to 9–4–63 (junior dresses).

Kenrose Manufacturing Co., Inc., 321 Albamarle Avenue SE. and 230 Center Avenue NW., Roanoke, Va.; effective 9–3–62 to 9–2–63 (women's dresses).

Lackawanna Pants Manufacturing Co., Corner Brook Street and Cedar Avenue, Scranton, Pa.; effective 9–8–62 to 9–7–63 (trousers).

McCoy Manufacturing Co., Inc., Salligent, Ala.; effective 9–1–62 to 8–31–63 (men's and boys' dress and play slacks).

Monroe Manufacturing Co., Camaliel, Ky.; effective 8–29–62 to 8–28–63 (men's cotton pants).

Moreland Sportswear, Inc., 309 North Fourth Street, Youngwood, Pa.; effective 9–1–62 to 8–31–63 (ladies' blouses).

Raycord Co., Inc., Spartanburg, S.C.; effective 8–22–62 to 8–21–63 (men's sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bentonville Manufacturing Co., 1004 South Main, Bentonville, Ark.; effective 8–24–62 to 8–23–63; 10 learners (infants' wear-blouses-dresses, crawlers, coveralls).

Fairmont Manufacturing Co., Inc., Fairmont, N.C.; effective 8–20–62 to 8–19–63; 10 learners (ladies' gowns and pajamas).

Lock Haven Garment Co., 921 Third Street, Lock Haven, Pa.; effective 8–26–62 to 2–25–63; 30 learners (ladies' sportswear-pants and blouses).

New Castle Manufacturing Co., Inc., New Castle, Va.; effective 8–27–62 to 8–26–63; 10 learners (children's and women's nightwear).

Panola Inc. of Batesville, Highway 6 West, Batesville, Miss.; effective 8–20–62 to 8–19–63; 10 learners (women's girdles, panty girdles and corselettes).

Relda Apparel Manufacturing Co., Inc., Hughesville, Pa.; effective 8–22–62 to 8–21–63; 10 learners (women's dresses).

Sanford Manufacturers, Inc., 918 West First Street, Sanford, Fla.; effective 9–3–62 to 9–2–63; 10 learners (men's and boys' pajamas).

Seneca Sportswear Manufacturing Co., 1234 Bryn Mawr Street, Scranton, Pa.; effective 8–28–62 to 8–27–63; 10 learners (boys' and girls' outerwear jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Chase City Manufacturing Co., Inc., Walker Street, Chase City, Va.; effective 8–23–62 to 2–22–63; 75 learners (dungaree and single pants).

Cumberland Blouse Co., 210 South Centre Street, Cumberland, Md.; effective 8–20–62 to 2–19–63; 20 learners (ladies' blouses).

H. L. Friedlen & Co., 640 River Street, Allegan, Mich.; effective 8–27–62 to 2–26–63; 10 learners (men's and boys' outerwear jackets).

Junior Form Lingerie Corp., Cairnbrook, Pa.; effective 8–22–62 to 2–21–63; 15 learners (ladies' and children's pajamas).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Morris Manufacturing Co., Newborn, Tenn.; effective 8–27–62 to 8–26–63; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Grover Furr Hosiery Co., Marion, Va.; effective 9–3–62 to 9–2–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Merrill Hosiery Co., Bank Street, Hornell, N.Y.; effective 9–3–62 to 9–2–63; 5 percent of the total number of factory production workers for normal turnover purposes (full-fashioned and seamless).

W. Y. Shugart & Sons, Inc., Fort Payne, Ala.; effective 8–20–62 to 8–19–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Town House Hosiery Co., Chilhowie, Va.; effective 9–3–62 to 9–2–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Lawrence Corp., Moulton, Ala.; effective 8–20–62 to 2–19–63; 30 learners for plant expansion purposes (women's nightgowns, peignoirs, slips, petticoats, etc.).

Lawrence Corp., Moulton, Ala.; effective 8–20–62 to 8–19–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's nightgowns, peignoirs, slips, petticoats, etc.).

Port Royal Industries, Inc., Beaufort, S.C.; effective 8–23–62 to 8–22–63; five learners for normal labor turnover purposes (sweaters).

Port Royal Industries, Inc., Beaufort, S.C.; effective 8–23–62 to 2–22–63; 10 learners for plant expansion purposes (sweaters).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Bratex Corp., Road No. 701, Km. 0.3, Salinas, P.R.; effective 7–31–62 to 1–30–63; 52 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres).

De Luxe Caribe, Inc., Barceloneta Street, Florida, P.R.; effective 8–6–62 to 2–5–63; 21 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hours for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (girdles and allied products).

Dentsply Puerto Rico, Inc., Caguas, P.R.; effective 8–13–62 to 8–12–63; five learners for normal labor turnover purposes, in the occupation of moulder; carder; driller, each for a learning period of 240 hours at the rate of 87 cents an hour (artificial teeth).

Dentsply Puerto Rico, Inc., Caguas, P.R.; effective 8–13–62 to 2–12–63; 10 learners for plant expansion purposes, in the occupations of moulder; carder; driller, each for a learning period of 240 hours at the rate of 87 cents an hour (artificial teeth).

General Electric Wiring Devices, Inc., Juana Diaz, P.R.; effective 8–9–62 to 1–9–63; 17 learners for plant expansion purposes, in the occupation of molder; assembler, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (electrical wiring devices).

Lares Mills, Inc., Km. 32.9, Highway No. 111 (Box 871, Arecibo, P.R.), Lares, P.R.; effective 8–6–62 to 2–5–63; 45 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 65 cents an hour (men's and boys' polo shirts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 6th day of September 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–9146; Filed, Sept. 12, 1962; 8:47 a.m.]

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VOLUME 27 NUMBER 179

Washington, Friday, September 14, 1962

THE UNIVERSITY OF MICHIGAN
SEP 26 1962
READING ROOM

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1359; Amdt. 287]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 29, 1962.							
City, Houlton; State, Maine; Airport Name, Municipal; Elev., 493'; Fac. Class., BMRLZ; Ident., HUL; Procedure No. 1, Amdt. 7; Eff. Date, 19 Oct. 57; Sup. Amdt. No. 6; Dated, 3 July 57							
ODI-VOR	LE-LFR	Direct	2700	T-d	*400-1	*400-1	#400-1
Blackriver Int**	LE-LFR (Final)	Direct	1800	T-n	*400-1½	*400-1½	#400-1½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-d-13	400-1½	400-1½	400-1½
				S-n-13	400-2	400-2	400-2
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 301° Outbnd, 121° Inbnd, 2700' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 142°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LFR, make immediate right climbing turn, climb to 2700' and return to LE-LFR and hold on NW crs within 10 miles.
CAUTION: 950' MSL tower 1½ miles SE of airport. 1277' MSL tower and 1444' tower 3½ and 4 miles SE, respectively, of airport. 1400' MSL tower atop bluffs 3½ miles W of airport.
*300-1 takeoff authorized on Runways 31, 36, and 18.
**Blackriver Int: Int ODI R-010 and NW crs LE LFR.

City, LaCrosse; State, Wis.; Airport Name, Municipal; Elev., 653'; Fac. Class., SBRAZ; Ident., LSE; Procedure No. 1, Amdt. 7; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 6; Dated, 14 June 58

Sioux City VOR	SUX-LFR	Direct	2400	T-dn*	200-1	200-1	200-½
				C-dn	500-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

AIR CARRIER NOTE: *300-1 required for all takeoffs on Runway 4.
Procedure turn E side S crs, 154° Outbnd, 334° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 330°—1.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles after passing LFR, climb to 3000' on N crs, or when directed by ATC, turn left, climb to 3000' on W crs within 20 miles.
CAUTION: 1318' terrain 1.4 miles ENE of airport.
Other changes: Deletes transition from Sloan FM. Deletes straight-in minima.

City, Sioux City; State, Iowa; Airport Name, Sioux City; Elev., 1097'; Fac. Class., SBMRLZ; Ident., SX; Procedure No. 1, Amdt. 10; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 9; Dated, 22 Dec. 56

PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 29, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Spartanburg; State, S.C.; Airport Name, Municipal; Elev., 816'; Fac. Class., SBRAZ; Ident., SG; Procedure No. 1, Amdt. 10; Eff. Date, 9 Sept. 61; Sup. Amdt. No. 9; Dated, 20 Aug. 60

PROCEDURE CANCELLED, EFFECTIVE SEPTEMBER 29, 1962.

City, Tacoma; State, Wash.; Airport Name, McChord AFB; Elev., 320'; Fac. Class., SBMRAZ; Ident., TCM; Procedure No. 1, Amdt. 2; Eff. Date, 18 Feb. 56; Sup. Amdt. No. 1; Dated, 27 May 54

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Atlanta RBn	LOM	Direct	2500	T–dn	300–1	300–1	200–½
Atlanta VOR	LOM	Direct	2500	C–dn	400–1	500–1	500–1½
Harrison Int	LOM	Direct	3000	S–dn–9	400–1	500–1	500–1
Chattahoochee Int	LOM (Final)	Direct	2300	A–dn	800–2	800–2	800–2
Raymond Int	LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side W crs, 268° Outbnd, 088° Inbnd, 2500′ within 10 miles.
Minimum altitude over LOM inbnd final, 2300′.
Crs and distance, LOM to airport, 088°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 2500′ on crs 089° within 20 miles.
CAUTION: 1182′ tower ¾ mile W of airport.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class., LOM; Ident., AT; Procedure No. 1, Amdt. 22; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 21; Dated, 10 June 61

ATL VOR	LOM	Direct	2500	T–dn	300–1	300–1	200–½
MDU VOR	LOM (Final)	Direct	2300	C–dn	400–1	500–1	500–1½
Stone Mt. Int	LOM	Direct	2700	S–dn–33	400–1	400–1	400–1
Tucker Int	LOM	Direct	3000	A–dn	800–2	800–2	800–2
Harrison Int	LOM	Direct	3000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side SE crs, 149° Outbnd, 329° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 329°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, turn left, climb to 3000′ on crs of 269° from ATL LOM (Ident AT) within 15 miles of ATL LOM.
CAUTION: 1182′ tank ¾ mile W of airport.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class., LOM; Ident., AZ; Procedure No. 2, Amdt. 3; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 2; Dated, 10 June 61

Woodville Int	LOM	Direct	1900	T–dn	300–1	300–1	200–½
BTR VOR	LOM	Direct	1500	C–dn	500–1	500–1	500–1½
Morganza Int	LOM	Direct	1200	S–dn–13	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of NW crs, 307° Outbnd, 127° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 127°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1500′ on crs of 127° within 20 miles, or when directed by ATC, turn left, climb to 1500′ on NE crs BR LFR within 20 miles.
NOTE: Approach lights not installed.
Other changes: Deletes transition from BR–LFR.

City, Baton Rouge; State, La.; Airport Name, Ryan; Elev., 70′; Fac. Class., LOM; Ident., BT; Procedure No. 1, Amdt. 8; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 7; Dated, 4 Nov. 61

Manassas Int	Stonewall Int*	Direct	1900	T–dn	300–1	300–1	200–½
Mosby Int	Stonewall Int*	Direct	1900	C–dn	400–1	500–1	500–1½
Stonewall Int*	LOM (Final)	Direct	1900	S–dn–01R	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn NA.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 007°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing DI LOM make left climbing turn to Poolesville, MH, cross Poolesville 2300′. Hold N, 007° bearing 187° Inbnd, 1-minute right turns.
*Stonewall Int: Int S crs DIA ILS and R–252 DCA.

City, Chantilly; State, Va.; Airport Name, Dulles International; Elev., 313′; Fac. Class., LOM; Ident., DI; Procedure No. 1, Amdt. Orig.; Eff. Date, 20 Sept. 62

Boyds Int	Poolesville RBn (Final)	Direct	2800	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–19R*	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved patterns.
Radar vectoring to final approach or procedure turn required.
Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2700′ over Poolesville RBn.
Crs and distance, facility to airport, 187°—7.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing PLV RBn, make right climbing turn to PLV RBn, 2300′ alt. Hold N 007° bearing, 187° inbound, 1-minute right turns.
*If DLX, OM not received, minimums of 500–2 apply.

City, Chantilly; State, Va.; Airport Name, Dulles International; Elev., 313′; Fac. Class., MHW; Ident., PVL; Procedure No. 2, Amdt. Orig.; Eff. Date, 20 Sept. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
ORD VOR	LOM	Direct	2200	T–dn	300–1	300–1	200–½
OBK VOR	LOM	Direct	2200	C–dn	400–1	500–1	500–1½
Lakewood Int	LOM	Direct	2500	S–dn–27	400–1	400–1	400–1
Acorn Int	LOM	Direct	2500	A–dn	800–2	800–2	800–2
Temple Int*	LOM (Final)	Direct	2100				
Deerfield Int	LOM	Direct	2200				
Beacon Int	LOM	Direct	2500				
Elgin Int	OBK VOR	Direct	2200				

Radar vectoring authorized in accordance with approved radar patterns. Aircraft executing missed approach may, after being reidentified, be radar controlled.
Procedure turn N side of crs, 088° Outbnd, 268° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 268°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make right turn climb to 2500′ and proceed to OBK VOR via OBK R–170 or, when directed by ATC, climb to 2000′ on ORD VOR R–250, then make right climbing turn to 2500′ and proceed to Elgin Int via ORD VOR R–271.
CAUTION: Takeoffs on Runway 27, when weather is below 2000–3, will intercept ORD R–250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000–3, will intercept ORD VOR R–306 and climb to 2000′ before proceeding westbound.
*Temple Int: Int ORD VOR R–076 and OBK VOR R–119 or ORD VOR R–076 and CGT VOR R–356.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667′; Fac. Class., LOM; Ident., IA; Procedure No. 3, Amdt. 2; Eff Date, 29 Sept. 62; Sup. Amdt. No. 1; Dated, 21 July 62

Duluth VOR	LOM	Direct	2700	T–dn	300–1	300–1	200–½
Duluth RBn	LOM	Direct	2700	C–d	400–1	500–1	500–1½
Taft Int*	LOM	Direct	2700	C–n	400–1½	500–1½	500–1½
Bartlett Int**	LOM	Direct	2700	S–dn–9	400–1	400–1	400–1
Lakewood Int#	LOM	Direct	3000	A–dn	800–2	800–2	800–2
Palmers Int	LOM	Direct	3000				

Procedure turn S side of crs, 268° Outbnd, 088° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 088°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles of LOM, climb to 3000′ on 088° crs from LOM within 15 miles.
CAUTION: 2049′ tower approximately 4.5 miles SE of Duluth Municipal Airport.
*Taft Int: Int 360° brng. from DL LOM and R–320 DLH VOR.
**Bartlett Int: Int 360° brng. from DL LOM and 322° brng. from DLH RBn.
#Lakewood Int: Int 046° brng. from DLH RBn and 088° brng. from DL LOM.
##Palmers Int: Int R–047 DLH VOR and 088° brng. from DL LOM.

City, Duluth; State, Minn.; Airport Name, Williamson-Johnson; Elev., 1429′; Fac. Class., LOM; Ident., DL; Procedure No. 1, Amdt. 5; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 4; Dated, 8 July 61

DLH VOR	DLH RBn	Direct	2500	T–dn	300–1	300–1	200–½
				C–d	400–1	500–1	500–1½
				C–n	400–1½	500–1½	500–1½
				S–dn–3	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 194° Outbnd, 014° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 014°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing RBn, climb to 2800′ on 014° bearing from DLH RBn within 15 miles.
NOTE: Final approach from holding pattern at RBn, NA. Procedure turn required.

City, Duluth; State, Minn.; Airport Name, Williamson-Johnson; Elev., 1429′; Fac. Class., SABH; Ident., DLH; Procedure No. 2, Amdt. 2; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 1; Dated, 15 Sept. 62

Summit Hill Int	LOM	Direct	2500	T–dn	300–1	300–1	200–½
Wallburg Int	LOM	Direct	2500	C–dn	400–1	500–1	500–1½
Greensboro VOR	LOM	Direct	2500	S–dn–14	400–1	400–1	400–1
Thomas Int	LOM	Direct	2500	A–dn	800–2	800–2	800–2
Pine Hall Int	LOM	Direct	2800				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 318° Outbnd, 138° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 138°—5.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, climb to 2500′ on 138° crs from LOM or, when directed by ATC, turn left, climb to 2500′ on R–054 GSO–VOR within 20 miles or turn left, climb to 2500′ and return direct to LOM.
CAUTION: 880′ of construction on approach end of runway.

City, Greensboro; State, N.C.; Airport Name, Greensboro-High Point Municipal; Elev., 923′; Fac. Class., LOM; Ident., GS; Procedure No. 1, Amdt. 8; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 7; Dated, 16 June 62

				T–d	800–1	800–1	NA
				C–d	800–1	880–1	NA
				S–d	NA	NA	NA
				A–d	NA	NA	NA
					NA	NA	NA

Procedure turn NW side of crs, 040° Outbnd, 220° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 220°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing Lancaster MHW, climb on crs 220° to 1500′ within 10 miles, then make climbing left turn to 2300′ and proceed direct to the MHW. Hold NE 1-minute right turns, 220° inbnd.
NOTE: No tower Unicom available 122.8 mc. ATC communications with Harrisburg approach control.

City, Lancaster; State, Pa.; Airport Name, Garden Spot Airpark; Elev., 423′; Fac. Class., MHW; Ident., LRP; Procedure No. 1, Amdt. 1; Eff. Date, 29 Sept. 62; Sup. Amdt. No. Orig.; Dated, 18 Aug. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Quincy, Illinois VOR	LOM	Direct	1900	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1¼
				S-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach course, 1900'.
Crs and distance, facility to airport, 035°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1900' on NE crs ILS (035°) within 20 mi.
CAUTION: 1560' MSL tower 6 mi WNW of airport.

City, Quincy; State, Ill.; Airport Name, Quincy-Baldwin Municipal Field; Elev., 769'; Fac. Class., LOM; Ident., UI; Procedure No. 1, Amdt. 4; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 3; Dated, 8 Sept. 62

SX-LFR	LOM	Direct	2600	T-dn*	300-1	300-1	200-½
SUX-VOR	LOM	Direct	2600	C-dn	500-1	600-1	600-1¼
				S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 127° Outbnd, 307° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 307°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, climb to 3000' on crs 307° from LOM within 20 miles or, when directed by ATC, turn left and climb to 3000' on W crs SX-LFR within 20 miles.
NOTE: When authorized by ATC, SUX DME may be used to position aircraft on final approach course at 2600' between R-070 clockwise to 170° via 11-mile DME arc with the elimination of procedure turn.
CAUTION: Terrain 1318' MSL 1.4 miles ENE of airport.
Other change: Deletes transition from Sloan FM.
*AIR CARRIER NOTE: 300-1 required for all takeoffs on Runway 4.

City, Sioux City; State, Iowa; Airport Name, Sioux City Municipal; Elev., 1097'; Fac. Class., LOM; Ident., SU; Procedure No. 1, Amdt. 6; Eff. Date, 29 Sept. 62; Sup. Amdt No. 5; Dated, 4 Aug. 62

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Royston VOR	AND-VOR (Final)	Direct	2300	T-dn	300-1	300-1	200-½
Pelzer Int	AND-VOR	Direct	2300	C-dn	400-1	500-1	500-1½
				S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 219° Outbnd, 039° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 039°—5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing VOR, climb to 2300' on R-039 AND-VOR, make left turn, returning to AND-VOR via R-039.

City, Anderson; State, S.C.; Airport Name, Anderson Municipal; Elev., 783'; Fac. Class., BVOR; Ident., AND; Procedure No. 1, Amdt. 3; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 2; Dated, 1 July 61

Chattahooche Int	ATL-VOR	Direct	2500	T-dn	300-1	300-1	200-½
Atlanta RBn	ATL-VOR	Direct	2500	C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-d-3	500-1	500-1	500-1
				S-d-3	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2
				If aircraft equipped with dual VOR, and Riverdale Int* received, minima become:			
				C-dn	500-1	500-1	500-1½
				S-dn-3	400-1	400-1	400-1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 196° Outbnd, 016° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2500'.
Minimum altitude over Riverdale Int* on final approach crs, 2000'.
Crs and distance, facility to airport, 016°—8.0 mi. Riverdale Int* to airport, 016°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.0 miles after passing VOR, or 3.5 mi after passing Riverdale Int, turn right, climb to 2500' and proceed to Rex Int via E crs ATL ILS.
CAUTION: 2049' MSL TV Tower 7 miles NNE of airport.
*Riverside Int: Int R-016 ATL VOR and R-306 MDU VOR.

City, Atlanta; State, Ga.; Airport Name, Municipal; Elev., 1024'; Fac. Class., BVORTAC; Ident., ATL; Procedure No. 1, Amdt. 5; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 4; Dated, 6 May 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
RNO-VOR	HZN-VOR	Direct	9500	T-dn	300-1	300-1	200-½
Churchill Int	HZN-VOR	Direct	10,000	C-d	1100-1	1100-1	1100-1¼
LOL-VOR	HZN-VOR	Direct	8000	C-n	1100-2	1100-2	1100-2
				A-d	1500-2	1500-2	1500-2
				A-n	1500-3	1500-3	1500-3

Procedure turn S side of crs, 254° Outbnd, 074° Inbnd, 8000' within 10 miles. Beyond 10 NA.
Minimum altitude over facility on final approach crs, 6500'.
Crs and distance, facility to airport, 067°—14.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing HZN-VOR, make a left climbing turn, return to the VOR climbing to 8500' on R-254 within 10 miles.
NOTE: Military authority required.

City, Fallon; State, Nev.; Airport Name, NAAS Fallon; Elev., 3934'; Fac. Class., VORW; Ident., HZN; Procedure No. 1, Amdt. 1; Eff. Date, 29 Sept. 62; Sup. Amdt. No. Orig.; Dated, 28 Jan. 61

Sioux City LFR	SUX-VOR	Direct	2400	T-dn*	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1¼
				S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

AIR CARRIER NOTE: *300-1 required for all takeoffs on Runway 4.
Procedure turn E side of crs, 131° Outbnd, 311° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 311°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, climb to 3000' on R-331 within 20 miles.
CAUTION: 1319' terrain 1.4 miles ENE of airport.
Other change. Deletes transition from Sloan FM.

City, Sioux City; State, Iowa; Airport Name, Sioux City Municipal; Elev., 1097'; Fac. Class., M-BVORTAC; Ident., SUX; Procedure No. 1, Amdt. 7; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 6; Dated, 13 May 61

				T-d	300-1	300-1	NA
				C-d	500-1	700-1	NA
				A-dn	NA	NA	NA

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 060°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, make a climbing left turn to 1900', proceed direct to SBJ-VOR. Hold SW 1-minute right turns, inbound crs 060°.
NOTE: No tower Unicom available.
CAUTION: 700' terrain 2.5 miles past airport on 060°. 500' ridge, 1.5 mi. ENE of the airport.

City, Somerset; State, N. J.; Airport Name, Somerset; Elev., 105'; Fac. Class., BVORTAC; Ident., SBJ; Procedure No. 1, Amdt. 2; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 1; Dated, 19 May 62

Winslow RBn	INW-VOR	Direct	7000	A-dn	300-1	300-1	200-½
				C-dn	500-2	600-2	600-2
				S-dn-11	400-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn N side crs, 300° Outbnd, 120° Inbnd, 7000' within 10 miles (nonstandard due to terrain).
Minimum altitude over facility on final approach crs, 6000'.
Crs and distance, facility to airport, 107°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing VOR, turn left, climb to 7000' on R-079 within 20 miles.
SHUTTLE: To 8000' on crs 300° outbnd, 120° inbnd within 20 miles.

City, Winslow; State, Ariz.; Airport Name, Municipal; Elev., 4937'; Fac. Class., BVORTAC; Ident., INW; Procedure No. 1, Amdt. 4; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 3; Dated, 29 Apr. 58

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-2	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side crs, 193° Outbnd, 013° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, breakoff point to approach end Runway 2, 020°—0.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile climb to 2300′ on R-062 within 20 miles.
CAUTION: Tower 1038′ MSL 4 miles W of facility.

City, Athens; State, Ga.; Airport Name, Athens Municipal; Elev., 807′; Fac. Class., BVORTAC; Ident., AHN; Procedure No. TerVOR-2, Amdt. 1; Eff. Date, 29 Sept. 62; Sup. Amdt. No. Orig.; Dated, 7 Dec. 58

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-27	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 077° Outbnd, 257° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, breakoff point to approach end of Runway 27, 267°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2300′ on R-191 within 20 miles.
CAUTION: Tower 1038′ MSL 4 miles W of facility.

City, Athens; State Ga.; Airport Name, Athens Municipal; Elev., 807′; Fac. Class., BVORTAC; Ident., AHN; Procedure No. TerVOR-27, Amdt. 1; Eff. Date, 29 Sept. 62; Sup. Amdt. No. Orig.; Dated, 7 Dec. 58

				T-d	400-1	400-1	400-1
				T-n	500-1	500-1	500-1
				C-d	800-1	800-1	800-1½
				C-n	800-1½	800-1½	800-1½
				S-dn-17	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 348° Outbnd, 168° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Course and distance, breakoff point to approach end of Runway 17, 171°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make a climbing right turn to 2000′ on R-232 within 10 miles, return to AUG-VOR. Hold R-232 AUG-VOR, right turns, 1 minute.
AIR CARRIER NOTE: Night operations restricted to Runways 17-35.

City, Augusta; State, Maine; Airport Name, Augusta-State; Elev., 357′; Fac. Class., BVOR; Ident., AUG; Procedure No. TerVOR-17, Amdt. 2; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 1; Dated, 21 Sept. 57

				T-d	400-1	400-1	400-1
				T-n	500-1	500-1	500-1
				C-d	600-1	600-1	600-1½
				C-n	600-1½	600-1½	600-1½
				S-dn-26	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, breakoff point to approach end of Runway 26, 260°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make climbing left turn to 2000′ on R-232 within 10 miles. Hold R-232 Augusta VOR, 1-minute right turns.
AIR CARRIER NOTES: Night operations restricted to Runways 17-35. Straight-in minimums not authorized on Runway 26.

City, Augusta; State, Maine; Airport Name, Augusta-Maine; Elev., 357′; Fac. Class., BVOR; Ident., AUG; Procedure No. TerVOR-26, Amdt. 2; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 1; Dated, 21 Sept. 57

				T-d	400-1	400-1	400-1
				T-n	500-1	500-1	500-1
				C-d	600-1	600-1	600-1½
				C-n	600-1½	600-1½	600-1½
				S-dn-35	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 174° Outbnd, 354° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, breakoff point to approach end of Runway 35, 351°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make a climbing right turn to 2000′ on R-043 within 10 miles. Hold R-043 AUGUSTA VOR, 1-minute right turns.

City, Augusta; State, Maine; Airport Name, Augusta-State; Elev., 357′; Fac. Class., BVOR; Ident., AUG; Procedure No. TerVOR-35, Amdt. 3; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 2; Dated, 15 Mar. 58

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with radar patterns.
Procedure turn E side of crs, 177° Outbnd, 357° Inbnd, 2100′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, breakoff point to approach end of Runway 1, 007°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000′ on R-357 within 10 miles, turn left, proceed direct to ROC-VOR at 2000′. Hold West ROC-VOR 1-minute right turns, 118° Inbound.
AIR CARRIER NOTE: Takeoff on Runway 12 and landing on Runway 30 NA.

City, Rochester; State, N.Y.; Airport Name, Rochester-Monroe County; Elev., 560′; Fac. Class., BVOR; Ident., ROC; Procedure No. TerVOR-1, Amdt. 7; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 6; Dated 18 Aug. 62

AUW VOR	Rosholt Int*	Direct	2400	T-dn	300-1	300-1
Rosholt Int	Plover Int (Final)**	Direct	1700	C-d	600-1	600-1
				C-n	600-2	600-2
				S-dn-21	600-1	600-1
				A-dn*	NA	NA
				The following minimums apply to aircraft equipped with dual VOR and Plover Int* received:		
				C-d	400-1	500-1
				C-n	400-2	500-2
				S-dn-21	400-1	400-1

Procedure turn W side of crs, 021° Outbnd, 201° Inbnd, 2400′ within 10 miles.
Minimum altitude over Plover Int* on final approach crs, 1700′.
Crs and distance, Plover Int* to Runway 21, 201°—4.6 mi.
Crs and distance from Int of runway centerline extended and final approach crs to approach end of runway, 206°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished with 0.0 mile climb to 2400′ on R-125 STE-VOR.
CAUTION: 1400′ MSL tower located 3.6 miles ESE of airport.
*Alternate minimums of 800-2 authorized for air carriers with weather reporting service at the airport.
*Rosholt Int - Int AUW VOR R-147 and STE VOR R-021.
**Plover Int: Int AUW-VOR R-157 and STE-VOR R-021.

City, Stevens Point; State, Wis.; Airport Name, Municipal; Elev., 1107′; Fac. Class., BVOR; Ident., STE; Procedure No. Ter VOR-21, Amdt. 2: Eff. Date, 29 Sept. 62; Sup. Amdt. No. 1; Dated, 15 July 61

				T-dn	300-1	300-1
				C-d	700-1	700-1
				C-n	700-2	700-2
				S-dn-30	700-1	700-1
				A-dn*	NA	NA
				The following minimums apply to aircraft equipped with operating dual VOR receivers and Patrick Int** received:		
				C-d	400-1	500-1
				C-n	400-2	500-2
				S-dn-30	400-1	400-1

Procedure turn E side of crs, 110° Outbnd, 290° Inbnd, 2400′ within 10 miles of STE-VOR.
Minimum altitude over Patrick Int** on final approach crs, 1800′.
Crs and distance, Patrick Int** to approach end of Runway 30, 290°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of STE VOR, make right climbing turn to 2400′ and return to STE-VOR.
CAUTION: 1400′ MSL tower located 4 miles ESE of airport.
*Alternate minimums of 800-2 authorized for air carriers with weather reporting service at the airport.
**Patrick Int: Int AUW VOR R-162 and STE VOR R-110.

City, Stevens Point; State, Wis.; Airport Name, Stevens Point Municipal; Elev., 1107′; Fac. Class., BVOR; Ident., STE; Procedure No. TerVOR-30, Amdt. 2; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 1; Dated, 15 July 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Atlanta RBn	LOM	Direct	2500	T-dn**	300–1	300–1	200–½
Atlanta VOI	LOM	Direct	2500	C-dn	400–1	500–1	500–1½
Harrison Int	LOM	Direct	3000	S-dn–9	♯200–½	♯200–½	♯200–½
Chattahoochee Int	LOM (Final)	Direct	2300	A-dn	600–2	600–2	600–2
Raymond Int	LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side W crs, 268° Outbnd, 088° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope int inbnd, 2400′.
Altitude of glide slope and distance to approach end of runway at OM, 2324′—4.1 mi; at MM, 1236′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on E crs ILS within 20 miles.
CAUTION: 1182′ tower ¾ mile W of airport.
♯Runway visual range 2600′ authorized for landing on Runway 9; provided, that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 1224′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600′ authorized for takeoff on Runway 9 in lieu of 200–½ when 200–½ authorized; providing high-intensity runway lights are operational.
*400–¾ required when glide slope not utilized.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class., ILS; Ident., I-ATL; Procedure No. ILS-9, Amdt. 22; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 21; Dated, 22 Apr. 61

Atlanta RBn	Rex Int*	Direct	2500	T-dn	300–1	300–1	200–½
Atlanta VOR	Rex Int*	Direct	2500	C-dn	400–1	500–1	500–1½
Lithonia Int	Rex Int* (Final)	Direct	2000	S-dn–27L	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side E crs, 088° Outbnd, 268° Inbnd, 2500′ within 10 miles.
No glide slope.
Minimum altitude over Rex Int* inbnd, 2000′.
Brng and distance to approach end of runway at Rex Int,* 268°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing Rex Int,* climb to 2500′ on W crs ILS within 10 miles.
CAUTION: 1182′ tower ¾ mile W airport.
*Rex Int: Int E crs ATL–ILS and R–332 MDU–VOR.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class., ILS; Ident., I-ATL; Procedure No. ILS-27, Amdt. 7; Eff. Date, 29 Sept. 62; Sup Amdt. No. 6; Dated, 21 May 60

ATL–VOR	LOM	Direct	2500	T-dn	300–1	300–1	200–½
MDU–VOR	LOM (Final)	Direct	2300	C-dn	400–1	500–1	500–1½
Stone Mt. Int	LOM	Direct	2700	S-dn–33*	200–½	200–½	200–½
Tucker Int	LOM	Direct	3000	A-dn	600–2	600–2	600–2
Harrison Int	LOM	Direct	3000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side SE crs, 149° Outbnd, 329° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope Int inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at OM, 2257′—4.5 mi; at MM, 1173′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 3000′ and proceed to Chattahoochee Int via ILS NW crs, and FTY VOR R–222, or when directed by ATC, climb to 4000′ and proceed to Margaret Int via FTY–VOR.
CAUTION: 1182′ tank ¾ mile W of airport.
*400–¾ required when glide slope not utilized.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class., ILS; Ident., I-AZA; Procedure No. ILS-33, Amdt. 2; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 1; Dated, 22 Apr. 61

Woodville Int	River Int	Direct	1400	T-dn	300–1	300–1	200–½
Baton Rouge VOR	LOM	Direct	1500	C-dn	500–1	500–1	500–1½
Morganza Int	LOM	Direct	1300	S-dn–13	*300–¾	*300–¾	*300–¾
River Int	LOM (Final)	Direct	1300	A-dn	600–2	600–2	600–2

Procedure turn W side of NW crs, 307° Outbnd, 127° Inbnd, 1300′ within 10 miles.
Minimum altitude at glide slope int inbnd, 1300′.
Altitude of glide slope and distance to approach end of runway at OM 1300′—3.8 mi, at MM 240′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500′ on SE crs ILS within 20 miles or, when directed by ATC, (1) turn left, climb to 1400′ on R–081 BTR–VOR within 10 miles of Creole Int or (2) turn left, climb to 1900′ on R–041 BTR–VOR within 20 miles.
Other changes: Deletes transition from Baton Rouge LFR.
*400–¾ required when glide slope not utilized. Approach lights not installed.

City, Baton Rouge; State, La.; Airport Name, Ryan; Elev., 70′; Fac. Class., ILS; Ident., I-BTR; Procedure No. ILS-13, Amdt. 8; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 7; Dated, 8 Apr. 61

Amite Int	Creole Int	Direct	900	T-dn	300–1	300–1	200–½
BTR–VOR	Creole Int	Direct	2000	C-dn	500–1	500–1	500–1½
Int SE crs ILS BTR–VOR R–109	Amite Int	Direct	1400	S-dn–31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side SE crs, 127° Outbnd, 307° Inbnd, 1400′ within 10 mi of Creole Int.
No glide slope.
Minimum altitude over Creole Int, 900′.
Crs and distance, Creole Int to airport, 307°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing Creole Int, climb to 1300′ on NW crs ILS within 10 miles of LOM, or when directed by ATC, turn right, climb to 1900′ on R–041 within 20 miles.
Other changes: Deletes transition from BR–LFR.

City, Baton Rouge; State, La.; Airport Name, Ryan; Elev., 70′; Fac. Class., ILS; Ident., I-BTR; Procedure No. ILS-31. Amdt. 4; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 3; Dated, 8 Apr. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Manassas Int	Stonewall Int*	Direct	1900	T-dn	300–1	300–1	200–½
Mosby Int	Stonewall Int*	Direct	1900	C-dn	400–1	500–1	500–1½
Stonewall Int*	LOM (Final)	Direct	1900	S-dn–01R	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar transitions in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude at glide slope interception inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM, 1851′—4.6 mi, at MM, 556′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left climbing turn to Poolesville, MH, cross Poolesville at 2300′. Hold N 007° bearing 187° inbound, 1-minute right turns.
*Stonewall Int: Int. S crs. DIA ILS and R–252 DCA.

City, Chantilly; State, Va.; Airport Name, Dulles International; Elev., 313′; Fac. Class., ILS; Ident., I-DIA; Procedure No. ILS-01R, Amdt. Orig.; Eff. Date, 20 Sept. 62

Boyds Int	Poolsville RBn (final)	Direct	2700	T-dn	300–1	300–1	300–1
				C-dn	400–1	500–1	500–1½
				S-dn–19R	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar transitions and vectoring authorized in accordance with approved patterns.
Radar vectoring to final approach or procedure turn required.
Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 2800′ within 10 miles.
Minimum altitude at glide slope interception inbnd, 2700′.
Altitude of glide slope and distance to approach end of runway at Poolsville RBn, 2694′—7.3 mi; at OM, 1483′—3.6 mi; at MM, 501′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right climbing turn, return to Poolsville RBn, climbing to 2300′. Hold N 007° bearing, 187° inbnd, right turns, 1-minute pattern.
*Boyds Int: Int MRB–VOR R–128 and N crs DLX ILS.

City, Chantilly; State, Va.; Airport Name, Dulles International; Elev., 313′; Fac. Class., ILS; Ident., I-DLX; Procedure No. ILS-19R, Amdt. Orig.; Eff. Date, 20 Sept. 62

ORD VOR	LOM	Direct	2200	T-dn	300–1	300–1	200–½
OBK VOR	LOM	Direct	2200	C-dn	400–1	500–1	500–1½
Lakewood Int	LOM	Direct	2500	S-dn–27*	200–½	200–½	200–½
Elgin Int	OBK VOR	Direct	2100	A-dn	600–2	600–2	600–2
Beacon Int	LOM	Direct	2500				
Acorn Int	LOM	Direct	2500				
Whitefish Int	E crs ILS (Final)	R–052 APl VOR	2200				
Temple Int$	E crs ILS (Final)	R–054 APl VOR	2200				
Tide Int	Shark Int♯	R–120 OBK VOR	2200				
Shark Int♯	Point Int% (Final)	E crs ILS	2200				
Deerfield Int	LOM	Direct	2200				

Radar vectoring authorized in accordance with approved radar patterns. Aircraft executing missed approach may, after being reidentified, be radar controlled.
Procedure turn N side East crs, 068° Outbnd, 248° Inbnd, 2200′.
Minimum altitude at glide slope interception inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at LOM, 2130′—4.5 mi; at MM, 860′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right climbing turn to 2500′ and proceed to OBK VOR via OBK R–170, or when directed by ATC, climb to 2000′ on ORD VOR R–250, then make right climbing turn to 2500′ and proceed to Elgin Int. via ORD VOR R–271.
NOTES: When authorized by ATC, DME from ORD VOR may be used to establish position inbound at 2500′ on E crs ILS via 10 mile arc from ORD VOR for straight-in approach with elimination of procedure turn.
CAUTION: Takeoffs on Runway 27, when weather is below 2000–3, will intercept ORD VOR R–250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway, 32L, when weather is below 2000–3, will intercept ORD VOR R–306 and climb to 2000′ before proceeding westbound.
*400–1 required with glide slope inoperative.
$Temple Int: Int ORD VOR R–076 and CGT VOR R–356.
♯Shark Int: Int R–120 OBK E crs ORD ILS–27.
%Point Int: Int R–127 OBK–VOR, E crs ORD ILS–27, and CGT–VOR R–356.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-IAC; Procedure No. ILS-27, Amdt. 2; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 1; Dated, 21 July 62

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn–32L	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar transition to final approach course authorized. Aircraft will be released for final approach inbnd to River Grove Int* on final approach course to cross River Grove Int* at 2500′.
Procedure turn NA.
Minimum altitude over River Grove Int* on final approach crs, 2500′.
Crs and distance, River Grove Int* to airport, 318°—6.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing River Grove Int,* climb to 2000′ on ORD VOR R–250, then make right climbing turn to 2500′ and proceed to Elgin Int. via ORD VOR R–271 or, when directed by ATC, make right climbing turn to 2500′ and proceed to OBK VOR via OBK R–170.
NOTE: Functioning ILS and VOR receiver required unless River Grove Int* is identified by O'Hare Radar. No glide slope, markers, compass locators or approach lights. 4° localizer course, VGSI installed.
CAUTION: Takeoffs on Runway 27 when weather is below 2000–3 will intercept ORD–VOR R–250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L when weather is below 2000–3 will intercept ORD–VOR R–306 and climb to 2000′ before proceeding westbound.
*River Grove Int: Int 8E crs ORD ILS and APl–VOR R–060.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-ORD; Procedure No. ILS-32L, Amdt. 3; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 2; Dated, 19 May 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Duluth VOR	LOM	Direct	2700	T–dn	300–1	300–1	200–½
Duluth RBn	LOM	Direct	2700	C–d	400–1	500–1	500–1½
Taft Int**	LOM	Direct	2700	C–n	400–1½	500–1½	500–1½
Bartlett Int%	LOM	Direct	2700	S–dn–9°	300–¾	300–¾	300–¾
Lakewood Int#	LOM	Direct	3000	A–dn	800–2	800–2	800–2
Palmers Int##	LOM	Direct	3000				

Procedure turn S side of final approach crs, 268° Outbnd, 088° Inbnd, 2700′ within 10 miles.
Minimum altitude at glide slope interception inbound, 2700′.
Altitude of glide slope and distance to approach end of runway at LOM, 2617′—4.3 mi; at MM, 1628′—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on E crs ILS within 15 miles.
CAUTION: 2049′ tower approximately 4.5 miles SE of Duluth Municipal Airport.
*300–1 required with glide slope inoperative.
**Taft Int.: Int 360° brg. from DL LOM and R–320 DLH VOR.
%Bartlett Int: Int 360° brg. from DL LOM and 322° brg. from DLH RBn.
#Lakewood Int: Int 046° brg. from DLH RBn and E crs ILS.
##Palmers Int: Int R–047 DLH VOR and E crs ILS.

City, Duluth; State Minn.; Airport Name, Williamson-Johnson; Elev., 1429′; Fac. Class., ILS; Ident., I–DLH; Procedure No. ILS–9, Amdt. 5; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 4; Dated, 8 July 61

Summit Hill Int	LOM	Direct	2500	T–dn	300–1	300–1	200–½
Wallburg Int	LOM	Direct	2500	C–dn	400–1	500–1	500–1½
Greensboro VOR	LOM	Direct	2500	S–dn–14°	300–¾	300–¾	300–¾
Thomas Int	LOM	Direct	2500	A–dn	600–2	600–2	600–2
Pine Hall Int	LOM (Final)	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side NW crs, 318° Outbnd, 138° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interception inbnd, 2500′.
Altitude of glide slope and distance to approach end of runway at OM, 2519′—5.7 mi; at MM, 1130′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on SE crs ILS (138°) within 20 miles or, when directed by ATC, turn left, climb to 2500′ on R–054 GSO–VOR within 20 miles or turn left, climb to 2500′ and return direct to LOM.
NOTE: No approach lights.
*600–¾ required when glide slope not utilized.

City, Greensboro; State, N.C.; Airport Name, Greensboro-High Point; Elev., 923′; Fac. Class., ILS; Ident., I–GSO; Procedure No. ILS–14, Amdt. 7; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 6; Dated, 29 July 61

Quincy VOR	LOM	Direct	1900	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn 3	300–¾	300–¾	300–¾
				A–dn	800–2	800–2	800–2

Procedure turn S side of SW crs, 215° Outbnd, 035° Inbnd, 1900′ within 10 miles.
Minimum altitude at glide slope int inbnd 1900′.
Altitude of glide slope and distance to approach end of runway at OM, 1830′—3.8 mi; at MM 962′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1900′ on NE crs ILS (035°) within 20 miles.
NOTE: No approach lights.
CAUTION: 1560′ MSL radio tower located approximately 6.0 miles WNW of airport.

City, Quincy; State, Ill.; Airport Name, Quincy Baldwin Municipal Field; Elev., 769′; Fac. Class., ILS; Ident., IUIN; Procedure No. ILS–3, Amdt. 4; Eff. Date 29 Sept. 62; Sup. Amdt. No. 3; Dated 8 Sept. 62

SX–LFR	LOM	Direct	2600	T–dn*	300–1	300–1	200–½
SUX–VOR	LOM	Direct	2600	C–dn	500–1	600–1	600–1½
				S–dn–31	200–1½	200–1½	200–1½
				A–dn	600–2	600–2	600–2

Procedure turn E side SE crs, 127° Outbnd, 307° Inbnd, 2600′ within 10 miles.
Minimum altitude at glide slope interception inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2575′—5.4 mi; at MM, 1287′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on NW crs ILS within 20 miles or, when directed by ATC, turn left and climb to 3000′ on W crs SX–LFR within 20 miles.
NOTE: When authorized by ATC, SUX DME may be used to position aircraft on localizer course at 2600′ between R–070 clockwise to 170° via 11-mile DME arc with the elimination of procedure turn.
CAUTION: Terrain 1318′ MSL 1.4 mi ENE of airport.
Other change: Deletes transition from Sloan FM.
*AIR CARRIER NOTE: 300–1 required for all takeoffs on Runway 4.

City, Sioux City; State Iowa; Airport Name Sioux City Municipal; Elev., 1097′; Fac. Class., ILS; Ident., I–SUX; Procedure No. ILS–31, Amdt. 6; Eff. Date, 29 Sept. 62; Sup. Amdt. No. 5; Dated, 4 Aug. 62

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
All directions	Radar site	Within 5 mi	1600		Precision approach		
All directions	Radar site	Within 15 mi	2400				
				T–dn	200–1	200–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–01R	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2
					Surveillance approach		
				T–dn	200–1	200–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn	400–1	400–1	400–1
				A–dn	600–2	600–2	600–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing turn to Poolesville RBn; cross Poolesville RBn at 2300′. Hold North 007° brg, 187° inbound, 1-minute right turns.

City, Chantilly; State, Va.; Airport Name, Dulles International; Elev., 313′; Fac. Class. and Ident., Dulles Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 20 Sept. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 23, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62–8690; Filed, Sept. 13, 1962; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Approval of Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment to be effective under Marketing Agreement No. 113, and Order No. 946 (7 CFR Part 946), regulating the handling of Irish potatoes grown in the State of Washington, was published in the August 10, 1962, FEDERAL REGISTER (27 F.R. 7988). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the State of Washington Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 946.214 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 946, to enable such committee to perform its functions, pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1963, will amount to $22,963.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 113 and Order No. 946 shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable potatoes from the beginning of such fiscal year, and (2) the current fiscal year began on June 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 10, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–9193; Filed, Sept. 13, 1962; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER I—MINERAL LANDS

[Circular No. 2069]

PART 185—GENERAL MINING REGULATIONS

Common Varieties: Defined

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 1, 61 Stat. 681, as amended (30 U.S.C. 611), 43 CFR 185.121(b) is amended as set forth below. The purpose of this amendment is to more clearly define "common varieties" consistent

with the expressed intent of the Congress as set forth in the reports of the respective Committees on Interior and Insular Affairs in favorably recommending action on the bills that led to the Act of July 23, 1955. This regulation shall become effective upon publication in the FEDERAL REGISTER.

Paragraph (b) of § 185.121 is revised in its entirety as follows (and the footnote 2 is deleted):

(b) "Common varieties" includes deposits which, although they may have value for use in trade, manufacture, the sciences, or in the mechanical or ornamental arts, do not possess a distinct, special economic value for such use over and above the normal uses of the general run of such deposits. Mineral materials which occur commonly shall not be deemed to be "common varieties" if a particular deposit has distinct and special properties making it commercially valuable for use in a manufacturing, industrial, or processing operation. In the determination of commerical value, such factors may be considered as quality and quantity of the deposit, geographical location, proximity to market or point of utilization, accessibility to transportation, requirements for reasonable reserves consistent with usual industry practices to serve existing or proposed manufacturing, industrial, or processing facilities, and feasible methods for mining and removal of the material. Limestone suitable for use in the production of cement, metallurgical or chemical grade limestone, gypsum, and the like are not "common varieties." This subsection does not relieve a claimant from any requirements of the mining laws.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

SEPTEMBER 7, 1962.

[F.R. Doc. 62-9184; Filed, Sept. 13, 1962; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof, may be taken, captured, killed, possessed, sold, . purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER on May 1, 1962 (27 F.R. 4153), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, certain closed seasons, hunting methods, shooting hours, transportation and importation controls, and bags and possession limits for migratory game birds for the 1962–63 hunting seasons.

In this connection all interested persons were invited to submit their views, data, or arguments regarding proposed amendments, in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days following the date of publication of the notice.

Subsequently, after due consideration of migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife and State game departments, and from other sources, the several State game departments were informed concerning the shooting hours, season lengths, and daily bag and possession limits proposed to be prescribed for the 1962–63 seasons on waterfowl and coots, gallinules in the Pacific Flyway, lesser sandhill (little brown) cranes in limited areas of New Mexico and Texas, and whistling swans in Utah. The State game departments were invited to submit their recommendations for hunting seasons on applicable species in the respective States; such hunting seasons to conform to the shooting hours, daily bag and possession limits, and season lengths within frameworks of opening and closing dates, as established by this Department.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it has been determined that Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. These amendments will permit the taking of these species within specified periods of time beginning as early as October 1, as has been the case in past years. Since these amendments benefit the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER.

1. Paragraph (a) of § 10.7 is amended to read as follows:

§ 10.7 Importations from Canada, Mexico, or other foreign country.

• • • • •

(a) The following listed birds shall be limited as to the numbers permitted to be entered and transported by one person, either in a single shipment or by multiple shipments, as follows:

From—	*Not to exceed—*
Province of Alberta, Canada	8 ducks and 8 geese per season.
Province of British Columbia, Canada	12 ducks and 10 geese per season.
Provinces of Saskatchewan and Manitoba, Canada.	8 ducks and 10 geese per season.
Province of Ontario, Canada	10 ducks and 10 geese per calendar week.[1]
Any other Province of Canada	12 ducks and 10 geese per calendar week.[1]
Mexico or any other foreign country (except Canada) or subdivision thereof.	10 ducks and 5 geese per calendar week.[1]
Any foreign country or subdivision thereof:	
Pigeons (all species)	10 of each species per calendar week.[1]
Doves (all species)	25, singly or in the aggregate of all species, per calendar week.[1]
Rails (except sora and coot)	30, singly or in the aggregate of all species, per calendar week.[1]
Coots	25 per calendar week.[1]
Sora rails	25 per calendar week.[1]
Wilson's snipe	8 per calendar week.[1]
Woodcock	8 per calendar week.[1]
Brant	6 per calendar week.[1]
Cranes	5 per calendar week.[1]

[1] A calendar week begins on Sunday.

• • • • •

2. Section 10.51 is amended by revising the headnote and by adding new paragraphs (c), (d), (e), and (f) to read as follows:

§ 10.51 Seasons and limits on waterfowl and coots, and on Wilson's snipe and lesser sandhill (little brown) cranes in Alaska.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species of waterfowl and on coot, Wilson's snipe, and lesser sandhill crane as designated in this section are prescribed between the dates of September 1, 1962, and February 15, 1963, as follows:

• • • • •

(c) *Atlantic Flyway States.*

	Ducks	Coots	Geese (except snow geese)	Brant
Daily bag limit	(2)	4	2	6
Possession limit	(4)	6	4	6
Shooting hours [1]	Sunrise until sunset (standard time) on all species.			
Seasons in:				
Connecticut [2]	{Oct. 20–Nov. 3 / Nov. 30–Dec. 29}	Oct. 20–Nov. 3. / Nov. 15–Dec. 29.		
Delaware	Nov. 12–Dec. 29	Nov. 12–Jan. 10.		
District of Columbia.	Closed season	Closed season.		
Florida [3]	Nov. 21–Dec. 30	Nov. 17–Dec. 30.		
Georgia	Nov. 21–Dec. 30	Nov. 15–Jan. 13		
Maine [4]	{Oct. 12–Nov. 3 / Nov. 17–Dec. 8}	Oct. 12–Dec. 10.		
Maryland	Nov. 9–Dec. 28	Nov. 9–Jan. 7.		
Massachusetts [5]	{Oct. 12–Oct. 27 / Dec. 1–Dec. 29}	Oct. 12–Nov. 10. / Dec. 10–Jan. 8		
New Hampshire. [6]	{Oct. 12–Oct. 31 / Nov. 25–Dec. 10}	Oct. 12–Nov. 10. / Nov. 21–Dec. 20.		
New Jersey	Nov. 3–Dec. 22	Oct. 20–Dec. 18.		
New York [4] [6]	{Oct. 12–Nov. 15 / Dec. 21–Dec. 30}	Oct. 12–Dec. 10.		
North Carolina.	Nov. 10–Dec. 29	Nov. 10–Jan. 8		
Pennsylvania [3] [6]	Oct. 20–Dec. 8	Oct. 10–Dec. 8		
Rhode Island [4]	Nov. 11–Dec. 30	Nov. 11–Jan. 9.		
South Carolina.	Nov. 20–Dec. 29	Nov. 14–Jan. 12.		
Vermont	Oct. 12–Nov. 20	Oct. 1–Nov. 29.		
Virginia	Nov. 10–Dec. 29	Nov. 10–Jan. 8.		
West Virginia	{Oct. 22–Nov. 1 / Nov. 26–Dec. 29}	Oct. 12–Dec. 11.		

[1] Shooting hours: On the opening day of the season for ducks and coots (including both opening days of a split season) shooting will begin at 12 o'clock noon (standard time). Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks and coots in that State, shooting hours on all species will start at 12 o'clock noon. On all other open days for ducks and coots and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be from sunrise until sunset: *Provided*, That if the open season on geese, brant, or Wilson's snipe in a State is in progress at the time the season in that State opens on ducks and coots, shooting on those species (geese, brant or Wilson's snipe) will start at sunrise.

[2] Ducks: No open season is prescribed on canvasback and redhead ducks. The daily bag limit may not include more of the following species than: (a) 1 hooded merganser; (b) 2 wood ducks; and (c) 2 mallard or black ducks, singly or in the aggregate of both kinds. The possession limit may not include more of the following species than: (a) 1 hooded merganser; (b) 2 wood ducks; and (c) 4 mallard or black ducks, singly or in the aggregate of both kinds. In all States in the Flyway in addition to other bag and possession limits, 2 additional scaup ducks are allowed in the daily bag limit and 4 additional scaup ducks are allowed in the possession limit. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5 and the possession limit is 10, singly or in the aggregate of both kinds. In the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, and West Virginia, the daily bag limit is 2 ducks and the possession limit is 4 ducks. In the States of Florida, Georgia, New Hampshire, South Carolina, and Vermont, the daily bag limit is 3 ducks and the possession limit is 6 ducks.

[3] Pennsylvania: In Crawford County, the open season for taking geese is Oct. 20–Dec. 8 and the daily bag limit may not include more than 1 Canada goose or subspecies.

[4] New York: On Long Island and that part of Westchester County lying south of the Hutchinson River Parkway, the open season for taking ducks and coots is Oct. 20–Nov. 3 and Nov. 30–Dec. 29, and for taking geese and brant Oct. 20–Nov. 3 and Nov. 15–Dec. 29.

[5] Notwithstanding the provisions of 50 CFR 10.3(b)(4), the shooting of crippled waterfowl from a motorboat under power will be permitted on the coastal waters of New York lying in Long Island Sound and on the coastal waters of Connecticut, Rhode Island, Massachusetts, New Hampshire, and Maine lying outside of established harbors and seaward from the mouths of rivers and streams under the following conditions: Any person who cripples any migratory waterfowl while shooting from a fixed position may, within a 200 yard radius of such fixed position, pursue, shoot, and retrieve such crippled birds from a motorboat under power.

[6] NOTE: Check State regulations for additional State restrictions.

(d) *Mississippi Flyway States.*

	Ducks	Coots	Geese
Daily bag limit	[2] 2	6	[2] 5
Possession limit	[2] 4	6	[2] 5
Shooting hours [1]	Sunrise until sunset (standard time) on all species.		
Seasons in:			
Alabama	Dec. 5–Dec. 29	Nov. 10–Jan. 8.	
Arkansas [2] [10]	Dec. 6–Dec. 30	{Oct. 1–Oct 20. / Dec. 1–Dec. 30.}	
Illinois [2] [10]	Oct. 26–Nov. 19	Oct. 20–Dec. 18.	
Indiana	Nov. 2–Nov. 26	Oct. 20–Dec. 18.	
Iowa	Oct. 27–Nov. 20	Oct. 6–Dec. 4.	
Kentucky	Dec. 6–Dec. 30	Nov. 15–Jan. 13.	
Louisiana [2] [3]	Nov. 30–Dec. 24	Nov. 15–Jan. 13.	
Michigan	Oct. 12–Nov. 5	Oct. 12–Dec. 10.	
Minnesota [10]	Oct. 13–Nov. 6	Oct. 6–Dec. 4.	
Mississippi [3]	Dec. 6–Dec. 30	{Oct. 20–Nov. 15. / Dec. 12–Jan. 13.}	
Missouri [7]	Nov. 2–Nov. 26	{Oct. 8–Nov. 6. / Dec. 10–Jan. 8.}	
Ohio [2]	Oct. 17–Nov. 10	Oct. 17–Dec. 15.	
Tennessee [10]	Dec. 6–Dec. 30	{Nov. 1–Nov. 21. / Dec. 6–Jan. 12.}	
Wisconsin [2] [10]	Oct. 13–Nov. 6	Oct. 1–Nov. 29.	

[1] Shooting hours: On the opening day of the season for ducks and coots (including both opening days of a split season) shooting will begin at 12 o'clock noon (standard time). Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks and coots in that State, shooting hours on all species will start at 12 o'clock noon. On all other open days for ducks and coots and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be from sunrise until sunset: *Provided*, That if the open season on geese, brant, or Wilson's snipe in a State is in progress at the time the season in that State opens on ducks and coots, shooting on those species (geese, brant or Wilson's snipe) will start at sunrise.

[2] Ducks: No open season is prescribed on canvasback and redhead ducks. The daily bag limit may not include more of the following species than: (a) 1 hooded merganser; (b) 2 wood ducks; and (c) 1 mallard or 1 black duck. The possession limit may not include more of the following species than: (a) 1 hooded merganser; (b) 2 wood ducks; and (c) 2 mallard or black ducks, singly or in the aggregate of both kinds. In all States in the Flyway in addition to other bag and possession limits, 2 additional scaup ducks are allowed in the daily bag limit and 4 additional scaup ducks are allowed in the possession limit. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5 and the possession limit is 10, singly or in the aggregate of both kinds.

[3] Geese: In all States in the Flyway, the daily bag and possession limit may not include, in the alternative, more than: (a) 2 Canada geese or subspecies; (b) 2 white-fronted geese; or (c) 1 Canada goose or subspecies and 1 white-fronted goose. No open season is prescribed in the States of Louisiana and Arkansas for taking Canada geese or subspecies.

[4] Illinois: In the Counties of Alexander, Jackson, Union, and Williamson only, the combined kill of Canada geese will be limited to a total of 10,000 birds; and when it has been determined by the Director, Bureau of Sport Fisheries and Wildlife, that 10,000 Canada geese have been killed in these four counties, the Director upon having given public notice thereof through local information media no less than 48 hours in advance of the time and day of closing.

[5] Louisiana: For the lands and waters of the State of Louisiana lying easterly of the centerline of the main navigable channel of the Mississippi River between the northerly boundary of Louisiana to latitude 31° N., the season for taking ducks and coots is Dec. 6–Dec. 30 and the season for taking geese is Oct. 20–Nov. 15 and Dec. 12–Jan. 13. In this area the daily bag and possession limits on geese may not include, in the alternative, more than: (a) 2 Canada geese or subspecies; (b) 2 white-fronted geese; or (c) 1 Canada goose or subspecies and 1 white-fronted goose.

[6] Mississippi: For the lands and waters of the State of Mississippi lying westerly of the centerline of the main navigable channel of the Mississippi River between the northerly boundary of Louisiana to latitude 31° N., the season for taking ducks and coots is Nov. 30–Dec. 24 and the season for taking geese is Nov. 15–Jan. 13. In this area the season is closed for the taking of Canada geese or subspecies and the daily bag and possession limits may not include more than 2 white-fronted geese.

[7] Missouri: In those portions of the Missouri Counties of Livingston, Carroll, Lafayette, Saline, Howard, Charlton, and Linn bounded by roads starting at the junction of U.S. Highways 36 and 65 at Chillicothe in Livingston County; thence south along U.S. Highway 65 to Waverly in Lafayette County; thence east along U.S. Highway 65 to the junction with State Highway 41 at Marshall in Saline County; thence east along State Highway 41 to the junction with State Highway 240; thence north and east along State Highway 240 to the junction with State Highway 5 at Glasgow in Howard County; thence north along State Highway 5 to the junction with U.S. Highway 36 north of Marceline in Linn County; thence west along U.S. Highway 36 to the point of beginning, the combined kill of Canada geese will be limited to a total of 20,000 birds. When it has been determined by the Director, Bureau of Sport Fisheries and Wildlife, that 20,000 Canada geese have been killed in this area, the season for taking geese therein will be closed by the Director upon having given public notice thereof through local information media no less than 48 hours in advance of the time and day of closing.

[8] Ohio: For Pymatuning reservoir in Ashtabula County and ¼ mile in any direction from said reservoir, the season for taking ducks, coots, and geese is Oct. 20–Dec. 8. In this area the daily bag limit is 2 geese of which not more than 1 may be a Canada goose or subspecies and the possession limit is 4 geese.

[9] Wisconsin: In the Counties of Dodge, Fond du Lac, and those portions of Juneau, Monroe, and Wood Counties bounded by roads starting at the junction of Highways 173 and 80 south of Babcock in Wood County; thence south and west along Highway 173 to the junction with County Road "N"; thence south along County Road "N" to the junction with Highways 14 and 16 east of Tomah in Monroe County; thence south and east along Highways 14 and 16 to the junction with Highway 80 at New Lisbon in Juneau County; thence north along Highway 80 through Necedah to the point of beginning, the combined kill of Canada geese will be limited to a total of 8,000 birds; and when it has been determined by the Director, Bureau of Sport Fisheries and Wildlife, that 8,000 Canada geese have been killed in this area, the season for taking geese therein will be closed by the Director upon having given public notice thereof through local information media no less than 48 hours in advance of the time and day of closing.

[10] NOTE: Check State regulations for additional State restrictions.

(e) *Central Flyway States.*

	Ducks	Coots	Geese (except Ross's geese)
Daily bag limit	[2] 2	6	[2] 5
Possession limit	[2] 4	6	[2] 5
Shooting hours [1]	Sunrise until sunset (standard time) on all species.		
Seasons in:			
Colorado (east of continental divide). [2] [3]	Nov. 9–Dec. 3	Oct. 31–Jan. 13.	
Kansas	Nov. 3–Nov. 27	Oct. 6–Dec. 19.	
Montana (east of continental divide). [4]	Oct. 14–Nov. 7	Oct. 7–Dec. 5.	
Nebraska	Oct. 20–Nov. 13	Oct. 1–Dec. 14.	
New Mexico (east of continental divide). [4]	Dec. 6–Dec. 30	Dec. 1–Jan. 13.	
North Dakota	Oct. 12–Nov. 5	Oct. 6–Dec. 4.	
Oklahoma	Nov. 8–Dec. 2	Oct. 13–Dec. 26.	
South Dakota [4]	Oct. 19–Nov. 12	Oct. 1–Dec. 14.	
Texas	Dec. 6–Dec. 30	Oct. 31–Jan. 12.	
Wyoming (east of continental divide).	Oct. 22–Nov. 15	{Oct. 13–Oct. 31. / Nov. 14–Jan. 13.}	

[1] Shooting hours: On the opening day of the season for ducks and coots (including both opening days of a split season) shooting will begin at 12 o'clock noon (standard time). Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks and coots in that State, shooting hours on all species will start at 12 o'clock noon. On all other open days for ducks and coots and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be from sunrise until sunset: *Provided*, That if the open season on geese, brant, or Wilson's snipe in a State is in progress at the time the season in that State opens on ducks and coots, shooting on those species (geese, brant, or Wilson's snipe) will start at sunrise.

[2] Ducks: No open season is prescribed on canvasback and redhead ducks. The daily bag limit may not include more of the following species than: (a) 1 hooded merganser; (b) 2 wood ducks; and (c) 1 mallard duck. The possession limit may not include more of the following species than: (a) 1 hooded merganser; (b) 2 wood ducks; and (c) 2 mallard ducks. In all States in the Flyway in addition to other bag and possession limits, 2 additional scaup ducks are allowed in the daily bag

limit and 4 additional scaup ducks are allowed in the possession limit. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5 and the possession limit is 10, singly or in the aggregate of both kinds.

[2] Geese: In all States in the Flyway, the daily bag or possession limit may not include, in the alternative, more than: (a) 1 white-fronted goose; (b) 1 white-fronted goose and 1 Canada goose or subspecies; or (c) 2 Canada geese or subspecies: *Provided*, That no open season is prescribed on snow and blue geese in Beaverhead, Gallatin, and Madison Counties, Montana; nor on Canada geese in that portion of Larimer County, Colorado, lying north of U.S. Highway 34 and west of U.S. Highway 87.

[4] NOTE: Check State regulations for additional State restrictions.

(f) *Pacific Flyway States.*

	Ducks	Coots and Gallinules (singly or aggregate)	Geese (except Ross's geese)	Brant
Daily bag limit	[2] [3]	25	[4] 6	3
Possession limit	[2] [3]	25	[4] 6	3
Shooting hours [1]	One-half hour before sunrise until sunset (standard time) on all species.			
Seasons in:				
Arizona [4]	Oct. 6–Oct. 29; Nov. 24–Jan. 6	Oct. 24–Jan. 6		Closed season.
California [4] [6]	Oct. 13–Nov. 19; Dec. 8–Jan. 6	Oct. 13–Nov. 19; Dec. 8–Jan. 6		Dec. 1–Feb. 13.
Colorado (west of continental divide) [7]	Oct. 12–Dec. 25	Oct. 12–Dec. 25		Closed season.
Idaho [2] [4]	Oct. 17–Dec. 30	Oct. 17–Dec. 30		Do.
Montana (west of continental divide)	Oct. 14–Dec. 27	Oct. 14–Dec. 27		Do.
Nevada [4] [6]	Oct. 13–Dec. 16	Oct. 13–Nov. 11; Dec. 8–Jan. 6		Do.
New Mexico (west of continental divide) [7]	Oct. 6–Dec. 19	Dec. 1–Jan. 6		Do.
Oregon [2]	Oct. 20–Jan. 2	Oct. 20–Jan. 2		Dec. 1–Feb. 13.
Utah [4]	Oct. 13–Dec. 26	Oct. 13–Dec. 26		Closed season.
Washington [2] [4]	Oct. 13–Dec. 26	do		Dec. 2–Feb. 14.
Wyoming (west of continental divide)	Oct. 12–Dec. 25	Oct. 12–Dec. 25		Closed season.

[1] Shooting hours: On the opening day of the season for ducks and coots (including both opening days of a split season) shooting will begin at 12 o'clock noon (standard time). Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks and coots in that State, shooting hours on all species will start at 12 o'clock noon. On all other open days for ducks and coots and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be from one-half hour before sunrise until sunset: *Provided*, That if the open season on geese, brant, or Wilson's snipe in a State is in progress at the time the season in that State opens on ducks and coots, shooting on those species (geese, brant, or Wilson's snipe) will start at one-half hour before sunrise.

[2] Ducks: No open season is prescribed on canvasback and redhead ducks. The daily bag and possession limits may not include more of the following species than: (a) 1 hooded merganser; and (b) 2 wood ducks. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5 and the possession limit is 10, singly or in the aggregate of both kinds. In the States of Arizona, California, Idaho, and Utah and in that portion of the State of Montana lying west of the continental divide, the daily bag and possession limit is 5 ducks. In the States of Nevada, Oregon, and Washington and those portions of the States of Colorado, New Mexico, and Wyoming lying west of the continental divide, the daily bag limit is 4 ducks and the possession limit is 8 ducks.

[3] Ducks: In the Washington Counties of Adams, Asotin, Benton, Columbia, Douglas, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Spokane, Walla Walla, Whitman, and Yakima; in the Idaho Counties of Ada, Benewah, Blaine, Camas, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Twin Falls, and Washington; and in the Oregon Counties of Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wasco, in addition to other bag and possession limits on ducks, 2 additional mallard ducks are allowed in the daily bag limit and 4 additional mallard ducks are allowed in the possession limit.

[4] Geese: In all States in the Flyway, the daily bag limit may not include more than 3 geese of the dark species: *Provided*, That in the States of Washington and Idaho the daily bag limit is 3 geese and the possession limit is 6 geese; in the entire States of Arizona and Utah, and in Clark County, Nevada, and Bear Lake, Bonneville, and Caribou Counties, Idaho, the daily bag and possession limit may not include more than 2 Canada geese or subspecies; in California Fish and Game District No. 22, the daily bag limit may not include more than 1 Canada goose or subspecies and the season for taking Canada geese shall close at sunset December 25, 1962; and no open season is prescribed for the taking of snow geese in the Idaho Counties of Clark, Fremont, Madison, and Teton.

[6] California: In that portion of the State lying east and north of a line beginning at the point where U.S. Highway 99 intersects the California-Oregon State line; thence south and east along U.S. Highway 99 to the junction with State Highway 89; thence south and east along State Highway 89 to the junction with Alternate U.S. Highway 40; thence south and east along Alternate U.S. Highway 40 to the point of intersection with the California-Nevada State line, the open season for the taking of ducks, coots, gallinules, and geese is Oct. 20–Jan. 2. In this area the daily bag limit is 4 ducks and the possession limit is 8 ducks.

In those portions of San Bernardino, Riverside, and Imperial Counties lying east of a line beginning at the point where Highway 95 intersects the California-Nevada State line; thence south following Highway 95 to Blythe; thence south following the paved and graded road from Blythe through Ripley, Palo Verde, and Ogilby to its intersection with Highway 80; thence east following Highway 80 to its intersection with the California-Arizona State line, the open season for the taking of ducks, coots and gallinules is Oct. 6–Oct. 29 and Nov. 24.–Jan. 6, and for taking geese Oct. 24–Jan. 6: *Provided*, That the season for taking Canada geese shall close at sunset December 25, 1962. In this area the daily bag and possession limit is 5 ducks; and the daily bag limit may not include more than 1 Canada goose or subspecies and the possession limit may not include more than 2 Canada geese or subspecies.

[6] Nevada: In Clark County, the open season for taking geese is Oct. 13–Nov. 11 and Nov. 23–Dec. 25 and the daily bag and possession limit may not include more than 2 Canada geese or subspecies.

[7] NOTE: Check State regulations for additional State restrictions.

3. Section 10.52 is amended by adding a new paragraph (c) to read as follows:

§ 10.52 Migratory game bird hunting seasons for Puerto Rico and the Virgin Islands.

* * * * *

(c) *Puerto Rico and the Virgin Islands.*

	Ducks	Coots	Wilson's snipe
Daily bag limit	[2] 3	6	8
Possession limit	[2] 6	6	8
Season dates	Dec. 15–Feb. 2		Jan. 3–Feb. 2.
Shooting hours. [1]	Sunrise until sunset (standard time) on all species.		

[1] Shooting hours: On the opening day of the season for ducks and coots, shooting hours are from 12 o'clock noon until sunset.

[2] Ducks: No open season is prescribed on canvasback and redhead ducks. The daily bag or possession limit may not include more than 1 hooded merganser and 2 wood ducks.

4. Section 10.53 is revised to read as follows:

§ 10.53 Seasons and limits on lesser sandhill (little brown) cranes and whistling swan.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the areas open to hunting, the shooting hours, and the daily bag and possession limits on the species of migratory game birds designated in this section, are prescribed as follows:

(a) An open season for the taking of lesser sandhill (little brown) cranes of 30 consecutive days between Saturday, November 3, 1962, and Sunday, December 2, 1962, is prescribed in the New Mexico Counties of Lea, Chaves, Eddy, Curry, Roosevelt, Quay, and De Baca, and in that portion of the State of Texas lying west of a line from the International Toll Bridge in Del Rio, Val Verde County; thence northward following Highway 277 to its junction with Highway 87 at San Angelo in Tom Green County; thence northwesterly following Highway 87 to the point of its intersection with the Texas-New Mexico State line in Dallam County. The daily bag and possession limit is 2 lesser sandhill (little brown) cranes, and the shooting hours are from sunrise until sunset (standard time).

(b) A limited open season for the taking of whistling swans under special permit is prescribed for the State of Utah subject to the following conditions: (1) Not more than 1,000 special permits will be issued which will authorize the permittee to take one (1) only whistling swan during the open season; (2) the open season dates and shooting hours will run concurrently with those prescribed for ducks in the State of Utah; and (3) the special permit forms will be furnished by the Bureau of Sport Fisheries and Wildlife to the Utah State Department of Fish and Game which will issue such permits to applicants without charge on a first-come-first-served basis.

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704; E.O. 10260, 16 F.R. 5385, 3 CFR, 1949–1953 Comp., p. 757)

JOHN A. CARVER, JR.,
Acting Secretary of the Interior.

SEPTEMBER 7, 1962.

[F.R. Doc. 62-9143; Filed, Sept. 13, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 48, 49]

MANUFACTURERS AND RETAILERS EXCISE TAXES, FACILITIES AND SERVICES EXCISE TAXES; CONFORMITY WITH TAX RATE EXTENSION ACT OF 1962

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time and place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to conform the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) under section 6421 of the Internal Revenue Code of 1954 and the Facilities and Services Excise Tax Regulations (26 CFR Part 49) under sections 4261, 4262, 4263, and 4264 of the Code to section 5 of the Tax Rate Extension Act of 1962 (Public Law 87-508, 76 Stat. 115), such regulations are amended as follows:

PARAGRAPH 1. Section 48.6421(b) is amended by revising paragraphs (1)(B) and (2) of section 6421(b) and by revising the historical note. These amended provisions read as follows:

§ 48.6421(b) Statutory provisions; gasoline used for certain nonhighway purposes or by local transit systems; local transit systems.

Sec. 6421. *Gasoline used for certain nonhighway purposes or by local transit systems.* • • •

(b) *Local transit systems*—(1) *Allowance.* • • •

(B) The percentage which the ultimate purchaser's commuter fare revenue derived from such scheduled service during such quarter was of his total passenger fare revenue derived from such scheduled service during such quarter.

(2) *Limitation.* Paragraph (1) shall apply in respect of gasoline used during any calendar quarter only if at least 60 percent of the total passenger fare revenue derived during such quarter from scheduled service described in paragraph (1) by the person filing the claim was attributable to commuter fare revenue derived during such quarter by such person from such scheduled service.

[Sec. 6421(b) as added and in effect Jan. 1, 1959, and as amended by sec. 201(d)(2), Federal-Aid Highway Act 1959 (73 Stat. 615); sec. 5(c)(2)(A), Tax Rate Extension Act 1962 (76 Stat. 118)]

PAR. 2. Section 48.6421(b)-1 is amended by revising paragraph (a)(1)(ii) and the last two sentences of paragraph (a)(1), by revising paragraph (b)(2) and the last sentence of paragraph (b), and by adding a note at the end of paragraph (d). These amended provisions read as follows:

§ 48.6421(b)-1 Payments to ultimate purchaser of gasoline used by local transit systems.

(a) *In general*—(1) • • •

(ii) The percentage which the ultimate purchaser's commuter fare revenue derived from such scheduled service during such calendar quarter was of his total passenger fare revenue (not including, in the case of claims covering gasoline used before November 16, 1962, the tax imposed by section 4261 on the amount paid for the transportation of persons) deprived from such scheduled service during such period.

However, payment in respect of gasoline used as provided in section 6421(b)(1) shall be made only as to gasoline purchased by an ultimate purchaser after June 30, 1956, and prior to October 1, 1972, and only if a properly executed claim is filed by the ultimate purchaser within the time prescribed in section 6421(c) (see § 48.6421(c)-1). For meaning of the terms "gasoline" and "commuter fare revenue", see paragraph (b) of § 48.4082-1 and paragraph (b) of § 48.6421(d)-1, respectively.

• • • • •

(b) *60-percent passenger fare revenue test.* • • •

(2) At least 60-percent of the total passenger fare revenue was commuter fare revenue.

In determining the total of such passenger fare revenue there shall not be included revenue from such sources as charter fees, rentals of property, advertising, receipts, etc., and, in the case of claims covering gasoline used before November 16, 1962, the tax imposed by section 4261.

• • • • •

(d) *Illustration.* • • •

NOTE: The above example and tables apply to gasoline used before November 16, 1962, as well as on and after such date. However, since the tax with respect to transportation of persons by motor vehicle which begins after November 15, 1962, has been repealed, all references in the example and tables to such transportation tax should be disregarded with respect to gasoline used by a local transit system after November 15, 1962, and where the term "tax-exempt passenger fare revenue" is referred to, there should be substituted the term "commuter fare revenue" and wherever the term "taxable passenger fare revenue" is used, it shall mean any fare revenue received by the transit system which does not constitute "commuter fare revenue".

PAR. 3. Section 48.6421(c)-1(b)(2) is amended by revising subdivision (ii)(b), (c), and (d) and by adding a note at the end of subdivision (iii). These amended provisions read as follows:

§ 48.6421(c)-1 Claims.

• • • • •

(b) *Form of claim.* • • •

(2) *Supporting evidence.* • • •

(ii) *Transit systems.* • • •

(b) The total passenger fare revenue (not including, with respect to gasoline used before November 16, 1962, the tax imposed by section 4261) derived from the scheduled service described in (a) of this subdivision.

(c) The amount of such total passenger fare revenue derived from commuter fare revenue.

(d) A computation showing the percentage which the commuter fare revenue derived from the scheduled service was of the total passenger fare revenue ((c) divided by (b)).

• • • • •

(iii) *Example.* • • •

NOTE: The above table applies to gasoline used both before November 16, 1962, as well as on and after such date. However, since the tax with respect to transportation of persons by motor vehicle which begins after November 15, 1962, has been repealed, all references in such table to such transportation tax should be disregarded with respect to gasoline used by a local transit system after November 15, 1962, and where the term "tax-exempt passenger fare revenue" is referred to, there should be substituted the term "commuter fare revenue".

PAR. 4. Section 48.6421(d) is amended by revising section 6421(d)(2) and by revising the historical note. These amended provisions read as follows:

§ 48.6421(d) Statutory provisions; gasoline used for certain nonhighway purposes or by local transit systems; definitions.

SEC. 6421. *Gasoline used for certain nonhighway purposes or by local transit systems.* • • •

(d) *Definitions.* • • •

(2) *Commuter fare revenue.* The term "commuter fare revenue" means revenue attributable to fares derived from the transportation of persons and attributable to—

(A) amounts paid for transportation which do not exceed 60 cents.

(B) Amounts paid for commutation or season tickets for single trips of less than 30 miles, or

(C) amounts paid for commutation tickets for one month or less.

[Sec. 6421(d) as added, amended, and in effect Jan. 1, 1959, and as amended by sec. 5(c)(2)(B), Tax Rate Extension Act 1962 (76 Stat. 119)]

PAR. 5. Paragraph (b) of § 48.6421(d)-1 is amended to read as follows:

§ 48.6421(d)-1 Definitions.

• • • • •

(b) *Commuter fare revenue.* As used in section 6421(b) and §§ 48.6421(b)-1, 48.6421(c)-1, and 48.6421(g)-1, the term "commuter fare revenue" means revenue attributable to fares derived from the transportation of persons and attributable to (1) amounts paid for transportation which do not exceed 60 cents, (2) amounts paid for commutation or season tickets for single trips of less than 30 miles, or (3) amounts paid for commutation tickets for one month or less.

PAR. 6. Paragraph (b)(1) and (2) of § 48.6421(g)-1 is amended to read as follows:

§ 48.6421(g)-1 Records to be kept.

• • • • •

(b) *Local transit systems.* • • •

(1) The total passenger fare revenue (not including with respect to gasoline used before November 16, 1962, the tax imposed by section 4261) derived from scheduled common carrier public passenger land transportation service along regular routes, and

(2) The commuter fare revenue derived from such scheduled service.

PAR. 7. Section 49.4261 is amended by revising section 4261 and by revising the historical note. These amended provisions read as follows:

§ 49.4261 Statutory provisions; imposition of tax; amounts paid within the United States; amounts paid outside the United States; seats, berths, etc.; by whom paid.

Sec. 4261. *Imposition of Tax*—(a) *Amounts paid within the United States.* There is hereby imposed upon the amount paid within the United States for taxable transportation (as defined in section 4262) of any person by air a tax equal to 5 percent of the amount so paid for transportation which begins after November 15, 1962, and before July 1, 1963.

(b) *Amounts paid outside the United States.* There is hereby imposed upon the amount paid without the United States for taxable transportation (as defined in section 4262) of any person by air, but only if such transportation begins and ends in the United States, a tax equal to 5 percent of the amount so paid for transportation which begins after November 15, 1962, and before July 1, 1963.

(c) *Seats, berths, etc.* There is hereby imposed upon the amount paid for seating or sleeping accommodations in connection with transportation with respect to which a tax is imposed by subsection (a) or (b) a tax equivalent to 5 percent of the amount so paid in connection with transportation which begins after November 15, 1962, and before July 1, 1963.

(d) *By whom paid.* Except as provided in section 4264, the taxes imposed by this section shall be paid by the person making the payment subject to the tax.

[Sec. 4261 as amended and in effect Jan. 1, 1959, and as further amended by sec. 4, Tax Rate Extension Act 1959 (73 Stat. 158); sec. 202(a)(3), Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 3(a)(3), Tax Rate Extension Act 1961 (75 Stat. 193); sec. 5 (a) and (b), Tax Rate Extension Act 1962 (76 Stat. 115)]

PAR. 8. Section 49.4261-1 is amended to read as follows:

§ 49.4261-1 Imposition of tax; in general.

(a) *Transportation beginning before November 16, 1962.* Section 4261 imposes a tax equal to 10 percent of the amount paid for taxable transportation of persons by rail, motor vehicle, water, or air which begins before November 16, 1962. For the definition of the term "taxable transportation", see section 4262 and §§ 49.4262(a)-1 and 49.4262(b)-1. The tax accrues at the time payment is made for the transportation, irrespective of when the transportation is furnished if the transportation actually begins before November 16, 1962.

(b) *Transportation beginning after November 15, 1962.* Section 4261 imposes a tax equal to 5 percent of the amount paid for the air portion of taxable transportation of persons which begins after November 15, 1962, and before July 1, 1963. For definition of the term "taxable transportation", see section 4262 and §§ 49.4262(a)-1 and 49.4262(b)-1. The tax accrues at the time payment is made for the transportation, irrespective of when the transportation is furnished if the transportation actually begins after November 15, 1962, and before July 1, 1963.

(c) *In general.* The purpose of the transportation, whether business or pleasure, is immaterial. It is not necessary that the transportation be between two definite points. If not otherwise exempt, a payment for continuous transportation beginning and ending at the same point is subject to the tax. For the rate of tax with respect to amounts paid for seating and sleeping accommodations in connection with taxable transportation, see § 49.4261-9.

PAR. 9. Section 49.4261-2 is amended by revising the title, by striking out paragraph (a), by redesignating paragraph (b) as paragraph (a) and adding a new sentence at the end thereof, by redesignating paragraph (c) as paragraph (b), and by redesignating paragraph (d) as paragraph (c). These amended and added provisions read as follows:

§ 49.4261-2 Application of tax.

(a) *Tax on total amount paid.* The tax is measured by the total amount paid, whether paid at one time or collected at intervals during the course of a continuous transportation, as in the case of a carrier operating under the zone system. For the application of the tax with respect to amount paid for seating or sleeping accommodations in connection with taxable transportation, see § 49.4261-9.

(b) *Tax on transportation of each person.* • • •

(c) *Charges for nontransportation services.* • • •

PAR. 10. Paragraph (b) of § 49.4261-3 is amended to read as follows:

§ 49.4261-3 Payments made within the United States.

• • • • •

(b) *Other transportation*—(1) *Transportation beginning before November 16, 1962.* In the case of transportation beginning before November 16, 1962 (other than that described in paragraph (a) of this section), for which payment is made in the United States, the tax applies with respect to the amount paid for that portion of such transportation which is directly or indirectly from one port or station in the United States to another port or station in the United States. Transportation that (i) begins in the United States or in the 225-mile zone and ends outside such area, (ii) begins outside the United States or the 225-mile zone and ends inside such area, or (iii) begins outside the United States and ends outside such area is taxable only with respect to such portion of the transportation which is directly or indirectly from one port or station in the United States to another such port or station. Thus, on a trip from Chicago to London, England, with a stopover at New York, for which payment is made in the United States, the tax would apply to the part of the payment which is applicable to the transportation from Chicago to New York.

(2) *Transportation beginning after November 15, 1962.* In the case of transportation beginning after November 15, 1962 (other than that described in paragraph (a) of this section), for which payment is made in the United States, the tax applies with respect to the amount paid for that portion of such transportation by air which is directly or indirectly from one port or station in the United States to another port or station in the United States, but only if such portion is not a part of "uninterrupted international air transportation" within the meaning of section 4262(c)(3) and paragraph (c) of § 49.4262(c)-1. Transportation that

(i) Begins in the United States or the 225-mile zone and ends outside such area,

(ii) Begins outside the United States or the 225-mile zone and ends inside such area, or

(iii) Begins outside the United States and ends outside such area

is taxable only with respect to such portion of the transportation by air which is directly or indirectly from one port or station in the United States to another port or station in the United States, but only if such portion is not a part of "uninterrupted international air transportation" within the meaning of section 4262(c)(3) and paragraph (c) of § 49.4262(c)-1. Thus, on a trip by air from Chicago to London, England, with a stopover at New York, for which payment is made in the United States, if the portion from Chicago to New York is not a part of "uninterrupted international air transportation" within the meaning of section 4262(c)(3) and paragraph (c) of § 49.4262(c)-1, the tax would apply to

the part of the payment which is applicable to the transportation from Chicago to New York. However, if the portion from Chicago to New York is a part of "uninterrupted international air transportation" within the meaning of section 4262(c)(3) and paragraph (c) of § 49.4262(c)–1, the tax would not apply.

PAR. 11. Section 49.4261–4 is amended by revising paragraph (b) and by adding a new paragraph (d). These amended and added provisions read as follows:

§ 49.4261–4 Payments made within the United States; evidence of nontaxability.

* * * * *

(b) *Through tickets.* In the case of transportation which is wholly or in part not taxable transportation, the issuance of one ticket (commonly known as a "through ticket") covering such transportation will be sufficient to establish that the amount paid for such transportation is wholly or in part not subject to tax. Thus, if A purchases a through ticket in the United States for transportation by air which begins before November 16, 1962, from Chicago to Edmonton, Canada, with a stopover at Minneapolis, no further evidence will be required to establish that no tax applies with respect to the amount paid for the portion of transportation between Minneapolis and Edmonton. A similar result will be reached if a through ticket is purchased for the same air transportation which begins after November 15, 1962, and the trip is not "uninterrupted international air transportation" within the meaning of section 4262(c)(3) and paragraph (c) of § 49.4262(c)–1. See paragraph (d) of this section for the information to be inscribed on all tickets issued for uninterrupted international air transportation.

* * * * *

(d) *Tickets issued for uninterrupted international air transportation.* All tickets issued for "uninterrupted international air transportation" within the meaning of section 4262(c)(3) and paragraph (c) of § 49.4262(c)–1, whether through tickets or separate tickets, must have inscribed thereon, in addition to the other information required in the regulations in this subpart, sufficient information from which may be ascertained the scheduled arrival and departure time at each stopover point in the United States.

PAR. 12. Section 49.4261–7 is amended by revising paragraphs (g), (h)(1), and (i). These amended provisions read as follows:

§ 49.4261–7 Examples of payments subject to tax.

* * * * *

(g) *Combinations of rail, motor vehicle, water, or air transportation.* The tax applies to the total amount paid for transportation over the lines of a number of connecting carriers; and also with respect to transportation beginning before November 16, 1962, to the total amount paid for any combination of rail, motor vehicle, water, or air transportation, such as rail-air line, air line-motor bus, or motor bus-steamship, etc. For transportation beginning after November 15, 1962, the tax will apply only to any portion of such transportation that is by air.

(h) *Chartered conveyances.* (1) An amount paid for the charter.

(i) Of a special car, train, motor vehicle, aircraft, or boat for transportation which begins before November 16, 1962, or

(ii) Of an aircraft for transportation which begins after November 15, 1962, provided no charge is made by the charterer to the persons transported, is subject to tax if the amount paid for the charter represents a per capita charge of more than 60 cents for each person actually transported.

* * * * *

(i) *All-expense tours.* Amounts paid for all-expense tours are subject to tax with respect to that portion representing transportation which is subject to tax. See paragraph (c) of § 49.4261–2 and paragraph (f)(4) of § 49.4261–8.

PAR. 13. Section 49.4261–8 is amended by revising paragraphs (c) and (d), and subparagraphs (3) and (5) of paragraph (f). These amended provisions read as follows:

§ 49.4261–8 Examples of payments not subject to tax.

* * * * *

(c) *Special baggage transportation equipment.* An amount paid for special baggage transportation equipment is not subject to the tax on the transportation of persons if separable from the payment for transportation of persons and if shown in the exact amount of the charge on the records covering the taxable transportation payment.

(d) *Circus or show conveyances.* The amount paid pursuant to a contract for the movement of a circus or show conveyance where the amount covers only the transportation of the performers, laborers, animals, equipment, etc., by such conveyances is not subject to the tax on the transportation of persons imposed by section 4261. However, if the contract payment also covers the issuance to advance agents, bill posters, etc., of circus or show scrip books, or other evidence of the right to transportation, for use on regular passenger conveyances, that portion of the contract payment properly allocable to such scrip books or other evidence is subject to the tax on the transportation of persons.

* * * * *

(f) *Miscellaneous charges.* * * *

(3) Charges for bridge or road toll, or a ferry charge of 60 cents or less, made in connection with the transportation beginning before November 16, 1962, of a person by bus. Charges incurred by the carrier which are part of its costs of operation, such as bridge tolls, road tolls, or ferry charges, paid by the carrier on account of the bus and driver, cannot be deducted from the charge made to the passenger in determining the taxable charges for transportation.

* * * * *

(5) Charges in connection with the charter of a land, water, or air conveyance for the transportation of persons beginning before November 16, 1962, or an air conveyance for transportation of persons which begins after November 15, 1962, such as for parking, icing, sanitation, "layover" or "waiting time", movement of equipment in deadhead service, dockage, wharfage, etc.

PAR. 14. Section 49.4261–9 is amended by revising paragraph (b) to read as follows:

§ 49.4261–9 Seats and berths; rate and application of tax.

* * * * *

(b) *Rate of tax.* The tax is imposed under section 4261(c) upon the amount paid for seating or sleeping accommodations at the following rates:

(1) 10 percent with respect to amounts paid in connection with taxable transportation by rail, motor vehicle, water, or air which begins before November 16, 1962.

(2) 5 percent with respect to amounts paid in connection with the air portion of any transportation which begins after November 15, 1962.

PAR. 15. Section 49.4262(a) is amended by revising section 4262(a) and by revising the historical note. These amended provisions read as follows:

§ 4262(a) Statutory provisions; definition of taxable transportation; taxable transportation; in general.

Sec. 4262. *Definition of taxable transportation*—(a) *Taxable transportation; in general.* For purposes of this subchapter, except as provided in subsection (b), the term "taxable transportation" means—

(1) Transportation which begins in the United States or in the 225-mile zone and ends in the United States or in the 225-mile zone; and

(2) In the case of transportation other than transportation described in paragraph (1), that portion of such transportation which is directly or indirectly from one port or station in the United States to another port or station in the United States, but only if such portion is not a part of uninterrupted international air transportation (within the meaning of subsection (c)(3)).

[Sec. 4262(a) as added and in effect Jan. 1, 1959, and as amended by sec. 5(b), Tax Rate Extension Act 1962 (76 Stat. 116)]

PAR. 16. Section 49.4262(a)–1 is amended by revising subparagraph (2) of paragraph (a), by adding a new sentence at the end of paragraph (a), by changing the title of paragraph (c), and amending so much of paragraph (c) as precedes example (1) thereof, by redesignating paragraph (d) as paragraph (e) and revising it, and by adding a new paragraph (d). These amended and added provisions read as follows:

§ 49.4262(a)–1 Taxable transportation.

(a) *In general.* Unless excluded under section 4262(b) (see § 49.4262(b)–1), taxable transportation means—

(1) Transportation which begins in the United States or in that portion of Canada or Mexico which is not more than 225 miles from the nearest point in the continental United States (the "225-mile zone") and ends in the United States or in the 225-mile zone; and

(2) In the case of any other transportation, that portion of such transportation which is directly or indirectly from one port or station in the United States to another port or station in the United States but, with respect to transportation which begins after November 15, 1962, only if such portion is not part of "uninterrupted international air transportation" within the meaning of section 4262(c)(3) and paragraph (c) of § 49.4262(c)–1. Transportation from one port or station in the United States to another port or station in the United States occurs whenever a carrier, after leaving any port or station in the United States, makes a regularly scheduled stop at another port or station in the United States irrespective of whether stopovers are permitted or whether passengers disembark.

The provisions of this paragraph are applicable whether the transportation is by rail, motor vehicle, water, or air, or any combination thereof, except that with respect to transportation which begins after November 15, 1962, the tax, if applicable, applies only to the amount paid for that portion of the transportation which is by air.

* * * * *

(c) *Illustrations of taxable transportation under section 4262(a)(2) beginning before November 16, 1962.* The following examples will illustrate the application of section 4262(a)(2) with respect to transportation beginning before November 16, 1962:

* * * * *

(d) *Illustrations of taxable transportation under section 4262(a)(2) beginning after November 15, 1962.* The following examples will illustrate the application of section 4262(a)(2) with respect to transportation beginning after November 15, 1962:

Example (1). A purchases in New York a round-trip ticket for transportation by air from New York to Nassau with a scheduled stopover of 10 hours in Miami on both the going and return trip. The amount paid for that part of the transportation from New York to Miami on the going trip is subject to tax, since such transportation is from one station in the United States to another station in the United States and the trip is not uninterrupted international air transportation because the scheduled stopover interval in Miami is greater than six hours. The amount paid for the return trip from Miami to New York is subject to tax for the same reason.

Example (2). A purchases a ticket in San Francisco for transportation to London with a stopover in New York. He is to travel by air from San Francisco to New York and from New York to London by water. He is scheduled to stopover in New York for 4 hours. That portion of the total amount paid by A for his transportation applicable to the air transportation between San Francisco and New York is subject to tax since such transportation is from one station in the United States to another station in the United States and is not a part of uninterrupted international air transportation since the complete trip from San Francisco to London is not entirely by air.

Example (3). A purchases a through ticket for air transportation from San Francisco to London with stopovers at Denver, Chicago, Philadelphia, and New York. At each stopover the air carrier has scheduled his arrival and departure within 6 hours. After arriving in Philadelphia A, for his own convenience, decides to stopover for more than 6 hours. The total amount paid by A for his transportation from San Francisco to New York is subject to tax since the scheduled interval between the beginning or end and the end or beginning of any two segments of the domestic portion of international air transportation exceeded 6 hours. If the stopover interval in Philadelphia is extended for more than 6 hours by the carrier solely for its own convenience such as making repairs to the aircraft, the domestic portion of A's trip will not become taxable, provided A continues his international air transportation no later than on the first available flight offered by the carrier.

(e) *Illustrations of transportation which is not taxable transportation.* The following examples will illustrate transportation which is not taxable transportation:

(1) New York to Trinidad with no intervening stops;

(2) Minneapolis to Edmonton, Canada, with a stop at Winnipeg, Canada;

(3) Los Angeles to Mexico City, Mexico, with stops at Tia Juana and Guadalajara, Mexico;

(4) New York to Whitehorse, Yukon Territory, Canada, after November 15, 1962, by air with a scheduled stopover in Chicago of five hours.

Amounts paid for the transportation referred to in examples set forth in subparagraphs (1), (2), and (3) of this paragraph are not subject to the tax regardless of where payment is made, since none of the trips (i) begin in the United States or in the 225-mile zone and end in the United States or in the 225-mile zone, nor (ii) contain a portion of transportation which is directly or indirectly from one port or station in the United States to another port or station in the United States. The amount paid within the United States for the transportation referred to in the example set forth in subparagraph (4) of this paragraph is not subject to tax since the entire trip (including the domestic portion thereof) is "uninterrupted international air transportation" within the meaning of section 4262(c)(3) and paragraph (c) of § 49.4262(c)–1. In the event the transportation is paid for outside the United States, no tax is due since the transportation does not begin and end in the United States.

PAR. 17. Section 49.4262(b) is amended by revising section 4262(b) and by revising the historical note. These amended provisions read as follows:

§ 49.4262(b) Statutory provisions; exclusion of certain travel.

Sec. 4262. *Definition of taxable transportation.* * * *

(b) *Exclusion of certain travel.* For purpoees of this subchapter, the term "taxable transportation" does not include that portion of any transportation which meets all 4 of the following requirements:

(1) Such portion is outside the United States;

(2) Neither such portion nor any segment thereof is directly or indirectly—

(A) Between (i) a point where the route of the transportation leaves or enters the continental United States, or (ii) a port or station in the 225-mile zone, and

(B) A port or station in the 225-mile zone;

(3) Such portion—

(A) Begins at either (i) the point where the route of the transportation leaves the United States, or (ii) a port or station in the 225-mile zone, and

(B) Ends at either (i) the point where the route of the transportation enters the United States, or (ii) a port or station in the 225-mile zone; and

(4) A direct line from the point (or the port or station) specified in paragraph (3)(A), to the point (or the port or station) specified in paragraph (3)(B), passes through or over a point which is not within 225 miles of the United States.

[Sec. 4262(b) as added and in effect Jan. 1, 1959, and as amended by sec. 5(b), Tax Rate Extension Act 1962 (76 Stat. 116)]

PAR. 18. Section 49.4262(b)–1 is amended by revising example (2) of paragraph (b)(2) and by revising the material set forth in the parentheses at the end of the example in paragraph (d). These amended provisions read as follows:

§ 49.4262(b)–1 Exclusion of certain travel.

* * * * *

(b) *Transportation to or from Alaska or Hawaii.* * * *

(2) * * *

Example (2). B purchased combination rail-water transportation beginning before November 16, 1962, from Chicago to Juneau, Alaska, by way of Vancouver, Canada. The portion of the transportation from Vancouver to the point where the route of the transportation enters the three-mile limit off the coast of Alaska is not subject to tax.

* * * * *

(d) *Illustration.* * * *

Example. * * *

(All distances and fares assumed for purposes of this example. If transportation begins after November 15, 1962, the tax applies only to the amount paid for transportation by air and should be computed at the rate of 5 percent.)

PAR. 19. Section 49.4262(c) is amended by adding paragraph (3) to section 4262(c) and by revising the historical note. These amended and added provisions read as follows:

§ 49.4262(c) Statutory provisions; definitions; continental United States: 225-mile zone; uninterrupted international air transportation.

Sec. 4262. *Definition of taxable transportation.* * * *

(c) *Definitions.* * * *

(3) *Uninterrupted international air transportation.* The term "uninterrupted international air transportation" means any transportation by air which is not transportation described in subsection (a)(1) and in which—

(A) The scheduled interval between (i) the beginning or end of the portion of such transportation which is directly or indirectly from one port or station in the United States to another port or station in the United States and (ii) the end or beginning of the other portion of such transportation is not more than 6 hours, and

(B) The scheduled interval between the beginning or end and the end or beginning of any two segments of the portion of such transportation referred to in subparagraph (A)(i) is not more than 6 hours.

[Sec. 4262(c) as added and in effect Jan. 1, 1959, and as further amended by sec. 22(b), Alaska Omnibus Act (73 Stat. 146); sec. 18(a), Hawaii Omnibus Act (74 Stat. 416); sec. 5(b), Tax Rate Extension Act 1962 (76 Stat. 117)]

PAR. 20. Section 49.4262(c)–1 is amended by adding a paragraph (c). The added provision reads as follows:

§ 49.4262(c)–1 Definitions.

* * * * *

(c) *Uninterrupted international air transportation.* For the purpose of the regulations in this subpart, the term "uninterrupted international air transportation" means transportation entirely by air which does not begin in the United States or in the 225-mile zone and end in the United States or in the 225-mile zone provided that

(1) Where the transportation within the United States involves one stop, the scheduled interval between the beginning or end of the United States portion of such air transportation and the end or beginning of the remainder of the air transportation, and

(2) Where the United States portion of such transportation involves two or more stops in the United States, the scheduled interval between the beginning or end of one segment and the end or beginning of the continuing segment of such United States portion

does not exceed six hours. Where the interval between arrival and departure time at any stopover point in the United States exceeds six hours, such transportation is not uninterrupted international air transportation even though the schedules of the air lines do not make possible scheduling within the six-hour limit. Where any interval scheduled for six hours or less is increased to exceed six hours, the transportation will continue to be uninterrupted international air transportation if the increase in time is attributable to delays in the arrival or departure of the scheduled air transportation. In such case the transportation shall continue to be uninterrupted international air transportation if the passenger continues his transportation no later than on the first available flight offered by the continuing carrier. However, if for any other reason such interval at any stopover is increased to more than 6 hours, the transportation will lose its classification of uninterrupted international air transportation. The tax applicable in such case shall be paid as provided in paragraph (a)(2) of § 49.4264(c)–1. The transportation from the point of origin in the United States to a port or station outside the United States and the 225-mile zone, with a stopover in the United States, must be scheduled at the time initial transportation is arranged for, in order for the United States portion of such transportation to qualify as uninterrupted international air transportation. For example, where arrangements are made in Chicago for transportation by air only to New York and separate arrangements are made in New York for transportation by air from New York to London, England, the Chicago to New York trip does not qualify as uninterrupted international air transportation even though the passenger may have departed on the London flight within six hours after arrival in New York.

PAR. 21. Section 49.4263(a) and the historical note are deleted and in lieu thereof there is inserted the following new section and historical note:

§ 49.4263 Statutory provisions; exemptions.

Sec. 4263. *Exemptions*—(a) *Commutation travel, etc.* The tax imposed by section 4261 shall not apply to amounts paid for transportation which do not exceed 60 cents, to amounts paid for commutation or season tickets for single trips of less than 30 miles, or to amounts paid for commutation tickets for one month or less.

(b) *Certain organizations.* The tax imposed by section 4261 shall not apply to the payment for transportation or facilities furnished to an international organization, or any corporation created by Act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864.

(c) *Members of the armed forces.* The tax imposed by section 4261 shall not apply to the payment for transportation or facilities furnished under special tariffs providing for fares of not more than 2.5 cents per mile applicable to round-trip tickets sold to personnel of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard traveling in uniform of the United States at their own expense when on official leave, furlough, or pass, including cadets and midshipmen, issued on presentation of properly executed certificate.

(d) *Small aircraft on nonestablished lines.* The tax imposed by section 4261 shall not apply to transportation by aircraft having—

(1) A gross weight (as determined under regulations prescribed by the Secretary or his delegate) of less than 12,500 pounds, and

(2) A passenger seating capacity of less than ten adult passengers, including the pilot, except when such aircraft is operated on an established line.

[Sec. 4263 as redesignated and as amended and in effect Jan. 1, 1959, and as further amended by sec. 5(b), Tax Rate Extension Act 1962 (76 Stat. 117)]

PAR. 22. Section 49.4263(a)–1 is redesignated § 49.4263–1. The redesignated heading reads as follows:

§ 49.4263–1 Commutation tickets.

PAR. 23. Section 49.4263(a)–2 is redesignated § 49.4263–2 and paragraph (c) of the section as so redesignated is amended. The redesignated and amended provisions read as follows:

§ 49.4263–2 Charges not exceeding 60 cents.

* * * * *

(c) *Charters.* An amount paid for the charter of a car, train, motor vehicle, aircraft, or boat with respect to transportation beginning before November 16, 1962, or of an aircraft with respect to transportation beginning after November 15, 1962, is exempt from the tax, if the payment represents a per capita charge of sixty cents or less for each person actually transported.

§ 49.4263(b) [Deletion]

PAR. 24. Section 49.4263(b) is deleted.

§ 49.4263(b)–1 [Deletion]

PAR. 25. Section 49.4263(b)–1 is deleted.

§ 49.4263(c) [Deletion]

PAR. 26. Section 49.4263(c) is deleted.

§ 49.4263(c)–1 [Deletion]

PAR. 27. Section 49.4263(c)–1 is deleted.

§ 49.4263(d) [Deletion]

PAR. 28. Section 49.4263(d) is deleted.

PAR. 29. Section 49.4263(d)–1 is redesignated § 49.4263–3 and paragraph (c) of the section as so redesignated is amended. These redesignated and amended provisions read as follows:

§ 49.4263–3 Transportation furnished to certain organizations.

* * * * *

(c) *Evidence of right to exemption.* The right to exemption under section 4263(b) (and under former section 4263(d)) shall be established by the use of exemption certificate, Form 731. See section 4292 and the regulations thereunder for the rules applicable when the right to exemption is evidenced by exemption certificates.

§ 49.4263(e) [Deletion]

PAR. 30. Section 49.4263(e) is deleted.

PAR. 31. Section 49.4263(e)–1 is redesignated § 49.4263–4. The redesignated heading reads as follows:

§ 49.4263–4 Members of the armed forces.

§ 49.4263(f) [Deletion]

PAR. 32. Section 49.4263(f) is deleted.

PAR. 33. Section 49.4263(f)–1 is redesignated § 49.4263–5. The redesignated heading reads as follows:

§ 49.4263–5 Small aircraft on nonestablished lines.

PAR. 34. Immediately after § 49.4263–5 the following new section is inserted.

§ 49.4263–6 Exemptions applicable with respect to transportation beginning before November 16, 1962.

Section 5(b) of the Tax Rate Extension Act of 1962 repealed the exemptions contained in former section 4263(b) for motor vehicles with seating capacity of less than ten and in former section 4263(c) for fishing trips by boat effective with respect to transportation beginning after November 15, 1962. With respect to transportation which began before November 16, 1962, the tax imposed by section 4261 does not apply with respect to any amount paid for transportation.

(a) By a motor vehicle having a seating capacity of less than ten adult passengers, including the driver, unless such vehicle is operated on an established line, or

(b) By boat where the transportation is for the purpose of fishing from such boat.

In the case of the exemption with respect to a motor vehicle having a seating capacity of less than ten adult passengers, the term "operated on an established line" means operated with some degree of regularity between definite points. It does not necessarily mean that strict regularity of schedule is maintained; that the full run is always made; that a particular route is followed; or that intermediate stops are restricted. The term implies that the person rendering the service maintains and exercises control over the direction, route, time, number of passengers carried, etc.

PAR. 35. Section 49.4264(c) is amended by revising subsection (c)(3) of section 4264, and by revising the historical note. These amended provisions read as follows:

§ 49.4264(c) Statutory provisions; special rules; payment of tax.

Sec. 4264. *Special rules.* * * *

(c) *Payment of tax.* * * *

(3) Payment of such tax shall be made to the Secretary or his delegate, to the person to whom the payment for transportation was made, or, in the case of transportation other than transportation described in section 4262(a)(1), to any person furnishing any portion of such transportation.

[Sec. 4264(c) as added and in effect Jan. 1, 1959, and as amended by sec. 5(b), Tax Rate Extension Act 1962 (76 Stat. 118)]

PAR. 36. Section 49.4264(c)–1 is amended by revising paragraphs (a) and (c). These amended provisions read as follows:

§ 49.4264(c)–1 Special rule for the payment of tax.

(a) *Rule*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, when any tax imposed by section 4261 is not paid at the time payment for the transportation is made, then to the extent that such tax is not collected under any other provision of law, such tax shall be paid by the person paying for the transportation or by the person using the transportation. The provisions of section 4264(c) apply where the amount paid for transportation is (i) subject to tax at the time such payment is made, but no tax is paid at that time, or (ii) not subject to tax at the time such payment is made, but because of some subsequent event the payment becomes subject to tax. The payment of tax shall be made to the district director of internal revenue for the district in which the taxpayer resides, or to the person from whom the transportation was purchased, within 30 days after whichever of the following first occurs: (*a*) The rights to the transportation expire, or (*b*) the transportation becomes subject to tax. Such payment shall be accompanied with an explanation that it is being made in accordance with section 4264(c).

(2) *Transportation no longer qualifying as uninterrupted international air transportation.* In the case of a payment for transportation beginning after November 15, 1962, which qualifies as "uninterrupted international air transportation" within the meaning of section 4262(c)(3) and paragraph (c) of § 49.4262(c)–1 on the date such payment was made and which because of some subsequent event ceases to be uninterrupted international air transportation, to the extent that the tax due is not collected under any other provision of law, such tax shall be paid by the person paying for the transportation or by the person using the transportation. The payment of the tax shall be made to the air carrier which provides the next continuing portion of the transportation following the occurrence of the event which caused the transportation to cease to be uninterrupted international air transportation and such carrier shall collect the tax at the time the flight is rescheduled or before furnishing the continuing transportation to the passenger, whichever is earlier, unless the carrier has evidence, in writing, that the tax has already been paid to (i) a district director, or (ii) the person to whom the payment for the international air transportation was originall, made, or (iii) any person furnishing any portion of such transportation. Payment shall be accompanied with an explanation that it is being made in accordance with section 4264(c).

* * * * *

(c) *Illustrations.* The provisions of this section may be illustrated by the following examples:

Example (1). A purchases in New York a round-trip ticket for transportation between New York and London, England, with a stopover in Montreal, Canada. After arriving in Montreal A decides not to continue his trip to London and returns to New York. A is liable for tax with respect to the amount paid for his transportation from New York to Montreal and return. The amount paid for A's transportation became subject to tax at the time he began his return trip to New York, and within 30 days thereafter A must pay the tax to either the person from whom he purchased the ticket or his district director of internal revenue.

Example (2). A purchases in Chicago a ticket for air transportation to begin after November 15, 1962, from Chicago to London with a stopover in New York. A is scheduled to arrive in New York at 4:30 p.m. and depart from New York on the international portion at 7:30 p.m. A arrives in New York on schedule but for his own convenience reschedules his departure on a flight departing at 11:00 p.m. Since A lengthened the interval between the end of the United States portion and the beginning of the international portion beyond the 6-hour limitation, that portion of his international air transportation between Chicago and New York became subject to tax. The carrier furnishing A's transportation from New York to London shall, before furnishing him with any transportation or at the time he reschedules the remaining portion of his trip, whichever is earlier, collect the tax due on the Chicago to New York portion from A unless the carrier has written evidence that such tax has been paid to (i) a district director of internal revenue, or (ii) the person to whom the payment for the international air transportation was originally made, or (iii) any person furnishing any other portion of the international air transportation.

PAR. 37. Section 49.4264(e) is amended by revising section 4264(e) and by revising the historical note. The amended provisions read as follows:

§ 49.4264(e) Statutory provisions; special rules; round trips.

Sec. 4264. *Special rules.* * * *

(e) *Round trips.* In applying this subchapter to a round trip, such round trip shall be considered to consist of transportation from the point of departure to the destination, and of separate transportation thereafter.

[Sec. 4264(e) as added and in effect Jan. 1, 1959, and as amended by sec. 5(b), Tax Rate Extension Act 1962 (76 Stat. 116)]

PAR. 38. Section 49.4264(f) is amended by revising section 4264(f) and by revising the historical note. These amended provisions read as follows:

§ 49.4264(f) Statutory provisions; special rules; transportation outside the northern portion of the Western Hemisphere.

Sec. 4264. *Special rules.* * * *

(f) *Transportation outside the northern portion of the Western Hemisphere.* In applying this subchapter to transportation any part of which is outside the northern portion of the Western Hemisphere, if the route of such transportation leaves and reenters the northern portion of the Western Hemisphere, such transportation shall be considered to consist of transportation to a point outside such northern portion, and of separate transportation thereafter. For purposes of this subsection, the term "northern portion of the Western Hemisphere" means the area lying west of the 30th meridian west of Greenwich, east of the international dateline, and north of the Equator, but not including any country of South America.

[Sec. 4264(f) as added and in effect Jan. 1, 1959, and as amended by sec. 5(b), Tax Rate Extension Act 1962 (76 Stat. 118)]

PAR. 39. Paragraph (b)(1) of § 49.4264(f)–1 is amended to read as follows:

§ 49.4264(f)–1 Transportation outside the northern portion of the Western Hemisphere.

* * * * *

(b) *Transportation beginning before November 16, 1962, by water on a vessel*—(1) *Special rule.* Section 4264(f)(2) prior to its amendment by section 5(b) of the Tax Rate Extension Act of 1962 provided a special rule in the case of transportation which begins before November 16, 1962, any part of which is outside the northern portion of the Western Hemisphere, by water on a vessel which makes one or more intermediate stops at ports within the United States on a voyage which (i) begins or ends in the United States, and (ii) ends or begins outside the northern portion of the Western Hemisphere. In such a case, a stop at an intermediate port within the United States at which such vessel is not authorized both to discharge and to take on passengers shall not be considered to be a stop at a port within the United States. A vessel is considered to be authorized both to discharge and to take on passengers at an intermediate port unless there is a legal or other authoritative prohibition of such traffic. For purposes of the preceding sentence, an order issued by the owner or operator of a vessel prohibiting such vessel from either discharging or taking on passengers at the intermediate port is not a legal or other authoritative prohibition of such traffic.

PAR. 40. There is inserted immediately after § 49.4287–1 the following:

TAX RATE EXTENSION ACT OF 1962

§ 49.9000 Statutory provisions; Tax Rate Extension Act of 1962; special credit or refund of transportation tax.

Section 5(e) of the Tax Rate Extension Act of 1962 (76 Stat. 119) provides as follows:

Sec. 5. Extension Through November 15, 1962, of Tax on Transportation of Persons, and Further Extension of Tax on Transportation of Persons by Air at 5-percent Rate

for Period November 16, 1962, Through June 30, 1963.

* * * * *

(e) *Special Credit or Refund of Transportation Tax.* Notwithstanding any other provision of law, in any case in which tax has been collected—

(1) Before November 16, 1962, for or in connection with the transportation of persons which begins on or after November 16, 1962, or

(2) After November 15, 1962, and before July 1, 1963, for or in connection with the transportation of persons by air which begins on or after July 1, 1963,

the person who collected the tax shall pay the same over to the United States; but credit or refund (without interest) of the tax collected in excess of that applicable (by reason of the amendments made by this section) shall be allowed to the person who collected the tax as if such credit or refund were a credit or refund under the applicable provision of the Internal Revenue Code of 1954, but only to the extent that, before the time such transportation has begun, he has repaid the amount of such excess to the person from whom he collected the tax, or has obtained the consent of such person to the allowance of the credit or refund. For the purpose of this subsection, transportation shall not be considered to have begun on or after November 16, 1962, or on or after July 1, 1963, as the case may be, if any part of the transportation paid for (or for which payment has been obligated) commenced before such date.

§ 49.9000–1 Special credit or refund provided by section 5(e) of the Tax Rate Extension Act of 1962.

(a) *In general.* Section 5(e) of the Tax Rate Extension Act of 1962 provides that a credit or refund shall be allowed (as if such credit or refund were a credit or refund under the applicable provisions of the Internal Revenue Code of 1954) to any person who (1) prior to November 16, 1962, collected tax at the rate of 10 percent of the amount paid for the transportation of persons by rail, water, motor vehicle, or air (including accommodations) which begins on or after November 16, 1962, or (2) after November 15, 1962, and before July 1, 1963, collected tax at the rate of 5 percent on amounts paid for the transportation of persons by air (including seating or sleeping accommodations) which begins on or after July 1, 1963.

(b) *Amount of credit or refund.* The amount to be credited or refunded shall be (1) the tax collected in the case of transportation by rail, water, or motor vehicle which begins on or after November 16, 1962, (2) the excess of the tax collected over the rate of 5 percent in the case of transportation by air which begins on or after November 16, 1962, or (3) the tax collected on or after November 16, 1962, in the case of transportation of persons by air which begins on or after July 1, 1963.

(c) *Where and how to file claim or take a credit.* A claim for refund may be filed on Form 843 with the district director for the internal revenue district in which the amount claimed was paid. A credit for such amount may be taken against the tax shown to be due on a subsequent return.

(d) *Conditions precedent to the allowance of a claim or credit.* The credit or refund will be allowed only if all the following conditions are met:

(1) The tax has been collected at the higher rate (10 percent or 5 percent);

(2) Such tax actually has been paid over to the United States by the person claiming the credit or refund; and

(3) Prior to the time the transportation has begun, such person either (i) has reimbursed the person from whom the tax was collected for the amount representing the difference between the tax computed at the higher rate (10 percent or 5 percent) and the tax which would have been applicable (5 percent or no tax), or (ii) has obtained the written consent of the person from whom the tax was collected to the allowance of the credit or refund of such amount.

(e) *Evidence required.* In order to obtain a refund or credit under this section, the claimant must have satisfactory evidence to substantiate his right to such credit or refund, such as a signed, dated statement from the person from whom the tax was collected showing his name and address and the fact that such person has received payment of such excess or has consented to the allowance of the credit or refund to the claimant. The credit or refund may not be allowed if any part of the transportation paid for, or for which payment was obligated, commenced prior to November 16, 1962, or prior to July 1, 1963, as the case may be. Section 4264(e) and § 49.4264(e)–1 provide that a round trip shall be considered to consist of transportation from the point of departure to the destination and of separate transportation thereafter. Accordingly, in the case of a round-trip ticket if the transportation from the point of origin commenced before November 16, 1962, or July 1, 1963, credit or refund as provided in this section of tax collected with respect to the amount paid for the return portion of such ticket may be allowed if the transportation authorized by the return portion is begun after November 15, 1962, or June 30, 1963, as the case may be.

(f) *Interest.* No interest shall be allowed with respect to any amount of tax refunded or credited under the provisions of this section.

[F.R. Doc. 62–9242; Filed, Sept. 13, 1962; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 142]

SALE OF LUMBER AND OTHER FOREST PRODUCTS PRODUCED BY INDIAN ENTERPRISES FROM THE FORESTS ON INDIAN RESERVATIONS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Revised Statutes, sections 161, 463, and 465 (5 U.S.C. 22; 25 U.S.C. 2 and 9), it is proposed to amend Part 142 of Title 25, Code of Federal regulations.

The purpose of this amendment is to provide opportunities for organized tribal forest enterprises to conduct sales of lumber and other forest products. Bureau guidance over sales is needed for small-scale operations where the enterprise organization has limited experience in conducting such sales; or where no formal agreement has been entered into between the enterprise and the tribal representatives or individual Indians for the purchase of tribal or allotted stumpage.

Part 142 is recodified to incorporate numerous editorial corrections in addition to the substantive changes, above.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Sec.
142.1 Definitions.
142.2 Purpose of regulations.
142.3 Applicability of regulations.
142.4 Sale in open market.
142.5 Advertisement in trade journals and newspapers.
142.6 Advertising, general.
142.7 Proposals for purchase.
142.8 Proposals to Government departments.
142.9 Cash sales.
142.10 Payments, discounts, and credit sales.
142.11 Commission sales agents.
142.12 Deposits.

AUTHORITY: §§ 142.1 to 142.12 issued under R.S. 161, 54 Stat. 504, as amended; 5 U.S.C. 22, 41 U.S.C. 6b.

§ 142.1 Definitions.

As used in this part:

(a) "Secretary" means Secretary of the Interior or his authorized representative.

(b) "Forest products" means lumber, lath, shingles, crating ties, bolts, logs, bark, pulpwood, or other marketable materials obtained from forests and authorized for removal by the Indian enterprises.

§ 142.2 Purpose of regulations.

The regulations in this Part 142 prescribe the terms and conditions under which forest products produced by Indian tribal enterprises from the forests of Indian reservations may be sold without compliance with section 3709 of the Revised Statutes.

§ 142.3 Applicability of regulations.

The regulations in this Part 142 are intended to be generally applicable except that they shall not apply to the Red Lake Reservation in Minnesota; or, as may be determined by the Secretary, to Indian enterprises that have entered into approved agreements for the use of tribal or allotted timber pursuant to § 141.6 of this chapter.

§ 142.4 Sale in open market.

The forest products obtained from the forests on Indian reservations by Indian enterprises may be sold in the open market at such prices as may be realized through the methods provided in this Part 142.

§ 142.5 Advertisement in trade journals and newspapers.

Forest products obtained from Indian reservation forests by Indian enterprises, may be advertised for sale in lumber trade journals of general circulation among persons, companies, or corporations intersted in the buying and selling of forest products, and in newspapers in cities that may afford a favorable market for such forest products.

§ 142.6 Advertising, general.

Advertisement of forest products may also be made by circular letters and through personal interviews with the trade: *Provided*, That the travel expense incident thereto shall not be incurred without specific authority from the Secretary.

§ 142.7 Proposals for purchase.

Proposals for the purchase of forest products may be made to the Secretary, and he is authorized to quote prices and consummate sales at such times and/or such terms as are consistent with the regulations of this Part 142.

§ 142.8 Proposals to Government departments.

Proposals to sell may be made to municipalities, counties, states, of the United States and prices may be quoted to such agencies. Terms and payment in connection with such sales may be formulated in accordance with the general practice of such agencies.

§ 142.9 Cash sales.

All forest products of Indian forest enterprises shall be sold for cash f.o.b. mill or other point of delivery, except as provided in §§ 142.8 and 142.10. Adjustments and allowances on shipments of forest products after delivery to the buyer are authorized in accordance with generally accepted trade practices when such adjustments are essential by reason of off-grade shipments or errors in volume.

§ 142.10 Payments, discounts, and credit sales.

Shipments of forest products on open account shall be made only to persons or companies who have an acceptable credit rating. Credit on shipments of forest products sold on open account must not be extended beyond 60 days from date of receipt by the buyer. A cash discount in accordance with general trade practice and usually not exceeding two percent of mill value, may be allowed when the shipment is paid for within ten days of receipt by the consignee as evidenced by the original paid freight bill or other acceptable evidence.

§ 142.11 Commission sales agents.

Sales may be made through commission sales agents, for which they may be paid a commission on f.o.b. mill value of the shipment at approved rates. Sales may be made to wholesalers on which a discount at approved rates may be allowed.

§ 142.12 Deposits.

On all agreements to purchase for future delivery a deposit may be required. Such a deposit may be forfeited if the purchaser does not comply with the terms of sale. No agreement for sale and future delivery shall be made for a longer period than 60 days, except with the approval of the Secretary.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

SEPTEMBER 7, 1962.

[F.R. Doc. 62–9182; Filed, Sept. 13, 1962; 8:46 a.m.]

Fish and Wildlife Service

[50 CFR Part 33]

SPORT FISHING; WAPANOCCA NATIONAL WILDLIFE REFUGE, ARKANSAS

Proposed Addition to List of Open Areas

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), it is proposed to amend 50 CFR 33.4 by the addition of the Wapanocca National Wildlife Refuge, Arkansas, to the list of wildlife refuge areas open to public sport fishing as legislatively permitted.

A public fishing plan for the Wapanocca National Wildlife Refuge has been prepared and it has been determined that regulated public sport fishing may be permitted without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized.

§ 33.4 List of open areas; sport fishing.

* * * * *

ARKANSAS

Wapanocca National Wildlife Refuge.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

SEPTEMBER 7, 1962.

[F.R. Doc. 62–9181; Filed, Sept. 13, 1962; 8:46 a.m.]

National Park Service

[36 CFR Part 7]

LAKE MEAD NATIONAL RECREATION AREA, ARIZONA AND NEVADA

Alcoholic Beverages; Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM 1 (27 F.R. 6395), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Southwest Region, Order No. 3 (21 F.R. 1494), as amended, it is proposed to amend § 7.48 of Title 36, Code of Federal Regulations, as is set forth below. The purpose of this amendment is to establish reasonable regulations which will provide adequate control over the possession of alcoholic beverages by persons under 21 years of age.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Lake Mead National Recreation Area, Boulder City, Nevada, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

A new paragraph (d) divided into subparagraphs, is added to § 7.48 to read as follows:

§ 7.48 Lake Mead National Recreation Area.

* * * * *

(d) *Alcoholic beverages.* (1) Sales or gifts of alcoholic beverages to persons under 21 years of age is prohibited.

(2) Possession of alcoholic beverages by persons under 21 years of age is prohibited.

CHARLES A. RICHEY,
Superintendent,
Lake Mead National Recreation Area.

[F.R. Doc. 62–9183; Filed, Sept. 13, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 929]

CRANBERRIES GROWN IN CERTAIN STATES

Notice of Proposed Free and Restricted Percentages and Standards for Withheld Cranberries for 1962–63 Fiscal Period

Handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

Consideration is being given to a proposal to establish, for the 1962–63 fiscal year beginning August 15, 1962, free and restricted percentages which percentages

shall be applied to all cranberries acquired during such fiscal period and to the establishment of standards withheld cranberries shall meet.

The proposed percentages and standards, which were recommended by the Cranberry Marketing Committee at its meeting August 31, 1962, would be established in accordance with the provisions of the marketing agreement and Order No. 929 (7 CFR Part 929; 27 F.R. 8101) regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is as follows:

§ 929.201 Free and restricted percentages and standards for withheld cranberries.

The free percentage, restricted percentage, and standards for withheld cranberries applicable to all cranberries acquired during the fiscal period beginning August 15, 1962, and ending July 31, 1963, shall be (a) free percentage, 82 percent; (b) restricted percentage, 18 percent; and (c) each lot of cranberries withheld shall grade at least U.S. No. 1 grade, as set forth in the United States Standards for Fresh Cranberries for Processing (§§ 51.3030–51.3037; 22 F.R. 5853).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 10 days after the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 7, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9203; Filed, Sept. 13, 1962; 8:50 a.m.]

Agricultural Research Service

[9 CFR Part 16]

MARKING, BRANDING, AND IDENTIFYING PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Department of Agriculture is considering amending Part 16 of the Federal Meat Inspection Regulations (9 CFR Part 16), pursuant to the Meat Inspection Act, as amended and extended (21 U.S.C. 71–91, 96) and section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), by adding thereto a new § 16.19 to read as follows:

§ 16.19 Failure to use, or detaching, altering, defacing, or destroying required marking or labeling prohibited.

The Meat Inspection Act (21 U.S.C. 79, 88) makes it a felony for any person, firm, or corporation, or officer, agent, or employee thereof, to fail to use or detach, without proper authority, or to knowingly or wrongfully alter, deface, or destroy any of the marks, stamps, tags, labels, or other identification devices provided for in the Act or the regulations thereunder on any meat or meat food products, or the containers thereof, subject to the Act. Accordingly any failure to use, or any detaching, altering, defacing, or destroying (including masking) of any marking or labeling required under the regulations in Parts 1–29 of this subchapter on any such product is prohibited, unless unavoidable in the customary subdivision or other processing or handling of the product.

Any person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of September 1962.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 62-9194; Filed, Sept. 13, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 62-SW-8]

FEDERAL AIRWAYS

Amendment of Proposed Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER on April 25, 1962 (27 F.R. 3931) it was stated that the Federal Aviation Agency (FAA) proposed to realign Intermediate altitude VOR Federal airway No. 1711 between Leona, Tex., and Dallas, Tex.

Subsequent to the publication of this notice, a further review of the air traffic control requirements and consideration of comments submitted by the Air Transport Association indicated that a dual route structure between Houston, Tex., and Dallas would better serve the present air traffic control procedures in these areas.

In consideration of the foregoing, the FAA proposes to amend the original proposal by further altering Victor 1711 and extending Intermediate altitude VOR Federal airway No. 1531 from Houston to Dallas.

It is proposed to realign Victor 1711 from the Houston VOR as a 16-mile wide airway via the intersection of the Houston VOR 353° and the Leona VOR 141° True radials; Leona VOR; intersection of the Leona VOR 353° and the Dallas VOR 155° True radials to the Dallas VOR.

In addition, it is proposed to extend Intermediate altitude VOR Federal airway No. 1531 from Dallas VOR as a 16-mile wide airway via the Dallas VOR 170° and the Leona VOR 338° True radials; Leona VOR; intersection of the Leona VOR 173° and the Houston VOR 314° True radials to the Houston VOR and to include Leona, Tex., as a compulsory reporting point on Victor 1531. This would expedite the transitioning of aircraft in the Dallas and Houston terminal areas.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to October 12, 1962.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 62–SW–8 is extended to October 12, 1962.

Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 10, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9172; Filed, Sept. 13, 1962; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 207) has been filed by E. I. du Pont de Nemours and Company, Wilmington 98, Delaware, proposing the issuance of a regulation to provide for the safe use of perfluorocarbon resins as the food-contact surface of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food.

Dated: September 10, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9188; Filed, Sept. 13, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 838) has been filed by Monsanto Chemical Company, 812 Monsanto Avenue, Springfield, Massachusetts, proposing the issuance of a regulation to provide for the safe use of modified melamine-formaldehyde resin as an impregnant for a refined cellulose filter cartridge for potable water, milk, and edible oils.

Dated: September 7, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9189; Filed, Sept. 13, 1962; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3–s]

ACRYLIC STAPLE FIBER FROM WEST GERMANY

Notice That There is Reason To Believe or Suspect Purchase Price or Exporter's Sales Price is Less or Likely To Be Less Than Foreign Market Value or Constructed Value

SEPTEMBER 10, 1962.

Pursuant to section 210(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price or exporter's sales price, whichever is applicable, of acrylic staple fiber manufactured in West Germany and sold by Textiel Fabriek Huizen, Huizen, Netherlands, is less or likely to be less than the foreign market value or constructed value, whichever is applicable, as defined by sections 203, 204, 205, and 206, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162, 163, 164, and 165).

Customs officers are being authorized to withhold appraisement of entries of acrylic staple fiber manufactured in West Germany and sold by Textiel Fabriek Huizen, Huizen, Netherlands, pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 62–9199; Filed, Sept. 13, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

UNDER SECRETARY OF AGRICULTURE, AND ASSISTANT SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT AND CONSERVATION

Delegation of Authority Regarding Migratory Bird Conservation Commission

Pursuant to the authority vested in me by law, particularly Reorganization Plan No. 2 of 1953, the Under Secretary of Agriculture and the Assistant Secretary of Agriculture for Rural Development and Conservation are each separately authorized to perform any of my functions as a member of the Migratory Bird Conservation Commission established pursuant to the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.). This authority shall include the taking of all actions which I might take as a member of said Commission as well as the attendance at meetings thereof as a member.

This delegation of authority shall not preclude the Secretary of Agriculture from performing any of the functions prescribed herein.

Effective date: September 10, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–9195; Filed, Sept. 13, 1962; 8:48 a.m.]

DELAWARE RIVER BASIN COMMISSION

PROPOSED CURRENT EXPENSE BUDGET FOR 1963–64 FISCAL YEAR

Notice of Public Hearing

In accordance with section 14.4(b) of the Delaware River Basin Compact, notice is hereby given of a public hearing to be held by the Delaware River Basin Commission on September 26, 1962. The subject of the hearing will be the Commission's proposed current expense budget for the fiscal year beginning July 1, 1963. Copies of the proposed current expense budget, in summary form, may be examined at the Commission's offices in Trenton (25 Scotch Road, Trenton, N.J.; Phone TUxedo 3–9500), and a limited number are available for distribution.

The public hearing will be held in the Lobby Lounge of the Shawnee Inn, Shawnee-On-Delaware, Pennsylvania, commencing at 11:15 a.m.

All persons or organizations desiring to be heard at the public hearing are requested to register in advance with the Secretary of the Commission.

W. BRINTON WHITALL,
Acting Secretary.

SEPTEMBER 13, 1962.

[F.R. Doc. 62–9196; Filed, Sept. 13, 1962; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Vocational Rehabilitation

STATE ALLOTMENT PERCENTAGES

Promulgation

Pursuant to section 11(h) of the Vocational Rehabilitation Act (68 Stat. 661, 29 U.S.C. 41(h)), as amended, and section 47(g) of the Hawaii Omnibus Act (74 Stat. 423–424), and it having been found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to the per capita incomes of the States and of the United States are the years 1959, 1960, and 1961, the following allotment percentages for the several States, the District of Columbia, the Virgin Islands, Puerto Rico, and Guam, as determined pursuant to said Acts and on the basis of said income data, are hereby promulgated, to be conclusive, except in the case of Alaska, for each of the two fiscal years in the period beginning July 1, 1963. In the case of Alaska, separate allotment percentages are hereby promulgated for each of said two fiscal years.

Alabama	67.05	Nevada	35.64
Alaska:		New Hampshire	53.30
1964	58.16	New Jersey	40.04
1965	49.74	New Mexico	59.10
Arizona	54.58	New York	37.15
Arkansas	69.06	North Carolina	64.63
California	38.48	North Dakota	63.28
Colorado	48.06	Ohio	47.70
Connecticut	36.04	Oklahoma	58.56
Delaware	33⅓	Oregon	49.57
District of Columbia	33⅓	Pennsylvania	49.46
Florida	55.67	Rhode Island	50.45
Georgia	63.73	South Carolina	68.86
Hawaii	48.55	South Dakota	60.55
Idaho	59.64	Tennessee	65.02
Illinois	40.74	Texas	56.10
Indiana	51.04	Utah	56.57
Iowa	53.97	Vermont	58.02
Kansas	53.43	Virginia	58.20
Kentucky	64.84	Washington	47.74
Louisiana	63.57	West Virginia	62.42
Maine	58.56	Wisconsin	51.26
Maryland	45.80	Wyoming	48.94
Massachusetts	43.25	Guam	75.00
Michigan	48.53	Puerto Rico	75.00
Minnesota	53.32	Virgin Islands	75.00
Mississippi	73.28		
Missouri	50.23		
Montana	55.10		
Nebraska	52.62		

Dated: August 31, 1962.

[SEAL] ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 62–9192; Filed, Sept. 13, 1962; 8:48 a.m.]

Public Health Service

STATE ALLOTMENT PERCENTAGES

Promulgation

Pursuant to section 631 (a) and (b) of Title VI of the Public Health Service Act, as amended (60 Stat. 1041, as amended, 42 U.S.C. 291i (a) and (b)),

And having found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce, as to the per capita incomes of States and of the United States, are the years 1959, 1960, and 1961.

The following allotment percentages for the several States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands, as determined pursuant to said Act and on the basis of said income data, are hereby promulgated for two fiscal years in the period beginning July 1, 1963:

Alabama	67.05	Colorado	48.06
Alaska	39.91	Connecticut	36.04
Arizona	54.58	Delaware	33⅓
Arkansas	69.06	District of Columbia	33⅓
California	38.48		

Florida	55.67	New York	37.15
Georgia	63.73	North Carolina	64.63
Hawaii	48.55	North Dakota	63.28
Idaho	59.64	Ohio	47.70
Illinois	40.74	Oklahoma	58.56
Indiana	51.04	Oregon	49.57
Iowa	53.97	Pennsylvania	49.46
Kansas	53.43	Rhode Island	50.45
Kentucky	64.84	South Carolina	68.86
Louisiana	63.57	South Dakota	60.55
Maine	58.56	Tennessee	65.02
Maryland	45.80	Texas	56.10
Massachusetts	43.25	Utah	56.57
Michigan	48.53	Vermont	58.02
Minnesota	53.32	Virginia	58.20
Mississippi	73.28	Washington	47.74
Missouri	50.23	West Virginia	62.42
Montana	55.10	Wisconsin	51.26
Nebraska	52.62	Wyoming	48.94
Nevada	35.64	Guam	75.00
New Hampshire	53.30	Puerto Rico	75.00
New Jersey	40.04	Virgin Islands	75.00
New Mexico	59.10		

Dated: August 27, 1962.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: September 10, 1962.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62–9190; Filed, Sept. 13, 1962; 8:47 a.m.]

Social Security Administration

FEDERAL SHARES AND ALLOTMENT PERCENTAGES FOR PURPOSES OF CHILD WELFARE SERVICES

Promulgation for the Fiscal Years 1964 and 1965

Pursuant to sections 524 (a), (b), and (c) of Title V, Part 3 of the Social Security Act, as amended (section 601, Social Security Amendments of 1958, Public Law 85–840),

And it having been found that the three most recent calendar years for which satisfactory data are available from the Department of Commerce as to the per capita income of States and of the continental United States are the years 1959, 1960, and 1961,

It is hereby promulgated for each of the two fiscal years in the period ending June 30, 1965, that for the said purposes, for each of the fifty States, Puerto Rico, the District of Columbia, the Virgin Islands and Guam, the Federal shares, as specified in said Act, or as determined pursuant thereto and on the basis of said income data, shall be as listed below,

It is hereby further promulgated for each of the two fiscal years in the period ending June 30, 1965, that for purposes of child welfare services under Title V, Part 3 of the Social Security Act, as amended, for each of the fifty States, Puerto Rico, the District of Columbia, the Virgin Islands and Guam, the allotment percentages, as specified in said Act, or as determined pursuant thereto and on the basis of said income data, shall be as listed below.

States	Federal shares	Allotment percentages
Alabama	66⅔	67.05
Alaska	39.91	39.91
Arizona	54.58	54.58
Arkansas	66⅔	69.06
California	38.48	38.48
Colorado	48.06	48.06
Connecticut	36.04	36.04
Delaware	33⅓	32.50
District of Columbia	36⅔	32.09
Florida	55.67	55.67
Georgia	63.73	63.73
Guam	66⅔	70.00
Hawaii	48.55	48.55
Idaho	59.64	59.64
Illinois	40.74	40.74
Indiana	51.04	51.04
Iowa	53.97	53.97
Kansas	53.43	53.43
Kentucky	64.84	64.84
Louisiana	63.57	63.57
Maine	58.56	58.56
Maryland	45.80	45.80
Massachusetts	43.25	43.25
Michigan	48.53	48.53
Minnesota	53.32	53.32
Mississippi	66⅔	70.00
Missouri	50.23	50.23
Montana	55.10	55.10
Nebraska	52.62	52.62
Nevada	35.64	35.64
New Hampshire	53.30	53.30
New Jersey	40.04	40.04
New Mexico	59.10	59.10
New York	37.15	37.15
North Carolina	64.63	64.63
North Dakota	63.28	63.28
Ohio	47.70	47.70
Oklahoma	58.56	58.56
Oregon	49.57	49.57
Pennsylvania	49.46	49.46
Puerto Rico	66⅔	70.00
Rhode Island	50.45	50.45
South Carolina	66⅔	68.86
South Dakota	60.55	60.55
Tennessee	65.02	65.02
Texas	56.10	56.10
Utah	56.57	56.57
Vermont	58.02	58.02
Virgin Islands	66⅔	70.00
Virginia	58.20	58.20
Washington	47.74	47.74
West Virginia	62.42	62.42
Wisconsin	51.26	51.26
Wyoming	48.94	48.94

Effective date. This revision shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: August 27, 1962.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: September 10, 1962.

ANTHONY J. CELEBREZZEE,
Secretary.

[F.R. Doc. 62–9191; Filed, Sept. 13, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–5]

PENNSYLVANIA STATE UNIVERSITY

Notice of Proposed Issuance of Construction Permit and Amendment to Utilization Facility License

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by The Pennsylvania State University ("the licensee") or a petition for leave to intervene is filed, as provided by and in accordance with the Commission's rules of practice (10 CFR Part 2), the Commission proposes to issue to the licensee a construction permit substantially as set forth in Appendix A. The permit, as requested by the licensee in its application dated January 31, 1962, would authorize the licensee to enlarge the reactor bay and construct certain other additions to the nuclear reactor building which houses The Pennsylvania State University Reactor ("the reactor") licensed under Facility License No. R–2 and located on the licensee's campus in University Park, Pennsylvania.

Notice is also hereby given that upon completion of construction and inspection of the activities authorized by the construction permit the Commission may, without further prior public notice, issue an amendment to Facility License No. R–2, substantially as set forth in Appendix B, authorizing operation of the reactor in the modified reactor building as requested by the licensee's application dated January 31, 1962.

The Commission has found that the application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR.

For further details see (1) the hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application dated January 31, 1962, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 6th day of September 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62–9170; Filed, Sept. 13, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14008; Order No. E–18777]

CHICAGO HELICOPTER AIRWAYS, INC.

Temporary Authority To Engage in Air Transportation of Persons, Property and Mail With Rotary-Wing Aircraft; Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of September 1962.

By Order E–10548, August 20, 1956, the Board reissued to Chicago Helicopter Airways, Inc. (CHA), an amended temporary certificate of public convenience and necessity to engage in air transportation of persons, property and mail on

route 96[1] with rotary-wing aircraft through August 6, 1963. Order E–10548 also authorized CHA, by temporary exemption through August 6, 1963, to engage in air transportation of persons, property and mail with rotary-wing aircraft between any points within a 60-mile radius of O'Hare Field, except that the northern periphery of the 60-mile radius shall not extend beyond Racine, Wisconsin.

CHA has not applied for the renewal of its temporary certificate or for renewal of its temporary exemption authority.

As we noted in Order E–18652, August 1, 1962, CHA has experienced continuing deterioration in passenger traffic, due in major part to the shift in fixed-wing carrier operations from Midway Airport to O'Hare Field. For example, the carrier's total passenger originations at Midway Airport were 28,668 during the second quarter of 1961, as compared to only 9,569 during the second quarter of 1962; at O'Hare Field the comparable decrease in CHA's passenger originations was from 31,949 to 10,688. Mail tons enplaned by CHA at Midway for these comparative quarterly periods decreased from 56.6 to 54.6, but increased at O'Hare from 3.0 to 18.1. Clearly, however, the decrease in passenger traffic may have a significant effect upon CHA's subsidy requirements. Moreover, it may also indicate a changing pattern of demand for helicopter service in the Chicago area.

Rather than await CHA filing for renewal of its temporary authority,[2] and in order to reach an early decision on the possible continuation of CHA's services, we will, at this time, institute an investigation to determine whether CHA's temporary certificate and temporary exemption authority to engage in air transportation of persons, property and mail with rotary-wing aircraft should be renewed, altered, amended, or modified, and, if so, for what period. The instant action is consistent with, and indeed is required by, "our stated policy of keeping the subsidy requirements of the helicopter experiment at a carefully controlled level consistent with the requirements of the public interest."[3]

Accordingly, it is ordered,

1. That an investigation be and it hereby is instituted pursuant to sections 204 and 401(g) of the Federal Aviation Act, as amended, to determine whether the public convenience and necessity require that CHA's temporary certificate authority and temporary exemption authority to engage in air transportation of persons, property and mail with rotary-wing aircraft should be renewed, altered, amended, or modified, and, if so, for what period;

2. That this proceeding shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated;

3. That a copy of this order be served upon all persons named in the attached Appendix A; [4] and

4. That a copy of this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-9200; Filed, Sept. 13, 1962; 8:49 a.m.]

[1] Route 96 is described as:
"1. Between the terminal point Midway Airport and the terminal point O'Hare Field;
"2. Between the coterminal points Midway Airport and O'Hare Field and a terminal point located in or near the business district of Chicago, commonly known as the Loop, or located on or near the Lake Shore adjacent to the Loop."

[2] Our action should not be construed by CHA as continuing its temporary authority beyond August 6, 1963, or until the completion of the investigation hereby instituted; CHA should file a renewal application pursuant to Part 377 of the Board's Special Regulations if it desires to invoke the provisions of section 9(b) of the Administrative Procedure Act, 5 U.S.C. 1008(b).

[3] Order E–18417, June 7, 1962, p. 6.

[4] Filed as part of original document.

[Docket No. 13833]

AEROVIAS CONDOR DE COLOMBIA, LTDA.

Notice of Hearing

In the matter of the application of Aerovias Condor de Columbia, Ltda. under section 402 of the Federal Aviation Act of 1958, as amended, for an amendment of its foreign air carrier permit so as to authorize, in addition to the operations presently authorized by the permit, the regularly scheduled foreign air transportation of persons between a point or points in Colombia and the terminal point Miami, Florida at the frequency of two flights per week in each direction and the carriage of persons in charter trips in accordance with Economic Regulations Part 212.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on October 2, 1962, at 10 a.m., e.d.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., September 10, 1962.

[SEAL] BARRON FREDRICKS, *Hearing Examiner.*

[F.R. Doc. 62-9201; Filed, Sept. 13, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14755–14757; FCC 62–926]

JUPITER ASSOCIATES, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Jupiter Associates, Inc., Matawan, New Jersey, Docket No. 14755, File No. BP–14178, requests 1530 kc, 500 w, DA, Day, Class II; William S. Halpern and Louis N. Seltzer d/b as Somerset County Broadcasting Company, Somerville, New Jersey, Docket No. 14756, File No. BP–14234, requests 1530 kc, 1 kw, DA, Day, Class II; Radio Elizabeth, Inc., Elizabeth, New Jersey, Docket No. 14757, File No. BP–14812 requests 1530 kc, 500 w, Day, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of September 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The instant proposals appear to involve mutually prohibitive interference.

2. BP–14178 and BP–14812 will cause interference to the existing operation of Station WFYI, Mineola, New York.

3. From the data submitted by Somerset County Broadcasting Company (BP–14234), it cannot be concluded whether adequate cash or liquid assets are available to finance construction costs and operation for a reasonable time under prevailing Commission criteria; the applicant shows an estimated cost of $60,170 and a bank loan in the amount of $60,000 from the Broad Street Trust Company, Philadelphia, Pennsylvania, to meet the cost of construction. No indication is made whether equipment is to be purchased on deferred credit, and it must be assumed that the costs of construction and initial expenses will be met with cash. Thus, the $60,000 is inadequate to meet the construction costs ($60,170), and working capital for a reasonable period of time. Since the bank has made other loans to the copartners in connection with other broadcasting operations and proposals, there is also a question as to whether the loan commitment dating from June 15, 1960, is still valid.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether BP–14178 or BP–14812 would cause objectionable interference to Station WFYI or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether Somerset County Broadcasting Company is financially qualified to construct and operate its proposed station.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That VIP Broadcasting Corporation, licensee of Station WFYI, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the application of either Jupiter Associates, Inc., or Radio Elizabeth, Inc., the construction permit shall contain a condition that the permittees shall accept any interference received in the event of a subsequent grant of the proposal of VIP Broadcasting Corporation, licensee of WFYI, for increased power as requested in BP–14328.

It is further ordered, That, in the event of the grant of any of the applications, the construction permit shall contain a condition that the permittee shall accept any interference received in the event of a subsequent grant of the proposal of Continental Broadcasting Company, requesting 1530 kc, 1 kw, DA–D, Hamden, Connecticut (BP–14811).

It is further ordered, That in the event of a grant of any of these applications, the construction permit shall also contain the following condition:

Pending a final decision in Docket 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, in the event of a grant of either Jupiter Associates or Somerset County, there will be a need for compliance with Federal Aviation Agency regulations with respect to antenna structures (such approval was obtained by Radio Elizabeth).

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-9204; Filed, Sept. 13, 1962; 8:50 a.m.]

[Docket Nos. 14764–14766; FCC 62–932]

JESUS VARGAS CANDELARIA ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Jesus Vargas Candelaria, Bayamon, Puerto Rico, Docket No. 14764, File No. BP–14334, requests 1400 kc, 250 w, U, Class IV; International Broadcasting Corporation, Carolina, Puerto Rico, Docket No. 14765, File No. BP–15161, requests 1400 kc, 250 w, U, Class IV; Mauricio Alvarez-Martin, Carolina, Puerto Rico, Docket No. 14766, File No. BP–15164, requests 1400 kc, 250 w, U, Class IV; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of September 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

A. The proposals of Jesus Vargas Candelaria (BP–14334):

1. Involves mutually destructive interference with BP–15161, Carolina, Puerto Rico, and BP–15164, Carolina, Puerto Rico.

2. Applicant proposes to broadcast 119 hours per week, and the application represents that 45.81 percent of the programming will be live. This is to be accomplished with a station manager, a program manager, three announcers, a first class licensed operator, an office girl and a record librarian. A question is raised as to the adequacy of staff to effectuate the extensive live programming.

3. From an examination of applicant's financial data, it can't be determined that he has sufficient cash and/or liquid assets to finance the construction costs and initial operation of the proposed station, that amount to $8,100. Cash as shown by applicant's balance sheet is $1,500 and the letter from a lending institution does not appear to be a loan commitment because the loan is conditioned on submission of a satisfactory "certified statement of condition and profit and loss" and furnishing of acceptable collateral is required.

B. The proposal of International Broadcasting Corporation (BP–15161):

1. Is mutually exclusive with BP–15164, Carolina, Puerto Rico, and involves mutually destructive interference with BP–14334, Bayamon, Puerto Rico.

2. Applicant proposes to broadcast 123 hours per week and the application represents that 43 percent of the programming will be live. This is to be accomplished with a station manager, three persons in the program department, a chief engineer and assistant, two persons in the commercial department and one administrative person. A question is raised as to the adequacy of staff to effectuate the extensive live programming.

C. The proposal of Mauricio Alvarez-Martin (BP–15164):

1. Is mutually exclusive with BP–15161, Carolina, Puerto Rico, and involves mutually destructive interference with BP–14334, Bayamon, Puerto Rico.

2. Applicant proposes to broadcast 113 hours per week, and the applicant represents that 51.95 percent of the programming will be live. This is to be accomplished with the licensee-general manager, a chief engineer, two controlmen, announcers and operators, a script writer-secretary, a program director and a commercial manager. A question is raised as to the adequacy of staff to effectuate the extensive live programming.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the above-captioned and described applicants and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant pro-

posals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether Jesus Vargas Candelaria is financially qualified to construct and operate his proposed station.

4. To determine whether each of the above-captioned and described applicants, in view of its proposals as to staff, is qualified to operate its station in the manner proposed by its application.

5. To determine, in the light of 307(b) of the Communications Act of 1934, as amended, whether the proposal for Bayamon, Puerto Rico, or one of the proposals for Carolina, Puerto Rico, would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the event it is concluded pursuant to the foregoing issue that one of the proposals for Carolina, Puerto Rico should be favored, which of the proposals of International Broadcasting Corporation or Mauricio Alvarez-Martin would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of the said applications.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any of the instant applications should be granted.

It is further ordered, That in the event of a grant of any of the above-captioned applications, the construction permit shall be conditioned as follows:

Permittee shall not begin program test until WHOA has commenced operation on 870 kilocycles.

Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

It is further ordered, That, in the event of a grant of the application of Jesus Vargas Candelaria, the construction permit shall be further conditioned as follows:

This authorization is subject to compliance with any applicable procedures of the Federal Aviation Agency.

Permittee shall submit sufficient field intensity measurement data to assure that the proposed omnidirectional radiation pattern is not seriously distorted due to re-radiation effect from the nearby power transmission line and supporting structures.

Permittee shall comply fully with the provisions of section 3.40(a)(14) of the Commission's rules regarding attenuation of emissions ±75 kilocycles of the proposed operating frequency.

It is further ordered, That, to avail themselves of the opportunity to be heard; the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to § 1.311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9205; Filed, Sept. 13, 1962; 8:50 a.m.]

[Docket Nos. 14762, 14763; FCC 62-930]

PAYNESVILLE BROADCASTING CO. AND HARRY NEWBY

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of R. Earle LeMasurier tr/as Paynesville Broadcasting Co., Paynesville, Minnesota, Docket No. 14762, File No. BP-14584, requests 1300 kc, 500 w, Day, Class III; Harry Newby, Cambridge, Minnesota, Docket No. 14763, File No. BP-15280, requests 1300 kc, 5 kw, DA-D, Class III; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of September 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered with the aforementioned issues specified below:

1. The applications involve mutually destructive interference.

2. The Paynesville proposal causes interference to Station KBMO, Benson, Minnesota.

3. It has not been determined whether or not the Paynesville proposal would comply with § 3.28(d)(3) of the Commission's rules regarding interference from existing stations.

4. On the basis of information submitted, it does not appear that the applicant for the Paynesville facilities has adequate funds available to cover construction costs and operating expenses for a reasonable period of time, thus raising questions of applicant's ability to construct and operate the station.

5. The Cambridge applicant in submission of his financial data did not submit the financial statement reflecting the lenders' ability to meet their loan commitments, thus raising a question as to the applicant's ability to construct and operate this station.

6. It appears that the coordinates submitted by the Paynesville applicant are in error.

7. It has not been determined that the proposed antenna structure of the Paynesville applicant would not be a menace to air navigation.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the above-captioned applications and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Paynesville Broadcasting Co. would cause objectionable interference to Station KBMO, Benson, Minnesota, or any other existing standard broadcast stations, and, if so, the nature and extent thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the interference received by the Paynesville proposal from existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether each of the above-captioned applicants is financially qualified to construct and operate his proposed station.

5. To determine the geographical coordinates for the antenna site proposed by the Paynesville Broadcasting Co.

6. To determine whether there is a reasonable possibility that the tower height and location proposed by Paynesville Broadcasting Co. would constitute a menace to air navigation.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That North Star Broadcasting Company licensee of Station KBMO is made a party to the proceeding.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, in the event of a grant of either of the above-captioned applications the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission's rules are not extended to this authorization and such operation is precluded.

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants' and the parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

Released: September 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
{SEAL} BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9206; Filed, Sept. 13, 1962; 8:50 a.m.]

[Docket Nos. 14759, 14760; FCC 62-928]

LEVY COUNTY BROADCASTING CO. AND THOMAS COUNTY BROADCASTING CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Levy County Broadcasting Company, Williston, Florida, Docket No. 14759, File No. BP-13981, requests 730 kc, 250 w, Day, Class II; Thomas County Broadcasting Company, Inc., Thomasville, Georgia (WKTG), Docket No. 14760, File No. BP-14988, has 730 kc, 1 kw, Day, Class II, requests 730 kc, 5 kw, Day, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of September 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposal of Levy County Broadcasting Company (BP-13981) would cause interference to and receive interference from standard broadcast stations and proposals; it would cause interference to Station WPAL, Charleston, South Carolina (Class II, 1 kw, Day); it would receive interference from Stations WPAL, CMCA,[1] and WKTG (see BP-14988), and the applicant has failed to indicate that the percentage of loss from these stations is less than 10 percent (see § 3.28(d)(3) of the Commission's rules).

2. The proposal of Thomas County Broadcasting Company, Inc. (BP-14988) would cause interference and receive interference from standard broadcast stations and proposals; it would cause interference to Stations WPAL (supra) and WBAM, Montgomery, Alabama (Class II, 50 kw, DA, Day) and to the Levy County Broadcasting Company proposal, supra (BP-13981); and it would receive interference from Stations CMCA and WBAM, as to which the applicant has requested a waiver § 3.28(d)(3).

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

[1] This is a Havana, Cuba, cochannel Class II station, 10 kw, DA-2, U.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of Levy County Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WKTG and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from either of the instant proposals.

4. To determine whether the instant proposal of Levy County Broadcasting Company would cause objectionable interference to Station WPAL, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Thomas County Broadcasting Company, Inc., would cause objectionable interference to Stations WPAL and WBAM, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the interference received by each instant proposal from either of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, Speidel Broadcasting Corporation of Charleston, Charleston, South Carolina, and Deep South Broadcasting Company, Montgomery, Alabama, licensees of Stations

WPAL and WBAM, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of Levy County Broadcasting Company the construction permit shall contain the following condition:

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, in the event of a grant of the application of Thomas County Broadcasting Company, Inc., the construction permit shall contain the following conditions:

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

Permittee shall submit with the application for license, antenna resistance measurements made in accordance with § 3.54 of the Commission's rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9207; Filed, Sept. 13, 1962; 8:51 a.m.]

[Docket Nos. 14767, 14768; FCC 62-933]

SMITH BROADCASTING, INC., AND NORTH ALABAMA BROADCASTERS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Smith Broadcasting, Inc., Huntsville, Alabama, Docket No. 14767, Filed No. BPCT-3012; North Alabama Broadcasters, Inc., Huntsville, Alabama, Docket No. 14768; File No. BPCT-3051; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of September 1962;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 19 assigned to Huntsville, Alabama; and

It appearing that the above-captioned applications are mutually exclusive in that operation by both of the applicants, as proposed, would result in mutually destructive interference and that, therefore, a hearing is necessary in order to determine, on a comparative basis, which of the above-captioned applications would better serve the public interest, convenience and necessity; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

The proposal of North Alabama Broadcasters, Inc. (BPCT-3051)

1. The cash requirements for construction and initial operation, based on information contained in the application, will be approximately $249,000. The applicant proposed to finance the construction and initial operation from cash on hand of $5,000, stock subscriptions of $45,000, and the sale of debentures or a loan from First Alabama Securities, Inc., in the amount of $200,000. However, it does not appear that Messrs. Godbold and Grisham have current and liquid assets (as defined in Paragraph 4, Section III, FCC Form 301) sufficient in amount to meet their current liabilities and their subscription agreements of $22,500 each. Nor can it be determined that First Alabama Securities, Inc., has current and liquid assets (as defined in Paragraph 4, Section III, FCC Form 301) in excess of liabilities, sufficient in amount to purchase debentures or make a loan in the amount of $200,000. Therefore, it cannot be determined that the applicant is financially qualified.

2. Mr. Charles F. Grisham, President, Director and 49.98 percent stockholder of applicant, is Vice President of Newhouse Broadcasting Corp., licensee of WAPI-TV, Birmingham, Alabama, and, in the event the subject application were to be granted, the Grade A field intensity contour of the proposed station would overlap the Grade B field intensity contour of WAPI-TV by approximately 15 miles, and the Grade B field intensity contour of the proposed station would overlap the Grade B field intensity contour of WAPI-TV by approximately 33 miles. In view of the foregoing, an issue is included with respect to a possible violation of § 3.636(a)(1) of the Commission's rules.

It further appearing that Smith Broadcasting, Inc., proposes, between the hours of 6:00 p.m. and 11:00 p.m., no local live programs, but instead proposes 100 percent recorded commercial programming; that, however, no separate issue is proposed since consideration can be given to this matter under issue 3(c); and

It further appearing that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that Smith Broadcasting, Inc., is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; and, that North Alabama Broadcasters, Inc., is legally and technically qualified to construct, own and operate the proposed television broadcast station.

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether North Alabama Broadcasters, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether a grant of the North Alabama Broadcasters, Inc., application would be consistent with the provisions of § 3.636(a)(1) of the Commission's rules.

3. To determine on a comparative basis, which of the proposed operations would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming services proposed in each of the above-mentioned applications.

4. To determine in light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the date of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: September 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9208; Filed, Sept. 13, 1962; 8:51 a.m.]

[Docket No. 14761; FCC 62-929]

SMITH RADIO, INC. (WNUE)

Order Designating Application for Hearing on Stated Issues

In re application of Smith Radio, Inc. (WNUE), Fort Walton Beach, Florida, Docket No. 14761, File No. BP-14906, has 950 kc, 1 kw, Day, Class III, requests 1400 kc, 250 w, 1 kw-LS, U, Class IV; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of September 1962;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. Applicant's information shows that the nighttime 25 mv/m contour would not cover the business district of Fort Walton Beach, Florida, as required by § 3.188(b)(1) of the Commission's rules.

2. It appears that the nighttime limitation contour would not cover all the residential area of the city of Fort Walton Beach, Florida, as required by § 3.188(b)(2) of the Commission's rules.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would gain or lose primary service from Smith Radio, Inc., and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Smith Radio, Inc., would provide coverage of the city sought to be served as required by § 3.188(b)(1) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

3. To determine whether the instant proposal of Smith Radio, Inc., would provide coverage of the city sought to be served, as required by § 3.188(b)(2) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, in the event of a grant of the application of Smith Radio, Inc., the construction permit shall contain the following conditions:

Permittee shall submit with the application for license, antenna resistance measurements made in accordance with § 3.54 of the Commission's rules.

Permittee shall accept such interference as may be imposed by existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: September 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9209; Filed, Sept. 13, 1962; 8:51 a.m.]

[Docket No. 14758; FCC 62-927]

WBUX BROADCASTING CO. (WBUX)

Order Designating Application for Hearing on Stated Issues

In re application of WBUX Broadcasting Co. (WBUX), Doylestown, Pennsylvania, Docket No. 14758, File No. BP-13893, has 1570 kc, 1 kw, DA, Day, requests 1570 kc, 5 kw, DA, Day; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of September 1962;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. To determine whether the present WBUX proposal would cause objectionable interference within the 0.5 mv/m groundwave contour of the proposal of Station WQXR (1560 kc, 50 kw, DA-1, U, Class I-B) (BP-11707) requesting a change in directional antenna pattern (see Initial Decision, released March 21, 1962 (FCC 62D-27)).

2. The WBUX proposal was not timely filed for concurrent consideration with the WQXR proposal (BP-11707).

3. Interstate Broadcasting Company, Inc., licensee of Station WQXR, filed a Petition to Deny Application and a Supplement thereto asserting that the WBUX proposal would cause interference to both WQXR's present and proposed operations (WBUX filed an "Opposition", and each party thereafter supplemented their pleadings). Study of these objections indicate that a question exists concerning interference to WQXR's proposal, but that no objectionable interference would be caused to the existing operation of WQXR.

It further appearing that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WBUX and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Station WBUX would cause objectionable interference within the 0.5 mv/m groundwave contour of the proposed operation of Station WQXR, New York, New York, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Interstate Broadcasting Company, Inc., licensee of Station WQXR, New York, New York, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the instant application the construction permit shall contain the following condition:

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That the Petition to Deny of Station WQXR is granted to

the extent herein stated and in all other respects is denied.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: September 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9210; Filed, Sept. 13, 1962; 8:51 a.m.]

[Docket Nos. 14384, 14390; FCC 62M-1196]

YORK-CLOVER BROADCASTING CO., INC. (WYCL) AND RISDEN ALLEN LYON

Order Continuing Hearing

In re applications of York-Clover Broadcasting Company, Incorporated (WYCL), York, South Carolina, Docket No. 14384, File No. BP-13898; Risden Allen Lyon, Charlotte, North Carolina, Docket No. 14390, File No. BP-14661; for construction permits.

The Hearing Examiner having under consideration a motion filed September 6, 1962, on behalf of Risden Allen Lyon requesting that the evidentiary hearing in the above-entitled proceeding now scheduled for September 6, 1962, be continued to September 20, 1962; and

It appearing that the reason for the requested continuance is the fact that a witness who is to be cross-examined cannot be in Washington on September 6, 1962; and

It further appearing that there are no objections to the immediate favorable consideration of this motion and good cause for granting the motion having been shown;

It is ordered, This the 6th day of September 1962, that the motion is granted and the evidentiary hearing in the above-entitled proceeding now scheduled for September 6, 1962, is continued to September 20, 1962.

Released: September 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9211; Filed, Sept. 13, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

H. S. THIELEN, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15, Shipping Act, 1916.

H. S. Thielen, Inc. of Lake Charles, Louisiana, has submitted 14 identical agreements with the forwarders whose names are listed below. All fifteen of the parties are eligible to carry on the business of forwarding pursuant to section 44, Shipping Act, 1916.

Caldwell & Co., Inc., New York—No. 9003.
Steven Spencer Davids, Washington, D.C.—No. 9004.
Ellis Forwarding Co., Houston—No. 9006.
T. J. Hanson, Beaumont—No. 9007.
Hudson Shipping Co., Inc., N.Y.—No. 9008.
International Expediters, Inc., N.Y.—No. 9009.
Intra-Mar Shipping Corp., N.Y.—No. 9011.
Marine Forwarding Co., Inc., N.Y.—No. 9012.
Norton & Ellis of N.Y., Inc.—No. 9013.
Francesco Parisi Int'l. Transports (USA), Inc., New York—No. 9014.
Seaboard Forwarding Co., Inc., N.Y.—No. 9016.
J. S. Stass Co., New Orleans—No. 9017.
J. R. Michels, Inc., Houston—No. 9018.
Universal Transcontinental Corp., New Orleans—No. 9019.

The agreements are non-exclusive cooperative working arrangements under which the parties will perform forwarding services for each other, dividing forwarding fees and ocean brokerage as agreed on each transaction.

Mohegan International Corp., New York, N.Y., has filed two agreements, one with Bruce Duncan Company, Inc. of Los Angeles (No. 9001), and the other with Traeger Shipping Corp. of Miami (No. 9002), which are nonexclusive, cooperative working arrangements for the purpose of dispatching each other's shipments. Forwarding fees are to be subject to negotiation on each transaction. Ocean freight brokerage will not be divided in the Bruce Duncan agreement; equal division of brokerage is provided for in the agreement with Traeger Shipping.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Washington 25, D.C., or at the Commission's field offices at:

45 Broadway,
New York 4, N.Y.

New Federal Building,
701 Loyola Street,
P.O. Box 52948 (mailing address),
New Orleans, La.

180 New Montgomery Street,
San Francisco, Calif.

They may submit, to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements, and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 10, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-9202; Filed, Sept. 13, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2245]

HARRISON COUNTY RURAL ELECTRIC MEMBERSHIP CORPORATION NO. 89

Notice of Application for License

SEPTEMBER 7, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Harrison County Rural Electric Membership Corporation No. 89 (correspondence to George W. Higdon, General Manager, Harrison County REMC, P.O. Box 127, Corydon, Indiana) for license for proposed Project No. 2245, to be known as the Cannelton Hydroelectric Project, to be located on the Ohio River at the proposed Cannelton Lock and Dam to be constructed by the U.S. Corps of Engineers, in Hancock County, Kentucky, in the vicinity of Hawesville, Kentucky and Cannelton, Indiana, and affecting lands of the United States.

The proposed project will consist of: A powerhouse on the Kentucky shore of the Ohio River in an excavated channel with an earth dam between the powerhouse and the U.S. Government dam—the powerhouse containing initially two 8,100 kilowatt generators with provision for future installation of six additional units each with a capacity of 6,300 kilowatts; a switchyard and step-up transformers; a transmission line extending to a point near Corydon, Indiana; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 25, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9173; Filed, Sept. 13, 1962; 8:45 a.m.]

[Docket No. CP62-285]

TRI-COUNTY UTILITY DISTRICT OF McNAIRY, CHESTER AND HARDIN COUNTIES, TENNESSEE

Notice of Application

SEPTEMBER 7, 1962.

Take notice that on June 5, 1962, as supplemented August 6, 1962, Tri-County Utility District of McNairy, Chester and Hardin Counties, Tennessee (Applicant) filed in Docket No. CP62-285 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Tennessee Gas Transmission Company (Tennessee) to establish physical connection with the proposed facilities of and to sell natural gas to Applicant for resale and distribution in Applicant's proposed service area in the three counties, all more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the necessary distribution facilities within the district, consisting of approximately 11.7 miles of 3-inch and 8.9 miles of 2-inch transmission lines; 28.9 miles of distribution line; one odorizor and master regulator station; and four regulator stations.

The estimated peak day requirements for the proposed service is 789.1 Mcf of natural gas in the third year. Total annual requirements are estimated to be 73,402 Mcf in the third year of service.

The estimated cost of Applicant's proposed project including financing is $483,000, which cost will be financed by a bond issue.

On June 29, 1962, as amended August 8, 1962, Tennessee filed an answer to the subject application stating that it will be able to render the proposed service with capacity provided by its expansion in Docket No. CP60-94, in which Tennessee received temporary authorization, and therefore, will not oppose the issuance of an order directing it to serve the Tri-County Utility District.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 28, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9176; Filed, Sept. 13, 1962; 8:45 a.m.]

[Docket No. CI62-1037]

SHELL OIL CO.

Notice of Application and Date of Hearing

SEPTEMBER 7, 1962.

Take notice that on March 7, 1962, Shell Oil Company, a Delaware corporation having its principal office at 50 West 50th Street, New York, N.Y., filed an application for a certificate of public convenience and necessity authorizing the sale of gas well gas to El Paso Natural Gas Company from approximately 14,720 acres in the East Boundary Butte Area on the Arizona-Utah border, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The contract between Shell and El Paso related to the above application, dated January 17, 1962, provides for an initial price of 17.7 cents per Mcf at 15.025 psia. The contract also provides for periodic increases of 1.0 cent per Mcf at five-year intervals following the date of initial delivery. The estimated initial volume is 2,000 Mcf per day.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 22, 1962, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 1, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9174; Filed, Sept. 13, 1962; 8:45 a.m.]

[Docket Nos. RI63-61—RI63-64]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 7, 1962.

Gulf Oil Corporation, Docket No. RI63-61; William H. Allen, et al., Docket No. RI63-62; H. M. Gillespie, et al., Docket No. RI63-63; Humble Oil & Refining Company, Docket No. RI63-64.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI63-61	Gulf Oil Corp., P.O. Drawer 2100, Houston 1, Tex.	96	3	Colorado Interstate Gas Co. (S.W. Camp Creek Field, Beaver County, Okla.).	[1] $4,288	8-9-62	[2] 9-10-62	2-10-63	[3] 16.7235	[4] [5] 17.8384	
RI63-62	William H. Allen et al., P.O. Box 926, Perryton, Tex.	1	1	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.).	[6] 2,200	8-10-62	[7] 9-10-62	2-10-63	[6] 17.0	[6] [8] 18.1	
RI63-63	H. M. Gillespie et al., 722 Union Center Building, Wichita 2, Kans.	2	3	Cities Service Gas Co. (Hugoton Field, Kearny County, Kans.).	268	8-13-62	[2] 9-13-62	2-13-63	[2] [9] 10.7195	[10] [11] [12] 14.5	
RI63-64	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	121	16	Northern Natural Gas Co. (Hansford Field, Hansford and Hutchinson Counties, Tex.) (R.R. District No. 10).	104,400	8-16-62	[2] 10-1-62	3-1-63	[10] 16.5	[2] [10] 17.5	

[1] Includes Btu adjustment.
[2] The stated effective date is the effective date proposed by respondent.
[3] Base rate of 15 cents per Mcf plus Btu adjustment.
[4] Base rate of 16 cents per Mcf plus Btu adjustment.
[5] Periodic rate increase.
[6] Does not include Btu adjustment.
[7] The stated effective date is the first day after expiration of the required statutory notice.
[8] Subject to downward Btu adjustment for gas containing less than 1133 Btu's per cu. ft.
[9] Uncorrected for supercompressibility.
[10] Subject to downward Btu adjustment.
[11] Corrected by supercompressibility.
[12] Redetermined rate increase.

The proposed change of H. M. Gillespie, et al. (Gillespie)[2] purports to be in accordance with the Gas Purchase Contract dated March 5, 1953, between Gillespie and Cities Service Gas Company (Cities Service), and the price redetermination provisions of the Gas Purchase Contract dated June 23, 1950, between Cities Service and Pan American Petroleum Corporation (Pan American) (formerly Stanolind Oil and Gas Company (Stanolind), which provide that after June 22, 1961, the price for gas shall be the fair and reasonable price for each successive five year period but not less than 12 cents per Mcf (10.7195 cents per Mcf at 14.65 psia). On May 2, 1962, the District Court of Shawnee County, Kansas, determined that a fair and reasonable price under Pan American's contract is 14.5 cents per Mcf at 14.65 psia for the five year period commencing on June 23, 1961, with correction for

[2] Gillespie is signatory to his gas sales contract with Cities Service which includes, as one of the pricing provisons, that the price to be paid to the producer will be the same price as paid to Stanolind (now Pan American).

[1] This order does not provide for the consolidation for hearing or disposition of the four matters covered herein, nor should it be so construed.

supercompressibility. Gillespie's filing is based on such court decision.

Cities Service on August 16, 1962, filed its protest and motion to reject the proposed rate filing of Gillespie. In support thereof, Cities Service states, inter alia, that (1) there is no contractual basis for Gillespie's 14.5 cents per Mcf rate increase filing since; (a) Gillespie has exercised his contractual right to a single rate change during the period June 23, 1961, to June 22, 1966, by filing the 12 cent rate increase in a previously filed supplement; (b) the case filed in the District Court of Shawnee County, Kansas, out of which the 14.5 cents per Mcf price filed by Gillespie has not become final but now pends on appeal in the Supreme Court of Kansas; and (c) the judgment of the court is erroneous and will be vacated by the Kansas Supreme Court; (b) Gillespie has failed to comply with the requirements of the Commission's Regulations in filing his supplement and has failed to submit a statement in support of said proposed change in rate, as required by the Commission's Regulations.

In the alternative, in the event the Commission accepts for filing Gillespie's proposed change, Cities Service requests that the effective date thereof be suspended for the statutory period of five months, and that such acceptance be conditioned upon and made subject to; (a) the judgment of the District Court of Shawnee County, Kansas, becoming final; (b) Gillespie's filing shall be of no force and effect in the event said judgment is reversed; and (c) the acceptance for filing shall, in all other respects, be without prejudice to Cities Service's appeal from the judgment of the District Court of Shawnee County, Kansas, and the ultimate disposition thereof by the courts.

By this order we are suspending the effectiveness of the proposed increased rate contained in Gillespie's aforementioned supplement. Such action, however, is without prejudice to the position of Cities Service with respect to the legality of such filing. Our action is also without prejudice to Cities Service's position in the event that various contingencies may occur as set forth above in connection with Cities Service's alternative request. Accordingly, we shall also provide that the hearing herein shall concern itself with the legality of said filing. Under the circumstances, we do not consider it appropriate at this time to render a decision as to the effect that the contingencies mentioned above may have on the legality of said filing, as requested by Cities Service.

The proposed increased rates of all of the Respondents listed in the caption of this order exceed the applicable area price levels as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the legality of the filing made by Gillespie, and the lawfulness of Gillespie's proposed change, and the lawfulness of the proposed changes of the other Respondents listed in the caption of this order, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the legality of the filing made by Gillespie, and the lawfulness of the proposed rate and charge contained in Gillespie's above-designated supplement; and the lawfulness of the increased rates and charges contained in the supplements filed by the other Respondents listed in the caption of this order.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)), on or before October 22, 1962.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62–9177; Filed, Sept. 13, 1962; 8:46 a.m.]

[Docket No. G–13255 etc.]

SHELL OIL CO. ET AL.

Notice of Severance

SEPTEMBER 7, 1962.

Shell Oil Company, et al., Docket No. G–13255, et al.; Champlin Oil & Refining Company, Docket No. CI62–1389; Sunray DX Oil Company, Docket No. CI62–1412; Big Chief Drilling Company, Docket No. CI62–1449.

Notice is hereby given that the proceedings in Docket Nos. CI62–1389, CI62–1412, and CI62–1449, being applications of Champlin Oil & Refining Company, Sunray DX Oil Company, and Big Chief Drilling Company, respectively, heretofore scheduled for a hearing which convened on September 5, 1962, and was recessed until September 12, 1962, at 9:30 a.m., e.d.s.t., in the consolidated proceeding entitled Shell Oil Company, et al., Docket No. G–13255, et al., are severed therefrom for such disposition as may be appropriate.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62–9175; Filed, Sept. 13, 1962; 8:45 a.m.]

[Docket No. G–13265]

W. E. WALKER ET AL.

Findings and Order Issuing Certificates of Public Convenience and Necessity, Permitting and Approving Abandonment and Accepting Notice of Cancellation of Related Rate Schedule, Severing Certificate Applications and Re-Consolidating With Area Rate Proceeding No. AR61–2

SEPTEMBER 10, 1962.

W. E. Walker and J. R. Meeker, Docket No. G–13265; Hassie Hunt Trust, Docket No. G–14303; Kerr-McGee Oil Industries, Inc., Docket No. G–15779; Cheyenne Oil Corporation of Delaware (Operator), et al., Docket No. G–16569; The Atlantic Refining Company, Docket No. G–18070; Delta Drilling Company (Operator), et al., Docket No. G–18135; Sohio Petroleum Company, Docket No. G–19457; Eason Oil Company (Operator) et al., Docket No. G–19703; The California Company, a Division of California Oil Company, Docket No. G–20147; Hurt Oil and Gas Corp., et al., Docket No. CI60–33; Shell Oil Company, Docket No. CI60–69; Samedan Oil Corporation (Operator), et al., Docket No. CI60–212; Francis A. Callery, Docket No. CI60–316; Sunray DX Oil Company,[1] Docket No. CI60–353; The California Company, a Division of California Oil Company, Docket No. CI60–391; Callery Properties, Inc., Docket No. CI60–400; Cabot Corporation (formerly Cabot Carbon Company), Docket No. CI60–414; Robert W. O'Meara, Operator, Docket No. CI60–469; Sunray DX Oil Company,[1] Docket No. CI60–477; Graridge Corporation (Operator), et al (Texas), Docket No. CI60–484; Pan American Petroleum Corporation, Operator, Docket No. CI60–485; Sohio Petroleum Company, Docket No. CI60–501; Cabot Corporation (formerly Cabot Carbon Company), Docket No. CI60–503; Sohio Petroleum Company, Docket No. CI60–522; San Jacinto Oil and Gas Company, Docket No. CI60–532; T. J. McIntyre d.b.a. McIntyre Oil Company, Docket No. CI61–22; Richardson & Bass, Louisiana Account, Docket No. CI61–52; Richardson & Bass, Louisiana Account, Docket No. CI61–53; Sinclair Oil & Gas Company, Docket No. CI61–76; J. P. Owen, et al., Docket No. CI61–289; American Natural Gas Production Company, Docket No. CI61–342; J. P. Owen (Operator), et al., Docket No. CI61–364; W. W. F. Oil Corporation, Docket No. CI61–552; Robert Mosbacher, Docket No. CI61–567; British-American Oil Producing Company, Docket No. CI61–600; T. J. McIntyre d.b.a. McIntyre Oil Company (Operator), et al., Docket No. CI61–885; The California Company, a Division of California Oil Company, Docket No. CI61–1285; H. L. Hawkins and H. L. Hawkins, Jr., Docket No. CI61–1301; Michel T. Halbouty, Operator, Docket No. CI61–1326; Wm. T. Burton Industries, Inc., Docket No. CI61–1530; George C. McGhee (Operator), et al., Docket No. CI61–1737; The California Company, a Division of California Oil Company, Docket No. CI62–145; The California Company, a Division of California Oil Company, Operator, Docket No. CI62–231; Texaco Inc., Docket No. CI62–544; Southdown, Inc., Docket No. CI62–550; J. H. Cordell, et al., Docket No. CI62–614; Robert A. Mosbacher, Operator, Docket No. CI62–693; Falcon Seaboard Drilling Company, Operator, Docket No. CI62–1225.

Each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce as hereinafter described, all as more fully described in the respective applications (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Field and Location; Purchaser

G–13265; North Elton Field, Allen Parish, La.; Texas Gas Transmission Corp.
G–14303; Maxie Field, Acadia Parish, La.; Texas Gas Transmission Corp.
G–15779; Bully Camp Field, Lafourche Parish, La.; Tennessee Gas Transmission Co.
G–16569; Grand Coulee Area, Acadia Parish, La.; Tennessee Gas Transmission Co.
G–18070; Live Oak Field, Vermilion Parish, La.; Transcontinental Gas Pipe Line Corp.
G–18135 (as Supp. 3–10–60); W. Mermentau Field, Jefferson Davis Parish, La.; United Gas Pipe Line Co.
G–19457 (as Supp. 9–1–60); Calcasieu Pass Field, Cameron Parish, La.; United Fuel Gas Co.
G–19703; Iota Field, Acadia Parish, La.; Texas Gas Transmission Corp.
G–20147 (as Supp. 2–13–61); Saturday Island Field, Plaquemines and Jefferson Davis Parishes, La.; Southern Natural Gas Co.
CI60–33; Valentine Field, Lafourche Parish, La.; United Fuel Gas Co.
CI60–69; Napoleonville Field, Assumption Parish, La.; Florida Gas Transmission Co.[1]
CI60–212; Chalkley Field, Cameron Parish, La.; United Fuel Gas Co.
CI60–316 (as Supp. 4–7–60); Cole's Gully Field, Acadia Parish, La.; United Fuel Gas Co.
CI60–353; S. Bearhead Creek Field, Beauregard Parish, La.; Trunkline Gas Co.
CI60–391 (as Supp. 2–13–61); Mallard Bay Field, Cameron Parish, La.; Texas Gas Transmission Corp.
CI60–400 (as Supp. 4–1–60); South Pecan Lake Field, Cameron Parish, La.; United Fuel Gas Co.
CI60–414 (as Supp. 4–15–60 and 6–19–60); St. Martinville Field, St. Martin Parish, La.; United Gas Pipe Line Co.
CI60–469; Caillou Island Field, Terrebonne Parish, La.; Tennessee Gas Transmission Co.
CI60–477; Cowpon Creek Field, Beauregard Parish, La.; Socony Mobil Oil Co.
CI60–484 (as Supp. 10–13–61); Mallard Bay Field, Cameron Parish, La.; Texas Gas Transmission Corp.

[1] Formerly Coastal Gas Transmission Corp.

CI60–485; Thornwell Field, Jefferson Davis Parish, La.; United Fuel Gas Co.
CI60–501; S. Pecan Lake Field, Cameron Parish, La.; United Fuel Gas Co.
CI60–503 (as Supp. 9–19–60); Ellis Field, Acadia Parish, La.; United Fuel Gas Co.
CI60–522; Go Around Bayou Field, Cameron Parish, La.; United Fuel Gas Co.
CI60–532; Go Around Bayou Field, Cameron Parish, La.; United Fuel Gas Co.
CI61–22; Iota Field, Acadia Parish, La.; Texas Gas Transmission Corp.
CI61–52 (as Supp. 5–14–62); Second Bayou Field, Cameron Parish, La.; United Fuel Gas Co.
CI61–53 (as Supp. 5–14–62); East Mud Lake Field, Cameron Parish, La.; United Fuel Gas Co.
CI61–76 (as Supp. 10–11–60); Lake Arthur Field, Jefferson Davis Parish, La.; Texas Gas Transmission Corp.
CI61–289; St. Martinville Field, St. Martin Parish, La.; United Gas Pipe Line Co.
CI61–342; SW Mermentau Field, Acadia Parish, La.; United Fuel Gas Co.
CI61–364; W. Duson, Lafayette and Acadia Parishes, La.; United Fuel Gas Co.
CI61–552; N. Tepetate Field, Acadia Parish, La.; American Louisiana Pipeline Co.
CI61–567; Valentine Field, Lafourche Parish, La.; United Fuel Gas Co.
CI61–600; Valentine Field, Lafourche Parish, La.; United Fuel Gas Co.
CI61–885; Maxie Field, Acadia Parish, La.; Texas Gas Transmission Corp.
CI61–1285; S. Thornwell Field, Jefferson Davis Parish, La.; United Fuel Gas Co.
CI61–1301; Lafourche Crossing Field, Lafourche Parish, La.; United Gas Pipe Line Co.
CI61–1326; Chataignier Field, St. Landry Parish, La.; Texas Eastern Transmission Corp.
CI61–1530; North Flank-Starks Field, Calcasieu Parish, La.; Texas Eastern Transmission Corp.
CI61–1737; S. Bayou Mallett Field, Acadia Parish, La.; Texas Gas Transmission Corp.
CI62–145; Eugene Island Block 33 Field, St. Mary Parish, La.; United Gas Pipe Line Co.
CI62–231; Grand Lake Field, Cameron Parish, La.; Texas Gas Transmission Corp.
CI62–544; Big Lake Field, Cameron Parish, La.; American Louisiana Pipe Line Co.
CI62–550; Hollywood Field, Terrebonne Parish, La.; United Gas Pipe Line Co.
CI62–614; Calcasieu Pass Field, Cameron Parish, La.; American Louisiana Pipe Line Co.
CI62–693; Calcasieu Pass Field, Cameron Parish, La.; American Louisiana Pipe Line Co.
CI62–1225; Crawley Field, Acadia Parish, La.; Tennessee Gas Transmission Co.

Each Applicant in this consolidated proceeding has filed a related rate schedule for the proposed service. Said Applicants have been advised of the acceptance and designation of these related rate filings. None of the proposed initial rates exceeds the announced ceiling rate for southern Louisiana, the area involved herein.

On July 26, 1962, Sunray DX Oil Company filed an application pursuant to section 7(b) of the Natural Gas Act for permission to abandon, because of depletion, the sale of natural gas to Socony Mobil Oil Company which was the subject of the pending certificate application in Docket No. CI60–477, and for which temporary authorization was granted on April 28, 1960.

On August 13, 1962, Eason Oil Company advised that it has disposed of its interest in the service covered by its pending certificate application in Docket No. G–19703, hence a further application in this docket will be necessary.

Pursuant to due notice, a public hearing was held on August 21, 1962, recessed to and concluded on August 22, 1962, respecting the matters involved in and the issues presented by the respective applications herein. On August 13, 1962, Philadelphia Electric Company filed a petition for leave to intervene in the proceedings involved in Docket Nos. G–13265, CI60–414, and CI61–289, accordingly, said Docket Nos. G–13265, CI60–414, and CI61–289 will be severed from this proceeding for further consideration and will be reconsolidated with Area Rate Proceeding AR61–2 from which they were severed by the Commission's notice of this hearing issued July 18, 1962 (published July 25, 1962, 27 F.R. 7059). No other petitions to intervene or protests to the granting of any of the applications herein have been received. Staff counsel moved orally at the hearing that the intermediate decision procedure be omitted and that the Commission render a decision herein pursuant to § 1.30(c)(1) of the Commission's rules of practice and procedure.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission, or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) The service to be abandoned by Sunray DX Oil Company as hereinbefore described and as more fully described in the application to abandon filed in Docket CI60–477, is subject to the jurisdiction of the Commission and the abandonment of such service by Sunray is subject to the requirements of Subsection (b) of section 7 of the Natural Gas Act.

[1] Formerly Sunray Mid-Continent Oil Co.

(6) Such abandonment by Sunray, as hereinbefore described, is permitted by the public convenience and necessity and permission and approval therefor should be granted as hereinafter ordered.

(7) The proceedings involved in Docket Nos. G–13265, G–19703, CI60–414, and CI61–289 should be severed from this consolidated proceeding for further consideration by the Commission and said Docket Nos. G–13265, G–19703, CI60–414, and CI61–289 should be reconsolidated with Area Rate Proceeding AR61–2.

(8) A request during the public hearing by staff counsel for omission of the intermediate decision procedure herein was unopposed by any party of record and, not having been denied by the Commission, is granted pursuant to § 1.30 (c) (1) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, except in Docket Nos. G–13265, G–19703, CI60–414, CI60–477, and CI61–289, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates. Further, the grant of the certificate to Cheyenne Oil Corporation of Delaware (Operator), et al. in Docket No. G–16569 shall be subject to the additional condition that Cheyenne Oil shall refund to the persons entitled thereto, that portion of the prior effective rate and charge constituting the reimbursement for the additional tax of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 (House Bill No. 303) if refunded by the State, and shall file an appropriate release from the buyer, Texas Gas Transmission Corporation, for such refunding.

(D) Permission for and approval of the abandonment by Sunray DX Oil Company for service to Socony Mobil Oil Company, Inc. as hereinbefore described and as more fully described in the application for permission to abandon in Docket No. CI60–477 be and the same is hereby granted.

(E) The proceedings involved in Docket Nos. G–13265, G–19703, CI60–414, and CI61–289 be and the same are hereby severed from this consolidated proceeding for further consideration by the Commission and said Docket Nos. G–13265, G–19703, CI60–414 and CI61–289 are hereby reconsolidated with Area Rate Proceeding AR61–2.

(F) The Notice of Cancellation of Sunray DX Oil Company FPC Gas Rate Schedule No. 200 is hereby accepted for filing to be effective on the date on which this order issues.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62–9179; Filed, Sept. 13, 1962; 8:46 a.m.]

[Docket No. RI60–276]

TOWER OIL AND GAS COMPANY OF TEXAS

Order Making Partial Successor in Interest Co-Respondent, Requiring Successor Co-Respondent To File Agreement and Undertaking, and Redesignating Proceeding

SEPTEMBER 7, 1962.

J. Wes Johnson, d/b/a Tower Oil & Gas Company of Texas, Jeanne E. Kerbs (partial successor in interest to J. Wes Johnson, d/b/a Tower Oil and Gas Company of Texas, Docket No. RI60–276.[1]

On July 23, 1962, Jeanne E. Kerbs (Kerbs) filed a motion requesting to be substituted as a party to the rate suspension proceeding of J. Wes Johnson, d/b/a Tower Oil & Gas Company of Texas (Johnson) in Docket No. RI60–276. In support of her motion, Kerbs states that by assignment dated November 4, 1960, she acquired from Johnson the Tippett "A" Lease which is the property covered by her Rate Schedule No. 2.

The proceeding in Docket No. RI60–276 involves a proposed rate increase, from 11.0 cents to 17.2295 cents per Mcf, filed by Johnson on March 30, 1960, for sales of natural gas to El Paso Natural Gas Company from the Spraberry Field, Upton and Reagan Counties, Texas. Such filings were designated as Supplements Nos. 5, 6, and 2 to Johnson's FPC Gas Rate Schedules Nos. 1, 2, and 3, respectively, and were suspended by the Commission's order issued herein on April 20, 1960, until September 30, 1960, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Motion pursuant to section 4(e) of the Natural Gas Act was filed by Johnson on December 29, 1960, and on March 9, 1961, the Commission issued its notice of effectiveness permitting Johnson's increased rate under the three supplements to become effective subject to refund as of December 29, 1960.

On June 13, 1962, the Commission advised Kerbs that Johnson's FPC Gas Rate Schedule No. 2 has been redesignated as Kerbs' FPC Gas Rate Schedule No. 2, as supplemented. Such rate schedule covers jurisdictional sales of natural gas to El Paso Natural Gas Company from certain acreage in the Spraberry Field Area, Upton County, Texas. Inasmuch as Kerbs acquired her interest therein prior to the date that the subject suspended rate in the above-entitled proceeding became effective subject to refund, Kerbs will be responsible for any money collected subject to refund in such proceeding pertaining to the assigned acreage.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Jeanne E. Kerbs be joined as Co-Respondent with J. Wes Johnson, d/b/a Tower Oil & Gas Company of Texas, in the rate suspension proceeding in Docket No. RI60–276, that said proceeding be redesignated as hereinafter ordered, and that Kerbs be required to file an agreement and undertaking to assure refund of amounts found by the Commission not justified with respect to her acquired acreage.

The Commission orders:

(A) Kerbs is hereby joined as Co-Respondent with J. Wes Johnson, d/b/a Tower Oil & Gas Company of Texas, in the rate suspension proceeding in Docket No. RI60–276, and said proceeding is hereby redesignated as J. Wes Johnson, d/b/a Tower Oil & Gas Company of Texas and Jeanne Kerbs.

(B) The agreement and undertaking heretofore filed by Johnson on December 29, 1960, in the proceeding in Docket No. RI60–276, shall remain in full force and effect until discharged by the Commission, and shall assure refund of any excess charges which might be determined by a final order herein, with respect to the interests covered by Johnson's FPC Gas Rate Schedule Nos. 1 and 3, as supplemented.

(C) Kerbs shall file an agreement and undertaking within 30 days from the date of the issuance of this order to be effective as of December 29, 1960. Such instrument shall assure refund of any excess charges which might be determined by a final order to have accrued with respect to the aforementioned interest assigned to Kerbs. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of filing, such agreement and undertaking shall be deemed to be satisfactory and to have been accepted for filing.

(D) Kerbs shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the Regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(E) This order is without prejudice to any findings and orders which have been or may hereafter be made by the Commission in Docket No. RI60–276 or any other proceeding now pending or hereafter instituted by or against Johnson or Kerbs.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62–9178; Filed, Sept. 13, 1962; 8:46 a.m.]

[1] This docket is also consolidated with the Area Rate Proceeding in Docket No. AR61–1.

FEDERAL RESERVE SYSTEM

CONTINENTAL BANK AND TRUST COMPANY

Order Continuing Date for Show Cause Hearing

In the matter of The Continental Bank and Trust Company, Salt Lake City 10, Utah.

On June 28, 1961, the Board of Governors of the Federal Reserve System issued an Order (26 F.R. 6044) for a hearing (herein referred to as "Show Cause Hearing") to be held in connection with this matter for the purposes therein stated, and the Board's Order dated June 8, 1962 (27 F.R. 5679), provided that the hearing would be open to the public. The date for commencement of the Show Cause Hearing was continued by Orders of the Board dated August 21, 1961 (26 F.R. 7991), May 28, 1962 (27 F.R. 5357), and July 11, 1962 (27 F.R. 6764), for reasons therein stated, and is presently scheduled to commence on September 10, 1962.

There having been received by the Board from Counsel for Respondent, The Continental Bank and Trust Company, and Counsel for the Board a joint motion for continuance of the Show Cause Hearing requesting continuance for 60 days of the presently scheduled date for commencement of such hearing, and the Board having considered the same,

It is hereby ordered,

(1) That the Show Cause Hearing in this matter scheduled to commence on September 10, 1962, shall be continued to commence at 10 a.m. on October 15, 1962, in the offices of the Salt Lake City, Utah, Branch of the Federal Reserve Bank of San Francisco, unless otherwise ordered by the Board or by the Hearing Examiner; and

(2) That a certified copy of this Order be forthwith served upon the Respondent by postage prepaid, registered mail, return receipt requested.

Dated at Washington, D.C., this 7th day of September 1962.

By order of the Board of Governors.[1]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 62–9180; Filed, Sept. 13, 1962; 8:46 a.m.]

[1] Voting for this action: Chairman Martin, and Governors Mills, Shepardson, and King. Absent and not voting: Governors Balderston and Mitchell. Governor Robertson took no part in the Board's consideration of this matter or in the Board's action of this date, having voluntarily withdrawn from participation in the matter for the reasons set forth in the Statement issued by him on June 30, 1959, and made a part of the record in these proceedings.

SECURITIES AND EXCHANGE COMMISSION

[File No. 811–1095]

ATLANTIC CAPITAL CORP.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 10, 1962.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), for an order of the Commission declaring that Atlantic Capital Corporation, 744 Broad Street, Newark, New Jersey ("Applicant"), a management closed-end nondiversified company has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a complete statement of the facts which are summarized below.

Applicant represents that its outstanding securities are beneficially owned by eighteen persons, and that it is not making and does not presently propose to make a public offering of its securities. On July 19, 1962, Applicant's registration statement under the Securities Act of 1933 was withdrawn.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such Company shall cease to be in effect.

Section 3(c) (1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Notice is further given that any interested person may, not later than September 25, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–9185; Filed, Sept. 13, 1962; 8:46 a.m.]

[File No. 1–3445]

E. L. BRUCE CO.

Order Summarily Suspending Trading

SEPTEMBER 10, 1962.

The common stock, par value $1, of E. L. Bruce Co. (Incorporated), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 11, 1962, through September 20, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–9186; Filed, Sept. 13, 1962; 8:47 a.m.]

PRECISION MICROWAVE CORP.

[File No. 1-4563]

Order Summarily Suspending Trading

SEPTEMBER 10, 1962.

The common stock, par value $1.00, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 11, 1962, through September 20, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9187; Filed, Sept. 13, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 692]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 11, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65223. By order of September 6, 1962, The Transfer Board approved the transfer to Barrett Mobile Home Transport, Inc., 1825 Main Avenue, Moorhead, Minn., of Certificate Nos. MC 116073 Sub 4, MC 116073 Sub 5, and MC 116073 Sub 8, issued October 30, 1961, July 27, 1961 and July 6, 1961, respectively, to John C. Barrett, doing business as Moorhead Phillips Service, 1825 Main Avenue, Moorhead, Minn., authorizing the transportation of: Mobile trailer homes, in initial movements, in truckaway service, from Ironwood, Mich., to points in Minnesota, North Dakota, South Dakota, and Montana; new and used mobile trailer homes, in secondary movements in truckaway service, between points in Minnesota and North Dakota, on the one hand, and, on the other, points in the United States on and west of the Mississippi River except Alaska and Hawaii; mobile trailer homes in initial movements, in truckaway service, from Britton, S. Dak., to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California, and trailers designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Red Lake Falls, Minn., to points in Alaska, Arizona, California, Colorado, Iowa, Idaho, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wisconsin.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-9196; Filed, Sept. 13, 1962; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 11, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37925: *Soda ash from Stauffer and Westvaco, Wyo.* Filed by Western Trunk Line Committee, Agent (No. A-2275), for interested rail carriers. Rates on soda ash (other than modified soda ash), in carloads, from Stauffer and Westvaco, Wyo., to specified points in Illinois.

Grounds for relief: Carrier competition.

Tariff: Supplement 25 to Western Trunk Line Committee tariff I.C.C. A-4411.

FSA No. 37926: *Chemicals from Brownsville, Tex., to Chicago Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-8256), for interested rail carriers. Rates on methyl ethyl keton, acetic acid, acetic anhydride, and lacquer solvents, in tank-car loads, from Brownsville, Tex., to Chicago, Ill. (applicable only for deliveries on railroad tracks serving the Lake River Terminals at Crawford, Ill., or Union Carbide Chemicals Co., at Whiting, Ind.).

Grounds for relief: Market competition.

Tariff: Supplement 109 to Southwestern Freight Bureau tariff I.C.C. 4370.

FSA No. 37927: *Chemicals from Freeport, Tex., to Chicago, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-8254), for interested rail carriers. Rates on ethyl acrylate, methyl acrylate and methyl methacrylate, in tank-car loads, from Freeport, Tex., to Chicago, Ill. (applicable only for deliveries on railroad tracks serving the General American Tank Storage Terminals at Argo, Ill.).

Grounds for relief: Market competition.

Tariff: Supplement 109 to Southwestern Freight Bureau tariff I.C.C. 4370.

FSA No. 37929: *Class and commodity rates from and to Stone, S.C.* Filed by O. W. South, Jr., Agent (No. A4235), for interested rail carriers. Rates on various commodities moving on class and commodity rates, in carloads and less-than-carloads, from and to Stone, S.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

FSA No. 37930: *Joint motor-rail rates from and to southwestern territory.* Filed by Eastern Central Motor Carriers Association, Inc., Agent (No. 215), for interested carriers. Rates on commodities moving on class and commodity rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flatcars of the railroad, between points in southwestern territory, on the one hand, and points in middle Atlantic and New England territories on the other.

Grounds for relief: Motor-truck competition.

Tariffs: 7th revised page 89-A to Eastern Central Motor Carriers Association tariff M.F.-I.C.C. A-171, and 15th revised page 480, 2d revised page 483 and 6th revised page 484 to Eastern Central Motor Carriers Association tariff M.F.-I.C.C. A-194.

FSA No. 37931: *Substituted service—MP & T&P for Jones Truck Lines, Inc.* Filed by J. D. Hughett, Agent (No. 41), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flatcars, between Ft. Worth, Tex., on the one hand, and Little Rock, Ark., and Memphis, Tenn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 7 to J. D. Hughett, Agent, tariff M.F.-I.C.C. 351.

FSA No. 37932: *Brick and related articles from Pinney, Iowa.* Filed by Western Trunk Line Committee, Agent (No. A-2276), for interested rail carriers. Rates on brick and related articles, as described in the application, in carloads; also returned shipments of brick and related articles, in carloads, from original destination to original point of shipment, from Pinney, Iowa, to points in western trunkline and southern territories, and from such points in western trunkline and southern territories to Pinney, Iowa, on returned shipments.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariffs: Supplements 65 and 4 to Western Trunk Line Committee tariffs I.C.C. A-4338 and A-4449, respectively.

FSA No. 37933: *Clay from points in southern territory.* Filed by O. W. South, Jr., Agent (No. A4234), for interested rail carriers. Rates on clay, kaolin and pyrophyllite, as described in the application, in carloads, from producing points in Alabama (Hackleburg only), Florida, Georgia, North Carolina, and South Carolina, to points in western trunkline territory on the lines of the CB&Q and MP.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 124 to Southern Freight Association tariff I.C.C. S-40.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37924: *Passenger fares in eastern territory.* Filed by A. J. Winkler, Agent (No. A-12), for interested rail carriers. Relating to fares for the transportation of passengers, between points on the lines of applicant carriers and between such points on the one hand, and points on the lines of connecting carriers, on the other.

Grounds for relief: Establishment of new fares by applicant carriers and maintenance of present fares by connecting carriers.

Tariff: A. J. Winkler, Agent, tariff I.C.C. 208.

FSA No. 37928: *Chemicals from Freeport, Tex., to Chicago, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-8253), for interested rail carriers. Rates on ethyl acrylate, methyl acrylate and methyl methacrylate, in tank-car loads, from Freeport, Tex., to Chicago, Ill. (applicable only for deliveries on railroad tracks serving the General American Tank Storage Terminals at Argo, Ill.).

Grounds for relief: Maintenance of depressed rates published to meet market competition, without use of such rates as factors in constructing combination rates.

Tariff: Supplement 109 to Southwestern Freight Bureau tariff I.C.C. 4370.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-9197; Filed, Sept. 13, 1962; 8:49 a.m.]

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VOLUME 27 NUMBER 180

Washington, Saturday, September 15, 1962

THE UNIVERSITY OF MICHIGAN
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Announcing first

5-year Cumulation

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

Price: $1.50

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Subpart—Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops

MISCELLANEOUS AMENDMENTS

I. *Basis and purpose.* (a) The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), to revise the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344, 2523, 4631, 8560, 10209, 11816). The amendment (1) simplifies the procedures provided for in the regulations under which buyers, dryer operators, and shellers of peanuts must keep records, make reports, and transmit penalties, (2) requires that drafts, money orders or checks be drawn payable to the "Agricultural Stabilization and Conservation Service, USDA" rather than to the "Treasurer of the United States", (3) adds to the regulations the basic penalty rate for the 1962 crop of peanuts, (4) amends § 729.1061, as amended, to eliminate the requirement that a written request must be made before records may be examined and to add to the persons who are authorized to examine records, and (5) adds a new § 729.1065 to give State committees additional authority over county committees.

(b) Public notice of intention to issue this amendment was given (27 F.R. 7794) in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 1001–1011) and due consideration has been given to recommendations reviewed in response to such notice. The marketing of peanuts from the 1962 crop is now underway and it is essential that the basic penalty rate for such crop be announced immediately and that the simplified procedure for keeping records and making reports be made available at the earliest possible date. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impractical and contrary to the public interest and the provisions of this amendment shall become effective upon this document being published in the FEDERAL REGISTER.

II. The Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344, 2523, 4631, 8560, 10209, 11816), as amended, are hereby amended as follows:

A. The wording contained in the first paragraph of § 729.1011 which reads "As used in §§ 729.1010 through 729.1064" is hereby revised to read "As used in §§ 729.1010 through 729.1065".

B. Section 729.1011(p), as amended, is hereby amended by adding a new subparagraph (3) to read as follows:

§ 729.1011 **Definitions.**

* * * * * * *

(p) * * *

(3) *"Seed shelling card".* Form MQ–76–1 Peanuts, "Peanut Seed Shelling Within Quota Marketing Card" (hereinafter referred to as a "seed shelling card"), may be issued for each farm for which a within quota card is returned to the ASCS county office showing a quantity of peanuts retained on such farm. The seed shelling card authorizes the shelling or late marketing of such retained peanuts without payment of penalty.

C. Section 729.1011(z)(1) is hereby amended to read as follows:

(z) "Sales Memorandum" means:

(1) Form MQ–70 Peanuts, "Sales Memorandum and Record of Peanuts Dried or Shelled For Producers", which shall be used to record and report purchases and the drying or shelling of farmers stock peanuts in accordance with §§ 729.1057 and 729.1058.

D. Section 729.1043(f) is hereby amended to read as follows:

§ 729.1043 **Issuance of marketing cards.**

* * * * * * *

(f) Indebted to U.S.: If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt record, any marketing card (except a seed shelling card) issued for such farm shall bear the notation "Indebted to U.S." and show the amount and type of the indebtedness, the name of the debtor, and any other data considered necessary to facilitate proper handling of the debt. A notation showing "PMQ" (peanut marketing quota) as the type of indebtedness shall constitute notice to any peanut buyer that until the amount of penalty (including accrued interest) is paid, the United States has a lien on the crop of peanuts with respect to which the penalty was incurred and on any subsequent crop of peanuts subject to marketing quotas in which the person liable for payment of the penalty has an interest. A notation showing indebtedness of any type other than "PMQ" shall constitute notice to any peanut buyer that, subject to prior liens, the net proceeds, to the extent of the indebtedness shown, from any price support loan or purchase settlement due the debtor must be paid to the "Agricultural Stabilization and Conservation Service, USDA". The acceptance and use of a marketing card bearing a notation and information concerning indebtedness to the United States shall not constitute a waiver by the indebted producer of any right to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

E. Section 729.1049, as amended, is amended by deleting paragraph (c) thereof and amending paragraph (a) to read as follows:

§ 729.1049 **Identification of marketings.**

(a) Each marketing of peanuts, except marketings on a seed shelling card, from a farm shall be recorded by the buyer or his representative on a marketing card issued for the farm on which the peanuts were produced, if such marketing card is presented to the buyer by the producer at the time the peanuts are marketed. Except to the extent provided in § 729.1058 for marketings of shriveled, damaged, split, or broken kernels, each marketing of peanuts without a marketing card shall be subject to a penalty at the basic penalty rate (see § 729.1050(a)): *Provided, however,* That, a person who is not engaged in the business of buying peanuts for movement into the regular channels of trade shall not be required to make a record on a marketing card, or otherwise, or to report purchases of peanuts from producers if the county office manager has determined that it would be administratively impracticable to require such buyer to execute forms, keep the records and make the buyer's reports as required by these regulations, in which case the producer marketing the peanuts shall be responsible for reporting each marketing to the ASCS county office and for the payment of any penalty.

F. Section 729.1050(a), as amended, is hereby amended to read as follows:

§ 729.1050 **Rate of penalty.**

(a) The basic penalty rate shall be equal to 75 percent of the support price for peanuts for the marketing year. The penalty rates, as previously determined under these regulations, for the years 1959 through 1961 are as follows:

Marketing year	Penalty rate per pound	FEDERAL REGISTER citation
	Cents	
1959–60	7.2	24 F.R. 6803
1960–61	7.5	25 F.R. 8065
1961–62	8.2	26 F.R. 8560

The basic support price for peanuts for the marketing year beginning August 1, 1962, and ending July 31, 1963, is $221.40 per ton or 11.07 cents per pound and, therefore, the basic penalty rate for the 1962 crop of peanuts is 8.3 cents per pound.

§ 729.1053 [Amendment]

G. Section 729.1053, as amended, is hereby amended to revise the first sentence of paragraph (a) to read as follows:

(a) A draft, money order, or check drawn payable to the "Agricultural Stabilization and Conservation Service, USDA" may be used to pay any penalty, other indebtedness, or interest thereon, but any such draft or check shall be received subject to collection and payment at par.

H. Section 729.1056(a) is hereby amended to read as follows:

§ 729.1056 Producers records and reports.

(a) *Report on marketing card.* Each marketing card (except a seed shelling card) issued with respect to a farm on which peanuts are produced shall be returned to the ASCS county office as soon as marketings from the farm are completed or at such earlier time as the county office manager may request. Failure to so return a marketing card shall constitute failure to account for disposition of peanuts marketed from the farm in the event that an account, satisfactory to the county committee, of such disposition is not furnished otherwise, and an allotment subsequently established for such farm shall be reduced as provided in § 729.1023.

I. Section 729.1057(b), as amended, is hereby amended to read as follows:

§ 729.1057 Records and reports of buyers and others.

* * * * *

(b) *Recording and reporting purchases of farmers stock peanuts.* Buyers will record and report each purchase of farmers stock peanuts from producers on a sales memorandum as follows:

(1) Form MQ–94 Peanuts, may be used by buyers to record purchases of farmers stock peanuts which have been inspected by the Inspection Service. Buyers are not required to send a copy of MQ–94 Peanuts to the ASCS State office or to the Inspection Service.

(2) Form MQ–70 Peanuts (i) may be used by buyers to record and report purchases of farmers stock peanuts which are not inspected by the Inspection Service, (ii) shall be used to record and report purchases of farmers stock peanuts which are not identified by valid marketing cards, (iii) shall be used by buyers to record and report to the ASCS State office for the State in which the buyer's place of business is located the quantity of peanuts purchased from a producer (farmers stock basis) when such quantity exceeds the quantity shown on the peanut seed shelling card by more than the larger of 100 pounds or 10 percent, (iv) shall be used when peanuts are identified by a Form MQ–70 Peanuts pursuant to § 729.1058, and (v) shall be used to report to the ASCS State office the correction of errors.

(3) Excess Penalty Memoranda, which are attached to each peanut excess penalty marketing card, shall be used to report to the ASCS State office data with respect to the purchase of peanuts which are identified on a peanut excess penalty marketing card. Such memoranda, along with a remittance covering the penalty due on purchases of excess peanuts, shall be forwarded to the ASCS State office by means of Form MQ–80 Peanuts, "Buyer's Transmittal of Sales Memoranda and Marketing Penalty", not later than the end of the second week following the week in which the peanuts were marketed.

(4) Buyers own form may be used to record or to report data with respect to the purchase of any peanuts (except peanuts which are identified by a peanut excess penalty marketing card, or peanuts which are not identified by a valid marketing card) provided such form is serially numbered and is executed to show required data.

(5) The Inspection Service copy of Form MQ–70 Peanuts or a copy of the buyer's own form executed in connection with the purchase of peanuts which are not inspected by the Inspection Service shall be transmitted to the Inspection Service. This may be done by delivering the forms direct to an Inspection Service employee at the buying point or by mailing the form daily to the Inspection Service Office serving the State in which the buyer's business is located. Such offices are listed below:

State and City

Alabama: Federal-State Inspection Service, Post Office Box 1368, Dothan, Ala.

Florida and Georgia: Federal-State Inspection Service, Post Office Box 1577, Albany, Ga.

Arizona, California, Louisiana, Mississippi, New Mexico and Texas: Federal-State Inspection Service, Post Office Box 111, Harlingen, Texas.

Oklahoma, Arkansas and Missouri: Mr. Chester Dotson, 122 State Capitol Building, Oklahoma City 5, Okla.

South Carolina: Mr. C. H. Langford, Post Office Box 9504, Columbia 1, South Carolina.

North Carolina: Federal-State Inspection Service, Post Office Box 709, Williamston, North Carolina.

Tennessee: Federal-State Inspection Service, Post Office Box 9039, Melrose Station, Nashville 4, Tenn.

Virginia: Mr. Charles Holland, 306 Culloden Street, Post Office Box 1130, Suffolk, Va.

If the peanut buyer's business is located in a State not listed above, Forms MQ–70 Peanuts or copies of the buyer's own form shall be submitted to the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.

(6) The original of each Form MQ–70 Peanuts executed for purchases of peanuts which are not identified by valid marketing cards shall be transmitted to the ASCS State office along with excess penalty memoranda and remittances for penalty as provided in subparagraph (3) of this paragraph. The original of each Form MQ–70 Peanuts executed for peanuts purchased pursuant to § 729.1058 shall be transmited to the ASCS State office pursuant to § 729.1058.

J. Section 729.1057(d), as amended, is hereby amended to read as follows:

(d) *Record of peanuts dried by artificial means.* Any person who dries farmers stock peanuts by artificial means for a producer shall maintain records showing the following information. Form MQ–70 Peanuts or the dryer operator's own form may be used for this purpose.

(1) Name of State and county wherein is located the farm on which such peanuts were produced;

(2) Crop year and type of peanuts dried;

(3) Name and address of the person for whom peanuts were dried;

(4) Name and address of the dryer operator; and

(5) Quantity (weight after drying, farmers stock basis) and date drying is completed.

K. Section 729.1058, as amended, is hereby amended to read as follows:

§ 729.1058 Record and report of and penalty on peanuts shelled for producers.

(a) *Record of shelling.* Any person who shells peanuts for a producer shall maintain records of the shelling of each lot of peanuts showing the following information. Form MQ–70 Peanuts or the seed sheller's own form may be used for this purpose.

(1) The date the peanuts were shelled;

(2) The serial number of the marketing card, peanut seed shelling card or Form MQ–70 Peanuts presented by the producer to identify the peanuts;

(3) The name and address of the producer for whom the peanuts were shelled;

(4) The name of the State and county wherein is located the farm on which the peanuts were produced;

(5) The quantity of peanuts, farmers stock basis, shelled for the producer; and

(6) If any quantity of shelled peanuts is retained by the sheller, the quantity of shelled peanuts retained and the quantity returned to the producer.

(b) *Identification and reports required.* Any person who shells peanuts for a producer shall require identification, collect penalties and make reports in accordance with this paragraph.

(1) *Peanuts produced on farms on which the final acreage does not exceed the effective farm allotment.* Any person who shares in peanuts produced on a farm on which the final acreage does not exceed the effective farm allotment will be furnished a within quota marketing card or a seed shelling card by the ASCS county office to be used to identify peanuts to be shelled. Except as provided in subparagraph (6) of this paragraph, the sheller is not required to make a report of the shelling of peanuts so identified to either the ASCS State office or the Inspection Service. Also, it is not required that the sheller report the purchase of the shriveled, damaged, split or broken kernels which result from shelling peanuts so identified.

(2) *Peanuts produced on farms on which the final acreage exceeds the effective farm allotment.* Any person who shares in peanuts produced on a farm on which the final acreage exceeds the effective farm allotment who desires to have peanuts shelled may use an excess penalty marketing card to identify

such peanuts, in which case a marketing penalty at the converted rate shown on such card will be due on any quantity of peanuts, farmers stock basis, retained by the sheller. Upon request, the ASCS county office manager will furnish any such person a Form MQ–70 Peanuts partially executed to show the name and address of the producer to whom issued, the serial number of the marketing card issued for the farm, the farm serial number, the name of the State and county wherein is located the farm on which the peanuts were produced, the converted penalty rate and a quantity of peanuts determined by the county office manager to be reasonable for seed purposes on the producer's farm. The marketing quota penalty shall not be applicable to the shriveled, damaged, split or broken kernels which result from shelling not more than the quantity of peanuts shown on such Form MQ–70 Peanuts.

(3) *Action by sheller if Form MQ–70 Peanuts is presented.* If the producer presents a Form MQ–70 Peanuts partially executed by the county office manager as prescribed in subparagraph (2) of this paragraph, the seed sheller shall execute the form by entering, in the spaces provided, his name and address, the date of shelling, the type of peanuts shelled, the quantity of farmers stock peanuts shelled, the quantity of shelled peanuts returned to the producer, the quantity of shelled peanuts retained by the seed sheller and the farmers stock equivalent (see § 729.1011(v) for factor to convert shelled peanuts to farmers stock equivalent) of the quantity of shelled peanuts retained by the seed sheller. If the quantity of peanuts shelled for the producer exceeds the quantity determined by the county office manager as reasonable for seed purposes on the farm and the seed sheller retains the shriveled, damaged, split and broken peanut kernels which result from shelling the producer's peanuts, he shall enter the following additional information on the form: The quantity of kernels (expressed as farmers stock equivalent) that were produced from shelling the quantity of peanuts in excess of the seed requirement for the farm and retained by the sheller. The penalty due, which shall be remitted by the sheller, shall be computed by multiplying the converted penalty rate for the farm by the farmers stock equivalent of all peanuts retained by the sheller except the shriveled, damaged, split and broken peanut kernels which result from shelling the quantity of peanuts determined by the county office manager as reasonable for seed purposes on the farm.

(4) *Action by sheller if excess penalty card is presented.* If the producer presents an excess penalty marketing card, the seed sheller shall report the transaction on a Form MQ–70 Peanuts. He shall enter thereon the same information as required by subparagraph (3) of this paragraph and, in addition, he shall enter the name and address of the producer, the marketing card serial number, the farm serial number, the name of the State and county wherein is located the farm on which the peanuts were produced, the converted penalty rate, and the amount of penalty. The penalty due, which shall be remitted by the sheller, shall be computed by multiplying the converted penalty rate for the farm by the farmers stock equivalent of all peanuts retained by the sheller.

(5) *Action by sheller if no identification is presented.* If the producer does not identify his peanuts with a marketing card or a Form MQ–70 Peanuts partially executed by the county office manager in accordance with this paragraph, the seed sheller shall record the transaction on a Form MQ–70 Peanuts by entering the same information as required by subparagraph (3) of this paragraph and, in addition, he shall enter the name and address of the producer, the name of the State and county wherein is located the farm on which the peanuts were produced, the basic penalty rate, and the amount of penalty. The penalty due, which shall be remitted by the sheller, shall be computed by multiplying the basic penalty rate by the farmers stock equivalent of all peanuts retained by the sheller.

(6) *Reports.* For peanuts shelled in accordance with subparagraph (1) of this paragraph, the seed sheller shall report on Form MQ–70 Peanuts to the ASCS State office for the State in which his place of business is located, the quantity of peanuts shelled for a producer (farmers stock equivalent) and the quantity returned to the producer (shelled basis) when the quantity shelled exceeds the quantity shown on a seed shelling card by more than the larger of 100 pounds or 10 percent. Form MQ–70 Peanuts shall be completed to show the name of the State and county in which such peanuts were produced, crop year, type of peanuts, marketing card and farm serial numbers, name and address of the producer and seed sheller, quantity shelled (farmers stock equivalent) and quantity returned to the producer (shelled basis), and date of shelling. For peanuts shelled in accordance with subparagraphs (3), (4), and (5) of this paragraph the seed sheller shall report each such transaction by sending to the ASCS State office for the State in which his place of business is located a copy of each Form MQ–70 Peanuts along with a remittance for any penalty due. Reports made in accordance with this subparagraph shall be made within two weeks after the shelling of peanuts is generally complete in the area, except that the report shall be made periodically throughout the shelling season if this becomes necessary for timely remittance of any penalties. Penalties shall be remitted to the State office within two weeks following the end of the week in which such penalties become due. Penalties become due when the peanuts are marketed.

L. Section 729.1061, as amended, is hereby amended to read as follows:

§ 729.1061 Examination of records and reports.

The Deputy Administrator, the Director, the State Executive Director or any person authorized by any one of such persons, and any auditor of the Internal Audit Division or any agent of the Investigation Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture is authorized to examine any records pertinent to the peanut allotment and marketing quota program. Upon request from any such person, any person who dries farmers stock peanuts by artificial means for a producer, any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing or salting peanuts or manufacturing peanut products, or any person owning or operating a peanut-picking or threshing machine shall make available for examination such books, papers, records, accounts, correspondence, contracts, documents and memoranda as are under his control which any person hereby authorized to examine records has reason to believe are relevant to any matter under investigation in connection with enforcement of the act and the regulations in this part.

M. A new § 729.1065 is added to read as follows:

§ 729.1065 Supervisory Authority of ASC State Committee.

The State committee may take any action these regulations require or permit a county committee to take which has not been taken by the county committee. The State committee may also, as to any action required or permitted by the regulations in this part, (a) correct, or require a county committee to correct, any action taken by the county committee, or (b) require a county committee to withhold taking any action not approved by the State committee.

(Secs. 359, 373, 375, 55 Stat. 90, as amended, 52 Stat. 65, 66, as amended; 7 U.S.C. 1359, 1373, 1375)

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 11, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9237; Filed, Sept. 14, 1962; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 30]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.330 Valencia Orange Regulation 30.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 13, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 16, 1962, and ending at 12:01 a.m., P.s.t., September 23, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 550,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 13, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9318; Filed, Sept. 14, 1962; 11:31 a.m.]

[Lemon Reg. 39]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.339 Lemon Regulation 39.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 11, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 16, 1962, and ending at 12:01 a.m., P.s.t., September 23, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 302,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 13, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9270; Filed, Sept. 14, 1962; 8:51 a.m.]

[Avocado Order 1, Amdt. 3]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for avocados and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such avocados; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 11, 1962.

(b) *Order.* (1) The respective quantities of avocados grown in south Florida which may be handled during the period beginning at 12:01 a.m., e.s.t., September 17, 1962, and ending at 12:01 a.m., e.s.t., September 24, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 1,000 bushels;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "bushel" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 13, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9271; Filed, Sept. 14, 1962; 8:51 a.m.]

for such effective time; and good cause exists for making the provisions hereof effective not later than September 17, 1962. This regulation revises certain of the maturity requirements applicable to the shipment of avocados; it is necessary that such revised requirements be made effective at the time and for the periods specified herein in order to effectuate the declared policy of the act; compliance with this amended regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof and this amendment relieves restrictions beginning September 17, 1962, by permitting unrestricted shipments of Arue avocados and earlier shipments of mature sizes of avocados of the West Indian type not listed in Table I of this regulation (§ 915.301, as amended; 27 F.R. 5135, 6705, 8264).

(b) *It is therefore ordered,* That the provisions of paragraph (b) of § 915.301 (27 F.R. 5135, 6705, 8264) are hereby amended as follows:

I. In subparagraph (2), the sentence preceding Table 1 is revised by deleting therefrom the following: "no avocados of the Arue variety may be handled unless the individual fruit in each lot of such avocados weighs at least 14 ounces; and".

II. In Table 1, the dates appearing in Columns 2 and 4 applicable to the Booth 10 variety are revised so that after such revision the portion of such table applicable to Booth 10 variety shall read as follows:

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Booth 10	10-15-62	16 oz. 3 1/16 in.	11-12-62				

III. In subdivision (iv) of subparagraph (7), as date "September 24, 1962" is deleted and the date "September 17, 1962" is substituted therefor.

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., September 17, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 12, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9243; Filed, Sept. 14, 1962; 8:50 a.m.]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Determination Relative to Establishment of Operating Reserve and to Carryover of Unexpended Funds

Notice was published in the August 22, 1962, issue of the FEDERAL REGISTER (27 F.R. 8356) that consideration was being given to a proposal for establishing an operating reserve and that unexpended assessment funds in the amount of $2,500, which are in excess of expenses incurred during the fiscal period ended June 30, 1962, be placed in such reserve, to be used by the Control Committee in accordance with the provisions of the marketing agreement and Order No. 927, as amended (7 CFR Part 927), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Control Committees, established pursuant to the said amended marketing agreement and order, it is hereby determined that:

§ 927.202 Reserve fund.

(a) It is necessary and appropriate to establish and maintain an operating reserve fund in an amount not to exceed approximately one fiscal period's expenses to be used in accordance with the provision of section 927.42 of the amended marketing agreement and this part, and

(b) Assessments collected for the period ended June 30, 1962, were in excess of the expenses for such period and the committee is hereby authorized to place $2,500 of such excess in said reserve.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 12, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9244; Filed, Sept. 14, 1962; 8:50 a.m.]

PART 990—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Desirable Free Tonnage for 1962–63 Crop Year

Notice was published in the August 28, 1962 issue of the FEDERAL REGISTER (27 F.R. 8596) regarding a likely need for volume regulation and a proposal to establish for the 1962–63 crop year (July 1, 1962–June 30, 1963) a desirable free tonnage of grapes for crushing of 1,167,000 tons at 22 degrees Balling, which handlers may freely acquire and use in such crop year. The proposal was based on the recommendations and marketing policy report of the Grape Crush Administrative Committee and other available information, in accordance with the applicable provisions of the marketing agreement and Order No. 990 (7 CFR Part 990), regulating the handling of Central California grapes for crushing, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments pertaining to the proposal. None was received within the time prescribed therefor.

Consideration has been given to all relevant matters presented, including the data and information in said notice and the Committee's recommendations and marketing policy report, submitted pursuant to § 990.47, and other available information. On the basis of this consideration, the likely need for volume regulation in the 1962–63 crop year is hereby concurred in and the desirable free tonnage should be established as proposed.

Therefore, the desirable free tonnage of grapes for crushing is hereby established as follows:

§ 990.204 Desirable free tonnage.

The desirable free tonnage of grapes for crushing which handlers may freely acquire and use during the 1962–63 crop year (July 1, 1962–June 30, 1963) is 1,167,000 tons at 22 degrees Balling.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said marketing agreement and this part provide that the desirable free tonnage of grapes for crushing established for a particular crop year shall represent all such grapes which handlers may freely acquire and use in such year and the 1962–63 crop year began on July 1, 1962; (2) the desirable free tonnage established for a particular crop year is, in accordance with said marketing agreement and this part, to serve as the basis on which volume regulation may be made effective limiting the volume of grapes for crushing which handlers may freely acquire and use during the crop year, and the Grape Crush Administrative Committee is required by § 990.53 to conclude not later than September 18, 1962, as to the tonnage of grapes to be crushed, and any need for volume regulation through the establishment of free and surplus percentages, during the 1962–63 crop year; (3) no obligation is imposed on handlers by the mere establishment of such desirable free tonnage; and (4) any volume regulation that may become effective will involve the establishment of free and surplus percentages in another rule making proceeding.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 12, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9245; Filed, Sept. 14, 1962; 8:50 a.m.]

PART 990—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Exemption of Certain Grape Varieties From Volume Regulation for 1962–63 Crop Year

Notice was published in the August 28, 1962, issue of the FEDERAL REGISTER (27 F.R. 8596) regarding a likely need for volume regulation and a proposal to exempt certain varieties of grapes for crushing from any volume regulation which may be established for the 1962–63 crop year (July 1, 1962–June 30, 1963) under the marketing agreement and Order No. 990 (7 CFR Part 990), hereinafter referred to collectively as the "order", regulating the handling of Central California grapes for crushing. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal was based on a determination and recommendation of the Grape Crush Administrative Committee and other available information that the varieties of grapes hereinafter set forth and produced in the nine-county area covered by the order are of such small production and restricted usage or in such short supply relative to demand that the exemption of such varieties from any volume regulation for the 1962–63 crop year would not tend to affect adversely the attainment of the purposes of the order.

The notice afforded interested persons opportunity to submit written data, views, or arguments pertaining to the proposal. During the time prescribed therefor, a number of producers and handlers submitted written data, views, on arguments requesting that the Carignane variety of grapes be added to those grape varieties for which exemption from volume regulation was recommended by the Committee and proposed in the notice. Their comment included views to the effect that the 1962 production of Carignanes, a wine variety of grapes, is in short supply relative to demand and their exemption from volume regulation would not tend to affect adversely the attainment of the purposes of the order; that such exemption would not contribute materially to any surplus grape condition; that producers of table and raisin variety grapes should bear the burden of surplus; that application of a setaside percentage to Carignanes would place producers of this variety in the nine-county area covered by the order in a lower net return position than of Carignane producers outside the area and of producers of table and raisin variety grapes generally; and that it would discourage new plantings of Carignanes for the production of table wines in the nine-county area which are needed to supply the increasing demand for table wines.

The Carignane variety of grapes has the largest production of any wine variety grape in California and hence does not qualify for exemption from volume regulations on the basis of such small production and restricted usage set forth in § 990.58(b). If the Carignane variety is to be so exempted, it must qualify on the only other basis set forth in § 990.58(b), which is that this variety is in such short supply relative to demand that its exemption would not tend to affect adversely the attainment of the purposes of the order. Only the written data, views, or arguments submitted on this basis are pertinent to this consideration. In regard to this basis, it was stated in the recommended decision (26 F.R. 6094) which was adopted in the final decision (26 F.R. 6984) that an example is a situation where the supply of a variety is such as to cause the demand therefor, in terms of actual or indicated prices, to rise materially above average crushing price levels of grapes for the season (e.g., as a result of frost damage reducing supply). In view of this criterion of price relationship and since field prices for Carignanes of the 1962 production have not yet been established, it is necessary to examine, in light of historical and other available data, the outlook for the 1962 price relationship between Carignanes and average crushing price levels so as to determine whether or not the prerequisite supply-price determination for exemption of Carignanes can be made.

For the five years preceding 1961, the season average prices paid by vintners to producers for Carignane grapes fluctuated narrowly around season average crushing prices for all varieties, ranging for most sales from $5.90 per ton below to $3.40 per ton above. In the 1961 season, Carignane production in the nine counties was slightly over 89,000 tons, whereas normal production exceeds 100,000 tons. The short supply relative to demand was evident early in the 1961 season in the prices for Carignane grapes in the Central Valley. The season average prices for such Carignane grapes exceeded the season average price for all grapes crushed by about $26 per ton; and such variety obviously met the criteria for exemption. In view of the prospective supply of Carignane grapes in 1962, it is not possible to conclude that prices for Carignanes, if exempt, will be outside the normal range of deviation from, or materially above, the season average crushing price for all grapes. Therefore, Carignanes should not be exempted from any volume regulation established for the 1962–63 crop year.

After consideration of all relevant matters presented, including a review of the Committee's determination and recommendation as to potential varieties eligible for exemption, other matters in the notice, and the data, views, and arguments submitted pursuant to the notice, the varieties of grapes for crushing hereinafter set forth in § 990.205 Exemption are determined to be of such small production and restricted usage or in such short supply relative to demand that their exemption from such volume regulation as may be established for the 1962–63 crop year will not tend to affect adversely the attainment of the purposes of the order.

Therefore, the following varieties of grapes for crushing are, pursuant to § 990.58(b), hereby exempted as follows:

§ 990.205 Exemption.

The following varieties of grapes for crushing are exempt from any volume regulation established for the 1962–63 crop year (July 1, 1962–June 30, 1963): Aleatico, Alicante Ganzin, Almission, Alvarelhao, Barbera, Beclan, Boaldoce, Catarratto, Emerald Riesling, Experimental No. 100, Experimental No. 101, F–5, Franken Riesling,[1] French Colombard, Freisa, Grand Noir, Grey Riesling, Green Hungarian, Grignolino, Inzolia, Johannisberger Riesling,[2] Lenoir, Malvasia Bianca, Malvoisie, Mataro, Mondeuse,[3] Muscat Bordolaise, Muscat Canelli,[4] Niagara, Nebbiolo, Pagadebito, Pedro Ximenes, Pedro Zumbom, Petit Bouschet, Petite Sirah,[5] Peverella, Royalty, Rubired, Ruby Cabernet, S–26, St. Emilion,[6] St. Macaire, Salvador, Sauvignon, Sauvignon Vert,[7] Scarlet, Semillon, Souzao, Tinta Cao, Tinta Madera, Touriga, Trousseau, Valdepenas, Verdona, Walschriesling, White No. 2, and Zinfandel.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003 (c)) in that: (1) In accordance with the relevant provisions of said marketing agreement and this part, the exemption of any variety of grapes for crushing from any volume regulation established for a particular crop year applies to all grapes of such variety handled during such year; and (2) the current crop year began July 1, 1962, and the exemption of the varieties of grapes for crushing listed in § 990.205 will automatically apply from that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 12, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9246; Filed, Sept. 14, 1962; 8:50 a.m.]

[1] Franken Riesling includes Sylvaner.
[2] Johannisberger Riesling includes White Riesling.
[3] Mondeuse includes Crabb's Black Burgundy and Refosco.
[4] Muscat Canelli includes Muscat de Frontignon.
[5] Petite Sirah includes Durif.
[6] St. Emilion includes Trebbiano and Ugni Blanc.
[7] Sauvignon Vert includes Colombard.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7785]

PART 13—PROHIBITED TRADE PRACTICES

Manco Watch Strap Co., Inc., et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* § 13.1900–35 *Foreign product as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified cease and desist order, Manco Watch Strap Co., Inc., et al., Jersey City, N.J., Docket 7785, July 26, 1962]

In the Matter of Manco Watch Strap Co., Inc., Topps Products Corp., Corporations, and Samuel Mandel, Marvin Mandel, Morris Mandel and Eugene Mandel, Individually and as Officers of Said Corporations

Order modifying—to conform with the provisions of Trade Practice Rules for the Metallic Watch Band Industry, effective July 30, 1962—desist order of Mar. 13, 1962 (27 F.R. 6828, July 19, 1962), requiring disclosure of the foreign origin of metal expansion watch bands imported from Japan and Hong Kong and sold under the trade name "Topps".

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Manco Watch Strap Co., Inc., and Topps Products Corp., corporations, and their officers, and respondents Samuel Mandel, Marvin Mandel, Morris Mandel, and Eugene Mandel, individually and as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of imported merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Offering for sale, selling, or distributing any such product packaged, or mounted in a container, or on a display card, without disclosing the country or place of foreign origin of the product, or substantial part thereof, on the front or face of such packaging, container, or display card, so positioned as to clearly have application to the product so packaged or mounted, and of such degree of permanency as to remain thereon until consummation of consumer sale of the product, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the product as so packaged or mounted.

It is further ordered, That the allegations of the complaint, insofar as they charge as a deceptive practice that the respondents' unpackaged watch bands fail to have adequately identified thereon the country or place of origin, are herein and hereby dismissed for lack of evidence:

It is further ordered, That respondents Manco Watch Strap Co., Inc., Topps Products Corp., Samuel Mandel, Marvin Mandel, Morris Mandel, and Eugene Mandel shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-9222; Filed, Sept. 14, 1962; 8:46 a.m.]

[Docket C-207]

PART 13—PROHIBITED TRADE PRACTICES

Mission Fruit & Vegetable Co.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, J. Parker Lampert doing business as Mission Fruit & Vegetable Company, Mission, Tex., Docket C-207, Aug. 21, 1962]

In the Matter of J. Parker Lampert, an Individual Doing Business as Mission Fruit & Vegetable Company

Consent order requiring Mission, Tex., packers of citrus fruit to cease violating section 2(c) of the Clayton Act by paying a commission or discount to brokers and other direct buyers purchasing for their own accounts for resale.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent, J. Parker Lampert, an individual doing business as Mission Fruit & Vegetable Company, his agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: August 21, 1962.

By the Commission.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 62-9221; Filed, Sept. 14, 1962; 8:46 a.m.]

[Docket C-208]

PART 13—PROHIBITED TRADE PRACTICES

Mystery Publishing Co. and Excellent Publications, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for Services or Facilities for Processing or Sale Under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Mystery Publishing Company et al., New York, N.Y., Docket C-208, Aug. 24, 1962]

In the Matter of Mystery Publishing Company, a corporation; and Excellent Publications, Inc., a corporation

Consent order requiring two New York City publishers of "Dude" magazine, and "Gent", "Real", and "See" magazines, respectively, with a common national distributor, to cease violating section 2(d) of the Clayton Act by making individually negotiated payments or allowances not proportionally equal, to certain operators of chain retail outlets in railroad, airport, and bus terminals, and outlets in hotels and office buildings, while not making such allowances available on proportionally equal terms to drug chains, grocery chains, and other newsstands.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Mystery Publishing Company and Excellent Publications, Inc., both corporations, their respective officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the distribution, sale or offering for sale of publications, including magazines, in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from: Paying or contracting for the payment of an allowance or anything of value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of publications, including magazines published, sold or offered for sale by respondents, unless such payment or consideration is affirmatively offered and otherwise made available on proportionally equal terms to all of their other customers competing with such favored customer in the dis-

tribution of such publications, including magazines.

The word "customer" as used above shall be deemed to mean anyone who purchases from a respondent, acting either as principal or agent, or from a distributor or wholesaler where such transaction with such purchaser is essentially a sale by such respondent, acting either as principal or agent.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 24, 1962.

By the Commission.

[SEAL] JOSEPH N. KUZEW, *Acting Secretary.*

[F.R. Doc. 62-9223; Filed, Sept. 14, 1962; 8:47 a.m.]

[Docket C-206]

PART 13—PROHIBITED TRADE PRACTICES

Superior Insulating Tape Co. et al.

Subpart—Delivering short measure: § 13.680 *Delivering short measure.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1720 *Quantity.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Superior Insulating Tape Company et al., St. Louis, Mo., Docket C-206, Aug. 15, 1962]

In the Matter of Superior Insulating Tape Company, a Corporation, and J. A. Schweig and Julius S. Schweich, Individually and as Officers of Said Corporation

Consent order requiring St. Louis manufacturers to cease representing falsely that their rolls of SI brand plastic tape—sold in rolls ranging from ½ inch wide and 10 feet long to ¾ inch wide and 60 feet long—contained more tape than was the fact through mounting the tape on a cardboard spool part of which was of the same color and appearance as the tape while the center was of a contrasting color, usually orange.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Superior Insulating Tape Company, a corporation, and its officers, and J. A. Schweig and Julius S. Schweich, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, or sale, of SI brand plastic tape, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, by means of packaging, or in any other manner, that its products are larger in size, such as length, width, area, weight, thickness, or quantity, or in any other manner, than is the actual fact.

2. Engaging in any practice or plan which will provide retailers of their merchandise with the means of misrepresenting its merchandise as set forth in Paragraph 1 above.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 15, 1962.

By the Commission.

[SEAL] JOSEPH N. KUZEW, *Acting Secretary.*

[F.R. Doc. 62-9224; Filed, Sept. 14, 1962; 8:47 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 112—DOMINIC NUCLEAR TEST SERIES, 1962

Danger Area; Johnston Island

On September 10, 1962, the Department of Defense and the Atomic Energy Commission issued public notice of the reestablishment of the danger area surrounding Johnston Island effective September 22, 1962, in connection with the DOMINIC Nuclear test series.

To avoid any unnecessary delay or interruption of that test activity, and to protect the health and safety of the public, the Atomic Energy Commission has amended Part 112 of its regulations. This amendment which reestablishes the danger area encompassing Johnston Island will be effective September 22, 1962.

In view of the importance of these tests to the national defense, the potential hazard to the health and safety of individuals who enter the danger area, and the early date planned for tests within the area surrounding Johnston Island, the Atomic Energy Commission has found that general notice of proposed rulemaking and the public procedure thereon would be contrary to the public interest; and that good cause exists why this amendment should be made effective without the customary period of notice.

Pursuant to the Adminstrative Procedure Act, Public Law 404, 79th Congress, 2d Session, the following rules are published as a document subject to codification, to be effective September 22, 1962:

Section 112.3(a) is hereby amended by adding the following subparagraph (3):

(3) That area established, effective September 22, 1962, until a date to be announced, encompassing Johnston Island and which is a circle of 470 nautical miles radius at the surface gradually extending to a circle of 700 nautical miles radius at an altitude to 30,000 feet and above, centered at the following geographic coordinates:

16°45' N., and 169°31' W.

(Sec. 161 p., 72 Stat. 337; 42 U.S.C. 2201(p). Interpret or apply secs. 2, 3, 91, 68 Stat. 921, as amended, 922, 936; 42 U.S.C. 2012, 2013, 2021)

Dated at Germantown, Md., this 12th day of September 1962.

For the Atomic Energy Commission.

A. R. LUEDECKE, *General Manager.*

[F.R. Doc. 62-9271; Filed, Sept. 14, 1962; 8:51 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9-53—NUMBERING AND DISTRIBUTION OF CONTRACTS AND ORDERS

Part 9-53—Numbering and Distribution of Contracts and Orders is hereby added.

Sec.
9-53.000 Scope of part.

Subpart 9-53.100—Contracts

9-53.101 Numbering of contracts.
9-53.102 Numbering modifications.
9-53.103 Maintenance of contract files.
9-53.104 Distribution of contracts.
9-53.105 Responsibility of the Office of the General Counsel.
9-53.106 Assigned contract prefixed.

Subpart 9-53.200—Orders

9-53.201 Numbering of orders (Form AEC-103).
9-53.202 Procurement office symbols.

AUTHORITY: §§ 9-53.000 to 9-53.202 issued under sec. 161, Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486.

§ 9-53.000 Scope of part.

This part sets forth the administrative requirements and procedures for numbering, distributing, and filing of contracts (including letter contracts, all appropriation transfers, and working fund agreements), modifications, thereto, and the numbering of orders (including purchase orders).

Subpart 9-53.100 Contracts

§ 9-53.101 Numbering of contracts.

(a) Contracts are numbered with approved letter symbols and serial numbers primarily for identification, audit, and filing purposes. Prefixes for AEC contract numbers for prime contracts executed by each AEC office, are set forth in § 9-53.106.

(b) The letters "AT" in each prefix denote the Atomic Energy Commission. The number before the hyphen within the parentheses designates the state or area within which the procurement office is located, and the number after the hyphen identifies the procurement office within that state or area. The states were assigned numbers in numerical sequence according to the alphabetical listing before Alaska and Hawaii were admitted to the Union. Alaska will be assigned number 52 and Hawaii assigned number 53. The Headquarters office is assigned number 49 with separate numbers assigned to each of the procurement offices, the Pacific Area is assigned number 50, and Puerto Rico is assigned number 51. The number following the hyphen outside the parentheses is the serial number assigned to the contract. The numbering of contracts shall be centrally controlled by each office for which contract prefix numbers have been designated.

(c) If a prefix is required for an office not listed in this part, it should be requested from the Director, Division of Contracts, Headquarters.

(d) The numerical series for sales contracts begins with the serial number "1" prefixed by the same contract symbol as prescribed for other contracts plus the letter "S" following the parentheses. Thus, the first sales contract for the Albuquerque Operations Offices is numbered AT(29-2)S-1.

(e) A number shall be assigned to (1) all contracts, involving the payment of $20,000 or more on a single payment voucher, and (2) all multiple payment contracts regardless of amount. Contracts involving the payment of less than $20,000 on a single payment voucher may or may not be numbered depending upon the needs of the office. However, in case of doubt as to whether the amount to be paid under a contractual document is more or less than $20,000 or whether more than one payment will be necessary, the contract shall be numbered. Numbers are to be placed in the upper right-hand corner on the original and all copies of contracts or purchase orders and amendments and supplements thereto.

§ 9-53.102 Numbering modifications.

All modifications of contracts including change orders and supplemental agreements, shall be numbered in one continuous series, even though the contract is modified by both supplemental agreements and change orders. In the upper right-hand corner of the supplemental agreement or change order will be inserted "Modification No. --," followed by the words "Supplemental Agreement to" or "Change Order to." For example, if the first modification to a contract (definitive contract or letter contract) is by supplemental agreement, the heading will read:

Modification No. 1
Supplemental Agreement to
Contract No. ------

If the modification on the same contract is by change order, the heading will read:

Modification No. 2
Change Order to
Contract No. ------

§ 9-53.103 Maintenance of contract files.

Managers of Field Offices and Heads of Headquarters Divisions and Offices shall maintain a file or files of all contracts executed or administered by such office or division. The location and distribution of contract files in the various offices and divisions are the responsibility of the Managers or Directors concerned.

§ 9-53.104 Distribution of contracts.

(a) *Basic distribution.* Managers of Field Offices and Heads of Headquarters Divisions and Offices who execute or administer contracts are responsible for making the following minimum distribution of such contracts:

(1) One original signed copy to the contract files of the office administering the contract, except when such copy is required for distribution to the General Accounting Office under subparagraph (3) of this paragraph. In the later case a duplicate signed copy will be furnished to the office administering the contract;

(2) One signed copy to the contractor. However, in the case of formally advertised supply contracts, a purchase order or Notice of Award may be furnished in lieu of a signed copy of the contract;

(3) One original signed copy to the General Accounting Office when required by GAO Manuel, Title 7—4510.50. This regulation provides in part as follows:

> The original of all contracts with common carriers of all types for line-haul freight or passenger transportation services, including passenger charter agreements but excluding contracts for local storage, daryage, and hauling, shall be transmitted promptly, to the General Accounting Office, Service Subdivision, Transportation Division, Washington 25, D.C.

(4) One signed copy to the AEC field finance office servicing the procurement office and for Headquarters to the Central Accounts Branch, Office of the Controller.

(b) *Additional distribution of contracts.* Each Manager of Field Offices shall make the following additional distribution of conformed copies of contracts including modifications and amendments thereto within its jurisdiction:

(1) To the Office of the General Counsel, Headquarters, one copy of:

(i) Each contract, and each subcontract under a cost-type contractor, involving an expenditure (actual or estimated) of $1,000,000 or more;

(ii) Each engineering or architect-engineering prime contract, and each engineering or architect-engineering subcontract under a cost-type prime contract, involving an expenditure (actual or estimated) of $100,000 or more;

(2) To the appropriate Headquarters division or office, one copy of each contract sponsored by such division or office.

§ 9-53.105 Responsibilities.

The Office of the General Counsel, and the divisions or offices, Headquarters, receiving a copy of contracts pursuant to § 9-53.104(b), shall maintain a file of such contracts and shall be responsible for making the contract file available to Headquarters divisions and offices upon request.

§ 9-53.106 Assigned contract prefixes.

Prefixes for AEC contract numbers for each procurement office are set forth as follows:

Active offices	*Contract prefix*
San Francisco	AT(04-3)-
Canoga Park	AT(04-4)-
Grand Junction	AT(05-1)-
Rocky Flats	AT(05-2)-
Idaho Falls	AT(10-1)-
Chicago	AT(11-1)-
Paducah	AT(15-1)-
St. Louis	AT(23-2)-
Kansas City	AT(23-3)-
Nevada	AT(26-1)-
New Brunswick	AT(28-1)-
Princeton	AT(28-2)-
Los Alamos	AT(29-1)-
Albuquerque	AT(29-2)-
New York	AT(30-1)-
Brookhaven	AT(30-2)-
Schenectady	AT(30-3)-
Dayton	AT(33-1)-
Portsmouth	AT(33-2)-
Fernald	AT(33-4)-
Pittsburgh	AT(36-1)-
Savannah	AT(38-1)-
Oak Ridge	AT(40-1)-
Hanford	AT(45-1)-
Headquarters:	
Headquarters Services	AT(49-1)-
General Manager	AT(49-2)-
Military Application	AT(49-3)-
Production	AT(49-4)-
Reactor Development	AT(49-5)-
Raw Materials	AT(49-6)-
Biology and Medicine	AT(49-7)-
Research	AT(49-8)-
Special Projects	AT(49-9)-
Labor Relations	AT(49-10)-
Isotopes Development	AT(49-11)-
Information	AT(49-12)-
Personnel	AT(49-13)-
Space Nuclear Propulsion	SNP-
Eniwetok	AT(50-1)-
Puerto Rico	AT(51-1)-

Inactive offices	
Los Angeles	AT(04-1)-
Berkeley	AT(04-2)-
Hartford	AT(06-1)-
Wilmington	AT(07-1)-
Spoon River	AT(11-2)-
Iowa (Burlington)	AT(13-1)-
Ames	AT(13-2)-
Detroit	AT(20-1)-
Centerline	AT(20-2)-
Sandia	AT(29-3)-
Lockland	AT(33-3)-
Pantex	AT(41-1)-
Milwaukee	AT(47-1)-

Subpart 9-53.200—Orders

§ 9-53.201 Numbering of orders (Form AEC-103).

Procurement offices shall number all orders (Form AEC-103), including purchase orders, with a prefix symbol to identify the issuing office, followed by a symbol consisting of the last two digits

of the fiscal year of issuance. In addition, procurement offices may assign such secondary symbols and suffixes as may be required for their particular needs. This prefix shall precede the serial number assigned to the order on a chronological basis, starting with the number "1" at the beginning of each fiscal year. For example, the first order issued by Chicago Operations Office in the 19xx fiscal year would be "CH–XX–1."

§ 9–53.202 Procurement office symbols.

The symbols assigned for the purpose of identifying AEC procurement offices issuing orders are set forth as follows:

Procurement office	*Order prefix*
Albuquerque	AL–
Brookhaven	BH–
Chicago	CH–
Cincinnati	CI–
Canoga Park	CP–
Dayton	DA–
Fernald	FN–
Grand Junction	GJ–
Hanford	HA–
Idaho	ID–
Kansas City	KC–
Los Angeles	LA–
Los Alamos	LS–
New Brunswick	NB–
Nevada	NV–
New York	NY–
Oak Ridge	OR–
Pinellas	PA–
Paducah	PD–
Portsmouth	PM–
Pittsburgh	PT–
Puerto Rico	PR–
Rocky Flats	RF–
San Francisco	SAN–
Schenectady	SCH–
St. Louis	SL–
Savannah River	SR–
Headquarters Services	WA–

Effective date. These regulations are effective October 1, 1962, but may be observed earlier.

Dated at Germantown, Md., this 7th day of September 1962.

For the U.S. Atomic Energy Commission.

JOHN V. VINCIGUERRA,
Director, Division of Contracts.

[F.R. Doc. 62–9213; Filed, Sept. 14, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2772]

[Oregon 012450, 012523]

OREGON

Restorations From Power Withdrawals

1. The following-described lands in the Deschutes National Forest, or portions thereof, heretofor withdrawn for power purposes in Projects 829 or 1882, are hereby restored to such forms of disposition as may by law be made of national forest lands, subject to any valid existing rights and the requirements of applicable law, rules and regulations:

WILLAMETTE MERIDIAN

PROJECT 1882

T. 12 S., R. 9 E.,
Sec. 34, SW¼NE¼ and NW¼SE¼ of which 0.23 acre was withdrawn.

PROJECT 829

T. 21 S., R. 12 E.,
Sec. 33, SE¼NE¼;
Sec. 34, lot 2 and S½NW¼.

Containing 152.71 acres.

2. The Federal Power Commission vacated the withdrawals represented by these projects, on March 22, 1962, and April 23, 1962, respectively.

3. Until 10:00 a.m. on December 12, 1962, the lands shall be subject only to application by the State of Oregon for rights-of-way or materials sites as provided by section 24 of the Federal Power Act. They have been open to location under the United States mining laws as provided by the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1962.

[F.R. Doc. 62–9226; Filed, Sept. 14, 1962; 8:47 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1381]

LOCKHEED MODELS 49, 149, 649, 749, AND 1049 SERIES AIRCRAFT

Proposed Airworthiness Directive

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive superseding Amendment 23, 24 F.R. 4651, AD 59–7–4, as revised by Amendment 27, 24 F.R. 5289, which requires replacement of the nose landing gear actuating cylinder attach bolts at intervals not to exceed 10,000 flight hours on Lockheed 49, 149, 649, 749, and 1049 Series aircraft. Since failure of the bolts is more directly related to the number of landings made, a new directive requiring compliance in terms of the number of landings is proposed.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 16, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to Models 49, 149, 649, 749, and 1049 Series aircraft.

Compliance required as indicated.

As a result of several fatigue failures of the nose landing gear actuating cylinder attach bolts, the following shall be accomplished within the next 1,000 landings after the effective date of this AD, unless already accomplished within the past 5,000 landings, and at periods thereafter not to exceed 6,000 landings following the initial compliance:

(a) The two forwards bolts, P/N 307403 and P/N 307404, which attach the forward end of the actuating cylinder to the fuselage structure via a universal joint, must be replaced with new bolts.

(b) The aft bolt, P/N 307402 which attaches the actuating cylinder rod to the drag strut pivot must be replaced with a new bolt.

NOTE: It will be necessary for operators to maintain a record of landings in order to ascertain compliance with this AD. If past records are unavailable, the number of landing prior to the effective date of this AD may be estimated by substituting one landing for each hour of time in service.

This supersedes Amendment 23, 24 F.R. 4651, AD 59–7–4, as amended by Amendment 27, 24 F.R. 5289.

Issued in Washington, D.C., on September 10, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–9216; Filed, Sept. 14, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular Public Debt Series—No. 16–62]

4 PERCENT TREASURY BONDS OF 1972

Offering of Bonds

SEPTEMBER 10, 1962.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 4 percent Treasury Bonds of 1972:

(1) At 99.30 percent of their face value in exchange for 3½ percent Treasury Certificates of Indebetedness of Series A–1963, dated February 15, 1962, due February 15, 1963;

(2) At 99.70 percent of their face value in exchange for 2⅝ percent Treasury Notes of Series A–1963, dated April 15, 1958, due February 15, 1963;

(3) At 99.40 percent of their face value in exchange for 3¼ percent Treasury Notes of Series E–1963, dated November 15, 1961, due February 15, 1963;

(4) At 99.40 percent of their face value in exchange for 3¾ percent Treasury Certificates of Indebtedness of Series B–1963, dated May 15, 1962, due May 15, 1963;

(5) At 99.40 percent of their face value in exchange for 3¾ percent Treasury Notes of Series D–1963, dated May 15, 1961, due May 15, 1963; or

(6) At 98.80 percent of their face value in exchange for 4 percent Treasury Notes of Series B–1963, dated April 1, 1959, due May 15, 1963.

Interest adjustments as of September 15, 1962, and the cash payments due to the subscriber on account of the issue prices of the new bonds will be made as set forth in Section IV hereof. Subscriptions are invited up to an amount not to exceed $3,000,000,000, or thereabouts. If subscriptions exceed this amount they will be received subject to allotment. In addition to the amount offered for public subscription, exchange subscriptions from Government Investment Accounts will be allotted in full. Delivery of the new bonds will be made on September 20, 1962. The books will be open only on September 10 through September 12, 1962, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for 3¾ percent Treasury Notes of Series A–1967, which offering is set forth in Department Circular, Public Debt Series—No. 15–62, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purposes. Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86–346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible securities enumerated in paragraph one of this section solely for the 4 percent Treasury Bonds of 1972. Section 1031(b) of the Code, however, requires recognition of any gain realized on the exchange to the extent that money is received by the security holder in connection with the exchange. To the extent not recognized at the time of the exchange, gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds will be dated September 15, 1962, and will bear interest from that date at the rate of 4 percent per annum, payable on a semiannual basis on February 15 and August 15, 1963, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1972, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington 25, D.C. Banking institutions generally may submit subscriptions for account of customers, provided the names of the customers are set forth in such subscriptions, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Subscriptions will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Federal Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by the deposit of any of the eligible securities enumerated in paragraph one of section I hereof, in the face amount of not less than 10 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Registered securities submitted as deposits should not be assigned. After allotment detached assignment forms may be used as provided in section V hereof.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before September 20, 1962, or on later allotment, and may be made only in a like face amount of securities of the six issues enumerated in paragraph one of Section I hereof. In every case where payment is not so completed, the payment with application up to 10 percent of the bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

2. 3½ percent certificates of indebtedness of Series A–1963. Coupons dated February 15, 1963, must be attached to the certificates when surrendered. Accrued interest from August 15 to September 15, 1962 ($2.94837 per $1,000) plus the payment ($7.00 per $1,000) due to the subscriber on account of the issue price of the bonds will be paid to subscribers following acceptance of the certificates.

3. 2⅝ percent notes of Series A–1963. Coupons dated February 15, 1963, must be attached to the notes when surrendered. Accrued interest from August 15 to September 15, 1962 ($2.21128 per $1,000) plus the payment ($3.00 per $1,000) due to the subscriber on account of the issue price of the bonds will be paid to subscribers following acceptance of the notes.

4. 3¼ percent notes of Series E–1963. Coupons dated February 15, 1963, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15 to September 15, 1962 ($2.73777 per $1,000) plus the payment ($6.00 per $1,000) due to the subscriber on account of the issue price of the bonds will be paid to subscribers. Payments will be made in the case of bearer notes following their acceptance and in the case of registered notes following discharge of registration. In the case of registered notes, the payment will be made by check drawn in accordance with the assignments on the notes surrendered or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

5. 3¼ percent certificates of indebtedness of Series B–1963. Coupons dated November 15, 1962, and May 15, 1963, must be attached to the certificates when surrendered. Accrued interest from May 15 to September 15, 1962 ($10.86277 per $1,000) plus the payment ($6.00 per $1,000) due to the subscriber on account of the issue price of the bonds will be paid to subscribers following acceptance of the certificates.

6. 3¼ percent notes of Series D–1963. Coupons dated November 15, 1962, and May 15, 1963, must be attached to the notes in bearer form when surrendered. Accrued interest from May 15 to September 15, 1962 ($10.86277 per $1,000) plus the payment ($6.00 per $1,000) due to the subscriber on account of the issue price of the bonds will be paid to subscribers. Payments will be made in the case of bearer notes following their acceptance and in the case of registered notes following discharge of registration. In the case of registered notes, the payment will be made by check drawn in accordance with the assignments on the notes surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

7. 4 percent notes of Series B–1963. Coupons dated November 15, 1962, and May 15, 1963, must be attached to the notes when surrendered. Accrued interest from May 15 to September 15, 1962 ($13.36957 per $1,000) plus the payment ($12.00 per $1,000) due to the subscriber on account of the issue price of the bonds will be paid to subscribers following acceptance of the notes.

V. *Assignment of registered securities.* 1. After allotment Treasury Notes of Series D–1963 and Series E–1963 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered to a Federal Reserve Bank or Branch or to the office of the Treasurer of the United States, Washington 25, D.C. The securities must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the securities surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1972"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1972 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1972 in coupon form to be delivered to _____". Detached assignment forms may be used for the convenience of subscribers.

VI. *General Provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62–9239; Filed, Sept. 14, 1962; 8:50 a.m.]

[Dept. Circular Public Debt Series—No. 15–62]

3¾ PERCENT TREASURY NOTES OF SERIES A–1967

Offering of Notes

SEPTEMBER 10, 1962.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for notes of the United States, designated 3¾ percent Treasury Notes of Series A–1967:

(1) At 99.50 percent of their face value in exchange for 3½ percent Treasury Certificates of Indebtedness of Series A–1963, dated February 15, 1962, due February 15, 1963;

(2) At 99.90 percent of their face value in exchange for 2⅝ percent Treasury Notes of Series A–1963, dated April 15, 1958, due February 15, 1963;

(3) At 99.60 percent of their face value in exchange for 3¼ percent Treasury Notes of Series E–1963, dated November 15, 1961, due February 15, 1963;

(4) At 99.60 percent of their face value in exchange for 3¾ percent Treasury Certificates of Indebtedness of Series B–1963, dated May 15, 1962, due May 15, 1963;

(5) At 99.60 percent of their face value in exchange for 3¼ percent Treasury Notes of Series D–1963, dated May 15, 1961, due May 15, 1963; or

(6) At 99.00 percent of their face value in exchange for 4 percent Treasury Notes of Series B–1963, dated April 1, 1959, due May 15, 1963.

Interest adjustments as of September 15, 1962, and the cash payments due to the subscriber on account of the issue prices of the new notes will be made as set forth in section IV hereof. Subscriptions are invited up to an amount not to exceed $6,000,000,000, or thereabouts. If subscriptions exceed this amount they will be received subject to allotment. In addition to the amount offered for public subscription, exchange subscriptions from Government Investment Accounts will be allotted in full. Delivery of the new notes will be made on September 20, 1962. The books will be open only on September 10 through September 12, 1962, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for 4 percent Treasury Bonds of 1972, which offering is set forth in Department Circular, Public Debt Series—No. 16–62, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purposes. Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86–346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible securities enumerated in paragraph one of this section solely for the 3¾ percent Treasury Notes of Series A–1967. Section 1031(b) of the Code, however, requires recognition of any gain realized on the exchange to the extent that money is received by the security holder in connection with the exchange. To the extent not recognized at the time of the exchange, gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of notes.* 1. The notes will be dated September 15, 1962, and will bear interest from that date at the rate of 3¾ percent per annum, payable on a semiannual basis on February 15 and August 15, 1963, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1967, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in

denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington 25, D.C. Banking institutions generally may submit subscriptions for account of customers, provided the names of the customers are set forth in such subscriptions, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Subscriptions will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Federal Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by the deposit of any of the eligible securities enumerated in paragraph one of Section I hereof, in the face amount of not less than 10 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Registered securities submitted as deposits should not be assigned. After allotment detached assignment forms may be used as provided in Section V hereof.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before September 20, 1962, or on later allotment, and may be made only in a like face amount of securities of the six issues enumerated in paragraph one of Section I hereof. In every case where payment is not so completed, the payment with application up to 10 percent of the notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

2. 3½ percent certificates of indebtedness of Series A–1963. Coupons dated February 15, 1963, must be attached to the certificates when surrendered. Accrued interest from August 15 to September 15, 1962 ($2.94837 per $1,000) plus the payment ($5.00 per $1,000) due to the subscriber on account of the issue price of the notes will be paid to subscribers following acceptance of the certificates.

3. 2⅞ percent notes of Series A–1963. Coupons dated February 15, 1963, must be attached to the notes when surrendered. Accrued interest from August 15 to September 15, 1962 ($2.21128 per $1,000) plus the payment ($1.00 per $1,000) due to the subscriber on account of the issue price of the new notes will be paid to subscribers following acceptance of the notes.

4. 3¼ percent notes of Series E–1963. Coupons dated February 15, 1963, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15 to September 15, 1962 ($2.73777 per $1,000) plus the payment ($4.00 per $1,000) due to the subscriber on account of the issue price of the new notes will be paid to subscribers. Payments will be made in the case of bearer notes following their acceptance and in the case of registered notes following discharge of registration. In the case of registered notes, the payment will be made by check drawn in accordance with the assignments on the notes surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

5. 3¼ percent certificates of indebtedness of Series B–1963. Coupons dated November 15, 1962, and May 15, 1963, must be attached to the certificates when surrendered. Accrued interest from May 15 to September 15, 1962 ($10.86277 per $1,000) plus the payment ($4.00 per $1,000) due to the subscriber on account of the issue price of the notes will be paid to subscribers following acceptance of the certificates.

6. 3¼ percent notes of Series D–1963. Coupons dated November 15, 1962, and May 15, 1963, must be attached to the notes in bearer form when surrendered. Accrued interest from May 15 to September 15, 1962 ($10.86277 per $1,000) plus the payment ($4.00 per $1,000) due to the subscriber on account of the issue price of the new notes will be paid to subscribers. Payments will be made in the case of bearer notes following their acceptance and in the case of registered notes following discharge of registration. In the case of registered notes, the payment will be made by check drawn in accordance with the assignments on the notes surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

7. 4 percent notes of Series B–1963. Coupons dated November 15, 1962, and May 15, 1963, must be attached to the notes when surrendered. Accrued interest from May 15 to September 15, 1962 ($13.36957 per $1,000) plus the payment ($10.00 per $1,000) due to the subscriber on account of the issue price of the new notes will be paid to subscribers following acceptance of the notes.

V. *Assignment of registered securities.* 1. After allotment Treasury Notes of Series D–1963 and Series E–1963 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington 25, D.C. The securities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 3¾ percent Treasury Notes of Series A–1967"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3¾ percent Treasury Notes of Series A–1967 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3¾ percent Treasury Notes of Series A–1967 in coupon form to be delivered to _____". Detached assignment forms may be used for the convenience of subscribers.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-9240; Filed, Sept. 14, 1962; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

REGIONAL DIRECTORS AND FIELD PERSONNEL

Delegations of Authority

Chapter 4, Part 4 of the Administrative Manual of the Bureau of Sport Fisheries and Wildlife is amended to authorize the regional directors to grant written permission to Bureau employees in their regions to testify in any judicial or administrative proceeding concerning matters related to the business of the Government or the contents of official records.

Paragraph B of section 4 AM 4.6 is amended to read as follows:

B. *Testimony of employees.* Regional directors may grant written permission to their subordinates to testify in any judicial or administrative proceeding concerning matters related to the business of the Government or the contents of official records. This authority shall not be redelegated. Bureau employees are authorized to testify in any judicial or administrative proceeding concerning land-condemnation cases arising within the Bureau or those initiated by a State which involve Federal Aid Funds, and violations of Federal or State laws which Bureau employees have been authorized to enforce. All of the authority in this section shall be exercised in accordance with the provisions of 43 CFR 2.20 and 6 AM 3.

ABRAM V. TUNISON,
Acting Director.

SEPTEMBER 11, 1962.

[F.R. Doc. 62-9225; Filed, Sept. 14, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Farmer Cooperative Service

[Farmer Cooperative Service Order 4, Revised]

OFFICIALS TO ACT AS ADMINISTRATOR OF FARMER COOPERATIVE SERVICE

Authority and Order of Precedence

SEPTEMBER 3, 1962.

Farmer Cooperative Service Order 4, dated September 1, 1961, is amended to read as follows:

The following are authorized in the order named to execute and perform all functions, powers, authority, and duties pertaining to the office of Administrator of Farmer Cooperative Service in the event that I am unable to act by reason of absence or for any other cause:

Martin A. Abrahamsen,
Deputy Administrator.

J. Kenneth Samuels, Director,
Marketing Division.

Homer J. Preston, Director,
Purchasing Division.

Job K. Savage, Jr., Director,
Management Services Division.

JOSEPH G. KNAPP,
Administrator.

[F.R. Doc. 62-9212; Filed, Sept. 14, 1962; 8:45 a.m.]

Office of the Secretary

MISSISSIPPI AND WEST VIRGINIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the States of Mississippi and West Virginia natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Jones. Warren.
Simpson.

WEST VIRGINIA

Morgan

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of September 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-9238; Filed, Sept. 14, 1962; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

STATE ASSISTANCE EXPENDITURES

Federal Percentage

Promulgation of Federal percentage under Title XI of the Social Security Act for purposes of State assistance expenditures under Title I, IV, X, XIV, or XVI.

Pursuant to section 1101(a)(8) of the Social Security Act, as amended (42 U.S.C. 1301(a)(8)),

And it having been found that the three most recent calendar years for which satisfactory data are available from the Department of Commerce as to the per capita income of each State and of the United States are the years 1959, 1960, and 1961,

The Federal percentage, as indicated below, for purposes of Federal financial participation in State assistance expenditures under Title I, IV, X, XIV, or XVI of said Act, for each of the fifty States and the District of Columbia, as determined pursuant thereto and on the basis of said income data, are hereby promulgated for each of the eight quarters in the period beginning July 1, 1963, and ending with the close of June 30, 1965:

State	Federal percentage	State	Federal percentage
Alabama	65.00	Minnesota	56.42
Alaska	50.00	Mississippi	65.00
Arizona	58.75	Missouri	50.45
Arkansas	65.00	Montana	59.69
California	50.00	Nebraska	55.10
Colorado	50.00	Nevada	50.00
Connecticut	50.00	New Hampshire	56.38
Delaware	50.00	New Jersey	50.00
District of Columbia	50.00	New Mexico	65.00
Florida	60.69	New York	50.00
Georgia	65.00	North Carolina	65.00
Hawaii	50.00	North Dakota	65.00
Idaho	65.00	Ohio	50.00
Illinois	50.00	Oklahoma	65.00
Indiana	52.06	Oregon	50.00
Iowa	57.63	Pennsylvania	50.00
Kansas	56.63	Rhode Island	50.90
Kentucky	65.00	South Carolina	65.00
Louisiana	65.00	South Dakota	65.00
Maine	65.00	Tennessee	65.00
Maryland	50.00	Texas	61.45
Massachusetts	50.00	Utah	62.28
Michigan	50.00	Vermont	64.75
		Virginia	65.00
		Washington	50.00
		West Virginia	65.00
		Wisconsin	52.50
		Wyoming	50.00

Dated: August 27, 1962.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: September 11, 1962.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 62-9241; Filed, Sept. 14, 1962; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13981 et al.; Order No. E-18782]

TRANS CARIBBEAN AIRWAYS AND EASTERN AIR LINES, INC.

Passenger Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of September 1962. In the matter of New York-San Juan reduced group fares and "book-ticket fares" proposed by Trans Caribbean Airways and Eastern Air Lines, Inc., Dockets 13981 and 13982; in the matter of the Reopened Puerto Rico Passenger Fare Investigation, Docket 9523 et al.

By tariff revisions[1] Transportation Corporation of America (Trans Caribbean Airways) proposes to establish book-ticket fares and off-season reduced group fares applicable to New York-San Juan third class ("bus"-type) service in jet aircraft. The proposed book-ticket fares are of two types. One is a book-ticket fare of $490.00 and applies only to a person who purchases a book containing 10 one-way ticket coupons for transportation between the above-named pair of points. Such ticket coupons are valid for a period of 365 days from date of purchase and are nontransferable. The book-ticket fare of $490.00, or $49.00 per ticket, affords the passenger a discount of 15 percent below the one-way jet third class fare of $57.75, provided that he uses all 10 tickets.

The second book-ticket type fare proposed by Trans Caribbean is $202.00 and applies only to a person who purchases a book containing four one-way ticket coupons for transportation between New York-San Juan. The ticket coupons are nontransferable and are valid for a period of 180 days, except that they may not be used during the periods from June 15 through August 15, and from December 15 through January 15. The book-ticket fare of $202.00, or $50.50 per ticket, represents a discount of 12½ percent below the one-way jet third class fare of $57.75, provided all four tickets are used. Both types of book-ticket fares are marked to become effective September 15, 1962, and neither type contains an expiry date.

[1] To Transportation Corporation of America's C.A.B. No. 26 (Trans Caribbean Airways, Inc., series).

The off-season reduced group fares proposed by Trans Caribbean represent a reduction from present group fares offered by Eastern Air Lines, Inc., Pan American World Airways, Inc., and Trans Caribbean Airways applicable to jet third class ("bus"-type) service in this market. Trans Caribbean has filed two reduced group fare proposals. The first proposal is marked for September 15 effectiveness and offers various reduced fares, depending on group size, the lowest one-way fare being $45.00 applicable to groups of 125 or more. The second proposal is marked for September 21 effectiveness, cancels the first proposal, and offers further group fare reductions, the lowest one-way fare being $40.00 applicable to groups of 100 or more. The group fare proposals contain a December 15, 1962, expiry date.

Complaints requesting suspension and investigation of Trans Caribbean's proposed book-ticket fares and reduced group fares have been filed by Pan American and Eastern.[2] In substance the complaints allege that the proposed fares are unreasonably low, would be diversionary rather than creative, would not result in operating economies or other benefits to the carriers, and that the proposed book-ticket fares are unjustly discriminatory.

Trans Caribbean has presented no factual data in support of its proposals, other than the assertion that the fares will create new traffic. It does not appear that the book-ticket fares will generate new traffic, for the New York-San Juan market contains few surface commuters to be lured to air transportation. It also does not appear that any significant cost savings would result from book ticketing which would justify fare reductions to the book-ticket purchaser. The proposed reduced group fares result in yields as low as 2.81 cents per revenue passenger mile at a $45.00 fare and 2.5 cents per revenue passenger mile at a $40.00 fare. It appears that fares having such low yields may be unreasonable.[3] Accordingly, the Board finds that the proposed book ticket fares and reduced group fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, and that they should be investigated. Moreover, in view of their possible unlawfulness, because of the present procedural status of an investigation concerning the level of third class fares in this market,[4] the Board will suspend the tariffs pending such investigation.

Eastern has filed a defensive reduced group fare plan. The Board will likewise suspend and investigate Eastern's proposal.

Pan American requests that any investigation ordered herein be consolidated with the pending investigation of third class mainland-San Juan fares in the Reopened Puerto Rico Passenger Fare Investigation, Docket 9523 et al. Since both proceedings involve third class fares in this market, it appears that consolidation will be conducive to the proper dispatch of the Board's business and to the ends of justice and will not unduly delay the proceedings. The proceedings will therefore be consolidated.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof.

Accordingly, it is ordered, That

1. An investigation is instituted to determine whether the fares and provisions in section 2 on 8th Revised Page 7 of Eastern Air Lines, Inc., C.A.B. No. 88, and the fares and provisions in Table B on 11th and 12th Revised Pages 7 and the fares and provisions on 2d Revised Page 7-A and Original Page 7-B of Transportation Corporation of America C.A.B. No. 26 (Trans Caribbean Airways, Inc., series) are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions;

2. Pending investigation, hearing, and decision, by the Board, the fares and provisions in section 2 on 8th Revised Page 7 of Eastern Air Lines, Inc., C.A.B. No. 88, and the fares and provisions in Table B on 11th and 12th Revised Pages 7 and the fares and provisions on 2d Revised Page 7-A and Original Page 7-B of Transportation Corporation of America C.A.B. No. 26 (Trans Caribbean Airways, Inc., series) are suspended and their use deferred to and including December 13, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaint of Pan American World Airways, Inc., in Docket 13982 and the letter of complaint of Eastern Air Lines, Inc., in Docket 13981 are granted;

4. Dockets 13981 and 13982 be consolidated with the remanded portion of Docket 9523 et al., which has been tentatively set for hearing before an Examiner of the Board of October 30, 1962; and

5. A copy of this order be filed with the aforesaid tariffs and a copy served upon the Commonwealth of Puerto Rico, Eastern Air Lines, Inc., Pan American World Airways, Inc., and Transportation Corporation of America, which are made parties to the investigation ordered herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-9247; Filed, Sept. 14, 1962; 8:50 a.m.]

[2] Eastern's request for suspension and investigation is contained in a letter to the Board instead of the usual form of complaint. While use of a letter of complaint is not to be encouraged, the Board has in this instance considered the substance of Eastern's letter in reaching its decision herein.

[3] Trans Caribbean's reduced group fare proposals would also change group size requirements. The Board would have no objection to a reasonable adjustment of the group size requirements, so long as the lowest applicable fare is not less than $40.00.

[4] Reopened Puerto Rico Passenger Fare Investigation, Docket 9523 et al. has been tentatively set for hearing on October 30, 1962.

FEDERAL MARITIME COMMISSION

HAMBURG AMERICA LINE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 7825-1, between Hamburg America Line and North German Lloyd, modifies an approved sailing and pooling arrangement of the parties in the trade between U.S. and Canadian ports and ports in Ireland, the United Kingdom and Europe. The purpose of this modification is (1) is provide for consultation and agreement on local rates within the scope of the sailing arrangement and through rates to final destinations elsewhere in the world where such rates are not subject to conference jurisdiction and (2) to delete the trade between Great Lakes, St. Lawrence River & Seaway, Newfoundland, and Canadian Maritime ports and ports of the United Kingdom and Bordeaux-Hamburg Range from the scope of the basic agreement.

Agreement 8359-1, between Hamburg America Line, North German Lloyd, and Ernst Russ, modifies an approved sailing arrangement of the parties in the trade between Great Lakes, St. Lawrence River & Seaway, Newfoundland, and Canadian Maritime ports and ports of the United Kingdom and Bordeaux-Hamburg range. The purpose of this modification is (1) to provide for consultation and agreement on local rates within the scope of the sailing arrangement and through rates to final destinations elsewhere in the world where such rates are not subject to conference jurisdiction and (2) to provide for the equal pooling of net freight revenue, derived from this trade, between the parties.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 12, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 62-9248; Filed, Sept. 14, 1962; 8:51 a.m.]

[Commission Order 1 (Amended)]

ORGANIZATION AND FUNCTIONS

SECTION 1. *Purpose.*

1.01 The purpose of this order is to describe the organization and functions of the Federal Maritime Commission.

SEC. 2. *Organization of the Federal Maritime Commission.*

2.01 *Establishment and composition of the Commission.* The Federal Maritime Commission was established as an independent agency by Reorganization Plan No. 7 of 1961, effective August 12, 1961. The Federal Maritime Commission is composed of five members, appointed by the President, by and with the consent of the Senate. The President designates one of such members to be the Chairman.

2.02 *Quorum.* Any three members in office constitute a quorum for the transaction of the business of the Federal Maritime Commission. The affirmative vote of any three Commissioners shall be sufficient for the disposition of any matters which may come before the Commission.

2.03 *Organizational components.* The Federal Maritime Commission has the following major organizational components:

1. Office of the Chairman of the Federal Maritime Commission;
2. Offices of the Members of the Federal Maritime Commission;
3. Office of the Secretary;
4. Office of the General Counsel;
5. Office of Hearing Examiners;
6. Office of International Affairs;
7. Executive Director:
   (1) Office of Administrative Management;
   (2) Office of Information Services;
   (3) Bureau of Foreign Regulation;
   (4) Bureau of Domestic Regulation;
   (5) Bureau of Administrative Proceedings;
   (6) Bureau of Investigation;
   (7) Bureau of Financial Analysis;
   (8) Offices of District Managers.

SEC. 3. *Lines of responsibility.*

3.01 The Office of the Secretary, Office of the General Counsel, Office of International Affairs, Office of Hearing Examiners and the Executive Director shall be responsible to, and report to, the Chairman, Federal Maritime Commission.

3.02 The Office of Administrative Management, Office of Information Services and the Bureau of Foreign Regulation, Bureau of Domestic Regulations, Bureau of Administrative Proceedings, Bureau of Investigation, Bureau of Financial Analysis and the Offices of the District Managers shall be responsible to, and report to, the Chairman, Federal Maritime Commission through the Executive Director.

SEC. 4. *General functions.*

4.01 The Federal Maritime Commission is responsible for administering the statutory functions and programs for the regulation of common carriers by water in the foreign and domestic offshore commerce of the United States and of other persons, under provisions of the Shipping Act, 1916, as amended, Merchant Marine Act, 1920, as amended, the Intercoastal Shipping Act, 1933, as amended, and other applicable statutes.

SEC. 5. *Specific functions of the organizational components of the Federal Maritime Commission.*

5.01 The Office of the Chairman of the Federal Maritime Commission executes and administers the activities of the Federal Maritime Commission; serves as the executive head of the Commission, presides at meetings of the Commission; and administers the policies of the Commission to its responsible officials, and through conferences with and reports from such officials assures the efficient discharge of their responsibilities.

5.02 The offices of the members of the Federal Maritime Commission are responsible, with the Chairman, for establishing the policies of the Commission; making decisions and determinations in the disposition of docketed cases and other matters within the jurisdiction of the Commission; and performing other duties as may be assigned under the provisions of Reorganization Plan No. 7 of 1961.

5.03 The Office of the Secretary is responsible for preparing agenda and dockets of matters subject to action by the Federal Maritime Commission and the preparation of minutes with respect to such actions; receiving and processing formal complaints and staff recommendations for investigation and hearing involving violations of the Shipping Act, 1916, as amended, and other applicable law, including the (a) reviewing of complaints for sufficiency and compliance with the Commission's rules of practice and procedure; (b) assigning official docket numbers to such complaints and orders of investigation and hearing; (c) serving copies of such complaints and orders upon the respondent(s); and (d) subsequent to Hearing Examiners' decisions or other disposition of cases by Hearing Examiners, ruling upon requests for enlargement of time for the filing of exceptions to decisions and replies thereto, including ruling upon late filings of exceptions or replies thereto, and processing all other motions and petitions to the Commission for action; issuing orders and notices of actions of the Commission; receiving formal communications, petitions, notices, documents and other instruments directed to the Chairman and/or the Commission and maintaining official files and records with respect thereto; authenticating instruments or documents of the Commission; administering oaths; and issuing subpoenas at the direction of the Commission.

5.04 The Office of the General Counsel serves as the law office of the Commission and provides legal counsel to the Commission and its staff; reviews and approves as to legality and/or prepares proposed Commission rules, regulations and orders; prepares drafts of proposed legislation and reports to Congressional committees; represents the Commission in all matters before the Courts.

5.05 The Office of Hearing Examiners holds hearings and renders decisions therein in formal rule-making and adjudicatory proceedings as provided in the Shipping Act, 1916, as amended and other applicable laws, in accordance with the Administrative Procedures Act and the Commission's rules of practice and procedure.

5.06 The Office of International Affairs through its staff serves as the official representative of the Federal Maritime Commission and assists the Chairman and the Commission in international conferences and meetings that involve the exercise of the Commission's functional responsibilities for the regulation of the waterborne foreign commerce of the United States; acts as liaison with the Department of State and with representatives of other governments, particularly the shipping attachés of the embassies of the maritime nations engaged in the foreign commerce of the United States, on matters concerning the application of the shipping statutes and the orders and regulations of the Commission to the United States and foreign nationals engaged in such foreign commerce; acts in a coordinating capacity on matters of the utmost importance with respect to protests or requests for relief made by foreign nationals or governments from the Commission's regulations and orders and participates in the preparation of appropriate recommendations thereon to the Commission; acts as liaison with representatives of the Department of State, other government agencies and foreign governments in effecting the resolution of foreign discriminatory practices against United States flag shipping pursuant to section 26, Shipping Act, 1916, as amended and section 19, Merchant Marine Act, 1920, as amended; coordinates the Commission's efforts with the Executive Director and his staff and other offices of the Commission in the solution of international shipping problems that develop in the administration and execution by the Commission of its regulatory responsibilities and authorities; conducts studies of and prepares replies to aide memoire officially presented to the United States Government by foreign maritime nations; serves in a consultative and advisory capacity to the Chairman and members of the Commission on shipping matters that involve foreign relations.

5.07 The Executive Director directs and administers the organizations and activities as enumerated in subsections 5.061 through 5.068 below; assists, advises, and consults with the Chairman and/or the Federal Maritime Commission in the performance of major executive functions; directs general administrative activities.

1. The Office of Administrative Management formulates recommendations and interprets budgetary policies and programs; collaborates with staff and operating officials in the development of fiscal plans; develops and presents budget requests and justifications; maintains control of funds; conducts studies of management practices, organizations, functions, authorities, and procedures for the improvement of operations; plans and administers personnel man-

agement activities; and provides administrative and office services.

2. The Office of Information Services issues information concerning the activities of the Federal Maritime Commission; prepares and edits press releases; and performs related informational services.

3. The Bureau of Foreign Regulation reviews the rates and practices of common carriers by water engaged in the foreign commerce of the United States and conferences of such carriers in accordance with the requirements of law and the rules, orders and regulations of the Commission; examines, processes, and as appropriate prepares recommendations to the Commission with respect to activities and practices of common carriers by water in the foreign commerce and conferences of such carriers and with respect to agreements and tariffs filed by such common carriers and conferences; reviews annual and special reports filed by common carriers by water and conferences in the foreign commerce of the United States, including minutes of conference meetings; initiates action involving the granting of special permissions to waive advance tariff filing requirements, or to depart from rules and regulations governing publication of tariffs; recommends the institution of rule-making proceedings, and where appropriate prepares drafts of rules and otherwise assists in the promulgation of rules; reviews informal complaints and protests against the practices, methods and operation of common carriers or conferences or against existing or proposed tariffs of such carriers or conferences and (1) requests the Bureau of Investigation to develop additional information and data through field investigations; (2) concludes complaints and protests by voluntary agreement between the parties or by administrative determination that the complaint or protest fails to represent a violation of the shipping statutes or the rules, or orders of the Commission; (3) prepares recommendations, collaborating with the Bureau of Administrative Proceedings, for formal action and proceedings by the Commission; and/or (4) refers, as appropriate, complaints and protests to the Bureau of Investigation for action by that bureau.

4. The Bureau of Domestic Regulation reviews the rates and practices of common carriers by water engaged in the domestic off-shore commerce of the United States and conferences of such carriers in accordance with the requirements of law and the rules, orders and regulations of the Commission; examines, processes, and as appropriate prepares recommendations to the Commission with respect to activities and practices of common carriers by water in the domestic off-shore commerce of the United States and conferences of such carriers, and with respect to agreements and tariffs filed by such common carriers, conferences, terminal operators, and freight forwarders; takes and/or initiates action involving the rejection of improper or incorrectly filed tariffs, granting of special permissions to waive the advance filing or publication requirements of tariffs, suspension of rates, and as appropriate the prescription of reasonable maximum and minimum rates; reviews annual and special reports filed by domestic off-shore carriers, conferences, terminal operators, and freight forwarders, including minutes of conference meetings; receives and processes applications for licensing of freight forwarders; recommends the institution of rule-making proceedings and, where appropriate drafts of rules and otherwise assists in the promulgation of rules; reviews informal complaints and protests against the practices, methods and operations of common carriers, terminal operators, freight forwarders or conferences or against existing or proposed tariffs of such common carriers, terminal operators, freight forwarders or conferences and (1) requests the Bureau of Investigation to develop additional information and data through field investigations; (2) concludes complaints and protests by voluntary agreement between the parties or by administrative determination that the complaint or protest fails to represent a violation of the shipping statutes or the rules or orders of the Commission; (3) prepares recommendations, collaborating with the Bureau of Administrative Proceedings, for formal action and proceedings by the Commission; and/or (4) refers, as appropriate, complaints and protests to the Bureau of Investigation for action by that bureau.

5. The Bureau of Administrative Proceedings acts as Hearing Counsel in all formal investigations, nonadjudicatory investigations, rule-making proceedings and any other proceedings initiated by the Federal Maritime Commission under the Shipping Act, 1916, and other applicable shipping acts; examines and cross-examines witnesses, prepares and files briefs, motions, exceptions and other legal documents and participates in oral argument before the hearing examiners and the Federal Maritime Commission; acts as Hearing Counsel, where intervention is permitted, in formal complaint proceedings initiated under section 22 of the Shipping Act; reviews and concurs in all recommendations of other bureaus recommending the institution of formal proceedings; prepares all orders, notices and other documents which institute formal or informal Commission proceedings; furnishes consultative and advisory services and otherwise assists other bureaus in formulating procedures to be followed in connection with investigations and/or formal Commission proceedings; serves, with the concurrence of the Executive Director, as requested by the General Counsel and under his direction in matters of court litigation by or against the Commission rising out of violations previously adjudicated by the Commission.

6. The Bureau of Investigation conducts investigations of the activities and practices of common carriers by water in the foreign and domestic off-shore commerce of the United States, conferences of such carriers, freight forwarders and terminal operators and other persons subject to the regulatory jurisdiction of the Federal Maritime Commission; conducts periodic field examinations of the activities, transactions and records of persons subjected to the shipping statutes; directs the field investigation staffs and plans and administers the field programs furnishing all technical direction to such staffs; prepares recommendations to the Commission, collaborating with appropriate other bureaus, for the referral of violations to the Department of Justice for its action, where field investigations have developed the existence of criminal violations of the shipping statutes (these cases are restricted to those where the cases are to be disposed of by the Department of Justice, rather than by the Commission through formal action and/or proceedings); develops methods and purposes of investigations referred to other investigative bodies of the executive, legislative or judicial branches of the government; coordinates, where appropriate, with appropriate officers of the State Department those investigations concerning common carriers by water under foreign flag operation engaged in the foreign commerce of the United States.

7. The Bureau of Financial Analysis is responsible for and makes recommendations with respect to annual and special financial reports to be submitted by common carriers and other persons subject to the Act, including accounting and reporting instructions; reviews annual and special reports, including reports of field audits performed by the Commission's staff; determines the justification of increased or lower rates of common carriers and other persons subject to the Act; directs field audit staffs and develops and administers a continuing program for the audit of the financial accounts and records of common carriers and other persons subject to the Federal Maritime Commission's regulatory authorities; develops and revises the accounting regulations of the Commission prescribing uniform systems of accounts for persons subject to the shipping statutes; develops cost formulas for application of the movement of water borne commerce in the domestic and foreign commerce of the United States; prepares reports and appears in rate proceedings and/or proceedings where rates and/or cost are a paramount issue; conducts studies, as appropriate, for the purpose of determining classes of depreciable property, depreciation percentages, replacement costs, reasonable overhead, etc.; prepares analytical reports for the consideration of the Commission and the staff in the processing and approval of tariffs and the approval of rates including studies of reasonable return on and current cost of capital both borrowed and invested; and conducts economic studies and prepares reports reflecting for trade areas under consideration the extent and nature of competition, commodities carried, the extent and effect of regularity of services, future commodity trends, etc.

8. The Offices of the Atlantic, Gulf, Pacific, and Great Lakes District Managers are responsible for the administrative coordination of all field programs and activities of the Federal Maritime Commission within their respective areas, subject to national policies and program determinations, standard procedures, and supervision and technical direction of the appropriate office or bureau director in Washington, D.C.; in addition the District Managers shall be responsible for maintaining contact with persons within their areas who are subject to the shipping statutes and rules and regulations of the Commission; further the District Managers shall be available for consultation and advisory services requested by common carriers by water in the foreign and domestic off-shore commerce of the United States, terminal operators, freight forwarders, conferences and shippers; finally the District Managers shall be responsible for performing other functions and duties as assigned by the Chairman, Executive Director and/or the Commission.

SEC. 6. *Delegation of authorities.*

6.01 Pursuant to section 105 of Reorganization Plan No. 7 of 1961, effective August 12, 1961, the Federal Maritime Commission hereby delegates the authorities set forth in sections 7, 8, 9, and 10 of this order to the officials designated therein, subject to the limitations prescribed in sections 6.02, 6.03, 6.04, and 6.05 of this order.

6.02 The delegatees shall exercise the authorities delegated herein in a manner consistent with the established policy of the Federal Maritime Commission.

6.03 The authorities delegated herein, except those delegated to the Chief Examiner, may not be exercised unless resolution of all legal questions and the approval of the form of all legal documents have been obtained, either concurrently or previously, from the General Counsel, or his designee.

6.04 The delegatees may in their discretion redelegate their authorities, unless otherwise restricted herein, to subordinate personnel under their direction, provided that such redelegation does not grant the recipient the authority to subsequent redelegation. The delegatees retain full responsibility for actions taken by their subordinates under any authority redelegated by them.

6.05 Notwithstanding the delegations contained herein, the Commission retains its discretionary right of review as provided in section 105(b) of Reorganization Plan No. 7 of 1961.

SEC. 7. *Specific authorities delegated to the Executive Director.*

7.01 Authority to accept or reject tariff filings of domestic off-shore carriers or common carriers in the foreign commerce of the United States, or conferences of such carriers for failure to meet the requirements of statute or the Commission's requirements, or for lack of completeness and clarity of the rules and regulations governing the tariff, or noncompliance with Special Permission or other order of the Commission.

7.02 Authority to approve Special Permission applications submitted by domestic off-shore carriers or carriers in the foreign commerce of the United States, or conferences of such carriers for relief from a statutory and/or Commission tariff requirement, provided the relief sought is limited to one or more of the following (a) permission to deviate from prescribed tariff format; (b) permission to correct a clerical or typographical error; (c) permission to postpone the effective date of a previously submitted filing; or (d) permission to cancel or withdraw protested matter.

7.03 Authority to review and determine the validity of alleged or suspected violations, exclusive of formal complaints, of the shipping statutes and rules and regulations of the Commission by common carriers by water in the domestic off-shore or the foreign commerce of the United States, terminal operators, freight forwarders, and other persons subject to the provisions of the shipping statutes; authority to determine corrective action necessary with respect to violations and conduct negotiations and obtain compliance by the violating parties, except where violations involve major questions of policy or major interpretations of statutes, or orders, rules and regulations of the Commission, or acts having material effect upon the commerce of the United States.

7.04 Authority to approve, within the framework of prescribed Commission policy and criteria, applications for licenses, and issue licenses to all persons, partnerships, corporations, or associations desiring to engage in ocean freight forwarding activities and to recommend denial to the Commission of those that appear to warrant denial of licenses.

7.05 Authority to develop, prescribe and administer programs to assure compliance with the provisions of the shipping statutes of all persons subject thereto, including without limitation those programs for: (a) The submission of regular and special reports, information and data; (b) the conduct of a plan for the field audit of activities and practices of common carriers by water in the domestic off-shore trade and the foreign commerce of the United States, conferences of such carriers, terminal operators, freight forwarders, and other persons subject to the shipping statutes; and (c) the conduct of rate studies.

7.06 Authority to approve, pursuant to section 15, Shipping Act, 1916, as amended, unprotested, cooperative working arrangements between independent ocean freight forwarders eligible to carry on the business of forwarding pursuant to section 44, Shipping Act, 1916, as amended.

SEC. 8. *Specific authorities delegated to the Special Permission Committee (Secretary, Executive Director, and the Director, Office of International Affairs).*

8.01 Authority, acting as the Special Permission Committee, to approve Special Permission applications for relief from a statutory and/or Commission tariff requirement for any relief sought beyond that delegated to the Executive Director in section 7.02 of this order.

8.02 In the absence of the Executive Director or the Secretary to whom this authority is delegated the Deputy Executive Director and the Assistant Secretary are authorized to act for their respective supervisors; in the absence of the Director, Office of International Affairs the Director, Bureau of Financial Analysis is authorized to act in his stead.

8.03 The Executive Director is designated as the Chairman of the Special Permission Committee with authority to prescribe rules for the conduct of Committee activities, including the recording of actions and recommendations.

SEC. 9. *Specific authorities delegated to the Secretary.*

9.01 Authority to approve applications for permission to practice before the Federal Maritime Commission and to issue admission certificates to approved applicants. (Approved by the Federal Maritime Commission effective June 28, 1962.)

SEC. 10. *General authority delegated to the Secretary, General Counsel, Chief Examiner, Director, Office of International Affairs and the Executive Director.*

10.01 Authority to exercise all functions and take all actions necessary, to direct and carry out the duties and responsibilities assigned to the Office of the Secretary, Office of the General Counsel, Office of Hearing Examiners, Office of International Affairs, and the Executive Director in accordance with their functional assignments as heretofore prescribed in this order.

SEC. 11. *Effect on other orders.*

11.01 This order supersedes Commission Order No. 1 (Amended) of January 16, 1962, Amendment 1, dated March 1, 1962, Amendment 2, dated June 1, 1962, Amendment 3, dated June 19, 1962, Amendment 4, dated July 2, 1962, and Supplement 1, dated June 7, 1962.

Dated: August 23, 1962.

THOS. E. STAKEM,
Chairman.

[F.R. Doc. 62-9249; Filed, Sept. 14, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-266]

INLAND GAS CO., INC.

Notice of Application and Date of Hearing

SEPTEMBER 10, 1962.

Take notice that on April 12, 1961, as supplemented on June 21, 1961, October 30, 1961, and July 11, 1962, The Inland Gas Company, Inc. (Applicant), 1409 Winchester Avenue, Ashland, Kentucky, filed in Docket No. CP61-266 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition of all the facilities presently owned and operated by Clinton M. Harbison, Trustee of the Inland Gas Distributing Company (Distributing Company), and Ben Williamson, Jr., Trustee of Inland Gas Corporation (Gas Corporation), and the operation of said facilities for the transportation of natural gas in interstate commerce to enable Applicant to sell natural gas directly to consumers in Ohio, Kentucky, and West Virginia who were previously

served by Distributing Company and Gas Corporation, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The application states that Applicant was organized in conformity with an order of the United States District Court for the Eastern District of Kentucky dated June 1, 1959, pursuant to a Plan of Reorganization dated February 25, 1958, for the purpose of acquiring and operating the assets of Gas Corporation and Distributing Company. The proposed acquisition is intended to enable creditors of the two existing companies to be paid in full and to provide adequate working capital for future operations.

Gas Corporation was issued a certificate of public convenience and necessity on December 28, 1943, in Docket No. G–385 (4 FPC 467). Distributing Company was issued a certificate of public convenience and necessity on December 28, 1943, in Docket No. G–383 (4 FPC 468).

The facilities of Distributing Company consist of 16.61 miles of pipeline, service laterals, measuring stations, valves, and other pipeline appurtenances. The facilities of Gas Corporation consist of 108.39 miles of pipeline, service laterals, measuring stations, valves, and other pipeline appurtenances.

No new construction is proposed by the subject application.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 11, 1962, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 130(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 1, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–9219; Filed, Sept. 14, 1962; 8:46 a.m.]

[Docket No. RI62–29]

JEANNE E. KERBS

Order Redesignating Proceeding, Substituting Respondent, and Requiring Filing of Undertaking To Assure Refund of Excess Charges

SEPTEMBER 10, 1962.

On July 23, 1962, Jeanne E. Kerbs (Kerbs) filed a motion requesting to be substituted as a party to the rate suspension proceeding of J. Wes Johnson d/b/a Tower Oil & Gas Company of Texas (Johnson) in Docket No. RI62–29. In support of her motion, Kerbs states that by assignment dated November 4, 1960, Kerbs acquired from Johnson the Hill & Hill Lease, which was the property covered by Johnson's FPC Gas Rate Schedule No. 4. Notice of succession and the related assignment were filed with the Commission on April 9, 1962. By the Commission's letter dated June 13, 1962, Kerbs was advised, inter alia, that Johnson's FPC Gas Rate Schedule No. 4 had been redesignated as Kerbs' FPC Gas Rate Schedule No. 3.

The proceeding in Docket No. RI62–29 involves a proposed rate increase filed by Johnson on August 7, 1961, and designated as Supplement No. 4 to Johnson's FPC Gas Rate Schedule No. 4, amounting to $872 annually, from 11.1056 cents per Mcf to 17.2295 cents per Mcf, which was suspended by the Commission's order issued herein on August 28, 1961, until February 7, 1962, and thereafter until it is made effective in the manner prescribed by the Natural Gas Act. Motion to make the suspended rate effective as required by section 4(e) of the Natural Gas Act was never filed by Johnson.

Kerbs' aforementioned motion filed on July 23, 1962, also moved that the suspended rate be made effective subject to refund. Section 154.102(a) of the Commission's regulations under the Natural Gas Act provides that the rates which become effective pursuant to the producer's required motion, shall be effective as of a date not earlier than the date of receipt of such motion by the Commission or the expiration of the suspension period, whichever is later. Accordingly, the 17.2295 cents per Mcf rate contained in Supplement No. 4 to Kerbs' FPC Gas Rate Schedule No. 3 may not become effective prior to July 23, 1962.

The Commision finds:

(1) It is necessary and proper in carrying out the provisions of the Natural Gas Act that Jeanne E. Kerbs be substituted for J. Wes Johnson, d/b/a Tower Oil & Gas Company of Texas, as Respondent in the rate suspension proceeding in Docket No. RI62–29, and that such proceedings be redesignated accordingly.

(2) The rate, charge and classification set forth in Supplement No. 4 to Kerbs' FPC Gas Rate Schedule No. 3 should be made effective as of July 23, 1962, upon the filing by Kerbs of her agreement and undertaking to assure refund of any amounts found by the Commission not justified.

The Commission orders:

(A) Jeanne E. Kerbs is hereby substituted for J. Wes Johnson, d/b/a Tower Oil & Gas Company of Texas in the rate proceeding in Docket No. RI62–29, and said proceeding is accordingly redesignated.

(B) The rate, charge and classification set forth in Supplement No. 4 to Kerbs' FPC Gas Rate Schedule No. 3 is effective as of July 23, 1962.

(C) Within 30 days of the issuance of this order Kerbs shall execute an acceptable agreement and undertaking and tender it for filing with the Commission. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of filing, such agreement and undertaking shall be deemed to be satisfactory and to have been accepted for filing. The effective rate as set forth in Supplement No. 4 to Kerbs' FPC Gas Rate Schedule No. 3 shall be charged and collected commencing July 23, 1962, subject to further orders of the Commission in this proceeding.

(D) Kerbs shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–9217; Filed, Sept. 14, 1962; 8:45 a.m.]

[Docket No. CP62–194 etc.]

MEDINA GATHERING CORP. ET AL.

Notice of Consolidation

SEPTEMBER 10, 1962.

Medina Gathering Corporation, Docket No. CP62–194; Benedum-Trees Oil Company, Operator, et al., Docket No. CI62–694; Benedum-Trees Oil Company, et al., Docket No. CI62–695; Paul Benedum, Docket No. CI62–696; Great Lakes Natural Gas Co., Inc., Docket No., CI62–730; The Grantley Company, Docket No. CI62–731; Paul L. Britton, Jr., Operator, et al., Docket No. CI62–732; Atlas Exploration Company, Operator, Docket No. CI62–760; Worldwide Petroleum Corporation, Docket No. CI62–761; Russell McConnell, Docket No. CI62–762; Flanigan Bros., Operator and Agent, et al., Docket No. CI62–999.

On May 18, 1962, a notice of application was issued by the Secretary of the Commission setting the application of Medina Gathering Corporation (Medina) in Docket No. CP62–194[1] for abridged hearing on June 26, 1962. On June 12, 1962, a notice was issued by the Secretary of the Commission (27 F.R. 5752), postponing hearing in Docket CP62–194 to a date to be fixed by further notice.

[1] Medina proposes to sell gas purchased from the above producers to Tennessee Gas Transmission Company for winter peaking service.

On August 7, 1962, the applications of the respective producers[2] named above to sell gas to Medina were noticed for formal hearing on October 2, 1962.

The matters involved in the above-named dockets are related, and accordingly, the producer dockets specified in the notice of applications dated August 7, 1962, and Docket No. CP62–194 (Medina Gathering Corporation) are hereby consolidated for purposes of a hearing which will be held at a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., on October 2, 1962, at 10:00 a.m.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–9220; Filed, Sept. 14, 1962; 8:46 a.m.]

[Docket No. 20414][1]

WESTATES PETROLEUM CO.

Order Redesignating Proceeding

SEPTEMBER 10, 1962.

On November 30, 1959, Hamilton Dome Oil Company, Ltd. (Hamilton Dome), tendered for filing a proposed increased rate for its jurisdictional sales of natural gas to El Paso Natural Gas Company from the Permian Basin Area, Lea County, New Mexico. Such filing was designated as Supplement No. 6 to Hamilton Dome's FPC Gas Rate Schedule No. 2, and was suspended by the Commission's order issued December 18, 1959, in Docket No. G–20414, until June 1, 1960, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On August 16, 1960, Westates Petroleum Company (Westates) submitted a notice of succession and certificate of merger dated December 29, 1959, to Hamilton Dome's FPC Gas Rate Schedule No. 2. The Commission, by letter dated April 11, 1961, advised Westates, inter alia, that such documents had been accepted for filing and on the basis thereof, Hamilton Dome's FPC Gas Rate Schedule No. 2 had been redesignated as Westates' FPC Gas Rate Schedule No. 2.

On June 17, 1960, Westates submitted a motion pursuant to section 4(e) of the National Gas Act requesting that Supplement No. 6 to its FPC Gas Rate Schedule No. 2, suspended by the Commission's aforementioned order issued December 18, 1959, be made effective as of June 1, 1960. With Westates motion to place its suspended increased rate in effect subject to refund, Westates also submitted its agreement and undertaking. On October 3, 1960, the Commission issued its notice of effectiveness allowing the increased rate contained in Supplement No. 6 to Westates' FPC Gas Rate Schedule No. 2 to become effective subject to refund as of June 17, 1960.

[2] The producers each applied for a certificate of public convenience and necessity authorizing the sale and delivery to Medina for resale of natural gas produced from certain acreage in Pennsylvania and Ohio.

[1] The proceeding in Docket No. G–20414 was consolidated with the Area Rate Proceedings in Docket No. AR61–1, et al., by the Commission's order issued December 23, 1960.

The Commission finds:

It is necessary and proper in carrying out the provisions of the Natural Gas Act that Westates Petroleum Company be substituted for Hamilton Dome Oil Company, Ltd., as Respondent in the above-designated proceeding, and that said proceeding be redesignated accordingly.

The Commission orders:

Westates Petroleum Company is hereby substituted for Hamilton Dome Oil Company, Ltd., in Docket No. G–20414, and said proceeding is hereby redesignated as Westates Petroleum Company.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–9218; Filed, Sept. 14, 1962; 8:45 a.m.]

OFFICE OF EMERGENCY PLANNING

IOWA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85–763, and Public Law 87–296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated September 5, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the State of Iowa, adversely affected by floods beginning on or about March 9, 1962, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Iowa to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 5, 1962:

The counties of:

Blackhawk.	Monona.
Cherokee.	O'Brien.
Clay.	Osceola.
Crawford.	Plymouth.
Dickinson.	Pocahontas.
Ida.	Sac.
Linn.	Sioux.
Lyon.	Woodbury.
Marshall.	

Dated: September 11, 1962.

EDWARD A. MCDERMOTT,
Director, Office of Emergency Planning.

[F.R. Doc. 62–9214; Filed, Sept. 14, 1962; 8:45 a.m.]

NEBRASKA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85–763, and Public Law 87–296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated September 5, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the State of Nebraska, adversely affected by floods beginning on or about June 6, 1962, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Nebraska to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 5, 1962:

The counties of:

Brown.	Keya Paha.
Cedar.	Knox.
Dixon.	Rock.

Dated: September 11, 1962.

EDWARD A. MCDERMOTT,
Director, Office of Emergency Planning.

[F.R. Doc. 62–9215; Filed, Sept. 14, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

SEPTEMBER 11, 1962.

The common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction

in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 12, 1962, through September 21, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9229; Filed, Sept. 14, 1962; 8:48 a.m.]

[File No. 70-4062]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Proposed Redemption of Preferred Stock

SEPTEMBER 11, 1962.

Notice is hereby given that Public Service Company of Oklahoma ("Oklahoma"), 600 South Main Street, Tulsa 2, Oklahoma, a public-utility subsidiary company of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(c) of the Act and Rule 42 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Oklahoma proposes to redeem on November 1, 1962, at the redemption price of $103.19 per share plus accrued dividends to said date, all of its 50,000 authorized and outstanding shares of 4.65 percent Preferred Stock, par value $100 per share. The 50,000 shares of 4.65 percent Preferred Stock so redeemed will be cancelled and retired and restored to the status of authorized but unallotted (unissued) shares. Prior to the redemption date, Oklahoma will deposit, irrevocably in trust with The First National Bank and Trust Company of Tulsa, Tulsa, Oklahoma, funds sufficient to redeem all said shares. Notice of intention to redeem said shares will be published in newspapers of general circulation in Tulsa, Oklahoma, Chicago, Illinois, and New York, New York, in accordance with the provisions of the company's Articles of Incorporation, as amended, and with the laws of the State of Oklahoma.

The declaration states that Oklahoma has available funds in short-term United States Government securities and temporary cash investments sufficient to redeem its 4.65 percent Preferred Stock and that the company deems advisable the use thereof, to the extent required ($5,159,500), to redeem said shares.

Fees and expenses expected to be incurred in connection with the proposed transaction are estimated at $2,000 as follows: transfer agent, $200; redemption agent, $200; system service company, $500 (allocated from annual retainer); counsel fees, $750 (allocated from annual retainer); and miscellaneous expenses, $350. The declaration states that no State and no Federal commision, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 27, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9230; Filed, Sept. 14, 1962; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 395]

LOUISIANA

Declaration of Disaster Area

Whereas, it has been reported that during the month of August 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Cameron Parish in the State of Louisiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act .

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from earthquake and accompanying conditions occurring on or about August 30, 1962.

OFFICES

Small Business Administration Regional Office,
Railway Exchange Building,
909 17th Street,
Denver 2, Colo.

Small Business Administration Branch Office,
Kearns Building, Room 520,
136 South Main Street,
Salt Lake City, Utah.

2. A temporary office will be established at Logan, Utah, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1963.

Dated: August 31, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-9235; Filed, Sept. 14, 1962; 8:49 a.m.]

[Declaration of Disaster Area 396]

UTAH

Declaration of Disaster Area

Whereas, it has been reported that during the month of August 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Cache County in the State of Utah;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Parish and areas adjacent thereto, suffered damage or destruction resulting from tornado, wind and accompanying conditions occurring on or about August 28, 1962.

OFFICES

Small Business Administration Regional Office, Fidelity Building,
1000 Main Street,
Dallas 2, Tex.

Small Business Administration Branch Office,
Federal Office Building, Room 303,
610 South Street,
New Orleans 12, La.

2. A temporary office will be established at Cameron, Louisiana, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1963.

Dated: August 31, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-9236; Filed, Sept. 14, 1962; 8:49 a.m.]

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1963.

Dated: August 31, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-9236; Filed, Sept. 14, 1962; 8:49 a.m.]

TARIFF COMMISSION

[AA1921—24]

SHEET GLASS FROM CZECHOSLOVAKIA

Notice of Hearing

Notice is hereby given that the United States Tariff Commission, on September 11, 1962, ordered a public hearing to be held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to glass, sheet, in jalousie louvre sizes, from Czechoslovakia. Notice of the institution of this investigation was published in the FEDERAL REGISTER on August 31, 1962 (27 F.R. 8751).

The hearing will be held in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C., at 10 a.m., e.d.s.t., on October 16, 1962. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Issued: September 12, 1962.

By order of the Tariff Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 62-9231; Filed, Sept. 14, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order 62, Amdt. 3]

MISSISSIPPI AND LOUISIANA

Authorizing Railroads To Transport Hay at Reduced Rates

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing that due to the drouth conditions existing in the State of Kentucky the Commission issued its Drouth Order No. 62 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport hay to the drouth area at reduced rates;

And it further appearing that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to certain counties in the State of Mississippi and parishes in the State of Louisiana.

It is ordered, That Drouth Order No. 62 as amended, be, and it is hereby further amended by adding thereto the following:

MISSISSIPPI

15 counties, viz:	Lincoln.
Claiborne.	Neshoba.
Clarke.	Newton.
Holmes.	Rankin.
Jasper.	Sunflower.
Kemper.	Warren.
Lauderdale.	Wayne.
Leake.	Yazoo.

LOUISIANA

19 parishes, viz:	Morehouse.
Allen.	Natchitoches.
Avoyelles.	Pointe Coupee.
Bienville.	Red River.
East Feliciana.	Sabine.
Evangeline.	St. Landry.
Franklin.	St. Martin.
Grant.	Vermillion.
Jackson.	Vernon.
Lafayette.	West Carroll.

It is further ordered, That in all other respects Drouth Order No. 62 as amended shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 11th day of September A.D. 1962.

By the Commission, Vice Chairman Walrath.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-9234; Filed, Sept. 14, 1962; 8:49 a.m.]

FOUTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 12, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37934: *Petroleum residual fuel oil to points in Wisconsin.* Filed by Western Trunk Line Committee, Agent (No. A-2272), for interested rail carriers. Rates on petroleum residual fuel oil, in tank-car loads, from specified points in Illinois and Indiana, to Chippewa Falls, Eau Claire, Marshfield, Stevens Points, and Wisconsin Rapids, Wis.

Grounds for relief: Market competition.

Tariffs: Supplement 16 to Western Trunk Line Committee tariff I.C.C. A-4354, and two other schedules named in the application.

FSA No. 37935: *Soda ash to Hillsboro and Lincoln, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-8255), for interested rail carriers. Rates on soda ash, other than modified soda ash, in carloads, from Lake Charles, La., Corpus Christi and Houston, Tex., to Hillsboro and Lincoln, Ill.

Grounds for relief: Market competition.

Tariffs: Supplements 50 and 109 to Southwestern Freight Bureau tariffs I.C.C. 4451 and 4370, respectively.

FSA No. 37936: *Soda ash to Crossett, Ark.* Filed by Southwestern Freight Bureau, Agent (No. B-8261), for interested rail carriers. Rates on soda ash, other than modified, in carloads, from specified points in Michigan, New York, and Ohio, also Saltville, Va., to Crossett, Ark.

Grounds for relief: Market competition.

Tariff: Supplement 58 to Southwestern Freight Bureau tariff I.C.C. 4406.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-9233; Filed, Sept. 14, 1962; 8:48 a.m.]

[Notice 693]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 12, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65089. By order of September 10, 1962, The Transfer Board approved the transfer to Stanley's Transfer Co., Inc., Jacksonville, N.C., of Certificate No. MC 123712, issued January 23, 1962, to Stanley E. Wainwright, doing business as Wainwright Transfer Company, Jacksonville, N.C., authorizing the transportation of: Household goods as defined by the Commission, (a) between points in North Carolina and South Carolina, and (b) between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia. E. C. Brooks, Jr., P.O. Box 906, Durham, N.C., attorney for applicants.

No. MC-FC 65214. By order of September 10, 1962, The Transfer Board approved the transfer to Warren Moege,

doing business as Moege Truck Line, Wamego, Kans., of Certificates Nos. MC 39133 and MC 39133 Sub-3, issued January 30, 1950, and January 23, 1953, respectively to Oliver Anderson, Alma, Kans., authorizing the transportation of: Livestock, seeds, feeds, building and fencing materials, agricultural implements and parts, binder twine, windmills and parts, iron and steel tanks, baling wire, petroleum products in containers, fertilizers, home appliances, tires, tubes, and batteries, between Alma, Kans., and points within 15 and 20 miles thereof, except Manhattan, Kans., on the one hand, and, on the other, St. Joseph, Mo., Kansas City, and North Kansas City, Mo., and Kansas City, Kans.

No. MC-FC 65274. By order of September 10, 1962, The Transfer Board approved the transfer to Homestake Mining Company, a corporation, and United Nuclear Corporation, a limited partnership, doing business as Homestake-Sapin Partners, Grants, N. Mex., the operating rights in Certificate No. MC 119115 issued March 1, 1960, to Orco Corporation, Albuquerque, N. Mex., authorizing the transportation of caustic soda solution, in bulk, in tank vehicles, over irregular routes, from Henderson, Nev., to Grants, N. Mex., and points within 30 miles of Grants. O. Russell Jones, P.O. Box 1437, Santa Fe, N. Mex., attorney for applicants. Harry L. Bigbee, P.O. Box 669, Santa Fe, N. Mex., attorney for applicants.

No. MC-FC 65292. By order of September 10, 1962, The Transfer Board approved the transfer to Robert G. Wright, doing business as Star Valley-Jackson Stages, Idaho Falls, Idaho, of Certificate No. MC 123873, issued January 18, 1962, to Donald L. Zimmerman and Floyd C. Jones, a partnership, doing business as Salmon Short Line, Idaho Falls, Idaho, authorizing the transportation of: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Idaho Falls, Idaho, and Salmon, Idaho, serving all intermediate points, and the off-route points of Gilmore, Idaho; between Roberts, Idaho, and Idaho Falls, Idaho, serving all intermediate points, and between junction Idaho Highway 28 and unnumbered highway (known as Pole Line Road), and the site of the Atomic Energy Plant, serving all intermediate points. Reed L. Moss, 520 "D" Street, Idaho Falls, Idaho, attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-9232; Filed, Sept. 14, 1962; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anniston Sportswear Corp., 919 West Ninth Street, Anniston, Ala.; effective 9-10-62 to 9-9-63 (men's dress trousers).

Ashland Shirt Corp., 2212 Center Street, Ashland, Pa.; effective 8-28-62 to 8-27-63 (sport and dress shirts).

Barnwell Garment Co., Inc., Erin, Tenn.; effective 8-29-62 to 8-28-63 (dusters).

Glamorise Foundations, Inc., 228 Pine Street, Williamsport, Pa.; effective 8-30-62 to 8-29-63 (brassieres, girdles, corselettes).

Greenwood Manufacturing Co., Inc., 331 Waller Avenue, Greenwood, S.C.; effective 9-3-62 to 9-2-63 (ladies' dresses, housecoats).

Kenchester Manufacturing Co., Inc., Buchanan, Va.; effective 8-27-62 to 8-26-63 (women's dresses).

M & H Dress Co., Washington Street, Jermyn, Pa.; effective 9-3-62 to 9-2-63 (ladies' dresses).

Meyersdale Manufacturing Co., Inc., Meyersdale, Pa.; effective 9-4-62 to 9-3-63 (men's shirts).

Petersburg Manufacturing Co., Petersburg, Tenn.; effective 8-29-62 to 8-28-63 (men's and boys' unlined jackets).

Southern Foundations, Inc., Alamo, Tenn.; effective 9-4-62 to 9-3-63 (foundation garments for women).

Tic Tac Co., Inc., Dicey Creek Road, Camden, S.C.; effective 8-30-62 to 8-29-63 (children's slacks, shirts, and coveralls).

Toccoa Garment Co., Inc., Big A Road, Toccoa, Ga.; effective 9-4-62 to 9-3-63 (ladies' blouses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Rita Barber Manufacturing Co., 518 Buttonwood Street, Abilene, Tex.; effective 9-4-62 to 9-3-63; three learners (burial dresses and negligees for women).

Bay Shore Togs, Locust Street, Keyport, N.J.; effective 9-5-62 to 9-4-63; five learners (men's and boys' robes, children's car coats and snowsuits).

Beebe Industries, Inc., North Holly Street, Beebe, Ark.; effective 8-27-62 to 8-26-63; 10 learners (women's sportswear, slacks, and shorts).

Green Bay Outerwear Co., 129 South Washington Street, Green Bay, Wisc.; effective 9-5-62 to 9-4-63; six learners (men's and boys' jackets).

Royal Fashions, Inc., 284 Main Street, Dupont, Pa.; effective 9-4-62 to 9-3-63; six learners (ladies' cotton dresses).

Wendell Garment Co., Inc., 91 North Pine Street, Wendell, N.C.; effective 9-5-62 to 9-4-63; 10 learners (men's knit sport shirts).

Whitakers Garment Co., Inc., Railroad Street, Whitakers, N.C.; effective 8-27-62 to 8-26-63; 10 learners (children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barnwell Garment Co., Inc., Erin, Tenn.; effective 8-29-62 to 2-28-63; 150 learners (dusters).

County Wide Sewing Co., South Boulevard, Clinton, N.C.; effective 9-4-62 to 3-3-63; 25 learners (ladies' and children's carcoats).

Petersburg Manufacturing Co., Petersburg, Tenn.; effective 8-29-62 to 2-28-63; 150 learners (men's and boys' unlined jackets).

Sampson Sewing Co., Inc., Railroad Street, Clinton, N.C.; effective 9-4-62 to 3-3-63; 30 learners (children's carcoats and ladies' slacks).

Somerville Manufacturing Co., Inc., Somerville, Tenn.; effective 9-3-62 to 3-2-63; 40 learners (men's cotton and synthetic slacks).

Spruce Pine Manufacturing Co., Spruce Pine, N.C.; effective 9-13-62 to 3-12-63; 26 learners (men's and boys' dress shirts).

Levi Strauss and Co., Warsaw, Va.; effective 8-27-62 to 2-26-63; 25 learners (cotton work pants).

West Virginia Garment Co., 3306 Wetzel Street, Wheeling, W. Va.; effective 8-29-62 to 2-28-63; 30 learners (women's dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Fox River Glove Co., Inc., West Fond Du Lac Street, Ripon, Wisc.; effective 8-29-62 to 8-28-63; one learner for normal labor turnover purposes (children's leather mittens).

Monte Glove Co., Inc., Shelbyville, Ind.; effective 8-28-62 to 8-27-63; 10 learners for normal labor turnover purposes (work gloves).

Proper Maid Silk Manufacturing Co., Inc., 6 Washington Street, Amsterdam, N.Y.; effective 9-4-62 to 9-3-63; 10 learners for normal labor turnover purposes (gloves—dress, woven, or knit).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

C. W. Anderson Hosiery Co., East Carolina Avenue, Clinton, S.C.; effective 9-4-62 to 9-3-63; five learners for normal labor turnover purposes (seamless, full-fashioned).

Auburn Hosiery Mills, Inc., Plant No. 2, Adairville, Ky.; effective 9-4-62 to 3-3-63; 10 learners for plant expansion purposes (seamless).

Diamond Mills Corp., High Point, N.C.; effective 9-3-62 to 9-2-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless, full-fashioned).

Portage Hosiery Co., Portage, Wisc.; effective 9-5-62 to 9-4-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Junior Form Lingerie Corp., Cairnbrook, Pa.; effective 9-1-62 to 8-31-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (lingerie—slips, petticoats, gowns).

Malone Knitting Co., Inc., Factory Street, Wolfeboro, N.H.; effective 9-4-62 to 9-3-63; five learners for normal labor turnover purposes (infant's, and children's underwear).

Thomas Textile Co., Inc., Whitehall, Ga.; effective 8-29-62 to 8-28-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

Mauston Manufacturing Co., 424 La Crosse Street, Mauston, Wisc.; effective 9-4-62 to 3-3-63; 40 learners for plant expansion purposes in the occupation of sewing machine operator for a learning period of 320 hours at the rate of not less than $1.00 an hour (canvas covers for entrenching tools, ammunition, and canteens).

Regulations Applicable to the Employment of Student-workers (20 CFR 527.1 to 527.9).

Adelphian Academy, 820 Academy Road, Holly, Mich.; effective 9-1-62 to 8-31-63; authorizing the employment of 60 student-workers in the woodworking (trellises, bird houses, etc.) industry in the occupations of woodworking machine operator, assembler and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 240 hours at the rates of $1.00 an hour for the first 120 hours and $1.05 an hour for the remaining 120 hours.

Auburn Academy, Auburn, Wash.; effective 9-1-62 to 8-31-63; authorizing the employment of 90 student-workers in the furniture manufacture industry in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.00 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours.

Campbellsville College, Campbellsville, Ky.; effective 9-1-62 to 8-31-63; authorizing the employment of: (1) 15 student-workers in the furniture and novelty manufacturing industry in the occupations of woodworking machine operator, veneer machine operator, including glue reel worker, assembler, furniture finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.00 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours; (2) 15 student-workers in the metal fabricating industry in the occupations of machine tools operator, lathe operator, milling machine operator, drill press operator and related skilled and semiskilled occupations, for a learning period of 850 hours at the rates of $1.00 an hour for the first 425 hours and $1.05 an hour for the remaining 425 hours.

Campion Academy, Loveland, Colo.; effective 9-1-62 to 8-31-63; authorizing the employment of 40 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.00 an hour for the first 180 hours and $1.05 an hour for the remaining 180 hours.

Cedar Lake Academy, Cedar Lake, Mich.; effective 9-1-62 to 8-31-63; authorizing the employment of 20 student-workers in the furniture manufacturing (redwood-outdoor) industry in the occupations of woodworking machine operator, assembler, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.00 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours.

Clear Creek Baptist School, Pineville, Ky.; effective 9-1-62 to 8-31-63; authorizing the employment of 20 student-workers in the church furniture manufacturing industry in the occupations of woodworking machine operator, assembler, furniture finisher and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.00 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours.

Emmanuel Missionary College, Barrien Springs, Mich.; effective 9-1-62 to 8-31-63; authorizing the employment of: (1) 60 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.00 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours; (2) 12 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learner period of 1000 hours at the rates of $1.00 an hour for the first 500 hours and $1.05 an hour for the remaining 500 hours; (3) 90 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher and related skilled and semi-skilled occupations, for a learning period of 600 hours at the rates of $1.00 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours; (4) 5 student-workers in the clerical industry in the occupations of bookkeeper, stenographer and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.05 an hour for the remaining 240 hours.

Enterprise Academy, Enterprise, Kans.; effective 9-1-62 to 8-31-63; authorizing the employment of eight student-workers in the printing industry in the occupations of compositors, pressmen, line-type operator, bindery worker and related skilled and semiskilled occupations, for a learning period of 1000 hours at the rates of $1.00 an hour for the first 500 hours and $1.05 an hour for the remaining 500 hours.

Forest Lake Academy, Mainland, Fla.; effective 9-1-62 to 8-31-63; authorizing the employment of 10 student-workers in the printing industry in the occupations of compositor, pressmen, bindery worker and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 1000 hours at the rates of $1.00 an hour for the first 500 hours and $1.05 an hour for the remaining 500 hours.

Glendale Union Academy, 700 Kimlin Drive, Glendale, Calif.; effective 9-1-62 to 8-31-63; authorizing the employment of four student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1000 hours at the rates of $1.00 an hour for the first 500 hours and $1.05 an hour for the remaining 500 hours.

Grand Ledge Academy, Grand Ledge, Mich.; effective 9-1-62 to 8-31-63; authorizing the employment of 100 student-workers in the woodworking (lawn and garden furniture) industry in the occupations of woodworking machine operator, assembler, furniture finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.00 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours.

Hawaiian Mission Academy, 1438 Pensacola Street, Honolulu, Hawaii; effective 9-1-62 to 8-31-63; authorizing the employment of: (1) five student-workers in the printing industry in the occupations of compositor, pressman, bindery worker and related skilled and semi-skilled occupations, for a learning period of 1000 hours at the rates of $1.00 an hour for the first 500 hours and $1.05 an hour for the remaining 500 hours; (2) one student-worker in the clerical industry in the occupations of typist, bookkeeper and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.05 an hour for the remaining 240 hours.

Laurelwood Academy, Gaston, Oreg.; effective 9-1-62 to 8-31-63; authorizing the employment of 50 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.00 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours.

Maplewood Academy, 700 North Main Street, Hutchinson, Minn.; effective 9-1-62 to 8-31-63; authorizing the employment of: (1) 18 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker and related skilled and semi-skilled occupations, for a learning period of 600 hours at the rates of $1.00 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours; (2) 17 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.00 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours; (3) 2 student-workers in the clerical industry in the occupations of typist, record-keeper and related skilled and semiskilled occupations in the office, for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.05 an hour for the remaining 240 hours.

Nashville Agricultural and Normal Institute, Madison College, Madison, Tenn.; effective 9-1-62 to 8-31-63; authorizing the employment of 15 student-workers in the food manufacturing industry in the occupations of skilled and semiskilled occupations in food manufacturing including fireman and boiler room operator in steam plant, for a learning period of 300 hours at the rates of $1.00 an hour for the first 150 hours and $1.05 an hour for the remaining 150 hours.

Newbury Park Academy, 180 Academy Drive, Newbury Park, Calif.; effective 9-1-62 to 8-31-63; authorizing the employment of 25 student-workers in the broom and mop manufacturing industry in the occupations of broom maker, sorter, seeder, winder, stitcher, dyer, and related skilled and semi-skilled occupations, for a learning period of 360 hours at the rates of $1.00 an hour for the first 180 hours and $1.05 an hour for the remaining 180 hours.

Oak Park Academy, Nevada, Iowa; effective 9-1-62 to 8-31-63; authorizing the employment of: (1) five student-workers in the printing industry in the occupations of compositor, pressman, and related skilled occupations including incidental clerical work in the shop, for a learning period of 1,000 hours at the rates of $1.00 an hour for the first 500 hours and $1.05 an hour for the remaining 500 hours; (2) nine student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.00 an hour for the first 180 hours and $1.05 an hour for the remaining 180 hours.

Ozark Academy, Gentry, Ark.; effective 9-1-62 to 8-31-63; authorizing the employment of 17 student-workers in the broom and mop manufacturing industry in the occupations of broom maker, stitcher, sorter, winder, painter, and related skilled and semi-skilled occupations, for a learning period of 360 hours at the rates of $1.00 an hour for the first 180 hours and $1.05 an hour for the remaining 180 hours.

Sandia View Academy, Academy Industries, Albuquerque, N. Mex.; effective 9–1–62 to 8–31–63; authorizing the employment of 25 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.00 an hour for the first 360 hours and $1.05 an hour for the remaining 300 hours.

Shenandoah Valley Academy, New Market, Va.; effective 9–1–62 to 8–31–63; authorizing the employment of: (1) 25 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, sewer, trimmer, backer, cutter, casemaker, letterer and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.00 an hour for the first 300 hours and $1.05 an hour for the remaning 300 hours; (2) 10 student-workers in the broom and mop manufacturing industry in the occupations of broom maker, stitcher, seeder, sorter, winder, dyer, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.00 an hour for the first 180 and $1.05 an hour for the remaining 180 hours.

Southern Missionary College, Collegedale, Tenn.; effective 9–1–62 to 8–31–63; authorizing the employment of: (1) 80 student-workers in the bookbinding industry in the occupations of bookbinder, sewer, casemaker and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.00 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours; (2) 78 student-workers in the broom manufacturing industry in the occupations of winder, sorter, stitcher and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.00 an hour for the first 180 hours and $1.05 an hour for the remaining 180 hours; (3) 20 student-workers in the clerical industry in the occupations of typist, filer, stenographer and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.05 an hour for the remaining 240 hours; (4) 49 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 1,000 hours at the rates of $1.00 an hour for the first 500 hours and $1.05 an hour for the remaining 500 hours.

Southwestern Junior College, Keene, Tex., effective 9–1–62 to 8–31–63; authorizing the employment of: (1) six student-workers in the printing industry in the occupations of compositor, pressman, bindery worker, camera and plate room technician and related skilled and semiskilled occupations, for a learning period of 1,080 hours at the rates of $1.00 an hour for the first 500 hours and $1.05 for the remaining 500 hours; (2) two student-workers in the clerical industry in the occupations of typist, file clerk, bookkeeper, stenographer, timekeeper and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 and $1.05 an hour for the remaining 240 hours.

Thunderbird Academy, 13401 North Scottsdale Road, Scottsdale, Ariz.; effective 9–1–62 to 8–31–63; authorizing the employment of 85 student-workers in the woodworking (manufacturing furniture) industry in the occupations of woodworking machine operator, assembler, furniture finisher and related skilled and semiskilled occupations including incidental clerical work in shop, for a learning period of 400 hours at the rates of $1.00 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours.

Union Springs Academy, Union Springs, N.Y.; effective 9–1–62 to 8–31–63; authorizing the employment of 25 student-workers in the broom manufacturing industry in the occupations of sorters, winders, stitchers, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.00 an hour for the first 180 hours and $1.05 an hour for the remaining 180 hours.

Upper Columbia Academy, Spangle, Wash.; effective 9–1–62 to 8–31–63; authorizing the employment of 62 student-workers in the furniture manufacturing industry in the occupations of woodworking machine, springer, sewer, trimmer, cutter, assembler, upholsterer, furniture finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.00 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours.

Walla Walla College, College Place, Wash.; effective 9–1–62 to 8–31–63; authorizing the employment of: (1) 10 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1000 hours at the rates of $1.00 an hour for the first 500 hours and $1.05 an hour for the remaining 500 hours; (2) 30 student-workers in the bookbinding industry in the occupations of bookbinding, bindery worker and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.00 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours.

These student-worker certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 7th day of September 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–9227; Filed, Sept. 14, 1962; 8:47 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below: Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to 29 CFR 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region II

W. T. Grant Co. (#165), 544 Federal Street, Camden, N.J.; effective 8–22–62 to 8–21–63 (department store; 57 employees).

Region IV

Richbourg Brothers Markets, Inc., 700 Bleckley Street, Anderson, S.C.; effective 8–20–62 to 8–19–63 (food store; 23 employees).

Region VI

Field-Schlick, Inc., 14 West Fifth Street, St. Paul, Minn.; effective 8–22–62 to 8–21–63 (apparel store; 332 employees).

Region X

K. C. Super Market, Benton, Tenn.; effective 8–18–62 to 8–17–63 (food store; nine employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates below $1.00 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

The J. S. Dillon & Sons Stores Co., Inc. (#46), 2900 Anderson-Highway 24, Manhattan, Kans.; effective 8–20–62 to 8–28–63; cashiers, clerks, meat cutters, carryout, wrappers, maintenance; between 7.6 percent and 10 percent (food store; 28 employees).

K-Mart, Garden Plaza, 29600 Ford Road, Garden City, Mich.; effective 8–21–62 to 8–20–63; sales clerk; 10 percent each month (variety store; 139 employees).

K-Mart (#4002), Tech Plaza Shopping Center, 29240 Van Dyke Avenue, Warren, Mich.; effective 8–21–62 to 8–20–63; sales clerk; 10 percent each month (variety store; 128 employees).

Kohl's Food Stores-Bradley, Inc., 7300 North 43d Street, Milwaukee, Wis.; effective 8–27–62 to 8–26–63; bag boys; between 9.7 percent and 10 percent (food store; 67 employees).

Kohl's Food Stores-Hampton, Inc., 2601 West Hampton Avenue, Milwaukee, Wis.; effective 8–27–62 to 8–26–63; bag boys; between 9.1 percent and 10 percent (food store; 65 employees).

Kohl's Food Stores-Cleveland, Inc., 10707 West Cleveland Avenue, Milwaukee, Wis.; effective 8–21–62 to 8–20–63; bag boys; between 8.3 percent and 10 percent (food store; 65 employees).

S. S. Kresge Co. (#745), 2820 Northwest 183d Street, Carol City, Fla.; effective 8–21–62 to 8–20–63; sales clerk; between 7.2 percent and 10 percent (variety store; 23 employees).

S. S. Kresge Co. (#364), 29134 Van Dyke, Warren, Mich.; effective 8–21–62 to 8–20–63; sales clerk; between 0 and 10 percent (variety store; 58 employees).

S. S. Kresge Co., 7851 Ridgewood Drive, Parma, Ohio; effective 8–21–62 to 8–20–63; sales clerk; 10 percent each month (variety store; 46 employees).

S. S. Kresge Co., 31 Bassett Center, El Paso, Tex.; effective 8–22–62 to 8–21–63; sales clerk; between 7.2 percent and 10 percent (variety store; 37 employees).

S. S. Kresge Co., 1606 Pasadena Plaza, 2004 Spencer Highway, Pasadena, Tex.; effective 8–22–62 to 8–21–63; sales clerk; between 5.8 percent and 10 percent (variety store; three employees).

Kwik Shop, Inc. (#73), 1714 West 23d Street, Lawrence, Kans.; effective 8–30–62 to 8–29–63; cashiers, clerks, meat cutters, carryout, wrappers, maintenance; between 7.6 percent and 10 percent (food store; seven employees).

Kwik Shop, Inc. (#71), 13th and Oliver, Wichita, Kans.; effective 8–30–62 to 8–29–63; cashiers, carryout, clerks, wrappers, meat cutters, maintenance; between 8.7 percent and 10 percent (food store; five employees).

G. C. Murphy Co. (#278), Pittman Plaza Shopping Center, 801 Lakeside Drive, Lynchburg, Va.; effective 8–22–62 to 8–21–63; stock clerk, sales clerk, clerk, janitor; between 1.9 percent and 10 percent (variety store; 86 employees).

G. C. Murphy Co. (#240), Roanoke-Salem Shopping Center, 4142–14 Melrose Avenue, Roanoke, Va.; effective 8–22–62 to 8–21–63; sales clerk, stock clerk, janitor, clerk; between 9.2 percent and 10 percent (variety store; 74 employees).

G. C. Murphy Co. (#156), 642 Jefferson Davis Highway, Woodbridge, Va.; effective 8–22–62 to 8–21–63; sales clerk; stock clerk; janitor; clerk; 10 percent each month (variety store; new store).

Newberry Missoula Corp., Brooks Street and Kensington, Missoula, Mont.; effective 8–22–62 to 8–21–63; sales clerk, stock clerk; between 3.5 percent and 10 percent (variety store; 54 employees).

Sterling's-Park, Inc., University Avenue and Markham, Little Rock, Ark.; effective 8–23–62 to 8–22–63; sales, stock clerks, janitorial; 10 percent each month (variety store; 25 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 7th day of September 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–9228; Filed, Sept. 14, 1962; 8:48 a.m.]

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VOLUME 27 NUMBER 181

Washington, Tuesday, September 18, 1962

THE UNIVERSITY OF MICHIGAN
SEP 26 1962
MAIN READING ROOM

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Title 3—THE PRESIDENT

Proclamation 3490

GENERAL PULASKI'S MEMORIAL DAY, 1962

By the President of the United States of America

A Proclamation

WHEREAS Casimir Pulaski, a young Polish patriot and lifelong fighter against tyranny, volunteered in the Continental Army during the American Revolution, fought with bravery, provided the struggling new nation with brilliant military leadership, was made a brigadier general by Congress, and formed his own famed Pulaski's Legion; and

WHEREAS this year marks the one hundred and eighty-third anniversary of his death on October 11, 1779, at Savannah, Georgia, where he received mortal wounds while leading a cavalry charge in the battle to recapture that city; and

WHEREAS the American people feel deep gratitude to General Pulaski and to his countrymen and the many other foreign patriots who joined in and fought for the cause of our freedom; and

WHEREAS General Pulaski's distinguished dedication to the cause of liberty will always serve as an inspiration to all peoples in their struggle for national freedom:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate Thursday, October 11, 1962, as General Pulaski's Memorial Day; and I direct the appropriate officials of the Federal Government to display the flag of the United States on all Government buildings on that day.

I also invite the people of the United States to observe the day with appropriate ceremonies in honor of the memory of General Pulaski and the high ideals for which he sacrificed his life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of September in the year of our Lord nineteen hundred and sixty-two and of the Independence of the United States of America the one hundred and eighty-seventh.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-9351; Filed, Sept. 14, 1962; 4:36 p.m.]

Executive Order 11049

PROVIDING FOR THE CARRYING OUT OF THE PUBLIC WORKS ACCELERATION ACT

By virtue of the authority vested in me by the Public Works Acceleration Act, approved September 14, 1962 (Public Law 87–658), hereinafter referred to as the Act, and by Section 301 of title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Secretary of Commerce shall assist the President in the carrying out of the Public Works Acceleration Act and to that end he shall (a) receive and coordinate proposals from Federal agencies for allocations from funds appropriated pursuant to Section 3 of the Act, and (b) make recommendations to the President for the allocation of such funds. The Secretary shall maintain such records of progress and accomplishments and shall recommend such actions by the President as are necessary to assure that Federal responsibilities under the Act are carried out expeditiously.

SEC. 2. There is hereby delegated to the Secretary of Commerce the authority vested in the President by Section 3(e) of the Act to prescribe rules, regulations, and procedures to carry out Section 3 of the Act. In prescribing such rules, regulations, and procedures, the Secretary shall include therein provisions to assure that (a) preference in employment on public works undertaken pursuant to the Act shall, insofar as practicable, be given to qualified local labor, (b) funds allocated under the Act shall be supplementary to other Federal funds which otherwise would have been expended in eligible areas as defined in the Act, and (c) appropriate State and local agencies shall direct requests for Federal assistance to the Federal agency administering the law authorizing such assistance.

SEC. 3. Federal departments and agencies receiving allocations of funds appropriated pursuant to the Act shall make such regular reports and provide such other information to the Secretary of Commerce as he deems necessary in order to carry out his responsibilities under this order, and shall cooperate with the Secretary to assure that Federal funds are expended in accordance with the requirements of the Act and of the rules, regulations, and procedures prescribed pursuant to the Act.

JOHN F. KENNEDY

THE WHITE HOUSE,
September 14, 1962.

[F.R. Doc. 62–9352; Filed, Sept. 14, 1962; 4:42 p.m.]

Executive Order 11050

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE REA EXPRESS AND CERTAIN OF ITS EMPLOYEES

WHEREAS disputes exist between the REA Express, a carrier, and certain of its employees represented by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to these disputes within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the carrier, or by its employees, in the conditions out of which these disputes arose.

JOHN F. KENNEDY

THE WHITE HOUSE,
September 14, 1962.

[F.R. Doc. 62-9366; Filed, Sept. 17, 1962; 10:27 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Air Force

Effective upon publication in the FEDERAL REGISTER, the headnote of paragraph (e) of § 6.107 is amended to read *"The Air Force Systems Command and the Office of Aerospace Research."*

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-9279; Filed, Sept. 17, 1962; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

General Services Administration

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (a) of § 6.333 is amended as set out below.

§ 6.333 General Services Administration.

(a) *Office of the Administrator.* • • •

(5) Three Confidential Assistants to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-9280; Filed, Sept. 17, 1962; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

National Aeronautics and Space Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (d) of § 6.347 is revoked, and paragraph (f) is added as set out below.

§ 6.347 National Aeronautics and Space Administration.

• • • • •

(f) One Confidential Assistant to the Assistant Administrator for Management Development.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-9281; Filed, Sept. 17, 1962; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

PART 540—PILOT FOOD STAMP PROGRAM

Regulations are hereby revised and reissued for the operation of a Pilot Food Stamp Program.

Sec.

540.1 General purpose and scope.
540.2 Definitions.
540.3 Administration.
540.4 Payments for certain costs of the certifying agency.
540.5 Certification of households as eligible.
540.6 Basis for issuing coupons to eligible households.
540.7 Methods of distributing and accounting for coupons and cash receipts.
540.8 Plans of operation.
540.9 Use of coupons by eligible households.
540.10 Participation of retail food stores.
540.11 Participation of wholesale food concerns.
540.12 Procedure for redeeming coupons.
540.13 Participation of banks.
540.14 Miscellaneous provisions.

AUTHORITY: §§ 540.1 to 540.14 issued under R.S. 161, 5 U.S.C. 22. Interpret or apply 49 Stat. 774, as amended, 7 U.S.C. 612C.

§ 540.1 General purpose and scope.

This part announces the policies and prescribes the regulations with respect to the Pilot Food Stamp Programs to be operated, in pilot areas to be announced by the Secretary of Agriculture, for the purpose of encouraging the domestic consumption of agricultural commodities and products thereof by increasing their utilization among low-income groups.

§ 540.2 Definitions.

As used in these regulations and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein, unless the context or subject matter requires otherwise.

(a) "Program" means the Pilot Food Stamp Program.

(b) "Eligible food(s)" means any food or food product for human consumption except: Coffee, tea, cocoa (as such), bananas, alcoholic beverages, tobacco, and those products which are clearly identifiable from the package as being imported from foreign sources.

(c) "Coupon" means any food stamp coupon or food coupon issued pursuant to the provisions of this part.

(d) "Coupon allotment" means the total value of coupons to be issued to an eligible household during each month, or other time period as specified by the certifying agency.

(e) "Household" means a group of related or nonrelated individuals, who are not residents of an institution or boarding house, but are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common. It may also mean a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption.

(f) "Eligible household" means a household which is located in a project area and which is determined to be in economic need of food assistance in accordance with the provisions of this part.

(g) "Head of household" means the member of the household in whose name application is made for participation as a recipient in the Pilot Food Stamp Program.

(h) "Retail food store" means an establishment or recognized department thereof which sells eligible foods to households for home consumption, or an established retail trade route which offers eligible food to households for home consumption. It also includes two or more retail food stores operated under a single management.

(i) "Food retailer" means any person, partnership, corporation or other legal entity owning or operating a retail food store.

(j) "Wholesale food concern" means an establishment which sells eligible foods to participating retail food stores for resale to eligible households.

(k) "Food wholesaler" means any person, partnership, corporation or other legal entity owning or operating a wholesale food concern.

(l) "Bank" means member and nonmember banks of the Federal Reserve System.

(m) "Federal Reserve Banks" means the 12 Federal Reserve Banks and their 24 branches.

(n) "Department" means the U.S. Department of Agriculture.

(o) "Secretary" means the Secretary of Agriculture or his authorized representative.

(p) "AMS" means the Agricultural Marketing Service of the Department.

(q) "State agency" means the State public welfare agency, including the local

offices thereof, which now administers the Federally-aided public assistance programs within a State.

(r) "Local agency" means the county or municipal governmental agency or official which assumes responsibility for administering some part or parts of the program at the election of the State agency and with the concurrence of AMS.

(s) "Certifying agency" means the agency responsible for certifying households as eligible.

(t) "Issuing agency" means the agency responsible for the issuance of coupons to eligible households.

(u) "Program participant" means any (1) household certified as eligible to participate in the program, (2) authorized retail food store, (3) authorized wholesale food concern, (4) bank receiving coupons, or (5) certifying or issuing agency whose plan of operation has been approved.

(v) "Redemption certificate" means AMS Forms: "Food Stamp Program Redemption Certificate"; "Retail Merchants Food Stamp Program Redemption Certificate"; or "Wholesalers Food Stamp Program Redemption Certificate."

§ 540.3 Administration.

(a) AMS shall act on behalf of the Department in administering the program.

(b) The State agency shall be responsible for certifying households as eligible for the program and for the issuance of coupons to eligible households, except, that another agency of the State Government, or a local agency, may, at the election of the State agency, and with the concurrence of AMS assume responsibility for the issuance of coupons to eligible households: *Provided, however*, That the City of Detroit Department of Public Welfare shall be the agency for certifying as eligible those households in the City of Detroit which are not receiving benefits under a Federally-aided public assistance program.

(c) AMS shall authorize retail food stores and wholesale food concerns to accept coupons in accordance with the provisions of this part.

§ 540.4 Payments for certain costs of the certifying agency.

AMS shall make payments to the certifying agency to assist in meeting the cost of receiving applications from, and of certifying and recertifying the eligibility of, households under § 540.5(b). The amount of such payment shall be 50 percent of the sum of: (a) The direct salary costs (including the costs of such fringe benefits as are normally paid by the certifying agency), of the personnel used to interview and to make postinterview field investigations of the eligibility of such households, and of the immediate supervisor of such personnel, for such periods of time as they are employed in certifying or recertifying the eligibility of such households; (b) travel and related costs incurred by such personnel in postinterview field investigations of such households; and (c) an amount equal to 25 percent of the costs incurred under paragraphs (a) and (b) of this section. The certifying agency shall bill AMS for such payments on a quarterly basis and such submissions shall be accompanied by such workload data as AMS may prescribe.

§ 540.5 Certification of households as eligible.

(a) Households in which all members thereof are included in the determination to grant benefits under (1) any of the following Federally-aided programs authorized in the Social Security Act: Old-age assistance; aid to dependent children; aid to the blind; and aid to the disabled, or (2) State or local general assistance programs applying the same or similar criteria of need as those applied under any such Federally-aided program, shall be determined to be in economic need of food assistance and, therefore, eligible to participate in the program while receiving such benefits.

(b) Upon application, other households shall be determined to be in economic need of food assistance and, therefore, eligible for the program, when the income and resources of such households are less than the maximum authorized for various classes of households in the plan of operation approved by AMS for any certifying agency. The criteria used in determining this maximum must bear a direct relation to the welfare standards used in the State in granting assistance under its own welfare program.

(c) An identification card shall be provided to each household certified as eligible to participate in the program.

§ 540.6 Basis for issuing coupons to eligible households.

(a) The certifying agency shall establish various classes of eligible households according to such factors as income, and family size and composition, prepare a schedule showing the value of coupon allotments to be provided the various classes established, and showing the cash amount such classes of households must pay for their coupon allotments. This schedule shall be subject to approval by AMS.

(b) The coupon allotment to be issued to each eligible household within any given class shall be such as will provide for an increase in the food expenditures of such households to enable them to more nearly approach a nutritionally adequate diet. The cash amount, if any, such households must pay for the coupons issued to them shall be such as will tend to maintain their normal expenditures for eligible foods.

(c) The certifying agency may provide a review procedure under which eligible households may, on the basis of substantial hardship, request an adjustment in the determination of the cash amount to be paid for its coupon allotment and the value of the coupon allotment. Proper documentation of any such adjustments made by the certifying agency shall be maintained in the files of the certifying agency and shall be periodically reviewed to determine the continuing need for such adjustments.

§ 540.7 Methods of distributing and accounting for coupons and cash receipts.

(a) AMS will distribute coupons directly to a designated receiving agent of the issuing agency who will promptly verify and receipt for the contents of each shipment. Thereupon, the coupons shall be the sole responsibility of the issuing agency until issued to an eligible household. The issuing agency shall provide for the adequate safekeeping of its supplies of coupons, for the maintenance of a reasonable working inventory of coupons, for the ordering of coupons in accordance with AMS instructions, and for proper inventory and accounting controls for such coupons.

(b) The issuing agency shall provide for the issuance of coupons to eligible households. The frequency of the issuance of coupons shall be such as to encourage participation of eligible households but, in any event, shall be no less often than monthly. The coupon allotment to be issued to any household, and the payments therefor, shall be in the amounts determined by the certifying agency in accordance with § 540.6 of this part.

(c) If any eligible household is found to have failed to regularly obtain its coupon allotment, such household shall be eligible to continue to participate in the program only if the certifying agency determines that such household failed to participate regularly because of temporary substantial and emergency circumstances.

(d) The issuing agency shall provide for the reconciliation of coupon inventories, coupon issuance and cash receipts therefor, for each day coupons are issued. Cash receipts shall be properly safeguarded at all times and promptly deposited, recorded and reported together with such other accounting information as AMS may specify, in accordance with instructions issued by AMS.

(e) The certifying agency, and also the issuing agency, if a separate and distinct legal entity from the certifying agency, shall be liable to the United States of America for any loss or damage sustained as a result of any violation on the part of such agencies, their agents or employees, of these regulations or the approved plan of operation, or of any failures to fully account for cash or coupons received under the program by such agency. Any such agency shall on demand pay to the United States of America the amount due as a result of any such loss or damage. Every official or employee of such agency who is responsible for receiving and issuing coupons or receiving amounts paid by eligible households must be covered by an appropriate form of surety bond in favor of such agency.

§ 540.8 Plans of Operation.

(a) The certifying agency shall submit a plan of operation to AMS for its approval. Such plan shall: (1) Set forth the coupon allotment to be provided various classes of eligible households and the payments to be made therefor; (2) describe the policies, procedures, and methods to be followed, and the forms and records to be used, in the certification of applicant households, including the verification and documentation of certification information obtained from such households; and in the carrying out of other responsibilities of the certifying agency under the provisions of this part; (3) provide assurance that welfare grants or similar aid shall not be reduced as a result of the program; and that there will be no discrimination in the certification of applicant households because of race, color, creed, or political affiliation; (4) outline the certifying agency's plan for the periodic review of certification of households to determine changes in status which would affect the continued eligibility of the household, the amount of its coupon allotment, or the amount of cash paid therefor; such plan shall provide for reviews for households not receiving public or general assistance at least on a quarterly basis, except that a plan may be submitted for approval which provides a different schedule of review for certain categories of such households, based upon the probability of changes in the status of these categories of households; (5) provide that written instructions shall be provided to personnel responsible for the certification of applicant families, which instructions shall be submitted to AMS for review for conformance with the provisions of this part and the State Plan of Operation.

(b) The issuing agency shall submit a plan of operation to AMS for approval. Such plan shall state the policies, procedures, and methods to be followed, and the forms and records to be used, to insure the proper discharge of its responsibilities under the provisions of this part. Written instructions shall be provided to personnel responsible for the issuance of coupons. Such instructions shall be submitted to AMS for review for conformance with the provisions of this part and the State Plan of Operation.

(c) As a condition of approval, AMS may require any plan of operation submitted for approval to be modified as AMS may deem necessary to effectuate the purposes of this part or to make provision for testing variations in administration of the program in one or more project areas.

(d) No amendment to the plan of operation of any certifying or issuing agency shall be made without prior written approval of AMS, and AMS may require amendment of any agency's plan of operation as a condition of continuing approval.

§ 540.9 Use of coupons by eligible households.

(a) The head of the eligible household shall sign each book of coupons provided to him in his coupon allotment. The coupons may be used only by the head of the household or other persons designated by him to purchase eligible food for such household. Except for those coupons of twenty-five or fifty-cent denominations returned to him as change by the authorized retail food store, coupons shall be detached from the book only at the time such coupons are used for payment of eligible foods purchased in or delivered by authorized retail stores.

(b) Coupons shall be used only to purchase eligible foods at the prices prevailing in the authorized retail food store in which coupons are exchanged for food. Upon request, the head of the eligible household or his designated representative shall present the identification card of the head of the household in the retail food store when exchanging food coupons for eligible foods.

(c) Coupons shall not be used to pay for any eligible foods purchased prior to the time at which the coupons are used to pay for eligible foods purchased in or delivered by authorized retail stores.

§ 540.10 Participation of retail food stores.

(a) Food retailers desiring to participate in the program shall file an application with AMS on AMS Form "Retailer Application for Authorization to Participate in the Pilot Food Stamp Programs" for each unit under their ownership which such retailers desire to have participate in the program. The filing of an application containing erroneous information may be the basis for denying or withdrawing approval to participate. AMS may also deny the application of any food retailer, or unit under his ownership, if it determines that such retailer's or unit's participation will not effectuate the program. In making such determination, AMS may consider, but shall not be limited thereto, such factors as the following: (1) The nature and extent of the retail food business conducted by the applicant; (2) the volume of food stamp program business which may reasonably be expected to be conducted by the applicant or unit under consideration; and (3) the business integrity and reputation of the applicant. Upon approval, AMS will issue an authorization evidencing such approval for the store covered by the application. Such authorization shall be retained in the retail store and no coupon shall be accepted by any retail food store prior to the receipt of such authorization by AMS, nor after withdrawal of such authorization by AMS.

(b) Authorized retail food stores shall post in the store the "Official Food List" issued by AMS or a notice of similar import.

(c) Coupons shall be accepted by the authorized retail food store only in exchange for eligible foods, and at the same prices and on the same terms and conditions applicable to cash purchases of the same foods at the same store.

(d) No owner or employee of any retail food store authorized to receive coupons shall accept coupons marked "paid" or "cancelled"; coupons marked with the name or authorization number of any other retail store; or any coupons bearing the name of any bank; or coupons of other than twenty-five or fifty-cent denominations which have been detached from the coupon book prior to the time of purchase of eligible food nor shall any such person knowingly accept coupons from a person presenting coupons in exchange for eligible food who has no right to the possession of such coupons for such use. Retailers should request persons to show the identification card of the head of the household when deemed necessary to establish right of possession of food coupons.

(e) Change in cash shall not be given for coupons, but authorized retail food stores may use for the purpose of making change those coupons having a denomination of twenty-five or fifty cents which were previously accepted in exchange for eligible foods. If change in an amount of less than fifty cents is required, the eligible household shall have the option of paying in cash or receiving credit from the authorized retail food store for the future delivery of an equivalent value of eligible foods: *Provided, however*, That to the extent twenty-five cent coupons are available, the food retailer shall utilize such coupons in making change in amounts of less than fifty cents.

(f) Authorized retail food stores which received coupons in accordance with the provisions of this part, shall be entitled to receive payment, for the face value of such coupons upon presentation through the banking system or through authorized wholesale food concerns.

(g) Food retailers shall not retain custody of any unexpended coupons of eligible households.

§ 540.11 Participation of wholesale food concerns.

(a) Wholesale food concerns desiring to participate in the program shall file an application with AMS on AMS Form "Wholesaler Application for Authorization to Participate in the Pilot Food Stamp Program." The filing of an application containing erroneous information may be the basis for denying or withdrawing approval to participate. AMS may also deny the application of any food wholesaler if it determines that such wholesaler's participation will not effectuate the program. In making such determination, AMS may consider, but shall not be limited thereto, such factors as the following: (1) The nature and extent of the wholesale food business conducted by the applicant; (2) the volume of food stamp program business which may reasonably be expected to be conducted by the applicant under consideration; and (3) the business integrity and reputation of the applicant. Upon approval, AMS will issue an authorization evidencing such approval for the concern covered by the application. Such authorization shall be retained by the concern and no coupons shall be accepted by any wholesale food concern prior to the receipt of such authorization by AMS, nor after withdrawal of such authorization by AMS.

(b) Authorized wholesale food concerns may accept coupons for redemption only from authorized retail food stores, and only when coupons are presented with the authorized retail food store's properly executed, signed redemption certificate and have not otherwise been marked "paid" or "cancelled."

(c) Authorized wholesale food concerns which have received coupons in accordance with the provisions of this part shall be entitled to receive payment through the banking system for the face value of such coupons, upon presentation

of the coupons together with (1) the authorized retail food store's signed redemption certificate for such coupons, and (2) the authorized wholesale food concern's properly executed, signed redemption certificate.

§ 540.12 Procedure for redeeming coupons.

(a) Each authorized retail food store or authorized wholesale food concern shall stamp or otherwise indicate its authorization number or the name of such store or concern on the back of each coupon prior to the time such coupons are presented for redemption under the procedure outlined in this part.

(b) Authorized retail food stores and authorized wholesale food concerns will be provided by AMS with redemption certificates which shall be used in presenting coupons to commercial banks for credit or for cash. Authorized retail food stores shall also use such certificates in presenting coupons to authorized wholesale food concerns for redemption.

§ 540.13 Participation of banks.

(a) Banks may accept coupons for redemption from authorized retail food stores and authorized wholesale food concerns in accordance with the provisions of this part and the instructions of the Federal Reserve Banks. Coupons submitted to banks for credit or for cash must be properly endorsed in accordance with § 540.12 of this part and accompanied by a properly executed redemption certificate. No bank shall knowingly accept coupons used by ineligible persons or transmitted for collection by unauthorized retail food stores, wholesale food concerns, or any other unauthorized persons, partnerships, corporations, or other legal entities. Banks may require persons presenting coupons for redemption to exhibit AMS authorization to deal in such coupons. The redemption certificates shall be held by the receiving bank until final credit has been given by the Federal Reserve Bank, after which they shall be forwarded by the receiving bank to AMS. Coupons accepted for account or payment in cash must be cancelled by or for the first bank receiving the coupons by indelibly marking "paid" or "cancelled" together with the name of the bank, or its routing symbol transit number, on the face of the coupons by means of an appropriate stamp. A portion of a coupon consisting of not less than three-fifths (⅗) of a whole coupon may be accepted for redemption at face value. A portion of a coupon of less than three-fifths (⅗) of a whole coupon will not be accepted for redemption. Banks who are members of the Federal Reserve System and nonmember clearing banks may forward cancelled coupons directly to Federal Reserve Banks for payment in accordance with applicable regulations or instructions of the Federal Reserve Banks. Other banks may forward cancelled coupons through ordinary collection channels.

(b) Federal Reserve Banks, acting as fiscal agents of the United States, are authorized to receive cancelled coupons from member banks of the Federal Reserve System and nonmember clearing banks for collection as cash items and charge such items to the general account of the Treasurer of the United States in accordance with the terms and conditions of the agreement between the Secretary of Agriculture and Federal Reserve Banks.

(c) While in the course of shipment cancelled coupons shall be considered to be at the risk of the Department, if the bank transmitting such coupons has exercised due diligence and taken ordinary care in making the shipment. Reports of loss, destruction, or damage shall be given promptly on discovery to all of the following: AMS; the nearest Secret Service Office; and the Post Office or other carrier; and the Secretary of the Treasury, Bureau of Accounts. Claim for replacement or credit in the event of loss, damage or destruction of any shipment of coupons shall be filed in writing with AMS and shall be supported by the redemption certificates received from the retail food stores or wholesale food concerns, relating to the coupons included in the particular shipment involved in such claim.

§ 540.14 Miscellaneous provisions.

(a) *Reports.* Certifying and issuing agencies shall submit such reports on the operation of the program as AMS shall prescribe.

(b) *Right of inspection and audit.* Records pertaining to the program maintained by certifying and issuing agencies, by retail food stores, and by wholesale food concerns, shall be available for review or audit by the United States at any reasonable time. Such records shall be maintained for such review or audit for a period of three years following the close of the fiscal year to which they pertain.

(c) *Disqualification and noncompliance*—(1) *Households.* any eligible household may be disqualified from future participation by the certifying agency, for such period as the certifying agency shall determine, if such household fails to comply with the provisions of this part, the plan of operation, or any procedures or instructions issued by the certifying agency or AMS pursuant thereto.

(2) *Certifying and issuing agencies.* Any certifying or issuing agency may be disqualified from future participation by AMS, for such period as AMS may determine, if the certifying or issuing agency fails to comply with the provisions of this part, the plan of operation, or any procedures or instructions issued pursuant thereto. Such agencies shall have full opportunity to submit to AMS information, explanation, or evidence concerning any instances of noncompliance before a final determination is made in such cases by AMS.

(3) *Retail food stores and wholesale food concerns.* Any authorized retail food store or authorized wholesale food concern may be disqualified from future participation by AMS, for such period as AMS may determine, if such food retailer or food wholesaler fails to comply with the provisions of this part, or any procedures or instructions issued pursuant thereto.

(d) *Administrative action in cases involving food retailers or food wholesalers.* Any retail food store or wholesale food concern considered for disqualification under paragraph (c)(3) of this section shall have full opportunity to submit to AMS information, explanation, or evidence concerning any instances of non-compliance before final determination is made by AMS as to the administrative action to be taken. Prior to such determination, the retail food store or wholesale food concern shall be sent a letter of charges by the appropriate Director, Area Office, Food Distribution Division, AMS, specifying the violations or acts which AMS believes constitute a basis for disqualification. Such letter shall inform the food retailer or food wholesaler that he may respond either orally or in writing to the charges contained therein within ten days of the mailing date thereof, which response shall set forth a statement of evidence, information, or explanation pertaining to the specified violations or acts. Such response, if any, shall be made to the Director, Area Office, who issued the letter of charges. If no response is made to the letter of charges, AMS will deem the charges to have been admitted. The letter of charges, the response, and such other information as may be available to AMS, shall be reviewed by the Director, Area Office, who will thereupon formulate his recommended decision setting forth his findings and conclusions concerning the charges and his recommendations as to the action which he believes should be taken in the case. His recommended decision shall be forwarded by him to the Director, Food Distribution Division, AMS, who shall review and consider the letter of charges, the response, if any, and such other information as may be available to AMS, and issue his determination in the matter. The determination of the Director, Food Distribution Division, AMS, shall be final unless an appeal in writing is taken therefrom to the Administrator, AMS, or such other persons as he may designate to receive such appeals, within ten days of the date of the mailing of the determination by the Director, Food Distribution Division, AMS, to the food retailer or food wholesaler. If an appeal to the Administrator, AMS, or such other person as he may designate to receive such appeals, is taken by the food retailer or food wholesaler, the decision of the Administrator, AMS, or such other persons as may have been designated by him to receive such appeals, shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence. Notwithstanding any of the above provisions of this paragraph (d), AMS may, immediately upon learning of a serious or flagrant violation of these regulations, or any applicable statute, or of any civil or criminal proceedings of a nature which would indicate such retail food store or wholesale food concern lacked business integrity or honesty, suspend such food retailer or food wholesaler for such period as may be required for AMS to complete an investigation and make a final determination concerning the administrative or legal action to be taken. The mailing by registered mail of any notice required of AMS by this paragraph (d) will constitute notice to the addressee of its contents.

(e) *Termination of participation.* Any certifying agency, issuing agency, any authorized retail food store, or authorized wholesale food concern may terminate participation at any time by giving due notice to AMS. Any such termination shall not relieve any such agency, store or concern from its responsibility to account for coupons, funds, reports, or other program obligations for which it was responsible under these regulations or an approved plan of operation.

(f) *Redemption from household.* Any eligible household which holds coupons properly issued to such household may elect to discontinue participation in the program. Unused coupons may be returned for cash refund from AMS in the same ratio of cash to coupons as was applied by the issuing agency in the issuance of the coupons to the household. Application for such refund shall be made by the head of household. In the event of the death of the head of household, the application shall be supported by a completed Standard Form 1055–Revised, Claim Against the United States for Amounts Due in the Case of a Decedent, prepared and executed as provided in regulations of the General Accounting Office, 4 CFR 5.1 and 5.2, and certified as provided in 4 CFR 5.5. If the application for refund is made by the legal representative of an incompetent, it shall be supported by the certification and documentation required by 4 CFR 5.4. Such application must be accompanied by the identification card issued to the head of the household by the certifying agency.

(g) *Coupons as obligations of the United States, false claims, and crimes.* (1) Coupons are an obligation of the United States within the meaning of 18 U.S.C. 8. The provisions of Title 18 of the U.S. Code, "Crimes and Criminal Procedure," relative to counterfeiting and alteration of obligations of the United States and the uttering, dealing in, etc., of counterfeit obligations of the United States are applicable to these coupons. All program participants and any other persons, partnerships, corporations, or other legal entities (hereinafter referred to in this subsection as "persons") having custody, care and control of coupons, shall at all times use care and caution in receiving, storing, transmitting, or otherwise handling coupons to avoid acceptance, transfer, negotiation, or use of spurious, altered, or counterfeit coupons or any unauthorized transfer, negotiation, or use of coupons and to protect coupons from theft, embezzlement, loss, damage or destruction. Any unauthorized issuance, use or transfer of coupons by any program participant or other person, or any false statement made by any program participant or other person, in any application or certification required by this part, by the plan of operation of any certifying or issuing agency, or by instructions of AMS or the Federal Reserve System, may subject such program participant or other person to criminal prosecution under any applicable provision of Title 18 U.S. Code or civil liability under the provisions of 31 U.S.C. 231 or either, or both, as well as to any legal action as may be maintained under State law.

(2) Notwithstanding any provisions of this part to the contrary, coupons may be issued to persons authorized by AMS for use in examining and inspecting program operations, compliance with program regulations, and for other purposes determined by AMS to be required for proper administration of the program. Such coupons which have been so issued and used, as well as any coupons which AMS believes may have been issued, transferred, negotiated, used, or received in violation of any provisions of this part or of any applicable statute, shall, at the request of authorized representatives of AMS and on issuance of a receipt therefor by such representatives, be released and turned over to AMS by the bank receiving such coupons, or by any other person to whom such request is addressed, together with the certificate(s) of redemption accompanying such coupons, if any. Any such coupons so requested shall not thereafter be eligible for redemption through Federal Reserve Banks or other collection channels: *Provided, however,* That AMS may redeem such coupons from any such bank or person by payment of the face amount thereof upon determination by AMS that such direct redemption of coupons is warranted under all of the circumstances of the examination or inspection in which such coupons were used. Coupons received by AMS under this paragraph (g) shall be held by AMS for such disposition as may be determined by AMS on completion of the examination or inspection in which such coupons were used. In the event such coupons have not been redeemed by AMS as provided in this subsection, claims or demands relative thereto may be mailed to the local AMS Food Stamp Project Office for the project area involved.

(h) *Mailing of notices and other documentation to AMS.* All plans of operation, requests for authorization of food retailers and wholesale food concerns, notices and all other documents required by these regulations to be forwarded to AMS, except the responses to letters of charges for which specific provision is made in paragraph (d) of this section, shall be sent to the local AMS Food Stamp Project Office, or the appropriate office of AMS for the project area involved as indicated below:

(1) For project areas in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia: Food Distribution Division, AMS, United States Department of Agriculture, 346 Broadway, New York 13, New York.

(2) For project areas in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia: Food Distribution Division, AMS, United States Department of Agriculture, 50 Seventh Street NE., Atlanta 23, Georgia.

(3) For project areas in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin: Food Distribution Division, AMS, United States Department of Agriculture, 536 South Clark Street, Chicago 5, Illinois.

(4) For project areas in Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas: Food Distribution Division, AMS, United States Department of Agriculture, 500 South Ervay Street, Dallas 1, Texas.

(5) For project areas in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming: Food Distribution Division, AMS, United States Department of Agriculture, Appraisers Building, Room 344, 630 Sansome Street, San Francisco 11, California.

(i) *Saving Clause.* Any or all of the provisions of this part may be withdrawn or amended by the Department.

NOTE: The recordkeeping and reporting requirements herein specified have been approved by, and any further such requirements that may be established will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. These regulations shall be effective on filing for publication.

S. R. SMITH,
Administrator.

Approved: September 13, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-9300; Filed, Sept. 17, 1962; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agriculture Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Burley, Flue-Cured, Fire-Cured, Dark Air-Cured, Virginia Sun-Cured, Cigar-Binder (Types 51 and 52), Cigar-Filler and Binder (Types 42, 43, 44, 53, 54, and 55), and Maryland Tobacco Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

(1) ***Basis and purpose.*** This amendment to the above-designated regulations (27 F.R. 8937) is issued pursuant to the

Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), to correct three minor inadvertent errors. Since the regulations became effective on September 8, 1962, and since this amendment is merely corrective in nature, it is hereby found that compliance with the public notice, procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary.

(2) *The amendment.* The expression "cigar-filler (types 42, 43, 44, 53, 54, and 55) tobacco" appearing in paragraph (c) of § 724.59 and also in the title of such section in the table of contents is hereby amended to read "cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco." Also, the word "of" is hereby substituted for the word "or" last appearing in the second proviso of § 724.56.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 13, 1962.

RAPHAEL V. FITZGERALD,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9301; Filed, Sept. 17, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1382; Amdt. 484]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-8 Series Aircraft

Amendment 334, 26 F.R. 8831 (AD 61-19-2), requires inspection and/or replacement of wing flap actuating cylinder hoses on Douglas DC-8 Series aircraft. Additional service information has shown the need for different replacement hoses and new replacement time limitations. Accordingly, Amendment 334 is being superseded by a new directive.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all DC-8 Series aircraft.

Compliance required as indicated.

As a result of service difficulties with flap actuating cylinder hoses, the following shall be accomplished:

(a) All black hoses bearing Douglas basic P/N 5716378-4 shall be inspected and replaced as follows:

(1) Each hose shall be inspected for any evidence of cracking, splitting, abrasion or other damage to the covering upon the accumulation of 900 hours time in service since the last inspection or 90 days after the effective date of the AD, whichever occurs first. This inspection shall be repeated at intervals of 900 hours hose time in service or 90 days whichever occurs first, until the hose is replaced. Any hose on which only the covering is found to be cracked or abraded and the hose itself is found to be undamaged must be replaced prior to the next 300 hours' time in service or 30 days, whichever occurs first. Any hose exhibiting damage other than cracked or abraded covering shall be replaced prior to further flight.

(2) Hoses with less than 1,200 hours' time in service on the effective date of this AD shall be removed from service prior to 1,500 hours total time in service on such hoses.

(3) Hoses with 1,200 to 2,250 hours' time in service on the effective date of this AD shall be removed from service within the next 300 hours hose time in service or upon the accumulation of 2,300 hours total hose time in service, whichever occurs first.

(4) Hoses with more than 2,250 hours' time in service on the effective date of this AD shall be removed from service within the next 50 hours hose time in service or prior to 3,500 hours total hose time in service, whichever occurs first.

(b) All hoses bearing Douglas basic P/N S5773937-4 (same length code), Aeroquip basic P/N 611049-4 (same length code), or Resistoflex basic P/N R25800-4 (same length code), shall be replaced as follows:

(1) Hoses with less than 2,100 hours' time in service on the effective date of this AD shall be removed from service prior to 2,500 hours total hose time in service.

(2) Hoses with 2,100 to 3,500 hours' time in service on the effective date of this AD shall be removed from service within the next 400 hours hose time in service or prior to 3,500 hours total hose time in service, whichever occurs first.

(c) When hoses are replaced with new black hoses listed in (a), the replacement hoses shall be inspected and replaced as necessary per (a)(1) and shall be removed from service prior to 1,500 hours total hose time in service. When replaced with new Douglas, Aeroquip, or Resistoflex hoses with part numbers listed in (b), the replacement hoses shall be removed from service prior to 2,500 hours total hose time in service. When replacements are made with hoses identified as Douglas basic P/N S5776432-4 (same length code), Aeroquip basic P/N 677219-4 (same length code), Stratoflex basic P/N 3115015-4CR (same length code), or another hose approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region, the special inspection and/or replacement provisions of this AD will not apply to such replacement hoses.

(d) Green or black flap actuating cylinder hoses dated prior to 1962, are not eligible for installation.

(Douglas DC-8 Service Bulletin No. 27-113 pertains to this same subject.)

This supersedes Amendment 334, 26 F.R. 8831 (AD 61-19-2).

This amendment shall become effective September 18, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 12, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-9272; Filed, Sept. 17, 1962; 8:48 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-219]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Positive Control Area

On February 13, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1323) stating that the Federal Aviation Agency (FAA) proposed to designate the Oakland, Calif., positive control area.

On August 10, 1962, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 7988) altering the eastern boundary of the proposed Oakland positive control area. In the supplemental notice of proposed rule making the geographical coordinate listed in the next to the last line of the second paragraph as "Lat. 26°0'-00'' N." was incorrect. This coordinate should have been listed as "Lat. 36°00'-00'' N." and action is taken herein to correct this coordinate.

The notice stated that at the request of the Department of the Navy, a series of live tests would be conducted by the Oakland ARTCC prior to the implementation of area positive control in the Oakland airspace. Two three-day tests were conducted during the periods from March 27-29, 1962, and from April 9-11, 1962.

The official comment of the Navy regarding the outcome of these tests was that the Oakland ARTCC did not demonstrate the capability to control Navy activities without serious derogation of tactical and training missions. Specifically, the Navy objected to radio frequency and beacon code changes and the lack of ability on the part of Oakland Center to clear Navy aircraft into or out of the area on one minute's notice. In addition, the Navy commented that there were deficiencies in both the radar and communications equipments presently installed at Oakland. In view of this, the Department of the Navy recommended that "implementation of area positive control in the Oakland area be deferred until such time as adequate facilities and procedures can provide positive control without derogation of naval operation and training missions."

The Navy comments were discussed in detail at several meetings between FAA and Navy personnel. Although some problems were evident during the tests, the FAA believes they were not due to any inherent system deficiencies. Rather, they were the result of the newness of the operation to both pilots and controllers which caused communications saturation during peak traffic periods. In addition, some of the problems during the tests were a result of attempting to provide positive separation in an environment which contained VFR (uncontrolled) activities.

Each of the Navy's comments was investigated in detail. During the period following the tests until the present, the following actions have been accomplished:

1. From June 4 to July 14, 1962, all users were requested to file IFR flight plans at hard altitudes in the Oakland area in order to refine procedures. There were no problems during this period.

2. All communications channels were flight checked by both FAA and Navy aircraft and were found to be functioning normally.

3. Live experiments were conducted at Oakland to determine the optimum sector configuration. The configuration used during the March and April tests, with minor modifications, proved to be optimum.

4. Internal coordination procedures at Oakland ARTCC were improved by re-terminating interphone lines.

5. Radar handoff capability between Oakland ARTCC and Lemoore RATCC was improved through revision of internal procedures.

6. Additional means of radar backup were provided at Oakland.

The FAA believes that the Oakland ARTCC does have the capability to provide area positive control service without derogation of naval operational and training missions. The FAA appreciates the desire of the Navy for greater flexibility for their tactical and training missions and realizes that the implementation of positive control may entail some loss of flexibility to missions which are conducted under VFR at present. However, positive control procedures provide the means for all types of activity to complete the mission assignment. If a specific activity does not readily lend itself to positive control, then special provisions are made to segregate this activity so that it may proceed with a minimum of control. As a result of the Navy objections to the positive control program, the operational plan for Oakland Center was revised to give increased emphasis to the segregation principle.

The FAA readily admits that flight under IFR, as required by positive control irrespective of weather conditions, does cause a loss of flexibility to the pilot when compared with flight under VFR. The pilot operating under IFR must file a flight plan, adhere to the clearance specified by ATC and maintain pilot-controller communication. These provisions are not applicable to the VFR pilot. However, the FAA considers that the gain in safety outweighs loss of flexibility that may be occasioned by positive control procedures. Further, the FAA contends that the special provisions made in the positive control plan for missions not readily adaptable to control are adequate to insure completion of all missions. If it is determined that they are not adequate, the FAA will modify the program as necessary, to insure that all missions are completed.

The Department of the Air Force, which also conducts operational and training missions in this area, did not object to implementation of area positive control in this regard. The Air Force stated they had no objection to the implementation of area positive control in the Oakland area provided the operational requirements for flight test activity at AF Plant 42 and Edwards Air Force Base are fulfilled. Procedures are being established to accommodate this flight test activity.

The Air Transport Association of America concurred in the proposal. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, Part 601 (14 CFR 601) is amended by adding the following section:

§ 601.9013 Positive Control Area (Oakland, Calif.).

That airspace within the continental control area from flight level 240 to and including flight level 600, bounded by a line beginning at: Latitude 40°10'00'' N., longitude 124°20'00'' W.; thence to latitude 40°45'00'' N., longitude 123°00'00'' W.; thence to latitude 40°45'00'' N., longitude 119°35'00'' W.; thence to latitude 39°35'00'' N., longitude 119°15'-00'' W.; thence to latitude 38°14'00'' N., longitude 118°35'00'' W.; thence to latitude 36°00'00'' N., longitude 118°35'00'' W.; thence to latitude 36°00'00'' N., longitude 119°30'00'' W.; thence to latitude 35°43'00'' N., longitude 119°33'00'' W.; thence to latitude 35°49'00'' N., longitude 120°04'00'' W.; thence to latitude 35°27'00'' N., longitude 120°20'00'' W.; thence to latitude 35°22'00'' N., longitude 120°30'00'' W.; thence to latitude 35°32'00'' N., longitude 120°51'00'' W.; thence to latitude 35°26'40'' N., longitude 121°04'10'' W.; thence via a line three nautical miles from the mainland to the point of beginning.

This amendment shall become effective 0401 e.s.t. October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 6, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9069; Filed, Sept. 17, 1962; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4633]

PART 239—FORMS PRESCRIBED UNDER SECURITIES ACT OF 1933

Registration Statements

The Securities and Exchange Commission has revised Form S-8 which is the form authorized for use in registering securities under the Securities Act of 1933 to be offered pursuant to certain stock purchase, savings or similar plans, and for registering the interests in such plans where such registration is required. The Commission also has amended § 239.16b of Title 17 of the Code of Federal Regulations to show therein the full text of Form S-8, as revised. The proposed changes were published in draft form January 15, 1962, in Securities Act Release No. 4440, and in the FEDERAL REGISTER for February 14, 1962 (27 F.R. 1368).

The rule as to the use of the form has been simplified and clarified in certain respects and has been amplified to permit use of the form for securities other than "equity" securities and for securities to be offered pursuant to restricted stock options. The transmittal of annual reports and other material to employees is now required by undertakings set forth at the end of the form and the provisions making such transmittal a condition to the use of the form have been deleted.

General Instruction E which defines the term "transactions within one year" as previously used in the third clause of section 4(1) of the Securities Act has been amended to define the term "transactions prior to the expiration of 40 days," which is the present language of the statute.

The Commission elsewhere has adopted an amendment to Regulation S-X (17 CFR Part 210) which prescribes the form and content of financial statements filed for employee stock purchase, savings and similar plans. The revised form specifies the financial statements to be filed for such plans as a part of registration statements on that form and to provide that such statements shall comply with the new provisions of Regulation S-X.

Additional items calling for information with respect to securities to be offered pursuant to restricted stock options have been added to the form.

The action of the Commission follows:

After consideration of all such relevant matter as was presented by interested persons regarding the changes proposed, the Commission hereby revises Form S-8 and amends § 239.16b to read as follows:

§ 239.16b Form S-8, for registration under the Securities Act of 1933 of securities to be offered to employees pursuant to certain plans.

(a) *General instructions*—(1) *Rule as to use of Form S-8.* Any issuer which at the time of filing a registration statement on this form is required to file reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 may use this form for registration under the Securities Act of 1933 of the following securities:

(i) Securities of such issuer to be offered to its employees, or to employees of its subsidiaries, pursuant to a stock purchase, savings or similar plan which meets the following conditions:

(*a*) Periodic cash payments are made, or periodic payroll deductions are authorized, by participating employees in an amount not to exceed a specified percentage of the employee's compensations or a specified maximum annual amount;

(*b*) Contributions are made by the employer in cash, securities of the issuer or other substantial benefits, including

the offering of securities at a discount from the market value thereof or the payment of expenses of the plan, in accordance with a specified formula or arrangement;

(c) Securities purchased with funds of the plan are acquired in amounts which, at the time of the payment of the purchase price, do not exceed the funds deposited or otherwise available for such payment: *Provided*, That such purchases are made periodically, or from time to time upon a reasonably current basis, and at prices not in excess of the current market price at the time of purchase;

(d) Prior to the time the employee becomes entitled to withdraw all funds or securities allocable to his account, he may withdraw at least that portion of the cash and securities in his account representing his contributions.

(ii) Interests in the above plan, if such interests constitute securities and are required to be registered under the Act.

(iii) Stock to be offered pursuant to "restricted stock options," as defined in section 421(d) of the Internal Revenue Code of 1954.

(2) *Application of general rules and regulations.* Before undertaking the preparation of the registration statement, reference should be made to the General Rules and Regulations under the Act, particularly those comprising Regulation C (§§ 230.400 to 230.494 of this chapter). That regulation contains general requirements regarding the preparation and filing of the registration statement. The definitions contained in § 230.405 should be especially noted. For the purposes of this form, however, the term "employee" includes any director, trustee, officer or other employee. The term "issuer" as used in this form means the company whose securities are to be offered pursuant to the plan.

(3) *Documents comprising registration statement.* The registration statement shall consist of the facing sheet of the form, the prospectus, the required undertakings, signatures, consents of experts and exhibits and any other information or documents filed as a part of the registration statement.

(4) *Form and content of prospectus.* The prospectus shall contain the information called for by all of the items of the form, except that no reference need be made to inapplicable items, and negative answers to any items may be omitted. The information required should be presented in clear, concise, understandable fashion. Avoid unnecessary and irrelevant details, repetition or the use of unnecessary technical language. None of the other information or documents filed as a part of the registration statement need be included in the prospectus.

(5) *Definition of "transaction prior to the expiration of forty days."* The term "transactions * * * prior to the expiration of forty days" wherever used in the third clause of section 4(1) of the Securities Act of 1933 is hereby defined not to include transactions, by a dealer, in securities of the issuer registered on this form.

(b) *Identification.* (1) Full title of the plan and the address of the employer sponsoring the plan; (2) Name of issuer of the securities being offered pursuant to the plan and the address of its principal executive offices; (3) Name and address of agent for service for the employer and for the issuer of the securities; (4) Approximate date of proposed commencement of sales pursuant to the plan.

(c) *Calculation of registration fee.*

Column 1. Title of securities[1] being registered.

Column 2. Amount[1] being registered.

Column 4. Proposed maximum aggregate offering price.[2]

Column 5. Amount of registration fee.[2]

(d) *Information required in the prospectus.*

NOTE: Items 1 to 11, inclusive, apply only to plans other than restricted stock option plans and need not be answered if the plan is a restricted stock option plan.

Item (1): General information regarding the plan. (a) Give the title of the plan and the name and address of the issuer and each participating employer. State when the plan was created, the parties thereto and the manner in which it was created.

(b) Describe generally the purposes of the plan.

Item (2): Who may participate in the plan. Indicate each class or group of employees entitled to participate in the plan. State the terms and conditions upon which initial participation by each such class or group is permitted.

Item (3): Contributions under the plan. (a) State the amount each employee is required or permitted to contribute or, if not a fixed amount, the percentage of wages or salaries or other basis of computing contributions. State when and the manner in which contributions are made.

(b) State when contributions are made by the employers and the amount and nature of each contribution or, if not a fixed amount, the basis of computing contributions.

(c) State as of the latest practicable date the approximate number of participating employees of each employer who participates in the plan.

(d) State the nature and frequency of any reports to participating employees as to the amount and status of their accounts.

Item (4): Withdrawal from the plan—assignment of interest. (a) Describe the terms and conditions under which a participating employee may (1) withdraw from the plan and terminate his interest therein, or (2) withdraw funds or investments held for his account without terminating his interest in the plan.

(b) State the nature and amount of all charges or deductions, other than for taxes, which may be made upon the termination of an employee's interest in the plan or upon the partial withdrawal of his account thereunder. Indicate clearly who will receive the amounts so charged or deducted.

(c) State whether, and the terms and conditions upon which, the plan permits an employee to assign or hypothecate his interest in the plan.

Item (5): Defaults under the plan. State separately every event of default with which a participating employee or employer may be charged and describe fully the consequences thereof, including any forfeiture or penalty which may be thereby incurred.

Item (6): Administration of the plan. (a) Give the name and complete address of the persons who administer the plan and state the capacity in which they act (such as trustees or managers) and the functions which they perform. State the nature of any material relationship between the administrators and the employee, the issuer or its affiliates.

(b) Describe the manner in which the administrators of the plan are selected, their term of office and the manner in which they may be removed from office.

(c) State the annual amount of compensation, if any, received by the administrators of the plan from assets of the plan.

Item (7): Investment of funds. (a) If a custodian, administrator or the employer or any of its affiliates has discretion with respect to the investment or disposition of all or any part of the assets of the plan, describe the policies followed and to be followed in respect of the type and proportion of securities or other property in which the assets may be invested.

(b) If the participating employee may direct or elect a procedure to be followed with respect to the investment or disposition of all or part of the assets of the plan, describe the provisions of the plan with respect thereto.

(c) If any investments are purchased otherwise than in the open market, state from whom such investments are purchased and describe the charges paid directly or indirectly from funds held under the plan. If the employer or any of its affiliates, or any person having a material relationship with the employer or any of its affiliates, directly or indirectly receives any part of the aggregate purchase price (including fees, commissions or other charges), explain fully.

Item (8): Liens on funds or property. State whether or not under the plan or any contract in connection therewith any person has or may create a lien on any funds, securities or other property held under the plan. If so, describe fully the circumstances under which the lien was or may be created.

Item (9): Termination and extension of the plan. State the circumstances under which the plan will terminate and the conditions under which it may be extended.

Item (10): Other charges and deductions. Describe all charges and deductions, other than taxes, not called for above which may be made against employees participating in the plan or against funds, securities, or other property held under the plan and indicate who will receive, directly or indirectly, any part thereof.

Item (11): Financial statements of the plan. (a) The following financial statements shall be furnished for any plan the interests in which are being registered hereunder.

(1) A certified statement of financial condition as of the end of the latest fiscal year of the plan.

(2) A certified statement of income and changes in plan equity for the latest fiscal year of the plan.

(b) If certified financial statements substantially meeting the above requirements have been furnished to all employees who receive a copy of the prospectus, such statements may be incorporated by reference in the prospectus.

[1] Furnish the information required by the table as to the underlying securities to be offered pursuant to the plan and, where the interests of participation in the plan constitute a separate security, so indicate in the table.

[2] In the case of a stock purchase, savings or similar plan, the aggregate offering price and the amount of the fee shall be computed only with respect to the aggregate employee contributions. In the case of a restricted stock option plan, the aggregate offering price and the amount of the fee shall be computed upon the basis of the full market value of the securities of the same class as those to be offered.

(c) The Commission, may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

Instructions. The statements required by this item shall be prepared and certified in accordance with the applicable provisions of Regulation S-X (17 CFR Part 210) and shall be accompanied by the schedules specified in that regulation.

NOTE: Items 12 to 18, inclusive, apply only to restricted stock option plans and need not be answered if the plan is not a restricted stock option plan.

Item (12): Issuer and participating employers. (a) State the name and address of the issuer whose stock is to be offered pursuant to the restricted stock options. If such options are to be granted by any person other than the issuer, state the name and address of such person.

(b) State the name of each company whose employees are entitled to participate in the stock option plan.

Item (13): The plan. (a) State the general nature and purpose of the plan pursuant to which the options are to be granted.

(b) State the duration of the plan and whether, and by whom, it may be modified or sooner terminated.

(c) Describe briefly the tax advantages which may accrue to employees as a result of participation in the plan and the tax effect, if any, upon the registrant.

Item (14): Securities subject to the plan. (a) State the title and total amounts of securities to be subject to options granted and to be granted pursuant to the plan.

(b) Indicate whether adjustment will be made for changes in the securities resulting from stock dividends, stock split-ups and similar changes.

Item (15): Eligibility and extent of participation. (a) Describe the basis for determining the eligibility of employees to receive options.

(b) State the maximum and minimum amounts of options to be received by any one employee and the basis for determining such amounts.

Item (16): Exercise of options. State when the options become exercisable, the price, or basis for determining the price, at which they may be exercised, the maximum amount which may be exercised in any one year, whether such amounts are cumulative and the period during which all options must be exercised. If the price at which the options may be exercised may be modified, state by whom, under what circumstances and to what extent.

Item (17): Death—termination of employment—assignment. (a) State the effect upon an employee's options of his death or the termination of his employment.

(b) State the extent, if any, to which an employee's options are assignable.

Item (18): Options to purchase securities. Furnish the following information as to options to purchase securities from the issuer or any of its subsidiaries, which are outstanding as of a specified date within 30 days prior to the date of filing.

(a) Describe the options, stating the material provisions including the consideration received and to be received for such options by the grantor thereof and the market value of the securities called for on the granting date. If, however, the options are "restricted stock options" as defined in Section 421 of the Internal Revenue Code of 1954 only the following is required: (i) a statement to that effect, (ii) a brief description of the terms and conditions of the options or of the plan pursuant to which they were issued, and (iii) a statement of the provisions of the plan or options with respect to the relationship between the option price and the market price of the securities at the date when the options were granted, or with respect to the terms of any variable price option.

(b) State (i) the title and amount of the securities called for by such options; (ii) the purchase prices of the securities called for and the expiration dates of such options; and (iii) the market value of the securities called for by such options as of the latest practicable date.

Instruction. In case a number of options are outstanding having different prices and expiration dates, the options may be grouped by prices and dates. If this produces more than five separate groups then there may be shown only the range of the expiration dates and the average purchase prices, i.e., the aggregate purchase price of all securities of the same class called for by all outstanding options to purchase securities of that class divided by the number of securities of such class so called for.

(c) Furnish separately the information called for by paragraph (b) above for all options held by (i) each director, and each of the highest paid officers, of the issuer whose aggregate direct remuneration exceeded $30,000, naming each such person, and (ii) all directors and officers as a group without naming them.

Instructions. 1. The term "options" as used in this item includes all options, warrants and rights other than those issued to security holders as such on a pro rata basis.

2. The extension of options shall be deemed the granting of options within the meaning of this item.

3. Where the total market value of securities called for by all outstanding options as of the specified date referred to in this item does not exceed $10,000 for any specified officer or director, or $30,000 for all officers and directors as a group, or for all option holders as a group, this item need not be answered with respect to options held by such person or group.

Item (19): Summary of earnings. Furnish in comparative columnar form a summary of earnings of the issuer for each of at least the last five fiscal years of the issuer (or for the life of the issuer and its immediate predecessor, if less). If the issuer includes in its annual report filed pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 a profit and loss statement of the issuer and its subsidiaries consolidated, the summary of earnings shall be prepared on a consolidated basis. The summary shall be certified for at least the last three fiscal years included therein.

Instructions. 1. The summary shall cover a representative period and, subject to appropriate deviation to correspond to significant characteristics of the issuer, the following items shall be included: net sales or operating revenues; cost of goods sold or operating expenses (or gross profit); interest charges; income taxes; net income; special items; net income and special items. The summary shall reflect the retroactive adjustment of any material items affecting the comparability of the results.

2. Appropriate footnotes to the summary shall be furnished whenever necessary to reflect information or explanations of material significance to investors in appraising the results shown.

3. If common stock or securities convertible into common stock are being registered, the summary shall be prepared to present earnings applicable to common stock. Earnings and dividends declared per share for each year of the summary shall also be included when appropriate.

4. If the annual report of the issuer which accompanies the prospectus includes a summary of earnings substantially meeting the above requirements, such summary may be incorporated by reference in the prospectus.

Item (20): Market prices of the issuer's securities. State the range of market prices of the securities of the issuer being registered for each year for which earnings data are supplied in response to Item 19. Indicate whether such prices represent prices on a securities exchange, naming such exchange. If the range is otherwise obtained, state the nature of the market and the source of the prices.

Item (21): Description of certain significant developments in the last five years. If within the past five years there has been any bankruptcy, receivership or similar proceeding or any material reorganization, capital readjustment or succession or the acquisition or disposition of any material amount of assets, otherwise than in the ordinary course of business, involving the issuer or any of its significant subsidiaries, describe briefly the nature and results of such events upon the business of the issuer.

Item (22): Capital stock being registered. If capital stock is being registered, state the title of the class and furnish the following information: (a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) pre-emptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions; and (8) liability to further calls or to assessment by the issuer.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the issuer while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. Only a brief summary of the pertinent provisions from an investment standpoint is required. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct résumé is required.

2. If the rights evidenced by the securities being registered are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by securities being registered.

Item (23): Other securities being registered. If securities other than capital stock are being registered, outline briefly the rights evidenced thereby.

Instruction. Information comparable to that called for by Item 22 and the instructions thereto shall be furnished.

Item (24): Principal holders of equity securities. Furnish the following information, in substantially the tabular form indicated, as to all equity securities of the issuer, and all options to purchase such securities, owned by each person who owns of record, or is known by the issuer to own beneficially, more than 10 percent of any class of securities or options. The information shall be furnished as of a specified date within 90 days prior to the date of filing.

(1) Name and address	(2) Title of class	(3) Type of ownership	(4) Amount owned	(5) Percent of class

Instruction. Indicate in column (3) whether the securities are owned both of record and beneficially, or record only, or beneficially only, and show separately in columns (4) and (5) the respective amounts and percentages owned in each such manner. The percentages are to be calculated on the basis of the amount of outstanding securities or options of the class.

Item (25): Financial statements. (a) Include the certified financial statements of the issuer required to be included in the annual report which the issuer has filed or is required to file for its last fiscal year pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934. If the issuer includes in its annual report certified financial statements of the issuer and its subsidiaries consolidated, the latter shall be furnished in lieu of the financial statements of the issuer. No schedules need be included.

(b) If the annual report of the issuer to its security holders for its last fiscal year includes certified financial statements substantially meeting the requirements of (a) of this subparagraph, such statements may be incorporated by reference in the prospectus.

(e) *Undertakings*—(1) *To file reports.* Subject to the terms and conditions of section 15(d) of the Securities Exchange Act of 1934, the undersigned registrants hereby undertake to file with the Securities and Exchange Commission such supplementary and periodic information, documents and reports as may be prescribed by any rule or regulation of the Commission heretofore or hereafter duly adopted pursuant to authority conferred in that section.

(2) *To transmit certain material.* (i) The undersigned issuer hereby undertakes to deliver or cause to be delivered with the prospectus to each employee to whom the prospectus is sent or given a copy of the issuer's annual report to stockholders for its last fiscal year, unless such employee otherwise receives a copy of such report as a stockholder of the issuer. If the last fiscal year of the issuer has ended within 90 days prior to the use of the prospectus, the annual report for the preceding fiscal year may be so delivered, but in such case the annual report for the last fiscal year will be furnished promptly to each such employee when available.

(ii) The undersigned issuer hereby undertakes to transmit or cause to be transmitted to all employees participating in the plan, who do not otherwise receive such material as stockholders of the issuer, at the time and in the manner such material is sent to its stockholders, copies of all reports, proxy statements and other communications distributed to its stockholders generally. The issuer also undertakes to transmit to the Commission for its information, copies of all such material which is not otherwise furnished to or filed with the Commission pursuant to any other requirement of the Commission. Copies of such material transmitted to the Commission pursuant to this undertaking shall not be deemed to be "filed" as a part of the registration statement.

(3) *Undertaking in the case of restricted stock options.* The undersigned issuer undertakes (if any of the securities registered hereunder are to be offered by it pursuant to restricted stock options)—

(i) That for the purpose of any public offering of any of such securities (otherwise than on a national securities exchange) by any person who may be deemed an underwriter of such securities, the issuer will, prior to such public offering, file a prospectus containing, in addition to the information required by this form, the information which would be required by Items 1, 2, 7, 8, 9, 10, 11, 12, 16, 17, and 20 of Form S–1 if the securities to be so offered were registered on that form.

(ii) That every such prospectus and every prospectus which purports to meet the requirements of section 10(a)(3) of the Act will be filed as a part of an amendment to the registration statement and will not be used until such amendment has become effective, and that the effective date of each such amendment shall be deemed the effective date of the registration statement with respect to securities sold after such amendment has become effective.

(f) *Signatures.*

The employer. Pursuant to the requirements of the Securities Act of 1933, the employer has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ----------, and State of -------- on the ------ day of ----------, 19--.

(Issuer)

By ----------
(Signature and title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.

(Signature)	(Title)	(Date)

The issuer. Pursuant to the requirements of the Securities Act of 1933, the issuer has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ----------, and State of ----------, on the ------ day of ----------, 19--.

(Issuer)

By ----------
(Signature and title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.

(Signature)	(Title)	(Date)

The plan. Pursuant to the requirements of the Securities Act of 1933, the plan has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ----------, and State of ----------, on the ------ day of ----------, 19--.

(The plan)

By ----------
(Signature and title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.

(Signature)	(Title)	(Date)

Instructions. 1. The registration statement shall be signed by the issuer, the employer(s) (and where there is created under the plan an unincorporated association, a trust, committee or other legal entity, by such association, trust, committee or other legal entity), their respective principal executive officers, principal financial officers, controllers or principal accounting officers and by at least the majority of the respective board of directors or persons performing similar functions.

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement.

(g) *Instructions as to exhibits.* Subject to the rules as to incorporation by reference, the exhibits specified below shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing.

(1) Copies of the plan as presently in effect.

(2) Copies of all constituent instruments (other than the plan itself) defining the rights of employees who participate in the plan.

(3) Copies of all material contracts not made in the ordinary course of business, which are now in effect or were made within two years prior to the date of filing, relating to the plan.

(4) An opinion of counsel as to the legality of the interests and the equity securities being registered, indicating whether they will when sold be legally issued, fully paid and non-assessable.

(5) Copies of the issuer's annual report to stockholders for its last fiscal year. Such report, except for those portions thereof which are incorporated by reference in the registration statement, it is to be furnished for the information of the Commission and is not to be deemed "filed" as part of the registration statement. If the financial statements in the report have been incorporated by reference in the registration statement, the accountants' certificate shall be manually signed in one copy.

(6) Copies of all summaries of the plan or other written communications intended to be used in connection with the offering or sale of the securities being registered.

(7) Copies of any provisions of the issuer's charter or bylaws or of any contract, arrangement or statute pursuant to which any director or officer of the registrant is insured or indemnified in any manner against any liability which he may incur in his capacity as such.

(Sections 6 and 7, 48 Stat. 78, 15 U.S.C. 77f, 77g; Sec. 10, 48 Stat. 81, as amended, 15 U.S.C. 77j; and Sec. 19(a), 48 Stat. 85, as amended, 15 U.S.C. 77s.)

Effective date. Inasmuch as the use of Form S–8 is optional with registrants, the revised form, which was adopted pursuant to the Securities Act of 1933, shall become effective September 17, 1962, provided that any issuer for which the form is authorized may, at its option, file a registration statement thereon prior to that date.

Copies of the revised form may be obtained from the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 30, 1962.

[F.R. Doc. 62–9261; Filed, Sept. 17, 1962; 8:47 a.m.]

Title 30—MINERAL RESOURCES

Chapter III—Office of Minerals Exploration, Department of the Interior

PART 301—REGULATIONS FOR OBTAINING FEDERAL ASSISTANCE IN FINANCING EXPLORATIONS FOR MINERAL RESERVES, EXCLUDING ORGANIC FUELS, IN UNITED STATES, ITS TERRITORIES, AND POSSESSIONS

Eligible Minerals or Mineral Products

The list of eligible minerals or mineral products in § 301.3 is changed to remove lead, zinc and copper.

The amendment as set forth below is effective retroactive to July 1, 1962.

STEWART L. UDALL, *Secretary of the Interior.*

SEPTEMBER 11, 1962.

Section 301.3 is amended by deleting lead, zinc and copper to read as follows:

§ 301.3 Eligible minerals or mineral products.

The following are eligible for Government financial assistance:

Antimony.	Mica (strategic).
Asbestos.	Molybdenum.
Bauxite.	Monazite.
Beryllium.	Nickel.
Bismuth.	Platinum Group Metals.
Cadmium.	Quartz Crystal piezoelectric).
Chromite.	Rare Earths.
Cobalt.	Rutile.
Columbium.	Selenium.
Corundum.	Silver.
Diamond (industrial).	Sulphur.
Fluorspar.	Talc (block steatite).
Gold.	Tantalum.
Graphite (crucible flake).	Tellurium.
Iron Ore.	Thorium.
Kyanite (strategic).	Tin.
Manganese.	Uranium.
Mercury.	

[F.R. Doc. 62–9259; Filed, Sept. 17, 1962; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

Lake Champlain, N.Y. and Vt. and Narragansett Bay, R.I.

1. Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.8 is hereby amended redesignating paragraphs (a) and (b) as (b) and (c), respectively, and prescribing a new paragraph (a) designating a special anchorage area in Lake Champlain at Ticonderoga, New York, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.8 Lake Champlain, N.Y. and Vt.

(a) *Ticonderoga, N.Y.* An area shoreward of a line bearing 312° from Ticonderoga Light to the southeast corner of the New York State Boat Launching Ramp.

(b) *Mallets Bay, Vt.* (Redesignated.)

(c) *St. Albans Bay, Vt.* (Redesignated.)

[Regs., 31 August 1962, 285/111–ENGCW–ON] (sec. 1, 54 Stat. 150; 33 U.S.C. 180)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.145 defining and establishing anchorage grounds for vessels in Narragansett Bay, Rhode Island, is hereby amended redefining and deleting certain anchorage areas in East Passage off the west shore of Aquidneck Island, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.145 Narragansett Bay, R.I.

(a) *East Passage.* • • •

(2) *Anchorage B.* Off the west shore of Aquidneck Island to north of Coggeshall Point, northerly of a line ranging 75° from the northerly end of the pier on the northwesterly end of Gould Island towards the shore of Aquidneck Island; east of a line ranging 19° from the easternmost of the Dumplings to latitude 41°36′16″, longitude 71°17′48″; thence northeast to latitude 41°36′53″, longitude 71°17′07.5″; thence east to latitude 41°36′53″, longitude 71°16′40″; thence southwesterly to latitude 41°35′54″, longitude 71°17′17.5″; thence southeasterly to the shore at the easterly end of the north boundary of the cable area in the vicinity of Coggeshall Point; excluding the cable area in the vicinity of Coggeshall Point.

• • • • •

(3) *Anchorage C.*

(i) (Revoked.)

• • • • •

(iii) In this area the requirements of the Navy shall predominate.

(iv) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(4) *Anchorage D.* West of Goat Island, south of a line bearing 247° from Newport Harbor Light; east of a line bearing 176°30′ from the northwesterly end of Rose Island; north of a line bearing 117° from the northerly end of the ferry slip at Jamestown to longitude 71°20′ and west of a line running north and south along longitude 71°20′.

[Regs., 4 September 1962, 285/111 (Narragansett Bay, R.I.)—ENGCW–ON] (sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

J. C. LAMBERT, *Major General, U.S. Army, The Adjutant General.*

[F.R. Doc. 62–9251; Filed, Sept. 17, 1962; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 213—ADMINISTRATION OF LANDS UNDER TITLE III OF THE BANKHEAD-JONES FARM TENANT ACT BY THE FOREST SERVICE

Miscellaneous Amendments

By virtue of the authority vested in the Secretary of Agriculture by Section 32 (f), Title III, of the Bankhead-Jones Farm Tenant Act (50 Stat. 526, 7 U.S.C.) 1011(f)), §§ 213.3 and 213.4, Title 36, of the Code of Federal Regulations, are hereby amended and supplemented to read as follows:

§ 213.3 Protection, occupancy, use, administration, and exercise of reservations.

(a) The rules and regulations applicable to the national forests as set forth in Title 36, Code of Federal Regulations, or as hereafter amended, supplemented, or promulgated, are hereby adopted as the rules and regulations to govern the exercise of reservations in conveyances to the United States and to prevent trespasses on and otherwise regulate the protection, use, occupancy, and administration of the National Grasslands and all other lands administered by the Forest Service under the provisions of Title III of the Bankhead-Jones Farm Tenant Act insofar as is practical and consistent with said act: *Provided,* That Forest Service officers may continue under delegated authority to acquire lands, to make exchanges, to grant easements and enter into leases, permits, agreements, contracts and memoranda of understanding involving such lands under such terms and conditions and for such consideration, fees or rentals as authorized by Title III of the said Act.

(b) Existing valid rights, reservations, easements, leases, permits, agreements, contracts and memoranda of understanding affecting these lands shall continue in full force and effect so long as they remain valid in accordance with the terms thereof.

§ 213.4 Prior rules and regulations superseded.

Except as provided in § 213.3, the rules and regulations heretofore issued for the land utilization projects are hereby superseded as to all such projects administered by the Forest Service, but not as to such project lands administered by other agencies.

Done at Washington, D.C., this 11th day of September 1962.

[SEAL] JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 62-9303; Filed, Sept. 17, 1962; 8:53 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart C—War Orphans' Education Assistance Under 38 U.S.C. Ch. 35

MISCELLANEOUS AMENDMENTS

1. In § 21.3033(b), subparagraph (3) is amended to read as follows:

§ 21.3033 Courses precluded.

* * * * *

(b) *Other courses.* * * *

(3) *Courses in foreign countries.* A course may be pursued under this law at an educational institution not located in a State as defined in § 21.3005(a)(11) or in the Republic of the Philippines only when all of the following conditions are met:

(i) The subjects to be taken by such person at such foreign educational institution are an integral part of and are fully creditable toward the satisfactory completion of an approved course in which such person is enrolled in an institution of higher learning (hereafter in this sentence referred to as his principal institution) which is located in a State or in the Republic of the Philippines,

(ii) The tuition and fees for attendance at such foreign educational institution are paid for by the principal institution, and

(iii) The principal institution agrees to assume the responsibility for submitting to the Veterans Administration required enrollment certificates and monthly certifications of training as to attendance, conduct, and progress.

An application for a program of education or for a change of program which includes training in a foreign educational institution will not be given final approval until the applicant has been provided educational and vocational counseling where Veterans Administration counseling service is available in a State or the Republic of the Philippines.

2. In § 21.3051, the portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

§ 21.3051 Conditions governing payment of educational assistance allowance.

(a) The educational assistance allowance shall be paid to the guardian of the eligible person; to the person recognized as legal custodian pursuant to 38 U.S.C. 3203 and § 13.55 of this chapter; to the eligible person himself if he has attained his majority and has no known legal disability; or to the person so designated under paragraph (c) of this section.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective September 18, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-9277; Filed, Sept. 17, 1962; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-940]

PART 0—COMMISSION ORGANIZATION

Amendment of Part 0, Rules and Regulations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of September 1962;

The Commission having under consideration § 0.292(a) of its rules and regulations, under which the Chief of the Safety and Special Radio Services Bureau is authorized to act upon requests for assignment of call signs to new stations and for changes in the call signs of existing stations; and

It appearing that the Chief Engineer rather than the Chief of the Safety and Special Radio Services Bureau should be authorized to perform these functions, except with respect to assignment of call signs to stations in the Amateur and Citizens Radio Services, and that Part 0 of the Commission's rules and regulations should be amended accordingly; and

It further appearing that the amendments herein adopted are issued pursuant to authority contained in sections 4(i), 5(d), 303(o), and 303(r) of the Communications Act of 1934, as amended; and

It further appearing that the amendments adopted herein pertain to Commission organization and procedure, and hence that the notice and effective date requirements of section 4 of the Administrative Procedure Act are inapplicable:

It is ordered, Effective September 20, 1962, that §§ 0.292 and 0.331 of the Commission's rules and regulations are amended as set forth below.

Released: September 13, 1962.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Sections 0.292(a) and 0.331(d) are amended to read as follows:

§ 0.292 Other matters delegated.

* * * * *

(a) Requests for assignment of call signs to new stations in the Citizens and Amateur Radio Services and for changes in the call signs of existing stations in those services.

§ 0.331 Authority delegated.

* * * * *

(d) To assign new or modified call signs to stations in all of the radio services except the Citizens and Amateur Radio Services. See § 0.292(a).

[F.R. Doc. 62-9282; Filed, Sept. 17, 1962; 8:50 a.m.]

[FCC 62-939]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Amendment of Subpart G of Part 21 of the Commission's Rules and Regulations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of September 1962;

The Commission having under consideration the desirability of making certain changes in Subpart G or Part 21 of its rules and regulations affecting the Domestic Public Land Mobile Service;

It appearing that the Commission on January 16, 1961, amended § 21.501(i) of Part 21 of the rules setting forth the conditions under which certain frequencies in the 454–460 Mc band may be assigned in certain geographic areas to control and repeater stations in the Domestic Public Land Mobile Radio Service; and

It further appearing that there are other geographic areas where such frequencies are required but not now available for control and repeater stations in the Domestic Public Land Mobile Radio Service and that it is feasible, under appropriate limitations, to accommodate such need; and

It further appearing that in order to eliminate any doubts of licensees or prospective licensees, § 21.507(a) of the rules should be amended to clarify which types of base station operation in the one-way signaling service must specifically be authorized telegraph type emission for use in selective-signaling (radio paging); and

It further appearing that the maximum emission bandwidth of 3 kilocycles per second imposed upon use of type F2 emission by § 21.507(b) of the rules is so restrictive that manufacturers of radio transmitters for the one-way signaling service are finding it difficult to meet the requirements for type acceptance of such transmitters; and

It further appearing that increasing the maximum emission bandwidth from 3 kilocycles to 20 kilocycles per second will overcome the transmitter type acceptance problem thereby enhancing the growth of the public one-way signaling service, and that such change is desirable; and

It further appearing that the public interest, convenience, and necessity would be served by amending the aforementioned rules and that compliance with the public notice and rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act is unnecessary since the changes involve only clarification and relaxation of rules in a manner generally known and helpful to licensees or prospective licensees affected, and for the same reason compliance with section 4(c) of the Administrative Procedure Act is not required; and

It further appearing that the amendments adopted herein are issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That effective September 20, 1962, Part 21 of the Commission's rules is amended as set forth below.

Adopted: September 12, 1962.

Released: September 13, 1962.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

1. § 21.501(i) is amended to read as follows:

§ 21.501 Frequencies.

* * * * *

(i) In lieu of a wireline circuit for control of a specific base station transmitter from its required control point or in lieu of wirelines for an audio circuit to a base station control point from a remotely located fixed receiver used for reception of mobile station transmissions, and upon an affirmative showing that the conditions set forth in subparagraphs (1) through (5) of this paragraph are satisfied, a single control and repeater station may be authorized to miscellaneous common carriers upon the frequencies indicated below:

Control station frequencies (Mc)	*Repeater station frequencies (Mc)*
454.05	459.05
454.10	459.10
454.15	459.15
454.20	459.20
454.25	459.25
454.30	459.30
454.35	459.35

(1) The control station, and the base station controlled thereby, are located over 50 airline miles from the nearest geographical boundary of the nearest urbanized area having a population over 300,000 (as determined and defined in the most recent census reports of the U.S. Bureau of the Census).

(2) The repeater station, and the point to which its transmissions are directed, are located over 50 airline miles from the nearest geographical boundary of the nearest urbanized area having a population over 300,000 (as determined and defined in the most recent census reports of the U.S. Bureau of the Census).

(3) The effective radiated power of the control or repeater station does not exceed 150 watts.

(4) The use of the frequencies by a control or repeater station will not cause harmful interference to any other station authorized to use such frequencies and shall be on a secondary basis to the provision of mobile and rural radio service by other classes of stations. (See also footnote 11 to paragraph (c) of this section.)

(5) Series operation of more than one control or repeater station is not involved.

NOTE: The provisions of subparagraphs (1) and (2) of this paragraph may be waived by the Commission upon a factual showing, supported by such engineering proof as may be necessary, that all of the currently assignable pairs of 152–162 Mc band frequencies listed in paragraph (c) of this section are not assigned or applied for within interference range of existing or possible station assignments within the urbanized area having a population of over 300,000 and, upon a satisfactory showing, that in such area over a substantial period of years the growth of the public land mobile radio service has not been hampered and is not likely to be hampered by a shortage of frequencies allocated to such service in the 152 to 162 Mc band. Facilities authorized under the provisions of such waivers shall be on a secondary basis and subject to the condition that, in the event the frequencies are required for assignment to base and mobile stations in the area, operation thereon shall be terminated within 60 days after notice is received from the Commission.

2. In § 21.507, paragraph (a) and the introductory text and table of paragraph (b) are amended to read:

§ 21.507 Bandwidth and emission limitations.

(a) Stations in the Domestic Public Land Mobile Radio Service shall normally be authorized to use only type A3 or F3 emission for radiotelephony, and type A1, A2, F1, or F2 emission for selective signaling. The authorization to use type A3 or F3 emission for radiotelephony shall be construed to include the use of tone signals or signaling devices the sole function of which is to establish and maintain communication. Stations providing one-way signaling service by means of selective signaling which is not associated with a voice message are required to be authorized to employ telegraph type emission appropriate to the type of transmission employed. The use of types AO or FO emission in the 72–76 Mc band will not be authorized, except for temporary or short periods necessary for testing incident to the construction or maintenance of a radio station. (Further reference should be made to §§ 21.103 to 21.105, inclusive.)

(b) Except as provided in subparagraph (1) of this paragraph the maximum authorized bandwidth of emission and, for the cases of frequency or phase modulated emissions, the maximum authorized frequency deviation shall be as follows:

Type of emission	50–150 Mc		25–50 Mc and 150–450 Mc		450–500 Mc	
	Authorized bandwidth	Frequency deviation	Authorized bandwidth	Frequency deviation	Authorized bandwidth	Frequency deviation
A1	1		1		1	
A2	3		3		3	
A3	8		8		8	
F1	3		3		3	
F2	15		15		15	
F3	40	15	20	5	40	15

[F.R. Doc. 62-9283; Filed, Sept. 17, 1962; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA

KOFA GAME RANGE

Public hunting of big game on the Kofa Game Range, Arizona, is permitted only on the area designated by signs as open to hunting. The open bighorn sheep hunting area, comprising 184,320 acres or 28 percent of the total area of the game range, and the open area for deer hunting, comprising 660,041 acres or 100 percent of the total area of the game range, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Bighorn sheep and deer.

(b) Open season: Bighorn sheep—December 6, 1962, through December 16, 1962.

Deer—November 5, 1962, through November 12, 1962.

(c) Daily bag limits:

Hunting of bighorn sheep limited to 5 permits issued by the Arizona Game and Fish Department. Each permit will be limited to 1 ram with a minimum of ¾ curl horn.

Hunting of deer limited to 1 buck per hunter.

(d) Methods of hunting:

(1) Weapons—Rifles only of .23 calibre or larger or the .357 magnum and .44 magnum pistols may be used. Automatic firearms and tracer, full metal jacketed or altered metal jacketed bullets are prohibited. Semi-automatic firearms of .23 calibre or larger with a magazine capacity of more than 5 shells are prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 17, 1962.

Dated August 31, 1962.

CAREY H. BENNETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-9258; Filed, Sept. 17, 1962; 8:46 a.m.]

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 14703 (RM-178)]

OPERATION OF STATIONS DURING EMERGENCIES

Order Extending Time for Filing Comments and Reply Comments

1. After having given consideration to a "Petition for Rule Making or Advisory Ruling" filed by the Daytime Broadcasters Association, Inc. (DBA), the Commission on July 9, 1962, released a notice of proposed rule making in this proceeding inviting comments and reply comments on the proposals made herein. In an order released on August 13, 1962, the dates for filing comments and reply comments were extended to September 13, 1962, and September 27, 1962, respectively.

2. Recently it has informally come to the attention of the Commission that DBA will, because of the timing of a meeting of its Board of Directors, be unable to submit its comments herein until September 24, 1962.

3. Since that organization filed the petition which resulted in the instituting of this proceeding, since the proposals suggested by the Commission differ in various respects from those made by DBA in its petition for rule making, and since the comments of DBA may well be of substantial aid to the Commission in arriving at a final decision in this proceeding, it appears that an extension of time for filing comments and reply comments will be in the public interest.

4. In view of the foregoing: *It is ordered*, This 11th day of September 1962, That the time for filing comments in the proceeding is extended from September 13, 1962, to September 24, 1962, and the time for filing reply comments is extended from September 27, 1962, to October 8, 1962.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.241(d)(8) of the Commission rules.

Released: September 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9284; Filed, Sept. 17, 1962; 8:50 a.m.]

[47 CFR Part 3]

[Docket No. 13897; FCC 62-952]

MULTIPLE OWNERSHIP OF AM, FM AND TV BROADCAST STATIONS

Report and Order

1. The Commission has under consideration two proposed amendments to its rules relating to multiple ownership of broadcast stations (§§ 3.35 (AM), 3.240 (FM), and 3.636 (TV)), set out in the notice of proposed rule making (FCC 60-1494), adopted December 7, 1960, and released December 9, 1960, in this proceeding.

2. One amendment would relax the present numerical limitation on multiple broadcast interests to make it unnecessary to take into account stockholders of corporations with 50 or fewer voting stockholders who own, directly or indirectly, less than 5 percent of the outstanding voting stock and are not officers or directors. The second proposed change would make clear that any stock interest, regardless of size, would be taken into account in determining the number of broadcast interests attributable to a stockholder, if the stockholder in fact controls or has a substantial voice in the control or management of the corporation or its affairs.

3. Comments supporting the proposed rule changes were filed by Southwest States, Inc.[1] and jointly by KVOS, Inc., and International Good Music, Inc.[2] James A. McKenna, Jr., and Vernon L. Wilkinson, communications lawyers in Washington, D.C., also filed comments on behalf of their firm (McKenna & Wilkinson) supporting the proposed change respecting minority interests of less than 5 percent in relatively small corporations but suggesting that it be broadened to apply to similar holdings in other types of business organizations.

4. The multiple ownership rules for the standard, FM, and television broadcast services place substantially similar limitations on the multiple ownership of broadcast stations in order to promote diversification of ownership and thereby maximize diversification of program and service viewpoints and prevent any undue concentration of economic power contrary to the public interest. The limitations fall into two basic types. One type, commonly referred to as the "duopoly" or "overlap" rules, limits the extent to which AM, FM, and TV broadcast stations with overlapping service areas may be under common control or ownership. The second limits the total number of broadcast stations in the same broadcast service which may be commonly owned or controlled, apart from the foregoing duopoly aspect of multiple ownership. Under this second limitation, the rules prohibit a party or any of its stockholders, officers, or directors from having a direct or indirect interest in or being stockholders, officers, or directors of more than 7 standard, 7 FM, or 7 television (no more than 5 of which may be in the VHF band) broadcast stations.

5. The rules provide that in considering, the interests of stockholders of corporations with more than 50 voting stockholders, stockholders with less than 1 percent of the outstanding voting stock need not be considered unless they are officers or directors. This exception was made by the Commission when it revised the multiple ownership rules in 1953 to take into account minority as well as majority broadcast interests, in applying the limitations on multiple broadcast holdings.[3] The Commission recognized in the 1953 multiple ownership proceeding that, in light of the practical realities of business organizations and control, particularly in the case of corporations, holders of small minority interests, and even others without any stock or financial interests, may exercise considerable control or influence, especially when active in the broadcast field and with interests in numerous stations. It therefore was of the view that to permit parties to acquire interests of any nature in more than the allowable number of stations, with the single above-noted exception, would tend to defeat the fundamental purpose of the multiple ownership rules. It decided, however, that an exception was warranted with respect to stockholders with interests of less than 1 percent in large corporations and no other position in the corporate structure, since normally their influence would be so small as not to require being taken into consideration in limiting multiple broadcast interests. Suggestions that the exception for interests of less than 1 percent be extended to include minority stockholdings of less than 5 percent in large corporations were, however, rejected, the Commission being of the view that owners of as little as 1 percent of the stock in corporations of large size may have considerable voice in their control and management.

6. After consideration of all the views submitted and on the basis of our experience with multiple ownership problems, we do not believe that the proposals have merit. Their adoption would in fact depart from the spirit and general purposes of our multiple ownership rules and serve to depreciate our judgment that ownership should participate in operation. It is and clearly should be intended by our multiple ownership practices that any interest in a small corporation is to be considered. It is particularly in these small corporate situations that opportunity is presented for stockholder influence, often without relation to size of stockholding. Any exception could of necessity, therefore, only be extended to those situations where the small stockholder limits his

[1] Southwest States, Inc., is the licensee of broadcast stations at El Paso (KROD (AM) and KROD-TV), Amarillo (KVII (TV), and Odessa (KOSA-TV), Texas.

[2] KVOS, Inc., is the licensee of broadcast stations at Bellingham, Washington (KVOS (AM) and KVOS-TV). It also owns 100 percent of the stock of International Good Music, Inc., which operates five FM broadcast stations at Bellingham (KGMI), Seattle, Washington (KGMJ), Portland, Oregon (KGMG), Los Angeles, California (KFMU), and San Bernardino, California (KFMW), and is an applicant for a new FM station at San Diego, California.

[3] Report and Order (FCC 53-1570), adopted November 25, 1953, 9 Pike & Fisher RR 1563.

participation to acquiescent ownership. This would unfortunately discourage the unity of ownership and management which the Commission has thought so desirable in the operation of a broadcast station. We are struck, too, by the hopelessness of trying to serve the desirable goal of preciseness in our rules if we are called upon to decide when operational activity by a small stockholder breaches the line of "influence" or "substantial voice", etc., in corporate undertakings. We conclude that the proposals should be rejected.

7. In view of the foregoing: *It is ordered*, That the proceeding in Docket No. 13897 is terminated.

Adopted: September 12, 1962.

Released: September 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9287; Filed, Sept. 17, 1962; 8:51 a.m.]

[47 CFR Part 3]

[Docket No. 14779, RM-317; FCC 62-951]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS, COTATI, CALIF.

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition of Sonoma State College Foundation, Inc., Cotati, California, requesting the institution of rule making to assign UHF Channel 16 to Cotati, and to reserve the channel for noncommercial educational use. Channel 16 is currently assigned to Pittsburg, California, but there is no outstanding license or construction permit for Channel 16 in Pittsburg, and no applications are pending. The proposal would amend the Television Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Pittsburg, Calif.	16	----
Cotati, Calif.	----	*16

3. Although petitioner does not suggest any substitution for Channel 16 at Pittsburg, we are of the opinion that, unless an active interest is manifested, action to make available a substitute UHF channel for Pittsburg should be deferred until decisions are reached in Docket No. 14229 concerning the future methods of assigning stations on UHF channels.

4. Petitioner asserts that there is no station serving the specific needs of higher education, either in direct, course-work instruction or the directly related supplementary informational programming within "commuting distance" of Sonoma State College.[1] Petitioner feels that the channel should be used for instructional purposes and that a considerable number of college students can be served if the college can reach these students at their homes. The California State Colleges appear committed to the use of television as an instructional facility. This is considered necessary by the projected growth of the student population by 1975 with a proportionately decreasing number of highly credentialed instructors. It is believed that the use of television will supply instruction of high quality to larger numbers of students than would be otherwise possible.

5. In addition to college course instruction, petitioner would in its programming secondarily emphasize "telecourses" to provide in-service training for teachers in the area of Sonoma State College and would provide college courses for the adults of the area not regularly enrolled at Sonoma State College.

6. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules and regulations, interested persons may file comments on or before October 19, 1962, and reply comments on or before November 9, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

7. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), and 303 and 307(b) of the Communications Act of 1934, as amended.

8. In accordance with the provisions of § 1.54 of the rules and regulations of the Commission, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: September 12, 1962.

Released: September 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9286; Filed, Sept. 17, 1962; 8:50 a.m.]

[47 CFR Part 15]

[Docket No. 14769; FCC 62-941]

ALL-CHANNEL TELEVISION BROADCAST RECEIVERS

Notice of Proposed Rule Making

1. Notice is hereby given that the Commission proposes amendment of Part 15 of its rules and regulations to implement the recently enacted all-channel television receiver legislation, Public Law 87-529, July 10, 1962 (§§ 303(s) and 330 of the Communications Act of 1934). The text of the proposed rules is set forth below.

2. The all-channel receiver law authorizes the Commission to require that television receivers shipped in interstate commerce for sale or resale to the public (or imported into the United States for such purpose) shall be capable of adequately receiving all frequencies allocated by the Commission to television broadcasting.[1] In practical effect, this means that the set would have to be capable of adequately receiving the 70 UHF channels. The law itself does not cut off shipments of the VHF-only receiver because it was obviously necessary to choose some future date which would permit an orderly transition.[2] In addition to the appropriate cutoff date, the law also calls upon the Commission to prescribe performance standards for the receiving sets so as to insure that it is "capable of adequately" receiving the UHF signals. This notice deals essentially with these two matters—(i) the standards for adequate capability and (ii) the cutoff date. We shall take each in turn.

3. Before doing so, it would be helpful to set out the background to these proposals. Since late June of this year, the Commission has been in close contact with the Electronic Industries Association (EIA), and through it with the television receiver and UHF tuner manufacturing industries. At the Commission's request, EIA has obtained and has furnished the Commission the industries' recommendations with respect to standards for adequate capability and the effective date of the all-channel receiver requirement, together with supporting data and reasons. These recommendations, in the form of four reports, have been included in the docket file in this proceeding. As will be seen, our proposals closely parallel the essential industry recommendations.

4. *Standards for adequate capability.* In adopting standards for adequate capability the Commission has taken into account the legislative history of the all-channel receiver law. In seeking the addition of the word "adequately", the Commission, in a letter to the Chairman of the Senate Communications Subcommittee, made clear that "its purpose * * * is to obtain only the most limited authority needed to accomplish the statutory goal [of assuring] that receivers are capable of efficiently receiving all channels" (Sen. Rep., p. 20). The Commission further represented (p. 22) that:

> In specifying these two characteristics, the Commission would seek to insure adequate or effective capability of all-channel reception—and not the best possible capability. It would avoid extreme or unreasonable performance specifications, but rather, would select standards which are in the realm of the average characteristics of UHF receivers available on the open market today.

And, it specifically stated its "firm expectation and intent that receiver performance specifications adopted after full consideration in the rule making process would * * * prove generally acceptable [to manufacturers and users]" (p. 22). The Committee, in amending the bill to insert the word "adequately", stated that "on the basis of these Commission representations, your Committee agrees that the authority given to the Commission to require that all channel receivers 'be capable of adequately receiving' UHF channels is narrow in scope * * *" (Sen. Rep., p. 8).

5. With this as background, we are proposing the following standards:

(a) The noise figure for any channel between 14 and 83 inclusive shall not exceed 18 db. See §§ 15.4(h) and 15.70(b).

(b) The peak picture sensitivity, averaged for all channels between 14 and 83 inclusive, shall not be more than 8 db larger than the peak picture sensitivity in the same receiver averaged for all channels between 2 and 13 inclusive. See §§ 15.4(i) and 15.70(c).

These proposals are based upon recommendations made to the Commission by the television receiver industry, following an August 7, 1962, meeting of industry engineering personnel. They are not the highest standards which conceivably could be met. But it is our tentative judgment (pending consideration of the comments to be filed) that these proposed standards are (i) sufficiently high to insure adequate capability of reception of UHF signals, insofar as the receiver is involved—the statutory standard of 303(s); and (ii) are consistent with the legislative history, and specifically with that quoted in the foregoing paragraph (p. 22, Sen. Rep.).[3]

6. It is important to bear in mind that the standards proposed herein are minimum requirements. Further, it is fully expected by the Commission that the tremendous increase in UHF tuner and receiver production, together with normal competitive forces, will lead to substantial improvement in UHF set capability, not only with respect to the foregoing characteristics (noise figure and sensitivity), but also with respect to other features such as ease of tuning. As to the latter, the industry has advised us that, "push-button, as well as other means of tuning, has been, and will continue to be actively pursued" (EIA "Technical Views" p. 9, submitted August 17, 1962).[4]

7. *Effective date.* On the basis of information furnished to the Commission by the television receiver and tuner industries, we are proposing that no television receiver manufactured after April 30, 1964, shall be shipped in interstate commerce or imported from any foreign country into the United States, for sale or resale to the public, unless (i) it is capable of receiving all of the 82 channels which have been allocated to television in the United States; and (ii) has been certificated to comply with the noise figure and peak picture sensitivity requirements set forth in proposed § 15.70. The selection of April 30, 1964, as the proposed date for imposing the all-channel requirements is based on the following considerations:

(a) The only time during the year in which the change-over to all-channel receivers can be made without disrupting the television receiver manufacturing industry is at the time when new models are introduced. The industry pattern is for the new model to be designed fully a year before its introduction to the public, and then to be manufactured in the first quarter of the year, and shown to the public in early summer. Thus, the 1965 model receivers will be designed fairly early in 1963 (by June); production will begin in the first quarter of 1964; and they will be offered to the public in roughly June of 1964. The change-over from production of 1964 models would typically take place, model by model, from December, 1963, through April, 1964. In selecting the cutoff date, the Commission thus must choose between one geared to the 1964 model (to be offered to the public in June of 1963) or the 1965 model (to be offered publicly in June of 1964).

(b) But the 1964 model has already been designed. If the Commission were to choose April 30, 1963 as the cutoff date, the industry would have to engage in a "crash" redesign and retooling program. The April, 1963, cutoff date would have a most serious impact on the portable and remote control aspects of the industry's business. Indeed, some manufacturers estimated that because of extensive redesign problems and the short supply of UHF tuners (see (c), infra) they would be out of business for a period of months; and the industry as a whole estimated "conservatively" that imposition of all-channel requirement for the 1964, rather than the 1965, model year would involve "costs and penalties" of $32,700,000 (see EIA "Estimated Costs", submitted August 28, 1962). Clearly, this would not be provision for an orderly transition, nor would it be consistent with the assurances given Congress (see par. 2).

(c) Further, it does not appear that UHF tuners will be available in sufficient quantity for use in all-channel receivers prior to the 1965 model year. Tuner manufacturers must expand production ten to fifteen fold to furnish tuners in sufficient quantity. This involves a tooling expansion, installation of new test equipment, and the training of new personnel. We are advised by four tuner manufacturers that this will require 12 to 18 months after technical requirements have been established by the Commission; all four indicated that UHF tuners could not be produced in sufficient quantity to meet all-channel requirements for the 1964 model year.

(d) Finally, selection of the 1964 model (i.e., a cutoff date prior to June, 1963) might well inhibit the technical improvement in the all-channel set. We do not believe that, over the past few years, there has been much research expended on the UHF tuner or the all-channel set. If, then, the 1964 model is chosen as the cutoff point, there would be no opportunity for improvement over present UHF tuners or sets; instead, as a practical matter, there would have to be an all-out effort to mass-produce the present product. It is, we believe, greatly desirable to provide manufacturers with a reasonable opportunity to design and incorporate improvements in ease of tuning, remote control, stability, and possibly other characteristics which would make use of UHF more convenient to the average viewer. Because of all these considerations, it appears to us that the advent of the 1965 model (or April 30, 1964) is the appropriate effective date for the all-channel requirement. Significantly, it is the concensus of the television receiver and tuner industry that this deadline can be met (see EIA submission of August 29, 1962).

8. This proposed effective date (April 30, 1964) applies to the manufacture of television receivers—not to the date when the receiver is shipped in interstate commerce. If the receiver comes off the assembly line on or before April 30, 1964,[5] the manufacturer will mark the carton accordingly, and the unit may be freely shipped in interstate commerce for sale or resale at any subsequent date, by the manufacturer, distributor, or dealer, even though it is not an all-channel set or does not meet the noise figure and sensitivity requirements of the proposed rules.[6] If the receiver comes off

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[1] Petitioner is a non-profit corporation empowered to promote and assist the educational services of Sonoma State College.

[1] The purpose of the legislation is fully set out in H. Rept. No. 1559, 87th Cong., 2d sess., and Sen. Rept. 1526, 87th Cong., 2d sess. (hereinafter cited as "Sen. Rep.").

[2] Indeed, the Commission explicitly assured the Congress that in choosing the appropriate date and standards, it would "not only protect the public interest but also deal realistically with production and distribution problems faced by the industry" (Hearings before the Communications Subcommittee, Senate Commerce Committee, on S. 2109, 87th Cong., 2d sess., p. 76). See, also, testimony of Chairman Minow, Hearings before the House Interstate and Foreign Commerce Committee, on H.R. 8031, 87th Cong., 2d Sess., p. 169.

[3] We also note that more stringent standards might adversely affect the manufacturer's ability to incorporate other desirable features, such as easier tuning and remote control, into the all-channel receiver.

[4] The industry recommended, "that the Commission consider an [expiration date] for these standards two years after the VHF only cutoff date, since it is believed that advances in the art, brought about by competition, will, during that time, obviate further necessity for [such standards]." (See EIA "Technical Views" p. 10, submitted August 17, 1962.) The Commission recognizes that reevaluation of the need for these standards may well be called for as a result of changed competitive circumstances (cf. Sen. Rep., p. 21). Indeed, it is our hope and expectation that the competitive situation as to UHF will gradually evolve to one resembling the situation in VHF, where there is obviously no need for standards of adequate capability. But we do not believe that a built-in expiration date, chosen at this time, is the appropriate way of dealing with these future possibilities. Rather, we shall periodically review any standards adopted to determine whether changed conditions require their retention or revision.

[5] Manufacture of a receiver will be deemed to be completed when the assembly process at the factory has been accomplished.

[6] The reason for tying the cutoff date to a date of manufacture is to allow distributors and dealers a considerable amount of leeway in disposing of 1964 sets which do not meet the all-channel requirements. Such sets might, for example, be stored in a central warehouse for distribution to stores in several neighboring states (e.g., a New Jersey warehouse for shipment to New York, Pennsylvania, or Connecticut). Even as to such distributor shipments, a final cutoff date such as December 31, 1964, might be appropriate (i.e., "no set shall, in any event, be shipped in interstate commerce for sale or

the assembly line on or after May 1, 1964, however, it may be shipped in interstate commerce or imported, for sale or resale to the public, only if it is an all-channel set which has been certificated to comply with the Commission's standards. The certification requirement is met by the manufacturer when he has filed a certificate with the FCC covering the model in question. The seal or label currently attached to each receiver, stating that the receiver meets the requirements of Part 15 of the FCC rules (see § 15.66 (a)), will cover the noise figure and sensitivity requirements as well as the radiation limits to which it now applies, and no additional seal or label will be required. After January 1, 1964, the manufacturer must state on the shipping carton whether the enclosed set may be shipped in interstate commerce (or imported) for sale or resale (as either (i) manufactured on or before April 30, 1964, or (ii) meeting the requirements of Part 15 of the Commission's rules for such shipment (see proposed § 15.66 (b)).[1]

9. In proposing the April 30, 1964, effective date for the all-channel rules, we wish to make clear that we would expect that all receivers produced for the 1965 model year would comply with the all-channel requirements, whether they are produced before or after May 1, 1964. Our purpose in setting that particular date, rather than a date earlier in 1964, is to furnish the receiver manufacturer adequate leeway with respect to the production of his "old" or 1964 models and to allow for an orderly model by model change-over to the "new" or 1965 all-channel receiver production. In short, when a new 1965 model is placed in the production line—at whatever time, even if it be as early as December 1963—we would expect that the new model would be an all-channel receiver meeting our proposed requirements.

10. While the date proposed for 100 percent manufacture of the all-channel receiver is thus April 30, 1964 (or introduction of the 1965 model), the Commission hopes, and has been encouraged by industry reports, that during the period leading up to the final cutoff, there will be a significant increase in the number of all-channel sets produced. There are, as we have noted (par. 7), limiting factors at this time on what that increased production can be. But we are advised that it might well rise to 20 percent or even higher, of all sets produced.[2]

11. It is essential, both to the public interest and for industry planning, that the effective date and standards be established as soon as possible. For that reason, barring some extraordinary development or showing, the Commission will not grant any extensions of time for the filing of comments or reply comments. Comments in this proceeding must be filed on or before October 22, 1962, and reply comments on or before November 1, 1962.

12. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, however, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

13. Authority for the rules proposed herein is contained in sections 4(i), 303 (s), and 330 of the Communications Act of 1934, as amended.

14. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all comments shall be filed with the Federal Communications Commission.

Adopted: September 12, 1962.

Released: September 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

It is proposed to amend Part 15 as follows:

1. The heading of Part 15 as amended to read "Radio Frequency Devices".

2. Section 15.1 is amended designating the present text as paragraph (a), and by adding a new paragraph (b) to read as follows:

§ 15.1 Basis of this part.

• • • • • •

(b) Sections 303(s) and 330 of the Communications Act of 1934, as amended, provide that all television broadcast receivers shipped in interstate commerce, or imported from any foreign country, for sale or resale to the public, shall comply with the provisions of this chapter for capability of adequately receiving all television broadcast channels.

3. Section 15.2 is amended by adding a new paragraph (c) to read as follows:

§ 15.2 Scope of this part.

• • • • • •

(c) This part also contains requirements, technical specifications, and certification procedure for the all-channel reception capability of television broadcast receivers.

4. Section 15.4 is amended by adding new paragraphs (g), (h), and (i) to read as follows:

§ 15.4 Definitions.

• • • • • •

(g) *Television broadcast receiver.* Apparatus designed to receive television pictures broadcast simultaneously with sound.

(h) *Noise figure of a television broadcast receiver.* The ratio of (1) the total noise power delivered by the receiver into its output termination when the noise temperature of its input termination is standard (290°K) at all frequencies, to (2) the portion thereof engendered by the input termination.

NOTE: For a television broadcast receiver, portion (2) includes only that noise from the input termination which appears in the output via the principal frequency transformation and does not include spurious contributions such as those from image-frequency transformation.

(i) *Peak picture sensitivity for television broadcast receiver.* The lowest input signal which results in standard picture test output when the receiver is tuned for maximum picture output.

NOTE: Standard picture test output for symmetrical sine-wave modulation shall be 20 volts peak-to-peak between the control elements of the picture tube.

5. Section 15.6 is amended to read as follows:

§ 15.6 Information required by the Commission.

The owner or operator of any device subject to this part shall promptly furnish to the Commission or its representative such information as may be requested concerning the operation of the device, including a copy of any measurements made for the purpose of certification.

6. Section 15.61 is amended to read as follows:

§ 15.61 Scope of this subpart.

Radio receivers come within the scope of this subpart insofar as they are restricted radiation devices and generate and radiate radio frequency energy or are designed to receive television pictures broadcast simultaneously with sound. Typically this subpart limits oscillator radiation from superheterodyne receivers. In the case of television broadcast receivers, this subpart also limits the radiation of radio frequency energy which is generated by the sweep circuits, and requires that such receivers be capable of adequately receiving all television broadcast channels.

7. Section 15.63 is amended by adding a new paragraph (b)(3) to read as follows:

§ 15.63 Measurement procedure.

• • • • • •

(b) • • •

(3) Institute of Radio Engineers standard 60 IRE 17 S1 for measurement of noise figure and peak picture sensitivity of a television broadcast receiver.

8. Section 15.64 is amended to read as follows:

§ 15.64 Certification of receivers.

(a) (1) No receiver manufactured after the effective dates of this subpart that operates in the range 30 to 890 Mc/s, including frequency modulation broadcast receivers and television broadcast receivers, shall be operated without a station license unless it has been certificated to demonstrate compliance with the radiation interference limits set forth in § 15.62.

(2) No television broadcast receiver manufactured after April 30, 1964, shall be shipped in interstate commerce or imported from any foreign country into the United States, for sale or resale to the public, unless it has been certificated to comply with the noise figure and peak picture sensitivity requirements set forth in § 15.70. (This provision does not apply to carriers which transport television broadcast receivers without trading in them.)

(b) The owner or operator need not certificate his own receiver as meeting the radiation interference limits of § 15.62 if it has been certificated by the manufacturer or the distributor.

(c) Certification made by the manufacturer or the distributor shall be based on tests made on receivers actually produced for sale. Tests shall be performed on a sufficient number of production units to assure that all production units comply with the requirements of this subpart.

(d) The certificate may be executed by an engineer skilled in making and interpreting such measurements as are required.

(e) The certificate shall contain the following information:

(1) Name of the manufacturer or distributor of the receiver.

(2) Model number.

(3) Brief description of receiver, including tuning range, type of circuit, and purpose for which used (as broadcast, aircraft, etc.).

(4) Brief statement of the measurement procedure used.

NOTE: If a standard procedure is used, it is sufficient to identify the standard. Other measurement procedures must be described in detail.

(5) Date the measurements were made.

(6) A summary of the data obtained.

NOTE: For television broadcast receivers the measured noise figure and peak picture sensitivity must be stated.

(7) A statement certifying that, on the basis of measurements made, the radio receiver is capable of complying with the requirements of this part under normal operation with the usual maintenance.

(8) The name and address of the certifying engineer, and name and address of his employer, if any.

(9) Date of the certificate.

(f) The certificate shall be retained by the owner, the manufacturer, or the distributor (as may be appropriate) for a period of 5 years, and shall be made available, upon reasonable request, to an authorized Commission representative, or photostat furnished by mail. (See § 15.65 for filing requirement with FCC.)

9. Section 15.65 is amended by adding new paragraph (c) to read as follows:

§ 15.65 Information to be filed with Commission.

• • • • • •

(c) This information is not open to public inspection.

10. Section 15.66 is amended by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 15.66 Identification of certificated receivers.

• • • • • •

(b) After January 1, 1964, cartons containing television broadcast receivers shipped in interstate commerce or imported into the United States, for sale or resale to the public, shall clearly indicate either (1) that the receiver within was manufactured on or before April 30, 1964, or (2) that the receiver within meets all FCC requirements pertaining to all-channel reception (see § 15.70).

11. Section 15.68 is amended to read as follows:

§ 15.68 Date when certification is required.

(a) *For television broadcast receivers.* (1) VHF television broadcast receivers manufactured after May 1, 1956, shall comply with the certification requirements with respect to radiation of radio frequency energy, except that compliance with the power line interference limits for frequencies between 3 Mc/s and 25 Mc/s is required for such receivers manufactured after December 31, 1957.

(2) UHF television broadcast receivers manufactured after December 31, 1957, shall comply with the certification requirements with respect to radiation of radio frequency energy: *Provided however*, That the limit of 500 uv/m appearing in the table in § 15.62 is temporarily increased to 1,000 uv/m for all UHF television receivers until December 31, 1962.

(3) All television broadcast receivers manufactured after April 30, 1964, shall comply with the certification requirement with respect to adequacy of all-channel reception.

(b) *For other receivers.* All radio receivers other than television broadcast receivers that operate (tune) in the range 30 to 890 Mc/s manufactured after October 1, 1956, shall comply with the certification requirements with respect to radiation of radio frequency energy, except as follows:

(1) FM broadcast receivers manufactured after December 31, 1956, shall comply with the certification requirements with respect to frequencies above 25 Mc/s. All such receivers manufactured after December 31, 1957, shall comply with the certification requirements with respect to all frequencies.

(2) The radiation interference limits and the certification requirement with respect thereto shall be met by all pocket type super-regenerative receivers used in the one-way signalling services as defined in Part 21 of this chapter which are manufactured after December 31, 1956.

(3) Super-regenerative receivers manufactured after October 1, 1956, for use by Class B stations in the Citizens Radio Service shall comply with the certification requirements of this subpart; except that, until November 1, 1963, radiation need not be limited within the band 462.525–467.475 Mc/s.

12. A new § 15.70 is added to read as follows:

§ 15.70 All-channel television broadcast reception.

(a) All television broadcast receivers manufactured after April 30, 1964, and shipped in interstate commerce or imported from any country into the United States, for sale or resale to the public, shall be capable of adequately receiving all channels allocated by the Commission to the television broadcast service. A television broadcast receiver shall be considered to be capable of adequately receiving all channels if it meets the specifications in this section for noise figure and peak picture sensitivity.

(b) The noise figure of any television broadcast receiver subject to paragraph (a) of this section, for any television channel between 14 and 83 inclusive, shall not be larger than 18 db.

(c) The peak picture sensitivity of any television broadcast receiver subject to paragraph (a) of this section, averaged for all channels between 14 and 83 inclusive, shall not be more than 8 db larger than the peak picture sensitivity of that receiver averaged for all television channels between 2 and 13 inclusive.

[F.R. Doc. 62-9285; Filed, Sept. 17, 1962; 8:50 a.m.]

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[1] It would appear necessary to mark the carton because otherwise the distributor, after April 30, 1964, may not know whether a receiver stored in his warehouse can be legally shipped (unless he has carefully segregated all cartons received prior to that date). From the standpoint of certainty and ease of administration and enforcement, the information should therefore be stated on the carton. Because the proposed cutoff date is April 30, 1964, there would appear to be no need for any notation on cartons packed during 1963. We have proposed January 1, 1964, since sets shipped after that date might still be in the distributor's warehouse on or after May 1, 1964. All-channel units manufactured prior to May 1, 1964, may, of course, be certificated as complying with the noise figure and sensitivity requirements; and in such cases the manufacturer may wish specially to notify his distributors or others of this fact, by marking the container or by adding a seal or label to that effect to the receiver.

resale (or imported for such purpose) after December 31, 1964, unless it is capable of receiving all frequencies allocated to television broadcasting in the United States and has been certificated as complying with the requirements set forth in § 15.70"). In this way, it would be clearly established that after 1964 (and this is a considerable grace period), only the all-channel set would move in the channels of interstate commerce. The Commission requests comments on this further proposal.

[2] The percentage of all-channel sets produced is already increasing. Thus, in the first six months of 1961, out of 2,601,136 sets produced, 147,632 were UHF equipped (or 5.20%), while in the first six months of 1962, 275,406 (or 8.35%) of the 3,295,501 sets produced were UHF equipped.

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 9 (Revised)]

DEPUTY ADMINISTRATOR FOR OPERATIONS ET AL.

Delegation of Authority

SEPTEMBER 10, 1962.

Pursuant to the authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, from the Secretary of State (26 F.R. 10608) and in accordance with the provisions of section 624 (b) of the Foreign Assistance Act of 1961, as amended, it is directed as follows:

In the event of the absence, death, resignation or disability of the Administrator, the following designated officers of the Agency for International Development shall, in the order of succession indicated, act as Administrator:

1. Deputy Administrator for Operations.
2. Deputy Administrator for Administration.
3. Assistant Administrator, Bureau of Near East-South Asia.
4. Assistant Administrator, Bureau for Latin America.
5. Assistant Administrator, Bureau for Africa and Europe.
6. Assistant Administrator, Bureau for The Far East.

This Delegation of Authority supersedes Delegation of Authority No. 9 of January 26, 1962 (27 F.R. 24), as amended by the third paragraph of Delegation of Authority No. 16 of June 12, 1962 (27 F.R. 5821).

This Delegation of Authority shall be deemed to have become effective August 26, 1962.

FOWLER HAMILTON,
Administrator.

SEPTEMBER 10, 1962.

[F.R. Doc. 62-9269; Filed, Sept. 17, 1962; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55705]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Restrictions on the Entry or Withdrawal From Warehouse

SEPTEMBER 12, 1962.

There are published below two letters of August 31, 1962, from the Interagency Textile Administrative Committee, recommending and requesting the taking of specified actions relating to certain cotton textiles and cotton textile products produced or manufactured in Portugal.

Accordingly, it is hereby ordered that cotton textiles and cotton textile products produced or manufactured in Portugal included in Category 5 shall not be permitted to be entered for consumption, or withdrawn from warehouse for consumption, at any port of entry in the United States (including the Commonwealth of Puerto Rico) after September 3, 1962. It is further ordered that cotton textiles and cotton textile products produced or manufactured in Portugal included in Category 24 and exported from Portugal on or after September 4, 1962, shall not be permitted to be entered for consumption, or withdrawn from warehouse for consumption, at any port of entry in the United States (including the Commonwealth of Puerto Rico).

The categories involved are described in detail in the "Schedule A and U.S.I.D.A. Components of Selected Cotton Textile Arrangement Categories," attached to the aforesaid letters. This order is not applicable to samples which would otherwise be eligible for duty-free importation pursuant to title 19, United States Code, section 1201, paragraph 1821(b), or to articles regardless of value or condition, transported as samples via air parcel post directly from the country of origin. The procedures set forth in §§ 12.70 to 12.73 of the Customs regulations, governing importations of restricted textiles, are applicable to importations of merchandise affected by this decision.

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON 25, D.C.

THE INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

AUGUST 31, 1962.

The Honorable C. DOUGLAS DILLON,
The Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: In accordance with the letter of March 16 to you from the President of the United States delegating authority under certain parts of Section 204 of the Agricultural Act of 1956 and in accordance with the authority granted to the Interagency Textile Administrative Committee in that letter, the Interagency Textile Administrative Committee recommends and requests, in accordance with Article IA of the Arrangements Regarding International Trade in Cotton Textiles done at Geneva July 21, 1961, that you take the actions listed below to prevent disruption or threatened disruption of the markets of listed textile products in the United States. These Arrangements were concluded under authority of Section 204 of the Agricultural Act of 1956 on a multilateral basis by countries accounting for a significant part of the world trade in cotton textiles and cotton textile products.

Actions Recommended and Requested

Cotton textiles and cotton textile products included in Category 5, produced or manufactured in Portugal and offered on or after September 4, 1962, for entry for consumption into the United States shall be refused entry into the United States for consumption.

The products included in Category 5 are described in detail in the attached "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories." The foregoing restraint should not be made applicable to samples otherwise eligible for duty-free importation pursuant to paragraph 1821 of Section 1201 of Title 19 of the United States Code. Furthermore, in carrying out the above-described recommendations, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

This recommendation was arrived at on the 31st day of August 1962 by unanimous vote of the Interagency Textile Administrative Committee.

Sincerely yours,

HICKMAN PRICE, JR.,
Chairman.

Enclosure:

Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories

Category	Schedule A Number	U.S.I.D.A. Number
5. Ginghams, carded yarn	3068 100	0904 300*
		600*
		900*
		0905 300*
		600*
		900*

*The last digit represents average yarn number groups (e.g., *0* represents average yarn numbers 10 or lower; *3* represents average yarn numbers 21 through 25; *9* represents average yarn numbers over 60, etc.).

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON 25, D.C.

THE INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

August 31, 1962.

The Honorable C. DOUGLAS DILLON,
The Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: In accordance with the letter of March 16 to you from the President of the United States delegating authority under certain parts of Section 204 of the Agricultural Act of 1956 and in accordance with the authority granted to the Interagency Textile Administrative Committee in that letter, the Interagency Textile Administrative Committee recommends and requests, in accordance with Article IA of the Arrangements Regarding International Trade in Cotton Textiles done at Geneva July 21, 1961, that you take the actions listed below to prevent disruption or threatened disruption of the markets of listed textile products in the United States. These Arrangements were concluded under authority of Section 204 of the Agricultural Act of 1956 on a multilateral basis by countries accounting for a significant part of the world trade in cotton textiles and cotton textile products.

Actions Recommended and Requested

Cotton textiles and cotton textile products included in Category 24, produced or manufactured in Portugal and exported therefrom on or after September 4, 1962, shall be refused entry into the United States for consumption.

The products included in Category 24 are described in detail in the attached "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories." The foregoing restraint should not be made applicable to samples otherwise eligible for duty-free importation pursuant to paragraph 1821 of Section 1201 of Title 19 of the United States Code. Furthermore, in carrying out the above-described recommendations, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

This recommendation was arrived at on the 31st day of August 1962 by unanimous vote of the Interagency Textile Administrative Committee.

Sincerely yours,

HICKMAN PRICE, JR.,
Chairman.

Enclosure:

Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories

Categories	Schedule A Number	U.S.I.D.A. Number
24. Yarn-dyed fabrics, except ginghams, carded yarn	3068 800	0904 390*
		690*
		990*
		0905 390*
		690*
		990*

*The last digit represents average yarn number groups (e.g., *0* represents average yarn numbers 10 or lower; *3* represents average yarn numbers 21 through 25; *9* represents average yarn numbers over 60, etc.).

[F.R. Doc. 62-9276; Filed, Sept. 17, 1962; 8:49 a.m.]

[AA 643.3-8]

PORTLAND CEMENT FROM THE DOMINICAN REPUBLIC

Purchase Price Less Than Foreign Market Value

SEPTEMBER 2, 1962.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of portland cement, other than white, nonstaining portland cement from the Dominican Republic is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of portland cement, other than white, nonstaining portland cement from the Dominican Republic pursuant to section 14.9 of the Customs Regulations (CFR 14.9).

The complaint in this case was made by the firm of Covington and Burling on behalf of the following domestic cement producers:

Allentown Portland Cement Co.
Coplay Cement Manufacturing Co.
Giant Portland Cement Co.
Dragon Cement Co.
Glens Falls Portland Cement Co.
Hercules Cement Co.
Keystone Portland Cement Co.
National Portland Cement Co.
Nazareth Cement Co.
North American Cement Corp.
Standard Lime and Cement Co.
The Whitehall Cement Manufacturing Co.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

[F.R. Doc. 62-9278; Filed, Sept. 17, 1962; 8:49 a.m.]

Comptroller of the Currency

COUNTY TRUST CO. AND GRAMATAN NATIONAL BANK AND TRUST CO. OF BRONXVILLE

Notice of Report on Competitive Factors Involved in Merger Application

On August 2, 1962, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested that the Comptroller of the Currency, report on the competitive factors involved in the proposed merger of the $565 million County Trust Company, White Plains, New York with the $19.7 million Gramatan National Bank and Trust Company of Bronxville, New York, under the charter and title of the former.

On September 7, 1962, the Comptroller of the Currency reported that the proposed merger would improve the competitive position of County Trust in its area and would enhance competition by eliminating the cloak of home office protection from Bronxville which artificially inhibits banking competition to the public detriment by denying de novo branching. He concluded that the proposed merger would, from the standpoint of effective banking competition, serve the public interest.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 12, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-9275; Filed, Sept. 17, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 031295]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number Arizona 031295 for the withdrawal of the lands described below from all forms of appropriation (except the act of June 17, 1902 (32 Stat. 388)), under the public land laws, including the general mining and mineral leasing laws, subject to existing valid claims.

The applicant desires the land for control, operation, and maintenance of the Colorado River. The surface and mineral resources, recreation and scenic values will remain unchanged until such time as constructed works are authorized. The administration of these lands will remain under the Bureau of Land Management until such time as they are actually needed.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections, in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix 25, Arizona.

If circumstances warrant it a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 S., R. 24 W.,
Sec. 23: Lots 5, 6, 7, and 8;
Sec. 26: Lots 5, 6, 7, 8, and W½;
Sec. 35: Lots 2, 3, W½NE¼, W½, and SE¼;
Sec. 36: Lots 6, 7, 8, 9, 10, 11, and W½SW¼.
T. 2 S., R. 24 W.,
Sec. 1: Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13.

The area described above aggregates approximately 1,761.72 acres.

FRED J. WEILER,
State Director.

SEPTEMBER 10, 1962.

[F.R. Doc. 62-9255; Filed, Sept. 17, 1962; 8:45 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 10, 1962.

The Federal Aviation Agency has filed an application, Serial Number I-013544 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended. The applicant desires the land for the continued operation, construction and maintenance of a VORTAC Facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 10 S., R. 22 E.,
Sec. 3: Tract M.

The area described aggregates 4.45 acres.

MICHAEL T. SOLAN,
Manager.

[F.R. Doc. 62-9256; Filed, Sept. 17, 1962; 8:46 a.m.]

IDAHO

Small Tract Classification Order: Revocation

SEPTEMBER 10, 1962.

Pursuant to the authority delegated to me by Bureau Order No. 684 dated August 28, 1961 (26 F.R. 8216), I hereby revoke in its entirety the Idaho Small Tract Classification Order which appeared in the July 1, 1948, issue of the FEDERAL REGISTER (13 F.R. 3679) as Federal Register Document No. 48-5850.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 62-9257; Filed, Sept. 17, 1962; 8:46 a.m.]

Office of the Secretary

EMERGENCY PREPAREDNESS AND MOBILIZATION RESPONSIBILITIES WITH RESPECT TO MINERALS

Agreement Between the Secretary of the Interior and the Secretary of Commerce

SECTION 1. This agreement is in pursuance of paragraph (e), section 2, of Executive Order 10997, paragraph (c) (5), section 1, of Executive Order 10999, and Part Four of Annex 33 "National Energy and Minerals Plan" to the National Plan for Civil Defense and Defense Mobilization, which provide for an agreement between the Secretary of the Interior and the Secretary of Commerce specifying the stages of processing and the types of facilities to which their respective emergency preparedness and mobilization responsibilities with respect to minerals pertain. Minerals, as defined in those Executive orders and Annex 33, are all raw materials of mineral origin (except petroleum, gas, solid fuels, and source materials as defined in the Atomic Energy Act of 1954, as amended) obtained by mining and like operations and processed through certain stages and at certain types of facilities as specified in this Agreement.

SEC. 2(a) A "Schedule of Interior Responsibilities" is attached to this Agreement. With respect to the mineral commodities listed in the first column of the Schedule, the Secretary of the Interior shall have emergency preparedness and mobilization responsibilities for the facilities listed in the second column of the Schedule and for the production of materials by these facilities. His responsibilities for distribution shall be limited to the materials listed in the third column of the Schedule.

(b) With respect to the mineral commodities listed in the first column of the Schedule, the Secretary of Commerce shall have emergency preparedness and mobilization responsibilities for all facilities other than those listed in the second column of the Schedule, the production of materials by such other facilities, and the distribution of all materials not listed in the third column of the Schedule.

STEWART L. UDALL,
Secretary of the Interior.

LUTHER H. HODGES,
Secretary of Commerce.

JUNE 21, 1962.

SCHEDULE OF INTERIOR RESPONSIBILITIES

I Commodity	II Facilities responsibilities	III Distribution responsibilities
Abrasives:		
Diamonds	Mines; concentrating plants	Ores.
Diatomite	Mines; beneficiation plants	Crude diatomite.
Corundum	Mines; crushing, sizing, washing, grading, and concentrating plants.	Ores.
Emery	Mines; beneficiation plants	Do.
Garnet	do	Do.
Grinding and sharpening stone (natural).	Quarries; cutting plants	Crude stone.
Grinding pebbles	do	Do.
Quartzite	Mines; quarries; crushing and grading plants	Ores.
Tripoli and rottenstone	Mines; crushing, grinding, and grading plants	Crude tripoli, amorphous silica, rottenstone.
Aluminum	Bauxite mines; drying and calcining plants; alumina plants; reduction plants.	Crude, dried, and calcined bauxite, alumina.
Antimony	Mines; concentrating plants; primary smelters; refineries.	Ores, concentrates, residues.
Arsenic	Mines; concentrating plants; smelters; refineries	Do.
Asbestos	Mines; separation and classification plants	Ores.
Barium	Mines; beneficiating, grinding, and grading plants.	Do.
Beryllium	Mines; concentrating and grinding plants; refineries.	Ores, concentrates.
Bismuth	Mines; concentrating plants; smelters; refineries	Ores, concentrates, base bullion, residues.
Boron	Mines; wells; refineries	Ores, brine.
Bromine	Plants recovering bromine	Bitterns, brines.
Bruclte	Mines; magnesium compound recovery and burning plants.	Ores.
Cadmium	Concentrating plants; smelters; refineries	Ores, concentrates, residues.
Calcium chloride	Brine processing plants	Brines.
Cerium and other rare earth metals.	Mines; concentrating, calcining, acid and caustic leaching plants.	Ores, concentrates.
Cesium	Mines; concentrating plants; extraction plants	Ores, concentrates, residues, solutions.
Chromium	Mines; concentrating plants; agglomerating plants; refineries.	Ores, concentrates, agglomerates.
Clays:		
Kaolin	Mines; drying, grinding, and concentrating plants.	Ores.
Ball clay	Mines; drying, calcining, shredding, and grinding plants.	Do.
Bentonite	Mines; drying, activating, grinding, concentrating, and sizing plants.	Do.
Fuller's Earth	Mines; drying, activating, grinding, and screening plants.	Do.
Fire clay	Mines; drying, calcining, concentrating, and grinding plants.	Do.
Common clay and shales	Mines; beneficiation plants; bloating plants	Crude common clay, shale.
Cobalt	Mines; concentrating plants; leaching plants; refineries.	Ores, concentrates, matte, slurries, in-process oxides, smelter anodes.
Columbium	Mines; dredges; concentrating plants	Ores.
Copper	Mines; concentrating plants; leaching plants; roasting plants; primary smelters; primary refineries.	Ores, concentrates, precipitates, matte, speiss, blister, smelter anodes.
Cryolite (natural)	Mines; concentrating and grading plants	Ores, concentrates.
Dolomite	Mines; compound recovery and burning plants	Ores.
Feldspar	Mines; grinding, concentrating and grading plants.	Do.
Fluorspar	Mines; drying plants; concentrating plants	Do.
Gallium	Refineries	Concentrates, residues.
Gem stones	Mines; concentrating plants	Ores.
Germanium	Refineries	Concentrates, residues.
Gold	Mines; concentrating plants; leaching and precipitation plants; smelters; refineries.	Ores, concentrates, intermediate smelter products.
Graphite	Mines; concentrating, grinding and grading plants.	Ores.
Greensand	Mines; concentrating plants	Do.
Gypsum	Mines; crushing and calcining plants	Crude gypsum.
Hafnium	Mines; concentrating plants; reduction plants	Ores.
Ilmenite	Mines; concentrating plants; processing plants; grinding plants.	Ores, concentrates.
Indium	Refineries	Concentrates, fume, dusts, residues and slags.
Iodine	Mines; concentrating plants; wells	Ores, brines.
Iron	Mines; concentrating plants; agglomerating plants at or near mine sites.	Ores, concentrates.
Kyanite, andalusite, sillimanite, and dumortierite.	Mines; concentrating and calcining plants	Do.
Lead	Mines; concentrating plants; smelters; refineries	Ores, concentrates, base bullion, residues.
Limestone and marl	Mines; quarries; crushing and grinding plants; kilns and lime plants.	Crushed limestone and marl.
Lithium	Mines; concentrating plants; brine-processing plants.	Ores.
Magnesite	Mines; compound recovery and burning plants	Do.
Manganese	Mines; concentrating plants; agglomerating plants; leaching plants.	Ores, concentrates, agglomerates.
Mercury	Mines; concentrating plants; leaching plants; electrolytic plants; retorts and furnaces.	Ores, concentrates.
Mica	Mines; beneficiation plants	Crude mica.
Molybdenum	Mines; concentrating plants	Ores.
Monazite, bastnasite	See Cerium and other rare-earth metals	
Nickel	Mines; concentrating plants; leaching plants; smelters; refineries.	Ores, concentrates, matte, slurries, in-process oxides, smelter anodes.

compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

HUMANE SLAUGHTER

[Supplement No. 1 to Report No. 11]

INDICATING THOSE SPECIES SLAUGHTERED HUMANELY IN EACH ESTABLISHMENT UNDER FEDERAL MEAT INSPECTION

AUGUST 1962.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AT		(*)	(*)			
Do.	2H						
Do.	28D						
Swift and Co.	8A						
Do.	8AE						
Do.	8AW						
Do.	8D						
Do.	8E						
Do.	8N						
Do.	8T						
Lykes Bros., Inc.	8W						
Do.	8B		(*)				
Hygrade Food Products Corp.	12			(*)			
John Morrell and Co.	15D						
Wilson & Co., Inc.	20A						
Rath Packing Co.	32		(*)	(*)		(*)	
Pocomoke Provision Co.	39						
Sunnyland Packing Co.	43						
Stark Wetsel and Co., Inc.	44						
Do.	44A						
Idaho Meat Packers	46		(*)	(*)		(*)	
Consolidated Packers Beef Co., Inc.	47						
Wetland Packing Co., Inc.	56						
Hill Packing Co.	61		(*)	(*)		(*)	
Brown Thompson & Son.	83E						
Edgar Packing Co.	84						(*)
Utica Veal Co., Inc.	88						
Bhoyro Packing Co.	91		(*)	(*)	(*)		
Hoffman Packing Co., Inc.	112					(*)	
Marhoefer Packing Co., Inc.	121						
Peyton Packing Co., Inc.	126			(*)			
Superior Packing Co.	127					(*)	
R. B. Rice Sausage Co., Inc.	144						
Kansas City Dressed Beef Co.	156						
Missouri Farmers Assn. Packing Division.	159A					(*)	
Carr Packing Co., Inc.	160						
New York State College of Agriculture.	163			(*)		(*)	
Armour and Co.	177						
John Morrell and Co.	190					(*)	
George A. Hormel and Co.	190A						
Do.	190D		(*)			(*)	
Empire Packing Co., Inc.	205			(*)			
Central Packing Co.	208						
Helms Riverside Abattoir, Inc.	210						
Penn Packing Co.	212						
Gold Merit Packing Co., Inc.	232		(*)	(*)		(*)	
Greenwood Packing Plant.	242						
I. Klayman & Co.	248						
Frosty Morn Meats.	257						
Swift and Co.	274		(*)	(*)		(*)	
Elliott Packing Co.	283						
Figge and Hutwelker Co.	291		(*)	(*)		(*)	
San Jose Meat Co.	317A						
Greater New York Packing Co., Inc.	330		(*)	(*)		(*)	
Stadler Packing Co., Inc.							

SCHEDULE OF INTERIOR RESPONSIBILITIES—Continued

I Commodity	II Facilities responsibilities	III Distribution responsibilities
Nitrogen minerals and nitrates.	Mines; refineries	Ores.
Olivine	Mines; concentrating plants	Do.
Perlite	Mines; grinding and screening plants; expanding plants.	Crude perlite.
Phosphate rock	Mines; beneficiation plants	Ores.
Platinum-group metals	Mines; concentrating plants; refineries	Ores, concentrates, residues.
Potash	Mines; crushing plants; brine-processing plants.	Ores, in-process concentrates.
Pumice	Mines; grinding, drying, screening and grading plants.	Ores.
Quartz crystal	Mines; grading plants	Do.
Rhenium	Refineries	Ores, concentrates, residues.
Roofing granules	Quarries; granule plants	Crushed raw granules.
Rubidium	Mines; concentrating plants; extraction plants	Ores, concentrates, residues, solutions.
Rutile	Mines; concentrating plants; grinding and processing plants.	Ores, concentrates.
Salt	Mines; salt wells; processing plants; evaporated salt plants.	Crude rock salt, brines.
Sand and gravel	Pits; washing and grading plants	Crude sand and gravel.
Scandium	Mines; concentrating plants; refineries	Ores, concentrates, solutions.
Selenium	Refineries	Residues, chemicals, intermediate products.
Silver	Mines; concentrating plants; smelters; refineries.	Ores, concentrates.
Slate	Quarries; splitting, milling, crushing and grading plants.	Crude slate.
Sodium compounds	Mines; brine wells; refineries	Natural sodium minerals, brines.
Stone:		
Dimension	Quarries; milling and grading	Block stone.
Broken	Quarries; crushing and grading plants	Broken stone.
Strontium	Mine; concentrating plants	Ores.
Sulfur	do	Do.
Talc, soapstone, and pyrophyllite.	Mines; wells; plants producing sulfur	Ores, gases for sulfur recovery.
Tantalum	Mines; crushing, grinding, screening, and concentrating plants.	Ores.
Tellurium	Mines; dredges; concentrating plants	Do.
Thallium	Refineries	Residues, slimes.
Thorium	Mines; concentrating plants; smelters; refineries	Concentrates, residues.
Titanium	Mines; concentrating plants; reduction plants	Ores, concentrates.
Topaz	Mines; dredges; concentrating plants	Do.
Tungsten	Mines; concentrating plants; reduction plants	Ores.
Vanadium	Mines; concentrating plants; leaching plants; reduction plants.	Ores, concentrates, in-process tungstates.
Vermiculite	Mines; concentrating plants; exfoliating plants	Ores, concentrates, residues.
Wollastonite	Mines; concentrating plants	Crude vermiculite.
Yttrium	Mines; concentrating, calcining and leaching plants; refineries.	Ores.
Zinc	Mines; concentrating plants; leaching plants; roasting plants; smelters; electrolytic plants.	Ores, concentrates.
Zirconium	Mines; concentrating and reduction plants	Ores, concentrates, calcines, sinter, fume, residues.
		Ores.

[F.R. Doc. 62-9266; Filed, Sept. 17, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR Part 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the Act (27 F.R. 9116) for August and represents those establishments and species which were reported too late to be included in the earlier list or which have come into

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Shapiro Packing Co., Inc.	332	(*)	(*)				
Sam Kane Packing Co.	337	(*)	(*)				
Peters Packing Co., Inc.	341	(*)	(*)			(*)	
Samuels E. Tex Packing Co.	353	(*)	(*)				
McCandless Pack. Co., Inc.	355	(*)					
Westport Packing Corp.	369	(*)					
Cross Bros. Meat Packers, Inc.	376	(*)	(*)	(*)			
Emge Packing Co., Inc.	380	(*)	(*)			(*)	
Dugdale Packing Co.	390	(*)					
Oldhams Farm Sausage Co., Inc.	392					(*)	
Philadelphia Boneless Beef Co.	418	(*)					
Dewitt Packing Corp.	456	(*)	(*)				
Morris Rifkin and Sons, Inc.	460	(*)					
Pioneer Boneless Beef, Inc.	461	(*)					
Armour and Co.	477	(*)	(*)	(*)			
Eldgridge Packing Co.	478	(*)					
St. Cloud Meat Packing Co.	485	(*)					
Memphis Butchers Association, Inc.	488	(*)	(*)			(*)	
Helm Brothers Packing Co.	499	(*)				(*)	
Greenlee Pack. Co.	501	(*)					
Charles Miller and Co.	517					(*)	
Greendell Packing Corp.	542	(*)					
Black Hills Packing Co.	554	(*)				(*)	
Mid South Packers, Inc.	557	(*)				(*)	
The Cudahy Packing Co.	559	(*)	(*)			(*)	
Armour and Co.	579	(*)	(*)			(*)	
Stahl Meyer, Inc.	583	(*)					
San Antonio Packing Co.	602	(*)	(*)	(*)			
Swift and Co.	608	(*)				(*)	
Eastern Oregon Meat Co., Inc.	611	(*)	(*)	(*)		(*)	
National Tea Co.	613	(*)				(*)	
Hill Packing Co.	623E						(*)
H. H. Kelm Co.	630	(*)	(*)	(*)		(*)	
Wm. Schluderberg—T. J. Kurdle Co.	649	(*)	(*)	(*)		(*)	
E. S. Read and Sons, Inc.	672	(*)	(*)	(*)			
Haas Davis Packing Co., Inc.	682	(*)	(*)	(*)		(*)	
Nations Brothers Packing Co.	684	(*)	(*)				
Carter Packing Co.	698	(*)	(*)				
Seitz Packing Co., Inc.	756A	(*)				(*)	
Philadelphia Dressed Beef Co.	758	(*)					
Sheridan Meat Co., Inc.	765	(*)				(*)	
Bryan Brothers Packing Co.	780	(*)	(*)			(*)	
Baums Meat Packing	792	(*)	(*)	(*)			
Home Packing Co.	823					(*)	
White Packing Co., Inc.	835	(*)	(*)	(*)		(*)	
John Morrell and Co.	836	(*)					
Nat Buring Packing Co. of Ark., Inc.	837B	(*)				(*)	
Frederick County Products, Inc.	838	(*)	(*)	(*)			
Reelfoot Packing Co.	840	(*)	(*)			(*)	
G. Bartusch Packing Co.	843	(*)					
Arena Dressed Beef Co.	853	(*)	(*)				
Wells and Davies, Inc.	860	(*)	(*)			(*)	
Pahler Packing Corp.	880	(*)					
Vermont Dressed Beef Co., Inc.	883	(*)					
O'Neill Packing Co.	889	(*)					
City Packing Co.	891	(*)	(*)				
Sambol Packing Co.	892	(*)					
Tobin Packing Co., Inc.	893					(*)	
Hoosier Veterinary Laboratories, Inc.	912					(*)	
South Philadelphia Willowbrook, Inc.	923	(*)	(*)				
Cappellino Abattoir, Inc.	939	(*)					
Wilson and Co., Inc.	940	(*)	(*)			(*)	
Whitehall Packing Co.	946	(*)					
Reitz Meat Products Co.	983	(*)				(*)	
Landy Packing Co.	1171	(*)					
The Harris Packing Co.	1175					(*)	
A. F. Moyer and Sons, Inc.	1311	(*)					

128 Establishments reported.

Done at Washington, D.C., this 13th day of September 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-9302; Filed, Sept. 17, 1962; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

FEDERAL SHARE FOR THE PURPOSES OF THE LIBRARY SERVICES ACT

Promulgation

Pursuant to section 6(d) of the Library Services Act, 70 Stat. 293, as amended, 20 U.S.C. 355(d), and it having been found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to per capita income, are the years 1959, 1960, and 1961; the Federal shares for the purposes of such Act for the several States, Puerto Rico, Guam, and the Virgin Islands are hereby promulgated as indicated below to be effective for the fiscal years ending June 30, 1964, and June 30, 1965:

State	Federal share (percent)	State	Federal share (percent)
Alabama	66.00	Massachusetts	43.14
Alaska	39.80	Michigan	48.44
Arizona	54.50	Minnesota	53.24
Arkansas	66.00	Mississippi	66.00
California	38.37	Missouri	50.14
Colorado	47.96	Montana	55.02
Connecticut	35.93	Nebraska	52.53
Delaware	33.00	Nevada	35.52
Florida	55.59	New Hampshire	53.21
Georgia	63.67	New Jersey	39.93
Hawaii	48.46	New Mexico	59.03
Idaho	59.57	New York	37.04
Illinois	40.63	North Carolina	64.57
Indiana	50.95	North Dakota	63.21
Iowa	53.89	Ohio	47.60
Kansas	53.35	Oklahoma	58.48
Kentucky	64.77	Oregon	49.48
Louisiana	63.51	Pennsylvania	49.37
Maine	58.48	Rhode Island	50.36
Maryland	45.70	South Carolina	66.00
		South Dakota	60.48
		Tennessee	64.95
		Texas	56.02
		Utah	56.49
		Vermont	57.94
		Virginia	58.12
		Washington	47.65
		West Virginia	62.35
		Wisconsin	51.18
		Wyoming	46.85
		Outlying Parts of the United States	
		Puerto Rico	66.00
		Guam	66.00
		Virgin Islands	66.00

Dated: August 31, 1962.

[SEAL] STERLING M. McMURRIN,
United States Commissioner of Education.

Approved: September 12, 1962.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 62-9267; Filed, Sept. 17, 1962; 8:47 a.m.]

Social Security Administration

FEDERAL MEDICAL PERCENTAGE

Promulgation

Promulgation of Federal medical percentage for purposes of State medical expenditures on behalf of recipients of aid or assistance under Title I or XVI of the Social Security Act.

Pursuant to section 6(c) of the Social Security Act as amended (42 U.S.C. 306(c)), which provides for determination and promulgation of the Federal medical percentage in accordance with the provisions of section 1101(a)(8) of such Act (42 U.S.C. 1301(a)(8)),

And it having been found that the three most recent calendar years for which satisfactory data are available from the Department of Commerce as to the per capita income of each State and of the United States are the years 1959, 1960, and 1961,

The Federal medical percentage, as indicated below, for purposes of Federal financial participation in State medical expenditures on behalf of recipients of aid or assistance under Title I or XVI of such Act, for each of the fifty States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands as specified in said Act, or as determined pursuant thereto, and on the basis of said income data, are hereby promulgated for each of the eight quarters in the period beginning July 1, 1963, and ending with the close of June 30, 1965:

State	Federal medical percentage	State	Federal medical percentage
Alabama	78.29	Indiana	52.06
Alaska	50.00	Iowa	57.63
Arizona	58.75	Kansas	56.63
Arkansas	80.00	Kentucky	75.27
California	50.00	Louisiana	73.46
Colorado	50.00	Maine	65.65
Connecticut	50.00	Maryland	50.00
Delaware	50.00	Massachusetts	50.00
District of Columbia	50.00	Michigan	50.00
Florida	60.69	Minnesota	56.42
Georgia	73.69	Mississippi	80.00
Hawaii	50.00	Missouri	50.45
Idaho	67.43	Montana	59.69
Illinois	50.00	Nebraska	55.10
		Nevada	50.00
		New Hampshire	56.38
		New Jersey	66.55
		New Mexico	50.00
		New York	50.00
		North Carolina	74.99
		North Dakota	73.03
		Ohio	50.00
		Oklahoma	65.65
		Oregon	50.00
		Pennsylvania	50.00
		Rhode Island	50.90
		South Carolina	80.00
		South Dakota	68.87
		Tennessee	75.53
		Texas	61.45
		Utah	62.28
		Vermont	64.75
		Virginia	65.05
		Washington	50.00
		West Virginia	71.76
		Wisconsin	52.50
		Wyoming	50.00
		Guam	50.00
		Puerto Rico	50.00
		Virgin Islands	50.00

Dated: August 27, 1962.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: September 12, 1962.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 62-9268; Filed, Sept. 17, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

EMERGENCY PREPAREDNESS AND MOBILIZATION RESPONSIBILITIES WITH RESPECT TO MINERALS

Agreement Between the Secretary of the Interior and the Secretary of Commerce

CROSS REFERENCE: For a joint agreement of the Secretary of the Interior and the Secretary of Commerce respecting emergency preparedness and mobilization responsibilities relating to minerals, see F.R. Doc. 62-9266, supra.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14714, 14715; FCC 62M-1203]

DESERT BROADCASTING CO., INC., AND MANUEL MARTINEZ

Order Continuing Hearing

In re applications of Desert Broadcasting Company, Inc., Docket No. 14714, File No. BMPH-6746; for additional time to construct radio station KANT-FM, Lancaster, California, and Desert Broadcasting Company, Inc. (Assignor), and Manuel Martinez (Assignee), Docket No. 14715, File No. BAPH-271; for assignment of construction permit for radio station KANT-FM, Lancaster, California.

In accordance with the ruling made at the prehearing conference on September 11, 1962:

It is ordered, This 11th day of September 1962, that a further prehearing conference will be held at 9:00 a.m., October 18, 1962; and

It is further ordered, On the Hearing Examiner's own initiative that the hearing, now scheduled to commence on October 22, 1962, is continued to a date to be fixed at the October 18, 1962 further prehearing conference.

Released: September 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9288; Filed, Sept. 17, 1962; 8:51 a.m.]

[Docket Nos. 14764-14766; FCC 62M-1206]

JESUS VARGAS CANDELARIA ET AL.

Order Scheduling Hearing

In re applications of Jesus Vargas Candelaria, Bayamon, Puerto Rico, Docket No. 14764, File No. BP-14334; International Broadcasting Corporation, Carolina, Puerto Rico, Docket No. 14765, File No. BP-15161; Mauricio Alvarez-Martin, Carolina, Puerto Rico, Docket No. 14766, File No. BP-15164; for construction permits.

It is ordered, This 12th day of September 1962, that Arthur A. Gladstone will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 26, 1962, in Washington, D.C.

It is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, October 9, 1962.

Released: September 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9289; Filed, Sept. 17, 1962; 8:51 a.m.]

[Docket Nos. 14755-14757; FCC 62M-1209]

JUPITER ASSOCIATES, INC., ET AL.

Order Scheduling Hearing

In re applications of Jupiter Associates, Inc., Matawan, New Jersey, Docket No. 14755, File No. BP-14178; William S. Halpern and Louis N. Seltzer, d/b as Somerset County Broadcasting Company, Somerville, New Jersey, Docket No. 14756, File No. BP-14234; Radio Elizabeth, Inc., Elizabeth, New Jersey, Docket No. 14757, File No. BP-14812; for construction permits.

It is ordered, This 12th day of September 1962, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 15, 1962, in Washington, D.C.

It is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, October 8, 1962.

Released: September 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9290; Filed, Sept. 17, 1962; 8:51 a.m.]

[Docket Nos. 14759, 14760; FCC 62M-1204]

LEVY COUNTY BROADCASTING CO. AND THOMAS COUNTY BROADCASTING CO., INC.

Order Scheduling Hearing

In re applications of Levy County Broadcasting Company, Williston, Florida, Docket No. 14759, File No. BP-13981; Thomas County Broadcasting Company, Inc. (WKTG), Thomasville, Georgia, Docket No. 14760, File No. BP-14988; for construction permits.

It is ordered, This 12th day of September 1962, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 1, 1962, in Washington, D.C.

It is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, October 8, 1962.

Released: September 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9291; Filed, Sept. 17, 1962; 8:51 a.m.]

[Docket Nos. 14698, 14699; FCC 62M-1211]

NEW YORK TECHNICAL INSTITUTE OF CINCINNATI, INC., AND AIRCALL-CHICAGO, INC.

Order Continuing Hearing

In re applications of New York Technical Institute of Cincinnati, Inc., Chicago, Illinois, Docket No. 14698, File No. 1760-C2-P-62; and Aircall-Chicago, Inc., Chicago, Illinois, Docket No. 14699, File No. 2282-C2-P-62; for construction permits to add facilities and modify authorizations for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

To formalize the agreements and rulings made on the record at a prehearing conference held on September 12, 1962, in the above-entitled matter concerning the future conduct of this proceeding:

It is ordered, This 12th day of September 1962, that:

Engineering exhibits shall be exchanged on November 8, 1962;

Notification of Witnesses on November 26, 1962; and

Hearing presently scheduled for October 17, 1962, is rescheduled for December 10, 1962.

Released: September 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9292; Filed, Sept. 17, 1962; 8:51 a.m.]

[Docket Nos. 14762, 14763; FCC 62M-1205]

PAYNESVILLE BROADCASTING CO. AND HARRY NEWBY

Order Scheduling Hearing

In re applications of R. Earle LeMasurier, tr/as Paynesville Broadcasting Co., Paynesville, Minnesota, Docket No. 14762, File No. BP-14584; Harry Newby, Cambridge, Minnesota, Docket No. 14763, File BP-15280; for construction permits.

It is ordered, This 12th day of September 1962, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 1, 1962, in Washington, D.C.

It is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, October 8, 1962.

Released: September 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9293; Filed, Sept. 17, 1962; 8:51 a.m.]

[Docket No. 14692; FCC 62M-1214]

PINELLAS RADIO CO.

Order Continuing Hearing

In re application of William D. Mangold, Francis G. Bonsey, and Edward P. Landt, d/b as Pinellas Radio Company, Pinellas Park, Florida, Docket No. 14692, File No. BP-14387; for construction permit.

A prehearing conference in the above-entitled matter having been held on September 10, 1962, and it appearing from the record made therein that certain agreements were reached and certain rulings made by the Hearing Examiner which should be formalized by order:

It is ordered, This 12th day of September 1962, that:

(1) The direct affirmative case of the applicant shall be presented entirely in the form of sworn written exhibits;

(2) Copies of the applicant's proposed exhibits may be supplied the other parties hereto on or before October 11, 1962, but such proposed exhibits may be amended or reformed on or before October 25, 1962;

(3) Copies of the applicant's exhibits in final form shall be supplied the other parties hereto on or before October 25, 1962;

(4) Any party wishing to call for cross-examination any witness responsible for the preparation of any of applicant's exhibits shall give notification thereof on or before November 2, 1962.

It is further ordered, That the hearing herein heretofore scheduled to commence on October 11, 1962, is continued to November 13, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: September 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9294; Filed, Sept. 17, 1962; 8:51 a.m.]

[Docket No. 14611; FCC 62M-1213]

PROGRESS BROADCASTING CORP.

Order Continuing Hearing

In re application of Progress Broadcasting Corporation (WHOM), New York, New York, Docket No. 14611, File No. BP-13915; for construction permit.

The Hearing Examiner having under consideration a motion filed September 7, 1962, on behalf of the applicant herein, requesting a change of certain dates in this proceeding;

It appearing that the Commission on September 5, 1962, released its Memorandum Opinion and Order in this proceeding (FCC 62R-27), in which, through the enlargement of issues, additional time will be required by the parties in order to properly prepare their respective material for this proceeding;

It further appearing that the motion requests the exchange of exhibits be accomplished on October 9, 1962, in lieu of September 14, 1962, and that the hearing date be changed from October 9, 1962, to October 23, 1962;

It further appearing that because of a conflict in the hearing schedule, the Hearing Examiner will not be able to set the matter for hearing on October 23, 1962, but may schedule the matter for October 24, 1962;

It further appearing that counsel on behalf of the respondent and the Broadcast Bureau have indicated no objection to the granting of the instant request:

Accordingly, it is ordered, That the motion is granted, except as modified, and that the exchange of exhibits shall be accomplished on or before October 9, 1962, in lieu of September 14, 1962; and that the hearing now scheduled for October 9, 1962, will be rescheduled for October 24, 1962, 10:00 a.m. in the Commission's Offices, Washington, D.C.

Dated: September 12, 1962.

Released: September 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9295; Filed, Sept. 17, 1962; 8:51 a.m.]

[Docket Nos. 14767, 14768; FCC 62M-1207]

SMITH BROADCASTING, INC. AND NORTH ALABAMA BROADCASTING, INC.

Order Scheduling Hearing

In re applications of Smith Broadcasting, Inc., Huntsville, Alabama, Docket No. 14767, File No. BPCT-3012; North Alabama Broadcasters, Inc., Huntsville, Alabama, Docket No. 14768, File No. BPCT-3051; for construction permits for new television broadcast stations (Channel 19).

It is ordered, This 12th day of September 1962, that Arthur A. Gladstone will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 14, 1962, in Washington, D.C.

It is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, October 8, 1962.

Released: September 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9296; Filed, Sept. 17, 1962; 8:51 a.m.]

[Docket No. 14761; FCC 62M-1208]

SMITH RADIO, INC.

Order Scheduling Hearing

In re application of Smith Radio, Inc. (WNUE), Fort Walton Beach, Florida, Docket No. 14761, File No. BP-14906; for construction permit.

It is ordered, this 12th day of September 1962, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 2, 1962, in Washington, D.C.

It is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, October 8, 1962.

Released: September 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9297; Filed, Sept. 17, 1962; 8:52 a.m.]

[Docket No. 14758; FCC 62M-1210]

WBUX BROADCASTING CO.

Order Scheduling Hearing

In re application of WBUX Broadcasting Co. (WBUX), Doylestown, Pennsylvania, Docket No. 14758, File No. BP-13893; for construction permit.

It is ordered, This 12th day of September 1962, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 28, 1962, in Washington, D.C.

It is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, November 28, 1962.

Released: September 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9298; Filed, Sept. 17, 1962; 8:52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-10]

NUCLEAR ENGINEERING COMPANY, INC.

Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that no requests for a formal hearing have been filed following publication of the notice of proposed amendment of License No. 4-3766-1 held by Nuclear Engineering Company, Inc. in the FEDERAL REGISTER. The Atomic Energy Commission has this date issued Amendment No. 15 to License No. 4-3766-1. This amendment is in the form set forth in the notice of proposed amendment published in the FEDERAL REGISTER on August 21, 1962, 27 F.R. 8325.

Dated at Germantown, Md., September 10, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-9250; Filed, Sept. 17, 1962; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., ET AL.

Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement Numbered 8485-C, between American Mail Line Ltd. (AML), American President Lines, Ltd. (APL), and Pacific Far East Line, Inc. (PFEL), is a supplemental agreement to approved Agreement Numbered 8485, as amended, between the same parties, which covers an arrangement for the appointment of a coordinating committee of representatives of each of these companies to prepare studies and make recommendations for further cooperation between said companies in order to effect economies and more efficient operations in their Trans-Pacific services. Agreement Numbered 8485-C provides for the formation of a corporation to be owned by the three parties under the name of Consolidated Marine, Inc. (Consolidated), to operate a terminal in Los Angeles, California, to be used jointly by the three parties. APL will sub-let to Consolidated the terminal which it has leased from the City of Los Angeles under Federal Maritime Commission Agreement No. 8325, as amended, except for office space which APL and PFEL need for their personnel. APL shall receive as rent for such sublease the rent and other charges it must pay for such realty under its agreement with the City of Los Angeles. Each of the parties will execute a terminal agreement with Consolidated. Agreement Numbered 8485-C-1 provides that Consolidated shall perform husbanding services at the aforementioned terminal for vessels owned or operated by the three parties. Consolidated will not engage in any activities other than the operation of a terminal and the husbanding of vessels in Los Angeles for the three companies and activities directly related thereto, unless the agreement be amended and approved by the Federal Maritime Commission.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 13, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-9299; Filed, Sept. 17, 1962; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2165]

ALABAMA POWER CO.

Land Withdrawal; Correction

SEPTEMBER 11, 1962.

Notice of land withdrawal dated May 24, 1962, appearing in the FEDERAL REGISTER issued Wednesday May 30, 1962 (27 F.R. 5110), is corrected to exclude the SE¼SW¼, sec. 17 T. 12 S., R. 5 W. Huntsville Meridian.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9252; Filed, Sept. 17, 1962; 8:45 a.m.]

[Docket No. E-7052]

PACIFIC POWER & LIGHT CO.

Notice of Application

SEPTEMBER 11, 1962.

Take notice that on September 4, 1962, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Pacific Power & Light Company (Applicant), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, California, Montana and Idaho, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of unsecured Promissory Notes in the aggregate principal amount of $45,000,000 at any one time outstanding. The securities which Applicant proposes to issue will be unsecured Promissory Notes to be executed and delivered under and pursuant to a presently existing Credit Agreement, dated as of August 15, 1961, between Applicant and the banks named hereafter, as it is proposed to be supplemented by a Letter Agreement, to be dated as of August 14, 1962. Under the Credit Agreement Applicant has the right to borrow from, repay to and reborrow from the banks, and the respective banks are obligated to lend to Applicant, from time to time prior to March 31, 1963, sums not exceeding in aggregate principal amount at any one time outstanding the amount set forth below opposite the names of the respective banks.

Morgan Guaranty Trust Company of New York	$15,750,000
The Chase Manhattan Bank	10,935,000
The First National City Bank of New York	5,850,000
Mellon National Bank and Trust Company	3,375,000
Continental Illinois National Bank and Trust Company of Chicago	2,520,000
The Hanover Bank	2,520,000
Wells Fargo Bank American Trust Company	2,520,000
Harris Trust and Savings Bank	1,530,000
Total	$45,000,000

The aforementioned Credit Agreement provides that the Notes to be issued thereunder shall be dated the date of the borrowings evidenced thereby, shall mature eleven months after their dates or on March 31, 1963, whichever shall be earlier, and shall bear interest at a rate per annum equivalent to the prime commercial rate of interest charged by Morgan Guaranty Trust Company of New York from time to time. The Credit Agreement further provides for the payment to the banks of a commitment fee computed at the rate of ¼ of 1 percent per annum on unborrowed balances, make borrowings and reborrowings from the banks under the Credit Agreement until March 31, 1963, upon the terms and conditions set forth therein, and further provides that, during the period beginning on March 31, 1963 and ending on March 31, 1964, Pacific shall continue to have the right to make borrowings and reborrowings from the banks upon like terms and conditions except that the Notes to be issued to evidence borrowings and reborrowings made during said extended period are to mature eleven months after their dates or on March 31, 1964, whichever shall be earlier.

Applicant states that the funds obtained from the proposed issuance of Promissory Notes, together with funds available to it from internal sources, will be used to finance temporarily its construction program, the expenditures for which are estimated to be approximately $25,781,000 for the last six months of 1962, approximately $56,000,000 for the year 1963, and approximately $13,000,000 for the first quarter of 1964. The principal items of expenditure are described, as follows: $3,300,000 for construction of the Salt Caves Hydroelectric Project (subject to obtaining required regulatory authority permits); $22,600,000 for installation of a 200,000 kw unit at Dave Johnston steam plant at Glenrock, Wyoming; $3,606,000 for other electric power production facilities; $2,670,000 for completion of the 230 kv transmis-

sion line from Rock Springs to Kemmerer, Wyoming; $1,640,000 for completion of the 230 kv transmission line from Garland, Wyoming, to Applicant's Yellowtail substation in Montana; $4,725,000 for completion of the 230 kv transmission line (designed to be operated at 500 kv when and if 500 kv terminal facilities are provided) from Klamath Falls, Oregon, south into California to interconnect with the electric system of Pacific Gas and Electric Company; $2,315,000 for completion of the Walla Walla, Washington, to Wanapum Dam section of the Lewiston-Wanapum 230 kv line; $2,000,000 for construction of the 230 kv line from Rock Springs, Wyoming, to the Flaming Gorge Project; $1,800,000 for the line from Frannie, Wyoming, to Garland Dome-Cody (part 230 kv and part 115 kv); $3,666,000 for other transmission facilities and $7,593,000 for electric distribution facilities during the last 6 months of 1962; $4,500,000 for other transmission facilities and $17,000,000 for electric distribution facilities in 1963; $1,000,000 for other transmission facilities and $4,393,000 for electric distribution facilities in the first quarter of 1964; $3,359,000 for additions to steam heating, water and telephone utility systems; and, $6,149,000 for other plant facilities, for surveys and for investigations.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 30th day of September, 1962 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9253; Filed, Sept. 17, 1962; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

MARINE CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of The Marine Corporation for prior approval of acquisition of voting shares of Marine National Bank of Waukesha, Waukesha, Wisconsin.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 222.4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application by The Marine Corporation, Milwaukee, Wisconsin, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Marine National Bank of Waukesha, Waukesha, Wisconsin. A Notice of Application was published in the FEDERAL REGISTER on April 21, 1962 (27 F.R. 3871), providing for the filing of comments and views regarding the proposed acquisition; the time provided by the notice for filing comments and views has expired and no comments or views have been filed.

It is ordered, for the reasons set forth in the Board's Statement[1] of this date, that the said application be and hereby is granted, provided that the acquisition so approved shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date, and that the Marine National Bank of Waukesha shall be opened for business not later than six months after said date.

Dated at Washington, D.C., this 12th day of September 1962.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-9254; Filed, Sept. 17, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-1147]

COMMERCIAL PROPERTY ASSOCIATES

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be Investment Company

SEPTEMBER 12, 1962.

Notice is hereby given that Commercial Property Associates ("Applicant"), c/o R. M. Bradley & Co., Inc., 250 Boylston Street, Boston 16, Massachusetts, a Massachusetts business trust and a management closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All persons are referred to the application on file with the Commission for a complete statement of the facts which are summarized below.

Applicant represents that shareholders duly voted that Applicant be liquidated in accordance with a Plan of Liquidation. In accordance with said Plan, all of the property of Applicant was distributed to its shareholders during the calendar month of August 1962. On August 22, 1962, the trustees of Applicant duly filed a Certificate of Termination, upon which filing, in accordance with the provisions of Applicant's Declaration of Trust, the existence of Applicant terminated.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 28, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-9262; Filed, Sept. 17, 1962; 8:47 a.m.]

[File No. 24W-2492]

DIOTRON, INC.

Notice and Order for Hearing

SEPTEMBER 12, 1962.

I. Diotron, Incorporated, a Pennsylvania corporation, 3650 Richmond Street, Philadelphia, Pennsylvania, filed with the Commission on March 29, 1961, a notification on Form 1-A and an offering circular relating to a proposed public offering of 100,000 shares of no par value common stock at $3 per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. Royer Securities Co. was named as underwriter on a best-efforts basis. The filing was completed on June 21, 1961, and the offering was commenced on June 26, 1961 and completed on June 27, 1961. On December 26, 1961, the Form 2-A was filed and an amendment thereto was filed on March 6, 1961.

II. The Commission, on July 26, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.d.s.t., on October 10, 1962, at the main office of the Commission, 425 Second Street NW., Washington, D.C., with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The offering circular fails to disclose the true position of the company with respect to debt and the financial statements of the Company contained in the offering circular at the time the offering began were false and misleading in view of the existing facts.

2. The offering circular fails to disclose that Laird, Bissell & Meeds was to be an underwriter and that a member of that firm would be on the board of directors of the company.

3. The offering circular fails to disclose accurately and adequately the intended disposition of the proceeds from the issue.

4. The offering circular fails to disclose that $12,374.34 was due as commissions to salesmen.

5. The offering circular fails to disclose that $79,435.13 was due immediately to The Broad Street Trust Bank of Philadelphia.

6. The offering circular fails to disclose accurately and adequately that officers salaries were to be paid from the proceeds of the offering.

B. Whether the offering was made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is further ordered*, That Sidney Ullman, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Diotron, Incorporated, that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before October 8, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-9263; Filed, Sept. 17, 1962; 8:47 a.m.]

[File No. 70-4060]

PEOPLES NATURAL GAS CO.

Notice of Proposed Acquisition of Capital Stock of Industrial Development Corporation

SEPTEMBER 12, 1962.

Notice is hereby given that The Peoples Natural Gas Company ("Peoples"), Two Gateway Center, Pittsburgh 22, Pennsylvania, a subsidiary company of Consolidated Natural Gas Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9 and 10 of the Act and Rule 40 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to said application, on file at the office of the Commission, for a statement of the proposed transaction which is summarized below.

Peoples proposes to purchase, at par, 5,000 shares of capital stock, $10 par value, of RIDC Industrial Development Fund ("RIDC") at a total cost of $50,000.

RIDC was organized as a corporation under the Pennsylvania Business Development Credit Corporation Law by Regional Industrial Development Corporation of Southwestern Pennsylvania for the purpose, generally, of promoting stimulating, developing, and advancing the business prosperity and economic welfare of southwestern Pennsylvania and of its citizens through loans, investments, other business transactions, and promotional activities. RIDC is to begin with a fund of $11,000,000, of which $1,000,000 will be raised by the sale of stock to utility companies, manufacturers, businesses, and other interested parties and $10,000,000 will be obtained from participating financial institutions. As set forth in its Articles of Incorporation, RIDC is authorized to issue 100,000 shares of capital stock, $10 par value, which stock is to be fully paid and nonassessable. As of June 11, 1962, subscriptions for capital stock totaled $444,000, representing firm commitments by utility companies. Industrial and foundation subscriptions are expected to amount to $500,000.

Under the Pennsylvania statute, RIDC shall set apart, as an earned surplus, all of its net earnings in each and every year, until such earned surplus shall equal twice the total of the capital and paid-in surplus then outstanding. All of the corporate powers of the corporation shall be exercised by the board of directors, consisting of 15 persons. Six members will be elected by the holders of capital stock and eight members by the participating financial institutions. The Secretary of Commerce of Pennsylvania will be a director ex officio.

The application states that fees and expenses to be incurred by Peoples in connection with the proposed transaction are estimated not to exceed $400. It is further stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 28, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-9264; Filed, Sept. 17, 1962; 8:47 a.m.]

[File No. 70-4057]

WEST PENN POWER CO.

Notice of Proposed Acquisition of Capital Stock of Industrial Development Corporation

SEPTEMBER 12, 1962.

Notice is hereby given that West Penn Power Company ("West Penn"), 800 Cabin Hill Drive, Greensburg, Pennsylvania, an electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9 and 10 thereof as applicable to the proposed transaction. All interested persons are referred to said application, on file at the office of the Commission, for a statement of the proposed transaction which is summarized below.

West Penn proposes to purchase at par from time to time prior to December 31, 1965, up to an aggregate of 8,400 shares of capital stock, $10 par value, of RIDC Industrial Development Fund ("RIDC"). No purchase will be made which would cause the total number of shares of such capital stock owned by West Penn to equal or exceed 10 percent of the outstanding voting securities of RIDC.

RIDC was organized as a corporation under the Pennsylvania Business Development Credit Corporation Law by Regional Industrial Development Corporation of Southwestern Pennsylvania for

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, King, and Mitchell. Absent and not voting: Governors Robertson and Shepardson.

the purpose, generally, of promoting, stimulating, developing, and advancing the business prosperity and economic welfare of southwestern Pennsylvania and of its citizens through loans, investments, other business transactions, and promotional activities. RIDC is to begin with a fund of $11,000,000, of which $1,000,000 will be raised by the sale of stock to utility companies, manufacturers, businesses, and other interested parties and $10,000,000 will be obtained from participating financial institutions. As set forth in its Articles of Incorporation, RIDC is authorized to issue 100,000 shares of capital stock, $10 par value, which stock is to be fully paid and nonassessable. As of June 11, 1962, subscriptions for capital stock totaled $444,000, representing firm commitments by utility companies. Industrial and foundation subscriptions are expected to amount to $500,000.

Under the Pennsylvania statute, RIDC shall set apart, as an earned surplus, all of its net earnings in each and every year, until such earned surplus shall equal twice the total of the capital and paid-in surplus then outstanding. All of the corporate powers of the corporation shall be exercised by the board of directors, consisting of 15 persons. Six members will be elected by the holders of capital stock and eight members by the participating financial institutions. The Secretary of Commerce of Pennsylvania will be a director ex officio.

The application states that no fees and expenses are to be incurred by West Penn in connection with the proposed transaction. It is further stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 28, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9265; Filed, Sept. 17, 1962; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to §§ 519.6(c) and 519.6(g) of 29 CFR providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region IV

Ivey-Keith Co., 200 North Main Street, Greenville, S.C.; effective 8-30-62 to 8-29-63 (department store; 184 employees).

Miller's Supermarket, 327-331 Central Avenue, Crescent City, Fla.; effective 8-23-62 to 8-22-63 (food store; 23 employees).

Region VIII

Tamarack Variety, Inc., d/b/a T.G. & Y. Stores (#44), 132 SW. Main, Bethany, Okla.; effective 8-29-62 to 8-28-63 (variety store; 14 employees).

T.G. & Y. Stores Co. of La., Inc., d/b/a T.G. & Y. Stores Co., 7929 Airline Highway, New Orleans, La.; effective 8-31-62 to 8-30-62 (variety store; 16 employees).

Region X

Cat & Fiddle Super Markets, Inc., 714 South Main Street, Danville, Va.; effective 8-23-62 to 8-22-63 (food store; 20 employees).

Danville Foods, Inc. T/A, Cat and Fiddle Super Market, Riverside Drive, Danville, Va.; effective 8-23-62 to 8-22-63 (food store; 20 employees).

Rhea Food Market, 220 North College Street, Greeneville, Tenn.; effective 8-28-62 to 8-27-63 (food store; 24 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates below $1.00 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Colonial Stores, Inc., 311 Thomaston Street, Barnesville, Ga.; effective 9-4-62 to 9-3-63; bag boy, carry-out, checker, clerk; between 5.2% and 10% (food store; 15 employees).

Colonial Stores, Inc., Big Mans Shopping Center, Dalton, Ga.; effective 9-4-62 to 9-3-63; bag boy, carry-out, checker, clerk; between 3.5% and 10% (food store; 36 employees).

Colonial Stores, Inc., 115 Spring Street, Washington, Ga.; effective 9-4-62 to 9-3-63; bag boy, carry-out, clerk, checker; between 6.2% and 10% (food store; 19 employees).

S. S. Kresge Co. (#773), 1405 East Elizabeth, Brownsville, Tex.; effective 8-22-62 to 8-21-63; sales clerk; between 2.4% and 7.1% (variety store; 34 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 10th day of September 1962.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 62-9260; Filed, Sept. 17, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order 60; Amdt. 5]

PENNSYLVANIA AND TENNESSEE

Drouth Order

In the matter of relief under section 22 of the Interstate Commerce Act. Present: Laurence K. Walrath, Vice-Chairman, to whom the above-entitled matter has been assigned for action thereon.

It appearing that due to the drouth conditions existing in the States of Pennsylvania, New Jersey, and New York, the Commission issued its Drouth Order No. 60 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the drouth area at reduced rates;

And it further appearing that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to 35 counties located in the States of Pennsylvania and Tennessee:

It is ordered, That Drouth Order No. 60 as amended, be and it is hereby, further amended by adding thereto the following counties:

PENNSYLVANIA

3 counties, viz:

Allegheny.	Lehigh.
Lancaster.	

TENNESSEE

32 counties, viz:

Benton.	Lewis.
Cannon.	McNairy.
Carroll.	Madison.
Cheatham.	Maury.
Chester.	Montgomery.
Cumberland.	Overton.
DeKalb.	Perry.
Fayette.	Pickett.
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Haywood.	Stewart.
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Henry.	Van Buren.
Humphreys.	Wayne.
Jackson.	Weakley.
Lauderdale.	Wilson.

It is further ordered, That in all other respects Drouth Order No. 60, as amended shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, The Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 12th day of September A.D. 1962.

By the Commission, Vice-Chairman Walrath.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-9274; Filed, Sept. 17, 1962; 8:48 a.m.]

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Washington, Wednesday, September 19, 1962

THE UNIVERSITY OF MICHIGAN

SEP 26 1962

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[Updated to January 1, 1962]

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Title 3—THE PRESIDENT

Proclamation 3491

NATIONAL FOREST PRODUCTS WEEK, 1962

By the President of the United States

A Proclamation

WHEREAS this Nation, from its beginning endowed by Nature with vast areas of forests highly productive of wood, water, wildlife, and opportunities for physical recreation and spiritual uplift, has built and maintained from the timber produced from these forests a major industry that over the years has yielded a continuous, varied and bountiful flow of goods of great beauty and utility; and

WHEREAS this forest-based industry is among the Nation's largest and currently employs one out of every 20 persons employed, and the forest itself continues to be a much sought-after base for expanded industry development that in the future will employ even more people, provide new timber products, and generally aid in the continuation of this country's economic progress; and

WHEREAS under modern technology and enlightened management policies the forest products industry opportunities can be realized with enhancement of other recognized and inherent material and spiritual benefits derived from abundant, well managed and developed forests; and

WHEREAS the Congress, wishing to emphasize and assure full understanding of our great forest heritage and its possibilities, has by joint resolution approved on September 13, 1960 (74 Stat. 898) designated the seven-day period beginning on the third Sunday of October in each year as National Forest Products Week, and has requested the President to issue an annual proclamation calling for the observance of that week:

NOW, THEREFORE, I, John F. Kennedy, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 21, 1962, as National Forest Products Week, with activities and ceremonies designed to direct public attention to the necessity for recognizing that productive forests and a thriving forest products industry are elements in our economy essential to its continued growth.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of September in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-9390; Filed, Sept. 17, 1962; 2:42 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 577, 7th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Black Stem Rust

ADMINISTRATIVE INSTRUCTIONS DESIGNATING RUST-RESISTANT BARBERRY, MAHOBERBERIS AND MAHONIA PLANTS

Pursuant to § 301.38–5 of the regulations supplemental to the black stem rust quarantine (7 CFR 301.38–5), issued under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), and section 106 of the Federal Plant Pest Act (7 U.S.C. 150ee), administrative instructions appearing as 7 CFR 301.38–5a are hereby revised to read as follows:

§ 301.38–5a Administrative instructions designating rust-resistant barberry, mahoberberis, and mahonia plants.

(a) The Director of the Division, upon the basis of evidence satisfactory to him, has determined that the following species and horticultural varieties of barberry, mahoberberis, and mahonia are resistant to black stem rust, and such species and varieties are hereby designated as rust-resistant:

SCIENTIFIC NAME

Barberis arido-calida.
B. beaniana.
B. buxifolia.
B. buxifolia nana.
B. calliantha.
B. candidula.
B. cavallieri.
B. chenaulti.
B. circumserrata.
B. concinna.
B. coxii.
B. darwini.
B. dasystachya.
B. dubia.
B. formosana.
B. franchetiana.
B. gagnepaini.
B. gilgiana.
B. gladwynensis.
B. heterophylla.
B. horvathi.
B. hybrido-gagnepaini.
B. insignis.
B. julianae.
B. koreana.
B. lempergiana.
B. lepidifolia.
B. linearifolia.
B. linearifolia var. Orange King.
B. lologensis.
B. manipurana.
B. mentorensis.
B. pallens.
B. potanini.
B. Renton.
B. replicata.
B. sanguinea.
B. sargentiana.
B. stenophylla.
B. stenophylla diversifolia.
B. stenophylla gracilis.
B. stenophylla irwini.
B. stenophylla nana compacta.
B. taliensis.
B. telomaica artisepala.
B. thunbergi.
B. thunbergi argenteo marginata.
B. thunbergi atropurpurea.
B. thunbergi atropurpurea erecta.
B. thunbergi atropurpurea nana.
B. thunbergi atropurpurea "Redbird".
B. thunbergi atropurpurea "Zebra".
B. thunbergi aurea.
B. thunbergi "Dwarf Jewell".
B. thunbergi erecta.
B. thunbergi "globe".
B. thunbergi "golden".
B. thunbergi maximowiczi.
B. thunbergi minor.
B. thunbergi pluriflora.
B. thunbergi "Rose Glow".
B. thunbergi "thornless".
B. thunbergi "Upright Jewell".
B. thunbergi "variegata".
B. thunbergi xanthocarpa.
B. triacanthophora.
B. verruculosa.
B. virgatorum.
B. wokingensis.
B. xanthoxylon.
Mahoberberis aqui-candidula.
M. aqui-sargentiae.
M. miethkeana.
Mahonia aquifolium.
M. aquifolium atropurpurea.
M. bealei.
M. compacta.
M. dictyota.
M. fortunei.
M. japonica.
M. lomarifolia.
M. nervosa.
M. pinnata.
M. piperiana.
M. pumila.
M. repens.

(b) Plants of the species and varieties listed in paragraph (a) of this section may be moved interstate in compliance with the regulations in this subpart.

(c) Under the regulations in this subpart, seeds and fruit of the species and varieties listed in paragraph (a) of this section, if produced in any of the States of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, may be moved between such States only under permit. Seeds and fruit of the species and varieties listed in paragraph (a) of this section, regardless of where they are produced, may be moved from the States named above to points outside thereof, and between States other than those named, without restriction. Seeds and fruit of the species and varieties listed in paragraph (a) of this section generally are prohibited movement into the States named.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended, 7 CFR 301.38–5)

These instructions shall become effective on September 19, 1962, when they shall supersede P.P.C. 577, 6th Revision, effective May 8, 1962 (7 CFR 301.38–5a).

The purpose of this revision is to add to the list of rust-resistant species and horticultural varieties of barberry, mahoberberis, and mahonia plants the following five additional species and varieties: Berberis heterophylla, B. thunbergi "Dwarf Jewell", B. thunbergi "Rose Glow", B. thunbergi "Upright Jewell" and Mahonia aquifolium atropurpurea.

The designation of such rust-resistant species and varieties in effect constitutes a relaxation of the restrictions of the regulations and depends upon facts within the knowledge of the Plant Pest Control Division, based on tests conducted by the U.S. Department of Agriculture to determine the susceptibility of such species and varieties to black stem rust. It has been determined that there is no unwarranted pest risk involved in the permitted movement of such species and varieties.

The determination having been made that these species and varieties are rust-resistant, authorization for their movement in accordance with the regulations should be accomplished promptly in order to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure concerning this revision are impracticable, and since it relieves restrictions it may be made effective less than thirty days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of September 1962.

D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 62-9347; Filed, Sept. 18, 1962; 8:53 a.m.]

[P.P.C. 627, 5th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.80–2 of the regulations supplemental to the witchweed quarantine (7 CFR 301.80–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.80–2a are hereby revised to read as follows:

§ 301.80–2a Administrative instructions designating regulated areas under the witchweed quarantine.

Infestations of the witchweed have been determined to exist in the quarantined States, in the civil divisions and premises, or parts thereof, listed below, or it has been determined that such in-

festation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such civil divisions and premises, and parts thereof, and all highways and roadways abutting thereon, are hereby designated as witchweed regulated areas within the meaning of the provisions in this subpart:

NORTH CAROLINA

Bladen County. All of Bladen County.

Brunswick County. The A. M. Register farm located at the end of a dirt road, 0.4 mile west of the junction of said dirt road with State Highway 130, said junction being 1.1 miles northwest of Ash.

The John R. Russ farm located on both sides of State Secondary Road 1308 and 1 mile west of the junction of said road with State Highway 904 at Longwood.

The B. Coda Smith farm located on the west side of a dirt road and 0.6 mile north of its junction with State Secondary Road 1322, said junction being 0.1 mile west of the junction of State Secondary Road 1322 and State Secondary Road 1321.

The N. G. Ward farm located on the southwest side of State Secondary Road 1300, 0.5 mile west of the junction of said road with U.S. Highway 17.

Columbus County. That part of the county lying north and west of a line beginning at a point where Livingston Creek junctions with the Cape Fear River and extending south along said creek to its intersection with the Seaboard Air Line Railroad, thence west along said railroad to its intersection with State Secondary Road 1740, thence west and south along said road to its junction with U.S. Highways 74 and 76, thence west along said highways to their intersection with Bogue Swamp, thence south along said swamp to its junction with the Waccamaw River and continuing south along said river to its junction with White Marsh Swamp, thence north and northwest along said swamp to its junction with Cypress Creek, thence southwest along said creek to its intersection with State Highway 130, thence northwest along said highway to its junction with State Secondary Road 1166, thence southwest along said road to its junction with State Secondary Road 1157, thence southwest along said road to its junction with U.S. Highway 701, thence south and west along said highway to its intersection with State Secondary Road 1314, thence west along said road to its junction with State Secondary Road 1346, thence southwest along said road to its junction with the North Carolina-South Carolina State line.

The A. J. Norris farm located on both sides of State Secondary Road 1134 and 1 mile south of it junction with State Secondary Road 1005.

The J. Carl Prince farm located on both sides of State Secondary Road 1119 and 2.2 miles west of its junction with State Secondary Road 1103.

Cumberland County. That portion of the county lying south and east of a line beginning at the intersection of the southern boundary line of the Fort Bragg Military Reservation and the Cumberland-Hoke County line and extending northeast along the south boundary line of the Fort Bragg Military Reservation to its junction with State Secondary Highway 1404, thence eastward along said highway to its junction with Interstate Highway 95, thence northeast along said highway to its junction with State Secondary Road 1714, thence north along said road to it junction with State Secondary Road 1722, thence east along said road to its junction with U.S. Highway 301, thence northeast along said highway to its junction with State Highway 102, thence east along said highway to its junction with Interstate Highway 95, thence northeast along said highway to its junction with State Secondary Road 1005, thence northeast along said road to its junction with the Cumberland-Sampson County line, excluding the corporate limits of the city of Fayetteville.

The A. V. Dawkins farm located on the east side of State Secondary Road 1706 and 1.5 miles south of the junction of said road with State Secondary Road 1609.

The T. G. Green farm located on the north side of U.S. Highway 401 and 0.3 mile west of the intersection of said highway with State Secondary Road 1609.

The George McLaurin farm located on the north side of State Secondary Road 1722 and 0.5 mile west of the intersection of said road with U.S. Highway 301.

The Troy Matthews farm located on the north side of State Secondary Road 1813 and 0.2 mile southeast of the intersection of said road with Interstate Highway 95.

The E. V. Nixon farm located on both sides of State Secondary Road 1706 and 1 mile south of the junction of said road with State Secondary Road 1609.

The J. T. Piner farm located on the west side of U.S. Highway 401 and 0.3 mile north of the junction of said highway with State Secondary Road 1600.

The Robert Westly Williams farm located on the north side of State Secondary Road 1813 and 0.1 mile southeast of the intersection of said road with Interstate Highway 95.

Duplin County. That area bounded by a line beginning at a point where State Secondary Road 1702 intersects State Highway 24, thence east along said highway to its junction with State Secondary Road 1962, said junction being 0.7 mile west of Beulaville, thence south along State Secondary Road 1962 to its junction with State Secondary Road 1724, thence southwest along said road to its junction with State Secondary Road 1800, thence northwest along said road to its junction with State Secondary Road 1961, thence west along said road to its junction with State Secondary Road 1702 at Hallsville, thence north along said road to the point of beginning.

That area bounded by a line beginning at a point where Stewarts Creek intersects the Duplin-Sampson County line, thence north along said county line to its intersection with State Highway 403, thence northeast along said highway to its intersection with State Secondary Road 1004, thence southeast along said road to its junction with State Secondary Road 1500, thence southeast along said road to its intersection with State Secondary Road 1306, thence west along said road to its intersection with State Secondary Road 1004, thence south along said road to its junction with State Highway 11, thence southwest along said highway to its intersection with State Secondary Road 1009, thence west along said road to its junction with State Secondary Road 1900, thence northwest along said road to its intersection with State Secondary Road 1107, thence southwest along said road to its junction with State Secondary Road 1106, thence northwest along said road to its intersection with Stewarts Creek, thence southwest along said creek to the point of beginning, excluding the corporate limits of the town of Faison.

That area bounded by a line beginning at a point where State Secondary Road 1002 intersects the Duplin-Lenoir County line, thence southeast along said county line to its intersection with State Highway 11, thence west along said highway to its junction with State Highway 111, thence west and north along said highway to its junction with State Secondary Road 1002 at Albertson, thence north along said road to the point of beginning, excluding the town of Albertson.

The Paisly Bouham farm located on the north side of State Secondary Road 1977 and 1 mile west of Pin Hook.

The T. C. Crow farm located on the south side of State Secondary Road 1321 and 0.8 mile west of the junction of said road with State Secondary Road 1302.

The C. M. Johnson farm located on the southwest side of State Secondary Road 1139 and 0.6 mile northwest of the junction of said road with State Secondary Road 1133.

The Ethel Kornegay farm located 0.2 mile east of State Secondary Road 1501 at a point 0.6 mile south of the intersection of said road with State Secondary Road 1519.

The Maggie T. Norris farm located on the south side of State Secondary Road 1700 and 1.4 miles east of Sarecta.

The W. C. Peterson farm located on the north side of State Secondary Road 1130 and 0.2 mile east of the junction of said road with the Duplin-Sampson County line.

The J. L. Rich farm located on the west side of State Secondary Road 1923 and at the junction of said road with State Secondary Road 1922.

The J. R. Thomas farm located on the north side of State Secondary Road 1700 and 1.5 miles east of Sarecta.

The Joseph Westbrook farm located 0.7 mile west of State Highway 11 at a point 0.2 mile southwest of the junction of said highway with State Secondary Road 1501.

Harnett County. That area bounded by a line beginning at a point where the Harnett-Lee County line and State Secondary Road 1214 intersect and extending east along said road to its junction with State Secondary Road 1208, thence southeast along said road to its junction with State Highway 27, thence east along said highway to its junction with State Secondary Road 1117, thence south along said road to its junction with State Secondary Road 1128, thence east along said road to its junction with State Highway 210, thence northeast along said highway to its junction with State Secondary Road 2030, thence southeast along said road to its junction with State Secondary Road 2031, thence south along said road to its junction with the Harnett-Cumberland County line, thence west along said county line to its junction with the Harnett-Moore County line, thence northwest and northeast along said county line to its junction with the Harnett-Lee County line, thence northeast along said county line to the point of beginning.

That area bounded by a line beginning at a point where State Highway 55 and State Secondary Road 1500 join and extending east along said road to the Harnett-Johnston County line, thence south along said county line to its junction with State Secondary Road 1552, thence south along said road to its junction with State Highway 27, thence west along said highway to its intersection with State Secondary Road 1519, thence north along said road to its junction with State Secondary Road 1542, thence north along said road to its junction with State Highway 55, thence north along said highway to the point of beginning, excluding the corporate limits of the towns of Angier, Buies Creek, and Coats.

The Carlie Adams farm located on the south side of U.S. Highway 421 and 0.4 mile east of the junction of said highway with State Secondary Road 1243.

The Charles Edwards farm located on the north side of State Secondary Road 1128 and 0.9 mile southwest of the junction of said road with State Secondary Road 1130.

The Redin Harrington farm located at the end of a dirt road and 0.8 mile north of the junction of said road with State Highway 27, said junction being 0.2 mile east of the junction of said highway with State Secondary Road 1116.

The Carl McLeod farm located on the north side of State Highway 27 and 0.4 mile east of the junction of said highway with State Secondary Road 1116.

Hoke County. That portion of the county lying south of a line beginning at the intersection of the Hoke-Moore County line and State Highway 211 and extending southeast along said highway to its junction with State Secondary Road 1300, thence north along said road to Rockfish Creek, thence northwest along said creek to its intersection with the southern boundary line of Fort Bragg Military Reservation, thence east along the southern boundary line of the Fort Bragg Military Reservation to its intersection with the Hoke-Cumberland County line.

That portion of the Fort Bragg Military Reservation known as the Ashley Heights Sand Pit located on the south side of Plank Road, said sand pit being located approximately 1 mile northeast of Montrose.

The Leslie Little farm located at the end of State Secondary Road 1314 and 0.5 mile north of the junction of said road with State Highway 211.

The N. A. McDonald farm located on the north side of State Highway 211 and 0.4 mile southeast of the junction of said highway with State Secondary Road 1214.

The N. A. McFayden farm located on the east side of State Highway 211 and 0.3 mile southeast of the junction of said highway with State Secondary Road 1215.

The James C. Phillips farm located on the northwest side of State Secondary Road 1316 and 1 mile northeast of the junction of said road with State Highway 211.

The Alvin Seaford farm located at the end of State Secondary Road 1316 and 1.5 miles northeast of the junction of said road with State Highway 211.

The J. B. Thomas farm located on the west side of State Secondary Road 1300 and 0.6 mile northwest of the junction of said road with State Highway 211.

Johnston County. That area bounded by a line beginning at a point where State Secondary Road 1116 and State Highway 50 intersect and extending southeast along said highway to its intersection with the Johnston-Sampson County line, thence northwest along said county line to its intersection with State Highway 242, thence north along said highway to its intersection with State Secondary Road 1116, thence east along said road to the point of beginning.

The Rufus P. Beasley farm located on the west side of State Secondary Road 1138, and 0.4 mile south of its junction with Secondary Road 1144.

Jones County. The Eugene Eubanks farm located at the end of State Secondary Road 1126 and 0.8 mile south of the junction of said road with State Secondary Road 1124.

The Charles Franck Estate farm located on the south side of State Secondary Road 1116 and 1.6 miles west of the junction of said road with State Secondary Road 1115.

The Ernest W. Humphrey farm located on the south side of State Secondary Road 1116 and 1.7 miles west of the junction of said road with State Secondary Road 1115.

The Ed McDaniel farm located on the southwest side of State Secondary Loop Road 1122 at a point 1.3 miles south of State Highway 12.

The Maysville Supply Company property located on the south side of State Secondary Road 1116 and 1.8 miles west of the junction of said road with State Secondary Road 1115.

The Leah Smith property located in the town of Trenton on the south side of Jones Street at a point 0.5 mile west of the junction of said street and Webber Street.

Lenoir County. That area bounded by a line beginning at the intersection of U.S. Highway 70 and State Secondary Road 1324, and extending south along said road to its intersection with White Lace Creek, thence east and south along said creek to its junction with the Neuse River, thence due south along a line projected from the point of entry of White Lace Creek into the Neuse River to a point where said projected line intersects State Highway 55, thence southwest along said highway to its junction with State Secondary Road 1154, thence southwest along said road to its intersection with State Secondary Road 1152, thence southeast along said road to its junction with State Secondary Road 1111, thence south along said road to its intersection with State Secondary Road 1121, thence west along said road to the Lenoir-Duplin County line, thence northwest along said county line to the Lenoir-Wayne County line, thence north along said county line to its intersection with U.S. Highway 70, thence southeastward along said highway to the point of beginning, excluding the corporate limits of the town of LaGrange.

The Roland Carter farm located on the east side of State Highway 11 and 0.2 mile south of the junction of said highway and State Secondary Road 1113.

Montgomery County. The Therese Edward Glover farm located on the southwest side of State Secondary Road 1524 and 0.7 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Colon Hoover farm located on the southwest side of State Secondary Road 1524 and 0.9 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Haywood N. Thomas farm located on the southwest side of State Secondary Road 1524 and 0.8 mile northwest of the intersection of said road with the Montgomery-Moore County line.

Moore County. That area bounded by a line beginning at a point where the Moore-Hoke County line and State Highway 211 intersect and extending northwest along said highway to its junction with State Highway 5, thence northeast along said highway to its junction with State Secondary Road 2042, thence along said road to its junction with State Secondary Road 2033, thence southeast along said road to its junction with the Moore-Hoke County line, thence southwest along said county line to the point of beginning.

The T. M. Baker farm located on the south side of State Secondary Road 2026 and 0.7 mile east of the junction of said road with U.S. Highway 1.

The R. P. Beasly farm located on the east side of U.S. Highway 1 and 0.7 mile northeast of the junction of said highway with U.S. Highway 1A.

The Walter Black farm located at the end of State Secondary Road 1215 and 0.4 mile north of the junction of said road with State Secondary Road 1216.

The Elijah Faulk farm located at the end of State Secondary Road 2016 and 0.4 mile east of the junction of said road with State Secondary Road 2014.

The J. W. Henning's Estate farm located on the east side of State Secondary Road 2017 and 0.4 mile north of the intersection of said road with State Secondary Road 1001.

The Herman Kelley farm located on the west side of State Secondary Road 1229 and 0.4 mile south of the intersection of said road and State Secondary Road 1239.

The William A. Latom farm located on the east side of State Secondary Road 1004 and 0.3 mile north of the intersection of said road with State Secondary Road 1113.

The Jack Page farm located on the south side of State Secondary Road 2026 and 0.9 mile east of the junction of said road with U.S. Highway 1.

The M. L. Smith farm located on the east side of State Secondary Road 1004 and 0.8 mile north of the intersection of said road with State Secondary Road 1113.

The A. C. Vaughn farm located on the west side of State Secondary Road 1210 and 0.4 mile south of the intersection of said road with State Secondary Road 1229.

Pender County. That area bounded by a line beginning at a point where State Secondary Road 1209 intersects the Pender-Sampson County line, thence east along said road to its intersection with U.S. Highway 421, thence southeast along said highway to its intersection with State Secondary Road 1113, thence southwest along said road to its intersection with the Atlantic Coast Line Railroad, thence northwest along said railroad to its intersection with State Secondary Road 1120 at Currie, thence southwest along said highway to its junction with State Secondary Road 1103, thence southeast along said road to its junction with State Secondary Road 1104, thence southwest and northwest along said road to the Pender-Bladen County line, thence northeast and northwest along said county line to its junction with the Pender-Sampson County line, thence northeast along said county line to the point of beginning, excluding the corporate limits of the towns of Currie and Atkinson.

That area bounded by a line beginning at a point where State Secondary Road 1517 junctions with U.S. Highway 117, thence northwest along said highway to its intersection with State Secondary Road 1412, thence east along said road to its junction with State Secondary Road 1411, thence southwest along said road to its intersection with Pike Creek, thence southeast along said creek to its junction with the Northeast Cape Fear River, thence south along said river to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1518, thence southeast along said road to its junction with State Secondary Road 1517, thence west along said road to the point of beginning.

The W. D. Pridgen farm located on the southwest side of State Secondary Road 1103 and 0.7 mile southeast of junction of said road with State Secondary Road 1104.

The Katy Shaw farm located on the east side of State Secondary Road 1520 and 3.6 miles north of the junction of said road and State Highway 210.

The John H. Williams and Heirs farm located on the east side of State Secondary Road 1520 and 2.7 miles north of the junction of said road and State Highway 210.

Pitt County. The Allen Garris farm located on the northeast side of State Secondary Road 1401 and 0.6 mile northwest of its junction with State Secondary Road 1402.

The J. D. Hice farm located on the northeast side of State Secondary Road 1401 and 0.5 mile northwest of its junction with State Secondary Road 1402.

The R. E. Roger farm located on the northeast side of State Secondary Road 1401 and 0.6 mile northwest of its junction with State Secondary Road 1402.

Richmond County. The Dormic Dial farm located on the north side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The Mrs. A. W. Porter farm located on the northeast side of State Secondary Road 1999 and 1 mile east of the intersection of said road with U.S. Highway 1.

The Talley Wallace farm located on both sides of State Secondary Road 1800 and 1.2 miles northwest of the intersection of said road and State Secondary Road 1155.

Robeson County. All of Robeson County.

Sampson County. That area bounded by a line beginning at the intersection of U.S. Highway 421 and the Sampson-Harnett County line, and extending southeast along said highway to its intersection with State Secondary Road 1005, thence east along said road to its intersection with State Secondary Road 1620, thence southeast along said road to its intersection with State Secondary Road 1626, thence south along said road to its

junction with U.S. Highway 421, thence southeast along said highway to its intersection with State Secondary Road 1337, thence north along said road to its junction with State Secondary Road 1636, thence east along said road to its intersection with State Secondary Road 1703, thence south along said road to its junction with State Secondary Road 1746, thence southeast along said road to its intersection with U.S. Highway 701, thence south along said highway to its junction with State Secondary Road 1842, thence southwest along said road to its junction with State Secondary Road 1827, thence southwest along said road to its junction with U.S. Highway 421, thence southeast along said highway to its intersection with State Highway 24, thence east along said highway to its intersection with the Sampson-Duplin County line, thence south along said county line to its intersection with State Secondary Road 1948, thence west along said road to its junction with U.S. Highway 421, thence south along said highway to Harrell's Store, thence south and southwest along State Secondary Road 1007 to its junction with the Sampson-Bladen County line, thence northwest along said county line to its junction with the Sampson-Cumberland County line, thence northwest and north along said County line to its junction with the Sampson-Harnett County line, thence north along said county line to the point of beginning, excluding the corporate limits of the towns of Clinton and Harrell's Store.

The Ernest Bannerman farm located on the south side of State Secondary Road 1007 and 0.7 mile east of the intersection of said road with the Sampson-Bladen County line.

The O. S. Carroll farm located on the north side of State Secondary Road 1915 and 0.3 mile north of its junction with State Highway 24.

The Kenneth Chambers farm located on the west side of State Secondary Road 1908 and 0.2 mile south of its intersection with the Sampson-Duplin County line.

The Lum Jackson farm located on the west side of State Secondary Road 1757 and 0.5 mile north of its junction with State Secondary Road 1731.

The Riegel Paper Company farm (formerly the Regal Paper Company farm) located on the west side of State Secondary Road 1908 and 50 yards south of its intersection with the Sampson-Duplin County line.

The J. W. Shipp farm located on the north side of State Secondary Road 1915 and 0.7 mile east of its junction with State Secondary Road 1911.

The Jasper Strickland farm located on the west side of State Secondary Road 1717 and 0.4 mile north of its junction with State Secondary Road 1722.

Scotland County. That area bounded by a line beginning at a point where U.S. Highway 401 crosses the North Carolina-South Carolina State line and extending northeast along said highway to its junction with U.S. Highway 401A, thence north along said highway to its intersection with U.S. Highway 74, thence west along said highway to its intersection with State Secondary Road 1116, thence north along said road to its junction with State Secondary Road 1324, thence north along said road to its junction with State Secondary Road 1345, thence northwest along said road to its junction with State Secondary Road 1341, thence northeast along said road to its junction with State Secondary Road 1328, thence north along said road to its intersection with the southern boundary of the Sandhills Game Management Area, thence east along said boundary to its intersection with U.S. Highway 501, thence north along said highway to its intersection with the Scotland-Hoke County line, thence southeast along said county line to the Scotland-Robeson County line, thence south and southwest along said county line to the North Carolina-South Carolina State line, thence northwest along said state line to the point of beginning, excluding the corporate limits of the town of Laurinburg.

The Archie W. Bunch farm located at the intersection of State Secondary Roads 1323 and 1001.

Wake County. The Leonard Dean farm located on the south side of State Secondary Road 2501 and 0.2 mile west of the intersection of said road and State Secondary Road 1003.

Wayne County. That area bounded by a line beginning at a point where U.S. Highway 70 and the Wayne-Lenoir County line intersect and extending south along said county line to its junction with the Wayne-Duplin County line, thence southwest and west along said county line to its intersection with the Atlantic Coast Line Railroad, thence northeast and north along said railroad to its intersection with State Secondary Road 1120, thence east along said road to its junction with State Secondary Road 1915, thence east along a line projected from a point beginning at the junction of State Secondary Roads 1120 and 1915 and extending east to the junction of said line with the junction of Sleepy Creek and Neuse River, thence east along the Neuse River to its intersection with State Highway 111, thence north along said highway to its junction with U.S. Highway 70, thence southeast along said highway to the point of beginning, excluding the corporate limits of the towns of Dudley, Mt. Olive, and Seven Springs.

That area bounded by a line beginning at a point where State Highway 102 and State Secondary Road 1006 intersect, extending south along said road to its junction with State Secondary Road 1111, thence southwest along said road to its intersection with the Wayne-Sampson County line, thence northwest along said county line to its intersection with State Highway 102, thence east along said highway to the point of beginning.

The L. A. Dawson farm located on the west side of State Highway 111 and 0.5 mile south of the junction of said highway and State Secondary Road 1730.

The D. D. Montague farm located on the southwest side of State Secondary Road 1923 and 0.1 mile southeast of the junction of said road with State Secondary Road 1918.

The Charlie Rogers farm located on both sides of State Secondary Road 1710 and 0.9 mile southwest of the junction of said road with U.S. Highway 70A.

SOUTH CAROLINA

Chesterfield County. The Alton Holdbrook farm located on the north side of State Secondary Highway 22 and 1.5 miles east of its intersection with State Secondary Highway 20.

The Elise J. Parker farm located on the south side of State Secondary Highway 61 and 0.1 mile east of its intersection with State Secondary Highway 348.

Clarendon County. The J. W. Hodge farm located on the south side of State Secondary Highway 211 and 1.9 miles south and west of its junction with U.S. Highway 521 at Foreston.

Darlington County. That area bounded by a line beginning at a point where the Great Pee Dee River and the Darlington-Florence County line join and extending southwest along said county line to its intersection with State Secondary Highway 173, thence northwest along said highway to its junction with State Secondary Highway 228, thence northwest along said highway to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to its intersection with State Secondary Highway 29, thence east along said highway to its intersection with Hurricane Branch, thence northeast along said branch to its junction with Byrds Island, thence along the west and south boundary of Byrds Island to its junction with the Great Pee Dee River, thence south along said river to the point of beginning.

The Mrs. Minnie W. Ham farm located on both sides of State Secondary Highway 355 and 0.9 mile west of the junction of said highway with State Secondary Highway 44.

The Jessie K. Jordan farm located on the west side of a dirt road and 0.2 mile northeast of its junction with a second dirt road, said junction being 0.1 mile northeast of the junction of said second dirt road and State Secondary Highway 44, said second junction being 0.3 mile northeast of the junction of said highway and State Primary Highway 403.

Dillon County. All of Dillon County.

Florence County. That area bounded by a line beginning at a point where U.S. Highway 76 and the Great Pee Dee River intersect and extending south along said river to its junction with Bigham Branch, thence west along said branch to its intersection with State Secondary Highway 88, thence west along said highway to its junction with State Secondary Highway 132, thence northwest along said highway to its intersection with State Secondary Highway 105, thence south along said highway to its intersection with the corporate limits of the town of Hyman, thence south along the west perimeter of said corporate limits to its intersection with State Primary Highway 51, thence northwest along said highway to its intersection with State Primary Highway 327, thence west along said highway to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to its intersection with Middle Swamp, thence northeast along said swamp to its junction with Jeffries Creek, thence east along said creek to its intersection with the Seaboard Air Line Railroad, thence northwest along said railroad to its junction with State Secondary Highway 97, thence northeast along said highway to its junction with U.S. Highway 76, thence east along said highway to its junction with State Secondary Highway 925, thence north along said highway to its junction with State Secondary Highway 24, thence east and southeast along said highway to its intersection with U.S. Highway 76, thence east along said highway to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Highway 794 and State Secondary Highway 72 junction and extending south along State Secondary Highway 72 to its intersection with State Secondary Highway 46, thence northeast along said highway to its intersection with State Secondary Highway 34, thence southeast along said highway to its junction with State Secondary Highway 360, thence northeast along said highway to its junction with a dirt road, said junction being 1.6 miles northeast of the junction of State Secondary Highways 34 and 360, thence southeast along said dirt road for a distance of 1.2 miles to its junction with a second dirt road, thence southwest along said dirt road to its junction with State Secondary Highway 34, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its junction with State Secondary Highway 47, thence northwest and west along said highway to the corporate limits of the town of Scranton, thence north and west along the east and north perimeter of said corporate limits to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to the corporate limits of the town of Coward, thence north along the east perimeter of the town of Coward to its intersection with State Secondary Highway 794, thence northeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Highway 66 and State Primary Highway 51 intersect and extending southeast along State Primary Highway 51 to its intersection with Little Swamp, thence northeast along said swamp for a distance of 1.2 miles to its intersection with a dirt road, thence southeast along said dirt road to its intersection with Deep Creek, thence southwest along said creek to its junction with Lynches River, thence west along said river to its intersection with State Secondary Highway 49, thence north along said highway to its junction with State Secondary Highway 66, thence north and northeast along said highway to the point of beginning, excluding all of the corporate limits of the town of Salem.

The A. A. Alford farm located on both sides of State Secondary Highway 164 and 0.1 mile south of its intersection with Cypress Branch.

The Hattie Carroway farm located on the south side of State Secondary Highway 72 and 1 mile southwest of its intersection with U.S. Highway 52.

The S. L. Yarborough farm located on both sides of State Secondary Highway 95 and 1.7 miles southeast of Sardis.

Horry County. That area bounded by a line beginning at a point where U.S. Highway 701 crosses the South Carolina-North Carolina State line and extending south along said highway to its intersection with State Primary Highway 9, thence east and southeast along said highway to its junction with State Primary Highway 905, thence west along said highway to its junction with State Secondary Highway 31, thence south along said highway to its intersection with the Waccamaw River, thence westward along said river to its intersection with U.S. Highway 501, thence northwest along said highway to its intersection with the Little Pee Dee River, thence northeast along said river to its junction with the Lumber River, thence northeast along said river to its intersection with the South Carolina-North Carolina State line, thence southeast along said state line to the point of beginning, excluding the corporate limits of the towns of Aynor, Conway, and Loris.

The Alex Alford farm located on the south side of a dirt road and being 2 miles southwest and west of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The John A. Atkinson farm located on the east side of a dirt road and being 1 mile north of the junction of said dirt road with U.S. Highway 378 and State Secondary Highway 63.

The Canal Wood Corporation farm located on the west side of a dirt road and 0.75 mile south of its junction with State Primary Highway 90, said junction being 1.25 miles west of the junction of said highway and State Secondary Highway 57.

The Ben Edge farm located on the south side of State Primary Highway 90 and at the junction of said highway and State Secondary Highway 31.

The Jennie Bell Fowler farm located at the end of a farm road which junctions with a county road, said junction being 0.5 mile east of the Oakdale Baptist Church.

The Sumpter Gore farm located on both sides of a dirt road and 0.75 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The Bud Neals Graham farm located at the end of a dirt road and 0.6 mile east of the junction with a second dirt road, said junction being 0.75 mile south of the junction of the second dirt road and State Secondary Highway 78, said second junction being 0.75 mile southeast of Juniper Bay Church.

The Rosetta Inman farm located on the northwest side of a junction of two dirt roads, said junction being 1.4 miles northwest of the intersection of the dirt road running northwest from State Secondary Highway 57 and Brooksville.

The J. T. Lewis farm located on the south side of State Secondary Highway 100, and 1.9 miles west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Tommy Lewis farm located on both sides of State Secondary Highway 50, and 1.6 miles north of the intersection of State Secondary Highway 50 and U.S. Highway 17, said intersection being at Little River.

The Cordie Page farm located on the north side of State Secondary Highway 128 and 0.4 mile west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Talmage Richardson farm located on the north side of a dirt road and 1 mile southwest of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

Lee County. The Clark W. Thomas farm located on the north side of State Secondary Highway 168 and 1.1 miles east of its junction with State Primary Highway 58.

Marion County. That area bounded by a line beginning at a point where the Marion-Dillon County line and the Lumber River join and extending southwest along said river to its junction with Little Pee Dee River, thence southwest along said river to its junction with Reedy Creek, thence northwest along said creek to its intersection with State Primary Highway 41, thence northeast along said highway to its junction with State Secondary Highway 33, thence west along said highway to its intersection with State Primary Highway 41A, thence north along said highway to its junction with U.S. Highway 501, thence northwest along said highway to its intersection with U.S. Highway 76, thence west along said highway to its junction with State Secondary Highway 64, thence due southwest along a line projected from said intersection to the Marion-Florence County line, thence northwest and north along said county line to its junction with the Marion-Dillon County line, thence north and northeast and southeast along said county line to the point of beginning, excluding all the corporate limits of the towns of Marion, Mullins, Nichols, Rains, and Sellers, except the W. P. Clark farm located on Marion Street in the town of Mullins one block south of the Mullins Armory, and the Harry Sellers farm located on the west side of U.S. Highway 301 in the town of Sellers.

That area bounded by a line beginning at a point where State Secondary Highway 9 and State Secondary Highway 40 junction and extending southeast along State Secondary Highway 40 to its junction with State Secondary Highway 47, thence southwest along said highway to its junction with State Secondary Highway 9, thence south along said highway to its junction with U.S. Highway 378, thence southwest along said highway to its intersection with the Great Pee Dee River, thence northwest along said river to its junction with Catfish Creek, thence north along said creek to its junction with Collins Creek, thence east and southeast along said creek to its junction with State Secondary Highway 9, thence southwest along said highway to the point of beginning.

That area bounded by a line beginning at a point where U.S. Highway 378 and State Secondary Highway 86 junction and extending north along State Secondary Highway 86 for 0.4 mile to its intersection with a stream, thence east along said stream to its junction with the Little Pee Dee River, thence south along said river to its junction with the Sampson Landing Road, thence west along said road to its junction with State Secondary Highway 49, thence northwest along said highway to its junction with U.S. Highway 378, thence southeast along said highway to the point of beginning.

The William Davis farm located on the northeast side of a dirt road and 1.5 miles southeast of its junction with State Secondary Highway 9, said junction being 1.5 miles northeast of the junction of said highway and State Secondary Highway 40.

The Earl and John Dozier farm located at the end of a dirt road which extends 5.5 miles in a west, southwest, and then in a southeastward direction from its junction with State Secondary Highways 248 and 25.

The Louise Miles farm located on the northwest side of a dirt road, 0.4 mile southwest of the junction of said road with State Primary Highway 41A, said junction being 1 mile north of the junction of said highway and State Secondary Highway 389.

The Paul M. Richardson farm located on the southeast side of State Secondary Highway 207 and 1.1 miles southwest of the junction of said highway with State Primary Highway 908.

The Paul J. Richardson farm (The Paul J. Richardson Estate) located on the northwest side of State Secondary Highway 207 and 1 mile southwest of the junction of said highway with State Primary Highway 908.

Marlboro County. That portion of the county lying south and east of U.S. Highway 15, excluding the corporate limits of the towns of Bennettsville, McColl, and Tatum.

The C. C. Caulk farm located on the east side of State Secondary Highway 283 and 0.3 mile east of the junction of said highway and State Primary Highway 38.

The Graham Lee Chavis farm located between State Secondary Highways 204 and 209 at their junction with State Secondary Highway 30.

The Hossie Conwell Farm located on both sides of a dirt road and 1.3 miles northeast from the junction of said dirt road and State Secondary Highway 30, said junction being 0.5 mile northwest from the intersection of said State Secondary Highway 30 and State Secondary Highway 165.

The Lois P. Hamer farm located on both sides of a dirt road 0.1 mile north of the junction of said dirt road and U.S. Highway 15, said junction being 0.1 mile northwest of the intersection of U.S. Highway 15 and State Secondary Highway 22 at Tatum.

The Lula McEachern farm located on the north side of U.S. Highway 15 at the intersection of said highway and the South Carolina-North Carolina State line.

The Cleveland McKay farm located on the north side of State Secondary Highway 54 and the west side of State Secondary Highway 30 at the intersection of said highways.

The Tony Rosser farm located on the east side of a dirt road and 0.6 mile northeast of the junction of said dirt road and State Secondary Highway 30, said junction being 0.3 mile north of said highway and State Secondary Highway 54.

The Pauline Steel farm located on the north side of State Secondary Highway 63 and the east side of Crooked Creek at the intersection of said highway and creek.

The Marvin Strong farm located on the south side of the South Carolina-North Carolina State line and 1.3 miles east of its junction with State Primary Highway 77.

Williamsburg County. The S. Wayne Gamble farm located on both sides of State Primary Highway 375 and 2 miles southeast of its intersection with U.S. Highway 52.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee; 19 F.R. 74, as amended; 7 CFR 301.80–2. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161)

These revised administrative instructions shall become effective September 19, 1962, when they shall supersede P.P.C. 627, 4th Revision, effective April 20, 1961 (7 CFR 301.80–2a).

This revision adds to the regulated areas in both North Carolina and South Carolina. Premises have been placed under regulation in Wake County, North Carolina, and Clarendon and Lee Counties, South Carolina, counties that heretofore have contained no regulated areas. Also, additions are being made herein to existing regulated areas in 14 counties in North Carolina and 6 counties in South Carolina.

These instructions should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of witchweed infestations. Accordingly, it is found upon good cause that notice and other public procedure under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) are impracticable, and good cause is found for making the instructions effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of September 1962.

[SEAL] D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 62-9348; Filed, Sept. 18, 1962; 8:53 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 990—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Disposition

Notice was published in the August 10, 1962 issue of the FEDERAL REGISTER (27 F.R. 7988) that there was under consideration a proposal requested by the Grape Crush Administrative Committee to amend the Subpart—Administrative Rules and Regulations (27 F.R. 3158, 7539) by the addition of a new § 990.162 to implement the provisions of §§ 990.57 and 990.62(b) regarding the participation by handlers in a Committee offer to sell setaside to handlers for resale into normal (free tonnage) outlets. Said subpart is effective under the marketing agreement and Order No. 990 (7 CFR Part 990) regulating the handling of Central California grapes for crushing. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Said notice afforded interested persons a 30-day period to submit written data, views, or arguments pertaining to the proposal. None was received within the time prescribed therefor.

After consideration of all relevant matters presented, including the information and recommendations submitted by the Committee, the data and information in the notice, and other available information, it is hereby found that to amend the said subpart as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That the Subpart—Administrative Rules and Regulations is hereby amended by adding a new § 990.162 as follows:

§ 990.162 Disposition.

(a) *Shares of setaside for release into normal outlets.* Whenever, pursuant to § 990.62(b), the Committee offers to sell setaside of a particular crop year for resale into normal outlets, handlers shall have the first option to purchase their pro rata shares, with adjustments caused by removals pursuant to § 990.57, of such offer. Each handler's pro rata share shall be proportional to the holdings necessary to meet the handler's setaside obligation for such crop year. However, in computing the shares of any offer to be reserved to handlers, such holdings shall reflect all quantities of setaside removed from or added to their setaside storage pursuant to § 990.57. In the event the physical holdings of any handler are less than the quantity so allocated, and the difference is at least the equivalent of 100 proof gallons, the Committee shall transfer sufficient setaside, to the extent practicable, from handlers with physical holdings exceeding their shares, to satisfy the deficit in the quantity which said handler chooses to purchase. Any handler desiring to purchase quantities in excess of his reserved share may, during the period of such reservation and with the approval of the Committee, negotiate directly with another handler for any unpurchased portion of his reserved share but any transfer of gallonage incident thereto shall be at no cost to the Committee.

It is hereby further found that good good cause exists for making this action effective at the time hereinafter set forth and for not postponing such effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The Committee is presently negotiating for the disposition of a portion of the 1961–62 setaside into non-normal outlets, and this disposition is imminent; (2) in accordance with § 990.162(a), disposition of setaside into non-normal outlets is not to be taken into account in the computation of each handler's pro rata share in any offer of setaside for resale into normal outlets; and (3) handlers should be apprised prior to disposition of setaside into non-normal outlets that pro rata shares of offers of setaside for normal outlet disposition will be computed in accordance with § 990.162(a) without regard to dispositions into non-normal outlets so that their participation in dispositions in non-normal outlets will be with full knowledge of the applicable provisions of this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 14, 1962, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9346; Filed, Sept. 18, 1962; 8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 16,278]

PART 521—DEFINITIONS

State; Correction

SEPTEMBER 12, 1962.

Resolved that in the document amending Part 521 of Subchapter B of Chapter V of Title 12 of the Code of Federal Regulations, published at 27 F.R. 8825, the following correction is hereby made: The reference to "§ 522.45" in § 521.10, as amended, is changed to "§ 522.27". As so corrected, § 521.10, as amended, effective September 5, 1962, reads as follows:

§ 521.10 State.

Except as defined in § 522.27 of this subchapter, the term "State" means any one of the States, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, or Guam.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 62-9309; Filed, Sept. 18, 1962; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WE-100]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Zone

Correction

In F.R. Doc. 62-9125, appearing at page 9102 of the issue for Thursday, September 13, 1962, the bracket should be included in the heading, to read as set forth above.

[Airspace Docket No. 62-SO-4]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Area Extension; Designation of Transition Area; and Alteration of Control Zones, Control Area Extension and Control Areas Associated With Federal Airways

On July 10, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 6503) stating that the Federal Aviation Agency (FAA) proposed to revoke the Atlanta, Ga., control area extension; designate the Atlanta transition area; alter the Atlanta, Dobbins AFB/NAS Atlanta, Chamblee, Ga., and Athens, Ga., control zones; and alter the control areas associated with the airways which traverse the proposed transition area.

No adverse comments were received regarding the proposed amendments. However, the Aircraft Owners and Pilots Association (AOPA) recommended that instrument approach procedures in the Atlanta terminal area be reviewed and modified to permit reduction of the extensions to the portion of the transition area with a floor of 700 feet above the surface. These procedures were extensively reviewed during the development of the notice and such adjustments as determined feasible have been scheduled for implementation concurrently with the airspace action being taken herein. If, after application of these changes in the Atlanta area, further adjustments appear necessary, appropriate separate airspace action will be proposed as required.

Although not mentioned in the notice, action is taken herein to substitute the Atlanta transition area for the Atlanta control area extension in describing a portion of the boundary of the Macon, Ga., control area extension (§ 601.1020).

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In Part 601 (14 CFR Part 601) the following actions are taken:

§ 601.1052 [Revocation]

a. Section 601.1052 Control area extension (Atlanta, Ga.) is revoked.

b. The following section is added:

§ 601.10055 Atlanta, Ga., transition area.

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Atlanta Municipal Airport (lat. 33°38'42" N., long. 84°25'37" W.), excluding the airspace within a 1.5-mile radius of the Edwards Skyport (lat. 33°32'47" N., long. 84°-38'31" W.), and the Gunn Airport (lat. 33°43'14" N., long. 84°09'56" W.); within 2 miles either side of the Atlanta ILS localizer W course extending from the 15-mile radius area to 18 miles W of the localizer; within a 5-mile radius of the De Kalb-Peachtree airport (lat. 33°52'30" N., long. 84°18'10" W.), Chamblee, Ga.; within 2 miles either side of the McDonough, Ga., VORTAC 314° radial extending from the 15-mile radius area to the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 50-mile radius of the Atlanta Municipal Airport; within a 30-mile radius of the Lost Mountain, Ga., RBN; that airspace N of Atlanta extending from the 50-mile radius area bounded on the W by VOR Federal airway No. 51, on the N by VOR Federal airway No. 54, on the E by VOR Federal airway No. 267; that airspace NE of the Toccoa, Ga., VOR bounded on the N by VOR Federal airway No. 54, on the SE by VOR Federal airway No. 222 and on the SW by a line 5 miles SW of and parallel to the Greenwood, S.C., VOR 315° radial; that airspace NE and E of Atlanta extending from the 50-mile radius area bounded on the NW by VOR Federal airway No. 222, on the E by a line extending from the SE boundary of VOR Federal airway No. 222 W of Greenville, S.C., counterclockwise along the arc of a 30-mile radius circle centered at latitude 34°48'45" N., longitude 82°20'30" W., to its INT with the arc of a 15-mile radius circle centered at the Greenwood VOR, thence counterclockwise along this arc to its INT with the N boundary of VOR Federal airway No. 454, thence via the N. boundary of VOR Federal airway No. 454 to longitude 83°-00'00" W., thence via longitude 83°-00'00" W. to the N. boundary of VOR Federal airway No. 18, and on the S by the N boundary of VOR Federal airway No. 18; that airspace SW of Atlanta extending from the 50-mile radius area bounded on the N by VOR Federal airway No. 18, on the S by VOR Federal airway No. 20 N alternate, and on the W by longitude 86°00'00" W.; and the airspace W of Atlanta extending from the 50-mile radius area bounded on the N by a line 12 miles N of and parallel to the Atlanta ILS localizer W course, on the S by VOR Federal airway No. 18 N alternate, and on the W by longitude 85°33'00" W., excluding the portion of this transition area within R-3001.

2. Section 601.2130 (14 CFR 601.2130) is amended to read:

§ 601.2130 Atlanta, Ga., control zone.

Within a 5-mile radius of the Atlanta Municipal Airport (lat. 33°38'42" N., long. 84°25'37" W.); within 2 miles either side of the Atlanta ILS localizer W course extending from the 5-mile radius zone to the OM; within 2 miles either side of the Atlanta ILS localizer SE course extending from the 5-mile radius zone to the OM; within 2 miles either side of the Atlanta ILS localizer E course extending from the 5-mile radius zone to the INT of the Atlanta ILS localizer E course and the McDonough, Ga., VORTAC 333° radial; and within a 3-mile radius of Morris AAF (lat. 33°37'20" N., long. 84°20'30" W.).

3. Section 601.2283 (14 CFR 601.2283) is amended to read:

§ 601.2283 Atlanta, Ga. (Dobbins AFB/NAS Atlanta), control zone.

Within a 5-mile radius of the Dobbins AFB/NAS Atlanta (lat. 33°55'00" N., long. 84°31'00" W.); within 2 miles either side of the 105° bearing from the Lost Mountain, Ga., RBN extending from the 5-mile radius zone to the RBN; within 2 miles either side of the NAS Atlanta TACAN 295° radial extending from the 5-mile radius zone to 10 miles W of the TACAN; and within 2 miles either side of the 104° bearing from the Dobbins AFB/NAS Atlanta extending from the 5-mile radium zone to 6 miles SE of the lift-off end of runway 10.

4. Section 601.2373 (14 CFR 601.2373) is amended to read:

§ 601.2373 Chamblee, Ga. (De Kalb-Peachtree Airport), control zone.

Within a 3-mile radius of the De Kalb-Peachtree Airport (lat. 33°52'30" N., long. 84°18'10" W.) and within 2 miles either side of the Norcross, Ga., VORTAC 242° radial extending from the 3-mile radius zone to the VORTAC. This control zone is effective from 0700 to 2300 hours, local time, daily.

5. Section 601.2452 (14 CFR 601.2452) is amended to read:

§ 601.2452 Athens, Ga., control zone.

Within a 5-mile radius of the Athens Airport (lat. 33°56'56" N., long. 83°-19'37" W.); within 2 miles either side of the Athens VORTAC 078° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC; and within 2 miles either side of the Athens VORTAC 194° radial extending from the 5-mile radius zone to 8 miles S of the VORTAC.

§ 601.6005 [Amendment]

6. In the text of § 601.6005 (14 CFR 601.6005) "McDonough, Ga., VOR." is deleted and "McDonough, Ga., VORTAC, and excluding the airspace below the Atlanta, Ga., transition area." is substituted therefor.

§ 601.6018 [Amendment]

7. In the text of § 601.6018 (14 CFR 601.6018) "Augusta, Ga., VOR." is deleted and "Augusta, Ga., VOR, and excluding the airspace below the Atlanta, Ga., transition area." is substituted therefor.

8. Section 601.6020 (14 CFR 601.6020) is amended to read:

§ 601.6020 VOR Federal airway No. 20 control areas (Laredo, Tex., to Tappahannock, Va.).

All of VOR Federal airway No. 20 including N and S alternates, but excluding the airspace between the main airway and its N alternates from the New Orleans, La., VORTAC to the Mobile, Ala., VORTAC and from the Atlanta, Ga., VORTAC to the Spartanburg, S.C., VORTAC, and excluding the airspace below the Atlanta transition area.

9. Section 601.6035 (14 CFR 601.6035) is amended to read:

§ 601.6035 VOR Federal airway No. 35 control areas (Key West, Fla., to Syracuse, N.Y.).

All of VOR Federal airway No. 35 including E and W alternates but excluding the airspace below 2,000 feet MSL outside the United States and excluding the airspace below the Atlanta, Ga., transition area.

10. Section 601.6051 (27 F.R. 4163) is amended to read:

§ 601.6051 VOR Federal airway No. 51 control areas (Key West, Fla., to Chicago, Ill.).

All of VOR Federal airway No. 51 including E and W alternates, but excluding the airspace between the main airway and its E alternate between the INT of the London, Ky., VORTAC 260° and the New Hope, Ky., VOR 163° radials and the Louisville, Ky., VORTAC, and excluding the airspace below the Atlanta, Ga., transition area.

11. Section 601.6066 (14 CFR 601.6066) is amended to read:

§ 601.6066 VOR Federal airway No. 66 control areas (San Diego, Calif., to Sulphur Springs, Tex., and Tuscaloosa, Ala., to Fort Mill, S.C.).

All of VOR Federal airway No. 66 including a N alternate, but excluding the airspace below the Atlanta, Ga., transition area.

§ 601.6097 [Amendment]

12. In the text of § 601.6097 (14 CFR 601.6097, 27 F.R. 736) "United States." is deleted and "United States, and excluding the airspace below the Atlanta, Ga., transition area." is substituted therefor.

13. Section 601.6134 (14 CFR 601.6134) is amended to read:

§ 601.6134 VOR Federal airway No. 134 control areas (Evergreen, Ala., to Atlanta, Ga.).

All of VOR Federal airway No. 134 excluding the airspace below the Atlanta, Ga., transition area.

14. Section 601.6194 (14 CFR 601.6194, 27 F.R. 4594) is amended to read:

§ 601.6194 VOR Federal airway No. 194 control areas (Lafayette, La., to Meridian, Miss., and Norcross, Ga., to Cape Charles, Va.).

All of VOR Federal airway No. 194 including N alternates and a S alternate, but excluding the airspace below the Atlanta, Ga., transition area.

15. Section 601.6222 (14 CFR 601.6222) is amended to read:

§ 601.6222 VOR Federal airway No. 222 control areas (El Paso, Tex., to Evergreen, Ala., and Norcross, Ga., to Nottingham, Md.).

All of VOR Federal airway No. 222 including a N alternate, but excluding the airspace below the Atlanta, Ga., transition area.

16. Section 601.6241 (14 CFR 601.6241) is amended to read:

§ 601.6241 VOR Federal airway No. 241 control areas (Crestview, Fla., to Atlanta, Ga.).

All of VOR Federal airway No. 241 including a W alternate, but excluding the airspace below the Atlanta, Ga., transition area.

17. Section 601.6243 (14 CFR 601.6243) is amended to read:

§ 601.6243 VOR Federal airway No. 243 control areas (Jacksonville, Fla., to Scotland, Ind.).

All of VOR Federal airway No. 243 including a W alternate, but excluding the airspace below the Atlanta, Ga., transition area.

18. Section 601.6267 (14 CFR 601.6267) is amended to read:

§ 601.6267 VOR Federal airway No. 267 control areas (Miami, Fla., to Knoxville, Tenn.).

All of VOR Federal airway No. 267 including E alternates, but excluding the airspace below the Atlanta, Ga., transition area.

19. Section 601.6454 (14 CFR 601.6454, 27 F.R. 5655) is amended to read:

§ 601.6454 VOR Federal airway No. 454 control areas (Evergreen, Ala., to Lawrenceville, Va.).

All of VOR Federal airway No. 454 excluding the airspace below the Atlanta, Ga., transition area.

§ 601.1020 [Amendment]

20. In the text of § 601.1020 (14 CFR 601.1020) "Atlanta, Ga., control area extension (601.1052)" is deleted and "Atlanta, Ga., transition area" is substituted therefor:

These amendments shall become effective 0001 e.s.t. November 15, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 12, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9307; Filed, Sept. 18, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-546]

PART 65—KOSHER FOOD PRODUCTS AND KOSHER PRODUCTS INDUSTRY

Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of September 19, 1962.

Statement by the Commission. Trade practice rules for the Kosher Food Products and Kosher Products Industry as hereinafter set forth, are promulgated by the Federal Trade Commission under its Trade Practice Conference procedure.

The industry for which these trade practice rules are established is composed of persons, firms, corporations or organizations, including manufacturers, wholesalers, jobbers, distributors, importers and retailers, engaged in the sale of industry products. Products of the industry are any kosher food products or nonfood products which are represented in any manner as having been prepared in accordance with orthodox Hebrew religious requirements. Such representations include the use of the word "kosher" and the use of the six-pointed star or other symbol or representation of similar implication. Not included as products of the industry are meat and meat products and poultry and poultry products.

Proceedings for the establishment of these rules were instituted upon application of the Specialty Foods Trade Institute, Incorporated. A general trade practice conference was held under Commission auspices in New York, N.Y., on June 28, 1962, at which proposals for rules were submitted for consideration of the Commission. The views and suggestions of industry members and other interested parties expressed at the conference and otherwise submitted were duly considered, and thereafter upon full consideration of the entire matter, final action was taken by the Commission whereby it approved rules for the industry in the form hereinafter set forth.

These rules are designed to provide guidance to the members of the industry regarding the requirements of the laws administered by the Commission, which apply to the trade practices of this industry. Appropriate proceedings in the public interest will be taken by the Commission against industry members, subject to its jurisdiction, who engage in practices prohibited by the rules.

The rules hereinafter set forth become operative thirty (30) days from the date of their promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
65.0 Definitions.
65.1 Prohibited discrimination.
65.2 Exclusive dealing.
65.3 Push money.
65.4 Fictitious prices.
65.5 False invoicing.
65.6 Coercing purchase of one product as a prerequisite to the purchase of other products.
65.7 Misrepresentation in general.
65.8 Defamation of competitors or false disparagement of their products.
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Sec.
65.14 Prohibited forms of trade restraints (unlawful price fixing, etc.)
65.15 Use of the word "free."
65.16 Misrepresenting products as conforming to standards.
65.17 Procurement of competitors' confidential information.
65.18 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 65.0 to 65.18 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 65.0 Definitions.

(a) Member of the industry: Any persons, firms, corporations, or organizations, including manufacturers, wholesalers, jobbers, distributors, importers and retailers, engaged in the sale, offering for sale, or distribution, in commerce, of industry products as defined in this part.

(b) Industry products: Products of the industry are any kosher food products or nonfood products which are represented in any manner as having been prepared in accordance with orthodox Hebrew religious requirements. Such representations include the use of the word "kosher" in any language, and the use of the six-pointed star or other symbol or representation of similar implication.

(c) Not included as products of the industry are meat and meat products and poultry and poultry products.

§ 65.1 Prohibited discrimination.

(a) *Prohibited discriminatory prices, rebates, discounts, etc.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE 1: *Cost justification to be based on net savings in cost of manufacture, sale, or delivery.* Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

NOTE 2: *Credit or refund for returned goods.* In determining whether a price differential based on cost savings under the above proviso is warranted there shall be taken into account any portion of the goods involved which are returned by the customer-purchaser to the seller for credit or refund. See also Note 2 under paragraph (e) of this section.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, actual or imminent deterioration of perishable goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE 1: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made at any hearing on a complaint under this Section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination; *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

NOTE 2: In complaint proceedings, justification of price differentials under subparagraphs (4) and (5) of this paragraph is a matter of affirmative defense to be established by the person or concern charged with price discrimination.

(b) *Examples of prohibited price differential practices.* The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a)(2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a)(4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a)(5) of this section).

Example No. 1. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant the discount to other customers under like conditions.

Example No. 2. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

Example No. 3. An industry member makes a sale of industry products to a purchaser under an arrangement whereby the products are shipped by the industry member's supplier directly to such purchaser and charges a lower price than that charged other purchasers under similar circumstances, or a price which, when compared with the price charged purchasers on sales made out of the stock of the industry member, constitutes a discount greater than can be justified by the difference in costs resulting from the differing quantities or method of sale or delivery.

Example No. 4. An industry member sells to some customers industry products at prices of drop shipments when in fact such transactions are out-of-stock sales which are made to other customers at higher prices, even though the quantities involved are large enough to be delivered on a direct shipment basis. (As here used an "out-of-stock" sale is one from the industry member's stock on hand and a "drop shipment" sale is one in which the industry member arranges to have the goods shipped by the industry member's supplier directly to the industry member's customer.)

Example No. 5. Terms of 2/10th prox. are granted by an industry member to some customers on goods purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take a 5 percent instead of a 2 percent discount when making payment to the industry member within the time prescribed.

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or

accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to any agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is made known to and is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE 1: Industry members giving allowances for advertising or sales promotion must, in addition to according same to all competing customers on proportionally equal terms, exercise precaution and diligence in seeing that all such allowances are used by the customers for such purpose. Customers receiving such allowances must not use same for any other purpose.

When an allowance is made ostensibly for advertising or sales promotion of products and is not in fact used for that purpose the practice may constitute a price discrimination. In such case, the party giving the allowance may violate paragraph (a) of this section and the party receiving same may violate paragraph (f) of this section.

NOTE 2: When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customers of any portion of the allowance for his or their personal use or benefit.

(e) *Prohibited discriminatory services of facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE 1: Subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section is applicable to paragraph (e) of this section.

NOTE 2: Among the practices prohibited by paragraph (e) of this section is that of an industry member according to one or more customers the privilege of returning for credit or refund any or all of the goods purchased by them and failing to accord the same privilege to another or other competing customers on proportionally equal terms. In this connection see also Note 2 under cost justification proviso paragraph (a)(2) of this section.

(f) *Inducing or receiving an illegal discrimination in price, advertising, or promotional allowances, or services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price, advertising or promotional allowances, or services or facilities, prohibited by the foregoing provisions of this section.

NOTE: Paragraph (f) of this section is a restatement of section 2(f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2(a) of said Act and not justified under paragraph (a) (2), (4), or (5) of this section. When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods, or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

1. By showing that the buyer paying the lower price knew that the methods by, and quantities in, which the goods were sold and delivered to him by the seller were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

2. By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.

[Rule 1]

§ 65.2 Exclusive dealing.

(a) It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to lease or make a sale or contract for sale of any industry product, for use, consumption, or resale within any place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the goods of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale, or such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 2]

§ 65.3 Push money.

It is an unfair trade practice for an industry member to pay or contract to pay anything of value to a salesperson employed by a customer of the industry member, as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer:

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sale of products of competitors of an industry member; or

(d) When, because of the terms and conditions of the understanding or agreement, including its duration, or the attendant circumstances, the effect may be to substantially lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with section 2 (d) and (e) of the Clayton Act.

NOTE: Payments made by an industry member to a salesperson of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this section, but are to be considered as subject to the requirements and provisions of section 2(a) of the Clayton Act.

[Rule 3.]

§ 65.4 Fictitious prices.

It is an unfair trade practice to sell or offer for sale industry products at prices purported to be reduced from what are in fact fictitious prices, or to sell or offer for sale such products at a purported reduction in price when such purported reduction is in fact fictitious or is otherwise misleading or deceptive. [Rule 4.]

§ 65.5 False invoicing.

Withholding from or inserting in invoices or sales slips by an industry member, any statement or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, used with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, in any material respect, is an unfair trade practice. [Rule 5]

§ 65.6 Coercing purchase of one product as a prerequisite to the purchase of other products.

The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 6]

§ 65.7 Misrepresentation in general.

It is an unfair trade practice for any industry member to make or cause to be made, directly or indirectly, in newspaper or periodical advertisements, sales promotional literature, by television, radio, or in connection with any demonstration or course of instruction or otherwise, any statement or representation, however published, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers:

(a) With respect to the identity of any product of the industry or its manufacture, distribution, or marketing;

(b) With respect to the brand, composition, grade, quality, quantity, or size of any product of the industry;

(c) With respect to the availability of the supply of a particular product or products of the industry;

(d) In any other material respect.

NOTE: Among the prohibitions of this section is "false advertisement," as defined in section 15 of the Federal Trade Commission Act, of any "food" or other product within the scope of such section. Furthermore, nothing in these sections is to be construed as relieving anyone of the necessity of complying with the provisions of the Federal Food, Drug and Cosmetic Act in respect to labeling or any other matter coming within the purview of that Act.

[Rule 7]

§ 65.8 Defamation of competitors or false disparagement of their products.

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, services, or conditions of employment, is an unfair trade practice. [Rule 8]

§ 65.9 Deceptive use or imitation or simulation of trade or corporate names, trade-marks, etc.

It is an unfair trade practice for any member of the industry:

(a) To imitate or simulate the trademarks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers; or

(b) To represent by use of any trade name, trade-marks, or other trade designation, that any industry member is a manufacturer, wholesaler or importer when such is not the fact; or

(c) To use any trade name, corporate name, trade-mark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature, or origin of any product of the industry, or of any material used therein, or which is false, deceptive, or misleading in any other material respect. [Rule 9]

§ 65.10 Enticing away employees of competitors.

Knowingly enticing away employees or sales representatives of competitors under any circumstances having the capacity and tendency or effect of substantially injuring or lessening present or potential competition is an unfair trade practice: *Provided*, That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 10]

§ 65.11 Substitution of products.

It is an unfair trade practice for a member of the industry to make unauthorized substitutions of industry products, where such substitutions have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 11]

§ 65.12 Inducing breach of contract.

(a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers, or between competitors and their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 12]

§ 65.13 Use of gift enterprise or lottery schemes.

The offering or giving of prizes, premiums, or gifts in connection with the sale or distribution of industry products, or as an inducement thereto, by any method which involves a lottery or gift enterprise, and the sale or distribution of industry products by any method or plan which involves a lottery or gift enterprise, are unfair trade practices. [Rule 13]

§ 65.14 Prohibited forms of trade restraints (unlawful price fixing, etc.) [1]

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 14]

§ 65.15 Use of the word "free."

In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free" or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure;

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the

[1] The prohibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act, commonly referred to as the "Fair Trade Amendment") which provides that with respect to a commodity which bears, or the label or container of which bears, the trademark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Rule 15]

§ 65.16 Misrepresenting products as conforming to standards.

In connection with the sale or offering for sale of industry products it is an unfair trade practice to represent, through advertising or otherwise, that such products conform to any standards recognized in or applicable to the industry when such is not the fact. [Rule 16]

§ 65.17 Procurement of competitors' confidential information.

It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as substantially to injure competition or unreasonably restrain trade. [Rule 17]

§ 65.18 Aiding or abetting use of unfair trade practices.

It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice prohibited by this part. [Rule 18]

Authorized: September 10, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-9324; Filed, Sept. 18, 1962; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 200—PROCEDURES AND FORMS

Miscellaneous Amendments

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228j), and section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 362), §§ 200.1(b) (1), (2), (3), (7), and (d), and 200.2 of Part 200 (20 CFR 200.1(b) (1), (2), (3), (7), and (d), and 200.2) of the regulations under such act are amended by Board Order 62-115, dated September 5, 1962, to read as follows:

§ 200.1 The general course and method by which the Board's functions are channeled and determined.

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(b) *Unemployment, sickness, and maternity benefits.* (1) Claims for unemployment benefits are handled by a comprehensive organization set up in the field. Under agreements between the Railroad Retirement Board and covered employers, the employers select employees of theirs to act as unemployment claims agents. These agents perform their services, specified in the agreement, in accordance with instructions issued by the Board but under general supervision and control of the employer. In accordance with the agreements, employers are reimbursed for such services at the rate of 50 cents for each claim taken by an unemployment claims agent and transmitted to the Board. There are some 13,000 such contract claims agents. An unemployed person who wishes to file a claim for unemployment benefits need only consult his recent railroad employer to be directed to the unemployment claims agent with whom he may file his claim.

(2) When an employee makes his first claim in any benefit year, he identifies himself and fills out an application for unemployment benefits (UI-1), an application for employment service (Form ES-1), and a pay rate report (Form UI-1a) to be used in determining the rate at which benefits may be paid. The employee is given an informational booklet UB-4 and an Unemployment Bulletin No. UB-3 informing him of his responsibilities and explaining the statements to which he is required to certify and to which he does certify when he registers for benefits. When the applications and pay rate report are completed, the unemployment claims agent sends them to the nearest field office of the Board. That office inspects the applications to detect errors and omissions and to note items requiring investigation. The office also attempts to verify the employee's statement about his pay rate unless the unemployment claims agent has already done so. The application for unemployment benefits and the pay rate report are then sent to the appropriate regional office of the Board. The application for employment service is retained in the field office for use in referring the claimant to suitable job openings. On the basis of the information furnished on the application for unemployment benefits, the regional office determines whether the applicant is a qualified employee (that is, whether he earned $500 or more from covered employment in the base year). The applicant is notified by letter if he is found to be not qualified.

(3) In addition to the application forms and pay rate report, the claimant executes a registration and claim for unemployment insurance benefits (Form UI-3). In substance, registration consists of his appearing before an unemployment claims agent during the agent's working hours and signing his name on the registration and claim form for the days he wishes to claim as days of unemployment. Registration for any day must be made on the day or not later than the sixth calendar day thereafter, except that, if such calendar day is not a business day, the claimant may make his registration on the next following business day. In other words, a claimant must ordinarily appear for registration at seven-day intervals. Under certain circumstances, such as illness, employment, looking for employment, etc., an employee may make a delayed registration for any day for which he is unable to register within the time limit mentioned above. The unemployment claims agent sends the claim to the nearest field office where it is inspected with a view to calling the claimant in for interview or referral to job openings, detecting errors and omissions, and noting items requiring investigation. The claim is then forwarded to the regional office.

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(7) The rate at which benefits are payable is determined from the claimant's railroad wages earned in a base year period or from his daily pay rate for his last railroad employment in the base year period, whichever will result in the higher benefit rate. His daily benefit rate will be at least 60 per centum of his daily pay rate for his last railroad employment in the base year period, but not exceeding $10.20.

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(d) *Collection of contributions.* The Office of Budget and Fiscal Operations acts as the collecting agency of the Board in receiving contributions due under the Railroad Unemployment Insurance Act. Contributions are, with some few exceptions, due quarterly and with the payment, the employer must file a report, Form DC-1, Employers Quarterly or Annual Report of Contributions under the Railroad Unemployment Insurance Act. (For further details see Part 345 of this chapter.)

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§ 200.2 Designation of forms and instructions.

(a) Following are the forms to be used by applicants, employers and others, together with a description of each form and instructions for each. Subparagraphs (1) through (31) of this paragraph describe the basic forms to be used in filing applications for benefits under the retirement act, the report forms required of beneficiaries, and the related appellate forms. Subparagraphs (32) through (34) of this paragraph describe the forms used in registration of railroad employees and the crediting of service months and wages to their accounts. Subparagraphs (35) through (44) of this paragraph describe the compensation and contribution report forms to be used by railroad employers and national-labor organization "employers." Subparagraphs (45) through (59) of this paragraph describe the basic application, claim and report forms to be used in applying for benefits under the unemployment insurance act, and related appellate forms. Forms may be secured upon application in person or by mail at any of the Board's offices.

(1) *Form AA-1, Application for Employee (Age and Service) Annuity Under The Railroad Retirement Act.* This form must be executed by each individual who wishes to file claim for an employee annuity under the Railroad Retirement Act on a basis other than disability. Information to be included on the form consists of data required to identify the employee on the records of the Board and on the employer's payroll or other records; a statement as to whether or not credit for military service is claimed; statements as to his marital status and whether he has children under age 18 or disabled; and the date on which the individual wishes to have the annuity begin. Form AA-1 must be signed by the individual in accordance with § 210.4 of this chapter.

(2) *Form AA-1a, Request for Supplemental Information When Annuitant or Pensioner Attains Age 65.* This form is used when supplemental information is requested. Information requested includes the claimant's social security account number, his marital status in some detail, and whether he has children who are under age 18 or disabled.

(3) *Form AA-1b, Application for Recomputation of Employee Annuity Under the Railroad Retirement Act.* This form is for use of annuitants who wish to apply for a recomputation of an annuity to include service rendered after the annuity beginning date.

(4) *Form AA-1d, Application for Employee (Disability) Annuity Under the Railroad Retirement Act.* This form must be executed by each individual who wishes to file claim for an employee annuity under the Railroad Retirement Act on the basis of disability. Information to be included on the form consists of data required to identify the employee on Board and employer records; his work history; answers to questions about his disabilities; statements as to his marital status and children under age 18 or disabled; and the date on which the individual wishes to have the annuity begin. This form is also an application to establish a period of disability under the guaranty provisions.

(5) *Form AA-1f, Application to Establish Period of Disability.* This form is to be executed by an individual whose claim for a period of disability was denied when he filed Form AA-1d, Application for Employee (Disability) Annuity. Should his physical condition retrogress to the point where he could be considered disabled under the Social Security Act, he may file this form to secure a new decision on his claim for a period of disability to increase employee, spouse, or insurance annuities under the guaranty provisions.

(6) *Form AA-3, Application of Wife for Spouse's Annuity.* This form must be executed by the wife of an annuitant in filing claim for a spouse's annuity under the Railroad Retirement Act. The form requires information needed to determine a wife's eligibility for a spouse's annuity.

(7) *Form AA-3a, Supplement to Application for Wife's Annuity.* This form is to be completed by a wife, who has filed a claim for a spouse's annuity, to provide supplemental information to enable the Board to determine if the wife may have eligibility on the basis of having in her care a disabled child who is 18 years of age or older.

(8) *Form AA-4, Application of Husband for Spouse's Annuity.* This form must be executed by the husband of a female annuitant in filing claim for a spouse's annuity under the Railroad Retirement Act. This form requires information required by the Board to determine a husband's eligibility for a spouse's annuity.

(9) *Form AA-5, Application for Substitution of Payee for Employee or Spouse Annuitant.* This form is to be used where a guardian or other legal representative is appointed, or a substitute payee under section 19(a) of the Railroad Retirement Act is requested, for an employee or a spouse after the award of an annuity to him or her. The form requires information needed to show the authority of the legal representative, or the basis for recognizing the substitute payee to receive payment on behalf of the employee or the spouse and requires the signature of the person applying. The form also lists the conditions under which an annuity is not payable and includes a form of agreement concerning the payment of the annuity and for the reporting of events which would affect such payment.

(10) *Form AA-11a, Designation or Change of Beneficiary.* This is a form prescribed in accordance with subsection (f)(2) of section 5 of the Railroad Retirement Act, as amended, on which an individual who was an employee after December 31, 1936, may designate the person or persons whom he wishes to receive any death benefits payable under such paragraph. The form is also to be used to change a designation of beneficiary made on a Form AA-11a previously filed with the Board. It must be signed by the individual and witnessed by two persons who are not designated on the form as beneficiaries.

(11) *Form AA-17, Application for Widow's or Widower's Insurance Annuity.* This is the form of application for insurance annuity and lump-sum benefits by the widow or widower of a deceased employee; it may be considered as an application also for any insurance benefits payable under Title II of the Social Security Act as amended.

(12) *Form AA-17a, Application for Widow's or Widower's Insurance Annuity.* This form is to be used where an applicant for widow's or widower's insurance annuity has previously filed an application for a lump-sum death payment, a widow's current insurance annuity, or a spouse's annuity; it may be considered as an application also for any insurance benefits payable under Title II of the Social Security Act as amended. Where the applicant has not previously filed an application for a spouse's annuity, lump-sum death payment, or widow's current insurance annuity, Form AA-17 is to be filed.

(13) *Form AA-18, Application for Widow's and Child's Insurance Annuities.* This is the form of application for insurance annuity benefits by the widow on her own behalf and on behalf of the children of a deceased employee; it may be considered as an application also for any insurance benefits payable under Title II of the Social Security Act as amended.

(14) *Form AA-19, Application on Behalf of Child for Child's Annuity.* This is the form of application for insurance annuity benefits on behalf of a child; it may be considered as an application also for any insurance benefits payable under Title II of the Social Security Act as amended.

(15) *Form AA-19a, Supplement to Application for Widow's and/or Child's Insurance Annuity.* This form is to be used in providing information to permit the Board to determine whether a child age 18 or older, who is alleged to be disabled would meet the eligibility requirements for a child's insurance annuity, other than that of disability. A widow caring for a disabled child age 18 or over, and claiming initial entitlement on that basis, or a widow claiming continued entitlement on the same basis, is to use this form.

(16) *Form AA-20, Application for Parent's Insurance Annuity.* This is the form to be used in applying for parent's insurance annuity benefits; it may be considered as an application also for any insurance benefits payable under Title II of the Social Security Act as amended.

(17) *Form AA-21, Application for Lump-Sum Death Payment and Annuities Unpaid at Death.* This is the form of application for lump-sum death payments due with respect to an employee's death and for annuities due the employee but unpaid at his death and may be considered as an application also for any insurance benefits payable under Title II of the Social Security Act as amended.

(18) *Form AA-21a, Application for Survivor Benefits Due Estate.* This form is to be used in applying for benefits due an estate when there is no formal administration or there is formal administration but there are no known heirs or part of the funds would escheat. It may also be considered as an application for any insurance benefits payable under Title II of the Social Security Act as amended.

(19) *Form AA-22, Application for Substitution of Payee for Survivor Annuitant.* This form is to be used, in applying for payment of a survivor annuity previously awarded, by either a legal representative of a survivor annuitant or a person requesting to be recognized under section 19(a) of the act as a substitute payee of the annuity of such annuitant.

(20) *Form AC-1, Appeal from Initial Decision of Bureau of Retirement Claims.* This is a form prescribed for filing of an appeal from an initial decision of the Bureau of Retirement Claims with respect to a determination made by that Bureau in connection with an application for annuity or death benefits in accordance with § 260.2 of this chapter.

(21) *Form AC-2, Appeal from Decision of the Appeals Council.* This is the form prescribed for filing from a decision of the Appeals Council with respect to a determination made in connection with an application for annuity or death benefits in accordance with § 260.3 and § 260.4 of this chapter.

(22) *Form G-19, Declaration of Person Receiving Annuity Payments Under The Railroad Retirement Act.* This form is to be completed by beneficiaries in foreign countries to provide information of work and earnings which might affect

payment of benefits. It is released through the Department of State to all survivor annuitants, all retirement and spouse annuitants whose annuities have been increased under the Social Security Act minimum provision of the Act, and all disability annuitants under age 65, who reside outside of the United States.

(23) *Form G–19a, Report to U.S. Railroad Retirement Board of Earnings in Prior Calendar Year and Estimate of Earnings for Current Calendar Year.* This form is to be completed by employee and survivor annuitant, with some few exceptions, to provide information on work and earnings which might affect payment of benefits. The form is released annually.

(24) *Form G–39, Authority for Change of Effective Date.* This is the form to be used by an applicant for a retirement annuity to authorize a change in or clarifying his annuity beginning date, or to set a beginning date upon reinstating a cancelled application. The form must be signed before and by two witnesses.

(25) *Form G–126, Election to Receive a Residual Payment Instead of Future Monthly Insurance Benefits Based on Service Under the Railroad Retirement Act.* This form is to be used by a widow or parent to make an irrevocable election, under section 5(f)(2) of the Railroad Retirement Act of 1937, as amended, to receive the lump sum payment provided by that section in lieu of future monthly benefits which might otherwise become payable.

(26) *Form G–129, Waiver of Annuity or Pension Under the Railroad Retirement Act.* This form is to be used by annuitants or pensioners under the Railroad Retirement Act who wish to waive payment of all or part of their benefits in accordance with section 20 of the act as amended.

(27) *Form G–130, Waiver of All Claims Against the Estate of a Deceased.* This form is to be used by an individual desiring to waive a claim against an estate to permit the payment of benefits under the Railroad Retirement Act to the estate without the requirements of formal administration (see Part 236 of this chapter). In executing the form the individual waives all of his claim against the estate and releases and discharges the United States and the Railroad Retirement Board from any and all obligations by reason of payment to the estate of the full amount due.

(28) *Form G–131, Authorization of Payment and Release of All Claims to Death Benefits and Annuity Payments.* This form is to be used by an individual entitled to share in a benefit payable under the Railroad Retirement Act to an estate, to authorize payment to some person.

(29) *Form G–339, Wife's Election to Have Her Wife's Annuity Reduced When She Becomes Eligible for Such Annuity and Until Such Eligibility to Permit an Increase in Employee's Retirement Annuity.* This form is to be used by a wife who, in order to increase the amount of her husband's annuity to the amount both would receive under the minimum guarantee provisions of the act, elects to have her annuity reduced when she becomes eligible.

(30) *Form G–340, Husband's Statement in Connection with Wife's Election to Have Her Wife's Annuity Reduced When She Becomes Eligible for Such Annuity.* This form is to be used by the husband of the wife who submits Form G–339 to show that he understands the effect of his wife's election to have her annuity reduced.

(31) *Form G–661, Appeal From Decision Concerning Creditability of Service.* This form is prescribed for filing an appeal from an initial decision of the Bureau of Retirement Claims with respect to a determination by that bureau that service claimed in connection with an application for annuity is not creditable because the employer is not covered by the Railroad Retirement Act.

(32) *Form CER–1, Employee Registration.* This form must be executed by each individual entering, for the first time, employment covered by the Railroad Retirement and Railroad Unemployment Insurance Acts and is to be forwarded to the Board through the employer. The identifying information included on this form is for the purpose of enabling the Board to assign the individual an account number and to establish an individual account to which service and compensation under the Acts may be credited.

(33) *Form BA–6, Certificate of Service Months and Wages.* This form, which notifies employees of the retirement and unemployment insurance credits established in their accounts, is to be submitted when filing for unemployment, sickness or maternity benefits.

(34) *Form G–70, Protest of Record of Service Months and Wages.* This form is to be used by an employee in protesting the Board's record of his service months and wages, unless he is applying for benefits under the Railroad Unemployment Insurance Act. This form provides for showing the employee's claim of the amount of wages he earned in each month of the year or years, the name of the employer from which they were earned, and the place of employment.

(35) *Form BA–3, Quarterly Report of Creditable Compensation.* This is to be used by employers in reporting the compensation paid to each employee in each month in a calendar quarter as required to be submitted under § 250.3 of this chapter.

(36) *Form BA–3a, Annual Report of Creditable Compensation.* This form is to be used by employers authorized by the Board to report on an annual basis to report for each employee the service months in which an individual worked, the total service months earned, and the total creditable compensation paid during the year as is required to be submitted under § 250.3 of this chapter.

(37) *Form BA–4, Report of Creditable Compensation Adjustments.* This form is to be prepared and submitted each month by employers to report any adjustment in creditable compensation which has been made by the employer and which would affect the amount of an employee's benefits under either the Railroad Retirement Act or the Railroad Unemployment Insurance Act.

(38) *Form BA–5, Summary Report of Compensation of Employees.* Employers reporting creditable compensation are also required to prepare and submit this form which is a quarterly summary of all compensation paid and any adjustments made during the quarter.

(39) *Form DC–1, Employer's Quarterly or Annual Report of Contributions Under the Railroad Unemployment Insurance Act.* This is a form prescribed by § 345.5 of this chapter to be filed by an employer under the Railroad Unemployment Insurance Act to show the amount of contributions being remitted for the period covered.

(40) *Form DC–2, Employee Representatives Report of Compensation.* This form is used by an individual serving as an employee representative under the Railroad Retirement Act for reporting employee representative service and compensation and is to be filed annually or upon termination of employee representative service.

(41) *Form DC–3, Claim for Abatement or Refund of Contributions, Interest, or Penalty.* This form is to be used by employers in claiming abatement or refund of contributions, interest or penalty under the Railroad Unemployment Insurance Act.

(42) *Form OE–1, Payroll Report (Quarterly) for System Subordinate Units.* The form is for quarter-annual reports by system subordinate units of national-labor-organization "employers" of earnings by employees and of employer "contributions" remitted pursuant to the Railroad Unemployment Insurance Act; it shows also amounts of taxes paid pursuant to the Railroad Retirement Tax Act.

(43) *Form OE–2, Payroll Report (Monthly) for System Subordinate Units.* This form is similar to Form OE–1 except that it is for monthly reports.

(44) *Form OE–5, Service and Compensation Report by Labor Organization.* This requires a report from covered labor organizations of the service and compensation of its covered employees.

(45) *Form ES–1, Application for Employment Service.* This form is to be used by unemployed persons in applying for placement by the employment service.

(46) *Form SI–1a, Application for Sickness Benefits.* This form is to be used by an employee in applying for the form on which to claim sickness benefits. The completed form supplies information necessary to determine if the applicant is eligible to claim benefits and waives any existing "doctor-patient privileges" for the purpose of supplying medical information in support of his claim.

(47) *Form SI–1b, Statement of Sickness.* This form is a detachable part of Form SI–1a and is to be executed by an authorized person supplying medical information in connection with an employee's application for sickness benefits.

(48) *Form SI–1d, Pay Rate Report and Employer's Corrected Report of Pay Rate.* This form is to be used by a claimant for sickness benefits to report the pay rates required to determine his daily benefit rates under the Railroad Unemployment Insurance Act. The pay rate report is then verified and, if necessary, corrected by the employer.

(49) *Form SI–3, Claim for Sickness Benefits.* This form is sent by the Board to claimants for sickness benefits to inform the claimant of the registration period covered by the claim and to request information as to days of sickness claimed, days worked, and earnings. The form is to be returned to the office of the Board to which it is preaddressed.

(50) *Form SI–62, Claim for Sickness Benefits Due Employee But Not Paid at Death.* This is the form to be used in making claim for sickness benefits due an employee but unpaid at his death.

(51) *Form SI–101, Application for Maternity Benefits.* This is the form to be used by a female employee in applying for a claim form on which to claim maternity benefits. The form provides for a statement by the employee of prior employment and of the birth or expected birth of a child; and also for a waiver of any existing "doctor-patient privilege" with respect to the maternity sickness for which the claim is made. This form is to be mailed, together with completed Form SI–104, to the Board.

(52) *Form SI–103, Claim for Maternity Benefits.* This is the form to be used in making claim for maternity benefits under the Railroad Unemployment Insurance Act.

(53) *Form SI–104, Statement of Maternity Sickness.* This form is to be executed by a doctor of medicine in connection with an application for maternity benefits, and is to be furnished by the applicant to the Board, upon execution, together with completed Form SI–101, Application for Maternity Benefits.

(54) *Form UI–1, Application for Unemployment Benefits.* This form is to be used by an employee in applying for unemployment benefits and provides for information in connection with employment service.

(55) *Form UI–1a, Pay Rate Report and Employer's Corrected Report of Pay Rate.* This form is given to a claimant for unemployment benefits to provide information of his employment and pay to be used in the determination of the claimant's daily benefit rate. The employer verifies and, if necessary, corrects the pay rate reported by the claimant.

(56) *Form UI–3, Registration and Claim for Unemployment Benefits.* This is a form for registering for days of unemployment and claiming unemployment insurance benefits, for providing notice to the claimant of requirements upon him, and for statement to be certified to by the claimant.

(57) *Form UI–63, Application for Accrued Benefits Due Under the Railroad Unemployment Insurance Act and Unpaid at Death.* This application is used by a survivor or other person to claim benefits under the Railroad Unemployment Insurance Act due but unpaid to a claimant at the time of his death.

(58) *Form UI–85, Appeal to the Board From Referee's Decision Under Railroad Unemployment Insurance Act.* This form is used to appeal to the Board from a decision of a referee on a claim for benefits under the Railroad Unemployment Insurance Act.

(59) *Form UI–86, Appeal from Initial Determination Under the Railroad Unemployment Insurance Act.* This form is used to appeal from an initial decision denying benefits under the Railroad Unemployment Insurance Act.

(Sec. 10, 50 Stat. 314, 45 U.S.C. 228j, sec. 12, 52 Stat. 1107, as amended; 45 U.S.C. 362)

Dated: September 12, 1962.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 62–9319; Filed, Sept. 18, 1962; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 9—COLOR CERTIFICATION

Deletion of Obsolete Material

The purpose of this order is to repeal certain sections in Part 9, Color Certification, because color additives described therein failed to meet the statutory requirements for provisional listing under Title II of the Color Additive Amendments of 1960 (Public Law 86–618). With the exception of FD&C Red No. 1, no batch of these color additives had been certified prior to the effective date of the enactment, July 12, 1960. By order of January 10, 1961 (26 F.R. 162), former FD&C Red No. 1 was relisted as § 9.354 *External D&C Red No. 15.*

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by Title II of the Color Additive Amendments of 1960 (Title II, Public Law 86–618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376) and delegated to the Commissioner of Food and Drugs (25 F.R. 8625), the following sections of Part 9 are repealed:

§ 9.60	*FD&C Red No. 1.*
§ 9.102	*D&C Green No. 4.*
§ 9.132	*D&C Yellow No. 9.*
§ 9.160	*D&C Red No. 15.*
§ 9.161	*D&C Red No. 16.*
§ 9.165	*D&C Red No. 20.*
§ 9.168	*D&C Red No. 23.*
§ 9.170	*D&C Red No. 25.*
§ 9.171	*D&C Red No. 26.*
§ 9.203	*D&C Orange No. 6.*
§ 9.204	*D&C Orange No. 7.*
§ 9.206	*D&C Orange No. 9.*
§ 9.209	*D&C Orange No. 12.*
§ 9.210	*D&C Orange No. 13.*
§ 9.241	*D&C Blue No. 5.*
§ 9.244	*D&C Blue No. 8.*
§ 9.302	*Ext. D&C Yellow No. 2.*
§ 9.304	*Ext. D&C Yellow No. 4.*
§ 9.308	*Ext. D&C Yellow No. 8.*
§ 9.313	*Ext. D&C Red No. 4.*
§ 9.344	*Ext. D&C Red No. 5.*
§ 9.345	*Ext. D&C Red No. 6.*
§ 9.346	*Ext. D&C Red No. 7.*
§ 9.348	*Ext. D&C Red No. 9.*
§ 9.351	*Ext. D&C Red No. 12.*
§ 9.371	*Ext. D&C Blue No. 2.*
§ 9.372	*Ext. D&C Blue No. 3.*
§ 9.374	*Ext. D&C Blue No. 5.*
§ 9.390	*Ext. D&C Black No. 1.*
§ 9.410	*Ext. D&C Violet No. 1.*
§ 9.421	*Ext. D&C Orange No. 2.*

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, because section 203(d)(2) of Public Law 86–618 so provides.

(Title II, Public Law 86–618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376)

Dated: September 13, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–9333; Filed, Sept. 18, 1962; 8:50 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Definitions and Interpretations

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408, 701, 68 Stat. 511, 52 Stat. 1055 as amended; 21 U.S.C. 348, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.1(j) a new subparagraph (5), reading as follows:

§ 120.1 Definitions and interpretations.

* * * * * *

(j) * * *

(5) Roots, stems, and outer sheaths (or husks) shall be removed and discarded from garlic bulbs, and only the garlic cloves shall be examined for pesticide residues.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments effected are interpretative in nature and serve to clarify existing regulations.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Secs. 408, 701, 68 Stat. 511, 52 Stat. 1055 as amended; 21 U.S.C. 348, 371)

Dated: September 13, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–9332; Filed, Sept. 18, 1962; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2773]

[88277]

UTAH

Partial Revocation of Executive Order of July 2, 1910, Which Created Power Site Reserve No. 34

By virtue of the authority vested in the President by the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and determination DA-156-Utah of the Federal Power Commission issued June 22, 1962, it is ordered as follows:

1. The Executive Order of July 2, 1910, creating Power Site Reserve No. 34, as construed by Interpretation No. 133 of May 27, 1929, and Interpretation No. 156 of October 10, 1930, is hereby revoked so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 26 S., R. 20 E.,
Sec. 25, lots 1, 2, and NW¼SE¼;
Sec. 36, lots 2 and 3.

The areas described aggregate 166.07 acres, of which the lands in sec. 36 are part of a State school section.

2. The lands lie on the west bank of the Colorado River some 12 to 14 miles below Moab, Utah. Topography varies from rolling to rough, and soils are mostly shallow and rocky.

3. The public lands are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals provided, that, until 10:00 a.m. on March 15, 1963, the State of Utah shall have (1) a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways in accordance with the provisions of section 24 of the Federal Power Act.

4. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 13, 1962.

[F.R. Doc. 62-9315; Filed, Sept. 18, 1962; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 13—ADDRESSES

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

PART 33—METERED STAMPS

PART 35—PHILATELY

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 13.6, paragraph (b) is amended for the purpose of clarification to read as follows:

§ 13.6 Delivery zone numbers.

* * * * *

(b) *Zone addresses.* (1) Each delivery zone is assigned a number to be used in the address of all classes of mail.

(2) Firms and major mail users should consult postmasters regarding the form of address and additional information that may be of help in improving mail service and in deriving the full benefit of a complete, proper address.

NOTE: The corresponding Postal Manual section is 123.62.

II. In § 15.5, paragraph (d) is amended to require that a receipt shall be obtained from addressee for all firearm mailings under the section. As so amended, paragraph (d) reads as follows:

§ 15.5 Concealable firearms.

* * * * *

(d) *Identification of addressee.* The postmaster at the office of delivery shall require the addressee of any parcel covered by this section except a manufacturer of firearms or bona fide dealer therein, to call at the post office and establish his identity to the satisfaction of the postmaster. The parcel may then be delivered after the addressee signs a receipt which shall be filed by the postmaster for not less than 3 years. Receipts for delivery shall be taken on Form 2162, "Delivery Receipt, Firearms," on all mailings covered by this section. Before delivery to an addressee who is a manufacturer of firearms or bona fide dealer therein, the postmaster shall satisfy himself that the addressee is actually such manufacturer or dealer.

NOTE: The corresponding Postal Manual section is 125.54.

III. In § 33.3, paragraph (b) is amended to 1. provide a prohibition against the acceptance of advance deposits for meter settings; 2. permit the acceptance of bank cashier's checks for meter settings; 3. include regulations for the use of Form 3618, Local Setting of Postage Meter Licensed at Another Office; and 4. make certain editorial changes therein for the purpose of clarification. As so amended, paragraph (b) reads as follows:

§ 33.3 Use of meter.

* * * * *

(b) *Payment of postage.* (1) A meter licensee must bring the meter and Meter Record Book to the post office or station or branch where it was first set, for resettings and payments of postage. Postage must be paid at time of setting. Advance deposits for meter settings may not be accepted. The postmaster will issue a Meter Setting Receipt, Form 3603, for the amount of postage paid. If a meter is not reset within a 6-month period, it must be presented, with "Meter Record Book", showing daily register readings, at the post office, station or branch where last set, for examination.

(2) Local postmasters may set a meter for use in paying postage on mail to be presented at another post office under the following conditions:

(i) A meter license must be obtained from the post office where the mailing is to be presented (see § 32.2(a)). When the license is received, it must be presented to the local post office with the meter for setting. The license will be returned to the licensee.

(ii) A separate meter must be used for each post office. The postmark die must show the name of the post office of mailing.

(iii) Payment for each meter setting must be made by certified or bank cashier's check payable to the postmaster at the post office where mailings will be made. The check must be presented to the local post office when the meter is set.

(iv) The postmaster setting the postage meter under this arrangement will complete Form 3618 "Local Setting of Postage Meter Licensed at Another Office" in duplicate. The original of this form together with the check and a stamped, self-addressed envelope furnished by the mailer for return of Form 3603 "Receipt for Postage Meter Setting" will be sent in a post office penalty envelope to the postmaster where the mailings are to be made. A record of each setting shall be entered on Form 3609-A "Record of Postage Meter Settings" at the office where the mailings are made.

(v) The mail may not be consigned to the post office in bulk by freight, express or other carrier. It must be presented at a designated receiving point in the post office by the mailer's representative. The postmaster may not act as the mailer's representative and the Department has no responsibility for the articles until they are actually received in the mails. See Part 42 of this chapter concerning the carriage of letters outside the mail.

(vi) Matter sent to other post offices for mailing must be shipped in private containers. Post offices will not furnish mail sacks for this purpose.

(vii) When the use of a meter is discontinued, it must be presented to the post office where it was set for checking out of service. Any postage adjustment will be made by the postmaster where the mailings have been made.

NOTE: The corresponding Postal Manual section is 143.32.

IV. In § 35.5 subparagraph (4) of paragraph (a) is amended to provide identification of envelopes containing first flight covers or philatelic mail. As so amended, subparagraph (4) reads as follows:

§ 35.5 Inaugural covers.

(a) *First flights* * * *

(4) *Submission of covers.* (i) Send the items for inaugural cachets under cover to the postmaster or superintendent, airport mail facility, at the point where service is to be inaugurated. Envelope enclosing items for cachet should bear endorsement "First Flight Covers" or "Philatelic Mail".

(ii) Include a letter requesting the holding of the covers for the inaugural service and stating the cachet desired.

NOTE: The corresponding Postal Manual section is 145.514.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-9316; Filed, Sept. 18, 1962; 8:47 a.m.]

PART 111—CONDITIONS APPLICABLE TO ALL CLASSES

PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

PART 113—TREATMENT OF OUTGOING POSTAL UNION MAIL

PART 121—OUTGOING PARCELS

PART 132—REGISTRATION

PART 133—INSURANCE

Miscellaneous Amendments

The regulations of the Post Office Department as amended as follows:

I. In § 111.2 subparagraph (3) of paragraph (d) is amended to reflect that the Pan American Union is permitted to mail franked surface packages of printed matter up to 11 pounds in weight to countries of the Postal Union of the Americas and Spain, except Canada. As so amended, subparagraph (3) reads as follows:

§ 111.2 Postage.

* * * * *

(d) *Mailing without postage.* * * *

(3) *Pan American Union mail.* Ordinary (unregistered) surface mail bearing the return address of the Union and weighing not more than 4 pounds (or 11 pounds in the case of packages identified as containing printed matter) when addressed to PUAS countries except Canada. Such mail must bear the indicia "Free Under Postal Convention" in the upper right corner. If registration, air, or special delivery service is desired, both the postage and fee must be prepaid.

NOTE: The corresponding Postal Manual section is 221.243.

II. In § 112.7, subparagraph (2) of paragraph (g) is amended for the purpose of clarification to read as follows:

§ 112.7 Small packets.

* * * * *

(g) *Enclosures.* * * *

(2) *Prohibited articles.* Small packets may not contain written communications having the character of actual personal correspondence; coins, bank notes; paper money, canceled or uncanceled postage stamps, or values payable to the bearer; manufactured or unmanufactured platinum, gold, or silver, precious stones, jewelry, or other precious articles. The term jewelry is defined in § 112.3(a)(6) of this chapter.

NOTE: The corresponding Postal Manual section is 222.772.

III. In § 113.2, that part of paragraph (a) which precedes subparagraph (1) is amended for the purpose of clarification to read as follows:

§ 113.2 Shortpaid and unpaid.

(a) *At mailing office.* Check outgoing mail carefully for postage payment before it is dispatched. Return shortpaid and unpaid articles to the sender for deficient postage, except the following:

* * * * *

NOTE: The corresponding Postal Manual section is 223.21.

IV. In § 113.3, paragraph (c) is amended to include the minimum dimensions effective January 1, 1963. As so amended, paragraph (c) reads as follows:

§ 113.3 Improperly prepared.

* * * * *

(c) *Undersized articles.* Post offices will return to the senders, if known, any articles that are less than the prescribed minimum size (4 x 2¾ inches) and are not prepared as provided under § 112.1(c)(2) of this chapter. (Effective January 1, 1963, the dimensions will be 4¼ x 3 inches). If the sender is not known, dispatch the article to the dead letter office.

NOTE: The corresponding Postal Manual section is 223.33.

V. Section 121.4, as amended by 27 F.R. 2688, is further amended for the purpose of clarification to read as follows:

§ 121.4 Shortpaid.

(a) *At mailing office.* Outgoing parcels shall be checked carefully for postage payment before they are dispatched. Shortpaid parcels which bear a return address at the office of mailing shall be either returned to the sender for the deficient postage or held and the sender requested to supply the missing postage. The original postage is still valid when the parcel is remailed. If the return address is not at the mailing office the parcel shall be dispatched to the exchange office, unless the parcel is totally unpaid.

(b) *In transit.* Sectional centers and other intermediate offices rehandling parcel in transit shall not attempt to check the postage paid, but shall return to the senders any parcels observed to be totally unpaid.

(c) *Reported by exchange office.* Shortpaid parcels observed at exchange offices are dispatched to destination and a notice on Form 2947-A, "Notice to Mailer—Irregularity in International Mail," is sent requesting that the deficiency be supplied to the exchange office. If the deficiency is not supplied, the exchange office will request the postmaster to collect from the sender.

NOTE: The corresponding Postal Manual section is 231.4.

VI. In § 132.8, subparagraph (1) of paragraph (b) is amended to clarify the manner of identifying registered articles from other countries. As so amended, subparagraph (1) reads as follows:

§ 132.8 Post Office processing.

* * * * *

(b) *Office of address—(1) Endorsements.* The following registry indicia appear on incoming registered mail, according to the language of the country of origin, and shall be used as the determining factor as to whether an article is registered:

(1) Certificado.
(2) Einschreiben.
(3) R or Registered.
(4) Raccomandata.
(5) Recommandé.
(6) Registo or Registrado (used occasionally).

NOTE: A number alone on mail is not sufficient evidence of registration.

NOTE: The corresponding Postal Manual section is 242.821.

VII. Section 133.2 is amended to include the requirement for the sealing of insured parcels. As so amended, § 133.2 reads as follows:

§ 133.2 Preparation.

The general provisions for the preparation of ordinary parcels to other countries apply to insured parcels. Sealing of insured parcels is compulsory.

NOTE: The corresponding Postal Manual section is 243.2.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-9317; Filed, Sept. 18, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 990]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Notice of Extension of Time for Receipt of Written Data, Views, or Arguments

On August 29, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 8626) regarding a proposed addition to Subpart—Administrative Rules and Regulations (27 F.R. 3158; 27 F.R. 7539) of (1) a new § 990.150 pertaining to the receipt and use by handlers of Central California grapes for crushing of sweepings or other residual material from raisin processing which they obtained from raisin packers, either directly or indirectly, and (2) a new § 990.165 pertaining to reports to be submitted by handlers to the Grape Crush Administrative Committee. This proposal was pursuant to the marketing agreement, and Order No. 990 (7 CFR Part 990), and afforded interested persons opportunity to submit written data, views, or arguments with respect thereto. Request for a reasonable extension of time has been made so as to afford interested persons additional time for further consideration of the proposal.

Notice is hereby given that the time for receipt by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., of such written data, views, or arguments is hereby extended to 5 p.m., e.d.t., September 28, 1962.

Dated: September 13, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9323; Filed, Sept. 18, 1962; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1039]

[Docket No. AO-212-A13]

MILK IN MILWAUKEE, WISCONSIN, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Milwaukee Inn, Milwaukee, Wisconsin, beginning at 10:00 a.m., September 25, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Milwaukee, Wisconsin, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Keystone Farms:

Proposal No. 1. Amend § 1039.13 to permit a handler with own-farm production who receives fluid milk products from nonpool plants to qualify for producer-handler status.

Proposed by Blochowiak Dairy Company:

Proposal No. 2. Amend § 1039.14 to allow diversion of Grade A milk from a pool plant to other pool plants or distributing plants when both operate under the same order, deeming such diverted milk to be received by the diverting handler at the plant from which diverted.

Proposed by Fairmont Foods Company:

Proposal No. 3. Amend § 1039.46(a) (2) to read:

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received: *Provided*, That the same product is not processed or packaged in the receiving handler's plant during the current month.

Proposed by Sealtest Foods, Milwaukee:

Proposal No. 4. Amend § 1039.46 to provide that the classification of milk from another Federal order handler be subtracted in a comparable class as priced under such other order.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 5. Amend § 1039.12 to read:

§ 1039.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant, or

(b) Any person in his capacity as the operator of a distributing plant which is a nonpool plant.

Proposal No. 6. In § 1039.62, redesignate paragraphs (e), (f), (g), and (h) as paragraphs (f), (g), (h), and (i), respectively, and add a new paragraph (e) to read:

(e) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers computed pursuant to § 1039.71 and multiplying the result by the hundredweight of such producer milk;

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be procured from the Market Administrator, 4920 West Burleigh Street, Milwaukee 10, Wisconsin, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., or may be there inspected.

Signed at Washington, D.C. on September 13, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9349; Filed, Sept. 18, 1962; 8:53 a.m.]

[7 CFR Part 1067]

MILK IN OZARKS MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Ozarks marketing area is being considered for the month of September 1962.

The provision proposed to be suspended is: In the table of § 1067.11(b) opposite the month of September, the following: "35"

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than three days after publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Signed at Washington, D.C., on September 13, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9350; Filed, Sept. 18, 1962; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-EA-59]

FEDERAL AIRWAYS, ASSOCIATED CONTROL AREAS, AND CONTROL AREA EXTENSION

Proposed Alterations

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator which would alter the airway structure in the Washington Metropolitan area. The proposed actions would provide lateral separation between en route aircraft and aircraft executing the new holding pattern procedures and provide the designated airways required by the revised Washington terminal area traffic control procedures. The proposed actions are as follows:

1. Low altitude VOR Federal airway No. 3 is designated in part from Brooke, Va., to Springfield, Va., and from Riverdale, Md., to West Chester, Pa. It is proposed to redesignate this segment of Victor 3 and its associated control areas from the Brooke VORTAC as an 8-mile wide airway to the intersection of the Brooke VORTAC 014° and the Westminster, Md., VOR 195° True radials; thence as a 10-mile wide airway via the Westminster VOR; intersection of Westminster VOR 065° and the West Chester, Pa., VORTAC 250° True radials; to the West Chester VORTAC.

2. Low altitude VOR Federal airway No. 4 is designated in part from Front Royal, Va., to Doncaster, Va., via Herndon, Va. It is proposed to revoke the segment of Victor 4 and its associated control areas from Herndon to Doncaster.

3. Low altitude VOR Federal airway No. 8 is designated in part from Indian Head, Pa., to Washington, D.C., via Martinsburg, W. Va., including a south alternate from Martinsburg to Washington. It is proposed to realign this segment of Victor 8 from the Martinsburg VORTAC via the intersection of the Herndon, Va., VORTAC 048° and the Washington VOR 324° True radials to the Washington VOR, including a north alternate from the intersection of the Martinsburg VOR 297° and the Grantsville, Md., VOR 086° True radials, via the Hagerstown, Md., VOR to the intersection of the Washington VOR 324° and the Herndon VORTAC 048° True radials. The south alternate would be revoked.

4. Low altitude VOR Federal airway No. 16 is designated in part from Nottingham, Md., to Kenton, Del. It is proposed to redesignate this segment of Victor 16 as an 8-mile wide airway from the Nottingham VOR to the Kenton VORTAC.

5. Low altitude VOR Federal airway No. 39 is designated in part from Gordonsville, Va., via Casanova, Va., to Herndon. It is proposed to redesignate this segment of Victor 39 and its associated control areas from the Gordonsville VORTAC via the intersection of the Gordonsville VORTAC 019° and the Casanova VORTAC 201° True radials; Casanova VORTAC; to the Herndon VORTAC, including an east alternate from the Gordonsville VORTAC to the Herndon VORTAC via the intersection of the Herndon VORTAC 202° and the Brooke VORTAC 300° True radials.

6. Low altitude VOR Federal airway No. 92 is designated in part from Grantsville to Washington via Front Royal, Va. It is proposed to revoke the segment of Victor 92 and its associated control areas between Front Royal and Washington.

7. Low altitude VOR Federal airway No. 93 is designated in part from Lancaster, Pa., to Baltimore, Md. It is proposed to extend Victor 93 and its associated control areas from the Baltimore VORTAC via the intersection of the Baltimore VORTAC 122° and the Patuxent River, Md., VOR 013° True radials; to the Patuxent River VOR. The airspace within R-4005, R-4006, and R-4007 would be excluded.

8. Low altitude VOR Federal airway No. 123 is designated in part from Washington to Robbinsville, N.J., via Baltimore and New Castle, Del. It is proposed to realign this segment of Victor 123 from the Washington VOR via the Andrews AFB, Md., VOR, intersection of the Andrews AFB VOR 061° and the Baltimore VORTAC 097° True radials; thence as an 11-mile wide airway via the Woodstown, N.J., VOR 231° True radial to 45 nautical miles from Woodstown VOR; thence as a 10-mile wide airway via the Woodstown VOR; intersection of the Pottstown, Pa., VOR 104° and the Robbinsville, N.J., VOR 239° True radials; to the Robbinsville VOR. The airspace within R-4003 would be used only after obtaining prior approval from the appropriate authority.

9. Low altitude VOR Federal airway No. 140 is designated in part from Casanova via Washington and Baltimore to Millville, N.J. It is proposed to realign this segment of Victor 140 from the Casanova VORTAC via the intersection of the Herndon VORTAC 185° and Linden, Va., VORTAC 104° True radials; Washington VOR; Andrews AFB VOR; intersection of the Andrews VOR 061° and the Baltimore VORTAC 097° True radials; intersection of the Woodstown VOR 231° and the Millville VOR 255° True radials (an 11-mile wide airway to 45 nautical miles from the Woodstown VOR); to the Millville VOR, excluding the airspace within R-6608. The airspace within R-4003 would be used only after obtaining prior approval from the appropriate authority.

10. Effective September 20, 1962, low altitude VOR Federal airway No. 143 will be designated in part from the Montebello, Va., VOR via the intersection of the Montebello VOR 031° and Casanova VORTAC 267° True radials, to the Casanova VORTAC (27 F.R. 8305). It is proposed to extend Victor 143 and its associated control areas from the Casanova VORTAC via the intersection of the Herndon VORTAC 185° and the Linden VORTAC 104° True radials to Nottingham VOR. The airspace within R-6608 would be excluded.

11. Low altitude VOR Federal airway No. 144 is designated in part from Linden, Va., to Washington. It is proposed to redesignate this segment of Victor 144 from the Linden VORTAC; to the intersection of the Linden VORTAC 104° and the Herndon VORTAC 185° True radials. The airspace within R-6608 would be excluded.

12. Low altitude VOR Federal airway No. 155 is designated in part from Gordonsville to Washington via Casanova It is proposed to redesignate this segment of Victor 155 and its associated control areas from the Gordonsville VORTAC via the Linden VORTAC; to the Front Royal VOR.

13. Low altitude VOR Federal airway No. 157 is designated in part from Richmond, Va., to Washington. It is proposed to redesignate this segment of Victor 157 as an 8-mile wide airway from the intersection of the Brooke VORTAC 132° and the Washington VOR 189° True radials; to the Washington VOR.

14. Low altitude VOR Federal airway No. 174 is designated in part from Linden to Washington. It is proposed to redesignate this segment of Victor 174 and its associated control areas from the Linden VORTAC to the intersection of the Linden VORTAC 104° and the Herndon VORTAC 185° True radials. The airspace within R-6608 would be excluded.

15. Low altitude VOR Federal airway No. 222 is designated in part from Gordonsville to Nottingham. It is proposed to redesignate this segment of Victor 222 and its associated control areas from the Gordonsville VORTAC to the intersection of the Gordonsville VORTAC 076° and the Brooke VORTAC 132° True radials (Grubbs Intersection); (11-mile wide airway from 45 nautical miles from the Gordonsville VORTAC to the Grubbs Intersection). The airspace within R-6601 would be used only after obtaining prior approval from the appropriate authority.

16. Low altitude VOR Federal airway No. 223 is designated in part from Herndon to Harrisburg, Pa. It is proposed to extend Victor 223 and its associated control areas from the Herndon VORTAC via the intersection of the Herndon VORTAC 202° and the Brooke VORTAC 300° True radials (Brandy Intersection); to the Flat Rock, Va., VORTAC (12-mile wide airway from the Brandy Intersection to 45 nautical miles from the Flat Rock VORTAC).

17. Low altitude VOR Federal airway No. 265 is designated in part from Harrisburg to Westminster. It is proposed to extend Victor 265 and its associated control areas from the Westminster VOR to the intersection of the Westminister VOR 179° and the Baltimore VORTAC 224° True radials.

18. Low altitude VOR Federal airway No. 268 is designated in part from the intersection of the Grantsville VOR 082° and the Martinsburg VOR 297° True radials via the intersection of the Grantsville VOR 082° and the Martinsburg VOR 341° True radials; to the Westminster, Md., VOR. It is proposed to realign this segment of Victor 268 from the intersection of the Grantsville VOR 086° and the Martinsburg VOR 297° True

radials via the Hagerstown VOR; to the Westminster VOR.

19. Low altitude VOR Federal airway No. 286 is designated in part from Front Royal to Brooke. It is proposed to redesignate this segment of Victor 286 and its associated control areas from the Linden VORTAC via the Casanova VORTAC; intersection of the Herndon VORTAC 202° and the Brooke VORTAC 300° True radials; to the Brooke VORTAC.

20. Low altitude VOR Federal airway No. 433 is designated in part from New Castle, Del., to Yardley, Pa. It is proposed to redesignate this segment of Victor 433 and its associated control areas from the Washington VOR via the Andrews AFB VOR; intersection of the Andrews AFB VOR 061° and the Baltimore VORTAC 097° True radials; New Castle VOR; to the Yardley VOR. The airspace within R–4003 would be used only after obtaining prior approval from the appropriate authority.

21. Low altitude VOR Federal airway No. 837 is designated in part from Nottingham, Md., to Kenton, Del. It is proposed to redesignate this segment of Victor 837 as an 8-mile wide airway from the Nottingham VOR to the Kenton VORTAC.

22. Low altitude VOR Federal airway No. 855 is designated in part from Washington to Martinsburg. It is proposed to realign this segment of Victor 855 from the Washington VOR via the intersection of the Washington VOR 324° and Herndon VORTAC 048° True radials; to the Martinsburg VOR.

23. Low altitude VOR Federal airway No. 875 is designated in part from West Chester, Pa., to Westminster. It is proposed to realign this segment of Victor 875 from the West Chester VORTAC via the intersection of the West Chester VORTAC 250° and the Westminster VORTAC 065° True radials; to the Westminster VORTAC.

24. Low altitude VOR Federal airway No. 885 is designated in part from Baltimore to Kenton. It is proposed to redesignate this segment of Victor 885 from the Washington VOR via the Andrews AFB VOR; intersection of the Andrews AFB VOR 061° and Baltimore VORTAC 097° True radials; intersection of the Baltimore VORTAC 097° and the Kenton, VORTAC 242° True radials; thence an 8-mile wide airway to the Kenton VORTAC. The airspace within R–4003 would be used only after obtaining prior approval from the appropriate authority.

25. The Wilmington, Del., Control area extension (601.1378) is bounded in part by low altitude VOR Federal airway No. 123. It is proposed to alter this control area extension by substituting low altitude VOR Federal airway No. 157 for Victor 123 in the description.

The proposed reduced width of Victors 16 and 837 between Nottingham and Kenton would permit simultaneous use of altitudes on Victors 16 and 837, and Victors 123, 140, 433, and 885. The proposed reduced width of Victors 3 and 157 from the vicinity of Brooke to Washington would permit simultaneous use of altitudes on these airway segments. The increased width of Victors 123 and 140 would provide protection for aircraft operating along these airway segments when more than 45 nautical miles from the Woodstown VOR. The increased width of Victor 223 would provide protection for aircraft operating along this airway when more than 45 nautical miles from the Flat Rock VORTAC. The increased width of Victor 222 would provide protection for aircraft operating along this airway when more than 45 nautical miles from the Gordonsville VORTAC. Aircraft operating along Victor 143 in the vicinity of the Andrews AFB VOR will be provided separation on a procedural basis from aircraft operating along Victors 123, 140, 433, and 885. Inclusion of the Hagerstown VOR in the airway structure of Victors 8 north alternate and 268 would provide better navigational guidance along these airway segments. Victor 123 describes one boundary of the Wilmington control area extension. Since Victor 123 would be altered by action proposed herein and since Victors 123 and 157 are designated via the same alignment in this area, Victor 157 could be substituted for Victor 123 in the description of the Wilmington control area extension without altering the size of this control area extension.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 12, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9304; Filed, Sept. 18, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-WA-88]

FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6094 and 601.6094 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 94 extends in part from Deming, N. Mex., to Newman, Texas. The Federal Aviation Agency has under consideration the designation of a south alternate and its associated control areas to Victor 94 between Deming and Newman. This south alternate would be designated via the intersection of the Deming VOR 121° and the Newman VORTAC 271° True radials.

The designation of this south alternate to Victor 94 would provide more flexibility in the control of arriving, departing, and en route traffic west of the El Paso, Texas, terminal area.

The control areas associated with this proposed airway segment would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn.: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 12, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9306; Filed, Sept. 18, 1962; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 61-LA-120]

RESTRICTED AREA

Modification of Proposed Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER on February 3, 1962 (27 F.R. 1035), it was stated that the Federal Aviation Agency was considering the alteration of the lateral dimensions of the China Lake South, Calif., Restricted Area R–2506. In accordance with the terms of the notice, the time for public comment expired 45 days after the date of publication of the notice.

Subsequent to the publication of the notice, the Department of the Navy requested that the Agency reconsider the proposal to reduce the size of R–2506. Additional information was submitted indicating a need for the retention of a much larger portion of the presently designated area. The Navy stated that the operations being conducted in this area, which consist of research, development, test and evaluation of loft bombing methods, weapons and aircraft, require a full range of flexibility in order to fully evaluate all possibilities and perfect a standard. Further, the Navy stated a requirement to raise the ceiling of the redesignated area from 6,000 feet MSL to 8,000 feet MSL in order that these activities may be fully contained within the restricted area. This would afford the necessary protection to both participating and nonparticipating aircraft.

Accordingly, the original notice is hereby amended to reflect the current requirements of the Navy.

If this action is taken, R–2506 would be redesignated as follows:

Boundaries. Beginning at latitude 35°-37'30" N., longitude 117°41'20" W.; to latitude 35°28'00" N., longitude 117°40'50" W.; to latitude 35°28'00" N., longitude 117°-47'00"W.; to latitude 35°37'30" N., longitude 117°47'30" W.; to the point of beginning.

Designated altitudes. Surface to 8,000 feet MSL.

Time of designation. Sunrise to sunset, Monday through Friday.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61–LA–120 is extended to October 15, 1962. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Washington, D.C., on September 12, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9305; Filed, Sept. 18, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14711]

MULTIPLE OWNERSHIP OF STANDARD, FM AND TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of §§ 3.35, 3.240 and 3.636 of the Commission's rules relating to multiple ownership of Standard, FM and Television Broadcast Stations.

1. Various licensees and law firms in a petition filed September 7, 1962, have requested the Commission to extend the time for filing comments in the above-captioned proceeding from September 20, 1962, to October 22, 1962.

2. In support of the requested extension, petitioners state that the time allotted "is simply not adequate" for the preparation of comments which will provide the Commission with "the maximum possible information and assistance for reaching an informed determination." The Commission is persuaded on the basis of this representation and other matters contained in the pleading that the requested extension should be granted. We shall also extend the time for filing reply comments.

3. In view of the foregoing: *It is ordered,* This twelfth day of September 1962, that the time for filing comments in the above-captioned proceeding is extended to October 22, 1962, and that the time for filing reply comments is extended to November 13, 1962.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.241(d)(8) of the Commission rules.

Released: September 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9337; Filed, Sept. 18, 1962; 8:51 a.m.]

[47 CFR Part 3]

[Docket Nos. 14239–14246; FCC 62-953]

MADISON, WISC., ET AL.

Report and Order Terminating Deintermixture Proceedings

In the matter of deintermixture of Madison, Wisc.; Rockford, Ill.; Hartford, Conn.; Erie, Pa.; Binghamton, N.Y.; Champaign, Ill.; Columbia, S.C.; Montgomery, Ala., Docket Nos. 14239; 14240, 14241, 14242, 14243, 14244, 14245, 14246.

1. The Commission has before it for resolution the above-captioned selective deintermixture proceedings, initiated July 27, 1961 (with comments and reply comments submitted on February 19, 1962, and July 23, 1962, respectively). Because of one all-important changed circumstance occurring after our issuance of the notices of proposed rule making, we think it appropriate to take up these proceedings together. For the same reason, we find it unnecessary to set out in detail the contentions advanced by the parties in these proceedings.

2. That all-important changed circumstance is, of course, the all-channel receiver law (Public Law 87–529), which the President signed on July 10, 1962. That law, when implemented by Commission rules,[1] will require that all television receivers shipped in interstate commerce or imported into the United States for sale or resale be capable of adequately receiving all channels allocated by the Commission to television broadcasting (i.e., both VHF and UHF channels). We shall briefly set forth the background to its enactment pertinent to this report and order.

3. During the hearings on the all-channel bill, the Commission was asked by both Chairman Pastore of the Senate Communications Subcommittee and Chairman Harris of the House Committee on Interstate and Foreign Commerce what effect the passage of the all-channel receiver authority might have on the pending selective deintermixture cases (see e.g., Hearings before the House Committee on Interstate and Foreign Commerce, 87th Cong., 2d Sess., on H.R. 8031, p. 201). It was made clear that the Commission's judgment on this matter was important to congressional consideration of the pending bill. After study, the Commision (Commissioner Lee dissenting) transmitted the following judgment to the interested congressional committees (see H. Rept. No. 1559, 87th Cong., 2d Sess., pp. 18–26; Sen. Rept. No. 1526, 87th Cong., 2d Sess., pp. 13–19):

DEAR CHAIRMAN HARRIS: At the March 6th hearing before your Committee on H.R. 8031 and other bills, it was requested that the Commission submit its views on four questions, dealing with the effect of the enactment of all-channel TV receiver legislation

[1] See notice of proposed rule making in Docket No. 14769, issued this day, containing the Commission's proposals to implement the all-channel receiver law.

on Commission proceedings proposing to deintermix particular areas to all-UHF. The questions and our views thereon are set out below.

1. *Is the Commission in a position to make a representation to the Committee that if legislation providing for all-channel receiving sets is enacted, the Commission would postpone any further consideration of all deintermixture until such time as it could see from experience how the all-channel receiver authority will work out—perhaps five, six, seven years?* (Tr. 201). The Commission, after study, has made the following judgment: The Commission would regard enactment by this Congress of the all-channel receiver legislation as a major change in the circumstances affecting its deintermixture proposals and as a major factor to be considered in determining whether or not the public interest would be served by deintermixing any of the communities now under consideration. As the Commission made clear in its Statement of March 6th, we do not conceive of selective deintermixture as a general or long-range solution for the television allocations problem. Rather, we believe that we will need a system using both UHF and VHF channels, and that all-channel receiver legislation is the basic and essential key to that long-range goal. For with this legislation, time would begin to run in favor of the UHF development. The UHF operator (both commercial and educational) could look forward to UHF receiver saturation not only in his home city but in the surrounding rural area as well, and could expect improvement in the quality of the UHF portion of the receivers in the hands of the public. With increased use of UHF, and increased incentive for both equipment manufacturers and station operators to exploit its maximum potential, there is reason to believe that several of the problems which presently restrict the coverage of UHF stations would be overcome. Statement of March 6th, pp. 13, 17.

In short, as we stated in our Notice of Proposed Rule Making in Docket No. 14229, the all-channel receiver is "critically important" because it is directed squarely to "the root problem of receiver incompatibility". It is our hope and belief that the achievement of set compatibility will make possible a satisfactory system of intermixed assignments, and immeasurably promote educational TV. Statement of March 6th, pp. 20–21. It will enhance the development of three fully competitive network services and perhaps eventually of still further network service. For these reasons, the Commission makes the representation to your Committee that if the all-channel receiver TV legislation is enacted by this Congress, it is the judgment of the Commission (with the qualification noted in 4, *infra*)[1] that it would be inappropriate, in the light of this important new development, to proceed with the eight deintermixture proceedings initiated on July 27, 1961, and that, on the contrary, a sufficient period of time should be allowed to indicate whether the all-channel receiver authority would in fact achieve the Commission's overall allocations goals.

The argument has been made that the Commission is not in a position to transmit this judgment to the Congress for two reasons: (1) That such action would contravene the principle set forth in the Sangamon Valley decision (269 F. 2d 221 (C.A.D.C.)); and (2) that under the Communications Act, the Commission is required to go forward to a resolution of the deintermixture proceedings on their merits. We do not believe that either argument has merit. As to the second, the Commission has in the past suspended or terminated its processes because of the emergence of new overriding factors not foreseen at the time of institution of those processes. We think such decisions to defer or postpone action fall within the discretion of the Commission (cf. Coastal Bend Television Corp. v. U.S., 234 F. 2d 686 (C.A.D.C.)), subject, of course, to review by the courts to determine whether the action is arbitrary. We regard our position in this instance as wholly reasonable in the light of the considerations set out in the prior paragraph.

As to the Sangamon Valley question, the Commission is well aware of its responsibilities under this decision. Thus, as we made clear in our recent testimony before your Committee (and were sustained by the Chairman of the Committee—see, e.g., Tr. 281–82, 285), the Commission cannot and will not take into account nonrecord presentations by interested parties, or those acting on their behalf, as to the issues in the pending proceedings (such as the amount of "white area" that would result from any deintermixture action). But Sangamon Valley does not preclude Congressional inquiry, in connection with pending legislation, as to possible overall Commission action in the event of enactment of that legislation, nor does it preclude the Commission from supplying to the Congress such information of an overall nature as Congress deems necessary in its consideration of the legislation. The facts of Sangamon Valley involve, we believe, the wholly different question of ex parte presentations by an interested party made in the offices of Commissioners on the particular merits of the pending rule making proceeding.

In short, we believe that it is wholly proper to transmit this judgment to the Committee. We wish to make clear that in doing so, we are not foreclosing fair consideration of any further pleadings in these proceedings (such as a petition for reconsideration under section 405 of any final order issued by the Commission). Under the law such pleadings must be considered on their merits and they will be so considered. But, in connection with your consideration of pending legislation, you have asked for the Commission's judgment as to what it would do in the event of enactment of the all-channel receiver legislation by the Congress, and we have given you that judgment.

Congress, after receipt and consideration of this judgment (H. Rept. pp. 6–8; Sen. Rept., pp. 5–7) passed the all-channel bill.

4. This, then, is the background to our resolution of these proceedings. We have determined that the above-quoted judgment is sound and should be adhered to. We have consistently recognized that selective deintermixture is not the general or long-range solution to the television allocation problem. We strongly believe that the all-channel receiver authority is the essential precondition to any such solution. By solving the root problem of receiver incompatibility, it will, we believe, result in a satisfactory system using both UHF and VHF channels. For, as stated, the UHF operator can look forward to UHF set saturation not just in the community but also in the surrounding area. There are several other important considerations. The all-channel law will lead to research efforts by the manufacturers which, it is hoped, will greatly improve the UHF portion of the receiver. Our conferences with the industry representatives have indicated that such research and improvement will be undertaken without delay and in a vigorous fashion (see notice of proposed rule making in Docket No. 14769, pars. 6–7, issued this day). In short, it is our belief that the all-channel receiver authority will profoundly change the face of television broadcasting in the coming years.

5. In the circumstances, it is our judgment that it would not be in the public interest to proceed with the above-captioned selective deintermixture proceedings. As we have made clear in our recent Sangamon Valley decision (FCC 62–798, par. 39), these selective deintermixture proceedings, involving the proposed removal of an existing VHF service, entail a certain amount of dislocation, and do not in any event provide a general or long-range solution to the allocations problem. In our judgment, all-channel receiver authority, with the possible exceptions noted,[2] will make unnecessary the dislocating aspects of a program of selective deintermixture and, as stated, will accomplish that long-range goal over a period of years. We recognize that a period of years will be needed before the full benefits of our all-channel receiver rules will be obtained. But on balance, we conclude that the public interest would be served by not proceeding in these cases with deintermixture, in view of this new, general solution to the problem.[3]

6. Authority for the action taken herein is contained in Sections 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, This 12th day of September 1962 That the proceedings in Docket Nos. 14239, 14240, 14241, 14242, 14243, 14244, 14245, and 14246 are terminated.

Released: September 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-9338; Filed, Sept. 18, 1962; 8:51 a.m.]

[1] The qualification referred to four specific deintermixture proceedings, either before the Commission or the courts—namely, the deintermixture proceedings in (1) Springfield, Ill. (Docket No. 14267), (2) Peoria, Ill. (Docket No. 13608), and (4) Evansville, Ind. (Docket No. 11757). The Commission, in a lengthy appendix setting forth the reasons therefor, made clear that any agency moratorium on selective deintermixture to all-UHF would not be applicable to these proceedings.

[1] Dissenting statement of Commissioner Robert E. Lee filed as part of original document.

[2] For the reasons set out in the recent Sangamon Valley report and order (and see the Peoria Memorandum Opinion, Docket No. 11749, FCC 62–877) and in our letters to the interested congressional committees (H. Rept., pp. 22–26; Sen. Rept., pp. 15–19), we adhere to the judgments previously reached as to the four proceedings specified in those letters (see [2], p. 3, supra).

[3] For the reasons stated above, as well as other considerations such as the size of the markets involved, engineering factors, etc., we conclude that the requests to delete the channels in question in order to make use of them in other communities (e.g., requests of Savannah Valley Broadcasting and Wilton Hall to shift Channel 10 from Columbia, S.C., to August, Ga., or Anderson, S.C., respectively) are not warranted in these circumstances and are denied.

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. I]

[No. 34013]

ASSEMBLING AND PRESENTING OF COST EVIDENCE

Notice of Proposed Rule Making

SEPTEMBER 11, 1962.

Notice is hereby given that the National Motor Freight Traffic Association, Inc., Washington, D.C., has filed a request for postponement of the time for filing statements in Docket 34013, Rules to Govern the Assembling and Presenting of Cost Evidence (27 F.R. 4102, 5748 and 6435). In compliance with this request, the time for filing statements has been extended from October 1, 1962, to January 2, 1963, and the time for filing replies to statements has been extended from November 20, 1962, to February 4, 1963. An original signed copy and 25 additional copies of statements shall be filed with the Secretary of the Interstate Commerce Commission. Any written statements so filed shall be verified and shall conform to the specifications in § 1.15 of the Commission's general rules of practice.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-9328; Filed, Sept. 18, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

BRUCELLOSIS

Notice of Specific Approval of Stockyards and Slaughtering Establishments

Pursuant to §§ 78.14(b), 78.15(b), and 78.16(b) of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the movement of certain animals because of brucellosis, under the Acts of May 29, 1884, as amended, February 2, 1903, as amended, and March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125), notice is hereby given that the following stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

SPECIFICALLY APPROVED STOCKYARDS

The following stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5, Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

ALABAMA

*Adams & Eagle, Inc., Marion.
*Aliceville Sale Barn, Aliceville.
*Atmore Truckers Association, Inc., Atmore.
*Capital Stock Yards, Montgomery.
*East Alabama Livestock Co., Opelika.
*Escambia County Cooperative, Inc., Brewton.
*Farmers Cooperative Market, Inc., Frisco City.
*Florence Trading Post, Florence.
*Geneva Stockyard, Geneva.
*Hartford Livestock Co., Hartford.
*Henry County Livestock Association, Inc., Abbeville.
*Hooper Auction Co., Inc., Montgomery.
*King and Mewbourn Stockyards, Florence.
*Limestone County Stockyards, Athens.
*Livingston Stock Yard, Livingston.
*Madison County Stockyards, Huntsville.
*Monroe Livestock Market, Monroeville.
*Montgomery Auction Market, Montgomery.
*Ramsey and Sons, Inc., Dothan.
*Roanoke Stockyards, Roanoke.
*Robertsdale Livestock Auction, Inc., Robertsdale.
*Selma Stockyards, Inc., Selma.
*Stokes & Brogden Stockyards, Inc., Andalusia.
*Tri-County Stockyards, Hurtsboro.
*Triple S Stockyards, Inc., Montgomery.
*Union Stock Yards, Eufaula.
*Valley Stockyard, Decatur.
*West Alabama Stockyard, Inc., Eutaw.
*White Livestock Commission Co., Inc., Birmingham.

ARIZONA

Arizona Livestock Auction, Phoenix.
*Casa Grande Livestock Auction Co., Casa Grande.
Wentz Brothers Livestock Auction, Tucson.
Yuma Livestock Auction Co., Yuma.

ARKANSAS

*Ash Flat Sale Barn, Ash Flat.
*Bentonville Community Sales, Bentonville.
*Clark County Livestock Auction, Arkadelphia.
*Corning Sales Co., Corning.
*County Line Sale, Ratcliff.
*Crawford County Livestock Auction, Van Buren.
*DeQueen Livestock Auction, DeQueen.
*Drew County Auction Co., Monticello.
*Eudora Sales Barn, Eudora.
*Farmers Auction Co., Marianna.
*Farmers Livestock Auction, Springdale.
*Flippin Sales Co., Flippin.
*Glover Livestock Commission Co., Pine Bluff.
*Gravette Community Sales, Gravette.
*Harrison Sales Co., Harrison.
*Harrison Stockyards, Harrison.
*Hope Livestock Commission Co., Hope.
*Huntsville Livestock Auction, Huntsville.
*Lafayette County Auction, Lewisville.
*Liles Brothers Livestock Commission Co., Searcy.
*Logan County Livestock Auction, Booneville.
*Magnolia Livestock Auction, Magnolia.
*Major Lewis Auction, Conway.
*Mammoth Spring Sale Barn, Mammoth Spring.
*Montgomery County Auction, Mt. Ida.
*Morrilton Livestock Auction, Morrilton.
*Mountain Home Livestock Auction, Mountain Home.
*Ola Auction Sale, Ola.
*Pocahontas Livestock Co., Pocahontas.
*Polk County Auction, Mena.
*Randolph County Sale Co., Pocahontas.
*Rector Auction, Rector.
*Salem Livestock Auction, Salem.
*Scott County Livestock Auction, Waldron.
*Washington County Sale Barn, Fayetteville.
*White County Auction, Searcy.

CALIFORNIA

*Bakersfield Livestock Auction Co., Bakersfield.
*Farm Bureau Sales Yard, Visalia.
*Los Angeles Livestock Market, City of Industry.
*Modoc Auction Yards, Alturas.
*Oakdale Livestock Auction Yard, Oakdale.
*Producers Livestock Marketing Association, Artesia Dairy Valley.
*Stockton Union Stockyards, Stockton.
*Red Bluff Farm Bureau Sales Yard, Red Bluff.
*Roseville Livestock Auction Yard, Roseville.
*Valley Stockyard, Inc., El Centro.

COLORADO

*Alsbury Sales Pavilion, Glenwood Springs.
*Arkansas Valley Sales Co., Lamar.
*Basin Livestock Commission Co., Durango.
*Brush Livestock Commission Co., Brush.
*Burlington Livestock Sales Co., Burlington.
*Cortez Sales Barn, Cortez.
*Craig Livestock Auction, Craig.
*Delta Sales Yard, Delta.
*Elizabeth Livestock Auction, Elizabeth.
*Farmer and Rancher Commission Co., Fort Collins.
*Fort Collins Sales Yard, Fort Collins.
*Fowler Auction Co., Fowler.
*Grand Junction Livestock Auction, Grand Junction.
*Haxtun Co-op Livestock Exchange, Haxtun.
*Hess Livestock Commission Co., Pueblo.
*La Junta Livestock Commission Co., La Junta.
*Limon Livestock Commission Co., Limon.
*Longmont Sales Yard, Longmont.
*Palmer Livestock Commission Co., Trinidad.
*Rifle Sales Yard, Rifle.
*Salida Livestock Commission Co., Inc., Salida.
*Shults Sales Yard, Grand Junction.
*Springville Livestock Commission Co., Springfield.
*Sterling Livestock Commission Co., Sterling.
*Stratton Sale Barn, Stratton.
*Sunset Sales Yard, Greeley.
*Valley Livestock Auction Co., Grand Junction.
*Weld County Livestock Commission Co., Greenley.
*Western Slope Livestock Commission, Co., Montrose.
*Winter Livestock Commission Co., La Junta.
*Wray Livestock Commission Co., Wray.
*Yuma Livestock Auction, Yuma.

DELAWARE

*Carroll Sales Co., Dover.
*Goldinger Bros., Inc., Dupont Highway.
*Harris Sales Corp., Odessa.
*Rudnick Live Stock Sales Co., Dover.

FLORIDA

*Cattlemens Livestock Auction Market of Tampa, Tampa.
*Jay Livestock Auction Market, Jay.
*Paxton Livestock Cooperative Market, Florala (Stella Route).
*Tindel Livestock Auction Market, Graceville.

GEORGIA

*Augusta Livestock Market, Augusta.
*Bainbridge Stockyards, Bainbridge.
*Bartow Livestock Commission Co., Cartersville.
*Capital Livestock Auction Co., Inc., Atlanta.
*Carroll County Livestock Sales Barn, Carrolton.
*Chandler Livestock Market, Metter.
*Chatham Livestock Co., Savannah.
*Coffee County Livestock Co., Douglas.
*Columbus-Muscogee Livestock Auction, Inc., Columbus.
*Cordele Livestock Co., Cordele.
*Dublin Livestock Commission Co., Dublin.
*Duvall-Wheeler Livestock Co., Greensboro.
*Farmer's Livestock Auction, Sylvania.
*Flint River Livestock Auction, Bainbridge.
*Georgia Livestock Terminal Market, Macon.
*Georgia Farm Products Sale Corp., Thomaston.
*Hudson-Holmes Livestock Auction, Inc., Fitzgerald.
*Jepeway-Craig Commission Co., Dublin.
*La Grange Stockyards, Inc., La Grange.
*McClure-Burnett Commission Co., Rome.
*McClure-Burnett Commission Co., Atlanta.
*Metter Livestock Auction, Metter.
*Mitchell County Livestock Co., Camilla.
*Moultrie Livestock Co., Moultrie.
*Northeast Georgia Livestock Auction, Inc., Athens.
*Pelham Livestock Co., Pelham.
*Peoples Livestock Market, Inc., Cuthbert.
*Pulaski Stockyard, Hawkinsville.
*Queen City Livestock Auction Co., Gainesville.
*Ragsdale-Long Commission Co., Quitman.
*Rogers Livestock Sales, La Grange.
*Seminole Livestock Auction Market, Donalsonville.
*Shuman Stockyards, Hagan.
*Smith Stock Yard Company No. 3, Thamson.
*Sumter Livestock Association, Inc., Americus.
*Sutton Livestock Co., Sylvester.
*Sylvania Stockyards, Sylvania.
*Toccoa Livestock Auction, Toccoa.
*Tri-County Livestock Co., Social Circle.
*Union Stock Yards, Albany.
*Valdosta Livestock Co., Inc., Valdosta.
*Waycross Livestock Market, Waycross.
*Wayne County Stockyards, Jesup.
*Wilkes County Stockyard, Washington.

IDAHO

*The Bonners Ferry Livestock, Bonners Ferry.
*Burley Livestock Commission Co., Inc., Burley.
*Cache Valley Livestock Auction, Preston.
*Cattlemen's Livestock Auction, Inc., Nampa.
*Coeur d'Alene Livestock Commission Yards, Coeur d'Alene.
*Cottonwood Sales Yard, Cottonwood.
*Emmett Livestock Commission Co., Emmett.
*Gooding Livestock Commission Co., Gooding.
*Jerome Livestock Commission Co., Jerome.
*Meridian Salesyard, Meridian.
*Nampa Livestock Commission Co., Nampa.
*Pocatello Livestock Auction Co., Inc., Pocatello.
*Rexburg Livestock Auction, Inc., Rexburg.
*Salmon River Livestock Auction, Salmon.
*Salmon Sales Yard, Salmon.
*Sandpoint Livestock Auction Co., Sandpoint.
*Shoshone Salesyard, Inc., Shoshone.
*Spencer Livestock Commission Co., Lewiston.
*Stockgrowers Commission Co., Twin Falls.
*Twin City Salesyards, Lewiston.
*Valley Livestock Commission Co., Rupert.
*Weiser Livestock Commission Co., Weiser.

ILLINOIS

Carthage Community Sale Co., Carthage.
Colchester Sales Association, Colchester.
Dameron Livestock Auction, Vienna.
Danville Livestock Commission Co., Danville.
Decker's Milford Sales and Commission Co., Milford.
DeWane's Livestock Exchange, Belvidere.
Kankakee County Livestock Sales, Inc., Bourbonnais.
Kewanee Sale Barn, Kewanee.
La Salle County Livestock Marketing Center, Ottawa.
Paris Livestock Sales Co., Paris.
*Peoria Union Stock Yards, Peoria.
Price's Livestock Marketing Co., Shelbyville.
Rock Island Auction Sales, Inc., Rock Island.
Schrader Consignment Sale, Dakota.
Souders Stockyards, Brookport.
*Springfield Stockyards, Springfield.
Sullivan Sale Barn, Sullivan.
West Kankakee Livestock Sale, Kankakee.
Winslow Marketing Center, Winslow.
Woodford County Livestock Commission Co., Inc., El Paso.

INDIANA

*Boswell Livestock Commission, Boswell.
*Fort Wayne Livestock Auction, Fort Wayne.
*Lowell Livestock Auction, Inc., Lowell.
*Montpelier Sale Barn, Inc., Montpelier.
*Producers Marketing Association, Centerville.
*Producers Marketing Association, Terre Haute.
*Producers Marketing Association, Vincennes.
*Reynolds Sales Barn, Reynolds.
*Shipshewana Livestock Auction, Shipshewana.
*Valparaiso Community Sale, Valparaiso.

IOWA

Ackley Sales Pavilion, Ackley.
Adel Sales Pavilion, Adel.
Albia Sales Co., Albia.
Anita Auction Co., Anita.
Algona Sale Co., Algona.
Ankeny Sales Pavilion, Ankeny.
Aplington Sales Pavilion, Aplington.
Avoca Auction Co., Avoca.
Baxter Sale Co., Baxter.
Bedford Sales Co., Bedford.
Belle Plaine Livestock Commission Co., Belle Plaine.
Bingley Sales Co., Knoxville.
Boone Sales Co., Boone.
Bowman Cattle Co., Maquoketa.
Bradley Livestock Auction, Red Oak.
Carpenter Livestock, Carpenter.
Carroll Live Stock Market, Carroll.
Cedar Valley Livestock Exchange, Vinton.
Centerville Sales Co., Centerville.
Central City Livestock Auction, Central City.
Chariton Sales Co., Chariton.
Cherokee Livestock Auction Co., Inc., Cherokee.
Clear Lake Auction Co., Clear Lake.
Coggon Livestock Sales Co., Coggon.
DeVries Auction Co., Buffalo Center.
Donnellson Community Exchange, Donnellson.
Dunlap Sale Co., Dunlap.
Eldora Livestock Sales, Eldora.
Farm Bureau Livestock Marketing Center, Waukon.
Farmers Sale Co., Carroll.
Garner Sales Co., Garner.
Grinnell Livestock Exchange, Grinnell.
Guthrie Stock Pavilion Inc., Guthrie Center.
Hampton Auction, Inc., Hampton.
Hampton Sales Co., Hampton.
Hawkeye Livestock Auction, Fairfax.
Harlan Auction Co., Harlan.
Hi-Dollar Sales Co., Sigourney.
Hillcrest Auction Co., Knoxville.
Humboldt Livestock Auction, Humboldt (Dakota City).
Humeston Sale Barn, Humeston.
Indianola Sale Co., Indianola.
Kalona Sales Barn, Kalona.
Keosauqua Sales Co., Inc., Keosauqua.
Knickman Livestock Sales Co., Council Bluffs.
Lamoni Sale Corp., Lamoni.
LaPorte City Livestock Auction, LaPorte City.
Le Mars Sales Co., Le Mars.
Livestock Auction Co., Denison.
Madison County Auction, Winterset.
Marengo Livestock Commission Co., Marengo.
Marshalltown Livestock Auction, Marshalltown.
Marvel Sales Co., Webster City.
Massena Livestock Auction, Massena.
McCreary Sale Co., Centerville.
Middletown Auction Sales, Inc., Middletown.
Moorhead Sale Barn, Moorhead.
Mount Ayr Livestock Market, Mount Ayr.
Northeast Iowa Sales Commission, Decorah.
Northside Sales Co., Sibley.
North West Iowa Livestock Exchange, Alta.
Northwood Sales Co., Inc., Northwood.
Oseola Sales Co., Oseola.
O'Neill Livestock Auction, Eldora.
Ossian Livestock Exchange, Ossian.
Pella Sales Co., Pella.
Perry Sales Pavilion, Perry.
Rock Valley Sales Co., Rock Valley.
Russell Sales Co., Russell.
Sales Co. of Hawarden, Hawarden.
Sheldon Sales Co., Sheldon.
Shenandoah Livestock Auction, Shenandoah.
Sioux Center Sales Co., Sioux Center.
Smylie Livestock Co., Columbus Junction.
Spencer Livestock Sales, Spencer.
Spencer North Y. Auction, Inc., Spencer.
Storm Lake Auction Co., Storm Lake.
Story City Auction Sales, Story City.
Thompson Livestock Commission Co., Lamoni.
Traer Sales Co., Traer.
Tripoli Sales Co., Tripoli.
Troutman Auction Sales, Bonaparte.
Wapello Livestock Auction, Inc., Wapello.
Washington Livestock Sales Co., Washington.
*Waukon Sales Commission, Waukon.
Waverly Sales Co., Waverly.
Winneshiek Coop Sales Commission, Decorah.
Witthauer Auction, Council Bluffs.

KANSAS

*A. C. Sale Co., Arkansas City.
*Abilene Livestock Sales Co., Abilene.
*Allen County Livestock Auction, Gas City.
*Anderson County Sale Co., Garnett.
*Anthony Livestock Co., Anthony.
*Ashland Sales Co., Ashland.
*Atchison County Auction Co., Atchison.
*AT and SF Stockyards, Emporia.
*Atwood Sale Barn, Atwood.
*Belleville Sales Co., Belleville.
*Caldwell Community Sale, Caldwell.
*Cedar Vale Sales Co., Cedar Vale.
*Central Livestock Sales Co., S. Hutchinson.
*Chandler Sales Co., Smith Center.
*Chanute Sale Pavilion, Chanute.
*Clay Center Sale Co., Clay Center.
*Cloud County Livestock Commission Co., Concordia.
*Coffeyville Livestock Commission Co., Inc., Coffeyville.
*Colby Sale Barn, Inc., Colby.
*Coldwater Sales Company, Inc., Coldwater.
*Columbus Community Sale, Columbus.
*Concordia Sales Co., Concordia.
*Council Grove Livestock Auction, Council Grove.
*Dighton Livestock Auction Market, Inc., Dighton.
*Dodge City Livestock Commission Co., Inc., Dodge City.
*Douglas Livestock Commission Co., Douglas.
*Downs Sales Co., Downs.
*Dumler Bros. Livestock Commission Co., Russell.
*El Dorado Sales, Inc., El Dorado.
*Effingham Auction Co., Effingham.
*Emporia Livestock Sales Co., Inc., Emporia.
*Eureka Auction Sale, Eureka.
*Farmers Marketing Sales Corporation, Inc., Hill City.
*Flint Hills Livestock Sales, Inc., Florence.
*Ft. Scott Sale Co., Fort Scott.
*Frankfort Community Sale, Frankfort.
*Franklin County Sales Co., Inc., Ottawa.
*Fredonia Livestock Sales Co., Inc., Fredonia.
*Gasaway Sale Co., Plainville.
*Giger Sales Co., Emporia.
*Glasco Livestock Exchange, Glasco.
*Goodland Livestock Commission Co., Inc., Goodland.
*Hansen Livestock Auction, Beloit.
*Harper Livestock Sale Co., Harper.
*Hays Livestock Commission Co., Hays.
*Herington Livestock Auction Co., Herington.
*Hiawatha Auction Co., Hiawatha.
*Holton Community Sale, Holton.
*Holton Livestock Exchange, Holton.
*Hoxie Livestock Sale, Hoxie.
*Hugoton Livestock Auction Co., Hugoton.
*Hutchinson Livestock Sale Pavilion, Hutchinson.
*Kinsley Livestock Sales Co., Kinsley.
*Kiowa Sales Co., Kiowa.
*Koenig Sale Barn, Manhattan.
*Lawrence Livestock Sales Co., Lawrence.
*Leavenworth Community Sale, Leavenworth.
*Lenexa Community Sale, Lenexa.
*Leoti Livestock Sales Co., Leiti.
*Liberal Livestock Sales Co., Liberal.
*Lincoln Sales Company, Inc., Lincoln.
*Lindsborg Livestock Commission Co., Lindsborg.
*Lyons Sale Pavilion, Lyons.
*Mankato Sales Co., Mankato.
*Marysville Livestock and Commission Co., Marysville.
*McKinley-Winter Livestock Commission Co., Inc., Dodge City.
*Meade Livestock Commission Co., Meade.
*Medicine Lodge Sales Co., Inc., Medicine Lodge.
*Minneapolis Sales Pavilion, Minneapolis.
*Moline Auction Co., Moline.
*Natoma Livestock Exchange, Inc., Natoma.
*Ness Livestock, Inc., Ness City.
*Newton Livestock Auction Co., Newton.
*Oakley Livestock Sales Co., Oakley.
*Oberlin Livestock Commission Co., Oberlin.
*Onaga Community Sale, Onago.

•Osage City Livestock Sale, Osage City.
•Osborne Livestock Commission Co., Osborne.
•Ottawa Livestock Commission Co., Ottawa.
•Ottawa Market Sale, Ottawa.
•Overbrook Livestock Sale Co., Overbrook.
•Paola Market Sale, Paola.
•Phillipsburg Sales Co., Inc.
•Pratt Livestock Commission Co., Pratt.
•Quinter Livestock Commission, Quinter.
•Rush County Sale, La Crosse.
•S and J Livestock Commission Co., Inc., Norton.
•St. Francis Livestock Sales Co., St. Francis.
•Salina Livestock Commission Co., Salina.
•Southeastern Kansas Sales Co., Fort Scott.
•Stockton Livestock Commission Co., Stockton.
•Stockyards Commission Co., Great Bend.
•Syracuse Sale Co., Syracuse.
•The Garden City Sale Co., Inc., Garden City.
•Tri-State Sale, Inc., Elkhart.
•WaKeeney Livestock Commission Co., WaKeeney.
•Washington Sale Co., Washington.
•Wellington Sales Co., Wellington.
•Winfield Livestock Auction, Inc., Winfield.
•Wilson Livestock Auction, Salina.
•Zima Livestock Sales Co., Emmett.

KENTUCKY

Adair County Stockyards, Columbia.
•Albany Stockyards, Albany.
•Barren County Stockyards, Inc., Glasgow.
•Berry and Son Stockyards, R. B., Clinton.
Berry and Whitford Stockyard, Mayfield.
•Blue Grass Stockyards Co., Lexington.
•Bowling Green Livestock Market, Inc., Bowling Green.
•Boyle County Stockyards Co., Danville.
•Brown and Whayne Stockyards, Clinton.
•Burkesville Stockyards, Burkesville.
•Carlisle Stockyards, Carlisle.
•Catlettsburg Live Stock Sales Co., Catlettsburg.
•Christian County Livestock Market, Inc., Hopkinsville.
•Clay-Wachs Stockyards Co., Inc., Lexington.
•Cynthiana Stockyards, Cynthiana.
•Edmonton Livestock Market, Edmonton.
•Farmers Commission Co., Inc., Tompkinsville.
•Farmers Livestock Co., Mayfield.
•Farmers Livestock Market, Inc., Somerset.
•Farmers Livestock Market, London.
Farmers Livestock Sales, Inc., Louisa.
•Farmers Stockyard, Flemingsburg.
•Farmers Stockyards Co., Inc., Mt. Sterling.
•Franklin Livestock Market, Inc., Franklin.
•Garrard County Stockyards, Lancaster.
•Glasgow Livestock Market, Glasgow.
Green County Stockyards, Greensburg.
Hopkinsville Livestock Co., Hopkinsville.
J & J Livestock Market, Horse Cave.
•Kentucky-Tennessee Livestock Market, Guthrie.
•Knox County Stockyards, Barbourville.
•Laurel Sales Co., London.
•Lebanon Stockyards, Inc., Lebanon.
Lincoln County Stockyards, Inc., Stanford.
•Logan County Livestock Co., Inc., Russellville.
•Madison Sales Co., Richmond.
•Maysville Stockyards, Maysville.
•Middlesboro Livestock Market, Middlesboro.
•Monticello Stockyards, Monticello.
•Murray Livestock Co., Murray.
•O.K. Stockyard, Maysville.
•Olive Hill Livestock Co., Olive Hill.
•Paducah Livestock Auction, Paducah.
Paintsville Livestock Market, Paintsville.
•Paris Stockyards, Paris.
•Princeton Livestock Co., Princeton.
•Richmond Livestock Market Corp., Richmond.
Russell County Stockyards, Russell Springs.
•Science Hill Stockyards, Science Hill.
•Sparta Stockyards Co., Sparta.
•Tompkinsville Livestock Market, Tompkinsville.
•Watwood Stockyards, Bardwell.
•Winchester Stockyards, Winchester.

LOUISIANA

•Abbeville Commission Co., Abbeville.
•Amite Livestock Auction, Inc., Amite.
•Avoyelles Livestock Commission, Mansura.
•Bastrop Livestock Auction, Bastrop.
•Brabham Livestock Commission Market, Leesville.
•Brown Alsbrooks Stockyards, Inc., Baton Rouge.
•Brown Alsbrooks Stockyards, Inc., Opelousas.
•Brown, Sam, Auction Co., Inc., Mansfield.
•Clark Commission Co., Benton.
•Coltharp's Livestock Market, De Ridder.
•Delhi Livestock Auction, Delhi.
•Dominique's Cow Palace, Bossier City.
•Dominique's Cow Palace, Marksville.
•Dominique's Inc., Opelousas.
•Dominique's Livestock Auction, Alexandria.
•Dominique's Stockyards, Baton Rouge.
•Dominique's Stockyards, Lafayette.
•Eunice Stockyards, Eunice.
•Farmer and Stockman Auction, Clarence.
•Franklin Livestock Auction, Winnsboro.
•Franklinton Stock Yards, Inc., Franklinton.
•Gordon Stockyard, Lacassine.
•Hodges and Co., W. H., Crowley.
•Hodges and Co., W. H., Alexandria.
•Hodges and Co., W. H., New Roads.
•Hodges and Co., W. H., Tallulah.
•Hodges Stockyard, Inc., New Orleans.
•Hodges Stockyard, Inc., Raceland.
•Homer Livestock Auction, Homer.
•Kentwood Stockyard, Kentwood.
•Lum Brothers Stockyards, Inc., Ferriday.
•Marksville Livestock Auction, Marksville.
•Micelle's Commission Yard, Lake Charles.
•Micelle's Commission Yard, Lacassine.
•Minden Livestock Commission Co., Minden.
•Lake Charles Commission Co., Lake Charles.
•Rayville Livestock Market, Inc., Rayville.
•Red River Livestock Auction, Coushatta.
•Ruston Stockyards, Inc., Ruston.
•Tate Commission Barn, Joe, Ville Platte.
•Voiron's Stockyards, Thibodaux.
•Welsh Stockyards, Welsh.
•West Monroe Livestock Auction, West Monroe.
•Zachary Stockyards, Zachary.

MARYLAND

•Aberdeen Sales Co., Aberdeen.
•Caroline Sales Co., The, Denton.
•Cumberland Stock Yard, Inc., Cumberland.
•Eyler's Live Stock Market, Thurmont.
•Farmers Live Stock Exchange, Inc., Boonsboro.
•Four States' Livestock Sales, Inc., Hagerstown.
•Frederick Livestock Auction, Inc., Frederick.
•Friend, Blaine H., Stockyard, Inc., Accident.
•Grantsville Community Sale, Grantsville.
•Rudnick, Harry, and Sons, Galena.
West Nottingham Livestock Market, Inc., Rising Sun.
•Western Maryland Stock Yards, Inc., Westminster.
•Woodsboro Livestock Sale, Inc., Walkersville.

MASSACHUSETTS

•Brighton Stock Yards Co., Brighton.
Deveno Livestock Commission, Southwick.
•Michelson's Cattle Auction, South Easton.
•Northampton Coop. Auction, Northampton.

MICHIGAN

•Adrian Livestock Auction, Adrian.
•Coldwater Livestock Auction, Coldwater.
•Dundee Livestock Auction, Dundee.
•Fullmer Stock Yards, Inc., Sandusky.
•Hanchett Livestock Yards, Inc., Leslie.
•Howell Livestock Auction, Howell.
•Linameier Livestock Auction, Menominee.
•Marlette Livestock Approved, Marlette.
•Michigan Livestock Exchange, Cassopolis.
•Napoleon Livestock Auction, Napoleon.
•Sturgis Livestock Auction Market, Sturgis.
•Three Rivers Livestock Auction, Three Rivers.

MISSISSIPPI

•Alcorn County Stockyard, Corinth.
•Amory Commission Co., Amory.
•Batesville Sales Co., Batesville.
•Billingsley Auction Sale, Doc, Senatobia.
•Booneville Commission Co., Booneville.
Carl's Commission Co., Pontotoc.
•Chickasaw Commission Co., Houston.
•Clarksdale Livestock Sales Co., Clarksdale.
•Clay County Stockyards, Inc., West Point.
•Columbus Livestock Commission Co., Columbus.
•Corinth Livestock Auction Co., Corinth.
•Decatur Stockyard, Decatur.
•Deer Creek Stockyards, Inc., Hollandale.
•Dixie Stockyard, Meridian.
•Felders Livestock Sales Co., Summit.
•George County Stock Yards, Lucedale.
•Graves Livestock Co., Winona.
•Grenada Livestock Exchange, Grenada.
•Gulfport Stockyards, Gulfport.
•Hattiesburg Stockyards, Inc., Hattiesburg.
•Henderson Sale Co., Philadelphia.
•Hernando Auction Co., Hernando.
•Hinds County Livestock Auction, Edwards.
•Hodges and Sons, W. H., Liberty.
•Jackson Union Stockyards, Jackson.
•Jefferson County Stock Yards, Fayette.
•Laurel Stock Yards, Laurel.
•Leake County Commission Co., Carthage.
•Lexington Sales Co., Lexington.
•Lincoln County Livestock Commission Co., Brookhaven.
•Lipscomb Commission Co., Como.
•Livestock Producers Association, Tylertown.
•Lum Bros. Stockyards, Natchez.
•Lum Commission Co., Vicksburg.
•Meridian Stockyards, Inc., Meridian.
•Mid-South Order Buyers, Inc., Jackson.
•Mississippi Livestock Producers Association (North Yard), Jackson.
•Mississippi Livestock Producers Association (South Yard), Jackson.
•Moore and Woods Commission Co., Macon.
•New Albany Sales Company, New Albany.
•Olive Branch Sales Co., Oliva.
•Owen Bros. Stockyard, Meridian.
•Owen Bros. Stockyards, Hattiesburg.
•Peelers Livestock Sales, Kosciusko.
•Peeler's Sale Barn Number 2, Kosciusko.
•Pontotoc Livestock Commission Co., Pontotoc.
Prairie Land and Cattle Co., West Point.
•Prentiss Auction Sale, Prentiss.
•Richton Stock Yards, Richton.
•Ripley Sales Co., Ripley.
•Shaw and Gray Commission Co., Oxford.
•Spicer Brothers, Tupelo.
•Starkville Livestock Commission Co., Starkville.
•Stiles Livestock Commission Co., Sturgis.
Stringer Sale Barn, Columbia.
•Tadlock Stockyards, Forest.
•Tri-State Stock Yards, Inc., Greenville.
•Tupelo Livestock Auction, Inc., Tupelo.
•Tupelo Stockyards, Tupelo.
•Walnut Sale Co., Walnut.
•Waynesboro Livestock Yards, Waynesboro.
•Winston County Community Sales, Louisville.

MISSOURI

Adair County Sale Barn, Kirksville.
Alton Sales Co., Alton.
Arnett and Son Livestock Auction, Warrensburg.
Ava Sales Co., Ava.
Baker, Roy Sales Co., Butler.
Beever Sale Pavilion, Chillicothe.
Bethany Livestock Auction, Bethany.
Bowling Green Auction Co., Bowling Green.
Brunswick Sale Co., Brunswick.
Buffalo Sale Barn, Buffalo.
Butler Community Sale, Butler.
Cabool Livestock Market, Cabool.
Callaway Stock Sales Association, Fulton.
Carrollton Livestock Auction, Carrollton.
Cassville Livestock Auction, Cassville.
Central Missouri Livestock Auction, Mexico.
Central Missouri Sales Co., Sedalia.
•Charleston Auction Co., Charleston.

Clark County Sales Co., Kahoka.
Clinton Community Sale, Clinton.
Columbia Livestock Auction, Inc., Columbia.
Cox Auction Sale, Noel, Ozark.
Crocker Sales Barn, Crocker.
Davis-Johnston Patrick's Sales and Commission Co., Boonville.
Doniphan Auction Sales Co., Doniphan.
Douglas County Livestock Auction, Ava.
Drexel Community Sale, Drexel.
Edina Sale Co., Edina.
El Dorado Sales Co., El Dorado.
Fairground Sale Co., Maryville.
Fairplay Sales Co., Fairplay.
Farmers and Traders Commission Co., Inc., Palmyra.
Farmington Auction Co., Inc., Farmington.
Fredericktown Auction Co., Inc., Fredericktown.
Gainesville Sale Barn, Gainesville.
Gallatin Livestock Auction, Gallatin.
Goodman Auction Market, Goodman.
Graham Auction, Mansfield.
Grant City Sale Barn, Grant City.
Green City Auction Co., Green City.
Halsey-Riley Sales Co., Inc., Marshall.
Hannibal Sale Co., Inc., Hannibal.
Hinds Sale Co., Memphis.
Joplin Friday Sales Day, Joplin.
Kahoka Sale Co., Kahoka.
Kennett Sales Co., Inc., Kennett.
Kirksville Community Sale, Kirksville.
Lamar Community Sale, Lamar.
Lewis County Auction Co., Lewistown.
Lexington Livestock Auction, Lexington.
Licking Auction Sales Co., Licking.
Linn County Auction Co., Brookfield.
Lockwood Community Sales, Inc., Lockwood.
Lolli Sales Pavilion, Macon.
Malden Sale Co., Malden.
Mansfield Auction Co., Mansfield.
Marshfield Auction Sale, Marshfield.
Maryville Auction Co., Maryville.
Mexico Stockyards Co., Mexico.
Milan Auction Co., Milan.
Moberly Livestock Auction, Moberly.
Monett Sale Co., Monett.
Montgomery County Auction Co., Wellsville.
Mountain Grove Livestock Auction, Mountain Grove.
Mountain View Auction, Mountain View.
Munn Sale Barn, New Cambria.
Neosho Community Sale, Neosho.
Nevada Sale Co., Nevada.
New Palmyra Sale Co., Palmyra.
Odessa Community Sale, Odessa.
Olean Sale Co., Olean.
Oregon Livestock Sale Co., Oregon.
Pasley Auction Co., C. M., Osceola.
Payne Auction Sales, Lebanon.
Platte County Sales Co., Platte City.
Poplar Bluff Sales Co., Poplar Bluff.
Potosi Auction Co., Potosi.
Princeton Sale Co., Princeton.
Robert's Brothers Auction, Bolivar.
Robertson's Community Sale, Bethany.
Rockport Sales Pavilion, Inc., Rockport.
Rolla Auction Co., Rolla.
Salem Auction Co., Salem.
Schuyler Sales Association, Lancaster.
Sebaugh, Dale D., Auction Barn, Sedgewickville.
Seneca Community Sale, Inc., Seneca.
Shelbina Auction Co., Shelbina.
Sikeston Auction Co., Sikeston.
St. James Auction Co., St. James.
Steelville Auction Market, Steelville.
Stewart's Sales Pavilion, Cameron.
Summersville Auction Sale, Summersville.
Taney County Auction Barn, Forsyth.
Thayer Sales Co., Thayer.
Trenton Livestock Market, Trenton.
Troy Sales Company, Troy.
Unionville Auction Co., Unionville.
Van Meter Auction Co., Kingsville.
Vernon County Sales Co., Nevada.
Versailles Auction Co., Versailles.
Warsaw Sales Co., Warsaw.
Welty Sales Pavilion, Nevada.
Wentzville Auction Co., Wentzville.
West Plains City Scales, West Plains.
West Plains Livestock Auction, West Plains.
Windsor Auction Co., Windsor.

MONTANA

•Billings Livestock Commission Co., Billings.
•Glendive Auction Co., Inc., Glendive.
•Schnell's Miles City Livestock Auction Co., Miles City.
Sidney Livestock Market Center, Sidney.

NEBRASKA

•Ainsworth Sale Yard, Ainsworth.
•Albion Sales Pavilion, Albion.
•Alliance Livestock Commission Co., Alliance.
•Alma Sale Barn, Alma.
•Arnold Livestock Commission Co., Arnold.
•Ashland Sale Barn, Ashland.
•Atkinson Livestock Market, Atkinson.
•Augustin Brothers Sale Yard, Shelby.
•Bassett Livestock Sales Co., Bassett.
•Beatrice Sales Pavilion, Beatrice.
•Beaver Valley Sale Barn, Beaver City.
•Benkelman Sales Co., Benkelman.
•Blue Hill Sales Co., Blue Hill.
•Burwell Livestock Market, Burwell.
•Butte Livestock Market, Butte.
•Bloomfield Community Market, Bloomfield.
•Central Nebraska Commission Co., Broken Bow.
•Chadron Sales Co., Chadron.
•Chappell Livestock Commission Co., Chappell.
•Columbus Sales Pavilion, Columbus.
•Crawford Sales Co., Inc., Crawford.
•Creighton Livestock Market, Creighton.
•Deshler Livestock Commission Co., Deshler.
•Dovel Sale Barn, Auburn.
•Elkhorn Valley Cattle Co., Norfolk.
•Ericson Livestock Market, Ericson.
•Ewing Livestock, Ewing.
•Fairbury Livestock Co., Fairbury.
•Falls City Auction Co., Falls City.
•Farmers Livestock Sales Co., Benkelman.
•Geneva Salesbarn, Geneva.
•Gordon Sales Co., Gordon.
•Grand Island Livestock Auction, Inc., Grand Island.
•Grant Sales Co., Grant.
•Hebron Livestock Commission Co., Hebron.
•Imperial Sales Co., Imperial.
•Kearney Livestock Commission Co., Kearney.
•Kimball Livestock Auction, Kimball.
•Leigh Shipping Association, Leigh.
•Lexington Livestock Commission Co., Lexington.
•Lockwood Livestock Auction Co., South Sioux City.
•McCook Livestock Commission Co., McCook.
•McKee Sales Co., Superior.
•Minden Livestock Sales Co., Minden.
•Morrison Livestock Commission Co., Scottsbluff.
•Nebraska City Sales Barn, Nebraska City.
•Nebraska Livestock Sales, Inc., Lincoln.
•Neligh Livestock Commission Co., Neligh.
•Newman Grove Sales Co., Newman Grove.
•Nollett Livestock Sales, Valentine.
•Norfolk Livestock Sales Co., Norfolk.
•North Bend Auction Co., North Bend.
•O and O Commission Co., Kearney.
•O'Neill Livestock Market, O'Neill.
•Ogallala Livestock Commission Co., Ogallala.
•Oshkosh Livestock Commission Co., Oshkosh.
•Oxford Livestock Commission Co., Oxford.
•Pawnee Livestock Co., Pawnee City.
•Pender Livestock Sales Co., Pender.
•Plattsmouth Sale Barn, Plattsmouth.
•Red Cloud Sales Co., Red Cloud.
•Republican Valley Livestock Auction, Franklin.
•Schuyler Livestock Pavilion, Schuyler.
•Sheridan Livestock Commission Co., Rushville.
•Sioux County Auction Co., Harrison.
•Spalding Livestock Market, Spalding.
•Stickelman Livestock Commission Co., Gothenburg.
•Superior Sales Co., Inc., Superior.
•Sutton Sales Pavilion, Sutton.
•Syracuse Sales Pavilion Co., Syracuse.
•Tecumseh Livestock Market, Tecumseh.
•Thedford Livestock Sales Co., Thedford.
•Third City Livestock Commission Co., Grand Island.
•Tilden Livestock Market, Tilden.
•Tri-State Livestock Commission Co., McCook.
•Union Livestock Commission Co., Scottsbluff.
•Valentine Livestock Auction Co., Valentine.
•Verdigre Livestock Auction Market, Inc., Verdigre.
•Wahoo Auction Market, Wahoo.
•Wayne Sales Co., Wayne.
•Wells Commission Co., Fremont.
•West Point Sales Co., West Point.
•Western Livestock Auction Co., North Platte.
•Wisner Livestock Sales Co., Wisner.
•York Livestock Commission Co., York.
•Zimmerman Stockyards, Blair.

NEVADA

•Elko Livestock Sales Co., Elko.
•Midwest Livestock Commission Co., Fallon.

NEW JERSEY

•Community Livestock Auction, Woodstown.
•Flemington Auction Market, Flemington.
•Harris Sales Co., Woodstown.
•Jaeger's Auction Market, Sussex.
•Livestock Cooperative Auction Market Association, of North Jersey, Inc., Hackettstown.
•Zlotkin Auction, Henry, Freehold.

NEW MEXICO

•Albuquerque Livestock Auction, Albuquerque.
•New Mexico Livestock Exchange, Inc., Albuquerque.
•Portales Livestock Commission Co., Portales.

NEW YORK

Adams Commission Sales, Spike, Granville.
Amsterdam Livestock Sales, Inc., Amsterdam.
Burton Livestock Exchange, Vernon.
Cambridge Valley Livestock Market, Cambridge.
Chambers and Sons, Inc., D.R., Unadilla.
Chatham Area Auction Coop., Inc., Chatham.
DiBello Commission Sales, Ben, Hannibal.
Empire Livestock Marketing Cooperative, Inc., Bath.
Empire Livestock Marketing Cooperative, Inc., Bullville.
Empire Livestock Marketing Cooperative, Inc., Caledonia.
Empire Livestock Marketing Cooperative, Inc., Dryden.
Empire Livestock Marketing Cooperative, Inc., Gouverneur.
Empire Livestock Marketing Cooperative, Inc., Greene.
Empire Livestock Marketing Cooperative, Inc., Lancaster.
Empire Livestock Marketing Cooperative, Inc., Oneonta.
Empire Livestock Marketing Cooperative, Inc., Watertown.
Empire Livestock Marketing Cooperative, Inc., West Winfield.
Farmer's Livestock Market, Bath.
Gentner Livestock Commission Market, Raymond, Springville.
Hillsdale Farmers Auction, Inc., Hillsdale.
Horseheads Livestock Market, Horseheads.
Hudson Valley Live Stock Market, Waterford.
N. Johncox Sons Livestock Auction, Palmyra.
Kaplan and Son, Inc., J. M., Millerton.
Kimball Stand Commission Sales, Jamestown.
Luthers' Livestock Commission Market, Wassaic.

Maplehurst Livestock Market, Hinsdale.
Milford Commission Sales Stables, Inc., Milford.
Miller's Livestock Market, Argyle.
Mohawk Valley Commission Sales, Inc., Little Falls.
Mohawk Valley Commission Sales, Inc., Fort Plain.
Neverett, H. L., and Sons, Chazy.
Neverett, H. L., and Sons, Malone.
Norvel Reed, Sherman.
Norwich Commission Sale, Norwich.
Owego Livestock Sales, Owego.
Pavilion Livestock Market, Pavilion.
Peters Livestock Exchange, Jeffersonville.
Southern Tier Livestock Market, Whitney Point.
Stilson Tweedie, Walton.
Sullivan Bros., Utica.
Sunny Acres Livestock Market, Bombay.
Wallkill Livestock Market, Walden.
Warwick Auction Market, Warwick.
Welch Livestock Market, Inc., West Edmeston.

NORTH CAROLINA

Lancaster Stockyards, Rocky Mount.
Powell Livestock, Inc., Rowland.
Union County Livestock Auction, Inc., Mineral Springs.
Morris Livestock Co., Charlotte.

NORTH DAKOTA

*Beulah Livestock Sales, Beulah.
*Dobler Livestock Sales & Co., Ashley.
*Dobler & Smith Livestock Auction Co., Ellendale.
*Edgeley Livestock Sales Co., Edgeley.
*Ellendale Livestock Sales Co., Ellendale.
*Fraser Livestock Auction Market, Harvey.
*Hamann Livestock Co. (Uecker Yards), Hettinger.
*Harrington Livestock Auction, Mayville.
*Harrington Bros. Livestock Auction, Minot.
*Hettinger Livestock Sales Co., Hettinger.
*Home Base Auction Co., Bowman.
*Jamestown Livestock Sales Co., Inc., Jamestown.
*J.K.L. Cattle Co., Williston.
*Kamrath Sales Pavilion, Mott.
*Lake Region Auction Market, Devils Lake.
*Linton Livestock Sales Inc., Linton.
*Mandan-Bismarck Livestock Comm. Co., Inc., Mandan.
*Minot Livestock Auction, Minot.
*Missouri Slope Livestock Auction, Inc., Bismarck.
*Napoleon Livestock Auction, Inc., Napoleon.
*Park River Livestock Auction Market, Park River.
*Rugby Livestock Sales, Rugby.
*Schlichenmayer Livestock Sales, Turtle Lake.
*Schnell Livestock Auction Co., Dickinson.
*Stanley Livestock Auction Market, Stanley.
*Valley City Livestock Auction, Valley City.
*Wahpeton Livestock Co., Wahpeton.
*Western Livestock Co., Dickinson.
*Williston Livestock Comm. Co., Williston.
*Wishek Livestock Market, Wishek.

OHIO

*Athens Livestock Sales Co., Athens.
*Barnesville Livestock Exchange, Barnesville.
*Canfield Livestock Auction, Canfield.
*Carrollton Livestock Auction, Carrollton.
*Creston Livestock Sales, Creston.
*Damascus Livestock Auction, Damascus.
*Delta Livestock Auction, Delta.
*Dorset Livestock Auction, Dorset.
*Elkton Auction, Elkton.
*Farmers' Livestock Auction, Inc., Marietta.
*Fremont Livestock Exchange, Fremont.
*Geauga Livestock Commission, Middlefield.
*Gibsonburg Livestock Auction, Gibsonburg.
*Kenton Farmers Marketing Co., Kenton.
*Kidron Auction Co., Kidron.
*Lugbill Bros., Inc., Archbold.
*Lugbill Brothers, Inc., Columbus Grove.
*Marietta Livestock Market, Inc., Marietta.
*Ohio Valley Livestock Co., Gallipolis.
*Peoples Livestock Exchange, Greenville.
*Pickaway Livestock Co-op Association, Circleville.
*Producers Livestock Association, Bucyrus.
*Producers Livestock Association, Chillicothe.
*Producers Livestock Association, Columbus.
*Producers Livestock Association, Coshocton.
*Producers Livestock Association, Findlay.
*Producers Livestock Association, Hicksville.
*Producers Livestock Association, Hillsboro.
*Producers Livestock Association, Lancaster.
*Producers Livestock Association, Marion.
*Producers Livestock Association, Mt. Vernon.
*Producers Livestock Association, Wapakoneta.
*Producers Livestock Association, Washington C.H.
*Producers Livestock Association, Wilmington.
*Tiffin Livestock Sales Co., Tiffin.
*Union Stockyards, Hillsboro.
*Washington C.H. Union Stockyards, Washington C.H.
*Western Ohio Livestock Exchange, Celina.

OKLAHOMA

*Beaver Livestock Sale, Beaver.
*Buffalo Livestock Commission Co., Buffalo.
*Chandler Auction, Chandler.
*Cornwell-Ochsner Commission Sale, Yukon.
*Covington Sale Barn, Covington.
*Durant Livestock Commission Co., Durant.
*El Reno Livestock Auction Sale, El Reno.
*Farmers Livestock Commission Co., Enid.
*Grove Sales Co., Grove.
*Guymon Livestock Commission Co., Guymon.
*Holton Brothers Stockyards, Hugo.
*Hominy Sale Co., Hominy.
*Hugo Sales Commission Co., Hugo.
*Jay Sale, Jay.
*Locust Grove Sale, Locust Grove.
*Looper Auction, Stillwater.
*Maxon Sales Co., Inc., South Coffeyville.
*Maxon Sales Co., Inc., Welch.
Meeker Livestock Auction, Route #2, Meeker.
*Newkirk Livestock Auction, Newkirk.
*Osage Sale Barn, Fairfax.
*Owen Brothers Livestock Auction Co., Idabel.
*Pawhuska Auction, Pawhuska.
*Pawnee Sale Co., Pawnee.
*Perkins Y Livestock Auction, Perkins.
*Perry Auction Sale, Perry.
*Pope, Raymond Livestock Sale Pavilion, Vinita.
*Pryor Livestock Commission Co., Pryor.
*Ranchers Livestock Commission Co., Antlers.
*Selling Sales Association, Inc., Selling.
*Shawnee Sale Barn, Shawnee.
*Stigler Livestock Auction, Stigler.
*Texhoma Livestock Commission Co., Inc., Texhoma.
*Tonkawa Sale Barn, Tonkawa.
*Vinita Stockyards Auction Co., Vinita.
*Waurika Auction Sale, Waurika.
*Woodward Livestock Commission Co., Woodward.

OREGON

*Coos-Curry Livestock Auction, Bandon.
*Douglas Livestock Market, Wilbur.
*Enterprise Livestock Auction Co., Enterprise.
*Hermiston Livestock Commission Co., Hermiston.
*Klamath Cattle Sales, Klamath Falls.
*Klamath Stockmen's Commission, Inc., Klamath Falls.
*Madras Livestock Auction Market, Madras.
*McMinnville Auction Yard, McMinnville.
*Midway Auction Co., Medford.
*Northwestern Livestock Commission Co., Hermiston.
*Redmond Auction Yard, Redmond.
*Rogue Valley Livestock Auction, Inc., Central Point.
*Schricker and Son Livestock Auction, Sutherlin.
*The Dalles Livestock Commission, The Dalles.
*Valley Livestock Sale, Lebanon.

PENNSYLVANIA

Belknap Auction Sales, Dayton.
Belleville Livestock Market, Inc., Belleville.
Carlisle Livestock Market, Carlisle.
Chambersburg Livestock Sales, Chambersburg.
Chesley's Livestock Market, North East.
Clinton Auction, Inc., Mill Hall.
Coudersport Livestock Market, Coudersport.
Danville Livestock Market, Inc., Danville.
Dewart Livestock Market, Dewart.
Eighty-four Auction Sales, Inc., Eighty-four.
Enon Valley Community Sales, Enon Valley.
Farmers' Tri-County Auction, Scenery Hill.
Fayette Stockyard Co., Uniontown.
Gilbertsville Sales Stables, Gilbertsville.
Greencastle Livestock Market, Greencastle.
Green Dragon Livestock Sales, Ephrata.
Greenville Livestock Market, Inc., Greenville.
Hatfield Livestock Market, Inc., Hatfield.
Hickory Auction and Sales, Hickory.
Indiana Livestock Market, Inc., Homer City.
Jamestown Livestock Market, Jamestown.
Knoxville Sales, Inc., Knoxville.
Lebanon Valley Livestock Market, Inc., Fredericksburg.
Leesport Livestock Market, Leesport.
Lycoming Livestock Market, Williamsport.
Mason-Dixon Livestock Market, Inc., Stewartstown.
Meadville Livestock Auction, Saegerstown.
Middleburg Auction Sales, Inc., Middleburg.
Montague Livestock Auction, Union City.
Morrison Cove Livestock Market, Martinsburg.
New Holland Sales Stables, Inc., New Holland.
New Wilmington Livestock Auction, New Wilmington.
Nicholson Sales Co., Nicholson.
Penns Valley Sales Barn, Centre Hall.
Pennsylvania Livestock Auction, Inc., Waynesburg.
*Pennsylvania Stockyards Co., Philadelphia.
Perkiomenville Sales Stables, Perkiomenville.
Quakertown Livestock Sale, Quakertown.
Showalter's Live Stock Exchange, Duncansville.
Silver Springs Livestock Market, Mechanicsburg.
Tri-County Livestock Auction, Brockway.
Troy Sales Cooperative, Troy.
Valley Stock Yards, Inc., Athens.
Vintage Sales Stables, Inc., Paradise.
Wayne County Livestock Exchange, Inc., Honesdale.
Westmoreland Auction Barn, Norvelt.
Whitford Sales Co., Whitford.
Wyalusing Sales Co., Wyalusing.
York Livestock Market, Inc., Thomasville.

SOUTH CAROLINA

*Bruce and Co., P. L., Greenville.
*Chesnee Livestock Co., Chesnee.
*Conder Co., J. W., Columbia.
*Darlington Auction Market, Inc., Darlington.
*Edgefield County Stock Yards, Edgefield.
*Florence Auction Market, Florence.
*Greenwood Stock Yard, Greenwood.
*Harper Livestock Co., Estill.
*Herndon Stock Yards, Ehrhardt.
*Hutto Stock Yard, Inc., Holly Hill.
*Johnston Stockyard, Honea Path.
*Lenox Stock Yards, Bennettsville.
*Neeses Livestock Market, Neeses.
Nichols Auction Market, Nichols.
*Pageland Livestock Barn, Pageland.
*Peoples Livestock Market, Orangeburg.
*Pickens Auction Market, Pickens.
*Rock Hill Sales Barn, Rock Hill.
*Saluda County Stockyard, Inc., Saluda.

*Smith Stock Yard Co. No. 2, Columbia.
*Spartansburg Livestock Yards, Spartansburg.
*Springfield Stockyards, Springfield.
*Taylor Stockyards, John C., Anderson.
*Union County Stock Yard, Union.
*Walterboro Stockyards Co., Walterboro.
*Williams Livestock Yard, Tabor City.
*York County Stockyards, Inc., York.

SOUTH DAKOTA

*Aberdeen Livestock Sales Co., Aberdeen.
*Anderson Livestock Sales Yard., Yankton.
*Belle Fourche Livestock Exchange., Belle Fourche.
*Burke Livestock Auction Co., Burke.
*Britton Sales Pavilion, Inc., Britton.
*Campbell County Livestock Auction, Herreid.
*Canton Livestock Sales Co., Canton.
*Chamberlain Livestock Sales., Inc., Chamberlain.
*Cresbard Sales Co., Cresbard.
*Edgemont Livestock Sales Co., Inc., Edgemont.
*Eureka Livestock Sales Co., Inc., Eureka.
Faith Livestock Co., Faith.
*Hub City Livestock Sales Pavilion, Aberdeen.
*Kimball Livestock Auction, Kimball.
*Lemmon Livestock Sales Co., Lemmon.
*Leola Livestock Sales Co., Leola.
*Loken's Watertown Sales Pavilion, Watertown.
*Madden's Livestock Market, Inc., St. Onge.
*Martin Livestock Sales, Inc., Martin.
*McLaughlin Commission Co., McLaughlin.
*Philip Livestock Auction, Philip.
*Schnell Livestock Market, Inc., Lemmon.
*Sisseton Livestock Sales Co., Sisseton.
*Sioux Falls Livestock Auction Co., Sioux Falls.
*South Dakota Livestock Sales, Watertown.
*Stockmans Commission Co., Inc., Rapid City.
*Sturgis Livestock Exchange, Inc., Sturgis.
*Timber Lake Livestock Sales Co., Timber Lake.
*Webster Livestock Exchange, Inc., Webster.
*Yankton Livestock Sales, Inc., Yankton.

TENNESSEE

*Beasley Community Auction, Franklin.
*Botts-Evans Livestock Co., Union City.
*Bryan Brothers Livestock Market, Decherd.
*Chattanooga Union Stockyards, Chattanooga.
*Clinton Livestock Auction Co., Clinton.
*Clinton Livestock Market, Clinton.
*Cleveland Livestock Auction, Cleveland.
*Coffee County Livestock Market, Manchester.
*Collierville Auction Co., Collierville.
*Cookeville Livestock Co., Cookeville.
*Covington Sales Barn, Covington.
*Crockett County Sales Co., Inc., Maury City.
*Cumberland City Auction Co., Cumberland City.
*Davis and Son Stockyard, W. B., South Fulton.
*Davis Livestock Auction, Hartsville.
*Dayton Livestock Co., Dayton.
*De Kalb County Commission Co., Alexandria.
*Farmers Auction Co., Fayetteville.
*Farmers Commission Co., Carthage.
*Farmers Livestock Commission Co., Camden.
*Farmers Livestock Exchange, Union City.
*Farmers Livestock Market, Greeneville.
*Farmers Stockyard, Newport.
*Franklin Auction Market, Franklin.
*Gallatin Livestock Market, Gallatin.
*Giles County Stockyard, Pulaski.
*Greeneville Livestock Co., Greeneville.
*Halls Stockyards, Inc., Crossville.
*Hardin County Stockyards, Savannah.
*Henderson Sale Co., Henderson.
*Hicks Livestock, Harry, South Fulton.
*Jackson Packing Co., Jackson.
*Jackson County Commission Co., Gainesboro.
*Jamestown Stockyards, Jamestown.
*Johnson City Livestock Market, Johnson City.
*Kenneth-Murray-Latta, Fulton.
*Kingsport Livestock Market, Kingsport.
*Kirk Livestock Auction, Athens.
*Lawrence County Stockyards, Lawrenceburg.
*Lewis County Stockyards, Hohenwald.
*Lexington Livestock Sales Co., Lexington.
*Lincoln County Livestock Market, Fayetteville.
*Logan Livestock Co., Union City.
*Macon County Livestock Market, Lafayette.
*Madisonville Livestock Auction Co., Madisonville.
*Middle Tennessee Livestock Sale, Lawrenceburg.
*Middleton Sale Co., Middleton.
*Mid-South Livestock Commission Co., Columbia.
*Morristown Stockyards, Morristown.
*Murfreesboro Livestock Market, Murfreesboro.
*Newbern Sales Co., Newbern.
*Newport Livestock Auction Co., Newport.
*New Tazewell Stockyards, New Tazewell.
*Nichols Brothers Livestock Market, Thompson Station.
*O'Neal Auction, Sam, Chattanooga.
*Paris Livestock Commission Co., Paris.
*Peoples Livestock Co., Cookeville.
*Peoples Stockyard, Fayetteville.
*Pulaski Stockyards, Pulaski.
*Rogersville Livestock Market, Rogersville.
*Scotts Hill Auction Co., Scotts Hill.
*Sevier County Livestock Auction Co., Seymore.
*Shelbyville Livestock Market, Shelbyville.
*Smith County Commission Co., Carthage.
*Smithville Stockyards, Smithville.
*Southern Livestock Auction Co., Columbia.
*Southwestern Sales Co., Huntington.
*Thompson Livestock Co., Obion.
*Thompson and Oliver Livestock Dealers, Union City.
*Trenton Livestock Sales Co., Trenton.
*Tri-County Stockyards, McKenzie.
*Trousdale County Livestock Market, Hartsville.
*Troy Livestock Co., Troy.
*Union Livestock Yards, Kloxville.
*Unionville Livestock Market, Unionville.
*Viola Livestock Co., Viola.
*Warren County Livestock, McMinnville.
*West Tennessee Auction Co., Martin.
*White County Livestock Co., Sparta.
*Wilson County Livestock Market, Lebanon.
*Wilson's Livestock Market, Lewisburg.

TEXAS

*Abilene Livestock Auction, Abilene.
*Amarillo Livestock Auction Co., Amarillo.
*Arlington Livestock Commission Co., Arlington.
*Athens Commission Co., Athens.
*Blanco Livestock Commission Co., Inc., Blanco.
*Bonham Livestock Commission Co., Bonham.
Brenham Livestock Auction, Inc., Brenham.
*Bridgeport Auction Sale, Bridgeport.
*Brownwood Cattle Auction, Brownwood.
*Buffalo Livestock Commission Co., Buffalo.
*Carthage Auction Sales, Carthage.
*Center Auction Co., Center.
*Childress Livestock Commission Co., Childress.
*Coastal Cattle Association, Beaumont.
*Coleman Livestock Auction Commission Co., Inc., Coleman.
*Cuero Livestock Commission Co., Cuero.
*Dalhart Auction Co., Dalhart.
*Decatur Auction Co., Decatur.
*Eads and Cole Commission Co., Brownwood.
*Farmers and Ranchers Livestock Commission Co., Paris.
*Farmers and Ranchers Livestock Exchange, Shamrock.
*Gainesville Livestock Auction Co., Gainesville.
*Gillespie County Livestock Sales Co., Fredericksburg.
*Graham Livestock Commission Co., Graham.
*Greenville Livestock Commission Co., Greenville.
*Heart of Texas Commission Co., Inc., Brady.
*Hopkins County Livestock Commission Co., Sulphur Springs.
*Henderson County Livestock Auction, Athens.
*Johnson County Commission Sales, Burleson.
*Kirbyville Auction Barn, Kirbyville.
*Lampasas Auction, Inc., Lampasas.
*Lometa Commission Co., Lometa.
*McDougal Livestock Auction Barn, Comanche.
*McKinney Livestock Commission Co., McKinney.
*Mansfield Commission Co., Mansfield.
*Marshall Livestock Commission, Marshall.
*Marshall-Longview Livestock Exchange, Longview.
*Matthews Livestock Commission Co., San Saba.
*Meridian Livestock Commission Co., Meridian.
*Menard County Commission Co., Menard.
*Mineral Wells Stockyards Co., Mineral Wells.
*Muenster Livestock Commission Co., Muenster.
*Nacogdoches Livestock Commission Co., Nacogdoches.
*North Texas Livestock Commission Co., Whitesboro.
*Olney Livestock Auction, Olney.
*Owen Brothers Livestock Commission Co., Texarkana.
*Paris Livestock Commission Co., No. 1, Paris.
*Paris Livestock Commission Co., No. 2, Paris.
*Parker County Livestock Commission Co., Weatherford.
Patton Auction Barn, Nacogdoches.
*Perryton Livestock Auction Co., Perryton.
*Producers Livestock Auction Co., San Angelo.
*Quanah Livestock Commission Co., Quanah.
*Ranchers and Farmers Auction Co., Midland.
*Ranchers and Farmers Commission Co., Abilene.
*Rusk County Cattleman's Auction, Inc., Henderson.
*San Angelo Livestock Co., San Angelo.
*San Augustine Livestock Commission, San Augustine.
*Seymour Livestock Commission Co., Seymour.
*Sulphur Springs Livestock Commission Co., Sulphur Springs.
*Trinity County Auction, Groveton.
*Tulia Livestock Auction, Tulia.
*Vernon Stockyards Co., Vernon.
*Victoria Livestock Commission Co., Victoria.
*Wellington Livestock Commission Co., Wellington.
*West Texas Livestock Auction, San Angelo.
*Wichita Falls Stockyards, Wichita Falls.
*Winnsboro Livestock Commission Co., Winnsboro.
*Woodville Livestock Commission Co., Woodville.

UTAH

*Delta Livestock Auction Co., Delta.
*Richfield Auction Market, Richfield.
*Salina Auction, Salina.
*Spanish Fork Livestock Auction Co., Spanish Fork.
*Smithfield Livestock Auction, Inc., Smithfield.
*Southern Utah Auction, Cedar City.
*Uintah Sales Barn, Roosevelt.
*Utah Valley Auction, Spanish Fork.
*Vernal Livestock Auction Co., Vernal.

VERMONT

Addison County Commission Sale, East Middlebury.
Chickering Commission Sale, Westminster.
Crosby's Livestock Commission Sale, Whiting.

East Thetford Commission Sale, East Thetford.
Gallerani Commission Sale, Bradford.
Vergennes Livestock Commission Sale, Vergennes.

VIRGINIA

•Abingdon Livestock Market, Abingdon.
•Bedford Livestock Market, Inc., Bedford.
•Christiansburg Livestock Market, Inc., Christiansburg.
•Covington Stockyards, Inc., Covington.
•Farmers Livestock Exchange, Winchester.
•Farmers Livestock Market, Ewing.
•Farmers Livestock Market, Inc., Bristol.
•Front Royal Livestock Market, Front Royal.
•Galax Livestock Market, Galax.
•Giles County Stockyards, Inc., Narrows.
•Highland County Livestock Market, Inc., Monterey.
•Lee Farmers Livestock Market, Inc., Jonesville.
•Loudoun County Livestock Market, Leesburg.
•Lynchburg Stockyards, Inc., Lynchburg.
•Nokesville Livestock Auction, Inc., Nokesville.
•Norton Livestock Market, Norton.
•Orange Livestock Market, Orange.
•Phenix Livestock Market, Phenix.
•Pulaski Livestock Market, Dublin.
•Roanoke Livestock Market, Inc., Roanoke.
•Rockbridge Livestock Market, Inc., Buena Vista.
•Rockingham Livestock Sales, Inc., Harrisonburg.
•Shenandoah Valley Livestock Market, Inc., Harrisonburg.
•Smithfield Livestock Market, Inc., Smithfield.
•South Boston Livestock Market, South Boston.
•South Hill Stockyards, South Hill.
•Southside Stockyards, Petersburg.
•Staunton Livestock Market, Inc., Staunton.
•Staunton Union Stockyards, Inc., Staunton.
•Tazewell Livestock Market, Tazewell.
•Victoria Livestock Market, Victoria.
•Virginia Livestock Market, Winchester.
•Woodstock Livestock Market, Inc., Woodstock.
•Wytheville Livestock Market, Inc., Wytheville.

WASHINGTON

•Auburn Livestock, Inc., Auburn.
Columbia Sales Barn, Vancouver.
•Colville Auction Co., Colville.
•Davenport Livestock Auction, Davenport.
•Grange Interstate Livestock Co., Moses Lake.
•Pasco Central Stockyards, Pasco.
•Prosser Sales Yard, Inc., Prosser.
•Toppenish Salesyard, Inc., Toppenish.
•Twin City Sale, Centralia.
•Walla Walla Livestock Commission Co., Walla Walla.
•Wink-Goldendale Salesyard, Inc., Goldendale.

WEST VIRGINIA

•Alderson Livestock Market, Alderson.
Bluegrass Market, Inc., #1, North Caldwell.
Bluegrass Market, Inc., #2, Ronceverte.
•Blueridge Livestock Sales, Inc., Charles Town.
•Bridgeport Live Stock Sales Co., Inc., Bridgeport.
•Buckhannon Stockyards, Buckhannon.
•Evans Stock Yards, Inc., Elkins.
•Gassaway Livestock Market, Inc., Gassaway.
•Morgantown Livestock Sales, Inc., Morgantown.
•Moundeville Livestock Auction Co., Moundsville.
•New River Livestock Market, Inc., Beckley.
•West Alexander Livestock Auction Market, West Alexander.
•Weston Livestock Sales Co., Inc., Weston.
•Jackson County Livestock Market, Inc., Ripley.
•Pt. Pleasant Livestock Co., Point Pleasant.
•Pocahontas Producers Cooperative Association, Inc., Marlinton.
•South Branch Stockyard, Inc., Moorefield.
•Spencer Live Stock Exchange, Inc., Spencer.
•Terra Alta Stockyards, Inc., Terra Alta.
•Union Livestock Sales Co., Parkersburg.

WISCONSIN

•Drees Livestock Pavilion, Peshtigo.
•Equity Co-op Livestock Sales Association, Bonduel.
•Kuehne, R. and Sons Livestock Market, Seymour.

WYOMING

•Gillette Livestock Auction Co., Gillette.
•Greybull Livestock Commission Co., Greybull.
•Lusk Livestock Commission Co., Lusk.
•Torrington Livestock Commission Co., Torrington.
•Lander Livestock Commission Co., Lander.
•Powell Auction Market, Powell.
•Riverton Auction-Kemp Brothers, Riverton.
•Sheridan Livestock Commission Co., Sheridan.
•Wheatland Livestock Commission Co., Wheatland.
•Worland Livestock Auction, Worland.

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENTS

The following slaughtering establishments preceded by an asterisk are specifically approved for the purposes of § 78.5 of Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis, and those not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

Name of slaughtering establishment and location

ALABAMA

Bartel's Frozen Foods, Atmore.
•Beesley Packing Co., Inc., Andalusia.
•Bird Packing Co., Inc., Midland City.
•Brewton Abattoir, Brewton.
Brock-Mosley Packing Co., Loxley.
•Blue Bell Packing Co., Decatur.
•East Alabama Frozen Foods and Provision Co., Opelika.
Florence Packing Co., Florence.
Florence Frozen Foods, Florence.
Fort Payne Locker and Storage Plant, Inc., Fort Payne.
Greensboro Packing Co., Inc., Greensboro.
Hinote Packing Company, Loxley.
•Leeds Packing Co., Inc., Leeds.
Morgan Packing Co., Tuscaloosa.
•Roanoke Packing Co., Inc., Roanoke.
Valley Pride Packing Co., Inc., Huntsville.
Williams Packing Co., Gadsden.
•Zeigler, Inc., R. L., Selma.
•Zeigler, Inc., R. L., Tuscaloosa.

ARIZONA

Arizona Meat Packers, Tucson.
Beverly Packing Co., Inc., Tucson.
•C and C Packing Co., Phoenix.
•Herseth Meat Packing Co., Phoenix.
Maricopa Packing Co., Phoenix.
•OK Wholesale Meat Co., Phoenix.
Paramount Packing Co., Casa Grande.
Safford Packing Co., Safford.
Southwest Meat Co., Yuma.
Stone and Randall Meat Company., Mesa.
•Tempe Meat Packing Co., Inc., Tempe.
•Vern Busby Meat Co., Tucson.

ARKANSAS

Adams Market, Dewitt.
Barnetts Slaughter House, Crossett.
Boswell Wholesale and Retail, R. O., Camden.
Brawner Packing Co., Wynne.
Broadway Packing Co., Jonesboro.
Brown Calhoun General Merchandise, Monticello.
•Brown Wholesale Meats, Kelton, Little Rock.
•Brown Packing Company, Inc., Little Rock.
•Burton Wholesale Meats, Roy, North Little Rock.
Butcher Wholesale Meats, Camden.
Carroll Packing Co., Paragould.
Charleston Frozen Foods, Charleston.
Columbia Packing Co., Magnolia.
•Community Abattoir, Inc., Ft. Smith.
•Cooper Packing Co., Melbourne.
Drew County Frozen Foods, Monticello.
•Dumas Packing Co., El Dorado.
Dunn Slaughter House, De Queen.
Finks Meat Co., Springdale.
Finn Slaughter House, Rogers.
Fletcher Beef Company, Jim, Fayetteville.
Frey and Son, Philip, Ivan.
Gude Packing Co., Blytheville.
•Heim Bros., Little Rock.
Hoover's Slaughter House, Jack, Murfreesboro.
Hot Springs Packing Company, Inc., Hot Springs.
Huber Slaughter Plant, Sublaco.
Huckaby Super Market, Benton.
•Hughes Sausage Co., North Little Rock.
Hunt, Leo, Pine Bluff.
Hylton Slaughter, Springdale.
Kents Wholesale Meats, Hamburg.
Kindervater and Sons Market, R., Little Rock.
Kranc Meat Market, Ozark.
•Kruse Packing Co., Alexander.
Lawton Wholesale Meats, Warren.
•Little Rock Packing Co., Little Rock.
Linaker Co., C. A., McGehee.
Lowell Packing Co., Lowell.
•Malone Packing Co., Texarkana.
•Malvern Meat Co., Malvern.
Malvern Slaughtering Establishment, Malvern.
McKeiver's Wholesale Meats, Monticello.
•Meacham Meat Market, Batesville.
Mhoon Beef Co., Fayetteville.
Morrilton Packing Co., Morrilton.
Morris Packing Co., Hope.
Newport Packing Co., Newport.
•Northwest Arkansas Packing Co., Rogers.
Owens Wholesale Butcher and Slaughtering, O. E., Pearcy.
Paragould Food Locker, Paragould.
Phillips Packing Co., Magnolia.
Pitchford Market, Hartford.
Polk County Locker Plant, Mena.
Prairie Grove Locker Plant, Prairie Grove.
•Prickett Packing Co., Batesville.
Pruett Meat Market, Batesville.
•Quality Packing Co., Trumann.
•Ralph Montgomery Grocery and Market, Hope.
Ranch House Market, Van Buren.
Redd Slaughter House, Harrisburg.
•Reed Packing Co., Pine Bluff.
•Reeder Meat Co., Arkadelphia.
Riggan Brothers Locker Plant, Sheridan.
Robertson Packing Co., Booneville.
Rogers Packing Co., Jonesboro.
Russellville Packing Co., Russellville.
•Ryburn and Glover Meat Co., Pine Bluff.
Saint Scholastica, Fort Smith.
Schelle Slaughter House, Paris.
Southwestern Packing Co., Hope.
Stafford's Quality Meats, Walnut Ridge.
Stearne Slaughter Plant, Carl, Springdale, Ark.
•Steed Packing Co., Judsonia.
Taylor Bros. Wholesale Meats, Gurdon.
Turners Grocery and Market, Rison.
Ward Packing Co., Stamps.
•Webb Packing Co., Helena.
•Western Meat Packers, Inc., Little Rock.
•White County Packing Co., Search.
Whites Slaughter House, Warren.
Williams Slaughter, Nashville.

CALIFORNIA

•Allen & Sons, James, San Francisco.
•Arnopole Meat Co., Modesto.
•Atwater Meat Co., Atwater.

•Auburn Meat and Livestock Co., Auburn.
•Avila Meat Co., Newman.
•Brennan Meat Co., Tulare.
•Circle Bar Meat Farm, Elk Grove.
•Crum Meat Co., McArthur.
•Cuyamaca Meats, Inc., El Cajon.
•Elk Grove Meat Co., Elk Grove.
•Evart Meat Co., Thomas G., Healdsburg.
•Felder and Son, Joe, Sonoma.
•Ferrara Meat Co., San Jose.
•Hill Top Meat Co., Roseville.
•Hohener, Ernest, San Leandro.
•Keller Bros. Meat Co., St. Helena.
•Kern Valley Packing Co., Bakersfield.
•Klubnikin Packing Co., Los Angeles 58.
•Langer and Kretner, Eureka.
•Lewis and McDermott, Berkeley.
•Modesto Meat Co., Modesto.
•Moller and Sons, H., Pleasanton.
•Pacific Packing Co., Gazelle.
•Palace Market, Fresno.
•Panizzera, C. V., Occidental.
•Pioneer Meat Plant, Modesto.
•Prime Meat Products, Ukiash.
•Redwood Meat Company, Eureka.
•Rosen Meat Package Co., Inc., Vernon.
•Santa Ana Packing Co., Santa Ana.
•Sebastopol Meat Co., Petaluma.
•Smith Packing Co., San Bernardino.
•Sonoma Meat Co., Sonoma.
•Stoeven Bros., Dixon.
•Taafe, William A., Co., Inc., San Francisco.
•Talone Packing Co., Escondido.
•Walnut Creek Meat Co., Walnut Creek.
•Wright Packing Co., National City.
•Yettner Bros., Fort Bragg.
•Zeff & Co., B., Modesto.

COLORADO

•A and C Packing Co., La Salle.
•Altburger, Louis, Denver.
Arvada Packing Co., Inc., Arvada.
Basin Livestock Commission Co., Durango.
•Colorado Packing Co., Inc., La Junta.
Cortez Packing Co., Cortez.
•Loveland Packing Co., Inc., Loveland.
Mountain Packing Co., Dolores.
Ovid Locker Plant, Ovid.
Pavetti Sausage Co., Trinidad.
•Samett Packing Co., Denver.

CONNECTICUT

Andrychowski, Emil and John, Willimantic.
•Belt Bros., Norwich.
Block, Benjamin, Shelton.
•Bridgeport Municipal Abattoir, Bridgeport.
•Connecticut Packing Co., Bloomfield.
Dan-Brook Packing Co., Brookfield.
•Double A Packing Co., Beacon Falls.
•Forte, J. F., Branford.
•Freeman, Myer, New London.
•Gagliardi, James, Waterbury.
Goldberg, Daniel, Colchester.
Hazardville Slaughterhouse, Hazardville.
•Hertz Bros., Norwich.
•Home Pride Provisions Co., Stafford Springs.
•Longhi, Edward, Torrington.
New Britain Slaughter House, New Britain.
•Novak, Abe, Danbury.
•Shore Line Packing Co., East Haven.
•Silk City Packing Co., Manchester.
Southington Packing Co., Southington.
•Zeffiro, Frank, New Hartford.

DELAWARE

Goldberg Bros., Inc., Wilmington.
Hendler, Sidney, Wilmington.
Kemps Meats, Wyoming.
Kosters Frozen Food Lockers, Laurel.
Messina, Anthony G., Wilmington.
Platt, Isadore, Wilmington.
Poore's Meat Market, Smyrna.
Torbert Bros., Felton.
Townsend Locker Plant, Townsend.
Woerner and Souder, New Castle.

FLORIDA

•Beesley Packing Co. of Florida, Pensacola.
•Brown Packing Co., Chipley.
•Central Packing Co., Center Hill.
•Copeland Sausage Co., Inc., Alachua.
•Dirr Gold Seal Meats, Inc., Miami.
•Florida Sausage Co., Pensacola.
•Gotham Provision Co., Inc., Miami Springs.
•Hawkins Wholesale Meats, E. M., East Palatka.
•Hickory Hill Meat Packers, Inc., Tampa.
•Jackson Packing Co., Marianna.
•Jones-Chamblins Co., Jacksonville.
•Loeb and Gottfried, Hialeah.
•Meat Supply Co., Pensacola.
Register Meat Co., Establishment No. 6, Cottondale.
Suwannee Packing Co., Live Oak.
•Tinsley Meat Slaughtering Establishment, Jacksonville.

GEORGIA

Akridge Sausage Co., Rome.
Avera Provision Co., Augusta.
Bearden Provision Co., Calhoun.
•Beavers Packing Co., Newman.
Brooks County Packing Co., Inc., Quitman.
Bullard's Sausage Plant, Summerville.
Carroll Packing Co., Valdosta.
•City Abattoir, Albany.
•Cochran Provision Co., Dublin.
Dalton Slaughter House, Dalton.
Duffey Sausage Co., Inc., Carrollton.
Evans Locker Plant, Evans.
Grady Packing Co., Cairo.
Harreli Sausage Co., Bainbridge.
Levinson Bros., Rome.
•Lowell Packing Co., Fitzgerald.
•Meddin Packing Co., Savannah.
•McEver Packing Co., R. H., Talmo.
•Moree Packing Co., Albany.
Quitman Abattoir, Quitman.
Rome Provision Co., Inc., Rome.
•Scott Meat Packers, Augusta.
•Shores Packing Co., Savannah.
•Southern Foods, Inc., Columbus.
•United Butchers Abattoir, Inc., Atlanta.
Union Provision Co., Dalton.
Valdosta Abattoir, Valdosta.
Wiggers Packers, Columbus.

IDAHO

Anketell Slaughterhouse, Nampa.
•Boise Valley Packing Co., Eagle.
Bratcher Meat Pack, Payette.
•Bryant Packing Co., Burley.
Carter Packing Co., Greenleaf.
City Meat Market, Wallace.
Custom Packing Co., Twin Falls.
•Custom Meat Co., Boise.
Dahmen Food Lockers, Lewiston.
•Davis Packing Co., Boise.
•Goodby and Sons Meat Co., Sandpoint.
•Grimes Packing Co., Nampa.
•Idaho Falls Meat Co., Idaho Falls.
•Independent Meat Co., Inc., Twin Falls.
Independent Meat Co., Weiser.
•Jenson Packing Plant, Rupert.
Johnston Bros., Caldwell.
•Knudson Packing Co., Preston.
•Liberty Meat Packers, Eagle.
•McKibben Custom Butchering, Idaho Falls.
Meridian Meat Packers, Meridian.
•Moscow Meat Co., Moscow.
•Nampa Packing Co., Nampa.
•Owyhee Meat Packers, Homedale.
Penguin Lockers, New Plymouth.
•Peoples Market Plant, Pocatello.
•Taylor Meat Co., Idaho Falls.
Valley Packing Co., Rexburg.
•Wallace Meat Co., Wallace.
Williams Custom Service, Council.
•Y-J Packing Co., Coeur d'Alene.
•York Packing Co., Twin Falls.
•Zweigart Packing Corp., Pocatello.

ILLINOIS

Al's Packing Plant, Warrenville.
Bartlow Bros., Inc., Rushville.
Behrman Market, Okawville.
Bergman Meat Packing Co., Inc., Pittsfield.
Brighton Locker Plant, Brighton.
Burnside and Sons, L., Marengo.
Calihan and Co., Peoria.
Chrisman Food Lockers, Chrisman.
Covemaker Packing Co., Moline.
Cowperthwaite Super Market, Bushnell.
Curby's Butcher Shop, Beaverville.
Dintelmann's Wye Market, Marissa.
Ducey and Son, Mike, Pittsfield.
DuQuoin Packing Co., DuQuoin.
Eckert Orchard Association, Belleville.
Edgar County Locker Service, Paris.
Elmwood Locker Service, Elmwood.
Eversgerd, Henry J., Germantown.
Foremost Packing Co., East Moline.
Goble, Howard, Danville.
Hamilton Locker Service, Hamilton.
Hansen's Meat Processing Plant, Freeport.
Hartrich Meat Processing Plant, Sainte Marie.
Hauffe's Meat Market, Lincoln.
Hill Packing Co., Danville.
Houchlei Meat Market, Sorento.
Humphrey Packing Co., Lawrenceville.
Ingalls Frozen Food Center, Milford.
Jones, Marshall E., Springfield.
Jones Packing Co., Harvard.
Johannes Market, Quincy.
Kabrick Locker Plant, Plainville.
Knab Meat Market, New Athens.
Kunkel Packing and Provision Co., Quincy.
L and M Slaughter House, Georgetown.
Landolt, Harold, Alhambra.
Lewistown Locker, Lewistown.
Lord, C. R., Olney.
Lyetta Meats, Inc., Coulterville.
Madison Packing Co., Madison.
Magelli Bros., Inc., Marseilles.
Margolin Packing Co., Danville.
McLain's Locker Plant, Warren.
Metamora Abattoir, Metamora.
Mounds Locker Service, Mounds.
Noble Locker, Noble.
Pasquo Podeschi, Taylorville.
Parks Processing Plant, Warren.
Petroff Packing Co., Benton.
Quincy Beef and Veal Co., Quincy.
Raber Packing Co., Peoria.
Raleigh Packing Co., Raleigh.
Richard Locker and Processing Plant, Homer.
Rock River Provision Co., Rock Falls.
Rocke's Cold Storage, Morton.
Rossville Food Lockers, Rossville.
Ruff Locker Service, Quincy.
Shanks Packing Co., Mattoon.
Sheldon Market and Food Lockers, Sheldon.
Smith Packing Co., Harrisburg.
Streck Packing Co., Belleville.
Stone Meat Packing, Chicago Heights.
Ursa Cooperative Locker Service, Ursa.
Virginia Packing Co., Virginia.
Wessel Bros., Inc., Belleville.
West Frankfort Packing Co., West Frankfort.
Weyhaupt Brothers Packing Co., Belleville.
Wunderlick Packing Co., Boone County.
Tuscola Locker Service, Tuscola.
Y and T Packing Co., Springfield.
Young's Packing Co., Inc., Decatur.

INDIANA

Albany Frozen Food Locker, Albany.
All Valley Meat Supply, Terre Haute.
Allen's Monticello Packing Co., Monticello.
Amo Meat Processing, Amo.
B and B Packing, Gary.
Bickmeier Processing Plant, Boonville.
Berne Locker Storage, Berne.
Betulius Slaughterhouse, Haubstadt.
Blinzinger's Market, Tell City.
Bloomington Packing Co., Inc., Bloomington.
Boone County Packing Co., Lebanon.
Bowman's Butchering House, Peru.
Boyer Lockers, New Washington.
Brook Locker Plant, Brook.
Clark and Moore Processing Plant, Monticello.
Clyde Packing Co., Angola.
Cole Packing Company, Mark, Sharpsville.
Collins, Raymond, Poland.
Corbin Food Lockers, Brownsburg.
Coussens, Camiel, Granger.
Covington Food Lockers, Covington.
Daniels Bros., Inc., Columbus City.
Denny and Barker, Inc., Huntington.

Dewig Brothers Packing Co., Haubstadt.
Dishman, Felix, Peru.
Ditsler Locker Co., Peru.
Eel River Packing Co., Jamestown.
Elkhart Packing Corp., Elkhart.
Fender, Russell Ted, Spencer.
Fisher Packing Co., Portland.
Fitzsimons Market, Roachdale.
Frankfort Provision Co., Frankfort.
Franklin Slaughter House, Wabash.
Freeman and Son Locker Plant, Worthington.
Frosen Food Service, Inc., Salem.
Fults and Sons, E. C., Indianapolis.
Gilbert Slaughter House, Van Buren.
Godfrey's Plant, R. R. 3, Brazil.
Goff, Inc., Pendleton.
Grater Meats, Connersville.
Greenfield Abattoir, Inc., Greenfield.
Greenwood Food Lockers, Greenwood.
Green Valley Slaughterhouse, Brownsburg.
Grundhoefer and Sons Packing Co., Dale.
Gustin Slaughter House, Antwerp.
Gutzweiler Packing Co., Jasper.
Hamilton Locker Plant, Hamilton.
Hand Slaughter House, Kenneth, Angola.
Harris Packing Co., Sam, Crawfordsville.
Hastings Slaughter House, Martinsville.
Helm Market, Forest, Winchester.
Hickory Hills Processing Plant, Spencer.
Hill Top Packing Co., Huntingburg.
Hitch Packing Co., Princeton.
Hockney Packing Co., Thayer.
Hollar Market, Nappanee.
*Hoosier Abattoir, Indianapolis.
Ingram's Meatland, Goshen.
Janert Packing Co., Inc., Indianapolis.
Johnson County Farm Bureau Co-op Association, Inc., Franklin.
Jones Custom Butchering, Zionsville.
Kaiser Meat Market, Cedar Grove.
Kentland Locker Plant, Kentland.
Klinedinst Packing Co., Walkerton.
Knight's Frosen Food Locker, Edinburg.
Kucan Food Shop, Gary.
Kuiper Packing, Christ, Lowell.
Laurents Packing Co., Guy, Fort Wayne.
Lengerich Slaughter House, Monroe.
Lennons Custom Butchering, Hartford City.
Lester Packing Co., Linton.
Livengood Meat Shop, Lebanon.
Luts Packing Co., Indianapolis.
Marburger Abattoir, Peru.
Merkely and Sons, Inc., Jasper.
Mishler Packing Co., Lagrange.
Moore Packing, Gary.
Mooresville Locker Plant, Mooresville.
Mooresville Packing Co., Mooresville.
Ness and Sons Packing Plant, J. E., North Judson.
Oasian Locker Plant, Oasian.
Parrot Packing Co., Fort Wayne.
Price's Abattoir, Walter, Plymouth.
Rahe and Sons, William J., Muncie.
Riverside Packing Co., Goshen.
Rockville Packing Co., Rockville.
Roos Packing Co., Indianapolis.
Rose City Packing Co., Inc., New Castle.
Rowe and Sons, A., Terre Haute.
Roy's Packing Plant, Elkhart.
Sanitary Main Meat Market, Brookville.
Schmitt Packing Co., H. P., Decatur.
Schnelker Slaughter House, New Haven.
Schuler Packing Co., Ferdinand.
Sellersburg Locker Co., Sellersburg.
Schackelford, W. E., Owensville.
Sievers, Lester, Vincennes.
Sievers, Louis, Vincennes.
Snelly's, Angola.
Sniders Country Market, Muncie.
Snyders Market, Angola.
South Side Butchers, Indianapolis.
Stahley's Slaughterhouse, Milan.
Standard Packing Co., Kokomo.
Straub and Smith Packing Co., Indianapolis.
Summers Packing Co., North Liberty.
Vale City Packing Co., Valparaiso.
Valentine Co., Inc., Terre Haute.
Van Wagner, Dick, Orland.
Vetter Meat Co., Kokomo.
Vietti Bros. Packing Co., Clinton.
*Wabnitz Packing Co., Louis, Indianapolis.
Warrick County Frozen Food Lockers, Boonville.
Weiler Packing Co., Batesville.
Wenning Packing Co., Inc., New Salisbury.
West's Locker and Slaughter House, Amo.
Whisler and Sons, Inc., J. L., Elkhart.
Wilcox Bros., North Liberty.
Williams and Son, Inc., J. B., Walkerton.
Wolf Meat Market, New Albany.
Wright Packing Co., Chandler.
Wyatt Packing Co., Wyatt.
Young Bros. Market, Ladoga.
Young Packing Co., Noblesville.
Zaring Processing Plant, Greencastle.

IOWA

Besse Packing Co., Cincinnati.
Bryant's Locker, Donnellson.
Carstensen Meats and Procurement Service, Lake Park.
Centerville Meat and Provision Co., Centerville.
City Meat Locker, Little Rock.
D and H Storage Co., Sibley.
Falk Lockers, Ocheyedan.
Farmington Lockers, Farmington.
Ford Lockers, Spirit Lake.
Forest City Locker Co., Forest City.
Frozen Foods Center, Akron.
Glasgow's Meat Market, Keokuk.
Grandia Locker, Otley.
Hawkeye Pack, Sioux City.
Inwood Lockers, Inwood.
Johnsons Market and Lockers, Rake.
Kane's Dressed Beef, Hawarden.
Karzlarich Pack, Rathburn.
Keosauqua Locker, Keosauqua.
Lansing Lockers, Lansing.
Larchwood Locker, Larchwood.
Ledyard Lockers, Ledyard.
Lime Springs Locker, Lime Springs.
Links Locker Service, Fort Madison.
Long's Locker, Spirit Lake.
Manufacturers Surplus Outlet, West Burlington.
Marshalltown Packing Co., Marshalltown.
Martin Meat Processing Co., Underwood.
Meyer Packing Co., Sioux City.
Milton Locker Service, Milton.
Moulton Locker, Moulton.
New Albin Locker Plant, New Albin.
Nissen and Son Packing Co., Inc., G. B., Webster City.
Northwood Locker Service, Northwood.
Otranto Locker, Otranto.
Pierce Lockers, Armstrong.
Pulaski Lockers, Pulaski.
Puritan Ice Cream Co., Cresco.
Riceville Locker, Riceville.
Richard and Sons, Inc., C. W., Muscatine.
Rock Rapids Cooperative Creamery Association, Rock Rapids.
Romann and Liebbe Co., Inc., Muscatine.
Scarville Food Market, Scarville.
Sergeant Bluffs Produce Co., Sergeant Bluffs.
Smit and Son, Inc., Boyden.
Smith Packing Co., Sioux City.
Steele Packing Co., George H., Centerville.
Swea City Locker, Swea City.
Thompson's Processing Service, Bloomfield.
Valley Locker Service, Rock Valley.
Verschoor Packing Co., Hospers.
Wageman's Locker Service, Stacyville.
White's Locker, Estherville.
Younie Processing Plant, Hawarden.

KANSAS

A and H Butchers, Arkansas City.
*Abilene Packing Co., Abilene.
*Adams Bros. Packing Plant, Coby.
Addington Slaughtering Establishment, Elkhart.
Anthony Meat, Anthony.
Ayers Packing Plant, Greenleaf.
Ball Lockers, Baxter Springs.
Barnes Beef Co., Parsons.
Beattie Lockers, Beattie.
Beverly Meat and Locker, Inc., Salina.
Bichelmeyer Slaughterhouse, Kansas City.
Brooks Locker Service, Blue Rapids.
Burd Locker and Grocery, Atwood.
Butcher Packing Co., Coffeyville.
Cady Slaughtering Establishment, Claude, Osborne.
*Colby Locker, Colby.
Coldwater Lockers, Coldwater.
Columbus Wholesale and Retail Meats, Columbus.
Comanche Meat Co., Wichita.
Community Locker Service, Medicine Lodge.
Cramer Food Bank, Washington.
Davenport Meat Plant, Lawrence.
DeGraeve Slaughtering Establishment, Lorene, Bucyrus.
*Dunn Packing Co., Wichita.
Dye Slaughterhouse, Meade.
Economy Lockers, Sharon Springs.
Emporia Packing Co., Emporia.
*Fanestil Packing Co., Emporia.
Fisher Grocery and Locker, Bird City.
*Fredonia Packing Co., Fredonia.
*Fort Scott Packing Co., Fort Scott.
*Gallagher Processing, Concordia.
Garden City Packing Co., Garden City.
Gettle Packing Co., Haysville.
Gardner Packing Co., Hutchinson.
Glenn's Frozen Food Service, Dighton.
*Griffith Provision Co., Inc., Downs.
Grinnell Locker, Grinnell.
Haag Locker Plant, Fairview.
Haddam Locker, Haddam.
Harrell Packing Co., Hugoton.
Herrmann Locker, Waterville.
Hentzler Packing Co., Topeka.
Herndon and Sons, Syracuse.
Hoseney's Dressed Beef, Coffeyville.
Howard Packing Co., Howard.
Howell's Market, St. Francis.
Independent Slaughter Establishment, Salina.
Jesco Meat Products, Caldwell.
Jones Packing Co., Dodge City.
K–12 Meat Co., Baxter Springs.
Kanes Packing Plant, Meade.
Katches Packing Co., Wichita.
Kaw Valley Packing Co., Kansas City.
Kier Grocery and Market, Mankato.
Kimmal Packing Co., Norton.
Kiowa Locker System, Kiowa.
Lee Packing Co., C. W., Portis.
Liberal Packing Co., Liberal.
Louie's Zero Locker, Girard.
*M and M Packing Co., Iola.
Mathes Meat Co., W. A., Kansas City.
*McArthur Meats, Inc., Hutchinson.
McFerron Bros. Wholesale Meats, Lawton.
Menghini Packing Co., Frontenac.
Miller Locker System, Erie.
Miller Packing Co., Wilson.
Modern Market and Lockers, Winona.
*Moore's Packing House Market, Parsons.
*O. K. Packing Co., Gooding.
Oberlin Locker, Oberlin.
Old Fashioned Meat Market, De Soto.
Palace Market, St. Francis.
*P and B Packing Co., Hays.
Phillips Slaughterhouse, Hill City.
Phillipsburg Lockers, Phillipsburg.
Pratt Frozen Food Locker, Pratt.
Ragsdale Slaughtering Establishment, Liberal.
Rindt Slaughtering Co., Galena.
Schnelle's Wholesale Meats, Greensburg.
Snow's Locker Plant, Kansas City.
Stoney Bros. Slaughterhouse, Herndon.
*Sunflower Packing Co., Wichita.
Swim Lockers Service, Marysville.
Synovec Grocery and Locker, Morrowville.
*Thies Packing Co., Great Bend.
Tonganoxie Frozen Foods Locker, Tonganoxie.
Valley Vista Locker Service, Topeka.
Vlach and Sons, Joseph, Hanover.
Washburn Packing Co., Hutchinson.
Welch's Frozen Food Center, Frankfort.
Wiley and Green Packing Co., Leavenworth.
Wilkerson Meat Co., Pittsburg.
*Winchester Packing Co., Hutchinson.
Winkler's Slaughterhouse, Liberal.
*Woody's Wholesale Meats, St. Marys.
Wurst Locker Service, C. C., Grainfield.

KENTUCKY

Alford and Son, J. W., Alexandria.
Ashland Meat Co., Ashland.
Boone's Abattoir, Bardstown.
Campbell Co., S. M., Gray.
*Dawson-Apatz Packing Co., Inc., Louisville.
Eckert Packing Co., Henderson.
Emory Gillum Wholesale Meats, Inc., Ashland.
Field Packing Co., Bowling Green.
*Field Packing Co., Inc., Owensboro.
*Fleishchaker Co., Louisville.
Frosty Foods Locker, Taylorsville.
Henderson Slaughtering, Henderson.
Jones Packing Co., Paducah.
*Koch Beef Co., Louisville.
Langley's, Joe, Farms, Inc., Clarkson.
*Louisville Beef Co., Louisville.
Metzger Bros., Paducah.
*Mount Sterling Packing Co., Mount Sterling.
*Quality Packing Co., Lexington.
Riddell Meat Market, Warsaw.
Riverside Packing Co., Paducah.
Robb Packing Co., Lexington.
*Ryan Packing Co., Maysville.
Schneider and Son, Inc., J. F., Middlesboro.
Shroat Meat Market, Murray.
Waldrup Packing Co., Blackey.
*Spring Packing Co., Louisville.
Wiman Packing Co., Madisonville.

LOUISIANA

Adams' Slaughter House, Amite.
Allen Super Market, Kentwood.
*Angola Packing House, Angola.
*Autin Packing Co., Inc., Houma.
Bahm's Meat Plant, Wallace, Loranger.
*Barnes Packing Co., R. L., Lake Charles.
*Berry Slaughter House, H. O., Bastrop.
Bossier Frozen Foods, Bossier City.
*Britt Packing Co., Shreveport.
Brown and Son Packing House, C., Ragley.
Byrd and Son, Joseph W., Many.
*C and L Packing Co., Tallulah.
*Caldwell Packing Company, West Monroe.
Caroll Slaughter House, Wisner.
Catalano's Meat Market, Independence.
Chesson Slaughter House, Vinter.
Coleman Slaughter House, Fields.
Courville Slaughter House, Lafayette.
Crawford's Super Market, Covington.
Crain Slaughter House, J. A., Franklinton.
Crain Slaughter House, L. V., Varnado.
Crumpler's Packing House, DeRidder.
Cutrer's Slaughter House, Frank, Kentwood.
Davis Slaughter House, John A., Nonesville.
Delcambre Slaughter House, E. J., New Iberia.
*DeRidder Locker Plant, Inc., DeRidder.
Dufrene Slaughter and Packing Co., Allemands.
*Ferriday Packing Plant, Ferriday.
Fitzgerald Slaughter House, Covington.
*Fontenot Sausage Kitchen, Frank, Ville Platte.
*Frey and Sons, Inc., L. A., Lafayette.
*Fuselier Packing Plant, Ville Platte.
Fontenot Slaughter House, Wilson, Ville Platte.
Green Slaughterhouse, Edward, Bastrop.
*Goodman Slaughter House, Winnsboro.
Grant Slaughter House, Kurthwood.
Guillot, Inc., Arthur J., Slidell.
Guy Merchandise and Market, H and H, Angie.
*H and S Packing Co., Baton Rouge.
*Harris and Co., Ed, Ferriday.
Hyde's Slaughter House, Jessie, Robert.
*Jagneaux's Quality Meats, Opelousas.
*Johnson's Wholesale Meats, Opelousas.
Kennedy Bros. Meat Products, Bogalusa.
Knight Slaughter House, S. A., Bogalusa.
Knight Slaughter House, W. E., Franklinton.
Knight Slaughter House, W. W., Franklinton.
*Ledoux Slaughter House, Layton, Opelousas.
Ledoux Slaughter House, Boo, Eunice.
Lee's Meat Plant, Independence.
Liste's Meat Market, Patterson.
*Luke Packing Co., Centerville.
*McManus Abattoir and Market, Eunice.
*Micelle Packing Plant, Lake Charles.
*Millwood Packing Co., Scotlandville.
*Monroe Packing Co., Monroe.
Morris Slaughter House, Kentwood.
*Mougeot Packing Co., New Roads.
Nash Slaughter House, DeRidder.
*New Orleans Butchers Abattoir, New Orleans.
Northside Packing House, Lake Charles.
*Old South Packing Co., Baton Rouge.
Olla Meat Co., Olla.
Pickett's Slaughter House, Delhi.
Pizzolatto Slaughter House, Lewis, Crowley.
Port City Packing Co., Satsuma.
*Prejean Wholesale Meat, Carencro.
Quin Packing Co., T. R., Osyka.
Ravia's Slaughter House, Sulphur.
*Rapides Packing Co., Alexandria.
Sances Slaughter House, Ned, Bogalusa.
*Shreveport Packing Co., Inc., Shreveport.
Stanley Locker Plant, Logansport.
*Stevens Meat Co., Inc., Gonzales.
*Strohe Slaughter House, Welsh.
*Tallulah Slaughter House, Tallulah.
Thigpen Packing Co., R. E., Mansfield.
*Theriot and Daigle, Houma.
*Thompson-Peltier Packing Co., Thibodaux.
*Veazey's Slaughter House, Abbeville.
Walker Slaughter House, White Castle.
Watson Slaughter House, Jonesboro.
Wesley Market, Amite.
Wiltz Robichaux Slaughter House, Crowley.
Womack's Slaughter House, Greensburg.
Wood Slaughter House, L. E., Franklintown.
Up-to-Date Market and Slaughter House, Sulphur.

MAINE

Augusta Abattoir, Augusta.
Boston Bros., North Berwick.
Boynton, Lawrence, Bridgton.
Chasse and Son, Ralph, Sanford.
Hansen and Smith, Inc., St. Albans.
Stearns, Inc., Auburn.

MARYLAND

Barcus Meat Market, Centreville.
Bauerlien, Edward C., Hampstead.
Benson Meat Products Co., Fallston.
Blessing, Frank I., Keymar.
Bollingers Meat Market, Emmitsburg.
Boyle, B. H., Emmitsburg.
Burger, Samuel B., Williamsport.
Brewer's, H. W., Williamsport.
Brook Meadow Provision Co., Hagerstown.
Bullock, G. Winston, Westminster.
Cecil Provision Co., Elkton.
Clopper, Charles W., Clear Spring.
County Butchers, Inc., Granite.
Crystal Ice and Cold Storage Co., Cambridge.
*Dutterer's of Manchester, Inc., Manchester.
Eby, Irvin E., Hagerstown.
Fraley, J. Austin, Thurmont.
Frozen Food Lockers, Chestertown.
Gaithersburg Locker Service, Gaithersburg.
Gladhill Meat Market, Damascus.
Glosser, John E., Hagerstown.
*Hahn Bros., Inc., Westminster.
Harden's Meat Market, Eckart Mines.
Harsch, M. D., Sr., Williamsport.
*Heil, Henry, Baltimore.
Hemp and Sons, R. D., Jefferson.
Hoffman and Son, Roy L., Hagerstown.
Holsinger, C. M., Hagerstown.
Howard County Meat Mart, Inc., Ellicott City.
Hurd and Son, C. G., Hagerstown.
*Joska, Anthony, Baltimore.
Late, Howard F., Thurmont.
Lotz's Wholesale Meats, Frostburg.
Main and Sons, C. F., Middletown.
Martin and Son, Edward T., Joppa.
*Maryland Beef and Provision Co., Baltimore.
Metz, Walter M., Williamsport.
*Myers and Sons, Inc., William F., Westminster.
Miller, Charles, Manchester.
Montgomery Bros., Rising Sun.
Moser, Weaver F., Boonsboro.
Mt. Airy Locker Co., Mount Airy.
Nichols and Smith Meat Market, Federalsburg.
*Reid Inc., George L., Baltimore.
*Ruppersberger and Sons., George G., Baltimore.
Ryan's Butcher Shop, Fallston.
*Schmidt, A. W. and Son, Inc., Baltimore.
*Schmidt and Company, Charles J., Baltimore.
Shallcross, H. E., Rising Sun.
Shaum, F. E., Taneytown.
Shuff, Harry William, Thurmont.
*Stapf, August E., Baltimore.
Sudlersville Frozen Food Lockers, Inc., Sudlersville.
Thompson's Food Market, Maryland Line.
Treuth and Sons., J. W., Catonsville.
Welty's Market, Emmitsburg.
Weston Farms Inc., Knoxville.
Whitehall Lockers, Gambrills.
Will, Weldon W., Sykesville.
Wolfe's Slaughter House, Cumberland.
Yingling Brothers, Union Bridge.
Yoders Locker Plant, Grantsville.

MASSACHUSETTS

Arena and Sons, A., Hopkinton.
Axler, Abraham (Hatfield Beef Co.), Hatfield.
Bickford's, Cheshire.
Blood and Son, E. L., West Groton.
Bonanno and Sons, Rocco, Methuen.
Budnick and Son, E., Boxford.
Cohen Beef Co., Inc., Ipswich.
Cook, Edric, Leyden.
Cramers, Louis, North Adams.
Duda Slaughterhouse, Gill.
Goldberg, Morris, Great Barrington.
Grasso, Angelo, Agawam.
Harris Slaughterhouse, George A., Winchendon.
Hurlburt Slaughterhouse, Ronald, West Orange.
Independent Packing Co., Brockton.
Johnson, Lewis, Templeton.
Judkins, F. H., Athol.
Kabatchnick, Mark Sidney, Chester.
Levine, Louis, Great Barrington.
Mason, Frank F., Williamstown.
McAdoo, Harold A., Bolton.
Molinari Packing Co., John, Milford.
Pekarski, T. Walter, South Deerfield.
Rellim Packing Co., Milford.
Reynolds Slaughterhouse, Shelburne.
Robbins, Richard, Ashby.
Santos Company, Charles, Tewksbury.
Scibelli, Anthony J., Southwick.
Sciebelli, George A., Southwick.
Sheinhit, Jacob, Peabody.
Stearns, Ed, Charlton.
Streeter Slaughter House, Bernardston.
Strycharz Slaughterhouse, Blackstone.
Suprenant, Peter, Leverett.
Szala Slaughtering Establishment, Hadley.
Wiegert Company, George, Worcester.
Wilbur, Joseph H., South Easton.
Wohrle's Inc., Pittsfield.

MICHIGAN

*Ada Beef Co., Ada.
Allen Packing Co., Charlotte.
*Allendale Beef Co., Allendale.
Anderson Packing Co., Inc., J. S., Muskegon.
*Arendsen Packing Co., Grand Rapids.
Bayerl's Meat Market, Menominee.
Besbris and Sons, Inc., Max, Kalamazoo.
*Bettinger and Barnett Beef Co., Detroit.
Bluska Packing Co., Port Huron.
*Christie Packing Co., Schoolcraft.
Clare Packing Co., Clare.
*Cohen and Levenberg, Detroit.
Cole, E. C., North Adams.
*Costello Packing Co., Detroit.
Cox Slaughterhouse, Hudson.
Detroit Veal and Lamb, Inc., Detroit.
*Dykstra Bros., Grand Rapids.
Edson, Inc., Lee, Hudsonville.
Feldman Brothers, Detroit.
Felix Johnson & Sons, Escanaba.
*Fillmore Beef Co., Holland.
Fishler Packing Co., Benton Harbor.

41 Super Market, Menominee.
Forsyth and Hohner, Troy.
Foster's Market, Quincy.
*Gemmen and Son, Albert, Allendale.
Gerding Wholesale Meats, Davison.
Haarer's Meat Processing Plant, Saline.
Hasekamp and Sons, Bert, Muskegon.
Heaters Fresh Meat, Dowagiac.
Hess, Earl J., Slaughter House, Ceresco.
Hillsdale County Meats, Hudson.
Holt Packing Co., Holt.
Hudson Locker Service, Hudson.
*Huler Abattoirs, Inc., Detroit.
*Johnson Slaughtering Establishment, Carl R., Kalamazoo.
Kalamazoo Packing Co., Vicksburg.
Kappler Packing Co., Ann Arbor.
Kiebler, A. M. and Sons, Clinton.
Kirby Packing Co., Detroit.
Lengel Meat Packers, Inc., Temperance.
*Loewenstein and Son, S., Detroit.
Lytle and Sons, W. E., Coldwater.
Marshall Packing Co., Bruce T., Bay City.
*Merritt Packing Co., Carrollton.
Meyer Provision Co., Iron River.
Midway Farm Market, Cassopolis.
*Midway Packing Co., Wayland.
*Monarch Packing Co., Detroit.
Moor Slaughtering Establishment, Don, Homer.
*Morris Snow and Co., Detroit.
Myaards Meats, Hudsonville.
*Nathan Rubin, Inc., Detroit.
Newsom Slaughter House, Niles.
Park-Way Meat Co., Flatrock.
Parsell Beef Co., Flint.
Paul, Leo, Slaughtering Establishment, Coldwater.
Paulsen and Son, Inc., Max, Muskegon.
*Peet Packing Co., Bay City.
*Peet Packing Co., Chesaning.
*Peet Packing Co., Grand Rapids.
Perry Packing Co., J., Hart.
Pleasant Valley Packing Co., Schoolcraft.
Primeat Packing Co., Detroit.
Quincy Locker Co., Quincy.
Reznik Packing Plant, South Haven.
Richmond Packing Co., Richmond.
Riverside Packing Co., Jackson.
*Rochester Packing Co., Rochester.
Rountree Packing Co., Hanover.
Schmidt Packing Co., Niles.
Shaw Wholesale Meats, R. I., Casanovia.
Simpson's Country Market, Galien.
*Smallegan, Arthur, Forest Grove.
Smith Packing Co., Hubert H., Muskegon.
Smith Packing Plant, H. A., Fort Huron.
Smith, John W., Muskegon.
*Standard Beef, Inc. (east), Detroit.
*Standard Beef, Inc. (west), Detroit.
Standard Beef, Inc., Lamb and Veal Div., Detroit.
Steeb Bros., Ann Arbor.
Stone's Meat Packing Co., South Haven.
*Tamaren Beef Co., Isaac, Detroit.
*Tannehill and De Young, Inc., Traverse City.
Telfer Packing Co., Owosso.
Terrill Super Market, Marcellus.
Thorne's Custom Butchering, Belleville.
Van Alstine, William, East Lansing.
*Victory Beef Co., Detroit.
*Wall Packing Co., Sturgis.
*Wayne Packing Co., Detroit.
Weeks, Ray and Sons, Co., Inc., Richmond.
Weiss, George J., Custom Slaughtering Establishment, Detroit.
Wolverine Packing Co., Detroit.
*Zandbergen Slaughterhouse, Grandville.

MINNESOTA

Caldwell Packing Co., Windom.

MISSISSIPPI

Archer, B. F., Mathieston.
B & B Packing Co., Byram.
Barnes & Sons, Cross Roads.
Barnett Sausage Co., North Biloxi.
Belmont Packing Co., Belmont.
Betbeze Bros. Packing Co., Meridian.
*Bounds, John R., Picayune.
Brumfield, A. J., Tylertown.
Bryant's Super Market, Winona.
Burks Slaughter House, Carriere.
Cochran Frozen Food Locker, Waynesboro.
Columbus Packing Co., Columbus.
Columbus Provisior Co., Columbus.
Counce Curing Plant, H. R., Corinth.
*Delta Packing Co., Clarksdale.
Davis Bros., West Point.
*Dedeaux Packing Co., Gulfport.
Delta and Pineland Co., Scott.
Dunn, B. T., Slaughter House, Walnut.
Fortenberry, Ben, Carriere.
Fortenberry, Kearney E., Sandy Hook.
*Gilbert Slaughter House, B. J., McComb.
Happy Acres, Petal.
*Hickman, H. J., Gulfport.
Isbell and Sons Meat Curing Plant, A. H., Corinth.
Isbell Distributing Co., Corinth.
Jackson Packing Co., Jackson.
*John R. Bounds Slaughtering Establishment, Picayune.
Jones, Ruby, Slaughter House, Summit.
Jones Slaughter House, Brookhaven.
Lamey's Slaughter House, Biloxi.
Lauderdale Cold Storage, Meridian.
*Mallett, F. S., North Biloxi.
McBride Curing Plant, Iuka.
Michel Packing Co., C., Meridian.
Orman's Sausage Co., Ellisville.
*Owen Bros. Packing Co., Meridian.
Ole Hickory Sausage Plant, Magnolia.
Passbach Slaughtering House, Natchez.
Robinson Bros. Packing Co., Batesville.
*Sam's Slaughter House, Waynesboro.
Stringer Slaughter House, Columbia.
*Valley Farm Packing Co., Laurel.
Van Norman Slaughtering Establishment, McComb.
Vicksburg Packing Co., Vicksburg.
Waller Slaughter House, Waynesboro.
*West Packing Co., Indianola.
Wise and Wise Packing Co., Greenville.

MISSOURI

Alewel Bros. Locker Plant, Concordia.
Anderman Slaughter Establishment, Edward, Hickman Mills.
Asel's Slaughter House, Washington.
Baker Packing Co., Mexico.
Barton County Packing Co., Inc., Lamar.
Bouchaert Packing Co., St. Louis.
Central Packing Co., Cape Girardeau.
*Cloud Packing Co., Ned, Springfield.
Coleman Packing Plant, Holden.
Copes' Slaughter Co., Palmyra.
Crandal's Frozen Food Lockers, Warrensburg.
Crenshaw Packing Co., Charleston.
Cummins Custom Butchery, Webb City.
Delaloye and Sons, Troy.
Dexter Packing Co., Dexter.
Evans and Sons Slaughtering Establishment, E. S., Carthage.
Frick's Super Market, Inc., Washington.
Frick Slaughter Service, Union.
Grand Packing Co., Imperial.
Grote, T. J., Imperial.
Herrod Packing Co., Inc., Joplin.
Hester Packing Co., A. L., Bernie.
Kornbelt Packing Co., St. Louis.
Lebanon Packing Co., Lebanon.
*Le Duc Packing Co., Springfield.
Liberty Locker Co., Liberty.
M. F. A. Packing Division, Springfield.
*Manning Dressed Beef, Springfield.
Maryville Packing Co., Maryville.
McGee's Home Killed Meats, Mexico.
Moberly Packing Plant, Moberly.
Modlin, Jack, Webb City.
Mueller's Meat Market, Altenburg.
Nenninger Packing Co., Cape Girardeau.
Ogden Slaughtering Establishment, Cottle P., Vandalia.
Paris Lockers and Abattoir, Inc., Paris.
Pemiscot Packing Co., Wardell.
Pipkin, Boyd Neal Packing Co., Cape Girardeau.
Poplar Bluff Packing Co., Poplar Bluff.
Raders, Inc., Columbia.
Roseville Packing Co., Springfield.
Sikeston Food Lockers, Sikeston.
Twin City Packing Co., Festus.
United Meat Co., Inc., St. Louis.
Urbana Locker, Urbana.
*Welsh Packing Co., Springfield.
Westerman, John, Troy.
Wuestling Packing Co., St. Louis.
Yontz Packing Co., Tipton.

MONTANA

Blastock Wholesale Meats, Butte.
Miles City Packing Co., Miles City.
City Meat Co., Wolf Point.
*Montana Meat Co., Helena.
New Butte Butchering Co., Butte.
Oljar Meat Co., Glendive.
Rahr, John, Glendive.
Sidney Locker and Creamery Co., Sidney.
Valley Meat Co., Sidney.

NEBRASKA

Brauer Packing Co., Chappell.
Bridgmon Wholesale, Tecumseh.
Community Locker Center, Fullerton.
Consumers Packing Co., Superior.
Custom Pack, Hastings.
Deerson Meat Packing Plant, Elkhorn.
Dundy County Processors, Benkelman.
F and S Sausage Co., Cozad.
Farmers Union Co-op Gas and Oil Co., Big Springs.
*Flicker Packing Co., Scottsbluff.
Ford Packing Co., Grand Island.
H and B Packing Co., Scottsbluff.
*Hersch Packing Co., Scottsbluff.
Hollstein's Packing Co., Rushville.
Ideal Market, Gordon.
Jurgens Meat Service, Big Springs.
Kauf Packing Co., Hastings.
Nebraska Ice and Locker Service, Falls City.
North Platte Packing, Inc., North Platte.
Osborn's I. G. A. Store, Hay Springs.
*Red Cloud Packing Co., Red Cloud.
Roode Packing Co., Inc., Fairbury.
Roman Packing Co., Norfolk.
Sanitary Market, Mitchell.
Saum Lockers, Davenport.
Shald Market, Gordon.
Standard Market, Hebron.
Sterling Packing Co., Sidney.
Superior Locker, Superior.
Swayze Packing Co., S. E., Edison.
*Vanderheiden's Slaughter House, Valentine.

NEVADA

Bybee Slaughtering Establishments, M. B., Ely.
Dangberg Meat Co., Gardnerville.
*Hecks Market, Fallon.
*Horlacher Meat Co., Fallon.
*Mori Slaughter House, Fallon.
*People's Packing Co., Yerlington.
*Ruby Mountain Packing Co., Elko.

NEW HAMPSHIRE

Edwards, George, Walpole.
French Brothers Beef Co., Inc., Hooksett.
Hoffman, Fred, Hooksett.
Langeller, Lucien, Rochester.
Satzow, Samuel, Claremont.
Sherman's Market, Grantham.
Taylor, George, Dover.
Tri-City Beef and Pork Co., Somersworth.

NEW JERSEY

Brummel, Louis, Trenton.
Carteret Abattoir, Carteret.
Dealaman, George, Plainfield.
Delaware Packing Co., Trenton.
De Vries, John, Newton.
Dielmann, Fritz, Oak Ridge.
Earrusso, Joseph, Whippany.
Fisher Brothers, Bridgeton.
Gervasoni Packing, Bordentown.
Haskell Packing Co., Haskell.
Mareska's, Stockton.
Marval Packing House, Trenton.
Monmouth County Abattoir, Asbury Park.
Moonlight Hog Farms, Flemington.
Mundy, Harry and Sons, Bound Brook.
Rome, Clarence, Sussex.

Russo Packing Co., Bound Brook.
Salem Packing Co., Salem.
Schein, Inc., Hopelawn.
Singer, Philip L., Sussex.
Tindik Son's, John, Trenton.
Trenton Packing Co., Trenton.
Vineland Dressed Beef Co., Vineland.
Wagner Provision Co., Gibbstown.
Young, A. A., Phillipsburg.

NEW MEXICO

Addington Locker Plant, Clayton.
Aztec Locker Plant, Aztec.
Belen Locker and Slaughter Pen, Belen.
Ben's Slaughterhouse, Las Vegas.
Dean Wholesale Meat Co., T. M., Hobbs.
Deming Packing Co., Deming.
Dick's Slaughtering House, Clovis.
Hatch Packing Co., Portales.
Houk's Custom Slaughter Service, Clovis.
Joe's Packing Co., Raton.
Las Cruces Meat Co., Las Cruces.
New Mexico Packing Co., Inc., Carlsbad.
Oliver Packing Co., Raton.
Palmer Packing Co., Albuquerque.
Rancho Packing Co., Clovis.
Rayjax Packing Co., Fort Sumner.
Rollins Packing Co., Inc., Clovis.
66 Packing Co., Tucumcari.
Schwartzman Packing Co., Albuquerque.
Snell Packing Co., Inc., Clovis.
Starkey Packing Co., Clovis.
Stephens Packing Co., Albuquerque.
Taos Locker Plant, Inc., Taos.
Tularosa Packing Co., Tularosa.
Valley Packing Co., Fairview.
Valley Packing Co., Farmington.
Valley Packing House, Albuquerque.
Williams Slaughter House, Socorro.
Wofford Slaughtering Establishment, Santa Fe.
Zero Locker Plant, Portales.

NEW YORK

Acer, Inc., Buffalo.
Ahl, Charles F., Warsaw.
Apthorpe, Charles F., Jamestown.
Aronson and Milton Aronson, Jerome, Queensbury.
Aronson, William, Glens Falls.
Aust, A. J., Otto.
Baldwin Slaughterhouse, Orval W., Ripley.
Baxter's Boneless Beef, Buffalo.
Behr, Moritz, Catskill.
Bernacki Bros., Depew.
Bertch's Slaughter House and Meat Processing Plant, Almond.
Booth, Harry L., Freedom Plains.
Brennan, P., Buffalo.
C. J. D. Packing Co., Inc., Buffalo.
Conti Packing Co., Henrietta.
Cuomo, Neil, Schenectady.
Dembo's, Troy.
DeVita, James and Gino, Endicott.
Dover Plains Packing, Dover Plains.
Eckman, Albert M., Frewsburg.
F. K. and Son, Inc., Buffalo.
Fairbank Farms, Ashville.
Farber, Murray, Goshen.
Fargnoli, Sam and John, Endicott.
Ford, E. D., West Valley.
Frank Bros., Poughkeepsie.
Goebel Packing Co., Buffalo.
Goehen Packing Co., Howells.
Hans, Edward, Buffalo.
Harrison, W.W., Corning.
Hokan's Slaughterhouse, Angola.
Kamery, John Wendell, Olean.
Kingston Beef Corp., Kingston.
Kittle, Nicholas A., Hudson.
Klinck Brothers, Inc., Buffalo.
Klinck and Schaller, Inc., Buffalo.
Kross-Ahl, West Albany.
Legters Bros., Clymer.
Liepshutz Market, Hudson.
Ludington Bros., Maine.
Maple Brook Slaughterhouse, Binghamton.
Maple Grove Farms, Syracuse.
Marbot, Frank, Troy.
McGuire, Frank B., Granville.
Medina Provision Co., Inc., Medina.
Mendel & Co., M., Norwich.
Mest Packing Co., William G., Strykersville.
Morandi Packing Co., Hillsdale.
Newburgh Packing Co., Newburgh.
Neckers, Norman C., Clymer.
Owsowitz, Maurice and Son, Buffalo.
Parker's Slaughter House, Schaghticoke.
Polyniak, Victoria, Newark Valley.
Ralph Packing Co., Inc., East Syracuse.
Rausch and Son, Inc., Frank, Buffalo.
Rosenblum Bros., Cohoes.
Scott, Herbert R., Brocton.
Selected Meat Packers, Inc., Schenectady.
Shappee and Sheive, Pine City.
Shoemakers Market, Kanona.
Smith, Bernard G., Troy.
Smith, Harold J., Pine Plains.
Syracuse Packing and Provision Co., Camillus.
Staffeld and Sons, R. W., Buffalo.
Sussman, Louis, Cohoes.
Valentine's Meat Market, Kennedy.
Waldenmaier and Sons, George, Feura Bush.
Wallens Byrne Packing Corp., Buffalo.
Ziff, Herbert M., Elmira.

NORTH CAROLINA

*Aberdeen Packing Co., Aberdeen.
Asheville Packing Co., West Asheville.
Boyd and Sons, John, Gastonia.
Bulluck, Inc., Z. B., Rocky Mount.
Caldwell Packing Co., Cramerton.
*Carolina Packers, Smithfield.
Charlotte Abattoir, Charlotte.
Circle "F" Abattoir, Lexington.
Cook's Packing Co., Inc., Concord.
*Curtis Packing Co., Greensboro.
Draughon's Abattoir, Fayetteville.
Edward's Abattoir, Leaksville.
*Elliott Packing Co., Inc., Goldsboro.
Frittz Packing Co., Inc., Lexington.
Greenville Packing Co., Greenville.
*Hickory Packing Co., Hickory.
*Jones Abattoir Co., Garner.
Land's Slaughterhouse, Spray.
Martin's Abattoir, Godwin.
McDaniel's Abattoir, Fayetteville.
Mecklenburg Abattoir, Charlotte.
Moricle Abattoir, Reidsville.
Mount Airy Abattoir, Mount Airy.
*New Bern Provision Co., New Bern.
Nivens, E. T., Charlotte.
Norris Packing Co., Shelby.
*Piedmont Packing Co., Hillsboro.
Randolph Packing Co., Asheboro.
Skeen Packing Co., High Point.
Statesville Packing Co., Inc., Statesville.
Stewart's Abattoir, Mount Airy.
Whicker Packing Co., William A., Mocksville.
White Packing Co., Inc., Salisbury.
Yadkin Valley Packers, Inc., Elkin.

NORTH DAKOTA

Bean, Lloyd, Williston.
Delaney Packing Co., Williston.
Williston Meat Co., Williston.

OHIO

Allen Brothers Food Market, Manchester.
Arnett's Packing House, Laura.
Barnes Provision, Inc., Alliance.
Berry S. P., Winchester.
Blanton and Thatcher, West Union.
Boli and Son, John, Ironton.
Braun Bros. Packing Co., Troy.
Brewster Slaughtering Establishment, Mason.
Buchy Packing Co., Charles G., Greenville.
Bussard Slaughter House, Germantown.
Busse and Sons, L. W., Fort Laramie.
Canton Provision Co., Canton.
*Ciralsky Packing Co., Toledo.
*Copley Packing Co., Copley.
Country Pork House, Cincinnati.
Crystal Slaughtering Establishment, Martin's Ferry.
*Davies, David, Inc. (616 West Mound St.), Columbus.
*Davies, David, Inc. (1340 Jackson Pike), Columbus.
*Davies, David, Inc., Zanesville.
Dayton Packing Co., Dayton.
De Luca Slaughtering Establishment, Rayland.
DiCillo and Sons, Inc., A., Cleveland.
Donelson Packing Co., Carey.
*Duma Packing Co., Clinton.
*Eckert Packing Co., Defiance.
Eckert Packing Co., Newark.
Egley's Slaughtering Establishment, Convoy.
*Evans Packing Co., Gallipolis.
Fairmount Provision Co., Alliance.
Falter, Herman Packing Co., Columbus.
Fehers Slaughtering Establishment, Martins Ferry.
Fidel Bros. Packing Co., Unionville.
Findlay Provision Co., Findlay.
Fink and Heine Co., Springfield.
Finley Packing Plant, Inc., McConnelsville.
Fletchner Bros. Packing Co., Inc., Fostoria.
Frame Slaughtering Establishment, Myron, Manchester.
Focke's Sons, William, Dayton.
Gem Packing Co., Dayton.
Gils, K. C., Cleveland.
Goldsberry Slaughtering Establishment, Ripley.
*Hall Brothers, Inc., Olmsted Falls.
Hasselback and Son, E. E., Fremont.
Henderson Meats, Waterloo.
*Henry Packing Co., Lime City.
Herberth & Son, W. J., Cincinnati.
Hermann, C., and Son Slaughtering Establishment, Portsmouth.
Hornung Packing Plant, Hamilton.
Hunt Meat Packer, Grove City.
Ideal Provision, Martins Ferry.
Jacoby, Hal C., West Unity.
Kent Provision Co., Inc., Kent.
Krugh's Slaughtering Establishment, Wren.
Liber and Co., John, Alliance.
Lloyd Packing Co., Youngstown.
Lorain Elyria Packing Co., Elyria.
Mahan Slaughtering Establishment, Bristolville.
*Marks and Sons, Inc., Cleveland.
Martin Farm Slaughter House, Fremont.
Matthews, J. H., and Son, Sardinia.
Mayer Meat Co., Middletown.
Meloni's Meat, Kinsman.
Montenery Provision, Tiltonsville.
Myers and Son, Archbold.
New Cooperative Co., Dillonvale.
Nosse Packing, Joe, Middlefield.
Ohio Packing Co., Columbus.
*Pacer Packing Co., Toledo.
Parkman Packing Co., Parkman.
Piper and Son Provision, Dorset.
Pride of Lima Provision Co., Lima.
Rittenberger Bros., Zanesville.
Rockford Locker Service, Rockford.
Romer Slaughter House, Coldwater.
Ross Abattoir Co., Springfield.
*Routh Packing Co., Tiffin.
*Sandusky Dressed Beef, Sandusky.
*Schmidt Provision Co., Toledo.
Sear's Meat Market, Greenville.
Seaman Sons, A. C., Versailles.
Siekkinen, Harold W., Williamsfield.
Sigi Samuel Slaughter House, Jefferson.
Stehlin and Sons, John, Cincinnati.
Sturgis Packing Co., Kenton.
Sugardale Provision Co., Canton.
Superior Provision Co., Massillon.
Suter's Meat Market, Greenville.
*Tanks Meats, Elmore.
Teufel Co., Howard A., Cleveland.
Vonder Haar, A. F., Fort Recovery.
Walter and Sons, Wapakoneta.
Webb Beef Co., Cleveland.
Weber Packing Co., Marietta.
Werling, Eleanor, Slaughtering Establishment, Burkettsville.
Williams Slaughtering Establishment, B. J., Pierpont.
Williman's Slaughtering Establishment, Van Wert.
Winner Sons, Robert F., Osgood.

OKLAHOMA

*Akins and Fincannon, Sand Springs.
Antler's Slaughter House, Antlers.
B and B Packing Co., Inc., Oklahoma City.
*Banfield Frozen Food Co., Tulsa.
Banfield Packing Co., Enid.
Big Pasture Packing Co., Grandfield.
Braden's Slaughtering Establishment, Ponca City.
*Brooks Packing Co., Tulsa.
*Brown's Slaughtering Establishment, Joe S., Tulsa.
Butcher Slaughtering Establishment, Bartlesville.
Butcher Packing Co., W. H., Oklahoma City.
*Canadien Valley Slaughtering Establishment, Oklahoma City.
*Central Packing Co., Muskogee.
City Packing Co., Shawnee.
Clarks Meats Slaughtering Establishment, Perry.
Cleveland Lockers, Cleveland.
Coly's, H. H., Boise City.
*Cones Packing Co., Miami.
*Cornett Slaughtering Establishment, Oklahoma City.
Crane, Ralph W., Slaughtering Establishment, Perkins.
Crosby and Crosby Slaughtering Establishment, Wright City.
Cushing Packing and Provision Co., Cushing.
*Custom Slaughtering, Inc., Tulsa.
*Daack Packing Co., Ponca City.
Douglas-Pierce Co., Norman.
Dudley Tucker Slaughter, Durant.
Elkins Market, Waurika.
*Enid Packing Co., Enid.
Fairfax Packing Co., Fairfax.
Fairview Packing Plant, Fairview.
Fraser Packing Co., Aline.
Fraser Wholesale Meat Co., Ardmore.
Germans Slaughtering Establishment, Rosston.
Grant, R. O., Slaughtering Establishment, Idabel.
Groceteria Slaughtering Establishment, Texhoma.
Halstead Slaughtering Establishment, Fairview.
Hamilton Slaughtering Establishment, Midford.
Harris Meat and Produce Co., Oklahoma City.
Harrison's Meat House, Oklahoma City.
Hilburn Meat Market, Madill.
Hominy Food Lockers, Hominy.
*Husband Brothers Slaughtering Establishment, Oklahoma City.
Hutchinson Slaughtering Establishment, W. R., Waynoka.
Jackson Slaughtering Establishment, Earl, Pawhuska.
Jones Market, Madill.
Kay Packing Co., Ponca City.
*Lawton Meat Supply, Lawton.
*Little Dixie Packing Co., McAlester.
Manschreck Wholesale Meats, Krebs.
McCreary Packing Co., Enid.
*Miller Packing Co., Sapulpa.
Miller Slaughtering Establishment, Elmer, Covington.
Montgomery Bros., Hugo.
Morris Slaughtering Establishment, J. C., Stilwell.
*Oklahoma Packing Co., Oklahoma City.
*Okmulgee Packing Co., Okmulgee.
*O'Brien Meat Co., Tulsa.
*O. K. Packing Co., Tecumseh.
Panhandle A & M College, Goodwell.
Puckett Packing Co., Sayre.
*Ralph's Packing Company, Perkins.
*Reeves Packing Co., W. E., Ada.
Riber Custom Slaughtering Establishment, Hominy.
Ridley Packing Co., Duncan.
*Santa Fe Packing Co., Muskogee.
*Shalloup Slaughtering Establishment, Alva.
*Southeastern Slaughtering Establishment No. 91, Durant.
Thomas, Earl C., Moore.
Tri-State Super Market, Guymon.
*Tulsa Beef and Provision Co., Tulsa.
Turner Bros., Nowata.
Turner Slaughtering Establishment, C. L., Moore.
*Turvey, Inc., Oklahoma City.
*Turvey Packing Co., Blackwell.
Van Cleve, C. L., Tulsa.
Ward Slaughter Establishment, John, Woodward.
Whitten Slaughter House, Broken Bow.
Whittet, Billy W., Dacoma.
*Wickham Packing Co., Ada.
*Wickham Packing Co., Sapulpa.
Wiley Brewer Slaughtering Establishment, Selling.
Wolfe Processing Plant, Perry.
Woods, Lloyd, Westville.
Woodward Packing Co., Woodward.

OREGON

Alpine Meat Co., Grants Pass.
*Arrow Meat Co., Cornelius.
*Associated Meat Packers, Portland.
Bevins Packing Co., Madras.
Bond Bros., Lakeview.
Boston Beef House, Ontario.
Boyer Meat, Roseburg.
*Bruce Packing Co., Sublimity.
Cannon Meat Co., R. C., Salem.
Cedar Point Packing Co., Coquille.
Cinder Butte Packing Co., Redmond.
Clover Leaf Packing Co., Drain.
Erdman Packing Co., Bandon.
Farmers Packing Co., Medford.
Gardner Midway Meats, Donald R., Medford.
Garrison, R. O., Lebanon.
H and M Meat Co., Union.
Hill Meat Co., Pendleton.
*Hopkin's Wholesale Meats, Nyssa.
Independent Meat Co., Ken and Thomas, Ashland.
Jacobmuhlen, John, Cornelius.
Lewis Bros. Secion Lime and Kine Road, Gresham.
Eastside Abattoir, Ashland.
Medford Meat Co., Medford.
Merrill Meat Co., Merrill.
*Midway Meat Co., Medford.
Montgomery's Killing Plant, Silverton.
*Mount Angel Meat Co., Mount Angel.
Myers Packing Co., Bend.
Myrtle Packing Co., Coquille.
*Nebergall Meat Co., Inc., D. E., Albany.
*Pioneer Meat Packers, Ontario.
*Silver Falls Packing Co., Portland.
Steen Bros., Albany.
*T. P. Packing Co., Klamath Falls.
The Dalles City Pack, The Dalles.
Troutman's Market, North Plains.
Van Dine Meat Co., Myrtle Creek.
Western Meats, Milton-Freewater.
Yocum Meat Co., Coos Bay.

PENNSYLVANIA

Adams, Paul E., Jonestown.
Ahrens and Sons, Inc., E. F., York.
Alba, Saverio, and William, Norristown.
Albert Packing Co., Washington.
Alfery's Sausage Co., Greensburg.
Alinikoff's and Son, Harry, Wilkes-Barre.
Aliquippa Packing Co., Aliquippa.
Anspach, Charles C., Womelsdorf.
Anderson, Roy, East Berlin.
Aquilante, Congens, Berwyn.
Attig Bros., Schrewsbury.
Baker's Meat Market, Biglerville.
Baker, Luther, Millville.
Balderston Bros., Newton.
Baringer, Wilmer, Richlandtown.
Barnes, T. William, Waynesburg.
Baumgardner Packing Co., Finleyville.
Beatty Farm Meat Products, Turtle Creek.
Beaver Valley Packing Co., New Brighton.
Berks Welfare Farms, West Leesport.
Berwick Packing Co., Berwick.
Bethlehem Packing Co., Bethlehem.
Biderman and Moss, Inc., Philadelphia.
Bilski, Joseph, Waterford.
Bingman Packing Co., Berlin.
Bloomfield Packing Co., Pittsburgh.
Bonaccurso and Sons, S., Philadelphia.
Bongiorni Bros., Slovan.
Bonanno, Jake, Germantown.
Border, Carlos R., Dalmatia.
Boose, H. Melvin, Manheim.
Bovalina Packing Co., Inc., Slovan.
Bowders and Son, H. C., Waynesboro.
Bowman, Mark, Hegins.
Boyer, Kenneth L., Klingerstown.
Brand, William, Pipersville.
Brann's Slaughtering House, Canton.
Breauchy, Harry H., Sharon.
Brenzovich's Meat Market, Jefferson.
Brillhart's Meat Market, Hanover.
Bristol Beef Co., Bristol.
Brown Brothers and Sons, Inc., Fairview.
Brown's Slaughter House, Smethport.
Brown, Victor, Port Allegany.
Bryan, John J., Dushore.
Bubbenmoyer, C. W., Bernville.
Bull Run Packing Co., Homestead.
Burkee's Food Market, McSherrytown.
Burkholder, Eugene, Garrett.
Burkholder Bros., Lebanon.
Bush, G. D., Jamestown.
Butler Packing Co., Butler.
C and J Packing Company, Vandergrift.
Cappuccio, Philadelphia.
Carpenter Packing Co., Rex, Townville.
Carpenter, Simon T., Sheridan.
Cary, William L., Harrison Valley.
Castle Provision Co., Darraugh.
Charles Meat Market, Liverpool.
Check, Stephen, Pittsburgh.
Clark Packing Co., Paxinos.
Clark, William A., Homer City.
Clapper, Dewey, Dillsburg.
Coffaro, Frank P., Sugargrove.
Cohick's Meat Market, Salladasburg.
Cowburn, Clark G., Ulysses.
Crissman Bros., Castanea.
Cunningham, R. P., Indiana.
Cunningham Locker & Slaughterhouse, Sand Patch.
Daily and Sons, Vanderbilt.
Daisyfield Packing Co., Daisytown.
Danko, Matthew, Latrobe.
Darling, Lester W., La Plume.
Davidek, M. J., Breckenridge.
De Franco, Nick, Bangor.
De Franco, Philip, North Bangor.
Delfrate Packing Co., Slovan.
Delta Farm Products Co., Delta.
Denholm Packing Co., Pittsburgh.
Detwiler's Abattoir, Pottstown.
Devault Packing Co., Devault.
Ditzler Brothers Meat Market, Pine Grove.
Donnie's Food Market, East Berlin.
Dorshimer, David E., Brodheadsville.
Dressler, Norman, Exeter.
Dysinger and Son, B. C., Mifflintown.
East Carson Packing Co., Pittsburgh.
Ebling's Meat Market, Myerstown.
Elizabethville Abattoir, Elizabethville.
Engle Bros., Markleysburg.
Engle, Russell S., East Greenville.
Eremic, George N., Monroeville.
Esposito, Attilio, Philadelphia.
Falk, Karl, Erie.
Feder Co., M., Allentown.
Fehl Co., C. J., Blooming Glen.
Fetterolf, Joseph I., Hegins.
Fischer and Sons, Inc., J. Fred, York.
Fisher, Harry D., Lewisburg.
Fisher, Ralph I., Yellow House.
Fisher, W. J., Winfield.
Flagler, John, Raubsville.
Fox, Augustus, Soudertown.
Fox, Henry J., Mertztown.
Freed's Store, Gilbertsville.
Froehlich Packing Co., Johnstown.
Frigid-Freeze Lockers, Riegelsville.
Gajan, John, Coal Center.
Galvanek, Edward and Joseph, Freeport.
Gartner-Harf, Waterford.
Gashel, Lee, Claysville.
Gassert, John A., Myerstown.
Gehman, Warren B., Morwood.
Gensemer's, Bloomsburg.
Gentzler, Wilfert N., Dover.
George, Nathan T., Orefield.

Gertner, Joseph and Stephen, Easton.
Ginter, Gervase, St. Mary's.
Ginter, Urban, St. Mary's.
Giunta and Sons, Joseph L., Philadelphia.
Glick Bros., Packing Co., Mt. Pleasant.
Godfrey Bros., Felton.
Godfrey, M. Melvin, York.
Godshall, Marvin K., Telford.
Goetz, Robert M., Greencastle.
Goldberg Provision Co., Greensburg.
Good, Incorporated, Carl, Denver.
Good's Market, Quincy.
Gourley, James P., New Bethlehem.
Grande Brother Packing, Farrell.
Grecek, Frank, Portage.
Green and Son, A., Berwick.
Great Valley Meat Market, Howellville.
Green Valley Packing Co., Claysville.
Greenawalt and Keck, Lancaster.
Greenville Packing Co., Greenville.
Grettler's Market, Girard.
Grissinger Bros., McConnellsburg.
Gross Meats, Eureka.
Gum, Russell M., Pen Argyl.
Gurgacz, Mike P., New Castle.
Haas, Raymond, Weissport (East).
Hager's Meat Market, Quakertown.
Hahn Packing Co., Edward, Johnstown.
Halbach Bros., Erie.
Hale and Son, R. B., Halifax.
Hanover Provision Co., Hanover.
Hartman, Paul E., New Tripoli.
Hawkeye Meat Market, Scottdale.
Heckel and Ferlan, Pittsburgh.
Heffner's Meat Market, Schuylkill Haven.
Heim, Ralph E., Waynesboro.
Heinnickel, Sylvester and Alquin, Crabtree.
Herring, Paul A., Pitman.
Hershey Estates Abattoir, Hershey.
Hervitz Packing Co., Harrisburg.
Hess Meats, Bob G., Winfield.
*Hickory Packing Co., Scranton.
Hill-n-Dale Farm Meat Co., Dowington.
Hilltop Beef and Provision Co., Loyalhanna.
Hippey, Samuel W., Willow Street.
Hirsch, William R., Kossuth.
Hoffer, Frank L., Carlisle.
Hoffman Brothers, York.
Hoffman Estate, J. E., Williamstown.
Hollinger, J. Lloyd, Lancaster.
Hollinger Meat Products, Inc., Mechanicsburg.
Homestead Provision and Packing Co., Pittsburgh.
Honsaker Bros., Roaring Springs.
Hoovers Meat Market, Hanover.
Hooversville Supply Co., Hooversville.
Horne's Slaughterhouse, Marianna.
Hostoffer and Sons, E. B., Mount Pleasant.
Huffman, Ralph L., Latrobe.
Hunsberger, Joseph J., Royersford.
Hutchison's Custom Butchering, Hydetown.
Hynes Abattoir, O. J., Cedars.
Imgrund, D. E., New Baltimore.
Imler, Roy S., Altoona.
Imperial Packing Co., Imperial.
Innerst Bros., Dallastown.
Ishman, Robert J., Worthington.
J. T. Provision Co., McKeesport.
Janke's Slaughtering Establishment, Winburne.
Johnson Packing Co., Emeigh.
Joseph Packing Co., Connellsville.
Juniata Packing Co., Tyrone.
Keefer, C. F., Mercersburg.
Keeney, H. Z., Hungerford.
Kelso, C. W., Hickory.
Kelso, Fred E., Brookville.
Kesselring, J. R., Greencastle.
*Kessler, Inc., Lemoyne.
Kipp, Harvey A., Bethlehem.
Kirkpatrick's Meat Market, Scotland.
Kline Bros., Hollidaysburg.
Kling, Arthur C., Landisburg.
Knapp and Son, Lee, Albion.
Knepp, Albert A., Mifflintown.
Knight, Emerson, Penryn.
Kohn and Hendler, Philadelphia.
Kolansky, Abe, Wymart.
Kolb, Samuel, Spring City.
Kottcamp, Homer S., York.
Kovacevic Brothers, Sewickley.
Kratzer, Beulah M., Selinsgrove.
Kreisl Bros., Hazleton.
*Kreisl Brothers, Inc., Shamokin.
Kressler, Herbert H., Quakertown.
Kudasik, Andy, Central City.
Kunzler and Co., Inc., Lancaster.
Landis, Abram A., Harleysville.
Landis Brothers Slaughtering Establishment, Skippack.
Landis, Edgar M., Franconia.
Landis, T. M., Mainland.
Lavella, Vector F., Kersey.
Lawrence and Son, H. M., Albion.
Leali Bros. Meats, Sharon.
Lesher and Sons, Marilyn L., Elizabethville.
Lesnett's Green Top Farm, Greenville.
Lepidi and Sons, Inc., M., Jeannette.
Levchik, Mike, Hooversville.
Lichliter and Co., J. C., Salisbury.
Liddiard, Richard W., South Waverly.
Livezey, Merill, Sugar Grove.
Little and Son, L. D., Hanover.
Locustdale Packing Co., Locustdale.
Lonczynski, Thaddeus, Hazleton.
Lorditch, George J., Johnstown.
Loutsion Packing Co., Cannonsburg.
Lower's Store, Biglerville.
Luckenbill, Curtis T., Kutztown.
Lukon Meats, Burgettstown.
Lux, Joseph H., Jeannette.
Madrigale, Frank, Bristol.
Magdovitz Packing Co., Connellsville.
Mamula, Rudolph, Aliquippa.
Manbeck, Lloyd N., Bernville.
Manieri, Inc., Philadelphia.
Markle, Clair R., Hanover.
Martin, Charles G. and Leon, East Earl.
Martin, Gerald, Chambersburg.
Martin, Ezra W., Lancaster.
Martin, John F., Stevens.
Marusco, Camilo, Boothwyn.
Marvin, Russell T., Covington.
Martocci, Anthony, Roseto.
McCall Packing Co., Rimersburg.
McClure Locker Plant, McClure.
McGee, G. Fred, Connellsville.
McLoughlin and Fickes, Fayetteville.
Meadow Valley Abattoir, Inc., Gettysburg.
*Medford's Inc., Chester.
Melvin, Arthur G., Greenville.
Meoli, Peter, Berwyn.
Milliron, Jess A., Cloe.
Miller, E. R., Hanover.
Miller, Eugene W., Knox.
Mitman, Vernon K., Nazareth.
Moccio and Son, Angelo J., Allentown.
Moore, Amos, Sr., Montgomeryville.
Mount Rose Food Market, York.
Mousourakis Packing Co., Daisytown.
Mowry and McKean Super Market, Sandy Lake.
Moyer Bros., Reinholds.
Moyer, Company, C. D., Silverdale.
Moyer, Maurice J., Plowville.
Moxham Packing Co., Johnstown.
Musser Co., Clayton, Mohnton.
Mutzabaughs Meat Market, Duncannon.
Myers Bros., Spring Mills.
Myers Meat Market, Codorus.
Nace, Melvin M., Hanover.
Nell, C. R. and W. M., East Berlin.
New Castle Packing Co., New Castle.
New Holland Meat Market, New Holland.
Newman, Raymond H., Hanover.
Newman's Market, Fairfield.
Northside Packing Co., Pittsburgh.
Northup, Gerry C., North East.
Olijnyk, M., and Basilius, Harrison City.
Oswald and Hess Co., Pittsburgh.
P. S. Meat Co., Inc., Philadelphia.
Palgon Bros., Tarentum.
Palumbo, Dominic, Du Bois.
Patterson's Meat Market, Littlestown.
Pennsylvania State University, University Park.
Peluso, John M., New Castle.
People's Meat Market, Brackenridge.
Peters Brothers Meat Market, Lenhartsville.
Pettello, Charles A., Keiser.
Petruzzi's Abattoir, Drums.
Pezzner Bros., Ashley.
Pieniazek, Walter, Waterford.
Pierson, Leslie, Lewisville.
Pleasant Unity Packing Co., Pleasant Unity.
Potteiger, R. L., New Kingston.
Price, B. J., Chester.
Prim Packing Co., McDonald.
Princz, August, Mars.
Pudliner, Charles John, Jr., Johnstown.
Putnak, Robert L., Monongahela.
Quality Meat Market, Johnsonburg.
Rebuck, J. E., Rebuck.
Reed, Jay, Latrobe.
Rehrig Slaugher House, Ashfield.
Reichelderfer and Sons, E. H., East Greenville.
Reichert, Melvin N., Bechtelsville.
Reimold, Ed, Transfer.
Reitz, Maynard M., Winfield.
Reliable Provision Co., Scranton.
Rendulic, Frank D., McKeesport.
Rex Slaughter House, Ashfield.
Rhodes, Glen J., Martinsburg.
Rich Valley Cattle Co., Emporium.
Ritter, Charles D., Boyertown.
Riverside Meat Packing Co., New Castle.
Robie Meat Packing, Inc., Erie.
Rockhill's Meat Processing and Sales, Greenville.
Rook, B. A., Milroy.
Rosen, Max, Pittsburgh.
Rosen, Meyer, Creighton.
Roth and Son, C. R., Shiremanstown.
Roth, Ivan J., Shiremanstown.
Rothermel, Wellington A., Danville.
Rouman, Abram, Lansdale.
Rudy, Harry E., Landisville.
Rupert, Edgar B., Sr., Chambersburg.
Russic, M. C., Hooversville.
Sabatasse Packing Co., Slovan.
Salsburg's Abattoir, Shillington.
Shaffer, Arthur L., New Cumberland.
Schrickram, Franklin, Port Clinton.
Schlegal, Irving J., Hegins.
Shaffer, Fred, Hooversville.
*Shamokin Packing Co., Shamokin.
Shaw Bros., Newry.
Shively Bros., Mifflinburg.
Shober, Roy L., Denver.
Sicilia, Frank, New Kensington.
Silver Lake Packing Co., Dunmore.
Silverberg Meats, Bradford.
Slagle's Packing House, Kittanning.
Smalstig, Fred, Pittsburgh.
Smelko Bros., Mt. Pleasant.
Smith, Wilbur, Blairsville.
Smith's Quality Super Market, Glen Rock.
Smithgall and Ging, Trout Run.
Snowberger, Bros., East Freedom.
Snyder, Lloyd J., Fleetwood.
Somerset Packing Co., Bentleyville.
Spidle's Meat Market, Lancaster.
Spitzler's Meat Products, Inc., Uniontown.
Sprecher, Chester A., Fleetwood.
*Spungin's Abattoir, Inc., Harrisburg.
Stairs, James, Confluence.
Stambaugh's Food Market, Spring Grove.
Starry & Shultz, Carlisle.
Steely, Harry N., Lewisberry.
Stehle, Julius, Eightyfour.
Steinkirchner, George, Jennerstown.
Stepniak, William, Hop Bottom.
Sterner's Grocery, Inc., Hanover.
Stockdale, Paul and Eugene, Dayton.
Stockton's Wholesale Meats, Columbus.
Strunk Bros., Hereford.
Stuebgen's Meat Market, Saxonburg.
Swan's Super Market, Shade Gap.
Taddio, Fred, Monaca.
*Taylor Company, J. V., Wyalusing.
Tavernini, Alex, Portage.
Thoma, Paul, Saxonburg.
Thomas and Diehl, Glen Rock.
Thompson Packing Co., Jersey Shore.
Thornton, Howard J., Erie.
Triolo Brothers Food Market, Philadelphia.
Troutman Bros., Klingerstown.
Troutman, N. S. and C. H., Freeburg.
Troy Meat Plant, Inc., South of Troy.
Union Provision and Packing Co., Pittsburgh.

United Home Dressed Meat Co., Altoona.
Utz, Raymond R., Hanover.
Varano-Troutman, Kulpmont.
Venesia, Carl, Conshohocken.
Venezia, Joseph, Norristown.
Venuto, Joseph, Philadelphia.
Waddington, Howard C., New Castle.
Waddington, R. L., Wampum.
Walborn, R. A., Hershey.
Waltman, Donald E., Allenwood.
War, Prosper, Conshohocken.
Warrington Packing Co., Inc., Chalfont.
Waynesburg Packing Co., Waynesburg.
Weaver Brothers, Wellsville.
Wehry, William S., Klingerstown.
Weise, R. A., Hyndman.
Weiss, Milton, Large.
Weiss Packing Co., Donora.
*Weller and Sons, Frank, Plymouth Meeting.
Wells Slaughtering Establishment, Ambrose, Punxsutawney.
Wenrich, Earl S., Sinking Spring.
Werry, H. W., Scottdale.
West Apollo Packing House, West Apollo.
Western Provision, Inc., Erie.
Weyandt, Hughey, Jr., Claysburg.
Wike, Mamie S., Robesonia.
Wilcox, Gilbert, Milan.
Wildasin's Meat Market, Hanover.
*Wilkes-Barre Abattoir, Wilkes-Barre.
*Williamson's, G.W., Turbotville.
Willrich and Son, Thomas B., Edinboro.
Winbrook Farms, Paul-Winnick, New Castle.
Winner Packing Co., Lock Haven.
Winters, Walter W., Mahoningtown.
Wisnieski, Steve, New Castle.
Wolfe, Thomas F. and Lawrence H., Herdon.
Worthington, Warren H., Pennsdale.
Wright, Sharp B., Pombell.
Yambrovich, Steve., Sharpsville.
Yakubik, Frank, New Castle.
Yoder, Kermit C., Hollsopple.
Yoder's Meat Market, Shoemakersville.
Yoder Sons, C. M., Telford.
York Springs Meat Market, York Springs.
Yost, Fred, Newville.
Youndt, John E., Adamstown.
Youndt, Robert L., Denver.
Zeller, Alfred., Cedars.
Zitman, C. B., Mercersburg.

RHODE ISLAND

Bruno's Slaughterhouse, Westerly.
Concord Dressed Beef and Veal Co., Pawtucket.
Cory's Slaughterhouse, Tiverton.
Diamond Hill Packing Co., Cumberland.
Johnston Dressed Beef and Veal Co., Inc., Johnston.
Parrillo, Inc., Anthony, Johnston.
Rhody Trading Corp., Pawtucket.
Ricci Packing Co., J., Johnston.
Russo's Slaughterhouse, Bristol.

SOUTH CAROLINA

*Brown Packing Co., Greer.
*Carolina Abattoir, Columbia.
*Caughman's Meat Plant, Inc., Lexington.
Cheraw Packing Plant, Cheraw.
*Cherokee Packing Co., Inc., Gaffney.
Fairview Abattoir, Greenville.
Harmon Provision Co., Saluda.
*Harvin Packing Co., Sumter.
Hill Packing Co., Camden.
Hodges Sales Co., Abbeville.
Hughey's Market, Easley.
*Kimmerlins Wholesale Meat Packing Plant, Orangeburg.
Lancaster Frozen Foods, Inc., Lancaster.
Oconee Abattoir, Seneca.
*Old Fort Packing Co., Walterboro.
Rick's Meat Packers, Aiken.
*Roddey Packing Co., Inc., Columbia.
*Southland Provision Co., Orangeburg.
*Spartanburg Abattoir, Spartanburg.
*Sumter Frozen Foods, Inc., Sumter.
*Truesdale Wholesale Meat Co., West Columbia.
*Turner's Abattoir, T. M., Woodruff.

SOUTH DAKOTA

*Cimpl Packing Co., Yankton.
*Dean Packing Co., Vermillion.
Flanery Sausage Co., Milbank.
Trumbull Packing Co., Sioux Falls.

TENNESSEE

Armstrong Sausage Co., Strawberry Plains.
*Bakers Processing Co., McKenzie.
Baltz Brothers Packing Co., Elm Hill Road.
Barnett's Grocery, Huntingdon.
Beare Meat Co., Madisonville.
Bedford County Slaughterhouse, Shelbyville.
*Benton Slaughterhouse, Lewis, Hixson.
Bills Processing Plant, Dyersburg.
Bolivar Packing Plant, Bolivan.
*Bridwell Packing Co., Kingsport.
*Brundige Slaughter Plant, Martin.
*Bullo Wholesale Meats, Wade, Johnson City.
Bryson Packing Plant, Somerville.
Carey Packing Co., Morristown.
Carthage Grocery & Locker Plant, Carthage.
*Chattanooga Sausage Co., Chattanooga.
*Cleveland Provision Co., Cleveland.
Cribbs Sausage Co., Memphis.
*Dixie Sausage Co., Lebanon.
*Duck River Sausage Co., Manchester.
*Fayette Packing Co., Hickory Withe.
*Fineburg Packing Co., Memphis.
*Fletcher Brothers, Lenoir City.
Follis Slaughterhouse, Roy, Gadsden.
*Four Leaf Packing Co., Lenoir City.
Foutch Grocery & Market, Cookeville.
Glasgow's Meat Co., Dresden.
*Groce Provision Co., Fayetteville.
*Hackett's Meat Co., Carthage.
Hartsville Locker Co., Hartsville.
Hendon's Meat Market, Milan.
Herron Packing Co., Concord.
Hill's Wholesale Meats, Dayton.
Holmes Meat Market, Crossville.
Hyde, E. D., Gallatin.
*Jackson Packing Co., Jackson.
*Jacobs Packing Co., Nashville.
*John Wilson Sausage Co., Lewisburg.
*Lingo Packing Co., Jonesboro.
*Loomis Packing Co., Sweetwater.
McMinnville Meat Co., McMinnville.
Mims Frozen Foods, Ardmore.
Moore, John L., Fayetteville.
Morrissey Meat & Provision Co., Nashville.
*Morton Brothers Packing Co., Johnson City.
New 20 Packing Co., Alamo.
*Norman Packing Co., Covington.
*Parks Harris & Co., Columbia.
Penn's Meat Market, Trenton.
*Powell Wholesale Meats, Chattanooga.
*Purity Packing Co., Powell.
Savannah Process & Locker, Savannah.
*Sells and Sons, Earl, Johnson City.
Smith's Market, Gallatin.
*Smith Packing Co., Nashville.
Southern Abattoir Co., Maloneyville Road.
*Southern Provision Co., Chattanooga.
Stephens Slaughter House, Savannah.
Summer's Brothers Slaughterhouse, Hollow Rock.
*Tennessee Valley Packing Co., Inc., Columbia.
Trotinger Slaughter House, Jackson.
Wamplers Wholesale Meat, Lenoir City.
*Wells Processing Plant, Brighton.
Wilkerson Slaughterhouse, Selmer.
*Wilson Sausage Co., John, Lewisburg.

TEXAS

A.B.C. Packing Co., Wichita Falls.
Alamo Braun Beef Co., San Antonio.
*Alice Meat Co., Alice.
*Allen's Wholesale Meats, McKinney.
Amarillo Packing Co., Amarillo.
Anderson Slaughtering and Processing Plant, Sherman.
Apache Packing Co., San Antonio.
Auge Packing Co., Ed., San Antonio.
Azle Food Locker Corp., Azle.
Berryhill Packing Co., Inc., Levelland.
Big 4 Packing Co., Perryton.
*Braun, George, Packing Co., San Antonio.
Brown's Slaughter House, Annona.
Burlison Packing Co., Wichita Falls.
Burton Bros. Public Abattoir, Houston.
Cash Bros. Packing Co., Inc., Dallas.
Central Packing Co., Wichita.
Chief Packing Co., Quanah.
*City Custom Packing, Inc., Houston.
Collins Packing Co., Morton.
Columbia Packing Co., Dallas.
*Crow Packing Co., Pecos.
*Dallas City Packing Co., Dallas.
*Dixon Packing Co., Inc., Houston.
*Ehrdsman Bros. Packing Co., Plainview.
Estes Bros. Packing Co., Fort Worth.
Floyd Locker, Spearman.
*Freedman Packing Co., Houston.
Gee and Gafford Slaughter House, Phillips.
Glover Packing Co. of Amarillo, Amarillo.
Golden Spread Packing Co., Amarillo.
Graham Packing Co., Graham.
*H and R Meat Co., Vernon.
Haley's Food Locker, Crowley.
Hereford Locker, Hereford.
Hereford Meat Co., Hereford.
*High Grade Packing Co., Inc., Galveston.
Highland Packers, Inc., Booker.
Jackson Wholesale Meats, O. B., Plainview.
Jefferson Packing Co., Beaumont.
Lamesa Meat Co., Lamesa.
Lubbock Packing Co., Lubbock.
*Montes Packing Co., El Paso.
Nemecek Brothers Slaughtering Establishment, West.
*Newsom Packing Co., Mount Vernon.
P and H Packing Co., Dallas.
*P and S Meat Co., Texarkana.
Pace Packing Co., Inc., Sweetwater.
Packing House Market, Orange.
Panhandle Packing Co., Inc., Pampa.
*Pen Meat Packers, McKinney.
Perryton Packing Co., Perryton.
Pickering Abattoir (P and S Meats), Texarkana.
Pinkney Packing Co., Inc., Amarillo.
Pitner and Hensley, Denton.
Plains Beef Co., Amarillo.
Plains Beef Co., Borger.
*Pratt Packing Co., Inc., Sulphur Springs.
Quality Packing Co., San Antonio.
Queen's Custom Slaughter, Bovina.
Richards Slaughter House, Bovina.
*Roberts Wholesale Beef, Van Horn.
Select Meat Co., San Antonio.
Shamrock Slaughtering Plant, Shamrock.
*Smith's Frozen Foods Plant, Atlanta.
*Southern Packing Co., Denison.
Steuernagel Packing Co., San Antonio.
Stratford Frozen Food Lockers, Stratford.
Swindell's Country Sausage Plant, Quanah.
*Texall Packing Co., Houston.
Texas Dept. of Corrections Packing Plant, Sugarland.
Texas Trail Meat Co., Hereford.
Tyler Packing Co., Tyler.
*W. R. Packing Co., Orange.
Watkins Packing Co., Dalhart.
*West Texas Packing Co., San Angelo.
Wickham Packing Co., Inc., Longview.
*Wilburn and Miller Wholesale Meats, Denison.
Wolff Meat Co., San Antonio.
*Wright Packing Co., Vernon.
Zuma Meat Co., Beaumont.

UTAH

*Blue Mountain Meats, Monticello.
*Granite Meat and Livestock Market, Murray.
*Langston Packing Co., Hurricane.
*Midvale Packing Co., Midvale.
*Ogden Dressed Meat Co., Ogden.
*Parke and Son, William C., Ogden.
*Tri-Miller Packing Co., Hyrum.

VERMONT

Becker and Kaplan's Slaughtering Establishment, Essex Junction.
Boyce Slaughtering Establishment, George, Poultnry.
Delairs Slaughtering Establishment, East Montpelier.

Gibbs Slaughtering Establishment, John A., Bradford.
Quinn Slaughtering Establishment, T. Gerald, Poultney.
Stearns Slaughter House, Rutland.

VIRGINIA

Corn Valley Packers, Inc., Danville.
*Fleet & Co., Inc., Winchester.
*Green Hill, Inc., Elliston.
*Harrell Bros., St. Brides.
Harrisonburg Wholesale Meat Co., Harrisonburg.
Isom's Slaughter House, Galax.
Lee Packing Company, Pennington Gap.
*McKenna, Inc., Lynchburg.
*Orndorff, Charles, Abattoir, Winchester.
*Perry's Abattoir, Winchester.
Rhymer and Coleman, Bristol.
Rosenbaum Slaughterhouse, Clyde, Glade Springs.
*Southern Packing Corp., Norfolk.
*Suffolk Packing Co., Inc., Suffolk.
Union Abattoir, Richmond.
*Woodstock Wholesale Meats, Woodstock.

WASHINGTON

Chambers Packing Co., Tunwater.
Colfax Meat Co., Colfax.
*Curcio Packing No. 76, Walla Walla.
DeJong Packing Co. No. 14, Lynden.
Evergreen Packing Co., Vancouver.
*Federal Meat Co., Tacoma.
Federal Packing Co., Everett.
Ferry Bros., Inc., Ferndale.
Fischer Packing Co. No. 85, Issaquah.
Florence Packing Co. No. 6, East Stanwood.
*Grandview Packing Co., Grandview.
Grays Harbor Meat Co., Hoquiam.
*Henry, James Packing No. 2, Seattle.
Johansen's Meats No. 41, Enumclaw.
*Knight, James Packing Co., No. 21, Woodinville.
Kratzig Meat Co., Bellingham.
*Lewis River Meat Co. No. 118, Woodland.
*Longview Meat Co. No. 87, Longview.
McInroy Meat Co., Wilbur.
Methow Valley Meat Co., Twisp.
*Miller Packing Co., Seattle.
Mount Vernon Meat Co., Mount Vernon.
Moses Lake Meat Co., Moses Lake.
Norman Wirta No. 67, Chehalis.
*Pacific Meat Co., Puyallup.
Pasco Meat Packers, Inc., Pasco.
*Reichert's Meat Packing Co. No. 39, Longview.
Rice Meat Packing Co. No. 103, Veradale.
Schoner Meat Co. No. 30, Silverdale.
Shelton Meat Co., Shelton.
Sierk, Hans Meat Packing Co. No. 55, Wenatchee.
Snohomish Packing Co., Snohomish.
*Valley Packing Co., Tacoma.
Weber and Ritter Co., Inc., No. 20, Sumner.
*Wenatchee Packing Co., Wenatchee.

WEST VIRGINIA

Balls Wholesale Meat Co., Kenova.
Bell Market, M. J., Blacksville.
Bluegrass Market, Inc., Lewisburg.
Camp Packing Co., Parkersburg.
Coleman, M. E., Packing Co., Oak Hill.
Crowgey Sausage Co., Kellysville.
Elm Grove Packing Co., Wheeling.
Ennis Slaughter House, Ulington.
Fancher, R. L., Shinnston.
Gamble and Son Market, Moundsville.
Gissel Packing Co., Inc., Huntington.
Hatton Wholesale Meat Co., Huntington.
Holz Sons Co., P. E., Charleston.
Independent Dressed Beef Co., Morgantown.
Jenkins, Frank M., Martinsburg.
Lambert and Beavers, Squire.
Lee's Modern Market, Osage.
Logan Packing Co., S. S., Huntington.
Mauk's Meat Market, Romney.
McCown and Sons Co., L. M., Charleston.
Miller Bros., Martinsburg.
Moriang, Henry, Inc., Parkersburg.
Niebergall and Martini, Inc., Wheeling.
Places Butchering Quarters, Martinsburg.
Smith Packing House, Parkersburg.
Smittle Packing, Paden City.
Solomon's Establishment, Frank, Fairview.
Staggs Meat Market, Burlington.
Stuart, Nate and Sons, Inc., Mt. Clare.
Thompson Bros. Packing Co., Bluefield.
Wade's Slaughter House, Mount Morris (Penna.)
Weimer Packing Co., Wheeling.
Young and Stout, Inc., Clarksburg.
Rupert Meat and Poultry Supply, Rupert.

WISCONSIN

Black Creek Meat Market, Black Creek.
Bohrer's Packing Co., Muskego.
*Born and Son, August, Milwaukee.
Bruinsma, Casey, Union Grove.
Calewarts Meat Market, Green Bay.
Clinton Packing, Inc., Clinton.
Curless Meat Plant, Brodhead.
Dobratz Meat Market, Shawano.
Falls Locker Service, Menominee Falls.
Faust and Sons, Hy, Mayville.
*Goldberg Packing Co., Wentworth.
Green Bay Packing Co., Green Bay.
Hagert's Locker, Siren.
Holland's Food and Locker, Juda.
*Jansen Meat Market, Oostburg.
Kenosha Packing Co., Kenosha.
Kress Packing Co., Inc., Waterloo.
*Luck, Inc., M., Milwaukee.
Luedke Bros. Slaughtering Establishment, Sheboygan.
Marchant, Willard J., Brussels.
Meier Slaughtering, Alfred, Monroe.
Merridith Corrigan, Saxon.
*Midwest Packing Co., Milwaukee.
*Quality Packing House, New London.
Resar Slaughtering Establishment, Julius J. and John M., Park Falls.
*Richberg and Son, N., Manitowoc.
Sawyer and Walter, East Troy.
Schaefer Sausage Co., Inc., Oshkosh.
Schams Slaughtering, John, LaCrosse.
Scheider's Meat Market, Shawano.
Seymour Locker Storage, Peshtigo.
Shubert Market, Oshkosh.
*South Side Packing Co., Milwaukee.
*Stoppenbach Sausage Co., Jefferson.
Super Locker Company, Amery.
Sykes Packing Co., Canton.
Tarlton Co., Lyman, Athelstane.
*Thielman Sausage Co., Elkhart Lake.
Thomson Packing Co., West De Pere.
Townsend-Piller Packing Co., Cumberland.
*Valley Meat Service, Appleton.
Valley Packing Co., Kaukauna.
Vans Packing House, Seymour.
Weinstein Slaughter Establishment, Superior.
*Wolf River Sausage Co., Inc., Weyauwega.

WYOMING

Dell Draney & Son Slaughtering Establishment, Afton.
K and B Cold Storage Co., Afton.
Ranchester Slaughtering Service, Ranchester.
*Rocky Mountain Packing Co., Casper.
*S and S Packing Co., Cheyenne.
Shy-Ann Packing Co., Cheyenne.
Torrington Packing Co., Inc., Torrington.
Triangle Packing Co., Worland.

The following stockyards and slaughtering establishments have been deleted from the list of specifically approved stockyards and slaughtering establishments, respectively, as follows:

Stockyards

ALABAMA

Arab Stockyard, Arab.
Early Livestock Co., Samson.
Farmers Cooperative Stockyard, Opp.
Perry County Stock Yards, Marion.
Washington County Stockyard, Chatom.

ARIZONA

Central Arizona Livestock Auction, Casa Grande.
Paynes Livestock Auction, Tucson.
Willcox Livestock Commission Co., Willcox.

ARKANSAS

Arkansas National Stockyards, North Little Rock.
Benton County Sales Co., Rogers.
Beebe Auction Co., Beebe.
Brewer Auction Co., Mountain View.
Brown and Lewis Sale Barn, Conway.
Brown Brothers Livestock Commission Co., Hope.
Camden Stockyards, Camden.
Carroll County Livestock, Berryville.
Cartwright Livestock Auction, Bruce, Magnolia.
Chaney Sales Barn, Roy, Morrilton.
Clarksville Auction, Clarksville.
Columbia County Livestock Auction, Magnolia.
Decatur Sales Co., Decatur.
Delta Livestock Auction, Pine Bluff.
El Dorado Sales Barn, El Dorado.
Eureka Springs Sales Co., Eureka Springs.
Farmers Livestock Auction, Harrison.
Farmers and Ranchers Auction, North Little Rock.
Gentry Sales Barn, Gentry.
Glenn Edgar Livestock Commission, Batesville.
Glenwood Livestock Exchange, Glenwood.
Green County Commission and Auction Co., Paragould.
Hartford Community Sale, Hartford.
Hensley Sale Barn, Fayetteville.
Izard County Sales Barn, Melbourne.
Jonesboro Stockyards, Jonesboro.
Kelly and Holmes Auction Sale, Heber Springs.
Magnolia Sales Barn, Magnolia.
Malvern Commission Co., Malvern.
McGehee Cattle Auction, McGehee.
Mena Auction Yards, Mena.
Moler Livestock Auction Sale, Danville.
Nettleton Stockyards and Auction Co., Nettleton.
Nettleton Stockyards and Auction Co., Jonesboro.
Nevada County Livestock Auction, Prescott.
Newport Auction, Newport.
North Arkansas Livestock Auction, Green Forest.
Northwest Arkansas Livestock Auction, Fayetteville.
Ozark Livestock Auction, Ozark.
Pocahontas Sales Co., Pocahontas.
Producers Stockyards, Inc., North Little Rock.
Russelville Livestock Sale, Russelville.
Searcy Auction Co., Searcy.
Searcy County Auction Co., Marshall.
Sheffner Auction, Buddy, Newport.
Siloam Springs Sale Barn, Siloam Springs.
Stone County Auction Co., Mountain View.
Sutton Livestock Commission Co., Hope.
Tri-County Auction Sale, Fordyce.
Union Stockyards, Pine Bluff.
Van Buren County Auction Sale, Clinton.
Wall Sale, Hiram, Booneville.
Weldon Auction Sale Barn, Weldon.
Yell County Auction, Danville.
Yellville Sale Barn, Yellville.

CALIFORNIA

Los Angeles Union Stockyards, Los Angeles.
Mariposa Commission Salesyard, Stockton.
South San Francisco Union Stockyards, San Francisco.
Stock Growers Commission Co., Stockton.
Zinn Brothers Livestock Commission Co., El Centro.

COLORADO

H and G Livestock Commission Co., Montrose.
Trinidad Livestock Commission Co., Trinidad.
Wray Sales Barn, Wray.
Farmers Livestock Commission Co., Wray.

DELAWARE

Sullivan Brothers, Inc., Townsend.

FLORIDA

Madison Stockyards, Madison.
Tindel-Williams Livestock Auction Market, Graceville.

GEORGIA

Byram Auction Company, G. N., Newnan.
Chatham County Stockyard, Savannah.
Columbus Stockyard Co., Columbus.
Coosa Valley Livestock Co., Rome.
Bleckley Livestock Auction, Cochran.
Elberton Livestock Auction Barn, Elberton.
Fitzgerald Stockyards, Fitzgerald.
Gordon Roberts Livestock Co., Inc., Baxley.
Hasty Auction Co., Atlanta.
Hudson Livestock Auction, Fitzgerald.
Jesup Stockyard, Jesup.
Jesup-Wayne County Livestock Co., Jesup.
Hudson-Troup Livestock Auction, Fitzgerald.
Muscogee Livestock Co., Columbus.
Ragsdale-McClure Commission Co., Rome.
Smith Stockyard Co., No. 1, Augusta.
Swainsboro Stockyards, Swainsboro.
Troup Livestock Sales Co., Inc., LaGrange.

IDAHO

Blackfoot Livestock Commission Co., Blackfoot.
Bonner Ferry Salesyard, Bonner Ferry.
Davis Livestock Auction, Caldwell.
Hayes Salesyard, Nampa.
Shoshone Livestock Auction Co., Shoshone.
WIM Livestock Commission Co., Bonners Ferry.

ILLINOIS

Anderson, Winlow, Andover.
Antioch Sales and Commission, Antioch.
Arnold Livestock Co., Gibson City.
Arnold Cattle Co., Silvis.
Arthur Auction Co., Arthur.
Atkinson Livestock Co., Atkinson.
Bailey Stockyards, Claude, Princeton.
Bainbridge Cattle Co., Byron.
Barrick Cattle Co., Dixon.
Bloomington Livestock Sale Pavilion, Bloomington.
Bothe-Dickey Cattle Co., Woosung.
Breed's Livestock Sales, Elizabeth.
Brennan Cattle Co., Kirkland.
Brennan Company, J. P., Princeton.
Brennan Cattle Co., Lanark.
Bristol Livestock Sales, Bristol Station.
Brookville Consignment Sale, Polo.
Brown County Sales Association, Mt. Sterling.
Brown and Stripe Cattle Co., Little York.
Bruington Cattle Company, George, Monmouth.
Burnidge and Son, Stanley, Hampshire.
Bunting and Sons, Robert, Albion.
Carrollton Auction Sales, Carrollton.
Champaign County Livestock Marketing Association, Urbana.
Charleston Livestock Auction, Charleston.
Chaudoin, Joe, Wapella.
Chicago Producers Commission Association, Montgomery.
Chicago Producers Commission Association, Malta.
Chicago Producers Commission Association, Princeton.
Clinton Livestock Sales, Clinton.
Colchester Sales Association, Colchester.
D.B.D. Livestock Co., Lyndon.
Dalrumple and Son, W. P., El Paso.
Darling and Heller, Washington.
Davis Cattle Co., Loren, Elburn.
Drehman, Robert, Genesseo.
Duplan and Rowand Livestock Commission, Chicago.
Emge Packing Co., Palestine.
Farley, H. L., Leland.
Feller Livestock Sales, Cissna Park.
Flanagan Livestock Auction, Flanagan.
Failey Stock Farm, Ray, O'Fallon.
Franklin County Livestock and Commission Co., Sesser.
Freehill Cattle Co., Melvin.
Gast, Ervin, Earlville.
Genesseo Sales Co., Genesseo.
Genesseo Cattle Co., Genesseo.
Greentop Farm Cattle Sales, Milledgeville.
Gudema, Herman, Shannon.
Halbert Cattle Co., J. C., Carbon Cliff.
Hays Cattle Co., Polo.
Haack, Hilbert M., Forreston.
Hartwig, W. C., Rockford.
Hennessey and Smith, Paris.
Hilltop Sales Barn, Alton.
Howard Cattle Co., Peoria.
Hunter, Frank, DeKalb.
Hutchison and Obrecht Cattle Co., Cambridge.
Illinois Auction Commission Co., Paris.
Jefferson County Sale Barn, Mt. Vernon.
Jennings Sales Co., Macomb.
Johnson, Paul, Waterman.
Kays, John and Edith, Ottawa.
Kenyon and Sons, Jack, Maple Park.
Kearney, Kenneth, Mason.
Knoxville Community Sale Co., Inc., Knoxville.
Landes Cattle Co., Paris.
Lazarus, Sam, Polo.
Leuer and Sons, Peter, Sugar Grove.
Livestock Service, Inc., Ohio.
Ludwig Cattle Co., Genoa.
Ludwig Cattle Co., Sycamore.
Macon County Sales Barn, Decatur.
Mansholt, Allan, Staunton.
Mansholt, Chester, Alhambra.
Mendota Livestock Auction, Mendota.
Meredith, Les, Elburn.
Midwest Cattle Co., Forrest.
Mitchell Cattle Co., Earlville.
Montgomery, L. F., Somonauk.
Morgan, Armour, Tilton.
Morton Sales Barn, Morton.
Neal Livestock, Don, Paris.
Olney Livestock Commission Co., Inc., Olney.
Palmyra Sale Co., Palmyra.
Peoria Livestock Marketing Co., Peoria.
Pecatonica Livestock Exchange, Pecatonica.
Penfield Community Sale, Penfield.
Perry Livestock Sales, Lostant.
Peterson Sale Barn, Wyoming.
Phillips Livestock, Urbana.
Pittsfield Community Sales, Pittsfield.
Plowman, Kenneth, Lakewood.
Pontiac Livestock Sales, Pontiac.
Potomac Stockyards, Potomac.
Preston Brothers Livestock Dealers, Baldwin.
Pullin Auction, Metropolis.
Price Cattle Co., Shelbyville.
Princeton Sale Barn, Princeton.
Princeville Livestock Sales, Princeville.
Quincy Sales Co., Quincy.
Richardson, Leo, Earlville.
Richardson Cattle Co., Marshall.
Richardson Cattle Co., Sheldon.
Roe's Consignment Sale, Chana.
Rumle, Lavern, Burlington.
Russell Cattle Co., Tiskilaw.
Ryan, T. H., Martinsville.
Savanna Livestock Sales, Savanna.
Seward Livestock Co., Seward.
Sheldon Livestock Co., Sheldon.
Shoemaker Livestock, Colfax.
Simpson, Russell, Tower Hill.
Slater Sale Pavilion, Pana.
Smart, Max, and Krug, A. W., Ashton.
Smith Livestock Dealers, Walter, Wyoming.
Southwestern Cattle Co., Shirley.
Steele and Company, Henry, Montgomery.
Stephens Livestock, Hutsonville.
Stilley Livestock Co., Marion.
Stoutenborough Auction, Springfield.
Sullivan and Sons, Elburn.
Tallula Cattle Co., Tallula.
Vermilion County Livestock Marketing Association, Danville.
Viola Auction Co., Viola.
Waldee Order Buyer, Lloyd B., Waterman.
Walnut Sale Co., Walnut.
Warren and Sons, Russell, Ottowa.
Wertheimer Cattle Co., Inc., Galesburg.
Wertheimer Cattle Co., Montgomery.
Werthwein Cattle Sales, Burlington.
Western Cattle Co., Mendota.
Western Cattle Co., Elmwood.
White, Lyle, Washburn.
Wier Cattle Co., Galesburg.
Wilson Sale Co., Fairview.
Wolf and Sons, W. F., Canton.
Woodson Sale Barn, Woodson.
Worrell Cattle Co., Artie, Milledgeville.
Wyss, William, Danforth.

INDIANA

Fountain County Livestock Commission Co., Veedersburg.
Lowell Community Sale, Lowell.
Marshall County Community Sale, Plymouth.

IOWA

Adams County Auction Co., Corning.
Allerton Sale Co., Allerton.
Ames Sales Co., Ames.
Anamosa Livestock Auction, Anamosa.
Armstrong Sale Co., Armstrong.
Atlantic Auction Co., Atlantic.
Audubon Auction Co., Audubon.
Belmond Sales Pavilion, Belmond.
Bonaparte Community Sale, Bonaparte.
Bradley Live Stock Auction, Red Oak.
Bull Cattle Co., Wilson, Clinton.
Carroll Livestock Sales, Carroll.
Charles City Livestock Exchange, Charles City.
Clarinda Auction Co., Clarinda.
Colfax Sales Co., Colfax.
Corning Auction Co., Corning.
Coryndon Sale, Coryndon.
Cowan Sale Co., Roy, Sioux City.
Cresco Livestock Market, Cresco.
Davis County Sales Co., Bloomfield.
Creston Auction Co., Creston.
Denison Sales Co., Denison.
DeWitt Sale Barn, DeWitt.
Dows Sale Pavilion, Dows.
Dyersville Sale Barn, Dyersville.
Eastern Iowa Livestock Commission Co., Mechanicsville.
Elkader Sales Barn, Elkader.
Emmetsburg Sales Co., Emmetsburg.
Estherville Auction Co., Estherville.
Fairfield Livestock Commission Co., Fairfield.
Farmers Livestock Exchange, Waukon.
Fonda Sales Barn, Fonda.
Forest City Auction Co., Forest City.
Henderson Auction, Henderson.
Holbert Cattle Co., J. C., Washington.
Hopkinton Sales Pavilion, Hopkinton.
Fountain County Livestock Commission Co., Veedersburg.
Iowa City Sales Co., Iowa City.
Iowa Falls Sales Pavilion, Iowa Falls.
Iowa-Nebraska Sale Yards, Council Bluffs.
Independence Sales Co., Independence.
Jefferson Livestock Market, Jefferson.
Kimballton Auction Co., Kimballton.
Laurens Livestock Sales Co., Laurens.
LaPorte City Sale Barn, LePorte City.
Lawn Hill Livestock Sale Co., New Providence.
Lawton Sale Barn, Lawton.
Lenox Livestock Auction, Lenox.
Leon Sale, Leon.
Leonard's Auction Sale, Manchester.
Lizer's Sale, Gowrie.
Low Moor Sales Co., Low Moor.
Marengo Sales Barn, Marengo.
McDonald Sales Co., Sumner.
McIntosh Livestock Auction Co., Ida Grove.
Mahaska Sales Co., Oskaloosa.
Mapleton Sales Co., Inc., Mapleton.
Maquoketa Livestock Sales Co., Maquoketa.
Middletown Sale Co., Middletown.
Midway Sales Co., Columbus Junction.
Milford Livestock Exchange, Milford.
Montezuma Sales Pavilion Co., Montezuma.
New Liberty Sale Barn, New Liberty.
Newton Sale Co., Newton.
New Sharon Sale Co., Inc., New Sharon.
Nishna Valley Sales Co., Shenandoah.
Ogden Sale Barn, Ogden.
Osceola Sale Co., Osceola.
Oelwein Livestock Exchange, Oelwein.

Onawa Sale Barn, Onawa.
Orient Sale Co., Inc., Orient.
Oskaloosa Sales Co., Oskaloosa.
Oxford Sales Barn, Inc., Oxford.
Paulina Sale Co., Paulina.
Petersen Cattle Co., Clinton.
Petersen Cattle Co., Mount Vernon.
Petersen Cattle Co., Schaller.
Petersen Cattle Co., Spencer.
Petersen Cattle Co., Washington.
Peterson Sheep and Cattle Co., Des Moines.
Pocahontas Livestock Sales, Inc., Pocahontas.
Postville Co-op Sales Barn, Postville.
Riceville Sales Pavilion, Riceville.
Sac County Auction, Inc., Sac City.
St. Ansgar Sale Barn, St. Ansgar.
Selfried-Trenary, Pocahontas.
Spencer Dairy Cattle Sales, Spencer.
Stanton Auction Co., Stanton.
Strand and Son, Oswald, Manly.
Stuart Sales Co., Stuart.
Sweetland Sales Co., Muscatine.
Tabor Sales Barn, Tabor.
Tama Sale Co., Tama.
Uhlenhopp Sales, Aplington.
Umstead Livestock Auction, Eagle Grove.
Ute Sale Barn, Ute.
Wadena Livestock Exchange, Wadena.
Washington Livestock Sales Co., Washington.
Wehrheim Commission Firm, Webster City.
Wenger Sales Commission, West Union.
Wayland Sales Co., Inc., Wayland.
West Liberty Auction Co., West Liberty.
West Union Auction Exchange, West Union.
Westra Sales Co., Orange City.
Westrope Auction Co., Harlan.

KANSAS

Bronson Community Sale, Bronson.
Burdett Livestock Sales Co., Burdett.
Clemence-Morrison Livestock Commission Co., Salina.
Dickinson County Livestock Co., Abilene.
Dighton Livestock Market, Dighton.
Fred Doll Livestock Sales, Larned.
Hesston Sale Co., Hesston.
Hill City Sale Barn, Hill City.
McIntosh Auction, Peabody.
Norton Livestock Commission Co., Norton.
Rexford Livestock Commission Co., Meade.
Schooler and Son, Frankfort.
Southeastern Kansas Sales Co., Stockton.
Sylvan Sales Co., Sylvan Grove.
Valley Falls Livestock Auction, Valley Falls.
Winfield Community Sale Co., Winfield.

KENTUCKY

Clay-Gentry, Lexington.
Farmers Livestock Market, Louisa.
Graves County Stockyards, Mayfield.
Horse Cave Stockyard, Horse Cave.
Laurel Sale Barn, London.
Middlesboro Auction Co., Middlesboro.
Ratliff Stockyards, Mt. Sterling.
Vasser Sale Barn, Paducah.
Walton Sale Barn, Walton.
Washington County Stockyards, Springfield.

LOUISIANA

B and M Auction, Inc., Mansfield.
Barnes Commission Co., Lake Charles.
Brown-Alsbrooks Stockyards, Inc., Marksville.
Calhoun Livestock Auction, Mansfield.
Coltharp's Commission Barn, De Ridder.
Community Auction Barn, De Quincy.
DeQuincy Cattle Sales, Inc., DeQuincy.
Farmerville Livestock Auction, Farmerville.
Grand Cane Livestock Auction, Grand Cane.
Harris and Stutson Commission Co., Ferriday.
Jennings Commission Barn, Opelousas.
Jennings Stockyards, Baton Rouge.
Micelle's Commission Co., Lake Charles.
Miller and Dominique Stockyard, Lake Charles.
Miller and Dominique Stockyard, Elton.
New Orleans Stockyards, Inc., Arabi.
Oak Grove Livestock Market, Oak Grove.
Raceland Stockyards, Inc., Raceland.

MARYLAND

Grantsville Auction Market, Grantsville.

MASSACHUSETTS

Beverly Sales Stables, Inc., Seekonk.

MICHIGAN

Cass Livestock Sale, Cassopolis.
Dixon Brothers Livestock Auction, Jackson.
Michigan Livestock Exchange, Battle Creek.

MISSISSIPPI

Batesville Livestock Auction, Batesville.
Case Stockyards, Bude.
Bryan Brothers Stockyard, West Point.
Doc Billingsley Auction Sale, Walnut.
Henderson Sale Co., Corinth.
Hinds County Commission Sales, Edwards.
Jackson County Stockyards, Pascagoula.
Kosciusko Stockyards Co., Kosciusko.
L & S Community Sales, Columbia.
Marshall County Stockyards, Holly Springs.
Neshoba County Stockyards Co., Kosciusko.
North Mississippi Sales Co., Grenada.
Producer's Livestock Auction, Rulevi'le.
Raymond F. Stiles, Sturgis.
Southeastern Stockyards, Laurel.
Spicer-Lipscomb Commission Co., Senatobia.
State Line Auction Co., Walnut.
Wilson-Jackson Commission Co., Pontotoc.

MISSOURI

Beebe Brothers Livestock Sale, Warrensburg.
Clawson Auction Co., El Dorado Springs.
Excelsior Springs Sale Barn, Liberty.
Fraley Sale Pavilion, Chillicothe.
Kelly and Holmes Auction Sale, Heber Springs.
McDonald County Auction Co., Goodman.
P & M Cattle Auction, Sikeston.
Perry Sales Barn, Inc., Perry.
Prairie Center Sale Co., King City.
Ray County Sale Company, Richmond.
Rhodes Commission Co., Advance.
St. Joseph Livestock Auction, St. Joseph.
Stone County Auction Co., Mountain View.
Thornton Sales and Auction Co., Springfield.
Van Buren County Auction Sale, Clinton.
Versailles Auction Co., Versailles.
Wheaton Sale Barn, Wheaton.

MONTANA

Yellowstone Livestock Commission, Inc., Sidney.

NEBRASKA

Aurora Sales Pavilion, Aurora.
Christensen Livestock Commission Co., Fullerton.
Colorado-Montana Cattle Co., Lincoln.
Community Sale, Central City.
Friend Sale Barn, Friend.
Holdredge Livestock Commission Co., Holdredge.
Kimball Livestock Auction, Kimball.
Laurel Sales Co., Laurel.
Lincoln Livestock Commission Co., Lincoln.
Nebraska Livestock Auction Market, Hastings.
Ord Livestock Market, Ord.
Plainview Sales Pavilion, Plainview.
Ravenna Livestock Commission Co., Ravenna.
Scottsbluff Livestock Commission Co., Scottsbluff.
Seward Sale Barn, Seward.
Sidney Livestock Sales Pavilion, Sidney.
Webb Livestock Commission Co., Grand Island.

NEVADA

B and M Livestock, Fallon.
Fallon Salesyard, Fallon.
Lovelock Livestock Commission Co., Lovelock.
Nevada Livestock Commission Co., Sparks.
Valley Livestock Marketing Association, Fallon.

NEW JERSEY

Boyer Sales, Inc., New Egypt.

NEW MEXICO

Clayton Cattle Auction, Inc., Clayton.
Clovis Branding Co., Clovis.
Monroe Branding & Cattle Co., Clovis.
New Mexico Livestock, Inc., Artesia.
Pecos Valley Livestock Auction, Inc., Roswell.
Roswell Livestock Commission Co., Roswell.
South Second Street Commission Co., Albuquerque.
Valley Livestock Auction, Inc., Roswell.
Williams-Bokey Cattle Co., Clovis.

NEW YORK

Aggett and Law Commission Market, Ischua.
Apulia Station Livestock Sales, Apulia Station.
Cable's Cattle Market, Roxbury.
Dansville Commission Auction, Dansville.
Dryden Livestock Sales, Dryden.
Dupont's Commission Auction, Fort Plain.
Dupont's Commission Auction, Little Falls.
Neverett, H. L. and Sons, Ellenburg Depot.
Kessler and Gentner, Springville.
Pavilion Livestock Market, Pavilion.
Southern Cayuga Commission Sale, Moravia.
Sququoit Valley Livestock Exchange, Cassville.
Tully Valley Livestock Market, Aquila Station.
Wickham's Commission Auction, Ovid.

NORTH DAKOTA

Dobler Livestock Sales, Hankinson.
Harrington Brothers, Valley City.
Harrington Bros. Livestock Market, Williston.
Harvey Livestock Sales Pavilion, Harvey.
Park River Livestock Sales, Park River.
Stockmen's Livestock Auction, Ellendale.
Turtle Lake Livestock Auction, Turtle Lake.

OHIO

Bloomfield Livestock Auction, North Bloomfield.
Bowling Green Livestock Sales, Bowling Green.
Columbus Union Stockyards, Columbus.
Farmers Livestock Association, Wooster.
Muskingum Livestock Sales Co., Zanesville.
Oak Harbor Livestock Sales, Oak Harbor.
Orrville Livestock Auction, Orrville.
Putnam County Livestock Association, Columbus Grove.
Rothchild Livestock Co., Stony Ridge.
Siekkinen, Harold W., Williamsfield.
Sugar Creek Livestock Auction, Sugar Creek.
Warren County Sales Barn, Lebanon.
Union Stockyards, Dayton.
Wheelersburg Livestock Sales Co., Wheelersburg.
Zanesville Community Sales Co., Zanesville.

OKLAHOMA

Bluestem Sales, Incorporated, Dewey.
Cherokee Sales Co., Cherokee.
Community Auction Sales, Vinita.
Elk City Livestock Sale, Elk City.
Idabel Livestock Commission Co., Idabel.
Muskogee Stockyards and Livestock Auction, Inc., Muskogee.
Osage County Sale Ring, Fairfax.
Roy Akard Commission Co., Idabel.
Sparkman Livestock Sale, Elk City.
Tahlequah Sale Barn, Tahlequah.
Tecumseh Community Sale, Tecumseh.
Vinita Community Auction Sale, Vinita.

OREGON

Brahs Auction Market, Corvallis.
Forest Grove Auction, Forest Grove.
Ontario Livestock Commission Co., Ontario.
Southern Oregon Livestock Auction Co., Medford.
Union Livestock Commission Co., Nyssa.
Vale Livestock Auction, Vale.

PENNSYLVANIA

Avondale Livestock Auction, Avondale.
Barnsley Sales, Oxford.

Exton Livestock Auction, Exton.
Farmers Livestock Market, Ephrata.
Farmers Market and Auction, Ephrata.
Greenfield Livestock Auction, Northeast.
Hatfield Fairgrounds Bazaar, Hatfield.
Hoskin Auction Barn, Turtle Creek.
Kennett Auction Co., Inc., Kennett Square.
Krumsville Livestock Auction, Krumsville.
Mt. Cobb Auction Sales, Lake Ariel.
Payne's Livestock Market, Jamestown.
Penn Central Livestock Market, Williamsport.
Showalter, G. Q., Duncansville.
Teel and Bunnell Auction Sales, Tunkhannock.

SOUTH DAKOTA

Bowdle Livestock Commission Co., Bowdle.
Herreid Livestock Commission Co., Herreid.
Mobridge Commission Co., Inc., Mobridge.
Selby Livestock Sales Co., Inc., Selby.
Tri-County Commisison Co., Inc., Faith.

TENNESSEE

Athens Stockyard, Athens.
Boyce Brothers Stockyards, Unionville.
Clarksville Livestock Market, Clarksville.
Cross Roads Sales Barn, Middleton.
Farmer's Livestock Exchange, Tiptonville.
Fayetteville Stockyards, Fayetteville.
Kirk Auction Co., Coltewah.
Logan and Hicks, South Fulton.
Logan and Hicks, Union City.
Patterson and McCaleb Auction Market, Bradford.
Richardson Livestock Co., E. L. Dyer.
Sparta Livestock Market, Sparta.
Tigret Stockyard, Tigret.
Troy Stockyards, Troy.

TEXAS

Cleveland Commission Co. (Raywood Branch) Raywood.
Floydada Livestock Co., Floydada.
Hereford Livestock Auction Co., Hereford.
Kerr County Commission Co., Kerrville.
Llano Sales Co., Llano.
Mason Auction Co., Mason.
Mid West Feed Yards, San Angelo.
Morriss Commission Co., J. C. (Po Boy), Douglassville.
North Texas Livestock Commission Co., Bonham.
Ranchers Commission Co., Junction.
Runnels County Auction, Ballinger.
Tate Brothers Livestock Auction, Midland.
Western Livestock Commission Co., San Angelo.

VERMONT

Chickering Livestock Corp., Westminster.

VIRGINIA

Big Stone Gap Stockyards, Big Stone Gap.
Culpeper Livestock Market, Culpeper.
Danville Auction Market, Danville.

WASHINGTON

Columbia Basin Livestock Commisison Co., Moses Lake.
Grange Commission & Livestock Co., Auburn.
Hank and Dans Livestock Commission Co., Cheney.

WEST VIRGINIA

Beckley Livestock Market, Beckley.
Bluegrass Market, Inc., Lewisburg.
Evans, E. S., Stockyards, Inc., Terra Alta.
Greenbrier Valley Stock Yards, Inc., Ronceverte.
Hess Livestock Market, Inc., Morgantown.
Huntington Livestock Sales Co., Huntington.

WISCONSIN

Mattes Livestock Auction Market, Thorp.

WYOMING

Gillette Livestock Exchange, Gillette.
Riverton Livestock Auction, Riverton.
Worland Livestock Commission Co., Worland.

Slaughtering establishments

ALABAMA

Haas-Davis Packing Co., Inc., Mobile.
Hansen Packing Co., Whistler.
Kimbrell Slaughtering Establishment, Saraland.

ARIZONA

Crescent Packing Co., Scottsdale.
OK Wholesale Meat Co., Scottsdale.
Town and Country Packing Co., Mesa.

ARKANSAS

City Abattoir, Fort Smith.
Finkbeiner Packing Co., Pine Bluff.
Hi-Lo Provision Company, El Dorado.
Hightower Packing Co., Newport.
Kierre and Sons, North Little Rock.
Lawhon, C. I., Meat Co., North Little Rock.
Lowery Brothers, North Little Rock.
Melbourne Locker Plant, Melbourne.
Mo-Ark Packing Co., Harrison.
Monroe Ryburn, Pine Bluff.
Nielsen Meat Co., Fayetteville.
North Side Packing Co., North Little Rock.
Person Provision Co., Jacksonville.
Saline Packing Co., Benton.
Stephens Meat Co., Pine Bluff.
Sutherlan Slaughter House, Springdale.
Wards Packing Co., Herbert, Texarkana.

CALIFORNIA

Allan's Meat Products Co., San Francisco.
Alpha Beta Packing Co., Huntington Beach.
Alta Meat Co., Dinuba.
Canziana, N., San Rafael.
Chico Meat Co., Inc., Chico.
Christie, A. W., Blue Lake.
Diamond Meat Co., Kerman.
Fresno Meat Packing Co., Fresno.
G and J Quality Dressed Beef Co., San Miguel.
Holland Meat Products Co., Oakdale.
Johnson, J. G., Inc., San Francisco.
K and E Meat Co., Auburn.
Klapp's Package House Market, Ontario.
Marysville Meat Packing Co., Marysville.
Naylor, S. E., Soledad.
Nelson Meat Co., Coyote.
Northwestern Packing Co., Cottonwood.
Orvis and Clinger, Inc., Stockton.
Palace Market, Gazelle.
Palo Verde Meat Packing House, Blythe.
Port Stockton Sausage Co., Oakdale.
Russ Meat Co., Eureka.
San Luis Meat Co., San Luis Obispo.
San Miguel Meat Co., San Miguel.
Santa Maria Meat Co., Santa Maria.
Scotia Packing Company & Locker, Scotia.
Sequoia Meat Co., Dinuba.
Sierra Dressed Meat Co., Auburn.
Stornetta Brothers, Point Arena.
Susanville Meat Co., Susanville.
Temecula Meat Packing Co., Temecula.
Tobias Packing Co., Chipley.
Turlock Meat Co., Turlock.
Ventura Meat Packing Co., Saticoy.
Walker's Markets, Inc., Upland.
West Coast Meat Co., Alvarado.

CONNECTICUT

Clark, L. W., Danbury.
Hartford Provision Co., Hartford.
Manchester Beef Co., Manchester.
New Haven Rendering Co., West Haven.
Omaha Beef Co., Danbury.
Waterbury Butchering Co., Waterbury.

DELAWARE

Harry Wessel, Wyoming.
White Packing Co., Lewis.

FLORIDA

Benbo Packing Co., Ocala.
Brannon, R. D., Wellborn.
Brock and Burdeshaw Packing Co., Pensacola.
Burkett, W. N., Panasoffkee.
Camp, H. S., & Sons, Ocala.
Carpenter Slaughter House, Bristol.
Dade Meat Packing Co., Miami.
Duvall Meat Packers, Whitehouse.
Glen Davis Wholesale Meats, Okeechobee.
Economy Packing House, Hialeah.
Farris and Co., Jacksonville.
Florida Industrial School for Boys, Marianna.
Fussell, M. M., Polk City.
Gertner Co., Inc., Harold, Gainesville.
Gold Merit Packing Co., Jacksonville.
Hendry Brothers Packing Co., Inc., Tampa.
Herman Sausage Company, Inc., Tampa.
Hi-Flavor Meats, Inc., Oviedo.
High Hammock Farms, Inc., Orange Park.
Horne, C. V., Newberry.
Hygrade Food Products Corp., Hialeah.
Johnson's Packing Company, Monticello.
Lake City Sausage Company, Lake City.
Layes Wholesale Meats, Inc., Ocala.
Lennard, Carl E., Ft. Pierce.
Lykes Brothers, Inc., Tampa.
McDonald, M. L., Wholesale Meats, Datona Beach.
Meat Inspection Lab, Florida A&M University, Tallahassee.
Meat Inspection Lab, University of Florida, Gainesville.
Midulla, Joe, Tampa.
Moore, Charles A., Tallahassee.
Nettles Sausage Co., Lake City.
Oakland Meat Packing, Ft. Lauderdale.
Oak Ridge Packers, Tampa.
Peterson, Archie, Jacksonville.
Pinellas Packing Co., Pinellas Park.
Prime Meat Co., Miami.
Ramsey Meat Co., Gainesville.
Riverside Packing Co., Inc., Allandale.
Robertson Packing Co., Winter Garden.
Roberts, J. H., Lakeworth.
Roberts Wholesale Meats, Mango.
Sauer, Michael, Jupiter.
Smith, Clyde O., Jacksonville.
Southland Provision Company of Florida, Palatka.
State Prison Farm, Belle Glade.
Sumner Slaughter Plant, Plant City.
Sunnyland Packing Co., Gainesville.
Tallahassee Meat Co., Tallahassee.
Tarnow Farms, Tampa.
Tri-City Market, Century.
Turner and Gee, Orlando.
Wells, L. F., Packers, Lakeland.

GEORGIA

Bainbridge Meat Co., Bainbridge.
Pioneer Provision Co., Atlanta.
Powell Meat Co., Bainbridge.
Simpson Provision Co., Fayetteville.
Wofford Abattoir, Gainesville.

IDAHO

B and M Packing Co., Burley.
Carter Packing Co., Buhl.
City Packing Co., Salmon.
Ideal Slaughtering Establishment, Eagle.
Johnson Packing Co., Blackfoot.
Kooken Slaughter Plant, Pocatello.
Miller Packing Co., Douglas, Rupert.
Tiffany Meat Packers, Nampa.

ILLINOIS

Prairie Packing Co., Carlinville.
Prairie Packing Co., Marion.

INDIANA

Auburn Packing Plant, Auburn.
B & B Processing Plant, Boonville.
Bailey Slaughterhouse, Fort Wayne.
Beutler Locker Service, Otterbein.
Beckmeier and Son, Brookville.
Bobay Slaughterhouse, Ft. Wayne.
Buchanan Processing Plant, Mt. Vernon.
City Meat Market, Boonville.
Columbia Packing Co., Hammond.
DeKoch Super Market, DeMotte.
Denver Locker Plant, Denver.
Dimitt Packing Co., Kokomo.
Endres Packing Co., New Albany.
Frankton Provision Co., Inc., Frankton.
Gerber Super Market, Decatur.
Hand's Market, Angola.
Hunter Locker Plant, Converse.

Long's Custom Butchering, Winslow.
Ludwig's Food Town, Dunkirk.
Martin Bros., Meatland, Goshen.
Mast Market, Angola.
Miller's Monon Locker Plant, Monon.
Mock, G. F., Leavenworth.
Morocco Locker Plant, Morocco.
Neal Packing Co., Crawfordsville.
Nicely's IGA, Fowler.
Orth Slaughterhouse, Mt. Vernon.
Puckett's Abattoir, Winchester.
Shinn Slaughterhouse, Mentone.
Stahl Packing Co., Evansville.
Quick Freeze Locker Service, Madison.
Van Wagner Brothers, Angola.
Wabnitz and Deters, Indianapolis.
Westfield Frozen Food Lockers, Westfield.
Wolf Packing Co., LaPorte.
Zeimer Packing Co., Harlan.

IOWA

Bruhn's Freezer Meats of Cedar Rapids, Inc., Norway.
Bruhn's Freezer Meats of Davenport, Inc., Davenport.
Bruhn's Freezer Meats of Des Moines, Boonville.
Hilleman's Packing Plant, Marshalltown.
Lamoni Packing Co., Lamoni.
Woodsworth Locker, Harris.

KANSAS

B and W Packing Plant, Colby.
Gettle and Sons Lockers, Wichita.
Houlton Packing Co., Abilene.
Jarvis Slaughter House, Marion.
McLeod Packing Co., Valley Falls.
Wyler Packing Co., Howard.

KENTUCKY

Brown Thompson's and Sons, Fancy Farm.
Klarer Provision Co., Louisville.
Layer Packing Co., C. W., Louisville.
Rice Packing Co., C., Covington.

LOUISIANA

Arabi Packing Co., Inc., Arabi.
Bobby's Market & Slaughter House, Sulphur.
Brown-Edwards Packing Co., Alexandria.
Chasson Meat Market, Arthur, Lockport.
City Abattoir, Inc., Baton Rouge.
Cutrer's Grocery and Market, Ponchatoula.
Jagneaux Sausage Kitchen, Opelousas.
Jennings Meat Products, Baton Rouge.
Peltier Packing Co., Inc., Thibodaux.
Port City Packing Co., Baton Rouge.
Port City Packing Co., Inc., Scotlandville.
Prather's City Abattoir, Crowley.
Rodrigue's Meat Market, Allen, Thibodaux.
Smiley's Packing Co., Inc., Baton Rouge.
Wiggins Wholesale & Retail Meats, Winnsboro.
West and Ellender, Inc., Sulphur.

MAINE

Penley, E. W., Auburn.

MARYLAND

Berlett and Sons, Edward G., Inc., Baltimore.
Eagle Meats and Sea Food, Knoxville.
Engle Brothers, Frostburg.
Fogle, Theodore A., New Windsor.
Hatfield's Meat Market, New Windsor.
Joska Brothers, Baltimore.
Kilsheimer Brothers, Inc., Washington, D.C.
Murphy, John G., Fallston.
Tiedman, Robert O., Owings Mills.

MASSACHUSETTS

Bowman Co., Frank B., Brighton.
Hutchinson's Slaughterhouse, Lunenburg.
Ira G. Miller and Son, Milford.
Shapiro Beef Co., A., Brighton.
Streeter, Herman, Bernardston.
U.S. Beef and Provision Corp., Pittsfield.

MICHIGAN

Burgess Meat Co., Hillsdale.
Double Jay Packing Corp., Dutton.
Goose and Co., Jack, Detroit.
Independent Packing Co., Menominee.
Myaard and Son, J., Hudsonville.
Nichols-Foss Packing Co., Bay City.
Snyder Farms, Byron Center.
Thompson Beef Co., Hamtramck.
Vander Boon Brothers, Ada.
Vogt Packing Co., Flint.
Young Brothers, Hudson.

MISSISSIPPI

Beck Packing Co., Byram.
Central Packing Co., Hattiesburg.
Hinds Packing Co., Byram.
Huff, Otis, Corinth.
Pioneer Provisions Co., Grenada.
Quin's Slaughtering House, Osyka.

MISSOURI

Baum, Dan, Packing Co., St. Louis.
General Meat Co., St. Louis.
Reinhardt Packing Co., St. Louis.
Reitz Meats Products, Rayston.
Schneider Packing Co., St. Louis.
Stanley Meat Co., St. Louis.
Volz Packing Co., St. Louis.
Wick, Walter, Slaughter House, Pierce City.

NEBRASKA

Snyder Packing Co., Red Cloud.

NEVADA

B & L Packing Co., Elko.
Mori Meat Co., Fallon.
Nevada Meat Packing Co., Reno.
Ramsey Packing Co., Elko.
Truckee Meadows Packing Co., Reno.

NEW JERSEY

Burtch, William L., Vineland.
Gaskills Frosted Food Locker Plant, Elmer.
Gottlieb and Sons, Inc., Camden.
Hartman, J. H. and H. E., Trenton.
Irell Packing Co., Monroeville.
Miller Bros., Camden.
Perth Amboy Packing, Perth Amboy.
Preziosi, George, New Village.
Struble, O. W., Newton.

NEW MEXICO

Frontier Packing Co., Albuquerque.
Glover Packing Co., Roswell.
Karler Packing Co., Albuquerque.
Raton Packing Co., Raton.

NEW YORK

Archie and Sons, Inc., E. J., Buffalo.
Arm Packing, Buffalo.
Bieser, Frederick, Whitesville.
Bender, Elmer and Son, Buffalo.
Brown's Slaughterhouse, Otto.
Cheektowaga Packing Co., Depew.
Cukerstein, Sam and Son, Hudson.
Dean's Slaughter House, Goshen.
Dunning's Slaughterhouse, Howell.
Farber Meat Packing Corp., Liberty.
Fear, LeRoy Carl, Endicott.
Golde Packing Co., Tonawanda.
Green Brothers Slaughterhouse, Schenectady.
Horlein and Son, Inc., E. C., Buffalo.
Kusler, Benjamin, Elmira.
Kwiatskowski Bros., Buffalo.
Levine, Abraham, Slaughterhouse, Ellenville.
Maleckl, Joseph, Inc., Buffalo.
Moses, Norbert, Norwich.
Norman's Wholesale Meats, Buffalo.
Seven Valley Beef Co., Cortland.
Obler and Sorensen, Horseheads.
Olean Cold Storage Co., Inc., Olean.
Poughkeepsie Beef Co., Inc., Poughkeepsie.
Samlof, David and Sons (Dunn Bros.), Albany.
Schmitt, J. J. and Co., Inc., Buffalo.
Shapiro, M. Wholesale Meats, Jamestown.
Tog Packing Co., Inc., Buffalo.
Utica Veal Co., Inc., Marcy.
Wand Co., Slate Hill.
West Company, R. B., Inc., Buffalo.
Wieberg, James N., Pine City.

NORTH CAROLINA

Bryan Packing Corp., Asheville.
Chadbourn Packing Co., Chadbourn.
City Abattoir, Shelby.
City of Winston-Salem Abattoir, Winston-Salem.
Morris Packing Co., Shelby.
Shelby Abattoir & Processing, Inc., Shelby.
Wilmington Packing Co., Inc., Wilmington.

OHIO

Arend, E. J., Toledo.
Folger Packing Co., Toledo.
Gerstenslager Meats, Inc., Creston.
Hostetler Meats, Apple Creek.
Hygrade Food Products, Corp., Youngstown.
Jenkins Food Market, Harrison.
Lima Packing Co., Lima.
McMahon Packing Co., Maryaville.
Peters Slaughtering Establishment, E. L., Lewisburg.
Pioneer Sausage Co., Wheelersburg.
Redwine Slaughter House, Hugo.
Samler Packing Co., Dayton.
Sandusky Dressed Beef, Springfield.
Scioto Provision Co., Newark.
Springfield Meat, Springfield.
Summerside Packing Co., Cincinnati.
Waldock Packing Co., Sandusky.
Wellsville Packing Co., Wellsville.
Zeimmer Packing Co., Antwerp.

OKLAHOMA

Box, Durwood, Valliant.
Cone Wholesale Market, Miami.
Osage Packing Co., Fairfax.
Ponca City Packing Co., Ponca City.
Ross, Paul, Boswell.
Southeastern Packing Co., Durant.
Turner, Fred Slaughtering Establishment, Chandler.
Union Packing Co., Hartshorne.
White, E. W., Stigler.
Willburn Meat Market, Madill.
Williams Packing and Storage Co., Miami.

OREGON

Ab's Slaughterhouse, Sherwood.
Community Market, Enterprise.
Crooked River Meat Co., Prineville.
Culver Meat Plant, Bandon.
Culver Packing Co., Culver.
Eldridge Packing Co., La Grange.
Folett Meat Co., Hermiston.
Grants Pass Provision Co., Grants Pass.
Heppner Slaughter House, Heppner.
Kenton Packing Co., Portland.
La Grande Market, La Grande.
Lamonta Packing Co., Princeville.
McVay, Archie, Brookings.
Myers Cold Storage Lockers, Don, Elgin.
Ontario Meat Packing, Ontario.
Peterson, Gerald, North Powder.
Polar Cold Co., Medford.
Rogue Valley Packing Co., Myrtle Creek.
Roseburg Meat Co., Roseburg.
Stanfield Meat, Stanfield.
Super Packing Co., Klamath Falls.
Valley Sausage Co., La Grande.

PENNSYLVANIA

Anderson and Sons, Frank, Pittsburgh.
Arena Dressed Beef Co., Norristown.
Baum, Daniel S., Elizabethtown.
Baum's Meat Packing Co., Lansdale.
Benzak, Anthony L., Bethlehem.
Bier, Daniel R., Uniontown.
Blouse Meat Market, Glen Rock.
Brest Packing Co., Shamokin.
Brizer Beef Co., Dunmore.
Campo, James, Philadelphia.
Engle and Schantz, East Greenville.
Fried and Reineman Packing Co., Pittsburgh.
Giorgio, J., Philadelphia.
Gorski, Frank, Hatfield.
Greas Bros., Center Valley.
Hanas, George, Daisytown.
Hoffman, Dale D., Salisbury.
Huffman, H. N., Vandergrift.

Hurka and Check, Pittsburgh.
Johnson Wholesale Meats, Northumberland.
Kern and Son, Lee G., Slatington.
Kiski Valley Packing Co., Vandergrift.
Klein Provision Co., Pitcairn.
Koons, E. A., Millersburg.
Kuntz, Paul, Punxsutawney.
Lancaster Packing Co., Lancaster.
Lofstead, Frank E., Beallsville.
Moats, C. A. J., Topton.
Moyer and Sons, A. F., Souderton.
Munger Locker Plant, North East Erie.
Nasers Home Dressed Meats, Greensburg.
Ness, P. H., York.
Peters, William H., Harrisburg.
Punxsutawney Beef and Provision Co., Punxsutawney.
Quakertown Packing Co., Quakertown.
Schantz, Clifford G., East Greenville.
Shaffer Slaughter Shop, Guy, Hooversville.
Stolz, Harvey L., Jr., Bernville.
West Branch Beef and Provision Co., Williamsport.
Weaver, M. C., Wellsville.
Yost, C. A., Loganville.

RHODE ISLAND

A. C. B. Dressed Beef & Veal Co., Johnston.
Braumberg Packing Co., Johnston.
Buchard's Slaughterhouse, Foster.
DeSantis, John, Westerly.
Penza Slaughter House, Johnston.
Sacco's Market, Westerly.

SOUTH DAKOTA

Custom Packing Co., Rapid City.

TENNESSEE

Brantley and Tillet, Shelbyville.
Brothers Seafood, Winchester.
Castellaw's Slaughterhouse, Alamo.
Charlie's Slaughterhouse, Trenton.
Cook's Slaughterhouse, Dyersburg.
Fayette Packing Co., Eads.
Four Leaf Wholesale Meats, Lenoir City.
Napier, W. B., Celina.
Rakes Slaughterhouse, Watertown.
Randolph Produce Co., Crossville.
Sunnydale Meat Products, Inc., Nashville.
Thompson and Groce Provision Co., Fayetteville.
Wade Bullo, Johnson City.

TEXAS

Circle B Packing Co., Dallas.
Goode Slaughtering, Denison.
Locker, Floyd, Spearman.
Myers Meat Co., Muleshoe.

UTAH

Ellis Packing Co., Brigham City.
Harper Packing Co., Brigham City.

VIRGINIA

Danville Meat Supply, Inc., Danville.
Perlin Packing Co., Norfolk.
Snodgrass Brothers, Inc., Pennington Gap.

WASHINGTON

A and W Packing Co., Moses Lake.
Colfax Market, Colfax.
Excel Sausage and Meat Co., Spanaway.
Farmer's Meat Co., Sumas.
H and H Packing Co., Yakima.
Hibbs Packing Co., Ellensburg.
Kelly Packing Co., Chehalis.
Kenmore Packing Co., Bothell.
Martin's Meat and Livestock, Goldendale.
Meats, P. D. and J., Kent.
Monroe Packing Co., Monroe.
Newport Packing Co., Newport.
Pasco Central Stockyards, Pasco (added to stockyards).
Rosalia Packing Co., Rosalia.
Stolls Packing Plant, Rosalia.
Valley Meat Co., Chimacum.

WEST VIRGINIA

Bridwell Packing House, Bluefield.
Brumfield, Jake, Huntington.
Fischer and Fisher, Charleston.
Hoverson Heights Packing Co., Pollansbee.
Peerless Packing Co., Beckley.
Simmons and Sons, H. L., Moundsville.
Tabron, George, Shinnston.
United Packing Co., Wheeling.
Wenzel Co., John, Wheeling.
Whitehall Packing Co., Watson.

WISCONSIN

Bruhn's Freeze Meats, Barton.
Dalfin and Lloyd Janisee, Oostburg.
Host Bros., Lake Geneva.
Muskego Packing Co., Muskego.
Polar Locker, LaCrosse.
Van Vonderen, Fred, Seymour.
Vere Ferries, Ontario.
Zitron Brothers, Inc., Milwaukee.

Effective date. The foregoing notice shall become effective upon publication in the FEDERAL REGISTER.

Certain additional stockyards and slaughtering establishments have been added to the list of those heretofore specifically approved under the regulations in 9 CFR Part 78. It has been determined that the inspection and handling of livestock or carcasses or products thereof at such stockyards or establishments are adequate to effectuate the purposes of such regulations. Certain stockyards and slaughtering establishments have been removed from the list of those heretofore specifically approved under said regulations, because it has been determined that such stockyards and establishments no longer qualify for specific approval under the regulations. This action, therefore, imposes certain restrictions necessary to prevent the spread of brucellosis and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved hereby. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this action are impracticable and unnecessary, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of September 1962.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 62-9353; Filed, Sept. 18, 1962; 8:53 a.m.]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 18]

DEPUTY ADMINISTRATOR FOR ADMINISTRATION

Delegation of Authority

SEPTEMBER 11, 1962.

Pursuant to the authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, from the Secretary of State, I hereby delegate authority to, and otherwise authorize the Deputy Administrator for Administration to:

(1) Exercise the authority and to perform the functions delegated to the Assistant Director for Administration by the Director of the International Cooperation Administration pursuant to Delegation of Authority of August 9, 1961 (26 F.R. 7742), which title was subsequently designated Assistant Administrator for Administration, and which delegation was continued in effect pursuant to Delegation of Authority No. 3 dated November 4, 1961 (26 F.R. 10734);

(2) Exercise the authority and perform the functions delegated to the Assistant Administrator for Administration by Delegation of Authority No. 13 of March 15, 1962 (27 F.R. 3701);

(3) Exercise the authority and perform the functions delegated to the Assistant Administrator for Administration by Delegation of Authority No. 17 of June 19, 1962 (27 F.R. 5914).

The office of the Assistant Administrator for Administration is abolished and all authorities, functions, duties and responsibilities of the Assistant Administrator for Administration are hereby delegated to the Deputy Administrator for Administration. References in any currently effective delegations of authority (including those specifically designated above), regulations, policy directives, policy determinations, manual orders, instructions, memoranda, notices, or other similar documents (published or otherwise) to the Deputy Director for Management and the Assistant Director for Administration of ICA, and to the Assistant Administrator for Administration of A.I.D., shall be deemed to be references to the Deputy Administrator for Administration. Similarly, references in such documents to the Director, Office of Contract Relations and to the Director, Office of Administrative Services shall be deemed as of November 4, 1961 to refer to the Chief, Contract Services Division, Office of Program Support, and to the Chief, General Services Division, Office of Program Support, respectively.

Any subdelegation issued and official actions taken prior to the effective date hereof by officers duly authorized pursuant to existing delegations are hereby continued in effect according to their terms until modified, revoked or superseded by an officer to whom I have delegated relevant authority in this delegation or their subdelegees.

This Delegation of Authority shall be effective immediately and shall continue in full force and effect until such time as it is rescinded by me.

FOWLER HAMILTON,
Administrator.

SEPTEMBER 11, 1962.

[F.R. Doc. 62-9325; Filed, Sept. 18, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application Serial No. Arizona 09391, for withdrawal and reservation of lands was published as F.R. Document No. 56-3372 on page 2848 of the issue for May 1, 1956. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations in 43 CFR Part 295, such lands will be at 10:00 a.m., October 11, 1962, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

GILA AND SALT RIVER BASE AND MERIDIAN

KAIBAB NATIONAL FOREST

Roadside Zone, U.S. Highway 66

A strip of land 500 feet on each side of the center line of U.S. Highway 66 as it passes through the following subdivisions:

T. 22 N., R. 3 E.,
Sec. 28: NW¼SE¼.

Moqui Ranger Station Administrative Site

T. 30 N., R. 2 E.,
Sec. 13: N½NE¼NE¼, N½S½NE¼NE¼, SW¼SW¼NE¼NE¼, SE¼SE¼NE¼NE¼, NE¼NE¼SE¼NE¼, NW¼NW¼SE¼NE¼, S½N½SE¼NE¼.

Dated: September 11, 1962.

FRED J. WEILER,
State Director.

[F.R. Doc. 62-9312; Filed, Sept. 18, 1962; 8:46 a.m.]

IDAHO

Chief of Division of Administration et al.; Delegation of Authority Regarding Contracts

Pursuant to the authority contained in Order No. 698, and Amendment No. 1, of the Director, Bureau of Land Management, the following classes of employees are authorized to enter into contracts for construction up to $2,000, and supplies (including the rental of equipment) or services up to $2,500 and to make open market purchases up to $2,500.

Chief, Division of Administration.
District Managers.
Administrative Assistants.

The State Director may, in writing, further delegate authorization to make emergency purchases to any qualified employee of the Bureau of Land Management.

All contracts entered into under this authority must conform with applicable regulations and statutory requirements, and are subject to availability of appropriations.

JOE T. FALLINI,
State Director.

[F.R. Doc. 62-9313; Filed, Sept. 18, 1962; 8:46 a.m.]

NEVADA

Small Tract Classification

[Classification No. N-3-STA-63-3]

1. Pursuant to authority delegated by Bureau Order 684 dated August 28, 1961 (26 F.R. 8216), and the State Director June 29, 1962 (27 F.R. 6240), I hereby classify the following described public lands, totaling 560 acres in Ormsby County, Nevada, as suitable for sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

MOUNT DIABLO MERIDIAN, NEVADA

T. 15 N., R. 20 E.,
Sec. 28, NW¼NE¼, E½NW¼, SE¼SW¼, SW¼SE¼;
Sec. 33, W½E½, E½W½, SW¼NW¼.

Containing 560 acres of which 505 acres are covered by 104 applications from persons entitled to preference under 43 CFR 257.5(a).

2. Classification of the above described lands by this order segregates them from all appropriation, including locations under the mining laws, except as to application under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act (op. cit.) until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. All valid applications filed prior to September 5, 1962 will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5(a).

DANTE SOLARI,
District Manager.

SEPTEMBER 10, 1962.

[F.R. Doc. 62-9314; Filed, Sept. 18, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9977]

MUTUAL AID PACT INVESTIGATION

Notice of Reconvened Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, particularly sections 204(a), 407, 412, and 1002(b) thereof, of the reconvening of the hearing in this proceeding on September 24, 1962, at 10:00 a.m. in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned hearing examiner for the purpose of receiving evidence of the operation of the amended Mutual Aid Pact in the current strike of the Flight Engineers against Eastern Air Lines.

Dated at Washington, D.C., September 13, 1962.

[SEAL] S. THOMAS SIMON,
Hearing Examiner.

[F.R. Doc. 62-9335; Filed, Sept. 18, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14693, 14694; FCC 62M-1219]

JOHN A. EGLE AND KLFT RADIO, INC.

Order Continuing Hearing

In re applications of John A. Egle, Golden Meadow, Louisiana, Docket No. 14693, File No. BP-15478; KLFT Radio, Inc., Golden Meadow, Louisiana, Docket No. 14694, File No. BP-15536; for construction permits.

Pursuant to joint motion of counsel for the applicants, made orally during the prehearing conference in the above-styled proceeding held on this date, and with agreement of counsel for the Broadcast Bureau: *It is ordered*, This 13th day of September 1962, that a further session of the prehearing conference will be held on October 5, 1962, at 9 a.m., in Washington, D.C.; and that the hearing presently scheduled to commence on October 12, 1962, is continued to a date to be fixed at such further session of the prehearing conference.

Released: September 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9339; Filed, Sept. 18, 1962; 8:51 a.m.]

[Docket Nos. 14597, 14599; FCC 62R-35]

KWEN BROADCASTING CO. AND VIDOR BROADCASTING CO., INC.

Memorandum Opinion and Order Amending Issues

In re applications of Felix Joynt and James Joynt, d/b as KWEN Broadcasting Company, Port Arthur, Texas, Docket No. 14597, File No. BP-13627; Vidor Broadcasting Company, Inc., Vidor, Texas, Docket No. 14599, File No. BP-14619; for construction permits.

1. The Review Board has before it for consideration a petition by the Broadcast Bureau to add a contingent comparative issue in this proceeding.[1]

2. By Order, published April 21, 1962, 27 F.R. 3865, the Commission designated for consolidated hearing the mutually exclusive applications of KWEN Broadcasting Company (KWEN) and Vidor Broadcasting Company, Inc. (Vidor Broadcasting), each requesting a construction permit for a Class II standard broadcast station on 1510 kc, at Port Arthur, Texas, and Vidor, Texas, respectively. Each proposes to operate with 1 kw of power. The designation Order specifies the standard section 307(b) issue as one of the hearing issues.

3. In its petition, the Bureau requests that the issues in this proceeding be en-

[1] The pleadings before the Review Board are: (a) Broadcast Bureau's petition to enlarge issues, filed June 5, 1962, and (b) opposition, filed June 18, 1962, by Vidor Broadcasting Company, Inc. No other pleadings were filed.

larged by including the contingent standard comparative issue. The Bureau's petition was not filed until approximately six weeks after the publication of the designation Order. The delay is excusable, however, in view of the recency of the Commission's Order in Rockland Broadcasting Company, considered infra, which is, in part, dispositive of the matters raised in the pleadings before us.

4. It appears from the pleadings before us that Port Arthur (1960 population—66,676 and Beaumont, Texas (1960 population—119,175) are approximately 5 miles apart at the closest city limits. Vidor (1960 population—4,938) is about three miles east of Beaumont, with swampland between the two. The distance between Port Arthur and Vidor is ten miles. Port Arthur and Beaumont are in Jefferson County, and Vidor is in Orange County. Vidor is an independent corporate city and the site of most of the schools of the Vidor Independent School District; located within its city limits are a high school, two junior high schools, an elementary school and a grammar school. It has its own weekly newspaper, its own governing body and over two hundred retail and service establishments. Vidor is not part of any urbanized area. Beaumont and Port Arthur are parts of different urbanized areas. The three cities are within the 1960 Metropolitan Statistical Area comprised of Jefferson and Orange Counties. KWEN's proposal would place a 25 mv/m signal over Port Arthur, and a 5 mv/m signal over Beaumont and Vidor. Vidor Broadcasting's proposal would place a 25 mv/m signal over Vidor and over a portion of Beaumont; it would place a 10 mv/m signal over all of Beaumont and a 5 mv/m signal over Port Arthur.

5. Vidor Broadcasting's opposition to the Bureau's request is based entirely upon the view that neither Vidor nor Port Arthur may properly be regarded as part of Beaumont. In support of its opposition, it contends that there are many differences between the factual circumstances set forth in paragraph 4 herein and those involved in Huntington Broadcasting Co., 6 RR 569 (1950), in which the Commission concluded that Huntington Park and Los Angeles should be treated as a single community for 307(b) purposes since the Class II standard broadcast proposals in that proceeding would provide service for substantially the same area. No showing has been made, Vidor Broadcasting contends, that Vidor and Port Arthur are part of one larger community. The absence of such a showing, it concludes, eliminates the necessity of resorting to the contingent standard comparative issue in making a choice between the two mutually exclusive applicants; 307(b) considerations alone, it submits, must be the sole basis for making a choice.

6. Even if, as Vidor Broadcasting contends, Vidor and Port Arthur are separate communities,[1] it does not necessarily follow that a choice between them can be made solely on the basis of 307(b) considerations. Of significance in the instant proceeding is that both applicants propose Class II stations, and that each would provide service to substantially the same area.[2] In Kent-Ravenna Broadcasting Company, FCC 61-1350, 22 RR 605 (1961), cited by the Bureau, it was pointed out that while every standard broadcast station is expected to provide both a transmission service (i.e., an outlet for local self-expression) and a reception service, the relative importance of the transmission aspects and reception aspects varies with the class of station proposed. Thus, in the case of Class II and Class III stations, the primary purpose of which is to serve a wide area, the transmission aspects are relatively less important, for example, than they are in the case of Class IV stations, which are intended primarily for local service. The competing needs of different cities for a transmission service can in most instances, be resolved in terms of the number of stations located in each of the cities and the size of the cities. Similarly, the relative needs of the reception areas of the two proposals can, in most instances, be resolved in terms of the number of services available to each of the proposed reception areas.

7. In the instant proceeding, the needs of Vidor and Port Arthur for the transmission service proposed for each of these communities are not identical. Thus, Port Arthur has two stations; Vidor has none. Port Arthur, however, has a population in excess of 65,000 persons, whereas Vidor's population is less than 5,000. Which of the two communities has a greater need for the transmission service proposed is a matter to be determined by the Hearing Examiner under the 307(b) issue. Insofar as the reception aspects of the two proposals are concerned, there do not appear to be substantial differences between the two proposals; as pointed out in footnote 3, supra, the service areas are substantially the same, and there is nothing to indicate that there is a white or grey area within the normally-protected contour of one of the proposals but not within the normally-protected contour of the other proposal.

8. On the present state of the record, therefore, it appears that, insofar as 307(b) considerations are concerned, the principal differences between the two proposals are in their transmission aspects. As indicated above, however, each of the two proposals is for a Class II station, and in view of the greater importance attached to the reception aspects of such stations, it may not be possible to base a choice between the two proposals solely or primarily upon the differences in their transmission aspects, particularly where, as appears here to be the case, the differences in the transmission aspects do not give one applicant a clear advantage over the other. In Kent-Ravenna, supra, and subsequently in Rockland Broadcasting Company, FCC 62-577, 23 RR 789 (1962), the Commission clearly indicated that 307(b) considerations might not in every case be determinative as between mutually exclusive applications for different communities, and that resort to the contingent standard comparative issue might be necessary. We are not now deciding that 307(b) considerations alone will, or will not, be determinative in making a choice between the two applicants in this proceeding. For the reasons indicated, however, there is a substantial possibility that 307(b) considerations alone do not provide a sufficient basis for making a choice between the two applicants, and hence the addition of the contingent standard comparative issue is warranted. The addition of this issue will permit the Hearing Examiner to determine, after the evidence under the 307(b) issue has been adduced, whether a determination may be made solely upon the basis of 307(b) considerations, or whether it would be appropriate to adduce evidence under the contingent standard comparative issue. As was pointed out in Rockland Broadcasting, supra, the Hearing Examiner may, in his discretion, hear oral argument and require briefs on the question of whether sole reliance may be placed upon 307(b) considerations or whether evidence under the contingent standard comparative issue should be adduced. Should there be a substantial doubt as to whether 307(b) considerations alone should be determinative, evidence under the contingent standard comparative issue should be adduced.

Accordingly, it is ordered, This 12th day of September 1962, That the Broadcast Bureau's petition to enlarge issues, filed June 5, 1962, is granted; and

It is further ordered, That Issue 11 in the above-captioned proceeding is renumbered as Issue 12, and that the following Issue 11 is added:

11. To determine, in the event it is concluded that a choice between the instant applications should not be made solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned proceeding would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station;

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station;

(c) The programming service proposed in each of the instant applications.

Released: September 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9340; Filed, Sept. 18, 1962; 8:52 a.m.]

[Docket Nos. 14726, 14727; FCC 62M-1218]

PROGRESS VALLEY BROADCASTERS CO. AND SHAKOPEE BROADCASTING CO.

Statement and Order After Prehearing Conference

In re applications of George J. McCarthy, Robert J. Chevalier and Robert D. Zellmer, Limited Partnership, d/b as Progress Valley Broadcasters Company, Shakopee, Minnesota, Docket No. 14726, File No. BP-14665; Alfred R. Sundberg, James J. Delmont and Edward M. Smith, Limited Partnership, d/b as Shakopee Broadcasting Company, Shakopee, Minnesota, Docket No. 14727, File No. BP-15281; for construction permits.

At the prehearing conference today, the following timetable was agreed upon:

Exchange of written cases of applicants by October 23, 1962.

Receipt of notification of witnesses desired for cross-examination by October 29, 1962.

Hearing, Monday, November 5, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C. (rescheduled from October 22, 1962).

So ordered, this 13th day of September 1962.

Released: September 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9341; Filed, Sept. 18, 1962; 8:52 a.m.]

[Docket Nos. 14719, 14720; FCC 62M-1217]

WYMAN N. SCHNEPP ET AL.

Order Continuing Hearing

In re applications of Wyman N. and Willa M. Schnepp, joint tenants, Abilene, Kansas, Docket No. 14719, File No. BP-14587; Valley Broadcasting Company, Beloit, Kansas, Docket No. 14720, File No. BP-14592; for construction permits.

Pursuant to the agreements reached at the prehearing conference held on September 12, 1962, the evidentiary hearing in the above-entitled proceeding now scheduled to begin on October 22, 1962, is canceled and set aside and the date for the evidentiary hearing will be specified immediately after the Commission has acted upon presently pending pleadings looking toward the dismissal of the application of Valley Broadcasting Company.

It is so ordered this the 12th day of September 1962.

Released: September 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9342; Filed, Sept. 18, 1962; 8:52 a.m.]

[Docket Nos. 14773, 14774; FCC 62-948]

SEMO BROADCASTING CORP. AND BROWNSVILLE BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Semo Broadcasting Corporation, Sikeston, Missouri, Docket No. 14773, File No. BP-14129, requests 1520 kc, 1 kw, 5 kw-LS, DA-2, U, Class II; Roy Davis tr/as Brownsville Broadcasting Co., Brownsville, Tennessee, Docket No. 14774, File No. BP-14145, requests 1520 kc, 250 w, D, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of September 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applications are legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposals involve mutually destructive interference.

2. The proposal of Semo causes interference to Station WHOW, Clinton, Illinois. Due to the lack of adequate information from Semo, there are questions as to whether this applicant will afford Station KOMA and WKBW. (cochannel stations respectively located in Oklahoma City, Oklahoma, and Buffalo, New York) adequate protection with respect to daytime skywave radiation (§ 3.187 of the Commission's rules), and nighttime interference. In the latter respect, there is a question as to whether adequate protection will be afforded other existing operations.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from Semo Broadcasting Corporation and Brownsville Broadcasting Co., and the availability of other primary services to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of Semo Broadcasting Corporation would cause objectionable interference to Station WHOW, Clinton, Illinois, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission rules and, if so, whether circumstances exist which warrant a waiver of said Section.

5. To determine whether the proposal of Semo Broadcasting Corporation would be in accordance with the provisions of § 3.187 of the Commission rules regarding permissible radiation towards Stations KOMA and WKBW.

6. To determine whether the proposal of Semo Broadcasting Corporation would provide adequate nighttime protection to cochannel Stations KOMA, WKBW, or any other existing standard broadcast stations, as required by the Commission rules.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient, and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of either of the instant applications would serve the public interest, convenience and necessity.

It is further ordered, That Cornbelt Broadcasting Company, Storz Broadcasting Co., and Capital Cities Broadcasting Corporation, licensees of Stations WHOW, KOMA, and WKBW, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of either of these applicants, the construction permit shall contain the following condition: Pending a final de-

[1] We are not here deciding whether Vidor and Port Arthur are separate communities. For present purposes, this question need not be resolved.

[2] An examination of the engineering exhibits filed with the two applications discloses that Vidor Broadcasting would provide service with a 0.5 mv/m signal strength or better to 83 percent of the area within KWEN's proposed normally-protected 0.5 mv/m contour. KWEN's proposal would provide service with a 0.5 mv/m signal strength or better to 95 percent of the area within Vidor Broadcasting's proposed normally-protected 0.5 mv/m contour.

cision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9343; Filed, Sept. 18, 1962; 8:52 a.m.]

[Docket Nos. 14770, 14771; FCC 62-946]

TRI-CITY BROADCASTING CO. AND THE RADIOCASTERS

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Russell E. Starner and Robert E. Benson d/b as Tri-City Broadcasting Company, Belpre, Ohio, Docket No. 14770, File No. BP-14408, requests 910 kc, 1 kw, Day, Class III; Will P. McKinney, Jane M. Burton, Daniel W. Burton, Ruth M. Schornstheimer, Robert E. Schornstheimer, Betty C. McKinney, and William E. McKinney d/b as The Radiocasters, Marietta, Ohio, Docket No. 14771, File No. BP-15265, requests 910 kc, 5 kw, DA, Day, Class III; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of September 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposals are mutually exclusive.

2. The proposed operations of the instant proposals would cause interference to the operations of existing facilities.

3. It cannot be determined whether Tri-City Broadcasting Company will have sufficient funds available to construct and meet initial operating expenses (for a reasonable time) of the proposed facility. Funds of approximately $15,750 (plus land and building lease) are needed to cover the downpayment on the equipment, miscellaneous expenses and to operate for a reasonable time. An amount of $12,800 is available. The balance sheet shows cash of $800 and the two partners, Russell E. Starner and Robert E. Benson, have agreed to lend $7,000 and $5,000, respectively. Under these circumstances it cannot be determined that the applicant is financially qualified.

4. It has not yet been determined whether the proposed operations of the applicants would constitute a menace to air navigation.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from either of the instant proposals.

3. To determine whether the instant proposal of Tri-City Broadcasting Company would cause objectionable interference to Station WAVL, Apollo, Pennsylvania, and Station WPFB, Middletown, Ohio, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of the Radiocasters would cause objectionable interference to Station WAVL, Apollo, Pennsylvania, Station WPFB, Middletown, Ohio, Station WMMN, Fairmont, West Virginia, and Station WHYE, Roanoke, Virginia, or any other existing standard broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether Tri-City Broadcasting Company is financially qualified to construct and operate its proposed station.

6. To determine whether there is a reasonable possibility that the tower height and location proposed by each of the above-captioned applications would constitute a menace to air navigation.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient, and equitable distribution of radio service.

8. To determine, in the event it is concluded that a choice between the instant applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest, in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed stations.

(c) The programming services proposed in each of the instant applications.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either of the instant applications should be granted.

It is further ordered, That, Tri-Borough Broadcasting Company, Radio Station WPFB, Inc., Peoples Broadcasting Corporation, and Roanoke, Broadcasters Incorporated, licensees of Stations WAVL, WPFB, WMMN, and WHYE, respectively, and the Federal Aviation Agency, are made parties to the proceeding.

It is further ordered, That in the event of a grant of each of the above-captioned applications the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9344; Filed, Sept. 18, 1962; 8:52 a.m.]

[Docket No. 14772; FCC 62-947]

WASHINGTON BROADCASTING CO. (WJPA)

Order Designating Application for Hearing on Stated Issues

In re application of Washington Broadcasting Company (WJPA), Washington, Pennsylvania, Docket No. 14772, File No. BP-14924, has 1450 kc, 250 w, U, Class IV, requests 1450 kc, 250 w, 1 kw-LS, U, Class IV; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of September 1962;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. According to data submitted by the applicant, the proposed operation of WJPA would cause adjacent channel interference to the existing operation of Station WMBA, Ambridge, Pennsylvania. By letter dated September 26, 1961, Station WMBA objected to a grant of this application and requested that it be designated for hearing and WMBA be made a party respondent. The Commission agrees with the claim of Station WMBA.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WJPA and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WJPA would cause objectionable interference to Station WMBA, Ambridge, Pennsylvania, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Miners Broadcasting Service, Inc., licensee of Station WMBA, Ambridge, Pennsylvania, Is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the application the construction permit shall contain the following conditions:

Permittee shall submit with the application for license antenna resistance measurements made in accordance with § 3.54 of the Commission rules.

Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1000 watts.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: September 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9345; Filed, Sept. 18, 1962; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

WYMAN & CO., INC., ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following applicants (listed by cities) have been issued application numbers by the Federal Maritime Commission for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87-254). Corps, unless otherwise indicated.

Protests to the granting of any application should be filed in writing with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

No., Name and Address; Officers

DENVER, COLO.

792; Wyman & Co., Inc., Chas. H., 754 Equitable Building, 730 17th Street, P.O. Box 1435 (1)—A. P. Meagher, pres. and treas. Mary M. Meagher, vice pres. and sec.

EVANSVILLE, IND.

79; International Sea Van, Inc., 1212 St. George Road—O. H. Frisble, pres.-director; C. L. Elliott, vice pres.-director; E. J. Starck, vice pres.-director; Thomas D. Irvin, treas-director; A. W. Brueker, sec-director; J. C. Connell, asst.-treas.

FORT LAUDERDALE, FLA.

274; Port Everglades Terminal Co., Inc., Southeast 24th Street, Port Everglades Station—W. T. Eller, pres.; R. E. Eller, vice pres.; Frances Meyer, sec.-treas.

FORT WAYNE, IND.

790; North American Van Lines, Inc., Lincoln Highway and Meyer Road, P.O. Box 988—James D. Edgett, pres.-director; Clyde A. Jewett, vice pres.-director; Russell Kott, treas.-director; Richard H. Bureah, sec.-director; Cyril P. Garvey, director; Lewis A. Louderback, director; Woodrow B. Miller, director; Edwin A. Parrish, director; Otto J. Layer, Sr., director; Phil Martin, director; James A. Nevil, director; A. H. Pellegrini, director; G. W. Smyth, director; Harold Williams, director.

GRAND RAPIDS, MICH.

883; Darling Freight, Inc., 4000 South Division Avenue—Dallas L. Darling, pres.; Mrs. Dallas L. Darling, treas.; Daniel A. Darling, vice pres.; Doris I. Watkins, sec.; Stanley V. Frede, asst. sec.; Arthur Start, asst. treas.; S. Rosenbaum, director.

HOLLYWOOD, CALIF.

104; Lewin Forwarding Co., Martin; 5720 Santa Monica Boulevard (38)—Partnership: Mrs. Myriam Lewin Coria, principal owner; Mrs. Martha Lewis, silent partner; Mr. Manuel Coria, silent partner.

742; Manufacturers Export Organization, Inc., 812½–814 No. LaBrea Avenue (38)—Fred T. Hanna, pres.; E. R. Hanna, sec. and treas.; Ruth A. Hanna, vice pres.

HOMER, ALASKA

68; Kenai Peninsula Public Utility, District No. 1, Box 391—K. L. Cleaver, pres.; George W. Bishop, treas.; Hugh S. Watson, clerk; Carl Baier, director; Harry E. Gregoire, director.

HONOLULU, HAWAII

500; American Oceanic Forwarding Co., Division of Hawaiian Freight Forwarders, Ltd., 51 South Nimitz Highway, P.O. Box 3113—Robert O. Koch, pres.-director; A. J. Kersenbrock, sec.-treas. and director; Howell A. Tatum, vice pres.-director.

500; Flynn Forwarding Company, Inc., 911 North 11th Street, St. Louis, Mo.—John L. Bunce, pres.-director; A. E. Johann, Jr., vice pres.-director; Edward C. Schneider, exec. vice pres. and director; Johanna Matz, sec.-treas.

886; HC & D Van & Storage, Ltd., 800 South Street—L. C. Bush, pres.; R. L. Muller, vice pres.; R. H. Grosjean, vice pres.; C. D. Sayres, treas.; M. J. Carlos, sec.; Elisabeth Butler, asst. sec.

INDIANAPOLIS, IND.

662; Wheaton Van Lines, Inc., 2525 East 56th Street (5)—E. S. Wheaton, pres.; E. H. Lamkin, vice pres.—Sales; C. W. Zimmerman, vice pres.—Operations; R. L. Sheets, treas.; Marjorie A. Wheaton, sec.; C. Lloyd Kroger, asst. sec.; Fred A. Link, vice pres.; Paul H. Feucht, director.

INGLEWOOD, CALIF.

398; Meyer & Co., Inc., Herb B., 145 West Hazel Street—Herb B. Meyer, pres.; L. A. Beliveau, vice pres.; Lee Schwartz, sec.; Dollie Johnson, treas.

MINNEAPOLIS, MINN.

222; Fischer Co., Inc., Ray C., 824 Midland Bank Building, 401 Second Avenue South (1)—Ray C. Fischer, pres.-director; Jerome R. Fischer, vice pres.-director; Beatrice E. Sandbo, sec.-treas. and director.

PALO ALTO, CALIF.

800; Jensen, Inc., Norman G., 2115 El Camino—Gordon W. Jensen, pres.-director; Bent Jensen, vice pres.; Charlotte A. Jensen, sec.-director; Norman G. Jensen, treas.-director.

PALOS VERDES ESTATES, CALIF.

221; Intercontinental Transport, 2564 Val Tejon—Richard B. Goates, pres.; Michael C. Kluge, exec. vice pres.; Jo. Anne Little, sec.-treas.; Marilyn K. Goates, director; Galina Kluge, director; Geroge J. Moshofsky, controller.

CHICAGO, ILL.

525; Pacific & Atlantic Shippers, Inc., 356 North Halstead Street (6)— F. P. Lucus, pres.-director; C. P. Palin, vice pres.; Paul T. Wolf, sec.-director; F. W. Tenney, director; I. G. Hodge, treas.-asst. sec.; G. A. Comnes, controller.

525; R–X Consolidators, Inc., 1417 Clay Street, P.O. Box 958, Oakland 4, Calif.—A. S. Glikbarg, pres.-director; Owen M. Collett, exec. vice pres.-director; Clarence E. Heller, director; Paul T. Wolf, sec.-director; I. G. Hodge, treas.-asst. sec. and director.

PUERTO RICO

587; Valencia Bart Express, Inc., 451 Fernandez Juncos, P.O. Box 3886, San Juan—Alfonso Valencia, pres.; Wallace Valencia, sec.-treas.; Rodolfo Catinchi, vice pres.; Roy Jacobs, vice pres.

RICHMOND, CALIF.

893; Richmond Export Services, Inc., 2114 MacDonald Avenue—Ralph W. Johnson, pres.-director; John Johnson, vice pres.-director; William F. Bottoms, sec.-treas. and director.

SAN PEDRO, CALIF.

504; Hartry, Inc., Howard, 200 Eighth Street, P.O. Box 351—Howard Hartry, pres.; W. S. McMillan, vice pres.; Robert L. Hartry, sec.-treas.

SAN DIEGO, CALIF.

668; San Diego Traffic Services, 645 Tenth Avenue Terminal, P.O. Box 948 (12)—Milton Hallen, pres.; David E. Porter, vice pres.; and customhouse broker; Mary E. Oprian, sec.-treas.

121; Shreve & Hays, 1140 North Harbor Drive (1)—Partnership: James T. Shreve, partner; John C. Hays, partner.

ST. LOUIS, MO.

745; Springmeier Shipping Co., Inc., 1123 Hadley Street (1)—Thos H. Walrond, pres.-director; J. J. Kelly, exec. vice pres.; Wm. B. Trost, vice pres.-sec. and director; Clara G. Springmeier, vice pres.-treas.-director; J. H. Meltz, vice pres.—service and rates; J. S. Smith, vice pres.—sales.

STOCKTON, CALIF.

744; West Coast Freight Tariff Bureau Inc., P.O. Box 824—Richard A. Bennett, pres.; Charles D. Gilbert, exec. vice pres.; Donald J. Harvey, vice pres.; Olive M. Juchniewicz, sec.; Alta L. Bonnett, treas.

TACOMA, WASH.

340; McKenzie & Co., Inc., B. A., 601 Security Building, P.O. Box 1324 (1)—T. W. Kennard, pres.-director; A. H. Wickens, vice pres.-sec. and director; Jean M. Kennard, treas.-director; Margaret M. Earp, asst. sec. and asst. treas.; Mary Katherine Andre, director.

TAMPA, FLA.

310; Arango, Inc., A. J., 612½ Florida Avenue, P.O. Box 3007 (1)—A. J. Arango, pres-director; A. J. Arango, Jr., vice pres.-director; Peter D. Alberdi, sec.-director; Xandra Arango Alberdi, treas.-director.

754; Fillette, Green & Co. of Tampa, 608 Tampa Street, P.O. Box 2948 (1)—H. Hilton Green, Sr., pres.; W. A. Freeman, Jr., exec. vice pres.; T. O. Fillette, Sr., sec.-treas.; Flora Frances Freeman, asst. sec.

667; General Shipping Co., 1502½ East Broadway (Rm No. 1), P.O. Box 2536 (2)—J. J. Corrales, pres.; Sylvia Corrales, treas.; L. E. Buckley, vice pres.; Billie E. Buckley, sec.

78; Gulf Florida Terminal Co., 13th and York Streets, P.O. Box 2481 (1)—William A. McLean, pres. and chairman of board; Howard L. Hill, exec. vice pres.; John L. Montgomery, vice pres.—sales; Francis C. Sutton, vice pres.—storage; Harold H. Patterson, vice pres.—maintenance; Dorothy T. Fitscher, sec.

852; Hillebaum-Tampa, Inc., 205 North 12th Street, Box 5284 (5)—Leo Hill, pres.; Roger Baum, vice pres.; Lou Hill, sec.-treas.

591; Humphrey & MacGregor, Inc., P.O. Box 1911 (1)—Ethel E. MacGregor, pres.; Elvira Fernandez, vice pres.; Julia Humphrey, 2d vice pres.; R. N. Corbin, sec.-treas.

642; Interore Shipping Corp., 404 Jackson Street, P.O. Box 2735—Hugh S. Ten Eyck, pres.; A. C. Santore, vice pres.; Samuel Beer, treas.; Harold W. Conroy, sec.

692; Savage & Son, A. R., 501 Jackson Street (2)—Partnership: A. R. Savage, pres.; W. O. Savage, vice pres.

855; Scott Company, S. G., 215½ North 11th Street, P.O. Box 2008 (2)—Samuel G. Scott, pres.-director; Carolyn J. Scott, sec.-treas.; David Hyman, director; J. Frank Robinson, Sr., director.

TOLEDO, OHIO

686; Trans-World Shipping Service, Inc., 420 Madison Avenue—R. W. Cary, RADM, USN (ret.), pres.; C. P. Miller, vice pres.; R. J. Watson, treas.; W. M. B. Ajemian, vice pres.; L. E. K. Hopkins, vice pres.; B. O. Hopkins, vice pres.; R. C. Ragan, sec.

WICHITA, KANS.

665; King Forwarders, Inc., 6807 East Kellogg, P.O. Box 1025—William C. King, pres.; Edward G. Sommers, sec.; L. V. Cupp, general vice pres.; John E. Kelso, vice pres.; Buln B. King, treas.

WILMINGTON, CALIF.

603; Koppell Bros., Inc., 117 East B Street—Irving D. Koppel, pres.; Leonard Koppel, vice pres.; George E. Koppel, sec.

Dated: September 12, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–9336; Filed, Sept. 18, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E–7053]

BLACK HILLS POWER AND LIGHT CO.

Notice of Application

SEPTEMBER 12, 1962.

Take notice that on September 4, 1962, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Black Hills Power and Light Company (Applicant), a corporation organized under the laws of the State of South Dakota and doing business in the States of South Dakota and Wyoming, with its principal business office at Rapid City, South Dakota, seeking an order authorizing the issuance of up to but not exceeding $1,200,000 principal amount of unsecured Promissory Notes, which amount includes $600,000 in Promissory Notes presently outstanding. Applicant states that it has a firm commitment from the First National Bank of the Black Hills for short-term borrowing of up to $1,200,000 at an interest rate ¼th of 1 percent above the prime rate in either New York or Minneapolis at the time of the borrowing of such funds. The Notes will be issued for periods not exceeding twelve months, and in any event will mature not later than October 31, 1963. No underwriter's or finder's fee will be paid in connection with the issuance of the Notes.

Applicant states that the proceeds from the proposed Notes will be used to finance in part Applicant's current construction program and to maintain an adequate working cash position. Applicant presently estimates that expenditures for additions and improvements to Applicant's properties during the period from August 1, 1962, through June 30, 1963, will approximate $2,900,000, of which approximately $1,600,000 will be spent for facilities related to the high voltage interconnection between Applicant's system and that of Consumers Public Power District of Nebraska.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 5th day of October 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–9310; Filed, Sept. 18, 1962; 8:46 a.m.]

[Docket No. CP62–303 etc.]

CITY OF GRANT CITY, MO., ET AL.

Notice of Applications and Date of Hearing

SEPTEMBER 11, 1962.

City of Grant City, Missouri, Docket No. CP62–303; New London Gas Company, Docket No. CP63–20; Town of Winfield, Iowa, Docket No. CP63–21.

Take notice that on June 26, 1962, the City of Grant City, Missouri, filed an application (Docket No. CP62–303), pursuant to section 7(a) of the Natural Gas Act, for an order of the Commission directing Michigan Wisconsin Pipe Line Company to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Grant City and to sell and deliver to Grant City the volume of natural gas estimated to be required for sale and distribution in the third year of operation in the community of Grant City, as hereinafter described, all as more fully represented in the application.

Grant City estimates its annual and peak day requirements for the first three years of operation as follows:

Year of operation	Requirements	
	Peak day (Mcf)	Annual (Mcf)
1st	797	66,258
2d	874	72,754
3d	951	79,249

Grant City estimates its cost of the project to be $225,000, which will be financed by the sale of revenue bonds. Grant City also estimated that the projetc will require the expenditure of $51,796 by Michigan Wisconsin in accordance with its 10-cent formula for construction of lateral lines.

Take notice that on July 19, 1962, New London Gas Company (New London) of New London, Iowa, a public utility organized under the laws of the State of Iowa, filed an application, pursuant to section 7(a) of the Natural Gas Act, for an order of the Commission directing Michigan Wisconsin Pipe Line Company to establish physical connection of its transportation facilities with the facilities proposed to be constructed by New London and to sell and deliver to New London up to 468 Mcf of natural gas per day required for sale and distribution in the third year of operations in the community of Morning Sun, Iowa, as hereinafter described, all as more fully set forth in the application.

New London estimates the annual and peak day requirements for the first three years of operation in Morning Sun as follows:

Year of operation	(Volumes—Mcf at 14.73 psia)	
	Peak day	Annual
1st	216	41,230
2d	413	62,860
3d	468	69,210

New London also requests that Michigan Wisconsin construct a portion of the required lateral line from a point on its main line to a measuring station located approximately 2.60 miles north of the main transmission pipeline. It is estimated that the project will require the expenditure of $46,150 by Michigan Wisconsin in accordance with its "ten cent formula" for construction of lateral lines.

New London estimates that the cost of proposed project will be $138,460, which will be financed by the sale of stock and a long-term loan.

Take further notice that on July 20, 1962, the Town of Winfield, Iowa, filed an application (Docket No. CP63–21), pursuant to section 7(a) of the Natural Gas Act, for an order of the Commission directing Michigan Wisconsin Pipe Line Company to establish physical connection of its transportation facilities with the facilities proposed to be constructed by the Town of Winfield, Iowa and to sell and deliver to Winfield the volume of natural gas estimated to be required for sale and distribution in the third year of operation in the community of Winfield, Iowa as hereinafter described, all as more fully set forth in the application.

The Town of Winfield estimates its annual and peak day requirements for the first three years of operation as follows:

Year of operation	(Volumes—Mcf)	
	Peak day	Annual
1st	264	26,390
2d	435	44,760
3d	591	59,570

It is proposed that on the basis of its "ten cent formula" Michigan Wisconsin construct a lateral line from a point on its main transmission line in Iowa to a measuring station to be located approximately 2.21 miles north of its main pipeline at an estimated cost of $39,800.

It is estimated that the total cost of constructing the proposed distribution system and the Winfield portion of lateral line will be approximately $187,000, which will be financed by the sale of revenue bonds.

Said applications are on file with the Commission and open for public inspection.

These matters should be heard on a consolidated record.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 10, 1962, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by said applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 1, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–9311; Filed, Sept. 18, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1516]

AMERICAN RESEARCH AND DEVELOPMENT CORP.

Notice of Filing of Application for Order Exempting Proposed Transaction

SEPTEMBER 13, 1962.

Notice is hereby given that American Research and Development Corporation ("Applicant"), Boston, Massachusetts, a Massachusetts corporation and a registered closed-end nondiversified management investment company, has filed an application under section 17(b) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting from the provisions of section 17(a) of the Act a proposed amendment in the terms of debt securities of Jet-Heet, Inc. ("Jet Heet"), held by Applicant so as to subordinate said securities to the $500,000 6 percent Convertible Subordinated Debentures of Jet-Heet due 1968 ("Convertible Debentures") purchased by Boston Capital Corporation, Cambridge Capital Corporation and Metropolitan Small Business Investment Corporation ("the small business investment companies"). All interested persons are referred to the application on file with the Commission for a complete statement of the transactions which are summarized below.

Jet-Heet, a New York corporation organized on March 22, 1947, is a manufacturer of high velocity home heating and air conditioning systems and commercial cooking equipment. Applicant owns 19 percent of the outstanding common stock of Jet-Heet; $10,000 principal amount 6 percent Notes due 1964; and $32,752 principal amount 5 percent Subordinated Income Debentures due 1969. Applicant has appraised the value of its Jet-Heet holdings at an aggregate of $277,643 as of December 31, 1961 as compared to an aggregate book cost of $277,-

393. The Applicant states that in order to provide increased working capital Jet-Heet, in January and March 1962, sold to three small business investment companies $500,000 principal amount of Convertible Debentures, which are convertible into common stock of Jet-Heet at a price of $3 per share, and warrants to purchase 75,000 shares of common stock at a price of $3.50 per share, for an aggregate price of $500,000. The Convertible Debentures are, by their terms, stated to be senior debt to the outstanding $50,000 principal amount of 5 percent Subordinated Income Debentures due 1969, the outstanding $20,000 principal amount 6 percent Notes, due 1964, and the outstanding $100,000 principal amount of 6 percent Subordinated Notes due 1964 (of which latter security Applicant holds none). However, the instruments evidencing such latter three debt securities did not provide for such subordination, and Boston Capital Corporation, as a condition to purchasing the Convertible Debentures, required the Applicant and other holders to amend the terms of such securities to subordinate them to the Convertible Debentures. Applicant has entered into letter agreements acquiescing to the required subordination, subject to an order of the Commission which it agreed to seek. Substantially all other holders of the outstanding indebtedness of Jet-Heet executed subordination agreements in like terms but without any condition.

Section 17(a) of the Act, among other things, prohibits the sale of securities to a registered investment company or the borrowing of money from a registered investment company by an affiliated person thereof unless the Commission by order upon application pursuant to section 17(b) of the Act grants an exemption from section 17(a) of the Act, upon a finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned; and that the proposed transaction is consistent with the policy of the registered investment company concerned, and consistent with the general purposes of the Act. By reason of the 19 percent stock ownership of Jet-Heet by Applicant, Applicant and Jet-Heet are affiliated persons of one another as that term is defined in section 2(a)(3) of the Act. Applicant states that the amendment of the present notes and debentures evidencing Jet-Heet's debt to Applicant may be an exchange of securities or a purchase of outstanding securities by Jet-Heet and the sale of new securities to Applicant.

Applicant states that the negotiations between Jet-Heet, and the small business investment companies and the Applicant were at arm's-length and that Applicant has agreed to the subordination, with the other holders of outstanding debt, in order to induce the small business investment companies to furnish the needed new capital funds.

Notice is further given that any interested person may, not later than October 1, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9320; Filed, Sept. 18, 1962; 8:48 a.m.]

[File No. 24A-1470]

GREATER MIAMI INDUSTRIAL PARK, INC.

Order Temporarily Suspending Exemption, Statements of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 13, 1962.

I. Greater Miami Industrial Park, Inc. (Issuer), a Florida corporation, 310 S.E. Second Avenue, Miami, Florida, filed with the Commission on March 3, 1961, a notification on Form 1–A and an offering circular relating to a proposed public offering of 115,000 shares of its $1.00 par value common stock at $2.60 per share for an aggregate amount of $299,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The issuer's offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading in that it fails to disclose the true purposes for which the proceeds from this offering are to be used.

B. The issuer in using the proceeds of this offering for purposes other than those specified in the offering circular has engaged in transactions, practices, and a course of business which would operate and did operate as a fraud and deceit upon the purchasers of such securities in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9321; Filed, Sept. 18, 1962; 8:48 a.m.]

[File No. 24A-1547]

PRECISION METAL PRODUCTS, INC.

Order Temporarily Suspending Exemption, Statements of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 13, 1962.

I. Precision Metal Products, Inc. (Issuer), 278 NW. 27th Street, Miami 37, Florida, a Florida corporation, filed with the Commission on October 5, 1961, a notification on Form 1–A and an offering circular relating to a proposed public offering of 100,000 shares of its 10 cents par value common stock at $3.00 per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. Armstrong and Company, Inc., 15 William Street, New York City, New York, was named as underwriter.

II. The Commission has reasonable cause to believe that:

A. Regulation A became unavailable to the issuer by reason of the fact that Armstrong and Company, Inc., 15 William Street, New York City, New York, underwriter of this issue, is subject to an order issued by the United States District Court for the Southern District of New York temporarily enjoining such firm from further violations of certain provisions of the Securities Exchange Act of 1934, and in that the underwriter was named as underwriter of securities covered by a filing which is subject to a permanent suspension order entered under Rule 261 within the past five years.

B. The terms and conditions of Regulation A have not been complied with in that the report on Form 2–A filed by the issuer failed to disclose adequately and accurately the total number of shares sold to the public and the total amount of proceeds received from the sale of these securities as required by Rule 260 of Regulation A.

C. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading in that the proceeds from the offering were not used for the purposes set out in the offering circular.

D. The underwriter, Armstrong and Company, Inc., in the distribution of these securities engaged in transactions, practices and a course of business which would operate and did operate as a fraud and deceit upon the purchasers of such securities in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9322; Filed, Sept. 18, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 14, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37941: *Pig iron from Relief, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2632), for interested rail carriers. Rates on pig iron, in carloads, from Relief, Ohio, to specified points in Trunk Line and New England territories.

Grounds for relief: Market competition.

Tariff: Supplement 176 to Traffic Executive Association—Eastern Railroads tariff I.C.C. 4350 (Hinsch series).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-9329; Filed, Sept. 18, 1962; 8:49 a.m.]

[Drouth Order 62, Amdt. 4]

MARYLAND

Authorizing Railroads To Transport Hay at Reduced Rates

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing that due to the drouth conditions existing in the State of Kentucky the Commission issued its Drouth Order No. 62 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport hay to the drouth area at reduced rates;

And it further appearing that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to certain counties in the State of Maryland.

It is ordered, That Drouth Order No. 62 as amended, be, and it is hereby further amended by adding thereto the following:

MARYLAND

14 counties, viz:

Anne Arundel.	Howard.
Baltimore.	Montgomery.
Calvert.	Prince Georges.
Caroline.	Queen Annes.
Carroll.	Saint Marys.
Frederick.	Talbot.
Harford	Washington.

It is further ordered, That in all other respects Drouth Order No. 62, as amended shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 13th day of September A.D., 1962.

By the Commission, Vice-Chairman Walrath.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-9334; Filed, Sept. 18, 1962; 8:50 a.m.]

[Notice 227]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 14, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 879 (Deviation No. 4), SERVICE LINES, INC., 514 South Fourth Street, St. Louis 2, Mo., filed September 7, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Illinois Highway 15 and U.S. Highway 460 over U.S. Highway 460 to junction Illinois Highway 13 and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction Illinois Highway 15 and U.S. Highway 460 over Illinois Highway 15 to Belleville, Ill., thence over Illinois Highway 13 to junction U.S. Highway 460, and return over the same route.

No. MC 2202 (Deviation No. 49), ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, filed September 6, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Fort Wayne, Ind., over Indiana Highway 427, to Auburn, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Fort Wayne, Ind., over U.S. Highway 27, to Auburn, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 84), (CORRECTED) THE GREYHOUND CORPORATION, 5260 Peachtree Industrial Boulevard, Chamblee, Ga., filed July 13, 1962. Previous publication on page 8638 of the August 29, 1962, issue of the FEDERAL REGISTER, showed the deviation route description in part as follows: "From Columbia, S.C., over U.S. Highway *231* to junction Interstate Highway 26 . . . This should read: "From Columbia, S.C., over U.S. Highway *321* to junction Interstate Highway 26 . . ."

No. MC 1501 (Deviation No. 85), THE GREYHOUND CORPORATION, 5260 Peachtree Industrial Boulevard, Chamblee, Ga., filed September 10, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *Passengers and their* baggage, over a deviation route as follows: From junction Interstate Highway 64 and U.S. Highway 60, approximately two miles northeast of Winchester, Ky., over Interstate Highway 64 for a distance of approximately 18 miles to junction U.S. Highway 60 at or near Ewington, Ky., also, from junction Interstate Highway 64 and Kentucky Highway 11 over access road (Kentucky Highway 11) for a distance of approximately 3 miles to Mount Sterling, Ky., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: "Between Huntington, W. Va., and Henderson, Ky., from Huntington over U.S. Highway 60 to Louisville, Ky., thence over U.S. Highway 31–W via West Point, Ky., to Tip Top, Ky., thence over U.S. Highway 60 to Henderson, Ky., and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-9330; Filed, Sept. 18, 1962; 8:49 a.m.]

[Notice 480]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 14, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 226), filed March 30, 1962. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Greenville, Miss., and Dallas, Tex., from Greenville, over U.S. Highway 82 to its junction with U.S. Highway 67, thence over U.S. Highway 67 to its junction with Interstate Highway 30, thence over U.S. Highway 30 to Dallas and return over the same routes, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operations, and (2) between Greenville, Miss., and junction U.S. Highway 190, at or near Kinder, La., from Greenville over U.S. Highway 82 to its junction with U.S. Highway 165 thence over U.S. Highway 165 to junction U.S. Highway 190 at or near Kinder, La., and return over the same route, serving no intermediate points, with service at the junction of U.S. Highway 165 and U.S. Highway 190 for purposes of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular route operation.

NOTE: Common control may be involved.

HEARING: November 8, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner James I. Carr.

No. MC 25798 (Sub-No. 65) (REPUBLICATION), filed January 22, 1962. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1075, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, Suite 912 Federal Bar Building, 1815 H Streets NW., Washington 6, D.C. By application filed January 22, 1962, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of frozen potato products, from Easton, Maine, to points in Alabama, Louisiana, Arkansas, Tennessee, Mississippi, Texas, Kentucky, Georgia, and points in Florida on and west of U.S. Highway 319, with service at points (1) in Georgia, restricted to the partial unloading of shipments moving to points in Alabama, Mississippi, and Louisiana, (2) in Florida, restricted (a) to the delivery of shipments which have been stopped in Alabama for partial unloading, and (b) to the delivery of shipments which have been stopped both in Alabama and Georgia for partial unloading, (3) in Kentucky, restricted to drop-off shipments. Hearing was held on April 18, 1962, at New York, N.Y., Hearing Examiner James Anton presiding. A Report of the Commission decided July 16, 1962, served July 20, 1962, found that th: present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *frozen potato products*, from Easton, Maine, to points in Alabama, Louisiana, Arkansas, Tennessee, Mississippi, Texas, Kentucky, and Georgia, and to points in that part of Florida on and west of U.S. Highway 319; subject, however, to the condition that issuance of a certificate will be withheld for a period of 30 days after publication in the FEDERAL REGISTER of a description of the authority granted herein, during which time any interested party may file an appropriate pleading.

No. MC 25798 (Sub-No. 79), filed August 17, 1962. Applicant: CLAY HYDER TRUCKING LINES, INC., Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, Suite 912, Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from points in Florida, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Rhode Island, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: November 1, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner J. Thomas Schneider.

No. MC 25798 (Sub-No. 81), filed August 17, 1962. Applicant: CLAY HYDER TRUCKING LINES, INC., Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, Suite 912, Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate syrup, cocoa, and chocolate coating compounds*, from Jersey City, N.J., to points in Missouri, Arkansas, Louisiana and Texas.

HEARING: November 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 29566 (Sub-No. 72), filed May 14, 1962. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Ottumwa, Iowa, to Muskogee, Okla.

HEARING: October 26, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner John B. Mealy.

No. MC 30844 (Sub-No. 79), filed August 20, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Marshfield and Whitehall, Wis., to Denver, Colo., Hartford, Conn., Cedar Rapids, Des Moines, and Waterloo, Iowa, Baltimore, Md., Boston, Springfield, and Worcester, Mass., Detroit, Mich., Albany, Buffalo, Kingston, New York City, and Rochester, N.Y., Cincinnati, Cleveland, and Toledo, Ohio, and Allentown, Philadelphia, Pittsburgh, and Scranton, Pa.

HEARING: October 24, 1962, at The Palmer House, Chicago, Ill., before Examiner Reece Harrison.

No. MC 35628 (Sub-No. 244), filed September 6, 1962. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, household goods as defined by the Commission, and commodities in bulk (except scrap metal in bulk), serving Victor, N.Y., as an off-route point in connection with applicant's authorized regular-route operations to and from Rochester, N.Y.

HEARING: October 17, 1962, at the Manger Hotel, Rochester, N.Y., before Examiner Wm. N. Culbertson.

No. MC 41404 (Sub-No. 30), filed August 20, 1962. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, P.O. Box 151, Fulton Highway, Martin, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *meat byproducts*, as described in Appendix I, Subheading A, to the report of modification and description of motor carrier certificates in Ex Parte MC 45, in mechanically refrigerated vehicles, from Booneville, Miss., to points in Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Missouri, and Wisconsin.

HEARING: October 30, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner James I. Carr.

No. MC 42487 (Sub-No. 556), filed June 11, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield, Drive, Menlo Park, Calif. Applicant's attorney: R. E. Poelman, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Kansas City, Kans., and Omaha, Nebr., to Ports of Entry on the International Boundary Line between the United States and Canada located at Sweetgrass, Mont., and Eastport, Idaho.

NOTE: Common control may be involved.

HEARING: October 26, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner John B. Mealy.

No. MC 42487 (Sub-No. 562), filed July 30, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers, dry fertilizer compounds, and dry fertilizer ingredients*, in bulk, from points in California to points in Arizona, Nevada, and New Mexico.

NOTE: Common control may be involved.

HEARING: November 9, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No MC 50517 (Sub-No. 4), filed May 3, 1962. Applicant: RAYMOND NEDWED, Fostoria, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid livestock feeders (parts and accessories), metal articles used for storage, distribution, and feeding of liquid fertilizer, metal tanks and accessories*, from Wamego, Kans., to points in Oklahoma, Texas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada, California, Oregon, Washington, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Mississippi, Alabama, Wisconsin, and Illinois, and *exempt commodities*, on return.

HEARING: October 31, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Examiner John B. Mealy.

No. MC 52657 (Sub-No. 626), filed August 22, 1962. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers, semitrailers, trailer chassis, and semitrailer chassis* (except those designed to be drawn by passenger automobiles) in initial movements in truckaway and driveaway service, from Bellevue, Ohio to points in the United States, including Alaska (but excluding Hawaii). (B) *Tractors*, in secondary driveaway service, only when drawing trailers in initial movements, from Bellevue, Ohio, to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia.

HEARING: October 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 52709 (Sub-No. 183), filed August 2, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices, grape and prune juices, fruit and fig concentrates, tomato juice, tomat paste, tomato puree, vegetable juices*, and *vegetable concentrates*, all the foregoing commodities fresh or frozen, in bulk and hopper-type vehicles, (1) between points in California, Oregon and Washington, and (2) between points in California, Oregon, and Washington, on the one hand, and, on the other, points in the United States on and east of U.S. Highway 85.

NOTE: Common control may be involved.

HEARING: November 15, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 59367 (Sub-No. 10), filed July 2, 1962. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes. transporting: *Ice cream and ice milk bars, ice cream, frozen fudge, and soft drinks, on sticks*, from Fort Dodge, Iowa, to points in Illinois, Missouri, Nebraska, and Wisconsin.

HEARING: October 25, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Hugh M. Nicholson.

No. MC 64932 (Sub-No. 319), filed August 10, 1962. Applicant: ROGERS CARTAGE CO., 1934 South Wentworth, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds*, dry, in bulk or in bags, from Marseilles, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, and Wisconsin.

HEARING: October 29, 1962, at The Conrad Hilton Hotel, Chicago, Ill., before Examiner William A. Royall.

No. MC 95540 (Sub-No. 433), filed June 6, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* as defined by the Commission, from Arkansas City, Kans., to points in Louisiana, Alabama, Georgia, Florida and Memphis, Tenn.

NOTE: Applicant states it is under common control with Arctic Express, Inc., through stock ownership in Bill Watkins and Watkins Motor Lines, Inc.

HEARING: November 2, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner John B. Mealy.

No. MC 95540 (Sub-No. 444), filed July 13, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, from Whitehall, Marshfield, and LaCrosse, Wis., to points in Connecticut, Baltimore, Md., and points in Massachusetts, New York, and Pennsylvania.

NOTE: Applicant states it is under common control with Arctic Express, Inc., through stock ownership in Bill Watkins and Watkins Motor Lines, Inc.

HEARING: October 24, 1962, at The Palmer House, Chicago, Ill., before Examiner Reece Harrison.

No. MC 95540 (Sub-No. 458), filed August 27, 1962. Applicant: WATKINS

MOTOR LINES, INC., Albany Road, Thomasville, Ga. Applicant's attorney: Duane W. Acklie, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, (1) from Madison, S. Dak., to points in Florida, and (2) from Madison and Sioux Falls, S. Dak., to points in Tennessee, North Carolina, South Carolina, and Alabama.

HEARING: November 7, 1962, at the U.S. Court Rooms, Sioux Falls, S. Dak., before Examiner Hugh M. Nicholson.

No. MC 102817 (Sub-No. 6), filed September 10, 1962. Applicant: PERKINS TRUCKING, INC., 419 West Merrill Street, Indianapolis, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, from Bloomington, Ill., to points in Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *rejected shipments thereof*, on return.

HEARING: October 17, 1962, at The Palmer House, Chicago, Ill., before Examiner James Anton.

No. MC 104654 (Sub-No. 131), filed August 20, 1962. Applicant: COMMERCIAL TRANSPORT, INC., P.O. Box 297, Belleville, Ill. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Evansville, Ind., to points in Illinois, points in Kentucky on and east of a line beginning at Owensboro and extending along U.S. Highway 231 to Bowling Green, thence along U.S. Highway 31W to the Kentucky-Tennessee State line, and points in Tennessee beginning at the Tennessee-Kentucky State line, approximately 1 mile south of Fenton, Ky., and extending along the eastern shores of Kentucky Lake to U.S. Highway 70, thence along U.S. Highway 70, to Nashville, Tenn., thence along U.S. Highway 70N, to Crossville, thence along Tennessee Highway 28, to the Tennessee-Kentucky State Line, and thence along the Kentucky-Tennessee State line to the shores of Kentucky Lake, including points on the indicated highways.

HEARING: November 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 105269 (Sub-No. 32), filed August 22, 1962. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, Kalamazoo, Mich. Applicant's attorney: John M. Veale, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Michigan City, Ind., to points in Illinois, Iowa, Michigan, Ohio, Pennsylvania, and Kentucky, and (2) *paper mill materials and supplies*, from points in Illinois, Iowa, Michigan, Ohio, Pennsylvania, and Kentucky, to Michigan City, Ind.

HEARING: October 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 105813 (Sub-No. 70), filed June 25, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, frozen and unfrozen, in mechanically refrigerated vehicles, and *containers or other incidental facilities* used in transporting such commodities, between points in Florida. RESTRICTION: Against any through service under a combination of the operating rights granted herein and that already held by carriers to transport butter, cheese, and eggs from points in Wisconsin, to Miami, Fla.

NOTE: Applicant states it already holds the authority above described with certain restrictions. The purpose of this application is to eliminate the restriction in the certificate to handling shipments having an immediately prior or subsequent movement by water. Applicant further states it is controlled by Midwest Emery Freight System, Inc.

HEARING: October 26, 1962, at the U.S. Court Rooms, Tampa, Fla., before J. Thomas Schneider.

No. MC 105813 (Sub-No. 71), filed July 5, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, and *articles distributed by meat packinghouses*, from Arkansas City, Kans., to points in Alabama, Louisiana, Georgia, Florida, North Carolina, and South Carolina.

HEARING: November 1, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner John B. Mealy.

No. MC–105813 (Sub-No. 75), filed August 13, 1962. Applicant: BELFORD, TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Council Bluffs, Iowa, to points in Florida.

NOTE: Common control may be involved.

HEARING: October 31, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Theodore M. Tahan.

No. MC 106307 (Sub-No. 10), filed July 11, 1962. Applicant: FRANK A. WILLERS, doing business as WILLERS HEAVY HAULING, 1109 East Third Street, Sioux Falls, S. Dak. Applicant's representative: Kenneth B. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated beams, wood decking, spreaders, road construction machinery and equipment, and such commodities which because of size or weight require the use of special equipment, or special handling*, between Sioux Falls, S. Dak., and points in South Dakota within seventy-five (75) miles thereof, on the one hand, and, on the other, points in California, Washington, and Oregon.

HEARING: November 8, 1962, at the U.S. Court Rooms, Sioux Falls, S. Dak., before Examiner Hugh M. Nicholson.

No. MC 106400 (Sub-No. 40), filed June 25, 1962. Applicant: KAW TRANSPORT COMPANY, a corporation, 701 North Sterling, Sugar Creek, Mo. Applicant's attorney: Erle W. Francis, 214 West Sixth Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry phosphates* in bulk, from Lawrence, Kans., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, (2) *phosphoric acid*, in bulk, from Lawrence, Kans., to points in Michigan and Newark, Ohio, and Tulsa, Okla., (3) *fertilizer*, in bulk, from Lawrence, Kans., to points in Missouri, Iowa, Nebraska, and Oklahoma, and (4) *damaged and rejected shipments* in connection with the commodities specified in (1), (2), and (3) above, on return.

HEARING: October 29, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Examiner John B. Mealy.

No. MC 107107 (Sub-No. 224), filed July 19, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Council Bluffs, Iowa, to points in Florida, Alabama, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis).

HEARING: November 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 107107 (Sub-No. 226), filed July 19, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, (1) from Madison, S. Dak., to points in Florida and (2) from Madison and Sioux Falls, S. Dak., to points in Tennessee, North Carolina, South Carolina, and Alabama.

HEARING: November 7, 1962, at the U.S. Court Rooms, Sioux Falls, S. Dak., before Examiner Hugh M. Nicholson.

No. MC 107107 (Sub-No. 227), filed July 20, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packing houses*, from Arkansas City, Kans., to points in Louisiana, Alabama, Georgia, Florida, North Carolina, and South Carolina.

HEARING: November 1, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner John B. Mealy.

No. MC 107818 (Sub-No. 28), filed June 25, 1962. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Pompano Beach, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Egg Cartons*, from Middletown, Ohio, to points in Georgia, Florida and Alabama, (b) *egg carton assembling machinery and accessories*, from Morris, Ill., to points in Georgia, Florida, and Alabama, and (c) *egg carton assembling machinery and accessories*, from points in Georgia, Florida, and Alabama, to Morris, Ill.

HEARING: November 5, 1962, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner J. Thomas Schneider.

No. MC 110193 (Sub-No. 46), filed July 9, 1962. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago 32, Ill. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packing houses*, as listed in Parts A and C of Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Perry, Iowa to points in Delaware, Pennsylvania, Rhode Island, the District of Columbia, New York, New Jersey and Maryland.

HEARING: October 23, 1962, in Room 401, Old Federal Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Hugh M. Nicholson.

No. MC 111069 (Sub-No. 28), filed August 22, 1962. Applicant: COLDWAY CARRIERS, INC., P.O. Box 38, Clarksville, Ind. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766, from Lexington, Ky., to points in Maine, New Hampshire, Rhode Island, and Vermont.

HEARING: October 23, 1962, at the Kentucky Hotel, Louisville, Ky., before Examiner James I. Carr.

No. MC 111069 (Sub.-No. 29), filed August 23, 1962. Applicant: COLDWAY CARRIERS, INC., P.O. Box 38, Clarksville, Ind. Applicant's attorney: Ollie L. Merchant, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Icing paste*, (1) from Atlanta, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, (2) from East Greenville, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, the District of Columbia, Atlanta, Ga., and New Albany, Ind., and (3) from New Albany, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 24, 1962, at the Kentucky Hotel, Louisville, Ky., before Examiner James I. Carr.

No. MC 111397 (Sub-No. 45), filed August 16, 1962. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Suite 215, Katterjohn Building, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Naphtha*, in bulk, in tank vehicles, from points in Webster Parish, La., to points in Graves County, Ky., and *refused and rejected shipments* of the commodity specified above, on return.

Hearing: October 29, 1962, at the Kentucky Hotel, Louisville, Ky., before Examiner James I. Carr.

No. MC 111397 (Sub-No. 46), filed August 16, 1962. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., 215 Katterjohn Building, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement* and *mortar*, in bulk and in packages, from Paducah, Ky., and points within fifteen (15) miles thereof, to points in Kentucky, Indiana, Illinois, Missouri, and Tennessee; and *refused and rejected shipments* of the above-specified commodities, on return.

Hearing: October 29, 1962, at the Kentucky Hotel, Louisville, Ky., before Examiner James I. Carr.

No. MC 111812 (Sub-No. 172), filed August 6, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, sections A, B, and C, 61 M.C.C. 209, from Hawarden, Iowa, to Sioux Falls, S. Dak., Minneapolis and St. Paul, Minn., Chicago, Ill., Kansas City, Kans., and Kansas City, Mo.

HEARING: November 5, 1962, at the Sheraton-Warrior Hotel, Sioux City, Iowa, before Examiner Hugh M. Nicholson.

No. MC 111812 (Sub-No. 177), filed September 10, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Lawton, Mich., and Hastings, Nebr., to points in New Mexico, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, Washington, and points in Colorado on and west of U.S. Highway 87 and on and south of U.S. Highway 50.

NOTE: Common control may be involved.

HEARING: September 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 112020 (Sub-No. 176), filed August 13, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from points in Nebraska, to points in Colorado, Kansas, South Dakota, Nebraska, Missouri, and Iowa.

NOTE: Common control may be involved.

HEARING: November 1, 1962, at the Federal Office Building, 15th and Dodge Streets, Omaha, Nebr., before Examiner Hugh M. Nicholson.

No. MC 112330 (Sub-No. 7), filed August 29, 1962. Applicant: A. G. OGDEN, 27340 South Federal Highway, Naranja, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides and fungicides, pesticides, cuprocides, herbicides and fertilizers in containers*, from points in Texas, to points in Florida.

HEARING: October 31, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner J. Thomas Schneider.

No. MC 113267 (Sub-No. 76), filed August 9, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose film* (transparent sheets of not nitrated film such as commonly used for wrapping purposes), not printed, in rolls and in sheets not further processed than cut to size, in mechanically temperature controlled vehicles, from the plant site of the Olin Mathison Chemical Corporation (Film Division) located in Transylvania County, N.C., to Omaha, Nebr.

NOTE: Applicant states that its officers are stockholders and officers in the following motor carriers of passengers, their baggage, newspapers and express; Industrial Bus Line, Inc. MC 114168, Vandalia Bus Lines, Inc.

MC 2698. In addition thereto Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Line, Inc. MC 110845.

HEARING: November 2, 1962, at the Federal Office Building, 15 and Dodge Streets, before Examiner Hugh M. Nicholson.

No. MC 113678 (Sub-No. 27), filed August 8, 1962. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Duane W. Acklie, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products* as described by the Commission in Appendix I, sections A, B, and C, 61 MCC 209 from points in Dallas County, Iowa to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: October 24, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Hugh M. Nicholson.

No. MC 113678 (Sub-No. 28), filed August 8, 1962. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Duane W. Acklie, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products* as described by the Commission in Appendix I, sections A, B, and C, 61 M.C.C. 209 from points in Webster and Crawford Counties, Iowa to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

HEARING: October 30, 1962, at the Federal Office Building, 15th and Dodge Streets, Omaha, Nebr., before Examiner Hugh M. Nicholson.

No. MC 114486 (Sub-No. 11), filed August 7, 1962. Applicant: AUTREY F. JAMES, doing business as A. F. JAMES TRUCK LINE, 2902 Lester, Texarkana, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass bottles*, other than cut, with or without their equipment of caps, stoppers or tops, two gallons or less in capacity, from Streator, Ill., to Memphis, Tenn. (2) *Cans and pails, sheet iron and steel*, with or without their equipment of bails, handles or covers, from St. Louis, Mo., to Memphis, Tenn. (3) *Cooking and salad oil, vegetable oil shortening and shortening* from Memphis, Tenn., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, Kansas, Michigan, Nebraska, Ohio, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, in connection with routes (1), (2), and (3) above, on return.

HEARING: October 31, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner James I. Carr.

No. MC 114569 (Sub-No. 52), filed August 21, 1962. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquettes*, from Brookville and Elizabethville, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, Kentucky, and Washington, D.C.

HEARING: October 31, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 114647 (Sub-No. 9), filed July 27, 1962. Applicant: ROBERT E. PLETCHER, doing business as PLETCHER TRANSFER & STORAGE, 117 North Fourth Street, Forest City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers (house vacation trailers), travel coaches, topper coaches, campers and camp coaches*, in initial movements by truckaway and tow-away service, from Forest City, Iowa, to points in Indiana, Maryland, Ohio, Massachusetts, New Jersey, New York, Pennsylvania, Vermont, New Hampshire, Connecticut and Rhode Island, and *damaged, unclaimed, rejected and returned commodities*, on return.

HEARING: October 25, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Hugh M. Nicholson.

No. MC 115311 (Sub-No. 30), filed May 24, 1962. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 894, Americus, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217, Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden bottle carrying boxes, cases and crates*, from Savannah, Tenn., to points in Pennsylvania, Maryland, the District of Columbia, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Maine, Vermont, Illinois, Indiana, Michigan, and Ohio, and *exempt commodities*, on return.

HEARING: October 31, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner James I. Carr.

No. MC 115523 (Sub-No. 106) (AMENDMENT), filed June 11, 1962, published FEDERAL REGISTER issue of August 22, 1962, amended August 30, 1962, and republished as amended this issue. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah. Applicant's attorney: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay, diatomaceous earth and pozzolanic materials*, from points in Nevada and Utah to points in Utah, Arizona, California, Idaho, Oregon, Montana, Wyoming, Colorado, Washington, New Mexico, and Nevada; (2) *dry fertilizer, dry fertilizer ingredients and dry fertilizer compounds*, from points in Nevada to points in Utah, Arizona, California, Idaho, Oregon, Montana, Wyoming, Colorado, Washington, New Mexico, and Nevada; (3) *cement*, from points in Bannock County, Idaho to points in Nevada, Utah, Wyoming, and Montana, and from railheads in Nevada to points in Nevada, from railheads in Utah to points in Utah, from railheads in Wyoming to points in Wyoming and from railheads in Montana to points in Montana; and (4) *fertilizer, fertilizer ingredients and fertilizer compounds*, from points in Wyoming to points in Wyoming, Colorado, New Mexico, Arizona, California, Idaho, Utah, North Dakota, South Dakota, Nebraska, Kansas, Texas, and Montana, and (5) *sugar*, in bulk, between points in Oregon, Washington, Utah, and Idaho.

NOTE: The purpose of this republication is to add Montana as a destination state in Part No. (3) and to add Part No. (5).

HEARING: Remains as assigned October 9, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 115841 (Sub-No. 111), filed June 9, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), restricted to transportation in mechanically refrigerated vehicles, (1) from Louisville, Ky., and points in its commercial zone, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and (2) *returned or rejected shipments of the above-named commodities* from points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia to Louisville, Ky.

HEARING: October 1, 1962, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner Louis G. LaVecchia.

No. MC 115915 (Sub-No. 14), filed August 24, 1962. Applicant: FRED E. HAGEN, doing business as HAGEN TRUCK LINES, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in Appendix I to Descriptions in 61 MCC 209, from Sioux City, Iowa to points in Washington, Oregon and Idaho.

NOTE: Applicant states all service is to be limited to a transportation service to be performed under continuing contract with Swift & Co.

HEARING: November 6, 1962, at the Sheraton-Warrior Hotel, Sioux City, Iowa, before Examiner Hugh M. Nicholson.

No. MC 116544 (Sub-No. 25), filed May 8, 1962. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Carthage, Mo. Applicant's attorney: Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as defined by the Commission in *Descriptions in Motor Carrier Certificates*, Appendix I, 61 M.C.C. 209; and (2) *commodities exempt* from regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle at the same time with dairy products, as defined by the Commission, in *Descriptions in Motor Carrier Certificates*, Appendix I, 61 M.C.C. 209, from points in Missouri, Oklahoma, Arkansas, and Kansas, to points in Colorado, New Mexico, Arizona, California, Nevada, and Utah.

HEARING: October 24, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner John B. Mealy.

No. MC 117574 (Sub-No. 67), filed August 20, 1962. Applicant: DAILY EXPRESS, INC., Box 434, Mt. Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Compressors, pumps, blowers, condensers, drilling equipment, hoisting equipment, engines, electric and pneumatic tools, heat exchangers, mining equipment and machinery*, and (2) *parts and attachments of items* in (1) above, from the plant sites of Ingersoll Rand Company and its subsidiaries located in Painted Post, N.Y., Phillipsburg, N.J., and Athens, Pa., to points in Ohio, Indiana, Illinois, Michigan, West Virginia, Wisconsin, Minnesota, Iowa, Missouri, Kansas, North Dakota, South Dakota, California, Nebraska, Colorado, Utah, Wyoming, Montana, Nevada, Washington, Idaho, Pennsylvania, and Oregon.

NOTE: Applicant states that it presently has authority in Sub 55 to haul compressors, pumps, blowers, condensers, drilling machines and hoisting equipment, from the above origins to all points in this application except in Kansas and Colorado. The main purpose of this application is to allow service to Kansas and Colorado and to eliminate any possibility that applicant may not haul all items above whether shipped in parts, pieces or whole. Where this application duplicates authority already granted in MC 117574, Sub 55, only one operating authority is sought.

HEARING: November 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 117686 (Sub-No. 15), filed August 22, 1962. Applicant: RAYMOND C. HIRSCHBACH, doing business as HIRSCHBACH MOTOR LINES, 3324 U.S. Highway 75, N. Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, 61 M.C.C. 209, from Hawarden, Iowa, to points in Alabama, Louisiana, Mississippi, Tennessee, and Texas.

HEARING: November 5, 1962, at the Sheraton-Warrior Hotel, Sioux City, Iowa, before Examiner Hugh M. Nicholson.

No. MC 118407 (Sub-No. 11), filed July 2, 1962. Applicant: NEBRASKA, ILLINOIS, COLORADO EXPRESS, INC., doing busines as N.I.C.E., INC., AND NATE'S TRUCK LINE, INC., 780 East 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, sections A, B, and C, 61 M.C.C. 209, from Omaha, Nebr., to points in Ohio and Detroit, Mich.

HEARING: October 29, 1962, at the Federal Office Building, 15th and Dodge Streets, Omaha, Nebr., before Examiner Hugh M. Nicholson.

No. MC 119732 (Sub-No. 3) (REPUBLICATION), filed April 17, 1961, published FEDERAL REGISTER, issue of October 4, 1961, and republished this issue. Applicant: GEORGE ZETTLMEIER, JR., AND JESSES RUFFALO, a partnership, doing business as PLAINFIELD TRUCKING, Plainfield, Wis. Applicant's attorney: Edward A. Solie, 713 First National Bank Building, Madison 3, Wis. By application filed April 17, 1961, applicants seek a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of frozen nutria (coypu) carcasses, not for human consumption, from points in Louisiana (except New Orleans), and Mississippi, to points in Illinois, Iowa, Minnesota, the Upper Peninsula of Michigan, and Wisconsin. A Report of the Commission, decided August 21, 1962, and served August 24, 1962, found that operation by applicants, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of frozen nutria, not for human consumption, from points in Louisiana, and Mississippi, to points in Illinois, Iowa, Minnesota, the Upper Peninsula of Michigan, and Wisconsin, limited to a transportation service to be performed under a continuing contract or contracts with Pittsville Fur Foods, Inc., of Pittsville, Wis., and Ross-Wells, Inc., of Thiensville, Wis., will be consistent with the public interest and the national transportation policy, subject, however, to the conditions that prior to the issuance of any permit herein, (1) a proper notice of the authority granted will be published in the FEDERAL REGISTER in order to allow a 30-day period during which any interested party, who may be affected by the broadened scope of the application, may file an appropriate pleading, and (2) applicants shall request in writing the concurrent cancellation of that part of their existing permit in No. MC–119732 (Sub-No. 1); authorizing the transportation of frozen nutria (coypu) carcasses not for human consumption, from New Orleans, La., to the destination points therein described.

No. MC 119778 (Sub-No. 17), filed August 13, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid sugar and syrup and blends thereof*, in bulk, in tank vehicles, from Reserve, La., to points in Georgia, (2) *liquid sugar and syrup and blends thereof*, in bulk, in tank vehicles, from Columbus, Ga., and points within 10 miles of Columbus, Ga., to points in Alabama, Georgia, and Florida, (3) *liquid sugar and syrup and blends thereof*, in bulk, in tank vehicles, from Birmingham, Ala., and points within 20 miles thereof to points in Georgia.

NOTE: Applicant is a wholly owned subsidiary of Redwing Carriers, Inc.

HEARING: November 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 120543 (Sub-No. 4), filed July 13, 1962. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. Highway 301 North, P.O. Box 1252, Dade City, Fla. Applicant's attorney: Lawrence D. Fay, 512 Barnett National Bank Building, P.O. Box 1086, Jacksonville 1, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *frozen foods*, in vehicles equipped with mechanical refrigeration, from points in Florida and Georgia, to points in Texas to be limited to the delivery of part of a shipment, the ultimate destination of which is a point in Arizona, California, or New Mexico; and (B) *frozen seafoods*, in vehicles equipped with mechanical refrigeration, from points in Alabama, Florida, and Georgia, to points in Texas.

NOTE: Applicant states that it proposes to transport exempt commodities on return.

HEARING: October 29, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner J. Thomas Schneider.

No. MC 123544 (Sub-No. 1) filed August 13, 1962. Applicant: OTTO BERTSCH, Box 15, Hillsboro, N. Dak. Applicant's attorney: William S. Rosen, 400 Minnesota Building, St. Paul 1, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *implements and parts thereof*, from Ports of Entry on the International Boundary Line between the United States and Canada located at Neche and Pembina, N. Dak., and Noyes, Minn., to points in Minnesota, North Dakota, South Dakota, Montana, Wyoming, Oklahoma, Oregon, and Colorado, and *empty containers or other such incidental facilities* (not specified) used in

transporting the above-specified commodities, on return.

NOTE: Applicant states operations will be limited to traffic originating at Winnipeg, Canada, or its suburbs and destined for points in the above-named states.

HEARING: November 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 123639 (Sub-No. 7), filed August 21, 1962. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver 16, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packinghouses*, as defined by the Commission, from Perry, Iowa, to points in Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, and Rhode Island, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: October 31, 1962, at the Federal Office Building, 15th and Dodge Street, Omaha, Nebr., before Examiner Hugh M. Nicholson.

No. MC 123922 (Sub-No. 4), filed September 7, 1962. Applicant: CONTINENTAL BULK SYSTEM, INC., 1060 Broad Street, Newark 2, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic gum resin*, dry, in bulk, from points in Raritan and Burlington Townships, N.J., to points in New York, Connecticut, Rhode Island, Massachusetts, that part of New Hampshire and Vermont on and south of U.S. Highway 4, and that part of Maine on and south of Maine Highway 25, and *rejected shipments* of the above-specified commodity, on return.

HEARING: October 2, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Gerald F. Colfer.

No. MC 124333 (Sub-No. 2) filed August 18, 1962. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Summit Bridge Road, Middletown, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between points within an area of Delaware, Pennsylvania, New Jersey, Maryland and Virginia, described as follows: starting at the junction of U.S. Highways 111 and 22 at or near Harrisburg, Pa., thence easterly along U.S. Highway 22 to its junction with Pennsylvania Highway 32, thence southeasterly along Pennsylvania Highway 32 to its junction with U.S. Highway 13, thence southerly along U.S. Highway 13 to its junction with the Pennsylvania Turnpike, thence easterly to its junction with U.S. Highway 130, thence southwesterly along U.S. Highway 130 to Pennsville, N.J., thence along Delaware Bay, the Atlantic Ocean and Chesapeake Bay to Baltimore, Md., thence northward along U.S. Highway 111 including York, Pa., to the point of beginning.

HEARING: November 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 124361, filed April 12, 1962. Applicant: JOE FEAGIN, doing business as GREENWOOD STORAGE & TRUCKING, Highway 49 South, Greenwood, Miss. Applicant's attorney: Harold D. Miller, Jr., 700 Petroleum Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in bags, (1) from Carlsbad, N. Mex., El Dorado, Ark., Sheffield, Birmingham, and Mobile, Ala., and Sterlington and Avondale, La., to Greenwood, Miss., and (2) from Greenwood, Miss. to points in Arkansas and Louisiana.

NOTE: (A) Applicant states that there will be no return transportation in connection with (1) above, and only occasional shipments of exempt commodities as to the points involved in (2). (B) Applicant further states that the proposed transportation will be performed under a continuing contract with Staple Cotton Cooperative Association.

HEARING: November 6, 1962, at the Robert E. Lee Hotel, Jacksonville, Miss., before Examiner James I. Carr.

No. MC 124368 (Sub-No. 1), filed July 5, 1962. Applicant: NOEL WALKER, Delta, Iowa. Applicant's representative: Kenneth F. Dudley, 106 North Court, P.O. Box 557, Ottumwa, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, from Chicago, Ill., Cedar Rapids, Davenport, Denison, Des Moines, Dubuque, Ft. Dodge, Glenwood, Ottumwa, Mason City, Sioux City, and Waterloo, Iowa, Omaha, Nebr., and Kansas City, Mo., to New York, N.Y.

HEARING: October 22, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Hugh M. Nicholson.

No. MC 124472, filed May 24, 1962. Applicant: HARDING TRANSPORTATION, INC., 406 Jackson, Topeka, Kans. Applicant's attorneys: Lester M. Bridgeman, Pennsylvania Building, Washington 4, D.C., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polished plate glass*, from Crystal City, Mo., Toledo, Ohio, and Nashville, Tenn., to Colorado Springs, Denver, and Pueblo, Colo., Garden City, Manhattan, and Topeka, Kans., Kansas City, Joplin, and Springfield, Mo., Kearney, Lincoln, Norfolk, and Omaha, Nebr., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: October 30, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Examiner John B. Mealy.

No. MC 124474 (Sub-No. 2), filed August 13, 1962. Applicant: G. F. WHITFORD, State Highway 154, P.O. Box 57, Buellton, Calif. Applicant's attorney: Tom B. Markley, 582 Market Street, San Francisco 4, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Supplies, materials, equipment, stores and provisions* for use in connection with ranches owned and operated by Allied Land and Livestock Company in Oregon and Nevada, from points in California to said ranches in Oregon and Nevada.

HEARING: November 14, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 151, or if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 124536 (CORRECTION), filed June 13, 1962, published FEDERAL REGISTER issue August 8, 1962, republished this issue to correct address of applicant. Applicant: NORMAN JENKS, doing business as JENKS TRUCK LINE, P.O. Box 266, Buffalo, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Sreet, Cheyenne, Wyo.

NOTE: The purpose of this republication is to correct the applicant's address as erroneously published previously, to read as shown above.

HEARING: Remains as assigned October 10, 1962, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 44.

No. MC 124571, filed June 25, 1962. Applicant: Wayne Venard, doing business as VENARD REFRIGERATED EXPRESS, Hawarden, Iowa. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products* as described by the Commission in Appendix I, sections A, B, and C, 61 M.C.C. 209 (a) from Hawarden, Iowa, to Sioux Falls, S. Dak., Minneapolis and St. Paul, Minn., Chicago, Ill., Kansas City, Kans., and Kansas City, Mo., and (b) from Peoria, Ill., to Waterloo and Sioux City, Iowa.

HEARING: November 5, 1962, at the Sheraton-Warrior Hotel, Sioux City, Iowa, before Examiner Hugh M. Nicholson.

No. MC 124627, filed July 19, 1962. Applicant: G. W. DUKE, doing business as DUKE TRANSPORTATION SERVICE, P.O. Box 204, Laurel, Miss. Applicant's attorney: Rubel L. Phillips, P.O. Box 961, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in replacing, servicing, and repair of machinery and equipment used in, or in connection with the discovery, development, and production of natural gas and petroleum and their products and byproducts, restricted to shipments weighting 1500 pounds or less each, between points in Alabama, Florida, Georgia, Louisiana, and Mississippi.

HEARING: November 7, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner James I. Carr.

No. MC 124659, filed July 30, 1962. Applicant: MICHAEL RADO AND JOE MANNI doing business as M & R TRUCKING SERVICE, 1300 Galvez Street, San Francisco, Calif. Applicant's representative: Pete H. Dawson, 1216 Drake Avenue, Burlingame, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green salted hides*, from points in California on and north of U.S. Highway 466 to San Francisco, Oakland, Stockton and Sacramento, Calif., for shipment beyond in interstate or foreign commerce.

HEARING: November 13, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 124712, filed August 15, 1962. Applicant: SOMERSET CRUSHED STONE, INC., Route 202, Bernardsville, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Jetty stone and other stone and stone products*, from points in Hunterdon, Somerset, Middlesex, Morris, and Warren Counties, N.J., to New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.

NOTE: Applicant states the proposed operations are to be performed under continuing contract with Anthony Ferrante & Sons, Inc., Bernardsville, N.J.

HEARING: November 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 124725, filed August 16, 1962. Applicant: SOUTHERN PIPE AND SUPPLY COMPANY, a corporation, 102 22d Avenue, Meridian, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed animal hides*, from Meridian, Miss., to Fond Du Lac, Wis.

NOTE: Applicant states the service will be limited to transportation performed under a continuing contract with St. Louis Hide Company of Meridian, Miss.

HEARING: November 6, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner James I. Carr.

MOTOR CARRIERS OF PASSENGERS

No. MC 119083 (Sub-No. 2), filed August 31, 1962. Applicant: MISSOURI VALLEY TRAILS, INC., P.O. Box 694, Havre, Mont. Applicant's attorney: Gordon Hoven (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers*, in the same vehicle, between Havre, Mont., and Williston, N. Dak., from Havre, Mont., over U.S. Highway 2 to Williston, N. Dak., and return over the same route, serving all intermediate points and points within one mile of U.S. Highway 2.

NOTE: Common control may be involved.

HEARING: November 9, 1962, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 84.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12826, filed August 23, 1962. Applicant: MRS. REGINA HICKS AND MRS. BERTHA CRAWFORD, doing business as S. M. COOK TRAVEL SERVICE, 4 North Broadway, Billings, Mont. For a license (BMC-5) to engage in operations as a *broker* at Billings, Mont., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, both as individuals and groups, between points in the United States.

HEARING: November 8, 1962, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 82.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 29988 (Sub-No. 88), filed September 6, 1962. Applicant: DENVER CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, automobiles, coal, sand, gravel, portland cement, commodities requiring special equipment, and those injurious or contaminating to other lading), (A) between Chicago, Ill., and Kansas City, Mo., as an alternate route in connection with carrier's authorized regular-route operations between Chicago, Ill., and Albuquerque, N. Mex., serving no intermediate points, and serving Kansas City, Mo., for the purpose of joinder only: from Chicago over U.S. Highway 66 to junction U.S. Highway 54, at or near Springfield, Ill., thence over U.S. Highway 54 to junction U.S. Highway 40, at or near Kingdom City, Mo., thence over U.S. Highway 40 to Kansas City, and return over the same route. Restriction: The immediately above-described alternate route shall not be used in the transportation of any shipment moving between Chicago, or points beyond, on the one hand, and, on the other, Kansas City, Mo., St. Louis, Mo., and any point west of St. Louis on U.S. Highway 40; and (B) between Chicago, Ill., and junction U.S. Highway 50 and Kansas Highway 150, at or near Olathe, Kans., serving the junction of U.S. Highway 40 and U.S. Highway By-Pass 71 (approximately 3 miles east of Kansas City, Mo.) and the junction of U.S. Highway 50 and Kansas Highway 150 (at or near Olathe, Kans.), for the purpose of joinder only, as an alternate route in connection with carrier's authorized regular-route operations between Chicago, Ill., and St. Louis, Mo., on the one hand, and, on the other, Albuquerque, N. Mex.: from Chicago over U.S. Highway 66 to junction U.S. Highway 54 at or near Springfield, Ill., thence over U.S. Highway 54 to junction U.S. Highway 40 at or near Kingdom City, Mo., thence over U.S. Highway 40 to junction U.S. Highway By-Pass 71 (approximately 3 miles east of Kansas City, Mo.); thence over U.S. Highway By-Pass 71 to junction Missouri Highway 150, thence over Missouri Highway 150 to the Missouri-Kansas State line, thence over Kansas Highway 150 to junction U.S. Highway 50 (at or near Olathe, Kans.).

No. MC 61440 (Sub-No. 79), filed July 9, 1962. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. Applicant's attorney: Sidney P. Upsher, P.O. Box 2488, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except light and bulky articles, gold bullion, paper money, silver, articles of virtu, commodities injurious or contaminating to other lading, commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and Classes A and B explosives), between the junction of U.S. Highways 66 and 69 approximately four (4) miles west of Vinita, Okla., and Dallas, Tex.; from the junction of U.S. Highways 66 and 69 approximately four (4) miles west of Vinita, thence over U.S. Highway 69 to Denison, Tex., thence over U.S. Highway 75 to Dallas, and return over the same route, serving no intermediate points, in connection with applicant's regular-route operation between Vinita, Okla., and Dallas, Tex.

No. MC 75320 (Sub-No. 98), filed September 4, 1962. Applicant: CAMPBELL SIXTY SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General* commodities (except those of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points in Christian, Stone, and Taney Counties, Mo., as offroute points in connection with applicant's regular-route operations between (1) Springfield, Mo., and Monett, Mo., (2) between Springfield, Mo., and Hollister, Mo., and (3) between Marionville, Mo., and Branson, Mo.

No. MC 102616 (Sub-No. 706), filed September 7, 1962. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, between points in Delaware and that part of Pennsylvania on and east of U.S. Highway 220, on the one hand, and, on the other, Woodbridge, N.J.

NOTE: Applicant states the proposed operation is for the purpose of interchange only of traffic at Woodbridge with connecting line carriers in connection with its presently authorized irregular route operations.

No. MC 103435 (Sub-No. 121), filed September 4, 1962. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, 900 East Omaha, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) between the junction of U.S. Highway 12 and U.S. Highway 10 at Forsyth, Mont., on the one hand, and, on the other, the junction of Montana Highway 3 and U.S. Highway 12 near Lavina, Mont., over U.S. Highway 12, as an alternate route for operating convenience only, and serving no intermediate points except serving the junction points and Roundup, Mont., for joinder with applicant's existing routes through those points.

No. MC 112223 (Sub-No. 59), filed September 4, 1962. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 501 11th Avenue South, Minneapolis, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wrenshall, Minn., to points in Minnesota, on and east of U.S. Highway 53.

MOTOR CARRIERS OF PASSENGERS

No. MC 59238 (Sub-No. 50), filed September 6, 1962. Applicant: VIRGINIA STAGE LINES, INCORPORATED, doing business as VIRGINIA TRAILWAYS, 114 Fourth Street SE., Charlottesville, Va. Applicant's attorney: Raymond H. Warns, Box 1110, Charlottesville, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail and newspapers* in the same vehicle with passengers, between the junction of Virginia Highway 114 and U.S. Highway 460 and Pearisburg, Va., from the junction of Virginia Highway 114 and U.S. Highway 460, over Virginia Highway 114 to its junction with U.S. Highway 11, thence over U.S. Highway 11 to Dublin, Va., thence over Virginia Highway 100 to Pearisburg, Va., and return over the same route serving all intermediate points.

NOTE: Applicant states it intends to tack the proposed route with existing routes. It is further noted that common control may be involved.

No. MC 107503 (Sub-No. 16), filed September 10, 1962. Applicant: SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, a corporation, 1222 Jerome Avenue, Bronx 52, N.Y. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and express and newspapers in the same vehicle with passengers*, between McGuire Air Force Base and Wrightstown, N.J., on the one hand, and, on the other, Idlewild International Airport and LaGuardia Airport, New York, N.Y.

NOTE: Applicant states the proposed service will be special door-to-door service limited to the transportation of not more than ten (10) passengers in any one vehicle, not including the driver thereof. Common control may be involved.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12812, filed June 28, 1962. Applicant: BERNICE D. MYERS, doing business as RIGHTWAY TRAVEL AGENCY, King Edward Hotel, Jackson, Miss. For a license (BMC 5) to engage in operations as a *broker* at Jackson, Miss., in arranging for transportation interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, in the same vehicles with passengers, both as individuals and in groups, in round-trip, special, and charter service, for both business and pleasure, beginning and ending at points in Mississippi, and extending to points in the United States, including Alaska and Hawaii.

NOTICE OF FILING OF PETITIONS

No. MC 67210 (Sub-No. 3) (PETITION FOR MODIFICATION), filed September 4, 1962. Petitioner: GLENNON TRANSPORTS, INC., 1005 North 13th Street, St. Louis, Mo. Petitioner's attorney: Ernest A. Brooks, II, 1311 Ambassador Building, St. Louis, Mo. Petitioner states that the purpose for this Petition for Modifications is to correct an error or oversight in setting out the territorial description granted in the initial "Grandfather" proceedings No. MC 9216, originally filed by Joseph D. Hogan, doing business as Hogan Truck Service Company. The Order granting the authority in question was September 2, 1941, and the Certificate of Public Convenience and Necessity was dated July 9, 1942. The authority granted was as follows:

General commodities, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes.

Between points and places in that part of the ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE, as defined by the Commission in 1 M.C.C. 665, located in Missouri.

By the instant petition petitioner prays the Commission to modify and correct Certificate of Public Convenience and Necessity No. MC 67210 Sub 3, by changing the commodity description on the face page of said Certificate to encompass all of the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission since the purpose of the original application was to obtain general commodities authority with the usual exceptions, between all points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, and even though the actual grant made was meaningless, the said Certicate has always been operated as though the commodity description covered the entire St. Louis, Mo.-East St. Louis, Ill., Commercial Zone. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 108067 (PETITION FOR WAIVER OF RULE 1.101(e) AND FOR LEAVE TO FILE PETITION SEEKING MODIFICATION OF CERTAIN AUTHORITY DESCRIBED IN CERTIFICATE MC-108067), filed June 25, 1962. Petitioner: AL ZEFFIRO TRANSFER AND STORAGE, INC., Eighth Street and Meldon Avenue, Donora, Pa. Petitioner's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. By Certificate dated June 28, 1950, petitioner was granted authority to the extent hereinafter set forth, as follows:

Bulk commodities and *heavy machinery, equipment, and supplies used or useful in mining, building, highway construction, and excavation work.*

Between points and places in Pennsylvania, Ohio, Maryland, and West Virginia, within 150 miles of Monongahela, Pa.

Petitioner's predecessor received these rights in MC-10155 by Commission order of May 24, 1937, which became effective June 23, 1937, pursuant to a "grandfather" application filed on December 31, 1936. This petition is directed specifically to the commodity description "heavy machinery" and the omission of the word "materials" from the commodity description contained in the certificate issued to Ashcraft at MC-10155 effective June 23, 1937. The commodity description has continued unchanged until the present. By this petition petitioner prays that the Commission issue an order and take the following action:

1. Reopen the original grandfather docket applications in the name of Harry J. Ashcraft at MC-10155;

2. Reopen, if necessary, the subsequently filed purchase application at MC-F-1920;

3. Reopen, if necessary, the subsequently filed transfer proceedings at MC-FC-24590 and 24590A;

4. Reopen, if necessary, petitioner's present docket number MC-108067 and preceding dockets identified as MC-108067 Sub-No. 1 and MC-420025 Sub-No. 1; and, thereafter issue to petitioner in its docket MC-108067 a revised certificate of public convenience and necessity amended to include:

(1) Authority to transport in lieu of "heavy machinery" the following:

Commodities, which because of size or weight, require the use of special equipment and of *related machinery parts*, and *related contractors' materials and supplies* when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment.

(2) *"Materials"* after the word *"equipment"* in that portion of the Ashcraft authority which now reads *equipment* and *supplies used or useful in mining, building, highway construction*, and *excavation work*. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE.

No. MC 107353 (Sub-No. 14), filed September 7, 1962. Applicant: HELPHREY MOTOR FREIGHT, INC., North 407 Perry Street, Spokane, Wash. Applicant's attorney: Frank B. Hand, Jr., 921 Seventeenth Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities*, between Spokane and Okanogan and Oroville Wash., Spokane over Washington Highway 2 to Wilbur, Wash.; Washington Highway 4C to Coulee Dam, Wash., Washington Highway 10A to Omak, Wash., Washington Highway 10 to Okanogan and Oroville; between Wenatchee and Oroville, Wash., over U.S. Highway 97; Brewster and Grand Coulee, Wash., over Washington Highway 10, Brewster to Leahy, Wash. and Washington Highway 10B to Grand Coulee; Bridgeport and Coulee City, Wash. via Mansfield, Wash.; Tonasket and Republic, Wash., over Washington Highway 4; Grand Coulee and Coulee City, Wash., both over Washington Highways 2 and 2F; Coulee City, Soap Lake and Wenatchee, Wash., over Washington Highways 7 and 10; Spokane and Seattle, Wash., over Washington Highway 2; Quincy and Ellensburg, Wash., over Washington Highway 7; Ellensburg, Teanaway, Yakima and Prosser, Wash., over Washington Highway 3, serving all intermediate points on the above specified routes; and (B)(1) *Paper bags, electric heaters, aluminum articles, beer* and (2) *empty containers*, between Spokane Wash. and points within fifteen (15) miles thereof, and Vancouver, Wash. over the following routes: (1) From Spokane over U.S. Highway 10 to Ellensburg, Wash., thence over U.S. Highway 97 to Goldendale, Wash., and thence over U.S. Highway 830 to Vancouver; (2) from Spokane over U.S. Highway 10 to Ritzville, Wash., thence over U.S. Highway 395 to Pasco, Wash., thence over U.S. Highway 410 to Prosser, Wash., thence over Washington Highway 3A or U.S. Highway 410 to Toppenish, Wash., thence over U.S. Highway 97 to Goldendale, Wash., and thence over U.S. Highway 830 to Vancouver, and return over the same routes, serving all intermediate points.

NOTE: Applicant states Interstate regular-route, nonscheduled service as a carrier of Agricultural commodities consisting of grain for export only, from Spokane to Vancouver. This application is a matter directly related to MC-F 8083 and MC-F 8229 published this issue.

No. MC 119914 (Sub-No. 4), filed September 5, 1962. Applicant: MINNESOTA-WISCONSIN TRUCK LINES, INCORPORATED, 2711 Fairview Avenue North, St. Paul 13, Minn. Applicant's attorney: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Minneapolis and St. Paul, Minn., and White Bear Lake, Minn., serving the off-route points of Willernie, Mahtomedi, Withrow, and North St. Paul, Minn.; (1) from Minneapolis, over Minnesota Highway 36 to junction with U.S. Highway 61, thence over U.S. Highway 61 to White Bear Lake, and return over the same route; (2) from St. Paul over U.S. Highway 61 to White Bear Lake, and return over the same route; and (3) from Minneapolis and St. Paul over Minnesota Highway 100 to junction with U.S. Highway 61, thence over U.S. Highway 61 to White Bear Lake, and return over the same route.

NOTE: This is a matter directly related to MC-F 8227 published in FEDERAL REGISTER issue September 12, 1962.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8228. Authority sought for purchase by VALLERIE'S TRANSPORTATION SERVICE, INCORPORATED, P.O. Box 880, Norwalk, Conn., of the operating rights of T. A. D. TRUCKING CORPORATION, 1837 61st Street, Brooklyn, N.Y., and for acquisition by JOHN E. VALLERIE, SR., Indian Spring Road, Rowayton, Conn., STANLEY E. DABROWSKI, Canterbury Lane, Wilton, Conn., and ALBERT E. VALLERIE, SR., Wolfpit Road, Norwalk, Conn., of control of such rights through the purchase. Applicants' attorney and representatives, respectively: Jos. M. Schwartz, 291 Broadway, New York, N.Y., Bert Collins and Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between points in Orange and Rockland Counties, N.Y., on the one hand, and, on the other, points in Bergen, Passaic, and Morris Counties, N.J. Vendee is authorized to operate as a *common carrier* in Connecticut, New York, New Jersey and Massachusetts. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8229. Authority sought for control and merger by HELPHREY MOTOR FREIGHT, INC., 407 N. Perry (Box 4305), Spokane 31, Washington, of the operating rights and property of OKANOGAN VALLEY MOTOR FREIGHT, INC., East 2110 Broadway, Spokane, Wash. Applicants' attorneys: Joseph L. Thomas, 711 Old National Bank Building, Spokane, Wash., and Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Spokane, Wash., and Oroville, Wash., serving certain intermediate points and between Oroville, Wash., and the United States-Canada International Boundary line approximately 8 miles north of Oroville, serving no intermediate points; operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of Washington, as more specifically described in Docket No. MC-109394, Sub-4. Vendee is authorized to operate as a *common carrier* in Montana, Washington, and Idaho. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC-107353 Sub 14 is a matter directly related.

No. MC-F-8230. Authority sought for control by TERMINAL TRANSPORT Company, INC., 248 Chester Avenue SE., Atlanta, Ga., of JOHNSON FREIGHT LINES COMPANY, INC., 420 Sixth Avenue, South, Nashville 10, Tenn., and for acquisition by JOE KATZ, 248 Chester Avenue SE., Atlanta, Ga., of control of JOHNSON FREIGHT LINES COMPANY, INC., through the acquisition by TERMINAL TRANSPORT COMPANY, INC. Applicants' attorneys: A. O. Buck, 434 Stahlman Building, Nashville, Tenn., and Jack Goodman, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill., and Guy H. Postell, Crimm & Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Nashville, Tenn., and Cincinnati, Ohio, serving certain intermediate points, between Atlanta, Ga., and the U.S. Army Fourth Corps Area Supply Depot at Conley, Ga., serving no intermediate points, between Nashville, Tenn., and Atlanta, Ga., serving the intermediate points of Hillsboro, Tenn., and those between Atlanta, and Hillsboro, without restriction; those north of Hillsboro, restricted to delivery of northbound traffic and pickup of southbound traffic only; and the off-route points of Chickamauga, Flintstone, and Fort Oglethorpe, Ga., points within 4 miles of Atlanta, Ga., and those in Tennessee and Georgia within 5 miles of Chattanooga, Tenn., without restriction, between Nashville, Tenn., and Old Hickory, Tenn., serving all intermediate points, over several alternate routes for operating convenience only; general commodities, excepting, among others, commodities in bulk, but not excepting household goods between Nashville, Tenn., and Cave City, Ky., serving no intermediate points and from Nashville over U.S. Highway 31W to Cave City. Vendee is authorized to operate as a *com-*

mon carrier in Florida, Georgia, Illinois, Indiana, Kentucky, Tennessee, and Alabama. Application has been filed for temporary authority under section 210 a(b).

No. MC–F–8231. Authority sought for purchase by LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City 4, Utah, of the operating rights and property of WILLIAM LeROY LEATHAM, 1285 North Crestwood Drive, Bountiful, Utah, and for acquisition by CHARLES LEATHAM, 46 Orange Street, Salt Lake City, Utah, WILLIAM LeROY LEATHAM, 1285 North Crestwood Drive, Bountiful, Utah, and JACK LEATHAM, Wellsville, Utah, of control of such rights and property through the purchase. Applicants' attorney: Harry D. Pugsley, 721 Continental Bank Building, Salt Lake City 1, Utah. Operating rights sought to be transferred: *Canned goods*, as a *common carrier* over irregular routes, from Brigham City, Clearfield, Roy, and Ogden, Utah, to Great Falls, Mont.; *lumber*, from points in Idaho on and north of the Southern boundary of Idaho County, and those in Montana west of the Continental Divide, to Salt Lake City, Logan, and Smithfield, Utah; *powdered and canned milk*, from Wellsville, Utah, to Great Falls, Butte, Helena, and Missoula, Mont., Montrose, Grand Junction, and Glenwood Springs, Colo., and Twin Falls, Pocatello, and Idaho Falls, Idaho. Vendee is authorized to operate as a *common carrier* in Idaho, Utah, Montana, Wyoming, Oregon, Colorado, Washington, and Nevada. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8232. Authority sought for purchase by SMITH'S TRANSFER CORPORATION OF STAUNTON, VIRGINIA, P.O. Box 1000, Staunton, Augusta County, Va., of the operating rights of PITZER TRANSFER, STORAGE & FUEL CORPORATION, P.O. Box 930, 341 Reserve Avenue SW., Roanoke, Va., and for acquisition by R. R. SMITH and R. P. HARRISON, both of P.O. Box 1000, Staunton, Va., of control of such rights through the purchase. Applicant's attorney: David G. Macdonald, Macdonald and McInerny, 602 Solar Building, 1000—16th Street NW., Washington 6, D.C. Operating rights sought to be transferred: *General Commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between Roanoke, Va., on the one hand, and, on the other, points within 10 miles of Roanoke, including Roanoke. Vendee is authorized to operate as a common carrier in Virginia, Maryland, Delaware, Pennsylvania, Kentucky, New Jersey, North Carolina, South Carolina, New York, Tennessee, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–9327; Filed, Sept. 18, 1962; 8:49 a.m.]

[Notice 481]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 14, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below.

SPECIAL RULES OF PROCEDURES FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statements as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in this written statement is permissible.

No. MC 50069 (Sub-No. 261), filed September 10, 1962. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk in especially designed tank vehicles, between missiles sites, production plants and missile test facilities located at points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Washington, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, and Wyoming.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 113514 (Sub-No. 85), filed September 5, 1962. Applicant: SMITH TRANSIT, INC., Third Floor, Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk in specially designed trailers, between missile sites, production plants, and missile test facilities, located at points in Arizona, Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas.

NOTE: Common control may be involved.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 116273 (Sub-No. 11), filed September 4, 1962. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids* and *rocket propellant fuels*, in bulk, in specially designed trailers, between missile sites, production plants, and missile test facilities located at points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennesee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–9331; Filed, Sept. 18, 1962; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 13, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37937: *Joint motor rail rates from south to the west.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 75), for interested carriers. Rates on frozen or chilled fruit and vegetable products, loaded in trailers of motor carriers over the highways, thence transported on railroad flat cars of the railroads, from points in Florida and Georgia to points in Arkansas, Colorado, Illinois, Kansas, Louisiana, Missouri, Nebraska, Tennessee, and Texas.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 13 to Southern Motor Carriers Rate Conference tariff MF–I.C.C. 1198.

FSA No. 37938: *Newsprint and ground paper to San Leandro, Calif.* Filed by Pacific Southcoast Freight Bureau, Agent (No. 244), for interested rail carriers. Rates on newsprint and groundwood papers, as described in the application, in carloads, from points in Oregon, Washington, and British Columbia, to San Leandro, Calif.

Grounds for relief: Water and market competition.

Tariffs: 6th revised page 415–K, 14th revised page 420, 3d revised page 420–B, 11th revised page 422–B and 3d revised page 422–BB to Pacific Southcoast Freight Bureau tariff I.C.C. 1352.

FSA No. 37939: *Freight all kinds from and to points in Missouri.* Filed by Southwestern Freight Bureau, Agent (No. B–8260), for interested rail carriers. Rates on freight all kinds, less-than-carload, including only articles rated higher than class 70, and applicable only as proportional rates on traffic as described in the application, between points in Missouri and Kansas City, Kans., on the one hand, and points in Arkansas, Louisiana, Missouri, Texas, also Memphis, Tenn., on the other.

Grounds for relief: Motor-truck competition, shortline distance formula and grouping.

Tariff: Supplement 20 to Southwestern Freight Bureau tariff I.C.C. 4387.

FSA No. 37940: *Vegetables to Ocala, Fla.* Filed by O. W. South, Jr., Agent (No. A4236), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), in carloads, from Elizabeth City and Washington, N.C., to Ocala, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 19 to Southern Freight Association tariff I.C.C. S–178.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–9273; Filed, Sept. 17, 1962; 8:48 a.m.]

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87th Congress, 2d Session

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3492

AMERICAN EDUCATION WEEK, 1962

By the President of the United States of America

A Proclamation

WHEREAS the outstanding accomplishments in the field of science and technology, especially in space exploration, electronics, peaceful use of atomic energy, and medical research, stagger the imagination and clearly and dramatically demonstrate the need for unceasing efforts to improve and expand our educational systems and educational facilities; and

WHEREAS the ever-increasing complexities of modern-day living constantly challenge our ingenuity and compel us to set higher standards of educational achievement to meet that challenge and to assure national progress; and

WHEREAS the efforts of our Nation's schools and colleges to provide the education and leadership required to preserve both freedom and peace, and to assure a full and abundant life for all people should be expressly recognized:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the period from November 11 through November 17, 1962, as American Education Week.

I urge all citizens to give special attention during that week to the aims and purposes of education and the programs and problems of our schools and colleges. We should examine the quality of our educational institutions and assess the degree to which our educational programs and practices serve the interests of the individual and bring vitality and strength to our Nation and its culture. Every American should be fully committed to the advancement of education.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventeenth day of September in the year of our Lord nineteen hundred and sixty-two, [SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-9432; Filed, Sept. 18, 1962; 2:49 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Sugar Determination 833.9]

PART 833—MAINLAND CANE SUGAR AREA

1962 Crop

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948, as amended and as further amended by Public Law 87-535 (hereinafter referred to as "act"), the following determination is hereby issued:

§ 833.9 Sugar commercially recoverable from sugarcane in the Mainland Cane Sugar Area.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Trash" means green or dried leaves, sugarcane tops, dirt and all other extraneous material.

(2) "Gross weight" means the total weight (short tons) of sugarcane, including trash, as delivered by a producer for processing for sugar production.

(3) "Net weight" means:

(i) In Florida, 96.0 percent of gross weight, and

(ii) In Louisiana, the weight obtained by deducting the weight of trash from the gross weight of sugarcane as delivered by a producer.

(b) *Recoverable sugar.* For the 1962 corp of sugarcane, the amount of sugar, in hundredweight, raw value, commercially recoverable from sugarcane grown on a farm in the Mainland Cane Sugar Area and marketed (or processed by the producer) for the extraction of sugar or liquid sugar, from an acreage not in excess of the proportionate share for the farm, shall be obtained by multiplying the next weight of the sugarcane in tons by the rate of recoverability specified for the average percentage of sucrose in the normal juice of such sugarcane, as follows:

(1) *For farms in Louisiana.*

Percentage of sucrose in normal juice: [1]	*Rate of recoverable sugar (hundredweight) per net ton of sugarcane*
8.0	0.923
9.0	1.111
10.0	1.300
11.0	1.481
12.0	1.664
13.0	1.847
14.0	2.029
15.0	2.214
16.0	2.400
17.0	2.587
18.0	2.776

[1] Rates for the intervening tenths of 1 percent shall be calculated by interpolation.

(2) *For farms in Florida.*

Percentage of sucrose in normal juice: [1]	*Rate of recoverable sugar (hundredweight) per net ton of sugarcane*
8.0	0.930
9.0	1.112
10.0	1.299
11.0	1.484
12.0	1.664
13.0	1.840
14.0	2.012
15.0	2.182
16.0	2.351
17.0	2.520
18.0	2.690

[1] Rates for the intervening tenths of 1 percent shall be calculated by interpolation.

Statement of bases and considerations. Determinations of amounts of sugar commercially recoverable from sugar beets and sugarcane are required under section 302(a) of the act to establish the amounts of sugar upon which payments are to be made pursuant to the act.

The rates of sugar commercially recoverable at the various normal juice sucrose levels, as specified in this determination, were calculated from data reported to the Department by the processors of sugarcane for sugar in each of the States of Florida and Louisiana. The calculation made use of data representing averages in each State for the crop years 1957, 1958, 1959, 1960, and 1961 of each of the factors of normal juice extraction (the quantity of normal juice extraction per ton of sugarcane), boiling house efficiency (the ratio of the amount of sugar produced to the amount that could theoretically be produced), the polarization of the sugar produced, and net sugarcane as a percent of gross sugarcane. The calculation also used the purity or retention factor which correlates purity of normal juice with sugar recovery based on the well-established Winter-Carp formula. That formula is expressed mathematically as follows: Purity or Retention Factor=(1.4—40/P) in which P is purity of normal juice. For the purposes of this determination, the computed purity at each of the various normal juice sucrose levels for the crop years 1957, 1958, 1959, 1960, and 1961 was used.

In calculating sugar, commercially recoverable, the data are used in the following manner: The product of normal juice extraction and boiling house efficiency is divided by the product of the polarization of sugar produced and net sugarcane as a percent of gross sugarcane. The result so obtained is multiplied by 2,000 to obtain a factor which when multiplied by normal juice sucrose and the purity or retention factor for that normal juice sucrose gives pounds of sugar per ton of net sugarcane. By use of the applicable raw value conversion factor, in accordance with section 101(h) of the Sugar Act, pounds of sugar per ton of net sugarcane are converted into sugar, commercially recoverable, raw value. Expressed mathematically the formula reads:

$$\text{CRS. RV.} = \frac{\text{N.J.E.} \times \text{B.H.E.} \times 2{,}000 \times \text{N.J.S.} \times \text{P.R.} \times \text{R.V.C.F.}}{(\text{Pol. of sugar}) \times (\text{net sugarcane, \% gross sugarcane})}$$

Except for appropriate changes in each of the two moving five-year averages, the aforestated calculation is the same as that used for preceding crops. The use of data for the most recent five crops results in average increases in rates of recoverable sugar of about one percent for farms in Louisiana and average decreases of about two percent in Florida.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 302, 303, 304; 61 Stat. 930, as amended, 931; 7 U.S.C. 1132, 1133, 1134; Pub. Law 87-535 approved July 13, 1962)

Effective date: Date of publication.

Signed at Washington, D.C., on September 14, 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-9396; Filed, Sept. 19, 1962; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1351; Amdt. 485]

PART 507—AIRWORTHINESS DIRECTIVES

Hughes 269A Helicopters

Pursuant to the authority delegated to me by the Administrator, (25 F.R. 6489), an airworthiness directive was adopted on August 17, 1962, and made effective immediately because of the safety emergency involved as to all known United States operators of Hughes Model 269A helicopters. The directive required modification of the Hughes 269A helicopters. It was later determined that the provisions of the directive were not applicable to certain helicopters operated

under the provisions of CAR Part 8. Accordingly, an amendment was adopted on August 31, 1962, excepting these helicopters from the applicability of the AD.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Hughes Model 269A helicopters by individual telegrams dated August 17, 1962, as amended by telegrams dated August 31, 1962. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

HUGHES. Applies to all Model 269A helicopters except those operated under CAR Part 8 with limitations which prohibit flight over densely populated areas, in congested airlanes, or in the vicinity of busy airports.
Compliance required as indicated.
Prior to further flight, unless already accomplished, incorporate modification in accordance with Hughes Service Bulletin No. 2A7 or equivalent approved by FAA Western Region.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegrams dated August 17, 1962, and August 31, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423.)

Issued in Washington, D.C., on September 14, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-9354; Filed, Sept. 19, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-98]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2238 of the regulations of the Administrator is to alter the description of the New York, N.Y. (New York International Airport), control zone.

The New York International Airport control zone is presently designated, in part, with reference to the Philadelphia, Pa., radio range and the Hempstead, N.Y., radio range. The Philadelphia radio range has been decommissioned and the Hempstead radio range will be decommissioned on September 20, 1962. Therefore, action is taken herein to substitute distance in mileage from the Idlewild radio beacon for the intersections formed by courses from these facilities in describing the southwest and southeast extensions of the New York International Airport control zone. Controlled airspace requirements for this area will be reviewed at a later date under the CAR Amendments 60-21/60-29 implementation program.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2238 (14 CFR 601.2238) is amended to read:

§ 601.2238 New York, N.Y. (International Airport), control zone.

Within a 5-mile radius of the New York International Airport (lat. 40°-38'29" N., long. 73°46'41" W.); within a 5-mile radius of NAS New York, N.Y. (lat. 40°35'40" N., long. 73°53'30" W.); within 2 miles either side of the 121° bearing from the Idlewild RBN extending from the RBN to 10 miles SE of the RBN; within 2 miles either side of the 211° bearing from the Idlewild RBN extending from the New York International 5-mile radius zone to 19 miles SW of the RBN; and within 2 miles either side of the 010° bearing from the Scotland, N.J., RBN extending from the NAS New York 5-mile radius zone to the RBN.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 14, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9356; Filed, Sept. 19, 1962; 8:45 a.m.]

[Airspace Docket No. 62-CE-29]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Designation and Alteration of Restricted Areas and Alteration of Continental Control Area

On July 6, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 6392) stating the Federal Aviation Agency was considering a proposal to reduce the Upper Lake Huron, Mich., Restricted Area R-4207 in size, time and altitudes, designate a new restricted area over a portion of Lake Superior, and alter the continental control area to include both of these restricted areas.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matters presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 608.42, the Upper Lake Huron, Mich., Restricted Area R-4207 (27 F.R. 7345) is amended to read as follows:

R-4207 Upper Lake Huron, Mich.
Boundaries. Beginning at latitude 45°17'-00" N., longitude 83°00'00" W.; to latitude 45°20'24" N., longitude 82°31'16" W.; along the United States-Canadian Border to latitude 44°31'00" N., longitude 82°19'54" W.; to latitude 44°27'42" N., longitude 82°47'08" W.; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. 0600 to 2200 e.s.t., April 1 through October 31; 0800 to 1600 e.s.t. Thursday through Sunday, November 1 through March 31.
Controlling agency. Federal Aviation Agency, Detroit ARTC Center.
Using agency. Commander, Permanent Field Training Site Detachment, Phelps-Collins ANGB, Alpena, Mich.

2. In § 608.43 (27 F.R. 7345), the following restricted area is added to read:

R-4305 Lake Superior, Minn.
Boundaries. Beginning at latitude 47°45'-00" N., longitude 90°05'00" W.; to latitude 47°45'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 90°05'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 500.
Time of designation. 0001 c.s.t. Monday to 2400 c.s.t. Friday.
Controlling agency. Federal Aviation Agency, Minneapolis ARTC Center.
Using agency. Commander, Second Air Force, Barksdale AFB, Louisiana.

3. In § 601.7101 (26 F.R. 1399) the following are added:

R-4207 Upper Lake Huron, Mich.
R-4305 Lake Superior, Minn.

These amendments shall become effective 0001 e.s.t., November 15, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 13, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-9357; Filed, Sept. 19, 1962; 8:45 a.m.]

[Reg. Docket No. 1376; Amdt. 288]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fort Wayne VOR	FA-LFR	Direct	2200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn inbound on final approach course 4 miles from LFR.
Procedure turn S side of crs, 231° Outbnd, 051° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 051°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing LFR, climb to 2300' on NE crs of FA-LFR within 20 miles.
Other change: Deletes transition from Markle FM.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801'; Fac. Class., SBMRLZ; Ident., FA; Procedure No. 1, Amdt. 10; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 9; Dated, 16 June 62

Ancon Int	Gustavus LFR	Direct	3500	T-dn*	300-1	300-1	200-½
Pleasant Island FM	Gustavus LFR	Direct	3500	C-dn**	400-1	500-1	500-1½
				S-dn-10	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of NW crs, 286° Outbnd, 106° Inbnd, 3300' within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1600'.#
Crs and distance, facility to airport, 106°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing GST-LFR, climb to 1300' on SE crs within 7.6 miles of LFR, turn right climbing to cross GST LFR at or above 2000' via SE crs, thence continue climb to NW crs to 4500' within 20 miles,** or when directed by ATC, turn right, climb to 4500' to SSR RBn or VOR via 125° crs from GST LFR and either 095° crs to SSR RBn or the R-275 of SSR VOR.
Descent to 700' authorized after passing LOM.
#Takeoff Runway 01, 700-2 day and night, right turn out.
**CAUTION: 3306' terrain 19.5 miles NW GST LFR.
**Maneuvering N through E of airport NA due to terrain rising to 3000' 4.8 miles NE airport, terrain to 4000' 6.1 miles NE approach crs and 8.7 miles NW LFR. Mountainous terrain all quadrants. Shuttle descent below 3600' NA.

City, Gustavus; State, Alaska; Airport Name, Gustavus; Elev., 36'; Fac. Class., SBRAZ; Ident., GST; Procedure No. 1, Amdt. 7; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 6 Dated, 17 Mar. 62

PROCEDURE CANCELED, EFFECTIVE OCTOBER 6, 1962.

City, Omaha; State, Nebr.; Airport Name, Eppley Airfield; Elev., 982'; Fac. Class., SBRAZ; Ident., OA; Procedure No. 1, Amdt. 15; Eff. Date, 26 Aug. 61; Sup. Amdt. No. 14; Dated, 18 Mar. 61

Roseville Int	SO-LFR	Direct	1600	T-dn	300-1	300-1	200-½
Clarksburg FM	SO-LFR (Final)	Direct	700	C-dn	500-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring using Mather Radar authorized in accordance with approved radar patterns.
Procedure turn E side SW crs, 196° Outbnd, 018° Inbnd, 1200' within 10 miles.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 027°—1.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles, climb to 2500' on NE crs within 20 miles or, when directed by ATC, climb straight ahead to 500', make climbing left turn and climb to 2000' on crs of 323° from SO-LFR within 20 mi.
Other change: Deletes transition from Elk Grove Int.

City, Sacramento; State, Calif.; Airport Name, Municipal; Elev., 21'; Fac. Class., SBMRAZ; Ident., SO; Procedure No. 1, Amdt. 12; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 11; Dated, 29 Apr. 61

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CID-VOR	LOM	Direct	2100	T-dn	300-1	300-1	200-½
IOW-VOR	LOM	Direct	2100	C-dn	400-1	500-1	500-1½
Watkins Int*	LOM (Final)	Direct	1900	S-dn-8	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 256° Outbnd, 085° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 085°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing LOM, climb to 2200′ on crs 085° within 15 miles or, when directed by ATC, make right climbing turn to 2100′ and proceed to LOM.
*Watkins Int: Int CID-VOR R-269 and IOW-VOR R-320.

City, Cedar Rapids; State, Iowa; Airport Name, Municipal; Elev., 863′; Fac. Class., LOM; Ident., CI; Procedure No. 4, Amdt. 1; Eff. Date, 6 Oct. 62; Sup. Amdt. No. Orig.; Dated, 12 Aug. 61

BVL VOR	DPG RBn	Direct	7500	T-dn	500-1	600-1	600-1½
Vernon Int	DPG RBn	Direct	11,100	C-dn	600-1	600-1	600-1½
DTA VOR	DPG RBn	Direct	10,500	S-dn	NA	NA	NA
DT LFR	DPG RBn	Direct	10,500	A-dn	NA	NA	NA

Procedure turn S side of crs, 272° Outbnd, 092° Inbnd, 6700′ within 10 miles.
Minimum altitude over facility on final approach crs, 4900′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 8000′ on crs 147° Outbnd within 15 miles, reverse crs to the west and return on crs 327° Inbnd to the DPG RBn at 9000′. Hold south 147° Outbnd, 327° Inbnd, all turns to the left.
CAUTION: 5533′ terrain 4 miles SE of airport. 7068′ terrain 16 miles SW of airport.
NOTE: Prior permission required.

City, Dugway; State, Utah; Airport Name, Michael AAF; Elev., 4349′; Fac. Class., MIL; Ident., DPG; Procedure No. 1, Amdt. 3; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 2; Dated, 15 Sept. 62

LCH VOR	LOM	Direct	1500	T-dn	300-1	300-1	500-1½
LCH RBn	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-15	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal transition altitude 1500′ within 25 miles. Radar may be used to position aircraft on final approach with elimination of procedure turn.
Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 148°-4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing LOM, climb to 1500′ on crs, 148° within 20 miles, or when directed by ATC, make immediate right turn, climbing to 1500′ on the LCH VOR R-210 within 20 miles.

City, Lake Charles; State, La.; Airport Name, Lake Charles Municipal; Elev., 16′; Fac. Class., LOM; Ident., LL; Procedure No. 1, Amdt. 4; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 3; Dated, 15 Sept. 62

LAW VOR#	PFL RBn (Final)	Direct	1900	T-dn	300-1	300-1	200-½
Fort Sill Int	PFL RBn	Direct	2600	C-dn	400-1	500-1	500-1½
				S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn West side of crs, 172° Outbnd, 352° Inbnd, 2600′ within 10 miles. Nonstandard due ATC.
Minimum altitude over facility on final approach course, 1900′.
Crs and distance, facility to airport, 352°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing PFL RBn, turn right, climb to 2600′ on the 172° mag brng from PFL RBn within 15 miles or, climb to 3500′ on LAW-VOR R-352 and proceed to Apache Int.
NOTE: Authorized for military use only except by prior arrangement.
CAUTION: 1428′ msl tower 4 miles SE; 1644′ msl tower 5 miles ESE of airport. High terrain NW.
#Descent below 2200′ NA on final approach until passing LAW VOR.

City, Lawton (Fort Sill); State, Okla.; Airport Name, Post AAF; Elev., 1187′; Fac. Class., MHZ; Ident., PFL; Procedure No. 1, Amdt. 3; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 2; Dated, 22 Sept. 62

PROCEDURE CANCELED, EFFECTIVE OCTOBER 6, 1962.

City, Lihue; State, Hawaii; Airport Name, Lihue; Elev., 148′; Fac. Class., H; Ident., PAK; Procedure No. 1, Amdt. 1; Eff. Date, 29 July 61; Sup. Amdt. No. Orig.; Dated, 26 Dec. 59

MSY RBn	LOM	Direct	1800	T-dn	300-1	300-1	200-½
MSY-VOR	LOM	Direct	1800	C-dn	500-1	500-1	500-1½
LaPlace MHW	LOM (Final)	Direct	1800	S-dn-10	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved procedures. Radar may be used to position aircraft for a final approach within 5 miles West of LOM with the elimination of a procedure turn.
Procedure turn S side of crs, 279° Outbnd, 099° Inbnd, 1800′ within 10 miles.
Minimum altitude over LOM on final approach crs, 1800′.
Crs and distance, facility to airport, 099°—6.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 miles after LOM, climb to 2000′ on crs of 099° within 20 miles or, when directed by ATC, climb to 1500′ on crs of 030° from MSY RBn within 20 miles or turn right, climb to 1500′ on crs of 180° from MSY RBn within 20 miles.
CAUTION: 409′ radio tower 2.3 miles North of airport.

City, New Orleans; State, La.; Airport Name, Moisant International; Elev., 3′; Fac. Class., LOM; Ident., MS; Procedure No. 1, Amdt. 12; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 11; Dated, 20 Jan. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Lafayette Int	LOM (Final)	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-5R	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar vectoring by Quonset Pt. RATCC is authorized within 20 miles of PVD airport at minimum altitude of 1800′ except not below 2000′ when more than 8 miles from PVD airport between 030° and 065° radials of the PVD VOR.
Radar vector to final approach must intercept the final approach course more than 1 mile SW of the PVD ILS LOM.
Procedure turn West side of crs, 226° Outbnd, 046° Inbnd, 1700′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 046°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, make climbing left turn to the PV LOM at 1700′. Hold SW, 046° Inbnd, one-minute left turn.
CAUTION: 849′ tower 4.8 miles N of airport.
NOTE: Procedure turn is conducted West to provide separation from traffic at Quonset Point NAS.

City, Providence; State, R. I.; Airport Name, Green; Elev., 56′; Fac. Class., LOM; Ident., PV; Procedure No. 1, Amdt. 5; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 4; Dated, 4 Aug. 62

SO-LFR	LOM	Direct	1200	T-dn	300-1	300-1	200-1
SAC VOR	LOM	Direct	1200	C-dn	500-1	600-1	600-1½
Courtland Int	LOM	Direct	1200	S-dn-2	400-1	500-1	500-1
Clarksburg FM	LOM (Final)	Direct	2500	A-dn	800-2	800-2	800-2
Walnut Grove Int	Courtland Int	Direct	1600				
Roseville Int	LOM	Direct					

Radar transitions and vectoring using Mather Radar Authorized in accordance with approved Radar patterns.
Procedure turn S side of crs, 195° Outbnd, 015° Inbnd, 1200′ within 10 miles.
Minimum altitude over LOM on final approach crs, 1200′; over LFR/Z, 400′.
Crs and distance, facility to airport, 015°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing LOM, climb to 2500′ on NE crs of Sacramento LFR or on R-020° from Sacramento VOR within 20 miles or, when direct, by ATC, climb straight ahead to 500′, make a climbing left turn and climb to 2000′ on crs of 323° from SO-LFR within 20 miles.
Other changes: Deletes transitions from Galt Int and Isleton Int.

City, Sacramento; State, Calif.; Airport Name, Sacramento Municipal; Elev., 21′; Fac. Class., LOM; Ident., SA; Procedure No. 1, Amdt. 8; Eff. Date, 6 Oct. 62; Sup Amdt No. 7; Dated, 29 Apr. 61

FD-LFR	LOM	Direct	2700	T-dn*	300-1	300-1	200-½
FSD-VOR	LOM	Direct	2700	C-dn	500-1	500-1	500-1½
17 miles DME fix and 206° brg from LOM	LOM (Final)	Direct	2200	S-dn-3	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				If aircraft is equipped with ADF and VOR or ADF and LFR receivers and SE crs LFR or R-168 FSD VOR received, following minimums apply:			
				S-dn-3	400-1	400-1	400-1

Procedure turn South side of crs, 206° Outbnd, 026° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 026°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2800′ on crs 026° from LOM within 20 miles.
CAUTION: Tower 1640′ m.s.l. 1.5 miles NE of LOM.
NOTE: When authorized by ATC, FSD DME may be used to position aircraft on final approach course at 3400′ between radials 145° clockwise to 360° via 17 mile DME arc with the elimination of procedure turn.
*300-1 required for takeoff Runway 15.

City, Sioux Falls; State, S. Dak.; Airport Name, Foss Field; Elev., 1426′; Fac. Class., LOM; Ident., FS; Procedure No. 1, Amdt. 5; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 4; Dated, 25 Aug. 62

PIE-VOR	LOM	Direct	1300	T-dn	300-1	300-1	*200-½
TA RBn	LOM	Direct	1500	C-dn	500-1	500-1	500-1½
				S-dn-18	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side North crs, 001° Outbnd, 181° Inbnd, 1200′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 181°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles of LOM, turn right to 225°, climb to 1500′ on crs of 285° from TA-RBn within 20 miles or, when directed by ATC, climb to 1500′ on direct crs to TA-RBn.
AIR CARRIER NOTES: 200-½ absolute minimum for takeoff Runway 27. Runway 14-32 closed to all air carrier operations.
CAUTION: 210′ radio tower 1 mile WSW of airport.
*1 mile visibility required all operations Runway 14-32.

City, Tampa; State, Fla.; Airport Name, International; Elev., 27′; Fac. Class., LOM; Ident., TP; Procedure No. 1, Amdt. 14; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 13; Dated, 3 June 61

Centreville Int	HAI RBn	Direct	2100	T-dn	300-1	300-1	NA
Leroy Int	HAI RBn	Direct	2100	C-dn	600-1	600-1	NA
AZO-VOR	HAI RBn	Direct	2100	S-dn-04	600-1	600-1	NA
				A-dn	800-2	800-2	NA

Procedure turn W side of crs, 035° Outbnd, 215° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left climbing turn to 2100′ and return to HAI RBn, contact Battle Creek Approach Control.
NOTES: Obtain Battle Creek or South Bend weather prior to beginning IFR approach. MH facility operated by city of Three Rivers.

City, Three Rivers; State, Mich.; Airport Name, Haines Municipal; Elev., 830′; Fac. Class., MH (Private Facility); Ident., HAI; Procedure No. 1, Amdt. Orig.; Eff. Date, 6 Oct. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Thornhurst VOR	LOM	Direct	3500	T-dn*	600–1	600–1	600–1
Hazleton RBn	LOM	Direct	3500	C-d	1200–1	1200–1½	1200–2
Crystal Lake Rbn#	LOM (Final)	Direct	2000	C-n	1300–2	1300–2	1300–2
				S-dn	NA	NA	NA
				A-d	1400–2	1400–2	1400–2
				A-n	1600–3	1600–3	1600–3

Radar transitions authorized in accordance with approved patterns.
Procedure turn West side of crs, 223° Outbnd, 043° Inbnd, 3500′ within 10 miles of LOM.**
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 043°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Wilkes-Barre LOM, climb to 3500′ on course 043° from the Wilkes-Barre LOM, then proceed to Wilkes-Barre VOR, maintain 4000′, hold East, one-minute right turns, inbound course 268° or, when directed by ATC, (1) climb to 3500′ on crs 043° from the Wilkes-Barre LOM, turn left and proceed direct to Wilkes-Barre LOM, maintain 3500′, hold SW, one-minute left turns, inbound course 043°, (2) hold West of the Wilkes-Barre LOM at 3500′, one-minute right turns, inbound course 100°.
AIR CARRIER NOTE: Provisions for reduced visibility not authorized at night or day with day minimums below 1 mile for 65 knots or less aircraft and 1¼ miles for more than 65 knots aircraft.
CAUTION: High terrain to East, Southeast and South of airport within 2.5 miles.
*Takeoff Runway 10 and 16, Day 600–2, Night 800–2.
**Nonstandard procedure turn and holding pattern due to terrain considerations and to provide separations from Hazleton traffic.
#This transition authorized only for aircraft dual ADF equipped.

City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre–Scranton; Elev., 956′; Fac. Class., LOM; Ident., AV; Procedure No. 1, Amdt. 3; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 2; Dated, 14 July 62

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1		
				C-d	500–1		
				C-n	500–2		
				S-d-36	500–1		
				S-n-36	500–2		
				A-dn	NA		

Procedure turn E side of crs, 207° Outbnd, 027° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 027°—6.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing ENL-VOR, make right climbing turn to 2000′ and return to ENL-VOR.
CAUTION: No weather information available at Centralia. Check Vandalia weather before starting approach.

City, Centralia; State, Ill.; Airport Name, Centralia Municipal; Elev., 534′; Fac. Class., BVOR; Ident., ENL; Procedure No. 1, Amdt. 3; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 2; Dated, 16 Sept. 61

Mercer Int	VOR	Direct	3000	T-dn	300–1	300–1	200–½
Wesley Int	VOR	Direct	3000	C-dn	500–1	500–1	500–1½
Henley Int	VOR	Direct	3000	S-dn-20	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of final approach crs, 006° Outbnd, 186° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach course, 2200′.
Crs and distance, facility to airport, 186°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing VOR, climb to 2800′ on R-186, make right turn to VOR; hold N 1-minute right turns; inbnd crs 186°.

City, Franklin; State, Pa.; Airport Name, Chess-Lamberton; Elev., 1540′ Fac. Class., VOR; Ident., FKL; Procedure No. 1, Amdt. Orig.; Eff. Date, 6 Oct. 62

Cedar Rapids LOM	IOW-VOR	Direct	2100	T-dn	300–1	300–1	200–½
				C-dn	600–2	600–2	600–2
				S-dn-35	600–2	600–2	600–2
				A-dn	NA	NA	NA

Procedure turn W side of crs, 210° Outbnd, 030° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 018°—7.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles, make right turn, climb to 2000′, and return to IOW-VOR.
Air carrier note: Alternate minimums of 800–2 authorized for air carriers with weather reporting service at the airport.

City, Iowa City; State, Iowa; Airport Name, Municipal; Elev., 661′; Fac. Class., BVOR; Ident., IOW; Procedure No. 1, Amdt. 1; Eff. Date, 6 Oct. 62; Sup. Amdt. No. Orig; Dated, 17 June 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-4	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 236° Outbnd, 056° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 034°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, after passing VOR, climb to 2100′ on R-034 within 20 miles.
CAUTION: Radio tower 1100′ MSL 2.7 miles N of airport.
NOTES: Approach control available through Rockford, Ill., control tower.

City, Janesville; State, Wis.; Airport Name, Rock County; Elev., 808′; Fac. Class., BVOR; Ident., JVL; Procedure No. 1, Amdt. 5; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 4; Dated, 23 Sept. 61

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 072° Outbnd, 252° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 252°—6.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing VOR, climb to 1500′ on the LCH VOR R-249 within 20 miles.

City, Lake Charles; State, La.; Airport Name, Municipal; Elev., 16′; Fac. Class., BVOR; Ident., LCH; Procedure No.1, Amdt. 1; Eff. Date, 6 Oct. 62; Sup. Amdt. No. Orig; Dated, 16 Dec. 61

Fort Sill Int	LAW VOR	Direct	2600	T-dn	300–1	300–1	200–½
Apache Int	LAW VOR	Direct	2600	C-dn*	400–1	500–1	500–1½
				S-dn-35*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 174° Outbnd, 354° Inbnd, 2200′ within 10 miles. Nonstandard due ATC.
Minimum altitude over LAW VOR on final approach crs, 2200′.
Crs and distance, facility to airport, 354°—8.8 mi; abeam PFL RBn to airport, 354°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.8 miles after passing LAW-VOR, or 2.3 miles after passing PFL RBn, turn right, climb to 2600′ and return to LAW-VOR on R-605 or, when directed by ATC, climb to 3500′ on LAW-VOR R-352 and proceed to Apache Int.
NOTE: Authorized for military use only except by prior arrangement.
CAUTION: 1428′ msl tower 4 miles SE; 1644′ msl tower 5 miles ESE; 1800′ msl terrain 3.6 miles NW of airport.
*If RBn or Z marker not received, descent below 1900′ NA and minima are 700–2.

City, Lawton (Fort Sill); State, Okla.; Airport Name, Post AAF; Elev., 1187′; Fac. Class., BVOR; Ident., LAW; Procedure No. 1, Amdt. 2; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 1; Dated, 22 Sept. 62

Midland LOM	MAF-VOR	Direct	4500	T-dn	300–1	300–1	*200–½
Tarzan Int	MAF-VOR	Direct	4100	C-dn	400–1	500–1	500–1½
				S-dn-16R	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 360° Outbnd, 180° Inbnd, 4300′ within 10 miles. Nonstandard due to ATC requirements.
All turns to be made on east side of crs.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, 180°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing MAF-VOR, climb to 4200′ on R-150 within 20 miles.
CAUTION: 4049′ MSL tower 9.5 mi NW and 3356′ MSL tower 5.5 mi NE of airport.
*300–1 required on Runways 16L and 34R.

City, Midland; State, Tex.; Airport Name, Midland-Air Terminal; Elev., 2867′; Fac. Class., BVOR; Ident., MAF; Procedure No. 1, Amdt. 11; Eff. Date, 6 Oct. 62; Sup Amdt. No. 10; Dated, 1 Sept. 62

Clarksburg FM	SAC-VOR (Final)	Direct	1000	T-dn	300–1	300–1	200–½
Walnut Grove Int	Courtland Int	Direct	2500	C-dn	500–1	600–1	600–1½
Roseville Int	SAC-VOR	Direct	1600	S-dn-2	400–1	500–1	500–1
Courtland Int	SAC-VOR (Final)	Direct	1200	A-dn	800–2	800–2	800–2

Radar transitions and vectoring using Mather AFB Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 198° Outbnd, 018° Inbnd, 1200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′. Minimum altitude over LFR/Z on final approach, 400′.
Crs and distance, facility to airport, 015°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing VOR, climb to 2500′ on R-020 within 20 miles of SAC-VOR or, when directed by ATC, make climbing left turn and climb to 2000′ on R-328 within 20 miles.
Other change: Deletes transition from Isleton Int.

City, Sacramento; State, Calif.; Airport Name, Municipal; Elev., 21′; Fac. Class., H-BVORTAC; Ident., SAC; Procedure No. 1, Amdt. 9; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 8; Dated, 29 Apr. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-4	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
				Aircraft equipped with VOR and LFR and FA-LFR or radar fix received, following minimums apply:			
				C-dn	400–1	500–1	500–1½
				S-dn-4	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn inbound on final approach course 7 miles from VOR.
Procedure turn S side of crs, 229° Outbnd, 049° Inbnd, 2000 within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Facility on airport. Minimum altitude over FA-LFR on final 1400'.
Crs and distance, breakoff point to approach end of Runway 4, 044°—0.9 mi; FA-LFR to Runway 4, 049°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2200' on R-049 within 20 miles or, when directed by ATC, make right climbing turn to 2200' and return to FWA-VOR.
Other change: Deletes transition from Markle FM.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801'; Fac. Class., BVORTAC; Ident., FWA; Procedure No. TerVOR-4, Amdt. 3; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 2; Dated, 16 June 62

OKK-VOR	MZZ-VOR	Direct	2200	T-dn	300–1	300–1	200–½
OKKR Bn	MZZ-VOR	Direct	2200	C-dn	400–1	500–1	500–1½
				S-dn-4	400–1	400–1	400–1
				A-dn*	NA	NA	NA

Procedure turn S side of crs, 211° Outbnd, 031° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, breakoff point to approach end of runway, 038°—0.39 mi.
NOTE: All aircraft except scheduled air carrier obtain Bunker Hill AFB or Fort Wayne, Ind., current weather prior to IFR approach.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make climbing left turn to 2200' within 10 miles, return to MZZ-VOR.
*AIR CARRIER NOTE: 800–2 authorized for those air carriers with weather reporting service.

City, Marion; State, Ind.; Airport Name, Marion Municipal; Elev., 850'; Fac. Class., BVOR; Ident., MZZ; Procedure No. TerVOR-4, Amdt. 1; Eff. Date, 6 Oct. 62; Sup. Amdt. No. Orig.; Dated, 1 July 61

OKK-VOR	MZZ-VOR	Direct	2200	T-dn	300–1	300–1	200–½
OKK RBn	MZZ-VOR	Direct	2200	C-dn	700–1	700–1	700–1½
				S-dn-22	700–1	700–1	700–1
				A-dn#	NA	NA	NA
				If aircraft dual omni equipped and Jones Int* received, the following minimums apply:			
				C-dn	400–1	500–1	500–1½
				S-dn-22	400–1	400–1	400–1

Procedure turn S side of crs, 042° Outbnd, 222° Inbnd, 2200' within 10 miles of Jones Int* or MZZ-VOR.
Minimum altitude over MZZ-VOR on final approach crs, 1600'; over Jones Int* on final approach crs, 1600'.
Crs and distance, Jones Int* to airport, 222°—2.1 mi.
Crs and distance, breakoff point to approach end of Runway 22, 218°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make climbing left turn to 2200' and return to MZZ-VOR.
NOTE: All aircraft except scheduled air carrier obtain Bunker Hill AFB or Fort Wayne, Ind., current weather prior to IFR approach.
*Jones Int: Int MZZ-VOR R-042 and OKK-VOR R-090.
#800–2 alternate minimums authorized for air carrier with approved weather service at this airport.

City, Marion; State, Ind.; Airport Name, Marion Municipal; Elev., 850'; Fac. Class., BVOR; Ident., MZZ; Procedure No. TerVOR-22, Amdt. 3; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 2; Dated, 16 June 62

Deer Park VOR	IDL VOR R-105	Via radar vectors*	2500	T-dn	300–1	300–1	200–½
Sandy Hook VHF Int	IDL VOR R-105	Via radar vectors*	2500	C-dn	700–1	700–1	700–1½
Int of DPK VOR R-241 and IDL VOR R-105 and/or 035° bearing from Lido RBn and R-105 of IDL VOR (Final).#	IDL VOR R-105	Via radar vectors*	2500	A-dn	800–2	800–2	800–2

Terminal area radar transition altitudes from R-030 clockwise through R-210 of IDL VOR, 1500 feet within 20 miles, 2500 feet within 25 miles.
Procedure turn NA. Radar vectors to final approach crs required. Final approach radial 105°.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, breakoff point to approach end of R-31R, 312°—1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of IDL VOR, make left climbing turn to 2000' on R-190 of IDL VOR to Sandy Hook VHF Int. Hold south right turns 1 minute, 010° Inbnd.
AIR CARRIER NOTE: Sliding scale not authorized.
Major change: Deletes reference to the Hempstead LFR as final approach fix.
*Radar vectors to final approach course will intercept final approach radial E of the final approach fix.
#Descent to published minimums authorized after passing final approach fix.

City, New York; State, N.Y.; Airport Name, International; Elev., 12'; Fac. Class., BVORTAC; Ident., IDL; Procedure No. TVOR (R-105), Amdt. 1; Eff. Date, 6 Oct. 62; Sup. Amdt. No. Orig.; Dated, 1 Sept. 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Deer Park VOR	IDL VOR R-141	Via radar vectors*	2500	T-dn	300–1	300–1	200–½
Sandy Hook VHF Int	IDL VOR R-141	Via radar vectors*	2500	C-dn	700–1	700–1	700–1½
Int of DPK VOR R-237 and IDL VOR R-141, and/or 215° brng from Lido RBn with IDL VOR 141° radial (Final).#	IDL VOR R-141	Via radar vectors*	2500	A-dn	800–2	800–2	800–2

Terminal area radar transition altitudes from R-030 clockwise through R-210 of IDL VOR 1500 ft within 20 miles, 2500 ft within 25 miles.
Procedure turn NA. Radar vectors to final approach crs required final approach radial 141°.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, breakoff point to approach end of R-31L, 312°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of IDL VOR, make left climbing turn to 2000' on 190° radial of IDL VOR to Sandy Hook Int. Hold south of Sandy Hook Int right turns 1 minute, 010° Inbnd.
AIR CARRIER NOTE: Sliding scale not authorized.
Major change: Deletes reference to the Hempstead LFR as final approach fix.
*Radar vectors to final approach course will intercept final approach radial southeast of the final approach fix.
#Descent to published minimums authorized after passing final approach fix.

City, New York; State, N.Y.; Airport Name, International; Elev., 12'; Fac. Class., BVORTAC; Ident., IDL; Procedure No. TerVOR (R-141), Amdt. 1; Eff. Date, 6 Oct. 62; Sup. Amdt. No. Orig.; Dated, 1 Sept. 62

				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-5L and R	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Radar vectoring by Quonset Point RATCC is authorized within 20 miles of PVD Airport at minimum altitude of 1800' except not below 2000' when more than 8 miles from PVD Airport between 030° and 065° radials of the PVD VOR.
Radar vector to final approach must intercept the final approach course more than 1 mile SW of the PVD-ILS-LOM.
Procedure turn W side of crs, 226° Outbnd, 046° Inbnd, 1700' within 10 miles of PVD-ILS-LOM.
Minimum altitude over facility on final approach crs 1600' until over PVD-ILS-LOM.
VOR on airport. No runway centerline intercept provided to allow use of dual runways.
Crs and distance, LOM to airport, 046°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles of LOM make climbing left turn to 2000' to Foster Int. Hold SW on 057° radial of ORW VOR, 1-minute left turn.
CAUTION: 849' tower 4.8 miles N of airport.
Other change: Deletes transitions from Providence LFR and Lafayette Int.

City, Providence; State, R.I.; Airport Name, Green Airport; Elev., 50'; Fac. Class., BVOR; Ident., PVD; Procedure No. TVOR-5, Amdt. 2; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 1; Dated, 4 Aug. 62

Raymond Int*	ILL VOR	Direct	2600	T-dn	300–1	300–1	
				C-d	600–1	600–1	
				C-n	600–2	600–2	
				S-d-10	600–1	600–1	
				S-n-10	600–2	600–2	
				A-dn	NA	NA	

Procedure turn S side of crs, 277° Outbnd, 097° Inbnd, 2600' within 10 mi.
Minimum altitude over facility on final approach course, 1700'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of ILL-VOR, make right climbing turn to 2600' on R-116 within 10 miles.
CAUTION: 1648' radio tower 2.2 miles E of airport.
*Raymond Int: Int. DWN R-261 and ILL R-171.

City, Willmar; State, Minn.; Airport Name, Municipal; Elev., 1130'; Fac. Class., L-VOR (State-owned); Ident., ILL; Procedure No. TerVOR 10, Amdt. Orig.; Eff. Date, 6 Oct. 62

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lake Charles RBn	LOM	Direct	1500	T-dn	300–1	300–1	200–½
LCH VOR	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
				S-dn-15	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar transition altitude 1500' within 25 miles. Radar may be used to position aircraft on final approach with elimination of procedure turn.
Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1500 within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at LOM, 1170'—4.2 mi; at LMM, 199'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500' on the SE crs of ILS within 20 miles or, when directed by ATC, make immediate right turn, climbing to 1500' on the LCH VOR R-210 within 20 miles.

City, Lake Charles; State, La.; Airport Name, Municipal; Elev., 16'; Fac. Class. ILS; Ident., I-LLS; Procedure No. ILS-15, Amdt. 2; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 1; Dated, 28 July 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lake Charles VOR	Brown Int*	Direct	1500	T-dn	300-1	300-1	200-½
Lake Charles RBn	Brown Int*	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-33	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transition altitude 1500′ within 25 miles. Radar may be used to position aircraft on final approach with elimination of procedure turn.
Procedure turn side of crs, 148° Outbnd, 328° Inbnd, 1500′ within 10 miles.
Minimum altitude over Brown Int* on final approach crs, 1500′.
Crs and distance, Brown Int* to airport, 328°—5.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing Brown Int,* climb to 1500′ on the NW crs of the ILS within 20 miles.
*Brown Int: Int LCH-VOR R-200 and SE crs LLS ILS.

City, Lake Charles; State, La.; Airport Name, Municipal; Elev., 16′; Fac. Class., ILS; Ident., I-LLS; Procedure No. ILS-33, Amdt. 1; Eff. Date, 6 Oct. 62; Sup. Amdt. No. Orig.; Dated, 3 Mar. 62

MY RBn	LOM	Direct	1800	T-dn	300-1	300-1	200-½
MSY VOR	LOM	Direct	1800	C-dn	500-1	500-1	500-1½
LaPlace MHW	LOM (Final)	Direct	1800	S-dn-10*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar may be used to position aircraft for a final approach within 5 miles west of LOM with the elimination of a procedure turn. Radar vectoring authorized in accordance with approved procedures.
Procedure turn S side W crs, 279° Outbnd, 099° Inbnd, 1800′ within 10 miles.
Minimum alttitude at glide slope int Inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM, 1780′—6.6 mi; MM, 189′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on E crs ILS within 20 miles or, when directed by ATC, (1) turn left, climb to 1400′ on 030° radial MSY-VOR or (2) turn left, climb to 1500′ on R-060 MSY-VOR or (3) turn right, climb to 1500′ on R-175 MSY-VOR, all within 20 miles of MSY-VOR.
CAUTION: 409′ radio tower 2.3 miles north of airport.
*400-¾ required when glide slope not utilized.

City, New Orleans; State, La.; Airport Name, Moisant International; Elev., 3′; Fac. Class., ILS; Ident., IMSY; Procedure No. ILS-10, Amdt. 12; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 11; Dated, 20 Jan. 62

Clarksburg FM	LOM (Final)	Direct	1200	T-dn	300-1	300-1	200-½
Walnut Grove Int	Courtland Int	Direct	2500	C-dn	500-1	600-1	600-1½
Courtland Int	LOM	Direct	1200	S-dn-2*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar transitions and vectoring using Mather Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 195° Outbnd, 015° Inbnd, 1200′ within 10 miles.
Minimum altitude at glide slope int inbnd, 1200′.
Altitude of glide slope and distance to approach end of runway at OM 1169′—4.0 mi, at MM 213′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on NE crs SO-LFR or R-020 SAC-VOR within 20 miles or, when directed by ATC, climb straight ahead to 500′, make left climbing turn and climb to 2000′ on SAC VOR R-328 within 20 miles.
Other changes: Deletes transitions from SO LFR, SAC VOR, Galt Int, and Isleton Int.
*If glide slope not utilized, 400-1 required.

City, Sacramento; State, Calif.; Airport Name, Municipal; Elev., 21′; Fac. Class., ILS; Ident., I-SAC; Procedure No. ILS-2, Amdt. 8; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 7; Dated, 29 Apr. 61

PIE-VOR	LOM	Direct	1300	T-dn#	300-1	300-1	*200-½
TA-RBn	LOM	Direct	1500	C-dn	500-1	500-1	500-1½
				S-dn-18##	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved pattern.
Procedure turn W side N crs, 001° Outbnd, 181° Inbnd, 1300′ within 10 miles.
Minimum altitude at glide slope intereception Inbnd, 1300′.
Altitude of glide slope and distance to approach end of runway at LOM, 1220′—4.0 mi; at MM, 220′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right to 225°, climb to 1500′ on R-080/R-260 PIE-VOR within 20 miles or, when directed by ATC, climb to 1500′ on S crs of ILS or 181° crs from LOM within 20 miles.
AIR CARRIER NOTES: 200-½ absolute minimum for takeoff Runway 27. Runway 14-32 closed to all air carrier operations.
CAUTION: 210′ radio tower 1 mile WSW of airport.
#Runway visual range 2600′ also authorized for takeoff on Runway 18 in lieu of 200-½ when 200-½ is authorized, provided high intensity runway lights are operational.
##Runway visual range 2600′ also authorized for landing on Runway 18, provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are operating satisfactorily. Descent below 227′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of the clouds.
*1-mile visibility required all operations Runway 14-32.
**400-¾ required when glide slope not utilized.

City, Tampa; State, Fla.; Airport Name, International; Elev., 27′; Fac. Class., ILS; Ident., I-TPA; Procedure No. ILS-18, Amdt. 16; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 15; Dated, 31 Mar. 62

TA-RBn	Dawson Int#	Direct	1500	T-dn	300-1	300-1	*200-½
PIE-VOR	Dawson Int#	Direct	1500	C-dn	500-1	500-1	500-1½
Int S crs ILS and 031° brg to TA-RBn or PIE-VOR R-121.	Dawson Int# (Final)	Direct	1500	S-dn-36	400-1	400-1	400-1
Int N crs ILS and PIE-VOR R-038	Dawson Int#	Direct	1500	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side S crs, 181° Outbnd, 001° Inbnd, 1500′ within 10 miles.
No glide slopes. No markers. Altitude over Dawson Int# on final, 1500′.
Crs and distance, Dawson Int# to Runway 36, 001°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing Dawson Int, climb to 1200′ on N crs of ILS within 20 miles.
CAUTION: 210′ radio tower 1 mile WSW of airport.
AIR CARRIER NOTES: 200-½ absolute minimum for takeoff Runway 27. Runway 14-32 closed to all air carrier operations.
*1-mile visibility required all operations on Runway 14-32.
#Int S crs TPA ILS and PIE-VOR R-097 or 271° brng from TA-RBn.

City, Tampa; State, Fla.; Airport Name, International; Elev., 27′; Fac. Class., ILS; Ident., I-TPA; Procedure No. ILS-36, Amdt. 7; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 6; Dated, 19 May 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Thornhurst VOR	CYE* RBn	Direct	3500	T-dn#	600-1	600-1	600-1
Effort Int	CYE* RBn	Direct	3500	C-d	900-1½	1000-1½	1000-2
Pocono Int	CYE* RBn	Direct	3500	C-n	1300-2	1300-2	1300-2
Avoca Int	CYE* RBn	Direct	3500	S-dn-4**	600-1	600-1	600-1
Lopez Int	CYE* RBn	Direct	3500	A-d	1200-2	1200-2	1200-2
Hazleton RBn	CYE* RBn	Direct	3500	A-n	1600-3	1600-3	1600-3
Hazleton VOR	CYE* RBn	Direct	3500				
Scranton Int##	CYE* RBn	Direct	4000				

Radar transitions authorized in accordance with approved patterns. Radar vectoring to final approach crs must intercept localizer SW of CYE RBn.
Procedure turn W% side SW crs, 223° Outbnd, 043° Inbnd 3500′ within 10 miles of Crystal Lake RBn.
Minimum altitude at glide slope int inbnd final, 3500′ over Crystal Lake RBn.
Altitude of glide slope and distance to approach end of runway at CYE* RBn, 3500′—8.5 mi; at OM, 2230′—3.9 mi; at MM, 1180′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Wilkes-Barre LOM or 8.5 miles after passing Crystal Lake RBn, climb to 3500′ on crs 043° from the Wilkes-Barre LOM, then proceed direct to the Wilkes-Barre VOR, maintain 4000′. Hold east, 1-minute right turns, inbound crs 268° or, when directed by ATC, (1) climb to 3500′ on crs 043° from the LOM, turn left and proceed direct to Cyrstal Lake RBn, maintain 3500′, hold SW 1-minute left turns inbound crs 043°, (2) hold west of Crytsal Lake RBn, 3500′ 1-minute right turns, inbnd crs 100°.
NOTE: High terrain to E, SE and S of airport within 2.5 miles.
AIR CARRIER NOTE: Provisions for reduced visibility not authorized at night or with day minimums below 1 mile for 65 knots or less aircraft and 1½ miles for more than knots aircraft.
#Takeoff minimums for Runways 10 and 16: Day—600-2, Night—800-2.
*Crystal Lake RBn: This approach is authorized only when Crystal Lake Radio Beacon is operating, and/or when radar vectoring to final is available.
%Procedure turn nonstandard to provide separation from approaches to Hazelton, Pa.
**If glide slope not utilized, straight-in minimums to Runway 4 will be 800-1, 65 knots or less, 800-1½, more than 65 knots. After passing CYE RBn, if OM not received do not descend below 2600′.
##Scranton Int: Int R-349 Thornhurst VOR and R-289 Wilkes-Barre VOR.

City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre-Scranton; Elev., 956′; Fac. Class., ILS; Ident., I-AVP; Procedure No. ILS-4, Amdt. 15; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 14; Dated, 14 July 62

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All sectors	Radar Site	Within 25 mi	2500	Surveillance approach			
All sectors	Radar Site	Within 35 mi	3000				
All sectors	Radar Site	Within 40 mi	4000	T-dn	300-1	300-1	200-½
				C-dn*	500-1	500-1	500-1½
				C-dn**	600-1	600-1	600-1½
				S-dn*	500-1	500-1	500-1
				S-dn**	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runways 9R/L, 12, 5, 18, and 36, climb to 2500′ and proceed direct to CMH RBn; hold E within 10 miles 275° Inbnd, 1-minute right turns.
Runways 23, 27R/L, and 30, climb to 2500′ and proceed direct to CMH RBn; hold W within 10 miles; 1-minute right turns, 095° Inbnd.
*All runways except 5 and 36.
**Runways 5 and 36.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816′; Fac. Class. and Ident., Port Columbus Radar; Procedure No. 1, Amdt. 3; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 2; Dated, 30 July 55

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
340	270	20	2700											Precis'on approach			
270	340	20	3500											T-dn	300-1	300-1	200-½
														C-dn	400-1	500-1	500-1½
														S-dn-17 and 35	200-½	200-½	200-½
														A-dn	600-2	600-2	600-2
														Surveillance approach			
														T-dn	300-1	300-1	200-½
														C-dn	400-1	500-1	500-1½
														S-dn-17 and 35	400-1	400-1	400-1
														A-dn	800-2	800-2	800-2

All bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 17: Climb to 2600' on LAW R-352 and proceed to VOR.
Runway 35: Turn right, climb to 2600' on LAW R-352 to LAW-VOR or, when directed by ATC, climb to 3500' to Apache Int on LAW-VOR R-352.
CAUTION: High terrain northwest.
NOTES: 1. Hours of operation: 0800-1600 Monday through Friday. 1 hour prior notice on IFR, holidays and weekends. 2. Authorized for military use only except by prior arrangement.

City, Lawton; State, Okla.; Airport Name, Post AAF; Elev., 1187'; Fac. Class. and Ident., Post Radar; Procedure No. 1, Amdt. 3; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 2: Dated, 22 Sept. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 30, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 8924; Filed, Sept. 19, 1962; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

PART 464—TOBACCO

Subpart—Tobacco Loan Program

DEDUCTIONS FROM ADVANCES

Paragraph (b) of § 464.1204 *Deductions from advances,* of the statement with respect to the Tobacco Loan Program published in the FEDERAL REGISTER on July 4, 1962 (27 F.R. 6311) is hereby amended as follows:

§ 464.1204 Deductions from advances.

* * * * * *

(b) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt record, the Government will effect collection of the amount of the indebtedness by set-off from the amount of price support advance due the producer in the following manner: Any within-quota marketing card issued for such farm in accordance with the applicable regulations issued by the Secretary of Agriculture with respect to marketing quotas will bear the notation "Indebted to U.S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness will be shown on the inside back cover of the marketing card. The acceptance and use of a within-quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card will constitute an authorization by such producer to any tobacco warehouseman or association to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lienholders. The acceptance and use of a within-quota marketing card bearing a notation and information of indebtedess to the United States will not constitute a waiver of any right of the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action and shall not necessitate a producer accepting a price support advance from which such indebtedness would be deductible.

Effective date: Date of publication.

Signed at Washington, D.C. on September 14, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-9398; Filed, Sept. 19, 1962; 8:51 a.m.]

PART 464—TOBACCO

Subpart—Tobacco Loan Program

SPECIAL PROVISIONS FOR 1962 CROP OF FLUE-CURED TOBACCO

The statement with respect to the tobacco price support loan program is hereby amended to revise the special provisions applicable to the 1962 crop of flue-cured tobacco. Because of inadequate buyer representation during the first day of sale on type 11a, Old Belt markets, the Department of Agriculture suspended its tobacco inspection and price support services until a sufficient number of companies would be represented to assure a bona fide auction sale. Because of the delay in normal marketings caused by this suspension and the advanced maturity of tobacco in the Old Belt, it is deemed advisable that price support not be limited during the first four days after resumption of auction sales in the Old Belt to untied tobacco, as specified in the present regulation, but that it be extended to tied tobacco as well.

Accordingly, § 464.1211 is hereby amended to read as follows:

§ 464.1211 Special provisions applicable only to 1962 crop flue-cured tobacco.

During the first five sales days on each flue-cured tobacco market other than the Georgia-Florida markets, price support will be available on lugs, including primings and nondescript grades thereof, which are otherwise eligible for price support and are offered for sale in untried form. During these five days price support will not be available on tied tobacco, except as stated below with respect to Old Belt markets, or on untied tobacco of other grades. Beginning with the sixth day of the sale, price support will be available only on eligible tobacco offered for sale in tied form. On the Old Belt markets from the second through the fifth sales days price support will be available on both (1) lugs, including primings and nondescript grades thereof, which are otherwise eligible for price support and are offered for sale in untied form, and (2) eligible tobacco offered for sale in tied form.

Effective date: Date of signing.

Signed at Washington, D.C., on September 14, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-9397; Filed, Sept. 19, 1962; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-1, 442]

PART 563—OPERATIONS

Participations in Loans

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of paragraph (b) of § 563.9-1 of the rules and regulations for Insurance of Accounts (12 CFR 563.9-1) by enlarging the territorial limits set forth in the first two sentences of said paragraph so as to include cases in which the property is not located within the regular lending area set forth in said respective sentences but is located within 100 miles from the principal office of another lender as referred to in the first sentence of said paragraph or within 100 miles from the principal office of the seller as referred to in the second sentence of said paragraph, and for the purpose of effecting such amendment, hereby amends paragraph (b) of § 563.9-1 of the rules and regulations for Insurance of Accounts (12 CFR 563.9-1) to read as follows, effective September 20, 1962:

(b) *Retainage.* No insured institution shall participate in the making of a loan pursuant to the approval granted by this section unless the property securing the loan is located within the regular lending area, or within 100 miles from the principal office, of another lender which participates to the extent of at least fifty percent in the making of such loan. No insured institution shall purchase a participation in a loan pursuant to the approval granted by this section unless the property securing the loan is located within the regular lending area, or within 100 miles from the principal office, of the seller and the seller, at the close of the sale, has a participation of at least twenty-five percent in such loan. An insured institution which is another lender within the meaning of the first sentence of this paragraph or a seller within the meaning of the second sentence thereof shall not, without the prior written approval of the Corporation, sell or dispose of its participating interest or any part thereof (except to a Federal Home Loan Bank by way of security only) unless, at the close of such sale or other disposition, it has a participation of at least fifty percent in such loan, except that the foregoing amount of fifty percent in this sentence shall be twenty-five percent in the case of an insured institution which, with respect to such loan, is a seller within the meaning of the second sentence of this paragraph and is not another lender within the meaning of the first sentence thereof. As used in this paragraph, the term "regular lending area" means the territory within fifty miles from an institution's principal office and the territory within which such institution was, within the meaning of the first sentence of § 563.9, operating on June 27, 1934.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 supp)

Resolved further that, as said amendment only relieves restriction, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act, and the Board hereby finds that, as said amendment relieves restriction, the publication of said amendment for the period specified in section 4(c) of said act prior to the effective date of said amendment is unnecessary and hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 62-9383; Filed, Sept. 19, 1962; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

[Amendment 11]

Capital and Surplus of Licensees

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is amended, as set forth below, § 107.301 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232-8242 and amended.

Information and effective date. The subject amendment provides that a Proposed Operator must have paid-in capital and paid-in surplus from private sources of at least $150,000 and that SBA may, upon request, purchase subordinated debentures in an amount equal to the paid-in capital and paid-in surplus from private sources but not to exceed $400,000.

Since the subject amendment amounts to a relaxation of the former regulation and is therefore exempt from the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003), and because of the necessity of promptly applying the amendment to the program authorized under the Small Business Investment Act of 1958, as amended, it shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies (26 F.R. 8232-8242), as amended, is hereby further amended by:

1. Deleting § 107.301 in its entirety and inserting in lieu thereof a new § 107.301 which reads as follows:

§ 107.301 Capital and surplus of licensees.

(a) In considering whether to issue a License to a Proposed Operator SBA will, in addition to all other requirements and criteria, give preference to those Proposals which contemplate the minimum use of Government funds. The management of a Proposed Operator or of a Licensee should plan and encourage the maximum investment of private funds.

(b) A Proposed Operator must have a paid-in capital and paid-in surplus from private sources of at least $150,000 (exclusive of organizational expenses), in cash or eligible Government securities. To the extent that additional funds are not available to the Proposed Operator from private sources on reasonable terms, it may request SBA, in the License Application, to agree to purchase subordinated debentures in the following amounts:

(1) In the amount required to meet the $300,000 statutory minimum, or

(2) In such greater amount, up to but not exceeding $400,000, as the Proposed Operator may match with paid-in capital and paid-in surplus from private sources.

(c) On or before October 3, 1963, or the second anniversary of the issuance of its License, whichever is later, a Licensee may request SBA to agree to purchase its Subordinated Debenture in an amount which, when added to any Subordinated Debenture previously issued to SBA, will not exceed the lesser of:

(1) $400,000, or

(2) Its paid-in capital and paid-in surplus from private sources.

(d) In connection with any request for such funds, the Licensee shall submit evidence satisfactory to SBA that such funds are not available on reasonable terms from private sources.

(e) SBA may issue a commitment for such funds. Such commitment will expire one year from the date it is issued; but in no case later than October 3, 1964, or three years after the date of the issuance of the License, whichever is later. The commitment, as well as the Subordinated Debenture itself, shall be treated as part of the paid-in capital and paid-in surplus of a Licensee for the purposes of sections 302(a), 303(b), and 306 of the Act.

(f) A commitment fee shall be computed against the amount committed but not disbursed. Such fee will be at the rate of one-twelfth of one percent for each 30-day period or fraction thereof, beginning with the first day after the first thirty days following the date of the commitment. The fee shall be due and payable upon billing. The fee shall not apply to any amount for which disbursement is requested during the initial 30-day period following the date of the commitment. Thereafter, the fee will terminate, as to the amount requested to be disbursed, at the end of the 30-day period during which request for disburse-

ment is made. The date which appears on the SBA form used to request the disbursement shall be deemed to be the date the disbursement is requested, but if ten days or more have elapsed between the date of the form and the date of its receipt in the appropriate Regional Office of SBA, SBA may, in its discretion, consider that the request was made as of the date of such receipt. Disbursement of funds shall be subject to § 107.709 (a) and (b).

(g) Such Subordinated Debentures shall contain such terms and conditions, as shall be determined by SBA. Interest shall be at the rate of five percent per annum and maturities shall not exceed twenty years. The debentures may be prepaid at any time without penalty, subject, however, to the requirements of § 107.0101. Amortization of the debentures shall commence no later than the beginning of the second half of their term.

(h) Proceeds of Subordinated Debentures shall not be used by a Licensee to provide loans or equity capital to business concerns which derive a substantial portion of their net sales from the sale of alcoholic beverages. Compliance with this requirement shall be deemed to have been demonstrated if the Licensee, within thirty days after receipt of any such proceeds, and thereafter for as long as the debentures remain unpaid, maintains assets consisting of cash, eligible Government securities, and portfolio investments and loans involving enterprises which do not derive a substantial portion of their net sales from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such Subordinated Debentures were disbursed), equal in face value to no less than the unpaid principal of such Subordinated Debentures.

Dated: September 14, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-9393; Filed, Sept. 19, 1962; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Dockets C-201, C-202, C-203]

PART 13—PROHIBITED TRADE PRACTICES

Royal Publications, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist orders: Royal Publications, Inc., et al., New York, N.Y., Docket C-201, Aug. 3, 1962; Variety, Inc., New York, N.Y., Docket C-202, Aug. 3, 1962; and Golf Digest, Inc., Evanston, Ill., Docket C-203, Aug. 7, 1962]

In the Matters of: Royal Publications, Inc., a Corporation; Lancer Books, Inc., a Corporation; and Walter Zacharius, Irwin Stein, and Seth J. Solomon, Individually and as Officers of Said Corporations; Variety, Inc., a Corporation; and Golf Digest, Inc., a Corporation

Consent orders requiring the two New York City publishers of (1) "Cars" and "Swank" magazines and paperback books, and (2) "trade papers" including "Variety" magazine, and the Evanston, Ill., publisher of (3) "Golf Digest" magazine, respectively, to cease violating section 2(d) of the Clayton Act by making payments—and on the basis of individual negotiation and not proportionally equal—to certain operators of chain retail outlets in railroad, airport, and bus terminals and outlets in hotels and office buildings, while not offering such allowances on proportionally equal terms to all competitors of such outlets, including drug and grocery chains and other newsstands.

Combining respondents and their respective publications, three separate identical orders to cease and desist are as follows, including further requirement of reports of compliance therewith:

It is ordered, That respondents Royal Publications, Inc., and Lancer Books, Inc., both corporations, their respective officers, and Walter Zacharius, Irwin Stein and Seth J. Solomon, individually and as officers of said corporations; Variety, Inc., a corporation, and its officers; Golf Digest, Inc., a corporation, and its officers; and respondents' employees, agents and representatives, directly or through any corporate or other device, in connection with the distribution, sale or offering for sale of publications including magazines, paperback books, or "trade papers", in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from: Paying or contracting for the payment of an allowance or anything of value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of publications including magazines, paperback books, or "trade papers", published, sold or offered for sale by respondents, unless such payment or consideration is affirmatively offered and otherwise made available on proportionally equal terms to all of their other customers competing with such favored customer in the distribution of such publications including magazines, paperback books, or "trade papers".

The word "customer" as used above shall be deemed to mean anyone who purchases from a respondent, acting either as principal or agent, or from a distributor or wholesaler where such transaction with such purchaser is essentially a sale by such respondent, acting either as principal or agent.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of these orders, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied with these orders.

Issued: August 3, 1962 (D. C-201), (D. C-202), August 7, 1962 (D. C-203).

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-9365; Filed, Sept. 19, 1962; 8:47 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 688—ARTIFICIAL FLOWER, DECORATION, AND PARTY FAVOR INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), and by means of Administrative Order No. 562 (27 F.R. 6096), the Secretary of Labor appointed and convened Industry Committee No. 53-B. Administrative Order No. 562 referred to Industry Committee No. 53-B the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the artificial flower, decoration, and party favor industry in Puerto Rico, as defined in that Order, and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 53-B are hereinafter published in this revision of 29 CFR Part 688.

Effective October 5, 1962, 29 CFR Part 688 is hereby revised to read as follows:

Sec.
688.1 Definition.
688.2 Wage rates.
688.3 Notices.

AUTHORITY: §§ 688.1 to 688.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 688.1 Definition.

The artificial flower, decoration, and party favor industry in Puerto Rico, to which this part shall apply, is defied as the manufacture of flowers, buds, berries, foliage, leaves, fruits, plants, stems, and branches which are commonly or commercially known as artificial; and the manufacture of party favors and ornaments and decorations for holidays, except those made of molded plastic or metal other than metallic chenille, foil or tinsel.

§ 688.2 Wage rates.

Wages at a rate of not less than 85 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the artificial flower, decoration, and party favor industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or the production of goods for commerce.

§ 688.3 Notices.

Every employer subject to the provisions of § 688.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 688.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 14th day of September 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-9394; Filed, Sept. 19, 1962; 8:51 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 114—FEDERAL ASSISTANCE UNDER PUBLIC LAW 815, 81ST CONGRESS AS AMENDED, IN CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

First Deadline for Applications With Respect to Funds Available During Fiscal Year 1963

Subpart B of Part 114, 45 CFR (23 F.R. 7291, September 19, 1958, as amended by 24 F.R. 3694, May 7, 1959, 24 F.R. 7694, September 24, 1959, 25 F.R. 2531, March 25, 1960, 25 F.R. 9141, September 23, 1960, 26 F.R. 2688, March 30, 1961, 26 F.R. 9777, October 18, 1961, and 27 F.R. 4028, April 27, 1962), issued pursuant to Public Law 815, 81st Congress, as amended (64 Stat. 967), 20 U.S.C. 631, is hereby amended by adding a new section (§ 114.28) in order to establish a first deadline date for filing applications with respect to funds available during the fiscal year 1963. The new section reads as follows:

§ 114.28 First deadline for applications with respect to funds available during fiscal year 1963.

For the purposes of sections 3 and 14 of the Act, November 19, 1962, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under the Act from funds then available for such purposes shall be filed.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642)

Dated: August 31, 1962.

[SEAL] STERLING M. MCMURRIN,
U.S. Commissioner of Education.

Approved: September 14, 1962.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-9392; Filed, Sept. 19, 1962; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

PART 170—COMMERCIAL ZONES

[Ex Parte No. MC-37]

Cleveland, Ohio

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 6th day of September A.D. 1962.

It appearing that on March 23, 1948, the Commission, division 5, made and filed its first supplemental report, 48 M.C.C. 95, and order in the above-entitled proceeding, establishing the limits of the zone adjacent to and commercially a part of Cleveland, Ohio, within the meaning of section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)), within which zone transportation by motor vehicle, in interstate or foreign commerce, is partially and conditionally exempt from regulation;

It further appearing that the description thus established includes all points in Willoughby Township, Lake County, Ohio;

It further appearing that said description has been rendered inaccurate, in that the area formerly known as Willoughby Township is now known solely by the names of its eight constituent parts, the incorporated cities and villages of Wickliffe City, Willoughby Hills Village, Waite Hills Village, Willoughby City, Willowick City, Eastlake City, Lakeline Village, and Timberlake Village;

And it further appearing that notice and public procedure thereon to render the above description accurate and unambiguous are impracticable and unnecessary, for the reason that the substitution of the said incorporated cities and villages in lieu of the said township will not alter to any material extent the zone limits as originally established in this proceeding; and good cause appearing therefor:

It is ordered, That said proceeding be, and it is hereby, reopened for further consideration.

It is further ordered, That § 170.22 as prescribed in the order entered in this proceeding on March 23, 1948 (49 CFR 170.22) be, and it is hereby, vacated and set aside, and the following is hereby substituted in lieu thereof:

§ 170.22 Cleveland, Ohio.

The zone adjacent to and commercially a part of Cleveland, Ohio, within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)) includes and is comprised of all points as follows:

(a) All points in Cuyahoga County, Ohio; and

(b) All points in Wickliffe City, Willoughby Hills Village, Waite Hills Village, Willoughby City, Willowick City, Eastlake City, Lakeline Village, and Timberlake Village, Lake County, Ohio.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303)

It is further ordered, That this order shall become effective October 22, 1962, and shall continue in effect until the further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-9384; Filed, Sept. 19, 1962; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Camas National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special Regulations; upland game birds for individual wildlife refuge areas.

IDAHO

CAMAS NATIONAL WILDLIFE REFUGE, IDAHO

Public hunting of upland game birds on the Camas National Wildlife Refuge, Idaho, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,300 acres or 22 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasants.

(b) Open season: October 27 (noon) through November 25, 1962.

(c) Bag limits: 4 cocks, except November 19 through 25 only, when the bag limit shall be four (4) pheasants, one (1) of which may be a hen.

(d) Methods of hunting:

1. Weapons: Shotguns only may be used.

2. Dogs: Dogs, not to exceed 2 per hunter, may be used to hunt pheasants.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but hunters will report at such checking stations as may be established when entering or leaving the area.

3. The provisions of this special regulation are effective to November 26, 1962.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 12, 1962.

[F.R. Doc. 62-9367; Filed, Sept. 19, 1962; 8:47 a.m.]

PART 32—HUNTING

Columbia National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Columbia National Wildlife Refuge, Washington, is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,090 acres or 28 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season. General buck season: October 13 to November 10, 1962. Either sex season: October 20 to November 30, 1962.

(c) Daily bag limits: General buck season: One buck with visible antlers per season. Either sex season: One deer of either sex per season.

(d) Methods of hunting: 1. Use of dogs will not be permitted for the hunting of deer.

(e) Other provisions: 1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Camping will be permitted in designated areas only.

3. Hunters will report at such checking stations as may be designated when entering or leaving the area.

4. A Federal permit is not required to enter the public hunting area.

5. The provisions of this special regulation are effective to December 1, 1962.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 11, 1962.

[F.R. Doc. 62-9379; Filed, Sept. 19, 1962; 8:49 a.m.]

PART 32—HUNTING

Columbia National Wildlife Refuge, Washington

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.22 Special regulations; upland game; for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Columbia National Wildlife Refuge, Washington, is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,090 acres or 28 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg., Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant, Hungarian and chukar partridge, scaled and valley quail, and cottontail rabbits.

(b) Open season: Pheasants—From noon to sunset October 13 and from 7 a.m. to sunset October 14 through November 11; also from 7 a.m. to sunset November 24 through December 16, 1962. Chukar, Hungarian partridge, and quail—From noon to sunset October 13 and from 7 a.m. to sunset October 14 through December 31, 1962. Rabbits—From noon to sunset October 13 and from 7 a.m. to sunset October 13 through December 13, 1962.

(c) Daily bag limits: Pheasants—3 cocks. Chukars—8. Hungarian partridge—4. Quail—10. Rabbits—5.

(d) Methods of hunting: 1. Weapons: Shotguns only may be used for hunting upland game.

2. Dogs: Not to exceed two (2) per hunter may be used for hunting upland game.

(e) Other provisions: 1. The provisions of this special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area.

3. The provisions of this special regulation are effective to January 1, 1963.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 10, 1962.

[F.R. Doc. 62-9380; Filed, Sept. 19, 1962; 8:49 a.m.]

PART 32—HUNTING

Little Pend Oreille National Wildlife Refuge, Washington

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; big game for individual wildlife refuge areas.

WASHINGTON

LITTLE PEND OREILLE NATIONAL WILDLIFE REFUGE

Public hunting of deer and bear on the Little Pend Oreille National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 43,527 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer and Bear.

(b) Open season:

Deer: General Buck season—October 13 through November 10, 1962. Extended Buck season—November 17 through December 2, 1962. Either sex season—November 7 through November 10, 1962.

Bear: September 15 through November 10, 1962. March 1 through April 30, 1963.

(c) Bag limits:

Deer—one (1) deer only.

Deer in buck season: 1 buck with visible antlers.

Deer in either sex season: 1 deer either sex.

Bear: 2 bears. 1 bear per calendar year.

(d) Methods of hunting: 1. Hunting with big game rifles only.

2. No dogs permitted for hunting deer or bear.

(e) Other provisions: 1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Camping: Camping will be permitted in designated areas only.

3. Checking stations: Hunters will report at such checking stations as may be established when entering or leaving the area.

4. No firearms are permitted within the unit under jurisdiction of the Department of Institutions (Spruce Canyon Youth Camp).

5. A Federal permit is not required to enter the public hunting area.

6. The provisions of this special regulation are effective to May 1, 1963.

RICHARD E. GRIFFITH,
Acting regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 11, 1962.

[F.R. Doc. 62-9381; Filed, Sept. 19, 1962; 8:49 a.m.]

PART 32—HUNTING

Willapa National Wildlife Refuge, Washington

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WASHINGTON

WILLAPA NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Willapa National Wildlife Refuge, Washington, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,127 acres or 11 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer and bear.

(b) Open season: From one-half hour before sunrise to sunset, October 13 through November 4, 1962.

(c) Bag limits: One deer of either sex per season. One bear per season.

(d) Methods of hunting: 1. Hunting is permitted by bow and arrow only.

2. Possession or use of firearms while hunting with bow and arrow is prohibited.

3. Dogs are not permitted for hunting bear.

(e) Other provisions: 1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Checking stations—Hunters, upon entering or leaving the hunting area will be required to report at such checking stations as may be established for this purpose.

3. Camping—Camping is permitted in designated areas only.

4. During open season hours specified in (b) above raccoons may be taken with bow and arrow, without regard to limits.

5. Motor-driven conveyances are not permitted within the hunting areas.

6. A Federal permit is not required to enter the public hunting area.

7. The provisions of this special regulation are effective to November 5, 1962.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 10, 1962.

[F.R. Doc. 62-9382; Filed, Sept. 19, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

COLD-PACK CHEESE FOOD

Notice of Proposal To Amend Identity Standard

Notice is given that a petition has been filed by Calumet Cheese Company, Hilbert, Wisconsin; Tasty Morsel Cheese Company, Green Bay, Wisconsin; and Woody's Cheese Company, Wapaca, Wisconsin, proposing amendments of the standard of identity for cold-pack cheese food to provide for the optional use of certain ingredients with appropriate labeling therefor.

It is proposed to amend § 19.787 (21 CFR 19.787) as follows:

1. By adding to paragraph (e)(7) a new clause permitting use of sodium propionate as an optional ingredient and by adding to paragraph (e) a new subparagraph (8) permitting use of guar gum as an optional ingredient.

2. By changing paragraph (f)(8) and adding to paragraph (f) a new subparagraph (9) providing for the labeling of the food with the named ingredients.

The affected portions of the regulations would read as follows:

§ 19.787 Cold-pack cheese food; identity; label statement of optional ingredients.

* * * * *

(e) * * *

(7) Cold-pack cheese food in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid or not more than 0.3 percent by weight of sodium propionate.

(8) In the preparation of cold-pack cheese food guar gum may be used in a quantity not to exceed 0.5 percent of the weight of the finished cold-pack cheese food.

(f) * * *

(8) If cold-pack cheese food in consumer-sized packages contains sorbic acid or sodium propionate the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative" the blank being filled in with name of the preservative ingredient used.

(9) When the optional ingredient guar gum is present in cold-pack cheese food the label shall bear the statement "_____ added" or "with added _____" the blank being filled in with the words "guar gum" or "vegetable gum."

The identity standard for cold-pack cheese food with fruits, vegetables, or meats (§ 19.788) is cross-referenced to the identity standard for cold-pack cheese food (§ 19.787). Because of this, if the amendments proposed for § 19.787 are adopted they will be applicable to § 19.788.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 14, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9378; Filed, Sept. 19, 1962; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 610, 612]

[Administrative Order No. 568]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint Industry Committee No. 58–A for the Needlework and Fabricated Textile Products Industry in Puerto Rico; and Industry Committee No. 58–B for the Children's Dress and Related Products Industry in Puerto Rico.

The definitions of the industries for which industry committees are appointed by this order are set forth below.

The Needlework and Fabricated Textile Products Industry in Puerto Rico is defined as:

The manufacture from any material of all apparel and apparel furnishings and accessories made by knitting, crocheting, cutting, sewing, embroidering, or other processes; and the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the industry shall not include any product or activity included in the artificial flower, decoration, and party favor industry in Puerto Rico (29 CFR Part 688), the button, jewelry, and lapidary work industry in Puerto Rico (29 CFR Part 616), the corsets, brassieres, and allied garments industry in Puerto Rico (29 CFR Part 614), the fabric and leather glove industry in Puerto Rico (29 CFR Part 603), the hosiery industry in Puerto Rico (29 CFR Part 687), the men's and boys' clothing and related products industry in Puerto Rico (29 CFR Part 615), the shoe and related products industry in Puerto Rico (29 CFR Part 601), the straw, hair, and related products industry in Puerto Rico 29 CFR Part 613), the textile and textile products industry in Puerto Rico (29 CFR Part 699), the handkerchief, scarf, and art linen industry in Puerto Rico (29 CFR Part 608), the women's and children's underwear and women's blouse industry in Puerto Rico (29 CFR Part 609), and the sweater and knit swimwear industry in Puerto Rico (29 CFR Part 611), as defined in the wage orders for these industries, and the children's dress and related products industry in Puerto Rico, as defined in this Administrative Order.

The Children's Dress and Related Products Industry in Puerto Rico is defined as:

The manufacture from woven or knit fabric or from waterproof materials of the following garments: Dresses, blouses, shirts, and similar garments for girls; shirts and blouses for boys, size 6X and under; dresses, creepers, rompers, waterproof pants, diaper covers, bibs, sportswear, and play apparel for infants three year of age or under; and clothing and accessories for dolls: *Provided, however,* That the industry shall not include products manufactured by heat sealing, cementing, vulcanizing, or any operation similar thereto; or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene each of the above-appointed industry committees;

(b) Refer to each of these industry committees the following:

(1) The question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned for employees who are engaged in commerce or in the production of goods for commerce, and (2) the question of the minimum rate or rates of wages to be fixed for any employees covered by the Act by reason of the Fair Labor Standards Amendments of 1961;

(c) Give notice of the hearing to be held by each of them at the times and places indicated below. Each industry committee shall investigate conditions in its industry, and each industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 58–A shall meet in executive session to commence its investigation at 10:00 a.m. on November 19, 1962, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 2:00 p.m. on the same date at the same place. Following this hearing Industry Committee No. 58–B shall meet at the same place at the time designated by the committee chairman to conduct its investigation and to hold its hearing.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of this Department the highest minimum wage rates (in the case of question (1) referred to the committee, not exceeding the minimum wage rate of $1.15 prescribed in paragraph (1) of section 6(a) of the Act, and in the case of question (2) referred to the committee, not exceeding the minimum wage rate of $1.00 prescribed in section 6(b) of the Act, and in no case less than the currently effective rate) which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa.

Whenever any industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters referred to them. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each industry committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearings.

The procedure of industry committees shall be governed by 29 CFR Part 511. As a prerequisite to participation in the hearings, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than November 9, 1962.

Signed at Washington, D.C., this 14th day of September 1962.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 62-9373; Filed, Sept. 19, 1962; 8:48 a.m.]

Office of Welfare and Pension Plans

[29 CFR Part 1306]

BASIC BONDING REQUIREMENTS

Notice of Proposed Rule Making; Correction

In the document proposing to amend Chapter XI of Title 29, Code of Federal Regulations, published in the FEDERAL REGISTER on September 1, 1962 (27 F.R. 8798–8806), the table appearing in § 1306.19(b)(4) (27 F.R. 8804) is corrected to read as follows:

Amount of funds handled	Minimum bond coverage multiple penalty	Aggregate penalty coverage under alternative (4)
Not over $100,000	Minimum bond—$1,000.	Minimum bond—$1,000.
$100,001 to $200,000	$1,000 for any amount up to $10,000 plus 10 percent of the remaining amount.	$1,000 for any amount up to $5,000 plus 20 percent of the remaining amount.
$200,001 to $500,000	$10,000 plus 10 percent of the remaining amount over $100,000.	$20,000 plus 20 percent of the remaining amount over $100,000.
$500,001 to $1,000,000	$20,000 plus 10 percent of the remaining amount over $200,000.	$40,000 plus 20 percent of the remaining amount over $200,000.
$1,000,001 to $5,000,000	$50,000 plus 10 percent of the remaining amount over $500,000.	$100,000 plus 20 percent of the remaining amount over $500,000.
	$100,000 plus 10 percent of the remaining amount over $1,000,000.	$200,000 plus 20 percent of the remaining amount over $1,000,000.
	Maximum bond—$500,000.	Maximum bond—$1,000,000.

NOTE: It should be noted that the maximum amounts apply only to this part and that the Secretary may prescribe excess bonding in additional amounts. (See § 1306.16.)

Signed at Washington, D.C., this 14th day of September 1962.

JAMES J. REYNOLDS,
Assistant Secretary of Labor.

[F.R. Doc. 62-9374; Filed, Sept. 19, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72–74]

[Docket No. 3666; Notice 56]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Proposed Rule Making

AUGUST 30, 1962.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth below and the reasons therefor are listed below.

Applications for the proposed amendments have been the subject of extensive changes and study by various interested parties, in which substantial agreement has been reached.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before October 4, 1962. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTIONS OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 Commodity list (15 F.R. 8263, 8264, 8268, 8272, 8273, Dec. 2, 1950) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Tank cars, empty (last contents poisons, class A).	See § 74.562 (d) and (e).			
(Add)				
Aircraft rocket engines (commercial)	F.S.	No exemption, 73.238	Yellow	550 pounds.
Aircraft rocket engine igniters (commercial)	F.S.	No exemption, 73.238	Yellow	25 pounds.
Barium azide—50 percent or more water wet	F.S.	No exemption, 73.239	Yellow	1 pound.
Hydraulic accumulators (*pressurized with nonflammable, nonliquefied compressed gas*).	See § 73.313(b).			
Starter cartridges, jet engine, class C explosives.	Expl. C	No exemption, 73.102		50 pounds

PART 73—SHIPPERS

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.22 add paragraphs (j) and (k) (15 F.R. 8277, Dec. 2, 1950) to read as follows:

§ 73.22 Specification containers prescribed.

• • • • • •

(j) Specs. 42B and 42D (§§ 78.107 and 78.109 of this chapter) aluminum drums having rolling hoops attached to drums by tack-welding and manufactured prior to February 28, 1960 may be continued in service until further order of the Commission.

(k) Where the regulations require spec. 6D or 37M (§ 78.102 or 78.134 of this chapter) cylindrical steel overpacks, spec. 5B, 6J or 37A (single-trip container) (§ 78.82, 78.100 or 78.131 of this chapter) metal drums manufactured prior to (*effective date of Order 56*), having inside spec. 2S, 2SL, 2T or 2TL polyethylene container, may be continued in use for the commodities and gross weights for which they were previously authorized until further order of the Commission.

• • • • • •

In § 73.32 amend paragraph (o) (15 F.R. 8280, Dec. 2, 1950) to read as follows:

§ 73.32 Qualification, maintenance, and use of portable tanks.

• • • • • •

(o) Each tank for carbon dioxide and nitrous oxide shall be lagged with a suitable insultation material of such thickness that the overall thermal conductance is not more than 0.08 Btu per square foot per degree F. differential in temperature per hour. The conductance shall be determined at 60° F. Insulation material used on tanks for nitrous oxide shall be noncombustible.

• • • • • •

In § 73.34 amend paragraph (j)(3); amend paragraph (k)(12) Table; add paragraphs (k)(14)(iv) and (16) (15 F.R. 8284, Dec. 2, 1950) (25 F.R. 10390, Oct. 29, 1960) (24 F.R. 10110, Dec. 15, 1959) to read as follows:

§ 73.34 Qualification, maintenance, and use of cylinders.

• • • • • •

(j) • • •

(3) Records giving data showing the results of the tests made on all cylinders must be kept, and each cylinder passing the test must be marked with the date (month and year) plainly and permanently stamped into the metal of the cylinder. For example, 4–50 for April 1950. Dates of previous tests must not be obliterated. Records showing the results of reinspection and retest must be kept by the owner or his authorized agent until either expiration of the retest period, or until the cylinder is again reinspected or retested, whichever occurs first.

(k) • • •

(12) • • •

Cylinders made in compliance with—	Used exclusively for—
ICC–3A480, ICC–3AA480, ICC–3A480X, ICC–4B, ICC–4BA, ICC–26–240 [1] or ICC–26–300 [1].	Liquefied petroleum gas which is commercially free from corroding components.
ICC–4, ICC–3A480, ICC–3AA480, ICC–3A480X, ICC–4A480, or ICC–4AA480.	Anhydrous ammonia of at least 99.95 percent purity.
ICC–3A480, ICC–3AA480, ICC–3A480X, ICC–4B300 or ICC–4BA300.	Fluorinated hydrocarbons and mixtures thereof which are commercially free from corroding components.
ICC–3A480, ICC–3AA480, ICC–3A480X, ICC–4B, ICC–4BA, ICC–26–240 [1] or ICC–26–300 [1].	Butadiene, inhibited, which is commercially free from corroding components.
ICC–3A480, ICC–3AA480, ICC–3A480X, ICC–4B, ICC–4BA, ICC–26–240 [1] or ICC–26–300 [1].	Liquefied hydrocarbon gas which is commercially free from corroding components.

• • • • • •

(14) • • •

(iv) Retest dates shall be applied by low stress type steel stamping to a depth no greater than that of the original marking at the time of manufacture. Stamping on sidewall not authorized.

• • • • • •

(16) Cylinders made in compliance with specifications ICC–3A, 3AA, 3B, 4A, 4BA (§§ 78.36, 78.37, 78.38, 78.49, and 78.51 of this chapter), having service pressures up to and including 300 pounds per square inch, used exclusively for methyl bromide, liquid, mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, mixtures of methyl bromide and petroleum solvents, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid, commercially free from corroding components, and protected externally by suitable corrosion resisting coatings (such as galvanizing, painting, etc.) and internally by a suitable corrosion resisting lining (galvanized, etc.) may be tested decennially instead of quinquennially. All tests must be supplemented by a visual internal and external examination of the cylinder quinquennially. Examination shall be as required by the Compressed Gas Association's "Standard for Visual Inspection of Compressed Gas Cylinders." (CGA Pamphlet C–6–1959, available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.) All tests must be supplemented by a very careful examination of the cylinder at each filling, and the cylinder must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

• • • • • •

Subpart B—Explosives; Definitions and Preparation

In § 73.51 amend paragraph (h) (20 F.R. 949, Feb. 15, 1955) to read as follows:

§ 73.51 Forbidden explosives.

• • • • • •

(h) Firecrackers, flash crackers, salutes, or similar devices which produce or are intended to produce an audible effect, the explosive content of which exceeds 12 grains each in weight, and pest control bombs, the explosive content of which exceeds 18 grains each in weight; and any such devices, without respect to explosive content, which on functioning are liable to project or disperse metal, glass or brittle plastic fragments.

• • • • • •

In § 73.93 amend paragraph (e)(2) (25 F.R. 1391, Oct. 29, 1960) to read as follows:

§ 73.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).

• • • • • •

(e) • • •

(2) Spec. 5B, 6A, 6B, 6C, 6D; also 17C or 17H (single-trip containers) (§ 78.82, 78.97, 78.98, 78.99, 78.102, 78.115, or 78.118 of this chapter). Metal barrel, drum, or cylindrical steel overpack, with inside spec. 2S (§ 78.35 of this chapter) polyethylene container, packed inside a strong, tight metal drum securely closed, or with inside glass-lined aluminum carboy not over 12 gallons capacity. Inside steel drum or glass-lined aluminum carboy must be surrounded on all sides with at least 2 inches of incombustible absorbent cushioning material uniformly distributed. Polyethylene containers are authorized only for liquids that will not react dangerously with the plastic or result in container failure.

• • • • • •

In § 73.100 amend the introductory text of paragraph (r); add paragraph (ee) (21 F.R. 7599, Oct. 4, 1956) (15 F.R. 8295, Dec. 2, 1950) to read as follows:

§ 73.100 Definition of class C explosives.

• • • • • •

(r) Common fireworks are fireworks devices suitable for use by the public and designed primarily to produce visible effects by combustion. Some small devices designed to produce audible effects are also included in this class. The types, sizes and amount of pyrotechnic contents of these devices are limited as enumerated in this paragraph. No component, of any device listed in this paragraph, which produces or is intended to produce an audible effect shall contain pyrotechnic composition in excess of 2 grains in weight; nor shall such device or component, upon functioning, project or disperse any metal, glass or brittle plastic fragments. (Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as designed to produce audible effects.) Any new device, not enumerated in this paragraph, must be approved by the Bureau of Explosives before being offered for transportation as Common Fireworks. Common fireworks must be in a finished state exclusive of mere ornamentation as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. Fireworks, except articles defined in paragraphs (s) through (y) of this section, other than common fireworks as defined in this paragraph, and those forbidden for transportation in § 73.51, are classed as Special Fireworks (see § 73.88(d)).

• • • • • •

(ee) Starter cartridges, jet engine, class C, consist of a metal, plastic, and/or rubber case, each containing a pressed cylindrical block of flammable solid material and having in the top of the case a small compartment that encloses an electric squib, small amount of black powder, and/or smokeless powder which constitute an igniter. The starter cartridge is used to activate a mechanical starter for jet engines and must be of a type approved by the Bureau of Explosives except as provided in § 73.51(q) and § 73.86(a).

In § 73.101 amend paragraph (a) (24 F.R. 3596, May 5, 1959) to read as follows:

§ 73.101 Small-arms ammunition.

(a) Small-arms ammunition must be packed in pasteboard or other inside boxes, or in partitions designed to fit snugly in the outside container, or must be packed in metal clips. The partitions and metal clips must be so designed as to protect the primers from accidental injury. The inside boxes, partitions and metal clips must be packed in securely closed strong outside wooden or fiberboard boxes or metal containers. Blank Industrial Power Load cartridges, similar to the 22 long rim-fire cartridge, may be packed in bulk in securely closed fiberboard boxes.

• • • • • •

In § 73.102 amend the heading and introductory text of paragraph (a); amend paragraphs (a)(2) and (b) (23 F.R. 7647, Oct. 3, 1958) (26 F.R. 1014, Feb. 2, 1961) (25 F.R. 3100, Apr. 12, 1960) to read as follows:

§ 73.102 Explosive cable cutters, explosive power devices, class C, explosive release devices, or starter cartridges, jet engine, class C.

(a) Explosive cable cutters, explosive power devices, class C, explosive release devices, or starter cartridges, jet engine, class C must be packed in specification containers as follows:

• • • • • •

(2) In addition to specification containers prescribed in this section, explosive cable cutters, explosive power devices, class C, explosive release devices, or starter cartridges, jet engine, class C may be shipped when packed in strong wooden or metal boxes, or other containers approved by the Bureau of Explosives. Starter cartridges, jet engine, must have igniter wires short-circuited when packed for shipment.

(b) Each outside container must be plainly marked "Explosive Cable Cutters," "Explosive Power Devices, Class C," "Explosive Release Devices," or "Starter Cartridges, Jet Engine, Class C" and "Handle Carefully—Keep Fire Away."

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.118 amend paragraph (a); cancel paragraph (b) and entire paragraph (c) (22 F.R. 2225, Apr. 4, 1957) (21 F.R. 3009, May 5, 1956) (15 F.R. 8298, Dec. 2, 1950) (16 F.R. 9374, Sept. 15, 1951) (16 F.R. 11777, Nov. 21, 1951) (17 F.R. 1561, Feb. 20, 1952) (17 F.R. 4294, May 10, 1952) (21 F.R. 4432, June 23, 1956) (18 F.R. 5271, Sept. 1, 1953) (20 F.R. 8100, Oct. 28, 1955) (22 F.R. 7835, Oct. 3, 1957) (27 F.R. 3427, Apr. 11, 1962) (23 F.R. 7647, Oct. 3, 1958) (21 F.R. 7599, Oct. 4, 1956) (23 F.R. 2324, Apr. 10, 1958) (26 F.R. 12702, Dec. 29, 1961) to read as follows:

§ 73.118 Exemptions for flammable liquids.

(a) Flammable liquids, except those for which no exemptions are provided as indicated by the "No exemption" statement in § 72.5 of this chapter are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements when packed in accordance wtih the following subparagraphs of this paragraph except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(1) In metal containers not over 1 quart capacity each, packed in strong outside containers.

(2) In containers having a capacity not over 1 pint or 16 ounces by weight each, packed in strong outside containers.

(b) [Canceled.]

(c) [Canceled.]

In § 73.119 amend paragraphs (a)(24), (b)(8), and (m)(4) (23 F.R. 7647, Oct. 3, 1958) (25 F.R. 10392, Oct. 29, 1960) (19 F.R. 1277, Mar. 6, 1954) to read as follows:

§ 73.119 Flammable liquids not specifically provided for.

(a) • • •

(24) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S (§ 78.35 of this chapter) polyethylene container.

• • • • • •

(b) • • •

(8) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2SL (§ 78.35a of this chapter) polyethylene container. Authorized only for materials that will not react with polyethylene and result in container failure.

• • • • • •

(m) • • •

(4) Spec. 5, 5A, 5B, 5C, 17C (single-trip), or 17E (single-trip) (§ 78.80, 78.81, 78.82, 78.83, 78.115 or 78.116 of this chapter). Metal barrels or drums not over 16 gallons capacity. Authorized only for materials which will not react dangerously with the drum metal, or be decomposed by contact with it.

• • • • • •

In § 73.121 add paragraph (a)(7) (15 F.R. 8301, Dec. 2, 1950) to read as follows:

§ 73.121 Carbon bisulfide (disulfide).

(a) • • •

(7) Spec. MC 310 or MC 311 (§ 78.330 or 78.331 of this chapter). Tank motor vehicles equipped with approved safety valves.

• • • • • •

In § 73.123 amend paragraph (a)(5) (22 F.R. 4789, July 9, 1957) to read as follows:

§ 73.123 Ethyl chloride.

(a) • • •

(5) Spec. 105A100, 105A100–W, 105A200–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, 111A100–W–4, 112A400–W, or ARA–IV–A [1] (§§ 78.270, 78.285, 78.307, 78.286, 78.287, 78.288, 78.289, 78.306, 78.312 of this chapter). Tank cars. See Note 1 of § 73.119(f)(3). (See § 73.432 for shipping instructions.)

• • • • • •

In § 73.125 amend paragraphs (a)(5), (a)(7) (21 F.R. 671, Jan. 31, 1956) (26 F.R. 1014, Feb. 2, 1961) to read as follows:

§ 73.125 Alcohol.

(a) • • •

(5) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S (§ 78.35 of this chapter) polyethylene container.

• • • • • •

(7) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) poly-

ethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.153 amend paragraph (a); cancel entire paragraph (c) (21 F.R. 364, Jan. 19, 1956) (21 F.R. 3010, May 5, 1956) (15 F.R. 8303, Dec. 2, 1950) (17 F.R. 7281, Aug. 9, 1952) (16 F.R. 5324, June 6, 1951) (18 F.R. 3135, June 2, 1953) (23 F.R. 4029, June 10, 1958) (17 F.R. 4294, May 10, 1952) (17 F.R. 9837, Nov. 1, 1952) (18 F.R. 6777, Oct. 27, 1953) (21 F.R. 671, Jan. 31, 1956) (24 F.R. 904, Feb. 6, 1959) (22 F.R. 11031, Dec. 31, 1957) (24 F.R. 10110, Dec. 15, 1959) (25 F.R. 3100, April 12, 1960) (26 F.R. 9401, Oct. 6, 1961) to read as follows:

§ 73.153 Exemptions for flammable solids and oxidizing materials.

(a) Flammable solids and oxidizing materials, except those for which no exemptions are provided as indicated by the "No exemption" statement in § 72.5 of this chapter, in inside containers not over 1 pound net weight each, in outside containers not exceeding 25 pounds net weight each are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter. (See § 73.182 for exemptions for nitrates, and paragraph (b) of this section for exemptions for organic peroxides.)

• • • • • •

(c) [Canceled.]

In § 73.164 add paragraph (a) (5) (15 F.R. 8305, Dec. 2, 1950) to read as follows:

§ 73.164 Chromic acid.

(a) • • •

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with metal inside containers which must have closing device securely fastened by positive means (not friction), not over 1-gallon capacity each. Not more than 4 metal containers shall be packed in one outside box.

In § 73.188 add paragraph (a) (6) (15 F.R. 8308, Dec. 2, 1950) to read as follows:

§ 73.188 Phosphoric anhydride.

(a) • • •

(6) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles of ⅓ fluid ounce capacity each. Each bottle shall be packed in a heat-sealed polyethylene bag and not more than 75 such units shall be packed in a heat-sealed polyethylene bag, which shall be placed in a securely closed metal can. Not more than 1 can shall be packed in one outside box.

• • • • • •

In § 73.221 amend paragraph (a) (7) and (9) (23 F.R. 2325, Apr. 10, 1958) (26 F.R. 1014, Feb. 2, 1961) to read as follows:

§ 73.221 Liquid organic peroxides, n.o.s. and liquid organic peroxide solutions, n.o.s. other acetyl peroxide solution, acetyl benzoyl peroxide solution, cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butylisopropyl benzene hydroperoxide.

(a) • • •

(7) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S (§ 78.35 of this chapter) polyethylene container. Authorized only for material which will not react dangerously with or cause decomposition of the polyethylene.

• • • • • •

(9) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures.

• • • • • •

In § 73.223 add paragraph (a) (5) (15 F.R. 8312, Dec. 2, 1950) to read as follows:

§ 73.223 Peracetic acid.

(a) • • •

(5) Spec. 37M (§ 78.134 of this chapter). Cylindrical steel overpack (nonreusable container) with inside spec. 2SL (§ 78.35a of this chapter) polyethylene container which must have a vented closure capable of preventing leakage of liquid contents.

• • • • • •

Add § 73.238 (15 F.R. 8312, Dec. 2, 1950) to read as follows:

§ 73.238 Aircraft rocket engines (commercial).

(a) Aircraft rocket engines (commercial) and/or their igniters may be offered for transportation by rail freight, rail express, highway or water, when of a type approved by the Bureau of Explosives and when packaged and packed as follows:

(1) Spec. 15A, 15B, 15E or 16A (§ 78.168, 78.169, 78.172 or 78.185 of this chapter). Wooden boxes. Igniters must be packaged in sealed metal containers approved by the Bureau of Explosives and packed in wooden boxes as specified above when shipped separately from the Aircraft rocket engines.

(2) Aircraft rocket engines (commercial), when approved by the Bureau of Explosives, may be packed in the same outside shipping container with their separately packaged igniters. Igniters must be packed in separate sealed metal containers in strong inside containers.

(3) Aircraft rocket engines (commercial) and/or their igniters, packed in any other manner than specified in subparagraphs (1) and (2) of this paragraph, must be in containers of a type approved by the Bureau of Explosives.

Add § 73.239 (15 F.R. 8312, Dec. 2, 1950) to read as follows:

§ 73.239 Barium azide—50 percent or more water wet.

(a) Barium azide—50 percent or more water wet, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside glass bottles not over one pound capacity each. Bottles shall have rubber stoppers wire tied for securement. If shipment is to take place at a time freezing weather is to be anticipated, a suitable antifreeze solution must be used to prevent freezing.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.244 amend paragraph (a); cancel entire paragraph (c) (21 F.R. 365, Jan. 19, 1956) (21 F.R. 3010, May 5, 1956) (15 F.R. 8313, Dec. 2, 1950) (22 F.R. 11031, Dec. 31, 1957) (21 F.R. 671, Jan. 31, 1956) (27 F.R. 3428, April 11, 1962) to read as follows:

§ 73.244 Exemptions for acids and other corrosive liquids.

(a) Acids and other corrosive liquids, except those for which no exemptions are provided as indicated by the "No exemption" statement in § 72.5 of this chapter, in inside bottles having a capacity not over 1 pound or 16 ounces by volume each inclosed in a metal can in the outside container are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

• • • • • •

(c) [Canceled.]

In § 73.245 amend paragraph (a) (16) and (21) (25 F.R. 10393, Oct. 29, 1960) (26 F.R. 1015, Feb. 2, 1961) to read as follows:

§ 73.245 Acids or other corrosive liquids not specifically provided for.

(a) • • •

(16) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container.

• • • • • •

(21) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures.

• • • • • •

In § 73.247 amend paragraph (a) (13) and (14) (26 F.R. 4995, June 6, 1961) (24 F.R. 8058, Oct. 6, 1959) to read as follows:

§ 73.247 Acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.

(a) • • •

(13) Spec. 103A, 103A–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, 111A100–F–2, or 111A100–W–2 (§ 78.266, 78.281, 78.286, 78.287, 78.288, 78.289, or 78.304 of this chapter) tank cars, except that for tin tetrachloride (anhydrous) spec. 105A300–W, 105A400–W, 105A500–W, or 105A600–W (§ 78.286, 78.287, 78.288, or 78.289 of this chapter) tank cars must be used.

(14) Spec. 103A, 103A–W, 111A100–F–2, or 111A100–W–2 (§ 78.266, 78.281, or 78.304 of this chapter). Tank cars. Authorized for titanium tetrachloride, anhydrous only. Tank cars shall have safety valves of approved design and not subject to rapid deterioration by the lading.

• • • • • •

In § 73.255 add paragraph (a) (5) (15 F.R. 8315, Dec. 2, 1950) to read as follows:

§ 73.255 Dimethyl sulfate.

(a) • • •

(5) Spec. MC 310 or MC 311 (§ 78.330 or 78.331 of this chapter). Tank motor vehicles.

In § 73.257 amend paragraph (a) (13) (23 F.R. 4029, June 10, 1958) to read as follows:

§ 73.257 Electrolyte (acid) or corrosive battery fluid.

(a) • • •

(13) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S (§ 78.35 of this chapter) polyethylene container.

• • • • • •

In § 73.260 add paragraph (b) (3) (15 F.R. 8316, Dec. 2, 1950) to read as follows:

§ 73.260 Electric storage batteries, wet.

• • • • • •

(b) • • •

(3) Not more than five batteries not over 10 pounds each may be packed in strong outside fiberboard or wooden boxes, when securely cushioned and packed to prevent short circuits; specification container not required. Authorized gross weight 65 pounds.

• • • • • •

In § 73.262 amend paragraphs (a) (10) and (b) (2) (25 F.R. 10393, Oct. 29, 1960) (26 F.R. 12703, Dec. 29, 1961) to read as follows:

§ 73.262 Hydrobromic acid.

(a) • • •

(10) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S (§ 78.35 of this chapter) polyethylene container.

(b) • • •

(2) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S (§ 78.35 of this chapter) polyethylene container.

In § 73.263 amend paragraph (a) (17), (20), and 23 (25 F.R. 10393, Oct. 29, 1960) (26 F.R. 1015, Feb. 2, 1961) to read as follows:

§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) • • •

(17) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container.

• • • • • •

(20) Spec. 37M (§ 78.134 of this chapter). Cylindrical steel overpack (nonreusable container) with inside spec. 2T or 2TL (§ 78.21 or 78.27 of this chapter) polyethylene container.

• • • • • •

(23) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures.

• • • • • •

In § 73.264 amend paragraph (a) (17) and (18) (25 F.R. 10394, Oct. 29, 1960) to read as follows:

§ 73.264 Hydrofluoric acid.

(a) • • •

(17) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container. Authorized for acid not over 70 percent strength.

(18) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2T (§ 78.21 of this chapter) polyethylene container. Spec. 37M (§ 78.134 of this chapter) overpack of over 15 gallons capacity must be constructed of at least 20-gauge steel. Authorized for acid not over 70 percent strength.

• • • • • •

In § 73.265 amend paragraph (d) (3) (25 F.R. 10394, Oct. 29, 1960) to read as follows:

§ 73.265 Hydrofluosilicic acid.

• • • • • •

(d) • • •

(3) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container. Spec. 37M (§ 78.134 of this chapter) overpack shall be constructed of at least 20-gauge steel and shall not exceed 16 gallons capacity each.

• • • • • •

In § 73.266 amend paragraph (b) (6) (27 F.R. 3429, Apr. 11, 1962) to read as follows:

§ 73.266 Hydrogen peroxide solution in water.

• • • • • •

(b) • • •

(6) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container. The closures must be located in one head and must be vented to prevent accumulation of internal pressure and head plainly marked "KEEP THIS END UP" or "KEEP PLUG UP TO PREVENT SPILLAGE."

• • • • • •

In § 73.271 add paragraph (a) (17) (15 F.R. 8321, Dec. 2, 1950) to read as follows:

§ 73.271 Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) • • •

(17) Spec. 5M (§ 78.90 of this chapter). Monel drums not over 10 gallons capacity each.

In § 73.272 amend paragraphs (f) (3), (6), and (8); amend paragraph (h) (3) (25 F.R. 10394, Oct. 29, 1960) (24 F.R. 8058, Oct. 6, 1959) (26 F.R. 1015, Feb. 2, 1961) (22 F.R. 4791, July 9, 1957) to read as follows:

§ 73.272 Sulfuric acid.

• • • • • •

(f) • • •

(3) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container. Overpack of 55-gallon capacity when used for sulfuric acid of 93 percent or greater concentration shall be constructed of at least 16-gauge steel throughout.

• • • • • •

(6) Spec. 37M (nonreusable container) (§ 78.134 of this chapter). Cylindrical steel overpack with inside spec. 2T (§ 78.21 of this chapter) polyethylene container.

• • • • • •

(8) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures.

• • • • • •

(h) • • •

(3) Spec. 103A, 103A–W, or 111A100–W–2 (§ 78.266, 78.281, or 78.304 of this chapter). Tank cars. Tank cars used for sulfuric acid, mixed acid (nitric and

sulfuric) (nitrating acid), and other fuming acids, may be equipped with safety vents incorporating lead discs having a ⅛ inch breather hole in the center thereof. The ⅛ inch breather hole in lead discs of safety vents on oleum tank cars is not permitted.

• • • • •

In § 73.276 amend paragraph (a)(4) (23 F.R. 7649, Oct. 3, 1958) to read as follows:

§ 73.276 Anhydrous hydrazine and hydrazine solution.

(a) • • •

(4) Spec. 103C–W (§ 78.283 of this chapter). Tank cars having tanks of type 304L or 347 stainless steel. Vapor space in tank must be filled with nitrogen gas at atmospheric pressure.

• • • • •

In § 73.277 amend paragraphs (a)(4), (a)(5) (21 F.R. 672, Jan. 31, 1956) (26 F.R. 1015, Feb. 2, 1961) to read as follows:

§ 73.277 Hypochlorite solutions.

(a) • • •

(4) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S (§ 78.35 of this chapter) polyethylene container. Authorized for not over 16 percent sodium hypochlorite solution only.

(5) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures.

Subpart F—Compressed Gases; Definition and Preparation

In § 73.301 amend paragraph (b) Note 2 (20 F.R. 4417, June 23, 1955) to read as follows:

§ 73.301 General requirements.

• • • • •

(b) • • •

NOTE 2: The use of 1.0 pound of ethyl mercaptan, 1.0 pound of thiophane, or 1.4 pounds of amyl mercaptan per 10,000 gallons of liquefied petroleum gas shall be considered sufficient to meet the requirements of § 73.301(b). (This note does not exclude the use of any other odorant in sufficient quantity to meet the requirements of § 73.301(b).)

• • • • •

In § 73.313 amend entire paragraph (a); amend introductory text of paragraph (b) (24 F.R. 906, Feb. 6, 1959) (21 F.R. 367, Jan. 19, 1956) to read as follows:

§ 73.313 Refrigerating machines and hydraulic accumulators.

(a) Refrigerating machines or components thereof which are factory-made, factory-tested and intended to be shipped only once to the point of installation, containing not over 1,000 pounds of Group 1 refrigerant as classified in American Standard Safety Code for Mechanical Refrigeration (ASA–B9.1–1958) (or 50 pounds of refrigerant other than Group 1) in each pressure vessel and containing an aggregate of not more than 2,000 pounds of Group 1 refrigerant (or 100 pounds of refrigerant other than Group 1) when containing more than two charged vessels, when shipped under the following conditions are exempt from specification packaging, marking and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(1) Each pressure vessel shall be equipped with a safety device meeting the requirements of the American Standard Safety Code for Mechanical Refrigeration (ASA–B9.1–1958). In a refrigerating machine containing more than one pressure vessel, each pressure vessel shall be equipped with individual shutoff valve or valves which shall be closed while in transportation. Such pressure vessels shall be manufactured, tested and inspected in accordance with American Standard B9.1–1958 and when over 6 inches internal diameter, in accordance with Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (1959 edition including all addendas through the Winter 1961 Addenda issued December 29, 1961). All parts subject to refrigerant pressure during shipment must be tested in accordance with American Standard B9.1–1958.

(2) The liquid portion of the refrigerant, if any, must not completely fill any pressure vessel at 130° F.

(3) The amount of refrigerant, if liquefied, must not exceed the filling densities prescribed in § 73.308 or § 73.312.

(b) Hydraulic accumulators: Hydraulic accumulators and component parts thereof containing nonliquefied, nonflammable gas for the purpose of operation when shipped under the following conditions are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

• • • • •

In § 73.314 amend paragraph (a) Table and amend the introductory text of Note 3(c) and add to the table thereto (26 F.R. 9402, Oct. 6, 1961) (22 F.R. 2227, Apr. 4, 1957) (22 F.R. 7837, Oct. 3, 1957) to read as follows:

§ 73.314 Compressed gases in tank cars.

(a) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(Change)		
Vinyl chloride (Note 14)	*Percent* 84	ICC–106A500, 106A500–X, Note 12.
	87	ICC–105A200–W, Notes 9 and 22.
	86	ICC–112A400–W, Note 9.
(Add)		
Butadiene (pressure not exceeding 300 pounds per square inch at 115° F.), inhibited.	Notes 3 and 6	ICC–112A400–W, Notes 5 and 9.

• • • • •

NOTE 3: • • • (c) Maximum permitted filling density in unlagged (uninsulated) single-unit tank cars transporting liquefied petroleum gas or butadiene of specific gravity shown taken at 60 degrees Fahrenheit.

Specific gravity	Filling density	Specific gravity	Filling density
(Add)		*(Add)*	
0.600	56.62	0.618	58.66
0.601	56.73	0.619	58.77
0.602	56.84	0.620	58.89
0.603	56.95	0.621	59.00
0.604	57.07	0.622	59.12
0.605	57.18	0.623	59.23
0.606	57.30	0.624	59.34
0.607	57.41	0.625	59.46
0.608	57.52	0.626	59.57
0.609	57.64	0.627	59.68
0.610	57.76	0.628	59.80
0.611	57.87	0.629	59.91
0.612	57.98	0.630	60.02
0.613	58.09	0.631	60.13
0.614	58.21	0.632	60.23
0.615	58.32	0.633	60.34
0.616	58.43	0.634	60.44
0.617	58.55	0.635	60.55

• • • • •

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.345 amend the introductory text of paragraph (a); cancel entire paragraph (b) (21 F.R. 3012, May 5, 1956) (15 F.R. 8313, Dec 2., 1950) (16 F.R. 5327, June 6, 1951) (16 F.R. 9378, Sept. 15, 1951) (19 F.R. 1280, Mar 6, 1954) (24 F.R. 906, Feb. 6, 1959) (23 F.R. 2328, April 10, 1958) (25 F.R. 10395, Oct. 29, 1960) to read as follows:

§ 73.345 Exemptions for poisonous liquids, class B.

(a) Poisonous liquids, class B, as defined in § 73.343, except those for which no exemptions are provided as indicated by the "No exemption" statement in § 72.5 of this chapter, or as provided for in § 73.359(c), in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

• • • • •

(b) [Canceled]

In § 73.346 amend paragraph (a)(20) and (24) (24 F.R. 10111, Dec. 15, 1959) (26 F.R. 1016, Feb. 2, 1961) to read as follows:

§ 73.346 Poisonous liquids not specifically provided for.

(a) • • •

(20) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S (§ 78.35 of this chapter) polyethylene container. Authorized only for materials that will not react with polyethylene and result in container failure.

• • • • •

(24) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections, that could cause failures.

• • • • •

In § 73.348 add paragraph (a)(3) (24 F.R. 8059, Oct. 6, 1959) to read as follows:

§ 73.348 Arsenic acid.

(a) • • •

(3) Spec. 12A or 12B (§ 78.210 or 78.205 of this chapter). Fiberboard boxes with inside high-density polyethylene bottles having minimum wall thickness of 0.015 inch with screw-cap closures, not over 1 gallon capacity each. Spec. 12A (§ 78.210 of this chapter) fiberboard boxes shall have not more than four inside polyethylene bottles which shall be packed to provide a snug fit. Spec. 12B (§ 78.205 of this chapter) fiberboard boxes shall contain not more than one inside polyethylene bottle and not more than four such boxes shall be overpacked in a strong outside fiberboard box under provisions of § 73.25.

In § 73.354 amend the introductory text of paragraph (a) (27 F.R. 3429, Apr. 11, 1962) to read as follows:

§ 73.354 Motor fuel antiknock compound or tetraethyl lead.

(a) Motor fuel antiknock compound (a mixture of one or more organic lead compounds such as tetraethyl lead, triethylmethyl lead, diethyldimethyl lead, ethyltrimethyl lead, and tetramethyl lead, with one or more halogen compounds such as ethylene dibromide and ethylene dichloride, hydrocarbon solvents or other equally efficient stabilizers) or tetraethyl lead must be packed in specification containers as follows:

• • • • •

In § 73.359 amend paragraph (a)(11) (27 F.R. 6739, July 17, 1962) to read as follows:

§ 73.359 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.

(a) • • •

(11) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside high-density polyethylene bottles not over 1-gallon capacity each. Polyethylene bottles must have a minimum wall thickness of 0.015 inch and be equipped with screw-cap closures additionally taped for securement. Each polyethylene bottle shall be packed in an inside fiberboard box. Not more than four inside fiberboard boxes with inside polyethylene bottles shall be packed in one outside shipping container. Polyethylene used in construction of inside polyethylene bottles must be of a type compatible with the lading and shall prevent permeation of contents to a degree that would cause a hazardous condition in transportation and handling.

• • • • •

PART 74—CARRIERS BY RAIL FREIGHT

Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

In § 74.532 amend paragraph (c) (22 F.R. 3926, June 5, 1957) to read as follows:

§ 74.532 Loading other dangerous articles.

• • • • •

(c) Packages protected by labels or exempted from labels by § 73.402(c) of this chapter must be so loaded that they cannot fall and in such a manner that other packages cannot fall onto or slide against them. This does not preclude the use of loading methods that are designed to permit movement of the load and that are acceptable to the Bureau of Explosives. Packages bearing marking "This Side Up" or "This End Up" must be so loaded. Dangerous articles for which red, yellow, green, or white (acid, alkaline caustic liquid, or corrosive liquid) labels are prescribed herein must not be loaded in the same car with explosives named in §§ 73.53 to 73.87 of this chapter. (See loading and storage chart § 74.538.) Packages protected by yellow labels must not be loaded in the same end of a car with packages protected by "Acid", "Alkaline Caustic Liquid", or "Corrosive Liquid" labels, except that shippers loading carload shipments, who have obtained prior approval from the Bureau of Explosives, may load such articles together when it is known that the mixture of contents would not cause a dangerous evolution of heat or gas.

• • • • •

Subpart C—Placards on Cars

In § 74.551 amend the introductory text of paragraph (a) (15 F.R. 8351, Dec. 2, 1950) to read as follows:

§ 74.551 Poison gas placard.

(a) The "Poison gas" placard for other than tank cars must be of rectangular shape, measuring 10 x 14¼ inches, and must bear the wording as shown in the following cut; the printing must be in red as follows:

• • • • •

Subpart E—Handling by Carriers by Rail Freight

In § 74.589 amend paragraphs (h)(9), (j)(9) and (10), (k)(1)(ix) and (x) (15 F.R. 4296, May 10, 1952) (25 F.R. 10397, Oct. 29, 1960) (27 F.R. 6740, July 17, 1962) to read as follows:

§ 74.589 Handling cars.

• • • • •

(h) • • •

(9) Car, with automatic refrigeration or heating apparatus in operation; car, with open-flame apparatus in service or with internal combustion engine in operation.

• • • • •

(j) • • •

(9) Car, trailers or truck bodies on flat car with automatic refrigeration or heating apparatus in operation; car, trailers or truck bodies on flat car with open-flame apparatus in service or with internal combustion engines in operation.

(10) Car, trailers or truck bodies on flat car containing lighted heaters, stoves or lanterns except when car is occupied by gas handlers or authorized personnel accompanying shipment.

• • • • •

(k) • • •

(l) • • •

(ix) Car, trailers or truck bodies on flat car with automatic refrigeration or heating apparatus in operation; car, trailers or truck bodies on flat car with open-flame apparatus in service or with internal combustion engines in operation.

(x) Car, trailers or truck bodies on flat car containing lighted heaters, stoves or lanterns except when car is occupied by gas handlers or authorized personnel accompanying shipment.

• • • • •

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart C—Specifications for Cylinders

In § 78.36–4 amend paragraph (a) (15 F.R. 8381, Dec. 2, 1950) to read as follows:

§ 78.36 Specification 3A; seamless steel cylinders.

§ 78.36–4 Duties of inspector.

(a) Inspect all material and reject any not complying with requirements; for cylinders made by billet-piercing process, billets to be inspected after parting and shown to be free from pipe, cracks, excessive segregation and other injurious defects.

• • • • •

In § 78.37–4 amend paragraph (a) (15 F.R. 8384, Dec. 2, 1950) to read as follows:

§ 78.37 Specification 3AA; seamless steel cylinders, made of definitely prescribed steels.

§ 78.37–4 Duties of inspector.

(a) Inspect all material and reject any not complying with requirements; for cylinders made by billet-piercing process, billets to be inspected after parting and shown to be free from pipe, cracks, excessive segregation and other injurious defects.

• • • • •

In § 78.51–20 amend paragraph (a) Table Footnote 5 (16 F.R. 9380, Sept. 15, 1951) to read as follows:

§ 78.51 Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.

§ 78.51–20 Authorized steel.

(a) • • •

[5] Ferritic grain size 6 or finer, according to ASTM E–112–58T.

• • • • • •

In § 78.57–2 amend paragraphs (b), (c); in § 78.57–9 amend paragraph (c); in § 78.57–17 paragraph (a) amend Footnote 4, paragraphs (b), the introductory text of (d), (1) and (2); in § 78.57–20 amend entire paragraph (a); in § 78.57–22 amend paragraph (a) Report Form (21 F.R. 7605, 7606, 7607, Oct. 4, 1956) (25 F.R. 10401, Oct. 29, 1960) to read as follows:

§ 78.57 Specification 4L; welded cylinders insulated.

§ 78.57–2 Type, size, service pressure [1] and service temperature.[2]

• • • • • •

(b) The service pressure shall be more than 40 and not over 500 pounds per square inch.

(c) The service temperature shall be minus 320° F. or colder.

§ 78.57–9 Welding.

• • • • • •

(c) For welding the cylinder, each procedure and operator shall be qualified in accordance with the sections that apply in the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[3] In addition, impact tests of the weld shall be performed in accordance with § 78.57–17(d) as part of the qualification of each welding procedure and operator.

• • • • • •

§ 78.57–17 Tests of welds.

(a) • • •

[4] The welded test plate shall be in the same condition and approximately the same thickness as the cylinder wall and shall be of material from one of the heats used in the lot of cylinders which it represents, except test plates for impact tests shall comply with § 78.57–17(d)(1). The test plate shall be welded by the same welding procedure as used on the particular cylinder seam being qualified and shall be subjected to the same heat treatment.

(b) *Guided bend test.* A "root" bend test specimen shall be cut from the cylinder or welded test plate, used for the tensile test specified in § 78.57–17(a) and from any other seam or equivalent welded test plate if the seam is welded by a procedure different from that used for the major seam. Specimens shall be taken across the particular seam being tested and shall be prepared and tested in accordance with and shall meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[3]

[3] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

• • • • • •

(d) *Impact tests.* One set of three impact test specimens (for each test) shall be prepared and tested for determining the impact properties of the deposited weld metal as part of the qualification of the welding procedure, as part of the qualification of the operators, for each "heat" of welding rod or wire used, and for each 1,000 feet of weld made with the same heat of welding rod or wire.

(1) All impact test specimens shall be of the Charpy type, keyhole or milled U-notch, and shall conform in all respects to Figure 3 of ASTM E–23–60T. Each set of impact specimens shall be taken across the weld and have the notch located in the weld metal. When the cylinder material thickness is 2.5 mm or thicker, impact specimens shall be cut from a cylinder or welded test plate used for the tensile or bend test specimens. The dimension along the axis of the notch shall be reduced to the largest possible of 10 mm, 7.5 mm, 5mm or 2.5 mm, depending upon cylinder thickness. When the material in the cylinder or welded test plate is not of sufficient thickness to prepare 2.5 mm impact test specimens, 2.5 mm specimens shall be prepared from a welded test plate made from ⅛ inch thick material meeting the requirements specified in § 78.57–21(a), Table I, and having a carbon analysis of .05 minimum, but not necessarily from one of the heats used in the lot of cylinders. The test piece shall be welded by the same welding procedure as used on the particular cylinder seam being qualified and shall be subjected to the same heat treatment.

(2) Impact test specimens shall be cooled to the design service temperature. The apparatus for testing the specimens must conform to the requirements of ASTM Standard E–23–60T. The test piece, as well as the handling tongs, shall be cooled for a length of time sufficient to reach the service temperature. The temperature of the cooling device shall be maintained within a range of plus or minus 3° F. The specimen shall be quickly transferred from the cooling device to the anvil of the testing machine and broken within a time lapse of not more than six seconds.

• • • • • •

(3) Serial number and identifying symbol; location of number to be just below the service temperature or ICC mark; location of symbol to be just below the number. The symbol and numbers must be those of the purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications not authorized.

(4) Maximum weight of content (Max. Content 00#) on cylinders having a service temperature below minus 320° F. only; location near symbol.

Examples:

Service temperature minus 320° F.	*Service temperature minus 320° F.*
ICC–4L200	ICC–4L200
1234	ST–423F
XY	1234
	XY
	MAX. CONTENT 00#

(5) Inspector's official mark, date of test (such as 10–55 for October 1955), near serial number.

(6) Size of markings at least ¼ inch high if space permits.

• • • • • •

§ 78.57–22 Inspector's report.

(a) • • •

On the Report Form, following the line, "Specification ICC ----------" insert the following:

"Service Temperature------ minus ----° F. Maximum Weight of Content--- (pounds)."

• • • • • •

In § 78.59–4 paragraph (a) cancel Note 1; cancel § 78.59–9 (27 F.R. 6741, July 17, 1962) (15 F.R. 8420, Dec. 2, 1950) as follows:

§ 78.59 Specification 8; steel cylinders with approved porous filling for acetylene.

§ 78.59–4 Steel.

(a) • • •

NOTE 1: [Canceled]

§ 78.59–9 Heat treatment. [Canceled]

In § 78.60–4 paragraph (a) Table amend Footnote 5 (16 F.R. 9381, Sept. 15, 1951) to read as follows:

§ 78.60 Specification 8AL; steel cylinders with approved porous filling for acetylene.

§ 78.60–4 Authorized steel.

(a) • • •

[5] Ferritic grain size 6 or finer, according to ASTM E–112–58T.

• • • • • •

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks and Boxes

In § 78.82–7 paragraph (a) Table, cancel Footnotes 4, 5, and 6; cancel § 78.82–15 (25 F.R. 10402, Oct. 29, 1960) (26 F.R. 4997, June 6, 1961) as follows:

§ 78.82 Specification 5B; steel barrels or drums.

§ 78.82–7 Parts and dimensions.

(a) • • •

[4] [Canceled]
[5] [Canceled]
[6] [Canceled]

§ 78.82–15 Type and leakage tests not required. [Canceled]

In § 78.100–5 paragraph (a) Table, cancel Footnotes 2, 3, 4, and 5; in § 78.100–7 paragraph (b) cancel Note 2; cancel § 78.100–12 (25 F.R. 10402, Oct. 29, 1960) (26 F.R. 4998, June 6, 1961 (21 F.R. 675, Jan. 31, 1956) (24 F.R. 3599, May 5, 1959) as follows:

§ 78.100 Specification 6J; steel barrels and drums.

§ 78.100–5 Parts and dimensions.

(a) • • •

[2] [Canceled]
[3] [Canceled]
[4] [Canceled]
[5] [Canceled]

(b) Steel sheets or parts of specified gauges shall comply with the following:

Gauge number	Nominal thickness (inch) [1]	Minimum thickness (inch) [1]
18	0.0478	0.0428
19	0.0418	0.0378
20	0.0359	0.0324
24	0.0239	0.0209

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

(c) Two holes not exceeding ¼ inch each are permitted diametrically opposite each other in the overpack body immediately above the double seam of the bottom chime or three holes not exceeding 3/16 inch in diameter on centers 120 degrees apart in the bottom head.

(1) Overpack interior shall be free of projections, burrs, or any edges that will cause damage to inside plastic container and shall be free of lubricants, oils, or any foreign matter.

(2) Head sheets may have not more than two holes of suitable size to provide for protruding closures.

(3) Overpack shall be constructed to provide a snug fit for inside plastic container.

§ 78.102–3 Tests.

(a) Steel overpack when assembled as for use, shall withstand the tests prescribed in specifications for inside plastic containers as detailed in Part 78 when authorized as combination packages in Part 73 of this chapter. The completed package must withstand these tests without rupture of the overpack and without producing a condition of the overpack that could result in potential damage to the inside container.

§ 78.102–4 Markings.

(a) Marking on each container by embossing on bottom head with raised marks with letters and figures not less than ½ inch high as follows:

(1) ICC–6D. These marks shall be understood to certify the steel container complies with all construction requirements of this specification.

(2) Name or symbol (letters) of maker; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity of inside container in gallons, and year of manufacture (for example, 18–55–62). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 18/20–55–62 for body 18 gauge and head 20 gauge).

In § 78.131–6 paragraph (a) Table cancel Footnotes 4, 5, 6, and 8, renumber Footnote 7 as "4"; delete references to footnotes 4, 5, 6, and 8 in the Table headings; in the second column change Footnote 7 to "4"; in § 78.131–7 amend paragraph (a); in § 78.131–11 amend paragraph (b); cancel § 78.131–12 (26 F.R. 1018, Feb. 2, 1961) (26 F.R. 4998, June 6, 1961) (20 F.R. 4419, June 23, 1955) (24 F.R. 3600, May 5, 1959) to read as follows:

§ 78.131 Specification 37A; steel drums.

§ 78.131–7 Closures.

(a) Closures of the type specified in the above table adequate to prevent leakage; gaskets required, all closures to be of the full-removable head type. Curl at top of shell for all drums 30 gallons capacity and larger must have a minimum diameter of 7/16 inch, and so made as to form a circular section with the under portion substantially in contact with the vertical shell. The removable head must have a minimum depth of ¾ inch and the cover bib must be large enough to extend to the horizontal center line of the top curl when the drum is sealed with the gasket in place. Drums of less than 30 gallons capacity may be made with an outside curl diameter of ⅜ inch minimum and a head depth of ¾ inch minimum; except that for drums less than 16 gallons capacity the outside curl diameter may be 5/32 inch and the cover depth may be ⅜ inch minimum.

• • • • • •

§ 78.131–11 Type test.

• • • • • •

(b) Test by dropping on top chime, or other part considered to be weaker, with drum filled to normal loading depth and to the gross weight at which container is marked with dry powdered material, and topped with at least two inches of a finely divided, dry, free-flowing powder of the following sieve analysis:

% retained on 49 mesh=Trace (max.).
% retained on 50 mesh=3% (max.).
% retained on 100 mesh=88% (min.).

A material such as sodium bicarbonate is recommended. Container shall be dropped from a height of 4 feet onto solid concrete so as to strike diagonally on the chime and so positioned when equipped with bolted ring type closure that crush pattern will terminate at closure joint. Closing devices and other parts projecting beyond chime or rolling hoops must be capable of withstanding this test. No disc or material other than regular gaskets in closure part is permitted for test purposes.

§ 78.131–12 Type test not required. [Canceled]

Add entire § 78.134 (15 F.R. 8454, Dec. 2, 1950) to read as follows:

§ 78.134 Specification 37M; cylindrical steel overpack, straight sided for inside plastic container; Nonreusable containers.

§ 78.134–1 Material requirements.

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

§ 78.134–2 Construction requirements.

(a) Construction requirements are as follows:

§ 78.100–7 Closures.

• • • • • •

(b) • • •

NOTE 2: [Canceled]

§ 78.100–12 Type test not required. [Canceled]

Add entire § 78.102 (15 F.R. 8446, Dec. 2, 1950) to read as follows:

§ 78.102 Specification 6D; cylindrical steel overpack, straight sided, for inside plastic container.

§ 78.102–1 Material requirements.

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

§ 78.102–2 Construction requirements.

(a) Construction requirements are as follows:

Rated capacity of inside plastic container not over (gallons)	Minimum thickness, uncoated sheets (gauge)		Body seams	Rolling hoops	Top or bottom head	Closures, when full removable head is used (gaskets not required)
	Body sheet	Head sheet				
5	24	24	Welded	None required	Double seamed or welded.	Lug or plain ring seal.
15	20	20	Welded	Rolled or swedged.	Double seamed or welded.	Lug or plain ring seal.
30	19	19	Welded	Rolled or swedged.	Double seamed or welded.	Bolted type ring closure, 18 gauge.
55	18	18	Welded	Rolled or swedged, or 1-Bars, ¾" x ¼".	Double seamed or welded.	Bolted type ring closure, 16 gauge.

Rated capacity of inside plastic container not over (gallons)	Minimum thickness, uncoated sheets (gauge)		Body seams	Rolling hoops	Top or bottom head	Closures, when full removable head is used (gaskets not required)
	Body sheet	Head sheet				
5	26	26	Welded	None required	Double seamed	Lug or plain ring seal.
15	24	24	Welded	Rolled or swedged	Double seamed	Lug or plain ring seal.
30	24	24	Welded	Rolled or swedged	Double seamed	Bolted type ring closure, 18 gauge.
55	24	24	Welded	Rolled or swedged	Double seamed	Bolted type ring closure, 16 gauge.

(b) Steel sheets or parts of specified gauges shall comply with the following:

Gauge number	Nominal thickness (inch) [1]	Minimum thickness (inch) [1]
24	0.0239	0.0209
26	0.0179	0.0159

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

(c) Two holes not exceeding ¼ inch each are permitted diametrically opposite each other in the overpack body immediately above the double seam of the bottom chime or three holes not exceed the 3/16 inch in diameter on centers 120 degress apart in the bottom head.

(1) Overpack interior shall be free of projections, burrs, or any edges that will cause damage to inside plastic container and shall be free of lubricants, oils, or any foreign matter.

(2) Head sheets may have not more than two holes of suitable size to provide for protruding closures.

(3) Overpack shall be constructed to provide snug fit for inside plastic container.

§ 78.134–3 Tests.

(a) Steel overpack when assembled as for use, shall withstand the tests prescribed in specifications for inside plastic containers as detailed in Part 78 when authorized as combination packages in Part 73 of this chapter. The completed package must withstand these tests without rupture of the overpack and without producing a condition of the overpack that could result in potential damage to the inside container.

§ 78.134–4 Marking.

(a) Marking on each container by embossing on bottom head with raised marks with letter and figures not less than ½ inch high as follows:

(1) ICC–37M. The letters NRC located near the ICC mark to indicate "Non-reusable container." These marks shall be understood to certify the steel container complies with all construction requirements of this specification.

(2) Name or symbol (letters) of maker; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity of the inside container in gallons, and year of manufacture (for example, 24–55–62). When gauge of metal in body differs from that in either head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 22/24–55–62 for a container having 22-gauge body and 24-gauge top head).

Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

Add entire § 78.211 (15 F.R. 8479, Dec. 2, 1950) to read as follows:

§ 78.211 Specification 12P; fiberboard boxes. Nonreusable containers for one inside plastic container greater than 1-gallon capacity, as prescribed in Part 73 of this chapter.

§ 78.211–1 Material requirements.

(a) Boxes shall be of corrugated fiberboard, except as otherwise authorized in this specification, having both outer facings water resistant; corrugating medium shall be at least 0.009 inch thick and weigh not less than 26 pounds per 1,000 square feet; all parts shall be securely glued together throughout all contact areas.

(b) Solid fiberboard is authorized when of strength equal to corrugated fiberboard and in conformance with paragraph (c) of this section.

(c) Fiberboard required and tests as follows:

(1) Fiberboard is hereby classified by strength [1] of completed board as in first column of the following table; weights specified in the table are the minimums authorized.

Classified strength of completed board [1]	Solid fiberboard—minimum combined weight of component plies exclusive of adhesives (pounds per 1,000 sq. ft.)	Single-wall—minimum combined weight of facings (pounds per 1,000 sq. ft.)	Double-wall—minimum combined weight of facings including center facings pounds per 1,000) sq. ft.)
175	149	75	
200	190	84	92
275	237	138	110
325	237	138	110
350	283	180	126
375	283	180	180
400	283	180	180
450	283	180	180
500	330		222

[1] Mullen or Cady Test (minimum).

(2) Tests of acceptable completed board must have prescribed strength, Mullen or Cady test, after exposure for at least 3 hours to normal atmospheric conditions (50 to 70 percent relative humidity) under test, as follows:

(i) Clamp board firmly in machine and turn wheel at constant speed of approximately 2 revolutions per second.

(ii) Six bursts required, 3 from each side; all results but one must show prescribed strength the board is acceptable.

(iii) Board failing may be retested by making 24 bursts, 12 from each side; when all results but 4 show prescribed strength the board is acceptable.

(iv) For corrugated fiberboard, double-pop tests may be disregarded.

§ 78.211–2 Construction requirements.

(a) Corrugated or solid fiberboard boxes of any type capable of withstanding tests prescribed by § 78.211–5 authorized when constructed in accordance with requirements of this section.

(b) Corrugated or solid fiberboard boxes in accordance with the following table are authorized.

Gross weight not over (pounds)	Strength of fiberboard (minimum) Mullen or Cady test		
	Solid board	Single-wall corrugated	Double-wall corrugated
20	200	200	200
60	350	350	275
80	500	450	350

(c) All parts must be cut true to size and so creased and slotted as to fit closely into position without cracking, surface breaks, separation of parts outside of crease, or undue binding. Box must provide snug fit for inside plastic container.

(d) Joints (manufacturer's). The joint is defined as that part of the box where the ends of the sheet are joined together by taping, stitching or gluing.

(1) For glued or stitched lap joint, the sides of box forming joint must lap not less than 1¼ inches. Glued joints must be firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after film application has dried.

(2) Butt-joints, taped, are authorized providing resulting joints are capable of withstanding tests prescribed by § 78.211–5.

§ 78.211–3 Design limitations.

(a) Design limitations are as follows:

(1) Permitted when perforated or die-cut areas remain intact following tests prescribed for box by § 78.211–5.

(i) Outer closing flaps may have perforated areas of no greater size than is necessary to provide access to closure of plastic container; inner flaps may have die-cut areas of similar type.

(ii) Die-cut holes in outer and inner closing flaps when closure for plastic container is attached to a metal plate inserted between the inner and outer flaps or when closure area is protected by means of a plug-in or screw cap or similar device. The diameter of these holes shall be less than the diameter of the metal plate.

(iii) Inside facing of fiberboard closure flaps may be cut or perforated for opening. A tear strip may be incorporated in the body wall of fiberboard boxes provided it is above the neck area of the plastic container and this may be accompanied by a nominal thumb-notch in the manufacturer's joint or in a side panel of the box.

(iv) Handholes, by perforation or other means, in any part of the box providing the face having the handhole is backed up by a fiberboard sheet of equal strength of box in full height and width of that face or that handholes are above the neck area of the plastic container. No more than one handhole in any face nor more than two per box.

(2) Not permitted:

(i) Stitched manufacturer's joint or stitched closures when any such stitch (staple) is in direct contact with the inside plastic container.

§ 78.211–4 Closure.

(a) Closure of any type is authorized provided representative boxes are capable of withstanding tests prescribed by § 78.211–5.

§ 78.211–5 Tests.

(a) Representative samples of the completed composite container assembled, filled and closed as for use must be capable of withstanding tests prescribed in the specification for the inside plastic container without rupture of the fiberboard boxes that produces a condition of the box that could result in potential damage to the inside container.

§ 78.211–6 Marking.

(a) On each container. Symbol in rectangle as follows:

ICC–12P••

(1) Stars to be replaced by authorized gross weight for which box was constructed (for example, ICC–12P80). The letters NRC, located just above or below the ICC mark, to indicate a nonreuseable container. These marks shall be understood to certify that the outer container complies with all the construction requirements of the specification.

(2) Name and address of plant making the container; symbol (letters) authorized if recorded with the Bureau of Explosives. This mark to be located just above or below the mark specified in (a) of this section.

(3) Size of markings: Specification as prescribed in paragraph (a)(1) of this section must be at least ½ inch high; other markings must be legible.

In § 78.214–8 amend paragraph (a); in § 78.214–15 amend paragraph (b) (21 F.R. 9364, Nov. 30, 1956) (19 F.R. 6274, Sept. 29, 1954) to read as follows:

§ 78.214 Specification 23F; fiberboard boxes.

§ 78.214–8 Type authorized.

(a) Of solid fiberboard; 1-piece, or 3-piece without recessed heads, fitted with lining tube or lining tubes as prescribed in § 78.214–15, except that lining tubes are not required for boxes used for shipments of high explosives packed in accordance with § 73.83(a)(3) of this chapter or electric blasting caps packed in accordance with § 73.66(g)(1) of this chapter, or when box is constructed of 1-piece of not less than 600-pound test board weighing not less than 300 pounds per 1,000 square feet. Boxes having handholes are authorized when approved by the Bureau of Explosives.

• • • • •

§ 78.214–15 Authorized gross weight (when packed) and parts required.

• • • • •

(b) Authorized gross weight; 65 pounds when 2 or more lining tubes are used to divide the box into 2 or more compartments; 65 pounds when 1 or more lining tubes are used and contents will consist of 1 cartridge only or of black powder in bags; 65 pounds when boxes without lining tubes are used for shipments of high explosives packed in accordance with § 73.63(a)(3) of this chapter or electric blasting caps packed in accordance with § 73.66(g)(1) of this chapter; 35 pounds in all other cases except that boxes having a single solid fiberboard lining tube, the fiberboard weighing at least 283 pounds per 1,000 square feet, or corrugated fiberboard lining tube as prescribed in § 78.214–4(a), are authorized for 65 pounds gross weight.

In § 78.224–2 amend paragraph (d) (27 F.R. 3432, Apr. 11, 1962) to read as follows:

§ 78.224 Specification 21C; fiber drums.

§ 78.224–2 Type tests.

• • • • •

(d) Drums for inside plastic containers for liquids shall be constructed and tested as prescribed in § 78.224–1(a)(2) and paragraphs (a), (b), (c), and (e) of this section. When combined with inside plastic container authorized in Part 73 of this chapter, the composite container must be tested in accordance with requirements detailed in specifications for the inside plastic container and shall develop no condition that would be of such nature as to contribute to potential failure of inner container.

• • • • •

Subpart I—Specifications for Tank Cars

Add entire § 78.268 (21 F.R. 4574, June 26, 1956) to read as follows:

§ 78.268 Specification ICC–111A60–W–1 fusion-welded steel tanks, or ICC–111A60–F–1, forge-welded steel tanks fabricated by conversion from existing ICC–105A300, 400 or 500 series tanks, to be mounted on or forming part of a car.

(a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 *Applications for approval.*

§ 78.268–1 Type.

(a) Tanks built under this specification must be cylindrical with heads designed convex outward. When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward. The tank shell, or each compartment, must be provided with manway and such other external projections as are prescribed herein.

§ 78.268–2 Bursting pressure.

(a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be not less than 240 pounds per square inch.

§ 78.268–3 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than 7/16 inch.

$$t = \frac{Pd}{2SE}$$

where

t = thickness in inches of the thinnest plate;
P = calculated bursting pressure in pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch;
E = efficiency of longitudinal welded joint = 90 percent.

(b) The thickness of an ellipsoidal head in which the ellipsoid of revolution has the major axis equal to the inside diameter of the shell and the minor axis is one-half the major axis, shall be determined by the following formula:

$$t = \frac{Pd}{2SE}$$

where

t = thickness of plate in inches;
P = calculated bursting pressure pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch;
E = efficiency of welded joint, if any = 90 percent; if head is made in one piece, E = 100 percent.

The thickness of a dished head shall be a minimum of ½ inch.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate may be considered as part of the base plate for determining total thickness of plate required. Where the cladding material does not have physical properties at least equal to the base plate, the cladding thickness must be added to that required for the base plate.

(d) When the interior of the tank is divided into compartments by constructing each compartment as a separate tank, these tanks shall be joined together by a cylinder made of plate, having a thickness not less than that required for the tank shell and applied to the outside surface of tank head flanges. The cylinder shall contact the head flange for a distance of at least two times the plate thickness, or a minimum of 1

inch, whichever is greater. The cylinder shall be joined to the head flange by a full fillet weld. Distance from head seam to cylinder shall not be less than 1½ inches or three times the plate thickness, whichever is greater. Voids created by the space between heads of tanks joined together to form a compartment tank must be provided with a tapped drain hole at their lowest point and a tapped hole at top of tank. The top hole must be closed and the bottom hole may be closed with solid pipe plugs not less than ¾ inch nor more than 1½ inches having standard pipe threads.

§ 78.268–4 Openings in the tank.

(a) Openings for manway nozzle or other fittings must be reinforced in an approved manner.

§ 78.268–5 Material.

(a) All plates for tank must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. Use of cast iron is prohibited.

(c) All external projections must be made of materials specified herein.

§ 78.268–6 Tank heads.

(a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

§ 78.268–7 Welding.

(a) All joints must be fusion welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion welding in accordance with the requirements of A.A.R. Welding Code, Appendix W.

§ 78.268–8 Stress-relieving.

(a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A.A.R. Appendix W.)

§ 78.268–9 Tank mounting.

(a) The manner in which the tank is mounted on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.268–10 Tests of tanks.

(a) Each tank must be tested by completely filling tank and nozzles with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 60 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) If tanks are lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.268–7(a).

§ 78.268–11 Marking.

(a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification, as follows:

(1) ICC–111A60–W–1 in letters and figures at least ⅜ inch high, stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If the tanks are fabricated from ASTM A–212 Grades A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–111A60–W–1 must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car. Tanks converted from forge-welded tanks (see § 78.268(a)) must be stenciled ICC–111A60–F–1 in letters and figures as prescribed above.

(2) Initials of tank builder and date of original test of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater system was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "Only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, "(naming material)_____ clad tank." Lined tanks must be stenciled on the tank, or jacket if lagged, "(naming material) _____ lined tank." These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.268–12 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to the car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved, except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads, on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

§ 78.268–13 Outage.

(a) Tanks built to this specification will require a minimum outage of 2 percent. This outage must be provided for in the tank shell.

§ 78.268–14 Lagging.

(a) Not a specification requirement. If applied the tank shell must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight.

(b) Before lagging is applied, the exterior tank surface and the interior surface of the metal jacket shall be given a portective coating.

§ 78.268–15 Closure for manway.

(a) The manway cover must be of an approved type and designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway cover must be made of cast, forged or fabricated steel and be of good weldable quality in conjunction with the metal of the tank.

(c) All covers not hinged must be attached to outside of tank by at least a ⅜ inch chain or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor or liquid by use of gaskets of suitable material.

§ 78.268–16 Bottom outlets.

(a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved design, and be provided with a liquid tight closure at the lower end.

(b) The valve and its operating mechanism may be applied to the interior or the outside bottom of the tank. The design must insure a positive closure during transit.

(c) The bottom outlet nozzle of interior valves and valve body of exterior valves may be of cast, fabricated or forged metal. If welded to the tank they must be of good weldable quality in conjunction with the metal of the tank.

(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or valve body of exterior valves, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

(e) For outlet nozzles that extend 6 inches or more from the shell of the tank, a "V" groove must be cut (not cast) in the upper part of the outlet nozzle at a point immediately below the lowest part of the valve to a depth that will leave the thickness of nozzle wall at root of the "V" not over ⅜ inch. The outlet nozzle on interior valves or the valve body on exterior valves may be steam jacketed, in which case the breakage groove or its equivalent must be below the steam chamber. Where the outlet nozzle is not a single piece, or when exterior valves are applied, arrangement must be made to provide the equivalent of a breakage groove.

(f) The flange on the outlet nozzle or the valve body of exterior valves must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of the lading, or other causes, and which will insure that accidental breakage will occur at or below the "V" groove or its equivalent.

(g) The valve must have no wings or stem projecting below the "V" groove or its equivalent. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism on interior valves must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of liquid contents, or other causes, and may operate from the interior of the tank, but in the event the rod is carried through the dome or tank shell, leakage must be prevented by packing in a stuffing box or other suitable seals and a cap.

(i) In no case must the extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least a ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection of the valve must be closed by a plug or cap.

§ 78.268–17 Loading and unloading devices.

(a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading and unloading of the contents of the car, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

(c) The venting device shall be an opening to permit application of pressure to tank. The loading and unloading device shall be a pipe extending down to the bottom of the tank, so that, by application of pressure, the contents of the tank can be completely removed.

§ 78.268–18 Gauging device.

(a) Outage for these tanks must be provided within the tank shell; therefore, an outage scale visible from manway when cover is open must be provided.

(b) When loading and unloading devices (see § 78.268–17(a)) are applied to permit tank to be loaded with manway cover closed, a telltale pipe must be applied with a ¼ inch control valve mounted outside of the tank and enclosed within a cap or housing. The telltale pipe shall measure a liquid level that will indicate an outage not less than that specified in § 78.268–13(a).

§ 78.268–19 Vacuum breaker.

(a) To prevent pressure reduction of more than 1½ pounds per square inch below atmospheric pressure, when unloading a tank with a closed manway cover, or from drop in temperature with subsequent shrinkage of lading, each tank may be equipped with a valve of approved design.

§ 78.268–20 Safety relief valves.

(a) The tank or each compartment thereof, must be equipped with one or more safety relief valves of approved design, mounted on suitable nozzles securely attached to the top of the tank. Total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 45 pounds per square inch.

(b) Each safety relief valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.268–21(a).)

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, Class B, need not be equipped with safety relief valves, but if not so equipped, must have one safety vent at least 1¼ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.268–17(a), made of material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "NOT FOR FLAMMABLE LIQUIDS."

(d) Safety relief valve or safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(e) Each tank or compartment thereof may be equipped with one separate air connection of approved design, which will prevent interchange with any fixture prescribed in § 78.268–17(a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.268–21 Tests of safety relief valves.

(a) Each valve must be tested by air or gas before being put into service. The valve must start-to-discharge at a pressure of 35 pounds per square inch, and be vapor tight at 28 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valves must start-to-discharge at the pressure prescribed in § 78.268–20(b) with a tolerance of plus or minus 3 pounds.

§ 78.268–22 Interior heater systems.

(a) Not a specification requirement. When installed, see § 78.260 and § 78.261 *Heater systems.*

(b) Flanges for interior heater systems and plugs must be of cast, fabricated or forged metal. Flanges must be of good weldable quality in conjunction with the metal of the tank.

(c) Interior heater systems when installed must be so constructed that the breaking off of their external connections will not cause leakage of contents of tank.

(d) Interior heater systems must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

Add entire § 78.271 (21 F.R. 4578, June 26, 1956) to read as follows:

§ 78.271 Specification ICC–112A200–W; fusion-welded steel tanks to be mounted on or forming part of a car.

(a) Wherever the word approved is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 *Applications for approval.*

§ 78.271–1 Type.

(a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must

be provided with manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety relief valves, gauging device, thermometer well, and a protective housing on the cover, Other openings in the tank are prohibited, except as provided in Part 73 of this chapter.

§ 78.271–2 Lagging.

(a) Not a specification requirement.

(b) In lieu of lagging, at least the upper ⅔ of the tank car tank shall be painted with a light-reflective paint for the finish coat. Manway nozzle and all appurtenances in contact with this area of the tank shall also be painted with a light-reflective paint for the finish coat.

§ 78.271–3 Bursting pressure.

(a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 500 pounds per square inch.

§ 78.271–4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank and tank heads must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t = \frac{Pd}{2SE}$$

where

t = thickness in inches of thinnest plate;
P = calculated bursting pressure in pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch;
E = efficiency of longitudinal welded joint = 90 percent.

(b) The minimum thickness of plates must be 9/16 inch, except when steel of 65,000 psi. minimum tensile strength is used, the minimum thickness of plates may be ½ inch.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that the base plate prescribed in § 78.271–6 (a) minimum thickness of base plate graph (b) of this section. Where the cladding material does not have physical properties at least equal to that of the base plate prescribed in § 78.127–5(a) minimum thickness of base plate must be as prescribed in paragraph (b) of this section.

§ 78.271–5 Manway nozzle opening.

(a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.271–6 Material.

(a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. The use of cast iron is prohibited.

(c) All external projections must be made of materials specified herein.

§ 78.271–7 Tank heads.

(a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be not less than ½ of the major axis.

§ 78.271–8 Welding.

(a) All joints must be fusion welded by a process which investigation and laboratory tests by the Mechanical Division, Association of American Railroads have proved will produce satisfactory results. Fusion welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion welding in accordance with the requirements of A.A.R. Welding Code, Appendix W.

§ 78.271–9 Stress-relieving.

(a) All welding of the tank shell and of attachments welded directly thereto, must be stress-relieved as a unit. (See A.A.R. Appendix W.)

§ 78.271–10 Tank mounting.

(a) The manner in which the tank is mounted on and securely supported on the car structure must be approved.

(b) The use of rivets as a means of securing the anchor to tank is prohibited.

§ 78.271–11 Manway nozzle, cover and protective housing.

(a) Manway nozzle must be of forged or rolled steel at least 18 inches inside diameter. Manway nozzle must be of approved design and attached to tank by fusion welding. Fusion welding for securing this attachment in place must be of the double-welded butt joint type or double full-fillet lap joint type.

(b) Manway cover must be of forged or rolled steel at least 2¼ inches thick, machined to approved dimensions. Manway cover must be attached to manway nozzle by through or stud bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover on tanks used for the transportation of liquefied flammable gases must be provided with an opening equipped with an approved weather proof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Opening in wall of housing must be equipped with screw plugs or other closures.

§ 78.271–12 Venting, loading and unloading valves, gauging and sampling device and thermometer well.

(a) Venting, loading and unloading valves must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 200 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of the valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) The interior pipes of the loading and unloading valves, except as prescribed in paragraph (d) of this section, may be equipped with excess flow valves of approved design.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of material not subject to rapid deterioration by the lading, and must withstand a pressure of 200 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve, except as prescribed in paragraph (d) of this section, may be equipped with excess flow valves of approved design. Interior pipes of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

(d) Tanks used in the transportation of liquefied flammable gases must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

(e) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

§ 78.271–13 Safety valves.

(a) The tank must be equipped with one or more safety valves of an approved design, made of metal not subject to rapid deterioration by the lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 165 pounds per square inch.

(b) The safety valves must be set for a start-to-discharge pressure of 150 pounds per square inch. (For tolerance see § 78.271–17(a).)

§ 78.271–14 Fixtures, reinforcements, and attachments not otherwise specified.

(a) Attachments, other than the anchorage, interior pipe bracing, and those mounted on manway cover, are prohibited.

§ 78.271–15 Closures for openings.

(a) Plugs must be of approved type, with standard pipe thread and of metal not subject to rapid deterioration by lading.

§ 78.271–16 Tests of tanks.

(a) Each tank must be tested, after anchorage is applied, by completely filling tank and manway nozzle with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying a pressure of 200 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests prohibited. Repairs in welded joints must be made as prescribed in § 78.271–8(a).

§ 78.271–17 Tests of safety relief valves.

(a) Each valve must be tested by air or gas before being put into service. The valve must start-to-discharge at a pressure of 150 pounds per square inch and be vapor tight at 120 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valves must start-to-discharge at the pressure prescribed in § 78.271–13(b), with a tolerance of plus or minus 3 percent.

§ 78.271–18 Marking.

(a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–112A200–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of the material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–112A200–W must also be stenciled on the tank in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of the tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank.

(6) Water capacity in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the tank immediately below the dome platform and either directly behind or within 3 feet of the right or left side of ladder or ladders, if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY 000000 POUNDS

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "Only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, "(naming material) ____ clad tank." Lined tanks must be stenciled on the tank, "(naming material) ____ lined tank." These marks must be stenciled in letters at least 2 inches high, immediately above stenciled mark specified in subparagraph (7) of this paragraph.

§ 78.271–19 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to the car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechancial Division, Association of American Railroads, on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on the existing certificate of construction, except for the car where previously approved fittings are applied, application for approval must be submitted and approval must be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

Add entire § 78.272 (21 F.R. 4578, June 26, 1956) to read as follows:

§ 78.272 Specification ICC–112A340–W; fusion-welded steel tanks to be mounted on or forming part of a car.

(a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 *Applications for approval.*

§ 78.272–1 Type.

(a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging devices, thermometer well, and a protective housing on the cover. Other openings in the tank are prohibited, except as provided in Part 73 of this chapter.

§ 78.272–2 Lagging.

(a) Not a specification requirement.

(b) In lieu of lagging, at least the upper ⅔ of the tank car tank shall be painted with a light-reflective paint for the finish coat. Manway nozzle and all appurtenances in contact with this area of the tank shall also be painted with a light-reflective paint for the finish coat.

§ 78.272–3 Bursting pressure.

(a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 850 pounds per square inch.

§ 78.272–4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank and tank heads must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t = \frac{Pd}{2SE}$$

where

t = thickness in inches of thinnest plate;
P = calculated bursting pressure in pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch;
E = efficiency of longitudinal welded joint = 90 percent.

(b) The minimum thickness of plates must be 11/16 inch, except when steel of 65,000 psi. minimum tensile strength is used, the minimum thickness of plates may be ⅝ inch.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.272–6(a), must be as prescribed in paragraph (b) of this section. Where the cladding material does not have physical properties at least equal to that of the base plate prescribed in § 78.272–6(a) minimum thickness of base plate must be as prescribed in paragraph (b) of this section.

§ 78.272–5 Manway nozzle opening.

(a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.272–6 Material.

(a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. The use of cast iron is prohibited.

(c) All external projections must be made of materials specified herein.

§ 78.272–7 Tank heads.

(a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be not less than ½ the major axis.

§ 78.272–8 Welding.

(a) All joints must be fusion welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion welding in accordance with the requirements of A.A.R. Welding Code, Appendix W.

§ 78.272–9 Stress-relieving.

(a) All welding of the tank shell and of attachments welded directly thereto, must be stress-relieved as a unit. (See A.A.R. Appendix W.)

§ 78.272–10 Tank mounting.

(a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing the anchor to tank is prohibited.

§ 78.272–11 Manway nozzle, cover and protective housing.

(a) Manway nozzle must be of forged or rolled steel at least 18 inches inside diameter. Manway nozzle must be of approved design and attached to tank by fusion welding. Fusion welding for securing this attachment in place must be of the double-welded butt joint type or double full-fillet lap joint type.

(b) Manway cover must be of forged or rolled steel at least 2¼ inches thick, machined to approved dimensions. Manway cover must be attached to manway nozzle by through or stud bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover on tanks used for the transportation of liquefied flammable gases must be provided with an opening equipped with an approved weather proof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading and unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Opening in wall of housing must be equipped with screw plugs or other closures.

§ 78.272–12 Venting, loading and unloading valves, gauging and sampling device and thermometer well.

(a) Venting, loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 340 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of the valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) The interior pipes of the loading and unloading valves, except as prescribed in paragraph (d) of this section, may be equipped with excess flow valves of approved design.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 340 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve, except as prescribed in paragraph (d) of this section, may be equipped with excess flow valves of approved design. Interior pipes of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

(d) Tanks used in the transportation of liquefied flammable gases must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of approved design.

(e) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

§ 78.272–13 Safety relief valves.

(a) The tank must be equipped with one or more safety relief valves of approved design, made of metal not subject to rapid deterioration by the lading and be mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 280.5 pounds per square inch, except as provided in paragraph (c) of this section.

(b) The safety relief valve must be set for a start-to-discharge pressure of 255 pounds per square inch, except as provided in paragraph (c) of this section. (For tolerance see § 78.272–17(a).)

(c) As an alternate, safety relief valve may be set for a start-to-discharge pressure of 280.5 pounds per square inch and the total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 306 pounds per square inch.

(d) Safety relief valves must not start to leak at less than 90 percent of the start-to-discharge pressure and must be vapor tight at 80 percent of the start-to-discharge pressure.

§ 78.272–14 Fixtures, reinforcements, and attachments not otherwise specified.

(a) Attachments, other than the anchorage, interior pipe bracing, and those mounted on manway cover, are prohibited.

§ 78.272–15 Closures for openings.

(a) Plugs must be of approved type, with standard pipe thread and of metal not subject to rapid deterioration by the lading.

§ 78.272–16 Tests of tanks.

(a) Each tank must be tested, after anchorage is applied, by completely filling tank and manway nozzle with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying a pressure of 340 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests prohibited. Repairs in welded joints must be made as prescribed in § 78.272–8(a).

§ 78.272–17 Tests of safety relief valves.

(a) Each valve must be tested by air or gas before being put into service. The valve must start-to-discharge at a pressure of 255 pounds per square inch and be vapor tight at 204 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valves must start to discharge at the pressures prescribed in § 78.272–13 (b) or (c) with a tolerance of plus or minus 3 percent.

§ 78.272–18 Marking.

(a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–112A340–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of the material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–112A340–W must also be stenciled on the tank in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of the tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank.

(5) Date on which the safety relief valve was last tested and pressure to which tested, stenciled on the tank.

(6) Water capacity in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraph (2) and (3) of this paragraph. This mark must also be stenciled on the tank immediately below the dome platform and either directly behind or within 3 feet of the right or left side of ladder or ladders, if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY 000000 POUNDS

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "Only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, "(naming material) ---------- clad tanks." Lined tanks must be stenciled on the tank, "(naming material) ---------- lined tank." These marks must be stenciled in letters at least 2 inches high, immediately above stenciled mark specified in subparagraph (7) of this paragraph.

§ 78.272–19 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to the car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be furnished to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alteration of or additions to existing equipment which change the data on the existing certificate of construction, except for the cars where previously approved fittings are applied, applications for approval must be submitted and approval must be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

Add entire § 78.279 (21 F.R. 4585, June 26, 1956) to read as follows:

§ 78.279 Specification ICC–113A60–W–2; fusion-welded metal tank to be mounted on or forming part of a car.

(a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 *Applications for approval.*

§ 78.279–1 Type.

(a) A tank built in accordance with this specification shall consist of an inner container, inner container suspension system, outer shell, anchorage for mounting on a railway car underframe, piping systems for vapor venting, filling and transfer of the lading, and safety devices, controls, gauges and valves prescribing herein for safe operation of the unit in storage, transport, filling and transfer of the lading.

(b) Multiple compartments: When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward and comply with all other requirements described in this specification.

§ 78.279–2 Inner container; Requirements for design, materials and construction.

(a) The inner container shall be a fusion welded cylindrical shell closed at each end with formed heads convex outward and suitable for operation at temperatures as low as minus 423 degrees Fahrenheit.

(b) Materials: The plate material used in the shell and heads shall be suitable for use at minus 423 degrees Fahrenheit and resistant to corrosion caused by the lading or approved cleaning solvents. Chromium-nickel steel to ASTM Specification A–240–58T, Type 304, shall be used and shall be in the annealed condition prior to fabricating, forming or fusion-welding. Appurtenances shall be of approved materials having satisfactory properties at minus 423 degrees Fahrenheit.

(c) Bursting pressure: The calculated bursting pressure based on the minimum ultimate tensile strength of the material used for the inner container and the efficiency of the welded joint shall not be less than 240 psig.

(d) Thickness of plates: The wall thickness in the cylindrical portion of the inner container and heads must be calculated by the following formula but in no case shall the wall thickness be less than 3/16 inch:

$$t = \frac{Pd}{2SE}$$

where

t = thickness in inches of the thinnest plate;
P = calculated bursting pressure in pounds per square inch;
d = inside diameter of the cylindrical portion of the container in inches;
S = minimum ultimate tensile strength of the plate material in pounds per square inch, as given in ASTM Specification A–240–58T, Type 304;
E = efficiency of longitudinal welded joint = 85 percent.

(e) Heads. The formed heads on the inner container shall be an ellipsoid of revolution in which the major axis shall equal the inside diameter of the shell and the minor axis shall be one-half of the major axis. Formed heads of other approved contours may be used, but in no case shall the wall thickness be less than 3/16 inch.

(f) Access to inner container. The inner container shall be provided with a welded access to the inner container through the outer shell. The welded access closure shall have a minimum diameter of 16 inches and shall be so designed as to allow opening by grinding, chipping, etc., a minimum of welds and re-closing by rewelding without need for new parts. Cutting torch may not be used. The opening in the container to provide for the welded access closure shall be reinforced in an approved manner. The closure material shall be the same as the inner container. The reinforced openings in inner container and outer shell must be aligned so a man can gain entrance to the inner container after breaking vacuum, removing closure welds and closure of outer shell and inner container. A passageway connecting the inner container with the outer shell is not a specification requirement.

(g) Welding:

(1) All joints must be fusion welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion welding to be performed by fabricators certified by the Association of American Railroads as certified to meet the requirements of this specification. All joints must be fusion welded in accordance with the requirements of the AAR Welding Code, Appendix W, except that the following requirements supersede requirements listed under "Test Plates", "Bend Test", and "Impact Test" of Appendix W:

(2) Test plates. A welded test plate of the dimensions shown in Figure W–2 shall be made for each container using the same weld procedure as used in welding the longitudinal seams of the container. Test plates shall be prepared from material having the same material specification and mill heat

numbers as used in the shell or main heads of the inner container. After welding is completed, the test plate shall be radiographed and the standards of judgment of weld acceptability as set forth in paragraph 10.74–1 of AAR Welding Code, Appendix W, shall be followed.

(3) Test specimens: The following test specimens shall be removed from the welded test plate and submitted to tests prescribed below:

(i) *Bend test.* Four transverse bend test specimens shall be removed from the welded test plate transverse to the welded joint of the test plate. The specimens shall be of rectangular cross section 1½ inches wide and the full thickness of the test plate. Weld reinforcements on each side of each test specimen shall be removed flush with the plane of the plate surface. Specimens shall be saw cut from the test plate. Removal of test specimens from the test plate by means of flame cutting is prohibited. The specimens shall be submitted to a guided bend test and two transverse face bend tests and two transverse root bend tests shall be performed. A bend test specimen that reveals no cracks or other open defects exceeding ⅛ inch measured in any direction on the convex surface of the specimen shall be considered to have passed the bend test. Cracks occurring on the corners of the specimen during the test shall not be considered as cause for rejection, unless there is definite evidence that they are the result of slag inclusions in the weld or other internal defects.

(ii) *Impact tests.* Three sets of three impact test specimens shall be sawcut from the welded test plate. These specimens shall be used for determining the impact properties of the plate material, weld zone and heat affected zone. Impact test specimens shall be of the Charpy type, milled U–notch, with the base of the notch normal to the plate surface, and shall conform in all respects to Figure 3 of ASTM Specification E–23–56–T. Impact test specimens shall be cooled in liquid nitrogen (—320 degrees Fahrenheit). The apparatus for testing the specimens shall be in accordance with the requirements of ASTM Specification E–23–56–T. The test piece and handling tongs shall be cooled for a length of time sufficient to reach the temperature of liquid nitrogen. The specimen shall be quickly transferred from the cooling device to the anvil of the testing machine and broken within a time lapse of not more than six (6) seconds.

(iii) *Impact properties.* The impact properties of each set of impact specimens shall be not less than the values listed below:

Size of specimen	Minimum impact value required for average of each set of 3 specimens	Minimum impact value permitted on 1 specimen only of each set of 3 specimens
55 mm x 10 mm x 10 mm	15 ft-lb	10.0 ft-lb.
55 mm x 10 mm x 7.5 mm	12.5 ft-lb	8.5 ft-lb.
55 mm x 10 mm x 5 mm	10 ft-lb	7.0 ft-lb.
55 mm x 10 mm x 2.5 mm	5 ft-lb	3.5 ft-lb.

When the average value of the three specimens equals or exceeds the minimum value permitted for a single specimen, and the value for more than one specimen is less than the minimum value required for the average of the three specimens, or when the impact value of one specimen is below the minimum value permitted for a single specimen, a retest of three additional specimens shall be made. The value from each retest specimen shall equal or exceed the minimum value required for the average of 3 specimens given above. When an erratic result is caused by a defective specimen or there is uncertainty in the test procedure, a retest is authorized.

(h) Radiography: All longitudinal and circumferential double-butt fusion-welded joints shall be examined throughout their entire length by the X-ray or Gamma-ray method of radiography. The standards of judgment for acceptability of welds examined by radiography shall be in accordance with paragraph W–10.74–1 of AAR Welding Code, Appendix W.

(i) Stress-relieving: Stress-relieving of the inner container is not a requirement of this specification.

(j) Cleaning interior container: The interior of the tank and all lines connecting to it shall be thoroughly cleaned.

(k) Test of inner container: After all items to be welded to the inner container have been welded in place, the container shall be completely filled with water, which must not exceed 100 degrees Fahrenheit during the prescribed test period, and a pressure of not less than 60 pounds per square inch applied. The container must hold the prescribed pressure for a period of 10 minutes without leakage or evidence of distress. Calking of welded joints to stop leakage is prohibited. Repairs in welded joints must comply with all requirements of paragraph (g) of this section.

§ 78.279–3 Outer shell; Requirements for design, material and construction.

(a) The outer shell shall be a fusion-welded cylindrical shell with formed heads convex outward and designed to withstand an external pressure of one atmosphere.

(b) Material:

(1) All plate material in the outer shell shall be open-hearth flange quality or firebox quality steel, the carbon content of which shall not exceed 0.31 percent. Steel plate material in accordance with material specifications listed in Group 1, Table "A", of AAR Welding Code, Appendix W, are approved for use in the outer shell of tanks built to this specification.

(2) All steel castings, steel forgings, and steel structural shapes shall be of material to an approved specification.

(3) Rivets, when used, shall be of steel to an approved specification.

(c) Thickness of plates: The wall thickness of steel plates in the cylindrical portion of the outer shell shall be not less than 7/16 inch.

(d) Heads: The formed heads at each end of the outer shell shall be an ellipsoid of revolution in which the major axis shall equal the inside diameter of the shell and the minor axis shall be one-half of the major axis. Formed heads of other approved contours may be used, but in no case shall the wall thickness be less than 7/16 inch.

(e) Access through outer shell: The outer shell shall be provided with a welded access to the inner container through its welded access. The welded access closure shall have a minimum diameter of 16 inches and shall be so designed as to allow opening by grinding a minimum of welds and re-closing by re-welding without need for new parts. Cutting torch may not be used. The opening in the outer shell to provide for the welded access closure shall be reinforced in an approved manner. The closure material shall be the same as the outer shell.

(f) Suspension system for inner container: The inner container shall be suspended and supported within the outer shell by a suspension system of adequate strength and ductility at its operating temperature to support the inner container when filled with liquid lading to any level incidental to operation of the complete unit as a railway tank car. The suspension system design shall be capable of withstanding impact loads producing accelerations of the following magnitudes and directions when the inner container is fully loaded, and the car is equipped with conventional AAR Spec. M–901 draft gear:

Longitudinal	7G
Transverse	3G
Vertical	3G

The longitudinal acceleration may be reduced to 3G where an approved design cushioning device which has been tested and demonstrated to limit body forces to 400,000 pounds maximum at 10 miles per hour is used between the coupler and tank structure. The suspension system shall be of an approved design and such that the inner container shall be thermally isolated from the outer shell to the best practicable extent.

(g) Stiffening rings: If used, stiffening rings shall be attached to the wall of the outer shell by means of fillet welds on each side of the ring. Outside stiffening ring attachment welds shall be continuous. Inside stiffening ring attachment welds may be continuous or intermittent. When intermittent fillet welds are used, the total length of welds on each side of the ring shall be not less than one-half of the outside circumference of the shell. Where continuous welds are used, a portion of the vacuum casing as wide as the widest part of the stiffening ring may be used in calculating the ring moment of inertia. Stiffening rings shall have a moment of inertia large enough to support an external pressure of 37.5 psi as determined by the following formula:

$$I = \frac{0.035 D^3 L\, Pc}{E}$$

where:

I = Moment of inertia of stiffener about centroidal axis parallel to vessel axis -- in.4.

D = Outside diameter of shell -- inches.

L = One-half of the distance from the centerline of the stiffening ring to the next line of support on one side, plus one-half of the centerline distance to the next line of support, if any, on the other side of the stiffening ring, both measured parallel to the axis of the vessel -- inches. (A line of support is (1) a stiffening ring that meets the requirements of this paragraph, or (2) a circumferential line on a head at one-third the depth of the head from the head bend line.)

Pc = Critical collapsing pressure=37.5 lb./sq. in. minimum.

E = Modulus of elasticity of stiffener material -- lb./sq. in.

The cylindrical portion of the outer shell between stiffening rings shall be stiff enough to withstand an external pressure of 37.5 psi (critical collapsing pressure) as determined by the following formula:

$$Pc = \frac{2.60E\,(t/D)^{5/2}}{LD - 0.45\,(t/D)^{1/2}}$$

where

Pc = Critical collapsing pressure=37.5 lb./sq. inch minimum.

E = Modulus of elasticity of shell material -- lb./sq. inch.

t = Minimum thickness of shell material -- inches.

D = Outside diameter of shell -- inches.

L = Distance between stiffening ring centers -- inches. The heads may be considered as stiffening rings located one-third of the head depth from the head bend line to the head dish.

(h) Annular space: The distance between the outside wall of the inner container and the inside wall of the outside shell shall be not less than 2 inches.

(i) Vacuum: The annular space between the inner container and outer shell shall be evacuated to an absolute pressure of 150 microns of mercury or less at not less than 60° F.

(j) Insulation: The annular space between the two shells shall contain an approved insulating material so installed as to insure against settling and the creation of voids in the insulation when the car is in service. The material shall not burn or spark when touched with a glowing platinum wire in an atmosphere of air or lading. The insulation must be such that the total heat transfer from the atmosphere at ambient temperature to the lading at atmospheric pressure will not vaporize more than 5.2 pounds of liquefied hydrogen per hour (1,000 cfh normal temperature pressure at 60° F.) when the car is stationary.

(k) Welding: Longitudinal and circumferential seams in the cylindrical portion of the outer shell shall be fusion welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion welding to be performed by fabricators certified by the Association of American Railroads as certified to meet the requirements of this specification. All double-butt joints in the cylindrical portion of the outer shell must be fusion welded in accordance with the requirements of the AAR Welding Code, Appendix W. Circumferential joints joining the heads to the cylindrical portion of the outer shell shall be single-welded butt joints using a backing strip on the inside of the joint. If the interior of the vacuum casing is divided into compartments, the compartment heads shall be attached inside the shell by fillet welding.

(l) Radiography: All longitudinal and circumferential double-butt fusion-welded joints shall be examined throughout their entire length by the X-ray or Gamma-ray method of radiography. The standards of judgment for acceptability of welds examined by radiography shall be in accordance with paragraph W–10.74–1 of AAR Welding Code, Appendix W.

(m) Stress-relieving: Stress-relieving of the cylindrical portion of the outer shell, with all items to be secured to the shell by welding, welded in place, shall be in accordance with the requirements of paragraph W–15.01, of AAR Welding Code, Appendix W. The tank heads of each end of the shell need not be stress relieved. Welds securing supports for the inner suspension system to the outer shell need not be stress relieved.

(n) Tests of outer shell: Hydrostatic testing of outer shell is not a specification requirement.

§ 78.279–4 Piping-vacuum line, vapor vent line, loading and unloading line.

(a) The piping systems for vapor venting line and loading and unloading line shall be of materials having satisfactory physical properties when in contact with lading.

(b) Vacuum line: The outer shell shall be provided with a vacuum line for effective evacuation of the annular space between the outer shell and inner container, mounted in an accessible position within the housing described in § 78.279–7.

(c) Vapor vent line:

(1) The vapor vent line shall be of sufficient size to prevent excessive internal pressure in the inner container.

(2) The vapor line shall be provided with a manually operated shut-off valve located in the line and mounted in an accessible position within the housing described in § 78.279–7, and as close to the outer shell as possible.

(3) The vapor line shall terminate in a fitting with cover and shall be tight against the passage of vapor or liquid. Provisions shall be made so that accidental discharge of the vapor shall be accomplished in a safe and adequate manner without impinging on any metal structures of the outer shell, underframe, or trucks.

(4) A blowdown line shall also be provided, with a manually operated valve located in the line and mounted in an accessible position within the housing described in § 78.279–7, and as close to the outer shell as possible. The outlet from this valve shall be outside the control housing and positioned so that the discharge will not endanger operating or maintenance personnel, and directed upward.

(d) Loading and unloading line.

(1) A liquid phase line shall be provided for loading and unloading the inner container and a vapor trap shall be incorporated in the line. That portion of the line external to the outer shell shall be vacuum-jacketed.

(2) The liquid line shall be provided with a manually operated vacuum-jacketed shut-off valve located in the line and mounted in an accessible position within the housing described in § 78.279–7, and as close to the outer shell as possible.

(3) The liquid line shall terminate in a fitting with cover and shall be tight against the passage of vapor or liquid. Provisions shall be made so that accidental discharge of the liquid shall be accomplished in a safe and adequate manner without impinging on any metal structures of the outer shell, underframe, or trucks.

(e) Pressure building system: Not a specification requirement. If a pressure building system is provided for the purpose of pressurizing the vapor space of the inner container to facilitate unloading the liquid lading, the system shall be of approved design.

§ 78.279–5 Safety relief devices.

(a) The tank shall be provided with safety relief devices for the protection of the tank assembly and piping systems. All safety devices shall be installed in accessible locations and positioned so that discharge from these devices will not endanger operating or maintenance personnel or impinge on principal load bearing members of the outer shell, underframe or trucks. All safety device discharges shall be outside the control housing, and the safety devices shall have no vent or weep holes.

(b) Materials: Materials used in safety devices shall be suitable for use at minus 423 degrees Fahrenheit and resistant to corrosion caused by the lading in the liquid or vapor phase.

(c) Inner container: Safety devices for the inner container shall be attached to piping connected to the vapor phase of the inner container and mounted such as to remain in ambient temperature prior to operation. Additional requirements are as follows:

(1) *Frangible disc.* The inner container shall be equipped with a frangible disc without an intervening shut-off valve and designed to rupture at a pressure of not more than 45 psig. The frangible disc capacity shall be sufficient to limit the pressure within the inner container to 45 psig during all conditions of operation both normal and abnormal including loss of vacuum, fire, and upset. The discharge shall be directed upward.

(2) *Safety relief valve.* The inner container shall be equipped with a spring-loaded relief valve without an intervening shut-off valve and set to start-to-discharge at a pressure not greater than 30 psig. Safety relief valve capacity shall be sufficient to limit the pressure within the inner container to 36 psig even when the insulation space is filled with gaseous hydrogen at atmospheric pressure (no vacuum) and the outer casing is at 130 degrees Fahrenheit. The minimum size relief valve body shall be ¾ inch NPT. The discharge shall be directed upward.

(3) *Pressure control device.* The inner container shall be equipped with an approved device to prevent the discharge of a mixture exceeding 50 percent

of the lower flammable limit to the atmosphere under normal conditions of storage and transport of lading. This device shall be set to start-to-discharge at a pressure not greater than 17 psig and shall have sufficient capacity to limit the pressure within the inner container to 17 psig when the discharge is equal to twice the normal venting rate during transportation with normal vacuum and the outer casing at 130 degrees Fahrenheit.

(4) *Safety interlock.* Not a specification requirement. If a safety interlock is provided for the purpose of allowing transfer of the lading at a pressure higher than the pressure control device setting but less than the safety relief valve setting, the design shall be as follows: The safety interlock shall not affect the discharge path of the safety relief valve or frangible disc at any time. The safety interlock shall automatically provide an unrestricted discharge path for the pressure control device at all times except when the inner container is being pressurized through the vapor vent line shut-off for the transfer of lading. The safety interlock shall automatically prevent operation of the pressure control device only when the inner container is being pressurized through the vapor vent line shut-off valve for transfer of lading. Automatic operation shall be assured by an approved design mechanical interlock between the vapor vent line shut-off valve and a pressure control device shut-off valve.

(d) *Outer shell.* The outer shell shall be provided with a frangible disc designed to rupture at a pressure not exceeding 16 psig. The discharge capacity of the frangible disc shall be sufficient to vent pressure accumulating within the annular space. The frangible disc shall be designed to prevent distortion of the frangible disc when the annular space is evacuated.

(e) *Piping system.* Additional pressure relief valves shall be installed in each piping circuit where the system can be isolated by closing the shut-off valves so that a dangerous pressure can be built up. These relief valves shall be designed to open at a pressure sufficiently low to prevent damage to the component or system affected.

§ 78.279–6 Control valve and gauges.

(a) Control valves:

(1) Manually operated shut-off valves and control valves shall be provided wherever needed for control of the vapor phase pressure, vapor phase venting, liquid transfer and liquid flow rates.

(2) Control valves and shut-off valves shall be designed and constructed to provide positive shut-off, and to provide minimum resistance to flow when open. These valves shall be so constructed that packing glands and control handles are separated from the valve bodies by a sufficient length of corrosion-resistant material to reduce to a minimum the collection of frost on the control handles when low temperature gas or liquid is passing through or in contact with the valve parts.

(3) Control valves and shut-off valves shall be of approved design and fabricated from materials not adversely affected by extended periods of contact with the lading in the liquid or vapor phase, or moist air and water.

(4) Packing used in these valves shall be satisfactory for use in contact with the lading in the liquid or vapor phase and shall be of approved materials which will effectively seal the valve stem without causing difficulty of operation.

(5) Control valves and shut-off valves shall be so mounted and installed that they can be readily operated and their control handles will be readily accessible to the operator. These valves shall be so mounted that operation of the valves will not transmit excessive forces to the piping system.

(b) Instruments necessary to the effective and safe operation of the tank when transporting, transferring or storing the liquid commodities for which the car is designed shall be provided. These instruments shall be located within the housing prescribed in § 78.279–7 and shall include the following:

(1) *Liquid level gauge.* Connections shall be provided for a liquid level gauge of approved design to indicate the quantity of liquid commodity within the inner container. This gauge may be portable or securely mounted in a position where it will be readily visible to an operator during storage, transfer or filling operation. A fixed length dip tube shall also be provided at the level of the liquid when filled to the allowable filling density at 1 psig.

(2) *Vapor phase pressure gauge.* A vapor phase pressure gauge of approved design shall be provided to indicate the vapor pressure within the inner container. The gauges shall be securely mounted in a position within the housing prescribed in § 78.279–7 where it will be readily visible to an operator.

(3) *Vacuum gauge.* A vacuum gauge of approved design may be provided to indicate the absolute pressure within the annular space between the outer shell and the inner container. The gauge shall be securely mounted within the housing prescribed in § 78.279–7 where it will be readily visible. If a vacuum gauge is not provided, a connection for a portable vacuum gauge shall be provided, located as above.

§ 78.279–7 Control housing.

(a) A housing shall be provided for the purpose of containing and to provide protection for piping, control valves, shut-off valves, pressure relief valves and various gauges necessary to the safe operation of this car. A housing shall be designed to protect the enclosed components from direct solar radiation, rain, sleet, snow, mud, sand and other adverse environmental conditions. The control housing shall be of sufficient size to provide ready access to the enclosed components for operation, servicing, maintenance and repairs. Construction of the control housing shall be such that lading vapor concentration cannot build up to a dangerous level inside it in the event of valve leakage or safety device operation, and may incorporate access panels to facilitate inspection, servicing, maintenance, and repair. Access to the housing for operation of controls during transfer and filling operations shall be by means of doors which will provide unrestricted opening into the housing and an unobstructed view of the interior. The doors shall be equipped with sturdy latches and shall be readily operable by personnel wearing heavy gloves and shall include provisions for locking with padlocks. Approved means shall be provided to protect critical piping and controls from being rendered inoperable due to derailment or upset.

§ 78.279–8 Instrument panel and operating instructions.

(a) An instrument panel shall be provided within the housing prescribed in § 78.279–7 on which shall be securely mounted various gauges as prescribed in this specification. A plate of corrosion-resistance material bearing directions and precautionary instructions for the safe operation of this equipment during storage, transfer and filling operations shall be securely mounted so as to be readily visible to the operator. The instructions shall be clear, concise and adequate in description of the operations to be performed by the operator during storage, transfer and filling operations. These instructions shall include a diagram of the tank and its piping system, with the various control valves and safety devices clearly identified and located.

§ 78.279–9 Tank mounting.

(a) The manner in which the tank is supported on and securely attached to the car structure must be approved. For design requirements for anchorage, tank bands and bolster slabbing, see Section H, Car Structure of AAR Specifications for Tank Cars.

§ 78.279–10 Markings.

(a) Each tank must be marked certifying that the tank complies with all requirements of this specification. These marks must be as follows:

(1) ICC–113A60–W–2 in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of the main head of the outer shell at the "B" end of car by the tank builder or the party assembling the complete tank unit. This mark must also be stencilled on the outer shell in letters and figures at least 2 inches high by the party assembling the complete car.

(2) Initials of the builder of the inner container, together with information as to the material used for the shell and heads of the inner container, shell thickness, head thickness and inside diameter of the inner container shall be stamped in letters and figures at least ⅜ inch high into the metal immediately below the marks specified in subparagraph (1) of this paragraph.

(3) Initials of builder of the outer shell in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the marks specified in subparagraph (2) of this paragraph.

(4) Date of original test of inner container and initials of party conducting the test in letters and figures at least ⅜ inch high plainly and permanently stamped immediately below the marks specified in subparagraph (3) of this paragraph. Any marking, stenciling or stamping on the shell or heads of the inner container is prohibited. These markings must also be stenciled on the outer shell in letters and figures at least 2 inches high.

(5) Initials of company assembling the complete car in letters and figures at least ⅜ inch high plainly and permanently stamped immediately below the marks specified in subparagraph (4) of this paragraph. These marks must also be stenciled on the outer shell in letters and figures at least 2 inches high.

(6) In lieu of stamping required in subparagraphs (1), (2), (3), (4) and (5) of this paragraph, the markings specified by these paragraphs may be incorporated on a data plate of corrosion-resistant metal fillet welded in place on the main head of the outer shell of the "B" end of the car.

(7) Date on which the principal pressure relief valves were tested, pressure at which tested, place where tested and initials of party making test, shall be stenciled on the outer shell in letters and figures at least 1 inch high.

(8) Date on which the frangible disc was replaced in various bursting disc assemblies, identification of the manufacturer and type of bursting disc applied, rated rupture pressure of the bursting disc applied, and initials of the party making the replacement shall be stencilled on the outer shell in letters and figures 1 inch high.

(9) Tank cars of approved design built to this specification are authorized for the transportation of liquefied hydrogen only. The name of the commodity loaded into the inner container shall be indicated by stenciling the name of the commodity followed by the word "only" in letters at least 2 inches high on the outer shell.

§ 78.279–11 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved.

Amend entire § 78.280–15 (21 F.R. 4587, June 26, 1956) (22 F.R. 7843, Oct. 3, 1957) to read as follows:

§ 78.280 Specification ICC–103–W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.280–15 Bottom outlets.

(a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved design, and be provided with a liquid tight closure at the lower end.

(b) The valve and its operating mechanism may be applied to the interior or the outside bottom of the tank. The design must insure positive closure during transit.

(c) The bottom outlet nozzle of interior valves and the valve body of exterior valves, may be of cast, fabricated or forged metal. If welded to the tank, they must be of good weldable quality in conjunction with the metal of the tank.

(d) To provide for the attachment of unloading connection, the bottom of the main portion of the outlet nozzle, or valve body of exterior valves, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

(e) For outlet nozzles that extend 6 inches or more from the shell of the tank, a "V" groove must be cut (not cast) in the upper part of the outlet nozzle at a point immediately below the lowest part of the valve to a depth that will leave the thickness of nozzle wall at root of the "V" not over ⅜ inch. The outlet nozzle on interior valves or the valve body on exterior valves may be steam jacketed, in which case the breakage groove or its equivalent must be below the steam chamber. Where the outlet nozzle is not a single piece, or when exterior valves are applied, arrangement must be made to provide the equivalent of a breakage groove.

(f) The flange on the outlet nozzle or the valve body of exterior valves must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of the lading, or other causes, and which will insure that accidental breakage will occur at or below the "V" groove or its equivalent.

(g) The valve must have no wings or stem projecting below the "V" groove or its equivalent. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism on interior valves must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of liquid contents, or other causes, and may operate from the interior of the tank, but in the event the rod is carried through the dome or tank shell, leakage must be prevented by packing in a stuffing box or other suitable seals and a cap.

(i) In no case must the extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least a ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection of the valve must be closed by a plug or cap.

Amend entire § 78.284–15 (21 F.R. 4598, June 26, 1956) (22 F.R. 7844, Oct. 3, 1957) to read as follows:

§ 78.284 Specification ICC–104–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.284–15 Bottom outlets.

(a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved design, and be provided with a liquid tight closure at the lower end.

(b) The valve and its operating mechanism may be applied to the interior or the outside bottom of the tank. The design must insure positive closure during transit.

(c) The bottom outlet nozzle of interior valves and the valve body of exterior valves, may be of cast, fabricated or forged metal. If welded to the tank, they must be of good weldable quality in conjunction with the metal of the tank.

(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or valve body of exterior valves, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

(e) For outlet nozzles that extend 6 inches or more from the shell of the tank, a "V" groove must be cut (not cast) in the upper part of the outlet nozzle at a point immediately below the lowest part of the valve to a depth that will leave the thickness of nozzle wall at root of the "V" not over ⅜ inch. The outlet nozzle on interior valves or the valve body on exterior valves may be steam jacketed, in which case the breakage groove or its equivalent must be below the steam chamber. Where the outlet nozzle is not a single piece, or when exterior valves are applied, arrangement must be made to provide the equivalent of a breakage groove.

(f) The flange on the outlet noozle or the valve body of exterior valves must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of the lading, or other causes, and which will insure that accidental breakage will occur at or below the "V" groove or its equivalent.

(g) The valve must have no wings or stem projecting below the "V" groove or its equivalent. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism on interior valves must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of liquid contents, or other causes, and may operate from the interior of the tank, but in the event the rod is carried through the dome or tank shell, leakage must be prevented by packing in a stuffing box or other suitable seals and a cap.

(i) In no case must the extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least a ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼

inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection of the valve must be closed by plug or cap.

Amend entire § 78.291–14 (21 F.R. 4607, June 26, 1956) (22 F.R. 7844, Oct. 3, 1957) to read as follows:

§ 78.291 Specification ICC–103AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.291–14 Bottom outlets.

(a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved design, and be provided with a liquid tight closure at the lower end.

(b) The valve and its operating mechanism may be applied to the interior or the outside bottom of the tank. The design must insure positive closure during transit.

(c) The bottom outlet nozzle of interior valves and the valve body of exterior valves, may be of cast, fabricated or forged metal. If welded to the tank, they must be of good weldable quality in conjunction with the metal of the tank.

(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or valve body of exterior valves, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

(e) For outlet nozzles that extend 6 inches or more from the shell of the tank, a "V" groove must be cut (not cast) in the upper part of the outlet nozzle at a point immediately below the lowest part of the valve to a depth that will leave the thickness of nozzle wall at root of the "V" not over ⅜ inch. The outlet nozzle on interior valves or the valve body on exterior valves may be steam jacketed, in which case the breakage grove or its equivalent must be below the steam chamber. Where the outlet nozzle is not a single piece, or when exterior valves are applied, arrangement must be made to provide the equivalent of a breakage groove.

(f) The flange on the outlet nozzle or the valve body of exterior valves must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of the lading, or other causes, and which will insure that accidental breakage will occur at or below the "V" groove or its equivalent.

(g) The valve must have no wings or stem projecting below the "V" groove or its equivalent. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism on interior valves must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of liquid contents, or other causes, and may operate from the interior of the tank, but in the event the rod is carried through the dome or tank shell, leakage must be prevented by packing in a stuffing box or other suitable seals and a cap.

(i) In no case must the extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least a ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection of the valve must be closed by a plug or cap.

Amend entire § 78.297–14 (21 F.R. 4620, June 26, 1956) (22 F.R. 7847, Oct. 3, 1957) to read as follows:

§ 78.297 Specification ICC–103D–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.297–14 Bottom outlets.

(a) The bottom outlet, when installed must be made of metal not subject to rapid deterioration by the lading, be of approved design, and be provided with a liquid tight closure at the lower end.

(b) The valve and its operating mechanism may be applied to the interior or the outside bottom of the tank. The design must insure positive closure during transit.

(c) The bottom outlet nozzle of interior valves and the valve body of exterior valves, may be of cast, fabricated or forged metal. If welded to the tank, they must be of good weldable quality in conjunction with the metal of the tank.

(d) To provide for the attachment of unloading connection, the bottom of the main portion of the outlet nozzle, or valve body of exterior valves, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

(e) For outlet nozzles that extend 6 inches or more from the shell of the tank, a "V" groove must be cut (not cast) in the upper part of the outlet nozzle at a point immediately below the lowest part of the valve to a depth that will leave the thickness of nozzle wall at root of the "V" not over ⅜ inch. The outlet nozzle on interior valves or the valve body on exterior valves may be steam jacketed, in which case the breakage groove or its equivalent must be below the steam chamber. Where the outlet nozzle is not a single piece, or when exterior valves are applied, arrangement must be made to provide the equivalent of a breakage groove.

(f) The flange on the outlet nozzle or the valve body of exterior valves must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of the lading, or other causes, and which will insure that accidental breakage will occur at or below the "V" groove or its equivalent.

(g) The valve must have no wings or stem projecting below the "V" groove or its equivalent. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism on interior valves must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of liquid contents, or other causes, and may operate from the interior of the tank, but in the event the rod is carried through the dome or tank shell, leakage must be prevented by packing in a stuffing box or other suitable seals and a cap.

(i) In no case must the extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least a ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection of the valve must be closed by a plug or cap.

Amend entire § 78.303–16 (22 F.R. 4801, July 9, 1957) (22 F.R. 7847, Oct. 3, 1957) to read as follows:

§ 78.303 Specification ICC–111A100–W–1; fusion-welded steel tanks, or ICC–111A100–F–1, forge-welded steel tanks fabricated by conversion from existing ICC–105A300, 400, or 500 series tanks to be mounted on or forming part of a car.

§ 78.303–16 Bottom outlets.

(a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved design, and be provided with a liquid tight closure at the lower end.

(b) The valve and its operating mechanism may be applied to the interior or the outside bottom of the tank. The design must insure positive closure during transit.

(c) The bottom outlet nozzle of interior valves and the valve body of exterior valves, may be of cast, fabricated or forged metal. If welded to the tank, they must be of good weldable quality in conjunction with the metal of the tank.

(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or valve body of exterior valves, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

(e) For outlet nozzles that extend 6 inches or more from the shell of the tank, a "V" groove must be cut (not cast) in the upper part of the outlet nozzle at a point immediately below the lowest part of the valve to a depth that will leave the thickness of nozzle wall at root of the "V" not over ⅜ inch. The outlet nozzle on interior valves or the valve body on exterior valves may be steam jacketed, in which case the breakage groove or its equivalent must be below the steam chamber. Where the outlet nozzle is not a single piece, or when exterior valves are applied, arrangement must be made to provide the equivalent of a breakage groove.

(f) The flange on the outlet nozzle or the valve body of exterior valves must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion, weight of liquid contents, or other causes, and may operate from the interior of the tank, but in the event the rod is carried through the dome or tank shell, leakage must be prevented by packing in a stuffing box or other suitable seals and a cap.

(g) The valve must have no wings or stem projecting below the "V" groove or its equivalent. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism on interior valves must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of liquid contents, or other causes, and may operate from the interior of the tank, but in the event the rod is carried through the dome or tank shell, leakage must be prevented by packing in a stuffing box or other suitable seals and a cap.

(i) In no case must the extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least a ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection of the valve must be closed by a plug or cap.

In § 78.304 amend the heading and paragraph (a); in § 78.304–15 amend paragraph (a) (22 F.R. 4802, 4803, July 9, 1957) to read as follows:

§ 78.304 Specification ICC–111A100–W–2; fusion-welded steel tanks, or ICC–111A100–F–2 forge-welded steel tanks fabricated by conversion from existing ICC–105A300, 400, 500 or ARA–V series tanks to be mounted on or forming part of a car.

(a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 *Applications for approval.*

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§ 78.304–15 Closures for manway.

(a) The manway cover must be of bolted type, bolted and hinged type, or other approved types, and designed to provide a secure closure of the manway.

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Amend entire § 78.305–16 (22 F.R. 4805, July 9, 1957) (22 F.R. 7847, Oct. 3, 1957) to read as follows:

§ 78.305 Specification ICC–111A100–W–3; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.305–16 Bottom outlets.

(a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved design, and be provided with a liquid tight closure at the lower end.

(b) The valve and its operating mechanism may be applied to the interior or the outside bottom of the tank. The design must insure positive closure during transit.

(c) The bottom outlet nozzle of interior valves and the valve body of exterior valves, may be of cast, fabricated or forged metal. If welded to the tank, they must be of good weldable quality in conjunction with the metal of the tank.

(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or valve body of exterior valves, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

(e) For outlet nozzles that extend 6 inches or more from the shell of the tank, a "V" groove must be cut (not cast) in the upper part of the outlet nozzle at a point immediately below the lowest part of the valve to a depth that will leave the thickness of nozzle wall at root of the "V" not over ⅜ inch. The outlet nozzle on interior valves or the valve body on exterior valves may be steam jacketed, in which case the breakage groove or its equivalent must be below the steam chamber. Where the outlet nozzle is not a single piece, or when exterior valves are applied, arrangement must be made to provide the equivalent of a breakage groove.

(f) The flange on the outlet nozzle or the valve body of exterior valves must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of the lading, or other causes, and which will insure that accidental breakage will occur at or below the "V" groove or its equivalent.

(g) The valve must have no wings or stem projecting below the "V" groove or its equivalent. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism on interior valves must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of liquid contents, or other causes, and may operate from the interior of the tank, but in the event the rod is carried through the dome or tank shell, leakage must be prevented by packing in a stuffing box or other suitable seals and a cap.

(i) In no case must the extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least a ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection of the valve must be closed by a plug or cap.

Amend entire § 78.310–16 (24 F.R. 3605, May 5, 1959) to read as follows:

§ 78.310 Specification ICC–111A60AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.310–16 Bottom outlets.

(a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved design, and be provided with a liquid tight closure at the lower end.

(b) The valve and its operating mechanism may be applied to the interior or the outside bottom of the tank. The design must insure positive closure during transit.

(c) The bottom outlet nozzle of interior valves and the valve body of exterior valves, may be of cast, fabricated or forged metal. If welded to the tank, they must be of good weldable quality in conjunction with the metal of the tank.

(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or valve body of exterior valves, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

(e) For outlet nozzles that extend 6 inches or more from the shell of the tank, a "V" groove must be cut (not cast) in the upper part of the outlet nozzle at a point immediately below the lowest part of the valve to a depth that will leave the thickness of nozzle wall at root of the "V" not over ⅜ inch. The outlet nozzle on interior valves or the valve body on exterior valves may be steam jacketed, in which case the breakage groove or its equivalent must be below the steam chamber. Where the outlet nozzle is not a single piece, or when exterior valves are applied, arrangement must be made to provide the equivalent of a breakage groove.

(f) The flange on the outlet nozzle or the valve body of exterior valves must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of the lading, or other causes, and which will insure that accidental breakage will occur at or below the "V" groove or its equivalent.

(g) The valve must have no wings or stem projecting below the "V" groove or its equivalent. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism on interior valves must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of liquid contents, or other causes, and may operate from the interior of the tank, but in the event the rod is carried through the dome or tank shell, leakage must be prevented by packing in a stuffing box or other suitable seals and a cap.

(i) In no case must the extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least a ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection of the valve must be closed by a plug or cap.

Amend entire § 78.311–16 (24 F.R. 3608, May 5, 1959) to read as follows:

§ 78.311 Specification ICC–111A100–W–6; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.311–16 Bottom outlets.

(a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved design, and be provided with a liquid tight closure at the lower end.

(b) The valve and its operating mechanism may be applied to the interior or the outside bottom of the tank. The design must insure positive closure during transit.

(c) The bottom outlet nozzle of interior valves and the valve body of exterior valves, may be of cast, fabricated or forged metal. If welded to the tank, they must be of good weldable quality in conjunction with the metal of the tank.

(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or valve body of exterior valves, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

(e) For outlet nozzles that extend 6 inches or more from the shell of the tank, a "V" groove must be cut (not cast) in the upper part of the outlet nozzle at a point immediately below the lowest part of the valve to a depth that will leave the thickness of nozzle wall at root of the "V" not over ⅜ inch. The outlet nozzle on interior valves or the valve body on exterior valves may be steam jacketed, in which case the breakage groove or its equivalent must be below the steam chamber. Where the outlet nozzle is not a single piece, or when exterior valves are applied, arrangement must be made to provide the equivalent of a breakage groove.

(f) The flange on the outlet nozzle or the valve body of exterior valves must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of the lading, or other causes, and which will insure that accidental breakage will occur at or below the "V" groove or its equivalent.

(g) The valve must have no wings or stem projecting below the "V" groove or its equivalent. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism on interior valves must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of liquid contents, or other causes, and may operate from the interior of the tank, but in the event the rod is carried through the dome or tank shell, leakage must be prevented by packing in a stuffing box or other suitable seals and a cap.

(i) In no case must the extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least a ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection of the valve must be closed by a plug or cap.

Section, Paragraph, Reason for Amendment

72.5(a) Commodity List—Provides additions and amendments to keep Commodity List on a current basis.

73.22(j)—To authorize the continued use of specs. 42B and 42D aluminum drums having rolling hoops attached by tack-welding.

73.22(k)—To authorize the continued use of specs. 5B, 6J, and 37A metal drums having inside polyethylene container, that have been superseded by specs. 6D and 37M for certain commodities.

73.32(o)—To authorize use of suitable insulation on portable tanks without restriction to thickness.

73.34(j)(3)—To require retention of cylinder retest records for a specified period.

73.34(k)(12)—To authorize visual inspection, in lieu of hydrostatic retest, of certain cylinders used exclusively for liquefied hydrocarbon gas, and inhibited butadiene.

73.34(k)(14)—To provide for the application of retest dates to ICC–3HT cylinders.

73.34(k)(16)—To authorize the decennial retest of certain cylinders used exclusively for methyl bromide and methyl bromide mixtures in lieu of the quinquennial retest.

73.51(h)—To prohibit shipment of certain plastic devices having explosive content exceeding 12 grains each in weight or which on functioning are liable to project or disperse metal, glass or brittle plastic fragments.

73.93(e)(2)—New spec. 6D steel overpack replaces spec. 6J steel drum having inside polyethylene container for propellant explosives (liquid), class B.

73.100(r)—To prohibit any device or component of the device classed as common fireworks from projecting or dispersing any metal, glass or brittle plastic fragments upon functioning.

73.100(ee)—To define starter cartridges, jet engine, class C explosives.

73.101(a)—To authorize the packaging of certain blank cartridges in bulk in fiberboard boxes.

73.102 (a), (a)(2), (b)—To provide for the transportation of starter cartridges, jet engine, class C explosives.

73.118 (a), (b), (c)—To simplify the exemptions from specification packaging, marking and labeling requirements for flammable liquids.

73.119(a)(24)—Reason for § 73.93(e)(2) applies also to shipments of flammable liquids, n.o.s.

73.119(b)(8)—New specs. 6D and 37M steel overpacks replace specs. 6J and 37A steel drums having inside polyethylene container for flammable liquids with flash point above 20° F. to 80° F.

73.119(m)(4)—To authorize shipment of flammable liquids which are also oxidizing materials or corrosive liquids in drums or barrels having capacity of not over 16 gallons each.

73.121(a)(7)—To authorize the transportation of carbon bisulfide in MC 310 and MC 311 tank motor vehicles.

73.123(a)(5)—To authorize the transportation of ethyl chloride in spec. 112A400–W tank cars.

73.125(a)(5)—Reason for § 73.93(e)(2) applies also to shipments of alcohol.

73.125(a)(7)—New spec. 12P fiberboard box is substituted for spec. 12B fiberboard box as a universal specification for inside spec. 2U polyethylene container, for shipments of alcohol.

73.153 (a), (c)—Reason for § 73.118 applies also to flammable solids and oxidizing materials.

73.164(a)(5)—To authorize spec. 12B fiberboard boxes with metal inside containers for chromic acid.

73.188(a)(6)—To authorize spec. 12A fiberboard boxes with inside glass bottles for phosphoric anhydride.

73.221(a)(7)—New specs. 6D and 37M steel overpacks replace specs. 5B, 6J, and 37A steel drums having inside polyethylene container for certain liquid organic peroxides.

73.221(a)(9)—Reason for § 73.125(a)(7) applies also to shipments of certain liquid organic peroxides.

73.223(a)(5)—To authorize new spec. 37M steel overpack for peracetic acid.

73.238, entire section—To provide for the transportation of aircraft rocket engines (commercial) classed as a flammable solid.

73.239(a)—To provide packaging requirements for the transportation of barium azide, wet.

73.244 (a), (c)—Reason for § 73.118 applies also to acids and other corrosive liquids.

73.245(a)(16)—Reason for § 73.221(a)(7) applies also to shipments of acids or other corrosive liquids, n.o.s.

73.245(a)(21)—Reason for § 73.125(a)(7) applies also to shipments of acids or other corrosive liquids, n.o.s.

73.247(a)(13)—To authorize the transportation of certain chlorides, in spec. 111A100–F–2 tank cars.

73.247(a)(14)—To authorize the transportation of titanium tetrachloride, anhydrous in spec. 111A100–F–2 tank cars.

73.255(a)(5)—To authorize the transportation of dimethyl sulfate in MC 310 and MC 311 tank motor vehicles.

73.257(a)(13)—Reason for § 73.221(a)(7) applies also to shipments of electrolyte (acid) or corrosive battery fluid.

73.260(b)(3)—To provide an additional package for small wet storage batteries.

73.262 (a)(10), (b)(2)—Reason for § 73.93(e)(2) applies also to shipments of hydrobromic acid.

73.263 (a)(17), (a)(20)—Reason for § 73.221(a)(7) applies also to shipments of hydrochloric acid.

73.263(a)(23)—Reason for § 73.125(a)(7) applies also to shipments of hydrochloric acid.

73.264(a)(17), (18)—Reason for § 73.221(a)(7) applies also to shipments of hydrofluoric acid.

73.265(d)(3)—New specs. 6D and 37M steel overpacks replace specs. 6J and 37A steel drums having inside polyethylene container for hydrofluosilicic acid.

73.266(b)(6)—Reason for § 73.265(d)(3) applies also to shipments of hydrogen peroxide.

73.271(a)(17)—To authorize spec. 5M monel drums for phosphorous oxybromide, phosphorous oxychloride, etc.

73.272(f)(3), (6)—Reason for § 73.221(a)(7) applies also to shipments of sulfuric acid.

73.272(f)(8)—Reason for § 73.125(a)(7) applies also to shipments of sulfuric acid.

73.272(h)(3)—To clarify that oleum may be transported in the tank cars prescribed but that the lead discs of safety vents on oleum tank cars must not incorporate the ⅛ inch breather hole.

73.276(a)(4)—To properly identify the types of steels required in construction of spec. 103C–W tank cars used for anhydrous hydrazine, and hydrazine solution.

73.277(a)(4)—Reason for § 73.93(e)(2) applies also to shipments of hypochlorite solutions.

73.277(a)(5)—Reason for § 73.125(a)(7) applies also to shipments of hypochlorite solutions.

73.301(b)—To show "thiophane" instead of "thiophene" as an odorant for liquefied petroleum gas.

73.313(a)—To provide for the transportation of refrigerating units having increased gas capacities.

73.313(b)—To clarify the requirements applicable to hydraulic accumulators.

73.314(a), table—To authorize the transportation of butadiene, inhibited, and vinyl chloride in spec. 112A400–W tank cars.

73.314(a), note 3(c)—To provide specific gravities and filling densities for butadiene, inhibited.

73.345 (a), (b)—Reason for § 73.118 applies also to poisonous liquids, class B.

73.346(a)(20)—New spec. 6D steel overpack replaces specs. 6J and 5B steel drums having inside polyethylene container for poisonous liquids, class B, n.o.s.

73.346(a)(24)—Reason for § 73.125(a)(7) applies also to shipments of poisonous liquids, class B, n.o.s.

73.348(a)(3)—To authorize specs. 12A and 12B fiberboard boxes with inside polyethylene bottles for arsenic acid, liquid.

73.354(a)—To provide for other equally efficient stabilizers used in motor fuel antiknock compound.

73.359(a)(11)—To clarify the inside packaging requirements for shipments of hexaethyl tetraphosphate mixtures and similar poisonous liquids, class B, in spec. 12B fiberboard boxes.

74.532(c)—To permit the use of "floating load" methods, acceptable to the Bureau of Explosives, for loading and staying dangerous articles in cars.

74.551(a)—To indicate that this placard is not to be applied to tank cars containing poison gas.

74.589 (h)(9), (j)(9), (j)(10), (k)(1) (ix) and (x)—To permit the placement of cars placarded "EXPLOSIVES" or "DANGEROUS" next to cars equipped with automatic heating or refrigerating apparatus; or next to flat cars with truck bodies or trailers so equipped, under certain conditions.

78.36–4(a)—Qualifies the inspection requirements for spec. 3A cylinders.

78.37–4(a)—Qualifies the inspection requirements for spec. 3AA cylinders.

78.51–20(a), table—To cite the current ASTM standard applicable to grain size of steel in spec. 4BA cylinders.

78.57–2 (b), (c); 78.57–9(c); 78.57–17(a), (b), (d), (1) and (2); 78.57–20(a); 78.57–22(a)—To incorporate design advancements in ICC–4L cylinder specification for liquefied gases.

78.59–4(a), Note—The provisions of the Note are no longer used.

78.59–9(a)—To make heat treatment requirements of ICC–8 cylinder specification consistent with other similar cylinder specifications.

78.60–4(a), table—To cite the current ASTM standard applicable to grain size of steel in spec. 4BA cylinders.

78.82–7(a); 78.82–15(a)—To rescind the exceptions to recognized and accepted standard ICC–5B steel drum specification that accommodated an inside polyethylene container which composite package is now replaced by new spec. 6D cylindrical steel overpack.

78.100–5(a); 78.100–7(b), Note 2; 78.100–12(a)—Reason for § 78.82 subsections applies also to ICC–6J steel drum specification.

78.102, entire section—To provide for construction of new ICC–6D cylindrical steel overpack to be used only with inside polyethylene container.

78.131–6(a), 78.131–12—To rescind the exceptions to recognized and accepted standard ICC–37A steel drum specification that accommodated an inside polyethylene container which composite package is now replaced by new spec. 37M cylindrical steel overpack.

78.131–7(a); 78.131–11(b)—To eliminate use of crepe paper disc in closure of spec. 37A steel drums for test purposes; to specify mesh size of dry powdered material used as test material.

78.134, entire section—To provide for construction of new spec. 37M cylindrical steel overpack to be used only with inside polyethylene container.

78.211, entire section—To provide for construction of new spec. 12P fiberboard box to be used as overpack for inside polyethylene container.

78.214–8(a); 78.214–15(b)—To remove the requirement for lining tubes in spec. 23F fiberboard boxes when certain high explosives are packaged in inside containers made of metal.

78.224–2(d)—Clarifies the test requirements for spec. 21C fiber drums.

78.268, entire section—To provide for the construction of new spec. 111A60–W–1 fusion welded steel tank cars; to provide for spec. 111A60–F–1 forge welded steel tanks fabricated by conversion from existing ICC–105A300, 400 or 500 series tanks.

78.271, entire section—To provide for the construction of new spec. 112A200–W fusion welded steel tank cars.

78.272, entire section—To provide for the construction of new spec. 112A340–W fusion welded steel tank cars.

78.279, entire section—To provide for the construction of new spec. 113A60–W–2 fusion welded metal tank cars.

78.280–15—To provide for the use of bottom operated ball type valves on spec. 103–W tank cars.

78.284–15—To provide for the use of bottom operated ball type valves on spec. 104–W tank cars.

78.291–14—To provide for the use of bottom operated ball type valves on spec. 103AL–W tank cars.

78.297–14—To provide for the use of bottom operated ball type valves on spec. 103D–W tank cars.

78.303–16—To provide for the use of bottom operated ball type valves on spec. 111A100–W–1 tank cars.

78.304, heading—To provide for spec. 111A100–F–2 forge welded steel tanks fabricated by conversion from ICC–105A300, 400 or 500 series tanks.

78.304–15(a)—To provide for the other approved types of manway covers on spec. 111A100–W–2 tank cars.

78.305–16—To provide for use of bottom operated ball type valves on spec. 111A100–W–3 tank cars.

78.310–16—To provide for use of bottom operated ball type valves on spec. 111A60–AL–W tank cars.

78.311–16—To provide for use of bottom operated ball type valves on spec. 111A60–AL–W tank cars.

78.311–16—To provide for use of bottom operated ball type valves on spec. 111A100–W–6 tank cars.

[F.R. Doc. 62–9326; Filed, Sept. 19, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 40]

ALASKA

Small Tract Classification; Cancellation

SEPTEMBER 11, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215), as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961, and effective immediately, Federal Register Document 51-5329 is hereby cancelled in its entirety as it concerns the following described lands:

SEWARD MERIDIAN

T. 5 N., R. 10 W.,
Sec. 33: Lots 2, 4.

2. The land has been patented.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-9369; Filed, Sept. 19, 1962; 8:47 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Land; Amendment

SEPTEMBER 14, 1962.

Notice of the proposed withdrawal and reservation of land for the Fish and Wildlife Service (F-028609) in the Fairbanks Land District, Alaska, was published in the FEDERAL REGISTER on June 27, 1962, Volume 27, Number 124, Page 6050.

In compliance with a request by the Fish and Wildlife Service to enlarge the proposed withdrawal, the description is hereby amended to read as follows:

BETHEL, ALASKA

Being a parcel of land about 1.4 miles southwest of the village of Bethel; and more particularly described as:

Beginning at Corner 1, a point, marked by an iron pin, 60 feet southerly of, and measured at right angles from the centerline of the gravel road leading from the village of Bethel to the FAA airstrip, from which point BLM monument marked "S 3729 WP/1959" bears N. 54.46' W. approximately 43.45 chains distant; thence South approximately 9.99 chains to an iron pipeline marker; thence South approximately 8.03 chains to Corner 2; thence East approximately 7.575 chains to Corner 3; thence North approximately 17.593 chains to Corner 4; thence westerly with a line 60 feet southerly of, and measured at right angles from the above mentioned gravel road; with the meanders thereof approximately 7.595 chains to the place of beginning.

Containing approximately 13.54 acres.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-9370, Filed, Sept. 19, 1962; 8:47 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 13, 1962.

The Forest Service of the United States Department of Agriculture has filed an application, Serial Number Colorado 066611 for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as campgrounds, recreation areas, overlooks, rest stops, a lookout site, and an administration site located in the Pike and San Juan National Forests.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Gas and Electric Building, 910 15th Street, Denver 2, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

PIKE NATIONAL FOREST

Corbin Gulch Administrative Site

T. 7 S., R. 72 W.,
Sec. 32, W½SW¼NE¼, E½SE¼NW¼, SW¼SE¼NW¼.
Total area 50 acres.

Two Forks Recreation Area

T. 7 S., R. 70 W.,
Sec. 26, SW¼SE¼, N½SW¼, NW¼NW¼, S½NW¼, Lots 1, 4, 5, 7, and 8;
Sec. 27, NE¼NE¼;
Sec. 35, N½N½NE¼, S½SE¼.
Total area 502.92 acres.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAN JUAN NATIONAL FOREST

Teal Picnic Ground

T. 36 N., R. 3 W.,
Sec. 19, Lots 1 and 4, W½NE¼.
Total area 160 acres.

First Fork Campground Addition

T. 36 N., R. 4 W.,
Sec. 28, SW¼SW¼;
Sec. 33, S½NW¼NE¼, S½NE¼NW¼.
Total area 80 acres.

Andrews Lake Campground

T. 40 N., R. 8 W.,
Sec. 13, SW¼NW¼SW¼, NW¼SW¼SW¼.
Total area 20 acres.

Little Molas Lake Campground

T. 40 N., R. 8 W.,
Sec. 12, S½NW¼SW¼.
Total area 20 acres.

Devil Mountain Lookout

T. 35 N., R. 4 W.,
Sec. 24, N½NW¼SW¼.
Total area 20 acres.

San Juan Overlook

T. 37 N., R. 1 E.,
Sec. 16, NW¼NW¼.
Total area 40 acres.

Camp Creek Rest Stop

T. 37 N., R. 1 E.,
Sec. 3, W½NW¼SW¼;
Sec. 4, E½NE¼SE¼.
Total area 40 acres.

Treasure Falls Rest Stop

T. 37 N., R. 1 E.,
Sec. 16, NW¼SE¼.
Total area 40 acres.

Williams Creek Campground Addition

T. 38 N., R. 3 W.,
Sec. 30, Lots 3, 5, W½ Lot 4, W½E½ Lot 4, E½SE¼.
Total area 198.64 acres.

Boyce Lake Campground

T. 39 N., R. 8 W.,
Sec. 18, Lot 3, S½ Lot 2.
T. 39 N., R. 9 W.,
Sec. 13, SE¼NE¼, NE¼SE¼.
Total area 132.21 acres.

Mavreeso Campground Addition

T. 39 N., R. 13 W.,
Sec. 9, N½SE¼NW¼.
Total area 20 acres.

Cayton Campground

T. 41 N., R. 10 W.,
Sec. 34, NW¼NW¼NE¼, NE¼NW¼, S½NW¼.
Total area 130 acres.

Wickerson Mountain Campground

T. 35 N., R. 6 W.,
Sec. 21, SE¼NE¼.
Total area 40 acres.

Berri Park Campground

T. 37 N., R. 6 W., Tract 38, SE¼,
Sec. 15, Lots 7 and 8;
Sec. 16, Lots 5 and 6.
Total area 325.58 acres.

Crystal Campground

T. 38 N., R. 3 W.,
Sec. 8, E½SE¼;
Sec. 9, W½SW¼.
Total area 160 acres.

South Mineral Campground Addition

T. 41 N., R. 8 W.,
A tract of land in unsurveyed Section 20; beginning at Corner No. 1, which is located S. 42° W., 1410 feet from the center of Ice Lake-Clear Lake Bridge on the South Mineral Creek San Juan County Road. From the Ice Lake-Clear Lake Bridge, V.A.B.M. 13661 Lookout Peak bears N. 3°20' W., 20,117 feet and V.A.B.M. 13066 Kendall No. 2 bears S. 82°56' E., 38,940 feet.
From corner No. 1, by metes and bounds:
N. 31° E., 1,090 feet to corner No. 2;
S. 30° E., 396 feet to corner No. 3;
S. 52° E., 307 feet to corner No. 4;
S. 67° W., 1,090 feet to corner No. 5;
N. 26° W., 18 feet to corner No. 1; the place of beginning.
The tract described contains approximately nine (9) acres.

The above described areas in the Pike National Forest aggregate 552.92 acres, and those in the San Juan National Forest aggregate 1153.22 acres.

ANDREW J. SENTI,
Acting Chief, Division of Lands and Minerals.

[F.R. Doc. 62-9371; Filed, Sept. 19, 1962; 8:47 a.m.]

Office of the Secretary

HEADS OF BUREAUS AND OFFICES

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

The following Secretary's orders or portions of orders are superseded:

Sections 10(d), 10(e), 2508 (14 F.R. 258).
Section 12(a), 2508 (16 F.R. 473).
Section 16(d), 2508 (25 F.R. 361).
Section 23, 2508 (19 F.R. 1123).
Section 2.7, 2583 (15 F.R. 5643).
2590 (15 F.R. 6609).
2778 (19 F.R. 8757).
Section 3, 2785 (20 F.R. 552).
2794.
2809 (21 F.R. 1392).
2825 (22 F.R. 8126).
2831 (23 F.R. 7511).
2836 (23 F.R. 9729).
2838.
2845 (25 F.R. 684).
2846 (25 F.R. 769).
2847 (25 F.R. 769).
2848 (25 F.R. 3343).
Sections 2, 3, and 4, 2858 (26 F.R. 5691).
2863 (27 F.R. 3523).
Sections 2, 3 and 4, 2864 (27 F.R. 3861).
2866.
2867.
Sections 2, 3, and 4, 2868.

PART 205—GENERAL DELEGATIONS

CHAPTER 11—PROCUREMENT AND CONTRACTING

.4 *Negotiated Contracts*—A. *Negotiated contracts under section 302(c) (1) of the Federal Property and Administrative Services Act of 1949*—(1) *Delegation.* The head of each bureau and other Departmental office, and the Director of Administrative Services for the Office of the Secretary are authorized, subject to 205 DM 11.4A (2) and (3), to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (27 F.R. 3017) to negotiate contracts without advertising under section 302(c)(1) of the Federal Property and Administrative Services Act of 1949, as amended.

(2) *Exercise of authority.* (a) Procurement contracts under this authority shall be set aside for negotiation exclusively with firms which will perform or cause to be performed a substantial portion of the production under contract within labor surplus areas in accordance with the policies for assistance to labor surplus areas stated in OCDM Defense Manpower Policy 4, revised June 6, 1960 (25 F.R. 5283).

(b) Negotiated contracts in excess of $100,000 shall be submitted to the Secretary for approval before execution by the Government.

(c) The authority delegated by 205 DM 11.4A(1) shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration and the Department of the Interior.

(d) Those portions of construction contracts pertaining to supplies and materials shall be divided under partial set aside procedures and at least 50 percent of the severed portion shall be obtained from contractors who will perform or cause to be performed a substantial portion of the production within labor surplus areas.

(3) *Redelegation.* The authority granted in 205 DM 11.4A(1) may be redelegated to a subordinate official or employee for contracts of $25,000 or less. Each redelegation of this authority shall be published in the FEDERAL REGISTER.

205.11.4B *Negotiated contracts under section 302(c) (2), (3), (4), (5), (6), (9), (10), and (11) of the Federal Property and Administration Services Act of 1949*—(1) *Delegation.* The head of each bureau and other Departmental office, and the Director of Administrative Services for the Office of the Secretary are authorized, subject to 205 DM 11.4B(2), to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (27 F.R. 3017) to negotiate contracts without advertising under paragraphs (2), (3), (4), (5), (6), (9), (10), and (11), of section 302(c) of the Federal Property and Administrative Services Act of 1949, as amended.

(2) *Limitation.* The authority delegated by 205 DM 11.4B(1) shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration and the Department of the Interior.

205.11.4C *Negotiated contracts under section 302(c) (7), (8), (12), and (13) of the Federal Property and Administrative Services Act of 1949*—(1) *Delegation.* The head of each bureau and other Departmental office, and the Director of Administrative Services for the Office of the Secretary are authorized, subject to 205 DM 11.4C(2) to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (27 F.R. 3017) to negotiate contracts without advertising under paragraphs (7), (8), (12), and (13), of section 302(c) of the Federal Property and Administrative Services Act of 1949, as amended.

(2) *Limitation.* The authority delegated by 205 DM 11.4C(1) shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration and Department of the Interior, including, but not limited to, the following:

(a) The authority to make determinations or decision in support of contracts negotiated pursuant to section 302 (c)(11) of the Federal Property and Administrative Services Act is limited to contracts which will not require the expenditure of more than $25,000 and is not redelegable.

(b) Determinations and decisions required to support negotiation of contracts under 302(c) (12) and (13) must be made by a Secretarial officer of the Interior prior to negotiation of contracts.

205.11.4D *Negotiated Contracts under section 302(c)(14) of the Federal Property and Administrative Services Act of 1949*—(1) *Delegation.* The head of each bureau, other Departmental office, and the Director of Administrative Services for the Office of the Secretary are authorized, subject to 205 DM 11.4D(2), to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (27 F.R. 3017) to negotiate contracts without advertising under section 302(c)(14) of the Federal Property and Administrative Services Act of 1949, as amended.

(2) *Limitation.* The authority delegated by 205 DM 11.4D(1) shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration and the Department of the Interior. The authority shall not be exercised in instances where a single successful bidder can be determined in accordance with preferences prescribed by Federal Procurement Regulations with respect to labor surplus areas and small business without the drawing by lot. However, with approval of the head of the bureau, awards based on such preferences will not be made in those instances where similar or identical bids indicate collusive bidding, follow-the-leader pricing, rotated low bids, uniform estimating systems, refusal by bidders to classify the Government as other than a retail buyer regardless of the quantity purchased, or similar practices.

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 13, 1962.

[F.R. Doc. 62-9372; Filed, Sept. 19, 1962; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

WALKER BANK AND TRUST CO. AND FIRST NATIONAL BANK OF PRICE

Notice of Report on Competitive Factors Involved in Merger Application

On July 10, 1962, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested that the Comptroller of the Currency report on the competitive factors involved in the proposed merger of the $234.5 million Walker Bank & Trust Company, Salt Lake City, Utah, and the $8.2 million First National Bank of Price, Price, Utah, under the charter and title of the former.

On August 27, 1962, the Comptroller of the Currency reported that the proposed merger would reduce by one the already small number of independent banks in the state. He observed that by eliminating the First National, the applicant would not only put the Carbon Emery Bank in Price at a competitive disadvantage but would be in a position to sway the policies of all small banks East of the Central Utah Valley area. He concluded that the proposed merger would have an adverse effect upon banking competition in Price.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 13, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-9391; Filed, Sept. 19, 1962; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

NETTLETON STOCKYARD, INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ARKANSAS	
Nettleton Stockyard, Inc., Nettleton, June 29, 1957.	Nettleton Stockyard and Auction Market, Inc., May 4, 1962.
ILLINOIS	
Galesburg Livestock Auction, Galesburg, July 27, 1960.	Galesburg Livestock Sales Co., July 26, 1962.
IOWA	
Leon Sale, Leon, May 18, 1959	Leon Livestock Market, Jan. 15, 1962.
Farmers Livetsock Exchange, Waukon, June 2, 1959.	Farm Bureau Service Co., of Iowa, Mar. 1, 1961.
KANSAS	
Lenexa Community Sale, Lenexa, May 26, 1959	Lenexa Sale Co., May 24, 1962.
LOUISIANA	
Sam Brown Auction Co., Inc., Grand Cane, Mar. 11, 1959.	Sam Brown Auction Co., May 15, 1962.
Sam Brown Auction Co., Inc., Mansfield, Apr. 10, 1957.	Sam Brown Auction Co., May 15, 1962.
Micelle Commission Yard, Lacassine, June 12, 1957.	Gordon Stockyard, July 13, 1962.
NEBRASKA	
Red Cloud Sale Barn, Red Cloud, Apr. 24, 1959	Red Cloud Livestock Commission Co., Inc., July 17, 1962.
OKLAHOMA	
Sayre Livestock Co., Sayre, July 9, 1959	Webb Livestock Auction, May 1, 1962.
TEXAS	
Valley Stock Yards Co., Inc., Mercedes, Sept. 20, 1957.	Valley Stock Yard, July 16, 1962.

Done at Washington, D.C., this 17th day of September 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-9395; Filed, Sept. 19, 1962; 8:51 a.m.]

Office of the Secretary

MARYLAND

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of Maryland a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MARYLAND

Washington.	Frederick.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of September 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-9399; Filed, Sept. 19, 1962; 8:51 a.m.]

PENNSYLVANIA AND TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the States of Pennsylvania and Texas natural disasters have caused a need for agricultural credit not readily available from commerical banks, cooperative lending agencies, or other responsible sources.

PENNSYLVANIA

Allegheny.	Lancaster.
Forest.	Lehigh.
Venango.	

TEXAS

Zavala

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of September 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-9400; Filed, Sept. 19, 1962; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14024; Order No. E-18790]

UNITED AIR LINES, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.

Proposed Group Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of September 1962.

United Air Lines, Inc. (United), has filed a tariff,[1] to become effective September 20, 1962, proposing a 25 percent reduction in jet coach fares between Honolulu, on the one hand, and Chicago, Los Angeles, San Francisco, and New York/Newark, on the other. These fares are applicable when purchased as a part of an "Advertised Air Tour" or an "Independent Air Tour" for groups of 10 or more passengers traveling together. Transportation is limited to specific dates eastbound and westbound,[2] and between Monday and Wednesday of each week. The tariff, which bears an expiration date of December 31, 1963, establishes a 20-day round-trip limitation, and requires reservations and payment at least 15 days prior to commencement of travel.

Complaints against the proposed tariff were filed by Pan American World Airways, Inc.[3] (Pan American), and by American Airlines, Inc. (American). Pan American alleges that the proposed fares are diversionary and unjustly discriminatory on the basis of Tour Basing Fares, 14 C.A.B. 257 (1951), and other cases, American, on the other hand, states that the proposed fares would be unjust and unreasonable because they would divert traffic from regular service, and that to limit diversion the fares should be modified by requiring purchase of tour arrangements costing not less than the savings from using the group fares.

By our Order E-15050 of March 29, 1960, we instituted investigation of Capital's tour basing fares, and by our Order E-15215 of May 10, 1960, we instituted investigation of similar fares of Capital and Northwest. United's proposed fares present essentially the same issues of justness and reasonableness, discrimination, preference, and prejudice that we noted in regard to Northwest's and Capital's excursion fares, and should be investigated. To facilitate the investigation, we will expect the carriers to keep adequate records of traffic, revenues, and costs associated with the promotional fares here in issue. We will not suspend the effectiveness of the proposed fares, for they do not appear prima facie unreasonably low, are experimental, are for a limited period of time, and may tend to equalize seasonal traffic fluctuations and promote travel to Hawaii. We reach this conclusion notwithstanding our earlier holding in Tour Basing Fares in the light of the serious financial situation of the industry and the critical need at this time to develop additional traffic and revenues. Our action in this regard is consistent with our decisions in the recent past to permit to become effective for an experimental period fares in which similar issues of discrimination are present.

The tariff's refund rule requiring that no refunds will be made when cancellations are made less than 15 days prior to scheduled departure imposes severe penalties upon the traveling public. Passengers canceling their reservation after the 15-day period who cannot utilize the substitution rule will forfeit the entire round-trip fare. The carrier has made no showing that penalties of such an onerous nature are necessary to protect it from losses due to cancellations. Recently, we found that similar refund rules of TWA and American in domestic service may be unlawful, and such rules were suspended and investigated.[4] In accordance with this precedent, the refund rules of the proposed tariff will be suspended and investigated.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, particularly sections 102, 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The complaints of American Airlines, Inc., in Docket 13988 and Pan American World Airways, Inc., in Docket 13992, to the extent not granted herein, are dismissed.

2. An investigation be instituted to determine whether the fares and provisions in Agent R. C. Lounsbury's C.A.B. No. 337 and United Air Lines, Inc., C.A.B. No. 119 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and provisions.

3. Pending investigation, hearing, and decision by the Board, Rule Nos. 13(A)(1) and 13(A)(2) on Original Pages 12 and 13 of Agent R. C. Lounsbury's C.A.B. No. 337 and Rule Nos. 12(A)(1) and 12(A)(2) on Original Page 8 of United Air Lines, Inc., C.A.B. No. 119 are suspended and their use deferred to and including December 18, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

4. This investigation will be set for hearing before an Examiner of the Board at a time and place hereafter to be designated.

5. A copy of this order shall be filed with the aforesaid tariffs and shall be served upon American Airlines, Inc., Continental Air Lines, Inc., Trans World Airlines, Inc., Pan American World Airways, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-9401; Filed, Sept. 19, 1962; 8:52 a.m.]

[1] United's Local Group Passenger Tariff No. UGR-1, C.A.B. No. 119, filed August 21, 1962.

[2] Not applicable westbound from June 1 through September 15 and eastbound from June 15 through September 15.

[3] As a defensive measure, Pan American has filed a competitive tariff: R. C. Lounsbury Local and Joint Group Passenger Fares Tariff No. HNL-GT-1, C.A.B. No. 337, issued August 31, 1962, effective September 30, 1962.

[4] Order E-18620 of July 20, 1962.

DEPARTMENT OF COMMERCE

Office of the Secretary

RICHARD V. FORD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 24, 1962.

RICHARD V. FORD.

AUGUST 24, 1962.

[F.R. Doc. 62-9387; Filed, Sept. 19, 1962; 8:50 a.m.]

LOUIS F. FRAZZA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 5, 1962.

LOUIS F. FRAZZA.

SEPTEMBER 5, 1960.

[F.R. Doc. 62-9388; Filed, Sept. 19, 1962; 8:50 a.m.]

HAROLD J. VORZIMER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of September 12, 1962.

HAROLD J. VORZIMER.

SEPTEMBER 12, 1962.

[F.R. Doc. 62-9389; Filed, Sept. 19, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-12327 [1]]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

SEPTEMBER 13, 1962.

Take notice that on August 21, 1962, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas, filed in Docket No. G-12327 a petition to amend the order in said docket issued on July 19, 1957, to Pacific Northwest Pipeline Corporation (Pacific Northwest), which order authorized, among other things, Pacific Northwest to deliver natural gas to The Bunker Hill Company (Bunker Hill) plant near Kellogg, Shoshone County, Idaho, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

In the order of July 19, 1957, Pacific Northwest was authorized to deliver a maximum daily volume of 4,500 Mcf of gas to Bunker Hill for use in various metallurgical and chemical industrial processes, including the refining of zinc and lead. Petitioner is presently providing gas to Bunker Hill on a firm basis under the terms of an industrial sales contract dated November 2, 1956, which provides for a rate of 3.8 cents per therm and for a maximum daily delivery of 45,000 therms. Said contract expires under its own terms on November 5, 1962.

The petition states that Petitioner and Bunker Hill have entered into an industrial sales contract dated March 30, 1962, which provides for an increased maximum daily delivery to 70,000 therms at 4.0 cents per therm. The increase in daily volumes is necessitated by the installation of natural gas in blast furnaces, new and expanded lead and zinc alloying facilities, new phosphoric acid and anhydrous liquid phosphate plants, and normal plant expansion.

Petitioner estimates Bunker Hill's gas requirements to be as follows:

Year	Mcf @ 14.73 psia		Therms	
	Annual	Maximum day	Annual	Maximum day
1963	1,537,457	6,381	16,143,297	67,000
1964	1,593,076	6,476	16,727,297	68,000
1965	1,593,076	6,476	16,727,297	68,000
1966	1,648,790	6,667	17,312,297	70,000
1967	1,648,790	6,667	17,312,297	70,000

Protests, petitions to intervene, or requests for hearing may be filed with the Federal Power Commission in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 5, 1962.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-9358; Filed, Sept. 19, 1962; 8:45 a.m.]

[Docket No. CP62-170]

KEOKUK GAS SERVICE CO.

Notice of Continuance of Hearing

SEPTEMBER 13, 1962.

The application in the above-captioned proceeding, filed pursuant to section 7(a) of the Natural Gas Act, is presently scheduled for formal hearing to commence on September 20, 1962;

Take notice that the hearing now scheduled for September 20, 1962, on Keokuk's application in Docket No. CP62-170, is continued without date and subject to further notice.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-9359; Filed, Sept. 19, 1962; 8:45 a.m.]

[Docket No. CI62-1562]

ATLANTIC REFINING CO.

Order Providing for Rehearing and Fixing Date for Hearing

SEPTEMBER 13, 1962.

On August 15, 1962, The Atlantic Refining Company (Atlantic) filed an application for rehearing of the Commission's letter order of July 19, 1962, which, pursuant to §§ 154.100 and 154.93 (as amended by Commission Order No. 242) of the regulations under the Natural Gas Act (Act), rejected Atlantic's application for a certificate of public convenience and necessity and the related filing of the proposed rate schedule because the gas purchase contract contains pricing provisions other than those permitted by § 154.93.

Atlantic asserts that § 154.93 is invalid because it goes beyond the powers granted to the Commission by the Act insofar as it attempts to deny Atlantic the right to establish its own rates by contract in the first instance subject only to being modified upon a finding of unlawfulness under the Commission's unview powers granted by sections 4 and 5 of the Act. Full and careful consideration was given similar contentions raised in Docket No. R-203, which concerned the amendment of § 154.93, wherein we determined that sections 4, 5, and 7 did give the Commission the power to refuse to approve contractual provisions found adverse to the public interest and we clearly set forth the rationale in Order No. 242 issued therein on February 8, 1962. However, the language of the pricing provisions in Atlantic's contract is equivocal and we deem that a hearing should be held to determine their precise meaning and whether in fact such provisions are proscribed by § 154.93.

The Commission finds: In view of the equivocal language of the pricing provisions in the gas purchase contract in question a rehearing should be held.

The Commission orders: A rehearing of our letter order of July 19, 1962, is hereby granted and a public hearing, limited to the issues set out above, will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing on October 11, 1962, at 10:00 a.m., e.d.s.t.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-9360; Filed, Sept. 19, 1962; 8:45 a.m.]

[Docket No. G-9262 etc.]

FLORIDA GAS TRANSMISSION CO.

Findings and Order Amending Orders Issuing Certificates of Public Convenience and Necessity and Accepting FPC Gas Tariff and Tariff Revisions for Filing

SEPTEMBER 13, 1962.

Florida Gas Transmission Company (formerly Houston Texas Gas and Oil Corporation), Docket Nos. G-9262, G-9960 [1], G-18338 etc.[1]

On June 18, 1962, Florida Gas Transmission Company (Movant) filed in the above-docketed proceedings a motion to amend the orders of the Commission in said dockets to remove the limitation on the quantities of preferred interruptible gas which Movant may sell and deliver to its resale customers, all as more fully set forth in the motion.

Movant requests amendments to the Commission's orders accompanying Opinion No. 301, issued December 28, 1956, in Docket Nos. G-9262 and G-9960, as amended, and the Commission's order issued August 9, 1961, modifying and adopting the Presiding Examiner's decision issued March 1, 1961, in Docket No. G-18338, et al., as amended. Movant proposes the insertion of the following wording at the end of paragraph (A) in the order accompanying Opinion No. 301, at the end of paragraph (A) of the Commission's order of January 17, 1962, in Docket No. G-9262, et al., and at the end of paragraph (G) (iv) of the Presiding Examiner's Decision of March 1, 1961, in Docket No. G-18338, et al.:

Provided, however, That nothing in this order shall be construed as placing a limitation on the quantity of preferred interruptible gas which Florida Gas may supply to its resale customers. Such service shall be supplied in accordance with Florida Gas' effective FPC Gas Tariff.

The purpose of the proposed amendments is to enable Movant to increase the quantities of preferred interruptible gas to its resale customers without the delay and expense of applying for certificate authorization for such increases. The limitations set forth in Appendix A to Opinion No. 301 were based on estimates made in 1954 and 1955 by Movant's resale customers. The market is different from that originally anticipated, and under the present certificate authorizations, each time that contract quantities of preferred interruptible gas are changed a new service agreement must be filed with the Commission pursuant to § 154.63 of the regulations under the Natural Gas Act.

The motion states that no additional gas supplies, facilities, or capacity are involved in the subject request for amendments and that any additional sales of preferred interruptible resale gas will be made by upgrading lower priority direct sale gas.

Notice of the filing of the subject motion was issued August 6, 1962, and was published in the FEDERAL REGISTER on August 14, 1962 (27 F.R. 8082). No protest, request for hearing or petition to intervene has been received.

Concurrently with the motion, Movant tendered for filing its FPC Gas Tariff, Original Volume No. 1, and two revised sheets to Original Volume No. 2. Coastal tendered for filing four revised sheets to its FPC Gas Tariff, Original Volume No. 1. Certain original sheets to Movant's Original Volume No. 1 and the revised sheets filed by both companies were tendered for filing in compliance with paragraph (C) of the settlement order issued June 8, 1962, in Docket No. G-9262, et al. This order requires both companies to file tariff sheets reflecting settlement rates and stipulates that these sheets should be effective as of May 1, 1962.

Movant's tendered Original Volume No. 1 replaces in its entirety the currently effective Original Volume No. 1 which is filed in the name of Houston Texas Gas and Oil Corporation.[2] The proposed revisions, other than those required by the order of June 8, 1962, have been agreed to by Movant's customers and are for the purpose of clarifying certain language, coordinating measurement standards and company experience, and providing improved procedures for changing quantities.

Movant and Coastal request that the complete filing be effective as of May 1, 1962. The June 8, 1962, settlement order stipulates that only certain tariff sheets be permitted to be effective as of May 1, 1962. To permit Movant's Original Volume No. 1 to be effective in its entirety as of May 1, 1962, would be contrary to § 154.22 of the regulations under the Natural Gas Act which requires the issuance of certificate authorization prior to the effectiveness of such a rate filing. Therefore, we shall accept the entire filing and make the sheets filed pursuant to the settlement order of June 8, 1962, in Docket No. G-9262, et al.,[3] effective as of May 1, 1962; and we shall make the remaining sheets [4] effective on the date on which this order issues.

The Commission finds:

(1) It is appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the following language be added at the end of paragraph (A) of the order accompanying Opinion No. 301, at the end of paragraph (A) of the order of January 17, 1962, in Docket No. G-9262, et al., and at the end of paragraph (G) (iv) in the Presiding Examiner's decision of March 1, 1961, in Docket No. G-18338, et al.:

Provided, however, That nothing in this order shall be construed as placing a limitation on the quantity of preferred interruptible gas which Florida Gas may supply to its resale customers. Such service shall be supplied in accordance with Florida Gas' effective FPC Gas Tariff.

Further, the words "not to exceed" should be deleted from paragraphs (19) (4) and (G) (iv) of the order of March 1, 1961.

(2) The following tariff revisions should be accepted for filing to be effective as of May 1, 1962: Original Sheet Nos. 4, 5, 6, 8, and 9 to Florida Gas Transmission Company FPC Gas Tariff, Original Volume No. 1; Second Revised Sheet Nos. 27 and 60 to Florida Gas Transmission Company FPC Gas Tariff, Original Volume No. 2; Second Revised Sheet Nos. 8, 9, 19, and 20 to Coastal Transmission Corporation FPC Gas Tariff, Original Volume No. 1.

The following tariff revisions should be accepted for filing to become effective on the date oh which this order issues:

Original Sheet Nos. 1, 2, 3, 7, and 10 through 32 to Florida Gas Transmission Company FPC Gas Tariff, Original Volume No. 1.

The Commission orders:

(A) The following language be and the same is hereby added to the end of paragraph (A) in the order accompanying Opinion No. 301, to the end of paragraph (A) of the order of January 17, 1962, in Docket No. G-9262, et al., and to the end of paragraph (G) (iv) in the Presiding Examiner's decision of March 1, 1961, in Docket No. G-18338, et al.:

Provided, however, That nothing in this order shall be construed as placing a limitation on the quantity of preferred interruptible gas which Florida Gas may supply to its resale customers. Such service shall be supplied in accordance with Florida Gas' effective FPC Gas Tariff.

Further, the words "not to exceed" are deleted from paragraphs (19) (4) and (G) (iv) in the order of March 1, 1961.

(B) In all other respects, the foremention orders and opinion shall remain in full force and effect.

(C) The following tariff revisions are accepted for filing to be effective as of May 1, 1962: Original Sheet Nos. 4, 5, 6, 8, and 9 to Florida Gas Transmission Company FPC Gas Tariff, Original Volume No. 1; Second Revised Sheet Nos. 27 and 60 to Florida Gas Transmission Company FPC Gas Tariff, Original Volume No. 2; Second Revised Sheet Nos. 8, 9, 19, and 20 to Coastal Transmission Corporation FPC Gas Tariff, Original Volume No. 1.

The following tariff revisions are accepted for filing and shall be effective on the date on which this order issues: Original Sheet Nos. 1, 2, 3, 7, and 10 through 32 to Florida Gas Transmission Company FPC Gas Tariff, Original Volume No. 1.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-9361; Filed, Sept. 19, 1962; 8:46 a.m.]

[Docket No. G-20418 [2]]

NORTHWEST PRODUCTION CORP.[1]

Order Substituting Respondent, Accepting Successor Corporation's Undertaking and Redesignating Proceeding

SEPTEMBER 13, 1962.

On April 20, 1961, Northwest Production Corporation (Northwest) filed a motion requesting the Commission to substitute Northwest in lieu of Barnhart Hydrocarbon Corporation (Barnhart) and to accept Northwest's agreement and undertaking submitted for filing concurrently with said motion. In support thereof, Northwest states that Barnhart under merger agreement dated March 30, 1961, was merged into North-

[1] The certificate in this docket was issued to Pacific Northwest Pipeline Corporation. On June 28, 1962, the Court of Appeals for the District of Columbia Circuit entered an order which vacated the Commission's order of December 23, 1959, issuing a certificate of public convenience and necessity to El Paso Natural Gas Company to acquire and operate the facilities of Pacific Northwest Pipeline Corporation. The case was remanded to the Commission for proceedings in conformity with the opinion of the Supreme Court of the United States in California v. F.P.C., et al., No. 187, October Term, 1961 (issued April 30, 1962). On July 2, 1962, the Commission issued to El Paso Natural Gas Company a temporary certificate to operate the facilities of its Pacific Northwest Division until the effective date of such further order of the Commission specifying the manner of operation of the facilities of the former Pacific Northwest Pipeline Corporation pending final resolution of United States v. El Paso Natural Gas Company, Civil Action No. 143-57 (D.C. Utah).

[1] The proceedings in Docket Nos. G-9960 and G-18338, et al., were designated as Coastal Transmission Corporation and Coastal Transmission Corporation, et al., respectively. In its order issued August 3, 1962, the Commission authorized Florida Gas Transmission Company to acquire Coastal Transmission Corporation by merger. In the same order, the Commission directed that the name of Florida Gas Transmission Company be substituted for that of Coastal Transmission Corporation in all of the outstanding authorizations and pending applications of Coastal Transmission Corporation.

[2] On March 16, 1962, Movant filed with the State of Delaware an amendment to its corporate charter which changed the name of the company from Houston Texas Gas and Oil Corporation to Florida Gas Transmission Company. This was noted by the Commission in its order of April 18, 1962, in Docket No. G-9262, et al., which redesignated the company's pending proceedings and outstanding authorizations.

[3] Original Sheet Nos. 4, 5, 6, 8, and 9 to Florida Gas Transmission Company FPC Gas Tariff, Original Volume No. 1; Second Revised Sheet Nos. 27 and 60 to Florida Gas Transmission Company FPC Gas Tariff, Original Volume No. 2; Second Revised Sheet Nos. 8, 9, 19, and 20 to Coastal Transmission Corporation FPC Gas Tariff, Original Volume No. 1.

[4] Original Sheet Nos. 1, 2, 3, 7, and 10 through 32 to Florida Gas Transmission Company FPC Gas Tariff, Original Volume No. 1.

[1] Formerly Barnhart Hydrocarbon Corporation.

[2] Consolidated with the proceedings in Docket Nos. AR61-1, et al.

west. By Commission letter dated May 31, 1961, Northwest was advised that (a) its notice of succession and related merger agreement were accepted for filing to become effective as of March 30, 1961, and that (b) Barnhart's FPC Gas Rate Schedule No. 1 and supplements thereto have been redesignated as Northwest's FPC Gas Rate Schedule No. 2 and Supplements Nos. 1 through 5 thereto.

The proceeding in Docket No. G–20418 involves a proposed rate increase (from 13.9836 cents per Mcf to 17.2295 cents per Mcf) for sales of natural gas to El Paso Natural Gas Company from Reagan County, Texas (Permian Basin Area), and was designated as Supplement No. 5 to Barnhart's FPC Gas Rate Schedule No. 1, and was suspended by the Commission's order issued herein on December 18, 1959, until June 3, 1960, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Pursuant to appropriate motion, the Commission on June 1, 1960, issued its notice making Barnhart's suspended rate effective subject to refund as of June 3, 1960, under undertaking filed by Barnhart on April 29, 1960.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Northwest be substituted for Barnhart as Respondent in the above-designated proceeding, that said proceeding be redesignated accordingly, and that the agreement and undertaking submitted by Northwest be accepted for filing.

The Commission orders:

(A) Northwest Production Corporation is hereby substituted for Barnhart Hydrocarbon Corporation as Respondent in the proceeding in Docket No. G–20418, and the proceeding is hereby redesignated in the name of Northwest Production Corporation.

(B) The agreement and undertaking filed in this proceeding on April 20, 1961, by Northwest Production Corporation assuming the rights and liabilities under the undertaking heretofore filed by Barnhart is hereby accepted for filing.

(C) The substituted Respondent shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. Northwest's undertaking shall remain in full force and effect until discharged by the Commission.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9362; Filed, Sept. 19, 1962; 8:46 a.m.]

[Docket No. G–16800 [2]]

PURE OIL CO.[1]

Order Substituting Respondent Accepting Successor Company's Undertaking and Redesignating Proceeding

SEPTEMBER 13, 1962.

On June 3, 1960, The Pure Oil Company (Pure) and Woodley Petroleum Company (Woodley) filed their joint motion requesting that Pure be substituted as the Respondent in the above-designated rate suspension proceeding and that Pure's agreement and undertaking filed concurrently with said motion be accepted in lieu of the undertaking filed by Woodley on June 24, 1959, to assure refund of any amounts of the increased rate found by the Commission not justified. In support of their aforementioned motion, Movants state that on April 1, 1960, Pure acquired substantially all of the assets of Woodley, and effective upon the date of said acquisition all of the rights, privileges, immunities, franchises (except as restricted by law) and property of Woodley, as well as the liabilities and obligations of Woodley within the jurisdiction of the Federal Power Commission vested in Pure.

The proceeding in Docket No. G–16800 involves a proposed rate increase contained in Supplement No. 3 to Woodley's FPC Gas Rate Schedule No. 8 [2] for sales of natural gas to El Paso Natural Gas Company from the South Andrews Field, Andrews County, Texas (Permian Basin Area), and suspended by the Commission's order issued herein on November 7, 1958, until May 1, 1959, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Pursuant to appropriate motion filed on May 14, 1959, the Commission on June 10, 1959, issued its order making Woodley's suspended rate effective as of May 14, 1959, upon the filing of an undertaking to assure refund of excess charges. On June 24, 1959, Woodley forwarded its agreement and undertaking to comply with the requirement of the Commission's aforementioned order.

By letter dated October 28, 1960, the Commission advised Pure, inter alia, that Woodley's FPC Gas Rate Schedule No. 8, as supplemented, had been redesignated as Pure's FPC Gas Rate Schedule No. 60, as supplemented.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that The Pure Oil Company be substituted for Woodley Petroleum Company as Respondent in the above-designated proceeding, and that the proceeding be redesignated accordingly, and that the agreement and undertaking filed by Pure assuming the obligation heretofore undertaken by Woodley, in said docket, be accepted for filing in lieu of the undertaking previously filed by Woodley.

The Commission orders:

(A) The Pure Oil Company is hereby substituted for Woodley Petroleum Company as Respondent in the proceeding in Docket No. G–16800, and said proceeding is hereby redesignated in the name of The Pure Oil Company.

(B) The agreement and undertaking submitted by Pure on June 3, 1960, to assume any and all refund obligations undertaken by Woodley in this proceeding, is hereby accepted for filing in lieu of the undertaking filed by Woodley which became effective on May 14, 1959.

(C) The substituted Respondent shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. Pure's undertaking shall remain in full force and effect until discharged by the Commission.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9363; Filed, Sept. 19, 1962; 8:46 a.m.]

[Docket No. G–20540 [1]]

WRIGHTSMAN PETROLEUM CO.

Order Substituting Respondent, Accepting Successor Company's Undertaking in Lieu of Predecessor's Surety Bond, and Redesignating Proceeding

SEPTEMBER 13, 1962.

On May 24, 1961, Wrightsman Petroleum Company (Petroleum Company) and Charles B. Wrightsman (Wrightsman) filed their joint motion requesting that (a) Petroleum Company be substituted as the Respondent in the above-designated rate suspension proceeding and that the suspended rate herein be continued in effect subject to refund as a part of Petroleum Company's rate schedule; that (b) Wrightsman be released and discharged from his obligation with respect to refunds and that (c) the agreement and undertaking of Petroleum Company be accepted in lieu of Wrightsman's surety bond filed with the Commission on July 25, 1960. In support of their motion, movants filed a notice of succession of interest and the related assignment dated March 29, 1961. Petroleum Company's agreement and undertaking accompanied their aforementioned motion to substitute.

The proceeding in Docket No. G–20540 involves a proposed rate increase (from 10.5 cents per Mcf to 15.55987 cents per Mcf) for sales of natural gas to El Paso Natural Gas Company from the Crosby-Devonian Field, Lea County, New Mexico, and was designated as Supplement No. 2 to Wrightsman's FPC Gas Rate Schedule No. 2 and was suspended by the Commission's order issued herein on January 6, 1960, until June 10, 1960, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Pursuant to appropriate motion, the Commission on July 8, 1960, issued its notice making Wrightsman's suspended rate effective subject to refund as of June 10, 1960, upon the filing of a bond to assure refund of excess charges. On July 25, 1960, Wrightsman forwarded his surety bond in the amount of $1,700.00 which was accepted for filing by letter dated August 2, 1960.

By letter dated July 10, 1961, the Commission advised Petroleum Company, inter alia, that Wrightsman's FPC Gas Rate Schedule No. 2, as supplemented, had been tentatively redesignated as Petroleum Company's FPC Gas Rate Schedule No. 1, as supplemented.

The Commission finds:

(1) It is necessary and proper in carrying out the provisions of the Natural Gas Act that Wrightsman Petroleum Company be substituted for Charles B. Wrightsman as Respondent in the above-designated proceeding, that said proceeding be redesignated accordingly, and that the agreement and undertaking filed by Petroleum Company assuming the obligation heretofore undertaken by Wrightsman, in said docket, be accepted for filing in lieu of the surety bond filed by Wrightsman on July 25, 1960.

(2) That Charles B. Wrightsman be released from his obligation under his aforementioned surety bond filed in this proceeding.

The Commission orders:

(A) Wrightsman Petroleum Company is hereby substituted for Charles B. Wrightsman as Respondent in the proceeding in Docket No. G–20540, and said proceeding is hereby redesignated in the name of Wrightsman Petroleum Company.

(B) The agreement and undertaking submitted by Petroleum Company on May 24, 1961, to assume any and all refund obligations undertaken by Wrightsman in this proceeding, is hereby accepted for filing in lieu of Wrightsman's surety bond which became effective on June 10, 1960.

(C) Wrightsman is hereby released from his obligation to make refunds in Docket No. G–20540 and his surety bond filed in said proceeding is hereby discharged.

(E) The substituted Respondent shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. Petroleum Company's undertaking shall remain in full force and effect until discharged by the Commission.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9364; Filed, Sept. 19, 1962; 8:46 a.m.]

[1] Formerly Woodley Petroleum Company.

[2] Consolidated with the proceedings in Docket Nos. AR61–1, et al.

[2] Now Supplement No. 3 to Pure's FPC Gas Rate Schedule No. 60.

[1] Consolidated with the proceedings in Docket Nos. AR61–1, et al.

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1524]

AXE-HOUGHTON FUND A, INC., ET AL.

Notice of Filing of Application for Order Exempting Proposed Transactions

SEPTEMBER 14, 1962.

Notice is hereby given that Axe-Houghton Fund A, Inc. ("Fund A"), Axe-Houghton Fund B, Inc. ("Fund B"), Axe-Houghton Stock Fund, Inc. ("Stock Fund"), and Axe Science & Electronics Corporation ("Science Fund"), 400 Benedict Avenue, Tarrytown, New York (sometimes hereinafter collectively referred to as "Applicants"), open-end, diversified investment companies registered under the Investment Company Act of 1940 ("Act"), have filed a joint application pursuant to section 17(b) of the Act and Rule 17d–1 thereunder for an order of the Commission exempting from the prohibitions of section 17(a) and section 17(d) of the Act and Rule 17d–1 thereunder the proposed exercise of warrants presently held by the Applicants to purchase shares of the common stock of Helio Aircraft Corporation ("Helio"). All interested persons are referred to the application on file with the Commission for a complete statement of the proposed transactions which are described below.

Under section 2(a)(3) of the Act, when one person owns 5 percent or more of the outstanding voting securities of another person, each person is an affiliate of the other; and when two or more persons are under common control, each person is an affiliate of the other. Section 17(a) of the Act, in general, prohibits an affiliated person of an affiliated person of a registered investment company from purchasing from, or selling to, such registered investment company any security, with certain exceptions not applicable here, unless the Commission upon application pursuant to section 17(b) of the Act, grants an exemption from section 17(a) of the Act after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement as used in Rule 17d–1 is defined as any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of or a principal underwriter for such registered company, or any affiliated person of such person or principal underwriter, have a joint or a joint and several participation or share in the profits of such enterprise or undertaking.

Applicants own in the aggregate 50,000 shares of common stock, $1 par value, of Helio, $250,000 principal amount of Helio's 6 percent Income Debentures due August 15, 1965, warrants for the purchase of 50,000 shares of Helio common stock at $5 per share and separate options to purchase 300,000 shares of Helio common stock at $5 per share. Applicants originally acquired an interest in Helio pursuant to separate but similar purchase agreements entered into on August 18, 1960 between Helio and each of the Applicants. Pursuant to the separate purchase agreements, Applicants acquired in the aggregate 500 Units, each Unit consisting of one 6 percent Income Debenture due August 15, 1965 in the principal amount of $1,000, and warrants for the purchase of 200 shares of common stock at $5 per share. In addition, a separate option to purchase 600 shares of common stock exercisable with respect to 200 shares on or before August 30, 1961, 200 shares on or before February 28, 1962, and 200 shares on or before August 30, 1962 at an option price of $5 per share was granted by Helio to the purchaser of each Unit. Applicants purchased Units as follows: Fund A—50 Units, Fund B—50 Units, Stock Fund—150 Units and Science Fund—250 Units. On April 30, 1962, each of the Applicants exercised half of the warrants held by it at the exercise price, and paid such price by the surrender at par of half of the Income Debentures held by it. At that time it was further agreed between Applicants and Helio that half of the separate options held by each Applicant would be extended so as to be exercisable one-third prior to July 1, 1963, one-third prior to January 1, 1964 and one-third prior to July 1, 1964. It was further agreed between each of Applicants and Helio that, if such Applicant similarly exercised half of its remaining warrants by September 30, 1962, one-half of its remaining separate options would be similarly extended, and if it exercised the final balance of its warrants by December 31, 1962, then the final balance of its separate options would also be similarly extended.

Helio, a Delaware corporation, is engaged in the manufacture and sale of aircraft. It has issued and outstanding 380,555 shares of common stock, of which Applicants hold the following amounts and percentages: Fund A—5,000 shares, or 1.3 percent; Fund B—5,000 shares, or 1.3 percent; Stock Fund—15,000 shares, or 3.9 percent and Science Fund—25,000 shares, or 6.7 percent. If Applicants should exercise the balance of their warrants as contemplated by this application, Helio would then have issued and outstanding 430,555 shares of common stock, of which Applicants would hold the following amounts and percentages: Fund A—10,000 shares, or 2.3 percent; Fund B—10,000 shares, or 2.3 percent; Stock Fund—30,000 shares, or 7 percent and Science Fund—50,000 shares, or 11.6 percent. Applicants would also hold separate options with extended expiration dates as mentioned above to purchase additional shares in the follow-

ing amounts: Fund A—30,000 shares, Fund B—30,000 shares, Stock Fund—90,000 shares and Science Fund—150,000 shares. The application states that none of Applicants has reached a decision as to whether any of such separate options should be exercised. Helio also has outstanding options, held by its officers, to purchase approximately 50,000 shares of common stock at a price of at least $5 per share. In addition to the common stock, Helio has outstanding 2,440 shares of 4 percent noncumulative preferred stock, $100 par value. The application recites that Helio has plans for the retirement of the preferred stock at a price, less than par value, agreed upon at arm's length with the holder of a majority of the outstanding preferred stock.

Each Applicant proposes to exercise half of the warrants it presently holds prior to September 30, 1962, by the surrender of half of its remaining Income Debentures, and each Applicant proposes to exercise the balance of its warrants by the surrender of the balance of its Income Debentures prior to January 1, 1963, but after October 30, 1962, the date upon which interest is payable on the Income Debentures. The application recites that the exercise of warrants by the Applicants will be on a basis proportional to their respective holdings of securities of Helio.

In support of the application, it is recited that the exercise of the warrants by each of Applicants will be in furtherance of its investment policy and it will acquire additional shares of Helio at a favorable price. The application states that the high and low bid prices for shares of common stock of Helio during the month of August were 5¾ and 4½, and it further states that Applicants believe that any attempt by them to acquire a comparable number of shares of Helio in the market would be at a less favorable price, and would artificially inflate the price of Helio shares in the market. The application further states that the progress of Helio is such that Applicants' replacement of Helio debt securities by common stock is appropriate, and will also be advantageous in that it will result in substantial extensions of the balance of the separate options held by Applicants. The per share book value of Helio common stock at December 31, 1960, December 31, 1961, and June 30, 1962, was approximately $3.23, $4.07 and $4.90, respectively. Helio suffered a net loss of $120,207 for the year ended December 31, 1960. It had net income of $212,917, or about $0.60 per share of outstanding common stock, for the year ended December 31, 1961, and unaudited statements indicate that for the six month period ended June 30, 1962, it had net income of $219,073, or about $0.50 per share of outstanding common stock. No provision for Federal income taxes was made in 1961 nor for the six months ended June 30, 1962, apparently because of operating losses incurred in previous years.

Each of the Applicants has on its board of directors individuals who are also directors of one or more of the other Applicants. Three persons serve on the board of directors of each of the Applicants and some of the officers of each of the Applicants also serve the other Applicants in similar capacities. Each of the Applicants employs Axe Securities Corporation as its principal underwriter, and Fund A, Fund B and Stock Fund employ E. W. Axe & Co., Inc. as investment adviser. Science Fund employs as investment adviser Axe Science and Electronics Management Company, Inc., which is under common control with E. W. Axe & Co., Inc. and Axe Securities Corporation. Some of the officers and directors of each of the Applicants are also affiliated with Axe Science Electronics Management Company, Inc., E. W. Axe & Co., Inc. and Axe Securities Corporation. In view of the above and other circumstances, Applicants may all be under common control and, therefore, affiliated one with another within the meaning of the Act. Helio and Science are affiliated persons of one another by reason of Science's ownership of more than 5 percent of the outstanding voting securities of Helio. Applicants do not concede that exemption from the prohibitions of section 17(d) of the Act or Rule 17d–1 thereunder is required in connection with the proposed transactions, but are seeking appropriate relief thereunder in order to eliminate any question as to full compliance with section 17 of the Act.

Notice is further given that any interested person may, not later than September 27, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–9376; Filed, Sept. 19, 1962; 8:48 a.m.]

[File No. 1–3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

SEPTEMBER 14, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 15, 1962, through September 24, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–9375; Filed, Sept. 19, 1962; 8:48 a.m.]

[File No. 24S–1898]

TRI-NITE MINING CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 13, 1962.

I. Tri-Nite Mining Company (issuer), 405 Fidelity Bldg., Spokane 1, Washington, incorporated in the State of Washington on June 21, 1962, filed with the Commission on July 31, 1962, a notification on Form 1–A relating to a proposed offering of 400,000 shares of $0.10 par value common stock at $0.50 per share for an aggregate amount of $200,000 for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. There has been a failure to furnish adequately and accurately material information as to previous exploratory and development work on issuer's property as required by Item 8A(e) of Schedule I;

2. The cash cost paid, including cash expended for property transferred to the issuer, by officers, directors, controlling persons and promoters of the issuer for securities of the issuer held by them has not been stated in the offering circular as required by Items 9(c) and 9(d) of Schedule I;

3. A statement of cash receipts and disbursements of issuer's predecessor, Triton Mining Company, has not been included as required by Item 11 of Schedule I.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made not misleading, particularly with respect to:

1. The failure to disclose adequately and accurately the unfavorable results of past exploratory work and operations;

2. The failure to disclose that major mining companies had examined and rejected issuer's property;

3. The representations that this is an operational venture and the failure to disclose adequately the exploratory nature of the venture;

4. The failure to disclose that it is not economically feasible and is not the practice in the mining industry to expend funds for a mill prior to the establishment of ore reserves;

5. The failure to describe accurately and adequately in the offering circular the equity dilution of stock issued under the proposed offer.

C. The offering would be made in violation of section 17 of the Securities Act of 1933.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A of securities of Tri-Nite Mining Co., pursuant to said notification be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–9377; Filed, Sept. 19, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 17, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37942: *Dry fertilizers from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B–8264), for interested rail carriers. Rates on fertilizer and fertilizer materials, as described in the application, in carloads, between points in southwestern territory, on the one hand, and points in Illinois, Indiana, Kentucky, and Wisconsin, on the other.

Grounds for relief: Modified short-line distance formula and grouping.

Tariff: Supplement 45 to Southwestern Freight Bureau tariff I.C.C. 4422.

FSA No. 37943: *T.O.F.C. service from and to Kismet, Kans.* Filed by Southwestern Freight Bureau, Agent (No. B–8263), for interested rail carriers. Rates on various commodities moving on class and commodity rates, loaded in highway trailers and transported on railroad flat cars, between Kismet, Kans., on the one hand, and points in southwestern territory, also Mississippi River crossings Memphis, Tenn., and south thereof, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 45 to Southwestern Freight Bureau tariff I.C.C. 4362.

FSA No. 37944: *T.O.F.C. service from and to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B–8265), for interested rail carriers. Rates on various commodities moving on class and commodity rates, loaded in highway trailers and transported on railroad flat cars, between points in southwestern territory, on the one hand, and points in Alabama, Georgia, Kentucky, and South Carolina, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 17 to Southwestern Freight Bureau tariff I.C.C. 4464.

FSA No. 37945: *T.O.F.C. service from and to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B–8267), for interested rail carriers. Rates on various commodities moving on class and commodity rates, loaded in highway trailers and transported on railroad flat cars, between points in southwestern territory, on the one hand, and points in Michigan, Ohio and Pennsylvania, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 39 to Southwestern Freight Bureau tariff I.C.C. 4409.

FSA No. 37946: *T.O.F.C. service to Hannibal, Mo., and Fremont, Nebr.* Filed by Southwestern Freight Bureau, Agent (No. B–8268), for interested rail carriers. Rates on paper and paper articles, loaded on highway trailers and transported on railroad flat cars, from points in Arkansas, Louisiana and Texas to Hannibal, Mo., and Fremont, Nebr.

Grounds for relief: Motor-truck competition, modified short-line distance formula and grouping.

Tariff: Supplement 14 to Southwestern Freight Bureau tariff I.C.C. 4480.

FSA No. 37947: *Sand from southwestern producing points.* Filed by Southwestern Freight Bureau, Agent (No. B–8266), for interested rail carriers. Rates on sand, as described in the application, in carloads, from specified points in Missouri and Oklahoma, also Guion, Ark., and Brady, Tex., to Charles-Town (Ranson) (Jefferson County), and Weston, W. Va., also Flora and Mt. Carmel, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 179 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 37948: *Substituted service—L&N for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc. (No. 43), for itself and interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between East St. Louis, Ill., Evansville, Ind., and Covington, Ky. (Cincinnati, Ohio), on the one hand, and Evansville, Ind., Covington, Ky. (Cincinnati, Ohio), and Louisville, Ky., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Midwest Haulers, Inc., tariff MF–I.C.C. 25.

FSA No. 37949: *Substituted service—L&HR, et al., for Midwest Haulers, Inc., et al.* Filed by Midwest Haulers, Inc. (No. 44), for itself and interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Buffalo, N.Y., on the one hand, and Hartford and New Haven, Conn., Boston and Springfield, Mass., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Midwest Haulers, Inc., tariff MF–I.C.C. 25.

FSA No. 37950: *Asphalt from points in Oklahoma to WTL and IFA territories.* Filed by Southwestern Freight Bureau, Agent (No. B–8262), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain, or varnish), petroleum road oil and petroleum wax tailings, in tank-car loads, from points in Oklahoma to points in western trunk line and Illinois territories.

Grounds for relief: Market competition.

Tariff: Supplement 276 to Southwestern Freight Bureau tariff I.C.C. 4279.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9386; Filed, Sept. 19, 1962; 8:50 a.m.]

[Rev. S. O. No. 562; Taylor's I.C.C. Order No. 147; Amdt. 1]

CHICAGO AND NORTH WESTERN RAILWAY CO.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 147 (The Chicago and North Western Railway Company) and good cause appearing therefor:

It is ordered, That:

Tayor's I.C.C. Order No. 147 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 28, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 15, 1962, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 15, 1962.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 62-9385; Filed, Sept. 19, 1962; 8:50 a.m.]

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Washington, Friday, September 21, 1962

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

THE UNIVERSITY OF MICHIGAN

MAIN READING ROOM

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Barley Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATES; CORRECTION

Section 421.1252(f) *Basic support rates (counties)* of the 1962-Crop Barley Loan and Purchase Agreement Program Regulations appearing in 27 F.R. 8162, August 16, 1962, is hereby corrected by changing the county "Ford Bend" in the State of Texas to read "Fort Bend."

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1441, 1421)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 17, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

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[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Grain Sorghum Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATES; CORRECTION

Section 421.1412(f) *Basic support rates (counties)* of the 1962-Crop Grain Sorghum Loan and Purchase Agreement Program Regulations appearing in 27 F.R. 8170 (August 16, 1962) is hereby corrected by changing the county "Summer" in the State of Kansas to read "Sumner."

(Secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b; secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1441, 1412)

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Commodity Credit Corporation.

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PART 443—OILSEEDS

Subpart—1962 Crop Tung Nut Price Support Program

This bulletin (hereinafter referred to as "subpart") contains the regulations applicable to the 1962 Crop Tung Nut Price Support Program under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (hereinafter referred to as "CCC" and "ASCS", respectively).

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443.301 Administration.
443.302 Availability.
443.303 Methods of price support.
443.304 Eligible producer.
443.305 Eligible tung nuts and tung oil.
443.306 Disbursement of loans.
443.307 Approved storage facilities.
443.308 Maturity date of loans and period of notification to sell under purchase agreement.
443.309 Applicable forms.
443.310 Personal liability of the producer.
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443.316 Set-offs.
443.317 Interest rate.
443.318 Transfer of producer's right or equity.
443.319 Release of tung oil under loan.
443.320 Foreclosure.
443.321 Delivery and payment under purchase agreement.
443.322 Storage and handling charges.
443.323 Support prices.
443.324 ASCS Commodity Office and Data Processing Center.

AUTHORITY: §§ 443.301 to 443.324 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, as amended, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421.

§ 443.301 Administration.

(a) The program will be administered by the Oils and Peanut Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC, or the Vice President, CCC, who is Deputy Administrator for Price and Production, ASCS. In the field, the program will be carried out by Agricultural Stabilization and Conservation State Committees and by Agricultural Stabilization and Conservation County Committees (hereinafter referred to as "State committees" and "county committees", respectively) and the Dallas ASCS Commodity Office (hereinafter referred to as "Commodity office").

(b) State committees in tung nut producing States shall carry out the provisions of the 1962 Tung Nut Price Support Program in such a manner that price support will be made available to all eligible producers.

(c) Forms will be distributed through the offices of State and county committees (hereinafter referred to as "State offices" and "county offices", respectively). All documents in connection with warehouse storage loans on tung oil and purchase agreements on tung nuts and tung oil will be approved by the county office manager or other employee of the county office designated by him to act in his behalf. Such designation shall be on file in the county office. Copies of all price support documents shall be retained in the county office.

(d) State and county committees, the Commodity Office and the ASCS Data Processing Center do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

(e) No delegation herein to a State or county committee, or the Commodity office shall preclude the Executive Vice-President, CCC, or his designee, from determining any questions arising under the program or from reversing or modifying any determination made by a State or county committee or the Commodity office.

§ 443.302 Availability.

(a) *Area.* The program will be available in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

(b) *When to apply.* Purchase agreements covering tung nuts will be available from the beginning of the marketing year, November 1, 1962, through January 31, 1963. Loans and purchase agreements covering tung oil will be available from November 1, 1962, through June 30, 1963.

(c) *Where to apply.* Application for price support should be made through the county office which keeps the farm program records for the farm.

§ 443.303 Methods of price support.

Price support will be available to eligible producers of tung nuts by means of purchase agreements for eligible tung nuts and tung oil and nonrecourse loans on eligible tung oil stored in approved storage facilities.

§ 443.304 Eligible producer.

(a) An eligible producer shall be an individual, partnership, corporation, association, estate, or other legal entity producing tung nuts of the 1962 crop as landowner, landlord, tenant, or sharecropper. The beneficial interest in the tung nuts tendered for purchase under a purchase agreement, and in the tung nuts and the resultant tung oil tendered for a loan or for purchase under a purchase agreement, must be in the producer making such tender, and must have always been in him or in him and a former producer whom he succeeded either as landowner, landlord, tenant, or sharecropper before the tung nuts were harvested. Any eligible producer or group of eligible producers may designate in writing on the form or forms approved by CCC, an agent to act on the producer's behalf or on the joint behalf of a group of producers in obtaining price support under this program.

(b) Any cooperative association of producers (hereinafter referred to as

"cooperative") which normally handles or crushes tung nuts delivered to it by eligible producers or markets tung oil delivered to it by eligible producers shall also be considered an eligible producer with respect to the oil produced from 1962 crop tung nuts delivered to it by eligible producers or with respect to eligible tung oil delivered to it by eligible producers, provided all of the following requirements are met:

(1) The beneficial interest in the tung oil and the tung nuts from which such tung oil was extracted is and always has been in the eligible producers who deliver the tung nuts or tung oil to the cooperative or in such producers and former producers whom such producers succeeded either as landowner, landlord, tenant, or sharecropper, before the tung nuts were harvested;

(2) The major part of the tung oil handled or marketed by the cooperative is extracted from tung nuts grown by members who are eligible producers;

(3) The eligible producers share proportionately in the proceeds from marketings of eligible tung oil according to the quantity and quality of eligible tung nuts or tung oil each delivers to the cooperatives;

(4) The cooperative has the legal right to pledge the tung oil as security for a loan as well as the authority to sell such tung oil under purchase agreement; and

(5) The cooperative maintains records showing separately (i) the total quantity of tung oil processed by it from 1962 crop tung nuts obtained from all sources, (ii) the total quantity of tung oil obtained from all sources, (iii) the total quantity of tung oil processed by it from 1962 crop tung nuts obtained from all eligible producers, (iv) the total quantity of 1962 crop tung oil obtained from all eligible producers, (v) the total quantity of tung oil processed from 1962 crop tung nuts obtained from eligible producer-members, and (vi) the total quantity of 1962 crop tung oil obtained from eligible producer-members. The cooperative shall make its records available to CCC for inspection at all reasonable times through June 1965.

§ 443.305 Eligible tung nuts and tung oil.

(a) *Tung nuts.* Tung nuts must be from the 1962 crop, and must be matured, air dried with hard hulls dark in color and suitable for milling.

(b) *Tung oil.* Tung oil must have been extracted from 1962 crop tung nuts and must meet sections 3 and 4 of Federal Specifications TT–T–775, Tung Oil, Raw (Chinawood) dated May 28, 1957 (hereinafter referred to as "Federal Specifications"). The eligibility of tung oil delivered under this program must be evidenced by a certification, signed by the producer or an agent designated as provided in § 443.309(f), or in the case of a cooperative, by an authorized officer thereof, in the form prescribed in § 443.309 (d) or (e), whichever form is appropriate.

§ 43.306 Disbursement of loans.

Disbursement of loans on tung oil will be made to producers by financial institutions, pursuant to the Provisions of Participation of Financial Institutions in Pools of CCC Price Support Loans of Certain Commodities, 23 F.R. 3913, as amended, or by sight drafts drawn on CCC by the county office. Disbursement shall not be made later than July 15, 1963, unless authorized by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The date of such draft, check, credit or cash payment shall be considered as the date of disbursement of the funds. The producer shall not present the loan documents for disbursement unless the tung oil represented by the loan documents is in existence and in good condition. If the tung oil is not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer.

§ 443.307 Approved storage facilities.

Approved facilities shall consist of storage facilities made available by tung oil mills and others having adequate facilities for handling and storing tung oil for which a tung oil storage agreement on Commodity Credit Corporation Form 77 for the 1962 crop has been entered into with CCC through the commodity office. The names of owners or operators of approved facilities may be obtained from the commodity office and State and county offices.

§ 443.308 Maturity date of loans and period of notification to sell under purchase agreement.

(a) Loans on tung oil mature on October 31, 1963, or on such earlier date as may be determined by CCC.

(b) Producers who elect to sell tung nuts under a purchase agreement must notify the county committee of their intentions within a 30-day period ending March 31, 1963, or ending on such earlier date as may be determined by CCC. Producers who elect to sell tung oil under a purchase agreement must notify the county committee of their intentions within a 30-day period ending October 31, 1963, or ending on such earlier date as may be determined by CCC.

§ 443.309 Applicable forms.

The approved forms consist of the purchase agreement forms, loan forms, and such other forms and documents as may be required, which together with the provisions of this subpart, and any supplements and amendments hereto, govern the rights and responsibilities of the producer. Note and loan agreements must have State documentary and revenue stamps affixed thereto when required by law. Purchase agreement or loan documents executed by an administrator, executor, or trustee, will be acceptable only when legally valid.

(a) *Purchase agreement documents.* The purchase agreement forms shall consist of the Purchase Agreement, Form CP–1; Commodity Delivery Notice, Form CCC Grain 50; Purchase Agreement Settlement, Form CP–4; Lien Waiver for Purchases, Form CP–5; and other applicable forms prescribed in paragraph (c) of this section.

(b) *Loan documents.* Loan forms shall consist of the Producer's Note and Loan Agreement, Form CL–B (Nonrecourse), and other applicable forms prescribed in paragraph (c) of this section.

(c) *Other forms.* Other forms shall consist of warehouse receipts, chemical analysis certificates issued by approved chemists, certification of eligibility of tung oil, producer's designation of agent, and such other forms as may be prescribed by CCC.

(d) *Producer's certification of eligibility of tung oil.* Before a loan is made on tung oil to a producer, other than a cooperative, or before delivery of tung oil from such producer under a purchase agreement can be accepted by the county committee, the producer, or his agent designated as provided in paragraph (f) of this section, must sign a statement in substantially the following form:

I hereby certify:

(1) That the _____ pounds of tung oil stored at _____,
(Name and address of storage facilities)
which I am pledging to CCC as collateral for loan or am tendering for delivery to CCC under purchase agreement was delivered to me as oil processed for my account by _____ out of _____ tons
(Name of Mill)
of 1962 crop tung nuts produced by me which I delivered to such plant for toll processing:

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in me or in me and a former producer whom I succeeded either as landowner, landlord, tenant or sharecropper, before such tung nuts were harvested.

(Signature) _____
(Producer)
By _____
(Agent)
_____
(Date)

(e) *Cooperative's certification of eligibility of tung oil.* Before a loan is made to a cooperative or delivery of tung oil from such cooperative under a purchase agreement can be accepted by the county committee, the manager or other official empowered to sign contracts for or on behalf of the cooperative must sign a statement in substantially the following form:

I hereby certify:

(1) That _____ pounds of tung oil stored at the mill shown below and which are being pledged to CCC as collateral for loan, or are being tendered for delivery to CCC under purchase agreement, were processed from _____ tons of eligible 1962 crop tung nuts produced by eligible producer(s);

(1)	(2)
Name and address of tung mill	*1962 crop tung nuts delivered for crushing (tons)*

(3)
Tung oil crushed from tung nuts in col. 2 (pounds)

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in such producers or in such producers and former producers whom such producers succeeded, either as landowner, landlord, tenant, or sharecropper before such tung nuts were harvested:

_____
(Name of Cooperative)
By _____
Title _____
_____
(Date)

(f) *Designation of agent by a producer or group of producers.* An eligible producer may designate an agent to act in his behalf in obtaining price support, or two or more eligible producers may designate an agent to act in their joint behalf in obtaining price support. In such event the producer or group of producers shall execute a form substantially equivalent to CCC Tung Nut Form 1 for purchase agreement or to CCC Tung Nut Form 1–A for loans. A copy of each designation of agent signed by the producer(s) must be delivered to the county office before any purchase agreement or loan documents filed by the agent on behalf of such producer(s) are approved. A separate certification of eligibility must be executed for or on behalf of each producer.

CCC Tung Nut Form 1 Crop year ____

PRODUCER'S DESIGNATION OF AGENT PURCHASE AGREEMENT

PRICE SUPPORT PROGRAM

I (We) the undersigned eligible tung nut producer(s) hereby appoint _____,
(Name)
_____, my (our) agent with
(Address)
full authority to act for me (us) and in my (our) name and stead in obtaining price support under the tung nut price support program of the Commodity Credit Corporation for the crop year shown above, which is administered through State and county ASC Committees of the United States Department of Agriculture. In exercising such authority the above-named person is empowered to execute all applicable purchase agreement documents, to notify Commodity Credit Corporation of my (our) intention to sell tung nuts or tung oil, to pool my (our) tung nuts or tung oil with tung nuts or tung oil owned by other eligible producers and to warehouse such tung nuts or tung oil at my (our) pro rata expense, and to sell and deliver such pooled tung nuts or tung oil to Commodity Credit Corporation, to make joint settlement and receive payment on my (our) behalf for tung nuts or tung oil so sold and delivered, and to perform any and all other acts necessary or appropriate to the above authority to all intents and purposes as if performed by me (us) personally. This appointment shall continue in effect until it is revoked in writing and a signed copy of the revocation is delivered to Commodity Credit Corporation through the ASC county committee.

In witness whereof I (we) have hereunto affixed my (our) signature(s) this ____ day of _____, 19____.

In presence of

_____ (Witness)	_____ (Signature)
_____ (Witness)	_____ (Signature)
_____ (Witness)	_____ (Signature)

CCC Tung Nut Form 1–A Crop year____

PRODUCER'S DESIGNATION OF AGENT TUNG OIL LOAN

TUNG NUT PRICE SUPPORT PROGRAM

I (We) the undersigned eligible tung nut producer(s) hereby appoint _____,
(Name)
_____, my (our) agent with full
(Address)
authority to act for me (us) and in my (our) name and stead in obtaining price support under the tung nut price support program of the Commodity Credit Corporation for the crop year shown above which is administered through State and county ASC Committees of the United States Department of Agriculture. In exercising such authority, the above-named person is empowered to execute all loan documents, to pool my (our) tung oil with tung oil owned by other eligible producers, to pledge to CCC as security for loan(s) warehouse receipts representing such pooled oil, to receive the proceeds of such loan(s) on my (our) behalf, to distribute all of such proceeds pro-rata to me (among us) and any other producers in accordance with the respective producer's interest in the pooled oil under loan, and to perform any and all other acts necessary or appropriate to the above authority to all intents and purposes as if performed by me (us) personally, including but not limited to the authority to redeem oil under the loan in accordance with instructions from me (us) and other producers having an interest in such oil. This appointment shall continue in effect until revoked in writing and a signed copy thereof delivered to Commodity Credit Corporation through the ASC county committee.

In witness whereof I (we) have hereunto affixed my (our) signature(s) this ____ day of _____ 19___.

In presence of

_____ (Witness)	_____ (Signature)
_____ (Witness)	_____ (Signature)
_____ (Witness)	_____ (Signature)

(g) *Warehouse receipts.* Warehouse receipts representing tung oil in approved warehouse storage to be placed under loan or to be delivered under a purchase agreement must:

(1) Be signed by the warehouseman, or his authorized representative, and be properly endorsed in blank by the producer so as to vest title in the holder;

(2) Show the location of the warehouse;

(3) State the quantity of tung oil guaranteed by the warehouseman;

(4) Guarantee that the tung oil when delivered out by the warehouse, will meet Federal Specification TT–T–775, "Tung Oil", dated May 28, 1957.

(5) State the date of issue;

(6) Set forth in its written terms that the tung oil is insured for not less than the full market value against loss by fire, lightning, inherent explosion, windstorm, cyclone, tornado, leakage, and other hazards required by statute or insured against by the warehouseman;

(7) Be negotiable;

(8) Be issued in the name of the producer (in case of a cooperative, in the name of the producer delivering tung nuts or tung oil to it);

(9) Include a statement or an endorsement in substantially the following form: "All warehouse charges (including insurance) through the storage season on the tung oil represented by this warehouse receipt have been paid or otherwise provided for, and the warehouseman has no lien upon the tung oil for such charges"; and

(10) Contain such other terms and conditions as CCC may require in tung oil storage agreement with approved warehouseman.

§ 443.310 Personal liability of the producer.

Any fraudulent representation made by any producer or agent of the producer in executing any of the purchase agreement or loan documents or in obtaining the purchase agreement or loan proceeds, or the conversion or unlawful disposition of any portion of the commodity by the producer, or agent of the producer, will render the producer or agent subject to criminal prosecution under Federal law and liable for any damages suffered by CCC as a result of purchase of the commodity, for the amount of the loan (including interest), and for any resulting expense incurred by any holder of the note.

§ 443.311 Determination of quantity.

(a) *Tung nuts.* The quantity of tung nuts delivered under purchase agreement shall be determined on the basis of net weight at point of delivery to CCC. The net weight is the gross scale weight less foreign material and bags.

(b) *Tung oil.* Where the tung oil pledged to secure a loan or tendered under a purchase agreement is represented by warehouse receipts issued by approved warehouses, the determination of quantity for purposes of settlement with the producer shall be based on the weight specified on such warehouse receipts. Where tung oil tendered under a purchase agreement is not stored in an approved warehouse, the quantity of such tung oil shall be determined on the basis of approved scale weight at destination.

§ 443.312 Determination of quality.

(a) The determination of the oil content of the tung nuts and the quality of tung oil not stored in approved warehouses which is delivered under purchase agreement shall be made on the basis of samples taken by inspectors authorized or licensed by the Secretary of Agriculture. The samples shall be analyzed by chemists approved by the Department of Agriculture (hereinafter referred to as "approved chemists"). The oil content of the tung nuts shall be determined on the basis of a sample drawn at the time of delivery of the tung nuts to CCC. The time of determining the quality of tung oil and evidence of such quality shall be as provided in § 443.321(e). The cost of sampling and analysis shall be borne by the producer.

(b) In the case of tung oil stored in approved warehouses where appropriate warehouse receipts are delivered to CCC in connection with a purchase agreement or a loan on such tung oil, the quality of such tung oil for the purposes of settlement with the producer shall be the quality shown on the warehouse receipts.

§ 443.313 Liens.

If there are any liens or encumbrances on the tung nuts or tung oil, waivers acceptable to the county committee must be obtained.

§ 443.314 Service charges.

Producers shall pay to the county committee service charges on the quantity of

the commodity placed under loan or specified in the purchase agreement, computed at the following rates:

	Rates	Minimum charges
Tung oil	6 cents per hundredweight	$1.50
Tung nuts	18 cents per ton	1.50

No service charges will be refunded.

§ 443.315 Insurance.

Tung oil tendered for loan or under purchase agreement which is stored in an approved warehouse on a commingled basis must be insured by the warehouseman for not less than the full market value against the hazards specified in § 443.309(g)(6).

§ 443.316 Setoffs.

(a) If any installment or installments on any loan made available by CCC on farm storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is otherwise indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's Setoff Regulations, 7 CFR Part 13, 23 F.R. 3753), to such indebtedness.

(c) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 443.317 Interest rate.

Loans shall bear interest at the rate of 3.5 percent per annum from the date of disbursement to the date of repayment: *Provided*, That where there has been a fraudulent representation by the producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement of the loan.

§ 443.318 Transfer of producer's right or equity.

(a) *Loans.* The producer shall not transfer either his remaining interest in or his right to redeem tung oil pledged as security for a loan, nor shall any one acquire such interest or right. Warehouse receipts will be released only to the producer or his authorized agent as provided in § 443.319.

(b) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

§ 443.319 Release of tung oil under loan.

A producer may at any time on or before maturity obtain release of the tung oil under loan by paying to CCC the principal amount of the note, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Partial release prior to maturity may be arranged with the county committee by paying the amount of the loan represented by the quantity of the tung oil to be released plus charges and accrued interest. However, the quantity to be released must be equal to the quantity covered by one or more warehouse receipts. Warehouse receipts redeemed by repayment shall be released only to the producer or to another whom the producer has authorized in writing to receive the warehouse receipts as his agent.

§ 443.320 Foreclosure.

Upon maturity and non-payment of a tung oil loan, the holder of the note is authorized to remove the collateral tung oil from storage and to sell, assign, transfer, and deliver the collateral tung oil or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder of the note may determine, at public or private sale. Disposition may also be made without removing the tung oil from storage. The holder of the note may become the purchaser of all or any part of the collateral. If, upon maturity and nonpayment of the loan, CCC is the holder of the note, then, at CCC's election, title to the unredeemed collateral tung oil shall, without a sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, including interest and charges. Nothing herein shall preclude paying to the producer, or his personal representative only, without right of assignment to or substitution of any other party, the amount by which the proceeds of sale may exceed the loan indebtedness if the collateral is sold to third parties rather than CCC acquiring title to such collateral.

§ 443.321 Delivery and payment under purchase agreement.

(a) A producer who signs a purchase agreement, Form CP-1, will not be obligated to sell any specified quantity of tung nuts or tung oil to CCC but shall have the option, subject to paragraphs (d) and (e) of this section, of delivering to CCC at the support price any quantity of tung nuts or tung oil within the maximum specified in the purchase agreement executed by him.

(b) A producer who has signed a purchase agreement in terms of tung nuts may, at his option, deliver in lieu of tung nuts a quantity of eligible tung oil not in excess of that which has been processed from such tung nuts: *Provided*, That such tung oil shall be delivered in accordance with paragraph (d) or (e) of this section, whichever is applicable.

(c) Eligible tung nuts will be purchased on the basis of the net weight and the oil content as shown by a chemical analysis. CCC will not accept delivery until a determination of eligibility has been made and a sample for chemical analysis has been drawn. The producer shall deliver tung nuts to CCC in accordance with instructions issued by the county committee on or after March 31, 1963. If the producer is required by such instructions to make delivery to a point more distant from the farm than his usual milling point, CCC will pay the difference, if any, between the cost of transportation from the farm to the designated delivery point and the cost of transportation from the farm to the usual milling point, but not in excess of an amount which the county committee determines is a reasonable difference in cost for such services. The producer must complete delivery of tung nuts within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery.

(d) In the case of tung oil stored in approved storage facilities, the producer must, not later than the day following the final date of the 30-day notification period prescribed in § 443.308(b), or during such period of time thereafter as may be specified by CCC, submit to the county committee warehouse receipts issued in the form prescribed in § 443.309(g). The total quantity of oil represented by such warehouse receipts shall not exceed the quantity shown on Commodity Purchase Form 1. CCC will not accept a delivery of less than the total quantity of tung oil covered by a warehouse receipt. The certification of the eligibility of tung oil, as provided in § 443.309(d) or (e), whichever is applicable, must accompany the warehouse receipt.

(e) In the case of tung oil stored in storage facilities which have not been approved, delivery will be accepted only f.o.b. tank cars at the producer's usual milling point or at other locations approved by CCC. The county committee will, on or after the final date of the 30-day notification period prescribed in § 443.308(b), issue delivery instructions to the producer. Before issuance of such delivery instructions, the producer must submit a chemical analysis certificate (issued by an approved chemist) covering each tank car offered showing that oil meets Federal Specifications; or if it is found by the county committee that a submission of these analysis certificates on tank car lots would cause undue delay in shipment, (1) the producer may submit evidence that a sample of each car lot of oil has been properly drawn and submitted to an approved chemist for analysis if the producer (i) waives his right of appeal of the findings of the approved chemist, (ii) agrees that demurrage incurred as a result of delay in receiving the chemical analysis prior to final acceptance, shall be for the producer's account and (iii) agrees further that if the tung oil does not meet Federal Specifications, the car shall be rejected with all freight, demurrage, and handling charges reverting to the account of the producer; or (2) the producer may submit chemical analysis certificates (issued by an approved chemist) showing that the tung oil offered meets Federal Specifications and is stored in sealed identity preserved tanks if the producer agrees to have such tank oil check-loaded by a representative of CCC into tank cars for delivery to CCC and to bear all handling and other costs prior to acceptance by CCC f.o.b. tank cars. The producer must submit a certification of the eligibility of tung oil, as provided in § 443.309 (d) or (e), whichever is applicable, and complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery. Notwithstanding the provisions of this section, delivery of less than tank car lots may be accepted by CCC f.o.b. tank truck or other conveyance in those cases where the commodity office determines that such action is in the interest of CCC. The tung nuts or tung oil will be purchased by CCC at the applicable support rate and payment will be made by sight drafts drawn on CCC by the county office.

§ 443.322 Storage and handling charges.

(a) *Tung nuts.* CCC will not pay or assume any of the costs of transportation (except as provided in § 443.321 (c)), storage, cleaning, insurance premiums, bags and bagging, sampling, testing and analysis reports and tagging accruing prior to delivery of the tung nuts to CCC under a purchase agreement, nor will CCC assume the cost of handling or processing expenses which are necessary to prepare the tung nuts to meet eligibility requirements.

(b) *Tung oil.* CCC will not pay or assume the cost of transportation, sampling, insurance, testing and analysis accruing on the tung oil prior to delivery under a purchase agreement or prior to the maturity date of the loan on tung oil placed under loan, nor will CCC pay or assume any handling or processing charges which are necessary to prepare the tung oil to meet eligibility requirements. Storage charges on tung oil stored in approved warehouses shall be paid by the producer through October 31, 1963. Storage charges accruing on such tung oil after such date will be for the account of CCC. All storage charges on tung oil stored in unapproved warehouses shall be for the account of the producer.

(c) *Unexpired storage time and services.* CCC and any subsequent holder of warehouse receipts covering tung oil shall be entitled to any unexpired portion of the storage time and outloading services to which the producer became entitled under any contract between the producer and the warehouseman.

§ 443.323 Support prices.

(a) *Tung nuts.* The support price for tung nuts containing 18.5 percent oil (basis 15 percent moisture) shall be $63.34 per ton in all areas. This price shall be adjusted upward or downward by 34 cents per ton for each variation of 1/10 of 1 percent oil from the base of 18.5 percent oil content (basis 15 percent moisture) on the basis of chemical analysis certificates issued by an approved chemist.

(b) *Tung oil.* The equivalent price for eligible tung oil will be 24 cents per pound in all areas.

§ 443.324 ASCS Commodity Office and Data Processing Center.

The Dallas ASCS Commodity Office, 500 South Ervay Street, Dallas 1, Texas, will serve the tung area.

Accounting, recording and reporting will be through the Data Processing Center, Kansas City 41, Missouri, Post Office Box 205.

Effective date of signature.

Signed at Washington, D.C., on September 17, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-9462; Filed, Sept. 20, 1962; 8:54 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 981—ALMONDS GROWN IN CALIFORNIA

Budget of Expenses of Almond Control Board and Rate of Assessment for 1962–63 Crop Year

Notice was published in the FEDERAL REGISTER on September 5, 1962 (27 F.R. 8832) that there was under consideration a proposal regarding expenses of the Almond Control Board and rate of assessment for the 1962–63 crop year which began July 1, 1962. The proposal was based on the recommendation of the Almond Control Board and other available information, pursuant to the applicable provisions of the amended marketing agreement and order (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The notice afforded interested persons opportunity to file written data, views, or arguments pertaining thereto with the Department for consideration prior to approval of a budget of expenses and the establishment of an assessment rate for the 1962–63 crop year. The prescribed time has expired and no such communication has been received.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that expenses of the Control Board in the amount of $63,000 are reasonable and likely to be incurred by the Board during the 1962–63 crop year and a rate of assessment of 0.15 cent per pound of almonds, kernel weight basis, is necessary to provide funds to meet authorized Board expenses.

Therefore, the expenses of the Control Board and rate of assessment for the crop year beginning July 1, 1962, are established as follows:

§ 981.312 Budget of expenses of the Almond Control Board and rate of assessment for the 1962–63 crop year.

(a) *Budget of expenses.* The budget of expenses of the Almond Control Board for the crop year beginning July 1, 1962, shall be in the total amount of $63,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Board, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The assessment required to be paid by each handler in accordance with § 981.81 is established for said year at the rate of 0.15 cent per pound of almonds (kernel weight basis).

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that a rate of assessment fixed for a particular crop year shall be applicable to all assessable almonds from the beginning of such year; and (2) the current crop year began on July 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable almonds beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 18, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Services.

[F.R. Doc. 62-9456; Filed, Sept. 20, 1962; 8:53 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Eligibility of Specific Bond Issues for Purchase by National Banks

Part 1, Chapter I, Title 12, of the Code of Federal Regulations of the United States of America is hereby amended by adding new § 1.15 as follows:

§ 1.15 Dormitory authority of the State of New York.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $8,630,000 Dormitory Authority of the State of New York, 3.60 percent Dormitory Revenue Bonds of 1957 (State University of New York) for investment by national banks under the provisions of paragraph seventh, 12 U.S.C. 24.

(b) *Opinion.* (1) The authority is a public benefit corporation, created in

1944 to provide dormitories and related facilities at colleges in the State of New York. This issue was floated to help finance the construction of certain dormitory facilities at various colleges of the State University of New York. These dormitories have been completed and are now being utilized.

(2) The bonds mature serially from 1963 to 1984. They are payable solely from the revenues derived from the lease of the dormitory facilities by the Authority to the State University of New York. The lease agreement provides for an annual rental sufficient to cover debt service requirements, and all other necessary charges. To date the University has made all required rental payments when due. Occupancy rates for the facilities have been very high, and there appears little likelihood of a shortage of the necessary funds. The Authority has never defaulted in the payment of its bond obligations.

(c) *Ruling.* We conclude that the subject bonds are eligible for investment by national banks within the limitations of paragraph seventh of 12 U.S.C. 24.

Dated: September 17, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-9433; Filed, Sept. 20, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1394; Amdt. 486]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Series Aircraft

Amendment 165, 25 F.R. 4736 (AD 60-11-5), requires inspection of the swirl vane straightner and engine mount on Lockheed 188 Series aircraft. The requirements of this directive are no longer applicable as all 188 Series aircraft have been modified to alleviate the problem as part of the "LEAP" program. Since continuation of the inspections required by Amendment 165 imposes an undue burden on operators of Lockheed 188 Series aircraft, Amendment 165 is hereby rescinded.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by rescinding Amendment 165, 25 F.R. 4736.

This amendment shall become effective September 21, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 17, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-9410; Filed, Sept. 20, 1962; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-CE-51]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2064 of the regulations of the Administrator is to alter the Omaha, Nebr. (Eppley Field), control zone.

The Omaha (Eppley Field) control zone is presently designated, in part, with reference to the California, Iowa, fan marker and the Omaha radio range. The prescribed radio range instrument procedure based on the north course of the Omaha radio range is being cancelled. The Federal Aviation Agency is decomissioning the California fan marker as it is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on the north course of the Omaha radio range and the California fan marker. Controlled airspace requirements for this area will be reviewed at a later date under the CAR Amendments 60-21/60-29 implementation program.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective on October 18, 1962.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2064 (14 CFR 601.2064) is amended to read:

§ 601.2064 Omaha, Nebr. (Eppley Field), control zone.

Within a 5-mile radius of Eppley Field, Omaha, Nebr., (Lat. 41°18'00" N., Long. 95°53'35" W.) and within 2 miles either side of the Eppley Field ILS localizer NW course extending from the 5-mile radius zone to 10 miles NW of the localizer.

This amendment shall become effective 0001 e.s.t. October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 14, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9411; Filed, Sept. 20, 1962; 8:47 a.m.]

[Airspace Docket No. 62-EA-64]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2375 of the regulations of the Administrator is to alter the time of designation of the Islip, N.Y., control zone.

The Islip control zone is presently designated on a full time basis. However, the weather reporting service, provided by the McArthur Airport control tower, is available only from 0700 to 2300 hours, local time, daily. Therefore, action is taken herein to redesignate the Islip control zone with effective hours coincident with those within which the weather reporting service is provided.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 601.2375 (27 F.R. 7675), "OM." is deleted and "OM, from 0700 to 2300 hours, local time, daily." is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 14, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9412; Filed; Sept. 20, 1962; 8:47 a.m.]

[Airspace Docket No. 62-WE-103]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Toledo, Wash., control zone.

The Federal Aviation Agency has determined that the Toledo control zone is no longer required for air traffic control purposes and therefore is no longer justified as an assignment of controlled airspace. Action is taken herein to revoke the Toledo control zone.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 601.1983 (14 CFR 601.1983) is amended by deleting the following:

Toledo, Wash.: Toledo-Winlock Airport.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 14, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9413; Filed, Sept. 20, 1962; 8:47 a.m.]

[Airspace Docket No. 62-CE-17]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

On June 29, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 6171) stating that the Federal Aviation Agency proposed to designate a control zone at Janesville, Wis.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2515 Janesville, Wis., control zone.

Within a 5-mile radius of the Rock County Airport, Janesville, Wis. (Lat. 42°37'12" N., Long. 89°02'25" W.) from 0600 to 2400 hours, local time, daily.

This amendment shall become effective 0001 e.s.t., November 15, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 14, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9414; Filed, Sept. 20, 1962; 8:47 a.m.]

[Airspace Docket No. 62-WE-104]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Daggett, Calif., control zone.

The Federal Aviation Agency has determined that the Daggett control zone is no longer required for air traffic control purposes and therefore is no longer justified as an assignment of controlled airspace. Action is taken herein to revoke the Daggett control zone.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 601.1983 (14 CFR 601.1983) is amended by deleting the following:

Daggett, Calif.: Daggett Municipal Airport.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on September 14, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9415; Filed, Sept. 20, 1962; 8:47 a.m.]

[Airspace Docket No. 62-WE-102]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke The Dalles, Wash., control zone.

The Federal Aviation Agency has determined that The Dalles control zone is no longer required for air traffic control purposes and therefore is no longer justified as an assignment of controlled airspace. Action is taken herein to revoke The Dalles control zone.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 601.1983 (14 CFR 601.1983) is amended by deleting the following:

The Dalles, Oreg.: The Dalles Municipal Airport.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on September 14, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9416; Filed, Sept. 20, 1962; 8:47 a.m.]

[Airspace Docket No. 62-WE-101]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Dillon, Mont., control zone.

The Federal Aviation Agency has determined that the Dillon control zone is no longer required for air traffic control purposes and therefore is no longer justified as an assignment of controlled airspace. Action is taken herein to revoke the Dillon control zone.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 601.1983 (14 CFR 601.1983) is amended by deleting the following:

Dillon, Mont.: Dillon intermediate field.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on September 14, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9417; Filed, Sept. 20, 1962; 8:48 a.m.]

[Reg. Docket No. 1385; Amdt. 93]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.1001 *Direct routes—U.S.* is amended to read:

Route 5
From Ramey, P.R., VOR; to *Brownson INT, P.R.; MEA 1,500. *3,000—MRA.
From Brownson INT, P.R.; to *Steelhead INT, P.R.; MEA 1,500. *3,800—MRA.
From Steelhead INT, P.R.; to *Ohio INT, P.R.; MEA **5,500. *8,000—MRA. **1,000—MOCA.
Route 6
From San Juan, P.R., VOR; to Coral INT, P.R.; MEA 1,300.
From Coral INT, P.R.; to *Brownson INT, P.R.; MEA **3,000. *3,000—MRA. **1,000—MOCA.
From Brownson INT, P.R.; to Idaho INT, P.R.; MEA *8,000. *1,000—MOCA.
Route 7
From Georgia INT, P.R.; to Point Tuna INT, P.R.; MEA *6,000. *2,000—MOCA.
From Point Tuna INT, P.R.; to San Lorenzo INT, P.R.; MEA 3,100.
From San Lorenzo INT, P.R.; to San Juan, P.R. VOR 3,800.
From San Juan, P.R., VOR; to *Greenwater INT, P.R.; MEA 1,200. *2,500—MRA.
From Greenwater INT, P.R.; to *Lobster INT, P.R.; MEA 1,200. *2,500—MRA.
From Lobster INT, P.R.; to Dolphin INT, P.R.; MEA *2,500. *1,000—MOCA.
From Dolphin INT, P.R.; to Sailfish INT, P.R.; MEA *3,000. *1,000—MOCA.
From Sailfish INT, P.R.; to *Ohio INT, P.R.; MEA **8,000. *8,000—MRA. **1,000—MOCA.
Route 9
From Iowa INT, P.R.; to *Isabel INT, P.R.; MEA **6,600. *5,600—MRA. **1,300—MOCA.
From Isabel INT, P.R.; to Midway INT, P.R.; MEA *5,000. *4,200—MOCA.
From Midway INT, P.R.; to *Guaynabo INT, P.R.; MEA 4,500. *4,500—MRA.
From Guaynabo INT, P.R.; to San Juan, P.R., VOR; MEA 3,200.
From San Juan, P.R., VOR; to *Caribbean INT, P.R.; MEA 1,200. *2,500—MRA.
From Caribbean INT, P.R.; to *Pacific INT, P.R.; MEA 1,200. *2,500—MRA.
From Pacific INT, P.R.; to *Atlantic INT, P.R.; MEA **2,500. *4,000—MRA. **1,000—MOCA.
From Atlantic INT, P.R.; to Vermont INT, P.R.; MEA *8,000. *1,000—MOCA.

Section 610.1001 *Direct routes—U.S.* is amended to read in part:

From Guppy INT, Fla.; to Nimrod INT, Fla.; MEA *2,000. *1,000—MOCA.
From Bonita INT, Fla.; to Tarpon INT, Fla.; MEA *5,500. *1,000—MOCA.
From Snapper INT, Fla.; to *Squid, INT, Fla.; MEA **20,000. *20,000—MRA. **1,000—MOCA.
From Guppy INT, Fla.; to Fisher INT, Fla., via Control 1150; MEA 2,000.
From Maytown INT, Fla.; to Titusville INT, Fla., via Control 1386; MEA *2,500. *1,200—MOCA.
From Titusville INT, Fla.; to Barracuda INT, Fla.; MEA *15,000. *1,000—MOCA.
From El Paso, Tex., LF/RBN; to Van Horn, Tex., LF/RBN; MEA 9,000.
Route 1
From Ramey, P.R., VOR; to *Utah INT, P.R.; MEA **2,500. *7,000—MRA. **1,500—MOCA.
Route 2
From Texas INT, P.R.; to Ramey, P.R., VOR; MEA 2,000.
From Ramey, P.R., VOR; to San Juan, P.R., VOR; MEA 2,000.
Route 3
From San Juan, P.R., VOR; to *Mangrove INT, P.R.; MEA 1,300. *2,500—MRA.
From Mangrove INT, P.R.; to *Marlin INT, P.R.; MEA 1,300. *2,500—MRA.
Route 4
From Idaho INT, P.R.; to Ramey, P.R., VOR; MEA 1,500.
From Ramey, P.R., VOR; to Midway INT, P.R.; MEA 5,400.
From Midway INT, P.R.; to *Point Tuna INT, P.R.; MEA **8,700. *8,700—MCA Point Tuna INT, Northwestbound. **4,200—MOCA.
From Point Tuna INT, P.R.; to Vieques INT, P.R.; MEA 3,100.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Baton Rouge, La., VOR; to *Woodville INT, La.; MEA 1,500. *2,300—MRA.
From Rond Lake INT, La., to Baton Rouge, La., VOR; MEA 1,500.
From New Orleans, La., VOR; to Frank INT, La.; MEA 1,400.
From Ruby INT, La.; to Pearl INT, Miss.; MEA 1,600.
From Todd INT, La.; to *Ruby INT, La.; MEA 1,600. *2,700—MRA.
From Guppy INT, Fla.; to Pineapple INT, Fla.; MEA *3,000. *1,000—MOCA.
Route 2
From Fajardo INT, P.R.; to Culebra INT, P.R.; MEA *1,500. *1,000—MOCA.
Route 3
From *Steelhead INT, P.R.; to **Utah INT, P.R.; MEA 7,000. *3,800—MRA. **7,000—MRA.
Route 4
From Vieques INT, P.R.; to Saint Croix, P.R., VOR; MEA 2,200.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From Clint, Tex., LF/RBN; to Harrington Ranch, N. Mex., FM; MEA 8,500.
From Tucumcari, N. Mex., VOR; to Cannon (AFB), N. Mex., LF/RBN; MEA 7,000.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Lakeport INT, N.Y.; to Utica, N.Y., VOR; MEA 3,000.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Louisville, Ky., VOR via N alter.; to Finchville INT, Ky., via N alter.; MEA 2,200.
From Finchville INT, Ky., via N alter.; to Bridgeport INT, Ky., via N alter.; MEA 2,400.
From Louisville, Ky., VOR via S alter.; to McAfee INT, Ky., via S alter.; MEA 2,200.
From McAfee INT, Ky., via S alter.; to Lexington, Ky., VOR via S alter.; MEA 2,000.
From Malad City, Idaho, VOR; to Green River INT, Wyo.; MEA *14,000. *12,000—MOCA.
From Green River INT, Wyo.; to Rock Springs, Wyo., VOR; MEA 10,000.
From Rock Springs, Wyo., VOR; via N alter.; to Cherokee, Wyo., VOR via N alter.; MEA 10,000.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Mansfield, Ohio, VOR; to New London INT, Ohio; MEA *3,000. *2,500—MOCA.
From New London INT, Ohio; to Cleveland, Ohio, VOR; MEA *2,500. *2,200—MOCA.
From *Loraine INT, Ga.; to McDonough, Ga., VOR; MEA 2,500. *2,500—MRA.
From Wayside INT, Ga., via E alter.; to McDonough, Ga., VOR via E alter.; MEA 2,500.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From *Ogden, Utah, VOR; to Fort Bridger, Wyo., VOR; MEA 12,000. *11,000—MCA Ogden VOR, eastbound.
From Fort Bridger, Wyo., VOR via N alter.; to Rock Springs, Wyo., VOR via N alter.; MEA 10,000.
From Rock Springs, Wyo., VOR via N alter.; to Cherokee, Wyo., VOR via N alter.; MEA 10,000.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From *Ontario, Calif., VOR; to Fontana INT, Calif., northeastbound, 10,000; southwestbound, MEA 5,000. *7,000—MCA Ontario VOR, northeastbound.
From Fontana INT, Calif., to Hector, Calif., VOR; MEA 10,000.

Section 610.6009 *VOR Federal airway 9* is amended to read in part:

From New Orleans, La., VOR via E alter.; to *Snail INT, La., via E alter.; MEA 1,400. *2,000—MRA.
From Snail INT, La., via E alter.; to Picayune, Miss., VOR via E alter.; MEA 1,400.
From Lincoln INT, Ill.; to Atlanta INT, Ill.; MEA *2,000. *1,800—MOCA.

Section 610.6011 *VOR Federal airway 11* is amended to read in part:

From Zionsville INT, Ind., via W alter.; to Greentown INT, Ind., via W alter.; MEA *2,800. *2,200—MOCA.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Readsville, Mo., VOR via S alter.; to Hermann INT, Mo., via S alter.; MEA 2,200.

Section 610.6013 *VOR Federal airway 13* is amended to read in part:

From Humble INT, Tex.; to Lufkin, Tex., VOR; MEA *2,500. *1,800—MOCA.
From Kansas City, Mo., VOR via E alter.; to *Jameson INT, Mo., via E alter.; MEA **2,900. *2,900—MRA. **2,400—MOCA.
From Neosho, Mo., VOR; to *Nashville INT, Mo., MEA 2,700. *2,700—MRA.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From *Gainesville INT, Tex., via W alter.; to Ardmore, Okla., VOR via W alter.; MEA 2,300. *2,500—MRA.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Crossville, Tenn., VOR; to Knoxville, Tenn., VOR; MEA 5,000.
From *Avery INT, Tex., via N alter.; to Texarkana, Ark., VOR via N alter.; MEA **2,000. *2,000—MRA. **1,700—MOCA.
From Memphis, Tenn., VOR via S alter.; to Moscow INT, Tenn., via S alter.; MEA *2,200. *1,500—MOCA.
From Moscow INT, Tenn., via S alter.; to Graham, Tenn., VOR via S alter.; MEA *3,200. *2,000—MOCA.

Section 610.6016 *VOR Federal airway 16* is amended by adding:

From Crossville, Tenn., VOR via S alter.; to Sweetwater INT, Tenn., via S alter.; MEA 5,000.
From Sweetwater INT, Tenn., via S alter.; to Knoxville, Tenn., VOR via S alter.; MEA 3,000.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From Monroe, La., VOR via N alter.; to *Girard INT, La., via N alter.; MEA 1,900. *2,900—MRA.
From Girard INT, La., via N alter.; to Int. 065 M rad Monroe VOR and 285 M rad Jackson VOR via N alter.; MEA *2,500. *1,500—MOCA.
From Int. 065 M rad Monroe VOR and 285 M rad Jackson VOR via N alter.; to Jackson, Miss., VOR via N alter.; MEA *2,500. *1,700—MOCA.

From Monroe, La., VOR via S alter.; to *Edwards INT, Miss., via S alter.; MEA **2,600. *4,000—MRA. **1,700—MOCA.
From McDonough, Ga., VOR; to Int. 087 M rad McDonough VOR and 191 M rad Athens VOR; MEA 2,300.
From Chattahoochee INT, Ga., via N alter.; to Lithonia INT, Ga., via N alter.; MEA 2,200.
From Lithonia INT, Ga., via N alter.; to Conyers INT, Ga., via N alter.; MEA 2,400.
From Raytown INT, Ga., via N alter.; to Augusta, Ga., VOR via N alter.; MEA 2,300.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From New Orleans, La., VOR via N alter.; to *Snail INT, La., via N alter.; MEA 1,400. *2,000—MRA.
From Snail INT, La., via N alter.; to Picayune, Miss., VOR via N alter.; MEA 1,400.
From LaGrange, Ga., VOR; to Atlanta, Ga., VOR; MEA 2,500.
From Lithonia INT, Ga.; to Winder INT, Ga.; MEA 3,200.
From Winder INT, Ga.; to Royston, Ga., VOR; MEA 2,700.
From Royston, Ga., VOR; to Spartanburg, S.C., VOR; MEA 2,500.
From Newnan INT, Ga., via N alter.; to Atlanta, Ga., VOR via N alter.; MEA 2,500.
From Elizabeth INT, Ga., via N alter.; to Clemson INT, S.C., via N alter.; MEA *7,000. *3,000—MOCA.

Section 610.6021 *VOR Federal airway 21* is amended to read in part:

From *Ontario, Calif., VOR; to Fontana INT, Calif., northeastbound, MEA 10,000; southwestbound, MEA 5,000; *7,000—MCA Ontario VOR, northeastbound.
From Fontana INT, Calif.; to Hector, Calif., VOR; MEA 10,000.
From Delta, Utah, VOR; to Provo, Utah, VOR; MEA 11,000.

Section 610.6022 *VOR Federal airway 22* is amended to delete:

From Holly Beach INT, La., via N alter.; to Lake Charles, La., VOR via N alter.; MEA 1,300.
From Lake Charles, La., VOR via N alter.; to *Grand Lake INT, La., via N alter.; MEA **1,500. *2,200—MRA. **1,300—MOCA.
From Grand Lake INT, La., via N alter.; to *Redfish Point INT, La., via N alter.; MEA **2,200. *4,200—MRA. **1,300—MOCA.

Section 610.6022 *VOR Federal airway 22* is amended to read in part:

From Holly Beach INT, La.; to Redfish Point INT, La.; MEA *6,000. *1,300—MOCA.

Section 610.6026 *VOR Federal airway 26* is amended by adding:

From Cleveland, Ohio, VOR; to New London INT, Ohio; MEA *2,500. *2,200—MOCA.
From New London INT, Ohio; to Tiverton, Ohio, VOR; MEA 2,500.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From Macon, Ga., VOR; to Int. 087 M rad McDonough VOR and 191 M rad Athens VOR; MEA 2,000.
From Int. 087 M rad McDonough VOR and 191 M rad Athens VOR; to *Madison INT, Ga.; MEA 2,500. *3,000—MRA.
From Madison INT, Ga.; to Athens, Ga., VOR; MEA 2,500.
From Athens, Ga., VOR; to Royston, Ga., VOR; MEA 2,300.
From Royston, Ga., VOR; to Clemson INT, S.C.; MEA 2,700.

Section 610.6040 *VOR Federal airway 40* is amended to read in part:

From Cleveland, Ohio, VOR; to Briggs, Ohio, VOR; MEA 2,500.

Section 610.6044 *VOR Federal airway 44* is amended to read in part:

From Parkersburg, W. Va., VOR; to Pullman INT, W. Va.; MEA *3,000. *2,500—MOCA.
From Pullman INT, W. Va.; to Morgantown, W. Va., VOR; MEA 4,000.

Section 610.6045 *VOR Federal airway 45* is amended to read in part:

From Kinston, N.C., VOR; to Wendell INT, N.C.; MEA *2,000. *1,400—MOCA.
From Wendell INT, N.C.; to Raleigh-Durham, N.C., VOR; MEA 2,300.

Section 610.6050 *VOR Federal airway 50* is amended to read in part:

From Santa Rosa INT, Mo.; to *Jameson INT, Mo.; MEA **3,000. *2,900—MRA. **2,500—MOCA.

Section 610.6051 *VOR Federal airway 51* is amended to read in part:

From *Loraine INT, Ga.; to McDonough, Ga., VOR; MEA 2,500. *2,500—MRA.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From Memphis, Tenn., VOR via N alter.; to Moscow INT, Tenn., via N alter.; MEA *2,200. *1,500—MOCA.
From Moscow INT, Tenn., via N alter.; to Muscle Shoals, Ala., VOR via N alter.; MEA *3,200. *2,000—MOCA.
From Holly Springs, Miss., VOR via S alter.; to *Maud INT, Ala., via S alter.; MEA **2,700. *4,000—MRA. **1,900—MOCA.

Section 610.6058 *VOR Federal airway 58* is amended to read in part:

From Williamsport, Pa., VOR; to Lopez INT, Pa.; MEA 4,500.
From Lopez INT, Pa.; to Wilkes-Barre, Pa., VOR; MEA 4,000.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From Denton INT, Tex.; to Prosper INT, Tex.; MEA *2,100. *1,900—MOCA.
From Athens, Ga., VOR; to Iva INT, S.C.; MEA 2,300.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From Junction, Tex., VOR; to *Doss INT, Tex.; MEA **3,600. *5,000—MRA. **3,400—MOCA.

Section 610.6069 *VOR Federal airway 69* is amended to read in part:

From Lincoln INT, Ill.; to Atlanta INT, Ill.; MEA *2,000. *1,800—MOCA.

Section 610.6075 *VOR Federal airway 75* is amended to read in part:

From Morgantown, W. Va., VOR; to Old Concord INT, Pa.; MEA 4,000.
From Old Concord INT, Pa.; to Wheeling, W. Va., VOR; MEA 3,000.
From Briggs, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,500.

Section 610.6076 *VOR Federal airway 76* is amended to read in part:

From *Welch INT, Tex.; to Pat INT, Tex.; MEA **5,100. *6,000—MRA. **4,300—MOCA.

Section 610.6081 *VOR Federal airway 81* is amended to read in part:

From Pat INT, Tex.; to *Welch INT, Tex.; MEA **5,100. *6,000—MRA. **4,300—MOCA.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From Butler INT, Ga., via E alter.; to Atlanta, Ga., VOR via E alter.; MEA 2,800.
From Cincinnati, Ohio, VOR via E alter.; to Shelbyville, Ind., VOR via E alter.; MEA 2,200.

Section 610.6114 *VOR Federal airway 114* is amended to read in part:

From Alexandria, La., VOR; to *Bunkie INT, La.; MEA 1,400. *3,000—MRA.

Section 610.6115 *VOR Federal airway 115* is amended to read in part:

From Chattanooga, Tenn.; VOR; to Knoxville, Tenn., VOR; MEA 3,000.

Section 610.6116 *VOR Federal airway 116* is amended to read in part:

From Stonyfork, Pa., VOR; to Lacey INT, Pa.; MEA 4,500.
From Lacey INT, Pa.; to Wilkes-Barre, Pa., VOR; MEA 4,000.

Section 610.6119 *VOR Federal airway 119* is amended to read in part:

From Huntington, W. Va., LF/RBN; to Henderson, W. Va., VOR; MEA 2,700.
From Imperial, Pa., VOR; to Clarion, Pa., VOR; MEA 3,000.

Section 610.6126 *VOR Federal airway 126* is amended to read in part:

From Stonyfork, Pa., VOR; to Lacey INT, Pa.; MEA 4,500.
From Lacey INT, Pa.; to Wilkes-Barre, Pa., VOR; MEA 4,000.

Section 610.6132 *VOR Federal airway 132* is amended to read in part:

From Chanute, Kans., VOR; to Walnut INT, Kans.; MEA 2,200.
From Walnut INT, Kans.; to *Nashville INT, Mo.; MEA**2,500. *2,700—MRA. **2,200—MOCA.

Section 610.6134 *VOR Federal airway 134* is amended to read in part:

From Raymond INT, Ga.; to Atlanta, Ga., VOR; MEA 2,500.

Section 610.6139 *VOR Federal airway 139* is amended to read in part:

From Pinta INT, N.Y.; to Beach INT, N.Y.; MEA 5,000.
From Beach INT, N.Y.; to Hampton, N.Y., VOR; MEA *5,000. *1,500—MOCA.

Section 610.6140 *VOR Federal airway 140* is amended to read in part:

From Dyersburg, Tenn., VOR via S alter.; to Graham, Tenn., VOR via S alter.; MEA *2,700. *2,000—MOCA.
From Nashville, Tenn., VOR via N alter.; to River Bend INT, Tenn., via N alter.; MEA *2,500. *2,000—MOCA.
From River Bend INT, Tenn., via N alter.; to Freedom INT, Tenn., via N alter.; MEA *3,000. *2,000—MOCA.

Section 610.6143 *VOR Federal airway 143* is amended by adding:

From Montebello, Va., VOR; to Luray INT, Va.; MEA 5,600.
From Luray INT, Va.; to Casanova, Va., VOR; MEA 6,000.

Section 610.6147 *VOR Federal airway 147* is amended to read in part:

From Geneseo, N.Y., VOR; to Rochester, N.Y., VOR; MEA 2,100.

Section 610.6149 *VOR Federal airway 149* is amended to read in part:

From Sherrill INT, N.Y.; to Utica, N.Y., VOR; MEA 3,000.

Section 610.6153 *VOR Federal airway 153* is amended to read in part:

From Sound INT, N.Y.; to LaGuardia, N.Y., VOR; MEA 2,000.

Section 610.6156 *VOR Federal airway 156* is amended by adding:

From Elkins, W. Va., VOR via N alter.; to Kessel, W. Va., VOR via N alter.; MEA 6,000.

From Kessel, W. Va., VOR via N alter.; to Gordonsville, Va., VOR via N alter.; MEA 6,000.

Section 610.6161 *VOR Federal airway 161* is amended to read in part:

From Lawson INT, Mo.; to *Jameson INT, Mo.; MEA **2,900. *2,900—MRA. **2,400—MOCA.

Section 610.6167 *VOR Federal airway 167* is amended to read in part:

From Coyle, N.J., VOR; to Int. 057 M rad Coyle VOR and 207 M rad Idlewild VOR; MEA 3,000.

From Int. 057 M rad Coyle VOR and 207 M rad Idlewild VOR; to Idlewild, N.Y., VOR; MEA 1,700.

Section 610.6168 *VOR Federal airway 168* is amended to read in part:

From Scottsbluff, Nebr., VOR; to Snake INT, Nebr.; eastbound, MEA *13,000; westbound, MEA 5,400. *5,400—MOCA.

Section 610.6176 *VOR Federal airway 176* is amended to read in part:

From Holly Springs, Miss., VOR via N alter.; to *Maud INT, Ala., via N alter.; MEA **2,700. *4,000—MRA. **1,900—MOCA.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From *Lake INT, Ariz.; to **Salt River INT, Ariz.; northeastbound, MEA 12,000; southwestbound, MEA 10,000. *9,000—MCA Lake INT, northeastbound. **13,000—MRA.

Section 610.6194 *VOR Federal airway 194* is amended to read in part:

From Rose Hill INT, Miss.; to Meridian, Miss. VOR; MEA *2,000. *1,400—MOCA.

From Homer INT, Ga.; to Royston, Ga.; VOR; MEA 2,400.

From Royston, Ga., VOR; to Greenwood, S.C., VOR; MEA 2,400.

From *Norwood INT, N.C., to Goldston INT, N.C.; MEA **4,000. *3,000—MRA. **1,800—MOCA.

From Goldston INT, N.C.; to Raleigh-Durham, N.C., VOR; MEA 2,000.

Section 610.6201 *VOR Federal airway 201* is amended to read in part:

From *Berry INT, Calif.; to Soledad INT, Calif.; MEA 9,000. *8,000—MCA Berry INT, northbound.

Section 610.6210 *VOR Federal airway 210* is amended to read in part:

From *Anita INT, Ariz.; to Tuba City, Ariz.; MEA 10,000. *11,000—MRA.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From Junction, Tex., VOR; to *Harper INT, Tex.; MEA **4,000. *5,500—MRA. **3,400—MOCA.

Section 610.6232 *VOR Federal airway 232* is amended to read in part:

From Sandusky, Ohio, VOR; to Crib INT, Ohio; MEA 1,900.

From Crib INT, Ohio; to Mentor INT, Ohio; MEA *2,500. *2,100—MOCA.

From Mentor INT, Ohio; to Chardon, Ohio, VOR; MEA 2,500.

Section 610.6241 *VOR Federal airway 241* is amended to read in part:

From Raymond INT, Ga., via W alter.; to Atlanta, Ga., VOR via W alter.; MEA 2,500.

From Columbus, Ga., VOR; to Turin INT, Ga.; MEA 2,700.

From Turin INT, Ga.; to Atlanta, Ga., VOR; MEA 2,500.

From Columbus, Ga., VOR via W alter.; to Big Spring INT, Ga., via W alter.; MEA 2,700.

From Big Spring INT, Ga., via W alter.; to Raymond INT, Ga., via W alter.; MEA 2,200.

Section 610.6243 *VOR Federal airway 243* is amended to read in part:

From Roberta INT, Ga.; to Yatesville INT, Ga.; MEA 1,700.

From Yatesville INT, Ga.; to Atlanta, Ga., VOR; MEA 2,600.

From Butler INT, Ga. via W alter.; to Atlanta, Ga., VOR via W alter.; MEA 2,800.

From *Hartsville INT, Tenn.; to Bowling Green, Ky., VOR; MEA **2,400. *2,800—MRA. **2,000—MOCA.

Section 610.6249 *VOR Federal airway 249* is amended to read in part:

From Kilmer INT, N.J.; to Boonton INT, N.J.; MEA 2,000.

From Boonton INT, N.J.; to Sparta, N.J., VOR; MEA 2,500.

From DeLancey, N.Y., VOR.; to Milford INT, N.Y.; MEA 4,800.

Section 610.6251 *VOR Federal airway 251* is amended to read in part:

From Captain INT, Pa.; to Sparta, N.J., VOR; MEA 2,400.

Section 610.6251 *VOR Federal airway 251* is amended by adding:

From Montebello, Va., VOR; to Luray INT, Va.; MEA 5,600.

From Luray INT, Va.; to Front Royal, Va., VOR; MEA 5,000.

Section 610.6266 *VOR Federal airway 266* is amended to read in part:

From Franklin, Va., VOR; to Norfolk, Va., VOR; MEA 2,100.

Section 610.6278 *VOR Federal airway 278* is amended to read in part:

From Dallas, Tex., VOR; to Paris, Tex., VOR; MEA 1,800.

From Paris, Tex., VOR; to *Avery INT, Tex.; MEA **2,000. *2,000—MRA. **1,700—MOCA.

From Avery INT, Tex.; to Texarkana, Ark., VOR; MEA *2,000. *1,700—MOCA.

Section 610.6289 *VOR Federal airway 289* is amended to read in part:

From Beaumont, Tex., VOR; to *Kountze INT, Tex.; MEA **1,600. *2,900—MRA. **1,500—MOCA.

Section 610.6295 *VOR Federal airway 295* is amended to read in part:

From Pike INT, Fla.; to Kingfish INT, Fla.; MEA *2,500 *1,000—MOCA.

Section 610.6297 *VOR Federal airway 297* is amended to delete:

From Mansfield, Ohio, VOR; to Sandusky, Ohio, VOR; MEA 2,500.

From Sandusky, Ohio, VOR; to Perch INT, Ohio; MEA 2,000.

From Perch INT, Ohio; to Crest INT, Mich.; MEA *2,500. *2,000—MOCA.

From Crest INT, Mich.; to Carleton, Mich., VOR; MEA 2,000.

Section 610.6297 *VOR Federal airway 297* is amended by adding:

From Akron, Ohio, VOR; to Strongsville, Ohio, VOR; MEA *3,000. *2,600—MOCA.

From Strongsville, Ohio, VOR; to U.S. Canadian Border; MEA *2,500. *2,300—MOCA.

From U.S. Canadian Border; to Carleton, Mich., VOR; MEA *3,000. *2,000—MOCA.

Section 610.6427 *VOR Federal airway 427* is amended to read:

From Newcomerstown, Ohio, VOR; to Briggs, Ohio, VOR; MEA 2,500.

Section 610.6428 *VOR Federal airway 428* is amended to read in part:

From Ithaca, N.Y., VOR; to Utica, N.Y., VOR; MEA 3,500.

Section 610.6433 *VOR Federal airway 433* is amended to read in part:

From LaGuardia, N.Y., VOR; to Int. 011 M rad Idlewild VOR and 217 M rad Trinity VOR; MEA 2,500.

From Int. 011 M rad Idlewild VOR and 217 M rad Trinity VOR; to Trinity, N.Y., VOR; MEA *2,500. *1,400—MOCA.

Section 610.6449 *VOR Federal airway 449* is amended to read in part:

From Brookfield INT, N.Y.; to Waterville INT, N.Y.; MEA 3,900.

From Waterville INT, N.Y.; to Clinton INT, N.Y., MEA 3,600.

Section 610.6454 *VOR Federal airway 454* is amended to read in part:

From Columbus, Ga., VOR; to Pine Mountain INT, Ga.; MEA 3,100.

From Pine Mountain INT, Ga.; to McDonough, Ga., VOR; MEA 3,400.

From McDonough, Ga., VOR; to Greenwood, S.C., VOR; MEA 2,300.

Section 610.6455 *VOR Federal airway 455* is amended to read in part:

From Hattiesburg, Miss., VOR via W alter.; to Louin INT, Miss., via W alter.; MEA 1,800.

From Louin INT, Miss., via W alter.; to *Rose Hill INT, Miss., via W alter.; MEA **3,000. *3,000—MRA. **1,700—MOCA.

From Rose Hill INT, Miss., via W alter.; to Meridian, Miss., VOR, via W alter.; MEA *2,000. *1,400—MOCA.

From New Orleans, La., VOR; to *Snail INT, La.; MEA 1,400. *2,000—MRA.

From Snail INT, La.; to Picayune, Miss. VOR; MEA 1,400.

Section 610.6469 *VOR Federal airway 469* is added to read:

From Danville, Va., VOR; to Lynchburg, Va., VOR; MEA 3,000.

Section 610.6477 *VOR Federal airway 477* is amended to read in part:

From *Magnolia INT, Tex., via W alter.; to Bedias INT, Tex., via W alter.; MEA **3,000. *3,000—MRA. **1,600—MOCA.

From Bedias INT, Tex., via W alter.; to Leona, Tex., VOR via W alter.; MEA *3,000. *2,100—MOCA.

Section 610.6492 *VOR Federal airway 492* is amended to read in part:

From *Clewiston INT, Fla., via S alter.; to West Palm Beach, Fla., VOR via S alter.; MEA 1,400. *2,000—MRA.

Section 610.6819 *VOR Federal airway 819* is amended to read in part:

From Wayside INT, Ga.; to McDonough, Ga., VOR; MEA 2,500.

Section 610.6830 *VOR Federal airway 830* is amended to read in part:

From Dallas, Tex., VOR; to Paris, Tex., VOR; MEA 1,800.

From Paris, Tex., VOR; to *Avery INT, Tex.; MEA **2,000. *2,000—MRA. **1,700—MOCA.

From Avery INT, Tex.; to Texarkana, Ark., VOR; Mea *2,000. *1,700—MOCA.

Section 610.6837 *VOR Federal airway 837* is amended to read in part:

From Pinta INT, N.Y.; to Beach INT, N.Y.; MEA 5,000.

From Beach INT, N.Y.; to Hampton, N.Y., VOR; MEA *5,000. *1,500—MOCA.

Section 610.6839 *VOR Federal airway 839* is amended to read in part:

From Ivydale INT, W. Va.; to Walnut Grove INT, W. Va.; MEA 5,000.

From Walnut Grove INT, W. Va.; to Parkersburg, W. Va., VOR; MEA 3,000.

From Briggs, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,500.

Section 610.6863 *VOR Federal airway 863* is amended to read in part:

From Int. 054 M rad Idlewild VOR and 105 M rad Trinity VOR; to Norwich, Conn., VOR; MEA 2,000.

Section 610.6875 *VOR Federal airway 875* is amended to read in part:

From Knoxville, Tenn., VOR; to Chattanooga, Tenn., VOR; MEA 3,000.

From Hartford, Conn., VOR; to Long Hill INT, Conn.; MEA 2,100.

From Long Hill INT, Conn.; to Trinity, N.Y., VOR; MEA *2,100. *2,000—MOCA.

From Trinity, N.Y., VOR; to Solberg, N.J., VOR; MEA *2,000. *1,900—MOCA.

Section 610.6880 *VOR Federal airway 880* is amended to read in part:

From Wilkes-Barre, Pa., VOR; to Lacey INT, Pa.; MEA 4,000.

From Lacey INT, Pa.; to Stonyfork, Pa., VOR; MEA 4,500.

Section 610.6881 *VOR Federal airway 881* is amended to read in part:

From Cleveland, Ohio, VOR; to Tiverton, Ohio, VOR; MEA 2,400.

Section 610.6885 *VOR Federal airway 885* is amended to read in part:

From *Woolf INT, N.J.; to **Patchogue INT, N.Y.; MEA ***2,000. *3,000—MRA. **6,000—MRA. ***1,600—MOCA.

Section 610.6886 *VOR Federal airway 886* is amended to delete:

From Sound INT, N.Y.; to Norwich, Conn., VOR; MEA 2,000.

Section 610.1538 *VOR Federal airway 1538* is amended to read in part:

From Crossville, Tenn., VOR; to Knoxville, Tenn., VOR; MEA 14,500; MAA 24,000.

Section 610.1547 *VOR Federal airway 1547* is amended to delete:

From Myton, Utah, VOR; to *Delta INT, Wyo.; MEA 14,500; MAA 24,000. *17,000—MRA.

From Delta INT, Wyo.; to Cherokee, Wyo., VOR; MEA 14,500; MAA 24,000.

From Cherokee, Wyo., VOR; to Casper, Wyo., VOR; MEA 14,500; MAA 24,000.

Section 610.1547 *VOR Federal airway 1547* is amended by adding:

From Myton, Utah, VOR; to Rock Springs, Wyo., VOR; MEA 14,500; MAA 23,500.

From Rock Springs, Wyo., VOR; to Casper, Wyo., VOR; MEA 14,500; MAA 23,500.

Section 610.1739 *VOR Federal airway 1739* is amended to read in part:

From Chattanooga, Tenn., VOR; to Crossville, Tenn., VOR; MEA 14,500; MAA 24,000.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall become effective October 18, 1962.

Issued in Washington, D.C., on September 14, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-9355; Filed, Sept. 20, 1962; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55709]

PART 6—AIR COMMERCE REGULATIONS

Designation of Yuma County Airport, Yuma, Ariz., as an International Airport

Under the authority of section 1109 (b) of the Federal Aviation Act of 1958 (49 U.S.C. 1509(b)), the Yuma County Airport, Yuma, Arizona, is designated as an international airport (airport of entry) for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 101(33) of said Act (49 U.S.C. 1301 (33)), effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

The list of international airports in § 6.13 of the Customs Regulations is amended to include the name and location of this airport.

Notice of the proposed designation of the Yuma County Airport, Yuma, Arizona, as an international airport was published in the FEDERAL REGISTER of August 17, 1962 (27 F.R. 8211), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No comments or arguments were received.

The designation of this airport is based upon a determination that a sufficient need exists to justify such action and the designation is made for the purpose of providing for convenient compliance with customs requirements. For these reasons, it is found desirable to make the international airport available to the public as soon as possible and to dispense with the delayed effective date provision of section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)).

(R.S. 161, sec. 1109, 72 Stat. 799; 5 U.S.C. 22; 49 U.S.C. 1509.) (FM 192-26.31 H)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: September 14, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-9440; Filed, Sept. 20, 1962; 8:51 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NONCITIZENS OUTSIDE THE UNITED STATES

Criteria for Payment of Compensation

The Department of Labor Appropriation Act, 1963 (76 Stat. 361, 366), in providing an appropriation for compensation benefits payable in accordance with section 42 of the Act of September 7, 1916, as amended (39 Stat. 750, as amended; 5 U.S.C. 793), provided further that for the compensation benefits payable from the appropriation, the authority under section 32 of the Act of September 7, 1916, as amended (39 Stat. 749, as amended; 5 U.S.C. 783), to make rules and regulations shall be construed to include the nature and extent of the proofs and evidence required to establish the right to such benefits without regard to the date of the injury or death for which claim is made. A comparable provision was contained in the Department of Labor Appropriation Act, 1960 (72 Stat. 339, 342), in the Department of Labor Appropriation Act, 1961 (74 Stat. 755,759) and in the Department of Labor Appropriation Act, 1962 (75 Stat. 589,594). A regulation implementing the special provision in the Department of Labor Appropriation Act, 1960, was published in the FEDERAL REGISTER on September 23, 1959 (24 F.R. 7638), by adding § 25.5 to Title 20, Code of Federal Regulations. An extension of that regulation indicating that it applied to compensation benefits payable from the Department of Labor Appropriation Act, 1961, was published in the FEDERAL REGISTER on October 29, 1960 (25 F.R. 10429) and to the Department of Labor Appropriation Act, 1962, on November 8, 1961 (26 F.R. 10509). A further extension of that regulation is timely, indicating that it applies to compensation benefits payable from the appropriation made under the Department of Labor Appropriation Act, 1963.

Therefore, pursuant to section 32 of the Act of September 7, 1916, as amended (39 Stat. 749, as amended, 5 U.S.C. 783), the Department of Labor Appropriation Act, 1963 (76 Stat. 361, 366), Reorganization Plan No. 19 of 1950 (15 F.R. 3178, 64 Stat. 1271), and General Order No. 46 of the Secretary of Labor (15 F.R. 3290), 20 CFR 25.5 is hereby revised to read as follows:

§ 25.5 **Applicable criteria.**

(a) The following criteria shall apply to cases of employees specified in § 25.1 and such cases, if otherwise compensable, shall be approved only upon evidence of the following nature without regard to the date of the injury or death for which claim is made:

(1) Appropriate certification by the Federal employing establishment, or;

(2) An Armed Services casualty or medical record, or;

(3) Verification of the employment and casualty by military personnel, or;

(4) Recommendation of an Armed Services "Claim Service" based on investigations conducted by it.

(b) This section shall apply only in the adjudication of claims for benefits payable from the appropriation provided in the Department of Labor Appropriation Act, 1963.

(76 Stat. 365)

This revision shall become effective immediately upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 11th day of September 1962.

WILLIAM MCCAULEY,
Director,
Bureau of Employees' Compensation.

[F.R. Doc. 62-9421; Filed, Sept. 20, 1962; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

[Rev. Dept. Circ. 793, Amdt. 2]

PART 324—ARMED FORCES LEAVE BONDS

Payment

SEPTEMBER 17, 1962.

Department Circular No. 793, Revised, dated August 1, 1947 (31 CFR 1947 Supp., Part 324), is hereby amended and revised effective as of the close of business September 29, 1962.

§ 324.8 [Rescission]

Section 324.8 is rescinded.

Section 324.9 is amended to read as follows:

§ 324.9 Payment of bonds.

(a) *Execution of request and presentation for payment.* A registered owner must identify himself to an authorized certifying officer and must sign the request for payment of his bond in the presence of such officer. The bond should be presented and surrendered direct or through a bank or trust company to a Federal Reserve Bank or Branch or to the Treasurer of the United States, Washington 25, D.C., except that any bond marked "Duplicate" should be forwarded to the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D.C.

(b) *Certification of request.* After the registered owner has identified himself and signed the request for payment, the certifying officer should complete the certification appearing at the end of the form for request for payment and imprint his official seal or stamp. An embossing seal should not be used for this purpose. If the officer has no other seal, he should prepare a separate certification which describes the bond, complete and sign it and impress the seal thereon.

(c) *Certifying officers.* The following officers are authorized to certify requests for payment of Armed Forces Leave Bonds:

(1) *Banks, trust companies and branches.* Any officer of any bank or trust company incorporated in the United States or its organized territories, or domestic or foreign branch of such bank or trust company, including those doing business in the organized territories or insular possessions of the United States under Federal charter or organized under Federal law; Federal Reserve Banks, Federal Land Banks, and Federal Home Loan Banks; and any employee of any such bank or trust company expressly authorized by the corporation for that purpose, who should sign over the title "Designated Employee".

(2) *Veterans' home or hospital or other facility.* The officer in charge of any home, hospital, or other facility of the Veterans Administration (only for patients and members of such facilities).

(3) *Foreign countries.* Any United States diplomatic or consular representative; a notary or other officer authorized to administer oaths, whose certification must be acompanied by a certificate as to his official character and jurisdiction certified by a United States diplomatic or consular officer under seal of his office (see paragraph (b) of this section).

(4) *Armed forces.* Commissioned officers of the Army, Navy, Air Force, Marine Corps, and Coast Guard of the United States for members of their establishments or civilian employees (and the families of such members or employees) under their jurisdiction, persons in countries in which there are no United States diplomatic or consular representatives and persons who are in areas remote from such representatives.

(5) *Special provisions.* The Commissioner of the Public Debt, the Chief of the Division of Loans and Currency, or a Federal Reserve Bank is authorized to make special provision for certification in any particular case in which none of the officers authorized to certify requests for payment of Armed Forces Leave Bonds is readily accessible.

(Armed Forces Leave Act of 1946, as amended (60 Stat. 963; 61 Stat. 510; 62 Stat. 506; 37 U.S.C. 32, 35); Second Liberty Bond Act, as amended (31 U.S.C. 757c))

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-9441; Filed, Sept. 20, 1962; 8:51 a.m.]

[1947 Treasury Dept. Circular 811]

PART 325—PAYMENTS BY BANKS AND OTHER FINANCIAL INSTITUTIONS IN CONNECTION WITH REDEMPTION OF ARMED FORCES LEAVE BONDS

Revocation

SEPTEMBER 17, 1962.

Effective as of the close of business September 29, 1962, banks and other financial institutions will no longer be authorized to redeem Armed Forces Leave Bonds. Treasury Department Circular No. 811 (31 CFR Part 325), relating to payments by banks and other financial institutions in connection with redemption of Armed Forces Leave Bonds, is revoked effective at the close of business September 29, 1962.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-9442; Filed, Sept. 20, 1962; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—CLAIMS AND ACCOUNTS

PART 836—CLAIMS

PART 837—CLAIMS IN FAVOR OF THE UNITED STATES

In Part 836, §§ 836.0 to 836.120, and 836.141 to 836.315 are rescinded; and Part 837 is rescinded. Former §§ 836.121 to 836.128 and 836.131 to 836.138 are redesignated §§ 836.200 to 836.207 and 836.300 to 836.307, respectively, as follows:

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836.0 Scope.

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836.21 Proper claimant.
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836.24 Procedure for processing claims.
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AUTHORITY: §§ 836.0 to 836.113 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Statutory provisions interpreted or applied are cited to text.

SOURCE: AFM 112-1, July 2, 1962.

CLAIMS

§ 836.0 Scope.

Sections 836.0 to 836.113 set forth the legal requirements, policies, and procedures utilized in adjudicating administrative claims against and in favor of the United States, and furnishes references to pertinent authorities.

PROCESSING CLAIMS

§ 836.1 Definitions.

(a) *Claim.* Any written demand for the payment of a sum certain, other than for ordinary obligations incurred by the Air Force in the regular procurement of services, supplies, equipment, or real estate. An oral demand may be considered a claim under §§ 836.20 to 836.27 and 836.50 to 836.59.

(b) *Small claim.* A claim for property damage presented for $250 or less.

(c) *Claimant.* An individual, partnership, association, corporation, country, State, Territory, or their political subdivisions. The term does not include the United States Government or any of its instrumentalities (see § 836.111), except for claims in favor of the United States (see §§ 836.60 to 836.67 and §§ 836.75 to 836.81). Proper claimants are further defined in other sections of this Instruction.

(d) *Military personnel.* Individual members of the active Air Force.

(e) *Civilian personnel.* Civilian employees of the Air Force paid from appropriated funds. However, this term also may include prisoners of war and interned enemy aliens engaged in labor for pay, and volunteer workers and others serving as employees of the Air Force without compensation, except claims under §§ 836.28 to 836.41 and §§ 836.92 to 836.102.

(f) *Scope of employment.* Acts or omissions of Air Force military or civilian personnel expressly or impliedly directed, or authorized by competent authority.

(g) *Combat activities.* Activities resulting from action by the enemy, or by United States Armed Forces engaged in or in immediate preparation for impending armed conflict.

(h) *Noncombat activities.* This term relates to nonnegligence activities that are peculiarly military, having little parallel in civilian pursuits, and that historically have been considered as furnishing a proper basis for paying claims. Ordinary traffic accident and other tort-type claims are not included in this interpretation, although such claims may be payable under other statutory provisions. This term is explained in greater detail in §§ 836.42 to 836.49 and §§ 836.85 to 836.91.

(i) *Inhabitant of a foreign country.* A person who dwells or resides in a foreign country (see §§ 836.50 to 836.59).

(j) *Settle.* To consider, ascertain, adjust, determine, and dispose of a claim, whether by approval or disapproval in whole or in part.

(k) *Approving authority.* Any officer designated by the Secretary of the Air Force, and any foreign claims commission appointed by him or his designee, to settle certain claims.

§ 836.2 Real property.

The claimant will be required to submit the following information:

(a) *Proof of ownership.* (1) When the amount claimed for damage to or loss or destruction of real property does not exceed $1,000, proof of ownership ordinarily may consist of the claimant's statement or affirmation on the executed claim form that he had legal title to the property or property right on the date of the accident or incident giving rise to the claim, or a statement of his interest in the property or property right.

(2) When the amount claimed for damage to or loss or destruction of real property exceeds $1,000:

(i) The claimant will be required to submit an affidavit to include:

(*a*) Legal description of the property.

(*b*) A statement that he had legal title to the property on the date of the accident or incident giving rise to the claim; if he did not have legal title, a statement of his interest on that date.

(*c*) A statement how title or other interest was acquired—such as by warranty deed, tax deed, court decree, lease, will, or otherwise.

(*d*) Date of any legal instrument or document conveying legal title or other interest to claimant.

(*e*) Name and location of office of record where instrument or document conveying title or other interest to claimant was recorded, date of recording, and book and page number where instrument was recorded.

(*f*) Statement whether he has the identical title or interest in the property as that held at the date of damage, destruction, or loss.

(*g*) Statement whether any other person has an interest or asserted interest in the property, and the name and address of such person and description of such interest.

(*h*) If any of the required items of information are not included, the claimant will explain their absence in his affidavit.

(ii) If a single instrument or document of record exists which conveyed title or other interest to the claimant, the claimant will be required to submit a properly authenticated copy of such instrument or document.

(b) *Land and soil damage.* (1) Cost of rehabilitation of the land and steps taken to effect rehabilitation are re-

quired, including a report on whether complete restoration was effected, cost of fertilizer, tillage, holes covered, persons doing work, and any additional damage caused during such rehabilitation.

(2) If pasture or grazing land is involved, determine the value of the destroyed grasses and include the length of time the claimant will be denied the use of the land for pasture or grazing purposes, whether substitute land is available reasonably to the claimant, expenses incurred by the claimant for rent or use of substitute land, loss of rents from the affected land, and other pertinent information.

(3) In the event of permanent damage, or when a claim is made for a reduction in value of land, the claimant will be required to submit a statement from a qualified real estate appraiser of the before and after market value and the date of purchase and purchase price.

(c) *Crop losses.* (1) A detailed description of the damage and the area affected is required, including the type of crop involved, the loss in terms of appropriate units—such as bushels, bales, or pounds—acreage involved, monetary loss, size of claimant's farm, and the general nature of the farming operation.

(2) Since crop yields cannot be accurately known until harvest time, certain information is essential in calculating a loss:

(i) Claimant's past production record.

(ii) Average yields per acre for the affected crop in the county or locality where the land is located.

(iii) Market price of the crop at maturity.

(iv) Any special problems of irrigation involved.

(3) A statement whether any crops involved were subject to any Federal or state production restrictions, allocations, aids, or benefits, and, if so, give details.

(4) A statement showing any steps taken to minimize the loss—such as substitute planting where possible, harvesting, and crop and land rotation.

(5) A statement showing any loss of rentals and any crop agreements involved in leased land.

(d) *Houses, stores, barns, outbuildings, fences, or other structures affixed to the realty.* (1) A detailed description of the damage is required.

(2) Ordinarily at least two detailed written estimates of cost of repairs will be furnished by the claimant. If repairs have been accomplished, claimant will furnish the bill, receipt, or a copy thereof.

(3) Whether a building or other structure is repairable or has been destroyed is sometimes a question of fact which must be carefully considered:

(i) If it has been destroyed, the claimant will be required to submit written appraisals of the market value by two qualified real estate appraisers. These appraisals will include the date of construction, cost of construction, market value at time of destruction, local real estate conditions that may have affected market value, improvements made after original construction, and the condition of the structure at the time of destruction. Evidence as to reconstruction cost has probative value and may be considered.

(ii) If it is not possible to obtain an appraisal, the measure of damage may be determined by using the reconstruction cost, less a deduction for depreciation. Depreciation is determined by the age of the destroyed building or other structure, as compared to its normal life expectancy. Depreciation schedules may be found in publications of the Internal Revenue Service or may be those employed in local business practices.

(4) The damage to or destruction of a building or other structure used for commercial or residential purposes may give rise to a claim for loss of use:

(i) On residential structures, the file will include a detailed breakdown of the cost of rent for substitute quarters, and any extra expenses incurred for food, utilities, transportation, or any other item claimed. To permit determination of the damage, the file must include information concerning the period of time reasonably required to effect repairs or reconstruction, whether the claimant has made reasonable efforts to effect repairs or reconstruction, claimant's normal living expenses, expenses other than housing, food, and utilities, and whether such expenses were reasonable and necessary. When available, the claimant will be required to furnish the claims officer with bills, receipts, or other documentary evidence in support of such expenses.

(ii) On commercial structures, the file will include a statement of the cost of rent for any necessary substitute structure, the period of time reasonably required to effect repairs or reconstruction, and whether the claimant has made reasonable efforts to effect repairs or reconstruction. When available, the claimant will be required to furnish the claims officer with documentary evidence in support of rental expenses.

(iii) If a claim for loss of profits is made, the claimant will be required to submit an affidavit explaining in detail such alleged loss and the basis therefor, including comparison of profits for the year immediately preceding the damage and the period for which the loss is claimed.

(5) If the claimant has effected repairs himself, the cost of materials used, the reasonable value of his labor, and any wages lost from regular employment to effect repairs may be considered in determining the damage.

(e) *Trees, grass, bushes, plants, or vines.* (1) A detailed description of the damage is required.

(2) Trees, grass, bushes, plants, or vines not grown for commercial purposes. When permanently damaged or destroyed, the claimant will be required to submit a written appraisal by a qualified real estate appraiser of the market value of the land immediately before and after damage or destruction. It is emphasized that the replacement cost of a tree not grown for commercial purposes is not the measure of damage for the loss of such tree.

(3) Trees, grass, bushes, plants, or vines grown for commercial purposes:

(i) The measure of damage for sawtimber and pulpwood destroyed is stumpage—the market value of the tree standing in the forest. For young trees, it is generally the cost of replacement for destroyed trees, plus an allowance for lost growth. When any size tree is only damaged and it survives, an allowance may be made for lost growth. In fires, soil damage may also be considered.

(ii) Fruit and nut trees and vines grown in commercial orchards:

(*a*) When destroyed, the measure of damage generally is the loss of profits during the period required for a young tree or vine to reach bearing age, plus an allowance for removing the remains of the destroyed item and replacing it with a young tree or vine.

(*b*) Evaluation of the damage requires information concerning the type and number of trees or vines affected, total orchard or vineyard acreage, produce market prices, age of trees or vines at time of destruction, maturity period for the trees or vines, years of profitable bearing, cultivation, harvesting, and marketing costs, and any special factors peculiar to the locality.

(iii) Trees, bushes, plants, or vines grown in commercial nurseries. When the item itself is merchantable and is destroyed, the local market value at the time of destruction must be determined.

§ 836.3 Personal property.

(a) The claimant will be required to submit the following evidence and information:

(1) Proof of ownership of personal property damaged, lost, or destroyed ordinarily may consist of the claimant's statement or affirmation on the executed claim form that he owned the property on the date of the incident giving rise to the claim, or a statement of his interest in the property. If the claims officer has reason to doubt the claimant's ownership, he will require the claimant to furnish additional evidence.

(2) A statement of the amount claimed for each item.

(3) For personal property which has been or can be economically repaired, an itemized receipt for payment of necessary repair costs, or an itemized written statement or estimate of the repair costs from a competent individual or firm.

(4) For personal property which is not economically repairable, or is lost or destroyed, a statement listing the month and year of purchase, purchase price of each item, and any salvage value.

§ 836.4 Death or personal injury.

(a) *Death.* (1) In support of a claim for death, including any pain and suffering preceding death, the claimant will be required to submit the following evidence and information:

(i) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of deceased.

(ii) An affidavit showing:

(*a*) Deceased's employment or occupation at time of death, including monthly or yearly salary or earnings (if any), and length of time at last employment or occupation.

(*b*) Full names, birth dates, kinship, and marital status of all survivors, including identification of those survivors who were dependent for support upon deceased at the time of his death.

(*c*) Degree of support afforded by the deceased to each survivor dependent for support upon deceased at the time of his death.

(*d*) Educational benefits that survivors might reasonably have expected from deceased had he lived.

(*e*) Deceased's general physical condition before death.

(*f*) Any other evidence which would have a bearing on the determination of the proper claimants and award.

(iii) Itemized and signed bills for medical and burial expenses arising out of the accident or incident causing death, or itemized receipts of payment for such expenses.

(iv) In support of the element of pain and suffering incident to death, a physician's detailed statement concerning injuries suffered, duration of pain and suffering, drugs administered for pain, and deceased's physical condition in the interval between injury and death.

(b) *Personal injury.* (1) In support of a claim for personal injury, including pain and suffering, the claimant will be required to submit the following evidence and information:

(i) A written report by his attending physician or dentist showing the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity.

(ii) Itemized and signed bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(iii) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(iv) When a claim is made for loss of time from work or loss of earnings, a written statement from his employer showing actual time lost from employment, whether he is a full- or part-time employee, and wages or salary actually lost.

(v) When claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(2) In addition, the claimant may be requested to submit to a physical examination at a military medical facility, or by a physician from such a facility.

§ 836.5 Domestic animals and fowl; fish and wildlife.

(a) *Death or injury to domestic animals and fowl.* (1) A statement will be required from the claimant that he owns the animals or fowl, and the number and description of those affected.

(2) In injury cases, the claimant will be required to submit a detailed statement describing the injuries and cost of treatment, supported by any bills or receipts. The claimant also will be required to furnish written statements from any veterinarian in attendance showing the cause and extent of injuries or losses.

(3) In the case of fur-bearing animals kept for pelting or sale, the claimant will be required to state:

(i) Length of time he has been in the business of raising the animals for sale or pelting.

(ii) Name of any breeding or marketing association to which he may belong, and whether or not he occupies the position of an officer in the association.

(iii) Number and type of adult and young animals at the location of the incident immediately before the incident.

(iv) Number, type, and ages of all the adults and young animals affected.

(v) When destroyed, the market value of each animal and the expected profit on each animal.

(vi) On each animal for which claim is made, whether the damage is based on the value of the animal for pelting or sale as breeding stock.

(vii) Market prices received for his last sales of pelts or breeding stock before the incident.

(viii) Name and address of his pelt buyer or market.

(ix) Normal mortality rate per litter.

(b) *Loss of weight or production and other disabilities.* (1) The local market price of the animals, fowl, or their produce at the time of damage is a factor in all cases. Since a damaged claimant is only entitled to any loss of profits, all raising and marketing costs will be considered.

(c) *Fish and wildlife.* (1) When a claim is made for loss of income from fish, oysters, or other marine life, or trapping, the claimant will be required to furnish an affidavit showing his profits from the previous three seasons.

(2) When diminution in the value of land is alleged, the claimant will be required to submit written appraisals from at least two qualified persons.

§ 836.6 Admiralty accidents or incidents.

(a) When property is damaged by an admiralty accident or incident, surveys should be held as soon as possible. Opposing interests will be notified of the occurrence and may participate in the Government survey or conduct their own survey. Private operators should afford the Government the same opportunity when they damage its property.

(b) The claimant must establish its damage by statements of witnesses and documentary evidence.

§ 836.7 Explosion, concussion, or vibration.

(a) In all cases except sonic booms, the claimant will be required to submit the following evidence and information:

(1) Proof of ownership as required by § 836.2(a) and a description of the property, including its age, state of repair, date and extent of additions, remodeling, or renovation.

(2) A statement of the cause and extent of the damage incurred.

§ 836.8 Sonic booms.

In all sonic boom cases the claimant will be required to submit the following information:

(a) Damage due to sonic boom:

(1) Detailed description of alleged damage.

(2) Detailed description of the building or structure involved, including significant details of construction, size of rooms, age, and its general state of repair.

(3) Detailed examination and description of any alleged plaster damage involved.

(4) Existence or absence of glass damage in allegedly damaged building or structure, and whether any other glass damage resulting from this incident was reported and verified.

(5) Whether windows and doors were open or closed.

(6) Whether any loose objects—such as dishes, glassware, or trinkets—inside the building or structure were moved.

(b) At times complaints will be made that the sonic boom gave rise to cracks in brick walls, driveways, concrete foundations, and other major structural elements; however, Air Force studies have shown that a sonic boom will not generate over-pressures of sufficient intensity to cause such major structural damages.

§ 836.9 Claims presented by a member of another United States Armed Force.

A member of another U.S. Armed Force may present to the Air Force a claim for loss of personal property incident to his service, although it must be referred to his service for settlement.

§ 836.10 Action by claimant.

(a) *Property damage.* (1) A claim for damage to, or loss or destruction of property may be presented by the owner of the property, his duly authorized agent or legal representative, or survivors, only as authorized in other sections of this Instruction.

(2) As used in this Instruction, owner includes:

(i) For real property: The mortgagor and when appropriate the mortgagee, depending on whether the mortgagee can maintain a cause of action in the local courts involving a tort to that specific property. When notice of divided interests in real property is received the claim should, if possible, be treated as a joint claim.

(ii) For personal property: A bailee, lessee, mortgagor, and conditional vendee. However, a mortgagee, conditional vendor, or others having title for purposes of security only are not included. If more than one party has a real interest in the property damaged, all must join in the claim.

(b) *Personal injury or death.* (1) A claim for personal injury may be presented by the injured person, his duly authorized agent, or legal representative.

(2) A claim based on death may be presented by the executor or administrator of the deceased's estate, or by any other person legally or beneficially entitled in accordance with local law governing the rights of survivors.

(c) *Insurance subrogees.* Claims of subrogees are governed by applicable sections of this Instruction.

§ 836.11 Claim forms.

(a) *Presenting claim forms.* Claimant will present his claim in triplicate on authorized official forms; SF 95, Claim for Damage or Injury, or AF Form 529, Claim for Personal Property. The following information will be included on these forms, where appropriate:

(1) In connection with personnel claims processed under §§ 836.28 to 836.41, the address of the claimant will be that address at which claimant is most likely to receive his mail promptly.

(2) Facts of the accident or incident, including date, place, property, and persons involved.

(3) Nature and extent of damage, loss, or injury, and amount claimed in a sum certain.

(4) Ownership of property or property right for which claim is presented.

(5) Cause or occasion of the accident or incident.

(6) Whether litigation has been instituted in any court on the subject matter of the claim, and, if so, the name and location of the court, style of the lawsuit, amount demanded by plaintiff, and the status or outcome of such litigation.

(7) Whether damage or loss is covered in whole or in part by insurance and, if covered, the amount of coverage and name and address of insurer; whether a claim has been presented to an insurer, and, if so, in what amount; and whether the insurer has or is expected to pay the claim.

(b) *Signature on claim forms*—(1) *How to sign.* Claim forms will be signed in ink by the claimant, or in his name by a duly authorized representative. The signature will include the first name, middle initial (if any), and surname of both the claimant and the person signing the claim on his behalf. A married woman must sign her claim in her given name—for example, "Mary A. Doe" rather than "Mrs. John Doe." The claim, if presented by an agent or legal representative, will be presented in the name of the owner, be signed by the agent or legal representative, show the title or capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative—for example, "John Doe by Richard Roe, Attorney in Fact." The authority to present a claim will have been executed within 180 days of presentation of the claim.

(2) *Corporation claims.* A claim presented by a corporation will show the title or capacity of the corporate officer signing, and the corporate seal (if any) will be affixed to the claim form. When other than an officer of a corporate claimant signs the claim form on behalf of the corporation, a certification by a corporate officer that the person whose signature appears on the claim form is an agent of the corporation duly authorized to present and settle the claim will be presented with the claim, and the corporate seal (if any) will be affixed thereto.

(3) *Joint interests.* In states or countries where community property laws exist, both the husband and wife will sign the claim form when a claim is presented for property damage or personal injury to either spouse. Where joint ownership or interest in real property is recognized by law, both the husband and wife also must sign the claim form.

(4) *Insurance subrogation claims.* A subrogee may present its claim separately or jointly with the insured (but see §§ 836.23(c), 836.31(b), and 836.52(c)).

§ 836.12 Where to present claim forms.

The claim will be presented to the commander of the military or civilian personnel involved, if known, otherwise it will be presented to the commander of the unit or installation at or nearest to which the accident or incident occurred. If the accident or incident occurred in a foreign country where no Air Force unit is stationed, the claim will be presented to the United States air attache, any attache of the United States Armed Forces, or those Military Assistance Advisory Group personnel authorized to receive claims.

§ 836.13 Evidence to be submitted by claimant.

The claimant will submit competent evidence and information concerning the cause of the damage or injury for which claim is made, proof of ownership of property, and the correctness of the amount claimed.

(a) *Property damage.* See § 836.3 for the evidence and information to be submitted by a claimant.

(b) *Personal injury or death.* See § 836.4 for the evidence and information to be submitted by a claimant.

(c) *Recoveries from third parties.* If the claimant has elected to proceed against a third party as a joint tortfeasor, or has recovered from his insurer or common carrier, he will report the facts of such action and any amounts recovered with respect to items of damage which otherwise may properly be included in the claim against the Government.

(d) *Excluded items.* The following items generally are not considered proper elements of damage within the meaning of this Instruction. However, the claimant will not be prevented from including itemized accounts and complete and substantiating evidence with regard to any such damage.

(1) Interest on any award will not be allowed.

(2) Cost of preparation and presentation of the claim, including but not limited to expenditures incident to obtaining evidence—such as fees for appraisals and estimates of damage, travel and telephone expenses in connection with presenting the claim, attorney fees, and the cost or value of the claimant's or another's time and labor in preparing the claim. However, see § 836.73.

(3) Inconvenience, including but not limited to the monetary value alleged by the claimant for hardship, mental anguish, loss of use of noncommercial property, and other intangible damage and loss which may be considered punitive damages, as opposed to compensatory damages. In death claims, mental anguish may be a proper element of damage.

§ 836.14 Action is claim is withdrawn.

If the claim is withdrawn, the only papers that may be returned to a claimant are his original claim form and such supporting documents as the claimant has furnished.

§ 836.15 Action on approved claims.

(a) *Settlement agreement.* (1) When either a claim within the settlement limits of the approving authority has been approved for less than the amount claimed, or any personal injury or death claim is approved, the claimant will be required to sign a claims settlement agreement or other written release, in triplicate.

(2) In claims settled under §§ 836.28 to 836.41 no settlement agreement is required or will be obtained.

(3) In all claims settled under §§ 836.85 to 836.98 a settlement agreement is required as provided therein.

(b) *Transmitting checks.* Checks will not be transmitted to any person other than the payee or his attorney without specific written authority from the payee. However, checks may be placed in the temporary custody of a representative of the Air Force for the purpose of delivery to the payee, or his duly authorized agent or legal representative.

§ 836.16 Action on disapproved claims.

If a claim is disapproved in whole or in part, the approving authority will notify the claimant in writing informing him of that action. The requirements of the sections of this Instruction under which the disapproval action was taken will control appeals, when authorized by law.

§ 836.17 Emergency payments.

(a) The Judge Advocate General, The Assistant Judge Advocate General, and the Chief, Claims Division, Headquarters USAF, may authorize emergency payments in accordance with 10 U.S.C. 2736 in an amount not to exceed $1,000, before presentation of a claim, to a potential claimant for damage, injury, or death resulting from an accident involving an aircraft or missile under Air Force or ANG control.

(b) Emergency payments are limited to cases where the amount otherwise would be payable under §§ 836.42 to 836.59 or §§ 836.85 to 836.91. When provisions of §§ 836.50 to 836.59 are preempted by claims provisions of an international agreement, concurrence of the foreign government concerned will be obtained before making an emergency payment. This concurrence will include an assurance by the foreign government that the amount of the emergency payment will deducted from the award made by the foreign government, and that the United States will be credited with the full amount of the payment on any request for reimbursement.

(c) An emergency payment is not a gift or grant, but an advance payment against future settlement. It is intended to relieve immediate hardship and suffering.

§ 836.18 Transfers and assignments of claims.

Transfers and assignments of claims against the United States ordinarily are null and void by reason of the provisions of 31 U.S.C. 203, except assignments of claims by operation of law—such as to receivers or trustees in bankruptcy or administrators of estates. A power of attorney or other purported authority to receive payment of all or a part of any claim in another's name is null and void. However, provisions of the statute do not apply to claims of insurance subrogees based on involuntary assignments arising under §§ 836.42 to 836.49, §§ 836.60 to 836.74, or §§ 836.85 to 836.98.

§ 836.19 Participation in prosecution of claims and disclosure of information.

(a) *Aid or assistance prohibited.* Government personnel are forbidden to represent, aid, or assist any claimant or potential claimant in the prosecution or support of any claim against the United States, or to receive any gratuity, share, or interest in any such claim (18 U.S.C. 283). This includes disclosing or furnishing information or documents which may be made the basis of a claim, or any evidence of record in a claim matter—such as reports of investigation, statements of witnesses, photographs, and medical reports.

(b) *Official duty exception.* The prohibition against furnishing aid and assistance does not apply to the proper discharge of official duties. Upon inquiry, a claimant may be advised how to present a claim, and evidence originally furnished by the claimant may be exhibited or returned to him or his representative (see § 836.14). Documentary evidence required to be submitted by a claimant under §§ 836.28 to 836.41 may be furnished on request, and, when necessary, claimants may be assisted in preparing the claim form and assembling the evidence.

ARTICLE 139 UCMJ CLAIMS

§ 836.20 General.

(a) Provisions of Article 139, UCMJ, may be invoked by those whose property has been damaged or wrongfully taken by members of the service. However, recovery is provided solely for willful damage to or wrongful taking of property, and does not extend to personal injuries or death claims.

(b) There is no limitation on the total amount allowable under Article 139.

(c) There is no legal or other authority that will support "voluntary agreements" to pay for alleged damages in lieu of proceedings under Article 139 when the facts reveal that Article 139 would not apply. A charge against the airman's pay thereunder would be illegal.

(d) Procedures authorized under Article 139 provide the only legal remedy whereby an Armed Forces member can be made to make reimbursement out of his pay for civil damage to the party concerned.

(e) Liability may only be assessed against Armed Force members.

§ 836.21 Proper claimant.

Claimant means any person or legal entity except an insurer or a subrogee. The term claimant includes military personnel, a State, county, or municipality, but does not include the United States or any instrumentality thereof.

§ 836.22 Cognizable claims.

Any claim within the provisions of Article 139, UCMJ, not hereinafter excluded, may be presented to any Air Force commander for consideration under §§ 836.20 to 836.27, and, in proper cases, approved for payment. However, such damage, loss, or destruction of property by military personnel must be caused by riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or reckless disregard of property rights carrying an implication of guilty intent.

§ 836.23 Claims not cognizable.

Claims otherwise within the scope of §§ 836.20 to 836.27 nevertheless are not cognizable under their provisions when the damage, loss, or destruction of property involves any of the following:

(a) Claims cognizable under §§ 836.28 to 836.74, §§ 836.82 to 836.98: However, if a claim is within the scope of §§ 836.20 to 836.27 and §§ 836.50 to 836.59 or §§ 836.92 to 836.98, but the act or omission occurred outside the scope of the member's employment, the claim may be processed under §§ 836.20 to 836.27, either in whole or part, when specific authority to do so has been obtained from the approving authority concerned.

(b) Claims resulting from simple negligence.

(c) Subrogation claims.

(d) Any portion of a claim covered by insurance, regardless of whether claim is made against the insurer or not.

(e) Claims for personal injury or death.

(f) Claims for damage, loss, or destruction of property resulting from acts or omissions of military personnel while acting within the scope of their employment.

(g) Claims arising from larceny, forgery, deceit, embezzlement, fraud, misappropriation, and misapplication, when the wrongful taking is accomplished under conditions of stealth, deception, trickery, or device, unaccompanied by any force, riotous, violent, or disorderly conduct. However, claims for subsequent physical damage to the stolen property are cognizable.

(h) Complaints presented more than 90 days after the incident out of which the claim arises, unless the commander taking action on the report of the board determines that good cause has been shown for the delay in making complaint. Such commander's determination that good cause has or has not been shown is final.

(i) Claims for Government property, including property furnished through the Armed Forces Clothing Monetary Allowance System or through issue.

(j) Claims for damage, loss, or destruction of property caused wholly or partly by a negligent or wrongful act of the claimant, his agent, or his employee.

(k) Claims for indirect damages (see §§ 836.1 to 836.19).

(l) If payment of a claim is made by the United States under a claims statute or international agreement, reimbursement will not be obtained from the offender.

(m) Claims resulting from acts or omissions of civilian employees.

§ 836.24 Procedure for processing claims.

(a) *Action by claimant.* Any person who believes that his property has been willfully damaged or wrongfully taken by military personnel may complain, orally or in writing, to the commander of the alleged offender. However, if the unit of the alleged offender is not known, the claimant may complain to the commander of the nearest Air Force base, station, installation, unit, or attache. Before final action is taken, such a complaint will be accompanied by a written claim in triplicate, for a definite amount. When appropriate, such a claim may be regarded as the complaint.

(b) *Action on complaint*—(1) *Commander receiving complaint.* The commander to whom such a complaint is presented will convene a board of from one to three officers to investigate the complaint, ascertain and report the facts, and make findings and recommendations relating to the complaint.

§ 836.25 Reconsideration of claims.

Article 139 provides for no appeal from the action of the commander by either the claimant or the offender. However, it is always possible for a commander to reconsider any action taken by him in order to correct an injustice. A successor in command may change the original action even though the offender may have been transferred, but only on the basis of newly discovered evidence, fraud, or obvious error of law, fact, or calculation appearing on the face of the record. A transfer of an offender to a new unit does not give any authority to the new commander to change a decision that was favorable or unfavorable to the offender.

§ 836.26 Statute of limitations.

There are no provisions in Article 139 concerning the period within which such complaints must be asserted, however, see § 836.23(h).

§ 836.27 Settlement authority.

Claims may be settled in any amount.

(10 U.S.C. 939)

PERSONNEL CLAIMS

§ 836.28 General.

Sections 836.28 to 836.41 govern administrative settlement and payment of claims presented by Air Force military and civilian personnel and Air National Guard and Air Force Reserve military personnel for personal property damaged or lost incident to their service.

§ 836.29 Proper claimants.

(a) All Air Force military and civilian personnel.

(b) Air National Guard and Air Force Reserve military personnel while en-

gaged in inactive duty training pursuant to Federal law.

(c) The authorized agent or legal representative of persons in paragraph (a) or (b) of this section.

(d) Survivors of persons in paragraph (a) or (b) of this section in the following order of precedence:

(1) Spouse.
(2) Child or children.
(3) Father or mother, or both.
(4) Brothers or sisters, or both.

(e) A claim may not be presented under §§ 836.28 to 836.41 by or for the benefit of a subrogee, assignee, conditional vendor, or other third party.

§ 836.30 Cognizable claims.

Claims for personal property lost or damaged incident to service are cognizable; provisions of paragraphs (a) and (b) of this section are intended to encompass the contingencies and circumstances which render a claim "incident to service."

(a) *Claims payable.* (1) Claims are payable under §§ 836.28 to 836.41 only for such types, quantities, or amounts of tangible personal property (including money) as the approving authority shall determine to be reasonable, useful, or proper under the circumstances existing at the time and place of the loss. In determining what is reasonable, useful, or proper the approving authority will consider the type and quantity of property involved, circumstances attending acquisition and use of the property, and whether possession or use by the claimant at the time of loss or damage was incident to his service.

(i) What is reasonable is a question of fact to be determined in the light of the officer's or airman's rank or the civilian employee's rating, together with his duty, job, and station assignment.

(ii) The Government does not underwrite all personal property losses that a claimant may sustain, and it does not underwrite individual taste. While the Government does not attempt to limit possession of property by an individual in the service, payment for loss or damage is made only to the extent deemed reasonable, useful, or proper. If individuals possess excessive quantities of items and/or expensive items, they should have such property privately insured.

(2) Property borrowed from others may be the subject of a claim.

(3) Specific types of claims payable include:

(i) Losses at quarters or other authorized places by theft (see subdivision (vii) of this subparagraph) or unusual occurrence, including fire, flood, hurricane, typhoon, tornado, cyclone, explosion, earthquake, and similar catastrophies or disasters. Lightning is not considered an unusual occurrence. However, property must be located at:

(*a*) Quarters, wherever situated, which were occupied by the claimant and were assigned to him or otherwise provided in kind by the Government.

(*1*) To substantiate a claim for loss at quarters the claimant must show that:

(*i*) Such quarters were in fact occupied by him. Of course, this does not mean that the claimant must be physically present in the quarters at the time of the loss.

(*ii*) The loss was caused by one of the enumerated or similar disasters and was not caused by his own negligence.

(*2*) When the loss occurred within the United States at quarters assigned or otherwise provided in kind, assignment of such quarters must be substantiated by competent orders showing the assignment by the billeting office or other qualified agency.

(*3*) When quarters are assigned which are classed as substandard and the total basic allowances for quarters is not forfeited, the quarters are still considered "assigned" within the meaning of this section and §§ 836.28 to 836.41.

(*4*) As a general rule, when the claimant has drawn his full basic allowance for quarters and is not required to reimburse the Government or a Government-controlled agency for any part thereof in the form of rent, such quarters are considered private rental and not quarters otherwise provided in kind.

(*5*) Quarters includes garages, carports, or attached buildings.

(*b*) Quarters outside the United States which were occupied by the claimant but were neither assigned to him nor otherwise provided in kind by the Government, except when the claimant was a civilian employee who was a local inhabitant.

(*1*) Quarters includes garages, carports, or attached buildings.

(*c*) Any warehouse, office, hospital, baggage holding area, or other place (except quarters) authorized for receiving or storing property, if:

(*1*) Storage was authorized by a competent authority,

(*2*) The place was designated as suitable for receiving and storing property, and

(*3*) The claimant complied with pertinent regulations concerning such storage.

(ii) Transportation losses incident to transportation or storage pursuant to orders; in connection with travel under orders; in performance of duty; including property in the custody of a common or contract carrier or any other commercial concern under contract with the Government, an agent or agency of the Government, or a claimant while in a private or public conveyance in which he is traveling in performance of duty.

(*a*) Joint Travel Regulations generally do not include as proper items for shipment thereunder property acquired after effective date of orders under which the particular move is to be made. However, it is Air Force policy not to disapprove claims for reasonable household goods so purchased if it is evident that they were turned over to a packer with the rest of the shipper's household goods or hold baggage. A bailment has been created when the property is accepted, and if the property is damaged or lost in shipment the damage or loss will be favorably considered.

(*b*) It is Air Force policy not to approve more than $25 for tools that are shipped with an automobile. It has been determined that this is a reasonable price for standard automobile tools. All other tools should be shipped with household goods. However, if there is no shipment of household goods by the service member and tools in excess of standard automobile tools are shipped with the car, the individual may be compensated up to the maximum on tools as outlined in the current Allowance List approved by the Judge Advocate General.

(*c*) The Air Force will consider in accordance with 10 U.S.C. 2732, claims for loss or damage to any personal property a transportation officer authorizes to be shipped by expedited mode.

(*d*) Claims arising out of a Government custody or bailment relationship frequently are for losses from fire, mildew, or other damage while stored pursuant to an authorized move, in a Government or a commercial warehouse which has been officially designated to receive the property by competent authority and orders. If, however, property is stored at a commercial facility for the personal convenience of the claimant at his expense, a claim for loss or destruction of the property is not payable, as Government custody was not involved.

(iii) Losses due to marine or aircraft disaster as a consequence of perils of the sea or air:

(*a*) Because claims under the perils of the sea provision are rare, no discussion of such claims is required. Shipping losses are generally covered under the transportation provisions in §§ 836.28 to 836.41.

(*b*) Claims considered under the aircraft disaster provisions generally concern losses of baggage jettisoned in flight or damaged by fire or otherwise damaged incident to an emergency or crash landing. Claims presented under this subsection may include items of clothing being worn by the claimant at the time of the accident, money (in an amount determined reasonable to have in possession), jewelry (not to exceed maximum amounts payable), and other items lost in the aircraft crash.

(*c*) Losses sustained while on a leave or furlough status ordinarily are not cognizable under §§ 836.28 to 836.41. Granting of leave or furlough normally does not require travel, and when travel is authorized it is at no expense to the Government. However, when such leave or furlough is accompanied by travel on a space-available basis on a military aircraft by active duty Air Force personnel a bailment condition arises with regard to property so placed aboard the aircraft, and that factor will lead to favorable consideration of a claim. These claimants generally are in a "hitchhiker" status, and are carried on the aircraft passenger list, although they generally are traveling only under leave or furlough orders.

(iv) Losses due to enemy action or public service as a direct consequence of:

(*a*) Action by an enemy, or threat thereof preventing capture or confiscation, or combat, guerrilla, brigandage, or other belligerent activity, whether or not the United States was involved, or unjust confiscation by a foreign power or its nationals.

(*b*) Action by the claimant in an attempt to quiet a civil disturbance or to alleviate a public disaster.

(*c*) Efforts by the claimant to save human life or Government property.

(v) Loss of money when:

(*a*) Commercial facilities are not available or normally are not used.

(*b*) Personal funds when accepted by responsible Government personnel with apparent authority to receive them for such purposes as safekeeping, deposit in airman deposit accounts, transmission by personal transfer account, purchase of United States bonds or postal money order, or conversion into military payment order, Government check or other kind of currency, or other authorized disposition, and such personal funds are neither applied as directed by the owner nor returned to him.

(*c*) In airman deposit cases, if the claim is determined to be payable, the airman is entitled to the full value of his account at the time of approval of claim.

(*d*) Forcibly taken by a thief from assigned quarters in the United States, or forcibly taken by a thief from quarters wherever situated outside the United States.

(vi) Damage to or loss of privately owned automobiles and other motor vehicles and their component parts (including tools) when shipped to, from, or between overseas areas under change of station orders or on a space required reimbursable basis in connection with overseas travel under orders. This includes storage, on-loading, and off-loading operations. Under special or unusual circumstances, damage or loss of component parts (including tools) that have been accepted by the Government for shipment may be recommended to the approving authority for consideration as a transportation loss (see subdivision (ii) of this subparagraph (3)).

(*a*) When a claim is presented for vehicle damage that occurred on base in the United States, its territories, Commonwealth, or possessions, the claims officer must determine—by clear documentary evidence such as the title certificate, registration, or bill of sale for the automobile—who is the true owner of the vehicle, and thus ascertain who is the proper claimant.

(*b*) The only time a claim for damage to an automobile on base will be processed as an on base incident to service claim under §§ 836.28 to 836.41 is when the Air Force service member is the owner of the vehicle and the accident occurred in the United States, its territories, Commonwealth, or possessions. Such claims will be payable only when the proximate cause of damage is an authorized U.S. Armed Forces activity. However, it does not have to be an authorized Air Force activity that causes the loss if all other criteria are met, i.e., incident to service, no negligence on the part of the Air Force member or his agent, and loss resulted from an authorized U.S. Armed Forces activity. There will be instances when off-base accidents or incidents will be considered incident to service. An example of this would be when a service member is forced to use his own vehicle to perform an emergency mission in connection with his assigned duties because an official vehicle is not available. Such claims will at all times be cognizable under §§ 836.28 to 836.41, even though they may be determined to be not payable.

(vii) Theft of property claims are payable, provided the claimant exercised due care in protecting his property, while located at:

(*a*) Quarters outside the United States. Quarters need not have been assigned or provided in kind by the Government, except when the claimant is a civilian employee who is a local inhabitant.

(*b*) Quarters within the United States that were assigned to the claimant or otherwise provided in kind by the Government. However, claims of this nature are payable only when definite proof of a larceny, burglary, or housebreaking exists.

NOTE: There are two formulas to be followed. Overseas theft from quarters cases require only that the claimant exercise due care in protecting his property. In the United States due care as well as definite proof of larceny must exist before the claim is payable. Money, jewelry, cameras, and other small items of substantial value are always highly susceptible to theft. Therefore, due care requires that items of this type be secured within quarters, as well as having the quarters secured.

(*c*) Any warehouse, hospital, baggage holding area, storeroom, or other place designated by competent authority as suitable for receiving and/or storing property and the property has been accepted by Government personnel acting within the scope of their employment.

(viii) Damage to or loss of clothing and accessories worn on the person—such as eye glasses, hearing aids, or dentures—but not if Government property. For replacement in kind see § 836.36.

(b) *Claims not payable.* Claims otherwise within the scope of §§ 836.28 to 836.41 are nevertheless not payable under it when the damage or loss of personal property incident to service involves any of the following:

(1) Articles acquired for other persons: Claims are not payable for articles intended directly or indirectly for persons other than the claimant or members of his immediate family. This includes articles acquired at the request of others and articles to be disposed of as gifts or for sale or for use in a private business enterprise.

(2) Small items of substantial value and money: Claims are not payable for small articles of substantial value and money when shipped with household goods or as unaccompanied baggage. Articles that are easily pilfered usually are worn or carried, including watches and expensive jewelry such as rings, pins, brooches, necklaces, and bracelets. These limitations do not apply to the articles described when the loss is cognizable under paragraph (a)(3)(i) (*a*) and (*b*) of this section.

(3) Intangible property: Claims are not payable for choses in action, or evidence thereof, such as bankbooks, promissory notes, stock certificates, bonds, bills of lading, warehouse receipts, baggage checks, insurance policies, money orders, and travelers' checks.

(4) Government property: Claims are not payable for property owned by the United States, including property furnished through the Armed Forces Clothing Monetary Allowance System or through issue.

(5) Enemy property, including war trophies.

(6) Losses (including theft) at quarters not assigned or otherwise provided in kind occupied by the claimant within the United States.

(7) Portable housing, other than trailer type.

(8) Losses recoverable from insurer or carrier: Claims are not payable for losses, or any portion thereof, that are recovered or recoverable from an insurer or carrier.

(9) Contractual coverage: Claims are not payable for losses, or any portion thereof, that have been recovered or are recoverable pursuant to contract.

(10) Negligence of claimant: Claims are not payable when the damage or loss of personal property was caused in whole or in part by any lack of due care, negligence, or wrongful act on the part of the claimant, his agent, or employee while acting within the scope of his employment.

(11) Fees for obtaining estimates of repair: Claims are not payable for fees paid to obtain estimates of repair in conjunction with submitting a claim under §§ 836.28 to 836.41. Exception: When, in the opinion of the approving authority, the claimant could not obtain an estimate without paying a fee, such fee will be allowed. However, it will be allowed only in an amount determined by the approving authority to be reasonable in relation to the value or the cost of repairs of the items on which the estimate was made.

(12) Violation of directives: Claims are not payable for items which, according to the evidence, were acquired, possessed, or transported in violation of pertinent directives or regulations of any U.S. Armed Force.

(13) Motor vehicles (including automobiles, motor bikes, motor scooters, bicycles, and boats):

(i) Claims are not payable for damage to an automobile of a claimant when it is being used while the claimant is on TDY or PCS orders with travel by POV authorized.

(ii) Claims are not payable, either in the United States or overseas, for motor vehicles which are lost due to theft from an area adjacent to assigned quarters; while parked in a designated parking lot; or, in the case of a boat, at a pier or on the water.

(14) Items fraudulently claimed: When investigation discloses that a claimant, his agent, or employee has intentionally misrepresented an item claimed, as to cost, condition, cost to repair, etc., the item will be disallowed in its entirety, even though some actual damage has been sustained. However, if the remainder of the claim is proper it will be paid. This does not preclude investigation and action under UCMJ if warranted.

§ 836.31 Claims not cognizable.

(a) Any claim that did not arise incident to service.

(b) Subrogation claims.

(c) Assigned claims.

(d) Conditional vendor claims.

(e) Claims by non-Air Force personnel—such as Red Cross employees, contractor employees, nonappropriated fund employees (but see §§ 836.92 to 836.98), and Civil Air Patrol members and cadets. However, a member of another United States Armed Force may present a claim to the Air Force for loss of or damage to personal property incident to his service under 10 U.S.C. 2732.

§ 836.32 Statute of limitations.

A claim may be settled and paid under §§ 836.28 to 836.41 only if presented in writing within 2 years after it accrues, except that if it accrues in time of war or armed conflict, or if war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented within 2 years after the cause ceases to exist, but not more than 2 years after the war or armed conflict is terminated.

(a) As used in this section, a war or armed conflict is one in which any U.S. Armed Force is engaged. Dates of commencement and termination of an armed conflict shall be established by concurrent resolution of Congress or by determination of the President.

For purposes of §§ 836.28 to 836.41, a claim will be determined to have accrued at such time as the loss or damage is or should have been discovered or ascertained through exercise of due diligence by the claimant, even though such loss or damage may have happened at a prior time.

§ 836.33 Factors involved.

(a) *Cost or value.* The amount awarded on any item of property will not exceed the cost of the item (either the price paid in cash or property, or the value at the time of acquisition if not acquired by purchase or exchange). The amount payable will be determined by applying the principles of depreciation to the adjusted dollar value or other base price of property lost or damaged beyond economical repair; and by allowing the cost of repairs when an item is economically repairable, provided cost of repairs does not exceed the depreciated value of the item.

(b) *Depreciation.* (1) Depreciation in value of an item is determined by considering the type of article involved, its cost, condition when lost or damaged beyond economical repair, and the time elapsed between the date of acquisition and the date of accrual of the claim.

(2) To assure Air Force-wide uniformity in applying the principles of depreciation, the Chief, Claims Division, Office of The Judge Advocate General, Headquarters USAF, is authorized to issue from time to time guides for determining:

(i) Estimated life of various classes of items.

(ii) Maximum amount allowable for specific articles as set forth in the allowance list. Maximum allowances must be applied, with one exception: If a U.S. Armed Forces aircraft or missile crashes on assigned quarters and destroys the property of the service member, the maximum allowance on all items will be waived except for the ceiling of $6,500.

(iii) Maximum quantities that will be considered, as well as claimant's income and social obligations, size of his family, and his need to have more than the average quantities.

(3) In applicable cases, the Chief, Claims Division, Headquarters USAF, will adjust the method of computing the base cost of items on which depreciation will be figured to allow for increases in the cost of living as authorized by the Judge Advocate General.

(c) *Appreciation.* There will be no allowance for replacement cost or appreciation in the value of the property.

(d) *Expensive articles.* Allowance for expensive items (including heirlooms and antiques) or for items purchased at unreasonably high prices will be based on the fair and reasonable purchase price for substitute articles of a similar nature.

(e) *Acquisition.* Allowance for articles acquired by barter will not exceed the cost of the articles tendered in barter. No reimbursement will be made for articles acquired in black market or other prohibited activities.

§ 836.34 Evidence to be submitted by claimant.

Requirements as to evidence generally are covered in §§ 836.1 to 836.19. However, the following types of claims require evidence in addition to the statement of facts and circumstances attending the loss.

(a) *Claims for property located at quarters.* Indicate:

(1) Geographic location.

(2) Whether quarters were assigned by the Government or otherwise provided in kind.

(3) Whether quarters were regularly occupied by the claimant.

(4) If claimant is a civilian employee:

(i) Whether claimant is a local inhabitant.

(ii) Whether claimant was a "direct hire" civilian employee of the United States Air Force when the claim accrued.

(5) Measures taken to protect the property.

(b) *Claims for property located at other authorized places.* Indicate:

(1) Geographic location.

(2) Name of the authority, if any, who designated the place of storage for the property.

(3) Measures taken to protect the property.

(c) *Claims for transportation losses.* (1) Include a copy of the orders authorizing the travel, transportation, or shipment. If such copies are not obtainable, a certificate explaining their absence, and giving their substance and sufficient facts to establish that the travel, transportation, or shipment was authorized.

(2) If transportation or shipment of property was by common or contract carrier or Government agent or agency, include the bill of lading, if applicable, and the inventory of property shipped and delivered.

(3) Include a copy of the demand on carrier or insurer, or both, when required, and the reply, if any.

(4) In cases of missing baggage or household effects, indicate action taken by claimant and claims officer to locate property, and include related correspondence.

(5) Indicate whether, at the time the shipment was received from the last common carrier or local civilian carrier, a "clear" receipt was given; or whether the delivering inventory acknowledging receipt of the shipment was noted to indicate any loss, damage, or discrepancy.

(6) Indicate whether application was made pursuant to the Joint Travel Regulations if loss results from the shipment of articles of gold or silver, paintings, or other items of extraordinary value. For purposes of §§ 836.28 to 836.41, sterling silver flatware, holloware, and silver service are not included within the meaning of "items of extraordinary value," and do not require special handling, except when shipped in a mobile home on a Government Bill of Lading.

(d) *Claims arising out of marine or aircraft disaster.* Include a copy of orders or other available evidence to establish claimant's lawful right, and that of his property, to be on board.

(e) *Claims arising out of enemy action or public service.* (1) Include a copy of orders or other available evidence to establish claimant's rightful entry into area or location involved.

(2) Indicate applicable cause (see § 836.30(a)(3)(iv)), with facts and circumstances involved.

(f) *Claims for money delivered to another.* (1) Indicate geographic location of the unit.

(2) Indicate name, grade, service number (if any), and address of the person who received the money, and any other person(s) involved.

(3) Indicate the name and designation of the authority who authorized such personnel to accept personal funds, and the disposition requested.

(4) Include receipts or written sworn statements explaining failure to account for the funds.

(g) *Claims for damage to motor vehicles.* Include a copy of orders or other available evidence to establish claimant's lawful right to have the property shipped, and evidence to establish damage in transit.

(h) *Claim for theft at quarters.* Indicate:

(1) Geographic area of the loss.

(2) Whether small items of substantial value were secured within the quarters, and whether quarters also were secured.

§ 836.35 Demand on carrier or insurer.

(a) *Carrier—(1) General.* (i) In all cases where personal property is damaged or lost while being transported by a carrier, the owner-claimant must make a written demand for reimbursement, in accordance with provisions of the bill of lading or other contract, on the carrier who was in possession of the property when it was lost or damaged. Exception: If the property was shipped on a Thru Bill of Lading, demand will be made on the carrier to whom the bill of lading was issued.

(ii) If the carrier is not known or cannot be determined, the claimant must make demand on the last such (delivering) carrier known or believed to have handled the shipment.

(iii) If more than one bill of lading or contract was issued, the claimant must make a separate demand on the last carrier under each (see exception in subdivision (i) of this subparagraph) within 9 months after the date delivery was made, or should reasonably have been made. However, condition 7 which appears on the reverse side of the original of a Government Bill of Lading provides that "in case of loss, damage, or shrinkage in transit, the rules and conditions governing commercial shipments shall not apply as to period within which notice thereof shall be given the carriers or to period within which claim therefor shall be made or suit instituted."

(iv) However, the claimant will make no demand if:

(*a*) It is apparent that the estimated weight of the damaged or lost property is such that any recovery would be insignificant.

(*b*) It is clearly evident that the damage or loss was caused by faulty packing by Government employees.

(*c*) There is some other cogent reason why a demand would be impracticable.

(v) If the property was being carried under an MSTS shipping contract by a commercial ocean carrier, the shipper-owner will not make a demand on the ocean carrier. Claims against such ocean carriers are the sole responsibility of MSTS, and, after settlement of the claim by the Air Force, the Chief, Claims Division, Office of The Judge Advocate General, Headquarters USAF, will transmit the assignment claim to MSTS for appropriate action.

(b) *Insurer—(1) General.* In all cases where damaged or lost personal property was insured in whole or part, the claimant will make a written demand on the insurer for reimbursement under the terms and conditions of the insurance coverage. Such demand should be made before filing the claim against the Government under 10 U.S.C. 2732 and §§ 836.28 to 836.41, and within the time limit prescribed by the policy.

(2) *Action on claim while demand on insurer pending.* (i) Normally, the demand on the insurer should be concluded before the claim file is forwarded, unless this will unduly delay processing of the claim.

(ii) However, on traffic-type accidents and other motor vehicle damage which occur on base in the United States, its territories, Commonwealth, or possessions, the approving authority will make no settlement until the demand on the insurer has been accepted or rejected.

(3) *Insurance recovery.* The claimant should consult with the base staff judge advocate before accepting any insurance offer which is not in full satisfaction of the claim.

(c) *Failure to make demand on carrier or insurer.* (1) When demand on a carrier or insurer is required and the claimant fails to make such demand within prescribed time limits, or fails to make reasonable efforts to collect the amount recoverable, the amount otherwise payable under §§ 836.28 to 836.41 will be reduced by the maximum that could have been recovered if the claim had been presented seasonably or diligently prosecuted. However, this requirement may be waived when demand was impractical.

(2) When the circumstances of claimant's service precluded seasonable filing or diligent prosecution of the claim, or if there is some valid reason for the claimant not making a written demand—mistakenly depending on his exceptions listed on the inventory as a demand for payment and the 9 months statute of limitations under the commercial bill of lading runs—the approving authority will not deduct any amount for carrier recovery. The approving authority will settle the claim and then proceed against the carrier under condition 7 of the original Government Bill of Lading (see paragraph (a)(1)(iii) of this section).

(d) *Application of recovery.* (1) Any amount recovered or recoverable from a carrier or insurer will be deducted from the amount otherwise allowable under §§ 836.28 to 836.41. Exception: A deduction will not be made for the carrier or insurance recovery for any item which cannot be allowed by the Air Force for payment.

(2) When the amount recovered or recoverable from a carrier or insurer is equal to or greater than the amount otherwise payable by the Air Force, no compensation will be allowed under §§ 836.28 to 836.41. The amount otherwise payable is that amount determined by the application to the total amount claimed of depreciation factors and limitations and exclusions provided in §§ 836.28 to 836.41 and its implementing guides and instructions. In cases where the amount determined to be payable exceeds $6,500 after all deductions have been made, the claimant will be awarded $6,500.

(e) *Transfer and assignment of rights.* (1) The claimant will assign to the United States, to the extent of any payment on his claim accepted by him, all his rights, title, and interest in any claim he may have against any carrier, insurer, or other party arising out of the incident on which the claim against the United States is based. On request, he also will furnish such evidence as may be required to enable the United States to enforce the claim.

(2) After payment of his claim by the United States, if the claimant receives any payment from a carrier, insurer, or other party, he will pay the proceeds to the United States to the extent of the payment received by him from the United States (see § 836.41).

§ 836.36 Replacement in kind.

(a) The commander or a designated officer of the organization to which the claimant is assigned or attached may direct that personal property damaged or lost be replaced in kind from available Air Force stocks. However, this does not apply if the items claimed are Government property, including property furnished through the Clothing Monetary Allowance System or through issue.

(1) Annual appropriations for claims do not contain funds for payment of claims resulting from the damage, loss, destruction, capture, or abandonment of items of uniform clothing furnished to airmen by the Government, whether under the Clothing Monetary Allowance System or otherwise. Settlement of such claims is the sole responsibility of the base commander under survey procedures.

(2) If a claim is properly cognizable under survey procedures, and was disapproved by proper authority, it will not be open to review by refiling under §§ 836.28 to 836.41.

(3) Claims are cognizable, and, if the facts warrant, payable under §§ 836.28 to 836.41 when military clothing is lost or damaged in shipment incident to a service member's last move before release from active duty, or when the items are in excess of the quantity required under the Clothing Monetary Allowance System.

(b) A claim that may be settled under this section will be processed in accordance with other pertinent provisions of §§ 836.28 to 836.41. However, it will not be forwarded to higher authority for approval action. The action by or for the commander directing replacement in kind, and the replacement made to comply with such action, will be for all purposes a final and conclusive settlement of the claim.

§ 836.37 Claims procedure.

(a) *Presenting claim.* After discovery of the damage or loss, all claims should be submitted as soon as possible to the commander of the organization to which the claimant is attached or assigned. If a person inquires about the procedure for presenting a claim, he will be furnished appropriate claim forms, advised where they may be presented, and informed of the statute of limitations. A claim will not be refused even though it is presented at the wrong place, on the wrong form, or appears not to be within the provisions of §§ 836.28 to 836.41.

(b) *Claim form.* The claim will be submitted by presenting a detailed statement in quadruplicate, signed by or on behalf of the claimant, on AF Form 529, Claim for Personal Property. However, any writing will be received and considered a claim if it makes a demand for a sum certain, sets forth the facts and circumstances in detail, and contains substantially the same information required by the claim form.

§ 836.38 Settlement authority.

Personnel claims for more than $6,500 may be presented, but cannot be administratively paid in excess of that amount.

§ 836.39 Notice to claimant.

When the authorized designee of the Secretary of the Air Force partially disapproves a claim, the claimant will be notified in writing of the action taken and the reasons therefor.

§ 836.40 Reconsideration of action.

(a) The action of the approving authority in disapproving a claim in whole or in part will be final and conclusive for all purposes. No appeal is provided to the Secretary of the Air Force or any any other Government agency.

(b) However, the approving authority may reconsider any claim when the claimant submits evidence showing errors or irregularities in the submission or settlement of the claim or new evidence which was not before the approving authority at time of adjudication.

(c) Requests for such reconsideration or review will be submitted to the approving authority in writing within 60 days after the date of mailing the notification of disapproval or partial approval of his claim.

(d) If, upon reconsideration, the approving authority determines that a further amount is due the claimant, a supplemental voucher will be prepared which will show the check and voucher numbers of the initial payment, and indicate that the amount thereof is in addition to the previous payment.

§ 836.41 Property recovered by claimant.

(a) The claimant is put on notice when he files a claim that if any of the property for which the claim is made is later recovered, he is required to notify Headquarters USAF (AFCJA–13) immediately. This notice is incorporated in AF Form 529.

(b) Air Force policy is to grant the claimant three alternatives regarding property recovered after payment of his claim. The claimant may:

(1) Accept all of the property and return the monies paid to him by the Air Force.

(2) In the presence of the claims officer, examine the property and decide whether he wants to keep certain items for which he has been paid. In this event the approving authority or the office where the closed claim is stored will advise the claims officer of the amount paid on each item the claimant elects to retain. The claimant will then forward a check or money order, payable to the Treasurer of the United States, through the claims officer to the approving authority in the total amount paid for the items retained. The monies will then be credited to the appropriation out of which the claim was paid.

(3) Disclaim any interest in the property and request that it be turned over to the salvage officer at the nearest Air Force installation. The salvage receipt will be forwarded to the approving authority.

(10 U.S.C. 2732)

CLAIMS UNDER THE MILITARY CLAIMS ACT

§ 836.42 General.

Sections 836.42 to 836.49 govern administrative settlement and payment of claims against the United States for damage to or loss of property, or for personal injury or death, when caused by Air Force military or civilian personnel, or otherwise incident to Air Force noncombat activities.

§ 836.43 Proper claimants.

(a) All persons who suffer personal injury or death as a result of Air Force activities, or their legal representatives, as outlined in § 836.44. Exception: Military or civilian personnel employed by the Air Force who suffer personal injury or death incident to their service may not recover under the Military Claims Act.

(b) Property owners or their representatives:

(1) Owner includes not only the record owner, but also others who stand in certain defined legal relationships to the record owner. Thus a claim may be submitted by a bailee, lessee, mortgagor, or conditional vendee. One who holds title only for purposes of security (e.g., conditional vendor) may not submit a claim (however, see § 836.10).

(2) Payment of a claim to the record owner for property damage bars payment of a claim for the same damage presented by one who has purchased the property under an executory agreement. However, all interested parties should be joined, if possible.

(3) An authorized agent or legal representative may present a claim in the name of the claimant. In such instances evidence of authority to act on behalf of the claimant must be contained in the file.

(c) Subrogees (also see § 836.69(c)):

(1) A claim for loss wholly compensated by an insurer will be settled only with the insurer. A claim for loss partially compensated by an insurer may be settled with the parties individually, as their respective interests appear, or jointly if the claim is so presented. When settlement is joint, a check for the approved amount will be made payable to the subrogor and subrogee and mailed to the latter. When claims of the subrogor and subrogee, actual or potential, aggregate more than the monetary jurisdiction of the approving authority, settlement may not be made with either.

(2) An insured claimant will make detailed disclosure concerning his insurance coverage in his claim or in an attached statement, indicating:

(i) Insurer's name and address.

(ii) Kind and amount of insurance.

(iii) Insurance policy number.

(iv) Whether a claim has been presented to the insurer, and, if so, in what amount.

(v) Whether insurer has paid or is expected to pay the claim.

(3) Each insurer or other subrogee will substantiate his claim by appropriate documentary evidence showing that payment of the amount claimed or a larger amount has been made to or assumed on behalf of the insured or subrogor.

(d) Military or civilian personnel of the U.S. Armed Forces may be proper claimants for damage to or loss of personal property arising in foreign countries due to Government causation. Other incident to service claims will be processed under §§ 836.28 to 836.41 only.

(e) State or state agencies, counties, and municipalities.

(f) Prisoners of war or interned enemy aliens in the United States, if their claims are otherwise payable, may submit a claim for damage to or loss of personal property in the custody of the United States. In bailment claims of prisoners of war or interned enemy aliens, a determination of "friendliness" is not required.

(g) Claimants excluded:

(1) Military or civilian personnel who suffer personal injury or death incident to their service, or their legal representatives.

(2) Citizens of a country engaged in war or armed conflict with the United States, citizens of countries allied with an enemy nation, or corporations controlled by citizens of any enemy nation or its allies, unless the approving authority or the local military commander (subject to review by the approving authority) determines that the claimant was and is friendly to the United States.

(3) Claims of nonappropriated fund instrumentalities for property damage or loss caused by their employees are not payable under §§ 836.42 to 836.49 (but see §§ 836.92 to 836.98).

(4) Other agencies or departments of the U.S. Government (see § 836.111). Exception: Post Office Department claims (see § 836.107).

§ 836.44 Cognizable claims.

(a) *Types of cognizable claims.* (1) Claims by other than an inhabitant of a foreign country which arise from negligent or wrongful acts or omissions of Air Force military or civilian personnel acting within the scope of their employment occurring in a foreign country.

(i) Military personnel: In determining whether negligent acts or omissions of military personnel will give rise to a claim it is necessary to differentiate between scope of employment and line of duty.

(ii) Civilian personnel: Prisoners of war and interned enemy aliens are considered to be civilian personnel when engaged in labor for pay. The acts or omissions of volunteer workers and others serving as Air Force employees, even though without compensation, may give rise to cognizable claims under §§ 836.42 to 836.49; but when the acts or omissions of volunteer workers are involved it must be established that they were acting under supervision and control of authorized Air Force personnel. Household servants—such as cooks, janitors, and waiters—employed in the quarters of military or civilian personnel are not employees of the Air Force. The source of their wages and who exercises control over their activities with respect to the result to be accomplished and the means to be used are the determining factors. Usually, domestics are not Air Force employees, but are employees of the military or civilian personnel for whom they work.

(2) Claims by other than an inhabitant of a foreign country which arise incident to Air Force noncombat activities.

(i) All Air Force activity other than combat activity is not necessarily noncombat activity. Noncombat activity claims are those arising out of any authorized activities which are peculiarly military activities, having little parallel in civilian pursuits, and which historically have been considered as furnishing a proper basis for the payment of claims. Some examples of noncombat activities include maneuvers and special field exercises; practice firing of heavy guns; practice bombing; operation of aircraft, including the generation of sonic booms; use of balloons, animals, or instrumentalities having latent mechanical defects; and movement of combat vehicles or other equipment designed especially for military use.

(ii) On the facts developed in individual cases, certain claims—such as those arising out of aircraft accidents—might appear to be based on negligence, but for historical and practical reasons they nevertheless are treated as arising from noncombat activities.

(iii) The noncombat activities provision provides the only means by which the Air Force may settle many claims that arise from its activities. In the case of missile experiments and aircraft operations (including sonic booms), it would be difficult for the claimant to establish negligence on the part of Air Force personnel.

(iv) Claims that arise from accidents or incidents common in the average civilian community—such as motor vehicle collisions—will not be settled under the noncombat activities provision of this statute; they will be considered under the acts or omissions section of §§ 836.42 to 836.49 if arising in a foreign country.

(*a*) The Air Force may settle claims arising from the use of prime movers, amphibious vehicles, and other military vehicles not primarily designed for road use. The use of vehicles of this type is considered a noncombat activity.

(*b*) Responsibility for damage or injury from motor vehicles which are civilian in design or use will not be assumed by the Air Force on the basis of the noncombat activities provision unless the damage results from a latent mechanical defect. A claim for damage resulting from operation of an ordinary tractor-trailer would not be approved as incident to noncombat activities.

(v) It is not necessary for the claimant to allege or prove negligence or a wrongful act on the part of military or civilian personnel to recover for damage or injury resulting from noncombat activities, since the nature of those activities would make it extremely difficult in a legal sense to establish the negligent or wrongful acts. It is also unnecessary for the claimant to allege or prove that the military or civilian personnel causing the damage or injury were within the scope of their employment. Therefore, for approval of a claim based on a noncombat activity the claimant need only prove a causal connection between an authorized noncombat activity and the injury or damage which serves as the basis of the claim.

(vi) Even though the claimant alleges negligence in his claim, it will be processed under the noncombat activities provisions of §§ 836.42 to 836.49 if in fact the damage was caused by noncombat activities.

(3) Claims which arise from damage to or loss of bailed property.

(i) A bailment is not created merely by the act of placing personal property in a Government area. There must be authority for transferring the custody of the property to the Government, and the property must be accepted on behalf of the Air Force by authorized personnel. In adjudication of bailment claims the cause of the loss usually is not material. What must be established is the creation of the bailment with the Air Force through acceptance of personal property by authorized personnel acting in an official capacity; and the breach of the bailment relation by the nonreturn of the property or its return in a damaged condition. Air Force negligence is not required.

(ii) Claims for damage to or loss or destruction of personal property loaned, rented, or otherwise bailed to the Air Force under an express or implied agreement are payable under §§ 836.42 to 836.49, even though legally enforceable against the Government as contract claims. Bailment claims may, however, if in the best interest of the United States, be processed as contract claims.

(iii) Claims for damage to or loss of personal property shipped at Government expense by persons not proper claimants under §§ 836.28 to 836.41 may be settled under §§ 836.42 to 836.49. If it appears that the damage or loss occurred under circumstances in which a carrier is responsible, the claimant must make a demand on the carrier or insurer for payment as required by § 836.35.

(iv) Bailment claims are not payable under §§ 836.42 to 836.49 if the bailor has by express agreement assumed the risk of damage, loss, or destruction.

(v) Claims for rent, as such, of personal property are not payable under §§ 836.42 to 836.49.

(vi) A claim is not payable if the loss or damage resulted from the negligence or contributory negligence of the claimant, his agent, or employee.

(4) Claims which arise from damage to or loss or destruction of registered and insured mail while in the custody of authorized Air Force military or civilian personnel—such as unit mail clerks—are payable even though resulting from criminal acts or Air Force noncombat activities. These claims are processed as bailment claims.

(i) Upon delivery of registered or insured mail by the Post Office Department or Military Postal Service (APO or FPO) to the Air Force, it assumes responsibility for transporting and distributing it to the authorized military or civilian personnel. Any claim for loss or damage occurring before delivery of the mail to authorized Air Force personnel, or after redelivery to the Post Office Department or Military Postal Service will be presented to the Post Office Department for consideration under its contract of indemnity with the sender.

(ii) The Air Force is not an insurer, and does not assume the contract of indemnity issued to the sender by the Post Office Department. Therefore, upon delivery to authorized personnel, the indemnity contract terminates and the measure of damages is not controlled by the amount of the insurance coverage. However, the declaration of the sender as to the value or the amount of coverage obtained will be considered as some evidence of value.

(iii) If a package was not delivered or returned by the Air Force, the registration or insurance fee, as well as postage, is payable. If a registered or insured article was actually received by the addressee with a portion of the package intact, the postage and registration or insurance fee will not be paid.

(iv) Ordinary mail and minimum fee insured mail carrying no insurance number and not requiring hand-to-hand receipts is not within the scope of this Instruction.

(v) Losses of registered and insured mail due to enemy action are not payable under this Instruction.

(5) Claims which are enforceable under a lease or other contract may be settled under §§ 836.42 to 836.49, if otherwise cognizable, or under contract procedures, as deemed in the best interests of the United States. Settlement under contract procedures is preferable.

(b) *Proximate cause.* To be payable a claim for damage or injury must have been proximately caused by the act or omission of military or civilian personnel or otherwise incident to Air Force noncombat activities.

(1) If the proximate cause of an accident or incident is the joint or concurrent tortious acts or omissions of military or civilian personnel and of one or more persons other than the claimant, his agent, or employee, the claim is payable except to the extent, if any, already paid by or on behalf of such other person or persons.

(2) Acts or omissions constituting mere conditions without the existence of which an incident could not have occurred, and which are not a proximate cause of the damage or injury for which claim is made, are not proper bases for payments under §§ 836.42 to 836.49. This is the rule even if local law or ordinances forbid the acts or omissions concerned. However local law ordinarily will control the questions of proximate cause, imputed negligence, and family purpose doctrine.

(c) *Contributory negligence.* Negligence or wrongful act on the part of the claimant or his agents or employees acting within the scope of employment, in whole or in part the proximate cause of the incident, bars recovery. It is immaterial that the law of the situs follows the comparative negligence doctrine. Negligence or contributory negligence of the claimant bars payment of a claim. The presence or absence of contributory negligence normally is determined by local law.

(d) *Types of cognizable claims which are payable.* When claims are proximately caused by the activities set forth in paragraph (a) of this section, without contributory negligence on the part of the claimant, payment is authorized for:

(1) Personal injury or death, as well as pain and suffering preceding death (see § 836.4). The law permits recovery for loss of time, earnings, services, diminished earning capacity, permanent injury, physical disfigurement, anticipated medical expenses, and death benefits. However, allowable compensation will not include reimbursement for medi-

cal, hospital, or burial expenses furnished or otherwise provided at the expense of the United States.

(2) Damage to or loss of property, including:

(i) Real property used and occupied, except as excluded by § 836.45(m).

(ii) Personal property bailed to the United States under an expressed or implied agreement, unless the owner has expressly assumed the risk of damage or loss (see § 836.45 (j) and (k)).

(iii) Registered or insured mail in the possession of the Air Force.

§ 836.45 Claims not cognizable.

Sections 836.42 to 836.49 do not apply to a claim which arises:

(a) From combat activities of military forces during time of war or armed conflict.

(b) For property damage occurring to, or injury or death of military personnel incident to their service.

(c) For injury or death of a civilian employee cognizable under the Federal Employees' Compensation Act (5 U.S.C. 751), or the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901), as made applicable to certain civilian employees of nonappropriated fund instrumentalities of the United States Armed Forces (5 U.S.C. 150k) under the Act of July 18, 1958 (5 U.S.C. 150k–1).

(d) In a foreign country and presented by a claimant to the authorities of a foreign country and final action taken thereon under Article VIII of the NATO Status of Forces Agreement, Article XVIII of the Japanese Status of Forces Agreement, or other similar treaty or agreement.

(e) In a foreign country and the claimant is an inhabitant of a foreign country.

(f) From transaction purely contractual in nature.

(g) From private, as distinguished from Government, transactions.

(h) Solely from compassionate grounds.

(i) For patent or copyright infringement.

(j) For war trophies, and articles intended directly or indirectly for persons other than the claimant or members of his immediate family, such as articles acquired to be disposed of as gifts or for sale to another, voluntarily bailed to the Air Force, except registered or insured mail. No allowance will be made for any item when evidence indicates that the acquisition, possession, or transportation thereof was in violation of any regulation or directive.

(k) For precious jewels and other articles of extraordinary value, voluntarily bailed to the Air Force, unless within the provisions of § 836.44(d)(2)(iii). Allowance for articles acquired by barter will not be more than the cost of the articles tendered in barter.

(l) From the operations of a nonappropriated fund activity, unless arising from acts or omissions of military personnel while performing assigned military duties or civilian personnel paid from appropriated funds while performing official duties (see §§ 836.92 to 836.98).

(m) For rent, damage, or other payments involving the acquisition, possession, and disposition of real property or interests therein by and for the Air Force.

(n) From the taking of private real property by trespass resulting from the flight of aircraft.

(o) From traffic-type accidents, except when the incident which gives rise to the claim occurred in a foreign country and the claimant is not an inhabitant of a foreign country. In such incidents the ordinary principles of negligence will apply, as well as a determination as to scope of employment.

(p) For loss or damage to mail of any type in the possession of the Post Office Department or a Military Postal Service.

(q) From wrongful acts or omissions of military or civilian personnel acting within the scope of their employment and occurring outside a foreign country (see §§ 836.68 to 836.74).

§ 836.46 Statute of limitations.

A claim may be settled under §§ 836.42 to 836.49 only if presented in writing within 2 years after it accrues, except that if it accrues in time of war or armed conflict, or if war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented within 2 years after the cause ceases to exist.

(a) As used in this section, a war or armed conflict is one in which any U.S. Armed Force is engaged. Dates of commencement and termination of an armed conflict shall be established by concurrent resolution of Congress or by determination of the President.

(b) Some persons fail to take into consideration that the claim must accrue in time of war or armed conflict, or war or armed conflict must intervene within the statutory period, if the period of limitation is to be extended. Further, good cause must be shown for any delay in excess of the statutory period.

§ 836.47 Claims procedure.

The procedure set forth in §§ 836.1 to 836.19 will be followed with the following exceptions:

(a) The action of the approving authority is final and conclusive for all purposes in the absence of an appeal to the Secretary of the Air Force within 30 days after the date of the letter of notification.

(b) When the approving authority disapproves a claim in whole or in part, he will notify the claimant of the action taken and the reason therefor. He will advise the claimant of his right to appeal to the Secretary of the Air Force, through the approving authority, within 30 days after the date of such notification, and that an appeal should state the basis therefor.

(c) When an appeal is presented to the approving authority, he will forward it and the related claim file to Headquarters USAF (AFCJA–13) for determination by the Secretary of the Air Force. This does not prohibit a reconsideration by the approving authority.

(d) The claimant will be required to execute a settlement agreement, unless the claim is for property damage only, is approved in the full amount claimed, and does not arise from an incident in which personal injury or death is involved. Acceptance by the claimant of any award constitutes a complete release of any claims against the United States and against the military or civilian personnel whose act or omission gave rise to the claim.

(e) Settlement agreements for claims cognizable under §§ 836.42 to 836.49 will state that the award is made pursuant to the provisions of 10 U.S.C. 2733, which provides for administrative settlement of claims arising from Air Force activities, and is not to be construed as an admission of liability on the part of the United States, its agents, or employees, but is a release of the United States, its agents, or employees from any liability.

§ 836.48 Settlement authority.

Claims for more than $5,000 are cognizable, but cannot be administratively paid by the Air Force in excess of that amount. However, if the Secretary of the Air Force considers a claim meritorious and would otherwise be cognizable under §§ 836.42 to 836.49, he may after receipt of a settlement agreement in full satisfaction of the entire claim pay the claimant $5,000 and report the excess to Congress for its consideration.

§ 836.49 Emergency payments.

See § 836.17.

(10 U.S.C. 2733)

FOREIGN CLAIMS

§ 836.50 General.

Sections 836.50 to 836.59 govern administrative settlement and payment of claims against the United States by inhabitants of foreign countries for death, personal injury, or damage to or loss of property which arise in a foreign country and are caused by military or civilian personnel.

§ 836.51 Definitions.

(Other terms used in §§ 836.50 to 836.59 are explained in §§ 836.1 to 836.19):

(a) *Foreign country.* A national state other than the United States. This includes any place under the jurisdiction of the United States in a foreign country.

(b) *Inhabitant of a foreign country.* A person who dwells or resides in a foreign country, including a corporation or other business association. A corporation or other business association is not necessarily excluded as an inhabitant because organized under United States law. Neither citizenship nor domicile is required.

§ 836.52 Proper claimants.

(a) Claimants (or decedents in death claims) must have been inhabitants of a foreign country at the time of the incident, and not otherwise excluded as a claimant.

(1) United States citizens may be claimants if it is established that they actually are inhabitants of a foreign country.

(2) Foreign military personnel may be claimants in death or injury claims, if the claim does not arise out of joint missions with United States military personnel and if it is otherwise within the purview of the Foreign Claims Act.

(3) The national government of a foreign country and each of the political subdivisions (such as a provisional government or a municipal government of such country) are considered proper claimants under the Foreign Claims Act unless the waiver provisions of any applicable agreements exclude such claims.

(4) In claims involving death of inhabitants of a foreign country, the residence or abode of the heirs is immaterial; the controlling factor is the residence of the deceased.

(b) Claimants excluded:

(1) A national (or corporation controlled by a national) of a country at war or engaged in armed conflict with the United States, or of any country allied with such enemy country, unless the foreign claims commission considering the claim or the local military commander determines that at the time of the incidence the claimant was and is friendly to the United States.

(i) In unusual cases where the claimant is a national of an enemy country simply by force of circumstances, and actually is friendly to and cooperative with the United States, he would be a proper claimant if the foreign claims commission or the local military commander determines him to be friendly to the United States.

(ii) A corporation organized in the United States is not an inhabitant of a foreign country unless the corporation has been authorized to do business in any foreign country.

(2) United States Armed Force military and civilian personnel and their dependents who are inhabitants of the United States and in a foreign country primarily because of their sponsor or military orders.

(3) United States citizens who are not inhabitants of a foreign country, including tourists.

(c) An insurer or other subrogee may not present a claim in his own name. A claim for the entire amount of damage or injury sustained will be presented by and settlement made solely with the insured, without regard to insurance.

(d) Claims by inhabitants of the USSR, Albania, Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, Romania, North Korea, The Peoples Republic of China, Cuba, and Yugoslavia will be considered on an individual basis only, and will be forwarded through claims channels to Headquarters USAF (AFCJA–13) for appropriate action.

§ 836.53 Cognizable claims.

(a) *Proximate cause.* A determination is required that the incident giving rise to the claim was proximately caused by:

(1) A noncombat activity (explained in § 836.44(a)(2)(i)), or

(2) One of the following:

(i) Military personnel.

(ii) Civilian personnel, including volunteer workers, who are United States citizens.

(iii) Civilian personnel, including volunteer workers, who are not United States citizens and who were:

(*a*) Hired in one country for employment in another, or

(*b*) Indigenous personnel, prisoners of war, or interned enemy aliens acting within the scope of their employment. Exception: Claims arising from the operation of United States Armed Forces or DOD vehicles while being driven by these personnel. In these circumstances scope of employment is not required.

(3) A claim is cognizable under the Foreign Claims Act if the damage, loss, personal injury, or death was proximately caused by an act or omission of Air Force military or civilian personnel or is otherwise incident to Air Force noncombat activities. These acts or omissions may be criminal, negligent, willful, wrongful, or mere mistakes of judgment. Acts or omissions involving lack of reasonable care are the usual bases of such claims. The test is whether the damage was caused by USAF personnel and/or its noncombat activities. In determining this the ordinary legal doctrine of proximate cause applies. The Foreign Claims Act is not a negligence statute, and proof of negligence or application of the doctrine of respondent superior is not necessary to establish responsibility other than as stated in this section.

(b) *Scope of employment.* (1) Scope of employment is a prerequisite to a finding of responsibility on the part of the United States Goverment only in the case of persons in the category stated in paragraph (a)(2)(iii)(*b*) of this section. In such cases consider all of the facts and attendant circumstances, including:

(i) Time, place, and purpose of the activity. (Ordinarily a slight deviation as to time or places does not constitute a departure from scope of employment; the deviation must be material in order to take the activity out of scope of employment.)

(ii) Whether the activity was for the furtherance of the general interest of the Air Force.

(iii) Whether the activity is usual for personnel of the grade and classification involved, or reasonably to be expected of such personnel.

(iv) Whether the instrumentality from which the damage or injury resulted was owned or furnished by the Air Force.

NOTE: A claim for damage caused by escaped prisoners of war would be disapproved.

(2) Whether persons listed in paragraph (a)(2)(i), (ii), and (iii)(*a*) of this section were acting within the scope of their office or employment is immaterial. It would make very little difference from the point of view of the claimant-inhabitant of the foreign country whether the military or civilian personnel who were responsible for his damage or injury were acting within the scope of their employment. Furthermore, if the act is criminal and therefore clearly without the scope of employment, the need for compensating the injured person and desirability that prompt disciplinary action be taken against the offender is amplified. In the case of United States citizens and noncitizens hired in one foreign country for employment in another foreign country, a certain responsibility rests on the United States in that it has placed the employees in the foreign country and should be responsible for their actions.

(3) In the case of volunteer workers and other serving as employees of the Air Force, with or without compensation, scope of employment may or may not have to be determined, depending on their citizenship or place of employment. The theory underlying this is that if the Air Force uses the services of such individuals in its activities, it assumes the responsibility for their acts and services while they are so engaged.

(c) *Location.* To be cognizable, claims must arise outside the United States, its territories, Commonwealth, and possessions.

(d) *Contributory and comparative negligence.* (1) Contributory negligence on the part of the claimant, his agent, or employee is not a bar to recovery unless that is the rule under local law or custom.

(2) Where applicable, the comparative negligence doctrine will be applied, and the adjudication will reflect the percentage of negligence of each party. The amount of damage sustained by both parties is then apportioned in accordance with local law.

(e) *Types of cognizable claims which are payable.* When claims are cognizable as outlined, payment is authorized for:

(1) Damage to or loss of real property of any foreign country or of any political subdivision or inhabitant of a foreign country, including damage or loss incident to use and occupancy, except as excluded by paragraph (f)(9) of this section.

(2) Damage to or loss of personal property of any foreign country or of any political subdivision or inhabitant of a foreign country, including property bailed to the United States.

(3) Personal injury to or death of any inhabitant of a foreign country.

(i) Items allowable for personal injury may include actual and reasonable medical and hospital expenses, reasonable compensation for physical pain and suffering and temporary or permanent disability, and loss of wages or earning capacity; and, if death results, actual and reasonable burial expenses and compensation for loss of life. However, moral damages, court costs, and similar items are not payable.

(ii) In death claims, only one claim arises for all beneficiaries. If the claimant is a foreign national and not an inhabitant of the country where the accident or incident occurred, the allowable compensation ordinarily will be determined by the law of the domicile of the claimant.

(iii) Allowable compensation will not include reimbursement for medical, hospital, or burial expenses furnished at the expense of the United States.

(f) *Types of claims which are cognizable but not payable.* (1) A claim which arises in a foreign country, is presented to the authorities of a foreign country, and settled under Article VIII of the NATO Status of Forces Agreement, Ar-

ticle XVIII of the Japanese Status of Forces Agreement, or other similar treaty or agreement.

(2) A claim which is purely contractual in nature.

(3) A claim for court costs or reimbursement for a satisfied judgment against Air Force military or civilian personnel.

(4) A claim which arises from private contractual or domestic obligations. All claims arising from a contractual relationship between such personnel and third parties regarding property leases, public utilities, hiring of domestic servants, and debts of any description should be forwarded for action to the commander of the individual concerned.

(5) A claim based solely on compassionate grounds (solatium).

(6) Bastardy claims.

(7) Claims for patent or copyright infringement.

(8) Claims waived under an international agreement.

(9) Claims for rent, damage, or other payments involving regular acquisition, possession, and disposition of real property or interests therein by and for the Air Force.

(i) Irregular procurement damage claims may be settled under §§ 836.50 to 836.59 if no contract or lease has been executed regularizing the original taking action.

(10) Claim for taking of private property by trespass resulting from the flight of aircraft. Actual physical damage is required. Accordingly, claims for technical trespass, overflight of aircraft, or a taking under the Fifth Amendment to the U.S. Constitution are not payable.

(11) Claims under any workmen's compensation law or regulation, whether:

(i) Federal Employees' Compensation Act of September 7, 1916 (5 U.S.C. 751, et seq.).

(ii) Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901, et seq.).

(iii) Local law or custom.

(iv) Compensation or similar benefits are provided by insurance or by United States contract, and the costs or premiums are indirectly paid by the United States.

EXCEPTION: When a claim is within subdivisions (iii) or (iv) of this subparagraph (11), an award by a foreign claims commission may be authorized, in each case, by the Chief, Claims Division, Office of The Judge Advocate General, Headquarters USAF, or any of the persons listed in § 836.56(b).

§ 836.54 Claims not cognizable.

(a) Claims resulting directly or indirectly from combat activities, or when settlements are suspended by a commander during a war or armed conflict.

(b) Claims based on negligence of a United States concessionnaire or other independent contractor, or his employees and dependents.

(c) Claims arising out of the activities of dependents of Air Force military or civilian personnel, their guests, servants, or pets.

(d) Nonappropriated fund claims will be paid as provided by regulation of the service concerned. (See §§ 836.92 to 836.98 for Air Force claims.)

§ 836.55 Statute of limitations.

A claim must be presented within 2 years after it accrues to the appropriate United States or foreign government officials under an international agreement (see § 836.1(a) and §§ 836.82 to 836.84).

§ 836.56 Foreign claims commissions.

(a) *General.* (1) Foreign claims commissions settle and pay claims against the United States which are presented for their consideration under §§ 836.50 to 836.59 or §§ 836.42 to 836.49 when such claims are within their monetary jurisdiction.

(2) In addition to commissions activated in foreign countries, a 3-man commission has been appointed in the Claims Division, Office of The Judge Advocate General, Headquarters USAF, and another 3-man commission is located at the Air Force Missile Test Center, Patrick AFB, Florida. These commissions permit processing and settling of claims arising out of specialized USAF activities outside the United States.

§ 836.57 Claims procedure.

(a) *Action by foreign claims commission.* (1) When a commission receives a claim and related investigation, it will consider the claim and determine how it should be processed for settlement. If necessary, the commission may conduct a further investigation or refer the claim to appropriate authorities for investigation. It may confer with the claimant, to resolve or determine facts and, if deemed in the best interests of the United States and warranted by the factual situation, it may conduct a hearing and take testimony.

(2) Awards and settlement agreements will be expressed in the currency of the country where the incident occurred or where the claimant resides. An approximate dollar amount and the rate of exchange will be included in parenthesis.

(b) *Settlement agreement.* On claims recommended for settlement for more than $5,000, an acceptance or settlement agreement will not be obtained from the claimant until after approval action by the appointing authority or the Secretary of the Air Force, as appropriate.

(c) *Payment.* Payment will be made in the currency of the country where the accident or incident occurred, or where the claimant resides, depending on the physical presence of the claimant at the time of payment.

(d) *Reconsideration.* Although the Foreign Claims Act provides that a settlement made by a commission shall be final and conclusive for all purposes, a commission composed of the original members may reconsider its own errors, or may reopen, reverse, or reconsider in whole or in part any claim decided by it. However, if there has been a change in the membership of a commission, the settlement action may be reconsidered only when new and material evidence is presented, or to correct manifest mistakes of fact, errors in calculation, or for fraud or collusion. On reconsideration, the opinion of a commission will state the reason for the reconsideration. In this connection, the General Accounting Office has held that a court judgment on a claim is not a sufficient basis for reconsideration.

§ 836.58 Settlement authority.

(a) *Claims for more than $15,000.* Claims not amended to an amount within the jurisdiction of a foreign claims commission nevertheless will be processed by a three-man commission and forwarded for action by the Secretary of the Air Force. If the Secretary of the Air Force considers that the claim is meritorious and would otherwise be cognizable under the Foreign Claims Act, he may:

(1) Refer the claim to a foreign claims commission for settlement in an amount not over $15,000, or

(2) After receipt of a settlement agreement in full satisfaction of the entire claim, certify the claim to Congress.

(b) *Claims for $15,000 or less.* (1) Such claims may be settled by a three-man foreign claims commission.

(c) *Claims for $1,000 or less.* (1) Unless specifically limited in the appointing orders, a one-man foreign claims commission has authority to settle claims presented for $1,000 or less. Claims for more than $1,000 not amended to an amount within its jurisdiction will be referred to an Air Force three-man commission designated by the appointing authority.

(2) Claims may be presented to foreign claims commissions which are not cognizable under §§ 836.50 to 836.59 because the claimant is not an inhabitant of a foreign country. If these claims are cognizable under §§ 836.42 to 836.49 and are not for more than $1,000, they may be settled, subject to appeal to the Secretary of the Air Force, by any Air Force foreign claims commission if within its monetary jurisdiction.

§ 836.59 Emergency payments.

See § 836.17.

(10 U.S.C. 2734)

ADMIRALTY CLAIMS

§ 836.60 General.

Sections 836.60 to 836.67 govern procedures for settlement, payment, or compromise of claims for or against the United States, not the subject of pending litigation, which arise from marine accidents or incidents.

§ 836.61 Compromise settlements.

The Secretary of the Air Force and certain designees in the Office of The Judge Advocate General have authority to enter into negotiations with claimants and respondents and to effect the compromise settlement of claims, both in favor of and against the Government.

§ 836.62 Proper claimants.

(a) The general policy of waiving tort claims for damage by one department or agency of the Federal Government against another (explained in § 836.111) is followed unless the claim is payable by commercial underwriters or other private interests. However, certain classes of claimants are excluded in § 836.64.

(b) Subrogee claims (see § 836.69(c)) are cognizable under §§ 836.60 to 836.67 to the extent subrogated. Claimants may file a claim jointly or separately. Joint claims must be asserted in the names of and signed by all parties, and payment thereof is made jointly. If separate claims are filed, payment to each party is limited to the extent of such party's undisputed interest.

(10 U.S.C. 9801–9804 and 9806)

CLAIMS AGAINST THE UNITED STATES

§ 836.63 Cognizable claims.

(a) *Settlement or compromise of claims against the United States for damage to or loss of property, or personal injury or death, caused by vessels of or in the service of the Department of the Air Force.* (1) Vessels: Air Force liability is limited to tort liability, and parallels the Government's liability under the Public Vessels Act.

(2) Personal injury or death: Claims based on personal injury or death of stevedores and other personnel who are not attached to the vessel constitute damage by a public vessel, and are subject to suit under the Public Vessels Act, as well as being within the provisions of §§ 836.60 to 836.67.

(b) *Settlement or compromise of claims for towage and salvage services (including contract salvage) rendered to vessels of or in the service of the Department of the Air Force when the net amount payable by the United States does not exceed $500,000.*

(1) Towage: Claims for towage services are subject to suit and also are within the purview of §§ 836.60 to 836.67.

(2) Salvage:

(i) Sections 836.60 to 836.67 are limited to claims for compensation for salvage services rendered to vessels of or in the service of the Air Force.

(ii) Generally, the following elements must exist in order to constitute a valid salvage claim:

(*a*) A marine peril, not occasioned by the salvor, to a vessel or her cargo.

(*b*) Services of the salvor must be voluntary and not rendered in pursuance of any duty owed to the owner or to the property.

(*c*) The property or some portion of it must have been saved from the impending peril, or the service rendered must have contributed to such success.

(iii) The amount of salvage to be awarded cannot be reduced to precise values, but depends on consideration of all the circumstances of each case. In many instances, so-called salvage efforts amount only to a towing service.

(iv) A salvage contract is an agreement containing the conditions by which a vessel in distress accepts the proposed services of a salvor in return for remuneration. These agreements usually are made on the "no cure, no pay" basis. The amount of remuneration in event of success is definitely fixed, usually with a provision for arbitration of differences.

§ 836.64 Claims not cognizable.

(a) Claims for damage to or loss or destruction of property, or for personal injury or death, resulting from action by an enemy or resulting directly or indirectly from any act by United States Armed Forces engaged in combat or in immediate preparation for impending combat.

(b) Claims for personal injury or death of United States Armed Force members incurred incident to their service.

(c) Claims for personal injury or death of civilian employees of the United States to whom the Federal Employees' Compensation Act of September 7, 1916 (5 U.S.C. 751, et seq.) applies.

(d) Claims for damage to or loss or destruction of property or for personal injury or death caused by other than vessels of or in the service of the Department of the Air Force.

(e) Claims which have been made the subject of a suit by the United States, unless the suit is dismissed when payment is made (46 U.S.C. 786).

(f) Claims which have been made the subject of a suit against the United States.

§ 836.65 Statute of limitations.

(a) Settlement of a claim presented under §§ 836.60 to 836.67 must be authorized by the Secretary of the Air Force and accepted by the claimant before expiration of a 2-year period from the date of the origin of the cause of action; thereafter the cause of action ceases to exist and there is no authority to effect settlement administratively. Presentation of a claim or its consideration by the Department of the Air Force neither waives nor extends the 2-year limitation period.

(b) When a claim cognizable under §§ 836.60 to 836.67 or notice of intention to file such a claim is received, the receiving claims office will advise the claimant or potential claimant of the comprehensive application of this time limit.

§ 836.66 Settlement authority.

(a) *Claims against the United States for more than $500,000.* The Secretary of the Air Force may settle or compromise admiralty claims. However, claims which are settled or compromised for more than $500,000 must be certified to Congress for payment.

(b) *Claims against the United States for $500,000 or less.* The Secretary of the Air Force may settle or compromise and pay these claims.

(c) *Claims against the United States for $1,000 or less.* The Secretary of the Air Force has authorized certain officers in The Office of The Judge Advocate General to settle or compromise and pay these claims.

CLAIMS IN FAVOR OF THE UNITED STATES

§ 836.67 Cognizable claims.

(a) Claims of a kind that are within the admiralty jurisdiction of a Federal District Court of the United States.

(b) Claims for damage caused by a vessel or floating object to property under the jurisdiction of the Department of the Air Force or property for which the Department has assumed an obligation to respond for damages, when the net amount payable to the United States does not exceed $500,000.

(c) Claims for towage or salvage services performed by the Department of the Air Force for any vessel in any amount.

CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

§ 836.68 General.

Sections 836.68 to 836.74 govern administrative settlement and payment of claims against the United States that arise other than in a foreign country for damage to or loss of property, or for personal injury or death resulting from the negligent act or omission of Air Force military or civilian personnel while acting within the scope of their employment.

§ 836.69 Proper claimants.

There is no reference as such to claimants in the Act. However, other statutes and case law relate to the following:

(a) *Military personnel.* (1) The present state of the law is that military personnel who suffer personal injuries caused by the negligent acts of others in the service may recover if the injuries were "not incident to service;" there may be no recovery if the injuries were incurred "incident to service." The determinative fact in recent cases has not been whether the serviceman was on or off the military reservation at the time he was injured or killed, or whether he was at the time on pass, furlough, or leave, although those factors have a bearing on the ultimate question. It depends on whether his actions at the time were "in the course of activity incident to service."

(2) The Military Personnel Claims Act (see §§ 836.28 to 836.41), however, is the exclusive remedy of a serviceman for virtually all incident to service property damage occurring anywhere in the world.

(b) *Dependents of military personnel.* Dependents may recover under the Act. Allied with the question of the right of military personnel to recover for their service-connected injuries is the question of whether dependents of military personnel may recover for injuries suffered as a result of alleged negligent medical treatment by service medical personnel.

(c) *Subrogees.* Subrogees are proper claimants under §§ 836.68 to 836.74. When a claim has been wholly compensated by insurance, settlement will be made solely with the subrogated insurer. In cases of partial subrogation, separate claims may be presented by the insurer and insured or joint claims may be presented. However, the total amount of both claims may not exceed $2,500, the jurisdictional limit for administrative consideration.

(d) *Veterans.* This Act covers injuries sustained by veterans, provided such injuries do not arise out of or incident to military service.

(e) *Claimants excluded.* (1) Civilian employees: The Federal Employees Compensation Act (5 U.S.C. 751) is the exclusive remedy for civilian employees of the Department of the Air Force who suffer personal injury or death in the performance of duty.

(2) Military personnel suffering damage, injury, or death incident to service.

(3) Prisoners in Federal penal institutions.

§ 836.70 Cognizable claims.

(a) *Types of cognizable claims.* Claims caused by negligent or wrongful acts or omissions of military or civilian personnel while acting within the scope of their employment and under circumstances in which the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(1) Employees: The Act provides that the Government is liable for damages caused by the negligent or wrongful acts or omissions of any "employee of the Government." Employees are defined as including "officers or employees of any Federal agency, members of the military or naval forces of the United States, and persons acting on behalf of a Federal agency in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation".

(2) Scope of employment: Acts or omissions of military and civilian personnel of the Department of the Air Force give rise to liability under §§836.68 to 836.74 only if they occur while military or civilian personnel are acting within the scope of their employment.

(3) Proximate cause: The claimant's damage or injury must be proximately caused by the negligent or wrongful act or omission of military or civilian personnel while acting within the scope of their employment under circumstances where the United States, if a private person, would be liable according to the law of the place where the damage or injury occurred.

(4) Basis and extent of liability:

(i) The law of the place where the act or omission occurred pertaining to proximate cause, contributory or comparative negligence, and to joint tortfeasors will be applied in determining liability. When there is a conflict between local law and an express provision of the Federal Tort Claims Act (28 U.S.C. 2671–2680), the latter governs.

(b) *Types of cognizable claims which are payable.* When claims for $2,500 or less are proximately caused by the acts or omissions of Air Force military or civilian personnel acting within the scope of their employment, payment is authorized for:

(1) Personal injury and death, as well as pain and suffering preceding death (see § 836.4).

(2) Damage to or loss of property, including:

(i) Real property used and occupied.

(ii) Personal property bailed to the United States under an expressed or implied agreement.

(c) *Types of cognizable claims which are not payable.* The United States may not be held liable for punitive damages.

§ 836.71 Claims not cognizable.

(a) Claims for more than $2,500, even though otherwise cognizable under §§ 836.68 to 836.74, cannot be considered or settled administratively. All subrogated interests must be included in determining whether a claim exceeds $2,500.

(b) Claims arising from an act or omission of military or civilian personnel, exercising due care, in the execution of a statute or directive, whether or not such statute or directive be valid, or based on the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or a Government employee, whether or not the discretion involved be abused.

(c) Claims arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(d) Claims arising in respect to assessment or collection of any tax or customs duty, or detention of any goods or merchandise by any officer, of customs or excise or any other law enforcement officer.

(e) Claims for which a remedy is provided by 46 U.S.C. 741–799, relating to claims or suits in admiralty against the United States.

(f) Claims arising out of an act or omission of any Government employee in administering the provisions of the Trading with the Enemy Act (50 U.S.C. App. 1–31).

(g) Claims for damages caused by the imposition or establishment of a quarantine by the United States.

(h) Claims arising from willful torts—assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, negligent or intentional misrepresentation, deceit, or interference with contract rights.

(i) Claims for damages caused by fiscal operations of the Treasury or by regulation of the monetary system.

(j) Claims arising from combat activities of military forces during time of war. It has been held that wartime target practice in training for combat is not a combatant activity.

(k) Claims arising in a foreign country.

(l) Claims for property damage, personal injury, or death of military or civilian personnel incurred incident to service.

(m) Claims arising from operations of a nonappropriated fund instrumentality unless arising from acts or omissions of military personnel while performing assigned military duties, and civilian employees paid from appropriated funds while performing official duties (see §§ 836.92 to 836.98).

(n) Claims arising under the Federal Employees' Compensation Act (5 U.S.C. 751), or the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901) as made applicable to certain civilian employees of nonappropriated fund instrumentalities of the United States Armed Forces (5 U.S.C. 150k) under the Act of July 18, 1958 (5 U.S.C. 150k–1).

(o) Claims arising from activities of the Tennessee Valley Authority.

(p) Claims arising from activities of the Panama Canal Company.

(q) Claims arising from activities of a Federal Land Bank.

(r) Claims arising during periods of emergency.

(s) Claims arising from floods.

(t) Claims arising from the inherent risk in a given activity (e.g., taking a flight in a Government airplane), when the individual has accepted the inherent risk by signing a "covenant not to sue."

(u) Claims arising where the Government has taken an easement in air space over land, and passage of military aircraft over land seriously impaired its value for residential purposes.

(v) In the absence of specific statutory authority, claims involving damage to the property of U.S. Government departments or agencies.

§ 836.72 Statute of limitations.

(a) Claims must be presented in writing, within 2 years after they accrue.

(1) In computing time to determine whether the period of limitation has expired, exclude the first day and include the last day.

(b) If an administrative claim for $2,500 or less is presented, a suit may be filed in a U.S. District Court within 2 years after the claim accrues, or 6 months after notice of the final disposition of the claim is mailed to the claimant, or the claim is withdrawn by the claimant, whichever is later.

(c) Presentation of a claim for more than $2,500 within 2 years after it accrues will not extend the time within which a suit may be filed, nor permit administrative consideration of the claim, even though reduced to $2,500 or less more than 2 years after it accrues.

§ 836.73 Attorneys' fees.

The approving authority may, but only on written request made before the award by the claimant or his attorney, determine and allow reasonable attorneys' fees as part of the award. If the award is $500 or more, the fees shall not exceed 10 percent of the award. Fees shall be paid to the attorney representing the claimant out of, but not in addition to, the amount of the award.

§ 836.74 Settlement authority.

Claims for more than $2,500 cannot be administratively considered.

(28 U.S.C. 2671–2680)

TORT CLAIMS IN FAVOR OF THE UNITED STATES

§ 836.75 General.

Sections 836.75 to 836.81 govern procedures for administrative determinations, assertion, and collection of claims for damage to or loss or destruction of Government property through a negligent act or omission.

§ 836.76 Definitions.

(a) *Debtor.* An individual, partnership, association, corporation, or governmental body, foreign or domestic, other than an instrumentality of the United States has a claim.

(b) *Government property.* Real or personal property in the possession, custody, or control of the Air Force and its nonappropriated fund instrumentalities, or personal property on loan to the Air National Guard (see 32 U.S.C. 702 and 710), the Civil Air Patrol (see 10 U.S.C. 9441), or Air Force contractor-held or furnished property (see § 836.78 (a)).

§ 836.77 Cognizable claims.

Unless otherwise prescribed, cognizable claims comprise all tort claims for damage to or loss or destruction of Government property of more than $25—including claims for damage caused by negligent operation of privately owned vehicles by military or civilian personnel. Claims for lesser amounts may be included when assertion thereof is considered in the interest of the Air Force. However, claims will not be made against:

(a) Nonappropriated funds, as the interdepartmental waiver applies to claims against and in favor of these Federal activities (see § 836.111).

(b) Foreign governments unless specifically authorized by Headquarters USAF (AFCJA–13).

§ 836.78 Claims not cognizable.

(a) Claims cognizable under contract, except when Air Force contract authorities determine that settlement cannot be made under the contract or such settlement would be too expensive.

(b) Claims cognizable under AFRs 176–8 (Protection of Assets), 147–20 (Insurance and Claims Procedures for CONUS Exchanges) or 147–21 (A & AFES Insurance and Claims Procedures for Oversea Exchanges).

(c) Claims cognizable under report of survey procedures. Reports of survey relate only to property accounting responsibility (pecuniary liability), and collection of any charges raised against individuals having command, supervisory, or custodial responsibility.

(1) Procedures in §§ 836.75 to 836.81 will apply when individuals who had property responsibility are relieved of accountability and responsibility under a report of survey and the evidence indicates that a third party may be liable in tort. This includes military or civilian personnel of the U.S. Armed Forces when the damage to Air Force property is caused by the negligent operation of their privately owned vehicles. It also applies to third party tort claims involving Air Force property on loan to the Air National Guard (32 U.S.C. 702, 710), the Civil Air Patrol (10 U.S.C. 9441), or to Air Force contractors when it is determined that settlement cannot be made under the contract or such settlement would be too expensive.

(d) Admiralty claims cognizable under §§ 836.60 to 836.67.

§ 836.79 Statute of limitations.

Claims will be processed and asserted regardless of the passage of time from their accrual. Neither statutes of limitation nor laches are a defense in actions by the Government.

§ 836.80 Receipts.

The commander, his staff judge advocate, or any officer designated by the commander may execute and deliver a receipt to a debtor who makes payment in full, or offers a compromise settlement.

§ 836.81 Releases.

When a debtor or his insurer tenders payment in full and demands a release, the commander or his staff judge advocate is authorized to accept payment and execute a release.

(31 U.S.C. 71)

CLAIMS UNDER THE NATO STATUS OF FORCES AGREEMENT

§ 836.82 General.

Sections 836.82 to 836.84 govern the law and procedure relating to investigating and settling or adjudicating certain claims under the NATO and Status of Forces Agreements—which define the rights and responsibilities of U.S. forces and civilian components stationed or located in certain foreign countries, and those of other contracting parties stationed or located in the U.S.

§ 836.83 NATO Status of Forces Agreement (U.S. as receiving State).

(a) The United States is responsible for investigating accidents or incidents and for processing claims arising from the acts or omissions in the United States, its territories, Commonwealth, and possessions of members of the forces or civilian components of parites to the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty under the provisions of Article VIII thereof, and of military or civilian personnel assigned or attached to or employed by international military headquarters under the provisions of the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty, dated August 28, 1952.

(b) Under the authority of the Secretary of Defense, the Secretary of the Army has designated the Claims Division, Office of The Judge Advocate General, Fort Holabird, Baltimore 19, Maryland, as the receiving state office for claims cognizable under the Agreement.

§ 836.84 Where to file claims.

A claim should be submitted to the commander of the Armed Forces installation nearest the place where the accident or incident occurred, but may be filed at any other such installation.

AIR NATIONAL GUARD CLAIMS

§ 836.85 General.

Sections 836.85 to 836.91 govern administrative settlement and payment of claims that arise for damage to or loss of property, or for personal injury or death resulting from the negligent act or omission of Air National Guard military or caretaker (air technician) personnel while acting under the provisions of Title 32, United States Code, within the scope of their employment or otherwise incident to Air National Guard noncombat activities.

§ 836.86 Proper claimants.

(a) All persons who suffer personal injury or death as a result of ANG activities, or their legal representatives, as outlined in § 836.87. Exception: If ANG military or air technician personnel suffer personal injury or death incident to their service, recovery is not allowed under 32 U.S.C. 715.

(b) Property owners or their representatives:

(1) Owner includes not only the record owner, but also others who stand in certain defined legal relationships to the record owner. Thus a claim may be submitted by a bailee, lessee, mortgagor, or conditional vendee. One who holds title only for purposes of security (e.g., conditional vendor) may not submit a claim (see § 836.10).

(2) Payment of a claim for property damage to the record owner of property bars payment of a claim for the same damage presented by one who has purchased the property under an executory agreement. However, every effort should be made to join all interested parties.

(3) An authorized agent or legal representative may present a claim in the name of the claimant. In such instances evidence of authority to act on behalf of the claimant should be contained in the file.

(4) Claims presented by air technicians for loss or damage to personal property as a result of Air National Guard activities will be settled under §§ 836.85 to 836.91.

(c) Subrogees (also see § 836.69(c)):

(1) A claim for loss wholly compensated by an insurer will be settled only with the insurer. A claim for loss partially compensated by an insurer may be settled with the parties individually, as their respective interests appear, or jointly if the claim is so presented. When settlement is joint, a check for the approved amount will be made payable to the subrogor and subrogee and mailed to the latter. When claims of the subroger and subrogee, actual or potential, aggregate more than the monetary jurisdiction of the approving authority, settlement may not be made with either. Each of such claims received will be forwarded with the related file and comments to Headquarters USAF (AFCJA–13).

(2) An insured claimant will make detailed disclosure concerning his insurance coverage in his claim or in an attached statement, indicating:

(i) Insurer's name and address.

(ii) Kind and amount of insurance.

(iii) Insurance policy number.

(iv) Whether a claim has been presented to the insurer, and, if so, in what amount.

(v) Whether insurer has paid or is expected to pay the claim.

(3) Each insurer or other subrogee will substantiate his claim by appropriate documentary evidence showing that payment of the amount claimed or a larger amount has been made to or assumed on behalf of the insured or subrogor.

(d) Any state or state agencies, except the state maintaining the unit to which the ANG military person or air technician causing the accident or incident from which the claim arises is assigned or employed; counties; or municipalities.

(e) Claimants excluded:

(1) ANG military or air technician personnel who suffer personal injury or death incident to their service, or their legal representatives.

(2) ANG military personnel who suffer loss or damage to personal property

for which a claim may be settled under §§ 836.28 to 836.41.

(3) Other agencies or departments of the U.S. Government (see § 836.111). As a matter of policy, this concept has been extended to claims otherwise cognizable under §§ 836.85 to 836.91.

§ 836.87 Cognizable claims.

(a) *Types of cognizable claims.* (1) Claims which arise from negligent or wrongful acts or omissions occurring while ANG military or air technician personnel are acting within the scope of their employment under the provisions of 32 U.S.C. 316, 502–505, and 709, and 37 U.S.C. 301.

(2) Claims which arise incident to ANG noncombat activities under the provisions of Title 32, United States Code.

(3) Claims which arise from damage to or loss of bailed property.

(4) Claims which arise from damage to or loss of destruction of registered and insured mail while in the custody of authorized ANG military or air technician personnel.

(5) Claims which are enforceable under a lease or other contract may be settled under §§ 836.85 to 836.91, if otherwise cognizable or under contract procedures, as deemed in the best interests of the United States. Settlement under contract procedures is preferable.

(b) *Proximate cause.* To be payable a claim for damage or injury must have been proximately caused by the act or omission of ANG military or air technician personnel or otherwise incident to ANG noncombat activities.

(c) *Contributory negligence.* Negligence or a wrongful act on the part of the claimant or his agents or employees acting within the scope of employment, in whole or in part the proximate cause of the incident, bars recovery.

(d) *Types of cognizable claims which are payable.* When claims are proximately caused by the activities set forth in paragraph (a) of this section, without contributory negligence on the part of the claimant, payment is authorized for:

(1) Personal injury or death, as well as pain and suffering preceding death (see § 836.4). The law permits recovery for loss of time, earnings, services, diminished earning capacity, permanent injury, physical disfigurement, anticipated medical expenses, and death benefits. However, allowable compensation will not include reimbursement for medical, hospital, or burial expenses furnished or otherwise provided at the expense of the United States.

(2) Damage to or loss of property, including:

(i) Real property used and occupied.

(ii) Personal property bailed to the ANG under an expressed or implied agreement, unless the owner has expressly assumed the risk of damage or loss.

(iii) Registered or insured mail in ANG possession.

§ 836.88 Claims not cognizable.

Sections 836.85 to 836.91 do not apply to a claim which arises:

(a) Before September 13, 1960.

(b) From combat activities of military forces during time of war or armed conflict.

(c) Wholly or partly from the negligent or wrongful act of the claimant, his agent, or his employee. The doctrine of comparative negligence is not applicable.

(d) For property damage occurring to, or injury or death of ANG military personnel incident to their service.

(e) For injury or death of an air technician and others cognizable under the Federal Employees' Compensation Act (5 U.S.C. 751), or the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901).

(f) In a foreign country and presented by a claimant to the authorities of a foreign country and final action is taken thereon under Article VIII of the NATO Status of Forces Agreement or other similar treaty or agreement.

(g) From a transaction purely contractual in nature.

(h) From private, as distinguished from ANG, transactions.

(i) Solely from compassionate grounds.

(j) For patent or copyright infringement.

(k) For war trophies, and articles intended directly or indirectly for persons other than the claimant or members of his immediate family—such as articles acquired to be disposed of as gifts or for sale to another—voluntarily bailed to the ANG, except registered or insured mail. No allowance will be made for any item when evidence indicates that the acquisition, possession, or transportation thereof was in violation of any regulation or directive.

(l) For precious jewels and other articles of extraordinary value, voluntarily bailed to the ANG, unless within the provisions of § 836.87(d)(2). Allowance for articles acquired by barter will not be more than the cost of the articles tendered in barter.

(m) From the taking of private real property by trespass resulting from the flight of aircraft.

(n) For claims cognizable under §§ 836.68 to 836.74.

(o) For loss or damage to mail of any type in possession of the Post Office Department or a Military Postal Service (APO or FPO).

§ 836.89 Statute of limitations.

A claim may be settled under §§ 836.85 to 836.91 only if presented in writing within 2 years after it accrues, except that if it accrues in time of war or armed conflict, or if war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented within 2 years after the cause ceases to exist.

(a) As used in this section, a war or armed conflict is one in which any U.S. Armed Force is engaged. Dates of commencement and termination of an armed conflict shall be established by concurrent resolution of Congress or by determination of the President.

(b) The claim must accrue in time of war or armed conflict, or war or armed conflict must intervene within the statutory period, if the period of limitation is to be extended. Further, good cause must be shown for any delay in excess of the statutory period.

§ 836.90 Settlement authority.

Claims for more than $5,000 are cognizable but cannot be administratively paid by the Air Force in excess of that amount. However, if the Secretary of the Air Force considers a claim meritorious and otherwise would be cognizable under §§ 836.85 to 836.91, he may, after receipt of a settlement agreement in full satisfaction of the entire claim, pay the claimant $5,000 and report the excess to Congress for its consideration.

§ 836.91 Emergency payments.

See § 836.17.

(32 U.S.C. 715)

NONAPPROPRIATED FUND CLAIMS

§ 836.92 General.

Sections 836.92 to 836.98 govern administrative settlements and payment of: (a) Claims against nonappropriated fund instrumentalities arising out of acts or omissions of nonappropriated fund employees, or otherwise caused by a nonappropriated fund instrumentality, and (b) nonappropriated fund employees' personnel claims. It also provides for defense of lawsuits against such persons and instrumentalities, and authorizes processing of certain claims in favor of nonappropriated funds.

§ 836.93 Air Force policy.

All tort, tort-type, and personnel claims arising out of the operation of a nonappropriated fund instrumentality or from the authorized use of its property will be processed and settled in the manner authorized for similar claims against an appropriated fund activity, except as provided in §§ 836.92 to 836.98. Substantiated claims against an instrumentality will be paid from nonappropriated funds or by an insurer, as appropriate.

§ 836.94 Tort and tort-type claims.

(a) *Commercially insured claims.* All such claims will be referred to the insurer for settlement. Under certain limited circumstances foreign claims covered by insurance may be settled under §§ 836.92 to 836.98.

(b) *Claims not covered by commercial insurance*—(1) *Cognizable claims.* Claims arising out of the operation of a nonappropriated fund instrumentality, or from accidents or incidents involving acts or omissions of employees, members, participants, or authorized users of nonappropriated fund instrumentality property are cognizable and payable only from nonappropriated funds if they are caused by:

(i) Military personnel or appropriated fund civilian employees while performing part-time nonappropriated fund duties for which pay is being received from a nonappropriated fund instrumentality.

(ii) Off-duty participation of members, participants, or authorized users of nonappropriated fund recreational instrumentality property, such as the use of airplanes, boats, horses, hobby shops, etc., but excluding patrons of exchanges and theaters.

(iii) Civilian employees of nonappropriated fund instrumentalities while performing assigned duties.

(iv) Negligent condition or operation of nonappropriated fund interior premises as distinguished from facility construction or maintenance.

(2) *Claims not cognizable.* Claims payable from appropriated funds will not be considered, settled, or paid under §§ 836.92 to 836.98.

§ 836.95 Personnel claims.

Claims of paid civilian employees of nonappropriated fund instrumentalities for damage or loss of personal property incident to their employment are cognizable under §§ 836.92 to 836.98.

§ 836.96 Compensation claims.

(a) *Longshoremen's and Harbor Workers' Compensation Act.* (1) Paid civilian employees of nonappropriated fund instrumentalities employed within the continental United States, and paid nonappropriated fund employees outside the continental limits of the United States who are United States citizens or permanent residents of the United States or a territory, are covered by the provisions of the Longshoremen's and Harbor Workers' Compensation Act.

(2) Claims that are covered by the Longshoremen's and Harbor Workers' Compensation Act are the sole responsibility of the Bureau of Employees' Compensation, U.S. Department of Labor.

(b) *Local law or custom.* Employees who are not citizens of the U.S. or permanent residents of the U.S. or a territory, who are employed outside the continental United States by any nonappropriated fund instrumentality, are excluded from compensation coverage under the Longshoremen's and Harbor Workers' Compensation Act. However, disability or death benefits in accordance with local laws, customs, or treaties will be provided these employees through insurance or otherwise.

(c) *Other claims procedures.* Claims covered by insurance policies relating to employees covered under local laws, customs, or treaties are the responsibility of the insurer. These policies are required to contain provisions for settling claim disputes by arbitration.

(d) *Compensation benefits are exclusive remedy.* Benefits provided for compensated employees for disability or death resulting from accident or death arising out of an injury in the course of employment is provided by law to be the exclusive remedy against the United States or such instrumentality, and the decision of the arbitrator is final and conclusive.

§ 836.97 Customer complaints.

Although certain types of sales and service claims may properly fall in the category of tort claims, authority has been granted to local officers in charge of revenue-producing nonappropriated fund instrumentalities to settle claims generated by their activities by a cash payment out of funds on hand, by additional service, or by replacement in kind from stock.

§ 836.98 Settlement authority.

Tort and tort-type claims payable from nonappropriated funds, except those settled as customer complaints, will be settled by the same approving authorities authorized to settle appropriated fund claims within the following limitations.

EXCEPTION: The Judge Advocate General, USAF, has authority to settle nonappropriated fund claims without regard to monetary limitations.

CIVIL AIR PATROL CLAIMS

§ 836.99 General.

Sections 836.99 to 836.102 govern procedures for processing certain administrative claims for and against the United States which arise out of CAP activities when their services are being used by the Air Force on specifically assigned operational missions under the direction of the Air Force, or when U.S. Government property is damaged by the CAP or a third party.

§ 836.100 Definition.

The CAP is a nonprofit civilian corporation established by law as a volunteer civilian auxiliary of the Air Force, which authorizes the Air Force to render certain limited assistance to it and accept and utilize its services in fulfilling the Air Force noncombat mission (see 10 U.S.C. 9441 and 36 U.S.C. 201–208). CAP senior members and cadets are members of a corporation, and are not Air Force military or civilian personnel within the meaning of §§ 836.28 to 836.41. Nothing in §§ 836.99 to 836.102 shall be construed to confer military or veteran status on any person.

§ 836.101 Third party claims.

(a) *Cognizable claims.* Claims for personal injury, death, or property damage arising out of CAP accidents or incidents are cognizable under this Instruction if proximately caused by the CAP, acting under Air Force direction on a specifically assigned mission. Sections 836.99 to 836.102 will not be construed to create a bailment or loan to the Air Force of privately owned property.

(b) *Claims not cognizable.* (1) Reimbursement claims for the use of or depreciation to privately owned property used by the CAP, its senior members, or cadets on any mission specifically assigned by the Air Force.

(2) Indemnity claims for damage to or loss of privately owned property used on any mission specifically assigned by the Air Force, and resulting from acts or omissions of the owner or operator.

(3) Claims for personal services or expenses incurred by the CAP, its senior members, or cadets while engaged in any mission specifically assigned by the Air Force (see 10 U.S.C. 9441 for CAP-reimbursable expenses).

(4) Claims arising out of CAP accidents or incidents when the CAP is not under Air Force direction, or which occur outside the time limit prescribed for the mission specifically assigned by the Air Force.

(5) Claims based solely on Government ownership of property on loan to the CAP.

(c) *Processing tort-type claims.* CAP accidents, incidents, and claims will be investigated, settled and paid by approving authorities in the same manner as any other claim arising out of Air Force activities (see §§ 836.1 to 836.19, and 836.42 to 836.74).

§ 836.102 Compensation claims.

(a) *Coverage.* Compensation benefit claims by volunteer civilian CAP members (except CAP cadets) or their survivors for personal injury—including death and medical and burial expenses relating to such injury or death—are limited, and Federal law applies only in special situations. These claims are cognizable under the Federal Employees' Compensation Act and regulations of the Bureau of Employees' Compensation, U.S. Department of Labor.

(1) Included are claims that arise incident to active service, or travel to and from such service, rendered in performance or direct support of operational CAP missions under Air Force direction and under written authorization by competent authority covering a specific assignment and prescribing a time limit for such assignment.

(2) CAP cadets are specifically excluded from coverage under this law, but may be provided limited services while at encampments, including emergency hospital and medical care.

(b) *Presentation of claim and reports.* The claimant (member or survivor) and the local commander of the CAP unit (immediate superior) are responsible for initiating and submitting claims, and obtaining supporting documents required by the Department of Labor. To avoid reporting delays, Air Force civilian personnel officers, on request, will provide employee, supervisor, and medical "CA" forms, and assist the claimant and the CAP unit commanders in carrying out their responsibilities. However, reports, claims, and forms should be submitted to the appropriate office of the Bureau of Employees' Compensation through the local commander of the CAP unit concerned.

(c) *Responsibility for limited investigation.* CAP compensation claims are processed, investigated, and settled by the Bureau of Employees' Compensation. However, under law the Bureau of Employees' Compensation may request Air Force advice (Headquarters USAF, AFCJA–13) concerning the claimant's status and facts of the injury.

(5 U.S.C. 803 and 803a; 10 U.S.C. 2733, 2734, 9441 and 9801–9806; 28 U.S.C. 2671–2680; 31 U.S.C. 71; and 36 U.S.C. 201–208)

OTHER CLAIMS

§ 836.103 General.

Sections 836.103 to 836.113 discuss a wide variety and category of claims that may be presented, some of which are cognizable under claims statutes and chapters of this Instruction. However, the majority of the claims either are not cognizable or not payable under claims statutes, but contain equitable aspects

or elements of legal liability that warrant their consideration.

§ 836.104 Claims for reimbursement arising from industrial security regulations.

The Secretary of the Air Force has responsibility for processing claims for monetary restitution arising under the Industrial Personnel Access Authorization Review Program insofar as Air Force contracts are concerned. These claims are processed only in the Claims Division, Hq USAF. Any inquiries should be referred to Headquarters USAF (AFCJA–13).

§ 836.105 Air Force Reserve Claims.

(a) A claim by a member of the Air Force Reserve for damage or loss of personal property incident to his service (inactive duty training) will be processed and settled under §§ 836.28 to 836.41.

(b) Claims for injury or death of Reserve personnel while engaged in training incident to their service are not cognizable under claims statutes, and will be processed under other procedures applicable in these cases.

(c) Claims of third parties for damage, loss, injury, or death arising out of the activities of members of the Air Force Reserve engaged in inactive duty training, whether for pay or not, will be processed and settled as any other claim against the Air Force.

§ 836.106 AFROTC Claims.

(a) Claims arising out of the activities of student members (cadets) of the Air Force Reserve Officers Training Corps (AFROTC) are the responsibility of the educational institution where enrolled, except when:

(1) Engaged in Air Force flight instruction or training camp duties, as distinguished from flight orientation.

(2) Their property is damaged or they are injured by Air Force personnel in the performance of official duty.

(b) Cognizable claims may arise when the Air Force transports these members to Air Force bases for physical examinations, orientation, and for other military purposes. Accordingly, if a student member is injured while being transported by a military department, his claim will be processed as any other claim under §§ 836.42 to 836.49 or §§ 836.68 to 836.74.

(c) The Federal Employees' Compensation Act has been extended (5 U.S.C. 802) to apply to disability or death claims of AFROTC members while:

(1) Engaged in flight instruction under Federal law.

(2) Performing authorized travel to or from or while attending a training camp under Federal law.

(d) Claims against the United States arising out of the military activities of USAF personnel assigned to AFROTC duty at educational institutions will be processed as any other claim against the Air Force.

§ 836.107 Post Office Department claims.

Reimbursement claims of the Post Office Department for APO losses or shortages in postal accounts, caused by unbonded Air Force military personnel designated as postal clerks or custodians, will be processed under 39 U.S.C. 712. These claims are presented on SF 1080, Voucher for Transfers Between Appropriations and/or Funds, to Headquarters USAF (AFCJA–13).

§ 836.108 Laundry and dry cleaning claims.

Claims involving Air Force Industrial Fund laundry and dry cleaning establishments will be processed by the Laundry Officer and the Claims Officer as provided in AFR 148–3 (Claims Against Air Force Laundry and Dry Cleaning Establishments).

§ 836.109 Contract claims.

(a) Claims which arise from Air Force contracts, expressed or implied, ordinarily are covered under procurement regulations and are not payable under any section of this Instruction.

(b) However, in some cases an informal commitment cannot be regularized as a contract, or the claim cannot be settled or paid under contract procedures. In these circumstances, if otherwise cognizable, the claim may be processed under claims procedures after the appropriate procurement authority determines that the claim cannot be settled under contract procedures.

§ 836.110 Real estate claims.

Claims for rent, damage, and other payments involving the regular acquisition and disposition of real property or interest therein by and for the Air Force will be processed under contract and procurement procedures. These claims normally are not cognizable under any section of this Instruction.

§ 836.111 Government Department claims (interdepartmental waivers).

Tort or tort-type claims for damage to the property of one U.S. department or agency normally cannot be asserted against another U.S. department or agency.

§ 836.112 Meritorious claims act.

31 U.S.C. 236 authorizes the General Accounting Office to consider meritorious claims against the United States that are not subject to lawful adjustment. When a claim or demand, in the judgment of the Comptroller General of the United States, contains such elements of legal liability or equity as to be deserving of the consideration of Congress, he is authorized to submit it to Congress, with his recommendation thereon.

§ 836.113 Military rescue and assistance claims.

(a) *Fire Department claims.* These claims should be referred to the Air Force Accounting and Finance Center for referral to the General Accounting Office under 4 GAO 2015.10.

(b) *Ambulance claims.* If an unpaid claim of this type appears meritorious, it should be referred to Headquarters USAF (AFCJA–13), for appropriate action.

(c) *Sea rescue expense claims.* Such claims should be forwarded to the Air Rescue Service, Orlando AFB, Florida, for consideration.

(d) *Land rescue expense claims.* If the service was requested by Air Force authorities, or the claim otherwise is meritorious, the claim should be referred to Headquarters USAF (AFCJA–13), for appropriate action.

(e) *Air crew assistance.* Such claims may be referred to Headquarters USAF (AFCJA–13). Claims arising prior to September 26, 1947 will be referred to the Judge Advocate General, Department of the Army.

(f) The basis of previous payments of escape and evasion claims usually has been predicated on the expense to the claimant, and not the risk that he may have incurred in rendering assistance to U.S. airmen.

REIMBURSEMENT TO OWNERS AND TENANTS OF LAND ACQUIRED BY THE DEPARTMENT OF THE AIR FORCE PURSUANT TO PUBLIC LAW 534, 82d CONGRESS

Sec.
836.200 Statutory provisions.
836.201 Definitions.
836.202 Scope.
836.203 Delegation.
836.204 Filing of application.
836.205 Limitation of amount of payment.
836.206 Conditions of reimbursement.
836.207 Payment.

AUTHORITY: §§ 836.200 to 836.207 issued under sec. 401, 66 Stat. 624, as amended.

SOURCE: Approved by the Assistant Secretary of the Air Force and the Deputy Director of Defense.

REIMBURSEMENT TO OWNERS AND TENANTS OF LAND ACQUIRED BY THE DEPARTMENT OF THE AIR FORCE PURSUANT TO PUBLIC LAW 534, 82d CONGRESS

§ 836.200 Statutory provisions.

The Secretary of the Air Force is authorized, to the extent he determines to be fair and reasonable, under regulations approved by the Secretary of Defense, to reimburse the owners and tenants of land to be acquired for any public works project of the Department of the Air Force for expenses and other losses and damages incurred by such owners and tenants, respectively, in the process and as a direct result of the moving of themselves and their families and possessions because of such acquisition of land, which reimbursement shall be in addition to, but not in duplication of, any payments in respect of such acquisition as may otherwise be authorized by law: *Provided*, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of the fair value of such parcel of land as determined by the Secretary of the Air Force. No payment in reimbursement shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages so incurred, shall have been submitted to the Secretary of the Air Force within one year following the date of such acquisition or within one year following the date that the property is vacated by the applicant, whichever date is later. The authority for reimbursement of owners and tenants for moving costs conferred by this subsection shall be in addition to but not in duplication of authority contained in subsection 501(b) of the act of September 28, 1951 (65 Stat. 365) for the reimbursement to owners and tenants of land acquired pursuant to authorization in said act.

NOTE: Regulations implementing subsection 501(b) of the act of September 28, 1951 (65 Stat. 365) are contained in §§ 836.300 to 836.307. "*Provided, further*, That with respect to land acquired subsequent to July 27, 1954 but prior to July 15, 1955, reimbursement shall be restricted to those owners and tenants who used such land for residential or agricultural purposes."

§ 836.201 Definitions.

(a) *The act.* Public Law 534, 82d Congress, approved July 14, 1952.

(b) *Owner.* Any owner of land who moves himself, his family, or his possessions because of acquisition of his land for any public works project of the Department of the Air Force.

(c) *Tenant.* One who under proper authority uses or occupies land and who moves himself, his family, or his possessions because of acquisition of such land for any public works project of the Department of the Air Force.

(d) *Land to be acquired for any public works project.* Acquisition by the Department of the Air Force of any interest in land required for military purposes, except industrial installations not within the boundaries of an authorized multiple ownership project being acquired under circumstances similar to those involved in the normal acquisition of property for an airfield, camp or reservoir.

(e) *Industrial installations.* Any unit of real property which when acquired by the United States is being used or is useful for the production of materiel, munitions and supplies or for industrial research and development.

(f) *Date of acquisition.* The date on which title to land being acquired vests in the United States or the date on which the temporary term commences if a possessory interest only is being acquired.

(g) *Date of vacating.* The date on which an owner or tenant moves himself, his family, and his possessions subsequent to January 1, 1958 from land acquired on or subsequent to July 14, 1952.

(h) *Fair value.* The value of the land as determined in accordance with Department of the Air Force appraisal procedure.

§ 836.202 Scope.

Pursuant to the provisions of the act, reimbursement may only be made to the extent determined fair and reasonable for items of expense and other losses and damages incurred by owners or tenants in the process and as a direct result of the moving of themselves and their families and possessions. The types of reimbursable items and non-reimbursable items described in paragraphs (a) and (b) of this section are not intended to be exclusive.

(a) *Types of reimbursable items.* (1) Moving expenses, such as costs of transportation, insurance, crating and uncrating.

(2) Temporary storage expenses.

(3) Expenditures for obtaining new site or land such as cost of appraisals, surveys, and title searches, where such expenses are normally borne by the purchaser. This does not include any part of the purchase price for the new site or any expenditures for the purpose of adding to the value or utility of the new site.

(b) *Types of non-reimbursable items.* (1) Costs of conveying property to the Government.

(2) Consequential damages or losses, such as loss of good will, loss of profits, loss of trained employees, or expenses of sales and losses because of such sales.

§ 836.203 Delegation.

Authority is delegated to the Chief of Engineers, Department of the Army, and such officers and employees of the Corps of Engineers as he may designate and are approved by the Secretary of the Air Force, to perform all functions and make all determinations which are authorized to be performed by the Secretary of the Air Force with respect to reimbursement under the provisions of section 401(b) of the act.

§ 836.204 Filing of application.

All applications for reimbursement must be delivered to or mailed to the appropriate Division or District Engineer, Corps of Engineers, Department of the Army within one year from the date of acquisition or within one year from the date that the property is vacated by the applicant, whichever date is later. Applications must be supported by an itemized statement of the expenses, losses, and damages incurred for which reimbursement is requested.

§ 836.205 Limitation of amount of payment.

The act provides that the total amount of reimbursement to all owners and tenants of any parcel of land shall not exceed 25 per centum of the fair value of such parcel of land. In the event that the approved amount of reimbursement for all owners and tenants exceeds 25 per centum of the fair value of the land, each applicant will receive the same proportion of the 25 per centum of the fair value as the approved amount for each application is of the total amount approved for all applications.

§ 836.206 Conditions of reimbursement.

In determining whether reimbursement will be made and the extent and amount thereof, consideration will be given to the following:

(a) Reimbursement shall not be made unless and until reasonable proof of the expenses or other losses and damages incurred, in the form of receipts therefor or the next best evidence thereof when receipts are not available, have been submitted.

(b) Reimbursement shall not be made to the extent the applicant's negligence, or wrongful act has contributed to the amount of the expenses, losses or damages.

(c) Reimbursement shall not be made for any expenses, losses or damages which were allowed in establishing the compensation paid or to be paid for the interest acquired in the land.

§ 836.207 Payment.

Appropriate action will be taken to accomplish payment in accordance with prescribed procedure and regulations. Reimbursement will be made from funds appropriated to the Department of the Air Force pursuant to any act authorizing military public works projects for the Department of the Air Force, to the extent available.

REIMBURSEMENT TO OWNERS AND TENANTS OF LAND ACQUIRED BY THE AIR FORCE PURSUANT TO PUBLIC LAW 155, 82D CONGRESS

Sec.
836.300 Statutory provisions.
836.301 Definitions.
836.302 Scope.
836.303 Delegation.
836.304 Filing of application.
836.305 Limitation of amount of payment.
836.306 Conditions of reimbursement.
836.307 Payment.

AUTHORITY: §§ 836.300 to 836.307 issued under sec. 501, 65 Stat. 363, as amended.

SOURCE: Approved by the Assistant Secretary of the Air Force and the Deputy Director of Defense.

REIMBURSEMENT TO OWNERS AND TENANTS OF LAND ACQUIRED BY THE AIR FORCE PURSUANT TO PUBLIC LAW 155, 82d CONGRESS

§ 836.300 Statutory provisions.

The Secretary of the Air Force is authorized, to the extent he determines to be fair and reasonable, to reimburse owners and tenants of land acquired by the Air Force pursuant to the provisions of Public Law 155, 82d Congress, for expenses and other losses and damages incurred by such owners and tenants, respectively, in the process and as a direct result of the moving of themselves and their families and possessions because of such acquisition of land, which reimbursement shall be in addition to, but not in duplication of, any payments in respect of such acquisition as may otherwise be authorized by law: *Provided*, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of the fair value of such parcel of land as determined by the Secretary of the Air Force. No payment or reimbursement shall be made unless application therefor, supported by an itemized statement of the expenses, losses and damages so incurred shall have been submitted to the Secretary of the Air Force within one year following the date of such vacating (sec. 501(b), Pub. Law 155, 82d Cong.): *Provided, further*, That with respect to land acquired subsequent to July 27, 1954 but prior to July 15, 1955, reimbursement shall be restricted to those owners and tenants who used such land for residential or agricultural purposes.

§ 836.301 Definitions.

(a) *The act.* Public Law 155, 82d Congress, approved September 28, 1951.

(b) *Owner.* Any owner of land, who moves himself, his family, or his possessions because of acquisition of his land pursuant to the act.

(c) *Tenant.* One who under proper authority uses or occupies land and who moves himself, his family, or his posses-

sions because of acquisition of such land pursuant to the act.

(d) *Acquisition pursuant to the act.* Acquisition by the Air Force of any interest in land for any project authorized by the act.

(e) *Date of vacating.* The date the owner or tenant moves himself, his family and his possessions.

(f) *Fair value.* The value of the land as determined in accordance with Air Force appraisal procedure.

§ 836.302 Scope.

Pursuant to the provisions of the act, reimbursement may only be made to the extent determined fair and reasonable for items of expenses and other losses and damages incurred by owners or tenants in the process and as a direct result of the moving of themselves and their families and possessions. The types of reimbursable items and non-reimbursable items described in paragraphs (a) and (b) of this section are not intended to be exclusive.

(a) *Types of reimbursable items.* (1) Moving expenses, such as costs of transportation, insurance, crating and uncrating.

(2) Temporary storage expenses.

(3) Expenditures for obtaining new site or land such as cost of appraisals, surveys, and title searches, where such expenses are normally borne by the purchaser. This does not include any part of the purchase price for the new site or any expenditures for the purpose of adding to the value or utility of the new site.

(b) *Types of non-reimbursable items.* (1) Costs of conveying property to the Government.

(2) Consequential damages or losses, such as loss of good will, loss of profits, loss of trained employees or expenses of sales and losses because of such sales.

§ 836.303 Delegation.

Authority is delegated to the Chief of Engineers, Department of the Army, and such officers and employees of the Corps of Engineers as he may designate and are approved by the Secretary of the Air Force, to perform all functions and make all determinations which are authorized to be performed by the Secretary of the Air Force with respect to reimbursement under the provisions of section 501(b) of the act.

§ 836.304 Filing of application.

All applications for reimbursement will be filed with the appropriate Division or District Engineer, Corps of Engineers, Department of the Army, for forwarding to the Chief of Engineers for final action. Such applications must be delivered to or mailed to such Division or District Engineer within one year from the date of vacating and must be supported by an itemized statement of the expenses, and the losses and damages incurred and for which reimbursement is requested.

§ 836.305 Limitation of amount of payment.

The act provides that the total amount of reimbursement to all owners and tenants of any parcel of land shall not exceed 25 per centum of the fair value of such parcel of land. In the event that the approved amount of reimbursement for all owners and tenants exceeds 25 per centum of the fair value of the land, each applicant will receive the same proportion of the 25 per centum of the fair value as the approved amount for each application is of the total amount approved for all applications.

§ 836.306 Conditions of reimbursement.

In determining whether reimbursement will be made and the extent and amount thereof, consideration will be given to the following:

(a) Reimbursement shall not be made unless and until reasonable proof of the expenses or other losses and damages incurred, in the form of receipts therefor or the next best evidence thereof when receipts are not available, have been submitted.

(b) Reimbursement shall not be made to the extent the applicant's negligence, or wrongful act has contributed to the amount of the expenses, losses or damages.

(c) Reimbursement shall not be made for any expenses, losses or damages which were allowed in establishing the compensation paid or to be paid for the interest acquired in the land.

§ 836.307 Payment.

Appropriate action will be taken to accomplish payment in accordance with prescribed procedure and regulations. Reimbursement will be made from funds appropriated to the Department of the Air Force pursuant to the act, to the extent available.

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, United States Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62-9407; Filed, Sept. 20, 1962; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 137]

PART 105—CONTRACTS FOR PROTECTIVE SERVICES

Content of Contracts

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 27th day of August A.D. 1962.

It appearing, that by orders of October 28, 1958, May 20, 1959, and December 9, 1959, the Commission, by Division 3, instituted this proceeding to determine whether the charges for protective services set forth in certain contracts filed with the Commission are just and reasonable and consistent with the public interest, as provided in section 1(14)(b) of the Interstate Commerce Act, and further to determine whether the Commission's approval, findings, and orders in prior proceedings in Ex Parte No. 137, as they may affect the contracts or amendments thereto filed for approval, should be modified, amended, or changed in any respect, and particularly the 15 percent revision provision approved in 276 I.C.C. 323 at page 325, and the 6 percent profit provision referred to in 246 I.C.C. 145 at page 155;

It further appearing, that all rail carriers having contracts, or amendments to contracts, for protective service on file with the Commission requiring approval pursuant to section 1(14)(b) of the Act, were made respondents and that notice was given to the respondents, and to the public by posting copies of the orders in the Office of the Secretary of the Commission and by filing a copy with the Office of the Federal Register, Washington, D.C.;

It further appearing, that hearings were held at Washington, D.C., on October 29, 1959, and January 26 and 27, 1960, at which certain respondents and representatives of persons performing protective services for the railroads appeared; that a report and recommended order of an examiner was issued, to which exceptions were filed; and that an oral argument was had;

And it further appearing, that the Commission, Division 2, has, on the date hereof, made and filed a report in this proceeding containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof; and good cause appearing therefor:

It is ordered, That 49 CFR Part 105, be, and it is hereby, amended by adding thereto the following new section:

§ 105.2 Content of contracts.

(a) All rail carriers and express companies receiving protective services under any contracts, agreements, or arrangements requiring approval under section 1(14)(b) of the Interstate Commerce Act shall submit for approval, on or before 120 days after the effective date of this section, new or superseding contracts covering protective services performed under contracts now on file with the Commission as well as those performed under the provisions of Division Sheet 7, "Basis of Divisions Applying in Connection with Charges for Protective Services As Published in Perishable Protective Tariff 16 or Successive Issues Thereof", and supplements thereto. The contracts required herein to be filed shall supersede all prior contracts, including Division Sheet 7, and such contracts and those filed thereafter shall conform in substance to the provisions set forth in paragraphs (b), (c), (d), (e), (f), and (g) of this section.

(b) The charge for each protective service shall yield to the person performing such service no less than the cost of performing the service, the cost to be determined as set forth in paragraph (d) (1) and (2) of this section.

(c) The charge for a protective service may include, in addition to cost, a reasonable profit not in excess of 6 percent of the book cost of the property and

equipment employed in furnishing the service, less accrued depreciation, plus an allowance for working capital.

(d)(1) The cost shall be based upon the best information available, which shall include expected future increases or decreases in labor, materials, and other expenses, and may be based upon prior operations to the extent that conditions, expenses, and practices are expected to remain the same.

(2) The cost may be that incurred by the person rendering a specific protective service for a specific railroad or express company, or it may be the average cost of rendering a specific service for all railroads and express companies by such person.

(e) In the event the person rendering the protective services shall not recover costs for any item or service rendered, such person shall bill the railroads and express companies receiving those services, on a proportionate basis, for the amount of the loss. In the event the profit for any item or service received by such person exceeds a reasonable amount, the person rendering the service shall refund the excessive amount, on a proportionate basis, to the railroads and express companies involved. These adjustments are to be made as soon as practicable after the end of each calendar year. In determining the need for adjustments, each item or service for which a unit price has been charged shall be independently considered.

(f) No contract shall provide for a charge to a nonproprietary railroad or express company different from that to a proprietary railroad for the same service under substantially similar conditions.

(g) Contracts may be between one or more persons rendering protective services, on the one hand, and, on the other, one or more railroads and express companies, provided the contracts are consistent with the provisions of paragraphs (b), (c), (d), (e), and (f) of this section.

It is further ordered, That those contracts now on file with the Commission which have not been approved heretofore, be, and they are hereby approved upon the condition that they shall be superseded by new contracts filed in accord with the above regulations;

And it is further ordered, That this order shall become effective on October 29, 1962.

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Division of the Federal Register, Washington, D.C.

(54 Stat. 901).

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-9427; Filed, Sept. 20, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 827]

PUERTO RICO

Proposed Revision of Definition of a Farm; 1962–63 and Subsequent Crops

Notice is hereby given that pursuant to the provisions of the Sugar Act of 1948, as amended (61 Stat. 932), the Secretary of Agriculture is preparing to issue regulations providing for a revision of the definition of a farm in Puerto Rico, as follows:

For the 1962–63 and subsequent crops in Puerto Rico, each of the following paragraphs (1), (2) and (3) contains a definition of a farm, such definitions to be applied as follows to determine a separate farm; the definition in paragraph (1) shall apply in all cases unless the farming operation in any case meets the requirements set forth in either paragraph (2) or paragraph (3), in which case the definition in paragraph (2) or paragraph (3) shall apply, whichever is applicable.

(1) The term "farm" shall mean all land which is farmed by one or more producers as a farming unit with cropping practices, equipment, labor, and management substantially separate from that of any other such unit, and also includes all other land on which sugarcane farming operations are carried out with respect to which such producer(s) furnishes management services and (i) assumes an obligation for loss, (ii) has an opportunity to profit therefrom, or (iii) guarantees directly or indirectly a stipulated amount to any person who owns or controls land on which such farming operations are carried out.

(2) The term "farm" shall mean all land owned or controlled by a producer who separately or together with other producers, except processor-producers, owns the crop and bears the full financial risks of producing the sugarcane crop grown on such land and who carries out the sugarcane farming operations on such land by utilizing management services for which an amount is paid of not to exceed 2½ percent of the aggregate net market proceeds from the producer's share of the sugar and molasses obtained from the sugarcane produced on the farm as computed pursuant to the applicable fair price determination.

(3) The term "farm" shall mean all land included in a proportional profit farm which is organized pursuant to the provisions of Title IV of the Land Law of Puerto Rico, supervised by a manager with headquarters on the farm, and operated with work stock, light equipment, farm buildings, and labor substantially separate from that of any other such farm.

All persons who desire to submit comments and views regarding the proposed revision of the definition of a farm in Puerto Rico, as set forth above, may submit the same in writing and in duplicate to the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within thirty days following the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C. on September 17, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9458; Filed, Sept. 20, 1962; 8:54 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 225]

[Economic Regs.; Docket No. 13715]

TARIFFS OF CERTAIN CERTIFICATED AIRLINES

Proposed Increase of Limitation in Value of Certain Trade Agreements

SEPTEMBER 18, 1962.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 225 which would increase the limitation on the value of trade agreements involving certificated air carriers furnishing passenger air transportation between Hawaii on the one hand and Christmas Island, the Society Islands, American and Western Samoa or Fiji on the other hand.

The principal features of the proposed amendment are explained in the explanatory statement below and the proposed amendment follows such statement. This regulation is proposed under authority of sections 204(a) 403, 404, and 416 of the Federal Aviation Act of 1958 (72 Stat. 743, 758, 760, and 771; 49 U.S.C. 1324, 1373, 1374, 1386.) Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before October 1, 1962 will be considered by the Board before taking final action on the proposed amendment. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Part 225 of the Board's Economic Regulations permits the local service carriers, the certificated carriers operating within Hawaii, the certificated Alaskan carriers insofar as their intra-Alaskan operations are concerned, carriers holding certificates for the performance of all expense tours or cruises, and any certificated carrier furnishing passenger air transportation between Hawaii on the one hand and Christmas Island, the Society Islands, American Samoa, Western Samoa or Fiji on the other hand, to exchange air transportation for advertising goods or services within certain limitations.

A petition has been filed by South Pacific Air Lines (South Pacific) in Docket 13715, requesting the Board to amend Part 225 of its Economic Regulations, 14 CFR Part 225, by increasing from $100,000 to $200,000 the limitation on the total value of trade agreements it may make. South Pacific is certificated to provide air transportation between points in Hawaii on the one hand and points in Christmas Island, the Society Islands, American Samoa, Western Samoa or Fiji on the other hand. These points are, primarily, vacation and tourist spots with negligible business or industrial traffic potential. Unlike commercial traffic, which is to some extent self-generating, the achievement of a profitable volume of tourist traffic to these points requires stimulation by publicity. These factors result in relatively high advertising and promotion costs. In view of South Pacific's operating losses the carrier needs additional assistance in the form of a higher maximum limit on trade agreements to meet such necessary costs. However, South Pacific's relative size in terms of resources, expenses, points served, and other measures of size compared with similar carriers whose limitations on trade agreements are substantially less than South Pacific's does not, in the opinion of the Board, justify increasing the maximum on such agreements to $200,000 as requested by the carrier. In view of the foregoing, the Board is proposing herein that Part 225 be amended to permit the carrier to exchange an additional $50,000 of transportation for advertising services during the balance of this calendar year.

Since this proposal involves trade agreements for the calendar year 1962 only, early Board action on the proposal is desirable. Therefore, we are limiting the period for filing comments to ten (10) days after the notice is published in the FEDERAL REGISTER.

In consideration of the foregoing, the Civil Aeronautics Board hereby proposes an amendment to § 225.6 of Part 225 of its Economic Regulations (14 CFR Part 225) to read as follows:

§ 225.6 **Limitation on total value of trade agreements.**

* * * * *

Provided, That the total value of all trade agreements entered into under the provisions of this part by airlines identified under § 225.1(a)(5) shall not exceed $150,000 for the calendar year 1962.

[F.R. Doc. 62-9445; Filed, Sept. 20, 1962; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 943) has been filed by Atlas Chemical Industries, Inc., Wilmington 99, Delaware, proposing the issuance of a regulation to provide for the safe use of lactated mono- and diglycerides of coconut oil as a plasticizer in yeast.

Dated: September 17, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9443; Filed, Sept. 20, 1962; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 927) has been filed by Eastman Chemical Products, Inc., Kingsport, Tennessee, proposing the amendment of paragraph (c)(5) of § 121.2520 *Adhesives* by adding thereto the item "Polyphopylene, noncrystalline."

Dated: September 17, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9423; Filed, Sept. 20, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 914) has been filed by Merck Chemical Division, Merck and Company, Inc., Rahway, New Jersey, proposing the issuance of a regulation to provide for the safe use of disodium guanylate as a flavor modifier in food.

Dated: September 17, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9424; Filed, Sept. 20, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 60]

[Reg. Docket No. 234]

AIR TRAFFIC CONTROL CLEARANCES AND INSTRUCTIONS

Withdrawal of Notice of Proposed Rule Making

By Draft Release No. 60–1, published in the FEDERAL REGISTER (25 F.R. 391) as a notice of proposed rule making on January 16, 1960, the Federal Aviation Agency proposed an amendment to Part 60 to clarify and emphasize the authority of an air traffic controller to require immediate compliance with air traffic control instructions in situations wherein negotiation of an air traffic control clearance might compromise flight safety. The reasons therefor were outlined in detail in Draft Release No. 60–1.

Comments received in response to the draft release varied from unqualified endorsement through endorsement in principle but not in method to strong objection. At the request of some of those who commented, an informal conference was convened by representatives of the FAA at which all segments of industry were given an additional opportunity to present their views.

The Air Transport Association, the U.S. Air Force, the U.S. Army and the U.S. Navy endorsed the concept and supported the need to eliminate prolonged discussions between pilots and controllers as necessary for the safe and efficient operation of air traffic.

The Air Traffic Control Association recommended that all use of the term "instruction" be eliminated and that the "clearance" be made mandatory in all cases.

The Air Line Pilots Association, the Air Line Dispatchers Association and the Aircraft Owners and Pilots Association opposed the proposal.

While the Agency was considering these comments, it adopted Part 1—Definitions and Abbreviations, of the Federal Aviation Regulations in accordance with the regulatory recodification program. The definitions of "air traffic control" and "air traffic control clearance" were omitted to permit further study to determine whether they can be made more accurate or concise. It has been decided, therefore, that it would be appropriate to combine both studies. Should the studies warrant, a new notice of proposed rule making would be issued. This notice would propose to amend CAR §§ 60.10, 60.21 (14 CFR 60.10, 60.21) and the definitions of air traffic control, air traffic control clearance and air traffic control instructions.

In consideration of the foregoing, Draft Release No. 60–1, published in the FEDERAL REGISTER (25 F.R. 391) as a notice of proposed rule making on January 16, 1960, is hereby withdrawn.

This withdrawal shall become effective on publication in the FEDERAL REGISTER.

(Sec. 307; 72 Stat. 749, 49 U.S.C. 1348)

Issued in Washington, D.C., on September 14, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-9408; Filed, Sept. 20, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62-EA-20]

JET ROUTES AND JET ADVISORY AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

The FAA has under consideration the designation of a jet route from the Pulaski, Va., VORTAC via the Herndon, Va., VORTAC, thence direct to the intersection of Jet Route No. 75 and Jet Route No. 42 as realigned in Airspace Docket No. 61–NY–101 effective September 20, 1962 (27 F.R. 7385). Additionally, it is proposed to designate a radar jet advisory area within 16 miles either side of the proposed jet route from flight level 240 to flight level 390 inclusive.

The jet route as proposed would provide an alternate routing to alleviate the congestion caused by the increasing volume of traffic converging over the Front Royal, Va., and Gordonsville, Va., VORTACs. The radar jet advisory area would provide a defined area along the route wherein jet advisory service would be available.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal

contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 14, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9409; Filed, Sept. 20, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 4]

[Docket No. 14744]

EDUCATIONAL TELEVISION

Proposed Establishment of New Class of Service; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Parts 2 and 4 of the Commission rules and regulations to establish a new class of educational television service for the transmission of instructional and cultural material to multiple receiving locations on channels in the 1990-2110 Mc/s or 2500-2690 Mc/s frequency band.

1. On July 31, 1962, we released a notice of proposed rule making in this proceeding in which comments and reply comments were invited to be submitted by September 17, 1962, and October 1, 1962, respectively.

2. In a "Request for Extension of Time" filed on September 14, 1962, the Electronic Industries Association (EIA) indicated that great interest in this proceeding was manifested by its membership at its recent Fall Conference. Because of this interest, various sections and divisions of the organization resolved to hold a meeting at an early date to discuss all points of view and coordinate comments to be filed in this docket.

3. EIA indicates that without an extension of one month for the filing of comments it will be impossible for such a meeting to discuss fully the complex technical problems involved.

4. We are of the opinion that the comments of this organization will be of substantial help to us in our final decision concerning the proposals herein, and that it is therefore in the public interest to extend the time for filing comments as requested.

5. In view of the foregoing: *It is ordered*, This 17th day of September 1962, that the Request for Extension of Time filed by the Electronic Industries Association is granted and that the time for filing comments in this proceeding is extended from September 17, 1962, to October 17, 1962, and the time for filing reply comments is extended from October 1, 1962, to November 1, 1962.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.241(d)(8) of the Commission rules.

Released: September 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9446; Filed, Sept. 20, 1962; 8:52 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Docket 13674]

NORTH CENTRAL AIRLINES, INC.

"Use It or Lose It" Investigation of Transborder Route 86 F; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 16, 1962, at 10 a.m., local time, in the U.S. Courthouse, Duluth, Minn., before the undersigned Hearing Examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to Board Order E-18411, dated June 6, 1962, the prehearing conference report served July 24, 1962, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 17, 1962.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 62-9444; Filed, Sept. 20, 1962; 8:53 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 1; Offer 2]

UTAH

Small Tract Classification

SEPTEMBER 13, 1962.

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby classify the public lands in Grand County, Utah, listed in Part 3 of this order, as suitable for public sale, and offer said lands for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended.

2. The 108 tracts are located approximately three miles southeast of Moab, Utah, along U.S. Highway 160. The area is flat to rolling; has a sandy, somewhat rocky, soil supporting black brush vegetation. Some water wells have been developed in the area which indicated availability of underground water supplies for domestic use.

3. The individual tracts vary in size as shown on the following list. Rights-of-way for streets and roads, and for public utilities will be reserved on the side, or sides, of the tracts as shown on the list. All minerals in the lands will be reserved to the United States. U.S. Highway 160, two power transmission lines, a telephone line, and an oil and gas pipeline traverse the area. Appropriate reservations will be made for these facilities.

SALT LAKE MERIDIAN, UTAH

T. 26 S., R. 22 E.

Item No.	Section	Lot	Acreage	33' Right-of-way	Appraised value
1	17	7	2.40	None	$1,500
2	17	26	2.40	do	1,500
3	17	28	2.60	Southwest	500
4	17	29	2.60	do	500
5	17	30	2.60	do	500
6	17	31	2.93	Southwest, Northwest	500
7	17	32	2.93	Southwest, Southeast	500
8	17	33	2.70	Northeast	500
9	20	12	2.16	None	1,000
10	20	13	3.17	Southeast	1,000
11	20	14	1.87	Northwest	1,000
12	20 and 21	17 and 62	2.40	None	1,500
13	20	31	2.40	do	1,500
14	20 and 21	33 and 64	2.40	do	1,500
15	20 and 21	38 and 93	2.93	Southwest, Northwest	500
16	20	39	2.93	Southwest, Southeast	500
17	20	40	2.60	Southwest	500
18	20	41	2.60	Southwest	500
19	20	42	2.60	do	500
20	20	43	2.93	Southwest, Northwest	500
21	20	44	2.93	Southwest, Southeast	500
22	20	45	2.60	Southwest	500
23	20	46	2.60	do	500
24	20	47	2.93	Southwest, Northwest	500
25	20	48	2.93	Southwest, Southeast	500
26	20	49	2.60	Southwest	500
27	20	50	2.60	do	500
28	20	52	2.60	Northeast	500
29	20	53	2.93	Northeast, Southeast	500
30	20	55	2.60	Northeast	500
31	20	56	2.60	do	500
32	20	57	2.93	Northeast, Southeast	500
33	20	58	2.93	Northwest, Northeast	500
34	20	60	2.60	Northeast	500
35	20	61	2.60	do	500
36	20	62	2.93	Northeast, Southeast	500
37	20	63	2.93	Northwest, Northeast	500
38	20	64	2.60	Northeast	500
39	20 and 21	65 and 94	2.60	do	500
40	20 and 21	70 and 108	2.93	Southwest, Northwest	$500
41	20	71	2.93	Southeast, Southwest	500
42	20	72	2.60	Southwest	500
43	20	73	2.60	do	500
44	20	74	2.93	Southwest, Northwest	500
45	20	75	2.93	Southwest, Southeast	500
46	20	76	2.60	Southwest	500
47	20	77	2.60	do	500
48	20	78	2.60	do	500
49	20	79	2.93	Southwest, Northwest	500
50	20	80	2.93	Southwest, Southeast	500
51	20	81	2.60	Southwest	500
52	20	82	2.60	do	500
53	20	83	2.93	do	500
54	20	84	3.37	Northeast	1,500
55	21	18	2.11	None	1,000
56	21	20	3.16	Southwest	1,000
57	21	23	2.60	do	1,000
58	21	30	2.60	do	1,000
59	21	31	1.61	do	1,000
60	20 and 21	15 and 32	1.97	Northeast	1,000
61	21	34	2.60	Northeast	1,000
62	21	35	2.93	Northeast, Southeast	1,000
63	21	36	2.93	Northwest, Northeast	1,000
64	21	37	2.60	Northeast	1,000
65	21	38	2.60	do	1,000
66	21	41	2.60	do	1,000
67	21	42	2.60	do	1,000
68	21	45	2.93	Northeast, Northwest	1,000
69	21	46	1.99	Northeast	1,000
70	21	47	2.56	None	1,500
71	21	48	3.15	do	1,500
72	21	49	2.40	do	1,500
73	21	50	2.70	Northwest	1,500
74	21	52	2.40	None	1,500
75	21	53	2.40	do	1,500
76	21	59	2.70	Northwest	1,500
77	21	60	2.70	Southeast	1,500
78	20 and 21	35 and 66	2.70	Northwest	1,500
79	21	68	2.40	None	1,500
80	21	69	2.70	Southeast	1,500
81	21	70	2.70	Northwest	1,500
82	21	73	2.40	None	1,500
83	21	74	2.70	Southeast	1,500
84	21	78	2.70	do	1,500
85	21	80	2.24	Southwest, Northwest	500
86	21	81	2.60	Southwest, Southeast	500
87	21	82	2.60	Southwest	500
88	21	84	2.93	Southwest, Northwest	500
89	21	85	2.93	Southwest, Southeast	500
90	21	86	2.60	Southwest	500
91	21	87	2.60	do	500
92	21	88	2.60	do	500

SALT LAKE MERIDIAN, UTAH—Continued

T. 26 S., R. 22 E.—continued

Item No.	Section	Lot	Acreage	33' Right-of-way	Appraised value
93	21	89	2.93	Southwest, Northwest	$500
94	21	90	2.93	Southwest, Southeast	500
95	21	91	2.60	Southwest	500
	20	31			
96	20	37	2.60	do	500
	21	92			
97	20	67	2.95	Northwest	500
	21	96		Northwest, Northeast	
98	21	97	2.60	Northeast	500
99	21	98	2.60	do	500
100	21	99	2.60	do	500
101	21	100	2.93	Northeast, Southeast	500
102	21	101	2.93	Northwest, Northeast	500
103	21	103	2.93	Northwest	500
104	21	104	2.93	Southwest, Southeast	500
105	21	105	2.60	Southwest	500
106	20	68	2.60	do	500
	21	106			
107	20	69	2.60	do	500
	21	107			
108	20	66	2.93	Southeast	500
	21	95		Northeast, Southeast	

4. Part of the tracts have been under lease for three years, but, as sufficient improvements were not constructed on the lands to comply with the requirements of the Small Tract Act, the leases terminated. Inasmuch as the tracts are being sold outright at this sale, no specifications or restrictions as to construction of improvements are imposed by this Bureau, except that the purchaser will be required to reimburse the former lessee for a reasonable cost for any permanent improvements which may have been constructed on the land which he can use in his development of the tract. All purchasers and prospective occupants are, however, advised that Grand County has zoning authority and the county is zoned. Use of the land and structures placed thereon must be in accordance with the county zoning regulations. Zoning information and building requirements can be obtained from the County Building Inspector, Courthouse, Moab, Utah.

5. Disposition of the tracts will be by public auction. Bids, by mail or at the auction sale, may be made either personally by an individual or by his agent. If an agent is declared high bidder, he must at that time submit written evidence, over the signature of the person he claims to represent, that he is so authorized.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the sale, unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances. Such showing must be submitted with the sealed bid or furnished prior to the opening of the sale.

7. All bids by mail must be received prior to 3:00 p.m. on October 2, 1962, by the Manager, Land Office, P.O. Box 777, Salt Lake City 10, Utah. At the time of the sale, the sealed bids will be opened in the presence of the public. Each envelope must carry on its face in the lower left-hand corner the following information: (a) Bid for Small Tract, (b) Offer No. 2, October 3, 1962, and (c) Item Number.

No mailed bid will be accepted if it is less than the appraised price of the tract. Each bid sent by mail must clearly show within the envelope (a) the name and post office address of the bidder, (b) Offer No. 2, and (c) Item Number and the land description of the tract for which the bid is made, described in accordance with Paragraph 3 of this order. Each bid by mail must be accompained by the full amount of the bid in the form of a certified or cashier's check, post office money order or bank draft, made payable to the Bureau of Land Management. Bids may be made for more than one tract, but each bid must be enclosed in a separate envelope and payment need accompany only the highest bid, provided all other bids designate the envelope containing the payment and the order of preference of the bids. No purchaser may be awarded more than one tract. All unsuccessful bids will be promptly returned after the sale. Oral bidding will be in increments to be announced at the sale.

8. The above-described tracts will be sold at public auction at a public sale to be held at the Conference Room, Bureau of Land Management, Darling Building, Salt Lake City, Utah, beginning at 9:00 a.m., Wednesday, October 3, 1962. If all tracts are not sold on that day, the sale will be adjourned until 9:00 a.m. on the following Wednesday and each succeeding Wednesday until all tracts are sold or until the sale is otherwise terminated. On succeeding sale dates, bid may also be made personnally by an individual or his agent at the sale or by mail. Bids sent by mail will be considered at a sale session only if received at the Land Office prior to 3:00 p.m. on Tuesday, the day preceding each sale date.

At each sale session, those tracts will be offered for which timely filed sealed bids have been received or for which nominations are made by oral bidders present at the sale. Late filed sealed bids will be held for consideration at succeeding scheduled sessions.

9. Each tract will be awarded to the highest qualified bidder. If the highest bid is oral, the bidder will be required to make payment for a tract at the close of bidding and a personal check will be acceptable for that purpose. Any person who is declared high bidder for any tract will automatically be disqualified from consideration for other tracts at the sale, except those acting as agents for others.

10. Inquiries concerning these lands and all mailed bids should be addressed to the Manager, Land Office, P.O. Box 777, Salt Lake City 10, Utah.

R. D. NIELSON,
State Director.

[F.R. Doc. 62-9368; Filed, Sept. 20, 1962; 8:45 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 13, 1962.

The Bureau of Land Management has filed an application, Serial Number A-022503 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for preservation as a Natural Forest Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

HALIBUT COVE AREA

Beginning at a point located on the Northeast side of Halibut Cove (approximately: lat. 59°36'10" N.; long. 151°10'30" W.) from which Coal Point bears S 83° W., Halibut Cove light bears S. 34° W., and Rock Cliff Point bears S. 10° E., said point being a 20 inch DBH Sitka Spruce marked with a yellow metal tag; thence due East 5.54 chains; thence due South 2 chains to Corner No. 1; thence due East 1 chain to the true point of beginning which is the Southwest corner of the Natural Forest area; thence due East 30 chains to Corner No. 2 marked by a yellow metal tag on a 9 inch DBH Sitka spruce; thence due North 40 chains to Corner No. 3 marked by a yellow metal tag on a small rockpile on the glacial outwash plain; thence due West 30 chains to Corner No. 4 marked by two yellow metal tags on live and dead 5 inch DBH Cottonwoods; thence due South 40 chains to point of beginning.

Containing approximately 120 acres.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-9428; Filed, Sept. 20, 1962; 8:50 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 13, 1962.

The Department of the Air Force has filed an application, Serial Number F. 028291 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws but excepting the disposal of materials under the Materials Act. The applicant desires the land for use as a road, ammunition storage building and pump house.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 555 Cordova Street, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

KOTZEBUE, ALASKA

A 100 foot parcel of land situated approximately 2.5 miles south of the town of Kotzebue, Alaska, said land being 50 foot wide on each side of the following described line:

Commencing at Corner No. 6 of U.S. Survey No. 2082 as situated at latitude 66°53'45.1" north and longitude 162°35'38.4" west; thence S. 10°30' W., 16,800 feet to a point, said point being the most westerly corner of Public Land Order No. 883 dated February 3, 1953; thence N. 53°30' E., along the northwesterly line of said PLO, 970 feet to a point; thence N. 22°15'16" W., 2,230 feet, more or less, to the true point of beginning; thence N. 55°00' E., 1,910 feet, more or less, to a point and containing 4.38 acres, more or less.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-9429; Filed, Sept. 20, 1962; 8:50 a.m.]

[Classification No. 8]

ALASKA

Small Tract Classification; Cancellation

SEPTEMBER 11, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215), as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961 and effective immediately, Federal Register Document 49-994 is hereby cancelled in its entirety as it concerns the following described lands:

HOMER AREA

T. 6 S., R. 14 W., S. M.,
Sec. 22: Lot 4;
Sec. 23: Lot 4.
T. 5 S., R. 14 W., S. M.,
Sec. 19: S½SW¼SE¼SW¼;
Sec. 32: E½SW¼NE¼SE¼NE¼, SE¼NE¼SW¼NE¼, NE¼NW¼SE¼SW¼NE¼, N½NE¼SE¼SW¼NE¼.

Containing 64.84 acres.

2. The land has been patented.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-9430; Filed, Sept. 20, 1962; 8:50 a.m.]

[Classification No. 65]

ALASKA

Small Tract Classification; Cancellation

SEPTEMBER 11, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215), as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961 and effective immediately, Federal Register Document 52-11622 as corrected by 52-11838 is hereby cancelled in its entirety as it concerns the following described lands:

NINILCHIK AREA

NINILCHIK UNIT NO. 1

For Home Sites

Seward Meridian

T. 1 S., R. 14 W.,
Sec. 34: NE¼NW¼NE¼SW¼, SE¼SW¼NE¼SW¼, S½SE¼SW¼, S½N½SE¼SW¼, NE¼NW¼SE¼SW¼.

For Home or Business Sites

Seward Meridian

T. 1 S., R. 14 W.,
Sec. 34: S½NW¼NE¼SW¼, N½SW¼NE¼SW¼, SW¼SW¼NE¼SW¼, NW¼NW¼SE¼SW¼.

2. The land has been patented.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-9431; Filed, Sept. 20, 1962; 8:50 a.m.]

[Group No. 459]

CALIFORNIA

Notice of Filing of Plat of Survey

1. Plat of Survey of the lands described below will be officially filed in the Land Office, Riverside, California, effective at 10 a.m. of September 20, 1962:

SAN BERNARDINO MERIDIAN

T. 11 S., R. 22 E.,
Sec. 5: Lots 1, 2, 3, 4, 5;
Sec. 6: Lots 9, 10, 11, 12, 13, 14, 15, 16, 17;
Sec. 20: Lot 5.

The area described aggregates 325.59 acres.

2. The plat represents the survey of accretion lands not shown on previous official plats.

3. All of the lands lie within a First Form Reclamation Withdrawal DO 2-19-29 "F" 2-25-29; the lands within sections 6 and 20 fall within a proposed Cibola National Wildlife Refuge, LA 0170932, filed September 11, 1961.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claim must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims.

5. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 1414 Eighth Street, Riverside, California.

OLIVER W. JOHNSON,
Acting Manager.

[F.R. Doc. 62-9420; Filed, Sept. 20, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI63-65—RI63-76]

GAIL NUTTER ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

SEPTEMBER 14, 1962.

Gail Nutter, et al., Docket No. RI63-65; The Atlantic Refining Company, Docket No. RI63-66; Getty Oil Company (Operator), et al., Docket No. RI63-67; William V. Conover, Docket No. RI63-68; Harper Oil Company (Operator), et al., Docket No. RI63-69; Worldwide Petroleum Corporation, Docket No. RI63-70; Kansas Natural Gas, Inc. (Operator), et al., Docket No. RI63-71; N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Company, Docket No. RI63-72; Harper Oil Company, Docket No. RI63-73; N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Company (Operator), et al., Docket No. RI63-74; Edwin L. Cox (Operator), et al., Docket No. RI63-75; Jas. F. Smith (Operator), et al., Docket No. RI63-76.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 p.s.i.a. with the exceptions of the sales made by Gail Nutter, et al., which are made at a pressure base of 15.325 p.s.i.a., and the sale made by William V. Conover which is made at a pressure base of 15.025 p.s.i.a. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI63-65	Gail Nutter et al. Grantsville, W. Va.	3	1	Cabot Corp. (Laurel Field, Calhoun County, W. Va.).	$481	8-16-62	[1] 9-16-62	[2] 9-17-62	12.0	[3] 13.824	
	Gail Nutter, et al.	4	1	Cabot Corp. (Center Field, Calhoun County, W. Va.).	39	8-16-62	[1] 9-16-62	[2] 9-17-62	12.0	[3] 13.824	
RI63-66	The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex.	246	9	Natural Gas Pipeline Co. of America (Hagist Ranch Area McMullen and Duval Counties, Tex.) (R.R. Districts Nos. 1 and 4).	9,774	8-15-62	[1] 9-15-62	2-15-63	14.1344	[4] 15.0	
	The Atlantic Refining Co.	159	4	Natural Gas Pipeline Company of America (Hagist Ranch Area, McMullen County, Tex.) (R.R. District No. 1).	6,726	8-16-62	[1] 9-16-62	2-16-63	14.1344	[3] 15.0	G-12954
	do	173	1	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.).	198	[5] 8-16-62	[6] 10-10-62	3-10-63	[7] 16.630	[8] [9] 17.728	
RI63-67	Getty Oil Co. (Operator), et al., c/o Tidewater Oil Co., P.O. Box 1404, Houston 1, Tex.	4	1	Natural Gas Pipeline Co. of America (Freeborn Field, Jim Wells and Live Oak Counties, Tex.) (R.R. Districts Nos. 4 and 2).	491	8-23-62	[1] 9-25-62	2-25-63	14.5	[3] 15.5	
RI63-68	William V. Conover, 702 Bank of Commerce Building, Houston 2, Tex.	1	3	United Gas Pipe Line Company (Lapeyrouse Field, Terrebonne Parish, La.).	2,288	8-27-62	[1] 9-27-62	2-27-63	20.25	[3] 22.25	
RI63-69	Harper Oil Co. (Operator), et al., 904 Hightower Building, Oklahoma City 2, Okla.	20	1	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.).	[10] 180	8-23-62	[1] 9-23-62	2-23-63	[11] [12] 17.0	[3] [11] [12] 18.1	
RI63-70	Worldwide Petroleum Corp., 306 Mutual Savings Building, Fort Worth, Tex.	1	1	Cities Service Gas Co. (Clyde Field, Grant County, Okla.).	1,200	8-22-62	[1] 9-22-62	2-22-63	[13] 12.0	[3] [14] 13.0	
RI63-71	Kansas Natural Gas, Inc. (Operator), et al., 105 West 13th St., Hays, Kans.	12	7	Cities Service Gas Co. (Hugoton Field, Haskell, Morton and Stanton Counties, Kans.).	28,842	8-27-62	[3] 9-27-62	2-27-63	[15] [16] 10.7195	[4] [15] [17] 14.5	
	Kansas Natural Gas, Inc. (Operator), et al.	20	9	Cities Service Gas Co. (Hugoton Field, Haskell County Kans.).	548	8-27-62	[3] 9-27-62	2-27-63	[15] [16] 10.7195	[4] [15] [17] 14.5	
RI63-72	N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Co., 1818 Republic Bank Building, Dallas 1, Tex.	3	6	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County Okla.).	304	8-27-62	[4] 10-1-62	3-1-63	[18] 16.8	[3] [19] 17.0	RI62-45
	N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Co.	4	5	Northern Natural Gas Co. (Hansford Field, Hansford County, Tex.). (R.R. District No. 10).	1,180	8-29-62	[4] 10-1-62	3-1-63	[18] 16.5	[3] [19] 17.5	
RI63-73	Harper Oil Co., 904 Hightower Building, Oklahoma City 2, Okla.	23	11	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.).	848	8-29-62	[1] 9-29-62	2-29-63	[7] 17.670	[8] [9] 18.848	
	Harper Oil Co.	8	5	do	4,476	8-24-62	[1] 9-24-62	2-24-63	[7] 17.670	[8] [9] 18.848	
RI63-74	N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Co. (Operator), et al.	2	2	Northern Natural Gas Co. (Hansford and Horizon Fields, Hansford County, Tex.) (R.R. District No. 10).	3,290	8-29-62	[4] 10-1-62	3-1-63	[18] 16.5	[3] [19] 17.5	
RI63-75	Edwin L. Cox (Operator) et al., 2100 Adolphus Tower, Dallas 2, Tex.	18	5	Natural Gas Pipeline Co. of America (Beaver County, Okla.).	235	8-31-62	[4] 10-17-62	3-17-63	[18] 16.8	[3] [19] 17.0	
RI63-76	Jas. F. Smith (Operator), et al., P.O. Box 2949, Amarillo, Tex.	5	20	Northern Natural Gas Co. (Mocane-Laverne-Morrow Field, Beaver County, Okla.) (Panhandle Area).	27,000	8-17-62	[1] 9-17-62	2-17-63	[20] 17.0	[3] [20] 19.5	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] The suspension period is limited to one day.
[3] Revenue-sharing type rate increase.
[4] Redetermined rate increase.
[5] Filing completed Sept. 4, 1962.
[6] The stated effective date is the effective date proposed by respondent.
[7] Base rate of 15 cents per Mcf plus upward Btu adjustment.
[8] Base rate of 16 cents per Mcf plus upward Btu adjustment.
[9] Periodic rate increase.
[10] Based on contract rate. Amount based on actual Btu content is $461.
[11] Subject to downward Btu adjustment for gas containing less than 1,133 Btu's per cu. ft.
[12] Rate adjusted for gas containing 1,089 Btu's per cu. ft. is 16.3398 cents per Mcf.
[13] Rate adjusted for gas containing 1,080 Btu's per cu. ft. is 17.3971 cents per Mcf.
[14] Subject to ¾ cents per Mcf deducted for dehydration, ½ cent per Mcf for compression and downward Btu adjustment for gas containing less than 1,000 Btu's per cu. ft.
[15] Subject to downward Btu adjustment.
[16] Uncorrected for supercompressibility.
[17] Corrected for supercompressibility.
[18] Includes 1.75 cents per Mcf deducted by buyer for amortization of facilities, and the dehydration, gathering and treating of the gas.
[19] Subject to downward Btu adjustment for gas containing less than 1,000 Btu's per cu. ft.
[20] Does not include Btu adjustment.

Since the proposed revenue-sharing rate increases of Gail Nutter, et al., (Nutter) are based upon the buyer's resale rate which is in effect subject to refund in Docket No. RI61-308, it should be suspended for one day from September 16, 1962, the date of expiration of the required statutory notice.

The proposed changes of Kansas Natural Gas, Inc. (Operator), et al.[2] (Kansas Natural) purport to be in accordance with its assignments and the price redetermination provisions of the Gas Purchase Contract dated June 23, 1950, between Cities Service Gas Company (Cities Service) and Pan American Petroleum Corporation (Pan American) (formerly Stanolind Oil and Gas Company (Stanolind), which provide that after June 22, 1961, the price for gas shall be the fair and reasonable price for each successive 5-year period but not less than 12 cents per Mcf (10.7195 cents per Mcf at 14.65 p.s.i.a.). On May 2, 1962, the District Court of Shawnee County, Kans., determined that a fair and reasonable price under Pan American's contract is 14.5 cents per Mcf at 14.65 p.s.i.a. for the 5-year period commencing on June 23, 1961, with correction for supercompressibility. Kansas Natural's filings are based on such court decision. Although Cities Service has protested similar filings by assignees under farm out arrangements with Pan American subject to the Pan American-Cities Service contract of June 23, 1950, Cities Service has not filed a protest with respect to the subject filings. Nevertheless it is our understanding that Cities Service has appealed the decision of the District Court of Shawnee County, Kans., to the Kansas Supreme Court. In addition, there is presently pending before the Examiner for decision in the proceedings in Pan American Petroleum Corporation (Operator), et al., Docket No. RI61-532, the issue of whether Pan American is required to make rate filings on behalf of all assignees under farm out arrangements from Pan American. Under the circumstances presented herein we shall provide that the hearing concern itself with the legality as well as the lawfulness of Kansas Natural's filings.

[2] Kansas Natural is recipient of farmed out acreage from Stanolind (now Pan American) and sells its gas under a contract dated June 23, 1950, between Stanolind and Cities Service.

The proposed increased rates of all of the Respondents listed in the caption of this order exceed the applicable area price levels as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).[3]

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the legality of the filings made by Kansas Natural, and the lawfulness of Kansas Natural's proposed changes, and the lawfulness of the proposed changes of the other Respondents listed in the caption of this order, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the legality of the filings made by Kansas Natural, and the lawfulness of the proposed rates and charges contained in Kansas Natural's above-designated supplements; and the lawfulness of the increased rates and charges contained in the supplements filed by the other Respondents listed in the caption of this order.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* Supplement No. 1 to Gail Nutter, et al. FPC Gas Rate Schedules Nos. 3 and 4, respectively, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Nutter shall execute and file under Docket No. RI63-65 with the Secretary of the Commission his agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Nutter is advised to the contrary within 15 days after the filing of his agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 1, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9418; Filed, Sept. 20, 1962; 8:48 a.m.]

[3] This statement is not applicable to the rate filings of Gail Nutter, et al., which are based on the buyer's resale rate.

[Docket No. CI61-1411 etc.]

UNITED TEXAS NATURAL GAS CORP. ET AL.

Order Amending Orders

SEPTEMBER 14, 1962.

Union Texas Natural Gas Corporation, et al.,[1] Docket No. CI61-1411; Union Texas Petroleum, a Division of Allied Chemical Corporation, Docket No. CI62-1010 (see Appendices I and II for related dockets);[2] Anderson-Prichard Oil Corporation, Docket No. G-10624; Union Texas Natural Gas Corporation, Docket Nos. G-3635 and G-3636; Union Texas Petroleum, a Division of Allied Chemical Corporation, (successor to Union Texas Natural Gas Corporation), Docket No. G-15833 (see Appendix III (1) for additional dockets);[2] Union Texas Petroleum, a Division of Allied Chemical Corporation (successor to Anderson-Prichard Oil Corporation), Docket No. G-19638 (see Appendix III (2) for additional dockets);[2] Union Texas Petroleum, a Division of Allied Chemical Corporation (successor to Texas Gas Products Corporation), Docket No. G-16888 (see Appendix III (3) for additional dockets).[2]

Order amending orders issuing certificates of public convenience and necessity, substituting applicant in certificate application and as holder of temporary authorizations, accepting and redesignating FPC gas rate filings, substituting respondent in and redesignating rate proceedings, requiring successor to file agreements and undertakings, dismissing applications and cancelling Docket Numbers.

On March 29, 1961, as amended on May 29, 1961, Union Texas Natural Gas Corporation, et al. (Union) filed Docket No. CI61-1411 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Union to continue the sales of natural gas previously made by Anderson-Prichard Oil Corporation (APCo) under certificate authorizations granted to APCo, or to predecessors of APCo, as listed in Appendix I hereto,[2] and asking to be substituted as Applicant in lieu of APCo in the latter's pending certificate applications listed in Appendix II hereto,[2] all as more fully set forth in the application, as amended.

Also on March 29, 1961, Union filed a motion to substitute Union Texas Natural Gas Corporation in lieu of Anderson-Prichard Oil Corporation as Respondent in the pending rate proceedings listed in Appendix III (2) hereto,[2] but has not filed agreements and undertakings to assume the refunding and reporting obligations previously undertaken by APCo in said proceedings.

The record shows that by instruments of assignment executed August 30, 1960 (effective November 1, 1960), APCo conveyed to Union 5/6ths interest and to Frankfort 1/6th interest in all of APCo's exploration and producing properties, wherever located.

On March 1, 1962, as amended on April 20, 1962, Union Texas Petroleum, a Division of Allied Chemical Corporation (Allied) filed in Docket No. CI62-1010 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Allied to continue the sales of natural gas previously made under certificate authorizations (including those previously granted to APCo and its predecessors) in the dockets listed in the aforesaid Appendix I hereto,[2] and asking to be substituted as Applicant in lieu of Union in the pending applications listed in Appendix II hereto, all as more fully set forth in said application in Docket No. CI62-1010, as amended.

The record shows that on December 18, 1961, Union and Allied entered into an Agreement of Merger whereby, effective February 20, 1962, Union was merged into Allied and Allied became the sole surviving corporation, as evidenced by properly certified documents accompanying the application in Docket No. CI62-1010. Concurrently with the filing of said application, Allied filed notices of succession to the filed FPC Gas Rate Schedules of Union.

The amendment filed by Allied on April 20, 1962, in Docket No. CI62-1010, requests inclusion under the application filed March 1, 1962, of authorization to continue the sales of natural gas previously made by Texas Gas Products Corporation (Texas Gas) under certificate authorization granted to Texas Gas in Docket No. G-4721. Properly certified documents evidencing the merger of Texas Gas into Union Texas Natural Gas Corporation, which latter Corporation is now merged into Allied, accompanied this amendment application filed on April 20, 1962. Notice of succession to the related Texas Gas Products Corporation FPC Gas Rate Schedule No. 1 was

[1] Union is filing for itself and for Joseph E. Seagram & Sons, Inc., d.b.a. Frankfort Oil Company (Frankfort).

[2] Filed as part of the original document.

filed concurrently with this amendment.

On June 8, 1960, APCo filed a petition to amend its certificate authorization in Docket No. G–10624 to include therein authorization to sell low pressure gas to El Paso Natural Gas Company from the Windham "A" No. 2 and the Windham "C" No. 1 Wells, located in the Jack Herbert Field, Upton County, Texas, pursuant to two amendatory agreements dated April 11, 1960, to the basic contract dated June 5, 1956, as amended.

On July 21, 1961, Union filed a petition to amend its certificate authorizations in Docket Nos. G–3635 and G–3636, as previously amended, to reflect certain changes in the acreage dedication provisions originally set forth in Union's FPC Gas Rate Schedule Nos. 2 and 3 pursuant to and in accordance with the Commission's Order Approving Settlement, Prescribing Refunds and Terminating Proceedings in Docket Nos. G–11563 and G–17600, issued June 21, 1961.

On March 1, 1962, Allied, concurrently with its certificate application in Docket No. CI62–1010, filed a motion to substitute Union Texas Petroleum, a Division of Allied Chemical Corporation, for Union Texas Natural Gas Corporation as Respondent in the pending rate proceedings listed in Appendix III (1) and (2) hereto,[2] and on April 20, 1962, Allied filed a motion to substitute itself for Texas Gas Products Corporation as Respondent in certain other pending rate proceedings listed in Appendix III (3) hereto.[2] Agreements and undertakings to assume the refunding and reporting obligations previously agreed to by Union and Texas Gas have not been filed by Allied.

Inasmuch as Union Texas Natural Gas Corporation went out of existence on February 20, 1962, the effective date of Union's merger into Union Texas Petroleum, a Division of Allied Chemical Corporation, it appears that action on Union's pending application in Docket No. CI61–1411 filed March 29, 1961, and the amendment thereto filed on May 29, 1961, requesting authorization to continue the sales of natural gas previously authorized to Anderson-Prichard Oil Corporation and to be substituted for APCo as Applicant in APCo's then pending certificate applications, is no longer necessary or appropriate. The same is true of Union's motion filed March 29, 1961, to be substituted for Anderson-Prichard Oil Corporation as Respondent in the pending rate proceedings in which APCo was formerly Respondent.

Accordingly, Allied's application filed March 1, 1962, as amended, for authorization to continue the sales which Union had requested to continue from APCo, and Allied's motion of the same date to be substituted for Union as Respondent in the pending rate proceedings listed in Appendix III (1) and (2) hereto,[2] will be treated as an application to continue the sales originally authorized to be made by APCo and as a motion to be substituted directly for APCo as Respondent in said pending rate proceedings, respectively.

[2] Filed as part of the original document.

With regard to Allied's refund obligations in each of the proceedings listed in Appendix III,[2] except in Docket Nos. RI62–258 and RI62–259,[3] it appears to be proper to require Allied to file agreements and undertakings in the forms set forth in Appendices IV and V hereto,[2] to assure the refunding of any and all charges which be determined to be excessive in said proceedings.

Pursuant to due notice, a public hearing was held in Washington, D.C., on August 30, 1962, recessed to and concluded on September 4, 1962, respecting the matters involved in and the issues presented by the applications herein. No petition to intervene or protest to the granting of any of the applications, petitions or motions in this consolidated proceeding has been received. Staff counsel moved orally at the hearing that the intermediate decision procedure be omitted and that the Commission render a decision herein pursuant to § 1.30(c) (1) of the Commission's rules of practice and procedure.

The Commission finds:

(1) Applicant, Union Texas Petroleum, a Division of Allied Chemical Corporation, a New York corporation having its principal place of business in Houston, Texas, upon the commencement of the services under the authorization granted hereinafter, will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act.

(2) It is in the public interest and appropriate in carrying out the provisions of the Natural Gas Act to amend, as hereinafter ordered and conditioned, the applications for and certificates of public convenience and necessity, and the outstanding temporary authorizations listed in Appendices I and II to this order,[2] by substituting Union Texas Petroleum, a Division of Allied Chemical Corporation, for the present Applicants and certificate and temporary authorization holders so listed.

(3) The notices of succession filed by Allied should be accepted and the related FPC Gas Rate Schedules redesignated as shown on the table which is Appendix VI to this order.

(4) The pending applications (a) filed June 8, 1960, to amend the outstanding certificate authorization in Docket No. G–10624 and (b) filed July 21, 1961, to amend the outstanding certificate authorizations in Docket Nos. G–3635 and G–3636, should be granted, as hereinafter ordered.

(5) Union Texas Petroleum, a Division of Allied Chemical Corporation, should be substituted as Respondent in the pending rate proceedings listed in Appendix III (1), (2), and (3) to this order,[2] said proceedings should be redesignated accordingly, and Union Texas Petroleum, a Division of Allied Chemical Corporation, should be directed to file with the Commission agreements, and undertakings in the forms set forth in Appendices IV and V to this order.[2]

(6) The certificate applications filed by Union Texas Natural Gas Corporation in Docket No. CI61–1411 and by Union Texas Petroleum, a Division of Allied Chemical Corporation, in Docket No. C162–1010 should be dismissed and said docket numbers cancelled.

(7) A request during the public hearing by staff counsel for omission of the intermediate decision procedure herein was unopposed by any party of record and, not having been denied by the Commission, is granted pursuant to § 1.30(c) (1) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The orders of the Commission listed in Appendix I hereto,[2] which Appendix is hereby made a part of this order, be and the same are hereby amended by substituting the name of Union Texas Petroleum, a Division of Allied Chemical Corporation, as holder of the certificates of public convenience and necessity thereunder in lieu of the present certificate holders.

(B) The certificate applications and the temporary authorizations listed in Appendix II hereto,[2] which Appendix is hereby made a part of this order,[2] be and the same are hereby amended by substituting the name of Union Texas Petroleum, a Division of Allied Chemical Corporation, as Applicant and as temporary authorization holder in lieu of the present Applicants and temporary authorization holders.

(C) The notices of succession filed by Union Texas Petroleum, a Division of Allied Chemical Corporation, are hereby accepted and the related FPC Gas Rate Schedules are hereby redesignated as shown on the table which is Appendix VI hereto, which Appendix is hereby made a part of this order.[2]

(D) (a) The order of the Commission issued March 13, 1957 (Docket Nos. G–10330, et al.), granting a certificate of public convenience and necessity in Docket No. G–10624 be and the same is hereby further amended by including therein authorization to Allied to sell low pressure gas to El Paso Natural Gas Company from the Windham "A" No. 2 and the Windham "C" No. 1 Wells, located in Jack Herbert Field, Upton County, Texas, pursuant to two amendatory agreements dated April 11, 1960, to the basic contract dated June 5, 1956, as amended; and

(b) The orders of the Commission issued March 18, 1957, (Docket Nos. G–2858, et al.), and February 21, 1957 (Docket Nos. G–2579, et al.), granting certificates of public convenience and necessity in Docket Nos. G–3635 and G–3636, respectively, be and the same are hereby further amended to reflect the changes in the acreage dedication provisions pursuant to and in accordance with the Commission's Order Approving Settlement, Prescribing Refunds and Terminating Proceedings in Docket Nos. G–11563 and G–17600, issued June 21, 1961.

(E) Union Texas Petroleum, a Division of Allied Chemical Corporation, be and the same is hereby substituted as Respondent in lieu of the present Respondents in the pending rate proceedings listed in Appendix III (1), (2), and (3) hereto, which Appendix is hereby made a part of this order,[2] and said proceedings are hereby redesignated accordingly.

(F) Union Texas Petroleum, a Division of Allied Chemical Corporation, is hereby directed to file with the Commission agreements and undertakings in the forms set forth in Appendices IV and V hereto, which Appendices are hereby made a part of this order,[2] within thirty days from the date of issuance hereof. Unless notified to the contrary by the Secretary of the Commission within thirty days from the date of filing, such agreements and undertakings shall be deemed to be satisfactory and to have been accepted for filing. Upon acceptance for filing, such agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(G) The applications of Union and Allied in Docket Nos. CI61–1411 and CI62–1010, respectively, are hereby dismissed and said docket numbers are cancelled.

(H) In all respects other than as set forth in paragraphs (A), (B), and (D) above, the orders of the Commission and the temporary authorizations referred to therein and listed in Appendices I and II to this order shall remain in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62–9419; Filed, Sept. 20, 1962; 8:48 a.m.]

[3] Allied has already filed acceptable agreements and undertakings in these two proceedings.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

CITY NATIONAL BANK OF WINSTON-SALEM AND FIRST UNION NATIONAL BANK OF NORTH CAROLINA

Notice of Decision Granting Application To Merge

On July 11, 1962, the First Union National Bank of North Carolina, Charlotte, North Carolina, filed an application with the Comptroller of the Currency to merge with The City National Bank of Winston-Salem, Winston-Salem, North Carolina, under the charter and title of the former.

On September 14, 1962, the Comptroller of the Currency granted this application effective on or after September 21, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 18, 1962.

[SEAL] A. J. FAULSTICH, *Administrative Assistant to the Comptroller of the Currency.*

[F.R. Doc. 62–9434; Filed, Sept. 20, 1962; 8:51 a.m.]

[2] Filed as part of the original document.

FARMERS AND MECHANICS-CITIZENS NATIONAL BANK OF FREDERICK AND FARMERS STATE BANK

Notice of Decision Granting Application To Merge

On July 13, 1962, the $47.6 million Farmers and Mechanics-Citizens National Bank of Frederick, Frederick, Maryland, filed an application with the Comptroller of the Currency to merge with the $3.3 million Farmers State Bank of Emmitsburg, Emmitsburg, Maryland, under the charter and title of Farmers and Mechanics Bank.

On September 7, 1962, the Comptroller of the Currency granted this application effective on or after September 14, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 17, 1962.

[SEAL] A. J. FAULSTICH, *Administrative Assistant to the Comptroller of the Currency.*

[F.R. Doc. 62–9435; Filed, Sept. 20, 1962; 8:51 a.m.]

FIRST NATIONAL BANK OF WATERLOO AND WHEELER NATIONAL BANK OF INTERLAKEN

Notice of Decision Granting Application To Consolidate

On July 13, 1962, the $12 million First National Bank of Waterloo, Waterloo, New York, filed an application with the Comptroller of the Currency to consolidate with the $2.1 million Wheeler National Bank of Interlaken, Interlaken, New York, under the charter and title of the Waterloo bank.

On September 7, 1962, the Comptroller of the Currency granted this application, effective on or after September 14, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 17, 1962.

[SEAL] A. J. FAULSTICH, *Administrative Assistant to the Comptroller of the Currency.*

[F.R. Doc. 62–9436; Filed, Sept. 20, 1962; 8:51 a.m.]

NATIONAL STATE BANK AND HILLSIDE NATIONAL BANK

Notice of Decision Granting Application To Consolidate

On June 28, 1962, the $107 million National State Bank, Elizabeth, New Jersey, and the $41.4 million Hillside National Bank, Hillside, New Jersey, applied to the Comptroller of the Currency for permission to consolidate under the charter and title of National State Bank.

On September 4, 1962, the Comptroller of the Currency granted this application, effective on or after September 11, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 17, 1962.

[SEAL] A. J. FAULSTICH, *Administrative Assistant to the Comptroller of the Currency.*

[F.R. Doc. 62–9437; Filed, Sept. 20, 1962; 8:51 a.m.]

NATIONAL STATE BANK AND RAHWAY NATIONAL BANK

Notice of Decision Granting Application To Merge

On June 28, 1962, The National State Bank, Elizabeth, New Jersey, filed an application with the Comptroller of the Currency requesting permission to merge with the Rahway National Bank, Rahway, New Jersey, under the charter and title of The National State Bank.

On August 31, 1962, the Comptroller of the Currency granted this application, effective on or after September 7, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 17, 1962.

[SEAL] A. J. FAULSTICH, *Administrative Assistant to the Comptroller of the Currency.*

[F.R. Doc. 62–9438; Filed, Sept. 20, 1962; 8:51 a.m.]

PEOPLES NATIONAL BANK OF CENTRAL VIRGINIA AND FIRST NATIONAL BANK OF SHENANDOAH

Notice of Decision Granting Application To Merge

On July 18, 1962, the $109 million Peoples National Bank of Central Virginia, Charlottesville, Virginia, and the $3 million First National Bank of Shenandoah, Shenandoah, Virginia, applied to the Comptroller of the Currency for permission to merge under the charter and title of Peoples National Bank.

On September 6, 1962, the Comptroller of the Currency granted the application, effective on or after September 14, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 17, 1962.

[SEAL] A. J. FAULSTICH, *Administrative Assistant to the Comptroller of the Currency.*

[F.R. Doc. 62–9439; Filed, Sept. 20, 1962; 8:51 a.m.]

Office of the Secretary

[Dept. Circular Public Debt Series—No. 16–62]

4 PERCENT TREASURY BONDS OF 1972

Offering of Bonds

Correction

In F.R. Doc. 62–9239, appearing at page 9182 of the issue for Saturday,

September 15, 1962, the following correction is made in paragraphs I.1.(4) and I.1.(5): "3¾ percent" should read "3¼ percent".

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Change in List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR Part 181.1, the list of establishments operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) which use humane methods of slaughter and incidental handling of livestock, published as a notice in 27 F.R. 9116 on September 13, 1962, is hereby amended as follows:

The reference to Chiapetti Packing Company, Establishment 916, and reference to sheep with respect to said establishment are deleted.

Done at Washington, D.C., this 18th day of September 1962.

R. K. SOMERS,
Acting Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-9457; Filed, Sept. 20, 1962; 8:53 a.m.]

Agricultural Stabilization and Conservation Service

MEMORANDUM OF UNDERSTANDING AND AGREEMENT BETWEEN BUSINESS AND DEFENSE SERVICES ADMINISTRATION, DEPARTMENT OF COMMERCE AND AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

Scope of Term "Farm Equipment" as Used in Executive Orders 10480, 10998 and 10999

This memorandum sets forth the understanding and agreement between the Administrator of the Business and Defense Services Administration, U.S. Department of Commerce, and the Administrator of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, on the scope of the term "farm equipment", as used in Executive Order 10480, as amended (18 F.R. 4939), providing for the administration of the defense mobilization program, and Executive Orders 10998 (27 F.R. 1524) and 10999 (27 F.R. 1527), assigning certain emergency preparedness functions to the Secretary of Agriculture and the Secretary of Commerce respectively.

It is understood and agreed that the term "farm equipment", as referred to in the above mentioned Executive Orders, includes only those items of equipment, attachments, and repair or replacement parts listed in Appendix A below. Although these items are primarily for use on farms, it is recognized that some are used for other purposes as well and may be needed for emergency off-farm use. It is also understood and agreed, therefore, that appropriate representatives of the Business and Defense Services Administration will make recommendations to appropriate representatives of the Department of Agriculture regarding emergency distribution of farm equipment items for off-farm use other than civil defense, and that the Department of Agriculture will instruct its representatives to give full consideration to these recommendations in accordance with then current priorities and allocations policy of the Federal Government.

The functions of the Secretary of Commerce referred to above have been delegated to the Administrator of the Business and Defense Services Administration by Department Order No. 152 (Revised) (26 F.R. 7977) and the functions of the Secretary of Agriculture to the Administrator of the Agricultural Stabilization and Conservation Service by Secretary's Memorandum No. 1489 (February 1, 1962).

It is further understood and agreed that this document supersedes and cancels in its entirety the memorandum of agreement between the Production and Marketing Administration (predecessor agency to Agricultural Stabilization and Conservation Service) and the National Production Authority (predecessor agency to the Business and Defense Services Administration), signed by them respectively on June 18 and June 26, 1952, and the amendment thereto signed October 16, 1952 (17 F.R. 6129 and 17 F.R. 9673).

Signed at Washington, D.C.

Dated: September 17, 1962.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE,
H. D. GODFREY,
Administrator.

Dated: August 27, 1962.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
DANIEL L. GOLDY,
Administrator.

APPENDIX A

Equipment included within the term Farm Equipment for Purposes of Executive Order 10998 and section 1(c)(3) of Executive Order 10999.

IRRIGATION DISTRIBUTION EQUIPMENT

Attachments for farm irrigation equipment.
Fittings, irrigation.
Gates, flood, irrigation.
Pipe or tubing, aluminum (converted for portable irrigation systems).
Pipe or tubing, aluminum, gated.
Risers, irrigation.
Sprinkler heads, irrigation (excluding lawn sprinklers).
Syphons, irrigation.
Valves, irrigation.

PLOWS AND LISTERS

Attachments for plows and listers (except planting attachments).
Bedders, with or without planting attachments, drawn or mounted.
Cutters, root.
Listers, with or without planting attachments, drawn or mounted.
Middlebusters, with or without planting attachments, drawn or mounted.
Plow stocks.
Plows, cane-row.
Plows, cylinder.
Plows, disk, including one-way, horse and tractor drawn or tractor mounted.
Plows, ditching.
Plows, harrow.
Plows, moldboard, horse and tractor drawn or tractor mounted.
Plows, rotary-tiller, field type.
Plows, subsoil.
Ridgebusters, with or without planting attachments, drawn or mounted.
Tillers, basin.
Tillers, disk.

TRACTORS, WHEEL, UNDER 100 BELT H.P., EXCEPT THOSE MANUFACTURED SPECIFICALLY FOR NONFARM USE

Attachments, wheel tractor, except garden.
Tractors, wheel, all purpose, except garden.
Tractors, wheel, except all purpose and garden.

PLANTING, SEEDING, FERTILIZING AND LIMING MACHINERY

Attachments for fertilizing and liming equipment.
Attachments for planting and seeding equipment, including planting attachments for other farm machinery and other equipment.
Broadcast seeders, endgate.
Broadcast seeders, hand, wheelbarrow and other.
Broadcast seeders, wheeled, horse or tractor drawn.
Cutters, potato.
Drills, beet and bean, horse or tractor drawn or tractor mounted.
Drills, grain, including fertilizer, horse or tractor drawn or tractor mounted.
Fertilizer distributors, horse or tractor drawn or tractor mounted.
Field markers.
Lime spreaders, endgate or trailer types.
Lime spreaders, truck body type.
Lime spreaders, wheeled hopper type, horse or tractor drawn.
Limestone pulverizers, farm size under 14 inches.
Loaders, manure, including liquid manure.
Planters, beet and bean.
Planters, cane.
Planters, corn and cotton, or peanut, horse or tractor drawn or tractor mounted.
Planters, corn, horse or tractor drawn or tractor mounted.
Planters, garden or vegetable, horse or tractor drawn or tractor mounted.
Planters, legume and grass.
Planters, potato, horse or tractor drawn or tractor mounted.
Pumps, liquid manure.
Spreaders, manure, including liquid manure, horse or tractor drawn or tractor mounted.
Transplanters.

HARROWS, ROLLERS, PULVERIZERS, AND STALK CUTTERS

Attachments for harrows, rollers, pulverizers, and stalk cutters.
Combination harrows and rollers.
Cutters, brush, stalk, weed, rotary blade, farm type.
Harrows, disk, bush and bog.
Harrows, disk, cane.
Harrows, disk, horse or tractor drawn or tractor mounted, including tool-bar type.
Harrows, disk, offset.
Harrows, spike-tooth.
Harrows, spring-tooth.
Pulverizers, stalk.
Rollers, land, excluding lawn rollers.
Shredders, brush.
Shredders, stalk.

Soil pulverizers and packers.
Stubble shavers, cane.

HARVESTING MACHINERY

Attachments for harvesting machinery.
Aprons, cups and gutters, crude pine gum.
Binders, corn.
Binders, grain and rice.
Binders, hemp.
Blowers, forage.
Blowers, grain (farm size).
Combines, harvester-thresher, pull type.
Combines, harvester-thresher, self-propelled.
Cutters and pullers, bean.
Diggers and pickers, potato.
Diggers, peanut.
Forage harvesters, field, including basic unit and ensilage (row-crop) and field hay chopper attachments.
Hacks, bark chipping.
Harvesters, beet.
Harvesters, broom corn.
Harvesters, castor bean, stripper type.
Harvesters, cotton, stripper.
Harvesters, cranberry.
Harvesters, green pea and bean.
Harvesters or cutters, corn.
Harvesters or strippers, grass seed.
Harvesters, nut and fruit.
Harvesters, potato.
Harvesters, vegetable.
Harvesters, sweet corn.
Harvesters, tobacco.
Harvesting equipment, mapel sugar collecting.
Harvesting equipment, sugar beet.
Harvesting equipment, sugar cane.
Loading equipment, beet and cane, farm type.
Pickers and threshers, peanut.
Pickers, corn attachment for combines.
Pickers, corn, mounted.
Pickers, corn, pull-type.
Pickers, corn, self-propelled.
Pickers, cotton, spindle type.
Pickers, hop.
Pickers-shellers, corn, drawn or mounted.
Pickers-shellers, self-propelled.
Pullers and pickers, vegetable.
Pullers, flax.
Swathers.
Threshers, stationary, grain, rice, and alfalfa.
Threshers, stationary, pea and bean.
Windrowers, drawn.
Windrowers, mounted.
Windrowers, self-propelled.

HAYING MACHINERY

Attachments for haying machinery.
Bale loaders, field.
Balers, pickup, hay and straw, power take-off or auxiliary engine powered, or self-propelled, twine or wire tie.
Balers, stationary, hay and straw.
Conditioners, hay crushers and crimpers.
Loaders, loose hay.
Mowers, excluding lawn mowers, horse or tractor drawn or tractor mounted or semi-mounted.
Rakes, side delivery, including combination side rakes and tedders.
Rakes, sulky (dump).
Rakes, sweep or buck.
Stackers, including combination stacker-loaders.

TRACTORS, GARDEN TYPE, AND MOTOR TILLERS

Attachments for tractors, garden type, and motor tillers.
Motor tillers.
Tractors, garden type.

SPRAYERS AND DUSTERS, AGRICULTURAL

Attachments for sprayers and dusters.
Dusters, hand.
Dusters, power, engine driven and power take-off.
Dusters, traction.
Pumps, sprayer, hand.
Pumps, power, engine driven and power take-off.
Sprayers, power, self-propelled.
Sprayers, power, not self-propelled.
Sprayers, hand, under one gallon.
Sprayers, hand, one gallon and over.
Sprayers, hose end.
Sprayers, flame.

DAIRY MACHINERY AND EQUIPMENT, FARM TYPE

Attachments for dairy farm machines and equipment.
Butter-making equipment, including churns, and molds.
Coolers, milk, farm, not mechanically refrigerated, including tank and immersion, and surface tubular types.
Milk transfer units.
Milking machines, portable, complete with self-contained power unit.
Milking machines, stationary installations.
Pasteurizers, milk, farm home size.
Racks, milk can.
Separators, cream, under 1,500 pounds per hour, hand or power operated.
Stirrers, milk and cream.
Strainers, milk.
Tanks, sterilizing and washing, and bulk milk holding and cooling, farm type.
Water heaters, dairy and milk room.

CULTIVATORS AND WEEDERS

Attachments for cultivators and weeders.
Blockers, mechanical, sugar beet.
Choppers, mechanical, cotton.
Cultivators, beet and bean.
Cultivators, cane.
Cultivators, field, including chisels and orchard cultivators, horse or tractor drawn or tractor mounted.
Cultivators, flame.
Cultivators, hand, wheel type.
Cultivators, rotary, including rotary hoes.
Cultivators, row-crop, all types, horse or tractor drawn or tractor mounted.
Thinners, beet and vegetable.
Tillers, field, including wing and disk hoes, horse or tractor drawn or tractor mounted.
Tool bars and tool-bar carriers.
Weeders, cyclone.
Weeders, rod and blade.
Weeders, tooth, horse or tractor drawn or tractor mounted.

MACHINERY FOR PREPARING CROPS FOR MARKET AND FOR USE

Attachments for machines for preparing crops for market and for use.
Balers, broom corn.
Bunchers and tiers, vegetable, farm type.
Cane mills, farm size.
Cane sirup evaporators, farm type, including complete sets of pans and furnaces.
Cider mills and fruit presses, farm size.
Cleaners and graders, farm type, grain and seed.
Curers, tobacco.
Deseeders, broom corn.
Detasselers, corn.
Driers, grain, hay, and seed, portable and stationary, farm size.
Ensilage cutters (silo fillers).
Feed cutters, hand and power.
Feed grinders and crushers (farm), hand and power, including burr type, hammer type, and roughage mills.
Hullers and cleaners, castor bean, field type.
Hullers, graders, sackers, conveyors, farm-type (nut and seed).
Huskers and shredders, corn, including combination husker-shredders.
Maple sirup evaporators, farm size, including complete sets of pans and furnaces.
Mixers, farm feed type (except concrete mixers).
Shellers, corn, hand and power.
Sorters and graders, potato.
Sorters, graders, washers, sackers and conveyors (farm type), fruit and vegetable.
Toppers, vegetable.
Treaters, seed, farm type.
Wood-sawing machines, farm, including self-powered cross-cut and drag, 5 horsepower and less.

POULTRY MACHINERY AND EQUIPMENT

Attachments for poultry farm machines and equipment.
Bands, leg and wing, poultry.
Baskets, egg.
Batteries, growing and laying.
Boxes, grit.
Brooders, poultry.
Cages, including power-driven feeders and cleaners.
Candlers, egg.
Caps, chimney.
Catchers, fowl.
Cleaners, poultry house, power-driven.
Cones, killing.
Coolers, including humidifiers, egg.
Equalizers, draft.
Feeders, poultry, including mechanical power driven.
Gatherers, egg, including power-driven.
Graders, egg.
Heaters, water, poultry.
Incubators, poultry.
Nests.
Punches, poultry.
Saddles, turkey.
Ventilating units, including power-driven, poultry house.
Washers, egg, farm size.
Waterers, including automatic, poultry.

ELEVATORS AND BLOWERS, FARM TYPE

Attachments for farm elevators.
Elevators, portable, auger, farm size.
Elevators, portable, chain type.
Elevators, stationary, chain type, farm size.

BARN AND BARNYARD EQUIPMENT

Attachments for barn and barnyard equipment.
Applicators, insecticide, livestock.
Branding equipment, livestock.
Brooders, lamb.
Brooders, pig.
Carriers, hay.
Carriers, litter and feed, overhead and track.
Cattle prods.
Chains, halter.
Cleaners, barn, feeding yard and hog lot, automatic.
Clippers and shearing machines, power, livestock.
Cookers, feed.
Currycombs.
Dehorning equipment, cattle.
Drinking cups, livestock.
Feeders, livestock, all types, including milking parlor type.
Heaters, tanks, livestock.
Hoists, hay.
Kickers, anticow.
Oilers, hog.
Pens, livestock, including pig nursery.
Rings, bull.
Rings, hog.
Rings, hog.
Slings, hay.
Staffs, bull.
Stalls and fittings, including grates, cattle.
Stalls and crates, farrowing.
Stanchions and fittings, cattle.
Tags, identification, livestock.
Tanks, bulk feed storage, farm.
Tanks, livestock dipping.
Tanks, livestock.
Trainers, livestock.
Troughs, hog.
Trucks, feed, not motor.
Unloaders, silo.
Ventilating units, livestock, barn.
Watering bowls, livestock.
Waterers, hog.
Weaners, calf.

FARM EARTHMOVING EQUIPMENT, PULLED OR PUSHED, NOT SELF-PROPELLED

Attachments for farm earthmoving equipment.

Blade ditchers and terracers.
Corrugators.
Dozers, blades designed for farm-use wheel-type tractors.
Land levelers.
One-disk terracers.
Scrapers, farm type.

FARM MACHINERY AND EQUIPMENT, N.E.C.

Attachments for farm machines and equipment, n.e.c.
Beehives.
Beekeepers supplies, n.e.c.
Bug-catchers, power driven.
Controllers and accessories, electric fence.
Diggers, post-hole, tractor mounted, farm type.
Extractors, honey.
Heaters, beehive, electric.
Orchard heaters and smudge pots.
Post drivers and pullers, power, farm type.
Shoes, horse, mule, oxen, wrought iron.
Stone pickers, farm type.
Stump pullers, farm type.
Wind frost protection machines.
Windmill heads.
Windmill towers.

WATER SUPPLY EQUIPMENT, FARM, EXCEPT IRRIGATION

Attachments for farm water supply equipment (except irrigation).
Jacks, pump.
Pumps, hand and windmill other than pitcher.
Pumps, pitcher.
Water systems, domestic deepwell, jet.
Water systems, domestic, deepwell, nonjet.
Water systems, domestic, shallow-well, jet.
Water systems, domestic, shallow-well, nonjet.

FARM WAGONS AND OTHER FARM TRANSPORTATION EQUIPMENT, TRUCKS, NOT MOTOR POWERED

Attachments for farm transportation equipment (not motor).
Boxes and racks, farm trailer.
Boxes and racks, farm truck (not motor).
Boxes and racks, farm wagon.
Buggies and spring wagons, farm, horse drawn.
Gears, farm trailer.
Gears, farm truck, less box (not motor).
Gears, wagon, less box, horse drawn.
Sleighs and bobsleds, farm.
Sulkies, farm.
Trailers, farm.
Trucks, farm (not motor).
Trucks, tobacco (not motor).
Wagon dump.
Wagon and manure spreader unloaders.
Wagons, carts, sleds and water carts, can.
Wagons, farm, horse drawn.

SILOS AND PARTS

REPAIR AND REPLACEMENT PARTS

Parts manufactured specifically for use in the maintenance and repair of the farm equipment (including plowshares and disk blades) listed above in this Appendix A.

[F.R. Doc. 62-9459; Filed, Sept. 20, 1962; 8:54 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-101]

UNITED NUCLEAR CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has (1) approved the transfer of Facility License No. R-49, as amended, from the United Nuclear Corporation to a new corporate entity also to be known as the United Nuclear Corporation, and (2) has issued Amendment No. 4 set forth below to License No. R-49, as amended. The license amendment substitutes as licensee the new corporation for United Nuclear Corporation. Facility License No. R-49, as amended, authorizes the United Nuclear Corporation to possess and operate the "Pawling Research Reactor" at Pawling, New York. On May 1, 1962, United Nuclear Corporation (1) advised the Commission that on April 2, 1962, United Nuclear Corporation had merged with, transferred all of its assets and business to the Sabre-Pinion Corporation and ceased to exist as a corporate entity and that simultaneously with the merger Sabre-Pinion Corporation changed its legal name to United Nuclear Corporation, and (2) requested transfer of Facility License No. R-49, as amended, from the former United Nuclear Corporation to the new United Nuclear Corporation.

The Commission has found that:

(1) The new United Nuclear Corporation is qualified to be the holder of Facility License No. R-49, as amended;

(2) Transfer of Facility License No. R-49, as amended, is consistent with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(4) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(5) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details see the application for license amendment dated May 1, 1962 submitted by United Nuclear Corporation on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 13th day of September 1962.

For the United States Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-49; Amdt. No. 4]

License No. R-49, as amended, which authorizes United Nuclear Corporation to possess and operate the "Pawling Research Reactor" at Pawling, New York, is hereby further amended as follows:

1. The licensee is changed from the United Nuclear Corporation to a new corporate entity also to be known as the United Nuclear Corporation which was formed by the merger of United Nuclear Corporation and the Sabre-Pinion Corporation on April 2, 1962.

Date of issuance: September 13, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-9404; Filed, Sept. 20, 1962; 8:45 a.m.]

[Docket No. 50-13]

BABCOCK & WILCOX CO.

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to Facility License No. CX-12. The license authorizes The Babcock & Wilcox Company (the licensee) to operate its split-table critical experiments facility (the facility) located in Bay No. 2 in the licensee's Critical Experiment Laboratory located near Lynchburg, Virginia. The amendment authorizes the licensee to modify the facility and conduct "small lattice experiments" therein as described in the licensee's application for license amendment dated June 4, 1962 and supplement thereto dated August 14, 1962.

The Commission has found that:

(1) Modification and operation of the facility, including conduct of the "small lattice experiments", in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since modification and operation of the facility, including conduct of the "small lattice experiments", in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the hazards analysis prepared by the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated June 4, 1962, and supplement thereto dated August 14, 1962, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 13th day of September 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. CX-12; Amdt. No. 2]

License No. CX-12, as amended, issued to The Babcock & Wilcox Company is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. CX-12, as amended, The Babcock & Wilcox Company (the licensee) is authorized, as requested in its application for license amendment dated June 4, 1962 and supplement thereto dated August 14, 1962, to modify the split-table critical experiments facility (the facility) located in Bay No. 2 in the licensee's Critical Experiment Laboratory located near Lynchburg, Virginia for the conduct of "small lattice experiments" and to conduct such experiments at steady-state power levels not exceeding one kilowatt (thermal).

The activities shall be conducted in accordance with the procedures and subject to the limitations in License No. CX-12, as amended, and in the application for license amendment dated June 4, 1962, and supplement thereto dated August 14, 1962.

2. Paragraph 3.B. is hereby amended in its entirety to read as follows:

"Pursuant to the Act and Title 10, CFR, Chapter I, Part 70 'Special Nuclear Material', to possess and use in connection with operation of the facility up to 400 kilograms of contained uranium 235 and up to 80 grams of plutonium contained in encapsulated plutonium-beryllium neutron sources."

3. A new paragraph 4.F. is hereby added as follows:

"(1) As promptly as practicable, but no later than 60 days after the initial criticality during conduct of the 'small lattice experiments', the licensee shall submit a written report to the Commission describing the measured values of the nuclear parameters listed below and evaluating any significant variation of a measured parameter from the corresponding predicted value:

(a) Total rod worth;

(b) Minimum shutdown margin both at room and operating temperature;

(c) Maximum worth of the single control rod of highest reactivity value; and

(d) Maximum total and individual worth of any fixed or movable experiments inserted in the reactor.

(2) The licensee shall promptly submit a written report to the Commission whenever, during operation of the facility subsequently to initial criticality, any of the nuclear characteristics of the facility, including those described in paragraph 4.F.(1) above and the application, as amended to date, is observed to vary significantly from its predicted value."

This amendment is effective as of the date of issuance.

Date of issuance: September 13, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-9405; Filed, Sept. 20, 1962; 8:45 a.m.]

[Docket No. 50-83]

UNIVERSITY OF FLORIDA

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 6, set forth below, to Facility License No. R-56. The license authorizes the University of Florida to operate its Argonaut-type graphite moderated and reflected light water cooled nuclear reactor, located in Gainesville, Florida. The amendment authorizes the licensee to install and to operate a permanent flow assembly for the study of radiation effects on organic compounds in the reactor as described in the licensee's application for license amendment dated May 18, 1962, and supplemental letters dated June 25, 1962, and July 30, 1962.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test & Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated May 18, 1962 and supplemental letters dated June 25, 1962 and July 30, 1962 all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 14th day of September 1962.

For the Atomic Energy Commission.

S. LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-56; Amdt. No. 6]

License No. R-56, as amended, issued to University of Florida, is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-56, as amended, University of Florida is authorized to install and to operate a permanent flow assembly for the study of radiation effects on organic compounds as described in its application for license amendment dated May 18, 1962, and supplemental letters dated June 25, 1962, and July 30, 1962, in the University's UFTR nuclear reactor located at Gainesville, in Alachua County, Florida provided, however, that no dangerous substances such as explosives, inflammable compounds, or corrosive materials will be tested, and the compounds under study will be periodically sampled to insure that no undesirable substances are being produced by irradiation of the test material.

This amendment is effective as of the date of issuance.

Date of issuance: September 14, 1962.

For the Atomic Energy Commission.

S. LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-9406; Filed, Sept. 20, 1962; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-III-17]

DEPUTY REGIONAL DIRECTOR

Delegation of Authority To Conduct Program Activities in the Regional Office

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 7) (27 F.R. 6247), there is hereby redelegated to the

Deputy Regional Director the authority:

A. *Financial assistance.* 1. To approve the following:

a. Direct loans not exceeding $50,000.

b. Participation loans not exceeding $150,000.

c. Limited loan participation not exceeding $25,000.

d. Small loans not exceeding $25,000.

e. Disaster loans not exceeding $50,000.

2. To decline direct and participation business and disaster loans of any amount.

3. To disburse approved loans.

4. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name)
Administrator.

By ---
(Name)
Deputy Regional Director.

6. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefore, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

(b) The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing:

B. *Investment program.* 1. To disburse section 502 loans.

2. To extend the disbursement period on section 502 loan authorization or undisbursed portions of section 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

C. *Procurement and technical assistance.* 1. To determine joint set-asides for Government procurements and sales.

D. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave; and (b) leave without pay, not to exceed 30 days.

3. To (a) make emergency purchases chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but not more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

6. To (a) authorize or approve official travel; and (b) administratively approve travel reimbursement claims.

7. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

8. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

9. To establish and classify all nontechnical positions subject to the Classification Act of 1949, as amended, in grades GS–1 through GS–7.

E. *Eligibility.* 1. To make original determinations and determinations upon the reconsideration thereof as to which concerns are small businesses within the meaning of the Small Business Size Standards Regulation, as amended, except no determinations will be made in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements, unless otherwise authorized. This authorization does not permit the issuance of Small Business Certificates.

2. To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Deputy Regional Director.

Effective date: July 10, 1962.

EDWARD N. ROSA,
Regional Director,
Philadelphia Regional Office.

[F.R. Doc. 62-9425; Filed, Sept. 20, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 18, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37951: *Pulpwood from ACL Stations in Alabama and Georgia.* Filed by Atlantic Coast Line Railroad Company (No. 209), for itself. Rates on pulpwood, in carloads, from stations on the Atlantic Coast Line Railroad Company in Alabama and Georgia, to Foley, Fla., also to Dothan, Ala., on traffic destined to Panama City, Fla., and to Chattahoochee, Fla., on traffic destined to Port St. Joe, Fla.

Grounds for relief: Abandonment of a portion of the line of the ACL RR between Fitzgerald and Kingwood, Ga., under authority of Finance Docket 20097.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-9426; Filed, Sept. 20, 1962; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

MEMORANDUM OF UNDERSTANDING AND AGREEMENT BETWEEN BUSINESS AND DEFENSE SERVICES ADMINISTRATION, COMMERCE DEPARTMENT AND AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, AGRICULTURE DEPARTMENT

Scope of Term "Farm Equipment" as Used in Executive Orders 10480, 10998 and 10999

CROSS REFERENCE: For a memorandum of understanding and agreement between Business and Defense Services Administration, Commerce Department, and Agricultural Stabilization and Conservation Service, Agriculture Department with respect to scope of term "farm equipment" as used in Executive Orders 10480, 10998 and 10999, see Department of Agriculture, Agricultural Stabilization and Conservation Service, F.R. 62–9459, *supra.*

FEDERAL COMMUNICATIONS COMMISSION

[FCC 62–945]

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

SEPTEMBER 13, 1962.

The following dates will constitute the composite week for use in the preparation of program log analyses submitted with applications for AM, FM and TV station licenses which have termination dates in 1963 and applications for major changes in broadcast facilities.

Sunday, June 10, 1962.
Monday, Feb. 19, 1962.
Tuesday, Feb. 20, 1962.
Wednesday, Mar. 7, 1962.
Thursday, Nov. 16, 1961.
Friday, May 11, 1962.
Saturday, Sept. 30, 1961.

The attention of licensees is also directed to section IV, page 3, Item 10, of the renewal application which permits the submission of any additional program data that the applicant desires to call to the Commission's attention, if, in the applicant's opinion, the statistics based on the composite week do not adequately reflect the program service rendered.

Adopted: September 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9449; Filed, Sept. 20, 1962; 8:52 a.m.]

[Mexican List 227]

MEXICAN BROADCAST STATIONS

Changes, Proposed Changes, and Corrections in Assignments

JULY 23, 1962.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214–6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		730 kilocycles				
XEX (correction of error in Mexican Change List No. 222. Change in location from Leon, Guanajuato—provisional operation with 50 kw, ND, U).	Mexico, D.F.	500	DA	U	I-A	7-23-62.
		730 kilocycles				
XEX (new assignment. Operation synchronized with XEX, Mexico, D.F.).	Leon, Guanajuato	100 D 50 N	ND	U	I-A	1-23-63.
		730 kilocycles				
XEX (new assignment. Operation synchronized with XEX, Mexico, D.F.).	Monterrey, Nuevo Leon.	0.5	ND	D	II	Do.
		730 kilocycles				
XEX (new assignment. Operation synchronized with XEX, Mexico, D.F.).	Guadalajara, Jalisco	0.5	ND	D	II	Do.
		730 kilocycles				
XEX (new assignment. Operation synchronized with XEX, Mexico, D.F.).	Tampico, Tamaulipas	0.5	ND	D	II	Do.
		730 kilocycles				
XEX (new assignment. Operation synchronized with XEX, Mexico, D.F.).	Torreon, Coahuila	0.5	ND	D	II	Do.
		730 kilocycles				
XEX (new assignment. Operation synchronized with XEX, Mexico, D.F.).	Saltillo, Coahuila	0.5	ND	D	II	Do.
		800 kilocycles				
XEBE (delete assignment)	Tijuana, Baja California.	0.5	ND	D	II	7-23-62.
		800 kilocycles				
XEDX (PO: 1010 kc. El Sauzal B.C. 0.25 kw, ND, U, II).	do	0.5	ND	D	II	1-23-63.
		920 kilocycles				
XEHC (change in call letters from XEXK—now in operation unlimited time).	Ensenada, Baja California.	2.5 D 0.2 N	ND	U	III-D IV-N	7-23-62.
		1010 kilocycles				
XEXK (new assignment—operation to commence after XEXK changes location to Tijuana and frequency to 800 kc.).	do	0.250	ND	U	II	1-23-63.
		1240 kilocycles				
XESCT (change in call letters from XEKC).	do	0.1	ND	U	IV	7-23-62.
		1310 kilocycles				
XEVI (new assignment)	San Juan del Rio, Queretaro.	1	ND	D	III	1-23-63.
		1310 kilocycles				
(New) (new assignment)	Villa de Guadalupe, Nuevo Leon.	1	ND	D	III	Do.
		1320 kilocycles				
XEAI (now in operation with increased night power).	Mexico, D.F.	1	ND	U	III	7-23-62.
		1330 kilocycles				
XEUZ (change in call letters from XEHZ).	Matinez de la Torre, Vera Cruz.	1 D 0.100 N	ND	U	IV	Do.
		1330 kilocycles				
XEEA (cancel proposed move to Ciudad Ixtepec as notified in Change List No. 216).	Salina Cruz, Oaxaca	1 D 0.5 N	ND	U	III	Do.
		1340 kilocycles				
XEIT (change in call letters from XEKH).	Ciudad del Carmen, Campeche.	0.250	ND	U	IV	Do.
		1340 kilocycles				
XENV (now in operation)	Monterey, Nuevo Leon.	1 D 0.250	ND	U	IV	Do.
		1370 kilocycles				
XEPA (increase in night power and install DA-N—now in operation with 5 kw-D, 0.25 kw-N, ND).	Puebla, Puebla	5 D 1 N	DA-N	U	III	Do.
		1370 kilocycles				
XEHX (PO: 1460 kc. 1 kw D, 0.26 kw N, ND, U, IV).	Ciudad Obregon, Sonora.	10	DA-N	U	III	1-23-63.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		1580 kilocycles				
XEVQ (change in call letters from XEJH).	La Paz, Baja California.	0.250	ND	U	IV	7-23-62.
		1400 kilocycles				
XEPB (change in call letters from XEJH).	Hermosillo, Sonora	0.250 D 0.200 N	ND	U	IV	1-23-63.
		1400 kilocycles				
XEES (delete assignment)	Santa Barbara, Chihuahua.	1 D 0.200 N	ND	U	IV	7-23-62.
		1400 kilocycles				
XEGD (PO: 1520 kcs, 1 kw, ND, D, H).	Hidalgo del Parral, Chihuahua.	1 D 0.200 N	ND	U	IV	1-23-63.
		1410 kilocycles				
XESP (cancel proposal change in frequency to 1390 kcs as notified in Change List 220—PO: 1400 kcs, 0.25 kw, ND).	San Pedro Tlaquepaque, Jalisco.	5 D 0.150 N	ND	U	III-D IV-N	7-23-62.
		1590 kilocycles				
XEKC (cancel proposed change in location to Ensenada and call letters to XFHC as notified in Change List No. 212).	Mexicali, Baja California.	10 D 1.5 N	ND	U	III	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9448; Filed, Sept. 20, 1962; 8:52 a.m.]

[Docket No. 13085 etc.; FCC 62R-43]

NATIONAL BROADCASTING CO., INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of:

I. (a) National Broadcasting Company, Inc., Philadelphia, Pa., Docket No. 13085, File Nos. BR-562, BRCT-4, for renewal of license of Stations WRCV, WRCV-TV, KA-4465, KC-8393 and KGC-93 for the period 1957-1960; (b) National Broadcasting Company, Inc., Docket No. 14091, File No. BR-562; Docket No. 14092, File No. BRCT-4, for renewal of licenses of Stations WRCV and WRCV-TV (Channel 3), Philadelphia, Pennsylvania (including TV auxiliary stations KA-4465, KA-7914, KC-8393, KGC-93; and AM and TV auxiliary stations KE-2020 and KGG-593); (c) Philco Broadcasting Company, Docket No. 14054, File No. BPCT-2774, for a permit to construct a new television station on Channel 3, Philadelphia, Pennsylvania; (d) National Broadcasting Company, Inc., Assignor, Docket No. 14055, File No. BAL-3911, and RKO General, Inc., Assignee, Docket No. 14056, File No. BALCT-122, for consent to assign the licenses of Stations WRCV and WRCV-TV, Philadelphia, Pennsylvania (including TV auxiliary Stations KA-4465, KA-7914, KC-8393, KGC-93; and AM and TV auxiliary Stations KE-2020 and KGG-593).

II. (a) RKO General, Inc., Docket No. 14057, File No. BR-953, for renewal of license of Station WNAC, Boston, Massachusetts (including AM auxiliary Stations KA-5617 and KCB-87); (b) RKO General, Inc., Assignor, Docket No. 14058, File No. BAL-3912, and National Broadcasting Company, Inc., Assignee, Docket No. 14059, File No. BALH-423; Docket No. 14060, File No. BASCA-47; and Docket No. 14061, File No. BALCT-123; for consent to assign the licenses of Stations WNAC, WRKO-FM and SCA, WNAC-TV, Boston, Massachusetts (including AM auxiliary stations KA-5617, KCB-87; and TV auxiliary Station KA-4866).

1. Philco Broadcasting Company (Philco) seeks enlargement of the issues in this proceeding[1] to include a determination of whether RKO General, Inc. (RKO) is in violation of § 3.636 of the Commission's rules. The Broadcast Bureau supports the motion. RKO suggests that a condition be attached to any grant of the above applications in lieu of burdening the instant proceeding with another issue.

2. The facts are not in dispute. RKO owns or has an interest in five VHF television broadcast stations in the United States, the maximum number of such stations permitted under § 3.636. Since the subject applications request an exchange of stations, that situation would not be changed as a result of this proceeding. RKO also has an interest in Station CKLW-TV, Windsor, Canada. Philco and the Broadcast Bureau suggest that this raises a question of compliance with § 3.636. RKO maintains that there is no violation of the letter or the spirit of the rules, but, inasmuch as RKO plans to dispose of its interest in one of the five U.S. stations, a condition requiring such disposition might be attached to any grant of the subject transfer applications.

[1] The Review Board has before it for consideration Philco's motion, filed on August 13, 1962, and pleadings properly and timely filed in response thereto.

3. In its Notice and Order (FCC 61-530, released April 25, 1961) outlining the scope of this proceeding, the Commission was concerned with RKO's ownership of four U.S. Stations, its interest in CKLW-TV, and the proposed transfer of Station WRC-TV, Washington, D.C., to RKO. The Commission indicated that a multiple ownership issue would be appropriate in that situation. The request for assignment of WRC-TV to RKO was dropped, however, and no such issue appeared in the Order (FCC 62-777, released July 24, 1962) designating these applications for hearing. Meanwhile, a wholly-owned subsidiary of RKO acquired control of the corporation holding 12.5 percent of the stock of the licensee of Station KWTV, Oklahoma City, Oklahoma. In view of this, the Review Board is of the opinion that a multiple ownership issue should be added. Should RKO dispose of its interest in KWTV, the issue would of course become moot.

Accordingly, it is ordered, This 17th day of September 1962, That the motion filed on August 13, 1962, by Philco Broadcasting Company is granted; and that the issues herein are amended by addition of the following issue: To determine whether the ownership by RKO General, Inc. of television station CKLW-TV in Windsor, Ontario, in addition to the ownership interests it holds in 5 VHF stations in the United States violates the provisions of § 3.636 of the Commission's rules, or is inconsistent with the spirit and intent of that rule.

Released: September 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9447; Filed, Sept. 20, 1962; 8:52 a.m.]

[Docket Nos. 14724, 14725; FCC 62M-1229]

CAPITOL TELECASTING CO. AND AUSTIN BROADCASTING CO., INC.

Order Continuing Hearing

In re applications of Dalton Homer Cobb tr/as Capitol Telecasting Company, Austin, Texas, Docket No. 14724, File No. BPCT-2947; Austin Broadcasting Company, Inc., Austin, Texas, Docket No. 14725, File No. BPCT-2985; for construction permits for new television broadcast stations.

Pursuant to a prehearing conference held in this proceeding this date: *It is ordered,* This 17th day of September 1962, that the hearing herein now scheduled for November 19, 1962, be and the same is hereby rescheduled for December 3, 1962, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: September 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9450; Filed, Sept. 20, 1962; 8:52 a.m.]

[Docket Nos. 14708, 14709; FCC 62M-1226]

ALFRED RAY FUCHS AND C. M. ROUSE

Order Continuing Prehearing Conference

In re applications of Alfred Ray Fuchs, Grants, New Mexico, Docket No. 14708, File No. BP-14516; C. M. Rouse, Milan, New Mexico, Docket No. 14709, File No. BP-15049; for construction permits.

The Hearing Examiner having under consideration a petition filed September 13, 1962, by Alfred Ray Fuchs requesting that the prehearing conference scheduled for September 14, 1962, be continued to October 10, 1962; and

It appearing that on August 23, 1962, the above-entitled applicants filed a pleading in which they requested the Commission to approve an agreement under which Alfred Ray Fuchs would dismiss his application and the application of C. M. Rouse be granted, that action has not yet been taken on such joint request and that it is not now presently feasible for Fuchs to be in Washington, D.C., on September 14, 1962; and

It further appearing that there are no objections to granting the requested continuance and good cause for granting the petition having been shown;

It is ordered, This the 14th day of September 1962, that the petition for continuance is granted and the prehearing conference now scheduled for September 14, 1962, is continued to October 10, 1962.

Released: September 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9451; Filed, Sept. 20, 1962; 8:52 a.m.]

[Docket Nos. 14775-14778; FCC 62-950]

L. B. WILSON, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of L. B. Wilson, Incorporated, Miami, Florida, Docket No. 14775, File No. BRCT-509, for renewal of license of Television Station WLBW-TV (Including TV STL Station KIS-77 and TV Pickup Station KE-7759); Civic Television, Inc., Miami, Florida, Docket No. 14776, File No. BPCT-3041; South Florida Television Corporation, Miami, Florida, Docket No. 14777, File No. BPCT-3042; Miami Television Corporation, Miami, Florida, Docket No. 14778, File No. BPCT-3044; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of September 1962;

The Commission having under consideration the above-captioned applications, that of L. B. Wilson, Inc., requesting renewal of its license for Television Broadcast Station WLBW-TV, Channel 10, Miami, Florida, and those of Civic Television, Inc., South Florida Television Corporation and Miami Television Corporation, each requesting a construction permit for a new television broadcast station to operate on Channel 10, Miami, Florida; and

It appearing that the applications of L. B. Wilson, Inc., Civic Television, Inc., South Florida Television Corporation and Miami Television Corporation are mutually exclusive in that operation by more than one of the applicants as proposed would result in mutually destructive interference and that, therefore, a hearing is necessary in order to determine, on a comparative basis, which of the above-captioned applications would better serve the public interest, convenience and necessity; and

It further appearing that on May 29, 1962, Civic Television, Inc., filed a "Petition of Civic Television, Inc. for Waiver of Commission Rules or Policies With Respect to Specification of Transmitter Location", asking that the Commission waive any rule or policy, etc., which would prevent it from indicating, as an alternative to its specified site, its intention to negotiate for existing facilities if it should prevail in the hearing; and

It further appearing that on June 7, 1962, L. B. Wilson, Inc., filed an "Opposition to Petition of Civic Television, Inc.", arguing that Civic's request should be denied on the ground that the usual procedure would be to apply for modification of construction permit, if later desired, and that this procedure would avoid the confusion which could arise from alternative transmitter site proposals at this time; and

It further appearing that on May 29, 1962, South Florida Television Corporation filed a "Petition in Support of Amendment to Application for Construction Permit", also requesting a waiver of any rule or policy, etc., which would prevent it from specifying that it might ultimately seek to utilize a different site; that on June 7, 1962, L. B. Wilson, Inc., filed an "Opposition to Petition in Support of Amendment to Application"; that on June 11, 1962, South Florida Television Corporation filed a "Reply to Opposition to Petition in Support of Amendment to Application"; and

It further appearing that the requests of Civic Television, Inc., and South Florida Television Corporation are premature and speculative, inasmuch as the question of utilization of alternative sites can not arise until the conclusion of the comparative hearing ordered here; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

A. The proposal of Civic Television, Inc. (BPCT-3041): The cash requirements for construction and initial operation, based on information contained in the application, will be approximately $2,342,800. The applicant proposes to finance the construction and initial operation from cash of $9,799, new capital of $979,800 to be obtained from cash and bond subscriptions, a bank loan of $750,000 and credits or deferred payments of $1,583,398. (The credit or deferred payment response in Section III of the application lists a total of $1,652,800, which appears to be an overstatement since it appears that cash will be paid for tower foundations, painting and erection.) Section III of the application indicates that $600,000 is to be obtained by "loans secured on land and buildings", but no supporting information is furnished. Therefore, these funds can not be considered to be available. Moreover, Messrs. Weintraub, Maxwell, Bradshaw and Wilson have not shown current and liquid assets (as defined in Paragraph 4, Section III, FCC Form 301) sufficient in amount for their commitments to purchase stock totaling $11,293 and bonds totaling $250,000. Therefore, it can not be determined that the applicant is financially qualified.

B. The proposal of South Florida Television Corporation (BPCT-3042): The cash requirements for construction and initial operation, based on information contained in the application, will be approximately $1,851,100. The applicant proposes to finance the construction and initial operation from cash of $1,779, new capital of $105,800 to be obtained from stock subscriptions, cash of $450,000 to be obtained from the sale of debentures, and to have acquisitions totaling $1,200,000 made by an affiliate for a total amount of $1,757,579. Therefore, the plan of finance is short by some $93,000, and it cannot be determined that the applicant is financially qualified.

It further appearing that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that L. B. Wilson, Inc., is legally, financially, technically and otherwise qualified to own and operate Station WLBW-TV as proposed; that Miami Television Corporation is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; and that Civic Television, Inc., and South Florida Television Corporation are each legally and technically qualified to construct, own and operate the proposed television broadcast station.

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Civic Television, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether South Florida Television Corporation is financially qualified to construct, own and operate the proposed television broadcast station.

3. To determine on a comparative basis, which of the proposed operations would better serve the public interest, convenience and necessity in light of the significant differences among the applicants as to:

(a) The background and experience of each bearing on its ability to own and

operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That the petitions of Civic Television, Inc., and South Florida Television Corporation, filed May 29, 1962, are denied as premature.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: September 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9452; Filed, Sept. 20, 1962; 8:53 a.m.]

[Docket Nos. 14639-14640; FCC 62M-1228]

OLNEY BROADCASTING CO. AND JAMES R. WILLIAMS

Order Continuing Hearing

In re applications of Harwell V. Shepard tr/as Olney Broadcasting Company, Olney, Texas, Docket No. 14639, File No. BP-10494; James R. Williams, Anadarko, Oklahoma, Docket No. 14640, File No. BP-13635; for construction permits.

The Hearing Examiner having under consideration request for extension of procedural dates, filed September 7, 1962, on behalf of James R. Williams, an applicant herein;

It appearing that by an order released August 7, 1962 (FCC 62M-1121), the Hearing Examiner set the following schedule of dates:

Preliminary exchange of hearing exhibits on or before September 10, 1962,
The hearing conference on September 24, 1962,
The final exchange of exhibits on or before October 10, 1962,
The notification of witnesses for cross-examination on or before October 17, 1962, and
The hearing to commence on October 29, 1962;

It further appearing that petitioner desires in substance that the dates heretofore established be cancelled and the following dates be substituted:

November 3, 1962 for final exchange of engineering exhibits.
November 20, 1962 for notification of witnesses desired for cross-examination, and
November 26, 1962—commencement of hearing;

It further appearing, that good cause exists why said request should be granted and there is no objection thereto;

Accordingly, it is ordered, This 17th day of September 1962, that the request is herewith granted and the dates adopted by the Order of August 7, 1962, be and the same are hereby cancelled.

It is further ordered, That the final exchange of engineering exhibits shall be accomplished on or before November 3, 1962; the notification of witnesses for cross-examination shall be accomplished on or before November 20, 1962; and the hearing shall be held on November 26, 1962, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: September 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9453; Filed, Sept. 20, 1962; 8:53 a.m.]

[Docket Nos. 14767, 14768; FCC 62M-1224]

SMITH BROADCASTING, INC., AND NORTH ALABAMA BROADCASTERS, INC.

Order Continuing Prehearing Conference

In re applications of Smith Broadcasting, Inc., Huntsville, Alabama, Docket No. 14767, File No. BPCT-3012; North Alabama Broadcasters, Inc., Huntsville, Alabama, Docket No. 14768, File No. BPCT-3051; for construction permits for new television broadcast stations (Channel 19).

It is ordered, This 13th day of September 1962, that the Order released on September 12, 1962, in the above-entitled proceeding (FCC 62M-1207; Mimeo 24934), providing for prehearing conference on October 8, 1962, is hereby amended to provide that the said conference shall be held at 9:00 a.m., Wednesday, October 10, 1962.

Released: September 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9454; Filed, Sept. 20, 1962; 8:53 a.m.]

[Docket No. 14743, FCC 62M-1222]

CAROL MUSIC, INC.

Order Continuing Prehearing Conference

In the matter of revocation of license and subsidiary communications authorization of Carol Music, Inc., for FM Broadcast Station WCLM, Chicago, Illinois.

It is ordered, This 14th day of September 1962, upon request of the applicant which is supported by good and sufficient cause, and with the consent of the Commission's Broadcast Bureau, the only other party to the proceeding, that the prehearing conference herein, which heretofore was scheduled for September 19, 1962, is hereby continued to September 26, 1962, and will be held in the Offices of the Commission, Washington, D.C., commencing at 10:00 a.m.

Released: September 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9455; Filed, Sept. 20, 1962; 8:53 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS OR STUDENT-WORKERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners or student-workers at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act.

The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

August Sportswear Co., North Third Street, Booneville, Miss.; effective 9-10-62 to 9-9-63 (raincoats and cotton outerwear jackets).

Blue Bell, Inc., Red Bay, Ala.; effective 9-18-62 to 9-17-63 (men's and boys' work pants).

Blue Bell, Inc., Ada, Okla.; effective 9-17-62 to 9-16-63 (men's and boys' dungarees, ladies' and girls' dungarees).

Hartwell Manufacturing Co., Inc., Deport Street, Hartwell, Ga.; effective 9-12-62 to 9-11-63 (men's and boys' cotton work trousers).

Horse Cave Manufacturing Co., Horse Cave, Ky.; effective 9-22-62 to 9-21-63 (men's and boys' shorts and car coats).

Morehead City Garment Co., Inc., Morehead City, N.C.; effective 9-10-62 to 9-9-63 (men's and boys' shirts).

Par Ex Shirt Co., Inc., 50 Greene Street, New Haven, Conn.; effective 9-10-62 to 9-9-63 (men's shirts).

Saltillo Manufacturing Co., Inc., Saltillo, Tenn.; effective 9-13-62 to 9-12-63 (men's, boys', and juveniles' sport shirts).

Scamper Sportswear, Inc., 315 West 20th Street, Hazleton, Pa.; effective 9-4-62 to 9-3-63; learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' and children's slacks, outdoor jackets, etc.).

Springfield Garment Manufacturing Co., 627-35 North Campbell Avenue, Springfield, Mo.; effective 9-15-62 to 9-14-63 (men's dress and semidress trousers).

Levi Strauss & Co., McArthur Road, Maryville, Tenn.; effective 9-11-62 to 9-10-63 (men's and boys' trousers).

Superior Surgical Manufacturing Co., Inc., 63 New York Ave., Huntington, N.Y.; effective 9-5-62 to 9-4-63 (washable service apparel).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Ainsbrooke Corp., Olney, Ill.; effective 9-12-62 to 9-11-63; 10 learners for normal labor turnover purposes in the production of sleepwear (men's and boys' pajamas).

Emerald Duster Co., Roseboro, N.C.; effective 9-17-62 to 9-16-63; five learners (ladies' dusters and brunch coats).

Gross Galesburg Co., Canton, Ill.; effective 9-10-62 to 9-9-63; 10 learners (men's work jackets and one-piece suits).

Gross Galesburg Co., Chariton, Iowa; effective 9-10-62 to 9-9-63; 10 learners (men's work pants, shirts, and jackets).

Mount Vernon Corp., Mount Vernon, Ga.; effective 9-11-62 to 9-10-63; 10 learners (ladies' cotton house dresses and dusters).

Pennsylvania Brassiere Corp., 406 Thomas Street, Meyersdale, Pa.; effective 9-12-62 to 9-11-63; 10 learners (women's brassieres).

Sportscraft, Inc., 125 South Tamaqua Street, McAdoo, Pa.; effective 9-10-62 to 9-9-63; 10 learners (ladies' slacks and car-coats).

Temple Apparel, Inc., 4434 Kutztown Road, Temple, Pa.; effective 9-12-62 to 9-11-63; 10 learners (ladies' blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Eudora Manufacturing Corp., U.S. Highway No. 65, Eudora, Ark.; effective 9-4-62 to 3-3-63; 30 learners (men's uniform and work clothes, women's uniforms).

Imperial Shirt Corp., True Loom Division, Lafayette, Tenn.; effective 9-6-62 to 3-5-63; 75 learners (men's sport shirts).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Dumas Hosiery Mills, Inc., West Choctaw Street, Dumas, Ark.; effective 9-10-62 to 9-9-63; five learners for normal labor turnover purposes (full-fashioned).

Excel Hosiery Mills, Inc., 203-205 Hart Street, Union, S.C.; effective 9-10-62 to 9-9-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's seamless and misses' bobby sox).

Frank Fairey Hosiery Finishers, Inc., Franklin and Belt Streets, Durham, N.C.; effective 9-10-62 to 9-9-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Royal Hosiery Mills, Inc., Yanceyville, N.C.; effective 9-7-62 to 9-6-63; five learners for normal labor turnover purposes (full-fashioned; seamless).

Seneca Knitting Mills Co., Inc., East Bayard Street, Extension, Seneca Falls, N.Y.; effective 9-18-62 to 9-17-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (hosiery, seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Ainsbrooke Corp., Carmi, Ill.; effective 9-15-62 to 9-14-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's woven underwear).

Ainsbrooke Corp., Olney, Ill.; effective 9-12-62 to 9-11-63; five learners for normal labor turnover purposes in the production of undershorts (men's woven undershorts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

Miller Mfg. Co., 1105 South Ayer Street, Fort Worth, Tex.; effective 9-10-62 to 3-9-63; two learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 160 hours at the rate of not less than $1.00 an hour (clothes pin bags, laundry bags, barbecue aprons, pot holders, etc.).

Oglesbay Glass Co., 414 Bond Street, Cumberland, Md.; effective 9-10-62 to 3-9-63; two learners for normal labor turnover purposes in the occupation of glass cutter (stone wheel engraver) for a learning period of 240 hours at the rate of not less than $1.00 an hour (cut glass).

Soboroff Sons Co., 2100 Main Street, Blytheville, Ark.; effective 9-10-62 to 3-9-63; 50 learners for plant expansion purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of not less than $1.00 an hour (men's and boys' caps).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these learner certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations.

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificates issued under Part 527 are as indicated below.

Atlantic Union College, Main Street, South Lancaster, Mass.; effective 9-4-62 to 8-31-63; authorizing the employment of: (1) 15 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1 an hour for the first 500 hours and $1.05 an hour for the remaining 500 hours; (2) 25 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours; (3) 40 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1 an hour for the first 180 hours and $1.05 an hour for the remaining 180 hours.

Clear Creek Baptist School, Pineville, Ky.; effective 9-4-62 to 8-31-63; authorizing the employment of 10 additional student-work-

Electronic Mica Co., Inc., 300 Tapia Street, Santurce, P.R.; effective 8-15-62 to 11-30-62; 24 learners for plant expansion purposes, in the occupations of: (1) Punch press operator; mica gauge operator; finished mica sorter, each for a learning period of 240 hours at the rate of 72 cents an hour; (2) raw mica sorter for a learning period of 160 hours at the rate of 72 cents an hour (mica and mica parts) (supplemental certificate).

D. W. G. International, Inc., Gurabo Industrial Area, Gurabo, P.R.; effective 8-15-62 to 8-14-63; 19 learners for normal labor turnover purposes, in the occupations of: (1) Sorter and selector for a learning period of 240 hours at the rate of 70 cents an hour; (2) machine stripper for a learning period of 160 hours at the rate of 80 cents an hour (processing of wrapper type tobacco).

Juana Diaz Co., Inc., Juana Diaz, P.R.; effective 8-14-62 to 8-13-63; 14 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

ers in the church furniture manufacturing industry in the occupations of woodworking machine operator, assembler, furniture finisher and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours (supplemental certificate).

Union College, 3800 South 48th Street, Lincoln, Nebr.; effective 9–4–62 to 8–31–63; authorizing the employment of: (1) 6 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1 an hour for the first 500 hours and $1.05 an hour for the remaining 500 hours; (2) 8 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours; (3) 25 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours; (4) 5 student-workers in the clerical industry in the occupations of bookkeeper, business machine operator, and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1 an hour for the first 240 hours and $1.05 an hour for the remaining 240 hours; (5) 8 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1 an hour for the first 180 hours and $1.05 an hour for the remaining 180 hours.

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D.C., this 13th day of September 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–9422; Filed, Sept. 20, 1962; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

KAROLINE CAUER ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Mrs. Karoline Cauer, 22 Emilienstrasse, Berlin-Marienfelde, Germany; $28.40 in the Treasury of the United States and a one-fourth interest in the property described below.

Adelheid Cauer Polzer, 22 Emilienstrasse, Berlin-Marienfelde, Germany; $17.04 in the Treasury of the United States and a three-twentieths interest in the property described below.

Emil Cauer, 22 Emilienstrasse, Berlin-Marienfelde, Germany; $17.04 in the Treasury of the United States and a three-twentieths interest in the property described below.

Charlotte Cauer, 22 Emilienstrasse, Berlin-Marienfelde, Germany; $17.04 in the Treasury of the United States and a three-twentieths interest in the property described below.

Marie Cauer, 22 Emilienstrasse, Berlin-Marienfelde, Germany; $17.04 in the Treasury of the United States and a three-twentieths interest in the property described below.

Barbara Cauer, 22 Emilienstrasse, Berlin-Marienfelde, Germany; $17.04 in the Treasury of the United States and a three-twentieths interest in the property described below.

Property described in Vesting Order No. 201 (8 F.R. 625, January 16, 1943) relating to United States Letters Patent Nos. 1,958,742 and 1,989,545.

Property described in Vesting Order No. 4589 (10 F.R. 3059, March 22, 1945), relating to United States Letters Patent No. 2,048,426.

One-half interest in the property described in Vesting Order No. 201 (8 F.R. 625, January 16, 1943) relating to United States Letters Patent Nos. 2,085,952 and 2,085,953.

All right, title, interest and claim of whatsoever kind or nature of Wilhelm Cauer in and to every copyright, license, agreement, privilege, power and every right of whatsoever nature relating to the work entitled "Theorie Der Linearen Wechselstromschaltungen" by Wilhelm Cauer, vested by the Alien Property Custodian under Vesting Order No. 500A–167 (10 F.R. 8303, July 5, 1945), other than the right to fifty percent (50%) of the royalties heretofore collected by the Attorney General of the United States from the republication of the said book.

Fifty percent (50%) of all royalties payable or to become payable to the Attorney General of the United States from any republication or translation of the book entitled "Theorie Der Linearen Wechselstromschaltungen" by Wilhelm Cauer, vested by the Alien Property Custodian under Vesting Order No. 500A–167 (10 F.R. 8303, July 5, 1945).

Claim No. 59648, Vesting Orders Nos. 201, 4589, 500A–95, 500A–167.

Executed at Washington, D.C., on September 14, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F.R. Doc. 62–9403; Filed, Sept. 20, 1962; 8:45 a.m.]

DORA KATHARINA STACH

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Dora Katharina Stach, Catharina van Rennesstraat 7 III, Amsterdam–Z, The Netherlands; $4,288.54 in the Treasury of the United States.

Claim No. 62234, Vesting Orders Nos. 8535 and 17938.

Executed at Washington, D.C., on September 14, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F.R. Doc. 62–9402; Filed, Sept. 20, 1962; 8:45 a.m.]

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[Revised as of June 1, 1962]

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FEDERAL REGISTER

VOLUME 27 NUMBER 185

Washington, Saturday, September 22, 1962

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SEP 26 1962
MAIN READING ROOM

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3493

VETERANS DAY, 1962

By the President of the United States of America

A Proclamation

WHEREAS we are deeply conscious of the debt we owe to the men and women of our Nation who served in our armed forces during times of conflict, thereby preserving our heritage of freedom and advancing the cause of world peace; and

WHEREAS the continued devotion and adherence to the highest ideals of citizenship by our veterans has been inspirational to us in peacetime as well as in time of war; and

WHEREAS the eleventh of November has been dedicated to the cause of world peace by the Congress and has been designated as a legal holiday to be known as Veterans Day (Act of May 13, 1938, 52 Stat. 351, as amended (5 U.S.C. 87a)):

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby invite my fellow citizens to join with me on Sunday, November 11, 1962, in observing Veterans Day by attending and participating in ceremonies which will demonstrate our continued desire for world peace and our heartfelt gratitude to our veterans whose service and sacrifice has advanced the cause of peace.

I direct the appropriate officials of the Federal Government to arrange for the display of the flag of the United States on all public buildings on Veterans Day.

I also call upon officials of the Federal Government and of the State Governments, as well as upon local officials, to cooperate fully with the Veterans Day National Committee and interested patriotic organizations in their efforts to make clear to all our people the true significance of Veterans Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this nineteenth day of September in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-seventh.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-9562; Filed, Sept. 20, 1962; 4:34 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. No. 45]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPLICATION FOR INSURANCE; AND WHEAT ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

1. That portion of the second sentence of paragraph (a) of § 401.3 of this chapter, beginning with "(2)" and ending with a colon, is amended, effective beginning with the 1963 crop year to read as follows:

§ 401.3 Application for insurance.

(a) • • •

(2) In counties where wheat is an insurable crop an application for insurance on wheat may be filed until the March 31 following the closing date in all counties in Montana, in any county in North Dakota and South Dakota in which insurance is not limited to spring wheat only on the county actuarial table, in Linn and Malheur Counties, Oregon, in Bannock, Bonneville, Caribou, Cassia, Franklin, Fremont, and Madison Counties, Idaho, and in Grant County, Washington, but in any such case for the first wheat crop year of the contract, winter wheat in all of such counties and spring wheat planted on land which is nonirrigated in Bannock, Bonneville, Caribou, Cassia, Franklin, Fremont, and Madison Counties, Idaho, and in Grant County, Washington, will not be insured:

§ 401.32 [Amendment]

2. Section 2 of the wheat endorsement shown in § 401.32 of this chapter is amended effective beginning with the 1963 crop year by adding a sentence at the end thereto reading as follows: "Insurance on wheat under the irrigated practice will not be provided for the 1963 crop year to insureds in Grant County, Washington, with a contract in force during the 1962 crop year or who file an application prior to October 1, 1962, unless such insureds elect prior to March 31, 1963, to include irrigated wheat as an insurable practice under the contract".

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on September 12, 1962.

[SEAL] MORRIE S. HILL,
Acting Secretary,
Federal Crop Insurance Corporation.

Approved: September 19, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-9513; Filed, Sept. 21, 1962; 8:53 a.m.]

[Amdt. No. 41]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

DRY BEAN ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

§ 401.3 [Amendment]

1. The table following paragraph (a) of § 401.3 of this chapter, is amended effective beginning with the 1963 crop year for beans by changing the title appearing therein which reads "Dry Edible Beans" to read "Dry Beans".

2. The dry edible bean endorsement, published in § 401.18 of this chapter, is amended effective beginning with the 1963 crop year to read as follows:

§ 401.18 The dry bean endorsement.

The provisions of the dry bean endorsement for the 1963 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions, subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table.

2. *Insured crop.* The insured crop shall be (a) dry edible beans of a class shown as insurable on the county actuarial table planted for harvest as dry beans, as determined by the Corporation, or (b) bush varieties of garden beans planted for harvest as seed and grown under a contract of, or for, sale between the insured and a seed company executed by the time the acreage to be insured is reported. Insurance shall not be considered to have attached on any acreage of such bush varieties of garden seed beans which are not under such a contract or any acreage excluded from such contract for the crop year pursuant to the terms thereof.

3. *Pound guarantee, and price per pound.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the pound guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The pound guarantee per acre shown on the county actuarial table shall be increased by one hundred pounds for any acreage on which the amount threshed is one hundred or more pounds per acre.

At the time the application for insurance is made the applicant shall elect a price per pound at which indemnities shall be computed from among those shown on the county actuarial table. Any insured with a contract in force prior to the 1963 crop year may elect the price per pound to be in effect beginning with the 1963 crop year. If any applicant or insured fails to make an election or elects a price per pound not shown on the actuarial table the price per pound which shall be in effect shall be the amount provided on the county actuarial table for such purposes.

As to any succeeding crop year any insured may change the price per pound which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election on or before the date for terminating contracts for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per pound at which indemnities shall be computed shall be the price most recently in force under the contract but for any crop year shall not exceed the maximum price per pound as shown on the county acturial table.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the beans are planted and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than November 15 of the calendar year in which the bean crop is normally harvested.

5. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of beans on the unit by the applicable pound guarantee per acre, which product shall be the pound guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price per pound for computing indemnities: *Provided,* That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That on any acreage from which less than one hundred pounds per acre are threshed, the total production to be counted under the provision of this section shall be that amount in excess of one hundred pounds per acre, except that the production to be counted for any acreage of beans which is abandoned or put to another use without the consent of the Corporation shall be the pound guarantee provided on the county actuarial table.

(b) Notwithstanding the provisions of paragraph (a) of this section for determining production to be counted, the production to be counted of any threshed dry edible beans of the classes pea and medium white with a pick in excess of 4 percent and of any other classes which do not grade No. 2 or better (determined in accordance with the Official United States Standards for beans), shall be adjusted by multiplying the number of pounds of such damaged dry edible beans by the conversion factor shown on the county actuarial table for the applicable grade or pick: *Provided, however*, That the production to be counted of any such damaged beans which do not meet any U.S. Grade or pick shown on the county actuarial table because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, shall be adjusted by (a) dividing the value of the damaged beans per hundred-weight, as determined by the Corporation, by the market price per hundred-weight at the local market at the time the loss is adjusted for beans of the applicable class grading No. 2 (except that for the classes pea and medium white the market price per hundred-weight at the local market at the time the loss is adjusted for beans of these classes with a 4 percent pick shall be used), and (b) multiplying the result thus obtained by the number of pounds of such damaged beans.

6. *Meaning of terms.* For the purpose of insurance on dry beans the terms:

(a) "Insurance unit," notwithstanding section 21(g) of the policy, means respectively the insurable acreage of dry edible beans or bush varieties of garden seed beans in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of dry edible beans or bush varieties of garden seed beans in the county which would otherwise constitute a single unit into two or more units, taking into consideration separate and distinct farm operations.

(b) "Pick" means the defects consisting of splits, damaged beans, contrasting classes and foreign material included in net weight beans, and where used shall be expressed in terms of percent of net weight beans.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the May 15 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on September 12, 1962.

[SEAL] MORRIE S. HILL,
Acting Secretary,
Federal Crop Insurance Corporation.

Approved: September 19, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-9509; Filed, Sept. 21, 1962; 8:53 a.m.]

[Amdt. No. 42]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

POLICY

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

1. That portion of the third sentence, of subsection (c) preceding the colon, in section 11 of the Federal Crop Insurance Policy shown in § 401.11 of this chapter is amended effective beginning with the 1963 crop year to read as follows:

(c) • • • The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insured acreage of the insured crop on the insurance unit by the applicable guaranteed production per acre, which product shall be the guaranteed production for the insurance unit, (2) subtracting therefrom the total production to be counted for the insurance unit, (3) dividing the result thus obtained by the guaranteed production for the insurance unit, (4) multiplying the ratio thus obtained by the product of the insured acreage of the insured crop on the insurance unit and the applicable amount of insurance per acre, and (5) multiplying the result by the insured interest: *Provided*, That the Corporation may in lieu of steps (3), (4), and (5), elect to substitute the following steps in determining the amount of loss: (3) multiplying the remainder obtained in (2) by the insured interest, (4) dividing the applicable dollar amount of insurance per acre by the applicable guaranteed production per acre (any fractional amount will be rounded to the next higher whole cent), and (5) multiplying the amount obtained in (3) by the amount obtained in (4):

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on September 12, 1962.

[SEAL] MORRIE S. HILL,
Acting Secretary,
Federal Crop Insurance Corporation.

Approved September 19, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-9510; Filed, Sept. 21, 1962; 8:53 a.m.]

[Amdt. No. 47]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COMBINED CROP

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respect:

The combined crop endorsement, published in § 401.19 of this chapter, is amended effective beginning with the 1963 crop year to read as follows:

§ 401.19 The combined crop endorsement.

The provisions of the combined crop endorsement for the 1963 and succeeding crop years are as follows:

1. *General.* As to each insured crop, the provisions for that crop contained in the individual endorsement for such crop on file in the county office shall apply except as provided otherwise herein. In addition, for the purpose of combined crop insurance, those parts of the policy which refer to individual crops shall be considered to mean all crops insured under this endorsement.

2. *Insured crops.* (a) In lieu of the first sentence of section 1 of the policy, the following shall apply: "The crops insured are all of the crops (to the extent of interest of the insured therein as hereinafter set out) for which commodity unit guarantees, prices per commodity unit at which indemnities shall be computed and which may be elected by the insured, and premium rates are shown on the county actuarial table for combined crop insurance, and which are grown on insured acreage".

(b) In counties in the states of North Dakota and South Dakota, insurance shall not attach or be considered to have attached to any acreage of rye for the first crop year of a combined crop insurance contract or for any subsequent crop year when the contract is cancelled or terminated for indebtedness for that crop year pursuant to the provisions of subsection 15(a) of the policy.

3. *Annual premium.* Section 3 of the individual crop endorsement for wheat shall not be applicable under combined crop insurance.

4. *Claims for loss.* In lieu of subsection 11(c) of the policy and those portions which precede the second colon, in subsections 5(a) of the individual crop endorsements for barley, flax, oats, rye, and soybeans, in subsection 5(c) of the individual crop endorsement for corn, and in subsection 6(a) of the individual crop endorsement for wheat, the following shall apply: Losses shall be determined separately for each insurance unit (hereafter called "unit"). The amount of loss with respect to any unit shall be determined in the following manner: (a) For each insured crop on the unit multiply the insured acreage by the product of the applicable commodity unit guarantee per acre, and the insured interest and the price per bushel elected by the insured, (b) for each insured crop on the unit multiply the product of the total production to be counted and the insured interest by the price per bushel elected by the insured, (c) add the dollar amounts obtained for each of the respective insured crops in (a) above, and (d) add the dollar amounts obtained for each of the respective insured crops in (b) above, and subtract this sum from the sum obtained in (c) above. The provisions of subsection 5(a) of the individual crop endorsement for corn shall not be applicable under combined crop insurance.

5. *Bushel guarantee and price per bushel.* The provisions of section 9 of the individual crop endorsement for corn applying to insureds with contracts in force in 1962 who do not elect a price per bushel for computing indemnities shall not be applicable under combined crop insurance.

6. *Quality adjustment on basis of moisture election.* The provision in section 11 of the individual crop endorsement for corn providing an election whereby the production of corn may be adjusted on the basis of moisture content only shall not be applicable under combined crop insurance.

7. *Meaning of terms.* For purposes of combined crop insurance the term:

(a) "Insurance unit," notwithstanding any other provision of the policy or any endorsement thereto means all insurable acreage of all insured crops in the county in which (1) one person at the time of planting has the entire interest in the crops, or (2) the same two or more persons at the time of planting have the entire interest in the crops: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of all insured crops in the county into two or more units, taking into consideration separate and distinct farm operations.

8. *Cancellation and termination for indebtedness dates.* For each crop year of the contract in any county, the cancellation date and the termination date for indebtedness for a contract shall be respectively the earliest applicable cancellation date and termination date for that county shown in the individual crop endorsements for any crop for which a commodity unit guarantee and premium rates are shown on the actuarial table for that county for combined crop insurance: *Provided, however*, That in counties in North Dakota and South Dakota, where rye is an insurable crop under combined crop insurance, the cancellation date and the termination date for indebtedness for rye shall be disregarded in determining the cancellation date and the termination date for indebtedness for combined crop insurance.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on September 12, 1962.

[SEAL] MORRIE S. HILL,
Acting Secretary,
Federal Crop Insurance Corporation.

Approved: September 19, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-9515; Filed, Sept. 21, 1962; 8:54 a.m.]

[Amdt. No. 46]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

CORN

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

1. Section 4 of the corn endorsement shown in § 401.20 of this chapter is amended effective beginning with the 1963 crop year to read as follows:

4. *Acreage to be harvested for silage, fodder or wet storage.* Notwithstanding section 8(a) of the policy, where the crop has been damaged and a loss on an insurance unit is probable the corn crop on any insured acreage may be harvested for silage, fodder or for the purpose of wet storage: *Provided*, That not less than 10 days prior to harvest the insured gives notice in writing to the Corporation at the county office of his intention to harvest in order that the Corporation may inspect the acreage and appraise the production of such corn before it is harvested. If such notice has been given and the Corporation has not made an inspection prior to harvest, the insured shall leave unharvested a number of rows of corn as determined by the Corporation to be an adequate representative sample for use of the Corporation in appraising the production from such acreage. Failure to furnish such notice and leave sample rows will have the consequences as provided in section 5 below, unless the Corporation waives the time requirement of such notice in writing and gives consent for the insured to harvest earlier and leave such sample rows of corn. The insured may harvest undamaged corn from insured acreage for silage, fodder or for the purpose of wet storage without the consent of, or without giving notice to, the Corporation.

2. Section 7 of the corn endorsement shown in § 401.20 of this chapter is amended effective beginning with the 1963 crop year by redesignating subsection (b) as subsection (c) and by adding a new subsection (b) to read as follows:

(b) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of corn in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of corn in the county into two or more units, taking into consideration separate and distinct farm operations.

3. Section 9 of the corn endorsement shown in § 401.20 of this chapter is amended effective beginning with the 1963 crop year to read as follows:

9. *Bushel guarantee and price per bushel.* (a) The provisions of subsection 3(a) of the policy with respect to guaranteed production and amounts of insurance per acre shall for any crop year be applicable under this endorsement only in counties where amounts of insurance per acre are provided on the county actuarial table for that crop year, and only with respect to insureds in such counties with contracts in 1962, who have not made an election with respect to a price per bushel at which indemnities shall be computed. For each crop year of the contract the bushel guarantee, the price at which indemnities shall be computed, and where applicable the guaranteed production and amounts of insurance per acre shall be those established by the Corporation and shown on the county actuarial table.

(b) Those provisions of subsection 3(b) of the policy pertaining to electing an amount of insurance per acre shall apply only to insureds with a contract in force in 1962 who do not elect a price per bushel at which indemnities shall be computed. Any insured with a contract in force in 1962 or subsequent years which provided a price per bushel at which indemnities would be computed will not be eligible to elect an amount of insurance per acre.

4. The corn endorsement shown in § 401.20 of this chapter is amended effective beginning with the 1963 crop year by adding a new section 10 to read as follows:

10. *Special provisions applicable with respect to contracts in force providing a price per bushel at which indemnities shall be computed.* (a) The provisions of this section apply to all insureds with a contract in force in 1962 providing a price per bushel at which indemnities shall be computed or who elect a price per bushel at which indemnities shall be computed beginning with the 1963 or subsequent crop years or any applicant who applies for insurance effective with the 1963 or subsequent years. For each crop year of the contract the bushel guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The bushel guarantee per acre shown on the county actuarial table shall be increased by three bushels for any harvested acreage on which the amount harvested is three or more bushels per acre.

At the time the application for insurance is made the applicant shall elect a price per bushel at which indemnities shall be computed from among those shown on the county actuarial table. Any insured with a contract in force prior to the 1963 crop year may elect the price per bushel to be in effect beginning with the 1963 crop year. If any applicant fails to make an election or if any applicant or insured elects a price per bushel not shown on the actuarial table the price per bushel which shall be in effect shall be the amount provided on the county actuarial table for such purposes.

As to any succeeding crop year any insured may change the price per bushel which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election on or before the date for terminating contracts for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per bushel at which indemnities shall be computed shall be the price most recently in force under the contract but for any crop year shall not exceed the maximum price per bushel as shown on the county actuarial table.

5. Section 5 of the corn endorsement shown in § 401.20 of this chapter is amended effective beginning with the 1963 crop year by adding a subsection (c) thereto to read as follows:

(c) The provisions of this subsection apply to all insureds with a contract in force in 1962 providing a price per bushel at which indemnities shall be computed or who elect a price per bushel at which indemnities shall be computed beginning with the 1963 or subsequent crop years or any applicant who applies for insurance effective with the 1963 or subsequent crop years. In lieu of section 11(c) of the policy, and subsection (a) of this section, and subject to the provisions of section 6 of this endorsement where applicable in North Dakota, the following shall apply: Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insured acreage of corn on the insurance unit by the applicable bushel guarantee per acre, which product shall be the bushel guarantee for the insurance unit, (2) subtracting therefrom the total produc-

tion to be counted for the insurance unit, (3) multiplying the remainder by the insured interest, and (4) multiplying the result obtained in (3) by the applicable price per bushel for computing indemnities: *Provided*, That if for the insurance unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for an insurance unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all harvested production and any appraisals made by the Corporation for unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the total production to be counted on any acreage of corn which, with the consent of the Corporation is planted in the current crop year, before harvest becomes general, to dry edible beans, flax, grain sorghum or soybeans, insurable under the regulations of the Corporation, shall be 50 percent of the bushel guarantee for such acreage or the appraised production whichever is greater: *Provided, further*, That the production to be counted for any acreage of corn which is harvested for silage or fodder, or for the purpose of wet storage, or which is abandoned or put to another use without the consent of the Corporation shall be the bushel guarantee provided for such acreage, except that where the insured has complied with the provisions of section 4 of this endorsement, the total production to be counted from any acreage of corn which is appraised by the Corporation at three or more bushels per acre and harvested for silage or fodder, or for the purpose of wet storage, shall be the total of such appraisal but not to exceed the bushel guarantee for that acreage: *Provided, further*, That for any unharvested acreage of corn or any harvested acreage on which the harvested production to be counted is less than three bushels per acre, the total production to be counted shall be the total amount of the harvested and appraised production in excess of three bushels per acre but shall not exceed the bushel guarantee for such acreage.

6. The corn endorsement shown in § 401.20 of this chapter is amended effective beginning with the 1963 crop year by adding a new section 11 to read as follows:

11. *Quality adjustment on basis of moisture election.* In any county where it is so provided on the county actuarial table any insured making an election of a price per bushel at which indemnities shall be computed, or any applicant, shall elect that the provisions of subsection (b) of section 5, of this endorsement shall apply or elect that the production of any corn to be counted shall, at the time any loss is adjusted under plan "B", as hereinafter identified, be adjusted on the basis of the moisture content only as provided on the county actuarial table for such county: *Provided, however*, That no moisture adjustment under plan "B" shall be made for corn harvested at any time for silage, fodder, or wet storage or on any appraisals of production of corn made prior to the time corn is normally harvested for grain in the county but such appraisals shall be made on the same basis as under plan "A". For the purpose of insurance on corn in such counties the quality provision contained in subsection (b) of section 5 of this endorsement shall be known as plan "A" and the adjustment for moisture provided for in this section shall be known as plan "B". Premium rates, bushel guarantee, and the prices per bushel at which indemnities will be computed under both plans "A" and "B" will be shown on the county actuarial table. Plan "B" will be applicable only in counties where it is provided on the county actuarial table and only for insureds with a contract in force in 1962 which provided a price per bushel at which indemnities would be computed or who elect such a price per bushel beginning with the 1963 or subsequent crop years or any applicant in such counties who applies for insurance effective with the 1963 or subsequent crop years, who elect that the provisions of plan "B" shall apply. Any insured may change the plan which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election or change on or before the date for terminating contracts for indebtedness for the crop year for which such change is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on September 12, 1962.

[SEAL] MORRIE S. HILL,
Acting Secretary,
Federal Crop Insurance Corporation.

Approved: September 19, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-9514; Filed, Sept. 21, 1962; 8:54 a.m.]

[Amdt. No. 48]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COTTON

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

1. Section 8 of the cotton endorsement shown in § 401.21 of this chapter is amended effective beginning with the 1963 crop year by redesignating subsections (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), and (h), respectively, and by adding a new subsection (c) to read as follows:

(c) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of cotton in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of cotton in the county into two or more units, taking into consideration separate and distinct farm operations.

2. The cotton endorsement shown in § 401.21 is amended effective beginning with the 1963 crop year by adding a new section 10 to read as follows:

10. *Irrigated acreage.* In any county where so provided on the county actuarial table, the following provisions shall apply in lieu of subsection 22(a) of the policy in any case where no damage to the cotton crop on insured acreage occurs due to drought or failure to apply irrigation water: "The acreage of an insured crop which shall be insured on an irrigated basis in any year shall not exceed that acreage which normally could be irrigated adequately with the facilities available, taking into consideration the amount of water available after providing the water required to irrigate the acreage of all irrigated crops on the farm."

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on September 12, 1962.

[SEAL] MORRIE S. HILL,
Acting Secretary,
Federal Crop Insurance Corporation.

Approved: September 19, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-9516; Filed, Sept. 21, 1962; 8:54 a.m.]

[Amdt. No. 43]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

GRAIN SORGHUM ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

§ 401.35 [Deletion]

1. Section 401.35 of this chapter is deleted effective beginning with the 1963 crop year and shall be replaced by § 401.23 as amended in item 2 below.

2. The grain sorghum endorsement, published in § 401.23 of this chapter, is amended effective beginning with the 1963 crop year to read as follows:

§ 401.23 The grain sorghum endorsement.

The provisions of the grain sorghum endorsement which shall apply to all continuous grain sorghum insurance contracts for the 1963 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions, subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table.

2. *Insured crop.* The crop insured under this endorsement shall be only combine type hybrid grain sorghum planted for harvest as grain as determined by the Corporation. Insurance shall not attach: (a) On any acreage on which it is determined by the Corporation that the sorghum is a forage sorghum or thick planted for silage or fodder purposes or planted for the development of hybrid seed, or (b) on any acreage not insured on an irrigated basis on which it is determined by the Corporation that the sorghum was planted (1) following a small grain crop planted the previous fall or was planted (2) in rows too close for cultivation.

3. *Hundredweight guarantee, and price per hundredweight.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the hundredweight (hereinafter referred to as cwt.) guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The cwt. guarantee per acre shown on the county actuarial table shall be increased by two cwt. for any acreage on which the amount threshed is two cwt. or more per acre.

At the time the application for insurance is made the applicant shall elect a price per cwt. at which indemnities shall be computed from among those shown on the county actuarial table. Any insured with a contract in force prior to the 1963 crop year may elect the price per cwt. to be in effect beginning with the 1963 crop year. If any applicant or insured fails to make an election or elects a price per cwt. not shown on the actuarial table the price per cwt. which shall be in effect shall be the amount provided on the county actuarial table for such purposes.

As to any succeeding crop year any insured may change the price per cwt. which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election on or before the date for terminating contracts for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per cwt. at which indemnities shall be computed shall be the price most recently in force under the contract but for any crop year shall not exceed the maximum price per cwt. as shown on the county actuarial table.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the grain sorghum is planted and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than December 31 of the calendar year in which the grain sorghum is normally harvested.

5. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of grain sorghum on the unit by the applicable cwt. guarantee per acre, which product shall be the cwt. guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price per cwt. for computing indemnities: *Provided*, That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That on any acreage from which less than two cwt. per acre are threshed, the total production to be counted under the provisions of this section shall be that amount in excess of two cwt. per acre, except that the production to be counted for any acreage of grain sorghum which is abandoned or put to another use without the consent of the Corporation shall be the cwt. guarantee provided on the county actuarial table.

(b) The total production to be counted shall include any threshed production from acreage initially planted for purposes other than for harvest as grain as determined by the Corporation.

(c) Notwithstanding any provisions of this section for determining production to be counted, the production to be counted of any threshed grain sorghum which does not grade No. 4 or better (determined in accordance with Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not by drying and proper handling be made to meet these requirements, shall be adjusted by (1) dividing the value per cwt. of the damaged grain sorghum, as determined by the Corporation, by the market price per cwt. at the local market for grain sorghum grading No. 4 at the time the loss is adjusted and (2) multiplying the result thus obtained by the number of cwt. of such damaged grain sorghum.

6. *Meaning of terms.* For the purpose of insurance on grain sorghum the term:

(a) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of grain sorghum in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of grain sorghum in the county into two or more units, taking into consideration separate and distinct farm operations.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 30 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on September 12, 1962.

MORRIE S. HILL,
Acting Secretary,
Federal Crop Insurance Corporation.

Approved: September 19, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-9511; Filed, Sept. 21, 1962; 8:53 a.m.]

[Amdt. No. 44]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

DRY PEAS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year for dry peas in the following respects:

The dry pea endorsement, published in § 401.39 of this chapter, is amended effective beginning with the 1963 crop year to read as follows:

§ 401.39 The dry pea endorsement.

The provisions of the dry pea endorsement for the 1963 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, heat, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions, subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table.

2. *Insured crop.* The insured crop shall be those spring planted varieties of dry peas (including lentils) shown as insurable on the county actuarial table seeded for harvest as dry peas.

3. *Production guarantee, and price per pound.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract, the production guarantee and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The production guarantee per acre shown on the county actuarial table shall be increased by 100 pounds for any acreage on which the amount threshed is 100 pounds or more per acre.

At the time the application for insurance is made, the applicant shall elect a price at which indemnities shall be computed from among those shown on the county actuarial table. If any applicant fails to make an election or elects a price not shown on the actuarial table, the price which shall be in effect shall be the amount provided on the county actuarial table for such purposes. As to any succeeding crop year any insured may change the price which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election on or before the date for terminating contracts for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price at which indemnities shall be computed shall be the price most recently in force under the contract but, for any crop year, shall not exceed the maximum price as shown on the county actuarial table.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the insured crop is planted and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than September 15 of the calendar year in which the insured crop is normally harvested.

5. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price for computing indemnities: *Provided*, That if for the insurance unit the insured fails to report all of his interest or insurable acreage, the amount of loss shall be determined with respect to all of his interest and insurable

acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That on any acreage from which less than 100 pounds per acre are threshed, the total production to be counted under the provision of this section shall be that amount in excess of 100 pounds per acre, except that the production to be counted for any acreage which is abandoned or put to another use without the consent of the Corporation shall be the production guarantee provided on the county actuarial table.

(b) Notwithstanding the provisions of paragraph (a) of this section for determining production to be counted, the production to be counted of any threshed peas which do not grade No. 3 or better, or any threshed lentils which do not grade No. 2 or better (determined in accordance with United States Standards for dry peas and lentils) because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, shall be adjusted by (1) dividing the value per hundredweight of the damaged commodity as determined by the Corporation, by the market price per hundredweight at the local market at the time the loss is adjusted for the same variety of peas grading No. 3; lentils grading No. 2; and (2) multiplying the result thus obtained by the number of pounds of such damaged commodity.

6. *Meaning of terms.* For the purpose of insurance on dry peas the term:

(a) "Insurance unit," notwithstanding section 21(g) of the policy, means respectively the insurable acreage of dry peas of the smooth green and yellow varieties, wrinkled varieties, or lentils in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of the insurable crop in the county which would otherwise constitute a single unit into two or more units, taking into consideration separate and distinct farm operations.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the March 31 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on September 12, 1962.

[SEAL] MORRIE S. HILL,
Acting Secretary,
Federal Crop Insurance Corporation.

Approved: September 19, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-9512; Filed, Sept. 21, 1962; 8:53 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—1963–64 Marketing Year

PROCLAMATION OF THE RESULTS OF MARKETING QUOTA REFERENDUM

Section 728.1309 is issued to announce the results of the wheat marketing quota referendum for the marketing year, July 1, 1963, through June 30, 1964, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a national marketing quota for wheat for the 1963–64 marketing year (27 F.R. 6314). The Secretary announced (27 F.R. 8079) that a referendum would be held on August 30, 1962, to determine whether wheat producers were in favor of or opposed to marketing quotas for the marketing year, July 1, 1963, through June 30, 1964. Since the only purpose of this proclamation is to announce results of the referendum, it is found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

§ 728.1309 Proclamation of the results of the wheat marketing quota referendum for the marketing year 1963–64.

In a referendum of farmers held on August 30, 1962, pursuant to section 336 of the Agricultural Adjustment Act of 1938, as amended by the Agricultural Act of 1961, 247,508 eligible farmers voted. Of those voting 169,348 or 68.4 percent favored quotas for the marketing year beginning July 1, 1963. Therefore, wheat marketing quotas will remain in effect for the 1963–64 marketing year.

(Secs. 336, 375, 52 Stat. 55, 66, as amended, 76 Stat. 170; 7 U.S.C. 1336, 1375)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 18, 1962.

ORVILLE L. FREEMAN,
Secretary.

TABULATION OF WHEAT MARKETING QUOTA BALLOTS—1963 CROP YEAR

State	1961 total wheat farms	Eligible voters	Votes for	Votes against	Total votes	Percent for	Challenged ballots disallowed
Alabama	7,564	745	180	56	236	76.3	0
Arizona	1,537	707	59	50	109	54.1	4
Arkansas	15,532	897	257	12	269	95.5	4
California	5,966	3,400	335	248	583	57.5	11
Colorado	21,751	25,399	4,554	2,713	7,267	62.7	73
Delaware	1,900	882	119	22	141	84.4	5
Georgia	22,078	1,526	910	29	939	96.9	2
Idaho	29,146	26,895	3,213	1,923	5,136	62.6	86
Illinois	137,677	49,914	5,376	3,537	8,907	60.3	102
Indiana	122,682	34,392	3,531	2,158	5,689	62.1	90
Iowa	14,235	3,461	514	70	584	88.0	16
Kansas	143,696	168,533	26,974	14,298	41,272	65.4	630
Kentucky	28,980	4,762	1,423	43	1,466	97.1	4
Maryland	14,871	4,518	416	156	572	72.7	13
Michigan	115,514	26,327	3,072	2,661	5,733	53.6	147
Minnesota	59,971	17,604	5,977	1,068	7,045	84.8	157
Mississippi	3,125	740	363	13	376	96.5	0
Missouri	145,033	33,196	5,808	1,256	7,064	82.2	103
Montana	24,450	40,493	10,676	6,913	17,589	60.7	471
Nebraska	78,858	77,264	11,222	4,001	15,223	73.7	144
New Jersey	4,826	878	115	15	130	88.5	2
New Mexico	5,124	3,111	480	208	688	69.8	2
New York	36,938	6,856	837	554	1,391	60.2	15
North Carolina	81,304	3,415	1,978	61	2,039	97.0	6
North Dakota	73,660	113,557	37,214	16,371	53,585	69.4	557
Ohio	151,309	46,091	3,121	2,665	5,786	53.9	87
Oklahoma	82,732	60,026	9,729	6,110	15,839	61.4	67
Oregon	17,055	9,356	1,417	375	1,792	79.1	12
Pennsylvania	86,342	10,277	420	635	1,055	39.8	48
South Carolina	36,911	1,678	1,281	36	1,317	97.3	1
South Dakota	43,845	47,052	11,691	2,256	13,947	83.8	73
Tennessee	36,004	2,984	959	55	1,014	94.6	3
Texas	65,963	42,454	8,727	3,642	12,369	70.6	85
Utah	12,210	3,265	492	262	754	65.3	21
Virginia	48,713	3,658	1,121	261	1,382	81.1	4
Washington	17,371	33,505	3,955	2,927	6,882	57.5	47
West Virginia	6,247	507	41	31	72	56.9	0
Wisconsin	13,749	463	178	27	206	86.5	1
Wyoming	3,751	2,905	619	442	1,061	58.3	11
United States	1,818,720	912,696	169,348	78,160	247,508	68.4	3,113

Agriculture—Washington, D.C., Sept. 12, 1962.

[F.R. Doc. 62-9505; Filed, Sept. 21, 1962; 8:52 a.m.]

[Amdt. 13]

PART 730—RICE

Subpart—Regulations for the Determination of Rice Acreage Allotments for the 1959 and Subsequent Crops of Rice

The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended.

This amendment authorizes the State Executive Director or the Program Specialist (Production Adjustment) to exercise certain duties now vested in the State Committee by the provisions of § 730.1021(e).

Farmers in producer States are now in the process of harvesting their 1962 crop of rice and this amendment is needed immediately in connection with the orderly marketing of the crop in such States, accordingly, it is hereby determined that with respect to this amendment, compliance with the notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall become effective upon filing with the Director, Office of the Federal Register.

Section 730.1021(e) is amended by adding a new sentence at the end thereof to read as follows: "Whenever under the provisions of this paragraph and the provisions of § 730.1014 relating to the recall of producer allocations or the revision or revocation of farm acreage allotments the State committee is authorized to act, the State Executive Director or the Program Specialist (Production Adjustment) may act in its stead."

(Sec. 353, 375, 52 Stat. 61, as amended, 66, as amended; 7 U.S.C. 1353, 1375)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C. on September 19, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9507; Filed, Sept. 21, 1962; 8:53 a.m.]

[Admt. 12]

PART 730—RICE

Subpart—Regulations for the Determination of Rice Acreage Allotments for the 1959 and Subsequent Crops of Rice

MISCELLANEOUS AMENDMENTS

The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended.

The first amendment provides for a preliminary determination with respect to individual producers and farms, in advance of the hearing provided for in § 730.1021(e) of this subpart, in order to expedite the issuance of marketing cards and certificates in certain instances for the 1962 program year.

The second, third, and fourth amendments are for the purposes of (1) making it clear that a producer who withdraws from the production of rice under § 730.1025(b)(3) of the regulations in this subpart may become a rice producer and re-enter the production of rice under paragraph (b) (1) or (2) of such section, (2) redefining those persons who may be considered a member or members of the transferee's family under paragraph (b)(2) of § 730.1025 of the regulations in this subpart, and (3) correcting an error in the language of paragraph (b)(3) of § 730.1025 by changing the word "eligible" to "irrigation."

Since farmers in producer States are now in the process of harvesting their 1962 crop of rice and these amendments are needed immediately in connection with the orderly marketing of the crop in such States, it is hereby found that with respect to these amendments compliance with the notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and these amendments shall become effective upon filing with the Director, Office of the Federal Register.

1. Section 730.1021 is amended by adding a new paragraph (g) to read as follows:

(g) Notwithstanding the provisions of the paragraph (e) of this section, a member of the county committee or any other county or State office representative authorized to do so by the State Executive Director may interview a producer(s) in advance of the hearing provided for in paragraph (e) of this section. The interview shall be for the purpose of making a preliminary determination as to whether or not such person was engaged in the production of rice in the 1962 crop year as defined in § 730.1011(g)(2). The preliminary determination will be based upon a personal interview of the producer(s) and his filing a certified statement as to his actual contribution (other than allotment) to the production, harvesting and marketing of the specific acreage produced on his allotment and his exact share of the production from such allocated allotment acreage on the farm. If the preliminary determination is that the producer is or was engaged in the production of rice in the 1962 crop year, and such determination is approved by a representative of the State committee, marketing cards or marketing certificates, as applicable, may be issued to the producers on the farm in accordance with the rice marketing quota regulations in this part. If the preliminary determination is that the producer was not or is not engaged in the production of rice in the 1962 crop year and such determination is approved by a representative of the State committee, the producer's allotment acreage previously allocated to the farm shall be recalled and the farm rice acreage allotment adjusted accordingly. A determination for 1962 under this paragraph will not preclude a regularly scheduled hearing in accordance with the provisions of paragraph (e) of this section with respect to the 1962 or prior crop year.

2. The second sentence of § 730.1025(b)(2) is amended to read as follows: "For the purpose of this subparagraph (2) of this paragraph, a member of the transferee's family shall be limited to the transferee's spouse, father, mother, brother, sister, son, daughter, brother-in-law, son-in-law, grandson, granddaughter, nephew or niece."

3. The word "eligible" in the proviso in the first sentence of § 730.1025(b)(3) is changed to the word "irrigation."

4. Section 730.1025 is amended by adding a new paragraph (c) to read as follows:

(c) Notwithstanding any other provision of this section a producer who has withdrawn from the production of rice as provided in paragraph (b)(3) of this section may become a rice producer and re-enter the production of rice as provided in paragraph (b) (1) or (2) of this section.

(Secs. 353, 375, 52 Stat. 61, as amended, 66, as amended; 7 U.S.C. 1353, 1375)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on September 19, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9506; Filed, Sept. 21, 1962; 8:52 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815, Amdt. 3]

PART 815—ALLOTMENT OF THE DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Calendar Year 1962

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act") for the purpose of amending Sugar Regulation 815.2 (27 F.R. 8099), which established allotments of the direct-consumption portion of the 1962 mainland quota for Puerto Rico.

This amendment of S.R. 815.2 is necessary to give effect to Amendment 8 of Sugar Regulation 811 (27 F.R. 8821) which established the direct-consumption portion of the 1962 mainland quota for Puerto Rico of 148,500 short tons, raw value, a quantity 3,000 tons greater than the 145,500 short tons, raw value, previously allotted and to allot the larger quantity in accordance with findings heretofore made.

Findings heretofore made by the Secretary in the course of this proceeding (27 F.R. 8099) provide that this order shall be revised without further notice or hearing for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Effective date. It is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective upon publication in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with the findings and conclusions heretofore made, it is hereby ordered that paragraph (a) of § 815.2 be amended to read as follows:

§ 815.2 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1962.

(a) *Allotments.* The direct-consumption portion of the 1962 sugar quota for Puerto Rico amounting to 148,500 short tons, raw value, is hereby allotted as follows:

[Short tons, raw value]

Allottee:	Direct-consumption allotment
Central Aguirre Sugar Co., a trust	5,774
Central Roig Refining Co	21,079
Central San Francisco	1,551
Puerto Rican American Sugar Rfy., Inc	96,070
Western Sugar Refining Co	23,976
Liquid sugar reserve for persons other than named above	50
Total	148,500

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119; Public Law 87-535)

Done at Washington, D.C., on this 19th day of September 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9508; Filed, Sept. 21, 1962; 8:53 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 31]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.331 Valencia Orange Regulation 31.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 20, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 23, 1962, and ending at 12:01 a.m., P.s.t., September 30, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 550,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 21, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9588; Filed, Sept. 21, 1962; 11:32 a.m.]

[Lemon Reg. 40]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.340 Lemon Regulation 40.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 18, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 23, 1962, and ending at 12:01 a.m., P.s.t., September 30, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 325,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 20, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9589; Filed, Sept. 21, 1962; 8:54 a.m.]

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Determination Relative to Expenses and Fixing of Rate of Assessment for 1962–63 Fiscal Year

Pursuant to the amended marketing agreement and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order, as amended), it is hereby found and determined that:

§ 919.201 Expenses and rate of assessment for the 1962–63 fiscal year.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning March 1, 1962, and ending February 28, 1963, will amount to $15,300.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at seventeen mills ($0.017) per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of the current crop of peaches from Mesa County, Colorado, began during August 1962; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable peaches from the beginning of such year; and (3) the current fiscal year began March 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 18, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9483; Filed, Sept. 21, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1307]

PART 159—NATIONAL CAPITAL AIRPORTS [NEW]

PART 570—WASHINGTON NATIONAL AIRPORT

PART 571—DULLES INTERNATIONAL AIRPORT

This amendment adds Part 159—National Capital Airports [New] to Chapter I of Title 14 of the Code of Federal Regulations. The amendment is a part of the program of the Federal Aviation Agency to recodify its regulatory material into a new series of regulations called the "Federal Aviation Regulations" to replace the present "Civil Air Regulations" and "Regulations of the Administrator".

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as this one, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

The purpose of the new part is to revise present Part 570—Washington National Airport, in order to bring its coverage up to date and to eliminate obsolete and redundant rules contained therein. In addition, to provide uniformity of rules for all airports under the Bureau of National Capital Airports of this Agency, the part will also apply to Dulles International Airport.

Part 159 [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on July 25, 1962 (27 F.R. 7035).

As a result of comments received, several minor changes of a technical or clarifying nature have been made and the following changes of a relaxatory nature have been made.

Section 159.57, as proposed, and as presently stated in § 570.51, would have prevented any person, unless he had the approval of the Airport Manager, from bringing an aircraft to the Airport for an aerial demonstration elsewhere. We do not believe that the rule needs to be this stringent and the section has been modified to apply this restriction only to the bringing of aircraft to the Airport for aerial demonstrations within the Airport control zone. In addition, the substance of the proviso of present § 570.51, authorizing courtesy flights demonstrating new equipment by air carriers, has been added to the section.

Various persons commented that proposed § 159.61, relating to the lowering of flaps by all aircraft taxiing in or out of a gate position, was too restrictive. In view of those comments, the section has been revised to apply only to large propeller-driven aircraft, and only to taxiing out of a gate position.

Proposed § 159.99 would have prevented, except with the written permission of the Airport Manager, the bringing of any animal (except a dog to be transported by air) into the terminal building or a gate loading area. After further consideration, the exception has been broadened to include any small domestic animal.

Proposed § 159.141 would have authorized the Airport Manager, in his discretion, to provide runway foaming services upon the request of an aircraft operator, with the expense to be borne by the operator. As a result of comments received the section has been narrowed in scope so as to provide only that any operator for whom foaming services are provided, upon his request, shall pay the expenses arising therefrom.

Of the comments received on the proposal, several suggested changes in style, format, or technical wording. These comments have been carefully considered and, where consistent with the style, format, and terminology of the recodification project, were adopted.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations apply to the new Part 159.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

Since FAA management and public property are involved, compliance with the effective date provisions of section 4 of the Administrative Procedure Act is not required.

In consideration of the foregoing, effective October 1, 1962, Chapter III of Title 14 of the Code of Federal Regulations is amended by deleting Parts 570 and 571, and Chapter I of Title 14 is amended by adding Part 159 [New] reading as hereinafter set forth.

This amendment is made under the authority of section 1602 of Title 2, District of Columbia Code, section 2 of the Act of June 29, 1940, as amended, 54 Stat. 658, and sections 4 and 8 of the

Act of September 7, 1950, as amended, 64 Stat. 770.

Issued in Washington, D.C., on September 19, 1962.

N. E. HALABY,
Administrator.

PART 159—NATIONAL CAPITAL AIRPORTS [NEW]

Subpart A—General

Sec.
159.1 Applicability.
159.3 Motor vehicles carrying passengers for hire.
159.5 Lost articles.

Subpart B—Motor Vehicle Rules

159.11 General.
159.13 Special operating rules.
159.15 Operator's license.
159.17 Speed.
159.19 Passenger's occupancy.
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159.23 Parking.
159.25 Accident reports.
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159.29 Busses.
159.31 Moving of motor vehicles.
159.33 License tags.

Subpart C—Aircraft Rules

159.41 Confinement of aircraft operations.
159.43 Parking of aircraft.
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159.121 Cleaning fluids.
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159.129 Apron surface areas and floor surfaces.
159.131 Doping.
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159.137 Operating motor vehicles in hangar.
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Subpart F—Obligations of Tenants

159.151 Use of premises.
159.153 Trash containers.
159.155 Bulletin boards.
159.157 Storage of equipment.
159.159 Fire apparatus.
159.161 Discrimination or segregation.

Subpart G—Enforcement

159.171 Penalties.

Authority: §§ 159.1 to 159.171 issued under sec. 1602, Title 2, District of Columbia Code; sec. 2, Act of June 29, 1940, as amended; 54 Stat. 658; secs. 4 and 8 of Act of Sept. 7, 1950, as amended; 64 Stat. 770.

Subpart A—General

§ 159.1 Applicability.

(a) This part prescribes the rules governing the use and occupancy of the following airports (in this part referred to as "the Airport"):

(1) Washington National Airport as described in section 1602 of Title 2, District of Columbia Code; and

(2) Dulles International Airport, consisting of the land, and the buildings and facilities on that land, located in Fairfax and Loudoun counties, Virginia, the land having been acquired in Civil No. 1638M, and Civil No. 1902M, United States District Court for the Eastern District of Virginia, Alexandria Division.

(b) The Director of the Bureau of National Capital Airports and each Manager of an Airport described in paragraph (a) of this section may issue such orders and instructions as are necessary for administering this part.

§ 159.3 Motor vehicles carrying passengers for hire.

(a) Except as otherwise specifically authorized by the Administrator, no person may operate a vehicle that is carrying passengers for hire from the Airport unless he has a permit from the Airport Manager.

(b) Except for discharging passengers and as otherwise directed by the Airport Manager, no person may park, on the Airport, a vehicle used for the purpose of carrying passengers for hire unless he has a permit from the Airport Manager.

(c) Except with the specific approval of the Airport Manager under conditions prescribed by him, no person may, on the Airport, solicit or invite any person to ride in a vehicle used for the purpose of carrying passengers for hire, either by driving slowly past a loading entrance to an Airport building or by any other act or the speaking of words that are intended to induce that person to engage the vehicle.

(d) Each person who requests a permit to operate, on the Airport, a vehicle used for the purpose of carrying passengers for hire must apply in writing to the Manager. The application must contain—

(1) The applicant's name and address;

(2) The make, model, and license number of the vehicle to be used;

(3) A description, and the serial or other identifying number, of each permit or license that the applicant has for operating that vehicle; and

(4) A list, and the serial or other identifying number of each public liability insurance policy carried by the applicant, the names of the insurance companies that issued them, and their expiration dates.

(e) Upon receiving an application under paragraph (d) of this section, the Airport Manager may issue a permit, authorizing the holder to operate, on the Airport, a vehicle used for the purpose of carrying passengers for hire. The Manager may, in his discretion, revoke such a permit at any time.

§ 159.5 Lost articles.

Each person who finds a lost article on the Airport shall deposit it at the office of the Airport police branch. If the article is not claimed by its owner within 90 days after it is deposited, it may be returned to the finder.

Subpart B—Motor Vehicle Rules

§ 159.11 General.

(a) Pursuant to section 13 of Title 18, United States Code, unless otherwise provided in this part, the laws of the Commonwealth of Virginia relating to the operation of motor vehicles on the public highways thereof, apply to the operation of motor vehicles on the Airport.

(b) Except under special directions by an authorized employee of the Airport, each person operating a motor vehicle on the Airport shall follow the general rules prescribed by the Airport Manager, this part, and applicable laws.

§ 159.13 Special operating rules.

(a) No person may operate a motor vehicle on the landing area, ramp, or trucking concourse in the terminal building, unless—

(1) The vehicle has been inspected and approved by the Airport Manager or his agent; and

(2) That person holds a current operator's permit issued by the Airport Manager.

(b) The Airport Manager may issue a motor vehicle operator permit to any competent operator that he considers necessary for the safe and efficient operation of the Airport. The Manager may, in his discretion, revoke such a permit at any time.

(c) No person may operate a two-wheeled motor vehicle on the landing area, or ramp on the Airport.

§ 159.15 Operator's license.

(a) No person may operate any motor vehicle on an Airport road unless he holds a current operator's license issued by a political jurisdiction or any agency of the United States.

(b) No person may operate any FAA motor vehicle on the Airport, unless he holds a current FAA operator's certificate.

§ 159.17 Speed.

(a) Unless otherwise authorized by the Airport Manager, no person may operate a motor vehicle at a speed—

(1) Of more than six miles an hour in the baggage concourse in the terminal building;

(2) Of more than 15 miles an hour on any apron or ramp;

(3) Of more than 25 miles an hour on any taxiway, runway, restricted service road, or other aircraft movement area other than the apron or ramp; or

(4) Higher than the speed limit prescribed and posted by the Airport Manager on any area of the Airport not covered by subparagraph (1) through (3) of this paragraph.

(b) No person may operate a motor vehicle on the Airport in a careless or reckless manner.

(c) Each person operating a motor vehicle on the Airport shall operate it so as to have it under safe control at all times, weather and traffic conditions considered.

§ 159.19 Passenger's occupancy.

Except in a vehicle designed to carry passengers in such a manner, no person may, while on the Airport, ride on the running board of a moving motor vehicle, stand up in the body of a moving motor vehicle, ride on the outside of the body of a moving motor vehicle, or ride on such a vehicle with his arms or legs protruding from the body of the vehicle.

§ 159.21 Emergency vehicles; right-of-way.

Upon the approach of a police, ambulance, fire department, or other emergency vehicle giving an audible signal that it is on an emergency call, each person operating another vehicle on any road on the Airport shall immediately drive his vehicle parallel with, and as near as possible to, the right hand edge of the road, clear of all intersections, and stay there until the emergency vehicle has stopped or passed, unless otherwise directed by an Airport police officer.

§ 159.23 Parking.

(a) No person may park or stand a motor vehicle on the Airport except in an area specifically designated for parking or standing.

(b) No person may park a motor vehicle in any area on the Airport for a period longer than is prescribed for that area by the Airport Manager.

(c) No person may park a motor vehicle on the Airport, except in an attended parking area, for a period longer than 72 hours, without the specific approval of the Manager.

(d) No person may park a motor vehicle in a metered parking space on the Airport without depositing the required amount of money (for the time stated on the meter) in the parking meter controlling that space. If, during the time a motor vehicle is parked in a space controlled by a meter, the meter shows that there is a violation, the owner or operator of the vehicle is violating this paragraph unless he shows that the meter was not working properly.

(e) No person may park a motor vehicle on the Airport in an area requiring payment for parking unless he pays the required amount.

(f) No person may park a motor vehicle in a restricted or reserved area on the Airport unless he displays, in the manner prescribed by the Manager, a parking permit issued by the Manager for that area.

(g) No person may double park a motor vehicle on any road on the Airport. For the purposes of this paragraph, parking a vehicle at such a distance from the curb that another vehicle could park between it and the curb, is considered to be double parking.

(h) No person may abandon a motor vehicle on the Airport.

(i) No person may park a motor vehicle on the Airport, in a space marked for the parking of vehicles, in a manner to occupy a part of another marked space.

(j) No person may leave a motor vehicle standing unattended or parked on the Airport with a key in the ignition switch, the motor running, a key in the door lock, or an open door.

(k) No person may park or stand a motor vehicle at any place on the Airport in violation of any sign posted by the Manager.

(l) No person may park or stand a motor vehicle within 10 feet of a fire hydrant on the Airport.

§ 159.25 Accident reports.

Each person involved in an accident between a motor vehicle and an aircraft, or in any other motor vehicle accident, on the Airport, that results in personal injury or in total property damages of more than $50, shall report it fully to the nearest Airport police office as soon as possible after the accident. The report must include the name and address of the person reporting.

§ 159.27 Repair of motor vehicles.

(a) Except for persons authorized by the Airport Manager and except for minor repairs necessary to move the vehicle from the Airport, no person may clean or repair a motor vehicle on a road or in a parking area of the Airport.

(b) No person may, on the Airport, move or interfere or tamper with any motor vehicle, put its motor into motion, or take or use any part, instrument, or tool of it, unless he has the permission of the owner or presents satisfactory evidence to the Manager of his right to do so.

§ 159.29 Busses.

No person operating a motor bus for hire may load or unload passengers at the Airport at a place other than that designated by the Airport Manager.

§ 159.31 Moving of motor vehicles.

The Airport Manager or his agent may tow away or otherwise move any motor vehicle on the Airport that is parked in violation of the regulations of the Airport, if the Manager or his agent determines that it is a nuisance or hazard. The Manager may charge a reasonable amount for the moving service and for the storage of the vehicle, if any. The vehicle is subject to a lien for that charge.

§ 159.33 License tags.

No person may operate, stand, or park a motor vehicle on any road or parking area on the Airport unless it has current license tags issued by an appropriate authority. Any motor vehicle that is found standing or parked on the Airport in violation of this section may be impounded by an Airport police officer and removed to the Airport police station or another area of the Airport designated for that purpose by the Airport Manager.

Subpart C—Aircraft Rules

§ 159.41 Confinement of aircraft operations.

No person may operate an aircraft on the Airport except on a hard surface area unless otherwise authorized by the air traffic control tower. No person may use a taxi strip on the Airport for a takeoff or landing.

§ 159.43 Parking of aircraft.

No person may park an aircraft in any area on the Airport other than that prescribed by the Airport Manager or his authorized representative. No employee of the FAA may make the United States responsible for the care or protection of any aircraft (other than of the United States) that is parked on the Airport.

§ 159.45 Payment for services.

Unless satisfactory credit arrangements have been made, a person who has used Airport facilities, or who owes for storage supplies, repairs, or other services by the Airport, must pay for them before takeoff.

§ 159.47 Disabled aircraft.

The owner of an aircraft or part thereof that is disabled shall have it promptly repaired or moved from the Airport unless he is required to delay it pending investigation of an accident. If he does not remove it within a reasonable time, the Airport Manager may remove it at the owner's expense and without liability for additional damage resulting from the removal.

§ 159.49 Accident reports.

(a) Each operator of an aircraft that is involved in an accident on the Airport shall report it fully to the Airport Manager within 24 hours after the accident. The report must include the name and address of the person reporting.

(b) In a case where a written report of the accident is otherwise required, a copy of that report may be given to the Manager instead of the one required by paragraph (a) of this section.

§ 159.51 Refusal of clearance.

The Airport Manager may delay or restrict any flight or other aircraft operation at the Airport for any reason that he considers justifiable.

§ 159.53 Private pilot license.

To be eligible to operate aircraft on the Airport, a pilot must hold at least a private pilot certificate.

§ 159.55 Registration of aircraft.

The pilot of each aircraft whose owner or lessee does not have a contract with the United States for the aircraft to use the Airport, shall register at the operations office on the Airport immediately upon landing and shall report to the operations office before taking off.

§ 159.57 Demonstrations.

No person may give a flight or ground demonstration on the Airport, and no person may bring an aircraft to the Airport for an aerial demonstration within the Airport control zone without the specific approval of the Airport Man-

ager. This section does not apply to courtesy flights, with new equipment, by air carriers.

§ 159.59 Aircraft equipment and operation rules.

(a) Except when authorized by the Airport Manager, no person may operate a fixed-wing aircraft on the Airport unless it has a tail or nose wheel and wheel brakes.

(b) If the pilot of an aircraft that does not have adequate brakes is authorized by the Airport Manager to taxi his aircraft, he may not taxi it near a building or a parked aircraft unless there is an attendant at the wing of his aircraft to help him.

(c) Notwithstanding paragraphs (a) and (b) of this section, an aircraft that has wings and tail higher than five feet from the ground and does not have adequate brakes, may not be taxied on the Airport under any conditions, and must be towed if it is necessary to move it.

§ 159.61 Taxiing rules.

(a) No person may move an aircraft on the Airport in a careless or reckless manner.

(b) No person may start or run an engine in an aircraft on the Airport unless there is a competent person in the aircraft at the engine controls, and unless blocks have been placed in front of the wheels or the aircraft has adequate parking brakes.

(c) No person may run an engine of an aircraft parked on the Airport in a manner that damages any other property or aircraft, or that blows paper, dirt, or other material across taxiways or runway, so as to endanger the safety of operation on the Airport.

(d) Each person operating an aircraft on a part of the Airport that is not under the direction of air traffic control shall comply with the orders, signals, and directions of the authorized representative of the Airport Manager.

(e) No person may start or taxi any aircraft on the Airport in a place where the exhaust blast is likely to cause injury to persons or property. If the aircraft cannot be taxied without violating this paragraph, the operator must have it towed to the desired destination.

(f) Each person operating a large propeller-driven aircraft shall lower its flaps when taxiing out of an aircraft gate position.

(g) No person may move a rotorcraft at a place on the Airport (other than a heliport) while its rotors are turning unless there is a clear area of at least 50 feet from the outer tip of each rotor. No person may move a rotorcraft at a heliport while its rotors are turning unless there is a clear area of at least 20 feet from the outer tip of each rotor.

§ 159.63 Use of gate positions.

(a) No person may use an aircraft gate position on the Airport unless he has been authorized to use it.

(b) Except in an emergency, no person may enplane or deplane passengers on the Airport in an area that has not been established for that purpose by the Airport Manager.

(c) No person operating a private, itinerant, nonscheduled, or military aircraft may park, stand, unload passengers, obstruct or attempt to use any aircraft gate position assigned to a scheduled air carrier, without the advance approval of the Airport Manager.

(d) Except when specifically authorized by the Airport Manager, no person may double park an aircraft at a passenger gate.

(e) No person may enplane or deplane passengers from a double parked aircraft through any gate other than the gate at which the aircraft is parked.

(f) Each person operating a jet aircraft on the Airport shall use only the gates designated by the Airport Manager for jet aircraft.

Subpart D—Rules of Conduct

§ 159.71 Applicable laws.

Pursuant to section 13 of Title 18, United States Code, and except as otherwise provided in this part, the criminal laws of Virginia relating to the following apply on the Airport:

(a) Disorderly conduct.
(b) Gambling.
(c) Obscene literature.

§ 159.73 Sanitation.

(a) No person may release, deposit, blow, or spread any bodily discharge on the floor, wall, partition, furniture, or any other part of a public comfort station, terminal building, hangar, or other building on the Airport, other than directly into a fixture provided for that purpose.

(b) No person may place any foreign object in any plumbing fixture of a public comfort station, terminal building, hangar, or other building on the Airport.

(c) No person may dispose of sewerage, garbage, refuse, paper, or other material on the Airport except in a receptacle provided for that purpose.

(d) No person may eat food or drink a beverage on the Airport except in areas specifically designed for that purpose.

§ 159.75 Preservation of property.

No person may, without the specific permission of the Airport Manager:

(a) Destroy, injure, deface, or disturb any building, sign, equipment, marker, or other structure, tree, flower, lawn, or other public property on the Airport;

(b) Walk on a lawn or seeded area of the Airport;

(c) Alter, add to, or erect any building on the Airport;

(d) Make an excavation on the Airport; or

(e) Willfully abandon any personal property on the Airport.

§ 159.77 Airport and equipment.

No person may interfere or tamper with, or injure, any part of the Airport or its equipment.

§ 159.79 Dangerous objects.

(a) No person except a Peace Officer, an authorized post office, Airport, or air carrier employee, or a member of an Armed Force on official duty, may carry any weapon, explosive, or inflammable material on or about his person, openly or concealed, on the Airport without the written permission of the Airport Manager.

(b) No person may furnish, give, sell, or trade a weapon on the Airport.

(c) For the purposes of this section a weapon includes a gun, dirk, bowie knife, black jack, switch blade knife, slingshot, or metal knuckles.

§ 159.81 Coin-operated machines.

No person may, on the Airport:

(a) Use or attempt to use a coin-operated machine that requires the deposit of a coin for its use, without first depositing the coins required by the instructions on the machine;

(b) Place or attempt to place, in a coin-operated machine, a slug, foreign coin, or object other than the coin required by the instructions on the machine; or

(c) Pass through, over, or under a turnstile that requires the deposit of a coin for its use, without first depositing the required coin in the turnstile.

§ 159.83 False report.

No person may make a false report of conduct on, or the operation or use of, the Airport to the Airport Manager or any Airport police officer.

§ 159.85 Interfering or tampering with aircraft.

No person may interfere or tamper with an aircraft on the Airport or put its engine in motion, or use any aircraft, aircraft parts, instruments, or tools on the Airport, without the permission of the owner.

§ 159.87 Repairing of aircraft.

No person may repair an aircraft, aircraft engine, propeller, or apparatus in an area of the Airport other than that specifically designated for that purpose by the Airport Manager. However, this does not prevent a minor adjustment being made while the aircraft is on a loading ramp preparing to takeoff, if the adjustment is necessary to prevent a delayed takeoff.

§ 159.89 Restricted areas.

(a) Except as otherwise provided in this part, no person may, without the written permission of the Airport Manager, enter any restricted area on the Airport that is posted as closed to the public.

(b) No person may enter the aerodrome, the control tower, any hangar, the apron, or any other part of the Airport specified by the Airport Manager except—

(1) A person assigned to duty at that place;

(2) An authorized representative of the Administrator or the Civil Aeronautics Board;

(3) A passenger who, under appropriate supervision, is entering the apron to embark or debark; or

(4) Any other person authorized by the Manager, or by a tenant for an area he occupies.

§ 159.91 Business or commercial activity.

(a) No person may engage in any business or commercial activity on the

Airport without the approval of, and under terms prescribed by, the Administrator or the Airport Manager.

(b) No person may, on the Airport, solicit fares, alms, or funds, for any purpose without the permission of the Airport Manager.

(c) No person may make a sale, expose an article for sale, or charge an admission fee, on the Airport without the permission of the Airport Manager, except under a contract between that person and the United States.

§ 159.93 Advertising.

No person may post, distribute, or display, a sign, advertisement, circular, or other written or printed matter on the Airport without the permission of the Airport Manager, except under a contract between that person and the United States.

§ 159.95 Commercial photography.

(a) Except as provided in paragraph (b) of this section, no person may take a still, motion, or sound picture on the Airport for commercial purposes without the permission of the Administrator.

(b) The Airport Manager may allow any of the following to take pictures on the Airport for commercial purposes:

(1) Professional photographers and motion picture cameramen photographing events on the Airport as representatives of news concerns or bona fide news publications.

(2) Professional photographers and motion picture cameramen photographing events at the Airport, for nonprofit exhibit, to stimulate interest in air commerce or travel, or for nonprofit educational purposes.

(3) Professional photographers photographing scenes on the Airport for general artistic purposes.

§ 159.97 Use of roads and walks.

(a) No person may travel on the Airport except on a road, walk, or other place provided for the kind of travel he is doing.

(b) No person may occupy or place an object on a road or walk on the Airport in a manner that hinders or obstructs its proper use.

(c) No person may walk in a picket line as a picket or take part in a labor or other public demonstration on any part of the Airport except a place specifically assigned by the Airport Manager for picket lines or other public demonstrations.

(d) No person may operate any vehicle for the disposal of garbage, ashes or other waste material on the Airport without the approval of the Airport Manager.

§ 159.99 Animals.

(a) No person may enter the Airport with a domestic or wild animal without the written permission of the Airport Manager, except a:

(1) Person entering any part of the Airport (other than the terminal building, gate loading area, or other restricted area) with a domestic animal that is kept restrained by a leash or is confined so as to be completely under control;

(2) Person entering the terminal building or gate loading area with a small domestic animal (such as a dog or cat) that is to be transported by air and is kept restrained by a leash or is confined so as to be completely under control; or

(3) Blind person entering the terminal building or gate loading area with a seeing-eye dog.

(b) No person may hunt, pursue, trap, catch, injure, or kill any bird or animal on the Airport, except when specifically authorized by the Airport Manager.

§ 159.101 Loitering.

No person may loiter or loaf on any part of the Airport. If a loitering or loafing person is told by an Airport police officer to move on or leave the Airport, he shall do so.

§ 159.103 Drugs.

(a) Except for a physician or pharmacist licensed to practice by a State, possession, or the District of Columbia, no person, while on the Airport, may prescribe, dispense, sell, give away, offer to sell, or administer any dangerous drug, or have such a drug in his possession, with intent to sell, give away, or administer it.

(b) For the purpose of this section "dangerous drug" means any drug defined as a dangerous drug in section 54.440 of the Virginia Code, 1950.

§ 159.105 Games.

No person may, on the Airport, practice or play football, baseball, golf, tennis, bandy, hockey, shinny, or any other game in which a ball, stone, or other substance is thrown, struck, or otherwise propelled, except during a period and in an area designated by the Airport Manager for playing that game.

§ 159.107 Use of Airport and airspace.

(a) No person who has been denied the use of the Airport by the Airport Manager may enter on or use the Airport except while traveling through as a passenger in an interstate bus or taxi or while embarking or debarking as a passenger on an aircraft operating on the Airport.

(b) No person, except an employee of the United States performing his official duties or a person who has the specific permission of the Airport Manager, may prepare to operate, operate, or release a kite, parachute, or balloon, model aircraft, or rocket on the Airport.

§ 159.109 Impersonation.

No person, except a member of the Bureau of National Capital Airports Police Force, may:

(a) Represent himself as a member of that Force;

(b) Assume or exercise the functions, powers, duties, or privileges of a member of that Force; or

(c) Wear or have in his possession a badge, uniform, or other insignia that is, or purports to be, that worn by a member of the Force.

§ 159.111 Forgery and counterfeiting.

No person may make, possess, use, offer for sale, sell, barter, exchange, pass, or deliver any forged, counterfeit, or falsely altered ticket, permit, certificate, placard, sign, or other authorization or direction purporting to be issued by or on behalf of the Administrator or the Airport Manager in controlling, operating, maintaining, or protecting the Airport.

Subpart E—Fire Hazards and Fueling Operations

§ 159.121 Cleaning fluids.

(a) Except as provided in paragraph (b) of this section, no person may use a flammable volatile liquid having a flash point of less than 110 degrees Fahrenheit for cleaning purposes in a hangar or other building on the Airport.

(b) No person may use a flammable volatile liquid having a flash point of less than 110 degrees Fahrenheit to clean an aircraft, aircraft engine, propeller, or appliance, on the Airport, unless it is done in the open air or in a room specifically set aside for that purpose. If a room is used, it must be fireproofed, be equipped with automatic sprinklers, and have adequate and readily accessible fire extinguishing apparatus.

§ 159.123 Open-flame operations.

No person may conduct an open-flame operation on the Airport without the specific permission of the Airport Manager.

§ 159.125 Smoking.

No person may smoke on any Airport apron or ramps, in any hangar or shop, in any aircraft on the Airport, or in any other place on the Airport where smoking is specifically prohibited by the Airport Manager.

§ 159.127 Storage.

(a) No person may store or stock material or equipment on the Airport in a manner that constitutes a fire hazard.

(b) No person may keep or store any flammable liquid, gas, signal flare, or other similar material in a hangar or other building on the Airport. However, such a material may be kept in an aircraft in proper receptacles, in rooms or areas specifically approved for that storage by the Airport Manager, or in safety cans approved by appropriate insurance underwriters.

(c) No person may keep or store lubricating or waste oils in or about a hangar, except in a room specifically designated for oil storage. However, not more than a 12-hour supply of lubricating oil may be kept in or about a hangar in containers or receptacles approved by appropriate insurance underwriters.

(d) Each lessee of a hangar on the Airport shall provide suitable metal receptacles, with self-closing covers, for storing waste, rags, and other rubbish, and shall remove all rubbish from its premises each day.

§ 159.129 Apron surface areas and floor surfaces.

(a) Each person to whom space on the Airport is leased, assigned, or made available for use shall keep the space free and clear of oil, grease, or other foreign materials that could cause a fire hazard or a slippery or otherwise unsafe condition.

(b) No person may use any material (such as oil absorbents or similar material) that creates an eye hazard when picked up, swirled, or blown about by the blast from an aircraft engine in any passenger loading area or other public area.

§ 159.131 Doping.

(a) No person may conduct a doping process on the Airport except in a properly designed, fireproof, and ventilated room or building in which all lights, wiring, heating, ventilation equipment, switches, outlets, and fixtures are explosion-proof, spark-proof, and vapor-proof, and in which all windows and doors are easily opened.

(b) No person may enter or work in a dope room while doping processes are being conducted unless he is wearing spark-proof shoes.

§ 159.133 Fueling operations.

(a) No person may fuel or defuel an aircraft on the Airport while:

(1) Its engine is running or is being warmed by applying external heat;

(2) It is in a hangar or enclosed space;

(3) It is within 50 feet of any hangar or other building on the Airport; or

(4) Passengers are in the aircraft, unless a passenger loading ramp is in place at the cabin door, the door is open, and a cabin attendant is at or near the door.

(b) No person other than those covered by subparagraph (4) of paragraph (a) and those persons necessarily engaged in the fueling or defueling may be within 100 feet of an aircraft that is being fueled or defueled.

(c) No person may start the engine of an aircraft on the Airport if there is any gasoline or other volatile flammable liquid on the ground underneath it.

(d) No person may operate a radio transmitter or receiver, or switch electrical appliances on or off, in an aircraft on the Airport, while it is being fueled or defueled.

(e) During the fueling of an aircraft, on the Airport, the dispensing apparatus and the aircraft must both be grounded in accordance with orders and instructions of the Airport Manager.

(f) Each person engaged in fueling or defueling, on the Airport, shall exercise care to prevent the overflow of fuel, and must have readily accessible and adequate fire extinguishers.

(g) During the fueling or defueling of an aircraft, on the Airport, no person may, within 50 feet of that aircraft, smoke or use any material that is likely to cause a spark or be a source of ignition.

(h) Each hose, funnel, or appurtenance used in fueling or defueling an aircraft on the Airport must be maintained in a safe, sound, and nonleaking condition and must be properly grounded to prevent ignition of volatile liquids.

§ 159.135 Radio operation.

No person may operate any radio equipment in an aircraft while the aircraft is in a hangar on the Airport if any maintenance work, other than radio maintenance, is being done on that aircraft.

§ 159.137 Operating motor vehicles in hangar.

No person may, in any hangar on the Airport, operate a motor scooter, truck, or other motor vehicle, except a tractor with its exhaust protected by screens or baffles to prevent sparks from escaping or the propagation of flame.

§ 159.139 Grounding of aircraft in hangars.

No person may park an aircraft in any hangar or other structure on the Airport unless the aircraft is grounded in accordance with the orders and instructions of the Airport Manager.

§ 159.141 Runway foaming services.

Each operator of an aircraft for which runway foaming services are provided on the Airport at his request shall pay the expenses arising from providing those services.

Subpart F—Obligations of Tenants

§ 159.151 Use of premises.

No lessee of Airport property may knowingly allow that property to be used or occupied for any purpose prohibited by this part.

§ 159.153 Trash containers.

(a) No tenant, lessee, concessionaire, or agent of any of them, doing business on the Airport, may keep uncovered trash containers on a sidewalk or road, or in a public area, of the Airport.

(b) No person may operate an uncovered vehicle to haul trash on the Airport.

(c) No person may operate a vehicle for hauling trash, dirt, or any other material on the Airport unless it is built to prevent its contents from dropping, sifting, leaking, or otherwise escaping.

(d) No person may spill dirt or any other material from a vehicle operated on the Airport.

§ 159.155 Bulletin boards.

Each lessee of a hangar or other operational area specified by the Airport Manager on the Airport shall maintain a bulletin board in a conspicuous place in his hangar or area. He shall post on that board current workmen's compensation notices, a list of competent physicians, a list of his liability insurance carriers, a copy of this part, and a copy of each pertinent order or instruction issued under this part.

§ 159.157 Storage of equipment.

No tenant or lessee of a hangar, shop facility, or other operational area specified by the Airport Manager on the Airport may store or stack equipment or material in a manner to be a hazard to persons or property.

§ 159.159 Fire apparatus.

Each tenant or lessee of a hangar, shop facility, or other operational area specified by the Airport Manager on the Airport shall supply and maintain adequate and readily accessible fire extinguishers, approved by fire underwriters for the hazard involved, that the Airport Manager considers necessary.

Each tenant or lessee of a hangar or shop facility on the Airport shall supply and maintain adequate and readily accessible fire extinguishers, approved by fire underwriters for the hazard involved, that the Airport Manager considers necessary.

§ 159.161 Discrimination or segregation.

All services performed in operating a facility at the Airport must be without discrimination or segregation as to race, creed, color, or national origin.

Subpart G—Enforcement

§ 159.171 Penalties.

(a) Each person who willfully and knowingly violates a rule prescribed in this Part, or an order or instruction issued under this Part, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $500, or imprisoned for not more than six months, or both.

(b) In addition to the penalties prescribed in paragraph (a) of this section, the Airport Manager may remove or eject any person from the Airport, if that person willfully and knowingly violates a rule prescribed in this Part, or an order or instruction issued by the Manager under this Part or any applicable State or Federal law. The Manager may deny the use of the Airport and its facilities to such a person if the Manager determines that the denial is necessary under the circumstances.

[F.R. Doc. 62-9487; Filed, Sept. 21, 1962; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-CE-22]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation and Revocation of Federal Airways and Associated Control Areas

On June 22, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5913) stating that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 285 and its associated control areas from Kokomo, Ind., to Goshen, Ind., and to revoke low altitude Blue Federal airway No. 3, its associated control areas and reporting points between Kokomo and Goshen. Subsequent to publication of the notice, the reporting points associated with Blue 3, were revoked. (Airspace Docket No. 62-WA-59, 27 F.R. 5759.)

The Air Transport Association of America concurred with the proposed amendment. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.603 [Revocation]

1. In part 600 (14 CFR Part 600) § 600.603 *Blue Federal airway No. 3 (Kokomo, Ind., to Goshen, Ind.).* is revoked.

2. In Part 600 (14 CFR Part 600) the following is added:

§ 600.6285 VOR Federal airway No. 285 (Kokomo, Ind., to Goshen, Ind.).

From the Kokomo, Ind., VOR via the INT of the Kokomo VOR 012° and the Goshen, Ind., VOR 168° radials; to the Goshen VOR.

§ 601.603 [Revocation]

3. In Part 601 (14 CFR Part 601) § 601.603 *Blue Federal airway No. 3 control areas (Kokomo, Ind., to Goshen, Ind.).* is revoked.

4. In Part 601 (14 CFR Part 601) the following is added:

§ 601.6285 VOR Federal airway No. 285 control areas (Kokomo, Ind., to Goshen, Ind.).

All of VOR Federal airway No. 285.

These amendments shall become effective 0001 e.s.t., November 15, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 17, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9464; Filed, Sept. 21, 1962; 8:45 a.m.]

[Airspace Docket No. 61-LA-37]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

On July 19, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 6845) stating that the Federal Aviation Agency proposed to designate a control zone at NAAS Ream Field, Calif.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2517 NAAS Ream Field, Calif., control zone.

Within a 3-mile radius of NAAS Ream Field (lat. 32°34'00" N., long. 117°06'50" W.), and the airspace W of Ream Field within the arc of a 6-mile radius circle centered on the Ream Field TACAN extending counterclockwise from a line 2 miles N of and parallel to the Ream Field TACAN 288° radial to the United States/Mexican Flight Information Region boundary, excluding the portion within the San Diego, Calif., control zone (§ 601.2186), and the portion under the jurisdiction of Mexico.

This amendment shall become effective 0001 e.s.t., November 15, 1962.

(Sec. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on September 17, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9463; Filed, Sept. 21, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SAFROLE-FREE EXTRACT OF SASSAFRAS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Meer Corporation, 318 West Forty-sixth Street, New York 36, New York, and other relevant material, has concluded that the following regulation should issue with respect to the food additive safrole-free extract of sassafras as a flavoring agent in food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1097 Safrole-free extract of sassafras.

The food additive safrole-free extract of sassafras may be safely used in accordance with the following prescribed conditions:

(a) The additive is the aqueous extract obtained from the root bark of the plant *Sassafras albidum* (Nuttall) Nees (Fam. *Lauraceae*).

(b) It is obtained by extracting the bark with dilute alcohol, first concentrating the alcoholic solution by vacuum distillation, then diluting the concentrate with water and discarding the oily fraction.

(c) The purified aqueous extract is safrole-free.

(d) It is used as a flavoring in food.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 18, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-9484; Filed, Sept. 21, 1962; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

In § 200.71 the introductory text is amended to read as follows:

§ 200.71 Director of the General Services Division and Deputy.

To the position of Director of the General Services Division and under his general supervision to the position of Deputy Director of the General Services Division, and with respect to paragraphs (b) and (h) of this section to the position of Chief of the Procurement and Property Section there is delegated the following basic authority and functions:

In § 200.81 paragraph (c)(1) is amended to read as follows:

§ 200.81 Assistant Commissioner for Property Disposition and Deputy.

* * * * * *

(c) * * *

(1) Approve offers to rent or purchase, except that offers to purchase 12 or more living units acquired by the Commissioner under any title of the Act shall be subject to the approval of the Property Disposition Committee.

In § 200.95 paragraphs (u) and (v) are amended to read as follows:

§ 200.95 Field Office Chiefs of Operations.

* * * * *

(u) In connection with the sale, rental or management of acquired properties, to execute contracts for supplies and services and to issue orders for the publication of notices and advertisements in newspapers, magazines, and periodicals, all in accordance with the provisions of the FHA Manual.

(v) To approve offers to rent or purchase individually acquired 1- to 4-family units and to execute contracts for the sale of any properties and projects owned by the Federal Housing Commissioner upon approval of any such sale by competent authority.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., September 14, 1962.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 62-9488; Filed, Sept. 21, 1962; 8:50 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 616—BUTTON, JEWELRY, AND LAPIDARY WORK INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), and by means of Administrative Order No. 562 (27 F.R. 6096), the Secretary of Labor appointed and convened Industry Committee No. 53–A. Administrative Order No. 562 referred to Industry Committee No. 53–A the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the button, jewelry, and lapidary work industry in Puerto Rico, as defined in that Order, and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Excluded from the matters referred to Industry Committee No. 53–A were the activities described in 29 CFR 616.2 (e) and (f). The minimum wage rate for those activities equals that prescribed in section 6(a)(1) of the Act.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 53–A are hereinafter published in paragraphs (a), (b), (c), (d), (g), (h), (i), and (j) of § 616.2 in this revision of 29 CFR Part 616.

Effective October 7, 1962, 29 CFR Part 616 is hereby revised to read as follows:

Sec.
616.1 Definition.
616.2 Wage rates.
616.3 Notices.

AUTHORITY: §§ 616.1 to 616.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 616.1 Definition.

The button, jewelry, and lapidary work industry in Puerto Rico, to which this part shall apply, is defined as the manufacture from any material of buttons, buckles, jewelry (including rosaries), jewelry findings (including beads), and hair ornaments and accessories; and the processing of natural or synthetic stones for jewelry or industrial use.

§ 616.2 Wage rates.

(a) Wages at a rate of not less than 56 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce and who is engaged in the rosary and native jewelry classification of that industry, which is defined as the assembling of rosaries and the manufacture of novelty jewelry from materials wholly or in major part of local origin such as seeds, shells, natural fibers, and similar materials.

(b) Wages at a rate of not less than 95 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce and who is engaged in the hair ornaments classification of that industry, which is defined as the manufacture of hair ornaments such as combs, clips, or barrettes decorated or ornamented with precious metals or with natural or imitation stones or pearls.

(c) Wages at a rate of not less than 88 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and who is engaged in the hair accessories classification of that industry, which is defined as the manufacture from any material of bobby pins, hair clips, hair curlers, hair wavers, and other hair accessories, and the manufacture of hair ornaments other than those decorated or ornamented with precious metals or with natural or imitation stones or pearls.

(d) Wages at a rate of not less than 74 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce and who is engaged in the button and buckle classification of that industry, which is defined as the manufacture from any material of buttons and buckles.

(e) Wages at a rate of not less than $1.15 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and who is engaged in the industrial jewel and precious jewelry classification of that industry, which is defined as the sawing, cutting, grinding, polishing, and other processing of natural or synthetic jewels for industrial use, including, but without limitation, jewel bearings, industrial diamonds, and the processing of precious and synthetic stones as components of phonograph needles and the attachment of such jewels to metal phonograph needle components, but not including the production of such metal components; and the manufacture of jewelry and other personal ornaments from precious metals with or without precious stones.

(f) Wages at a rate of not less than $1.15 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce and who is engaged in the gem stone classification of that industry, which is defined as the sawing, cutting, grinding, polishing, and other processing of gem diamonds, other precious and semiprecious stones, and synthetic stones used for decorative purposes.

(g) Wages at a rate of not less than $1.00 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce and who is engaged in the metal expansion watch band classification of that industry, which is defined as the fabrication or partial fabrication of metal expansion bands or expansion bracelets for watches or other uses.

(h) Wages at a rate of not less than 82 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce and who is engaged in the general classification of that industry, which is defined as the manufacture of all products not specifically included in any other classification of this industry.

(i) Wages at a rate of not less than 77 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce and who is engaged in the plastic costume jewelry classification of that industry, which is defined as the manufacture or assembly of all types of costume jewelry and jewelry findings made wholly or in major part from plastic materials, and including the pearlizing of buttons, beads, and costume jewelry and the stringing of pearlized beads.

(j) Wages at a rate of not less than 77 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary new coverage classification of the button, jewelry, and lapidary work industry in Puerto Rico, who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all activities of employees in this industry covered by the Act only by reason of the Fair Labor Standards Amendments of 1961.

§ 616.3 Notices.

Every employer subject to the provisions of § 616.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 616.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 18th day of September 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-9493; Filed, Sept. 21, 1962; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 728—MEDICAL CARE FOR ELIGIBLE PERSONS AT NAVAL MEDICAL FACILITIES

Miscellaneous Amendments

1. Section 728.67(g) is revised to read as follows:

§ 728.67 Beneficiaries of the Department of State; officers and employees of the Foreign Service and their dependents.

* * * * *

(g) *Charges and collections.* All charges and collections for beneficiaries of the State Department shall be made at the activity level for BUMED managed and non-BUMED managed activities. Charges for inpatient and outpatient care shall be in accordance with the rates prescribed in BUMED Instruction 6320.4 series.

2. The chart in section 728.83 is revised to read as follows (the introductory paragraph and the footnotes remain unchanged):

§ 728.83 Chart of adjuncts to medical care.

* * * * *

Item	Active duty members of the uniformed services	Retired members of the uniformed services	Dependents	Beneficiary of other Federal agencies to whom reimbursement applies
Artificial limbs	Yes	Yes	No	Yes.[4]
Joint braces	Yes	Yes	No	Yes.
Orthopedic shoes	Yes	Yes	No	No.
Spectacles [3]	Yes	Yes	No	No.
Contact lens [3]	Yes [5]	Yes [5]	No	Na.
Artificial eyes	Yes	Yes	No	Yes.
Cosmetic restorations	Yes	Yes	No	No.
Hearing aids [10]	Yes	Yes	No	No.
Replacement parts for hearing aids	Yes	Yes [7]	No	No.
Wheel chairs [8]	Yes	Yes	Yes	Yes.
Crutches [8]	Yes	Yes	Yes	Yes.

* * * * *

3. Section 728.92(f) is revised to read as follows:

§ 728.92 Rates.

* * * * *

(f) *Examination.* This rate is contained in BUMED Instruction 6320.4 series.

(R.S. 161, 4807, sec. 4, 57 Stat. 81, secs. 5031, 5537, 6148, 70A Stat. 278, 319, 375, 383, secs. 1071–1085, 72 Stat. 1445–1450, as amended; 5 U.S.C. 22, 10 U.S.C. 1071–1085, 5031, 5537, 6148, 24 U.S.C. 15, 34)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, JR.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

SEPTEMBER 17, 1962.

[F.R. Doc. 62-9473; Filed, Sept. 21, 1962; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-963]

PART 0—COMMISSION ORGANIZATION

Office of Chief Engineer

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of September 1962;

The Commission having under consideration the organization and functions of its Office of Chief Engineer and the Report dated March 23, 1962, to the Bureau of the Budget by Booz, Allen and Hamilton concerning its management survey of the Federal Communications Commission; and

It appearing that greater efficiency in the Commission's operations would be promoted and the public interest would be served by organizational and functional changes in the Office of Chief Engineer which are ordered herein; and

It further appearing that authority for the internal organizational and functional changes herein ordered is contained in sections 4(i) and 5 of the Communications Act of 1934, as amended, and that such changes are not subject to the prior notice and effective date provisions of the Administrative Procedure Act;

It is ordered, That, effective October 1, 1962, within the Office of Chief Engineer, (a) the applied propagation and data analysis functions now performed by the Technical Research Division are removed from that Division and said Division is retitled the Technical Division (b) a new Division, entitled the Research Division, is established with functions which include the applied propagation and data analysis functions removed from the Technical Research Division and, in addition, responsibility for advanced phases of terrestrial and space communications, special projects to obtain theoretical and experimental data on new or improved techniques, engineering consultation with regard to computer programs and automatic data processing techniques, and procedures for acquiring, storing and retrieving scientific and technical information of value to the Commission and (c) the Technical Division functions are expanded to include the continuing engineering review of currently issued patents to determine their impact on radio services regulated by the Commission; and

It is further ordered, That, effective October 1, 1962, Part 0 of the Commission's Rules is amended as set forth below to reflect the changes ordered herein; and

It is further ordered, That the Chief Engineer, in cooperation with the Executive Officer, are authorized in their discretion to organize and change sub-

sidiary units within the various Divisions of the Office of Chief Engineer and to transfer such positions, personnel, equipment and records within the office as they deem necessary to effectuate the changes ordered herein.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: September 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Sections 0.121 through 0.124 are revised and rearranged to read as set forth below:

§ 0.120 Functions of the Office.

The Office of the Chief Engineer has the following duties and responsibilities:

(a) To plan and direct broad programs to develop information on the progress of communication techniques and equipment, radio wave propagation, and new uses for communications, and to advise the Commission and bureaus in such matters.

(b) To represent the Commission on various national and international organizations devoted to the progress of communications and the development of information and standards relative thereto.

(c) To conduct scientific and technical studies in advanced phases of terrestrial and space communications and to conduct special projects to obtain theoretical and experimental data on new or improved techniques.

(d) To develop and administer procedures to acquire, store and retrieve scientific and technical information useful in the engineering work of the Commission.

(e) To advise and represent the Commission on the allocation of radio frequencies, including international agreements pertaining to frequency allocations and usage.

(f) In cooperation with the General Counsel, to render advice to the Commission, participate in and coordinate the staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any single bureau, and to render advice with respect to rule making matters and proceedings affecting more than one bureau.

(g) To collaborate with the bureaus in the formulation of the technical requirements of the rules and regulations, and to advise the Commission on such matters.

(h) To administer Part 5 of this chapter, including licensing, record keeping, and rule making.

(i) To perform all engineering and management functions of the Commission with respect to formulating rules and regulations, technical standards, and general policies for Parts 15 and 18 of this chapter, and for type approval, type acceptance and certification of radio equipment for compliance with the Commission's rules.

(j) To maintain liaison with other agencies of government and with technical experts representing foreign governments, and to deal with members of the public and of the industries concerned.

(k) To collaborate in the development and execution of plans for the national security and defense, including direction of the CONELRAD program.

(l) To calibrate and standardize technical equipments and installations used by the Commission.

(m) To perform such other duties as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended, and Executive Order 10312, as amended.

§ 0.121 Units in the Office.

The Office of Chief Engineer comprises the following units:

(a) Immediate Office of the Chief Engineer.
(b) Research Division.
(c) Technical Division.
(d) Frequency Allocation and Treaty Division.
(e) Laboratory Division.
(f) Project CONELRAD.

§ 0.122 Immediate Office of the Chief Engineer.

The Chief Engineer advises the Commission and bureaus on technical matters and directs and coordinates the functions of the Office.

§ 0.123 Research Division.

The Research Division analyzes and disseminates to the Commission and the several operating bureaus, technical and scientific data relating to advanced phases of terrestrial and space communications; conducts scientific studies in wave propagation, satellite and space communications, studies technical aspects of potential new uses of radio, conducts special projects to obtain theoretical and experimental data on new or improved techniques; provides engineering assistance to the Commission and the several bureaus in the development of computer programs and automatic data processing techniques; develops procedures to acquire, store and retrieve scientific and technical information, and maintains familiarity with relevant research activities by means of visits, conferences and correspondence.

§ 0.124 Technical Division.

The Technical Division develops practical applications for results of research, including research conducted by the Research Division; develops technical rules and standards for the various radio services in consultation with the bureaus concerned; conducts technical studies of equipment design and performance; acts on applications for type acceptance of equipment and issues lists of type accepted and type approved equipment; administers Part 5 of the Commission's rules regulating the Experimental Radio Services; performs engineering and management functions with respect to formulating rules, technical standards and general policy for Parts 15 and 18 of the Commission's rules; performs rule making for that portion of Part 2 of the Commission's rules relative to equipment; provides Commission representation at national and international conferences; and reviews patents as they are issued by the Patent Office to determine which patents may dominate radio services regulated by the Commission and notifies the General Counsel as to such findings.

[F.R. Doc. 62-9495; Filed, Sept. 21, 1962; 8:51 a.m.]

[FCC 62-982]

PART 0—COMMISSION ORGANIZATION

Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of September 1962;

The Commission having under consideration the recently enacted Communications Satellite Act of 1962, which provides, among other things, for the establishment of a communications satellite corporation; for the regulation of such corporation as a communications common carrier under the provisions of Title II and III of the Communications Act of 1934, as amended, as supplemented by said Satellite Act; and for the regulation pursuant to those Acts of other common carriers participating in communications satellite activities; and

It appearing that the regulatory functions conferred upon the Commission by the Communications Satellite Act of 1962 may best be discharged by the creation of a new Office of Satellite Communications in the Office of the Chief of the Common Carrier Bureau and that §§ 0.21 and 0.24 of the Commission's Statement of Organization should be amended accordingly to make appropriate reference thereto, as set forth below; and

It further appearing that the Office of General Counsel will cooperate with the Common Carrier Bureau and with the Office of Chief Engineer (see FCC 62-983) on matters pertaining to communications satellites, and that § 0.111 should be amended to reflect this fact; and

It further appearing that authority for these amendments is contained in sections 4(i), 5(b), and 303(r) of the Communications Act of 1934, as amended; and

It further appearing that these amendments affect solely matters of agency organization and hence that the notice, procedural, and effective date provisions of section 4 of the Administrative Procedure Act are inapplicable;

It is ordered, Effective October 1, 1962, that Part O of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: September 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. The portion of § 0.21 preceding paragraph (a) is amended to read as follows:

§ 0.21 Functions of the Bureau.

The Common Carrier Bureau carries out the program of the Commission with respect to the regulation of the rates, services, accounting and facilities of communication common carriers under applicable statutes, including the Communications Act of 1934, as amended, and the Communications Satellite Act of 1962, international agreements, and rules and regulations. The Bureau performs the following functions:

§ 0.24 [Amendment]

2. Paragraphs (c) and (d) of § 0.24 are redesignated as paragraphs (d) and (e), respectively, and a new paragraph (c) is added as follows:

(c) Office of Satellite Communications is responsible for the administration and implementation of those regulatory functions conferred upon the Commission by the Communications Satellite Act of 1962.

3. Section 0.111(j) is added to read as follows:

§ 0.111 Functions of the Office.

* * * * *

(j) To cooperate with the Common Carrier Bureau and the Office of Chief Engineer on all matters pertaining to space satellite communications.

[F.R. Doc. 62-9496; Filed, Sept. 21, 1962; 8:51 a.m.]

[Docket No. 14612 (RM-346); FCC 62-981]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments; TV Broadcast Stations in Alabama and Tennessee

In the matter of amendment of § 3.606, *Table of Assignments*, Television Broadcast Stations (Huntsville, Alabama and Pulaski, Tennessee), Docket No. 14612 (RM-316); and in the matter of amendment of § 3.606, *Table of Assignments*, Television Broadcast Stations (Huntsville, Alabama), (RM-346).

1. Since March 15, 1962, Channels 19 and 25 have been assigned to Huntsville as commercial channels as a result of Commission action on the petitions of North Alabama Broadcasters, Inc., and Huntsville Broadcasting Co., Inc., respectively, in Docket No. 14120 (RM-241, 253, 280). Alabama Educational Television Commission (hereinafter AETC) did not choose to participate in that proceeding. After the proceeding had been concluded, AETC filed a letter requesting the reconsideration and a brief petition requesting the reservation of Channel 25 for educational use. Both the request for reconsideration and the petition were later withdrawn by the petitioner. AETC then filed the first petition herein dealt with, requesting the assignment to and reservation in Huntsville of Channel 44 (Docket No. 14612, RM-316). It later filed the second petition herein dealt with, requesting the reservation of Channel 25 in Huntsville (RM-346), instead of Channel 44.

2. The Commission has before it for consideration its Notice of Proposed Rule Making released April 27, 1962 (FCC 62-450), proposing to reassign Channel 44 from Pulaski, Tennessee, to Huntsville, Alabama, and to reserve it for noncommercial educational use.

3. The population of Huntsville, Alabama, according to the 1960 U.S. Census, is 72,365. At the present time this area has no educational reservation, but three commercial channels have been assigned to Huntsville (19, 25, 31). There are presently two commercial applicants for Channel 19. There have been no applications as yet for Channel 25, which was assigned to Huntsville only as of March 15, 1962, in Docket No. 14120 (FCC 62-161). A permittee on Channel 31 is presently conducting program tests and its application for license is pending. Pulaski, Tennessee, with a population of 6,616, presently has commercial Channel 44 assigned to it. No authorization is outstanding nor is any application pending for this channel.

4. No comments or reply comments have been filed concerning the reservation of Channel 44 for noncommercial educational use in Huntsville. Due to the population growth (16,437 and 72,365 in 1950 and 1960, respectively), there is assertedly a shortage of teachers and classrooms in the Huntsville area. Furthermore, it is claimed in the petition requesting the reassignment and reservation of Chanel 44 that a number of civic groups have expressed an interest in educational TV in Huntsville.

5. The Commission also has before it an additional petition (RM-346) from the above-mentioned petitioner filed May 28, 1962, requesting that Channel 25 in Huntsville be reserved for noncommercial educational use, instead of Channel 44.

6. Channel 25 was assigned to Huntsville as a commercial station only as of March 15, 1962. AETC did not avail itself of the opportunity of filing comments in that proceeding. There are presently two groups actively seeking a commercial channel in Huntsville. Channels 19 and 25 are the only commercial channels available.

7. In view of the foregoing, the Commission finds that the reassignment and reservation of Channel 44 to Huntsville as a noncommercial educational station,[1] rather than the reservation of Channel 25 in Huntisville, is in the public interest.

8. We call attention to Docket No. 14229 in which the Commission announced that it would examine the present Table of Assignments and method of making assignments with a view toward fostering the expanded use of UHF channels and making the most efficient use of such channels. Although no final decision has been reached in this proceeding, we are concluding the subject proceeding so as to avoid delaying AETC in proceeding with its educational television plans. In the future it may become necessary to change the specific channels assigned. If this becomes necessary, every effort will be made to avoid changing those channels on which educational stations are operating or where authorized construction has reached a stage where a change in channel assignment would require the expenditure of additional funds.

9. Authority for the action taken herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

10. In view of the foregoing: *It is ordered*, That the petition in RM-346 is denied, and the petition in Docket No. 14612 (RM-316) is granted.

11. *It is further ordered*, That effective November 5, 1962, the Table of Assignments contained in § 3.606 of the Commission rules and regulations is amended to (1) change the Huntsville entry under the State of Alabama to read:

City	*Channel No.*
Huntsville, Ala	19, 25+, 31+, *44—

and (2) delete the entry for Pulaski, Tennessee.

(Sec 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: September 18, 1962.

Released: September 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9497; Filed, Sept. 21, 1962; 8:52 a.m.]

[1] The distance from Gadsden, Alabama (assigned unused Channel 37) to Huntsville, Alabama, is just 60 miles. Therefore, it is important that any persons wishing to use Channel *44 in Huntsville be made aware of and carefully observe the provisions of § 3.611 of the rules.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Merced National Wildlife Refuge, California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special Regulations; upland game birds for individual wildlife refuge areas.

CALIFORNIA

MERCED NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds on the Merced National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,160 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 N.E. Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasants.

(b) Open season: 8:00 a.m. to 4:30 p.m., November 10, 11, 14, 17, 18, and 20 through 25, 1962.

(c) Bag limits: Two cocks.

(d) Methods of hunting:

1. Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than three (3) shells) may be used.

2. Dogs—Not to exceed two (2) dogs per hunter may be used.

(e) Other provisions:

1. The provisions of this special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but hunters must report at checking stations and obtain State hunting permit.

3. The provisions of this special regulation are effective to November 26, 1962.

HARRY A. GOODWIN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1962.

[F.R. Doc. 62-9472; Filed, Sept. 21, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 10]

ARTICLES FROM MEXICO; RETURNING RESIDENT'S EXEMPTION

Notice of Proposed Revocation of Treasury Decision 49925

Treasury Decision 49925, dated July 28, 1939, issued under the authority of Paragraph 1798, Tariff Act of 1930, as amended, provides that residents of the United States, returning thereto through any of the ports in collection district 25 (San Diego), shall not be granted the $100 exemption, or any part thereof, in the case of articles acquired in Mexico unless such residents shall have remained beyond the territorial limits of the United States for a period of not less than twenty-four hours.

It has been concluded that the 24-hour absence requirement is no longer necessary. Therefore, notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority of paragraph 1798 (d) of the Tariff Act of 1930, as amended (19 U.S.C. 1201 (par. 1798(d))), it is proposed to revoke Treasury Decision 49925 and to amend footnote 24 to Part 10 of the Customs Regulations to indicate that there is in effect no special regulation providing a minimum absence requirement under paragraph 1798(d) of the Tariff Act of 1930, as amended.

Prior to the revocation of Treasury Decision 49925, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: September 14, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-9485; Filed, Sept. 21, 1962; 8:49 a.m.]

Internal Revenue Service

[26 CFR Parts 48, 49]

EXCISE TAXES

Notice of Hearing on Proposed Regulations

Proposed amendments to the regulations under sections 4261 through 4264 of the Code, relating to tax on the transportation of persons, and section 6421(b) and (d)(2) of the Code, relating to refund for gasoline used by local transit systems, were published in the FEDERAL REGISTER for September 14, 1962.

A public hearing on the provisions of these proposed regulations will be held on Friday, October 19, 1962, at 10:00 a.m., e.d.s.t., in Room 5303, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by October 17, 1962.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 62-9476; Filed, Sept. 21, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 929]

CRANBERRIES

Notice of Proposed Rule Making With Respect to Expenses and Fixing of Rate of Assessment for 1962–63 Fiscal Year

Consideration is being given to the following proposals submitted by the Cranberry Marketing Committee, established pursuant to the marketing agreement and Order No. 929 (7 CFR Part 929; 27 F.R. 8101), regulating the handling of cranberries effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That the reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1963, for the maintenance and functioning of the committee established under the aforesaid marketing agreement and order will amount to $49,500, and (2) that there be fixed the rate of assessment at four and one half cents ($0.0450) per barrel of cranberries, or an equivalent quantity of cranberries, handled by him as the first handler thereof during said fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 18, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9482; Filed, Sept. 21, 1962; 8:48 a.m.]

[7 CFR Part 989]

HANDLING OF RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Notice of Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given of a proposal to amend the administrative rules and regulations, as amended (Subpart—Administrative Rules and Regulations, 7 CFR 989.101–989.176; 27 F.R. 3112), effective under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order (hereinafter referred to collectively as the "order") are effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is based on a recommendation of the Raisin Administrative Committee, established under the order. Its purpose is to achieve a more accurate and uniform determination of sand tare, including other foreign materials in the raisins, and hence of the net weight of the raisins acquired by handlers. Also, since insect infestation is determined from the residual sand and other foreign material screened from the raisins, the procedure for determination of such tare is intended to provide more uniform inspections.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the eighth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

1. In § 989.158(a)(1), the word "appropriate" appearing in the last sentence is deleted, and a new sentence is added to read: "The sand tare shall be the weight of the sand and other foreign material removed from the raisins by passing the raisins over a screen (of a type commonly used by the industry for such purpose) having thirty-six square openings to the square inch, with each

opening being one-eighth of an inch square."

2. In § 989.158(c), between the third and fourth sentences of subparagraph (4) (i), a sentence is inserted to read: "When necessary due to the presence of sand, as determined by the inspection service, the requirement for deducting sand tare and the manner of its determination, as prescribed in paragraph (a) (1) of this section, shall apply in computing the net weight of any such successfully reconditioned natural condition raisins."

Dated: September 19, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-9503; Filed, Sept. 21, 1962; 8:52 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Notice of Proposed Proclamations

The Secretary of Agriculture is required by section 358(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(a)), to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358(a) of the Act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358(a) of the act also requires that the national marketing quota be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

Section 358(c) (1) of the Act (7 U.S.C. 1358(c) (1)) provides that the national acreage allotment for any year, less the acreage to be allotted to new farms under section 358(f) of the act (7 U.S.C. 1358(f)), shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the act, the national acreage allotment for the 1963 crop of peanuts will be apportioned to States on the basis of their share of the 1962 national acreage allotment.

As required by section 358(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358(b)), a referendum of farmers who were engaged in the production of the 1962 crop of peanuts will be held not later than December 15, 1962, to determine whether such farmers are in favor of or opposed to peanut marketing quotas for the crops of peanuts produced in the calendar years 1963, 1964, and 1965. It is the present intention to establish December 11, 1962 as the date on which the referendum will be held.

Before any action is taken with respect to proclaiming the national marketing quota, establishing the national acreage allotment, apportioning the national acreage allotment among the States, determining the percentage of the national acreage allotment to be reserved for new farms, and announcing the date for the referendum, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C. All written submissions must be postmarked not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 19, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9504; Filed, Sept. 21, 1962; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 302, 399]

[Docket No. 14035]

AIR CARRIERS AND FOREIGN AIR CARRIERS

Processing of Tariff Proposals and Posting of Tariff Changes; Notice of Proposed Rule Making

SEPTEMBER 19, 1962.

Notice is hereby given that the Civil Aeronautics Board is proposing new and amended rules and a policy statement which are designed to expedite the processing of tariff proposals and to provide more realistic notice to air travelers of tariff changes between the time a ticket is purchased and actual transportation is to begin.

The principal features of the proposed rules and policy statement are explained in the explanatory statement below and the proposed rules and policy statement are set forth below. These rules and policy statement are proposed under authority of sections 204(a), 403, 1001, and 1002 of the Federal Aviation Act of 1958 (72 Stat. 743, 758, 788; 49 U.S.C. 1324, 1373, 1481, and 1482).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before October 22, 1962, will be considered by the Board before taking final action on the proposed rules. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. The Board has reviewed its rules and policies respecting the time available for processing, by the Board, of tariff filings and is of the view that various amendments thereto are desirable. In addition, the Board is concerned over the adequacy of notice given the traveling public where a fare is subject to change between the time a ticket is purchased and actual transportation is to begin.

Section 403(c) of the Act requires a carrier to give at least thirty days' notice of any proposed tariff change, except in instances where the Board may, in the public interest, allow such tariff changes upon less than thirty days' notice. As a matter of practice, air carriers generally file their tariff proposals thirty (30) days before the effective date of the tariff. Section 302.505 of the Board's rules of practice provides that complaints requesting suspension of a tariff proposal must be filed at least fifteen (15) days before the effective date of the tariff, except where a "posting date" is printed upon a tariff, in which case complaints must be filed within fifteen (15) days after the "posting date." Section 302.6 of these rules provides that answers to such complaints must be filed within seven (7) days. As a result of these provisions, the Board and its staff have less than seven (7) days prior to the effective date of a tariff proposal to study and analyze such proposals on the basis of all filed complaints and answers. The Board has found that this seven (7) day period is extremely short for a full and careful study of a tariff publication, particularly a proposal involving major or controversial changes. Moreover, as a result of the shortness of this period, Board action on a proposal generally cannot be made public earlier than a few days before the proposal is to become effective. Consequently, the status of a tariff proposal is not known by the air traveler or the carrier until shortly before it is to become effective. This situation has resulted in numerous problems for the carriers, the traveling public, and the Board.

The Board, therefore, is proposing herein a policy statement and various amendments to its economic regulations and rules of practice which are designed to give the Board more time to study and analyze tariff proposals, to announce its action well in advance of the effective date of the proposal, and to provide more effective notice to the public of possible

tariff changes between the time a ticket is purchased and actual transportation is to begin.

1. The Board proposes to adopt a new policy statement which, in substance, would state that where a tariff proposal is filed at least forty-five (45) days prior to its effective date and the carrier prints a "posting date" on the tariff, the Board will make its decision on whether to suspend such tariff at least fifteen (15) days prior to the effective date thereof. The Board's rules already allow a carrier to place a "posting date" upon a tariff that is filed with the Board more than thirty (30) days prior to its effective date, and provide that with respect to such tariffs, complaints requesting suspension must be filed not more than fifteen (15) days after the "posting date." As hereinafter discussed, the Board is proposing a ten (10) day period for the filing of complaints where a "posting date" is printed on the tariff in lieu of the present fifteen (15) day period. This is expected to give the Board sufficient time to act upon the tariff not later than fifteen (15) days before its effective date, except in rare situations. In these cases the Board will so advise the carrier by letter at least fifteen (15) days prior to the effective date of the tariff.

The Board is aware that a carrier who files on forty-five (45) days' notice may be placed at a competitive disadvantage by a competing carrier who files a competitive tariff on less than forty-five (45) days' notice and thereby enjoys the advantage of an earlier effective date. In such cases the Board may grant special tariff permission to permit the earlier filed tariff to go into effect at the same time. There are, however, many tariffs which can be filed on forty-five (45) days' notice without encountering this competitive problem. Moreover, this particular problem could be overcome by the carriers' entering into agreements among themselves to file all, or certain kinds of tariffs on forty-five (45) days' notice. The Board would favorably consider such an agreement if filed pursuant to section 412 of the Act.

2. Section 221.165 of the economic regulations requires air carriers filing tariffs to state in a covering transmittal letter the proposed changes in the rate, fare or charge as well as the reasons for such changes. The purpose of this rule is twofold, namely, (1) to provide the Board with a basis for deciding whether to suspend and investigate, or just investigate and allow a tariff to become effective, and (2) to provide data and information in order to expedite the Board's processing of tariff proposals. However, experience has demonstrated that in most instances the information and data submitted pursuant to this rule have not been adequate to accomplish these purposes.

Accordingly, the Board proposes to amend this rule by specifically listing the information which it considers essential for establishing a basis for Board action. Such detailed information and data will permit the Board and its staff to devote more time to evaluation and analysis of data and information since less time would be spent on gathering such necessary data and information. In brief, the proposal will require that with every tariff publication a transmittal letter be submitted setting forth an explanation of the fare or rate structure, the theory of ratemaking employed, economic data and information in support of the tariff proposal, and a table listing the old rate, fare or charge, the proposed rate, fare or charge, and the percentage difference. With respect to proposed tariff changes in cargo rates, we will in addition require a table showing the actual volume of traffic and amount of revenue realized at the existing rate and the anticipated volume of traffic and revenue under the proposed rate.

The Board is of the opinion that the preparation and submission of these data and information will not place any substantial burden on the carrier since such data and information are usually prepared by the carrier for its own use prior to the filing of a tariff proposal.

3. Subpart E of Part 302 of the Board's rules of practice contains special procedural rules applicable to proceedings with respect to rates, fares and charges. Section 302.505 of this subpart now provides that interested persons must file complaints requesting suspension of a tariff fifteen (15) days prior to the effective date unless a "posting date" is printed on the tariff. Section 302.6 of Subpart A of Part 302 provides that answers to such complaints must be filed within seven (7) days. The Board proposes to amend § 302.505 by requiring that complaints be filed at least twenty (20) days prior to the effective date of the tariff except where a "posting date" is printed on the tariff, adopt a new paragraph requiring that answers to such complaints be filed within five (5) days, and a new rule requiring that a person who intends to file a complaint against a tariff file a notice stating his intention to file such a complaint at least twenty-five (25) days before a tariff is to become effective. The first two proposals are designed to allow the Board and its staff more time to study and review all documents filed in connection with a tariff proposal. The purpose of the provision regarding notice of intention to file a complaint is to alert all concerned that a complaint will be forthcoming, which in turn will permit the staff to plan its workload and more efficiently process its recommnedations to the Board. In addition, this proposal will provide notice to the filing carrier and other interested persons that an answer to the complaint may be necessary and accordingly give them additional time to assemble data and information in support of their answers. With respect to tariff proposals on which a "posting date" is printed pursuant to § 221.31(a) (10) similar periods for filing complaints and answers are proposed. Thus, when a "posting date" is printed on a tariff, a notice of intention to file complaint must be filed within five (5) days after the "posting date," complaints must be filed within ten (10) days after the "posting date," and answers to such complaints must be filed not more than five (5) days thereafter.

4. The Board is concerned over the adequacy of notice given to pasengers who purchase tickets, the fare for which is subject to change before actual transportation is to begin. Recently, the Board was advised that many passengers purchased tickets at a reduced fare and made reservations without knowledge that the reduced fare was due to expire before their actual transportation was to begin. Either through advance contact with the passengers or at the time these passengers checked in at the carriers' ticket counters preparatory to boarding the aircraft, they were advised that the reduced fare had expired and that if they wished transportation they would be required to pay a higher fare. As a result, many passengers experienced undue hardships and, in addition, many complained about the practice of being required to pay the added charge subsequent to purchase and payment for a ticket at the then lawful tariff fare. This type of situation arises as a result of the application of the general tariff rule which provides that the fare shall be charged in accordance with the tariff in effect on the day when transportation commences. Such tariff fare may well be different from the one pursuant to which the ticket was sold at an earlier date.[1]

The Board is of the opinion that steps should be taken to prevent such a situation from developing again. In this connection, the Board is concurrently ordering an investigation of the lawfulness of the above-noted tariff rule. We believe the impact of the present rule could be substantially mitigated if passengers were given adequate notice of the effect of its provisions. Accordingly, the Board is herein proposing rules which would require the carrier to give notice to the purchaser of a ticket that the price of his ticket is subject to change prior to the time transportation is to commence. This notice could be given by affixing an appropriate notation to the ticket.

There is however one important exception to this rule. Where a carrier has an effective tariff rule providing, in substance, that once a ticket is purchased it is not subject to any future price adjustment, irrespective of an intervening tariff change, the carrier would not be required to attach such notice to the ticket.

In the event the Board, after receipt of comments, decides to adopt the "notice rule" it may be necessary to make an appropriate amendment to § 221.63 (b) of Part 221, and any other provisions of Part 221 which may be inconsistent with such rule.

5. In addition to the aforementioned proposals, the Board also proposes an amendment to Subpart E of Part 302 which clarifies the method of computing the time within which complaints must be filed against a tariff publication.

[1] Instances in which this would occur are where the tariff fare under which the ticket was issued is due to expire by its terms; where the carrier has filed a new tariff changing the fare; or where the ticket was issued pursuant to a tariff not yet effective and subject to rejection or suspension by the Board.

Section 302.16 of the Board's rules of practice contains a method for computing any period of time prescribed by the rules of practice, order or regulation of the Board, the Chief Examiner, or an Examiner, or by any applicable statute. The method contained in this rule is applicable only to situations where the designated period begins to run after a certain date. Rule 16 does not cover situations where an act is required to be done a given number of days prior to a certain date as in the case of filing complaints. This situation should be clarified and, accordingly, the Board is proposing an appropriate amendment to Subpart E. This amendment will provide that in counting back from the effective date of the tariff the first day counted is the day preceding the effective date, and that the last day of the designated period is the last day the complaint must be filed. For example, a tariff is filed which has an effective date of May 1. Section 302.505 presently requires that complaints against such tariff must be filed at least fifteen (15) days before the effective date. In determining the day the complaint must be filed, the day before the effective date of the tariff, or April 30, would be the first day counted and April 16 would be the fifteenth day and the last day on which the complaint may be filed. In the event the fifteenth day in this example falls on a Saturday, Sunday or a legal holiday, then the complaint may be filed on the following business day.

PROPOSED RULES

1. Amend § 221.165 of the economic regulations (14 CFR Part 221) to read as follows:

§ 221.165 Explanation and data supporting tariff changes and new matter in tariff publications.

Where a tariff publication is filed with the Board which contains new or changed rates, fares, charges, rules or practices, the issuing air carrier or agent shall submit with, or prior to the filing of such publication, a transmittal letter containing the following information and data:

(a) An explanation of the rate, fare structure, rule or practice and the underlying theory of ratemaking used by the air carrier in making the tariff change or inserting the new matter.

(b) Economic data in support of the changes or new matter in the tariff publication on which the proponent intends the Board to rely.

(c) A table listing in the first column the existing rates, fares or charges, in the second column the proposed rates, fares, or charges, and in the third column the difference between column 1 and column 2, expressed in terms of a percentage.

(d) In tariff publications involving proposed changes in cargo rates in addition to the information and data required by paragraphs (a), (b), and (c) of this section, a table showing:

(1) The actual volume of traffic and the amount of revenue realized at the existing rate or rates between the points involved.

(2) The anticipated volume of traffic and the amount of revenues at the proposed rate or rates between the points involved, and the basis for such estimates.

§ 221.171 [Amendment]

2. Amend paragraph (b) of § 221.171 by changing the period at the end of the paragraph to a semicolon and adding the following provision: "• • • and in the case of tariffs involving passenger fares, rules, charges or practices, notice to the passenger as required in § 221.174."

3. By adding a new § 221.174 to read as follows:

§ 221.174 Notification to the passenger of status of fare, rule, charge or practice.

A carrier or ticket agent shall affix to every purchased passenger ticket a notice stating that the price of the ticket is subject to adjustment prior to the commencement of transportation, except that such notice is not required where a passenger ticket is sold pursuant to an effective tariff rule which provides that the price of such ticket is not subject to any future adjustment during the validity of the ticket.

4. Amend § 302.505 of the Board's rules of practice (14 CFR Part 302) to read:

§ 302.505 Complaints requesting suspension of tariffs; answer to complaints.

(a) Any person who intends to file a complaint requesting suspension of any tariff shall at least twenty-five days before the effective date of the tariff, or, if a posting date is printed on such tariffs, within five days thereafter, direct a letter or telegram to the Board stating that he intends to file a formal complaint requesting suspension of the tariff.

(b) Formal complaints seeking suspensions of tariffs pursuant to section 1002(g) of the act shall fully identify the tariff and include reference to the name of the publishing carrier or agent, to the CAB number, and to specific items or particular provisions protested or complained against. The complaint should indicate in what respect the tariff is considered to be unlawful, and state what complainant suggests by way of substitution.

(c) A complaint requesting suspension of any tariff filed under the Act ordinarily will not be considered unless paragraphs (a) and (b) of this section are complied with and such complaint is filed at least twenty days before the effective date of the tariff, or, in the event a posting date is printed on a tariff, unless the complaint is filed within ten (10) days after said posting date.

(d) In an emergency satisfactorily shown by complainant, and within the time limits herein provided, a telegraphic complaint may be sent to the Board and to the publishing carrier or agent stating the grounds relied upon, but such a telegraphic complaint must immediately be confirmed by complaint filed and served in accordance with this section.

(e) Answers to complaints shall be filed within five (5) days after the complaint is filed.

5. Add a new § 302.508 to Subpart E to read as follows:

§ 302.508 Computing time for filing complaints.

In computing the time for filing formal complaints pursuant to § 302.505, with respect to tariffs which do not contain a posting date, the first day preceding the effective date of the tariff shall be the first day counted, and the last day so counted shall be the last day for filing unless such day is a Saturday, Sunday, or legal holiday for the Board in which event the period for filing shall be extended to the next successive day which is neither a Saturday, Sunday, nor holiday. The computation of the time for filing complaints as to tariffs containing a posting date shall be governed by §302.16.

6. Amend Part 399—*Statements of General Policy* (14 CFR Part 399) by the addition of a new § 399.40 to read:

§ 399.40 Processing of tariff publications filed on 45 days', or longer, notice.

In the case of tariff publications filed with the Board 45 days or more in advance of the effective date and where a posting date is placed upon the tariff pursuant to § 221.31(a)(10) of the Board's economic regulations, it is the policy of the Board to issue an order, if any, suspending the tariff publication and ordering an investigation at least fifteen (15) days before such tariff publication is to become effective. In the event the Board, for any reason, cannot take action on a tariff publication within the time specified herein the Board will notify the filing carrier or his agent of this fact at least fifteen (15) days before the effective date of the tariff.

[F.R. Doc. 62-9492; Filed, Sept. 21, 1962; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 62-EA-54]

FEDERAL AIRWAY

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6203 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 203 and its associated control areas extend in part from Albany, N.Y., to Massena, N.Y. The Federal Aviation Agency has under consideration the alteration of Victor 203 by expanding the width of that segment of the airway from 45 nautical miles from the Albany VORTAC to 45 nautical miles from the Massena VOR to a 14-mile width. Increasing the width of this segment of the airway would provide protection for aircraft operating along this airway while at a distance greater than 45 nautical miles from either navigation facility.

The control areas associated with this airway segment are so designated that they would automatically conform to the altered airway. The vertical extent of this airway segment would remain as designated pending review of the adjacent airspace. Separate actions would be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 17, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9466; Filed, Sept. 21, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-SW-35]

CONTROL ZONES

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 601.2331 and 601.2423 of the regulations of the Administrator, the substance of which is stated below.

The Lake Charles, La. (Chennault AFB) control zone (§ 601.2331) is designated within a 5-mile radius of the Chennault AFB; within 2 miles either side of the 191° True bearing from the Lake Charles radio beacon extending from the 5-mile radius zone to 12 miles south of the radio beacon; within 2 miles either side of the Lake Charles VOR 334° True radial extending from the VOR to the Lake Charles ILS outer marker; and within 2 miles either side of the Chennault AFB TACAN 341° True radial extending from the 5-mile radius zone to 9 miles northwest of the TACAN.

The Federal Aviation Agency has under consideration the redesignation of the Chennault AFB control zone within a 5-mile radius of the Chennault AFB (lat. 30°12'40'' N., long. 93°08'35'' W.); within 2 miles either side of the Chennault AFB ILS localizer northwest course extending from the 5-mile radius zone to the Chennault AFB ILS outer marker; within 2 miles either side of the Chennault AFB TACAN 338° True radial extending from the 5-mile radius zone to 7 miles northwest of the TACAN; and within 2 miles either side of the Lake Charles VOR 334° True radial extending from the 5-mile radius zone to the VOR, excluding the portion which would coincide with the Lake Charles Municipal Airport control zone. This would provide protection for aircraft executing instrument approach and departure procedures at Chennault AFB.

The Lake Charles Municipal Airport control zone (§ 601.2423) is designated within a 5-mile radius of the Lake Charles Municipal Airport excluding the portion which coincides with the Chennault AFB control zone.

The Federal Aviation Agency has under consideration the redesignation of the Lake Charles Municipal Airport control zone within a 5-mile radius of the Lake Charles Municipal Airport (lat. 30°07'30'' N., long. 93°13'20'' W.); within 2 miles either side of the Lake Charles VOR 259° True radial extending from the 5-mile radius zone to 1 mile west of the VOR; within 2 miles either side of the Lake Charles ILS localizer northwest course extending from the 5-mile radius zone to the outer marker; and within 2 miles either side of the Lake Charles ILS localizer southeast course extending from the 5-mile radius zone to 6 miles southeast of the localizer. This would provide protection for aircraft executing newly established instrument approach and departure procedures at the Lake Charles Municipal Airport. In addition, the alterations to these control zones, proposed herein, reflect the responsibility for approach control service to both airports being vested in the Lake Charles FAA control tower.

To permit fulfillment of the urgent airspace requirements at the earliest practicable date, this action is being proposed in advance of the implementation of Amendments 60–21 and 60–29 to the Civil Air Regulations, Part 60, Air Traffic Rules, in the entire Lake Charles area. Upon completion of the area review of the airspace requirements attendant to full implementation of these amendments, separate airspace action will be initiated proposing the conversion of the control area extensions in this area to transition areas with appropriate floor assignments, and the designation of appropriate airway floors consistent with en route requirements.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on September 17, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9465; Filed, Sept. 21, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-KC-4]

TRANSITION AREA

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.10845 of the regulations of the Administrator, the substance of which is stated below.

The Marion, Ill., transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within 12 miles south and 8 miles north of the Farmington, Mo., VORTAC 082° True radial extending from 22 miles west to 10 miles east of the intersection of the Farmington VORTAC 082° and the Centralia, Ill., VOR 169° True radials (Marion Intersection).

The Federal Aviation Agency has under consideration the redesignation of the Marion transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Southern Illinois Airport (latitude 37°46'50'' N., longitude 89°15'10'' W.) Carbondale, Ill., and within 2 miles either side of the 339° True bearing from the

Southern Illinois Airport extending from the 5-mile radius area to 8 miles northwest of the airport; within a 5-mile radius of the Williamson County Airport (latitude 37°45'15" N., longitude 89°00'40" W.) Marion, Ill.; and within 2 miles either side of the 014° True bearing from the Williamson County Airport extending from the 5-mile radius area to 8 miles northeast of the airport; including the airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 37°39'00" N., longitude 88°48'00" W., thence to latitude 37°35'00" N., longitude 89°23'30" W., thence to latitude 37°54'00" N., longitude 89°30'00" W., thence to latitude 37°59'00" N., longitude 89°16'00" W., thence to latitude 37°54'00" N., longitude 88°48'00" W., thence to the point of beginning.

This alteration of the Marion transition area would provide additional controlled airspace for the protection of aircraft executing prescribed instrument approach and departure procedures at the Southern Illinois Airport and the Williamson County Airport, and for holding procedures at the Marion Intersection (intersection of the Farmington, Mo., VORTAC 082° and the Centralia, Ill., VOR 169° True radials).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 18, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9467; Filed, Sept. 21, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-SO-16]

TRANSITION AREA

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.10824 of the regulations of the Administrator, the substance of which is stated below..

The Hattiesburg, Miss., transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Hattiesburg VOR, excluding the portion which coincides with R-4401.

The Federal Aviation Agency has under consideration the alteration of the Hattiesburg transition area to include the airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hattiesburg, Miss., Municipal Airport; within 2 miles either side of the Hattiesburg VOR 154° True radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the 315° True bearing from the Hattiesburg Airport extending from the 5-mile radius zone to 12 miles northwest of the airport. This transition area would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Hattiesburg Airport.

If this action is taken, the Hattiesburg, Miss., transition area would be redesignated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hattiesburg, Miss., Municipal Airport (lat. 31°16'01" N., long. 89°15'16" W.); within 2 miles either side of the Hattiesburg VOR 154° True radial extending from the 5-mile radius zone to the VOR; within 2 miles either side of the 315° True bearing from the Hattiesburg Municipal Airport extending from the 5-mile radius zone to 12 miles northwest of the airport; and the airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Hattiesburg VOR, excluding the portion which would coincide with the Camp Shelby, Miss., Restricted Area (R-4401).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street NW., Atlanta 3, Ga. All communications received 3. Ga. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 17, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9468; Filed, Sept. 21, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-KC-11]

TRANSITION AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13) notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The FAA has under consideration the designation of a transition area at Bellaire, Mich. The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of the Antrim County Airport (lat. 44°59'-10" N., long. 85°11'55" W.); and the airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 328° True bearing from the airport extending from the 8-mile radius area to 12 miles northwest of the airport. The portion of this transition area with a floor of 700 feet above the surface would provide protection for aircraft executing instrument approach and departure procedures. This area is proposed with an 8-mile radius to provide protection for departing aircraft which must climb above terrain, in close proximity to the airport, which varies in heights from 100 to 500 feet above the elevation of the airport. The portion of this transition area extending upward from 1,200 feet above the surface would provide protection for aircraft in holding patterns northwest of the airport and for aircraft executing instrument approach procedures.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 17, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9470; Filed, Sept. 21, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62-WE-53]

JET ROUTES

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to § 602.100 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 4 is presently designated in part from the Los Angeles, Calif., VOR to the Gila Bend, Ariz., VORTAC via the Thermal, Calif., VORTAC and the intersection of the Thermal VORTAC 088° and the Gila Bend VORTAC 315° True radials. The FAA has under consideration the alteration of this segment of J-4 from the Los Angeles VOR via the intersection of the Los Angeles VOR 099° and the Blythe, Calif., VORTAC 272° True radials; the Blythe VORTAC; the intersection of the Blythe VORTAC 096° and the Gila Bend VORTAC 315° True radials; to the Gila Bend VORTAC.

Jet Route No. 65 is presently designated in part from the Phoenix, Ariz., VORTAC to the Palmdale, Calif., VOR via the intersection of the Phoenix VORTAC 280° and the Thermal VORTAC 088° True radials and the Thermal VORTAC. The FAA has under consideration the alteration of this segment of J-65 from the Phoenix VORTAC via the intersection of the Phoenix VORTAC 272° and the Blythe VORTAC 096° True radials; the Blythe VORTAC; the intersection of the Blythe VORTAC 272° and the Palmdale VOR 124° True radials; to the Palmdale VOR.

An FAA flight inspection has determined that adequate signal coverage along the Thermal VORTAC 088° True radial does not exist below flight level 350 in the area of its intersection with the Phoenix VORTAC 280° and the Gila Bend VORTAC 315° True radials. The FAA is, therefore, proposing to realign J-4 and J-65 via the Blythe VORTAC instead of the Thermal VORTAC in order to provide adequate signal coverage for aircraft utilizing these routes between flight level 240 and flight level 350. Additionally, the alteration of J-65 would cause it to directly overlie Intermediate Altitude airway No. 1536 between Blythe and Phoenix and provide easier transitions for jet aircraft arriving and departing Phoenix.

The jet advisory areas associated with J-4 and J-65 are so designated that they would automatically conform to the altered routes.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 17, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9469; Filed, Sept. 21, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14782 (RM-35); FCC 62-980]

TELEVISION BROADCAST STATION IN VINCENNES, INDIANA

Proposed Table of Assignments

1. Notice is hereby given in the above-entitled matter.

2. The Commission has before it for consideration a request for rule making filed July 9, 1962, by Vincennes University, Vincennes, Indiana, requesting the reservation of Channel 52 in Vincennes as a noncommercial educational station.

3. Vincennes, Indiana, with a population of 18,046, located in Knox County whose poulation, according to the 1960 U.S. Census, is 41,561, presently has assigned to it Channel 52. There is neither application nor license outstanding for this channel. It will be possible to assign an additional channel to Vincennes for commercial purposes if the need arises.

4. Channel 52 was originally assigned to Vincennes on the request of the University in Docket No. 13945 (RM-218) by a Report and Order released April 3, 1961. There was no request for reservation at that time. Following the allocation of Channel 52 to Vincennes, and during the period that plans were being made by the University with respect to the financing and construction of its proposed television facility, legislation was enacted to provide Federal grants to assist in the construction of educational television stations. Petitioner now feels that it can immediately proceed with its plans for the operation of Channel 52 once it is reserved. The University states: "Upon the amendment of the Commission's rules to reserve the channel as requested Vincennes University plans to file its application requesting a construction permit for such facilities and also to file its request for a Federal grant in connection with its proposal to construct and operate a noncommercial educational television broadcasting station on Channel 52 at Vincennes, Indiana."

5. In view of the above, it is proposed to amend § 3.606 of the rules as follows:

City	Channel No.	
	Present	Proposed
Vincennes, Ind.	52+	°52+

6. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303, and 307 (b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before October 22, 1962,

and reply comments on or before November 5, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: September 18, 1962.

Released: September 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9494; Filed, Sept. 21, 1962; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55710]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

Tariff-Rate Quota for the Quota Year Beginning September 15, 1962

SEPTEMBER 19, 1962.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to Item 771 (second), Part I, Schedule XX of the General Agreement on Tariffs and Trade, as modified (T.D.'s 51802 and 54406), for the 12-month period beginning September 15, 1962, is 600,000 bushels of 60 pounds each.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1962, made by the United States Department of Agriculture as of September 1, 1962, was 444,783,333 bushels.

In accordance with the third proviso to the aforesaid Item 771, as modified, the 600,000 bushels and the 1,000,000 bushels prescribed in the second proviso are not increased, because the estimated production is greater than 350,000,000 bushels.

[SEAL] N. G. STRUB,
Acting Commissioner of Customs.

[F.R. Doc. 62-9486; Filed, Sept. 21, 1962; 8:49 a.m.]

POST OFFICE DEPARTMENT

CHIEF POSTAL INSPECTOR

Delegation of Authority to Administer Special Reward Offer

The following is the text of a special reward offer signed by the Postmaster General on August 27, 1962, delegating certain authority to the Chief Postal Inspector:

The Post Office Department of the United States hereby offers a reward not exceeding a total of $50,000 for information leading to:

The arrest and conviction of persons involved in the holdup and robbery of a U.S. Mail Truck on State Highway 3 near Plymouth, Massachusetts, on August 14, 1962, during which registered mail containing over $1,500,000 in U.S. currency was taken.

The amount and distribution of individual rewards paid under this offer shall be determined by the Chief Postal Inspector of the Post Office Department on the basis of the value to the Department of the information furnished. His decision shall be final.

If the participants or their accomplices are killed while resisting arrest, or are adjudged juvenile delinquents for the commission of the offense, they shall be deemed to have been convicted.

Applications for rewards shall be submitted to the Chief Postal Inspector, Post Office Department, Washington 25, D.C., within six months from the date of the conviction.

This special reward is in lieu, of, and not in addition to, that provided in Post Office Reward Circular of March 1, 1961. (See § 201.82 of Title 39, Code of Federal Regulations.)

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 309, 501, 509)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-9474; Filed, Sept. 21, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10976 etc.]

CALIFORNIA-NEVADA EXCURSION FARES INVESTIGATION

Notice of Hearing

In the matter of the investigation of excursion fares of Pacific Air Lines, Inc., Bonanza Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on October 16, 1962, at 10:00 a.m., e.d.s.t. in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Milton H. Shapiro.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served June 29, 1962, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 18, 1962.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 62-9490; Filed, Sept. 21, 1962; 8:50 a.m.]

[Docket 14034; Order No. E-18794]

TARIFF RULES PRESCRIBING FARE IN EFFECT AT TIME OF TRAVEL AS FARE TO BE CHARGED

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of September 1962.

The tariffs of the certificated air carriers and foreign air carriers contain rules which provide that transportation is subject to the fare in effect on the date on which transportation commences at the point of origin designated on the ticket. Pursuant to these rules when a fare change becomes effective between the date a ticket is purchased and the date travel begins, the new fare, whether higher or lower, is applicable to such travel.

From time to time in the past the Board has received many informal complaints against carrier practices pursuant to these tariff rules. Generally, these complaints have asserted the hardships to the traveling public who, after purchasing their tickets and planning their travel, are required to pay such additional amounts for their transportation as may be required by the tariffs in effect on the day their travel is to begin.

Under these circumstances we find that the tariff rules of all certificated air carriers and foreign air carriers which prescribe that the fare to be charged, demanded, collected, or received is that in effect upon the date that the travel from the initial point commences may be unjust and unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful. We, therefore, find that it is necessary in the public interest to institute an investigation thereof pursuant to section 1002 of the Federal Aviation Act of 1958 and, contingent upon the resolution of the issue of lawfulness, to determine and prescribe appropriate tariff rules and/or carrier practices governing the applicable fare to be charged.

The Board finds that its action herein is necessary and appropriate in order to carry out the objectives of the Federal Aviation Act of 1958 and particularly sections 102, 204, 403, 404, and 1002 thereof.

Accordingly, it is ordered, that:

1. An investigation is instituted to determine whether the rules and practices of all certificated air carriers and foreign air carriers (as set forth in Appendix A [1]) under which the fare charged, demanded, collected, and received is that in effect on the day transportation commences at the initial point are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, or adverse to the public interest, and, in the event such rules and practices are found unlawful, to determine and prescribe the lawful rules, regulations, or practices thereafter to be made effective.

2. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

3. A copy of this order be served upon each certificated air carrier and foreign air carrier, all of whom are hereby made parties to this proceeding.

[1] Filed as part of the original document.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-9491; Filed, Sept. 21, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14706, 14707; FCC 62M-1232]

QUEEN CITY RADIO STATION AND CANNON BROADCASTING CO.

Order Continuing Hearing

In re applications of Warren E. Angel and Jack T. Farrar d/b as Queen City Radio Station, Tullahoma, Tennessee, Docket No. 14706, File No. BP-14434; Cannon Broadcasting Company, Woodbury, Tennessee, Docket No. 14707, File No. BP-15264; for construction permits.

A prehearing conference in the above-entitled matter having been held on September 14, 1962, and it appearing from the record made therein that certain agreements were reached and certain rulings made by the Hearing Examiner which should be formalized by order:

It is ordered, This 17th day of September 1962, that:

(1) The direct affirmative case of the applicants shall be presented entirely in the form of sworn written exhibits;

(2) Copies of all of the applicant's exhibits shall be supplied the other parties hereto on or before October 22, 1962, but such proposed exhibits may be amended or reformed at any time through November 13, 1962;

(3) Copies of all of the applicants' exhibits in final form shall be supplied the other parties hereto on or before November 13, 1962;

(4) Any party wishing to call for cross-examination any witness responsible for the preparation of any exhibit exchanged by any other party shall give notification thereof on or before November 19, 1962:

It is further ordered, That the hearing herein heretofore scheduled to commence on October 9, 1962, is continued to November 27, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: September 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-9502; Filed, Sept. 21, 1962; 8:52 a.m.]

[Docket No. 14474; FCC 62M-1230]

EASTERN SHORE MICROWAVE RELAY CO.

Order Scheduling Hearing

In re application of Eastern Shore Microwave Relay Company, Salisbury, Maryland, Docket No. 14474, File No. 3423-C1-P-60; for construction permit for common carrier point-to-point microwave relay station.

Pursuant to agreement of counsel for all parties on the record at the further prehearing conference held on September 17, 1962: *It is ordered*, This 17th day of September 1962, that the hearing will be commenced at 10:00 a.m., October 5, 1962.

Released: September 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-9498; Filed, Sept. 21, 1962; 8:52 a.m.]

[Docket Nos. 14617-14621; FCC 62-970]

MARTIN R. KARIG ET AL.

Memorandum Opinion and Order Amending Issues

In the matter of revocation of construction permit of Martin R. Karig for standard broadcast station WIZR, Johnstown, New York, Docket No. 14617,

In re application of SPA Broadcasters, Inc. (WSPN), Saratoga Springs, New York, Docket No. 14618, File No. BR-2958; for renewal of license for standard broadcast station WSPN, Saratoga Springs, New York.

In re applications of Radio Station WRSA, INC., Troy, New York, Docket No. 14619, File No. BP-13627; SPA Broadcasters, Inc. (WSPN), Saratoga Springs, New York, Docket No. 14620, File No. BP-13828; Genkar, Incorporated, Gouverneur, New York, Docket No. 14621, File No. BP-13899; for construction permits.

1. The Commission has before it the following pleadings filed by Genkar, Incorporated and the Commission's Broadcast Bureau in Docket No. 14621 of the above-captioned proceedings: (a) A petition for leave to amend and for other relief, filed by Genkar on July 2, 1962; (b) an opposition to the petition, filed by Bureau on July 6, 1962; (c) a supplement to the petition, filed by Genkar on July 17, 1962; (d) a further supplement to the petition, filed by Genkar on July 31, 1962; (e) a motion to enlarge issues, filed by Bureau on August 1, 1962; (f) an opposition to the motion, filed by Genkar on August 15, 1962; and (g) a reply to the latter opposition, filed by Bureau on August 17, 1962. On July 25, 1962, following his receipt of the first three of the above pleadings, Hearing Examiner Herbert Sharfman referred such pleadings to the Commission for action "because a revocation matter is involved" (FCC 62M-1047.)

2. A number of procedural problems are presented by the above pleadings. For example, the nature of the total relief sought in the petition is such as to require the filing of two separate pleadings. (See § 1.12 of the Commission's rules.) Additionally, because pleadings (c) and (d) are in the nature of replies to Bureau's opposition (b), they are either improper under § 1.44 of the rules[1] or untimely filed under § 1.13 of the rules. Again, pleading (f) is untimely filed under § 1.13 and 1.18 of the rules.[2] Finally, although pleadings (e) through (g) are of a type normally acted upon by the Commission's Review Board, they involve the same subject matter as pleadings (a) through (d), pleadings properly before the Commission by reason of the Examiner's referral of July 25, 1962.[3]

3. One procedure open to the Commission would be to return pleading (a) to petitioner without action or otherwise enforce § 1.12 of the rules; this would permit petitioner to refile the requests and eliminate the deficiencies with respect thereto and with respect to pleadings (c) and (d). In an effort to avoid the delays inherent in the foregoing procedure, the Commission has chosen to disregard the deficiencies involved and to act upon the various requests as though all pleadings were properly and timely filed. Because the disposition of Bureau's motion (e) depends, in large measure, on the Commission's action on petitioner's requests, and because the matters with which all of the pleadings are concerned are closely related to the revocation proceeding in Docket No. 14617 and the other associated proceedings, the Commission has determined that it should act upon such motion in order that all pleadings may be promptly and simultaneously disposed of. In connection with the foregoing the Commission is also disregarding the untimeliness of the filing of pleading (f).

4. In substance, the situation is as follows: Petitioner is an applicant for a new broadcast station at Gouverneur, New York. The application was designated for hearing on a character issue with the other above-entitled matters because of a 26 percent interest in such application by Martin R. Karig,[4] whose past conduct as a Commission licensee is being inquired into in connection with such other matters to determine whether he possesses the requisite character qualifications to be a licensee of the Commission. In part, the overall proceeding seeks to determine whether Karig has maintained a concealed interest in Station WSPN, Saratoga Springs, New York; whether Karig testified falsely in 1960 that he had divested himself of all interests in WSPN; and whether Karig was instrumental in 1958 in bringing about the filing of a strike application by a 35 percent stockholder (Kenneth Freebern) in WSPN, and another by one of his salesmen (Ralph Romano) at Station WWSC, Glen Falls, New York.[5] Petitioner wishes to amend its application to show that Karig no longer has any connection or interest whatever in the application. With respect to Karig's severance from the application, Morris F. Genthner, presently with a 26 percent interest,[6] would succeed to Karig's 26 percent interest and commitments to the corporation,[7] and Karig would receive from the corporation $1,450 for out-of-pocket expenses incurred in connection with the application and a $500 consultant fee. Genthner has been employed by Station WWSC as a salesman for a number of years, and was so employed when Karig was 100 percent owner of that station. (See Fn. 5.) Additionally, Genthner was once proposed (BP-11926) as Chief Engineer for Karig's Station WIZR, Johnstown, New York, the station involved in the revocation action in Docket No. 14617.

5. Bureau opposed the relief sought on the ground that the original petition made no clear showing that Karig had completely divested himself of all interest in the application. When the supplements disclosed that Karig was to become a creditor of the applicant for his out-of-pocket expenses and his consultant fee, Bureau moved to enlarge issues to add a financial issue as to the applicant, and two other issues: the one to determine whether Karig continues to be a principal in the applicant, and the other as to whether the application and subsequent pleadings contain misrepresentations or are silent as to material facts. The request for the latter two issues is cast in the light of Karig's past conduct as a Commission licensee, and is further based on the failure of the original petition to disclose the proposed creditor relationship of Karig to the applicant, and on what Bureau regards as conflicting statements in the various filings by the applicant as to the issuance to and subscription by Karig of the 65 shares of stock involved.

6. It is petitioner's position that there is no substance to the Bureau's charges of inconsistencies, and that affidavits by petitioner, Genthner, and Karig clearly establish that Karig no longer has an interest in the application except for the reimbursement agreement as to Karig's out-of-pocket expenses. It does not, however, address itself to Bureau's request for a financial issue.

7. On the basis of the Karig conduct—detailed, in part, above—which made necessary this overall proceeding, the Commission concludes that the Genkar application must continue in hearing. In light of the allegations as to false testimony by Karig in other Commission proceedings, his retention of a concealed interest in another station, and his use of a business associate and an employee to subvert Commission processes, and the presence in the Genkar application of a former employee of Karig, the Commission is reluctant to base an ultimate judgment as to the application on anything less than record examination and cross-examination of the persons involved. Accordingly, the Commission is adding an issue, as requested by Bureau, to determine all the circumstances surrounding the alleged divestiture by Karig of interests in the application. In connection with the foregoing, it is not necessary to determine here whether Genkar has misrepresented or omitted material facts in its various filings with the Commission. Neither is it necessary to add the specific issue requested by Bureau in this respect, since the Examiner and Bureau are free to pursue these matters under the divestiture issue and the general character issue previously specified as to Genkar.

8. As to the financial issue requested by Bureau, the following appears: The application shows that the applicant will have available to it $23,052 to meet anticipated costs of $22,853, leaving a surplus of funds of only $201. The applicant has now committed itself to additional expenditures of $1,950 in connection with Karig's out-of-pocket expenses and consultant fees. Petitioner has made no effort to rebut the presumption that it is no longer financially qualified to construct and operate the station proposed, and, accordingly, the Commission has no alternative but to add the financial issue requested. Such issue is to be regarded as a full one and as encompassing Bureau's further question as to whether the subscribers to 48 percent of the stock are bound by and will honor the subscription agreement entered into in connection with the application—another matter to which petitioner has chosen not to address itself.

9. In accordance with the foregoing, the Commission is denying the petitioner's request for removal from hearing and grant of its application. Two of the three issues requested by Bureau are being added. The divestiture issue should be regarded as Issue 12, and the financial issue as Issue 14; existing Issues 12 and 13 are renumbered 13 and 15, respectively. The request for leave to amend is not resisted by the Bureau, and it is allowed.

Accordingly, it is ordered, This 18th day of September 1962, that the petition by Genkar, Incorporated, filed herein on July 2, 1962, is granted to the extent that it requests leave to amend its application, and is denied in all other respects; and that the motion by the Commission's Broadcast Bureau, filed herein on August 1, 1962, is granted to the extent that it requests enlargement of the issues in this proceeding to include those set forth below, and is denied in all other respects:

To determine whether Martin R. Karig has given up his interest in Genkar, Incorporated, the terms and conditions of such divestiture and whether under such terms and conditions, or otherwise, Karig continues to be a principal in Genkar, Incorporated.

To determine whether Genkar, Incorporated is financially qualified to construct and operate its subject proposal for Gouverneur, New York.

Released: September 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-9499; Filed, Sept. 21, 1962; 8:52 a.m.]

[Docket No. 14734; FCC 62M-1233]

STAR BROADCASTING CORP.

Order Continuing Hearing

In re application of Star Broadcasting Corporation (WFLS), Fredericksburg, Virginia, Docket No. 14734, File No. BP-14752; for construction permit.

Pursuant to agreements reached at a prehearing conference held on September 14, 1962: *It is ordered*, This 17th day of September 1962, that the following schedule will govern the future course of hearing in the above-entitled proceeding: October 12, 1962, Exchange of applicant's engineering showings; October 26, 1962, Freeze date; October 31, 1962, Hearing (continued from October 16, 1962).

Released: September 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-9500; Filed, Sept. 21, 1962; 8:52 a.m.]

[Docket No. 14754; FCC 62M-1234]

WESTERN UNION TELEGRAPH CO.

Order Continuing Prehearing Conference

In the matter of proposed new and increased Rates of The Western Union Telegraph Company for telegraph messages of tieline customers.

Pursuant to informal request on behalf of the respondent, Western Union Telegraph Company, and consent of Commission counsel: *It is ordered*, This 17th day of September 1962, that the prehearing conference presently scheduled on October 1, 1962, is postponed to October 2, 1962 at 10:00 a.m.

Released: September 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-9501; Filed, Sept. 21, 1962; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

[No. 1071]

PORT OF EVERETT, WASHINGTON

Investigation of Reduced Wharfage Charges on Direct Transfer Freight

On August 6, 1962, the Port of Everett, Washington, a furnisher of "wharfage, dock, warehouse, or other terminal facilities in connection with a common car-

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[1] Section 1.44 was amended effective August 1, 1962. As amended, it is now set forth as § 1.43.

[2] Although Bureau's motion to enlarge issues (e) was not filed within the period specified by § 1.141 of the rules, good cause for the delay lies in the fact that the matters forming the basis of the motion arose as a result of petitioner's pleadings. (See par. 5.)

[3] The referral was specifically to the Commission, and the Review Board did not come into being until August 1, 1962.

[4] The 26 percent interest includes an 0.8 percent interest by Karig's wife.

[5] Karig was a stockholder in WWSC from 1946 to 1959; from 1957 to 1959, he owned 100 percent of the stock.

[6] The 26 percent interest includes an 0.8 percent interest by Genthner's wife.

[7] The other 48 percent of the stock is subscribed to in 2-4 percent blocks by 18 other persons, all but one of whom are residents of Gouverneur.

rier by water" within the meaning of section 1 of the Shipping Act, 1916, filed with this Commission sixth revised page 11 of its Terminal Tariff No. 1 which provided in paragraph (b) of Item 15 that the wharfage charge on general freight handled directly between open rail cars or trucks and vessels would be reduced from 80 cents to 40 cents per net ton (or 40 cubic feet). By Special Supplement No. 7 to that tariff the effective date of the proposed reduction in wharfage charges was postponed from September 7, 1962 to October 7, 1962.

On August 14, 1962, the Northwest Marine Terminal Association protested the reasonableness of the reduced wharfage rate and urged the Commission immediately to institute an investigation into the lawfulness of the protested decrease.

The Commission has considered the reduced rate, the protest thereon, and the possible effect that the reduced rate could have on shippers at the Port of Everett and on other shippers and ports in Washington and Oregon and has concluded that the matter warrants investigation. Accordingly the Commission, pursuant to section 22 of the Shipping Act, hereby institutes upon its own motion an investigation to determine (1) whether the reduced wharfage rate would make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever within the meaning of section 16, First of the Shipping Act, (2) whether the reduced wharfage rate is an unjust or unreasonable regulation or practice relating to or connected with the receiving, handling, storing, or delivering of property within the meaning of section 17 of the Shipping Act; and (3) what change, if any, the Commission should order in said reduced wharfage rate.

The Port of Everett, Washington, is hereby made respondent in this proceeding and the matter is assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner.

This order and notice of hearing shall be published in the FEDERAL REGISTER; a copy of this order and a notice of hearing shall be served upon respondent, Port of Everett, Washington.

By order of the Commission; September 19, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-9517; Filed, Sept. 21, 1962; 8:54 a.m.]

FARRELL SHIPPING CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8997, between Farrell Shipping Co., Inc., New Orleans 12, Louisiana, and Southern Steamship Agency, Inc., Port Allen (Baton Rouge), Louisiana, is a reciprocal arrangement under which filing export declarations will be performed for each other upon request. Fees for the services to be agreed upon depending upon the service requested.

Agreement No. 8998 between T. J. Hanson, Inc., Beaumont, Texas, and J. P. Harle Forwarding Co., Houston, Texas, is a reciprocal arrangement under which the parties will perform freight forwarding services for each other. Forwarding and service fees are subject to negotiation and agreement on each transaction depending upon services to be performed.

All four parties to these two agreements are independent ocean freight forwarders eligible to carry on the business of forwarding pursuant to section 44, Shipping Act, 1916.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., or at the Commission's field offices at:

45 Broadway,
New York 4, N.Y.

701 Loyola Street,
New Federal Building,
P.O. Box 52948 (mailing address),
New Orleans 50, La.

180 New Montgomery Street,
San Francisco, Calif.

They may submit, to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements, and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 18, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-9518; Filed, Sept. 21, 1962; 8:54 a.m.]

MEMBERS OF THE LATIN AMERICA/PACIFIC COAST STEAMSHIP CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8660, between the twenty five common carriers operating in the trade between West Coast ports of the United States and Canada and ports of the west and east coasts of Central America, the west coasts of Mexico and South America, the islands of the Caribbean Sea, and the northeast coast of South America from the Republic of Panama to Venezuela inclusive, provides for the establishment of the Latin America/Pacific Coast Steamship Conference and specifically the following:

(1) that according to the trade served by each, the carriers shall be divided into five trade groups, three "outbound" and two "inbound" encompassing the trades heretofore described, each with authority to establish rates, rules, regulations for or in connection with the transportation of all merchandise within the ambit of the area served;

(2) that the parties shall strictly observe those rates, rules and regulations as agreed upon and published in the applicable tariffs; that no agent or any of the lines may represent or serve any nonconference carrier in any capacity other than a husbanding capacity or as may be unanimously agreed to by all the lines, in the United States and Canada; prohibitions against "special concessions" including the payment of brokerage unless "upon agreement between the parties"; that the parties shall make only those "absorptions" as agreed upon and published in the conference tariff; that the members shall abide by the rules and regulations mutually agreed upon; agreement as to the terms and conditions governing the admission of new members, and withdrawal of parties to the agreement; the establishment of a $1,000 admission fee;

(3) understanding as to notice and the conduct of meetings of the parties, whether of an individual "trade area" or in those matters of "mutual interest" involving two or more trade areas or with other conferences; agreement as to the quorum necessary to conduct such meetings, voting requirements in order to effectuate decisions; agreement as to voting privileges, the maintenance of service, the apportionment of expenses; procedures for determining, and penalties for, breaches of the agreement;

(4) appointment of a chairman and other officers; and the filing of all conference minutes, rules and regulations, circulars and other documents recording conference action;

(5) that simultaneously with approval, Agreement 8660 will supersede and cancel the following agreements (each of the twenty-five carriers is now a party to one or more of such agreements):

6670—Camexco Freight Conference,
6070—Canal, Central America Northbound Freight Conference,
6170—Capca Freight Conference,
8390—Caribbean/Pacific Northbound Freight Conference,
7270—Colpac Freight Conference,
4294—Pacific Coast/Caribbean Sea Ports Conference,
7570—Pacific Coast/Mexico Freight Conference,
7170—Pacific Coast/Panama Canal Freight Conference,
4630—Pacific/West Coast of South America Conference, and
6270—West Coast of South America/North Pacific Coast Conference,

provided that the tariffs and all other rules and regulations of the aforesaid conferences shall remain in effect as the tariff, rules and regulations of the Latin America Pacific Coast Steamship Conference (Agreement 8660).

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 18, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-9519; Filed, Sept. 21, 1962; 8:54 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP63-5]

CITY OF OFFERLE, KANSAS

Notice of Application

SEPTEMBER 17, 1962.

Take notice that on July 6, 1962, the City of Offerle, Kansas (Applicant), filed in Docket No. CP63-5 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Company of America (Respondent) to establish physical connection of its facilities with those which Applicant proposes to construct and operate and sell to Applicant natural gas for resale and distribution in the City of Offerle, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a gas distribution system in the City of Offerle, Kansas, and a 3-inch lateral pipeline approximately 0.5 mile in length extending southeast from the City border to an inter-connection with Respondent's main transmission line in Kansas.

Applicant estimates its gas requirements in Mcf to be as follows:

Year	Peak day	Annual
1	132	15,310
2	158	19,013
3	177	20,736

On July 20, 1962, Respondent filed an answer to the subject application stating that it is willing and able to render the proposed service.

Applicant estimates the cost of its project to be $46,586. Respondent estimates the cost of the tap and metering and regulating facilities to be $12,610.

Protests, petitions to intervene, or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 5, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9471; Filed, Sept. 21, 1962; 8:46 a.m.]

[Docket No. G-5392]

WEVA OIL CORP.

Notice of Application for Amendment

SEPTEMBER 19, 1962.

Take notice that on July 12, 1962, Weva Oil Corp. (Applicant), 608 Main Street, Hingham, Massachusetts, filed an application pursuant to section 7 of the Natural Gas Act requesting amendment of the certificate authorization in Docket No. G-5392 (order issued April 6, 1955, Docket Nos. G-5387, et al.) by deleting therefrom authorization to sell natural gas from a tract of approximately 554 acres in Wirt, Calhoun and Roane counties, West Virginia, originally dedicated under Contract No. 390 of Hope Natural Gas Company (Hope) dated January 8, 1919, which acreage Hope has agreed to release from said contract, all as more fully set forth in the application for amendment which is on file with the Commission and open to public inspection.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 11, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9489; Filed, Sept. 21, 1962; 8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

TUNGSTEN-BEARING MATERIAL HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 852 short tons of low-grade tungsten ore and approximately 512 pounds of low-grade tungsten concentrates now held in the national stockpile.

The Office of Emergency Planning has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling these low-grade tungsten ores and concentrates. The revised determination was based upon a finding that said low-grade ores and concentrates are obsolescent for use in time of war.

General Services Administration proposes to transfer said materials to other Government agencies, to offer them for sale on a competitive basis, or otherwise to dispose of them in the best interest of the Government, beginning six months after the date of publication of this notice in the FEDERAL REGISTER. This notice has also been transmitted to the Congress and to the Armed Services Committee of each House thereof.

This plan and the date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: September 17, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-9113; Filed, Sept. 21, 1962; 8:45 am.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-XII-7]

MANAGER, DISASTER FIELD OFFICE, HILO, HAWAII

Delegation Relating to Disaster Loan Making

Notice is hereby given that this delegation (25 F.R. 6907) is rescinded in its entirety.

(Disaster Field Office closed September 26, 1960)

Effective Date: August 16, 1962.

EDWARD L. TURKINGTON,
Regional Director, Reg. XII,
San Francisco Regional Office.

[F.R. Doc. 62-9475; Filed, Sept. 21, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 19, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37952: *Petroleum and petroleum products from and to points in official territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2633), for interested rail carriers. Rates on petroleum and petroleum products, in tank-car loads, from, to and between points in official (including Illinois) territory.

Grounds for relief: Carrier competition.

Tariff: Supplement 193 to Traffic Executive Association-Eastern Railroads tariff I.C.C. A-1059.

FSA No. 37953: *Class and commodity rates from and to Kingsberry, Va.* Filed by O. W. South, Jr., Agent (No. A4237), for interested rail carriers. Rates on various commodities moving on class and commodity rates, in carloads, and less-than-carloads, from and to Kingsberry,

Va., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9481; Filed, Sept. 21, 1962; 8:48 a.m.]

[Notice 694]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 19, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65061. By order of September 14, 1962, The Transfer Board approved the transfer to Robert E. Swanson and Lloyd Hefferman, a Partnership, doing business as Seattle-Eastside Auto Freight, Seattle, Wash., of the operating rights in Certificate No. MC 73609, issued March 31, 1955, to Edwin F. Vail, Sr., and Edwin F. Vail, Jr., a Partnership, doing business as Bellevue-Medina-Mercer Island Auto Freight, Seattle, Wash., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Seattle, Wash., and Bellevue, Wash., and between Seattle, Wash., and Factoria, Wash. Carl A. Jonson, 400 Central Building, Seattle 4, Wash., applicants' attorney.

No. MC-FC 65185. By order of September 14, 1962, The Transfer Board approved the transfer to Samuel Shein, Herman Shein, Jules Y. Shein and Phillip Shein, a partnership, doing business as Shein's Express, 1225 Calhoun Street, Trenton, N.J., of Certificate Nos. MC 80504, MC 80504 Sub 8, and MC 80504 Sub 9, issued June 23, 1954, November 14, 1960, and March 31, 1960, respectively, to Howard Shein, Herman Shein, Jules Y. Shein, Phillip Shein, and Samuel Shein, a partnership, doing business as Shein's Express, 1225 Calhoun Street, Trenton, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between New York, N.Y., and Philadelphia, Pa., between Newark, N.J., and Philadelphia, Pa., between Trenton, N.J., and Philadelphia, Pa., between Trenton, and Camden, N.J., between Newark and Yardville, N.J., between Philadelphia, Pa., Wilmington, Del., between Camden, N.J., and Chester, Pa., and between Bridgeport, N.J., and Wilmington, Del., with service to and from all intermediate points on the specified routes, and the offroute points in New York and New Jersey within 30 miles of the City Hall in New York, N.Y., those in New Jersey and Pennsylvania within 20 miles of Trenton, N.J., those within 20 miles of Philadelphia, Pa., not included in the Trenton area; and those within a specified New Jersey Area, as restricted; gummed tape, serving the plant site of the Crowell Corporation, at Yorklyn, Del., as an offroute point in connection with the above regular route between Philadelphia, Pa., and Wilmington, Del.; general commodities, between Buffalo, N.Y., and New York, N.Y., serving all intermediate points on the routes specified, between Syracuse, N.Y., and Oswego, N.Y., serving all intermediate points on the routes specified, and between Fonda, N.Y., and Catskill, N.Y., serving no intermediate points, between Syracuse, N.Y., and junction New York Highways 17 and 32 serving no intermediate points, between Palatine Bridge, N.Y., and junction New York Highways 162 and 148 serving no intermediate points and between Cairo, N.Y., and Saugerties, N.Y., serving no intermediate points; paint and paint materials, stains, varnishes, lacquers, paint and varnish remover, spot remover, and petroleum products, all in containers, putty, brushes, insecticides, and such merchandise as is dealt in by retail food stores, between New York, N.Y., Newark N.J., and points in New Jersey within 15 miles of Newark, on the one hand, and, on the other, points in a specified New York territory; and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Essex, Union, Morris, Passaic, Bergen, Monmouth, and Middlesex Counties, N.J., on the one hand, and, on the other, Newark, N.J.

No. MC-FC 65219. By order of September 14, 1962, The Transfer Board approved the transfer to Howard Raef, Mound City, Kans., of Corrected Certificate No. MC 13584 and Certificate No. MC 13584 Sub 3, issued April 7, 1954 and June 24, 1954, respectively, to D. C. Jamison, doing business as Jamison Truck Line, Mound City, Kans., authorizing the transportation, over regular routes, of: (a) Livestock, from Mound City, Kans., to Kansas City, Mo., over specified highways, serving the intermediate point of Kansas City, Kans., and offroute and intermediate points within 12 miles of Mound City, and from Pleasanton, Kans., over U.S. Highway 69 to Kansas City, Mo., and (b) General commodities; excluding household goods, commodities in bulk, and other specified commodities, from Kansas City, Mo., to Mound City, Kans., over specified highways, serving the intermediate point of Kansas City, Kans., and certain named offroute points, and from Kansas City, Mo., over U.S. Highway 69 to Pleasanton. The above-described operations are subject to certain restrictions. Charles M. Warren, 210 National Avenue, Fort Scott, Kans., attorney for applicants.

No. MC-FC 65227. By order of September 14, 1962, The Transfer Board approved the transfer to Macray Movers, Inc., Long Island City, N.Y., of a portion of Certificate No. MC 82421, issued June 15, 1944, to Alfred J. Koster, Lucien Koster, and John Reynolds, doing business as Koster's Transfer & Storage Co., Long Island City, N.Y., authorizing the transportation of: New and used furniture, home furnishings, and steel lockers, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and New York within 100 miles of New York, N.Y. Morris Honig, 150 Broadway, New York 38, N.Y., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9479; Filed, Sept. 21, 1962; 8:47 a.m.]

[Notice 694-A]

MOTOR CARRIER TRANSFER PROCEEDING

SEPTEMBER 19, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65187. By order of September 17, 1962, Division 3, Acting as an Appellate Division, approved the transfer to Philip A. Mongell, doing business as Mongell's Transfer and Storage, Connellsville, Pa., of Certificate No. MC 41880 issued October 7, 1949, to Annette D. Durbin, doing business as Dull's Transfer & Storage, Connellsville, Pa., authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between Connellsville, Pa., on the one hand, and, on the other, points in Ohio; and between Connellsville, Pa., on the one hand, and, on the other, points in New Jersey, Maryland, West Virginia, and the District of Columbia. William H. Soisson, Jr., Gallatin Building, Connellsville, Pa., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9480; Filed, Sept. 21, 1962; 8:48 a.m.]

AUGUST W. KOEHLER

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958 and 27 F.R. 3829) during the six months' period ended September 14, 1962.

There has been no change in my business connections since my last statement which was for the period ending, March 14th, 1962.

My fianancial interests are no different than those shown in the March 14th, 1962 statement.

I will, however, have added $1,600 to my investment total through the Bank of America, as of September 14th, 1962.

Dated: September 10, 1962.

AUGUST W. KOEHLER.

[F.R. Doc. 62-9477; Filed, Sept. 21, 1962; 8:47 a.m.]

ALEXANDER W. WUERKER

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958 and 27 F.R. 3829) during the six months' period ended September 14, 1962.

No change.

Dated: September 14, 1962.

A. W. WUERKER.

[F.R. Doc. 62-9478; Filed, Sept. 21, 1962; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1315; Amdt. 487]

PART 507—AIRWORTHINESS DIRECTIVES

Convair Models 22 and 22M Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the Convair Models 22 and 22M aircraft to eliminate mechanical interference which makes it impossible to apply brakes with the rudder pedals adjusted to the full forward position and the rudder fully deflected, was published in 27 F.R. 7574.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CONVAIR. Applies to all Models 22 and 22M Series aircraft.

Compliance required within the next 350 hours' time in service after the effective date of this AD, unless already accomplished.

With the rudder pedals adjusted to the full forward position and the rudder fully deflected, mechanical interference can make it impossible to apply brakes on the side with the deflected rudder.

To correct this interference problem, P/N's 22-41202-1 LH and 22-41202-2 RH located at fuselage Station 192 shall be reworked in accordance with General Dynamics/Convair Service Bulletin A27-53 for the Model 22 and A27-22 for the Model 22M or in accordance with an FAA engineering approved equivalent modification.

(General Dynamics/Convair Alert Service Bulletin A27-53 for the Model 22 and A27-22 for the Model 22M cover this same subject.)

This amendment shall become effective October 25, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 19, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-9524; Filed, Sept. 24, 1962; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-SO-14]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airways

On April 21, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3859) stating that the Federal Aviation Agency (FAA) proposed to realign Intermediate altitude VOR Federal airway No. 1503 from Wilmington, N.C., direct to Norfolk, Va., and Intermediate altitude VOR Federal airway No. 1677 from Wilmington direct to Rocky Mount, N.C.

In a supplemental notice of proposed rule making published in the FEDERAL REGISTER on July 6, 1962 (27 F.R. 6391) it was stated that the original proposal was to be amended by expanding the width of Victor 1503 from the intersection of the Wilmington VOR 028° and the Rocky Mount VOR 135° True radials to the intersection of the Norfolk VOR 209° and the Rocky Mount VOR 110° True radials to 18 miles. The Department of the Navy expressed concern over the proximity of the proposed realigned segment of Victor 1503 to the Oceana, Naval Air Station, Norfolk, Va., and the proposed alignment of this airway segment through airspace west of the Marine Corps Air Station, Cherry Point, N.C., which was previously designated as restricted airspace. The Navy also stated that the proposed realignment of Victor 1503 with the recent realignment of Jet Route No. 79 from Wilmington direct to Norfolk would, in effect, erect a barrier to the free airspace surrounding the Cherry Point Area. The Navy further stated that the realignment of Victor 1503 would encourage the mixing of high speed, high volume, visual flight rule (VFR) jet traffic with aircraft which would utilize Victor 1503. Victor 1503, as presently designated, places the eastern boundary of this airway approximately 5 miles west of Oceana NAS. The proposed realignment of this airway would not appreciably reduce this distance.

The FAA feels that proper observance of established procedures will preclude derogation of safety with regard to aircraft operating VFR in the vicinity of Oceana; in the area west of Cherry Point and aircraft utilizing Victor 1503. There appears to be insufficient reason to withhold public use of such airspace.

The Air Transport Association of America endorses the proposed amendments. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notices, the following actions are taken:

1. In the text of § 600.1503 (14 CFR 600.1503, 27 F.R. 3193) "Wilmington VOR; thence 12-mile-wide airway via the INT of the Wilmington VOR 014° and the Cofield, N.C., VOR 209° radials; thence 14-mile-wide airway to the INT of the Cofield VOR 209° and the Rocky Mount, N.C., VOR 112° radials; thence 10-mile-wide airway via the Cofield VOR; INT of the Cofield VOR 046° and the Cape Charles, Va., VOR 200° radials; Cape Charles VOR;" is deleted and "Wilmington VOR; INT of the Wilmington VOR 028° and the Rocky Mount, N.C.; VOR 135° radials; thence 18-mile-wide airway to the INT of the Norfolk, Va., VOR 209° and the Rocky Mount VOR 110° radials; thence to the INT of the Norfolk VOR 209° and the Cofield, N.C., VOR 101° radials; thence 13-mile-wide airway (8 miles to the west and 5 miles to the east of the centerline) to the Norfolk VOR; thence 10-mile-wide airway to the Cape Charles, Va., VOR." is substituted therefor.

2. In the text of § 600.1677 (14 CFR 600.1677) "From the Wilmington, N.C., VOR via the INT of the Wilmington VOR 352° and the Rocky Mount, N.C., VOR 191° radials; thence 14-mile-wide airway to the INT of the Rocky Mount VOR 191° and the Raleigh-Durham, N.C.; VOR 116° radials; thence to the Rocky Mount VOR;" is deleted and "From the Wilmington, N.C., VOR via the Rocky Mount, N.C., VOR;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., November 15, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 19, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9522; Filed, Sept. 24, 1962; 8:45 a.m.]

[Airspace Docket No. 62-SO-49]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2166 of the regulations of the Ad-

ministrator is to alter the description of the Spartanburg, S.C., control zone.

The Spartanburg control zone is designated, in part, with reference to the Spartanburg radio range. The Federal Aviation Agency is converting this facility to a combined transcribed weather broadcast station and nondirectional radio beacon. The action taken herein reflects the conversion of this facility.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12562), § 601.2166 (14 CFR 601.2166) is amended to read:

§ 601.2166 Spartanburg, S.C., control zone.

Within a 5-mile radius of the Spartanburg Municipal Airport (lat. 34°54'55" N., long. 81°57'35" W.) and within 2 miles either side of the 237° bearing from the Spartanburg RBN extending from the 5-mile radius zone to 10 miles SW of the RBN.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 18, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9521; Filed, Sept. 24, 1962; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 671—COMMUNICATIONS, UTILITIES, AND TRANSPORTATION INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), and by means of Administrative Order No. 562 (27 F.R. 6096), the Secretary of Labor appointed and convened Industry Committee No. 53–C. Administrative Order No. 562 referred to Industry Committee No. 53–C the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the communications, utilities, and transportation industry in Puerto Rico, as defined in that Order, and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Excluded from the matters referred to Industry Committee No. 53–A were the activities described in 29 CFR 671.2 (a), (b), (d), and (e). The minimum wage rates for those activities equal the rates prescribed in section 6(a)(1) or 6(b)(1) of the Act.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 53–B are hereinafter published in this revision of 29 CFR 671.2(c).

Effective October 10, 1962, 29 CFR 671.2(c) is hereby revised to read as follows:

§ 671.2 Wage rates.

* * * * *

(c) Wages at a rate of not less than $1.07 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the communications, utilities, and transportation industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce and who is engaged in the other workers in motor carrier transport and express classification of that industry, which is defined as consisting of the work or operations performed by all workers other than those included in the drivers, mechanics, and clerical workers in motor carrier transport and express classification, engaged in the transportation of property for compensation including pickup and delivery, and activities directly related to the transportation of property by motor vehicle for compensation and consolidating, forwarding, packing, crating, and boxing goods for shipment.

(Sec. 8 8, 52 Stat. 1064, as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 19th day of September 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-9549; Filed, Sept. 24, 1962; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

RATES OF COMPENSATION TO BE ASSIGNED CERTAIN DISABLED VETERANS

A new § 3.1570 is added to read as follows:

§ 3.1570 Instructions relating to rates of compensation to be assigned certain veterans with service-connected blindness of one eye and non-service-connected blindness of the other eye or with service-connected loss or loss of use of one kidney and non-service-connected involvement of the other kidney.

(a) *Provisions of the law.* A new section numbered 360 has been added to chapter 11, title 38, United States Code. This new section reads as follows: "Where any veteran has suffered (1) blindness in one eye as a result of service-connected disability and has suffered blindness in the other eye as a result of nonservice-connected disability not the result of his own willful misconduct, or (2) has suffered the loss or loss of use of one kidney as a result of service-connected disability, and has suffered severe involvement of the other kidney such as to cause total disability, as a result of nonservice-connected disability not the result of his own willful misconduct, the Administrator shall assign and pay to the veteran concerned the applicable rate of compensation under this chapter as if his blindness in both eyes or such bilateral kidney involvement were the result of service-connected disability."

(b) *Effects of the act.* Prior to this law, if a veteran entered service with blindness of one eye and incurred blindness in the other eye as a result of service, he would be entitled to the statutory rates of compensation payable for service-connected blindness of both eyes. However, if a veteran entered service with two good eyes, incurred blindness of one eye in service, and then subsequent to service suffered blindness of the other eye as a result of nonservice-connected cause, he would be entitled to compensation only for unilateral blindness. This act now equates the two situations so that in the latter case the veteran is now entitled to the statutory rates of compensation payable for service-connected blindness of both eyes. Similarly, prior to this law, if a person entered service with loss or loss of use of one kidney and while in service incurred severe involvement of the other kidney, such veteran could be given a total rating for compensation. However, where a person incurred the loss or loss of use of one kidney in service and subsequent to service incurred severe involvement of the other kidney not the result of service-connected disability, the rating for compensation could not be more than 30 percent, the rating for unilateral involvement only. Under this act such person may receive a total rating for compensation purposes or a statutory rate under 38 U.S.C. 314(l)–(s).

(1) *Possible entitlement to grant for an automobile under 38 U.S.C. Ch. 39.* Under this law if a veteran is granted statutory rates of compensation for blindness of both eyes incurred in World War II or the Korean conflict he would have potential entitlement to a grant for an automobile or other conveyance under 38 U.S.C. Ch. 39. However, in order for entitlement to be actually established, a claim for such benefits must be filed within the time limits prescribed by 38 U.S.C. 1905.

(2) *Possible entitlement to assistance in obtaining specially adapted housing under 38 U.S.C. Ch. 21.* Certain veterans granted the statutory rates of compensation for bilateral blindness under this law, may also have potential entitlement to assistance in obtaining specially adapted housing under 38 U.S.C. Ch. 21, if in addition to having blindness in both eyes with light perception only, they also have service-connected loss or loss of use of one lower extremity, and locomotion without the aid of a wheelchair is precluded.

(c) *Effective date.* The law was approved August 28, 1962, and becomes effective August 28, 1962. No benefit based solely on the liberalizing provisions of this law may be effective prior to August 28, 1962.

(1) *Pending claims.* Where otherwise in order the effective date of an award as to a claim pending on the date of approval of this act will be August 28, 1962. For the purposes of this subparagraph, a pending claim will include:

(i) A claim not previously adjudicated.

(ii) A previously disallowed claim pending consideration on appeal.

(iii) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry on which action was pending on August 28, 1962.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry after August 28, 1962, but within the appeal period.

(2) *New claims.* Claims, formal or informal, received on or after August 28, 1962, will be considered initial claims for the purpose of this act and the effective date will be determined under applicable laws and regulations relating to original claims but not earlier than August 28, 1962.

(i) Where a claim identifying the benefit sought is received within 1 year from August 28, 1962, and evidence of entitlement is of record on or before August 28, 1962, benefits will be payable from August 28, 1962.

(ii) For the purposes of this act a report of Veterans Administration examination or Veterans Administration hospitalization will be accepted as a claim if the report relates to a disability which may establish entitlement to this benefit. (Instruction 1, 38 U.S.C. 360, Public Law 87–610.)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective September 25, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-9544; Filed, Sept. 24, 1962; 8:48 a.m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Education and Training of World War II Veterans and Vocational Rehabilitation Under 38 U.S.C. Ch. 31

MISCELLANEOUS AMENDMENTS

1. In § 21.133, paragraphs (f), (g), and (h) are amended to read as follows:

§ 21.133 Rates of subsistence allowance.

* * * * *

(f) *Active or inactive military or naval service.* (1) When a veteran under 38 U.S.C. Ch. 31 reenters active military or naval service his training status is interrupted by the Veterans Administration and the authorization of subsistence allowance is therefore not in order. However, a veteran who reenters active military service following the determination of his employability is not precluded from receiving postrehabilitation pay.

(2) Persons hospitalized pending final discharge from the active military or naval forces may not receive subsistence allowance in any amount by reason of the specific prohibition in 38 U.S.C. 1510.

(3) Members of the Army Reserve, Naval Reserve, National Guard, Air Force Reserve, Air National Guard, Marine Corps Reserve, Coast Guard Reserve, ROTC, or NROTC, who receive annual training where a single period of training ordinarily does not exceed 60 days, such as "summer camp" or "annual cruise," will not be authorized subsistence allowance during such a period, except where leave has been granted concurrently under § 21.261.

(4) The receipt of drill pay, flight pay, or commuted rations by members of the Army Reserve, Naval Reserve, National Guard, Air Force Reserve, Air National Guard, Marine Corps Reserve, or Coast Guard Reserve for short periods of training given each week or month and members of the advanced course of NROTC or ROTC who draw commutation in lieu of subsistence while in that specialized training does not preclude the payment of subsistence allowance.

(5) Persons receiving training under Public Law 729, 79th Congress, known as the Navy "Holloway Plan," are not entitled to receive concurrently any benefits under 38 U.S.C. Ch. 31.

(6) Persons receiving training as a cadet or midshipman at one of the service academies are not entitled to receive concurrently any benefits under 38 U.S.C. Ch. 31.

(7) The receipt of the Armed Forces retirement or retainer pay by a person not on active duty with such forces is not a bar to the authorization of subsistence allowance.

(g) *Waiver of service-connected disability compensation in order to receive nonservice-connected disability pension.* (1) The determination of eligibility and need for training for the purposes of vocational rehabilitation as provided in 38 U.S.C. Ch. 31, is not affected by action on the veteran's part in waiving payment of service-connected disability compensation in order to receive the greater benefit payable for nonservice-connected disability pension under the provisions of 38 U.S.C. 521.

(2) For the purpose of determining whether the minimal amounts payable for disability rated 30 percent or more, or less than 30 percent, shall apply, the rate of service-connected disability compensation waived will be used. However, in determining the rate of subsistence allowance to be authorized in view of such minimal amounts, the amount of the nonservice-connected disability pension will be used instead of the rate of service-connected disability compensation waived.

(h) *Employability determined.* Upon determination of employability of a veteran who has pursued a course of training under 38 U.S.C. Ch. 31, except under the conditions stated in § 21.281(c), a lump-sum payment of the 2 months' postrehabilitation pay will be authorized. The amount of such payment will be computed on the basis of the full rate of subsistence allowance applicable to the dependency status, type of training, and compensable disability rating in the individual veteran's case at the time employability was determined and without regard to the fact that the veteran pursuing on-the-job training may have been authorized less than the maximum subsistence allowance payable because of compensation for productive labor being received while in pursuit of training. Upon a subsequent determination of employability made in the case of a veteran who had previously been determined employable, who had been paid the 2 months' gratuity and who was reinducted for additional training, a lump-sum payment of the 2 months' postrehabilitation pay will be authorized in accordance with the principle stated in this paragraph.

2. Section 21.134 is revised to read as follows:

§ 21.134 Specialized restorative training.

A veteran inducted into a course of specialized restorative training under 38 U.S.C. Ch. 31, will be authorized subsistence allowance in accordance with §§ 21.130 through 21.133, except that, when specialized restorative training is prescribed for the purpose of enabling the veteran to retain employment in the occupation in which he is currently employed, the rate of subsistence allowance authorized may not exceed the difference between the veteran's current rate of pay and the rate of pay which assuredly will be paid him upon completion of the prescribed course of specialized restorative training.

3. Section 21.135 is revoked.

§ 21.135 Loans from vocational rehabilitation revolving fund. [Revoked]

4. In § 21.150, paragraphs (a) and (b) are amended to read as follows:

§ 21.150 Payment of book, supply, and equipment charges.

(a) On and after January 1, 1949, foreign educational institutions approved by the Veterans Administration for the purposes of part VIII, Veterans Regulation No. 1(a), as amended (as saved from repeal by section 12(a), Public Law 85–857), will no longer be required to furnish United States veterans with the books, supplies, and equipment generally required by the institution of all students similarly circumstanced, nor will they be required to assume any responsibility for billing the Veterans Administration for such items required of students after that date.

(b) On and after January 1, 1949, it will be the responsibility of the individual veteran to procure and to pay from personal funds the purchase or rental cost of all items of books, supplies, and equipment which he is required by the institution to procure in connection with the course or courses he is pursuing. If it is the customary practice of the institution to furnish students with any of the required items on a rental basis, then reimbursement may be claimed for only the customary rental charges for such items. On and after that date it will also be the responsibility of the individual veteran to make claim upon the Veterans Administration for reimbursement for such payments.

• • • • •

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective September 25, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62–9545; Filed, Sept. 24, 1962; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62–962]

MISCELLANEOUS AMENDMENTS TO CHAPTER

In the matter of amendment of Parts 1, 5, 7, 8, 9, 10, 11, 12, 14, 16, 18, 19, and 21 of the Commission's rules to implement the provisions of Public Law 87–444, 87th Congress.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of September 1962;

The Commission having under consideration Public Law 87–444, effective April 27, 1962, which eliminates the oath requirement with regard to applications filed under sections 308(a) and 319(a) of the Communications Act; and

It appearing that this legislation was proposed by the Commission to eliminate an unnecessary burden on the public and the Commission, under which applications lacking an oath had to be returned, with consequent inconvenience and delay; and

It further appearing that criminal penalties are provided by statute (18 U.S.C. 1001) for false statements made to the Commission; that application and report forms will, as they are revised, contain a warning with reference to these penalties; that the revised forms will also provide for certification as to the truth of statements made therein; and that, these matters considered, the burdensome oath requirement may be eliminated without adverse effect upon the Commission's procedures; and

It further appearing that the provisions governing the signing of applications in the various radio services should be uniform, except as circumstances require otherwise, and that the rules should be amended to achieve this purpose; and

It further appearing that the amendments adopted herein pertain to matters of procedure and hence that compliance with the notice, procedural, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that authority for adoption of the amendments herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in Public Law 87–444;

It is ordered, Effective October 1, 1962, that the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1062, as amended; 47 U.S.C. 303)

Released: September 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

PART 1—PRACTICE AND PROCEDURE

1. The introductory text of § 1.193 (a), and §§ 1.303, 1.304(b), 1.321(b), 1.331(d), 1.442, 1.501(a), 1.503, 1.504, 1.505 (a) and (c), and 1.525(b) are amended to read as follows:

§ 1.193 Protests of grants without hearing.

(a) Where any instrument of authorization for a radio station, other than a license pursuant to a construction permit, has been granted without a hearing, any party in interest may file a protest directed to such grant and request a hearing on the application granted. Such protest shall be signed by the protestant and subscribed to under oath. Such protest must be filed with the Commission within 30 days after release of the document containing the full text of such action, or in case such a document is not released, after release of a "Public Notice" announcing the action in question and must separately set forth:

§ 1.303 Who may sign applications.

(a) Except as provided in § 1.301(b) or in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction. If the applicant is a corporation, and the application, amendment, or related statement of fact deals with an original application for a construction permit, an application for major change, or an application for renewal, or if the corporation is an assignee or transferee in an assignment or transfer application, the application, amendment, or related statement of fact must be signed both by the principal executive officer of the applicant and the individual directly charged with supervision over the broadcast facility involved. In those corporate cases where the same person is charged with both functions, only that person need sign. Additionally, if the corporate applicant is a subsidiary of another business entity, the application or other document must also be signed by the principal executive officer of the latter. If a succession of subsidiaries is involved, the signatures of the principal executive officers of all such corporations up to and including the ultimate parent corporation are required. Any other type of broadcast application or report where applicant is a corporation need be signed only by an officer of the corporation.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be submitted under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 1.304 Contents of applications.

• • • • •

(b) The Commission may require an applicant to submit such documents and written statements of fact as in its judgment may be necessary. The Commission may also, upon its own motion or upon motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain.

§ 1.321 Formal and informal applications.

• • • • •

(b) An informal application requesting modification of an outstanding authorization must comply with the requirements as to signing specified in §§ 1.301 and 1.303.

§ 1.331 Application for temporary authorization.

• • • • •

(d) An informal application may be used provided such application is signed in accordance with the provisions of § 1.303.

§ 1.442 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer or duly authorized employee, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability, or in case the applicant does not reside in any of the contiguous 48 States of the United States or in the District of Columbia. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 1.501 Applications required.

(a) Except as provided in paragraph (b) of this section, construction permits as defined in section 3(dd) of the Communications Act of 1934, as amended; station licenses as defined in section 3 (bb) of the Communications Act; operator licenses or modifications or renewals thereof; assignments of construction permits or station licenses or any rights thereunder; and consent to transfer control of a corporation holding a construction permit or license, shall be granted only upon written and signed application.

§ 1.503 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 1.504 Full disclosures.

Each application shall contain full and complete disclosures with regard to the real party or parties in interest and as to all matters and things required to be disclosed by the application forms.

§ 1.505 Amendments of applications.

(a) Any amendment to an application shall be signed and submitted in the same manner and with the same number of copies as was the original application.

• • • • •

(c) The Commission may, upon its own motion or upon motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain, and may require an applicant to submit such documents and written statements of facts, as in its judgment may be necessary.

§ 1.525 Application for special temporary authorization.

• • • • •

(b) Requests for such temporary authorization may be filed in letter form, properly signed; however, in cases of emergency involving danger to life or property or due to damage to equipment, such request may be made by telephone or telegraph provided written request, properly signed, is submitted within 10 days from the date of such request.

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

2. Sections 5.54 and 5.55(k)(1) are amended to read as follows:

§ 5.54 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer or duly authorized employee, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be submitted under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 5.55 Forms to be used.

• • • • •

(k) *Informal application.* (1) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed in accordance with § 5.54. Each application shall be clear and complete within itself as to the facts presented and the action desired.

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

3. Sections 7.25, 7.26, 7.48(a), and 7.352(a)(1) are amended to read as follows:

§ 7.25 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need by signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 7.26 Informal applications.

An application not submitted on a standard form prescribed by the Commission is an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and except as provided in § 7.41, the original copy shall be signed as provided in § 7.25. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 7.48 Applications in an emergency.

(a) In cases of emergency involving danger to life or property or due to damage to equipment, applications for a construction permit and a station license, or modification or renewal thereof, may be filed by telegram or letter. In the event that the Commission finds that such an emergency exists, temporary authorization may be granted to construct or operate a station in accordance with the request for the duration of such emergency: *Provided*, That in such cases as may be considered necessary by the Commission, the applicant may be required to supplement such request by filing, as soon as practicable thereafter, a written application for the same authorization as normally prescribed by applicable provisions of this part.

§ 7.352 Cooperative use of facilities.

(a) • • •

(1) Such persons, state or local government subdivisions, or Federal agencies may, and in the case of foreign persons shall, themselves be the licensees of the radio stations installed on board their respective vessels: *Provided*, That prior to receiving an authorization to render service to the involved ship station(s), the licensee of the coast station or the marine-utility station from whom the service is to be received files a request for authority to render such maritime mobile service to the person or government agency who is to receive the service. The request must be signed but may be in letter form, submitted in duplicate. Upon approval of the request, the Commission will designate, on the coast station or marine-utility station authorization, the persons or government agencies to whom service may be rendered.

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

4. Sections 8.25, 8.26, and 8.28, and the text of section 8.42(a) preceding the note, are amended to read as follows:

§ 8.25 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 8.26 Informal applications.

An application not submitted on a standard form prescribed by the Commission is an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original properly signed. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 8.28 Amendment or dismissal of application.

Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment of, or request for dismissal of, an application shall be signed and submitted in the same manner and with the same number of copies as required for the original application. All related correspondence or other material which is to be considered as a part of an application already filed shall be submitted in the form of an amendment to the application concerned.

§ 8.42 Application for license or modification or renewal of license in an emergency.

(a) In cases of emergency involving danger to life or property or due to damage to equipment wherein the grant of an interim ship station license as provided by § 8.35 is not possible or such grant would not satisfy the requirements of the emergency, applications for a station license, or for modification or for renewal of a station license, to authorize certain use and operation of radio transmitting apparatus on board ship in the maritime mobile or maritime radiolocation service in accordance with applicable provisions of treaty, statute, and rules of the Commission, may be filed at any time by telegram or letter. In the event that the Commission finds that such an emergency exists, temporary authorization may be granted to operate a station in accordance with the request for the duration of such emergency: *Provided*, That in such cases as may be considered necessary by the Commission, the applicant may be required to supplement such request by filing, as soon as practicable thereafter, a written application for the same authorization as normally prescribed by applicable provisions of this part.

PART 9—AVIATION SERVICES

5. Sections 9.103, 9.104, and 9.109(a) are amended to read as follows:

§ 9.103 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 9.104 Full disclosures.

Each application shall contain full and complete disclosures with regard to the real party or parties in interest and as to all matters and things required to be disclosed by the application form.

§ 9.109 Amendment of applications.

(a) Any amendment to an application shall be signed and submitted in the same manner and with the same number of copies as was the original application.

6. Sections 10.8(b)(1) 10.54, 10.55(e), and 10.56(a), and the introductory text of § 10.68, are amended to read as follows:

§ 10.8 Frequency coordination procedures.

• • • • •

(b)(1) A statement that all existing licensees located within a radius of 75 miles of the proposed station and authorized to operate on frequencies within 30 kc/s of the requested frequency or frequencies have been notified of the applicant's intention to request assignment of the particular frequency; and

PART 10—PUBLIC SAFETY RADIO SERVICES

§ 10.54 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statments of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 10.55 Standard forms to be used.

• • • • • •

(e) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original properly signed. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 10.56 Request for special temporary authority.

(a) In circumstances requiring immediate or temporary use of facilities, request may be made for special temporary authority to install and operate new equipment or to operate licensed equipment in a manner different than that authorized in the station license. Any such request may be in letter form, submitted in duplicate, and signed in accordance with § 10.54: *Provided*, That in cases of emergency involving danger to life or property or due to damage to equipment, such request may be made by telephone or telegraph under the condition that written request is submitted within 10 days from the date of such request. In the event that the Commission finds that such an emergency exists, temporary authorization may be granted for the duration of the emergency. Any such request shall be clear and complete within itself as to the action desired.

§ 10.68 International police radio communication.

Police radio licensees which are located in close proximity to the borders of the United States may be authorized to communicate internationally. Request for such authority shall be written and signed and submitted in duplicate. The request shall include information as to the station with which communication will be conducted, and the frequency, power, emission, etc., that will be used. If authorized, such international communication must be conducted in accordance with Article 5 of the Inter-American Radio Agreement, Washington, D.C., 1949 which reads as follows:

PART 11—INDUSTRIAL RADIO SERVICES

7. Sections 11.6(a)(1)(i), 11.8(a)(2), 11.53(a), 11.55, 11.56(e), and 11.61(a) are amended to read as follows:

§ 11.6 Cooperative arrangements.

(a) • • •

(1) *Mobile service.* • • •

(i) A person who is to receive service from a base station licensed to a person other than himself may obtain a license for his own mobile radio units: *Provided, however*, That the application for such license shall be accompanied by an application from the licensee of the base station, for modification of his license, to permit rendition of the desired service. The application for modification of the base station license shall name the person to be served and may be filed either on FCC Form 400 or by letter, in duplicate; or

§ 11.8 Policy governing the assignment of frequencies.

(a) • • •

(2) Frequency coordination when required by the provision of this section may be accomplished by the submission of a report, based on a field study, indicating the degree of probable interference to existing stations operating in the same area. The report shall consider all stations operating on the requested frequency within 75 miles of the proposed station, and all stations operating on any adjacent frequency 15 kc/s or less from the requested frequency and within 35 miles of the proposed station. Further, the applicant shall submit a written and signed statement that all existing licensees within the frequency and mileage limits contained in this subparagraph have been notified of the applicant's intention to request the particular frequency.

§ 11.53 Procedure for obtaining special temporary authority.

(a) In circumstances requiring immediate or temporary use of facilities, request may be made for special temporary authority to install and operate new equipment or to operate licensed equipment in a manner different than that authorized in the station license. Any such request may be in letter form, submitted in duplicate, and signed in accordance with § 11.55: *Provided*, That in cases of emergency involving danger to life or property or due to damage to equipment, such request may be made by telephone or telegraph under the condition that written request is submitted within 10 days from the date of such request. In the event that the Commission finds that such an emergency exists, temporary authorization may be granted for the duration of the emergency. Any such request shall be clear and complete within itself as to the action desired.

§ 11.55 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant if the applicant is an individual; by one of the partners, if the applicant is a partnership, by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 11.56 Standard forms to be used.

• • • • •

(e) Informal application. (1) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original properly signed. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 11.61 Amendment or dismissal of applications.

(a) Any application may be amended upon request of the applicant as a matter of right prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed and submitted in the same manner and with the same number of copies as required for original application.

PART 12—AMATEUR RADIO SERVICE

8. Section 12.63(a) and the introductory text of § 12.223 are amended to read as follows:

§ 12.63 Application for amateur station license.

(a) Each application for an additional station, a club station, or a station for recreation under military auspices shall be made in writing, on FCC Form 610–A properly signed. An application for a station license, where the amateur already holds an operator license only or where the applicant is concurrently applying for an operator license, shall be made in writing, on FCC Form 610 properly signed.

§ 12.223 Filing of application.

Each application for a station authorization or for renewal thereof shall be submitted on FCC Form 481–1, signed by the applicant and countersigned by the appropriate civil defense radio officer, who shall certify to the following:

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

9. The note following § 14.22(f) is amended to read as follows:

§ 14.22 Application precedent to authorization.

• • • • •

NOTE: Standard forms are prescribed in applicable rule sections of Part 7 and 8 of this chapter for use in connection with the majority of applications submitted for Commission consideration under the provisions of this part. These forms may be obtained without cost from the Commission at Washington 25, D.C., or from any of its engineering field offices.

PART 16—LAND TRANSPORTATION RADIO SERVICES

10. Sections 16.53(a), 16.55, 16.56(g)(1), and 16.61(a) are amended to read as follows:

§ 16.53 Special temporary authority.

(a) In circumstances requiring immediate or temporary use of facilities, request may be made for special temporary authority to install and operate new equipment in a manner different than that authorized in the station license. Any such request may be in letter form, submitted in duplicate, and signed in accordance with § 16.55: *Provided*, That in cases of emergency involving danger to life or property or due to damage to equipment, such request may be made by telephone or telegraph under the condition that written request is submitted within 10 days from the date of such request. In the event that the Commission finds that such an emergency exists, temporary authorization may be granted for the duration of the emergency. Any such request shall be clear and complete within itself as to the action desired.

§ 16.55 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 16.56 Standard forms to be used.

• • • • •

(g) • • •

(1) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original properly signed. Each application shall be clear and complete within itself as to the facts presented and action desired.

§ 16.61 Amendment or dismissal of applications.

(a) Any application may be amended upon request of the applicant as a matter of right prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed and submitted in the same manner and with the same number of copies as required for original application.

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

11. Section 18.43 is amended to read as follows:

§ 18.43 Applications for station licenses.

Each applicant for a station license authorizing the operation of medical diathermy, industrial heating equipment, or miscellaneous equipment, or requesting the modification or renewal of such a license, shall file with the Commission in Washington, D.C., three copies of each application on the appropriate form designated by the Commission and a like number of any exhibits and other papers incorporated therein and made a part thereof. Application for a license shall be made upon the appropriate form prescribed by the Commission, and separate application should be made for each unit of equipment for which a license is sought. Application for modification or renewal of a license shall also be upon appropriate form prescribed by the Commission.

PART 19—CITIZENS RADIO SERVICE

12. Sections 19.14 and 19.16(a) are amended to read as follows:

§ 19.14 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 19.16 Amendment or dismissal of application.

(a) Any application may be amended upon request of the applicant as a matter or right prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed and submitted in the same manner and with the same number of copies as required for the original application.

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

13. Sections 21.13, 21.16, 21.17, 21.29(f), and 21.111 are amended to read as follows:

§ 21.13 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the application is a partnership; by an officer or duly authorized employee, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability, or in case the applicant does not reside in any of the contiguous 48 States of the United States or in the District of Columbia. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 21.16 Additional statements.

The Commission may require an applicant or grantee to submit such documents and signed written statements of fact, as in its judgment may be necessary.

§ 21.17 Form of amendments to applications.

Any amendment to an application shall be signed, and submitted in the same manner, and with the same number of copies, as was the original application: *Provided, however*, That amendments may be made in letter form, complying in all other respects with this rule.

§ 21.29 Forms to be used.

• • • • • •

(f) *Renewal of station license.* Unless otherwise directed or permitted by the Commission, each application for renewal of license other than special temporary authorizations shall be submitted on FCC Form 405 not less than 30 days nor more than 60 days prior to the expiration date of the license sought to be renewed. Expiring developmental authorizations may be renewed only upon a factual showing of need beyond the expiration date of the authorization sought to be renewed. A blanket application may be submitted for renewal of a group of station licenses in the same service in those cases where the renewal requested is in exact accordance with the terms of the previous authorizations. The individual stations covered by such

application shall be clearly identified therein, and sufficient copies of such blanket application shall be filed so as to provide at least two copies thereof for each station affected. Special temporary authorizations may be extended upon informal written requests. (See §§ 21.405(b) and 21.511.)

§ 21.111 Simultaneous use of common antenna structure.

The simultaneous use of common antenna structures by more than one domestic public radio station, or by one or more domestic public radio stations and one or more stations of any other class or service, may be authorized provided complete responsibility for maintaining the structure and for painting and illuminating the structure, when obstruction marking is required by the Commission, is assumed by one of the licensees. In each case involving the use of an antenna structure by more than one licensee, the applicant shall submit to the Commission, with his application, a signed copy of the agreement between such parties setting forth which party has assumed the aforementioned responsibility (see § 21.15(f)).

[F.R. Doc. 62-9550; Filed, Sept. 24, 1962; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colorado

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Monte Vista National Wildlife Refuge, Colorado, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,682 acres or 39 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants and rabbits.

(b) Open season:

Pheasants—From 12 noon to sunset November 10, 1962, and from sunrise to sunset November 11, 1962, through November 18, 1962.

Rabbits—From 12 noon to sunset November 9, 1962, and from sunrise to sunset November 11, 1962, through December 3, 1962.

(c) Daily bag limits: Pheasants, 3 cocks; rabbits 10.

(d) Methods of hunting:

(1) Weapons—Shotguns only, capable of holding not more than 3 shells in magazine and barrel combined.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal Permit is not required to enter the public hunting area, but hunters, upon entering or leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

(3) The provisions of this special regulation are effective to December 4, 1962.

CAREY H. BENNETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 17, 1962.

[F.R. Doc. 62-9529; Filed, Sept. 24, 1962; 8:46 a.m.]

PART 32—HUNTING

Tishomingo National Wildlife Refuge, Oklahoma

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Tishhomingo National Wildlife Refuge, Oklahoma, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,100 acres of 19 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Quail.

(b) Open season: Sunrise to sunset November 20, 1962, through January 15, 1963, on Tuesdays, Thursday, Saturdays, and national holidays.

(c) Daily bag limit: 10.

(d) Methods of hunting:

(1) Shotguns only.

(2) Dogs may be used.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

(3) The provisions of this special regulation are effective to January 16, 1963.

CAREY H. BENNETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 17, 1962.

[F.R. Doc. 62-9530; Filed, Sept. 24, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CORDOVA, ALASKA

Proposed Revocation of Designation as Customs Port of Entry

Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 1 (26 F.R. 11877), it is proposed to revoke the designation of Cordova, Alaska, as a customs port of entry in Customs Collection District No. 31 (Alaska), and to amend § 1.1(c) of the Customs Regulations to reflect this change.

Data, views or arguments with respect to the proposed revocation of the designation of Cordova, Alaska, as a customs port of entry should be addressed in writing to the Commissioner of Customs, Washington 25, D.C. To assure consideration of such communications, they must be received by the Commissioner of Customs not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

(FM 192-31.1 H)

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-9548; Filed, Sept. 24, 1962; 8:49 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 121]

INTERNATIONAL MAIL

Outgoing Parcels; Packing Fragile Articles

The Department proposes to amend the regulation in § 121.2 *Packing, preparing and mailing* of title 39 Code of Federal Regulations, by increasing the amount of cushioning material used in packing fragile articles from at least 1½ inches to 2 inches, and to require that fiberboard boxes used without crating must be of at least 275-pound test.

Although the proposed changes relate to the proprietary functions of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that the patrons of the Postal Service may have an opportunity to present written views concerning the proposed changes. Accordingly, such written views may be submitted to the Director, International Service Division, Bureau of Transportation, Post Office Department, Washington 25, D.C., at any time prior to the expiration of thirty days from the date of publication of this document.

The proposed amendment is as follows:

In § 121.2, subdivision (i) of paragraph (a)(2) is amended to read as follows:

§ 121.2 Packing, preparing, and mailing.

* * * * *

(a) *Packing.* * * *

(2) *Specific articles.* (i) Fragile articles for overseas destinations shall be packed in a strong (preferably wooden) box. Strong solid fiberboard or double-face corrugated fiberboard boxes of not less than 200-pound test if enclosed in strong wooden crates or 275-pound test if used without crates, are acceptable. A space of at least 2 inches must be left between the articles and the top, bottom, and sides of the box to be filled with sufficient cushioning material to protect the articles.

NOTE: The corresponding Postal Manual section is 231.212a.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-9543; Filed, Sept. 24, 1962; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 917) has been filed by Elanco Products Company, Division of Eli Lilly and Company, Indianapolis 6, Indiana, proposing the amendment of § 121.213 of the food additive regulations to provide for the safe use of hygromycin B at 8 grams to 12 grams per ton of chicken feed as an anthelmintic in combination with antibiotics named in § 121.213.

Dated: September 19, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9538; Filed, Sept. 24, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1395]

LOCKHEED AIRCRAFT

Proposed Airworthiness Directive

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the wing front spar lower cap and web at wing Station 325 on Lockheed Models 1049C, 1049D, 1049E, 1049G, and 1049H Series aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 25 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all Models 1049C, 1049D, 1049E, 1049G, and 1049H Series aircraft which have accumulated 20,000 or more hours' time in service.

Compliance required as indicated.

As a result of fatigue cracking of the wing front spar lower cap and web at wing Station 325, the following shall be accomplished:

(a) Unless already accomplished within 1,100 hours' time in service prior to the effective date of this AD all aircraft shall be inspected and repaired or reinforced as necessary within the next 400 hours' time in service following the effective date of this AD, and at periodic intervals thereafter not to exceed 1,500 hours' time in service as follows:

(1) Use X-ray film of the AAM type in a double loaded holder. Place the film on the front beam cap horizontal leg on each side of wing Station 325 and as close to wing Station 325 as possible. Use a minimum to 60 KV-5 milliamps at 36 inches focal distance with an exposure time of approximately three minutes. The exposure is to be taken at 90° to the wing lower skin. If a crack is detected in the forward horizontal leg, further inspection of the spar cap and lower main beam web is required. All sealing compound in the inspection area must be re-

moved prior to inspecting the area. Inspection of the aft horizontal and vertical leg and inspection of the lower main beam web shall be accomplished by use of either radiographic or dye-penetrant method.

(2) All aircraft that are inspected in accordance with (a)(1) and are found not to be cracked may be returned to service. Any cracked spar caps or webs shall be repaired in accordance with Lockheed Structural Repair Manual, Report No. 8882, or FAA approved equivalent prior to returning the aircraft to service. Repairs made in this area must be sealed against fuel leakage in accordance with Lockheed Report No. 5909 or FAA approved equivalent.

(b) The periodic reinspection may be discontinued on aircraft: (1) On which the spar caps are found not to be cracked if such spar caps are reinforced in accordance with Lockheed 1049 Service Bulletin No. 3110, dated March 31, 1961, or FAA approved equivalent; and (2) on which the cap and web are repaired and sealed in accordance with (a)(2).

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

Lockheed Field Service Letter FS/240885L, dated April 15, 1962, covers this same subject.)

Issued in Washington, D.C., on September 19, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-9523; Filed, Sept. 24, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[342.5]

"LUMATEX" COLORS

Tariff Classification

The Bureau of Customs published a notice in the FEDERAL REGISTER dated March 17, 1959, that there was under review the practice of classifying certain merchandise formerly known as "Helizarin" colors and now known as "Lumatex" colors, consisting of a coal-tar pigment and a synthetic resin serving as a bonding and surfacing agent under paragraph 28(a), Tariff Act of 1930, as coal-tar colors, dyes, and stains, subject to duty at the reduced rate of 40 percent ad valorem.

After full consideration of all submissions received as a result of the notice, and of all representations, the Bureau by its letter to the collector of customs, New York, N.Y., dated September 19, 1962, ruled, in harmony with judicial precedent, that these "Lumatex" colors are properly classifiable under the provision in paragraph 28(a) for mixtures, including solutions, consisting in whole or in part of any of the products provided for in paragraph 28(a) and subject to duty at the rate of 7 cents per pound and 45 percent ad valorem.

As this ruling will result in the assessment of duty at a higher rate than has heretofore been assessed under a uniform and established practice, it shall be applied to such or similar merchandise only when entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] N. G. STRUT,
Acting Commissioner of Customs.

[F.R. Doc. 62-9546; Filed, Sept. 24, 1962; 8:49 a.m.]

DULLES INTERNATIONAL AIRPORT

Customs Jurisdiction

Dulles International Airport is expected to be operational by November 1962. In order to facilitate planning for future customs services, it is deemed advisable to establish Customs jurisdiction over Dulles International Airport at this time, and to give public notice thereof.

The bulk of the international traffic expected to arrive at Dulles International Airport will be destined to the Washington Metropolitan Area. Sound management and the most economical utilization of customs financial and personnel resources require that Dulles International Airport be placed under the same customs jurisdiction as the city of Washington, D.C., and Washington National Airport. Accordingly, notice is given that Dulles International Airport, Chantilly, Virginia, shall be and is hereby placed under the administrative jurisdiction of the deputy collector of customs in charge of the customs port of entry of Washington, D.C. The provisions of this notice shall be effective upon the date of publication in the FEDERAL REGISTER.

(FM 192-13.31 H)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: September 5, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-9547; Filed, Sept. 24, 1962; 8:49 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARIES OF MILITARY DEPARTMENTS

Delegation of Authority for Transfer of Functions Relating to Flight Inspection of Air Navigation Facilities

The Deputy Secretary of Defense approved the following delegation of authority September 18, 1962:

Reference: (a) Executive Order 11047, August 28, 1962.

Pursuant to the authority vested in the Secretary of Defense by section 202(f) of the National Security Act of 1947, as amended, there is hereby delegated to the Secretaries of the Military Departments the authority vested in the Secretary of Defense in section 1 of reference (a) to transfer from the Department of Defense or any officer or organizational entity thereof to the Administrator of the Federal Aviation Agency functions relating to flight inspection of air navigation facilities.

This authority may be redelegated to a level not below that of an Assistant Secretary of a Military Department.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 62-9536; Filed, Sept. 24, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 17, 1962.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 070413 for the withdrawal of the lands described below, from prospecting, location, entry, and purchase under the mining laws, subject to existing valid claims. The applicant desires the land for use by the Forest Service as the Blue Canyon Administrative Site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

SIERRA NATIONAL FOREST

Blue Canyon Administrative Site

T. 10 S., R. 25 E.,
Sec. 21: SE¼SE¼;
Sec. 22: SW¼SW¼;
Sec. 27: NW¼NW¼;
Sec. 28: NE¼NE¼.

The areas described above aggregate 160.00 acres of public land.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 62-9531; Filed, Sept. 24, 1962; 8:46 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 17, 1962.

The Federal Aviation Agency has filed an application, Serial Number F. 030048 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for an Air Navigation Site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 555 Cordova Street, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate no-

tice will be sent to each interested party of record.

The lands involved in the application are:

POINT BARROW, ALASKA

Tract "A"

Beginning at W.C.M.C. Corner No. 1 of Tract "A", U.S. Survey 2244; thence South 13°02' E., 1,450.08 feet to a point; thence South 60° W.; 1,177.92 feet to the true point of beginning of this description; thence:
N. 30° W., 320 feet;
S. 60° W., 335 feet;
S. 30° E., 200 feet;
S. 60° W., 200 feet;
S. 25° E., 692.64 feet;
N. 60° E., 595.37 feet;
N. 30° W., 570.00 feet to the true point of beginning.

Containing 10.49 acres more or less.

Tract "B"

All that portion of land lying and bounded by and between, the northeasterly boundary of Public Land Order No. 2092; and the southeasterly boundary of the Weather Bureau Point Barrow Withdrawal; and the northwesterly side of Tract II, State of Alaska, Barrow Airport Road R.O.W.; and the north boundary of Tract I of the State of Alaska, Barrow Airport proposed property line described more particularly as follows:

Beginning at Corner No. 2 of the Barrow Airport property line, which is the true point of beginning of this description; thence proceed S. 500 feet to Corner No. 3 of said Barrow Airport property line; Thence S. 89°53' W., along said boundary line, 300 feet more or less to a point on the easterly boundary line of PLO No. 2092;

Thence northwesterly along PLO 2092 boundary line North 30°00' W., 500 feet more or less to the southwest corner of the U.S. Weather Bureau Withdrawal;

Thence N. 60°00' E., 565 feet more or less along the south boundary of the U.S. Weather Bureau Withdrawal to a point, on the westerly side of the State Alaska road R.O.W.;

Thence S. 30°00' E., 250 feet more or less to a point on the 1-2 boundary line of the Barrow Airport property line;

Thence S. 89°53' W., 75 feet more or less along said boundary line to Corner No. 2, the true point of the beginning of this description.

Containing 7.014 acres more or less.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-9559; Filed, Sept. 24, 1962; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

LYKES BROS. STEAMSHIP CO., INC.

Notice of Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc., has applied to amend its operating-differential subsidy agreement to increase from a maximum of 18 to a maximum of 22 the number of calls permitted during calendar year 1962 at ports in the Indonesia-Malaya area (including Singapore) on voyages made in its subsidized freight service on Trade Route No. 22 (U.S. Gulf Ports/Far East).

Any person, firm or corporation having an interest in subject application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act 1936, as amended, 46 U.S.C. 1175 should by close of business on October 8, 1962, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

If no request for hearing and petition for leave to intervene is received within the specified time or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as it deems appropriate.

Dated: September 19, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-9520; Filed, Sept. 24, 1962 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12193]

AIR FREIGHT FORWARDER AUTHORITY CASE

Notice of Resumption of Hearing

Notice is given herewith pursuant to the Federal Aviation Act of 1958, as amended, that public hearing in the above-entitled proceeding will reconvene before the undersigned Examiner on October 15, 1962, at 10:00 a.m., e.d.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., September 20, 1962.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 62-9560; Filed, Sept. 24, 1962; 8:51 a.m.]

[Docket 12435 etc.]

MACKEY AIRLINES RENEWAL CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding will be heard on October 10, 1962, at 10:00 a.m., e.d.s.t. in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 20, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-9561; Filed, Sept. 24, 1962; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14644; FCC 62M-1247]

BAY SHORE BROADCASTING CO.

Order Rescheduling Procedural Dates

In re application of Keith Moyer and James Hilderbrand, d/b/a Bay Shore Broadcasting Company, Hayward, California, Docket No. 14644, File No. BP-14113; for construction permit.

The Examiner has for consideration applicant's Motion to Continue and Reschedule Certain Dates, filed September 10, 1962, Opposition to said Motion filed September 14, 1962, by Finley Broadcasting Company (KSRO)[1] and his Order released June 25, 1962;

It appearing that at the prehearing conference held June 21, 1962, counsel for the applicant stated that, in view of the interference issues specified, applicant intended to take measurements on Stations KSRO and KOMY and to install a test transmitter; and

It further appearing that, in view of these measurements to be taken, the Hearing Examiner's Order released June 25, 1962, established, inter alia, September 12, 1962, as the date for "preliminary exchange of applicant's engineering data to be secured as a result of the setting up of a test transmitter" and October 5, 1962, as the date for the "final exchange of applicant's entire direct case," with hearing scheduled to commence on October 17, 1962; and

It further appearing that applicant's June 29 request for permission on behalf of KBBM-FM to remain silent (allegedly necessary to permit unimpinged operation of this FM facility while operating the test transmitter from the roof top of the building on which the FM transmitter and antenna are located) was granted until August 15 (as extended) and that said FM station returned to the air September 8, 1962; and

It further appearing that measurements on Stations KSRO and KOMY have been completed but that the pilot transmitter shipped August 10, 1962, for test transmission had not yet arrived at Hayward on August 27 and that, at arrival shortly thereafter, damage in shipment required additional time for repair, thus delaying test transmissions;[2] and

It further appearing that applicant's August 29, 1962, request for special field test authority on 1330 kc was granted by the Commission on August 30, 1962, for the period until September 13, 1962 (as extended); and

[1] No pleadings were filed by counsel for the Chief of the Commission's Broadcast Bureau and James E. Walley, the only other parties who appeared at the prehearing conference on June 21, 1962.

[2] See applicant's August 27, 1962, telegram reply to the Commission's August 24th telegraphic inquiry in regard to applicant's request to remain silent at Station KBBM-FM.

It further appearing that, as verified by affidavit executed September 7, 1962, applicant's engineer Bitzer had by that time arranged to have completed about one-third of the measurements to be taken on the test transmitter and that completion of these tests and preparation of hearing exhibits in reliance thereon and the measurements taken on KSRO and KOMY will require additional time (approximately four weeks); and

It further appearing that although applicant's showing on the delay of taking measurements on the test transmitter leaves unexplained why shipment of the transmitter was not made before August 10, thus failing to account for efforts on its part to proceed as expeditiously as possible with the taking of such measurements, applicant's completion of measurements on KSRO and KOMY and its having come forward with the taking of measurements on the test transmitter within the period authorized therefor lend sufficient justification for the granting of the subject request;

Accordingly, it is ordered, This 18th day of September 1962, that the subject request is granted and the following procedural dates are established in lieu of the date set forth in the Examiner's Order released June 25, 1962:

Preliminary Exchange of Applicant's Engineering Data	Oct. 15, 1962.
Informal Conference Among Counsel	Oct. 19, 1962.
Final Exchange of Applicant's Direct Written Case	Nov. 9, 1962.
Commencement of Hearing	Nov. 20, 1962.

Released: September 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9551; Filed, Sept. 24, 1962; 8:50 a.m.]

[Docket Nos. 14736, 14737; FCC 62M-1251]

FIVE CITIES BROADCASTING CO., INC., AND DOUGLAS COUNTY BROADCASTING CO.

Order Continuing Hearing

In re applications of Five Cities Broadcasting Co., Inc., Austell, Georgia, Docket No. 14736, File No. BP-14410; Bolling Branham tr/as Douglas County Broadcasting Company, Douglasville, Georgia, Docket No. 14737, File No. BP-14731; for construction permits.

Pursuant to the agreements reached at the prehearing conference held on September 18, 1962, the evidentiary hearing in the above-entitled proceeding now scheduled to begin on October 18, 1962 is continued to November 7, 1962.

It is so ordered, This the 18th day of September 1962.

Released: September 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9552; Filed, Sept. 24, 1962; 8:50 a.m.]

[Docket No. 14637; FCC 62M-1238]

WILLIAM L. ROSS

Order Continuing Hearing

In re application of William L. Ross, Riverton, Wyoming, Docket No. 14637, File No. BP-14086; for construction permit.

It is ordered, This 17th day of September 1962, that, on the Hearing Examiner's own motion, the hearing in the above-entitled matter now scheduled for October 15, 1962, be, and it hereby is, postponed to a date to be set by an order following a further prehearing conference.

Released: September 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9553; Filed, Sept. 24, 1962; 8:50 a.m.]

[Docket Nos. 14773, 14774; FCC 62M-1242]

SEMO BROADCASTING CORP. AND BROWNSVILLE BROADCASTING CO.

Order Scheduling Hearing

In re applications of SEMO Broadcasting Corporation, Sikeston, Missouri, Docket No. 14773, File No. BP-14129; Roy Davis tr/as Brownsville Broadcasting Co., Brownsville, Tennessee, Docket No. 14774, File No. BP-14145; for construction permits.

It is ordered, This 18th day of September 1962, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 15, 1962, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, October 18, 1962.

Released: September 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9554; Filed, Sept. 24, 1962; 8:50 a.m.]

[Docket No. 14294; FCC 62M-1244]

STORER BROADCASTING CO.

Order Scheduling Prehearing Conference

In re application of Storer Broadcasting Company (WJBK), Detroit, Michigan, Docket No. 14294, Filed No. BP-14275; for construction permit.

The Hearing Examiner having under consideration the severance of the Storer Broadcasting Company application, effected by Order of Hearing Examiner Annie Neal Huntting, August 28, 1962, and the Order of September 10, 1962, assigning this matter to this Hearing Examiner for further proceedings; and it being desirable to ascertain the present status of this matter for further proceedings to be had herein:

It is ordered, This 18th day of September 1962, that a prehearing conference be held at the offices of the Commission in Washington, D.C., at 9:00 a.m. on October 12, 1962.

Released: September 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9555; Filed, Sept. 24, 1962; 8:50 a.m.]

[Docket Nos. 14770, 14771; FCC 62M-1240]

TRI-CITY BROADCASTING CO. AND THE RADIOCASTERS

Order Scheduling Hearing

In re applications of Russell E. Starner and Robert E. Benson d/b as Tri-City Broadcasting Company, Belpre, Ohio, Docket No. 14770, File No. BP-14408; Will P. McKinney, Jane M. Burton, Daniel W. Burton, Ruth M. Schornstheimer, Robert E. Schornstheimer, Betty C. McKinney, and William E. McKinney, d/b as The Radiocasters, Marietta, Ohio, Docket No. 14771, File No. BP-15265; for construction permits.

It is ordered, This 18th day of September 1962, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 20, 1962, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, October 17, 1962.

Released: September 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9556; Filed, Sept. 24, 1962; 8:50 a.m.]

[Docket No. 14772; FCC 62M-1241]

WASHINGTON BROADCASTING CO.

Order Scheduling Hearing

In re application of Washington Broadcasting Company (WJPA), Washington, Pennsylvania, Docket No. 14772, File No. BP-14924; for construction permit.

It is ordered, This 18th day of September 1962, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 15, 1962, in Washington, D.C.; *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, October 17, 1962.

Released: September 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9557; Filed, Sept. 24, 1962; 8:50 a.m.]

[Docket Nos. 14775–14778; FCC 62M–1243]

L. B. WILSON, INC., ET AL.

Order Scheduling Hearing

In re applications of L. B. Wilson, Incorporated, Miami, Florida, Docket No. 14775, File No. BRCT–509; for renewal of license of television station WLBW–TV (including TV STL station KIS–77 and TV pickup station KE–7759); Civic Television, Inc., Miami, Florida, Docket No. 14776, File No. BPCT–304; South Florida Television Corporation, Miami, Florida, Docket No. 14777, File No. BPCT–3042; Miami Television Corporation, Miami, Florida, Docket No. 14778, File No. BPCT–3044; for construction permits for new television broadcast stations.

It is ordered, This 18th day of September 1962, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 5, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., Thursday, October 18, 1962.

Released: September 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–9558; Filed, Sept. 24, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

LEVANT LINE JOINT SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 7812–8, between the Estate of Lester N. Stockard, Atlantic Ocean Transport Corporation and Mediterranean Transport Corporation, the carriers comprising the Levant Line Joint Service, modifies approved joint service Agreement 7812, as amended, of the parties, which covers the trade between Canadian and United States Atlantic and Gulf ports on the one hand, and ports of Portugal, Spain, France, Italy, Yugoslavia, Albania, Greece, Bulgaria, Rumania, Union of Soviet Socialist Republics, Turkey, Cyprus, Lebanon, Israel (Palestine), Suez, United Arab Republic (Egypt and Syria), Libya, Tunisia, Algeria, Morocco and the various islands in the Mediterranean, ports of the Red Sea and Persian Gulf, India, Pakistan, Ceylon, Burma, Federation of Malaya, Colony of Singapore, the United States of Indonesia, British North Borneo, and also includes ports in Mexico, Central America and the islands of the West Indies. This modification provides for the withdrawal of the Estate of Lester N. Stockard from the joint service leaving only Atlantic Ocean Transport Corporation and Mediterranean Transport Corporation as parties to Levant Line joint service Agreement 7812, as amended.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 20, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–9564; Filed, Sept 24, 1962; 8:51 a.m.]

STOCKTON ELEVATORS ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to § 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8865, between Stockton Elevators, San Francisco Grain Terminal, Koppel Bulk Terminal, Pacific Vegetable Oil Corporation, Long Beach Elevators and Los Angeles Harbor Grain Terminal, provides for the establishment of an association to be known as the California Association of Terminal Elevators. The parties agree to establish and maintain just, reasonable and, insofar as may be practical, uniform rates, charges, classifications, rules, regulations and practices at such facilities; to cooperate and exchange information with operators of grain handling facilities in other areas; to deal more effectively with problems of mutual interest and concern; and to promote generally the business of grain handling.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 20, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–9563; Filed, Sept. 24, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP63–1]

CITY OF CASSODAY, KANSAS

Notice of Application

SEPTEMBER 18, 1962.

Take notice that on July 2, 1962, the City of Cassoday, Kansas (Applicant), filed in Docket No. CP63–1 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Company (Cities Service) to establish physical connection of its transmission facilities with facilities proposed to be constructed by Applicant and to sell and deliver to Applicant natural gas for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a natural gas distribution system in Cassoday and the adjacent Fox Lake area and approximately ½-mile of lateral transmission line to an interconnection with Cities Service's main transmission line in Butler County, Kansas. The estimated natural gas requirements of Applicant under this application are as follows:

Year	Mcf at 14.73 psia	
	Annual	Peak day
1	11,965	137
2	13,210	152
3	14,510	166

The estimated cost of Applicant's project is $40,000, which will be financed by the issuance of general obligation and revenue bonds.

On July 16, 1962, Cities Service filed an answer to the subject application and stated that it has no objection to the granting of the application.

Protests, petitions to intervene, or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure on or before October 15, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–9525; Filed, Sept. 24, 1962; 8:46 a.m.]

[Docket No. CP63–22]

LONE STAR GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 18, 1962.

Take notice that on July 23, 1962, Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas 1, Texas, filed in Docket No. CP63–22 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the transportation of natural gas to extend Applicant's existing transmission system to the city gates of Wright City and the Town of Valliant in McCurtain County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities to bring natural gas to the distribution systems which it proposes to construct and operate in the communities:

(1) Approximately 13.3 miles of 6-inch pipeline extending from existing Line E–26 in a northerly direction to a city gate measuring station to be installed near Wright City; and

(2) Approximately 2.1 miles of 4-inch pipeline extending from a point on the proposed 6-inch line in a westerly direction to a city gate measuring station to be installed near the Town of Valliant.

The application states that Applicant has obtained a franchise from the Town of Valliant authorizing the distribution of natural gas in said community and has entered into an industrial supply contract with Dierks Forests, Inc., the owner of all residential and commercial buildings in Wright City. Wright City is an unincorporated community, and no franchise is required to enable Applicant to render gas distribution service locally.

The gas requirements for the proposed distribution systems are as follows:

Year	Mcf at 14.73 psia			
	Wright City		Valliant	
	Peak day	Annual	Peak day	Annual
1	1468	199,942	432	22,250
2	1606	224,532	450	23,170
3	1763	254,992	471	24,240

Applicant estimates the cost of the pipeline at $211,500, the measuring stations at $7,900, and the distribution systems at $93,799, all of which will be financed from working capital.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 18, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 8, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–9526; Filed, Sept. 24, 1962; 8:46 a.m.]

[Docket Nos. G–14943 etc.]

MINERAL RESOURCES, INC., ET AL.

Notice of Severance

SEPTEMBER 18, 1962.

Notice is hereby given that the matter of C. E. Ridenour d.b.a. Ridenour Oil and Gas Company (Operator), et al., (successor to Neil C. Mathews), Docket No. CI60–102, heretofore scheduled for a hearing to be held in Washington, D.C., on September 25, 1962, at 9:30 a.m., e.d.s.t. in the consolidated proceeding entitled Mineral Resources, Inc., et al. Docket Nos. G–14943, et al. is hereby severed therefrom and will be rescheduled for hearing by further notice.

Take further notice that Docket Nos. G–4241 and G–4457 were erroneously included in the caption of the Notice of Applications and Date of Hearing issued on August 21, 1962, in the aforesaid consolidated proceeding entitled Mineral Resources, Inc., et al., Docket Nos. G–14943, et al. and said Docket Nos. G–4241 and G–4457 are hereby deleted from said consolidated proceeding.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–9527; Filed, Sept. 24, 1962; 8:46 a.m.]

[Project No. 2000]

POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Postponement of Hearing

SEPTEMBER 18, 1962.

Upon consideration of the request filed on September 14, 1962, by the Power Authority of the State of New York;

Take notice that the hearing in the above-designated matter now scheduled for September 24, 1962, is hereby postponed to October 15, 1962, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–9528; Filed, Sept. 24, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 20, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37954: *Caustic soda—Wichita, Kans., to Mississippi points.* Filed by Western Trunk Line Committee, Agent (No. A–2279), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Wichita, Kans., to Kreole, Moss Point and East Moss Point, Miss.

Grounds for relief: Market competition.

Tariff: Supplement 16 to Western Trunk Line Committee tariff I.C.C. A–4393.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–9537; Filed, Sept. 24, 1962; 8:47 a.m.]

[Drouth Order 62, Amdt. 5]

CERTAIN STATES

Authorizing Railroads To Transport Hay at Reduced Rates

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing that due to the drouth conditions existing in the State of Kentucky the Commission issued its Drouth Order No. 62 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport hay to the drouth area at reduced rates;

And it further appearing that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to 53 additional counties and parishes located in the States of Arkansas, Kentucky, Louisiana, and Missouri:

It is ordered, That Drouth Order No. 62 as amended, be, and it is hereby, further amended by adding thereto the following:

ARKANSAS

15 counties, viz:

Ashley.	Izard.
Baxter.	Lawrence.
Bradley.	Perry.
Calhoun.	Randolph.
Cleburne.	Sebastian.
Fulton.	Sharp.
Grant.	Stone.
Independence.	

KENTUCKY

4 counties, viz:

Casey.	Pulaski.
Monroe.	Russell.

LOUISIANA

8 parishes, viz:

Claiborne.	Livingston.
De Soto.	Rapides.
Iberville.	Tensas.
La Salle.	West Feliciana.

MISSOURI

26 counties, viz:

Audrain.	Marion
Barry.	Monroe.
Cape Girardeau.	Montgomery.
Carroll.	Newton.
Clay.	Ozark.
Dallas.	Pike.
Douglas.	Polk.
Franklin.	Ralls.
Greene.	Ray.
Henry.	Saint Clair.
Jackson.	Shelby.
Lawrence.	Taney.
Macon.	Wright.

It is further ordered, That in all other respects Drouth Order No. 62, as amended, shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 19th day of September A.D. 1962.

By the Commission, Vice-Chairman Walrath.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9541; Filed, Sept. 24, 1962; 8:48 a.m.]

[Drouth Order No. 60, Amdt. 6]

TENNESSEE AND WEST VIRGINIA

Authorizing Railroads To Transport Livestock Feed and Hay at Reduced Rates

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing that due to the drouth conditions existing in the States of Pennsylvania, New Jersey, and New York, the Commission issued its Drouth Order No. 60 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the drouth area at reduced rates;

And it further appearing that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to 21 additional counties located in the States of Tennessee and West Virginia:

It is ordered, That Drouth Order No. 60 as amended, be, and it is hereby, further amended by adding thereto the following counties:

TENNESSEE

15 counties, viz.:

Bedford.	Moore.
Clay.	Rhea.
Davidson.	Rutherford.
Decatur.	Sequatchie.
Giles.	Shelby.
Hickman.	Tipton.
Lawrence.	Williamson.
Marshall.	

WEST VIRGINIA

6 counties, viz.:

Berkeley.	Morgan.
Marshall.	Ohio.
Monongalia.	Preston.

It is further ordered, That in all other respects Drouth Order No. 60, as amended, shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, The Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 19th day of September A.D. 1962.

By the Commission, Vice-Chairman Walrath.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9542; Filed, Sept. 24, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-668]

IRON ORE COMPANY OF CANADA

Notice of Filing of Application for a Declaration of Status

SEPTEMBER 19, 1962.

Notice is hereby given that Iron Ore Company of Canada ("IOC"), 1300 Leader Building, Cleveland 14, Ohio, has filed with this Commission an application and an amendment thereto for an order, pursuant to section 2(a)(3)(A) of the Public Utility Holding Company Act of 1935 ("Act"), declaring it not to be an electric utility company, on the ground that it is primarily engaged in one or more businesses other than the business of an electric utility company and that, because of the small amount of electric energy it sells, it is not necessary in the public interest or for the protection of investors or consumers that IOC be considered an electric utility company for the purposes of the Act. IOC also seeks an exemption for itself as a holding company and for its subsidiary companies, as such, from the provisions of the Act pursuant to section 3(a)(5) thereof, asserting that IOC is not, and derives no material part of its income, directly or indirectly, from any one or more subsidiary companies which are, a company or companies the principal business of which within the United States is that of a public-utility company.

All interested persons are referred to the application on file at the office of the Commission for a statement of the facts in support thereof, which are summarized as follows:

IOC is a Delaware corporation and has its principal office in Cleveland, Ohio. It is engaged, among other things, in mining iron ore near Schefferville, Quebec, and the sale thereof in Canada, and in developing an iron ore deposit at a second location near Wabush Lake, in Labrador, Canada. In connection with its Schefferville operations, IOC owns and operates a 25,000 horsepower hydro-electric generating plant located in Newfoundland, Canada. Approximately 23,000 horsepower capacity thereof is used in connection with such iron ore operations, and the remaining power is sold to IOC's subsidiary, Schefferville Power Company. The latter furnishes electric service to the residents of the Town of Schefferville, a townsite developed by IOC in connection with its iron ore operations.

IOC's gross plant, property and equipment at December 31, 1961, aggregated about $374,855,000 including about $132,000,000 for exploration and mining, $187,700,000 for a railroad and equipment, $37,871,000 for terminals and docks, and $17,063,000 for electric power facilities. In addition, its investments aggregated about $23,000,000 and inventories, marketable short-term securities, cash, accounts receivable and other current assets aggregated about $53,000,000.

IOC owns, controls, or holds with power to vote the indicated percentages of the outstanding voting securities of three public-utility companies shown in the table below, all of which own or operate facilities for the generation, transmission or distribution of electric energy:

Name of company	State of organization	Percent voting securities owned by parent
Iron Ore Co. of Canada ("IOC").	Delaware	
Schefferville Power Co. ("Schefferville Power").	Canada	47.50
Twin Falls Power Corp. Limited ("Twinco").	do	16.67
Gulf Power Co. ("Gulf")	do	49.98

Schefferville Power's office is in Montreal, Canada. Its outstanding capital stock consists of 40 shares of $100 par value each, of which 19 are owned by IOC, and the remainder (other than directors qualifying shares) are owned by residents of Canada. For the year ended December 31, 1961, Schefferville Power reported gross revenues of $240,506 and a net loss of $2,747. IOC has received no income from Schefferville Power, and does not expect to receive any material part of its income therefrom in the future.

Twinco's office is located in West Montreal, Canada. It has constructed and is constructing at Bonnell Creek, Labrador, a $25,000,000 hydroelectric generating plant of approximately 120,000 horsepower (90,000 kw) capacity and related transmission and substation facilities. The output of this plant will be sold in Canada: 50,000 horsepower (in 1962) to IOC for use in connection with its Wabush Lake iron ore operations; 50,000 horsepower (by 1965) to Wabush Iron Company Limited ("Wabush"), a nonaffiliated Ohio corporation, engaged in the development of an iron ore deposit in Newfoundland, for use in connection with such development; and the balance to a Canadian company which will render electric service to residents of townsites developed by IOC and Wabush adjacent to their iron ore operations. Twinco's outstanding capital stock consists of 200,000 shares of $10 par value Class A stock, having four votes per share, and 400,000 shares of $10 par value Class B stock, having one vote per share. All of the Class A shares are owned by Hamilton Falls Power Corporation Limited, a nonaffiliated corporation; IOC and Wabush each owns 200,000 shares of the Class B stock. IOC has received no income from Twinco and does not expect to receive any material amount of its income therefrom in the future.

Gulf, whose office is located in the City of Quebec, owns and operates a 17,500 horsepower hydro-electric plant on the Marguerite River, in the Province of Quebec, costing some $12,000,000. Of the total plant capacity, 6,000 to 9,000 horsepower is sold to IOC for use in connection with its iron ore storage, handling, and ship-loading facilities at Seven Islands, Quebec; 2,200 to 2,600 horsepower is sold to Gulf Pulp & Paper Company, a nonaffiliated company, for use by it in Canada; and the balance is excess capacity. For the year ended December 31, 1961, Gulf reported gross revenue of $1,019,638, and a net loss of $4,138. Gulf's outstanding capital stock consists of 16,020 shares of common stock, $100 par value, of which IOC owns 7,847 shares, and the remaining shares (other than directors qualifying shares) are owned by Gulf Pulp & Paper Company. IOC has received no income from Gulf and does not expect to receive any material part of its income from Gulf in the future.

It is stated that IOC, Schefferville Power, Twinco and Gulf do not own or operate in the United States any public-utility facilities; nor do they own, control, or hold with power to vote any voting securities of any company which owns or operates any such facilities in the United States.

Notice is further given that any interested person may, not later than October 5, 1962, request in writing that a hearing be held in respect of the application, stating the nature of his interest, the reasons for such request, and the issue of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant and proof of service (by affidavit or, if by an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be further amended, may be granted, or the Commission may take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9534; Filed, Sept. 24, 1962; 8:47 a.m.]

[File No. 811-1137]

SCIENCE VENTURES, INC.

Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 19, 1962.

Notice is hereby given that Science Ventures, Inc. ("Applicant") 65 Broadway, New York, New York, a nondiversified closed-end management company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that the Applicant has ceased to be an investment company.

Applicant makes the following representations in its application:

The Applicant registered under the Act on December 12, 1961, and since that time has been granted extensions of time for filing its Registration Statement. Applicant has submitted no filing under the Securities Act of 1933, has issued no shares of Capital Stock and has no intention to offer shares to the public.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 3, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9535; Filed, Sept. 24, 1962; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to §§ 519.6(c) and 519.6(g) of 29 CFR providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region II

Neisner Brothers, Inc., No. 149, 1151 Highway 35, Middletown Shopping Ctr., Middletown, N.J.; effective 9–4–62 to 9–3–63 (Variety store; 30 employees).

Region IV

W. T. Grant Co., No. 387, 140 North Beach Street, Daytona Beach, Fla.; effective 7–26–62 to 7–25–63 (department store; 47 employees).

Region VIII

Harry's Food Stores, Inc., 135 West Twohig, San Angelo, Tex.; effective 9–7–62 to 9–6–63 (food store; 29 employees).

North Carolina

White's Stores, Inc., Dickinson Avenue, Greenville, N.C.; effective 9–7–62 to 9–6–63 (variety store; 48 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates below $1.00 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Hested Ames Plaza Corp., No. 802, Ames Plaza, Omaha, Nebr.; effective 9–10–62 to 9–9–63; sales clerk, stock clerk; 10 percent each month (variety store; 96 employees).

S. S. Kresge Co., No. 600, Northfield Square Shopping Center, Unit No. 110, Northfield Road, Northfield, Ohio; effective 9–6–62 to 9–5–63; sales clerk; 10 percent each month (variety store; 29 employees).

G. C. Murphy Co., No. 287, 549–551–553 Harrison Avenue, Panama City, Fla.; effective 7–12–62 to 7–11–63; sales clerk, clerical, stock keeper, janitor; 10 percent each month (variety store; new store).

G. C. Murphy Co., No. 91, Frederick Avenue Shopping Center, Frederick Avenue, Baltimore, Md.; effective 7–12–62 to 7–11–63; sales clerk, clerical, stock keeper, janitor; 10 percent each month (variety store; new store).

Pruett's Food City Super Markets, Inc., 131 West Main Street, Dayton, Tenn.; effective 9–10–62 to 9–9–63; sack boys; 10 percent each month (food store; 19 employees).

F. W. Woolworth Co., 101–103 East Main Street, Streator, Ill.; effective 9–11–62 to 9–10–63; salesladies; between 2.2 percent and 10 percent (variety store; 29 employees).

The following certificates were issued to establishments under paragraph (k) of § 519.6 of 29 CFR, Part 519. Except as otherwise indicated, the certificates supplement the authorization contained in certificates issued pursuant to other paragraphs of that section. The certificates permit for the specified months the employment of full-time students at rates below $1.00 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The additional allowances vary from month to month between the minimum and maximum figures indicated.

Davis Super Market, Inc., 730 East Pittsburgh Street, Greensburg, Pa.; effective 8–1–62 to 6–18–63; bagger, sales clerk, cashier, between 2.7 percent and 5 percent (food store; 102 employees).

Easter Super Valu, Clear Lake, Iowa; effective 7–11–62 to 7–1–63; bagger, carry-out, stock clerks; 10 percent for the months of July, August, and June (food store; 25 employees).

Morganton Hardware Co., Morganton, N.C.; effective 7–10–62 to 9–30–63; no other full-time student certificate in effect; sales clerks; total allowance between 3.2 percent and 6.2 percent (hardware store; 31 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 20th day of September 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–9533; Filed, Sept. 24, 1962; 8:47 a.m.]

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VOLUME 27 NUMBER 187

Washington, Wednesday, September 26, 1962

THE UNIVERSITY OF MICHIGAN
SEP 28 1962
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GUIDE TO RECORD RETENTION REQUIREMENTS

[Updated to January 1, 1962]

Lists (1) published requirements (in laws and regulations) on the keeping of non-Federal records, (2) what records must be kept and who must keep them, and (3) retention periods.

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Title 3—THE PRESIDENT

Proclamation 3494

NATIONAL SAFETY COUNCIL FIFTIETH ANNIVERSARY YEAR

By the President of the United States of America
A Proclamation

WHEREAS October 1962 marks the beginning of the fiftieth anniversary observance of the founding of the National Safety Council; and

WHEREAS the Council has striven faithfully during this half century to develop and implement sound, effective programs directed toward the prevention of accidents of all kinds; and

WHEREAS there has been a notable and steady decline in the rates of accidental death and injury as a result of such national programs of the organized safety movement; and

WHEREAS this decline in accident rates demonstrates the value of nationwide safety activities as carried on under the leadership of the National Safety Council; and

WHEREAS the Council, as a guardian of the public interest, has proved its dedication to the safety and welfare of the Nation's citizens, as set forth in its Federal charter; and

WHEREAS the Congress, by Senate Joint Resolution 222, approved September 20, 1962, requested the President to issue a proclamation designating the period October 1962 through October 1963 as National Safety Council Fiftieth Anniversary Year;

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the period October 1962 through October 1963 as National Safety Council Fiftieth Anniversary Year, in recognition of the role of the National Safety Council in our way of life; and I urge the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, and mayors of cities to issue similar proclamations.

I also ask the appropriate officials of the Federal, State, and local governments, as well as public and private organizations and the general public, to join in observance of this significant occasion, and to increase their efforts to reduce the number of accidents in homes, in industry, in public places, and on our streets and highways.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twentieth day of September in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-9682; Filed, Sept. 25, 1962; 10:51 a.m.]

Rules and Regulations

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order No. 255; Docket No. R-222]

PART 1—RULES OF PRACTICE AND PROCEDURE

PART 3—ORGANIZATION

Miscellaneous Amendments

SEPTEMBER 20, 1962.

In connection with its revision of the regulations governing pipeline rate filings,[1] the Commission has reviewed its rules empowering the Staff to reject defective filings and pleadings. That review has prompted us to amend those rules to clarify the filing procedure and the scope of the Staff's authority initially to pass upon such filings.

1. At present, rate filings pursuant to section 4 of the Natural Gas Act and section 205 of the Federal Power Act may be rejected pursuant to § 1.14(c)(2) of the rules of practice and procedure[2] for failure to comply with applicable regulations governing their form and content. Authority to reject incomplete or inadequate filings is necessary if the rules are to be effective. It has been delegated to the Secretary. See 24 F.R. 9407 (1959); 27 F.R. 4276 (May 4, 1962); rules of practice and procedure, § 3.5(a)(23).

The Secretary's practice, pursuant to Commission intention, has been to exercise his authority only when failure to comply with the rules is clear. But our existing regulation appears to give him more discretion than that. Therefore, we are amending that regulation specifically to provide that "the Secretary may reject filings only where failure to comply with the regulations is patent.

2. A definite procedure should be established permitting parties to request waiver of a rule or regulation. Such a procedure is implicitly provided by § 1.7(a) of our existing rules. The proposed amendment to § 1.7(b) makes that procedure explicit. That section requires an Applicant to state the facts and grounds relied upon to support a request for waiver. An amendment to § 1.14(a)(2) provides further that the Secretary may not reject a filing accompanied by a petition for waiver of the defect upon which rejection would otherwise be based. Such a petition is directed to the Commission's sound discretion, to be exercised in light of the particular circumstances of the case. The "mere filing of an application for waiver" will not necessarily require the holding of a hearing on the waiver request or acceptance of the defective filing if the waiver be denied, "for if that were the case a rule would no longer be a rule." Cf. United States v. Storer Broadcasting Co., 351 U.S. 192, 201 (1956).

3. We are also limiting the Secretary's authority set forth in rules of practice and procedure, § 3.5(a)(9), to "waive requirements of the Commission's rules and regulations, when consistent with the public interest", to rules and regulations governing matters of form. Once the Commission has adopted substantive and procedural requirements with which parties having business before it must comply, we think petitions for waiver of those requirements should be passed upon by the Commission.

4. Finally, we are adding a new paragraph (d) to § 1.7 expressly setting forth the procedure for appealing to the Commission the action of a Staff member taken pursuant to delegated authority.

The Commission finds:

(1) The promulgation and adoption of the following amendments are necessary for the purposes of the administration of both the Federal Power Act and the Natural Gas Act.

(2) Since the amendments adopted herein involve matters of Commission practice and procedure, notice of hearing under section 4(a) of the Administrative Procedure Act is not required.

(3) In view of the purpose, intent and effect of these amendments, as set out above, good cause exists for making them effective forthwith. The Commission, acting pursuant to authority granted by the Federal Power Act, particularly sections 205 and 309 thereof (49 Stat. 853, 858; 16 U.S.C. 824d, 825h) and the Natural Gas Act, particularly sections 4 and 16 thereof (52 Stat. 822, 830; 15 U.S.C. 717c, 717o), orders:

(A) Part I—Rules of Practice and Procedure, of Subchapter A—General Rules, Chapter I of Title 18 of the Code of Federal Regulations, is amended as follows:

§ 1.7 [Amendment]

1. Paragraph (b) of § 1.7 is amended by inserting the word "waiver" to follow the word "amendment, wherever it appears in the first sentence of the paragraph. As so amended the sentence reads as follows:

(b) *For issuance, amendment, waiver, or repeal of rules.* A petition for the issuance, amendment, waiver, or repeal of a rule by the Commission shall set forth clearly and concisely petitioner's interest in the subject matter, the specific rule, amendment, waiver, or repeal requested, and cite by appropriate reference the statutory provision or other authority therefor. If a rate filing is accompanied by a request for waiver pursuant to this section the thirty-day notice period provided in section 4(d) of the Natural Gas Act and section 205(d) of the Federal Power Act shall begin to run if and when the Commission grants the request. * * *

2. Section 1.7 is amended by adding a new paragraph (d) to read as follows:

(d) *Appeals from actions of the staff.* Actions taken pursuant to the delegation of final authority in § 3.5 of this chapter may be appealed to the Commission by filing a petition within ten days after such action. Such petition shall conform to the requirements of §§ 1.15 and 1.16.

§ 1.14 [Amendment]

3. Subparagraph (2) of § 1.14(a) is amended to read as follows:

(2) *Acceptance for filing.* There will be accepted for filing only such applications, pleadings, and other papers as conform to the requirements of this part, and any other applicable rule, regulation, or order of the Commission or applicable statute; applications, pleadings or other papers tendered for filing which, because of the particular rule, regulation, or requirement involved, patently fail so to conform will be considered defective and will be rejected unless accompanied by a request, pursuant to § 1.7(b), for waiver of, or exception to, any rule, regulation or requirement with which the document tendered is in conflict or does not conform. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof. Unacceptable filings may be returned by the Secretary with an indication of the deficiencies thereof and the reasons for nonacceptance and return. Acceptance for filing shall not waive any failure to comply with the rules and such failure may be cause for striking all or any part of such filings.

(B) Subparagraphs (9) and (23) of § 3.5(a) in Part 3—Organization, Chapter I of Title 18 of the Code of Federal Regulations, are amended to read as follows:

§ 3.5 Delegations of final authority.

The Commission has authorized:

(a) * * *

(9) Waive formal requirements of the Commission's rules and regulations governing matters of form, when consistent with the public interest in a particular case.

* * * * * *

(23) Reject a rate filing, unless accompanied by a request for waiver, in conformity with § 1.14(a)(2) of this chapter (i.e., Rules of Practice and Procedure), if it fails patently to comply with applicable statutory requirements; Commission rules or regulations, or Commission orders.

(Sec. 309, 49 Stat. 858; sec. 16, 52 Stat. 830; 16 U.S.C. 825h, 15 U.S.C. 717o)

(C) The amendments herein adopted shall become effective upon the issuance of this order.

[1] See Docket No. R-207.

[2] Section 1.14(c)(2) provides that filings which do not conform to the pertinent regulations "may be refused acceptance for filing".

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-9577; Filed, Sept. 25, 1962; 8:46 a.m.]

SUBCHAPTER E—REGULATIONS UNDER NATURAL GAS ACT

[Order No. 254; Docket No. R-207]

PART 154—RATE SCHEDULES AND TARIFFS

Filings by Pipeline Companies

SEPTEMBER 20, 1962.

In the above-styled proceeding the Commission has under consideration the amendment of § 154.63 of the Commission's Regulations under the Natural Gas Act entitled "Material Submitted with Changes in a Tariff, Executed Service Agreement, or Part Thereof." The section to be amended prescribes the basic data that must accompany proposed changes in rate schedules filed by natural gas pipeline companies pursuant to section 4 of the Natural Gas Act. It is the basis and purpose of the proposed revisions and amendments adopted by this order to provide for the filing by natural gas companies of sufficiently detailed data of a composition, scope and format that will enable the Commission staff to conduct its examination without seeking recourse to records and data previously maintained only in the applicant's offices. Moreover, it is intended that should a filing be suspended, the accompanying data could constitute the applicant's case-in-chief. By this procedure it is hoped to obviate in large part the protracted obtaining of books, work papers, and other data which has characterized previous investigations, has delayed the Commission's work in carrying out its functions and has frequently worked inconvenience on all parties concerned, including the individual respondents. Further, it is hoped to provide for an organized and uniform presentation of data that will expedite the review of proposed changes in pipeline rates, charges, classifications, and services, and will thereby implement the Commission's program for simplifying and shortening the existing investigative procedure with regard to pipeline rate schedule filings without detriment to the public interest.

Since the purpose of this regulation is to insure that an applicant proposing changes in an existing pipeline rate schedule will supply the detailed data necessary to enable the staff to make a complete and expeditious examination of the rate filing, the applicant may adduce additional material or present such data on a different basis to the extent it believes desirable. However, such supplemental material must relate to the prescribed test year and may only be presented if it is clearly identified as material which is not offered to meet the requirements of these regulations and its submission does not relieve the applicant of the burden of compliance therewith. Furthermore, it should be understood that the Commission does not intend, by adopting these regulations, to circumscribe its discretion by prescribing a rigid formula, or any precise set of factors, to be used in determining the just and reasonable rate.

The revisions and amendments under consideration are extensive and since § 154.63, as revised and amended, is set forth below, this order will attempt to summarize only the main substance of the proposed changes. Section 154.63 (a) has been amended by subparagraph (1) defining "changes other than rate level" and by subparagraph (4), defining "rate decreases"; § 154.63(c) has been amended to provide that submittal of certain data pertaining to a major rate increase may be made by reference to the applicant's last FPC Form No. 2 on file with the Commission. Section 154.63(d) has been amended to include subparagraph (1) relating to the form and number of copies of proposed changes other than rate level and subparagraph (4) indicating the format of statements and schedules to be submitted as part of the filing. Section 154.63(e) has been amended to include subparagraph (4), prescribing the working papers and supporting data that shall accompany a filing; subparagraph (5), requiring a representation by the chief accounting officer or other accounting representative that the submitted statements and data set forth the results shown by the company's books; and subparagraph (6), requiring filing of an opinion by independent accountants which indicates that such accountants have examined the book amounts and accounting adjustments of the company for the base period together with the results of that examination. Section 154.63(f) has been amended by Statement (O) relating to description of operations and Statement (P) relating to prepared testimony.

In addition to the above-described amendments, certain paragraphs have been amplified: Paragraph (b)(2) requires that more specific data accompany changes other than in rate level and paragraph (e)(1) specifies that the material incorporated in the filing shall be sufficiently inclusive and so presented as to constitute the company's case-in-chief in the event the filing is suspended. Finally, all paragraphs incorporate certain editorial revisions in format and organization.

It should be noted that § 154.63 as adopted and set forth below represents certain modifications of the proposed revisions published in the FEDERAL REGISTER June 2, 1962. Specifically, paragraph (c)(1) has been modified not to require, as previously proposed, that a filing company make available on request to any party who has been permitted intervention copies of material submitted by reference. Instead, paragraph (c)(1) as adopted by this order provides that in addition to a copy filed with the Commission, six copies of material submitted by reference shall be furnished the Bureau of Natural Gas, such additional copies to be made available for use by parties permitted to intervene. Section 154.63(c)(2) requires that in addition to one copy of FPC Form No. 2 for use by the Commission staff, six additional copies of FPC Form No. 2 shall be furnished the Bureau of Natural Gas for use by parties permitted to intervene. This provision is in lieu of a provision in paragraph (c)(2) of the proposed amendments that copies of FPC Form No. 2 be available to any intervener on request. Paragraph (e)(2) as proposed had required that the base period to be utilized consist of twelve consecutive months of most recently available actual experience adjusted for known and measurable changes in revenues and costs which will become effective within eight months after the last month of actual experience; however, paragraph (e)(2), as adopted by this order, provides that the twelve-month base period shall be adjusted for known and measurable changes in revenues and costs which will become effective within nine months after the last month of available actual experience, and specifies that the test period, consisting of the base period plus nine months adjustment, shall extend in no event beyond six months from the date of filing. Paragraph (e)(4), as proposed, had required the filing of two sets of working papers with the Commission staff—one to be filed with the Bureau of Natural Gas, Washington, D.C., and a second set to be furnished the Head, Houston Field Office, with any portion thereof to be made available upon written request to any party permitted intervention. Paragraph (e)(4) as adopted herein requires that in addition to the filing of the two specified copies of work papers with the Commission staff, six copies be furnished the Bureau of Natural Gas for use by parties permitted intervention. Finally, Schedule C–10, under the proposed amendments had required that working papers submitted include full details regarding acquisitions of gas in place for the last five calendar years ending during the twelve months of actual experience. As adopted by this order, Schedule C–10 requires that full details be submitted as part of the working papers regarding acquisitions of gas in place, other than acquisitions of leasehold interests, for the last five calendar years ending during the twelve months of actual experience.

A general public notice of proposed amendments and revisions was published in the FEDERAL REGISTER [1] pursuant to section 4 of the Administrative Procedure Act and copies of the proposal were mailed to interested parties.[2] In response to the invitation contained in this notice, various parties submitted comments on the proposed amendments. Notice of further revision incorporating certain of these comments was then given by subsequent notice and copies thereof were mailed to interested parties.[3] Comments were received in response to this second publication.

[1] FEDERAL REGISTER, February 28, 1962 (27 F.R. 1918).

[2] Including State commissions, interstate pipeline companies, certain governmental agencies, and various other parties concerned with, or evidencing interest in, this proceeding.

The comments submitted were extensive and complete discussion is not possible in this order. However, there follows a brief discussion of principal comments which we have not adopted.

A number of objections were directed to the proposed requirement that a filing company make available to interveners material designated as working papers and copies of FPC Form No. 2. The objections stem from the estimated cost of reproducing and distributing such material to the interveners, as well as the disclosing of certain confidential information contained therein, particularly with respect to filed income tax returns. The suggested changes would have made such working papers, other than those containing confidential material, and the FPC Form No. 2 available on request at the Company's office, after intervention has been approved by the Commission.

The Commission agrees that the reproduction and distribution of voluminous working papers and FPC Forms No. 2 to all interveners might be unnecessarily burdensome to an applicant. On the other hand we do not believe that making such material available at the company's office would be adequate to provide those interveners who do wish to examine the material with a convenient opportunity to do so within the limited time provided for preparing their case after suspension. Accordingly, we have provided that all filing companies shall furnish the Commission with an additional six copies of working papers and Forms No. 2 which will be available at our offices (and to the extent practicable may be loaned to particular interveners) for intervener use. Neither do we agree that any material upon which the applicant's case is predicated can or should be kept confidential from any intervener.

Objections were also directed to the delegation of authority to the Secretary regarding rejection of a rate filing for noncompliance with the requirements of the regulations or for failure to make available working papers on request to an authorized representative of the Commission prior to Commission action on the filing. It is contended that the question of the sufficiency of working papers ought not to be left to the discretion of the staff, and the proposed change would therefore require that rejection be an action to be taken by the Commission alone.

The Commission cannot agree to the changes as suggested. The discretion to reject deficient filings is a part of the existing regulations and there has been no indication that the staff has ever abused this discretion. The subject delegation of authority permits the staff to secure compliance with these regulations, without unduly burdening the Commission in each instance where a submittal is inconsistent with the regulations. However, we are today amending the rules to make clear that this delegation of authority is to be exercised where the violation is patent and where no formal petition for waiver has been filed.

It has been suggested that the last day of the twelve months of the base period as defined in § 154.63(e)(2)(i) be not less than six months prior to the date of filing rather than a maximum of four months as proposed in the published amendments. It is argued that filing companies have in the past required more time than the four months to prepare a rate filing and that adoption of the proposed regulations requiring extensive supporting data would aggravate this condition. It is contended, furthermore, that the applicants' customers would not be adversely affected since this preparation time would not extend the adjustment period which begins after the base period.

The Commission is sympathetic to the stated need for a longer period in which to prepare rate filings, but we recognize that the proposed regulation has already extended the preparation time from three months to four months. A longer period would mean that the data for the actual 12 months experience would be that much less current and meaningful, whereas we have expressly indicated our purpose to reduce the lapse of time in the regulatory process. Accordingly, we reject this recommendation.

Some question has been raised concerning the requirement for an audit by an independent accountant of the applicants' book accounts and adjustments thereto. Various members and representatives of the industry have expressed concern whether an independent audit of other than book amounts would impose a responsibility upon the public accountants which they are not qualified to accept, and certain public agencies contend that the requirement is contrary to the public interest to the extent that it appears to represent a substitute for the traditional staff field investigation.

The Commission believes that § 154.63(e)(6) would not unduly burden independent accountants with duties which they could not adequately fulfill. The opinion furnished by an independent accountant is to be used as a valuable tool which will contribute to the expeditious processing of a rate case, but should in no way be construed as a substitute for the investigative responsibility of the staff; thus, the Commission proposes not to delegate its responsibility for the accuracy and veracity of the book accounts and normal adjustments used to establish book amounts, but expects instead to direct the weight of the staff's investigation more upon the accounting methods employed by the company and the appropriateness of the book data as a support for the proposed rates, rather than upon relatively formal and mechanical bookkeeping procedures. At the same time, we wish to make clear that realignment of the investigative efforts will not preclude staff examination, from time to time, and whenever circumstances recommend, of the book amounts and accounting adjustments by a filing company. Moreover, in addition to individual proceedings, the staff will periodically review company records for compliance with the Uniform System of Accounts.

In addition to the foregoing comments on paragraphs of § 154.63, the following objections have been raised to proposed modification of the specific schedules under § 154.63(f).

It has been suggested that Schedule C–4 be deleted, or in the alternative, limited to the base period, rather than for five years as now proposed. It is contended that the information required in this schedule would be very voluminous, time consuming in its preparation, and unnecessary for the establishment of future rates.

The Commission cannot agree to deleting this provision or limiting the required data to the base period. The revised regulations, as published, already reflect some relaxation of the requirements. We believe that the data to be furnished for the five-year period are essential to staff analysis of a rate increase filing and that the preparation and filing thereof should not prove too burdensome to the applicant.

Regarding Schedule C–6, objection has been made to the requirement for furnishing estimates and comparisons based upon ultimate maximum capabilities of storage pools. It is contended that such estimates would prove meaningless in a rate proceeding since they would entail estimated operations several years in the future.

The Commission agrees to a modification providing that storage project development be estimated for the test period, rather than just limited to the 12 months of actual experience.

It has been suggested that Schedule C–10 be deleted since (A) the data required thereunder would be included in Schedule C–8, (B) the applicability of Schedule C–10 is limited, and (C) depending upon interpretation of the term "gas-in-place," the material required to be furnished could be very great in amount.

The Commission believes Schedule C–10 should be retained. However, since it was not our intention to consider acquisition of leasehold interests, a type of gas-in-place acquisition which would require voluminous supporting data, we have clarified this requirement and have specified that data concerning acquisition of leasehold interests is not required.

Regarding Schedule H(3), objection has been raised to making public an applicant's federal income tax return, although such return would be made available for examination by the staff.

The Commission considers, as we indicated regarding § 154.63 (c) (1) and (2) and (e)(4), that in order for any intervenor to analyze and evaluate properly a rate filing, the data required by Schedule H(3) should be made available.

It has been suggested that Schedule H(3)–3 be deleted since the term tax-saving has never been defined, the amount of "tax-savings" may not be known until after final audit by Internal Revenue Service, and this issue is yet to be decided by this Commission and the Courts.

[3] FEDERAL REGISTER, June 2, 1962 (27 F.R. 5201).

The Commission believes that pending decision upon the matters involved in Schedule H(3)–3 the requirements set forth in that Schedule should be maintained.

Regarding Statements L and M, it has been contended that not all subsidiaries or affiliates of an applicant are subject to the Commission's jurisdiction and therefore do not necessarily keep their books in accordance with the Uniform System of Accounts; thus preparation of a consolidated statement may not be possible. Again, it is contended that the data required for non-jurisdictional companies should be confidential.

The Commission considers that the data required to be filed as Schedule L and M will be useful and, in fact, necessary in the investigation of certain filings for change in rate schedule; therefore, the filing of these schedules should be required.

It has been suggested that permission for an abbreviated showing be granted under § 154.63(b)(3) if the rate increase is filed to compensate not only for an increase in purchased gas cost, but for increases in fuel, labor or taxes as well.

The Commission cannot agree to the suggested change. We believe that a rate increase, covering such increased costs as described, merits a full showing and examination of the company's books, revenues and costs.

Regarding Statement E, it has been contended that it is both inappropriate and illegal for the Commission to prescribe the amount of accrued taxes to be used as a credit in computing applicant's working capital requirement.

The Commission cannot agree with this contention which presents again an issue repeatedly decided by the Commission.[1]

Regarding Schedule H(1)–4, objection is made on the grounds that it would be impractical and unduly burdensome to compile, even in working paper form, a detailed statement of the inter-company transactions required, when there are a number of affiliated companies involved. It is submitted that such data could be made available at the applicant's office.

The Commission believes that this schedule will provide data useful to various parties which would find it a hardship and inconvenience in the limited time available to resort to the applicant's office copy. Accordingly, this provision is retained.

The Commission finds:

(1) The amendment of § 154.63 of the Commission's Regulations under Natural Gas Act as herein described is appropriate and necessary for carrying out the provisions of the Natural Gas Act.

(2) Notice of all substantive and basic proposed revisions has been published in the FEDERAL REGISTER as indicated above in accordance with the Administrative Procedure Act, and any other changes reflected in § 154.63 of the Regulations, as revised and set forth below, do not require further notice.

[1] See El Paso Natural Gas Company, Opinion No. 326, 22 FPC 260, and the cases cited therein on p. 271.

(3) The amendments and revisions of § 154.63 of the Commission's regulations as hereby adopted should be effective as of November 1, 1962.

The Commission, acting pursuant to the authority contained in the Natural Gas Act, particularly sections 4 and 16 thereof (52 Stat. 822, 830; 15 U.S.C. 717c and 717o, orders:

(A) Section 154.63 of Subchapter E of the Commission's Regulations under Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, is hereby amended to read as indicated below.

(B) The amendments and revisions of § 154.63 hereby adopted and set forth shall become effective as of November 1, 1962.

(C) The Secretary shall cause publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

§ 154.63 Changes in a tariff, executed service agreement or part thereof.[1]

(a) *Definitions*—(1) *Changes other than in rate level.* Rate filings for changes other than in rate level include inter alia changes in service agreements (changed contract demand, new delivery points, etc.), tariff provisions (changed penalty provisions, changed delivery pressures, etc.), rate form (where no change in revenue is contemplated).

(2) *Major rate increase.* (i) Rate changes that will result in a general increase in revenues for the stated purpose of obtaining a fair rate of return on jurisdictional sales,

(ii) Rate changes that extend to all, or substantially all, of the jurisdictional sales, or

(iii) Rate changes associated with the delivery of substantially changed volumes of gas to existing customers.

(3) *Minor rate increase.* Minor rate increases usually relate to a few schedules and are designed to bring such schedules into harmony with general tariff policy, to eliminate inequities and to achieve other formal adjustments, in cases where any increase in revenue is subordinate to some other purpose. They include changes that are not designed to provide general revenue increases such as to offset increased cost or otherwise achieve a fair return on the overall jurisdictional business. For the purpose of compliance with this subchapter, proposed increases in rates or charges which, for the test period, do not exceed the smaller of $100,000 or 5 percent, of the revenues under the jurisdiction of the Commission shall be considered minor.

(4) *Rate decrease.* Changes in rate level no part of which directly or indirectly result in any increased charge to a customer or class of customers will be considered as a rate decrease.

[1] The provisions of this section shall not be applicable to filings made pursuant to §§ 154.81 through 154.86, unless such filing results in a change in rate, charge, classification or service.

(b) *Material to be submitted*—(1) *All filings.* With the filing of any tariff, executed service agreement or part thereof which changes or supersedes any tariff, contract or part thereof on file with the Commission, there shall be included the following:

(i) A letter of transmittal containing a list of the material enclosed, the date on which such filing is proposed to become effective, the docket number, if any, of the proceeding in which the change was authorized and a list of the names and addresses of the purchasers and State Commissions to whom it has been mailed.

(ii) A statement of the nature, the reasons, and the basis for the proposed change.

(2) *Changes other than in rate level.* In addition to the material required by subparagraph (1) of this paragraph there shall be submitted a comparative statement of sales made, or transportation, exchange, etc., performed, and revenues therefrom, by months and in total, under the present and proposed tariff, contract, or part thereof, setting forth the transactions for the twelve months immediately preceding and for the twelve months immediately succeeding the proposed effective date of the change in tariff, contract, or part thereof. Actual data shall be used as far as possible, and any estimated data shall be designated as such. The statements shall be subdivided by rate schedules, classes of service, customers, and delivery point when more than one is involved. In the event any sale shown separately is made through more than one delivery point, the conjunctive billing is provided by the tariff, the above data may be combined for all delivery points. Such data shall include billing quantities that are used to compute the charges including contract demands, billing demands, metered demands and volumes, heat content, rates and other determinants, in sufficient detail to permit complete verification of the revenues.

(3) *Major rate increase.* Class A companies (as defined in subchapter F, Uniform System of Accounts for Natural Gas Companies, of this chapter) shall submit, in addition to the material required by subparagraph (1) of this paragraph, Statements A to M inclusive and O and P described in paragraph (f) of this section. Class B, C and D companies, defined as above, shall file only Statements L, M, N, O, and P. Statement P required to be submitted by all classes of companies, may be furnished not later than 15 days after the date of the filing. A natural gas company filing another major increase in rates or charges within a period of twelve months after the date of filing of Statements A through M and O and P or after the end of the test period used therein including the period of adjustments shown on Statements A through M may submit for such other increase Statements L, M, and N in lieu of Statements A through M if the proposed new rate increase is filed to compensate only for an increase in the cost of purchased gas and there has been no material change in the company's facilities, sales volumes, and cost of service other than cost of purchased gas since such prior rate increase was filed.

(4) *Minor rate increase or rate decrease.* Only Statements L through N need be filed in addition to the material required by subparagraph (1) of this paragraph. (Statements L through N are not required to make effective rate changes or tariff provisions ordered by the Commission.)

(c) *Submission and rejection*—(1) *Submission of material by reference.* If all or any portion of the information called for by this section has already been submitted to the Commission or is included among the data filed pursuant to this section, specific reference thereto may be made in lieu of resubmission in response to these requirements. Copies of material submitted by reference shall be made available to the staff and six additional copies thereof shall be furnished to the Chief, Pipeline Division (Bureau of Natural Gas) to be available to interveners according to their needs, after their intervention has been permitted by the Commission.

(2) *Item by reference for major rate increase.* In addition to the material required to be submitted pursuant to paragraph (b)(3) of this section, the last FPC Form No. 2 of the natural gas company on file with the Commission shall be made an item by reference. In the event an FPC Form No. 2 for a later calendar year would otherwise be required to be filed with the Commission within 60 days from the end of the base period selected by the natural gas company for its rate increase filing, said FPC Form No. 2 shall be filed concurrently with the rate increase. There shall be furnished to the Chief, Pipeline Division (Bureau of Natural Gas) with the rate increase filing, one copy of the FPC Form No. 2 to be available to staff and six additional copies to be available to interveners according to their needs after intervention has been approved by the Commission.

(3) *Reliance on other data.* If the natural gas company has relied on data other than those in Statements A through P in support of its rate increase, such other data, appropriately identified and designated as such and separately stated, shall be submitted in addition to the data required by Statements A to P, in accordance with the requirements of paragraphs (d) and (e) of this section and limited to the test period prescribed in paragraph (e)(2) of this section. Where such other data fails to comply with the requirements herein prescribed, it shall be subject to rejection and if not properly refiled at least 15 days prior to the effective date proposed for the rate filing it may not thereafter be introduced in evidence in the event the proposed rate filing is set for hearing.

(4) *Rejection for noncompliance.* Where the data submitted in compliance with paragraph (b) of this section do not comply with the requirements of the rules and regulations, the rate filing is subject to rejection: *Provided, however,* That if the proposed rate increase is filed at least 45 days before the effective date proposed therefor and such filing does not comply with the requirements of this section, the natural gas company will be notified of the deficiencies, and if such deficiencies are properly cured within 15 days from the date of such notice, the requisite supplementary material will be deemed to have been filed as of the same date as the initial submittal of the proposed rate increase.

(d) *Form and number of copies*—(1) *Changes other than in rate level.* Filings for changes other than in rate level shall comply with § 154.26.

(2) *Change in executed service agreement.* Agreements intended to effect a change or revision of an executed service agreement shall be in the form of a superseding executed service agreement only. Service agreements shall not contain any supplements, but may contain exhibits (stating contract demand, delivery points, delivery pressures, names of industrial customers of the distributor-customer, names of distributors with one named as agent where delivery to several distributors is effected at the same delivery point and well names) which may be separately superseded.

(3) *Rate changes.* Ten sets of the statements and of the additional information, if any, shall be submitted, each set securely bound in a cover.

(4) *Format of statements and schedules.* Amounts purporting to represent book data included in statements and schedules required to be prepared or submitted as part of the filing shall be reported in a separate column or columns. All adjustments to book amounts shall also be reported in a separate column or columns so that book amounts, adjustments thereto and adjusted amounts will be clearly disclosed.

(e) *Scope and composition of material for major increase*—(1) *Preparation for hearing.* A natural gas company filing for an increase in rates or charges shall be prepared to go forward at a hearing on reasonable notice on the data which have been submitted and sustain the burden of proof imposed by the Natural Gas Act of establishing that its proposed changes are just and reasonable and not unduly discriminatory or preferential. The Commission is desirous of avoiding delay in processing rate filings. To this end, the material relied on in the filing and supporting work papers should be of such composition, scope, and format that it could serve as the company's complete case-in-chief in the event the rate is suspended and the matter is set for hearing to commence on a date within six months from the date of filing. If the rate fixing adjustments presented are not in full accord with a prior Commission decision directly involving the filing company, the company shall include in its working papers alternate material which will reflect the effect of such prior decision. (For purpose of this provision, rate of return is not a rate fixing adjustment.)

(2) *Base and test periods.* (i) If the natural gas company has been in operation for 12 months at the time of the filing, the Statements A to M, inclusive, and O and P or, L through N inclusive, as appropriate, and supporting schedules, shall be based upon a test period which shall consist of a base period of 12 consecutive months of most recently available actual experience, adjusted for changes in revenues and costs which are known and are measurable with reasonable accuracy at the time of the filing, and which will become effective within nine months after the last month of available actual experience utilized in the filing, but in no event shall such test period extend six months beyond the date of filing: *Provided, however,* That, for good cause shown, upon application of the natural gas company made to the Commission 30 days in advance of the rate filing, the Commission may allow reasonable deviation from the prescribed test period; *Provided further,* That the last day of the 12 months of actual experience shall not be more than four months prior to the date of filing the proposed change in rates and charges. The 12 months of experience shall be adjusted to eliminate nonrecurring items (except minor amounts), but this shall not preclude the filing company from including items which, on the basis of existing facts, it can show will be experienced or from including an appropriate normalizing adjustment, e.g., rate case expenses, in lieu of a nonrecurring item. If the natural gas company has had less than 12 months' experience, the test period may consist of 12 consecutive months ending not more than one year from filing date, provided, however, the adjustments are not included for occurrences anticipated after the one-year period.

(ii) Adjustments to experience, or estimates where 12 months' experience is not available, may include the amounts for facilities for which a permanent or temporary certificate has been granted, provided such facilities will be in service within the test period, but such adjustments or estimates shall not include any amounts for facilities in respect to which a certificate of public convenience and necessity must be obtained but which has not been issued at the date of filing, nor shall adjustments or estimates include any amounts for other facilities associated therewith. The bases and procedures, including the docket number of each such outstanding certificate and other significant data, used in the derivation of adjustments or estimates shall be submitted in sufficient detail on supporting schedules as to permit ready analysis of such adjustments or estimates.

(3) *Joint facilities.* If the natural gas company operates other departments in addition to the natural gas operations involved in the subject rate increase and has allocated to such natural gas operations any of its investment in joint or other department facilities and the operation, maintenance, depreciation costs or taxes associated therewith, it shall be shown on the statements required to be filed by this section, or the schedules in support thereof, the amounts so allocated together with the methods used in making such allocations: *Provided,* That if such allocations are recorded in the natural gas company's books on the basis of current accounting procedures

the submittal may be confined to a brief description of the methods followed.

(4) *Working papers and supporting data.* (i) In the Statements which follow in paragraph (f) of this section, certain items are designated as being included in working papers. There is to be furnished to the Chief, Pipeline Division (Bureau of Natural Gas) upon filing the rate increase, one set of working papers for use by the staff and six additional copies of such working papers to be available to intervenors according to their needs after intervention has been approved by the Commission. An additional set of the working papers is to be furnished to the Head, Houston Field Office.

(ii) The data in support of the proposed increased rates shall include the required particulars of book data, adjustments and other computations and information on which the company relies to justify the increased rates sought.

(iii) Any data or summaries included in the filing purporting to reflect the books of account shall be supported by accounting working papers, which papers shall set forth all necessary particulars from which an auditor may readily identify the book data included in the filing in separate columns and verify that such data are in agreement with the company's books of account. All statements, schedules, and working papers shall be prepared in accordance with the classifications provided in the Uniform System of Accounts. Working papers prepared in accordance with similar standards and disclosing full particulars properly crossreferenced to the filing and within themselves and indexed shall be available for staff examination in support of all adjustments, computations and other information included in the filing.

(iv) Any company filing for a rate increase shall be responsible for preparing prior to filing and maintaining work papers sufficient to support the filing. Any failure to produce promptly such working papers on request by an authorized representative of the Commission prior to Commission action on the filing shall be cause for rejection of the tendered filing in its entirety. In addition to the working paper support the following specific material related to the base period normally prepared by the filing company shall be available for staff verification and analysis, and a copy shall be furnished on request:

1. Copies of monthly financial reports prepared for management purposes.
2. Copies of accounting analyses of balance sheet accounts.
3. Complete trial balances of all the balance sheet accounts at the beginning and end of the 12 months of actual experience, and revenue and expense accounts for the 12 months of actual experience used for the filing.
4. Analyses of the various miscellaneous revenues and related expenses included in the submitted cost of service.
5. Analyses of surplus and capital surplus accounts.

(5) *Representation of chief accounting officer.* The filing shall include a narrative statement executed by the chief accounting officer or other authorized accounting representative of the filing company representing that the cost statements and supporting data submitted as a part of the filing, as well as working papers required herein, which purport to reflect the books of the company do, in fact, set forth the results shown by such books.

(6) *Opinion of independent public accountants.* The filing shall include an opinion obtained from independent public accountants showing that an independent examination of the book amounts and accounting adjustments of the filing company has been made and the results thereof for the base period.

(f) *Description of statements.* Description of Statements A through P and supporting schedules required to be filed pursuant to the directions set out in paragraph (b) (3) and (4) of this section.

Statement A—Overall cost of service. This statement shall summarize the overall gas utility cost of service (operation and maintenance expenses; depreciation, taxes, credits to cost of service and return) developed from the supporting statements described below.

Statement B—Rate base and return. This statement shall summarize the overall gas utility rate base from the figures contained in Statement C, D, and E, with an appropriate deduction for Contributions in Aid of Construction, if any. The statement shall also include the claimed rate of return and shall show the application of the claimed rate of return to the overall rate base.

Statement C—Cost of plant. This statement shall show in summary form the amounts of gas utility plant classified by Accounts 101, 102, 103, 104, 105, 106, 107, and 117 as of the beginning of the 12 months of actual experience, the book additions and reductions (in separate columns) during the 12 months, together with the book balances at the end of the 12-month period. In adjoining columns there shall be shown the claimed adjustments, if any, to the book balances and the total cost of plant. All adjustments shall be fully and clearly explained in the supporting material submitted.

The following schedules and additional material shall be submitted as part of Statement C:

Schedule C–1 in columnar form similar to Statement C showing for each of the above accounts the amounts by detailed plants prescribed by the Commission's Uniform System of Accounts for Natural Gas Companies (Part 201 of this chapter) with subtotals thereof by functional classifications, i.e. Intangible Plant, Manufactured Gas Production Plant, Natural Gas Production and Gathering Plant, Products Extraction Plant, Underground Storage Plant, Local Storage Plant, Transmission Plant, Distribution Plant and General Plant: *Provided, however,* That to the extent plant costs are not available by detailed plant accounts they may be shown by functional classifications.

Accounts 101, 105, and 106 shall be adjusted to exclude the cost of major items of plant, the retirement of which is expected by the end of the test period.

Account 107 shall be adjusted to exclude plant in process of construction which is not expected to be in service by the end of the test period.

Schedule C–2 showing major plant addition and retirement projects for the test period, brief descriptions, approximate dates of commercial operation or retirement from service, and cost.

Schedule C–3, which is to be part of the working papers showing twelve average monthly book balances, during the 12 months in the base period, for each detailed plant account, each subtotal representing functional classifications and total plant, the sum of such 12 average balances shall be divided by 12; and the effect of proposed adjustments on the average balances: *Provided, however,* That to the extent plant costs are not available by detailed plant accounts they may be shown by functional classifications.

Schedule C–4, which is to be part of the working papers, summarizing the following by years with respect to the book changes in gas plant in service (Account 101) for the last five calendar years of the operations of the Company or its predecessors and proposed adjustments to such account:

(a) Starting Balance.
(b) Major additions and retirements by work orders (small items grouped) including the following:
(i) Major completed work orders including number, description, and amount.
(ii) Month placed in service or retired from service.
(iii) Period of construction.
(iv) Cross reference to FPC certification showing docket number and the dates the certificate was issued and accepted.
(c) Other major transactions recorded such as corrections, transfers, etc. Show sufficient detail so that the nature of the major changes will be clearly disclosed.
(d) Closing Balance.

Schedule C–5 showing in respect of Accounts 106 and 107, at the beginning and end, respectively, of the 12 months of actual experience a list of uncompleted work orders (small items grouped) claimed in the rate base, giving the work order number, description and amount of each, and the amounts of each type of undistributed construction overheads. As part of the working papers include: a main-line map showing all major projects completed during the base period, with a key system indicating major work orders included in each project and reference to FPC certificate numbers; a list of principal projects certificated by FPC (including temporary certificates for the last five calendar years, ending during the 12 months of actual experience), setting forth the actual or estimated cost of the facility and indicating the total increase in contract demand and annual volumes associated with each major certificate.

Schedule C–6, which material may be contained in Company's FPC Form No. 2, and cross-referenced if such report is up to date, giving details of each storage project owned, showing cost by major functions, and base top gas storage volumes for the test period and for the 12 months of actual experience also making reference to any special rate schedules relating thereto, with monthly volumes and associated dollars for the inputs and outputs for the 12 months of actual experience.

Schedule C–7, which is to be part of the working papers, if company produces gas, a map, showing counties in the United States for such producing acreage.

Schedule C–8, which material may be cross-referenced from Company's FPC Form No. 2, summary by producing areas of gas reserves owned and a complete explanation of methods and procedures used in amortizing capitalized well costs.

Schedule C–9, which is to be part of the working papers, summarizing at end of period the cost of gathering facilities by major producing areas and by major type of plant.

Schedule C–10, which is to be part of the working papers, giving full details including docket number of any acquisitions of gas in place, other than acquisition of leasehold interests, for the last five calendar years, ending during the twelve months of actual experience.

Schedule C–11, which is to be part of the working papers, summary cost of plant in service for each gasoline extraction and major purification (CO_2) plant owned or operated by the company.

Schedule C–12, which is to be part of the working papers, and may be cross-referenced if such material is in the company's FPC Form No. 2, complete statement of methods and procedures followed in capitalizing interest during construction and other construction overheads, including any policy changes, effective dates and reasons therefor for the last five calendar years, ending during the twelve months of actual experience.

Schedule C–13, which is to be part of the working papers, and may be cross-referenced if such material is in the company's FPC Form No. 2, showing any significant changes in intangible plant for the last five calendar years, ending during the twelve months of actual experience.

Schedule C–14, which is to be part of the working papers, setting forth the cost of plant in service and description thereof carried on the company's books as gas utility plant which was not being used in rendering gas service.

Schedule C–15, which is to be part of the working papers, description of the continuing property records maintained by the company, including methods and procedures used to price retirements, and a list of retirement units used by the company in pricing retirements.

Schedule C–16, which is to be part of the working papers, setting forth any operating units or systems acquired for which Commission approval of the final accounting has not been obtained. For such acquisitions submit summary analysis of the property acquired, proposed journal entries to record the acquisition and the proposed disposition of any difference between cost of acquisition and net original cost.

Statement D—Accumulated provisions for depreciation, depletion, amortization and abandonment. This statement shall show the accumulated provisions for depreciation, amortization, depletion, and abandonment (Accounts 108, 109, 110, 111.1, 111.2, 111.3, 112, 113.1, 113.2), as of the beginning of the 12 months of actual experience, the book additions and reductions during the 12 months, together with the balances at the end of the 12-month period. In adjoining columns there should be shown the adjustments, if any, to the book amounts and the total. All adjustments shall be clearly and fully explained in the supporting material submitted.

The following schedules and additional material shall be submitted as part of Statement D:

Schedule D–1, which is to be part of the working papers, showing twelve average monthly book balances, during the twelve months in the base period, for each account and functional plant classification, the sum of such 12 average balances shall be divided by 12; and the effect of proposed adjustments on the average balances.

Schedule D–2, which is to be part of the working papers and may be cross-referenced from Company's FPC Form No. 2 summarizing the following by years with respect to the book changes in each account set forth in Statement D since the date of the last prior staff review, and proposed adjustments to such accounts.

(a) Starting balance.
(b) Annual provision.
(c) Retirements (with cross-reference to plant schedule).
(d) Salvage.
(e) Removal costs.
(f) Adjustments (including particulars of any significant items).
(g) Ending balance.

Schedule D–3, which is to be part of the working papers, a description of the methods and procedures followed in depreciating, depleting, or amortizing plant and recording abandonments by the company if any policy change has been made effective since the period covered by the last annual report on FPC Form No. 2 was filed with the Commission.

Schedule D–4, with respect to each allocation of an overall account to obtain the amounts applicable to various functional groups of plant, a complete explanation of the method, procedures and significant data used in making the allocation.

Statement E—Working Capital. This statement shall show the computation of the working capital claimed as a part of the gas utility rate base. The statement shall show the respective components of the claimed working capital and be in such detail as to show how the amount of each component was computed.

The components of working capital may include (a) an amount equivalent to one-eighth of annual operating expenses, as adjusted, exclusive of the cost of gas purchased for resale; fuel gas charged to operating expenses; royalty payments on gas produced; transmission and compression of gas by others; royalty payments on products extracted; products purchased for resale; net of exchanged gas; and noncash operating expenses such as depreciation transferred through clearing accounts to operating expenses; and (b) an allowance for the average of 13 monthly balances of materials and supplies, prepayments and gas for current delivery from underground storage. Also, during the period the corporate tax payment provisions of the Internal Revenue Code of 1954 remain in effect there shall be reflected a credit to the gross working capital an amount equal to 50 percent of the current portion of the claimed federal income tax allowance in the cost of service. Any working capital item claimed which is different from or in addition to those specified herein shall be explained and the reasons for inclusion therein shall be given.

The following schedules and additional material shall be submitted as part of Statement E:

Schedule E–1 setting forth monthly balances for materials and supplies and prepayments in such detail as to disclose, either by subaccounts regularly maintained on the books or by analysis of the principal items included in the main account, the nature of the charges included therein.

Schedule E–2 setting forth monthly balances of material and supplies and prepayments on purchased gas for two years immediately preceding the 12 months of actual experience used in the filing.

Schedule E–3 showing the quantities and the respective costs of natural gas stored at the beginning of the test period, the input, output and balance remaining in Mcf and associated costs by months, method of pricing input, output and balance, and the claimed adjustments shall be disclosed and clearly and fully explained.

Schedule E–4 showing the computations, cross-references and sources from which the data used in computing claimed working capital are derived.

Statement F(1)—Rate of return claimed. This statement shall show the percentage rate of return claimed and the general reasons therefor.[2]

[2] Where the capital of the filing company is not primarily obtained through its own financing, but is primarily obtained from a company by which the filing company is controlled, as defined in the Uniform System of Accounts, then the data required by those statements shall be submitted with respect to the debt capital, preferred stock capital and common stock capital of such controlling company or any intermediate company through which such funds have been secured. Furnish the staff a copy of the latest prospectus issued by the natural gas company, any superimposed holding company or subsidiary companies.

Statement F(2)—This statement shall show, based upon the company's capitalization, the cost of debt capital and preferred stock capital and the return * on the stockholder's equity resulting from the overall rate of return claimed.

Statement F(3)—Debt capital. This statement shall show the weighted average cost of debt capital based upon the following data for each class and series of long-term debt outstanding according to the balance sheet as of the end of the 12-months' actual experience.

(a) Title.
(b) Date of issuance and date of maturity.
(c) Interest rate.
(d) Principal amount of issue:
Gross proceeds.
Underwriters' discount or commission:
Amount.
Percent gross proceeds.
Issuance expense:
Amount.
Percent gross proceeds.
Net proceeds.
Net proceeds per unit.
(e) Cost of money:
Yield to maturity based on the interest rate and net proceeds per unit outstanding determined by reference to any generally accepted table of bond yields.
(f) If issue is owned by an affiliate, state name and relationship of owner.

Statement F(4)—Preferred stock capital. This statement shall show the weighted average cost of preferred stock capital based upon the following data for each class and series of preferred stock outstanding according to the balance sheet as of the end of the 12-months' actual experience.

(a) Title.
(b) Date of issuance.
(c) If callable, call price.
(d) If convertible, terms of conversion.
(e) Dividend rate.
(f) Par or stated amount of issue:
Gross proceeds.
Underwriters' discount or commission:
Amount.
Percent gross proceeds.
Issuance expenses:
Amount.
Percent gross proceeds.
Net proceeds.
Net proceeds per unit.
(g) Cost of money:
Dividend rate divided by net proceeds per unit.
(h) Whether issue was offered to stockholders through subscription rights or to the public.
(i) If issue is owned by an affiliate, state name and relationship of owner.

Statement F(5)—Common stock capital. This statement shall show for each sale of common stock during the five-year period preceding the balance sheet as of the end of the 12-months' actual experience:

(a) Number of shares sold.
(b) (1) Gross proceeds at offering price.
(2) Underwriters' discount or commission:
Amount.
Percent gross proceeds.
(3) Proceeds to applicant.
(4) Issuance expenses:
Amount.
Percent gross proceeds.
(5) Net proceeds:
Offering price per share.
Net proceeds per share.
(c) Book value per share at date immediately prior to issuance:

Closing market price at latest trading date prior to date of issuance.

Latest published earnings per share available at date of issuance.

Dividend rate at date of issuance.

(d) Whether issue was offered to stockholders through subscription rights or to the public; whether common stock was issued for property or for capital stock of others.

The following schedules and additional material shall be submitted as part of Statement F(5):

	Average number of shares outstanding [1]	Book value (per share)[1]	Annual earnings (per share)[2]	Annual dividend (rate per share)	Dividends (percent earnings)	Average market price (based on monthly high-low)	Earnings price ratio [3]	Dividend price ratio [4]
Years:								
1								
2								
3								
4								
Months:								
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								

[1] This information need not be submitted by months.

[2] For monthly figures, show latest reported 12-month average.

[3] Relationship of annual earnings per share to average of the 12 monthly high-low market values of stock. In the case of monthly data use latest reported earnings in computing ratio of earnings to average high-low market value for month.

[4] Relationship of dividend per share to average high-low market value of stock.

Schedule F(5)–3. If the applicant relied upon ratios or other data concerning the common stocks of other specific companies in reaching its conclusion as to a fair allowance for earnings on common equity, submit the following information to the extent available from published sources respecting the common stock of such other companies:

(a) With respect to recent issuances, the same information as submitted under Statement F(5).

(b) With respect to outstanding issues, the same information as submitted under Schedule F(5)–2.

Schedule F(5)–4. Show the earnings per share of common stock which the claimed rate of return would yield.

Statement G—Gas operating revenues and sales volumes. This statement shall show the operating revenues from sales of gas and other sources classified in accordance with the operating revenue accounts prescribed by the Commission's Uniform System of Accounts, and the related volumes of gas and products. Sales and services and related volumes shall be classified as between jurisdictional and nonjurisdictional; items which are reflected as credits to cost of service in preparing Statement A, Overall Cost of Service shall be identified. Statement G shall disclose the following, using supporting schedules as necessary.

(a) Revenues by months and the totals thereof for the 12 months of actual experience from jurisdictional sales as computed under the presently effective and proposed rates together with the differences in the annual revenues, and the actual annual revenues from the nonjurisdictional sales.

(b) Revenues by months and the totals thereof for 12 months of actual experience as adjusted for changes which are known and measurable and which are expected to be realized within the test period from jurisdictional sales as computed under the presently effective and proposed rates together with the differences in the annual revenues for the test period, and the annual revenues from the nonjurisdictional sales under the rates effective during the test period.

Each jurisdictional sale for resale, and each jurisdictional transportation service, shall be shown separately but the mainline nonjurisdictional sales and nonjurisdictional field sales may be separately grouped and the other sales may also be grouped by the classifications prescribed by the Commission's Uniform System of Accounts for Natural Gas Companies. For each revenue item shown separately, there shall be shown the points of delivery, the billing quantities for each month and their determinants or adjustments (demands, volumes, Btu content, Btu adjustment, etc.), and the maximum single day's delivery in each month if available. In the event any sale shown separately is made through more than one delivery point, and conjunctive billing is provided by the tariff, the above data may be combined for all delivery points.

Adjustments to actual period sales volumes, jurisdictional and nonjurisdictional, shall be fully and clearly explained including reference to any certificate docket authorizing changes in sales.

All penalties paid by jurisdictional customers shall be stated separately from sales revenues.

The total jurisdictional revenues under the proposed increased rates shall be broken down to show demand revenues, commodity revenues, Btu adjustment, etc. The revenue and other data shall be grouped and totaled by rate schedules and by zones.

Credits to cost of service shall set forth the principal components comprising each of the various items which are reflected as credits to cost of service in preparing Statement A. The amounts per books, adjustments and as adjusted shall be clearly set forth.

This Statement G shall be included, in full, in the submittal to the Commission and to all State commissions having jurisdiction over the affected customers of the natural gas company. The submittal to each of the affected customers may be limited to exclude the above details by months except with respect to the gas sales to, or transportation service for, that particular customer, provided a copy of Statement G, in full, is promptly submitted to any affected customer upon such customer's request.

Schedule F(5)–1. Submit information respecting any stock dividends, stock splits or changes in par or stated value during five-year period preceding date of the balance sheet and by months for the 12-month period ended that date.

Schedule F(5)–2. Submit following information on outstanding common stock for the five calendar years preceding the date of balance sheet and by months for the 12-month period ended that date:

Statement H(1)—Operation and Maintenance expenses. This statement shall show the gas operation and maintenance expenses according to each account of the Uniform System of Accounts for Natural Gas Companies. The expenses shall be shown under appropriate columnar-headings, as follows, with subtotals for each functional classification: (a) Operation and maintenance expense by months, as booked, for the 12 months of actual experience, and the total thereof, (b) adjustments, if any, to expenses as booked, and (c) total adjusted operation and maintenance expenses claimed. Detailed explanations of the adjustments, if any, and the manner of their determination shall be supplied, specifying the month or months during which the adjustments would be applicable.

The following schedules and additional material shall be submitted as part of Statement H(1):

Schedule H(1)–1 showing the 12 months of actual experience and the adjustments thereto, by functional classifications, the separate amounts for (1) labor, and (2) materials and other charges included in each operation and maintenance expense account of the Uniform System of Accounts for Natural Gas Companies, per books and as adjusted. In the event monthly operation and maintenance expenses as presented per books reflect any special accrual or equalization accounting entries for internal purposes the effect thereof shall be fully disclosed and explained. Any amounts not currently payable, except depreciation charged through clearing accounts, included in operation and maintenance expenses shall be fully explained.

Schedule H(1)–2 in respect of those companies having production plant or which are conducting exploration activities showing for the 12 months of actual experience, by month, and except for (e) below, for each of the previous four calendar or fiscal years the annual cost of:

(a) Delay rentals.

(b) Nonproductive well drilling.

(c) Abandoned leases.

(d) Other exploration expenses.

(e) For the test year, overriding royalties, showing separately the annual amount and payee, only where payments are based on cents per Mcf as distinguished from a percentage of the value of the gas and only where payments exceed 3 cents per Mcf with total annual payments to a payee exceeding $50,000.

(f) Describe fully payments made under profit-sharing agreements relating to produced gas where the company is operator and net profits exceed $100,000 annually.

Schedule H(1)–3, showing the total annual cost of gas purchased for the 12 months of actual experience, the adjustments thereto, and the total adjusted cost for test period, with the data grouped by States and producing areas and detailed by contract or rate schedule designation, field, volumes in Mcf at a common pressure base and price in total for the contracts or rate schedules under which actual or adjusted volumes exceed 1,000,000 Mcf annually. If any of such prices are effective subject to refund, there shall be shown, by contract and the Commission docket number, for the base period, the rate per Mcf, and the amount collected subject to refund. Field purchases under rate schedules where the actual or adjusted volumes are less than 1,000,000 Mcf annually may be grouped by field or producing area, but with a statement of the extent to which prices effective subject to refund are included. Purchases from pipelines in any volume shall be shown in full detail by rate schedule including splits between demand and commodity charges.

In the event adjustments are made to the volumes of gas taken from any source during the 12 months of actual experience, a detailed explanation and data in support of the adjusted volumes shall be furnished. No adjustments are to be made to reflect the attachment of new gas supplies unless both the filing company and the supplier have each obtained the required permanent or temporary certificates of public convenience and necessity and the necessary facilities by both are or will have been in operation during the test period.

In the event the adjustments to volume aggregate more than 10 percent of the total volume of gas purchased during the 12 months of actual experience, and are due to change in gas purchase pattern or additional gas supply, the minimum take-or-pay-for quantities for each source of supply, applicable at the end of the test year period, and the reasons for making such adjustments shall be submitted.

If the company purchases and sells gas under exchange agreements, the method of recording on books, total gross volumes exchanged, net dollar amounts involved and details of each major exchange shall be submitted.

If the company records any amount on its books in a given month during the 12 months of actual experience which apply to gas purchases for a previous month or other period, a schedule indicating month and amount of payment made and distribution of payment and volumes to months to which applicable shall be submitted.

Schedule H(1)–4, to be a part of the working papers with respect to the following listed expense accounts, there shall be furnished in supporting schedules as designated, for the 12 months of actual experience and claimed adjustments, analytical details which will clearly disclose for each account: A classification of principal charges and credits (all minor items may be grouped); particulars of supporting computations and accounting bases; a description of services and related dollar amounts for which liability is incurred or accrued and name of the firm or individual rendering such services:

Schedule H(1)–4a. Account 913—Advertising expenses (analysis need only disclose principal types of advertising such as TV, newspaper, etc.)

Schedule H(1)–4b. Account 922—Administrative expenses transferred Credit.

Schedule H(1)–4c. Account 923—Outside services employed.

Schedule H(1)–4d. Account 926—Employee pensions and benefits (insofar as this account included items other than pensions).

Schedule H(1)–4e. Account 928—Regulatory commission expenses.

Schedule H(1)–4f. Account 929—Duplicate charges—Credit.

Schedule H(1)–4g. Account 930—Miscellaneous general expenses.

Schedule H(1)–4h. Intercompany and interdepartmental transactions. If the expense accounts contain charges or credits from associated companies or nonutility departments of the company submit a schedule, or schedules, as to each such associated company or nonutility department showing:

(a) The amount of the charges, or credits, during each month and in total for the test year.

(b) The FPC account classification or classifications charged (or credited).

(c) Descriptions of the specific services performed for, or by, the associated company or nonutility department.

(d) Complete particulars as to the bases used in determining the amounts of the charges (credits).

Statement H(2)—Depreciation, depletion, and amortization expense. This statement shall show separately the gas plant depreciation, depletion, and amortization expense by functional classifications. These expenses shall be shown in separate columns, as follows: (a) Expenses for the 12 months of actual experience, (b) adjustments, if any, to such expense, and (c) the total adjusted expense claimed. The bases, methods, essential computations and derivation of unit rates for the calculation of depreciation, depletion and amortization expense for the 12 months of actual experience and for the adjustments thereto, if any, shall be fully and clearly explained. The amounts of depreciable plant shall be shown by the functions specified in Paragraph C of Account 108, Accumulated Provisions for Depreciation of Gas Plant in Service, of the Commission's Uniform System of Accounts for Natural Gas Companies, and, if available, for each detailed plant account (300 Series) together with the rates used in computing such expenses. Any deviation from the rates used in disposing of the applicant's last previous rate filing or determination by the Commission shall be explained, showing the rate or rates previously used together with supporting data for the new rate or rates used for this filing.

The following schedule and additional material shall be submitted as a part of Statement H(2):

Schedule H(2)–1. There shall be included in support of Statement H(2) a reconciliation of the depreciable plant shown therein with the aggregate investment in gas plant shown in Statement C, and the expense thereon charged in the first instance to other than prescribed depreciation, depletion and amortization expense accounts.

Statement H(3)—Income taxes. This statement shall show the computation of allowances for federal and state income taxes for the test period based on the claimed return applied to the overall gas utility rate base. To indicate the accounting classification applicable to the amount claimed, the computation of the federal income tax allowance shall show separately the amounts designated as current tax and deferred tax, the latter representing 52 percent of the excess of liberalized depreciation and accelerated amortization of emergency facilities, if any, claimed under sections 167 and 168 of the Internal Revenue Code, respectively, over straight-line depreciation allowable for tax purposes.

The following schedules and additional material shall be submitted as a part of Statement H(3):

Schedule H(3)–1, to be part of the working papers, in support of federal income taxes the company shall submit a complete reconciliation of the book net income with taxable net income as reported to the Federal Internal Revenue. Service for the most recent year for which a tax return was filed and the three previous years. A complete explanation of all items in the reconciliations shall be submitted. In the event the tax allowances claimed give effect to omission of items appearing in the reconciliation for the most recent tax return or inclusion of items not appearing therein, the reasons for such omissions or inclusions shall be submitted.

Schedule H(3)–2, to be a part of the working papers, where tax depreciation differs from book depreciation, the company shall file a schedule showing the computation of the tax depreciation which will indicate (a) differences between book and tax depreciation on a straight-line basis; and (b) the excess of liberalized depreciation and amortization of emergency facilities over straight-line depreciation for tax purposes for the taxable year or years.

Schedule H(3)–3, to be a part of the working papers, if the company joins in the filing of a consolidated federal income tax return there shall be submitted a schedule showing the net taxable income or loss for each company in the consolidation, including an adjustment to effect the exclusion of the excess of liberalized depreciation and amortization of emergency facilities over straight-line depreciation for each company involved. There shall also be submitted with the statement of taxable net income or tax loss of each individual company participating in the consolidated returns, the details of consolidating adjustments, and a computation of the system tax liability based on the consolidated net income for the last tax year ending within the test period, or immediately prior thereto, for which a tax return was filed. In addition; there shall be included a computation showing the percentage of tax savings arising from consolidation for the taxable year or years covered by the test period.

Schedule H(3)–4, to be a part of the working papers, if the company claims an allowance for current tax in its cost of service which would be greater than the federal income tax which would actually be payable on the basis of the return allowed in cost of service, full disclosure thereof shall be made, including the allocation among utility and nonutility departments of the tax payable.

Schedule H(3)–5, to be a part of the working papers, in support of the claimed allowances for income taxes paid State governments, the company shall submit a schedule showing the income tax paid each State in the current or previous year covered by the test period including the effect of liberalized depreciation on such taxes paid.

Schedule H(4)—Other taxes. This statement shall show the gas utility taxes, other than federal or state income taxes in separate columns, as follows: (a) Tax expense per books for the 12 months of actual experience, (b) adjustments, if any, to amounts booked, and (c) the total adjusted taxes claimed. The taxes shall be shown by states and by kind of taxes.

The following schedules and additional material shall be submitted as a part of Statement H(4):

Schedule H(4)–1, to be a part of the working papers, showing each kind and amount of gas utility taxes paid in each state. All adjustments shall be fully and clearly explained.

Schedule H (4)–2, to be a part of the working papers, shall be submitted showing computations of adjusted taxes claimed in Statement H(4).

Statement I—Allocation of overall cost of service. This statement shall show with respect to overall cost of service (Statement A); (a) Grouping and allocation of various items of cost and credits to cost of service into functional totals; (b) Classification of items of cost and credits into demand, commodity, customer or other appropriate categories; and (c) Allocation among jurisdictional and nonjurisdictional sales and service, including allocation factors used and data used in computing such allocation factors.

The following schedules and additional material shall be submitted as part of Statement I:

Schedule I–1. Particulars of allocating general or common (joint) costs to various functions.

Schedule I–2. Sufficient detailed breakdown or operation and maintenance expense accounts and taxes to disclose how component items (e.g., compressor station fuel, purchased gas, taxes other than income taxes) have been classified among demand, commodity, customer or other category of cost.

Schedule I–3. If the revenues from field or gathering system sales are not credited to the cost of service, then a separation of costs applicable to field or gathering system sales from costs applicable to sales from the transmission system shall be made. If such revenues are credited to the cost of service, a statement with respect thereto should be made, together with the reasons therefor.

Schedule I–4. Details on the cost of compression and transportation of gas by others

setting forth the name of the transporter and the basis of payment for such service.

Schedule I–5. If utilized by applicant in its cost allocation, there shall be furnished, with respect to the various classes of service, the total number of metering points and the number of metering units grouped on the basis of the occurrence of meter reading (such as 24-hour, 7-day, 30-day, etc.).

Schedule I–6. Deliveries to the jurisdictional and nonjurisdictional customers on three continuous days of maximum transmission system deliveries during the winter heating season within the 12 months of actual experience, classified as between firm, interruptible, exchange, transportation, gasoline plants, emergency, etc. If the 12 months of actual experience represent a calendar year these data shall be submitted for the winter heating seasons beginning immediately prior to such year and at the end of such year to the extent practicable. The deliveries made from field or gathering systems shall be reported for the same three continuous days as maximum transmission system deliveries. Full particulars and justification shall be furnished of any claimed adjustment to the actual experience of the peak periods used. The deliveries on each of the three days should be submitted together with withdrawals from storage, line-pack fluctuations and temperature. If abnormal amount is supplied from line-pack, the company shall supply the second and third highest three-day peaks, giving the same information on line-pack.

Schedule I–7 showing by months, and total thereof, for the 12 months of actual experience, the company's Gas Account, in the form required by the Commission's Annual Report Form No. 2 page 567. In addition, there shall be shown corresponding estimated data, if claimed to be different from actual experience.

Statement J—Allocation of cost of service by zones. If the rates on file are zoned, or if it is proposed to establish zone rates, the cost of service for the test period shall be further allocated to the existing or proposed rate zones. A detailed description of methods and procedures used to allocate cost to zones shall be given. Where zones are sought to be established for the first time, the reasons for this establishment and for the zone boundaries selected shall be set forth.

The following schedules and additional material shall be submitted as a part of Statement J.

Schedule J–1, if the system rates are zoned or are to be zoned, the company shall furnish an allocation of system costs. If during the last five years a Commission decision was issued relating to the subject concerning the company, and the company's allocation does not follow such decision, then, in addition, the company shall also furnish in working papers a study and a classification of costs adhering to such decision.

Schedule J–2, to be a part of the working papers, if the company's zone costs are determined as provided in Schedule J–1, but the zone rate differentials depart from those resulting from the allocated unit zone costs, the company shall furnish in this schedule the development of the zone rate differentials proposed.

Statement K—Comparison of estimated revenues with cost of service. This statement shall consist of a comparison of the total jurisdictional revenues with the allocated cost of service for the test period. Where zone rates are in existence or are proposed, this statement shall also include a comparison of revenues and costs by zones.

The following schedule and additional materials shall be submitted as a part of Statement K:

Schedule K–1 showing the derivation of each of the increased rates shall be submitted. If the increased rates are predicated on costs as classified and allocated, all calculations involved in derivation of the rates shall be shown. If in computing the increased rates, weight is given in whole or in part to value of service, competition, historical revenue pattern, etc., a full and complete explanation and justification therefor shall be included.

Statement L—Balance Sheet. A balance sheet in the form prescribed by the Commission's Uniform System of Accounts for Natural Gas Companies as of the beginning and end of the 12 consecutive months of the actual experience utilized for the test period, including therein the notes, if any, applicable to the balance sheet; similarly, a balance sheet on a consolidated basis if the natural gas company is a member of a system group of companies.

Statement M—Income statement. An income statement, including a section on earned surplus in the form prescribed by the Commission's Uniform System of Accounts for Natural Gas Companies for the 12 consecutive months of actual experience utilized for the test period, including therein the notes, if any, applicable to the income statement; similarly, an income statement on a consolidated basis if the natural gas company is a member of a system group of companies.

Statement N—Cost determinants for minor changes in rate level. This group of schedules shall contain the principal determinants essential to test the reasonableness of the proposed rate or charge. Any adjustments to book figures shall be separately stated and the basis for the adjustment shall be explained. The following shall be submitted for the test period:

Schedule N–1. Cost of plant by functional classification as of the beginning and as of the end of the test period.

Schedule N–2. Accumulated provisions for depreciation, depletion, amortization, and abandonment by functional classifications as of the beginning and as of the end of the test period.

Schedule N–3. Working capital, setting forth the various components provided for in Statement E. Instead of 13 monthly balances, however, the average may be based on beginning and ending balances for the test period.

Schedule N–4. Rate of return claimed with a brief statement of the basis therefor.

Schedule N–5. Operation and maintenance expenses by functional classifications.

Schedule N–6. Depreciation, depletion, and amortization expense by functional classifications.

Schedule N–7. Income tax allowances computed on the basis of the rate of return claimed.

Schedule N–8. Other taxes.

Schedule N–9. Cost of service allocated to the sales or services for which the increase in rate, or charge is proposed, including the principal determinants used for allocation purposes.

Schedule N–10. Comparison of cost of service with revenues under proposed rates for the test period.

When this group of schedules is filed by a Class A company pursuant to § 154.63(b)(3) and the beginning of the 12 consecutive months of the most recently available actual experience is more than one month beyond the 12 months of actual data used in the prior rate increase filing, the natural gas company shall also report separately for the intervening period actual data comparable to that required by Schedules N–1, N–2, N–5, N–6, and N–8, above, and total sales volumes and revenues for such period broken down between jurisdictional and nonjurisdictional sales.

Statement O—Description of Company operations. A description of the company's area and diversity of operations including miles of pipe and compressor stations operated and breakdown of sales as among field and transmission and jurisdictional and nonjurisdictional. A concise statement of the last rate case of applicant with reference to FPC docket numbers and reference to FPC decisions, orders and rate schedules applicable to applicant.

Statement P—Explanatory text and prepared testimony. This statement shall contain copies of proposed testimony indicating the line of proof which the company would offer for its case-in-chief in the event the rates should be suspended and the matter set for hearing.

[F.R. Doc. 62–9576; Filed, Sept. 25, 1962; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[947.320, Amdt. 1]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114, as amended, and Order No. 947, as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties, California, and in all counties in Oregon except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said amended marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments regulations hereinafter set forth, will tend to effectuate the declared policy of the act by limiting shipments of immature potatoes which could have an adverse effect on prices received by potato growers in the production area.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of potatoes, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which can not be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

Order. In section 947.320 (27 F.R. 6492) delete paragraph (b)(1) and paragraph (g) and substitute in lieu thereof new paragraph (b)(1) and paragraph (g) as set forth below.

§ 947.320 Limitation of shipments.

* * * * *

(b) *Minimum maturity requirements—(1) All varieties.* "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

* * * * *

(g) *Definitions.* The terms "slightly skinned," and "U.S. No. 2," shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 24, 1962, to become effective September 27, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–9636; Filed, Sept. 25, 1962; 8:55 a.m.]

[948.341]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments, Area No. 1

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Area No. 1 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth, will tend to maintain orderly marketing conditions and increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1962 crop potatoes grown in Area No. 1 will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to all such shipments, (3) producers and handlers have operated under the said marketing order program since 1949 so special preparation on the part of handlers is not required, and (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

§ 948.341 Limitation of shipments.

During the period from October 1, 1962, through June 30, 1963, no person shall handle any lot of potatoes grown in Area No. 1 unless such potatoes meet the requirements of paragraphs (a) and (b), or unless such potatoes are handled in accordance with the provisions of paragraphs (c), (d), and (e) of this section.

(a) *Minimum grade and size requirements—(1) Round varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 1⅞ inches minimum diameter.

(b) *Minimum maturity (skinning) requirements—All varieties.* Not more than "slightly skinned."

(c) *Special purpose shipments.* (1) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to potatoes handled for livestock feed.

(2) Potatoes may be handled for chipping or shoestrings if such potatoes meet the grade and size requirements of paragraph (a) of this section except for scab. The maturity requirements of paragraph (b) of this section shall not apply to such potatoes handled for chipping or shoestrings.

(3) Potatoes may be handled for export if such potatoes meet the requirements of U.S. No. 1, or better, grade, size B.

(4) The quality and maturity requirements of paragraphs (a) and (b) of this section shall not be applicable to the handling of potatoes for seed as defined in § 948.6 of this part but any lot of potatoes handled for seed shall be subject to assessments.

(d) *Safeguards.* (1) Each handler of potatoes which do not meet the quality or maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) of this section for any of the special purposes set forth therein shall, prior to handling, apply for and obtain a Certificate of Privilege from the committee, which shall require among other things, the handler to furnish such reports and documents as the committee may require showing that the potatoes so handled were utilized for the purpose specified in the Certificate of Privilege.

(e) *Inspection.* No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto.

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "slightly skinned," "scab" and "size B" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated September 21, 1962; to become effective October 1, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 62–9607; Filed, Sept. 25, 1962; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–WA–106]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airway

The purpose of this amendment to Part 600 of the regulations of the Administrator is to alter the United States portion of Green Federal airway No. 1 between Montreal, Canada, and Millinocket, Maine.

Green 1 is designated in part from the Montreal radio range station via the Megantic, Canada, radio range station to the Millinocket, Maine, radio range station. The Canadian Department of Transport has informed the Federal Aviation Agency of its intention to decommission the Megantic radio range station and to realign Green 1 via the Sherbrooke, Canada, radio beacon in lieu of the Megantic radio range station. They have requested the FAA to alter the United States portion of this airway accordingly.

Since this change is minor and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following action is taken:

In the text of § 600.11 (14 CFR 600.11) "from the Megantic Quebec, Canada, radio range station" is deleted and "from the Sherbrooke, Quebec, Canada, RBN" is substituted therefor.

This amendment shall become effective 0001 e.s.t., November 15, 1962.

(Sec. 307(a), 72 Stat., 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 19, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9569; Filed, Sept. 25, 1962; 8:45 a.m.]

[Airspace Docket No 62-NY-4]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas and Reporting Point

On June 21, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5876), stating that the Federal Aviation Agency proposed to revoke low altitude Amber Federal airway No. 7, its associated control areas and reporting points from Augusta, Maine, to the United States-Canadian Border.

The Air Transport Association of America concurred with the proposed amendment. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Parts 600 and 601 (14 CFR 600 and 601) are amended by revoking the following sections:

a. Section 600.107 Amber Federal airway No. 7 (Augusta, Maine, to the United States-Canadian Border).

b. Section 601.107 Amber Federal airway No. 7 control areas (Augusta, Maine, to the United States-Canadian Border).

2. In § 601.4101 (27 F.R. 5760) "Millinocket, Maine, RR." is deleted.

These amendments shall become effective 0001 e.s.t., December 13, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 20, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9572; Filed, Sept. 25, 1962; 8:45 a.m.]

[Airspace Docket No. 62-CE-35]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Positive Control Area, Continental Control Area, Federal Airways and Alteration and Revocation of Restricted Areas

On June 12, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5570) stating that the Federal Aviation Agency proposed to: Revoke the Sheboygan, Wis., Restricted Area R-6902; alter the descriptions of the Sheboygan, Wis., Restricted Area R-6903, low altitude VOR Federal airway No. 450, intermediate altitude VOR Federal airway No. 1502, the Chicago-Indianapolis positive control area; and include R-6903 as part of the continental control area.

The Air Transport Association of America (ATA) objected to the proposal on the basis that inclusion of a portion of low altitude VOR Federal airway No. 450 within R-6903 would make coordination between the Chicago, Minneapolis, and Detroit ARTC Centers unwieldy, if not impossible. The Federal Aviation Agency does not foresee any inter-center coordination problems arising from the redesignation of R-6903. The Chicago ARTC Center as the controlling agency of R-6903 will notify the Minneapolis and Detroit ARTC Centers of the periods of time the restricted area is not being used for its designated purpose. When the area is restricted for the purposes of the using agency, flights between Muskegon, Mich., and Green Bay, Wis., will be cleared via low altitude VOR Federal airway No. 55.

The National Business Aircraft Association (NBAA), while not formally objecting to the proposal, submitted comments for consideration. The NBAA pointed out that the extension of R-6903 to the north will be more restrictive than the existing restricted areas R-6902 and R-6903, since the flow of air traffic in the area is across Lake Michigan in easterly and westerly directions. With FAA as the controlling agency, R-6903 will be available for public use when it is not being used for the purposes of the using agency. The Air Force and Navy representatives have indicated that the major requirements for the restricted area are during the summer months. During the remaining part of the year, the restricted area will generally only be used on week-ends, holidays, and during school vacation periods. Pilots can readily obtain information concerning the use of the restricted area by contacting an ARTC Center or one of the area Flight Service Stations.

Both the ATA and NBAA suggested retention of the existing restricted areas R-6902 and R-6903 or relocation of the proposed restricted area north of VOR Federal airway No. 26. Although not mentioned in the Notice, the existing restricted areas, in their present form, are not of adequate size to meet Air Force requirements and the distance from the Air Force and Navy operating bases to a restricted area located north of Victor 26 would be too great to permit accomplishment of the necessary training activities.

The Department of the Army had no objection to the proposal. The Department of the Navy concurred in the proposal. No other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 608.69 (27 F.R. 7366) the following changes are made:

a. R-6902 Sheboygan, Wis., is revoked.

b. R-6903 Sheboygan, Wis., is amended to read:

Boundaries. Beginning at latitude 43°19'-00" N., longitude 87°41'00" W.; to latitude 44°05'30" N., longitude 87°29'45" W.; to latitude 44°02'00" N., longitude 87°02'30" W.; to latitude 43°15'30" N., longitude 87°-14'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. 0600 to 2200 CST, May 1 through September 30, and from 0800 to 1600 CST, October 1 through April 30.

Controlling agency. Federal Aviation Agency, Chicago ARTC Center.

Using agency. Commander, Volk Field, Wisconsin.

2. In the text of § 600.6450 (14 CFR 600.6450) the following is added:

The airspace within R-6903 shall be used only after obtaining prior approval from the appropriate authority.

3. In the text of § 600.1502 (26 F.R. 1081, 8937) "Green Bay, Wis., VOR; White Cloud, Mich., VOR; Saginaw, Mich., VOR;" is deleted and "to the Green Bay, Wis., VOR; thence 15-mile-wide airway (8 miles to the N and 7 miles to the S of the centerline) to the INT of the Green Bay VOR 116° and the White Cloud, Mich., VOR 302° radials; thence via the White Cloud VOR; to the Saginaw, Mich., VOR;" is substituted therefor.

4. In the text of § 601.7101 (26 F.R. 1399) the following is added:

R-6903 Sheboygan, Wis.

5. In § 601.9011 positive control area (Chicago, Ill., Indianapolis, Ind.) (27 F.R. 617)

thence to latitude 43°40'00" N., longitude 87°40'00" W.; thence to latitude 43°14'20" N., longitude 87°44'30" W.; thence to latitude 43°16'00" N., longitude 86°30'00" W.; thence to latitude 43°20'00" N., longitude 86°30'00" W.; thence to latitude 43°30'00" N., longitude 86°45'00" W.; thence to latitude 44°20'00" N., longitude 84°56'00" W.;

is deleted and

thence to latitude 43°40'00" N., longitude 87°36'15" W.; thence to latitude 43°19'00" N., longitude 87°41'00" W.; thence to latitude 43°15'30" N., longitude 87°14'00" W.; thence to latitude 44°20'00" N., longitude 84°56'00" W.;

is substituted therefor.

These amendments shall become effective 001 e.s.t., November 15, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on Septive 0001 e.s.t., November 15, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-9570; Filed, Sept. 25, 1962; 8:45 a.m.]

[Airspace Docket No. 62-CE-52]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2097 of the regulations of the Administrator is to alter the description of the Fargo, N. Dak., control zone.

The Fargo control zone is presently designated, in part, with reference to the Fargo radio range. The Federal Aviation Agency is converting this facility to a combined transcribed weather broadcast station and radiobeacon. Therefore, action is taken herein to substitute the Fargo radiobeacon for the Fargo radio range in the description of the Fargo control zone. Controlled airspace requirements for this area will be reviewed at a later date under the CAR Amendments 60-21/60-29 implementation program.

Since the change effected by this amendment is minor in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2097 (14 CFR 601.2097) is amended to read:

§ 601.2097 Fargo, N. Dak., control zone.

Within a 5-mile radius of Hector Field, Fargo, N. Dak. (latitude 46°55'04" N., longitude 96°48'58" W.), within 2 miles either side of the 089° bearing from the Fargo RBN extending from the 5-mile radius zone to 12 miles E of the RBN, and within 2 miles either side of the Fargo ILS localizer S course extending from the 5-mile radius zone to 12 miles S of the OM.

This amendment shall be come effective 0001 e.s.t., October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 19, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9566; Filed, Sept. 25, 1962; 8:45 a.m.]

[Airspace Docket No. 62-EA-58]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2001 of the regulations of the Administrator is to alter the Albany, N.Y., control zone.

The Albany County Airport (formerly Albany Municipal Airport) control zone is designated, in part, with reference to the Albany radio range. The Federal Aviation Agency is proposing to decommission this facility as it is no longer required for air traffic control purposes. Therefore, action is taken herein to substitute geographical coordinates for the position of the Albany radio range in the description of the Albany control zone. Controlled airspace requirements for this area will be reviewed at a later date under the CAR Amendments 60-21/60-29 implementation program.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2001 (14 CFR 601.2001) is amended to read:

§ 601.2001 Albany, N.Y., control zone.

Within a 5-mile radius of the Albany County Airport (latitude 42°44'48" N., longitude 73°48'19" W.); within 2 miles either side of the 015° bearing from latitude 42°47'42" N., longitude 73°48'10" W. extending from the 5-mile radius zone to 10 miles N of latitude 42°47'42" N., longitude 73°48'10" W., and within 2 miles either side of the Albany ILS localizer N course extending from the 5-mile radius zone to 10 miles N of the OM.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 19, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9567; Filed, Sept. 25, 1962; 8:45 a.m.]

[Airspace Docket No. 62-EA-62]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2008 of the regulations of the Administrator is to alter the description of the Concord, N.H., control zone.

The Concord control zone is presently designated, in part, with reference to the Concord radio range. The Federal Aviation Agency is decommissioning this facility and the equipment will be acquired by the State of New Hampshire for conversion to a radiobeacon. Therefore, action is taken herein to substitute geographical coordinates for the radio range location in the description of the Concord control zone. Controlled airspace requirements in this area will be reviewed at a later date under the CAR Amendments 60-21/60-29 implementation program.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2008 (14 CFR 601.2008) is amended to read:

§ 601.2008 Concord, N.H., control zone.

Within a 5-mile radius of Concord Municipal Airport (latitude 43°12'10" N., longitude 71°30'05" W.), within 2 miles either side of the 149° bearing from latitude 43°10'54" N., longitude 71°28'21" W. extending from the 5-mile raduis zone to 10 miles SE of latitude 43°10'54" N., longitude 71°28'21" W., and within 2 miles either side of the Concord VOR 284° radial extending from the 5-mile radius zone to 10 miles W of the VOR.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 19, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9568; Filed, Sept. 25, 1962; 8:45 a.m.]

[Airspace Docket No. 62-KC-10]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSTIVE CONTROL AREAS

Alteration of Transition Area

On June 7, 1962, a notice of proposed rule making was published in the FED-

ERAL REGISTER (27 F.R. 5406) stating that the Federal Aviation Agency proposed to alter the Vichy, Mo., transition area.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.10849 (14 CFR 601.10849) is amended to read:

§ 601.10849 Vichy, Mo., transition area.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Rolla National Airport (latitude 38°07'40" N., longitude 91°46'-10" W., Vichy, Mo.; within 2 miles either side of the Vichy VORTAC 067° radial extending from the 5-mile radius area to 8 miles NE of the VORTAC; and the airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Vichy VORTAC 239° and 059° radials extending from 20 miles SW to 9 miles NE of the VORTAC.

This amendment shall become effective 0001 e.s.t., December 13, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 19, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9571; Filed, Sept. 25, 1962; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER O—OIL AND GAS

PART 183—LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Modification of Certain Existing Regulations Pertaining to Oil and Gas Mining on the Osage Indian Reservation, Oklahoma

On pages 5871, 5872, and 5873 of the FEDERAL REGISTER of June 21, 1962, there was published a notice and text of proposed amendments to Part 183 of Title 25, Code of Federal Regulations. The purpose of the amendments is to make minor modifications and to clarify some of the language of certain regulations contained in Part 183.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. No comments, suggestions or objections have been received, and the proposed amendments are hereby adopted without change, except for the correction of two typographical errors, and are set forth below. In the heading of paragraph (b) of § 183.46, "Utilization" is corrected to read "Unitization" and in line 22 of paragraph (a) of § 183.88, "lessees" is corrected to read "Lessees". These amendments shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(Act of June 28, 1906 (34 Stat. 539–543.))

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 18, 1962.

1. Paragraphs (a) and (b) of § 183.2 are amended to read as follows:

§ 183.2 Royalty payments.

(a) *Royalty on oil produced by primary or gas injection methods.* The lessee shall pay or cause to be paid to the Superintendent, for the lessor as a royalty, the sum of 16⅔ percent of the gross proceeds from sales after deducting the oil used by the lessee for development and operation purposes on the lease, unless the Osage Tribal Council, with the approval of the Commissioner of Indian Affairs, shall elect to take the royalty in oil; payment shall be made at the time of sale or removal of the oil, except where payments are made on division orders, and settlement shall be based on the actual selling price, but at not less than the highest posted market price in the Mid-Continent oil field on the day of sale or removal: *Provided*, That when the quantity of oil taken from all the producing wells on any quarter-section according to the public survey, or fractional quarter-section if the land covered by the lease does not include the full quarter-section, during any calendar month is sufficient to average one hundred or more barrels per well per day, the royalty on such oil shall be 20 percent.

(b) *Royalty on oil produced by secondary recovery processes other than gas injection.* When the estimated reserves of oil recoverable by primary and/or gas injection methods from a specified formation or formations have been depleted or partially depleted, the lessee and the Tribal Council may agree upon a new royalty rate to be approved by the Superintendent, the sum to be not less than 12½ percent of the gross proceeds from sales of oil produced by secondary recovery processes, other than gas injection, after deducting the oil used by the lessee for development and operation purposes on the lease, unless the Osage Tribal Council, with the approval of the Commissioner of Indian Affairs, shall elect to take the royalty in oil; payment to be made at the time of sale or removal of the oil, except where payments are made on division orders and settlement shall be based on the actual selling price, but at not less than the highest posted market price in the Mid-Continent oil field on the day of sale or removal.

2. Paragraph (a) of § 183.4 is amended to read as follows:

§ 183.4 Drilling obligations.

(a) Lessee shall drill at least one well to the Mississippi Lime unless oil or gas is found in paying quantities at a lesser depth, on the land covered by his lease, within 12 months from the date of approval of the lease, or the lease may be held for the full five-year primary term without drilling, upon payment to the Superintendent for the lessor of rental at the rate of one dollar per acre per annum, payable annually in advance, beginning one year after the date of approval of the lease. This lease shall terminate as to both parties unless such advance rental shall be received at the Osage Agency or shall have been mailed as indicated by postmark, on or before the due date: *Provided*, That the time within which a well shall be drilled shall not begin to run on any restricted homestead selection until the consent of the Superintendent to drilling on such homestead shall have been given, nor shall advance rental become due until the next anniversary date of the lease following the date of such consent: *Provided further*, That the Superintendent in his discretion may order the drilling of any lease, if in his opinion the interests of the Osage Tribe warrant: *Provided further*, That whenever the Commissioner of Indian Affairs shall consider the marketing facilities inadequate to take care of the production he may direct suspension of drilling operations on this lease. The completion of a well to the Mississippi Lime, or production of oil or gas in paying quantities from a lesser depth than the Mississippi Lime, for such time as production shall continue, after the lease has entered a rental status, shall relieve the lessee from any further payment of rentals for the balance of the primary term of the lease for which rental has not been paid. Should such production cease, rental shall commence on the next anniversary date of the lease. Rental shall be paid on the basis of a full year, and no refund will be made of advance rental paid in compliance with the regulations in this part.

3. Paragraph (a) of § 183.5 is amended to read as follows:

§ 183.5 Use of surface lands; settlement of damages to lands and crops.

(a) Lessee shall have the right to use so much of the surface of the land within the Osage Reservation as may be reasonable for operations, including the right to lay and maintain pipelines, telephone and telegraph lines, pull rods and other appliances necessary for the operation of the wells, also the right of ingress and egress, and the right-of-way to any point of operations. Lessee may use water from streams and natural water courses for lease operations as set out in § 183.57. Before commencing operations for the drilling of any well the lessee shall pay to the surface owner the sum of $200 for each well located on cultivated land (tilled or cultivated within the immediately preceding three years, and including hay-meadow land), $150 for open pasture land, and $100 for such location on brush or wooded lands, and other lands not suitable for cultivation. Upon payment of such location site money, lessee shall be entitled to possession. Location sites shall be held to the minimum area essential for operations, and in no event shall exceed one and one-half acres in area. Lessee shall also pay tank site fees at the rate of $20 per tank of not exceeding 1,000 barrels capacity: *Provided, however*, That no tank site fee shall be paid for a tank temporarily set on a well location site for testing purposes during the completion of the well. Tank sites shall be held to the minimum area essential to efficient operations, and in no event shall exceed an area of 50 feet square per tank. The sum to be paid for an oil tank site of larger capacity and occupying a greater area shall be agreed upon between the surface owner and the lessee and on failure to agree, the same shall be fixed by arbitration.

4. Paragraph (a) of § 183.24 is amended to read as follows:

§ 183.24 Royalty on casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from gas, drip gasoline, or other natural condensate.

(a) A royalty of 16⅔ percent of the gross proceeds of sales shall be paid on the value of one-third (or the lessee's portion if greater than one-third) of all casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from the gas produced from the leasehold. The value of the remainder is an allowance for the cost of manufacture, and no royalty thereon is required. The royalty shall be computed on the sale price received by the manufacturers of such products, or such higher price the lessee may receive, the same to be reported under oath and remitted to the Superintendent not later than the 25th of the succeeding month for all such products sold during the previous month. If the manufacturer of any product extracted from casing-head gas produced from an Osage leasehold should sell his product at a price below that obtained by other manufacturers selling such product in the open market during a particular month, the Superintendent shall notify said manufacturer of such discrepancy and require settlement for royalty upon the average price obtained by manufacturers selling such product in the open market during the same period. The place of sale of liquid hydrocarbon extracted from gas, for royalty purposes, shall be at the plant where manufactured.

5. The caption of § 183.39 and paragraph (b) thereof are amended to read as follows:

§ 183.39 Sale of oil leases and gas leases.

* * * * *

(b) The Superintendent, with the consent of the Osage Tribal Council, may at such times and in such manner as shall be deemed appropriate, publish and distribute notices that oil leases and/or gas leases on specific tracts of unleased tribal lands, each of which shall be a compact body, will be offered for sale to the highest responsible bidder: *Provided*, That not less than 25,000 acres of the unleased portion of the Osage mineral reserve shall be offered for lease during any one year. Successful bidders must deposit with the Superintendent on day of sale, a check, or bank draft on a solvent bank in an amount equal to 25 percent of the bonus as a guaranty of good faith. The balance of the bonus, together with a $10 filing fee for each lease, shall be paid, and the lease in completed form with necessary accompanying papers shall be filed with the Superintendent within 20 days after the lease is forwarded by the Superintendent, to the lessee for execution, unless such period has been extended by the Superintendent for good and sufficient reason. If the successful bidder fails to complete the lease or to pay the full consideration within 20 days or an authorized extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, the amount deposited as a guaranty of good faith shall be forfeited for the use and benefit of the lessor. Any and all bids shall be subject to acceptance by the Osage Tribal Council. The Superintendent may disapprove a lease made on an accepted bid, upon evidence satisfactory to him of collusion, fraud or other irregularity in connection with the sale of the lease. At a public auction sale the Superintendent may require any bidder to submit satisfactory evidence of good faith, that he has the cash in hand or at his command, and to furnish whenever called upon by the Superintendent during the progress of the sale, authenticated statement of a solvent bank to the effect the bidder has the means to purchase the lease.

6. Section 183.40 is amended to read as follows:

§ 183.40 Corporation and corporate information.

(a) If a successful bidder for a lease is a corporation, it shall file a statement showing:

(1) The state of incorporation and that the corporation is authorized to do business in the state where the land to be leased is situate;

(2) That it has power to hold and operate mining leases;

(3) That the officer executing the lease is authorized to act on behalf of the corporation in such matters.

(b) Whenever deemed advisable in any case the Area Director or Superintendent may require a corporation to file any additional information necessary to carry out the purposes and intent of the regulations in this part and such information shall be furnished within a reasonable time.

7. Section 183.45 is amended to read as follows:

§ 183.45 Reports and time of royalty payments.

Royalties on all oil and gas, including casing-head gas or on gasoline manufactured therefrom, produced in any month, shall be paid on or before the 25th of the month next succeeding by either purchaser or lessee. Failure to so remit will subject the lessee to fines as hereinafter indicated, and also subject division order to cancellation. Lessees shall also furnish monthly reports covering all operations whether there has been production or not, indicating therein the total amount of oil, gas, or gasoline sold and not merely their working interest, and also dates of discovery and beginning of utilization of gas from gas wells. The lessee may include in one statement all leases upon which dry holes have been drilled or the wells have ceased to produce.

8. Paragraphs (b) and (c) of § 183.46 are amended to read as follows:

§ 183.46 Approval of lease instruments.

* * * * *

(b) *Unitization of oil leases.* As a consideration for further development by a secondary recovery process, two or more oil leases may be unitized and merged in a single blanket lease with the approval of the Superintendent. The instrument of unitization (blanket lease) shall include all the requirements and provisions of sections numbered 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19 and 20 of Osage oil lease Form B: *Provided*, That the preamble of Form B and the provisions of section numbered 2 in respect to royalty rates; section numbered 3 in respect to payment of rental; section numbered 4 in respect to payment of well site and tank location fees; and section numbered 14 in respect to the surrender of the lease may be modified and/or supplemented by the parties, with the approval of the Superintendent, to the extent deemed appropriate for the equitable and efficient conduct of unitized operations, and not otherwise in conflict with the regulations in this part. Lessee(s) shall before commencing secondary recovery operations, and on or before December 31st of each year thereafter, submit to the Superintendent an acceptable plan of development and operation for the unit area for the ensuing year. Upon a finding by him that such action would be in the best interest of the Osage Tribe, the Superintendent may also approve an agreement between the lessor and the lessee(s) rescinding a unit (blanket lease) and restoring to their original status the Form B leases theretofore merged in the unit lease: *Provided*, That if oil is being produced in paying quantities on a particular quarter-section tract on the date of approval of such agreement, the lessee shall be entitled to hold such tract under terms of the original Form B lease so long as oil is produced on said tract in paying quantities.

(c) *Assignments.* Approved leases or any interest therein may be assigned with the approval of the Superintendent, and not otherwise. Assignments, when approved, shall be subject to the terms and conditions of the original leases, and the regulations under which such leases were approved. In order for an assignment to receive favorable consideration, the lessee shall assign either his whole interest in a legal subdivision or an undivided interest in the whole lease. If a lease is divided by the assignment of an entire interest in any part of it, each part shall be considered a separate lease under all the terms and conditions of the original lease. The assignee shall furnish with his assignment a satisfactory bond as provided in § 183.20(c). Any attempt to assign an approved

lease or any interest therein without the consent and approval of the Superintendent shall be absolutely void and shall subject the original lease to cancellation in the discretion of the Superintendent.

9. Section 183.49 is amended to read as follows:

§ 183.49 Commencement of operations.

No drilling or development operations shall be permitted upon any tract of land until a lease covering such tract shall have been approved by the Superintendent or such operations specifically authorized by him: *Provided*, That the Superintendent may grant authority to any party, under such rules (consistent with the regulations in this part) that he deems proper, to conduct geophysical and geological exploration work in any portion, or all of the Osage Reservation.

10. Paragraph (b) of § 183.51 is amended to read as follows:

§ 183.51 Well location fees.

* * * * *

(b) Where the surface owner is a restricted Indian, adult or minor, the well location fee shall be paid to the Superintendent of the Osage Agency for such Indian. All other surface owners, whether Indians or non-Indians shall be paid or tendered such fees direct, and where such surface owners are not residents of Osage County nor have a representative located therein, such payments shall be made or tendered by check, postage prepaid, to last known address of said surface owner at least 5 days before commencing drilling operations on any well: *Provided*, That should the lessee be unable to reach the owner of the surface of the land for the purpose of tendering the location fee, or if owner of the surface of the land upon being tendered the location fee by the lessee, shall refuse to accept the same, the lessee may tender the location fee to the Superintendent of the Osage Agency, and if the lessee and the Superintendent shall agree upon the amount of the location fee, the lessee shall deposit such amount with the Superintendent for payment to the owner of the surface of the land upon demand, and the Superintendent shall thereupon advise the owner of the surface of the land by mail at his last known address, that the location fee is being held for payment to him upon his written request.

(Sec. 3, 34 Stat. 543)

11. Section 183.62 is changed to read as follows:

§ 183.62 Permission to start operations.

Written permission must be secured from the Superintendent before operations are started on the leased premises. Lessee shall submit application for such permission, on forms to be furnished by the Superintendent.

12. Section 183.73 is changed to read as follows:

§ 183.73 Determining cost of well.

The term "cost price of a well" as applied where one lessee takes over a well drilled by another, shall include all reasonable, usual, necessary and proper expenditures including the following expenditures made by the lessee drilling the well.

(a) All location, or other surface damages occasioned by the drilling of such well.

(b) All expenses of laying, taking up, repairing, operating and maintaining gas and water lines where such lines including amount paid for water privilege or constructing dam, are used for the exclusive purpose of drilling the particular well.

(c) Customary charge for furnishing water where purchased shall be the price prevailing in the particular locality: *Provided*, Where the parties cannot agree upon the charge made under this paragraph such charge shall be determined by the Superintendent.

(d) Amounts expended in spudding or drilling a water well: *Provided*, That where any or all of the facilities referred to in this paragraph and in paragraphs (b) and (c) of this section are not employed exclusively in connection with the drilling of the well to be taken over, or are also used in connection with the drilling or operation of other wells by the lessee drilling the well to be taken over by the other lessee, then a fair proportion of the charges covered by this paragraph and paragraphs (b) and (c) of this section shall be assessed against each well, including the well to be taken over, and in the event of a disagreement between the parties as to the charges assessed against the well that is to be taken over, such charge shall be fixed by the Superintendent.

(e) Customary charge for drilling and reaming, except where reaming is done for the sole benefit of party drilling well. If price charged for drilling is above the average drilling price in the field, the price to be paid shall be determined by the Superintendent. *Provided*, That where the well to be taken over is drilled below the stratum in which the lessee taking over the well is interested, that is, the gas stratum in the case of a well taken over by a gas lessee, and the oil stratum in a well taken over by the oil lessee, then the lessee doing such further drilling shall sustain the cost of drilling and reaming where such drilling and reaming are done below such stratum.

(f) All expenses of mudding, except where mudding is done for the sole benefit of the lessee drilling the well.

(g) Settlement for casing or other pipe left in the well to be made at the prevailing market price for the character and kind of casing when placed in the well.

(h) All expenses of placing and removing all casing or other pipe used in drilling said well.

(i) A reasonable charge to cover supervision and overhead expenses: *Provided*, Where the parties cannot agree upon the charge made under this paragraph, such charge shall be determined by the Superintendent.

(j) Any additional charges which cannot be mutually agreed upon shall be submitted to and determined by the Superintendent. An approximate list of expenses mentioned in this section shall be presented to proposed purchasing lessee within 10 days after the completion of the well.

13. Section 183.81 is amended to read as follows:

§ 183.81 Abandonment of wells.

Lessee shall not abandon any well for the purpose of drilling deeper for oil or gas unless the producing stratum is properly protected and shall not abandon any well producing oil or gas except with the approval of the Superintendent or where it can be demonstrated that the further operation of such well is commercially unprofitable. When any well is plugged and abandoned lessee shall, within ninety (90) days, clean up the premises around such well to the satisfaction of the Superintendent or his authorized representative: *Provided*, That the ninety (90) day period may be extended a reasonable time in the discretion of the Superintendent.

14. Section 183.88 is amended to read as follows:

§ 183.88 Division orders.

(a) The lessee may make arrangements with the purchasers of oil for the payment of the royalty, but such arrangements, if made, shall not relieve the lessee from responsibility for the payment of the royalty, should such purchaser fail, neglect, or refuse to pay the royalty when it becomes due. No oil shall be run to any purchaser or delivered to the pipeline or other carrier for shipment, or otherwise conveyed or removed from the leased premises, until a division order is executed, filed, and approved by the Superintendent, showing that the lessee has a regularly approved lease in effect, and the conditions under which the oil may be run: (*Provided*, That the Superintendent may grant temporary permission to run oil from a lease pending the execution, filing, and approval by him of a division order.) Lessees shall be required to pay for all oil or gas used off the leased premises for operating purposes; affidavit shall be made as to the production used for such purposes and royalty paid in the usual manner. The lessee or his representative shall be present when oil is taken from the leased premises under any division order and will be responsible for the correct measurement thereof and shall report all oil so run.

(b) The lessee shall also authorize the pipeline company or the purchaser of oil to furnish the Superintendent with a monthly statement, not later than the 20th day of the following calendar month, of the gross barrels run as a common-carrier shipment or purchased from his lease or leases.

15. Paragraph (b) of § 183.93 is amended to read as follows:

§ 183.93 Forms.

* * * * *

(b) All sums received from sale of forms and fines shall be placed in Tribal Funds.

16. Section 183.94 is amended to read as follows:

§ 183.94 Amount of fee.

A fee of $10 will be charged for each lease, each sublease, each drilling contract affecting oil and gas mining leases, and each assignment of lease, such amount to be paid by the lessee, sublessee or assignee upon notice of approval of the contract, as provided by the act of February 14, 1920.

[F.R. Doc. 62-9581; Filed, Sept. 25, 1962; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Grand Teton National Park, Wyoming; Stock Grazing

On pages 7792 and 7793 of the FEDERAL REGISTER of August 7, 1962, there was published a notice and text of a proposed amendment to § 7.22 of Title 36, Code of Federal Regulations. The purpose of the amendment is to clarify existing regulations in regard to grazing privileges appurtenant to base lands and to add the terms and conditions of grazing permits to the regulations.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

H. L. BILL,
Superintendent.

Paragraph (c) of § 7.22 is amended in its entirety to read as follows:

§ 7.22 Grand Teton National Park.

* * * * *

(c) *Stock grazing.* (1) Privileges for the grazing of domestic livestock based on authorized use of certain areas at the time of approval of the Act of September 14, 1950 (64 Stat. 849, Public Law 787), shall continue in effect or shall be renewed from time to time, except for failure to comply with such terms and conditions as may be prescribed by the Superintendent in these regulations and after reasonable notice of default and subject to the following provisions of tenure:

(i) Grazing privileges appurtenant to privately owned lands located within the park shall not be withdrawn until title to the lands to which such privileges are appurtenant shall have vested in the United States except for failure to comply with the regulations applicable thereto after reasonable notice of default.

(ii) Grazing privileges appurtenant to privately owned lands located outside the park shall not be withdrawn for a period of twenty-five years after September 14, 1950, and thereafter shall continue during the lifetime of the original permittee and his heirs if they were members of his immediate family as described herein, except for failure to comply with the regulations applicable thereto after reasonable notice of default.

(iii) Members of the immediate family are those persons who are related to and directly dependent upon a person or persons, living on or conducting grazing operations from lands, as of September 14, 1950, which the National Park Service recognized as base lands appurtenant to grazing privileges in the park. Such interpretation excludes mature children who, as of that date, were established in their own households and were not directly dependent upon the base lands and appurtenant grazing recognized by the National Park Service.

(iv) If title to base lands lying outside the park is conveyed, or such base lands are leased to someone other than a member of the immediate family of the permittee as of September 14, 1950, the grazing preference shall be recognized only for a period of twenty-five years from September 14, 1950.

(v) If title to a portion or part of the base land either outside or inside the park is conveyed or such base lands are leased, the new owner or lessee will take with the land so acquired or leased, such proportion of the entire grazing privileges as the grazing capacity in animal unit months of the tract conveyed or leased bears to the original area to which a grazing privilege was appurtenant and recognized. Conveyance or lease of all such base lands will automatically convey all grazing privileges appurtenant thereto.

(vi) Grazing privileges which are appurtenant to base lands located either inside or outside the park shall not be conveyed separately therefrom.

(2) Where no reasonable ingress or egress is available to permittees or nonpermittees who must cross park lands to reach grazing allotments or non-Federal lands within the exterior boundary of the park or adjacent thereto, the Superintendent will grant, upon request, a temporary nonfee annual permit to herd stock on a designated driveway which shall specify the time to be consumed in each single drive.

(3) Grazing preferences are based on actual use during the period March 15, 1938 through September 14, 1950 and no increase in the number of animals or animal unit months will be allowed on Federal lands in the park.

(4) (i) A permittee whose grazing privilege is appurtenant to privately owned lands within the park will be granted total non-use or reduced benefits for one or more years without nullifying his pirvilege in subsequent years.

(ii) A permittee whose privilege is appurtenant to base lands outside the park may be granted total nonuse on a year to year basis not to exceed three consecutive years. Total nonuse beyond this time may be granted if necessitated for reasons clearly outside the control of the permittee. Total unauthorized nonuse beyond three consecutive years will result in the termination and loss of all grazing privileges.

(iii) Whenever partial or total non-use is desired, an application must be made in writing to the Superintendent.

(5) Grazing fees shall be the same as those approved for the Teton National Forest and will be adjusted accordingly.

(6) Permittees or nonpermittees who have stock on Federal lands within the park at any time or place, when or where herding or grazing is unauthorized may be assessed fifty cents per day per animal as damages.

(7) The Superintendent may accept a written relinquishment or waiver of any privileges; however, no such relinquishment or waiver will be effective without the written consent of the owner or owners of the base lands.

(8) Permits: Terms and conditions: The issuance and continued effectiveness of all permits will be subject, in addition to mandatory provisions required by Executive Order or law, to the following terms and conditions:

(i) The permittee and his employees shall use all possible care in preventing forest and range fires, and shall assist in the extinguishing of forest and range fires on, or within, the vicinity of the land described in the permit, as well as in the preservation of good order within the boundaries of the park.

(ii) The Superintendent may require the permittee before driving livestock to or from the grazing allotment to gather his livestock at a designated time and place for the purpose of counting the same.

(iii) Stock will be allowed to graze only on the allotment designated in the permit.

(iv) The permittee shall file with the Superintendent a copy of his stock brand or other mark.

(v) The permittee shall, upon notice from the Superintendent that the allotment designated in the permit is not ready to be grazed at the beginning of the designated grazing season, place no livestock on the allotment for such a period as may be determined by the Superintendent as necessary to avoid damage to the range. All, or a portion of the livestock shall be removed from the area before the expiration of the designated grazing season if the Superintendent determines further grazing would be detrimental to the range. The number of stock and the grazing period may be adjusted by the Superintendent at any time when such action is deemed necessary for the protection of the range.

(vi) No permit shall be issued or renewed until payment of all fees and other amounts due the National Park Service has been made. Fees for permits are due the National Park Service and must be paid at least 15 days in advance of the grazing period. No permit shall be effective to authorize grazing

use thereunder until all fees and other amounts due the National Park Service have been paid. A pro rata adjustment of fees will be made in the event of reduction of grazing privileges granted in the permit, except that not more than 50 percent of the total annual grazing fee will be refunded in the event reduced grazing benefits are taken at the election of the permittee after his stock are on the range.

(vii) No building or other structure shall be erected nor shall physical improvements of any kind be established under the permit except upon plans and specifications approved by the National Park Service. Any such facilities, structures, or buildings may be removed or disposed of to a successor permittee within three months following the termination of the permit; otherwise they shall become the property of the United States without compensation therefor.

(viii) The permittee shall utilize the lands covered by the permit in a manner approved and directed by the Superintendent which will prevent soil erosion thereon and on lands adjoining same.

(ix) The right is reserved to adjust the fees specified in the permit at any time to conform with the fees approved for Teton National Forest, and the permittee shall be furnished a notice of any change of fees.

(x) All livestock are considered as mature animals at six months of age and are so counted in determining animal unit months and numbers of animals.

(xi) The Superintendent may prescribe additional terms and conditions to meet individual cases.

(9) The breach of any of the terms or conditions of the permit shall be grounds for termination, suspension, or reduction of grazing privileges.

(10) Appeals from the decision of the Superintendent to the Regional Director, and from the Regional Director to the Director shall be made in accordance with the National Park Service Order No. 14, as amended (19 F.R. 8824) and Regional Director, Region Two Order No. 3, as amended (21 F.R. 1494).

(11) Nothing in these regulations shall be construed as to prevent the enforcement of the provisions of the general rules and regulations and the special rules and regulations of the National Park Service or of any other provisions of said rules and regulations applicable to stock grazing.

[F.R. Doc. 62-9580; Filed, Sept. 25, 1962; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 12—AREAS CLOSED TO HUNTING

Certain Lands Within and Adjacent to Sabine National Wildlife Refuge, Louisiana

On page 6284 of the FEDERAL REGISTER of July 3, 1962, there was published a notice and text of a proposed designation of an area closed to the hunting of migratory birds, under Part 12 of Title 50, Code of Federal Regulations. The purpose of the designation is to aid administration of the Sabine National Wildlife Refuge and to increase the effectiveness of the refuge for the purpose for which it was established by the United States.

Interested person were given 30 days in which to submit written comments, suggestions, or objections to the proposed designation. No written communications were received, and the proposed designation is hereby adopted without change and is set forth below. This designation shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 18, 1962.

The text of the designation is as follows:

This action is taken by virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the Act of June 20, 1936 (49 Stat. 1555), and by virtue of the Reorganization Plan II (53 Stat. 1431), and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238).

Having due regard to the zones of temperature, and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all those areas of land in Cameron Parish, Louisiana within and adjacent to the Sabine National Wildlife Refuge and more particularly described as follows:

LOUISIANA MERIDIAN

T. 13 S., R. 12 W.,
Sec. 16, all.
T. 13 S., R. 13 W.,
Sec. 6, S½N½, E½SW¼, and SE¼;
Sec. 7, SW¼SW¼;
Sec. 16, all;
Sec. 18, NW¼NW¼.
T. 13 S., R. 14 W.,
Sec. 12, S½S½;
Sec. 13, N½N½;
Sec. 14, NE¼, S½NW¼, and SW¼;
Sec. 15, S½NE¼, and S½;
Sec. 16, all;
Sec. 17, SE¼;
Sec. 20, NE¼;
Sec. 21, all;
Sec. 22, N½NE¼, and NW¼;
Sec. 28, N½N½.

Containing 4,613.70 acres, more or less.

[F.R. Doc. 62-9579; Filed, Sept. 25, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

TOBACCO INSPECTION

Standards; Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of Official Standard Grades for Wisconsin Cigar-binder Tobacco, U.S. Types 54 and 55, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of considerations leading to the proposed publication. Tentative standard grades for Wisconsin tobacco, Types 54 and 55, were established in 1925 under authority of the United States Warehouse Act of 1916. These standards were slightly amended the following year. In 1939 they were revised under authority of the Stocks and Standards Act of 1929 to conform with provisions of that Act. Subsequent to several further amendments, they were modified in 1947 and issued as trial standards under authority of The Tobacco Inspection Act of 1935. These standards were amended in 1949 to include New York and Pennsylvania Havana Seed tobacco, Type 53.

Other amendments were effected to parallel changes in cultural and marketing practices. In recent years usage trends also have incited modified grades and grade specifications for cigar tobaccos. With the accepted usage of homogenized or processed tobacco came the need for broader quality range within a grade and, thus, a need for fewer grades within a group.

In September 1960 an amendment to these tentative standards adopted a change in grading method from leaf sorting the representative sample to evaluating visually the tobacco according to each degree within each element of quality. This visual system eliminated the fine distinction between quality by reducing the number of grades from 25 to 15. Transition to this method involved deleting, adding, and rephrasing definitions and rules, and incorporating an elements of quality chart. At that time Type 53 was deleted from the title of these standards, although the grades still apply to the very small quantity of Type 53 that is grown and marketed today.

These amended standards are the present tentative standards which have been in use the past two years. Their well-disposed acceptance and approval has been corroborated through discussions and correspondence with inspection, grower, and industry representatives. Such approbation, along with results of studies made during these two years, would point to making these standards official.

Recently a preliminary draft of these proposed standards was distributed among interested individuals and groups for their survey and comment. While several questions were received relative to certain phases of these proposed standards, no adverse suggestions were directed toward them. Most of the replies recommended that these standards become official without change.

This proposal would make these standards official and revoke Type 53 from their title. In addition it would (1) establish exclusive use of a rule to determine burn; (2) eliminate Burn and Finish from the elements of quality chart and grade specifications; (3) delete the definitions of Air-dried, Finish, Fiber, and Sweating; (4) add one rule to facilitate separate handling of tolerance for crude and frozen leaves; and (5) include slight terminology changes.

All persons who desire to submit written data, views, or arguments for consideration in connection with these proposed official standard grades should file the same with the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

1. Insert in Subpart C of Part 29 immediately after § 29.5656 the following:

OFFICIAL STANDARD GRADES FOR WISCONSIN CIGAR-BINDER TOBACCO (U.S. TYPES 54 AND 55) [1]

DEFINITIONS

Sec.
29.6001 Definitions.
29.6002 Air-cured.
29.6003 Body.
29.6004 Burn.
29.6005 Case (order).
29.6006 Class.
29.6007 Clean.
29.6008 Condition.
29.6009 Crude.
20.6010 Cured.
29.6011 Damage.
29.6012 Dirty.
29.6013 Elasticity.
29.6014 Elements of Quality.
29.6015 Foreign matter.
29.6016 Form.
29.6017 General quality.
29.6018 Grade.
29.6019 Grademark.
29.6020 Group.
29.6021 Injury.
29.6022 Leaf scrap.
29.6023 Leaf structure.
29.6024 Length.
29.6025 Lot.
29.6026 Maturity.
29.6027 Nested.
29.6028 No Grade.
29.6029 Offtype.
29.6030 Package.
29.6031 Packing.
29.6032 Quality.
29.6033 Raw.
29.6034 Semicured.
29.6035 Side.
29.6036 Sound.
29.6037 Stem.
29.6038 Stemmed.
20.6039 Stem rot.
29.6040 Strength (tensile).
29.6041 Stripe.
29.6042 Sweated.
29.6043 Tobacco.
29.6044 Tobacco products.
29.6045 Type.
29.6046 Type 53.
29.6047 Type 54.
29.6048 Type 55.
29.6049 Undried.
29.6050 Uniformity.
29.6051 Unstemmed.
29.6052 Unsweated.
29.6053 Wet (high-case).
29.6054 Width.

ELEMENTS OF QUALITY

29.6061 Elements of quality and degrees of each element.

RULES

29.6086 Rules.
29.6087 Rule 1.
29.6088 Rule 2.
29.6089 Rule 3.
29.6090 Rule 4.
29.6091 Rule 5.
29.6092 Rule 6.
29.6093 Rule 7.
29.6094 Rule 8.
29.6095 Rule 9.
29.6096 Rule 10.
29.6097 Rule 11.
29.6098 Rule 12.
29.6099 Rule 13.
29.6100 Rule 14.
29.6101 Rule 15.
29.6102 Rule 16.
29.6103 Rule 17.
29.6104 Rule 18.

GRADES

29.6126 Binder (B Group).
29.6127 Stripper (C Group).
29.6128 Straight Stripped (X Group).
29.6129 Farm Filler (Y Group).
29.6130 Nondescript (N Group).
29.6131 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.6155 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.6161 Key to standard grademarks.

DEFINITIONS

§ 29.6001 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.6002 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat sometimes is used to control excess humidity during the curing period to prevent pole-sweat, pole-burn, and shed-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

[1] These standards also apply to Type 53 Havana Seed tobacco.

§ 29.6003 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart.)

§ 29.6004 Burn.

The duration of combustion or length of time that a tobacco leaf will hold fire after ignition. (See rule 18.)

§ 29.6005 Case (order).

The state of tobacco with respect to its moisture content.

§ 29.6006 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.6007 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more sand or dirt than those from higher stalk positions. (See rule 4.)

§ 29.6008 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.6009 Crude.

A subdegree of maturity. (See rule 15.)

§ 29.6010 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.6011 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See rule 17.)

§ 29.6012 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See rule 17.)

§ 29.6013 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See chart.)

§ 29.6014 Elements of quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in the chart in § 29.6081.

§ 29.6015 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, and rubber bands. (See rule 17.)

§ 29.6016 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.6017 General quality.

The quality of tobacco considered in relation to the type as a whole. General quality is distinguished from the restricted use of the term "quality" within a group.

§ 29.6018 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.6019 Grademark.

In these types a grademark normally consists of a letter to indicate group and a number to indicate quality. For example, B2 means Binder, fair quality.

§ 29.6020 Group.

A type division consisting of one or more grades based on the general quality of tobacco. Groups in these types are: Binder (B), Stripper (C), Straight Stripped (X), Farm Filler (Y), Nondescript (N), and Scrap (S).

§ 29.6021 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilization, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, frostbitten, frozen (see rule 16), sunburned, sunscalded, bulk-burnt, poleburnt, shed-burnt, pole-sweated, stem-rotted, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See rule 13.)

§ 29.6022 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.6023 Leaf structure.

The cell development of a leaf as indicated by its porosity. The degrees range from close (slick and tight) to open (porous). (See chart.)

§ 29.6024 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.6025 Lot.

A pile, basket, bulk, package, or other definite unit.

§ 29.6026 Maturity.

The degree of ripeness. (See chart.)

§ 29.6027 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See rule 17.)

§ 29.6028 No Grade.

A designation applied to a lot of tobacco classified as damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, or has an odor foreign to the type. (See rules 5 and 17.)

§ 29.6029 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Type 53, 54, or 55. (See rule 17.)

§ 29.6030 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.6031 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.6032 Quality.

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality.

§ 29.6033 Raw.

Tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.6034 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See definition of No Grade and rule 17.)

§ 29.6035 Side.

A certain phase of quality as contrasted with some other phase of quality, or any peculiar characteristic of tobacco.

§ 29.6036 Sound.

Free of damage. (See rule 4.)

§ 29.6037 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.6038 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.6039 Stem rot.

The deterioration of an uncured or frozen stem resulting from bacterial action. Although stem rot results from bacterial action, it is inactive in cured tobacco and is treated as a kind of injury in these types. (See rule 14.)

§ 29.6040 Strength (tensile).

The stress a tobacco leaf can bear without tearing. (See chart.)

§ 29.6041 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.6042 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition sometimes is described as aged.

§ 29.6043 Tobacco.

Tobacco in its unmanufactured forms as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters a manufacturing process. Conditioning, sweating, and stemming are not regarded as manufacturing processes.

§ 29.6044 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.6045 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.6046 Type 53.

That type of cigar-leaf tobacco commonly known as York State or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats and Onondaga sections of New York and extending into Pennsylvania.

§ 29.6047 Type 54.

That type of cigar-leaf tobacco commonly known as Southern Wisconsin Cigar-leaf or Southern Wisconsin Binder-type, produced principally south and east of the Wisconsin River.

§ 29.6048 Type 55.

That type of cigar-leaf tobacco commonly known as Northern Wisconsin Cigar-leaf or Northern Wisconsin Binder-type, produced principally north and west of the Wisconsin River and extending into Minnesota.

§ 29.6049 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.6050 Uniformity.

A grade requirement designating the percentage of a lot which must meet the specified degree of each element of quality. (See rule 12.)

§ 29.6051 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.6052 Unsweated.

The condition of cured tobacco which has not been sweated.

§ 29.6053 Wet (high-case).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 17.)

§ 29.6054 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart.)

ELEMENTS OF QUALITY

§ 29.6081 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These degrees are arranged to show their relative value, but the actual value of each degree varies with type and group.

Elements	Degrees		
Body	Heavy	Medium	Thin.
Maturity	Immature	Mature	Ripe.
Leaf structure	Close	Firm	Open.
Elasticity	Inelastic	Semielastic	Elastic.
Strength (tensile).	Weak	Normal	Strong.
Width	Narrow	do	Spready.
Length	(1)	(1)	(1)
Uniformity	(2)	(2)	(2)
Injury tolerance.	(2)	(2)	(2)

[1] Expressed in inches.
[2] Expressed in percentages.

RULES

§ 29.6086 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.6087 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.6088 Rule 2.

The determination of grade shall be based upon a representative sample or a thorough examination of a packing of tobacco.

§ 29.6089 Rule 3.

The grade of unsorted tobacco shall be based upon a representative sample of the packing. A minimum of 10 percent of the bundles or bales shall be selected at random for sampling; a higher percentage may be sampled at the discretion of the inspector. To obtain the sample, a sufficient amount of tobacco shall be drawn to be representative of each selected bale. In determining the grade, the inspector shall consider the quality of all samples. The grade assigned shall represent the quality of the lot as a whole.

§ 29.6090 Rule 4.

Standard grades shall be assigned to clean and sound tobacco only.

§ 29.6091 Rule 5.

Tobacco leaves shall be placed straight in bundles or bales of normal weight, size, and shape with the butts out and tips overlapping from 6 to 8 inches or sufficiently to make a level, solid, and uniform pack. The sides of the bundles shall be completely covered with paper, or other suitable protective material, and tightly bound with not less than three large twines spaced so that the tobacco will be held securely together. Improperly packed tobacco shall be designated as "No-G."

§ 29.6092 Rule 6.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.6093 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.6094 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.6095 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.6096 Rule 10.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards Branch and approved by the Director of the Tobacco Division, Agricultural Marketing Service.

§ 29.6097 Rule 11.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.6098 Rule 12.

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade; the remaining portion must be related. Grade specifications state the minimum acceptable degree of each element of quality. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.6099 Rule 13.

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury, and consideration shall be given to the kinds of injury normal to the group or grade.

§ 29.6100 Rule 14.

Stem rot shall not exceed 40 percent of the specified injury tolerance for any grade.

§ 29.6101 Rule 15.

In grade specifications the tolerance of crude shall apply to the entire leaf surface of the lot.

§ 29.6102 Rule 16.

In grade specifications frozen shall be treated as a separate kind of injury and the tolerance shall apply to the entire leaf surface of the lot.

§ 29.6103 Rule 17.

Tobacco shall be designated as No Grade, using the grademark "No-G," when it is damaged, dirty, nested, offtype, semicured, wet, improperly packed, contains foreign matter, or has an odor foreign to the type.

§ 29.6104 Rule 18.

Burn shall be determined as the average burning time of leaves selected at random from the sample. A minimum of 10 leaves shall be selected as representative regardless of the number of bundles or bales in the lot. All burn tests shall be made in the bindercutting area on the same side of the leaf. The leaf shall be punctured to permit quick ignition when placed over a candle, alcohol lamp, or electrical-lighting device. Good burn shall average 6 seconds or longer; fair burn, 3 to 5 seconds; and poor burn, under 3 seconds. B1 and B2 shall require good burn and B3, fair burn.

GRADES

§ 29.6126 Binder (B Group).

Tobacco of this group is of natural cigar-binder quality from which trash and trashy Farm Fillers have been removed.

U.S. grades	*Grade Names, Minimum Specifications, and Tolerances*
B1	Fine Quality Binder. Thin, ripe, open, elastic, strong, spready, and 19 inches or over in length. Uniformity, 90 percent; injury tolerance, 10 percent.
B2	Fair Quality Binder. Medium body, ripe, open, semielastic, strong, normal width, and 19 inches or over in length. Uniformity, 80 percent; injury tolerance, 20 percent.
B3	Low Quality Binder. Heavy, ripe, firm, semielastic, normal strength and width, and 19 inches or over in length. Uniformity, 70 percent; injury tolerance, 30 percent.

§ 29.6127 Stripper (C Group).

This group consists of tobacco from which the trash and trashy Farm Fillers have been removed but does not meet the specifications of the Binder group.

U.S. grades	*Grade Names, Minimum Specifications, and Tolerances*
C1	Fine Quality Stripper. Heavy, ripe, firm, semielastic, normal strength and width, and 16 inches or over in length. Uniformity, 90 percent; injury tolerance, 10 percent.
C2	Fair Quality Stripper. Heavy, mature, close, inelastic, normal strength, narrow, and 16 inches or over in length. Uniformity, 80 percent. Tolerances: 5 percent crude, 5 percent frozen, and 20 percent injury.
C3	Low Quality Stripper. Heavy, immature, close, inelastic, weak, and narrow. Uniformity, 70 percent. Tolerances: 10 percent crude, 10 percent frozen, and 30 percent injury.

§ 29.6128 Straight Stripped (X Group).

This group consists of unsorted tobacco from which the trash has been removed.

U.S. grades	*Grade Names, Minimum Specifications, and Tolerances*
X1	Fine Quality Straight Stripped. Heavy, ripe, firm, semielastic, normal strength and width, and 16 inches or over in length. Uniformity, 85 percent; injury tolerance, 15 percent.
X2	Fair Quality Straight Stripped. Heavy mature, close, inelastic, normal strength, narrow, and 16 inches or over in length. Uniformity, 75 percent. Tolerances: 5 percent crude, 5 percent frozen, and 25 percent injury.
X3	Low Quality Straight Stripped. Heavy, immature, close, inelastic, weak, and narrow. Uniformity, 60 percent. Tolerances: 10 percent crude, 10 percent frosen, and 40 percent injury.

§ 29.6129 Farm Filler (Y Group).

This group consists of tobacco from the lower portion of the stalk and may include throw out leaves from the Binder and Stripper groups.

U.S. grades	*Grade Names, Minimum Specifications, and Tolerances*
Y1	Fine Quality Farm Filler. Thin, ripe, open, semielastic, normal strength and width, and 12 inches or over in length. Uniformity, 85 percent; injury tolerance, 15 percent.
Y2	Fair Quality Farm Filler. Thin, ripe, firm, inelastic, normal strength, and narrow. Uniformity, 75 percent. Tolerances: 5 percent crude, 5 percent frozen, and 25 percent injury.
Y3	Low Quality Farm Filler. Thin, mature, close, inelastic, weak, and narrow. Uniformity. 60 percent. Tolerances: 10 percent crude, 10 percent frozen, and 40 percent injury.

§ 29.6130 Nondescript (N Group).

Tobacco which does not meet the minimum specifications or exceeds the tolerance of the lowest grade of any other group.

U.S. grades	*Grade Names and Tolerances*
N1	First Quality Nondescript. Tolerances: 20 percent crude, 20 percent frozen, and 60 percent injury.
N2	Second Quality Nondescript. Over 20 percent crude, over 20 percent frozen, or over 60 percent injury.

§ 29.6131 Scrap (S Group).

A byproduct of unstemmed and stemmed tobacco. Scrap assumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. grades	*Grade Name and Specifications*
S	Scrap. Loose, tangled, whole, or broken unstemmed leaves, or the web portion of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.6155 Summary of standard grades.

Three grades of binder	*Three grades of stripper*
B1=	C1
B2	C2
B3	C3

Three grades of straight stripped	*Three grades of farm filler*
X1	Y1
X2	Y2
X3	Y3

Two grades of nondescript	*One grade of scrap*
N1	S
N2	

Tobacco not covered by standard grades is designated as "No-G."

KEY TO STANDARD GRADEMARKS

§ 29.6161 Key to standard grademarks.

Groups	*Qualities*
B—Binder.	1—Fine.
C—Stripper.	2—Fair.
X—Straight Stripped.	3—Low.
Y—Farm Filler	
N—Nondescript.	
S—Scrap.	

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 21st day of September 1962.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 62-9604; Filed, Sept. 25, 1962; 8:51 a.m.]

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages, 1962–63 Fiscal Year

Notice is hereby given that there is under consideration the proposed establishment of a free percentage of 68 percent and restricted percentage of 32 percent for Oregon and Washington filberts during the 1962–63 fiscal year which began on August 1, 1962. The proposed percentages, which are based on recommendations of the Filbert Control Board and other available information, would be established pursuant to the amended marketing agreement and order (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The proposed percentages are based on the following estimates (inshell weight basis) for the 1962–63 fiscal year; (a) total requirements for 1962 crop merchantable filberts of 9,982,000 pounds which is the sum of an inshell trade demand of 10,000,000 pounds and provisions for inshell handler carryover on July 31, 1963, of 1,000,000 pounds, less the inshell handler carryover on August 1, 1962, of 1,018,000 pounds not subject to regulation; and (b) a total supply of merchantable filberts subject to regulation of 14,664,000 pounds, which is the sum of the estimated production of merchantable filberts of 14,112,000 pounds and inshell handler carryover on August 1, 1962, subject to regulation of 552,000 pounds.

Consideration will be given to written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than seven days after publication of this notice in the FEDERAL REGISTER.

Dated: September 20, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9605; Filed, Sept. 25, 1962; 8:51 a.m.]

Agricultural Research Service

[9 CFR Part 74]

SCABIES IN SHEEP

Notice of Proposed Amendment

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), it is proposed to amend § 74.3(a)(1) of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, by adding the entire State of Oklahoma to the list of areas therein designated as eradication areas since the cooperative sheep scabies eradication program is now being conducted in such State. The entire State of Oklahoma is presently included in the infected areas as sheep scabies is known to exist in such State.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 45 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of September 1962.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 62-9589; Filed, Sept. 25, 1962; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Notice of Proposal To Amend the Definition of Small Business for the Purpose of Government Procurement

The Administrator of the Small Business Administration proposes, for the purpose of Government procurement, to establish size standards for all industries which do not presently have specific size standards as set forth in § 121.3–8 of the Small Business Size Standards Regulation, as amended.

For the purpose of this proposal, an "industry" means "a grouping of establishments primarily engaged in similar lines of activity as listed and described in the Standard Industrial Classification Manual prepared and published by the Bureau of the Budget, Executive Office of the President." Industries are easily identified in the manual by the four (4) digits preceding the title of each industry.

Copies of the Standard Industrial Classification Manual are available for reference at the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at each of SBA's field offices.

The Small Business Administration has been issuing Small Business Certificates to concerns which employ more than 500 persons but less than 1,000 persons. Certificates have been issued in certain industries or fields of operation for which SBA had not adopted specific size standards as distinguished from the general size standard of 500 employees.

Since it has been determined that specific size standards will be adopted for all industries, Small Business Certificates will not be issued by SBA after publication of this notice in the FEDERAL REGISTER.

Within thirty (30) days after publication in the FEDERAL REGISTER, interested persons may file written comments concerning the proper definition of a small business in any or all of the industries covered by this proposal except those industries listed below on which the public already has been given an opportunity to comment:

1. Dairy products—SIC industries 2021 through 2026.

2. Services to dwellings and other buildings—SIC industries 7341, 7342, and 7349.

3. Furniture and fixtures—SIC industries 2511 through 2599.

All correspondence on this matter shall be addressed to:

Samuel S. Solomon, Director,
Office of Small Business Size Standards,
Small Business Administration,
Washington 25, D.C.

Dated: September 24, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-9661; Filed, Sept. 25, 1962; 9:20 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

METHYL SALICYLATE; OIL OF WINTERGREEN

Notice of Proposal To Establish Tolerances for Residues

In an order published in the FEDERAL REGISTER of January 19, 1960 (25 F.R. 404), the Commissioner of Food and Drugs listed a number of food ingredients to be generally recognized as safe. Determination of the status of methyl salicylate and oil of wintergreen was deferred pending completion of pharmacological studies. These studies have now been completed, and the results indicate that at 5,000 parts per million in the diet of laboratory animals there is an indication of a deleterious effect on the animals. The next lower level of feeding, 2,000 parts per million, was determined to be a "no-effect" level. Taking a 100-fold margin of safety at 20 parts per million, the safe level for man (1,500 grams daily food consumption) would be 30 milligrams per day in the diet continuously ingested.

Based on the information provided by these studies and other information regarding the frequency and amount with which methyl salicylate-flavored food may be ingested, the Commissioner on his own initiative, as provided in section 409(d) of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 349(d)) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes that a regulation should issue establishing tolerances for methyl salicylate or oil of wintergreen in foods as follows:

	Parts per million
Baked goods	100
Candy	300
Carbonated beverages	70
Chewing gum	3,300
Ice cream	50

All interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 18, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-9587; Filed, Sept. 25, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 362]

ARIZONA

Notice of Filing of Plats of Survey

SEPTEMBER 19, 1962.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10 a.m. on October 25, 1962:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 42 N., R. 7 E.,
Sec. 31, lots 1, 2, 3, 4, 5, 6, E½SW¼, SE¼;
Sec. 32, lots 1, 2, 3, 4, S½;
Sec. 33, lots 1, 2, 3, 4, S½;
Sec. 34, lots 1, 2, 3, 4, S½;
Sec. 35, lots 1, 2, 3, 4, S½;
Sec. 36, lots 1, 2, 3, 4, S½.

2. These lands are rolling and broken and the soils are sandy and sandstone. The aggregate area of these lands is 2,906.12 acres.

3. Lots 1, 2, 3, 4, S½ sec. 36 were withdrawn by Order of September 10, 1953, under First Form of Withdrawal, as provided by sec. 3 of the Act of June 17, 1902 (32 Stat. 388) for the Colorado River Storage Project. Lots 1, 2, 3, 4, 5, 6, E½SW¼, SE¼ sec. 31, lots 1, 2, 3, 4, S½ sec. 32, lots 1, 2, 3, 4, S½ sec. 33, lots 1, 2, 3, 4, S½ sec. 34, and lots 1, 2, 3, 4, S½ sec. 35 were withdrawn by Order of March 26, 1956, under First Form of Withdrawal, as provided by sec. 3 of the Act of June 17, 1902 (32 Stat. 388), for enlargement of the Colorado River Storage Project.

4. In view of the above, the lands described will not be subject to disposition under the General Public Land Laws by reason of the official filing of the plat.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 62-9578; Filed, Sept. 25, 1962; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

BROOKLINE SAVINGS AND TRUST COMPANY AND FIRST NATIONAL BANK AT DERRY

Notice of Report on Competitive Factors Involved in Merger Application

On July 20, 1962, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828 (c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the $3.8 million First National Bank at Derry, Derry, Pennsylvania with the $42 million Brookline Savings and Trust Company, Pittsburgh, Pennsylvania under the charter and title of the latter.

On August 24, 1962, the Comptroller of the Currency reported that there is no amount of present competition existing between the two institutions and that consummation of the proposed transaction would not have an adverse effect upon banking competition in the Derry area but, on the contrary, should stimulate banking in the community and would bring directly to its residents a full service bank.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: September 20, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-9600; Filed, Sept. 25, 1962; 8:51 a.m.]

Internal Revenue Service

RELIEF FROM EXCESS PROFITS TAX BECAUSE OF INADEQUATE EXCESS PROFITS CREDIT

Allowance During Fiscal Year Ended June 30, 1962

Subchapter E of Chapter 2 of the 1939 Internal Revenue Code imposes an excess profits tax on corporations for taxable years beginning after December 31, 1939. Under the provisions of this subchapter excess profits are measured by comparing the earnings for the current taxable year with a statutory excess profits credit.

Section 722 of Subchapter E reflects the recognition by Congress of the desirability and necessity of granting relief in meritorious cases to corporations which bear an excessive burden because of an inadequate excess profits credit. This section provides for the recomputation of excess profits tax on the basis of a reconstructed excess profits credit.

As required by section 6105 of the 1954 Internal Revenue Code the following list, containing the cases arranged alphabetically by Internal Revenue districts, shows the name and address of each corporation to which relief has been allowed, business, taxable years involved, excess profits credit before allowance of relief, increase in excess profits credit claimed, increase in excess profits credit allowed, decrease in excess profits tax, and increase in income tax. Allowances pursuant to decisions entered by the Tax Court of the United States have been made in four docketed cases. These are included in the list with appropriate notations.

In order to determine the relief granted and the relevant data required to be published, intermediate computations of the excess profits tax and the income tax showing the amounts of taxes which would have been due without the benefits of section 722 were made. Comparison of the pertinent items and figures appearing in the application for relief and the tax computations after allowance of relief with those appearing in the intermediate tax computations developed the required data.

Explanations of certain items, as displayed in their respective column headings of the list, and the data evolved follow:

Business in which engaged, Column 2. The business in which taxpayer is engaged is that reported in the income tax return of the corporation for the taxable year or years involved; therefore, it does not necessarily correspond with the business during the base period. Moreover, since the nature of business shown usually represents a general description of the predominant business activity, it does not necessarily represent or reflect the business activity with respect to which an inadequate excess profits credit was established.

Excess profits credit before allowance of relief, Column 4. The excess profits credit before allowance of relief is the credit originally claimed by the taxpayer, as corrected, whether based on income or invested capital.

Increase in the amount of excess profits credit claimed by taxpayer, Column 5. The increase in the amount of excess profits credit claimed by taxpayer is the excess of the credit based on the constructive income claimed by the taxpayer over the credit before allowance of relief shown in column 4.

Increase in the amount of excess profits credit allowed, Column 6. This increase in the amount of excess profits credit allowed is the excess of the recomputed credit based on constructive income finally allowed over the credit before allowance of relief shown in column 4.

Gross reduction in the excess profits tax Column 7—Gross increase in the income tax Column 8. The gross reduction in the excess profits tax and the gross increase in the income tax resulting from the operation of section 722 are the difference between the gross taxes which would have been due without the benefits of section 722 and the gross taxes due after relief has been granted. The gross excess profits tax is the tax due prior to the deferment under section 710(a)(5), the foreign tax credit under section 729, the credit for debt retirement under section 783, the ten per cent credit under section 784, and the adjustment under section 734. The gross income tax is the tax prior to the foreign tax credit under section 131.

The changes in the income and excess profits taxes shown reflect the effect of the increase attributable to section 722 in the unused excess profits credit carried forward from prior taxable years as well as the effect of the increase in unused excess profits credit carried back from subsequent years to the extent that claims with respect to unused credit carry-overs and carry-backs determined under section 722 were allowed within the same fiscal year.

While the decrease in excess profits tax is directly related to the increase in excess profits credit allowed, a number of factors serve to invalidate a comparison of the relationship of these two items applicable to a corporation for different taxable years or to different corporations for the same taxable year. Among the most important factors affecting this comparison are (1) increase in excess profits tax rates, (2) changes in rate structure from a graduated to a flat rate system, (3) effect of unused excess profits credits of prior and subsequent years attributable to section 722, (4) variations of provisions applicable to fiscal years, (5) limitation of excess profits tax to the amount by which 80 per cent of net income exceeds the income tax, applicable to certain taxable years, (6) relation of excess profits before the application of section 722 to the increase in excess profits credit allowed, and (7) reduction in excess profits net income due to change from invested capital method to income credit method.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the FEDERAL REGISTER as follows:

Fiscal year ended	Volume	Number	Date
June 30, 1942	9	194	Sept. 28, 1944
June 30, 1943	9	194	Sept. 28, 1944
June 30, 1944	9	219	Nov. 2, 1944
June 30, 1945	10	224	Nov. 15, 1945
June 30, 1946	11	195	Oct. 8, 1946
June 30, 1947	12	197	Oct. 8, 1947
June 30, 1948	13	206	Oct. 21, 1948
June 30, 1949	14	201	Oct. 18, 1949
June 30, 1950	15	205	Oct. 21, 1950
June 30, 1951	16	211	Oct. 30, 1951
June 30, 1952	17	175	Sept. 6, 1952
June 30, 1953	18	164	Aug. 21, 1953
June 30, 1954	19	185	Sept. 23, 1954
June 30, 1955	20	219	Nov. 9, 1955
June 30, 1956	21	183	Sept. 20, 1956
June 30, 1957	22	173	Sept. 6, 1957
June 30, 1958	23	168	Aug. 27, 1958
June 30, 1959	24	175	Sept. 5, 1959
June 30, 1960	25	181	Sept. 16, 1960
June 30, 1961	26	165	Aug. 26, 1961

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1962

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of section 722	Gross increase in the income (chapter 1) tax resulting from the operation of section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Newark							
General Instrument & Appliance Corp., 829 Newark Ave., Elizabeth, N.J.	Manufacturer of radio parts.	[1] 2-28-1942	$38,097.75	$274,546.99	$33,152.25	$16,222.94	$5,029.12
		[1] 2-28-1943	38,097.75	274,546.99	80,652.25	46,622.06	33,158.19
		[1] 2-29-1944	38,097.75	274,546.99	80,652.25	33,162.89	32,260.90
		[1] 2-28-1945	38,097.75	274,546.99	80,652.25	50,300.17	32,508.19
New Orleans							
Jackson Brewing Co., 620 Decatur St., New Orleans, La.	Brewery	[1] 12-31-1942	654,671.54	188,620.44	34,637.31	61,534.00	27,348.44
Portland							
Crane Mills, Corning, Calif.	Lumber manufacturing.	[2] 12-31-1941	24,606.27	23,338.56	3,693.73	1,662.18	515.35
		[2] 12-31-1942	24,914.02	53,346.07	3,585.98	3,227.38	1,900.57
		[2] 12-31-1943	24,914.02	53,346.07	3,585.98	3,227.38	1,900.56
		[2] 12-31-1944	24,914.02	53,346.07	3,585.98	3,406.68	1,900.57

[1] Allowance in accordance with a decision of the Tax Court of the United States based on agreed settlement of parties. No previous allowance by the Commissioner.
[2] Allowance in accordance with a decision of the Tax Court of the United States after hearing on the merits. No previous allowance by the Commissioner.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

[F.R. Doc. 62-9601; Filed, Sept. 25, 1962; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FRESH CRANBERRIES

Notice of Purchase Program DMP 181a

In order to encourage the domestic consumption of cranberries by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the United States Department of Agriculture offers to purchase fresh cranberries of the 1962 crop, grown in the United States, for subsequent use in nonprofit school lunch programs and eligible institutions. Purchases will be made on an offer and acceptance basis as a surplus removal activity. Details and specifications of the invitation to offer fresh cranberries are contained in Announcement FV-318 issued by the Department on September 21, 1962. Quantities purchased will depend upon marketing conditions at the time of purchase, and availability of outlets for use of the cranberries without waste. Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D.C.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: September 21, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9606; Filed, Sept. 25, 1962; 8:51 a.m.]

Agricultural Research Service

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Decision and Determination Concerning Special Inventory Dates for the Year 1963

Pursuant to the provisions of § 131.79 of the order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus (9 CFR Part 131) applications were filed prior to September 1, 1962, by Allied Laboratories, Division of the Dow Chemical Company and Philips Roxane, Inc. requesting a date other than April 1, for the year 1963, upon which each of such applicants shall have in inventory the reserve supply of completed anti-hog-cholera serum specified by § 131.79(a) of said order. The dates so requested by said applicants are as follows: Allied Laboratories, Division of the Dow Chemical Company, April 30, 1963, and Philips Roxane, Inc., April 30, 1963.

After consideration of all relevant and material matters submitted with said applications and all other available information and data relating to the applications, including data on file in the Department, and the factors set forth in § 131.80(d) of said order, it is hereby found that the granting of dates of April 30, 1963, with respect to the aforesaid applications will tend to effectuate the purposes of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act (7 U.S.C. 851 et seq.).

It is, therefore, determined that the inventory date upon which each of the aforesaid applicants shall have the reserve supply of completed anti-hog-cholera serum required by § 131.79(a) of said order for the year 1963 shall be as follows:

Allied Laboratories, Division of the Dow Chemical Co., April 30, 1963.
Philips Roxane, Inc., April 30, 1963.

Each of such applicants shall file the report specified in § 131.48(c) of said order within 30 days after the inventory date herein set for such applicant, setting forth the cubic centimeter volume of completed serum such applicant had

in inventory in his own possession on the date herein specified, identifying such serum in the manner and to the extent required by § 131.48(c) of said order.

Done at Washington, D.C., this 21st day of September, 1962.

F. H. SPENCER,
Acting Administrator.

[F.R. Doc. 62-9608; Filed, Sept. 25, 1962; 8:51 a.m.]

Office of the Secretary

MISSOURI AND NEW MEXICO

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the States of Missouri and New Mexico natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSOURI

Barry.	Macon.
Benton.	Maries.
Boone.	Miller.
Butler.	Moniteau.
Callaway.	Morgan.
Camden.	Oregon.
Carter.	Osage.
Cass.	Pettis.
Christian.	Phelps.
Cole.	Polk.
Cooper.	Pulaski.
Crawford.	Reynolds.
Dallas.	Ripley.
Dent.	Scott.
Franklin.	Shannon.
Gasconade.	Shelby.
Greene.	Stoddard.
Henry.	Stone.
Howard.	Taney.
Howell.	Texas.
Jefferson.	Washington.
Johnson.	Wayne.
Laclede.	Webster.
Lawrence.	Wright.

NEW MEXICO

San Juan

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of September, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-9590; Filed, Sept. 25, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-5]

PENNSYLVANIA STATE UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 9, set forth below, to Facility License No. R-2. The license, as previously amended, authorizes The Pennsylvania State University to possess and operate the nuclear reactor located on the University's campus at University Park, Pennsylvania. This amendment authorizes The Pennsylvania State University to conduct the control rod worth experiment as proposed in their application for license amendment dated July 23, 1962. This experiment consists of temporarily replacing one boron carbide safety rod with a new cadmium-indium rod of unknown worth in order to obtain its total reactivity worth. This experiment is part of the University program to determine what type control rod to install when the present boron carbide rods need replacement.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated July 23, 1962, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 18th day of September 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-2; Amdt. No. 9]

License No. R-2, as amended, which authorizes The Pennsylvania State University to possess and operate the nuclear reactor located on the University's campus at University Park, Pennsylvania, is hereby further amended as follows:

1. The Pennsylvania State University is authorized to conduct the control rod worth experiment as proposed in their application for license amendment dated July 23, 1962. This experiment consists of temporarily replacing one boron carbide safety rod with a new cadmium-indium rod of unknown worth in order to obtain its total reactivity worth. This experiment is part of the University program to determine what type control rod to install when the present boron carbide rods need replacement.

Date of issuance: September 18, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-9599; Filed, Sept. 25, 1962; 8:50 a.m.]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 5.1]

VARIOUS OFFICIALS

Amendment to Delegation of Authority

SEPTEMBER 18, 1962.

Pursuant to the authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, from the Secretary of State (26 F.R. 10608), A.I.D. Delegation of Authority No. 5 of December 29, 1961 (27 F.R. 449), is amended as follows:

1. Insert "SECTION A" immediately preceding the word "To:" in the first sentence;

2. Delete the comma after the title "the Assistant Administrator for Latin America," in the first paragraph and substitute the following: "and United States Coordinator for the Alliance for Progress,";

3. Insert a new full paragraph immediately following subparagraph "(2)" to read as follows:

SEC. B. To: the Assistant Administrator for Latin America and United States Coordinator for the Alliance for Progress.

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State, I hereby delegate the following functions, with authority to redelegate as appropriate, retaining for myself concurrent authority to exercise any of the functions herein delegated:

(1) Authority to negotiate, execute and implement loan and guaranty agreements authorized under the Act to provide for assistance in the Development of Latin America and in the Reconstruction of Chile, and for other purposes (74 Stat. 869; 22 U.S.C. 1942 et seq.);

(2) Authority to exercise the authorities set forth in section A(2) above with respect to the loans and guaranties referred to in subparagraph (1) above which immediately precedes this subparagraph;

4. Insert a new full paragraph immediately preceding the last paragraph to read as follows:

References in this Delegation of Authority to any Act shall be deemed to be references to such Act as amended from time to time.

This Delegation of Authority shall be deemed to have become effective December 29, 1961.

FOWLER HAMILTON,
Administrator.

SEPTEMBER 18, 1962.

[F.R. Doc. 62-9591; Filed, Sept. 25, 1962; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14021]

ALASKA AIR FORWARDING CORP. ET AL.

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of September 1962.

In the matter of the joint application of Alaska Air Forwarding Corporation, Alaska Van and Storage Co., Inc., Alaska Terminals, Inc., Hugh B. Mitchell, and Paul Pollack, under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, for approval of control and interlocking relationships.

By application filed September 14, 1962, Alaska Air Forwarding Corporation (Forwarding Corp.), Hugh B. Mitchell and Paul Pollack request the Board to approve pursuant to section 408 of the Federal Aviation Act of 1958 (the Act), as amended, the common control by Messrs. Mitchell and Pollack of Forwarding Corp., Alaska Van and Storage Co., Inc. (Storage Co.) and Alaska Terminals, Inc. (Terminals Inc.). In addition, pursuant to section 409 of the Act, approval is sought of the interlocking relationships resulting from Messrs. Mitchell and Pollack holding positions as officers and/or directors of the three companies.

Forwarding Corp. provides air freight pickup and delivery service in Anchorage, Alaska, and is an applicant pursuant to Part 296 of the Board's Economic Regulations for an operating authorization as a domestic air freight forwarder.[1] Storage Co. and Terminals Inc. are common carriers by motor vehicle operating between points wholly within the State of Alaska under authority granted by the Interstate Commerce Commission. Such motor carriers are engaged in the movement of household goods within Alaska and, through arrangements with other trucking companies and steamship companies, between Alaska and points in the continental United States.

The Board, upon consideration of the application, concludes that a control relationship within the purview of section 408(a) of the Act will be created by the common control of Forwarding Corp., Storage Co. and Terminals Inc., by Messrs. Mitchell and Pollack. However, the Board has further concluded tentatively that such relationship does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest is currently requesting a hearing.

The control relationships are similar to others between air freight forwarders and short-haul motor carriers which have been approved by the Board, and do not present any new substantive issues. In Order E-16474, dated March 3, 1961, we ordered certain long-haul surface common carriers to show cause why their applications for air freight forwarder authority (and for approval of control and interlocking relationships with air freight forwarders) should not be denied. (The matter was subsequently set down for hearing; Order E-17418, dated September 6, 1961.) Our Order to Show Cause delineated certain potential conflicts of interest which gave us concern that long-haul surface common carriers might have an incentive to divert shipments to surface carriage and might not promote development of air freight. However, in the same order, we proposed to grant (and subsequently did grant) the application for air freight forwarder authority of a motor carrier of general commodities and household goods between New York City and points within a 25-mile radius thereof. We found that the limited scope of this carrier's ICC authority did not present the same problems raised by the applications of the long-haul surface carriers.

The instant application, insofar as it involves entry into the air freight forwarding field by an affiliate of motor common carriers operating solely within Alaska, appears to parallel that of the short-haul surface common carrier referred to above. It would therefore appear that the relationships would not be inconsistent with the public interest. However, should the motor carrier operating authority of Storage Co. or Terminals Inc., be extended beyond the State of Alaska, new issues would arise which could only be considered upon the filing of a further application for prior Board approval. Accordingly, the Board proposes that its approval of the instant relationships will be effective only as long as the operation of motor vehicles by Storage Co. and Terminals Inc., is limited to the State of Alaska.

The Board further finds that interlocking relationships within the scope of section 409(a) of the Act will exist between Forwarding Corp., Storage Co., and Terminals Inc., from the holding by Messrs. Mitchell and Pollack of the positions described herein. For the reasons expressed above, the Board finds that the parties have made a due showing in the form and manner prescribed that the interlocking relationships will not adversely affect the public interest and should be approved, subject to the limitation noted above.

In view of the foregoing, the Board tentatively finds that the control relationships involved herein should be approved and intends to approve them under section 408 without a hearing, pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER, and interested persons will be afforded an opportunity to comment on the Board's tentative decision.[2]

Therefore, it is ordered:

1. That this order be published in the FEDERAL REGISTER;

2. That the Attorney General be furnished a copy of this order within one day of its publication; and

3. That interested persons be and they hereby are afforded a period of fifteen days within which to file comments or request a hearing with respect to the Board's proposed action herein.[3]

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-9602; Filed, Sept. 25, 1962; 8:51 a.m.]

[1] For the purpose of this proceeding, Forwarding Corp. is considered to be an air carrier.

[Docket 11879, Agreement C.A.B. 14827 R-108, R-110, and R-111]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

SEPTEMBER 20, 1962.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreement, adopted pursuant to unprotested notices to the carriers, cancels certain specific commodity rates and names additional rates as set forth in the attachment.[1]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the above-described agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered that:

Agreement C.A.B. 14827, R-108, R-110, and R-111, is approved, provided that such approval shall not constitute approval of the specific commodity descrip-

[1] Filed as part of the original document.

[2] Further action on the interlocking relationships under section 409 will be deferred pending final resolution of the control relationships which are subject to section 408.

[3] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

tions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petition within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this Order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-9603; Filed, Sept. 25, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

A. P. MOLLER-MAERSK LINE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8354-1, between the carriers comprising the A. P. Moller-Maersk Line joint service (operating under approved Agreement 7622, as amended) (Ocean service operator), and Farrell Lines Incorporated (feeder service operator), modifies approved Agreement 8354, covering a through billing arrangement on cargo between Harbel and Cape Palmas, Liberia, on the one hand, and U.S. Atlantic Coast Ports, on the other hand, with transhipment at Monrovia, Liberia. The purpose of the modification is to provide for specific dollar divisions of revenue between the parties on bulk latex, packaged rubber and bagged rice, as set forth in the modification.

Agreement 8896, between American Export Lines, Inc., and Lloyd Triestino S.P.A.N., covers a through billing arrangement in the trade from Mogadiscio and/or Kismayu (Chisimaio), Somali Republic, with transhipment at Trieste.

Agreement 8917, between American Export Lines, Inc., and Nouvelle Compagnie Havraise Peninsulaire de Navigation, covers a through billing arrangement in the trade from Madagascar to U.S. North Atlantic Ports, with transshipment at Djibouti.

Agreement 8983, between Lykes Bros. Steamship Co., Inc., and Zim Atid Maritime Services, Ltd., covers an arrangement for the fixing of rates on cargo which Lykes originates at U.S. Gulf and South Atlantic ports and tranships to Zim Atid Maritime at Italian ports for transportation by the latter carrier to Haifa and/or Tel Aviv, Israel. Agreement 8983, has been filed to supersede and cancel, in event of approval by the Commission, approved Agreement 8486, covering a similar arrangement between the same parties with respect to cargo originating at U.S. Gulf ports.

Agreement 9039, between American President Lines, Ltd. and Pacific Far East Line, Inc., covers a through billing arrangement on cargo from U.S. Atlantic ports to Wake Island, with transhipment at San Francisco, California.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Commission.

Dated: September 24, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-9656; Filed, Sept. 25, 1962; 8:55 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7055]

CONNECTICUT LIGHT AND POWER CO.

Notice of Application

SEPTEMBER 19, 1962.

Take notice that on September 6, 1962, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Connecticut Light and Power Company (Applicant), a corporation organized under the laws of the State of Connecticut and doing business in that State, with its principal business office at Berlin, Connecticut, seeking an order authorizing the purchase by it of certain hydroelectric facilities and electric distribution facilities from Ponemah Mills (Ponemah), a corporation organized under the laws of the State of Connecticut and engaged in the weaving and sale of cloth as well as the production, distribution and sale of electricity and the maintenance, processing and distribution of water. The facilities which Applicant proposes to acquire from Ponemah may be described generally as all of Ponemah's hydroelectric facilities on and adjacent to the Shetucket River, including a dam across the Shetucket River and five electric generating units with a combined capacity of 1,900 kilowatts and Ponemah's electric distribution facilities in the Blissville section of the Town of Lisbon, which are approximately 4 circuit miles in length and supply approximately 220 customers, and certain property and franchises associated therewith. The aforementioned facilities are presently used to generate power for distribution and sale to customers in the Town of Norwich and the Blissville section of the Town of Lisbon, as well as for Ponemah's own industrial purposes. The facilities would be purchased for a cash consideration of $242,900, less customers' deposits, plus a presently undetermined amount for unbilled revenue and accounts receivable as of the effective date of the purchase, pursuant to an agreement dated September 5, 1962, between Applicant and Ponemah. Applicant states that the terms of purchase were arrived at by negotiation between the parties.

Applicant renders electric and gas service in the State of Connecticut, serving a territory which is located in all eight counties of the State, and which covers approximately 3,566 square miles, or 73 percent of the geographical area of the state. Applicant supplies electric service in 115 of the 169 towns in Connecticut. According to the application, upon consummation of the proposed transaction, Applicant will use the distribution facilities in the Town of Lisbon for the same purposes for which they are presently being used by Ponemah, and will use the hydroelectric facilities for the purpose of supplying its customers generally. Applicant states that consummation of the proposed transaction will result in economies and improved service to customers.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 9th day of October 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9573; Filed, Sept. 25, 1962; 8:45 a.m.]

[Docket No. CI62-1493]

TEXACO, INC.

Notice of Application and Date of Hearing

SEPTEMBER 19, 1962.

Take notice that on June 11, 1962, Texaco Inc. (Applicant), P.O. Box 2332, Houston 1, Texas, filed in Docket No. CI62-1493 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon natural gas service to Lone Star Gas Company (Lone Star) from the Tatums Field, Carter County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject sale was authorized by an order of the Commission issued May 18, 1956, to Texaco Seaboard Inc.[1] in Docket No. G-7070 (Docket No. G-7053, et al.).

The application states that the volume of natural gas available for sale has declined to the extent that continued compression and delivery of gas to Lone Star is uneconomical. The application further states that the gas purchase contract has been cancelled.

This matter is one that should be disposed of as promptly as possible under

[1] Predecessor in interest to Texaco Inc.

the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 25, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 15, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9574; Filed, Sept. 25, 1962; 8:45 a.m.]

[Docket No. G-5392]

WEVA OIL CORP.

Notice of Application for Amendment

SEPTEMBER 19, 1962.

Take notice that on July 12, 1962, Weva Oil Corp. (Applicant), 608 Main Street, Hingham, Massachusetts, filed an application pursuant to section 7 of the Natural Gas Act requesting amendment of the certificate authorization in Docket No. G-5392 (order issued April 6, 1955, Docket Nos. G-5387, et al.) by deleting therefrom authorization to sell natural gas from a tract of approximately 554 acres in Wirt, Calhoun and Roane counties, West Virginia, originally dedicated under Contract No. 390 of Hope Natural Gas Company (Hope) dated January 8, 1919, which acreage Hope has agreed to release from said contract, all as more fully set forth in the application for amendment which is on file with the Commission and open to public inspection.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 11, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9575; Filed, Sept. 25, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3445]

E. L. BRUCE CO., INC.

Order Summarily Suspending Trading

SEPTEMBER 20, 1962.

The common stock, par value $1, of E. L. Bruce Co. (Incorporated), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 21, 1962, through September 30, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-9583; Filed, Sept. 25, 1962; 8:47 a.m.]

[File No. 1-4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

SEPTEMBER 20, 1962.

The Common Stock, Par Value $1.00, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 21, 1962, through September 30, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-9584; Filed, Sept. 25, 1962; 8:47 a.m.]

[File No. 812-1526]

COLONY GROWTH PLANS

Notice of Filing of Application for an Order Exempting Certain Transactions From the Provisions of the Act

SEPTEMBER 20, 1962.

Notice is hereby given that Colony Growth Plans, 75 Federal Street, Boston 10, Massachusetts ("Applicant"), a registered unit investment trust, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act certain transactions hereinafter described. All persons are referred to the application on file with the Commission for a complete statement of the facts which are summarized below.

Applicant registered under the Act on December 29, 1961, and proposes to offer to the public Single Payment Plans and Monthly Payment Plans which will accumulate the shares of Colonial Growth & Energy Shares, Inc. ("Colonial"). As a means of providing Applicant with the $100,000 net worth required by section 14(a) of the Act, the application states that the sponsor and five persons affiliated with the sponsor ("Transferors") propose to transfer to Applicant shares of Colonial approximately equal to this amount. According to the application, such shares of Colonial would constitute the underlying investment of the Plans offered by Applicant's sponsor and would provide the medium in which proceeds from the sale to the public of Plans will be invested. The Transferors will receive in exchange Fully Paid Plans equal in amount to the value of the shares transferred with no deduction for sales commission.

Section 17(a) of the Act, with certain exceptions, prohibits the sale of property to a registered investment company by the promoter or by an affiliated person of the promoter of such company. Since the Transferors come within these categories, the proposed transaction would be prohibited under section 17(a) of the Act unless the Commission grants an exemption pursuant to section 17(b) of the Act.

Under section 17(b) of the Act the Commission shall grant an exemption from the prohibitions of section 17(a) if it finds that the terms of the proposed transactions are reasonable and fair and will not involve overreaching on the part of any person concerned; that the proposed transactions are consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Act, and with the general purposes of the Act.

Notice is further given that any interested person may, not later than October 9, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–9585; Filed, Sept. 25, 1962; 8:48 a.m.]

[File No. 812–1515]

INVESTORS SYNDICATE OF AMERICA, INC.

Notice of Filing of Application for Order Approving Amendment to Depositary Agreement of Face-Amount Certificate Company

SEPTEMBER 20, 1962.

Notice is hereby given that Investors Syndicate of America, Inc. ("ISA"), Investors Building, 8th and Marquette, Minneapolis 2, Minnesota a registered face-amount certificate company, has filed an application seeking the approval of an amendment to a depositary agreement pursuant to section 28(c) of the Investment Company Act of 1940 ("Act"), which amendment is proposed to be executed in connection with the proposed issuance and sale by ISA of single payment certificates to be designated Series D Fully Paid Face-Amount Certificates ("Series D").

ISA is issuing and proposes to continue to issue face-amount certificates, and is subject to the provisions for deposit and maintenance of assets under section 28(c) of the Act. The Commission, by orders dated November 16, 1940, June 28, 1948, August 18, 1953, and August 30, 1960 (Investment Company Act Release Nos. 18, 792, 1895, and 3105 respectively), granted applications by ISA with respect to the approval of depositary agreements between it and The Marquette National Bank ("Bank") or with some other trustee or trustees having the qualifications required by paragraph 1 of section 26(a) of the Act, under which ISA is required to deposit and maintain with the Bank qualified assets equivalent to all reserve liabilities of outstanding certificates.

The Series D certificates are being registered under the Securities Act of 1933. Under the amended depositary agreement, for which approval is being sought. ISA undertakes to deposit and maintain with the Bank qualified investments and reserves as required by section 28 of the Act with respect to the new Series D certificates upon the terms and conditions specified in said agreement.

Section 28(c) provides, among other things, that the Commission shall by rule, regulation or order, in the public interest or for the protection of investors, require a registered face-amount certificate company to deposit and maintain, upon such terms and conditions as the Commission shall prescribe and as are appropriate for the protection of investors, with one or more institutions having the qualifications required by section 26(a)(1) of the Act for a trustee of a unit investment trust, all or any part of the investments maintained by such company as certificate reserve requirements under the provisions of section 28(b) of the Act.

Notice is further given that any interested person may, not later than October 4, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–9586; Filed, Sept. 25, 1962; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 397]

MINNESOTA

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Olmsted County in the State of Minnesota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about September 16, 1962.

OFFICE

Small Business Administration Regional Office,
Lewis Building,
603 Second Avenue, South,
Minneapolis 2, Minn.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1963.

Dated: September 17, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62–9592; Filed, Sept. 25, 1962; 8:49 a.m.]

[Delegation of Authority 54, Rev. 3]

DIRECTOR, OFFICE OF INVESTMENT

Delegation Relating to the Investment and Development Company Programs

I. Pursuant to the authority delegated to the Deputy Administrator for the Investment Division, by the Administrator by Delegation of Authority No. 50 (Revision 3), as amended (25 F.R. 7418, 26 F.R. 4440 and 27 F.R. 1303), there is hereby redelegated to the Director, Office of Investment the authority:

A. *Investment.* 1. To approve Notices to Proceed.

2. To approve extensions of Notices to Proceed.

3. To approve loans and their disbursement under sections 302 and 303 of the Small Business Investment Act of 1958, as amended.

4. To approve self-dealing loans except approval shall be restricted to those involving individuals with less than an aggregate amount of 5 percent interest in an SBIC, and an aggregate amount of less than 10 percent of the small business concern.

5. To approve dates of change of annual meetings.

6. To approve changes in the number of members of Board of Directors of individual SBICs.

7. To approve new officers and Directors of individual SBICs.

8. To approve name changes and address changes of licensees.

9. To approve overline loans (excess of 20 percent) where the excess amount does not exceed 2 percent of the licensee's statutory capital.

10. To extend use of sections 302 and 303 loan proceeds not to exceed 30 days beyond the authorized period.

11. To approve voluntary withdrawals involved in termination of Notices to Proceed or letters of comment.

12. To approve changes in capitalization of licensed small business investment companies.

B. *Compliance.* 1. To order a full and formal investigation into the activities of licensed SBICs where the evaluation of facts so warrant.

2. To take any and all actions deemed necessary to assure compliance with the Small Business Investment Act of 1958, as amended, and regulations promulgated thereunder, except those actions which involve policy determination or legal precedent.

C. *Development.* 1. To approve loans and their disbursement under section 502 of the Small Business Investment Act of 1958, as amended, except that such approval shall not exceed $150,000.

2. To take any action deemed necessary in the administration of section 502 loans where the outstanding balance does not exceed $150,000.

D. *Administrative.* 1. To authorize or approve (a) his personal travel, and (b) the travel of Washington Office employees under his supervision except travel when actual travel subsistence is requested.

2. To approve (a) sick and annual leave, (b) leave without pay not in excess of 30 days and (c) overtime work for employees under his supervision.

II. The authority delegated in I.A.I., I.B.I., and I.D.I. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Director, Office of Investment.

IV. All previous authority delegated to the Director, Office of Investment is hereby rescinded without prejudice to actions taken under such delegation prior to the date hereof.

Effective date: August 10, 1962.

JAMES L. PARRIS, *Deputy Administrator, Investment Division.*

[F.R. Doc. 62–9540; Filed, Sept. 24, 1962; 8:48 a.m.]

TARIFF COMMISSION

COTTON TYPEWRITER-RIBBON CLOTH

Tariff Commission Reports to the President

SEPTEMBER 21, 1962.

The U.S. Tariff Commission today submitted to the President its first periodic report on the developments in the trade in cotton typewriter-ribbon cloth since the "escape clause" action, effective September 23, 1960, modifying the concession granted in the General Agreement on Tariffs and Trade on such cloth classifiable under paragraph 904 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952, which order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its report, the Commission advised the President that conditions of competition between imported and domestic cotton typewriter-ribbon cloth had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in such cloth do not warrant a formal inquiry into the question of whether a reduction in the duties could be made without resulting in serious injury to the domestic industry concerned.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

DONN N. BENT, *Secretary.*

[F.R. Doc. 62–9582; Filed, Sept. 25, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 228]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 21, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notice of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 38541 (Deviation No. 4), WHITE MOTOR EXPRESS, INCORPORATED, 1405 Garland Avenue, Louisville, Ky., filed September 10, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over U.S. Highway 31E to junction Tennessee Highway 109 at or near Gallatin, Tenn., thence over Tennessee Highway 109 to junction U.S. Highway 31W at or near Mitchell, Tenn., thence over U.S. Highway 31W to Louisville, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Louisville over U.S. Highway 31W to Elizabethtown, Ky., thence over Kentucky Highway 61 to Hodgenville, Ky., thence over U.S. Highway 31E to Westmoreland, Tenn., thence over Tennessee Highway 52 to LaFayette, Tenn.; from Nashville over U.S. Highway 31E to junction Tennessee Highway 52, thence over Tennessee Highway 52 to LaFayette, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–9595; Filed, Sept. 25, 1962; 8:49 a.m.]

[Notice 482]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 21, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time

and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below.

SPECIAL RULES OF PROCEDURES FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statements as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in this written statement is permissible.

No. MC 1124 (Sub-No. 188), filed September 14, 1962. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk in specially designed tank trailers, between missile sites, production plants, and missile test facilities at points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 14582 (Sub-No. 7), filed September 10, 1962. Applicant: ELFRINK TRUCK LINES, INC., Advance, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the Village of Champ, Mo., also known as Champ Industrial Village, as an off-route point in connection with applicant's authorized regular route operations.

HEARING: November 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 42261 (Sub-No. 70), filed September 19, 1962. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: Daniel J. Sweeney, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed trailers, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: October 15, 1962 at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 59649 (Sub-No. 12), filed September 6, 1962. Applicant: PEORIA CARTAGE COMPANY, 905–911 Southwest Washington Street, Peoria, Ill. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, and dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the Village of Champ, Mo., also known as Champ Industrial Village as an off-route point in connection with applicant's authorized regular route operations.

HEARING: November 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 107871 (Sub-No. 17), filed September 13, 1962. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street, West, P.O. Box 1012, Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, Fifth Floor, Weiler Building, 487 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed tank vehicles, between Missile sites, production plants, and missile test facilities in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 119829 (Sub-No. 4), filed September 13, 1962. Applicant: F. J. EGNER & SON, INC., 812 Charles Street, Galion, Ohio. Applicant's attorney: John C. Bradley, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cryogenic liquids and rocket propellant fuels*, in bulk, and in containers, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming, and (2) *empty containers or other such incidental facilities* (not specified) used in transporting commodities specified in (1) above, between points in the states so mentioned.

Hearing: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9596; Filed, Sept. 25, 1962; 8:49 a.m.]

[Notice 695]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 21, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64852. By order of September 17, 1962, the Transfer Board approved the transfer to Horn Transfer Line, Inc., 1370 South 15th Street, Louisville 10, Ky., of Certificate No. MC 9509, issued to R. W. Schauberger, doing business as Horn Transfer Line, 1370 South 15th Street, Louisville 10, Ky., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Louisville, Ky., and points in Jefferson County, Ky., on the one hand, and, on the other, Jeffersonville and New Albany, Ind.

No. MC–FC 65222. By order of September 17, 1962, the Transfer Board approved the transfer to Chem-Haulers, Inc., Sheffield, Ala., of Corrected Certificate No. MC 115732 Sub-1, and Certificates Nos. MC 115732, MC 115732, Sub-3, MC 115732 Sub-4, and MC 115732 Sub-6, issued July 9, 1957, March 23, 1959, May 15, 1962, and November 21, 1961, respectively, to Frank C. Martin, doing business as Martin Propane Transport, McMinnville, Tenn., authorizing transportation of: (1) Liquefied petroleum gas, in bulk, in tank vehicles, (a) from Doe Run, Ky., to points in certain named counties in Tennessee, and (b) from points in White County, Ill., to points in Tennessee; (2) liquefied petroleum gas (except anhydrous ammonia), in bulk, in tank vehicles, from the plant site of Tamak Gas Products, Co., West Memphis, Ark., to points in Tennessee; and (3) propane and butane, in bulk, in tank vehicles, from the Trans-Southern pipeline at or near Jonesboro, Ga., to specified counties in Tennessee. Walter Harwood, 515 Nashville Bank & Trust Building, Nashville 3, Tenn., attorney for applicants.

No. MC–FC 65232. By order of September 17, 1962, the Transfer Board approved the transfer to The Seacoast Transportation Company, Incorporated, Jacksonville, Fla., of Certificates in Nos. MC 23942, MC 23942 Sub-1, MC 23942 Sub-3, MC 23942 Sub-4, and MC 23942 Sub-5, issued January 30, 1942, November 14, 1950, August 14, 1962, September 4, 1952, and April 6, 1956, respectively, to Atlantic Coast Line Railroad Company, a Corporation, Wilmington, N.C., authorizing the transportation of: General commodities, over regular routes, between New Bern, N.C., and Waycross, Ga., between Dunn, N.C., and junction U.S. Highways 76 and 301 near Pee Dee, S.C., between Rowland, N.C., and Myrtle Beach, S.C., between Maxton, N.C., and Raemon, N.C.; between Red Springs, N.C., and junction U.S. Highway 501 and North Carolina Highway 710 near Rowland, N.C., between Sanford, N.C., and Burgaw, N.C., between Tomahawk, N.C., and Ward's Corner, N.C.; between Florence, S.C., and Wadesboro, N.C., between Darlington, S.C., and Johns, N.C., between Cheraw, S.C., and Bennettsville, S.C., between Gilbson, N.C., and Bennettsville, S.C., between McColl, S.C., and Gibson, N.C., between Columbia, S.C., and Florence, S.C., between Rimini, S.C., and Darlington, S.C., between Bishopville, S.C., and junction South Carolina Highway 341 and U.S. Highway 401; between Wisacky, S.C., and junction South Carolina Highway 527 and U.S. Highway 401; between Sumter, S.C., and Kingstree, S.C., between Robbins, S.C., and Lobe Star, S.C., between Holly Hill, S.C., and junction South Carolina Highways 6 and 33; between Ehrhardt, S.C., and junction South Carolina Highway 303 and U.S. Highway 17 near Green Pond, S.C., between Waycross, Ga., and Patterson, Ga., between Nahunta, Ga., and Jesup, Ga., between Waycross, Ga., and Birmingham, Ala., between Patterson, Ga., and Alma, Ga., between Ocilla, Ga., and Thomasville, Ga., between Manchester, Ga., and Atlanta, Ga., between Roanoke, Ala., and Wadley, Ala., between Waycross, Ga., and Thomasville, Ga., between Waycross, Ga., and Montgomery, Ala., between Bainbridge, Ga., and Chattahoochee, Fla., between Dothan, Ala., and Elba, Ala., between Dothan, Ala., and Enterprise, Ala., between Ada, Ala., and Luverne, Ala., between Waycross, Ga., and Everglades, Fla., between Lake Harbor, Fla., and Palmdale, Fla., between Jacksonville, Fla., and Naples, Fla., between DuPont, Ga., and junction unnumbered highway and U.S. Highway 301 near Friiby, Fla., between Thomasville, Ga., and Crystal River, Fla., between Gainesville, Fla., and High Springs, Fla., between Newberry, Fla., and Wilcox, Fla., between Branford, Fla., Lake City, Fla., and Fort White, Fla., between Ocala, Fla., and Dunnellon, Fla., between St. Petersburg, Fla., and Belspur, Fla., between Tampa, Fla., and Haines City, Fla., between Sanford, Fla., and Okahumpka, Fla., between Tavares, Fla., and Altoona, Fla., between Lake Charm, Fla., and junction U.S. Highway 17 and Florida Highway 419; between Kissimmee, Fla., and Mascotte, Fla., between Palatka, Fla., and Gainesville, Fla., between Nahunta, Ga., and Folkston, Ga., between Holly Hill, S.C., and Giant, S.C., serving the intermediate points of Four Holes, S.C., between specified points in Georgia; general commodities, over alternate routes for operating convenience only, between Latta, S.C., and Mullins, S.C., between Manning, S.C., and Pinewood, S.C., between Holly Hill, S.C., and Orangeburg, S.C., between Jacksonboro, S.C., and Walterboro, S.C., and between Blackshear, Ga., and Race Pond, Ga., serving no intermediate points in connection with carrier's regular route operations between New Bern, N.C., and Waycross, Ga., and between Waycross, Ga., and Everglades, Fla., subject to certain restrictions, between Hobgood, N.C., on the one hand, and, on the other, junction U.S. Highways 258 and 64; with service at junction U.S. Highways 258 and 64 for the purpose of joinder only; subject to restrictions; and general commodities, over regular routes, between Washington, N.C., and junction North Carolina Highways 11 and 33, near Bethel, N.C., serving the intermediate points of Stokes and Pactolus, N.C., between junction U.S. Highway 301 and North Carolina Highway 481, near Enfield, N.C., and junction North Carolina Highways 481 and 125, serving no intermediate points, as an alternate route for operating convenience only; between Faison, N.C., and Clinton, N.C., and between Whiteville, N.C., and junction North Carolina Highway 410 and U.S. Highway 701, near Tabor City, N.C. Mr. Albert B. Russ, Jr., Jacksonville, Fla., attorney for transferor.

No. MC–FC 65233. By order of September 14, 1962, the Transfer Board approved the transfer to Paul G. Ford, doing business as Riddle Scenic Tours, Los Angeles, Calif., of Certificate No. MC 89687, issued April 24, 1959, to Alfred L. Riddle, doing business as Riddle Scenic Tours, Los Angeles, Calif., authorizing the transportation of: Passengers, and express and newspapers, in limousines or sedans with a seating capacity of not more than seven persons, including the driver, over regular routes, as specified, between Las Vegas, Nev., and Furnace Creek Inn, Calif., serving no intermediate points; and passengers and their baggage, in special operations consisting of sightseeing or pleasure tours, over regular routes, as specified, beginning at Bakersfield, Baker, and Barstow, Calif., and at Las Vegas and Beatty, Nev., and extending to entrances of the Death Valley National Monument, Calif.-Nev., and ending at Bakersfield, Lone Pine, Trona, Majave, Baker, and Barstow, Calif., and Las Vegas and Beatty. R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles 17, Calif., attorney for applicants.

No. MC–FC 65236. By order of September 17, 1962, the Transfer Board approved the transfer to General Transfer & Storage Company, a corporation, Milledgeville, Ga., of Certificate No. MC 123418, issued October 11, 1961, to Joyner Transfer & Storage Co., a corporation, Milledgeville, Ga., authorizing the transportation of: Vitrified clay products, fire brick, fire clay in packages, and sewer pipe joint compound in containers, from Harlem, Ga., to points in South Carolina, North Carolina, Alabama, and Florida. T. Baldwin Martin, 503 First National Bank Building, Macon, Ga., attorney for applicants.

No. MC–FC 65252. By order of September 20, 1962, the Transfer Board approved the transfer to Union Cartage Company, a corporation, 60 Quinsigamond Avenue, Worcester, Mass., of Certificate No. MC 30334, issued January 21, 1942, to Charles B. Conlin, 8 Lake Street, Shrewsbury, Mass., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Worcester, Mass., on the one hand, and, on the other, points in Massachusetts within 15 miles of Worcester, and Textile Machinery and accessories and parts therefor, between Worcester, Mass., on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and a specified portion of Pennsylvania.

No. MC–FC 65294. By order of September 20, 1962, the Transfer Board approved the transfer to Alberti Van & Storage Company, Inc., Kensington, Md., of Certificate No. MC 36749, issued October 13, 1950, to Albert G. Altemus, Albert G. Altemus, Jr., Charles Flagg, Jr., Mildred A. Altemus, Edith Altemus, and Mary J. Flagg, a partnership, doing business as Altemus Furniture Co.,

Washington, D.C. authorizing the transportation of household goods, between Washington, D.C., on the one hand, and, on the other, points in Maryland and Virginia. Paul F. Sullivan, 1821 Jefferson Place NW., Washington, D.C., attorney for applicants.

No. MC–FC 65307. By order of September 18, 1962, the Transfer Board approved the transfer to Arthur Carlock, doing business as Carlock Bus Service, Coffeen, Ill., of the operating rights in Certificate No. MC 114749, issued March 29, 1955, to Eldon Carlock, Clyde Carlock, and Arthur Carlock, a partnership, doing business as Carlock & Sons, Coffeen, Ill., authorizing the transportation of passengers and their baggage, in charter operations, over irregular routes, from Coffeen, Schram City and Hillsboro, Ill., to points in Missouri, and return to points of origin.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9597; Filed, Sept. 25, 1962; 8:50 a.m.]

[Notice 483]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 21, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1380 (Sub-No. 9), filed August 30, 1962. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., East College Drive, High Point, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467*, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving Odenton, Md., as an off-route point in connection with applicant's authorized regular route operations.

HEARING: November 13, 1962, at the U.S. Appraisers' Stores Building, Baltimore, Md., before Joint Board No. 112.

No. MC 5326 (Sub-No. 6), filed April 24, 1962. Applicant: WILSON B. DILL, CARL M. DILL, SR., AND ARTHUR B. DILL, doing business as DILL BROS. COMPANY, Galena, Md. Applicant's attorney: H. James Conaway, Jr., Bank of Delaware Building, Wilmington 1, Del. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal and poultry feeds*, in bulk, in blower-type equipment, and in bags, from the Ralston Purina Plant, Wilmington, Del., to points in Caroline, Cecil, Kent, Queen Anne, and Talbot Counties, Md.

HEARING: October 31, 1962, at Room 709, U.S. Appraisers' Stores Building, Baltimore, Md., before Joint Board No. 40.

No. MC 7555 (Sub-No. 44), filed June 29, 1962. Applicant: TEXTILE MOTOR FREIGHT, INC., P.O. Box 7, Ellerbe, N.C. Applicant's attorney: Daniel J. Sweeney, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods), from Waterloo, N.Y., to points in South Carolina, Georgia, and Alabama.

HEARING: November 2, 1962, at 346 Broadway, New York, N.Y., before Examiner Bernard J. Hasson, Jr.

No. MC 15167 (Sub-No. 30), filed May 31, 1962. Applicant: PAUL F. CULLUM, doing business as CULLUM TRUCKING CO., 1281 West Side Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles equipped with automatic hoists, from the site of the Koppers Company, Inc., plant at Kearny, N.J., to Baltimore, Md.

NOTE: Common control may be involved.

HEARING: October 31, 1962, at the U.S. Appraisers' Stores Building, Baltimore, Md., before Joint Board No. 283.

No. MC 16682 (Sub-No. 58), filed June 12, 1962. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City 1, N.Y. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated fixtures and equipment* (except office machines) and *new furniture*, of the type used by stores, offices, homes, hotels and other institutions, from points in Arkansas, Colorado, New Mexico, and Oklahoma, to points in the United States (except points in Hawaii).

NOTE: Applicant states it does not seek to duplicate the authority it now holds in Docket No. MC 16682.

HEARING: October 29, 1962, at the New Customs House, Denver, Colo., before Examiner Laurence E. Masoner.

No. MC 29660 (Sub-No. 12), filed July 19, 1962. Applicant: HERMAN LOZOWICK, KENNETH LOZOWICK, FRANK LOZOWICK, AND JACK LOZOWICK, doing business as HERMAN LOZOWICK TRUCKING CO., 320 Myrtle Street, Elizabeth, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, such as is dealt in by persons engaged in the manufacture and sale of condiments and nonalcoholic and noncarbonated beverages* and, in connection therewith, *materials, supplies, and equipment, used in the conduct of such business*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-commodities, between Newark, N.J., on the one hand, and on the other, points in Nassau and Westchester Counties, N.Y., and the New York, N.Y., Commercial Zone, and Philadelphia, Pa.

NOTE: Applicant states that the proposed operation will be under contracts with Allied Old English, Inc., Plantation Food, Inc., Chellia Industries, Inc., and Dal-Day Company.

HEARING: November 15, 1962, at 346 Broadway, New York, N.Y., before Examiner Richard A. White.

No. MC 30374 (Sub-No. 12), filed May 17, 1962. Applicant: MOEY LIHN AND MAX LIHN, a partnership, doing business as TRI-STATE TRANSPORTATION CO., Vineland, N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials, supplies and equipment used in the manufacture of wearing apparel*, between Medford, N.J., on the one hand, and, on the other, Philadelphia, Pa., and points in the New York, N.Y., Commercial Zone, as defined by the Commission.

HEARING: November 7, 1962, at Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Richard A. White.

No. MC 42487 (Sub-No. 536) (AMENDMENT), filed January 22, 1962, published FEDERAL REGISTER issue of March 14, 1962, and republished as amended on April 11, 1962, amended and republished as amended this issue. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Torrance, Calif., to points in Connecticut, Delaware, Georgia, Indiana, Massachusetts, Minnesota, Missouri, North Carolina, Ohio, Rhode Island, Tennessee, and Wisconsin.

NOTE: Common control may be involved.

HEARING: November 2, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner Charles J. Murphy.

No. MC 48213 (Sub-No. 24) filed July 27, 1962. Applicant: C. E. LIZZA, INC., Ligonier and Depot Streets, Latrobe, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dewar flasks*, from Large, Pa., to Cleveland, Ohio, and (2) *liquid hydrogen*, from Cleveland, Ohio, to Large, Pa.

HEARING: November 2, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner James A. McKiel.

No. MC 52858 (Sub-No. 95), filed August 23, 1962. Applicant: CONVOY COMPANY, a corporation, 3900 Northwest Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors and parts and accessories therefor*, when accompanying shipments thereof; (1) from Denver, Colo., to points in Colorado, Utah, Nebraska, and Wyoming; (2) from Laurel, Mont., to points in Montana, Idaho, and Wyoming; (3) from Spokane, Wash., to points in Idaho, Oregon, and Washington; (4) from Seattle, Wash., to points in Washington; (5) from Portland, Oreg., to points in Oregon; (6) from Salt Lake City, Utah, to points in Utah, Idaho, and Nevada; (7) from Milpitas, Calif., to points in California, Nevada, and Oregon; and *damaged and rejected shipments*, on return.

NOTE: Applicant states the proposed operations will be restricted to shipments having a prior haul by rail.

HEARING: October 29, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner Charles J. Murphy.

No. MC 57899 (Sub-No. 3), (CLARIFICATION), filed February 8, 1962, published FEDERAL REGISTER, issue of September 12, 1962, and republished as clarified this issue. Applicant: W. O. HUGHEY, doing business as HUGHEY TRANSPORTATION COMPANY, McComb, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700, Petroleum Building, Jackson, Miss. The application as previously published set forth a Note, which read as follows: "Service is proposed to all intermediate points on the above described routes between the above described points, *with return operations* over the above described routes (except in Items 6 and 11 above)." The purpose of this clarification of the above-quoted portion of the application is to apprize all parties that applicant seeks to serve all intermediate points on routes 1 through 11, with the exception of intermediate points located on routes 6 and 11. Furthermore, it is applicant's intention to seek authority to operate *between* the termini points set forth in routes 1 through 11. It appears that the above-quoted portion of the application might lead one to believe that applicant does not propose to conduct return operations over the routes described in Items 6 and 11 above, although Item 11 specifically states: "• • • and return over the same route • • •"

HEARING: Remains as assigned October 15, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 61264 (Sub-No. 13), filed August 8, 1962. Applicant: PILOT FREIGHT CARRIERS, INC., P.O. Box 615, Cherry Street at Pole Road, Winston-Salem, N.C. Applicant's representative: Keith Y. Sharpe (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cockeysville, Md., on the one hand, and, on the other, points in North Carolina, South Carolina, and points in that part of Georgia on and north of U.S. Highway 80.

NOTE: Applicant states that it is presently authorized to serve between Baltimore, Md., and points in North Carolina, South Carolina, and that part of Georgia on and north of U.S. Highway 80.

HEARING: November 2, 1962, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Examiner Richard A. White.

No. MC 74857 (Sub-No. 7) (CLARIFICATION), filed June 27, 1962, published FEDERAL REGISTER issue of August 15, 1962, clarified September 11, 1962, and republished, as clarified, this issue. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 1111 West Court Street, Cincinnati 3, Ohio. Applicant's attorney: Leonard D. Slutz, 900 Tri-State Building, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in dump trucks from points in Hamilton County, Ohio, to points in Kentucky (except points in Anderson, Boone, Bourbon, Bath, Bracken, Campbell, Carroll, Clark, Franklin, Fayette, Fleming, Gallatin, Grant, Harrison, Henry, Jefferson, Kenton, Madison, Mason, Montgomery, Nicholas, Oldham, Owen, Pendleton, Robertson, Rock Castle, Rowan, Scott, Shelby, Trimble, and Woodford Counties), and *refused and rejected shipments*, on return.

NOTE: The purpose of this republication is to delete "in bulk" as previously published.

HEARING: Remains as assigned October 9, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37.

No. MC 82211 (Sub-No. 4), filed July 16, 1962. Applicant: ORZA TRUCKING CORP., 1155 Leggett Avenue, Bronx 59, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, between Carlstadt, N.J., on the one hand, and, on the other, points in Connecticut on and west of U.S. Highway 5.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with Seeman Brothers, Inc., Carlstadt, N.J.

HEARING: November 13, 1962, at 346 Broadway, New York, N.Y., before Examiner Richard A. White.

No. MC 84444 (Sub-No. 3), filed August 9, 1962. Applicant: WILLIAM H. McCORMICK, ROSE A. McCORMICK, JAMES A. McCORMICK, JOSEPH A. R. McCORMICK, AND ELIZABETH L. McCORMICK, a partnership, doing business as McCORMICK'S EXPRESS, Third and Winslow Streets, Camden 4, N.J. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, Pennsylvania Boulevard at 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paperboard, wallboard, fire extinguishing materials, wastepaper, licorice root, licorice mass, powdered licorice, syrup, wood pulp*, and *general supplies and equipment* used by a licorice or paper and wallboard manufacturer, between Camden, N.J., on the one hand, and, on the other, New York and Long Island City, N.Y., and points in Pennsylvania within 30 miles of Philadelphia, Pa.; and (2) *Paperboard, wallboard, fire extinguishing materials, wastepaper, licorice root, licorice mass, powdered licorice, syrup, wood pulp*, and *general supplies and equipment* used by a licorice or paperboard manufacturer, between Camden, N.J., on the one hand, and, on the other, points in Delaware and those in Maryland in and east of Frederick County and those in Pennsylvania in and east of Bradford, Sullivan, Columbia, Montour, Northumberland, Dauphin, and York Counties, Pa.

NOTE: Applicant states the above described operations set forth in item (2) will be restricted to operations under written contract with MacAndrews & Forbes Co., of Camden, N.J.

HEARING: November 5, 1962, at Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Richard A. White.

No. MC 86687 (Sub-No. 66), filed August 2, 1962. Applicant: SEABOARD AIR LINE RAILROAD COMPANY, a corporation, 3600 West Broad Street, Richmond, Va. Applicant's attorney: Wilkes C. Robinson, Seaboard Air Line RR Co., 3600 West Broad Street, Richmond, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* between Tallahassee, Fla., and Jacksonville, Fla, over presently authorized routes as specified in applicant's Certificate No. MC–86687, seeking no change in service at intermediate and off-route points or in the restrictions applicable to such points.

NOTE: Applicant states that by this application "the Seaboard seeks a partial relaxation of the restrictive effect of the Commission's designation of Tallahassee and Jacksonville as key points in its motor carrier certificates. This designation means no shipments may be moved entirely by truck between those two points, but can be moved into or through one of them. This application does not seek their removal as key points. It merely seeks the partial substitution of a prior or subsequent rail haul restriction in place of the key point restriction, but only with respect to traffic moving between Tallahassee proper, on the one hand, and Jacksonville proper, on the other. The present key point restrictions would remain effective with respect to service to the more distant points on other routes or to the intermediate and off-route points on the Tallahassee-Jacksonville route."

HEARING: November 1, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 87730 (Sub-No. 23), filed August 6, 1962. Applicant: R. W. BOZEL TRANSFER, INC., 414 West Camden Street, Baltimore 1, Md. Applicant's

attorney: Frederick Babson, Jr., Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mayonnaise and salad dressing* from Baltimore, Md., to Norfolk, Va., and *damaged or rejected shipments* on return.

HEARING: November 8, 1962, at the U.S. Appraisers' Stores Building, Baltimore, Md., before Joint Board No. 68.

No. MC 90373 (Sub-No. 20), filed August 21, 1962. Applicant: C & R TRUCKING CO., a corporation, Inman Avenue, Avenel, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes, batteries, antifreeze preparations, and filling station supplies and automobile accessories*, in mixed shipments not to exceed 10 percent of the total weight of shipments of petroleum products, which applicant is now presently authorized to transport, from Philadelphia, Pa., and Petty's Island, N.J., to Hartford, New Haven, Norwich, Bridgeport, Waterbury, Stamford, Greenwich, Portland, New Canaan, Fairfield, Canaan, Middletown, and Orange, Conn., Linden, Long Branch, Secaucus and Newark, N.J., New York City, Patchogue, New Rochelle, Warsaw, Yonkers, Inwood, Mt. Vernon, Poughkeepsie, Wingdale, Binghamton, Waverly, Oswego, Waterloo, Buffalo, Niagara Falls, Syracuse, and Oneida, N.Y., and Scranton, Towanda, Morrisville, McKees Rocks, and Coraopolis, Pa., and *only empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, and *refused and damaged cargo*, on return.

HEARING: November 6, 1962, at Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Richard A. White.

No. MC 95540 (Sub-No. 436), filed June 22, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorneys: Joseph H. Blackshear, Gainesville, Ga., and Duane W. Acklie, IBM Building, 605 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts and pineapples* from points in Louisiana and from Mobile, Ala., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: October 31, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner Garland E. Taylor.

No. MC 102799 (Sub-No. 10), filed September 7, 1962. Applicant: PACKAGE MESSENGERS, INC., 2939 West Page Street, Philadelphia 21, Pa. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Medical supplies and materials*, and *dental optical*, and *photographic supplies, materials, and products*, in packages not exceeding 40 pounds in weight, and no shipment to any one consignee to exceed 200 pounds in weight, from King of Prussia, Pa., to points in Mercer, Burlington, Gloucester, and Camden Counties, N.J., and points in New Castle County, Del.

NOTE: Applicant states that the operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Merck, Sharp & Dohme Division of Merck & Co., Inc., of King of Prussia, Pa.

HEARING: November 9, 1962, at Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pennsylvania, before Examiner Richard A. White.

No. MC 103051 (Sub-No. 135) (AMENDMENT), filed August 9, 1962, published FEDERAL REGISTER, issue of September 6, 1962, amended September 13, 1962, and republished as amended this issue. Applicant: WALKER HAULING CO., INC., 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Montgomery County, Ala., to points in Georgia.

NOTE: The purpose of this republication is to enlarge the destination territory, from points in Muscogee, Chattahoochee and Marion Counties, Ga., to points in Georgia.

HEARING: October 23, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 157.

No. MC 103378 (Sub-No. 239), filed June 22, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from the plant site of Atlantic Cement Company located in Chatham County, Ga., to points in Florida, Georgia, North Carolina, and South Carolina.

HEARING: October 29, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Abraham J. Essrick.

No. MC 103378 (Sub-No. 240), filed June 29, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude sulphate of turpentine*, in bulk, in tank vehicles, from points in Alabama and Georgia to Jacksonville, Fla.

HEARING: October 30, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 99, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 103378 (Sub-No. 244), filed August 21, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Jacksonville, Fla., and points within 15 miles thereof, to points in Georgia beyond 175 miles of Jacksonville, Fla.

HEARING: October 31, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 105444 (Sub-No. 4), filed July 20, 1962. Applicant: VINCENT CHANICE AND ANTHONY CHANICE, a partnership doing business as CHANICE & CHANICE, 854 Liberty Avenue, Brooklyn 8, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shower stalls, fume hoods, and blowers* used in connection with fume hoods, *laboratory equipment, new furniture, metal cabinets, cabinet tops, sink tops* and *fixtures in connection therewith*, from New York, N.Y., to points in Connecticut, New York, New Jersey, Pennsylvania, and Delaware within 150 miles of New York, N.Y.

NOTE: Applicant states that it seeks to consolidate the commodity descriptions of its present operating authorities so that they will correctly reflect the services conducted by it in interstate or foreign commerce.

HEARING: November 16, 1962, at 346 Broadway, New York, N.Y., before Examiner Richard A. White.

No. MC 105813 (Sub-No. 72), filed August 3, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts and pineapples*, from points in Louisiana and Mobile, Ala., to points in the United States (except Alaska and Hawaii).

HEARING: October 31, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner Garland E. Taylor.

No. MC 105813 (Sub-No. 76), filed September 6, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products and canned fruit juices in mixed shipments with citrus products, frozen and citrus products, not canned and not frozen*, from points in Florida to points in Colorado, Kentucky, Illinois, Indiana, Missouri, and Ohio.

NOTE: Common control may be involved.

HEARING: November 12, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner Abraham J. Essrick.

No. MC 106089 (Sub-No. 10), filed July 25, 1962. Applicant: JOHN G. LANE LINE, INC., 1017 North McDuff Avenue, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and merchandise distributed by baking companies* and, in connection therewith, *bakery advertising matter, crates, racks and containers* (a) from Thomasville, Ga., to Jacksonville, Live Oak and Lake City, Fla., and (b) from Jacksonville, Fla., to Thomasville, Ga., and Live Oak and Lake City, Fla., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *stale and rejected bakery products, empty bakery products containers, crates and racks*, on return.

HEARING: October 31, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 107012 (Sub-No. 48), filed June 22, 1962. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Fort Wayne, Ind. Applicant's attorney: G. Zan Golden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated fixtures and equipment* (except office machines) and *new furniture of the type used by stores, offices, homes, hotels, and other institutions*, from points in Arkansas, Colorado, New Mexico, and Oklahoma to points in the United States, including Alaska and Hawaii.

NOTE: Applicant states "no duplicating authority is here requested, except in those instances where the authority sought would eliminate necessity for gateway observance."

HEARING: October 29, 1962, at the New Customs House, Denver, Colo., before Examiner Laurence E. Masoner.

No. MC 107107 (Sub-No. 231), filed August 20, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, whipped topping, dessert topping, baker's topping and mocha mix*, in vehicles equipped with mechanical refrigeration, from points in Florida, to points in Georgia, South Carolina, Kentucky, North Carolina, Tennessee, and Virginia.

HEARING: November 2, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Abraham J. Essrick.

No. MC 107107 (Sub-No. 236), filed September 10, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned citrus products and canned fruit juices* in mixed shipments with citrus products, frozen and citrus products not canned and not frozen, from points in Florida to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Illinois (except Chicago), Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan (except points in the lower peninsula) Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. (2) *Canned citrus products and canned fruit juice* in mixed shipments with citrus products, not canned and not frozen, from points in Florida to points in Wayne, Chatham, Lowndes, Ware, and Glynn counties, Ga. (3) *Canned citrus products and canned fruit juices*, in mixed shipments with citrus products, frozen, from points in Florida to points in Colorado, Florida, Georgia, Maine, Mississippi, Wyoming, Montana, New Hampshire, North Carolina, and Vermont.

HEARING: November 12, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner Abraham J. Essrick.

No. MC 107515 (Sub-No. 407), filed August 13, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products and canned fruit juices* in mixed shipments with citrus products, frozen, and *citrus products*, not canned and not frozen, from points in Florida to points in Georgia, South Carolina, North Carolina, points in Virginia west of U.S. Highway 15, West Virginia, points in Pennsylvania west of U.S. Highway 15, Ohio, Kentucky, Tennessee, Alabama, Mississippi, Illinois, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, Idaho, Nevada, and Utah.

NOTE: Applicant states "J. L. Lawhon, President of Refrigerated Transport Co., Inc. and owner of ½ of the stock holds permits as a contract carrier (MC 104589 Subs 5, 7, 10, 13, 17) which authorize the transportation of carbonated beverages."

HEARING: November 12, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner Abraham J. Essrick.

No. MC 107871 (Sub-No. 15), filed July 11, 1962. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, P.O. Box 1012, Syracuse, N.Y. Applicant's attorney: Norman M. Pinsky, Fifth Floor, Weiler Building, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement and mortar*, in bulk and bags, (1) from the plant site of Atlantic Cement Company, Inc., at or near Ravena (Albany County), N.Y., to points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, and New Hampshire, and (2) from the plant and storage site of Atlantic Cement Company, Inc., at or near Charlestown, Mass., to points in New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, and *contaminated, damaged, refused, rejected and returned shipments* of the same commodities, on return.

HEARING: November 12, 1962, at 346 Broadway, New York, N.Y., before Examiner Richard A. White.

No. MC 107892 (Sub-No. 6), filed July 18, 1962. Applicant: F. W. VAN DERBECK, R.D. 1, Woodstown, N.J. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, Pennsylvania Boulevard at 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed*, from Wilmington, Del., to Baltimore, Md., and (2) *oyster shells, oyster shell products, fertilizer and fertilizer materials*, from Baltimore, Md., to points in New Jersey on and south of U.S. Highway 22.

HEARING: October 30, 1962, at the U.S. Appraisers' Stores Building, Baltimore, Md., before Joint Board No. 283.

No. MC 107913 (Sub-No. 7), filed April 13, 1962. Applicant: F & W EXPRESS, INC., 575 South Front Street, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 MCC 467, commodities in bulk, and those requiring special equipment), between the junction of U.S. Highway 61 and Mississippi Highway 6, and West Helena, Ark., between junction of U.S. Highway 61 and Mississippi Highway 6 near Lula, Miss., and West Helena, Ark., from junction of U.S. Highway 61 and Mississippi Highway 6 to Mississippi-Arkansas State Line, thence over Arkansas Highway 20 to West Helena, Ark., and return over the same route serving all intermediate points.

HEARING: October 29, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 109, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 108248 (Sub-No. 9), filed 8, 1962. Applicant: SHAW TRUCKING, INCORPORATED, P.O. Box 84, Brockway, Pa. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, oyster shells and agricultural insecticides* (except in bulk in tank or hop-

per type vehicles), from Baltimore, Md., and Cleveland, Ohio, to points in Indiana, and points in Armstrong, Clarion, Venango, Forest, Warren, McKean, Potter, Tioga, Cameron, Elk, Jefferson, and Clearfield, Counties, Pa.

HEARING: October 31, 1962, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Examiner Richard A. White.

No. MC 108428 (Sub-No. 11), filed August 17, 1962. Applicant: DINO D'AGATA, Northeast Corner, 25th and Dickinson Streets, Philadelphia, Pa. Applicant's representative: G. Donald Bullock, Box 103, Wyncote, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Baltimore, Md., Commercial Zone as defined by the Commission, to Philadelphia, Pa., and points in Pennsylvania within 25 miles of Philadelphia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: November 8, 1962, at Room 309, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Richard A. White.

No. MC 110698 (Sub-No. 201) (AMENDMENT), filed February 12, 1962, published FEDERAL REGISTER issue of March 14, 1962, amended April 2, 1962, republished as amended this issue. Applicant: RYDER TANK LINE, INC., Winston Salem Road, Greensboro, N.C. Applicant's attorney: William B. Adams, Pacific Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Torrance, Calif., to points in Connecticut, Delaware, Georgia, Indiana, Massachusetts, Minnesota, Missouri, North Carolina, Ohio, Rhode Island, Tennessee, and Wisconsin.

NOTE: Common control may be involved.

HEARING: November 2, 1962, at the Mint Building, 133 Hermann St., San Francisco, Calif., before Examiner Charles J. Murphy.

No. MC 111103 (Sub-No. 9), filed September 7, 1962. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725-29 South Broad Street, Philadelphia 47, Pa. Applicant's attorney: Peter Platten, Land Title Building, Philadelphia 10, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition) between Philadelphia, Pa., on the one hand, and, on the other, points in Lebanon and Berks Counties, Pa.

NOTE: Applicant states the proposed service will be restricted to traffic having a prior or subsequent movement by air, rail or motor carrier. It is further noted the proposed service will be for the account of Eastman Kodak Company, of Rochester, N.Y.

HEARING: November 9, 1962, at Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Richard A. White.

No. MC 111170 (Sub-No. 77), filed June 25, 1962. Applicant: WHEELING PIPE LINE, INC., P.O. Box 270, El Dorado, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, in tank vehicles, from North Little Rock, Ark., to points in Tennessee.

HEARING: October 30, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 38, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 112020 (Sub-No. 141) (REPUBLICATION), filed November 7, 1961, published FEDERAL REGISTER issue of December 20, 1961, and republished this issue. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, acids*, and *petroleum* and *petroleum products*, in bulk, (1) from points in Oklahoma, Arkansas, Tennessee, Louisiana, Mississippi, Alabama, Florida, and Georgia, to points in California, Washington and Oregon, (2) from points in Arkansas, Tennessee, Louisiana, Mississippi, Alabama, Florida, and Georgia, to points in Arizona, New Mexico, Utah, Nevada, Idaho, Montana, and Wyoming, and (3) from points in California, Washington, and Oregon to points in Oklahoma, Arkansas, Tennessee, Louisiana, Mississippi, Alabama, Florida, and Georgia.

NOTE: Applicant states it is owned and controlled by the same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc., an Oklahoma Corporation.

HEARING: October 29, 1962, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Examiner Samuel C. Shoup. A continued hearing is contemplated at a point to be selected by the presiding examiner after considering the request of the parties.

No. MC 112520 (Sub-No. 77), filed July 5, 1962. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol. H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous sodium sulphate (salt cake)*, in bulk, in tank vehicles, from Le Moyne, Ala., to Moss Point and Natches, Miss., and Panama City, Fla.

HEARING: October 30, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Abraham J. Essrick.

No. MC 113024 (Sub-No. 18) (AMENDMENT), filed April 19, 1962, published FEDERAL REGISTER issue May 2, 1962, amended August 6, 1962, and republished as amended this issue. Applicant: ARLINGTON JOHN WILLIAMS, doing business as A. J. WILLIAMS, 152 Killoran Drive, New Castle, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Control panels and related control equipment*, restricted against the transportation of such commodities requiring special equipment or special handling, from the plant site of Borg-Warner Corporation, Pesco Division, located at Santa Ana, Calif., to Waynesboro, Martinsville, and Ampthill, Va., Wilmington and Seaford, Del., Chattanooga and Old Hickory, Tenn., Graingers, N.C., and Lugoff, S.C.

NOTE: Applicant states the proposed operation will be performed for the account of E. I. DuPont de Nemours & Company, Wilmington, Del. The purpose of this republication is to add the above restriction and to amend the origin point.

HEARING: October 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Lawrence A. Van Dyke, Jr. This assignment is for applicant's presentation and such protestants as desire to submit their evidence at Washington. A continued hearing for additional evidence to be submitted at Los Angeles, Calif., is contemplated.

No. MC 113267 (Sub-No. 76) (CORRECTION), filed August 9, 1962, published FEDERAL REGISTER, issue of September 19, 1962, and republished as corrected, this issue. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). The purpose of this correction is to show that the hearing will be held in Omaha, Nebr., which information was inadvertently omitted from the previous publication.

HEARING: November 2, 1962, at the Federal Office Building, 15th and Dodge Streets, Omaha, Nebr., before Examiner Hugh M. Nicholson.

No. MC 113362 (Sub-No. 13) (AMENDMENT), filed April 26, 1962, published FEDERAL REGISTER issue June 6, 1962, amended June 28, 1962 and September 19, 1962, and republished as amended this issue. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Stephen Robinson, 412 Equitable Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report and *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 209, *including compounded oils or greases and lubricating greases*, in packages and containers, (1) from Rouseville, Oil City, Reno, Emlenton, Franklin, Farmers Valley, and Bradford, Pa., St. Marys, W. Va., and Buffalo, N.Y., (Buffalo, N.Y., to be restricted to partial loading with stopoffs to complete loading at Pennsylvania origins), to points in Iowa, Minnesota, Missouri, Kansas, Arkansas, Nebraska, North Dakota, South Dakota, Wisconsin, Tennessee, and Kentucky, and (2) from Emlenton and Farmers Valley, Pa., to Chicago, Ill., and points in the Chicago, Ill., Commercial Zone.

NOTE: The purpose of this republication is to broaden the scope of the authority previously sought.

HEARING: Remains as assigned October 22, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William N. Culbertson.

No. MC 114019 (Sub-No. 98), filed August 13, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packing house products*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Lexington, Ky., to points in Maine, New Hampshire, Vermont, and Rhode Island.

HEARING: October 23, 1962, at the Kentucky Hotel, Louisville, Ky., before Examiner James I. Carr.

No. MC 114364 (Sub-No. 66), filed June 18, 1962. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Box 672, Rocky Ford, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages* from Pueblo, Colo., commercial zone to points in Kansas, Oklahoma, Nebraska, New Mexico, Wyoming, Montana, Iowa, on and west of U.S. Highway 59, Missouri, on and west of U.S. Highway 65, and Rapid City, S. Dak.; and *empty bottles, kegs* and *containers, or other such incidental facilities* used in transporting the above commodities, on return trips.

NOTE: Applicant states that it is controlled by Earl Bray, Inc.

HEARING: November 1, 1962, at New Customs House, Denver, Colo., before Examiner Laurence E. Masoner.

No. MC 115279 (Sub-No. 3), filed June 28, 1962. Applicant: CLICK MESSENGER SERVICE, INC., Newark Airport, Newark, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in shipments of 100 pounds or less, moving from one consignor to one consignee (except commercial papers, documents, and other written instruments, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), in specialized delivery service, between points in Union, Middlesex, Morris, and Somerset Counties, N.J., on the one hand, and on the other, New York, N.Y.

HEARING: November 1, 1962, at 346 Broadway, New York, N.Y., before Examiner Bernard J. Hasson, Jr.

No. MC 115379 (Sub-No. 7), filed June 19, 1962. Applicant: JOHN D. BOHR, JR., R.D. No. 2, Annville, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized oyster shells*, in bulk, from Baltimore, Md., to points in Delaware and Pennsylvania.

HEARING: November 1, 1962, at the U.S. Appraisers' Stores Building, Baltimore, Md., before Joint Board No. 199.

No. MC 115491 (Sub-No. 32), filed July 23, 1962. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: Craig Massey, P.O. Box 586, Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen fruit juices, frozen fruit concentrates, citrus products not canned and not frozen, fresh fruits, fresh vegetables and frozen sea foods*, in mixed loads, *with canned citrus products* from points in Florida to points in Mississippi, Louisiana, Texas, Arkansas, Oklahoma, Colorado, North Dakota, South Dakota, Minnesota, Wisconsin, Ohio, West Virginia, and the lower peninsula of Michigan, and (2) *citrus products not canned and not frozen, fresh vegetables, fresh fruits, and frozen sea foods*, in mixed loads, *with canned citrus products* from points in Florida to points in Missouri, Kansas, Nebraska, and Iowa.

HEARING: November 5, 1962, at the Angebilt Hotel, Orlando, Fla., before Examiner Abraham J. Essrick.

No. MC 115826 (Sub-No. 12), filed June 15, 1962. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver 5, Colo. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, as described in Appendices A and C in *Descriptions in Certificates*, Ex Parte No. MC-45, (1) from Colorado Springs, Denver, Greeley, and Pueblo, Colo., to points in Arizona, California, Montana, Nevada, New Mexico, Oregon, and Washington, and (2) from Clovis, N. Mex., to points in Arizona, and California.

HEARING: November 2, 1962, at New Customs House, Denver, Colo., before Examiner Laurence E. Masoner.

No. MC 116544 (Sub-No. 27), filed June 25, 1962. Applicant: WILSON BROTHERS TRUCKLINE, INC., 700 East Fairview Street, Carthage, Mo. Applicant's attorney: Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 15, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen fruit juices, frozen fruit concentrates, citrus products* (not canned and not frozen), *fresh fruits, fresh vegetables and frozen seafoods* in mixed truckloads, with canned citrus products, from points in Florida, to points in Mississippi, Louisiana, Texas, Arkansas, Colorado, South Dakota, North Dakota, Minnesota, and Wisconsin; and (2) *citrus products* (not canned and not frozen), *fresh fruits, fresh vegetables, and frozen seafoods* in mixed truckloads, with canned citrus products, from points in Florida, to points in Missouri, Kansas, Nebraska, Iowa, and Oklahoma.

HEARING: November 5, 1962, at the Angebilt Hotel, Orlando, Fla., before Examiner Abraham J. Essrick.

No. MC 117119 (Sub-No. 62), filed August 20, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and packing house products*, as listed in Appendix I, A and C, Ex Parte No. MC 45, *Descriptions in Motor Carrier Certificates*, in mechanically refrigerated vehicles, from Booneville, Miss., to points in Oregon and Nevada.

HEARING: November 1, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Henry A. Cockrum.

No. MC 117119 (Sub-No. 63), filed August 29, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and packing house products*, as listed in Appendix I, Subheadings A and C, Ex Parte No. MC 45, *Descriptions Motor Carrier Certificates*, in mechanically refrigerated vehicles, from Booneville, Miss., to points in Iowa, Nebraska, and Kansas, Kansas City, Springfield, St. Joseph, Carthage, Sedalia, Marshall, and Raytown, Mo., and Fort Smith, Little Rock, and Springdale, Ark.

HEARING: November 1, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Henry A. Cockrum.

No. MC 117727 (Sub-No. 3), filed July 17, 1962. Applicant: FRANK AQUILINO, doing business as ROSS TRUCKING, 219 Mulberry Street, New York 12, N.Y. Applicant's attorney: John G. Lipsett, 40 Wall Street, New York 5, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* from port facilities in New York and New Jersey located in the New York, N.Y., Commercial Zone, as defined by the Commission, to points in Nassau and Suffolk Counties, N.Y.

HEARING: November 14, 1962, at 346 Broadway, New York, N.Y., before Examiner Richard A. White.

No. MC 117888 (Sub-No. 5), filed May 23, 1962. Applicant: J. M. Goldberg, Inc., 101 Chartres, Houston 2, Tex. Applicant's attorney: Thomas E. James, Esperson Building, Suite 1535, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Mobile, Ala., to points in Texas.

HEARING: October 29, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner Garland E. Taylor.

No. MC 118130 (Sub-No. 6), filed May 7, 1962. Applicant: BENJAMIN M. HAMRICK, doing business as BEN HAMRICK, 1208 Jones Street, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort

Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* (and *coconuts* when transported in mixed loads with bananas) from Mobile, Ala., to points in Texas.

HEARING: October 29, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner Garland E. Taylor.

No. MC 118292 (Sub-No. 2), filed September 5, 1962. Applicant: BALLENTINE PRODUCE, INC., Alma, Ark. Applicant's attorney: Lester M. Bridgeman, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Fort Smith, Ark., to points in Texas, Florida, and Alabama, and to Monroe, Shreveport, and New Orleans, La., Kansas City, Kans., Kansas City, Mo., Detroit, Mich., Chicago, Ill., Oklahoma City, Okla., Omaha, Nebr., Hattiesburg, Miss., and Memphis, Tenn., and (2) from Little Rock, Ark., to Dallas and Houston, Tex., Tampa and Jacksonville, Fla., Mobile, Birmingham, and Montgomery, Ala., and Shreveport, La.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit 118434; therefore, dual operations may be involved.

HEARING: October 31, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Henry A. Cockrum.

No. MC 119305 (Sub-No. 1), filed August 15, 1962. Applicant: C. ROBERT NATTRESS AND DONALD NATTRESS, a partnership, doing business as B & D TRUCKING SERVICE, 33 West Garfield Avenue, Norwood (Delaware Co.), Pa. Applicant's attorney: Ralph C. Busser, Jr., 1710 Locust Street, Philadelphia 3, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pies, cakes, pastry and cookies*, from New York, N.Y., to the plant site of Elfenbien Baking Co., located in Philadelphia, Pa.

HEARING: November 6, 1962, at Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Richard A. White.

No. MC 119789 (Sub-No. 12), filed August 8, 1962. Applicant: ALTO DISTRIBUTORS, INCORPORATED, P.O. Box 155, Malden, Mo. Applicant's attorney: John Paul Jones, 189 Jefferson Avenue, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and coconuts*, when moving in same vehicle with bananas, from Mobile, Ala., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, Wisconsin, and Wyoming.

HEARING: October 31, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner Garland E. Taylor.

No. MC 119837 (Sub-No. 3), filed August 13, 1962. Applicant: M. M. HIGGINBOTHAM, doing business as OZARK MOTOR LINES, 806 Michigan Street, Memphis, Tenn. Applicant's attorney: Edward G. Grogan, Commerce Title Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between West Plains, Mo., and Gassville, Ark., from West Plains, over U.S. Highway 160, to its junction with Missouri Highway 101 at Caulfield, Mo., thence over Missouri Highway 101 to its junction with U.S. Highway 62 at Norfolk Lake Ferry, Ark., thence over U.S. Highway 62, to Gassville, and return over the same route, serving all intermediate points, and (2) between Salem, Ark., and junction U.S. Highway 62, and Missouri Highway 101; from Salem, over U.S. Highway 62, to junction Missouri Highway 101 at Norfolk Lake Ferry, Ark., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

HEARING: October 30, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 91, or, if the Joint Board waives its right to participate before Examiner Henry A. Cockrum.

No. MC 123091 (Sub-No. 2), filed June 20, 1962. Applicant: NICK STRIMBU, INC., 530 Standard Avenue, Masury, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Sharon, Pa., and points in the Sharon, Pa., Commercial Zone to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Virginia, West Virginia, and Tennessee, and *empty containers and pallets*, on return.

HEARING: October 29, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner James A. McKiel.

No. MC 123121 (Sub-No. 2), filed August 2, 1962. Applicant: J. P. McLAUGHLIN TRUCKING SERVICE, INC., 300 Communipaw Avenue, Jersey City, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Advertising matter, display racks, books, book paper, magazines and printed matter*, between Wayne, N.J., and points in Nassau, Rockland and Westchester Counties, N.Y., and New York, N.Y.

NOTE: Operation is to be performed under continuing contract with Wayne Warehousing Corp., of Wayne, N.J.

HEARING: November 15, 1962, at 346 Broadway, New York, N.Y., before Examiner Richard A. White.

No. MC 123992 (Sub-No. 7), filed June 15, 1962. Applicant: SCHWERMAN CO. OF PA., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in tank vehicles, from Garrettsville and Geauga Lake, Ohio, to points in Pennsylvania and New York.

NOTE: Applicant states "Schwerman Co. of Pa., Inc. holds contract authority to transport cement under Docket No. MC 111624; therefore, dual operations may be involved."

HEARING: October 31, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner James A. McKiel.

No. MC 124116 (AMENDMENT), filed December 26, 1961, published FEDERAL REGISTER issue March 7, 1962, amended September 6, 1962, and republished this issue. Applicant: THREE-WAY TRUCKING COMPANY, a corporation, R.F.D. 1, Nevada, Mo. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients*, between points in Texas, Arkansas, Kansas, Oklahoma, Nebraska, Iowa, Minnesota, Louisiana, Missouri, Mississippi, Tennessee, and that portion of Colorado lying on and east of U.S. Highway 85, (2) *dicalcium phosphate*, from Texas City, Tex., St. Louis, Mo., and Tupelo, Miss., to points in Arkansas, Kansas, Nebraska, Iowa, and Missouri, (3) *oyster shell*, from Houston, Tex., to points in Arkansas, Missouri, Kansas, Nebraska, and Iowa, (4) *fertilizer*, dry in bags, and in bulk, from points in Houston, Tex., St. Louis, Mo., and East St. Louis, Ill. Commercial Zone, as defined by the Commission, to Nevada, Mo., (5) *potash*, from points within a forty (40) miles radius of Carlsbad, N. Mex., to points in Kansas, Missouri, Iowa, Illinois, Nebraska, Arkansas, and Tennessee, and (6) *barbed wire, wire, steel posts, mesh wire, baler twine and binder twine*, from Houston, and Beaumont, Tex., and New Orleans, La., to Nevada, Mo.

NOTE: Applicant states the proposed service is to be under "a continuing contract with J. K. W. Wholesale Grain & Feed of Nevada, Missouri." The purpose of this republication is to show a change in the route descriptions in Nos. 1 thru 6 above, also to delete No. 7, as shown in previous publication.

HEARING: October 22, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner John B. Mealy.

No. MC 124355 (Sub-No. 2), filed June 18, 1962. Applicant: WILLIAM V. ANDREWS, 1128 Cedar Avenue, Iron Mountain, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from Iron Mountain, Mich., to Crystal Falls and Iron River, Mich.

HEARING: October 30, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 95.

No. MC 124361 (CORRECTION), filed April 12, 1962, published FEDERAL REGISTER issue of September 19, 1962, and republished as corrected this issue. Applicant: JOE FEAGIN, doing business as GREENWOOD STORAGE & TRUCKING, Highway 49 South, Greenwood, Miss. Applicant's attorney: Harold D. Miller, Jr., 700 Petroleum Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in bags, (1) from Carlsbad, N. Mex., El Dorado, Ark., Sheffield, Birmingham, and Mobile, Ala., and Sterlington and Avondale, La., to Greenwood, Miss., and (2) from Greenwood, Miss., to points in Arkansas and Louisiana.

NOTE: (A) Applicant states that there will be no return transportation in connection with (1) above, and only occasional shipments of exempt commodities as to the points involved in (2). (B) Applicant further states that the proposed transportation will be performed under a continuing contract with Staple Cotton Cooperative Association. The purpose of this republication is to correct the place of hearing previously published as *Jacksonville, Miss.*, in error. Correctly stated, the hearing is as follows:

HEARING: November 6, 1962, at the Robert E. Lee Hotel, *Jackson, Miss.*, before Examiner James I. Carr.

No. MC 124525, filed June 8, 1962. Applicant: PAUL HERRING, doing business as HERRING TRUCKING, Farmington, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y., and Baltimore, Md., to Wheeling, W. Va., and Belpre, Ohio.

NOTE: Applicant states the proposed service will be under a continuing contract with Jebbia and Seleni Co., of Wheeling, W. Va.

HEARING: October 31, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner James A. McKiel.

No. MC 124555, filed June 20, 1962. Applicant: FRANCIS ELWOOD REAVER, CARRIE VIRGINIA REAVER, MABEL ELIZABETH REAVER, GEORGE WASHINGTON REAVER, FRANKLIN ROOSEVELT REAVER, a partnership doing business as CHARLES B. REAVER & SONS, R.F.D. No. 2, Carroll County, Taneytown, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (a) from Flintstone, Md., to Washington and Paterson, N.J., Boston and Beverly, Mass., Philadelphia, Pa., and New York, N.Y., and (b) from Moorefield, W. Va., to Philadelphia, Pa.

HEARING: October 29, 1962, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Examiner Richard A. White.

No. MC 124564, filed June 25, 1962. Applicant: HUBERT JENKINS, 24343 Ames Highway, Taylor, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, on flatbed equipment, from points in Ohio and Darlington, Pa., to Detroit, Mich.

NOTE: Application states the proposed service will be under a continuing contract or contracts with Colonial Brick Company, a Michigan corporation, of Detroit, Mich.

HEARING: October 31, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 244.

No. MC 124577, filed June 26, 1962. Applicant: EXPRESSWAY SERVICE, INC., 3601 Benson Avenue, Baltimore 27, Md. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in the Baltimore, Md. Commercial Zone.

HEARING: November 6, 1962, at the U.S. Appraisers' Stores Building, Baltimore, Md., before Joint Board No. 112.

No. MC 124598, filed July 5, 1962. Applicant: ROBERT G. BURRISS, 234 East Washington Street, Lisbon, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Pittsburgh, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia, and *empty malt beverage containers*, from points in Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia, to Pittsburgh, Pa.

HEARING: November 1, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner James A. McKiel.

No. MC 124619, filed July 16, 1962. Applicant: RUDE SYSTEM OF TOWING INC., 388 Union Avenue, Brooklyn 11, N.Y. Applicant's attorney: Harry Gittleson, 26 Court Street, Brooklyn 1, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and replacements for wrecked and disabled motor vehicles, including trailers and tractors*, between New York, N.Y., on the one hand, and, on the other, points in New Jersey, New York, Connecticut, Maine, Virginia, Rhode Island, Pennsylvania, Maryland, and Washington, D.C.

HEARING: November 13, 1962, at 346 Broadway, New York, N.Y., before Examiner Richard A. White.

No. MC 124628, filed July 19, 1962. Applicant: SAM FALLICK TRUCKING CO., INC., 345 Butler Street, Brooklyn, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ground and instant coffee*, between New York, N.Y., and points in Bergen, Essex, and Union Counties, N.J.

HEARING: November 14, 1962, at 346 Broadway, New York, N.Y., before Examiner Richard A. White.

No. MC 124642 (CORRECTION), filed July 25, 1962, published issue September 6, 1962, and republished as corrected this issue. Applicant: S. A. LEICESTER, Windsor, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips, farm produce, lumber, veneer, and other manufactured forest products, crushed rock, fertilizer, and fertilizer materials*, in bags, from points in Martin, Bertie, Hertford, Chowan, and Gates Counties, N.C. to points on and east of U.S. Highway No. 1 in Virginia, (2) *fertilizer, and fertilizer materials* in bags, from Norfolk, Va., to points in Martin, Bertie, Hertford, Chowan, and Gates Counties, N.C., (3) *crushed rock* from Skippers, Va., to points in Martin, Bertie, Hertford, Chowan, and Gates Counties, N.C., and (4) *fertilizer and fertilizer materials* in bags, from Norfolk, Va., to points in Martin, Bertie, Hertford, Chowan, and Gates Counties, N.C.

NOTE: The purpose of this republication is to clearly set forth the proposed authority which was erroneously published in the previous issue of the FEDERAL REGISTER.

HEARING: Remains as assigned, October 25, 1962, at the U.S. Court Rooms, Uptown, Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 124709, filed August 15, 1962. Applicant: WILLIAM P. HOYT, doing business as HOYT TRUCKING, 3412 Greenmeadow Avenue, West Sacramento, Calif. Applicant's attorney: Bertram S. Silver, 126 Post Street, Suite 600, San Francisco 8, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feeds and ingredients for animal feeds*, from points in California, to Klamath Falls, Oreg., and *exempt commodities*, on return.

HEARING: November 1, 1962, at the New Mint Building, 133 Hermann St., San Francisco, Calif., before Joint Board No. 11, or, if the Joint Board waives its right to participate before Examiner Charles J. Murphy.

No. MC 124726, filed August 17, 1962. Applicant: HARLEY R. WILLIS, doing business as WILLIS & SONS AUTO TRANSPORTER, 1501 El Camino Avenue, North Sacramento, Calif. Applicant's attorney: Simeon S. Reibin, 333 Ochsner Building, Sacramento 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed used automobiles*, in drive-away and tow-away service, between points in California and points in the United States.

HEARING: October 31, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner Charles J. Murphy.

MOTOR CARRIERS OF PASSENGERS

No. MC 668 (Sub-No. 82) filed April 18, 1962. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Midland Park and Wyckoff, N.J., as follows: from junction Central Avenue and Godwin Avenue in Midland Park, over Godwin Avenue to Wyckoff Municipal boundary

line; thence over Godwin Avenue to junction Franklin Avenue; thence over Franklin Avenue to junction Wyckoff Avenue; thence over Wyckoff Avenue to junction Main Street; thence over Main Street to the New York, Susquehanna & Western Railroad station. Return from the New York, Susquehanna & Western Railroad station over Main Street to junction Franklin Avenue; and thence over Franklin Avenue and Godwin Avenue as described above to the point of beginning, serving all intermediate points.

NOTE: Common control may be involved.

HEARING: October 29, 1962, at Room 212 State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119, or, if the Joint Board waives its right to participate before Examiner Frank J. Mahoney.

No. MC 668 (Sub-No. 83), filed June 25, 1962. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson N.J. Applicant's attorney: Edward F. Bowes, 1060 Broadway, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, between Hohokus, N.J., and New York, N.Y., from junction Sheridan Avenue, and Ardmore Road in Hohokus, over Sheridan Avenue, to the Hohokus-Rigdewood municipal line, where Sheridan Avenue, becomes North Maple Avenue, thence over North Maple Avenue, to junction Linwood Avenue, thence over Linwood Avenue, to junction New Jersey Highway 17 in Ridgewood, thence over New Jersey Highway 17 to junction New Jersey Highway 3 in Rutherford, thence over New Jersey Highway 3 to junction Depressed Highway in North Bergen, N.J., thence over Depressed Highway to junction Elevated Highway in Weehawken, N.J., thence over Elevated Highway to the Lincoln Tunnel Plaza and thence through the Lincoln Tunnel to New York, N.Y., and return over the same route, restricted to intermediate points north of and including the junction of New Jersey Highway 17 and New Jersey Highway 4 in Paramus.

NOTE: Applicant states it is authorized to provide the service proposed between Hohokus, N.J., and New York, N.Y., via George Washington Bridge.

HEARING: November 8, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 3, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 3647 (Sub-No. 321), filed January 29, 1962. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in (1) Hudson, Essex, Passaic, Union, and Morris Counties, N.J., (2) in Fort Lee, Englewood, Teaneck, and Hackensack, N.J., and (3) in that portion of Paramus along and south of Highway 4, N.J., and extending to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Washington, West Virginia, Wisconsin, Wyoming, and Alaska.

HEARING: October 22, 1962, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Frank J. Mahoney.

No. MC 3700 (Sub-No. 48), filed January 15, 1962. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, U.S. Highway 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Passaic, Bergen and Essex Counties, N.J., and Jersey City, N.J., New York, Freeport, Hempstead Village, Lynbrook, Garden City, Mineola, New Hyde Park, Floral Park, Hicksville, East Patchogue, Bay Short, Babylon, Huntington, and Huntington Station, N.Y., and extending to points in the United States, including Alaska (but excluding Connecticut, Delaware, Maine, Massachusetts, Maryland, North Carolina, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and the District of Columbia).

NOTE: Applicant states that some of its officers and stockholders are also officers and stockholders of Mohawk Coach Lines, Inc., MC 48267, and Westwood Transportation Lines, Inc., MC 3705.

HEARING: November 13, 16, 19, and 20, 1962, at the Governor Clinton Hotel, 31st and 7th Avenue, New York, N.Y., before Examiner Donald R. Sutherland.

No. MC 29890 (Sub-No. 27), filed April 16, 1962. Applicant: ROCKLAND COACHES, INC., 126 North Washington Avenue, Bergenfield, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in special operations, in round-trip sightseeing and pleasure tours beginning and ending at points in Bergen County, N.J., and Rockland County, N.Y., and extending to points in the United States (excluding Hawaii).

NOTE: Applicant states common control may be involved.

HEARING: October 31, 1962, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Frank J. Mahoney.

No. MC 108136 (Sub-No. 11), filed June 29, 1962. Applicant: VALLEY CAB COMPANY, INCORPORATED, Main Street, Moodus, Conn. Applicant's attorneys: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford 3, Conn., and Sidney Axelrod, 326 State Street, New London, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in nonscheduled, door-to-door service, limited to the transportation of not more than eight passengers in any one vehicle (not including the driver thereof, and not including children under ten years of age, who do not occupy a seat or seats), between Branford and Madison, and points in Middlesex and New London Counties, Conn., on the one hand, and, on the other, points in Westchester and Nassau Counties, N.Y., and points in the New York, N.Y., Commercial Zone, as defined by the Commission.

NOTE: Applicant states it seeks no duplicating authority.

HEARING: October 29, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 305, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 109802 (Sub-No. 18), filed March 26, 1962. Applicant: LAKELAND BUS LINES, INC., York-Flynn Building, East Blackwell Street, Dover, N.J. Applicant's attorney: Bernard F. Flynn, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in special, sightseeing and pleasure tours, beginning and ending at points in Rockaway Township, N.J., and extending to points in the United States.

HEARING: November 7, 1962, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Donald R. Sutherland.

No. MC 123833 (Sub-No. 4), filed August 13, 1962. Applicant: THAMES VALLEY TRANSPORTATION, INC., 385 Central Avenue., Norwich, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations (1) beginning and ending at points in New London County, Conn , and extending to the site of the World's Fair, Flushing, N.Y., to be in effect for the duration of the Fair, (2) beginning and ending at points in New London County, Conn., and extending to Aqueduct, Belmont Park, Roosevelt, and Yonkers Race Tracks, N.Y., and (3) beginning and ending at points in New London County, Conn., and extending to Yankee Stadium and the Polo Grounds, New York, N.Y., during the baseball and football seasons.

HEARING: October 31, 1962, at the Bond Hotel, Hartford, Conn., before Examiner Lyle C. Farmer.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12624 (Sub-No. 2), filed July 2, 1962. Applicant: HARRY VALLIN, doing business as SCANDINAVIAN SKI & SPORT SHOP, 45 East 59th Street, New York, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., and Garden City, N.Y., in arranging for transportation in interstate or foreign commerce by motor vehicle, of *passengers and their baggage* and *their ski equipment*, in round trip, all-expense ski tours, during the season extending from October 1st to June 1st of each year, beginning and ending at points in Nassau and Suffolk Counties, N.Y., and extending to points in New York, New Hampshire, Vermont, Massachusetts, and Connecticut.

HEARING: November 5, 1962, at the Governor Clinton Hotel, 31st and 7th Avenue, New York, N.Y., before Examiner Donald R. Sutherland.

No. MC 12816, filed July 2, 1962. Applicant: JOSEPH THOMAS BRADY, doing business as WATERBURY TRAVEL CENTER, 45 West Main Street, Waterbury, Conn. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. For a license (BMC 5) to engage in operations as a *broker* at Waterbury, Conn., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, both as individuals and groups, in round-trip, special and charter all-expense conducted tours, between points in the United States.

HEARING: November 2, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 227, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTER CARRIERS OF PROPERTY

No. MC 66562 (Sub-No. 1918), filed September 12, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Waynesboro, Va., and Charles Town, W. Va., from Waynesboro over U.S. Highway 340 to Charles Town, and return over the same route, serving the intermediate points of Grottoes, Elkton, Shenandoah, Luray, Front Royal, White Post and Berryville, Va., (2) between Harrisonburg, Va., and Elkton, Va., from Harrisonburg over U.S. Highway 33 to Elkton, and return over the same route, serving no intermediate points, and (3) between Winchester, Va., and Double Toll Gate, Va., from Winchester over alternate U.S. Highway 340 to Double Toll Gate, and return over the same route, serving no intermediate points. Restriction: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

No. MC 107403 (Sub-No. 427), filed September 10, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant site of the National Portland Cement Company, at Brodhead, Pa., to points in New York (except points in Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk, and Westchester Counties, N.Y.).

NOTE: Common control may be involved.

No. MC 115331 (Sub-No. 32), filed September 13, 1962. Applicant: TRUCK TRANSPORT, INC., 719 Buder Building, 707 Market Street, St. Louis, Mo. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from East St. Louis, Ill., to points in Iowa and Missouri.

NOTE: Applicant states the only purpose of this application is to remove the restriction "in hopper-type vehicles" which now exists in MC 115331, Sub-No. 6 certificate held by Truck Transport, Inc., which authorizes the transportation of fertilizer in bulk, from East St. Louis, Ill., to points in Iowa and Missouri.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 283), filed September 10, 1962. Applicant: THE GREYHOUND CORPORATION, Western Greyhound Lines Division, 371 Market Street, San Francisco 5, Calif. Applicant's attorney: Earl A. Bagby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, (A) "15 between North Grants Pass Junction, Oreg., and Rock Point, Oreg.; from junction U.S. Highway 99 and Interstate Highway 5 (North Grants Pass Junction), over Interstate Highway 5 to junction U.S. Highway 99 (Rock Point), and return over the same route, serving all intermediate points, (B) "15–A between East Grants Pass Interchange, Oreg., and Grants Pass., Oreg.; from junction Interstate Highway 5 and unnumbered highway (East Grants Pass Interchange), over unnumbered highway to Grants Pass, and return over the same route, serving all intermediate points, and (C) "15–B between East Grants Pass Junction, Oreg., and Grants Pass, Oreg.; from East Grants Pass Junction over unnumbered highway to Grants Pass, and return over the same route, serving all intermediate points.

NOTE: The proposed operating authority hereinabove shown and explained is proposed to be incorporated in the designated revised and added sheets to Certificate No. MC–1501 (Sub-No. 138).

No. MC 6344 (Sub-No. 5), filed September 12, 1962. Applicant: JOHN W. TURNER, doing business as TURNER MOTOR COACH SERVICE, 301 Elm Street, Fitchburg, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special round trip operations, between Fitchburg, Clinton, Leominster, Groton, Ayer, Westford, Athol, Petersham, Gardner, Winchendon, Templeton, Marlboro, Maynard, Hudson, and Orange, Mass., to Greenville, N.H.

NOTE: Applicant states the proposed service will be restricted to the transportation of passengers who at the time are traveling for the purpose of participating in games commonly referred to as Beano or Bingo Games.

No. MC 29957 (Sub-No. 81), filed September 10, 1962. Applicant: CONTINENTAL SOUTHERN LINES, INC., doing business as CONTINENTAL TRAILWAYS, a corporation, 425 Bolton Avenue, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Springhill, La., and Plain Dealing, La., over Louisiana Highway 157, and return over the same route, serving all intermediate points.

NOTE: Common control may be involved. It is further noted that applicant has contract carrier authority under MC 119640 Sub 1, therefore dual operations may be involved.

No. MC 107583 (Sub-No. 16) (CORRECTION), filed September 10, 1962, published FEDERAL REGISTER, issue of September 19, 1962, and republished as corrected, this issue. Applicant: SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, 1222 Jerome Avenue, Bronx 52, N.Y. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. The purpose of this correction is to show the correct docket number assigned thereto as shown above. Previous notice gave the docket number as No. MC 107503 (Sub-No. 16), in error. The correct docket number is No. MC 107583 (Sub-No. 16).

NOTICE OF FILING OF PETITIONS SEEKING MODIFICATION OF COMMODITY DESCRIPTION IN PERTINENT ACTIVE OPERATING AUTHORITY HELD BY PETITIONERS

In a report on reconsideration, decided October 16, 1961, and served November 9, 1961, in No. MC 109637 (Sub-No. 74), *Southern Tank Lines, Inc., Extension—St. Bernard, Ohio*, the Commission concluded generally that the commodity descriptions utilized in granting operating authority to motor carriers of liquid chemicals, including those prescribed in *Descriptions in Motor Carrier Certificates*, 61 M.C.C., 209, 766, and *Maxwell Co., Extension—Addyston*, 63 M.C.C., 677, should be revised for use in making future grants, and as a basis for modifying outstanding certificates and permits upon application of the holders thereof in accordance with approved procedure. The Commission found with respect to the commodity descriptions at issue, that the generic heading "liquid chemicals, in bulk, in tank vehicles," is a proper and reasonable commodity description for use in motor carrier operating authorities issued by the Commission; and that where such commodity description described is utilized, the following will be reasonable and proper definition thereof for determining the commodities which are embraced in such description:

Liquid chemicals, as used in the foregoing commodity description are those substances or materials resulting from a chemical or physical change induced by processes employed in the chemical industry, including uniting, mixing, blending, and compounding.

The subject report provided: "All motor carriers holding certificates or permits authorizing the transportation in bulk, in tank vehicles, of 'liquid chemicals as defined in the *Maxwell* case', of 'acids and chemicals as described in the *Descriptions* case', or of liquid chemicals under any other commodity description, are hereby notified that petitions will be entertained requesting the modification of such authorities to reflect the revised commodity descriptions promulgated herein. Such petitions should refer to the specific authority which the carrier desires to have modified, and should contain a certification that there is, in fact, traffic available for the transportation from and to the points it is authorized to serve, and that its operations are not dormant. The petitions should be filed in the proceedings in which the authority held was granted, these petitions will be published in the FEDERAL REGISTER, and if no objections are filed thereto, they will be disposed of without extended further proceedings. If protests are received, a hearing may be required for their disposition; but, in such event, every effort will be made to conclude the proceedings promptly." The following petitions seeking modification of their operating authority have been received:

No. MC 52458 (Sub-No. 70), filed September 12, 1962. Petitioner: T. I. McCORMACK TRUCKING CO., INC., Woodbridge, N.J. Petitioner's attorney: Chester A. Zyblut, 1101 Commerce Building, 1700 K Street NW., Washington 6, D.C.

No. MC 114890 and Sub-Nos. 18 and 24, filed February 1, 1962. Petitioner: KENNETH CHILDRESS, doing business as C. E. REYNOLDS GASOLINE AND CHEMICAL TRANSPORT COMPANY, Joplin, Mo.

No. MC 115331 and Sub-Nos. 11 and 15, filed September 7, 1962. Petitioner: TRUCK TRANSPORT, INC., 719 Buder Building, 707 Market Street, St. Louis, Mo. Petitioner's attorney: Thomas F. Kilroy, Suite 912, Federal Bar Building, 1815 H Street NW, Washington 6, D.C. Any person or persons desiring to participate in this proceeding may file replies to said petitions (original and fourteen (14) copies each) within 30 days from the date of this publication in the FEDERAL REGISTER. In the event it is deemed necessary or desirable, informal conferences between our staff members and the tank truck carriers, and any other persons who may have an interest in the matter, can be arranged for the purpose of implementing the matter. Persons responding to this publication should specifically advise whether an informal conference is desired.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 48022 (Sub-No. 3), filed September 17, 1962. Applicant: INLAND EXPRESS, INC., Maple and Walker Streets, P.O. Box 73, Marlboro, Mass. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in Erie County, N.Y. and points in Niagara County, N.Y.

NOTE: This application is a matter directly related to MC-F 8238 published this issue.

No. MC 48022 (Sub-No. 4), filed September 17, 1962. Applicant: INLAND EXPRESS, INC., Maple and Walker Streets, P.O. Box 73, Marlboro, Mass. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (A) between Tonawanda, N.Y., and Lewiston, N.Y., serving all intermediate points and including points on the International Boundary line between the United States and Canada at Niagara Falls, N.Y.; (1) from Tonawanda over New York Highway 324 to the Niagara section of the New York State Thruway, thence over the New York State Thruway to New York Highway 384 to Niagara Falls, N.Y., thence over New York Highway 384 to New York Highway 18, thence over New York Highway 18 to U.S. Highway 104, thence over U.S. Highway 104 to Ridge Road, thence over Ridge Road to Lewiston, N.Y., and return over the same route, (2) from Tonawanda over New York Highway 324 to New York Highway 265, thence over New York Highway 265 to Tonawanda, N.Y., thence over joint New York Highways 384 and 265 to North Tonawanda, N.Y., thence over joint New York Highways 384 and 265 to Niagara Falls, N.Y., thence over joint New York Highways 384 and 265 to New York Highway 265, thence over New York Highway 265 to joint U.S. Highway 62 and New York Highway 18, thence over joint U.S. Highway 62 and New York Highway 18 to New York Highway 18, thence over New York Highway 18 to U.S. Highway 104, thence over U.S. Highway 104 to Ridge Road, thence over Ridge Road to Lewiston, N.Y., and return over the same route, (3) from Tonawanda over New York Highway 324 to New York Highway 266, thence over New York Highway 266 to Tonawanda, N.Y., thence over joint New York Highways 384 and 265 to North Tonawanda, N.Y., thence over joint New York Highways 384 and 265 to Niagara Falls, N.Y., thence over joint New York Highways 384 and 265 to New York Highway 265, thence over New York Highway 265 to U.S. Highway 104, thence over U.S. Highway 104 to Ridge Road, thence over Ridge Road to Lewiston, N.Y., and return over the same route, (4) from Tonawanda over New York Highway 324 to New York Highway 265, thence over New York Highway 265 to Tonawanda, N.Y., thence over joint New York Highways 384 and 265 to North Tonawanda, N.Y., thence over joint New York Highways 384 and 265 to Niagara Falls, N.Y., thence over joint New York Highways 384 and 265 to New York Highway 265, thence over New York Highway 265 to Witmer Road, thence over Witmer Road to Hyde Park Boulevard, thence over Hyde Park Boulevard to U.S. Highway 104, thence over U.S. Highway 104 to Ridge Road, thence over Ridge Road to Lewiston, N.Y., and return over the same route, (5) from Tonawanda over New York Highway 324 to joint U.S. Highway 62 and New York Highway 18, thence over joint U.S. Highway 62 and New York Highway 18 to Niagara Falls, N.Y., thence over joint U.S. Highway 62 and New York Highway 18 to New York Highway 18, thence over New York Highway 18 to U.S. Highway 104, thence over U.S. Highway 104 to Ridge Road, thence over Ridge Road to Lewiston, N.Y., and return over the same route, (6) from Tonawanda over New York Highway 324 to joint U.S. Highway 62 and New York Highway 18, thence over joint U.S. Highway 62 and New York Highway 18 to New York Highway 429, thence over New York Highway 429 to New York Highway 31, thence over New York Highway 31 to Niagara Falls, N.Y., thence over Hyde Park Boulevard to U.S. Highway 104, thence over U.S. Highway 104 to Ridge Road, thence over Ridge Road to Lewiston, N.Y., and return over the same route, (7) from Tonawanda over New York Highway 324 to joint New York Highway 18 and U.S. Highway 62 to Tonawanda, N.Y., thence over joint New York Highway 18 and U.S. Highway 62 to North Tonawanda, N.Y., thence over joint New York Highway 18 and U.S. Highway 62 to New York Highway 429 to New York Highway 31, thence over New York Highway 31 to Niagara Falls, N.Y., thence over U.S. Highway 104 to Ridge Road, thence over Ridge Road to Lewiston, N.Y., and return over the same route. (B) between Tonawanda, N.Y., and Lockport, N.Y., serving all intermediate points, (1) from Tonawanda over New York Highway 324 to New York Highway 384, thence over New York Highway 384 to North Tonawanda, N.Y., thence over Tonawanda Creek Road to Oliver Road, thence over Oliver Road to New York Highway 429, thence over New York Highway 429 to New York Highway 31, thence over New York Highway 31 to Cambria Station, N.Y., thence over New York Highway 31 to Lockport, N.Y., and return over the same route, (2) from Tonawanda over New York Highway 324 to joint U.S. Highway 62 and New York Highway 18, thence over joint U.S. Highway 62 and New York Highway 18 to New York Highway 425, thence over New York Highway 425 to Shawnee, N.Y., thence over New York Highway 425 to Cambria Station, N.Y., thence over New York Highway 31 to Lockport, N.Y., and return over the same route, serving the off-route point of Lockport Junction, N.Y., (3) from Tonawanda over New York Highway 324 to Amherst, N.Y., thence over New York Highway 263 to Millersport, N.Y., thence over joint New York Highways 263 and 78 to Lockport, N.Y., and return over the same route, serving the off-route point of Pendleton, N.Y., (4) from Tonawanda over New York Highway 324 to Amherst, N.Y., thence over New York Highway 324 to New York Highway 78, thence over New York Highway 78 to East Amherst, N.Y., thence over New York Highway 78 to Swormsville, N.Y., thence over New York Highway 78 to Millersport, N.Y., thence over joint New York Highways 263 and 78 to Lockport, N.Y., and return over the same route, serving the off-route point of Clarence Center, N.Y., and (5) from Tonawanda over New York Highway 324 to joint New York Highway 18 and U.S. Highway 62 to Tonawanda, N.Y., thence over joint New York Highway 18 and U.S. Highway 62 to North Tonawanda, N.Y., thence over joint New York Highway 18 and U.S. Highway 62 to New York Highway 429 to New York Highway 31, thence over New York Highway 31 to Lockport, N.Y., and return over the same route.

NOTE: Applicant states that all irregular rights for which conversion is being requested which duplicate the regular-route rights herein requested are to be canceled upon the effective date of the foregoing regular route rights now sought. This application is also a matter directly related to MC-F 8238 published this issue.

No. MC 59014 (Sub-No. 28), filed September 14, 1962. Applicant: TALLANT TRANSFER, INC., 1341 Second Avenue SW., Hickory, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special handling or special equipment, and those injurious or contaminating to other lading), (a) between points in North Carolina within 25 miles of Hickory, N.C., including Hickory, (but excluding points in Cleveland County, N.C.), and (b) between points in North Carolina within 25 miles of Hickory, N.C. (excluding points in Cleveland County, N.C.), on the one hand, and, on the other, points in North Carolina.

NOTE: This application is a matter directly related to MC-F 8237 published this issue.

No. MC 114887 (Sub-No. 3), filed September 12, 1962. Applicant: PLAINS MOTOR EXPRESS, INC., 120 West 17th Street, Kansas City, Mo. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between Kansas City, Kans.-Kansas City, Mo., Commercial Zone, and Lawrence, Kans., from Kansas City over U.S. Highway 40 to Lawrence, Kans., and return over the same route, serving all intermediate points.

NOTE: This application is a matter directly related to MC-F-8209, published in the FEDERAL REGISTER, issue of August 15, 1962.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8234. Authority sought for control and merger by INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City 1, Utah, of the operating rights and property of HUSMANN & ROPER FREIGHT LINES, INC., P.O. Drawer D-3, St. Louis 88, Mo., and for acquisition by R. S. CARTER and T. J. CARTER, also of Salt Lake City, Utah, of control of such rights and property through the transaction. Applicants' attorneys: Edward M. Berol, 100 Bush Street, Suite 2107, San Francisco 4, Calif., and Fred L. Kuhlman, 408 Olive Street, St. Louis, Mo. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between St. Louis, Mo., and Cincinnati, Ohio, and Louisville, Ky., between Centralia, Ill., and St. Louis, Mo., between Kansas City, Kans., and East St. Louis, Ill., between Sedalia, Mo., and Warsaw, Mo., between Warsaw, Mo., and Springfield, Mo., serving certain intermediate and off-route points, between Halfway, Mo., and Springfield, Mo., serving the intermediate point of Bolivar, Mo., between East St. Louis, Ill., and Centralia, Ill., between junction U.S. Highway 50 and unnumbered highway at or near Knobnoster, Mo., and Whiteman Air Force Base (formerly shown as Sedalia Glider Base), between junction of U.S. Highway 50 and Missouri Highway 5, near Syracuse, Mo., and Boonville, Mo., restricted to traffic interchanged at Springfield, Mo., and between Halfway, Mo., and Springfield, Mo., serving no intermediate points; over various alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods and petroleum products in bulk between Kansas City, Mo., and Springfield, Mo., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods but not excepting commodities in bulk, between Bolivar, Mo., and East St. Louis, Ill., serving certain intermediate and off-route points; *empty motor vehicle equipment*, between junction U.S. Highway 50 and Indiana Highway 29 and Louisville, Ky., serving no intermediate points; *household goods* as defined by the Commission, and *general commodities*, excepting, among others, commodities in bulk and Class A and B explosives, between Kansas City, Kans., and Clinton, Mo., serving certain intermediate and off-route points, and points in the Kansas City, Kans.-Kansas City, Mo. Commercial Zone as intermediate and off-route points, in the transportation of *general commodities* with the above exceptions; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes from Sedalia, Mo., to certain points in Missouri; *whiskey*, from Cincinnati, Ohio, and Louisville, Ky., and points within 15 miles of Cincinnati, and those within ten miles of Louisville, to certain points in Illinois; *radiators*, from Edwardsville, Ill., to Cincinnati, Ohio, and Louisville, Ky., and points within 15 miles of Cincinnati, and those within ten miles of Louisville; and *groceries*, from Cincinnati, Ohio, and points within 15 miles of Cincinnati, to Carbondale, Ill. INTERSTATE MOTOR LINES, INC., is authorized to operate as a *common carrier* in Colorado, Utah, Wyoming, Nevada, Nebraska, California, Illinois, Iowa, Arizona, Idaho, Oregon, Kansas, Missouri, and Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8235. Authority sought for purchase by BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla., of the operating rights and certain property of H. W. BROWN TRANSPORTATION CO., INC., Eatontown, N.J., and for acquisition by MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., of control of such rights and property through the purchase. Applicants' attorneys: Schwartz, Proctor, Bolinger & Austin, 1730 Lynch Building, Jacksonville 2, Fla., and Zelby & Burstein, 160 Broadway, New York 38, N.Y. Operating rights sought to be transferred: *Fish (including shell fish, and frozen fish*, as a *common carrier* over regular routes from Florida City, Fla., to New York, N.Y.; *fresh meats and packinghouse products*, over irregular routes from New York, N.Y., to points in that part of New Jersey south of the Raritan River and Raritan Bay, east of New Jersey Highway 26, and north of a line extending from Seaside Park, N.J., in a northwesterly direction through Toms River and New Egypt, N.J., to Trenton, N.J., including the points named and those on the indicated portion of the highway specified, and from Philadelphia, Pa., to points in that portion of New Jersey south of the Raritan River and Raritan Bay east of New Jersey Highway 26, and north of a line extending from Seaside Park, N.J., in a northwesterly direction through Toms River and New Egypt, N.J., to Trenton, N.J., including the points named and those on the indicated portion of the highway specified; *seafood*, from Sea Bright, Galilee, Monmouth Beach, Long Branch, Deal, Bradley Beach, Manasquan, Bay Head, Chadwick, and Seaside Park, N.J., to Philadelphia, Pa., and New York, N.Y.; *empty seafood containers*, from Philadelphia, Pa., and New York, N.Y., to the above-specified New Jersey points; *packing-*

house products as described in paragraphs A, B, and C, in the appendix to the report in *Modification of Permits-Packing House Products*, 46 M.C.C. 23, (b) *frozen food*, (c) *processed or preserved fish*, (d) *compressed yeast*, other than dry, from New York, N.Y., and points in New York and New Jersey within 15 miles of New York, N.Y., to points in Florida; *agricultural commodities*, from points in New York, N.Y., commercial zone as defined in *New York, N.Y. Commercial Zone*, 1 M.C.C. 665 and 2 M.C.C. 191, to points in Florida; *oleomargarine, vegetable oils, and vegetable oil shortening*, from Boonton, N.J., to points in Florida. Vendee is authorized to operate as a *common carrier*, in Illinois, Wisconsin, Florida, Indiana, Kansas, Missouri, South Carolina, New York, Pennsylvania, Delaware, Virginia, Maryland, Massachusetts, New Jersey, Rhode Island, Kentucky, Ohio, Iowa, Georgia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8237. Authority sought for purchase by TALLANT TRANSFER, INC., 1341 Second Avenue SW., Hickory, N.C., of the operating rights of GUEST TRUCKING COMPANY, Hickory, N.C., and for acquisition by WALLACE F. TALLANT, JR., PEGGY TALLANT HARE, both of 1229 Second Avenue SW., Hickory, N.C., and MARJORIE TALLANT NAM, 3609 Greenway Drive SW., Washington, D.C., of control of such rights through the purchase. Applicants' attorney: James E. Wilson, 716 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of North Carolina. Vendee is authorized to operate as a *common carrier* in South Carolina, Georgia, Florida, Alabama, Tennessee, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, North Carolina, Massachusetts, Rhode Island, Connecticut, New York, West Virginia, Michigan, Illinois, Kentucky, Ohio, Arkansas, Mississippi, Missouri, Louisiana, Indiana, Kansas, Iowa, Wisconsin, Minnesota, Nebraska, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC–59014 Sub-28 is a matter directly related.

No. MC–F–8238. Authority sought for purchase by INLAND EXPRESS, INC., Maple and Walker Streets, Marlboro, Mass., of the operating rights of FRONTIER DISPATCH, INC., 70 Pacific Street, Buffalo, N.Y., and for acquisition by SIDNEY LIPMAN, Hempstead, N.H., RALPH R. RUBADO, 34 Lantern Lane, Weston, Mass., OSCAR W. WELCH, 2043 Erie Boulevard, East Syracuse, N.Y., CLARENCE G. RUBADO, 142 Ridgewood Drive, Syracuse, N.Y., and DANIEL J. RUBADO, 59 Eastwood Road, Shrewsbury, Mass., of control of such rights through the purchase. Applicants' attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of New York. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC–46022 Sub-3 is a matter directly related.

No. MC–F–8240. Authority sought for purchase by WATKINS MOTOR LINES, INC., Albany Road, Thomasville, Ga., of the operating rights of FRIGIDWAYS, INC., 529 East Brooks Road, P.O. Box 2387, Memphis, Tenn., and for acquisition by BILL WATKINS, also of Thomasville, Ga., of control of such rights through the purchase. Applicants' attorneys: Duane W. Acklie and Donald E. Leonard, both of Box 2028, 14th and J Streets, Lincoln, Nebr. Operating rights sought to be transferred: *Meats, meat products, and meat byproducts*, as a *common carrier* over irregular routes from Opelousas, La., to St. Louis, Mo., and Chicago, Ill., *meats, meat products, and meat byproducts* and *articles distributed by meat packinghouses*, from Fort Dodge, Iowa, to points in Tennessee, Mississippi, and North Carolina, *packinghouse products*, from Austin, Minn., and Dubuque, Mason City, Waterloo, and Ottumwa, Iowa, to points in Louisiana, Mississippi, Alabama, Georgia, and Tennessee, *frozen citrus fruit juice* and *frozen citrus fruit concentrates*, from points in Hidalgo and Cameron Counties, Tex., to points in Iowa and Minnesota, *meats, meat products*, and *meat byproducts, dairy products*, and articles distributed by meat packinghouses, in vehicles equipped with mechanical refrigeration, from Humboldt and Union City, Tenn., to points in Louisiana and Mississippi, *frozen poultry*, from Mammoth Springs, Clinton, Searcy, Harrison, Pea Ridge, and Little Rock, Ark., to points in Alabama and Louisiana, *frozen fruits and vegetables*, (a) from Leachville, Ark., to certain points in Alabama, Georgia, Indiana, Ohio and Wisconsin, and (b) from Fort Smith, Ark., to Montgomery, Ala., *frozen foods*, (a) from Little Rock, Ark., to certain points in Alabama, Georgia, Indiana, Kentucky, Michigan, Ohio, and Wisconsin, and (b) from Knoxville, Tenn., to points in Alabama, Georgia, Kentucky, and Louisiana, *frozen strawberries*, from Halls, Tenn., to Milwaukee, Wis., *frozen and unfrozen citrus products and canned citrus products*, from points in Florida to ports of entry on the international boundary line between the United States and Canada located at or near Noyes, Minn., Sweetgrass, Mont., and Portal, N. Dak., *frozen foods*, from Frankfort, Mich., and points within 15 miles thereof to certain points in Kansas, North Dakota, Nebraska, Michigan, Wisconsin, Minnesota, and Iowa, *bananas*, from Mobile, Ala. to St. Louis and Kansas City, Mo., and Kansas City, Kans., from New Orleans, La., to points in Illinois, Iowa, Kansas, Missouri, Indiana, Kentucky, and Wisconsin, and from Gulfport, Miss., to points in the United States, except Pensacola, Fla., Montgomery, Ala., Atlanta, Ga., and points within 15 miles of Atlanta, and points in Maine, Vermont, Massachusetts, Connecticut, New Hampshire, Rhode Island, Alaska, Hawaii, Pennsylvania, New York, New Jersey, Delaware, Maryland, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Georgia, Missouri, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, Wisconsin, Ohio, Tennessee, Florida, South Carolina, Arkansas, Alabama, Mississippi, Louisiana, Oklahoma, Kansas, Iowa, Nebraska, Texas, Connecticut, Rhode Island, South Dakota, Arizona, California, New Mexico, Massachusetts, Maine, Colorado, Montana, Nevada, Oregon, North Dakota, Utah, Wyoming, Washington, Vermont, New Hampshire, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8241. Authority sought for purchase by CURTIS, INC., 770 East 51st Avenue, Denver 16, Colo., of the operating rights and certain property of NEBRASKA, ILLINOIS, COLORADO EXPRESS, INC., doing business as N.I.C.E., INC., and NATE'S TRUCK LINE, INC., 780 East 51st Avenue, Denver 16, Colo., and for acquisition by A. D. CURTIS, 927 East 11th, Pueblo, Colo., of control of such rights and property through the purchase. Applicants' attorney: Duane W. Acklie, 605 South 14th Street, Lincoln, Nebr. Operating rights sought to be transferred: *Canned goods*, as a *common carrier* over regular routes from Chicago, Ill., to Denver, Colo., serving the intermediate and off-route points in the Chicago, Ill., Commercial Zone, restricted to pickup only, and *fresh meats, and packinghouse products, equipment and supplies*, when moving to or from the warehouses, plants or other facilities of meat packinghouses, between Denver, Colo., and Chicago, Ill., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Colorado, New York, Massachusetts, Michigan, New Jersey, Illinois, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8242. Authority sought for purchase by ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Street, Denver 16, Colo., of the operating rights and property of SALT LAKE KANAB FREIGHT LINES, INC., 336 South Third East, Salt Lake City, Utah, and for acquisition by WILLIAM GRANT and HENRY W. TOLL, both of 730 Equitable Building, Denver, Colo., of control of such rights and property through the purchase. Applicants' attorneys: Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C., and Charles H. Haines, Jr., 730 Equitable Building, Denver 2, Colo. Operating rights sought to be transferred: *General commodities*, excepting, among others, liquid commodities in bulk and household goods, as a *common carrier* over regular routes between Salt Lake City, Utah, and Phoenix, Ariz., serving all intermediate points and certain off-route points, between Nephi, Utah, and Delta, Utah, serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, between Salt Lake City, Utah, and Panguitch, Utah, serving the intermediate points of Junction and Circleville, Utah; *general commodities*, excepting, among others, household goods and liquid commodities in bulk in tank vehicles, over irregular routes between Fredonia, Ariz., on the one hand, and, on the other, points in Arizona within 75 miles of Fredonia, when prior to subsequent movement is over the above-specified regular routes between Salt Lake City, Utah, and Phoenix, Ariz., and *ore*, in bulk, between all points in Arizona within 25 miles of the regular routes heretofore specified, on the one hand, and, on the other, all points in Utah. Vendee is authorized to operate as a *common carrier* in California, Colorado, New Mexico, Arizona, Illinois, Iowa, Nebraska, Kansas, Wyoming, Missouri, Nevada, Texas, and Oklahoma. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–9598; Filed, Sept. 25, 1962; 8:50 a.m.]

JOHN V. LAWRENCE

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958 and 27 F.R. 3829) during the six months' period ended September 14, 1962.

There has been no change since March 14, 1962.

Dated: September 14, 1962.

JOHN V. LAWRENCE.

[F.R. Doc. 62–9593; Filed, Sept. 25, 1962; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 21, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37955: *Ground barite to New Iberia, La.* Filed by Southwestern Freight Bureau, Agent (No. B–8269), for interested rail carriers. Rates on barite (barytes), ground, in carloads, from specified points in Arkansas and Missouri, to New Iberia, La.

Grounds for relief: Market competition.

Tariff: Supplement 20 to Southwestern Freight Bureau tariff I.C.C. 4429.

FSA No. 37956: *Substituted service—rail carrier for motor carrier service.* Filed by Household Goods Carriers' Bureau, Agent (No. 58), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flatcars, between points in the continental United States.

Grounds for relief: Motor-truck competition.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–9594; Filed, Sept. 25, 1962; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bolivar Manufacturing Corp., 300 South Mill Street, Bolivar, Mo.; effective 9–17–62 to 9–16–63 (ladies' slacks and shorts).

Continental Manufacturing Co., Knoxville, Iowa; effective 9–20–62 to 9–19–63 (single pants).

Eastern Isles Manufacturing Corp., Richlands, Va.; effective 9–14–62 to 9–13–63 (ladies' woven pajamas and nightgowns).

Enro Shirt Co., Inc., 1008 West Sample Street, South Bend, Ind.; effective 9–12–62 to 9–11–63 (men's pajamas, nightshirts, and robes).

Greensboro Manufacturing Corp., 1900 East Bessemer Avenue, Greensboro, N.C.; effective 9–25–62 to 9–24–63 (women's woven nightwear and pajamas).

Joyner-Fields, Inc., Sherman, Miss.; effective 9–21–62 to 9–20–62 (men's sport shirts).

Kane Manufacturing Co., Ward Avenue, Morgantown, Ky.; effective 9–17–62 to 9–16–63 (men's and boys' outerwear jackets).

Kent Sportswear, Inc., Curwensville, Pa.; effective 9–16–62 to 9–15–63 (men's outerwear jackets).

Logan Manufacturing Co., Russellville, Ky.; effective 9–17–62 to 9–16–63 (work pants).

Puritan Foundations, Inc., Farren Street, Portage, Pa.; effective 9–17–62 to 9–16–63 (brassieres).

J. H. Rutter-Rex Manufacturing Co., 3725 Dauphine Street, New Orleans, La.; effective 9–11–62 to 9–10–63 (men's work pants and shirts).

Shutzer Manufacturing Co., Inc., 250 Canal Street, Lawrence, Mass.; effective 9–11–62 to 9–10–63; learners may not be employed at special minimum wage rates in the production of leather garments (boys' and men's outdoor jackets).

Henry I. Siegel Co., Inc., Bruceton, Tenn.; effective 9–23–62 to 9–22–63 (men's and boys' outerwear jackets).

Henry I. Siegel Co., Inc., Fulton, Ky.; effective 9–14–62 to 9–13–63 (men's and boys' single pants).

Sportcaster Co., Occidental at Jackson Street, Seattle, Wash.; effective 9–17–62 to 9–16–63 (men's, women's and children's outerwear jackets, raincoats, and ski wear).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Argo Sportswear, Inc., 20 East Maple Street, Hazleton, Pa.; effective 9–12–62 to 9–11–63; five learners; learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' pants).

The Buckeye Overall Co., Versailles, Ohio; effective 9–17–62 to 9–16–63; 10 learners (men's and boys' dungarees).

C & M Sportswear Manufacturing Corp., Meshoppen, Pa.; effective 9–17–62 to 9–16–63; five learners (men's outdoor jackets and undergarments).

Gordo Togs, Inc., Gordo, Ala.; effective 9–14–62 to 9–13–63; 10 learners (boys' and girls' zipper and button jackets).

Sy Hart Sportswear, Salisbury, N.C.; effective 9–17–62 to 9–16–63; 10 learners (men's and boys' rainwear and outerwear jackets).

Herrin Apparel Co., Inc., 104 Follis Street, Johnston City, Ill.; effective 9–15–62 to 9–14–63; 10 learners (women's and misses' dresses).

Irene Sportswear Co., Inc., Plant No. 2, Main Street, Dalton, Pa.; effective 9–12–62 to 9–11–63; four learners (ladies' blouses).

Martin-Jay Dress Corp., 95 Guy Park Avenue, Amsterdam, N.Y.; effective 9–17–62 to 9–16–63; six learners (ladies' dresses).

Newport Manufacturing Co., Inc., Newport, Vt.; effective 9–13–62 to 9–12–63; 10 learners (ladies' dresses).

Sun Flo Sportswear Co., 219 Arch Street, Nanticoke, Pa.; effective 9–18–62 to 9–17–63; 5 learners (ladies' blouses).

Vacation Wear, Inc., Estill, S.C.; effective 9–19–62 to 9–18–63; 10 learners (ladies' cotton maternity, outerwear jackets, slacks, and shorts).

Wayne City Manufacturing Co., Inc., Wayne City, Ill.; effective 9–17–62 to 9–16–63; 10 learners (women's dresses and blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Altamont Shirt Corp., Altamont, Tenn.; effective 9–10–62 to 3–9–63; 150 learners (men's and boys' dress shirts).

Bolivar Manufacturing Corp., 300 South Mill Street, Bolivar, Mo.; effective 9–17–62 to 3–16–63; 35 learners (ladies' slacks and shorts).

Diane Co., Inc., d/b/a Clinton Garment Co., 1058 South Fourth Street, Clinton, Ind.; effective 9–14–62 to 3–13–63; 30 learners; learners may not be employed at special minimum wage rates in the production of separate skirts (women's dresses, blouses, car coats, etc.).

Cluett, Peabody and Co., Inc., U.S. Highway No. 78, Jasper, Ala.; effective 9–14–62 to 3–13–63; 50 learners (men's dress shirts).

Eastern Isles Manufacturing Corp., Richlands, Va.; effective 9–14–62 to 3–13–63; 50 learners (ladies' woven pajamas and nightgowns).

Edward Hyman Co., Lake Street, Hazlehurst, Miss.; effective 9–12–62 to 3–11–63; 20 learners (men's cotton twill work pants and shirts).

Jantus Manufacturing Co., 101 Wright Street, LaSalle, Ill.; effective 9–10–62 to 3–9–63; 35 learners; learners may not be employed at special minimum wages in the production of tailored suit jackets (ladies' sportswear and blouses).

Kentucky Garment Co., First and Douglas Streets, Hopkinsville, Ky.; effective 9–10–62 to 3–9–63; 100 learners (infants' wear).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Burnham-Edina Manufacturing Co., Edina, Mo.; effective 9–16–62 to 9–15–63; five learners for normal labor turnover purposes (gloves).

William E. Seal & Co., East North Street, Millersburg, Pa.; effective 9–17–62 to 9–16–63; five learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Cameo Hosiery Co., 1421 South Elm Street, Greensboro, N.C.; effective 9–17–62 to 9–16–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' hosiery).

Greensboro Hosiery Mills, Inc., Greensboro, N.C.; effective 9–14–62 to 3–3–63; 15 learners for plant expansion purposes (seamless).

Portage Hosiery Co., Portage, Wis.; effective 9–17–62 to 3–16–63; 10 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Casa Grande Mills Division of Parsons & Baker Co., Phoenix Highway, Casa Grande, Ariz.; effective 9–14–62 to 9–13–63; five learners for normal labor turnover purposes (infants' cotton-rib knit underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

France Neckwear Manufacturing Corp., 1217 South 19th Street, Wilmington, N.C.; effective 9–12–62 to 3–11–63; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 320 hours; (2) hand sewer for a learning period of 320 hours; (3) presser for a learning period of 320 hours; (4) finishing operations involving hand sewing for a learning period of 320 hours, and all at the rates of at least $1.00 an hour for the first 160 hours and not less than $1.05 an hour for the remaining 160 hours (men's and boys' neckwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Catex Corp., Salinas, P.R.; effective 8–23–62 to 8–22–63; 17 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operators; final presser, each for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 83 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments; machine operation other than sewing machine, each for a learning period of 160 hours at the rate of 71 cents an hour (ladies' play shorts).

Catex Corp., Salinas, P.R.; effective 8–23–62 to 2–22–63; 53 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator; final presser, each for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 83 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments; machine operation other than sewing machine, each for a learning period of 160 hours at the rate of 71 cents an hour (ladies' play shorts).

Consolidated Cigar Corp., of Cayey, Cigar Making Plant No. 21, Cayey, P.R.; effective 8–27–62 to 8–26–63; 62 learners for normal labor turnover purposes, in the occupation of cigar maker; packer, each for a learning period of 320 hours at the rates of 60 cents an hour for the first 160 hours and 90 cents an hour for the remaining 160 hours (cigars).

Consolidated Cigar Corp., of Cayey, Plants Nos. 22 and 24—Barrio Montellano, Cayey, P.R.; effective 8–27–62 to 8–26–63; 156 learners for normal labor turnover purposes, in the occupations of: (1) Sorter; selector; sizer and typer, each for a learning period of 240 hours at the rate of 70 cents an hour; (2) machine stripper; inspector, each for a learning period of 160 hours at the rate of 80 cents an hour (wrapper type tobacco).

Daystrom Weston Inc., 454 Penuelas Road, Ponce, P.R.; effective 9–1–62 to 8–31–63; 14 learners for normal labor turnover purposes, in the occupation of winder; assembler; balancer; jewel maker; adjuster; each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (electrical indicating instruments).

Daystrom Weston Inc., 454 Penuelas Road, Ponce, P.R.; effective 9–1–62 to 2–28–63; 16 learners for plant expansion purposes, in the occupations of winder; assembler; balancer; jewel maker; adjuster, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (electrical indicating instruments).

Isabel Products, Inc., Santa Isabel, P.R.; effective 9–4–62 to 3–3–63; 160 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (girdles and brassieres).

Rafali Corp., 502 Road, No. 2, Mayaguez, P.R.; effective 8–22–62 to 8–21–63; 20 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator; finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) hand cutter of applique on embroidery panel for a learning period of 240 hours at the rates of 65 cents an hour for the first 160 hours and 76 cents an hour for the remaining 80 hours (embroidered ladies' underwear).

Rafali Corp., 502 Road, No. 2, Mayaguez, P.R.; effective 8–22–62 to 2–21–63; 20 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator; finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) hand cutter of applique on embroidery panel, for a learning period of 240 hours at the rates of 65 cents an hour for the first 160 hours and 76 cents an hour for the remaining 80 hours (embroidered ladies' underwear).

Rosita Mills, Inc., Rd. No. 2, Km. 16.6 Toa Baja, Bayamon, P.R.; effective 9–10–62 to 3–9–63; 10 learners for plant expansion purposes, in the occupations of: (1) Knitter; topper; looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher; hand sewer, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (full-fashioned knitted outerwear).

Savage Arms Inc., Star Route No. 55—Minillas, Bayamon, P.R.; effective 8–25–62 to 8–24–63; 10 learners for normal labor turnover purposes, in the occupation of machine operator; finisher; final assembler, each for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and $1.01 an hour for the remaining 240 hours (firearms).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum wage rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations.

Signed at Washington, D.C., this 19th day of September 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–9532; Filed, Sept. 24, 1962; 8:46 a.m.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1963 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the Peach Crop Insurance Regulations for the 1962 and Succeeding Crop Years, as amended, which shall remain in full force and effect for the 1962 crop year, are hereby amended for the 1963 and succeeding crop years to read as set forth below. The provisions of this subpart shall apply, until amended or superseded, to all continuous peach crop insurance contracts as they relate to the 1963 and succeeding crop years.

Sec.
403.20 Availability of peach crop insurance.
403.21 Premium rates and amounts of insurance.
403.22 Application for insurance.
403.23 Public notice of indemnities paid.
403.24 Creditors.
403.25 The application and the policy.

AUTHORITY: § 403.20 to § 403.25 issued under secs. 506, 516, 52 Stat. 73, as amended, 77, as amended, 7 U.S.C. 1506, 1516.

§ 403.20 Availability of peach crop insurance.

Peach crop insurance shall be offered for the 1963 and succeeding crop years under the provisions of § 403.20 through § 403.25 in counties within limits prescribed by and in accordance with the provision of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for peach crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 403.21 Premium rates and amounts of insurance.

The Manager shall establish premium rates and the amounts of insurance per acre which shall be shown on the county actuarial table on file in the county office. Such premium rates and amounts of insurance may be changed from year to year.

§ 403.22 Application for insurance.

Application for insurance may be submitted as provided in § 403.25 at the county office for the Corporation. The Corporation reserves the right to discontinue the taking of applications in any county upon its determination that the insurance risk involved is excessive prior to the closing date for the filing of applications. Such closing date shall be January 1 of the first crop year for which insurance is to be in effect.

§ 403.23 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 403.24 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the application and policy set forth in § 403.25.

§ 403.25 The application and the policy.

The provisions of the Application and Policy for Peach Crop Insurance for the 1963 and succeeding crop years are as follows:

Application and Policy
Form FCI–812–Peach Rev.

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION

APPLICATION AND POLICY FOR PEACH CROP INSURANCE

(For 196— and Succeeding Crop Years)

_____
(State and county code and contract number)

_____
(County)

_____
(Name and address of insured)

1. The undersigned applicant (herein called the "insured"), subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his interest in peach crops (hereinafter called "the insured crop") located in the above-identified county (hereinafter called "the county"). The insured applies for the amount of insurance shown below which shall be an amount shown on the county actuarial table on file in the Corporation's office for the county. The amounts of insurance available each crop year and prescribed premium rates each crop year are shown on the county actuarial table from year to year. In counties where alternative amounts of insurance per acre are made available for election by the insured, the insured may change the amount of insurance which was in effect for a prior crop year and elect a new amount of insurance per acre by notifying the county office before the date insurance attaches for the crop year for which the change is to become effective. Unless the contract of insurance is cancelled or terminated pursuant to the terms hereof, the amount of insurance per acre in effect for a crop year shall be the amount of insurance most recently elected by the insured and shown on a form prescribed for such purpose not to exceed the maximum dollar amount per acre shown on the county actuarial table for such crop year, except that when alternative amounts of insurance are not offered, the amount of insurance per acre for a crop year shall be the amount prescribed by the Corporation.

(Dollar Amount of Insurance Elected)

$_____ per acre

2. *Causes of loss insured against.* The insurance provided is against unavoidable loss resulting from frost, freeze, hurricane, tornado, hail, a number of hours of chilling temperatures insufficient to effectively break the dormant period, or windstorm when accompanied by hail provided that the percent of loss due to hail on any acreage is five percent or more of the peaches on the trees on the date when such damage occurs, subject however, to any exceptions, exclusions, limitations, or additions with respect to such causes of loss as are set forth on the county actuarial table. The Corporation shall not pay any loss hereunder as a result of split pits and misshapen fruit regardless of the cause thereof.

3. *Insured crop.* Only peaches grown on insurable acreage in any crop year as shown on the county actuarial table (a) in which the insured had an interest on the date insurance attaches, (b) which are grown on acreage on which the trees have reached the fourth growing season, and (c) which are grown on acreage having a minimum potential production on the date insurance attaches of 100 bushels per acre are insured.

4. *Responsibility of insured to report acreage and interest.* The insured at the time of filing this application shall also file on a form prescribed by the Corporation a report of all the acreage of the insured crop in the county in which he has an interest and show his interest therein. Such report shall include a designation of all the acreage of peaches which is uninsurable under the provisions of the preceding section. This report may be revised for any crop year before insurance attaches if the acreage and interest therein has changed and the latest report filed shall be considered as the basis for continuation of insurance from year to year, subject to revision as provided herein. The Corporation reserves the right to determine the insured acreage and the insured's interest therein. The acreage and interest insured shall be the acreage and interest reported by the insured or as determined by the Corporation, whichever the Corporation shall elect.

5. *The contract.* Upon acceptance of this application by the Corporation, the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until canceled or terminated in accordance with the applicable provisions of the contract. This application and policy, supplements, and amendments thereto, if any, and the county actuarial tables for each crop year on file in the Corporation's office for the county shall constitute the contract for peach insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. *Insurance period.* For each crop year insurance attaches on January 1 or upon acceptance of the application for such crop year whichever is later and as to any insured acreage ceases in any period upon consent to abandon, upon harvest, or September 15, whichever occurs first. Furthermore, insurance as to any insured acreage shall cease in any period set forth in section 14 hereof upon determination by the Corporation that damage(s) of 85 percent or more has occurred in such period.

7. *Annual premium.* (a) The annual premium for each unit shall be earned and payable on the date insurance attaches and shall be determined by multiplying the applicable amount of insurance for the insured acreage by the applicable premium rate and multiplying the product thereof by the insured's interest at the time insurance attaches and, where applicable, applying the discount herein provided.

(b) The insured's annual premium for an insured crop shall be reduced 5 percent if he has had three consecutive years of insurance on such crop immediately preceding the current crop year (eliminating any year in which a premium was not earned) without a loss for which an indemnity was paid. For each such additional consecutive year of insurance on such crop without a loss for which an indemnity was paid, the insured's annual premium shall be reduced an additional 5 percent, except that the total reduction shall not exceed 25 percent. If an insured has a loss on a crop for which indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years: *Provided,* That, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made.

(c) If, for any crop year, the premium is less than $50.00 it shall be increased to $50.00.

8. This application, when executed by a person as an individual shall not cover his interest in a crop produced by a partnership or other entity.

9. *Premium note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

---------- ----------, 19--
(Signature of applicant) (Date)

(Witness to signature)

10. Recommended for acceptance by:

(Corporation representative)

11. Accepted for the corporation by:

---------- ----------, 19--
(State Director) (Date)

(County office address)

12. *Life of contract.* This contract is noncancelable the first crop year and shall continue in effect for each succeeding crop year until either the insured or Corporation cancels the contract by giving written notice to the other by November 30 immediately preceding the crop year for which the cancellation is to become effective. The contract shall, however, terminate for non-payment of premium if such premium is not paid by December 31, of the crop year in which the premium was earned.

13. *Notice of damage or loss.* (a) It shall be a condition precedent to payment of any indemnity on any insurance unit (hereinafter called "unit") hereunder that the insured report each damage to the insured crop from a cause of loss insured against to the county office immediately after such damage becomes apparent giving the date, cause, and estimated extent of such damage. If not so reported within seven days, the Corporation reserves the right to reject any claim arising out of such damage on the unit if it determines that it has been prejudiced by such failure to report or by failure to give notice as required in subsection (b) of this section.

(b) Notice of the time of intended harvesting shall be given to the county office at least seven days before the beginning of harvest if a loss is to be claimed, and a final adjustment has not been made by that time. *Provided, however,* If damage occurs within the seven-day period before the beginning of harvest, or during harvest, and a loss is to be claimed, notice shall be given immediately.

14. *Amount of loss and proof of loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation within 30 days after the amount of loss has been determined by the Corporation.

(b) Losses shall be determined separately for each unit for the period in which the loss occurred. The amount of loss with respect to any unit in any period shall be determined by (1) multiplying the insured acreage of peaches on the unit by the applicable amount of insurance per acre, (2) multiplying the result thus obtained by the applicable percent of loss determined in accordance with subsection (c) of this section and (3) multiplying the result by the insured interest.

(c) Reported damages from insured causes shall be indemnified on the basis of appraisals made by the Corporation and the percent of any loss shall be the ratio of the number of bushels of peaches lost due to an insured cause as determined by the Corporation to the number of bushels which would have been produced as determined by the Corporation (hereinafter called the "potential") had no such damage occurred. Any indemnity payable on a unit in any period, the calendar dates for which are shown on the county actuarial table, shall be based upon and limited to the following:

First Period: Loss from an insured cause occurring during this period—Loss in excess of 50 percent of the potential for this period.

The potential herein shall be based upon the age, size, condition, and other productive capabilities of the trees and shall include any production lost from uninsured causes.

Second Period: Loss from an insured cause occurring during this period—Loss in excess of 20 percent of the potential for this period: *Provided, however,* That any one loss reported and appraised in the First Period of 20 percent or more shall satisfy this deductible.

The potential herein shall be based upon the peaches on the trees at the time the loss occurred, including any such peaches lost from uninsured causes and any peaches harvested, but shall not exceed the potential, if any, which was or could have been established as provided in the First Period.

The aggregate of indemnities payable for any unit through this period shall not exceed 80 percent of the amount of insurance.

Third Period: Loss from an insured cause occurring during this period—Loss in excess of 10 percent of the potential for this period: *Provided, however,* That any one loss reported and appraised in one of the previous periods of 10 percent or more shall satisfy this deductible.

The potential herein shall be based upon the peaches on the trees at the time the loss occurred, including any such peaches lost from uninsured causes and any peaches harvested but prior to the normal droppage shall not exceed the potential, if any, last established or which was or could have been established as provided in the First Period. The aggregate indemnities payable for any unit through this period shall not exceed 90 percent of the amount of insurance.

If loss occurs in more than one period and the loss applicable to each period is indeterminable, it shall be distributed equally to each period involved and adjusted on the basis of establishing potentials as though the losses thus distributed had been determined in the usual manner and the indemnity payable shall be based upon the amount of insurance provided for the respective periods involved.

(d) Consent to abandon any acreage shall be given in any period if upon inspection the Corporation determines that loss of 85 percent or more has occurred in such period. If such consent is given, the crop shall be considered by the Corporation to be totally destroyed. The Corporation shall not be liable on any insured acreage abandoned by the insured without the written consent of the Corporation.

(e) It shall be a condition precedent to payment of any claim that the insured furnish any information required by the Corporation regarding the manner and extent of damage or loss. The Corporation reserves the right to delay final appraisal of the extent of any damage and the settlement of any claim until after the period of normal droppage or until the extent of damage can reasonably be determined. If a normal crop as determined by the Corporation on the basis of the age, size, condition and other productive capabilities of the trees remains on the trees after any damage or damages there shall be no indemnity payable.

15. *Abandonment of crop.* There shall be no abandonment of the insured crop or portion thereof to the Corporation.

16. *Contract changes.* After the first crop year the Corporation reserves the right to amend or change the terms of this contract from year to year. Notice thereof shall be mailed to the insured or made available at the county office by the November 15 immediately preceding the beginning of the crop year for which such amendment is to become effective. Acceptance of the changes will be conclusive in the absence of any notice from the insured to cancel the contract as provided in paragraph 12, above.

17. *Collateral assignment—Transfer of interest.* The right to an indemnity in any crop year may be assigned as security upon prior approval of the Corporation. If the insured transfers his interest in the insured crop in any crop year he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the insured crop. Any assignment or transfer shall be made on assignment or transfer forms prescribed by the Corporation and shall be subject to all the terms set forth thereon and to the terms hereof.

18. *Insured interest.* For the purpose of determining the amount of indemnity the interest insured shall not exceed the interest of the insured at the time of damage as determined by the Corporation.

19. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for any earned premium(s) if at any time the insured has concealed or misrepresented any material fact or committed any fraudulent act against the Corporation and such voidance shall be effective as of the beginning of the crop year which relates to the insured crop with respect to which any such act or omission occurred.

20. *Subrogation.* The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

21. *Cause of loss not insured against.* The contract shall not cover any loss due to neglect or malfeasance of the insured, any member of his household, his tenants, or employees, or failure to follow recognized good farming practices, or to any cause other than a cause insured against.

22. *Payment of indemnity.* (a) Any indemnity will be paid within 30 days after a claim therefor is approved by the Corporation but in no event shall the Corporation be liable for interest or damages in connection with such claim.

(b) If the insured dies or is judicially declared incompetent before insurance attaches in any crop year, the contract shall terminate as of the date of death or judicial declaration, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of such crop year and any indemnity payable shall be paid to the person or persons the Corporation determines to be beneficially entitled thereto.

23. *Meaning of terms.* For purposes of insurance on peaches the terms:

(a) "County actuarial table" means the forms and related material approved by the Corporation which are on file for public inspection in the county office, and which show the applicable amounts of insurance, premium rates, dates embracing each period shown in section 14 hereof, and related information with respect to peach crop insurance for the crop year in the county.

(b) "County office" means the Corporation's office for the county shown in this application and policy or such office as may be designated by the Corporation from time to time.

(c) "County" means the area shown on the country actuarial table which may include units located in a local producing area bordering on the county.

(d) "Crop year" means the calendar year in which insurance attaches.

(e) "Harvest" means picking the marketable peaches from the trees or from the ground.

(f) "Insurance unit" means all insurable acreage of peaches in the county (1) in which the insured has 100 percent interest on the date insurance attaches for the crop year that is located on contiguous land under the same ownership, or (2) in which two or more persons have 100 percent interest on the date insurance attaches for the crop year that is located on contiguous land under the same ownership, excluding any other acreage of peaches in which such persons do not have 100 percent interest on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous. The Corporation may by agreement in writing with the insured before insurance attaches in any crop year combine units for the purpose of providing premium benefits resulting from the acreage of the varieties of peaches on the unit.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on September 13, 1962.

[SEAL] MORRIE S. HILL,
Acting Secretary,
Federal Crop Insurance Corporation.

Approved on September 24, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-9660; Filed, Sept. 26, 1962; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 990—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Free and Surplus Percentages for the 1962–63 Crop Year

The Grape Crush Administrative Committee has unanimously: (1) Concluded that the tonnage of grapes to be crushed during the 1962–63 crop year (July 1, 1962–June 30, 1963) materially exceeds the desirable free tonnage of grapes for crushing which handlers may freely acquire and use—1,167,000 tons at 22 degrees Balling, established by § 990.204 (27 F.R. 9175)—and that limiting the volume which handlers may freely acquire and use through establishing free and surplus percentages applicable to such total crush would tend to effectuate the declared policy of the act; and (2) recommended a free percentage of 78 percent and a surplus percentage of 22 percent. The Committee is established under the marketing agreement, and Order No. 990 (7 CFR Part 990), hereinafter called the "order", regulating the handling of Central California grapes for crushing. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The percentages recommended by the Committee are based on the following estimates and data submitted by the Committee for the 1962–63 crop year:

Item	Tons
(1) Total California grape production	2,800,000
(2) For raisins	720,000
(3) For fresh shipment and canning	500,000
(4) Total California crush of grapes (Item (1) minus items (2) and (3))	1,580,000
(5) Crush of fresh grapes produced in California outside of nine-county program area	170,000
(6) Fresh grapes for crushing produced in program area (Item (4) minus item (5))	1,410,000
(7) Grape equivalent of raisin residual material permitted by § 990.50	25,000
(8) Total grapes for crushing, fresh and dried, (Item (6) plus items (7))	1,435,000
(9) Crush of exempted varieties produced in program area [1]	70,000
(10) Grapes for crushing subject to volume regulation (Item (8) minus item (9))	1,365,000
(11) Desirable free tonnage of grapes for crushing at 22 degrees Balling [2]	1,167,000

[1] Varieties exempted from volume regulation are set forth in § 990.205 published in the Sept. 15, 1962, issue of the FEDERAL REGISTER (27 F.R. 9176).

[2] The desirable free tonnage of grapes for crushing is set forth in § 990.204 published in the Sept. 15, 1962, issue of the FEDERAL REGISTER (27 F.R. 9175).

The Committee computed an unadjusted surplus percentage of 19.6 percent by subtracting item (11) from item (8) and dividing the result by item (10) and multiplying the quotient by 100. However, based on the higher than normal sugar content of handler receipts of grapes for crushing to date this season, the Committee estimated that the average sugar content of all grapes for crushing of the 1962–63 crop year may approximate 22.5 degrees Balling and thus exceed the sugar content of 22 degrees Balling specified for the desirable free tonnage previously established for such crop year. Hence, to recognize this situation and the prohibition in § 990.53 against a later increase in the surplus percentage, the Committee added 2.5 percent, as a safety factor, to the 19.6 percent, resulting in a surplus percentage of 22 percent when rounded to the nearest whole number. The sum of this percentage and a free percentage of 78 percent equals 100 percent, computed in accordance with § 990.53. If the increase is only one-half of one degree Balling (22 to 22.5 degrees Balling) in the sugar content of grapes for crushing, it would result in the addition of approximately 2 percent to the unadjusted surplus percentage of 19.6 percent computed by the Committee. Such addition results in a surplus percentage of 22 percent when rounded to the nearest whole number, the same as the adjusted surplus percentage recommended by the Committee.

On the basis of the recommendations and estimates of the Grape Crush Administrative Committee, including its 1962–63 marketing policy report and other available information, the need for volume regulation is hereby concurred in and it is hereby found that to limit the volume of grapes for crushing which handlers may freely acquire and use during the current 1962–63 crop year, through establishing free and surplus percentages as hereinafter set forth, and as applicable in accordance with § 990.53, will tend to effectuate the declared policy of the act.

Therefore, the free and surplus percentages to be applicable as provided in § 990.53 are hereby established as follows:

§ 990.206 Free and surplus percentages for the 1962–63 crop year.

(a) The free and surplus percentages for the 1962–63 crop year (July 1, 1962–June 30, 1963) that are applicable in accordance with § 990.53 to grapes for crushing are established as follows:

(1) Free percentage: 78 percent; and

(2) surplus percentage: 22 percent.

(b) The free and surplus percentages set forth in paragraph (a) of this section are not applicable to any varieties of grapes for crushing exempted pursuant to § 990.58(b) and contained in § 990.205 of this part.

It is hereby further found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5

U.S.C. 1003 (a) and (c)) in that: (1) The free and surplus percentages established herein are based in substantial part on the Committee's marketing policy of which handlers and producers have already had reasonable notice, and on the desirable free tonnage and exempted varieties of grapes for crushing established by actions published in the FEDERAL REGISTER on September 15, 1962 (27 F.R. 9175 and 9176), notices of which were published in the FEDERAL REGISTER on August 28, 1962 (27 F.R. 8596); (2) in view of such notices and actions, handlers are anticipating volume regulation and are prepared to comply with this regulation; (3) under this regulatory program the percentages established for a particular crop year apply to all grapes for crushing (except those varieties specifically exempted) from the beginning of such crop year; and (4) the current crop year began on July 1, 1962, handlers have already received a substantial volume of grapes for crushing, and the percentages herein established will automatically apply from such date to all grapes for crushing other than the exempted varieties.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 24, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–9657; Filed, Sept. 26, 1962; 8:52 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 40]

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Southern Michigan marketing area (7 CFR Part 1040), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the period of October 1962 through March 1963:

(1) Section 1040.16(a)(3)(i), and

(2) All of § 1040.16(a)(3)(ii) except "45 percent".

(b) Thirty days notice of effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area. Changed seasonality of production and production increases are making it increasingly difficult for some distributing plants to meet the pooling provisions provided in the order and such difficulty is likely to be aggravated during the forthcoming months of October 1962 through March 1963.

(3) This suspension action is based on a request by a producer association. Interested parties were afforded an opportunity to submit written views, data and argument concerning the proposed suspension. The suspension action is favored by producer associations representing approximately 80 percent of the producers supplying the market and was not opposed by any interested party.

(4) Pending the results of a hearing held in October 1961, the suspension will facilitate the pooling of distributing plants which have been regularly associated with the market.

Therefore, good cause exists for making this order effective October 1, 1962.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period October 1, 1962 through March 31, 1963.

(Secs. 1–19, 48 Stat. 31, as amended; U.S.C. 601–674)

Effective date: October 1, 1962.

Signed at Washington, D.C., on September 24, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62–9659; Filed, Sept. 26, 1962; 8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

[No. 16,306]

PART 510—EX PARTE COMMUNICATIONS

SEPTEMBER 24, 1962.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of the general regulations of the Federal Home Loan Bank Board (12 CFR, Chapter V, Subchapter A) by the addition thereto of rules and regulations relating to ex parte communications as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends said general regulations by the addition thereto of a new Part 10 as follows, effective October 29, 1962:

§ 510.1 Provisions relating to ex parte communications.

(a) *Introductory statement.* Hearings scheduled by the Board on such matters as applications for permission to organize a Federal savings and loan association, for permission to establish or maintain a branch office of a Federal savings and loan association, or for insurance of accounts are not required by statute and are not subject to the provisions of the Administrative Procedure Act. Such hearings are held for the benefit of the Board to assist it in reaching a decision. It is in the public interest that when such hearings or other hearings scheduled by the Board are held they be conducted in a fair and impartial manner.

(b) *Prohibited communications.* Except as provided in paragraph (c) of this section, any ex parte communication, either written or oral, with respect to any matter scheduled by the Board for hearing by any person to any member of the Board, a hearing officer, or any employee participating in the decisional process with respect to such matter is prohibited pending final decision of such matter.

(c) *Exceptions.* The provisions of this section shall not apply to the proposed adoption or repeal of, or amendment to, rules or regulations, to inquiries limited exclusively to the status of a pending matter or directed only to procedural questions relating to the conduct of the hearing, to reports or investigations made at the Board's request in any matter to which the provisions of section 5 of the Administrative Procedure Act are not applicable, or to information given to or obtained by the Board with respect to the character or responsibility of any applicant or any member or proposed member of any group of applicants in any matter to which the provisions of said section 5 are not applicable.

(d) *Action to be taken.* (1) The recipient of any written communication made in contravention of the provisions of this section shall promptly transmit such communication to the Secretary of the Board. The recipient of any oral communication made in contravention of the provisions of this section shall immediately prepare a written statement of the substance of the communication and promptly transmit such statement to such Secretary. Such transmittal shall be accompanied by a written statement of the circumstances under which the communication was made, if such circumstances are not otherwise apparent.

(2) The Secretary of the Board shall place all material so transmitted to him in the public record or, in the case of a matter to which the provisions of section 5 of the Administrative Procedure Act or the provisions of Part 509 are applicable, transmit such material to the person or persons charged with presiding at the hearing, and shall transmit copies of all such material to all interested parties for comment or rebuttal. Any such comment or rebuttal by any person shall be delivered to the office of the Secretary of the Board within 10 days after such transmittal to such person unless the Board shall otherwise provide, and shall be placed by such Secretary in the public record or, in the case of a matter to which the provisions of said section 5 or of Part 509 are applicable, shall be transmitted by such Secretary to the person or persons charged with presiding at the hearing. The Board may provide for such other or further action with respect to any such communication as it may in its sole discretion deem advisable.

(e) *Sanctions.* A violation of any of the provisions of this section shall be good cause, in the sole discretion of the Board, for imposition of such sanctions as the Board may deem just and proper in the circumstances.

(Sec. 17, 47 Stat. 736, as amended, sec. 5, 48 Stat. 132, as amended, secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1437, 1464, 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp. Interprets or applies secs. 1 through 27, 5A, as added by sec. 1, 64 Stat. 256, 10b, as added by sec. 7, 49 Stat. 295, 47 Stat. 725, as amended, sec. 5, 48 Stat. 132, as amended, secs. 401 through 407, 408, as added by 73 Stat. 691, 48 Stat. 1255, as amended; 12 U.S.C. 1421–1425, 1425a, 1426–1430, 1430b, 1431–1447, 1464, 1724–1730, 1730a)

Resolved further that, as said amendment relates to rules of agency procedure or practice, and is deemed to apply to rules of Board procedure or practice, notice and public procedure thereon are unnecessary under section 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 62–9654; Filed, Sept. 26, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER H—CIVIL AIR REGULATIONS

[Reg. Docket No. 1374, Amdt. 165–1]

PART 165—WAKE ISLAND CODE [NEW]

Executive Authority

The Wake Island Code, Part 165 [New], published in the FEDERAL REGISTER on September 6, 1962 (27 F.R. 8855) provides for the civil administration of Wake Island. It vests the executive authority at Wake Island in an "Island Governor" who is an FAA employee "appointed" by the FAA Assistant Administrator for the Pacific Region and further vests judicial authority in the Wake Island Justice Court consisting of a "Chief Justice" and "Associate Justices".

The purpose of this amendment is to retitle these positions, clarify the manner in which an individual is named to the post of Island Manager, and to rename the Wake Island Justice Court.

Since FAA management and public property are involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

This amendment is made under the following authorities:

Sec. 10, 62 Stat. 453; 49 U.S.C. 1159; sec. 48, 74 Stat. 424; EO 11048; Agreement between FAA and Department of Interior of February 5, 1962.

In consideration of the foregoing, effective September 27, 1962, Chapter I, Subchapter I, Part 165 [New] of Title 14 is amended as follows:

(1) By amending § 165.11 to read as follows:

§ 165.11 Designation and removal.

The executive authority at Wake Island is vested in the Island Manager. The Island Manager is designated from among Federal Aviation Agency employees by, and the designation continues in effect in the discretion of, the FAA Assistant Administrator for the Pacific Region. The Assistant Administrator may designate a person to serve as Acting Island Manager in the event of the absence, disability, or death of the Island Manager. While so serving, the Acting Island Manager is vested with the authority prescribed in this Part for the Island Manager.

(2) By striking out the words "Island Governor" and "Governor" wherever they appear therein and inserting the words "Island Manager" in place thereof.

(3) By striking out the words "Chief Justice", "Justice", and "Justices" wherever they appear therein and inserting the words "Senior Judge", "Judge", and "Judges", respectively, in place thereof; except that where the word "Justice" appears as part of the name "Wake Island Justice Court" or "Justice Court", no word is inserted in place of the deleted word "Justice".

§ 165.101 [Amendment]

(4) By striking out the words "A justice" at the beginning of § 165.101 and inserting the words "A Judge" in place thereof.

Issued in Washington, D.C., on September 24, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–9639; Filed, Sept. 26, 1962; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1318; Amdt. 488]

PART 507—AIRWORTHINESS DIRECTIVES

Canadair CL–44D4 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring installation of a high pressure turbine bearing scavenge oil temperature indicating system in Canadair CL–44D4 aircraft incorporating Rolls Royce Tyne engines, was published in 27 F.R. 7682.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CANADAIR. Applies to all Model CL–44D4 aircraft equipped with Rolls Royce Tyne engines.

Compliance required within the next 350 hours' time in service after the effective date of this AD.

To preclude bearing failure resulting from sludge deposited in oil ways which feed the high pressure turbine bearing, accomplish the following:

(a) Install high pressure turbine bearing scavenge oil temperature indicating system in accordance with Rolls Royce Modification 959 (Service Bulletin Ty72–384) and Canadair Service Information Circular No. 216–CL44D4.

(b) If the oil flow through the scavenge line has not been checked within 100 hours prior to the installation of the temperature indicating system specified in (a), check the oil flow in accordance with the procedures outlined in Sections 2A and 2B of Rolls Royce Alert Service Bulletin No. A–Ty79–15 at the time the temperature indicating system is installed.

(c) Appropriate changes to the airplane flight manual shall be made covering the applicable provisions of Section 2D of Service Bulletin A–Ty79–15 regarding feathering of an engine if the turbine bearing scavenge oil corrected temperature exceeds 180° C. during cruise.

(d) When the oil temperature indicating system is installed per paragraph (a) the inspections required in AD 62–9–2 as amended, may be discontinued.

This amendment shall become effective October 29, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 20, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62–9610; Filed, Sept. 26, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Airspace Docket No. 62–NY–5]

Alteration

On July 6, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 6390) stating that the Federal Aviation Agency proposed to alter low altitude VOR Federal airway Nos. 153 and 273 from the Georgetown, N.Y., VOR to the Syracuse, N.Y., VORTAC.

The Air Transport Association of America concurred in the proposed action and no other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12562) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6153 (27 F.R. 7386) "Syracuse, N.Y., VORTAC." is deleted and "Syracuse, N.Y., VORTAC (8-mile-wide airway from Georgetown VOR to Syracuse VORTAC)." is substituted therefor.

2. In the text of § 600.6273 (14 CFR 600.6273) "Syracuse, N.Y., VORTAC." is deleted and "Syracuse, N.Y., VORTAC

(8-mile-wide airway from Georgetown VOR to Syracuse VORTAC)." is substituted therefor. These amendments shall become effective 0001 e.s.t., December 13, 1962.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 20, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9611; Filed, Sept. 26, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-33]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Modification of Control Area Extension and Revocation of Restricted Area

The purpose of these amendments to §§ 608.67 and 601.1130 of the regulations of the Administrator is to revoke the Spokane, Wash. (International Airport), Restricted Area/Military Climb Corridor R-6710 and modify the description of the Spokane Control Area Extension to eliminate reference to this restricted area.

In view of development of "Random Scramble" CONAD/FAA/AFIO radar procedures for Spokane International Airport, which will assure satisfactory accomplishment of the Air Defense Command mission, the Department of the Air Force has requested that R-6710 be revoked. Therefore this restricted area is no longer justified as an assignment of special use airspace and revocation thereof is in the public interest.

Since these amendments reduce a burden on the public, notice and public procedure hereon are unnecessary and they may be effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 608.67 Washington, R-6710 Spokane, Wash. (International Airport), Restricted Area/Military Climb Corridor (27 F.R. 7365) is revoked.

2. Section 601.1130 (14 CFR 601.1130) is amended to read:

§ 601.1130 Control area extension (Spokane, Wash.).

Within a 45-nautical mile radius of Fairchild AFB, Spokane, Wash. (latitude 47°36'55" N., longitude 117°39'20" W.).

These amendments shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 20, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-9612; Filed, Sept. 26, 1962; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6611]

PART 46—REGULATIONS RELATING TO MISCELLANEOUS EXCISE TAXES PAYABLE BY RETURN

Excise Tax Relating to Tax on Sugar

In order to conform the Regulations Relating to Miscellaneous Excise Taxes Payable by Return (26 CFR Part 46) to the appropriate sections of the Sugar Act Amendments of 1962 (76 Stat. 166), such regulations are amended as follows:

PARAGRAPH 1. Section 46.4501 is amended by revising section 4501(c), and the historical note, to read as follows:

§ 46.4501 Statutory provisions; imposition of tax.

SEC. 4501. *Imposition of tax.* • • •

(c) *Termination of tax.* No tax shall be imposed under this subchapter on the manufacture, use, or importation of sugar or articles composed in chief value of sugar after June 30, 1967. Notwithstanding the provisions of subsection (a) or (b), no tax shall be imposed under this subchapter with respect to unsold sugar held by a manufacturer on June 30, 1967, or with respect to sugar or articles composed in chief value of sugar held in customs custody or control on such date.

[Sec. 4501 as amended by sec. 19, Act of May 29, 1956 (Public Law 545, 84th Cong., 70 Stat. 221); sec. 162(b), Excise Tax Technical Changes Act 1958 (72 Stat. 1306); sec. 2, Act of July 6, 1960 (Public Law 86-592, 74 Stat. 330); sec. 2(a), Act of March 31, 1961 (Public Law 87-15, 75 Stat. 40); sec. 18(a), Sugar Act Amendments 1962 (76 Stat. 166)]

PAR. 2. Section 46.6412(d) is amended by revising section 6412(d), and the historical note, to read as follows:

§ 46.6412(d) Statutory provisions; floor stocks refunds.

SEC. 6412. *Floor stocks refunds.* • • •

(d) *Sugar.* With respect to any sugar or articles composed in chief value of sugar upon which tax imposed under section 4501 (b) has been paid and which, on June 30, 1967, are held by the importer and intended for sale or other disposition, there shall be refunded (without interest) to such importer, subject to such regulations as may be prescribed by the Secretary or his delegate, an amount equal to the tax paid with respect to such sugar or articles composed in chief value of sugar, if claim for such refund is filed with the Secretary or his delegate on or before September 30, 1967.

[Sec. 6412(d) as amended by sec. 19, Act of May 29, 1956 (Public Law 545, 84th Cong., 70 Stat. 221); sec. 162(a), Excise Tax Technical Changes Act 1958 (72 Stat. 1306); sec. 2, Act of July 6, 1960 (Public Law 86-592, 74 Stat. 330); sec. 2(b), Act of March 31, 1961 (Public Law 87-15, 75 Stat. 40); sec. 18(b), Sugar Act Amendments 1962 (76 Stat. 166)]

Because this Treasury decision makes only the necessary technical changes in the statutory provisions to reflect the amendments to the Internal Revenue Code contained in the Sugar Act Amendments of 1962, it is hereby found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] MORTIMER M. CAPLIN,
Commissioner.

Approved: September 20, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-9637; Filed, Sept. 26, 1962; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2774]

[Nevada 057806]

NEVADA

Partly Revoking Public Land Order No. 627 of January 11, 1950

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 627 of January 11, 1950, withdrawing lands in Nevada for use in connection with the prosecution of the war, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 70 E.,
Secs. 3, 4, 5, 6, 7, 8, 9, and 10;
Sec. 15, that part north of Western Pacific Railroad right-of-way;
Sec. 16, those parts north and west of U.S. Highway 50 and Western Pacific Railroad right-of-way;
Secs. 17, 18, and 19;
Secs. 20, 21, 29, 30, and 31, those parts north and west of U.S. Highway 50.
T. 32 N., R. 70 E.,
Sec. 6, that part north and west of U.S. Highway 50;
Secs. 27, 28, 29, 30, 31, 32, 33, and 34.
T. 33 N., R. 69 E.,
Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36.
T. 32 N., R. 69 E.,
Secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36;
Secs. 1, 12, 13, 23, those parts north and west of U.S. Highway 50.
T. 31 N., R. 70 E.,
Secs. 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34.
T. 30 N., R. 70 E.,
Secs. 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34.

The areas described aggregate approximately 80,000 acres.

2. The lands are principally grazing lands, located near Wendover, Nevada. They have been used for bombing, gunnery, rocketry, and as an artillery range. The Department of the Air Force has visually inspected the lands and advises that they have been cleared of all dangerous or explosive material reasonably possible to detect. There are no restrictions on future uses.

3. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, effective at 10:00 a.m. on October 26, 1962, subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 20, 1962.

[F.R. Doc. 62-9625; Filed, Sept. 26, 1962; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Operation Under Interim Ship Station License

The Commission having under consideration the desirability of making certain editorial changes in Part 8 of its rules;

It appearing that the amendments adopted herein are for the purpose of conforming the provisions of § 8.369 to the rule changes of Docket No. 14375 which will become effective October 1, 1962; and

It further appearing that these conforming amendments relate to correction of existing cross-references to rules and addition of a reference to a frequency made available by the rule changes above mentioned; and

It further appearing that the amendments adopted herein are editorial in nature, and, therefore, compliance with the public notice and rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act is unnecessary, and for the same reason, compliance with section 4(c) of the Administrative Procedure Act is not required; and

It further appearing that the amendments adopted herein are issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information:

It is ordered, This 20th day of September 1962, that effective October 2, 1962, Part 8 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: September 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 8 is amended as follows:

In § 8.369(a)(2), the first entry in subdivision (ii) and the second entry in subdivision (iii) are amended to read as follows:

§ 8.369 Operation under interim ship station license.

(a) • • •
(2) • • •
(ii) • • •

2638 kc/s, 156.3 Mc/s and 156.4 Mc/s: for use in all areas;

• • • • •

(iii) • • •

Frequencies above 156 Mc/s as set forth in §§ 8.359(a), 14.257, 14.258, and 14.265 of this chapter.

[F.R. Doc. 62-9643; Filed, Sept. 26, 1962; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Kirwin National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,890 acres or 23 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants, quail, and rabbits.

(b) Open season: From one-half hour before sunrise to sunset. Pheasants—November 10, 1962, through November 25, 1962, and from December 8, 1962, through December 31, 1962.

Quail: November 17, 1962, through November 25, 1962, and November 27, 29, December 1, 2, 4, 6, 8, 9, 11, 13, 15, and 16, 1962.

Rabbits: Only during those hours and on those days on which the season is open for pheasants and quail.

(c) Daily bag limits:

Pheasants: 5 (one hen may be taken after one cock is bagged during the first part of the season from November 10–November 25, 1962.)

Quail: 8

Rabbits: Cottontails, 10; jackrabbits, no limit.

(d) Methods of hunting:

(1) Weapons—shotguns only, not larger than 10 gauge.

(e) Other provisions:

(1) The provisions of this special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 1, 1963.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 21, 1962.

[F.R. Doc. 62-9617; Filed, Sept. 26, 1962; 8:45 a.m.]

PART 32—HUNTING

Fort Peck Game Range, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MONTANA

FORT PECK GAME RANGE

Public hunting of Upland Game Birds on the Fort Peck Game Range, Montana, is permitted only on the area designated by signs as open to hunting. This open area, comprising 400,000 acres or 40 percent of the total area of the refuge, located between the Fred Robinson bridge and Squaw creek, is delineated on a map available at the refuge headquarters, Lewistown, Montana, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant and turkey.

(b) Open season:

Pheasant: November 4 through November 18, 1962.

Turkey: September 29 through October 7, 1962.

(c) Bag limits: As prescribed by State regulations.

(d) Methods of hunting:

1. Weapons: Must be in accordance with State regulations.

2. Dogs: Not to exceed two dogs per hunter may be used to retrieve birds.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part. 32.

2. A Federal permit is not required to enter the public hunting area, but hunters will report at such checking stations as may be established when entering or leaving the area.

3. The provisions of this special regulation are effective to November 19, 1962.

HARRY A. GOODWIN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 19, 1962.

[F.R. Doc. 62-9618; Filed, Sept. 26, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 193, 194, 196]

COAL, POTASSIUM, AND PHOSPHATE; LEASES, PERMITS, AND LICENSES

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior, by the Act of February 25, 1920, as amended (30 U.S.C. 181, et seq.), by the Act of February 7, 1927, as amended (30 U.S.C. 281–287), and section 2470 of the Revised Statutes (43 U.S.C. 1201), it is proposed to amend certain sections of 43 CFR Parts 193, 194, and 196, as set forth below. The principal purpose of the amendments is as follows:

(a) To provide for an annual rental of 25 cents an acre or fraction thereof for lands covered by coal prospecting permits, but not less than $20 per year, including those which may issue pursuant to applications filed prior to the effective date of this amendment.

(b) To eliminate the requirement set forth in the present coal regulations, 43 CFR 193.11(b) of a corporate seal on an application for a lease and to authorize an attorney in fact to execute all statements in behalf of his principal if the power of attorney so provides.

(c) To incorporate in the regulations applicable to coal and potassium a provision implementing that pertinent portion of the Mineral Leasing Act Revision of 1960, Public Law 86–705 (74 Stat. 781), relating to acreage chargeability for undivided interests in leases or permits by members of an association or stockholder of a corporation.

(d) To provide for automatic termination of coal, potassium, and phosphate prospecting permits if rental is not paid on or before the anniversary date of the permit, but that if the time for payment falls upon any day in which the proper land office to receive such payment is not open, payment received on the next official day shall be deemed to be timely.

The proposed amendment also provides that after the expiration of a prospecting permit, the lands involved will not be segregated from further leasing because a previously filed relinquishment of the permit had not been noted on the records. This will insure that all members of the public will have equal opportunity to file applications for lands covered by such permits even though notation of the relinquishment or cancellation of the permit had not been made on the official records.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendments to the Director, Bureau of Land Management, Washington 25, D.C., within 30 days from date of publication of this notice in the FEDERAL REGISTER.

1. Paragraph (a) of § 193.2 is amended to read as follows:

§ 193.2 Acreage limitations on holdings; applications for additional acreage; segregation of coal deposits; public hearings.

(a) Except where the rule of approximation[1] applies, a permit or lease may not exceed 2,560 acres. A permit shall comprise contiguous tracts, or tracts in reasonably compact form, entirely within an area six miles square or within an area not exceeding six surveyed or protracted sections in length or width. A lease shall comprise contiguous tracts, except in cases where noncontiguous tracts can be efficiently worked as a single mine or unit. Except as hereinafter stated, no person, association, or corporation may hold at one time coal leases or permits exceeding 10,240 acres in any one state, whether directly through the ownership of such leases and permits, or interests therein, and applications therefor, or indirectly as a member of an association or as a stockholder of a corporation holding such leases and permits, or interests therein, and applications therefor. In computing acreage holdings or control, the accountable acreage of a party owning an undivided interest in a lease or permit shall be such party's proportionate part of the total lease and permit acreage. Likewise, the accountable acreage of a party owning an interest in a corporation or association shall be his proportionate part of the corporation's or association's accountable acreage except that no person shall be charged with his pro rata share of any acreage holdings of any association or corporation unless he is the beneficial owner of more than ten percent of the stock or other instruments of ownership or control of such association or corporation.

§ 193.10 [Amendment]

2. Footnote 1 referred to in § 193.10 is renumbered Footnote 2.

3. Paragraph (b) of § 193.11 is amended to read as follows:

§ 193.11 Application for lease.

* * * * *

(b) All applications must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings unless the power of attorney specifically authorized and empowers the attorney-in-fact to make such statement or to execute all statements which may be required under these regulations. Where such power of attorney has been filed in the same land office where the application is filed reference thereto by serial number of the record in which it has been filed may be made upon the filing of subsequent applications. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument.

4. Section 193.21 is amended to read as follows:

§ 193.21 Application for permit; permit rental.

An application for a permit must be filed in duplicate in the office specified in § 193.11. Each application must be accompanied by a filing fee of $10 which is not returnable, and by full payment of the first year's rental at the rate of 25 cents per acre or fraction thereof but no less than $20, the rental payment to be for the total acreage if known, and if not known, for the total acreage computed on the basis of 40 acres for each smallest legal subdivision. No specific form of application is required. In addition to the requirements of § 193.11 (a) (1) to (5) and (b), the application for a permit should be accompanied by a proposed plan and method for conducting prospecting or exploratory operations on the land setting forth the estimated cost of carrying out such proposed prospecting operations, and the diligence with which such operations will be prosecuted.

5. Section 193.23 is amended to read as follows:

§ 193.23 Extension, relinquishment, cancellation, or termination of permit; availability of lands for further application where a permit is canceled, relinquished or terminated.

(a) Coal permits may be extended by an authorized officer of the Bureau of Land Management for a period of two years if he finds, after consultation with the Mining Supervisor of the Geological Survey, that the permittee has been unable, with reasonable diligence, to determine the existence or workability of coal deposits covered by the permit and desires to prosecute further prospecting or exploration, or for other reasons warranting such an extension. An application for extension must be filed in duplicate within 90 days prior to expiration of the permit and must be accompanied by the first year's rental and a $10 filing fee, which is not returnable. The application must disclose the reasons additional time is considered necessary to complete prospecting work. Extension

[1] The rule of approximation applies to applications for leases or prospecting permits only where elimination of the smallest legal subdivision involved would result in a deficiency of area under 2,560 acres greater than the excess over 2,560 acres resulting from the inclusion of such subdivision.

will be limited to such period, not to exceed the two years, as may be determined to be allowable under the circumstances in each particular case. If an application for extension is not filed within the specified period, the permit will expire without notice to the permittee and the lands if otherwise available shall be subject to filing of new applications for coal permits.

(b) The permittee may relinquish the entire permit acreage or any portion thereof. A partial relinquishment must specifically describe the lands surrendered and the exact area thereof. A relinquishment must be filed in duplicate in the proper land office. Upon its acceptance, it will be effective as of the date it is filed, subject to the continued obligation of the permittee and his surety to make payment of all accrued rentals and royalties, and to provide for the preservation of any mines or productive works or permanent improvements on the permit lands in accordance with the regulations and terms of the permit.

(c) Except as provided for in subparagraph (1) of this paragraph, if a permittee fails to comply with the general regulations in force at the date of the permit, or defaults with respect to any of the terms or stipulations of the permit, and such failure or default continues for 30 days after service of written notice thereof by the Government, the permit may be canceled. A waiver of any particular cause for cancellation shall not prevent the cancellation of the permit for any other cause, or for the same cause occurring at any other time.

(1) Any prospecting permit shall terminate automatically if the permittee fails to pay the rental on or before the anniversary date of the permit. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely.

(2) The termination of the permit for failure to pay the rental must be noted on the official records of the proper land office. Until such notation is made, the lands covered by the permit shall not be available for filing of any other coal permit applications. Applications for such permits filed prior to such notation will be rejected.

(d) Where lands embraced in a cancelled or relinquished permit are not withdrawn from leasing, such lands shall become available for the filing of new permit applications immediately upon notation on the official status records of the cancellation or relinquishment of the permit. Even if the cancellation or relinquishment has not been noted, the lands formerly covered by the permit shall likewise become available for the filing of new applications on the date which would have marked the end of the primary or extended term of the permit except for the cancellation or relinquishment.

6. Paragraph (a) of § 194.3 is amended to read as follows:

§ 194.3 Area and limitation on holdings.

(a) A lease or permit may not exceed 2,560 acres, except where the rule of approximation[1] applies. The lands in the lease or permit shall be in reasonably compact form entirely within an area of six miles square or within an area not exceeding six surveyed or protracted sections in length or width. No person, association, or corporation may hold at one time in any one state potassium permits exceeding 51,200 acres, and except as hereinafter provided, potassium leases exceeding 25,600 acres in one or more mining units, whether directly through the ownership of such permits or leases or interests therein and applications, therefor, or indirectly as a member of an association or as a stockholder of a corporation holding such permits or leases, or interests therein and applications therefor. In computing acreage holdings or control, the accountable acreage of a party owning an undivided interest in a lease or permit shall be such party's proportionate part of the total lease and permit acreage. Likewise, the accountable acreage of a party owning an interest in a corporation or association shall be his proportionate part of the corporation's or association's accountable acreage except that no person shall be charged with his prorata share of any acreage holdings of any association or corporation unless he is the beneficial owner of more than ten percent of the stock or other instruments of ownership or control of such association or corporation.

7. Section 194.8 is amended to change the heading and the present text to read as follows:

§ 194.8 Application for permit; permit rental.

(a) An application for a permit must be filed in duplicate in the appropriate land office. Each application must be accompanied by a filing fee of $10 which is not returnable, and by full payment of the first year's rental in the amount specified in paragraph (b) of this section, the rental payment to be for the total acreage if known, and if not known, for the total acreage computed on the basis of 40 acres for each smallest legal subdivision. No specific form of application is required, but the application should include the information and evidence set forth in §§ 194.4 and 194.17(a) (1) and (2).

(b) A permittee must pay an annual rental of 25 cents an acre or fraction thereof covered by his permit, but not less than $20 per year.

§ 194.9 [Amendment]

8. Footnote 1 referred to in § 194.9 is renumbered Footnote 2.

[1] The rule of approximation applies to applications for leases or prospecting permits only where elimination of the smallest legal subdivision involved would result in a deficiency of area under 2,560 acres greater than the excess over 5,560 area resulting from the inclusion of such subdivision.

9. Section 194.12 is amended to read as follows:

§ 194.12 Relinquishment, cancelation or termination of permit; availability of lands for further application where a permit is canceled, relinquished or terminated.

(a) A permittee may relinquish the entire permit acreage or any portion thereof. A partial relinquishment must describe the lands surrendered and the exact area thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance, it will be effective as of the date of its filing, subject to the continued obligation of the permittee and his surety to make payment of all accrued rentals and royalties, and to provide for the preservation of any mines or productive works or permanent improvements on the permit lands in accordance with the regulations and terms of the permit.

(b) Except as provided in subparagraph (1) of this paragraph, if a permittee fails to comply with the general regulations in force at the date of the permit, or defaults with respect to any of the terms or stipulations of the permit, and such failure or default continues for 30 days after service of written notice thereof by the Government then the permit may be canceled. A waiver of any particular cause for cancellation shall not prevent the cancellation of the permit for any other cause, or for the same cause occurring at any other time.

(1) Any prospecting permit shall terminate automatically if the permittee fails to pay the rental on or before the anniversary date of the permit. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely.

(2) The termination of the permit for failure to pay rental must be noted on the official records of the appropriate land office. Until such notation is made, the lands covered by the permit shall not be available for further filing of applications for potassium permit. Applications for such permits filed prior to such notation will be rejected.

(c) Where lands embraced in a canceled or relinquished permit are not withdrawn from leasing, such lands shall become available for the filing of new permit applications immediately upon notation on the official status records of the cancellation or relinquishment of the permit. Even if the cancellation or relinquishment has not been noted, the lands formerly covered by the permit shall likewise become available for the filing of new applications on the date which would have marked the end of the primary or extended term of the permit except for the cancellation or relinquishment.

§ 194.16 [Amendment]

10. Footnote 2 referred to in § 194.16 is renumbered Footnote 2a.

11. Section 196.10 is amended to read as follows:

§ 196.10 Relinquishment, cancellation or termination of permit; availability of lands for further application where a permit is canceled, relinquished or terminated.

(a) A permittee may relinquish the entire permit acreage or any portion thereof. A partial relinquishment must describe the lands surrendered and the exact area thereof. A relinquishment must be filed in duplicate in the proper land office. Upon its acceptance it will be effective as of the date it is filed, subject to the continued obligation of the permittee and his surety to make payment of all accrued rentals and royalties, and to provide for the preservation of any mines or productive works or permanent improvements on the permit lands in accordance with the regulations and terms of the permit.

(b) Except as provided for in subparagraph (1) of this paragraph, if a permittee fails to comply with the general regulations in force at the date of the permit, and such failure or default continues for 30 days after service of written notice thereof by the Government, the permit may be canceled. A waiver of any particular cause for cancellation shall not prevent the cancellation of the permit for any other cause, or for the same cause occurring at any other time.

(1) Any prospecting permit shall terminate automatically if the permittee fails to pay the rental at the time specified in § 196.7. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely.

(2) The termination of the permit for failure to pay rental must be noted on the official records of the proper land office. Until such notation is made, the lands covered by the permit shall not be available for filing of further applications for phosphate prospecting permits. Applications for such permits filed prior to such notation will be rejected.

(c) Where lands embraced in a cancelled or relinquished permit are not withdrawn from leasing, such lands shall become available for the filing of new permit applications immediately upon notation on the official status records of the cancellation or relinquishment of the permit. Even if the cancellation or relinquishment has not been noted, the lands formerly covered by the permit shall likewise become available for the filing of new applications on the date which would have marked the end of the primary or extended term of the permit except for the cancellation or relinquishment.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 20, 1962.

[F.R. Doc. 62-9624; Filed, Sept. 26, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CANNED PEARS

Proposed U.S. Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering a revision to the United States Standards for Grades of Canned Pears (7 CFR 52.1611–52.1627) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). The proposed revision as hereinafter set forth concerns limitations in styles and types of pack; recommendations for proper fill of containers; changes in quality factors of color, uniformity of size, trimming, and other defects.

Statement of consideration leading toward proposed revision. The United States Standards for Grades of Canned Pears which have been in effect since 1951 include all styles, whether peeled or unpeeled, and "Solid-pack" pears which are processed without added liquid medium.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

Since 1951, commercial canning operations have changed considerably with respect to this product. Canned pears are rarely packed without being peeled; and "Solid-pack" pears are no longer canned in significant volume. New peeling methods—both mechanical and chemical—have been introduced generally throughout the industry whereby a thinner peel is removed than by prior methods. These methods may thus affect color in that slightly more pigment may remain than from previously accepted methods; and smoothness of contour of pear halves may also be affected.

In the 1951 standards, the conventional methods of ascertaining "drained weight" on the finished product were recommended. By the introduction of the "fill-weight" procedure, measurements for proper fill under the proposed revision would be ascertained by either (1) measuring the amount of fruit filled into the container at time of processing; or (2) determining the weight of fruit after the product has been sealed in the container, processed, and allowed to equalize with the packing medium. The first approach is commonly known as "fill-weight" procedure, whereas the alternate aproach of finished product examination is termed as "drained-weight" procedure.

Many canners have found it advantageous to use the fill-weight procedure because it affords control over the product during packing operations. Furthermore, since the fill-weight procedure does not require destructive sampling, a large number of measurements may be made thereby increasing the accuracy of lot estimate.

With the cooperation of fruit canners in California and the Pacific Northwest, the Department initiated a fill-weight study in 1958 on several canned fruits, including pears. The purpose of this study was to collect data during canning operations in order to evaluate the amount of fruit which would represent proper fill under good commercial practices. Following this study, the program was introduced to the industry on an experimental basis during the 1959, 1960, and 1961 packing seasons. As a result of the Department's studies of both fill weight and drained weights, the proposed revision is being offered now to give canners an opportunity to assess further the applicability of the Department's proposed criteria during and following the 1962 processing season.

Pear canners in the major processing areas—California, Pacific Northwest, and Michigan—were given an opportunity during the 1961 season to study informally the Department's plans for revising the 1951 grade standards to conform with up-to-date commercial practices. Informal meetings were held with organized canners' groups to review or reconcile differences or suggest improvements that would be of benefit in the inspection and marketing of the product.

The proposed revision incorporates the following major considerations:

(1) Elimination of "unpeeled" styles;

(2) Omission of requirements for "Solid-pack" pears;

(3) Changes in recommended drained weights for all styles, other than Whole style;

(4) Addition of recommended fill-weight values for all styles, other than Whole style;

(5) Slight relaxation in color requirements;

(6) Change in uniformity of size in Halves, Quarters, and Whole styles in (A) and (B) scoring classifications;

(7) Changes in definitions and tolerances for trimmed units that are not excessively trimmed; and

(8) Realignment of definitions and tolerances for core material, stems, loose seeds, and blemished units—some of which were formerly considered in relation to tolerances for trimmed units.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than December 1, 1962.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, GRADES

Sec.
52.1611 Product description.
52.1612 Styles of canned pears.
52.1613 Grades of canned pears.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, FILL WEIGHTS

52.1614 Liquid media and Brix measurements for canned pears.
52.1615 Fill of container for canned pears.
52.1616 Recommended drained weights for canned pears.
52.1617 Recommended fill weights for canned pears.

FACTORS OF QUALITY

52.1618 Ascertaining the grade.
52.1619 Ascertaining the rating for the factors which are scored.
52.1620 Color.
52.1621 Uniformity of size and symmetry.
52.1622 Absence of defects.
52.1623 Character.

LOT INSPECTION AND CERTIFICATION

52.1624 Ascertaining the grade of a lot.

SCORE SHEET

52.1625 Score sheet for canned pears.

AUTHORITY: §§ 52.1611 to 52.1625 issued under sec. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

PRODUCT DESCRIPTION, STYLES, GRADES

§ 52.1611 Product description.

(a) "Canned pears" means the canned product prepared from properly prepared, mature pears, as such product is defined in the Standards of Identity for Canned Pears (21 CFR 27.20; 27.24) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) For the purposes of the standards in this subpart, the canned pears are peeled and the term "canned pears" includes "canned pears," "canned spiced pears," and "canned artificially sweetened pears" as defined in the aforesaid Standards of Identity.

§ 52.1612 Styles of canned pears.

(a) "Halves" or "halved" canned pears are peeled pears, with cores and stems removed, cut longitudinally from stem to calyx into approximate halves.

(b) "Quarters" or "quartered" canned pears are peeled pears, with cores and stems removed, cut longitudinally from stem to calyx into approximate quarters.

(c) "Slices" or "sliced" canned pears are peeled pears, with cores and stems removed, cut longitudinally from stem to calyx into approximately equal segments smaller than quarters.

(d) "Dice" or "diced" canned pears are peeled pears, with cores and stems removed, cut into approximate cubes.

(e) "Whole" canned pears are peeled, cored or uncored, whole pears with or without stems removed.

(f) "Mixed pieces of irregular sizes and shapes" are peeled and cored cut units of canned pears that are predominantly irregular in size and shape which do not conform to a single style of halves, quarters, slices, or dice and which may consist of:

(1) Units (commonly called "salad cuts" or "salad pieces" or "chunk style") which may have been prepared originally as pear halves but which are irregular in size and shape in that more than one-fourth of the unit appears to have been removed at the outer curved surface and which have been cut further into pieces; or

(2) Mixtures of two or more of the following styles which may or may not be of normal shape: Halves, quarters, slices, diced, or whole.

§ 52.1613 Grades of canned pears.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of halves, quarters, slices, diced, or whole canned pears that:

(1) Possess similar varietal characteristics;
(2) Possess a normal flavor and odor;
(3) Possess a good color;
(4) Are practically uniform in size and symmetry;
(5) Are practically free from defects;
(6) Possess a good character; and
(7) For those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points:
(8) *Provided*, That halves, quarters, slices, diced, or whole canned pears may possess a reasonably good color and may be fairly uniform or reasonably uniform in size and symmetry, if the total score is not less than 90 points.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned pears that:

(1) Possess similar varietal characteristics;
(2) Possess a normal flavor and odor;
(3) Possess a reasonably good color;
(4) Are reasonably uniform in size and symmetry for the applicable style;
(5) Are reasonably free from defects;
(6) Possess a reasonably good character; and
(7) For those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points:
(8) *Provided*, That halves, quarters, slices, diced, or whole canned pears may be fairly uniform in size and symmetry, if the total score is not less than 80 points.

(c) "U.S. Grade C" (or "U.S. Standard") is the quality of halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned pears that:

(1) Possess a normal flavor and odor;
(2) Possess a fairly good color;
(3) Are fairly uniform in size and symmetry for the applicable style;
(4) Are fairly free from defects;
(5) Possess a fairly good character; and
(6) For those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(d) "Substandard" is the quality of canned pears that fail to meet the applicable requirements of U.S. Grade C and is the quality of canned pears that may or may not meet the minimum standard of quality for canned pears issued pursuant to the Federal Food, Drug, and Cosmetic Act.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, AND FILL WEIGHTS

§ 52.1614 Liquid media and Brix measurements for canned pears.

"Cut-out" requirements for liquid media in canned pears are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurements, as applicable, for the respective designations are as follows:

Designations	*Brix measurement*
"Extra heavy sirup" or "Extra heavy pear juice sirup."	22° or more but not more than 35°.
"Heavy sirup" or "Heavy pear juice sirup"	18° or more but less than 22°.
"Light sirup" or "Light pear juice sirup"	14° or more but less than 18°.
"Slightly sweetened water" or "Slightly sweetened pear juice."	Less than 14°.
"In water"	Packed in water.
"In pear juice"	Packed in pear juice.
"Artificially sweetened"	Water artificially sweetened with saccharin, sodium saccharin, calcium cyclamate, sodium cyclamate, or any combination of two or more of these, and may be thickened with pectin.

§ 52.1615 Fill of container for canned pears.

The standard of fill of container for canned pears is the maximum quantity of the pear units which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient. Canned pears that do not meet this requirement are "Below Standard in Fill."

§ 52.1616 Recommended drained weights for canned pears.

(a) *General.* (1) The minimum drained weight recommendations for the various applicable styles in Table I of this subpart are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) The recommended minimum drained weights are based on equalization of the product 30 days or more after the product has been canned.

(b) *Method for ascertaining drained weight.* The drained weight of canned pears is determined by emptying the contents of the container, turning the seed cavities down in halves, upon a United States Standard No. 8 circular sieve, of proper diameter, containing 8 meshes to the inch (0.0937-inch ±3 percent, square openings) so at to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and pears less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(c) *Compliance with recommended drained weights.* A lot of canned pears is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended average drained weight (designated as "Avg." in Tables Ia, Ib, and Ic of this subpart); and

(2) The number of sample units which fail to meet the recommended minimum drained weight for individuals (designated as "indv." in Tables Ia, Ib, and Ic of this subpart) does not exceed the applicable acceptance number specified in the single sampling plan contained in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products.

TABLE Ia—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED PEARS

[Halves styles]

Container designation (metal, unless otherwise stated)	In any sirup or other liquid medium	
	Indv.[1]	Avg.[2]
	Ounces	*Ounces*
8 Z glass	4.0	4.7
8 Z tall	4.1	4.8
No. 300:		
7 count or less	7.6	8.4
8 count or more	7.9	8.7
No. 303 glass:		
7 count or less	8.1	9.0
8 count or more	8.4	9.3
No. 303:		
7 count or less	8.4	9.3
8 count or more	8.7	9.6
No. 2:		
7 count or less	10.2	11.4
8 count or more	10.6	11.7
No. 2½ glass:		
8 count or less	14.6	16.0
9–12 count	15.1	16.5
13 count or more	15.4	16.8
No. 2½:		
8 count or less	15.0	16.4
9–12 count	15.5	16.9
13 count or more	15.8	17.2
No. 10:		
23 count or less	60.2	62.7
24–43 count	61.6	64.1
44 count or more	62.0	64.5

TABLE Ib—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED PEARS

[Styles of quarters; slices; mixed pieces of irregular sizes and shapes]

Container designation (metal, unless otherwise stated)	In any sirup or other liquid medium	
	Indv.[1]	Avg.[2]
	Ounces	*Ounces*
6 oz. (300 x 200)	3.2	3.7
8 Z glass	4.4	5.0
8 Z tall	4.4	5.0
No. 300	8.2	8.9
No. 303 glass	8.8	9.6
No. 303	9.0	9.8
No. 2	10.9	11.8
No. 2½ glass	15.8	16.9
No. 2½	16.1	17.2
No. 10	63.5	65.5

TABLE Ic—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED PEARS

[Diced style]

Container designation (metal, unless otherwise stated)	In any sirup or other liquid medium	
	Indv.[1]	Avg.[2]
	Ounces	*Ounces*
6 oz. (300 x 200)	3.5	3.8
8 Z glass	5.1	5.6
8 Z tall	5.2	5.6
No. 300	9.2	9.7
No. 303 glass	10.0	10.6
No. 303	10.1	10.7
No. 2	12.5	13.0
No. 2½ glass	18.0	18.8
No. 2½	18.2	19.0
No. 10	67.3	69.0

[1] "Indv." means the minimum drained weight for individual containers.
[2] "Avg." means the minimum average drained weights from all the containers in the sample.

§ 52.1617 Recommended fill weights for canned pears.

(a) *General.* The minimum fill weight recommendations for the various applicable styles in Tables IIa, IIb, and IIc of this subpart are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purpose of these grades.

(b) *Method for ascertaining fill weight.* The fill weight of canned pears for the applicable styles is determined in accordance with the United States Department of Agriculture "Variables Control Chart Plan" and adaptations thereto, as applicable to processed fruits and vegetables and related products.

(c) *Definitions of terms and symbols.* "Subgroup" means a group of sample units representing a portion of a sample.

$\bar{X}'_{min}$ means the minimum lot average fill weight.
$LWL_{\bar{X}}$ means the lower warning limit for subgroup averages.
$LRL_{\bar{X}}$ means the lower reject limit for subgroup averages.
LWL means the lower warning limit for individual fill weight measurements.
LRL means the lower reject limit for individual fill weight measurements.
$\bar{R}'$ means a specified average range value.
R_{max} means a specified maximum range for a subgroup.

(d) *Subgroup size.* The subgroup size for the determination of fill weights shall be 5 sample units.

(e) *Compliance with recommended fill weights.* Compliance with the recommended fill weights for canned pears shall be in accordance with the acceptance criteria specified in the United States Department of Agriculture "Variables Control Chart Plan" and adaptations thereto, as applicable to processed fruits and vegetables and related products.

TABLE IIa—RECOMMENDED FILL WEIGHTS FOR CANNED PEARS

[Halves style]

Container designation (metal, unless otherwise stated)	$\bar{X}'_{min}$	$LWL_{\bar{X}}$	$LRL_{\bar{X}}$	LWL	LRL	$\bar{R}'$	R_{max}
	Ounces	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
8 Z tall	5.1	4.6	4.4	4.1	3.6	1.2	2.5
No. 300:							
7 count or less	8.8	8.2	7.9	7.5	6.8	1.5	3.2
8 count or more	9.1	8.5	8.2	7.8	7.1	1.5	3.2
No. 303 glass:							
7 count or less	9.5	8.9	8.5	8.1	7.4	1.6	3.4
8 count or more	9.8	9.2	8.8	8.4	7.7	1.6	3.4
No. 303:							
7 count or less	9.8	9.2	8.8	8.4	7.7	1.6	3.4
8 count or more	10.1	9.5	9.1	8.7	8.0	1.6	3.4
No. 2:							
7 count or less	11.8	11.1	10.7	10.2	9.4	1.9	3.9
8 count or more	12.3	11.6	11.2	10.7	9.9	1.9	3.9
No. 2½ glass:							
8 count or less	16.8	15.9	15.4	14.8	13.8	2.3	4.9
9–12 count	17.3	16.4	15.9	15.3	14.3	2.3	4.9
13 count or more	17.6	16.7	16.2	15.6	14.6	2.3	4.9
No. 2½:							
8 count or less	17.2	16.3	15.8	15.2	14.2	2.3	4.9
9–12 count	17.7	16.8	16.3	15.7	14.7	2.3	4.9
13 count or more	18.0	17.1	16.6	16.0	15.0	2.3	4.9
No. 10:							
23 count or less	66.0	64.5	63.7	62.6	60.9	4.0	8.4
24–43 count	67.5	66.0	65.2	64.1	62.4	4.0	8.4
44 count or more	68.0	66.5	65.7	64.6	62.9	4.0	8.4

TABLE IIb—RECOMMENDED FILL WEIGHTS FOR CANNED PEARS

[Styles of quarters; slices; mixed pieces of irregular sizes and shapes]

Container designation (metal, unless otherwise stated)	$\bar{X}'_{min}$	$LWL_{\bar{X}}$	$LRL_{\bar{X}}$	LWL	LRL	$\bar{R}'$	R_{max}
	Ounces	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
6 oz. (300 x 200)	4.0	3.6	3.4	3.2	2.8	0.9	2.0
8 Z glass	5.2	4.8	4.6	4.4	4.0	0.9	2.0
8 Z tall	5.3	4.9	4.7	4.5	4.1	0.9	2.0
No. 300	9.4	8.9	8.7	8.4	7.9	1.3	2.5
No. 303 glass	10.2	9.7	9.4	9.1	8.5	1.3	2.7
No. 303	10.4	9.9	9.6	9.3	8.7	1.3	2.7
No. 2	12.6	12.0	11.7	11.3	10.6	1.6	3.2
No. 2½ glass	18.0	17.3	17.0	16.5	15.7	1.7	3.7
No. 2½	18.3	17.6	17.3	16.8	16.0	1.7	3.7
No. 10	70.0	68.7	68.1	67.2	65.3	3.3	6.9

Table IIc—Recommended Fill Weights for Canned Pears

[Diced style]

Container designation (metal, unless otherwise stated)	$\bar{X}'_{min}$	LWL$_{\bar{X}}$	LRL$_{\bar{X}}$	LWL	LRL	$\bar{R}'$	R_{max}
	Ounces	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
6 oz. (300 x 200)	4.2	4.0	3.8	3.7	3.4	0.6	1.2
8 Z glass	6.0	5.8	5.6	5.5	5.2	0.6	1.2
8 Z tall	6.0	5.8	5.6	5.5	5.2	0.6	1.2
No. 300	10.4	10.0	9.8	9.6	9.2	0.9	2.0
No. 303 glass	11.4	11.0	10.8	10.5	10.0	1.1	2.2
No. 303	11.5	11.1	10.9	10.6	10.1	1.1	2.2
No. 2	14.0	13.5	13.3	13.0	12.5	1.2	2.5
No. 2½ glass	20.1	19.6	19.3	19.0	18.4	1.3	2.7
No. 2½	20.3	19.8	19.5	19.2	18.6	1.3	2.7
No. 10	74.5	73.4	72.9	72.1	70.9	2.8	5.9

Factors of Quality

§ 52.1618 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.*
(i) Varietal characteristics.
(ii) Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Uniformity of size and symmetry	20
Absence of defects	30
Character	30
Total Score	100

(b) *Definition of flavor and odor.* "Normal flavor and odor" means that the canned pears are free from objectionable flavors and objectionable odors of any kind.

§ 52.1619 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means "18, 19, or 20 points").

§ 52.1620 Color.

(a) *General.* The factor of color refers to the color typical of the variety and its uniformity in each unit and among the units. The factor of color for canned pears that are spiced is not based on any detailed requirements and is not scored but the color shall be normal for peeled spiced canned pears; the other three factors (uniformity of size and symmetry, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) (*A*) *classification.* Halves, quarters, slices, diced, or whole styles of canned pears that possess a good color may be given a score of 18 to 20 points. "Good color" means that:

(1) The units of pears individually and collectively possess a characteristic, practically uniform color that is a typical light yellow-white or light greenish-white color for properly prepared and properly processed canned pears;

(2) Any skin pigment on the units may affect no more than slightly the overall color of the units or the product;

(3) There is otherwise no more than a slight variation from an ideal color and translucency for properly prepared and properly processed canned pears; and

(4) In halves, quarters, slices, or whole styles not more than 10 percent by count of the units may possess "reasonably good color," provided none of such units are "dead white" (or "chalky") in appearance; or

(5) One unit of halves, quarters, slices, or whole in a container is permitted to have "reasonably good color" if such unit exceeds the allowance of 10 percent by count: *Provided,* That in all containers comprising the sample such "reasonably good color" units do not exceed an average of 10 percent of the total number of units.

(c) (*B*) *classification.* Halves, quarters, slices, diced, or whole styles of canned pears that possess a reasonably good color and mixed pieces of irregular sizes and shapes style of canned pears that possess at least a reasonably good color may be given a score of 16 or 17 points. Mixed pieces of irregular sizes and shapes of canned pears that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good color" means that:

(1) The units of pears individually and collectively possess a reasonably characteristic and reasonably uniform typical color of properly prepared and properly processed canned pears;

(2) Any skin pigment on the units may materially affect the overall color of the units or product;

(3) Such characteristic color may show a very slight tint of pink or brown or may show a lack of uniformity or may vary in translucency; and

(4) In halves, quarters, slices, whole, or mixed pieces of irregular sizes and shapes styles not more than 10 percent by count of the units may possess "fairly good color" including units that may be "dead white" (or "chalky") in appearance; or

(5) One unit of halves, quarters, slices, whole, or of mixed pieces of irregular sizes and shapes in a container is permitted to have "fairly good color" including a unit that may be "dead white" (or "chalky") in appearance if such unit exceeds the allowance of 10 percent by count: *Provided,* That in all containers comprising the sample such "fairly good color" units do not exceed an average of 10 percent of the total number of units.

(d) (*C*) *classification.* Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes styles of canned pears that possess a fairly good color may be given a score of 14 or 15 points. Canned pears that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the units of pears individually and collectively may vary noticeably from a uniform, characteristic color; may be "dead white" (or "chalky") in appearance; may have a slight pink or brown cast but not a definitely pink or brown color; and are not off-color for any reason.

(e) (*SStd.*) *classification.* Canned pears that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1621 Uniformity of size and symmetry.

(a) *General.* The factor of uniformity of size and symmetry for mixed pieces of irregular sizes and shapes of canned pears is not based on any detailed requirements and is not scored; the other three factors (color, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) (*A*) *classification.* Halves, quarters, slices, diced, or whole canned pears that are practically uniform in size and symmetry may be given a score of 18 to 20 points. "Practically uniform in size and symmetry" has the following meanings (and as summarized in Table III of this subpart) with respect to the following styles of canned pears:

(1) *Halves; quarters; whole.* The units are very symmetrical and the weight of the largest full-size unit does not exceed the weight of the smallest full-size unit by more than 50 percent; the weight of each half is not less than ⅜ ounce; and the weight of each quarter is not less than 3/10 ounce.

(2) *Slices.* Not more than 10 percent, by count, of the units vary noticeably from the uniform shape of slices.

(3) *Diced.* The units are fairly symmetrical and not more than 10 percent, by weight, of the units may be of such size as to pass through 5/16-inch square openings.

(c) (*B*) *classification.* Halves, quarters, slices, diced, or whole canned pears that are reasonably uniform in size and symmetry may be given a score of 16 or 17 points. "Reasonably uniform in size and symmetry" has the following meanings (and as summarized in Table III of this subpart) with respect to the following styles of canned pears:

(1) *Halves; quarters; whole.* The units are reasonably symmetrical and the weight of the largest full-size unit does not exceed the weight of the smallest full-size unit by more than 75 percent; the weight of each half is not less than ⅜ ounce; and the weight of each quarter is not less than 3/10 ounce.

(2) *Slices.* Not more than 15 percent, by count, of the units vary noticeably from the uniform shape of slices.

(3) *Diced.* The units may vary in symmetry and not more than 15 percent, by weight, of the units may be of such size as to pass through 5/16-inch square openings.

(d) (*C*) *classification.* Halves, quarters, slices, diced, or whole canned pears that are fairly uniform in size and symmetry may be given a score of 14 or 15 points. "Fairly uniform in size and symmetry" has the following meanings (and as summarized in Table III of this subpart) with respect to the following styles of canned pears:

(1) *Halves; quarters; whole.* The units may vary in symmetry and the weight of the largest full-size unit may be not more than twice the weight of the smallest full-size unit; the weight of each half is not less than ⅜ ounce; and the weight of each quarter is not less than 3/10 ounce.

(2) *Slices.* Not more than 20 percent, by count, of the units vary noticeably from the uniform shape of slices.

(3) *Diced.* The units may vary in symmetry and not more than 20 percent, by weight, of the units may be of such size as to pass through 5/16-inch square openings.

(e) (*SStd*) *classification.* Canned pears of the applicable styles which fail to meet paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above the following stated grade, regardless of the total score for the product (this is a limiting rule):

(1) Halves, quarters, or whole canned pears in which the weight of the largest full-size unit is more than twice the weight of the smallest full-size unit shall not be graded above Substandard and are also "Below Standard in Quality—Mixed Sizes."

(2) Halves of canned pears in which the weight of any half is less than ⅜ ounce shall not be graded above Substandard and are also "Below Standard in Quality—Small Halves."

(3) Quarters of canned pears in which the weight of any quarter is less than 3/10 ounce shall not be graded above Substandard and are also "Below Standard in Quality—Small Quarters."

(4) Slices and diced canned pears shall not be graded above Substandard.

Table III—Uniformity of Size and Symmetry Requirements for Canned Pears

Styles and criteria	(A) Classification	(B) Classification	(C) Classification
Halves; quarters; whole: Symmetry of units	Very symmetricial	Reasonably symmetrical.	May vary.
Weight variation (smallest unit vs. largest unit).	50% maximum	75% maximum	100% maximum.
Weight of individual unit: Halves	⅜ ounce minimum	⅜ ounce minimum	⅜ ounce minimum.
Quarters	3/10 ounce minimum	3/10 ounce minimum	3/10 ounce minimum.
Slices: Variation from uniform shape.	10%, by count, may vary noticeably.	15%, by count, may vary noticeably.	20%, by count, may vary noticeably.
Diced: Variation in symmetry	Fairly symmetrical	May vary	May vary.
Size that pass through 5/16-inch square openings.	10%, by weight, maximum.	15%, by weight, maximum.	20%, by weight, maximum.

§ 52.1622 Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless vegetable material; from peel; from external stems; from interior stems, seeds, core material or portions thereof; from blemished units; from improperly, insufficiently, or unevenly trimmed units for the applicable style; and from any other defects or defective units which detract from the appearance or edibility of the product.

(b) *Definitions of defects and defective units.* (1) "Interior stems" means an interior stem or portion of an interior stem of any length that is definitely fibrous, tough, or woody which affects the edibility of the unit.

(2) "Loose seed" means any pear seed, or the equivalent in pieces of one seed, not included in core material.

(3) A unit of "core material" means portions of a seed cell cavity or of a loose core, with or without seeds, aggregating approximately one-half of a pear core. "Core material" in "whole-peeled uncored" style is not considered a defect.

(4) "Minor blemishes" on a unit include:

(i) Light brown areas, aggregating the area of a circle ¼ inch or less in diameter, which significantly affect the appearance of the unit;

(ii) Definitely corky or hard spots ("corns") on outer surfaces, aggregating the area of a circle ½ inch in diameter or less, which are not accompanied by material discoloration;

(iii) Any similar surface defect that no more than materially affects the appearance of the unit.

(5) "Blemishes" on a unit include:

(i) Scab, hail injury, discoloration (abnormal), or other abnormality, aggregating the area of a circle more than ¼ inch in diameter;

(ii) Dark brown areas, aggregating the area of a circle ¼ inch or less in diameter, which materially affect the appearance of the unit;

(iii) Definitely corky or hard spots ("corns") on outer surfaces, aggregating the area of a circle more than ½ inch in diameter, which are not accompanied by material discoloration; and

(iv) Very dark brown, black, or other very dark spots, regardless of area, which materially affect the appearance or edibility of the unit.

(6) "Moderately trimmed" in the style of halves means that the unit:

(i) Is noticeably trimmed but retains the resemblance of a normal shape for the unit; and/or

(ii) Has gouges or similar cuts, identations, or knife marks on the backs, edges, or surfaces that no more than materially affect the appearance of the unit; and/or

(iii) Shows marks of double stemming; and/or

(iv) Possesses moderate trimming on the face; and/or

(v) Is deeply or nonsymetrically cored and stemmed.

(7) "Moderately trimmed" in the style of quarters or whole means that the unit:

(i) Is noticeably trimmed but retains the resemblance of a normal shape for the unit; and/or

(ii) Has gouges or similar cuts, indentations, or knife marks on the edges or surfaces that no more than materially affect the appearance of the unit.

(8) "Seriously trimmed" in the style of halves means that the unit:

(i) Is more than moderately trimmed; and/or

(ii) Is so trimmed (including gouges on the backs, edges, or surfaces) that the appearance is seriously affected but the unit retains a reasonably normal shape; and/or

(iii) Is so trimmed that parts of the calyx have not been removed so that the appearance is seriously affected.

(9) "Seriously trimmed" in the style of quarters or whole means that the unit:

(i) Is more than moderately trimmed; and/or

(ii) Is so trimmed (including gouges on the edges or surfaces) that the appearance is seriously affected but the unit retains a reasonably normal shape.

(10) "Crushed" means that in the styles of halves, quarters, slices, or whole the unit:

(i) Has lost its normal shape; and/or

(ii) Bears marks of crushing; and/or

(iii) Is crushed otherwise but not due to ripeness.

(11) "Broken" means that in the styles of halves, quarters, slices, or whole the unit:

(i) Is severed into definite parts; but halves which are slightly split from the edge to the core cavity or at the stem end are not "broken";

(ii) Portions equivalent to a full-size unit are considered as "one unit" in determining the percentage by count.

(12) "Other defects" or "other defective units" include:

(i) Any not specifically defined or mentioned (such as, but not limited to, a unit in halves style which is only partially cored) which materially affect the appearance or edibility of the unit;

(ii) Any not specifically defined or mentioned (such as, but not limited to, a unit in halves style which is not completely cored) which seriously affect the appearance or edibility of the unit.

(c) *Explanation of terms.* For the purposes of Table IV of this subpart:

(1) "1 unit" without further qualification means that an alternative allowance

of one unit affected as described is permitted in a container when the percentage allowance by count would be exceeded by the one unit.

(2) "1 unit (avg)" means that an allowance of one unit affected as described is permitted in a container when the percentage allowance by count would be exceeded by the one unit: *Provided*, That in all containers comprising the sample such units affected as described do not exceed the allowance on an average based on the total number of units in the sample.

(3) "Ounces" means avoirdupois weight based on total contents.

(d) (*A*) *classification.* Halves, quarters, slices, diced, whole styles of canned pears that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the canned pears are practically free from any defects not specifically mentioned that may affect the appearance or edibility of the product no more than slightly; and, in addition, the canned pears meet the requirements of Table IV for the applicable style.

(e) (*B*) *classification.* Halves, quarters, slices, diced, or whole styles of canned pears that are reasonably free from defects and mixed pieces of irregular sizes and shapes style of canned pears that are at least reasonably free from defects may be given a score of 24 to 26 points. Canned pears that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned pears are reasonably free from any defects not specifically mentioned that materially affect the appearance or edibility of the product; and, in addition the canned pears meet the requirements of Table IV for the applicable style.

(f) (*C*) *classification.* Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes styles of canned pears that are fairly free from defects may be given a score of 21 to 23 points. Canned pears that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned pears are fairly free from any defects not specifically mentioned that seriously affect the appearance or edibility of the product; and, in addition the canned pears meet the requirements of Table IV for the applicable style.

(g) (*SStd*) *classification.* Canned pears which fail to meet the requirements of paragraph (f) of this section may be given a score of 0 to 20 points and shall not be graded above the following stated grades, as applicable, regardless of the total score for the product (this is a limiting rule):

(1) Halves, quarters, whole canned pears shall not be graded above Substandard and may also be "Below Standard in Quality" for the applicable reasons:

Not well peeled.
Partly crushed or broken.
Unevenly trimmed.
Blemished.

(2) Sliced, diced, mixed pieces of irregular sizes and shapes canned pears shall not be graded above Substandard and may also be "Below Standard in Quality" for the applicable reasons:

Not well peeled.
Blemished.

TABLE IV—MAXIMUM ALLOWANCES FOR DEFECTS OR DEFECTIVE UNITS IN CANNED PEARS

All styles, except as otherwise stated	Grade A	Grade B	Grade C
Peel	¼ sq. in. (average) per 16 ozs.	½ sq. in. (average) per 16 ozs.	1 sq. in. (average) per 16 ozs.
External stems	1 per 100 ounces	1 per 100 ounces	1 per 100 ounces.
Interior stems	1 per 60 ounces	1 per 30 ounces	1 per 15 ounces.
Units of core material [1]	1 per 60 ounces	1 per 30 ounces	1 per 15 ounces.
Loose seeds	1 per 30 ounces	1 per 15 ounces	1 per 10 ounces.
Broken or crushed [2]	6% by count (or) 1 unit	10% by count (or) 1 unit	10% by count (or) 1 unit.
Seriously trimmed [2]	None	None	10% by count (or) 1 unit.
Moderately trimmed [2]	10% by count	20% by count	No limit.
Minor blemishes; and blemished.	*Total* 10% by count but no more than 5% by count blemished (or) 1 unit (avg.).	*Total* 20% by count but no more than 10% by count blemished (or) 1 unit (avg.).	*Total* 30% by count but no more than 20% by count blemished (or) 1 unit (avg.).

[1] Does not apply to styles of: Whole peeled uncored.
[2] Does not apply to styles of: Diced or mixed pieces.
[3] Does not apply to styles of: Sliced, diced, or mixed pieces.

§ 52.1623 Character.

(a) *General.* The factor of character refers to the degree of ripeness, the texture, and tenderness of the product.

(b) (*A*) *classification.* Halves, quarters, slices, diced, or whole canned pears that possess a good character may be given a score of 27 to 30 points. "Good character" has the following meanings with respect to the various styles of canned pears:

(1) *Halves; quarters.* The units possess a texture typical of properly and uniformly ripened pears that are properly processed; the texture is fleshy and free from noticeable graininess or toughness; the units are tender; the units are uniformly intact and pliable but firm enough to possess well-defined edges with no visible breaking down of the flesh; and not more than 10 percent, by count, of the units may possess a reasonably good character. One unit in a container is permitted to have a reasonably good character if one unit exceeds the allowance of 10 percent, by count: *Provided*, That in all containers comprising the sample, the units with reasonably good character do not exceed an average of 10 percent, by count, of the total number of units.

(2) *Whole.* The units possess a texture typical of properly and uniformly ripened pears that are properly processed; the texture is fleshly and free from noticeable graininess or toughness; the units are uniformly intact and firm with no visible breaking down of the flesh; and not more than 10 percent, by count, of the units may possess a reasonably good character. One unit in a container is permitted to have a reasonably good character if one unit exceeds the allowance of 10 percent, by count: *Provided*, That in all containers comprising the sample the units with reasonably good character do not exceed an average of 10 percent, by count, of the total number of units.

(3) *Slices; diced.* The product generally possess a texture typical of properly and uniformly ripened pears that are properly prepared and processed and not more than 10 percent, by weight, of the drained pears may be disintegrated or mushy.

(c) (*B*) *classification.* Halves, quarters, slices, diced, or whole canned pears that possess a reasonably good character and mixed pieces of irregular sizes and shapes of canned pears that possess at least a reasonably good character may be given a score of 24 to 26 points. Canned pears that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to the following styles of canned pears:

(1) *Halves; quarters; mixed pieces of irregular sizes and shapes.* The units possess a texture typical of properly ripened pears that are properly processed; the units may possess a texture of moderate graininess; the units are reasonably tender or the tenderness may be variable within the unit; the units may be slightly firm or slightly ragged with slightly frayed edges or slightly soft but are not mushy; and not more than 10 percent, by count, of the units may possess a fairly good character. One unit in a container is permitted to have a fairly good character if one unit exceeds the allowance of 10 percent, by count: *Provided*, That in all containers comprising the sample the units with fairly good character do not exceed an average of 10 percent, by count, of the total number of units.

(2) *Whole.* The units possess a texture typical of properly ripened pears that are properly processed; the units may possess a texture of moderate graininess; the units are reasonably tender or the tenderness may be variable within the unit; the units may be slightly firm or slightly ragged or slightly soft but are not mushy; and not more than 10 percent, by count, of the units may possess a fairly good character. One unit in a container is permitted to have a fairly good character if one unit exceeds the allowance of 10 percent, by count: *Provided*, That in all containers comprising the sample the units with fairly good character do not exceed an average of 10 percent, by count, of the total number of units.

(3) *Slices, diced.* The product generally possesses a texture typical of properly ripened pears that are properly prepared and processed and not more than 15 percent, by weight, of the drained pears may be disintegrated or mushy.

(d) (*C*) *classification.* Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned pears that possess a fairly good character may be given a score of 21 to 23 points. Canned pears that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meanings with respect to the following styles of canned pears:

(1) *Halves; quarters; mixed pieces of irregular sizes and shapes.* The units possess a texture of properly processed pears which may be variable; the units may possess a texture of marked graininess; the units may be lacking uniformity of tenderness; the units may be markedly firm or markedly ragged with frayed edges or may be soft; and not more than 10 percent, by weight, of the drained pears may be mushy or consist of units with hard-calyx ends or units that are not tender.

(2) *Whole.* The units possess a texture of properly processed pears which may be variable; the units may possess a texture of marked graininess; the units may be lacking uniformity of tenderness; the units may be markedly firm or markedly ragged or soft; and not more than 10 percent, by count, of the units may be mushy or consist of units with hard-calyx ends or units that are not tender. One unit in a container is permitted to be mushy or possess hard-calyx ends or not tender; *Provided*, That in all containers comprising the sample, all of such units do not exceed an average of 10 percent, by count, of the total number of units.

(3) *Slices; diced.* The product generally possesses a texture typical of properly prepared and processed pears and not more than 20 percent, by weight, of the drained pears may be disintegrated or mushy.

(e) (*SStd*) *classification.* Halves, quarters, slices, diced, whole, and mixed pieces of irregular sizes and shapes of canned pears that fail to meet the requirements of paragraph (d) of this section or that are "not tender" may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule). Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned pears that are "not tender" are also "Below Standard in Quality—Not Tender."

LOT INSPECTION AND CERTIFICATION

§ 52.1624 Ascertaining the grade of a lot.

The grade of a lot of canned pears covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.1625 Score sheet for canned pears.

Size and kind of container			
Container mark or identification			
Label			
Net weight (ounces)			
Vacuum (inches)			
Drained weight (ounces)			
Styles: ( ) Halves, ( ) Quarters, ( ) Whole, ( ) Sliced, ( ) Diced, ( ) Mixed pieces, [1]			
Count			
Brix measurement			
Sirup designation (extra heavy, heavy, etc.)			
Factors	**Score points**		
Color	20	(A) 18–20 (B) [2] 16–17 (C) [2] 14–15 (SStd) [3] 0–13	
Uniformity of size and symmetry	20	(A) 18–20 (B) 16–17 (C) 14–15 (SStd) [3] 0–13	
Absence of defects	30	(A) 27–30 (B) [2] 24–26 (C) [2] 21–23 (SStd) [3] 0–20	
Character	30	(A) 27–30 (B) [2] 24–26 (C) [2] 21–23 (SStd) [3] 0–20	
Total score	100		
Flavor and odor: ( ) Normal, ( ) Off			
Grade			

[1] Limited to Grade B, or lower.
[2] Partial limiting rule (Mixed pieces style).
[3] Limiting rule.

Dated: September 20, 1962.

F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 62-9565; Filed, Sept. 26, 1962; 8:45 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1003, 1016]

[Docket Nos. AO-293-A8, AO-312-A3]

MILK IN WASHINGTON, D.C., AND UPPER CHESAPEAKE BAY MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Washington, D.C., and Upper Chesapeake Bay marketing areas, which was issued September 7, 1962 (27 F.R. 9066), is hereby extended to September 24, 1962.

Signed at Washington, D.C., on September 24, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F. R. Doc. 62-9658; Filed, Sept. 26, 1962; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 924) has been filed by The Borden Company, 350 Madison Avenue, New York 17, New York, proposing the amendment of §§ 121.1034 and 121.1035 of the food additive regulations to provide for the safe use of up to 50 parts per million of BHT (butylated hydroxytoluene) and BHA (butylated hydroxyanisole) as an antioxidant in potato flakes.

Dated: September 21, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9633; Filed, Sept. 26, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13852; RM-102, RM-183]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Augusta, Bangor, Calais and Presque Isle, Maine; Order Extending Time for Filing Reply Comments

1. On July 30, 1962, the Commission released a further notice of proposed rule making in this proceeding in which comments and reply comments were invited to be submitted by August 31, 1962, and September 10, 1962, respectively. In an order released August 31, 1962, these dates were extended to September 14, 1962, and September 24, 1962, respectively.

2. On September 18, 1962, Community Telecasting Service, Bangor, Maine, filed a request for a 10-day extension of time in which to submit reply comments, giving as grounds therefor the fact that comments filed on September 14, 1962, included extensive engineering showings which will require detailed study for the preparation of meaningful reply comments.

3. We are of the opinion that good cause has been shown and that an ex-

tension of time for filing reply comments should be granted.

4. In view of the foregoing: *It is ordered*, This 19th day of September 1962, That the request for extension of time for filing reply comments filed by Community Telecasting Service is granted and that the time for filing reply comments in this proceeding is extended from September 24, 1962, to October 4, 1962.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.241(d)(8) of the Commission's rules.

Released: September 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9642; Filed, Sept. 26, 1962; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 19, 1962.

The Bureau of Indian Affairs has filed an application, Serial Number F. 028706 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws. The applicant desires the land for use as a school reserve.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 555 Cordova Street, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

POINT BARROW, ALASKA

Parcel "D"

Start from the southeast corner of the Point Barrow School property, marked by an iron pipe in the ground; thence S. 76°58' W., 273.0 feet to the true point of beginning; thence S. 76°58' W., 294.0 feet to a point known as the southwest corner of the Point Barrow school property, also the southeast corner of the Point Barrow National Guard tract; thence S. 76°58' W., 106.98 feet to the southwest corner of the Point Barrow National Guard tract; thence S. 13°02' E., 700.0 feet to a point; thence N. 76°58' E., 350.0 feet; thence N. 13°02' W., 460 feet; thence N. 19°08' E., 283.54 feet to the true point of beginning.

Containing approximately 6.04 acres.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-9631; Filed, Sept. 26, 1962; 8:48 a.m.]

ALASKA

Notice of Hearing on Proposed Withdrawal of Public Lands

SEPTEMBER 18, 1962.

Notice is hereby given that a public hearing will be held at 1:30 P.M., Thursday, November 15, 1962, in the basement of the Z. J. Loussac Public Library, Anchorage, Alaska, pertaining to the request by the Alaska Railroad, Department of the Interior (Anchorage Serial No. 057782), for the withdrawal from all forms of appropriation under the public land laws, including the mining laws, of the lands described hereafter for industrial purposes, as set forth in the notice of proposed withdrawal and reservation of lands, published in the FEDERAL REGISTER on August 18, 1962, Vol. 27, Page 8287. The lands are described as follows:

ANCHORAGE AREA

Beginning at a point which bears west 625.29 feet from C 1/4 Corner of Section 7, T. 13 N., R. 3 W., S.M.; thence West 569.50 feet; thence N. 2°30' W., 111.0 feet; thence N. 56°30' E., 230 feet; thence N. 67°30' E., 108.5 feet; thence N. 79°25' E., 113 feet; thence N. 87°10' E., 161.5 feet; thence S. 1°25' E., 308.7 feet to the point of beginning for this description.

Containing 3.2 acres, more or less.

The hearing will be open to attendance of opponents to the withdrawal who may state their views and to proponents of the withdrawal who may explain its purpose, intent and extent; and to all interested persons, who desire to be heard on the subject. Those who desire to be heard in person at the hearing and those who desire to submit written statements should file notice thereof no later than November 8, 1962, with the State Director, Bureau of Land Management, Cordova Building, Anchorage, Alaska.

WARNER T. MAY,
Acting State Director.

[F.R. Doc. 62-9630; Filed, Sept. 26, 1962; 8:47 a.m.]

[Group 353]

ARIZONA

Notice of Filing of Plat of Survey

SEPTEMBER 19, 1962.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m. on October 25, 1962:

GILA AND SALT RIVER MERIDIAN

T. 37 N., R. 15 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, SE¼, E½SW¼;
Sec. 7, lots 1, 2, 3, 4, E½NW¼, E½SW¼, NE¼, SE¼;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, lots 1, 2, 3, 4, E½NW¼, E½SW¼, NE¼, SE¼;
Sec. 19, lots 1, 2, 3, 4, E½NW¼, E½SW¼, NE¼, SE¼;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 30, lots 1, 2, 3, 4, E½NW¼, E½SW¼, NE¼, SE¼;
Sec. 31, lots 1, 2, 3, 4, E½NW¼, E½SW¼, NE¼, SE¼;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all.

Within the above described areas are 23,043.93 acres.

2. Available data indicates that the lands in this township are mostly residual, rocky, shallow, poorly developed sandy clay, with large areas of sandstone and a few limestone outcrops.

3. The above described lands are hereby restored to the operation of the public land laws; subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 62-9620; Filed, Sept. 26, 1962; 8:45 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 21, 1962.

The Bureau of Sport Fisheries and Wildlife, United States Department of the Interior, has filed application, Serial No. Los Angeles 0170932, for the withdrawal of about 2,841 acres of public lands in the sections and townships described below, from all forms of appropriation under the public land laws, including mining laws, but not the mineral leasing laws, subject to existing withdrawals and to valid existing rights.

On February 19, 1929, these lands were withdrawn under the first form of withdrawal as provided in section 3 of the Reclamation Act of June 17, 1902.

The applicant desires the land for inclusion as part of the Cibola National Wildlife Refuge to preserve and enhance ancestral waterfowl wintering grounds.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

SAN BERNARDINO MERIDIAN

T. 10 S., R. 21 E.,
Secs. 1, 11, 12, 13, 14, and 25.
T. 10 S., R. 22 E.,
Secs. 19, 30, and 31.
T. 11 S., R. 22 E.,
Secs. 6, 7, 8, 17, and 20.

The areas described, including both public and nonpublic lands, aggregate 2,840.77 acres.

OLIVER W. JOHNSON, JR.,
Acting Manager,
Land Office, Riverside.

[F.R. Doc. 62-9640; Filed, Sept. 26, 1962; 8:50 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 21, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Los Angeles 0134245, for the withdrawal of certain lands from location and entry, under the general mining laws, subject, however, to existing withdrawals and to valid existing rights.

The lands have previously been withdrawn for the Inyo National Forest by Presidential Proclamation, January 23, 1904, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit the use of such lands for recreation and campground areas, which use is incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MT. DIABLO MERIDIAN

T. 3 S., R. 26 E., unsurveyed,
Sec. 15, S½SE¼.
T. 4 S., R. 26 E., unsurveyed,
Sec. 11, W½NE¼, E½NW¼, and E½SW¼.
T. 2 S., R. 27 E.,
Sec. 21, SE¼SE¼;
Sec. 22, SW¼SW¼;
Sec. 27, NW¼NW¼;
Sec. 28, NE¼NE¼.
T. 4 S., R. 30 E.,
Sec. 33, N½S½NE¼, S½N½NE¼, and N½NW¼.
T. 8 S., R. 31 E.,
Sec. 9, SW¼NE¼, E½E½SW¼, and W½W½SE¼;
Sec. 29, S½SW¼SW¼, unsurveyed;
Sec. 30, SE¼SE¼SE¼, unsurveyed;
Sec. 31, E½NE¼NE¼ and SE¼SE¼, unsurveyed;
Sec. 32, NW¼NW¼ and W½SW¼NW¼, unsurveyed.
T. 9 S., R. 32 E.,
Sec. 35, NE¼SE¼ and N½SE¼SE¼;
Sec. 36, S½SE¼NW¼, N½NW¼SW¼, and SE¼NW¼SW¼.
T. 9 S., R. 33 E.,
Sec. 31, lot 1.
T. 13 S., R. 33 E., unsurveyed,
Sec. 25, N½SW¼.
T. 13 S., R. 34 E.,
Sec. 4, SW¼ of lot 12, SW¼SE¼ of lot 12, and N½NE¼ of lot 13;
Sec. 5, S½SW¼ of lot 9, SE¼ of lot 9, S½NE¼ of lot 14, NW¼SE¼ of lot 14, NE¼ of lot 15, S½NW¼ of lot 15, NW¼NE¼ of lot 16, and NW¼ of lot 16;
Sec. 20, E½SE¼SE¼;
Sec. 21, SW¼SW¼;
Sec. 28, NW¼NE¼, N½SE¼NE¼, N½NE¼NW¼, and N½NW¼NW¼.
T. 15 S., R. 34 E.,
Sec. 35, NE¼SE¼;
Sec. 36, W½SW¼NW¼NE¼, SW¼NE¼, E½SW¼NE¼NW¼, SE¼NE¼NW¼, SE¼SW¼NW¼, and SE¼NW¼.

The above described area contains approximately 1,504 acres of Federal land.

OLIVER W. JOHNSON, JR.,
Acting Manager,
Land Office, Riverside.

[F.R. Doc. 62-9641; Filed, Sept. 26, 1962; 8:50 a.m.]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 17, 1962.

Notice of an application Serial No. Sacramento 047050, for withdrawal and reservation of lands was published as F.R. Doc. 57-7292, on pages 7156 and 7157 of the issue for September 6, 1957. Notices of correction of the land decription were published as F.R. Doc. 57-7917, on page 7716 of the issue for September 27, 1957; and as F.R. Doc. 58-3414, on page 3071 of the issue for May 8, 1958. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on October 23, 1962, relieved of the segregative effect of the abovementioned application.

The lands terminated are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

ADMINISTRATIVE SITES

John Day

T. 19 N., R. 11 W.,
Sec. 15: SW¼SW¼.

Montague

T. 23 N., R. 11 W.,
Sec. 11: S½SE¼SE¼;
Sec. 12: SW¼SW¼SW¼;
Sec. 13: W½NW¼NW¼;
Sec. 14: NE¼NE¼, SW¼NE¼, NW¼SE¼NE¼.

Cedar Camp

T. 16 N., R. 8 E.,
Sec. 1: NE¼SE¼.

Sheetiron

T. 19 N., R. 6 W.,
Sec. 22: NW¼NE¼, S½NE¼, SW¼NW¼, E½SW¼NW¼, E½NW¼SW¼, NE¼SW¼, NW¼SE¼;
Sec. 23: NW¼NW¼NW¼.

The area described totals approximately 510 acres in the Mendocino National Forest.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 62-9619; Filed, Sept. 26, 1962; 8:45 a.m.]

[Group No. 464]

CALIFORNIA

Notice of Filing of Plat of Survey

1. Plat of Survey of the lands described below will be officially filed in the Land Office, Riverside, California, effective at 10 a.m., on September 25, 1962:

SAN BERNARDINO MERIDIAN

T. 29 S., R. 38 E.,
Sec. 34, Lots 4 and 5;
Sec. 35, Lots 5 to 16, inclusive;
Sec. 36, Lots 5 to 14, inclusive.

The area described aggregates 795.83 acres.

2. The plat represents a retracement and reestablishment of a portion of the south boundary.

3. Land use characteristics: The lands described lie within Fremont Valley, north of Koehn Dry Lake. They are typically flat, desert land with only scattered rabbit, salt and greasewood brush.

4. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, and the provisions of applicable laws, rules and regulations.

5. No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application.

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claim must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims.

7. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 1414 Eighth Street, Riverside, California.

OLIVER W. JOHNSON,
Acting Manager.

[F.R. Doc. 62-9621; Filed, Sept. 26, 1962; 8:46 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 20, 1962.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado-079652, for the withdrawal from location and entry under the General Mining Laws, subject to existing valid claims, certain public lands in the sections and townships described below.

The applicant desires the land for use as additional areas for campgrounds and public recreation, located in the San Isabel National Forest. The specific areas are:

Collegiate Peaks Campground Addition.
Cottonwood Lake Campground Addition.
Fox Lake Campground Area.
Lake Isabel Winter Sports Area.
Lazy Acres Organization Camp Addition.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Gas and Electric Building, 910 15th Street, Denver 2, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

6TH PRINCIPAL MERIDIAN, COLORADO

SAN ISABEL NATIONAL FOREST

T. 14 S., R. 80 W.,
In Secs. 22, 27 and 36.
T. 15 S., R. 80 W.,
In Secs. 1 and 2.
T. 24 S., R. 68 W.,
In Secs. 7, 16, and 18.
T. 24 S., R. 69 W.,
In Secs. 12, and 13.

The above-described area in San Isabel National Forest aggregates approximately 909 acres.

J. ELLIOTT HALL,
Manager, Land Office,
Denver.

[F.R. Doc. 62-9622; Filed, Sept. 26, 1962; 8:46 a.m.]

[No. 63-7]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 18, 1962.

The Bureau of Sports Fisheries and Wildlife, Fish and Wildlife Service, United States Department of the Interior, has filed an application, Serial No. Oregon 05641, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining laws. Permits or leases covering valid occupancy will remain under jurisdiction of the Bureau of Land Management. Hunting will be allowed on the withdrawn lands in accordance with the rules and regulations of the Secretary. The withdrawn islands will be open to recreation uses on a regulated basis on designated sites.

The applicant desires the land as an addition to the Snake River National Wildlife Refuge as a refuge and breeding ground for migratory birds and other wildlife.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 N.E. Holladay, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

All of the islands in the Snake River in Oregon within the exterior limits of the following described areas:
T. 15 S., R. 46 E.,
Sec. 18.
T. 15 S., R. 47 E.,
Sec. 33.
T. 16 S., R. 47 E.,
Secs. 4, 9, 10;
Sec. 11: Lot 5;
Secs. 25, 36.
T. 21 S., R. 46 E.,
Secs. 13, 14, 22, 23, 27.
T. 21 S., R. 47 E.,
Secs. 6 and 7.

The islands within the above-described areas aggregate approximately 159.53 acres, more or less.

M. M. GORECKI,
Acting Manager, Land Office.

[F.R. Doc. 62-9623; Filed, Sept. 26, 1962; 8:46 a.m.]

Office of the Secretary

[Order No. 2870]

RICHARD S. ALLEMAN

Federal Petroleum Board; Delegation of Authority

SEPTEMBER 24, 1962.

SECTION 1. *Delegation of authority.* Mr. Richard S. Alleman, in matters assigned to him by the Chief, Conservation Division, Geological Survey, is authorized to exercise the authority and perform the functions of the Federal Petroleum Board.

SEC. 2. *Reports.* Reports on such matters shall be submitted through the Chief, Conservation Division, Geological Survey to the Assistant Secretary, Mineral Resources.

SEC. 3. *Redelegation.* The authority delegated by this Order may not be redelegated.

(49 Stat. 30, 30 U.S.C., sec. 715a-715k, Sec. 2, Executive Order 10752, 23 F.R. 973; sec. 2, Reorganization Plan No. 3 of 1950, 5 U.S.C., sec. 133z-15, note)

JAMES K. CARR,
Acting Secretary of the Interior.

[F.R. Doc. 62-9632; Filed, Sept. 26, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14511 etc.; FCC 62M-1262]

DELAWARE VALLEY BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Delaware Valley Broadcasting Co. (WAAT), Trenton, New Jersey, Docket No. 14511, File No. BP-14054; Asbury Park Press, Inc. (WJLK), Asbury Park, New Jersey, Docket No. 14514, File No. BP-14469; City of Camden (WCAM), Camden, New Jersey, Docket No. 14616, File No. BP-14638; for construction permits.

To obtain additional time to explore approaches which might lead to the grant of all three applications, and in light of the Commission's recent ultimate refusal of WAAT's tendered engineering amendment, Delaware Valley Broadcasting Company (WAAT) filed, on September 19, 1962, a motion for continuance of the hearing from October 1 to October 15, 1962. The other parties do not object to the continuance.

Accordingly, it is ordered, This 21st day of September 1962, that WAAT's motion for continuance is granted, and the hearing is rescheduled from October 1 to Monday, October 15, 1962, at 2 p.m., in the offices of the Commission, Washington, D.C.

Released: September 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9644; Filed, Sept. 26, 1962; 8:51 a.m.]

[Docket No. 14781]

PAUL HAYES SERVICE CENTER

Order To Show Cause

In the matter of Paul Hayes, d/b as Paul Hayes Service Center, West Long Branch, New Jersey; order to show cause why there should not be revoked the license for Radio Station 2W6620 in the Citizens Radio Service; Docket No. 14781.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Communications Act of 1934, as amended, by the subject licensee;

It appearing that, pursuant to section 308(b) of the Communications Act of 1934, as amended, the Commission, on November 16, 1961, directed a letter to the above-named licensee requesting that he furnish replies to certain inter-

rogatories therein relating to the operation of Citizens Radio Station 2W6620 within ten days of receipt of such letter; and

It further appearing that, although receipt of the Commission's letter of November 16, 1961, was acknowledged by the signature of the licensee's agent, Mrs. Paul Hayes, on November 18, 1961, to a Post Office Department return receipt for Certified Mail, no response was made there; and

It further appearing that, follow-up letters dated February 12 and August 6, 1962, respectively, were sent by the Commission to the above-captioned licensee calling his attention to his failure to respond and requesting reply thereto, both of which were received by his agent Caroline Hayes, but no response thereto was made; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended, and § 1.76 of the Commission's rules;

It is ordered, This 20th day of September 1962, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291 (b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the captioned radio station should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at 37 Oceanport Avenue, West Long Branch, New Jersey.

Released: September 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9655; Filed, Sept. 26, 1962; 8:52 a.m.]

[Docket No. 14733; FCC 62M-1259]

HUDSON VALLEY BROADCASTING CORP. (WEOK)

Order Continuing Hearing

In re application of Hudson Valley Broadcasting Corporation (WEOK), Poughkeepsie, New York, Docket No. 14733, File No. BP-14590; for construction permit.

Pursuant to agreement of counsel for all parties at the prehearing conference held on September 20, 1962: *It is ordered*, This 20th day of September, 1962, that the following procedural dates are established:

Exchange of applicant's engineering exhibits: October 24, 1962.
Exchange of balance of applicant's exhibits (lay exhibits): October 31, 1962.
Informal conference among counsel for all parties: November 9, 1962.
Final exchange of applicant's lay and engineering exhibits (with copies to the Hearing Examiner) with notification by applicant of witnesses it intends to produce to supplement its writen case: November 19, 1962.
Notification of witnesses, if any, desired for cross-examination: November 23, 1962.

It is further ordered, That the hearing, now scheduled to commence on October 16, 1962, is continued to 10:00 a.m., November 28, 1962.

Released: September 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9645; Filed, Sept. 26, 1962; 8:51 a.m.]

[Docket No. 14666; FCC 62M-1263]

KDIA, INC. (KDIA)

Order Continuing Hearing

In re application of KDIA, Inc., (KDIA), Oakland, California, Docket No. 14666, File No. BP-13723; for construction permit.

The Hearing Examiner having under consideration petition for extension of time, filed September 20, 1962, on behalf of the applicant herein;

It appearing that by order released August 10, 1962, provision was made for the exchange of engineering exhibits to be accomplished on or before October 15, 1962, and the hearing herein had previously been scheduled for October 22, 1962;

It appearing further that petitioner desires that the date for exchange of engineering exhibits be postponed to November 15, 1962, and that the hearing be rescheduled for December 10, 1962;

It appearing further that good cause exists why said petition should be granted, and the other parties, the Department of the Army and the Commission's Broadcast Bureau, interpose no objection to the granting of said request;

Accordingly, it is ordered, This 21st day of September 1962, that the petition be and the same is hereby granted; that the date for the exchange of engineering exhibits in this proceeding shall be accomplished on or before November 15, 1962; and the hearing herein now scheduled for October 22, 1962, be and the same is hereby rescheduled for December 10, 1962, 10:00 a.m. in the Commission's Offices, Washington, D.C.

Released: September 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9646; Filed, Sept. 26, 1962; 8:51 a.m.]

[Docket No. 14780]

KEYSER BROS. ORNAMENTAL IRON

Order To Show Cause

In the matter of Keyser Bros. Ornamental Iron, 10872 Date Street, Stanton, California; order to show cause why there should not be revoked the license for Radio Station 11Q0501 in the Citizens Radio Service; Docket No. 14780.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned radio station;

It appearing that pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed on March 15, 1962, alleging that on March 13, 1962, Citizens radio station 11Q0501 was operated with a frequency deviation in excess of that specified in § 19.33 of the Commissioner's rules.

It further appearing that the above-named licensee received the said Official Notice of Violation but did not make satisfactory reply thereto, whereupon the Commission, by letter dated May 4, 1962, and sent by Certified Mail (Cert. No. 091491)—return receipt requested—again brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within ten days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that although more than ten days have elapsed since the above-described letter was sent to the licensee, no response has been made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 19th day of September 1962, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.281(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: September 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9647; Filed, Sept. 26, 1962; 8:51 a.m.]

[Docket Nos. 14411, 14412; FCC 62M-1266]

LA FIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CORP.

Order Continuing Hearing

In re applications of J. R. Earnest and John A. Fische, d/b as La Fiesta Broadcasting Company, Lubbock, Texas, Docket No. 14411, File No. BP-14116; Mid-Cities Broadcasting Corporation, Lubbock, Texas, Docket No. 14412, File No. BP-15073; for construction permits.

Because the Hearing Examiner will be engaged in another proceeding (Docket No. 14617, etc.) in Saratoga Springs, N.Y., for approximately two weeks beginning October 1, 1962, he finds himself compelled to continue the hearing in the instant proceeding, now scheduled for October 9, 1962. The first available date convenient to all the parties is November 27, 1962.

Also, on the currently unlikely possibility that the Saratoga Springs hearing will conclude in time, a session for consideration of the reception of the depositions taken in Lubbock, Texas, on April 19 and 20, 1962, will be tentatively scheduled for October 11, 1962, with the understanding that this session will be canceled if the course of the Saratoga Springs hearing makes the Hearing Examiner's presence impossible. In that event the deposition-reception session will also be held on November 27.

Accordingly, it is ordered, This 21st day of September 1962, that

(1) The hearing is rescheduled from October 9 to Tuesday, November 27, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

(2) A deposition-reception session is scheduled for Thursday, October 11, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: September 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9648; Filed, Sept. 26, 1962; 8:52 a.m.]

[Docket Nos. 14192, 14718; FCC 62M-1253]

OUACHITA VALLEY RADIO CORP. AND CAMDEN COMMUNITY BROADCASTERS

Order Continuing Hearing

In re applications of Ouachita Valley Radio Corporation, Camden, Arkansas, Docket No. 14192, File No. BP-15213; Charles Mathis, Jr. and Thomas E. Dillahunty d/b as Camden Community Broadcasters, Camden, Arkansas, Docket No. 14718, File No. BP-14427; for construction permits.

A prehearing conferenece in the above-entitled matter having been held on September 17, 1962;

It appearing that there is pending a petition to dismiss its application filed by Camden Community Broadcasters;

It further appearing that a grant of the said petition may moot all of the designated issues, and obviate the necessity for a formal hearing herein:

It is ordered, That the hearing heretofore scheduled to commence on October 18, 1962, is continued without date pending further order of the Hearing Examiner.

Released: September 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9649; Filed, Sept. 26, 1962; 8:52 a.m.]

[Docket Nos. 14527, 14528; FCC 62M-1257]

PEOPLE'S BROADCASTING CO. AND GABRIEL BROADCASTING CO.

Order Continuing Hearing

In re applications of People's Broadcasting Company (WPBC), Minneapolis, Minnesota, Docket No. 14527, File No. BP-13692; Nicholas Tedesco and Victor J. Tedesco, d/b as Gabriel Broadcasting Company, Chisholm, Minnesota, Docket No. 14528, File No. BP-14416; for construction permits.

The Hearing Examiner having under consideration a "Joint Petition For Continuance Of Hearing" filed by the applicants in the above-entitled matter on September 18, 1962, and

It appearing that the Broadcast Bureau has no opposition to the grant of the petition, and

It further appearing that the only other party, Federal Aviation Agency, has not filed an appearance in this matter and apparently has no interest in it, and

It further appearing that good cause for the continuance has been shown:

It is ordered, This 20th day of September 1962, that the aforesaid petition is granted and the hearing now scheduled for September 28, 1962, is continued to 10:00 a.m., November 7, 1962, in the Commission's offices in Washington, D.C.

Released: September 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9650; Filed, Sept. 26, 1962; 8:52 a.m.]

[Docket No. 14728; FCC 62M-1264]

ROBERT W. SELTZER

Order Continuing Hearing

In the matter of the application of Robert W. Seltzer, Docket No. 14728, File No. 2913-C2-P-62; for a construction permit to establish a new station for one-way signaling communications in the Domestic Public Land Mobile Radio Service at Hartford, Connecticut.

Pursuant to agreement of counsel for all parties at the prehearing conference held on September 21, 1962: *It is ordered*, This 21st day of September 1962, that the following procedural dates are established:

Exchange of applicant's and respondent's engineering and nonengineering exhibits (with copies to the Hearing Examiner) and identification of the persons each will produce for oral testimony: November 16, 1962.
Informal conference among counsel and engineers for all parties: November 28, 1962.

It is further ordered, That the hearing, now scheduled to commence on October 4, 1962, is continued to 10:00 a.m., December 17, 1962.

Released: September 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9651; Filed, Sept. 26, 1962; 8:52 a.m.]

[Docket No. 14753; FCC 62M-1260]

RALPH YAGO

Order Scheduling Hearing

In the matter of Ralph Yago, Pittsburgh, Pennsylvania, Docket No. 14753; order to show cause why there should not be revoked the license for Radio Station 20W1705 in the Citizens Radio Service.

It is ordered, this 21st day of September 1962, that Arthur A. Gladstone will preside at the hearing in the above-entitled proceeding which is hereby scheduled to be held in Pittsburgh, Pennsylvania, commencing October 31, 1962.

Released: September 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9652; Filed, Sept. 26, 1962; 8:52 a.m.]

[Docket Nos. 14384; 14390; FCC 62M-1265]

YORK-CLOVER BROADCASTING CO., INC., AND RISDEN ALLEN LYON

Order Continuing Hearing

In re applications of York-Clover Broadcasting Company, Incorporated, York, South Carolina, Docket No. 14384, File No. BP-13898; Risden Allen Lyon, Charlotte, North Carolina, Docket No. 14390, File No. BP-14661; for construction permits.

The Hearing Examiner having under consideration a motion filed September 19, 1962, on behalf of Risden Allen Lyon requesting that the evidentiary hearing in the above-entitled proceeding now scheduled for September 20, 1962 be continued indefinitely; and

It appearing that the reason for the requested continuance is the fact that the Broadcast Bureau opposes the "Joint Petition for Commission Approval of Merger Agreement and For Dismissal" of the WYCL application and urges the

Commission to afford other persons an opportunity to apply for the facilities that WYCL had applied for; and

It further appearing that there are no objections to the immediate favorable consideration of this motion and good cause for granting the motion having been shown;

It is ordered, This the 19th day of September 1962, that the motion is granted and the evidentiary hearing in the above-entitled proceeding now scheduled for September 20, 1962, is continued to a date to be specified after the Commission has acted on the presently pending joint petition for approval of the merger agreement.

Released: September 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9653; Filed, Sept. 26, 1962; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

MEMORANDUM OF UNDERSTANDING AND AGREEMENT BETWEEN BUSINESS AND DEFENSE SERVICES ADMINISTRATION, DEPARTMENT OF COMMERCE, AND AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

Scope of Term "Farm Equipment" as Used in Executive Orders 10480, 10998 and 10999

Correction

In F.R. Doc. 62-9459, appearing at page 9418 of the issue for Friday, September 21, 1962, under the heading of Farm Wagons, etc., in Appendix A, the entry reading "Wagons, carts, sleds and water carts, can." should read "Wagons, carts, sleds and water carts, cane.".

FEDERAL POWER COMMISSION

[Docket No. CP62-151]

FLORIDA GAS TRANSMISSION CO.

Notice of Continuance of Hearing

SEPTEMBER 20, 1962.

Take notice that the hearing now scheduled for September 24, 1962, on Florida Gas Transmission Company's Application for a Certificate of Public Convenience and Necessity in Docket No. CP61-151, is continued without date and subject to further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9613; Filed, Sept. 26, 1962; 8:45 a.m.]

[Docket No. E-7056]

PACIFIC POWER & LIGHT CO.

Notice of Application

SEPTEMBER 20, 1962.

Take notice that on September 14, 1962, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Pacific Power & Light Company (Applicant), for authorization to issue and sell to its employees, over a period of up to five years not to exceed 203,840 shares of its authorized but unissued common stock, par value $3.25 per share. Applicant is incorporated under the laws of the State of Maine and does business in the States of Oregon, Washington, Wyoming, California, Montana, and Idaho, with its principal place of business at Portland, Oregon.

Applicant proposes to issue and sell to its employees the aforementioned common stock in accordance with the terms and conditions of Applicant's Employees' Stock Purchase Plan, in which all regular, full-time employees, including officers but excluding directors not otherwise employed by Applicant, are eligible to participate. Under the plan, applications must be for the purchase of a minimum of 10 shares of the stock, but not more than 400 shares will be allotted to any one employee in any one calendar year. The purchase price of the stock to employees will be 95 percent of the average of the daily bid prices publicly quoted for Applicant's common stock by members of the National Association of Securities Dealers, Inc., for the calendar month preceding the month in which an offering is commenced; if, however, Applicant's common stock should be listed on a national securities exchange, as defined in the Securities Exchange Act of 1934, the price to employees will be 95 percent of the price at which the last sale of such stock, in lots of 100 shares, on such exchange was made on the last trading day preceding the day on which an offering to employees is commenced. Applicant's Employees' Stock Purchase Plan represents a continuation of a program commenced in 1953 and the subject of previous stock issuances (Docket Nos. E-6490, E-6773 and E-6955). Applicant states that the net proceeds from the issuance and sale of its common stock, for which authorization is now requested, will be applied to payments for the construction, improvement and extension of its electric facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 9th day of October 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9615; Filed, Sept. 26, 1962; 8:45 a.m.]

[Docket No. CP63-24]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application and Date of Hearing

SEPTEMBER 20, 1962.

Take notice that on July 25, 1962, Panhandle Eastern Pipe Line Company (Applicant), P.O. 1348, Kansas City 41, Missouri, filed in Docket No. CP63-24 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Northern Natural Gas Company (Northern) from certain properties in the Hugoton Field, Stevens County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant owns a 27.13212 percent undivided interest in the subject properties with the remaining undivided interest being owned by Saturn Oil and Gas Company (Saturn). Saturn has recently become operator of the well on the subject properties, which function previously had been carried out by Northern. Saturn has received authorization in Docket No. G-5999 for its part of the sale, but Applicant has not received authorization for the sale of its interest in the subject gas.

The subject gas will be sold by Applicant at 11 cents per Mcf at 14.65 psia.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 25, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 15, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9616; Filed, Sept. 26, 1962; 8:45 a.m.]

[Docket No. CP63-23]

OHIO FUEL GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 20, 1962.

Take notice that on July 24, 1962, The Ohio Fuel Gas Company (Applicant), 99 North Front Street, Columbus, Ohio, filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of additional transmission pipeline and storage compressor facilities in Licking, Knox, and Richland Counties, Ohio, to enable Applicant to increase its capacity to serve the growing requirements of existing markets and to assure adequate market service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically Applicant proposes to construct and operate the following facilities, together with valves, fittings and incidental facilities necessary for practical operation:

(1) 4,320 Bhp storage compressor station (identified as Lucas Station) for operation in conjunction with Weaver Storage area;

(2) 15.3 miles of 24-inch O.D. pipeline looping part of Line L-2450 between Treat and Weaver Stations; and

(3) 9.2 miles of 24-inch O.D. pipeline from the proposed Lucas Station to Pavonia Station.

Applicant states that the proposed facilities are necessary to provide the required increased capability necessary for Applicant to inject into and withdraw from storage the volumes necessary to meet its market requirements for 1963 and thereafter.

Applicant estimates the total cost of the proposed facilities to be $4,443,000. Financing for the construction of the subject facilities will be provided by Applicant's parent, The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 30, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 19, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9614; Filed, Sept. 26, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

SEPTEMBER 21, 1962.

The common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manpulative acts or practices, this order to be effective for a period of nine (9) days, September 22, 1962, through September 30, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-9627; Filed, Sept. 26, 1962; 8:47 a.m.]

[File No. 1-3412]

PROSPER OIL AND MINING CO.

Order and Notice of Hearing

SEPTEMBER 21, 1962.

I. Prosper Oil and Mining Company (Registrant), a Utah corporation, filed an application for registration of its common stock of the par value of ten cents with the Salt Lake Stock Exchange under section 12 of the Securities Exchange Act of 1934 and filed a duplicate, original Form 10 with the Commission. The registration became effective April 2, 1947.

II. Members of the staff have reported to the Commission certain information which tends to show that Registrant has failed to comply with the provisions of sections 13 and 16 of the Exchange Act in the following regards:

(1) In its current report on Form 8-K for April 1962, Registrant falsely claimed an exemption from the registration requirements of section 5 of the Securities Act of 1933, as amended, as to the sale and issuance of Registrant's common stock.

(2) Registrant has failed to report on Form 8-K, under Item 3 thereof, that on the 16th day of February 1962 the Commission issued orders temporarily suspending the Regulation A exemption from the registration under the Securities Act of 1933 with respect to offerings or proposed offerings of stock to the public by the Registrant.

(3) Registrant has failed to report on Form 8-K, under Item 3 thereof, that on the 25th day of April 1962 the State of Arizona, through its authorized agency, The Arizona Corporation Commission, Securities Division, ordered that Registrant cease and desist from engaging in any offer for sale or sale of securities within the State of Arizona, or doing any act in furtherance thereof, until and unless the securities are registered and the dealer introducing to sell or offer to sell such securities is registered, pursuant to the laws of the State of Arizona.

(4) Registrant has failed to file current Forms 8-K and 10-K during the years 1961 and 1962, as required by section 13 of the Securities Exchange Act of 1934 and the rules and regulations promulgated thereunder, until the present date so as not to disclose the issuance of stock to insiders, officers, directors and controlling persons of Registrant and which has acted as a fraud and deceit within the meaning of section 10 (b) of the Securities Exchange Act of 1934, upon the Commission, the Salt Lake Stock Exchange and members of the public.

(5) The officers, directors, and controlling persons of the registrant have failed to file current Forms 3, 4, and 6 reporting ownership and changes in the ownership of securities of the Registrant; and

The Commission having, by order dated August 16, 1962, ordered a hearing in the matter of Prosper Oil and Mining Company, File No. 24D-2566, pursuant to section 3(b) of the Securities Act of 1933, as amended, and Rule 261 thereunder to be held on October 8, 1962, at 10:00 a.m. at the Los Angeles Branch office of the Commission before Robert N. Heslop, or such other hearing officer as the Commission may designate; and

The Denver Regional office of the Commission having requested that the hearing in the matter of Prosper Oil and Mining Company hereinafter to be ordered and the aforementioned proceedings be consolidated, and

The Commission having been duly advised in the premises and having considered the matter and it appearing to the Commission that the aforesaid matters involve several common questions of law and fact and that a consolidation of the hearings in these matters may tend to avoid unnecessary costs and delay;

III. *It is ordered*, That a public hearing pursuant to section 19(a)(2) of the Securities Exchange Act of 1934 be held October 8, 1962, at 10:00 o'clock a.m., P.d.s.t., at the Los Angeles Branch Office, Room 309 Guaranty Building, 6331 Hollywood Boulevard, Los Angeles, California, to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding 12 months, or to withdraw the registration of the common stock of Registrant on the Salt Lake Stock Exchange for violation of section 10(b) and for failure to comply with sections 13 and 16 of the Act and the rules and regulations adopted thereunder, as set forth in paragraph II above:

It is further ordered, That Robert N. Hislop, an officer of the Commission, or such other officer as the Commission may designate, is hereby designated and assigned as hearing officer in the proceeding and is authorized to exercise the powers and perform the duties of the Commission and any other duties which may be authorized to perform in accordance with law:

It is further ordered, That the public hearing in the matter of Prosper Oil and Mining Company, File No. 24D–2566 heretofore ordered to be held in the Los Angeles Regional office of the Commission at 10:00 a.m., P.d.s.t. on October 8, 1962, be, and the same hereby is, consolidated with the public hearing in the matter of Prosper Oil and Mining Company, File No. 1–3412 ordered hereinbefore.

Notice of Such Hearing is hereby given to Registrant, the Salt Lake Stock Exchange and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceedings should file with the Hearing Officer or Secretary of the Commission on or before October 1, 1962, his application therefore, as provided by the Rules of Practice of the Commission, setting forth therein any of the above matters of issues of fact or law upon which he desires to be heard and any additional issues he desires raised by the foresaid order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–9626; Filed, Sept. 26, 1962; 8:46 a.m.]

[File No. 1–3412]

PROSPER OIL AND MINING CO.

Order Summarily Suspending Trading

SEPTEMBER 21, 1962.

The common stock of the par value of ten cents, of Prosper Oil and Mining Company, being listed and registered on the Salt Lake Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such stock on such exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in said security on the Salt Lake Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period September 21, 1962, to September 30, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–9628; Filed, Sept. 26, 1962; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–XV–2 (Rev. 3)]

CHIEF, PROCUREMENT AND TECHNICAL ASSISTANCE

Delegation Relating to Procurement and Technical Assistance

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 7) (27 F.R. 6247), there is hereby redelegated to the Chief, Procurement and Technical Assistance Division, the authority:

A. *Procurement and technical assistance.* 1. To determine joint set-asides for Government procurements and sales.

2. To make original determinations and determinations upon reconsiderations thereof as to which concerns are small businesses within the meaning of the Small Business Size Standards Regulation, as amended, except authority is not delegated in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements, unless otherwise authorized; nor is authority delegated for the issuance of Small Business Certificates. This authority is limited to the Procurement and Technical Assistance program.

B. *Administration.* 1. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

2. To authorize or approve official travel for employees under his supervision.

II. The authority delegated in subsection I.A.1. may be redelegated. All other authority herein may not be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Chief, Procurement and Technical Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Procurement and Technical Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the effective date hereof.

Effective date: August 9, 1962.

ROBERT F. PHILLIPS, *Regional Director, Detroit Regional Office.*

[F.R. Doc. 62–9629; Filed, Sept. 26, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 696]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 24, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 35378. By order of September 19, 1962, the Transfer Board approved a lease to K. L. Breeden & Sons, Inc., Terrell, Texas, of Certificate No. MC 52694 issued June 28, 1961, to C & R Trucking Co., a corporation, Tulsa, Okla., authorizing the transportation of machinery, materials, supplies, and equipment incidental to, or used in, the construction development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, over irregular routes, between points in Oklahoma, Kansas, and Texas. James W. Hightower, 136 Wynnewood Professional Building, Dallas 24, Tex., attorney for applicants.

No. MC–FC 65087. By order of September 19, 1962, the Transfer Board approved the transfer to Louis Rose, doing business as Rose Trucking, Waterloo, Iowa, of a portion of Certificate No. MC 46510, issued May 19, 1955, to W. G. Van Vlack, doing business as Vans Motor Service, Manchester, Iowa, authorizing the transportation of: Agricultural implements and parts, from specified cities in Illinois, Wisconsin, and Iowa, to named cities and towns in Iowa, and hardware, from Chicago, Ill., to Waverly and Artesian, Iowa. John Beekman, 201 First National Building, Waterloo, Iowa, attorney for applicants.

No. MC–FC 65291. By order of September 19, 1962, the Transfer Board approved the transfer to Danella Bros., Inc., Norristown, Pa., of Certificates in Nos. MC 93944, MC 93944 Sub-1 and MC 93944 Sub 2, issued November 7, 1960, August 28, 1961 and April 5, 1962, respectively, to Carmen Danella and Nicholas Danella, a partnership, doing busing as Danella Brothers, Norristown, Pa., authorizing the transportation of: Such bulk commodities, as are usually transported in dump trucks, between points in Bucks County, Pa., on the one hand, and, on the other, Lambertville, N.J., and points in New Jersey within 40 miles of Lambertville; from Morrisville, Pa., to specified points in New Jersey; and from Morrisville, Pa., and points in Falls Township, Bucks County, Pa., to points in New Jersey. William E. Zelter, Morgan, Lewis & Bocklus, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa., attorney for applicants.

No. MC–FC 65319. By order of September 18, 1962, the Transfer Board approved the transfer to Harford Motor Coach, Inc., Baltimore, Md., of Certificate No. MC 89221, issued April 30, 1956, to John A. Rossi, Frank L. Rossi, Alice M. Rossi, and Domenick Rossi, a partnership, doing business as Harford Motor Coach Company, Baltimore, Md., authorizing the transportation of passengers and their baggage in the same vehicle with passengers, restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from Baltimore, Md., and points within 10 miles of Baltimore, to points in Virginia, West Virginia, North Carolina, Pennsylvania, New York, New Jersey, Delaware, and the District of Columbia, and return; and passengers and their baggage in the same vehicle with passengers, in charter operations, in round-trip tours, beginning and ending at Baltimore, Md., and points within 10 miles of Baltimore, with no pickup or discharge of passengers or their baggage at any other point, and extending to points in South Carolina, Georgia, Florida, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, and Ohio. James E. Wilson, 716 Perpetual Building, 1111 E Street, Washington 4, D.C., attorney at law.

No. MC–FC 65336. By order of September 17, 1962, the Transfer Board approved the transfer to Mrs. Myrtle Norton Kelly and Walter G. Kling, a partnership, doing business as Norton Truck Line, New Orleans, La., of Permit No. MC 76289, issued July 22, 1953, to Mrs. Robert K. Norton and Walter G. Kling, a partnership, doing business as Norton Truck Line, New Orleans, La., authorizing the transportation of petroleum products, in packages, and filling station supplies and equipment over irregular routes, between New Orleans and Destrehan, La., on the one hand, and, on the other, points in Louisiana, Mississippi, Tennessee, and Alabama. Herman M. Baginsky, 902 Whitney Building, New Orleans 12, La., attorney at law.

No. MC–FC 65340. By order of September 14, 1962, the Transfer Board approved the transfer to C. D. Zimmerman, Inc., Mifflintown, Pa., of Certificates Nos. MC 10115, MC 10115 Sub-7, and MC 10115 Sub-8, issued August 25, 1955, January 11, 1961, and December 21, 1961, respectively, to Calvin D. Zimmerman, Mifflin, Pa., authorizing the transportation over irregular routes, of animal and poultry feed, animal and poultry equipment, germicides, fungicides, insecticides, disinfectants, herbicides, hand garden sprayers and hand duster and weed-killing compound, from Wilmington, Del., and points within 1 mile thereof to Philadelphia and Belfry, Pa., and points within 10 miles of Belfry, with empty containers on return; fertilizer, from Baltimore, Md., and points within 5 miles thereof, to points in Bucks, Delaware, and Montgomery Counties, Pa., and from Wilmington, Del., to points in Montgomery County, Pa., from Carteret, N.J., to Lucon and Norristown, Pa., and from Carteret, Camden, and Trenton, N.J., and Baltimore, Md., to points in Pennsylvania; feed, from Philadelphia, Pa., to points in that part of New Jersey south of a line beginning at Trenton, N.J., and extending along U.S. Highway 1 to the Rahway River, and thence along the Rahway River to the New Jersey coast, including points on the indicated portions of the highways specified; hay and straw, from Quakertown, Pa., to points in above-specified New Jersey territory, from Quakertown, Pa., and points in Pennsylvania within 15 miles of Quakertown, Pa., to points in New York, N.Y., Commercial Zone as defined by the Commission; poultry, from Denton, Md., and Harrington, Del., to Skippack, Pa., lumber, from Philadelphia, Pa., to Quakertown, Pa., from Fairview Village, Pa., and points within 5 miles thereof, to points in New Jersey; from points in Delaware, except Wilmington, Del., and from points in Maryland and Virginia to points in Philadelphia, Chester, and Montgomery Counties, Pa., radiators and boilers, and parts thereof, from Trenton, N.J., to points in Bucks and Montgomery Counties, Pa., agricultural commodities, from points in Montgomery County, Pa., to Camden, N.J., scales and signaling devices, from Belfry, and Skippack, Pa., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, and the District of Columbia; refractory products, from Templeton, Hayes, and Lock Haven, Pa., to points in Delaware, Maryland, New Jersey, New York, Ohio, Virginia, West Virginia, and the District of Columbia; from Claysburg, Mount Union, Sproul, and St. Marys, Pa., to the destination points specified above (except those in that part of New York east of the Hudson River and south of U.S. Highway 202, and those on Long Island west of New York 112, including New York, N.Y., and in Bergen, Passaic, Essex, Hudson, Union, Middlesex, Morris, Hunterdon, Somerset, and Warren Counties, N.J.), used pallets for transporting refractory products, from all destination points described immediately above to all origin points specified immediately above; crude clay, in bulk, in dump trailers, from Clearfield, Pa., and points within 25 miles thereof, to the plant site of American Vitrified Products Company, near Flagtown, Hillsboro Township, Somerset County, N.J., and firebrick, fireclay, and refractory products, from Salina (in Westmoreland County, Pa.), to points in New York, and points in Bergen, Passaic, Essex, Hudson, Union, Middlesex, Morris, Hunterdon, Somerset, and Warren Counties, N.J. John M. Musselman, 400 North Third Street, Harrisburg, Pa., attorney at law.

No. MC–FC 65341. By order of September 14, 1962, the Transfer Board approved the transfer to Jack E. Edson and Marjorie J. Edson, a partnership, doing business as Edson Express, Boulder, Colo., of the operating rights in Certificate No. MC 35227, issued October 29, 1940, to Mary Ella Lang, doing business as Lang Transit Lines, Longmont, Colo., authorizing the transportation, over a regular route, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Denver, Colo., and Longmont, Colo. William W. Gardner, 368 Main Street, P.O. Box 267, Longmont, Colo., applicants' attorney.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–9634; Filed, Sept. 26, 1962; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 24, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37957: *Lumber in southern territory.* Filed by O. W. South, Jr., Agent (No. A4238), for interested rail carriers. Rates on lumber, rough or dressed, noibn, in carloads, between points in southern territory, also Ohio and Mississippi River crossings, Virginia Cities gateway points and Washington, D.C., also from points in southern territory to St. Louis, Mo., and intermediate points on lines of southern carriers.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Southern Freight Association tariff I.C.C. S–295.

FSA No. 37958: *T.O.F.C. service—Paper articles from Brainerd, Minn.* Filed by Southwestern Freight Bureau, Agent (No. B–8270), for interested rail carriers. Rates on paper and paper articles, as described in the application, loaded in trailers, and transported on railroad flat cars, from Brainerd, Minn., to points in southwestern territory.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 17 to Southwestern Freight Bureau tariff I.C.C. 4480.

FSA No. 37959: *Chemicals returned—From, to, and between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8252), for interested rail carriers. Rates on vinyl chloride and vinylidene chloride, in tank-car loads, returned to original point of shipment, from, to, and between points in southwestern territory.

Grounds for relief: Carrier competition.

Tariff: Supplement 33 to Southwestern Freight Bureau tariff I.C.C. 4354.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9635; Filed, Sept. 26, 1962; 8:49 a.m.]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 89—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Miscellaneous Amendments

On August 17, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 8219) stating that the Civil Service Commission was considering certain amendments of the regulations governing the Federal Employees Health Benefits Program. Interested persons were allowed 30 days from the date of publication in which to submit written comments, suggestions, and objections.

Comments on the proposals were generally favorable in character. However, some carriers criticized the proposal for termination of coverage for employees entering the military service on the ground that the temporary extension of coverage for 31 days might result in duplicate coverage with Medicare, suggested that coverage for student-employees in a nonpay status be eliminated, and pointed out that the change proposed under § 89.3(m) could create an adverse selection and that sufficient notice of termination of coverage of a family member might not be given under the amendment to § 89.4(b).

The Commission made a thorough study of the comments, suggestions, and objections made and after careful and full consideration concluded that the amendments as published on August 17, 1962, would best serve the public interest and would not unduly burden carriers; and therefore,

It is ordered, That the amendment to § 89.3(e), the proposed new § 89.4(c), and the redesignation of previous § 89.4(c) as § 89.4(d) shall become effective October 1, 1962. Other amendments herein shall become effective November 1, 1962. The proposed amendments are hereby adopted without change with the effective dates as stated above.

(Sec. 10, 73 Stat. 715, 5 U.S.C. 3009)

UNITED STATES CIVIL SERVICE COMMISSION
MARY V. WENZEL,
Executive Assistant to the Commissioners.

Subpart A—Enrollment

§ 89.1 Definitions.

* * * * * *

(k) Whenever, in this part, a period of time is stated as a number of days or a number of days from an event, the period shall be computed in calendar days, excluding the day of the event. Whenever, in this part, a period of time is defined by beginning and ending dates, the period includes the beginning and ending dates.

§ 89.2 Coverage.

* * * * * *

(b) * * *

(2) Employees whose employment is of uncertain or purely temporary duration, or who are employed for brief periods at intervals, and employees who are expected to work less than six months in each year, except employees having career-conditional or career appointments who are employed under a cooperative work-study program of at least one year's duration which requires the employee to be in pay status during not less than one-third of the total time required for completion of the program.

§ 89.3 Enrollment.

* * * * * *

(e) *Open season.* (1) Not less often than once every three years, the Commission will by regulation provide every employee an opportunity for enrollment and change of enrollment, on such terms and conditions as it may prescribe.

(2) During the period October 1 to October 15, 1962, any employee who has not been an enrolled employee at any time during the period May 1, 1962, to September 30, 1962, may register to be enrolled. During the period October 1 to October 15, 1962, any employee enrolled for self alone may change his enrollment to self and family in the same plan and option.

(3) During the period October 1 to October 15, 1963, any employee who is not registered to be enrolled may register to be enrolled, and any enrolled employee may change his enrollment from one plan or option to another, or from self alone to self and family, or both.

(f) *Change in family status.* (1) An enrolled employee or annuitant may register to change his enrollment from himself alone to himself and family, and an employee, if registered not to be enrolled, may register to be enrolled, at any time during the period beginning 31 days before a change in marital status and ending 60 days after the change in marital status. An employee who registers to change his enrollment under the preceding sentence may, at the same time, register to change his enrollment to another plan or option. An enrolled employee or annuitant may change his enrollment from himself alone to himself and family within 60 days after any other change in family status.

(2) An employee or annuitant may at any time register to change his enrollment from self and family to self alone. An employee or annuitant who is covered by the enrollment of another under this part may register to be enrolled for self alone within 31 days after a registration to change the covering enrollment has been filed under authority of this paragraph.

(3) An employee who is not enrolled, but is covered by chapter 55 of title 10, United States Code, hereinafter referred to as Medicare, or by enrollment, under this part or Part 88, of another, may register to be enrolled within 31 days after termination of Medicare or the other's enrollment, other than by death or cancellation, and within 60 days after termination, by death, of Medicare or the other's enrollment. An employee-annuitant who was, immediately before retirement, covered by the enrollment of another under this part and had been covered (including enrollment in his own right) under this part since his first opportunity or for the five years immediately preceding his retirement, whichever is shorter, may enroll within 31 days after the termination of his coverage, other than by cancellation.

* * * * * *

(k) *On reaching 19.* An employee who is not registered to be enrolled may register to be enrolled within 31 days after his 19th birthday.

(l) *On return from a uniformed service.* (1) The enrollment of an employee or annuitant whose enrollment was terminated because he entered on duty in a uniformed service for a period of time not limited to 30 days or less shall be reinstated automatically on the day the employee is restored to a civilian position pursuant to Part 35 of this chapter or other similar authority or on the day the annuitant is separated from the uniformed service, as the case may be.

(2) An employee who enters on duty in a uniformed service for a period of time not limited to 30 days or less may register to enroll or to change his enrollment within 31 days after he is restored to a civilian position pursuant to Part 35 of this chapter or other similar authority; and an annuitant who enters on duty in a uniformed service for a period of time not limited to 30 days or less may register to change his enrollment within 31 days after he is separated from the uniformed service.

(m) *Change in employment status.* If an employee or annuitant is entitled to provide coverage for another by a self-and-family enrollment, but both are enrolled for self alone, he may change his enrollment to self and family within 31 days after the other's is terminated by a change in employment status which results in loss of eligibility.

(n) *Coverage of family enrollment.* An employee or annuitant who enrolls for self and family includes in his enrollment all members of his family who are eligible to be covered by his enrollment, but no person may be covered by two enrollments.

(o) *Enrollment by proxy.* In the discretion of the employing office, a representative of the employee or annuitant having a written authorization to do so may register for him.

§ 89.4 Effective date of enrollment.

• • • • •

(b) *Change to self alone.* The effective date of a change of enrollment under § 89.3(f)(2) is the first day of the first pay period after the Health Benefits Registration Form is received by the employing office.

(c) *Open season.* (1) The effective date of changes of enrollment under § 89.3(e) is the first day of the first pay period beginning on or after November 1 of the year in which the Health Benefits Registration Form is received by the employing office.

(2) The effective date of new enrollments under § 89.3(e) is the first day of the first pay period beginning on or after November 1 of the year in which the Health Benefits Registration Form is received by the employing office which follows a pay period in which the employee is in pay status, except that if the employee is a substitute in the postal field service the effective date of his new enrollment is the first day of the first pay period beginning on or after November 1 of the year in which the Health Benefits Registration Form is received which follows the sixth consecutive pay period in which he was in pay status and in each of which he drew sufficient pay, after other deductions, to permit withholding the amount necessary for his share of the cost of the health benefits plan he selects.

(d) *Generally.* The effective date of other enrollments or changes of enrollment is the first day of the first pay period which begins after the Health Benefits Registration Form is received by the employing office and which follows:

(1) A pay period during any part of which the employee, if not a substitute in the postal field service, or annuitant is in pay or annuity status, or

(2) If the employee is a substitute in the postal field service, the sixth consecutive pay period in which he was in pay status and in each of which he drew sufficient pay, after other deductions, to permit withholding the amount necessary for his share of the cost of the health benefits plan he selects.

§ 89.5 Continuation of enrollment.

• • • • •

(c) *Survivor annuitants.* If an employee who is entitled to health benefits coverage as a survivor annuitant elects to enroll or to continue to be enrolled under his eligibility as an employee, and is thereafter separated without entitlement to immediate annuity based on his own service his employee-acquired enrollment may be reinstated on application to his retirement office. Reinstatement shall be effective immediately after termination if the application is received by the retirement office within 60 days of separation; otherwise reinstatement will be effective on the first day of the first pay period following receipt of the application. Amounts necessary to pay the former employee's share of the cost of this enrollment will be withheld from the annuity which he receives as a survivor annuitant.

§ 89.6 Cancellation of enrollment.

An enrolled employee or annuitant may at any time register to cancel his enrollment by filing with his employing office a properly completed Health Benefits Registration Form. The cancellation becomes effective on the last day of the pay period following the pay period in which the Health Benefits Registration Form canceling his enrollment is received by his employing office except that the cancellation of an employee or annuitant having a monthly or four-weekly pay period will become effective at the end of the pay period in which the Health Benefits Registration Form is received if the Form is received not less than 15 days before the end of the pay period. He and the members of his family are not entitled to the temporary extension of coverage for conversion or to convert to an individual contract for health benefits.

§ 89.7 Termination of enrollment.

(a) *Of employees.* An employee's enrollment ceases, subject to the temporary extension of coverage for conversion, at midnight of the earliest of the following dates:

(1) The last day of the pay period in which he is (i) furloughed by reason of reduction in force, or (ii) separated from the service other than by retirement under conditions entitling him to continue his enrollment.

(2) The last day of the pay period in which his employment status changes so that he is excluded from enrollment.

(3) The last day of the pay period in which he dies, unless he leaves a member of the family entitled to continue enrollment as a survivor annuitant.

(4) The 365th day of continuous nonpay status.

(5) For substitutes in the postal field service whose enrollment is not terminated as otherwise provided in this section, the last day of the 13th consecutive pay period, exclusive of periods of approved leave without pay of six months or more, during which his pay was not sufficient to permit withholding of the amount necessary for his share of the cost of the health benefits plan in which he is enrolled.

(6) The day he is separated, furloughed, or placed on leave of absence in accordance with the provisions of Part 35 of this chapter or other similar authority for the purpose of permitting duty not limited to 30 days or less in a uniformed service.

(b) *Of annuitants.* An annuitant's enrollment ceases, subject to the temporary extension of coverage for conversion, at midnight of the last day of the pay period in which he dies, unless he leaves a member of the family entitled to continue enrollment as a survivor annuitant, or, if his enrollment is not terminated by death, at midnight of the earlier of the following dates:

(1) The last day of the last pay period for which he is entitled to annuity, unless he is eligible for continued enrollment as an employee, in which case his enrollment continues without change;

(2) The last day of the pay period in which his title to compensation under the Federal Employees Compensation Act, as amended, terminates, or in which he is held by the Secretary of Labor to be able to return to duty, unless he is eligible for continued enrollment as an employee or as an annuitant under a retirement system for civilian employees, in which cases his enrollment continues without change.

(3) The day he enters on active duty in a uniformed service for the purpose of performing duty not limited to 30 days or less.

(c) *Of members of the family.* The coverage of a member of the family of an enrolled employee or annuitant ceases, subject to the temporary extension of coverage for conversion, at midnight of the earlier of the following dates:

(1) The day on which he ceases to be a member of the family.

(2) The day the employee or annuitant ceases to be enrolled, unless the member is entitled, as a survivor anuitant, to continued enrollment, or is entitled to continued coverage under the enrollment of another.

§ 89.8 Temporary extension of coverage for conversion.

An employee or annuitant whose enrollment is terminated other than by cancellation of the enrollment or discontinuance of his plan, in whole or part, and a member of the family whose coverage is terminated other than by cancellation of the enrollment or discontinuance of the plan under which he is covered, in whole or part, is entitled to a 31-day extension of coverage for himself, or himself and family, as the case may be, without contributions by the enrolled person or the Government, during which he is entitled to exercise the right of conversion provided for by this part. A change from self and family to self only operates as a cancellation as to the members of the family. The 31-day extension of coverage and the right of conversion for any person ends upon the effective date of a new enrollment under this part which covers the person.

Subpart B—Approval of Plans and Carriers

• • • • •

§ 89.13 Application for approval of health benefits plans.

Application for approval of comprehensive medical plans may be made by letter to the United States Civil Service Commission, Washington 25, D.C. Approval of a plan will become effective on a date to be set by the Commission for the plan. Applications received less than six months in advance of a contract period will not be approved for that contract period.

[F.R. Doc. 62-9723; Filed, Sept. 27, 1962; 8:56 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Khapra Beetle

ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions appearing as 7 CFR 301.76-2a are hereby amended to read as follows:

§ 301.76-2a Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.

Infestation of the khapra beetle has been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a)

ARIZONA

C. Areboyo, chicken coop, located ¼ mile north of Farmers Investment Co. labor camp office, Sahuarita, P.O. Box 143, Sahuarita.

Farmers Investment Co., Baca Float Ranch, located on the east side of Highway 89, 3 miles south of Tumacacori, in Santa Cruz Co., P.O. Box 7, Sahuarita.

Farmers Investment Co., Continental Feed Lot, located 1 mile north of Continental, east side of Highway 89, Box 374, Nogales Star Route, Continental.

Farmers Investment Co., feed lot, located ½ mile east and ¾ mile north of Sahuarita, P.O. Box 7, Sahuarita.

Farmers Investment Company Grain Storage, located on the east side of Nogales Highway 89, 20 miles south of Tucson, P.O. Box 7, Sahuarita.

Farmers Investment Co., machine shop, located ¼ mile south of Continental store, P.O. Box 347, Continental.

Farmers Investment Co., Oro Verde Ranch, located ¼ mile east of Highway 89, 14 miles south of Tucson, P.O. Box 7, Sahuarita.

(b) The portion of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but the premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

State Chemical Co., 4156 East Grant Road, Tucson.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76-2)

These administrative instructions shall become effective September 28, 1962, when they shall supersede P.P.C. 612, effective August 21, 1962 (27 F.R. 8303).

Subsequent to the issuance of the administrative instructions effective August 21, 1962, an infestation of the khapra beetle was discovered on the property of Luis Guebara, Storage Shed, located at 220 North Horne Street, Mesa, Arizona. Movement of regulated articles from this property was immediately stopped. Within a few days the infested premises had been fumigated in their entirety and declared free of khapra beetle infestation. Accordingly, this property is not being included as a regulated area in the present instructions.

The principal purpose of this revision is to revoke the designation as regulated areas of certain premises in Arizona since it has been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises.

These instructions relieve restrictions insofar as they revoke the designation of certain regulated areas. In this respect, they should be made effective promptly in order to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, notice and other public procedure in connection with this aspect of the instructions would be impracticable.

The instructions also give notice that a portion of some premises in Arizona, heretofore designated as a regulated area, has been fumigated. This notice relates to presently existing facts concerning which interested persons should be informed promptly, although it does not relieve any restrictions under the quarantine. It does not appear that rule-making procedure with respect to this aspect of the instructions would make additional data available to the Department. Notice and other public procedure with respect thereto are therefore impracticable and unnecessary. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of September 1962.

[SEAL] LEO G. K. IVERSON,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 62-9719; Filed, Sept. 27, 1962; 8:55 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER B—PROCEDURAL RULES [New]

[Reg. Docket No. 1242]

PART 11—GENERAL RULE-MAKING PROCEDURES [New]

PART 13—ENFORCEMENT PROCEDURES [New]

Chapter III—Federal Aviation Agency

SUBCHAPTER A—PROCEDURAL REGULATIONS

PART 405—RULE MAKING PROCEDURES

PART 406—CERTIFICATION PROCEDURES

PART 408—ENFORCEMENT PROCEDURES

PART 409—PROCEDURES AND RULES FOR AIRSPACE ASSIGNMENT AND UTILIZATION

Revisions and Deletions

This amendment adds Subchapter B—Procedural Rules [New], to Chapter I of Title 14 of the Code of Federal Regulations. The amendment is a part of the program of the Federal Aviation Agency to recodify its regulatory material into a new series of regulations called the "Federal Aviation Regulations" to replace the present "Civil Air Regulations" and "Regulations of the Administrator."

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as the ones in this subchapter, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

Subchapter B [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on June 14, 1962 (27 F.R. 5686), and as Draft Release 62-27.

A part of the comments received recommended specific substantive changes to the regulations. Although some of these recommendations might, upon further study, appear to be meritorious, they cannot be adopted as a part of the recodification program. The purpose of the program is simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. To attempt substantive changes in the recodification of these regulations (other than minor, relaxatory ones that are completely noncontroversial) would delay the project and would be contrary to the ground rules specified for it in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698), and Draft Release 62-27. However, all comments of this nature will be preserved and considered in any later substantive revision of the affected parts.

Draft Release 62–27 contained a notice of the revision of the procedural rules of the Federal Aviation Agency. The preamble to the release stated that the certification procedural rules in Part 406 of the regulations of the Administrator were being considered for transfer to the parts to which they specifically applied, insofar as they did not duplicate provisions already in those parts. Comment was particularly invited as to whether this change would be a convenience to the user. No adverse comment was received. Therefore Part 13 [New], as proposed in the draft release (based on present Part 406), has been deleted from the final rule. Those provisions of Part 406 relating to medical certification procedures (§§ 406.-12 and 406.31) have been transferred to and included in Part 67 [New]. Those provisions of Part 406 relating to Airman Certificates (§ 406.13), and Air Agency Certificates (§ 406.16) are deleted as unnecessary and as covered in pertinent part by Subchapter D—Airmen [New]. The remaining provisions of Part 406, relating to Aircraft Certificates, Air Carrier Certificates and Air Navigation Certificates will be considered for inclusion in future subchapters of the recodification, as applicable.

As a result of the deletion of the proposed Part 13 (based on present Part 406) the proposed Part 15 (based on present Part 408) has been renumbered in the final rule as Part 13—Enforcement Procedures [New].

Section 11.25 has been revised and expanded to meet certain problems the Agency has encountered in processing petitions for rule making and exemption. Many petitions do not contain enough information to allow a determination to be made of the matter. Others fail to specify clearly the regulations involved or the nature and extent of the requested action. As a result, the Agency must get additional information from its field personnel, the petitioner, or other sources, thereby unnecessarily delaying the handling of the petition. A number of petitions for exemption have been filed so close to the requested effective date of the exemption as to require priority handling, with attendant disruption of normal Agency work schedules.

Accordingly, revised § 11.25 specifies in greater detail the information that must be included in petitions. In addition, except for good cause shown in the petition, it requires petitions for exemption to be filed at least 60 days before the requested effective date of the exemption to allow time for their orderly processing. As this revision is concerned only with agency procedure, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary and it may be incorporated into the recodified Subchapter B [New].

Other minor changes of a technical clarifying nature or relaxatory nature have been made. They are not substantive and do not impose any burden on regulated persons.

Of the comments received on Draft Release 62–27, several suggested changes in style, format, or technical wording. These comments have been carefully considered and, where consistent with the style, format, and terminology of the recodification project, were adopted.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations apply to the new Subchapter B.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, effective November 10, 1962, Chapter III of Title 14 of the Code of Federal Regulations is amended by deleting Parts 405, 408, and 409 and §§ 406.12, 406.13, 406.16, and 406.31, and Chapter I of Title 14 of the Code of Federal Regulations is amended by adding Subchapter B [New] reading as hereinafter set forth.

This amendment is made under the authority of sections 303(d), 313(a), 501 through 506, 601 through 608, and 1001 of the Federal Aviation Act of 1958 (49 U.S.C. 1344(d), 1354(a), 1401 through 1405, 1421 through 1428, and 1481).

Issued in Washington, D.C., on September 25, 1962.

N. E. HALABY,
Administrator.

Chapter I—Federal Aviation Agency

SUBCHAPTER B—PROCEDURAL RULES [New]

Part
11 General Rule-Making Procedures [New].
13 Enforcement Procedures [New].

PART 11—GENERAL RULE-MAKING PROCEDURES [New]

Subpart A—General

Sec.
11.1 Applicability.
11.11 Docket.

Subpart B—Rules Other Than Airspace Assignment and Use

11.21 Scope.
11.23 Initiating rule-making procedures.
11.25 Petitions for rule making or exemptions.
11.27 Action on petitions for rule making or exemptions.
11.29 Notice of proposed rule making.
11.31 Participation of interested persons in rule-making procedures.
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Subpart C—Processing of Rules Other Than Airspace Assignment and Use

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11.43 Processing of petitions for rule making or exemption from parts of this chapter, except Part 67.
11.45 Issue of notice of proposed rule making.
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Subpart D—Rules and Procedures for Airspace Assignment and Use

11.61 Scope.
11.63 Filing of proposals.
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11.67 Hearings.
11.69 Adoption of rules or orders.
11.71 Exemptions.
11.73 Petitions for rehearing or reconsideration of rules or orders.
11.75 Petitions for revoking or modifying rules or orders.

AUTHORITY: §§ 11.1 to 11.75 issued under secs. 303(d), 313(a), 501 through 506, 601 through 608, and 1001 of Federal Aviation Act of 1958 (49 U.S.C. 1344(d), 1354(a), 1401 through 1405, 1421 through 1428, and 1481).

Subpart A—General

§ 11.1 Applicability.

This part applies to the issue, amendment, and repeal of—

(a) Rules and orders for airspace assignment and use issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and

(b) Other substantive rules, including those applicable to a class of persons, and those addressed to and served on named persons whenever the Administrator decides to use public rule-making procedures in such a case.

§ 11.11 Docket.

Official FAA records relating to rule-making actions, including proposals, notices of proposed rule making, written material received in response to notices, petitions for rule making and exemptions, petitions for rehearing or reconsideration, petitions for modification or revocation, notices granting or denying exemptions, reports of proceedings conducted under § 11.47, notices denying proposals, and final rules or orders are maintained in current docket form in the Office of the General Counsel. Any interested person may examine any docketed material at that office, at any time after the docket is established, except material that is ordered withheld from the public under section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504), and may obtain a photostatic or duplicate copy of it upon paying the cost of the copy.

Subpart B—Rules Other Than Airspace Assignment and Use

§ 11.21 Scope.

(a) This subpart applies to substantive rules, other than those relating to airspace assignment and use.

(b) Unless the Administrator, for good cause, finds that notice is impracticable, unnecessary, or contrary to the public interest, and incorporates that finding and a brief statement of the reasons for it in the rule, the FAA issues notices of proposed rule making and allows interested persons to participate in rule-making proceedings involving a substantive rule.

(c) Unless the Administrator determines that notice and rule-making procedures are to be followed, interpretive rules, general statements of policy, and rules of FAA organization, procedure, or practice are prescribed as final without notice or rule-making procedures.

(d) Whenever the Administrator so determines, the procedures prescribed in this subpart apply to exempting persons and classes from the requirements of a substantive rule.

§ 11.23 Initiating rule-making procedures.

The Administrator initiates rule-making procedures upon his own motion. However, in doing so, he considers the recommendations of other agencies of the United States and the petitions of other interested persons.

§ 11.25 Petitions for rule making or exemptions.

(a) Any interested person may petition the Administrator to issue, amend, or repeal a rule whether or not it is a substantive rule within the meaning of § 11.21, or for a temporary or permanent exemption from any rule issued under Title III or VI of the Federal Aviation Act of 1958.

(b) Each petition filed under this section must—

(1) In the case of a petition for exemption, unless good cause is shown in that petition, be submitted at least 60 days before the proposed effective date of the exemption;

(2) Be submitted in duplicate to the Federal Aviation Agency, Washington 25, D.C.;

(3) Set forth the text or substance of the rule or amendment proposed, or of the rule from which the exemption is sought, or specify the rule that the petitioner seeks to have repealed, as the case may be;

(4) Explain the interests of the petitioner in the action requested including, in the case of a petition for an exemption, the nature and extent of the relief sought and a description of each aircraft or person to be covered by the exemption; and

(5) Contain any information, views, or arguments available to the petitioner to support the action sought, the reasons why the granting of the request would be in the public interest and, if appropriate, in the case of an exemption, the reason why the exemption would not adversely affect safety or the action to be taken by the petitioner to provide a level of safety equal to that provided by the rule from which the exemption is sought.

§ 11.27 Action on petitions for rule making or exemptions.

(a) No public hearing, argument, or other formal proceeding is held directly on a petition filed under § 11.25, before its disposition by the FAA.

(b) If the Administrator determines that the petition discloses adequate reasons, he issues a notice of proposed rule making, or adopts a final rule, or, if it is in the public interest, grants the exemption.

(c) If the Administrator determines that the petition does not justify instituting rule-making procedures or granting the requested exemption, he notifies the petitioner to that effect.

(d) Specific provisions covering actions on petitions are set forth in Subpart C of this part.

§ 11.29 Notice of proposed rule making.

(a) Each general notice of proposed rule making is published in the FEDERAL REGISTER, unless all persons subject to it are named and are personally served with a copy of it.

(b) Each notice, whether published in the FEDERAL REGISTER or personally served, includes—

(1) A statement of the time, place, and nature of the proposed rule-making proceeding;

(2) A reference to the authority under which it is issued;

(3) A description of the subjects and issues involved or the substance and terms of the proposed rule;

(4) A statement of the time within which written comments must be submitted and the required number of copies; and

(5) A statement of how and to what extent interested persons may participate in the proceeding, as prescribed by §§ 11.31 and 11.33.

§ 11.31 Participation of interested persons in rule-making procedures.

(a) Each interested person is entitled to participate in rule-making proceedings by submitting written information, views, or arguments. In addition, he may comment on the original information, views, and arguments submitted by other persons, if, after receiving them, the Administrator considers it desirable.

(b) In any appropriate case, the Administrator also allows interested persons to participate in the rule-making procedures described in § 11.33.

§ 11.33 Additional rule-making proceedings.

(a) The rule-making procedure also includes any further procedural steps that best serve the purposes of a particular proceeding. For example, interested persons may be allowed to make oral arguments, participate in conferences between the Administrator or his representative and interested persons and organizations, appear at informal hearings presided over by a designated FAA official at which a stenographic transcript is made, or participate in any other procedure whenever it is desirable and appropriate to assure informed administrative action and adequate protection of private interests.

(b) Any appropriate combination of the procedures described in paragraph (a) of this section may be used in addition to the basic procedure of allowing interested persons to participate in rule-making proceedings by submitting written information, views, or arguments.

§ 11.35 Participation by Civil Aeronautics Board in rule-making proceedings.

(a) Under section 1001 of the Federal Aviation Act of 1958 (49 U.S.C. 1481), the Civil Aeronautics Board may appear and participate as an interested party in any proceeding conducted by the Administrator under Title III of that Act, and in any proceeding under Title VI of that Act that cannot be appealed to the Board.

(b) To indicate its intention to participate in any proceeding described in paragraph (a) of this section, the Board may file written information, views, or arguments in response to a notice of proposed rule making issued by the Administrator. The Board is entitled to the procedural privileges accorded other parties and is equally free to participate.

§ 11.37 Requests for informal appearances.

(a) Upon his request, any interested person may appear informally before an appropriate official of the FAA to present, adjust, or determine a question or controversy relating to a rule-making function of the FAA.

(b) A request for an appearance under this section must be sent in writing to the Federal Aviation Agency, Washington 25, D.C., or to the Regional or District Office nearest to the person making the request.

Subpart C—Processing of Rules Other Than Airspace Assignment and Use

§ 11.41 Scope.

(a) This subpart prescribes the supplemental procedures to be followed by the Offices and Services of the FAA in rule-making proceedings and in granting or denying exemptions from rules. It also designates the Office or Service that is authorized to act for the Administrator in connection with those proceedings and exemptions.

(b) This subpart does not apply to rule-making procedures under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

§ 11.43 Processing of petitions for rule making or exemption from parts of this chapter, except Part 67.

Whenever the FAA receives a petition for rule making or for an exemption (other than from Part 67 of this chapter), a copy of the petition is referred for action, as provided in § 11.27, of the Office or Service having substantive responsibility for the subject involved.

§ 11.45 Issue of notice of proposed rule making.

Whenever he determines that a notice of proposed rule making is necessary or desirable, the head of the Office or Service concerned may, subject to the approval of the General Counsel with respect to form and legality, issue the notice provided for in § 11.29. In addition, he may grant or deny any request to extend the time specified in a notice for submitting information, views, or arguments in response thereto.

§ 11.47 Proceedings after notice of proposed rule making.

(a) Each person who submits written information, views, or arguments in response to a notice of proposed rule making, or during additional rule-making proceedings in connection with such a notice, must file the number of copies specified in the notice.

(b) Whenever the head of the Office or Service concerned determines that additional rule-making proceedings of the kind described in § 11.33 are necessary or desirable, he may designate representatives to conduct those proceedings.

§ 11.49 Adoption of final rules.

After the Office or Service concerned has completed its analysis and evalua-

tion of the information, views, and arguments submitted with respect to a proposed rule, representatives of that Office or Service and the Office of the General Counsel prepare an appropriate rule, subject to the approval of the General Counsel as to form and legality. The rule is then submitted, with the recommendations of the head of the Office or Service concerned and the General Counsel, to the Administrator for his consideration. If he adopts the rule, it is published in the FEDERAL REGISTER.

§ 11.51 Denial of petition for rule making.

Whenever it is determined that a petition for rule making filed under § 11.25 should be denied, the Office or Service concerned prepares, subject to the approval of the General Counsel with respect to form and legality, a notice of denial for the Administrator's signature.

§ 11.53 Grant or denial of exemption, other than from Part 67.

(a) The head of the Office or Service concerned may, subject to the approval of the General Counsel with respect to form and legality, grant or deny any petition for an exemption (other than from Part 67 of this chapter). However, if the head of the Office or Service concerned finds that the grant or denial involves a technical or policy determination that should be made by the Administrator, he refers the petition and his recommendations and those of the General Counsel to the Administrator for final action.

(b) Whenever a petition is granted or denied under this section, the Office or Service concerned prepares, subject to the approval of the General Counsel with respect to form and legality, a notice to the petitioner informing him of the action taken.

§ 11.55 Exemptions from Part 67.

(a) A copy of each petition for an exemption from any provision of Part 67 of this chapter, and the medical information that the Aviation Medical Service has concerning the petitioner, is referred to an appropriate advisory panel of medical specialists for their recommendation.

(b) The function of the advisory panel of medical specialists is to examine the petitioner's medical condition and advise the Administrator whether it considers that the specific nature of the applicant's medical defect that makes him unable to meet the medical standards for his certificate is such that he can be exempted from those standards without endangering public safety during the period the medical certificate would be in effect. The panel shall obtain the views of the Civil Air Surgeon on the matters involved in each petition for exemption.

(c) If the advisory panel desires additional medical information or further medical examination of the petitioner, it shall so advise the Civil Air Surgeon who shall send the request to the petitioner. The Civil Air Surgeon shall give any information so obtained to the panel immediately after he receives it and shall send a copy to be placed in the official rule-making docket.

(d) The Civil Air Surgeon shall make the facilities of his Service available to the advisory panel to the extent it considers helpful, furnish it with such administrative services as it requests in connection with a petition for exemption, and advise the panel of his views on each petition.

(e) Based on the public interest and in light of the specific situation involved, the Administrator grants or denies the petition after receiving the panel's recommendation. A notice of the action taken by the Administrator is sent to the petitioner.

Subpart D—Rules and Procedures for Airspace Assignment and Use

§ 11.61 Scope.

(a) This subpart establishes procedures for initiating, processing, issuing, and publishing rules and orders issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), including—

(1) Designations of Federal airways, control zones, control areas, control area extensions, positive control areas, positive control route segments, coded jet routes, transition areas, and antenna farm areas;

(2) Assignments of segments or parts of the navigable airspace for special use purposes, such as restricted areas, military climb corridors, and experimental flight test areas; and

(3) Special rules or orders relating to the assignment or use of navigable airspace.

(b) This subpart does not apply to emergency cases and cases in which the procedures described in paragraph (a) of this section are found to be impractical, unnecessary, or contrary to the public interest.

(c) For the purposes of this subpart, the word "Director" means the Director, Air Traffic Service or any person to whom he has delegated his authority in the matter concerned.

§ 11.63 Filing of proposals.

(a) Each proposal, except one arising in the FAA, for the designation of Federal airways or other areas for normal air traffic use, the assignment of navigable airspace for special use purposes, or the issue of a special rule or order relating to the use of navigable airspace, must be filed in writing, in triplicate, with a Regional Assistant Administrator or the Director.

(b) The director may, on his own motion, initiate the procedures prescribed in this subpart for proposals arising within the FAA.

(c) A proposal requesting the assignment of navigable airspace for special use purposes, or for the designation of an area for air traffic purposes, must include at least the following:

(1) The location and a description of the airspace desired for assignment or designation.

(2) A complete description of the activity or use to be made of that airspace, including a detailed description of the type, volume, duration, time, and place of the operations to be conducted in the assigned or designated area.

(3) A description of the air navigation, air traffic control, surveillance, and communication facilities available and to be provided if the assignment or designation is made.

(4) The name and location of the agency, office, facility, or person to whom authority would be delegated to permit the use of the airspace during those times it would not be used for the purpose to which it would be assigned.

(d) Subject to the approval of the General Counsel with respect to form and legality, the Director issues a notice of any rejected proposal.

§ 11.65 Issue of notice of proposed rule making.

(a) If it is determined that the subject matter of a proposal should be submitted to the rule-making process, or if rule-making action is to be taken on his own motion, the Director, subject to the approval of the General Counsel with respect to form and legality, issues a notice of proposed rule making.

(b) Normally, a notice of proposed rule making is issued within approximately 30 days after receipt of a proposal with respect to which it has been determined that action might be taken.

(c) Each notice of proposed rule making is published in the FEDERAL REGISTER and includes at least the following:

(1) A statement of the time, place, and nature of the public rule-making proceedings.

(2) A reference to the authority under which it is proposed.

(3) Either the terms or substance of the proposed action or a description of the subjects and issues involved.

(d) Approximately 30 days are allowed for submitting written information, views, or arguments on the notice.

(e) If a public hearing is to be held, either the original notice of proposed rule making or a revised notice gives approximately 30 days notice. The Director may grant or deny any request to extend the time specified in the notice for submitting written material and may change the date of any hearing previously noticed.

(f) Written information, views, and arguments submitted in response to a notice of proposed rule making, or that are requested after the notice, must be submitted in triplicate.

(g) Each interested person is entitled to discuss or confer informally with appropriate FAA officials concerning a proposed action. However, to become a part of the formal record for consideration, any information, views, or arguments presented during a conference must also be submitted in writing in accordance with the notice.

§ 11.67 Hearings.

(a) Sections 7 and 8 of the Administrative Procedure Act do not apply to proceedings used to formulate rules under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)). Whenever the Director, in his discretion, considers that a hearing is necessary to provide informed Administrative action and assure adequate protection of private or public interests, he may hold an informal public hearing. However, any rule or order issued in a case in which such a hearing is held is not based exclusively on the record of the hearing.

(b) The Director designates a presiding officer for each hearing and the General Counsel designates a legal adviser.

(c) Normally, hearings held under this section are held in the vicinity of the affected airspace. Interested persons are allotted time to make an oral presentation without interruption and a verbatim transcript is made of the proceedings by a certified court reporter.

(d) The procedure in hearings held under this section is as follows:

(1) The presiding officer makes an opening statement with particular reference to the notice of proposed rule making.

(2) The presiding officer designates interested persons or their authorized representatives to speak at the hearing.

(3) The presiding officer allots enough time to each interested person on an equal basis so that his position may be expressed fully and placed on the record, with those who favor it speaking first followed by those who oppose it, initial statements being made as far as possible without interruption, and questions permitted after initial statements have been made by all designated persons.

(4) Arguments and oral statements are limited to the subject named in the notice of proposed rule making.

(5) Written information, views, arguments, or briefs may be offered for the record, but may not be accepted after the hearing unless good cause is shown or the submission is requested by the presiding officer or the Director.

(e) The presiding officer of a hearing may deviate from the procedures prescribed in this section to assure a more complete and informative record.

§ 11.69 Adoption of rules or orders.

(a) After the closing date for submitting written comments on a notice, or, if a hearing is held, after the hearing, the Airspace Utilization Division of the Air Traffic Service studies the entire matter of a proposed rule or order. It then recommends a rule, order, or notice of denial to the Director. If the Director approves it, he sends it, subject to the approval of the General Counsel with respect to form and legality, to the Administrator for his action.

(b) Each rule or order issued by the Administrator is published in the FEDERAL REGISTER and in such other publications as the Director considers desirable. Each notice of denial is sent to the person who made the proposal and to such other interested persons as the Director considers desirable.

(c) Each rule or order issued under this subpart becomes effective not less than 30 days after it is published, except in an emergency, or when it is impractical, unnecessary, or contrary to the public interest.

§ 11.71 Exemptions.

(a) A petition for an exemption from any rule or order issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) may be filed with the Director. Such a petition must be in triplicate and state clearly the nature of the requested exemption and the reasons why it should be granted.

(b) The Director may, subject to the approval of the General Counsel with respect to form and legality, grant or deny any petition filed under this section and shall notify the petitioner of his action.

§ 11.73 Petitions for rehearing or reconsideration of rules or orders.

(a) Any interested person may petition the Administrator for a rehearing on, or for reconsideration of, any rule or order issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)). Such a petition must be filed, in triplicate, within 30 days after the rule or order is published in the FEDERAL REGISTER. It must contain a brief statement of the complaint and an explanation as to how the rule or order is contrary to the public interest.

(b) If the petitioner requests the consideration of additional facts, he must state their nature and purpose, and the reason they were not presented at the hearing or in writing within the allotted time.

(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator orders otherwise, the filing of a petition under this section does not stay the effect of a rule or order.

§ 11.75 Petitions for revoking or modifying rules or orders.

(a) Any interested person may petition to revoke or modify any rule or order covered by this subpart. Such a petition must be filed, in triplicate, with the Director of the Air Traffic Service and must clearly state the information, views, and arguments the petitioner considers necessary to support the requested action and must clearly indicate the effect the action would have on the use of navigable airspace.

(b) A petition filed under this section is processed in the same manner as an original proposal, or in any other manner that the Director considers necessary or desirable.

PART 11—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
405.1	(1)	405.27	11.45
405.11(a)	11.1	405.28 (less last sentence of (b))	11.47
405.11 (less (a))	11.21	405.28 (last sentence of (b))	11.11
405.12	11.23	405.29	11.49
405.13	11.25	405.30	11.51
405.14	11.27	405.31(a) (1st two sentences)	11.43
405.15	11.29	405.31 (less 1st two sentences of (a))	11.53
405.16	11.31		
405.17	11.33		
405.18	11.35		
405.19	11.25		
405.20	11.27		
405.21	11.37		
405.25	11.41		
405.26	11.43		

[1] Transferred to Part 1.

PART II—DISTRIBUTION TABLE—Continued

Former section	Revised section	Former section	Revised section
405.32	11.55	409.13	11.65
405.33	11.11	409.14	11.67
409.1	(1)	409.15	11.69
409.11(a)	11.1	409.16	11.71
409.11 (less (a))	11.61	409.17	11.73
409.12	11.63	409.18	11.75
		409.19	11.11

PART 13—ENFORCEMENT PROCEDURES [New]

Subpart A—Enforcement Processes

Sec.
13.1 Reports of violations.
13.3 Investigations.

Subpart B—Enforcement Actions

13.11 Reports for record.
13.13 Reprimands.
13.15 Civil penalties.
13.17 Seizure of aircraft.
13.19 Certificate action.
13.21 Military aircraft.
13.23 Criminal penalties.

Subpart C—Rules of Practice for Hearings in FAA Certificate Proceedings

13.31 Applicability of rules.
13.33 Appearances.
13.35 Request for hearing.
13.37 Hearing Officer's powers.
13.39 Disqualification of Hearing Officer.
13.41 Pleadings.
13.43 Service and filing of pleadings, motions, and documents, other than Answer.
13.45 Amendment of Notice and Answer.
13.47 Withdrawal of Notice or Request for Hearing.
13.49 Motions.
13.51 Intervention.
13.53 Depositions.
13.55 Notice of hearing.
13.57 Subpoenas and witness fees.
13.59 Evidence.
13.61 Argument and submittals.
13.63 Record.
13.65 Federal Rules of Civil Procedure.
13.67 Order of Hearing Officer.

AUTHORITY: §§ 13.1 to 13.67 issued under secs. 303(d), 313(a), 501 through 506, 601 through 608, and 1001 of Federal Aviation Act of 1958 (49 U.S.C. 1344(d), 1354(a), 1401 through 1405, 1421 through 1428, and 1481).

Subpart A—Enforcement Processes

§ 13.1 Reports of violations.

(a) Any person who knows of a violation of the Federal Aviation Act of 1958, or of any regulation or order issued under it, may report it to appropriate personnel of an FAA regional or district office.

(b) Each report made under this section is investigated by FAA personnel. The results of that investigation are the basis for determining the enforcement action that the FAA will take.

§ 13.3 Investigations.

(a) Under section 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1354), the Administrator may conduct public hearings or investigations and take evidence and depositions, issue subpoenas, and compel testimony in the manner provided in section 1004 of the Act (49 U.S.C. 1484).

(b) For the purpose of investigating alleged violations of the Act, or any regulation or order issued under it, the Ad-

ministrator's authority under sections 313 and 1004 has been delegated to the General Counsel, the Deputy General Counsel, each Associate General Counsel, and each Regional Counsel.

Subpart B—Enforcement Actions

§ 13.11 Reports for record.

If, after his investigation, it appears to the reporting inspector that a violation of the Federal Aviation Act of 1958, or an order or regulation issued under it, was so minor and unintentional as not to require disciplinary or remedial action, he may, in accordance with standard Agency practices file a report of that violation for the record or may terminate the report by a letter of correction. The Regional Flight Standards Office and the Regional Counsel concerned shall review each action under this section.

§ 13.13 Reprimands.

The General Counsel or the Regional Counsel concerned may send a letter of reprimand to any person who commits a minor violation of the Federal Aviation Act of 1958, or any rule or order issued under it. A letter of reprimand terminates the action, but the violation will be considered in determining the action to be taken on any future violation committed by that person.

§ 13.15 Civil penalties.

(a) Under section 901 of the Federal Aviation Act of 1958 (49 U.S.C. 1471), a person who violates any provision of Title III, V, VI, or XII of that Act, or any regulation or order issued under one of those titles, is subject to a civil penalty of not more than $1,000 for each violation.

(b) The Administrator may compromise any civil penalty. If a civil penalty is contemplated and it is considered advisable to compromise it, the General Counsel or the Regional Counsel concerned sends a letter to the person charged with the violation, advising him of the charges against him and the law, regulation, or order that he is charged with violating, and offering to compromise the penalty. The person charged with the violation may present, to the official who signed the letter, any oral or written material or information in answer to the charges, explaining, mitigating, or denying the violation, or showing extenuating circumstances. Material or information so presented is considered in making the final determination as to probable liability for a civil penalty, or the amount for which it will be compromised.

(c) If the person charged with the violation offers to compromise for a specific amount, he shall send a certified check or money order for that amount, payable to the Federal Aviation Agency. The General Counsel or the Regional Counsel concerned may accept or refuse it.

(d) If the compromise amount is accepted, the person charged with the violation is notified, by letter, that the acceptance is full settlement of the civil penalty for the violation.

(e) If a compromise settlement of the civil penalty cannot be made, the Administrator may institute proceedings in a United States District Court, under section 903 of the Act (49 U.S.C. 1473), to collect the penalty.

§ 13.17 Seizure of aircraft.

(a) Under section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473), a State or Federal law enforcement officer, or a Federal Aviation Agency safety inspector, authorized in an order of seizure issued by the Assistant Administrator of the region in which the aircraft is located, may summarily seize an aircraft that is involved in a violation for which a civil penalty may be imposed on its owner or operator.

(b) Each person seizing an aircraft under this section shall place it in the nearest available and adequate public storage facility in the judicial district in which it was seized.

(c) The Assistant Administrator, without delay, sends a written notice and a copy of this section, to the registered owner of the seized aircraft, and to each other person shown by FAA records to have an interest in it, stating the—

(1) Time, date, and place of seizure;

(2) Name and address of the custodian of the aircraft;

(3) Reasons for the seizure, including the violations believed, or judicially determined, to have been committed; and

(4) Amount that may be tendered as—

(i) A compromise of a civil penalty for the alleged violation; or

(ii) Payment for a civil penalty imposed by a Federal court for a proven violation.

(d) The Regional Counsel of the region in which an aircraft is seized under this section immediately sends a report to the United States District Attorney for the judicial district in which it was seized, requesting him to institute proceedings to enforce a lien against the aircraft.

(e) The Assistant Administrator directs the release of a seized aircraft whenever—

(1) The alleged violator pays a civil penalty or an amount agreed upon in compromise, and the costs of seizing, storing, and maintaining the aircraft;

(2) The aircraft is seized under an order of a Federal Court in proceedings in rem to enforce a lien against the aircraft, or the United States Attorney for the judicial district concerned notifies the FAA that he refuses to institute those proceedings; or

(3) A bond in the amount and with the sureties prescribed by the Assistant Administrator is deposited, conditioned on payment of the penalty, or the compromise amount, and the costs of seizing, storing, and maintaining the aircraft.

§ 13.19 Certificate action.

(a) Under section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429), the Administrator may reinspect any civil aircraft, aircraft engine, propeller, appliance, air navigation facility, or air agency, and may re-examine any civil airman.

(b) If, as a result of such a re-inspection, re-examination, or other investigation made by him, the Administrator determines that the public interest and safety in air commerce requires it, he may issue an order amending, suspending, or revoking, all or part of any type certificate, production certificate, airworthiness certificate, airman certificate, air carrier operating certificate, air navigation facility certificate, or air agency certificate.

(c) Before issuing an order under paragraph (b) of this section, the General Counsel or the Regional Counsel concerned advises the certificate holder of the charges or other reasons upon which the Administrator bases the proposed action and, except in an emergency, allows the holder to answer any charges and to be heard as to why the certificate should not be amended, suspended, or revoked. The holder may elect to—

(1) Admit the charges and surrender his certificate;

(2) Answer the charges in writing;

(3) Request an opportunity to be heard in an informal conference with the FAA counsel; or

(4) Have a formal hearing, either in place of or in addition to the informal conference, before a Hearing Officer appointed by and representing the Administrator.

Unless the holder has submitted a request for a formal hearing, the General Counsel or the Regional Counsel concerned, after considering the answer and information submitted by the holder, issues the order of the Administrator. If the holder requests a formal hearing, the Hearing Officer shall issue an oral or written Order of the Administrator after holding a hearing in accordance with this part.

(d) Any person whose certificate is affected by an order issued under this section may appeal to the Civil Aeronautics Board. If the certificate holder files an appeal with the Board, the Administrator's order is stayed unless he advises the board that an emergency exists and safety in air commerce requires that the order become effective immediately. If he so advises the Board, the order remains effective and the Board shall finally dispose of the appeal within 60 days after the date of the advise.

§ 13.21 Military aircraft.

If a report made under this Part indicates that, while performing his official duties, a member of the armed forces, or a civilian employee of the Department of Defense who is subject to the Uniform Code of Military Justice (10 U.S.C. Ch. 47), has violated the Federal Aviation Act of 1958, or a regulation or order issued under it, the General Counsel or the Regional Counsel concerned sends a copy of the report to the appropriate military authority for such disciplinary action as that authority considers appropriate and a report to the Administrator thereon.

§ 13.23 Criminal penalties.

(a) Sections 902 and 1203 of the Federal Aviation Act of 1958 (49 U.S.C. 1472 and 1523), provide criminal penalties for any person who knowingly and willfully violates specified provisions of that Act or any regulation or order issued under those provisions.

(b) If an inspector or other employee of the FAA becomes aware of a possible violation of any criminal provision of that Act (except a violation of section 902 (i) through (m) which is reported directly to the Federal Bureau of Investigation), he shall report it to the Office of the General Counsel or the Regional Counsel concerned. If appropriate, that office refers the report to the Department of Justice for criminal prosecution of the offender. If such an inspector or other employee becomes aware of a possible violation of a Federal statute that is within the investigatory jurisdiction of another Federal Agency, he shall immediately report it to that agency according to standard Agency practices.

Subpart C—Rules of Practice for Hearings in FAA Certificate Proceedings

§ 13.31 Applicability of rules.

This subpart applies to all proceedings before a Hearing Officer of the FAA in which the holder of an airman certificate requests a hearing in response to a Notice of Proposed Certificate Action that proposes to amend, suspend, or revoke his certificate.

§ 13.33 Appearances.

Any party to a proceeding under this subpart may appear and be heard in person or by attorney.

§ 13.35 Request for hearing.

(a) If, after a Notice of Proposed Certificate action is issued, the certificate holder concerned elects to have a formal hearing, he shall request it by checking the appropriate box on the form that is sent to him with the Notice of Proposed Certificate Action. He shall return the form, and his answer to the allegations in the Notice, to the FAA counsel. He must return the form, and, except as provided in § 13.49, his answer, with a postmark of not later than 15 days after the date he received the notice.

(b) If the certificate holder submits a Request for a Hearing after that 15-day period, but before an order is issued, the FAA counsel shall send it to the Hearing Officer. If, in the opinion of the Hearing Officer, there was good cause for the failure to request a hearing within the 15-day period he may, in his discretion, order a hearing.

(c) If, upon request, the certificate holder has an informal conference with FAA counsel, he then has 10 days from the date of the conference within which to request a formal hearing. The FAA counsel shall forward the Request and Answer to the Hearing Officer, together with a copy of the Notice of Proposed Certificate Action. The Hearing Officer shall docket the Notice, Request, and Answer, as of the time he receives them.

§ 13.37 Hearing Officer's powers.

Any Hearing Officer may—

(a) Give notice concerning, and hold, prehearing conferences and hearings;

(b) Administer oaths and affirmations;

(c) Examine witnesses;

(d) Issue subpoenas and take depositions or cause them to be taken;

(e) Rule on offers of proof;

(f) Receive evidence;

(g) Regulate the course of the hearing;

(h) Hold conferences, before and during the hearing, to settle and simplify issues by consent of the parties;

(i) Dispose of procedural requests and similar matters; and

(j) Issue an order.

§ 13.39 Disqualification of Hearing Officer.

The Hearing Officer shall withdraw from a case if, at any time, he considers himself to be disqualified.

§ 13.41 Pleadings.

(a) In cases sent to the Hearing Officer, the Notice of Proposed Certificate Action constitutes the statement of the facts upon which the action is proposed.

(b) The certificate holder's Answer must be responsive to the allegations set out in the Notice. Any allegation that is not denied is considered to be admitted.

(c) Averments in an Answer, or other pleading, to which no responsive pleading is required, are considered to be denied.

§ 13.43 Service and filing of pleadings, motions, and documents, other than Answer.

Each pleading, motion, or document, other than an Answer, must at the time of filing, be served on each other party, by delivering a copy to him or by mailing a copy to him at the last address filed with the FAA by the certificate holder as required by this chapter. However, if a party is represented by an attorney, the service shall be made upon him.

§ 13.45 Amendment of Notice and Answer.

At any time more than 10 days before the date of hearing, any party may amend his Notice, Answer, or other pleading, by filing the amendment with the Hearing Officer and serving a copy of it on each other party. After that time, he may amend it only in the discretion of the Hearing Officer. If an amendment to an initial pleading has been allowed, the Hearing Officer shall allow the other parties a reasonable opportunity to answer. A pleading may be amended at any time to conform to the evidence.

§ 13.47 Withdrawal of Notice or Request for Hearing.

At any time before hearing, the FAA counsel may withdraw the Notice of Proposed Certificate Action and the certificate holder may withdraw his Request for Hearing.

§ 13.49 Motions.

(a) *Motion to dismiss.* A respondent may, in place of his Answer, file a motion to dismiss, for failure of the allegations of the Notice to state a violation of this chapter, or for lack of qualification of the respondent. If the Hearing Officer denies the motion, the respondent shall file his Answer within 10 days.

(b) *Motion for judgment on the pleadings.* After the pleadings are closed, either party may move for a judgment on the pleadings.

(c) *Motion to strike.* Upon motion of either party, the Hearing Officer may order stricken, from any pleading, any insufficient allegation or defense, or any immaterial, impertinent, or scandalous matter.

(d) *Motion for more definite statement.* The certificate holder may, in place of his Answer, file a motion that the allegations in the Notice be made more definite and certain. If the Hearing Officer grants the motion, the Agency counsel shall comply within 10 days after the date it is granted. If the Hearing Officer denies the motion the certificate holder shall file his Answer within 10 days after the date it is denied.

(e) *Motion for production of documents.* Upon motion of any party showing good cause, the Hearing Officer may, in the manner provided by Rule 34, Federal Rules of Civil Procedure, order any party to produce any designated document, paper, book, account, letter, photograph, object, or other tangible thing, that is not privileged, that constitutes or contains evidence relevant to the subject matter of the hearing, and that is in the party's possession, custody, or control.

(f) *Consolidation of motions.* A party who makes a motion under this section shall join with it all other motions that are then available to him. Any objection that he does not so raise is considered to be waived.

§ 13.51 Intervention.

Any person may move for leave to intervene in a proceeding and may become a party thereto, if the Hearing Officer, after the case is sent to him for hearing, finds that the person may be bound by the order to be issued in the proceeding or has a property or financial interest that may not be adequately represented by existing parties, and that the intervention will not unduly broaden the issues or delay the proceedings. Except for good cause shown, a motion for leave to intervene may not be considered if it is filed less than 10 days before the hearing.

§ 13.53 Depositions.

After the respondent has filed a Request for Hearing and an Answer, either party may take testimony by deposition in accordance with section 1004 of the Federal Aviation Act of 1958 (49 U.S.C. 1484) or Rule 26, Federal Rules of Civil Procedure.

§ 13.55 Notice of hearing.

The Hearing Officer to whom the case is assigned shall give the parties adequate notice of the date of the hearing and the place where it will be held. The Hearing Officer may hold the hearing at the city in which there is located the Regional Headquarters of the FAA, the originating FAA office, or the Flight Standards District office nearest to the residence of the certificate holder, or at any other location that the Hearing Officer directs.

§ 13.57 Subpoenas and witness fees.

(a) The Hearing Officer to whom a case is assigned may, upon application by any party to the proceeding, issue sub-

poenas requiring the attendance of witnesses or the production of documentary or tangible evidence at a hearing or for the purpose of taking depositions. However, the application for producing evidence must show its general relevance and reasonable scope. This paragraph does not apply to the attendance of FAA employees or to the production of documentary evidence in the custody of such an employee at a hearing.

(b) A person who applies for the production of a document in the custody of an FAA employee must follow the procedure in § 13.49(e). If he applies for the attendance of an FAA employee, he must send the application, in writing, to the Hearing Officer, setting forth the need for that employee's attendance.

(c) A witness in a proceeding under this subpart is entitled to the same fees and mileage as is paid to a witness in a court of the United States under comparable circumstances. The party at whose instance the witness is subpoenaed or appears shall pay the witness his fees.

§ 13.59 Evidence.

(a) Each party to a hearing may present his case or defense by oral or documentary evidence, submit evidence in rebuttal, and conduct such cross-examination as may be needed for a full disclosure of the facts.

(b) Except with respect to affirmative defenses, the burden of proof is upon the FAA counsel.

§ 13.61 Argument and submittals.

The Hearing Officer shall give the parties adequate opportunity to present arguments in support of motions, objections, and the final order. The Hearing Officer may determine whether arguments are to be oral or written. At the end of the hearing, each party is entitled to submit, in writing, proposed findings and conclusions and supporting reasons for them.

§ 13.63 Record.

The testimony and exhibits presented at a hearing, together with all papers, requests, and rulings filed in the proceedings are the exclusive basis for the issuance of an order. Either party may obtain a transcript from the official reporter upon payment of the fees fixed therefor.

§ 13.65 Federal Rules of Civil Procedure.

The Federal Rules of Civil Procedure, where applicable, govern any situation arising in a hearing that is not provided for or controlled by this subpart.

§ 13.67 Order of Hearing Officer.

(a) The Hearing Officer shall include in the Order a statement of findings and conclusions upon all material issues of fact and law presented in the record and the appropriate sanction or denial thereof.

(b) If the order is issued in writing, it shall be served upon the parties.

(c) The order of the Hearing Officer may amend, suspend, or revoke the respondent's certificate as proposed, or in a lesser degree, may rescind the Notice of Proposed Certificate Action, or may, if the Hearing Officer considers it to be equitable and in the public interest, terminate the action upon agreement by the parties for the payment of a civil penalty in an agreed amount.

(d) If the order amends, suspends, or revokes the respondent's certificate, the Hearing Officer shall state in the order that the respondent has a right of appeal to the Civil Aeronautics Board.

PART 13—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
408.1	(1)	408.38 (1st sentence)	13.35
408.11	13.1	408.38 (less 1st sentence)	13.43
408.12	13.3	408.39	13.45
408.21	13.11	408.40	13.47
408.22	13.13	408.41	13.49
408.23	13.15	408.42	13.51
408.24	13.17	408.43	13.53
408.25	13.19	408.44	13.55
408.26	13.21	408.45	13.57
408.27	13.23	408.46	13.59
408.31	13.31	408.47	13.61
408.32	13.33	408.48	13.63
408.33	13.35	408.49	13.65
408.34	13.37	408.50	13.67
408.35	13.39		
408.36	13.41		
408.37	13.35		

[1] Transferred to Part 1.

[F.R. Doc. 62-9687; Filed, Sept. 27, 1962; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-EA-22]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On July 6, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 6390) stating that the Federal Aviation Agency proposed to alter VOR Federal airway No. 93 from Concord, N.H., VOR to Augusta, Maine, VOR.

The Air Transport Association of America concurred in the proposed action and no other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

1. In the text of § 600.6093 (14 CFR 600.6093) "Augusta VOR;" is deleted and "Augusta VOR (12-mile wide airway from a point 45 nautical miles from the Concord VOR to a point 45 nautical miles from Augusta VOR);" is substituted therefor.

This amendment shall become effective 0001 e.s.t., December 13, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 21, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9664; Filed, Sept. 27, 1962; 8:45 a.m.]

[Airspace Docket No. 62-PC-5]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas and Reporting Points, and Alteration of Control Area Extension

On July 19, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 6845) stating that the Federal Aviation Agency proposed to revoke the segment of Red Federal airway No. 87 (Hawaiian Islands) and its associated control areas between Port Allen, Hawaii, and Honolulu, Hawaii. It was also proposed to revoke the Port Allen and Fern reporting points, and to redescribe the Port Allen control area extension (601.1245).

No adverse comments were received regarding these proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.287 [Amendment]

1. In the text of § 600.287 (14 CFR 600.287, 27 F.R. 4907) "From the Port Allen, Hawaii, RBN via the INT of the 130° bearing from the Port Allen RBN and the 261° bearing from the Honolulu, Hawaii, RR; the Honolulu RR;" is deleted and "From the Honolulu, Hawaii, RR via the" is substituted therefor.

§ 601.4401 [Amendment]

2. In § 601.4401 (27 F.R. 5766) the following reporting points are deleted:

(a) Fern INT: INT of the 130° bearing from the Port Allen, Hawaii, RBN and the 261° bearing from the Honolulu, Hawaii, RR.

(b) Port Allen, Hawaii, RBN.

3. Section 601.1245 (14 CFR 601.1245) is amended as follows:

§ 601.1245 Control area extension (Port Allen, Hawaii).

The airspace NE of Port Allen bounded on the S by Hawaiian VOR Federal airway No. 15, on the W by longitude 159°30'00" W., and on the NE by the arc of a 25-mile radius circle centered at latitude 21°58'07" N., longitude 159°20'27" W.

These amendments shall become effective 0001 e.s.t., December 13, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 21, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9670; Filed, Sept. 27, 1962; 8:46 a.m.]

[Airspace Docket No. 62-WA-104]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Reporting Points

The purpose of these amendments to §§ 601.4101, 601.4102, and 601.4103 of the regulations of the Administrator is to revoke and modify some existing reporting points and designate other reporting points.

Air traffic control requirements periodically change with regard to specific reporting points due to modifications to operating procedures or alterations to airway configurations. Recent changes of this nature obviate the requirement for the Bellingham, Wash., Pendleton, Oreg., Baker, Oreg., Boise, Idaho, Burley, Idaho, Ellensburg, Wash., and Yakima, Wash., Radio Ranges and the Kennebunk, Maine, VOR as reporting points. They also require that the directional requirements be deleted from the Chicago Heights, Ill., and the Naperville, Ill., VORs and modified for the Cherokee, Wyo., VOR. Also Lexington, Ky., Chesterfield, S.C., Rewey, Wis., and Raymond, Nebr., VORs and the Charleston, S.C., VORTAC should be designated.

Therefore, action is taken herein to cancel, modify or designate, as appropriate, these reporting points. Action is also being taken herein to correctly list Malden, Mo., Fort Bridger, Wyo., and Parker, Calif., which are presently listed as Malden, Miss., Fort Bridger, Utah, and Parker, Ariz., in § 601.4101 and Malad City, Idaho, which is presently listed as Malad City, Utah, in § 601.4102.

Since these amendments are procedural in nature and do not involve the designation of airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 601.4101 (27 F.R. 5760) "Bellingham, Wash., RR", "Pendleton, Oreg., RR", "Baker, Oreg., RR", "Boise, Idaho, RR", "Burley, Idaho, RR", "Ellensburg, Wash., RR", "Yakima, Wash., RR", "Chicago Heights, Ill.; VOR Federal airway No. 7, VOR Federal airway No. 51, VOR Federal airway No. 97, VOR Federal airway No. 177, VOR Federal airway No. 126, VOR Federal airway No. 8 westbound, VOR Federal airway No. 92 westbound, VOR Federal airway No. 819.", "Naperville, Ill.; VOR Federal airway No. 6, VOR Federal airway No. 8, VOR Federal airway No. 10.", "Malden, Miss.", "Fort Bridger, Utah", and "Parker, Ariz." are deleted and "Chicago Heights, Ill.", "Naperville, Ill.", Malden, Mo.", "Rewey, Wis.", "Chesterfield, S.C.", "Raymond, Nebr.", "Lexington, Ky.", "Fort Bridger, Wyo.", and "Parker, Calif." are added.

2. In the text of § 601.4102 (27 F.R. 5762) "Cherokee, Wyo.; VOR Federal airway No. 1547, VOR Federal airway No. 1744.", and "Malad City, Utah" are deleted and "Cherokee, Wyo.; VOR Federal airway No. 1744.", and "Malad City, Idaho" are substituted therefor.

3. In the text of § 601.4103 (27 F.R. 5764) "Kennebunk, Maine" is deleted and "Charleston, S.C." is added.

These amendments shall become effective 0001 e.s.t., November 15, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 21, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9665; Filed, Sept. 27, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-105]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration and Designation of Control Zones

The purpose of these amendments to Part 601 of the regulations of the Administrator is to alter the El Toro, Calif., control zone and to designate a control zone at Orange County Airport, Santa Ana, Calif.

The El Toro control zone is presently designated within a 5-mile radius of a point at latitude 33°40'34" N., longitude 117°43'50" W. on the El Toro MCAS, including a 3-mile radius of a point centered at latitude 33°42'20" N., longitude 117°49'30" W. on the Santa Ana MCAF, and including a 3-mile radius of a point centered at latitude 33°40'20" N., longitude 117°52'20" W. on the Orange County Airport, and within 2 miles either side of a line bearing 175° from the El Toro VOR, extending from the VOR to a point 8 miles south.

As designated, the operations for these airports are based on the weather report at El Toro MCAS. Weather, communications and control tower services are available at the airports through the El Toro MCAS tower and the Orange County Tower and Santa Ana MCAF Operations. The Federal Aviation Agency has deemed it advisable to designate separate control zones to obtain the maximum operational capability at Orange County Airport, Santa Ana MCAF and El Toro MCAS. Accordingly, action is taken herein to alter the El Toro control zone by deleting reference to the 3-mile radius of latitude 33°40'20" N., longitude 117°52'20" W. (Orange County Airport) and within a 3-mile radius of latitude 33°42'20" N., longitude 117°49'30" W. (Santa Ana MCAF), and to designate a separate control zone for Orange County Airport and Santa Ana MCAF. This action will not alter the extent of the presently designated controlled airspace in this area.

Since the changes effected by these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. Section 601.2252 (14 CFR 601.2252) is amended to read:

§ 601.2252 El Toro, Calif., control zone.

Within a 5-mile radius of El Toro MCAS (latitude 33°40'34" N., longitude 117°43'50" W.); within 2 miles either side of the El Toro VOR 175° radial extending from the 5-mile radius zone to 8 miles S of the VOR, excluding the portion W of a line from latitude 33°43'55" N., longitude 117°47'00" W. to latitude 33°39'50" N., longitude 117°49'00" W.

2. Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2518 Santa Ana, Calif., control zone.

Within a 3-mile radius of Orange County Airport, Santa Ana, Calif. (latitude 33°40'10" N., longitude 117°52'15" W.); within a 3-mile radius of Santa Ana MCAF (latitude 33°42'22" N., longitude 117°49'35" W.), excluding the portion E of a line from latitude 33°43'55" N., longitude 117°47'00" W. to latitude 33°39'50" N., longitude 117°49'00" W.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 21, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9666; Filed, Sept. 27, 1962; 8:45 a.m.]

[Airspace Docket No. 62-CE-42]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

On July 11, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 6562) stating that the Federal Aviation Agency proposed to designate a control zone at the Mid-Continent Airport, Kansas City, Mo.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following action is taken:

In the text of § 601.1984 (14 CFR 601.1984) the following is added: Kansas City, Mo.: Mid-Continent Airport (latitude 39°18'05" N., longitude 94°43'36" W.), from 0700 to 2300 hours local time, daily.

This amendment shall become effective 0001 e.s.t. December 13, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 21, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9667; Filed, Sept. 27, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-67]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

On July 6, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 6391) stating that the Federal Aviation Agency proposed to designate a control zone at the Yuba County Airport, Marysville, Calif.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2516 Marysville, Calif. (Yuba County Airport), control zone.

Within a 5-mile radius of the Yuba County Airport (latitude 39°05'51" N., longitude 121°34'10" W.), within 2 miles either side of the 158° bearing from the Marysville RBN extending from the 5-mile radius zone to 8 miles S. of the RBN, and within 2 miles either side of the 342° bearing from the Marysville RBN extending from the 5-mile radius zone to 8 miles N. of the RBN, excluding the portion which would coincide with the Beale AFB, Calif., control zone.

This amendment shall become effective 0001 e.s.t., November 15, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 21, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9668; Filed, Sept. 27, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-115]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Area Extension

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Dubois, Idaho, control area extension.

The Dubois control area extension is designated from the Dubois radio range extending 5 miles either side of the east course of the Dubois radio range to its intersection with the northeast course of the Idaho Falls, Idaho, radio range.

This control area extension was originally designated for the protection of aircraft executing a prescribed radio range instrument approach procedure. The Federal Aviation Agency has determined there is no longer a requirement for the Dubois radio range and has scheduled the decommissioning of this facility. Therefore, action is taken herein to revoke the Dubois control area extension.

Since the change effected by this amendment is less restrictive in nature than present requirements, and imposes no additional burden on any person, notice and public procedure thereon are unnecessary. However, since it is necessary that this action take place concurrent with the scheduled decommissioning of the Idaho Falls radio range, this amendment will become effective November 15, 1962.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 601 (14 CFR Part 601) is amended as follows: § 601.1197 *Control area extension (Dubois, Idaho)*, is revoked.

This amendment shall become effective 0001 e.s.t. November 15, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 21, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9669; Filed, Sept. 27, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-213]

PART 13—PROHIBITED TRADE PRACTICES

Actual Publishing Co., Inc., and Allen Stearn

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Actual Publishing Company, Inc., et al., New York, N.Y., Docket C-213, Sept. 10, 1962]

In the Matter of Actual Publishing Company, Inc., a corporation; and Allen Stearn, Individually and as an Officer of Said Corporation

Consent order requiring the New York City publisher of "Vue", "Romance Time", and "Hollywood Screen Parade" magazines, among others, to cease violating section 2(d) of the Clayton Act by making payments to operators of chain retail outlets in railroad, airport, and bus terminals and outlets in hotels and office buildings, and on the basis of individual negotiation, while not offering such payments on proportionally equal terms to all other customers, including drug chains, grocery chains, and other newsstands.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Actual Publishing Company, Inc., a corporation, its officers, and Allen Stearn, individually and as an officer of said corporation, directly or through any corporate or other device, in connection with the distribution, sale or offering for sale of publications, including magazines, in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Paying or contracting for the payment of an allowance or anything of value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of publications, including magazines published, sold or offered for sale by respondents unless such payment or consideration is affirmatively offered and otherwise made available on proportionally equal terms to all of their other customers competing with such favored customer in the distribution of such publications, including magazines.

The word "customer", as used above, shall be deemed to mean anyone who purchases from a respondent, acting either as principal or agent, or from a distributor or wholesaler where such transaction with such purchaser is essentially a sale by such respondent, acting either as principal or agent.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commisison a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 10, 1962.

By the Commisison.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-9671; Filed, Sept. 27, 1962; 8:46 a.m.]

[Docket C-214]

PART 13—PROHIBITED TRADE PRACTICES

North Bergen Quilting Co.

Subpart—Advertising falsely or misleadingly: § 13.230 *Size or weight.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1055-50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1323 *Size or weight.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, George Horwitz et al. doing business as North Bergen Quilting Company, North Bergen, N.J., Docket C-214, Sept. 10, 1962]

In the Matter of George Horwitz, and Milton Horwitz, Individually and as Copartners Doing Business as North Bergen Quilting Company

Consent order requiring manufacturers of sleeping bags and cot pads in North Bergen, N.J., to cease confusing purchasers as to the finished size of their products by listing the "cut size" in their circulars and other advertising and promotional material and on attached tags or labels, when the actual size was smaller than such "cut size."

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents George Horwitz and Milton Horwitz, individually and as copartners doing business as North Bergen Quilting Company or under any other name or names and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution, in commerce as "commerce" is defined in the Federal Trade Commission Act, of sleeping bags, cot pads or other similar merchandise, do forthwith cease and desist from:

1. Advertising, labeling, representing in circulars, catalogs or otherwise representing the "cut size" or dimensions of material used in their construction unless such representations are accompanied by descriptions of the finished or actual size, with the latter description being given at least equal prominence;

2. Misrepresenting the size of such product on labels or in any other manner;

3. Furnishing to others any means or instrumentality by or through which the public may be misled as to the finished or actual size of their finished products.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 10, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-9672; Filed, Sept. 27, 1962; 8:46 a.m.]

[Docket C-212]

PART 13—PROHIBITED TRADE PRACTICES

Republic Molding Corp.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* [Discriminating in price under sec. 2, Clayton Act]—Furnishing services or facilities for processing, handling, etc. under 2(e): § 13.835 *Demonstrators.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Republic Molding Corporation, Chicago, Ill., Docket C-212, Sept. 5, 1962]

In the Matter of Republic Molding Corporation, a Corporation

Consent order requiring a Chicago manufacturer of plastic kitchen products and other houseware accessories, to cease violating section 2(d) of the Clayton Act by promulgating advertising arrangements with its department store customers providing that it would pay 10 percent of their total annual purchases of its products to be used in advertising the products, and then in many instances exceeding the 10 percent limitation in allowances to certain customers in Akron, Cincinnati, and Cleveland, Ohio, but not to their competitors; and to cease violating section 2(e) of the same Act by furnishing the services of demonstrators to certain customers in the aforesaid cities but not to others.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Republic Molding Corporation, a corporation, its officers, directors, agents, representatives and employees, directly or through any corporate or other device, in the course of business in commerce, as "commerce" is defined in the Clayton Act as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for advertising, or any other services or facilities furnished by or through such customer in connection with the processing, handling, sale or offering for sale of plastic kitchen products, housewares accessories and related products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

(2) Discriminating, directly or indirectly, among competing purchasers of its plastic kitchen products, housewares accessories and related products, by contracting to furnish, furnishing, or contributing to the furnishing of the services of demonstrators, or any other services or facilities connected with the processing, handling, offering for sale or sale of respondent's products, to any purchaser from respondent unless such services or facilities are made available on proportionally equal terms to all purchasers competing in the distribution or resale of such products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 5, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-9673; Filed, Sept. 27, 1962; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55716]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

The Bureau has received official information that certain butterfat products known under the trade names "Junex," "Darine," and "Exylone" having a sugar content which has subjected the importations of such products to the imposition of countervailing duties under existing orders relating to the sugar content of certain articles from Australia, have been removed from the list of approved products entitled to the payment of an export sugar rebate under the Australian Sugar Act, 1962.

The determination by the Minister for Primary Industry is effective as to the above-named products shipped to any designation after July 18, 1962.

It is accordingly determined that effective July 19, 1962, no bounties or grants within the purview of section 303, Tariff Act of 1930 (19 U.S.C. 1303), are being or are likely to be paid or bestowed upon the manufacture, production, or export of the butterfat products known under the trade names "Junex," "Darine," and "Exylone" from Australia, imported directly or indirectly into the United States.

Collectors are, therefore, hereby instructed that countervailing duties are not to be assessed or collected on the above-identified products imported from Australia directly or indirectly which were exported from Australia on or after July 19, 1962, which are or will be entered, or withdrawn from warehouse, for consumption, and which have not been liquidated, or the liquidation of which has not become final, on the date of publication of this decision in the FEDERAL REGISTER.

The table in § 16.24(f) of the Customs Regulations is amended by inserting the number of this Treasury decision immediately following number 55664 in the column headed "Treasury Decision" and the words "Certain articles exempted as to shipments exported on or after July 19, 1962," in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] N. G. STRUB,
Acting Commissioner of Customs.

Approved: September 20, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-9707; Filed, Sept. 27, 1962; 8:53 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 121—FOOD ADDITIVES

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Food Additives Permitted in Animal Feed or Animal-Feed Supplements; Amprolium With Chlortetracycline, Bacitracin, or Bacitracin Methylene Disalicylate

1. The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Merck Chemical Division, Merck and Company, Inc., Rahway, New Jersey, and Pabst Brewing Company, 917 West Juneau Street, Milwaukee 1, Wisconsin, and other relevant material, has concluded that the following amendments should issue to provide for the addition of the antibiotics chlortetracycline (for growth promotion of chickens and turkeys) and bacitracin or bacitracin methylene disalicylate (for prevention and treatment of specific diseases of chickens) to amprolium-medicated feeds. The name amprolium having been established as the common or usual name, the section heading is amended by deleting the chemical name. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.210 (21 CFR 121.210; 27 F.R. 2799, 3198) is amended in the following respects:

a. The section heading is changed.

b. Paragraph (a)(1)(ii) is amended by changing subsection (*d*) and by adding thereto a new subsection (*f*).

c. Paragraph (a)(2)(iii) is amended by changing subsection (*b*) and (c) as set forth below.

d. Paragraph (b)(4) is amended as set forth below:

As amended, the affected portions of § 121.210 read as follows:

§ 121.210 Amprolium.

* * * * * * *

(a) * * *

(1) * * *

(ii) * * *

(*d*) Bacitracin, bacitracin methylene disalicylate, zinc bacitracin, or manganese bacitracin in accordance with the conditions prescribed in § 121.225(b)(3)(i), (c)(3)(i), (d)(3)(i), or (g)(3)(i).

* * * * * * *

(*f*) Chlortetracycline in accordance with the conditions prescribed in § 121.225(f)(3)(i).

(2) * * *

(iii) * * *

(b) A combination of penicillin and streptomycin: In the amount of 75 grams of streptomycin and 15 grams of penicillin per ton of finished feed, for the treatment of chronic respiratory disease (air-sac infection) and blue comb (nonspecific infectious enteritis).

(c) Bacitracin (as feed grade bacitracin, feed grade zinc bacitracin, bacitracin methylene disalicylate): In an amount not less than 50 grams nor more than 100 grams per ton of feed, for the prevention of chronic respiratory disease (air-sac infection) and blue comb (nonspecific infectious enteritis); or in an amount of not less than 100 grams nor more than 200 grams per ton of feed for the treatment of these diseases.

* * * * * * *

(b) * * *

(4) Adequate directions and warnings for use including a statement that such feeds may not be fed to laying chickens.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

2. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 146.26 *Animal feed containing penicillin* * * * is amended as indicated below:

Paragraph (b)(44) is amended by changing subdivisions (iv) and (v) to read as follows:

(b) * * *

(44) * * *

(iv) It is also intended for use in the prevention of those infections of chickens specified in subparagraph (9) of this paragraph; it contains amprolium in the amount and under the conditions specified in subdivision (i) of this subparagraph; and it contains, per ton of feed, not less than 50 grams and not more than 100 grams of bacitracin (as feed grade bacitracin, bacitracin methylene disalicylate, or feed grade zinc bacitracin).

(v) It is also intended for use in the treatment of those infections of chickens specified in subparagraph (10) of this paragraph; it contains amprolium in the amount and under the conditions set forth in subdivision (i) of this subparagraph; and it contains, per ton of feed, not less than 100 grams and not more than 200 grams of bacitracin (as feed grade bacitracin, bacitracin methylene disalicylate, or feed grade zinc bacitracin).

(Sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409, 507, 59 Stat. 463 as amended; 72 Stat. 1786; 21 U.S.C. 348, 357)

Dated: September 24, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-9692; Filed, Sept. 27, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Antibiotics for Growth Promotion; Stay of Effective Date of Labeling Provisions

Pursuant to petitions duly filed and upon consideration of other relevant material, an order was published in the FEDERAL REGISTER of March 23, 1962 (27 F.R. 2733), establishing a regulation to provide for the safe use of certain antibiotic drugs in animal feeds. Following publication of the order, the petitioners and others submitted objections and requested that certain changes be made therein.

The Commissioner of Food and Drugs has evaluated the objections, and based upon his conclusions: *It is ordered*, That the effective date of the order be extended to January 31, 1963, insofar as it affects the labeling requirements for antibiotics content in § 121.225(w)(1)(ii), to permit orderly registration of the new labels where required by State statute.

This action is taken under the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), pursuant to the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625).

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER. Notice and public procedure and delayed effective date are unnecessary in this instance, since the order relaxes existing requirements.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 24, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-9691; Filed, Sept. 27, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

RICE BRAN WAX

The Commissioner of Food and Drugs, having evaluated information submitted in a petition filed by Frank B. Ross Company, Inc., 6 Ash Street, Jersey City 4, New Jersey, and other relevant data, has concluded that the food additive regulations should be amended to provide for the use of rice bran wax in food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended as set forth below:

1. In § 121.1059 *Chewing gum base*, paragraph (a) is amended by inserting the item: "Rice bran wax," complying with § 121.1098 in the list of "Plasticizing Materials * * *", after the item "Lanolin * * *."

2. Part 121 is amended by adding to Subpart D the following new section:

§ 121.1098 Rice bran wax.

Rice bran wax may be safely used in food in accordance with the following conditions:

(a) It is the refined wax obtained from rice bran and meets the following specifications:

Melting point 75° C. to 80° C.
Free fatty acids, maximum 10 percent.
Iodine number, maximum 20.
Saponification number 75 to 120.

(b) It is used or intended for use as follows:

Food	Limitation in food	Use
Candy	50 parts per million.	Coating.
Fresh fruits and fresh vegetables.	do	Do.
Chewing gum	2½ percent	Plasticizing material.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 24, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-9700; Filed, Sept. 27, 1962; 8:52 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 207.19(c) subparagraph (2) is amended, subparagraphs (3), (4), (5), and (6) are renumbered as subparagraphs (4), (5), (6), and (7) respectively, a new subparagraph (3) is added and the newly numbered subparagraph (7) is amended to read as follows:

§ 207.19 Required supervision of private mortgagors.

* * * * * * *

(c) *Requirements incident to insurance of advances.* * * *

(2) Prior to initial endorsement, the mortgagor shall deposit with the mortgagee cash deemed by the Commissioner to be sufficient, when added to the proceeds of the insured mortgage, to assure completion of the project and to pay the initial service charge, the carrying charges, and the legal and organization expenses incident to the construction of the project. Such funds shall be held by the mortgagee in a special account or by an acceptable depository designated by the mortgagee under an appropriate agreement approved by the Commissioner requiring all such funds to be disbursed for work and material on the physical improvements, and for other charges and expenses to be paid when due, prior to the advances of any mortgage money.

(3) All fees and charges to be paid by the mortgagor in connection with financing which are in excess of the initial service charge and which have been approved by the Commissioner, shall be deposited with the mortgagee in cash, prior to initial endorsement, unless other arrangements acceptable to the Commissioner are made.

* * * * * * *

(7) An irrevocable letter of credit acceptable to the Commissioner and the mortgagee and issued by an institution satisfactory to them may be substituted for any cash deposit required by subparagraphs (1), (3), (4), and (6) of this paragraph.

Subpart B—Contract Rights and Obligations

In § 207.253 a new subparagraph (c)(7) is added to read as follows:

§ 207.253 Adjusted premium and termination charges.

* * * * * * *

(c) * * *

(7) Where the mortgage is paid in full from the proceeds of a direct loan granted under a program administered by the Housing and Home Finance Agency.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

In § 213.27 paragraph (a) is amended, paragraphs (b) through (f) are redesignated as paragraphs (c) through (g) respectively, a new paragraph (b) is added, and the newly designated paragraph (g) is amended to read as follows:

§ 213.27 Assurances of completion.

(a) Prior to initial endorsement, the mortgagor shall deposit with the mortgagee cash deemed by the Commissioner to be sufficient, when added to the proceeds of the insured mortgage, to assure completion of the project and to pay the initial service charge, the carrying charges, and the legal and organization expenses incident to the construction of the project. Such funds shall be held by the mortgagee in a special account or by an acceptable depository designated by the mortgagee under an appropriate agreement approved by the Commissioner requiring all such funds to be disbursed for work and material on the physical improvements, and for other charges and expenses to be paid when due, prior to the advance of any mortgage money.

(b) All fees and charges to be paid by the mortgagor in connection with financing which are in excess of the initial service charge and which have been approved by the Commissioner, shall be deposited with the mortgagee in cash, prior to initial endorsement, unless other arrangements acceptable to the Commissioner are made.

• • • • •

(g) An irrevocable letter of credit acceptable to the Commissioner and the mortgagee and issued by an institution satisfactory to them may be substituted for any cash deposit required by paragraphs (b), (c) and (e) of this section.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

In Part 220 a new section heading is added to the Table of Contents as follows:

Sec.
220.525 Loans of $200,000 or less involving rehabilitation and insurance upon completion.

In Part 220 a new § 220.525 is added as follows:

§ 220.525 Loans of $200,000 or less involving rehabilitation and insurance upon completion.

In the case of rehabilitation of an existing project involving insurance upon completion and when the principal amount of the loan is $200,000 or less all of the provisions of §§ 220.501 through 220.514 relating to project mortgage insurance shall apply except as modified below:

(a) *Classification of mortgagors.* In order to be eligible as a mortgagor the applicant shall qualify as one of the following:

(1) *Private mortgagors.* Any mortgagor approved by the Commissioner.

(2) *Public mortgagors.* A Federal or state instrumentality, a municipal corporate instrumentality of one or more states, or a limited dividend or redevelopment or housing corporation formed under federal or state laws or regulations.

(b) *General supervision of mortgagors.* The provisions of § 207.18 (a) and (c) of this chapter shall not apply.

(c) *Required supervision of private mortgagors.* The provisions of § 207.19 paragraph (a) *Capital structure,* paragraph (b) *Rate of return,* paragraph (c) *Requirements incident to insurance advances,* paragraph (e) *Rents and charges* and paragraph (f) *Methods of operation* of this chapter shall not apply.

(d) *Cost certification requirements.* The cost certification requirements shall be as follows:

(1) *Certification agreement.* The mortgagee shall submit with the application for commitment an agreement, on a form prescribed by the Commissioner, executed by the mortgagor and mortgagee, in which:

(i) The mortgagor agrees to execute, upon completion of the improvements, a certificate of the actual cost of the improvements.

(ii) The mortgagor and the mortgagee agree that if the actual cost of the improvements is less than the amount authorized in the commitment, the amount of the mortgage shall not exceed the actual cost of the improvements, and that the amount of the mortgage shall be further adjusted to the lowest $50 multiple where the amount is not in excess of $10,000, or adjusted to the lowest $100 multiple where the amount exceeds $10,000.

(2) *Certificate and adjustment.* No mortgage shall be insured unless in accordance with the agreement between the mortgagor and the mortgagee:

(i) The required certification of actual cost is made by the mortgagor; and

(ii) The amount of the mortgage is adjusted to reflect the actual cost of the improvements.

(3) *Cost computation.* The term "actual cost of the improvements" shall mean the cost to the mortgagor of the improvements, after deducting the amount of any kickbacks, rebates, or trade discount received in connection with the improvements, and including:

(i) The amounts paid under any contract for the improvements, labor, materials, and for any other items of expense approved by the Commissioner; and

(ii) A reasonable allowance for contractor's profit, in an amount approved by the Commissioner, where the Commissioner determines that there is an identity of interest between the mortgagor and the contractor.

(e) *Record maintenance and examination.* The provisions of § 207.27 paragraphs (a), (b), and (d) of this chapter covering the form, content and verification of the mortgagor's certificate of actual cost, shall not apply.

(f) *Adjustment resulting from cost certification.* The provisions of § 207.28 of this chapter relating to adjustments in the mortgagor's certification of actual cost, shall not apply.

Subpart D—Contract Rights and Obligations—Projects

In § 220.804 paragraph (g) is amended to read as follows:

§ 220.804 Insurance premiums.

• • • • •

(g) *Method of premium payment.* Premiums shall be payable in cash or in debentures issued by the Commissioner against the Section 220 Home Improvement Account at par plus accrued interest. All premiums are payable in advance and no refund can be made of any portion thereof except as hereinafter provided in §§ 220.800 et seq.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.540 paragraph (b) is amended, paragraphs (c) and (d) are redesignated as paragraphs (d) and (e) respectively, a new paragraph (c) is added and the newly designated paragraph (e) is amended to read as follows:

§ 221.540 Financial requirements.

• • • • •

(b) Prior to initial endorsement, the mortgagor shall deposit with the mortgagee cash deemed by the Commissioner to be sufficient, when added to the proceeds of the insured mortgage, to assure completion of the project and to pay the initial service charge, the carrying charges, and the legal and organization expenses incident to the construction of the project. Such funds shall be held by the mortgagee in a special account or by an acceptable depository designated by the mortgagee under an appropriate agreement approved by the Commissioner requiring all such funds to be disbursed for work and material on the physical improvements, and for other charges and expenses to be paid when due, prior to the advance of any mortgage money.

(c) All fees and charges to be paid by the mortgagor in connection with financing which are in excess of the initial service charge and which have been approved by the Commissioner, shall be deposited with the mortgagee in cash, prior to initial endorsement, unless other arrangements acceptable to the Commissioner are made.

• • • • •

(e) An irrevocable letter of credit acceptable to the Commissioner and the mortgagee and issued by an institution satisfactory to them may be substituted for any cash deposit required by paragraphs (a), (c), and (d) of this section.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER I—HOUSING FOR ELDERLY PERSONS

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

Subpart A—Eligibility Requirements

In § 231.12(a) a new subparagraph (3) is added to read as follows:

§ 231.12 Private mortgagor—nonprofit; prepayment privilege and prepayment charges.

• • • • •

(a) • • •

(3) Where the mortgage is to be paid in full from the proceeds of a direct loan granted under a program administered by the Housing and Home Finance Agency.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 231, 73 Stat. 665; 12 U.S.C. 1715v)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 232.61 paragraphs (a)(1), (b), and (d) are amended to read as follows:

§ 232.61 Equity requirements.

(a) *Funds and finances—in general.* • • •

(1) Meet the cost of equipping the project subsequent to the completion;

• • • • •

(b) *Funds and finances—insured advances.* If the commitment provides for insurance of advances during construction, in addition to meeting the requirements of paragraph (a) of this section, the mortgagor shall meet the following requirements:

(1) Deposit with the mortgagee prior to initial endorsement an amount deemed by the Commissioner to be sufficient to defray accruals for taxes, mortgage insurance premiums, hazard insurance premiums and assessments required by the terms of the mortgage during the course of construction;

(2) Prior to initial endorsement, the mortgagor shall deposit with the mortgagee cash deemed by the Commissioner to be sufficient, when added to the proceeds of the insured mortgage, to assure completion of the project and to pay the initial service charge, the carrying charges, and the legal and organization expenses incident to the creation of the project. Such funds shall be held by the mortgagee under an appropriate agreement approved by the Commissioner which will require all such funds to be disbursed for work and material on the physical improvements, and for other charges and expenses to be paid when due, prior to the advance of any mortgage money.

(3) All fees and charges to be paid by the mortgagor in connection with financing which are in excess of the initial service charge and which have been approved by the Commissioner, shall be deposited with the mortgagee in cash, prior to initial endorsement, unless other arrangements acceptable to the Commissioner are made.

• • • • •

(d) *Letter of credit.* An irrevocable letter of credit acceptable to the Commissioner and mortgagee and issued by an institution satisfactory to them, may be substituted for any cash deposit required by this section except paragraph (b)(2) of this section.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER L—MORTGAGE INSURANCE FOR INDIVIDUALLY OWNED UNITS IN MULTIFAMILY STRUCTURES

PART 234—CONDOMINIUM OWNERSHIP

Subpart A—Eligibility Requirements

In Part 234 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
234.38 Mortgage provisions for additional payments and covenants.

In § 234.26(b) new subparagraphs (8) and (9) are added to read as follows:

§ 234.26 Eligibility—family unit, multifamily structure, and plant of apartment-ownership.

• • • • •

(b) • • •

(8) Provision requiring the manager or the Board of Directors, as insurance trustee, to obtain and continue in effect blanket property insurance coverage in form and amounts satisfactory to mortgagees holding insured mortgages covering family units and to the Commissioner if owner of a family unit or holder of such mortgage, but without prejudice to the right of the owner of a family unit to obtain individual unit insurance; or such other provision concerning insurance as is approved by the Commissioner.

(9) Provision establishing that the insurance premium for the blanket property insurance coverage shall be common expenses to be paid by monthly assessments levied by the Association of Owners and requiring such payments to be held in a separate escrow account and used solely for the payment of the blanket property insurance premium as it becomes due; or such other provision concerning insurance as is approved by the Commissioner.

Section 234.38 is amended to read as follows:

§ 234.38 Mortgage provisions for additional payments and covenants.

(a) The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize any ground or lease rents and the estimated amount of any taxes, special assessments, and such property insurance premiums as may be required by the mortgagee, within a period ending one month prior to the dates on which such charges become delinquent. The mortgage shall further provide that payments and such property insurance premiums as may be required by the mortgagee, shall be held by the mortgagee for the benefit and account of the mortgagor in a manner satisfactory to the Commissioner, for the purpose of paying ground rents, taxes, special assessments, and such property insurance premiums as may be required by the mortgagee, before they become delinquent. The mortgage must also make provision for adjustments in case the estimated amount of taxes, special assessments, and such property insurance premiums as may be required by the mortgagee, shall prove to be more, or less, than the actual amount thereof paid by the mortgagor.

(b) The mortgage shall contain a covenant by the mortgagor to pay the allocated share of the common expenses or assessments and charges by the Association of Owners as provided in the Plan of Apartment Ownership and a provision approved by the Commissioner by which the Regulatory Agreement is incorporated in and made a part of the mortgage.

(c) As used in the mortgage the term "assessments" except where it refers to assessments and charges by the Association shall be defined to mean "special assessments by state or local governmental agencies, districts or other public taxing or assessing bodies."

Section 234.39 is amended to read as follows:

§ 234.39 Application of payments.

All monthly payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor each month in a single payment. The mortgagee shall apply the aggregate payment to the following items in the order set forth:

(a) Premium charges under the contract of insurance, including insurance charges for open-end advances;

(b) Ground rents, taxes, special assessments, and such property insurance premiums as may be required by the mortgagee;

(c) Interest on the mortgage;

(d) Amortization of the principal of the mortgage; and

(e) Any deficiency in the amount of any aggregate monthly payment shall, unless made good by the mortgagor prior to, or on, the due date of the next aggregate payment, constitute a default under the mortgage.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

Issued at Washington, D.C., September 24, 1962.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 62-9709; Filed, Sept. 27, 1962; 8:53 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Miscellaneous Amendments

In Part 1, §§ 1.521, 1.522, and 1.523 are revised to read as follows:

§ 1.521 Special restrictions concerning social security records.

Information received from the Social Security Administration may be filed in the veteran's claims folder without special provisions. Such information will be deemed privileged and may not be released by the Veterans Administration except that information concerning the amount of social security benefits paid to a claimant or the amount of social security tax contributions made by the claimant may be disclosed to the claimant or his duly authorized representative. Any request from outside the Veterans Administration for other social security information will be referred to the Social Security Administration for such action as they deem proper.

§ 1.522 Determination of the question as to whether disclosure will be prejudicial to the mental or physical health of claimant.

Determination of the question when disclosure of information from the files, records, and reports will be prejudicial to the mental or physical health of the claimant, beneficiary, or other person in whose behalf information is sought, will be made by the Chief Medical Director; chief of staff of a hospital; or the chief medical officer as defined in § 17.30(o) of this chapter.

§ 1.523 Veterans Administration installation from which authorized disclosure will be made.

Where disclosure of information from the files, records, reports, and other papers and documents pertaining to claims filed with the Veterans Administration is not restricted, such disclosure shall be made by the service, division, or activity in central office, insurance center, regional or VA office, hospital, or center having possession of the individual record or file from which the information is to be disclosed.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective September 28, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-9706; Filed, Sept. 27, 1962; 8:53 a.m.]

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

Miscellaneous Amendments

1. Section 6.13, 6.24, 6.29, 6.40, 6.47, 6.48, and 6.51 are revised to read as follows:

§ 6.13 Premium rate.

United States Government life insurance is granted at the premium rate for the age nearest birthday anniversary of the applicant at the time the policy becomes effective in accordance with the premium rates published in VA Pamphlet 9-2 entitled "Premium Rates and Policy Values for United States Government Life Insurance" and VA Pamphlet 90-2A for the Special Endowment at Age 96 plan policy.

§ 6.24 Deduction of premiums on total disability insurance or total permanent disability provision.

An authorization to deduct premiums on a contract of United States Government life insurance in accordance with the provisions of §§ 6.20, 6.21, 6.22, and 6.23 will be deemed to include the premiums on any contract of total disability insurance or the total permanent disability provision that may be attached to said contract of United States Government life insurance, and the provisions of said sections shall be applicable jointly and inseparably to both contracts as though they were one contract.

§ 6.29 Premiums and interest to be an indebtedness against the insurance.

In all cases where the payment of premiums on yearly renewable term insurance and United States Government life insurance on the due date thereof has been waived as provided by §§ 6.25, 6.26, and 6.27, the premium so waived shall bear interest at the rate of 5 percent per annum, compounded annually, from the due date of such premium, and if not paid the amount shall be an indebtedness against the policy to be deducted from the proceeds of insurance in any settlement thereunder or from the cash value when such value is taken in cash or used for the purpose of purchasing paid-up or extended insurance or making a loan: *Provided, however,* That the unpaid premiums with interest shall not be considered such an indebtedness as is set forth in paragraph 5(D) of the contract of Government converted insurance, or paragraph 8 of the special endowment at age 96 plan policy, to cause the policy to cease and become void if the amount (premiums with interest) is greater than the cash surrender value, so long as premiums are paid by the insured or the payment on the due date thereof is waived by regulations of the Veterans Administration.

§ 6.40 Forms of policies.

The forms of policies of insurance described and designated in this section are hereby prescribed for use in granting United States Government life insurance. Contracts of insurance authorized to be made in accordance with the terms and conditions set forth in the forms of policies described and designated in this section are subject in all respects to the applicable provisions of title 38, United States Code, amendments and supplements thereto, and all Veterans Administration regulations promulgated pursuant thereto.

Ordinary life policy (VA Form 9-741).
Five-year level premium term policy (VA Form 9-735).
Twenty-payment life policy (VA Form 9-747).
Thirty-payment life policy (VA Form 9-748).
Twenty-year endowment policy (VA Form 9-749).
Thirty-year endowment policy (VA Form 9-750).
------ year endowment policy (VA Form 9-751).
Special endowment at age 96 plan policy (VA Form 9-341).

The 5-year level premium term policy (VA Form 9-735) is substituted for the 5-year convertible term policy (VA Form 9-745). Additions to or modifications of said policies may hereafter be made by the Administrator of Veterans Affairs.

§ 6.47 To a policy at a higher rate of premium as of original effective date.

A United States Government life insurance policy on any plan of insurance other than the special endowment at age 96 plan policy may be exchanged for a policy of the same amount, bearing the same date, and based on the same age, on any plan of insurance issued by the Veterans Administration at a higher rate of premium, upon payment of the difference between the reserve on the new policy and the reserve on the old policy. Such exchange will be made without medical examination and upon complete surrender of the insurance while in force.

§ 6.48 To a policy at a lower rate of premium as of original effective date.

A United States Government life insurance policy other than the special endowment at age 96 plan policy may be exchanged within 5 years from the effective date for a policy of the same amount, bearing the same date and based on the same age, on any plan of insurance issued by the Veterans Administration at a lower rate of premium, except the 5-year level premium term policy and the special endowment at age 96 plan policy: *Provided,* That where premium waiver on United States Government life insurance is effective under section 622 of the National Service Life Insurance Act, as amended, or section 724 of Title 38, United States Code, that portion of the current monthly premium at the attained age of the insured for the plan of insurance selected which is not required for the pure insurance risk must be paid. The reserve (if any) on the policy will be allowed as a credit on the current monthly premium. Such exchange will be made without medical examination upon complete surrender of the insurance while in force and within 5 years from the effective date of the policy.

2. Immediately following §§ 6.51, 6.52, and 6.53 are added to read as follows:

§ 6.52 Exchange of 5-year level premium term insurance for special endowment at age 96 plan policy.

(a) Effective July 25, 1962, an insured who on or after his 65th birthday has a 5-year level premium term policy of United States Government life insurance which is in force by payment of premiums may exchange such policy for a special endowment at age 96 plan policy issued pursuant to § 6.53. The exchange may be for insurance of the same amount and will be effective as of a current effective date but in no event shall the exchange be made effective prior to July 25, 1962. The insured will be required to file written application, and pay the required monthly premium at his attained age for the special endowment at age 96 plan policy. Such exchange will be made without medical examination upon surrender of the term policy and any total disability provision attached thereto with all rights, title and interest in the life insurance and the provision.

(b) Where it is found by the Administrator subsequent to the exchange of term insurance for the special endowment at age 96 plan policy as provided in paragraph (a) of this section, that prior to such exchange: (1) The term policy matured because of total permanent disability of the insured in accordance with § 6.120, 6.121, or 6.122, whichever is applicable, or (2) the insured was entitled to total disability benefits in accordance with § 6.160 or 6.164, whichever is applicable, under the total disability provision attached to the term policy, the insured, upon surrender of the special endowment plan policy and any total permanent disability provision which may be attached thereto, with all rights, title and interest in such life and disability insurance, will be entitled to the benefits which are payable under the prior term policy and total disability provision. In such case, the cash value less any indebtedness on the endowment policy shall be refunded together with any premiums paid on the total permanent disability provision.

§ 6.53 United States Government life insurance issued under section 742 (b) of Title 38, United States Code.

The special endowment at age 96 plan of insurance issued under section 742 (b) of Title 38, United States Code, shall be issued upon the same terms and conditions as are contained in standard policies of United States Government life insurance, except (a) the insurance shall not mature and no benefits shall be paid thereunder because of total permanent disability; (b) such insurance cannot be exchanged, converted or reconverted to any other plan of insurance; (c) the premium rates, cash, loan, paid-up and extended term insurance values are as prescribed by the Administrator and except for loan values are published in VA Pamphlet 90-2A; (d) the insurance cannot be antedated and the effective date shall be as prescribed in § 6.52; and (e) no premiums on such insurance shall be waived under § 6.185.

3. Section 6.81 is revised to read as follows:

§ 6.81 Indebtedness at time of reinstatement.

The United States Government life insurance shall not be deemed to be reinstated until satisfactory evidence of good health has been furnished and approved as required, and, except as provided in § 6.78, until all premiums in arrears have been paid with the required interest, and any indebtedness existing at the time of default has been paid or reinstated as set forth in the policy: *Provided,* That any indebtedness on account of unpaid service premiums and premiums waived under authority of section 306 of the World War Veterans' Act, 1924, as amended, or section 760 of Title 38, United States Code, may be reinstated, even though the amount of such indebtedness exceeds the reserve of the policy; and such indebtedness unless otherwise paid shall be deducted from the proceeds of insurance in any settlement thereof, or from the cash value when such value is taken in cash or used for the purpose of purchasing paid-up or extended insurance or making a loan: *Provided further,* That the amount of such unpaid premiums with interest shall not be considered an indebtedness as is set forth in paragraph 5(D) of the contract of Government life insurance or paragraph 8 of the special endowment at age 96 plan policy to cause the policy to cease and become void if the amount (premiums with interest) is greater than the cash surrender value of an insurance without indebtedness, so long as current premiums are being paid by the insured when due or the payment on the due date thereof is being waived as provided by Veterans Administration regulations.

4. In § 6.90, paragraph (a) is amended to read as follows:

§ 6.90 Examinations for insurance purposes.

(a) It is deemed necessary in order properly to safeguard the interests of the Government to require a physical examination by a full-time or part-time salaried physician at a field station of the Veterans Administration in the following instances:

(1) When an application has been filed by a person for payment of insurance benefits or waiver of premiums on account of total or total and permanent disability unless in accordance with prescribed insurance procedure a physical examination is not necessary;

(2) When requested by the Disability Insurance Claims activity for the purpose of review, as provided by Veterans Administration regulations, of claims in which insurance benefits are being paid or premiums are being waived, to determine if the person has recovered the ability to follow a gainful occupation;

(3) When requested by the Disability Insurance Claims activity in order to determine the existence of mental incompetency for the purpose of waiver of payment of an insurance premium on its due date. Examination will be made without charge to the claimant.

* * * * *

5. Section 6.91 is revised to read as follows:

§ 6.91 Examinations and inspections for insurance purposes where applicant or claimant, by reason of his physical or mental condition, is unable to appear at an office of the Veterans Administration.

If an individual is unable to travel because of physical or mental condition, the Manager of a regional office or Director of a hospital may, on his own initiative or at the request of the insurance activity concerned, authorize at Government expense examination at the home of the person to be examined in those instances in which, as provided by § 6.90, examination by a full-time or part-time salaried physician is deemed necessary properly to safeguard the interests of the Government. Examination at the home of an applicant for reinstatement of insurance can be authorized at Government expense only by the Underwriting activity.

6. In § 6.92, paragraphs (a) and (d) are amended to read as follows:

§ 6.92 Expenses incident to examinations for insurance purposes.

(a) Necessary transportation expenses incident to physical or mental examinations at regional offices or hospitals of the Veterans Administration may be furnished in the following instances: (1) When, upon filing of an application for payment of insurance benefits or waiver of premiums, an applicant is ordered to report for examination by the Veterans Administration to determine the existence of total or total and permanent disability; (2) when an individual receiving payments of insurance benefits or waiver of premiums, is ordered to report for the examination by the Veterans Administration to determine if he has recovered the ability to follow a gainful occupation; (3) when an individual is ordered to report for examination by the Veterans Administration to determine the existence of mental incompetency for the purpose of waiver of payment of an insurance premium on its due date.

* * * * *

(d) Transportation expenses will not be furnished for examinations on applications for reinstatement of insurance or on applications for payment of insurance benefits or waiver of premiums on account of total or total and permanent disability where the applicants were not ordered to report for the examination by the Veterans Administration, or on applications for new insurance.

7. Sections 6.105, 6.106, 6.110, 6.111, and 6.115 are revised to read as follows:

§ 6.105 Provision for extended term insurance.

(a) After the expiration of the first policy year and upon default in the payment of a premium within the grace period, if a United States Government life insurance policy on any plan other than 5-year level premium term has not been surrendered for cash or for paid-up insurance, the policy shall be extended automatically as term insurance for an amount of insurance equal to the face value of the policy less any indebtedness for such time from the due date of the premium in default as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of years and months from that date to the date the extended term insurance becomes effective. The extended term insurance shall be with right to dividends and, except for extended term

insurance under a special endowment at age 96 plan policy, with right to total permanent disability benefits. The number of monthly installments payable upon due proof of total permanent disability or death of the insured under such extended term insurance will be the same as would then be payable under the policy. The extended term insurance shall not have a loan value, but shall have a cash value.

(b) Upon default in payment of premium within the grace period and after the effective date of this paragraph on any plan of United States Government life insurance other than 5-year level premium term, if the policy has been in force by payment or waiver of the premiums for not less than 3 months nor more than 11 months, the policy shall be extended automatically as term insurance for an amount of insurance equal to the face value of the policy less any indebtedness for such time from the due date of the premium in default as the reserve of the policy less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of months from that date to the date extended term insurance becomes effective. The extended term insurance, except extended term insurance under a special endowment at age 96 plan policy, shall be with right to total permanent disability benefits. The number of monthly installments payable upon due proof of total permanent disability or death of the insured under such extended term insurance will be the same as would then be payable under the policy. Extended term insurance under this provision shall not have a cash or loan value. This paragraph shall be effective from and after August 2, 1948.

§ 6.106 Extended insurance in case of total permanent disability, except extended insurance under the special endowment at age 96 plan policy.

In case total permanent disability occurs during the period of extended insurance under a United States Government life insurance policy and payments are made on account of such disability and recovery from such disability also takes place, then (a) if the recovery takes place before the end of the period of extended insurance, the insurance shall be reduced accordingly, and the insurance, as reduced, shall be continued in force; (b) if the recovery takes place after the end of the period of extended insurance, all rights and claims hereunder shall cease, except as to the privilege to reinstate.

§ 6.110 Provision for paid-up insurance.

If a United States Government life insurance policy has not been surrendered for cash, upon default in the payment of any premium due after the expiration of the first policy year, and upon written request of the insured and complete surrender of the insurance with all claims thereunder within 3 calendar months after the due date of the premium, the United States will issue paid-up insurance for such amount as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of years and months from that date to the date the paid-up insurance becomes effective. The paid-up insurance shall be with right to dividends and, except paid-up insurance under the special endowment at age 96 plan policy, with right to total permanent disability benefits. The number of monthly installments payable upon due proof of total permanent disability or death of the insured under such paid-up insurance will be the same as would then be payable under the policy. The insured may at any time surrender the paid-up policy for its cash value or obtain a loan on such paid-up insurance.

§ 6.111 Paid-up insurance in case of total permanent disability, except for paid-up insurance under the special endowment at age 96 plan policy.

If one or more monthly installments be paid on account of total permanent disability incurred under a paid-up insurance, then there shall be paid to the beneficiary upon the surrender of insurance at the death of the insured the remaining unpaid installments (240, less the number paid). If an optional settlement has been selected, payments shall be made accordingly.

§ 6.115 Cash value, other than 5-year level premium term policy and special endowment at age 96 plan policy.

Provisions for cash value, paid-up insurance, and extended term insurance, except as provided in § 6.105(b), shall become effective at the completion of the first policy year on any plan of United States Government life insurance other than the 5-year level premium term plan or the special endowment at age 96 plan policy; all values, reserves, and net single premiums being based on the American Experience Table of Mortality, with interest at the rate of 3½ percent per annum. The cash value at the end of the first policy year and at the end of any policy year thereafter, for which premiums have been paid in full or waived, shall be the reserve together with any dividend accumulations. For each month after the first policy year, for which month a premium has been paid or waived, the reserve at the end of the preceding policy year shall be increased by one-twelfth of the increase in reserve for the current policy year. Upon written request therefor and upon complete surrender of the insurance with all claims thereunder made by the insured while the policy is in force, but not later than 3 calendar months from the due date of the premium in default, the United States will pay to the insured the cash value of the policy less any indebtedness, provided the policy has been in force by payment or waiver of the premiums for at least 1 year. Unless otherwise requested by the insured, a surrender will be deemed completed as of the end of the premium month in which the application for cash surrender is delivered to the Veterans Administration, or as of the date of the check for the cash value, whichever is later. If the application is forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery. If it is forwarded through military channels, the date the application is placed in military channels will be taken as the date of delivery. The provisions of the "cash value" clause in United States Government life insurance policies are hereby amended accordingly.

8. Immediately following § 6.116, a new § 6.117 is added to read as follows:

§ 6.117 Cash value: special endowment at age 96 plan policy.

Provisions for cash value, paid-up insurance and extended term insurance, except as provided in § 6.105(b), shall become effective at the completion of the first policy year; all values and net single premiums are as prescribed by the Administrator and published in VA Pamphlet 90–2A. The cash value at the end of the first policy year and at the end of any policy year thereafter, for which premiums have been paid in full or waived, shall be the reserve as set forth in the policy together with any dividend accumulations. For each month after the first policy year, for which month a premium has been paid or waived, the reserve at the end of the preceding policy year shall be increased by one-twelfth of the increase in reserve for the current policy year. Upon written request therefor and upon complete surrender of the insurance with all claims thereunder made by the insured while the policy is in force, but not later than 3 calendar months from the due date of the premium in default, the United States will pay to the insured the cash value of the policy less any indebtedness, provided the policy has been in force by payment or waiver of the premiums for at least 1 year. Unless otherwise requested by the insured, a surrender will be deemed completed as of the end of the premium month in which the application for cash surrender is delivered to the Veterans Administration, or as of the date of the check for the cash value, whichever is later. If the application is forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery. If it is forwarded through military channels, the date the application is placed in military channels will be taken as the date of delivery. The provisions of the "cash value" clause in United States Government life insurance policies are hereby amended accordingly.

9. Sections 6.120, 6.121, 6.122 and 6.123 are revised to read as follows:

§ 6.120 Total permanent disability benefits.

Upon due proof of the total permanent disability of the insured while a United States Government life insurance policy other than a special endowment at age 96 plan policy is in force, the monthly installments, except as otherwise provided, shall be payable to the insured and continue to be so payable during total permanent disability so long as he lives, and payment of all premiums due after receipt of such proof during total permanent disability shall be waived.

§ 6.121 Definition of total permanent disability.

Total permanent disability as referred to in a United States Government life insurance policy is any impairment of mind or body which continuously renders it impossible for the disabled person to follow any substantially gainful occupation and which is founded upon conditions which render it reasonably certain that the total disability will continue throughout the life of the disabled person. The total permanent disability benefits may relate back to a date not exceeding 6 months prior to receipt of due proof of total permanent disability, and any premium paid after receipt of due proof of total permanent disability and within the 6 months shall be refunded without interest: *Provided*, That where the insured becomes or has become totally and permanently disabled while outside the continental limits of the United States and because of war conditions could not feasibly file claim therefor, such benefits may relate back to the beginning date of such disability but not prior to June 27, 1950: *Provided*, That claim therefor is filed within 1 year after discharge, or the insured's return to the continental limits of the United States, or prior to January 1, 1955, whichever is the earlier. The provisions of this section shall not be applicable to the special endowment at age 96 plan policy.

§ 6.122 Disabilities deemed to be total and permanent.

Without prejudice to any other cause of disability, the permanent loss of the use of both feet, of both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden shall be deemed to be total and permanent disability under United States Government life insurance, and monthly installments of insurance for any of these specifically enumerated causes of total and permanent disability shall accrue from the date of such total and permanent disability, and any premiums paid after the date of such total and permanent disability shall be refunded without interest. Organic loss of speech will mean the loss of the ability to express oneself, both by voice and whisper, through the normal organs of speech if such loss is caused by organic changes in such organs. Where such loss exists, the fact that some speech can be produced through the use of an artificial appliance or other organs of the body will be disregarded. (The provisions of this section shall not be applicable to contracts of United States Government life insurance originally issued on and subsequent to December 15, 1936, or the special endowment at age 96 plan policy.)

§ 6.123 Recovery from total permanent disability other than the special endowment at age 96 plan policy.

Notwithstanding proof of total permanent disability may have been accepted as satisfactory, the insured shall at any time, on demand, furnish proof satisfactory to the Administrator of Veterans Affairs of the continuance of such total permanent disability, and, if the insured shall fail to furnish such proof, all payments of monthly installments on account of such total permanent disability under a United States Government life insurance policy shall cease and all premiums thereafter falling due shall be payable in conformity with policy. Thereafter, the premium to be paid and the cash values, paid-up insurance values, and loan values shall be reduced so that the resulting premium and values shall bear the same proportion to the premiums and values, respectively specified on the policy, that the commuted values of the remaining installments (240 installments less the number paid) bears to the commuted value of 240 installments. The extended insurance values shall be modified accordingly. (See also § 6.124.)

10. In § 6.123b, the introductory portion preceding paragraph (a) and paragraph (b) are amended to read as follows:

§ 6.123b Continuance of insurance after termination of total and permanent rating and award, where such termination is effective after the expiration of the term period.

If United States Government life insurance on the 5-year level premium term plan (or on the 5-year convertible term plan) matures or has matured by reason of total and permanent disability and the insured recovers from such disability after expiration of the term period, the reduced amount of insurance (commuted value of remaining unpaid installments) shall be automatically renewed at the premium rate for the attained age of the insured on the policy anniversary renewal date of the current 5-year period. The reduced amount of insurance or any part thereof in multiples of $500 and not less than $1,000 may be continued without medical examination on the level premium term plan or on any permanent plan, as the insured may elect, except the special endowment at age 96 plan policy, and subject to the following provisions:

* * * * *

(b) Such insurance may be converted to any of the permanent plans, except the special endowment at age 96 plan policy, upon application therefor and payment of premiums at the rate required for the then attained age, and a policy will be issued to the insured effective as of the date on which the first premium became payable.

* * * * *

11. Immediately following §6.165, new §§ 6.166, 6.167 and 6.168 are added to read as follows:

§ 6.166 Authority for the total permanent disability provision for the special endowment at age 96 plan of United States Government life insurance.

The total permanent disability provision authorized by section 742(c) of Title 38, United States Code, is subject in all respects to the applicable provisions of Title 38, United States Code, or any amendments thereto and all applicable United States Government life insurance regulations now in force or hereafter adopted, all of which together with the insured's application, tender of premiums and the total permanent disability provision shall constitute the contract.

§ 6.167 Application for total permanent disability provision for the special endowment at age 96 plan of United States Government life insurance and the effective date of such provision.

(a) Application for the total permanent disability provision authorized by section 742(c) of Title 38, United States Code, must be made by the insured at the same time as he makes application for exchange of his 5-year level premium term policy for the special endowment at age 96 plan policy. The application for the total permanent disability provision should be on such forms as may be prescribed by the Veterans Administration, but any statement in writing sufficient to identify the applicant and a remittance to cover the first monthly premium will be sufficient as an application for the total permanent disability provision. The total permanent disability provision will be granted for the same amount as the special endowment at age 96 plan policy which is placed in force.

(b) The special endowment at age 96 plan policy and the total permanent disability provision must be applied for at the same time and if all requirements are complied with, the total permanent disability provision shall be effective as of the same date such life insurance becomes effective.

§ 6.168 Total permanent disability provision for United States Government life insurance on the special endowment at age 96 plan policy.

The total permanent disability provision for the special endowment at age 96 plan of United States Government life insurance authorized by section 742(c) of Title 38, United States Code, is as follows:

UNITED STATES GOVERNMENT LIFE INSURANCE

TOTAL PERMANENT DISABILITY PROVISION

Attached to and made a part of Special Endowment at Age 96 Plan. Policy No. ------ on the life of ----------

------ age of insured.

Premiums:	Premiums:
Monthly ----------	Semiannual ------
Quarterly --------	Annual ----------

If the insured becomes totally permanently disabled after the date of application for this provision or the effective date thereof, whichever is later; and while this provision and the policy are in force by the payment of premiums, the payment of premiums for this provision (as well as for this policy) will be waived as long as the total permanent disability continues, subject to the following clauses (A) to (I):

(A) Total permanent disability is defined as any impairment of mind or body which continuously renders it impossible for the disabled person to follow any substantially gainful occupation and which is founded upon conditions which render it reasonably certain that the total disability will continue throughout the life of the disabled person.

(B) The insured must file written claim for waiver of premiums and must file required proof satisfactory to the Administrator that the provisions stated above have been fulfilled. Waiver of premiums may be denied because of failure to cooperate. Waiver of the payment of premiums for this provision (as well as for this policy) may be granted effective with the first monthly premium due after the start of total permanent disability, except that premiums due more than one year prior to receipt of the insured's claim in the Veterans Administration will be waived only if the Administrator finds that the insured's failure to submit timely claim or satisfactory evidence to show the existence or continuance of total permanent disability was due to circumstances beyond the insured's control.

(C) In the event of the death of the insured without filing claim for waiver, such claim may be filed by the beneficiary with evidence of the insured's right to waiver under this provision within one year after the death of the insured. If the beneficiary be insane or a minor, such beneficiary may file claim for waiver with evidence of the insured's right to waiver under this provision within one year after removal of such legal disability. If the beneficiary files written claim for waiver of premiums and the other requirements for such waiver under this provision are met, waiver of premiums for this provision (as well as this policy) may be granted effective with the first monthly premium due after the start of total permanent disability, except that premiums due more than one year prior to the date of the insured's death will be waived only if the Administrator finds that the insured's failure to submit timely claim or satisfactory evidence to show the existence or continuance of total permanent disability was due to circumstances beyond the insured's control.

(D) Premiums paid to cover a period during which waiver is effective shall be refunded in cash, without interest, and no part of such amount will be used to pay premiums unless specifically authorized in writing by the insured prior to lapse and then only to pay premiums falling due after such authorization. The premiums refundable under this provision shall be paid to the insured if living, otherwise to the person entitled to the proceeds of this policy.

(E) Notwithstanding the fact that proof of total permanent disability may have been accepted as satisfactory, the Administrator may at any time require proof of continuance of total permanent disability. If the insured fails to cooperate with the Administrator in securing any evidence he may require to determine whether total permanent disability has continued or if it is found that an insured is no longer totally permanently disabled, the waiver of premiums shall cease as of the date of such finding. Thereafter, this policy (including this provision) may be continued by the payment of premiums, the due date of the first premium payable being the next regular monthly due date of the premium under the policy and the provision. This policy and provisions shall not lapse prior to the date of expiration of the grace period allowed for the payment of such premium or prior to the expiration of 31 days after date of notice to the insured of the termination of the premium waiver, whichever is the later date. Such notice shall be sent by registered mail or by certified mail to the insured at his last address of record and sufficient notice will be deemed to have been given when such letter has been placed in the mail by the Veterans Administration. However, the Administrator may grant an additional period of not more than 31 days for payment of premiums in any case in which it is shown that the failure to make payment within 31 days after notice as defined above was due to circumstances beyond the insured's control; but premiums in such case must be paid during the lifetime of the insured. The failure of the insured to furnish a correct current address at which mail will reach him promptly shall not be grounds for a further extension of time for payment of premiums.

(F) This provision will cease to be in effect if this policy matures as an endowment, or if this policy or this provision lapses, or if this policy is surrendered for its cash value, or for extended term insurance, or is surrendered for paid-up life insurance.

(G) If a premium be not paid as stipulated, then this provision shall lapse but may be reinstated upon evidence of good health satisfactory to the Administrator and upon payment of all premiums in arrears with interest at the rate of 4 percent per annum, compounded annually. However, no interest on premiums in arrears will be required if reinstatement is effected within 3 months from the due date of the premium in default. If application and the required premiums are submitted within 3 months after the due date of the premium in default, reinstatement may be effected upon evidence satisfactory to the Administrator showing the applicant to be in as good health on the date of application and tender of premiums as he was on the last day of the grace period of the premium in default.

(H) The waiver of premiums provided for in this provision will be in addition to other benefits and privileges under this policy. This policy may be separately classified for the purpose of dividend distribution from otherwise similar policies not containing such provision.

(I) This provision is granted in consideration of the application and payment of the monthly premium shown above (in addition to the monthly premium stated on the face of the policy), and the payment thereafter of the same amount on each succeeding monthly premium due date of this policy. Except as otherwise provided herein, premiums for the provision are payable until the end of the premium-paying period of this policy. If any premium for this provision is not paid before the end of the 31-day grace period, this provision will lapse as of the due date of that premium. Premiums for this provision may be paid quarterly, semiannually, or annually, in advance, but must be paid in the same manner as the premiums for this policy.

This provision takes effect on this ------ day of ---------- 19--.

Administrator of Veterans Affairs.

12. Section 6.191 is revised to read as follows:

§ 6.191 Jurisdiction.

The Extra Hazard Committees are vested with exclusive jurisdiction in determining the liability of the United States and the United States Government Life Insurance Fund for waiver of payment of premiums, payment of total, total permanent disability, and death insurance benefits under United States Government life insurance and to determine the liability of the United States and the National Service Life Insurance Fund for waiver of payment of premiums due to total disability, payment of total disability insurance benefits, and death insurance benefits under National Service life insurance.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective September 28, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-9748; Filed, Sept. 27, 1962; 8:56 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Various Wildlife Refuges

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Havasu Lake National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 26,446 acres or 50 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese (except Ross' geese).

(b) Open season: Ducks and coots—From 12:00 noon to sunset October 6, 1962, and from one-half hour before sunrise to sunset October 7, 1962, through October 29, 1962. From 12:00 noon to sunset November 24, 1962, and from one-half hour before sunrise to sunset November 25, 1962, through January 6, 1963.

Geese (except Ross' geese)—From one-half hour before sunrise to sunset October 24, 1962, through January 6, 1963, and with the exception that Canada geese may be taken only from October 24, 1962, through December 25, 1962, on the California side of the Colorado River, and from October 24, 1962, through January 6, 1963, on the Arizona side of the Colorado River.

(c) Daily bag limits: Ducks 5, coots, 25, geese 6.

The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5 singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 3 geese of the dark species, which on the California side of the Colorado River may not include more than 1 Canada goose (or subspecies) and on the Arizona side of the Colorado River may not include more than 2 Canada geese (or subspecies).

(d) Methods of hunting:

(1) Firearms—Shotguns not larger than 10 gauge which are incapable of holding more than 3 shells. The possession or use of single ball or rifle shell shotgun shells is prohibited.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 7, 1963.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area comprising 38,540 acres or 79 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese (except Ross' geese).

(b) Open season: Ducks and coots—From 12:00 noon to sunset October 6, 1962, and from one-half hour before sunrise to sunset October 7, 1962, through October 29, 1962. From 12:00 noon to sunset November 24, 1962, and from one-half hour before sunrise to sunset November 25, 1962, through January 6, 1963.

Geese (except Ross' geese)—From one-half hour before sunrise to sunset October 24, 1962, through January 6, 1963, and with the exception that Canada geese may be taken only from October 24, 1962, through December 25, 1962, on the California side of the Colorado River, and from October 24, 1962, through January 6, 1963, on the Arizona side of the Colorado River.

(c) Daily bag limits: Ducks 5, coots 25, geese 6.

The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5 singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 3 geese of the dark species, which on the California side of the Colorado River may not include more than 1 Canada goose (or subspecies) and on the Arizona side of the Colorado River may not include more than 2 Canada geese (or subspecies).

(d) Methods of hunting:

(1) Firearms—Shotguns not larger than 10 gauge which are incapable of holding more than 3 shells. The possession or use of single ball or rifle shell shotgun shells is prohibited.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 7, 1963.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Monte Vista National Wildlife Refuge, Colorado, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,682 acres or 39 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting is subject to the following conditions:

(a) Species permitted to be taken: Coots and ducks (except canvasback and redhead).

(b) Open season: From 12:00 noon to sunset November 9, 1962, and from sunrise to sunset November 10, 1962, through December 3, 1962.

(c) Daily bag limits: Ducks 2, coots 6.

The daily bag limit may not include more of the following species than 1 mallard duck and 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily limit on American and red-breasted mergansers is 5 singly or in the aggregate of both kinds.

(d) Methods of hunting:

(1) Firearms—Shotguns not larger than 10 gauge which are incapable of holding more than 3 shells. The possession or use of single ball or rifle shell shotgun shells is prohibited.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area, but hunters, upon entering or leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

(3) The provisions of this special regulation are effective to December 4, 1962.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Kirwin National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,520 acres or 23 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots—From 12:00 noon to sunset November 3, 1962, and from sunrise to sunset November 4, 1962, through November 27, 1962.

Geese—From sunrise to sunset October 6, 1962, through December 19, 1962.

(c) Daily bag limits: Ducks 2, coots 6, geese 5.

The daily bag limit may not include more of the following species than 1 mallard duck and 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily limit on American and red-breasted mergansers is 5 singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 2 Canada geese or subspecies; or 1 white-fronted goose; or 1 Canada goose or its subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Firearms—Shotguns not larger than 10 gauge which are incapable of holding more than 3 shells. The possession or use of single ball or rifle shell shotgun shells is prohibited.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area, but hunters, upon entering or leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

(3) The provisions of this special regulation are effective to December 20, 1962.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Brigantine National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,480 acres or 34 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Oceanville, New Jersey, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston 11, Massachusetts. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), geese (except snow geese) and brant.

(b) Open season: Ducks and coots—From 12:00 noon to sunset November 3, 1962, and from sunrise to sunset November 4, through December 22, 1962.

Geese and brant—From sunrise to sunset October 20 through December 18, 1962.

(c) Daily bag limits: Ducks 2, coots 6, geese, 2, brant 6. The daily bag limit for ducks may not include more than 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily bag limit may include 5 American or red-breasted mergansers, singly or in the aggregate of both kinds.

(d) Method of hunting:

(1) Weapons—Shotguns not larger than 10 gauge which are incapable of holding more than 3 shells may be used.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 23, 1962.

NEW MEXICO

BURFORD LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Burford Lake National Wildlife Refuge, New Mexico, is permitted only on the area designated by signs as open to hunting. This open area, comprising 800 acres or 40 percent of the total area of the refuge, is delineated on a map available at the office of the Refuge Manager, Monte Vista National Wildlife Refuge, Monte Vista, Colorado, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead, canvasback and wood duck) and geese.

(b) Open season: Ducks and coots—From 12:00 noon to sunset December 6, 1962, and from sunrise to sunset December 7, 1962, through December 30, 1962.

Geese—From sunrise to sunset December 1, 1962, through January 13, 1963.

(c) Daily bag limits: Ducks 2, coots 6, geese 5.

The daily bag limit may not include more of the following species than 1 mallard duck, and 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily limit on American and red-breasted mergansers is 5 singly or in the aggregate of both kinds; and the daily bag limit for geese may not include, in the alternative, more than: (a) 2 Canada geese or subspecies; (b) 1 Canada goose or subspecies and 1 white-fronted goose; or (c) 1 white-fronted goose.

(d) Methods of hunting:

(1) Firearms—Shotguns not larger than 10 gauge which are incapable of holding more than 3 shells. The possession or use of single ball or rifle shell shotgun shells is prohibited.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(5) Boats—Use of boats without motors is permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area. However, a permit to hunt on these lands may be required by the Jicarilla Apache Indian Tribe on whose lands the Burford Lake National Wildlife Refuge is located.

(3) The provisions of this special regulation are effective to January 14, 1963.

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,321 acres or 10 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback, redhead and wood duck) and geese.

(b) Open season: Ducks and coots—From 12:00 noon to sunset December 6, 1962, and from sunrise to sunset December 7, 1962, through December 30, 1962.

Geese—From sunrise to sunset December 1, 1962, through January 13, 1963.

(c) Daily bag limits: Ducks 2, coots 6, geese 5.

The daily bag limit may not include more of the following species than 1 mallard duck and 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily limit on American and red-breasted mergansers is 5 singly or in the aggregate of both kinds; and the daily bag limit for geese may not include, in the alternative, more than: (a) 2 Canada geese or subspecies; (b) 1 Canada goose or subspecies and 1 white-fronted goose; or (c) 1 white-fronted goose.

(d) Methods of hunting:

(1) Firearms—Shotguns not larger than 10 gauge which are incapable of holding more than 3 shells. The possession or use of single ball or rifle shell shotgun shells is prohibited.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 14, 1963.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres or 13 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback) and geese.

(b) Open season: Ducks and coots—From 12:00 noon to sunset November 8, 1962, and from sunrise to sunset on Tuesdays, Thursdays, Saturdays, Sundays and national holidays only from November 10, 1962, through December 2, 1962.

Geese—From sunrise to sunset on Tuesdays, Thursdays, Saturdays, Sundays and national holidays only from October 27, 1962, through December 26, 1962.

(c) Daily bag limits: Ducks 2, coots 6, geese 5.

The daily bag limit may not include more of the following species than 1 mallard duck and 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds;

and the daily bag limit for geese may not include more than 2 Canada geese or subspecies; or 1 white-fronted goose; or 1 Canada goose or its subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Firearms—Shotguns not larger than 10 gauge which are incapable of holding more than 3 shells. Each hunter shall be limited to 8 shells in possession when entering Zone 3 of the Refuge Management Unit and may fire only 8 shells during any one day in Zone 3.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area, but hunters, upon entering or leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

(3) The provisions of this special regulation are effective to December 27, 1962.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Public hunting of migratory game birds on the Bear River Migratory Bird Refuge, Utah, is permitted only on the area designated by signs as open to hunting. This open area, comprising 12,855 acres or 20 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), geese (except Ross' geese), and whistling swan (only to holders of special permits, as specified in the current Federal regulations).

(b) Open season: Ducks, coots, geese and swan (only to holders of special permits)—From 12:00 noon to sunset October 13, 1962, and from one-half hour before sunrise to sunset October 14, 1962, through December 26, 1962.

(c) Daily bag limits: Ducks 5, coots 25, geese 6, swan 1.

The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5 singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 3 geese of the dark species, of which not more than 2 can be Canada geese or subspecies.

(d) Methods of hunting:

(1) Firearms—Shotguns not larger than 10 gauge which are incapable of holding more than 3 shells. The possession or use of single ball or rifle shell shotgun shells is prohibited.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) There shall be no hunting permitted from the dikes or within 100 yards of any dike.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested. A special permit, issued by the Utah Department of Fish and Game, is required for taking one whistling swan.

(4) The provisions of this special regulation are effective to December 27, 1962.

FISH SPRINGS NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Fish Springs National Wildlife Refuge, Utah, is permitted only on the area designated by signs as open to hunting. This open area, comprising 5,152 acres or 29 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese (except Ross' geese).

(b) Open season: Ducks, coots, and geese—From 12:00 noon to sunset October 13, 1962, and from one-half hour before sunrise to sunset October 14, 1962, through December 26, 1962.

(c) Daily bag limits: Ducks 5, coots 25, geese 6.

The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser. In addition to the limits for other ducks, the daily bag limit on American and red-breasted mergansers is 5 singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 3 geese of the dark species, of which not more than 2 can be Canada geese (or subspecies).

(d) Methods of hunting:

(1) Firearms—Shotguns not larger than 10 gauge which are incapable of holding more than 3 shells. The possession or use of single ball or rifle shell shotgun shells is prohibited.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 27, 1962.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Missisquoi National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 389 acres or 11 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Swanton, Vermont, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston 11, Massachusetts. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), geese (except snow geese), and brant.

(b) Open season: Ducks and coots—From 12:00 noon to sunset October 12, 1962, and from sunrise to sunset October 13 through November 20, 1962.

Geese and Brant—From sunrise to sunset October 1 through November 29, 1962.

(c) Daily bag limits: Ducks 3, coots 6, geese 2, brant 6. The daily bag limit for ducks may not include more than 1 hooded merganser, or 2 wood ducks, or 2 mallard or black ducks, singly or in the aggregate of both kinds. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily bag limit may include 5 American or redbreasted mergansers, singly or in the aggregate of both kinds.

(d) Methods of hunting:

(1) Weapons—Shotguns not larger than 10 gauge which are incapable of holding more than 3 shells may be used.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area, subject to the restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge

areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 30, 1962.

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 25, 1962.

[F.R. Doc. 62-9674; Filed, Sept. 27, 1962; 8:47 a.m.]

PART 32—HUNTING

Various Wildlife Refuges

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Chautauqua National Wildlife Refuge, Illinois, is permitted only on the area designated by signs as open to hunting. This open area, comprising 555 acres or 13 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Havana, Illinois, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots—from 12 o'clock noon to sunset October 26, 1962, and from sunrise to noon October 27, 1962, through November 19, 1962. Geese—from sunrise to noon October 20, 1962, through November 19, 1962, inclusive.

(c) Daily bag limits: Ducks 2, coots 6, geese 5. The daily bag limit of 2 ducks may not include more than 1 mallard or 1 black duck; 2 wood ducks; 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Only shotguns not larger than 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 20, 1962.

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Crab Orchard National Wildlife Refuge, Illinois, is permitted only on the area designated by signs as open to hunting. This open area, comprising 12,380 acres or 28 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Carterville, Illinois, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots—from 12 o'clock noon to sunset October 26, 1962, and from sunrise to noon October 27 through November 19, 1962. Geese—from sunrise to 3:00 p.m. (central standard time), November 5, through December 18, 1962, unless the open season is further restricted by State or Federal regulation.

(c) Daily bag limits: Ducks 2, coots 6, geese 5. The daily bag limit of 2 ducks may not include more than 1 mallard or 1 black duck; 2 wood ducks; 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Only shotguns not larger than 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed. Pits may be dug in areas approved and designated by the refuge manager. The following State regulations pertaining to the use of blinds are adopted as a part of this regulation:

(a) It is prohibited for any person to take wild geese except from a blind or pit;

(b) It is prohibited for any person to establish or use a blind or pit within 100 yards of the boundary of the property on which the blind or pit is located;

(c) It is prohibited for any person to establish or use a blind or pit for the taking of wild geese within 200 yards of the refuge closed area boundary or public road right-of-way adjacent to that boundary;

(d) It is prohibited for more than 3 persons to occupy or attempt to take wild geese from any blind or pit at the same time.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats for hunting in the open area of the refuge is prescribed as follows:

(a) Crab Orchard Lake—boats with motors will be permitted.

(b) Little Grassy and Devils Kitchen Lakes—boats with motors up to 6 h.p. will be permitted.

(c) Shooting from motor boats is permitted only if they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 19, 1962.

ILLINOIS AND IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Mark Twain National Wildlife Refuge; Illinois and Iowa, is permitted only on the area designated by signs as open to hunting. This open area, comprising 7,400 acres or 32 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Quincy, Illinois, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redheads) and geese.

(b) Open season:

Illinois—Ducks and coots—from 12 o'clock noon to sunset October 26, 1962, and from sunrise to noon October 27, through November 19, 1962. Geese—from sunrise to noon October 20, through November 19, 1962, inclusive.

Iowa—Ducks and coots—from 12 o'clock noon to sunset October 27, 1962, and from sunrise to sunset October 28, through November 20, 1962. Geese—from sunrise to sunset October 6 through December 4, 1962.

(c) Daily bag limits: *Illinois and Iowa*—Ducks 2, coots 6, geese 5. The daily bag limit of 2 ducks may not include more than 1 mallard or 1 black duck; 2 wood ducks; 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

Wisconsin—Ducks and coots—from 12 o'clock noon to sunset October 13, 1962, and from sunrise to sunset October 14 through November 6, 1962. Geese—from 12 o'clock noon to sunset October 6, 1962, and from sunrise to sunset October 7, 1962, through December 4, 1962, except that on October 13, 1962, the opening date for ducks, geese may not be taken until 12 o'clock noon.

(d) Methods of hunting:

(1) Weapons—Only shotguns not larger than 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 5, 1962.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Public hunting of migratory game birds on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 153,000 acres or 80 percent of the total area of the refuge, are delineated on maps available at the refuge headquarters, Winona, Minnesota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open seasons:

Illinois—Ducks and coots—from 12 o'clock noon to sunset October 26, 1962, and from sunrise to noon October 27 through November 19, 1962. Geese—from sunrise to noon October 20 through November 19, 1962, inclusive.

Iowa—Ducks and coots—from 12 o'clock noon to sunset October 27, 1962, and from sunrise to sunset October 28 through November 20, 1962. Geese—from sunrise to sunset October 6 through December 4, 1962.

Minnesota—Ducks and coots—from 12 o'clock noon to sunset October 13, 1962,

duck; 2 wood ducks; 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Only shotguns not larger than 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 5, 1962.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Public hunting of migratory game birds on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 153,000 acres or 80 percent of the total area of the refuge, are delineated on maps available at the refuge headquarters, Winona, Minnesota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open seasons:

Illinois—Ducks and coots—from 12 o'clock noon to sunset October 26, 1962, and from sunrise to noon October 27 through November 19, 1962. Geese—from sunrise to noon October 20 through November 19, 1962, inclusive.

Iowa—Ducks and coots—from 12 o'clock noon to sunset October 27, 1962, and from sunrise to sunset October 28 through November 20, 1962. Geese—from sunrise to sunset October 6 through December 4, 1962.

Minnesota—Ducks and coots—from 12 o'clock noon to sunset October 13, 1962, and from sunrise to sunset October 14 through November 6, 1962. Geese—from 12 o'clock noon to sunset October 6, 1962, and from sunrise to sunset October 7, 1962, through December 4, 1962, except that on October 13, 1962, the opening date for ducks, geese may not be taken until 12 o'clock noon.

Wisconsin—Ducks and coots—from 12 o'clock noon to sunset October 13, 1962, and from sunrise to sunset October 14 through November 6, 1962. Geese—from 12 o'clock noon to sunset October 6, 1962, and from sunrise to sunset October 7, 1962, through December 4, 1962, except that on October 13, 1962, the opening date for ducks, geese may not be taken until 12 o'clock noon.

(c) Daily bag limits:

Illinois and Iowa—Ducks 2, coots 6, geese 5. The daily bag limit of 2 ducks may not include more than 1 mallard or 1 black duck; 2 wood ducks; 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

Minnesota. Ducks 2, coots 6, geese 5. The daily bag limit of 2 ducks may not include more than 1 mallard or 1 black duck; 2 wood ducks; 1 hooded merganser. In addition, 2 additional scaup ducks are allowed in the daily bag limit, starting on October 20 through November 6, 1962. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

Wisconsin. Ducks 2, coots 6, geese 5. The daily bag limit of 2 ducks may not include more than 1 mallard or 1 black duck; 2 wood ducks; 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Only shotguns not larger than 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats, including boats with motors, is permitted, except that shooting is not permitted from motorboats, unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 5, 1962.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Tamarac National Wildlife Refuge, Minnesota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,000 acres or 26 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Rochert, Minnesota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots from 12 o'clock noon to sunset October 13, 1962, and from sunrise to sunset October 14 through November 6, 1962. Geese—from 12 o'clock noon to sunset October 6, 1962, and from sunrise to sunset October 7 through December 4, 1962; except that on October 13, 1962, the opening date for ducks, geese may not be taken until 12 o'clock noon.

(c) Daily bag limits: Ducks 2, coots 6, geese 5. The daily bag limit of 2 ducks may not include more than 1 mallard or 1 black duck; 2 wood ducks; 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit, starting on October 20, 1962, through November 6, 1962. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Only shotguns not larger than 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats, including boats with motors, is permitted, except that shooting is not permitted from motorboats, unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife ref-

uge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 5, 1962.

MISSOURI

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Missouri section of the Mark Twain National Wildlife Refuge is not permitted during the 1962 season since no open area is prescribed. The provision of this special regulation is effective to January 1, 1963.

SWAN LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Swan Lake National Wildlife Refuge, Missouri, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres or 23 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Sumner, Missouri, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots from 12 o'clock noon to sunset November 2, 1962, and from sunrise to sunset November 3 through November 26, 1962. Geese—from sunrise to sunset October 8, 1962, through November 6, 1962; and from sunrise to sunset December 10, 1962, through January 8, 1963.

(c) Daily bag limits: Ducks 2, coots 6, geese 5. The daily bag limit of 2 ducks may not include more than 1 mallard or 1 black duck; 2 wood ducks; 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily bag limit on American and redbreasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Only shotguns not larger than 10 gauge which are incapable of holding more than 3 shells.

(2) Blinds—Blinds are as constructed, maintained, and allotted by the Missouri Conservation Commission. Applications for public hunting and the registration of hunters are handled by the Missouri Conservation Commission.

(3) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A federal permit is not required to enter the public hunting area, but a permit issued by the Missouri Conservation Commission is required. Hunters, upon entering or leaving the hunting areas, shall report at designated checking stations as may be established for the regulation of hunting activity and shall furnish information pertaining to their hunting as requested.

(3) The provisions of this special regulation are effective to January 9, 1963.

NORTH DAKOTA

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Lower Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 2,850 acres or 5 percent of the total area of the refuge, are delineated on a map available at the refuge headquarters, Upham, North Dakota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots from 12 o'clock noon to sunset October 12, 1962, and from sunrise to sunset October 13 through November 5, 1962. Geese—from sunrise to noon October 6, through December 4, 1962.

(c) Daily bag limits: Ducks 2, coots 6, geese 5. The daily bag limit may not include more of the following species than 1 mallard duck; 2 wood ducks; and 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily bag limit on American and redbreasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag and possession limits may not include, in the alternative, more than: 2 Canada geese or subspecies; 1 Canada goose or subspecies and 1 white-fronted goose; or 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Only shotguns not larger than 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulations.

(5) Retrieving zones—Retrieving zones may be established by the Officer in Charge not to exceed 100 yards in width. Possession of firearms in retrieving zone is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 5, 1962.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Lacreek National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 310 acres or 3 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Martin, South Dakota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots from 12 o'clock noon to sunset October 19, 1962, and from sunrise to sunset October 20 through November 12, 1962. Geese—from sunrise to sunset October 1 through December 14, 1962.

(c) Daily bag limits: Ducks 2, coots 6, geese 5. The daily bag limit may not include more of the following species than 1 mallard duck; 2 wood ducks; and 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily bag limit on American and redbreasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag and possession limits may not include, in the alternative, more than: 2 Canada geese or subspecies; 1 Canada goose or subspecies and 1 white-fronted goose; or 1 white fronted goose.

(d) Methods of hunting:

(1) Weapons—Only shotguns not larger than 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on widlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1962.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Horicon National Wildlife Refuge, Wisconsin, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,700 acres or 8 percent of the total area of the refuge, are delineated on a map available at the refuge headquarters, Mayville, Wisconsin, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Geese.

(b) Open season: Geese—From 7:00 a.m. to 2:00 p.m. October 1 through November 29, 1962, unless the open season is further restricted by State or Federal regulations.

(c) Daily bag limits: Geese 1. The daily bag limit for geese may not include more than 1 goose of any species.

(d) Methods of hunting:

(1) Weapons—Only shotguns not larger than 10 gauge which are incapable of holding more than 3 shells.

(2) Blinds—Blinds are as constructed, maintained, and allotted by the Wisconsin Conservation Department. Applicants for public hunting and the registration of hunters are handled by the Wisconsin Conservation Department.

(3) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting areas, but a permit issued by the Wisconsin Conservation Department is required. Hunters, upon entering or leaving the hunting area, shall report at designated checking stations as may be established for the regulation of hunting activity and shall furnish information pertaining to their hunting as requested.

(3) The provisions of this special regulation are effective to November 30, 1962.

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 25, 1962.

[F.R. Doc. 62-9675; Filed, Sept. 27, 1962; 8:47 a.m.]

PART 32—HUNTING

McKay Creek National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OREGON

MCKAY CREEK NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds on the McKay Creek National Wildlife Refuge, Oregon, is permitted only on the area designated by signs as open to hunting. This open area, comprising 660 acres or 36 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant, bobwhite and valley quail, chukar and Hungarian partridge.

(b) Open season: All species—October 13 through November 18, 1962. Shooting hours in accordance with State regulations.

(c) Bag limits: Pheasants—3 cocks. Bobwhite and valley quail—10 (singly or in the aggregate). Chukar and Hungarian partridge—6 (singly or in the aggregate).

(d) Methods of hunting:

1. Weapons—Shotguns only may be used, not larger than 10 gauge and incapable of holding more than 3 shells.

2. Dogs—Dogs not to exceed two (2) per hunter, may be used for hunting pheasants.

3. Cars—No cars shall be permitted in the Refuge Public Hunting Area except at designated parking locations.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Checking Stations—Hunters upon entering or leaving the hunting area shall report at such checking stations as may be established.

3. A Federal permit is not required to enter the public hunting area.

4. The provisions of this special regulation are effective to November 19, 1962.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 21, 1962.

[F.R. Doc. 62-9676; Filed, Sept. 27, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Notice of Determinations To Be Made With Respect to Marketing Quotas, National, State, and County Acreage Allotments, County Normal Yields, and Proposed Date for Conducting Referendum on Marketing Quotas for 1963 Crop

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354, 1377), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1963 crop of rice, to determine and proclaim the national acreage allotment for the 1963 crop of rice, to apportion among States and counties the national acreage allotment for the 1963 crop of rice, to establish county normal yields for the 1963 crop of rice, and to establish a date for conducting a referendum on marketing quotas in the event quotas are proclaimed for the 1963 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1962 the Secretary determines that the total supply of rice for the 1962–63 marketing year will exceed the normal supply for such marketing year the Secretary shall, not later than December 31, 1962, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1963. Within thirty days after the issuance of such proclamation, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of the immediately preceding crop of rice to determine whether such farmers are in favor of or opposed to such quotas. In the event that the Secretary proclaims quotas in effect for the 1963 crop of rice, it is proposed that the date for holding the referendum be set as December 11, 1962.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for 1963 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the five calendar years 1958 through 1962 produce an amount of rice adequate, together with the estimated carry-over from the 1962–63 marketing year, to make available a supply for the 1963–64 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1962.

Section 353(c)(6) of the act, as amended, provides that the national acreage allotment of rice for 1963 shall be not less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353(c) of the act. Under this provision, the national acreage allotment of rice for 1963 will be not less than 1,652,596 acres.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year in the carryover of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1–July 31.

Section 353 (a) and (c)(6) of the act require that the national acreage allotment of rice for the 1963 crop, less a reserve of not to exceed one per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments, plus the additional acreage allocated to States under section 353(c)(5) of the act, as amended).

Section 353(b) of the act requires that the State acreage allotment of rice for the 1963 crop shall be apportioned to farms owned or operated by persons who have produced rice in the State in any one of the five calendar years, 1958 through 1962, on the basis of past production of rice in the State by the producer on the farm taking into consideration the acreage allotments previously established in the State for such owners or operators; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop rotation practices; and the soil and other factors affecting the production of rice. Provision is made that if the State committee recommends such action and the Secretary determines that such action will facilitata the effective administration of the act, he may provide for the apportionment of part or all of the State acreage allotment to farms on which rice has been produced during any one of such period of years on the basis of the foregoing factors, using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for such owners or operators. Provision is also made that if the Secretary determines that part of the State acreage allotment shall be apportioned on the basis of past production of rice by the producer on the farm and part on the basis of the past production of rice on the farm, he shall divide the State into two administrative areas, to be designated "producer administrative area" and "farm administrative area", respectively, which areas shall be separated by a natural barrier which would prevent each area from being readily accessible to rice producers in one area from producing rice in the other area, and each area shall be composed of whole counties. Not more than 3 per centum of the State acreage allotment shall be apportioned among farms operated by persons who will produce rice in the State in 1963 but who have not produced rice in the State in any one of the years, 1958 through 1962, on the basis of the applicable apportionment factors set forth herein: *Provided*, That in any State in which allotments are established for farms on the basis of past production of rice on the farm such percentage of the State acreage allotment shall be apportioned among the farms on which rice is to be planted during 1963 but on which rice was not planted during any of the years, 1958 through 1962, on the basis of the applicable apportionment factors set forth in said section 353. In determining the eligibility of any producer or farm for an allotment as an old producer or farm under the first sentence of subsection (b) of section 353 of the act or as a new producer or farm under the second sentence of such subsection, such producer or farm shall not be considered to have produced rice on any acreage which under subsection (c)(2) of section 353 of the act either is not to be taken into account in establishing acreage allotments or is not to be credited to such producer. For purposes of section 353 of the act in States which have been divided into administrative areas pursuant to subsection (b) thereof, the term "State acreage allotment" shall be deemed to mean that part of the State acreage allotment apportioned to each administrative area and the word "State" shall be deemed to mean "administrative area", wherever applicable.

Section 353(c)(1) of the act provides that if farm acreage allotments are established by using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for owners or operators, the State acreage allotment shall

be apportioned among counties in the State on the same basis as the national acreage allotment is apportioned among the States and the county acreage allotments shall be apportioned to farms on the basis of the applicable factors set forth in subsection (b) of the section: *Provided*, That if the State is divided into administrative areas pursuant to subsection (b) of this section the allotment for each administrative area shall be determined by apportioning the State acreage allotment among counties as provided in this subsection and totaling the allotments for the counties in such area: *Provided*, That the State committee may reserve not to exceed 5 per centum of the State allotment, which shall be used to make adjustments in county allotments for trends in acreage and for abnormal conditions affecting plantings.

Section 301(b)(13)(D) of the act provides that the "normal yield" of rice for 1963 for any county shall be the average yield per acre of rice for the county during the five calendar years 1958 through 1962 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301(b)(13)(F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the years 1958 through 1962 is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions, the yield for any county for any year during the years 1958 through 1962 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Section 377 of the act provides that in any case in which the acreage planted to rice on any farm in 1963 is less than the 1963 rice acreage allotment for the farm, the entire acreage allotment for such farm shall be considered for purposes of future State, county, and farm acreage allotments to have been planted to rice in 1963, if, except for federally owned land, an acreage equal to or greater than 75 per centum of the farm acreage allotment for 1961, 1962, or 1963 was actually planted to rice in such year or was regarded as planted to rice under the soil bank program.

Sections 106 and 112 of the Soil Bank Act provide that the acreage on any farm which is determined to have been diverted from the production of rice under the acreage reserve or conservation reserve program shall be considered as rice acreage for the purpose of establishing future farm, county, and State acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, and county normal yields for the 1963 crop of rice, including national, State, and county reserves, and establishing the date of the referendum, if marketing quotas are required, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C. All written submissions must be postmarked not later than thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 25, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9722; Filed, Sept. 27, 1962; 8:56 a.m.]

[7 CFR Part 1035]

[Docket No. AO-176-A15]

MILK IN COLUMBUS, OHIO, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Neil House, Columbus, Ohio, beginning at 10:00 a.m., on October 23, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Columbus, Ohio, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to the redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Central Ohio Cooperative Milk Producers, Inc.:

Proposal No. 1. In § 1035.6 change all language after the phrase "or portion thereof, in:" to read as follows: "All of the counties of Franklin, Delaware, Fairfield, Fayette, Licking, Madison, Muskingum, Pickaway, Ross and Union; all in the State of Ohio."

Proposal No. 2. In § 1035.51(a) change the phrase "basic formula price computed pursuant to § 1035.50(a) for the preceding month, plus $1.11" to "basic formula price computed pursuant to § 1035.50(a) for the preceding month plus $1.25".

Proposed by Ohio Valley Dairy and Products, Inc.:

Proposal No. 3. Expand the Columbus, Ohio, marketing area to include that portion of Guernsey County, Ohio, that is not in the Greater Wheeling marketing area.

Proposed by Swonger Dairy, Inc.:

Proposal No. 4. If the handling of milk in Ross County, Ohio, is subject to regulation by the Columbus marketing order, then Highland County, Ohio, should also be included within the terms of such regulation.

Proposed by Beatrice Foods Company:

Proposal No. 5. Revise § 1035.6 so as to include in the designated marketing area the counties of Coshocton, Perry, and that portion of Guernsey County that is not now included in the Greater Wheeling marketing area, and to include any Federal, State, or municipal institutions that are wholly or partially within such designated area, all of which are located in the State of Ohio.

Proposal No. 6. Revise § 1035.41 by including in Class I only that portion of any fluid milk product that has been fortified with concentrated nonfat milk solids that is equal to the same weight and volume of a nonfortified product of the same butterfat content.

Also, classify in the lowest use class the difference between the actual weight of the fortified product and the milk equivalent.

Proposal No. 7. Revise § 1035.43 as follows:

Delete paragraph (c) and that portion of paragraph (d) which reads as follows: "located less than 100 airline miles from the State Capitol in Columbus, Ohio,".

Proposal No. 8. Revise § 1035.45 by deleting the proviso of this section.

Proposal No. 9. Revise § 1035.46 so as to provide for allocation directly to Class I milk any milk received and distributed in consumer type packages without further packaging or processing that has been fully subject to another Federal order, and which has been priced at the Class I price (also Class II price under Federal Order No. 30).

Also, amend the allocation section so as to provide priority and allocation to the higher uses of other source milk received in bulk form which has been subject to full regulation under another order, such milk to be allocated to the same use class in Order No. 35 to which it was assigned in the other Federal order.

Proposal No. 10. Consider appropriate amendments to § 1035.53 in the event the marketing area is extended.

Proposal No. 11. Delete § 1035.55

Proposal No. 12. Revise § 1035.63 by adding as paragraph (c) the following:

(c) Any handler operating a nonpool plant and who is subject to the provisions

of this section or paragraph and who is also subject to a similar provision of one or more orders, issued pursuant to the Act, and who chooses the option provided in paragraph (b) of this section under an order regulating the handling of milk in the marketing area in which such handler has a greater amount of such Class I sales shall be considered as a plant fully subject to another Federal order and receive the same treatment that is provided in § 1035.64 for plants subject to other Federal orders.

Proposed by the Borden Company:

Proposal No. 13. Revise § 1035.7 to read as follows:

§ 1035.7 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, dietary milk, concentrated milk, milk drinks (plain or flavored, including prepared milk shake mixes containing 15 percent or less of total milk solids), eggnog, cream, either sweet or sour, including sterilized cream or any mixture in fluid form of milk, skim milk, or cream (except storage cream, aerated cream products, ice cream mix, sour cream with added ingredients, such as dip products, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers).

Proposal No. 14. Revise § 1035.13 to read as follows:

§ 1035.13 Producer milk.

"Producer milk" means skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from producers;

(b) Diverted for the account of the operator of a pool plant to another pool plant; or

(c) Diverted during the month to a nonpool plant for the account of a cooperative association or the operator of a pool plant: *Provided,* That producer milk diverted shall be reported by the pool plant from which it is diverted: *And provided further,* That this definition shall not include the milk of any person during any of the months of August through March in which the milk of such person is diverted to a nonpool plant for more than one-half of the days of delivery during the month.

Proposal No. 15. Revise § 1035.41 to read as follows:

§ 1035.41 Classes of utilization.

* * * * *

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product, except as provided in paragraph (b) (2) and (d) (2) of this section; except those fluid milk products which have been fortified by the addition of nonfat solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content; (2) in ending inventory of fluid milk products; and (3) not specifically accounted for as Class II, Class III and Class IV milk.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce cottage cheese, and any mixture containing skim milk or butterfat placed in containers or dispensers under pressure for the purpose of dispensing an aerated product (such as "Reddi-Whip", "Instant Whip", etc.) and (2) disposed of in bulk fluid form during any of the months of April through July, inclusive, to any manufacturer of soup, candy, or bakery products for use in such manufacturing operation: *Provided,* That when the producer supply of milk falls below 110 percent of Class I needs, powder may be used in the manufacture of cottage cheese on a pound of powder basis only.

(c) Class III milk shall be all skim milk and butterfat contained in frozen cream and used to produce condensed milk and condensed skim milk (except evaporated milk or skim milk in hermetically sealed cans), sour cream with added ingredients such as dip products, ice cream, ice cream mix, ice cream novelties, ice sherbets, ice milk, imitation ice cream and frozen dairy desserts.

(d) * * *

(5) Contained in that portion of "fortified" fluid milk products not classified as Class I pursuant to paragraph (a) of this section and in that portion used pursuant to paragraph (b) of this section.

Proposal No. 16. Revise § 1035.51 to read as follows:

§ 1035.51 Class prices.

* * * * *

(a) * * *

(1) Compute a "standard utilization percentage" by dividing the total receipts of producer milk during the 24-month period ending with the second preceding month, by the total gross Class I and II milk pursuant to § 1035.41(b) (2) (less ending inventory and adjusted to eliminate duplications due to interhandler transfers) for the same months, multiply the result by 100, rounding to the nearest integer.

(2) Compute a "current utilization percentage" by dividing the total receipts of producer milk during the first preceding month, by the total gross Class I and II milk pursuant to § 1035.41(b) (2) (less ending inventory and adjusted to eliminate duplications due to interhandler transfers) for the same month. Multiply the result by 100, rounding to the nearest integer.

(3) For each percentage that the current utilization is over the standard utilization, deduct one cent, for each percentage that the current utilization is under the standard utilization, add one cent.

(b) *Class II milk.* The price for Class II milk shall be the Class I basic formula price for the preceding month plus $0.70.

(c) *Class III milk.* The price for Class III milk shall be the Class I basic formula price for the preceding month, plus the following amount for specified months:

Months	*Amount*
August through March	0.40
April through July	0.30

(d) *Class IV milk.* The price for Class IV milk shall be the sum of the values computed as follows:

(1) From the Chicago butter price, subtract 4 cents and multiply the difference by 4.2; and

(2) From the nonfat dry milk price, subtract 5.5 cents and multiply the difference by 8.2.

Proposal No. 17. Revise paragraphs (b) and (c) of § 1035.52 to read as follows:

(b) *Class III milk.* Multiply the Chicago butter price for the month by 0.120 and round to the nearest one-tenth cent.

(c) *Class IV milk.* Multiply the Chicago butter price for the month by 0.113 and round to the ncarest one-tenth cent.

Proposal No. 18. Delete § 1035.55.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 19. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fred W. Issler, Hartman Building, Room 505, 79 East State Street, Columbus 15, Ohio, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on September 24, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9721; Filed, Sept. 27, 1962; 8:55 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 127]

[Docket No. S4141]

REPORTS OF EMPLOYEES, SERVICE AND COMPENSATION

Notice of Proposed Rule Making

SEPTEMBER 19, 1962.

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, that the Commission proposes to amend 49 CFR 127.2 *Reports; period covered, forms, date of filing* to provide that, effective with reports for the year 1963, all Class I railroads, including Class I switching and terminal companies, subject to the provisions of Part I of the Interstate Commerce Act, be required to file quarterly reports in lieu of monthly reports, in accordance with quarterly report forms to be designated as Forms A and B—Quarterly Report of Employees, Service, and Compensation.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

The effect of the proposed change will be to require, on a quarterly basis, data the same as that now required on a monthly basis, by forms bearing designations the same as those specified above, under the present terms of 49 CFR 127.2. No change is contemplated in matters to be reported, the number of copies to be filed, the place of filing, or the number of days following the close of the period covered by the reports in which the respective report forms must be filed.

Any party desiring to make representations in regard to the proposed change may do so through submission of written data, views or arguments. The original and 5 copies of such representations must be filed with the Interstate Commerce Commission, Washington, D.C., within 30 days of the publication hereof in the FEDERAL REGISTER.

A copy of this notice shall be served upon all Class I railroads, including switching and terminal companies, subject to the provisions of Part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad, and notice shall be given to the general public by depositing a copy of this notice in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-9684; Filed, Sept. 27, 1962; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 288]

[Docket No. 13970]

EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS

Extension of Time for Filing Comments

SEPTEMBER 26, 1962.

The Board in 27 F.R. 8627 and by circulation of a notice of proposed rule making EDR-42, dated August 24, 1962, gave notice that it had under consideration proposed amendments to Part 288 of its Economic Regulations which would establish minimum cabin loads for DC-8 aircraft, and would require air carriers to report their total revenue for each charter trip operated.

The last day for filing comments with respect to this notice is September 27, 1962. Trans International Air Lines in a telegraphic communication filed with the Docket Section on September 25, 1962, requests an extension of the deadline for submission of comments with respect to the proposed minimum cabin loads for DC-8 aircraft. Trans International alleges that it needs additional time to prepare its position with respect to this proposal.

It appears to the undersigned that good cause has been shown for extending the time for filing comments on this proposal. The undersigned finds that it is in the public interest to grant an additional 7-day period in which comments may be filed with respect to the proposal pertaining to minimum cabin loads for DC-8 aircraft.

Accordingly, pursuant to authority delegated under section 7.3C of Public Notice PN-15, the undersigned hereby extends the date for comments on the proposal establishing minimum cabin loads for DC-8 aircraft in EDR-42 until October 5, 1962. All relevant matter in communications received on or before this date will be considered by the Board before taking final action on this proposed amendment to Part 288. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a) and 1001 of the Federal Aviation Act, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481)

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Special Counsel Division.

[F.R. Doc. 62-9756; Filed, Sept. 27, 1962; 8:56 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 60, 619]

[Reg. Docket No. 1396; Draft Release 62-42]

ANCHORAGE, ALASKA, TERMINAL AREA

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 619, regulations of the Administrator, and to rescind section 60.18-5 of Civil Aeronautics Manual 60 (14 CFR 60.18-5), as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received by November 29, 1962, will be considered by the Administrator before taking action upon this proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination at any time by interested persons. Because of the large number of comments which we anticipate receiving in response to this draft release, we will be unable to acknowledge receipt of each reply. However, you may be assured that all comments will be given careful consideration.

Section 307(c) of the Federal Aviation Act of 1958 authorizes and directs the Administrator of the Federal Aviation Agency to prescribe air traffic rules and regulations governing the flight of aircraft, including rules as to safe altitudes of flight and for the prevention of collision. This regulatory responsibility includes, among other things, prescribing rules for airport traffic patterns.

Part 60 comprises the air traffic rules and prescribes, in § 60.18, air traffic rules for operating on or in the vicinity of an airport. Section 60.60 defines an airport traffic area within which certain rules apply. They include, among other things, a requirement for two-way radio communications when operating to, from, or on an airport served by a U.S. Government operated control tower, and direction of traffic flow.

The Anchorage terminal area includes five major airports served by a control tower; three civil—Anchorage International, Merrill Field, and Lake Hood Airports, and two military—Elmendorf Air Force Base and Bryant Army Airfield Airports. Additionally, Sixmile Lake and Campbell Lake Airports are located within the terminal area. These airports are all in close proximity to each other, being contained within an area approximately fifteen miles long by five miles wide. The air traffic using these airports is extremely diverse; military and civil aircraft, jet and propeller driven, high speed and slow, land and floatplanes, airplanes and helicopters. During 1961, total aircraft operations at the five major airports was 417,751. Of this total, 122,557 were operations at the two military airports and 295,194 were operations at the three civil airports. Additional traffic activity is generated by Sixmile Lake and Campbell Lake Airports. Because of the intermixing and concentration of a high volume of traffic having widely diverse operating characteristics, using several adjacent airports and due to the unique topography of the area, it appears necessary to provide for the segregation of traffic within the terminal area.

The application of § 60.18 to the Anchorage terminal area creates five individual and overlapping airport traffic areas. This configuration may prove confusing to pilots in determining which control tower to contact when passing through one or more airport traffic areas not associated with the airport of intended operation.

Section 60.18, while providing for radio communications and standardized direction of traffic flow, does not fully meet the specific needs of such a complexity of airports and air traffic as contained in the Anchorage terminal area. The provisions of § 60.18 do not provide, nor were they expected to provide, a complete solution to all airport traffic problems at all airports and within all terminal areas. They do represent the most satisfactory solution to most of the airport traffic problems and which can be applied at a great majority of airport terminals.

The regulation proposed herein would create a consolidated airport traffic area, to be designated the Anchorage Airport Traffic Area. It would encompass the five airports with control towers in the Anchorage terminal area. The proposal would establish traffic patterns at each of these airports and prescribe certain air traffic rules additional to those in

§ 60.18 applicable to all pilots operating to or from any airport within the Anchorage terminal area. In addition, it would establish traffic patterns at Lake Campbell and Sixmile Lake Airports.

This proposal provides for the continuation of traffic patterns locally established and long used at all airports except for traffic patterns serving runways 15/33 at Merrill Field. These established patterns include righ-hand traffic flow where necessary to preclude overlapping with adjacent traffic patterns. In the case of Merrill Field, it is considered necessary in the interest of safety to relocate those patterns serving runways 15/33 so as to avoid the populous area west of the airport. The traffic patterns included herein would establish left-hand traffic flow for runway 15 and right-hand traffic flow for runway 33, placing aircraft over the less congested area to the east of the airport.

Segregation of fast and slow aircraft by traffic pattern altitude was not established in § 60.18. It was considered that natural segregation would result from different aircraft speeds, wherein aircraft of higher speed normally fly a wider pattern. Within the Anchorage terminal area, the traffic patterns are contained within a very limited area which does not permit the type of segregation resulting from speed differential. Therefore, in view of the need for segregation, the proposed traffic patterns include altitudes for the use of both fast and slow aircraft.

The proposed Anchorage Airport Traffic Area, hereinafter referred to as the airport traffic area, would extend upward to 2,700 feet m.s.l., and include that airspace within the circular limits of a five-statute-mile radius from the center of the Anchorage International Airport, a five-statute-mile radius from the center of Elmendorf Air Force Base Airport, a three-statute-mile radius from the center of Merrill Airport and a three-statute-mile radius from the center of Bryant Army Airfield. That airspace lying generally northwest of the west bank of Knik Arm has been excluded to enable en route traffic to follow the west shoreline of Knik Arm without prior approval of air traffic control. (A chart depicting the configuration of the airport traffic area is attached to this proposal.)

Additional exclusions are proposed in the airspace underlying certain portions of the airport traffic area. Near the north and south boundaries, the base would be established at 600 feet m.s.l. This will permit light aircraft to operate to and from Lake Campbell and Sixmile Lake Airports without entering the airport traffic area. The remaining portion of the airport traffic area overlying the waters and tidal flats of Knik Arm and Turnagain Arm would be established at a base of 300 feet m.s.l., to permit operations over these areas without entry into the airport traffic area.

The airspace within the proposed airport traffic area would be divided into segments consisting of the International, Lake Hood, Merrill, Elmendorf, and Bryant segments. The segments are established to achieve a safe and equitable distribution of the limited airspace and to resolve the apparent ambiguity of the individual overlapping airport traffic areas. The users of each airport would be provided with airspace allotted primarily for their use and available to users of other airports only when so authorized by air traffic control. The segments and their boundaries were defined only after lengthy consideration had been given to the nature and type of operations using each airport, the direction of major traffic flow to and from the area, and the known needs of the users.

The heaviest concentration of traffic, and the greatest potential hazard, is in the airspace overlying Knik Arm. To some extent, this concentration of traffic can be related to the topography of the Anchorage treminal area. The mountainous areas to the east and the large body of water to the south have the combined effect of funnelling a major portion of the civil traffic to and from Anchorage airports into the area west of the city and over the waters of Knik Arm.

Aircraft operating to and from Elmendorf Air Force Base normally utilize a flight path along the centerline of runway 9 extended, a path overlying Knik Arm. The majority of this traffic is high performance military jet aircraft operating in a critical flight condition since they are either executing an approach or have just departed. Civil aircraft operating to and from points west, north and east must cross Knik Arm and the approach path to Elmendorf. Thus, the military aircraft are operating in a critical phase of flight through the area where possible confliction with light aircraft is most likely to occur.

For several years, NOTAM's, pilot bulletins and briefing materials have been employed in calling attention to the hazards of this area. Pilots have been encouraged to observe certain procedures designed to provide a measure of segregation between civil and military aircraft. Segregation which has been attained through these measures is voluntary and indefinite, and it is believed essential that regulatory action be taken to minimize conflict and to ensure that all pilots comply with specific requirements.

This regulation would provide increased segregation between the civil and military traffic which converge in this area. This would be accomplished by channeling the operations to or from the affected airports with altitude limitations placed on such operations. For example, military aircraft operating to or from Elmendorf Air Force Base could be operated north of midchannel of Knik Arm, at an altitude between 1,500 and 1,700 feet m.s.l. through the International and Lake Hood segments, and through the Merrill segment at an altitude between 900 and 1,700 feet m.s.l. Aircraft operated to or from the civil airports would have similar altitude limitations which would permit such aircraft to cross Knik Arm either below or above the altitudes specified for Elmendorf traffic.

Likewise, it also provides for segregation of civil traffic operating to or from the three civil airports. The proposal provides that, unless otherwise authorized, aircraft operated to or from an airport within the airport traffic area shall, while within such area, be flown only within the designated segment containing the airport.

Random operations to or from any of the airports concerned, by routes not contained within the segment surrounding the airport of intended operation, may be requested from air traffic control at any time. A pilot would need to contact only the tower serving the airport of intended landing, or departure, and the necessary coordination would be accomplished by such tower.

Regulations of the Administrator, Part 619—Special Airport Traffic Rules, contains special airport traffic rules which apply to airport traffic areas as designated in the part. In establishing this part, it was the Agency view that airport traffic pattern rules currently contained in CAM 60 and future special airport traffic rules would be included in this part. The applicability as stated in § 619.1, however, limits the scope to those special air traffic rules which apply to airport traffic areas as designated in the part. In addition, some confusion may exist regarding the applicability of the special rules contained in this part in relation to rules contained elsewhere in the regulations. It is proposed to amend § 619.1 to expand the scope to provide for all airports and to clarify the applicability of the special rules by specifying that all provisions of Part 60 are applicable also, except that in case of conflict the provisions of this part shall apply.

The proposed regulation for the Anchorage terminal area would be established as § 619.15. Accordingly, this action renders obsolete CAM 60.18–5, Traffic Patterns for Anchorage Airport and Lake Hood-Lake Spenard Landing Area. Therefore, it is also proposed that CAM 60.18–5 (14 CFR 60.18–5) be revoked.

This proposal is subject to the FAA Recodification Program. The final rule, if adopted, may be in a recodified form; however, the recodification itself will not alter the substantive contents proposed herein.

In consideration of the foregoing, it is proposed to revoke § 60.18–5 of Civil Aeronautics Manual 60 and amend regulations of the Administrator, Part 619, as follows:

1. By amending § 619.1 to read:

§ 619.1 Purpose and scope.

This part contains special air traffic rules for operation within airport traffic areas or operation on and in the vicinity of the airports designated herein. These rules are supplementary to the air traffic rules contained elsewhere in the Civil Air Regulations. All provisions of Part 60 are applicable to operations within an airport traffic area designated in this part, including provisions applicable to an airport traffic area as defined in Part 60, except that in case of conflict the provisions of this part shall govern.

2. By adding a new § 619.15 to read:

§ 619.15 Anchorage, Alaska, terminal area rules.

(a) *Anchorage Airport Traffic Area.* The Anchorage Airport Traffic Area, hereinafter referred to in this section as the airport traffic area, is hereby designated as that airspace extending upward from the surface to, but not including, 2,700 feet m.s.l. bounded by a line beginning at Point MacKenzie extending northerly along the west bank of Knik Arm to a point east of Lake Lorraine intersecting an arc of a five-statute-mile radius circle centered on the geographical center of Elmendorf Air Force Base Airport, thence clockwise along this arc to its intersection with Restricted Area R–2203, thence along the west, south, and east boundary of R–2203 to its intersection with an arc of a three statute mile radius circle centered on the geographical center of Bryant Army Airfield Airport, thence clockwise along this arc to its intersection with an arc of a five-statute-mile radius circle centered on the geographical center of Elmendorf Air Force Base Airport, thence clockwise along this arc to its intersection with an arc of a three-statute-mile radius circle centered on the geographical center of Merrill Airport, thence clockwise along this arc to its intersection with an arc of a five-statute-mile radius circle centered on Anchorage International Airport, thence clockwise along this arc to the north bank of Knik Arm, thence southeast along the shoreline to the point of beginning.

(1) It excludes:

(i) That airspace at and below 600 feet m.s.l., north of a line beginning at the intersection of Farrell Road and the northeast boundary of the airport traffic area extending generally west along Farrell Road to the east end of Sixmile Lake, thence along a line bearing on the middle of Lake Lorraine to the boundary of the airport traffic area;

(ii) That airspace at and below 600 feet m.s.l., south of a line beginning at the intersection of Seward Highway and the southeast edge of the airport traffic area, extending north along Seward Highway to Sand Lake Road, thence generally west along Sand Lake Road to the shoreline of Turnagain Arm, thence true west to the boundary of the airport traffic area; and

(iii) That airspace at and below 300 feet m.s.l., which overlies the waters and tidal flats of Knik Arm and Turnagain Arm.

(2) It is subdivided as follows:

(i) *International segment.* That area lying within a line beginning at the intersection of Seward Highway and the south boundary of the airport traffic area, extending north along Seward Highway to International Airport Road, thence along International Airport Road to the airport terminal building, thence along a line one-fourth mile east of and parallel to runway 13–31 to the airport traffic area boundary, thence counterclockwise along the airport traffic area boundary to the point of beginning.

(ii) *Merrill segment.* That area lying within a line beginning at Point MacKenzie, extending direct to the mouth of Fish Creek, thence along Fish Creek to Northern Lights Boulevard, thence east along Northern Lights Boulevard to Seward Highway, thence south along Seward Highway to the boundary of the airport traffic area, thence northeast along the airport traffic area boundary to a point east of the Gaging Station, thence true west on a direct line through Mile 4 of Palmer Highway to Ship Creek, thence along Ship Creek to its mouth, thence on a direct line toward the center of Lake Lorraine to the airport traffic area boundary, thence counterclockwise along the airport traffic area boundary to the point of beginning.

(iii) *Lake Hood segment.* That area lying between the International segment and the Merrill segment.

(iv) *Elmendorf segment.* That area lying north of the Merrill segment and within a line beginning at the intersection of Palmer and Davis Highways extending generally north along Davis Highway to Loop Road, thence north along Loop Road to the boundary of the airport traffic area, thence counterclockwise along the airport traffic area boundary and the north boundary of the Merrill segment to the point of beginning.

(v) *Bryant segment.* That area lying north of the Merrill segment and east of the Elmendorf segment.

(b) *General rules.* All aircraft operated to, from, or on an airport within the airport traffic area shall be operated in accordance with the following rules unless otherwise authorized or required by air traffic control:

(1) Fixed-wing aircraft shall be flown to conform to the flow of traffic depicted on the diagrams included herein. Helicopters shall be flown in a manner which avoids the flow of fixed-wing aircraft.

(2) Except as provided in subparagraph (7) (iv) and (v) of this paragraph, all aircraft shall be flown only within the designated segment containing the airport of landing or take-off.

(3) Two-way radio communications shall be maintained with the control tower serving the airport of landing or take-off.

(4) International airport: (i) Aircraft may not be operated between 1,200 feet m.s.l., and 2,000 feet m.s.l., in that portion of the International segment lying north of the midchannel of Knik Arm.

(ii) Fixed-wing aircraft operated at an airspeed in excess of 105 knots within the International segment, exclusive of subdivision (i) of this subparagraph, shall be flown at an altitude of at least 1,600 feet m.s.l., until maneuvering for a safe landing requires further descent.

(iii) Fixed-wing aircraft operated at an airspeed of 105 knots or less within the International segment, exclusive of subdivision (i) of this subparagraph, shall be flown at an altitude of at least 900 feet m.s.l., until maneuvering for a safe landing requires further descent.

(5) Lake Hood airport: (i) Aircraft may not be operated between 1,200 feet m.s.l. and 2,000 feet m.s.l., in that portion of the Lake Hood segment lying north of the midchannel of Knik Arm.

(ii) Fixed-wing aircraft shall be flown within the Lake Hood segment, exclusive of subdivision (i) of this subparagraph, at an altitude of at least 600 feet m.s.l., until maneuvering for a safe landing requires further descent.

(iii) When the Lake Hood control tower is not in operation, two-way radio communications shall be maintained with Anchorage International control tower.

(6) Merrill airport: (i) Aircraft may not be operated between 600 feet m.s.l. and 2,000 feet m.s.l., in that portion of the Merrill segment lying north of the midchannel of Knik Arm.

(ii) Fixed-wing aircraft operated at an airspeed in excess of 105 knots within the Merrill segment, exclusive of subdivision (i) of this subparagraph, shall be flown at an altitude of at least 1,200 feet m.s.l., until maneuvering for a safe landing requires further descent.

(iii) Fixed-wing aircraft operated at an airspeed of 105 knots or less within the Merrill segment, exclusive of subdivision (i) of this subparagraph, shall be flown at an altitude of at least 900 feet m.s.l., until maneuvering for a safe landing requires further descent.

(7) Elmendorf airport: (i) Turbine powered fixed-wing aircraft shall be flown within the Elmendorf segment at an altitude of at least 1,700 feet m.s.l., until maneuvering for a safe landing requires further descent.

(ii) Other fixed-wing aircraft operated at an airspeed in excess of 105 knots within the Elmendorf segment shall be flown at an altitude of at least 1,200 feet m.s.l., until maneuvering for a safe landing requires further descent.

(iii) Fixed-wing aircraft operated at an airspeed of 105 knots or less within the Elmendorf segment shall be flown at an altitude of at least 700 feet m.s.l., until maneuvering for a safe landing requires further descent.

(iv) Aircraft may be flown at an altitude between 1,500 feet m.s.l. and 1,700 feet m.s.l., within those portions of the International and Lake Hood segments lying north of midchannel of Knik Arm.

(v) Aircraft may be flown at an altitude between 900 feet m.s.l. and 1,700 feet m.s.l., within that portion of the Merrill segment lying north of midchannel of Knik Arm.

(8) Bryant airport: (i) Fixed-wing aircraft shall be flown within the Bryant segment at an altitude of at least 1,000 feet m.s.l., until maneuvering for a safe landing requires further descent.

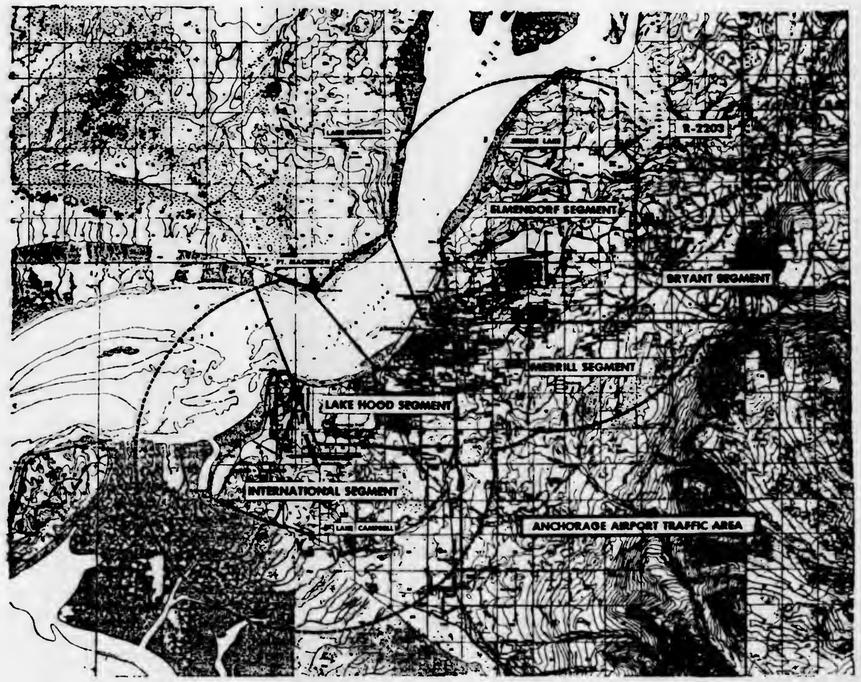
(ii) When the Bryant control tower is not in operation, two-way radio communications shall be maintained with Elmendorf control tower.

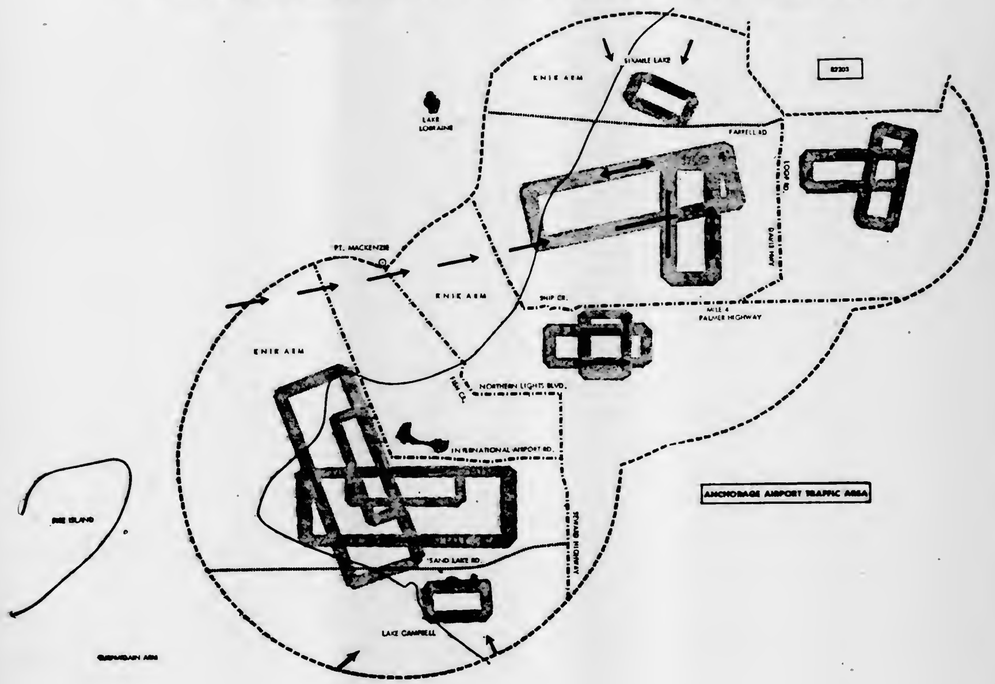
(c) *Special requirements.* Aircraft operated to or from Lake Campbell and Sixmile Lake Airports shall conform to the flow of traffic for such lake operations as depicted on the diagrams included herein.

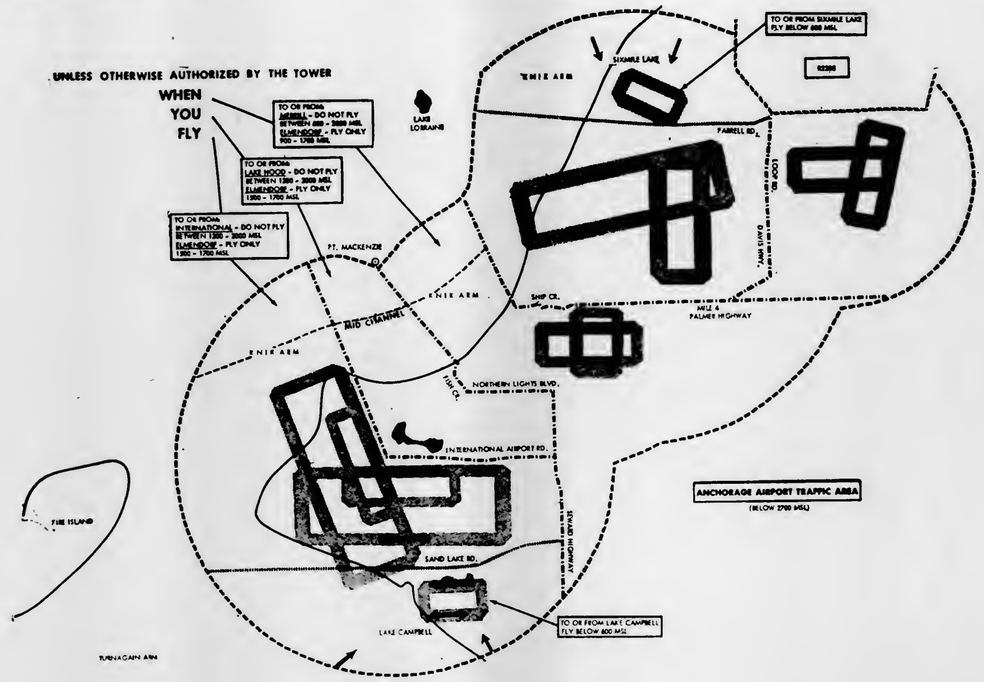
This amendment is proposed under the authority of section 307 of the Federal Aviation Act of 1958 (72 Stat. 749, 49 U.S.C. 1348).

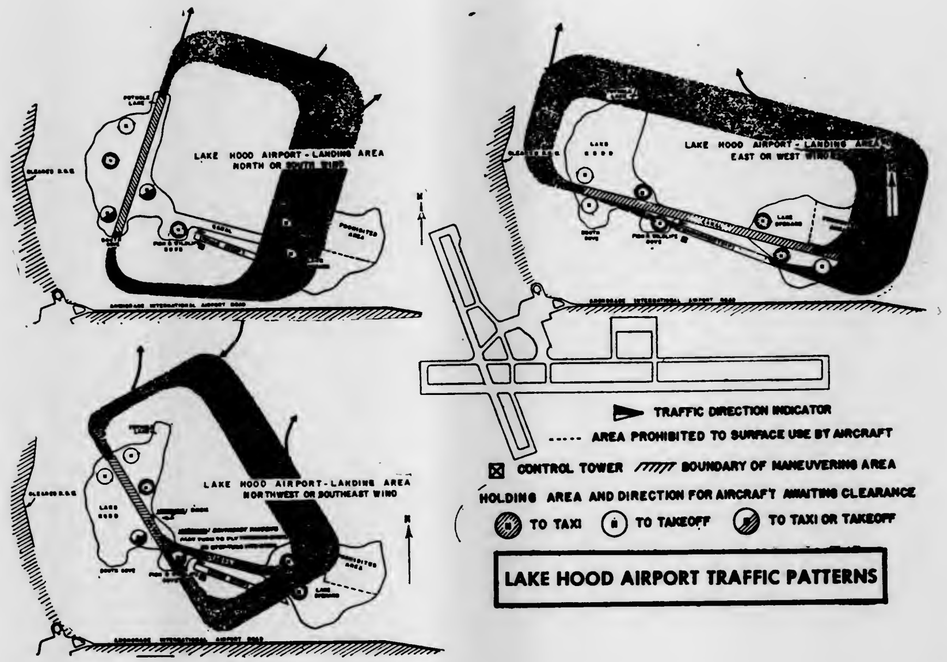
Issued in Washington, D.C., on September 21, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

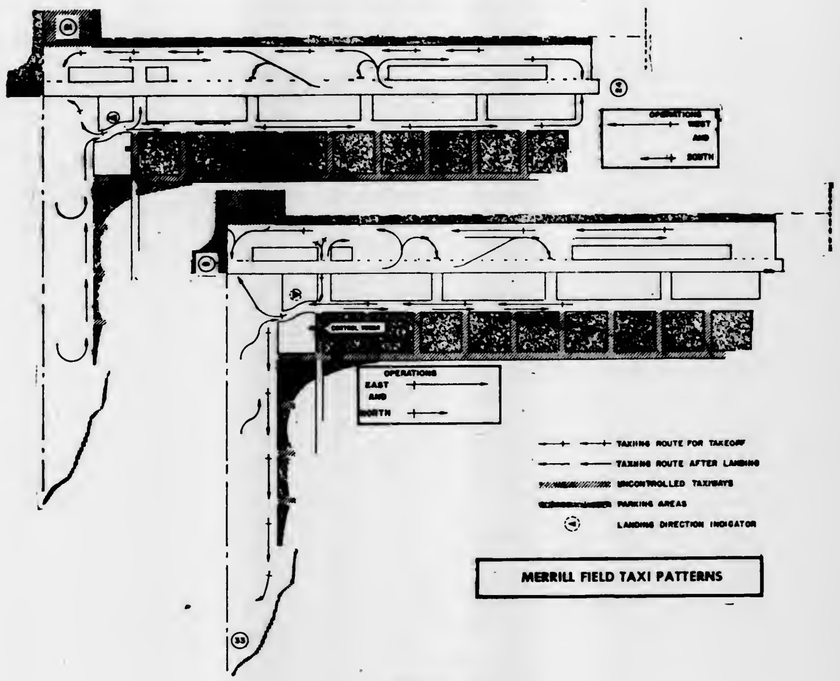




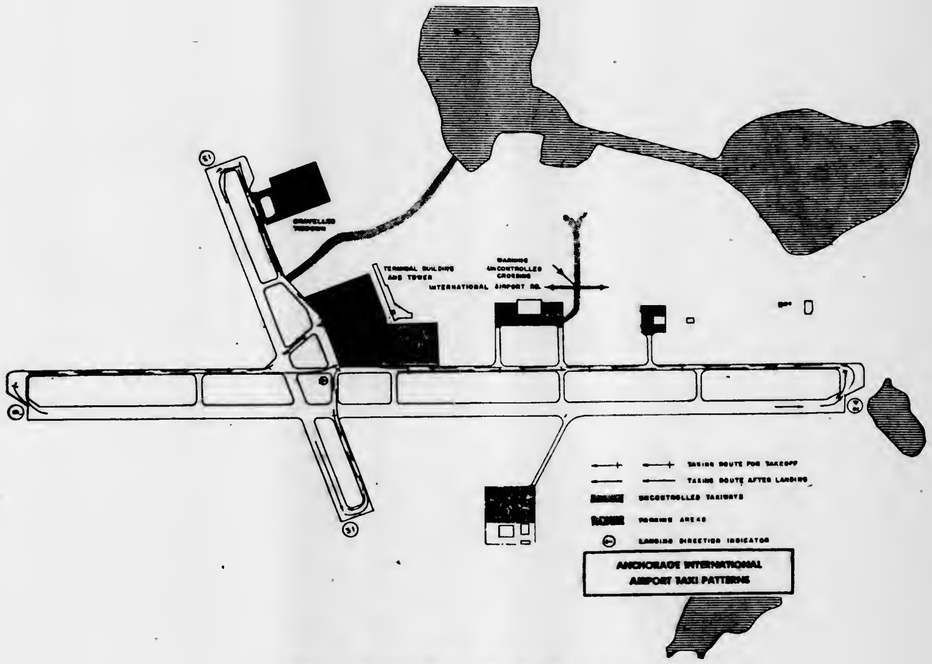




LAKE HOOD AIRPORT TRAFFIC PATTERNS



MERRILL FIELD TAXI PATTERNS



ANCHORAGE INTERNATIONAL AIRPORT TAXI PATTERNS

[F.R. Doc. 62-9638; Filed, Sept. 26, 1962; 8:50 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Parts 8, 8a, 8b]

SHIP REPAIRING, SHIPBUILDING, AND SHIPBREAKING

Proposed Safety and Health Regulations

Notice is hereby given that pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941), it is proposed to amend Title 29 of the Code of Federal Regulations by adding thereto two new parts, designated Parts 8a and 8b, containing safety and health regulations applicable to certain employments and places of employment in the shipbuilding and shipbreaking industries. In addition, it is proposed to amend Part 8 of that title by changing the definition of the term "vessel" to include expressly any floating structure. The terms of the proposals are hereinafter fully set forth. The terms of the proposed new Parts 8a and 8b reflect substantially the safety and health requirements already applicable to ship repairing (29 CFR Part 8).

Interested persons may submit written data, views, or arguments relating to the proposals to the Secretary of Labor, United States Department of Labor, Washington 25, D.C., within thirty days from the date of their publication in the FEDERAL REGISTER.

The proposals are set forth below.

1. Paragraph (f) of 29 CFR 8.3 would be amended to read as follows:

§ 8.3 Definitions.

* * * * *

(f) The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including any floating structure.

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2. The new Part 8a of Title 29, Code of Federal Regulations, would read as follows:

PART 8a—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING

Subpart A—General Provisions

Sec.
8a.1 Purpose and scope.
8a.2 Definitions.
8a.3 Penalty.
8a.4 Variation from regulations of this part.
8a.5 Reference specifications, standards, and codes.
8a.6 Notification of accidents resulting in fatalities or serious injuries.
8a.7 Amendment of the regulations in this part.

Subpart B—Surface Preparation and Preservation

8a.8 Toxic cleaning solvents.
8a.9 Painting.

Subpart C—Welding, Cutting, and Heating

8a.10 Ventilation and protection in welding, cutting, and heating.
8a.11 Fire prevention.
8a.12 Welding, cutting, and heating in way of preservative coatings.
8a.13 Welding, cutting, and heating of hollow metal containers and structures.
8a.14 Gas welding and cutting.
8a.15 Arc welding and cutting.

Subpart D—Scaffolds, Ladders, and Other Working Surfaces

8a.16 Scaffolds or staging.
8a.17 Ladders.
8a.18 Guarding of deck openings.
8a.19 Access to vessels.
8a.20 Access to and guarding of dry docks.
8a.21 Access to cargo spaces.

Subpart E—General Working Conditions

8a.22 Housekeeping.
8a.23 Illumination.
8a.24 Work in confined or isolated spaces.
8a.25 Work on or in the vicinity of radar and radio.
8a.26 Work on or in lifeboats.
8a.27 Health and sanitation.
8a.28 First aid.

Subpart F—Gear and Equipment for Rigging and Materials Handling

8a.29 Inspection.
8a.30 Manila rope and manila rope slings.
8a.31 Wire rope and wire rope slings.
8a.32 Chains and chain slings.
8a.33 Shackles.
8a.34 Hooks.
8a.35 Chain falls.
8a.36 Use of gear.
8a.37 Qualifications of operators.

Subpart G—Tools and Related Equipment

8a.38 Power tools; general precautions.
8a.39 Portable electric tools.
8a.40 Hand tools.
8a.41 Abrasive wheels.
8a.42 Powder actuated tools.

Subpart H—Personal Protective Equipment

8a.43 Eye protection.
8a.44 Respiratory protection.
8a.45 Head and foot protection.
8a.46 Life saving equipment.
8a.47 Threshold limit values.

Subpart I—Miscellaneous Safety and Health Provisions

8a.48 Uses of fissionable material.
8a.49 Utilities.

AUTHORITY: §§ 8a.1 to 8a.49 issued under sec. 41, 44 Stat. 1444; sec. 1, 72 Stat. 825; 33 U.S.C. 941.

Subpart A—General Provisions

§ 8a.1 Purpose and scope.

(a) Section 41 of the Longshoremen's and Harbor Workers' Compensation Act requires every employer to furnish and maintain employment and places of employment which are reasonably safe for his employees in all employments covered thereby (the Act applies to all injuries sustained by employees on navigable waters of the United States if the employees are employed by an "employer" as defined in section 2(4) of the Act, i.e., "an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any dry dock)." Calbeck v. Travelers Insurance Co. and Donovan v. Avondale Shipyards, Inc. (82 S. Ct. 1196 (1962)) and to install, furnish, maintain, and use devices and safeguards (with particular reference to equipment used by such employers and working conditions established by them) determined by the Secretary of Labor to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment and to prevent injury to such employees. The purpose of this part is to make determinations under this standard with respect to shipbuilding activity.

(b) This part does not apply to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and acts supplementary or amendatory thereto (46 U.S.C. secs. 1–1388 passim) including, but not restricted to, the master, ship's officer, crew members, design, construction, and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports, and waterfront facilities under the provisions of the Espionage Act of June 17, 1917, as amended (50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.); or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333). Also, this part does not apply to owners, operators, agents, or masters of vessels unless they are acting as "employers". However, this part is not intended to relieve owners, operators, agents or masters of vessels who are not "employers" from responsibilities or duties now placed upon them by law, regulations, or custom.

§ 8a.2 Definitions.

(a) Paragraphs (a), (b), (e), (f), (g), (h), (k), (l), (m), (n), and (o) of § 8.3 of this subtitle shall apply.

(b) "Employer" means an employer any of whose employees are employed, in whole or in part, in shipbuilding or related employments as defined in paragraphs (d) and (e) of this section within the Federal maritime jurisdiction on the navigable waters of the United States, including dry docks and marine railways.

(c) "Employee" means any person engaged in shipbuilding or related employment, within the Federal maritime jurisdiction on navigable waters of the United States, including dry docks and marine railways, other than the master, ship's officers, or crew of the vessel.

(d) "Shipbuilding" means the construction of a vessel, including the installation of machinery and equipment.

(e) "Related employments" means any employments performed as an incident to or in conjunction with shipbuilding work including, but not restricted to inspection, testing trials and employment as a watchman.

§ 8a.3 Penalty.

The provisions of § 8.4 of this subtitle shall apply.

§ 8a.4 Variation from regulations of this part.

The provisions of § 8.5 of this subtitle shall apply.

§ 8a.5 Reference specifications, standards, and codes.

The provisions of § 8.6 of this subtitle shall apply.

§ 8a.6 Notification of accidents resulting in fatalities or serious injuries.

The provisions of § 8.7 of this subtitle shall apply.

§ 8a.7 Amendment of the regulations of this part.

The provisions of § 8.8 of this subtitle shall apply.

Subpart B—Surface Preparation and Preservation

§ 8a.8 Toxic cleaning solvents.

The provisions of § 8.21 of this subtitle shall apply.

§ 8a.9 Painting.

The provisions of § 8.24 of this subtitle shall apply.

Subpart C—Welding, Cutting, and Heating

§ 8a.10 Ventilation and protection in welding, cutting, and heating.

The provisions of § 8.31 of this subtitle shall apply.

§ 8a.11 Fire prevention.

The provisions of § 8.32 of this subtitle shall apply.

§ 8a.12 Welding, cutting, and heating in way of preservative coatings.

The provisions of § 8.33 of this subtitle shall apply.

§ 8a.13 Welding, cutting, and heating of hollow metal containers and structures.

The provisions of § 8.34 of this subtitle shall apply.

§ 8a.14 Gas welding and cutting.

The provisions of § 8.35 of this subtitle shall apply.

§ 8a.15 Arc welding and cutting.

The provisions of § 8.36 of this subtitle shall apply.

Subpart D—Scaffolds, Ladders, and Other Working Surfaces

§ 8a.16 Scaffolds or staging.

The provisions of § 8.41 of this subtitle shall apply.

§ 8a.17 Ladders.

The provisions of § 8.42 of this subtitle shall apply.

§ 8a.18 Guarding of deck openings.

The provisions of § 8.43 of this subtitle shall apply.

§ 8a.19 Access to vessels.

The provisions of § 8.44 of this subtitle shall apply.

§ 8a.20 Access to and guarding of dry docks.

The provisions of § 8.45 of this subtitle shall apply.

§ 8a.21 Access to cargo spaces.

The provisions of paragraphs (a), (b), and (c) of § 8.46 of this subtitle shall apply.

Subpart E—General Working Conditions

§ 8a.22 Housekeeping.

The provisions of § 8.51 of this subtitle shall apply.

§ 8a.23 Illumination.

(a) The provisions of paragraphs (a) through (d) of § 8.52 of this subtitle shall apply.

(b) Employees shall not be permitted to enter dark spaces without a suitable portable light. The use of matches and open flame lights is prohibited.

§ 8a.24 Work in confined or isolated spaces.

The provisions of § 8.54 of this subtitle shall apply.

§ 8a.25 Work on or in the vicinity of radar and radio.

The provisions of § 8.55 of this subtitle shall apply.

§ 8a.26 Work on or in lifeboats.

The provisions of § 8.56 of this subtitle shall apply.

§ 8a.27 Health and sanitation.

The provisions of paragraphs (a) and (b) of § 8.57 of this subtitle shall apply.

§ 8a.28 First aid.

The provisions of § 8.58 of this subtitle shall apply.

Subpart F—Gear and Equipment for Rigging and Materials Handling

§ 8a.29 Inspection.

The provisions of § 8.61 of this subtitle shall apply.

§ 8a.30 Manila rope and manila rope slings.

The provisions of § 8.62 of this subtitle shall apply.

§ 8a.31 Wire rope and wire rope slings.

The provisions of § 8.63 of this subtitle shall apply.

§ 8a.32 Chains and chain slings.

The provisions of § 8.64 of this subtitle shall apply.

§ 8a.33 Shackles.

The provisions of § 8.65 of this subtitle shall apply.

§ 8a.34 Hooks.

The provisions of § 8.66 of this subtitle shall apply.

§ 8a.35 Chain falls.

The provisions of § 8.67 of this subtitle shall apply.

§ 8a.36 Use of gear.

The provisions of § 8.68 of this subtitle shall apply.

§ 8a.37 Qualifications of operators.

The provisions of § 8.69 of this subtitle shall apply.

Subpart G—Tools and Related Equipment

§ 8a.38 Power tools; general precautions.

The provisions of § 8.71 of this subtitle shall apply.

§ 8a.39 Portable electric tools.

The provisions of paragraphs (a) through (d) of § 8.72 of this subtitle shall apply.

§ 8a.40 Hand tools.

The provisions of § 8.73 of this subtitle shall apply.

§ 8a.41 Abrasive wheels.

The provisions of § 8.74 of this subtitle shall apply.

§ 8a.42 Power actuated tools.

The provisions of § 8.75 of this subtitle shall apply.

Subpart H—Personal Protective Equipment

§ 8a.43 Eye protection.

The provisions of § 8.81 of this subtitle shall apply.

§ 8a.44 Respiratory protection.

The provisions of § 8.82 of this subtitle shall apply.

§ 8a.45 Head and foot protection.

The provisions of § 8.83 of this subtitle shall apply.

§ 8a.46 Life saving equipment.

The provisions of § 8.84 of this subtitle shall apply.

§ 8a.47 Threshold limit values.

The provisions of Appendix I to Part 8 of this subtitle shall apply.

Subpart I—Miscellaneous Safety and Health Provisions

§ 8a.48 Uses of fissionable material.

(a) In shipbuilding and related activities involving the use of an exposure to sources of ionizing radiation not only on conventionally powered but also on nuclear powered vessels, the applicable provisions of the Atomic Energy Commission's Standards for Protection Against Radiation (10 CFR Part 20), relating to protection against occupational radiation exposure, shall apply.

(b) Any activity which involves the use of radioactive material, whether or not under license from the Atomic Energy Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under Commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee, shall perform such work.

§ 8a.49 Utilities.

(a) *Steam supply and hoses.* (1) Prior to supplying a vessel with steam from a source outside the vessel, the employer shall install a pressure gauge and a relief valve of proper size and capacity at the point where the temporary steam hose joins the vessel's steam piping system or systems. The relief valve shall be set and capable of relieving at a pressure not exceeding the safe working pressure of the vessel's system in its present condition, and there shall be no means of isolating the relief valve from the system which it protects. The pressure gauge and relief valve shall be located so as to be visible and readily accessible.

(2) Steam hose and fittings shall have a safety factor of not less than five (5).

(3) When steam hose is hung in a bight or bights, the weight shall be relieved by appropriate lines. The hose shall be protected against chafing.

(4) Steam hose shall be protected from damage and shall be so shielded where passing through normal work areas as to prevent accidental contact by employees.

(b) *Electric power.* When the vessel is supplied with electric power from a source outside the vessel, the following precautions shall be taken prior to energizing the vessel's circuits:

(1) If in dry dock, the vessel shall be adequately grounded.

(2) The employer shall insure that all of the vessel's circuits to be energized are in a safe condition.

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3. The new Part 8b of Title 29, Code of Federal Regulations, would read as follows:

PART 8b—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

Subpart A—General Provisions

Sec.
8b.1 Purpose and scope.
8b.2 Definitions.
8b.3 Penalty.
8b.4 Variation from regulations of this part.
8b.5 Reference specifications, standards, and codes.
8b.6 Notification of accidents resulting in fatalities or serious injuries.
8b.7 Amendment of the regulations in this part.

Subpart B—Explosives and Dangerous Atmospheres

8b.8 Precautions before entering.

Subpart C—Welding, Cutting, and Heating

8b.9 Ventilation and protection in welding, cutting, and heating.
8b.10 Fire prevention.
8b.11 Welding, cutting, and heating in way of preservative coatings.
8b.12 Welding, cutting, and heating of hollow metal containers and structures.
8b.13 Gas welding and cutting.

Subpart D—Scaffolds, Ladders, and Other Working Surfaces

8b.14 Scaffolds or staging.
8b.15 Ladders.
8b.16 Access to vessels.
8b.17 Access to and guarding of dry docks.
8b.18 Access to cargo spaces.

Subpart E—General Working Conditions

8b.19 Illumination.
8b.20 Work in confined or isolated spaces.
8b.21 Work in or on lifeboats.
8b.22 Health and sanitation.
8b.23 First aid.

Subpart F—Gear and Equipment for Rigging and Materials Handling

8b.24 Inspection.
8b.25 Manila rope and manila rope slings.
8b.26 Wire rope and wire rope slings.
8b.27 Chains and chain slings.
8b.28 Shackles.
8b.29 Hooks.
8b.30 Chain falls.
8b.31 Use of gear.
8b.32 Qualifications of operators.

Subpart G—Tools and Related Equipment

8b.33 Power tools; general precautions.
8b.34 Portable electric tools.
8b.35 Hand tools.
8b.36 Abrasive wheels.

Subpart H—Personal Protective Equipment

8b.37 Eye protection.
8b.38 Respiratory protection.
8b.39 Head and foot protection.
8b.40 Life saving equipment.
8b.41 Threshold limit values.

Subpart I—Miscellaneous Safety and Health Provisions

8b.42 Employment of minors.
8b.43 Gas freeing and maintaining gas free conditions.
8b.44 Utilities.

AUTHORITY: §§ 8b.1 to 8b.44 issued under sec. 41, 44 Stat. 1444; sec. 1, 72 Stat. 835; 33 U.S.C. 941.

Subpart A—General Provisions

§ 8b.1 Purpose and scope.

(a) Section 41 of the Longshoremen's and Harbor Workers' Compensation Act requires every employer to furnish and maintain employment and places of employment which are reasonably safe for his employees in all employments covered thereby (the Act applies to all injuries sustained by employees on navigable waters of the United States if the employees are employed by an "employer" as defined in section 2(4) of the Act i.e., "an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any dry dock)." Calbeck v. Travelers Insurance Co. and Donovan v. Avondale Shipyards, Inc. (82 S. Ct. 1196 (1962)) and to install, furnish, maintain, and use devices and safeguards (with particular reference to equipment used by such employers and working conditions established by them) determined by the Secretary of Labor to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment and to prevent injury to such employees. The purpose of this part is to make determinations under this standard with respect to shipbreaking activity.

(b) This part does not apply to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and acts supplementary or amendatory thereto (46 U.S.C. secs. 1–1388 passim) including, but not restricted to, the master, ship's officer, crew members, design, construction, and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports, and waterfront facilities under the provisions of the Espionage Act of June 17, 1917, as amended (50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.); or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333). Also, this part does not apply to owners, operators, agents, or masters of vessels unless they are acting as "employers". However, this part is not intended to relieve owners, operators, agents or masters of vessels who are not "employers" from responsibilities or duties now placed upon them by law, regulations, or custom.

§ 8b.2 Definitions.

(a) Paragraphs (a), (b), (e), (f), (g), (h), (k), (l), (m), (n), and (o) of § 8.3 of this subtitle shall apply.

(b) "Employer" means any employer any of whose employees are employed, in whole or in part, in shipbreaking or related employments as defined in paragraphs (d) and (e) of this section within the Federal maritime jurisdiction on navigable waters of the United States, including dry docks and marine railways.

(c) The term "employee" means any person engaged in shipbreaking or related employments, within the Federal maritime jurisdiction on the navigable waters of the United States, including dry docks and marine railways.

(d) The term "shipbreaking" means any breaking down of a vessel's structure for the purpose of scrapping the vessel, including the removal of gear, equipment or any component part of a vessel.

(e) The term "related employments" means any employments performed as an incident to or in conjunction with shipbreaking work, including, but not restricted to, inspection, survey, and employment as a watchman.

§ 8b.3 Penalty.

The provisions of § 8.4 of this subtitle shall apply.

§ 8b.4 Variation from regulations of this part.

The provisions of § 8.5 of this subtitle shall apply.

§ 8b.5 Reference specifications, standards, and codes.

The provisions of § 8.6 of this subtitle shall apply.

§ 8b.6 Notification of accidents resulting in fatalities or serious injuries.

The provisions of § 8.7 of this subtitle shall apply.

§ 8b.7 Amendment of the regulations of this part.

The provisions of § 8.8 of this subtitle shall apply.

Subpart B—Explosives and Dangerous Atmospheres

§ 8b.8 Precautions before entering.

The provisions of subparagraph (1) of paragraph (a) and all of paragraph (b) of § 8.11 of this subtitle shall apply.

Subpart C—Welding, Cutting, and Heating

§ 8b.9 Ventilation and protection in welding, cutting, and heating.

The provisions of paragraphs (a), (b), (c), and (e) of § 8.31 of this subtitle shall apply.

§ 8b.10 Fire prevention.

The provisions of paragraphs (a), (b), (d), (e), (f), and (g) of § 8.32 of this subtitle shall apply.

§ 8b.11 Welding, cutting, and heating in way of preservative coatings.

The provisions of subparagraph (1) of paragraph (c) and paragraphs (d) and (e) of § 8.33 of this subtitle shall apply.

§ 8b.12 Welding, cutting, and heating of hollow metal containers and structures.

The provisions of § 8.34 of this subtitle shall apply.

§ 8b.13 Gas welding and cutting.

The provisions of § 8.35 of this subtitle shall apply.

Subpart D—Scaffolds, Ladders, and Other Working Surfaces

§ 8b.14 Scaffolds or staging.

The provisions of paragraphs (f), (g), (h), and (i) of § 8.41 of this subtitle shall apply.

§ 8b.15 Ladders.

The provisions of § 8.42 of this subtitle shall apply.

§ 8b.16 Access to vessels.

The provisions of § 8.44 of this subtitle shall apply.

§ 8b.17 Access to and guarding of dry docks.

The provisions of § 8.45 of this subtitle shall apply.

§ 8b.18 Access to cargo spaces.

The provisions of § 8.46 of this subtitle shall apply.

Subpart E—General Working Conditions

§ 8b.19 Illumination.

The provisions of § 8.52 of this subtitle shall apply.

§ 8b.20 Work in confined or isolated spaces.

The provisions of § 8.54 of this subtitle shall apply.

§ 8b.21 Work in or on lifeboats.

The provisions of paragraph (a) of § 8.56 of this subtitle shall apply.

§ 8b.22 Health and sanitation.

The provisions of paragraphs (a) and (b) of § 8.57 of this subtitle shall apply.

§ 8b.23 First aid.

The provisions of § 8.58 of this subtitle shall apply.

Subpart F—Gear and Equipment for Rigging and Materials Handling

§ 8b.24 Inspection.

The provisions of § 8.61 of this subtitle shall apply.

§ 8b.25 Manila rope and manila rope slings.

The provisions of § 8.62 of this subtitle shall apply.

§ 8b.26 Wire rope and wire rope slings.

The provisions of § 8.63 of this subtitle shall apply.

§ 8b.27 Chains and chain slings.

The provisions of § 8.64 of this subtitle shall apply.

§ 8b.28 Shackles.

The provisions of § 8.65 of this subtitle shall apply.

§ 8b.29 Hooks.

The provisions of § 8.66 of this subtitle shall apply.

§ 8b.30 Chain falls.

The provisions of § 8.67 of this subtitle shall apply.

§ 8b.31 Use of gear.

The provisions of paragraphs (a), (c), (d), (e), (f), (g), and (h) of § 8.68 of this subtitle shall apply.

§ 8b.32 Qualifications of operators.

The provisions of paragraphs (b), (c), and (d) of § 8.69 of this subtitle shall apply.

Subpart G—Tools and Related Equipment

§ 8b.33 Power tools: general precautions.

The provisions of § 8.71 of this subtitle shall apply.

§ 8b.34 Portable electric tools.

The provisions of paragraphs (a), (b), (c), and (d) of § 8.72 of this subtitle shall apply.

§ 8b.35 Hand tools.

The provisions of § 8.73 of this subtitle shall apply.

§ 8b.36 Abrasive wheels.

The provisions of § 8.74 of this subtitle shall apply.

Subpart H—Personal Protective Equipment

§ 8b.37 Eye protection.

The provisions of § 8.81 of this subtitle shall apply.

§ 8b.38 Respiratory protection.

The provisions of § 8.82 of this subtitle shall apply.

§ 8b.39 Head and foot protection.

The provisions of § 8.83 of this subtitle shall apply.

§ 8b.40 Life saving equipment.

The provisions of paragraphs (a) and (b) and subparagraph (4) of paragraph (c) of § 8.84 of this subtitle shall apply.

§ 8b.41 Threshold limit values.

The provisions of Appendix I to Part 8 of this subtitle shall apply.

Subpart I—Miscellaneous Safety and Health Provisions

§ 8b.42 Employment of minors.

No minor under 18 years of age shall be employed in shipbreaking or related employments.

§ 8b.43 Gas freeing and maintaining gas free conditions.

(a) Employees shall not be permitted to engage in hot work on any vessel in or on the boundaries of cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk, or in spaces adjacent thereto, or on lines and fittings connected to any of the foregoing spaces until the employer has determined that the hot work can be done in safety.

(b) A competent person shall make tests to ensure that a safe condition in regard to the spaces referred to in paragraph (a) of this section is maintained.

(c) Before hot work is begun on any metal covered with preservative coatings, the requirements of § 8.33 of this subtitle shall be met.

(d) When tests for hazardous atmospheres are made by the employer, the employee shall maintain a record of the date, time, location and results of the tests until such time as the work is safely completed.

§ 8b.44 Utilities.

(a) *Steam supply and hoses.* (1) Prior to supplying a vessel with steam from a source outside the vessel, the employer shall ascertain the safe working pressure of the vessel's steam system. The employer shall install a pressure gauge and a relief valve of proper size and capacity at the point where the temporary steam hose joins the vessel's steam piping system or systems. The relief valve shall be set and capable of relieving at a pressure not exceeding the safe working pressure of the vessel's system in its present condition, and there shall be no means of isolating the relief valve from the system which it protects. The pressure gauge and relief valve shall be located so as to be visible and readily accessible.

(2) Steam hose fittings shall have a safety factor of not less than five.

(3) When steam hose is hung in a bight or bights, the weight shall be relieved by appropriate lines. The hose shall be protected against chafing.

(4) Steam hose shall be protected from damage and shall be so shielded where passing through normal work areas as to prevent accidental contact by employees.

(b) *Electric power.* When the vessel is supplied with electric power from a source outside the vessel, the following precautions shall be taken prior to energizing the vessel's circuits:

(1) If in dry dock, the vessel shall be adequately grounded.

(2) The employer shall insure that all circuits to be energized are in a safe condition.

Signed at Washington, D.C., this 21st day of September 1962.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 62-9678; Filed, Sept. 27, 1962; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Edam Cheese; Gouda Cheese; Notice of Proposal to Amend Standards of Identity

Notice is given that a petition has been filed the National Cheese Institute, Inc., 110 North Franklin Street, Chicago 6, Illinois, proposing amendment of the standards of identity for edam cheese and gouda cheese to provide for the use of sorbic acid as an optional ingredient, to retard mold growth. The petition recognizes that, due to cross-references, adoption of the proposed amendment to the standard for edam cheese (§ 19.555) would in effect amend the standard for gouda cheese (§ 19.560).

It is proposed to amend the regulations as follows:

1. By changing the heading to § 19.555 and by adding two new paragraphs, (d) and (e), reading as follows:

§ 19.555 Edam cheese; identity; label statement of optional ingredients.

* * * * *

(d) Edam cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e)(1) If edam cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

2. By changing the heading and first sentence of § 19.560 to read as follows:

§ 19.560 Gouda cheese; identity; label statement of optional ingredients.

Gouda cheese conforms to the definition and standard of identity and complies with the requirements for label declaration of optional ingredients prescribed for edam cheese by § 19.555, except that the fat content of its solids is not less than 46 percent.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 21, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9688; Filed, Sept. 27, 1962; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (FAP 449, 450, 452, 454, 457, 472, 768, 929, and 930) have been filed by Pennsylvania Industrial Chemical Corporation, 120 State Street, Clairton, Pennsylvania, proposing the issuance of regulations and amendments to the food additive regulations as follows:

1. The issuance of a regulation to provide for the safe use of petroleum hydrocarbon resins (cyclopentadiene type) as a plasticizer in the manufacture of rubber articles intended for use in contact with food.

2. The issuance of a regulation to provide for the safe use of styrene-acrylonitrile copolymer as a plasticizer in the manufacture of rubber articles intended for use in contact with food.

3. The issuance of a regulation to provide for the safe use of xylene (or toluene) alkylated with cyclopentadiene as a plasticizer in the manufacture of rubber articles intended for use in contact with food, and the amendment of § 121.2520 *Adhesives* to provide for its use as a component of food-packaging adhesives.

4. The amendment of § 121.2520 to provide for the use of 4,4-methylenebis (2,6-di-*tert*-butylphenol) as a component of food-packaging adhesives.

5. The issuance of a regulation to provide for the safe use of the copolymer of α-methylstyrene and vinyl toluene as a plasticizer in the manufacture of rubber articles intended for use in contact with food, and the amendment of § 121.2520 to provide for its use as a component of food-packaging adhesives.

6. The issuance of a regulation to provide for the safe use of polystyrene and hydrogenated rosin as plasticizers in the manufacture of rubber articles intended for use in contact with food.

7. The issuance of a regulation to provide for the safe use of petroleum hydrocarbon resins produced by copolymerization of alkyl- and/or aryl-substituted alkenes and dienes (C_8–C_{12}) from deeply cracked petroleum stocks as a plasticizer in the manufacture of rubber articles intended for use in contact with food, and the amendment of § 121.2520 to provide for its use as a component of food-packaging adhesives.

8. The issuance of a regulation to provide for the safe use of hydrogenated petroleum hydrocarbon resins (cyclopentadiene type) as a plasticizer in the manufacture of rubber articles intended for use in contact with food, and the amendment of § 121.2520 to provide for its use as a component of food-packaging adhesives.

9. The issuance of a regulation to provide for the safe use of dipentene resins as a plasticizer in the manufacture of rubber articles intended for use in contact with food; the amendment of § 121.2514 *Resinous and polymeric coatings* to provide for its use as a component of food-contact resinous and polymeric coatings; and the amendment of § 121.2520 to provide for its use as a component of food-packaging adhesives.

Dated: September 24, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9701; Filed, Sept. 27, 1962; 8:52 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), American Cyanamid Company, Agricultural Division, P.O. Box 400, Princeton, New Jersey, has withdrawn its petition proposing the issuance of a regulation to provide for the use of chlortetracycline in feed for the treatment of enteritis in rabbits, notice of which was published in the FEDERAL REGISTER of March 29, 1962 (27 F.R. 2934).

The withdrawal of this petition is without prejudice to a future filing.

Dated: September 24, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9702; Filed, Sept. 27, 1962; 8:52 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Tolerances for Residues of Chlortetracycline in Animal Feed; Notice of Proposal to Amend Regulations

Pursuant to petitions duly filed and upon consideration of other pertinent material, an order was published in the FEDERAL REGISTER of March 23, 1962 (27 F.R. 2733), providing for the safe use of certain antibiotics in animal feeds and adding tolerances for residues in human food. Following publication of the order, the petitioners and others submitted objections to the published regulation and proposed changes therein.

The Commissioner of Food and Drugs has evaluated these objections and has has concluded that § 121.1014 (21 CFR 121.1014 (27 F.R. 2314, 2733)) should be amended as hereinafter set forth. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), it is proposed to amend § 121.1014(a) by inserting after subparagraph (2) the following sentence:

§ 121.1014 Tolerances for residues of chlortetracycline.

* * * * * *

(a) * * *

Residues established in subparagraphs (1) and (2) of this paragraph may be in addition to residues of chlortetracycline in chicken tissues provided for in § 120.117(a) of this chapter.

The Commissioner hereby offers an opportunity to any interested person to submit views and comments on this proposal within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be submitted in quintuplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.

Dated: September 24, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-9690; Filed, Sept. 27, 1962; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 891) has been filed by General Electric Company, 1 Plastics Avenue, Pittsfield, Massachusetts, proposing the issuance of a regulation to provide for the safe use of the copolymer of 4,4'-isopropylidenediphenol and carbonyl chloride as an article or component of articles, or as a food-contact surface of articles, intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food.

Dated: September 24, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9705; Filed, Sept. 27, 1962; 8:53 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Amendment of Petition

Pursuant to the provisions of the Federal, Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice was given in the FEDERAL REGISTER of April 27, 1962 (27 F.R. 4031), that a petition (FAP 748) had been filed by Mobay Chemical Company, 812 Monsanto Avenue, Springfield, Massachusetts, proposing the issuance of a regulation to provide for the safe use of polycarbonate plastics as articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding dry food. The petitioner has filed an amendment to this petition proposing the issuance of a regulation to provide for the safe use of polycarbonate plastics as articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding all types of foods, including liquid, fatty, and nonfatty foods.

Dated: September 24, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9703; Filed, Sept. 27, 1962; 8:53 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 853) has been filed by Syracuse University Research Corporation, 1075 Comstock Avenue, Syracuse 10, N.Y., proposing the issuance of a regulation to provide for the safe use of stearato chromic chloride and myristo chromic chloride complexes as release agents in the closure area on plastic films used in food packaging.

Dated: September 21, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc 62-9689; Filed, Sept. 27, 1962; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 940) has been filed by The Dow Chemical Company, Post Office Box 467, Midland, Michigan, proposing the amendment of § 121.2520 *Adhesives* to provide for the safe use of sodium capryl polyphosphate as a component of food-packaging adhesives.

Dated: September 24, 1962.

J. K. KIRK,
Assistant Commisisoner of Food and Drugs.

[F.R. Doc. 62-9704; Filed, Sept. 27, 1962; 8:53 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Termination Thereof; Correction

SEPTEMBER 21, 1962.

Notice of an application, Serial No. Sacramento 050013, for withdrawal and reservation of lands and partial termination thereof which was published as F.R. Doc. 62-8214, on pages 8187 through 8190, inclusive, of the issue for August 16, 1962, is corrected as follows: That portion of the land description under Silver Lake Recreation Area in Sec. 33, T. 10 N., R. 17 E., M.D.M., which reads Lot 1, NW¼ SW¼, is corrected to read Lot 1, SW¼ NW¼; and that portion of the land description cancelled under Roadside Zone along Alpine Highway, California State Highway No. 88, in Sec. 20, T. 10 N., R. 17 E., M.D.M., which reads NW¼NE¼, N½SW¼, SW¼SW¼, is corrected to read NE¼NE¼, N½SW¼, SW¼SW¼.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 62-9677; Filed, Sept. 27, 1962; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3-W]

LIGNIN VANILLIN FROM CANADA

Fair Value Determination

SEPTEMBER 20, 1962.

A complaint was received that lignin vanillin from Canada was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that lignin vanillin from Canada is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Sales to the United States were pursuant to arms length transactions. Home market sales were inadequate to furnish a basis for comparison. Accordingly, purchase price was compared with third country price for fair value purposes.

Purchase price was computed on the basis of the delivered, duty-paid, price per pound to the United States distributors from which was deducted the distributors' discount, brokerage and entry charges, freight from the factory to point of delivery, and duty.

Third country price was computed on the basis of the f.a.s. Canadian port price, from which was deducted inland freight in Canada and brokerage charges. The net amount was converted, as required by statute, at the pertinent currency rates for the Canadian dollar for the applicable calendar year quarters.

Purchase price was lower than third country price by a small margin. As soon as the manufacturer was advised of this, he revised his pricing so as to eliminate the margin and gave assurance that future pricing would be watched to prevent a recurrence of this circumstance.

The amount involved during the period in which the margin existed was not more than insignificant.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-9708; Filed, Sept. 27, 1962; 8:53 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

V. L. BUSHMAN ET AL.

Delegation of Authority

Mr. V. L. Bushman, Mr. A. A. Greenwood and Mr. O. S. Homstad are hereby designated to administer oaths and affirmations at the public hearing beginning September 25, 1962, with reference to requests for acreage from the national acreage reserve for the growth and expansion of the sugarbeet industry.

Signed at Washington, D.C., on September 25, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9720; Filed, Sept. 27, 1962; 8:55 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-35]

LONG ISLAND NUCLEAR SERVICE CORP.

Notice of Proposed Amendment of Byproduct, Source Material License

Please take notice that Long Island Nuclear Service Corporation, 35 New Mill Road, Smithtown, New York, holder of License No. 31-8360-1, which authorizes the receipt, storage, and disposal of waste byproduct and source material, has applied for an amendment which would:

1. Authorize the receipt and storage of radioactive waste material at a new site located in the Bellport-Patchogue Industrial Park, Station Road and Sunrise Highway, Brookhaven, New York.

2. Increase the possession limit of any byproduct material having Atomic Nos. between 3 and 83 from 100 curies to 1,000 curies.

3. Increase the possession limit of source material from 1,000 pounds to 15,000 pounds.

4. Increase the time which the licensee may store byproduct and source material from 6 months to 20 months.

The Atomic Energy Commission has reviewed the application for amendment and proposes to grant the amendment subject to appropriate limitations, unless within fifteen (15) days after publication of this notice in the FEDERAL REGISTER, a petition to intervene and a request for a formal hearing are filed with the Commission in the manner prescribed in Title 10, Code of Federal Regulations, Chapter 1, Part 2, Rules of Practice, or unless the Commission upon further consideration directs the holding of such a hearing on its own motion.

The application for license amendment and a Memorandum prepared by the Division of Licensing and Regulation which summarizes the considerations evaluated prior to the issuance of this notice of proposed licensing action are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C. Copies of the Memorandum referenced above may also be obtained by request addressed to the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C., or to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

The text of the proposed amendment is attached to this notice.

Dated at Germantown, Md., September 20, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Licensing and Regulation.

[License No. 31-8360-1; Amdt. No. 1]

In accordance with application dated June 25, 1962, and amendment thereto dated July 25, 1962 (hereinafter referred to as the application), License No. 31-8360-1 is amended as follows:

Condition 1 is amended to read as follows:

1. The licensee shall not possess at any one time more than:

A. 1,000 curies of Hydrogen 3.

B. 1,000 curies of any byproduct material having Atomic Nos. between 3 and 83.

C. 15,000 pounds of source material.

Condition 6 is amended to read as follows:

6. The licensee shall store packaged byproduct and source material only at its facilities located in the Bellport-Patchogue Industrial Park, Station Road and Sunrise Highway, Brookhaven, New York, as described in the application.

Condition 7 is amended to read as follows:

7. Byproduct and source material received under this license shall be disposed of within

20 months from the date on which Long Island Nuclear Service Corporation first takes possession of such material.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 62-9662; Filed, Sept. 27, 1962; 8:45 a.m.]

[Docket No. 27-29]

RADIOLOGICAL SERVICE CO., INC.

Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that no requests for a formal hearing have been filed following publication of the notice of proposed amendment of License No. 31-1672-1 held by Radiological Service Company, Inc. in the FEDERAL REGISTER. The Atomic Energy Commission has this date issued Amendment No. 16 to License No. 31-1672-1. This amendment is in the form set forth in the notice of proposed amendment published in the FEDERAL REGISTER on August 31, 1962, 27 F.R. 8748.

Dated at Germantown, Md., September 20, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Licensing and Regulation.

[F.R. Doc. 62-9699; Filed, Sept. 27, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[Fact Finding Investigation No. 2]

PORT OF DULUTH, MINNESOTA

Possible Discrimination Against Port by Activities of Carriers Operating in Trade Between Great Lakes Ports and Foreign Ports

Whereas the Federal Maritime Commission has received from the Attorney General of the State of Minnesota and the Seaway Port Authority of Duluth certain allegations and charges to the effect that certain common carriers by water engaged in the United States Great Lakes Overseas trade, as set forth in Appendix A hereto, are unjustly discriminating against the Port of Duluth and are giving unreasonable preference to certain other United States Great Lakes ports:

1. By filing and/or assessing ocean freight charges to and from Duluth which are in excess of those same charges to and from Lake Michigan ports, or otherwise discriminate against the Port of Duluth and prefer other Great Lakes ports.

2. By absorbing certain terminal costs, such as costs attendant to unloading or loading rail cars and trucks and wharfage charges at United States Great Lakes ports other than Duluth, while not absorbing such costs at Duluth.

3. By absorbing certain inland freight costs applicable to cargo, so that the cargo which is naturally tributary to the Port of Duluth is diverted to other United States Great Lakes ports, and

Whereas the Commission is of the opinion that the above recited allegations involve possible violations of sections 15, 16, 17, and 18 of the Shipping Act, 1916, as amended, and that the Attorney General of the State of Minnesota and the Port Authority should be given an opportunity to present evidence and testimony in substantiation of these allegations. To effectuate the foregoing and for the Commission to secure the necessary information which would reflect on the activities and practices of the common carriers by water engaged in the United States Great Lakes Overseas trade, and in view of the authority vested in the Commission by sections 15, 16, 17, 18, 21, 22, and 27 of the Shipping Act, 1916,

It is ordered, That pursuant to the rules of practice and procedure before the Federal Maritime Commission, 46 CFR 201.291-302, a Non-Adjudicatory investigation is hereby instituted to determine the practices of the common carriers by water in the United States Great Lakes Overseas trades; such as, but not limited to, the aforementioned allegations of the Attorney General of the State of Minnesota and the Seaway Port Authority of Duluth, for the purposes as set out in 46 CFR 201.292,

It is further ordered, That William Stigler, Deputy Executive Director of the Commission, is appointed as Investigative Officer with full authority as designated in the Commission's rules, 46 CFR 201.291, et seq.,

It is further ordered, That this order be served upon the carriers named in Appendix A and Appendix B below, and

It is further ordered, That all hearings held hereunder shall be open to the public. Any persons who desire to present evidence or testimony relevant to this investigation are requested to so inform the aforementioned Investigative Officer at the offices of the Commission, Washington 25, D.C., on or before October 8, 1962.

This order shall be published in the FEDERAL REGISTER.

By the Commission, September 20, 1962.

THOMAS LISI,
Secretary.

APPENDIX A

ORDER—FACT FINDING INVESTIGATION NO. 2

Mediterranean—U.S.A. Great Lakes Westbound Freight Conference (8260)

Members

American Export Lines, Inc.
Britain Steamship Company Limited (Watts Watts Line).
Compagnie de Navigation Fraissinet et Cyprien Fabre.
Concordia Line—Great Lakes Service—Joint Service.
Hallenic Lines Limited.
Montship-Capo Great Lakes Service—Joint Service.
Niagara Line—Joint Service.
Zim Israel Navigation Co., Ltd.

United States Great Lakes-Bordeaux/Hamburg Range Westbound Conference (7830)

Members

AB R. Nordstrom & Co. OY (Nordlake Line).
A. Kiraten.
Canadian Pacific Railway Company.
Compagnie Generale Transatlantique (French Line).
Ernst Russ.
Fjell Line—Joint Service.
Furness, Withy & Co., Ltd.
Hamburg-Amerika Linie.
Leo Adams Reederei.
Norddeutscher Lloyd.
Oranje Lijn (Maatschappij Zeetransport) N.V.
Poseidon Schiffahrt Gesellschaft mit beschrankter Haftung (Poseidon Lines).
Sartori & Berger.
Cunard Steam-Ship Company, Ltd. (The).

Great Lakes-United Kingdom Eastbound Conference (8130)

Members

AB R. Nordstrom & Co. OY (Nordlake Line).
Fjell Line—Joint Service.
Liverpool Liners Ltd.
Oranje Lijn (Maatschappij Zeetransport) N.V.
Swedish Chicago Line—Joint Service.

Great Lakes-United Kingdom Westbound Conference (8140)

Members

AB R. Nordstrom & Co. OY (Nordlake Line).
Fjell Line—Joint Service.
Liverpool Liners Ltd.
Oranje Lijn (Maatschappij Zeetransport) N.V.
Swedish Chicago Line—Joint Service.

Scandinavia Baltic Great Lakes Westbound Freight Conference (8360)

Members

Aktiebolaget Svenska Amerika Linien (Swedish American Line).
Den Norske Amerikalinje A/S.
Fjell Line—Joint Service.
Swedish Chicago Line—Joint Service.

The American Great Lakes Mediterranean Eastbound Freight Conference (8250)

Members

American Export Lines, Inc.
Britain Steamship Company Limited (Watts Watts Line).
Compagnie de Navigation Fraissinet et Cyprien Fabre.
Concordia Line—Great Lakes Service—Joint Service.
Hellenic Lines Limited.
Kulukundis Lines, Ltd. (Crescent Line).
Montship-Capo Great Lakes Service—Joint Service.
Nedlloyd Line—Joint Service.
Niagara Line—Joint Service.
Orient-Mid East Line.
Zim Israel Navigation Co., Ltd.

U.S. Great Lakes, Scandinavian and Baltic Eastbound Conference (8180)

Members

Aktiebolaget Svenska Amerika Linien (Swedish American Line).
Fjell Line—Joint Service.
Swedish Chicago Line—Joint Service.
Den Norske Amerikalinje A/S (Norwegian America Line).

United States Great Lakes-Bordeaux/Hamburg Range Eastbound Conference (7820)

Members

AB R. Nordstrom & Co. OY (Nordlake Line).
A. Kirsten.
Aktiebolaget Svenska Amerika Linien (Swedish American Line).
Canadian Pacific Railway Company.
Compagnie Generale Transatlantique (French Line).
Cunard Steam-Ship Company, Ltd. (The).
Ernst Russ.
Fjell Line—Joint Service.
Hamburg-Amerika Linie.
Leo Adams Reederei.
Norddeutscher Lloyd.
Oranje Lijn (Maatschappij Zeetransport) N.V.
Poseidon Schiffahrt Gesellschaft mit beschrankter Haftung (Poseidon Lines).
Sartori & Berger.

APPENDIX B

ORDER—FACT FINDING INVESTIGATION NO. 2

Manchester Lines, Limited.

[F.R. Doc. 62-9710; Filed, Sept. 27, 1962; 8:53 a.m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

Call for Partial Redemption, Before Maturity

SEPTEMBER 21, 1962.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Title I Housing Insurance Fund Debentures, Series L, of the interest rate, denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1963, on which date interest on such debentures shall cease:

2½ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

Denomination:	*Serial numbers (all numbers inclusive)*
$50	180 to 187
$100	418 to 443
$500	169 to 180
$1,000	622 to 643

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1962. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1962, and provision will be made for the payment of final interest due on January 1, 1963, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1962, to December 31, 1962, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1963, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY,
Commissioner.

Approved: September 24, 1962.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary of the Treasury.

[F.R. Doc 62-9711; Filed, Sept. 27, 1962; 8:53 a.m.]

TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES R

Call for Partial Redemption, Before Maturity

SEPTEMBER 21, 1962.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Title I Housing Insurance Fund Debentures, Series R, of the interest rate, denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1963, on which date interest on such debentures shall cease:

2¾ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES R

Denomination:	*Serial numbers (all numbers inclusive)*
$50	511 to 533
$100	1,135 to 1,273
$500	274 to 305
$1,000	478 to 637

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1962. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1962, and provision will be made for the payment of final interest due on January 1, 1963, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1962, to December 31, 1962, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1963, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY,
Commissioner.

Approved: September 24, 1962.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 62-9712; Filed, Sept. 27, 1962; 8:54 a.m.]

TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES T

Call for Partial Redemption, Before Maturity

SEPTEMBER 21, 1962.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Title I Housing Insurance Fund Debentures, Series T, of the interest rate, denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1963, on which date interest on such debentures shall cease:

3 PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES T

Denomination:	*Serial numbers (all numbers inclusive)*
$50	495 to 507
$100	1,631 to 1,688
$500	562 to 571
$1,000	1,028 to 1,085
$5,000	394 to 395

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1962. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1962, and provision will be made for the payment of final interest due on January 1, 1963, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1962, to December 31, 1962, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1963, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY,
Commissioner.

Approved: September 24, 1962.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 62-9713; Filed, Sept. 27, 1962; 8:54 a.m.]

MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Call for Partial Redemption, Before Maturity

SEPTEMBER 21, 1962.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given

that Mutual Mortgage Insurance Fund Debentures, Series AA, of the interest rates, denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1963, on which date interest on such debentures shall cease:

2½, 2¾, 2⅞, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾, 3⅞, AND 4⅛ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Denomination:	*Serial numbers (all numbers inclusive)*
$50	12,875 to 13,306
$100	49,511 to 56,397
	56,399 to 56,509
$500	13,330 to 13,331
	13,333 to 15,091
	15,115 to 15,137
$1,000	40,087 to 46,293
$5,000	11,702 to 13,362
	13,368 to 13,369
$10,000	8,066 to 9,030 and 9,037

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1962. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1962, and provision will be made for the payment of final interest due on January 1, 1963, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1962, to December 31, 1962, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1963, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY,
Commissioner.

Approved: September 24, 1962.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 62-9714; Filed, Sept. 27, 1962; 8:54 a.m.]

SECTION 220 HOUSING INSURANCE FUND DEBENTURES, SERIES CC

Call for Partial Redemption, Before Maturity

SEPTEMBER 21, 1962.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Section 220 Housing Insurance Fund Debentures, Series CC, of the interest rates, denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1963, on which date interest on such debentures shall cease:

3¼, 3½, 3¾, AND 4⅛ PERCENT SECTION 220 HOUSING INSURANCE FUND DEBENTURES, SERIES CC

Denomination:	*Serial numbers (all numbers inclusive)*
$50	9 to 10
$100	36 to 63
$500	12 to 20
$1,000	36 to 66
$5,000	3 to 16

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1962. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1962, and provision will be made for the payment of final interest due on January 1, 1963, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1962, to December 31, 1962, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1963, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY,
Commissioner.

Approved: September 24, 1962.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 62-9715; Filed, Sept. 27, 1962; 8:54 a.m.]

SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Call for Partial Redemption, Before Maturity

SEPTEMBER 21, 1962.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Servicemen's Mortgage Insurance Fund Debentures, Series EE, of the interest rates, denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1963, on which date interest on such debentures shall cease:

2½, 2⅝, 3, 3⅛, 3¼, 3⅜, 3½, 3¾, 3⅞, AND 4⅛ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Denomination:	*Serial numbers (all numbers inclusive)*
$50	379 to 437
$100	2,446 to 2,676
$500	640 to 757
$1,000	2,316 to 2,700
$5,000	549 to 639
$10,000	500 to 561

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1962. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1962, and provision will be made for the payment of final interest due on January 1, 1963, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1962, to December 31, 1962, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1963, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY,
Commissioner.

Approved: September 24, 1962.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 62-9716; Filed, Sept. 27, 1962; 8:54 a.m.]

WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Call for Partial Redemption, Before Maturity

SEPTEMBER 21, 1962.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that War Housing Insurance Fund Debentures, Series H, of the interest rate, denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1963, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	*Serial numbers (all numbers inclusive)*
$50	4,749 to 4,823
$100	17,393 to 18,218
$500	4,946 to 5,296
$1,000	21,155 to 22,079
$5,000	4,926 to 5,115
$10,000	47,211 to 49,969

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1962. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1962, and provision will be made for the payment of final interest due on January 1, 1963, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1962, to December 31, 1962, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1963, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY,
Commissioner.

Approved: September 24, 1962.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 62-9717; Filed, Sept. 27, 1962; 8:55 a.m.]

HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Call for Partial Redemption, Before Maturity

SEPTEMBER 21, 1962.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Housing Iusurance Fund Debentures, Series BB, of the interest rates, denomination and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1963, on which date interest on such debentures shall cease:

3⅛ AND 4⅛ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Denomination:	*Serial numbers (all numbers inclusive)*
$10,000	3,000 to 3,103

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1962. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1962, and provision will be made for the payment of final interest due on January 1, 1963, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1962, to December 31, 1962, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1963, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY,
Commissioner.

Approved: September 24, 1962.

GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 62-9718; Filed, Sept. 27, 1962; 8:55 a.m.]

Office of the Administrator

ACTING DIRECTOR, ADMINISTRATIVE MANAGEMENT, REGION IV (CHICAGO)

Designation

The officers appointed to the following listed positions in Region IV (Chicago) are hereby designated to serve as Acting Director, Administrative Management, Region IV, during the absence of the Director, Administrative Management, with all the powers, functions, and duties delegated or assigned to the Director, Administrative Management, provided that no officer is authorized to serve as Acting Director, Administrative Management, unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Supervisory Accountant.
2. Management Analyst.

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 28th day of September 1962.

[SEAL] JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 62-9693; Filed, Sept. 27, 1962; 8:51 a.m.]

ACTING REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION IV (CHICAGO)

Designation

The officers appointed to the following listed positions in Region IV (Chicago) are hereby designated to serve as Acting Regional Director of Community Facilities, Region IV, during the absence of the Regional Director of Community Facilities, with all the powers, functions, and duties delegated or assigned to the Regional Director of Community Facilities, provided that no officer is authorized to serve as Acting Regional Director of Community Facilities, unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Director of Community Facilities.
2. Assistant to Regional Director, Community Facilities Branch.
3. Chief, Engineering Staff.

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 28th day of September 1962.

[SEAL] JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 62-9694; Filed, Sept. 27, 1962; 8:51 a.m.]

ACTING REGIONAL DIRECTOR OF URBAN RENEWAL, REGION IV (CHICAGO)

Designation

The officers appointed to the following listed positions in Region IV (Chicago) are hereby designated to serve as Acting Regional Director of Urban Renewal, Region IV, during the absence of the Regional Director of Urban Renewal, with all the powers, functions, and duties delegated or assigned to the Regional Director of Urban Renewal, provided that no officer is authorized to serve as Acting Regional Director of Urban Renewal, unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Director of Urban Renewal.
2. Assistant Regional Director for Special Programs.

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 28th day of September 1962.

[SEAL] JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 62-9695; Filed, Sept. 27, 1962; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

SEPTEMBER 24, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such

action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of six (6) days, September 25, 1962, through September 30, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9679; Filed, Sept. 27, 1962; 8:48 a.m.]

[File No. 70-4068]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issuance and Sale of Notes to Banks

SEPTEMBER 24, 1962.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50(a)(2) thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration on file at the office of the Commission for a statement of the proposed transactions, which are summarized as follows:

Columbia proposes to issue and sell up to an aggregate of $20,000,000 face amount of unsecured notes to the banks and in the amounts indicated below:

Morgan Guaranty Trust Co. of New York	$10,000,000
Mellon National Bank and Trust Co. (Pittsburgh, Pa.)	10,000,000
Total	20,000,000

The notes are to be dated as of the date of issuance but prior to December 1, 1962, are to mature on June 30, 1963, and are to bear interest at the present prime commercial rate of 4½ percent per annum. There is no commitment fee, and the notes may be prepaid at any time without penalty. Later in 1962 or in the early part of 1963, Columbia anticipates the sale of up to $30,000,000 principal amount of debentures, at which time it will repay any amounts previously obtained by the foregoing borrowings.

The proceeds from the proposed notes will be added to Columbia's treasury funds and will be made available to certain of its subsidiary companies as funds are needed for construction and for rate refunds to retail and wholesale customers.

Expenses incident to the proposed issuance of notes are estimated at $300. No State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may request in writing, on or before October 8, 1962, that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request and the issues of fact or law he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served upon declarant personally or by mail (air mail if the person being served resides more than 500 miles from the point of mailing), and proof of service thereof (by affidavit or, if by an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, the Commission may permit the declaration, as filed or as it may be amended, to become effective, as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided by Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9680; Filed, Sept. 27, 1962; 8:48 a.m.]

[File No. 70-4048]

NEW ENGLAND ELECTRIC SYSTEM

Notice of Filing Requesting Exception From Competitive Bidding Requirements of Rule 50

SEPTEMBER 24, 1962.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, has filed with this Commission an application and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), requesting therein a limited exception from the competitive bidding requirements of Rule 50 promulgated under the Act. All interested persons are referred to said application, as amended, for a complete statement of the request and the reasons therefor, which are summarized as follows:

NEES seeks an exemption from the competitive bidding requirements of Rule 50 in order to conduct negotiations with two Connecticut electric utility companies, namely Connecticut Light and Power Company and Hartford Electric Company, with respect to the disposition by NEES of its holdings of all the outstanding common stock of its electric utility subsidiary company, Mystic Power Company ("Mystic"). The filing states that, alternatively, such disposition may take the form of a sale by Mystic of its assets to either of these potential purchasers.

Mystic, a Connecticut corporation, constitutes NEES' only utility interest in the State of Connecticut. It is located at the end of NEES' electric transmission system, and at present it purchases all of its electric energy requirements from another NEES subsidiary company, Narragansett Electric Company ("Narragansett"), located in Rhode Island. The filing states that Mystic's area growth presents problems of future power supply; that it may be more economical for Mystic's customers to be served directly by or through a Connecticut utility company; and that the above mentioned Connecticut utility companies are the only two utilities in Connecticut with sufficient generation and transmission facilities in the vicinity just west of Mystic's service area to provide the desired new source of power supply. The filing also states that, in the event of the sale of Mystic's stock or assets, the existing contract between Narragansett and Mystic for the latter's supply of electric energy will be cancelled as soon as the purchaser can complete any construction necessary to supply Mystic with its power needs. It further states that, if no satisfactory agreement is reached with either of the two Connecticut utility companies no sale of the stock or assets of Mystic will be made.

No authorization is being sought at this time with respect to the disposition of Mystic's common stock or its assets but, in the event of successful negotiations with respect to such disposition, it will be the subject of a further application to the Commission.

No fees or commissions will be paid in connection with the proposed negotiations and such services as may be necessary will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof, the same being estimated at not in excess of $10,000. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed negotiations.

Notice is further given that any interested person may, not later than October 15, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as amended, or as further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9681; Filed, Sept. 27, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order No. 62; Amdt. 6]

ALABAMA, ILLINOIS, OHIO, AND TENNESSEE

Drouth Order

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: Laurence K. Walrath, Vice-Chairman, to whom the above-entitled matter has been assigned for action thereon.

It appearing that due to the drouth conditions existing in the State of Kentucky the Commission issued Drouth Order No. 62 under Section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport hay to the drouth area at reduced rates;

And it further appearing that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to 47 additional counties located in the States of Alabama, Illinois, Ohio, and Tennessee:

It is ordered, That Drouth Order No. 62 as amended, be, and it is hereby, further amended by adding thereto the following:

ALABAMA

29 counties, viz.:

Autauga.	Marion.
Bibb.	Montgomery.
Choctaw.	Morgan.
Coosa.	Perry.
Dallas.	Pickens.
Elmore.	Pike.
Fayette.	Russell.
Franklin.	St. Clair.
Jackson.	Sumter.
Lauderdale.	Tuscaloosa.
Lawrence.	Walker.
Limestone.	Washington.
Lowndes.	Wilcox.
Madison.	Winston.
Marengo.	

ILLINOIS

8 counties, viz.:

Hardin.	Pulaski.
Jackson.	Randolph.
Perry.	Saline.
Pope.	Union.

OHIO

3 counties, viz.:

Knox.	Trumbull.
Noble.	

TENNESSEE

7 counties, viz.:

Coffee.	Marion.
Fentress.	Meigs.
Franklin.	Polk.
Lincoln.	

It is further ordered, That in all other respects Drouth Order No. 62, as amended, shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 24th day of September A.D. 1962.

By the Commission, Vice-Chairman Walrath.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-9698; Filed, Sept. 27, 1962; 8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 25, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37960: *T.O.F.C. service—Class rates from and to Hopkinsville, Ky.* Filed by Western Trunk Line Committee, Agent (No. A-2281), for interested rail carriers. Rates on various commodities moving on class rates, loaded in trailers and transported on railroad flat cars, between Hopkinsville, Ky., on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Motor-truck competition, and grouping.

Tariff: Supplement 26 to Western Trunk Line Committee tariff I.C.C. A-4379.

FSA No. 37961: *Iron or steel articles from Chicago, Ill., to Pascagoula, Miss.* Filed by O. W. South, Jr., Agent (No. A4239), for interested rail carriers. Rates on angles, bars or rods, noibn, beams or joists, channels and tees, in carloads, from Chicago, Ill., to Pascagoula, Miss.

Grounds for relief: Barge-rail competition.

Tariff: Supplement 12 to Illinois Freight Association tariff I.C.C. 989.

FSA No. 37962: *Class and commodity rates from and to Kendrick, N.C.* Filed by O. W. South, Jr., Agent (No. A4240), for interested rail carriers. Rates on various commodities moving on class and commodity rates, in carloads, and less-than-carloads, between Kendrick, N.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-9685; Filed, Sept. 27, 1962; 8:49 a.m.]

[Notice 697]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 25, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64725. By order of September 20, 1962, the Transfer Board approved the transfer to Edward F. Hayes, doing business as Hayes & Sons, 8646 South Ashland Avenue, Chicago 20, Ill., of Certificate No. MC 95677, issued April 14, 1941, to Thomas J. Hayes, Edward F. Hayes, and Michael J. Hayes, a partnership, doing business as M. J. Hayes & Sons Storage & Moving, Chicago, Ill., authorizing the transportation of: Household goods, between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin, Iowa, Indiana, Michigan, and Ohio.

No. MC-FC 65064. By order of September 19, 1962, the Transfer Board approved the transfer to Louis Rose, doing business as Rose Trucking, Waterloo, Iowa, of a portion of Certificate No. MC 68483, issued September 7, 1943, to J. R. Dawson, Mason City, Iowa, authorizing the transportation of: Agricultural implements and parts, farm equipment and machinery and parts, lubricating oils and greases, feed, tankage, seeds, and flax, between Mason City, Iowa, on the one hand, and, on the other, Minneapolis and St. Paul, Minn., and Wooden silos, knocked down; and silo fixtures and parts, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, points in Iowa. John Beekman, 201 First National Building, Waterloo, Iowa, attorney for applicants.

No. MC-FC 65109. By order of September 20, 1962, the Transfer Board approved the transfer to A & A Produce

Co., a corporation, Springdale, Ark., of the operating rights in Certificate No. MC 118260, issued March 20, 1961, to Paul Cherry, Springdale, Ark., authorizing the transfer, over irregular routes, of bananas, from Mobile, Ala., and New Orleans, La., to Springfield, Mo., and Pittsburg and Coffeyville, Kans. John H. Joyce, 26th North College, Fayetteville, Ark., attorney for applicants.

No. MC-FC 65266. By order of September 19, 1962, the Transfer Board approved the transfer to James M. Kloewer and Donald G. Kloewer, a partnership, doing business as Panama Transfer, Panama, Iowa, of Certificates Nos. MC 4519 and MC 4519 Sub-5, issued August 9, 1955, and December 12, 1955, respectively, in the name of Franklin G. Oppold, doing business as Panama Transfer, Panama, Iowa, authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Omaha, Nebr., and Portsmouth, Iowa, serving the intermediate points of Council Bluffs, Weston, Underwood, Neola, and Persia, Iowa, and the off-route points of Panama, Westphalia, Earling, and Irwin, Iowa; livestock, over irregular routes, between Harlan, Iowa, and points within 20 miles of Harlan on the one hand, and, on the other, Omaha, Nebr., and, general commodities, excluding household goods, over irregular routes, between Harlan, Iowa, and points within 20 miles of Harlan, on the one hand, and, on the other, Omaha, Nebr.

No. MC-FC 65338. By order of September 20, 1962, the Transfer Board approved the transfer to Jeannette M. Boyle, doing business as E. J. Boyle, Tamaqua, Pa., of Certificate No. MC 52862 Sub-4, issued October 16, 1958, to Edward J. Boyle, doing business as E. J. Boyle, Tamaqua, Pa., authorizing the transportation of: Anthracite Coal, from Hazleton, Jeanesville, and Tamaqua, Pa., and points in Schuylkill, Columbia, and Carbon Counties, Pa., within 25 miles of Tamaqua, Pa., to specified points in New York, except Germantown, N.Y., and points in Albany, Greene, Rensselaer, and Columbia Counties, N.Y., within 25 miles of Germantown, N.Y. William J. Wilcox, 624 Commonwealth Building, Allentown, Pa., attorney for applicants.

No. MC-FC 65349. By order of September 20, 1962, the Transfer Board approved the transfer to Robert W. Gibson, Ulysses, Pa., of a portion of Certificate No. MC 105172 issued December 9, 1949, to Gordon Dehmler, doing business as Covered Wagon Train, Dansville, N.Y., authorizing the transportation over irregular routes, of wood, from points in McKean, Potter, Cameron, and Tioga Counties, Pa., to Niagara Falls, Buffalo, and Rochester, N.Y., and feed, fertilizer, and lime, from Niagara Falls, Buffalo, Rochester, and Olean, N.Y., to points in McKean, Potter, Cameron, and Tioga Counties, Pa. Edward H. Owlett, 19 Central Avenue, Wellsboro, Pa., attorney for applicants.

No. MC-FC 65289. By order of September 20, 1962, the Transfer Board approved the transfer to Francis Hoffman, doing business as Associated Truckers, Jefferson, S. Dak., of Certificate No. MC 59304, issued August 17, 1949 to Roger P. Blanchard, Jefferson, S. Dak., authorizing the transportation of: general commodities, with the usual exceptions including household goods and commodities in bulk, between specified points in South Dakota, on the one hand, and, on the other, Sioux City, Iowa. Owen J. Donley, Elk Point, S. Dak., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9686; Filed, Sept. 27, 1962; 8:49 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 136; Amdt. 8]

RUTLAND RAILROAD CORP.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 136 (Rutland Railroad Corporation) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 136 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 30, 1962, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 24, 1962.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R Doc. 62-9683; Filed, Sept. 27, 1962; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ELSE HERFORTH-LEUZINGER ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Else Herforth-Leuzinger, Wunderlistrasse 43, Zurich 10, Switzerland; $6,610.74 in the Treasury of the United States.

Richard Herforth, Länggass-Strasse 38a, Berne, Switzerland; $2,152.68 in the Treasury of the United States.

Dr. Max Herforth, Goldauerstrasse 12, Zurich 6, Switzerland; $2,152.68 in the Treasury of the United States.

Claim No. 61977. Vesting Order No. 17760.

Executed at Washington, D.C., on September 24, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-9696; Filed, Sept. 27, 1962; 8:51 a.m.]

SPEZIALFONDS DER DEUTSCHEN FORSCHUNGSANSTALT FUER PSYCHIATRIE ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Trustees of the Spezialfonds der Deutschen Forschungsanstalt fuer Psychiatrie: $26,543.38 in the Treasury of the United States.

Dr. Joseph W. Hambuechen, Tulip Wood, Lloyd's Neck, Long Island, New York.

Lord Robert John Boothby, c/o House of Lords, London, England.

Charles Sharp, 15 Arkwright Road, London N. 3, England.

All right, title, and interest acquired by the Attorney General pursuant to Vesting Order No. 8425 in 500 shares of International Nickel Company of Canada, Ltd., evidenced by Certificates Nos. 496947, 452924, 490483, 364183, and 436710 on deposit with the Federal Reserve Bank, New York.

Claim No. 416.11. Vesting order No. 8425.

Executed at Washington, D.C., on September 24, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-9697; Filed, Sept. 27, 1962; 8:51 a.m.]

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[87th Cong., 1st Sess.]

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3495

NATIONAL FARM-CITY WEEK, 1962

By the President of the United States of America
A Proclamation

WHEREAS this year marks the completion of the first one hundred years of service of the United States Department of Agriculture; and

WHEREAS this is also the centennial year of the establishment of the land-grant system of universities and colleges; and

WHEREAS an individual American farm worker can now produce food and fiber for himself and twenty-six others, the greatest farm efficiency ever known to man; and

WHEREAS this agricultural efficiency and abundance is necessary not only to the well-being of all our own people and to the strength of our Nation, but also to the growth of freedom in the newly emerging nations who look to us for the shared fruits of our land and the technology of our agriculture; and

WHEREAS this abundant production and skill of the American farmer has enabled our cities to grow, without fear of hunger; and

WHEREAS the American farmer is ever more dependent on the city worker to supply the machines and power and other tools necessary for this efficient farm production; and

WHEREAS there is a continuing need for mutual recognition and appreciation by farm families and city families of their interdependence:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the week of November 16 through November 22, 1962, as National Farm-City Week; and I call upon our citizens throughout the Nation to participate fully in the observance of that week.

I request labor, business and civic associations, industry groups, women's clubs, and all consumers, along with farm groups, to join in this observance as evidence of America's appreciation to all those, in the cities and on the farms, who provide us with food and fiber for better living.

I request the Department of Agriculture and other appropriate Federal agencies, the land-grant colleges and universities, and the Cooperative Extension Service to cooperate with national, state, and local groups in preparing and carrying out programs for the appropriate observance of National Farm-City Week, including public meetings, exhibits, pageants, press, radio, and television features, with special emphasis on the interdependence of farm families and city families.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of September in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62-9801; Filed, Sept. 27, 1962; 2:39 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (11) of paragraph (d) of § 6.302 is amended as set out below.

§ 6.302 Department of State.

* * * * * *

(d) *Office of the Assistant Secretary for Public Affairs.* * * *

(11) One Deputy Assistant Secretary (Public Services).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-9750; Filed, Sept. 28, 1962; 8:50 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 CCC Peanut Price Support Bulletin, Amdt. 1]

PART 446—PEANUTS

Subpart—1962 Crop Peanut Price Support Program

SUPPORT PRICES

The regulations issued by Commodity Credit Corporation (hereinafter referred to as CCC) with respect to the 1962 crop peanut price support program (27 F.R. 6583) are amended by revising the support prices in § 446.1434 as indicated below.

1. Paragraphs (b) and (c) of § 446.1434 are amended to read as follows:

(b) *National average price.* The national average support price is $221.40 per ton.

(c) *Average support prices by type.* The support price by type per average grade ton of 1962 crop peanuts is:

Type	*Dollars per ton*
Virginia	$234.19
Runner	208.71
Southeast Spanish	226.35
Southwest Spanish	217.13
Valencia, suitable for cleaning and roasting	234.19

2. The heading of paragraph (d) of § 446.1434 and subdivision (i), subparagraph (1) of said paragraph are amended to read as follows:

(d) *Calculation of support prices.* The support price per ton for peanuts of a particular type and grade shall be calculated on the basis of the following rates, premiums and discounts. No value shall be assigned to damaged kernels.

(1) *Kernel values per net ton excluding loose shelled kernels.* (i) Price for each percent of sound mature and sound split kernels shall be:

Virginia Type	$3.112
Runner Type	3.065
Southeastern Spanish Type	3.183
Southwestern Spanish Type	3.157
Valencia Type:	
Southwestern area suitable for cleaning and roasting	3.405
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Effective date: August 1, 1962.

Signed at Washington, D.C., on September 25, 1962.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-9766; Filed, Sept. 28, 1962; 8:52 a.m.]

[1962 CCC Peanut Price Support Bulletin, Amdt. 2]

PART 446—PEANUTS

Subpart—1962 Crop Peanut Price Support Program

SUPPORT PRICES

The regulations issued by Commodity Credit Corporation (hereinafter referred to as CCC) with respect to the 1962 crop peanut price support program (27 F.R. 6583, 9641) are further amended to provide that there shall be no premium for extra-large kernels in Virginia type peanuts containing from 8 percent to 25 percent damaged kernels.

Subdivision (iii), subparagraph (1) of paragraph (d), § 446.1434 is amended to read as follows:

(iii) Premium for each one percent extra-large kernels in Virginia type shall be 60 cents, except that no premium shall be applicable to any lot of peanuts containing from 8 percent through 25 percent damaged kernels.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 201, 68 Stat. 899; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Date of signature.

Signed at Washington, D.C., on September 25, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-9767; Filed, Sept. 28, 1962; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 15]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.335 Grapefruit Regulation 15.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 25, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this

section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., October 1, 1962, and ending at 12:01 a.m., e.s.t., October 15, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 27, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9794; Filed, Sept. 28, 1962; 8:54 a.m.]

[Orange Reg. 15]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.336 Orange Regulation 15.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 25, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., October 1, 1962, and ending at 12:01 a.m., e.s.t., October 15, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{1}/_{16}$ inches in diameter or smaller.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 27, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9795; Filed, Sept. 28, 1962; 8:54 a.m.]

[Valencia Orange Reg. 32]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.332 Valencia Orange Regulation 32.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 27, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 30, 1962, and ending at 12:01 a.m., P.s.t., October 7, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 27, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9859; Filed, Sept. 28, 1962; 11:28 a.m.]

[Grapefruit Reg. 6]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.306 Grapefruit Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on September 20, 1962, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based received by the Fruit Branch on September 26, 1962; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., October 1, 1962, and ending at 12:01 a.m., P.s.t., December 16, 1962, no handler shall handle:

(i) From the State of California or the State of Arizona to any point outside thereof any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit are well colored and grade at least U.S. No. 2: *Provided*, That included in the tolerances for defects permitted by such grade not more than 5 percent, by count, shall be allowed for grapefruit having peel more than one inch in thickness at the stem end, measured from the flesh to the highest point of the peel; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which measure less than $3^{11}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{2}/_{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "handle" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "well colored" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 27, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9796; Filed, Sept. 28, 1962; 8:54 a.m.]

[Lemon Reg. 41]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.341 Lemon Regulation 41.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time;

and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 25, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 30, 1962, and ending at 12:01 a.m., P.s.t., October 7, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 255,750 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

standards are based on recommendations of the Cranberry Marketing Committee and other available information and are designated pursuant to the provisions of the marketing agreement and order (7 CFR Part 929; 27 F.R. 8101), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to file written data, views, or arguments pertaining thereto with the Department for consideration prior to establishment of free and restricted percentages for the 1962–63 fiscal period. The Cranberry Marketing Committee met on September 12–13, 1962, and reappraised the marketing situation. Within the time allowed for comments, we received its revised recommendation, which was unanimously passed, that the free percentage be fixed at 88 percent and the restricted percentage be fixed at 12 percent.

After consideration of all relevant matters presented, including the recommendations of the Cranberry Marketing Committee, it is hereby found that the free and restricted percentages and standards for withheld cranberries, as hereinafter set forth, will tend to effectuate the declared policy of the act. Therefore, the free and restricted percentages for cranberries acquired by handlers during the 1962–63 fiscal period and standards for withheld cranberries are hereby fixed as follows.

§ 929.201 *Free and restricted percentages and standards for withheld cranberries.*

percentages herein fixed will automatically apply to all such cranberries beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 25, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9768; Filed, Sept. 28, 1962; 8:53 a.m.]

PART 950—IRISH POTATOES GROWN IN MAINE

Limitation of Shipments

Findings. (a) Marketing Agreement No. 122 and Order No. 950, both as amended (7 CFR Part 950), effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), provides methods for limiting the handling of potatoes grown in the State of Maine through the issuance of regulations authorized in §§ 950.1 through 950.92, inclusive, of the amended order. The Maine Potato Marketing Committee, established pursuant to § 950.25, has recommended regulations limiting the handling of the 1962 crop potatoes. Committee recommendations, with information submitted therewith and other available information, have been considered and it is hereby found that the regulations hereinafter set forth limiting the grade, size, and quality of Maine potatoes will maintain orderly marketing conditions tending to increase returns to producers of such potatoes.

(b) It is hereby found that it is im-

inches maximum diameter providing such potatoes are packed in visual containers, such as polyethylene or full mesh bags, with weight classifications of 25 pounds or less.

(2) *Long varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight; or U.S. No. 1, or better, grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness*—(i) *Round varieties.* At least 90 percent fairly clean.

(ii) *Long varieties.* Packs of less than fifty pounds, at least generally fairly clean to clean, mostly clean, which means that not less than 55 percent of such potatoes are clean and not more than 10 percent are slightly dirty; packs of fifty pounds or larger may be shipped if at least 90 percent fairly clean.

(b) *Special purpose shipments*—(1) *Modified grade, size, and cleanliness requirements.* In addition to potatoes which meet the requirements of paragraph (a) of this section, potatoes may be shipped for the special purposes set forth in this paragraph if such potatoes meet grade and size requirements specified for the particular purpose and the handler complies with the applicable provision of paragraph (c) *Safeguards*, of this section.

(i) *Chipping.* Maine Processing Grade, or better, 1½ inches minimum diameter.

(ii) *Processing.* For processing into any product which changes the physical character of potatoes, the end product of which is neither canned nor frozen nor for any purpose specified in subparagraph (2) of this paragraph, 85 percent U.S. No. 1 quality, or better, 1½ inches minimum diameter and 2½ inches maximum diameter.

canning or freezing; livestock feed; or charity shall:

(i) Prior to making shipment, apply for and obtain an approved Certificate of Privilege from the committee pursuant to the provisions of § 950.130;

(ii) Pay assessments on shipments of certified seed and obtain inspection of, and pay assessments on such shipments except shipments for canning or freezing, livestock feed, dehydration, potato flakes, and charity;

(iii) Furnish the committee such reports and documents as may be requested, including certification by the buyer or consignee as to the use of such potatoes; except that certification on individual shipments to buyers or receivers registered by the committee will not be required.

(2) The safeguards set forth in this paragraph shall not apply to shipments of potatoes within the production area of less than 20,000 pounds for canning or freezing, dehydration, potato flakes or livestock feed when such potatoes are shipped in bulk, barrels, or in unsewn 100-pound burlap bags.

(d) *State requirements.* The obtaining of a Certificate of Privilege for shipments to specified outlets as provided for in this section does not relieve the handler of the responsibility of complying with the provisions of the Maine Branding Law (Maine Rev. Stat. Ch. 32, sections 295–301 (1954), as amended (Supp 1957)).

(e) *Minimum quantities.* Each handler may handle not in excess of thirty (30) hundredweight of potatoes per week free from regulation effective pursuant to § 950.65 *Assessments*, and § 950.66 *Inspection and certification*, if such potatoes meet the requirements of subparagraph (1) or (2) of paragraph (a) of this

Grade" shall have the same meaning assigned such term in the promulgation of the "Maine Processing Grade" by the Commissioner of Agriculture of the State of Maine, in Circular No. 41, promulgated and adopted on February 10, 1960; the term "week" as used in paragraph (e) of this section means a calendar week beginning midnight (12:01 a.m.) Sunday; 85 percent U.S. No. 1, or better, quality, means that 85 percent of the potatoes in any lot meet the requirements of § 51.1541 of this title except paragraphs (a) and (b) thereof, or § 51.1540 of this title except paragraphs (a) and (b) thereof; other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and this part, both as amended.

(i) *Applicability to imports.* Pursuant to section 608e of the act and § 980.1 *Import regulations* of this chapter, round white varieties of Irish potatoes except certified seed potatoes, imported into the United States during the period October 1, 1962, through June 30, 1963, shall meet the requirements of U.S. No. 1, or better, grade, 2 inches minimum diameter to 4 inches maximum diameter and be at least 90 percent fairly clean.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 25, 1962, to become effective October 1, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9769; Filed, Sept. 28, 1962; 8:53 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Quotas), Department of Agriculture

section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., October 1, 1962, and ending at 12:01 a.m., e.s.t., October 15, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 27, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9794; Filed, Sept. 28, 1962; 8:54 a.m.]

[Orange Reg. 15]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.336 Orange Regulation 15.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 25, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., October 1, 1962, and ending at 12:01 a.m., e.s.t., October 15, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area which do not grade at least U.S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{11}/_{16}$ inches in diameter or smaller.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 27, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9795; Filed, Sept. 28, 1962; 8:54 a.m.]

[Valencia Orange Reg. 32]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.332 Valencia Orange Regulation 32.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 27, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 30, 1962, and ending at 12:01 a.m., P.s.t., October 7, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 27, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9859; Filed, Sept. 28, 1962; 11:28 a.m.]

[Grapefruit Reg. 6]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.306 Grapefruit Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on September 20, 1962, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based received by the Fruit Branch on September 26, 1962; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., October 1, 1962, and ending at 12:01 a.m., P.s.t., December 16, 1962, no handler shall handle:

(i) From the State of California or the State of Arizona to any point outside thereof any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit are well colored and grade at least U.S. No. 2: *Provided*, That included in the tolerances for defects permitted by such grade not more than 5 percent, by count, shall be allowed for grapefruit having peel more than one inch in thickness at the stem end, measured from the flesh to the highest point of the peel; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which measure less than $3^{11}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{2}/_{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "handle" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "well colored" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 27, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9796; Filed, Sept. 28, 1962; 8:54 a.m.]

[Lemon Reg. 41]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.341 Lemon Regulation 41.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time;

and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 25, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 30, 1962, and ending at 12:01 a.m., P.s.t., October 7, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 255,750 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 27, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9816; Filed, Sept. 28, 1962; 8:55 a.m.]

PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Free and Restricted Percentages for 1962–63 Fiscal Period and Standards for Withheld Cranberries

Notice was published in the FEDERAL REGISTER on September 14, 1962 (27 F.R. 9149), that there was under consideration the proposed establishment of a free percentage of 82 percent and restricted percentage of 18 percent for cranberries acquired during the fiscal period which began August 15, 1962, and to the establishment of the standards withheld cranberries shall meet. The percentages and standards are based on recommendations of the Cranberry Marketing Committee and other available information and are designated pursuant to the provisions of the marketing agreement and order (7 CFR Part 929; 27 F.R. 8101), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to file written data, views, or arguments pertaining thereto with the Department for consideration prior to establishment of free and restricted percentages for the 1962–63 fiscal period. The Cranberry Marketing Committee met on September 12–13, 1962, and reappraised the marketing situation. Within the time allowed for comments, we received its revised recommendation, which was unanimously passed, that the free percentage be fixed at 88 percent and the restricted percentage be fixed at 12 percent.

After consideration of all relevant matters presented, including the recommendations of the Cranberry Marketing Committee, it is hereby found that the free and restricted percentages and standards for withheld cranberries, as hereinafter set forth, will tend to effectuate the declared policy of the act. Therefore, the free and restricted percentages for cranberries acquired by handlers during the 1962–63 fiscal period and standards for withheld cranberries are hereby fixed as follows:

§ 929.201 Free and restricted percentages; and standards for withheld cranberries.

(a) The free percentage, restricted percentage, and standards for withheld cranberries applicable to all cranberries acquired during the fiscal period beginning August 15, 1962, and ending July 31, 1963, shall be (1) free percentage, 88 percent; (2) restricted percentage, 12 percent; and (3) each lot of cranberries withheld shall grade at least U.S. No. 1 grade, as set forth in the United States Standards for Fresh Cranberries for Processing (§§ 51.3030–51.3037 of this title), except that, for the purposes of this regulation, cranberries infested with worms shall be scored against the grade under the 5 percent tolerance provided for cranberries which have worm holes, or which are soft or affected by decay (see § 51.3031(b)(3) of this title).

(b) Each handler shall meet his withholding requirement, as provided in § 929.54, not later than December 31, 1962.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said marketing agreement and this part require that free and restricted percentages designated for a particular fiscal period shall be applicable to all cranberries acquired by handlers during such period; and (2) the current crop year began on August 15, 1962, and the percentages herein fixed will automatically apply to all such cranberries beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 25, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9768; Filed, Sept. 28, 1962; 8:53 a.m.]

PART 950—IRISH POTATOES GROWN IN MAINE

Limitation of Shipments

Findings. (a) Marketing Agreement No. 122 and Order No. 950, both as amended (7 CFR Part 950), effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), provides methods for limiting the handling of potatoes grown in the State of Maine through the issuance of regulations authorized in §§ 950.1 through 950.92, inclusive, of the amended order. The Maine Potato Marketing Committee, established pursuant to § 950.25, has recommended regulations limiting the handling of the 1962 crop potatoes. Committee recommendations, with information submitted therewith and other available information, have been considered and it is hereby found that the regulations hereinafter set forth limiting the grade, size, and quality of Maine potatoes will maintain orderly marketing conditions tending to increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1962 crop potatoes grown in the production area have begun, (2) to maximize benefits to growers, this regulation should apply to as many shipments as possible during the 1962 season, (3) producers and handlers have operated under the marketing order since 1954 so special preparation on the part of handlers is not required, and (4) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 950.309 Limitation of shipments.

During the period from October 1, 1962, through June 30, 1963, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraph (a) of this section or unless such potatoes are handled in accordance with the provisions of paragraphs (b), (c), (d), (e), (f), or (g) of this section.

(a) *Minimum grade, size, and cleanliness requirements*—(1) *Round varieties.* (i) U.S. No. 1, or better, grade, 2¼ inches minimum diameter and 4 inches maximum diameter.

(ii) U.S. No. 1, or better, grade, 2 inches minimum diameter and 2½ inches maximum diameter providing such potatoes are packed in visual containers, such as polyethylene or full mesh bags, with weight classifications of 25 pounds or less.

(2) *Long varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight; or U.S. No. 1, or better, grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness*—(i) *Round varieties.* At least 90 percent fairly clean.

(ii) *Long varieties.* Packs of less than fifty pounds, at least generally fairly clean to clean, mostly clean, which means that not less than 55 percent of such potatoes are clean and not more than 10 percent are slightly dirty; packs of fifty pounds or larger may be shipped if at least 90 percent fairly clean.

(b) *Special purpose shipments*—(1) *Modified grade, size, and cleanliness requirements.* In addition to potatoes which meet the requirements of paragraph (a) of this section, potatoes may be shipped for the special purposes set forth in this paragraph if such potatoes meet grade and size requirements specified for the particular purpose and the handler complies with the applicable provision of paragraph (c) *Safeguards,* of this section.

(i) *Chipping.* Maine Processing Grade, or better, 1½ inches minimum diameter.

(ii) *Processing.* For processing into any product which changes the physical character of potatoes, the end product of which is neither canned nor frozen nor for any purpose specified in subparagraph (2) of this paragraph, 85 percent U.S. No. 1 quality, or better, 1½ inches minimum diameter and 2½ inches maximum diameter.

(iii) *Export.* Maine Processing Grade, or better, 1½ inches minimum diameter.

(iv) *Prepeeling within the production area.* Maine Processing Grade, or better, 1½ inches minimum diameter.

(2) *Exemptions from grade, size, and cleanliness requirements.* The minimum grade, size, and cleanliness requirements of paragraph (a) of this section shall not apply to shipments of potatoes for the following purposes if the handler complies with the applicable provisions of paragraph (c) *Safeguards,* of this section.

(i) Certified seed;

(ii) Planting within the production area;

(iii) Grading or storing within the production area;

(iv) Dehydration or potato flakes;

(v) Manufacture or conversion into starch, flour, or alcohol;

(vi) Canning or freezing;

(vii) Livestock feed;

(viii) Distribution by the Federal government; and

(ix) Charity.

(c) *Safeguards.* (1) Each handler making shipments of potatoes under the provisions of paragraph (b) of this section for chipping; processing as specified in paragraph (b)(1)(ii) of this section; export; dehydration or potato flakes; canning or freezing; livestock feed; or charity shall:

(i) Prior to making shipment, apply for and obtain an approved Certificate of Privilege from the committee pursuant to the provisions of § 950.130;

(ii) Pay assessments on shipments of certified seed and obtain inspection of, and pay assessments on such shipments except shipments for canning or freezing, livestock feed, dehydration, potato flakes, and charity;

(iii) Furnish the committee such reports and documents as may be requested, including certification by the buyer or consignee as to the use of such potatoes; except that certification on individual shipments to buyers or receivers registered by the committee will not be required.

(2) The safeguards set forth in this paragraph shall not apply to shipments of potatoes within the production area of less than 20,000 pounds for canning or freezing, dehydration, potato flakes or livestock feed when such potatoes are shipped in bulk, barrels, or in unsewn 100-pound burlap bags.

(d) *State requirements.* The obtaining of a Certificate of Privilege for shipments to specified outlets as provided for in this section does not relieve the handler of the responsibility of complying with the provisions of the Maine Branding Law (Maine Rev. Stat. Ch. 32, sections 295–301 (1954), as amended (Supp. 1957)).

(e) *Minimum quantities.* Each handler may handle not in excess of thirty (30) hundredweight of potatoes per week free from regulation effective pursuant to § 950.45 *Assessments,* and § 950.65 *Inspection and certification,* if such potatoes meet the requirements of subparagraph (1) or (2) of paragraph (a) of this section and are 90 percent "fairly clean." This exemption shall not apply to any portion of a shipment of over thirty (30) hundredweight of such potatoes.

(f) *Inspection.* No handler shall ship potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. Under § 950.65(c), for administration thereof, inspection certificates shall be valid for the periods specified below following completion of inspection as shown on the certificate:

(1) *For rail shipments.* 120 hours;

(2) *For truck shipments.* 48 hours;

(3) *For chipping.* 120 hours.

(g) *Certificates of exemption.* Each handler making shipments of potatoes under a Certificate of Exemption issued under § 950.122, which are exempted from the grade and size limitations set forth in paragraph (a) of this section, shall pack such potatoes in 50-pound or larger, packs.

(h) *Definitions.* The terms "clean," "fairly clean," and the grades and sizes used in this section shall have the same meaning assigned such terms, grades, and sizes in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title) including the tolerances set forth therein; the term "Maine Processing Grade" shall have the same meaning assigned such term in the promulgation of the "Maine Processing Grade" by the Commissioner of Agriculture of the State of Maine, in Circular No. 41, promulgated and adopted on February 10, 1960; the term "week" as used in paragraph (e) of this section means a calendar week beginning midnight (12:01 a.m.) Sunday; 85 percent U.S. No. 1, or better, quality, means that 85 percent of the potatoes in any lot meet the requirements of § 51.1541 of this title except paragraphs (a) and (b) thereof, or § 51.1540 of this title except paragraphs (a) and (b) thereof; other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and this part, both as amended.

(i) *Applicability to imports.* Pursuant to section 608e of the act and § 980.1 *Import regulations* of this chapter, round white varieties of Irish potatoes except certified seed potatoes, imported into the United States during the period October 1, 1962, through June 30, 1963, shall meet the requirements of U.S. No. 1, or better, grade, 2 inches minimum diameter to 4 inches maximum diameter and be at least 90 percent fairly clean.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 25, 1962, to become effective October 1, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9769; Filed, Sept. 28, 1962; 8:53 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Orders 3, 16]

PART 1003—MILK IN THE WASHINGTON, D.C., MARKETING AREA

PART 1016—MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Washington, D.C., and Upper Chesapeake Bay marketing areas (7 CFR Parts 1003, 1016), it is hereby found and determined that:

(a) The following provisions of the orders do not tend to effectuate the declared policy of the Act for the months of October and November, 1962:

In paragraph (a) of §§ 1003.50 and 1016.50, respectively, the words "through and including September 1962".

(b) Notice of proposed rule making, public procedure thereon, and 30 days' notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing areas.

(3) This suspension will provide for continuation of the Class I price provisions in both markets due to expire September 30, 1962. Evidence on amendment of the Class I price provision in both markets was received at a hearing held jointly for Orders No. 2 and No. 16, June 11–13, 1962. A recommended decision was issued September 7, 1962 and the period of September 12–24 was allowed for the filing of exceptions. This suspension action is necessary to provide sufficient time to complete the amendment procedure.

Therefore, good cause exists for making this order effective October 1, 1962.

It is therefore ordered, That the aforesaid provisions of the orders are hereby suspended for the period of October 1, 1962, through November 30, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: October 1, 1962.

Signed at Washington, D.C., on September 27, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-9797; Filed, Sept. 28, 1962; 9:51 a.m.]

[Milk Order 44]

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

Order Amending Order

Correction

In F.R. Doc. 62–4200, appearing at page 4049 of the issue for Saturday, April 28, 1962, § 1044.61 (b) and (d) should read as follows:

(b) Adjust the resulting amount by the sum of money used in adjusting the uniform price, pursuant to paragraph (c) of this section for the previous month to the nearest cent;

* * * * *

(d) For each handler operating two or more fluid milk plants at which different Class I prices are applicable pursuant to §§ 1044.50 and 1044.53, the value of milk used in the computation provided in paragraph (c) of this section shall first be further adjusted by adding the value of all applicable producer location adjustments pursuant to § 1044.63. The uniform price as computed shall be that applicable at the plant or plants of such handler at which the highest Class I price is applicable.

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

PART 236—EXCLUSION OF ALIENS

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Paragraph (f) of § 214.2 is amended to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(f) *Students.* A student seeking admission to the United States under section 101(a)(15)(F)(i) of the Act and his accompanying spouse and minor children shall not be eligible for admission unless he presents Form I–20 properly filled out by himself and the school to which he is destined. The student's spouse and minor children following to join him shall not be eligible for admission into the United States unless they present Form I–20 from the school in which the student is enrolled stating that he is taking a full course of study and noted by the school to indicate the date of expiration of his authorized stay in the United States as shown on the student's Form I–94. Form I–20 presented by a student returning from a temporary absence may be retained by him and used for any number of reentries within one year of the date of its issuance. A student shall not be eligible for transfer to another school unless he presents a valid Form I–20 completed by the school to which he desires to transfer. An application by a student for permission to accept employment shall be filed on Form I–538 and may be granted or denied without appeal by an officer in charge of a suboffice or a district director. Form I–538 will be accepted in lieu of Form I–539 when an application to accept employment has been granted, and the applicant requires an extension of stay in the United States. A student's spouse or child shall not be eligible for an extension of stay unless the student is eligible for an extension of stay.

2. Paragraph (c) of § 236.2 is amended to read as follows:

§ 236.2 Hearing.

* * * * *

(c) *Trial attorney.* The district director in his discretion may assign an immigration officer to a proceeding under this part to perform the duties of a trial attorney in behalf of the Government. Such duties shall include, but are not limited to, the presentation of evidence and the interrogation, examination, and cross-examination of the applicant and other witnesses. Nothing contained herein shall be construed to diminish the authority conferred upon the special inquiry officer in conducting proceedings under this part.

3. Section 242.9 is amended to read as follows:

§ 242.9 Trial attorney.

(a) *Authority.* When an additional immigration officer is assigned to a proceeding under this part to perform the duties of a trial attorney, he shall present on behalf of the Government evidence material to the issues of deportability and any other issues which may require disposition by the special inquiry officer. The trial attorney is authorized to appeal from a decision of the special inquiry officer pursuant to § 242.21 and to move for reopening or reconsideration pursuant to § 242.22.

(b) *Assignment.* The district director shall assign a trial attorney to every case within the provisions of § 242.16(c). In his discretion, or at the request of the special inquiry officer, the district director may assign a trial attorney to any other case at any stage of the proceedings.

4. Section 242.13 is amended to read as follows:

§ 242.13 Postponement and adjournment of hearing.

Prior to the commencement of a hearing, the district director may grant a reasonable postponement for good cause shown, at his own instance upon notice to the respondent, or upon request of the respondent. After the commencement of the hearing, the special inquiry officer may grant a reasonable adjournment either at his own instance or, for good cause shown, upon application by the respondent or the trial attorney. A continuance of the hearing for the purpose of allowing the respondent to obtain representation shall not be granted more than once unless sufficient cause for the granting of more time is shown.

5. Paragraphs (c) and (d) of § 242.16 are amended to read as follows:

§ 242.16 Hearing.

* * * * *

(c) *Issues of deportability.* When deportability is not determined under the provisions of paragraph (b) of this section, the special inquiry officer shall request the assignment of a trial attorney, and shall receive evidence as to any unresolved issues, except that no further evidence need be received as to any facts admitted during the pleading.

(d) *Additional charges.* A trial attorney who has been assigned to a case may at any time during a hearing lodge additional charges of deportability, including factual allegations against the respondent. The additional factual allegations and charges shall be submitted in writing and entered as an exhibit in the record. The special inquiry officer shall read the additional factual allegations and charges to the respondent and explain them to him in nontechnical language. The special inquiry officer shall advise the respondent if he is not represented by counsel that he may be so represented and also that he may have a reasonable time within which to meet the additional factual allegations and charges. The respondent shall be required to state then and there whether he desires a continuance for either of these reasons. Thereafter, the provisions of paragraph (b) of this section shall apply to the additional factual allegations and lodged charges.

6. Paragraphs (a) and (b) of § 242.19 are amended to read as follows:

§ 242.19 Notice of decision.

(a) *Written decision.* A written decision shall be served upon the respondent and the trial attorney, together with the notice referred to in § 3.3 of this chapter. Service by mail is complete upon mailing.

(b) *Oral decision.* An oral decision shall be stated by the special inquiry officer in the presence of the respondent and the trial attorney, if any, at the conclusion of the hearing. Unless appeal from the decision is waived, the respondent shall be furnished with Notice of Appeal, Form I–290A, and advised of the provisions of § 242.21. A typewritten copy of the oral decision shall be furnished at the request of the respondent or the trial attorney.

7. Section 242.20 is amended to read as follows:

§ 242.20 Finality of order.

The order of the special inquiry officer shall be final except when the case is certified to the Board as provided in Part 3 of this chapter or an appeal is taken to the Board by the respondent or the trial attorney.

8. Section 242.22 is amended to read as follows:

§ 242.22 Reopening or reconsideration.

Except as otherwise provided in this section, a motion to reopen or reconsider shall be subject to the requirements of § 103.5 of this chapter. The special inquiry officer may upon his own motion, or upon motion of the trial attorney or the respondent, reopen or reconsider any case in which he has made a decision, unless jurisdiction in the case is vested in the Board under Part 3 of this chapter. A motion to reopen will not be granted unless the special inquiry officer is satisfied that evidence sought to be offered is material and was not available and could not have been discovered or presented at the hearing; nor will any motion to reopen for the purpose of providing the respondent with an opportunity to make an application under § 242.17 be granted if respondent's right to make such application was fully explained to him by the special inquiry officer and he was afforded an opportunity to do so at the hearing, unless circumstances have arisen thereafter on the basis of which the request is being made.

9. Paragraphs (c) and (e) of § 242.23 are amended to read as follows:

§ 242.23 Proceedings under section 242(f) of the Act.

* * * * *

(c) *Deportability.* In determining the deportability of an alien alleged to be within the purview of paragraph (a) of this section, the issues shall be limited solely to a determination of the identity of the respondent, i.e., whether the respondent is in fact an alien who was previously deported, or who departed while an order of deportation was outstanding; whether the respondent was previously deported as a member of any of the classes described in paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241(a) of the Act; and whether respondent has unlawfully reentered the United States.

* * * * *

(e) *Trial attorney; additional charges.* When a trial attorney is assigned to a proceeding under this section and additional charges are lodged against the respondent, the provisions of paragraphs (c) and (d) of this section shall cease to apply.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency management and confer benefits upon persons affected thereby.

Dated: September 25, 1962.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 62-9743; Filed, Sept. 28, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–362]

PART 242—FILING OF REPORTS BY SUPPLEMENTAL AIR CARRIERS

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of September 1962.

On September 7, 1962, the Board issued a notice of proposed rule making, Docket 14003, published in the FEDERAL REGISTER on September 11, 1962 (27 F.R. 8975), in which it proposed an amendment to Part 242 of the Economic Regulations (14 CFR Part 242) to require carriers holding operating authority under section 7 or 9 of Public Law 87–528, or a certificate issued under section 401 (d)(3) of the Federal Aviation Act of 1958, as amended, or a special operating authorization issued under section 417 of the Federal Aviation Act (a) to file in addition to the information currently required to be reported pursuant to this part, (1) a new monthly Schedule A–2 reflecting an aging of accounts receivable and payable, (2) a new quarterly Schedule A–3 showing anticipated cash needs and sources, and (3) a new item on quarterly Schedule C specifying revenue aircraft hours flown, and (b) to maintain their financial accounts and prepare their financial reports on an accrual basis.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented. Relevant comments were received from four direct air carriers addressed to the proposed requirements for additional information. With respect to Schedule A–2—a monthly report on the status of receivables and payables—the carriers alleged that this report would entail increased clerical work and costs and little information would be obtained in addition to that now filed. The carriers urged that the new schedule be required only on a quarterly basis or not at all. The Board believes that the new information is needed to show a carrier's ability to meet cash commitments and that such information should be filed monthly in order to permit the Board to take appropriate action, in keeping with the congressional mandate to monitor the continuing fitness of supplemental carriers, and that these considerations outweigh the limited additional burden imposed by these requirements. The Board is, therefore, requiring the filing of Schedule A–2 as set forth in the notice with a clarifying modification expressly requiring where any claim in litigation or unpaid court judgment is included in calculating the receivables or payables reported that such claim or judgment should also be separately described on the schedule.

With respect to Schedule A–3—a quarterly report reflecting anticipated cash needs and sources—carriers objected because of the alleged administrative burden involved, and because of their professed inability to forecast with any great degree of accuracy their anticipated levels of income, expense and particularly profit or loss. One of the carriers further expressed the fear that the content of this schedule would divulge a carrier's plans to its competitors. It was urged that the report be eliminated or required only on an annual basis. The Board is of the opinion that forecasts of cash needs and sources are a necessary business practice. Also, such burden as might be involved is outweighed by the advantage of having in-

formation available regarding the incipient financial condition of the carriers which obviously bears on their continuing fitness. The subject requirement entails only a listing of anticipated cash needs and sources without specifically divulging prospective customers or other business relations. Moreover, carriers are always free to request confidential treatment of reports where good cause exists therefor. Consequently, the Board is requiring the filing of this schedule as proposed in the notice.

The regulation as proposed also required, through an amendment to Schedule C, the quarterly reporting of revenue aircraft hours flown on a block-to-block basis. One carrier alleged that the computation of such items on an airborne basis is in keeping with common practice and urged that such method be permitted with respect to the report. In the interest of accounting and reporting consistency the rule here adopted provides for the reporting of revenue aircraft hours on an airborne basis.

Certain other changes of an editorial nature have been made in the rule as proposed which are reflected in the final regulation here adopted.

Since air carriers file their reports on the basis of calendar months and quarters; complete and comparable reports pursuant to the instant regulation are imperatively required for the due execution of the Board's functions under Public Law 87-528; and the Board has given notice of its intent to make this regulation applicable as of October 1, 1962, and no objections to this effective date have been received, the Board finds that good cause exists for making this regulation effective on October 1, 1962.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 242 of the Economic Regulations (14 CFR Part 242) effective October 1, 1962, as follows:

1. By removing from the title of this part and from §§ 242.1(e), 242.2(a)(1), and 242.3(a) all reference to large irregular air carriers.

2. By amending § 242.1(d) to read as follows:

(d) "Supplemental air carrier" shall mean any air carrier holding a certificate issued under section 401(d)(3) of the Federal Aviation Act of 1958, as amended, or a special operating authorization issued under section 417 of the Federal Aviation Act, or operating authority under sections 7, 8(a), or 9 of Public Law 87-528.

3. By amending § 242.2 by inserting in paragraph (a) entitled *General reporting instructions*, under the listing of required reporting schedules and after Schedule No. A-1, the following:

A-2	Current and Long-Term Receivables; Current and Long-Term Payables	Monthly.
A-3	Anticipated Cash Needs and Sources	Quarterly.

4. By amending § 242.2 by inserting in paragraph (a) *General Reporting Instructions*, a new subparagraph (6) to read as follows:

(6) Each supplemental air carrier shall keep its financial accounts and records, and make financial reports to the Board, on a full accrual basis for each quarter so that every transaction, as nearly as may reasonably be ascertained, shall be fully reflected in the air carrier's accounts, records and reports for the quarter in which revenues have been earned and the costs attaching to the revenues so earned in each quarter have been incurred, independently of the incidence of sales or purchases and settlement with debtors or creditors.

5. By amending § 242.2 through redesignating paragraphs (g) through (m) as (i) through (o), respectively, and adding new paragraphs (g) and (h) to read as follows:

(g) *Current and long-term receivables; Current and Long-Term Payables (Schedule A-2).* Schedule A-2, attached hereto and incorporated herein,[1] shall reflect the aging of current and long-term receivables and payables and specify the balances thereof as at the end of each month. With respect to such schedule:

(1) Columns (1) and (2) shall reflect the balance sheet item number and description of the type of receivable or payable for which report is to be made: Namely, Item 2—Notes receivable, accounts receivable, Item 4—Other current and accrued assets, Item 9—Other assets, Item 11—Notes payable and accounts payable, Item 12—Accrued taxes, Item 13—Other current and accrued liabilities, Item 15—Long-Term Debt. Item 4—"Other Current and Accrued Assets" and Item 9 "Other Assets" shall be reported in sufficient detail to identify all receivables included in these items. Item 15 "Long-Term Debt" shall be detailed by class of debt, giving prescribed principal repayment schedules, effective interest rates, and any significant covenants relative to the debt.

(2) Column (3) "Total" shall reflect the total amount recorded in each account and shall agree with the amounts reflected on the carrier's balance sheet as at the preparation date of this schedule.

(3) Columns (4) through (8) "Amounts Overdue" shall reflect receivables or payables, the receipt or payment of which is overdue. For each total amount listed in column (4), enter in the appropriate Column (5) through (8) the amount thereof overdue for periods of 30 days or less, 31 to 60 days, 61 to 90 days, and over 90 days, respectively.

(4) Line items which include claims in litigation or unpaid court judgments shall be footnoted and such claims and judgments shall be listed by amount and explained on the schedule.

(h) *Anticipated cash needs and sources (Schedule A-3).* Schedule A-3, attached hereto and incorporated herein,[1] shall reflect the carrier's anticipated cash needs and sources for the three-month period subsequent to the reporting date, which shall be as at the end of each calendar quarter. With respect to this schedule:

(1) Anticipated cash needs during the succeeding three (3) months shall be detailed as set forth in Items 1 through 6 of the schedule to reflect the nature of such requirements. Individual categories not properly classifiable in Items 1 through 5 shall be separately identified in Item 6. The schedule shall reflect the following categories of items: Item 1—Acquisitions of property and equipment, Item 2—Retirement of debt, Item 3—Interest on debt, Item 4—Additional working capital, Item 5—Operations (losses), Item 6—Other (explain), Item 7—Total anticipated cash needs.

(2) Anticipated cash sources during the succeeding three (3) months shall be detailed on such schedule as set forth in Items 8 through 14 to reflect the nature of such sources. Individual categories not properly classifiable in Items 8 through 13 shall be separately identified in Item 14. The schedule shall reflect the following categories of items: Item 8—Sale of property, Item 9—New debt, Item 10—New equity, Item 11—Working capital reduction, Item 12—Operations (profits), Item 13—Depreciation and amortization, Item 14—Other (explain), Item 15—Total anticipated cash sources. The reflected total amounts for anticipated cash needs and sources on this schedule under Items 7 and 15, respectively, shall agree.

6. By amending redesignated paragraph (k) of § 242.2 by incorporating an additional item, "Total revenue aircraft hours flown," in the description of Schedule C contained in said paragraph and revising the same to read as follows:

(k) *Flight and traffic statistics (Schedule C).* Schedule C, attached hereto and incorporated herein,[1] shall reflect in part I certain specified data regarding aircraft miles and hours flown, capacity and traffic carried, and in Part II the number of carrier employees engaged in air transportation. With respect to such schedule:

(1) *Part I—Statistics.* In reporting data hereunder the carrier shall file separate reports for (i) domestic operations, (ii) territorial operations between Alaska and Hawaii, or between Alaska or Hawaii and the contiguous 48 states, (iii) other territorial operations, and (iv) international operations. In each report, the operation reported on shall be identified by making a check mark in the box opposite the appropriate heading on the form. The data hereinafter listed shall be segregated between items relating to (a) individual sales and (b) contract and charter services, and the combined total thereof shall also be shown. All mileage data shall be based upon direct great circle distances between points served as distinguished from course-flown distances. The specific items to be included under Part I are as follows:

[1] Filed as part of original document.

Items 1 through 4—Revenue aircraft miles flown by aircraft type.

Item 5—Total (of Items 1-4).

Item 6—Total aircraft miles flown.

Item 7—Total aircraft hours flown (aircraft hours shall be computed from the time the plane becomes airborne on take-off to the time of ground contact upon landing).

Item 8—Revenue aircraft hours flown (revenue aircraft hours flown is defined as the airborne hours for flights performed in revenue service).

Item 9—Available ton-miles of capacity (available ton-miles (revenue flights only) is defined as the miles flown per each interstation trip in revenue service multiplied by the available load for that trip. "Available load" means the remainder of the gross weight which the airplane is licensed to carry into the air after deducting first, its weight empty plus all justifiable airplane equipment, and second, the operating load consisting of gasoline and oil, ship's crew, steward's supplies, etc. In arriving at the available load, the air carrier may use either the actual capacity for each trip or an average for each type of equipment which represents the capacity actually available for sale in its own operations).

Item 10—Available seat-miles (000) (available seat-miles is defined as the miles flown per each interstation trip multiplied by the number of seats available on that trip for the carriage of passengers).

Item 11—Number of revenue passengers carried.

Item 12—Tons of revenue cargo carried.

Item 13—Revenue passenger miles (000) (revenue passenger-miles is defined as the revenue miles flown per each interstation trip multiplied by the number of revenue passengers carried on that trip).

Item 14—Revenue passenger ton-miles (passenger ton-miles is defined as the miles flown per each interstation trip in revenue service multiplied by the number of tons of revenue passengers (including free baggage) carried on that trip).

Item 15—Revenue cargo ton-miles (cargo ton-miles is defined as the miles flown per each interstation trip in revenue service multiplied by the number of tons of revenue cargo carried on that trip).

(2) *Part II—Number of employees engaged in air transportation.* In reporting hereunder, the carrier need not report the number of employees separately for domestic, territorial and international operations but may report such data in total only. The employee figures shall be classified, however, as between flight personnel and other personnel and the combined total thereof shall also be reported. Employee figures shall include all full and part-time employees, both permanent and temporary, who worked or received pay for any part of the pay period(s) ending nearest the 15th of the last month in the quarter.

(Secs. 204(a), 407, 401(n), Federal Aviation Act of 1958, 72 Stat. 743, 766; 76 Stat. 144, 145; 49 U.S.C. 1324, 1377, secs. 7, 8(a), 9, Public Law 87-528; 76 Stat. 146, 147, 148)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-9799; Filed, Sept. 28, 1962; 8:55 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-CE-85]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Positive Control Area, Continental Control Area, Federal Airways and Alteration and Revocation of Restricted Areas

Correction

In F.R. Doc. 62-9570, appearing at page 9510 of the issue for Wednesday, September 26, 1962, the last two paragraphs should read as set forth below:

These amendments shall become effective 0001 e.s.t., November 15, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 19, 1962.

[Airspace Docket No. 62-SW-10]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification

On August 22, 1962, there was published in the FEDERAL REGISTER (27 F.R. 8353) an amendment to Part 601 of the regulations of the Administrator, which altered the Midland, Tex., control zone.

Subsequent to the publication of the amendment, the Midland radio beacon has been converted to the Midland ILS outer marker compass locator. Action taken herein reflects this change.

Since this amendment imposes no additional burden on any person, the effective date of the rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 62-SW-10 (27 F.R. 8353) is hereby modified as follows:

In the description of the Midland, Tex., control zone "114° bearing from the Midland RBN extending from the 5-mile radius zone to the RBN." is deleted and "Midland ILS localizer W course extending from the 5-mile radius zone to the Midland ILS OM." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 24, 1962.

CLIFFORD P. BURTON, *Chief, Airspace Utilization Division.*

[F.R. Doc. 62-9729; Filed, Sept. 28, 1962; 8:46 a.m.]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Designation and Alteration of Restricted Areas and Alteration of Continental Control Area

On June 26, 1962, a Notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5990), stating that the Federal Aviation Agency was considering amendments to §§ 608.21 and 601.7101 to designate the Fort McClellan, Ala., Restricted Area R-2101; reduce the size of the Fort McClellan, Ala., Restricted Area R-2102 and include this restricted area in the continental control area for joint use with the Atlanta ARTC Center as the controlling agency.

No adverse comments were received regarding the proposed amendments.

The Department of the Army in their comments stated that a minor change in the description of R-2101 should be made to properly describe the area to be utilized. Since this change is minor in nature, notice and public procedure hereon are unnecessary and such action is taken herein.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 608.21 *Alabama* (27 F.R. 7324) the following is added:

R-2101 Fort McClellan, Ala.:

Boundaries. Beginning at latitude 33°41'-20" N., longitude 86°00'30" W.; to latitude 33°41'20" N., longitude 85°59'00" W.; to latitude 33°40'30" N., longitude 85°59'00" W.; to latitude 33°39'40" N., longitude 85°59'50" W.; to latitude 33°39'40" N., longitude 86°00'30" W.; to the point of beginning.

Designated altitude. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding Officer, Anniston Ordnance Depot.

2. In § 608.21 *Alabama* (27 F.R. 7324) the Fort McClellan, Ala., Restricted Area R-2102 is amended to read:

R-2102 Fort McClellan, Ala.:

Boundaries. Beginning at latitude 33°45'-00" N., longitude 85°53'55" W.; to latitude 33°44'07" N., longitude 85°53'36" W.; to latitude 33°44'07" N., longitude 85°52'55" W.; to latitude 33°41'04" N., longitude 85°-52'55" W.; to latitude 33°40'15" N., longitude 85°54'00" W.; to latitude 33°41'20" N., longitude 85°55'30" W.; to latitude 33°41'-20" N., longitude 86°01'07" W.; to latitude 33°43'55" N., longitude 86°01'07" W.; to latitude 33°44'11" N., longitude 86°00'54" W.; to latitude 33°45'00" N., longitude 86°-00'45" W.; to latitude 33°45'20" N., longitude 86°00'31" W.; to latitude 33°45'27" N., longitude 86°00'16" W.; to latitude 33°45'27" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°59'26" W.; to latitude 33°45'-14" N., longitude 85°55'17" W.; to latitude 33°45'00" N., longitude 85°55'17" W.; to the point of beginning.

Designated altitudes. Surface to 24,000 feet MSL.
Time of use. Continuous.
Controlling agency. Federal Aviation Agency, Atlanta ARTC Center.
Using agency. Commanding Officer, Fort McClellan, Alabama.

3. In the text of § 601.7101 (26 F.R. 1399) the following is added:

R-2102 Fort McClellan, Ala.

These amendments shall become effective 0001 e.s.t. November 15, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 24, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-9728; Filed, Sept. 28, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-210]

PART 13—PROHIBITED TRADE PRACTICES

Altheimer & Baer, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.240 *Special or limited offers.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Altheimer & Baer, Inc., et al., Chicago, Ill., Docket C-210, Sept. 5, 1962]

In the Matter of Altheimer & Baer, Inc., a Corporation, Milton L. Altheimer, Individually and as an Officer of Said Corporation, and Lewis J. Solomon, Individually and as Advertising Manager of Said Corporation

Consent order requiring Chicago distributors of a variety of merchandise to cease supplying their retail dealers with advertising material and other printed matter which misrepresented the availability, quantity, composition, prices, guarantees, and other features of their said products, as in the order below more specifically set out.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Altheimer & Baer, Inc., a corporation, and its officers, and Milton L. Altheimer, individually and as an officer of said corporation, and Lewis J. Solomon, individually and as Advertising Manager of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or indirectly, that:

1. Offers of merchandise must be accepted at once, or within a limited time, when there is, in fact, no specific time limitation.

2. The supply or quantity of any merchandise is limited when adequate quantities are available.

3. Tool sets or other assemblages of merchandise contain a greater number of pieces or components than is a fact.

4. Merchandise is given free or without charge in connection with the purchase of other merchandise when the price charged for the merchandise purchased includes the price of the so-called free merchandise.

5. Any amount is the usual and customary retail price of merchandise when it is in excess of the generally prevailing price or prices at which the merchandise is sold at retail in the trade area or areas where the representation is made.

6. Any price is a "sale" or special price unless such price constitutes a reduction from the generally prevailing price or prices at which the merchandise is sold at retail in the trade area or areas where the representation is made.

7. Any merchandise is guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

8. Any tool or wrench made of carbon steel is made of chrome vanadium alloy steel or other alloy steel.

9. Any machine or device is automatic or completely automatic unless it contains mechanisms or features whereby all operations of the machine or device are completed without the intervention of the operator after the machine or device has been activated.

B. Misrepresenting in any manner the composition, quantity, quality, usual price, availability or performance of any product.

C. Furnishing or otherwise placing in the hands of distributors or dealers in said products the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 5, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-9732; Filed, Sept. 28, 1962; 8:47 a.m.]

[Docket C-211]

PART 13—PROHIBITED TRADE PRACTICES

Borg-Erickson Corp.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–265 *Service;* § 13.70 *Fictitious or misleading guarantees.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Borg-Erickson Corporation, Chicago, Ill., Docket C-211, Sept. 5, 1962]

Consent order requiring a Chicago manufacturer of scales to cease representing falsely in advertisements in magazines and newspapers, an in mats, catalog inserts, folders, containers, display cards, and other advertising material furnished to dealers that its bathroom scales were "built like a fine watch", "amazingly precise", had "positive accuracy", etc.; and by use of the expression "Lifetime Service Policy", that they unconditionally serviced the scales without charge.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent The Borg-Erickson Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of bath room scales, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

1. Representing directly or indirectly:

(a) That said scales are instruments which show the exact weight of the person or thing weighed.

(b) That said scales indicate increases or decreases in weight by the ounce.

(c) That products are serviced by respondent unless the nature and extent of servicing, the manner in which respondent will perform such servicing and the duration thereof is clearly and conspicuously disclosed.

2. Furnishing or otherwise placing in the hands of retailers, or others, any means or instrumentality by or through which they may mislead or deceive the public in the manner or as to the things hereinbefore prohibited.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 5, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-9733; Filed, Sept. 28, 1962; 8:47 a.m.]

[Docket C-217]

PART 13—PROHIBITED TRADE PRACTICES

Pollock Stores Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–70 *Percentage savings.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Pollock Stores Co., Inc., et al., Fort Smith, Ark., Docket C-217, Sept. 10, 1962]

In the Matter of Pollock Stores Co., Inc., a Corporation, and Lowell Sellars, Individually and General Manager of Arcade-Rockwood, a Branch Store of the Said Corporation

Consent order requiring a corporate operator of several branch stores and its branch in Fort Smith, Ark., to cease violating the Fur Products Labeling Act by failing to label fur products with the required information and to label them as natural when such was the case; failing, in invoicing, to show the true animal name of fur and, in invoicing and advertising, to disclose when it was artificially colored; representing falsely, in newspaper advertising, that prices of fur products were reduced "28% to 47%"; failing to maintain adequate records as a basis for pricing claims; and failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Pollock Stores Co., Inc., a corporation, trading under its own name or as Arcade-Rockwood or under any other trade name, and its officers, and respondent Lowell Sellars, individually and as general manager of Arcade-Rockwood, a branch store of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Failing to describe fur products as natural where such fur products are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

D. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

E. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

F. Failing to set forth the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Failing to set forth the item number or mark assigned to a fur product.

3. Falsely and deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which;

A. Represents directly or by implication through percentage savings claims that prices of fur products are reduced in direct proportion to the percentage of savings stated, when such is not the fact.

B. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

C. Fails to describe fur products as natural where such fur products are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

4. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 10, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-9744; Filed, Sept. 28, 1962; 8:49 a.m.]

[Docket C-215]

PART 13—PROHIBITED TRADE PRACTICES

Robin Pharmacal Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–275 *Stock, product or service;* § 13.175 *Quality of product or service.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Robin Pharmacal Corporation et al., New York, N.Y., Docket C-215, Sept. 10, 1962]

In the Matter of Robin Pharmacal Corporation, a Corporation, Sidney Rich, Individually and Sidney Rich and Charlotte Rich, as Officers of Said Corporation

Consent order requiring New York City distributors to wholesale and retail druggists and pharmacists to cease advertising falsely in periodicals, letters, etc., that they had "unvarying quality controls" and exercised "constant checkups" which assured "uniform, quality production".

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Robin Pharmacal Corporation, a corporation, and its officers, and Sidney Rich, individually, and Sidney Rich and Charlotte Rich, as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of drugs or food, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement:

(a) Uses the terms "unvarying quality control" or "uniform quality production", or any other words or terms of similar import or meaning; or

(b) Represents, directly or indirectly, that respondents have an adequate control system, or misrepresents the nature or extent of the procedures used by them in the manufacture, preparation or distribution of drugs or food.

2. Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly, or indirectly, the purchase of drugs or food, in commerce, as "commerce" is defined in the Federal Trade Commission Act,

which advertisement contains any of the terms or representations prohibited in Paragraph 1 hereof.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 10, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-9745; Filed, Sept. 28, 1962; 8:50 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 40-3542]

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Acquisitions of Securities or Interests

It has come to the attention of the Securities and Exchange Commission that registered investment companies and companies controlled by them apparently inadvertently have purchased or otherwise acquired securities or other interests in brokers, dealers, underwriters, and investment advisers in contravention of the provisions of section 12(d)(3) of the Investment Company Act of 1940 ("Act").

Section 12(d)(3) makes it unlawful for any registered investment company or companies controlled by such registered company to purchase or otherwise acquire any security issued by, or any other interest in, the business of any person who is a broker, a dealer, engaged in the business of underwriting, or is either an investment adviser of an investment company, or an investment adviser registered under the Investment Advisers Act of 1940, unless the person is (A) a corporation all the outstanding securities of which are, or will be after the acquisition, owned by one or more registered investment companies and (B) primarily engaged in the business of underwriting and distributing securities issued by other persons, selling securities to customers, or any one or more of such or related activities, and the gross income of such person normally is derived principally from such business or related activities. Since the prohibition includes both direct and indirect purchase or other acquisitions of interests in the businesses mentioned, investment companies should be especially careful to explore the businesses of companies in which they are considering acquiring an interest, including businesses in which such companies, in turn, have an interest by stock ownership or otherwise. It should also be noted that such prohibited purchases or acquisitions occur not only when a security or interest is originally purchased or acquired, but also when investment companies, or controlled companies thereof, hold an interest in a portfolio company which thereafter by merger, consolidation, reorganization (as defined in section 2(a)(32) of the Act), or otherwise, acquires an interest in a dealer, broker, underwriter or investment adviser.

The Commission believes this release an appropriate means of stating that all investment companies and companies controlled thereby should take steps as are necessary to divest themselves of such prohibited interests within a reasonable period of time.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 21, 1962.

[F.R. Doc. 62-9747; Filed, Sept. 28, 1962; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CHROMIUM (CR III) COMPLEX OF *N*-ETHYL - *N* - HEPTADECYLFLUORO - OCTANE SULFONYL GLYCINE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Minnesota Mining and Manufacturing Company, 900 Bush Avenue, Saint Paul 6, Minnesota, and other relevant data, has concluded that the following amendment should issue to § 121.2518 of the food additive regulations for the chromium (Cr III) complex of *N* - ethyl - *N* - heptadecylfluoro - octane sulfonyl glycine as a component of paper for packaging animal feed. Therefore pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625) § 121.2518 (21 CFR 121.2518) is amended to read as follows:

§ 121.2518 Chromium (Cr III) complex of *N*-ethyl-*N*-heptadecylfluoro-octane sulfonyl glycine.

The chromium (Cr III) complex of *N*-ethyl-*N*-heptadecylfluoro-octane sulfonyl glycine containing up to 20 percent by weight of the chromium (Cr III) complex of heptadecylfluoro-octane sulfonic acid may be safely used as a component of paper for packaging animal feed when used in accordance with the following prescribed conditions:

(a) The food additive is used as a component of paper in an amount not to exceed 0.5 percent by weight of the paper.

(b) (1) The animal-feed contact surface of the paper is overcoated with a polymeric or resinous coating at least ½-mil in thickness, that meets the provision of § 121.2526; or

(2) The treated paper forms one or more plies of a paper in a multiwall bag, and is separated from the animal feed by at least one ply of packaging films or grease-resistant papers which serves as a functional barrier between the food additive and the animal feed. Such packaging films or grease-resistant paper conforms with appropriate food additive regulations.

(c) The labeling of the food additive shall contain adequate directions for its use to insure compliance with the requirements of paragraphs (a) and (b) of this section.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 25, 1962.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-9737; Filed, Sept. 28, 1962; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

In Part 3, new §§ 3.1571, 3.1572, and 3.1573 are added to read as follows:

§ 3.1571 Increased compensation.

(a) *Effect of the law.* Public Law 87-645 provides increased monthly compensation rates to all veterans in receipt of service-connected compensation except to those receiving only statutory awards for arrested tuberculosis under 38 U.S.C. 314(q) or payments made under 38 U.S.C. 314(k). It also provides for those entitled to an increase on October 1, 1962, an additional lump-sum adjusted amount for that month equal to three times the increase in rate.

(b) *Specific provisions.* (1) Section 1(a) of Public Law 87-645 provides for increases in the disability compensation rates payable to veterans disabled 10 to 100 percent and increases in special monthly compensation. The new rates are adjusted upward or downward to the nearest dollar, counting 50 cents and over as a whole dollar.

(i) The maximum rate of wartime compensation, excluding dependency allowance, is increased to $725 per month. Special monthly compensation for specific injuries under section 314 (l) through (n) are increased to $340, $390 and $440, respectively. The rate for section 314(r) is increased to $200 and section 314(s) is increased to $290. No increase is provided in the present rate of $47 per month under section 314(k), or in the rate of $67 under section 314(q).

(ii) The rates of compensation for service-connected disability based upon service in the Regular Establishment during time of peace are 80 percent of the rates of compensation for disability incurred in time of war, also further adjusted upward or downward to the nearest dollar.

(2) Section 1(b) provides that the Administrator may adjust administratively consistent with increases authorized by section 1(a) the rates of disability compensation payable and protected under laws enacted prior to Title 38, United States Code.

(3) Section 4 of Public Law 87-645 determines the effective date of this act to be October 1, 1962. No payments shall be made by reason of this act for any period prior to this effective date. However, section 4 also provides an additional adjustment of three times the monthly increase, for October only, for those entitled to an increase in compensation on October 1, 1962, computed on the increase payable for that date.

(c) *Effective date.* Section 4 of Public Law 87-645 provides that this act shall take effect on October 1, 1962. No payments will be made by reason of this act for any period before such effective date. The effective date of awards will be in accordance with the provisions of controlling regulations, provided that in no event will benefits under the cited act be awarded for any period prior to October 1, 1962. (Instruction 1, 38 U.S.C. 314, Public Law 87-645)

§ 3.1572 Instructions relating to the payment of additional aid and attendance allowance under 38 U.S.C. 314(r) during periods of hospitalization at Government expense.

(a) *Provisions of the law.* (1) Section 1(a)(15) and section 2 of Public Law 87-645 provide for the amendment of section 314(r) of Title 38, United States Code, to read as follows:

If any veteran, otherwise entitled to the compensation authorized under subsection (o), or the maximum rate authorized under subsection (p), is in need of regular aid and attendance, he shall be paid, in addition to such compensation, a monthly aid and attendance allowance at the rate of $200 per month, subject to the limitations of section 3203(f) of this title. For the purposes of section 334 of this title, such allowance shall be considered as additional compensation payable for disability.

(2) Section 2 of the act also provides for the addition of subsection (f) to section 3203 of Title 38, United States Code as follows:

Where any veteran in receipt of an aid and attendance allowance described in section 314(r) of this title is hospitalized at Government expense, such allowance shall be discontinued from the first day of the second calendar month which begins after the date of his admission for such hospitalization for so long as such hospitalization continues. In case a veteran covered by this subsection leaves a hospital against medical advice and is thereafter readmitted to hospitalization, such allowance shall be discontinued from the date of such readmission for so long as such hospitalization continues.

(b) *Effects of the act.* This act has the effect of permitting payment to those otherwise entitled of the additional aid and attendance allowance authorized by 38 U.S.C. 314(r) during certain periods during which the entitled veteran is hospitalized at Government expense. Prior to the effective date of this act the additional aid and attendance allowance authorized by 38 U.S.C. 314(r) was not payable for any period when the veteran was hospitalized at United States Government expense.

(c) *Adjustments under the law.* (1) On and after October 1, 1962, the effective date of this act, an award of additional aid and attendance allowance under 38 U.S.C. 314(r) will be discontinued from the first day of the second calendar month which begins after the date of admission for such hospitalization for so long as such hospitalization continues. The effective date of reduction will not be extended by reason of time spent on leave, furlough or other authorized absence.

(2) Where a veteran subject to this provision leaves a United States Government hospital against medical advice (including disciplinary discharges) and is thereafter readmitted to such hospitalization, the additional allowance authorized by 38 U.S.C. 314(r) shall be discontinued from the date of such readmission for so long as such hospitalization continues.

(3) Where a veteran is subject to the discontinuance provisions of this act, a temporary authorized absence from the hospital of less than 30 days will not require adjustment of the award. The additional allowance for regular aid and attendance for such periods will be authorized after the veteran has been discharged from the hospital. Where a veteran is placed on authorized absence of 30 days or more, the additional allowance will be restored effective the date of departure from the hospital, if otherwise in order.

(4) Where entitlement under 38 U.S.C. 314(r) is otherwise in order, payments of the additional aid and attendance allowance discontinued because of hospitalization under the provisions of this act will be restored effective the date of release from the hospital whether discharge or release is approved or unapproved.

(d) *Veterans hospitalized commencing in September 1962.* (1) The additional aid and attendance allowance authorized by this law is payable for veterans who entered into a period of hospitalization in September 1962 and who are hospitalized on October 1, 1962. Awards may be adjusted to authorize the additional $200 commencing October 1, 1962.

(2) Where award action is required to reduce the veteran's award because of hospitalization during the month of September 1962, the additional aid and attendance allowance will be discontinued effective the date of entrance into the hospital. The additional $200 will be authorized from October 1 through October 31, 1962.

(e) *Effective date of the act.* Section 4 of Public Law 87-645 provides that this act shall take effect on the first day of the first calendar month which begins after the date of enactment of this act. No payments shall be made by reason of this act for any period before such effective date. The effective date of awards will be in accordance with the provisions of controlling Veterans Administration regulations, provided that in no event will benefits under the cited act be awarded for any period prior to October 1, 1962. (Instruction 2, 38 U.S.C. 314(r) and 3203, Public Law 87-645)

§ 3.1573 Presumption of service-connected multiple sclerosis under 38 U.S.C. 312(4) as amended by section 3, Public Law 87-645.

(a) *Provisions of the law.* Section 3 of the law amends section 312(4) of Title 38, United States Code, by striking out "three" and inserting in lieu thereof "seven." Section 312 thus reads in pertinent part:

For the purposes of section 310 of this title, and subject to the provisions of section 313 of this title, in the case of any veteran who served for ninety days or more during a period of war—

* * * * *

(4) multiple sclerosis developing a 10 per centum degree of disability or more within seven years from the date of separation from such service;

* * * * *

shall be considered to have been incurred in or aggravated by such service, notwithstanding there is no record of evidence of such disease during the period of service.

(b) *Effect of the act.* The law extends the presumptive period of service con-

nection from 3 to 7 years following wartime service. It is applicable to both disability and death claims.

(c) *Effective date.* The law is effective October 1, 1962. No benefit based solely on the liberalizing provisions of this law may be made effective prior to October 1, 1962.

(1) *Pending claims.* The effective date of an award under this act as to a claim pending on the effective date of the act will be October 1, 1962, if evidence otherwise establishes entitlement on that date. For the purpose of this subparagraph, a pending claim will include:

(i) A claim not previously adjudicated.

(ii) A previously disallowed claim pending consideration on appeal.

(iii) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry on which action was pending on October 1, 1962.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry on or after October 1, 1962, but within the appeal period.

(2) *New claims.* A claim is required in all cases not in a pending status.

(i) Where a claim identifying the benefit sought is received within 1 year after October 1, 1962, and evidence of entitlement was of record on or before that date, compensation will be payable effective October 1, 1962.

(ii) For the purposes of this act, a report of Veterans Administration examination or Veterans Administration hospitalization will be accepted as a claim if the report relates to multiple sclerosis.

(iii) All other claims, formal or informal, received on or after October 1, 1962, will be considered initial claims for the purposes of this law and the effective date of benefits will be determined under the applicable law and Veterans Administration regulations relating to original claims. (Instruction 3, 38 U.S.C. 212, Public Law 87-645)

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective October 1, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-9749; Filed, Sept. 28, 1962; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Special Permission No. 16500]

PART 141—FREIGHT SCHEDULES

Alternation of Through Rates With Aggregate of Intermediates

At a session of the Interstate Commerce Commission, Special Permission Board, held at its office in Washington, D.C., on the 25th day of September A.D. 1962.

It appearing that by Special Permission Application No. 15948, filed jointly by the Traffic Executive Association-Eastern Railroads, Executive Committee-Western Traffic Association, Southern Freight Association, and Illinois Freight Association, Agents, for and on behalf of all common carriers by railroad operating in the United States, authority is sought under section 6 of the Interstate Commerce Act (49 U.S.C. § 6) to depart from the terms of §§ 141.4(h), 141.4(i), and 141.7(b) (Rules 4(h), 4(i), and 7(b) of Tariff Circular No. 20) when publishing provisions permitting the alternation of through rates with the aggregate of intermediate local, joint, or proportional rates constructed via any route over which a through rate applies. A full investigation of the matters and things involved in Application No. 15948 having been made, which application is hereby referred to and made a part hereof;

And it further appearing that the rule hereinafter authorized for publication being a relaxation of the regulations prescribed governing the construction of freight schedules, rule-making procedure under section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003) is deemed unnecessary:

It is ordered, That, 49 CFR Part 141 be amended by adding the following:

§ 141.200 Alternation of through rates with aggregate of intermediate rates.

(a) In order to facilitate the application of rates which will be in accord with the aggregate-of-intermediates provision of the Fourth Section of the Act, common carriers by railroad and their duly appointed tariff publishing agents may depart from the terms of §§ 141.4(h) and (i) and 141.7(b) (Rules 4(h), 4(i), and 7(b) of Tariff Circular No. 20) for the purpose of incorporating in tariffs naming rates and charges for the transportation of property the following rule in lieu of the rule authorized in § 141.56 (Rule 56 of Tariff Circular No. 20):

If on any shipment an aggregate-of-intermediate local, joint and/or proportional interstate rates constructed via a route over which the through rate published in this tariff is applicable produces a lower charge than the through rate, such aggregate of rates will apply via all routes authorized in this tariff and the through rate has no application to any such shipment via any of those routes.

(b) Publications issued hereunder shall make specific reference hereto as authority for tariff circular departure by using the following notation:

Rules 4(h), 4(i), and 7(b) of Tariff Circular No. 20 waived; I.C.C. Permission No. 16500.

(c) This permission does not modify any outstanding formal orders of the Commission nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications. This permission shall continue in force and effect until otherwise ordered by the Commission.

(Sec. 12, 24 Stat. 383, as amended, 49 U.S.C. 12, interpret or apply sec. 6, as amended, 24 Stat. 380, as amended, 49 U.S.C. 6)

It is further ordered, That this permission (§ 141.200) shall become effective October 1, 1962.

It is further ordered, That all other and further relief prayed by Special Permission Application No. 15948 be, and it is hereby, denied.

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing with the Director, Office of the Federal Register.

By the Commission, Special Permission Board.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-9738; Filed, Sept. 28, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 722]

UPLAND COTTON

Proposed Determinations Regarding National Marketing Quota and National and State Allotments for 1963 Crop

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "act") (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), the Secretary of Agriculture is preparing to determine whether a national marketing quota is required to be proclaimed for the 1963 crop of upland cotton (hereinafter referred to as "cotton"). If such quota is required, the Secretary will also determine and proclaim the amount of the quota and the amount of the national allotment for the 1963 crop of upland cotton and will issue regulations pertaining to acreage allotments for cotton.

Section 342 of the act provides that whenever during any calendar year the Secretary determines that the total supply of cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of cotton produced in the next calendar year.

Section 342 of the act further provides that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the number of bales of cotton (standard bales of five hundred pounds gross weight) adequate, together with (a) the estimated carryover at the beginning of the marketing year which begins in the next calendar year and (b) the estimated imports during such marketing year, to make available a normal supply of cotton: *Provided*, That such national marketing quota shall be not less than a number of bales equal to the estimated domestic consumption and estimated exports (less estimated imports) for the marketing year for which the quota is proclaimed, except that the Secretary shall make such adjustment in the amount of such quota as he determines necessary after taking into consideration the estimated stocks of cotton in the United States (including the qualities of such stocks) and stocks in foreign countries which would be available for the marketing year for which the quota is being proclaimed if no adjustment of such quota is made hereunder, to assure the maintenance of adequate but not excessive stocks in the United States to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton consuming countries, and for purposes of national security; but the Secretary, in making such adjustments, may not reduce the national marketing quota below (1) one million bales less than the estimated domestic consumption and estimated exports for the marketing year for which such quota is being proclaimed, or (2) ten million bales, whichever is larger. Notwithstanding the foregoing, the national marketing quota shall be not less than the number of bales required to provide a national acreage allotment of sixteen million acres.

Section 342 of the act requires the proclamation of the national marketing quota to be made not later than October 15 of the calendar year in which the determination is made that the total supply of cotton exceeds the normal supply.

As defined in section 301 of the act for purposes of the determinations provided for in section 342 of the act, "total supply" of cotton for any marketing year is the carryover at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of cotton into the United States during such marketing year; "carryover" of cotton for any marketing year is the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current; "normal supply" of cotton for any marketing year is the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carryover; and "marketing year" for cotton is the period August 1–July 31.

Section 344(a) of the act provides that whenever a national marketing quota is proclaimed under section 342 of the act, the Secretary shall determine and proclaim a national allotment for the crop of cotton to be produced in the next calendar year. The national allotment for cotton for 1963 is that acreage, based upon the national average yield per planted acre of cotton for the four calendar years 1958, 1959, 1960, and 1961, which is required to make available from the 1963 crop an amount of cotton equal to the national marketing quota.

If a national allotment is proclaimed for the 1963 crop of cotton, such allotment will be apportioned among the States, as provided by section 344(b) of the act, on the basis of the acreage planted to cotton during the five calendar years 1957, 1958, 1959, 1960, and 1961, with adjustments during such period as provided under the act, the Soil Bank provisions of the Agricultural Act of 1956 (70 Stat. 188; 7 U.S.C. 1801 et seq.), as amended, and the Great Plains Conservation Program provisions of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 690 p (b)).

Section 344(b) of the act provides a supplemental allotment from the national reserve of 310,000 acres for apportionment among the States on the basis of their needs for additional acreage for establishing minimum farm allotments as determined or estimated by the Secretary. It is planned that such needs for each State and each county therein will be estimated for 1963.

Prior to making any of the foregoing determinations with respect to the national marketing quota, the national allotment, and the apportionment of the national allotment to States, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Agricultural Stablization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within 10 days following the publication of this notice in the FEDERAL REGISTER. The date of postmark will be considered as the date of any submission.

Effective date: Date of Publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 26, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9770; Filed, Sept. 28, 1962; 8:53 a.m.]

[7 CFR Part 722]

EXTRA LONG STAPLE COTTON

Proposed Determinations Regarding National Marketing Quota; National, State, and County Allotments; Fixing of Date for Holding Referendum; and Formulation of Regulations Pertaining to Acreage Allotments for 1963 Crop

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "act") (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), the Secretary of Agriculture is preparing to determine whether a national marketing quota is required to be proclaimed for the 1963 crop of extra long staple cotton (hereinafter referred to as "ELS cotton"). If such quota is required, the Secretary will also determine and proclaim the amount of the quota and the amount of the national allotment for the 1963 crop of ELS cotton and will issue regulations pertaining to acreage allotments for ELS cotton.

Section 347(b) of the act provides that whenever during any calendar year, not later than October 15, the Secretary determines that the total supply of ELS cotton for the marketing year beginning in such calendar year will exceed the normal supply thereof for such marketing year by more than 8 per centum, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of ELS cotton produced in the next calendar year.

Section 347(b) of the act further provides that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota which shall be an amount equal to (1) the estimated domestic consumption plus exports for the marketing year which begins in the next calendar year, less (2) the estimated imports, plus (3) such additional number of bales, if any, as the Secretary determines is necessary to assure adequate working stocks in trade channels until ELS cotton from the next crop becomes readily available without resort to Commodity Credit Corporation stocks.

The national marketing quota for 1963 cannot be less than the larger of (1) 30,000 bales, or (2) a number of bales equal to 30 per centum of the estimated domestic consumption plus exports of ELS cotton for the marketing year beginning in the calendar year in which such quota is proclaimed.

As defined in section 301 of the act, for purposes of the determinations provided for in section 347(b) of the act, "total supply" of ELS cotton for any marketing year is the carryover at the beginning of such marketing year, plus the estimated production of ELS cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of ELS cotton into the United States during such marketing year; "carryover" of ELS cotton for any marketing year is the quantity of ELS cotton on hand in the United States at the beginning of such marketing year not including any part of the crop which was produced in the United States during the calendar year then current nor any Government stocks of ELS cotton acquired pursuant to, or under the authority of, the Strategic and Critical Materials Stockpiling Act; "normal supply" of ELS cotton for any marketing year is the estimated domestic consumption of ELS cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of ELS cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carryover; and "marketing year" for ELS cotton is the period August 1–July 31. For purposes of the supply determinations required to be made under section 347(b) of the act, the term "ELS cotton" refers to all American-Egyptian, Sea Island, and Sealand cotton (United States and Puerto Rico), and to all similar types imported from Egypt, Sudan, and Peru.

Section 344(a) of the act provides that whenever a national marketing quota is proclaimed, the Secretary shall determine and proclaim a national allotment for the crop of ELS cotton to be produced in the next calendar year. The national allotment for ELS cotton for 1963 is that acreage, based upon the national average yield per planted acre of ELS cotton for the 4 years 1958, 1959, 1960, and 1961, which is required to make available from such crop an amount of ELS cotton equal to the national marketing quota.

If a national allotment is proclaimed for the 1963 crop of ELS cotton, such allotment will be apportioned among the States, as provided by section 344(b) of the act, on the basis of the acreage planted to ELS cotton during the 5 calendar years 1957, 1958, 1959, 1960, and 1961, with adjustments during such period as provided under the act, the Soil Bank provisions of the Agricultural Act of 1956 (70 Stat. 188; 7 U.S.C. 1801 et seq.) and the Great Plains Conservation Program provisions of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590p(b)).

The regulations which the Secretary will issue pertaining to acreage allotments for the 1963 crop of ELS cotton will be substantially the same as those issued for the 1962 crop and will provide for approval by the Secretary and publication thereof in the FEDERAL REGISTER of State and county allotments and State and county reserves.

Since allotments were in effect for the 1962 crop of ELS cotton, farm allotments for the 1963 crop are required to be established pursuant to the method in section 344(f)(6) of the act in all counties.

Section 343 of the act provides that not later than December 15 following the issuance of the proclamation of the national marketing quota, the Secretary shall conduct a referendum by secret ballot, of farmers engaged in the production of ELS cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed. If a quota is proclaimed for the 1963 crop of ELS cotton, it is expected that December 11, 1962, will be set as the date of the referendum in the regulations for the 1963 crop of ELS cotton.

Section 362 of the act provides that notice of the farm allotment established for each farm shown by the records of the county committee to be entitled to such allotment shall, insofar as practicable, be mailed to the farm operator in sufficient time to be received prior to the date of the referendum.

Prior to making any of the foregoing determinations with respect to the national marketing quota, the national allotment, the apportionment of the national allotment to the States and the State allotments to the counties, fixing a date for holding a referendum, and the formulation of regulations pertaining to acreage allotments for the 1963 crop of ELS cotton, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within 10 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Effective date: Date of Publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 26, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9771; Filed, Sept. 28, 1962; 8:53 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–202]

BATTERY INDUSTRY

Hearing To Determine Prevailing Minimum Wages

Pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice is hereby given that a hearing to determine the prevailing minimum wages in the battery industry under section 1 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35) will be held on October 30, 1962, at 10 o'clock a.m., on the third floor of the National Lawyers Club, 1815 H Street NW., Washington, D.C.

The battery industry is tentatively defined as the manufacture of (1) lead-acid SLI storage batteries or plates therefor, (2) lead-acid industrial storage batteries or plates therefor, (3) all other storage batteries and parts therefor; (4) dry primary batteries; and (5) wet primary and other primary batteries and parts therefor, except glass containers and porcelain covers for wet primary batteries.

Excluded is the manufacture of solid-state semiconductor devices.

Interested persons may appear at the hearing to submit evidence relative to the following subjects and issues: (1) Any amendments which should be made in the tentative definition of the industry contained in this notice; (2) whether separate prevailing minimum wage determinations should be made for any branches in the industry as tentatively defined; (3) whether the geographic area of competition for contracts subject to the Walsh-Healey Public Contracts Act for the products of the industry, or of any proposed branch of the industry extends to all the area in which the industry, or such branch thereof, has its plants, so as to require industrywide, or branchwide, minimum wage determination, or whether such competition is limited to smaller geographic areas (including the boundaries of such areas) so as to authorize separate minimum wage determinations for each area or locality in the industry, or in such branch thereof; and (4) what are the prevailing minimum wages in the industry or the localities or branches thereof for which minimum wage determinations should be made. Interested persons may also submit evidence on the question of whether there is good cause to delay the effective date of any prevailing minimum wage determination or determinations made in any final decision in this proceeding for more than seven days after it is published in the FEDERAL REGISTER.

Data relating to competition in this industry for contracts subject to the Walsh-Healey Public Contracts Act have been collected by the Department of Labor. Employment and wage data in this industry for the payroll period ending nearest January 15, 1962, have also been gathered. This information will be submitted for consideration at the hearing and is now available to interested persons.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed, and shall include the reason or reasons for non-appearance. Such statements shall be under oath or affirmation, and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the presiding officer shall determine whether it will be received in evidence.

To the extent possible, the evidence of each witness and any sworn or affirmed statements of persons who cannot appear personally should permit evaluation on a plant-by-plant basis, and should state: (1) The number and location of plants in the industry and in any proposed branch thereof to which the testimony of such witness or such written statement is applicable, (2) the number of workers in each such plant, (3) the minimum wage paid to covered workers (41 CFR 50–201.102) presently and, if possible, on or about January 15, 1962, and the number of covered workers at each plant receiving such wages, and (4) the identity of any product not now included in the tentative definition of the industry set forth in this notice which should be included and of any product now included which should be excluded.

The hearing shall be conducted pursuant to the rules of practice for minimum wage determinations under the Walsh-Healey Public Contracts Act (41 CFR 50–203.15–203.22).

Signed at Washington, D.C., this 24th day of September 1962.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 62-9734; Filed, Sept. 28, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 60]

[Reg. Docket No. 787]

AIR TRAFFIC

Withdrawal of Proposed Establishment of Standard Altimeter Setting (29.92" Hg.) Above 14,500 Feet Mean Sea Level (MSL)

By Draft Release No. 61–15, published in the FEDERAL REGISTER (26 F.R. 6001) as a notice of proposed rule making on July 4, 1961, the Federal Aviation Agency proposed an amendment to Part 60 to require the use of the standard altimeter setting (29.92" Hg.) above 14,500 feet m.s.l. The reasons therefor were outlined in detail in Draft Release No. 61–15.

The written comments received in response to Draft Release No. 61–15 indicated that those who opposed the proposed amendment were about equal in number to those who endorsed the proposal. The adverse comments contended that (1) there would be a loss of highly desirable altitudes when a decrease in atmospheric pressure occurs; (2) an increased pilot/controller workload would result, thereby decreasing safety; (3) hazards would result to flights operating in mountainous areas; and (4) the planning of a safe and economical operation would be greatly hampered by the altitude restrictions resulting from application of the pressure and terrain tables.

The proposed amendment was offered on the premise that (1) there is a definite need for increased accuracy in the art of altimetry; (2) approximately one-third of the time during winter months, pressure differences may result in an altitude error of 300 feet or more between stations separated just short of 200 nautical miles; (3) reducing the necessity for frequent altimeter setting would minimize the errors resulting from poor enunciation, difficult radio communications, misreading or missetting the instrument; (4) there would be a resultant decrease in pilot-controller workload; (5) the correction tables would adequately provide for operations in mountainous areas; (6) experience with the standard altimeter setting as currently required had been favorable; and (7) the proposed rule would provide an orderly and gradual method of acquainting the user with the benefits to be derived from the use of standard settings, while, at the same time, establishing an environment compatible with future programs for an automatic altitude reporting system.

However, it is true that more extensive use of standard settings would not, in itself, eliminate all of the known errors associated with the art of altimetry, nor will it permit a reduction in vertical separation standards at the present time. Additionally, the Agency has under review a proposal to convert the three-layer airway structure to a two-layer structure. The "dividing" altitude between structures would probably be set at some altitude in excess of 14,500 feet m.s.l. and the planned continuity between the base of the standard altimeter setting and the "dividing" altitude between airway structures would be lost. Another consideration is the fact that a planned system of automatic altitude reporting, based upon standard settings, will not be implemented until sometime in the future.

In view of the foregoing developments, the proposed amendment does not appear to be timely and is being withdrawn. While a more extensive system for maintaining cruising altitude by use of a standard altimeter setting may be adopted, any such proposal would be the subject of a future notice of proposed rule making. The comments received in response to Draft Release No. 61–15 have been carefully considered before making this determination and will again be evaluated in the drafting of a future proposal.

In consideration of the foregoing, Draft Release No. 61–15, published in the FEDERAL REGISTER (26 F.R. 6001) as a notice of proposed rule making on July 4, 1961, is hereby withdrawn.

This withdrawal shall become effective on publication in the FEDERAL REGISTER.

(Sec. 307; 72 Stat. 749, 49 U.S.C. 1348)

Issued in Washington, D.C., on September 17, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-9726; Filed, Sept. 28, 1962; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1401]

FAIRCHILD MODEL F–27 AIRCRAFT

Proposed Airworthiness Directive

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the electrical distribution system on Fairchild F–27 aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 30, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

FAIRCHILD. Applies to Model F–27 aircraft Serial Numbers 2 to 95 inclusive.

Compliance required within the next 1,000 hours' time in service after the effective date of this AD.

In order to preclude the loss of DC power to the primary DC bus in the event of failure of the forward primary bus relay, and the loss of AC power to certain engine instruments in the event of loss of the 115/26V instrument transformer, accomplish the following:

(a) Modify the DC electric distribution system to provide an alternate means of connecting the primary bus to the No. 2 electrical panel battery-generator feeder bus by installing one auxiliary forward primary bus relay, Fairchild P/N 604N172 in parallel with

the existing forward primary bus relay. The control circuit for this auxiliary relay shall be made independent of the control circuit for the existing primary bus relay by connecting it to the flight emergency bus through an added 5-ampere circuit breaker and through a separate pair of contacts in the load monitor switch, P/N MS35059-22.

(b) Modify the AC electric distribution system to provide an alternate means of supplying 26V electric power to the AC engine instruments by installing one Eclipse-Pioneer instrument transformer type DW-73-A1 and one selector switch P/N MS35059-23 which will provide for selection of either one of the two instrument transformers.

(Fairchild Service Bulletin 24-9 Revision No. 1, dated June 11, 1962, covers this same subject.)

Issued in Washington, D.C., on September 25, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-9742; Filed, Sept. 28, 1962; 8:49 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1400]

LOCKHEED AIRCRAFT

Proposed Airworthiness Directive

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the landing gear crossheads on Lockheed 49, 149, 649, 649A, 749, 749A, and 1049-54 Series aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 30, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendement is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all Models 49, 149, 649, 649A, 749, 749A, and 1049-54 Series aircraft incorporating main landing gear crossheads, P/N 307866 or P/N 288982 which have accumulated 10,000 or more hours' time in service.

Compliance required as indicated.

To detect fatigue cracking in the 0.25-inch radii adjacent to the one-inch diameter bearing surfaces on main landing gear crossheads, the failure of which would prevent normal extension and retraction of the main landing gear, the following shall be accomplished:

(a) Within the next 700 hours' time in service after the effective date of this AD unless already accomplished within the last 1800 hours' time in service prior to the effective date of this AD and thereafter at intervals not to exceed 2500 hours' time in service from the last inspection, inspect all crossheads as follows:

The crosshead shall be removed from the aircraft and inspected by the magnetic particle method for cracks in the 0.25-inch radii adjacent to the one-inch diameter bearing surfaces. All cracked crossheads shall be replaced with a sound one before the aircraft is returned to service. Crosshead replacement for 1049-54 aircraft shall be P/N 307866 only. Crosahead replacement for 49, 149, 649, 649A, 749, and 749A aircraft shall be either P/N 307866 or P/N 288982.

(b) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Field Service Letter FS/251565L, dated March 31, 1961, covers this same subject.)

Issued in Washington, D.C., on September 25, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-9741; Filed, Sept. 28, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 4, 7-11, 16, 21]

[Docket No. 14729]

ALLOCATION OF CERTAIN FREQUENCY BANDS

Order Extending Time for Filing Comments

In the matter of amendment of Parts 2, 4, 7, 8, 9, 10, 11, 16, and 21 of the Commission's rules concerning the allocation of the frequency bands 6425-6575, 10550-10680, and 11700-12200 Mc/s, Docket No. 14729.

The Commission, having under consideration a Request for Extension of Time to File Comments, filed on September 18, 1962, in the above-entitled proceeding, by The National Association of Educational Broadcasters (NAEB);

It appearing that NAEB requests extension of time for filing comments from October 1, 1962, to October 15, 1962, and for filing reply comments from October 15, to October 30, 1962; and

It further appearing that NAEB states that it intends to file comments in this proceeding, but that it will not be able to have its comments prepared for filing by September 25, 1962, and that the Commission should have the benefit of the views of the educational broadcasters in this matter; and

It further appearing that, although NAEB has not shown specific reasons why its comments could not have been prepared for filing within the prescribed time, its views may be of value to the Commission in the consideration of the matters in this proceeding and that the public interest would be served by granting NAEB's request for extension of time within which to file comments;

It is ordered, This 24th day of September 1962, pursuant to §§ 0.0258(c), 0.291(b)(4), and 0.322(b)(2) of the Commission's rules, that the above-described request of the National Association of Educational Broadcasters is granted, and that the time for filing comments in this proceeding is extended to October 15, 1962, and for filing reply comments to October 30, 1962.

Released: September 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9751; Filed, Sept. 28, 1962; 8:50 a.m.]

[47 CFR Parts 2, 6, 7, 9-11, 16, 21]

[Docket No. 14712]

DOMESTIC FIXED PUBLIC STATIONS AND OPERATIONAL FIXED AND INTERNATIONAL CONTROL STATIONS

Order Extending Time for Filing Comments

In the matter of amendment of Parts 2, 6, 7, 9, 10, 11, 16, and 21 of the Commission's rules to designate portions of the 2110-2200 Mc/s band exclusively for the use of Domestic Fixed Public stations and for the use of Operational Fixed and International Control stations and to reserve a portion thereof for omnidirectional operations, Docket No. 14712.

The Commission, having under consideration a Request for Extension of Time to File Comments, filed on September 18, 1962, in the above-entitled proceeding, by The National Association of Educational Broadcasters (NAEB);

It appearing that NAEB requests extension of time for filing comments from September 25, 1962, to October 15, 1962, and for filing reply comments from October 5 to October 30, 1962; and

It further appearing that NAEB states that it intends to file comments in this proceeding, but that it will not be able to have its comments prepared for filing by September 25, 1962, and that the Commission should have the benefit of the views of the educational broadcasters in this matter; and

It further appearing, that, although NAEB has not shown specific reasons why its comments could not have been prepared for filing within the prescribed time, its views may be of value to the Commission in the consideration of the matters in this proceeding and that the public interest would be served by granting NAEB's request for extension of time within which to file comments;

It is ordered, This 24th day of September 1962, pursuant to §§ 0.0258(c), 0.291(b)(4), and 0.322(b)(2) of the Commission's rules, that the above-described request of the National Association of Educational Broadcasters is granted, and that the time for filing comments in this proceeding is extended to October 15, 1962, and for filing reply comments to October 30, 1962.

Released: September 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9752; Filed, Sept. 28, 1962; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55721]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN CERTAIN FOREIGN COUNTRIES

Termination of Restrictions on Entry or Withdrawal From Warehouse

SEPTEMBER 26, 1962.

To Collectors of Customs and others concerned:

There is published below a letter of September 24, 1962, from the Interagency Textile Administrative Committee, recommending and requesting that restrictions placed on the entry for consumption, or withdrawal from warehouse for consumption, of certain cotton textiles and cotton textile products produced or manufactured in countries designated by the committee, be terminated as of midnight, September 30, 1962.

Accordingly, it is hereby ordered that as of midnight, September 30, 1962, the following treasury decisions are revoked:

1. Treasury Decision 55590, dated March 26, 1962 (27 F.R. 2809).
2. Treasury Decision 55644, dated June 15, 1962 (27 F.R. 5915).
3. Treasury Decision 55652, dated June 27, 1962 (27 F.R. 6339).
4. Treasury Decision 55676, dated July 26, 1962 (27 F.R. 7576).
5. Treasury Decision 55682, dated August 8, 1962 (27 F.R. 8042).
6. Treasury Decision 55683, dated August 8, 1962 (27 F.R. 8043).
7. Treasury Decision 55693, dated August 22, 1962 (27 F.R. 8629).
8. Treasury Decision 55705, dated September 12, 1962 (27 F.R. 9226).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

THE INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

SEPTEMBER 24, 1962.

HON. C. DOUGLAS DILLON,
The Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY:

By letters of March 16, 1962, and June 21, 1962, to you, the President delegated certain authority conferred upon him by Section 204 of the Agricultural Act of 1956, as amended by P.L. 87-488 (70 Stat. 200; 7 U.S.C. 1854), to the Secretary of the Treasury. The delegation was limited to textiles and textile products and only with respect to "Arrangements Regarding International Trade in Cotton Textiles" done at Geneva July 21, 1961. The authority delegated thereunder was to be exercised only upon recommendation of the Interagency Textile Administrative Committee.

In accordance with that delegation, the Interagency Textile Administrative Committee, on several occasions, has requested and recommended that the Secretary of Treasury refuse entry into the United States for consumption to designated and described categories of cotton textiles and cotton textile products exported from designated countries. In each instance, the Secretary of the Treasury has acted in accordance with such requests and recommendations and denied entry of the designated goods.

The "Arrangements Regarding International Trade in Cotton Textiles" expires by its terms at midnight on September 30, 1962. The Interagency Textile Administrative Committee, therefore, requests and recommends that the Secretary of the Treasury in accordance with the terms of the letters of delegation by the President, terminate as of midnight September 30, 1962, those actions taken thereunder upon request and recommendation of the Interagency Textile Administrative Committee and that cotton textiles and cotton textile products refused entry into the United States for consumption pursuant to such requests and recommendations by the Committee be allowed to enter the United States in accordance with other applicable laws and regulations.

Sincerely yours,

HICKMAN PRICE, JR.,
Chairman.

[F.R. Doc. 62-9802; Filed, Sept. 28, 1962; 8:55 a.m.]

ATOMIC ENERGY COMMISSION

ESTABLISHMENT OF ADDITIONAL SUBDIVISIONS ON BARRANCA MESA, LOS ALAMOS COUNTY, NEW MEXICO, AND SALES OF BUILDING LOTS IN SUCH RESIDENTIAL AREAS

Delegation of Authority

I hereby delegate to the Area Manager, Los Alamos Area Office, the following authority with respect to establishment of a residential area or areas on Barranca Mesa, Los Alamos County, New Mexico, and to sales of building lots in such residential area or areas:

a. To select an area or areas in Los Alamos County, New Mexico, to be developed as a residential subdivision or subdivisions.

b. To execute and cause to be recorded in the record books of the local government a plat or plats of said subdivisions and in such plat or plats to dedicate areas to the use of the public with the retention of such easements or other interests in dedicated areas as he deems appropriate.

c. To cooperate with other agencies of the Federal Government in establishing standards for the subdivision or subdivisions, and to make agreements with such agencies as to the observance of such standards.

d. To prepare such protective covenants insuring the quality of said subdivision or subdivisions as he deems appropriate and to execute and cause them to be recorded in the record books of the local government.

e. To prepare, execute, and cause to be recorded in the record books of the local government a document embodying a guarantee to sell utilities to record owners of building lots in said subdivision or subdivisions in accordance with delegation of authority dated March 10, 1958, from the General Manager, U.S. Atomic Energy Commission, to the Area Manager, Los Alamos Area Office.

f. To prepare, execute, and cause to be recorded documents for the revocation, vacation, modification and withdrawal of said subdivision plat or plats, protective covenants and utilities guarantee from the record books of the local government as may become necessary. Authority to revoke, vacate, or withdraw said subdivision plat or plats, protective covenants, and utilities guarantee is limited solely to those portions of the subdivision or subdivisions, title to which still remains in the Government.

g. To fix the sale price of each lot in said subdivision, or subdivisions, said price to be not less than the FHA-appraised valuation.

h. To sell at not less than the FHA-appraised value and convey the Government's interest in any lot in said subdivision or subdivisions, and to execute and administer the provisions of sale contracts, deeds, and modifications thereof and other documents in connection therewith. The authority contained in this paragraph h. may be redelegated to the Assistant Area Manager for Community Affairs, Los Alamos Area Office, without power of further redelegation.

i. To file documents, make determinations, and take such other action as is necessary or incidental to the establishment of said subdivision or subdivisions, the sale of lots in such subdivisions, and the execution of documents or the administration of the provisions thereof.

Actions heretofore taken consistent with the authorities granted by this delegation are hereby ratified and confirmed.

The authorities granted by this delegation may also be exercised by any person acting in the stead of the Area Manager, Los Alamos Area Office.

Witness my hand this 21st day of September 1962.

A. R. LUEDECKE,
General Manager,
U.S. Atomic Energy Commission.

[F.R. Doc. 62-9724; Filed, Sept. 28, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14041; Order E-18820]

MOHAWK AIRLINES, INC.

"Use It or Lose It" Investigation; Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of September 1962.

The Board in the past three and one-half years has made extensive awards to local service carriers subject to its "use or lose it" policy. This policy contemplates an early reassessment of the traffic response to the newly authorized services in order to determine whether sufficient use was being made of them to warrant their continuation. The Board specifically set a minimum standard of use which required that each city, whether certificated on a temporary or an indefinite basis, originate an average of five passengers daily for the twelve months following the initial six months of service, and indicated that it would, in the absence of unusual or compelling circumstances, institute a formal investigation to determine whether a city should lose its air service for lack of use in the event it does not meet the standard. Further, the Board stated that it would similarly reassess the traffic results on each route segment for the same twelve-month period. The minimum standard in this regard required an average passenger load of seven passengers per flight during the trial period, and provided that an inadequate traffic response on any segment would result in the institution of appropriate proceedings to determine whether the subject segment should be suspended or deleted. In addition, with respect to those segments experiencing average passenger loads ranging between five and seven passengers per flight, it was provided that formal proceedings looking toward the termination of service would be instituted, except in those situations in which unusual circumstances such as extreme isolation or national defense may dictate the contrary. (Seven States Area Investigation, Order E-13254, dated December 8, 1958.)

We have carefully examined the traffic data filed by Mohawk Airlines, Inc. (Mohawk) with respect to that portion of its post-Northeastern Case system not involved in issues similar hereto in current Board proceedings. These materials are reflected in part in the Appendices attached hereto,[1] and we find that an investigation should be instituted with respect to whether the public convenience and necessity require the suspension or deletion of points averaging less than five originated passengers per day, namely Jamestown and Olean, New York.[2]

We also find that there do not appear to exist such unusual circumstances with respect to Jamestown and Olean as should preclude the institution of this investigation at this time under the "use it or lose it" policy.

We note that Mohawk filed an application on March 17, 1958, Docket 9349, for renewal of its authority to serve Liberty-Monticello, New York, on segments 1 and 2 of its route 94, and Bradford, Pennsylvania, on its then segment 3.[3] We will consolidate Mohawk's application into this investigation. As segment 6 consists of only two points (Elmira-Corning, N.Y., and Bradford, Pa.), segment 6 will be deleted from Mohawk's certificate, if Mohawk's authority to serve Bradford is discontinued.

We have reviewed the individual points and pairs of points at issue for the purpose of determining whether any should be considered for hyphenation as dual points to be served through a single airport. Our interest is in determining whether consolidation of services to two or more separate cities at a single airport would, without substantial inconvenience to the air passengers, produce more economical airline operations, improved scheduling and an overall improvement in air service to both cities. Generally speaking, the initial reference point for consideration of whether an airport might usefully serve two or more communities is the distance between them. For such purpose we have initially focussed on points located within a 50-mile radius of each other. Olean, New York, and Bradford, Pennsylvania, are 21 miles apart, airport-to-airport. Olean is located only 29 highway miles from the Bradford airport. Both cities are in issue here for deletion from Mohawk's certificate. Bradford is also served by Allegheny Airlines, Inc. (Allegheny) on its east-west route and is a strong traffic point for that carrier. The issue, therefore, of hyphenation of Olean and Bradford with service through a single airport will also be considered in this proceeding and Allegheny will be made a party hereto with respect to this issue only.

Service has never been inaugurated at Oneonta, N.Y., and Meadville, Pa., intermediate points on Mohawk's segments 2 and 5, respectively, due to airport inadequacy.[4] Service to Auburn-Geneva, N.Y., an intermediate point on Mohawk's segments 1 and 3, has been suspended since July 1956, due to the deactivation of Sampson Air Force Base, and resultant airport inadequacy.[5] We believe that this is an appropriate time and case to try the issues of whether the public convenience and necessity require suspension or deletion of Mohawk's authority to serve Oneonta, N.Y., Meadville, Pa., and Auburn-Geneva, N.Y.

We will consider new or previously filed route applications of any carrier nor possible certificate modifications except as contemplated herein, and we intend that this investigation shall be conducted so that it may proceed promptly and be disposed of in the shortest possible time allowing for a decision upon an adequate record. For the guidance of the parties in presenting their respective cases, we note that data reflecting traffic, service, and costs will be of particular significance in reaching our decision in this investigation, and we expect Mohawk to submit as direct exhibits in this case data which reflect the quality, quantity, and other characteristics of service it has provided over the points here in issue or subsequently placed in issue by the Board.

Accordingly, it is ordered,

1. That an investigation be and hereby is instituted pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require:

(a) The renewal, and if so for what period, of Mohawk's certificate authorizing the carrier to serve Liberty-Monticello, N.Y., and Bradford, Pa.;

(b) The suspension of Mohawk's certificate insofar as it authorizes the carrier to serve Jamestown, N.Y.; Olean, N.Y.; Auburn-Geneva, N.Y.; Oneonta, N.Y.; and Meadville, Pa.;

(c) The alteration, amendment or modification of Mohawk's certificate in such a manner as to delete Jamestown, N.Y.; Olean, N.Y.; Auburn-Geneva, N.Y.; Oneonta, N.Y., and Meadville, Pa.;

(d) That, in the event Mohawk's certificate authorization to serve Oneonta, N.Y., is not suspended, or altered, amended or modified, so as to delete such point, whether Oneonta, N.Y., should be made a point of indefinite duration;

(e) The alteration, amendment or modification of Mohawk's certificate so as to provide that Bradford, Pa., and Olean, N.Y., be certificated as a hyphenated point and served through a single airport, and that Allegheny Airlines, Inc., is hereby made a party to this proceeding with respect to this issue only; and

(f) The alteration, amendment, or modification of the terms, conditions, or limitations of Mohawk's certificate, in the event the termination of any point results in nonstop service between points which some other carrier is already authorized to serve on a nonstop basis.

2. That the application of Mohawk in Docket 9349 be and it hereby is consolidated herein,

3. That a copy of this order shall be served upon Mohawk Airlines, Inc., and the cities of Jamestown, N.Y., Olean, N.Y., Liberty, N.Y., Monticello, N.Y., Bradford, Pa., Auburn, N.Y., Corning, N.Y., Elmira, N.Y., Geneva, N.Y., Oneonta, N.Y., and Meadville, Pa.; and the Aeronautical Departments of the States of New York and Pennsylvania, who are hereby made parties to this proceeding;

4. That a copy of this order shall also be served on Allegheny Airlines, Inc.;

5. That a copy of this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc 62-9757; Filed, Sept. 28, 1962; 8:51 a.m.]

[Docket No. 13941; Order E-18821]

SLICK AIRWAYS

Order Permitting Slick to Inaugurate Service in Two Stages

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of September 1962.

In the Domestic Air Cargo-Mail Service Case, Order E-18300, adopted May 3,

[1] Appendices filed as part of original document.

[2] Though averaging less than five originated passengers daily, Rutland, Vermont, is not being considered in this case since its air service needs are in issue in the New England Regional Airport Investigation, Docket 13494, Order E-18146, March 23, 1962.

[3] Mohawk's presently effective certificate of public convenience and necessity for route 94 designates Bradford, Pa., only as a terminal point on segment 6 as follows:

"6. Between the terminal point Elmira-Corning, N.Y., and the terminal point Bradford, Pa.;"

[4] Order E-15205, May 9, 1960. Cf. Northeastern States Area Investigation, Order E-14740, December 15, 1959 (pages 87-89, mimeo.).

[5] Order E-10438, July 5, 1956.

1962, The Slick Corporation's[1] (Slick) certificate for the transportation by air of property and mail over route 101 was amended and renewed for an indefinite period. The certificate became effective on July 2, 1962 and, therefore, pursuant to section 401(f) of the Act and § 205.2(a) of the Board's Economic Regulations, the carrier has 90 days or until October 1, 1962 within which to inaugurate operations.

By application filed August 15, 1962, pursuant to § 205.2(a) of the Board's Economic Regulations, Slick requests permission to inaugurate operations in two phases. The first phase is to commence on October 1, 1962, and the second stage to begin on or before August 5, 1963. Phase I will consist of daily scheduled cargo service with L-1049H equipment to San Francisco-Oakland, Dallas-Fort Worth, Indianapolis, Norfolk (military cargo only) and New York-Newark, with a proposed extension into Hartford-Springfield and Boston. The initial phase involves six of Slick's ten certificated points and will be operated for no more than ten months and possibly less. Service to all of the carrier's certificated points will be offered in phase II. Further, it is contemplated that by November 1, 1963, Slick will operate two CL-44 aircraft in transcontinental service.

No answers to Slick's application have been received.

In support of its request, the carrier has submitted much detailed information, which, upon analysis, appears to support Slick's contention that its proposal to inaugurate service in stages is sound from both an economic and operational standpoint. The Board has considered the information set forth in the application and also the previous reports and plans for the resumption of common carrier operations filed by the carrier in Docket 9287. On the basis of all the available information, the Board finds that Slick's instant proposal appears to be a sound procedure for the inauguration of service and is, therefore, in the public interest and, pursuant to § 205.6 of the Board's Economic Regulations, will be approved.

Accordingly, it is ordered:

1. That Slick be and it hereby is authorized, pursuant to § 205.6 of the Board's Economic Regulations, to inaugurate service over Route 101 in two stages;

2. That service at San Francisco-Oakland, California, Dallas-Fort Worth, Texas, Indianapolis, Indiana, New York-Newark, Hartford, Connecticut-Springfield, Massachusetts and Boston, Massachusetts shall be inaugurated on or about October 1, 1962;

3. That service at Los Angeles, California, Houston, Texas, St. Louis, Missouri, and Chicago, Illinois, shall be inaugurated on a date no later than August 5, 1963;

4. That this order may be amended or revoked any time without a hearing;

5. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-9758; Filed, Sept. 28, 1962; 8:52 a.m.]

[1] By Order E-18762, August 31, 1962, the certificate of public convenience and necessity issued to Slick Airways, Inc., was reissued to The Slick Corporation.

[Docket No. 14006]

CHICAGO HELICOPTER AIRWAYS, INC.

Notice of Prehearing Conference

In the matter of the temporary authority of Chicago Helicopter Airways, Inc. to engage in air transportation of persons, property and mail with rotary-wing aircraft.

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on October 15, 1962, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., September 26, 1962.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 62-9759; Filed, Sept. 28, 1962; 8:52 a.m.]

[Docket No. 13747]

EASTERN AIR LINES, INC., ENFORCEMENT

Notice of Hearing

In the matter of Eastern Air Lines enforcement proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on October 9, 1962, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ross I. Newmann.

Dated at Washington, D.C., September 25, 1962.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 62-9760; Filed, Sept. 28, 1962; 8:52 a.m.]

[Docket 5482 etc.]

REOPENED KANSAS-OKLAHOMA LOCAL SERVICE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 17, 1962, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 25, 1962.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 62-9761; Filed, Sept. 28, 1962; 8:52 a.m.]

[Docket No. 13973]

LINEAS AEREAS TAXADER S.A.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 18, 1962, at 10:00 a.m. e.d.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., September 26, 1962.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 62-9762; Filed, Sept. 28, 1962; 8:52 a.m.]

[Docket No. 7973 etc.]

HOWARD J. MAYS AND WILLIAM S. MUNZ

Notice of Prehearing Conference

In the matter of Board proceedings to determine whether certain authority heretofore granted to Howard J. Mays and to William S. Munz should not be terminated. (Order No. E-18296)

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on October 10, 1962, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., September 25, 1962.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 62-9763; Filed, Sept. 28, 1962; 8:52 a.m.]

[Docket No. 12319]

PANAMA CITY-MEMPHIS ROUTE CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on October 23, 1962, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., September 26, 1962.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 62-9764; Filed, Sept. 28, 1962; 8:52 a.m.]

[Docket No. 11076]

TRANSPORTES AEREOS NACIONALES, S.A., AND PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding, as assigned to be held October 15, 1962, is hereby postponed to November 13, 1962, at 10:00 a.m., in Room 725, Universal Building, Connecticut and Florida Avenues, Washington, D.C.

Dated at Washington, D.C., September 24, 1962.

[SEAL] WILLIAM F. CUSICK, *Hearing Examiner.*

[F.R. Doc. 62-9765; Filed, Sept. 28, 1962; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on September 1, 1962, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after September 1, as using humane methods on September 1 or a later date in September, will be listed in a supplemental list. Previously published lists represented establishments reported in August or September 1962 as humanely slaughtering and handling the designated species of livestock on August 1 or some later date in August 1962 (27 F.R. 9116 and 9229). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishments use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AG	(*)					
Do.	2AT	(*)		(*)		(*)	
Do.	2AU	(*)		(*)			
Do.	2B	(*)	(*)			(*)	
Do.	2C	(*)		(*)		(*)	
Do.	2H	(*)	(*)	(*)		(*)	
Do.	2SD	(*)	(*)	(*)	(*)	(*)	
Do.	2WN	(*)	(*)				
Swift and Co.	3A	(*)	(*)	(*)		(*)	
Do.	3AC	(*)				(*)	
Do.	3AE	(*)	(*)			(*)	
Do.	3AF	(*)	(*)				
Do.	3AN	(*)	(*)			(*)	
Do.	3AW	(*)				(*)	
Do.	3B	(*)	(*)	(*)		(*)	
Do.	3C	(*)	(*)	(*)		(*)	
Do.	3D	(*)	(*)	(*)		(*)	
Do.	3E	(*)	(*)	(*)		(*)	
Do.	3F	(*)	(*)	(*)	(*)	(*)	
Do.	3FF	(*)	(*)	(*)		(*)	
Do.	3H	(*)	(*)	(*)		(*)	
Do.	3K	(*)	(*)				
Do.	3NN	(*)		(*)		(*)	
Do.	3R	(*)	(*)			(*)	
Do.	3S					(*)	
Do.	3UU	(*)	(*)	(*)		(*)	
Do.	3W	(*)	(*)			(*)	
Lykes Bros., Inc.	8	(*)				(*)	
Do.	8B	(*)					
Hygrade Food Products Corp.	12C	(*)	(*)			(*)	
Do.	12D	(*)					
Do.	12P	(*)					
Mickelberrys Food Products Co.	16					(*)	
John Morrell and Co.	17	(*)				(*)	
Do.	17A	(*)				(*)	
Do.	17D	(*)		(*)		(*)	
The Cudahy Packing Co.	19	(*)				(*)	
The Cudahy Packing Co. of Nebraska	19E	(*)	(*)	(*)		(*)	
Wilson and Co., Inc.	20A	(*)				(*)	
Do.	20N	(*)	(*)	(*)		(*)	
Do.	20Q	(*)	(*)			(*)	
Do.	20Y	(*)	(*)	(*)			
Swift and Co.	23	(*)		(*)			
Brander Meat Co.	25	(*)	(*)	(*)		(*)	
Patrick Cudahy, Inc.	28	(*)				(*)	
Roegelein Provision Co.	32	(*)	(*)			(*)	
Valleydale Packers, Inc.	34	(*)	(*)	(*)		(*)	
Kenton Packing Co.	36	(*)				(*)	
Pocomoke Provision Co.	39	(*)	(*)	(*)			
Armour and Co.	40	(*)				(*)	
Sunnyland Packing Co.	43	(*)				(*)	
Consolidated Dressed Beef Co., Inc.	47	(*)	(*)	(*)			
Midwestern Beef, Inc.	53	(*)					
Sunnyland Packing Co. of Alabama	56	(*)				(*)	
Glover Packing Co. of Amarillo	60	(*)					
Glover Packing Co.	60A	(*)	(*)	(*)	(*)	(*)	
Weiland Packing Co., Inc.	61					(*)	
The Quaker Oats Co.	67E						(*)
Minchs Wholesale Meats, Inc.	72	(*)	(*)	(*)		(*)	
Brown Thompson & Son	73		(*)	(*)		(*)	
Eastern Packing Co.	74E						(*)
Armour and Co.	75	(*)	(*)	(*)	(*)		
The Braun Brothers Packing Co.	79	(*)				(*)	
City Packing Co.	80	(*)	(*)				
The Cudahy Packing Co.	81	(*)				(*)	
Hill Packing Co.	83E						(*)
Edgar Packing Co.	84		(*)				
Excel Packing Co., Inc.	86	(*)					
The E. Kahns Sons Co.	89	(*)	(*)	(*)		(*)	
Hygrade Food Products Corp.	90	(*)					
Shonyo Packing Co.	93	(*)	(*)	(*)	(*)		
The Val Decker Packing Co.	95	(*)	(*)	(*)		(*)	
John Engelhorn and Sons	97					(*)	
A. Koehs Sons	98	(*)	(*)				
Armour and Co.	100	(*)	(*)	(*)			
Liberty Packing Co.	101	(*)	(*)				
H. Graver & Co.	103	(*)	(*)				
Swift and Co.	104	(*)	(*)			(*)	
Wilson and Co., Inc.	111	(*)	(*)	(*)		(*)	
Hoffman Packing Co., Inc.	112	(*)					
Morris Packing Co.	113	(*)					
West Coast Meat Co., Inc.	117	(*)	(*)	(*)		(*)	
E. J. Archie and Sons, Inc.	122	(*)					
City Dressed Beef	125	(*)					
Superior Packing Co.	127	(*)					
John Roth and Son, Inc.	130	(*)					
Tobin Packing Co., Inc.	133					(*)	
Armour and Co.	139	(*)	(*)	(*)			
Edward J. Kluener, Inc.	142	(*)	(*)				
R. B. Rice Sausage Co., Inc.	144					(*)	
Kansas City Dressed Beef Co.	156	(*)					
Cornland Dressed Beef, Inc.	157	(*)					
Missouri Farmers Assn. Packing Division	159	(*)				(*)	
Do.	159A	(*)					
New York State College of Agriculture	165	(*)	(*)	(*)		(*)	
Swift and Co.	166A	(*)	(*)	(*)	(*)	(*)	
Armour and Co.	177	(*)	(*)				
Peerless Packing Co.	180					(*)	
The Rath Packing Co.	186C	(*)	(*)				
Seattle Packing Co.	191	(*)		(*)		(*)	
Krey Packing Co.	192	(*)	(*)	(*)		(*)	
John Morrell and Co.	196					(*)	
United Fryer and Stillman, Inc.	198	(*)					
George A. Hormel and Co.	199D					(*)	
Do.	199I					(*)	
Do.	199N	(*)				(*)	
Cudahy Packing Co.	202	(*)				(*)	
Central Packing Co.	208	(*)					
Heinzs Riverside Abattoir, Inc.	210	(*)					
S. Adams Packing Co.	211	(*)	(*)				

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Swift and Co.	459					(*)	
Morris Rifkin and Sons, Inc.	460						
Lancaster Packing Co.	462						
Livar Packing Co.	467		(*)				
Fred Dold and Sons Packing Co.	467					(*)	
Lincoln Meat Co.	468						
York Packing Co., Inc.	473						
Gwaltney, Inc.	483						
Armour and Co.	220A						
Armour and Co.	223		(*)			(*)	
Hygrade Food Products Corp.	224						
Do.	224B		(*)				
Gold Merit Packing Co., Inc.	232						
Wahl Schilling and Co., Inc.	233						
Armour and Co.	240		(*)			(*)	
Kahn's and Mrs.	243						
J. Kenzer & Co.	246						
Hargel Realty Corp.	247						
Frosty Morn Meats.	290						
Sellers, Inc.	297						
Balentine Packing Co.	298						
Pacific Meat Co., Inc.	277						
The Packing Co., Inc.	277						
Elliott Packing Co.	278						
Wilson and Co., Inc.	27						
Union Packing Co.	279						
American Stores Co.	281						
Acme Packing Co., Inc.	282						
Solano Meat Co.	283						
Robert H. Meyer Packing Co.	290						
San Jose Meat Co.	291						
Gus Juenvling and Son, Inc.	298						
Great Falls Meat Co.	301						
Union Packing Co.	303A						
Dubuque Packing Co.	311						
Webb Packing Co.	315						
Estes Packing Co.	316						
Turlock Meat Co.	319						
Frisco Packing Co.	325						
C. and M. Meat Packing Corp.	327						
Royall Packing Co.	329						
Sioux Honey Assn.	331A						
Shapiro Packing Co., Inc.	332						
Midland Empire Packing Co., Inc.	339						
Des Moines Packing Co.	340						
Peters Packing Co., Inc.	341						
Anna Packing Co.	345						
Union Packing Co.	351						
Sam Tex Packing Co.	353						
Heil Packing Co.	357						
Marks Meat Co.	362						
James Allan and Sons.	365						
Westport Packing Corp.	374						
Fischer Packing Co.	375						
American Stores Co.	384						
Liebmann Packing Co.	388						
Dugdale Packing Co.	390						
Oldhams Farm Sausage Co., Inc.	392						
Roth Packing Co. Inc.	394						
Robert L. Rabbitt.	396						
Hygrade Food Products Co.	397						
Logan Packing Co.	398						
Watsonville Dressed Beef, Inc.	400						
Los Banos Abattoir.	403						
Neuhoff Bros.	410						
Endive Packing Co., Inc.	411						
Alpine Packing Co.	412						
Frosty Morn Meats.	414						
Philadelphia Boneless Beef Co.	418						
Murray Packing Co., Inc.	421						
E. W. Knauf, Inc., of Iowa.	422						
The Collins Packing Co.	425						
Queen Packing Co., Inc.	435						
Schneider Packing Co.	439						
Omaha Dressed Beef Co., Inc.	441						
Prime Packing Co., Inc.	443						
Del Curto Meat Co.	445						
DeWitt Packing Corp.	450						
Swift and Co.	459					(*)	
Morris Rifkin and Sons, Inc.	460						
Lancaster Packing Co.	462						
Livar Packing Co.	467		(*)				
Fred Dold and Sons Packing Co.	467					(*)	
Lincoln Meat Co.	468						
York Packing Co., Inc.	473						
Gwaltney, Inc.	483						
Armour and Co.	220A						
Armour and Co.	223		(*)			(*)	
Hygrade Food Products Corp.	224						
Do.	224B		(*)				
Gold Merit Packing Co., Inc.	232						
Wahl Schilling and Co., Inc.	233						
Armour and Co.	240		(*)			(*)	
Kahn's and Mrs.	243						
J. Kenzer & Co.	246						
Hargel Realty Corp.	247						
Frosty Morn Meats.	290						
Sellers, Inc.	297						
Balentine Packing Co.	298						
Pacific Meat Co., Inc.	277						
The Packing Co., Inc.	277						
Elliott Packing Co.	278						
Wilson and Co., Inc.	27						
Union Packing Co.	279						
American Stores Co.	281						
Acme Packing Co., Inc.	282						
Solano Meat Co.	283						
Robert H. Meyer Packing Co.	290						
San Jose Meat Co.	291						
Gus Juenvling and Son, Inc.	298						
Great Falls Meat Co.	301						
Union Packing Co.	303A						
Dubuque Packing Co.	311						
Webb Packing Co.	315						
Estes Packing Co.	316						
Turlock Meat Co.	319						
Frisco Packing Co.	325						
C. and M. Meat Packing Corp.	327						
Royall Packing Co.	329						
Sioux Honey Assn.	331A						
Shapiro Packing Co., Inc.	332						
Midland Empire Packing Co., Inc.	339						
Des Moines Packing Co.	340						
Peters Packing Co., Inc.	341						
Anna Packing Co.	345						
Union Packing Co.	351						
Sam Tex Packing Co.	353						
Heil Packing Co.	357						
Marks Meat Co.	362						
James Allan and Sons.	365						
Westport Packing Corp.	374						
Fischer Packing Co.	375						
American Stores Co.	384						
Liebmann Packing Co.	388						
Dugdale Packing Co.	390						
Oldhams Farm Sausage Co., Inc.	392						
Roth Packing Co. Inc.	394						
Robert L. Rabbitt.	396						
Hygrade Food Products Co.	397						
Logan Packing Co.	398						
Watsonville Dressed Beef, Inc.	400						
Los Banos Abattoir.	403						
Neuhoff Bros.	410						
Endive Packing Co., Inc.	411						
Alpine Packing Co.	412						
Frosty Morn Meats.	414						
Philadelphia Boneless Beef Co.	418						
Murray Packing Co., Inc.	421						
E. W. Knauf, Inc., of Iowa.	422						
The Collins Packing Co.	425						
Queen Packing Co., Inc.	435						
Schneider Packing Co.	439						
Omaha Dressed Beef Co., Inc.	441						
Prime Packing Co., Inc.	443						
Del Curto Meat Co.	445						
DeWitt Packing Corp.	450						
Penn Packing Co.	459					(*)	
Elburn Packing Co.	460						
Knelp Packing Co.	462						
Livar Packing Co.	467		(*)				
Fred Dold and Sons Packing Co.	467					(*)	
Lincoln Meat Co.	468						
Cora Husker Packing Co.	473						
Eldridge Packing Co.	483						
Middletown Beef Co., Inc.	485						
St. Cloud Meat Packing Co.	487		(*)			(*)	
East Tennessee Packing Co.	489						
Mid State Packers Inc.	494		(*)				
Greenlee Pack Co.	501						
Swift and Co.	505						
B. Rothschild and Co.	506						
Frosty Morn Meats.	507						
Gruenfelder Packing Co.	508						
The Hull and Dillon Packing Co.	509					(*)	
Shen Valley Meat Packers, Inc.	510						
Capitol Packing Co.	511		(*)				
Illinois Packing Co.	513						
Pearl Packing Co., Inc.	521		(*)			(*)	
Armour and Co.	524						
Rath Packing Co., Inc.	525		(*)				
Omaha Packing Co.	532						
Rosenthal Packing Co., Inc.	535					(*)	
Pepper Packing Co.	536						
Midwest Packing Co.	538					(*)	
Greendell Packing Corp.	542						
United Dressed Meats, Inc.	544		(*)				
Swift and Co.	548					(*)	
Black Hills Packing Co.	554						
Springfield Rendering Co.	555D		(*)			(*)	
Mid South Packers, Inc.	557						
The Cudahy Packing Co.	559		(*)			(*)	
D and W Packing Co.	560						
Packerland Packing Co., Inc.	562		(*)			(*)	
Texas Meat Packers, Inc.	564						
Perrella Packing Co., Inc.	565		(*)			(*)	
Frosty Morn Meats, Inc.	571						
Kingsford Packing Co., Inc.	576		(*)			(*)	
Stahl Meyer, Inc.	581						
Empire Packing Co., Inc.	583						
Swift and Co.	584						
San Antonio Packing Co.	591		(*)			(*)	
Central Packing Co.	602						
National Tea Co.	606						
Donner Packing Co.	613						
Kummer Packing Co.	614		(*)			(*)	
Hill Packing Co.	617						
Big Foot Packing Co., Inc.	623E						(*)
General Meat Co.	626		(*)			(*)	
Ebner Brothers, Packers.	627						
Zinron Brothers, Inc.	632		(*)			(*)	
Auburn Packing Co., Inc.	633						
Hall Packing Co.	636						
Hall Packing Co.	646					(*)	
Spencer Packing Co.	647		(*)				
Wm. Schluterberg-T. J. Kurdle Co.	649					(*)	
John Morrel and Co.	650		(*)				
Nagle Packing Co.	653						
Milwaukee Dressed Beef Co.	654						
Baums Bologna, Inc.	657						
Sioux City Dressed Beef Co.	659						
McCook Packing Co.	660					(*)	
Western Meat Packers, Inc.	662						
Crown Packing Co.	666		(*)			(*)	
Scottsbluff Packing Co.	667						
E. S. Reed and Sons, Inc.	672						
Union Packing Co.	673						
Monfort Beef, Inc.	678						
Armour and Co.	679						
Colville Meats, Inc.	680					(*)	
The William Fockes Sons Co.	685						
The Sucher Packing Co.	686						
Marco Packing Co.	692						
Cornell Meat Packing Co.	713E		(*)				
The Joseph N. Rice Co.	719						

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Swift and Co.	726	(*)	(*)	(*)		(*)	
Decker and Son.	727					(*)	
The Quaker Oats Co.	734E						(*)
The Jacob Schlachter's Son & Co.	739	(*)	(*)	(*)			
Mid State Meat Co.	741	(*)	(*)				
Pioneer Provision Co.	742	(*)		(*)		(*)	
Howard Pancero and Co.	747	(*)	(*)				
Luck Brothers Cooperative Packing Co.	753	(*)					
Seitz Packing Co., Inc.	756A	(*)				(*)	
Philadelphia Dressed Beef Co.	758	(*)					
The American Meat Packing Corp.	760					(*)	
Schnake Packing Co., Inc.	761	(*)					
Karler Packing Co.	767	(*)	(*)				
Sheridan Meat Co., Inc.	768	(*)	(*)	(*)		(*)	
The Cudahy Packing Co.	779	(*)	(*)			(*)	
Aurora Packing Co., Inc.	788	(*)					
Wimp Packing Co.	791	(*)					
Baums Meat Packing.	792	(*)	(*)	(*)			
Max Bauer Meat Packer.	800	(*)	(*)				
The G. Erhardt Sons, Inc.	810	(*)	(*)				
William N. H. Peters.	813	(*)					
Rochester Independent Packer, Inc.	817	(*)					
Henry Meyers Sons, Inc.	822	(*)	(*)				
Hibbs Packing Co.	825	(*)		(*)			
Penford Packing Co.	827	(*)	(*)				
Bristol Packing Co.	828	(*)					
Berchems Meat Co.	830	(*)					
Norman Peters Packing Co.	834	(*)					
White Packing Co., Inc.	835	(*)	(*)	(*)		(*)	
John Morrell and Co.	836	(*)					
Frederick County Products, Inc.	838	(*)	(*)	(*)		(*)	
Herman Kempers Sons.	839	(*)	(*)				
Reelfoot Packing Co.	840	(*)				(*)	
G. Bartusch Packing Co.	843	(*)					
Arena Dressed Beef Co.	853	(*)	(*)				
Jordan Meat & Livestock Co.	858	(*)	(*)	(*)		(*)	
Sam McDaniel and Sons, Inc.	859	(*)					
Gunsberg Beef Co.	867	(*)					
Samuels & Co., Inc.	878	(*)	(*)	(*)			
Pahler Packing Corp.	880	(*)					
Vermont Dressed Beef Co., Inc.	883	(*)					
Walden Packing Co., Inc.	886	(*)					
William Davies Co., Inc.	888A	(*)				(*)	
O. Neill Packing Co.	889	(*)					
Sambol Packing Co.	892	(*)					
Tobin Packing Co., Inc.	893	(*)				(*)	
Vernon Calhoun Packing Co.	897						
Meats, Inc.	899	(*)					
National Meat Packers, Inc.	917	(*)	(*)			(*)	
Valleydale Packers Inc., of Bristol	922	(*)	(*)			(*)	
South Philadelphia Willowbrook, Inc.	923	(*)					
Wisconsin Packing Co.	924	(*)					
Peoples Packing Co.	925	(*)	(*)	(*)		(*)	
Kerber Packing Co.	929	(*)	(*)			(*)	
Tarpoff Packing Co.	931	(*)					
McKenney Meat Co.	932	(*)	(*)				
Volz Packing Co.	938	(*)					
Cappellino Abattoir, Inc.	939	(*)					
Gentner Packing Co., Inc.	941	(*)					
Whitehall Packing Co.	946	(*)	(*)				
Joe Doctorman and Son Packing Co., Inc.	949	(*)	(*)	(*)			
Armour and Co.	956	(*)				(*)	
Reliable Packing Co., Inc.	959					(*)	
Greater Omaha Packing Co., Inc.	960	(*)					
Earl Flick Wholesale Meats, Inc.	965	(*)	(*)				
T. L. Lay Packing Co.	967	(*)				(*)	
Monfort Packing Co.	969	(*)		(*)			
National Food Stores, Inc.	981	(*)					
Reitz Meat Products Co.	983	(*)				(*)	
Eagle Packing Co.	987	(*)					
Everett C. Horlein and Son, Inc.	988	(*)					
The Klarer Co.	995	(*)	(*)				
Do.	995A					(*)	
Do.	995C	(*)				(*)	
Valley Meat Co.	1009	(*)	(*)	(*)			
Landy Packing Co.	1171	(*)					
Nebraska Meat Packers, Inc.	1307	(*)					
A. F. Moyer and Sons, Inc.	1311	(*)					
McCabe Packing Plant.	1312	(*)	(*)	(*)			
H. and H. Packing Co.	1315	(*)	(*)			(*)	
Nebraska Iowa Dressed Beef Co.	1318	(*)					
Stevens Meat Co., Inc.	1485	(*)	(*)				

355 establishments reported.

Done at Washington, D.C., this 21st day of September 1962.

E. A. MURPHY,
Acting Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-9609; Filed, Sept. 28, 1962; 8:45 a.m.]

Office of the Secretary

MISSISSIPPI AND WYOMING

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the States of Mississippi and Wyoming natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Mississippi	
Hinds.	Yazoo.
Marion.	Oktibbeha.
Wyoming	
Fremont.	Park.
Goshen.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 21st day of September 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-9740; Filed, Sept. 28, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

GENERAL AVIATION DISTRICT OFFICE AT EL PASO, TEXAS

Notice of Opening

Notice is hereby given that on August 12, 1962, a General Aviation District Office was opened at El Paso, Texas.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

Issued in Washington, D.C., on September 24, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-9725; Filed, Sept. 28, 1962; 8:45 a.m.]

[OE Docket No. 62-WE-1]

PROPOSED ERECTION OF CONSTRUCTION EQUIPMENT

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The California Division of Highways, District VIII, San Bernardino, California, proposes to erect a crane near San Bernardino, California, at latitude 34°04'00" N., longitude 117°16'20" W. The overall height of the crane would be 1,119 feet above mean sea level (75 feet above ground).

The original circularization of this proposal specified a crane with an overall height of 1,134 feet above MSL (90 feet above ground). Subsequent to consideration of this proposal at Los Angeles Informal Airspace Meeting No. 22, the proponent amended the proposal as stated above.

The crane would be used in the construction of a highway in the area adjacent to the southeast end of Runway 11/29 and the south end of Runway 16/34 of the Tri-City Airport, San Bernardino, California.

The crane would exceed the hazards to air navigation criteria contained in § 626.13(b)(2) of Part 626 of the regulations of the Administrator as applied to Runways 11/29 and 16/34 of this airport if erected at any point within 817 feet either side of the centerline of Runway 11/29 extended or within 692 feet

either side of the centerline of Runway 16/34 extended.

Runway 16/34 is 3,525 feet in length (approximately 1,979 feet corrected per TSO–N6B). Applying an approach slope ratio of 20:1 to clear a 75-foot obstruction in the construction area at the south end of Runway 16/34, a landing area of approximately 1,905 feet in length (1,069 feet corrected) would be usable for landings on Runway 34. Runway 11/29 is 2,850 feet in length (approximately 2,213 feet corrected). By applying an approach slope ratio of 40:1 to clear a 75-foot obstruction in the construction area at the southeast end of Runway 11/29, it was found that none of the runway would be usable for landings to the northwest. Applying an approach slope ratio of 20:1 to clear a 75-foot obstruction in the construction area at the southeast end of Runway 11/29, a landing area of approximately 1,230 feet in length (955 feet corrected) would be usable for landings on Runway 29. Aircraft taking off on Runways 11 and 16 would be required to climb over the obstruction or take diversionary action during a critical phase of flight.

The Tri-City Airport is one of a few airports in the area that has a runway aligned on a north/south configuration. Therefore, aircraft destined for other airports frequently alter their destination to land at the Tri-City Airport during periods when strong north/south winds prevail.

The Agency study disclosed that the erection of the crane within the approach area and transitional area surfaces as defined in § 626.13 for Runway 11/29 and Runway 16/34 would have a substantial adverse effect upon aircraft operations at the Tri-City Airport.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33) it is concluded that the erection of the construction equipment within 817 feet either side of the extended centerline of Runway 11/29 or within 692 feet either side of the extended centerline of Runway 16/34 at the mean sea level elevation specified herein would have a substantial adverse effect upon aeronautical operations, and it is hereby determined that this equipment, if erected, would be a hazard to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (14 CFR 626.34). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (14 CFR 626.35).

Issued in Washington, D.C., on September 12, 1962.

JOESPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62–9727; Filed, Sept. 28, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14595; FCC 62R–47]

BOOTHEEL BROADCASTING CO.

Memorandum Opinion and Order Amending Issues

In re application of William L. Miller, tr/as Bootheel Broadcasting Company, Kennett, Missouri, Docket No. 14595, File No. BP–14158; for construction permit.

1. The Board has before it for consideration two series of pleadings[1] pertaining to requests by the Broadcast Bureau and Kennett Broadcasting Corporation (KBOA), an intervenor, that the hearing issues be enlarged with respect to Bootheel Broadcasting Company (Bootheel).

I. 2. One of the additional hearing issues requested by the Broadcast Bureau would require a determination of the efforts made by Bootheel to ascertain the program needs of the area it proposes to serve and the manner in which it proposes to meet such needs. In support of its request, the Bureau alleges the virtual identity of Bootheel's program proposals for Kennett, Missouri, with those set forth in the application for the construction permit for Station KHSJ, Hemet, California. William L. Miller, the sole owner of Bootheel, was a 50 percent partner in the application for Station KHSJ. The Bureau also offers statistical information purporting to show that the communities of Kennett and Hemet are occupationally and otherwise different.

3. In Suburban Broadcasters, FCC 60–559, 20 RR 52 (1960), Kent-Ravenna Broadcasting Co., FCC 61–1219, 22 RR 230 (1961), and in Community Service Broadcasters, Incorporated, FCC 62–84, —— RR —— (1962), the Commission added an issue similar to that requested by the Bureau on the basis of the similarity of the programming proposals in the applications before it and the programming proposals contained in applications for other communities. In Lindsay Broadcasting Co., FCC 61–1497, 22 RR 805 (1961), in which such an issue was also added, the Commission stated: "The identity of programming proposals for different communities raises substantial questions as to whether, or the extent to which, the programming proposals have been tailored to meet the needs of the area proposed to be served * * *". This is particularly true where it is not clear to what extent the applicant based his programming proposals on the previously ascertained needs of the community. In its decision in Suburban Broadcasters, 30 FCC 1021, 20 RR 951 (1961), aff'd., sub. nom., Henry, et al. v. Federal Communications Commission, 23 RR 2016, 302 F. 2d 191 (C.A.D.C., 1962), the Commission denied an application because the applicant had not been familiar with the needs of the community proposed to be served and had taken no steps to familiarize itself either with the community or its needs. However, where an applicant, because of long residence and other factors, was familiar with the community it proposed to serve, the Commission denied a request for an issue like that requested by the Bureau notwithstanding the fact that the program proposals were substantially the same as those proposed in an application for another community. See Community Service Broadcasters, Inc., FCC 62–15, 22 RR 814 (1962).[2]

4. As indicated in the Commission's decision in Suburban Broadcasters, supra, communities may differ and so may their needs; an applicant has the responsibility of ascertaining his community's needs and of programming to meet those needs. Where the programming which is proposed is substantially the same as that which was proposed in an application for another community, it is clear that the addition of an issue such as that requested by the Bureau is warranted in the absence of a showing by the applicant in a responsive pleading that he is familiar with the needs of the community he proposes to serve. Although familiarity with the community and its needs is essential, the Commission did not, in its Suburban decision, limit the means of acquiring such familiarity. While it is not uncommon for applicants to make surveys of communities they propose to serve in order to ascertain community need, it is not essential that they do so; knowledge of such need can be acquired as a result of existing or recent long-time local residence and familiarity with community affairs. See Community Telecasting Corporation, FCC 62–523, 32 FCC 923, —— RR —— (1962); Community Service Broadcasters, Inc., supra. As the Commission stated in Community Telecasting: "Suburban stands for the proposition that an applicant may be required to demonstrate an earnest interest in serving a local community by evidencing a familiarity with its particular needs and an effort to meet them; it does not prescribe the only acceptable methods for satisfying these requirements."

5. On the basis of the showing made in the opposition to the Bureau's request, it appears that Bootheel has the requisite familiarity with the community of Kennett and its needs. Miller was a resident of Kennett from 1934 through 1959 (the application was filed in May 1960), except for his period of military service from 1942 to 1945. During those years he was a member of local civic organizations. Miller's wife is a long-time resident of the Kennett area, taught school there for five years prior to 1959, and actually lived in Kennett from 1947 to 1959. Miller's family has lived in Kennett for the last twenty-eight years. It is further alleged in the opposition that prior to the filing of the application, Miller visited Kennett from April 24 to May 4, 1960, and during that period spoke with 113 persons in Kennett, all of whom are listed in the opposition, and that he also made a telephone survey of 100 persons in order to determine whether there was a need for another station in Kennett, whether it could survive economically, what stations each of these persons listened to and at what times during the day, and how many teenagers there were in the family of each of the persons contacted. On the basis of these contacts, together with Miller's long-term familiarity with Kennett, Bootheel alleges that the programming which Miller and his former partner had proposed for Hemet would, with slight variations, meet the needs of Kennett. It is further alleged in the opposition that in August of both 1960 and 1961, Miller again visited Kennett, and on the basis of renewed contacts concluded that his original program proposals for Kennett did not require any modification.

6. In view of Miller's long-time residence in Kennett (1960 population—3,066), and the efforts made to ascertain community need, the requested issue will be denied. See Community Service Broadcasters, Inc., FCC 62–15, 22 RR 814 (1962), discussed in paragraph 3 above.[3] The fact that, as the Bureau points out in its reply pleading, there are occupational and other differences between the communities of Kennett and Hemet, that Hemet is even smaller than Kennett, and that they are 1,500 miles apart, does not require a conclusion contrary to that reached herein. The Bureau does not allege that Bootheel's programming proposals do not meet the needs of Kennett, and the differences between the communities of Kennett and Hemet have not been shown to be so pronounced that the similiarity of the programming for the two communities indicates that the programming proposals for Kennett were made in disregard of the needs of Kennett as Miller knew them.

II. 7. Kennett Broadcasting Corporation, licensee of Station KBOA in Kennett and a respondent in this proceeding, requests that the issues be enlarged to determine whether Bootheel, in its opposition to the Bureau's petition, made any misrepresentations concerning Miller's contacts with the 113 persons listed in Bootheel's opposition. The sole basis of its request consists of affidavits of twelve persons, eleven of whom were among the 113 persons listed in the opposition. None of the eleven expressly denies having been contacted by Miller; instead, they merely deny that Miller spoke with them either about his proposed station, or, if he did discuss his proposed station, about his programming plans. The twelfth affiant was not listed among the 113; he is, however, a member of a business concern which Bootheel listed as having been contacted, and this affiant denies that he ever spoke with Miller. Attached to Bootheel's reply pleading is an affidavit by Miller stating that he did speak with a person in the listed business concern, but that he does not recall his name.

8. It is clear that the affidavits filed in support of the petition do not undermine Bootheel's allegation that Miller "spoke" with the 113 persons and business organizations listed in its opposition to the Bureau's petition. KBOA contends, however, that the necessary implication of Bootheel's allegation in this regard is that Miller had spoken with them about the programming needs of Kennett. This point is arguable, but the evidence is not conclusive. Even if the implication were correct, it would not affect Miller's basic showing as to familiarity with the community. On the other hand, contacts with individuals in a community can serve to familiarize a proposed station operator with community needs even though programming is not discussed. Thus, such contacts can provide information as to their cultural, religious and other interests, hobbies, etc., on the basis of which sound programming proposals can be made. Quite clearly, Bootheel's statement that Miller "spoke" with persons in the community does not therefore, necessarily carry with it a representation that he spoke with them about programming. KBOA's request for a misrepresentation issue will therefore be denied.

III. 9. The Bureau also requests an issue to determine whether Bootheel, in view of its proposals as to staff, is qualified to operate its station in the manner proposed in its application. In support of its request, the Bureau alleges that Bootheel's staff of one general manager, one or two salesmen, two announcer-engineers and one office girl, may be insufficient to effectuate the proposal for 27.1 percent live programming out of a total of 83 hours a week of broadcasting. The Bureau cites two recent Commission actions in Sands Broadcasting Corporation, FCC 61–1162, 22 RR 161 (1961), and John E. Grant, FCC 62–409, 23 RR 461 (1962). In Sands, the applicant proposed 103¼ hours of broadcasting per week, with 18.4 percent live programming; a staff of nine persons was proposed. In Grant, the applicant proposed to broadcast 84 hours per week with 12.5 percent live programming, and a staff of seven persons was proposed. In both instances, an issue was added to determine the adequacy of the proposed staff.

10. Bootheel's proposal raises an adequacy of staff problem to the same extent as those involved in the two cited Commission actions, and the Bureau's request for an adequacy of staff issue will therefore be granted. The mere fact that Miller's station in Hemet may have been operated with only five employees does not eliminate the necessity for a hearing to determine whether his live programming proposal for Kennett can be effectuated with seven employees, particularly since no allegation is made by Bootheel as to the percentage of live programming on the Hemet station. The necessity for a hearing is not obviated by Bootheel's allegations concerning the non-employee sources of much of its proposed live programming; these allegations concern evidentiary matters which should be fully explored at the hearing.

Accordingly, it is ordered, This 21st day of September 1962, That the Broadcast Bureau's petition to enlarge issues, filed May 4, 1962, is granted to the extent indicated herein and is in all other respects denied:

It is further ordered, That the petition to enlarge issues, filed June 15, 1962, by Kennett Broadcasting Corporation (KBOA) is denied:

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issue: To determine whether Bootheel Broadcasting Company, in view of its proposals as to staff, is qualified to operate its station in the manner proposed by its application.

Released: September 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–9753; Filed, Sept. 28, 1962; 8:51 a.m.]

[Docket Nos. 14739, 14740; FCC 62M–1268]

EDINA CORP. AND TEDESCO, INC.

Order Continuing Hearing

In re applications of Edina Corp., Edina, Minnesota, Docket No. 14739, File No. BP–14018; Tedesco, Inc., Bloomington, Minnesota, Docket No. 14740, File No. BP–15272; for construction permits.

A prehearing conference in the above-entitled matter having been held on September 21, 1962, and it appearing from the record made therein that certain agreements were reached[1] and certain rulings made by the Hearing Examiner which should be formalized by order:

It is ordered, This 21st day of September 1962, that:

(1) The direct affirmative case of the applicants shall be presented entirely in the form of sworn written exhibits;[2]

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[1] The following pleadings are under consideration: (1) Petition to enlarge issues, filed May 4, 1962, by the Broadcast Bureau; (2) statement in support of Broadcast Bureau's petition to enlarge issues, filed May 7, 1962, by Kennett Broadcasting Corporation (KBOA); (3) opposition, filed May 24, 1962, by Bootheel Broadcasting Company; (4) reply, filed June 1, 1962, by the Broadcast Bureau; (5) petition to enlarge issues, filed June 15, 1962, by Kennett Broadcasting Corporation (KBOA); (6) response to petition to enlarge issues, filed July 6, 1962, by the Broadcast Bureau; and (7) opposition, filed July 6, 1962, by Bootheel Broadcasting Company.

[2] Familiarity with community need cannot be inferred from the fact that the applicant, ten years prior to the filing of his application, had been a resident of the community he proposes to serve. See Don L. Huber, FCC 62–142, 23 RR 954 (1962).

[3] This is not to imply that a resident or other licensee does not have a continuing obligation to take appropriate steps to maintain his familiarity with the community needs.

[1] Dissenting statement of Chairman Berkemeyer filed as part of the original document.

[1] The prehearing conference was interrupted prior to its conclusion, and certain of the agreements upon which this order is based were reached in subsequent informal discussion between counsel and the Hearing Examiner.

[2] The effectiveness of this order with respect to the method and timing of presentation applies only to the presently designated issues, and, in the event any issues may subsequently be added, the method and timing of the presentation with respect to such issues shall be the subject of a later conference.

(2) Copies of the applicants' proposed exhibits shall be supplied the other parties hereto on or before October 31, 1962, but such proposed exhibits may be amended or reformed prior to November 7, 1962;

(3) Copies of the applicants' exhibits in final form shall be supplied the other parties hereto on or before November 7, 1962;

(4) The foregoing schedule shall not apply to Issues 4 and 11, which issues are contingent on matters to be established by record evidence, and, with respect to these issues, the determination of whether evidence shall be adduced and the timing of such evidence shall be the subject of an order by the Hearing Examiner subsequent to the taking of the necessary preliminary evidence;

It is further ordered, That the hearing heretofore scheduled to commence on October 24, 1962, is continued to November 19, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C., and that:

(1) The hearing on the specified date shall be confined to the presentation of the exhibits comprising the applicants' direct affirmative cases; and

(2) At the conclusion of the parties' direct presentation they shall be prepared to give notification of what witnesses responsible for the preparation of any other parties exhibits they wish to call for cross-examination, and at that time a hearing date for cross-examination will be established.

Released: September 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9754; Filed, Sept. 28, 1962; 8:51 a.m.]

[Docket Nos. 14617-14621; FCC 62M-1269]

MARTIN R. KARIG ET AL.

Notice Scheduling Prehearing Conference

In the matter of revocation of construction permit of Martin R. Karig, for standard broadcast station WIZR, Johnstown, New York, Docket No. 14617.

In re application of SPA Broadcasters, Inc. (WSPN), Saratoga Springs, New York, Docket No. 14618, File No. BR-2958; for renewal of license for standard broadcast station WSPN, Saratoga Springs, New York.

In re applications of Radio Station WRSA, Inc., Troy, New York, Docket No. 14619, File No. BP-13827; SPA Broadcasters, Inc. (WSPN), Saratoga Springs, New York, Docket No. 14620, File No. BP-13828; Genkar, Incorporated, Gouverneur, New York, Docket No. 14621, File No. BP-13899; for construction permits.

On the oral request of counsel for applicants and respondent, and with notice to counsel for the Broadcast Bureau, a further prehearing conference will be held on September 24, 1962, at 3 p.m., in the offices of the Commission, Washington, D.C.

Dated: September 24, 1962.

Released: September 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9755; Filed, Sept. 28, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP62-9]

COLORADO INTERSTATE GAS CO.

Order Vacating Suspension of Tariff Sheets, Allowing Tariff Sheets To Become Effective and Prescribing Procedure for Hearing

SEPTEMBER 24, 1962.

By order issued June 13, 1962, pursuant to the authority under section 4(e) of the Natural Gas Act the Commission ordered a hearing be entered upon concerning the lawfulness of two original and five revised tariff sheets to Colorado Interstate Gas Company's (Colorado Interstate FPC Gas Tariff, First Revised Volume No. 1.[1] The Commission also suspended the operation of such tariff sheets and deferred the use thereof until November 13, 1962.

The aforementioned filing would modify the presently effective penalty provisions in the above-designated rate schedules which now provide for a penalty charge of $10.00 per Mcf if the contract demand is exceeded on two consecutive days or on more than three days in a billing month or if it is exceeded by the greater of 2 percent or 200 Mcf on any one day. The provisions of the tendered filings provide, inter alia, for waiver of the $10.00 charge for unauthorized overrun by a customer when other customers are not adversely affected thereby.

A petition for reconsideration of the order issued June 13, 1962, was filed by the Public Utilities Commission of the State of Colorado (PUC) on June 28, 1962, and motions in support thereof were filed on July 11 and 18, 1962, by Colorado Interstate and by the City and County of Denver, respectively. Each of those parties request that the Commission vacate the suspension and permit the proposed tariff sheets to become effective as of January 1, 1962.

In support of its petition, the PUC urges, among other things, that inasmuch as neither Colorado Interstate nor any of its customers were adversely affected by the past winter's overruns, failure to waive the penalties for that period would result in a windfall to Colorado Interstate at the expense of ultimate consumers. The petition also notes that the overruns last winter can be readily explained by the fact that the contract demand type of tariff is new to the Rocky Mountain area.

Upon reconsideration it is appropriate and in the public interest to permit the waiver of the overrun penalties relating to the past winter's operations. Toward that end we propose to vacate the suspension of the aforementioned tariff sheets and permit them to become effective as of January 1, 1962.

However, it is still our view, as expressed in our order issued June 13, 1962, that the changes contained in the proposed tariff sheets could result in the opportunity for unilateral advantage between customers as well as the possibility of arbitrary practice in the future and may be unduly discriminatory or preferential. We are not unmindful that other natural gas company tariffs contain provisions for waiver of penalties incurred by customers taking unauthorized overruns of gas. Thus there also seems to be indicated the possible existence of a question of general policy and applicability respecting which other parties may desire to present their views.

Accordingly, it is in the public interest that the hearing prescribed herein by our order issued June 13, 1962, be held as hereinafter provided, and that the time for filing of notices or petitions to intervene provided in that order be modified as hereinafter set out.

The Commission orders:

(A) The suspension of the aforementioned tariff sheets provided for in the Commission's order issued June 13, 1962, hereby is vacated and those tariff sheets are permitted to become effective as of January 1, 1962, for the purposes hereinabove stated.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), the hearing prescribed by paragraph (A) of the order issued June 13, 1962, be convened as hereinafter provided.

(C) Presiding Examiner Allen C. Lande or any other officer or officers of the Commission designated by the Chief Hearing Examiner for that purpose shall preside at the hearing in this matter and at any conferences he deems appropriate and necessary pursuant to the Commission's rules of practice and procedure, particularly as amended by Order No. 217, and shall exercise the authority therein delegated to Presiding Examiners.

(D) Notice of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before October 12, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9730; Filed, Sept. 28, 1962; 8:46 a.m.]

[1] Original Sheet Nos. 8A and 11A, First Revised Sheet Nos. 5 and 8; Second Revised Sheet Nos. 6, 10, and 11.

[Docket No. CP62-251]

FLORIDA GAS TRANSMISSION CO.

Order Permitting Intervention and Setting Date of Hearing

SEPTEMBER 24, 1962.

Notice of the filing of the application in the above-entitled proceeding issued June 27, 1962, and was published in the FEDERAL REGISTER July 4, 1962 (27 F.R. 6349). Hearing was set for August 8, 1962. The final date for filing protests and petitions to intervene was July 30, 1962. By notice issued July 30, 1962, the hearing was postponed to a date to be fixed by further notice.

On July 25, 1962, Central Florida Gas Corporation (Central Florida) filed a protest against the issuance of the certificate sought by Florida Gas Transmission Company (Applicant). On August 6, 1962, Applicant filed its supplement No. 1 to its application which contained an answer to the protest of Central Florida. On July 30, 1962, Central Florida, by telegram to the Secretary, requested that its protest be considered a petition to intervene and present evidence. After having been notified of this request, Applicant, by letter filed August 22, 1962, requested that Central Florida's request to intervene be denied.

Although Central Florida has not strictly complied with the Commission's rules of practice and procedure, §§ 1.1 (f)(14) and 1.10(d) (18 CFR 1.1(f)(14) and 1.10(d)), its protest filed July 25, 1962, and telegram filed July 30, 1962, contain the information required in a petition to intervene and shall be considered as such.

Since Central Florida is a customer of Applicant and a local distributor in the general area of the location of the direct sale proposed in the above-entitled proceeding, intervention may be in the public interest.

The Commission finds: The participation by Central Florida Gas Corporation in this proceeding may be in the public interest.

The Commission orders:

(A) Central Florida Gas Corporation is hereby permitted to intervene in the above-captioned proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of said petitioner as an intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene: *And provided further*, That the admission of said petitioner as an intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 13, 1962, at 10:00 a.m. e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9731; Filed, Sept. 28, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1525]

M. A. HANNA CO.

Notice of Filing of Application for Order Exempting Proposed Transaction

SEPTEMBER 25, 1962.

Notice is hereby given that The M. A. Hanna Company ("Applicant"), 1750 Union Commerce Building, Cleveland 14, Ohio, a closed-end, non-diversified management investment company, registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the prohibitions of section 17(a) of the Act the proposed purchase from Applicant by Midland-Ross Corporation ("Midland-Ross"), of up to 152,839 shares of Midland-Ross common stock owned by Applicant which constitute approximately 11 percent of the outstanding stock of Midland-Ross. All interested persons are referred to the application on file with the Commission for a complete statement of the proposed transactions which are described below.

Midland-Ross is engaged in the manufacture of specially engineered machinery and equipment for the paper, steel, plastic and other industries; products for the automotive industry; rayon tire cord and rayon textile yarns; heating and air-conditioning equipment; and aircraft and missile equipment. It has been purchasing shares of its common stock from time to time for use in connection with possible acquisitions in its current diversification program. It presently has under consideration the possibility of making, within a period of 30 days after the issuance of the order requested herein, a general offer to its shareholders to purchase up to 225,000 shares of its outstanding common stock, provided Applicant indicates its willingness to tender a substantial part of its holdings pursuant to the offer. Assuming a satisfactory market price, Applicant would be willing to give Midland-Ross such assurance, if the price is not more than 5 percent below the market price as evidenced by the last transaction in such stock on the New York Stock Exchange on the day prior to the day of the making of the offer.

The common stock of Midland-Ross is listed on the New York Stock Exchange. High and low sales prices on that exchange ranged between $59¾ and $46¾, respectively, in 1960; between $58 and $46½, in 1961; and between $58¼ and $51⅛ in the 1st quarter of 1962; $55 and $43½ in the 2d quarter; and $50 and $45¼ in the third quarter to September 12, 1962. Earnings and dividends per share amounted to $3.29 and $3.15, respectively, in 1958; $4.71 and $3.00 in 1959; $4.63 and $3.00 in 1960; $3.40 and $3.00 in 1961; and $1.81 and $1.50 in the first six months of 1962.

Since Applicant owns as much as 5 percent of the outstanding voting securities of Midland-Ross, the two companies are affiliates of each other as defined in section 2(a)(3) of the Act. Section 17(a) of the Act, in general, prohibits an affiliated person of a registered investment company from purchasing from, or selling to, such registered investment company any security, with certain exceptions not applicable here, unless the Commission upon application pursuant to section 17(b) of the Act, grants an exemption from section 17(a) of the Act after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

In support of the application, it is recited that Applicant does not control Midland-Ross and that its representation on the Board of Directors of Midland-Ross is limited to one director out of eight; that the minimum price which Applicant will receive for its shares of Midland-Ross stock, representing a discount of no more than 5 percent below the market price prevailing at the time of the offer to shareholders, would be higher than the net price which Applicant could realize through the sale of a substantial block of Midland-Ross stock either on the open market or through an underwritten secondary offering; and that all shareholders of Midland-Ross will be given an opportunity to sell their shares to Midland-Ross at the same price.

Notice is further given that any interested person may, not later than October 9, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the

Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9746; Filed, Sept. 28, 1962; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-XII-1 (Revision 8)]

BRANCH MANAGER, HONOLULU, HAWAII

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 7) (27 F.R. 6247), there is hereby redelegated to the Branch Manager, Honolulu Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve and decline the following:

a. Direct loans not exceeding $20,000.

b. Participation loans not exceeding $100,000.

c. Limited loan participation not exceeding $15,000.

d. Small loans not exceeding $15,000.

e. Simplified Bank Participation loans not exceeding $150,000.

2. To approve disaster loans not exceeding $50,000.

3. To decline disaster loans of any amount.

4. To disburse approved loans.

5. To enter into business loan and disaster loan participation agreements with banks.

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By _____
(Name)
Branch Manager.

7. To cancel, reinstate, modify, and amend authorizations for business or disaster loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

10. To approve service charges by participating bank not to exceed two per cent per annum on the outstanding balance of construction loans involving accounts receivable and inventory financing.

11. To take all necessary actions in connection with the administration, servicing, and collection of all loans and other obligations or assets; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Investment program.* 1. To disburse Section 502 loans.

2. To extend the disbursement period on section 502 loans authorizations or undisbursed portions of section 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

C. *Procurement and technical assistance.* 1. To determine joint set-asides for Government procurement and sales.

D. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave, except advanced annual and sick leave; (b) leave without pay, not to exceed 30 days.

3. To (a) make emergency purchases chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but not more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

6. To (a) authorize or approve official travel; and (b) administratively approve travel reimbursement claims.

7. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

8. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Eligibility.* 1. To make original determinations and determinations upon the reconsideration thereof as to which concerns are small business within the meaning of the Small Business Size Standards Regulations, as amended, except no determinations will be made in those cases which involve questions of dominance, questions relating to cooperatives, and questions involving franchise, license or other contractual agreements, unless otherwise authorized. This authorization does not permit the issuance of Small Business Certificates.

II. The specific authority delegated in Items I.A.4 and I.B.1 may be redelegated. All other authority delegated herein may not be redelegated.

III. All authority herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Honolulu, Hawaii, is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Effective date: July 16, 1962.

EDWARD L. TURKINGTON,
Regional Director,
San Francisco Regional Office.

[F.R. Doc. 62-9736; Filed, Sept. 28, 1962; 8:48 a.m.]

[Declaration of Disaster Area 398]

TEXAS

Declaration of Disaster Area

Whereas it has been reported that during the month of September, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Tarrant County in the State of Texas;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about September 5, 1962.

OFFICE

Small Business Administration Regional Office,
Fidelity Building,
1000 Main Street,
Dallas 2, Tex.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1963.

Dated: September 20, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-9735; Filed, Sept. 28, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 698]

MOTOR CARRIER TRANSFER PROCEEDING

SEPTEMBER 26, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65025. By order of September 24, 1962, Division 3, acting as an Appellate Division approved the transfer to Curtis Womeldorf, doing business as Ace Motor Freight, Summerville, Pa., of that portion of the operating rights in Certificate No. MC 610 issued August 8, 1960, to H. M. Skinner & Sons, Inc., New Bethlehem, Pa., authorizing the transportation, over irregular routes, of brick, firebrick, refractory products, ground fire clay, and structural tile, between Summeryille, Pa., on the one hand, and, on the other, points in Maryland, New York, Ohio, and West Virginia. H. Ray Pope, Jr., 10 Grant Street, Clarion, Pa., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-9739; Filed, Sept. 28, 1962; 8:48 a.m.]

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VOLUME 27 NUMBER 191

Washington, Tuesday, October 2, 1962

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OCT 5 1962
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Proclamation 3496

EIGHTIETH ANNIVERSARY OF THE CIVIL SERVICE ACT

By the President of the United States of America

A Proclamation

WHEREAS January 16, 1963, marks the eightieth anniversary of the signing of the Civil Service Act of 1883; and

WHEREAS the Civil Service Act has stood the tests of time in providing the excellence in civil service which is required for successful execution of Federal programs and policies which have deep significance to all Americans and all citizens of the free world; and

WHEREAS the Act of 1883 has been strengthened by subsequent laws, interpretations, and executive actions to create an even more effective and highly qualified Federal work force; and

WHEREAS the life of every American is touched directly or indirectly every day by the services which Federal public servants perform; and

WHEREAS public esteem for career civil servants is a prerequisite for attracting well-qualified citizens to compete for Government service, a fact which requires greater public awareness of the value of the merit system, the achievements of Government workers, and the career opportunities offered in Federal service:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby call upon the people of the United States to participate in the observance of the eightieth anniversary of the Civil Service Act during the month of January 1963.

I also call upon the heads of Federal departments and agencies, as well as leaders of industry and labor and members of all public-spirited groups, to arrange appropriate ceremonies in honor of the public services performed by our able and devoted Federal civil servants throughout the country.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-eighth day of September in the year of our Lord nineteen hundred and [SEAL] sixty-two, and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62-9879; Filed, Sept. 30, 1962; 10:49 a.m.]

Proclamation 3497

OBSTRUCTIONS OF JUSTICE IN THE STATE OF MISSISSIPPI

By the President of the United States of America

A Proclamation

WHEREAS the Governor of the State of Mississippi and certain law enforcement officers and other officials of that State, and other persons, individually and in unlawful assemblies, combinations and conspiracies, have been and are willfully opposing and obstructing the enforcement of orders entered by the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit; and

WHEREAS such unlawful assemblies, combinations and conspiracies oppose and obstruct the execution of the laws of the United States, impede the course of justice under those laws and make it impracticable to enforce those laws in the State of Mississippi by the ordinary course of judicial proceedings; and

WHEREAS I have expressly called the attention of the Governor of Mississippi to the perilous situation that exists and to his duties in the premises, and have requested but have not received from him adequate assurances that the orders of the courts of the United States will be obeyed and that law and order will be maintained:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States, under and by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, particularly sections 332, 333 and 334 thereof, do command all persons engaged in such obstructions of justice to cease and desist therefrom and to disperse and retire peaceably forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of September in the year of our Lord nineteen hundred and sixty-two, and
[SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62-9880; Filed, Sept. 30, 1962; 10:50 a.m.]

Executive Order 11051

PRESCRIBING RESPONSIBILITIES OF THE OFFICE OF EMERGENCY PLANNING IN THE EXECUTIVE OFFICE OF THE PRESIDENT

WHEREAS national preparedness must be achieved and maintained to support such varying degrees of mobilization as may be required to deal with increases in international tension, with limited war, or with general war including attack upon the United States; and

WHEREAS the national security and our continuing economic growth and prosperity are interdependent, appropriate attention must be directed to effective coordination of emergency preparedness measures with national economic policies and objectives; and

WHEREAS mobilization readiness and civil defense activities can be accomplished most effectively and efficiently through the performance by departments and agencies of the Government of those emergency preparedness functions related to their established roles and capabilities; and

WHEREAS responsibility for emergency preparedness involves virtually every agency of the Federal Government, and there is need to provide a central point of leadership and coordination in the Executive Office of the President:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, including the authorities contained in the National Security Act of 1947, the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.), and other authorities of law vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), and also including the authority vested in me by the provisions of Section 301 of title 3 of the United States Code, it is hereby ordered as follows:

PART I. SCOPE

SECTION 101. *Resumé of responsibilities.* The Director of the Office of Emergency Planning (hereinafter referred to as the Director) shall:

(a) Advise and assist the President in the coordination of and in the determination of policy for the emergency plans and preparedness assignments of the Federal departments and agencies (hereinafter referred to as Federal agencies) designed to make possible at Federal, State and local levels the mobilization of the human, natural and industrial resources of the nation to meet all conditions of national emergency, including attack on the United States.

(b) Under the direction of the President, be responsible for the preparation of nonmilitary plans and preparedness programs with respect to organization and functioning of the Federal Government under emergency conditions and with respect to specific areas of Federal activity necessary in time of war which are neither performed in the normal operations of the regular departments and agencies nor assigned thereto by or under the authority of the President.

(c) Perform such other functions as are vested in him by law or are by this order, or by orders referred to in this order, delegated or otherwise assigned to him.

(d) Perform such additional functions as the President may from time to time direct.

PART II. GENERAL COORDINATING RESPONSIBILITIES

SEC. 201. *General.* (a) The Director shall advise and assist the President in (1) the development of planning assumptions and broad emergency preparedness objectives with respect to various conditions of national emergency, (2) the development of policies and procedures to determine the relationship between available supplies of the nation's resources and the requirements of military, foreign, and essential civilian programs, including those of civil defense, (3) the development of policies, programs, and control systems designed to deal with supply deficiencies and to meet effectively the most urgent requirements for those resources in the interests of national defense,

and (4) coordinating the governmental programs designed to achieve these ends.

(b) The Director shall advise and assist the President with respect to resolving any issues, related to emergency preparedness responsibilities of Federal agencies, which arise between two or more such agencies.

SEC. 202. *Resources and Requirements.* The Director shall provide policy guidance to the heads of Federal agencies having resource mobilization or claimancy responsibilities to assist them in (1) the development and submission of estimated military and foreign as well as industrial and consumer requirements, (2) the development of resource supply estimates; and (3) the periodic evaluation of requirements estimates in relation to estimates of availability of resources from all sources.

SEC. 203. *Central program determination.* The Director shall develop an overall emergency system for reaching central program decisions for the utilization of resources on the basis that he will have the responsibility for making such central decisions in the initial period of an emergency. This system shall include uniform criteria and procedures for:

(a) The development by each Federal agency of the amounts and types of resources which it must claim in order to meet the requirements of its planned programs;

(b) The central consideration of the supply-requirements evaluations of planned programs;

(c) The central determination of major resource utilization programs under varied conditions of national emergency on a relative urgency basis and central direction for the adjustment of agency programs consistent with such determinations; and

(d) The decentralization of controls if required by emergency conditions.

SEC. 204. *Control systems.* The Director shall develop policies and procedures for the coordinated application by Federal agencies, in time of emergency, of priorities, allocations, and other resource control and distribution systems (including a system for the rationing of consumer goods) for the conduct of approved major programs.

SEC. 205. *Research.* The Director shall develop, maintain, and conduct a central research planning program for emergency preparedness purposes. The Director shall maintain, with the participation and support of Federal agencies concerned, a national resources evaluation capability for predicting and monitoring the status of resources under all degrees of emergency, for identifying resource deficiencies and feasible production programs and for supplying resource evaluations at national and subordinate levels to support mobilization base planning, continuity of government, resource management and economic recovery.

SEC. 206. *Dispersal and protection of facilities.* (a) The Director, after consultation with the appropriate Federal agencies, shall advise the President concerning the strategic relocation of industries, services, government and economic activities, the operations of which are essential to the nation's security. He shall coordinate the efforts of Federal agencies with respect to the application of the principle of geographic dispersal of certain industrial facilities, both government- and privately-owned, in the interest of national defense.

(b) The Director, under authority of, and in accordance with the provisions of, Executive Order No. 10421 of December 31, 1952, shall perform functions in respect of the physical security of facilities important to the national defense.

(c) In addition, the Director shall review all measures being taken by the Federal agencies with respect to the physical security and protection of facilities important to defense mobilization, defense production, civil defense or the essential civilian economy, including those under the provisions of emergency preparedness assignments to such

agencies and shall recommend to the President such actions as are necessary to strengthen such measures.

SEC. 207. *Civil defense.* (a) Under authority of the provisions of Section 2 of Executive Order No. 10952 of July 20, 1961, and as there prescribed, the Director shall advise and assist the President, and shall perform other functions, in respect of civil defense.

(b) Under authority of, and in accordance with the provisions of, Executive Order No. 10958 of August 14, 1961, the Director shall advise and assist the President with respect to the stockpiling of food and medical supplies.

(c) The Director shall advise and assist the President with respect to the need for stockpiling various items essential to the survival of the population, additional to food and medical supplies, and with respect to programs for the acquisition, storage, and maintenance of such stockpiles.

SEC. 208. *Federal-State relations.* (a) The Director shall represent the President in working with State Governors to stimulate vigorous State and local participation in emergency preparedness measures.

(b) He shall provide advice and guidance to the States with regard to preparations for the continuity of State and local civilian political authority in the event of nuclear attack on the United States which shall include, but not be limited to, programs for maintaining lines of succession to office, safekeeping of essential records, provision for alternate sites of government, the protection and effective use of government resources, personnel, and facilities, and interstate compacts and reciprocal legislation relating to emergency preparedness.

(c) He shall assist the President in achieving a coordinated working relationship between the various elements of State governments and the Federal agencies to which specific emergency preparedness functions have been assigned pursuant to statute or Executive order.

(d) The civil defense activities involved in the functions prescribed by the foregoing provisions of this section shall be carried out in accordance with the provisions of Section 2 of Executive Order No. 10952 of July 20, 1961.

SEC. 209. *Review and evaluation.* The Director shall from time to time furnish the President overall reports and recommendations concerning the emergency preparedness programs, including the state of preparedness of Federal, State, and local governments to carry out their emergency functions.

PART III. SPECIAL EMERGENCY PLANNING RESPONSIBILITIES

SEC. 301. *General.* Under the direction of the President, the Director shall have primary responsibility (1) for planning assumptions and broad nonmilitary emergency preparedness objectives, (2) for planning the nonmilitary organization and functioning of the Federal Government in time of national emergency, (3) for developing, in association with interested agencies, the emergency planning, including making recommendations to the President as to the appropriate roles of Federal agencies, in currently unassigned matters, such as, but not necessarily limited to, economic stabilization, economic warfare, emergency information, and wartime censorship, (4) for planning for the emergency mobilization of telecommunications resources, and (5) for the development of nonmilitary policies and programs for use in the event of enemy attack on the United States designed to restore the national defense potential of the nation.

SEC. 302. *Emergency organization.* The Director, in consultation with the Director of the Bureau of the Budget, shall plan for the organization and functioning of the Federal Government in an emergency, including provisions for the central direction of all emergency mobilization activities and the creation of such emergency agencies as may be required for the conduct of emergency activities including those within the normal jurisdiction of existing agencies. Plans shall provide for maximum practicable reliance to be placed on existing Federal agencies with competence in emergency operations and, as

best may be, shall be harmonious with related operations of the Government as a whole.

SEC. 303. *Emergency authorities.* The Director shall provide for the prompt exercise of Federal emergency authority through the advance preparation of such proposed legislation, Executive orders, rules, regulations, and directives as would be necessary to put into effect operating programs appropriate to the emergency situation.

SEC. 304. *Continuity of Federal Government.* The Director shall develop policies and plans to assure the continuity of essential Federal Government activities through programs to provide for lines of succession to office, safekeeping of essential records, alternate sites for Government operations, and the protection and effective use of Government resources, personnel, and facilities.

SEC. 305. *Executive Reserve.* The Director, under authority of, and in accordance with the provisions of, Executive Order No. 10660 of February 15, 1956, shall develop policies and plans for the provision of an Executive Reserve of personnel capable of filling executive positions in the Government in time of emergency.

SEC. 306. *Emergency telecommunications.* The Director shall be responsible for (1) planning for the mobilization of the nation's telecommunications resources in time of national emergency, and (2) carrying out, under the authority of, and in accordance with the provisions of, Executive Order No. 10705 of April 17, 1957, the functions thereby delegated or otherwise assigned to him.

SEC. 307. *Post-attack recovery.* Under the direction of the President, the Director, with the cooperation and assistance of the Federal agencies, shall develop policies, plans, and programs designed to provide for the rapid restoration after an attack on the United States of a national capability to support a strong national defense effort.

PART IV. CURRENT MANAGEMENT RESPONSIBILITIES

SEC. 401. *Defense production.* Under the authority of, and in accordance with the provisions of, Executive Order No. 10480 of August 14, 1953, the Director shall perform the functions thereby delegated or otherwise assigned to him.

SEC. 402. *Strategic and critical materials stockpiling.* (a) There are hereby delegated to the Director all those functions under the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98 et seq.), under Section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)), and under Section 204(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(f)), which were transferred to the President by the provisions of Reorganization Plan No. 1 of 1958 (72 Stat. 1799).

(b) The Director, under the provisions of the said Strategic and Critical Materials Stockpiling Act, shall determine which materials are strategic and critical and the quality and quantity of such materials which shall be stockpiled, and shall direct the General Services Administration in the purchase, storage, refinement, rotation, and disposal of materials.

(c) The Director is hereby designated as an agency under and for the purposes of the provisions of clause (b) of Section 5 of the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98d (clause (b))); and, accordingly, in the event of enemy attack upon the United States the Director is authorized and directed to order the release by the Administrator of General Services of such materials from stockpiles established under the said Act, in such quantities, for such uses, and on such terms and conditions, as the Director determines to be necessary in the interests of the national defense.

SEC. 403. *Supplemental stockpile.* The Director, under authority of the provisions of Section 4(d)(2) of Executive Order No. 10900 of January 6, 1961, shall determine from time to time the materials to be contracted for or purchased for a supplemental stockpile with foreign currencies pursuant to the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(b)).

SEC. 404. *Imports threatening the national security.* (a) The Director, under the authority of, and in accordance with the provisions of, Section 2 of the Act of July 1, 1954 (68 Stat. 360; 19 U.S.C. 1352a), shall make appropriate investigations of the effects of imports on the national security and shall advise the President of any case in which the Director is of the opinion that an article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

(b) The Director, under authority of, and in accordance with the provisions of, Section 3(d) of Executive Order No. 10582 of December 17, 1954, shall furnish advice to procuring agencies with respect to the rejection of bids or offers to furnish materials of foreign origin on the ground that such rejection is necessary to protect essential national security interests.

SEC. 405. *Disaster relief.* The Director, under authority of, and in accordance with the provisions of, Executive Order No. 10427 of January 16, 1953, and Executive Order No. 10737 of October 29, 1957, shall exercise authority under the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855 et seq.).

SEC. 406. *Telecommunications.* Under authority of, and in accordance with the provisions of, Executive Order No. 10995 of February 16, 1962, the Director shall perform functions in respect of telecommunications.

PART V. GENERAL PROVISIONS

SEC. 501. *Rules and regulations.* In carrying out his responsibilities under this order, the Director is authorized to issue such rules and regulations, and directives, consonant with law and Executive order, as he deems necessary and appropriate to the functions involved.

SEC. 502. *Boards and committees.* The Director is hereby authorized to establish in headquarters and in the field such boards and committees as he deems necessary to advise him in the conduct of activities outlined herein.

SEC. 503. *Certain additional authorities.* (a) There are hereby delegated to the Director all those now-existing functions under the National Security Act of 1947 which were transferred to the President by the provisions of Reorganization Plan No. 1 of 1958 (72 Stat. 1799).

(b) In performing the functions under the Federal Civil Defense Act of 1950 assigned to him, and subject to applicable provisions of Executive orders, the Director is authorized to exercise the authority conferred by Title IV of that Act. The foregoing provision of this subsection shall not be deemed to derogate from any authority under Title IV heretofore available to the Secretary of Defense.

SEC. 504. *Reports.* The Director is authorized to require from Federal agencies such statistical data and progress reports at such intervals as he deems necessary to discharge his responsibilities under this order.

SEC. 505. *Prior actions.* All orders, regulations, rulings, certificates, directives, and other actions relating to any function affected by this order shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority, and nothing in this order shall affect the validity or force of anything done under previous delegations or other assignments of the functions affected by this order.

SEC. 506. *Executive Order 11030.* Nothing in this order or in any order amended by this order shall derogate from the provisions of Executive Order No. 11030 of June 19, 1962.

SEC. 507. *References to orders and Acts.* Except as may for any reason be inappropriate, references in this order to any other Executive order or to any Act, and references in this order or in any other Executive order to this order, shall be deemed to include references thereto, respectively, as amended from time to time.

PART VI. PRIOR EXECUTIVE ORDERS AND PROCLAMATIONS

SEC. 601. *General amendments.* Each reference to the Office of Civil and Defense Mobilization or to the Director of the Office of Civil and Defense Mobilization in the following is hereby amended to refer to the Office of Emergency Planning and the Director of the Office of Emergency Planning, respectively:

(1) Executive Order No. 10296 of October 2, 1951
(2) Executive Order No. 10312 of December 10, 1951
(3) Executive Order No. 10346 of April 17, 1952 (penultimate sentence of Section 2, only)
(4) Executive Order No. 10421 of December 31, 1952
(5) Executive Order No. 10427 of January 16, 1953
(6) Executive Order No. 10480 of August 14, 1953
(7) Executive Order No. 10494 of October 14, 1953
(8) Executive Order No. 10601 of March 21, 1955
(9) Executive Order No. 10634 of August 25, 1955
(10) Executive Order No. 10660 of February 15, 1956
(11) Executive Order No. 10705 of April 17, 1957
(12) Executive Order No. 10737 of October 29, 1957
(13) Executive Order No. 10900 of January 5, 1961
(14) Executive Order No. 10952 of July 20, 1961
(15) Executive Order No. 10958 of August 14, 1961
(16) Proclamation No. 3279 of March 10, 1959

SEC. 602. *Executive Order 10242.* Executive Order No. 10242 of May 8, 1951, is hereby amended:

(1) By deleting from subsection 101(a) thereof the following: "upon the Director of the Office of Civil and Defense Mobilization, hereinafter referred to as the Director,".

(2) By deleting from Sections 101(c), 101(d), 102, 103, 104, 106 (preamble), 201, and 301 the following: "upon the Director of the Office of Civil and Defense Mobilization".

(3) By substituting for the words "the Director of the Office of Civil and Defense Mobilization", at each place where they occur in the order and are not deleted or otherwise amended by this order, the following: "the delegate of the President".

(4) By substituting for the words "shall not be delegated" in subsection 101(d) the following: "shall not be redelegated by the delegate of the President".

(5) By adding after Section 106 new Sections 107, 108, and 109, reading as follows:

"SEC. 107. The words 'the delegate of the President' as used in this order:

"(1) In respect of functions under the Act delegated or otherwise assigned to the Secretary of Defense, mean the Secretary of Defense.

"(2) In respect of functions delegated or otherwise assigned to the Director of the Office of Emergency Planning, mean the Director of the Office of Emergency Planning.

"SEC. 108. The authority conferred by Section 401(a) of the Act to employ part-time or temporary advisory personnel deemed necessary in carrying out the provisions of the Act, and delegated by the provisions of Section 101(a) of this order, shall be available as follows: (1) To the Secretary of Defense in respect of not to exceed eighty personnel (including not to exceed twenty subjects of the United Kingdom and Canada), and (2) to the Director of the Office of Emergency Planning in respect of not to exceed twenty personnel (including not to exceed five subjects of the United Kingdom and Canada).

"SEC. 109. The relevant provisions of this Part shall be subject to the provisions of the Memorandum of the President, pertaining to conflicts of interest, dated February 9, 1962 (27 F.R. 1341ff.)."

(6) By amending Section 401 to read as follows:

"SEC. 401. The approval of the President is hereby given for the employment of retired personnel of the armed services, pursuant to the provisions of subsection 401(a) of the Act as follows: (1) By the Secretary of Defense, not to exceed twenty persons, and (2) by the Director of the Office of Emergency Planning, not to exceed five persons."

SEC. 603. *Other orders.* (a) Executive Order No. 10260 of June 27, 1951, is hereby amended by striking from Section 1 thereof the following: "Office of Civil and Defense Mobilization, the".

(b) Executive Order No. 10346 of April 17, 1952, is hereby amended by substituting for the reference therein to the Director of the Office of Civil and Defense Mobilization, and for each reference therein to the Office and Defense Mobilization except that in the penultimate sentence of Section 2, the following: "the Office of Emergency Planning or the Department of Defense or both, as may be determined under the provisions of appropriate Executive orders".

(c) Executive Order No. 10421 of December 31, 1952, is hereby amended by inserting before the period at the end of Section 3(b)(9) thereof a comma and the following: "including recommendations as to actions necessary to strengthen the program provided for in this order".

(d) Executive Order No. 10529 of April 22, 1954, is hereby amended by substituting for each reference therein to the Director of the Office of Civil and Defense Mobilization the following: "the Director of the Office of Emergency Planning or the Secretary of Defense or both as may be determined under appropriate Executive orders".

(e) Executive Order No. 10582 of December 17, 1954, is hereby amended by striking from Section 3(d) thereof the words "from any officer of the Government designated by the President to furnish such advice" and by inserting in lieu of the stricken words the following: "from the Director of the Office of Emergency Planning. In providing this advice the Director shall be governed by the principle that exceptions under this section shall be made only upon a clear showing that the payment of a greater differential than the procedures of this section generally prescribe is justified by consideration of national security".

(f) Executive Order No. 10789 of November 14, 1958, is hereby amended by striking from Section 21 thereof the words "Office of Civil and Defense Mobilization".

SEC. 604. *Superseded orders.* To the extent that the following have not heretofore been made or become inapplicable, they are hereby superseded and revoked:

(1) Executive Order No. 9981 of July 26, 1948
(2) Executive Order No. 10219 of February 28, 1951
(3) Executive Order No. 10269 of July 6, 1951
(4) Executive Order No. 10438 of March 13, 1953
(5) Executive Order No. 10461 of June 17, 1953
(6) Executive Order No. 10524 of March 31, 1954
(7) Executive Order No. 10539 of June 22, 1954 (without prejudice to final liquidation of any affairs thereunder)
(8) Executive Order No. 10638 of October 10, 1955
(9) Executive Order No. 10773 of July 1, 1958
(10) Executive Order No. 10782 of September 6, 1958
(11) Executive Order No. 10902 of January 9, 1961

JOHN F. KENNEDY

THE WHITE HOUSE,
September 27, 1962.

[F.R. Doc. 62-9860; Filed, Sept. 28, 1962; 1:27 p.m.]

Executive Order 11052

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS

By virtue of the authority vested in me by Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854; P.L. 87–488, 76 Stat. 104), and Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The President's Cabinet Textile Advisory Committee, consisting of the Secretaries of State, the Treasury, Agriculture, Commerce, and Labor with the Secretary of Commerce as Chairman, shall exercise supervision over the administration of the Long Term Arrangement Regarding Trade in Cotton Textiles done at Geneva on February 9, 1962, and shall advise generally with respect to problems relating to textiles.

SEC. 2. (a) The President's Cabinet Textile Advisory Committee shall establish a subcommittee to be known as the Interagency Textile Administrative Committee as a successor to the Interagency Textile Administrative Committee established October 18, 1961. It shall be located, for administrative purposes, at the Department of Commerce, and shall be under the Chairmanship of a designee of the Secretary of Commerce. This Committee shall be composed of the Chairman and one representative each from the Departments of State, Treasury, Agriculture, and Labor.

(b) The Interagency Textile Administrative Committee shall recommend actions to be taken by appropriate officials and agencies of the United States Government with regard to the rights and obligations of the United States under the Long Term Arrangement and with regard to such other matters relating to textiles as may be referred to it by the President's Cabinet Textile Advisory Committee. In the event of disagreement within the Interagency Textile Administrative Committee with respect to a proposed recommendation, it shall be reviewed and determined by the President's Cabinet Textile Advisory Committee.

SEC. 3. The Secretary of State, after consultation with the President's Cabinet Textile Advisory Committee in respect of relevant policies, shall undertake the negotiations contemplated by the Long Term Arrangement, including bilateral textile agreements. The Secretary of State shall designate an official of the Department of State to be Chairman of the United States delegation to the Cotton Textiles Committee established by the Contracting Parties to the General Agreement on Tariffs and Trade, and shall request the Secretaries of Commerce and Labor each to appoint a representative of his Department to serve on the delegation.

SEC. 4. The Commissioner of Customs shall take such actions as the Chairman of the President's Cabinet Textile Advisory Committee may, upon either the unanimous recommendation of the Interagency Textile Administrative Committee, or the recommendation of the President's Cabinet Textile Advisory Committee, direct to carry out the Long Term Arrangement with respect to entry, or withdrawal from warehouse for consumption in the United States, of cotton textiles and cotton textile products.

SEC. 5. This order shall be effective October 1, 1962, at 12:01 a.m. Eastern Daylight Time.

JOHN F. KENNEDY

THE WHITE HOUSE,
September 28, 1962.

[F.R. Doc. 62-9881; Filed, Sept. 30, 1962; 11:29 a.m.]

Executive Order 11053

PROVIDING ASSISTANCE FOR THE REMOVAL OF UNLAWFUL OBSTRUCTIONS OF JUSTICE IN THE STATE OF MISSISSIPPI

WHEREAS on September 30, 1962, I issued Proclamation No. 3497 reading in part as follows:

"WHEREAS the Governor of the State of Mississippi and certain law enforcement officers and other officials of that State, and other persons, individually and in unlawful assemblies, combinations and conspiracies, have been and are willfully opposing and obstructing the enforcement of orders entered by the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit; and

"WHEREAS such unlawful assemblies, combinations and conspiracies oppose and obstruct the execution of the laws of the United States, impede the course of justice under those laws and make it impracticable to enforce those laws in the State of Mississippi by the ordinary course of judicial proceedings; and

"WHEREAS I have expressly called the attention of the Governor of Mississippi to the perilous situation that exists and to his duties in the premises, and have requested but have not received from him adequate assurances that the orders of the courts of the United States will be obeyed and that law and order will be maintained:

"NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States, under and by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, particularly sections 332, 333 and 334 thereof, do command all persons engaged in such obstructions of justice to cease and desist therefrom and to disperse and retire peaceably forthwith;" and

WHEREAS the commands contained in that proclamation have not been obeyed and obstruction of enforcement of those court orders still exists and threatens to continue:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10, particularly Sections 332, 333 and 334 thereof, and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is authorized and directed to take all appropriate steps to enforce all orders of the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit and to remove all obstructions of justice in the State of Mississippi.

SEC. 2. In furtherance of the enforcement of the aforementioned orders of the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit, the Secretary of Defense is authorized to use such of the armed forces of the United States as he may deem necessary.

SEC. 3. I hereby authorize the Secretary of Defense to call into the active military service of the United States, as he may deem appropriate to carry out the purposes of this order, any or all of the units of the Army National Guard and of the Air National Guard of the State of Mississippi to serve in the active military service of the United States for an indefinite period and until relieved by appropriate orders. In carrying out the provisions of Section 1, the Secretary of Defense is authorized to use the units, and members thereof, ordered into the active military service of the United States pursuant to this section.

SEC. 4. The Secretary of Defense is authorized to delegate to the Secretary of the Army or the Secretary of the Air Force, or both, any of the authority conferred upon him by this order.

JOHN F. KENNEDY

THE WHITE HOUSE,
September 30, 1962.

[F.R. Doc. 62-9882; Filed, Sept. 30, 1962; 11:30 a.m.]

Executive Order 11054

CREATING A BOARD OF INQUIRY TO REPORT ON CERTAIN LABOR DISPUTES AFFECTING THE MARITIME INDUSTRY OF THE UNITED STATES

WHEREAS, there exist certain labor disputes between employers (or associations by which such employers are represented in collective bargaining conferences) who are (1) steamship companies or who are engaged as operators or agents for ships engaged in service from or to Atlantic and Gulf Coast ports from Searsport, Maine, to Brownsville, Texas, or from or to other ports of the United States or its territories or possessions, (2) contracting stevedores, (3) contracting marine carpenters, (4) lighterage operators, or (5) other employers engaged in related or associated pier activities and certain of their employees represented by the International Longshoremen's Association, AFL-CIO; and

WHEREAS, such disputes have resulted in a strike which, if permitted to continue, will, in my opinion, affect a substantial part of the maritime industry, an industry engaged in trade, commerce, transportation, transmission, or communication among the several States and with foreign nations, and which strike will, if permitted to continue, imperil the national health and safety and affect the flow and utilization of necessary perishable products, including food, for heavily populated coastal, island, and insular areas;

NOW, THEREFORE, by virtue of the authority vested in me by Section 206 of the Labor-Management Relations Act, 1947 (61 Stat. 155; 29 U.S.C. 176), I hereby create a Board of Inquiry, consisting of Honorable Robben Wright Fleming, as Chairman, Honorable Vernon H. Jensen, and Honorable Robert L. Stutz, as Members, whom I hereby appoint to inquire into the issues involved in such disputes.

The Board shall have powers and duties as set forth in Title II of such Act. The Board shall report to the President in accordance with the provisions of Section 206 of such Act on or before Thursday, October 4, 1962.

Upon the submission of its report, the Board shall continue in existence to perform such other functions as may be required under such Act.

JOHN F. KENNEDY

THE WHITE HOUSE,
October 1, 1962.

[F.R. Doc. 62-9921; Filed, Oct. 1, 1962; 11:08 a.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Special Civil Air Regulation No. SR-453; Reg. Docket No. 1404]

PART 60—AIR TRAFFIC RULES

Aircraft Operations in Vicinity of Oxford, Mississippi

Recent events involving the University of Mississippi have created such public interest as to cause a potentially hazardous air traffic condition in the vicinity of Oxford, Mississippi. Radar observations have shown a confluence of air traffic not heretofore observed in the area. This sudden increase in air traffic congestion has caused the Federal Aviation Agency to take emergency measures in the establishment of a temporary control tower at the Oxford University Airport to control landings and take-offs at that airport. No tower existed previously at this location.

However, the control of landings and take-offs at the Oxford University Airport involves only one aspect of the air traffic problem in the area. Another critical aspect involves the volume of sightseeing and other unknown aircraft operating in the immediate vicinity which may jeopardize the flow of essential air traffic into and out of the area and create undue risk of collision. It is necessary to limit the volume of air traffic in the immediate area of Oxford and this may only be done under the present circumstances by requiring prior approval for each flight from the air traffic control facility having jurisdiction over the area.

On the basis of the above, I have determined there exists a requirement for the immediate adoption of this regulation for the safety of air commerce. Therefore, I find it contrary to the public interest to comply with the notice and public procedure provisions of the Administrative Procedure Act and that good cause exists for making this regulation effective immediately.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted effective 0001 e.s.t., October 1, 1962:

No aircraft shall be operated below 5,000 feet above mean sea level within ten nautical miles of the Oxford University Airport, Mississippi, unless authorized by the Memphis Air Route Traffic Control Center.

(Section 307 of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 30, 1962.

Effective 0001 e.s.t., October 1, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-9913; Filed, Oct. 1, 1962; 10:52 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1402; Amdt. 490]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-8 Series Aircraft

Amendment 484, 27 F.R. 9212 (AD 62-20-1), requires inspection and/or replacement of wing flap actuating cylinder hoses on Douglas DC-8 Series aircraft. Recent service experience has shown the need for more frequent replacement of certain hoses. Accordingly, Amendment 484 is being amended to specify the new replacement times.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 484, 27 F.R. 9212, Douglas DC-8 Series aircraft, is amended by:

1. Changing paragraph (b)(1) to read:

(b)(1) Hoses with less than 1,400 hours hose time in service on the effective date of this amendment shall be removed from service prior to 1,800 hours total hose time in service.

2. Changing paragraph (b)(2) to read as follows:

(b)(2) Hoses with 1,400 to 2,450 hours hose time in service on the effective date of this amendment shall be removed within the next 400 hours hose time in service or prior to 2,500 hours total hose time in service, whichever occurs first.

3. Adding the following paragraph (b)(3) to read:

(b)(3) Hoses with more than 2,450 hours hose time in service on the effective date of this amendment shall be removed from service within the next 50 hours hose time in service or prior to 2,500 hours total hose time in service, whichever occurs first.

4. Changing the second sentence of paragraph (c) to read:

When replaced with new Douglas, Aeroquip, or Resistoflex hoses with part numbers listed in (b), the replacement hoses shall be removed from service prior to 1,800 hours total hose time in service.

This amendment shall become effective October 2, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 26, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-9800; Filed, Oct. 1, 1962; 8:49 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-SW-37]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Amendment

On September 8, 1962, there was published in the FEDERAL REGISTER (27 F.R. 8946) amendments to the regulations of the Administrator which altered VOR Federal airway Nos. 16, 278, 830, and 1628 in the vicinity of Paris, Texas. These amendments were to become effective October 18, 1962.

Because of a delay in commissioning the Paris VOR until November 1, 1962, action is taken herein to alter Airspace Docket No. 62-SW-37 by postponing the effective date until November 15, 1962.

Since more than thirty days will elapse from the time of publication of the rule as initially adopted to the new effective date, this change is in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) effective immediately, Airspace Docket No. 62-SW-37 (27 F.R. 8946) is amended as follows: "effective 0001 e.s.t. October 18, 1962." is deleted and "effective 0001 e.s.t. November 15, 1962." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 25, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9772; Filed, Oct. 1, 1962; 8:45 a.m.]

[Airspace Docket No. 61-NY-122]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airways

On July 11, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 6561) stating that the Federal Aviation Agency was considering the alteration of low altitude VOR Federal airway No. 282, intermediate altitude VOR Federal airway No. 1689 and intermediate altitude VOR Federal airway No. 1740.

The Air Transport Association of America submitted a comment concurring with the proposal. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated

to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice the following actions are taken:

1. Section 600.6282 (14 CFR 600.6282) is amended to read:

§ 600.6282 VOR Federal airway No. 282 (Brandon, N.Y., to St. Eustache, Quebec).

That airspace over United States territory from the INT of the Massena, N.Y., VOR 163° and the St. Eustache, Quebec, VOR 200° radials to the St. Eustache VOR.

2. Section 600.1689 (14 CFR 600.1689) is amended to read:

§ 600.1689 VOR Federal airway No. 1689 (Albany, N.Y., to the United States/Canadian border).

From the Albany, N.Y., VOR via the INT of the Massena, N.Y. VOR 163° and the St. Eustache, Quebec, VOR 200° radials to the INT of the Messena VOR 096° and the St. Eustache VOR 200° radials; thence 10-mile wide airway via the St. Eustache VOR 200° radial to the United States/Canadian border.

3. Section 600.1740 (14 CFR 600.1740) is amended to read:

§ 600.1740 VOR Federal airway No. 1740 (Massena, N.Y., to Hartford, Conn.).

From the Massena, N.Y., VOR via the Albany, N.Y., VOR to the Hartford, Conn., VOR.

These amendments shall become effective 0001 e.s.t., November 15, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 25, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9773; Filed, Oct. 1, 1962; 8:45 a.m.]

[Airspace Docket No. 62-EA-60]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Area

The purpose of these amendments to Parts 600 and 601 of the regulations of the Administrator is to extend VOR Federal airway No. 483 south from Rockdale, N.Y., to Sparta, N.J., to overlie VOR Federal airway Nos. 449 and 249.

This action will not involve the designation of any additional airspace. The intention of the Federal Aviation Agency is to simplify verbiage in the issuance of clearances for aircraft departing from the New York Metropolitan area to Syracuse, N.Y.

Since these amendments are minor in nature and impose no additional burden on any person, compliance with the notice and public procedure provisions of section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following changes are made:

1. Section 600.6483 (14 CFR 600.6483) is amended to read:

§ 600.6483 VOR Federal airway No. 483 (Sparta, N.J., to Syracuse, N.Y.).

From the Sparta, N.J., VORTAC via the Huguenot, N.Y., VORTAC; Delancey, N.Y., VOR; Rockdale, N.Y., VOR; INT of the Rockdale VOR 325° and the Syracuse, N.Y., VORTAC 100° radials; to the Syracuse, N.Y., VORTAC.

2. The caption of § 601.6483 (14 CFR 601.6483) is amended to read:

§ 601.6483 VOR Federal airway No. 483 control area (Sparta, N.J., to Syracuse, N.Y.).

These amendments shall become effective 0001 e.s.t. December 13, 1962.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 25, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9774; Filed, Oct. 1, 1962; 8:45 a.m.]

[Airspace Docket No. 61-LA-58]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas

On May 10, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4488) stating that the Federal Aviation Agency proposed the following actions:

1. Realign VOR Federal airway No. 27 between Newport, Oreg., and Seattle, Wash., including the designation of a west alternate between Astoria, Oreg., and Seattle.

2. Extend VOR Federal airway No. 112 and its associated control areas from Portland, Oreg., to Astoria.

3. Realign VOR Federal airway Nos. 1751 and 1753 between Newport and Seattle.

4. Realign VOR Federal airway No. 1762 between Olympia, Wash., and Seattle.

The Air Transport Association of America, the Department of the Army, and the Department of the Air Force offered no objection to the proposed amendments. However, the Department of the Army pointed out the existence of a controlled firing area in the vicinity of Warrenton, Oregon. The Department of the Air Force requested that Victor 112 be reduced to a width of 4 miles on the south side for a distance of 15 miles west of the Portland VORTAC to permit simultaneous use of the "Glenwood Jet Aircraft Procedure" and en route operations along the proposed segment of Victor 112. The controlled firing area would have no adverse effect on the proposed airways. The Federal Aviation Agency agrees that Victor 112 should be reduced as requested. For ease of description, Victor 112 will be reduced to an 8-mile wide airway to 15 nautical miles west of the Portland VORTAC.

No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

§ 600.6027 [Amendment]

1. In the text of § 600.6027 (14 CFR 600.6027, 27 F.R. 3437, 4591) "Hoquiam, Wash., VOR; to the Seattle, Wash., VORTAC." is deleted and "Astoria, Oreg., VOR (11-mile wide airway from 45 nautical miles from the Newport VOR to 45 nautical miles from the Astoria VOR); Olympia, Wash., VOR; INT of the Olympia VOR 010° and the Seattle, Wash., VORTAC 247° radials; to the Seattle VORTAC, including a W alternate from the Astoria VOR to the INT of the Olympia VOR 010° and the Seattle VORTAC 247° radials via the Hoquiam, Wash., VOR." is substituted therefor.

§ 600.6112 [Amendment]

2. Section 600.6112 (27 F.R. 3539) is amended as follows:

(a) In the caption "Portland," is deleted and "Astoria," is substituted therefor.

(b) In the text "From the Portland, Oreg., VORTAC via the" is deleted and "From the Astoria, Oreg., VOR via the Portland, Oreg., VORTAC (8-mile wide airway from 15 nautical miles west of the Portland VORTAC to the Portland VORTAC);" is substituted therefor.

3. Section 600.1751 (26 F.R. 9311) is amended to read:

§ 600.1751 VOR Federal airway No. 1751 (Newport, Oreg., to Seattle, Wash.).

From the Newport, Oreg., VOR; 10-mile wide airway via the INT of the Newport VOR 005° and the Hoquiam, Wash., VOR 167° radials; Hoquiam, VOR; to the Seattle, Wash., VOR. The airspace within R-6711 shall be used only after obtaining prior approval from the appropriate authority.

4. Section 600.1753 (26 F.R. 9311) is amended to read as follows:

§ 600.1753 VOR Federal airway No. 1753 (Newport, Oreg., to Seattle, Wash.).

From the Newport, Oreg., VOR; 10-mile wide airway via the INT of the Newport VOR 005° and the Olympia, Wash., VOR 220° radials; Olympia VOR; INT of the Olympia VOR 010° and the Seattle, Wash., VOR 247° radials; to the Seattle VOR. The airspace within R-6711 shall be used only after obtaining prior approval from the appropriate authority.

§ 600.1762 [Amendment]

5. In the text of § 600.1762 (26 F.R. 10428) "INT of the Olympia VOR 019° and the Seattle, Wash., VOR 247° radials;" is deleted and "INT of the Olympia VOR 010° and the Seattle, Wash., VOR 247° radials;" is substituted therefor.

6. Section 601.6027 (14 CFR 600.6027) is amended to read:

§ 601.6027 VOR Federal airway No. 27 control areas (Los Angeles, Calif., to Seattle, Wash.).

All of VOR Federal airway No. 27, including a W alternate, but excluding the airspace between the main airway and the W alternate.

§ 601.6112 [Amendment]

7. In the caption of § 601.6112 (27 F.R. 3539) "Portland," is deleted and "Astoria," is substituted therefor.

These amendments shall become effective 0001 e.s.t. December 13, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 25, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9775; Filed, Oct. 1, 1962; 8:45 a.m.]

[Airspace Docket No. 62-CE-28]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration and Revocation of Federal Airways and Associated Control Areas, Alteration of Control Area Extension

On May 17, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4703) stating that the Federal Aviation Agency proposed to take the following actions:

1. Revoke the segment of VOR Federal airway No. 131 and its associated control areas from the Emporia, Kans., VORTAC to the Topeka, Kans., VORTAC.

2. Designate a north alternate to VOR Federal airway No. 10 from the Emporia VORTAC to the Kansas City, Mo., VORTAC via the Topeka VORTAC.

3. Extend Victor 131 from the Chanute, Kans., VOR to the Topeka VORTAC.

No adverse comments were received regarding the proposed amendments.

On April 13, 1962, Airspace Docket No. 60-KC-95 was published in the FEDERAL REGISTER as a notice of proposed rule making (27 F.R. 3561) and stated in part that the Federal Aviation Agency proposed to revoke Amber Federal airway No. 4, its associated control areas and reporting points from Chanute, Kans., to the Baldwin City, Kans., Intersection (intersection of the northeast course of the Chanute radio range and the southwest course of the Kansas City, Mo., radio range). In addition, it was proposed to substitute geographical coordinates for Amber 4 in the description of the Olathe, Kans., control area extension (section 601.1210). This latter action would enlarge the control area extension to a slight extent to provide controlled airspace for aircraft utilizing the Chanute VOR 025° True radial while arriving and departing the Olathe terminal area. The proposal to revoke this segment of Amber 4 is included in this docket because the extension of Victor 131 proposed herein is designed to replace this segment of Amber 4. The balance of the proposals contained in Airspace Docket No. 60-KC-95 and comments received thereto will be evaluated independently.

The Department of the Navy objected to the proposed alteration of the control area extension because it would encroach upon a jet aircraft training area. Subsequent to publication of the Notice, it has been determined that the additional controlled airspace proposed for the control area extension will not be needed. Accordingly, no change is made to the size of the Olathe control area extension herein. Its description is amended, however, to delete reference to Amber 4 and to make certain other editorial changes.

The Air Transport Association of America and Dickerhoff Flying Service, Chanute, Kans., offered no objection to the proposed revocation of this segment of Amber 4 provided a reasonable replacement airway were designated to connect Chanute and the Kansas City terminal area. This requirement is met by the extension of Victor 131 designated herein.

No other comments were received on this portion of the actions proposed in Airspace Docket No. 60-KC-95.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.6010 [Amendment]

1. In the text of § 600.6010 (14 CFR 600.6010) "Emporia, Kans., omnirange station; Kansas City, Mo., omnirange station;" is deleted and "Emporia, Kans., VORTAC; Kansas City, Mo., VORTAC, including an N alternate from the Emporia VORTAC to the Kansas City VORTAC via the Topeka, Kans., VORTAC;" is substituted therefor.

2. Section 600.6131 (14 CFR 600.6131) is amended as follows:

§ 600.6131 VOR Federal airway No. 131 (McAlester, Okla., to Topeka, Kans.).

From the McAlester, Okla., VORTAC via the Okmulgee, Okla., VOR; Tulsa, Okla., VORTAC; Chanute, Kans., VOR; to the Topeka, Kans., VORTAC.

3. The caption of § 601.6131 (14 CFR 601.6131) is amended to read:

§ 601.6131 VOR Federal airway No. 131 control areas (McAlester, Okla., to Topeka, Kans.).

§ 600.104 [Amendment]

4. In § 600.104 (14 CFR 600.104) the following changes are made:

(a) In the caption "Chanute, Kans., to Baldwin City, Kans., and" is deleted.

(b) In the text "From the Chanute, Kans., RR; Chanute, Kans., RR to the INT of the NE course of the Chanute, Kans., RR and the SW course of the Kansas City, Mo., RR." is deleted.

§ 601.104 [Amendment]

5. In the caption of § 601.104 (14 CFR 601.104) "Chanute, Kans., to Baldwin City, Kans., and" is deleted.

§ 601.4101 [Amendment]

6. In the text of § 601.4101 (27 F.R. 5760, 7676) "Chanute, Kans." is deleted.

7. Section 601.1210 (14 CFR 601.1210) is amended to read:

§ 601.1210 Control area extension (Olathe, Kans.).

The airspace bounded on the north by a line beginning at the INT of the Emporia, Kans., VORTAC 346° and the St. Joseph, Mo., VORTAC 258° radials; thence easterly along the St. Joseph VORTAC 258° radial to VOR Federal airway No. 206, thence southeasterly along Victor 205 to latitude 38°12'00'' N., thence W along latitude 38°12'00'' N., to longitude 95°15'00'' W., thence southerly to latitude 37°39'45'' N., longitude 95°21'00'' W., thence westerly along VOR Federal airway No. 132 to a line 10 miles SE of and parallel to the Emporia VORTAC 209° and 029° radials, thence northeasterly along this line to a line 10 miles N of and parallel to the Emporia VORTAC 079° and 259° radials, thence along this line to the Emporia VORTAC 346° radial, thence northwesterly along this radial to the point of beginning.

These amendments shall become effective 0001 e.s.t. December 13, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 26, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-9776; Filed, Oct. 1, 1962; 8:46 a.m.]

[Reg. Docket No. 1377; Amdt. 289]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Harrisburg VOR	HR-LFR (Final)	Direct	**1500	T-dn	500–1	500–1	500–1
				T-n	500–2	500–2	500–2
				C-dn*	1000–2	1000–2	1000–2
				A-dn	1000–2	1000–2	1000–2

Radar transitions authorized in accordance with approved radar patterns.
Procedure turn S side W crs 284° Outbnd, 104° Inbnd, 2400′ within 10 miles.**
Minimum altitude over facility on final approach crs, 1500.**
Crs and distance, facility to airport, 118°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing nor accomplished within 0.9 mile after passing LFR, climb to 2000′ on E crs within 10 miles, then make left turn and return to HR LFR at 2400′. Hold W 1-minute right turns, inbound course, 104°.
CAUTION: Standard clearance not provided over 1300′ ridge 4 miles N of final approach crs and 1136′ ridge and tower 1.6 miles S of airport.
**CAUTION: Do not descend below 2400′ until inbnd on final approach crs.
‡Takeoff minimums of 300–1 authorized for Runways 8-26 only. Takeoff on Runway 20 NA.
*AIR CARRIER NOTE: Landing on Runway 2 authorized only during daylight hours with ceiling 1500′ or better.

City, Harrisburg; State, Pa.; Airport Name, Harrisburg-York State; Elev., 347′; Fac. Class., SBRAZ; Ident., HR; Procedure No. 1, Amdt. 6; Eff. Date, 13 Oct. 62; Sup. Amdt. No. 5; Dated, 14 July 62

ODI-VOR	LE-LFR	Direct	2700	T-d	*400–1	*400–1	‡400–1
Blackriver Int**	LE-LFR.(Final)	Direct	1800	T-n	*400–1½	*400–1½	‡400–1½
				C-d	600–1	600–1	600–1½
				C-n	600–2	600–2	600–2
				S-d-13	400–1½	400–1½	400–1½
				S-n-13	400–2	400–2	400–2
				A-dn	800–2	800–2	800–2

Procedure turn W side NW crs, 301° Outbnd, 121° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 142°–4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LFR, make immediate right climbing turn, climb to 2700′ and return to LE-LFR and hold on NW crs.
NOTE: Final approach from holding pattern at LFR NA procedure turn required.
CAUTION: 950′ MSL tower 1½ miles SE of airport. 1277′ MSL tower and 1444′ tower 3½ and 4 miles SE, respectively, of airport. 1400′ MSL tower atop bluffs 3½ miles W of airport.
*300–1 takeoff authorized on Runways 31, 36, and 18.
**Blackriver Int: Int ODI R–010 and NW crs LE LFR.
‡200–½ takeoff authorized on Runways 31, 36, and 18.

City, Lacrosse; State, Wis.; Airport Name, Municipal; Elev., 653′; Fac. Class., SBRAZ; Ident., LE; Procedure No. 1, Amdt. 8; Eff. Date, 13 Oct. 62; Sup. Amdt. No. 7; Dated, 29 Sept. 62

PROCEDURE CANCELLED, EFFECTIVE OCTOBER 18, 1962, OR UPON CONVERSION OF SAULT STE. MARIE SABRAZ TO SABH.

City, Sault Ste. Marie; State, Mich.; Airport Name, Sault Ste. Marie; Elev., 722′; Fac. Class., SABRAZ; Ident., SM; Procedure No. 1, Amdt. 3; Eff. Date, 9 June 62; Sup. Amdt. No. 2; Dated, 3 Dec. 55

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Dalhart VOR	DHT-RBn	Direct	5300	T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 120° Outbnd, 300° Inbnd, 5200′ within 10 miles.
Minimum altitude over facility on final approach crs, 4700′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 5300′ on crs of 311° within 20 miles.
CAUTION: 4300′ MSL tower located 2.3 miles NE of airport.

City, Dalhart; State, Tex.; Airport Name, Municipal; Elev., 3969′; Fac. Class., MH; Ident., DHT; Procedure No. 1, Amdt. 5; Eff. Date, 13 Oct. 62; Sup. Amdt. No. 4; Dated, 10 Dec. 54

MKE RBn	LOM	Direct	2300	T-dn	300–1	300–1	200–½
Racine Int	LOM	Direct	2300	C-dn	600–1	600–1	600–1½
MKE-VOR	LOM	Direct	2600	S-dn-1	500–1	500–1	500–1
Cardinal Int***	LOM	Direct	2700	A-dn	800–2	800–2	800–2
Wind Lake Int	LOM	Direct	2300				
Pike Int	LOM	Direct	2300				
Big Bend Int	LOM	Direct	2200				
Oakwood Int*	LOM (Final)	Direct	1700				
Franksville Int**	Oakwood Int*	Direct	2300				

Procedure turn E side of crs, 186° Outbnd, 006° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 006°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 2700′ on 006° brng from LOM, proceed direct to Cardinal Int or, when directed by ATC, climb to 2600′ and proceed to MKE-VOR via MKE R–110.
*Oakwood Int: Int MKE VOR R–136 and Brg 186° from LOM.
**Franksville Int: Int JVL VOR R–073 and Brg 186° from LOM.
***Cardinal Int: Int MKE VOR R–096 and Brg 006° from LOM.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell Field; Elev., 702′; Fac. Class., LOM; Ident., MK; Procedure No. 1, Amdt. 16; Eff. Date, 13 Oct. 62; Sup Amdt. No. 15; Dated, 9 Dec. 61

NAS-VOR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
PNS-RBn	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
Gonzales Int	LOM (Final)	Direct	1300	S-dn-16	400–1	400–1	400–1
Harold Int	LOM	Direct	1400	A-dn	800–2	800–2	800–2
Elberta Int	LOM	Direct	1400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E* side N crs, 343° Outbnd, 163° Inbnd, 1300′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 163°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1200′ on crs of 163° from the LOM within 10 miles or, when directed by ATC, climb to 1200′ on crs of 100° from the Pensacola RBn within 15 miles.
CAUTION: Warning area 10 miles S of PNS range.
Change: Deletes air carrier note.
*Nonstandard due control area limits.

City, Pensacola; State, Fla.; Airport Name, Municipal; Elev., 121′; Fac. Class., LOM; Ident., PN; Procedure No. 1, Amdt. 7; Eff. Date, 13 Oct. 62; Sup. Amdt. No. 6; Dated, 18 Aug. 62

				T-d	300–1	300–1	NA
				C-d	500–1	500–1½	NA
				S-d	500–1	500–1	NA
				A-d	800–2	800–2	NA

Procedure turn E side crs, 117° Outbnd, 297° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach course, 1300′.
Course and distance, facility to airport, 316°—2.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles after passing SB RBn, climb to 2500′ on 315° course, then return to SM RBn.
CAUTION: 920′ MSL tower 0.3 mile NE of airport. 936′ and 950′ MSL radio towers 2.0 miles SW of airport.

City, Sault Ste. Marie; State, Mich.; Airport Name, Sault Ste. Marie; Elev., 722′; Fac. Class., SABH; Ident., SM; Procedure No. 1, Amdt. Orig., or upon conversion of SM LFR to RBn; Eff. Date, 18 Oct. 62

TUS VOR	TUS RBn	Direct	5000	T-dn	300–1	300–1	300–1
				C-dn*	700–2	700–2	700–2
				A-dn*	800–2	800–2	800–2

Procedure turn N side of crs, 263° Outbnd, 083° Inbnd, 5000′.
Minimum altitude over TUS RBn on final approach crs, 5000′; over Mission FM, 4200′.*
Crs and distance TUS RBn to airport, 083°—10.6 mi; Mission FM 083°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.6 miles after passing TUS RBn (or 3.6 miles after passing Mission FM), turn right, climbing direct to TUS RBn. Cross TUS RBn at 5000′ minimum.
*If Mission FM not received, maintain 4200′ and minimums are 1600–2.

City, Tucson; State, Ariz.; Airport Name, Municipal; Elev., 2630′; Fac. Class., SABH; Ident., TUS; Prodecure No. 1, Amdt. Orig.; Eff. Date, 13 Oct. 62

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Dalhart RBn	DHT-VOR	Direct	5300	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-17	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 5260′ within 10 miles.
Minimum altitude over facility on final approach crs, 4700′.
Crs and distance, facility to airport, 170°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing VOR, climb to 5100′ on radial 170° within 20 miles.
CAUTION: 4300′ MSL tower located 2.3 miles NE of airport.

City, Dalhart; State, Tex.; Airport Name, Municipal; Elev., 3989′; Fac. Class., BVOR; Ident., DHT; Procedure No. 1, Amdt. 5; Eff. Date, 13 Oct. 62; Sup. Amdt. No. 4; Dated, 30 July 55

Utica Int#	Dyke Int* (Final)	Direct	2000	T-dn**	500–1	500–1	500–1
				C-dn	700–1	700–1	700–1½
				S-dn	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 346° Outbnd, 166° Inbnd, 2700′ within 10 miles of Dyke Int.*
Minimum altitude over Dyke Int* on final approach course, 2000′.
Course and distance Dyke Int* to airport, 166°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing Dyke Int* climb to 2300′, proceed direct to QG VOR, or when directed by ATC, (1) make 180° left turn climb to 2500′ proceed NE on QG R-347 to Dyke Int* or (2) make left turn climb to 2000′ proceed direct to QG LFR.
NOTE: Dual VOR or VOR and ADF receivers required.
AIR CARRIER NOTE: Sliding scale not authorized.
#Utica Int: Int PNK R-105 and QG R-347.
*Dyke Int: QG R-347 and 104° brg from DET RBn or SVM R-082.
**300–1 takeoff authorized on Runway 33 only.

City, Detroit; State, Mich.; Airport Name, Detroit City; Elev., 626′; Fac. Class., BVOR; Ident., QG; Procedure No. 2, Amdt. Orig.; Eff. Date, 13 Oct. 62

Steamboat Int	CGT VOR	Direct	2000	T-dn	300–1	300–1	200–½
Peotone VOR	Monee Int#	Direct	2000	C-d	900–1	900–1	900–1½
Monee Int#	CGT VOR (Final)	Direct	1500	C-n	900–2	900–2	900–2
				S-d-2	900–1	900–1	900–1
				S-n-2	900–2	900–2	900–2
				A-dn	NA	NA	NA
				Following minimums apply when aircraft equipped with VOR and ADF receivers and Hammond Int* received:			
				C-dn	700–1	700–1	700–1½
				S-dn-2	700–1	700–1	700–1

Procedure turn S side of crs, 226° Outbnd, 046° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach course, 1500′; over Hammond Int* 1500′.
Course and distance facility to airport, 046°—9.2 mi.
Course and distance Hammond Int* to airport, 046°—2.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.2 miles after passing CGT VOR, or 2.0 miles after passing Hammond Int, make right turn climb to 2000′ and proceed direct to CGT VOR, contact Midway Approach Control.
NOTE: Close flight plan with Midway Approach Control when landing assured.
*Hammond Int: Int CGT R-046 and 128° Brng from MX RBn or DME Fix 7.2 miles from CGT VOR on R-046.
#Monee Int: Int COT R-226 and EON R-015.

City, Gary; State, Ind.; Airport Name, Gary Municipal; Elev., 591′; Fac. Class., MBVORTAC; Ident., CGT; Procedure No. 1, Amdt. Orig.; Eff. Date, 13 Oct. 62

PROCEDURE CANCELLED, EFFECTIVE OCTOBER 13, 1962.

City, San Juan; State, P.R.; Airport Name, International; Elev., 9′; Fac. Class., BVOR; Ident., SJU; Procedure No. 2, Amdt. Orig.; Eff. Date, 6 June 59

SM RBn	SSM-VOR	Direct	1800	T-d	300–1	300–1	NA
				C-d	800–1	800–1½	NA
				S-d-32	800–1	500–1	NA
				A-d	800–2	800–2	NA

Procedure turn E side SE crs, 157° Outbnd, 337° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 337°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing SSM-VOR, climb to 2500′ on R-120 FSP-VOR and contact Kincheloe Approach Control.
CAUTION: 920′ tower 0.3 mile NE of airport, 936′ and 980′ towers 2 miles SW of airport.

City, Sault Ste. Marie; State, Mich.; Airport Name, Sault Ste. Marie; Elev., 722′; Fac. Class., BVOR; Ident., SSM; Procedure No. 1, Amdt. 3; Eff. Date, 18 Oct. 62; Sup. Amdt. No. 2; Dated, 9 June 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-d	300–1	300–1	NA
				C-d	500–1	700–1	NA
				A-dn	NA	NA	NA

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 060°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, make a climbing left turn to 1900′, proceed direct to SBJ-VOR. Hold SW 1-minute right turns, inbound crs 060°.
NOTE: No tower Unicom available.
CAUTION: 700′ terrain 2.5 miles past airport on 060°. 500′ ridge, 1.5 miles ENE of the airport.

City, Somerville; State, N.J.; Airport Name, Somerset; Elev., 105′; Fac. Class., BVORTAC; Ident., SBJ; Procedure No. 1, Amdt. 3: Eff. Date, 13 Oct. 62; Sup. Amdt. No. 2; Dated, 29 Sept. 62

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Edison Int	Creek Int	Direct	9000	T-dn *	800–1	800–1	200–½
Creek Int	Antelope Int	Direct	8000	C-dn	800–1	800–1	800–1½
Antelope Int	Wasson Int. (Final)	Direct	6900	S-dn-30	500–1	500–1	500–1
COS VOR	PEF VOR	Direct	8200	A-dn	800–2	800–2	800–2
Midway Int	PEF VOR	Direct	7300				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 7600′ within 10 miles of Wasson Int.
Minimum altitude over Wasson Int, 6900′.
Facility on airport.
Crs and distance, Wasson Int to VOR, 276°—5.0 mi.
Crs and distance, breakoff point to approach end of runway, 301°.—1.0 mi.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 0 mile, make left climbing turn, climb to 8000′ on R-075 PEF VOR within 20 miles, or when directed by ATC make right climbing turn, climb to 8000′ on R-075 PEF VOR within 20 miles.
CAUTION: Sharply rising terrain W of airport. 7190′ MSL tower 8 miles N of airport; 7923′ MSL tower 14 miles N of airport.
NOTES: Dual VOR equipment required for this procedure. Edison Int: Int PEF R-096 and PUB R-005. Creek Int: Int PEF R-096 and PUB R-350. Antelope Int: Int PEF R-096 and COS R-139. Wasson Int: Int PEF R-096 and COS R-161.
*400–1 required for takeoff Rwys 30 and 35 except when monitored by departure radar.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev., 6172′; Fac. Class., VORW; Ident., PEF; Procedure No. TerVOR-30, Amdt. Orig.; Eff. Date, 13 Oct. 62

HSV VOR	HUA VOR	Direct	2500	T-dn	300–1	300–1	200–½
				C-dn	1100–2	1100–2	1100–2
				S-dn-35	1100–2	1100–2	1100–2
				A-dn	1100–2	1100–2	1100–2
				If Whitesburg FM* received, minima become:			
				C-d	900–1	900–1	900–1½
				C-n	900–2	900–2	900–2
				S-d-35	900–1	900–1	900–1
				S-n-35	900–2	900–2	900–2
				A-dn	1000–2	1000–2	1000–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 166° Outbnd, 346° Inbnd, 2500′ within 10 miles S of Whitesburg FM.
Minimum altitude over Whitesburg FM on final approach, 1800′.#
Minimum altitude over HUA VOR on final 1300′. Distance, Whitesburg FM to HUA VOR, 5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile HUA VOR, or 5.2 miles after passing Whitesburg FM, climb to 2500′ on R-351 HUA within 20 miles.
NOTE: Authorized for military use only, except by prior arrangement.
*Whitesburg FM transmits continuous dots.

City, Huntsville; State, Ala.; Airport Name, Redstone (Army); Elev., 679′; Fac. Class., VOR; Ident., HUA; Procedure No. TerVor-35, Amdt. 1; Eff. Date, 13 Oct. 62; Sup. Amdt. No. Orig.; Dated, 29 June 57

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BC LFR	LOM	Direct	2300	T-dn	300–1	300–1	200–½
BFL VOR	LOM	Direct	2300	C-dn	500–1	500–1	500–1½
Maricopa Int	LOM	Direct	3000	S-dn-30#	200–½	200–½	200–½
River Int	LOM	Direct	2000	A-dn	600–2	600–2	600–2
Lamont Int	LOM	Direct	2000				

Procedure turn S* side SE crs, 119° Outbnd, 299° Inbnd, 2000′ within 10 miles of OM. Beyond 10 miles NA.
Minimum altitude at glide slope int inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1985′—4.5 mi; at MM, 713′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on NW crs ILS within 20 miles or, when directed by ATC, (1) climb to 2000′ on R–227 BFL within 15 miles; (2) climb to 2000′ on SW crs BC LFR within 15 miles; (3) climb to 2500′ on NW crs BC LFR within 20 miles.
CAUTION: Numerous unlighted TV receiving antennas in approach areas to Runway 34.
Other changes: Delete transitions from Wheeler Ridge, Grapevine, and Whitman Int.
*Procedure turn S side for more favorable terrain.
#400–¾ required with glide slope inoperative.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 515′; Fac. Class., ILS; Ident., I-BFL; Procedure No. ILS-30, Amdt. 12; Eff. Date, 13 Oct. 62; Sup. Amdt. No. 11; Dated, 12 Aug. 61

Amite Int	Creole Int. (Final)	Direct	900	T-dn	300–1	300–1	200–½
BTR-VOR	Creole Int	Direct	2000	C-dn	500–1	500–1	500–1½
Int SE crs ILS BTR-VOR R–109	Amite Int	Direct	1400	S-dn-31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side SE crs, 127° Outbnd, 307° Inbnd, 1400′ within 10 miles of Creole Int.
No glide slope.
Minimum altitude over Creole Int, 900′.
Crs and distance, Creole Int to airport, 307—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing Creole Int, climb to 1300′ on NW crs ILS within 10 miles of LOM, or when directed by ATC, turn right, climb to 1900′ on R–041 within 20 miles.
Other changes: Deletes transition from BR-LFR.

City, Baton Rouge; State, La.; Airport Name, Ryan; Elev., 70′; Fac. Class., ILS; Ident., I-BTR; Procedure No. ILS-31, Amdt. 5; Eff. Date, 13 Oct. 62; Sup. Amdt. No. 4 Dated, 29 Sept. 62

Holland Int	LOM	Direct	2000	T-dn**	300–1	300–1	200–½
EVV-VOR	LOM	Direct	2000	C-d	600–1	600–1	600–1½
Princeton Int	LOM	Direct	2000	C-n	600–2	600–2	600–2
Mt. Vernon Int	LOM	Direct	2000	S-dn-21*	400–1	400–1	400–1
Augusta Int	Buckskin Int	Direct	1800	A-dn#	600–2	600–2	600–2
New Haven Int	LOM	Direct	2000				
Holland Int	Buckskin Int##	SAM R–112	2000				
Buckskin Int##	LOM (Final)	Direct	1800				
Booneville Int###	LOM	Direct	2000				
Phillipstown Int	LOM	Direct	2000				
OWB VOR	LOM	Direct	2000				
Mackey Int	LOM	Direct	2000				
Cairo Int	LOM	Direct	2000				

Procedure turn N side NE crs, 035° Outbnd, 215° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope in tnbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM 1704′—3.9 mi., at MM 631′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left climbing turn, climb to 2000′ on 180° crs to R–080, proceed to EVV-VOR on R–080. Hold SW of EVV-VOR at 2000′ on R–224, right turns or when directed by ATC, make climbing right turn, climb to 2000′ on 305° crs until intercepting R–013, then proceed N on R–013 to Princeton Int.
AIR CARRIER NOTE: Sliding scale authorized only on Runways 3–21 and 18–36.
CAUTION: Radio Tower 993′ MSL 3.6 miles SW of airport.
*300–1 required with glide slope inoperative. Inoperative ILS components provisions regarding approach lights not applicable.
**300–1 on Runway 9–27.
#All installed components of ILS must be operating; otherwise, alternate minimums of 800–2 apply.
##Buckskin Int: Int SAM R–112 and NE crs EVV ILS.
###Booneville Int: Int EVV R–077 and OWB R–352.

City, Evansville; State, Ind.; Airport Name, Dress Memorial; Elev., 380′; Fac. Class., ILS; Ident., I-EVV; Procedure No. ILS-21, Amdt. 9; Eff. Date, 13 Oct. 62; Sup. Amdt. No. 8; Dated, 18 Nov. 61

LAX RBn	LOM	Direct	3000	T-dn*	300–1	300–1	200–½
La Habra Int	Downey FM/RBn	Direct	3000	C-dn	500–1	500–1	500–1½
LGB VOR	Downy FM/RBn	Direct	3000	S-dn-25L**#	200–½	200–½	200–½
LGB VOR	LOM	Direct	3000	A-dn	600–2	600–2	600–2
Hollywood Hills FM	LOM	Direct	3000				
LAX VOR	LOM	Direct	3000				
Downey FM-RBn	LOM (Final)	Direct	1800				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 068° Outbnd, 248° Inbnd, 3000′ within 10 miles.
Minimum altitude at glide slope int inbnd, 2000′. (Aircraft will maintain 3,000′ until intercepting glide slope unless otherwise advised by ATC.)
Altitude of glide slope and distance to approach end of runway at OM, 1830′—5.4 mi; at MM, 335′—0.65 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on W crs LAX ILS within 20 miles.
NOTES: 1. Narrow localizer course 4 degrees. 2. If glide slope not received, minimums shall be 800–¾.
*Runway Visual Range 2600′ also authorized for takeoff on Runways 25L and 25R; providing high-intensity runway lights are operational.
**AIR CARRIER: Due to lack of PAR coverage below 300′, privileges of CAR 40.406(C) (Look-see) may be exercised only down to 300–¾.
#Runway Visual Range 2600′ also authorized for landing on Runway 25L; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 326′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126′; Fac. Class., ILS; Ident., I-LAX; Procedure No. ILS-25L, Amdt. 24; Eff. Date, 13 Oct. 62; Sup. Amdt. No. 23; Dated, 18 Aug. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Medford LFR	MF LOM	Direct	6500	T-dn	300–1	300–1	200–½
Medford VOR	MF LOM	Direct	6500	C-dn	700–1	700–1	700–1½
Gold Hill Int	MF LOM	Direct	6500	S-dn-14	200–½	200–½	200–½
Klamath Junction Int	MF LOM	Direct	8000	A-dn	1000–2	1000–2	1000–2
Talent Int	MF LOM	Direct	8000				
Tiller FM	Evans Creek FM (Final)	Via N crs ILS	*6500				

Procedure turn E side N crs, 319° Outbnd, 139° Inbnd, 6500′ within 10 miles of Evans Creek FM.
Minimum altitude at glide slope int inbnd; 6000′.
Altitude of glide slope and distance to approach end of runway at Evans Creek 6000′—14.6 mi; at OM 2360′—4.7 mi; at MM 1550′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate climbing right turn, climbing to 6500′ direct to MF LOM, thence continue climb in a 1-minute right turn holding pattern of S of MF LOM on the localizer crs.
NOTE: Evans Creek FM and all components of the ILS and related airborne equipment must be fully operational and used when executing this approach.
CAUTION: High terrain all quadrants.
*Descent on glide slope to cross Evans Creek FM at 6000′ is authorized.

City, Medford; State, Oreg.; Airport Name, Medford Municipal; Elev., 1330′; Fac. Class., ILS; Ident., I-MFR; Procedure No. ILS-14, Amdt. 4; Eff. Date, 13 Oct. 62; Sup. Amdt. No. 3; Dated, 11 Apr. 59

MKE RBn	LOM	Direct	2300	T-dn**	300–1	300–1	200–½
Big Bend Int	LOM	Direct	2300	C-dn	600–1	600–1	600–1½
Racine Int	LOM	Direct	2300	S-dn-1*	200–½	200–½	200–½
Cardinal Int	LOM	Direct	2700	A-dn	600–2	600–2	600–2
MKE-VOR	LOM	Direct	2600				
Wind Lake Int	LOM	Direct	2300				
Pike Int	LOM	Direct	2300				
Oakwood Int	LOM (Final)	Direct	2000				
Franksville Int	Oakwood Int	Direct	2300				

Procedure turn E side S crs, 186° Outbnd, 006° Inbnd, 2300′ within 10 miles.
Minimum altitude at glide slope interception inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1877′—3.6 mi; at MM, 929′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2700′ on 006° brng from LMM and proceed direct to the Cardinal Int or, when directed by ATC, make left climbing turn to 2600′ and intercept R–110 MKE–VOR and proceed to MKE–VOR.
*Runway visual range 2600′ is also authorized for landing on Runway 1; provided, that all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators, and all related airborne equipment, are operating satisfactorily. Descent below 902′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600′ also authorized for takeoff on Runway 1 in lieu of 200–½ when 200–½ authorized, providing high intensity runway lights are operational.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell Field; Elev., 702′; Fac. Class., ILS; Ident., I-MKE; Procedure No. ILS-1, Amdt. 16; Eff. Date, 13 Oct. 62; Sup. Amdt. No. 15; Dated, 9 Dec. 61

Pensacola VOR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Pensacola RBn	LOM	Direct	1500	C-dn	400–1	800–1	800–1½
Gonzalez Int	LOM (Final)	Direct	1300	S-dn-16*	300–¾	300–¾	300–¾
Harold Int	LOM	Direct	1400	A-dn	600–2	600–2	600–2
Elberta Int	LOM	Direct	1400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side N crs, 343° Outbnd, 163° Inbnd, 1300′ within 10 miles. Beyond 10 miles NA. (Nonstandard due to control area limits.)
Minimum altitude at glide slope int inbnd, 1300′.
Altitude of glide slope and distance to appr end of runway at OM 1266′—3.8 mi, at MM 329′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1200′ on SE crs of ILS within 10 miles or, when directed by ATC, climb to 1200′ on R–100 of the Pensacola (NUN) VOR within 15 miles.
NOTE: No approach lights.
CAUTION: Warning area beyond 10 miles S of PNS range.
*400–¾ required when glide path not utilized.

City, Pensacola; State, Fla.; Airport Name, Municipal; Elev., 121′; Fac. Class., ILS; Ident., I-PNS; Procedure No. ILS-16, Amdt. 6; Eff. Date, 13 Oct. 62; Sup. Amdt. No. 5; Dated, 13 Aug. 60

Pensacola VOR via R–100	Blanchard Int*	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-34	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side S crs, 163° Outbnd, 343° Inbnd, 1200′ within 10 miles Blanchard Int.* Beyond 10 mi NA due Warning Area.
No glide slope. Minimum Altitude over Blanchard Int 700, distance to appr end of runway at Blanchard Int to Runway 34, 343°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 mi after passing Blanchard Int, climb to 1300′ on the ILS NW crs within 15 miles or, when directed by ATC, turn right, climb to 1300′ on R–053 of the Pensacola (NUN) VOR within 15 miles.
*Blanchard Int: Int. R–100 NUN and ILS S crs.

City, Pensacola; State, Fla.; Airport Name, Municipal; Elev., 121′; Fac. Class., ILS; Ident., I-PNS; Procedure No. ILS-34, Amdt. 6; Eff. Date, 13 Oct. 62; Sup. Amdt. No. 5; Dated, 13 Aug. 60

Int SW crs Allentown LFR and South crs ILS	LOM	Direct	2800	T-dn*	300–1	300–1	200–½
				C-dn	600–2	800–2	800–2
Honeybrook Int	LOM (Final)	Direct	#2100	S-dn-36**	400–1	400–1	400–1
Rienholds Int	LOM	Direct	2500	A-dn	1000–2	1000–2	1000–2

Procedure turn E side S crs, 181° Outbnd, 001° Inbnd, 2100′ within 10 N miles.
Minimum altitude at glide slope interception inbound, 2100′.
Altitude of glide slope and distance to appr end of runway at OM 1631′—3.9 mi, at MM 541′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on crs of 001° from the RDG LOM to intercept the 322° radial of the Pottstown VOR direct to Hamburg Int## and hold Southwest on R–255 ABE VOR, one minute pattern, left turns.
AIR CARRIER NOTE: Neither sliding scale nor any reduction in take-off minimums authorized on Runways 31 or 36.
*300–1 required for takeoff on Runways 31 and 36; takeoff on Runways 18 and 13, make right turn as soon as practical, to avoid towers 1236′ msl and high terrain 2.6 miles SE of airport.
**600–1 required with glide slope inoperative.
#After interception of localizer course inbound, descent on glide slope to cross outer marker at 1631′ on final approach is authorized.
Hamburg Int: Int of PTW VOR R–322 and ABE VOR R–255.

City, Reading; State, Pa.; Airport Name, General Spaatz; Elev., 343′; Fac. Class., ILS; Ident., I-RDG; Procedure No. ILS-36, Amdt. 8; Eff. Date, 13 Oct. 62; Sup. Amdt. No. 7; Dated, 22 Sept. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SAV VOR	Gloria Int*	Direct	1500	T-dn	300–1	300–1	200–½
SAV LOM	Gloria Int*	Direct	1500	C-dn	400–1	500–1	500–1½
				S-dn-27	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 092° Outbnd, 272° Inbnd, 1500' within 10 miles of Gloria Int.*
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 272°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing Gloria Int, climb to 1500' on 272° crs of SAV ILS, proceeding direct to SAV LOM or when directed by ATC, climb to 1500', make right turn, proceeding direct to SAV VOR.
NOTE: Aircraft must be able to receive VOR and ILS simultaneously in order to execute this approach.
*Gloria Int: Int SAV ILS 092° crs and SAV VOR 180 radial.

City, Savannah; State, Ga.; Airport Name, Travis (Chatham Field); Elev., 50'; Fac. Class., ILS; Ident., I-SAV; Procedure No. ILS-27, Amdt. Orig.; Eff. Date, 13 Oct. 62

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All sectors	Radar Site	Within 10 mi	*2300	Surveillance approach			
All sectors	Radar Site	Within 10–25 mi	2800	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-1, 19, and 7R.	400–1	400–1	400–1
				S-dn-13	500–1	500–1	500–1
				S-dn-25L and 31.	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 1: Climb to 2700' on 353° bearing from MKE RBn within 20 miles.
Runway 19: Climb to 2300' on localizer crs to LOM.
Runways 7R–13: Right turn climb to 2300' and proceed to LOM.
Runways 25L–31: Left turn climb to 2300' and proceed to LOM.
CAUTION: TV towers 1685' MSL 7.8 NM N of airport, 1735' MSL 9.2 NM N of airport, and 1746' MSL 15.2 NM N of airport.
*3-mile lateral separation required from 1685' tower 7.8 mi N of airport and 1735' tower 9.2 mi N of airport.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell Field; Elev., 702'; Fac. Class. and Ident., Milwaukee Radar; Procedure No. 1, Amdt. 9; Eff. Date, 13 Oct. 62; Sup. Amdt. No. 8; Dated, 7 Apr. 62

145°	230°	Within 15 mi	2100	Surveillance approach			
230°	040°	Within 20 mi	2100				
040°	145°	Within 20 mi	1900	T-dn	300–1	300–1	200–½
145°	230°	Within 20 mi	2300	C-dn-1	600–1	600–1	600–1½
				C-dn-7	700–1	700–1	700–1½
				C-dn-10	500–1	600–1	600–1½
				C-dn-28	800–1½	800–1½	800–1½
				S-dn-1	600–1	600–1	600–1½
				S-dn-7	700–1	700–1	700–1½
				S-dn-10	400–1	400–1	400–1½
				S-dn-28	800–1½	800–1½	800–1½
				A-dn	800–2	800–2	800–2

Radar control must provide 1000' vertical clearance when within 3 miles or 500' vertical clearance within a 3–5 mile (inclusive) radius of tower, 1035' MSL 4.0 miles E of airport. All bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead on runway heading to 2000' within 10 miles. Then proceed direct to ROC VOR at 2000'. Hold W ROC VOR 1-minute right turns, 097° Inbnd.
Air carrier note: Takeoff on Runway 12 and landing on Runway 30 not authorized.

City, Rochester; State, N.Y.; Airport Name, Rochester, Monroe County; Elev., 560'; Fac. Class. and Ident., Rochester Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 13 Oct. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on September 7, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–9127; Filed, Oct. 1, 1962; 8:56 a.m.]

[Reg. Docket No. 1386; Amdt. 290]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

OCEDURE CANCELLED, EFFECTIVE OCTOBER 20, 1962.

City, Fargo; State, N. Dak.; Airport Name, Hector Field; Elev., 900'; Fac. Class., SBRAZ; Ident., FG; Procedure No. 1, Amdt. 11; Eff. Date, 17 Mar. 62; Sup. Amdt. No. 10; Dated, 17 Sept. 60

PROCEDURE CANCELLED, EFFECTIVE OCTOBER 20, 1962.

City, Jacksonville; State, Fla.; Airport Name, Craig Municipal; Elev., 41'; Fac. Class., SABRAZ; Ident., JAX; Procedure No. 1, Amdt. 1; Eff. Date, 21 July 62; Sup. Amdt. No. Orig.; Dated, 7 Jan. 56

PROCEDURE CANCELLED, EFFECTIVE OCTOBER 20, 1962.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 52'; Fac. Class., SABRAZ; Ident., JX; Procedure No. 1, Amdt. 11; Eff. Date, 1 Sept. 62; Sup. Amdt. No. 10; Dated, 23 Dec. 61

PROCEDURE CANCELLED, EFFECTIVE OCTOBER 20, 1962.

City, Tampa; State, Fla.; Airport Name, Peter O. Knight; Elev., 8'; Fac. Class., SBRAZ; Ident., TPA; Procedure No. 1, Amdt. 3; Eff. Date, 1 July 61; Sup. Amdt. No. 2; Dated, 3 June 61

PROCEDURE CANCELLED, EFFECTIVE OCTOBER 20, 1962.

City, Tampa; State, Fla.; Airport Name, Tampa International; Elev., 27'; Fac. Class., SBRAZ; Ident., TPA; Procedure No. 1, Amdt. 14; Eff. Date, 3 June 61; Sup. Amdt. No. 13; Dated, 16 May 59

PROCEDURE CANCELLED, EFFECTIVE OCTOBER 20, 1962.

City, Tampa; State, Fla.; Airport Name, Tampa International; Elev., 27'; Fac. Class., SBRAZ; Ident., TPA; Procedure No. 1, Amdt. 14; Eff. Date, 3 June 61; Sup. Amdt. No. 13; Dated, 16 May 59

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Boyds Int	Poolesville RBn (Final)	Direct	2700	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-19R*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved patterns.
Radar vectoring to final approach or procedure turn required.
Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 2700' within 10 miles.
Minimum altitude over facility on final approach crs, 2700' over Poolesville RBn.
Crs and distance, facility to airport, 187°—7.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished with 7.3 miles after passing PLV RBn, make right climbing turn to PLV RBn, 2300'. Hold N 007° bearing, 187° Inbnd, 1-minute right turns.
*If DLX, OM not received, minimums of 500–2 apply.

City, Chantilly; State, Va.; Airport Name, Dulles International; Elev., 313'; Fac. Class., MHW; Ident., PVL; Procedure No. 2, Amdt. 1; Eff. Date, 18 Oct. 62; Sup. Amdt. No. Orig.; Dated, 20 Sept. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
API-VOR	LOM	Direct	2500	T-dn	300–1	300–1	200–½
MDW-LFR	LOM	Direct	2500	C-d	*500–1	500–1	500–1½
Surf Int	LOM	Direct	2500	C-n	*500–1½	500–1½	500–1½
Big Run Int	LOM	Direct	2500	S-dn-13 R and L*	500–1	500–1	500–1
MX RBn	LOM	Direct	2500				
Hobart Int	MX RBn	Via R-108 API to Gary Int.	2500	A-dn	800–2	800–2	800–2

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound approach course at least 3 miles from MDW LOM.
Radar transitions authorized in accordance with approved procedures.
Procedure turn W side of crs, 312° Outbnd, 132° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 132°—5.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing LOM, climb to 2000′ and proceed to Kedzie RBn, then via 132° crs to the Gary Int or, when directed by ATC, make right turn, climb to 2300′ and proceed to Peotone VOR inbound on R–001, or make right turn climb to 2100′ and proceed direct to Joliet VOR.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
*400′ minimums authorized provided descent below 1100′ msl not made until past ADF bearing 020/200 MW LFR.

City, Chicago; State, Ill.; Airport Name, Midway; Elev., 618′; Fac. Class., LOM; Ident., MD; Procedure No. 1, Amdt. 19; Eff. Date, 20 Oct. 62; Sup. Amdt. No. 18; Dated, 27 May 61

Joliet VOR	MX-RBn	Direct	2000	T-dn	300–1	300–1	200–½
Big Run Int	MX-RBn	Direct	2000	C-d	400–1	500–1	500–1½
API VOR	MX-RBn	Direct	2300	C-n	400–1½	500–1½	500–1½
MDW LFR	MX-RBn	Direct	2000	S-dn-31L, R	400–1	400–1	400–1
CGT VOR	MX-RBn (Final)	Direct	1500	A-dn	800–2	800–2	800–2

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound approach course at least 3 miles from MX RBn. Radar transitions authorized in accordance with approved procedures.
Procedure turn; E side of crs, 132° Outbnd, 312° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 312°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing LOM, make left turn and climb to 2100′, proceed to Joliet VOR or, when directed by ATC, make left turn, climbing to 2300′; proceed to Peotone VOR inbound on R–355, or make 180° turn climb to 2200′ and return to Kedzie RBn.
Other change: Deletes transition from Lake Shore, Downers Grove Int and CGT VOR.

City, Chicago; State, Ill.; Airport Name, Midway; Elev., 618′; Fac. Class., LOM; Ident., MX; Procedure No. 2, Amdt. 12; Eff. Date, 20 Oct. 62; Sup. Amdt. No. 11; Dated, 6 Feb. 60

Lofall (VHF) Int	PAE RBn	Direct	3000	T-dn	300–1	300–1	200–½
Port Gamble Int	PAE RBn	Direct	3000	C-dn	600–2	600–2	600–2
EVE LFR	PAE RBn	Direct	3000	S-d-16	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar transitions and vectoring utilizing Seattle Center Radar authorized in accordance with approved radar patterns.
When used in lieu of procedure turn radar alignment on final approach heading within 10 miles of PAE RBn is required.
Procedure turn E side of crs, 338° Outbnd, 158° Inbnd, 3000′ within 10 miles of PAE RBn.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 158°—7.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles after passing RBn, turn right, climbing to 3000′ on crs 300° to intercept 030° brng to PAE RBn, thence continue climb direct to PAE RBn and hold N of PAE RBn, 1-minute left turn holding pattern, crs 338° Outbnd, 158° Inbnd.
CAUTION: Numerous jet aircraft activities from airport and in immediate surrounding area.
†Takeoff minima 200–½ authorized only for Runways 16 and 34.

City, Everett; State, Wash.; Airport Name, Paine Field; Elev., 603′; Fac. Class., HW; Ident., PAE; Procedure No. 1, Amdt. Orig.; Eff. Date, 20 Oct. 62

FAR-VOR	LOM	Direct	2300	T-dn	300–1	300–1	200–½
FAR-RBn	LOM	Direct	2300	C-dn	500–1	500–1	500–1½
Rice Int	Leslie Int.*	Direct	2000	S-dn-35	500–1	500–1	500–1
FAR-VOR	Leslie Int.*	Direct	2300	A-dn	800–2	800–2	800–2
Leslie Int	LOM (Final)	Direct	2000				

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2300′ within 10 miles.
Minimum altitude over LOM on final approach crs, 2000′.
Crs and distance, facility to airport, 351°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb on crs 351° from LOM to 2300′ within 10 miles or when directed by ATC. Make left climbing turn, climb to 2700′ on 263° brng from Fargo RBn within 20 miles, or make left climbing turn to intercept FAR-VOR R-281, climb to 2800′ on R-281 within 20 miles of FAR-VOR.
CAUTION: Unpainted smoke stack 1075′ MSL 1 mile SSE of airport. 969′ MSL stack 0.8 mile S of approach end of Runway 35.
*Leslie Int.: Int FAR-VOR R-036 and brng 171° from LOM.

City, Fargo; State, N. Dak.; Airport Name, Hector Airport; Elev., 900′; Fac. Class., LOM; Ident., FA; Procedure No. 1, Amdt. 14; Eff. Date, 20 Oct. 62; Sup. Amdt. No. 13 Dated, 17 Sept. 60

Downey RBn/FM	I-LAX LOM	Direct	1500	T-dn	300–1	300–1	300–1
				C-dn	600–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 068° Outbnd, 248° Inbnd, 3000′ within 10 miles of LOM.
Minimum altitude over LAX LOM on final approach crs, 1500′.
Crs, and distance, facility to airport, 223°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing LAX LOM, climb to 2000′ on 223° track of LAX LOM within 20 miles.
NOTE: This procedure authorized only when LAX Approach Radar and Hawthorne Tower are in operation.

City, Hawthorne; State, Calif.; Airport Name, Municipal; Elev., 64′; Fac. Class., LOM; Ident., LAX; Procedure No. 1, Amdt. Orig.; Eff. Date, 20 Oct. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bryceville Int	LOM	Direct	1500	T-dn	300–1	300–1	200–½
JAX LFR	LOM	Direct	2000	C-dn	400–1	400–1	400–1¼
JAX VOR	LOM	Direct	2000	S-dn-8	400–1	400–1	400–1
Blue Jacket Int	LOM	Direct	2000	A-dn	800–2	800–2	800–2
Sunbeam Int	LOM	Direct	1500				
Callahan Int	LOM	Direct	1500				

Radar vectoring in accordance with approved patterns.
Procedure turn N° side of course, 225° Outbnd, 045° Inbnd, 1200′ within 10 miles. Not authorized unless approved by ATC.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 045°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing LOM, climb to 1500′ on crs of 045° within 20 miles or, when directed by ATC, climb to 1500′ on R–089 JAX-VOR within 20 miles.
°Procedure turn N side due to traffic at Jacksonville NAB.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 82′; Fac. Class., LOM; Ident., JA; Procedure No. 1, Amdt. 15; Eff. Date, 20 Oct. 62; Sup. Amdt. No. 14; Dated, 10 Mar. 62

Morey Int	LOM	Direct	2700	T-dn	300–1	300–1	200–½
Marshall Int	LOM	Direct	2500	C-dn	700–1	700–1	700–1½
Albany Int*	LOM	Direct	2400	S-dn-36	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 359°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2500′ on 359° brng from LOM within 15 miles.
CAUTION: 1211′ tower 1.3 miles to left of crs after passing LOM on final and 1023′ MSL pole 0.8 mile to left of crs and 0.8 mile SW of Runway 36.
NOTE: Final approach from holding pattern at LOM NA. Procedure turn required.
*Albany Int: Int, JVL VOR R–314 and brng 179° from LOM.

City, Madison; State, Wis.; Airport Name, Traux Field; Elev., 859′; Fac. Class., LOM; Ident., MS; Procedure No. 1, Amdt. 7; Eff. Date, 20 Oct. 62; Sup. Amdt. No 6.; Dated, 21 July 62

MIA-VOR	LOM	Direct	1300	T-dn	300–1	300–1	200–1½
BSY-VOR	LOM	Direct	1300	C-dn	800–1	800–1	800–1½
MIA RBn	LOM	Direct	1300	S-dn-9L and R	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 266° Outbnd, 086° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to Runway 9L, 086°—4.5 mi; Runway 9R, 097°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 1400′ on crs of 086° within 20 miles.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class., LOM; Ident., MF; Procedure No. 3, Amdt. 2; Eff. Date, 20 Oct. 62; Sup. Amdt. No. 1; Dated, 21 July 62

Big Bend Int	LOM	Direct	2300	T-dn	300–1	300–1	200–½
Cardinal Int	LOM	Direct	2700	C-d	700–1	700–1	700–1½
Racine Int	LOM	Direct	2300	C-n	700–2	700–2	700–2
Wind Lake Int	LOM	Direct	2300	S-d-14	700–1	700–1	700–1
				S-n-14	700–2	700–2	700–2

Radar vectoring to final approach course inbound authorized in accordance with approved patterns.
Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach course, 1800′.
Crs and distance, facility to airport, 148°—7.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.6 miles after passing MK LOM, make left climbing turn to 2300′ and return to the MK LOM. Aircraft on missed approach may be radar vectored following radar identification.

City, Racine; State, Wis.; Airport Name, Horlick-Racine; Elev., 655′; Fac. Class., LOM; Ident., MK; Procedure No. 1, Amdt. Orig.; Eff. Date, 20 Oct. 62

RDU LOM	RDU RBn	Direct	2000	T-dn	300–1	300–1	200–½
RDU VOR	RDU RBn	Direct	1800	C-dn	400–1	400–1	400–1½
Wendell Int	RDU RBn	Direct	1800	S-dn-23	400–1	400–1	400–1
Chapel Hill Int	RDU RBn	Direct	1800	A-dn	800–2	800–2	800–2
Durham Int	RDU RBn	Direct	1800				
Oxford Int	RDU RBn	Direct	1800				
Franklinton Int	RDU RBn	Direct	1800				
Zebulon Int	RDU RBn	Direct	1800				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 048° Outbnd, 228° Inbnd, 1800′ within 10 miles of RDU RBn.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 228°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing RBn, climb to 2000′ on 228° crs from RDU RBn, or when directed by ATC, turn right, climb to 2000′ on R–309 of RDU VOR within 20 miles or climb to 1800′, returning direct to RBU RBn.

City, Raleigh; State, N.C.; Airport Name, Raleigh-Durham; Elev., 435′; Fac. Class., SABH; Ident., RDU; Procedure No. 2, Amdt. Orig.; Eff. Date, 20 Oct. 62

INW VOR	INW RBn	Direct	7000	T-dn	300–1	300–1	300–1
				C-dn	600–2	600–2	600–2
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 159° Outbnd, 179° Inbnd, 7000′ within 10 miles.
Minimum altitude over facility on final approach crs, 6600′.
Crs and distance, facility to airport, 179°—1.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.3 miles of INW-RBn, climb to 7000′ on 078° brng from INW-RBn within 20 miles.

City, Winslow; State, Ariz.; Airport Name, Municipal; Elev., 4937′; Fac. Class., SABH; Ident., INW; Procedure No. 1, Amdt. Orig.; Eff. Date, 20 Oct. 62

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	800-1	800-1	800-1
				C-dn	800-2	800-2	800-2
				A-dn	NA	NA	NA

Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 4600′ within 10 miles of PSK-VOR.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, 032°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing PSK-VOR, make a right (South) climbing turn and return to PSK-VOR at 4600′. Hold SW PSK VOR R-212, 032° crs inbound, 1-minute right turns.

City, Dublin; State, Va.; Airport Name, New River Valley; Elev., 2105′; Fac. Class., BVOR; Ident., PSK; Procedure No. 1, Amdt. 3; Eff. Date, 20 Oct. 62; Sup. Amdt. No. 2; Dated, 11 Aug. 62

MSY-RBn	MSY-VOR	Direct	1400	T-dn	300-1	300-1	200-½
LaPlace MHW	MSY-VOR	Direct	1400	C-dn	400-1	500-1	500-1½
Clam Int	MSY-VOR	Direct	1400	S-dn-23	400-1	400-1	400-1
Snake Int	MSY-VOR	Direct	1400	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 057° Outbnd, 237° Inbnd, 1200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 237°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing VOR, climb to 1500′ on R-237 within 20 miles or, when directed by ATC, turn right, climb to 1500′ proceeding to LaPlace RBn or LOM.
CAUTION: 409′ radio tower 2.3 miles north of airport.

City, New Orleans; State, La.; Airport Name, Moisant International; Elev., 3′; Fac. Class., VORTAC; Ident., MSY; Procedure No. 1, Amdt. 3; Eff. Date, 20 Oct. 62; Sup. Amdt. No. 2; Dated, 26 Sept. 59

Cashmere Int	EAT VOR	Direct	7300	T-dn	1000-1	1000-1	1000-1
Beehive Mt. Int	EAT VOR	Direct	6000	C-dn*	1900-1	1900-1	1900-1½
				A-dn	2000-2	2000-2	2000-2
				If Malaga FM received the following minimums apply:			
				C-d*	1000-1	1000-1	1000-1½
				C-n*	1000-1½	1000-1½	1000-2
				A-dn	1400-2	1400-2	1400-2

Procedure turn N side of crs, 102° Outbnd, 282° Inbnd, 4500′ within 10 miles.
Minimum altitude over Malaga FM on final approach crs, 3100′; over EAT VOR 2200′.
Crs and distance, Malaga FM to airport, 282°—3.5 mi, EAT VOR on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of EAT VOR, make an immediate left climbing turn, climb to 4500′ on R-102 within 15 miles of EAT VOR.
CAUTION: High terrain in all quadrants.
*Terrain to 1850′ MSL 1.7 miles NW through NE of airport. All circling and maneuvering S of Runways 11/29.

City, Wenatchee; State, Wash.; Airport Name, Pangborn Field; Elev., 1245′; Fac. Class., L-BVOR; Ident., EAT; Procedure No. 1, Amdt. 1; Eff. Date, 20 Oct. 62; Sup. Amdt. No. Orig.; Dated, 18 Nov. 61

PBI-LFR	PBI-VOR	Direct	1200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-9	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 275° Outbnd, 095° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 095°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing VOR, climb to 1500′ on PBI-VOR R-095 within 20 miles.

City, West Palm Beach; State, Fla.; Airport Name, Palm Beach International; Elev., 19′; Fac. Class., BVORTAC; Ident., PBI; Procedure No. 1, Amdt. 1; Eff. Date 20 Oct. 62; Sup. Amdt. No. Orig.; Dated, 23 Jan. 60

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Saratoga Springs FM	ALB-VOR	Direct	1800	T-dn	300-1	300-1	200-½
Round Lake FM	ALB-VOR (Final)	Direct	1100	C-dn*	500-1	600-1	600-1½
Albany LFR	ALB-VOR (Final)	Direct	*800	S-dn-19*	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 010° Outbnd, 190° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs, *800′.
Crs and distance, breakoff point to approach end Runway 19, 191°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1000′ on crs of 190°, then make a climbing right turn, climb to 3000′ on R-297 within 20 miles of VOR.
CAUTION: 520′ terrain 1.5 NM NW of airport.
AIR CARRIER NOTE: 300-1 required for all takeoffs on Runways 10, 28, 15, and 33.
Other change: Deletes transition from Grafton FM.
*Do not descend below 1100′ MSL unless Albany LFR positively identified.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 289′; Fac. Class., BVORTAC; Ident., ALB; Procedure No. TerVOR-19; Amdt. 5; Eff. Date, 20 Oct. 62; Sup. Amdt. No. 4; Dated, 25 Aug. 62

Seaside Int	AST VOR	Direct	1500	T-dn	300-1	300-0	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side crs, 246° Outbnd, 066° Inbnd, 1500′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach course, 700′.
Crs and distance, breakoff point to approach end of Runway 7, 073°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn right climb to 1500′ on R-246 within 10 miles.
CAUTION: 500′ MSL terrain 2.6 miles SW of airport.

City, Astoria; State, Oreg.; Airport Name, Clatsop County; Elev., 11′; Fac. Class., M-BVOR; Ident., AST; Procedure No. TerVOR-7; Amdt. Orig.; Eff. Date, 20 Oct. 62

Lofall Int	PAE VOR	Direct	1700	T-dn#	300-1	300-1	200-½
Port Gamble (LF) Int	PAE VOR	Direct	1700	C-dn	600-2	600-2	600-2
KVE LFR	PAE VOR	Direct	1700	S-dn-16	500-1	500-1	500-1
PAE RBn (Final)	PAE VOR	Direct	1100	A-dn	800-2	800-2	800-2

Radar transitions and vectoring utilizing Seattle Center Radar authorized in accordance with approved radar patterns.
When used in lieu of procedure turn, radar alignment on final approach heading within 10 mi of PAE VOR is required.
Procedure turn E side crs, 334° Outbnd, 154° Inbnd, 1700′ within 10 miles of PAE VOR.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, breakoff point to approach end of Runway 16, 158°—1.0 mi, PAE VOR on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn right, climb to 2000′ on R-275 within 10 miles.
CAUTION: Numerous jet aircraft activities from airport and in immediate surrounding area.
#Takeoff minima 200-½ authorized only for Runways 16 and 34.

City, Everett; State, Wash.; Airport Name, Paine Field; Elev., 603′; Fac. Class., VOR; Ident., PAE; Procedure No. TerVOR-16, Amdt. Orig.; Eff. Date, 20 Oct. 62

Cotton Int.%	MGR-VOR	Direct	1400	T-dn#	300-1	300-1	200-½
				C-dn#	500-1	500-1	500-1½
				S-d-10	500-1	500-1	500-1
				A-dn*	800-2	800-2	800-2

Procedure turn S side of crs, 270° Outbnd, 090° Inbnd, 1400′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance breakoff point to end of runway, 098°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 miles, turn right, climb to 1400′ on MGR R-180 within 20 miles.
NOTE: 4-22 is the only runway authorized for night operations.
*Authorized for air carriers only, that have their own arrangements for weather.
#Authorized for air carriers only, that have their own arrangements for lighting.
%Cotton Int: Int MGR R-270 and ABY R-151.

City, Moultrie; State, Ga.; Airport Name, Moultrie; Elev., 290′; Fac. Class., LBVOR; Ident., MGR; Procedure No. TerVOR-10, Amdt. Orig.; Eff. Date, 20 Oct. 62

Potomac Int	DCA-VOR	Direct	1800	T-dn	300-1	300-1	200-½
Herndon VOR	DCA-VOR	Direct	1800	C-dn	700-1	700-1	700-1½
Andrews LFR	DCA-VOR	Direct	1600	S-dn-36	500-1½	500-1½	500-1½
Nottingham VOR	DCA-VOR	Direct	1500	A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 186° Outbnd, 006° Inbnd, 1500′ within 10 miles of Washington LFR. Procedure turn W to avoid Andrews LFR.
Minimum altitude over facility on final approach crs, 500′. Maintain 1600′ until passing Alexandria Int.# Crs and distance, breakoff point to approach end of Runway 36, 003°—0.5 mi; Alexandria Int# to approach end of Runway 36, 003°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make a left climbing turn as soon as practical, climb to 1800′ on R-320 DCA VOR and proceed to Potomac Int. Hold NW on DCA VOR R-320, 1-minute right turns.
CAUTION: Standard clearance not provided over obstructions in final approach area and within circling area of airport.
*Descend to landing minimums after passing Alexandria Int#.
#Alexandria Int: Int NW crs Washington LFR and R-186 DCA VOR.

City, Washington; State, D.C.; Airport Name, National; Elev., 16′; Fac. Class., BVOR; Ident., DCA; Procedure No. TerVOR-36, Amdt. 6; Eff. Date, 20 Oct 62; Sup. Amdt. No. 5; Dated, 20 Sept. 62

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE OCTOBER 20, 1962.							
City, Alma; State, Ga.; Airport Name, Alma; Elev., 200'; Fac. Class., BVORTAC; Ident., AMG; Procedure No. VOR/DME 1, Amdt. 2; Eff. Date, 25 Aug. 62; Sup. Amdt No. TerVOR-4, Amdt. 1; Dated, 16 June 62							
PROCEDURE CANCELLED, EFFECTIVE OCTOBER 20, 1962.							
City, Alma; State, Ga.; Airport Name, Alma; Elev., 200'; Fac. Class., BVORTAC; Ident., AMG; Procedure No. VOR/DME 2, Amdt. 2; Eff. Date, 25 Aug. 62; Sup. Amdt. No. TerVOR-22, Amdt. 1; Dated, 16 June 62							
15 mi fix R-259	8 mi fix R-259	Direct	8800	T-dn	300-1	300-1	200-½
8 mi fix R-259	0 mi fix R-259	Direct	5200	C-dn	400-1	500-1	500-1½
10 mi fix R-081	7 mi fix R-081 (Giffan Int)	Direct	5500	S-dn-26	400-1	400-1	400-1
7 mi fix R-081	5 mi fix R-081	Direct	#4800	A-dn	800-2	800-2	800-2
5 mi fix R-081	0 mi fix R-081	Direct	#4600				
0 mi fix R-257	3.8 mi fix R-257	Direct	4300				

Radar transitions and vectoring using El Paso Radar authorized in accordance with approved radar patterns.
Procedure turn S side R-081, 6500' within 10 miles. When authorized by ATC, DME may be used within 10 miles between radials 125° clockwise to 200° at 7300' to position aircraft for final approach, with the elimination of a procedure turn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.8 miles DME Fix R-257, turn left to heading of 125°, climb to 8200', intercept and proceed on R-151 within 20 miles.
#5500' without DME, in which case procedure turn is required.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3956'; Fac. Class., BVORTAC; Ident., ELP; Procedure No. VOR-DME# 1, Amdt. 7; Eff. Date, 20 Oct. 62 Sup. Amdt. No. 6; Dated, 22 Sept. 62

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Aden Int	Weiler Int	Direct	8000	T-dn	300-1	300-1	200-½
Weiler Int	Sandoval Int. (Final)	Direct	7000	C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-d-17#	500-1	500-1	500-1½
				S-n-17#	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring using Albuquerque Radar authorized in accordance with approved radar patterns.
Procedure turn W side of N crs 350° Outbnd, 170° Inbnd, 8000' within 10 miles of Sandoval Int.
Minimum altitude over Sandoval Int on final approach, 7000'.
No glide slope.
Course and distance, Sandoval Int to airport, 170°—6.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing Sandoval Int, climb straight ahead to 7000' on ABQ ILS localizer to ABQ LOM or when directed by ATC, make right climbing turn, climb to 8000' direct to ABQ VOR.
CAUTION: Terrain exceeding 8000' E of ILS localizer; all turns to be made W of crs.
#Runway 17/35 currently limited to aircraft of 33,000 lbs gross weight or less.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Municipal; Elev., 5352'; Fac. Class., ILS; Ident., I-ABQ; Procedure No. ILS-17, Amdt. 7; Eff. Date, 20 Oct. 62; Sup. Amdt. No. 6; Dated, 22 Sept. 62

ATL-VOR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
MDU-VOR	LOM (Final)	Direct	2300	C-dn	400-1	500-1	500-1½
Stone Mt. Int	LOM	Direct	2700	S-dn-33°	200-½	200-½	200-½
Tucker Int	LOM	Direct	3000	A-dn	600-2	600-2	600-2
Harrison Int	LOM	Direct	3000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side SE crs, 149° Outbnd, 329° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope int inbnd, 2300'.
Altitude of glide slope and distance to approach end of runway at OM, 2257'—4.5 mi; at MM, 1173'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished, turn left, climb to 3000' and proceed to Chattahoochee Int via ILS W crs (I-ATL), or when directed by ATC, climb to 4000' and proceed to Margaret Int. via FTY-VOR.
CAUTION: 1182' tank ¾ mile of airport.
*400-¾ required when glide slope not utilized.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024'; Fac. Class., ILS; Ident., I-AZA; Procedure No. ILS-33, Amdt. 3; Eff. Date, 20 Oct. 62; Sup Amdt No. 2; Dated, 29 Sept. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Boyds Int	Poolsville RBn (final)	Direct	2700	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-19R	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar transitions and vectoring authorized in accordance with approved patterns.
Radar vectoring to final approach or procedure turn required.
Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 2700' within 10 miles.
Minimum altitude at glide slope interception inbnd, 2700'.
Altitude of glide slope and distance to approach end of runway at Poolsville RBn, 2694'—7.3 mi; at OM, 1483'—3.6 mi; at MM, 501'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right climbing turn, return to Poolsville RBn, climbing to 2300'. Hold N 007° bearing, 187° Inbnd, right turns, 1-minute pattern.
*Boyds Int: Int MRB-VOR R-128 and N crs DLX ILS.

City, Chantilly; State, Va.; Airport Name, Dulles International; Elev., 313'; Fac. Class., ILS; Ident., I-DLX; Procedure No. ILS-19R, Amdt. 1; Eff. Date, 18 Oct. 62; Sup. Amdt. No. Orig.; Dated, 20 Sept. 62

Fargo VOR	LOM	Direct	2300	T-dn	300-1	300-1	200-½
Fargo RBn	LOM	Direct	2300	C-dn	500-1	500-1	500-1½
Rice Int	Leslie Int**	Direct	2100	S-dn-35*	200-½	200-½	200-½
FAR-VOR	Leslie Int**	Direct	2300	A-dn	600-2	600-2	600-2
Leslie Int*	LOM (Final)	Direct	2100				

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2300' within 10 miles.
Minimum altitude at glide slope int inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at OM 2092'—4.1 mi, at MM 1105'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb on N crs Fargo ILS to 2300' within 10 miles or when directed by ATC, make left climbing turn, climb to 2700' on 263° brng from Fargo RBn within 20 miles, or make left climbing turn to intercept FAR-VOR R-281, climb to 2800' within 20 miles of FAR-VOR.
CAUTION: Unpainted smoke stack 1075' MSL 1 mile SSE of airport. 969 MSL stack 0.2 mile S of MM.
NOTE: Narrow localizer course, 4°.
*400-¾ required when glide slope inoperative.
**Leslie Int: Int FAR-VOR R-036 and S crs ILS.

City, Fargo; State, N. Dak.; Airport Name, Hector Airport; Elev., 900'; Fac. Class., ILS; Ident., IFAR; Procedure No. ILS-35, Amdt. 15; Eff. Date, 20 Oct. 62; Sup. Amdt. No. 14; Dated, 17 Sept. 60

Bryceville Int	LOM	Direct	3600	T-dn	300-1	300-1	200-½
JAX LFR	LOM	Direct	3000	C-dn	400-1	500-1	500-1½
JAX VOR	LOM	Direct	2000	S-dn-5*	200-½	200-½	200-½
Blue Jacket Int	LOM	Direct	2000	A-dn	600-2	600-2	600-2
Sunbeam Int	LOM	Direct	2000				
Callahan Int	LOM	Direct	1500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N** side of course, 225° Outbnd, 045° Inbnd, 1200' within 10 miles. Procedure turn NA unless approved by ATC.
Minimum altitude at glide slope interception inbnd, 1200'.
Altitude of glide slope and distance to approach end of runway at OM 1170'—4.0 mi. at MM 220'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500' on crs of 045° within 20 miles or, when directed by ATC, climb to 1500' on R-069 JAX-VOR within 20 miles.
*400-¾ required when glide slope not used.
**Procedure turn N side due to traffic at Jacksonville NAS.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 52'; Fac. Class., ILS; Ident., I-JAX; Procedure No. ILS-5, Amdt. 16; Eff. Date, 20 Oct. 62; Sup. Amdt. No. 15; Dated, 14 Apr. 62

Morey Int	LOM	Direct	2700	T-dn	300-1	300-1	200-½
Brooklyn Int *	LOM (Final)	Direct	2000	C-dn	600-1	600-1	600-1½
Marshall Int	LOM	Direct	2500	S-dn-36 **	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2400' within 10 miles.
Minimum altitude at glide slope int inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1918'—3.9 mi.; at MM, 1058'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500' on 359° brng from LOM within 15 miles or, when directed by ATC, right climbing turn to 2500' and proceed direct to Madison LOM.
CAUTION: 1211' tower 1.3 miles to left of crs after passing LOM on final and 1029' MSL pole 0.8 mile to left of crs and 0.8 mile SW of Runway 36.
NOTE: Final approach from holding pattern at LOM na. Procedure turn required.
*Brooklyn Int: Int JVL VOR R-327 and S crs ILS.
**400-¾ required when glide slope inoperative.

City, Madison; State, Wis.; Airport Name, Traux Field; Elev., 859'; Fac. Class., ILS; Ident., I-MSN; Procedure No. ILS-36, Amdt. 8; Eff. Date, 20 Oct. 62; Sup. Amdt. No. 7; Dated, 21 July 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on September 13, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-9308; Filed, Oct. 1, 1962; 8:56 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Flaxseed Loan and Purchase Agreement Program

SUPPORT RATE

The regulations issued by the Commodity Credit Corporation, published in 27 F.R. 6468 and containing the specific requirements for the 1962-crop flaxseed price support program are hereby amended as follows:

Section 421.1662 (c) is amended by inserting the following basic county support rate:

WASHINGTON

County:	Rate per bushel
All counties	$2.28

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; secs. 3 and 4 76 Stat. 70; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421)

Effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on September 27, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-8919; Filed, Oct. 1, 1962; 8:53 a.m.]

[Amdt. 1]

PART 472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

WITHDRAWAL OF APPLICATION FOR PAYMENT

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), 27 F.R. 933, are amended by inserting a new paragraph (c) in § 472.1142 to read as follows:

(c) *Withdrawal or amendment of application for payment on shorn wool.* (1) If a producer files an application for payment on shorn wool in the 1962 or a later marketing year and reports purchases of unshorn lambs on an "actual basis" in accordance with § 472.1110(a); the wool constitutes the full first shearing of such reported lambs; and as a result of the application, excess liveweight of lambs is carried forward and may be used to reduce payments to the producer in the current or future marketing years as provided in § 472.1106(c), the producer may request permission from the ASCS county committee to withdraw the application. He may also request permission to amend such an application by omitting sales of particular lots of wool if those lots constituted the full first shearing of reported lambs. To be considered a full shearing, wool must be made up of removed complete fleeces; the wool must not, for instance, consist only of tags, clippings, or trimmings around the eyes, or such off-wools must not be substituted for any part of a fleece.

(2) If on the basis of all the submitted evidence, including books and records which pertain to the lambs and wool, the ASCS county committee is satisfied that the requirements stated under subparagraph (1) of this section have been met, the committee may grant the request. If the producer who applied on the sale of shorn wool has filed additional shorn wool applications in any other ASCS county office, his request may be granted only if it is determined that none of the wool sheared from purchased lambs which will not be reported as a result of the withdrawal or amendment of the application, was included in any such additional application filed in another ASCS county office. If the application which it is desired to withdraw or amend was signed jointly by two or more producers, the request for withdrawal or amendment must be signed by each person who signed the application.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306; 15 U.S.C. 714c, 7 U.S.C. 1781–1787, 1446)

Effective date: Date of signature.

Signed at Washington, D.C., on September 27, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-9818; Filed, Oct. 1, 1962; 8:53 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Export Reg. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Export Shipments

§ 905.337 Export Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments by export of oranges, including Temple oranges, grapefruit, tangerines, and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, and all grapefruit, grown in the production area, are subject to grade and size limitations on shipments from the production area to any point outside thereof in the continental United States, Canada, and Mexico; Temple oranges, tangerines, and tangelos, grown in the production area, are approaching maturity and are expected soon to be subject to grade and size limitations on such shipments from the production area. The recommendation and supporting information for the grade and size limitation hereinafter prescribed for exports of the respective variety, other than to Canada and Mexico, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 25, 1962; such meeting was held to consider recommendations for regulations on exports, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such oranges, including Temple oranges, grapefruit, tangerines, and tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1178, 26 F.R. 163), the revised United States Standards for Florida Grapefruit (7 CFR 51.750–51.783, 26 F.R. 163), or the United States Standards for Florida Tangerines (7 CFR 51.1810–51.1834, 25 F.R. 8216).

(2) During the period beginning at 12:01 a.m., e.s.t., October 4, 1962, and ending at 12:01 a.m., e.s.t., July 31, 1963, no handler shall ship to any destination outside the continental United States, other than to Canada and Mexico:

(i) Any oranges, including Temple oranges, grapefruit, tangerines, or tangelos, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$\frac{2}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges, except Temple oranges, smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said amended United States Standards for Florida Oranges and Tangelos;

(iii) Any grapefruit, grown in the production area, which are of a size smaller than 3$\frac{3}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said revised United States Standards for Florida Grapefruit;

(iv) Any tangerines, grown in the production area, which are of a size smaller than a size that will pack 294 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches); or

(v) Any tangelos, grown in the production area, which are of a size smaller than 2 inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said amended United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 27, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9817; Filed, Oct. 1, 1962; 8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-219]

PART 13—PROHIBITED TRADE PRACTICES

Globe Store et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–250 *Qualifications and abilities;* § 13.70 *Fictitious or misleading guarantees;* § 13.71 *Financing;* § 13.75 *Free goods or services;* § 13.260 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Cleland Simpson Company, trading as Globe Store et al., Scranton, Pa., Docket C-219, Sept. 10, 1962]

In the Matter of Cleland Simpson Company, a Corporation Trading and Doing Business as Globe Store, and Herbert Lugg, an Individual

Consent order requiring Scranton, Pa., sellers of freezers and foods by means of a "Freezer Food Plan", to cease representing falsely in television and radio commercials, newspaper advertising, and other promotional material, that purchasers of its said plan would receive the same amount of food and a freezer for the same or less money than they had been paying for food, receive the freezer free, and pay wholesale prices; and making other misrepresentations as in the order below indicated.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

Part I. *It is ordered,* That Cleland Simpson Company, a corporation, trading and doing business as Globe Store, or any other name, and its officers and Herbert Lugg, an individual, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of freezers, foods or a freezer food plan in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) A "Home Economist" or other formally trained individuals will assist purchasers of the aforesaid Freezer Food Plan in planning their food orders;

(b) The freezer or any part thereof or the food are guaranteed or insured in any manner, unless the nature and extent of the guarantee or insurance, and the manner in which the guarantor or the insurer will perform thereunder are clearly and conspicuously disclosed in immediate conjunction with any such representation;

(c) Purchasers of a freezer food plan will receive the same or any amount of food and a freezer for the same or less money than they have been paying for food alone;

(d) Purchasers can enter the Freezer Food Plan on a trial basis;

(e) Purchasers receive a freezer or any other item free of charge;

(f) Purchasers of the Freezer Food Plan make but one monthly payment covering both the food and the freezer.

2. Representing that purchasers of a freezer food plan can buy their food from respondents at wholesale prices.

3. Misrepresenting in any manner the savings realized by the purchasers of a freezer food plan, freezer or food.

Part II. *It is further ordered,* That respondents Cleland Simpson Company, a corporation, trading and doing business as Globe Store, or any other name, and its officers and Herbert Lugg, an individual, and respondents' agents, representatives and employees, directly, or through any corporate or other device in connection with the offering for sale, sale or distribution of any food or any purchasing plan involving food, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation or misrepresentation prohibited in paragraphs 1 through 3 of Part I of this order.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly the purchase of any food, or any purchasing plan involving food in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in paragraphs 1 through 3 of Part I of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 10, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-9784; Filed, Oct. 1, 1962; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 55718]

PART 16—LIQUIDATION OF DUTIES

Procedure

As the result of a suggestion from the field, the Bureau is of the opinion that it would be advantageous to use customs Form 4335 in place of customs Form 4333 as a bulletin notice of liquidation of temporary and permanent exhibition entries. This requires an appropriate change in the heading of customs Form 4335 which is being made. To reflect this change, the first three sentences of § 16.2(d) of the Customs Regulations are amended to read as follows: "After liquidation by the collector, formal entries, except free consumption entries liquidated 'As Entered' and temporary importation and permanent exhibition entries liquidated 'Free' shall be scheduled promptly on a bulletin notice of liquidation, customs Form 4333. Free consumption entries liquidated 'As Entered,' and temporary importation and permanent exhibition

entries liquidated 'Free' shall be scheduled promptly on a bulletin notice of liquidation, customs Form 4335. When free consumption entries and temporary importation entries in an unbroken series of numbers are liquidated free on the same day, the first and last entry numbers may be shown on the bulletin notice, e.g., '567/863,' instead of listing every number in the unbroken series."

(Sec. 505, 46 Stat 732; 19 U.S.C. 1505)

This amendment shall be effective as soon as customs Form 4335, appropriately revised, is available for use.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: September 25, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-9803; Filed, Oct. 1, 1962; 8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regulations No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950——)

Subpart N—Benefits in Case of Veterans

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.), are further amended as follows:

1. Subpart N of this Part 404 is revised to read as follows:

Sec.

404.1301 General effect of section 217 of the Act.
404.1302 "World War II" period defined.
404.1303 "Post-World War II" period defined.
404.1304 "World War II veteran" defined.
404.1305 "Veteran of post-World War II service" defined.
404.1306 "Active service of 90 days" defined.
404.1307 "Separation under conditions other than dishonorable" defined.
404.1308 Effect of section 217(a) of the Act.
404.1309 Effect of section 217(e) of the Act.
404.1310 Limitation on granting of World War II and post-World War II service wage credits.
404.1311 "Federal benefit" defined.
404.1312 Determination and certification of payments based on World War II or post-World War II service wage credits.
404.1313 Effect of notice of determination that a "Federal benefit" is payable.
404.1314 Erroneous payment resulting from a determination that a "Federal benefit" has been determined payable.
404.1315 Effect of section 217(b) of the Act; deemed insured status and deemed wages provided.
404.1316 Conditions barring application of deemed insured status.
404.1317 Computation of benefits based on deemed insured status.
404.1318 Benefits payable under deemed insured status upon death of World War II veteran.
404.1319 Determination of benefits payable on deemed insured status and certification of payments.
404.1320 Effect on determination and certification of payment under deemed insured status of receipt of notice of determination that pension or compensation is payable by Veterans' Administration.
404.1321 When payment of benefits under deemed insured status is or is not deemed erroneous.
404.1322 Evidence of veteran's period of military service and separation from service.
404.1323 Filing evidence of support.

AUTHORITY: §§ 404.1301–404.1323 issued under secs. 205, 217, 1102, 53 Stat. 1368, as amended, 64 Stat. 512, as amended, 49 Stat. 647, as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 417, and 1302.

§ 404.1301 General effect of section 217 of the Act.

(a) Section 217(a) of the Act grants World War II veterans (for definition of "World War II veteran" see § 404.1304) wage credits for active service (including service deemed or considered active service) in the armed forces of the United States during World War II. (See § 404.1302 for definition of World War II period.) For provisions relating to section 217(a) of the Act see § 404.1308 and §§ 404.1310 through 404.1314.

(b) Section 217(b) of the Act gives certain World War II veterans, in the event of their death, a deemed fully insured status with a deemed average monthly wage, and provides their survivors the same benefit rights that would accrue to them if the veterans had died fully insured. For provisions relating to section 217(b) of the Act see §§ 404.1315 through 404.1321.

(c) Section 217(e) of the Act gives veterans of post-World War II service (for definition of "veteran of post-World War II service" see § 404.1305) wage credits for active service (including service deemed active service) in the armed forces of the United States during the post-World War II period. (For definition of "post-World War II" period see § 404.1303.) For provisions relating to section 217(e) of the Act see §§ 404.1309 through 404.1314.

(d) In any case in which either of the sections 217(a), 217(b), and 217(e) of the Act may be applicable, the provisions in the section that will result in the payment of the larger benefit apply.

§ 404.1302 "World War II" period defined.

The term "World War II" means the period beginning with September 16, 1940, and ending at the close of July 24, 1947.

§ 404.1303 "Post-World War II" period defined.

The term "post-World War II" means the period beginning with July 25, 1947, and ending at the close of December 31, 1956.

§ 404.1304 "World War II veteran" defined.

(a) *Included individuals.* The term "World War II veteran" means any person who was in the active service of any of the armed forces of the United States, including the Army, Navy, Marine Corps, and Coast Guard, or any of the components thereof, during World War II (see § 404.1302), and who if discharged or released from such active service, was so separated under conditions other than dishonorable (see § 404.1307) after active service of at least 90 days (see § 404.1306) or by reason of a disability or injury incurred or aggravated in service in line of duty. (Service creditable as described in this provision is effective with respect to monthly benefits for months after August 1950, for lump-sum death payments in cases of deaths after August 1950, and for establishment of a period of disability under section 216(i)(3) of the Act.) Subject to the same conditions of separation and service, the term also includes:

(1) A member of the commissioned corps of the United States Public Health Service who was (i) on active commissioned service during the period September 16, 1940, to July 28, 1945, inclusive, and detailed to a component of one of the armed forces, or (ii) in the active service of the Public Health Service on or after July 29, 1945, and before July 25, 1947. (Service creditable as described in this subparagraph is applicable with respect to monthly benefits for months after August 1950, to lump-sum death payments in cases of deaths occurring after August 1950, and for establishment of a period of disability under section 216(i)(3) of the Act.)

(2) A member of the commissioned corps of the United States Coast and Geodetic Survey who (i) during the period September 16, 1940, to July 24, 1947, inclusive, was actually transferred to extended active duty with any of the armed forces of the United States, or was assigned to extended active duty on military projects in areas determined by the Secretary of Defense to be areas of immediate military hazard, or (ii) was serving on active duty with the Coast and Geodetic Survey in the Philippine Islands on December 7, 1941, or (iii) was on active duty with the Coast and Geodetic Survey during the period July 29, 1945, to July 24, 1947, inclusive. (Service creditable as described in subdivisions (i) and (ii) of this subparagraph is effective for monthly benefits beginning after August 1950, for lump-sum death payment purposes in cases of death occuring after August 1950, and for establishment of a period of disability under section 216(i)(3) of the Act. Service creditable as described in subdivision (iii) of this subparagraph is effective for monthly benefits beginning after December 1956, for lump-sum death payment purposes in cases of deaths occuring after December 1956, and for establishment of a period of disability under section 216(i)(3) of the Act. In the case where entitlement to a monthly benefit based on the wages and/or self-employment income of a veteran of World War II existed for December 1956, such benefit may be recomputed to include the service described in subdivision (iii) of this subparagraph only upon application filed after December 1956 by such veteran, or if the veteran is deceased, by any other person entitled to benefits on the basis of his earnings. Such application is effective for months beginning January 1957 or beginning after the thirteenth month before the month such application is filed, whichever is later.)

(3) A member of the Philippine Scouts who performed active service during the World War II period under the direct supervision of recognized military authority. (Service creditable as described in this subparagraph is effective with respect to monthly benefits for months after August 1950, for lump-sum death payments in cases of deaths occurring after August 1950, and for establishment of a period of disability under section 216(i)(3) of the Act.)

(4) An individual who (i) served during World War II in the active military or naval service of an "allied country," that is, a country which was on September 16, 1940, at war with a country with which the United States was at war during World War II and (ii) had entered into such active service before December 9, 1941, and (iii) was a citizen of the United States throughout such period of service or lost his United States citizenship solely because of his entrance into such service, and (iv) had resided in the United States for a period or periods aggregating 4 years during the 5-year period ending on the day of entrance into such service and, on such day, was domiciled in the United States. (Active service for allied countries is considered to have been performed in the active service of the United States and is creditable for monthly benefit purposes for months after August 1958, for lump-sum death payment purposes only where death occurred after August 1958, and for establishment of a period of disability under section 216(i)(3) of the Act. Where such veteran was entitled to an old-age insurance benefit or disability insurance benefit before September 1958 based on wages and/or self-employment income, or where survivors of such veteran were entitled to benefits for August 1958 based on his earnings record, such benefits may be recomputed to include World War II service wage credits under this subparagraph but only upon application filed therefor after August 1958. Such application is effective for months beginning with September 1958, or beginning after the thirteenth month before the month such application is filed, whichever is later.)

(5) A member of the Women's Army Auxiliary Corps, who served during the period May 14, 1942, to September 29, 1943, inclusive, provided she also performed active service with a component of the armed forces after September 29, 1943. (Service creditable as described in this subparagraph is effective for monthly benefits beginning with August 1959, for the lump-sum death payment where death occurred on or after August 7, 1959, and for establishment of a period of disability under section 216(i)(3) of the Act.)

(b) *Excluded individuals.* The term "World War II veteran" does not include any individual who died while in the active service if his death was inflicted as punishment for a military or naval offense under the laws of any country, other than under the laws of a country which was an enemy of the United States at the time of his death. Neither does the term include an individual whose service was performed as a member of units such as the Women's Army Auxiliary Corps (WAAC) (except under the conditions in paragraph (a)(5) of this section), the Coast Guard Auxiliary, the Coast Guard Reserve (Temporary) unless the individual served on active full-time duty with military pay and allowances, the Civil Air Patrol, or the Civilian Auxiliary to the Military Police.

§ 404.1305 "Veteran of post-World War II service" defined.

(a) *Included individuals.* The term "veteran of post-World War II service," includes any individual who was in the active service of the armed forces of the United States, including the Army, Air Force, Navy, Marine Corps, and the Coast Guard or any of the components thereof during the post-World War II period, as defined in § 404.1303, and who, if discharged or released from active service, was so separated under conditions other than dishonorable (see § 404.1307) after at least 90 days of active service (see § 404.1306) or by reason of a disability or injury incurred or aggravated in service in line of duty. (Service creditable as described in this provision is effective for monthly benefits for months after August 1952, for lump-sum death payments in cases of deaths after August 1952, and for establishment of a period of disability under section 216(i)(3) of the Act. Where entitlement to a monthly benefit on the basis of the wages and/or self-employment income of a veteran of post-World War II service (as defined in this paragraph (a)) existed for August 1952, such benefit may be recomputed to include post-World War II service credits as described in § 404.1309(a) only upon application filed by such veteran before January 1, 1961, or, if he died before that date, upon application filed by any other person entitled to such benefits on the basis of his earnings record. If such veteran was deceased in August 1952, and any other person was entitled to a monthly benefit for August 1952 based on his earnings record, the benefits of such other person may be recomputed to include post-World War II service credits upon application filed by such other person. Applications filed as provided in this paragraph are effective for months after August 1952 or after the seventh month before the month in which such application was filed, whichever is later.) Subject to the same conditions of separation and service the term "veteran of post-World War II service" also includes:

(1) A member of the commissioned corps of the United States Public Health Service who was (i) in the active commissioned service during the period July 25, 1947, to July 3, 1952, inclusive, or (ii) in the active commissioned service from July 4, 1952, to December 31, 1956, inclusive, provided the active service was rendered while on detail to the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or (iii) in the active commissioned service from July 4, 1952, through December 31, 1956, but not on detail to a component of the uniformed services. (For effective dates see parenthetical statement at end of subparagraph (2) of this paragraph (a).)

(2) A member of the commissioned corps of the United States Coast and Geodetic Survey who (i) during the period July 25, 1947, to December 31, 1956, inclusive, was actually transferred to active duty in the armed forces of the United States or was assigned to active duty on military projects in areas determined by the Secretary of Defense to be areas of immediate military hazard, or (ii) was serving on active duty with the Coast and Geodetic Survey in the Philippine Islands on December 7, 1941, or (iii) was in the active commissioned service of the Coast and Geodetic Survey during the period July 25, 1947, to December 31, 1956, inclusive, but not transferred to active duty in a service department nor assigned to active duty on a military project in areas of immediate military hazard. (Services creditable as described in subdivisions (i) and (ii) of subparagraph (1) of this paragraph and as described in subdivisions (i) and (ii) of subparagraph (2) of this paragraph are effective for monthly benefits for months after August 1952, for lump-sum death payments in cases of deaths occurring after August 1952, and for establishment of a period of disability under section 216(i)(3) of the Act. Where entitlement to a monthly benefit on the basis of the wages and/or self-employment income of a veteran of post-World War II service as described in subdivisions (i) and (ii) in subparagraph (1) of this paragraph and subdivisions (i) and (ii) in subparagraph (2) of this paragraph existed for August 1952, such benefit may be recomputed to include the services creditable as described in subdivisions (i) and (ii) in subparagraph (1) of this paragraph and subdivisions (i) and (ii) in subparagraph (2) of this paragraph upon application filed by such veteran before January 1, 1961, or, if he died before that date, upon application for benefits filed by any person entitled to such benefits on the basis of his earnings record. If such veteran was deceased in August 1952, and any other person was entitled to monthly benefits for August 1952 based on his earnings record, the benefits of such other person may be recomputed to include the services creditable as described in subdivisions (i) and (ii) in subparagraph (1) of this paragraph and subdivisions (i) and (ii) in subparagraph (2) of this paragraph upon application filed by such other person. Recomputation of benefits for inclusion of services creditable as described in these clauses pursuant to applications timely filed are effective for months after August 1952 or after the seventh month before the month in

which such application was filed, whichever is later. Services creditable as described in subdivision (iii) in subparagraph (1) of this section and subdivision (iii) in subparagraph (2) of this paragraph are effective for monthly benefits beginning after December 1956, for lump-sum death payments in cases of deaths occurring after December 1956, and for establishment of a period of disability under section 216(i)(3) of the Act. In the case where entitlement to a monthly benefit based on the wages and/or self-employment income of a veteran of post-World War II as described in subdivision (iii) in subparagraph (1) of this paragraph and subdivision (iii) in subparagraph (2) of this paragraph existed for December 1956, such benefit may be recomputed to include service creditable as described in subdivision (iii) in subparagraph (1) of this paragraph and subdivision (iii) of subparagraph (2) of this paragraph upon application filed after December 1956 by such veteran, or if he is deceased, by any other person entitled to benefits on the basis of his earnings. Recomputation of benefits for inclusion of services as described in subdivision (iii) in subparagraph (1) of this paragraph and subdivision (iii) of subparagraph (2) of this paragraph upon application filed after December 1956, is effective for months beginning January 1957 or beginning after the thirteenth month before the month such application is filed, whichever is later.)

(3) A member of the Philippine Scouts who performed active service during the post-World War II period under the direct supervision of recognized military authority. (Service creditable as described in this subparagraph is effective with respect to monthly benefits for months after August 1952, for lump-sum death payments in cases of deaths occurring after August 1952, and for establishment of a period of disability under section 216(i)(3) of the Act. Recomputation of benefits may be effective under the same conditions as described in this paragraph (a) for veterans of post-World War II service.)

(b) *Excluded individuals.* The term "veteran of post-World War II service" does not include, among others, any individual who died in the active service if his death was inflicted as punishment for a military or naval offense under the laws of any country, other than under the laws of a country which was an enemy of the United States at the time of his death. Neither does the term include a member of any unit such as the Coast Guard Auxiliary, the Coast Guard Reserve (Temporary) unless the individual served on active full-time duty with military pay and allowances, the Civil Air Patrol, or the Civilian Auxiliary to the Military Police, insofar as such units were in existence during the post-World War II period.

§ 404.1306 "Active service of 90 days" defined.

The term "active service of 90 days" means one or more periods totaling at least 90 days (whether or not consecutive) served by a veteran during the World War II period (see § 404.1302) or during the post-World War II period (see § 404.1303). Where 90 days were not served wholly within the World War II period but such service began before September 16, 1940 and concluded on or after that date, the requirement of "active service of 90 days" (see §§ 404.1304 and 404.1305) is met only if such service of 90 days was continuous. Similarly, where 90 days were not served wholly within the post-World War II period but such service began before July 25, 1947, and concluded on or after that date or began before January 1, 1957, and concluded on or after that date, the requirement of "active service of 90 days" is met only if such service was continuous. Active service of 90 days is not necessary in the case of a veteran who was in the active service during World War II or during the post-World War II period if he died or was otherwise separated from the service by reason of a disability or injury incurred or aggravated in service in line of duty.

§ 404.1307 "Separation under conditions other than dishonorable" defined.

The term "separation under conditions other than dishonorable" as used in §§ 404.1304 and 404.1305 means any discharge or release from the active military or naval service except:

(a) A dishonorable discharge or a bad conduct discharge issued pursuant to a sentence of a general court martial of the Army, Air Force, Navy, Marine Corps, or Coast Guard of the United States, or of the armed forces of an "allied country" (as defined in § 404.1304(a)(4)); or

(b) A dishonorable discharge issued pursuant to the recommendation of a board of investigation of the United States Public Health Service or of the United States Coast and Geodetic Survey; or

(c) A discharge or release for desertion; or

(d) In the case of an officer, a separation by resignation accepted for the good of the service; or

(e) A discharge or release on the ground that the individual was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise comply with lawful orders of competent military authority; or

(f) A discharge or release because of a conviction by a civil court for treason, sabotage, espionage, murder, rape, arson, burglary, robbery, kidnapping, assault with intent to kill, assault with a deadly weapon, or because of an attempt to commit any of these crimes.

§ 404.1308 Effect of section 217(a) of the Act.

(a) *Wage credits for service in World War II.* Under section 217(a) of the Act a World War II veteran is granted, subject to the limitations described in § 404.1310, wage credits of $160 for each month (or part of a month) of active service during World War II. (See § 404.1304 for definition of "World War II veteran"; see § 404.1302 for period encompassed by World War II.) These wage credits are granted even though such veteran dies in service.

(b) *Amount of World War II service wages and period for which creditable.* In addition to the wages, if any, actually paid to a World War II veteran, such veteran shall be deemed to have been paid, and shall be credited with, wages of $160 for each calendar month or part of a month after September 15, 1940, and before July 25, 1947, during which he was in the active military or naval service of the United States, subject, however, to the limitations described in § 404.1310.

§ 404.1309 Effect of section 217(e) of the Act.

(a) *Wage credits provided for service during post-World War II period.* Under section 217(e) of the Act a veteran of post-World War II service is granted, subject to the limitations described in § 404.1310, wage credits of $160 for each month (or part of month) of active service in the post-World War II period (see § 404.1303 for definition of "post-World War II" period; see § 404.1305 for definition of "veteran of post-World War II service"). These wage credits are granted even though such veteran dies in service.

(b) *Amount of post-World War II service wages and period for which credited.* In addition to the wages, if any, actually paid to a veteran of the post-World War II period, and in addition to any self-employment income, if any, credited to the account of such veteran, such veteran shall be deemed to have been paid and shall be credited with wages of $160 for each calendar month or part of a month after July 24, 1947, and before January 1, 1957, during which he was in the active military or naval service of the United States, subject, however, to the limitations set forth in § 404.1310.

§ 404.1310 Limitation on granting of World War II and post-World War II service wage credits.

The limitations on the granting of military service wage credits described in §§ 404.1308 and 404.1309 are as follows:

(a) World War II or post-World War II service wage credits are not granted if a larger monthly benefit or lump-sum death payment would be payable without the use of such wage credits;

(b) Post-World War II service wage credits are not granted for the month of July 1947, if such veteran's account is credited with World War II service wage credits described in § 404.1308 for that month;

(c) World War II service wage credits are not granted if any part of the veteran's active service during the World War II period has been credited toward another "Federal benefit" (see § 404.1311) and post-World War II service wage credits are not granted if any part of the veteran's active service during the post-World War II period has been credited toward another "Federal benefit." However, notwithstanding the fact that part or all of the veteran's active service during the World War II or post-World War II period, as the case may be, has been credited towards another "Federal benefit" these provisions do not apply:

(1) If their application would reduce by 50 cents or less the primary insurance amount of the veteran; or

(2) In the case of monthly benefits payable under section 202 of the Act to a widow or child of a deceased veteran, if such widow or child is entitled under the Civil Service Retirement Act of May 29, 1930 to survivors' annuities based in whole or in part on the veteran's active military or naval service during the World War II or post-World War II period, and such widow or child waives, after December 1956, entitlement to such annuities. However, such wage credits shall not be granted pursuant to such waiver of survivors' annuities if a benefit (based in any part on the veteran's active service during the World War II or post-World War II period as the case may be), has been determined payable to the veteran under the Civil Service Retirement Act of May 29, 1930, or, if another "Federal benefit" as defined in § 404.1311 has been determined payable to the veteran (except under the conditions of subparagraph (3) of this paragraph (c)) or to his survivors. (This subparagraph is effective for monthly benefits beginning with January 1957. In no event does this subparagraph apply with respect to any month before the first month for which the Civil Service Commission notifies the Secretary that no further annuity will be payable. Where a widow or child is entitled to monthly benefits based on the wages and/or self-employment income of a veteran of World War II or post-World War II service, such benefits may be recomputed to include World War II or post-World War II service wage credits upon application filed by such widow or child after 1956. Such applications are effective for months beginning January 1957, or beginning after the thirteenth month before the month in which such application is filed, whichever is later.); or

(3) If, in the case of a veteran of post-World War II service, the other "Federal benefit" is payable solely by the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service and the veteran served as a member of the uniformed services of the United States after 1956 and his service is included in the term "employment" as defined in section 210(l)(1) of the Act. Thus, a veteran will be granted wage credits of $160 a month for any month in which he had active service after 1950 and before 1957 even though payment from one of the aforementioned agencies is based in whole or in part upon the veteran's active service during the post-World War II period. (The provisions of this subparagraph apply to monthly benefits for months after December 1956 and to the lump-sum death payment where death occurred after December 1956); or

(4) To the extent that such World War II or post-World War II service wage credits are used solely for the purpose of meeting the insured status and quarters of coverage requirement necessary under section 216(i)(3) of the Act to establish a period of disability.

§ 404.1311 "Federal benefit" defined.

For the purposes of § 404.1310(c) a "Federal benefit" means any periodic retirement or survivor benefit (including a lump-sum payment which is a commutation of or a substitute for periodic payments) determined by another Federal department, agency (other than the Veterans' Administration), or wholly owned instrumentality of the United States to be payable under any law or under a program or pension system established by such department, agency, or instrumentality, where the Secretary determines that active military or naval service during the World War II or post-World War II period was directly credited in establishing entitlement to, or amount of, such benefit.

§ 404.1312 Determination and certification of payments based on World War II or post-World War II service wage credits.

Where the limitations on granting of World War II or post-World War II service wage credits specified in § 404.1310 are not applicable, the rights of an individual applying for payment of benefits or a lump-sum death payment on the basis of the wages and self-employment income of a veteran of World War II or post-World War II service shall be determined on the basis of the provisions of §§ 404.1308 and 404.1309. Certification of payment may be made pursuant to such determination, subject, however, to the effect of the receipt of notice by the Secretary from another department, agency, or wholly owned instrumentality of the United States that a "Federal benefit," as defined in § 404.1311, has been determined by it to be payable (see § 404.1313).

§ 404.1313 Effect of notice of determination that a "Federal benefit" is payable.

(a) *Notice received prior to certification of payment.* If the Secretary is notified by a department, agency, or wholly owned instrumentality of the United States that a "Federal benefit," as defined in § 404.1311, has been determined by it to be payable (even though later terminated) to anyone and such benefit is determined by the Secretary to be based on the service of the veteran during the World War II or post-World War II period, any benefits or the lump-sum death payment payable under Title II of the Act based upon wages and self-employment income of such veteran shall be determined without regard to the provisions in §§ 404.1308 and 404.1309 for the crediting of World War II or post-World War II service wage credits.

(b) *Notice received after certification of payment.* If, prior to the receipt of such notification, the Secretary has made a determination and, pursuant to such determination, has certified a benefit for payment to the veteran, his dependents or survivors, or has certified for payment a lump-sum death payment in accordance with the provisions of § 404.1312, the Secretary, upon receipt of such notification, shall certify no further benefits for payment or shall recompute the amount of any further benefits as may otherwise be payable under Title II of the Act without consideration of §§ 404.1308 or 404.1309, as the case may be, and shall also determine the existence and amount of any erroneous payment.

§ 404.1314 Erroneous payment resulting from a determination that a "Federal benefit" has been determined payable.

Upon receipt by the Secretary of notice that a "Federal benefit" has been determined to be payable by a department, agency, or wholly owned instrumentality of the United States, any payment certified to an individual in accordance with the provisions of § 404.1312 shall constitute an erroneous payment to the extent that such payment was based upon the inclusion of World War II or post-World War II service wage credits, except that benefits certified for payment prior to the first month in which the individual became eligible to another "Federal benefit" are not erroneous nor subject to adjustment or recovery. Payments which are erroneous under this section are subject to the provisions of Subpart F of this Part 404.

§ 404.1315 Effect of section 217(b) of the Act; deemed insured status and deemed wages provided.

Section 217(b) of the Act gives survivors of a World War II veteran (see § 404.1304 for definition of "World War II veteran") the same benefit rights to which they would be entitled had such veteran died fully insured but only where such veteran was discharged or released from active military or naval service before July 27, 1951, and died within 3 years of such discharge or release and before July 27, 1954. (See § 404.1316 for conditions barring application of this provision.) Any such veteran is deemed:

(a) To have died fully insured; and

(b) For the purposes of computing benefits, to have an average monthly wage of not less than $160; and

(c) For the purpose of crediting "increment years," to have been paid wages of not less than $200 in each calendar year in which he had 30 days or more of active military or naval service after September 15, 1940, and prior to January 1, 1951.

§ 404.1316 Conditions barring application of deemed insured status.

Monthly benefits or a lump-sum death payment are not payable on the basis of the provisions of § 404.1315 if any of the following conditions exist:

(a) A larger monthly benefit or lump-sum death payment would be payable without the application of the provisions of such section; or

(b) The Veterans' Administration has determined that pension or compensation is payable by it on the basis of the veteran's death; or

(c) The veteran died while in the active service (including service deemed or considered to be active service) of the armed forces of the United States (for individuals included within the definition of "World War II veteran" see § 404.1304), whether such death occurred dur-

ing his period of active service as a member of a regular or reserve component of such armed forces; or

(d) The veteran was first separated from such active service after July 26, 1951; or

(e) The veteran died after July 26, 1954; or

(f) The veteran's only service during the World War II period was pursuant to an enlistment in the Philippine Scouts authorized by Public Law 190, 79th Congress (59 Stat. 538).

§ 404.1317 Computation of benefits based on deemed insured status.

(a) *General.* The amount of the monthly benefit or the lump-sum death payment payable with respect to the death of a veteran to whom § 404.1315 applies is based on the primary insurance amount of such veteran as determined under section 215(c) of the Act.

(b) *Crediting increment years where veteran insured without application of deemed insured status provision.* If a veteran to whom the provisions of § 404.1315 apply was fully or currently insured on his record of wages (without regard to the war-service wage credits provided in § 404.1315(b)) and self-employment income, and entitlement to monthly benefits or a lump-sum death payment could be established without applying the deemed insured status provisions, the "increment years" as provided in § 404.1315(c) will be added to the increment years based on the veteran's wages. However, only one increment year is granted for any calendar year.

§ 404.1318 Benefits payable under deemed insured status upon death of World War II veteran.

The amount of any monthly benefit or lump-sum death payment payable under Subpart D of this Part 404 as a result of the death of a World War II veteran (as defined in § 404.1304) shall be not less than the amount determined as indicated in § 404.1317, provided none of the conditions that bar the application of the deemed insured status provisions (see § 404.1316) exists and the veteran died within 3 years after his separation from the active military or naval service.

§ 404.1319 Determination of benefits payable on deemed insured status and certification of payments.

Where none of the conditions stated in § 404.1316 (a), (c), (d), and (f) exists, the rights of an individual applying for payment of benefits or a lump-sum death payment with respect to the death of a World War II veteran who died within 3 years after a separation from active service and before July 27, 1954, shall be determined without regard to the existence of a determination by the Veterans' Administration as to the payment of pension or compensation. Certification of payment may be made pursuant to such determination, subject, however, to the effect of the receipt of a notice by the Secretary of a determination by the Veterans' Administration that pension or compensation is payable by it by reason of the death of such veteran. Neither National Service or United States Government Life Insurance payments nor burial allowance payments made by the Veterans' Administration are considered as pension or compensation.

§ 404.1320 Effect on determination and certification of payment under deemed insured status of receipt of notice of determination that pension or compensation is payable by Veterans' Administration.

(a) *Notice received prior to determination and certification of payment.* If the Veterans' Administration notifies the Secretary that it has made a determination that pension or compensation is payable (even though later terminated) under any law administered by it to anyone on the basis of the death of a World War II veteran, any benefits or lump-sum death payment payable under Title II with respect to the wages and self-employment income of such veteran shall be determined without regard to the provisions in this subpart relating to the payment of benefits based on the deemed insured status of a veteran.

(b) *Notice received after determination and certification of payment.* If prior to the receipt of notice from the Veterans' Administration that pension or compensation is payable the Secretary has made a determination and certification as provided by § 404.1319, the Secretary, upon receipt of such notification, shall certify no further benefits for payment or shall recompute the amount of any further benefits as may otherwise be payable under Title II of the Act, and shall also determine the existence and amount of any erroneous payment.

§ 404.1321 When payment of benefits under deemed insured status is or is not deemed erroneous.

Where payments have been certified to an individual under the deemed insured status provision (see § 404.1315) and notice is thereafter received from the Veterans' Administration that pension or compensation is payable, all such payments certified for months beginning with the first month such compensation or pension is payable are erroneous to the extent they are in excess of the amount of any such accrued pension or compensation payable to such individual. To the extent that such payments are not in excess of the amount of any accrued pension or compensation payable by the Veterans' Administration they are deemed to have been paid to such individual by the Veterans' Administration on account of such accrued pension or compensation, and are not erroneous. All payments certified under the deemed insured status provision (see § 404.1315) after notification from the Veterans' Administration that pension or compensation is payable, whether or not they are in excess of such accrued pension or compensation, are erroneous and subject to recovery under the provisions in Subpart F of this Part 404. All payments certified under the deemed insured provision for months before the first month such compensation or pension is payable are not erroneous.

§ 404.1322 Evidence of veteran's period of military service and separation from service.

In addition to such evidence of entitlement as is required by Subpart H in this Part 404 or as may be otherwise expressly required in connection with an application, an individual applying for benefits or a lump-sum death payment on the basis of the service of a World War II or post-World War II veteran pursuant to any of the provisions of this subpart shall file supporting evidence of such veteran's period of active military or naval service and of his discharge or release from the active military or naval service. Such evidence shall be:

(a) An original certificate of discharge, or an original certificate of service, from the appropriate branch of the armed forces, the United States Public Health Service, or from the United States Coast and Geodetic Survey; or

(b) A certified copy of the original certificate of discharge or service made by the State, county, or municipal agency or department in which the original certificate is recorded; or

(c) A certification from the appropriate branch of the armed forces, from the United States Public Health Service, or from the United States Coast and Geodetic Survey, as the case may be, indicating the veteran's period of active service and type of discharge; or

(d) A certification from a local selective service board indicating the veteran's period of active service and type of discharge; or

(e) Other evidence of probative value.

§ 404.1323 Filing evidence of support.

(a) *Veteran of World War II.* In the case of the death of a World War II veteran, evidence of support required of a parent or widower of the deceased veteran (see Subparts D and H of this Part 404) shall be filed within 2 years of the date of such veteran's death unless extended under Subpart G of this Part 404, except that:

(1) Where benefits are payable to a parent or widower of the deceased veteran based on the veteran's service in the armed forces of a country which was, on September 16, 1940, at war with a country with which the United States was at war during World War II (see § 404.1304(a)(4)), such evidence of support may be filed at any time prior to the expiration of 2 years after the date of such veteran's death or before August 29, 1960, whichever is later.

(2) Where benefits are payable to a parent on the basis of the provisions of § 404.1308 based on the veteran's military or naval service in the armed forces of the United States such evidence of support may be filed at any time before the expiration of 2 years after the death of such veteran or before July 1951, whichever is later, unless such period for filing is extended under Subpart G of this Part 404.

(b) *Veteran of post-World War II service.* In the case of the death of a veteran of post-World War II service, evidence of support, required of a parent or widower of the deceased veteran under Subparts D and H of this Part 404, shall be filed within 2 years after the date of the veteran's death unless such period for filing is extended under Subpart G of this Part 404, except that in the case of a veteran who died prior to September 1952, evidence of support shall be deemed to have been filed within the 2-year period for filing proof of support if such evidence was filed prior to September 1954.

2. *Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: September 10, 1962.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-9813; Filed, Oct. 1, 1962; 8:52 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Copper Abietate and Copper Linoleate; Exemptions From Requirement of a Tolerance

Petitions were filed with the Food and Drug Administration by the Tennessee Corporation, College Park, Georgia, requesting the establishment of exemptions from the requirement of a tolerance for residues of copper abietate and copper linoleate from application to growing crops for fungicidal purposes.

The Secretary of Agriculture has certified that these pesticide chemicals are useful for the purposes for which exemptions are being established.

After consideration of the data submitted in the petitions and other relevant material which show that the exemptions from the requirement of a tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding copper abietate and copper linoleate to the list of exempted copper compounds in § 120.6(b)(1). As amended, this subparagraph reads as follows:

§ 120.6 Exemptions from the requirement of a tolerance.

• • • • •

(b) • • • .

(1) The following copper compounds: Bordeaux mixture, copper abietate, copper acetate, basic copper carbonate (malachite), copper hydroxide, copper-lime mixtures, copper linoleate, copper oleate, copper oxychloride, copper silicate, copper sulfate basic, copper sulfate monohydrate, copper sulfate pentahydrate, copper-zinc chromate, cupric oxide, cuprous oxide, tetra copper calcium oxychloride. These copper compounds are used primarily as fungicides.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 508(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 26, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-9809; Filed, Oct. 1, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

Effective as of the date of publication of this order in the FEDERAL REGISTER, § 121.2547(b) is amended to change the words "of bromide or hypochlorite" to read "of bromide and hypochlorite".

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is editorial in nature.

(Secs. 409, 701, 52 Stat. 1055; 72 Stat. 1785; 21 U.S.C. 348, 371)

Dated: September 26, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-9807; Filed, Oct. 1, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CORROSION INHIBITORS USED FOR STEEL OR TINPLATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Central States Paper and Bag Company, Inc., 5221 Natural Bridge, St. Louis 15, Missouri, and other relevant material, has concluded that the food additive regulations should be amended as hereinafter provided, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625). Paragraph (b)(1) of § 121.2551 *Corrosion inhibitors used for steel or tinplate* (27 F.R. 6878) is amended by inserting in the "List of substances", in alphabetical order, the new item "Dicyclohexylamine nitrite", as follows:

List of substances	*Limitations*
• • • • •	
Dicyclohexylamine nitrite	
• • • • •	

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 27, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-9806; Filed, Oct. 1, 1962; 8:50 a.m.]

SUBCHAPTER C—DRUGS

PART 141C—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146C—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Chlortetracycline and Tetracycline Preparations; Changes in Tests and Methods of Assay

There was published in the FEDERAL REGISTER of July 20, 1962 (27 F.R. 6893), notice of proposal to amend the regulations for certain chlortetracycline and tetracycline preparations to provide more efficient and accurate tests and methods of assay for these drugs. The comment received has been evaluated and the change suggested has been accepted. Therefore, the amendments set out in the FEDERAL REGISTER of July 20, 1962 (27 F.R. 6893), are effective upon publication of this order, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625).

In proposed amendment 1, the following changes are made:

1. Section 141c.232(b)(3)(i) (*c*) and (*d*) is changed to read as set forth below.

2. In § 141c.232(b)(3)(ii), the words "methylrosaniline test solution" in the third sentence are changed to read "methyl red"; and the word "bluish-green" in the fourth sentence is changed to read "orange".

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: September 26, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

The regulations are amended as follows:

1. By revising § 141c.232(b) to read as follows:

§ 141c.232 Tetracycline phosphate complex.

* * * * * * *

(b) *Identity.* Proceed as directed in subparagraphs (1), (2), and (3) of this paragraph.

(1) *Presence of phosphate.* Suspend 100 milligrams of the sample in 10 milliliters of distilled water and filter a small portion by gravity. Transfer 1 milliliter to a 100-milliliter glass-stoppered cylinder, add 10 milliliters of distilled water, 2 milliliters of ammonium molybdate test solution, 1 milliliter of stannous chloride test solution, and 10 milliliters of isobutyl alcohol-benzene mixture (1:1 ratio), all in the order named. Shake vigorously for 1 minute, allow the layers to separate, and examine the top organic layer. In the presence of phosphate, the top layer turns blue.

(2) *Absence of chloride.* This test is used for detecting mixtures of tetracycline hydrochloride and phosphate salts. To 1 milliliter of the filtrate prepared as directed in subparagraph (1) of this paragraph, add 1 drop of silver nitrate test solution and 1 drop of nitric acid. Not more than a slight opalescence remains of the original precipitate in the absence of chloride.

(3) *Determination of percent tetracycline base.* This test is used to determine the quantity of tetracycline present as base in mixtures with phosphate salts.

(i) *Reagents.* (*a*) 1,4-Dioxane.

(*b*) Purified dioxane: Pass the dioxane through a column of Amberlite IRA 400 (OH^-) resin.

(*c*) Perchloric acid, 0.01*N*: Dilute 0.84 milliliter of 70 percent perchloric acid to 1,000 milliliters with purified dioxane; standardize at least once every 2 days, as follows: Weigh accurately about 70 milligrams of diphenylguanidine, and dissolve in 50 milliliters of ethyl alcohol in a 250-milliliter flask. Add two drops of methyl red, and titrate with the perchloric acid solution from a burette until the yellow color changes to orange. Deduct the volume of the perchloric acid consumed by 50 milliliters of the ethyl alcohol, and calculate the normality. Each 2.113 milligrams of diphenylguanidine is equivalent to 1 milliliter of 0.01*N* perchloric acid.

(*d*) Methyl red indicator: Dissolve 100 milligrams of methyl red in 100 milliliters of methyl alcohol.

(ii) *Procedure.* Place an accurately weighed 1-gram sample in a 50-milliliter Erlenmeyer flask, add 10.0 milliliters of purified dioxane and shake the mixture manually for about 2 minutes. Allow to settle, decant all the supernatant liquid into a 50-milliliter polyethylene centrifuge tube, cover with Parafilm, and centrifuge until clear (about 3 minutes). Pipette 5.0 milliliters of the clear, supernatant solution into a 50-milliliter beaker, stir magnetically, and titrate with 0.01*N* perchloric acid, using methyl red as the indicator. The endpoint is the last color change to orange when a drop of titrant is added.

Calculation:

Percent tetracycline base

$$= \frac{\text{Milliliters of acid used} \times \text{normality} \times 0.4445 \times 200}{\text{Weight of sample}}$$

The sample is satisfactory if the results from the tests described indicate that there is a presence of phosphate, an absence of chloride, and not more than 1 percent of tetracycline base present.

2. By amending § 146c.204(d)(2)(ii) and (3)(ii) to read:

§ 146c.204 Chlortetracycline hydrochloride capsules; tetracycline hydrochloride capsules; tetracycline capsules; tetracycline phosphate complex capsules.

* * * * * * *

(d) * * *

(2) * * *

(ii) The chlortetracycline, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch: Potency, toxicity, moisture, pH, crystallinity, absorptivity (if it is tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex), and identity if it is tetracycline phosphate complex.

(3) * * *

(ii) The chlortetracycline, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, and if it is tetracycline phosphate complex, one additional package containing approximately 1 gram. Each such package shall be packaged in accordance with the requirements of § 146c.201(b).

3. By amending § 146c.221(d)(2)(ii) and (3)(ii) to read:

§ 146c.221 Tetracycline hydrochloride for intramuscular use; tetracycline phosphate complex for intramuscular use.

* * * * * * *

(d) * * *

(2) * * *

(ii) The tetracycline hydrochloride or tetracycline phosphate complex used in making the batch: Potency, toxicity, histamine, absorptivity, crystallinity, and identity if it is tetracycline phosphate complex.

(3) * * *

(ii) The tetracycline hydrochloride or tetracycline phosphate complex used in making the batch: 10 packages, each containing approximately equal portions of not less than 250 milligrams, and if it is tetracycline phosphate complex, one additional package containing approximately 1 gram. Each such package shall be packaged in accordance with the requirements of § 146c.201(b).

4. By amending § 146c.222(d)(2)(ii) and (3)(ii) to read:

§ 146c.222 Tetracycline hydrochloride oral suspension (tetracycline hydrochloride homogenized mixture); tetracycline phosphate complex oral suspension (tetracycline phosphate complex oral drops); tetracycline hydrochloride oral solution; tetracycline calcium oral suspension; tetracycline oral suspension.

* * * * * * *

(d) * * *

(2) * * *

(ii) The tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch: Potency, toxicity, moisture, pH, crystallinity, and absorptivity, and if it is tetracycline phosphate complex, identity.

(3) * * *

(ii) The tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, and if it is tetracycline phosphate complex, one additional package containing approximately 1 gram. Each such package shall be packaged in accordance with the requirements of § 146c.201(b).

5. By amending § 146c.232(a)(6) and (b) to read:

§ 146c.232 Tetracycline phosphate complex.

(a) * * *

(6) It does not contain any tetracycline as the hydrochloride and not more than 1 percent as tetracycline base.

(b) *Packaging; labeling; request for certification, samples; fees.* Tetracycline phosphate complex conforms to all requirements and procedures prescribed for tetracycline by § 146c.220(b), (c), (d), and (e), except that it shall be labeled with an expiration date that is 18 months after the month during which the batch was certified, and except that the sample submitted for certification shall contain one additional package containing approximately 1 gram.

[F.R. Doc. 62-9808; Filed, Oct. 1, 1962; 8:50 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Personal Appearance

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended by revising § 41.114 to provide that personal appearance by applicants for various categories of nonimmigrant visas may be waived under certain conditions. The amended section reads as follows:

§ 41.114 Personal appearance.

(a) Except as otherwise provided in this section, every alien who makes application for a nonimmigrant visa shall be required to appear in person before a consular officer. The requirement of personal appearance may be waived in the discretion of the consular officer in the case of any alien who is:

(1) A child under ten years of age,

(2) Within a class of nonimmigrants classifiable under the visa symbols A–1, A–2, A–3, C–2, C–3, G–1, G–2, G–3, G–4, G–5, NATO–1, NATO–2, NATO–3, NATO–4, NATO–5, NATO–6, or NATO–7,

(3) An applicant for a diplomatic or official visa,

(4) An applicant for a nonimmigrant visa under the provisions of section 101(a)(15)(B) of the Act if (i) within the preceding 24 months he was issued a nonimmigrant visa of a classification requiring the alien's personal appearance, or (ii) he is well and favorably known at the foreign service establishment at which he is applying, and is a resident of the consular district in which the foreign service establishment is located,

(5) Within a class of nonimmigrants classifiable under the visa symbols C–1, H–1, or I,

(6) Within a class of nonimmigrants classifiable under the visa symbol J–1, who qualifies as a leader in a field of specialized knowledge or skill and who is the recipient of a United States Government grant, and the spouse and children of such an alien who qualify for J–2 classification,

(7) Within any other nonimmigrant class not included in subparagraphs (1) through (6) of this paragraph in whose case the principal officer or, at a diplomatic mission, the Deputy Chief of Mission, the Counselor for Consular Affairs, or the Supervising Consul General determines that a waiver of personal appearance in the individual case is warranted in the national interest or because of unusual circumstances, including hardship to the visa applicant, or

(8) Within a class of nonimmigrants classifiable under the visa symbols B–1 or B–2, if he is applying at a post which has been authorized by the Department to accept temporary visitor visa applications by mail.

(b) In the categories described in subparagraphs (1) through (3) of paragraph (a) of this section, the visa application shall be made on Form FS–257. In any case in which personal appearance is waived, pursuant to subparagraph (8) of paragraph (a) of this section, application for a visa shall be made on Form FS–257a. In all other cases in which personal appearance is waived the consular officer may, in his discretion, require that the application be submitted on Form FS–257a.

(Sec. 222, 66 Stat. 193; 8 U.S.C. 1202)

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

Dated: September 28, 1962.

MICHEL CIEPLINSKI,
Acting Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 62-9865; Filed, Oct. 1, 1962; 8:56 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—GENERAL

[CGFR 62-29]

PART 2—GENERAL DUTIES AND JURISDICTION

Navigable Waters of the United States in 17 States

The purpose for this document is to publish the determinations made by the Commandant, United States Coast Guard, with respect to certain navigable waters of the United States in California, Idaho, Illinois, Kentucky, Louisiana, Maine, Montana, New Hampshire, New York, Oklahoma, and Wisconsin; as well as determinations that certain waters are considered to be non-navigable waters of the United States which are in Alabama, California, Kentucky, Louisiana, Michigan, Mississippi, and New Jersey. In the administration and enforcement of various navigation and vessel inspection laws, rules and regulations, it was necessary to determine whether or not certain bodies of waters are in fact navigable waters of the United States and subject to laws administered by the Coast Guard. The information in this document is intended also to further the development, use and enjoyment of all the navigable waters within the United States, and to clarify responsibility with respect to laws, rules and regulations intended to promote safety of life and property on these waters as further described in 33 CFR 2.10–5 and 2.15–1.

Because the rules in this document are interpretations, it is hereby found that the Coast Guard is exempt from compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule-making procedures thereon and effective date requirements).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), and 167–17 dated June 25, 1955 (20 F.R. 4976), to promulgate regulations in accordance with Title 5, U.S. Code, section 1002, and Title 14, U.S. Code, section 633, cited with the regulations below, the following regulations are prescribed and shall be in effect on and after the date of publication in the FEDERAL REGISTER:

Subpart 2.25—Navigable Waters of the United States—California

1. Subpart 2.25 is amended by adding after § 2.25–5 new sections reading as follows:

§ 2.25–10 Sacramento River.

The Sacramento River to Red Bluff, California.

§ 2.25–15 San Joaquin River.

The San Joaquin River to Hills Ferry, California, a distance of 118 miles from its mouth.

Subpart 2.34—Navigable Waters of the United States—Idaho

2. Subpart 2.34 is amended by adding after § 2.34–15 a new section reading as follows:

§ 2.34–20 Kootenai River.

The Kootenai River for its entire distance within the United States.

3. Part 2 is amended by inserting after § 2.34–20 a new subpart 2.35, consisting of §§ 2.35–1 and 2.35–5, reading as follows:

Subpart 2.35—Navigable Waters of the United States—Illinois

§ 2.35–1 Rock River.

Rock River from its mouth to Fort Atkinson, Wisconsin.

§ 2.35–5 Fox River.

The Fox River in Illinois, and the series of small lakes known as the Chain of

Lakes, connected with the Fox River, including Fox Lake and Pistakee Lake.

Subpart 2.39—Navigable Waters of the United States—Kentucky

4. Subpart 2.39 is amended by adding after § 2.39–1 a new section reading as follows:

§ 2.39–5 Rough River.

Rough River for a distance of 29 miles from its mouth.

Subpart 2.40—Navigable Waters of the United States—Louisiana

5. Subpart 2.40 is amended by adding after § 2.40–1 a new section reading as follows:

§ 2.40–5 Little River.

Little River for a distance of 54.5 miles, to Walley Landing including Catahoula Lake.

Subpart 2.41—Navigable Waters of the United States—Maine

6. Subpart 2.41 is amended by adding after § 2.41–1 a new section reading as follows:

§ 2.41–5 Salmon Falls River.

Salmon Falls River, including Milton Pond, Town House Pond and Northeast Pond, known as Milton Three Ponds, and Horn Pond and Great East Lake.

Subpart 2.48—Navigable Waters of the United States—Montana

7. Subpart 2.48 is amended by adding after § 2.48–1 a new section reading as follows:

§ 2.48–5 Kootenai River.

The Kootenai River for its entire distance within the United States.

9. Part 2 is amended by inserting after § 2.50–5 a new subpart 2.51, containing § 2.51–1, reading as follows:

Subpart 2.51—Navigable Waters of the United States—New Hampshire

§ 2.51–1 Salmon Falls River.

Salmon Falls River, including Milton Pond, Town House Pond and Northeast Pond, known as Milton Three Ponds, and Horn Pond and Great East Lake.

Subpart 2.54—Navigable Waters of the United States—New York

10. Subpart 2.54 is amended by adding after § 2.54–20 a new section reading as follows:

§ 2.54–25 Salmon River.

Salmon River, Oswego County, from its mouth to Port Ontario, a distance of approximately one mile.

Subpart 2.58—Navigable Waters of the United States—Oklahoma

11. Subpart 2.58 is amended by insert- after § 2.58–1 a new section reading as follows:

§ 2.58–5 Grand River.

Grand River to the upper end of Grand Lake, also known as Lake of the Cherokees.

Subpart 2.73—Navigable Waters of the United States—Wisconsin

12. Subpart 2.73 is amended by adding after § 2.73–1 a new section reading as follows:

§ 2.73–5 Rock River.

Rock River from its mouth to Fort Atkinson, Wisconsin.

(Sec. 3, 60 Stat. 238, sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Subpart 2.99—Nonnavigable Waters of the United States

13. Subpart 2.99 is amended by inserting after § 2.99–1 a new section reading as follows:

§ 2.99–5 Alabama.

(a) Cahaba River.

14. Section 2.99–25 is amended by adding new paragraphs (c) and (d) reading as follows:

§ 2.99–25 California.

* * * * *

(c) Shasta Lake.
(d) Millerton Lake.

15. Subpart 2.99 is amended by inserting after § 2.99–90 a new section reading as follows:

§ 2.99–95 Kentucky.

(a) Rough River from Mile 29 to its source.
(b) Rough River Reservoir.

16. Section 2.99–100 is amended by adding a new paragraph (b) reading as follows:

§ 2.99–100 Louisiana.

* * * * *

(b) Lake Providence, in East Carroll Parish.

17. Section 2.99–120 is amended by adding a new paragraph (b) reading as follows:

§ 2.99–120 Michigan.

* * * * *

(b) Glen Lake.

18. Section 2.99–130 is amended by adding a new paragraph (b) reading as follows:

§ 2.99–130 Mississippi.

* * * * *

(b) Leaf River.

19. Subpart 2.99 is amended by inserting after § 2.99–145 a new section reading as follows:

§ 2.99–160 New Jersey.

(a) Lake Hopatcong.

(Sec. 3, 60 Stat. 238, sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: September 24, 1962.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 62-9604; Filed, Oct. 1, 1962; 8:49 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 21—COMMISSIONED OFFICERS

Prescription of Numbers in Grade

Section 21.111 of Subpart G is amended to read as follows:

§ 21.111 Prescription of numbers in grade.

The following maximum number of officers is authorized to be on active duty in the Regular Corps in each of the grades from the junior assistant grade to the director grade, inclusive, during the fiscal year beginning July 1, 1962, and ending June 30, 1963:

Director Grade	665
Senior Grade	830
Full Grade	710
Senior Assistant Grade	335
Assistant Grade	60
Junior Assistant Grade	0

(Sec. 206, 58 Stat. 694, as amended; 42 U.S.C. and Sup., 207)

This amendment shall be effective as of July 1, 1962.

Dated: September 14, 1962.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: September 26, 1962.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 62-9790; Filed, Oct. 1, 1962; 8:48 a.m.]

Title 47—TELECOMMUNICATION

[FCC 62-988]

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Extension of Temporary Use of Certain Frequency

In the matter of extension of the temporary use of the frequency 122.6 Mc/s for Pilot-to-Weather Forecaster Service test and waiver of Section 2.106 to allow continued participation in the test by aircarrier aircraft stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of September 1962;

The Commission having under consideration the request of the Federal Aviation Agency (FAA) to extend until July 1, 1963, the use of the frequency 122.6 Mc/s in the direct Pilot-to-Weather Forecaster test and to waive the Commission's Rules to allow continued participation in the test by aircarrier aircraft, and also having under consideration various expressions contained in letters dated August 20, 1962, September 17, 1962, and September 19, 1962, by the Aircraft Owners and Pilots Association (AOPA) of its views on the FAA request, wherein AOPA raises certain questions concerning the extended continued use of the frequency 122.6 Mc/s; and,

It appearing that the Commission has twice previously concurred in the use of 122.6 Mc/s for the test program in question so that a 15-months' period of testing will have been completed by October 1, 1962, the date now specified for the termination of the program; and,

It further appearing that the FAA request raises certain problems in evaluating the merits thereof, but that some extension of the test program is warranted, however, so as to avoid interruption thereto pending the ultimate resolution of the frequency and other problems involved therein; and,

It further appearing that an extension for an additional period of six months should be sufficient to permit further Commission consideration leading to an anticipated general proceeding by the Commission for that purpose;

It is ordered, That authority for the temporary use of the frequency 122.6 Mc/s in the direct Pilot-to-Weather Forecaster Service test is extended to April 1, 1963; and,

It is further ordered, That § 2.106 of the Commission's rules is waived until April 1, 1963, insofar as it limits the frequency 122.6 Mc/s to private aircraft, to allow aircarrier aircraft continued participation in the FAA's direct Pilot-to-Weather Forecaster test; and,

It is further ordered, That Commission licensed aircarrier aircraft stations are hereby authorized the use of the frequency 122.6 Mc/s for the sole and express purpose of participating in the FAA's direct Pilot-to-Weather Forecaster test.

Released: September 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9828; Filed, Oct. 1, 1962; 8:55 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota and Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Public hunting of big game on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin is permitted on the areas designated by signs as open to hunting. These open areas, comprising 153,000 acres or 80 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Spieces premitted to be taken: White-tailed deer only during the season specified below. The hunting of big game species, as may be otherwise authorized by Illinois, Iowa, Minnesota, or Wisconsin State regulations, is prohibited.

(b) Open season: As specified below for individual States. In addition, hunting on designated closed areas may be permitted from the first day after the close of the hunting season for ducks and coots applicable to the geographic area concerned until the end of the applicable State seasons.

ILLINOIS

Bow and arrow seasons—from one-half hour before sunrise to 4:00 p.m. (CST) November 15, 1962, through November 26, 1962; and from one-half hour before sunrise to 4:00 p.m. (CST) December 6, 1962, through December 31, 1962. Shotgun season—from 6:30 a.m. to 4:00 p.m. (CST) November 30 through December 5, 1962.

IOWA

Bow and arrow season—from 6:30 a.m. to 5:30 p.m. (CST) October 13, 1962, through December 2, 1962. Shotgun season—from 8:00 a.m. to 4:00 p.m. (CST) December 15, 16, and 17, 1962.

MINNESOTA

Early bow and arrow season—from sunrise to sunset (CST) September 29, 1962, through October 31, 1962. Shotgun and bow and arrow seasons—from sunrise to sunset (CST) November 10 and 11, 1962, in zone 6, in which Wabasha County and that part of Winona County north and west of State Highway 43 are located; and from sunrise to sunset November 10, 1962, through November 12, 1962, in zone 7, in which that part of Winona County south and east of State Highway 43 and Houston County are located.

WISCONSIN

Hunting hours each day shall be as prescribed in State regulation tables.

Bow and arrow season—from one-half hour before sunrise to sunset (CST) September 22, 1962, through November 13, 1962; and from December 1, 1962, through December 31, 1962. Shotgun and bow and arrow season—one-half hour before sunrise to sunset (CST) November 17, 1962, through November 23, 1962, in Buffalo County; and one-half hour before sunrise to sunset (CST) November 17, 1962, through November 18, 1962, in La Crosse, Vernon and Crawford Counties. Rifle, shotgun and bow and arrow season—one-half hour before sunrise to sunset (CST) November 19, 1962, through November 23, 1962, in Trempealeau, La Crosse and Vernon Counties; and one-half hour before sunrise to sunset (CST) November 17, 1962, through November 18, 1962, in Crawford and Grant Counties.

(c) Bag limit:

ILLINOIS, IOWA AND MINNESOTA

One deer of any age or sex.

WISCONSIN

Bow and arrow only season—one deer of either sex. Gun season with bows permitted November 17, 1962, through November 18, 1962—one deer of either sex. Gun season with bows permitted November 19, 1962, through November 23, 1962—one buck deer with antlers not less than three inches long. Only one deer may be taken, whether by gun or by bow and arrow.

(d) Methods of hunting:

(1) Weapons:

ILLINOIS

For bow and arrow hunting only a long bow, providing such bow has a minimum pull of forty pounds or more, may be used. Crossbows or any mechanically operated bows are illegal. Only standard broadhead arrows may be used. For gun hunting, shotguns only with rifled slugs may be used.

IOWA

For bow and arrow hunting only a long bow, providing such bow has a minimum pull of forty pounds or more, may be used. Crossbows or any mechanically operated bows are illegal. Only standard broadhead arrows may be used. For gun hunting, 10, 12, 16, or 20 gauge shotguns only, with rifled slugs, may be used. Rifles, air guns or other weapons are illegal.

MINNESOTA

For bow and arrow hunting only a long bow, providing such bow has a minimum pull of forty pounds or more, may be used. Broadhead arrows must have a minimum weight of 110 grains, be of hi-carbon steel, the blade or blades must not be less than one-inch wide for single two edge blade and not less than three-inch circumference for three or more blades. For shotgun hunting, only rifled slugs may be used.

WISCONSIN

For bow and arrow hunting only a long bow providing such bow has a minimum pull of thirty pounds or more. Arrows

must have well-sharpened metal broadhead blades not less than seven-eighths of an inch long and not more than one and one-half inches in width. For shotgun hunting, only rifled slugs may be used. Smooth bore muskets or 45 caliber or larger and rifled muskets of 40 caliber or larger may be used for hunting deer in counties in which a shotgun only season is in effect.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3 All State laws and regulations must be complied with.

(4) The provisions of this special regulation are effective from the date of this publication to January 1, 1963.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 25, 1962.

[F.R. Doc. 62-9785; Filed, Oct. 1, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Certain Inert Ingredients in Pesticide Formulations; Proposal to Exempt From Requirement of Tolerance

Notice is given that the Commissioner of Food and Drugs, on his own initiative, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (c), 68 Stat. 512; 21 U.S.C. 346a(c)) and in accordance with the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposed to amend § 120.6(c) by adding in alphabetical order certain inert ingredients used in pesticide formulations to those inert ingredients exempted from the requirement of a tolerance, as follows:

§ 120.6 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
Dichlorodifluoromethane		Propellant.
1,2-Dichlorotetrafluoroethane		Do.
Trichlorofluoromethane		Do.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed in this document may request, within 30 days from publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Dated: September 26, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-9810; Filed, Oct. 1, 1962; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisons of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 614) has been filed by American Cyanamid Company, Agricultural Division, P.O. Box 400, Princeton, New Jersey, proposing the amendment of § 121.208 of the food additive regulations to provide for the safe use of from 20 grams to 50 grams of chlortetracycline per ton of rabbit feed, for the purpose of promoting growth and improving feed efficiency.

Dated: September 26, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9811; Filed, Oct. 1, 1962; 8:51 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 2]

SMALL BUSINESS SIZE STANDARDS

Notice of Proposal To Establish a Definition of Small Business Department Stores

The Adminstrator of the Small Business Administration proposes to establish a definition of small business department stores for the purpose of receiving SBA business loans.

Under the proposed amendment, a department store would be considered as a small business if, together with its affiliates, their combined annual sales do not exceed $2 million. The loan applicant must meet the definition of a department store as defined below.

Within fifteen (15) days after publication in the FEDERAL REGISTER, interested persons may file written comments concerning the proposed definition with:

Samuel S. Solomon, Director,
Office of Small Business Size Standards,
Small Business Administration,
Washington 25, D.C.

It is proposed to establish a definition of small business department stores for the purpose of receiving SBA business loans as follows:

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812), as amended (26 F.R. 1441, 1983, 2778, 3064, 7508, 6642, 8592, 10633, 10634, 12069; 27 F.R. 5653, 6655, 8106, 8265), is hereby further amended by:

1. Adding new paragraph (w) to § 121.3-2 as follows:

§ 121.3-2 Definition of terms used in this part.

* * * * * *

(w) "Department Store" means a concern employing twenty-five (25) or more persons engaged in the retail sale of some items in each of the following merchandise lines provided that sales of any one of the merchandise lines do not exceed eighty per cent (80%) of the store's total sales: (1) Furniture, home furnishings, appliances, radio and television sets; (2) a general line of apparel for the family; and (3) household linens and dry goods.

2. Adding new subparagraph (4) to § 121.3-10(e) as follows:

§ 121.3-10 Definition of small business for SBA business loans.

* * * * * *

(4) As small if it is primarily engaged in the operation of a department store and its annual sales do not exceed $2 million.

Dated: September 24, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-9789; Filed, Oct. 1, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 3]

[Docket No. 14185; FCC 62-1003]

FM BROADCASTING; ALLOCATION AND TECHNICAL STANDARDS

Petition for Changes in FM Station Assignment Rules; Memorandum Opinion and Order Extending Time for Comments

In the matter of revision of FM broadcast rules, particularly as to allocation and technical standards, Docket No. 14185; petition of FM Unlimited, Inc., for changes in FM station assignment rules, RM-94.

1. The Commission has before it for consideration: (1) The further notice of proposed rule making adopted herein July 25, 1962 (FCC 62-867), and the Memorandum Opinion and Order adopted August 13, 1962 (FCC 62-901) extending the time for filing comments and reply comments in response thereto until October 1 and October 16, 1962, respectively; (2) a "Petition for Extension of Time within which to File Comments", filed August 14, 1962 by Triangle Publications, Inc. (Radio and Television Division), requesting an extension of time for comments until December 1, 1962; (3) various other requests, writ-

ten but informal, for an extension of time to comment on that portion of the further notice (paragraph 7) relating to possible reduction in the power of existing stations (including requests for extensions to December 1 or January 1). No opposition to extending the time has been expressed, formally or informally.

2. In our August 13 action extending the time to October 1, we stated that barring unforeseen circumstances no further extension of time would be granted, and we also pointed out that our staff would continue to work on the tentative Table of Assignments, which would be issued when ready whether comments on the idea and principles of such a Table had been filed and considered or not. If not considered before issuance of the tentative Table, such comments would be carefully evaluated before adoption of any final Table.

3. Upon further consideration, we are of the view that the public interest would be served by extending the time for filing comments until November 1, 1962, and reply comments until November 16, 1962, with respect to the various matters covered in the further notice. It appears that this will not materially delay the final resolution of this proceeding; in this connection we will of course adhere to the statement mentioned above, and the tentative Table of Assignments will be issued when ready. With respect to possible reduction in power of existing stations, the area chiefly affected by this possible course of action is California, where the informal requests for further time originated. In view of the widespread publicity already given this matter in that area, and the tremendous amount of mail the Commission has already received therefrom, it appears that an additional month should be sufficient for the preparation and submission of whatever material interested parties wish to furnish.

4. In view of the foregoing: *It is ordered*, That the time for filing comments in response to the further notice of proposed rule making adopted herein on July 25, 1962 (FCC 62-867), is extended, to and including November 1, 1962; and time for filing reply comments herein is extended to and including November 16, 1962; and

5. *It is further ordered*, That the "Petition" filed by Triangle Publications, Inc. (Radio and Television Division) on August 14, 1962, mentioned in the first paragraph hereof, is granted, to the extent set forth herein, and in other respects is denied.

Adopted: September 25, 1962.

Released: September 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9825; Filed, Oct. 1, 1962; 8:54 a.m.]

[Docket No. 14785; FCC 62-989]

[47 CFR Parts 2, 7, 9, 10, 11, 16, and 21]

DOMESTIC PUBLIC RADIO SERVICES AND SAFETY AND SPECIAL RADIO SERVICES; FIXED STATIONS

Notice of Proposed Rule Making

In the matter of amendment of Parts 2, 7, 9, 10, 11, 16, and 21 of the Commission's rules to provide for 20 kc/s channeling in the 72-76 Mc/s band for fixed stations in the Domestic Public Radio Services and operational fixed stations in the Safety and Special Radio Services.

1. The Administrative Radio Conference, Geneva, 1959, recognized Radio Astronomy as a new radio service meriting status in the international table of frequency allocations. While the new service was given access to several frequency bands by virtue of footnotes to the table of frequency allocations, only one band, 1400 to 1427 Mc/s, was allocated exclusively to radio astronomy on a world-wide basis.

2. The Commission, in a notice of proposed rule making, Docket Number 13928, recommended that the National Table of Frequency Allocations be amended to provide exclusive allocations for radio astronomy in several of those frequency bands wherein the Geneva, 1959, Radio Regulations provided only footnote status. In certain other bands, the Commission's proposal could recommend only secondary status for the new service.

3. Comments filed with the Commission with respect to its radio astronomy proposals were generally favorable. Consequently, the Commission's Second Memorandum Opinion and Order Docket Number 13928, adopted October 18, 1961, effective December 1, 1961, adopted its earlier radio astronomy proposals without change.

4. As a result, forty 40 kc/s channels, from 73.0 to 74.6 Mc/s, were pre-empted for the new Radio Astronomy Service with the provision, however, that those stations in other services existing and authorized as of December 1, 1961, could continue operation without affording protection to the Radio Astronomy Service.

5. On January 5, 1962, the Commission released a Notice of Inquiry, Docket Number 14477, offering for public comment the preliminary views of the United States regarding frequency allocations for radio astronomy. The proposal at 73.0-74.6 Mc/s would make the band exclusively radio astronomy on a world-wide basis. This would be an expansion of the existing footnote status for Region 2 (the Americas). Should this be adopted by a future radio conference, those operations presently permitted to use the band on a "grandfather clause" basis would be in derogation of the new Regulations and would be required to move if they caused interference to the radio astronomy service of other countries.

6. Because of the fact that new users may not be assigned frequencies in the 73.0 to 74.6 Mc/s band and that present users in that band may be required to move at some future date, the Commission now proposes to split the remaining 40 kc/s channels in the 72-76 Mc/s band, and reduce frequency deviation from ±15 kc/s to ±5 kc/s. This will result in regaining 38 of the 40 channels lost to the Radio Astronomy Service.

7. Operational experience, especially in the 42-50 Mc/s and the 150 Mc/s band, has demonstrated the practicability and feasibility of 20 kc/s channeling. This proposal is a further step in that direction.

8. The Commission proposes to make the following frequencies available to operational fixed stations in the Aviation, Industrial, Marine, Public Safety, Land Transportation and fixed stations in the Domestic Public Radio Services subject to the same restrictions for the protection of television channels 4 and 5 as now exist:

Mc/s	*Mc/s*	*Mc/s*	*Mc/s*
72.02	72.42	72.82	75.22
72.04	72.44	72.84	75.24
72.06	72.46	72.86	75.26
72.08	72.48	72.88	75.28
72.10	72.50	72.90	75.30
72.12	72.52	72.92	75.32
72.14	72.54	72.94	75.34
72.16	72.56	72.96	75.36
72.18	72.58	72.98	75.38
72.20	72.60	75.42	75.42
72.22	72.62	75.44	75.44
72.24	72.64	75.46	75.46
72.26	72.66	75.48	75.48
72.28	72.68	75.50	75.50
72.30	72.70	75.52	75.52
72.32	72.72	75.54	75.54
72.34	72.74	75.56	75.56
72.36	72.76	75.58	75.58
72.38	72.78	75.60	75.60
72.40	72.80	75.62	

9. In addition to complying with the applicable narrow-band technical standards by October 31, 1963, as set forth in the various service rules, existing licensees operating in the 72-76 Mc/s band utilizing 36F3 or 40F3 equipment will be required to meet all narrow-band technical standards by October 31, 1967. Applicants seeking authorizations in this band after the effective date of the final rules in this Docket will be required to demonstrate compliance with all the aforementioned narrow-band technical standards.

10. In order to facilitate immediate usage of the new "split" channels, the Commission proposes the following:

(a) After the effective date of the final rules in this Docket, no new systems will be authorized unless the frequency requested is in accordance with the revised frequency tables.

(b) Licensees authorized prior to the effective date of the final rules in this Docket will be required to reduce the frequency deviation of all transmitters authorized to operate in the 72.0-73.0 and 75.4-76.0 Mc/s bands to plus or minus 5 kc/s within six months thereafter.

(c) After the effective date of the final rules in this Docket the Commission will not recognize as valid any complaint of interference caused by a transmitter operating in accordance with the narrow-band technical standards, to a fixed service or operational fixed receiver designed for use in a wide-band system.

11. Upon the adoption of this Docket, it will become necessary to amend Part 9 to reduce the present authorized bandwidth of 50 kc/s in the Aviation Services to 20 kc/s.

12. The National Association of Manufacturers, NAM, has filed a petition for institution of rule making requesting, among other things, splitting the present 40 kc/s channels in the 72-76 Mc/s band, re-allocating 30 channels to the Manufacturers Radio Service exclusively, limiting the power on these 30 frequencies to one watt, and allocate these frequencies in pairs for duplex mobile operation. Part 2 of the Commission's rules presently allocates 72-73 and 75.4-76 Mc/s bands exclusively to operational fixed stations in the various Safety and Special Radio Services and to fixed stations in the Domestic Public Radio Service.

13. To the extent that the NAM proposals conform to the Commission's proposals, they will be treated in this proceeding. All other items in the NAM proposals will be held in abeyance and treated in a subsequent rule-making proceeding.

14. Authority for the proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

15. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before November 5, 1962, and reply comments on or before November 19, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

16. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, and comments filed should be furnished the Commission.

Adopted: September 25, 1962.

Released: September 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9823; Filed, Oct. 1, 1962; 8:53 a.m.]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

PROMULGATION OF THE FEDERAL SHARES UNDER THE FEDERAL WATER POLLUTION CONTROL ACT

Pursuant to section 5(h) (1) and (2) of the Federal Water Pollution Control Act, as amended (70 Stat. 501, 33 U.S.C. 466d(h)).

And having found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce, as to the per capita incomes of States and of the United States, are the years 1959, 1960, and 1961,

The following federal share percentages for the several States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, as determined pursuant to said Act and on the basis of said income data, are hereby promulgated for two fiscal years in the period beginning July 1, 1963:

Alabama	66⅔
Alaska	39.91
Arizona	54.58
Arkansas	66⅔
California	38.48
Colorado	48.06
Connecticut	36.04
Delaware	33⅓
District of Columbia	33⅓
Florida	55.67
Georgia	63.73
Hawaii	48.55
Idaho	59.64
Illinois	40.74
Indiana	51.04
Iowa	53.97
Kansas	53.43
Kentucky	64.84
Louisiana	63.57
Maine	58.56
Maryland	45.80
Massachusetts	43.25
Michigan	48.53
Minnesota	53.32
Mississippi	66⅔
Missouri	50.23
Montana	55.10
Nebraska	52.62
Nevada	35.64
New Hampshire	53.30
New Jersey	40.04
New Mexico	59.10
New York	37.15
North Carolina	64.63
North Dakota	63.28
Ohio	47.76
Oklahoma	58.56
Oregon	49.57
Pennsylvania	49.46
Rhode Island	50.45
South Carolina	66⅔
South Dakota	60.55
Tennessee	65.02
Texas	56.10
Utah	56.57
Vermont	58.02
Virginia	58.20
Washington	47.74
West Virginia	62.42
Wisconsin	51.26
Wyoming	48.94
Guam	66⅔
Puerto Rico	66⅔
Virgin Islands	66⅔
Interstate Agencies:	
Bi-State Development Agency	43.58
Interstate Commission on the Delaware River Basin	41.62
Interstate Commission on the Potomac River Basin	51.08
Interstate Sanitation Commission	37.72
Klamath River Compact Commission	39.56
New England Interstate Water Pollution Control Commission	40.04
Ohio River Valley Water Sanitation Commission	46.23

Dated: August 31, 1962.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: September 26, 1962.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-9812; Filed, Oct. 1, 1962; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14789; FCC 62-995]

AVOYELLES BROADCASTING CORP.

Order Designating Application for Hearing on Stated Issues

In re application of Avoyelles Broadcasting Corporation, New Roads, Louisiana, requests: 1500 kc, 1 kw, Day, Class II, Docket No. 14789, File No. BP-14122; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 25th day of September 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the following matter is to be considered in connection with the aforementioned issues specified below: The applicant is also the licensee of Stations KAPB and WLBI, respectively, located in Marksville and Denham Springs, Louisiana. Because of the proximity of said communities to New Roads, Louisiana, which community the proposal could principally serve, it appears that there will be a substantial overlap of the primary service contours in violation of § 3.35(a) of the Commission rules. A substantial question also exists as to whether a grant of this application would not result in a concentration of control of standard broadcasting in a manner inconsistent with the public interest, convenience or necessity (see § 3.35(b)). It is, therefore, appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the particular needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that neither the overlap involved nor concentration of control nor any other circumstances will be in contravention of section 3.35 of the Commission rules.

It further appearing that in view of the outstanding proposed rulemaking proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the proposal in this proceeding, prior to a final decision in Docket 14419, should be appropriately conditioned.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the instant proposal of Avoyelles Broadcasting Corporation would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

3. To determine whether a grant of the instant proposal of Avoyelles Broadcasting Corporation would be in contravention of § 3.35(b) of the Commission rules with respect to concentration of control.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, in the event of a grant of the instant proposal in this proceeding, the construction permit issued shall contain the following condition:

This authorization is subject to compliance by permittee with any applicable procedures of the Federal Aviation Agency.

It is further ordered, That a grant of the proposal in this proceeding, prior to a final decision in Docket No. 14419, will be conditioned as follows:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: September 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9826; Filed, Oct. 1, 1962; 8:55 a.m.]

[Docket No. 14784]

WARD D. BRACKEEN AND BRACKEEN RADIO AND TV SERVICE SHOP

Order To Show Cause

In the matter of Ward D. Brackeen, d/b as Brackeen Radio and TV Service Shop, 2012 N. Robison Road, Texarkana, Texas, docket no. 14784; order to show cause why there should not be revoked the license for Radio Station 8W1355 in the Citizens Radio Service.

The Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules by the subject licensee;

It appearing that, on April 6, 1962, the Commission, pursuant to § 1.76 of the Commission's rules, addressed a letter to the named licensee alleging that inspection of his radio station on February 15, 1962, had disclosed that an unauthorized alteration to the station license issued to him by the Commission had been made so as to reflect authorization for the operation of a "base station" and that station 8W1355 was not being operated in compliance with the Commission's rules in the following particulars:

Section 19.72(b)—failure to affix FCC Form 452(c) to mobile transmitters;

Section 19.25(c)—failure to restrict antenna height to 20 feet above man-made structure;

Section 19.102—failure to make provision for reception of CONELRAD radio alert and CONELRAD radio all clear; and

It further appearing that the Commission's letter of April 6, 1962, sent by Certified Mail—Return Receipt Requested (No. 97023) requested the licensee to reply within ten days of receipt and warned that failure to reply might result in the institution of proceedings for the revocation of his Citizens radio station license; and

It further appearing that receipt of the Commission's letter of April 6, 1962, was acknowledged by the signature of the licensee's agent, Mrs. Ward Brackeen, to a United States Post Office Department receipt for certified mail on April 9, 1962; and

It further appearing that, although more than ten days elapsed from the date of receipt of the Commission's letter of April 6, 1962, no reply thereto was made; and

It further appearing that follow-up letters dated July 11, and August 6, 1962, respectively, were sent by the Commission to the above-captioned licensee calling his attention to his failure to respond and requesting reply thereto, both of which were received by his agent, Mrs. Ward Brackeen, but no response thereto was made; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 26th day of September 1962, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the above-named licensee show cause why the license for Citizens Radio Station 8W1355 should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That, the Acting Secretary send a copy of this order to the licensee, Ward D. Brackeen at 2012 N. Robison Road, Texarkana, Texas, by Certified Mail—Return Receipt Requested.

Released: September 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9827; Filed, Oct. 1, 1962; 8:55 a.m.]

[Docket No. 14783]

GREATER MIAMI OUTBOARD RACING ASSOCIATION

Order To Show Cause

In the matter of Greater Miami Outboard Racing Association, 871 N.E. 160th Terrace, North Miami Beach, Florida, Docket No. 14783; order to show cause why there should not be revoked the license for Radio Station 7Q0259.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation mailed on May 16, 1962, alleging that on April 28, 1962, Citizens radio station 7Q0259 was observed in violation of § 19.61(a) of the Commission's rules, in that the radio communications transmitted were not purposeful or substantive to the licensee's business or personal needs.

It further appearing that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated June 18, 1962, and sent by Certified Mail—Return Receipt Requested (Cert. No. 877010), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent Jerry Schlossberg on June 25, 1962, to a Post Office Department return receipt; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 25th day of September 1962, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: September 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9829; Filed, Oct. 1, 1962; 8:55 a.m.]

[Docket No. 14792; FCC 62-997]

INTERNATIONAL RADIO, INC. (KGST)

Order Designating Application for Hearing on Stated Issues

In re application of International Radio, Inc. (KGST), Fresno, California, has: 1600 kc, 1 kw, Day, Class III, req: 1600 kc, 5 kw, Day, Class III, Docket No. 14792, File No. BP-14149; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of September 1962;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the following matter is to be considered in connection with the aforementioned issues specified below:

1. According to data submitted by the applicant, the proposed operation of KGST would cause co-channel interference to the existing operation of Station KUBA, Yuba City, California. On September 1, 1961, by petition, Station KUBA objected to a grant of this application and requested that it be designated for hearing and KUBA be made a party respondent.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KGST and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of KGST would cause objectionable interference to Station KUBA, Yuba City, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Peach Bowl Broadcasters, Inc., licensee of Station KUBA, Yuba City, California is made a party to the proceeding.

It is further ordered, That, the "Petition to Designate Application for Hearing" filed on September 1, 1961 by Peach Bowl Broadcasters, Inc., is granted to the extent indicated above.

It is further ordered, That, in the event of a grant of the above-captioned application, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of Section 3.87 of the Commission Rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent therein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: September 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9830; Filed, Oct. 1, 1962; 8:56 a.m.]

[Docket Nos. 14646, 14647; FCC 62M-1277]

MINEOLA BROADCASTING CO. AND CENTER BROADCASTING CO., INC.

Memorandum Opinion and Order Continuing Hearing

In re applications of: J. A. Windham and Leo Robinson d/b as Mineola Broadcasting Co., Mineola, Texas, Docket No. 14646, File No. BP-14244; Center Broadcasting Company, Inc., Pittsburg, Texas, Docket No. 14647, File No. BP-14418; for construction permits.

Under consideration is a motion by applicant Center Broadcasting Company, Inc., for postponement of hearing in the above-entitled matter pending action by the Review Board on a joint petition by the two applicants which seeks approval of an agreement looking toward the dismissal of petitioner's application. The instant motion was filed September 25, 1962. The hearing is scheduled to commence four business days later, i.e., on October 1. While it is true that the petition which is now before the Review Board has been pending since July 27, petitioner is not without blame for delaying the filing of the present motion until now. In this regard it is to be noted that a prehearing conference was held in this case on June 27 and the parties agreed (petitioner's counsel having held himself out as the spokesman for both applicants on the matter), with the Examiner's approval, to prepare their direct cases in written form and to exchange such exhibits by September 4. Not only has this not been accomplished but no effort whatever has been made until the present motion to inform the Hearing Examiner concerning the intentions of the parties. Were it not for the fact, therefore, that it had not been clearly laid down during the prehearing conference that the parties would be expected to go forward on October 1 regardless of the status of their drop-out agreement the Hearing Examiner would be unable under the circumstances to find any justification whatsoever for postponing the hearing further. As it is, the present motion will have to be denied out of hand because of its untimely filing, but in the interest of substantial justice the Examiner, on his own motion, will establish new dates for preparation and hearing in accord with the present condition of his hearing calendar. In this connection the parties are to understand that the dates to be established herein are considered firm and will not be changed except on a strong showing of good cause by motion timely filed with due regard to the requirements of the Examiner's case load and hearing calendar. Further, inaction by the Review Board, or any other authority, on petitioner's request for approval of the proposed pay-off agreement, an agreement which presents serious problems under current Commission policy and which is definitely not so cut and dry as the petitioner would have the Examiner believe in its filed motion papers,[1] will be deemed insufficient to constitute legitimate grounds for further postponements.

Accordingly, it is ordered, This 26th day of September 1962, that the motion of Center Broadcasting Company, Inc., for postponement of hearing is hereby denied;

It is ordered further, On the Hearing Examiner's own motion, that the hearing in the above-entitled proceeding is hereby postponed to 10 a.m., Friday, December 14, 1962, at the Commission's offices, Washington, D.C.;

It is ordered further, That direct case exhibits, engineering and non-engineering alike, are to be exchanged among the parties by the close of business November 23, 1962 (one copy of each such exhibit to be provided the Hearing Examiner);

It is ordered further, That the parties shall give heed to what has been said in the above Memorandum Opinion so that there will be no repetition of the failure

[1] Petitioner states: "It is expected that action by the Review Board will render a hearing unnecessary. The applicants have in no way been responsible for delay in the resolution of this matter". This thinly veiled attempt to throw the onus for the delay on others must be rejected out of hand. No one but the parties themselves was responsible for raising public interest questions on which the reviewing authorities have necessarily taken time to deliberate.

on their part to move forward as expected herein.

Released: September 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9824; Filed, Oct. 1, 1962; 8:54 a.m.]

[Docket No. 14741; FCC 62M-1275]

NEW MADRID COUNTY BROADCASTING CO. (KMIS)

Order Continuing Hearing

In re application of J. Shelby McCallum, Smith J. Dunn and Jewel P. White, d/b as New Madrid County Broadcasting Company (KMIS), Portageville, Missouri, Docket No. 14741; File No. BP-14758; for construction permit.

The Hearing Examiner having under consideration a change in the date for commencement of hearing;

It appearing that a prehearing conference was held on September 25, at which time a schedule for the hearing was considered and that all the parties agreed upon an exchange of exhibits in the affirmative for October 29 and commencement of hearing on November 13 instead of the currently scheduled date of October 19, 1962;

It is ordered, This 25th day of September 1962, that the date for commencement of hearing is changed from October 19 to November 13, 1962.

Released: September 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9833; Filed, Oct. 1, 1962; 8:56 a.m.]

[Docket No. 14788; FCC 62-994]

JAMES A. NOE

Order Designating Application for Hearing on Stated Issues

In re application of James A. Noe, Lafayette, Louisiana, requests: 1270 kc, 1 kw, day, Class III, Docket No. 14788, File No. BP-13615; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of September 1962;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

James A. Noe, is the individual permittee of Station WYNE (CP), Baton Rouge, Louisiana, the individual licensee of Station KNOE, Monroe, Louisiana, and is the 99 percent stockholder of the licensee of Station WNOE, New Orleans, Louisiana. A grant of the subject application would give Mr. Noe ownership and control of four stations in the state of Louisiana. The primary service areas of applicant will involve substantial overlap of the primary service area of Station WNOE, and Station WYNE (CP). Therefore, questions exist with respect to compliance with § 3.35(a), and § 3.35(b) of the rules. In considering the subject proposal of James A. Noe, in the light of § 3.35 of the Commission's rules, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap and/or concentration of control involved will or will not be in contravention of § 3.35 of the Commission's rules.

It further appearing that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of James A. Noe, and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the proposal of James A. Noe would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

3. To determine whether a grant of the proposal of James A. Noe would be in contravention of § 3.35(b) of the Commission rules with respect to concentration of control.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That in the event of a grant of the application, the construction permit shall contain the following conditions:

Permittee shall be responsible for the installation and adjustment of suitable filter circuits or other equipment which may be necessary to prevent objectionable re-radiation or cross modulation with Station KVOL.

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: September 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9831; Filed, Oct. 1, 1962; 8:56 a.m.]

[Docket Nos. 14786, 14787; FCC 62-993]

PENDER BROADCASTING CO. AND DUPLIN BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Raymond Woodrow Fields, Oathel Burgess Hall, and William M. Baker, d/b as Pender Broadcasting Company, Burgaw, North Carolina, requests: 1470 kc, 1 kw, day, Class III, Docket No. 14786, File No. BP-14784; Duplin Broadcasting Company, St. Pauls, North Carolina, requests: 1470 kc, 1 kw, day, Class III, Docket No. 14787, File No. BP-15021; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of September 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the above-captioned applications may receive interference from each other and from existing operations which would affect more than ten percent of the population within the respective proposed primary service areas in contravention of § 3.28(d)(3) of the Commission's rules; and

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from either of the instant proposals.

3. To determine whether the interference received by each instant proposal from the other proposal herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d) (3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of the application of Pender Broadcasting Company, the construction permit shall contain the following condition: The finding made by the Commission that the proposed antenna structure is acceptable under Federal Aviation Agency criteria (§ 626.16, F.A.A. Regulations) is subject to compliance by permittee with any applicable procedure of the F.A.A.

It is further ordered, That, in the event of a grant of either of the subject applications, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9834; Filed, Oct. 1, 1962; 8:56 a.m.]

[Docket No. 14731; FCC 62M-1279]

RUSSELL'S TAXI

Order Changing Place of Hearing

In re application of Isaac J. Russell, d/b as Russell's Taxi, 19 North Street, Calais, Maine, Docket No. 14731, File No. 00993-LC-62; for authorization in the Citizens Radio Service to Operate a Class D radio station.

The Chief Hearing Examiner having under consideration a motion in behalf of the Commission's Safety and Special Radio Services Bureau, filed September 24, 1962, for field hearing in the above-entitled proceeding;

It appearing that, by order released August 2, 1962 (FCC 62M-1101), the hearing herein was scheduled to be held before Hearing Examiner Isadore A. Honig in Washington, D.C., commencing October 18, 1962;

It appearing further that the applicant is in accord with the instant motion which is supported by a showing of good and sufficient cause;

It is ordered, This 26th day of September 1962, that the motion is granted; that the place of hearing in the above-entitled proceeding is hereby changed from Washington, D.C., to Calais, Maine; and that the said hearing will commence, as presently scheduled, on October 18, 1962.

Released: September 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9832; Filed, Oct. 1, 1962; 8:56 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T.D. Order No. 167-47]

COMMANDANT, U.S. COAST GUARD

Delegation of Functions

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, there are transferred to the Commandant, U.S. Coast Guard the functions of the Secretary of the Treasury under 14 U.S.C. 461(c)—added by Public Law 87-526, dated 10 July 1962—pertaining to the remission of indebtedness of enlisted members of the Coast Guard.

Dated: September 26, 1962.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-9805; Filed, Oct. 1, 1962; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

GEORGE E. HARDING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 22, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 19, 1962.

GEORGE E. HARDING.

[F.R. Doc. 62-9798; Filed, Oct. 1, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OIL AND GAS LEASE OFFER

Outer Continental Shelf Off California

SEPTEMBER 21, 1962.

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. sec. 1331 et seq.) and the regulations issued thereunder (43 C.F.R. Part 201), sealed bids addressed to the Director, Bureau of Land Management, Department of the Interior, Washington 25, D.C., will be received on or before January 8, 1963, at 9:00 a.m., e.s.t., for the lease of oil and gas in certain areas of the Outer Continental Shelf, adjacent to the State of California. Bids may be delivered in person to the Office of the Assistant Director, Operating Services, Room 5652, between 8:00 a.m., e.s.t., and 9:00 a.m., e.s.t., January 8, 1963. Bids will be opened at 10:00 a.m., e.s.t., January 8, 1963, in the Department of Interior Auditorium, First Floor, 18th and C Streets, Washington, D.C.

All bids must be submitted in accordance with applicable regulations, particularly 43 C.F.R. 201.20, 201.21, and 201.22. Bids may not be modified or withdrawn unless the modification or withdrawals are received prior to the time fixed for filing of the bids. Bidders are warned against violation of section 1860, Title 18 U.S.C., prohibiting unlawful combination or intimidation of bidders. Attention is directed to the nondiscrimination clauses in section 2(k) of the lease agreement (Form 4-1255 (July 1962)). Bidders must submit with each bid one-fifth of the amount bid in cash, or by cashier's check, bank draft, certified check or money order payable to the order of the Bureau of Land Management. The leases will provide for a royalty rate of one-sixth, and a rental or minimum royalty of $3 per acre or fraction thereof. The successful bidder for each tract will be required to pay the remainder of the bid and the first year's rental of $3 per acre and furnish an acceptable surety bond as provided in 43 C.F.R. 201.51 prior to the issuance of each lease.

All leases will provide for the suspension of operations during war, or national emergency, or in the interest of national security as determined by the Commander, Western Sea Frontier, U.S. Navy, of the area. On Map No. 3, San Francisco Area, no drilling or surface production activities will be allowed on portions of blocks as designated below. In addition, leases for tracts on Map No. 5, Morro Bay Area, will carry a special "hold harmless" clause which will become effective after suitable and timely warning by the Navy Sea Frontier Commander of the Area as to military operations in the area, and pipelines and cables will not be permitted to come ashore on lands controlled by the Military.

Copies of the lease agreement (Form 4-1255 (July 1962)) may be obtained from the Manager, Land Office, Bureau of Land Management, 1414 8th Street (Post Office Box 723), Riverside, California; the Regional Oil and Gas Supervisor, Geological Survey, Room 1012 Bartlett Building, 215 West 7th Street, Los Angeles, California; the Manager, New Orleans Office, T-9003 Federal Office Bldg., New Orleans, La.; or the Assistant Director, Operating Services, Bureau of Land Management, Washington 25, D.C.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than $5 per acre or fraction thereof will be considered. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than full tract, as listed below, will be considered. A separate bid, in a separate sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, California (insert number of tract), not to be opened until 10:00 a.m., e.s.t., January 8, 1963." The right is reserved to reject any or all bids even though the bid may exceed the minimum referred to previously.

The tracts offered for bid are as follows:

CALIFORNIA

OFFICIAL LEASING MAP, CALIFORNIA MAP NO. 1 N

(Approved November 21, 1961)

Eureka Area N½

Tract No.	Block	Description	Acreage
Cal. 17	47N 40W	All	5760
Cal. 18	48N 40W	do	5760
Cal. 19	49N 40W	do	5760
Cal. 20	50N 40W	do	5760
Cal. 21	51N 40W	do	5760
Cal. 22	52N 40W	do	5760
Cal. 23	53N 40W	do	5760
Cal. 24	54N 40W	do	5760
Cal. 25	55N 40W	do	5760
Cal. 26	56N 40W	All that portion lying beyond the outer limit of the territorial sea as shown by the 3-mile line on the official leasing map.	2280
Cal. 27	47N 41W	All	5760
Cal. 28	48N 41W	do	5760
Cal. 29	49N 41W	do	5760
Cal. 30	50N 41W	do	5760
Cal. 31	51N 41W	do	5760
Cal. 32	52N 41W	do	5760
Cal. 33	53N 41W	do	5760
Cal. 34	54N 41W	do	5760
Cal. 35	55N 41W	do	5760
Cal. 36	56N 41W	All that portion lying beyond the outer limit of the territorial sea as shown by the 3-mile line on the official leasing map.	5400
Cal. 37	47N 42W	All	5760
Cal. 38	48N 42W	do	5760
Cal. 39	49N 42W	do	5760
Cal. 40	50N 42W	do	5760
Cal. 41	51N 42W	do	5760
Cal. 42	52N 42W	do	5760
Cal. 43	53N 42W	do	5760
Cal. 44	54N 42W	do	5760
Cal. 45	55N 42W	do	5760
Cal. 46	56N 42W	do	5760
Cal. 47	47N 43W	do	5760
Cal. 48	48N 43W	do	5760
Cal. 49	49N 43W	do	5760
Cal. 50	50N 43W	do	5760
Cal. 51	51N 43W	do	5760
Cal. 52	52N 43W	do	5760
Cal. 53	53N 43W	do	5760
Cal. 54	54N 43W	do	5760
Cal. 55	55N 43W	do	5760
Cal. 56	56N 43W	do	5760
Cal. 57	54N 44W	do	5760
Cal. 58	55N 44W	do	5760
Cal. 59	56N 44W	8½	2880

OFFICIAL LEASING MAP, CALIFORNIA MAP NO. 2

(Approved November 21, 1961)

Pt. Arena Area

Tract No.	Block	Description	Acreage
Cal. 60	15N 23W	All	2237.43
Cal. 61	16N 23W	do	5760
Cal. 62	17N 23W	do	5760
Cal. 63	15N 24W	do	2327.42
Cal. 64	16N 24W	do	5760
Cal. 65	17N 24W	do	5760
Cal. 66	15N 25W	do	2417.40
Cal. 67	16N 25W	do	5760
Cal. 68	17N 25W	do	5760
Cal. 69	26N 31W	do	5760
Cal. 70	27N 31W	All that portion lying beyond the outer limit of the territorial sea as shown by the 3-mile line on the official leasing map.	3690
Cal. 71	28N 31W	do	240
Cal. 72	27N 32W	All	5760
Cal. 73	28N 32W	All that portion lying beyond the outer limit of the territorial sea as shown by the 3-mile line on the official leasing map.	5260
Cal. 74	29N 32W	do	940
Cal. 75	31N 32W	do	150
Cal. 76	32N 32W	do	2380
Cal. 77	33N 32W	do	1350
Cal. 78	34N 32W	do	28
Cal. 79	29N 33W	do	5620
Cal. 80	30N 33W	do	4230
Cal. 81	31N 33W	do	4740
Cal. 82	32N 33W	All	5760
Cal. 83	33N 33W	do	5760
Cal. 84	34N 33W	All that portion lying beyond the outer limit of the territorial sea as shown by the 3-mile line on the official leasing map.	4970
Cal. 85	32N 34W	All	5760
Cal. 86	33N 34W	do	5760
Cal. 87	34N 34W	do	5760
Cal. 88	32N 35W	do	5760
Cal. 89	33N 35W	do	5760

CALIFORNIA—Continued

OFFICIAL LEASING MAP, CALIFORNIA MAP NO. 3

(Approved November 21, 1961; Revised February 7, 1962)

San Francisco Area

Tract No.	Block	Description	Acreage
Cal. 90	15N 37W	All	5760
Cal. 91	15N 38W	do	5760
Cal. 92	16N 38W	do	5760
Cal. 93	16N 39W	do	5760
Cal. 94	17N 39W	do	5760
Cal. 95	17N 40W	do	5760
Cal. 96	18N 40W	do	5760
Cal. 97	18N 41W	do	5760
Cal. 98	19N 41W	do	5760
Cal. 99	19N 42W	do	5760
Cal. 100	20N 42W	do	5760
Cal. 101	20N 43W	do	5760
Cal. 102	21N 43W	do	5760
Cal. 103	33N 44W	do	5760
Cal. 104	34N 44W	do	5760
		All that portion lying beyond the outer limit of the territorial sea as shown by the 3-mile line on the official leasing map.	5690
Cal. 105	33N 45W	All. (No drilling or production activities will be allowed on S½ of block.)	5760
Cal. 106	34N 45W	All that portion lying beyond the outer limit of the territorial sea as shown by the 3-mile line on the official leasing map.	4200
Cal. 107	33N 46W	All. (No drilling or production activities will be allowed on S½ of block.)	5760
Cal. 108	34N 46W	All that portion lying beyond the outer limit of the territorial sea as shown by the 3-mile line on the official leasing map.	4290
Cal. 109	33N 47W	All. (No drilling or production activities will be allowed on S½ of block.)	5760
Cal. 110	34N 47W	All that portion lying beyond the outer limit of the territorial sea as shown by the 3-mile line on the official leasing map.	5410
Cal. 111	35N 47W	do	760
Cal. 112	34N 48W	All	5760
Cal. 113	35N 48W	All that portion lying beyond the outer limit of the territorial sea as shown by the 3-mile line on the official leasing map.	5620
Cal. 114	36N 48W	do	5620
Cal. 115	36N 49W	All. (No drilling or production activities will be allowed on W½ of block.)	5760
Cal. 116	36N 49W	do	5760
Cal. 117	37N 49W	All	5760
Cal. 118	38N 49W	do	5760
Cal. 119	39N 49W	do	5760
Cal. 120	40N 49W	do	5760
Cal. 121	41N 49W	do	5760
Cal. 122	37N 50W	do	5760
Cal. 123	38N 50W	do	5760
Cal. 124	39N 50W	do	5760
Cal. 125	40N 50W	do	5760
Cal. 126	41N 50W	do	5760
Cal. 127	42N 50W	do	5760
Cal. 128	39N 51W	All. (No drilling or production activities will be allowed on S½ of block.)	5760
Cal. 129	40N 51W	All	5760
Cal. 130	41N 51W	do	5760
Cal. 131	42N 51W	do	5760
Cal. 132	40N 52W	All. (No drilling or production activities will be allowed on W½ of block.)	5760
Cal. 133	41N 52W	do	5760
Cal. 134	42N 52W	All	5760

OFFICIAL LEASING MAP, CALIFORNIA MAP NO. 5

(Approved November 21, 1961)

Morro Bay Area

Tract No.	Block	Description	Acreage
Cal. 135	24N 50W	All that portion lying beyond the outer limit of the territorial sea as shown by the 3-mile line on the official leasing map.	3820
Cal. 136	30N 52W	do	5160
Cal. 137	31N 52W	do	5690
Cal. 138	34N 52W	do	2470
Cal. 139	29N 53W	All	5760
Cal. 140	30N 53W	do	5760
Cal. 141	31N 53W	do	5760
Cal. 142	32N 53W	do	5760
Cal. 143	33N 53W	do	5760
Cal. 144	29N 54W	do	5760
Cal. 145	30N 54W	do	5760
Cal. 146	31N 54W	do	5760
Cal. 147	32N 54W	do	5760
Cal. 148	33N 54W	do	5760
Cal. 149	34N 54W	do	5760
Cal. 150	35N 54W	do	5760
Cal. 151	36N 54W	do	5760
Cal. 152	30N 55W	do	5760
Cal. 153	31N 55W	do	5760
Cal. 154	32N 55W	do	5760
Cal. 155	33N 55W	do	5760
Cal. 156	34N 55W	do	5760
Cal. 157	35N 56W	do	5760
Cal. 158	36N 55W	do	5760
Cal. 159	37N 55W	do	5760
Cal. 160	38N 55W	do	5760
Cal. 161	39N 56W	All that portion lying beyond the outer limit of the territorial sea as shown by the 3-mile line on the official leasing map.	5220
Cal. 162	40N 56W	do	600
Cal. 163	39N 56W	All	5760
Cal. 164	40N 56W	All that portion lying beyond the outer limit of the territorial sea as shown by the 3-mile line on the official leasing map.	4850
Cal. 165	41N 56W	do	1750
Cal. 166	42N 56W	do	1210
Cal. 167	41N 57W	All	5760
Cal. 168	42N 57W	do	5760

Official leasing maps consisting of 6 maps designated Maps Nos. 1 N, 1 S, 2, 3, 4, and 5 can be purchased for one dollar per set from Manager, Bureau of Land Management, T-9003 Federal Office Building, 701 Loyola Avenue, New Orleans 12, La.; Land Office Manager, Bureau of Land Management, Federal Building and U.S. Court House, 650 Capitol Avenue, Sacramento 14, Calif.; Land Office Manager, Bureau of Land Management, 1414 8th Street (Post Office Box 723), Riverside, Calif., or the Director, Bureau of Land Management, Washington 25, D.C.

Bidders are requested to submit their bids in the following form:

Director,
Bureau of Land Management,
Department of the Interior,
Washington 25, D.C.

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on land of the Outer Continental Shelf specified below:

Area _____
Official Leasing Map No. _____
Tract No. _____
Total amount _____
Amount per acre _____
Amount submitted with bid _____

_____
(Signature)

_____
(Address)

Important. The Bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft.

A separate bid must be made for each tract.

H. R. HOCHMUTH,
Acting Director,
Bureau of Land Management.

Approved: September 27, 1962.

JAMES K. CARR,
Acting Secretary,
Department of the Interior.

[F.R. Doc. 62-9835; Filed, Oct. 1, 1962; 8:56 a.m.]

Office of the Secretary

KARL H. KINDELBERGER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) American Electric Power Company.
(3) None.
(4) None.

This statement is made as of September 17, 1962.

Dated: September 17, 1962.

KARL H. KINDELBERGER.

[F.R. Doc. 62-9786; Filed, Oct. 1, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of Nebraska natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEBRASKA

Banner.	Keith.
Box Butte.	Kimball.
Chase.	Morrill.
Cheyenne.	Perkins.
Dawes.	Scotts Bluff.
Deuel.	Sheridan.
Garden.	Sioux.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 21st day of September 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-9820; Filed, Oct. 1, 1962; 8:53 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11941 etc.]

WASHINGTON, D.C., HELICOPTER SERVICE CASE

Notice of Oral Argument

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on October 31, 1962, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 27, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-9815; Filed, Oct. 1, 1962; 8:52 a.m.]

[Docket 12063]

FOREIGN AIR CARRIER PERMIT TERMS INVESTIGATION

Notice of Oral Argument

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on October 24, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 27, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-9814; Filed, Oct. 1, 1962; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

KULUKUNDIS LINES, LTD., ET AL.

Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8910, between Kulukundis Lines, Ltd., Jayanti Shipping Company (Private) Ltd. and Kulukundis Maritime Industries, Inc., covers the establishment and maintenance of an arrangement for the spacing of sailings in the trades between ports of the United States, Canadian Pacific Coast, Mexico and Honolulu, Hong Kong, Formosa, Philippine Islands, Indonesia, Federation of Malaya, Ceylon, Thailand, Cambodia, Burma, India, Pakistan, Saudi Arabia, Iran, Iraq, Kuwait, Bahrein, Trucial Coast Sheikdoms, Neutral Zones of Arabia, Qatar, both westbound and eastbound.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 27, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-9821; Filed, Oct. 1, 1962; 8:53 a.m.]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 7980-5, between the member lines comprising the North Atlantic Mediterranean Freight Conference, operating from U.S. North Atlantic ports in the Hampton Roads/Portland, Maine range to all ports in the Mediterranean except those of Spain and Israel, modifies the basic Agreement (7980) to expand the range of U.S. North Atlantic ports served to include Eastport, Maine.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 27, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-9822; Filed, Oct. 1, 1962; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP62-261, CP62-309]

COLORADO INTERSTATE GAS CO. AND KANSAS-COLORADO UTILITIES, INC.

Notice of Applications, Consolidation of Proceedings and Fixing Date of Hearing

SEPTEMBER 25, 1962.

On May 14, 1962, Colorado Interstate Gas Company (Interstate), Colorado Springs National Bank Building, Colorado Springs, Colorado, filed an abbreviated application seeking authorization, pursuant to section 7(c) of the Natural Gas Act (Act), to construct and operate certain facilities in order to exchange gas with and purchase gas from Kansas-Colorado Utilities, Inc. (Utilities), and on June 29, 1962, Utilities filed an application for exemption from the provisions of the Act, pursuant to section 1(c), as to its participation in the exchange-purchase arrangement, all as more fully set forth in each application.

Utilities entered a contract on December 1, 1961, with Frankfort Oil Company (Frankfort), a division of Joseph E. Seagram & Sons, Inc., for the purchase of gas produced by Frankfort from the McClave Field in Prowers, Bent and Kiowa Counties, Colorado. Interstate will take delivery of this gas at a point in Kiowa County, Colorado, on its Fourway-Kit Carson transmission line (Kiowa delivery point) and will in exchange deliver as much as, but not in excess of, 7,500 Mcf per day to Utilities upstream at two existing delivery points, McClave and Springfield, Colorado, at the western termini of Utilities' main transmission line. To the extent that deliveries of gas by Frankfort to Interstate may exceed in any one day the volumes delivered to Utilities, such excess shall be purchased by Interstate; it is estimated that the quantity of gas to be purchased will total 525,000 Mcf during the calendar year 1963 but is not to exceed 1,500 Mcf in any one day. The price of this gas sold and delivered to Interstate at the Kiowa delivery point is to be 18 cents per Mcf until December 31, 1966, with fixed periodic in-

creases of one cent per Mcf for each of the five year periods thereafter. Interstate states that any gas thus purchased by it will be transported and sold within the State of Colorado only. Utilities delivers gas from its main transmission line to an affiliate, Plateau Natural Gas Company, for distribution in communities in Kansas and Colorado. The estimated reserves available to Utilities in the McClave Field as of September 1, 1962, are 13,840,000 Mcf at 14.73 psia. The facilities to be constructed by Interstate consist of a pipeline tap with a 4-inch valve at the Kiowa delivery point at a cost of approximately $500. Utilities seeks exemption from the jurisdiction of the Commission.

The proceedings upon these related applications in Docket Nos. CP62–261 and CP62–309 should be heard on a consolidated record and are hereby consolidated for hearing.

A public hearing, limited to the issues presented by said applications, will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing on October 31, 1962, at 10:00 a.m., e.s.t. Notices and petitions to intervene and protests may be filed with the Commission in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before October 19, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–9778; Filed, Oct. 1, 1962; 8:46 a.m.]

[Docket No. CP63–37]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application and Date of Hearing

SEPTEMBER 25, 1962.

Take notice that on August 6, 1962, The Manufacturers Light and Heat Company (Applicant), 800 Union Trust Building, Pittsburgh 19, Pennsylvania, filed in Docket No. CP63–37 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 2,200 horsepower compressor station to replace Applicant's existing 2,400 horsepower compressor station at the same location in the Grant District, Wetzel County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to replace the existing Carnegie Compressor Station with new facilities consisting of two 1,100 horsepower vertical reciprocating natural gas engines, each driving reciprocating compressors, together with auxiliary equipment, piping, controls, and other necessary equipment for the operation of the station. The application states that although the existing Carnegie Compressor Station has adequate horsepower, it is not equipped to perform the required service because the compressors, piping, and other facilities are not designed to operate at the pressure necessary to meet Applicant's system requirements. Further, Applicant alleges that it is not practicable to modify substantially the existing equipment for the following reasons: (1) To modify such equipment is estimated to cost $915,000; (2) The fuel consumption factor of the existing engines after modification would be an estimated 12.7 cubic feet per brake horsepower hour as compared with an estimated factor of 7.8 cubic feet per brake horsepower hour for the proposed new engines; (3) The main engines and compressor units are approximately 21 years old and are no longer being manufactured, which situation makes it progressively more difficult to obtain repair and replacement parts.

The estimated total capital cost of the proposed facilities is $1,045,000, to be financed through the issuance and sale of securities to Applicant's parent company, The Columbia Gas System, Inc. Salvage value of the facilities to be replaced is estimated at $85,000, with credit to fixed capital of $317,714 and cost of retiring estimated at $10,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 30, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 19, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–9779; Filed, Oct. 1, 1962; 8:46 a.m.]

[Docket No. CP62–304]

OHIO FUEL GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 25, 1962.

Take notice that on June 25, 1962, The Ohio Fuel Gas Company (Applicant), 99 North Front Street, Columbus 15, Ohio, filed in Docket No. CP62–304 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a lateral pipeline and appurtenant facilities to serve the distribution system which Applicant proposes to construct and operate in the Villages of Savannah and Bailey Lakes, Ashland County, Ohio, and authorizing the construction and operation of a tap and measuring station and the sale and delivery of natural gas to Permian Oil and Gas Company (Permian) for resale and distribution in the Village of Carlisle, Noble County, Ohio, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The estimated gas requirements under this application in Mcf at 14.73 psia are as follows:

Year	Savannah, Bailey Lakes and environs	Permian
First:		
Peak day	404	9
Annual	41,422	1,052
Second:		
Peak day	467	9
Annual	48,078	1,103
Third:		
Peak day	495	10
Annual	50,933	1,160

Applicant proposes to construct and operate the following facilities:

(1) Approximately 2.1 miles of 2⅜" O.D. lateral pipeline in Ashland County, Ohio, extending from a proposed connection with Line L–2121 to proposed distribution facilities to serve the Villages of Savannah and Bailey Lakes;

(2) A tap on Line O–173 for the sale and delivery of gas to Permian in Noble County, Ohio; and

(3) Valves, fittings, and incidental facilities necessary for the practical operation of the aforementioned facilities.

Applicant estimates that the construction of the proposed jurisdictional facilities will cost approximately $25,000. Applicant will finance this amount, together with the cost of the distribution facilities, estimated to be approximately $78,690, from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 30, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 19, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–9781; Filed, Oct. 1, 1962; 8:46 a.m.]

[Docket Nos. G–17165, G–20412 [1]]

NUECES CO.

Order Substituting Respondent, Accepting Agreements and Undertakings, and Redesignating Proceedings

SEPTEMBER 25, 1962.

On July 27, 1961, The Nueces Company (Operator) (Nueces) filed a motion to be substituted for Santa Rosa Gas Company (Operator) (Santa Rosa) in the above designated rate proceedings. The motion states that Nueces has acquired as of midnight, June 30, 1961, all of the facilities of Santa Rosa affected by the above-designated proceedings.

The increased rates involved in the above-designated dockets were made effective subject to refund prior to the acquisition of the facilities of Santa Rosa by Nueces. Nueces has submitted agreements and undertakings assuming all of the obligations of Santa Rosa to make any refunds required by the Commission.

By letter dated July 27, 1962, the Commission granted temporary authorization for the continuance of Santa Rosa's sales by Nueces and redesignated Santa Rosa's FPC Gas Rate Schedule No. 1 as Nueces' FPC Gas Rate Schedule No. 3.

The Commission finds: Good cause exists for substituting Nueces for Santa Rosa as respondent in the proceedings in Docket Nos. G–17165 and G–20412, for redesignating the proceedings accordingly, and for accepting the agreements and undertakings in lieu of those heretofore filed by Santa Rosa.

The Commission orders:

(A) The Nueces Company (Operator) is hereby substituted as respondent in the proceedings in Docket Nos. G–17165 and G–20412, and the proceedings are hereby redesignated accordingly.

(B) The agreements and undertakings submitted by The Nueces Company (Operator) to assume any and all refund obligations in the proceedings in Docket Nos. G–17165 and G–20412 are hereby accepted for filing in lieu of those heretofore filed by Santa Rosa Gas Company (Operator).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–9780; Filed, Oct. 1, 1962; 8:46 a.m.]

[1] The proceedings in Docket Nos. G–17165 and G–20412 have been consolidated with the area rate proceeding in Docket Nos. AR61–1, et al., by Commission order issued December 23, 1960.

[Docket No. CP63–32]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application and Date of Hearing

SEPTEMBER 25, 1962.

Take notice that on July 30, 1962, as supplemented on August 16, 1962, Panhandle Eastern Pipe Line Company (Applicant), 3444 Broadway, Kansas City, Missouri, filed in Docket No. CP63–32 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for a period of three years for testing and development of underground storage reservoirs in Vermilion and Parke Counties, Indiana, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The proposed testing area is near Applicant's existing main transmission pipeline in Indiana. Applicant states that the development of storage reservoirs in this area will be an economical means of obtaining additional peak season capacity since the over-all costs of storage facilities will be less than equivalent main line facilities necessary to provide such volumes.

Applicant further states that before engaging in full scale operation of any proven reservoirs, it will make the necessary certificate application to the Commission.

The proposed maximum total expenditure is $6,000,000, with no single project to exceed a cost of $2,000,000; and the proposed total volume of gas to be injected is 7,500,000 Mcf, with no single project to exceed an injection volume of 2,500,000 Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 1, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 22, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–9782; Filed, Oct. 1, 1962; 8:47 a.m.]

[Docket No. CP62–131]

RATON NATURAL GAS CO.

Notice of Continuance of Hearing

SEPTEMBER 25, 1962.

Take notice that the hearing now scheduled for October 2, 1962 on the application of Raton Natural Gas Company for an order pursuant to section 7(a) of the Natural Gas Act directing Colorado Interstate Gas Company to establish physical connection of its transportation facilities with facilities to be constructed by Raton and to sell and deliver to Raton natural gas for resale and distribution in the City of Raton, New Mexico; and for a certificate of public convenience and necessity pursuant to section 7(c) of the act authorizing Raton to construct and operate certain facilities, is continued without date and subject to further notice by the Secretary.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–9783; Filed, Oct. 1, 1962; 8:47 a.m.]

[Docket Nos. RI63–77—RI63–84]

TEXACO, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 25, 1962.

Texaco Inc. (Operator), Docket No. RI63–77; Texaco Inc. (Operator), et al., Docket No. RI63–78; Texaco Inc., Docket No. RI63–79; Sun Oil Company, Docket No. RI63–80; Pan American Petroleum Corporation, Docket No. RI63–81; Pan American Petroleum Corporation, (Operator), et al., Docket No. RI63–82; Ada Oil Company, et al., Docket No. RI63–83; Humble Oil & Refining Company, Docket No. RI63–84.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket No.
RI63-77	Texaco Inc. (Operator), P.O. Box 2332, Houston, Tex.	2	11	United Fuel Gas Co. (Lake Barre Field, et al., Terrebonne Parish, et al., La.).	$100,551	9-4-62	11-1-62	4-1-63	20.3	[2] 20.7	RI62-155
RI63-78	Texaco Inc. (Operator), et al.	3	16	United Fuel Gas Co. (Valentine Field, LaFourche Parish, La.).	35,902	9-4-62	11-1-62	4-1-63	20.3	[2] 20.7	RI62-156
RI63-79	Texaco Inc.	4	10	United Fuel Gas Co., (East Mud Lake Field, Cambron Parish, La.).	43,441	9-4-62	11-1-62	4-1-63	20.3	[2] 20.7	RI62-157
		5	10	United Fuel Gas Co. (Horseshoe Bayou-Bayou Sale Field, St. Mary Parish, La.).	2,117	9-4-62	11-1-62	4-1-63	20.3	[2] 20.7	RI62-157
		200	4	United Fuel Gas Co. (Midland Field, Acadia Parish, La.).	1,319	9-4-62	11-1-62	4-1-63	20.3	[2] 20.7	RI62-157
RI63-80	Sun Oil Co., P.O. Box 2880, Dallas 21, Tex.	54	11	United Gas Pipe Line Co. (Burnell-North Pettus Field, Bee, Goliad, and Karnes Counties, Tex.) (R.R. District No. 2).	4,896	8-29-62	10-1-62	3-1-63	9.7229	[3] [4] 14.4121	
RI63-81	Pan American Petroleum Corp., P.O. Box 1410, Fort. Worth 1, Tex.	275	4	H. L. Hunt, et al. (Whelan Field, Harrison County, Tex.) (R.R. District No. 6).	282	8-27-62	11-1-62	4-1-63	12.7	[2] 12.9	RI62-121
RI63-82	Pan American Petroleum Corp. (Operator), et al.	283	6	Texas Eastern Transmission Corp. (Willow Springs Field, Gregg County, Tex.) (R.R. District No. 6).	681	8-30-62	11-1-62	4-1-63	15.2	[2] 15.4	RI62-131
RI63-83	Ada Oil Company, et al., P.O. Box 844, 6010 Fannin, Houston 1, Tex.	6	3	Natural Gas Pipeline Co. of America (Liverpool Field, Brazoria County, Tex.) (R. R. District No. 3).	1,440	8-31-62	[7] 10-1-62	3-1-63	15.2	[5] [6] 16.2	
RI63-84	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	1	12	Trunkline Gas Co. (Sabine Tram Field, Newton County, Tex.) (R.R. District No. 3).	6,503	9-5-62	[8] 10-6-62	3-6-63	9.78656	[4] [6] 15.144	

[1] The stated effective date is the first day after the expiration of the required statutory notice, or, if later, the date requested by Respondent.
[2] Periodic increase.
[3] Pressure base is 15.025 p.s.i.a.
[4] Redetermined increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to downward BTU adjustment below 1,000 BTU's.
[7] Requests waiver of notice.
[8] Requests a one day suspension if proposed increased rate suspended.

The proposed increased rates, except that designated as Supplement No. 4 to Pan American Petroleum Corporation FPC Gas Rate Schedule No. 275, exceed the applicable price level set forth in the Commission's Statement of General Policy No. 61–1, and the amendments thereto. Pan American Petroleum Corporation's proposed increased rate is below the applicable price level, but should be suspended in order to maintain the contractual differential between such increased rate and the buyer's resale rate, which has been suspended in Docket No. RI62–466.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before November 13, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9777; Filed, Oct. 1, 1962; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 399]

KANSAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Dickinson County in the State of Kansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Officers below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about September 18, 1962.

Offices:

Small Business Administration Regional Office,
Home Savings Building, Fifth Floor,
1006 Grand Avenue,
Kansas City 6, Mo.

Small Business Administration Branch Office,
Board of Trade Building, Room 215,
120 South Market Street,
Wichita 2, Kans.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1963.

Dated: September 24, 1962.

IRVING MANESS,
Deputy Administrator.

[F.R. Doc. 62-9788; Filed, Oct. 1, 1962; 8:48 a.m.]

[Declaration of Disaster Area 371; Amdt. 2]

NEW YORK ET AL.

Amendment to Declaration of Disaster Area

Declaration of Disaster Area 371, dated March 8, 1962 (27 F.R. 2498), as amended May 9, 1962 (27 F.R. 4857), for the States of New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, and Massachusetts, is hereby amended so that Applications for disaster loans under the authority of said Declaration will not be accepted subsequent to December 31, 1962.

Dated: September 21, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-9793; Filed, Oct. 1, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 699]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 27, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 65049. By order of September 3, 1962, the Transfer Board approved the transfer to Mitchell J. Van Der Aa and John. J. Van Der Aa, a partnership, doing business as Van Der Aa Bros. School Bus Service, South Holland, Ill., of Certificate No. MC 114886, issued May 9, 1955, to Mitchell J. Van Der Aa, Paul Van Der Aa, and John Van Der Aa, a partnership, doing business as Van Der Aa Bros., South Holland, Ill., authorizing the transportation of: Passengers and their baggage, in round-trip charter operations, beginning and ending at South Holland, Calumet City, Lansing, and Phoenix, Ill., and extending to points in Lake, Porter, Jasper and St. Joseph Counties, Ind. Henry C. Piel, 15407 Center Avenue, Harvey, Ill., attorney for applicants.

No. MC–FC 65082. By order of September 25, 1962, the Transfer Board approved the transfer to Action Truck Lines, Inc., Houston, Texas, of Corrected Certificate No. MC 99776 Sub-1 issued May 6, 1958, to T. C. & W. Truck Line, Inc., Houston, Texas, authorizing the transportation over irregular routes of machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, materials, equipment and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main pipelines, between Houston, Tex., on the one hand, and, on the other, points in Louisiana; machinery, equipment, materials, and supplies used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, equipment, materials, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Oklahoma, Kansas, and Texas, machinery, equipment, materials, and supplies, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, between points in Tulsa County, Okla., on the one hand, and, on the other, points in Arkansas and Louisiana, machinery and equipment, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and materials and supplies (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving or from exploration, drilling, production, job; construction, plant (including refining, manufacturing and processing plant) sites or storage sites, between Houston, Tex., on the one hand, and, on the other, points in Louisiana; between points in Oklahoma, Kansas and Texas; between points in Tulsa County, Okla., on the one hand, and, on the other, points in Louisiana, machinery, equipment, materials, and supplies used in, or in connection with the drilling of water wells, between Houston, Tex., on the one hand, and, on the other, points in Louisiana, between points in Oklahoma, Kansas, and Texas, and between points in Tulsa County, Oklahoma, on the one hand, and, on the other, points in Arkansas and Louisiana. Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin 1, Tex., attorney for applicants.

No. MC–FC 65226. By order of September 25, 1962, the Transfer Board approved the transfer to Verna G. Cote, doing business as Middy Cote Trucking, Hudson, N.H., of Certificate No. MC 32460, issued February 17, 1950, to Middy Cote and of Certificate No. MC 32460 Sub-2 issued July 18, 1961, to Middy Cote, Verna G. Cote, Executrix, Hudson, N.H., authorizing the transportation of: Sand and gravel, in bulk, in dump vehicles, and machinery, solid fuel, and ice, from and to, or between specified points in New Hampshire and Massachusetts. Andre J. Barbeau, 795 Elm Street, Manchester, N.H., attorney for applicants.

No. MC–FC 65231. By order of September 20, 1962, the Transfer Board approved the transfer to Ray Reinbold, Mapleton, Iowa, of Certificate No. MC 25744, issued June 6, 1941, to Art Kelley, Mapleton, Iowa; authorizing the transportation of: Flour, furniture, feed, lumber, and building material from Omaha, Nebr., to Mapleton, Iowa and points within 20 miles of Mapleton; and, livestock and household goods, between Mapleton, Iowa, and points within 20 miles of Mapleton, on the one hand, and, on the other, points in Nebraska within 50 miles of the Iowa-Nebraska state line.

No. MC–FC 65358. By order of September 21, 1962, the Transfer Board approved the transfer to Herman Gerber and Charles West, a partnership, doing business as Gerber & West, Little Ferry, N.J., of Permit No. MC 1837, issued August 2, 1956, to Bernard Buck, doing business as Buck Transportation Line, Stelton (Edison), N.J., authorizing the transportation of plumbing supplies, over regular routes, between Metuchen, N.J., and New York, N.Y., serving all intermediate points; between Metuchen, N.J., and Philadelphia, Pa., serving all intermediate points. Herman Gerber, 378 Liberty Street, Little Ferry, N.J., for transferee. Bernard Buck, 2375 Woodbridge Avenue, Stelton (Edison), N.J., for transferor.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-9791; Filed, Oct. 1, 1962; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 27, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37963: *Salt from Michigan and Ohio points.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2634), for interested rail carriers. Rates on salt, in bulk or in packages, in carloads, from specified points in Michigan and Ohio, to Kansas City, Mo.-Kan., and St. Joseph, Mo.

Grounds for relief: Market competition.

Tariff: Supplement 21 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C–91.

FSA No. 37964: *Lumber from Livingston and Manhattan, Mont.* Filed by Trans-Continental Freight Bureau, Agent (No. 391), for interested rail carriers. Rates on lumber and related ar-

ticles, in carloads, from Livingston and Manhattan, Mont., and points taking same rates, to points in Minnesota, Wisconsin and Michigan on the lines of the Northern Pacific Ry., and Soo Line Railroad.

Grounds for relief: Market and private truck competition.

Tariff: 112 to Trans-Continental Freight Bureau tariff I.C.C. 1581.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9792; Filed, Oct. 1, 1962; 8:49 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 27 NUMBER 191

Washington, Tuesday, October 2, 1962

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Revision 2]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is revised Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations.

Information and effective date. This revision assembles Part 107 (Revision 1) as previously published in the FEDERAL REGISTER (26 F.R. 8232–8242) together with subsequently published amendments thereto (27 F.R. 167, 851, 1720, 3844, 4905, 6750, 6826, 6827, 8613, 8855, and 9327).

This revision amends § 107.704(c)(1) by correcting a typographical error appearing in said section; renumbers the interpretations and changes the reference to § 107.301(c) as it appears in §§ 107.102, 107.704, and 107.711.

Since this revision merely incorporates previously published amendments and imposes no substantial additional burdens or obligations upon any party, and because of the necessity of promptly applying the revision to the program, it shall become effective upon publication in the FEDERAL REGISTER.

Dated: September 27, 1962.

JOHN E. HORNE, *Administrator.*

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107.1005 Eligible investments for idle operating funds of SBIC's (interpreting § 107.710).
107.1006 Employment of funds provided small business concerns by Licensees (interpreting § 107.715 (a)).

AUTHORITY: §§ 107.11 to 107.1006 issued under sec. 308, Public Law 85-699, 72 Stat. 694; 15 U.S.C. 687.

§ 107.11 Scope of part.

(a) The Small Business Investment Act of 1958 became law August 21, 1958. Such Act has been amended by the Small Business Investment Act Amendments of 1960, which became effective June 11, 1960, and the Small Business Investment Act Amendments of 1961, which became effective October 3, 1961.

(b) The purpose of the Act is to improve and stimulate the national economy in general and the small business segment thereof in particular.

(c) This purpose is to be accomplished by the establishment of a program designed to stimulate and supplement the flow of private equity capital and long-term loan funds necessary for the sound financing of the business operations of small-business concerns and for their growth, expansion and modernization.

(d) Under the program:

(1) SBA will select and approve (license) private corporations (chartered under State law to conduct the activities described in subparagraph (2) of this paragraph) which shall thereupon become eligible for (i) financial assistance from SBA under the Act, (ii) discretionary exemptions under the Securities Act of 1933 and the Trust Indenture Act of 1939, as well as a specified

exemption under the Investment Company Act of 1940, (iii) such further benefits and privileges as may ever be provided by Federal or State laws for corporations licensed by SBA under the Act, and (iv) tax benefits specified under the Technical Amendments Act of 1958, as amended in 1959. The stockholders of such corporations are eligible also for tax benefits specified under the Technical Amendments Act of 1958.

References:

1. Securities Act of 1933, 15 U.S.C.A. secs. 77a–77aa.
2. Trust Indenture Act of 1939, 15 U.S.C.A. secs. 77aaa–77bbbb.
3. Investment Company Act of 1940, 15 U.S.C.A. secs. 80a–1—80a–52.
4. Securities and Exchange Commission Regulations issued pursuant to the above Acts relating to small business investment companies.
5. Section 57, Technical Amendments Act of 1958, Public Law 85–866, as amended by Public Law 86–376, 73 Stat. 700.
6. Personal Holding Company Tax Section 541, Internal Revenue Code of 1954, 26 U.S.C.A. secs. 541–547.
7. Sections 1.541–1—1.547–7 of the Income Tax Regulations of the Treasury Department (26 CFR 1.541–1 to 1.547–7) as amended.
8. State incorporation laws.
9. Bank Holding Company Act of 1956, 12 U.S.C.A. secs. 1841–1848.
10. Regulations of the Federal Reserve Board under Bank Holding Company Act, 12 CFR 222.1–222.108, and in particular, Regulation 222.107.

(2) Private corporations are to be chartered under State law for the specific purpose of providing funds to small business concerns (as defined by SBA) through the purchase of Equity Securities (as defined in § 107.501) of such concerns and through the disbursement of long-term loans to such concerns. Such corporations will be authorized to provide consulting and advisory services to small business concerns on a fee basis for such services actually rendered. All of said activities will be subject to regulations prescribed by SBA. The corporations will be examined by SBA and will make reports as and when required by SBA.

(e) The program will be administered in such a manner as to insure the maximum participation of private financing sources.

(f) Any financial assistance provided under the Act cannot result in a substantial increase of unemployment in any area of the country.

(g) The program will be administered by SBA through its Small Business Investment Division.

(h) The provisions of section 16 of the Small Business Act are extended specifically to the functions under the Small Business Investment Act of 1958. That section requires that whoever makes a statement knowing it to be false, or willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any loan, or extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of SBA, or for the purpose of obtaining money, property, or anything of value, shall be punished by fine or imprisonment or both.

§ 107.12 Definitions.

Act. "Act" means the Small Business Investment Act of 1958, as amended.

Administrator. "Administrator" means the Administrator of SBA.

License. "License" means the grant (evidenced by a certificate issued to the Licensee and registered in the Washington office of SBA) by SBA to a Proposed Operator, in consideration of the representations and offers contained in the License Application, of authority to conduct its business, in the territory described in the License, in accordance with and subject to the provisions and purpose of the Act and regulations of SBA prescribed thereunder; and includes the privilege of receiving financial assistance under the Act and qualifies such Licensee and its stockholders for any and all other rights, privileges and benefits available to a Licensee and its stockholders under the provisions of the Act or any other Federal or State laws.

License Application. "License Application" means the request to SBA for a License, by the Proposed Operator, executed and submitted on SBA Form No. 415, which shall incorporate by reference the Proposal as a part of said request.

Licensee. "Licensee" means a corporation which: Is enfranchised and chartered under State law, to conduct (in accordance with and subject to the provisions and purpose of the Act and in accordance with and subject to regulations prescribed by SBA under the Act) in the territory in which its operations are to be carried on, only the activities described under Title III of the Act; has executed and submitted a License Application; and, has been granted a License.

Operating territory or area. "Operating territory," "area in which operations are to be carried on," "areas in which Licensee operates," and similar terms, mean the territorial area or areas in which a Licensee is authorized by the terms of its License to purchase Equity Securities (as defined in § 107.501) from, to make loans to, and to provide consulting and advisory services to any small business concern (regardless of the residence, domicile, place of business, or location of the property of such small business concern) so long as such purchase, loan or service does not constitute or involve doing business in any State not included in said territorial area or areas so as to require the Licensee to register or otherwise comply with the laws of such State as a foreign corporation.

Proponents. "Proponents" means individuals or other entities which execute and submit a Proposal.

Proposal. "Proposal" means the information and representations contained in SBA Form No. 414, submitted by Proponents with the request that SBA consider the same and issue an approval for the Proponents to proceed with all action (including the incorporation of the Proposed Operator) necessary to qualify the Proposed Operator for execution and submission of a License Application. A Proposal is in effect a preliminary License Application (see definition of "License Application").

Proposed Operator. "Proposed Operator" means the company identified and described in a particular Proposal and recommended therein as a prospective Licensee.

SBA. "SBA" means the Small Business Administration.

SBID. "SBID" means the Small Business Investment Division of SBA.

Small business concern. For the purpose of size, a "small business concern" is one which meets the applicable standards and criteria set forth under Part 121 of this chapter.

PROPOSAL

§ 107.101 Information, instructions and forms.

Detailed printed information, instructions and SBID Forms covering the procedure and basic requirements in the grant of a license, may be obtained from SBID through the Washington or any Regional or Field Office of SBA.

§ 107.102 Proposal.

(a) A Proposal shall be submitted on SBA Form No. 414[1] to SBID through a Regional Office of SBA. The Proposal consists of three parts: Part I deals with the plans of operation; Part II deals with the experience of the Proposed Operators; and Part III is a financial statement of each proposed officer, director and ten or more percent stockholder. Part III shall be filed only in those instances where the Proposed Operator is requesting SBA funds pursuant to § 107.-301(b)(1).

(b) Such proposal shall include such further matters, in addition to those matters required by SBA Form 414, as SBA may require by regulation or otherwise or which may be submitted by the Proponents as part of the Proposal.

(c) In considering whether to issue a License to a Proposed Operator, due regard will be given, among other things, to the need for financing of small business concerns of the type intended to be assisted by the Proposed Operator, provided the License shall not grant to the Licensee any exclusive right in any area or areas set forth therein.

(d) Counsel for the Proponents or Proposed Operator shall submit as a part of the Proposal his opinion that, among other things, the Proposed Operator is or can be chartered under State law to conduct (in the territory in which its operations are to be carried on) only the activities described under Title III of the Act, in accordance with and subject to the provisions and purpose of the Act and in accordance with and subject to

[1] Filed with the Federal Register Office as part of the original document. Copies of SBA Form 414, Proposal To Operate a Small Business Investment Company, together with instructions, are available at the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

regulations prescribed by SBA under the Act.

(e) Immediately upon receipt by SBID of each Proposal, SBID shall register, assign an identification number thereto, and acknowledge receipt of the same.

(f) The submission of a Proposal shall constitute an authority to SBA to proceed with the consideration thereof and to conduct without liability to SBA or anyone acting for or on behalf of SBA, any investigations and inquiries with respect to any or all matters, individuals or other entities referred to in the Proposal, as may be determined by SBA.

(g) After consideration of a Proposal SBA shall notify the Proponents, either:

(1) That the Proponents may proceed with all action necessary to qualify the Proposed Operator for execution and submission of a License Application; which action shall be completed and a License Application submitted by the Proposed Operator within 90 days from the date of said notice from SBA, unless such period is extended by SBA; or

(2) That such Proposal is insufficient.

(i) If, in the opinion of SBA, the sufficiency of such Proposal cannot be established through further information or action, SBA shall close the same and so notify the Proponents.

(ii) If, in the opinion of SBA, the sufficiency of such Proposal may be established through further information or action, SBA shall simultaneously with such notice allot a period of time within which the Proponents may endeavor to establish the sufficiency of such Proposal and resubmit the same.

(iii) A resubmitted Proposal which is again determined by SBA to be insufficient or a rejected Proposal which is not resubmitted within any such allotted period, shall be closed permanently by SBA and the Proponents so notified.

§ 107.103 Preliminary approval of corporate instruments and proceedings.

Unless and until SBA gives written notice to the Proponents that it does not object to the instruments and proceedings contemplated for use in the organization or qualification of the Proposed Operator as a Licensee, said Proponents should not take any final action to conclude any such organization and qualification.

§ 107.104 Charter requirements.

The charter of a Licensee shall constitute a grant of being or continued existence as a corporate entity, by a State, in the form of a permit or certificate of incorporation or amendment or otherwise, with the specific and sole powers and authority recited below. Such powers and authority can be expressed and granted in any manner consistent with the laws of such State and requirements of the State officials charged with such responsibilities, provided that each such charter shall contain the following provision:

This corporation is organized and chartered expressly for the purpose of operating under the Small Business Investment Act of 1958, as amended, and will operate in the manner and shall have the powers, responsibilities and be subject to the limitations provided by said Act and the regulations issued by the Small Business Administration thereunder.

Said powers and authority shall be as follows:

(a) To act under a particular name;

(b) To issue a maximum number of shares of one or more types of its stock;

(c) To borrow money and issue its debenture bonds, promissory notes, or other obligations under such general conditions and subject to such limitations and regulations as SBA may prescribe;

(d) To provide equity capital to small-business concerns (as defined by SBA) under the conditions authorized by section 304 of the Act and regulations, with the right to sell or dispose of securities so acquired in such manner and under such terms and conditions as the Licensee shall determine.

(e) To make long-term loans (as defined by SBA) to small-business concerns (as defined by SBA) for the purposes and in the manner and subject to the conditions described in section 305 of the Act; with the right to sell or dispose of such loans in such manner and under such terms and conditions as the Licensee shall determine;

(f) To acquire and make commitments for obligations and securities of a single enterprise only within the limitations established by section 306 of the Act, unless such limitations are waived by SBA;

(g) To undertake its operations in cooperation with banks or other investors or lenders, incorporated or unincorporated, as contemplated under section 308(a) of the Act;

(h) To provide consulting and advisory services to small business concerns on a fee basis;

(i) To invest funds not reasonably needed for its current operations only in direct obligations of, or obligations guaranteed as to principal and interest by, the United States;

(j) To conduct its operations in accordance with and subject to regulations prescribed by SBA;

(k) To submit to and pay for examinations made by direction of SBA by examiners selected, employed or approved by SBA;

(l) To make reports to SBA at such times and in such form as SBA may require;

(m) To conduct its operations in a specified area or areas, without limitation, however, as to the residence, domicile, or place of business of parties with which it transacts its business or otherwise deals;

(n) To regulate its business and conduct its affairs in a manner not inconsistent with the Act and regulations prescribed by SBA thereunder;

(o) To adopt and use a corporate seal;

(p) To have succession for a period of at least thirty years, subject to dissolution in accordance with State law; and subject to forfeiture of its License for violation of law or of regulation issued under the Act;

(q) To make contracts;

(r) To sue and be sued, complain, and defend in any court of law or equity;

(s) By its board of directors, to appoint such officers and employees as may be deemed proper, define their authority and duties, fix their compensation, require bonds of such of them as it deems advisable and fix the penalty thereof, dismiss such officers or employees, or any thereof, at pleasure, and appoint others to fill their places;

(t) To adopt bylaws, regulating the manner in which its stock shall be transferred, its officers and employees appointed, its property transferred, and the privileges granted to it by law exercised and enjoyed;

(u) To maintain a principal office (which shall be designated in its Articles) and to establish branch offices or agencies within its operating territory, subject to the approval of SBA: *Provided, however,* That, whether to obtain a grant of power and authority from the State to establish branch offices or agencies shall be optional with the incorporators;

(v) To acquire, hold, operate, and dispose of any property (real, personal, or mixed) whenever necessary or appropriate to the carrying out of its lawful functions;

(w) To exercise such incidental powers as may reasonably be necessary to carry out the business for which the corporation is established.

§ 107.105 Waiver of paragraph required by § 107.104.

In the event SBA, for cause satisfactory to SBA, waives the inclusion in a Licensee's State charter of that portion of the general provision (set forth in the second sentence of § 107.104) which identifies the manner of operation, powers, responsibilities, and limitations of the Licensee by specific reference to the Act and regulations issued thereunder: The charter of such a Licensee, in lieu of such identification by reference, shall set forth specifically and in detail the manner of operation, powers, responsibilities, and limitations of the Licensee which are required of a Licensee as specified in and contemplated by the Act and regulations and to the extent and in a manner satisfactory to SBA. Further, any such Licensee shall, from time to time, amend its charter in order to conform its charter purpose, manner of operation, powers, responsibilities, and limitations with those contained in and contemplated by the Act and the regulations issued by SBA thereunder from time to time.

§ 107.106 Source of charter.

(a) The charter of a Licensee shall be obtained from the State in which the Licensee operates or if the Licensee operates in more than one State said charter shall be obtained from any State within the entire area or areas in which the Licensee operates.

(b) A Licensee conducting operations beyond the jurisdiction of the State from which it receives its charter, shall obtain authority or otherwise be entitled to conduct its activities in such other State or States in accordance with the provisions of its charter, the Act and regulations prescribed thereunder.

§ 107.107 Organization of a Licensee.

A Proposed Operator shall conform to the laws of the State of its incorporation with respect to the number and qualification of incorporators and directors.

LICENSE

§ 107.201 License Application.

(a) A License Application may be submitted upon SBA Form No. 415[1] by the Proposed Operator only after issuance by SBA of the notice referred to under § 107.102(g)(1) and in accordance with instructions issued by SBA, including instructions contained in such notice. Such License Application shall be submitted within 90 days after issuance of said notice.

(b) Within 180 days after submission of a License Application, SBA will give due regard, among other things, to the need for financing of small business concerns in the area in which the Proposed Operator intends to commence business, the general character of the proposed management of the Proposed Operator, and the number of existing Licensees and the volume of their operations, and after consideration of all relevant factors, will in its discretion either issue a License to the Proposed Operator or notify the Proposed Operator that after consideration of all relevant factors the SBA will not issue a License to the Proposed Operator.

§ 107.202 Prerequisites for issuance of License.

Prior to the issuance of a License, each Proposed Operator shall have:

(a) Executed and submitted a License Application, including such additional information, statements and representations as may be otherwise required by SBA.

(b) Received a corporate charter or franchise under State laws to operate as a Licensee.

(c) Submitted evidence satisfactory to SBA that it has a paid-in capital and paid-in surplus equal to at least $300,000 in cash or eligible Government securties as provided in § 107.302(a) (exclusive of organizational expenses) on hand or in escrow contingent solely on the issuance of a License, as required by section 302(a) of the Act (including any commitment of SBA as described under § 107.301).

§ 107.203 Necessity for and nature of License.

Only upon issuance by SBA of a License to a Proposed Operator, shall such corporation be authorized to operate under the Act. A License is not transferable in any manner.

[1] Filed with the Federal Register Office as part of the original document. Copies of SBA Form 415, License Application, together with instructions, are available at the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

§ 107.204 Fees for License.

A License fee of $100 shall be tendered to SBA by a Licensee, simultaneously with the filing of SBA Form 415.

§ 107.205 Surrender of License.

A Licensee may apply to SBA for surrender of its License. Such surrender may be authorized under such conditions as may be required by SBA in connection therewith.

CAPITAL REQUIREMENTS

§ 107.301 Capital and surplus of licensees.

(a) In considering whether to issue a License to a Proposed Operator SBA will, in addition to all other requirements and criteria, give preference to those Proposals which contemplate the minimum use of Government funds. The management of a Proposed Operator or of a Licensee should plan and encourage the maximum investment of private funds.

(b) A Proposed Operator must have a paid-in capital and paid-in surplus from private sources of at least $150,000 (exclusive of organizational expenses), in cash or eligible Government securities. To the extent that additional funds are not available to the Proposed Operator from private sources on reasonable terms, it may request SBA, in the License Application, to agree to purchase subordinated debentures in the following amounts:

(1) In the amount required to meet the $300,000 statutory minimum, or

(2) In such greater amount, up to but not exceeding $400,000, as the Proposed Operator may match with paid-in capital and paid-in surplus from private sources.

(c) On or before October 3, 1963, or the second anniversary of the issuance of its License, whichever is later, a Licensee may request SBA to agree to purchase its Subordinated Debenture in an amount which, when added to any Subordinated Debenture previously issued to SBA, will not exceed the lesser of:

(1) $400,000, or

(2) Its paid-in capital and paid-in surplus from private sources.

(d) In connection with any request for such funds, the Licensee shall submit evidence satisfactory to SBA that such funds are not available on reasonable terms from private sources.

(e) SBA may issue a commitment for such funds. Such commitment will expire one year from the date it is issued; but in no case later than October 3, 1964, or three years after the date of the issuance of the License, whichever is later. The commitment, as well as the Subordinated Debenture itself, shall be treated as part of the paid-in capital and paid-in surplus of a Licensee for the purposes of sections 302(a), 303(b), and 306 of the Act.

(f) A commitment fee shall be computed against the amount committed but not disbursed. Such fee will be at the rate of one-twelfth of one percent for each 30-day period or fraction thereof, beginning with the first day after the first thirty days following the date of the commitment. The fee shall be due and payable upon billing. The fee shall not apply to any amount for which disbursement is requested during the initial 30-day period following the date of the commitment. Thereafter, the fee will terminate, as to the amount requested to be disbursed, at the end of the 30-day period during which request for disbursement is made. The date which appears on the SBA form used to request the disbursement shall be deemed to be the date the disbursement is requested, but if ten days or more have elapsed between the date of the form and the date of its receipt in the appropriate Regional Office of SBA, SBA may, in its discretion, consider that the request was made as of the date of such receipt. Disbursement of funds shall be subject to § 107.709 (a) and (b).

(g) Such Subordinated Debentures shall contain such terms and conditions, as shall be determined by SBA. Interest shall be at the rate of five percent per annum and maturities shall not exceed twenty years. The debentures may be prepaid at any time without penalty, subject, however, to the requirements of § 107.1001. Amortization of the debentures shall commence no later than the beginning of the second half of their term.

(h) Proceeds of Subordinated Debentures shall not be used by a Licensee to provide loans or equity capital to business concerns which derive a substantial portion of their net sales from the sale of alcoholic beverages. Compliance with this requirement shall be deemed to have been demonstrated if the Licensee, within thirty days after receipt of any such proceeds, and thereafter for as long as the debentures remain unpaid, maintains assets consisting of cash, eligible Government securities, and portfolio investments and loans involving enterprises which do not derive a substantial portion of their net sales from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such Subordinated Debentures were disbursed), equal in face value to no less than the unpaid principal of such Subordinated Debentures.

§ 107.302 Consideration for stock of Licensee.

(a) A Licensee may issue any of its securities for (1) cash, (2) direct obligations of, or obligations guaranteed as to principal and interest by, the United States, (3) securities of which it is the issuer, in connection with a reclassification approved by SBA, (4) services previously rendered to the Licensee, (5) physical assets to be currently employed in the operation of the Licensee, (6) as a dividend, and (7) in connection with a statutory or other type of merger or consolidation with another Licensee approved by SBA: *Provided, however*, That any shares of stock issued as part of the initial minimum capital required by § 107.202(c) may be issued only in consideration of the simultaneous payment of cash or upon the simultaneous transfer to the Licensee of securities permitted by § 107.202(c). A Licensee may issue its stock for Equity Securities of a small business concern pursuant to the provisions of section 304(c) of the Act.

(b) Options upon the stock of a Licensee may be granted to an individual only upon approval of at least a majority of such Licensee's stockholders and only in lieu of salary or in payment for services actually rendered such Licensee, and only if:

(1) At the time such option is granted the option price is at least 85 percent of the fair market value at such time of the stock subject to the option;

(2) Such option by its terms is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him;

(3) Such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock of such Licensee. This subparagraph shall not apply if at the time such option is granted the option price is at least 110 percent of the fair market value of the stock subject to the option and such option by its terms is not exercisable after the expiration of five years from the date such option is granted. For purposes of this subparagraph—

(i) Such individual shall be considered as owning the stock owned, directly or indirectly, by or for his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; and

(ii) Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust, shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries; and

(4) Such option by its terms is not exercisable after the expiration of ten years from the date such option is granted.

§ 107.303 Maintenance of unimpaired capital.

(a) Each Licensee shall maintain at all times an unimpaired capital.

(b) An impairment shall be deemed to exist when the retained earnings deficit exceeds fifty percent (50%) of the combined fully paid capital stock issued and outstanding and paid-in surplus. For the purpose of this determination, subordinated debentures issued to SBA pursuant to section 302(a) of the Act will not be considered a part of capital and surplus.

BORROWING BY SBIC

§ 107.401 Conditions and limitations upon borrowing power of Licensee.

(a) Without the prior consent of SBA, the ratio of the total amount of outstanding indebtedness of a Licensee to the paid-in capital and paid-in surplus (including the unpaid balance due SBA under any debentures acquired under section 302(a) of the Act) of such Licensee shall not exceed four to one.

(b) The Proposal shall set forth in detail the policy, plans, and all other information with respect to prospective borrowings, if any, to be made by a Proposed Operator as a Licensee from any source other than SBA.

§ 107.402 SBA operating loans to Licensees under section 303 of the Act.

(a) To the extent that a Licensee is unable to borrow or otherwise secure operating funds from private sources, on reasonable terms, SBA may lend or agree to lend to such Licensee funds for such purpose up to a total amount outstanding at any one time not in excess of fifty percent of the paid-in capital and paid-in surplus of such Licensee, including as a part of such capital and surplus any outstanding balance due SBA under subordinated debentures purchased by SBA under the provisions of section 302 (a) of the Act, or $4,000,000, whichever is less.

(b) The funds applied for shall be deemed to be available from private sources on reasonable terms, unless it is satisfactorily demonstrated that: Proof of refusal of the required funds has been obtained from:

(1) The Licensee's bank of account, or

(2) If the amount of the loan applied for is in excess of the legal lending limit of the Licensee's bank or in excess of the amount that the bank normally lends to any one borrower, then a refusal from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the loan applied for, or

(3) Not less than two banks in cities where the population exceeds 200,000.

Proof of refusal must contain the date, amount, and terms requested, and the reasons for not granting the desired credit.

(c) Such loans may be prepaid at any time without penalty. Interest upon such loans shall be at the rate of five percent per annum and the maturities thereof shall not exceed twenty years: *Provided, however*, That SBA in its discretion, may renew or extend the maturity thereof. In the absence of an amortization plan by the borrower satisfactory to SBA, said loans shall begin amortization during the final half of the term thereof; for example, if the maturity of such loan is ten years, then amortization shall begin in the sixth year of such loan at an amortization rate of not less than twenty percent per annum. Any such loan or loans made by SBA under the authority of section 303(b) of the Act shall contain such further terms and conditions as shall be determined by SBA.

§ 107.403 Purpose and loan requirements.

(a) Disbursement of loans under section 303 of the Act will be subject to the execution and delivery of the certificate required by § 107.709.

(b) The proceeds of any loan obtained by Licensee under the provisions of section 303(b) of the Act shall be used to provide Equity Capital and make long-term loans to small business concerns: *Provided, however*, That Licensee cannot use such proceeds for investments and loans involving enterprises which derive a substantial portion of their net sales from the sale of alcoholic beverages, and, accordingly, within thirty days after the disbursement of any loan funds to Licensee under authority of section 303(b) of the Act, and thereafter during the period in which any such loan, or any part thereof, remains unpaid, the Licensee shall maintain assets consisting of cash, eligible Government obligations, and portfolio investments and loans involving enterprises which do not derive a substantial portion of their net sales from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such loans were disbursed), equal in face value to no less than the unpaid principal of such loan.

§ 107.404 Disposition of debt securities or other securities held by SBA.

SBA may, in its discretion and upon such terms and conditions and for such consideration as shall be deemed to be reasonable, sell, assign, transfer, or otherwise dispose of any debenture, note, or other evidence of debt or security held in connection with any loan made under sections 302(a) and 303(b) of the Act and may accept reassignment, retransfer, and delivery thereof from any such purchaser, assignee, or transferee as may be agreed upon between SBA and such purchaser, assignee, or transferee.

EQUITY CAPITAL

§ 107.501 Equity capital for incorporated small business concerns.

(a) Each Licensee shall constitute a source of Equity Capital for incorporated small business concerns; which capital shall be supplied in a manner and under terms consistent with regulations of the Administration.

(b) "Equity Capital" means funds received by an incorporated small business concern from a Licensee as the consideration for the issuance of Equity Securities by such concern to such Licensee.

(c) "Equity Securities" means:

(1) Certificates of stock of any class; *Provided, however*, That whenever any such stock contains a right to convert to another class of stock or contains rights or privileges therein in the nature of stock warrants or options, no further stock purchase warrants, options or conversion rights shall be issued in connection therewith; and

(2) Instruments which evidence a debt and which provide a right or privilege to convert all or any portion of the debt instruments into stock of the small business concern, or provide nondetachable or detachable stock purchase warrants or options, or provide both a right or privilege to convert all or any part of the debt instruments into stock and also detachable stock purchase warrants or options: *Provided, however*, That no further stock purchase warrants, options or conversion rights shall be issued in connection therewith.

(d) Equity Securities which evidence a debt may be secured by collateral.

(e) A Licensee shall not purchase or acquire any type of Equity Securities if

the purpose of such purchase or acquisition is to furnish the small business concern with financing for a period of less than five years' duration. Equity Securities shall not require repayments during the first five years at a rate exceeding an average of twenty percent of principal per annum.

(f) Equity Securities which evidence a debt shall have stated maturities of not less than five years and must be callable but on such terms as may be negotiated at the time of issuance of such Equity Securities, in whole or in part, by the issuer: *Provided*, That any right to convert the debt may be exercised prior to the effective date of such call. Such securities shall be acquried by a Licensee simultaneously with the disbursement of Equity Capital and shall evidence the total principal amount, and the interest rate, required to be paid by the small business concern in consideration for the amount of Equity Capital disbursed. Equity Securities which evidence a debt may comprise an instrument or instruments in such form and substance as may be negotiated between the Licensee and said concern consistent with the Act and regulations thereunder, provided that the maturity or maturities set forth in such instrument or instruments shall not require repayment of the total principal amount evidenced by such instrument or instruments during the first five years at a rate in excess of an average of twenty percent of the total principal thereof per annum. Whenever more than one instrument is employed, each instrument shall state on the face thereof the maturity date of the particular instrument and make reference to the maturity date(s) of the other instrument(s) involved in the disbursement.

(g) Any redemption provisions of certificates of stock shall be on such terms as may be negotiated at the time of issuance thereof, provided the redemption provisions are exercisable, in whole or in part, upon three months' notice, and provided further that any such stock which contains conversion rights may be converted prior to the effective date of such redemption.

(h) Equity Securities with maturities of less than five years may be purchased or acquired by a Licensee when necessary to protect the interests of the Licensee in previously issued long-term Equity Securities provided that similar conditions and privileges covering the long-term Equity Securities shall otherwise apply thereto. Equity Securities with maturities of less than five years' duration will not be construed "to protect the interests of the Licensee in previously issued Equity Securities" if the purpose of such short-term Equity Securities is to take care of normal short-term requirements of the small business concern.

(i) Equity Securities which are converted into stock shall be converted at a price or series of prices per share not less than the sound book value of such stock as determined at the time of the issuance of said securities: *Provided, however*, That the total purchase price of such stock which may be purchased at said price or series of prices per share shall not exceed the amount of Equity Capital provided by said securities plus the accrual of earned interest and charges on said Equity Capital to the date of conversion of said securities. "Sound book value," for the purposes hereof, shall be determined through consideration of all pertinent factors including the actual value of the assets of the small business concern and the relationship of the earnings of such concern to its invested capital.

(j) Stock purchase warrants or options issued in connection with Equity Securities shall expire not later than two years after the stated maturity date of such Equity Securities but in no event more than ten years from the date of the issuance of such Equity Securities.

(k) The purchase price per share of shares available under warrants or options acquired in connection with the purchase of Equity Securities shall be at no less than the sound book value of such shares, as defined herein, at the time the warrant or option is issued, and the total cost of such shares shall not exceed the total amount of Equity Capital provided by the Licensee at the same time as the warrant or option was issued, except as the warrant or option may provide for successive increases in the price per share of optioned shares.

(l) The purchase price per share of shares available under certificates of stock acquired as Equity Securities shall be at no less than the sound book value of such shares, as defined herein, at the time the certificates of stock are issued.

(m) Wherever Equity Securities involve debt, any Licensee may require small business concerns to refinance any or all of its outstanding indebtedness so that the Licensee is the only holder of any indebtedness of such concern.

(n) Wherever Equity Securities involve debt, any Licensee may require a small business concern to agree not to incur any additional indebtedness without first securing the approval of the Licensee and giving the Licensee the first opportunity to finance such additional indebtedness; *Provided, however*, That the Licensee shall allow appropriate exceptions for open account or other short-term credit.

(o) Whenever a Licensee purchases or acquires Equity Securities of a small business concern, such concern shall have the right, exercisable in whole or in such part as such concern may elect, at the time of the issuance of such Equity Securities, to become a stockholder-proprietor by investing in the capital stock of the Licensee in an amount not more than five per centum of the Equity Securities purchased or acquired by the Licensee. The price of such stock sold by the Licensee to the small business concern under this section shall not be more than the higher of (1) the book value determined in conformity with generally accepted accounting principles, or (2) the fair market value. Factors which may be taken into consideration in determining fair market value may include, among others, market quotations, recent public or private sales, and the liquidating value, earnings, and dividend record of the Licensee's stock.

(p) The maximum annual cost to the issuer of Equity Securities evidencing a debt charged by any Licensee for average outstanding unpaid net funds advanced shall not exceed the lesser of (1) such maximum annual cost to issuer as may be prescribed by applicable State or local law, or (2) such maximum annual cost to issuer as may be specified in the Licensee's Proposal and License Application. Cost to issuer includes all interest and discount, as well as all fees, commissions, charges, etc., against the issuer by the Licensee at the time the Equity Securities evidencing a debt are purchased, and such fees, charges, etc., shall be treated as additional discount for this purpose.

Long-Term Loans

§ 107.601 Long-term loans by Licensee to small-business concerns.

(a) Each Licensee shall constitute also a source of funds for long-term loans for the sound financing of the operations, expansion and modernization of small business concerns. Such loans shall not provide any right in a Licensee to acquire any stock or other proprietary interest in the borrower, except through the medium of collateral security.

(b) A Licensee shall not make any such loan if the purpose of such loan is to furnish the small business concern with financing for a period of less than five years' duration.

(c) Any such loan shall have a stated maturity of not less than five years and all or any part of any such loan may be anticipated by the borrower on any interest payment date upon such terms as may be negotiated at the time of disbursement of the loan. The instrument or instruments evidencing any such loan shall be acquired by a Licensee simultaneously with the disbursement of the loan funds and shall evidence the total principal amount, and the interest rate, required to be paid by the small business concern, in consideration for the amount of loan funds disbursed. Any such loan may be evidenced by an instrument or instruments in such form and substance as may be negotiated between the Licensee and said concern consistent with the Act and regulations thereunder, provided that the maturity or maturities set forth in such instrument or instruments shall not require repayment of the total principal amount evidenced by such instrument or instruments during the first five years at a rate in excess of an average of twenty percent of the total principal thereof per annum. Whenever more than one instrument is employed, each instrument shall state on the face thereof the maturity date of the particular instrument and make reference to the maturity date(s) of the other instrument(s) involved in the disbursement.

(d) Loans with maturities of less than five years may be made by a Licensee to a borrower when necessary to protect the interests of the Licensee in previously issued long-term loans or Equity Securities. Loans with maturities of less than five years' duration will not be construed "to protect the interests of the Licensee" if the purpose of such short-term loan is to take care of normal short-term requirements of the small business concern.

(e) Any such loan shall have a maturity of not exceeding twenty years; and such loans shall be of such sound value, or so secured, as reasonably to assure repayment. The Licensee may extend the maturity of or renew any such loan for additional periods, not exceeding ten years, if the Licensee finds that such extension or renewal will aid in the orderly liquidation of such loan.

(f) The maximum annual cost to the borrower charged by any Licensee for average outstanding unpaid net funds advanced shall not exceed the lesser of (1) such maximum annual cost to borrower as may be prescribed by applicable State or local law, or (2) such maximum annual cost to borrower as may be specified in the Licensee's Proposal and License Application. Cost to borrower includes all interest and discount, as well as all fees, commissions, charges, etc., against the borrower by the Licensee at the time the loan is granted, and such fees, charges, etc., shall be treated as additional discount for this purpose.

(g) All loans shall be based upon negotiations between Licensees and small business concerns.

General Provisions

§ 107.701 Amendments to Act and regulations.

A Licensee shall be subject to all existing and future provisions of the Act and regulations issued thereunder.

§ 107.702 Applicability of other laws, including disclosure to investors and stockholders.

Each Licensee shall comply with all applicable State or Federal law affecting its operation, including, but not limited to, any and all State or Federal law requiring Licensee to furnish its investors and shareholders with financial reports containing full and complete disclosure of all matters significant to their interests.

§ 107.703 Government liability.

(a) Nothing in the act or in any regulations issued thereunder or in any other provision of law shall be deemed to impose any obligation or liability on the United States Government or any agency thereof, including SBA, with respect to any obligations entered into, or stocks issued, or commitments made, by any Licensee, or with respect to any other matter involving a Licensee.

(b) No Licensee, in issuing or selling any security shall represent or imply in any manner whatsoever that such security has been guaranteed, sponsored, recommended, or approved by the United States or any agency or officer thereof, and a statement to such effect shall be included in any solicitations to investors.

§ 107.704 Activities of Licensee.

(a) A Licensee shall engage in and conduct only the activities set forth in and contemplated under the Act and shall not engage in or conduct any other activities.

(b) A Licensee shall not amend its franchise authority to permit the conduct of any activities other than as recited above.

(c) (1) Licensee shall not voluntarily at any time reduce or increase its paid-in capital and paid-in surplus without the prior written consent of SBA. A Licensee shall not change its investment policy, plans to raise additional capital, borrowing or other plans previously submitted to SBA in its Proposal or in any other document at any other time, without the prior written consent of SBA. Any change in the officers, directors, or owners of ten or more percent of its stock, as set forth in its Proposal or otherwise previously submitted to SBA, shall be reported immediately to SBA. All changes shall be filed in the form of a post-licensing amendment and shall be subject to the approval of SBA as a condition for the continuance of the License of such Licensee. Any conditions imposed by SBA in connection with the latter shall be complied with by the Licensee. Any post-licensing amendment involving a change in the officers, directors, or owners of ten or more percent of the stock of a Licensee that has borrowed funds outstanding from SBA, pursuant to § 107.301(b)(1) or to which SBA is committed to disburse funds pursuant to a Subordinated Debenture executed by such Licensee under such section of the Regulations, shall include as a part thereof an executed Part III (Financial Statement) of SBA Form 414 for each such officer, director, or stockholder: *Provided, however*, That such executed Part III shall not be required to be submitted (i) where the Licensee's paid-in capital and paid-in surplus equals at least $300,000, exclusive of funds disbursed or committed by SBA pursuant to a Subordinated Debenture executed by such Licensee, or (ii) where the new officer, director, or stockholder is a person or entity which has previously been accepted by SBA as an officer, director, or stockholder of such Licensee.

(2) Without the prior written consent of SBA, a Licensee shall not have an officer or a director who at the same time is either an officer or director in any other Licensee, nor shall ten or more percent of the stock of any Licensee be owned or controlled, directly or indirectly, by any person owning or controlling, directly or indirectly, ten or more percent of the stock of any other Licensee: *Provided, however*, That an attorney performing legal services for Licensees may serve as secretary or clerk for more than one Licensee.

(d) Every Licensee which obtains investment advisory services or management services on a continuing basis, performed for, or supplied to such Licensee by any person or other entity other than the directors, officers, or employees in their capacities as such shall contract in writing for such services: *Provided, however*, That no Licensee may contract for such services with any person or other entity which renders the same or similar services to any other Licensee. The contract shall specifically:

(1) Describe such services;

(2) Describe all compensation to be paid thereunder;

(3) State the duration of the contract;

(4) Provide for its termination by the Licensee, without penalty, on not more than 60 days' written notice;

(5) Provide for its automatic termination in the event of its assignment by the person performing the service;

(6) Provide for full disclosure to all interested parties whenever the person performing such services performs services for small business concerns doing business with the Licensee;

(7) Be approved by a vote of a majority of the outstanding voting securities of the Licensee prior to such contract becoming effective; and

(8) Be approved annually by a vote of a majority of the outstanding voting securities of the Licensee or by the vote of a majority of its Board of Directors, including the approval vote of a majority of those members of the Board of Directors who are not parties to, or do not have a pecuniary interest, direct or indirect, in such contract.

Every Licensee shall furnish SBA, for informational and record purposes, with a copy of each contract to which the foregoing applies, on or before the effective date thereof. Contracts for appraisal, custodial, collection, bookkeeping, accounting and legal services shall not be considered advisory or management services for purposes of this part.

(e) No financing or consulting or advisory services may be provided by a Licensee to a business concern unless the Licensee and such concern have executed SBA Form 480,[1] Size Status Declaration, and, based upon the information contained therein and otherwise, the Licensee has determined that the business concern is a small business within the meaning of the definition of "small business concern" set forth in § 107.12, or at the request of the Licensee or the concern, SBA has determined that the subject business concern is a small business concern within the meaning of § 107.12. In the event financing or services are approved by a Licensee for a small business concern, the Licensee shall retain the completed SBA Form 480, as a permanent part of the concern's record with the Licensee.

(f) A Licensee may exchange with or purchase for cash from another Licensee, without recourse against the seller (except for such liability as may result from the falsity of representations or warranties as to matters of fact), portfolio securities (or any interest therein) acquired from small business concerns, by such Licensee or any other Licensee: *Provided, however*, That a Licensee shall not have invested at any one time more than one-third of its total assets in such

[1] Filed with the Federal Register Office as part of the original document. Copies of SBA Form 480, Size Status Declaration, together with instructions, are available at the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

securities of small business concerns through such exchanges or purchases.

§ 107.705 Consulting and advisory services.

(a) Consulting and advisory services shall consist only of advice with respect to the financial, management and operating activities of a small business concern; and shall not include performance by the Licensee of any financial, management or operating activity of the small business concern.

(b) Consulting and advisory services may be provided by a Licensee to only (1) those small business concerns which meet the eligibility requirements under the Act and the regulations thereunder; and (2) another Licensee in connection with the financing of a small business concern with which the latter Licensee proposes to negotiate forthwith or is then in process of negotiation for financing.

(c) A Licensee may render consulting and advisory services to small business concerns for whom the Licensee does not provide financing: *Provided, however,* That such services shall not constitute a major source of the income of a Licensee (including as part of Licensee's income the net income, before Federal income taxes, of said Licensee's subsidiary corporation under § 107.706).

§ 107.706 Subsidiary corporation for consulting and advisory services.

(a) A Licensee may organize and establish a corporation which shall be, and remain, chartered for the sole and express purpose of providing consulting and advisory services to small business concerns subject to the provisions of the Act and the regulations thereunder, including § 107.705, and including in addition thereto:

(1) All of the stock of the subsidiary corporation shall be owned and totally held by the individual Licensee that shall organize such subsidiary corporation; the parent-Licensee shall never sell, transfer or otherwise divest itself of any part of the stock of its subsidiary corporation, except that the parent-Licensee may transfer back part of the stock of its subsidiary corporation to the treasury of the subsidiary corporation and such stock shall be forthwith retired and cancelled. In the event of the liquidation of the subsidiary corporation, the charter of such corporation shall be surrendered and terminated.

(2) Each officer or director of the subsidiary corporation must be at the same time either an officer or a director of the parent-Licensee.

(3) The financial investment by the parent-Licensee in its subsidiary corporation shall not exceed one percent of the Licensee's paid-in capital and paid-in surplus. Advances and other receivables due the parent-Licensee by its subsidiary corporation shall not exceed one percent of the Licensee's paid-in capital and paid-in surplus.

(b) The parent-Licensee shall be responsible for compliance by its subsidiary corporation with the Act and the regulations. Reports submitted to SBA by the parent-Licensee shall reflect consolidated figures covering the activities of both the parent-Licensee and its subsidiary corporation, and the subsidiary corporation shall make such separate reports covering its activities to SBA as shall be required by SBA. The subsidiary corporation shall be subject to examinations by examiners selected or approved by SBA, and in the event of the failure by the subsidiary corporation to make reports or to submit to examinations as required by SBA, such failure by the subsidiary corporation may be acted upon by SBA as the failure of the parent-Licensee and shall subject the latter to any penalty provided in the Act or the regulations thereunder.

§ 107.707 Services to banks or other investors or lenders.

A Licensee may render services for and receive compensation from banks or other investors or lenders, incorporated or unincorporated, only in connection with the financing of, or the providing of consulting and advisory services to, a small business concern by the Licensee in participation or cooperation with such bank or other investors or lenders.

§ 107.708 Aggregate limitation on investments and loans.

(a) Without the prior written approval of SBA, the aggregate amount of funds loaned to, or invested in Equity Securities of, any single small business concern, or for which commitments may be made, shall not exceed twenty percent of the combined paid-in capital and paid-in surplus of any Licensee (including in such Licensee's capital and surplus the outstanding amount of any SBA loans under section 302(a) of the Act) or $500,000, whichever is the lesser. Such $500,000 limitation shall apply only with respect to loans made to and Equity Securities acquired from a small business concern by a Licensee on or after October 3, 1961, but shall not apply with respect to any loans made, or Equity Securities acquired, pursuant to a commitment issued before such date. Furthermore, the $500,000 limitation shall not apply so long as fifty percent (amount invested, disbursed, or committed) of the Equity Securities acquired and loans made by a Licensee after October 3, 1961, meet such $500,000 limitation.

(b) Without the prior written approval of SBA, no more than five Licensees may, by participation or otherwise, provide Equity Capital or long-term loans to any single small business concern unless the total financing involved is $500,000 or less.

§ 107.709 Conditions governing disbursement of SBA funds.

(a) Prior to the disbursement of any funds to a Licensee under the authority of section 302(a) or section 303(b) of the Act, the Licensee, by and through its duly authorized officer, shall execute and deliver to SBA the written certification and statement on SBA Form No. 420.[4]

(b) Such certificate and statement may be qualified with such information, explanation, and data as the parties thereto may determine and establish as a part thereof: *Provided, however,* That upon the inclusion in any such certificate and statement of any such qualifying material SBA may withhold disbursement of all or any portion of the funds involved pending consideration thereof by SBA, and after such consideration SBA may thereupon or subsequently cancel any commitment or other obligation to disburse all or any portion of the funds involved. If SBA shall determine, by examination or otherwise, that there is an impairment of capital or that there has been a violation by the Licensee of any other provision of the regulations, SBA may withhold disbursement of all or any portion of the funds involved and may thereupon or subsequently cancel any commitment or obligation to disburse all or any part of the funds involved.

(c) The loan application for SBA funds under section 302(a) of the Act shall be submitted as Part II of SBA Form 415. The loan application for SBA funds under section 303(b) of the Act shall be submitted on SBA Form 416.[5]

§ 107.710 Idle operating funds.

Funds of a Licensee not employed in accordance with the provisions of sections 304 and 305 of the Act and the Regulations thereunder, and not invested in accordance with the last sentence of section 308(b) of the Act, as soon as practicable after receipt thereof, shall be placed on demand deposit with a commercial bank (or banks) which is a member of the Federal Deposit Insurance Corporation, or placed on time deposit with such a bank, evidenced by a Time Certificate of Deposit, the maturity of which shall not be longer than six months from the date of such deposit: *Provided, however,* That a Licensee may establish and maintain an imprest petty cash fund in an amount not to exceed $500 at any one time.

§ 107.711 Insurance.

(a) A Licensee shall maintain fidelity or such other types of bonds or insurance as shall be required by SBA.

(b) (1) Each Licensee shall obtain and maintain a Brokers Blanket Bond, Standard Form No. 14, in form and substance acceptable to SBA: *Provided, however,* That a Licensee which is wholly owned by a commercial bank may be included only with the parent commercial bank as a joint insured under Bankers Blanket Bond, Standard Form No. 24, in form and substance acceptable to SBA. Such Bond shall be approved by the board of directors of the Licensee for the protection of the Licensee, covering officers or employees who have control over or access to cash, securities, or other property of the Licensee. Each such fidelity bond must be executed by a surety holding a certificate of authority from the Secretary of the Treasury under the Act of Congress approved July 30, 1947 (6 U.S.C., secs. 6–13) as an acceptable surety on Federal bonds in the State or jurisdiction concerned. A duplicate copy of such bond, as executed and delivered by the surety company together with a verification certificate, executed by the surety company that such bond is in full force and effect, shall be submitted to SBA by all Proposed Operators at the time of submission of the License Application and within sixty days following the effective date hereof by all Licensees existing as of such effective date. Licensees which have already obtained Brokers Blanket Bond, Standard Form No. 14, or are covered under Bankers Blanket Bond, Standard Form No. 24, as provided for herein and have filed a verified duplicate copy thereof with SBA are required only to provide SBA with a verified copy of the riders or endorsements required under subdivisions (i) and (ii) of this subparagraph and a rider or endorsement to such bond increasing the dollar amount of coverage to the amount required by this section of the regulations. Each Licensee, at least thirty days prior to making any request to the surety company to terminate or cancel such bond, shall notify SBA in writing of its intent to terminate or cancel the bond. Each Licensee shall have as a part of its verified bond: (i) A rider or endorsement providing that the surety company will submit to SBA an executed copy of any rider or endorsement to be included as a part of the bond concerning any change in the terms, conditions, or coverage of the same; and (ii) a rider or endorsement providing that the surety company will notify SBA of its intent to cancel the fidelity bond at least thirty days in advance of the effective date of the cancellation. Each Licensee shall notify SBA immediately in writing of any claim for loss filed under the bond with the surety company. Such notifications to SBA shall be by certified mail addressed to the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

(2) The minimum amount of fidelity bond for each Licensee acceptable to SBA shall be based upon the total amount of the assets of the Licensee (including any undisbursed commitment, under § 107.301(b)(1) plus the unpaid balance of loans and investments which the Licensee has contracted to service for others, as follows:

Assets plus loans and investments serviced for others	*Minimum coverage*
Up to $400,000	$25,000
$400,001 to $500,000	30,000
$500,001 to $750,000	40,000
$750,001 to $1,000,000	50,000
$1,000,001 to $2,000,000	75,000
$2,000,001 to $3,000,000	100,000
$3,000,001 to $4,000,000	125,000
$4,000,001 to $5,000,000	150,000
$5,000,001 to $7,500,000	175,000
$7,500,001 to $10,000,000	200,000
$10,000,001 and over	(1)

[1] $200,000 plus $10,000 for each $1,000,000 or fraction thereof over $10,000,000, except that no Licensee shall be required to provide and maintain a fidelity bond in an amount greater than $1,000,000.

§ 107.712 Identification of Licensee.

(a) The corporate name shall be such as not to misinform or mislead interested parties and the public of the purpose and function of said company. Such corporate name shall not include the words "United States", "National", "Federal", "Reserve" or "Government." The name shall not be so similar to that of another organization as to imply association with any other organization without prior approval from such organization.

(b) Each Licensee shall display its original License in a prominent place in or about its principal office; and a copy thereof shall be displayed likewise in or about any branch office or agency. If the offices of the Licensee are within the offices of any other person, firm or entity, the name of the Licensee must appear on or at the entrance leading into such offices.

(c) Advertisements, annual statements, display signs, solicitations to investors, any communication made by or at the behest of a Licensee intended as a public statement by said Licensee, or any printed matter, including stationery imprinted with the name of the Licensee, shall identify that Licensee as "a Federal Licensee under the Small Business Investment Act of 1958."

§ 107.713 Common tenancy.

A Licensee shall not establish or maintain an office or place of doing business which is located in the same physical premises or place of business of any other Licensee. A Licensee shall not have a common private entrance or a private connecting door or entrance with any other Licensee.

§ 107.714 Branch offices and agencies.

A Licensee shall not establish any branches or agencies except with the prior approval of SBA. If the establishment of such branch or agency does not occur within 60 days of such approval, such approval will be withdrawn.

§ 107.715 Prohibited uses.

No funds may be provided by a Licensee for:

(a) Re-lending by the small business concern; nor may funds be provided to a small business concern if the business activity of such concern involves the investing, lending, or other providing of funds to others in exchange for an equity interest or monetary obligation.

(b) Purposes not contemplated by the Act;

(c) Purposes contrary to the public interest, including but not limited to gambling enterprises and activities, and any purpose which would encourage monopoly or be inconsistent with accepted standards of free competitive enterprise; or

(d) Use outside the States: *Provided, however,* That a Licensee may provide funds to a small business concern which is subject to State or Federal jurisdiction, (1) for use in the domestic production of products for distribution abroad, or to acquire abroad materials for such operation or (2) for use in its branch operations abroad or for transfer to its controlled foreign subsidiary in exchange for further equity interest in or the monetary obligation of such foreign subsidiary; so long as the major portion of the assets and activities of such concern, after funds are so employed, remains within the territorial jurisdiction of the States.

(e) Financing land speculations of small business concerns: *Provided, however,* That small business concerns may use funds for the acquisition and prompt development of land.

(f) Any corporation, individual, partnership, or of any other entity, that is not engaged in a business operation conducted as a regular and continuous activity. The mere ownership of property, and the collection of rents, income or profits therefrom, shall not constitute a business operation. Buying and selling property on a regular and continuous basis may constitute operation of a business; but leasing of property shall not constitute a business operation unless the lessor is regularly and continuously engaged in performing services in connection with the operation or maintenance of such leased property.

(g) A small business concern which is a customer of a vendor, which vendor or any controlling person or group thereof controls the Licensee, if 50 percent or more of the funds (or funds of the small business concern released by such financing) are used by the small business concern to purchase items or services sold to the small business concern by such vendor. As used hereunder the term "controls" or "controlling" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a vendor or the Licensee, whether through the ownership of voting securities, by contract, or otherwise. Any person, corporation, or any other entity which owns beneficially, either directly or indirectly, 25 percentum or more of the voting securities of a vendor or Licensee shall be presumed to control such company.

§ 107.716 Self-dealing limitation.

(a) Self-dealing to the prejudice of SBA or the Licensee's shareholders is prohibited.

(b) Without the prior written approval of SBA, a Licensee shall not purchase Equity Securities of, or make a loan to, an officer or a director of the Licensee, or any person owning or controlling, di-

[4] Filed with the Federal Register Office as part of the original document. Copies of SBA Form 420, Certification and Statement and Request for Funds, together with instructions, are available at the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

[5] Filed with the Federal Register Office as part of the original document. Copies of SBA Form 416, Loan Application, together with instructions, are available at the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

rectly or indirectly, 25 percentum or more of the voting securities of a vendor or Licensee shall be presumed to control such company.

§ 107.717 Conflicts of interest.

(a) Without the prior written approval of SBA, a Licensee shall not purchase Equity Securities of, or make a loan to, an officer or a director of the Licensee, or any person owning or controlling, directly or indirectly, 25 percentum or more of the voting securities of a vendor or Licensee shall be presumed to control such company.

(b) Without the prior written approval of SBA, a Licensee shall not purchase Equity Securities of, or make a loan to, an officer or a director of the Licensee, or any person owning or controlling, directly or indirectly, 25 percentum or more of the voting securities of a Licensee, or any concern in which any of the foregoing persons has a substantial financial interest.

§ 107.718 Limitation on dividends.

Without the prior written approval of SBA, a Licensee shall not declare dividends in excess of its net income, after taxes, for the current year plus its undistributed net income for the preceding year.

§ 107.719 Limitation on salaries.

Without the prior written approval of SBA, a Licensee shall not pay salaries to officers, directors, or employees in excess of reasonable and customary salaries paid by companies conducting similar business.

§ 107.720 Limitation on borrowing.

Without the prior written approval of SBA, a Licensee shall not borrow money or issue debentures, bonds, or notes, or other evidences of indebtedness, in excess of twenty times its paid-in capital and paid-in surplus.

§ 107.721 Limitation on guarantees.

Without the prior written approval of SBA, a Licensee shall not guarantee the debentures, bonds, notes, or other obligations of any person, partnership, corporation, or other entity.

§ 107.722 Limitation on subordination.

Without the prior written approval of SBA, a Licensee shall not subordinate any of its assets to the claims of creditors of persons, firms or corporations other than SBA.

§ 107.723 Limitation on sale of assets.

Without the prior written approval of SBA, a Licensee shall not sell, exchange, lease, or otherwise dispose of its assets except in the ordinary course of its business.

§ 107.724 Limitation on pledging assets.

Without the prior written approval of SBA, a Licensee shall not pledge, mortgage, or otherwise encumber its assets.

§ 107.725 Limitation on real estate.

Without the prior written approval of SBA, a Licensee shall not purchase or acquire any real estate or any interest therein, except such as may be necessary for the maintenance of the office of the Licensee.

§ 107.726 Limitation on mergers and acquisitions.

Without the prior written approval of SBA, a Licensee shall not merge or consolidate with any other corporation or entity or acquire all or substantially all of the assets of any other corporation or entity.

§ 107.727 Limitation on management.

Without the prior written approval of SBA, a Licensee shall not change the management of the Licensee, or the terms of employment of any officer or director of the Licensee, or the amount of compensation of any officer, director, or employee of the Licensee.

§ 107.728 Limitation on extraordinary obligations.

Without the prior written approval of SBA, a Licensee shall not enter into any transaction which may result in any extraordinary obligation or liability.

§ 107.729 Limitation on changing business.

Without the prior written approval of SBA, a Licensee shall not change the character of its business.

§ 107.730 Limitation on issuance of securities.

Without the prior written approval of SBA, a Licensee shall not issue any of its securities, except that a Licensee may issue common stock to its shareholders.

§ 107.731 Limitation on distribution of assets.

Without the prior written approval of SBA, a Licensee shall not distribute any of its assets to its shareholders.

§ 107.732 Limitation on voluntary dissolution.

Without the prior written approval of SBA, a Licensee shall not voluntarily dissolve or liquidate.

§ 107.733 Limitation on amendments to articles of incorporation.

Without the prior written approval of SBA, a Licensee shall not amend its articles of incorporation.

§ 107.734 Limitation on amendments to bylaws.

Without the prior written approval of SBA, a Licensee shall not amend its bylaws.

§ 107.735 Limitation on amendments to License.

Without the prior written approval of SBA, a Licensee shall not amend its License.

§ 107.736 Limitation on transfer of License.

Without the prior written approval of SBA, a Licensee shall not transfer its License.

§ 107.737 Limitation on transfer of control.

Without the prior written approval of SBA, a Licensee shall not transfer control of the Licensee.

§ 107.738 Limitation on changing name.

Without the prior written approval of SBA, a Licensee shall not change its name.

§ 107.739 Limitation on changing place of business.

Without the prior written approval of SBA, a Licensee shall not change its place of business.

§ 107.740 Limitation on changing fiscal year.

Without the prior written approval of SBA, a Licensee shall not change its fiscal year.

§ 107.741 Limitation on changing accounting methods.

Without the prior written approval of SBA, a Licensee shall not change its accounting methods.

§ 107.742 Limitation on changing auditors.

Without the prior written approval of SBA, a Licensee shall not change its auditors.

§ 107.743 Limitation on payment of subordinated debt.

Without the prior written approval of SBA, a Licensee shall not pay any subordinated debt.

§ 107.744 Limitation on prepayment of debentures.

Without the prior written approval of SBA, a Licensee shall not prepay any debentures issued to SBA.

§ 107.745 Limitation on payment of debentures.

Without the prior written approval of SBA, a Licensee shall not pay any debentures issued to SBA.

§ 107.746 Limitation on redemption of stock.

Without the prior written approval of SBA, a Licensee shall not redeem any of its stock.

§ 107.747 Limitation on purchase of stock.

Without the prior written approval of SBA, a Licensee shall not purchase any of its stock.

§ 107.748 Limitation on payment of dividends.

Without the prior written approval of SBA, a Licensee shall not pay any dividends.

§ 107.749 Limitation on payment of salaries.

Without the prior written approval of SBA, a Licensee shall not pay salaries to officers, directors, or employees in excess of reasonable and customary salaries paid by companies conducting similar business.

§ 107.750 Limitation on payment of bonuses.

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§ 107.834 Limitation on payment of bonuses.

Without the prior written approval of SBA, a Licensee shall not pay bonuses to officers, directors, or employees.

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§ 107.878 Limitation on payment of insurance.

Without the prior written approval of SBA, a Licensee shall not pay insurance to offic

rectly or indirectly ten or more percent of the stock of said Licensee, or any close relative of such officer, director, or stock owner or controller, nor shall the Licensee purchase Equity Securities of or make a loan to any company in which such officer or director or such owner or controller of the Licensee's stock, or his close relative is an officer or director or owns or controls ten or more percent of the stock of such company: *Provided, further,* That without the prior written approval of SBA a Licensee shall not make such purchase of such securities or make such loan within six months after the termination of such officership or directorship in the Licensee, or within six months after the termination of such ownership or control of ten or more percent of the Licensee's stock. Nothing herein contained is intended to preclude a Licensee from permitting an officer, employee or representative from serving as a director, officer, or in any other capacity in the management of a small business concern for the purpose of protecting its investment in or loan to such concern.

(c) Without the prior written approval of SBA, no Licensee, nor any officer or director thereof, shall borrow money from a small business concern, or from any officer, director or owner thereof, which has sold Equity Securities as defined in § 107.501 to or has borrowed money from said Licensee.

§ 107.717 Internal control.

(a) Each Licensee shall adopt a plan of organization and coordinate methods and measures designed to safeguard its assets and check the accuracy and reliability of its financial data. Effective control arrangements shall be established and maintained covering the Licensee's personnel, portfolio of investment securities, funds, and equipment.

(b) With the exception provided for hereinafter, each Licensee shall establish and maintain dual control over disbursement of funds and withdrawal of securities from safekeeping. Disbursements of funds from bank accounts of a Licensee shall be made only by means of checks requiring the signatures of two or more officers of the Licensee, covered by the Licensee's fidelity bond, as drawers of such checks: *Provided, however,* A Licensee may establish and maintain a separate imprest bank account to be drawn upon for the payment of operating expenses. Such imprest bank account shall have an aggregate balance not in excess of $25,000 or the amount of fidelity bond coverage carried by the Licensee, whichever is the lesser; such account shall be reimbursed periodically through deposit therein of a check requiring dual signatures and drawn on Licensee's general funds bank account, covering disbursements made from the imprest bank account which have had the post-approval of the two signers of the reimbursement check. Checks drawn upon such imprest bank account in amounts of $1,000 or less may be signed by any authorized bonded officer of the Licensee. Checks drawn on such account for amounts in excess of $1,000 or any check drawn upon any other account maintained by the Licensee shall require the signatures of two or more bonded officers of the Licensee as drawers thereof. Two or more bonded officers or one bonded officer and one bonded employee of the Licensee shall be required to open safe deposit boxes or withdraw securities from safekeeping. Each Licensee shall furnish to each of its depository banks, custodians, and entities providing safe deposit boxes a certified copy of the resolution adopted by its board of directors placing the foregoing control procedures in effect.

EXAMINATIONS AND REPORTS

§ 107.801 Examinations.

(a) Each Licensee shall be subject to examination by SBA.

(b) Such examinations shall cover any and all matters as determined by SBA, and shall be conducted by SBA examiners or by any examiners selected or approved by SBA.

(c) The cost of each examination made by other than SBA examiners shall be paid by the Licensee involved; and the cost of any examination made by SBA examiners, including the compensation of such examiners, may, in the discretion of SBA, be assessed against the company examined and when so assessed shall be paid by such company.

(d) The time and manner of conducting any such examination shall be determined by SBA in each case.

(e) As such examination, SBA may accept an audit and examination * conducted by an independent certified public accountant; independent licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States; or, in States or other political subdivisions of the United States which do not license public accountants, an independent public accountant of recognized standing with ten or more years of public accounting experience; selected or approved by SBA, and a report of such audit and examination containing the accountant's certificate required by § 107.802 with such additional information as may be requested by SBA.

§ 107.802 Reports.

(a) Each Licensee shall keep current financial records in accordance with generally accepted accounting principles, including the maintenance of books of account in accordance with the System of Account Classifications prescribed by SBA as set forth in Part 111 of the Regulations. All such financial records and minutes of meetings of stockholders, directors, executive committees or other officials; and all files containing pertinent documents and supporting material employed by a Licensee with respect to any and all transactions of the Licensee shall be kept at its principal place of business: *Provided, however,* That there shall be excepted from the foregoing all portfolio items held by a custodian for Licensee pursuant to written custodian agreement. All financial reports furnished to SBA by Licensees shall make full and complete disclosure of all matters relevant to the Act and Regulations.

(b) At the time any financial report (including any prospectus) is furnished to investors and shareholders of a Licensee, such Licensee shall submit to the Investment Administration Division, Small Business Administration, Washington 25, D.C., three (3) copies of such report.

(c) Each Licensee shall submit to SBA, at the end of the first six months period of each fiscal year, a report containing financial statements covering such six months period; at the end of each fiscal year a report containing financial statements for the fiscal year; and, when requested by SBA, interim financial reports. The fiscal year to which such reports shall relate shall be for SBA purposes the period beginning April 1 and ending March 31.

(1) The report as of the end of each fiscal year shall contain, or be accompanied by, an independent accountant's opinion on the financial statements for the fiscal year included therein, unless a different twelve-month period to be covered by the annual audit is expressly given prior approval in writing by SBA. Such opinion shall be based on an audit conducted in accordance with generally accepted auditing standards and shall be rendered by an independent certified public accountant; independent licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States; or, in States or political subdivisions of the United States which do not license public accountants, an independent public accountant of recognized standing with ten or more years of public accounting experience; selected or approved by SBA.

(2) The accountant's certificate shall be dated, shall be signed manually, and shall identify without detailed enumeration the financial statements covered by the certificate. The accountant's certificate shall state whether the audit was made in accordance with generally accepted auditing standards; and shall designate any auditing procedures generally recognized as normal, or deemed necessary by the accountant under the circumstances of the particular case, which have been omitted, and the reasons for their omission. Nothing in this section shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinion required as stated hereinafter. The accountant's certificate shall state clearly: (i) The opinion of the accountant in respect of the accounting principles and practices reflected in the financial statements and as to the fairness with which the financial statements present the financial position of the Licensee at the audit date and the results of its operations for the period; (ii) the opinion of the accountant as to any material changes in accounting principles or practices or method of applying the accounting principles or practices, or adjustments of the accounts, which affect comparability of such financial statements with those of prior or future periods; and (iii) the nature of, and the opinion of the accountant as to, any material differences between the accounting principles and practices reflected in the financial statements and those reflected in the accounts after the entry of adjustments for the period under review. Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given.

(d) The financial reports required by this section to be submitted to SBA by Licensees shall be on the prescribed form constituting the Financial Report, SBA Form 468,† which is designed for submission in part or in its entirety. Part I requires statement of financial condition, statement of statutory capital and surplus, statement of income and expense, and statement of realized gain or loss on investments. Part II requires supporting Schedules 1 through 7, and Part III requires supporting Schedules 8 through 20. Part I, together with any schedule(s) of Parts II and III that may be specified, comprises the interim report required to be submitted, upon request by SBA, for any period of one month or more. Parts I and II comprise the report required to be submitted to SBA covering the first six months period of each fiscal year. Parts I, II, and III comprise the annual report required to be submitted to SBA covering the entire fiscal year. With the exception of the annual report, the Financial Report shall be submitted in triplicate to the Investment Administration Division, Small Business Administration, Washington 25, D.C., on or before the last day of the month immediately following the close of the period covered by the report. Such annual report shall be submitted in triplicate to the Investment Administration Division, Small Business Administration, Washington 25, D.C., on or before the last day of the third month following the close of the fiscal year to which such annual report relates. When the Licensee has one or more branch offices, the data contained in the basic financial statements and all supporting schedules shall comprise a consolidation of the figures for the principal office and all branches. All money amounts required to be shown in the financial statements and schedules may be expressed in even dollars, at the option of the Licensee. If the financial data are expressed in even dollars, appropriate adjustments of individual amounts shall be made for the fractional parts of a dollar so that the items will add to the totals shown. The Financial Report prepared by each Licensee shall present fairly the financial position of the Licensee as of the close of the period covered by the report and the results of the Licensee's operations for such period, and shall be prepared in accordance with the detailed instructions accompanying SBA Form 468.

(e) The verification of the Financial Report shall bear the signature of the chief financial officer, or other officer authorized by the board of directors to sign in the event the chief financial officer is unavailable. The date on which the signature is affixed shall be shown. When only Part I of the Financial Report is submitted, with or without any specified schedule(s) from Parts II and III, the signature shall be affixed in the space provided therefor in Part I; when Parts I and II of the Financial Report are submitted, the signature shall be placed in the space provided therefor in Part II and need not be affixed in Part I; and when Parts I, II, and III of the Financial Report are submitted, the signature shall be entered in the space provided therefor in Part III and need not be affixed in either Part I or Part II. When Parts I, II, and III are submitted, a secretarial officer of the Licensee shall attest by signature to the fact that the minutes of a meeting of the board of directors of the Licensee show that the Financial Report comprising Parts I, II, and III has been reviewed and approved by the board of directors. All three copies of the Financial Report to be furnished to the Small Business Administration shall bear the original signature(s) of the verifying officer(s) in ink.

(f) Whenever any assets are pledged as collateral or are earmarked for segregation under a negative pledge or similar agreement, the word "pledged" or the word "earmarked," as appropriate, together with the amount involved, shall be shown in parentheses immediately following the appropriate asset title in the statement of financial condition, and the identity of the assets pledged or earmarked shall be indicated in the supporting schedules. Whenever amounts are classified as "current" and "noncurrent," "current" shall refer to the amount maturing within one year and "noncurrent" shall refer to the amount maturing after one year. If, however, an amount will mature within one year but is not reasonably expected to be paid when due, it shall be classified as "noncurrent."

(g) Copies of the Financial Report, SBA Form 468, together with instructions, are available at the office of the Deputy Administrator, Investment Division, of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

(h) The Financial Report, SBA Form 468, required to be used by all Licensees in making financial reports to SBA is designed to furnish the companies and SBA with the information needed for their respective purposes. The Financial Report, SBA Form 468,‡ and the instructions pertaining thereto are incorporated in and expressly made a part of this section.

(i) Each Licensee shall submit in triplicate to the Investment Division, Small Business Administration, Washington 25, D.C., at the end of the first six months' period of each fiscal year, and at the end of the second six months' period of each fiscal year, an activity report, showing by significant categories the amounts of the Licensee's loan and equity financing transactions for the period covered by the report, in accordance with the instructions thereto, for preparation of the Activity Report, SBA Form 477,* which form and instructions are incorporated in and expressly made a part of this section. The fiscal year to which such reports shall relate shall be for SBA purposes the period beginning April 1 and ending March 31. Such Activity Report shall be submitted on or before the last day of the month immediately following the close of the six months' period covered by such report.

(j) In addition to the reports required elsewhere in this section each Licensee shall, upon request by SBA, submit to the Investment Division, Small Business Administration, Washington 25, D.C., such other reports at such times and in such forms as SBA shall require.

COMPLIANCE AND ENFORCEMENT

§ 107.901 Enjoiner of violations.

Whenever in the judgment of SBA any person, including a Licensee, has en-

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* See the Audit and Examination Guide for Small Business Investment Companies filed with the Federal Register Office as part of the original document.

The Audit and Examination Guide for Small Business Investment Companies has been prepared by SBA to inform Licensees and independent accountants engaged by them as to SBA's requirements concerning audits and examinations of SBICs. Copies of such Audit and Examination Guide are made available to Licensees and their independent accountants through the Office of the Chief, Investment Administration Division of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, of the Small Business Administration.

† Form filed as a part of the original document. Licensees required to file a registration statement under the Investment Company Act of 1940 should refer to the rules and forms promulgated by the Securities and Exchange Commission, Washington 25, D.C., concerning the applicability of this report in fulfilling the Commission's requirements for financial reports.

‡ Form, as amended, filed with the Federal Register Office as part of the original document. Copies of SBA Form 468, Financial Report, as amended, together with amended instructions, are available at the office of the Deputy Administrator, Investment Division, of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the Office of the Deputy Administrator, Investment Division, Small Business Administration.

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gaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provisions of the act or of any regulation thereunder, SBA may apply to a proper court for an order enjoining such act or practices or for an order enforcing compliance with such provision or regulation.

§ 107.902 Forfeiture of License.

Final determination by a court of the United States that a Licensee has violated or failed to comply with any of the provisions of the Act or regulations prescribed thereunder, shall thereupon effect a forfeiture of the License of such Licensee.

INTERPRETATIONS

§ 107.1000 Capital structure of licensees (interpreting section 302 of the Act).

Whenever capitalization of Licensee is to consist of more than one class of stock the voting rights and other rights and remedies may not be inequitable or discriminatory, and may not unduly concentrate control or management of the Licensee through pyramiding, inequitable methods, or inequitable distribution. Full disclosure of all voting rights and other rights and remedies of all classes of stock must be made to all shareholders prior to their purchase of stock.

§ 107.1001 Repayment of subordinated debentures (interpreting section 302 (a) of the Act).

(a) Repayment of subordinated debentures must be made in such manner as not to reduce paid-in capital and paid-in surplus below the statutory minimum. This minimum is set by section 302(a) of the Act at $300,000, and subordinated debentures are deemed to be a part of capital and surplus for the purpose (among other things) of providing this minimum.

(b) At the same time, the obligation of a Licensee to repay a subordinated debenture is absolute and binding, and is not limited to the availability of particular funds. For example, although subordinated debentures may be repaid from borrowed funds, such repayment may not be made unless paid-in capital and paid-in surplus is simultaneously maintained at or above the $300,000 level.

(c) Thus, Licensees should be aware of their obligations under the terms of the debenture, and these obligations should be provided for in a manner which will insure compliance with the minimum capital requirements imposed by section 302 of the Act.

§ 107.1002 Participation by SBA with a Licensee under section 7(a) of the Small Business Act in an SBIC loan (interpreting sections 302 and 303 of the Act).

Sections 302 and 303 of the Small Business Investment Act of 1958 limit the nature and degree of financial assistance which SBA is authorized to provide Licensees in conjunction with the financing which Licensees are empowered to render small business concerns. Under these limitations SBA cannot participate with a Licensee under section 7(a) of the Small Business Act or otherwise in loans made by Licensee to small business concerns.

§ 107.1003 Aid for agriculture (interpreting sections 304 and 305 of the Act).

The program established by the Investment Act is to aid business concerns, and the assistance available through such program cannot provide financial or other assistance to concerns engaged in agricultural activities, namely, those involving the production of crops and livestock. In cooperation with the Department of Agriculture, SBA has established certain basic guidelines to aid in the determination whether an operation is a business or agricultural enterprise.

(a) Concerns engaged solely or primarily in the purchase and resale of commodities, the manufacture, processing or marketing of commodities, or the sale of services to the public are considered to be engaged in a business enterprise. This includes the purchase of fruits, vegetables and flowers for resale, the packaging, freezing, or processing by other means, of meats, fruits, and vegetables, the slaughter of livestock and poultry, the operation of warehouses and cold storage plants, feed mills, and the operation of a feed yard for cattle where income is derived from the service operation of housing and feeding the animals.

(b) Concerns engaged solely or primarily in the production of agricultural commodities are considered to be engaged in an agricultural enterprise, which normally involves the cultivation of the land for the production of food and fiber. This would include concerns producing field crops, livestock, and nursery crops.

(c) A concern which is engaged in an agricultural enterprise as well as a business enterprise will be classified according to the predominant part of its operations, considering the time devoted to agriculture and business and the income derived from each.

§ 107.1004 Short-term loans by a Licensee (interpreting § 107.601(d)).

The question has arisen as to whether a Licensee may purchase Equity Securities from a real estate developer-builder and follow up with a less than five-year maturity construction loan to such builder. Such a short-term loan would not be within the exception of § 107.601(d), permitting loans for terms of less than five years when necessary to protect the interest of a Licensee in an existing long-term loan, or Equity Securities. The exception for short-term loans is an emergency privilege which is available only if funds are otherwise unavailable and if necessary for the protection of a prior loan or investment.

§ 107.1005 Eligible investments for idle operating funds of SBICs (interpreting § 107.710).

Under the provisions of § 107.710 a Licensee may invest funds not reasonably needed for current operations in U.S. Treasury bonds, notes, certificates, and bills; U.S. Savings bonds, Series E and Series H; and Federal Housing Administration debentures. Investment is not permitted in securities of the Federal Intermediate Credit Banks, Federal National Mortgage Association, Federal Home Loan Banks, Federal Land Banks, Banks for Cooperatives, or International Bank for Reconstruction and Development (World Bank).

§ 107.1006 Employment of funds provided small business concerns by Licensees (interpreting § 107.715(a)).

(a) The question has been raised as to whether Licensee may provide loans to concerns known as professional associations. Such associations would transfer the proceeds of loans from Licensee to institutions and professional people in exchange for interest-bearing time notes.

(b) Section 107.715(a) is interpreted to provide that funds supplied small business concerns by Licensee may not be invested, loaned, or otherwise transferred by such small business concerns for use by others in exchange for an equity interest or promise to repay. Therefore, the type of financing described above is not permitted. Similarly, such funds may not be used for financing factoring operations, or for the purchase of commercial paper.

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Rules and Regulations

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 3]

PART 121—SMALL BUSINESS SIZE STANDARDS

The Small Business Size Standards (Revision 2) (26 F.R. 812), as amended (26 F.R. 1441, 1983, 2778, 3064, 5708, 6642, 8592, 10633, 10634, 12069; 27 F.R. 5653, 6655, 8265) is hereby rescinded in its entirety and the following compilation of Small Business Size Standards (Revision 2) and amendments 1 through 13 thereto are substituted in lieu thereof:

Sec.
121.3 Statutory provisions.
121.3–1 Purpose.
121.3–2 Definition of terms.
121.3–3 Organization.
121.3–4 Application for size determination and Small Business Certificate.
121.3–5 Protest of small business status.
121.3–6 Appeals.
121.3–7 Differentials.
121.3–8 Definition of small business for Government procurement.
121.3–9 Definition of small business for sales of Government property.
121.3–10 Definition of small business for SBA business loans.
121.3–11 Definition of small business for assistance by small business investment companies.
121.3–12 Definition of small business Government subcontractors.

AUTHORITY: §§ 121.3 to 121.3–12 issued under Public Law 85–536 sec. 5(b)6, 72 Stat. 385.

§ 121.3 Statutory provisions.

(a) *Small Business Act, as amended.*

SEC. 3. For the purposes of this Act, a small business concern shall be deemed to be one which is independently owned and operated and which is not dominant in its field of operation. In addition to the foregoing criteria the Administrator, in making a detailed definition, may use these criteria, among others: Number of employees and dollar volume of business. Where the number of employees is used as one of the criteria in making such definition for any of the purposes of this Act, the maximum number of employees which a small business concern may have under the definition shall vary from industry to industry to the extent necessary to reflect differing characteristics of such industries and to take proper account of other relevant factors.

* * * * * *

SEC. 8(b). It shall also be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary—

(6) To determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated "small business concerns" for the purpose of effectuating the provisions of this Act. To carry out this purpose the Administrator, when requested to do so, shall issue in response to each such request an appropriate certificate certifying an individual concern as a "small business concern" in accordance with the criteria expressed in this Act. Any such certificate shall be subject to revocation when the concern covered thereby ceases to be a "small business concern." Offices of the Government having procurement or lending powers, or engaging in the disposal of Federal property or allocating materials or supplies, or promulgating regulations affecting the distribution of materials or supplies, shall accept as conclusive the Administration's determination as to which enterprises are to be designated "small business concerns," as authorized and directed under this paragraph.

(b) *Small Business Investment Act of 1958, as amended.*

SEC. 103. As used in this Act—

* * * * * *

(5) The term "small business concern" shall have the same meaning as in the "Small Business Act" * * *

§ 121.3–1 Purpose.

This part defines "small business concerns" and establishes standards, criteria and procedures to determine which concerns are "small business concerns" within the meaning of the Small Business Act, as amended (hereinafter referred to as the "Act"), and the Small Business Investment Act of 1958, as amended (hereinafter referred to as the "Investment Act").

§ 121.3–2 Definition of terms used in this part.

(a) "Affiliates": Concerns are affiliates of each other when either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party or parties (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors including common ownership, common management, and contractual relationships.

(b) "Annual sales or annual receipts" means the annual sales or annual receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year.

(c) "Appeal" means a written request for a review of a size determination made by the Director, Office of Small Business Size Standards.

(d) "Area of substantial unemployment" for the purpose of small business size determinations means a geographical area within the United States which:

(1) Is classified by the Department of Labor either as an "Area of Substantial Unemployment" or an "Area of Substantial and Persistent Unemployment," and such classification has been listed in that Department's publication "Area Labor Market Trends" continuously from September 15, 1961, until a size determination is made, or

(2) Is individually certified by the Department of Labor as an "Area of Substantial Unemployment" and has been eligible for such certification continuously since September 15, 1961.

If an area has been removed from the publication "Area Labor Market Trends" or if an area becomes ineligible for certification at any time, such area is excluded from the above definition and cannot be reinstated for the purpose of size determinations unless it is designated as a Redevelopment Area by the Department of Commerce. (See Paragraph (r) of this section.)

(e) "Crude-oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shut-down time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.

(f) "Certificate of Competency" means a certificate issued by SBA pursuant to the authority contained in section 8(b)(7) of the Act stating that the holder of the certificate is competent as to capacity and credit, to perform a a specific Government procurement or sales contract.

(g) "Concern" means any business entity organized for profit with a place of business located in the United States, including but not limited to, an individual, partnership, corporation, joint venture, association, or cooperative.

(h) "Contracting Officer" means the person executing a particular contract on behalf of the Government, and any other employee who is properly designated contracting officer; the term includes the authorized representative of a contracting officer acting within the limits of his authority.

(i) "Convalescent or nursing home" means those facilities for the accommodation of convalescents or other persons who are not acutely ill or not in need of hospital care but who may require nursing care and related medical services, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(j) "Gross leasable area" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the center line of a joint partition and from outside wall faces.

(k) "Hospital" means a health facility duly licensed as a hospital providing inpatient medical or surgical care of the sick or injured, including obstetrics, which facility is privately owned and

operated for the purpose of obtaining profits which shall inure to the benefits of its owners, stockholders, or members.

(l) "Medical and dental laboratory" means those facilities which provide services to doctors, dentists, hospitals, and similar health facilities, which facilities are privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(m) "Nonmanufacturer" means any concern which in connection with a specific Government procurement contract, other than a construction or service contract, does not manufacture, produce, or furnish the products required to be furnished by such procurement. Nonmanufacturer includes a concern which can furnish the products referred to in the specific procurement but does not manufacture, produce, or furnish such products in connection with that procurement.

(n) A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, and license agreements, facilities, sales territory, and nature of business activity.

(o) "Number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during the pay period ending nearest the 15th day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the 15th day of each month.

(p) "Protest" means a statement in writing from a party having a valid interest in whether or not a bidder on a Government procurement or Government disposal contract is a small business within the meaning of this part, and shall contain the basis for the protest, together with specific detailed evidence supporting the protestant's claim that such bidder is not a small business. A complaint received after award of a contract or a complaint received that a concern is not a small business, but which does not meet the requirements of this paragraph, will not be considered a "protest" and will not be acted upon.

(q) "Reconsideration" means a review by a Regional Director or by the Director, Office of Small Business Size Standards, on written request by an interested party of a prior size determination made by such Regional Director based on new information furnished with the request or upon error of such Regional Director in making such determination.

(r) "Redevelopment Area" for the purpose of small business size determinations means a geographical area within the United States which has been designated as a "Redevelopment Area" in accordance with the Area Redevelopment Act (Public Law 87-27, sec. 5, 75 Stat. 48).

(s) "Shopping center" means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided on the property.

(t) "Size determination" means a ruling by SBA that a concern is or is not a small business within the meaning of this part.

(u) "Small Business Certificate" means a certificate issued by SBA pursuant to the authority contained in sections 3 and 8(b)(6) of the Act certifying that the holder of the certificate is a small business concern for the purpose of Government procurement and in accordance with the terms of the certificate.

(v) "United States" as used in this part includes the several States, the territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columba.

§ 121.3-3 Organization of the Office of Small Business Size Standards.

(a) *Authority.* The Director, Office of Small Business Size Standards, shall:

(1) Develop and recommend small business size standards to the Administrator for promulgation;

(2) Determine the size status of concerns and issue, modify, and revoke Small Business Certificates;

(3) Conduct industry hearings pertaining to size matters;

(4) Issue Interpretations of the Size Standards Regulation;

(5) Consider and determine written petitions objecting to or requesting amendment or rescission of a published size standard;

(6) Establish procedures for the implementation of all size programs; and

(7) Perform such other related functions as may be appropriate to effectuate the SBA size program.

(b) *Delegation of functions.* The Director, Office of Small Business Size Standards, may delegate to SBA Regional Directors authority to make size determinations.

§ 121.3-4 Application for size determination and Small Business Certificate.

(a) Applications for size determinations or Small Business Certificates shall be submitted on SBA Form 355, in duplicate, to any SBA field office serving the area in which the applicant's principal office is located. SBA Form 355 shall be completed and supporting materials shall be attached thereto. Applications for size determinations made by either a small business investment company or an applicant for assistance from such an investment company, shall be submitted on SBA Form 480, together with SBA Form 355. Detailed instructions for completing SBA Form 355 and SBA Form 480 are attached thereto. Copies of such forms may be obtained from any SBA field office or from the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

(b) In cases where the Regional Director has been delegated authority to determine the size status of a concern, the Regional Director shall cause the application to be reviewed to insure that all facts are stated adequately. He shall, if necessary, cause an appropriate investigation to be made of the size status of the concern. The Regional Director thereafter shall determine the status of the concern and shall promptly notify the applicant and other interested persons of his decision in writing.

(c) In cases where the Regional Director has not been delegated authority to determine the size status of a concern, the Regional Director shall cause the application to be reviewed to insure that all facts are stated adequately. He shall, if necessary, cause an appropriate investigation to be made of the size status of the concern. The Regional Director thereafter shall transmit the application and all supporting documents, together with his recommendation concerning the size status of the concern to the Director, Office of Small Business Size Standards. The Director, Office of Small Business Size Standards, shall thereafter review the application and all pertinent information and shall determine the size status of the concern. He shall promptly notify the appropriate parties of his decision in writing.

(d) *Reconsideration.* (1) If the size determination is one authorized to be made in the first instance by a Regional Director and the determination has been so made, the applicant or other interested party may request reconsideration of this determination by filing such request, together with additional information to support a change in the determination, with the Regional Director. The Regional Director, shall, if such additional information so warrants, reverse his original determination. If no new information is provided or if such additional information does not warrant reversal of the decision of the Regional Director, he shall submit the request for reconsideration to the Director, Office of Small Business Size Standards, who shall decide the request for reconsideration and promptly notify the appropriate parties of his decision in writing.

(2) If the Director, Office of Small Business Size Standards, has made the size determination, whether initially or after an adverse reconsideration by the Regional Director pursuant to subparagraph (1) of this paragraph, such determination shall be final except that an appeal from such determination may be taken by following the procedure set forth in § 121.3-6.

§ 121.3-5 Protest of small business status.

(a) *Specific Government procurements or sales.* Any bidder, offerer, or other interested party may, prior to award, question the small business status of any apparently low bidder or offerer by sending a written protest, as defined in § 121.3-2(p) to the contracting officer responsible for the particular procurement. Any contracting officer who receives such protest or who wishes to question the small business status of a bidder or offerer himself shall forward such protest record (or submit a written protest, as defined in § 121.3-2(p) to the SBA Regional Office serving the area in which the protested concern is located. Upon receipt of such protest, the SBA Regional Director shall immediately notify the contracting officer of the date such protest has been received and that the size of the concern being protested is being considered by SBA. The Regional Director shall also advise the bidder or offerer of the receipt of the protest, that it is under review, and shall forward to such bidder or offerer a copy of the protest and blank SBA Form 355, Application for Small Business Certificate or Size Determination, by Certified Mail, Return Receipt Requested. The bidder or offerer shall, within three days after receipt of the copy of the protest and SBA Form 355, file said form as directed by the Regional Director and shall attach thereto a statement in answer to the allegations of the letter of protest, together with evidence to support such position. After receipt of a protest, SBA shall investigate and determine the small business status of the protested bidder or offerer and notify the contracting officer, the protestant, and the protested bidder or offerer of its decision within ten working days, if possible.

(b) *Small Business Certificates.* Any interested party may question, for the purpose of future procurements, the issuance of a Small Business Certificate to a concern by sending a written protest, as defined in § 121.3-2(p), to the Director, Office of Small Business Size Standards, Washington 25, D.C. Upon receipt of such protest, the holder of a Small Business Certificate shall be advised of the protest, that it is under review, and shall be forwarded a copy of the protest and blank SBA Form 355, Application for Small Business Certificate or Size Determination, by Certified Mail, Return Receipt Requested. The protested concern shall, within five days after receipt of the copy of the protest and SBA Form 355, file said form with the Director, Office of Small Business Size Standards, and shall attach thereto, a statement in answer to the allegations of the letter of protest, together with evidence to support such position. After receipt of a protest, SBA shall investigate and determine the small business status of the protested concern and shall notify the protestant and the protested concern of its decision.

§ 121.3-6 Appeals.

(a) *Appeals organization.* (1) The Size Appeals Board is the representative of the Administrator for reviewing size appeals.

(2) The Size Appeals Board shall consist of at least three members designated by the Administrator, one of whom shall be designated as Chairman. Alternate members shall also be designated by the Administrator. The Size Appeals Board is authorized to conduct such proceedings as it determines appropriate to enable it to consider appeals and recommend to the Administrator decisions thereon.

(b) *Method of appeal.*—(1) *Who may appeal.* An appeal may be taken by any concern or other interested party which has:

(i) Protested the small business status of a concern pursuant to § 121.3-5 and whose protest has been denied by the Director, Office of Small Business Size Standards;

(ii) Upon reconsideration, been denied small business status by a determination of the Director pursuant to § 121.3-4;

(iii) Been denied a Small Business Business Certificate pursuant to § 121.3-4; or

(iv) Been adversely affected by a decision of the Director pursuant to §§ 121.3-4 and 121.3-5.

(2) *Where to appeal.* Written Notices of Appeal shall be addressed to the Chairman, Size Appeals Board, Small Business Administration, Washington 25, D.C.

(3) *Time for appeal.* Because of the urgency of pending procurements, appeals in such cases shall be mailed or delivered to the Chairman, Size Appeals Board, within five (5) days after receipt of the determination of the Director, Office of Small Business Size Standards. All other appeals shall be so mailed or delivered within thirty (30) days after receipt of such determination. Extension of the period within which appeals can be filed may be granted in the discretion of the Chairman of the Size Appeals Board, but only for good cause.

(4) *Grounds for appeal.* Jurisdiction of the Board shall extend only to consideration of allegations that the Director, Office of Small Business Size Standards, has misapplied published size standards regulation. The Board shall not consider appeals based on an allegation that a published regulation should be changed. Requests for a change in such regulation shall be made to the Director, Office of Small Business Size Standards, Small Business Administration, Washington 25, D.C.

(5) *Notice of appeal.* No particular form is prescribed for the Notice of Appeal. The following information shall be included therein to avoid time consuming delays and necessity for further correspondence:

(i) Name and address of concern on which the size determination was made;

(ii) The character of the determination from which appeal is taken and its date;

(iii) If applicable, the IFB or contract number and date, and the name and address of the contracting officer;

(iv) A concise and direct statement of the reasons why the decision of the Director, Office of Small Business Size Standards, is alleged to be erroneous;

(v) Documentary evidence in support of such allegations; and

(vi) Action sought by the appellant.

(c) *Notice to interested parties.* The Size Appeals Board shall promptly acknowledge receipt of the Notice of Appeal and shall send a copy of such Notice of Appeal to the Director, Office of Small Business Size Standards, the contracting officer if a pending procurement is involved, and other interested parties.

(d) *Statement by interested parties.* After receipt of a copy of appellant's Notice of Appeal, interested parties may file in duplicate with the Board, a statement as to why the appeal should or should not be denied. Such statement shall be accompanied by appropriate evidence. Copies of such statements and appropriate evidence will be furnished to the appellant. Such statements and supporting evidence shall be mailed or delivered to the Chairman, Size Appeals Board, Small Business Administration, Washington 25, D.C., within five (5) days of the receipt of the copy of Notice of Appeal unless an extension is for cause granted by the Chairman of the Size Appeals Board.

(e) *Consideration by the Size Appeals Board.* The Size Appeals Board shall consider the appeal on the written submissions of the appellant, or may, in its discretion, permit oral presentations by interested parties. The Board shall promptly recommend in writing to the Administrator a proposed decision which shall state the reasons for the recommendation.

(f) *Decision of the Administrator.* The Administrator's decision shall be predicated upon the entire record after giving such weight to the recommendation of the Size Appeals Board as he shall deem appropriate provided, however, that should he not concur with the recommendation of the Size Appeals Board, he shall state in writing the basis for his findings and conclusions.

(g) *Notification of final decision.* The Chairman shall promptly notify, in writing, the appellant and the other interested parties of the Administrator's decision, together with the reasons therefor.

§ 121.3-7 Differentials.

(a) *Alaska.* If an applicant for a size determination is a concern located in Alaska, then, whenever "annual sales or annual receipts" are used in any size definition contained in this part, said dollar limitation is increased by twenty-five percent (25%) of the amount set forth therein.

(b) *Substantial unemployment and redevelopment areas.*—(1) *Business loans under the Small Business Act.* Notwithstanding any other provision of this part, the applicable size standards for the purpose of financial assistance under section 7(a) of the Act are increased by twenty-five percent (25%) whenever the concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area and agrees to use the financial assistance within such area or, if it does not maintain or operate a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area, agrees to utilize the financial assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(2) *Small business investment companies and development companies.* Notwithstanding any other provision of this part, the size standards for a small

business concern receiving assistance from a small business investment company or receiving assistance from a development company in connection with a section 501 or section 502 loan are increased by twenty-five percent (25%) whenever such concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area and agrees to use such assistance within such area or, if it does not maintain or operate a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area, agrees to utilize such assistance in connection with the establishment and/or operation of a plant, facility, or other business establishment in such area.

(3) *Government procurement assistance, sales of Government property, and Government subcontracting.* This paragraph is not applicable to size determinations for the purpose of Government procurement assistance, sales of Government property, or Government subcontracting.

§ 121.3–8 Definition of small business for Government procurement.

(a) *Small business definitions.* A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the following criteria:

(1) *General definition.* Any concern (not otherwise defined in this section) is small if: (i) Its number of employees does not exceed 500 persons or (ii) it is certified as a small business concern by SBA pursuant to Paragraph (c) of this section.

(2) *Air transportation contracts.* For the purpose of bidding on air transportation contracts, any concern is small if its number of employees does not exceed 1,000 persons.

(3) *Aircraft equipment contracts.* For the purpose of bidding on the aircraft equipment set forth below, any concern is small if its number of employees does not exceed 1,000 persons:

(i) Airframes and structural components,
(ii) Aircraft propellers and hubs,
(iii) Wheel and brake systems,
(iv) Jet engines,
(v) Fuel tanks,
(vi) Aircraft hydraulic systems,
(vii) Aircraft vacuum systems,
(viii) Aircraft air-conditioning,
(ix) Heating and pressurizing equipment,
(x) Fire control systems,
(xi) Flight instruments,
(xii) Flight simulators (except small cockpit trainers),
(xiii) Aircraft deicing systems.

(4) *Construction contracts.* For the purpose of bidding on construction contracts, any concern is small if its average annual receipts for the preceding three fiscal years do not exceed $7½ million.

(5) *Custodial and janitorial service contracts.* For the purpose of bidding on contracts for custodial and janitorial services, any concern is small if its average annual receipts for the preceding three fiscal years do not exceed $1 million.

(6) *Dredging contracts.* For the purpose of bidding on dredging contracts, any concern is small if its average annual receipts for the preceding three fiscal years do not exceed $5 million.

(7) *Food canning and preserving contracts.* For the purpose of bidding on contracts for food canning and preserving, any concern is small if its number of employees does not exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(8) *Petroleum refining contracts.* For the purpose of bidding on contracts for petroleum, other than lubricants and miscellaneous petroleum products, any concern is small if its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude-oil capacity from owned and leased facilities.

(9) *Rubber footwear contracts.* For the purpose of bidding on contracts for rubber footwear, any concern is small if its number of employees does not exceed 1,000 persons.

(10) *Small arms contracts.* For the purpose of bidding on contracts for small arms any concern is small if its number of employees does not exceed 1,000 persons.

(11) *Small arms ammunition contracts.* For the purpose of bidding on contracts for small arms ammunition, any concern is small if its number of employees does not exceed 1,000 persons.

(12) *Tire and inner tube contracts.* For the purpose of bidding on contracts for tires and inner tubes, any concern is small if its number of employees does not exceed 1,000 persons.

(13) *Trucking and warehousing contracts.* For the purpose of bidding on contracts for trucking, warehousing, packing, and crating, any concern is small if its annual receipts do not exceed $3 million.

NOTE: Pending further study of the relationship between large interstate van lines and small household movers, freight forwarders, booking and hauling agents, packers and craters and similar enterprises, no such concern will be denied small business status for the purpose of Government procurement solely because of its relationship with an interstate van line, provided that its annual receipts have not exceeded $3 million during the concerns most recently completed fiscal year, and provided further no more than 50 percent of such annual receipts are directly attributable to the applicants relationship with an interstate van line. When applying for a small business size determination, the applicant, at the time of filing its application, shall submit therewith documentary evidence showing the percentage of its annual receipts attributable to its relationship with an interstate van line.

(b) *Definition of small business nonmanufacturer.* Any concern which submits a bid or offer in its own name, other than a construction or service contract, but which proposes to furnish a product not manufactured by said bidder or offerer, is deemed to be a small business concern when:

(1) It is a small business concern within the meaning of paragraph (a) of this section, and

(2) In the case of Government procurement reserved for or involving the preferential treatment of small businesses, such nonmanufacturer shall furnish in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States: *Provided, however,* If the goods to be furnished are wool, worsted, knitwear, duck, webbing, and thread (spinning and finishing), nonmanufacturers (dealers and converters) shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher.

(c) *Small Business Certificates.* (1) A concern employing more than 500 persons, but not more than 1,000 persons, may qualify for a Small Business Certificate within a particular industry or field of operation in those cases where there is a high concentration of output in a few large companies and there are a limited number of companies having 500 or fewer employees. In order to qualify for a Small Business Certificate, it is not sufficient merely to show that a concern is not dominant in an industry or field of operation. The use of any Small Business Certificate shall be limited to Government contracts for specified commodities, services, or research and development.

(2) Any concern employing more than 500 persons, but not more than 1,000 persons, which believes it may qualify for a Small Business Certificate may apply to the SBA field office nearest to such concern's principal place of business for a Small Business Certificate in accordance with the requirements of § 121.3–4.

(3) Small Business Certificates may be issued to such concerns if it is determined by SBA that the applicant, together with its affiliates, is a small business in its industry or field of operation and the issuance of such a certificate would be in accordance with the intent and purpose of the Act. The holder of such certificate will then qualify subject to the terms of the certificate as a small business concern for Government procurement purposes. Information as to which concerns have been issued Small Business Certificates and the products for which such certificates have been issued may be obtained from any SBA field office.

(d) *Self-certification by a small business.* In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria of paragraph (a) or (b) of this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular procurement involved.

§ 121.3–9 Definition of small business for sales of Government property.

(a) *Sales of Government-owned property other than timber.* A small business concern for the purpose of the sale of Government-owned property, other than timber, is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the following criteria:

(1) *Manufacturers.* Any concern which is primarily engaged in manufacturing is small if its number of employees does not exceed 500 persons.

(2) *Other than manufacturers.* Any concern which is primarily not a manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its annual sales or annual receipts for its preceding three fiscal years do not exceed $5 million.

(3) *Stockpile purchasers.* Any concern primarily engaged in the purchase of materials which are not domestic products is small if its average annual sales or annual receipts for its preceding three fiscal years do not exceed $25 million.

(b) *Sales of Government-owned timber.* (1) In connection with the sale of Government-owned timber a small business is a concern that:

(i) Is primarily engaged in the logging or forest products industry;

(ii) Is independently owned and operated;

(iii) Is not dominant in its field of operation; and

(iv) Together with its affiliates its number of employees does not exceed 250 persons.

(2) In the case of Government sales of timber reserved for or involving preferential treatment of small businesses, when the Government timber being purchased is to be resold, a concern is a small business when:

(i) It is a small business within the meaning of subparagraph (1) of this paragraph, and

(ii) It agrees that it will not sell more than 30 percent of such timber to a concern which does not qualify under subparagraph (1) of this paragraph as a small business, unless an exemption is granted on sales of mixed stumpage of hardwood and softwood species.

(3) In the case of Government sales reserved for or involving preferential treatment of small businesses, when the Government timber purchased is not to be resold in the form of saw logs to be manufactured into lumber and timbers, a concern is a small business when:

(i) It meets the criteria contained in subparagraph (1) of this paragraph, and

(ii) It agrees that in manufacturing lumber or timbers from such saw logs cut from the Government timber, it will do so only with its own facilities or those of concerns that qualify under subparagraph (1) of this paragraph as a small business.

(c) *Self-certification by a small business.* In the submission of a bid or proposal for the purchase of Government-owned property, a concern which meets the criteria of paragraph (a) or (b) of this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular sale involved.

§ 121.3–10 Definition of small business for SBA business loans.

A small business concern for the purpose of receiving an SBA loan is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the criteria set forth below. A concern which is a small business under § 121.3–8 which has applied for or received a Certificate of Competency is a small business eligible for an SBA loan to finance the contract covered by the Certificate of Competency. If no standard for an industry field of operation, or activity has been set forth in this section, a concern seeking a size determination shall submit SBA Form 355 to the Director, Office of Small Business Size Standards, Washington 25, D.C. If an applicant for an SBA business loan is engaged in the production of a number of products or the providing of a variety of services which are classified into different industries or fields of operation, the appropriate standard to be used is that which has been established for the industry or activity in which it is primarily engaged. An applicant's primary activity is that which produced the greatest percentage of gross sales or receipts for the past fiscal year. When computing the size status of an applicant, its affiliates number of employees, annual sales or receipts, or other applicable standards shall be included.

(a) *Construction.* Any concern primarily engaged in construction is small if its average annual receipts do not exceed $5 million for the preceding three fiscal years.

(b) *Manufacturing.* Any concern primarily engaged in manufacturing is classified:

(1) As small if its number of employees does not exceed 250 persons;

(2) As large if its number of employees exceeds 1,000 persons;

(3) Either as small or large depending on its industry and in accordance with the employment size standards set forth in Schedule "A" of this part, if its number of employees exceeds 250 persons, but not more than 1,000 persons;

(4) As small if it is primarily engaged in the "food canning and preserving industry" and its number of employees does not exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(c) *Retail.* Any concern primarily engaged in retailing is classified:

(1) As small if its annual sales do not exceed $1 million;

(2) As small if it is primarily engaged in making retail sales of "groceries and fresh meats" and its annual sales do not exceed $2 million;

(3) As small if it is primarily engaged in making retail sales of "new or used motor vehicles" and its annual sales do not exceed $3 million.

(d) *Services.* Any concern primarily engaged in service industries is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the "hotel and motel industry" and its annual receipts do not exceed $2 million;

(3) As small if it is primarily engaged in the "power laundry industry" and its annual receipts do not exceed $2 million;

(4) As small if it is primarily engaged in the "trailer courts and parks industry" and its annual receipts do not exceed $100,000: *Provided,* That a minimum of 50 percent of the annual receipts is derived from the rental of space to tourist trailers for periods not in excess of 30 days;

(5) As small if it is primarily engaged in owning and operating a "hospital" and its capacity does not exceed 100 beds (excluding cribs and bassinets);

(6) As small if it is primarily engaged in owning and operating a "convalescent or nursing home" and its annual receipts do not exceed $1 million;

(7) As small if it is primarily engaged in owning and operating a "medical or dental laboratory" and (i) it is operated in connection with an eligible proprietary hospital, or (ii) it is not operated in connection with an eligible proprietary hospital and its annual receipts do not exceed $1 million.

(e) *Shopping centers.* Any concern engaged in operating shopping centers is small if:

(1) It does not have assets exceeding $5 million;

(2) It does not have net worth in excess of $2½ million;

(3) It does not have an average net income, after Federal income taxes, for the preceding two fiscal years in excess of $250,000 (average net income to be computed without benefit of any carryover loss); and

(4) It does not lease more than 25 percent of the gross leasable area to concerns which do not meet the small business definitions contained in this section.

For the purpose of size determinations, shopping center operators will not be considered affiliated with their tenants merely because of lease agreements.

(f) *Transportation.* Any concern primarily engaged in passenger and freight transportation is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the "air transportation industry" and its number of employees does not exceed 1,000 persons;

(3) As small if it is primarily engaged in "trucking and/or warehousing" (local and long distance) and its annual receipts do not exceed $3 million.

NOTE: Pending further study of the relationship between large interstate van lines and small household movers, freight forwarders, booking and hauling agents and similar enterprises, no such concern will be denied an SBA business loan solely because of its relationship with an interstate van line, provided that its annual receipts have not exceeded $3 million during the concern's most recently completed fiscal year. Appli-

cations for SBA business loans submitted by household movers, freight forwarders, booking and hauling agents and similar enterprises must state the amount, if any, of such annual receipts which are directly attributable to the applicant's relationship with an interstate van line.

(f) *Wholesale.* Any concern primarily engaged in wholesaling is small if its annual sales do not exceed $5 million. Any wholesale concern also engaged in manufacturing is not a "small business concern" unless it so qualifies under both the manufacturing and wholesaling standards.

§ 121.3–11 Definition of small business for assistance by small business investment companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies is a concern which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding $5 million, does not have net worth in excess of $2½ million, and does not have an average net income, after Federal income taxes, for the preceding two years in excess of $250,000 (average net income to be computed without benefit of any carry-over loss); or

(b) Qualifies as a small business concern under § 121.3–10.

§ 121.3–12 Definition of small business Government subcontractors.

(a) Any concern, in connection with subcontracts of $2,500 or less which relate to Government procurements, will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

(b) Any concern, in connection with subcontracts exceeding $2,500 which relate to Government procurements, will be considered a small business concern if it qualifies as such under § 121.3–8: *Provided, however*, That:

(1) The definition of small business nonmanufacturers, as contained in § 121.3–8(b), shall not become effective for the purpose of Government subcontracting until January 2, 1963.

(2) The definition of small businesses in the aircraft equipment industry, as set forth in § 121.3–8(a)(5), shall not become effective for the purpose of Government subcontracting until January 2, 1963.

(3) Until January 2, 1963, any concern included in subparagraphs (1) and (2) of this paragraph will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER: *Provided, however*, That paragraph (b) of § 121.3–7 shall not become effective until October 7, 1962, as published on August 8, 1962, in 27 F.R. 7819.

JOHN E. HORNE,
Administrator.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING

(The following size standards are to be used when determining the size status of SBA business loan applicants, and as alternate standards for sections 501 and 502 loans, and SBIC assistance)

Census classification code	Industry	Employment size standard (number of employees)[1]
23	Apparel and Related Products	250
	Chemicals and Allied Products:	
2894	Acids, fatty	500
2879	Agricultural chemicals, n.e.c.[2]	500
2812	Alkalies and chlorine	1,000
2831	Biological products	250
2823	Cellulosic man-made fibers	1,000
2895	Carbon, black	750
2899	Chemical products, n.e.c.	250
2842	Cleaning and polishing products, except soaps and detergents	500
2816	Color pigments, inorganic	1,000
2815	Colors, organic, and intermediates	1,000
2814	Cyclic (coal-tar) crudes	500
2892	Explosives	1,000
2871	Fertilizers	500
2872	Fertilizers (mixing only)	500
2824	Fibers, synthetic, except cellulosic	1,000
2891	Glue and gelatin	250
2861	Gum and wood chemicals	250
2813	Industrial gases	750
2893	Ink, printing	250
2819	Inorganic chemicals, industrial, n.e.c.	750
2833	Medicinal chemicals, including botanicals	750
2818	Organic chemicals, industrial, n.e.c.	1,000
2851	Paints and varnishes	250
2873	Pesticides, agricultural	500
2834	Pharmaceutical preparations	750
2821	Plastic materials, synthetic resins, and nonvulcanizable elastomers	750
2822	Rubber, synthetic (vulcanizable elastomers)	1,000
2841	Soap and other detergents	1,000
2843	Surface active agents	250
2844	Toilet preparations, perfumes and cosmetics	500
2852	Putty, caulking compounds, and allied products	250
	Electrical Machinery:	
3630	Appliances, electrical household	750
3692	Batteries, primary (dry and wet)	1,000
3691	Batteries, storage	500
3624	Carbon and graphite products	750
3622	Controls, industrial	500
3699	Electrical products, n.e.c.	500
3679	Electronic components and accessories, n.e.c.	500
3694	Engine electrical equipment	750
3633	Household laundry equipment	1,000
3629	Industrial apparatus, electrical n.e.c.	500
3641	Lamps, electric (bulbs)	1,000
3642	Lighting fixtures	250
3611	Measuring instruments and test equipment, electrical	500
3621	Motors and generators	750
3652	Phonograph records	750
3651	Radios and television receiving sets	750
3662	Radio and television transmitting, signaling and detection equipment	500
3613	Switchgear and switchboard apparatus	500
3661	Telephone and telegraph equipment	1,000
3612	Transformers (power, distribution, and specialty)	750
3619	Transmission and distribution equipment, n.e.c.	500
3671	Tubes, and TV receiving type electron tubes	1,000
3672	Tubes, cathode ray	1,000
3673	Tubes, transmitting, industrial, and special purpose	1,000
3623	Welding apparatus, electrical	250
3643	Wiring devices, current carrying	500
3644	Wiring devices, noncurrent carrying	500
3698	X-ray apparatus and tubes	500
	Fabricated Metal Products:	
3449	Architectural and misc. metal work	250
3491	Barrels, drums and pails, metal	500
3443	Boiler shop products	250

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry	Employment size standard (number of employees)[1]
	Fabricated Metal Products—Con.	
3452	Bolts, nuts, washers, screws and rivets	500
3479	Coating, engraving and allied services, n.e.c.	250
3421	Cutlery	500
3442	Doors, sash and trim, metal	250
3471	Electroplating, plating, polishing, anodizing and coloring	250
3498	Fabricated pipe and fabricated pipe fittings	250
3497	Foil, metal and leaf	500
3479	Galvanizing	250
3429	Hardware, n.e.c.	250
3433	Heating equipment, except electric	500
3499	Metal products, fabricated, n.e.c.	250
3432	Plumbing fixtures and fittings	500
3492	Safes and vaults	500
3425	Saws and sawing blades, hand	250
3451	Screw-machine products	250
3444	Sheet-metal work	250
3461	Stampings, metal	250
3493	Steel springs	500
3441	Structural steel, fabricated	250
3411	Tin cans and other metal cans	1,000
3423	Tools, edge	250
3423	Tools, hand, n.e.c.	250
3496	Tubes, collapsible	250
3494	Valves and pipe fittings, except plumbers' brass goods	500
3431	Vitreous-enameled products	250
3481	Wirework, n.e.c.	250
	Food and Kindred Products:	
2042	Animal feeds, prepared	250
2082	Beer and ale	500
2052	Biscuit, crackers and pretzels	750
2051	Bread and other bakery products	250
2021	Butter, creamery	250
2043	Cereal breakfast foods	750
2022	Cheese, natural	250
2073	Chewing gum	500
2072	Chocolate and cocoa products	500
2071	Confectionary products	250
2046	Corn wet milling	750
2025	Dairy products, special	250
2031	Fish, cured and canned	250
2097	Flavoring extracts and sirups, n.e.c.	500
2041	Flour and meal	500
2045	Flour mixes	500
2099	Food preparations, miscellaneous, n.e.c.	250
2033	Fruits and vegetables, canned	750
2034	Fruits and vegetables, dehydrated	500
2037	Fruits and vegetables, frozen	500
2094	Grease and tallow	250
2097	Ice, manufactured	250
2024	Ice cream and frozen desserts	500
2085	Liquor, distilled	750
2098	Macaroni and spaghetti	250
2083	Malt	250
2011	Meat packing plants	500
2013	Meats, prepared	500
2023	Milk, concentrated	500
2026	Milk, fluid	500
2091	Oil mills, cottonseed	250
2093	Oil mills, linseed	1,000
2092	Oil mills, soybean	500
2093	Oil mills, vegetable, n.e.c.	250
2095	Oils, animal and marine, n.e.c.	250
2035	Pickled fruits and vegetables, sauces	250
2015	Poultry dressing plants	250
2044	Rice milling	250
2031	Seafood, canned	250
2036	Seafood, fresh or frozen	250
2096	Shortening, table oils and margarine	750
2086	Soft drinks, bottled and canned	250
2032	Specialties, canned	250
2063	Sugar, beet	750
2061	Sugar, raw cane	250
2062	Sugar, refining, cane	750
2084	Wines and brandy	250
	Furniture and Fixtures:	
2599	Furniture and fixtures, n.e.c.	250
2511	House furniture, wood, not upholstered	250
2514	Household furniture, metal	250
2519	Household furniture, n.e.c.	250
2512	Household furniture, wood upholstered	250
2515	Mattresses and bedsprings	250
2522	Office furniture, metal	500
2521	Office furniture, wood	250
2541	Partitions and fixtures, wood	250
2542	Partitions and fixtures, metal	250

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry	Employment size standard (number of employees)[1]
	Furniture and Fixtures—Con.	
2531	Public building furniture	250
2591	Shades, window	500
2591	Venetian blinds	250
	Instruments and Related Products:	
3843	Dental equipment and supplies	250
3821	Measuring instruments, mechanical	500
3851	Ophthalmic goods	250
3831	Optical instruments and lenses	250
3861	Photographic equipment	750
3811	Scientific instruments	500
3841	Surgical and medical instruments	250
3842	Surgical appliances and supplies	250
3822	Temperature controls, automatic	500
3872	Watchcases	250
3871	Watches, clocks, and parts	500
	Leather and Leather Products:	
3121	Belting and packing, industrial leather	250
3131	Footwear cut stock	250
3141	Footwear, except rubber and house slippers	500
3151	Gloves, leather, dress and work	250
3171	Handbags and purses	250
3199	Leather goods, n.e.c.	250
3172	Leather goods personal	250
3161	Luggage	250
3142	Slippers, house	250
3111	Tanning and finishing leather	250
24	Lumber and Products, Except Furniture	250
	Machinery (Except Electrical):	
3562	Bearings, ball and roller	750
3564	Blowers and fans	250
3571	Computing and related machines	1,000
3531	Construction machinery	500
3535	Conveyors	250
3544	Dies and tools, special	250
3534	Elevators and escalators	500
3519	Engines, internal-combustion	1,000
3511	Engines and turbines, steam	1,000
3522	Farm machinery (except tractors)	500
3551	Food-products machinery	250
3567	Furnaces and ovens, industrial	250
3536	Hoists, cranes and monorails	250
3569	Industrial, general, machinery, n.e.c.	250
3559	Industry, special, machinery, n.e.c.	250
3582	Laundry and dry-cleaning machinery, commercial	250
3599	Machinery and parts, n.e.c.	250
3591	Machine shops	250
3541	Machine tools, metal cutting types	500
3542	Machine tools, metal forming types	500
3545	Machine tool accessories and measuring devices	250
3581	Merchandising machines, automatic	250
3548	Metalworking machinery, except machine tools	500
3532	Mining machinery	500
3579	Office machines, n.e.c.	500
3533	Oil-field machinery and tools	500
3554	Paper-industries machinery	250
3565	Patterns, industrial	250
3566	Power-transmission equipment	500
3555	Printing-trades machinery	500
3561	Pumps and compressors	500
3586	Pumps, measuring and dispensing	750
3585	Refrigeration machinery and air conditioning units	750
3576	Scales and balances	250
3589	Service industry machines, n.e.c.	250
3552	Textile machinery	250
3522	Tractors	1,000
3537	Trucks and tractors, industrial	250
3572	Typewriters	1,000
3584	Vacuum cleaners, industrial	750
3553	Woodworking machinery	250
	Miscellaneous Manufactures:	
1961	Ammunition, arms, small	1,000
1951	Arms, small	1,000
3952	Artists' materials	250
3999	Beauty and barber shop equipment	250
3991	Brooms and brushes	250
3963	Buttons	250
3964	Candles	250
3985	Carbon paper and inked ribbons	250

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry	Employment size standard (number of employees)[1]
	Miscellaneous Manufactures—Continued	
3942	Dolls	250
3982	Floor coverings, hard surface	750
3962	Flowers, artificial	250
3992	Furs, dressed and dyed	250
3941	Games and toys	250
3999	Hair, work	250
3912	Jewelers' findings	250
3961	Jewelery, costume	250
3911	Jewelry (precious metal)	250
3913	Lapidary work	250
3953	Marking devices	250
3982	Matches	500
3999	Miscellaneous products, n.e.c.	250
3988	Morticians' goods	250
3931	Musical instruments	250
3964	Needles, pins, and fasteners	250
3952	Pencils and crayons, lead	250
3951	Pens and mechanical pencils	500
3931	Piano and organ parts	500
3931	Pianos	500
3999	Pipes, tobacco	250
3987	Shades, lamp	250
3993	Signs and advertising displays	250
3914	Silverware and plated ware	500
3949	Sporting and athletic goods	250
3995	Umbrellas, parasols and canes	250
3943	Vehicles, children's	250
	Paper and Allied Products:	
2643	Bags, except textile bags	500
2653	Boxes, corrugated and solid fiber	250
2651	Boxes, paperboard, folding	250
2652	Boxes, paperboard, set-up	250
2661	Building paper and building board mills	750
2641	Coating and glazing paper	500
2649	Converted paper and paperboard products, n.e.c.	500
2642	Envelopes	250
2655	Fiber cans, tubes, drums, etc.	250
2645	Paper and board, die-cut, and cardboard	250
2621	Paper mills	750
2631	Paperboard mills	750
2646	Pulp goods, pressed and molded	500
2611	Pulp mills	750
2654	Sanitary food containers	250
2644	Wallpaper	250
	Petroleum and Coal Products:	
2952	Asphalt felts and coatings	500
2992	Lubricating oils and greases	500
2951	Paving mixtures and blocks	250
2999	Petroleum and coal products, n.e.c.	250
2911	Petroleum refining[3]	1,000
	Primary Metal Industries:	
3334	Aluminum, primary	1,000
3352	Aluminum rolling and drawing	750
3331	Copper, primary	1,000
3351	Copper rolling and drawing	750
3313	Electrometallurgical products	750
3321	Foundries, gray-iron	500
3322	Foundries, malleable-iron	500
3360	Foundries, nonferrous	250
3323	Foundries, steel	500
3391	Iron and steel forgings	500
3332	Lead, primary	1,000
3399	Metal industries, primary, n.e.c.	750
3315	Nails and spikes	500
3356	Nonferrous metal rolling and drawing, n.e.c.	500
3339	Nonferrous metals, primary, n.e.c.	750
3341	Nonferrous metals, secondary	250
3317	Pipes and tubes, steel	750
3312	Steel works and rolling mills, blast furnaces	1,000
3316	Steel sheet, strip and bars	1,000
3315	Wire drawing, steel	750
3357	Wire, drawing and insulating, nonferrous	750
3333	Zinc, primary	750
27	Printing and Publishing Industries	250
	Rubber Products:	
3069	Fabricated rubber products, n.e.c.	500
3021	Footwear, rubber	1,000
3070	Plastic products	250
3031	Reclaimed rubber	500
3011	Tires and inner tubes	1,000
	Stone, Clay and Glass Products:	
3291	Abrasive products	250
3292	Asbestos products	750
3251	Brick and structural clay tile	250
3241	Cement, hydraulic	500
3259	Clay products, structural, n.e.c.	250
3271	Concrete brick and block	250
3272	Concrete products, except block and brick	250
3273	Concrete, ready mixed	250

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry	Employment size standard (number of employees)[1]
	Stone, Clay and Glass Products—Continued	
3221	Containers, glass	750
3281	Cut-stone and stone products	250
3211	Flat glass	1,000
3231	Glass products made of purchased glass	250
3229	Glassware, pressed and blown, n.e.c.	750
3275	Gypsum products	1,000
3274	Lime	500
3299	Mineral products, nonmetallic n.e.c.	250
3296	Mineral wool	500
3295	Minerals, ground or treated	250
3261	Plumbing fixtures, vitreous	500
3264	Porcelain electrical supplies	500
3269	Pottery products, n.e.c.	250
3255	Refractories, clay	250
3297	Refractories, nonclay	500
3293	Steam and other packing	500
3253	Tile, floor and wall	500
3263	Utensils, earthenware food	500
3262	Utensils, vitreous-china food	500
	Textile Mill Products:	
2272	Carpets and rugs, except wool	250
2271	Carpets and rugs, wool	750
2298	Cordage and twine	500
2295	Fabric, coated except rubberized	250
2241	Fabric, narrow, mills	250
2211	Fabrics, cotton broad-woven	1,000
2221	Fabrics, synthetic and silk broad woven	500
2231	Fabrics, broad-woven wool (including dyeing and finishing)	500
2291	Felt goods, n.e.c.	250
2261	Finishers of broad-woven fabrics of cotton	750
2262	Finishers of broad-woven fabrics of man-made fiber and silk	500
2251	Hosiery, full-fashioned mills	250
2252	Hosiery, seamless, mills	250
2256	Knit fabric mills	250
2253	Knit outerwear mills	250
2254	Knit underwear mills	250
2259	Knitting mills, n.e.c.	250
2292	Lace goods	250
2293	Paddings and upholstry filling	250
2297	Scouring and combing plants, wool	250
2261	Textile finishing, cotton broad-woven fabrics	500
2262	Textile finishing, man-made fiber and silk	500
2299	Textile goods, n.e.c.	250
2294	Textile waste, processed	250
2284	Thread mills	500
2296	Tire cord and fabric	250
2281	Yarn mills, cotton and silk systems	500
2283	Yarn mills, wool, incl. carpet and rug yarn	250
2282	Yarn throwing mills	250
	Tobacco Manufacturers:	
2131	Chewing and smoking tobacco	500
2111	Cigarettes	1,000
2121	Cigars	500
2141	Stemming and redrying tobacco	500
	Transportation Equipment:	
3721	Aircraft	1,000
3722	Aircraft engines	1,000
3729	Aircraft equipment, n.e.c.	1,000
3723	Aircraft propellers	1,000
3732	Boat building and repairing	250
3712	Car bodies, passenger	1,000
3741	Locomotives and parts	1,000
3751	Motorcycles and bicycles	500
3711	Motor vehicles	1,000
3714	Motor vehicle parts	250
3742	Railroad and street cars	750
3731	Shipbuilding and repairing	750
3791	Trailer coaches	250
3715	Trailers, truck	500
3799	Transportation equipment, n.e.c.	250
3713	Truck and bus bodies	250

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the 15th of the third month in each calendar quarter for the preceding four quarters.

[2] The abbreviation "n.e.c." means not elsewhere classified.

[3] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.

[F.R. Doc. 62–9787; Filed, Oct. 2, 1962; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 9—TRUST POWERS OF NATIONAL BANKS

The Act of September 28, 1962, Public Law 87–722, 76 Stat. 668, transferred from the Board of Governors of the Federal Reserve System to the Comptroller of the Currency the authority to grant trust powers to national banks and to issue regulations governing the exercise of such powers. Pursuant to paragraph (j) of section 1 of the Act the Comptroller has issued this regulation, which is in substance the same as the regulation of the Board of Governors of the Federal Reserve System on this subject formerly appearing in Part 206 of Chapter II of this title.

Chapter I, Title 12 of the Code of Federal Regulations of the United States of America is hereby amended by adding a new Part 9 as follows:

Sec.

9.1 Applications.
9.2 Consideration of applications.
9.3 Consolidation of two or more national banks.
9.4 Consolidation of State bank with national bank.
9.5 Change of name.
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AUTHORITY: §§ 9.1 to 9.18 issued under sec. 1(j), Public Law 87–722, 76 Stat. 669.

§ 9.1 Applications.

(a) A national bank desiring to exercise any or all of the powers authorized by Public Law 87–722, 76 Stat. 668 shall make application to the Comptroller of the Currency for a special permit authorizing such national bank to exercise such powers. If the applying bank is not authorized to exercise any of such powers, the application should be made on Form TA–1; and if the applying bank is authorized to exercise one or more but not all of such powers, the application should be made on Form TA–2.

(b) In the case of the organization of a new national bank, the conversion of a State bank or trust company into a national bank, or the consolidation of two or more national banks or of a State bank or trust company with a national bank under the charter of the latter, when none of the national banks involved in such consolidations is authorized to exercise trust powers, application for such a permit may be made in advance on behalf of the new, converted or consolidated national bank, and the permit may be issued simultaneously with the consummation of such organization, conversion or consolidation. Such application may be made by the organizers in the case of a new national bank, by the State bank or trust company in the case of a conversion, and by the national bank the charter of which is to be retained in the case of a consolidation.

(c) Each application made under the provisions of this section shall be executed and forwarded in duplicate, together with duplicate copies of any documents containing any information submitted with the application, to the Chief National Bank Examiner of the region in which the applying bank is located.

§ 9.2 Consideration of applications.

In passing upon an application for permission to exercise the fiduciary powers authorized by Public Law 87–722, 76 Stat. 668, the Comptroller of the Currency will give special consideration to the following matters:

(a) Whether, under the provisions of Public Law 87–722, 76 Stat. 668, the bank has sufficient capital and surplus to render it eligible to receive permission to exercise the fiduciary powers applied for and whether the granting of any or all of such powers would be in contravention of State or local law;

(b) The needs of the community for trust service of the kind applied for and the probable volume of such trust business available to the bank;

(c) The general condition of the bank, particularly the adequacy of its net capital and surplus funds in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities, including the proposed exercise of trust powers;

(d) The general character and ability of the management of the bank;

(e) The nature of the supervision to be given to the proposed trust activities, including the qualifications and experience of the members of the proposed trust investment committee;

(f) The qualifications, experience and character of the proposed executive officer or officers of the trust department;

(g) Whether the bank has available competent legal counsel to advise and pass upon trust matters whenever necessary; and

(h) Any other facts and circumstances that seem to it proper.

§ 9.3 Consolidation of two or more national banks.

Where two or more national banks consolidate under the provisions of the Act of Congress approved November 7, 1918, as amended (40 Stat. 1043, 44 Stat. 1225, 48 Stat. 190, 49 Stat. 718, 719; 12 U.S.C. 33, 34, 34a), and any one of such banks has, prior to such consolidation, received a permit from the Board of Governors of the Federal Reserve System or the Comptroller of the Currency to act in fiduciary capacities which is in force at the time of the consolidation, the rights existing under such permit pass by operation of law to the consolidated bank and the consolidated bank may act in such fiduciary capacities in the same manner and to the same extent as the bank to which such permit was originally issued; and no new application to continue to act in such capacities is necessary. However, in order that the records of the consolidated bank may be complete and that it may have convenient evidence of its right to exercise trust powers, the Comptroller of the Currency, when the consolidation has been consummated, will issue a certificate to the consolidated bank showing its right to exercise the trust powers theretofore granted to any of the national banks taking part in the consolidation.

§ 9.4 Consolidation of State bank with national bank.

Section 3 of the Act of Congress approved November 7, 1918, as amended (44 Stat. 1225, 48 Stat. 190, 49 Stat. 719; 12 U.S.C. 34a), authorizes any bank, trust company, savings bank, or other banking institution incorporated under the laws of any State or in the District of Columbia to be consolidated directly with a national bank located in the same State, county, city, town, or village under the charter of such national bank, and provides in effect that, when such consolidation is consummated, the consolidated national bank shall succeed to the specific fiduciary appointments, designations and nominations of the State institution at the time of the consolidation. It is not necessary for the national bank to have a permit from the Comptroller of the Currency in order to administer the specific trusts to which it thus succeeds, but the provision does not confer upon the consolidated national bank the right to act generally in fiduciary capacities or to undertake any other trust business. Unless the national bank already has a permit from the Board of Governors of the Federal Reserve System or the Comptroller of the Currency to act in fiduciary capacities which is in force at the time of the consolidation, it will be necessary for the bank to obtain such a permit before undertaking to act generally in fiduciary capacities or to accept any other trust business.

§ 9.5 Change of name.

If a national bank has received a permit from the Board of Governors of the Federal Reserve System or the Comptroller of the Currency to act in fiduciary capacities and subsequently, while the permit is in force, changes its name under the provisions of the Act of Congress approved May 1, 1886 (24 Stat. 18; 12 U.S.C. 30, 31, 32), it is not necessary for the bank to make a new application to continue to act in such capacities. However, in order that the records of the bank may be complete and that it may have convenient evidence of its right to exercise trust powers under its new name, the Comptroller of the Currency, when such change in name has been legally effected, will issue a certificate to it under such new name evidencing its right to exercise the trust powers previously granted to it under its old name.

§ 9.6 Trust department management.

(a) *Separate trust department.* Every national bank which obtains permission to act in a fiduciary capacity shall, before undertaking to act in such capacity, establish a trust department which shall be separate and apart from every other department of the bank.

(b) *Directors' supervision of trust department.* The board of directors is responsible for the investment of trust funds by the bank, the disposition of trust investments, the supervision of the trust department, the determination of the policies of such department and for the review of the actions of all committees appointed by the board of directors for the conduct of the trust department. The acceptance of all trusts shall be approved by the board of directors or a committee appointed by such board, and the closing out or relinquishment of all trusts shall be approved or ratified by the board of directors or a committee appointed by such board; and such committee or committees shall be composed of capable and experienced officers or directors of the bank. Any such approval or ratification shall be recorded in the minutes of the board of directors or of such committee as the case may be.

(c) *Trust investment committee.* Before any such national bank undertakes to act in any fiduciary capacity, the board of directors of the bank shall appoint a trust investment committee which shall be composed of at least three members, who shall be capable and experienced officers or directors of the bank.[1] All investments of trust funds by the trust department of every such national bank shall be made, retained or disposed of only with the approval of the trust investment committee; and such committee shall keep minutes of all its meetings, showing the disposition of all matters considered and passed upon by it. Such committee shall, at least once during each period of 12 months, review all the assets held in or for each fiduciary account to determine their safety and current value and the advisability of retaining or disposing of them; and a report of all such reviews, together with the action taken as a result thereof, shall be noted in the minutes of the trust investment committee. Such committee may have such additional duties relating to the trust department as may be prescribed by the board of directors.

(d) *Executive officer.* Before any such national bank undertakes to act in any fiduciary capacity, its trust department shall be placed under the management and immediate supervision of an executive officer or officers qualified and competent to administer trusts, and the duties of such officer or officers shall be prescribed by the board of directors of the bank. Such duties shall be evidenced by the bylaws of the bank or by a resolution duly adopted by and entered in the minutes of the board of directors. All officers and other persons taking part in the operation of the trust department shall be adequately bonded.

(e) *Competent legal counsel.* Every such national bank shall designate, employ or retain competent legal counsel who shall be readily available to pass upon trust matters and to advise with the bank and its trust department; but the bank shall not engage in the practice of law.

(f) *Principles of trust institutions.* Every such national bank shall conform to sound principles in the operation of its trust department.[2]

§ 9.7 Books and accounts.

(a) *In general.* Every national bank which has received permission from the Board of Governors of the Federal Reserve System or the Comptroller of the Currency to exercise fiduciary powers shall keep the books and records of the trust department separate and distinct from other records of the bank. All trust accounts opened shall be so kept as to enable the national bank to furnish such information or reports with respect thereto as may be required by the Comptroller of the Currency. The records of the trust department shall contain full information relating to each trust.

(b) *Record of pending litigation.* Every such national bank shall keep an adequate record of all litigation pending against it in connection with its administration of any trust.

§ 9.8 Examinations of trust department.

(a) In addition to examinations by examiners appointed by the Comptroller of the Currency[3] a committee of directors, exclusive of any active officers of the bank, shall, at least once during each period of twelve months, make suitable audits of the trust department or cause suitable audits of such department to be made by auditors responsible only to the board of directors, and shall, likewise at least once during each period of twelve months, ascertain by thorough examination made or caused to be made by such committee:

(1) Whether a review of all the assets in each trust as to their safety and current value and the advisability of retaining or disposing of them has been made in accordance with § 9.6(c);

(2) Whether trust funds awaiting investment or distribution have been held uninvested or undistributed any longer than was reasonably necessary.

(b) Such committee shall promptly make a full report of such audits and examination, in writing, to the board of directors of the bank, together with a recommendation as to the action, if any, which may be necessary to correct any unsatisfactory conditions. The board of directors shall give due consideration to such report and recommendation, together with the latest report of examination by the Comptroller of the Currency or examiners designated by the Board of Governors of the Federal Reserve System[4] furnished to the bank, and shall take such steps as are appropriate to correct any criticized matters. A report of the audits and examination required under this section, together with the action taken thereon, shall be noted in the minutes of the board of directors; and such report shall be made a part of the records of the bank.

§ 9.9 Trust funds awaiting investment or distribution.

(a) *In general.* Funds received or held by a national bank as fiduciary awaiting investment or distribution shall not be held uninvested or undistributed by the bank any longer than is reasonably necessary.

(b) *Use in conduct of business of trustee bank.* Funds received or held by a national bank as fiduciary awaiting investment or distribution shall not be used by the bank in the conduct of its business, unless the bank, under authorization by its board of directors, first delivers to the trust department, as collateral security:

(1) Bonds, notes, bills, certificates of indebtedness or other direct obligations of the United States, or obligations fully guaranteed by the United States as to principal and interest; or

(2) Other readily marketable securities of the classes in which State trust companies or State banks exercising trust powers are authorized or permitted to invest trust funds under the laws of the State in which such national bank is located; or

(3) Other readily marketable securities of the classes defined as "investment securities" pursuant to section 5136 of the Revised Statutes of the United

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[1] It is contemplated that there shall be a committee the members of which shall have a continuity of responsibility for the discharge of the duties of the committee. However, alternates appointed by the board of directors may serve in place of regular members of the committee who are unable to serve on account of vacations, illness, or other good and sufficient reasons if the minutes of the committee show the reason for the service of such alternate in place of the regular member.

[2] The statement of principles of trust institutions approved by the Executive Council of the American Bankers Association is commended to banks operating trust departments.

[3] Public Law 87–722, 76 Stat. 668 provides that "The State banking authorities may have access to reports of examination made by the Comptroller of the Currency in so far as such reports relate to the trust department of such bank, but nothing in this Act shall be construed as authorizing the State banking authorities to examine the books, records, and assets of such bank."

While this provision denies to the State banking authorities the right to examine the trust department of any national bank without the bank's consent, it does not prohibit the bank from permitting an inspection of its records by any one it desires.

[4] This does not relieve the board of directors of any responsibility for prompt consideration of, and action on, matters criticized in the latest report of examination by the Comptroller of the Currency or the Board of Governors of the Federal Reserve System furnished to the bank or for the prompt consideration and action on any matter coming to the attention of the board of directors from any other source which requires action for the protection of parties at interest.

States, as amended[5] (48 Stat. 184, 49 Stat. 709; 12 U.S.C. 24).

The securities so deposited as collateral shall be owned by the national bank and shall at all times be at least equal in market value to the amount of the trust funds so used in the conduct of the bank's business.[6]

§ 9.10 Investment of trust funds.

(a) *Private trusts.* Funds received or held by a national bank as fiduciary shall, with the approval of the trust investment committee and subject to the rules of law applicable to fiduciaries, be invested promptly and in strict accordance with the will, deed or other instrument creating the trust. When the instrument creating the trust contains provisions expressly authorizing the bank, its officers or its directors to exercise a discretion in the matter, funds received or held in trust shall be invested only with the approval of the trust investment committee. When such instrument does not specify the character or class of investments to be made and does not expressly vest in the bank, its officers or its directors a discretion in the matter, funds received or held in trust shall be invested, with the approval of the trust investment committee, in any investments in which corporate or individual fiduciaries in the State in which the bank is acting may lawfully invest.

(b) *Court trusts.* A national bank acting in any fiduciary capacity under appointment by a court of competent jurisdiction shall, subject to the supervision of the trust investment committee, make all investments of funds received or held by it in trust under an order of that court, and copies of all such orders shall be filed and preserved with the records of the trust department of the bank. If the court order vest a discretion in the bank to invest funds received or held by it in trust, or if, under the laws of the State in which the bank is acting, corporate fiduciaries appointed by the court are permitted to exercise such a discretion, the bank, with the approval of the trust investment committee, shall invest such funds in any investments in which corporate or individual fiduciaries in the State in which the bank is acting may lawfully invest.

(c) *Collective investment of trust[7] funds.* Funds received or held by a national bank as fiduciary shall not be invested collectively[8] except that (1) such collective investments may be made in accordance with § 9.17, and (2) funds of a trust which forms part of a pension, profit-sharing, or stock bonus plan of an employer for the exclusive benefit of his employees or their beneficiaries and which is exempt from Federal income taxes under the Internal Revenue Code may be invested collectively with funds of other such pension, profit-sharing, or stock bonus plan trusts if such collective investment is specifically authorized by the instrument creating the trust or by court order.[9]

CROSS REFERENCE: For regulations of the Comptroller of the Currency governing investment securities, see Part 1 of this chapter.

§ 9.11 Purchase or sale of trust assets to or from trustee bank or its directors, officers or employees.[10]

(a) *Obligations of trustee bank or its directors, officers, etc.* Funds received or held by a national bank as fiduciary shall not be invested in stock or obligations of, or property acquired from, the bank or its directors, officers, or employees, or their interest,[11] or in stock or obligations of, or property acquired from, affiliates of the bank.

(b) *Sale or transfer of trust assets to trustee bank or its directors, officers, etc.* Trust assets shall not be sold or transferred to the national bank, to its directors, officers, or employees, or their interests,[11] or to affiliates of the bank, except that, in cases in which the bank has been advised by its counsel in writing that it has incurred a contingent or potential liability to a trust and desires to relieve itself from such liability, such a sale or transfer may be made with the approval of the board of directors; *Provided*, That in all such cases the bank, upon the consummation of the sale or transfer, shall reimburse the trust involved in cash or other acceptable assets.

(c) *Dealings between trust accounts.* A national bank acting as fiduciary shall not make any advance to any trust from the funds belonging to any other trust, except when the making of such advances to a designated trust is specifically authorized by the trust instrument covering the trust from which such advances are made.

§ 9.12 Custody of trust securities and investments.

(a) The securities and investments of each trust shall be kept separate from the properties of the bank and shall be placed in the joint custody of two or more officers or employees of the bank designated for that purpose by the board of directors of the bank; and all such officers and employees shall be adequately bonded.

(b) The securities and investments of each trust shall be either:

(1) Kept separate from those of all other trusts,[12] or

(2) Earmarked in a manner that adequately identifies the trust to which the particular security belongs. In such case, the records of the trust department of the bank shall contain a full description, including bond and certificate numbers, of the securities so held.

§ 9.13 Deposit of securities with State authorities.

Whenever the laws of a State require corporations acting in a fiduciary capacity to deposit securities with the State authorities for the protection of private or court trusts, every national bank in that State which obtains permission to act in fiduciary capacities shall, before undertaking to act in any fiduciary capacity, make a similar deposit of securities with the State authorities. If the State authorities refuse to accept such a deposit, the securities shall be deposited with the Federal Reserve Bank of the district in which such national bank is located and such securities shall be held for the protection of private or court trusts with like effect as though the securities had been deposited with the State authorities.

§ 9.14 Compensation of bank.

(a) *In general.* If the amount of the fee or compensation for acting in a fiduciary capacity is not regulated by State law or stipulated or provided for in the instrument creating the trust, a national bank acting in such capacity may charge or deduct not more than a reasonable fee or compensation for its services. When the bank is acting in a fiduciary capacity under appointment by a court, it may receive such fee or compensation as shall be lawfully allowed or approved by that court. All income derived from the investment of the funds of a trust, less a proper fee or compensation and all other proper charges, shall be paid over to, or credited to the account of, such trust.

(b) *Officer or employee of bank as co-fiduciary.* No national bank shall, except with the specific approval of its board of directors, permit any of its officers or employees, while serving as such, to retain any fee or other compensation for acting as a co-fiduciary with the bank in the administration of any trust accepted or undertaken by it.

§ 9.15 Insolvency or voluntary liquidation of bank.

(a) *Insolvency.* Whenever a national bank exercising fiduciary powers becomes insolvent and a receiver is appointed therefor by the Comptroller of the Currency, such receiver shall, pursuant to the instructions of the Comptroller and to the orders of the court or courts of appropriate jurisdiction, proceed to close such trusts and estates as can be closed promptly and transfer all other trusts and estates to properly appointed substitute fiduciaries.

(b) *Voluntary liquidation.* Whenever a national bank exercising fiduciary powers is placed in voluntary liquidation, the liquidating agent shall, in accordance with the laws of the State in which such national bank is located, proceed at once to liquidate the affairs of the trust department as follows:

(1) All court trusts and estates under the jurisdiction of a court shall be closed or disposed of as soon as practicable in accordance with the orders or instructions of the court having jurisdiction.

(2) All voluntary trusts which can be closed promptly shall be closed as soon as practicable and final accounting made therefor.

(3) All other trusts shall be transferred by appropriate legal proceedings to properly appointed substitute fiduciaries.

§ 9.16 Surrender of trust powers.

(a) *Procedure.* Any national bank which has been granted the right by the Board of Governors of the Federal Reserve System or the Comptroller of the Currency to act in any fiduciary capacity or capacities and which desires to surrender such right shall signify such desire through a resolution duly adopted by, and recorded in the minutes of, its board of directors. A property certified copy of such resolution shall be filed with the Comptroller of the Currency and shall be accompanied by (1) a letter stating the reason why, or the purpose for which, such national bank wishes to surrender its right to exercise trust powers, unless such reason or purpose shall have been amply stated in the resolution itself, (2) the permit or permits previously issued by the Board or by the Comptroller to such national bank granting it the right to act in any fiduciary capacity, and (3) any certificate or certificates previously issued to such national bank by the Board or by the Comptroller, except that, in case any such permit or certificate shall have been lost or destroyed, an affidavit by any officer of such national bank as to such loss or destruction shall be filed in lieu of such lost or destroyed permit or certificate.

(b) *Words "Trust Company" as part of bank's title.* Before issuing the certificate described in paragraph (d) of this section, the Comptroller will require any national bank which desires to surrender its right to exercise trust powers, and which has the words "trust company" as part of its title, to eliminate such words from the title. Such a national bank, therefore, at the time of the adoption of the resolution referred to in paragraph (a) of this section shall eliminate such words from its title.

(c) *Examination of trust department.* Upon receipt of the documents referred to in paragraph (a) of this section, the Comptroller of the Currency, upon the occasion of the next regular examination of such national bank, will cause to be made an investigation of the trust department of the bank in order to determine whether the bank, pursuant to authority granted to it by the Board of Governors of the Federal Reserve System or the Comptroller, has actually accepted or undertaken the exercise of any trust; and, if so, whether it appears from the records of the trust department in the case of each trust so accepted or undertaken:

(1) That all assets and papers belonging to the trust estate have been delivered by the bank to the person or persons entitled to receive them; and

(2) That the duties of the bank as fiduciary have been completely performed and that the bank has been discharged or otherwise properly relieved of all of its duties as fiduciary.

In exceptional cases, the Comptroller of the Currency may make a special examination of the trust department of such national bank in order to obtain the information referred to in this paragraph.

(d) *Certificate of Comptroller of the Currency.* If, upon the basis of the examination referred to in paragraph (c), of this section, the Comptroller shall be satisfied that the national bank desiring to surrender its right to exercise trust powers has never accepted or undertaken to exercise any trust or that its duties as fiduciary have been completely performed and that it has been discharged or otherwise properly relieved of all of its duties as fiduciary, and if, in the case of a national bank the title of which previously had included the words "trust company," the Comptroller shall also be satisfied that the bank has properly eliminated these words from its title, he may, in his discretion, issue to such national bank a certificate certifying that such bank is no longer authorized to exercise any of the trust powers conferred upon it by the Board or by him.[13]

§ 9.17 Common Trust Funds.

(a) *In general.* (1) Funds received or held by a national bank as fiduciary may be invested collectively in any Common Trust Fund established and maintained in accordance with the provisions of this section whenever the laws of the State in which the national bank is located authorize or permit such investments by State banks, trust companies, or other corporations which compete with national banks: *Provided, however*, That funds shall not be invested in a Common Trust Fund of the type provided for in paragraph (d) of this section unless such investments are specifically authorized by the State statutes.

(2) As used in this part the term "Common Trust Fund" means a fund maintained by a national bank exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank in its capacity as trustee, executor, administrator, or guardian.[14]

(3) The purpose of this section is to permit the use of Common Trust Funds, as defined in section 584 of the Internal Revenue Code, for the investment of funds held for true fiduciary purposes; and the operation of such Common Trust Funds as investment trusts for other than strictly fiduciary purposes is hereby prohibited. No bank administering a common trust fund shall issue any document evidencing a direct or indirect interest in such common trust fund in any form which purports to be negotiable or assignable. The trust investment committee of a bank operating a Common Trust Fund shall not permit any funds of any trust to be invested in a Common Trust Fund if it has reason to believe that such trust was not created or is not being used for bona fide fiduciary purposes. A bank administering a Common Trust Fund shall not, in soliciting business or otherwise, publish or make representations which are inconsistent with this paragraph or the other provisions of

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[5] Section 5136 of the Revised Statutes of the United States, as amended, provides that as used in that section "the term 'investment securities' shall mean marketable obligations evidencing indebtedness of any person, copartnership, association, or corporation in the form of bonds, notes, and/or debentures commonly known as investment securities under such further definition of the term 'investment securities' as may by regulation be prescribed by the Comptroller of the Currency"; and a copy of the regulation prescribed by the Comptroller under the authority of section 5136 may be obtained upon request made to his office.

[6] Public Law 87-722, 76 Stat. 668 requires that the national bank shall set aside in the trust department "United States bonds or other securities approved by the Comptroller of the Currency." This paragraph is intended as a general approval by the Comptroller of all securities which comply with the requirements thereof and the Comptroller will not give specific approval to any particular securities.

If a national bank desires to substitute securities for securities already deposited in the trust department as collateral for trust funds used in the conduct of the business of such bank, such a substitution may be made provided the substituted securities comply with the requirements of this paragraph and the substituted securities and other securities so deposited as collateral at all times are at least equal in market value to the amount of trust funds so used in the conduct of the bank's business.

[7] Unless the context otherwise indicates, the term "trust," as used in this section or in any other part of this regulation, refers to any fiduciary relationship which a national bank is authorized to enter into under the provisions of Public Law 87-722, 76 Stat. 668.

[8] This does not prevent the bank from investing the funds of several trusts in a single real estate loan if the bank owns no participation in the loan and has no interest therein except in its capacity as fiduciary.

[9] Section 584 of the Internal Revenue Code of 1954 provides that a common trust fund maintained in conformity with rules and regulations of the Board of Governors of the Federal Reserve System or the Comptroller of the Currency "pertaining to the collective investment of trust funds by national banks" and meeting certain other requirements shall not be subject to Federal income taxation. The rules and regulations of the Comptroller for the purposes of section 584 are contained solely in § 9.17; and the permission contained in paragraph (c) (2) of § 9.10 is not intended to confer exemption from Federal income taxation under section 584.

[10] The requirements of this section shall not be deemed to prohibit the making of any investments or the carrying out of any transactions which are expressly required by the instruments creating the trust or are specifically authorized by court order.

[11] Under recognized principles of sound practice regarding the handling of trust assets, a trustee or other fiduciary should not have any interest, direct or indirect, in the assets of a trust except as a fiduciary; and the requirements of this section contemplate that the national bank will not invest trust funds in the stock or obligations of, or property acquired from any organization in which officers, directors, or employees of the bank have such an interest as might affect the exercise of the best judgment of the management of the bank in investing trust funds and that the national bank will not sell or transfer trust assets to any organization in which the officers, directors, or employees of the bank have such an interest as might affect the exercise of the best judgment of the management of the bank in selling or transferring trust assets.

[12] Except as provided in §§ 9.10(c) and 9.17.

[13] Public Law 87-722, 76 Stat. 668, provides that, upon the issuance of such a certificate by the Comptroller, "such bank (1) shall no longer be subject to the provisions of this section or the regulations of the Comptroller of the Currency made pursuant thereto, (2) shall be entitled to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, and (3) shall not exercise thereafter any of the powers granted by this section without first applying for and obtaining a new permit to exercise such powers pursuant to the provisions of this section."

[14] As used in this part the term "guardian" means guardian or committee of the estate of an infant, incompetent, or absentee, by whatever name known in the State in which a particular national bank is located.

this part and, subject to the applicable requirements of the laws of any State, shall not advertise or publicize the earnings realized on any Common Trust Fund or the value of the assets thereof.

(4) Common Trust Funds administered under this section shall be subject to the following requirements:

(i) Assets in a Common Trust Fund shall be considered as assets held by the bank as fiduciary;

(ii) A bank administering a Common Trust Fund shall not invest any of its own funds in such Common Trust Fund and if a bank, because of a creditor relationship or any other reason, acquires any interest in a participation in a Common Trust Fund under its administration the participation shall be withdrawn on the first date on which such withdrawal can be effected in accordance with the provisions of this section;

(iii) A bank administering a Common Trust Fund shall not have any interest [15] in the assets held in such Common Trust Fund, other than in its capacity as fiduciary, except to the extent permitted for a temporary period as provided in subdivision (ii) of this subparagraph.

(b) *Common Trust Funds for investment of small amounts.* Subject to all other provisions of this part except paragraphs (c) and (d) of this section, cash balances received or held by a bank in its capacity as trustee, executor, administrator, or guardian, which the bank considers to be individually too small to be invested separately to advantage may be invested, with the approval of the trust investment committee, in participations in a Common Trust Fund, provided the total investment of the funds of any one trust in one or more such Common Trust Funds shall not exceed $1,200.

(c) *Common Trust Funds for general investment.* Subject to all other provisions of this part except paragraphs (b) and (d) of this section, funds received or held by a bank in its capacity as trustee executor, administrator, or guardian may be invested in participations in a Common Trust Fund administered pursuant to the provisions of this paragraph. All participations in such a Common Trust Fund shall be on the basis of a proportionate interest in all of the assets of the common trust fund.

(1) *Common Trust Fund to be operated under written plan.* Each Common Trust Fund administered by a bank shall be established and maintained in accordance with a written plan (referred to herein as the Plan) approved by a resolution of the bank's board of directors and approved in writing by competent legal counsel. The Plan shall provide that the Common Trust Fund shall be administered in conformity with the rules and regulations, prevailing from time to time, of the Board of Governors of the Federal Reserve System or the Comptroller of the Currency pertaining to the collective investment of trust funds by national banks, and shall contain full and detailed provisions not inconsistent with the provisions of such rules and regulations as to the manner in which the Common Trust Fund is to be operated, including provisions relating to the investment powers of the bank with respect to the Common Trust Fund, the allocation of income, profits and losses, the terms and conditions governing the admission or withdrawal of participations in the Common Trust Fund, the auditing and settlement of accounts of the bank with respect to the Common Trust Fund, the basis and method of valuing assets in the Common Trust Fund, the basis upon which the Common Trust Fund may be terminated, and such other matters as may be necessary to define clearly the rights of participants in the Common Trust Fund. A copy of the Plan shall be available at the principal office of the bank for inspection, during all banking hours, to any person having an interest in a trust any funds of which are invested in a participation in the Common Trust Fund; and upon reasonable request a copy of the Plan shall be furnished to such person.

(2) *Trust investment committee to approve participation.* No funds of a trust shall be invested in a participation in a Common Trust Fund without the approval of the trust investment committee. Before permitting any funds of any trust to be invested in a participation in a Common Trust Fund, the trust investment committee shall review the investments comprising the Common Trust Fund; and, if it finds that any such investment is one in which funds of such trust might not lawfully be invested at that time, funds of such trust shall not be invested in a participation in such Common Trust Fund.

At the time of making the first investment of funds of a trust in any Common Trust Fund, the bank shall send a notice of such investment to each person to whom a regular periodic accounting ordinarily would be rendered, except that such notices need not be sent to a court unless required by the court, and except that such notices need not be sent where the trust instrument specifically authorizes investments in Common Trust Funds.

(3) *Common Trust Fund to be audited annually.* (i) A bank administering a Common Trust Fund shall, at least once during each period of 12 months, cause an audit to be made of the Common Trust Fund by auditors responsible only to the board of directors of the bank. The report of such audit shall include a list of the investments comprising the Common Trust Fund at the time of the audit which shall show the valuation placed on each item on such list by the trust investment committee of the bank as of the date of the audit, a statement of purchases, sales and any other investment changes and of income and disbursements since the last audit, and appropriate comments as to any investments in default as to payment of principal or interest. The reasonable expenses of any such audit made by independent public accountants may be charged to the Common Trust Fund.

(ii) The bank shall, without charge, send a copy of the latest report of such audit annually to each person to whom a regular periodic accounting of the trusts participating in the Common Trust Fund ordinarily would be rendered or shall send advice to each such person annually that the report is available and that a copy will be furnished without charge upon request. Except as may be required by the applicable laws of any State, the bank shall not publish or authorize the publication of any such report or the information contained therein and each copy furnished to any person as herein provided must bear a statement to the effect that the publication of such copy or the information contained therein is unauthorized.

(4) *Value of assets to be determined periodically.* Not less frequently than once during each period of three months the trust investment committee of a bank administering a Common Trust Fund shall determine the value of the assets in the Common Trust Fund as of the dates which the Plan provides for the valuation of assets. No participation shall be admitted to or withdrawn from the Common Trust Fund except (i) on the basis of such valuation and (ii) as of such a valuation date. A reasonable period, not to exceed 7 days, following each valuation date may be used to make the computations necessary to determine the value of the fund and of the participations therein. No participation shall be admitted to or withdrawn from the Common Trust Fund unless a written request for or notice of intention of taking such action shall have been entered in the records of the bank and approved by the trust investment committee, on or before the valuation date. No such request or notice may be canceled or countermanded after the valuation date.

(5) *Miscellaneous limitations.* (i) No funds of any trust shall be invested in a participation in a Common Trust Fund if such investment would result in such trust having invested in the aggregate in the Common Trust Fund an amount in excess of 10 percent of the value of the assets of the Common Trust Fund at the time of investment, as determined by the trust investment committee, or the sum of $100,000, whichever is less. If the bank administers more than one Common Trust Fund under this subsection, no investment shall be made which would cause any one trust to have invested in the aggregate in all such Common Trust Funds an amount in excess of the sum of $100,000; and, if the bank administers Funds under paragraphs (c) and (d) of this section, no investment shall be made which would cause any one trust to have invested in the aggregate in all such Funds an amount in excess of the sum of $100,000. In applying the limitations contained in this paragraph, if two or more trusts are created by the same settlor or settlors and as much as one-half of the income or principal or both of each trust is payable or applicable to the use of the same person or persons, such trusts shall be considered as one.

(ii) No investment for a Common Trust Fund shall be made in stocks, or bonds or other obligations of any one person, firm, or corporation which would cause the total amount of investment in stocks, or bonds, or other obligations issued or guaranteed by such person, firm, or corporation to exceed 10 percent of the value of the Common Trust Fund, as determined by the trust investment committee, provided that this limitation shall not apply to investments in obligations of the United States or for the payment of the principal and interest of which the faith and credit of the United States shall be pledged.

(iii) No investment for a Common Trust Fund shall be made in any one class of shares of stock of any one corporation which would cause the total number of such shares held by the Common Trust Fund to exceed 5 percent of the number of such shares outstanding. If the bank administers more than one Common Trust Fund no investment shall be made which would cause the aggregate investment for all such Common Trust Funds in shares of stock of any one corporation to exceed such limitation.

(iv) Any bank administering a Common Trust Fund shall have the responsibility of maintaining in cash and readily marketable securities [16] such part of the assets of the Common Trust Fund as shall be deemed by the Bank to be necessary to provide adequately for the needs of participating trusts and to prevent inequities between such trusts. In any event, prior to any admissions to or withdrawals from a Common Trust Fund, the trust investment committee shall determine what percentage of the value of the assets of a Common Trust Fund is composed of cash and readily marketable securities; and if such committee determines that, after effecting the admissions and withdrawals which are to be made pursuant to notice given as required in subparagraph (4) of this paragraph, less than 40 percent of the value of the remaining assets of the Common Trust Fund would be composed of cash and readily marketable securities, no admissions to or withdrawals from the Common Trust Fund shall be permitted as of the valuation date upon which such determination is made, except that ratable distribution upon all participations is not prohibited.

(6) *Distribution upon withdrawal of participation.* When participations are withdrawn from a Common Trust Fund distributions may be made in cash or ratably in kind, or partly in cash and partly ratably in kind, provided that all distributions as of any one valuation date shall be made on the same basis. Before any distribution in cash is made, the trust investment committee shall determine whether any investment remaining in the Common Trust Fund would be unlawful for one or more participating trusts if funds of such trusts were being invested at that time; and no distribution shall be made in cash until any such unlawful investment shall have been eliminated from the Common Trust Fund either through sale, distribution in kind, or segregation as provided in subparagraph (7) of this paragraph.

(7) *Segregation of investments.* If for any reason an investment is withdrawn in kind from a Common Trust Fund for the benefit of all trusts participating in the Common Trust Fund at the time of such withdrawal and such investment is not distributed ratably in kind it shall be segregated and administered or realized upon for the benefit ratably of all trusts participating in the Common Trust Fund at the time of withdrawal.

(8) *Management of Common Trust Fund and Fees.* A national bank administering a Common Trust Fund shall have the exclusive management thereof and shall not charge a fee for the management of the Common Trust Fund, or receive, either from the Common Trust Fund or from any trusts the funds of which are invested in participations therein, any additional fees, commissions, or compensations of any kind by reason of such participation. The bank shall not pay a fee, commission, or compensation out of the Common Trust Fund for management. Nothing in this subparagraph shall be construed as prohibiting a bank from reimbursing itself out of a Common Trust Fund for such reasonable expenses incurred by it in the administration thereof as would have been chargeable to the respective participating trusts if incurred in the separate administration of such participating trusts.

(9) *Effect of mistakes.* No mistake made in good faith and in the exercise of due care in connection with the administration of a Common Trust Fund shall be deemed to be a violation of this part if promptly after the discovery of the mistake the bank takes whatever action may be practicable in the circumstances to remedy the mistake.

(d) *Common Trust Funds composed principally of mortgages (Mortgage Investment Funds).* Subject to all other provisions of this part except paragraphs (b) and (c) of this section,[17] funds received or held by a bank in its capacity as trustee, executor, administrator, or guardian may be invested in participations in a Common Trust Fund administered pursuant to the provisions of this paragraph (referred to in this paragraph as a "Mortgage Investment Fund"). All admissions and withdrawals of participations in a Mortgage Investment Fund shall be made on the basis of the actual amount invested by each participant, and, except in final liquidation of a Mortgage Investment Fund, participants therein shall not have an interest in reserves accumulated or enhancement in the value of assets, except such as may be distributable as income.

(1) *Mortgage Investment Fund to be operated under written plan.* Each Mortgage Investment Fund shall be subject to the provisions of paragraph (c) (1) of this section.

(2) *Trust investment committee to approve participation.* (i) No funds of a trust shall be invested in a participation in a Mortgage Investment Fund without the approval of the trust investment committee. Before permitting any funds of any trust to be invested in a participation in a Mortgage Investment Fund, the trust investment committee shall review the assets comprising the Mortgage Investment Fund; and, if it finds that the condition of the Mortgage Investment Fund is such that the funds of such trust might not lawfully be invested in a participation therein at that time, or that such investment would be contrary to the provisions of this paragraph, funds of such trust shall not be so invested.

(ii) At the time of making the first investment of funds of a trust in any Mortgage Investment Fund, the bank shall send a notice of such investment to each person to whom a regular periodic accounting ordinarily would be rendered, except that such notices need not be sent to a court unless required by the court, and except that such notices need not be sent where the trust instrument specifically authorizes investments in Mortgage Investment Funds.

(3) *Mortgage Investment Fund to be audited annually.* Each Mortgage Investment Fund shall be subject to the provisions of paragraph (c) (3) of this section.

(4) *Value of assets to be determined periodically.* (i) Not less frequently than once during each period of three months the trust investment committee of a bank administering a Mortgage Investment Fund shall determine the value of the assets in the Mortgage Investment Fund as of the dates which the plan provides for the valuation of assets. No participation shall be admitted to or withdrawn from the Mortgage Investment Fund except as of such a valuation date. A reasonable period, not to exceed 7 days, following each valuation date may be used to make the computations necessary to determine the value of the fund and of the participations therein. No participation shall be admitted to or withdrawn from the Mortgage Investment Fund unless, on the basis of such valuation, the value of the assets of the Mortgage Investment Fund, exclusive of accrued income, is at least equal to the amount of the outstanding participations. No participation shall be admitted to or withdrawn from the Mortgage Investment Fund unless a written request for or notice of intention of taking such action shall have been entered in the records of the bank and approved by the trust investment committee, on or before the valuation date. No such request or notice may be canceled or countermanded after the valuation date.

(ii) The real estate securing each obligation contained in a Mortgage Invest-

[15] A bank shall not be deemed to have an interest in assets in which collective investments are made merely because of the fact that the bank owns in its own right other stocks, or bonds or other obligations of a person, firm, or corporation, the stocks or bonds or other obligations of which are among the assets of a Common Trust Fund.

[16] A readily marketable security within the meaning of this section means a security which is a direct obligation of the United States or which is the subject of frequent dealings in ready markets with such frequent quotations of price as to make (a) the price easily and definitely ascertainable and (b) the security itself easy to realize upon by sale at any time.

[17] Note, however, that certain provisions of paragraph (c) of this section are incorporated in this paragraph (d) by reference.

ment Fund and any real estate contained in the Mortgage Investment Fund shall be appraised at least once every 3 years by two persons, one of whom shall not have participated in the last preceding appraisal of the particular property for the purposes of the Mortgage Investment Fund. Such persons shall be appointed by the bank's board of directors and shall, in the opinion of the board, be familiar with real estate values in the vicinity in which any such real estate is situated and qualified to make such appraisals. The persons appointed shall actually inspect such real estate and shall so certify in a written certificate of appraisal, which shall be filed and preserved in the bank's records.

(iii) The trust investment committee shall require more frequent appraisals of all properties or any particular property if such action is deemed by the committee to be necessary to enable it properly to discharge the duties imposed upon it by this paragraph.

(5) *Miscellaneous limitations.* (i) No funds of any trust shall be invested in a participation in a Mortgage Investment Fund if such investment would result in such trust having invested in the aggregate in the Mortgage Investment Fund an amount in excess of the sum of $1,200 or 2 percent of the amount of the outstanding participations in the Mortgage Investment Fund, whichever is greater at the time of investment, or in any event in excess of the sum of $10,000. If the bank administers more than one Mortgage Investment Fund, no investment shall be made which would cause any one trust to have invested in the aggregate in all such Mortgage Investment Funds an amount in excess of the sum of $10,000; and, if the bank administers funds under both paragraphs (c) and (d) of this section, no investment shall be made which would cause any one trust to have invested in the aggregate in all such funds an amount in excess of the sum of $100,000. In applying the limitations contained in this paragraph, if two or more trusts are created by the same settlor or settlors and as much as one-half of the income or principal or both of each trust is payable or applicable to the use of the same person or persons, such trusts shall be considered as one.

(ii) No investment for a Mortgage Investment Fund shall be made in obligations of any one person, firm, or corporation which would cause the total amount of investment in obligations issued or guaranteed by such person, firm, or corporation to exceed 10 percent of the amount of the outstanding participations in the Mortgage Investment Fund, provided that this limitation shall not apply to investments in obligations of the United States or for the payment of the principal and interest of which the faith and credit of the United States shall be pledged.

(iii) The unpaid balance of any obligation secured by real estate in which the funds of a Mortgage Investment Fund are invested shall not exceed $10,000 on the date of the investment therein unless the aggregate amount of all outstanding participations in the Mortgage Investment Fund exceeds $200,000, in which event the unpaid balance of such obligation shall not exceed 5 percent of the amount of such outstanding participations or $50,000, whichever amount is less.

(iv) Any bank administering a Mortgage Investment Fund shall have the responsibility of maintaining in cash such part of the assets of the Mortgage Investment Fund as shall be deemed by the banks to be necessary to provide adequately for the needs of participating trusts and to prevent inequities between such trusts. No investment of the moneys of a Mortgage Investment Fund shall be made if following such investment the cash balance, exclusive of collected income on hand, in the Mortgage Investment Fund would be less than an amount equal to 5 percent of the total amount of all outstanding participations in the Mortgage Investment Fund. Unless upon computing the amount of the admissions and withdrawals which are to be made as of any valuation date pursuant to notice given as required in subparagraph (4) of this paragraph, the trust investment committee determines that there will be sufficient cash in the Mortgage Investment Fund to permit all such withdrawals, no admissions to or withdrawals from the Mortgage Investment Fund shall be permitted as of such valuation date.

(v) Unless the trust investment committee determines that, after effecting the admissions and withdrawals which are to be made as of any valuation date pursuant to notice given as required in subparagraph (4) of this paragraph, the amount of investments of a Mortgage Investment Fund represented by assets in which moneys of the Mortgage Investment Fund could not then be invested under the provisions of subparagraph (8) of this paragraph will not exceed 10 percent of the amount of the outstanding participations in the Mortgage Investment Fund, no admissions to or withdrawals from the Mortgage Investment Fund shall be permitted as of such valuation date.

(6) *Reserve account and distribution of income.* (i) In each Mortgage Investment Fund the bank shall establish and maintain a reserve account as part of the principal thereof, to which, to the extent available, all realized losses shall be charged. Any realized gain in the value of assets of a Mortgage Investment Fund, other than income, shall be credited to such reserve account.

(ii) At least semiannually a bank administering a Mortgage Investment Fund shall determine the net income of the Mortgage Investment Fund during the period since the last determination thereof. At the close of each earning period, if the total amount contained in such reserve account is less than 10 percent of the total amount of all outstanding participations in the Mortgage Investment Fund, the bank shall transfer to the reserve account, out of the net income of the Mortgage Investment Fund, such amount as the bank shall determine to be proper under the circumstances. The total amount so to be transferred to the reserve account during any year shall not be less than 10 percent of the amount of the gross income of the Mortgage Investment Fund for such year or more than 1 percent of the average of the total amounts of all outstanding participations in the Mortgage Investment Fund at the close of each earning period. No such transfers to the reserve account shall be made which will cause the amount contained therein to exceed 10 percent of the amount of all outstanding participations.

(iii) The balance of the net income remaining after transferring the appropriate part thereof, if any, to the reserve account, shall thereupon be distributed to the owners of the outstanding participations in the Mortgage Investment Fund in proportion to the amounts of their participations and the period of time owned since the previous determination of net income.

(7) *Withdrawal of participation in a Mortgage Investment Fund.* (i) Upon the withdrawal of a participation of any trust prior to termination and final liquidation of a Mortgage Investment Fund, such trust shall be entitled to be paid in cash the total amount of the funds of such trust invested in the participation, with net income thereon to the date of such payment, but such income shall not be paid until the amount thereof shall have been determined at the close of the current earning period.

(ii) Upon the termination and final liquidation of a Mortgage Investment Fund, all assets of the Mortgage Investment Fund shall be distributed among the owners of the participations at that time in proportion to the amounts thereof.

(8) *Investment of moneys of Mortgage Investment Funds.* The moneys of a Mortgage Investment Fund shall be invested in:

(i) Obligations secured by real estate which, at the date of the investment, are legal for investment of trust funds under the laws of the State in which the bank is located and are insured by the Federal Housing Administrator, having been insured prior to the first day of July 1939, pursuant to the provisions of Title II of the National Housing Act, approved the 27th day of June 1934, as amended (48 Stat. 1247 et seq.; 12 U.S.C. 1707–1715c), or having been so insured thereafter, with like force and effect, pursuant to any revision or extension of the provisions of the said Act, or

(ii) Obligations secured by real estate which, at the date of the investment, are legal for investment of trust funds under the laws of the State in which the bank is located and are of the kind which might be acquired by a national bank under the provisions for making amortized loans contained in the third sentence of section 24 of the Federal Reserve Act (38 Stat. 273, as amended; 12 U.S.C. 371), or

(iii) (*a*) Obligations secured by real estate which, at the date of the investment, are legal for investment of trust funds under the laws of the State in which the bank is located, which are payable within 20 years, and which either provide for semiannual payments reducing the principal thereof annually in an amount equal to at least 5 percent of the amount of the principal on the date of investment, or provide for the amortization of the total unpaid principal amount of such mortgage on the date of investment by equal monthly payments during the term of such mortgage, such monthly payments being fixed at an amount which will include the interest due on such mortgage on the date of such payments and an additional amount to be applied in the reduction of the unpaid principal amount of such mortgage. In the case of a renewal or extension of any such obligation held by a Mortgage Investment Fund, the date upon which the Mortgage Investment Fund originally acquired the obligation shall be considered the date of investment.

(*b*) If in the judgment of the trust investment committee such obligations are not available for investment of moneys of a Mortgage Investment Fund, such moneys may be invested temporarily in obligations of the United States or of the State in which the bank is located or for the payment of the principal and interest of which the faith and credit of the United States or of such State shall be pledged, and which are legal for investment of trust funds under the laws of the State in which the bank is located. As soon as obligations secured by real estate in which the moneys of the Mortgage Investment Fund may be invested are available, such securities shall be disposed of and the proceeds invested in such obligations if this can be accomplished without disadvantage to the Mortgage Investment Fund.

(9) *Management of mortgage investment fund and fees.* Each Mortgage Investment Fund shall be subject to the provisions of paragraph (c)(8) of this section.

(10) *Effect of mistakes.* Each Mortgage Investment Fund shall be subject to the provisions of paragraph (c)(9) of this section.

§ 9.18 Forms.

All forms referred to in this part and all such forms as amended from time to time shall be a part of this part.

JAMES J. SAXON,
Comptroller of the Currency.

SEPTEMBER 28, 1962.

[F.R. Doc. 62-9925; Filed, Oct. 2, 1962; 8:46 a.m.]

Chapter II—Federal Reserve System

PART 206—TRUST POWERS OF NATIONAL BANKS

EDITORIAL NOTE: The Act of September 28, 1962, Public Law 87-722, 76 Stat. 668, transferred from the Board of Governors of the Federal Reserve System to the Comptroller of the Currency the authority to grant trust powers to national banks and to issue regulations to govern the exercise of such powers. Part 206 of Chapter II of Title 12 of the Code of Federal Regulations is therefore superseded by Part 9 of Chapter I of Title 12, *supra*.

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 5]

PART 944—FRUITS; IMPORT REGULATIONS

§ 944.101 Grapefruit Regulation No. 5.

(a) On and after 12:01 a.m., e.s.t., October 8, 1962, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 Bronze and be of a size not smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least U.S. No. 1 Bronze and be of a size not smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of grapefruit that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of grapefruit, is required on all imports of grapefruit. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of grapefruit should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the grapefruit will be imported:

Ports	Office	Advance notice (days)
All Texas points.	W. T. McNabb, 222 McClendon Building, Harlingen, Tex. (phone, Garfield 3-5644),	1
	or	
	Norman E. Taylor, Room 204 U.S. Court House, El Paso, Tex. (phone, Keystone 3-9351, Ext. 340).	1
All New York points.	Edward J. Beller, 346 Broadway, Room 306, New York 13, N.Y. (phone, Rector 2-8000, Ext. 807).	1
All Arizona points.	R. H. Bertelson, Room 202, Trust Building, Nogales, Ariz. (phone, Atwater 7-2902).	1
All Florida points.	Lloyd W. Boney, 1200 NW. 21 Terrace, Room 5, Miami, Fla. (phone, Newton 5-7967),	1
	or	
	Hubert S. Flynt 775 Warner Street, Orlando, Fla. (phone, Garden 2-2447).	1
All California points.	Carley D. Williams, 784 South Central Avenue, Room 294, Los Angeles 21, Calif. (phone, Madison 2-8756).	3
All points points.	E. E. Conklin, Fruit and Vegetable Division, Agricultural Marketing Service, Washington 25, D.C. (phone Dudley 8-5870).	3

(c) Inspection certificates shall cover only the quantity of grapefruit that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certifications shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any grapefruit to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement, if the facts warrant:

Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provision of this section, any importation of grapefruit which, in the aggregate, does not exceed five standard nailed boxes, or equivalent quantity, may be imported without regard to the restrictions specified herein.

(g) It is hereby determined that imports of grapefruit, during the effective time of this regulation, are in most direct competition with grapefruit grown in the State of Florida. The requirements set forth in this section are the same as those being made effective for grapefruit grown in Florida (Grapefruit Regulation 5; § 905.335 of this chapter).

(h) No provisions of this section shall supersede the restrictions or prohibitions on grapefruit under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning prior to importation any shipment of grapefruit for the purpose of making it eligible for importation.

(j) The terms used herein relating to grade, diameter, standard pack, and standard box shall have the same meaning as when used in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163). Importation means release from custody of the United States Bureau of Customs.

On September 8, 1962, notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 8953), regarding proposed restrictions on the importation of grapefruit into the United States. Such notice afforded interested parties an opportunity to submit data, views, or arguments for consideration in connection with the proposed action. None was received.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are the same as those being made effective on domestic shipments of grapefruit under Grapefruit Regulation 15 (§ 905.335); (c) notice that this action was being considered was published in the FEDERAL REGISTER issue of September 8, 1962 (27 F.R. 8953), and interested parties were afforded an opportunity to submit written data, views, or arguments for consideration in connection therewith; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; (e) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 27, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9877; Filed, Oct. 2, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1338; Amdt. 489]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed Model 1649A Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the wing lower milled skin for cracks at wing Station 590 on Lockheed Model 1649A aircraft, was published in 27 F.R. 8040.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Model 1649A aircraft.

Compliance required as indicated.

As a result of chordwise cracks on the wing lower milled skin at wing Station 590, the following shall be accomplished:

(a) Within the next 400 hours' time in service after the effective date of this AD, unless already accomplished within the past 600 hours' time in service, and at periods thereafter not exceeding 1,000 hours' time in service following that initial inspection, inspect from wing Station 580 through wing Station 600, the external lower surface of the aft skin panels, P/N 472066, for any evidence of cracks emanating from the aft edge of the panel through the rear beam attachment holes. Inspection shall be by close visual or dye penetrant means.

(b) Any cracks shall be repaired prior to further flight in accordance with Lockheed 1649 Service Bulletin No. 73, Section 1, "Modification Data", and Lockheed Drawing SED 61–9004, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

(c) The periodic inspections may be discontinued folowing repair per (b) or when an uncracked skin panel has been reinforced in accordance with Lockheed 1649 Service Bulletin No. 73.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Field Service Letter FS/240893L, dated April 14, 1960, and Lockheed 1649 Service Bulletin No. 73 cover this same subject.)

This amendment shall become effective November 2, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 26, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-9836; Filed, Oct. 2, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-SO-7]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Designation and Alteration of Restricted Areas and Alteration of Continental Control Area

Correction

In F.R. Doc. 62–9728, appearing at page 9649 of the issue for Saturday, September 29, 1962, a bracket heading should be added to read as set forth above.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

RICE BRAN WAX

Correction

In F.R. Document 62–9700, appearing in the issue for Friday, September 28, 1962, at page 9597, amendatory paragraph 1 should read as follows:

1. In § 121.1059 *Chewing gum base*, paragraph (a) is amended by inserting the item:

Rice bran wax ---------- Complying with § 121.1098

in the list of "PLASTICIZING MATERIALS * * *", after the item "Lanolin * * *."

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14653, RM-314; FCC 62-1002]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments; Television Broadcast Stations, Vermont

1. The Commission has before it for consideration its notice of proposed rule making released May 25, 1962 (FCC 62-571), proposing (a) the reservation for educational use of presently assigned UHF channels in Rutland and St. Johnsbury, Vermont, Channels 49 and 30, respectively, (b) the shift of the educational reservation at Burlington, Vermont, from presently assigned Channel 16 to presently assigned Channel 22, and (c) the reassignment of Channel 26 from Hanover, N.H., to Windsor, Vt., and its reservation for noncommercial educational use. Petitioner, the University of Vermont, makes the above requests in order to establish a state-wide educational network which, it alleges, will serve 94 percent of the total population of the state within the proposed stations' Grade A contours and 97 percent with a Grade B coverage.

2. Comments and reply comments were filed by the University of Vermont and Upper Valley Television Broadcasters, Inc. Comments were filed by Connecticut Educational Television Corporation. In addition, letters were received from a number of prominent persons. The reassignment of Channel 26 was the only segment of the plan opposed.

Current status and needs of Vermont. 3. The following facts, introduced by petitioner, are not in dispute.

a. Vermont is the 47th state in population and 33rd in per capita income. According to the 1960 U.S. Census, 389,881 persons reside throughout 9,609 square miles of largely rugged and mountainous terrain. This sparse population results in a count of approximately 41 persons per square mile. There are only three communities in the state that have populations of 10,000 or more. Burlington, the largest city, has a population of 35,531. Thirty-eight percent of the State's population live in the 18 communities with populations of 2,500 or more. The remaining 62 percent of the population is spread throughout smaller communities or rural areas.

b. The State's educational system is decentralized and for the most part consists of small, isolated schools. The wide separation of communities, the low population density and the winter transportation difficulties—all largely the result of the rugged terrain—have retarded an increase in school size through consolidation. Such important fields as science, music, art and foreign languages are largely unavailable to many of the State's public school children. The weather, transportation, terrain, and population distribution characteristics have also retarded the successful development and operation of programs for adult education.

c. The Commission notes the following statement of petitioner: "A statewide educational television system could do a great deal to alleviate and to remedy many of the present handicaps to education in Vermont. Via television the public school curriculum could be significantly expanded, especially in such fields as science, music, art and foreign languages. Small schools, which could not possibly have teachers in these specialties, would have access to them over educational television. Moreover, adult, in-the-home educational television programming could be far more effective than the present adult educational system in the State. And, of course, educational television could provide general cultural and enrichment programming for the public generally which is not now available."

d. The proposal of petitioner was a result of a comprehensive study made under a Ford Foundation grant. Some of the factors that were considered in the study were: specific frequency assignments, specific transmitter locations, service areas, population, studio locations, relay and interconnection facilities, equipment requirements, estimated costs and the tie-in that the Vermont network would provide between Canadian educational programming and the Eastern Educational Television Network. Petitioner alleges that the network it proposes is designed to provide the least number of major transmitting stations and translators for fill-in purposes.

e. The Vermont Legislature has established and provided financial support for the Vermont Commission on Educational Television to study educational television in Vermont. In addition to the interest shown by the Vermont Legislature and the University of Vermont, it is alleged that the Vermont State Department of Education, Middlebury College, St. Michael's College, Norwich University, Castleton Teachers College, Johnson Teachers College, Lyndon Teachers College, Bennington College, Goddard College, Green Mountain College, Vermont College, and the State University College of Education at Plattsburg, N.Y., have expressed their interest in this project.

Rutland. 4. Rutland, Vt., with a population of 18,325, presently has assigned to it Channel 49. If Channel 49 is reserved for educational use, it will be possible to assign an additional channel to Rutland for commercial purposes in the event interest is shown in the operation of such a station. An educational station broadcasting on Channel 49 would serve 13 percent of Vermont's population. The reservation of Channel 49 for educational purposes has not been contested in this proceeding.

St. Johnsbury. 5. St. Johnsbury Vt., with a population of 6,809, presently has assigned to it Channel 30. If Channel 30 is reserved for educational use, it will be possible to assign an additional channel to St. Johnsbury for commercial purposes in the event interest is shown in the operation of such a station. An educational station broadcasting on Channel 30 would serve 7 percent of the State's population. The reservation of Channel 30 for educational purposes has not been contested in this proceeding.

Burlington. 6. Burlington, Vt., with a population of 35,531, presently has assigned to it Channels 3, *16 and 22. Channel 3 is licensed and operating as a commercial station. Neither Channel *16 nor Channel 22 have authorizations outstanding or applications pending for their use. Petitioner has chosen Mt. Mansfield as its proposed Burlington transmitter site for engineering and financial reasons. If this site were to be used for a Channel *16 facility, it would conflict with the separation requirements outlined in § 3.610 in the Commission rules in that there would not be the required 60-mile sound image interference separation from Channel 30 allocated to St. Johnsbury, Vermont. No such problem exists with Channel 22. An educational station broadcasting on Channel 22 would serve 51 percent of the State's population. The transposition of a reservation for educational purposes from Channel *16 to Channel 22 has not been contested in this proceeding.

Windsor. 7. Windsor, Vt., with a population of 3,256, presently has no channel assigned to it. Channel *26 is proposed for the Windsor location, atop Mt. Ascutney, for several reasons. Initially, the site commands a dominant position on the Connecticut River Valley, facilitating coverage north and south along the valley, both in Vermont and in adjacent portions of New Hampshire, including Hanover, N.H. This key station in the proposed Vermont network would serve 23 percent of Vermont's population and, in addition, 15 percent of New Hampshire's population, a total of approximately 180,711 persons—this, in a sparsely populated area. Additionally, the site would be the logical point to connect with a proposed microwave link which would bring to Vermont educational television programming from WGBH–TV, Boston, WENH, Durham, N.H., and the Eastern Educational Network.

8. Although a high UHF channel may be available in the Windsor area, Channel 26 has been chosen to meet the problem of providing optimum UHF service to an area which includes numerous scattered small towns and large, thinly populated rural sections. A lower channel, such as Channel 26, is deemed necessary to afford maximum coverage. The assignment of Channel *26 to Windsor will require its deletion from Hanover, N.H., and New London, Conn.

9. Hanover, N.H., with a population of 5,649, presently has assigned to it Channels *20 and 26. Upper Valley Television Broadcasters, Inc., objects to the deletion of Channel 26 from Hanover on the grounds that it has applied for a construction permit as a commercial operator on Channel 26 in West Lebanon.[1] Furthermore, it may be noted that the service of Channel *26 operating from the Windsor site, would not be lost to Hanover.

10. New London, Conn., with a population of 34,182, presently has assigned to it Channels 26 and 81. There are neither licenses outstanding nor applications pending for their use. The assignment of Channel *26 to Windsor, Vermont, requires the deletion of Channel 26 from New London in that the minimum spacing requirements cannot be met with the channel assigned to

[1] The application referred to is for a low powered (0.496 kw) satellite operation which except for .2 percent films would rebroadcast the programs of WRLP Springfield. The Hanover-Lebanon area is now being served by a UHF translator and several other VHF translator applications are pending. In view of the type of operation proposed by the applicant we believe that the translator service would suffice for its purposes, thus releasing Channel 26 for more efficient use elsewhere. Also it appears that a substitute channel may be available to this area.

both communities. The distance between the communities is approximately 147 miles. The Rules require a separation of 155 miles. Connecticut Educational Television Corporation, permittee of noncommercial TV station WEDH in Hartford, opposes the deletion of Channel 26 from New London on the ground that it intends to apply for that channel and for a noncommercial educational service. Although the deletion of Channel 26 from New London leaves only Channel 81 assigned to that city it may be noted that Channel *63 in Norwich, Conn., a distance of only 13 miles from New London, is authorized to the Connecticut State Board of Education. Also University of Vermont in their reply comments suggested two alternative methods of adding an additional channel to New London by shifting assignments in other cities. These proposals would have to be explored in further proceedings.

11. In view of the foregoing, the Commission finds that the grant of the petition of the University of Vermont, in its entirety, is in the public interest. In finalizing this proposal the Commission does not necessarily acknowledge that Channel 26 would give superior coverage in Windsor than could be achieved with a higher channel or that it should weigh the effects of substituting a higher channel in either Hanover or New London for Channel 26. The petitioner will put a station into operation on Channel 26 which it would not do on a higher frequency. While not necessarily controlling, the fact that an educational applicant will proceed on the channel requested is a reason in and of itself to make the requested assignment changes.

12. We call attention to Docket No. 14229 in which the Commission announced that it would examine the present Table of Assignments and method of making assignments with a view toward fostering the expanded use of UHF channels and making the most efficient use of such channels. Although no final decision has been reached in this proceeding, we are concluding the subject proceeding so as to avoid delaying the University of Vermont in proceeding with its educational television plans. In the future it may become necessary to change the specific channels assigned. If this becomes necessary, every effort will be made to avoid changing those channels on which educational stations are operating or where authorized construction has reached a stage where a change in channel assignment would require the expenditure of additional funds.

13. Authority for the action taken herein is contained in sections 4(i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

14. *It is ordered*, That effective November 5, 1962, the Table of Assignments contained in § 3.606 of the Commission rules and regulations is amended, with respect to the communities named, to read as follows:

City	Channel No.
Rutland, Vt.	*49+
St. Johnsbury, Vt.	*30
Burlington, Vt.	3, 16+, *22+
Windsor, Vt.	*26
Hanover, N.H.	*20+
New London, Conn.	81

15. *It is further ordered*, That the petition of the University of Vermont in Docket No. 14653 (RM-314) is granted.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: September 25, 1962.

Released: September 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9867; Filed, Oct. 2, 1962; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Upper Mississippi River Wildlife and Fish Refuge; Illinois, Iowa, Minnesota and Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Public hunting of upland game on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin is permitted on the areas designated by signs as open to hunting. These open areas, comprising 153,000 acres or 80 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants, bobwhite quail; Hungarian (gray) partridge; ruffed grouse; black, gray and fox squirrels; cottontail, snowshoe and jack rabbits; raccoons; opossums; skunks; weasels; red and gray foxes; and crows during the seasons specified below. The hunting of upland game species, as may be otherwise authorized by Illinois, Iowa, Minnesota, or Wisconsin State regulations, is prohibited.

(b) Open season: Upland game may be hunted commencing on the first day of the migratory waterfowl season in the designted open areas of each State, and in the posted closed areas from the first day after the close of the hunting season for ducks and coots applicable to the geographic area until the last day of the respective state open season or until March 1, 1963, whichever date occurs first, and as follows:

Illinois

Pheasants—from 12 noon to sunset (c.s.t.) on November 17, 1962, and from sunrise to sunset each day from November 18 through December 15, 1962. Bobwhite quail—from 12 noon to sunset (c.s.t.) on November 17, 1962, and from sunrise to sunset each day from November 18 through December 31, 1962. Hungarian (gray) partridge—from 12 noon to sunset (c.s.t.) November 17, 1962, and from sunrise to sunset November 18 through December 15, 1962. Ruffed grouse, wild turkey, prairie chicken, chukar partridge, and groundhog may not be taken. Black, gray, and fox squirrels—from 12 noon to sunset (c.s.t.) on October 20, 1962, and from sunrise to sunset October 21 through October 31, 1962. Rabbits—from 12 noon to sunset (c.s.t.) November 17, 1962, and from sunrise to sunset each day from November 18, 1962, through January 31, 1963. Raccoons, opossums, skunks and weasels (hunting only)—from 12 noon (c.s.t.) November 1, 1962, to 12 noon (c.s.t.) on January 31, 1963. Red and gray foxes, and crows—from 12 noon to sunset (c.s.t.) October 20, 1962, and from sunrise to sunset October 21, 1962, through March 1, 1963. It is unlawful in those counties open for the taking of deer, to carry a gun in the field for any purpose during the shotgun deer season (November 30 through December 5, 1962) except when attempting to take deer.

Iowa

Pheasants—from 9 a.m. to 4:30 p.m. (c.s.t.) each day from November 10 through December 14, 1962. Bobwhite quail—from 9 a.m. to 4:30 p.m. (c.s.t.) each day from November 3 through December 14, 1962. Ruffed grouse, wild turkey, prairie chicken, and chukar and Hungarian (gray) partridge may not be taken. Gray and fox squirrels—from sunrise to sunset (c.s.t.) each day from October 6, 1962, through December 14, 1962. Cottontail and jack rabbits—from 6 a.m. to 6 p.m. (c.s.t.) from October 6, 1962, through February 3, 1963. Raccoons—from 12 noon (c.s.t.) on October 13, 1962, to midnight February 28, 1963. Red and gray foxes, and crows—from sunrise to sunset (c.s.t.) from October 6, 1962 through March 1, 1963.

Minnesota

Pheasants and Hungarian (gray) partridge—from 12 noon to sunset (c.s.t.) on October 27, 1962, and from 10 a.m. to sunset (c.s.t.) each day during the period October 28, 1962, through November 25, 1962. Ruffed grouse—from 12 noon to sunset (c.s.t.) on October 6, 1962, and from sunrise to sunset (c.s.t.) each day during the period October 7, 1962, through November 4, 1962, and during the period November 10, 1962, through November 30, 1962. Bobwhite quail, chukar, partridge, prairie chicken, sharp-tailed grouse, spruce grouse, and wild turkey may not be taken. Gray and fox squirrels—from 12 noon to sunset (c.s.t.) on October 6, 1962, and from sunrise to sunset (c.s.t.) each day from October 7, 1962, through December 31, 1962. Cottontail, snowshoe and jack rabbits—from 12 noon to sunset (c.s.t.) on October 6, 1962, and from sunrise to sunset each day from October 7, 1962, through March 1, 1963. Raccoon (hunting)—from 12 noon October 6, 1962 (c.s.t.) through December 31, 1962—24 hours per day. Red and gray foxes, and crows—from 12 noon to sunset (c.s.t.) October 6, 1962, and from sunrise to sunset (c.s.t.) October 7, 1962, through March 1, 1963.

Wisconsin

Shooting hours shall be as prescribed in State regulations and as follows: Pheasants—from 12 noon (c.s.t.) on October 20, 1962, through November 13, 1962. Ruffed grouse—from 12 noon (c.s.t.) on October 20, 1962, through December 16, 1962. Chukar and Hungarian (gray) partridge, prairie chicken, wild turkey, bobwhite quail, woodchuck, badger, and sharp-tailed grouse may not be taken. Gray and fox squirrels—from 12 noon (c.s.t.) on October 13, 1962, through January 31, 1963. Cottontail and jack rabbits—from 12 noon (c.s.t.) on October 20, 1962, through January 31, 1963. Raccoons (hunting)—from 12 noon (c.s.t.) October 13, 1962, through December 31, 1962, in Buffalo and Trempealeau Counties and that portion of LaCrosse County north of U.S. Highway No. 16; and from 12 noon (c.s.t.) on October 15, 1962, through December 31, 1962, in that portion of LaCrosse County south of U.S. Highway No. 16, and in Vernon, Crawford, and Grant Counties. Red and gray foxes, and crows—from 12 noon (c.s.t.) on October 13, 1962, through March 1, 1963.

(c) Daily bag limits:

Illinois

Pheasants (cocks only)—3; Hungarian (gray) partridge—2; bobwhite quail—8; black, gray and fox squirrels—5 combined; rabbits—5 combined; raccoons, opossums, skunks and weasels—no limit.

Iowa

Pheasants (cocks only)—3; bobwhite quail—5; gray and fox squirrels—6 combined; rabbits—10 per day combined; raccoons—no limit.

Minnesota

Pheasants (cocks only)—3; Hungarian (gray) partridge—3; ruffed grouse—4; gray and fox squirrels—7 combined; cottontail rabbits—10; jack rabbits—10; snowshoe rabbits—10; raccoon (hunting)—no limit.

Wisconsin

Pheasants (cocks only)—1 from October 20 through October 21, 1962, and 2 from October 22, 1962, through November 13, 1962; ruffed grouse—3; gray and fox squirrels—5 combined; cottontail rabbits—3; snowshoe hare and jack rabbit—4 combined; raccoons (hunting) no limit.

(d) Methods of hunting:

(1) Weapons—as prescribed by State regulations.

(2) Dogs—hunting dogs, not to exceed 2 per hunter, may be used for hunting and retrieving; dogs may not be permitted to run at large.

(3) All state laws and regulations must be complied with.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to March 2, 1963.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 26, 1962.

[F.R. Doc. 62-9843; Filed, Oct. 2, 1962; 8:45 a.m.]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Tamarac National Wildlife Refuge, Minn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,000 acres or 27 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants; ruffed grouse; grey and fox squirrels; cottontail, jack, and snowshoe rabbits; and raccoons, during the season specified below. The hunting of upland game species, as may be otherwise authorized by Minnesota State regulations, is prohibited.

(b) Open season: Pheasants—from 12 noon to sunset on October 27, 1962, and from 10 o'clock to sunset each day from October 28, 1962, through November 25, 1962. Ruffed grouse—from sunrise to sunset each day from effective date of this notice, through November 4, 1962, and from sunrise to sunset each day from November 10, 1962, through November 30, 1962. Gray and fox squirrels—from sunrise to sunset September 29, 1962, through December 31, 1962. Cottontail, jack, and snowshoe rabbits—from sunrise to sunset September 29, 1962, through March 1, 1963. Raccoon (hunting)—24 hours per day from September 29, 1962, through December 31, 1962.

(c) Daily bag limits: Pheasants (cocks only)—3; ruffed grouse—4; grey and fox squirrels—7, combined; cottontail, jack, and snowshoe rabbits—10 of each species; raccoon—no limit.

(d) Methods of hunting:

(1) Weapons—shotguns and small bore rifles as permitted by State regulations.

(2) Dogs—hunting dogs, not to exceed 2 per hunter, may be used for hunting and retrieving; dogs may not be permitted to run at large.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through March 1, 1963.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 27, 1962.

[F.R. Doc. 62-9866; Filed, Oct. 2, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 970]

[AO-321-A1]

CARROTS GROWN IN SOUTH TEXAS

Notice of Hearing With Respect to Amendments to Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Fairway Motor Hotel, 2105 South 10th, McAllen, Tex., at 9:30 a.m., local time, October 10, 1962, with respect to proposed amendments to Marketing Agreement No. 142 and Order No. 970 (7 CFR Part 970), hereinafter referred to as the "marketing agreement" and "order" respectively, regulating the handling of carrots grown in designated counties in South Texas (the counties of Pecos, Terrell, Reeves, Val Verde, Kinney, Uvalde, Medina, Bexar, Wilson, Karnes, Goliad, Victoria, Calhoun, Maverick, Zavala, Frio, Atacosa, Dimmit, La Salle, McMullen, Live Oak, Bee, Refugio, Webb, Duval, Jim Wells, San Patricio, Nueces, Zapata, Jim Hogg, Brooks, Kenedy, Kleberg, Starr, Comal, Hays, Bastrop, Caldwell, Guadalupe, Gonzales, Fayette, Colorado, Lavaca, Aransas, De Witt, Jackson, Wharton, Matagorda, Hidalgo, Willacy and Cameron, in the State of Texas).

The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The South Texas Carrot Committee, the administrative agency for the marketing agreement and order, has proposed the following amendments to the marketing agreement and order and has requested a hearing thereon:

§ 970.5 Carrots.

"Carrots" means all varieties of Daucus carota commonly known as carrots.

§ 970.8 Registered handler.

"Registered handler" means any person who has adequate facilities within the production area for preparing carrots for market or who has access to such facilities, and who is registered as such with the committee in accordance with such rules and regulations as it may prescribe with the approval of the Secretary.

§ 970.31 Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by the member for whom he is an alternate. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member, alternate, or the committee (in that order) may designate any other alternate member from the same district to serve in such member's place and stead. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 970.52 Issuance of regulations.

* * * * *

(b) * * *

(5) Establish holidays by prohibiting the packaging and shipping of carrots on Sundays.

§ 970.54 Safeguards.

The committee with the approval of the Secretary, may establish through rules such requirements including reports authorized in § 970.80 as may be necessary to insure that: (a) Shipments made pursuant to § 970.53 are handled and used for the purpose stated; (b) all carrots packed but not grown in the production area are graded and otherwise prepared for market separately, and not commingled with carrots grown in the production area and identified as to the state or area where grown.

Copies of this notice may be obtained from the Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 2217 North 10th, McAllen, Tex., or from the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or may be there inspected.

Dated: September 27, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division Agricultural Marketing Service.

[F.R. Doc. 62-9878; Filed, Oct. 2, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 302]

ARIZONA

Notice of Filing of Plats of Survey

SEPTEMBER 24, 1962.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m. on October 30, 1962:

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 23 W.,
Sec. 1, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, SW¼NW¼, SE¼NE¼, NW¼SW¼, NE¼SE¼, S½S½;
Sec. 2, lots 1, 2, 3, 4, 5, 6, S½N½, N½S½, SW¼SW¼, SE¼SE¼;

Within the above described area are 1,255.57 acres.

T. 8 S., R. 21 W.,
Sec. 36, all;

Within the above described area is 640 acres.

2. Available data indicates that the lands in T. 4 S., R. 23 W., and T. 8 S, R. 21 W., are mountainous with a rocky soil.

3. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of Arizona upon the acceptance of the above mentioned plats of survey:

T. 4 S., R. 23 W.
Sec. 2, lots 1, 2, 3, 4, 5, 6, S½N½, N½S½, SW¼SW¼, SE¼SE¼.

The area described aggregates 635.75 acres.

T. 8 S., R. 21 W.,
Sec. 36, all.

The area described aggregates 640 acres.

4. The following described lands are opened to application, selection and petition, as outlined in the foregoing paragraphs. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract, or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

T. 4 S., R. 23 W.,
Sec. 1, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, SW¼NW¼, SE¼NE¼, NW¼SW¼, NE¼NE¼, S½S½.

The area described aggregates 619.82 acres.

5. Subject to any existing valid rights and the requirements of applicable law, rules, and regulations, the lands described immediately above are hereby opened to file applications and selections in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. on Oct. 30, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing. Persons claiming prference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 62-9844; Filed, Oct. 2, 1962; 8:45 a.m.]

[Group 355]

ARIZONA

Notice of Filing of Plats of Survey

SEPTEMBER 25, 1962.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10 a.m. on October 31, 1962:

GILA AND SALT RIVER MERIDIAN

T. 2 N., R. 22 W.,
Sec. 5, lots 2, 3, 4, 5, SW¼NE¼, S½NW¼, and S½;
Sec. 6, lots 1, 2, 3, 4, and SE¼NE¼;
Sec. 7, lots 1 and 2;
Sec. 8, lots 3, 4, 5, NE¼, E½NW¼, NW¼NW¼, E½SW¼, N½SE¼, and SW¼SE¼;
Sec. 17, lot 4;
Sec. 30, lots 17, 18, and 20;
T. 3 N., R. 22 W.,
Sec. 20, lots 1, 2, 3, and 4;
Sec. 21, NW¼NE¼, S½NE¼, W½ and SE¼;
Sec. 22, W½SW¼;
Sec. 27, W½;
Sec. 28, lots 1, 2, 3, 4, 5, E½NE¼, and NW¼NE¼;
Sec. 29, lot 1;
Sec. 33, lot 2;
Sec. 34, lots 6, 7, and NE¼NW¼;
T. 2 N., R. 23 W.,
Sec. 24, lots 5, 6, 7, 8, SE¼NW¼ NE¼SW¼, and SW¼SE¼;
Sec. 25, lots 5, 6, 7, NE¼, and NW¼SE¼;
Sec. 34, lots 5, 6, 7, and SE¼SE¼.

The areas described aggregate 3,633.53 acres.

2. Available data indicate that the topography of the lands in Ts. 2 and 3 N., R. 22 W. are rolling desert, and the soils are sandy silt and gravelly loam.

3. All of the above lands were withdrawn by Secretary's Order of March 31, 1903, under the provisions of the Act of June 17, 1902 (32 Stat. 388) for the Colorado River Survey. All of the above lands were withdrawn by Secretary's Order of February 19, 1929, under the First Form of Withdrawal, as provided in Section 3, Act of June 17, 1902 (32 Stat. 388) for the Colorado River Storage Project.

In view of the above, the lands described will not be subject to disposition under the General Public Land Laws by reason of the official filing of the plats.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 62-9845; Filed, Oct. 2, 1962; 8:45 a.m.]

[Group 362]

ARIZONA

Notice of Filing of Plat of Survey

SEPTEMBER 25, 1962.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona effective at 10 a.m. on October 31, 1962:

GILA AND SALT RIVER MERIDIAN

T. 41 N., R. 7 E.
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, E½;
Sec. 8;
Sec. 9;
Sec. 10;
Sec. 11;
Sec. 12;
Sec. 13;
Sec. 14;
Sec. 15;
Sec. 16;
Sec. 17;
Sec. 18, lots 1, 2, 3, 4, E½W½, E½;
Sec. 19, lots 1, 2, 3, 4, E½W½, E½;
Sec. 20;
Sec. 21;
Sec. 22;
Sec. 23;
Sec. 24;
Sec. 25;
Sec. 26;
Sec. 27;
Sec. 28;
Sec. 29;

Sec. 30, lots 1, 2, 3, 4, E½W½, E½;
Sec. 31, lots 1, 2, 3, 4, E½W½, E½;
Sec. 32;
Sec. 33;
Sec. 35;
Sec. 36.

The areas described aggregate 22,366.99 acres.

2. Available data indicate that the topography is broken, rolling, and mountainous, and the soils are sand, exposed sandstone, and some gravel.

3. By Order of March 26, 1956, all of the above lands were withdrawn under the First Form of Withdrawal, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388), for the Colorado River Storage Project.

In view of the above, the lands described will not be subject to disposition under the General Public Land Laws by reason of the official filing of the plat.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 62-9846; Filed, Oct. 2, 1962; 8:45 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 21, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Los Angeles 0133010, for the withdrawal of certain lands from location and entry, under the general mining laws, subject, however, to existing withdrawals and to valid existing rights.

The lands have previously been withdrawn for the Inyo National Forest by Presidential Proclamation dated January 23, 1904, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit the use of such lands as Natural Areas, Indiana Summit and White Mountain, for purposes of science, research, and education in furtherance of the McSweeney-McNary Act of May 28, 1928 (45 Stat. 699) as amended, which uses are incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, Calif.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MT. DIABLO MERIDIAN

T. 2 S., R. 28 E.,
Sec. 5, S½NE¼, S½NW¼, and S½;
Sec. 6, SE¼NE¼ and E½SE¼;
Sec. 7, E½E½;
Sec. 8, N½ and NW¼SW¼.
T. 5 S., R. 34 E.,
Sec. 12, unsurveyed;
Sec. 13, unsurveyed.
T. 5 S., R. 35 E.,
Sec. 7, unsurveyed;
Sec. 18, unsurveyed.

The areas described aggregate approximately 3,680 acres.

OLIVER W. JOHNSON, JR.,
Acting Manager,
Land Office, Riverside.

[F.R. Doc. 62-9847; Filed, Oct. 2, 1962; 8:45 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 21, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Los Angeles 0162060, for the withdrawal of certain lands from location and entry, under the General Mining Laws, subject, however, to existing withdrawals and to valid existing rights.

The lands have previously been withdrawn for the Cleveland National Forest by Presidential Proclamation dated January 26, 1909, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit the use of such lands as administrative sites, public service sites, recreational areas, and the preservation of public highway roadside zones, which uses are incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, Calif.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 6 S., R. 5 W.,
Sec. 16, SW¼NW¼NE¼, S½NE¼NW¼, S½SE¼NW¼, NE¼NE¼SW¼, NW¼NE¼SW¼, and NW¼NW¼SW¼;
Sec. 20, lots 2, 3, 4, and 9, and N½NE¼SW¼;
Sec. 29, SE¼SE¼NW¼ and NE¼SW¼;
Sec. 30, SE¼SE¼;
Sec. 31, E½E½NE¼, NW¼NE¼NE¼, NE¼NW¼NE¼, S½NW¼NE¼, N½SW¼NE¼, SE¼NW¼, and E½NE¼SE¼;
Sec. 32, S½SW¼NE¼, S½SE¼NE¼, W½NW¼NW¼, SW¼NW¼, S½SE¼NW¼, N½NE¼SW¼, NW¼SW¼, N½NE¼SE¼, and N½NW¼SE¼.
T. 6 S., R. 6 W.,
Sec. 34, lots 2, 3, and 4, NE¼, E½E½NW¼, E½NE¼SW¼, and N½SE¼;
Sec. 35, NW¼NW¼ and N½SW¼NW¼;
Sec. 36, lot 3, E½SW¼, NW¼SE¼, and W½SW¼SE¼.
T. 7 S., R. 6 W.,
Sec. 1, N½ lot 3;
Sec. 3, W½ lot 4;
Sec. 4, lots 1 and 2.

A strip of land 300 feet wide on each side of the center line of California State Highway No. 74, through the following described legal subdivisions:

T. 6 S., R. 5 W.,
Sec. 14, SW¼SW¼;
Sec. 16, N½NE¼, SW¼NE¼, NE¼NW¼, and S½NW¼;
Sec. 20, lots 2 and 3, and E½SW¼;
Sec. 22, NE¼NE¼;
Sec. 29, E½NW¼;
Sec. 30, SE¼SW¼SE¼;
Sec. 31, NE¼ and SE¼NW¼;
Sec. 32, N½NW¼, SW¼NW¼, and W½SW¼.
T. 6 S., R. 6 W.,
Sec. 34, lots 2, 3, and 4;
Sec. 35, lots 1 and 2;
Sec. 36, lot 3, E½SW¼ and W½SE¼.
T. 7 S., R. 6 W.,
Sec. 1, lots 3 and 4;
Sec. 2, lots 1, 2, 3, 6, 7, and 8;
Sec. 3, lots 3 and 4;
Sec. 4, lots 1 and 2.

The areas described aggregate 2,021.30 acres.

OLIVER W. JOHNSON, JR.,
Acting Manager,
Land Office, Riverside.

[F.R. Doc. 62-9848; Filed, Oct. 2, 1962; 8:45 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Land

SEPTEMBER 25, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Los Angeles 0155815, for the withdrawal of certain lands from location and entry under the general mining laws, subject, however, to existing withdrawals and to valid existing rights.

The lands have previously been withdrawn for the San Bernardino Forest Reserve by Presidential Proclamation dated February 25, 1893, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit the use of such lands for administrative sites, public service sites, recreation areas, campgrounds, or other public purposes as set forth specifically with regard to each area or description. Such uses are incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th St., Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the

FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 1 N., R. 1 E.,
Sec. 5, lots 1, 2, 3, and 4, S½N½, SW¼, and SE¼;
Sec. 6, lots 1, 10, and 11, SE¼SW¼, and S½SE¼;
Sec. 7, lots 1, 2, 3, and 4, NE¼, E½W½, and SE¼;
Sec. 8, NE¼, E½NW¼, E½NW¼NW¼, and S½;
Sec. 9, S½;
Sec. 10, S½;
Sec. 11, SW¼ and S½SE¼;
Sec. 13, W½NE¼, SE¼NE¼, NW¼, and S½;
Secs. 14, 15, and 16;
Sec. 18, lots 1, 2, 3, and 7, E½, E½W½, and E½SW¼SW¼;
Sec. 19, lots 1 and 2, NE¼, and E½NW¼;
Sec. 20, N½ and N½S½;
Sec. 21, E½, NW¼, and N½SW¼;
Sec. 22;
Sec. 23, N½, N½S½, and SE¼SW¼;
Sec. 26, N½NW¼;
Sec. 28, NW¼NE¼.
T. 1 N., R. 2 E.,
Sec. 18, lots 3 and 4, and E½SW¼.
T. 2 N., R. 1 E.,
Sec. 29, NW¼NW¼NW¼.
T. 1 N., R. 1 W.,
Sec. 12, NE¼, N½S½, S½SW¼, and SW¼SE¼;
Sec. 13, N½, N½S½, S½SW¼, NW¼NE¼SW¼SE¼, S½NE¼SW¼SE¼, NW¼SW¼SE¼, S½SW¼SE¼, SW¼SE¼SE¼, and S½SE¼SE¼SE¼.
T. 1 N., R. 2 W.,
Sec. 4, SE¼NE¼ and SW¼NW¼.
T. 1 N., R. 3 W.,
Sec. 22, SW¼SW¼.
T. 2 N., R. 2 W.,
Sec. 25, SW¼SW¼NW¼;
Sec. 26, S½SE¼NE¼.
T. 2 N., R. 3 W.,
Sec. 11, E½SW¼;
Sec. 19, lots 1 and 2;
Sec. 21, S½N½NE¼SW¼NW¼, S½NE¼SW¼NW¼, NW¼SW¼NW¼, S½S½NW¼, NE¼SE¼NW¼, S½N½NW¼SE¼NW¼, and S½NW¼SE¼NW¼;
Sec. 30, lot 1 and NE¼NW¼.
T. 2 N., R. 5 W.,
Sec. 7, lots 9 and 10;
Sec. 18, lot 18.
T. 2 N., R. 6 W.,
Sec. 12, SE¼SW¼NW¼ and SW¼SE¼NW¼;
Sec. 26, S½NW¼NE¼ and S½NE¼NW¼;
Sec. 31, W½NE¼, SE¼NE¼, SE¼NW¼, and N½NW¼SE¼.
T. 2 N., R. 7 W.,
Sec. 2, lots 3 and 4, and S½NW¼;
Sec. 3, lots 1 and 2, and S½NW¼.
T. 3 N., R. 2 W.,
Sec. 22, SE¼SE¼NE¼ and NE¼NE¼SE¼;
Sec. 23, SW¼SW¼NW¼ and NW¼NW¼SW¼.
T. 3 N., R. 7 W.,
Sec. 34, SE¼;
Sec. 35, SW¼.
T. 2 S., R. 1 E.,
Sec. 5, N½ of lot 3;
Sec. 30, E½E½NE¼.
T. 4 S., R. 2 E.,
Sec. 7, S½NE¼NE¼, E½SW¼NE¼, and SE¼SE¼;
Sec. 14, SW¼NW¼;
Sec. 15, E½NE¼ and SW¼NE¼.
T. 5 S., R. 2 E.,
Sec. 2, NW¼SE¼.
T. 5 S., R. 3 E.,
Sec. 9, SE¼NW¼.

The areas described aggregate 11,895.85 acres.

CHARLES L. SCHAEFER,
Acting Manager,
Land Office, Riverside.

[F.R. Doc. 62-9876; Filed, Oct. 2, 1962; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 171, Amdt. 2]

AREA REDEVELOPMENT ADMINISTRATION

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on September 14, 1962. The material appearing at 26 F.R. 4481-4482 of May 24, 1961 is amended as follows:

Department Order No. 171 of May 8, 1961, is hereby amended as follows:

Section 2.03 is amended to read:

SEC. 2. *Establishment and organization.* .03 The Area Redevelopment Administration shall comprise the following organization units:

1. The Office of the Administrator;
Administrator;
Deputy Administrator;
Deputy Administrator for Public Works;
Legal Advisor;
Information Office;
Labor Advisor;
Central Secretariat.
2. The Office of Public Works Acceleration.
3. The Office of Management Services.
4. The Office of Area Operations.
5. The Office of Planning and Research.

Section 4 is amended by adding section 4.02 to read:

SEC. 4. *Functions and responsibilities.* .02 The Administrator shall be responsible for assisting and advising the Secretary of Commerce in administering the provisions of the Public Works Acceleration Act (Public Law 87-658), as delegated to the Secretary by Executive Order 11049 of September 14, 1962. In performing these functions, the Administrator shall:

1. Recommend to the Secretary broad guidelines for the public works acceleration program;

2. Maintain current lists of "eligible areas" as defined in section 3(a) of the Public Works Acceleration Act;

3. Recommend rules, regulations and procedures as appropriate to carry out section 3 of the Public Works Acceleration Act;

4. Review such periodic and special status reports and other information as may be required of the several participating departments and agencies and prepare consolidations and statistical summaries, together with appropriate recommendations, to apprise the Secretary of the status of the public works acceleration program and to serve as the basis for the Secretary's recommendations to the President;

5. Prepare necessary proposals for the Secretary's recommendations to the President as to the allocation of funds to the several participating departments and agencies; and

6. Undertake such collateral activities as are necessary and proper to assure effective accomplishment of these functions.

Effective date: September 14, 1962.

HERBERT W. KLOTZ,
Assistant Secretary
for Administration.

[F.R. Doc. 62-9850; Filed, Oct. 2, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13577 etc.]

TRANSATLANTIC ROUTE RENEWAL CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on October 31, 1962, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

In order to facilitate conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before October 19, 1962, (1) motions pertaining to the proceeding, if any; (2) proposed statements of issues; (3) proposed stipulations, if any; (4) requests for information; (5) statements of positions of parties; and (6) proposed procedural dates. Answers should be submitted on or before October 26, 1962.

Counsel will be expected to state the views of their client with respect to all issues discussed during this conference.

Dated at Washington, D.C., September 28, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-9873; Filed, Oct. 2, 1962; 8:47 a.m.]

[Docket No. 14047; Order E-18838]

AMERICAN AIRLINES, INC., AND TRANS WORLD AIRLINES, INC.

Proposed Group Fares; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of September 1962.

American Airlines, Inc. (American) has filed a tariff,[1] to become effective September 30, 1962, proposing a 25 percent reduction in jet coach fares for

[1] American Airlines, Inc., Local Group Passenger Tariff No. 2, C.A.B. No. 155, filed August 31, 1962.

open-jaw group travel from Chicago and New York to Los Angeles and return from San Francisco; to Phoenix and return from San Francisco; to San Francisco and return from either Los Angeles or Phoenix.

Reservations must be confirmed and tickets must be purchased at least 14 days prior to departure from point of origin, for at least ten passengers traveling in connection with a fully prepaid Advertised Air Tour. All members of the group must commence travel on the same flight from the point of origin, and travel only in the coach or economy compartment of flights operated with jet aircraft. An Advertised Air Tour consists of (1) open-jaw air transportation between the above points, (2) lodgings in at least two non-contiguous cities, (3) sightseeing trips, and (4) transportation between points at the open-jaw end of the trip. The total price of the tour for each passenger must be not less than the applicable fare named in the tariff plus $100. Transportation is limited to specific dates, days of the week, and hours of the day. The tariff establishes that the return portion of a ticket is valid for passage any day of the week but not earlier than 10 days nor later than 30 days in addition to the date of departure from point of origin. The tariff is marked to expire with September 30, 1963.

An open-jaw group tour tariff similar to American's, to become effective October 5, 1962, has been filed by Trans World Airlines, Inc. (TWA) on September 5, 1962.[2] TWA's tariff expires with April 30, 1963. No complaints have been filed against the proposed tariffs.

The proposed fares present essentially the same issues of justness and reasonableness, discrimination, preference, and prejudice that we noted in regard to the recently filed excursion fares of United Air Lines, Inc., and Pan American World Airways, Inc.,[3] and should be investigated. To facilitate the investigation, we will expect the carriers to keep adequate records of traffic, revenues, and costs associated with the promotional fares here in issue. We will not suspend the effectiveness of the proposed fares, for they do not appear prima facie unreasonably low, are experimental, are for a limited period of time, and may tend to equalize seasonal traffic fluctuations and promote travel to the West. We reach this conclusion notwithstanding our earlier holding in the Tour Basing Fares case[4] in the light of the financial situation of the industry and the need at this time to develop additional traffic and revenues. Our action in this regard is consistent with our decisions in the recent past to permit to become effective for an experimental period fares in which similar issues of discrimination are present.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions in American Airlines, Inc., Local Group Passenger Tariff No. 2, C.A.B. No. 155, and Trans World Airlines, Inc., Local Group Passenger Tariff, C.A.B. No. 90, including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and provisions.

2. This investigation will be set for hearing before an Examiner of the Board at a time and place hereafter to be designated.

3. A copy of this order shall be filed with the aforesaid tariffs and shall be served upon American Airlines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-9874; Filed, Oct. 2, 1962; 8:47 a.m.]

[Docket No. 14045; Order No. E-18834]

SLICK AIRWAYS

Proposed Freight Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of September 1962: In the matter of freight rates proposed by The Slick Corporation, d/b/a Slick Airways, Docket 14045 (note Dockets 14022 and 14039).

By tariffs marked to become effective October 1 and 2, 1962, The Slick Corporation, d/b/a Slick Airways (Slick) has filed proposed rates on general commodities and on selected specific commodities. These filings are made in connection with the carrier's resumption of common carrier service, authorized by the Board by Order E-18300, adopted May 3, 1962, as amended in Order E-18534, adopted June 29, 1962. Slick plans to transport its common carrier traffic between Norfolk Naval Air Station (to be served with military traffic only) and Oakland/San Francisco, with intermediate stops[1] on the same L-1049H aircraft flights utilized for Quicktrans service. A guaranteed load of 20,000 pounds of Navy freight would be transported on each flight, with the remaining capacity of 20,000 pounds available for commercial and military freight at common carrier rates (Order E-18666, adopted August 6, 1962).

Slick proposes general commodity rates (standard service) basically identical to those in effect for competing carriers throughout its system. Between New York/Newark and Oakland/San Francisco, in both directions, it proposes to add weight breaks at 12,000, 15,000, 20,000, and 60,000 pounds at lower rates. In the same market it proposes general commodity rates for a "second class service," subject typically to a minimum enroute period of 48 hours from time of receipt by carrier to release to consignee. The rates proposed involved significant reductions below the general commodity rates proposed for standard service. The tariffs would permit shipments under both standard and second class general commodity rates to be combined to obtain volume rates. Specific commodity rates are proposed on cut flowers and on games and toys from Oakland/San Francisco to several markets to meet competition. This is also true for proposals on Group 568, containing numerous diverse commodities, from Oakland/San Francisco to New York/Newark up to the 10,000-pound weight break,[2] but weight breaks at 12,000, 15,000, and 60,000 pounds are to be added at lower rates.

Slick has filed a statement alleging, inter alia, that its second class general commodity proposals would contain the rate reduction necessary to attract shippers now using surface carriers, at compensatory levels; that permitting the mixing of standard and second class general commodity shipments, and the availability of higher weight breaks for standard general commodity shipments, would increase the volume spreads for large shippers and forwarders, and stimulate their offerings; that the proposal has "built-in protection" against dilution of the standard general commodity traffic, because the rates for the latter traffic have much wider and more numerous volume spreads than the second class filings; that the failure of the current deferred tariffs to stimulate large volumes of traffic is due to the inability of shippers to mix with standard shipments and the relatively slight improvement available over surface carrier schedules; and that the second class proposal appears so promising that it merits a reasonable test.

The Flying Tiger Line Inc. (Tiger) filed a complaint requesting investigation and suspension of the proposals below its own effective rates and of Slick's second class rates. The complaint alleges, inter alia, that Slick's proposed reductions are unreasonably low and cannot be justified by costs and that Slick has made no attempt to present a cost justification; that the volume spreads resulting from the reductions proposed at the higher weight breaks are unduly wide (because they are not warranted by costs) and constitute unfair competition; that freight forwarders would, with the wider volume spreads, be enabled to undercut direct carriers for smaller shipments and to obtain special privileges from direct carriers; that the proposed second class service would destroy both the standard general commodity service and the deferred service because the difference in rates proposed does not properly reflect the difference in the service contemplated; and that the losses in traffic and revenues to be sustained by Tiger as a result of the proposals (especially if they are extended to the remainder of Slick's system) would be substantial. Slick has filed an answer to Tiger's complaint, essentially reasserting its previous statements, but containing no adequate cost justification for its proposal.

The National Motor Freight Traffic Association, Inc. filed a petition also requesting investigation and suspension of the proposal but this was not timely, in violation of Rule 505 (14 CFR 302.505) of the Board's rules of practice.

Upon consideration of all relevant matters, the Board finds that the following of the proposals may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated: All of the general commodity rates proposed for second class service; the general commodity rates for standard service from New York/Newark to Oakland/San Francisco at weight breaks from 12,000 through 60,000 pounds and from Oakland/San Francisco to New York/Newark at 60,000 pounds; and the specific commodity rates from Oakland/San Francisco to New York/Newark on Group 568 at 60,000 pounds. This finding is based essentially on the ground that the foregoing proposals would constitute significant reductions below currently applicable rates of competing carriers for which adequate justification has not been presented. We believe that the proposals would present a serious danger of uneconomic diversion of traffic and a consequent unwarranted dissipation of carrier revenues.

The proposed second class general commodity rates are from 25 to 37 percent (varying among weight breaks) below Slick's general commodity rate filings for standard service westbound and from 13 to 31 percent below the eastbound proposals, for which a cost justification has not been presented. However, the standard service planned by Slick would require approximately 40 hours, only slightly faster than the 48 hours minimum time enroute for the second class service. The proposed second class rates are equal to deferred rates for competing carriers at the 100-pound weight break, although they are above the deferred rates for larger shipments by as much as 19 percent. The current deferred service requires a minimum of 67 hours, or approximately 40 percent longer than the proposed second class service. We are of the opinion that the differences between the second class service and both the standard service planned by Slick and the deferred service in effect for competing carriers are not properly reflected by the proposed rates.

The proposed general commodity rates at higher weight breaks for standard service would result in reductions ranging from 2 to 15 percent below the currently applicable rates for competing carriers, and the resulting yields would range from 14.2 to 15.8 cents per ton-mile westbound, which are relatively low for such movements (the direction of the predominant traffic flow) without a cost basis therefor. Furthermore, the proposal at the 60,000-pound weight break would cover shipments significantly exceeding the capacity available in a single aircraft to be operated, at least in Slick's initial operations. No data have been presented as to the cost savings in hauling such large shipments under such conditions. The Board is investigating, for the same reason, the 60,000-pound proposals for general commodity rates and for Group 568 eastbound from Oakland/San Francisco to New York/Newark. We are not investigating eastbound proposals of general and specific commodity rates made at lower weight breaks because, although they undercut competition, the resulting yields (exceeding 10 cents per ton-mile) do not appear unduly low for eastbound movements.

In view of the significant dilution of carrier revenues which might ensue from the foregoing rates set for investigation, the Board has further concluded to suspend those portions of the tariffs and defer their use pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A hereto[1] are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions.

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A hereto are suspended and their use deferred to and including December 29, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The complaint of The Flying Tiger Line Inc. in Docket 14022 is denied, except to the extent granted herein.

4. The complaint of the National Motor Freight Traffic Association, Inc. in Docket 14039 is dismissed.

5. The proceeding ordered herein be assigned for hearing before an examiner of the Board, at a time and place hereafter to be designated.

6. Copies of this order shall be filed with the tariffs and shall be served upon The Slick Corporation, The Flying Tiger Line Inc., and National Motor Freight Traffic Association, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-9875; Filed, Oct. 2, 1962; 8:48 a.m.]

[1] Appendix A filed as part of original document.

[2] Trans World Airlines, Inc., Local Group Passenger Tariff, C.A.B. No. 90.

[3] Order E-18790, September 17, 1962. See also Order E-15050, March 29, 1960, and Order E-15215, May 10, 1960.

[4] 14 C.A.B. 257 (1951).

[1] Service is proposed via Dallas, Fort Worth, and Indianapolis. Slick plans to institute common carrier service to its remaining certificated points (Chicago, Houston, Los Angeles and St. Louis) not later than August 5, 1963, Application for Phased Inauguration of Service, dated August 15, 1962, Docket 13941.

[2] The proposed rate at the 10,000-pound weight break is below competition, but is equivalent to a rate which had previously been in effect for competing carriers.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14644]

BAY SHORE BROADCASTING CO.

Correction

In re application of Keith Moyer and James Hilderbrand d/b as Bay Shore Broadcasting Company, Hayward, California, Docket No. 14644, File No. BP-14113; for construction permit.

It is ordered, This 26th day of September 1962, that the Hearing Examiner's Order (FCC 62M-1247) in the above-entitled matter, released September 19, 1962, is corrected as follows:

Ordering clause: Change date for informal conference among counsel from "October 19, 1962" to "October 29, 1962".

Released: September 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9868; Filed, Oct. 2, 1962; 8:47 a.m.]

[Docket Nos. 14790, 14791; FCC 62-996]

BLUESTEM BROADCASTING CO., INC. (KVOE) AND KAYS, INC. (KAYS)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Bluestem Broadcasting Co., Inc. (KVOE), Emporia, Kansas, has: 1400 kc, 250 w, U, Class IV, requests: 1400 kc, 250 w, 1 kw-LS, U, Class IV, Docket No. 14790, File No. BP-14520; KAYS, Inc. (KAYS), Hays, Kansas, has: 1400 kc, 250 w, U, Class IV, requests: 1400 kc, 250 w, 1 kw-LS, U, Class IV, Docket No. 14791, File No. BP-14750; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 25th day of September 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposal of KAYS causes objectionable interference to Stations KNCK, KWBB, and the existing operation of KVOE.

2. The proposal of KVOE causes objectionable interference to Stations KNCK, KWBB, KJCK and the existing operation of KAYS. Station KWBB has objected to the KVOE proposal.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a

grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations KVOE and KAYS and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of KAYS would cause objectionable interference to Stations KNCK, KWBB, and the existing operation of KVOE, Concordia, Wichita and Emporia, Kansas, respectively, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the instant proposal of KVOE would cause objectionable interference to Stations KNCK, KWBB, KJCK, and the existing operation of KAYS, Concordia, Wichita, Junction City, and Hays, Kansas, respectively, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues whether either or both of the instant applications should be granted.

It is further ordered, That, General Broadcasting Co., Inc., Wichita Beacon Broadcasting Co., Inc., and Junction City Broadcasting Co., Inc. licensees of Stations KNCK, KWBB and KJCK, respectively, are made parties to the proceeding.

It is further ordered, That, KWBB's Petition to Deny, is granted to the extent that the licensee of KWBB is named a party respondent to this proceeding, and in all other respects it is denied.

It is further ordered, That in the event of a grant of the application of Bluestem Broadcasting Co., Inc., the construction permit shall contain the following conditions:

Permittee shall accept such interference as may be imposed by other Class IV stations whose power may subsequently be increased from 250 watts to 1 kilowatt.

Permittee shall submit with the application for license antenna resistance measurements made in accordance with § 3.54 of the Commission's rules.

It is further ordered, That, in the event of a grant of the application of KAYS, Inc., the construction permit shall contain the following conditions:

Permittee shall accept such interference as may be imposed by other Class IV stations whose power may subsequently be increased from 250 watts to 1 kilowatt.

Permittee shall submit with the application for license antenna resistance measurements made in accordance with § 3.54 of the Commission's rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to section 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Acts of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9869; Filed, Oct. 2, 1962; 8:47 a.m.]

[Docket Nos. 14700, 14701; FCC 62M-1286]

CABRILLO BROADCASTING CO. AND HELIX BROADCASTING CO.

Order Continuing Prehearing Conference

In re applications of Riley Jackson and Allen Richardson Hubbard d/b as Cabrillo Broadcasting Co., San Diego, California, Docket No. 14700, File No. BP-13423; Cliff Gill, Ira Laufer, Daniel Russell, David S. Drubeck, Dennis Fagerhult, Jack Bell, Martha Aspegren, Louis B. Minter, Robert S. Feder and Alan C. Lisser, d/b as Helix Broadcasting Co., La Mesa, California, Docket No. 14701, File No. BP-14406; for construction permits.

The Hearing Examiner having under consideration an informal request made by counsel for Helix Broadcasting Co. for a change of date for the prehearing conference now scheduled for October 8, 1962;

It appearing that a continuance of one week for such prehearing conference would be advantageous to the schedules of several parties to the proceeding and that good cause has been shown;

It is ordered, This 27th day of September 1962, that the prehearing conference now scheduled for October 8, 1962, is continued until October 15, 1962, at 10:00 a.m.

Released: September 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9870; Filed, Oct. 2, 1962; 8:47 a.m.]

[Docket No. 14743; FCC 62M-1280]

CAROL MUSIC, INC.

Order Scheduling Hearing

In the matter of revocation of license and subsidiary communications authorization of Carol Music, Inc., for FM Broadcast Station WCLM, Chicago, Illinois, Docket No. 14743.

It is ordered, This 26th day of September 1962, that hearing in the above-entitled proceeding will be convened in Chicago, Illinois, on November 13, 1962.

Released: September 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9871; Filed, Oct. 2, 1962; 8:47 a.m.]

[Docket Nos. 14603, 14604; FCC 62M-1278]

WKLM-TV, INC., AND CAPE FEAR TELECASTING, INC.

Order Continuing Hearing

In re applications of WKLM-TV, Inc., Wilmington, North Carolina, Docket No. 14603, File No. BPCT-2905; Cape Fear Telecasting, Inc., Wilmington, North Carolina, Docket No. 14604, File No. BPCT-2938; for construction permits for new television broadcast stations (Channel 3).

The Hearing Examiner having under consideration a "Joint Request for Continuance" filed on September 24, 1962 by counsel for both applicants, requesting jointly that the presently scheduled procedural dates in this proceeding be extended to later dates specified in their subject pleading;

It appearing that the joint request for extension of procedural dates is predicated on conflicts in hearing schedules of counsel for the applicants, that Broadcast Bureau interposes no objection to the request, and that good cause exists for granting the joint request in all respects;

Accordingly, it is ordered, This 26th day of September 1962, that the "Joint Request for Continuance" of procedural dates is granted, and such dates are extended as follows:

(a) The date for exchange of applicants exhibits—from September 24 to October 10, 1962;

(b) The date for notification as to witnesses desired for cross-examination—from October 1 to November 5, 1962; and

(c) The date for commencement of hearing—from October 8 to November 13, 1962, in the offices of the Commission, at Washington, D.C.

Released: September 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9872; Filed, Oct. 2, 1962; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP63-6]

MIDWEST MISSOURI GAS CO.

Notice of Application

SEPTEMBER 26, 1962.

Take notice that on July 6, 1962, Midwest Missouri Gas Company (Applicant), 6 Willow Hill Road, St. Louis 24, Missouri, filed in Docket No. CP63-6 an application, pursuant to section 7(a) of the Natural Gas Act, for an order directing Mississippi River Fuel Corporation (Mississippi) to establish physical connection of its facilities with those whch Applicant proposes to construct, and to sell and deliver natural gas to Applicant for resale and distribution in the northeast portion of Jefferson County, Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to establish a connection with the main line facilities of Mississippi, which line traverses Applicant's proposed service area, and to construct a distribution system extending north, west and south from this point of connection, and to sell gas to all prospective customers in the proposed service area. The application states that the total overall cost of constructing the proposed distribution system is $1,200,000, and that common stock and bonds will be issued to finance the project.

The estimated peak day and annual gas requirements under this application for the first three years of operation are as follows:

Year	Mcf at 14.73 p.s.i.a.	
	Peak day	Annual
1st	2,065	217,500
2d	2,410	252,600
3d	2,775	290,000

On August 17, 1962, Mississippi filed its answer to the subject application stating that it has no objection to providing the proposed service.

Protests, requests for hearing, or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 22, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9840; Filed, Oct. 2, 1962; 8:45 a.m.]

[Docket No. CP62-292]

NORTH CENTRAL PUBLIC SERVICE CORP.

Notice of Application

SEPTEMBER 26, 1962.

Take notice that on June 11, 1962, North Central Public Service Corporation (Applicant), a corporation organized under the laws of the State of Wisconsin, with its principal place of business at 1613 10th Street, Monroe, Wisconsin, filed an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Company (Northern) to establish physical connection between its existing transmission facilities and certain proposed facilities of applicant and to sell and deliver natural gas to applicant for resale in the City of Monroe, Wisconsin, as hereinafter described or as more fully described in the application herein.

Applicant is presently engaged in serving residential and commercial customers in Monroe, Wisconsin, with propane air gas which it now seeks to replace with natural gas to be obtained from Northern Natural. Applicant requests an order from the Commission directing Northern Natural to sell and deliver to North Central natural gas for service to Monroe. North Central will build and operate 5.3 miles of 4-inch branch line and a town border station required for service to Monroe, which facilities Northern will seek authorization to acquire and operate in its pending Docket No. CP62-85.

On July 17, 1962, Northern Natural filed its reply to North Central's application, stating that it is willing to serve Monroe, provided North Central will pay for the necessary branch line facilities, and appurtenant measuring and regulating equipment, which are estimated to cost $113,000. If it is subsequently authorized to do so in Docket No. CP62-85, Northern agrees to purchase these facilities at net original cost.

North Central has agreed to Northern's terms regarding the branch line facilities. It has been granted authorization to provide natural gas service in Monroe by that community and by the Public Service Commission of Wisconsin.

In its answer of July 17, 1962, Northern Natural further states that the required service to Monroe will not impair the service presently being rendered by Northern Natural to its other utility customers.

Applicant estimates its gas requirements for Monroe as follows:

(1) For the first three years, firm peak day demands of 424 Mcf, 763 Mcf and 997 Mcf, respectively;

(2) Annual gas requirements for the first three years are estimated to be 107,165 Mcf; 148,644 Mcf and 183,199 Mcf, respectively.

Applicant proposes to finance its construction through the use of current funds and short term loans from North Central Public Service Co., the parent company.

Protests or petition to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.10) on or before October 22, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9841; Filed, Oct. 2 1962; 8:45 a.m.]

[Docket No. G-17059 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Substituting Respondents, Redesignating Proceedings, and Accepting Successor's Undertakings

SEPTEMBER 26, 1962.

Pan American Petroleum Corporation (Operator), et al., Docket No. G-17059;[1] the Atlantic Refining Company, Docket No. G-17311, RI60-177;[1] the Atlantic Refining Company (Operator), et al., Docket No. RI61-485.[2]

On November 9, 1961, the Atlantic Refining Company (Atlantic) filed a motion requesting that it be substituted in lieu of Argo Oil Corporation (Argo) in Docket Nos. G-17059,[3] G-17311, RI60-177, RI61-485, and with such motion it concurrently tendered substitute agreements and undertakings, assuming all of Argo's obligations to make refunds arising on or after the proposed increased rates became effective subject to refund, in Docket Nos. G-17059 and RI61-485.[4]

In support of its motion to substitute Atlantic states that pursuant to an agreement of purchase and sale dated October 20, 1961, it acquired all the assets, properties and rights of Argo covered by the FPC gas rate schedules related to the subject proceedings,[5] effective as of December 14, 1961.

Concurrent with the filing of its motion to substitute, Atlantic filed Certificates of Adoption of Rate Schedules (notices of succession) of the rate schedules related to the subject proceedings. By letter dated December 14, 1961, the adoption of each of the subject rate schedules was accepted for filing, and

[1] Proceeding consolidated with proceedings in AR61-1, et al.

[2] Proceeding consolidated with proceedings in AR61-2, et al.

[3] Argo's proposed increased rate was only one of many proposed increased rates suspended in Docket No. G-17059 under the designation "Honolulu Oil Corporation (Operator), et al.", by order issued November 28, 1958, as amended by order issued June 30, 1959. Pan American Petroleum Corporation has succeeded to the interests of Honolulu Oil Corporation, and Docket No. G-17059 has been redesignated "Pan American Petroleum Corporation (Operator), et al."

[4] Proposed increased rates in Docket Nos. G-17311 and RI60-177 were not made effective.

[5] Argo's FPC Gas Rate Schedules which relate to the subject proceedings are: Rate Schedules Nos. 3 and 11 to RI60-177, Rate Schedule No. 29 to G-17311, Rate Schedule No. 35 to G-17059, and Rate Schedule No. 40 to RI61-485.

Argo's FPC Gas Rate Schedules Nos. 3, 11, 29, and 40 were redesignated as Atlantic's FPC Gas Rate Schedules Nos. 240, 243, 250, and 260 respectively.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Atlantic be substituted for Argo in Docket Nos. G–17059, G–17311, RI60–177, and RI61–485, that such proceedings, except Docket No. G–17059, be redesignated accordingly, and that Atlantic's agreements and undertakings filed in Docket Nos. G–17059 and RI61–485 be accepted for filing.

The Commission orders:

(A) The Atlantic Refining Company is hereby substituted for Argo Oil Corporation in Docket Nos. G–17059, G–17311, RI60–177, and RI61–485 and such proceedings, except Docket No. G–17059, are redesignated accordingly. The designation of Docket No. G–17059 remains "Pan American Petroleum Corporation (Operator), et al."

(B) The agreements and undertakings submitted by The Atlantic Refining Company on November 9, 1961, assuming all of Argo Oil Company's obligations to make refunds arising on or after the proposed increased rates became effective subject to refund in Docket Nos. G–17059 and RI61–485, are accepted for filing.

(C) The Atlantic Refining Company shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed in Docket Nos. G–17059 and RI61–485 shall remain in full force and effect until discharged by the Commission.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9836; Filed, Oct. 2, 1962; 8:45 a.m.]

[Docket No. CP63-47]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

SEPTEMBER 26, 1962.

Take notice that on August 27, 1962, Transcontinental Gas Pipe Line Corporation (Transco), 3100 Travis Street, Houston, Texas, filed in Docket No. CP63–47 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of up to 4,370 Mcf of additional natural gas per day to existing resale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The additional service is proposed to meet the firm requirements of 8 resale customers commencing November 1, 1962, and the requirements of one customer for resale for use in a new ammonia plant of New Jersey Zinc Company commencing November 1, 1963.

No additional facilities are proposed or necessary under the subject application and service will be rendered under Transco's presently effective GPS Gas Tariff.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 30, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 19, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9842; Filed, Oct. 2, 1962; 8:45 a.m.]

[Docket No. RI63-85]

UNION PRODUCING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

SEPTEMBER 26, 1962.

On August 31, 1962, Union Producing Company (Operator), et al. (Union)[1] tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The sale is made at a pressure base of 14.65 psia. The proposed change is designated as follows:

Description: Notice of change, dated August 27, 1962.

Purchaser: United Gas Pipe Line Company (United).

Producing area: Burnell—North Pettus Fields, Bee, Karnes and Goliad Counties, Texas (R.R. Dist. 2).

Rate schedule designation: Supplement No. 11 to Union's FPC Gas Rate Schedule No. 63.

Proposed rate: 14.0 cents per Mcf (Renegotiated rate increase).

Effective rate[2] 9.7229 cents per Mcf.

Annual increase: $425,667.

[1] Address is: P.O. Box 1407, Shreveport, Louisiana.

Effective date: October 1, 1962 (stated effective date is the effective date proposed by Union).

The proposed renegotiated rate increase of Union relates to sales made to its affiliate, United.[3] In view thereof, the proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or perferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Union's proposed change and that Supplement No. 11 to Union's FPC Gas Rate Schedule No. 63 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearing shall be held upon the date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 11 to Union's FPC Gas Rate Schedule No. 63.

(B) Pending such hearing and decision thereon, Supplement No. 11 to Union's FPC Gas Rate Schedule No. 63 is hereby suspended and the use thereof deferred until March 1, 1963, and thereafter until such further time as it is made effective in the manner prescribed in the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before November 13, 1962.

By the Commission. Commissioner O'Connor dissenting, filed a separate statement.[4] Commissioner Woodward not participating.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9837; Filed, Oct. 2, 1962; 8:45 a.m.]

[Docket Nos. G–19894, G–20413]

G. H. VAUGHN ET AL.

Order Substituting Respondents and Redesignating Proceedings

SEPTEMBER 26, 1962.

G. H. Vaughn, Jr., and Jack C. Vaughn (Operator), et al.,[1] Docket No. G–19894; G. H. Vaughn, Jr., and Jack C. Vaughn, et al.,[2] Docket No. G–20413.[3]

[2] Union and United are both wholly-owned subsidiaries of United Gas Corp.

[3] Dissenting statement filed as part of original document.

[4] Formerly Spartan Drilling Company (Operator), et al.

On February 19, 1960, G. H. Vaughn, Jr., and Jack C. Vaughn (Vaughn) filed a motion in each of the above-designated proceedings requesting that they be substituted as Respondent in lieu of Spartan Drilling Company (Operator), et al., in Docket No. G–19894, and Spartan Drilling Company, et al., in Docket No. G–20413, hereinafter referred to as Spartan. In support of such motions, Vaughn states that Spartan was a partnership which was dissolved as of December 31, 1958, and that upon dissolution of Spartan all of the properties, real and personal and all of the rights and obligations of said partnership, became vested in G. H. Vaughn, Jr., and Jack C. Vaughn, as individuals and in equal undivided proportions.

The proceeding in Docket No. G–19894 relates to a rate increase filed by Spartan on September 28, 1959 (from 12.12268 cents per Mcf to 15.0952 cents per Mcf) contained in Supplement No. 7 to Spartan's FPC Gas Rate Schedule No. 1 for sales of natural gas to Tennessee Gas Transmission Company from the Spartan Field, San Patricio County, Texas. By the Commission's order issued on October 23, 1959, in said docket, the proposed increased rate was suspended until April 1, 1960. Pursuant to appropriate motion, the suspended rate was made effective subject to refund as of April 1, 1960.

The proceeding in Docket No. G–20413 relates to an increased rate (from 9.5 cents per Mcf to 15.70925 cents per Mcf) filed by Spartan on November 30, 1959, for sales of natural gas from the Pecos Valley Field, Pecos County, Texas, under Supplement No. 2 to Spartan's FPC Gas Rate Schedule No. 5, and an increase in rate (from 10.096 cents per Mcf to 17.1632 cents per Mcf) for sales of gas from the Pegasus Field, Midland and Upton Counties, Texas, under Supplement No. 6 to Spartan's FPC Gas Rate Schedule No. 2. Both of such sales are made to El Paso Natural Gas Company, and were suspended by the Commission's order issued in Docket No. G–20413 until June 1, 1960. Pursuant to appropriate motion, the suspended rates were made effective subject to refund as of June 1, 1960. An agreement and undertaking of G. H. Vaughn, Jr. and Jack C. Vaughn was accepted for filing in each of the above-designated proceedings.

By letter dated February 5, 1960, the Commission advised Vaughn, inter alia, that Spartan Drilling Company (Operator), et al. FPC Gas Rate Schedule No. 1, as supplemented, had been redesignated as G. H. Vaughn, Jr. and Jack C. Vaughn (Operator), et al. FPC Gas Rate Schedule No. 1, as supplemented, and that Spartan Drilling Company, et al. FPC Gas Rate Schedules Nos. 2 and 5, as supplemented, had been redesignated as G. H. Vaughn, Jr., and Jack C. Vaughn, et al. FPC Gas Rate Schedules Nos. 2 and 5, as supplemented.

[2] Formerly Spartan Drilling Company, et al.

[3] Consolidated with the proceedings in Docket Nos. AR61–1, et al.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that G. H. Vaughn, Jr., and Jack C. Vaughn (Operator), et al., be substituted for Spartan Drilling Company (Operator), et al., as Respondent in the proceeding in Docket No. G–19894, and that G. H. Vaughn, Jr., and Jack C. Vaughn, et al., be substituted for Spartan Drilling Company, et al., as Respondent in the proceeding in Docket No. G–20413.

The Commission orders: G. H. Vaughn, Jr., and Jack C. Vaughn (Operator), et al. is hereby substituted for Spartan Drilling Company (Operator), et al., as Respondent in the proceeding in Docket No. G–19894 and said proceeding is hereby redesignated in the name of G. H. Vaughn, Jr., and Jack C. Vaughn (Operator), et al.; that G. H. Vaughn, Jr., and Jack C. Vaughn, et al., is hereby substituted for Spartan Drilling Company, et al., as Respondent in the proceeding in Docket No. G–20413 and said proceeding is hereby redesignated in the name of G. H. Vaughn, Jr., and Jack C. Vaughn, et al.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9839; Filed, Oct. 2, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 484]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 28, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 130), filed September 14, 1962. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, and *rejected shipments*, between points in Brazoria County, Tex., on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE: Common control may be involved.

HEARING: November 8, 1962, at the Federal Office Building, Franklin & Fannin Streets, Houston, Tex., before Examiner Garland E. Taylor.

No. MC 2974 (Sub-No. 23), filed June 13, 1962. Applicant: O. I. M. TRANSIT CORPORATION, Commerce Drive, Fort Wayne 7, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Fort Wayne, Ind., and Coldwater, Mich.; from Fort Wayne over Indiana Highway 3 to Kendallville, Ind., thence over U.S. Highway 6 to junction Indiana Highway 9, thence over Indiana Highway 9 to the Indiana-Michigan State line, thence over Michigan Highway 78 to Sturgis, Mich., thence over U.S. Highway 12 to Coldwater, and return over the same route, serving no intermediate points.

HEARING: November 9, 1962, at Room 908 Indiana Public Service Commission New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 23.

No. MC 2986 (Sub-No. 25), filed August 20, 1962. Applicant: INDIANAPOLIS & SOUTHERN MOTOR EXPRESS, INC., U.S. Highway 41 South, P.O. Box 491, Vincennes, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the junction of U.S. Highway 50 and Indiana Highway 235 and the junction of Indiana Highway 135 and Indiana Highway 235: from the junction of U.S. Highway 50 and Indiana Highway 235, over Indiana Highway 235 to the junction of Indiana Highways 135 and 235, and return over the same route, serving the intermediate point of Medora, Ind.

HEARING: November 6, 1962, at Room 908 Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 2989 (Sub-No. 30), filed June 14, 1962. Applicant: DAYS TRANSFER, INC., 730 East Beardsley, Elkhart, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), between Butler, Ind. and Edgerton, Ohio; from Butler over U.S. Highway 6 to Edgerton, and return

over the same route, serving no intermediate points.

HEARING: November 8, 1962, at Room 908 Indiana Public Service Commission New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 60.

No. MC 4405 (Sub-No. 396), filed August 16, 1962. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semitrailers, and trailer chassis and semitrailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway and driveaway service, from Bellevue, Ohio, to points in the United States, including Alaska but (excluding Hawaii), and (2) *tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveaway service, from Bellevue, Ohio, to points in Alaska, Arizona, Nevada, Oregon, and Vermont.

NOTE: Common control may be involved.

HEARING: October 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 10472 (Sub-No. 22), filed August 15, 1962. Applicant: BYERS TRANSPORTATION COMPANY, INC., 4200 Gardner Street, Kansas City, Mo. Applicant's attorney: John F. Edell, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by mother vehicle, over regular routes, transporting: *Class "B" explosives*, between Kansas City, Kans., and East St. Louis, Ill.; from Kansas City over U.S. Highway 40 to East St. Louis, Ill., and return over the same route, serving the intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, and those in the Kansas City, Mo.-Kans., Commercial Zone, without restriction, and the off-route point of Alton, Ill., restricted to truckloads only.

HEARING: November 6, 1962, at the Park East Hotel Kansas City, Mo., before Joint Board No. 195.

No. MC 11207 (Sub-No. 208), filed September 17, 1962. Applicant: DEATON TRUCK LINE, INC., 3409 Tenth Avenue, North, Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles, machinery and machinery parts*, (2) *contractors' equipment, materials and supplies*, and (3) *commodities which, by reason of size or weight, require the use of special equipment, and supplies when transported in connection with commodities which, by reason of size or weight, require the use of special equipment or special handling*, (a) from points in Alabama, to railheads in Alabama, for subsequent movements by rail in interstate commerce, and (b) from railheads in Alabama, after prior transportation in interstate commerce by rail, to points in Alabama, and (4) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities described in (1), (2) and (3), on return.

HEARING: October 26, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 100, or, if the Joint Board waives its right to participate before Examiner Dellon E. Coker.

No. MC 17226 (Sub-No. 18), filed May 21, 1962. Applicant: FRUIT BELT MOTOR SERVICE, INC., 3909 West Harrison Street, Chicago 24, Ill. Applicant's attorney: Eugene L. Cohn, One North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, parts, supplies, and materials, used in the manufacturing, shipping or operation of the commodities manufactured by or for the Whirlpool Corp.*, (a) from North Manchester, and Portage, Ind., Bucyrus, Cleveland, Dayton, Fremont, Killbuck, Painesville, Spencerville, and Wickliffe, Ohio, to the plant sites of the Whirlpool Corp., located at St. Joseph, and Benton Harbor, Mich., (b) from Auburn Heights, Bangor, Erie, and Vassar, Mich., and Sharon, Pa., to the plant sites of the Whirlpool Corp., located at Clyde, Ohio, (c) from Bangor, and Holland, Mich., to the plant sites of the Whirlpool Corp., located at Marion, Ohio, (d) from Chicago, Ill., to the plant sites of the Whirlpool Corp., located at LaPorte, Ind., and (e) from Jonesboro, and Newport, Ark., Kansas City, Kans., Festus, Mo., Rochester, and Rome, N.Y., Erie, Pa., Alcoa, and Nashville, Tenn., to the plant sites of the Whirlpool Corp., located at Evansville, Ind., and *skids, pallets, and packing containers, used in transporting the above-specified commodities*, on return, and (3) *the commodities manufactured by or for the Whirlpool Corp., and parts and accessories thereof, when transported with and intended for installation thereon*, (a) from the plant sites of the Whirlpool Corp., located at St. Joseph, and Benton Harbor, Mich., to Chicago, Ill., Anderson, Evansville, Fort Wayne, Indianapolis, Mishawaka, and South Bend, Ind., Louisville, Ky., St. Louis, Mo., Cincinnati, Cleveland, Columbus, Dayton, and Toledo, Ohio, and Milwaukee, Wis., (b) from the plant sites of the Whirlpool Corp., at Clyde, Ohio, to Chicago, Ill., Anderson, Evansville, Fort Wayne, Indianapolis, Mishawaka, and South Bend, Ind., Louisville, Ky., St. Louis, Mo., Detroit, Flint, Grand Rapids, Lansing, and Saginaw, Mich., and Milwaukee, Wis., (c) from the plant sites of the Whirlpool Corp., located at Marion, Ohio, to Chicago, Ill., Anderson, Evansville, Fort Wayne, Indianapolis, Mishawaka, and South Bend, Ind., Louisville, Ky., St. Louis, Mo., Detroit, Flint, Grand Rapids, Lansing, and Saginaw, Mich., and Milwaukee, Wis., (d) from the plant sites of the Whirlpool Corp., located at LaPorte, Ind., to Chicago, Ill., and (e) from the plant sites of the Whirlpool Corp., located at Evansville, Ind., to Kansas City, and Olathe, Kans., Kansas City, Mo., Buffalo, Rochester, Rome, and Syracuse, N.Y., Knoxville, Memphis, and Nahsville, Tenn.

NOTE: Applicant states the proposed service as shown above to be limited to a transportation service to be performed under a continuing contract, or contracts, with The Whirlpool Corp., and Sears, Roebuck and Co.

HEARING: November 12, 1962, at the Midland Hotel, Chicago, Ill., before Examiner James A. McKiel.

No. MC 25798 (Sub-No. 79) (AMENDMENT), filed August 17, 1962, published in FEDERAL REGISTER issue of September 19, 1962, amended September 21, 1962, and republished as amended this issue. Applicant: CLAY HYDER TRUCKING LINES, INC., Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, Suite 912 Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products and canned fruit juices*, in mixed shipments with citrus products, frozen and citrus products, not canned and not frozen, from points in Florida, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Rhode Island, Tennessee, Maine, Vermont, New Hampshire, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: The purpose of this republication is to change the commodity description from canned and bottled foodstuffs to canned citrus products and canned fruit juices, in mixed shipments with citrus products, frozen and citrus products, not canned and not frozen.

HEARING: The hearing has been reassigned to November 12, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner Abraham J. Essrick.

No. MC 25798 (Sub-No. 80), filed August 17, 1962. Applicant: CLAY HYDER TRUCKING LINES, INC., Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Onions*, frozen, breaded, cooked and uncooked, in mixed shipments with frozen seafood, from Gloucester, Mass., to points in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Mississippi, Michigan, Missouri, New York, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: November 12, 1962, at Hotel Essex, Boston, Mass. before Examiner Bernard J. Hasson, Jr.

No. MC 29079 (Sub-No. 16), filed June 25, 1962. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1200 South Home Avenue, Kokomo, Ind. Applicant's attorney: Howell Ellis, Suite 816 Fidelity Building, 111 Monument Circle, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and liquid commodities in bulk) between points within fifty (50) miles of Kokomo, Ind., including Kokomo.

HEARING: November 5, 1962, at Room 908 Indiana Public Service Commission New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 29566 (Sub-No. 72) (CORRECTION), filed May 14, 1962, published FEDERAL REGISTER issue of September 19, 1962, and republished this issue. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Ottumwa, Iowa, to Muskogee, Okla.

NOTE: The purpose of this republication is to correct applicant's address inadvertently shown as Kansas City, Mo., in previous publication.

HEARING: Remains as assigned October 26, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner John B. Mealy.

No. MC 30250 (Sub-No. 17), filed August 14, 1962. Applicant: HOUSTON AND NORTH TEXAS MOTOR FREIGHT LINES, INC., 2515 Irving Boulevard, Dallas, Tex. Applicant's attorney: Kamilla M. Mazanec, 1221 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and except livestock, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Houston, Tex., and the National Aeronautics and Space Administration Manned Spacecraft Center, and the immediate area thereof, in the vicinity of Clear Lake, Tex.: from Houston, Tex., over Interstate Highway 45 (U.S. Highway 75) to its junction with F.M. Road 528, thence over F.M. Road 528 to the National Aeronautics and Space Administration Manner Spacecraft Center, and return over the same route.

NOTE: Common control may be involved.

HEARING: November 15, 1962, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate before Examiner Henry A. Cockrum.

No. MC 30605 (Sub-No. 129), filed August 3, 1962. Applicant: THE SANTA FE TRAIL TRANSFORTATION COMPANY, a corporation, 433 East Waterman, Wichita, Kans. Applicant's attorney: F. J. Steinbrecher, 80 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives* (except liquid nitroglycerine), and *general commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Phoenix, Ariz., and Wickenburg, Ariz.; from Phoenix over U.S. Highways 60, 70 and 89 to Wickenburg, and return over the same route, serving the intermediate or off-route points of Alhambra, Allah, Beardsley, Bumstead, Castle Hot Springs, Citrus Park, Ennis, Fennemore, Glendale, Goldbadge, Lizard, Marinette, McMicken, Mobest, Peoria, Waddell, Wayne, Webb, and Wittman, Ariz., limited to service which is auxiliary to, or supplemental of, the rail service of The Atchison, Topeka and Santa Fe Railway Company.

NOTE: Applicant states that it is a wholly owned subsidiary of The Atchison, Topeka and Santa Fe Railway Company.

HEARING: November 5, 1962, at The Arizona Corporation, Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its rights to participate before Examiner Laurence E. Masoner.

No. MC 30844 (Sub-No. 80), filed September 13, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1560 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Canned goods*, (B) *canned goods and exempt commodities*, when transported in the same vehicle and (C) *canned goods* and *exempt commodities* and *hooks* and *racks* incidental to the transportation of packinghouse products when transported in the same vehicle, from points in Delaware, Maryland and Virginia, to points in Ohio, Indiana, West Virginia, Michigan, and Kentucky.

HEARING: November 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 34804 (Sub-No. 1), filed August 23, 1962. Applicant: RIVERSIDE TRUCKING CO., a corporation, 2013 McCarter Highway, Newark, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper products*, from Newark, N.J., to points in Connecticut, Pennsylvania, Maryland, and New York (except New York, N.Y., and points in Orange, Rockland, Nassau, and Suffolk Counties, N.Y.) and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *materials, supplies, and equipment* used in the manufacture of corrugated paper products, on return.

NOTE: Applicant states the proposed operations are to be performed under a continuing contract with Schiffenhaus Bros., Newark, N.J.

HEARING: November 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 30844 (Sub-No. 81), filed September 14, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Council Bluffs, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis).

HEARING: November 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 35320 (Sub-No. 76), filed July 30, 1962. Applicant: T.I.M.E. FREIGHT INC., 2604 Texas Avenue, P.O. Box 1120, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving points between Sedalia, Mo., or other established railheads located within the Whiteman Air Force Base Complex and the 165 missile base launching sites located in Barton, Vernon, Bates, Cass, Jackson, Dade, Cedar, St. Clair, Henry, Johnson, Lafayette, Polk, Hickory, Benton, Pettis, Saline, Dallas, Camden, Cooper, Miller, Moniteau, and Morgan counties, Mo., as off route points in connection with applicant's authorized regular route operation.

HEARING: November 5, 1962, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 179.

No. MC 36531 (Sub-No. 3), filed August 1, 1962. Applicant: MAIN TRUCKING COMPANY, a corporation, Sunbury, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick and clay products*, from points in Delaware County, Ohio, to Chicago, Ill., and points in the Chicago, Ill., Commercial Zone, and (2) *materials used in manufacturing of brick and clay products*, from points in Illinois, Indiana, Michigan, Pennsylvania, and West Virginia, to points in Delaware County, Ohio.

HEARING: November 6, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner James A. McKiel.

No. MC 44605 (Sub-No. 18), filed August 16, 1962. Applicant: MILNE TRUCK LINES, INC., 2200 South Third West Street, Salt Lake City, Utah. Applicant's attorney: Wood R. Worsley, 701 Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment), (a) serving points within 25 miles of U.S. Highway 189 between Kemmerer, Wyo., and Bondurant, Wyo., including Fontenelle Dam Site, as off-route points in connection with applicant's authorized regular-route operations, (b) serving points within 25 miles of U.S. Highway 189 between Bondurant, Wyo., and Jackson, Wyo., as off-route points in connection with applicant's authorized regular-route operations, and (c) serving points within 25 miles of U.S. Highway 187 between Farson, Wyo., and the junction of U.S.

Highway 187 with U.S. Highway 189, approximately one mile north of Daniel, Wyo., as off-route points in connection with applicant's authorized regular-route operations.

NOTE: Common control may be involved.

HEARING: November 15, 1962, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 197.

No. MC 44605 (Sub-No. 19), filed August 16, 1962. Applicant: MILNE TRUCK LINES, INC., 2200 South Third West Street, Salt Lake City, Utah. Applicant's attorney: Wood R. Worsley, 701 Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except petroleum and petroleum products, Classes A and B explosives, baled cotton, household goods as defined by the Commission, and heavy equipment requiring special rigging), serving points in Garfield County, Utah, as off-route points in connection with applicant's regular route operations.

HEARING: November 16, 1962, at the Utah Public Service Commission Salt Lake City, Utah, before Joint Board No. 207.

No. MC 46054 (Sub-No. 76), filed August 30, 1962. Applicant: BROWN EXPRESS, INC., 434 South Main Avenue, Antonio, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) from Houston, Tex., over Texas Highway 225, to intersection with Texas Highway 134, thence over Texas Highway 134 (also known as Battleground Road), to San Jacinto State Park Area, and return over the same route, serving all intermediate points, (2) from Houston, over an unnumbered Highway known as Spencer Highway to LaPorte, Tex., and return over the same route, serving all intermediate points, and (3) from Houston, over Texas Highway 225, to intersection with Texas Highway 146, thence over Texas Highway 146, to LaPorte, and return over the same route, serving all intermediate points.

HEARING: November 12, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 47142 (Sub-No. 76), filed August 22, 1962. Applicant: C. I. WHITTEN TRANSFER COMPANY, a corporation, 200 19th Street, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B and C explosives*, as defined by the Commission, between Iowa Ordnance Plant, Burlington, Iowa, and Seneca, Ill.

HEARING: November 8, 1962, at the Midland Hotel, Chicago, Ill. before Joint Board No. 54.

No. MC 49387 (Sub-No. 17) filed August 6, 1962. Applicant: ORSCHELN BROS. TRUCK LINE, INC., 339 North Williams, Moberly, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading), serving points within the Whiteman Air Force Missile Complex located in Barton, Vernon, Bates, Cass, Jackson, Dade, Cedar, St. Clair, Henry, Johnson, Lafayette, Polk, Hickory, Benton, Pettis, Saline, Dallas, Camden, Morgan, Cooper, Miller, Moniteau, and Morgan Counties, Mo., as off-route points in connection with applicant's regular-route operations.

HEARING: November 5, 1962, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 179.

No. MC 52709 (Sub-No. 185), filed August 27, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, liquid commodities in bulk, and commodities requiring special equipment), between Craig, Colo., and Casper, Wyo.; from Craig over Colorado Highway 13 to the Colorado-Wyoming State Line, thence over Wyoming Highway 789 to its junction with Wyoming Highway 220 at or near Muddy Gap, Wyo., thence over Wyoming Highway 220 to Casper, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: Common control may be involved.

HEARING: November 12, 1962, at New Customs House, Denver, Colo., before Joint Board No. 50, or, if the Joint Board waives its right to participate before Examiner Andrew P. Goldstein.

No. MC 52861 (Sub-No. 6), filed July 23, 1962. Applicant: HAROLD W. STEWART, INC., 102 Andrus Road, Toledo, Ohio. Applicant's representative: Earl J. Thomas, 5844–50 North High Street, Worthington, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities* (except liquid commodities and cement) and *pig iron*, between points in Lucas and Wood Counties, Ohio, on the one hand, and, on the other, points in Indiana, Michigan, and Ohio.

NOTE: Applicant states no duplicating authority is sought.

HEARING: November 14, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 9.

No. MC 55811 (Sub-No. 79), filed July 25, 1962. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers and parts thereof, materials and supplies used or useful in the manufacture, packing and shipping thereof*, from points in Cook County, Ill., to points in Indiana and Ohio, Louisville and Covington, Ky., Huntington, Parkersburg, and Wheeling, W. Va.

HEARING: November 6, 1962, at Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 55896 (Sub-No. 16), filed June 25, 1962. Applicant: R. W. EXPRESS, INC., 4840 Wyoming, Dearborn 2, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious to or contaminating to other lading, between Michigan City, and Rolling Prairie, Ind.; from Michigan City, over U.S. Highway 35 and U.S. Highway 20, as an alternate route for operating convenience only, serving no intermediate points.

HEARING: November 7, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 56388 (Sub-No. 22), filed August 30, 1962. Applicant: JAMES R. HAHN, New Market, Md. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial, commercial and agricultural lime and limestone*, in bags, packages or other containers, in flatbed equipment and in bulk, in pneumatic or spreader type vehicles, from Woodsboro, Md., to points in the Washington, D.C., commercial zone, points in Virginia, and points in Adams, York, Lancaster, and Chester Counties, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities and *returned and rejected shipments*, on return.

HEARING: November 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 57899 (Sub-No. 3) (AMENDMENT), filed February 8, 1962, published FEDERAL REGISTER issue September 12, 1962, clarified and republished issue September 26, 1962, amended and republished as amended this issue: Applicant: W. O. HUGHEY, doing business as HUGHEY TRANSPORTATION COMPANY, McComb, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700, Petroleum Building, Jackson, Miss. The route description number 4, as shown in previous publication should have read as follows: "(4) Clinton, La., and St. Francisville, La., from Clinton over Louisiana Highway 10, through Jackson, La., to St. Francisville".

HEARING: Remains as assigned October 15, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 59894 (Sub-No. 29), filed July 30, 1962. Applicant: TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Street, El Paso, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving La Porte, Tex., as an off-route point in connection with applicant's authorized regular route operation, to and from Houston, Tex.

NOTE: Applicant states it is controlled through ownership of 75 percent of its outstanding capital stock by Rodgers Cartage Company of Indiana, Inc.

HEARING: November 12, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate before Examiner Henry A. Cockrum.

No. MC 64994 (Sub-No. 44), filed August 8, 1962. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from Zanesville, Ohio, to Winchester, Va.

HEARING: November 8, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner James A. McKiel.

No. MC 66562 (Sub-No. 1900), filed June 25, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) Between New Haven, Conn., and Waterbury, Conn.; from New Haven over Connecticut Highway 67 connecting with applicant's existing route on Connecticut Highway 8 at Seymour, Conn., thence over Connecticut Highway 8 to Waterbury, and return over the same route, serving the intermediate point of Naugatuck, Conn. (2) Between New Haven, Conn., and Canaan, Conn.; from New Haven over Connecticut Turnpike, (Interstate Highway 95) to U.S. Highway 1, thence over Connecticut Highway 113 to Connecticut Highway 127 connection with applicant's existing route on Connecticut Highway 25 at Trumbull, Conn., thence continuing over Connecticut Highway 25 to U.S. Highway 6 to Interstate Highway 84, thence over U.S. Highway 7 to Canaan, and return over the same route, serving the intermediate points of Danbury and Kent, Conn.

NOTE: Applicant states that service to be performed will be limited to that which is auxiliary to or supplemental of express service, and shipments to be transported will be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediate subsequent movement by rail or air. The proposed service will be an extension of and be operated in connection with applicant's existing authority in MC 66562 Subs 1319 and 1672.

HEARING: November 5, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 227, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 66951 (Sub-No. 7), filed August 8, 1962. Applicant: OYLER MOTOR TRANSIT CO., INC., 1705 Fifth Street NE., Canton, Ohio. Applicant's attorney: James R. Stiverson, Room 3240 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies*, (1) from Canton and Fairhope, Ohio, to points in Illinois, Indiana, Michigan, New Jersey, New York, and Pennsylvania, and (2) between the plant sites of Macomber Incorporated, located at Rock Island, Ill., Paris, Ill., and Canton and Fairhope, Ohio.

HEARING: November 7, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner James A. McKiel.

No. MC 67450 (Sub-No. 3), filed May 17, 1962. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 Ewing Avenue, Chicago 17, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured, sold and distributed by persons engaged in the manufacture and processing of corn products*, between Chicago, Ill., on the one hand, and, on the other, points in Indiana, Ohio, and Michigan.

HEARING: November 15, 1962, at the Midland Hotel, Chicago, Ill., before Examiner James A. McKiel.

No. MC 72227 (Sub-No. 5), filed August 2, 1962. Applicant: D. M. LAYMAN, INC., 100 East Court Street, Goldendale, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper for newsprint*, (1) between Portland, Oreg., and Goldendale, Wash.; and (2) between Oregon City, Oreg., and Goldendale, Wash.

HEARING: November 7, 1962, at Interstate Commerce Commission Hearing Room, 410 SW. 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 74120 (Sub-No. 12), filed August 2, 1962. Applicant: STRICKLAND MOTOR FREIGHT LINES, INC., 2917 Gulden Lane, P.O. Box 5689, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Hartford, Conn., and junction U.S. Highway 6 and U.S. Highway 9; from Hartford over U.S. Highway 6 to junction U.S. Highway 9 and return over the same route, serving Hartford and Thomaston, Conn., and the junction of U.S. Highway 6 and U.S. Highway 9 as points of joinder only, and (2) between Meriden, Conn., and junction U.S. Highway 6 and U.S. Highway 9; from Meriden over U.S. Highway 6–A to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 9, and return over the same route, serving Meriden and Waterbury, Conn. and junction U.S. Highway 6 and U.S. Highway 9 as points of joinder only, and (3) between New Haven, Conn., and junction U.S. Highway 6 and U.S. Highway 9; from New Haven over Connecticut Highway 34 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 9 and return over the same route, serving New Haven and junction Connecticut Highway 34 and U.S. Highway 6 and junction U.S. Highway 6 and U.S. Highway 9 as points of joinder only, serving no intermediate points, as alternate routes for operating convenience only, in connection with applicant's regular-route operations.

NOTE: Common control may be involved.

HEARING: November 7, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 227, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 83539 (Sub-No. 89), filed September 25, 1962. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 NW. 6th Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and semi-trailers* (except those designed to be drawn by passenger automobiles, in truckaway service), from Rockwall, Tex., to points in the United States (excluding Alaska and Hawaii).

HEARING: October 9, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner John L. York.

No. MC 87532 (Sub-No. 4), filed August 16, 1962. Applicant: CLAY PRODUCTS TRANSPORT, INC., Box 149, Route 2, Dover, Ohio. Applicant's attorney: James M. Burtch, Jr., 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities, ferro alloys* and *pig iron*, in dump vehicles, between points located in Michigan on and south of Michigan Highway 21 from Port Huron, Mich., to Holland, Mich., and on and south of U.S. Highway 31 from Holland, Mich., to Douglas, Mich., on the one hand, and, on the other, points in Ohio.

HEARING: November 15, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 955540 (Sub-No. 434), filed June 11, 1962. Applicant: WATKINS

MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, shortening, salad and cooking oil*, from points in California to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states it is under common control with Arctic Express, Inc. through stock ownership in Bill Watkins and Watkins Motor Lines, Inc.

HEARING: November 15, 1962, at The Federal Building, Los Angeles, Calif., before Examiner Laurence E. Masoner.

No. MC 95540 (Sub-No. 454), filed August 8, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts* and *pineapples*, from Houston, Tex., to points in Arizona, California, Colorado, Iowa, Kansas, New Mexico, Oklahoma, Texas, and Utah.

HEARING: November 13, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Henry A. Cockrum.

No. MC 95540 (Sub-No. 457), filed August 27, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Road, Thomasville, Ga. Applicant's attorney: Duane W. Acklie, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Fort Worth, Tex., to points in Alabama, Georgia, South Carolina, Florida, North Carolina, Tennesseee, Louisiana, Mississippi, Virginia, West Virginia, and Kentucky.

HEARING: November 8, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Henry A. Cockrum.

No. MC 95540 (Sub-No. 460), filed August 29, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, meats, meat products and meat byproducts*, as defined by the Commission, from Piqua, Ohio, to points in Maryland, North Carolina, and Virginia.

HEARING: November 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 95540 (Sub-No. 461), filed August 29, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing houses*, from Terre Haute, Ind., to points in Alabama, Colorado, Connecticut, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

HEARING: November 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 95540 (Sub-No. 465), filed September 13, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned citrus products, and canned fruit juices in mixed shipments with citrus products, frozen, and citrus products not canned and not frozen*, from points in Florida, to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin, and (2) *canned citrus products and canned fruit juices in mixed shipments with citrus products not canned and not frozen*, from points in Florida, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia.

HEARING: November 12, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner Abraham J. Essrick.

No. MC 96498 (Sub-No. 18), filed September 13, 1962. Applicant: BONIFIELD BROS., TRUCK LINES, INC., 1200 East Second Street, Metropolis, Ill. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment or handling, and commodities which are injurious or contaminating to other lading), serving the site of the Missouri Portland Cement plant at or near Joppa, Ill., as an off-route point in connection with applicants authorized regular route operations.

HEARING: November 5, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 103435 (Sub-No. 120), filed August 3, 1962. Applicant: UNITED BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potato products not frozen*, and *canned goods*, when moving in the same vehicle with frozen foods and potato products not frozen, between points in Washington, Oregon, Idaho, Montana, and Colorado, on the one hand, and, on the other, points in Montana, Colorado, North Dakota, South Dakota, Minnesota, Illinois, Nebraska, Iowa, Wisconsin, Kansas, and Missouri.

HEARING: November 13, 1962, at the Federal Office Building, Seattle, Wash., before Examiner Charles J. Murphy.

No. MC 103880 (Sub-No. 260), filed May 11, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commodities*, in bulk, in tank vehicles, from Midland, Mich., and points within five (5) miles of Midland, to points in Alabama, Arizona, Arkansas, California, Colorado, District of Columbia, Florida, Georgia, Idaho, Louisiana, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, and Wyoming. (B) *Commodities* (except liquid chemicals) in bulk, in tank vehicles, from Midland, Mich., and points within five (5) miles of Midland, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, West Virginia, and Wisconsin.

HEARING: November 9, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 103880 (Sub-No. 261), filed May 11, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, in tank vehicles, from Bay City, Mich., and Ludington, Mich., to points in the United States (except points in Alaska and Hawaii).

HEARING: November 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 103880 (Sub-No. 267), filed August 9, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, gin and vodka*, in bulk, in tank vehicles, from Clinton, Iowa, to Plainfield, Ill.

HEARING: November 9, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 54.

No. MC 105461 (Sub-No. 47), filed August 28, 1962. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Table and drawer slides*, from Genesee, Pa., to points in Virginia.

HEARING: November 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 107403 (Sub-No. 413), filed July 3, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, in bulk, in tank vehicles, from Midland, Mich., and points within five (5) miles thereof, to points in Alabama, Arizona, Arkansas, California, Colorado, District of Columbia, Florida, Georgia, Idaho, Louisiana, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, and Wyoming, and (2) *commodities* (except liquid chemicals), in bulk, in tank vehicles, from Midland, Mich., to points in Connecticut, Delaware, Illinois, Indiana, Louisiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, West Virginia, and Wisconsin.

NOTE: Common control may be involved.

HEARING: November 9, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 107403 (Sub-No. 419), filed August 9, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from points in Columbiana County, Ohio, to points in Pennsylvania and West Virginia.

HEARING: November 12, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59.

No. MC 107403 (Sub-No. 432), filed September 24, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins*, in bulk, in tank vehicles, from Newark, Ohio, to points in Alabama, Arkansas, Georgia, Mississippi, South Carolina, and Tennessee.

HEARING: October 16, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William A. Royall.

No. MC 107496 (Sub-No. 249), filed May 31, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, P.O. Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry phosphate*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin and (2) *phosphoric acid*, in bulk, in tank vehicles, from Lawrence, Kans., to Tulsa, Okla., points in Michigan, and Newark, Ohio.

NOTE: Applicant states that it is wholly owned by John Ruan. Applicant controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation, an Illinois corporation, which also operates as a common carrier by motor vehicles in interstate commerce for the transportation of petroleum and other products, in bulk, by authority of certificate issued by the Interstate Commerce Commission and by various state regulatory commissions, also applicant has contract carrier authority under No. MC 119136 and subs; therefore dual operations may be involved.

HEARING: November 14, 1962, at the Palmer House, Chicago, Ill., before Examiner Harry M. Shooman.

No. MC 107515 (Sub-No. 406), filed August 1, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 UNIVERSITY Avenue SW., Atlanta 10, Ga. Applicant's attorney: Clyde W. Carver, Suite 214–217, Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and marshmallows*, from Dallas, Fort Worth, and Garland, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis).

NOTE: Common control may be involved.

HEARING: November 5, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Henry A. Cockrum.

No. MC 108340 (Sub-No. 16), filed July 5, 1962. Applicant: HANEY TRUCK LINE, 2219 Cedar Street, Forest Grove, Oreg. Applicant's attorney: Lawrence V. Smart, Jr., 2010 NW., Vaughn Street, Portland 9, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bags and tote bins, from points in Yakima County, Wash., to points in Washington County, Oreg., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *damaged and refused shipments*, on return.

NOTE: Applicant states the proposed operation will be seasonal, between May 1st and August 1st, inclusive.

HEARING: November 6, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 108380 (Sub-No. 59), filed August 13, 1962. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 112, Newcastle, Wyo. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar compounds*, in bulk, in tank vehicles, from Pueblo, Colo., to Alliance, Nebr.

HEARING: November 12, 1962, at the New Customs House, Denver, Colo., before Joint Board No. 31.

No. MC 108925 (Sub-No. 1), filed July 11, 1962. Applicant: FIORE TRUCKING, INC., 265 Canal Street, New York 13, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by a manufacturer of paper, aluminum and products thereof* (except in bulk), from site of shipper's plant in Fairlawn, N.J., to New York, N.Y. and points in Nassau, Suffolk, and Westchester Counties, N.Y., and *returned and rejected shipments and materials* used in the manufacture of the above-described commodities, on return.

NOTE: Applicant states the proposed operations will be under a continuing contract with The Anaconda Co. It is further stated that applicant holds I.C.C. Permit as contract carrier for paper and paper products from Fairlawn, N.J., to New York, N.Y., has served supporting shipper over 15 years, and that all duplicating authority should be cancelled.

HEARING: November 7, 1962, at 346 Broadway, New York, N.Y., before Examiner Bernard J. Hasson, Jr.

No. MC 109265 (Sub-No. 14), filed August 16, 1962. Applicant: W. L. MEAD, INC., Cleveland Road, P.O. Box 31, Norwalk, Ohio. Applicant's attorney: James M. Burtch, Jr., 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Norwalk, Ohio and junction Ohio Highways 113 and 101; from Norwalk, over U.S. Highway 20 to junction Ohio Highway 113, thence over Ohio Highway 113 to junction Ohio Highway 101, and return over the same route, serving the intermediate point of Bellevue, Ohio.

HEARING: November 16, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 109637 (Sub-No. 203) (AMENDMENT), filed March 12, 1962, published FEDERAL REGISTER issue March 28, 1962, amended June 27, 1962, republished as amended this issue. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fluorine*, in bulk, in shipper-owned tank semitrailers, from Metropolis, Ill., to points in California.

NOTE: The purpose of this amendment is to enlarge the destination area.

HEARING: November 8, 1962, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Harry J. Shooman.

No. MC 109637 (Sub-No. 209), filed July 30, 1962. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Indiana and Kentucky.

HEARING: November 13, 1962, at the New Post Office Building Columbus, Ohio, before Joint Board No. 208.

No. MC 109689 (Sub-No. 137), filed September 10, 1962. Applicant: W. S.

HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke and materials and supplies incident to, or used in the development, beneficiation and processing of iron ores*, from Billings, Mont., and points within 10 miles thereof, to Atlantic City, Wyo., and points within 10 miles thereof, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: November 13, 1962, at the Wyoming Public Service Commission Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 123.

No. MC 109875 (Sub-No. 6), filed August 28, 1962. Applicant: ELMER H. ROCK, Clay, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, in mechanically refrigerated vehicles, from Morgantown, Pa., to points in Maryland, Pennsylvania, and to Alexandria, Va., and points in Loudoun, Fairfax, Stafford, Prince William, Arlington, and Fauquier Counties, Va.

HEARING: November 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 110525 (Sub-No. 514), filed June 12, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, in bulk, in tank vehicles, from Midland, Mich., and points within five miles of Midland, to points in Alabama, Arizona, Arkansas, California, Colorado, District of Columbia, Florida, Georgia, Idaho, Louisiana, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, and Wyoming, and (2) *commodities* (except liquid chemicals), in bulk, in tank vehicles, from Midland, Mich., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, West Virginia, and Wisconsin.

HEARING: November 9, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 110525 (Sub-No. 515), filed June 18, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk from Bay City and Ludington, Mich., to points in the United States (except Alaska and Hawaii).

HEARING: November 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 110525 (Sub-No. 527), filed August 10, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete telephone conduit* from Ross, Ohio, to points in West Virginia and Pennsylvania.

HEARING: November 16, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59.

No. MC 110698 (Sub-No. 220), filed July 18, 1962. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Dale Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles from Fort Worth, Tex., to points in Texas, New Mexico, Oklahoma, Arkansas, Louisiana, Colorado, and Kansas.

HEARING: November 7, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Garland E. Taylor.

No. MC 110698 (Sub-No. 222), filed August 13, 1962. Applicant: RYDER TANK LINE, INC., Winston Salem Road, P.O. Box 457, Greensboro, N.C. Applicant's attorney: R. D. Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Northampton County, N.C., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

NOTE: Common control may be involved.

HEARING: November 8, 1962, at Hotel Essex, Boston, Mass., before Examiner Bernard J. Hasson, Jr.

No. MC 111196 (Sub-No. 26), filed August 9, 1962. Applicant: R. KUNTZMAN, INC., 1805 West State Street, Alliance, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bonding mortar, brick and tile, refractory products and refractory materials*, (1) from East Palestine and Alliance, Ohio, and points within five (5) miles of each and from those in Rose Township, Carroll County, Ohio, those in Osnaburg, Lake and Sandy Townships, Stark County, Ohio, and those in Unity Township, Columbiana County, Ohio, to points in Pennsylvania, Maryland, New York, and New Jersey, and those in West Virginia west of U.S. Highway 220 and north of U.S. Highway 50, including points on the indicated portions of the highways specified, (2) from East Palestine and Alliance, Ohio, and points within five (5) miles of each, points in Rose Township, Carroll County, Ohio, Osnaburg, Lake, and Sandy Townships, Stark County, Ohio, and points in Unity Township, Columbiana County, Ohio, to points in Delaware and Indiana, (3) from Haydenville, Ohio, to points in Delaware, Indiana, Maryland, New Jersey, New York, Pennsylvania, and those in West Virginia on and west of U.S. Highway 220, and north of U.S. Highway 50, including points on the indicated portions of the highways specified, (4) from West Bridgewater, Pa., to points in Ohio, (5) from Malvern, East Liverpool and Lisbon, Ohio, to points in Indiana, (6) from Wickliffe, Ohio, to points in Michigan and Pennsylvania, (7) from Alliance, Ohio, to points in Michigan, (8) from points in Oakland County, Mich., to points in Ohio, (9) from Canton, Ohio, and points within 40 miles thereof, to points in Pennsylvania, those in that part of West Virginia on and north of U.S. Highway 50, and those in that part of New York on and west of U.S. Highway 15, (10) from Nelsonville, Ohio, to points in Delaware, Indiana, Maryland, Michigan, New Jersey, New York, Pennsylvania, and West Virginia, (11) from Fredericksburg, Ohio, to points in Connecticut, Indiana, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, (12) from Williamsport, Md., to points in Ohio, and (13) from points in Liberty Township, Seneca County, Ohio, to points in Connecticut, Delaware, Maryland, New Jersey, West Virginia and those in New York and Pennsylvania and east of a line beginning at the Maryland-Pennsylvania State line running north over U.S. Highway 219 to New York Highway 98, thence over New York Highway 98 to junction New York Highway 18, thence due north to Lake Ontario, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above in connection with routes (1) thru (13) on return.

NOTE: Applicant states that it presently "holds clay products authority from all of the above origin points; that this application is solely for the purpose of clarifying commodity description and making it uniform."

HEARING: November 9, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner James A. McKiel.

No. MC 111375 (Sub-No. 6), filed May 11, 1962. Applicant: OTTO PIRKLE, doing business as PIRKLE REFRIGERATED FREIGHT LINES, 2475 South Archer Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles distributed by meat packing houses*, as described in Paragraphs A and C of Appendix I in 61 M.C.C. 209, from Chicago, Ill., to Las Vegas and Reno, Nev., Phoenix and Tucson, Ariz., and Salt Lake City, Utah.

HEARING: November 5, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 111748 (Sub-No. 5), filed August 1, 1962. Applicant: HARVEY L. WILLIAMS, JR., doing business as WILLIAMS MOVING & STORAGE CO., Tarkio, Mo. Applicant's attorney: Carll V. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed blender mills*, from Joplin, Mo., to points in Iowa, and *damaged and rejected shipments*, on return.

HEARING: November 9, 1962, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 55.

No. MC-111812 (Sub-No. 174), filed August 27, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Frozen foods*, from points in Ohio to points in Washington, Oregon, California, Wyoming, Nebraska, Montana, Idaho, Nevada; North Dakota, Kansas, Utah, Arizona, Colorado, and South Dakota.

NOTE: Common control may be involved.

HEARING: November 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 112020 (Sub-No. 165), filed July 16, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Forth Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from points in Harris County, Tex., to points in Oklahoma, New Mexico, and Utah.

NOTE: Common control may be involved.

HEARING: November 5, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Garland E. Taylor.

No. MC 112020 (Sub-No. 166), filed July 16, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drilling mud and asphalt*, in bulk, from points in Harris County, Tex., to points in Arkansas, Oklahoma, and Louisiana.

NOTE: Applicant states it is owned and controlled by the same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc.

HEARING: November 6, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Garland E. Taylor.

No. MC 112020 (Sub-No. 168), filed July 23, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perchlorethylene*, in bulk, in tank vehicles, from Fort Worth, Tex., to points in Arkansas, Louisiana, New Mexico, Oklahoma, Colorado, Kansas, and Texas.

NOTE: Common control may be involved.

HEARING: November 7, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Garland E. Taylor.

No. MC 112020 (Sub-No. 172), filed August 3, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Slayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Alabama, Louisiana, and Texas.

NOTE: Common control may be involved.

HEARING: November 9, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Henry A. Cockrum.

No. MC 112713 (Sub-No. 96), filed September 4, 1962. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 92d at State Line, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, household goods as defined by the Commission, and commodities in bulk), serving points within 15 miles of Houston, Texas, city limits as offroute points in connection with applicant's authorized regular route operations from and to Houston, Texas.

NOTE: Common control may be involved.

HEARING: November 16, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 113475 (Sub-No. 13), filed August 15, 1962. Applicant: RAWLINGS TRUCK LINE, INC., Purdy, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from the plant of Bentley and Ragsdale in Dinwiddie County, Va., to points in West Virginia, Maryland, Pennsylvania, New York, Illinois, Ohio, Delaware, New Jersey, Connecticut, Indiana, Kentucky, Massachusetts, Michigan, North Carolina, Rhode Island, Tennessee, Vermont, and the District of Columbia.

HEARING: November 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 113651 (Sub-No. 45), filed August 17, 1962. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: William J. Boyd, 30 North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, (2) *canned goods and exempt commodities*, when transported in the same vehicle, and (3) *canned goods and exempt commodities and hooks and racks incidental to the transportation of packinghouse products* when transported in the same vehicle, from points in Delaware, Maryland, and Virginia, to points in Ohio, Indiana, West Virginia, Michigan, and Kentucky.

HEARING: November 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 113855 (Sub-No. 71), filed August 15, 1962. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorneys: Franklin J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak., and Paul M. Daniell, 214 Grant Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, regardless of how they are equipped (except tractors used for pulling highway trailers), *scrapers, motor graders, wagons, engines*, (except aircraft and missile engines), *generators, engines and generators combined, welders, road rollers, compacters and lift trucks, and parts, attachments and accessories for the above named commodities*, from Cedar Rapids, Iowa, Aurora, Joliet, Mossville, Peoria, Morton, Decatur, Deerfield, Springfield, and Harvey, Ill., and Milwaukee, Wis., and points within fifteen (15) miles of each of the foregoing, to points in Arizona, Nevada, Utah, California, Oregon, Washington, Idaho, and Montana.

NOTE: Applicant presently has certificated authority to transport much of what is here sought under general terms such as "construction, road building, earth moving, etc., equipment and machinery", and here seeks, at shippers' requests, to clarify such by having the items specifically described. Accordingly, applicant agrees that any rights granted will not be duplicative of that already held by applicant, shall not be construed as conferring more than a single operating right, and shall not be severable by sale or otherwise.

HEARING: November 9, 1962, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Harry M. Shooman.

No. MC 114098 (Sub-No. 40), filed August 23, 1962. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, Charlotte, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood and lumber panels and beams*, and (2) *plywood and lumber plate roofs and panels*, with or without steel, from Hartford, Conn., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, the District of Columbia, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Ohio, Indiana, Michigan, and Connecticut.

HEARING: November 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 114098 (Sub-No. 41), filed August 23, 1962. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, Charlotte, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a common carrier, by motor

vehicle, over irregular routes, transporting: *Steel racks, accessories and fittings*, on flat-bed trailers, from East Hartford, Conn., to points in the United States (except points in South Carolina, Georgia, Florida, Hawaii, and Alaska).

HEARING: November 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner W. Elliott Neffen.

No. MC 114106 (Sub-No. 36), filed August 24, 1962. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, P.O. Box 573, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, from Salisbury, N.C., to points in Virginia, West Virginia, and South Carolina.

NOTE: Applicant has contract carrier authority under MC 115176 Sub-No. 1; therefore, dual operations may be involved.

HEARING: November 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 114533 (Sub-No. 54), filed July 2, 1962. Applicant: B. D. C. CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Eye glasses, frames, lenses and parts thereof*, between Kansas City, Mo., on the one hand, and, on the other, all points in Kansas.

HEARING: November 8, 1962, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 114533 (Sub-No. 56), filed July 23, 1962. Applicant: B. D. C. CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Impressions, models, and bites, articulators, dentures, and products relating to restorative dentistry*, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas.

HEARING: November 8, 1962, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 114569 (Sub-No. 53), filed August 31, 1962. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sheet metal pipe, duct, fittings, and parts for heating, cooling, and ventilating equipment, and* (2) *sheet metal down spouts, gutters, fittings and parts therefor*, from the plant site of Acme Manufacturing Company, located in Philadelphia, Pa., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Tennessee, Texas, Wisconsin, Missouri, Minnesota, Iowa, and Arkansas.

HEARING: November 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas B. Russell.

No. MC 115056 (Sub-No. 13), filed August 30, 1962. Applicant: BUNDY TRUCK LINE, INC., Gatesville, N.C. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, except plywood and veneer from New York, N.Y., Jersey City, N.J., and Baltimore, Md., to Edenton, N.C., and Norfolk, Va., and *refused, rejected or damaged shipments*, on return.

HEARING: November 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 115130 (Sub-No. 3), filed August 17, 1962. Applicant: PAULSON TRUCK LINES, INC., 2008 NE. Airport Road, Roseburg, Oreg. Applicant's attorney: Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery* and *other commodities*, the transportation of which because of size or weight requires the use of special equipment, and related *machinery parts, equipment and supplies*, when the transportation thereof is incidental to the transportation of heavy machinery and other commodities, between points in Jackson, Josephine, Coos, and Curry Counties, Oreg., and points in that part of California in and north of San Mateo, Alameda, San Joaquin, Calaveras, and Alpine Counties, Calif.

HEARING: November 9, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 115491 (Sub-No. 33), filed September 10, 1962. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, 223 South Florida Avenue, P.O. Box 586, Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Milledgeville, Ga., to points in Alabama, Louisiana, Mississippi, South Carolina, North Carolina, Tennessee, Kentucky, Virginia, West Virginia, and Florida (except points in Florida on and south of U.S. Highway 92).

HEARING: November 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 115931 (Sub-No. 4), filed September 17, 1962. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue North, Billings, Mont. Applicant's attorney: Clinton J. Hansen, 608–616 Hennessy Building, Butte, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground limestone and calcium carbonate*, in bulk and in bags, from Warren, Mont., and points within 10 miles thereof, to points in Wyoming and North Dakota, and (2) *petroleum coke*, in bulk, from Billings, Mont., and points within 10 miles thereof, to Atlantic City, Wyo., and points within 10 miles thereof.

NOTE: Common control may be involved.

HEARING: November 13, 1962, at the Board of R. R. Commissioners, Helena, Mont., before Joint Board No. 344.

No. MC 115946 (Sub-No. 22), filed August 22, 1962. Applicant: GAY TRUCKING COMPANY, a corporation, 4800 Augusta Road, Savannah, Ga. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Savannah, Ga., to points in Maryland, New Jersey, Delaware, Virginia, Ohio, and Indiana.

HEARING: November 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 116077 (Sub-No. 136), filed July 24, 1962. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 401 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, between points in Brazoria County, Tex., on the one hand, and, on the other, points in the Continental United States.

HEARING: November 8, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Garland E. Taylor.

No. MC 116077 (Sub-No. 138), filed August 8, 1962. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 401 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hot mix, crushed stone, shell, asphalt not in tank trucks, treated crushed stone, aggregate, rip rap, rocks, sand, gravel, caliche, clay, dirt, gravel and crushed limestone, batch, ores, and flexible base*, in bulk, between points in Arkansas, Louisiana, Oklahoma, and Texas.

HEARING: November 14, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Henry A. Cockrum.

No. MC 116198 (Sub-No. 3), filed March 9, 1962. Applicant: DONALD W. WINLAND, doing business as WINLAND TRUCKING, R.R. No. 1, Georgetown, Ill. Applicant's attorney: Paul J. Maton, Suite 1149, 10 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed*, in bulk, in bags, or mixed, from Danville, Ill., to points in Florida, Tennessee, Alabama, Georgia, Mississippi, and Arkansas; and (2) *empty containers or other such incidental facilities* (not specified) used in transporting Feed,

from the above-specified destination points to Danville, Ill.

HEARING: November 7, 1962, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Harry M. Shooman.

No. MC 116273 (Sub-No. 9), filed August 31, 1962. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt emulsion*, in bulk, in tank vehicles, from the plant site of Walsh and Kelly Company, located at or near Griffith, Ind., to points in Wisconsin.

HEARING: October 19, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 116326 (Sub-No. 2), filed August 13, 1962. Applicant: ELIOT CREAMERY, INC., doing business as HENDRIE'S, 131 Eliot Street, Milton 87, Mass. Applicant's attorney: Theodore E. Shasta, 1 Court Street, Boston 8, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechancial refrigeration, from Milton, Mass., to chain grocery and food stores in New York, New Jersey, Maine, Vermont, Connecticut, New Hampshire, and Rhode Island, and *spoiled and rejected shipments*, on return.

HEARING: November 9, 1962, at Hotel Essex, Boston, Mass., before Examiner Bernard J. Hasson, Jr.

No. MC 116434 (Sub-No. 23), filed May 17, 1962. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel grinding balls* in the rough, *steel, materials and supplies* used in the manufacture of steel grinding balls, and *empty containers or other such incidental facilities*, used in transporting the above described commodities, between Greenville, Ill., on the one hand, and, on the other, points in Arkansas, Georgia, Indiana, Iowa, Kentucky, Maryland, Michigan, Alabama, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin.

HEARING: November 14, 1962, at the Midland Hotel, Chicago, Ill., before Examiner James A. McKiel.

No. MC 116434 (Sub-No. 25), filed June 7, 1962. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tubing, materials and supplies used in the manufacture of tubing*, and *steel*, between Bellwood, Ill., and points in Arkansas, Indiana, Kentucky, Missouri, Ohio, and Pennsylvania.

HEARING: November 12, 1962, at the Palmer House, Chicago, Ill., before Examiner Harry M. Shooman.

No. MC 116914 (Sub-No. 6), filed May 24, 1962. Applicant: DUBUQUE BULK TRANSPORT COMPANY, a corporation, 1201 American Trust Building, Dubuque, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, insecticides, pesticides and mixtures thereof*, in bulk and in containers and in packages and in bags and combinations thereof, from Dubuque, Iowa, to points in Wisconsin, Minnesota, Illinois, Iowa, and points in the Omaha, Nebr., Commercial Zone, and *returned shipments* of the above-specified commodities, on return.

HEARING: November 13, 1962, at the Midland Hotel, Chicago, Ill., before Examiner James A. McKiel.

No. MC 117068 (Sub-No. 4), filed August 27, 1962. Applicant: HERBERT H. SCHULTZ, doing business as MIDWEST HARVESTORE TRANSPORT, P.O. Box 1036, Rochester, Minn. Applicant's attorney: Richard E. Kossow, Midland Bank Building, Minneapolis 1, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel silos*, enamel lined and galvanized, knocked down, and in sections, and when transported with such silos, *component parts thereof*, including silo loading and unloading devices, and *equipment and materials* incidental to the erection and completion of such silos, between Kankakee, Ill., and points in Wisconsin.

HEARING: November 16, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13.

No. MC 117370 (Sub-No. 6), filed July 13, 1962. Applicant: JACK STAFFORD, doing business as STAFFORD TRUCKING, 1137 North 45th Street, Milwaukee, Wis. Applicant's attorney: Claude J. Jasper, Suite 301 Provident Building, 111 South Fairchild Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Haydite*, from Danville, Ill., and Brooklyn, Ind., to Milwaukee, Wis., (2) *foundry sand*, from Sandale, Ind., to points in Wisconsin, and (3) *fire clay, fire brick and other refractory materials*, from Goose Lake, Ill., to points in Wisconsin.

HEARING: November 14, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17.

No. MC 117557 (Sub-No. 6), filed July 26, 1962. Applicant: MATSON, INC., P.O. Box 43, Cedar Rapids, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction machinery and equipment*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Indiana and Ohio to points in Iowa and Minnesota.

HEARING: November 5, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner James A. McKiel. This assignment is for applicant's presentation only.

No. MC 117995 (Sub-No. 5), filed March 21, 1962. Applicant: NEIL B. OLMSTED, E. B. OLMSTED, AND ALVIN H. ANDERSON, a partnership, doing business as REFRIGERATED TRUCK LINES, Route 3, Box 147, Mount Vernon, Wash. Applicant's attorney: George R. LaBissioniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potato products* not frozen, and *canned goods*, when moving in the same vehicle with frozen foods and potato products, not frozen only, between points in Washington, Oregon, Idaho, Utah, and California, on the one hand, and, on the other, points in Washington, Oregon, Idaho, California, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New York, Kentucky, Wyoming, Colorado, Illinois, Indiana, Iowa, North Dakota, Wisconsin, Oklahoma, Ohio, South Dakota, Utah, Arizona, Texas, Arkansas, New Mexico, Massachusetts, and Pennsylvania.

NOTE: Applicant states the purpose of the above application is to request authority to handle canned goods in less than truck-load shipments when and only when, they are moving with frozen foods or potato products, not frozen, in the same vehicle at the same time.

HEARING: November 13, 1962, at the Federal Office Building, Seattle, Wash., before Examiner Charles J. Murphy.

No. MC 118601 (Sub-No. 2), filed July 9, 1962. Applicant: EASTERN TRANSPORTATION CO., INC., 107 Trumbull Street, Elizabeth, N.J. Applicant's attorney: Herbert Burnstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, from Elizabeth, N.J., to points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., New York, N.Y., and points in Essex, Hudson, Bergen, Passaic, Morris, Somerset, Mercer, Ocean, Middlesex, and Union Counties, N.J., and *rejected shipments* of the above commodity, on return.

HEARING: November 6, 1962, at 346 Broadway, New York, N.Y., before Examiner Bernard J. Hasson, Jr.

No. MC 119089 (Sub-No. 1), filed August 31, 1962. Applicant: WISCONSIN REFRIGERATED SERVICES, INC., 344 East Florida Street, Milwaukee, Wis. Applicant's attorney: Claude J. Jasper, Suite 301, Provident Building, 111 South Fairchild Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and empty containers used in transporting frozen foods*, between the plant sites of the Wisconsin Cold Storage Co. at Milwaukee, Wis., of the Mohawk Refrigerating Co. at Wauwatosa, Wis., and of the Marshfield Cold Storage Co. at Marshfield, Wis., on the one hand, and, on the other, points in Illinois on and north of U.S. Highway 6, from the Indiana State Line to its junction with Illinois Highway 92, thence on Illinois Highway 92 to the Iowa State Line, including points located within 5 miles of Milan, Ill., and points in Iowa.

HEARING: November 15, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111.

No. MC 119165 (Sub-No. 1), filed May 28, 1962. Applicant: SAMUEL SEE-

MAN, doing business as SEEMAN'S GREASING PALACE, 1 East 111th Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, and disabled motor vehicles*, when towed by wrecker-type equipment, and *used motor vehicles*, dispatched to relieve wrecked, damaged and disabled motor vehicles, when towed by wrecker-type equipment, between Chicago, Ill., on the one hand, and, on the other, points in Nebraska, Wisconsin, and Wyoming.

HEARING: November 13, 1962, at the Midland Hotel, Chicago, Ill., before Examiner James A. McKiel.

No. MC 119226 (Sub-No. 44), filed August 13, 1962. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, including products and blends thereof*, in bulk, in tank vehicles, from Bellevue, Ohio, to points in Michigan.

HEARING: November 15, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 119778 (Sub-No. 18), filed August 23, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry crude sulphate of soda, better known as salt cake*, in bulk, in hopper and tank vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between points in Georgia, Florida, Alabama, Tennessee, North Carolina, South Carolina, and Mississippi.

NOTE: Common control may be involved.

HEARING: November 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 121366 (Sub-No. 1), filed August 31, 1962. Applicant: DALLAS SMITH TRANSPORT CORP., 902 South 12th Street, Phoenix 34, Ariz. Applicant's attorney: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *New automobiles and trucks*, in secondary movements, in truckaway service, from Phoenix, Ariz., to points in Clark County, Nev., and *rejected and damaged automobile and trucks*, on return; and (B) *motor vehicles*, in truckaway and driveaway service, from Phoenix, Ariz., to points in Arizona.

NOTE: Applicant conducts operations under the second proviso of section 206(a)(1) by virtue of a Form BMC 75 Statement filed and assigned Docket No. MC 121366.

HEARING: November 7, 1962, at The Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 168, or, if the Joint Board waives its right to participate before Examiner Laurence E. Masoner.

No. MC 123190 (Sub-No. 51), filed July 5, 1962. Applicant: STILLPASS TRANSIT COMPANY, INCORPORATED, 4967 Spring Grove Avenue, Cincinnati, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Indiana.

HEARING: November 13, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 123190 (Sub-No. 52), filed July 27, 1962. Applicant: STILLPASS TRANSIT COMPANY, INCORPORATED, 4967 Spring Grove Avenue, Cincinnati, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pitch emulsion sealer* in bulk, in tank vehicles, from Columbus, Ohio, to points in Cook County, Ill.

HEARING: November 12, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58.

No. MC 124078 (Sub-No. 19), filed May 31, 1962. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, fertilizer ingredients*, and *fertilizer materials*, from Dubuque and Estherville, Iowa, and points within ten (10) miles thereof, to points in Wisconsin, Minnesota, Nebraska, and Iowa.

NOTE: Applicant states that it has contract carrier authority involving the transportation of petroleum products under docket MC 113832; it also has common carrier, cement, concrete conduit as well as applications involving other commodities, pending under docket MC 124078; therefore, dual operations may be involved. Common control may also be involved.

HEARING: November 13, 1962, at the Palmer House, Chicago, Ill., before Examiner Harry M. Shooman.

No. MC 124103 (Sub-No. 1), filed April 26, 1962. Applicant: MAYNARD S. PERRY, 3746 37th Avenue, Rock Island, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* including, but not limited to, *cheese, milk, cream, ice cream, ice cream mix, dips, fruit juices, butter, buttermilk, dairy drinks, sherbets, and dairy ices*, in containers, in refrigerated vehicles, (1) from Rock Island, Ill., to points in Iowa, Missouri, and Illinois and (2) from Chicago, Ill., to Davenport, Iowa, and *empty containers or other such incidental facilities* used in transporting the above-described commodities and *shipments rejected* by consignee requiring subsequent movement on return.

NOTE: Applicant states the service proposed herein will be under a written bilateral continuing contract with the Borden Company.

HEARING: November 6, 1962, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Harry M. Shooman.

No. MC 124123 (Sub-No. 10), filed September 13, 1962. Applicant: SCHWERMAN TRUCKING CO., OF ILL., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk and in packages, between points in Illinois.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 115577 and subs thereunder, therefore dual operations may be involved.

HEARING: November 7, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 124290 (Sub-No. 1), filed March 29, 1962. Applicant: A. D. ANDERSON, 315 West Ellis, Centralia, Ill. Applicant's attorney: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, from points in Marion County, Ill., to points in Indiana, Kentucky, and Missouri, (2) *waste oil*, (a) from St. Louis, Mo., Indianapolis and Evansville, Ind., to points in Marion County, Ill., and (b) from Evansville, Ind., to points in Kentucky.

HEARING: November 5, 1962, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Harry M. Shooman.

No. MC 124418, filed April 26, 1962. Applicant: D–H–R TRUCKING INC., Harrisburg, Ill. Applicant's representative: W. L. Jordan, 201 Merchants Savings Building, Terre Haute, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed and stolen motor vehicles, buses, tractors, trailers, semitrailers, trucks and tractors for replacement of wrecked and disabled tractors and the transportation of the cargo being hauled by the wrecked, disabled, repossessed and stolen trucks, buses, tractors, trailers, semitrailers and motor vehicles*, between points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.

HEARING: November 6, 1962, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Harry M. Shooman.

No. MC 124459, filed May 21, 1962. Applicant: C. L. CONNORS, INC., 2700 South Front Street, Quincy, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime spreader bodies*, from the plant site of Adams and Doyle located at Quincy, Ill., to points in the United States (except points in Alaska and Hawaii).

HEARING: November 7, 1962, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Harry M. Shooman.

No. MC 124489, filed May 25, 1962. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619–23 Armitage Avenue, Chicago 39, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cathode ray tubes*, new and used, between Chicago, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Wisconsin, Missouri, Minnesota, Michigan, and Ohio.

NOTE: Applicant states that (1) operations will be performed pursuant to a contract with the Rauland Corporation (Division of Zenith Radio Corporation), of Chicago, Ill., and (2) applicant is authorized in Certificate No. MC 70557 to transport general commodities, with the usual exceptions, between points in the Chicago, Ill., Commercial Zone as defined by the Interstate Commerce Commission. It holds no other operating authority from the Interstate Commerce Commission.

HEARING: November 12, 1962, at The Palmer House, Chicago, Ill., before Examiner Harry M. Shooman.

No. MC 124546, filed June 13, 1962. Applicant: VELTMAN TERMINAL CO., 2160 East Seventh Street, Los Angeles, Calif. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are sold by retail stores*, from Los Angeles, Calif., to the stores and warehouses of J. C. Penney Co., Inc., and Sprouse-Reitz Co., located at points within Los Angeles, San Diego, Ventura, Santa Barbara, Riverside, San Luis Obispo, San Bernardino, Kern, Imperial, and Orange Counties, Calif., and (2) *general commodities* (except those of unusual value and dangerous explosives, those injurious or contaminating to other lading, and household goods, as defined by the Commission), from points in Los Angeles, San Diego, Santa Barbara, Riverside, San Luis Obispo, San Bernardino, Kern, Imperial, and Orange Counties, Calif., to Los Angeles, Calif.

NOTE: Applicant states in (2) above that proposed service will be restricted to transportation having a subsequent movement by rail or motor carrier, in behalf of the Washington-Oregon Shippers Cooperative Association. It is further noted that the proposed service will be conducted under a continuing contract with the J. C. Penney Co., Inc., Sprouse-Reitz Co., Inc., and the Washington-Oregon Shippers Cooperative Association, Inc.

HEARING: November 13, 1962, at The Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner Laurence E. Masoner.

No. MC 124578, filed June 26, 1962. Applicant: PUGET SOUND TRUCKING CO., a corporation, Pier 62, Seattle 1, Wash. Applicant's attorney: Charles J. Keever, P.O. Box 340, Washington Building, Seattle 11, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Palletized metal cans, palletized can ends in cartons, fibreboard pallet pack sleeves, fibreboard caps, fibre divider sheets, and wooden pallets*, between Portland, Oreg., and Olympia, Lacey, Tumwater, and Seattle, Wash.

HEARING: November 5, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy. To be heard concurrently with MC–F–8174 Puget Sound Truck Lines, Inc.—Control—Puget Sound Trucking Co.

No. MC 124592, filed July 5, 1962. Applicant: PIER SERVICE TRUCKING CORP., 127 Bedford Avenue, Brooklyn, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in or sold by electronics and radio retail stores and mail order houses*, between points in the New York, N.Y., Commercial Zone, including Port Newark, N.J., on the one hand, and, on the other, the site of Lafayette Radio Electronics Corp., located at Syosset, N.Y.

HEARING: November 5, 1962, at 346 Broadway, New York, N.Y., before Examiner Bernard J. Hasson, Jr.

No. MC 124643, filed July 24, 1962. Applicant: CUSTOMER TRUCK SERVICE, a corporation, 1820 West Allard Avenue, Eureka, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Cement*, in bulk, from Eureka, Calif., to Gold Beach, Oreg., over U.S. Highway 101, and return over the same route, serving Brookings, Oreg., as an intermediate point.

HEARING: November 7, 1962, at the Interstate Commerce Commission Hearing Room 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 124656, filed July 30, 1962. Applicant: JOHN B. LONG, doing business as JOHN LONG TRUCKING, 2154 Grand Avenue, Phoenix, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk and soda bottles*, from Sapulpa, Okla., to points in Arizona and California, and *unprocessed and unmanufactured agricultural commodities*, on return.

HEARING: November 8, 1962, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner Laurence E. Masoner.

No. MC 124681 (Sub-No. 1), filed August 17, 1962. Applicant: JULIAN NESTA, ROCCO NESTA, AND DANIEL NESTA, a partnership, doing business as "NESTA BROTHERS", 140 Wooster Street, Hartford, Conn. Applicant's attorney: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, (1) from the plant site of H. L. Klion, Inc., located at Westbury, Long Island, N.Y., to points in Connecticut and points in Hampden County, Mass., and (2) from Hartford, Conn., to points in Hampden County, Mass., and the plant site of H. L. Klion, Inc., located at Westbury, Long Island, N.Y., and *refused, damaged* and *rejected shipments* of the above-named commodities, from the above-named destination points to the above-named points of origin. RESTRICTION: The services to be performed hereunder shall be restricted to services under continuing contracts with H. L. Klion, Inc., of Westbury, Long Island, N.Y.

HEARING: November 6, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 191, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 124700, filed August 13, 1962. Applicant: JOHN J. HAYDEN, doing business as HAYDEN TRUCKING CO., 6646 North 47th Avenue, Glendale, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, from Chicago, Ill., to Phoenix, Ariz., and *exempt peanuts and other similar agricultural products*, on return.

NOTE: Applicant states the proposed operation is for Ponca Wholesale Mercantile Co., a corporation.

HEARING: November 8, 1962, at The Arizona Corporation Commission, Phoenix, Ariz., before Examiner Laurence E. Masoner.

No. MC 124749, filed September 5, 1962. Applicant: H. THOMAS BLATCHLEY, JR., doing business as TOMMY'S TOWING SERVICE, (Rear) 2254 Eighth Street NW., Washington, D.C. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, by use of standard wrecker vehicles, between Washington, D.C., on the one hand, and on the other, points in Maryland (except points in the Baltimore, Md., Commercial Zone), Virginia, and West Virginia.

HEARING: November 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 124754, filed September 10, 1962. Applicant: HELLEN TRANSPORTATION CO., INC., 20 O'Neil Street, Hudson, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New church furniture* including but not limited to *pews, kneelers, altars, confessionals, and altar rails*, from Northboro, Mass., to points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, New York, and New Jersey, and *refused, rejected or damaged products of* the above classification, on return.

HEARING: November 13, 1962, at Hotel Essex, Boston, Mass., before Examiner Bernard J. Hasson, Jr.

No. MC 124760, filed September 10, 1962. Applicant: J. LOMAX COVINGTON, Bealeton, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South Tenth Street, Richmond 19, Va. Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, seed and fertilizer*, from Baltimore, Md., to points in Culpeper, Fairfax and Fauquier Counties, Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *damaged, refused and rejected shipments*, on return.

HEARING: November 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 270), filed March 26, 1962. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express*, and *newspapers*, in the same vehicle with passengers, between Philadelphia, Pa., and the New Jersey Turnpike, serving no intermediate points nor the Interchanges, *except for traffic originating at or destined to points beyond Philadelphia, Pa., or New York, N.Y.*; (1) From Philadelphia over city streets and Delaware River Bridge to Camden, N.J., thence over New Jersey Highway 38 to junction New Jersey Highway 73 (formerly New Jersey Highway S41) thence over New Jersey Highway 73 via Camden-Philadelphia Interchange to the New Jersey Turnpike, and return over the same route; (2) From Philadelphia to Camden, N.J., as specified above, thence over New Jersey Highway 168 (formerly known as New Jersey Highway 42) via Woodbury-South Camden Interchange to the New Jersey Turnpike, and return over the same route.

NOTE: Applicant states the purpose of this application is to remove a restriction contained in MC 1501 (Sub-No. 92), which would permit applicant to pick up and discharge passengers on its described routes, which passengers have as their destination or origin, a point beyond Philadelphia, Pa., or New York, N.Y.

HEARING: November 19, 1962, at the U.S. Court Rooms, Camden, N.J., before Joint Board No. 67, or, if the Joint Board waives its right to participate before Examiner Theodore M. Tahan.

No. MC 109495 (Sub-No. 9), filed March 30, 1962. Applicant: BRUNSWICK TRANSPORTATION COMPANY, INC., Elm and Middle Streets, Brunswick, Maine. Applicant's attorney: James E. Wilson, 1111 E Street, NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, in the same vehicles with passengers*, in charter operations, between points in Cumberland, Androscoggin, Lincoln, Oxford, Sagadahoc, Kennebec, and York Counties, Maine, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

HEARING: November 15, 1962, at Federal Building, Federal Street, Portland, Maine, before Examiner Bernard J. Hasson, Jr.

No. MC 118832 (Sub No. 1), filed April 20, 1959. Applicant: ALASKA HYWAY TOURS, INC., 510 Northward Building, Fairbanks, Alaska. Applicant's attorney: A. T. Wright, 455 Olympic National Building, 914 Second Avenue, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Over irregular routes: *Passengers and their baggage*, in the same vehicle with passengers, in round trip sightseeing tours, in special and charter operations between points in Alaska as follows: 1. Beginning and ending at Anchorage, and extending to Portage Glacier. 2. Beginning and ending at Anchorage and extending to Seward. 3. Beginning and ending at Anchorage and extending to Valdez. 4. Beginning and ending at Anchorage and extending to Matanuska Valley. 5. Between points in Fairbanks, and beginning and ending at Fairbanks and extending to Arctic Circle Hot Springs, and Circle City. 6. Beginning and ending at Fairbanks and extending to the Fairbanks mining area. (B) Over regular routes: *Passengers and their baggage*, in the same vehicle with passengers. (1) Between Fairbanks, Alaska, and the International Boundary line between the United States and Canada, from Fairbanks over Alaska Highway 1 to junction Alaska Highway 2 at Delta Junction, Alaska, thence over Alaska Highway 2 to the International Boundary line, and return over the same route, serving the intermediate point of Scottie Creek, Alaska. (2) Between Delta Junction, Alaska, and Seward, Alaska, from Delta Junction over Alaska Highway 1 to junction Alaska Highway 3 near Gulkana, Alaska, thence over Alaska Highway 3 to Anchorage, Alaska (also from junctions Alaska Highway 3 and unnumbered highways over unnumbered highways and access roads to Mantanuska Valley and Portage Glacier), thence over Alaska Highway 4 to Seward, and return over the same routes, serving the intermediate point of Anchorage, Alaska. (3) Between Fairbanks, Alaska, and Circle City, Alaska, over Alaska Highway 6, serving all intermediate points. (4) Between Paxson, Alaska, and Kantishna, Alaska, over Alaska Highway 8, serving the intermediate points of McKinley National Park and Camp Denali, Alaska. (5) Between junction Alaska Highways 3 and 1 near Glennallen, Alaska, and Valdez, Alaska, over Alaska Highway 1, serving all intermediate points.

NOTE: Applicant states the above description covers the entire highway system with the exception of Alaska Highway 3 between Gulkana and Tok, Alaska and the Alaska Highway 5 between the Seward Highway and Kenai and Homer, Alaska on the Kenai Peninsula.

HEARING: October 8, 1962, at the Hearing Room, Loussac Library, Anchorage, Alaska, before Joint Board No. 412, or if the Joint Board waives its right to participate, before Chief Hearing Examiner James C. Cheseldine.

No. MC 118832 (Sub No. 2), filed May 9, 1960. Applicant: ALASKA HYWAY TOURS, INC., 510 Northward Building, Fairbanks, Alaska. Applicant's attorney: Arthur T. Wendells, 455 Olympic National Building, 914 Second Avenue, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in seasonal operations between May 1 and September 30 of each year, (1) between junction Alaska Highway 2 and Alaska Highway 3, near Gulkana, Alaska, and thence over Alaska Highway 3 to Tok, Alaska, and return over the same route, (2) from Port of Entry near Porcupine, Alaska, over Alaska Highway 9, to Haines, Alaska, and return over the same route, (3) from junction Taylor Highway and Alaska Highway 2, near Fortymile House, Alaska, over the Taylor Highway to Port of Entry near Boundary, Alaska, thence over unnumbered highway to Eagle, Alaska, and return over the same route, (4) from junction Alaska Highways 4 and 5, over Alaska Highway 5 to Homer, Alaska, thence over unnumbered highway to Kenai, Alaska, and return over the same route, and (5) from Fairbanks, Alaska, to Nenana, Alaska, and return over the same route.

HEARING: October 8, 1962, at the Hearing Room, Loussac Library, Anchorage Alaska, before Joint Board No. 412, or, if the Joint Board waives its right to participate, before Chief Hearing Examiner James C. Cheseldine.

No. MC 123748 (Sub-No. 5), filed May 16, 1962. Applicant: CONNECTICUT LIMOUSINE SERVICE, INC., 156 Humphrey Street, New Haven, Conn. Applicant's attorney: Palmer S. McGee, Jr., 750 Main Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers* and *their baggage*, and *air freight* in the same vehicle with passengers. (1) Between New Haven, Fairfield, and Stamford, Conn., and Newark Airport, N.J., over the following route: Originating at the Taft Hotel, corner of Chapel Street and College Street, New Haven, Conn., proceeding over New Haven city streets to U.S. Interstate Highway 95 (also called the Connecticut Turnpike); thence over U.S. Interstate Highway 95 to Fairfield, Conn.; thence over Fairfield city streets and U.S. Interstate Highway 95 to Stamford, Conn.; thence over city streets and U.S. Interstate Highway 95 to the Connecticut-New York State line; thence over U.S. Interstate Highway 95 (also called the New England Thruway) to the New York City line; thence over New York city streets, boulevards, expressways and avenues to the Cross-Bronx Expressway; thence over the Cross-Bronx Expressway to the George Washington Bridge; thence over the George Washington Bridge and U.S. Highway 46 to the New Jersey Turnpike; thence over the New Jersey Turnpike to the Newark Airport Interchange, and return along a reverse of the foregoing route.

NOTE: Applicant proposes to inaugurate this proposed service immediately upon completion of the Cross-Bronx Expressway. Applicant further states that it proposes to coordinate and join the service proposed in this portion with operations conducted by it between New Haven, Conn., and New York International Airport (Idlewild), N.Y., and La Guardia Airport, N.Y., and to transfer passengers and their baggage to and from vehicles used in its operations to and from the two New York airports.

(2) Between New London, Conn., metropolitan area and the La Guardia Airport, N.Y., and New York International Airport, N.Y., as follows: Originating at New London, proceeding over city streets and U.S. Highway 1 (Connecticut Highway 95) to Interstate Highway 95 (also called the Connecticut Turnpike) to East Lyme, Conn.; thence over city streets and U.S. Interstate Highway 95 to Old Lyme, Conn.; thence over city streets and U.S. Interstate Highway 95 Old Saybrook, Conn.; thence over city streets and U.S. Interstate Highway 95 to Westbrook, Conn.; thence over city streets and U.S. Interstate Highway 95 to Clinton, Conn.; thence over city streets and U.S. Interstate Highway 95 to Madison, Conn.; thence over city streets and U.S. Interstate Highway 95 to Guilford, Conn.; thence over city streets and U.S. Interstate Highway 95 to Branford, Conn.; thence over city streets and U.S. Interstate Highway 95 to New Haven, Conn.; thence over city streets and U.S. Interstate Highway 95 to Stratford, Conn.; thence over city streets and U.S. Interstate Highway 95 to Fairfield, Conn.; thence over city streets and U.S. Interstate Highway 95 to Stamford, Conn.; thence over city streets and U.S. Interstate Highway 95 to Connecticut-New York State line; thence over U.S. Interstate Highway 95 (also called the New England Thruway) to New York City, N.Y.; thence over city streets, boulevards, expressways and avenues and Whitestone Bridge, Throgs Neck Bridge or Triborough Bridge to La Guardia Airport, and New York International (Idlewild) Airport, and return along a reverse of the foregoing route, serving the intermediate points of Waterford, Old Lyme, East Lyme, Old Saybrook, Westbrook, Clinton, Madison, Guilford, Branford, New Haven, Stratford, Fairfield, and Stamford, Conn.

NOTE: Applicant proposes to join and combine the proposed operation in this portion with its presently authorized operations at New Haven, Conn. or Fairfield, Conn.

(3) Between Hartford, Conn., and La Guardia Airport, N.Y., and New York International Airport, N.Y., as follows: Originating at Hartford, Conn., proceeding over city streets to U.S. Highway 5; thence over U.S. Highway 5 to Newington, Conn.; thence over U.S. Highway 5 to Berlin, Conn.; thence over U.S. Highway 5 and city streets to Meriden, Conn.; thence over city streets and U.S. Highway 5 to Wallingford, Conn.; thence over U.S. Highway 5 to North Haven, Conn.; thence over city streets and U.S. Highway 5 to Hamden, Conn.; thence over city streets and U.S. Highway 5 to New Haven, Conn.; thence over city streets to U.S. Interstate Highway 95 (also called the Connecticut Turnpike), to Stratford, Conn.; thence over city streets and U.S. Interstate Highway 95 to Fairfield, Conn.; thence over city streets and U.S. Interstate Highway 95 to Stamford, Conn.; thence over city streets and U.S. Interstate Highway 95 to Connecticut-New York State line; thence over city streets and U.S. Interstate Highway 95 (also called the New England Thruway) to New York City, N.Y.; thence over city streets, boulevards, expressways and avenues and Whitestone Bridge, Throgs Neck Bridge or Triborough Bridge to La Guardia Airport and New York International (Idlewild) Airport, and return along a reverse of the foregoing route, serving the intermediate points of Newington, Berlin, Meriden, Wallingford, North Haven, Hamden, New Haven, Stratford, Fairfield, and Stamford, Conn.

NOTE: Applicant states that upon completion of U.S. Interstate Highway 91, it proposes to use that highway and various city streets between Hartford, Conn., and the intersection of U.S. Interstate Highway 91 and U.S. Interstate Highway 95 to New Haven, Conn. Applicant further states that it proposes to join and combine this proposed operation with its presently authorized operations at New Haven and Fairfield, Conn.

(4) Applicant proposes to provide service from New London, Hartford, and New Haven, Conn., to a stop located near the intersection of Northern Boulevard and Clearview Expressway, New York, N.Y., serving all intermediate points between Hartford and New Haven, Conn., and between New London and New Haven, Conn., also serving Fairfield and Stamford, Conn. The proposed route from Hartford to U.S. Interstate Highway 95 (also called the Connecticut Turnpike) at New Haven, Conn., is over U.S. Highway 5 and various city streets, as follows: Originating at Hartford, Conn., proceeding over city streets to U.S. Highway 5; thence over U.S. Highway 5 to Newington, Conn.; thence over U.S. Highway 5 to Berlin, Conn.; thence over U.S. Highway 5 and city streets to Meriden, Conn.; thence over city streets and U.S. Highway 5 to Wallingford, Conn.; thence over city streets and U.S. Highway 5 to North Haven, Conn.; thence over city streets and U.S. Highway 5 to Hamden, Conn.; thence over city streets and U.S. Highway 5 to New Haven, Conn.; thence over city streets and U.S. Interstate Highway 95 to Stamford, Conn.; thence over city streets and U.S. Interstate Highway 95 to Connecticut-New York State line; thence over U.S. Interstate Highway 95 (also called the Connecticut Turnpike) to New York City, N.Y.; thence over city streets, boulevards, expressways and avenues and Whitestone Bridge, Throgs Neck Bridge or Triborough Bridge to La Guardia Airport and New York International (Idlewild) Airport, and return along a reverse of the foregoing route, serving the intermediate points of Newington, Berlin, Meriden, Wallingford, North Haven, Hamden, New Haven, Stratford, Fairfield, and Stamford, Conn. Applicant's proposed route from New London to New Haven is over U.S. Highway 1 and U.S. Interstate Highway 95 (also called the Connecticut Turnpike) and various city streets, as follows: Originating at New London, Conn., proceeding over city streets and U.S. Highway 1 (Connecticut Highway 95) to Waterford, Conn.; thence over city streets and U.S. Interstate Highway 95 (also called the Connecticut Turnpike) to East Lyme, Conn.; thence over city streets and U.S. Interstate Highway 95 to Old Lyme, Conn.; thence over city streets and U.S. Interstate Highway 95 to Old Saybrook, Conn.; thence over city streets and U.S. Interstate Highway 95 to Westbrook, Conn.; thence over city streets and U.S. Interstate Highway 95 to Clinton, Conn.; thence over city streets and U.S. Interstate Highway 95 to Madison, Conn.; thence over city streets and U.S. Interstate Highway 95 to Guilford, Conn.; thence over city streets and U.S. Interstate Highway 95 to Branford, Conn.; thence over city streets and U.S. Interstate Highway 95 to New Haven, Conn. Applicant's proposed route from New Haven, Conn. to the intersection of Northern Boulevard and Clearview Expressway, New York, N.Y., is over U.S. Interstate Highway 95 (also called the Connecticut Turnpike and the New England Thruway) and various city streets, as follows: Originating at New Haven, Conn.; proceeding over New Haven city streets to U.S. Interstate Highway 95 (also called the Connecticut Turnpike); thence over U.S. Interstate Highway 95 to Fairfield, Conn.; thence over Fairfield city streets and U.S. Interstate Highway 95 to Stamford, Conn.; thence over Stamford city streets and U.S. Interstate Highway 95 to the Connecticut-New York state border; thence over U.S. Interstate Highway 95 (also called the New England Thruway) to New York, N.Y.; thence over New York city streets, boulevards, expressways and avenues, and Whitestone Bridge, Throgs Neck Bridge or Triborough Bridge to a stop located near the intersection of Northern Boulevard and Clearview Expressway; and return along a reverse of the foregoing routes.

NOTE: Applicant states that upon completion of U.S. Interstate Highway 91, it proposes to use that highway and various city streets between Hartford and the intersection of U.S. Interstate Highway 91 and U.S. Interstate Highway 95 at New Haven. Applicant further states that it proposes to coordinate and join the services proposed in this application with operations conducted by it between New Haven and Waterbury, Conn. (and various intermediate points) and New York International Airport (Idlewild), and La Guardia Airport, and to transfer passengers and their baggage to and from vehicles used in its operations to and from the two New York airports.

NOTE: Applicant states that in this application it seeks to change its present operations by removal of the restriction which limits it to carrying passengers having an immediately prior or immediately subsequent movement by air. If this portion of this application is granted, applicant will continue to serve the same points over the same routes, and will transport visitors to the airports, friends of air travelers, air terminal employees, etc.

HEARING: November 19, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 305, or, if the Joint Board waives its right to participate before Examiner David Waters.

No. MC 124372, filed April 13, 1962. Applicant: BROWN'S CONNECTICUT AIRPORT SERVICE, INC., 20 Clark Hill Avenue, Stamford, Conn. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, personal effects and pets*, between Stratford, Derby, Westport, Darien, New Canaan, Stamford, and Greenwich, Conn., on the one hand, and, on the other, La Guardia Airport, New York, N.Y., and International Airport, New York, N.Y.

NOTE: Applicant states the proposed service will be limited to persons having prior or subsequent transportation by air.

HEARING: November 26, 1962, at 346 Broadway, New York, N.Y., before Examiner David Waters.

No. MC 124568, filed June 25, 1962. Applicant: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY, doing business as PACIFIC STAGE LINES & ROYAL BLUE LINE MOTOR TOURS, 150 Dunsmuir Street, Vancouver 3, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at Ports of Entry on the International Boundary Line between the United States and Canada in Washington, and at Ports of Entry in Washington which are termini of ferry services operating between Canada and the United States, and extending to points in Washington, Oregon, and California.

HEARING: November 12, 1962, at the Federal Office Building, Seattle, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

MOTOR CARRIERS OF PASSENGERS

No. MC 12828, filed September 4, 1962. Applicant: KENNETH D. VAN WAGENEN, doing business as WYOMING CHARTER COACH TOURS, 1218 South Elm Street, Casper, Wyo. For a license (BMC 5) to engage in operations as a *broker* at Casper, Wyo., in arranging for transportation in interstate or foreign commerce of *Passengers and their baggage*, in groups, in charter operations, for pleasure and sight-seeing, between points in the United States, including Ports of Entry on the International Boundary Line between the United States and Canada, and the United States and Mexico.

HEARING: November 14, 1962, at Wyoming Public Service Commission Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 197.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12801 (Sub-No. 1), filed August 21, 1962. Applicant: RAY HAMILTON, SR., doing business as RAY HAMILTON & CO., 2101 Ross Avenue, Cincinnati 2, Ohio. Applicant's attorney: Dale C. Dillion, 1825 Jefferson Place NW., Washington 6, D.C. For a license (BMC–4) to engage in operations as a *broker* at Cincinnati, Ohio, and Washington, D.C., in arranging for the transportation by motor vehicle, in interstate or foreign commerce of *furnishings, machinery, and other equipment, which are a part of the contents of an industrial plant, office building, or institution to be moved as a unit from one location to another*, between points in the United States.

NOTE: Applicant states the proposed service will be under contract with government agencies and private firms, and he will assume full responsibility for dismantling, packing, and crating, at place of origin, and unpacking, uncrating, and assembly at place of destination.

HEARING: November 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 17619 (Sub-No. 5), filed September 17, 1962. Applicant: JOHN A. LLOYD, doing business as LLOYD'S TRANSFER, Berryville, Va. Applicant's representative: Peter J. Decker, 917 Grand Avenue, Cumberland, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Clarke, Frederick, Warren, and Loudoun Counties, Va., and that portion of Fauquier County on and north of U.S. Highway 211, on the one hand, and, on the other, points in West Virginia, Pennsylvania, Maryland, Delaware, and the District of Columbia.

NOTE: Applicant is presently authorized in MC 17619 Sub 1 to transport household goods, as defined by the Commission, between points in Clarke County, Va., on the one hand, and, on the other, points in West Virginia, Pennsylvania, Maryland, Delaware, and the District of Columbia. Duplication is to be eliminated.

No. MC 95743 (Sub-No. 24), filed September 17, 1962. Applicant: WILLIAM FREDERICK MEHRING, doing business as WILLIAM F. MEHRING, P.O., Keymar, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, feed ingredients, and grain*, in truck loads, from Camp Hill, Palmyra, and York, Pa., to Ceresville, Keymar, Middleburg, New Windsor, Walkersville, and Woodsboro, Md.

No. MC 107403 (Sub-No. 430), filed September 19, 1962. Applicant: E. BROOKE MATLACK, INC., 33rd and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plant site of the Keystone Portland Cement Company located in East Allen Township, Northampton County, Pa., to points in New York (except New York City and points in Broome, Chemung, Chenango, Delaware, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Tioga, Ulster, and Westchester Counties).

No. MC 119934 (Sub-No. 49) (AMENDMENT), filed July 11, 1962, published in FEDERAL REGISTER issue of July 25, 1962, amended September 13, 1962, and republished as amended this issue. Applicant: ECOFF TRUCKING INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Indianapolis, Ind., to Louisville, Ky., and *damaged and rejected shipments*, on return.

NOTE: The purpose of this republication is to delete Cincinnati, Ohio, as a destination point.

No. MC 124717 (Sub-No. 1), filed September 20, 1962. Applicant: WILLIE HARRIS, doing business as HARRIS TRUCKING, 6412 Kentucky Street, Hammond, Ind. Applicant's representative: Wm. L. Carney, 105 East Jenning Avenue, South Bend, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wellpoint equipment* including but not restricted to *pipe, pumps, hose, necessary fixtures and tools* for assembly and installation, in straight or mixed shipments, (1) between Hammond, Ind., and points in Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, and Wisconsin, and (2) between Des Moines, Iowa, and points in Minnesota.

MOTOR CARRIERS OF PASSENGERS

No. MC 29957 (Sub-No. 81) (AMENDMENT), filed September 10, 1962, published FEDERAL REGISTER issue September 26, 1962, amended September 21, 1962, republished as amended this issue. Applicant: CONTINENTAL SOUTHERN LINES, INC., doing business as CONTINENTAL TRAILWAYS, 425 Bolton Avenue, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Sarepta and Plain Dealing, La., over Louisiana Highway 2, and return over the same route, serving all intermediate points.

NOTE: Common control may be involved. It is further noted that applicant has contract carrier authority under MC 119840 Sub-No. 1. The purpose of this republication is to show the amended route.

NOTICE OF FILING OF PETITION

No. MC 119907 (Sub-No. 2) (PETITION FOR LEAVE TO FILE MODIFICATION PETITION AND PETITION FOR MODIFICATION OF ORDER AND PERMIT), filed July 10, 1962. Petitioner: RAY H. PRUITT AND EARL F. PRUITT, doing business as PRUITT TRUCKING COMPANY, Findlay, Ohio. Petitioner's attorney: Samuel Earnshaw, 983 National Press Building, Washington 4, D.C. Petitioner is a contract carrier authorized to perform transportation of photofilm, photoprints, and incidental handling materials therefor, between Findlay, Ohio, and Detroit, Mich.; and between Detroit, on the one hand, and, on the other, Adrian, Monroe, Jackson, and Lansing, Mich., by virtue of a Permit issued in MC 119907 (Sub-No. 2), under contract with Eastman Kodak Company. Petitioner asserts that it has served Mason, Mich., which is about 12 miles from Lansing, in the erroneous belief that the former was so close to Lansing as to be a part of its metropolitan area. Petitioner was advised that its authority did not authorize service to Mason, and such service to Mason has been discontinued, and has filed the instant petition seeking modification of its permit to authorize such service. An order of Division 1 dated August 24, 1962,

ordered that § 1.101(e) of the general rules of practice be waived and the petition for modification be accepted for filing, and assigned for processing and disposition under the no-oral hearing procedure. Any person or persons desiring to participate in this proceeding should, within 30 days from this publication in the FEDERAL REGISTER, file an appropriate pleading. Verified statements in support of the petition should be filed on or before November 3, 1962.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 103435 (Sub-No. 123), filed September 18, 1962. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, 900 East Omaha, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Lansing, Mich., and Charlotte, Mich.; from Lansing over Michigan Highway 78 to Charlotte, and return over the same route, serving no intermediate or off-route points.

NOTE: Applicant states that this application is related to MC–F 8167, and is necessitated due to the fact that authority of Expressways, Inc., is sought to be transferred partly to DeRosa Transportation, Inc., MC–F 8163, and partly to this applicant. The above segment between Lansing and Charlotte is required to be used by both vendees in order to accomplish service between the points being transferred respectively to each vendee.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8236. Authority sought for purchase by BRUCE JOHNSON TRUCKING COMPANY, INC., 125 East Craighead Road, P.O. Box 5233, Charlotte 6, N.C., of a portion of the operating rights of W. P. LAMBERT, doing business as W. P. LAMBERT TRANSFER, Landsford Road, Lancaster, S.C., and for acquisition by MAVER T. JOHNSON, 3041 Stoneybrook Drive, Charlotte, N.C., HARRY R. JOHNSON, 1339 Iris Drive, Charlotte, N.C., and JAMES L. JOHNSON, 3426 Central Avenue, Charlotte, N.C., of control of such rights through the purchase. Applicants' attorney: James E. Wilson, Wilson, Woods & Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Operating rights sought to transferred: *General commodities*, excepting among others household goods and commodities in bulk, as a *common carrier* over irregular routes between Lancaster, Heath Springs, and Kershaw, S.C., on the one hand, and, on the other, Charlotte and Monroe, N.C. Vendee is authorized to operate as a *common carrier* in South Carolina, North Carolina, Georgia, Virginia, Tennessee and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8239. Authority sought for control by AERO TRUCKING, INC., Box 278, R.D. 1, Oakdale, Pa., of FRIEDMAN TRANSFER AND CONSTRUCTION CO., INC., 19 East Commerce Street, Youngstown, Ohio, and for acquisition by EDWARD J. CONTO, Box 278, Oakdale, Pa., of control of FRIEDMAN TRANSFER AND CONSTRUCTION CO., INC., through the acquisition by AERO TRUCKING, INC. Applicants' attorneys: Donald Kaufman, Wick Building, Youngstown, Ohio, and Paul F. Beery, George, Greek, King & McMahon, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be controlled: *Household goods*, as a *common carrier* over irregular routes, between points in Mahoning and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the Southern Peninsula of Michigan; *such commodities* as building contractors' equipment, heavy and bulky articles, machinery and machine parts, and articles requiring specialized handling or rigging, between points in Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Maryland, those in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along U.S. Highway 111 to Harrisburg, Pa., thence north along U.S. Highway 15 to the Pennsylvania-New York State line, those in Erie County, N.Y., and those in Brooke, Hancock, Marshall, and Ohio Counties, W. Va.; *steel and steel articles*, between points in Mahoning and Trumbull Counties, Ohio, on the one hand, and on the other, points in Pennsylvania on and west of U.S. Highway 219; *such merchants' stock in trade and fixtures* as are purchased at auction or bankrupts' sales, between points in Mahoning and Trumbull Counties, Ohio, on the one hand, and on the other, points in Pennsylvania on and west of U.S. Highway 219; *building contractors equipment, heavy and bulky articles, and machinery and machinery parts*, the transportation of which because of size or weight requires the use of lowboy equipment and specialized handling or rigging (except iron and steel and iron and steel articles as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, road building and earth moving machinery and equipment, and pipe and such other commodities as are used in connection with the construction of pipe lines), from points in Illinois, Indiana, and the Lower Peninsula of Michigan, to points in Columbiana, Trumbull, and Mahoning Counties, Ohio. RESTRICTION: The authority granted herein shall not be tacked or joined with any authority held by carrier for the purpose of performing any through service. AERO TRUCKING, INC., is authorized to operate as a *common carrier* in Ohio, Pennsylvania, West Virginia, Kentucky, Illinois, Michigan, New York, Indiana, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 8244. Authority sought for control and merger by JOHNSON MOTOR LINES, INC., 2426 North Graham Street, P.O. Box 10877, Charlotte 1, N.C., of the operating rights and property of ATLANTA-NEW ORLEANS MOTOR FREIGHT CO., 2426 North Graham Street, P.O. Box 10877, Charlotte 1, N.C., and for acquisition by H. BEALE ROLLINS, 629 Title Building, Baltimore 2, Md., of control of such rights and property through the transaction. Applicants' attorney: Bryce Rea, Jr., 919 Munsey Building, Washington, D.C. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Atlanta, Ga., and Mobile, Ala., between junction U.S. Highways 31 and 84, and Opp, Ala., and between junction U.S. Highway 31 and U.S. Highway 80 (near Montgomery, Ala.), and Atmore, Ala., serving certain intermediate and off-route points; five alternate routes for operating convenience only; *general commodities*, except those of unusual value, Class A and B explosives, and household goods as defined by the Commission, between Pensacola, Fla., and Flomaton, Ala., serving all intermediate points; *general commodities*, except uncrated household goods or office furnishings, between Mobile, Ala., and New Orleans, La., serving all intermediate points; *class A and B explosives*, as classified in the Commission's Rules and Regulations Governing the Transportation of Explosives and other Dangerous Articles, when moving on Government bills of lading, from Mobile, Ala., to Pensacola, Fla., serving no intermediate points, and restricted against the transportation of shipments originating at points in Alabama; *textile, machinery* and *yarn*, from Monroeville, Ala., to Jackson, Ala., serving no intermediate points; empty yarn bobbins, from Jackson, Ala., to Monroeville, Ala., serving no intermediate points; *general commodities*, except livestock, and except articles of unusual or extraordinary value, commodities requiring the use of special equipment, and commodities in bulk, over irregular routes, between Pensacola, Fla., on the one hand, and, on the other, United States Navy Yard, Fort Barrancas, Correy Field, Soufley Field, Brownville, and Ellyson Field, Fla. JOHNSON MOTOR LINES, INC., is authorized to operate as a *common carrier* in Massachusetts, Maryland, Pennsylvania, Connecticut, Rhode Island, New Jersey, New York, Delaware, Virginia, North Carolina, South Carolina, Georgia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8245. Authority sought for purchase by SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio, of a

portion of the operating right of RICHARD JACOB, JR., and JOSEPH G. JACOB, a partnership, doing business as R. J. FRUIT AND PRODUCE-TRUCKING, 6 North 19th Street, Richmond, Va., and for acquisition by KENNETH SUBLER, BASIL SUBLER and RUBY SUBLER, all of East Main Street, Versailles, Ohio, of control of such rights through the purchase. Applicants' attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus 15, Ohio. Operating rights sought to be transferred: *Bananas*, as a *common carrier* over irregular routes from Baltimore, Md., to Chicago, Ill., Cincinnati and Cleveland, Ohio, Detroit, Flint, and Grand Rapids, Mich., Huntington, W. Va., Norfolk and Richmond, Va., and Utica, N.Y., from Philadelphia, Pa., to Chicago, Ill., Detroit, Mich., and Richmond, Va., from port facilities in the New York, N.Y. Commercial Zone, as defined by the Commission, to Baltimore, Md., Chicago, Ill., Detroit, Flint, and Grand Rapids, Mich., Raleigh, Greenville, and Elizabeth City, N.C., Huntington, W. Va., Cincinnati, Cleveland, and Columbus, Ohio, Norfolk and Richmond, Va., and Rochester, Syracuse and Utica, N.Y., from Tampa, Fla., to Chicago, Ill., Detroit and Grand Rapids, Mich., and Huntington, W. Va., from Miami, Fla., to Chicago, Ill., and Detroit and Grand Rapids, Mich., from Charleston, S.C., to Norfolk, Petersburg and Richmond, Va., Huntington, W. Va., Detroit, Mich., Cleveland, Ohio, Chicago, Ill., Baltimore, Md., Buffalo, Menands, Waterford, and New York, N.Y., and points in Pennsylvania, and from Norfolk, Va., to Buffalo, Rochester, Syracuse, and Utica, N.Y., Chicago, Ill., Detroit, Mich., Harrisburg and Pittsburgh, Pa., Indianapolis, Ind., Richmond, Va., and points in Ohio. RESTRICTION: The separate parts of the authority granted herein may not be tacked or joined, directly or indirectly for the purpose of providing through service. Vendee is authorized to operate as a *common carrier* in Maryland, Illinois, Ohio, Delaware, New Jersey, Kentucky, New York, Pennsylvania, New Hampshire, Vermont, Maine, Connecticut, Massachusetts, Rhode Island, Virginia, West Virginia, Indiana, Wisconsin, Michigan, Missouri, Iowa, Minnesota, Nebraska, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8246. Authority sought for control by M. W. ODOM, Colman Building, Seattle, Wash., WM. H. TUFFORD, 4260 West Marginal Way, Seattle, Wash., and R. M. WINSLOW, Terminal Yards, Anchorage, Alaska, of ANCO SHIPPING CO., 209 Denali Building, Anchorage, Alaska. Applicants' attorney: Alan F. Wohlstetter, Denning & Wohlstetter, 1 Farragut Square South, Washington 6, D.C. Operating rights sought to be controlled: For (a) Alaska "grandfather" rights for *general commodities*, with certain exceptions, as a common carrier over irregular routes, between points in Alaska, and (b) for acquisition of general commodity rights, with certain exceptions, between Seattle, Washington and the port of entry on the United States-Canadian boundary line at Blaine, Washington, and Alaska. M. W. ODOM, WM. H. TUFFORD, and R. M. WINSLOW holds no authority from this Commission. However, they are affiliated with ALASKA FREIGHT LINES, INC., P.O. Box 3025, 4260 Marginal Way, Seattle 4, Wash., which is authorized to operate as a common carrier in Washington and Alaska. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8247. Authority sought for purchase by ASBURY TRANSPORTATION CO., 2222 East 38th Street, Los Angeles 58, Calif., of the operating rights of STEEL TRANSPORTERS OF CALIFORNIA, P.O. Box 1009, 2100 South Van Ness Avenue, Fresno, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. Operating rights sought to be transfered: *Iron, steel*, and *iron and steel articles*, as a *common carrier* over irregular routes, from docks, wharves and piers in San Francisco, Oakland, Richmond, and Alameda, Calif., to certain specified points in California, and from San Pedro, Wilmington, and Long Beach, Calif., to certain points in California; *iron, steel, iron and steel articles, chemicals, roofing and building materials*, from Pittsburg, Calif., to wharves, piers, and docks in San Francisco, Oakland, Alameda, and Richmond, Calif., via California Highways 4, 21, and 24, and U.S. Highways 40 and 50; *chemicals*, from Merced, Calif., to wharves, piers and docks in San Francisco, Oakland, Alameda, and Richmond, Calif., via U.S. Highways 99, 50, and 40, with the restriction that the authority above granted is subject to the restriction that all traffic handled under such authority shall have an immediate prior or subsequent movement by water and that there shall be no joinder of the authorities described herein above; *lumber and lumber products, wire netting, structural steel, nails, sash weights, plumbing fixtures, iron and steel pipe, bands, and bars*, between San Francisco, Oakland, Alameda, Richmond, Pittsburg, and Stockton, Calif., to points in California within 250 miles of Pittsburg, Calif. Vendee is authorized to operate as a *common carrier* in Oregon, Washington, Idaho, California, Colorado, Montana, Nevada, Utah, Wyoming, Nebraska, Iowa, Kansas, Texas, New Mexico, Oklahoma, New York, Vermont, Louisiana, Virginia, Maryland, Arizona, Arkansas, Florida, Tennessee, South Dakota, Ohio, Alabama, Georgia, Massachusetts, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8248. Authority sought for purchase by ALLIED VAN LINES, INC., 25th and Roosevelt Road, Broadview, Ill., of the operating rights of HENSEL TRANSFER & WAREHOUSE COMPANY, 1209 South 11th Street, Sheboygan, Wis. Applicants' attorney and representative, respectively: G. M. Robison, 901 RCA Building, 1725 K Street NW., Washington, D.C., and Arthur Hensel, 1209 South 11th Street, Sheboygan, Wis. Operating rights sought to be transferred: *New furniture*, as a *common carrier* over irregular routes between Sheboygan, Wis., on the one hand, and, on nesota, Iowa, Illinois, Indiana, Michigan, Ohio, Missouri, Pennsylvania, New York, West Virginia, Virginia, Maryland, New Jersey, Delaware, and the District of Cothe other, points in North Dakota, Minlumbia; *new furniture*, uncrated, from Sheboygan, Wis., to points in Montana, Nebraska, and South Dakota, from Milwaukee to points in Iowa, Kansas, Minnesota, Montana, Missouri, Nebraska, North Dakota, and South Dakota, from Port Washington, Wis., to points in Connecticut, Delaware, District of Columbia, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Montana, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Virginia, West Virginia, and those in Illinois, except Chicago, and points in Illinois within 100 miles of Chicago, from Sheboygan, Wis., to points in Kansas, Kentucky, Connecticut, Rhode Island, and Massachusetts, from the town of Sheboygan Falls, Wis., to points in North Dakota, Minnesota, Iowa, Illinois, Indiana, Michigan, Ohio, Missouri, Pennsylvania, New York, West Virginia, Virginia, Maryland, New Jersey, Delaware, Kansas, Kentucky, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, from Plainfield, N.J., to St. Paul and Minneapolis, Minn., Indianapolis, Ind., Chicago, Ill., and points in that part of Wisconsin bounded by a line extending from the Illinois-Wisconsin State line at Beloit, Wis., along U.S. Highway 51 to Wausau, Wis., thence along Wisconsin Highway 29 to the city of Green Bay, Wis., thence along the eastern shore of Green Bay to Lake Michigan, thence along the western shore of Lake Michigan to the Illinois-Wisconsin State line, thence along the Illinois-Wisconsin State line to point of beginning, including points on the indicated portions of the highways specified, except from Plainfield, N.J., to Sheboygan, Wis., and from Jamestown, N.Y., and points within 25 miles thereof, Warren, Pa., and points within 25 miles thereof, and from Red Lion and York, Pa., and Salamanca, N.Y., to St. Paul and Minneapolis, Minn., and to points in a territory in Wisconsin on and east of a line beginning at the Illinois-Wisconsin State line and extending north along U.S. Highway 51 to Wausau, Wis., and on and south of a line beginning at Wausau and extending east along Wisconsin Highway 29 to Green Bay, Wis., and including all points in Kewaunee and Door Counties, Wis., and points south thereof, but not including Sheboygan, Wis.; *new furniture and new store and office fixtures*, uncrated, from Oshkosh, Wis., to points in Connecticut, Delaware, District of Columbia, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Montana, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Virginia, West Virginia, and those in Illinois, except Chicago and points in Illinois within 100 miles of Chicago. Vendee is authorized to operate as a *common carrier* in all States except Alaska and Hawaii. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8249. Authority sought for purchase by HAHN TRUCK LINE, INC.,

210 East Sixth Street (Mailing address: P.O. Box 852, Hutchinson, Kans.), South Hutchinson, Kans., of the operating rights of LLOYD GUYER AND PALMER MICKELSON, a partnership, doing business as MICKELSON & GUYER TRUCKING, Madelia, Minn. Applicant's attorney: Rufus H. Lawson, P.O. Box 5114, Oklahoma City, Okla. Operating rights sought to be transferred: *Mineral feed mixtures and lime*, as a *common carrier* over irregular routes from Hannibal, Mo., to points in Iowa, Minnesota, North Dakota, and South Dakota; *empty bags, barrels, or drums* used in transporting the above-specified commodities, from points in Iowa, Minnesota, North Dakota, and South Dakota, to Hannibal, Mo.; and *mineral mixtures*, for animal or poultry feed, and *lime* (ground or pulverized limestone), from Hannibal, Mo., to points in Nebraska and Wisconsin. RESTRICTION: The service authorized herein is subject to the following conditions. Operations pursuant to this certificate shall be conducted separately from carrier's operations as a private carrier; a separate and distinct accounting system shall be maintained for each; and carrier shall not transport property both as a for-hire and a private carrier in the same vehicle at the same time. Vendee is authorized to operate as a *common carrier* in Oklahoma, Iowa, Kansas, Minnesota, Nebraska, South Dakota, North Dakota, Arkansas, Colorado, Texas, and Missouri. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 8243. Authority sought for purchase by DENVER-COLORADO SPRINGS-PUEBLO MOTOR WAY, INC., Travel Center Building, 17th and Broadway, Denver, Colo., of a portion of the operating rights and property of SALT CREEK FREIGHTWAYS, 408 Industrial Avenue, Casper, Wyo., and for acquisition by TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas 7, Tex., of control of such rights and property through the purchase. Applicants' attorney: Alfred Crager, 315 Continental Avenue, Dallas 7, Tex. Operating rights sought to be transferred: *Passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, as a *common carrier* over a regular route, between Casper, Wyo., and Sheridan, Wyo., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Colorado, Montana, Wyoming, and South Dakota, and as a *broker* at Denver, Colorado Springs, and Pueblo, Colo., covering the transportation of passengers to all points in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: Vendor is retaining its property rights.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9864; Filed, Oct. 2, 1962; 8:46 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 28, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37965: *Wrought iron or steel pipe from Chattanooga, Tenn.* Filed by Southwestern Freight Bureau, Agent (No. B–8271), for interested rail carriers. Rates on wrought iron or steel pipe, and related articles, in carloads, from Chattanooga, Tenn., to points in Texas.

Grounds for relief: Market competition.

Tariff: Supplement 285 to Southwestern Freight Bureau tariff I.C.C. 4116.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9861; Filed, Oct. 2, 1962; 8:46 a.m.]

[Notice 229]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 28, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–42487 (Deviation No. 13), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 715 South 25th Avenue, Bellwood, Ill., filed September 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Junction U.S. Highway 14 and Illinois Highway 53 over Illinois Highway 53 to Junction U.S. Highway 20, thence over U.S. Highway 20 to the Congress Expressway Extension, thence over the Congress Expressway Extension to the Congress Expressway, thence over the Congress Expressway to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From Rice Lake, Wis. over U.S. Highway 53 to Eau Claire, Wis., thence over U.S. Highway 12 to Fairchild, Wis., thence over U.S. Highway 10 to Junction Wisconsin Highway 13, thence over Wisconsin Highway 13, to Junction Wisconsin Highway 73, thence over Wisconsin Highway 73 to Junction U.S. Highway 51, thence over U.S. Highway 51 to Madison, Wis., thence over U.S. Highway 14 to Junction Wisconsin Highway 140, thence over Wisconsin Highway 140 to the Wisconsin-Illinois State line, thence over Illinois Highway 76 to Junction Illinois Highway 173, thence over Illinois Highway 173 to Harvard, Ill., thence over U.S. Highway 14 to Junction U.S. Highway 12, thence over U.S. Highway 12 to Chicago, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-9862; Filed, Oct. 2, 1962; 8:46 a.m.]

[Notice 485]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 28, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below.

SPECIAL RULES OF PROCEDURES FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the

written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statements as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in this written statement is permissible.

No. MC 29079 (Sub-No. 17), filed August 27, 1962. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1200 Home Avenue, Kokomo, Ind. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and liquid commodities in bulk), between Kokomo, Ind., and points within 50 miles of Kokomo, and Portage, Ind., and the Champ, Mo., Industrial Village.

HEARING: November 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 160.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–9863; Filed, Oct. 2, 1962; 8:46 a.m.]

TARIFF COMMISSION

[87–456–2]

PROPOSED CHANGES IN PROVISIONS OF TARIFF SCHEDULES

Notice of Opportunity To Present Views

Pursuant to sections 101(b)(4) and 101(c) of the Tariff Classification Act of 1962 (Public Law 87–456, approved May 24, 1962), the United States Tariff Commission gives notice of the release in proposed form of a list of changes in the Tariff Schedules of the United States [1] necessary to reflect changes in the tariff treatment of imported articles by the following proclamations of the President:

Proclamation	Date	Treasury Decision	Subject
3431	9–18–61	55484	Compensatory GATT concession.
3448	2–5–62	55571	Exemption Simmurah wheat flour from import quota.
3454	3–19–62	55603	Escape-clause action regarding certain floor coverings and flat glass.
3455	3–19–62	55603	
3458	3–27–62	55603	
3468	4–30–62	55615 55669	Making effective recent GATT concessions.
3479	6–20–62	55649	

Information and views may be submitted in writing. Fifteen (15) copies of written statements must be submitted. Each such statement should be submitted as early as possible, and, in order to assure due consideration, must be submitted not later than October 31, 1962. Written statements must be limited to the changes in the provisions of the Tariff Schedules of the United States necessary to reflect changes in tariff treatment by the aforementioned Presidential proclamations. Other matters are not relevant and will not be entertained in connection with this proceeding.

In view of the fact that the changes in the Tariff Schedules of the United States here involved are of a limited, technical nature, no public hearing has been ordered. Any interested party who believes that a public hearing should be held may, within 16 days after the date of publication of this notice in the FEDERAL REGISTER, request that a public hearing be held. Any such request should state the reasons for the request and should identify the specific provisions of the Tariff Schedules of the United States for which the hearing is requested.

All communications regarding this public notice should be addressed to the Secretary, United States Tariff Commission, Washington 25, D.C.

Issued: October 1, 1962.

By order of the Commission.

DONN N. BENT, *Secretary.*

[F.R. Doc. 62–9931; Filed, Oct. 2, 1962; 8:46 a.m.]

[1] The Tariff Schedules of the United States are set forth in the report of the Tariff Commission entitled "Tariff Classification Study, Proposed Revised Tariff Schedules of the United States", dated November 15, 1960, as changed by the "First Supplemental Report" of January 1962 and the "Second Supplemental Report" of June 1962. Copies of the above mentioned Tariff Schedules are available for inspection at the office of the Tariff Commission in Washington, D.C., and at its New York office, at United States customhouses, at Department of Commerce field offices, and at most large libraries in the United States; copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–III–1, Rev. 1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Rescission of Delegation Relating to Financial Assistance

Notice is hereby given that this delegation, dated August 1, 1961 (26 F.R. 7647) is rescinded in its entirety.

Effective date: July 10, 1962.

EDWARD N. ROSA, *Regional Director, Philadelphia Regional Office.*

[F.R. Doc. 62–9851; Filed, Oct. 2, 1962; 8:46 a.m.]

[Delegation of Authority 30–III–2, Rev. 1]

CHIEF, PROCUREMENT AND TECHNICAL ASSISTANCE DIVISION

Rescission of Delegation of Authority

Notice is hereby given that this delegation, dated August 1, 1961 (26 F.R. 7646) is rescinded in its entirety.

Effective date: July 10, 1962.

EDWARD N. ROSA, *Regional Director, Philadelphia Regional Office.*

[F.R. Doc. 62–9852; Filed, Oct. 2, 1962; 8:46 a.m.]

[Delegation of Authority 30–III–3, Rev. 1]

ADMINISTRATIVE OFFICER

Rescission of Delegation Relating to Administrative Functions

Notice is hereby given that this delegation, dated August 1, 1961 (26 F.R. 7646) is rescinded in its entirety.

Effective date: July 10, 1962.

EDWARD N. ROSA, *Regional Director, Philadelphia Regional Office.*

[F.R. Doc. 62–9853; Filed, Oct. 2, 1962; 8:46 a.m.]

[Delegation of Authority No. 30–III–4, Rev. 1]

REGIONAL COUNSEL

Rescission of Delegation Relating to Legal Functions

Notice is hereby given that this delegation, dated August 1, 1961 (26 F.R. 7648) is rescinded in its entirety.

Effective date: July 10, 1962.

EDWARD N. ROSA, *Regional Director, Philadelphia Regional Office.*

[F.R. Doc. 62–9854; Filed, Oct. 2, 1962; 8:46 a.m.]

[Delegation of Authority 30–III–9, Rev. 1]

BRANCH MANAGER, PITTSBURGH, PA. BRANCH OFFICE

Rescission of Delegation of Authority Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions Insofar as They Relate to Branch Office Operation

Notice is hereby given that this delegation, dated August 1, 1961 (26 F.R. 7648) is rescinded in its entirety.

Effective date: July 10, 1962.

EDWARD N. ROSA, *Regional Director, Philadelphia Regional Office.*

[F.R. Doc. 62–9855; Filed, Oct. 2, 1962; 8:46 a.m.]

[Delegation of Authority 30–III–14]

CHIEF, LOAN PROCESSING SECTION

Rescission of Delegation of Authority

Notice is hereby given that this delegation, dated August 1, 1961 (26 F.R. 7647), is rescinded in its entirety.

Effective date: July 10, 1962.

RAYSON E. ROCHE, *Chief, Financial Assistance Division, Philadelphia Regional Office.*

[F.R. Doc. 62–9856; Filed, Oct. 2, 1962; 8:46 a.m.]

[Delegation of Authority 30–III–15]

CHIEF, LOAN ADMINISTRATION SECTION

Rescission of Delegation of Authority

Notice is hereby given that this delegation, dated August 1, 1961 (26 F.R. 7648), is rescinded in its entirety.

Effective date: July 10, 1962.

RAYSON E. ROCHE, *Chief, Financial Assistance Division, Philadelphia Regional Office.*

[F.R. Doc. 62–9857; Filed, Oct. 2, 1962; 8:46 a.m.]

[Delegation of Authority 30–III–16]

CHIEF, LIQUIDATION SECTION

Rescission of Delegation of Authority

Notice is hereby given that this delegation, dated August 1, 1961 (26 F.R. 7648), is rescinded in its entirety.

Effective date: July 10, 1962.

RAYSON E. ROCHE, *Chief, Financial Assistance Division, Philadelphia Regional Office.*

[F.R. Doc. 62–9858; Filed, Oct. 2, 1962; 8:46 a.m.]

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VOLUME 27 NUMBER 193

OCT 5 1962

Washington, Thursday, October 4, 1962

THE UNIVERSITY OF MICHIGAN

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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Sawdust Pack Grapes (European or Vinifera Type)

On August 16, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 8181) regarding a proposed amendment of United States Standards for Sawdust Pack Grapes (European or vinifera type).

Statement of considerations. The purpose of the amendment is to establish a new grade to be called U.S. Export No. 1 Grapes. The requirements of this grade are the same as for U.S. No. 1, Sawdust Pack Grapes, except that it can be applied to grapes packed in lugs, boxes, cartons or chests with cushions, liners or wraps, as well as those packed in sawdust or granulated cork.

The notice afforded interested persons an opportunity to file written data, views and arguments on the proposal. None were received opposing the proposal.

After consideration of all relevant matters presented, it is determined that the proposal for amendment as set forth in the aforesaid notice should be adopted and, Subpart—United States Standards for Sawdust Pack Grapes (European or vinifera type) is hereby amended as set forth below:

1. Revise footnote [1] to read as follows:

[1] Except as provided in connection with U.S. Export No. 1 Grapes, these standards shall be applicable only to grapes properly packed in sawdust or granulated cork, and not to so-called "semi-sawdust packs" which are cushioned and/or covered with sawdust.

2. Add a new § 51.2151a to read as follows:

§ 51.2151a U.S. Export No. 1 Grapes.

"U.S. Export No. 1 Grapes" consists of grapes which meet the requirements of U.S. No. 1 Sawdust Pack Grapes and which may be packed in lugs, boxes, cartons or chests with any of the customary protective materials such as cushion liners, or wraps, or which are properly packed in sawdust or granulated cork.

Effective date. It is hereby found that good cause exists for dispensing with the effective date requirements of section 4 (c) of the Administrative Procedure Act (5 U.S.C. 1003), in that: (1) The 1962 packing season for grapes is well underway and it is in the interests of the public and the industry that this amendment be placed in effect at the earliest possible date; (2) No special preparation is required for compliance with the amendment on the part of the members of the grape industry or of others. Accordingly this amendment shall become effective upon publication in the FEDERAL REGISTER, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (§§ 203, 205, 60 Stat. 1087 as amended, 1090 as amended; 7 U.S.C. 1622, 1624).

Dated: October 1, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-9940; Filed, Oct. 3, 1962; 8:54 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. No. 3]

PART 944—FRUITS; IMPORT REGULATIONS

Prohibitions of Imported Commodities

§ 944.302 Orange Regulation No. 3.

(a) On and after 12:01 a.m., e.s.t., October 8, 1962, the importation into the United States of any oranges is prohibited unless such oranges are inspected and grade at least U.S. No. 3 and are of a size not smaller than 2 3/16 inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in individual containers in such lot, may be of a size smaller than 2 3/16 inches in diameter.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of oranges that are imported into the United States under the provisions of section 8e of the act. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of oranges, is required on all imports of oranges. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of oranges should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the oranges will be imported:

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Bldg., Harlingen, Tex. (Phone: Garfield 3-5644). or	1 day.
	Norman E. Taylor, Room 204, U.S. Court House, El Paso, Tex. (Phone: Keystone 3-9351, Ext. 340).	Do.
All New York points.	Edward J. Beller, Room 306, 346 Broadway, New York 13, N.Y. (Phone: Rector 2-8000, Ext. 807).	Do.
All Arizona points.	R. H. Bertelson, 136 Grande Ave., Nogales, Ariz. (Phone: Atwater 7-2902).	Do.
All Florida points.	Lloyd W. Boney, 1200 NW. 21 Terrace, Room 5, Miami, Fla. (Phone: Newton 5-7967). or	Do.
	Hubert S. Flynt, 775 Warner St., Orlando, Fla. (Phone: Garden 2-2447).	Do.
All California points.	Carley D. Williams, 784 South Central Ave., Room 294, Los Angeles 21, Calif. (Phone: Madison 2-8756).	3 days.
All other points.	E. E. Conklin, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington 25, D.C. (Phone: Dudley 8-5870).	Do.

(c) Inspection certificates shall cover only the quantity of oranges that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any oranges to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provision of this regulation, any importation of oranges which, in the aggregate, does not exceed five 1 3/5 bushel boxes, or

equivalent quantity, may be imported without regard to the restrictions specified herein.

(g) Nothing contained in this section shall be deemed to preclude any importer from reconditioning prior to importation any shipment of oranges for the purpose of making it eligible for importation under the act.

(h) No provisions of this section shall supersede the restrictions or prohibitions on oranges under the Plant Quarantine Act of 1912.

(i) Terms used herein relating to grade and diameter shall have the same meaning as when used in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680—51.712). "Importation" means release from custody of the United States Bureau of Customs.

(j) Orange Regulation No. 2 (§ 944.-301; 27 F.R. 821, 6043) is hereby terminated at 12:01 a.m., e.s.t., October 8, 1962.

On September 7, 1962, notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 8921) regarding proposed restrictions on the importation of oranges into the United States. Such notice afforded interested parties an opportunity to submit data, views, or arguments for consideration in connection with the proposed action. Eight statements were filed within the prescribed time. Three were in opposition to and five in support of the provision requiring import regulations for oranges to be on a basis comparable with regulations established for oranges grown in Texas. After consideration of the material submitted and other available information, it is concluded that (1) most orange imports originate in Mexico and many of such imports are transshipped from the lower Rio Grande Valley in Texas by handlers of Texas oranges; (2) many of such shipments are commingled with Texas oranges; (3) oranges from Mexico go to the same markets as Texas oranges. It is therefore determined that such imported oranges are in most direct competition with oranges produced in Texas.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; 75 Stat. 305), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are the same as those in effect on domestic shipments of Texas oranges under Orange Regulation 4 (§ 906.307; 27 F.R. 8726); (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; (d) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable, and this regulation relieves restrictions on imports of oranges.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 2, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–9981; Filed, Oct. 3, 1962; 8:54 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–SO–21]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On June 28, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 6098) stating that the Federal Aviation Agency proposed to alter the boundaries of the Fort Bragg, N.C., Restricted Area R–5311 to more nearly coincide with the military reservation, and to lower the maximum designated altitude of the area from 35,000 feet MSL to 29,000 feet MSL.

The Department of the Army in commenting on the Notice concurred with the proposed boundary modifications but interposed an objection to lowering the maximum designated altitude to 29,000 feet MSL. In so doing the Army stated that while there is no present utilization of the airspace above 29,000, the capability to vertically expand R–5311 must be retained to accommodate future requirements. The Department of the Army has been assured that the action contained herein does not prejudice any subsequent airspace action on this restricted area should there be a change in Army requirements.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposal has been published; therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following action is taken:

1. In § 608.53 *North Carolina* (14 CFR 608.53) the Fort Bragg, N.C.

Restricted Area R–5311 is amended to read:

R–5311 Fort Bragg, N.C.

Boundaries. Beginning at latitude 35°10'-46" N., longitude 79°01'56" W.; to latitude 35°08'47" N., longitude 79°02'00" W.; to latitude 35°07'00" N., longitude 79°02'30" W.; to latitude 35°05'35" N., longitude 79°-01'50" W.; to latitude 35°02'55" N., longitude 79°05'40" W.; to latitude 35°02'45" N., longitude 79°20'10" W.; to latitude 35°07'05" N., longitude 79°22'50" W.; to latitude 35°09'-40" N., longitude 79°20'10" W.; thence along Little River to point of beginning.

Designated altitude. Surface to 29,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Fort Bragg, N.C.

This amendment shall become effective 0001 e.s.t. November 15, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 27, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–9886; Filed, Oct. 3, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–227]

PART 13—PROHIBITED TRADE PRACTICES

Helene Curtis Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Helene Curtis Industries, Inc., et al., Chicago, Ill., Docket C–227, Sept. 11, 1962]

In the Matter of Helene Curtis Industries, Inc., a Corporation, and Central Beauty Equipment Company, Inc., a Corporation, and Willard Gidwitz, and Gerald Gidwitz, Individually and as Officers of Said Corporations.

Consent order requiring Chicago manufacturers of equipment for use by beauty-shop operators, to cease representing falsely in brochures, pamphlets, circulars, and other advertising literature that their "Tahitian South Seas" and "Magic-Aire Gold Star" hair dryers employed a new method of hair drying, were "air-conditioned", had a wider temperature range than was the fact, and were "Fully Guaranteed".

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That Helene Curtis Industries, Inc., a corporation, and its officers, Central Beauty Equipment Company, Inc., a corporaton, and its officers and Willard Gidwitz and Gerald Gidwitz, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hair dryers in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication:

(a) That said hair dryers are so equipped that they can remove moisture from the air they furnish to the user, unless specifically limited to models of said hair dryers which are in fact equipped to remove moisture from the air;

(b) That said hair dryers furnish cooled or dried air to the user's hair, unless specifically limited to models of said hair dryers which do in fact furnish cooled or dried air to the user's hair;

(c) That said hair dryers will furnish hot air to the user at any temperature outside the range actually afforded by their heat control thermostat.

2. Using the term "air-conditioned" to describe said hair dryers or representing in any other manner that said hair dryers are air conditioned, unless specifically limited to models of said hair dryers which furnish cool, dried air to the user's hair.

3. Representing directly or by implication that any operating principle of any of respondents' hair dryers, or any component of such hair dryers, which is not new or based on a new discovery or a new application to hair dryers of a known principle is new or based on a new discovery or application.

It is further ordered, That respondents, Helene Curtis Industries, Inc., a corporation, and its officers, Central Beauty Equipment Company, Inc., a corporation, and its officers and Willard Gidwitz and Gerald Gidwitz, individually and as officers of said corporations and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hair dryers or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication that any product is guaranteed unless all of the terms and conditions of such guarantee and the manner and form in which the guarantor will perform are clearly and conspicuously set forth.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 11, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–9891; Filed, Oct. 3, 1962; 8:46 a.m.]

[Docket C–221]

PART 13—PROHIBITED TRADE PRACTICES

Leifer-Levitt, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation:* § 13.1255–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Leifer-Levitt, Inc., et al., New York, N.Y., Docket C–221, Sept. 11, 1962]

In the Matter of Leifer-Levitt, Inc., a Corporation, and Abe Leifer and Samuel Levitt, Individually and as Officers of Said Corporation

Consent order requiring manufacturing furriers in New York City to cease violating the Fur Products Labeling Act by labeling and invoicing as natural, fur products which were artificially colored, and failing to show on labels and invoices when they were so bleached or dyed; and by furnishing false guaranties with respect to certain of their fur products that they had a continuing guaranty on file with the Commission.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Leifer-Levitt, Inc., a corporation, and its officers, and Abe Leifer and Samuel Levitt, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing directly or by implication on labels that fur contained in fur products is natural, when such is not the fact.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Representing directly or by implication on invoices that the fur contained in fur products is natural, when such is not the fact.

B. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

3. Furnishing a false guaranty that any fur product is not misbranded, falsely invoiced, or falsely advertised, when respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 11, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–9892; Filed, Oct. 3, 1962; 8:46 a.m.]

[Docket C–225]

PART 13—PROHIBITED TRADE PRACTICES

Mark Green

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1880 *Old, used, or reclaimed as unused or new:* § 13.1880–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Mark Green trading as Mark Green, New York, N.Y., Docket C–225, Sept. 11, 1962]

In the Matter of Mark Green, an Individual Trading as Mark Green

Consent order requiring a New York City furrier to cease violating the Fur Products Labeling Act by failing to show on labels when fur products contained used or artificially colored fur, failing to label or invoice secondhand products as required, and failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Mark Green, an individual trading as Mark Green or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Failing to disclose that fur products are "second-hand", when such is the fact.

C. Failing to set forth the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Failing to disclose that fur products are "second-hand" when such is the fact.

C. Failing to set forth the item number or mark assigned to a fur product.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 11, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-9893; Filed, Oct. 3, 1962; 8:47 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 281-62]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart L—Internal Security Division

ASSIGNMENT TO THE ASSISTANT ATTORNEY GENERAL IN CHARGE OF THE INTERNAL SECURITY DIVISION OF THE RESPONSIBILITY FOR THE ENFORCEMENT OF THE PROVISIONS OF THE FEDERAL AVIATION ACT OF 1958 RELATING TO OFFENSES UNDER THE SECURITY CONTROL OF AIR TRAFFIC PROVISIONS OF THAT ACT

Under and by virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), I hereby amend paragraph (a) of § 0.60 of Subpart L of Part O of Chapter I of Title 28 of the Code of Federal Regulations (Order No. 271-62) by inserting "Section 1203 of the Federal Aviation Act of 1958 (49 U.S.C. 1523), relating to offenses involving the security control of air traffic," immediately after "the Munitions Control Act,".

The amendment made by this order shall become effective upon the date of the publication of this order in the FEDERAL REGISTER.

(R.S. 161; 5 U.S.C. 22; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949-1953 Comp., 64 Stat. 1261)

Dated: September 28, 1962.

ROBERT F. KENNEDY, *Attorney General.*

[F.R. Doc. 62-9885; Filed, Oct. 3, 1962; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 2—Federal Aviation Agency

PART 2-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 2-2.4—Opening of Bids and Award of Contracts

Subpart 2-2.4 is revised to read as follows:

Sec.
2-2.406 Mistakes in bids.
2-2.406-3 Other mistakes disclosed before award.
2-2.406-4 Disclosure of mistakes after award.

AUTHORITY: §§ 2-2.406 to 2-2.406-4 issued under secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354.

Subpart 2-2.4—Opening of Bids and Award of Contracts

§ 2-2.406 Mistakes in bids.

§ 2-2.406-3 Other mistakes disclosed before award.

(a) The Chief, Procurement Division, Installation and Materiel Service, Federal Aviation Agency, Washington (or anyone acting in that position), is the designated central authority to make the determinations set forth in § 1-2.406-3 of this title.

(b) Cases referred to the Chief, Procurement Division, shall be accompanied by the data prescribed in § 1-2.406-3(d)(3) of this title.

(c) When a determination has been made by the Chief, Procurement Division, the signed original will be forwarded to the contracting officer. All supporting documents submitted by the contracting officer, except his written statement, will be returned to him. The contracting officer shall withhold award action until he has received the signed determination or official notice thereof.

(d) Cases considered doubtful by the contracting officer shall be referred to the Chief, Procurement Division, who will take appropriate action either to make a determination or to prepare a submittal, over his signature, to the Comptroller General.

(e) Where a case clearly must be submitted to the Comptroller General for decision (either pursuant to a specific request from the contractor or because the case does not fall within the criteria set forth in § 1-2.406-3 of this title), it may, if urgent, be submitted directly to the Comptroller General by the contracting officer. The submittal shall be coordinated with Agency legal personnel available to the contracting officer and shall be accompanied by substantially the same data as required by paragraph (b) of this section. A copy of the submittal letter shall be sent to the Chief, Procurement Division. If urgency is not a factor, the case shall be referred to the Chief, Procurement Division for submission by him to the Comptroller General.

§ 2-2.406-4 Disclosure of mistakes after award.

(a) Agency contracting officers are authorized to correct mistakes in the kinds of cases contemplated in § 1-2.406-4(a) of this title.

(b) The Chief, Procurement Division, Installation and Materiel Service, Federal Aviation Agency, Washington (or anyone acting in that position), is the designated central authority to make the determinations set forth in § 1-2.406-4(b) of this title.

(c) Cases referred to the Chief, Procurement Division, shall be accompanied by the data prescribed in § 1-2.406-4(f)(2) of this title.

(d) When a determination has been made by the Chief, Procurement Division, the signed original will be forwarded to the contracting officer. All supporting documents submitted by the contracting officer, except his written statement, will be returned to him. Upon receipt of the signed determination, the contracting officer shall take appropriate action to rescind or reform the contract, or to notify the contractor that the award will stand as made.

(e) Where administrative determination is precluded by the limitations set forth in § 1-2.406-4 of this title, or where the contractor has specifically requested review by the Comptroller General, the case shall be referred to the Chief, Procurement Division, who will prepare, in coordination with the Office of the General Counsel, a submittal from the Administrator to the Comptroller General.

Effective date. These regulations are effective October 1, 1962.

Dated: September 28, 1962.

N. E. HALABY, *Administrator.*

[F.R. Doc. 62-9887; Filed, Oct. 3, 1962; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2775]

NEW MEXICO AND OREGON

Withdrawals for Forest Service Administrative Sites and Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the national forests hereafter named are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States in aid of programs of the Forest Service for utilization of the surface as administrative sites and recreation areas, as indicated:

NEW MEXICO

1. (New Mexico 0214761)

NEW MEXICO PRINCIPAL MERIDIAN

LINCOLN NATIONAL FOREST

Indian Wells Recreation Area

T. 16 S., R. 10 E.,
Sec. 15, S½NE¼NE¼ and SE¼NE¼.

Sacramento Side Camp Administrative Site

T. 18 S., R. 12 E.,
Sec. 30, lots 1 to 6, incl.

The area described aggregates 265.79 acres.

OREGON

2. (Oregon 011648)

WILLAMETTE MERIDIAN

UMATILLA NATIONAL FOREST

Olive Lake Recreation Area

T. 9 S., R. 34 E.,
Sec. 15, SW¼NE¼, NE¼SW¼, and S½SW¼;
Sec. 22, lot 2, SW¼NE¼, NE¼SW¼, S½SW¼, and W½SE¼.

SISKIYOU NATIONAL FOREST

Wildhorse Campground

T. 36 S., R. 12 W. (unsurveyed),
Sec. 18, S½NE¼NW¼, SE¼NW¼, N½NE¼SW¼, NE¼NW¼SW¼, and E½SW¼NW¼.

Huntley Spring Campground

T. 37 S., R. 12 W. (unsurveyed),
Sec. 20, NW¼SW¼ and SW¼NW¼.

Panther Creek Campground

T. 33 S., R. 13 W.,
Sec. 18, N½SE¼SE¼ and SE¼SE¼SE¼;
Sec. 19, E½NE¼NE¼;
Sec. 20, W½NW¼NW¼.

Butler Bar Campground

T. 33 S., R. 13 W.,
Sec. 17, W½NE¼.

Elko Spring Campground

T. 37 S., R. 13 W. (unsurveyed),
Sec. 10, SW¼NE¼.

Pine Point Campground

T. 37 S., R. 13 W. (unsurveyed),
Sec. 18, S½SW¼NE¼ and NW¼SE¼.

Flycatcher Spring Campground

T. 37 S., R. 13 W. (unsurveyed),
Sec. 19, S½NE¼SW¼ and SE¼SW¼.

McGribble Campground

T. 33 S., R. 14 W.,
Sec. 20, SE¼NW¼.

The areas described aggregate 975.70 acres.

OREGON

3. (Oregon 011885)

WILLAMETTE MERIDIAN

DESCHUTES NATIONAL FOREST

Bachelor Butte Recreation Area

T. 18 S., R. 9 E.,
Sec. 19, E½SE¼;
Sec. 20, S½SW¼NE¼, S½NW¼SE¼NW¼, S½S½NW¼, and S½;
Sec. 21, NW¼SW¼ and S½SW¼;
Sec. 28, N½NW¼, SW¼NW¼, NW¼SE¼NW¼, and NW¼NW¼SW¼;
Sec. 29, N½, SW¼, N½SE¼, SW¼SE¼, and NW¼SE¼SE¼;
Sec. 30, E½E½E½ and W½NE¼NE¼;
Sec. 31, NE¼NE¼NE¼;
Sec. 32, NW¼NW¼NE¼, N½NW¼, N½SW¼NW¼, and NW¼SE¼NW¼.

ROUGUE RIVER NATIONAL FOREST

Wrangle Campground

T. 40 S., R. 1 W.,
Sec. 31, S½SE¼NE¼.

Star Ranger Station Administrative Site

T. 39 S., R. 3 W.,
Sec. 28, SW¼NE¼, NW¼NW¼NE¼, and E½NE¼NW¼.

Squaw Peak Lookout Station

T. 40 S., R. 3 W.,
Sec. 24, SW¼SW¼SW¼SW¼.

Thompson Creek Campground

T. 40 S., R. 5 W.,
Sec. 12, W½SW¼NE¼NE¼.

Sturgis Campground

T. 40 S., R. 5 W.,
Sec. 13, S½ of lot 2, N½ of lot 3.

Whiskey Peak Lookout Station

T. 41 S., R. 5 W.,
Sec. 11, SE¼SE¼NE¼NW¼.

The areas described aggregate 1,702.5 acres.

The total area withdrawn by this order is 2,943.54 acres.

JOHN A. CARVER, Jr., *Assistant Secretary of the Interior.*

SEPTEMBER 27, 1962.

[F.R. Doc. 62-9909; Filed, Oct. 3, 1962; 8:49 a.m.]

[Public Land Order 2776]

[Idaho 011734]

IDAHO

Power Site Restoration No. 566; Partly Revoking Power Site Reserve No. 565; Opening Lands Under Section 24 of the Federal Power Act

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determinations of the Federal Power Commission docketed as DA-537, 538, 539, and 547, Idaho, combined, it is ordered as follows:

1. The Executive Order of November 21, 1916, creating Power Site Reserve No. 565, is hereby revoked so far as it affects the following-described lands:

BOISE MERIDIAN

T. 9 S., R. 17 E.,
Sec. 34, lot 10.

Containing 39.73 acres.

2. In DA-537 et al., supra, the Federal Power Commission determined that the value of the following-described lands would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended:

BOISE MERIDIAN

T. 9 S., R. 16 E.,
Sec. 24, lot 6.
T. 9 S., R. 17 E.,
Sec. 34, lots 11, 12, and 13;
Sec. 35, lots 10, 11 and S½NW¼.
T. 9 S., R. 18 E.,
Sec. 31, lots 4 and 5.

Containing 404.43 acres.

3. The lands are on or near the rim of the Snake River Canyon in Jerome County, Idaho. Vegetative cover consists of a sparse stand of native bluegrass and cheatgrass. Soils are a shallow, sandy silt loam on those areas lying on the canyon floor, and are nonexistent on the steep slope.

4. Until 10:00 a.m. on March 27, 1962, the State of Idaho shall have (1) a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act.

5. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on March 27, 1962. At that time the lands shall be open to the operation of the public land laws generally subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals.

6. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

7. Any disposals of the lands described in Paragraph 2 of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER, Jr., *Assistant Secretary of the Interior.*

SEPTEMBER 27, 1962.

[F.R. Doc. 62-9910; Filed, Oct. 3, 1962; 8:49 a.m.]

[Public Land Order 2777]

[New Mexico 0134891]

NEW MEXICO

Restoration Under Section 24, Federal Power Act, Water Power Designation No. 1, Power Site Reserve No. 59

1. In Docket No. DA-63-New Mexico, the Federal Power Commission has determined that the value of the following

described lands withdrawn under Water Power Designation No. 1, and Power Site Reserve No. 59, will not be injured or destroyed for purposes of power development by location, entry or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 9 W.,
Sec. 19, lots 6 and 9.
T. 29 N., R. 10 W.,
Sec. 19, N½SE¼;
Sec. 20, NW¼SW¼;
Sec. 22, SE¼SE¼;
Sec. 26, NW¼NW¼;
Sec. 27, N½NE¼, SW¼NE¼, and SE¼NW¼.
T. 29 N., R. 11 W.,
Sec. 26, NW¼NW¼;
Sec. 27, NE¼NE¼;
Sec. 29, SW¼NE¼;
Sec. 30, SE¼SW¼ and NE¼SE¼.
T. 29 N., R. 12 W.,
Sec. 29, NE¼SW¼ and NE¼SE¼.

The areas described aggregate 665.07 acres of public land.

2. Lands described as the NW¼NW¼ sec. 26, and the NE¼NE¼ sec. 27, T. 29 N., R. 11 W., N.M.P.M., are embraced in application for withdrawal, New Mexico 034478, filed by the Bureau of Indian Affairs in connection with the proposed Navajo Irrigation Project. Land described as NE¼SW¼ sec. 29, T. 29 N., R. 12 W., N.M.P.M., is included in application of the State of New Mexico, under indemnity school land selection, New Mexico 0184247.

3. The lands are located within the San Juan River Flood Plain between the communities of Blanco and Farmington, New Mexico. Access is afforded over improved surfaced roads, established for oil and gas field operations. The soils vary from sandy, in the riverbed, to two feet of alluvial soil of medium texture. Vegetation consists of salt cedar, willow, cottonwood, salt grass, and some meadow.

4. Until 10:00 a.m. on December 29, 1962, the State of New Mexico shall have a preferred right to apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of Section 24 of the Federal Power Act.

5. This order shall not otherwise become effective to change the status of the lands until 10:00 a.m. on December 29, 1962. At that time the said lands shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable laws, rules and regulations, and the provisions of any existing withdrawals.

6. The State of New Mexico has waived the preference right of application afforded it by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

7. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws, subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

8. Any disposals of the lands described in this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, as specified by the Federal Power Commission in its determinations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

SEPTEMBER 28, 1962.

[F.R. Doc. 62-9911; Filed, Oct. 3, 1962; 8:49 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

[CGFR 62-31]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Pilots' Licenses, Engineers' Licenses, and Statutory Authorities for Regulations

To show more clearly that the required examination for an extension of a pilot's route should not be as comprehensive as that for an original pilot's license or for an initial endorsement on a master's or mate's license, the text of 46 CFR 10.05-43(a) is made specifically applicable to the applicant for an original license or for an initial endorsement on a master's or mate's license as pilot, while § 10.05-43(b) is made specifically applicable to an applicant for an extension of a pilot's route. The amendment to 46 CFR 10.05-43 is to remove from practice a strict application placed on this regulation which has required certain applicants to be examined repetitiously on certain subjects, which is neither necessary nor desired. When the applicant applies for an extension of a pilot's route he is requesting authority for additional pilotage and therefore the examination should be directed toward determining the competence in this area rather than to require a complete exmination and review of the applicant's knowledge of pilotage.

The modernization of marine power plants used on board vessels and the changes in traffic patterns of commercial vessels occasioned by the expansion of the Great Lakes' trade have resulted in a need for evaluating experience gained by licensed engineers through service on vessels with limited horsepower propulsion plants. The provisions in 46 CFR 10.02-15, regarding lifting of limitations, are silent with respect to service requirements of engineers holding limited licenses but who have served on vessels of 4,000 horsepower or over. The new regulation designated 46 CFR 10.10-6 is prescribed and sets forth procedures to be followed when holders of limited engineers' licenses apply for changes to raise or remove horsepower limitations as a result of services performed on vessels of 4,000 horsepower or over.

The statutory authorities cited in 46 CFR Part 10 are amended to bring them up to date or to refer to specific sections in the U.S. Code rather than set forth the Revised Statutes of the United States so that they may be included in the contemplated issuance of a revision, as of January 1, 1963, of the Code of Federal Regulations volume containing Parts 1 to 145 of Chapter I of Title 46.

Because the amendments in this document set forth policy, procedures, or editorial changes, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule-making procedures thereon, and effective date requirements thereof) is deemed to be unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-9 dated August 3, 1954 (19 F.R. 5195), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-20 dated June 18, 1956 (21 F.R. 4894), CGFR 56-28 dated July 24, 1956 (21 F.R. 7605), and 167-38 dated October 26, 1959 (24 F.R. 8857), to promulgate regulations in accordance with the statutes cited with regulations below, the following regulations are prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

1. The authority for Part 10 is amended to read as follows:

AUTHORITY: §§ 10.01-1 to 10.26-9 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521. Additional authority cited with sections affected.

Subpart 10.01—General

2. Section 10.01-5 is amended to read as follows:

§ 10.01-5 Authority for regulations.

(a) *General.* The authority to prescribe regulations generally is set forth in Title 46, U.S. Code, sections 375 and 416, as well as in certain other provisions in Title 46, U.S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230-234, 239, 240, 361, 362, 364, 372, 381, 391, 391a, 392, 393, 399, 400, 402-414, 435, 436, 451-453, 460, 461, 462, 464, 467, 470-482, and 489-498, and acts amendatory thereof or supplemental thereto. Under the provisions of Title 46, U.S. Code, section 372, the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules and regulations.

(b) *Dock and engineer officers' licenses.* The regulations regarding requirements for deck and engineer officers' licenses interpret or apply Title 46, U.S. Code, sections 214, 224, 224a, 225, 226, 228, 229, 230, 231, 233, 237, 367, 391a, 404, 405, 672a, and 1132, and Title 50, U.S. Code, section 198. The regulations regarding requirements for deck and engineer officers' licenses for officers on vessels subject to the Officers' Competency Certificates Convention, 1936, interpret or apply Title 46, U.S. Code, section 224a.

(c) *Radio officers.* The regulations regarding the licensing of radio officers interpret or apply Title 46, U.S. Code, sections 229a-229h.

(d) *Motorboat operators' licenses.* The regulations regarding the licensing of motorboat operators interpret or apply Title 46, U.S. Code, sections 526f and 526p.

(e) *Staff officers.* The regulations regarding the registration of staff officers interpret or apply Title 46, U.S. Code, section 247.

(f) *Operators' and ocean operators' licenses.* The regulations regarding the operators' and ocean operators' licenses interpret or apply Title 46, U.S. Code, section 390b.

Subpart 10.02—General Requirements for All Deck and Engineer Officers' Licenses

3. Subpart 10.02 is amended by inserting after the subpart title the following authority note:

AUTHORITY: §§ 10.02-1 to 10.02-33 interpret or apply R.S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438, as amended, 4438a, as amended, 4439, as amended, 4440, as amended, 4441, as amended, 4442, as amended, 4443, as amended, 4445, as amended, sec. 2, 29 Stat. 188, as amended, sec. 1, 34 Stat. 1411, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 70 Stat. 152, and sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 405, 224, 224a, 226, 228, 229, 214, 230, 231, 225, 237, 367, 390b, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; 167-20, June 18, 1956, 21 F.R. 4894. Other statutory provisions interpreted or applied are cited to text in parentheses.

4. The authority following § 10.02-1 (d) is amended to read as follows:

§ 10.02-1 Issuance of licenses.

(Sec. 2, 68 Stat. 484; 46 U.S.C. 239b. Treasury Department Order 167-9, August 3, 1954, 19 F.R. 5195)

5. Section 10.02-5(c)(10)(ii) is amended by inserting after it the following authority note:

§ 10.02-5 Requirements for original license.

(Sec. 5, 49 Stat. 1935, as amended, sec. 302, 49 Stat. 1992, as amended; 46 U.S.C. 672a, 1132. Treasury Department Order 120, 15 F.R. 6521)

6. Section 10.02-9(g)(4)(ii) is amended by inserting after it the following authority note:

§ 10.02-9 Requirements for renewal of license.

(R.S. 4447, as amended, 46 U.S.C. 233. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

7. Section 10.02-29(c) is amended by inserting after it the following authority note:

§ 10.02-29 Suspension and revocation of license.

(R.S. 4450, as amended, sec. 2, 68 Stat. 484; 46 U.S.C. 239, 239b. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-9, August 3, 1954, 19 F.R. 5195)

Subpart 10.05—Professional Requirements for Deck Officers' Licenses (Inspected Vessels)

8. Subpart 10.05 is amended by inserting after the subpart title the following authority note:

AUTHORITY: §§ 10.05-1 to 10.05-61 interpret or apply R.S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438, as amended, 4438a, as amended, 4439, as amended, 4440, as amended, 4442, as amended, 4443, as amended, 4445, as amended, 4447, as amended, sec. 2, 29 Stat. 188, as amended, sec. 1, 34 Stat. 1411, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 70 Stat. 152, and sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 405, 224, 224a, 226, 228, 214, 230, 231, 233, 225, 237, 367, 390b, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; 167-20, June 18, 1956, 21 F.R. 4894.

9. Section 10.05-43 is amended to read as follows:

§ 10.05-43 Examination for license as pilot.

(a) An applicant for an original license as pilot or initial endorsement of master's or mate's license as pilot shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

(1) Rules of the Road.
(2) Inland rules, applicable to route.
(3) Local knowledge of winds, weather, tides, current, etc.
(4) Chart navigation.
(5) Aids to navigation.
(6) Ship handling.
(7) Chart sketch of the route and waters applied for, showing courses, distances, shoals, aids to navigation, depths of water, and other important features of the route.
(8) General: Such further examination as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

(b) An applicant for extension of pilot's route shall be examined on the subjects in subparagraphs (1), (2), (7), and (8) in paragraph (a) of this section only.

Subpart 10.10—Professional Requirements for Engineer Officers' Licenses (Inspected Vessels)

10. Subpart 10.10 is amended by inserting after the subpart title the following authority note:

AUTHORITY: §§ 10.10-1 to 10.10-29 interpret or apply R.S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438, as amended, 4438a, as amended, 4441, as amended, 4443, as amended, 4445, as amended, 4447, as amended, sec. 2, 29 Stat. 188, as amended, sec. 1, 34 Stat. 1411, as amended, secs. 1, 2, 1544, 1545, as amended, sec. 3, 70 Stat. 152, and sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 405, 224, 224a, 229, 230, 231, 233, 225, 237, 367, 390b, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; 167-20, June 18, 1956, 21 F.R. 4894.

11. Subpart 10.10 is amended by inserting after § 10.10-5 a new section reading as follows:

§ 10.10-6 Raising and removing horsepower limitations.

(a) Applications for a change in horsepower limitation shall be accompanied by a letter of recommendation from the vessel owner, operator or chief engineer.

(b) Notwithstanding the provisions of § 10.02-15(c) of this part, changes in horsepower limitations based on service required by paragraph (c) of this section may be granted without further written examination providing the Officer in Charge, Marine Inspection, in whose office the applicant's previously written examination is filed, considers said examination is satisfactory for the higher license.

(c) The following service on vessels of 4,000 horsepower or over will be considered qualifying, insofar as service is concerned, for the raising or removing of horsepower limitations placed on engineer licenses:

(1) Twelve months' service in the highest grade licensed: removal of all horsepower limitations.

(2) Six months' service in any licensed capacity other than the highest grade for which licensed: removal of all horsepower limitations for the grade in which service is performed and raise the next higher grade license to the horsepower of the vessel on which service was performed.

(3) Twelve months' service as oiler or Junior Engineer holding a license as Third Assistant Engineer: removal of all horsepower limitations on Third Assistant Engineer's license.

(4) Six months' service as oiler or Junior Engineer holding a license as Second Assistant Engineer: removal of all horsepower limitations on Third Assistant Engineer's license.

Subpart 10.13—Licensing of Radio Officers

12. Subpart 10.13 is amended by inserting after the subpart title the following authority note:

AUTHORITY: §§ 10.13-1 to 10.13-33 interpret or apply secs. 1-8, 62 Stat. 232-234; 46 U.S.C. 229a-229h. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521. Other statutory provisions interpreted or applied are cited to text in parentheses.

13. Section 10.13-1 is amended by substituting appropriate references to the specific sections in the United States Code for the quotation of the act approved May 12, 1948, and as amended this section reads as follows:

§ 10.13-1 Applicability of laws.

(a) The provisions of Title 46, U.S. Code, sections 229a to 229h provide that radiotelegraph operators shall be licensed officers.

(b) The regulations in this subpart implement the provisions in Title 46, U.S. Code, sections 229a to 229h, and provide for the issuance to qualified applicants of licenses as radio officers subject to all of the conditions provided in law.

14. Section 10.13–5(d) is amended by revising the authority note at the end thereof to read as follows:

§ 10.13–5 General provisions respecting all licenses issued.

(Sec. 2, 64 Stat. 484; 46 U.S.C. 239b. Treasury Department Order 167–9, August 3, 1954, 19 F.R. 5195)

15. The authority note following § 10.13–21(d) is canceled and a new authority note is inserted after § 10.13–21(a)(1) reading as follows:

§ 10.13–21 General requirements for renewal of license.

(Sec. 2, 64 Stat. 484, 46 U.S.C. 239b; Treasury Department Order 167–9, August 3, 1954, 19 F.R. 5195)

Subpart 10.15—Licensing of Officers for Uninspected Vessels

16. Subpart 10.15 is amended by inserting after the subpart title the following authority note:

AUTHORITY: §§ 10.15–1 to 10.15–33 interpret or apply R.S. 4488a, as amended; 46 U.S.C. 224a. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521. Other provisions interpreted or applied are cited to text in parentheses.

17. Section 10.15–1 is amended to read as follows:

§ 10.15–1 Applicability of laws.

(a) All the provisions of Title 46, U.S. Code, sections 221, 224, 225, 226, 227, 228, 229, 231, 232, 233, 234, 235, 237, 239, 239b, 240, 372, 375, and 672a which refer to the issuance, duration, renewal, suspension or revocation of licenses of masters, mates, chief engineers and assistant engineers shall be applicable to all uninspected vessels to which the Officers' Competency Certificates Convention, 1936, and Title 46, U.S. Code, section 224a, making effective the provisions of the Convention apply.

18. The authority following § 10.15–25(a) is amended to read as follows:

§ 10.15–25 Application and experience required for original or raise of grade of license.

(Sec. 2, 64 Stat. 484; 46 U.S.C. 239b. Treasury Department Order 167–9, August 3, 1954, 19 F.R. 5195)

Subpart 10.20—Motorboat Operators Licenses

19. Subpart 10.20 is amended by inserting after the subpart title the following authority note:

AUTHORITY: §§ 10.20–1 to 10.20–13 interpret or apply secs. 7, 17, 54 Stat. 165, as amended, 166, as amended; 46 U.S.C. 526f, 526p. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–20, June 18, 1956, 21 F.R. 4894. Other statutory provisions interpreted or applied are cited to the text in parentheses.

20. The authority note following § 10.20–3(c) is amended to read as follows:

§ 10.20–3 General requirements.

(Sec. 2, 68 Stat. 484; 46 U.S.C. 239b. Treasury Department Order 167–9, August 3, 1954, 19 F.R. 5195)

21. The authority note following § 10.20–9(a)(1) is amended to read as follows:

§ 10.20–9 Rules for renewal.

(Sec. 2, 68 Stat. 484; 46 U.S.C. 239b. Treasury Department Order 167–9, August 3, 1954, 19 F.R. 5195)

Subpart 10.25—Registration of Staff Officers

22. Subpart 10.25 is amended by inserting after the subpart title the following authority note:

AUTHORITY: §§ 10.25–1 to 10.25–9 interpret or apply sec. 7, 53 Stat. 1147, as amended; 46 U.S.C. 247. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521. Other statutory provisions interpreted or applied are cited to the text in parentheses.

23. Section 10.25–7 is amended by inserting after paragraphs (d) and (l) the following authority note:

§ 10.25–7 General requirements.

(Sec. 2, 68 Stat. 484; 46 U.S.C. 239b. Treasury Department Order 167–9, August 3, 1954, 19 F.R. 5195)

Dated: September 27, 1962.

D. McG. MORRISON,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 62–9932; Filed, Oct. 3, 1962; 8:52 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

Who May Sign Applications

In the matter of amendment of Parts 1, 5, 7, 8, 9, 10, 11, 12, 14, 16, 18, 19, and 21 of the Commission's rules to implement the provisions of P. L. 87–444, 87th Congress.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of September 1962;

The Commission has before it for consideration a Petition for Reconsideration filed herein on September 26, 1962, by the National Association of Broadcasters directed specifically to the portion of § 1.303 of the Commission's rules which deals with who must sign applications where the applicant is a corporation.

By Order adopted September 18, 1962, the Commission amended various procedural rules effective October 1, 1962, primarily to remove the necessity that certain applications be signed under oath. In so doing, it also changed a purely procedural rule with respect to the signatures required for corporate applicants.

Petitioner alleges that elimination of the oath requirement was designed primarily to eliminate nonbroadcast problems arising in the Safety and Special Radio Services and that any additional signature requirements for broadcast applications should be considered in a separate proceeding after permitting interested parties to file comments. Moreover, it alleges that prior approval of the Budget Bureau is required before affected forms are amended. It therefore asks reconsideration of the Commission's action with respect to requiring multiple signatures in the case of broadcast corporate applicants and that the October 1 effective date be stayed pending such reconsideration.

Additionally, the Commission has received informal inquiries and expressions of concern with the practical problems involved in securing large numbers of signatures and noting the difficulties which could arise where the principal executive officer is temporarily unavailable.

We have, accordingly, reconsidered this aspect of our previous Order and have concluded that many of the alleged problems can be alleviated consistent with the public interest by limiting to a maximum of three the total number of signatures required and by permitting any officer of the corporation to sign rather than requiring the signature of the principal executive officer.

While petitioner is correct that this matter could be handled separately from the elimination of the oath requirement, we think it not inappropriate to treat the matters together. The changes herein are obviously procedural and compliance with the notice, procedural, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

Moreover, with the changes now adopted, we do not feel that parties will be seriously inconvenienced and see no public interest purpose to be served in delaying such action to solicit comments. Rather it is appropriate and desirable that such rule changes be effective concurrently with the other rule changes adopted in our order of September 18, 1962. Forms are not being changed at this time so it may be necessary for applicants to improvise, where appropriate, to the extent of adding a signature page to existing forms. The change in rules of the Commission does not depend upon prior Budget Bureau approval and the functions of that office with respect to changes in appropriate forms can be accomplished under established procedures prior to changing existing forms as reprinting becomes necessary.

Authority for adoption of the amendments herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

In view of the foregoing, *It is ordered*, That § 1.303 of the Commission's rules is further amended as set forth below, effective October 1, 1962.

(Sec. 4, 48 Stat. 1066, as amended: 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: October 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 1.303(a) is amended to read:

§ 1.303 Who may sign applications.

(a) Except as provided in § 1.301(b) or in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible Government entities, such as States and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction. If the applicant is a corporation, and the application, amendment, or related statement of fact deals with an original application for a construction permit, an application for major change, or an application for renewal, or if the corporation is an assignee or transferee in an assignment or transfer application, the application, amendment, or related statement of fact must contain one, two, or three signatures as follows: (1) In all such cases the principal executive officer of the applicant or licensee corporation must sign; (2) if licensee or applicant corporation is a subsidiary, the signature of the principal executive officer of the ultimate corporate parent, if any, which owns or controls directly or indirectly 50 percent or more of the stock of the licensee or applicant corporation, is also required; and (3) if applicant or licensee corporation engages in nonbroadcast activities but contains a division or other unit which operates a broadcast facility or facilities, the head of such division or other unit must also sign. In the absence of the principal executive officer of a corporation, the highest ranking officer present may sign. Any other type of broadcast application or report by a corporation may be signed by any officer of the corporation.

[F.R. Doc. 62–9934; Filed, Oct. 3, 1962; 8:53 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Lower Klamath National Wildlife Refuge, California and Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game birds for individual wildlife refuge areas.

CALIFORNIA AND OREGON

LOWER KLAMATH NATIONAL WILDLIFE REFUGE

Public hunting of Upland Game Birds on the Lower Klamath National Wildlife Refuge, California and Oregon, is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,890 acres or 40 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasants.

(b) Open season: Oregon—October 13 through November 18, 1962. Shooting hours: 8 a.m. to sunset on October 13, ½ hour before sunrise to sunset balance of season. California—November 10 and 11, 1962, for all refuge lands except Adm. Units 2 and 3. November 12 through 25, 1962, Adm. Units 4, 7, 8, and 9, 12–A, and the east half of Unit 12. Shooting hours 8 a.m. to 4:30 p.m.

(c) Daily bag limits: California—2 cocks, Oregon—3 cocks.

(d) Methods of hunting:

(1) Weapons: Shotguns only (not larger than 10-gauge and incapable of holding more than 3 shells) may be used.

(2) Dogs: Dogs, not to exceed two (2) in number, may be used for hunting upland game birds.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping: Camping permitted in designated areas only.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective to November 26, 1962.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 26, 1962.

[F.R. Doc. 62–9894; Filed, Oct. 3, 1962; 8:47 a.m.]

PART 32—HUNTING

Lacreek National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Lacreek National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 310 acres or 3 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants and grouse (sharp-tailed and pinnated) during the season specified below. The hunting of upland game species, as may be otherwise authorized by South Dakota State regulations, is prohibited.

(b) Open season: Pheasants—from noon (c.s.t.) to sunset October 20, 1962, through October 31, 1962; and from 10:00 a.m. (c.s.t.) until sunset November 1, 1962, through December 2, 1962. Grouse—from sunrise to sunset each day from the effective date of this publication through October 19, 1962; and from noon (c.s.t.) to sunset October 20, 1962, through October 31, 1962.

(c) Daily bag limits: Pheasants—three male birds. Grouse—three birds.

(d) Methods of hunting:

(1) Game birds may be hunted with shortgun or with bow and arrow. Arrows used must be at least 24 inches long, have a broad head steel blade, and two untrimmed feathers.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 3, 1962.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 28, 1962.

[F.R. Doc. 62–9895; Filed, Oct. 3, 1962; 8:47 a.m.]

PART 32—HUNTING

Columbia National Wildlife Refuge

In Federal Register Document 62–9380, appearing on page 9330 of the issue for September 20, 1962, paragraph (b) of § 33.22 should read as follows:

(b) Open season: Pheasants—from noon to sunset October 13 and from 7 a.m. to sunset October 14 through November 11; also from 7 a.m. to sunset November 24 through December 16, 1962, Chucar, Hungarian partridge, and

quail—from noon to sunset October 13 and from 7 a.m. to sunset October 14 through December 31, 1962. Rabbits—from noon to sunset October 13 and from 7 a.m. to sunset October 13 through December 31, 1962.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 25, 1962.

[F.R. Doc. 62-9896; Filed, Oct. 3, 1962; 8:47 a.m.]

PART 32—HUNTING

Tule Lake National Wildlife Refuge, California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game birds for individual wildlife refuge areas.

CALIFORNIA

TULE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of Upland Game Birds on the Tule Lake National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 14,000 acres or 40 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasants.

(b) Open season:

November 10 through November 11, 1962, all refuge lands east of the Hill Road except that portion south of the center line in secs. 19, 20, 21, and 22, T. 47 N., R. 4 E., and west of Dike A and the west boundary dike of the Sump 13 and headquarters area.

November 12 through November 25, 1962, League of Nations, the south half of the Panhandle buffer strip, and that portion of Sump 1A and the area east to Hill Road which is north of the center line in secs. 19, 20, 21, and 22, T. 47 N., R. 4 E., except headquarters area. Shooting hours are from 8:00 a.m. to 4:30 p.m.

(c) Bag limits: Two cocks.

(d) Methods of hunting:

1. Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) may be used.

2. Dogs: Dogs, not to exceed two (2) in number, may be used for hunting upland game birds.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Camping: Camping permitted in designated areas only.

3. A Federal permit is not required to enter the public hunting area.

4. The provisions of this special regulation are effective to November 26, 1962.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 25, 1962.

[F.R. Doc. 62-9929; Filed, Oct. 3, 1962; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

ROCKY MOUNTAIN NATIONAL PARK, COLORADO

Fishing and Other Activities; Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Midwest Region, Order No. 3 (21 F.R. 1494), as amended, it is proposed to amend Title 36 CFR 7.7 as set forth below. The purpose of this amendment is to revise certain fishing regulations; to delete superseded sections on camping, speed and vehicular traffic; to close certain trails to horse use; to establish regulations concerning dogs, cats and domestic pets; to establish regulations for boats; sanitation; and to require registration for climbing and winter trips.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Rocky Mountain National Park, Estes Park, Colorado, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ALLYN F. HANKS,
Superintendent, Rocky Mountain National Park.

Paragraphs (b) and (c) are amended; paragraphs (d) and (h) are deleted; and new paragraphs (j), (k), (l), and (m) are added to § 7.7 as follows:

§ 7.7 Rocky Mountain National Park.

* * * * *

(b) *Fishing.* (1) Fishing in Shadow Mountain Lake, those portions of the tributary streams between full pool elevation (8,280 feet) and actual pool elevation of Lake Granby, the Grand Bay portion of Lake Granby, the Colorado River between Shadow Mountain Lake and Lake Granby shall be permitted in conformity with the laws and regulations of the State of Colorado.

(2) Elsewhere in the park, fishing shall be permitted in conformity with the laws and regulations of the State of Colorado regarding minimum size limits and the method of handling and returning undersized fish to the water; and, the following additional provisions:

* * * * *

(vii) Bear Lake and Black Canyon Creek are closed to fishing.

(viii) [Deleted]

(c) *Travel on roads and trails.* The use of saddle or pack animals is prohibited on the following trails:

(i) Bear Lake Nature Trail.

(ii) Bear Lake to Emerald Lake.

(iii) Dream Lake to Lake Haiyaha.

(iv) Chasm Lake trail from its junction with the Longs Peak trail to Chasm Lake.

(d) [Deleted]

* * * * *

(h) [Deleted.]

* * * * *

(j) *Dogs, cats and domestic pets.* (1) Dogs, cats, and other domestic pets or animals are prohibited on all trails and other Government lands, except on roads and parking areas and at campgrounds and picnic areas accessible to automobiles, provided such animals or pets are on leash, crated or otherwise under physical control at all times.

(2) The superintendent may, by the posting of official signs, limit or prohibit the presence of dogs, cats and other domestic pets or animals from any of the areas outlined in subparagraph (1) of this paragraph.

(3) Dogs, cats or other domestic pets or animals creating a public nuisance shall be removed from the park by the owners.

(k) *Boats.* (1) Permit: No privately owned boat, canoe, raft, or other waterborne or floating craft shall be placed or operated upon the waters of Rocky Mountain National Park without a written permit from the superintendent, who shall have authority to revoke the permit and require the immediate removal of such craft upon the failure of the permittee to comply with the terms and conditions of the permit. The permit must be carried within the craft at all times it is on park waters and shall be exhibited upon request to any person authorized to enforce the regulations in this chapter.

(2) The operations of motor-propelled waterborne craft are prohibited on all waters of the park.

(3) All waterborne craft are prohibited on Bear Lake.

(4) The restrictions contained in subparagraphs (1), (2), and (3) of this paragraph shall not apply to craft operated for administrative purposes or in emergencies.

(l) *Sanitation in back country.* (1) Persons using the park shall remove or otherwise dispose of all waste materials accumulated on trips away from park roads in the following manner:

(i) All combustible waste materials shall be burned in fires authorized by written campfire permits.

(ii) All noncombustible waste materials shall be transported to, and deposited in the nearest roadside trash receptacle.

(m) *Registration.* (1) Registration is required for mountain climbing and back country winter trips as follows:

(i) For all "technical" mountain climbing. The term "technical" means where such technical climbing aids as pitons, carabiners or snap links, ropes, expansion bolts or other mechanical equipment is necessary to make the climb.

(ii) For all types of hikes or climbs on the portions of Longs Peak and Mount Meeker above 11,000 feet elevation.

(iii) For all persons making trips away from main roads or places of habitation during the winter months. Calendar dates when such registration is required will be determined by the superintendent and posted each year.

(iv) No individual will be permitted to start or continue a solo climb or trip as outlined in subdivisions (i), (ii), and (iii) of this subparagraph.

(v) For extensive winter foot, ski or snowshoe trips, special requirements are contained in forms available at ranger stations. These forms must be completed and signed prior to any trip planned to exceed one day.

[F.R. Doc. 62-9912; Filed, Oct. 3, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

[Docket No. AO-85-4]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Amended Marketing Agreement and Order Regulating Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed further amendment of the marketing agreement and Order No. 905 (7 CFR Part 905), hereinafter referred to collectively as the "order," regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of

business of the fifteenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the Growers Administrative Committee established under the order. A notice that such public hearing would be held on June 27, 1962, in the auditorium, Florida Citrus Mutual Building, Lakeland, Florida, was published in the FEDERAL REGISTER (27 F.R. 5432) on June 8, 1962.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Add Murcott Honey oranges and other mandarin type oranges as fruit subject to the provisions of the order;

(2) Revise the provisions relating to publication of (a) notice of committee meetings, (b) marketing policy reports, and (c) recommendations for, and the issuance of, regulations; and

(3) Delete the provisions concerning (a) the duties of the committee in connection with secetion 32, Public Act No. 320, 74th Congress, and (b) the issuance of exemption certificates to producers.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence adduced at the hearing and the record thereof.

(1) The order should be amended to extend the scope of activites thereunder by adding Murcott Honey oranges and other mandarin type oranges to the citrus fruits covered by the order. Oranges of this type (except for the Dancy tangerine and Temple orange which are currently covered by the order) are comparatively new, comercially speaking, to the Florida citrus fruit industry. The principal classifications of these mandarin organges, as grown in Florida, are the Murcott Honey orange, the Satsuma group, the King orange, the Clementine, and the Ponkan. Production of such fruit, while generally increasing, is not large when compared with the production of all Florida oranges. Bearing trees are currently estimated as follows: Murcott Honey oranges, 280,000; King oranges, 22,000; Satsumas, 40,000; Clementines, 8,000; and Ponkans, 25,000. Estimated production for the 1960–61 season and projected production for the 1964–65 season are, respectively: Murcott Honey oranges, 230,000 and 750,000 boxes; King oranges, 30,000 and 30,000 boxes; Satsumas, 25,000 and 50,000 boxes; Clementines, 15,000 and 20,000 boxes, and Ponkans, 50,000 and 90,000 boxes. However, such citrus fruits are generally similar to, and directly compete in the mark with, some of the specialty fruits covered by the order such as Dancy tangerines, Temple oranges, and tangerlos, the current production of which totals less than 10,000,000 boxes. Growers, handlers, and others closely associated with the citrus fruit industry can readily distinguish these citrus fruits from those covered by the order, but the consumer often may believe, for example, that the Murcott Honey oranges that are displayed in retail stores are tangelos. Hence, the level of prices of one directly affects the price that can be obtained for the other which, in turn, is reflected in the price that the grower receives for his fruit. As the volume of Murcott Honey oranges, Satsumas, King oranges, Clementines, and Ponkans available for market has not been large, the shipments to fresh market outlets have been made by a relatively few handlers and good quality standards generally have been maintained in the grading, packing, and handling so as to obtain market acceptance and develop outlets for these fruits. However, shipments of immature, ungraded, or otherwise low quality fruits of these types has occurred and may be expected to increase as the indicated larger volumes become available for market. The presence in the market of unattractive ungraded or otherwise low quality fruit adversely affects the overall price structure for the better quality fruit not only because of the price competition in the marketing of citrus fruits but also through the lessening of demand resulting from the purchase by consumers of fruit which does not possess desired quality and flavor.

The fact that Murcott Honey oranges, Satsumas, King oranges, Clementines, and Ponkans have not been covered by regulations under the order has provided an avenue for escape from the regulations applicable to other citrus fruits, particularly in the case of tangerines. This was because a handler could notify the inspection service that he would be packing and shipping unregulated fruit and therefore did not require the inspection and certification of shipments provided under the order. While no inspector was present in the packinghouse, tangerines or other regulated citrus fruits could be hidden in the shipments of unregulated fruit. That such "bootlegging" occurs is evidenced by the fact that containers of regulated citrus fruits, of a quality or size not meeting regulation requirements, are found in the markets along with containers of the unregulated fruits. In many instances, the origin of such "bootlegged" fruit can not be ascertained. The effectiveness of the order is thereby impaired and its administration made more difficult.

New varieties or types of citrus fruits are continually being developed within the Florida citrus fruit industry. Some of such citrus fruits may not, for some period of time, be known by any particular name or one such type may be known by several names. The Murcott Honey oranges, for example, was marketed as the Smith tangerine, as Murcotts, and as Honey oranges before being classified in Florida as an orange. It probably is a tangor—a fruit resulting from crossing an orange with a tangerine—but its precise parentage is not known. Similarly, such crossing of different types of citrus fruits may result in a fruit which cannot readily be distinguished from other existing varieties. An example is the Robinson tangerine. The only apparent difference between the Robinson and Dancy tangerines is that the latter is slightly smaller, on the average, and has slightly lighter colored skin and pulp. The Robinson tangerine also matures slightly earlier than the Dancy variety. However, the shipping seasons overlap. Commercial plantings of the Robinson tangerine were made during 1961 and it is expected that trees of this variety will be planted extensively as production will tend to lengthen the tangerine marketing season. It is necessary that the Robinson and all other similar types of tangerines be made subject to the same regulations as the Dancy variety, as it would not be possible effectively to regulate the latter otherwise because these varieties are almost completely indistinguishable.

The citrus fruits to be added to those covered by the order should be regulated in the same manner as, and should be subject to all of the provisions applicable to, the other citrus fruits that currently are so regulated. The production area, as defined in the order, is the smallest regional production area practicable, consistently with carrying out the declared policy of the act, because the added citrus fruits are grown within such area and are capable of being grown throughout such area; and there is no commercial production of the added citrus fruits in that portion of Florida which is outside the production area. Also, the districts should be the same as now specified in the order since such districts identify the principal commercial citrus fruit producing areas of the State.

The committees, as established under the order, should continue to be the agencies to recommend regulations to the Secretary and to perform such other duties in connection with the local administration of the order as may be necessary to effectuate its provisions with respect to the additional citrus fruits to be covered. Not all growers produce such added fruits; nor do all handlers handle them. However, practically all growers and handlers of the added citrus fruits grow or handle, as the case may be, some or all of the citrus fruits currently covered by the order. Except as hereinafter indicated, the added citrus fruits are prepared for market in the same manner as the other citrus fruits currently covered by the order; and harvesting and marketing methods of each group are generally the same. The grower committee, being composed of growers from all districts, and the handler committee, being composed of representatives of all handlers, should fairly represent all growers and handlers. Furthermore, the competitive relationships with respect to all citrus fruits in the consuming markets should be taken into consideration when determinations are made as to the regulations to be recommended for a particular variety during a particular marketing season.

The regulation of shipments of the citrus fruits to be added to those subject to the order, in the manner provided therein, will tend to effectuate the declared policy of the act. Higher market prices consistently prevail for the better grades of all citrus fruits. Also, the market prices for citrus fruits show a consistent correlation between size and price, with the largest and smallest sizes associated with the lowest price except in the circumstance of only a few boxes of the small or large sizes being on the market at a particular time. Market conditions affecting prices to producers of the citrus fruits being made subject to the order will, thus, tend to be improved through limitation of the less preferred grades and sizes of the various varieties.

The inspection and certification requirements of the order should be applicable to the citrus fruits being made subject to the order to achieve effective administration of the revised program. Only through such inspection and certification can compliance with the regulations issued under the order be reasonably assured.

At the hearing, some testimony was offered asserting that Murcott Honey oranges, Satsumas, Clementines, and Ponkans should not be subject to the order. It was contended that (a) returns to growers for their Murcott Honey oranges have been good and that regulation will not be needed for several years, (b) regulation of Satsumas, Clementines, and Ponkans is being proposed primarily for the purpose of compliance with regulations applicable to citrus fruits now covered by the order, and that extending regulations for such purpose is not necessary, (c) any regulations made applicable to Clementines and Satsumas probably would require these fruits to meet a "tangerine color" and, since they do not attain such color, they could not be shipped, and (d) the keeping and shipping qualities of Ponkans are adversely affected by preparing such fruit for market in a packinghouse, which would be necessary if Ponkans were covered by the order, and this would work to the detriment of the Ponkan growers. These contentions are outweighed by evidence in the record that:

(a) Production of Murcott Honey oranges has increased sharply and is expected to continue to increase rapidly for some time. The increased quantity of low-grade and less desirable sizes which would be available in the markets in the absence of regulation will not only adversely affect the level of prices received for such oranges but also will lessen demand through the offering of fruit which does not provide consumer satisfaction.

(b) While a supplemental benefit of regulating the handling of Satsumas, Clementines, and Ponkans will be more effective compliance with respect to the regulations applicable to the citrus fruits now covered by the order, the primary purpose of extending the scope of the order provisions is to provide the growers of the added citrus fruits with the benefits which will accrue from making available to consumers the quality and size of fruit which they desire.

(c) The record clearly shows that the regulation of shipments of Clementines and Satsumas, as well as the other citrus fruits proposed to be added for coverage under the order, should be on a "variety" basis so that differences between the varieties can be taken into account in arriving at the appropriate grade and size limitations to be applied during a particular marketing season. There is no reason to believe, from the evidence presented, that there is any intent to require Clementines and Satsumas to meet any color standard which, in effect, would prohibit the shipment of such fruit. In fact, any such requirement would not tend to effectuate the declared policy of the act since it would result in reducing, rather than increasing, returns to growers of Clementines and Satsumas.

(d) The keeping quality of Ponkans is undoubtedly affected adversely by the packinghouse processes. However, the record shows that some handlers are successfully preparing such fruit for market in this manner. Apparently, it is the degree of ripeness of the fruit which is the determining factor in this connection and fully ripe fruit cannot be washed and still reach the distant markets in satisfactory condition. There is nothing in the order provisions, nor is it proposed, to require Ponkans or any other regulated fruit to be prepared for market in a packinghouse. As long as a lot of fruit meets the quality and size regulations in effect under the order, and is inspected and so certified, there is no further restriction on the handling of such fruit in domestic fresh fruit markets.

It was proposed in the notice of hearing that certain varietal groupings of the citrus fruits proposed to be added to those covered by the order be set forth therein and the fruit within each such grouping required to be regulated in the same manner. One of such groupings included King oranges, Satsumas, Clementines, and Ponkans. The evidence of record shows that there are sufficient differences as to size, color, texture of skin, and keeping qualities between these types of citrus fruits (although all belong to the mandarin orange group) to warrant provisions which would permit separate regulation of each of such fruits.

It was shown at the hearing that the botanical name of grapefruit, as currently specified in the order, includes both grapefruit and the shaddock; the latter being a type of citrus fruit not handled commercially in Florida. The more precise botanical name for "grapefruit," and one which does not include other types of citrus fruits is "citrus paradisi, MacFadyen". Also, since additional mandarin oranges are to be added to the citrus fruits covered by the order, the botanical name for mandarin oranges "citrus retuculata blanco" should be substituted for "citrus nobilis deliciosa" which includes only those mandarin oranges that commonly are called tangerines.

It is concluded, therefore, that the order should be amended as hereinafter set forth.

(2) The current provisions of the order require the Growers Administrative Committee to publish in daily newspapers of general circulation in the citrus-producing districts of Florida (a) a summary of each marketing policy report of the committee, (b) notice of each committee meeting to consider recommendations for regulation, and (c) notice of recommendations for, and the issuance of, regulations. The required publications have been inserted in the newspapers by means of paid legal notices which, ordinarily, are carried in small print on the back pages. At the same time, it has been, and likely will continue to be, customary for these newspapers to carry front page news items concerning the foregoing.

The committee has not relied on the required publications to assure that the information is known to handlers. Handler bulletins setting forth the information are also mailed by the committee to all citrus fruit packinghouses, to other interested persons who have requested the information, and to all citrus fruit inspectors of the Federal-State Inspection Service. These inspectors are present in each citrus fruit packinghouse whenever regulated fruit is being packed. Any packinghouse owner or operator who may have misplaced his bulletin may readily obtain information concerning the current regulations from the inspector in his packinghouse.

It is concluded, therefore, that continuation of the expense of the paid notices is not warranted; and the order should be amended as hereinafter set forth.

(3) One of the duties of the committee, as set forth in the order, is to perform such duties in connection with the administration of section 32 of Public Law No. 320, 74th Congress, as may from time to time be assigned by the Secretary. This provision has no particular use in the operation of the order and no duties in this connection have been assigned to the committee. It should, therefore, be deleted from the order.

Another provision of the order which is not used, and is no longer meaningful, is the one authorizing the issuance to growers of exemption certificates, under certain circumstances, which would permit the grower to have a portion of his crop handled without regard to the regulations then in effect under the order. At the time the order was issued only a minor portion of the citrus fruit production was processed and the fresh market was the principal market for a growers fruit. This provision was included in the order so that a grower could market in fresh outlets an equitable portion of his production in the event the quality or size of his fruit was such that it could not otherwise be shipped under the order regulations. Today, approximately 80 percent of the oranges, 50 percent of the grapefruit, 40 percent of the tangerines, and 30 percent of the tangelos grown in Florida are processed into canned and frozen products. Many crops are grown exclusively for sale to the processors. With the development of the processing outlet for citrus fruits, the grower has found that any crop which has a significant portion of a quality or size not meeting the order regulations can be marketed more profitably in processing outlets than in the fresh fruit markets. No exemption certificate has been issued in recent years nor has there been any application to the

committee for such an exemption. As change in the methods of marketing Florida citrus fruits has made this provision unnecessary, it should be deleted from the order.

Rulings on proposed findings and conclusions. July 27, 1962, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the findings and conclusions which should be drawn therefrom. No brief was filed.

General findings. (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of oranges (including Temple and Mandarin oranges), grapefruit, tangerines, and tangelos grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of oranges, grapefruit, tangerines, and tangelos; and

(5) All handling of oranges (including Temple and Mandarin oranges), grapefruit, tangerines, and tangelos grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the amended marketing agreement and order. The following amendment of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. The provisions in § 905.4 *Fruit* are revised to read as follows:

§ 905.4 Fruit.

"Fruit" means any or all varieties of the following types of citrus fruits grown in the production area, except Calamondins.

(a) Citrus sinensis, Osbeck, commonly called "oranges";

(b) Citrus Paradisi, MacFadyen, commonly called "grapefruit";

(c) Citrus reticulata blanco, commonly called "mandarin oranges" or "tangerines";

(d) Temple oranges;

(e) Murcott Honey oranges; and

(f) Tangelos.

2. The provisions in § 905.5 *Variety* are revised to read as follows:

§ 905.5 Variety.

"Variety" or "varieties" mean any one or more of the following classifications or groupings of fruit: (a) Early and mid-season oranges, including Navel and other types commonly called "round oranges", except Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type; (b) Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type; (c) Temple oranges; (d) Marsh and other seedless grapefruit, excluding pink grapefruit; (e) Duncan and other seeded grapefruit, excluding pink grapefruit; (f) Pink seedless grapefruit; (g) Pink seeded grapefruit; (h) Tangelos; (i) Murcott Honey oranges; (j) Dancy, Robinson, and similar type tangerines; (k) King and similar type Mandarin oranges; (l) Satsumas and similar type Mandarin oranges; (m) Clementine and similar type tangerines; and (n) Ponkans and similar type tangerines.

§ 905.31 [Amendment]

3. Paragraph (i) of § 905.31 *Duties of Growers Administrative Committee* is deleted and paragraph (j) of such section is redesignated (i).

§ 905.50 [Amendment]

4. Paragraph (d) of § 905.50 *Marketing policy* is revised to read as follows:

(d) The Growers Administrative Committee shall transmit a copy of each marketing policy report or revision thereof to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 905.51 [Amendment]

5. Paragraph (c) of § 905.51 *Recommendations for regulations* is revised to read as follows:

(c) The Growers Administrative Committee shall give notice of any meeting to consider the recommendation of regulations pursuant to § 905.52 by mailing a notice of meeting to each handler who has filed his address with said committee for this purpose. The said committee shall give the same notice of any such recommendation before the time it is recommended that such regulation become effective.

§ 905.52 [Amendment]

6. Paragraph (b) of § 905.52 *Regulation by Secretary* is revised to read as follows:

(b) Prior to the beginning of any such regulations, the Secretary shall notify the Growers Administrative Committee of the regulation issued by him, which committee shall notify all handlers by mailing a notice thereof to each handler who has filed his address with said committee for this purpose.

§ 905.54 [Deletion]

7. Section 905.54 *Exemptions* is deleted.

Dated: September 28, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-9922; Filed, Oct. 3, 1962; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 941) has been filed by Messrs. Lloyd E. Brownell, Tom Horne, and William J. Kretlow, 823 Barton Drive, Ann Arbor, Michigan, proposing the issuance of a regulation to provide for the safe use of gamma radiation to control insect infestation in the processing of wheat and wheat products.

Dated: October 1, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-9928; Filed, Oct. 3, 1962; 8:52 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 151 [New], 153 [New], 155 [New], 157 [New], 161 [New], 163 [New], 550, 555, 565, 574, 575, 576, 577, 625]

[Reg. Docket No. 1329, Draft Release No. 62-36A]

AIRPORTS

Extension of Comment Period

Federal Aviation Regulations Draft Release No. 62-36, published in the FEDERAL REGISTER on August 9, 1962 (27 F.R. 7907), stated that consideration would be given to all comments received on or before October 1, 1962.

Draft Release 62-36 proposed, as a part of the Federal Aviation Agency program to recodify its regulatory material, to amend Chapter I of Title 14 of the Code of Federal Regulations by adding a Subchapter I "Airports" [New]. The new Subchapter would include a recodification of Parts 550, 555, 565, 574, 575, 576, 577, and 625 of the regulations of the Administrator.

Representatives of the airport operators have requested additional time for study and evaluation of the proposed amendments. Therefore, pursuant to the authority contained in the Federal Airport Act (49 U.S.C. 1101 through 1119); sections 3 and 4 of the Act of October 1, 1949, as amended (50 U.S.C. App. 1622b and 1622c); section 10 of the International Aviation Facilities Act (49 U.S.C. 1159); and sections 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1427), the time within which comments on Federal Aviation Regulations Draft Release No. 62-36 will be received is extended to October 15, 1962. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All comments submitted will be available, both during and after the comment period, in the Docket Section for examination by interested persons.

Issued in Washington, D.C., on October 2, 1962.

HAROLD W. GRANT,
Acting Administrator.

[F.R. Doc. 62-9985; Filed, Oct. 3, 1962; 10:06 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 62-30]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document during the period from July 19 to August 3, 1962. These actions were taken in accordance with procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167–14 dated November 26, 1954 (19 F.R. 8026), 167–15 dated January 3, 1955 (20 F.R. 840), 167–20 dated June 18, 1956 (21 F.R. 4894), CGFR 56–28 dated July 24, 1956 (21 F.R. 5659), or 167–38 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333 (e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/1/0, 20-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, Louisiana, effective July 31, 1962. (It is an extension of Approval No. 160.009/1/0, dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.009/2/0, 20-inch balsa wood ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, Louisiana, effective July 31, 1962. (It is an extension of Approval No. 160.009/2/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.009/3/0, 24-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, Louisiana, effective July 31, 1962. (It is an extension of Approval No. 160.009/3/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.009/4/0, 24-inch balsa wood ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, Louisiana, effective July 31, 1962. (It is an extension of Approval No. 160.009/4/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.009/5/0, 30-inch balsa wood ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, Louisiana, effective July 31, 1962. (It is an extension of Approval No. 160.009/5/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.009/11/0, 20-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, New York, effective July 31, 1962. (It is an extension of Approval No. 160.009/11/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.009/12/0, 20-inch balsa wood ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, New York, effective July 31, 1962. (It is an extension of Approval No. 160.009/12/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.009/13/0, 24-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, New York, effective July 31, 1962. (It is an extension of Approval No. 160.009/13/0 dated July 31, 1957, published in FEDERAL REGISTER October 4 ,1957.)

Approval No. 160.009/14/0, 24-inch balsa wood ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, New York, effective July 31, 1962. (It is an extension of Approval No. 160.009/14/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.009/15/0, 30-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, New York, effective July 31, 1962. (It is an extension of Approval No. 160.009/15/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.009/16/0, 30-inch balsa wood ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, New York, effective July 31, 1962. (It is an extension of Approval No. 160.009/16/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.009/25/0, 20-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by Dodge Cork Co., Inc., Lancaster, Pennsylvania, effective July 31, 1962. (It is an extension of Approval No. 160.009/25/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.009/26/0, 24-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by Dodge Cork Co., Inc., Lancaster, Pennsylvania, effective July 31, 1962. (It is an extension of Approval No. 160.009/26/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.009/27/0, 30-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by Dodge Cork Co., Inc., Lancaster, Pennsylvania, effective July 31, 1962. (It is an extension of Approval No. 160.009/27/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

BUOYANT APPARATUS

Approval No. 160.010/51/0, 3.75' x 3.0' x 0.83' Type BP–12 buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 12-person capacity, dwg. No. BP–200–3, Rev. A dated February 27, 1959, material specification BP–201 dated October 10, 1958, and fabrication procedure BP–202 dated October 11, 1958, manufactured by Lunn Laminates, Inc., Straight Path Road, Wyandanch, Long Island, New York, effective July 19, 1962. (It supersedes Approval No. 160.010/51/0 dated April 20, 1961, to show change of address of manufacturer.)

Approval No. 160.010/52/0, 4.75' x 3.0' x 0.88' Type BP–15 buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 15-person capacity, dwg. No. BP–200–3, Rev. A dated February 27, 1959, material specification BP–201 dated October 10, 1958, and fabrication procedure BP–202 dated October 11, 1958, manufactured by Lunn Laminates, Inc., Straight Path Road, Wyandanch, Long Island, New York, effective July 19, 1962. (It supersedes Approval No. 160.010/52/0 dated April 20, 1961, to show change of address of manufacturer.)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/4/0, MSA one-hour oxygen breathing apparatus, Face Piece Type, complete in case, MSA Assembly Drawing No. A–1083 revised March 24, 1942, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh 8, Pennsylvania, effective July 31, 1962. (It is an extension of Approval No. 160.011/4/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.011/5/0, Supplied-Air respirator, fresh air hose mask No. 1905A, Bureau of Mines Approval No. BM–1905A consisting of Face Piece BM–1905A, Blower BM–1905A, Hose BM–1901, Harness BM–1901, Drawing No. 4M2185, maximum of two hose lines each originating at the blower and not exceeding 150 feet in length, manufactured by American LaFrance Corp., Elmira, New York, effective July 31, 1962. (It is an extension of Approval No. 160.011/5/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.011/13/0, Protexall gas mask assembly with two canisters and full-view face piece, Bureau of Mines Approval No. BM–1434 consisting of Canister BM–1434, Face Piece BM–1403, BM–1403E, BM–1901, BM–1901E, Canister Harness BM–1403, BM–1409, manufactured by American LaFrance Corp., Elmira, New York, effective July 31, 1962. (It is an extension of Approval No. 160.011/13/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.011/14/0, Ammonia gas mask with Type DA Canister Bureau of Mines Approval No. BM–1401 consisting of Canister BM–1401C, Face Piece BM–1401, BM–1403, BM–1403E, Canister Harness BM–1401, for use against ammonia vapors only, manufactured by American LaFrance Corp., Elmira, New York, effective July 31, 1962. (It is an extension of Approval No. 160.011/14/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

COMPASSES, LIFEBOAT

Approval No. 160.014/2/0, Model 2, compensating mariners liquid-filled magnetic lifeboat compass with mounting, Assembly Drawing No. AA dated September 25, 1945, manufactured by W. M. Welch Manufacturing Co., 1515 Sedgewick Street, Chicago 10, Illinois, effective July 31, 1962. (It is an extension of Approval No. 160.014/2/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

WINCHES, LIFEBOAT

Approval No. 160.015/28/1, Type B–200 lifeboat winch, approval is limited to mechanical components and for a maximum working load of 20,000 pounds pull at the drums (10,000 pounds per fall), identified by general arrangement dwg. No. 2657 dated May 14, 1945, and revised April 8, 1957, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., effective August 3, 1962. (It is an extension of Approval No. 160.015/28/1 dated August 3, 1957.)

LAMPS, SAFETY, FLAME

Approval No. 160.016/3/1, Wolf Brass Naptha Burning, Key Lock, Flame Safety Lamp, dwg. No. W–307 dated April 2, 1956, manufactured by Wolf Safety Lamp Co. of America, Inc., 227 Grand Avenue, Brooklyn 5, New York, effective August 3, 1962. (It is an extension of Approval No. 160.016/3/1 dated August 3, 1957.)

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/1/0, Type A Sea Anchor, U.S.C.G. Drawing No. MMI–562 and Specification dated November 1, 1943, revised August 24, 1944, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, New York, effective July 31, 1962. (It is an extension of Approval No. 160.019/1/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.019/4/0, Type Seaway Sea Anchor, U.S.C.G. Drawing No. MMI–562 and Specification dated November 1, 1943, revised August 24, 1944, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, Louisiana, effective July 31, 1962. (It is an extension of Approval No. 160.019/4/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.019/6/0, Type 2–A Sea Anchor, U.S.C.G. Drawing No. MMI–562 and Specification dated November 1, 1943, revised August 24, 1944, manufactured by Eveready Canvas Corp., 254 Pearl Street, New York 7, New York, effective July 31, 1962. (It is an extension of Approval No. 160.019/6/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

SIGNALS, DISTRESS, PISTOL-PROJECTED PARACHUTE RED FLARE

Approval No. 160.024/1/0, Aluminum shell pistol-projected red flare distress signal, drawing No. MSP–IC dated June 25, 1936, manufactured by Coston Supply Co., 31 Water Street, New York 4, New York, effective July 31, 1962. (It is an extension of Approval No. 160.024/1/0 dated July 31, 1957, published in FEDERAL REGISTER October 4, 1957.)

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS)

Approval No. 160.026/28/0, Container for emergency drinking water, dwg. dated March 1957, manufactured by MacDonald-Bernier Co., Inc., 62–64 Long Wharf, Boston 10, Massachusetts, effective August 3, 1962. (It is an extension of Approval No. 160.026/28/0 dated August 3, 1957.)

SIGNAL PISTOLS FOR PARACHUTE RED FLARE DISTRESS SIGNALS

Approval No. 160.028/6/3, Signal pistol, dwg. Nos. SP–100 revised April 6, 1957, and SP–150 revised May 31, 1956, manufactured by Signal Pyrotechnic Co., 4041 Whiteside Street, Los Angeles 63, California, effective August 3, 1962. (It is an extension of Approval No. 160.028/6/3 dated August 3, 1957.)

DAVITS

Approval No. 160.032/133/2, Mechanical davit, crescent sheath screw, Type "B", approved for maximum working load of 12,700 pounds per set (6,530 pounds per arm), identified by general arrangement dwg. DC–220–1, revision A dated June 10, 1958, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective July 20, 1962. (It supersedes Approval No. 160.032/133/1 dated September 27, 1958.)

Approval No. 160.032/134/1, Mechanical davit, crescent sheath screw, Type A, approved for a working load of 7,000 pounds per set (3,500 pounds per arm) using not less than two-part falls, identified by general arrangement drawing DC–201, alteration C dated May 12, 1959, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective July 19, 1962. (It supersedes Approval No. 160.032/134/0 dated May 15, 1961.)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Approval No. 160.033/55/0, Rottmer Type A–7 releasing gear, approved for maximum working load of 13,500 pounds per set (6,750 pounds per hook), identified by construction arrangement dwg. No. 100 dated August 26, 1957, manufactured by Lunn Laminates, Inc., Straight Path Road, Wyandanch, Long Island, New York, effective July 23, 1962. (It supersedes Approval No. 160.033/55/0 dated April 20, 1961, to show change of address of manufacturer.)

Approval No. 160.033/57/1, Rottmer Type B–10 releasing gear, approved for maximum working load of 20,000 pounds per set (10,000 pounds per hook), identified by assembly dwg. No. 30411, Rev. C dated September 13, 1960, manufactured by Lunn Laminates, Inc., Straight Path Road, Wyandanch, Long Island, New York, effective July 23, 1962. (It supersedes Approval No. 160.033/57/1 dated February 9, 1962, to show change of address of manufacturer.)

HAND PROPELLING GEAR, LIFEBOAT

Approval No. 160.034/10/2, Type X, hand-propelling gear, identified by assembly dwg. No. 99–2, revision B dated April 12, 1957, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective August 3, 1962. (It is an extension of Approval No. 160.034/10/2 dated August 3, 1957.)

Approval No. 160.034/17/0, Type MAR–30, hand-propelling gear, identified by main assembly dwg. No. 30417, Sheet I, Rev. A dated January 4, 1961, and Sheet 2, Rev. C dated March 29, 1961, manufactured by Lunn Laminates, Inc., Straight Path Road, Wyandanch, L.I., New York, effective July 19, 1962. (It supersedes Approval No. 160.034/17/0 dated April 4, 1961, to show change of address of manufacturer.)

LIFEBOATS

Approval No. 160.035/147/1, 26.0' x 9.0' x 3.83' aluminum hand-propelled lifeboat, 53-person capacity, identified by construction and arrangement drawing No. 3159 dated March 9, 1947, and revised July 12, 1962, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective July 31, 1962. (It reinstates and supersedes Approval No. 160.035/147/0 terminated in FEDERAL REGISTER dated October 1, 1952.)

Approval No. 160.035/378/0, 16.0' x 5.5' x 2.3' fibrous glass reinforced plastic, oar-propelled lifeboat, 12-person capacity, identified by general arrangement dwg. No. 16011, Rev. E dated May 20, 1959, manufactured by Lunn Laminates, Inc., Straight Path Road, Wyandanch, Long Island, New York, effective July 23, 1962. (It supersedes Approval No. 160.035/378/0 dated April 20, 1961, to show change of address of manufacturer.)

Approval No. 160.035/405/0, 30.0' x 10.0' x 4.33' fibrous glass reinforced plastic, hand-propelled lifeboat, 78-person capacity, identified by general arrangement dwg. No. 30000, Rev. B dated March 11, 1961, manufactured by Lunn Laminates, Inc., Straight Path Road, Wyandanch, Long Island, New York, effective July 23, 1962. (It supersedes Approval No. 160.035/405/0 dated April 4, 1961, to show change of address of manufacturer.)

Approval No. 160.035/423/0, 30.0' x 10.0' x 4.33' fibrous glass reinforced plastic, motor-propelled (Diesel) lifeboat, 74-person capacity, identified by general arrangement dwg. No. 30050, Rev. A dated January 29, 1962, manufactured by Lunn Laminates, Inc., Straight Path Road, Wyandanch, Long Island, New York, effective July 23, 1962. (It supersedes Approval No. 160.035/423/0 dated February 8, 1962, to show change of address of manufacturer.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Class A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/74/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Geneva Upholstering Co., Lake Geneva, Wisconsin, effective August 3, 1962. (It is an extension of Approval No. 160.048/74/0 dated August 3, 1957.)

Approval No. 160.048/98/0, Special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20-oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Kiltie Manufacturing Co., 5160 West Thompson Street, Philadelphia, Pennsylvania, effective August 3, 1962. (It is an extension of Approval No. 160.048/98/0 dated August 3, 1957.)

Approval No. 160.048/99/0, Special approval for 15" x 15" x 2" rectangular kapok buoyant cushions, 20-oz. kapok U.S.C.G. Specification Subpart 160.048, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for G. C. Murphy Co., 531 Fifth Avenue, McKeesport, Pennsylvania, effective August 3, 1962. (It is an extension of Approval No. 160.048/99/0 dated August 3, 1957.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/44/0, Fiberglass Insulation AF–310 through AF–320, inclusive, glass wool insulation type incombustible material in ½ to 1 pound per cubic foot density, identical to that described in Commandant, U.S. Coast Guard letter dated May 14, 1957, file JJ/164.009/44, manufactured by Owens-Corning Fiberglass Corp., Toledo 1, Ohio, effective August 3, 1962. (It is an extension of Approval No. 164.009/44/0 dated August 3, 1957.)

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFEBOATS

Termination of Approval No. 160.035/361/0, 30.0' x 10.0' x 4.13' aluminum, hand-propelled lifeboat, 83-person capacity, identified by general arrangement and construction dwg. No. 80125 dated November 29, 1956, and revised February 13, 1957, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective August 3, 1962. (Approval published in FEDERAL REGISTER August 3, 1957, expired and terminated August 3, 1962.)

Termination of Approval No. 160.035/362/0, 24.0' x 7.75' x 3.33' steel, hand-propelled lifeboat, 40-person capacity, identified by construction and arrangement dwg. No. 80119 dated November 7, 1956, and revised March 18, 1957, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective August 3, 1962. (Approval published in FEDERAL REGISTER August 3, 1957, expired and terminated August 3, 1962.)

Dated: September 27, 1962.

[SEAL] D. McG. MORRISON,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 62–9933; Filed, Oct. 3, 1962; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 7]

ALASKA

Small Tract Classification; Cancellation

SEPTEMBER 26, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215), as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961, and effective immediately, F.R. Doc. 48–10876, as partly cancelled by F.R. Doc. 52–5575 is hereby cancelled as to all of the remaining classified lands described as follows:

T. 6 S., R. 13 W., S. M.,
Sec. 14: Lot 4;
Sec. 22: Lot 1; SE¼NE¼NE¼, E½SW¼NE¼NE¼;
Sec. 23: Lot 1.
T. 6 S., R. 14 W., S. M.,
Sec. 12: W½SE¼.

Containing 218.72 acres.

2. All of the lands hereby de-classified and not patented are subject to State Selection application.

ROBERT J. COFFMAN,
Chief, Division of
Lands and Minerals Management.

[F.R. Doc. 62–9897; Filed, Oct. 3, 1962; 8:47 a.m.]

[Classification No. 8]

ALASKA

Small Tract Classification; Amendment of Cancellation

SEPTEMBER 27, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215), as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961, and effective immediately, F.R. Doc. 62–9430 is hereby amended to correct a portion of the description of the land involved as follows:

T. 5 S., R. 14 W., S.M.,
Sec. 32: E½SW¼NE¼SE¼NE¼.

is corrected to read:

T. 5 S., R. 14 W., S.M.,
Sec. 32: E½SW¼NE¼SW¼NE¼.

ROBERT J. COFFMAN,
Chief, Division of
Lands and Minerals Management.

[F.R. Doc. 62–9896; Filed, Oct. 3, 1962; 8:47 a.m.]

[Classification No. 9]

ALASKA

Small Tract Classification; Cancellation

SEPTEMBER 26, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215), as amended, by the Alaska State Director in section (2) of a memorandum dated December 1, 1961, and effective immediately, F.R. Doc. 49–1418, is hereby cancelled in its entirety and embracing the following described lands:

HOMER AREA

T. 6 S., R. 13 W., S. M.,
Sec. 22: Lot 4.
T. 6 S., R. 14 W., S. M.,
Sec. 15: N½S½NW¼, SW¼SW¼NW¼, SE¼SE¼NW¼.

Containing 91.67 acres.

2. All of the lands hereby de-classified and not patented are subject to State Selection application.

ROBERT J. COFFMAN,
Chief, Division of
Lands and Minerals Management.

[F.R. Doc. 62–9899; Filed, Oct. 3, 1962; 8:48 a.m.]

[Classification No. 10]

ALASKA

Small Tract Classification; Partial Cancellation

SEPTEMBER 27, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215), as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961, and effective immediately, F.R. Doc. 49–3642 as partially cancelled by F.R. Doc. 60–10281 and as amended by F.R. Doc. 58–8294, 61–3980, and 61–5293, is hereby cancelled as to the following described lands which nullifies the classification in its entirety:

HOMER AREA

T. 6 S., R. 13 W., S. M.,
Sec. 27: Lot 2;
Sec. 28: Lots 1, 2, 3 and 4;
Sec. 35: Lots 7 and 8.
T. 7 S., R. 13 W., S. M.,
Sec. 1: Lot 1;
Sec. 2: Lot 1.

Containing 74.29 Acres

The foregoing lands are now described in terms of dependent resurvey and subdivision as follows:

T. 6 S., R. 13 W., S. M.,
Sec. 27: Lots 9–12, inc.;
Sec. 28: Lots 5–16, inc.;
Sec. 35: Lots 9–20, inc.
T. 7 S., R. 13 W., S. M.,
Sec. 1: Lots 4–13, inc.;
Sec. 2: Lots 2, 3 and 4.

Containing 175.09 Acres

2. All of the lands hereby de-classified and not patented are subject to State Selection application.

ROBERT J. COFFMAN,
Chief, Division of
Lands and Minerals Management.

[F.R. Doc. 62–9900; Filed, Oct. 3, 1962; 8:48 a.m.]

[Classification No. 43]

ALASKA

Small Tract Classification; Cancellation

SEPTEMBER 27, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215), as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961, and effective immediately, F.R. Doc. 51–8482 is hereby cancelled in its entirety and embracing the following described lands:

HOMER AREA

MILLER'S LANDING UNIT

T. 6 S., R. 13 W., S. M.,
Sec. 14: Lot 1, Lot 2, Lot 3, that portion which would be if described in terms of a normal subdivision: E½NE¼SW¼, NW¼SE¼, NE¼NW¼.

Containing 108.47 acres.

2. All of the lands hereby de-classified and not patented are subject to State Selection application.

ROBERT J. COFFMAN,
Chief, Division of
Lands and Minerals Management.

[F.R. Doc. 62–9901; Filed, Oct. 3, 1962; 8:48 a.m.]

[Arizona 031029]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

In F.R. Doc. 62–9139, published 27 F.R. 9113, the legal description is amended to add the following:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 2 S., R. 23 W.,
Sec. 19: N½SE¼, SE¼SE¼,
T. 2 S., R. 24 W.,
Sec. 13: All, fractional,

and to add the following phrase to the entire description as published and amended: "and all accretion lands appurtenant thereto."

FRED J. WEILER,
State Director.

SEPTEMBER 27, 1962.

[F.R. Doc. 62–9902; Filed, Oct. 3, 1962; 8:48 a.m.]

[Arizona 031559]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number Arizona 031559 for the withdrawal of the lands described below, from location, entry, or patenting under all public land laws, (except the Act of June 17, 1902 (32 Stat. 388)), subject to existing valid claims and existing withdrawals.

The applicant desires the land for an alternate site for the proposed Marble Canyon Dam. The lands will remain under withdrawal as long as needed for the operation and maintenance of the dam and reservior if the project is constructed. If the project is determined to be infeasible, the lands will be returned to the public domain at that time. The administration of the lands will however, remain under the Bureau of Land Management until such time as they are actually needed for construction. Timber and other material resources, grazing resources, fish and wildlife resources, water resources, scenic, wilderness, recreational, and other values will remain unchanged.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix 25, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER BASE MERIDIAN, ARIZONA

T. 36 N., R. 5 E. (partially surveyed),
Secs. 34 and 35, those portions lying west of the Navajo Indian Reservation.
T. 35 N., R. 5 E. (unsurveyed),
All of township lying west of the Navajo Indian Reservation.

The area described above aggregates approximately 13,000 acres.

Dated: September 27, 1962.

FRED J. WEILER,
State Director.

[F.R. Doc. 62–9903; Filed, Oct. 3, 1962; 8:48 a.m.]

CALIFORNIA

Notice of Correction of Partial Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application Serial No. Sacramento 067461, for withdrawal and reservation of lands, was published as F.R. Doc. No. 61–8382 on page 8264 of the issue for September 1, 1961. Correction Notice was published as F.R. Doc. No. 61–8810 on page 8650 of the issue for September 15, 1961.

A Notice of Partial Termination of the Proposed Withdrawal and Reservation of Lands was published as F.R. Doc. 62–2013 on page 2017 of the issue for March 1, 1962 listing lands described as W½NW¼NE¼SE¼, Sec. 13, T. 34 N., R. 11 W., Mount Diablo Meridian, in the Shasta-Trinity National Forest, whereas the tract intended to be eliminated was: W½NW¼NE¼SW¼ Sec. 13, T. 34 N., R. 11 W., Mount Diablo Meridian. Therefore, pursuant to the regulations contained in 43 CFR Part 295, the W½NW¼NE¼SW¼ Sec. 13, T. 34 N., R. 11 W., Mount Diablo Meridian will be at 10:00 a.m., on October 25, 1962 re-

lieved of the segregative effect of the above-identified application.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 62-9904; Filed, Oct. 3, 1962; 8:48 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 26, 1962.

The Federal Aviation Agency has filed an application, Serial Number R 01009, for the withdrawal of land described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws.

The applicant desires the land for the construction, operation and maintenance of a Very High Frequency Omnidirectional Radio Range combined with a Tactical Air Navigation Facility. The full 70 acres are necessary in order to establish additional intermediate and low altitude airways.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 7 S., R. 21 E.,
Sec. 2, SW¼NW¼;
Sec. 3, E½SE¼NE¼ and E½W½SE¼NE¼.

The areas described aggregate 70 acres.

CHARLES L. SCHAEFER,
Acting Manager,
Land Office, Riverside.

[F.R. Doc. 62-9905; Filed, Oct. 3, 1962; 8:48 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

The Department of Agriculture has filed an application, Serial Number Idaho 013300 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the general mining laws, subject to existing valid rights. The applicant desires the land for two roadside zones and a recreation area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

CARIBOU NATIONAL FOREST

Mink Creek Roadside Zone (Forest Highway No. 43)

A strip of land 200 feet on each side of centerline of Forest Highway No. 43 across the following subdivisions:

T. 8 S., R. 34 E.,
Sec. 13: NE¼SE¼;
Sec. 24: E½NE¼, E½SW¼, SW¼SW¼, N½SE¼;
Sec. 25: NW¼NW¼;
Sec. 26: NE¼NE¼, S½NE¼.
T. 8 S., R. 35 E.,
Sec. 5: W½NW¼, SE¼NW¼, E½SW¼;
Sec. 7: S½SE¼;
Sec. 8: NE¼NW¼, S½NW¼;
Sec. 18: NW¼NE¼.

Totaling 300 acres more or less.

East Fork of Mink Creek Roadside Zone (Forest Road No. 1201)

A strip of land 200 feet on each side of centerline of Forest Road No. 1201 across the following subdivisions:

T. 8 S., R. 35 E.,
Sec. 8: N½SE¼, SE¼SE¼;
Sec. 21: E½NW¼, NE¼SW¼.

Totaling 110 acres more or less.

PAYETTE NATIONAL FOREST

Towsley Recreation Area

T. 21 N., R. 3 W.,
Sec. 13: SW¼NE¼NW¼, W½SE¼NE¼NW¼, SE¼NW¼NW¼, E½SW¼NW¼, W½NE¼SE¼NW¼, W½SE¼NW¼, NW¼NW¼NE¼SW¼, NE¼NE¼NW¼SW¼.

Totaling 75 acres.

The areas described aggregate 495 acres more or less.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 62-9906; Filed, Oct. 3, 1962; 8:49 a.m.]

[No. 63-6]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 24, 1962.

The Bureau of Reclamation, Department of the Interior, has filed an application, Serial No. Oregon 011495, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining laws.

The applicant desires the land for reclamation purposes in the Illinois Valley and Evans Valley Divisions of the Rogue River Basin Project, Oregon. The land is to be used for the operation, maintenance, development, and protection of proposed reservoirs and for irrigation development. Mineral development will be restricted as required to protect the development of the reservoir areas and to protect those lands which are susceptible to irrigation. Grazing and timber management will remain under the administration of the agencies now handling these activities until such time as the lands are actually required for reclamation purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

ILLINOIS VALLEY DIVISION

National Forest Land

T. 39 S., R. 6 W.,
Sec. 29: SW¼;
Sec. 30: Lot 2 (SW¼NW¼), Lot 4 (SW¼SW¼), SE¼SW¼, S½SE¼;
Sec. 31: Lots 1, 2, 3, 4, NE¼, E½NW¼.
T. 40 S., R. 6 W.,
Sec. 6: Lots 4 and 5.

The lands described aggregate approximately 959.39 acres.

Public Domain

T. 40 S., R. 7 W.,
Sec. 1: S½ Lot 1; Lot 2, Lot 3, SW¼NE¼, SE¼NW¼ less land patented in Mineral Survey No. 930; NE¼SW¼.
T. 39 S., R. 8 W.,
Sec. 24: SE¼SE¼SE¼.
T. 40 S., R. 8 W.,
Sec. 10: SW¼SW¼;
Sec. 15: NW¼NW¼NW¼;
Sec. 22: E½NW¼NE¼.

The lands described aggregate approximately 270 acres.

Oregon and California Revested Land

T. 39 S., R. 7 W.,
Sec. 25: NE¼NE¼, W½NE¼, SE¼SE¼;
Sec. 29: N½NW¼NE¼, NE¼NW¼, S½NW¼SW¼.
T. 40 S., R. 7 W.,
Sec. 1: SE¼NE¼, NW¼SE¼.
T. 39 S., R. 8 W.,
Sec. 9: Lot 5;
Sec. 25: S½NW¼NE¼;
Sec. 27: NE¼NW¼;
Sec. 33: E½NW¼, E½SW¼;
Sec. 35: Lot 8.
T. 40 S., R. 8 W.,
Sec. 1: Lots 7 and 8;
Sec. 3: SW¼;
Sec. 5: E½NE¼, N½SW¼NE¼, E½NE¼SE¼;
Sec. 9: NW¼, N½NE¼, E½SW¼;
Sec. 17: E½SE¼NE¼;
Sec. 23: SW¼NW¼, W½SW¼.

The lands described aggregate approximately 1,338.34 acres.

EVANS VALLEY DIVISION

Oregon and California Revested Land

T. 34 S., R. 2 W.,
Sec. 19: E½SE¼;
Sec. 21: NW¼NE¼, SE¼NW¼, W½SW¼.

The lands described aggregate approximately 240 acres.

The total acreage of the lands described approximates 2,807.73 acres, more or less.

STANLEY D. LESTER,
Manager, Land Office.

[F.R. Doc. 62-9907; Filed, Oct. 3, 1962; 8:49 a.m.]

[W-058209]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 24, 1962.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, serial number Wyoming 058209, for the withdrawal of lands described below, from all forms of appropriation under the first form of withdrawal as provided by section 3 of the Act of July 17, 1902 (32 Stat. 388), subject to valid existing rights.

The applicant desires the lands for reclamation purposes in connection with the Shoshone Extensions Unit, Missouri River Basin Project, Wyoming.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 50 N., R. 98 W.,
Sec. 6: Tract 85-W.
T. 51 N., R. 98 W.,
Sec. 30: Lot 26;
Sec. 31: Tract 85-T.
T. 52 N., R. 98 W.,
Sec. 36: Tract 75-A.
T. 50 N., R. 99 W.,
Sec. 1: Tract 85-Q.
T. 51 N., R. 99W.,
Sec. 36: Tracts 85-E, F, O, P.

Total area aggregates approximately 162.18 acres.

ED PIERSON,
State Director.

[F.R. Doc. 62-9908; Filed, Oct. 3, 1962; 8:49 a.m.]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 28, 1962.

The National Park Service has filed an application, Serial Number Nevada 051733, to withdraw the lands described below, from prospecting, location, entry and purchase under the mining laws.

This land was withdrawn from entry under the public land laws by Presidential Proclamation 2961, dated January 17, 1952, and added to and reserved as a part of Death Valley National Monument to protect a subterranean pool known as Devil's Hole.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box Number 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 17 S., R. 50 E.,
Sec. 36, SW¼SE¼.

The area as described contains 40 acres.

LEGRAND BENNION,
Acting Land Office Manager,
Post Office Box 1551, Reno, Nevada.

[F.R. Doc. 62-9930; Filed, Oct. 3, 1962; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARCANE

Notice of Hearing on Fair Prices in Puerto Rico and Fair Wages and Prices in the Virgin Islands and Designation of Presiding Officers

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), as amended by Public Law 87-535 approved July 13, 1962, and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq), notice is hereby given that public hearings will be held as follows:

At Santurce, Puerto Rico, in the Conference Room of the Agricultural Stabilization and Conservation Service Office, Segarra Building, on October 18, 1962, at 9:30 a.m.

At Christiansted, St. Croix, Virgin Islands, in the Government House, on October 23, 1962, at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the said Act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1963 on farms with respect to which applications for payment under the said Act are made, and (2) pursuant to the provisions of section 301(c)(2) of said Act, fair and reasonable prices for the 1962-63 crop of Puerto Rican sugarcane and the 1963 crop of Virgin Islands sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said Act.

To obtain the best possible information, the Department requests that all interested parties appear at the hearings to express their views and to present appropriate data with respect to the subject matter involved.

Testimony on all pertinent subjects is desired. In addition, it is requested that witnesses be prepared to present their views and recommendations at the hearing on the following specific proposals with respect to fair prices for sugarcane in Puerto Rico:

A. The FOB mill price of raw sugar produced by any processor who markets any of such sugar locally or who refines or further processes any of such sugar shall be determined by deducting selling and delivery expenses computed as follows:

(1) If the processor delivers to mainland refiners one-half or more of the total quantity of raw sugar produced by the mill, the selling and delivery expenses to be applied to such total quantity shall be the average of the admissible selling and delivery expenses approved by the Area office for that quantity of raw sugar produced by the mill which was delivered to mainland refiners.

(2) *Alternative No. 1.* If the processor delivers to mainland refiners less than one-half of the total quantity of raw sugar produced by the mill, the selling and delivery expenses to be applied to such total quantity shall be the average of the admissible selling and delivery expenses approved by the Area office for all raw sugar produced in Puerto Rico which was delivered to mainland refiners.

(2) *Alternative No. 2.* If the processor is an affiliate of a local refinery and delivers to mainland refiners less than one-half of the total quantity of raw sugar produced by the mill, the selling and delivery expenses to be applied to such total quantity shall be the average of the admissible selling and delivery expenses

approved by the Area office for all raw sugar produced in Puerto Rico which was delivered to mainland refiners; or,

If the processor is not an affiliate of a local refinery and delivers to mainland refiners less than one-half of the total quantity of raw sugar produced by the mill, the selling and delivery expenses to be applied to such total quantity shall be the average of the admissible expenses determined in accordance with the raw sugar purchase contract between the processor and the purchaser (plus any other selling and delivery expense actually incurred on the sugar delivered pursuant to such contract) but not more than the average of the admissible selling and delivery expenses for all raw sugar produced in Puerto Rico which was delivered to mainland refiners as approved by the Area office.

B. The date for submitting the statements of the deductions made in determining the f.o.b. mill price of sugar and the net proceeds from molasses shall be June 1 of the year following harvest, instead of August 1 of the year following harvest.

The hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Tom O. Murphy, A. A. Greenwood, Ward S. Stevenson, and Carlos G. Troche are hereby designated as presiding officers to conduct jointly or severally the foregoing hearings.

Signed at Washington, D.C., on October 2, 1962.

W. E. UNDERHILL,
Acting Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-9970; Filed, Oct. 3, 1962; 8:54 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-155]

CONSUMERS POWER CO.

Notice of Authorization for Operation of Nuclear Reactor

Please take notice that pursuant to the provisions of paragraph 4a. of Provisional Operating License No. DPR-6, Consumers Power Company has been authorized to load the core of its nuclear reactor located in Charlevoix County, Michigan, and to operate the reactor at thermal power levels up to one megawatt in the manner described and subject to the provisions set forth in the license.

Based upon reports of inspection by a representative of the Division of Compliance and an evaluation of these reports by the Research and Power Reactor Safety Branch, Division of Licensing and Regulation, I have found that construction of the facility has been completed in conformity with Construction Permit No. CPPR-9 and the Application.

Notice of issuance of Provisional Operating License No. DPR-6 was issued on August 30, 1962.

Dated at Germantown, Md., this 26th day of September 1962.

For the Atomic Energy Commission.

LESTER R. ROGERS,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 62-9883; Filed, Oct. 3, 1962; 8:45 a.m.]

[Docket No. 50-202]

UNIVERSITY OF NEVADA

Notice of Application for Utilization Facility License

Please take notice that the University of Nevada, Reno, Nevada, under section 104c of the Atomic Energy Act of 1954, has submitted an application for a license to construct and operate an Atomics International type L-77 nuclear reactor for instruction, research, and production of isotopes for university research on the Reno Campus of the University of Nevada at Reno, Nevada. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 26th day of September 1962.

For the Atomic Energy Commission.

S. LEVINE,
Chief, Test and Power Reactor Safety Branch Division of Licensing and Regulation.

[F.R. Doc. 62-9884; Filed, Oct. 3, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14638; FCC 62M-1291]

HUGH JORDAN STOCK

Order Continuing Hearing

In re application of Hugh Jordan Stock, Riverton, Wyoming, Docket No. 14638, File No. BP-14184, for construction permit.

As a result of the Hearing Examiner's granting the Broadcast Bureau's oral motion made this date in a prehearing conference held in the above-entitled matter: *It is ordered*, This 28th day of September 1962, that the hearing now scheduled for October 17, 1962, is postponed to a date to be set in a subsequent order.

Released: October 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9935; Filed, Oct. 3, 1962; 8:53 a.m.]

[Docket Nos. 14684-14686; FCC 62M-1292]

NORTHFIELD BROADCASTING CO. ET AL.

Order Continuing Prehearing Conference

In re applications of Kingsley H. Murphy, Jr., and Carroll E. Crawford, d/b as Northfield Broadcasting Company, Northfield, Minnesota, Docket No. 14684, File No. BP-13872; Hastings Broadcasting Company, Hastings, Minnesota, Docket No. 14685, File No. BP-14823; Albert Lea Broadcasting Company (KATE), Albert Lea, Minnesota, Docket No. 14686, File No. BP-14870; for construction permits.

The Hearing Examiner having under consideration a letter dated September 27, 1962, submitted by counsel for Northfield Broadcasting Company, requesting a change of the date (October 1) governing the exchange of certain exhibits, established in the Hearing Examiner's Order released July 31, 1962, and an adjustment of the date (established therein) for a further informal conference;

It appearing that the principals of Northfield Broadcasting Company and Hastings Broadcasting Company are engaged in negotiations looking toward a method of resolving the conflict existing between these two applicants; and

It further appearing that under the Hearing Examiner's July 31, 1962, Order, preliminary exchange of all engineering exhibits and final exchange of all nonengineering exhibits is scheduled for October 1, 1962, with a further informal engineering conference to be held on October 10, 1962, and final exchange of all engineering exhibits to be made not later than by October 19, 1962; and

It further appearing that the changes requested appear appropriate to enable Northfield and Hastings to continue their negotiations which, if successful, would decrease significantly the length of the hearing in this proceeding; and

It further appearing that counsel for all parties herein have agreed to permit Albert Lea Broadcasting Company (KATE), in the event of a grant of the subject request, to exchange its preliminary and final exhibits one week after the date to be established for Northfield and Hastings, and that resolution of the issues will be facilitated therewith; and

It further appearing that counsel for all parties to the proceeding have consented to a grant of the subject request, and that the public interest requires immediate consideration thereof;

It is ordered, This 28th day of September 1962, that the subject request is granted, that, as to Northfield and Hastings, the date for the final exchange of nonengineering exhibits and for the preliminary exchange of engineering exhibits is extended from October 1 to October 9, 1962, and that the date for a further informal engineering conference is extended from October 10 to October 16, 1962; and

It is further ordered, That, in accordance with the agreement indicated above, Albert Lea shall make its preliminary exchange of engineering exhibits and its final exchange of nonengineering exhibits on October 16, 1962, at the informal conference; and

It is further ordered, That the dates for the exchange of final engineering exhibits, for notification of witnesses, as well as for commencement of the hearing shall remain as scheduled in the Hearing Examiners' Order released July 31, 1962.

Released: October 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9936; Filed, Oct. 3, 1962; 8:53 a.m.]

[Docket No. 14753; FCC 62M-1293]

RALPH YAGO

Order Continuing Hearing

In the matter of Ralph Yago, Pittsburgh, Pennsylvania, order to show cause why there should not be revoked the License for Radio Station 20W1705 in the Citizens Radio Service.

The Hearing Examiner, having conflicting assignments;

It is hereby ordered, This 28th day of September 1962, that the hearing herein presently scheduled to be held in Pittsburgh, Pennsylvania, commencing October 31, 1962, is hereby postponed to November 5, 1962.

Released: October 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9937; Filed, Oct. 3, 1962; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

ADMIRAL SHIPPING CORP. ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87-254).

These persons are all operating under the grandfather provision of Public Law 87-254, their names were not included in the previous publication notices.

No.; Name and Address; Officers

HOUSTON, TEX.

715; Admiral Shipping Corp., 608 Fannin Street (2)—Corporation: Ernest R. Binder, pres.; A. Bernard, sec.-treas.

MIAMI, FLA.

311; West India Shipping Co., Inc., Municipal Pier 1, Miami 32, Fla.—Corporation: L. Henry Read, Jr., pres.; A. Wentworth Erickson, Jr., director; Josiah M. Erickson, vice pres.; Robert M. Ackerman, vice pres.; Leon Dollet, vice pres.; Douglas Erickson, vice pres. and asst. sec.; Gordon Swanson, vice pres. and sec.; Evelyn Baird, treas.

MOBILE, ALA.

215; Richard Murray & Co., P.O. Box 1155—Partnership: Richard Murray III, partner; Edward F. Murray, partner; James V. Murray II, partner.

906; Oceanic Shipping Co., 61 Saint Joseph Street, P.O. Box 1037—Partnership: Patrick E. Lilley, partner; Harold L. Coleman, partner.

236; Walsh Stevedoring Co., Inc., P.O. Box 55—Corporation: R. B. Walsh, pres. and director; J. A. Crosland, exec. vice pres.-director; W. D. Walsh, sec.-treas. and director; Margaret V. H. Walsh, director.

30; Waterman of Puerto Rico U.S.A., Inc., 61 Saint Joseph Street—Corporation: Charles A. McEniry, pres.-treas.; J. G. Williams, vice pres.; Clara L. McLean, sec.; J. G. House, asst. sec.-asst. treas.

344; Godwin Shippping Co., Inc., P.O. Box 1263—Corporation: J. L. Godwin, pres.; R. L. Godwin, Sr., sec.-treas.; C. H. Godwin, vice pres.

PHILADELPHIA, PA.

129; Keer, Mauer Co., 114 South Front Street (6)—Corporation: Joseph G. Camero, pres.; A. N. Barrett, sec.; Fred L. Gates, treas.

PORTLAND, OREG.

162; Geo. S. Bush & Co., Inc., 310 Southwest Fourth Avenue (4)—Corporation: Mary L. Muir, pres.; Edward Howe Lee, vice pres.; Chas. F. Nims, sec.; Benj. J. Ellis, treas.

854; Seaport Shipping Co. (Portland), 333 Southwest Oak Street (4)—Corporation: M. H. Beach, pres.-director; Thelma Beach, treas.-director; M. H. Beach, Jr., sec.-director; Mary Lou Beach, vice pres.-director.

161; J. T. Steeb & Co., Inc., 320 Southwest Stark Street (4)—Corporation: John D. Weber, pres.; Robert A. Crommie, vice pres.; Adolph Carr, vice pres.; C. B. McDougall, sec.

277; The Wilcox-Hayes Co., 506 Southwest Sixth Avenue (4)—Corporation: Thomas M. Campbell, pres.-treas.; Jane Dolph Campbell, vice pres.; Claire Evelyn Rooke, sec.

SAN FRANCISCO, CALIF.

3; Chiarella & Grimes Forwarding Co., Andersen & Co., 420 Market Street (11)—Partnership: S. A. Chiarella, partner; A. J. Grimes, partner; Chas. McKay, partner; Patrick Henry, partner.

SAN PEDRO, CALIF.

780; W. H. Wickersham & Co., Inc., 731 South Palos Verdes—Corporation: Roy Blydenburgh, pres.; Edna M. Pickering, vice pres.; Robert H. Dinger, asst. sec.

SEATTLE, WASH.

100; Alfred H. Marzolf, Inc., 920 Second Avenue (4)—Corporation: Alfred H. Marzolf, pres.; Ernest W. Fowble, vice pres.; Freda E. Marzolf, sec.-treas.

921; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue (33)—Corporation: G. W. Smyth, pres. and director; W. W. Schumacher, exec. vice pres. and director; W. L. Sneltjes, vice pres. and director; Gene Hubbard, vice pres.; Douglas B. Barnes, vice pres.; Ray L. Johnson, sec. and director; Ruth Morrell, asst. sec.; D. J. Dietsch, treas.; Elwell Case, director.

TORRANCE, CALIF.

881; Columbia Export Packers, Inc., Columbia Van Lines, Inc., 2805 Columbia Street—Corporation: Harold W. Squier, pres.; Carl L. Joyce, vice pres.; James E. Walsh, vice pres.; Kenneth E. Thieman, vice pres.; Darrell F. Hill, vice pres.; David J. Cook, sec.; Herbert C. Puffer, treas. and asst. sec.

WASHINGTON, D.C.

548; Security Storage Co. of Washington, 1140 15th Street NW. (5)—Corporation: Clarence A. Aspinwall, chairman of the board; Philip L. Gore, pres.; Douglas Laing, senior vice pres.; Ralph H. Houser, vice pres.-treas.; Robert E. Windham, vice pres.-sec.; John H. Cornwell, asst. sec. and asst. treas.; Roland Showalter, asst. sec.; Conrad S. Posey, manager, Foreign Shipping Department.

NEW ORLEANS, LA.

22; Trans World Shipping Corp. (of La.), 503 St. Ann—Pontalba Building, P.O. Box 2381, Customhouse Station—Corporation: Harry Stern, pres.; J. Ashton Greene, vice pres.; Helmut Klestadt, sec.

Dated: September 28, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-9938; Filed, Oct. 3, 1962; 8:53 a.m.]

ADMIRAL SHIPPING CO. ET AL.

Notice of Licenses Issued to Independent Ocean Freight Forwarders

Notice is hereby given that the following applicants whose names appeared in the FEDERAL REGISTER, 27 F.R. 7145, July 26, 1962, have been issued licenses as indicated.

Admiral Shipping Co. (Arkady Moisiuk, d/b/a), 1000 Vermont Avenue NW., Washington, D.C.—No. 940.

Kenneth Hamanaka, 406 South Spring Street, Los Angeles, Calif.—No. 941.

Ralph Valls, P.O. Box 904, 303 Cortez Street, Laredo, Tex.—forwarding operations to be at the branch office: 208 Katz Building, P.O. Box 2205, Corpus Christi, Tex.—No. 942.

Vernon Forwarding Co. (Wilma J. Vernon, d/b/a), 6214 Lankershim Boulevard, North Hollywood, Calif.—No. 937.

In addition to the above, the following persons received licenses as shown:

Forwarding, Inc., 815 Erieside, Cleveland 14, Ohio—No. 932.

Walter Trimlet, pres.-treas.; Joseph M. Zeigler, vice pres.; Meyer A. Cook, sec.

Interport Co. (Frank J. Paul, d/b/a), 2085 West Lunt Avenue, Chicago 45, Ill.—No. 935.

Milton C. Merion, Southeast Corner Water and Ritner Streets, Philadelphia 48, Pa.—No. 936.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87-254).

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C. Protests should be filed within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

A & M Custom Brokers Co., 75 State Street, Boston 9, Mass.—Partnership: Allen G. McCarter, partner; Michael Mayzel, partner.

Abarim Freight Service, Inc., 232 Sixth Street, Brooklyn 15, N.Y.—Corporation: Ralph Andersen, pres.; O. Richard Lundgen, vice pres.-treas.; Alice Andersen, sec.

Dunbar Customs Services, 354 South Spring Street, Los Angeles 13, Calif.—Corporation: Alberta N. Duncan, pres.; Albert E. Duncan,

vice pres.-treas.; Edward A. Steigely, sec. Joseph K. Ebberwein, 650 East 40th Street, Savannah, Ga.—Individual.

Jay International, Inc., 437 Chestnut Street, Philadelphia 6, Pa.—Corporation: Robert J. Van Natta, pres. and director; Doris S. Van Natta, sec.-treas. and director; Jesse L. Van Natta, vice pres. and director.

John Sterling Laurie, Jr., 415 Court Street, Port Allen, La.—Individual.

Lund and Pullara, P.O. Box 9277, Riviera Beach, Fla.—Partnership: Robert E. Lund, partner; Frank Pullara, partner.

James Sierra, 226 Riverwood Drive, Houston 9, Tex.—Individual.

Dated: September 26, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-9939; Filed, Oct. 3, 1962; 8:53 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13728]

EASTERN NORTH CAROLINA AREA AIRLINE SERVICE AIRPORT INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference, heretofore assigned in the above-entitled proceeding for October 5, 1962, is hereby postponed and reassigned for October 22, 1962, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., September 28, 1962.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 62-9944; Filed, Oct. 3, 1962; 8:54 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI63-86]

HARPER OIL CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

SEPTEMBER 27, 1962.

On August 27, 1962, Harper Oil Company (Operator), et al. (Harper)[1] tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission.[2] The sale is made at a pressure base of 14.65 psia. The proposed change is designated as follows:

Description: Notice of change, dated August 24, 1962.

Purchaser: Colorado Interstate Gas Company.

Producing area: Laverne Field, Harper County, Oklahoma (Panhandle Area).

Rate schedule designation: Supplement No. 3 to Harper's FPC Gas Rate Schedule No. 21.

Proposed rate: 18.848 cents per Mcf.[3]

Effective rate: 17.670 cents per Mcf.[4]

Annual increase: $253.

Effective date: September 27, 1962 (stated effective date is the first day after expiration of thirty days' notice).

Harper's proposed increased rate exceeds the applicable area price level as set forth in the Commission's Statement of General Policy No. 61-1, and the amendments thereto.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Harper's proposed change and that Supplement No. 3 to Harper's FPC Gas Rate Schedule No. 21 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearing shall be held upon the date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Harper's FPC Gas Rate Schedule No. 21.

(B) Pending such hearing and decision thereon, Supplement No. 3 to Harper's FPC Gas Rate Schedule No. 21 is hereby suspended and the use thereof deferred until February 27, 1963, and thereafter until such further time as it is made effective in the manner prescribed in the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 16, 1962.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9880; Filed, Oct. 3, 1962; 8:46 a.m.]

[1] Address is: 904 Hightower Building, Oklahoma City, Oklahoma.

[2] Harper was today issued by letter a temporary certificate authorizing the subject sale and Harper's FPC Gas Rate Schedule No. 21, as supplemented, was accepted for filing.

[3] Periodic rate increase. Proposed rate includes base price of 16.0 cents per Mcf plus upward BTU adjustment.

[4] Includes base price of 15.0 cents per Mcf plus upward BTU adjustment.

[Docket No. E-7054]

KANSAS GAS AND ELECTRIC CO. AND KANSAS POWER AND LIGHT CO.

Notice of Application

SEPTEMBER 27, 1962.

Take notice that, on September 4, 1962, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Kansas Gas and Electric Company (Kansas Gas) for authorization to dispose of certain electric facilities and to sell them to Kansas Power and Light Company, (Kansas Power). On September 24, 1962, Kansas Power joined in the application. Kansas Gas is a corporation organized under the laws of the State of West Virginia and doing business in the State of Kansas, with its principal business office at Wichita, Kansas. Kansas Power is a corporation organized under the laws of the State of Kansas and doing business in that State, with its principal place of business at Topeka, Kansas. Kansas Gas is engaged principally in the generation, purchase, distribution, and sale of electric power and energy in the southeastern portion of the State of Kansas. Kansas Power supplies electric power and energy to the public in a large area of north central Kansas. The facilities which Kansas Gas proposes to sell to Kansas Power are located in the territory served by Kansas Power, and are described, as follows: That portion of the Omaha-Median 161 kv electric transmission line which extends from the Kansas-Nebraska line south to and including the structure numbered 1042-B belonging to Kansas Gas and located near the Tecumseh Hill Substation of Kansas Power; and all equipment owned by Kansas Gas in the Tecumseh Switching Station and in the Tecumseh Hill Substation; together with all easements, licenses, leases, and other rights in land of every kind and character possessed by Kansas Gas and used or existing in connection with the aforementioned line and equipment. The consideration to be paid by Kansas Power to Kansas Gas in connection with the proposed transaction is $443,515, in cash, which the application describes as the original cost to Kansas Gas of the facilities to be sold less the depreciation accrued in respect thereto as of June 30, 1962.

The Applicants state that ownership and maintenance by Kansas Power of the facilities which are the subject of the present application will afford an opportunity for direct transactions between Omaha Public Power District and Kansas Power, whose service areas are in closer proximity to each other than the service areas of Omaha Public Power District and Kansas Gas; will eliminate the necessity of maintenance of those facilities by Kansas Gas at a distance of more than 125 miles from the center of the operations of Kansas Gas; and, will result in economies and efficiencies of operation for the three public utilities concerned, all of which will be in the public interest.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 18th day of October 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9890; Filed Oct. 3, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3642]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

SEPTEMBER 28, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 1, 1962, through October 10, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-9914; Filed, Oct. 3, 1962; 8:50 a.m.]

[File No. 1-3445]

E. L. BRUCE CO. INC.

Order Summarily Suspending Trading

SEPTEMBER 28, 1962.

The common stock, par value $1, of E. L. Bruce Co. (Incorporated), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 1, 1962, through October 10, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-9915; Filed, Oct. 3, 1962; 8:50 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

SEPTEMBER 28, 1962.

The common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 1, 1962, through October 10, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-9916; Filed, Oct. 3, 1962; 8:50 a.m.]

[File No. 70-4061]

JERSEY CENTRAL POWER & LIGHT CO. AND NEW JERSEY POWER & LIGHT CO.

Notice of Proposed Intrasystem Sale and Acquisition of Utility Assets

SEPTEMBER 28, 1962.

Notice is hereby given that Jersey Central Power & Light Company ("JCP&L") and New Jersey Power & Light Company ("NJP&L"), both public-utility subsidiary companies of General Public Utilities Corporation, a registered holding company, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a)(1), 10, 12(d), and 12(f) of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration on file in the office of the Commission for a statement of the proposed transactions which are summarized as follows:

JCP&L proposes to sell and NJP&L proposes to acquire two power transformers for the aggregate consideration of $137,735, the same being the net book value based on original cost to JCP&L. These transformers are not needed by JCP&L and in 1961 were lent without cost to NJP&L, which is presently using this equipment. The proposed sale has been approved by the Board of Public Utility Commissioners of the State of New Jersey. It is stated in the filing that the Federal Power Commission does not have jurisdiction over the proposed transactions by virtue of the provisions of Section 318 of the Federal Power Act, and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Total fees and expenses, all of which are to be paid by JCP&L, are estimated in the filing at $1,250 including $750 for legal fees.

Notice is further given that any interested person may, not later than October 18, 1962, request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request shall be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon each applicant-declarant, and

proof of service (by affidavit, or in the case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9917; Filed, Oct. 3, 1962; 8:50 a.m.]

[File No. 70-4069]

MICHIGAN CONSOLIDATED GAS CO.

Notice of Proposed Issuance and Sale of Notes to Banks

SEPTEMBER 28, 1962.

Notice is hereby given that Michigan Consolidated Gas Company ("Michigan"), a gas utility subsidiary of American Natural Gas Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rules 50(a)(2) and 70(b)(2) thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Michigan proposes to issue and sell, from time to time and in varying amounts as funds are required, up to an aggregate of $12,000,000 face amount of unsecured promissory notes to the banks and in the maximum amounts indicated below:

First National City Bank, New York, N.Y.	$4,400,000
National Bank of Detroit, Detroit, Mich.	4,400,000
Manufacturers Hanover Trust Company, New York, N.Y.	3,200,000
Total	12,000,000

The notes are to be dated as of the date of issuance, are to mature September 30, 1963, and are to bear interest at the prime rate (currently 4½ percent per annum) of First National City Bank, New York City, in effect on the date of each borrowing, and the interest rate will be adjusted to the prime rate in effect at such bank at the beginning of each 90-day period subsequent to the date of the first borrowing. There is no commitment fee, and the notes may be prepaid at any time without penalty.

Michigan proposes to use the proceeds of the proposed notes, together with treasury funds, to finance its 1962 construction program estimated at $30,866,000. It is represented that the proposed notes will be replaced with permanent financing.

The estimated expense of $1,000 incident to the proposed transactions consists of $500 legal fees and $500 of miscellaneous expenses.

According to the filing no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 29, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9918; Filed, Oct. 3, 1962; 8:50 a.m.]

[File No. 1-4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

SEPTEMBER 28, 1962.

The common stock, par value $1.00, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 1, 1962, through October 10, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9919; Filed, Oct. 3, 1962; 8:51 a.m.]

[File No. 1-3412]

PROSPER OIL AND MINING CO.

Order Summarily Suspending Trading

SEPTEMBER 28, 1962.

The common stock of the par value of ten cents, of Prosper Oil and Mining Company, being listed and registered on the Salt Lake Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such stock on such exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in said security on the Salt Lake Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 1, 1962, through October 10, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9920; Filed, Oct. 3, 1962; 8:51 a.m.]

TARIFF COMMISSION

UNMANUFACTURED LEAD AND ZINC

Reports to the President

OCTOBER 1, 1962.

The U.S. Tariff Commission today submitted to the President its third periodic report on the developments in the trade in unmanufactured lead and zinc since the "escape clause" action, on October 1, 1958, which resulted in the imposition of import quotas on unmanufactured lead and zinc. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952, which order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting this report, the Commission advised the President that the conditions of competition between imported and domestic unmanufactured lead and zinc had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in unmanufactured lead and zinc do not warrant a formal inquiry into the question of whether the existing restrictions on the imports of unmanufactured lead and zinc could be relaxed without resulting in serious injury to the domestic industry concerned.

Copies of the Commission's report are available upon request, as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 62-9926; Filed, Oct. 3, 1962; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 1, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37966: *Petroleum products from Montana points to WTL territory.* Filed by Trans-Continental Freight Bureau, Agent (No. 392), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain or varnish), petroleum road oil and petroleum wax tailings, in tank-car loads, from Billings, East Billings, and Laurel, Mont., to points in Illinois, Iowa, Michigan, Minnesota, South Dakota, and Wisconsin.

Grounds for relief: Carrier competition.

Tariff: Supplement 73 to Trans-Continental Freight Bureau tariff I.C.C. 1644.

FSA No. 37967: *Iron or steel pipe to Louisville, Ky.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2635), for interested rail carriers. Rates on iron or steel pipe, in carloads, from Aliquippa and Economy, Pa., to Louisville, Ky.

Grounds for relief: Rail-barge competition.

Tariff: Supplement 380 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 3388 (Hinsch series).

FSA No. 37968: *Newsprint paper from Mobile, Ala., to Virginia points.* Filed by O. W. South, Jr., Agent (No. A4241), for interested rail carriers. Rates on newsprint paper, in carloads, from Mobile, Ala., to Norfolk, Newport News, and Richmond, Va.

Grounds for relief: Carrier competition.

Tariff: Supplement 34 to Southern Freight Association tariff I.C.C. S-230.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-9923; Filed, Oct. 3, 1962; 8:51 a.m.]

[Notice 700]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 1, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65243. By order of September 25, 1962, the Transfer Board approved the transfer to Carl H. Betz, Orefield, Pa., of Certificate No. MC 42605, issued October 11, 1961, to Alvin A. Roth, Bowmanstown, Pa., authorizing the transportation of: Coal, between points in Schuylkill County, Pa., on the one hand, and, on the other, points in Morris, Somerset, Essex, and Middlesex Counties, N.J. Paul B. Kemmerer, 1620 North 19th Street, Allentown, Pa., representative for applicants.

No. MC-FC 65283. By order of September 25, 1962, the Transfer Board approved the transfer to Fred Knobloch, Farmingdale, N.Y., of Certificate No. MC 41498, issued July 23, 1953, to Christine Knobloch, doing business as Fred Knobloch, Farmingdale, N.Y., authorizing the transportation of: Groceries and advertising matter, over regular routes, from Bayonne and Jersey City, N.J., to Riverhead, N.Y., with service to and from the intermediate points of Farmingdale and Hempstead, N.Y., and empty grocery containers, oleomargarine, and mayonnaise, on return. Transporting over irregular routes, oleomargarine, pickles, salad dressing, table sauces, mustard, vegetable cooking oils, stearine, and advertising matter pertaining thereto, from Bayonne, N.J., to points in Nassau and Suffolk Counties, N.Y. (except Riverhead, Farmingdale, and Hempstead, N.Y.), and damaged, shopworn, and otherwise unsalable shipments of the above commodities and empty containers therefor, on return. Douglas Miller, Meadow Brook Bank Building, P.O. Box 8, Malverne, N.Y., representative for applicants.

No. MC-FC 65354. By order of September 25, 1962, the Transfer Board approved the transfer to J. W. Hofacket and Benny Hofacket, a partnership, doing business as J. W. Hofacket, Marathon, Tex., of the operating rights in Permit No. MC 119638 Sub-2, to J. W. Hofacket, Marathon, Tex., authorizing the transportation, over irregular routes, of fluorspar ore and fluorspar ore concentrate, in bulk, in hopper or dump truck vehicles, from port of entry on the United States-Mexico boundary line at Heath Crossing, Tex., to Marathon, Tex.

No. MC-FC 65368. By order of September 25, 1962, the Transfer Board approved the transfer to Bernard J. Ducharme, doing business as Pittsfield Freight Lines, 937 Dalton Avenue, Pittsfield, Mass., of Certificate No. MC 111925 Sub-1, issued September 30, 1955, to Pittsfield Freight Lines, Inc., 937 Dalton Avenue, Pittsfield, Mass., authorizing the transportation of limestone in spreader trucks, over irregular routes, from Farname, Mass., to points in Bennington and Windham Counties, Vt., Cheshire and Hillsboro Counties, N.H., Washington, Rensselaer, Columbia, Saratoga, Delaware, Albany, and Schenectady Counties, N.Y.

No. MC-FC 65370. By order of September 25, 1962, the Transfer Board approved the transfer to Pauline E. Richardson doing business as Rich's South Shore Express, 732 Nantasket Avenue, Hull, Mass., of Certificate No. MC 69043 issued June 7, 1941, to William P. Richardson, doing business as Rich's South Shore Express, 732 Nantasket Avenue, Hull, Mass., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Boston, Mass., and Scituate, Mass., with service authorized to and from all intermediate points; and household goods, over irregular routes, between Hull and Hingham, Mass., on the one hand, and, on the other, Larchmont and New York, N.Y., and points in Massachusetts, New Hampshire, Rhode Island, and Connecticut.

No. MC-FC 65373. By order of September 25, 1962, the Transfer Board approved the transfer to Laurence Hase, Carbondale, Kans., of Certificate No. MC 106662, issued April 11, 1951, to Martin C. Layman, doing business as Layman Truck Line, Auburn, Kans., authorizing the transportation of: Livestock, over irregular routes, between Carbondale, Kans., and points within 10 miles of Carbondale, except Burlingame and Overbrook, Kans., on the one hand, and, on the other, Kansas City, Mo., and Kansas City, Kans., and Mill feeds from Kansas City, Mo., to Carbondale and points within 10 miles of Carbondale, except in-

corporated municipalities. Leland M. Spurgeon, 1319 Huntoon at Lane, Topeka, Kans., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-9924; Filed, Oct. 3, 1962; 8:51 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

UNIVERSYTET JAGIELLONSKI

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant; Claim No.; Property

Universytet Jagiellonski, Cracow, Poland; $4,172.17 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, shares of profits or other emolument, and all causes of action accrued or to accrue, relating to the work entitled MINUET by Ignacy Jan Paderewski to the extent owned by Universytet Jagiellonski immediately prior to the vesting thereof by Vesting Order No. 4031 executed on August 16, 1944 (9 F.R. 13780, November 17, 1944). Vesting Order No. 4031.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, shares of profits or other emolument, and all causes of action accrued or to accrue, relating to the work entitled MEMOIRS by Ignacy Jan Paderewski to the extent owned by Universytet Jagiellonski immediately prior to the vesting thereof by Vesting Order No. 4034, executed on August 16, 1944 (9 F.R. 13782, November 17, 1944). Vesting Order No. 4034.

Claim No. 35399.

Executed at Washington, D.C., on September 25, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-9927; Filed, Oct. 3, 1962; 8:51 a.m.]

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1962–63 Edition

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[Revised as of June 1, 1962]

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CFR CHECKLIST

The following checklist, arranged in order of titles, shows the issuance date and price of current volumes and pocket supplements of the Code of Federal Regulations. (The rate for subscription service to all revised volumes and pocket supplements to be issued as of January 1, 1963, is $100 domestic, $30 additional for foreign mailing.) Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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3 1938–1943 Cum. Supp.	3.00
1943–1948 (Compilation)	7.00
1949–1953 (Compilation)	7.00
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1959 (Supp.)	.60
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Supp. (Jan. 1, 1962)	.30
28–29 (Rev. 1949)	2.50
Supp. (Jan. 1, 1962)	2.25
30–31 (Rev. Jan. 1, 1959)	3.50
Supp. (Jan. 1, 1962)	1.00
32 Parts:	
1–39 (Rev. Jan. 1, 1961)	5.50
Supp. (Jan. 1, 1962)	.50
40–399 (Rev. Jan. 1, 1961)	4.00
Supp. (Jan. 1, 1962)	.40
400–589 (Rev. Jan. 1, 1962)	3.50
590–699 (Rev. Jan. 1, 1962)	4.25
700–799 (Rev. Jan. 1, 1962)	5.00
800–999 (Rev. Jan. 1, 1960)	3.75
Supp. (Jan. 1, 1962)	.50
1000–1099 (Rev. Jan. 1, 1960)	6.50
Supp. (Jan. 1, 1962)	1.75
1100–end (Rev. Jan. 1, 1962)	4.50
32A (Rev. Jan. 1, 1958)	5.00
Supp. (Jan. 1, 1962)	.75
33 (Rev. Jan. 1, 1962)	8.25
34 Reserved	
35 (Rev. Jan. 1, 1960)	3.50
Supp. (Jan. 1, 1962)	.30
36 (Rev. Jan. 1, 1960)	3.00
Supp. (Jan. 1, 1962)	.35
37 (Rev. Jan. 1, 1960)	3.50
Supp. (Jan. 1, 1962)	.30
38 (Rev. 1956)	8.00
Supp. (Jan. 1, 1962)	1.25
39 (Rev. Jan. 1, 1962)	5.25
40–41 (Rev. Jan. 1, 1962)	1.75
42 (Rev. Jan. 1, 1960)	4.00
Supp. (Jan. 1, 1962)	.40
43 (Rev. 1954)	(1)
Supp. (Jan. 1, 1962)	1.25
44 (Rev. Jan. 1, 1960)	3.25
Supp. (Jan. 1, 1962)	.30
45 (Rev. Jan. 1, 1960)	3.75
Supp. (Jan. 1, 1962)	.45
46 Parts:	
1–145 (Rev. 1952)	(1)
Supp. (Jan. 1, 1962)	1.50
146–149 (Rev. Jan. 1, 1960)	6.00
Supp. (July 1, 1962)	1.50
150–end (Rev. Jan. 1, 1958)	6.25
Supp. (Jan. 1, 1962)	1.25
47 Parts:	
1–29 (Rev. Jan. 1, 1958)	7.50
Supp. (Jan. 1, 1962)	1.50
30–end (Rev. Jan. 1, 1958)	4.75
Supp. (Jan. 1, 1962)	.40
48 Reserved	
49 Parts:	
1–70 (Rev. 1949)	$3.00
Supp. (Jan. 1, 1962)	1.00
71–90 (Rev. 1956)	(1)
Supp. (Jan. 1, 1962)	1.25
91–164 (Rev. Jan. 1, 1958)	5.00
Supp. (Jan. 1, 1962)	.55
165–end (Rev. Jan. 1, 1961)	5.00
Supp. (Jan. 1, 1962)	.30
50 (Rev. Jan. 1, 1961)	3.75
Supp. (Jan. 1, 1962)	.40
General Index (Rev. 1955)	4.75
Supp. (Jan. 1, 1962)	1.25

[1] Out of stock.

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Docket No. 1313; Amdt. 491]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 700 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive superseding AD 57-7-3, 22 F.R. 6049, with a new directive providing for the increased bolt life when the modification changing the attachment of the flap beam units is incorporated on Vickers Viscount 700 Series aircraft was published in 27 F.R. 7574.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

VICKERS. Applies to all Viscount 700 Series aircraft.

Compliance required as indicated.

As a result of wing flap attachment difficulties the following is required for both flap assemblies:

(a)(1) Replace bolts P/N's 72403-2445, 70103-2645, and 70103-2639, at flap support bracket units Nos. 2 and 3 respectively, right and left side with new bolts every 1,500 landings.

(2) Replace bolts P/N's 70003-2359 and 70107-467, at flap support bracket units Nos. 1 and 4 respectively, right and left side with new bolts every 2,500 landings.

(3) When Modification D.2175 is incorporated and provided the bolts referred to in paragraphs (a)(1) and (a)(2) are replaced with new bolts at the same time, the life of these new bolts is extended as specified in the overhaul schedule listed below:

Part number:	*Retirement time*
72403-2445	4,500 landings.
70103-2645	4,500 landings.
70103-2639	4,500 landings.
70003-2359	7,500 landings.
70107-467	7,500 landings.

(b) Flap beam (supporting bracket) attachment fitting at wing trailing edge false spar member inspection.

(1) Within the next 135 hours' time in service after the effective date of this AD and each 135 hours' time in service thereafter, visually inspect for cracks all four lower flap support attachment fittings aft of the wing trailing edge member (false spar) on the right and left sides. The initial inspection is not required if these fittings were thoroughly examined at the time of bolt replacement of paragraph (a).

(2) Within the next 385 hours' time in service after the effective date of this AD and each 1,080 hours' time in service thereafter, visually inspect for cracks all the flap support attachment fittings forward of the trailing edge member (false spar), top and bottom, right and left sides at flap positions 2 and 3.

(3) Within the next 385 hours' time in service after the effective date of this AD and each 385 hours' time in service thereafter, visually inspect for cracks all top beam attachment fittings aft of the trailing edge member (false spar) on the right and left sides.

(c) Replace cracked fittings.

(d) Incorporate Vickers Modification D.2175 within the next 400 hours' time in service after the effective date of this AD on aircraft exceeding 3,000 landings, or within 400 hours' time in service upon the accumulation of 3,000 landings on aircraft not exceeding 3,000 landings on the effective date of this AD. Upon incorporation of this modification, the inspections called for in (b)(1), (b)(2), and (b)(3) may be discontinued.

(Vickers Viscount 700 Series PTL No. 151, Issue 4 covers this subject.)

This supersedes AD 57-7-3 (22 F.R. 6049).

This amendment shall become effective November 6, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 1, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-9946; Filed, Oct. 4, 1962; 8:46 a.m.]

[Reg. Docket No. 1330; Amdt. 492]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 745D and 810 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive amending AD 61-20-4, Amendment 340 (26 F.R. 8955), as amended by Amendment 360 (26 F.R. 10274), relating to approved life of Vickers Viscount 745D and 810 Series aircraft fuselage components, inspections and modifications, was published in 27 F.R. 7893.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 340, 26 F.R. 8935, Vickers Viscount 745D and 810 Series aircraft, as amended by Amendment 360, 26 F.R. 10274, is further amended:

1. By deleting the reference to "PTL No. 221 Issue 2 (700 Series)" and "No. 94 Issue 2 (800/810 Series)" wherever they appear and inserting in lieu thereof the reference "PTL No. 221 Issue 3 and Corrigendum issued February 12, 1962 (700 Series)", and "No. 94 Issue 3 and Corrigendum issued February 28, 1962 (800/810 Series)", respectively.

2. By changing the last sentence of the first paragraph to read:

Compliance with all the provisions of PTL 221 Issue 3 and Corrigendum issued February 12, 1962 (for Model 745D), and PTL 94 Issue 3 and Corrigendum issued February 28, 1962 (for Model 810), including the fuselage life limitations is required.

3. Adding the following at the end of paragraph (c)(3): "except that for Inspection B the repetitive interval is increased to 1,000 flights, and it is acceptable to inspect the area of the door locking bolt holes with a mirror and flashlight without having to remove the bolt striker plates."

This amendment shall become effective November 6, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 1, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-9947; Filed, Oct. 4, 1962; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-EA-30]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of these amendments to §§ 600.6092 and 600.6126 of the regulations of the Administrator is to expand the width of portions of low altitude VOR Federal airway Nos. 92 and 126.

Victors 92 and 126 extend in part from the Goshen, Ind., VOR to the Waterville, Ohio, VORTAC. The distance between these two facilities exceeds the normal spacing criteria. In order to provide protection for aircraft operating along these segments of the airways while at a distance greater than 45 nautical miles from either navigation facility, action is taken herein to expand the portion between the points 45 nautical miles from the facilities. The control areas associated with these airways are so designated that they will automatically conform to the altered airways.

Since the change effected by these amendments is minor in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments shall become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 600.6092 "Waterville, Ohio, VOR;" is deleted and "Waterville, Ohio, VORTAC (12-mile-wide airway from 45 nautical miles from the Goshen VOR to 45 nautical miles from the Waterville VORTAC);" is substituted therefor.

2. In the text of § 600.6126 (14 CFR 600.6126) "Waterville, Ohio, omnirange station;" is deleted and "Waterville, Ohio, VORTAC (12-mile-wide airway from 45 nautical miles from the Goshen VOR to 45 nautical miles from the Waterville VORTAC);" is substituted therefor.

These amendments shall become effective 0001 e.s.t. December 13, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 28, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-9945; Filed, Oct. 4, 1962; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55725]

PART 1—CUSTOMS DISTRICTS, PORTS AND STATIONS

Changes in Customs Comptroller Districts

For purposes of economy and efficiency in carrying out the on-site audit function, a realignment of districts under the jurisdiction of the several comptroller offices is deemed necessary.

Therefore, the following changes are hereby made in the customs field organization, effective upon the date of publication in the FEDERAL REGISTER.

The customs collection districts of Rochester (8), and Buffalo (9), New York, presently operating under the audit jurisdiction of the New York comptroller office (Comptroller District No. 2), are hereby transferred to the Philadelphia Comptroller office jurisdiction (comptroller District No. 3).

The customs collection districts of Indiana (40), Kentucky (42), and Tennessee (43), presently operating under the audit jurisdiction of the Philadelphia comptroller office (Comptroller District No. 3), are hereby transferred as follows:

The Chicago comptroller office (Comptroller District No. 5) will assume audit jurisdiction over the Indiana and Kentucky collection districts; the New Orleans comptroller office (Comptroller District No. 6) will assume audit jurisdiction over the Tennessee collection district.

The customs collection district of Montana and Idaho (33), presently operating under the audit jurisdiction of the Chicago comptroller office (Comptroller District No. 5), is hereby transferred to the San Francisco comptroller office (Comptroller District No. 7).

The customs collection district of Arizona (26) presently operating under the audit jurisdiction of the New Orleans comptroller officer (Comptroller District No. 6) is hereby transferred to the jurisdiction of the San Francisco comptroller office (Comptroller District No. 7).

Section 1.4 is amended to provide for the realignment of comptroller districts by substituting for the present tabulation therein the following:

Comptroller district	Address	Collection districts
1. Boston	Customhouse, Boston, Mass.	1, 2, 4, 5, 6, and 7.
2. New York	Customhouse, New York, N.Y.	10.
3. Philadelphia	Customhouse, Philadelphia, Pa.	8, 9, 11, 12, 38, and 41.
4. Baltimore	Customhouse, Baltimore, Md.	13, 14, 15, 16, 17, 18, 49, and 51.
5. Chicago	Customhouse, Chicago, Ill.	34, 35, 36, 37, 39, 40, 42, 45, and 47.
6. New Orleans	Customhouse, New Orleans, La.	19, 20, 21, 22, 23, 24, 43, and 50.
7. San Francisco	Customhouse, San Francisco, Calif.	25, 26, 27, 28, 29, 30, 31, 32, and 33.

(R.S. 161, as amended, 251 sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

[SEAL] N. G. STRUB,
Acting Commissioner of Customs.

Approved: September 28, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-9968; Filed, Oct. 4, 1962; 8:50 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 786—MISCELLANEOUS EXEMPTIONS

PART 794—WHOLESALE OR BULK DISTRIBUTION OF PETROLEUM PRODUCTS BY CERTAIN ENTERPRISES; EMPLOYMENT EXEMPT FROM OVERTIME PAY REQUIREMENTS OF FAIR LABOR STANDARDS ACT UNDER SECTION 13(b)(10)

Miscellaneous Amendments

Pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201-219), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, 29 CFR 794.2 and 786.50 are amended as set forth below.

The amendments shall become effective immediately upon their publication in the FEDERAL REGISTER since they are interpretative and neither public procedure nor delay in effective date are therefore required under section 4 of the Administrative Procedure Act.

1. Section 794.2 of 29 CFR Part 794 is hereby amended by substituting a reference to Part 531, Subpart C, for that to Part 777. The latter part is superseded by Part 531 (27 F.R. 6086). As amended § 794.2 reads as follows:

§ 794.2 Matters discussed in this part.

This part primarily discusses the meaning and application of the section 13(b)(10) exemption. The meaning and application of other provisions of the Fair Labor Standards Act are discussed only to make clear their relevance to the section 13(b)(10) exemption and are not considered in detail in this part. Interpretations published elsewhere in this title deal with such subjects as the general coverage of the Act (Part 776 of this chapter), methods of payment of wages (Part 531, Subpart C of this title), computation and payment of overtime compensation (Part 778 of this chapter), retailing of goods or services (Part 779 of this chapter), hours worked (Part 785 of this chapter), and child labor provisions (Subpart G of Part 4 of this title). Regulations on recordkeeping are contained in Part 516 of this chapter, and regulations defining exempt bona fide executive, administrative, and professional employees are contained in Part 541 of this chapter. Child labor regulations are included in Part 4 of this title. Regulations and interpretations on other subjects concerned with the application of the Act are listed in the table of contents to this chapter. Copies of any of these documents may be obtained from any office of the Wage and Hour and Public Contracts Divisions. Section 13(b)(10) and the application of the overtime pay exemption which it provides are discussed in some detail in Subpart B of this part. In addition, § 794.7 et seq. of this subpart briefly consider or make reference to the guides for determining what employment in enterprises described in section 13(b)(10) is subject to the minimum wage and overtime pay requirements if a specific exemption therefrom does not apply.

2. Section 786.50 of 29 CFR Part 786 is amended to add a reference to section 13(b)(7) of the Act as well as 13(a)(9). As amended, the section reads as follows:

§ 786.50 Enforcement policy concerning performance of nonexempt work.

The Division has taken the position that the exemptions provided by sections 13(a)(9) and 13(b)(7) of the Fair Labor Standards Act will be deemed applicable even though some nonexempt work (that is, work of a nature other than that which characterizes the exemption) is performed by the employee during the workweek, unless the amount of such nonexempt work is substantial. For enforcement purposes, the amount of nonexempt work will be considered substantial if it occupies more than 20 percent of the time worked by the employee during the workweek.

(Secs. 1-19, 52 Stat. 1060, as amended; 29 U.S.C. 201-219)

Signed at Washington, D.C., this 28th day of September 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-9956; Filed, Oct. 4, 1962; 8:48 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER A—POLICY, PRACTICE, AND PROCEDURE

[General Order 41, 2d Rev., Amdt. 9]

PART 201—RULES OF PRACTICE AND PROCEDURE BEFORE THE MARITIME SUBSIDY BOARD AND THE MARITIME ADMINISTRATION

1. The heading for Part 201 is revised to read as set forth above.

2. Sections 201.263 and 201.264 of Subpart P—Reopening of Proceedings, are hereby amended to read as follows:

§ 201.263 Stay of Board's decision.

The Board's decision or order shall be stayed pending resolution by the Board of a petition for reopening, duly filed, and for so long as such Board's action has not been finally disposed of in accordance with the provisions of section 7 of Department [of Commerce] Order 117 (Revised).

§ 201.264 Time for filing petition to reopen.

Except for good cause shown, and upon leave granted, petition to reopen under § 201.262 shall be filed with the Board within 14 days after the date of service of the Board's decision or order in the proceeding, unless a shorter period is fixed under § 201.104.

Dated: October 2, 1962.

By order of the Maritime Subsidy Board and Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-9997; Filed, Oct. 4, 1962; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

AIR COMMERCE REGULATIONS

Notice of Proposed Designation of Del Rio International Airport, Del Rio, Texas, As an International Airport

Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority of section 1109(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1509(b)), it is proposed to designate Del Rio International Airport, Del Rio, Texas, as an international airport (airport of entry) for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 101(33) of said Act (49 U.S.C. 1301(33)), and it is further proposed to amend § 6.13 of the Customs Regulations by adding thereto the location and name of this airport at the appropriate place.

Data, views, or arguments with respect to the proposed designation of Del Rio International Airport as an international airport may be addressed to the Commissioner of Customs, Washington 25, D.C. To assure consideration of such communications, they must be received by the Commissioner of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. (FM 192-23.31 H)

[SEAL] N. G. STRUB,
Acting Commissioner of Customs.

Approved: September 28, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-9969; Filed, Oct. 4, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

SOLICITATION OF PROXIES AND REPORTS OF FOREIGN TRANSACTIONS

Proposed Rules Abandoned

The Securities and Exchange Commission has concluded not to adopt proposals for the revision of its General Rules and Regulations under the Securities Exchange Act of 1934 set forth in the following releases:

(a) Release 5299 of April 17, 1956, published in the FEDERAL REGISTER of April 24, 1956 (21 F.R. 2636), proposing the adoption of a new Rule 14B-1 (§ 240.14b-1) prescribing the conditions under which certain exchange members, brokers or dealers may give proxies, consents or authorizations in respect of listed securities carried for the account of a customer.

(b) Release No. 5900 of March 6, 1959, published in the FEDERAL REGISTER of March 14, 1959 (24 F.R. 1869), proposing a new Rule 17a-8 (§ 240.17a-8) to require brokers and dealers to report promptly to the Commission transactions with nonresidents of the United States involving a significant amount of any security.

While these proposals in their present form may now be considered abandoned, the problems involved will receive the continuing study of the Commission as a result of its further experience in the administration of the present rules.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

SEPTEMBER 25, 1962.

[F.R. Doc. 62-9959; Filed, Oct. 4, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CERTAIN STATES

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the States of Arkansas, Colorado, Iowa and Mississippi natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Cleburne.	Faulkner.
Conway.	Miller.
Craighead.	Prairie.

COLORADO

Archuleta.	Montezuma.
Dolores.	San Juan.
La Plata.	San Miguel.

IOWA

Appanoose

MISSISSIPPI

Bolivar.	Kemper.
Holmes.	Madison.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., 2d day of October 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-9982; Filed, Oct. 4, 1962; 8:51 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

CENTRAL TRUST CO. AND PRATTSBURGH STATE BANK OF PRATTSBURG

Notice of Report on Competitive Factors Involved in Merger Application

On August 31, 1962, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested that the Comptroller of the Currency report on the competitive factors involved in the proposed merger of the $123 million Central Trust Company, Rochester, New York, with the $2.3 million Prattsburgh State Bank of Prattsburg, New York, under the charter and title of the former.

On October 1, 1962, the Comptroller of the Currency reported that there is no direct competition between the Prattsburgh bank and Central Trust Company, that the growth of the former has been slow and limited and that within the service area there are four unit banks and two branches of Rochester banks. He concluded that in view of the position of the Prattsburgh bank and the improbability of its offering a reasonable banking competition, the effect of the proposed merger in the Prattsburgh area would not be unfavorable.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 2, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-9967; Filed, Oct. 4, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA; DISTRICT MANAGERS

Delegation of Authority

OCTOBER 1, 1962.

In accordance with section 1.1(a) of BLM Order No. 684 (26 F.R. 168, August 31, 1961) as amended, I hereby authorize the District Managers, State of Arizona, effective November 1, 1962, to perform the functions which are delegated to me in section 1.5(a) of the above cited order. The authority delegated may not be redelegated.

Dated: September 5, 1962.

FRED J. WEILER,
State Director, Arizona.

Approved: September 28, 1962.

KARL S. LANDSTRUM,
Director,
Bureau of Land Management.

[F.R. Doc. 62-9955; Filed, Oct. 4, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Determination

In conformity with the Act of Congress approved August 31, 1954, Title 13, United States Code, sections 181, 224, and 225, and due notice having been published on August 30, 1962 (27 F.R. 8684), pursuant to said Act, I have determined that data to be derived from the annual surveys listed below are needed to aid in the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other government sources. These surveys are in addition to those included in a notice published January 3, 1962 (27 F.R. 20), and will become a part of the continuing annual program of the Bureau of the Census.

Report forms furnishing date on shipments will be required of all establishments engaged in the production of the items covered by the following list of surveys.

Switchgear, switchboard apparatus, relays and industrial controls.

Selected instruments and related products.

Selected electronic and associated products.

The report forms will be furnished to firms included in these surveys and additional copies are avilable on request to the Director, Bureau of the Census, Washington 25, D.C.

I have, therefore, directed that annual surveys be conducted for the purpose of collecting the data hereinabove described.

RICHARD M. SCAMMON,
Director, Bureau of the Census.

[F.R. Doc. 62-9979; Filed, Oct. 4, 1962; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-119]

ALCO PRODUCTS, INC., AND ALLIS-CHALMERS MANUFACTURING CO.

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to Facility License No. CX-14. The amendment authorizes Allis-Chalmers Manufacturing Company ("Allis-Chalmers") to use and operate the critical experiments facility ("the facility") which is owned and possessed by Alco Products, Incorporated ("Alco") and located in Schenectady, New York, in accordance with the terms and conditions of License No. CX-14, as amended, under a Lease Agreement between Alco and Allis-Chalmers whereby Alco retains ownership of the facility, as requested by Alco and Allis-Chalmers in their joint application for license amendment dated July 31, 1962, and supplement thereto dated September 18, 1962.

The Commission has found that:

(1) Operation of the facility in accordance with the license as amended will not present undue hazard to the health and safety of the public and will

not be inimical to the common defense and security;

(2) The application for amendment, including the supplement thereto, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the facility in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, Alco or Allis-Chalmers may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see the joint application for license amendment dated July 31, 1962, submitted by Alco and Allis-Chalmers and supplement thereto dated September 18, 1962, both of which are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 28th day of September 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. CX-14; Amdt. No. 2]

Effective as of the date of issuance stated below, License No. CX-14, as amended, is revised in its entirety to read as follows:

1. This license applies to the critical experiments facility ("the facility") which is owned and possessed by Alco Products, Incorporated ("Alco") and located in Schenectady, New York, and described in Alco's application for license dated October 7, 1958, and supplements thereto dated January 15, 1959, February 25, 1959, March 10, 1959, and August 31, 1959 (collectively "the original application").

2. By joint application dated July 31, 1962, and supplement thereto dated September 18, 1962 (together "the joint application"), Allis-Chalmers Manufacturing Company ("Allis-Chalmers"), with Alco's expressed consent, requested authorization to use and operate the facility in accordance with the terms and conditions of License No. CX-14, as amended, under a Lease Agreement ("the Agreement") between Alco and Allis-Chalmers, whereby Alco retains ownership of the facility.

3. Pursuant to the Atomic Energy Act of 1954, as amended ("the Act"), and having considered the record in this matter the Atomic Energy Commission ("the Commission") finds that:

A. The facility will operate in conformity with the original and joint applications and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the facility can be operated at the designated location without endangering the health and safety of the public;

C. Allis-Chalmers is technically and financially qualified to operate the facility, to assume financial responsibility for any payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. Issuance of a license amendment authorizing Alco to retain possession and ownership of the facility, and Allis-Chalmers to use and operate the facility and to receive, possess, and use the special nuclear material in the manner proposed in the original and joint applications will not be inimical to the common defense and security or to the health and safety of the public; and

E. Alco and Allis-Chalmers have submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

4. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses:

A. Alco to possess and Allis-Chalmers to use and operate the facility as a utilization facility at the designated location in Schenectady, New York, in accordance with the procedures and limitations described in the original and joint applications and this license pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities";

B. Allis-Chalmers to receive, possess and use, in connection with operation of the facility, up to 66.5 kilograms of contained uranium-235, and up to 80 grams of plutonium encapsulated as a plutonium-beryllium source pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material"; and

C. Allis-Chalmers to possess but not to separate such byproduct material as may be produced by operation of the facility pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material".

5. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. Allis-Chalmers shall not, unless authorized in writing by the Commission, operate the facility at steady-state power levels in excess of one hundred watts (thermal);

B. Alco and Allis-Chalmers shall not permit or authorize any organization other than Allis-Chalmers to operate the facility without prior written authorization from the Commission;

C. Notwithstanding any expiration, modification, cancellation or termination of the Agreement Allis-Chalmers shall, so long as this license shall be in force with respect to Allis-Chalmers, be responsible for assuring that the provisions of this license and Commission regulations for protection of health and safety from radiation hazards are observed with respect to the facility and materials covered by this license. In the event of any expiration, modification, cancellation or termination of the Agreement, Allis-Chalmers or Alco may apply to the Commission for an appropriate amendment of this license to terminate this license insofar as it is granted to Allis-Chalmers and upon issuance of such amendment the aforesaid responsibility of Allis-Chalmers shall cease and terminate. Until such amendment is issued, Alco shall in no way prevent Allis-Chalmers from observing the requirements in this condition.

D. A copy of any notice of intent to terminate or modify the Agreement submitted by either party to the other shall be furnished simultaneously to the Commission.

E. Communications from the Commission with respect to activities under this license shall be directed to Fred G. Moote and notice to such individual shall constitute notice to both Alco and Allis-Chalmers;

F. Allis-Chalmers is authorized (1) to bypass the Log-N and period scram circuit during steady-state operation of the facility if there is an electronic malfunction in the circuit to determine what corrective action is necessary and, (2) providing all other operating circuits, including the Log-N and scram period circuit, are functioning properly, to operate the facility with a minimum of two linear amplifiers in the power level scram circuit in accordance with the procedures described in Alco's application for license amendment dated August 31, 1959, and the conditions and limitations set forth in this license.

G. Allis-Chalmers shall promptly submit a written report to the Commission whenever, during operation of the facility, any of the operating conditions or characteristics of the facility, which might affect nuclear safety, is observed to vary significantly from its predicted value;

H. In addition to those otherwise required under this license and applicable regulations, Allis-Chalmers shall keep the following records:

1. Facility operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of Allis-Chalmers as measured at the point of such release or discharge.

4. Records of emergency facility scrams, including reasons for emergency shutdowns.

I. In addition to reports otherwise required under this license and applicable regulations, Allis-Chalmers shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

6. This license shall expire on March 31, 1969.

Date of issuance: September 28, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-9942; Filed, Oct. 4, 1962; 8:45 a.m.]

[Docket No. 50-113]

UNIVERSITY OF ARIZONA

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 3, set forth below, to Facility License No. R-52. The license authorizes The University of Arizona to operate its TRIGA type nuclear reactor, located in Tucson, Arizona. The amendment authorizes the licensee (1) to use a fuel storage rack, (2) to install and to use an additional control rod in the reactor core for use in the performance of temperature coefficient experiments, (3) to replace the one curie plutonium-beryllium (Pu-Be) start up source with a one curie polonium-beryllium (Po-Be) source, (4) to perform (a) activation experiments, (b) temperature coefficient experiments, (c) neutron beam experiments, and (d) reactivity experiments, (5) to follow revised administrative procedures, and (6) to receive, possess, and use an additional 300 grams of U-235 in the form of solid fuel elements and foils all as described in the licensee's application for license amendment dated January 12, 1962, two supplemental letters each dated April 5, 1962, and supplemental letters dated July 18, 1962, and August 10, 1962.

The Commission has found that:

(1) Operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's Regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated January 12, 1962, two supplemental letters each dated April 5, 1962, and supplemental letters dated July 18, 1962, and August 10, 1962, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 27th day of September 1962.

For the Atomic Energy Commission.

S. LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-52; Amdt. No. 3]

License No. R-52, as amended, issued to The University of Arizona, is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. R-52, as amended, The University of Arizona is authorized (1) to use a fuel storage rack, (2) to install and to use an additional control rod in the reactor core for use in the performance of temperature coefficient experiments, (3) to replace the one curie plutonium-beryllium (Pu-Be) start up source with a one curie polonium-beryllium (Po-Be) source, (4) to perform (a) activation experiments, (b) temperature coefficient experiments, (c) neutron beam experiments, and (d) reactivity experiments, (5) to follow revised administrative procedures, and (6) to receive, possess, and use an additional 300 grams of U-235 in the form of solid fuel elements and foils all as described in its application for license amendment dated January 12, 1962, two supplemental letters each dated April 5, 1962, and supplemental letters dated July 18, 1962, and August 10, 1962, in the University's TRIGA nuclear reactor located on the campus in Tucson, Arizona.

2. Paragraph 3.B. is revised in its entirety to read as follows:

B. Pursuant to Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use up to 2,500 grams of contained uranium-235 in connection with operation of the reactor.

This amendment is effective as of the date of issuance.

Date of issuance: September 27, 1962.

For the Atomic Energy Commission.

S. LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-9941; Filed, Oct. 4, 1962; 8:45 a.m.]

[Docket No. 50-99]

BABCOCK AND WILCOX CO.

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on September 12, 1962, 27 F.R. 9074, the Atomic Energy Commisison has issued Construction Permit No. CPRR-72 which authorizes The Babcock & Wilcox Company to make certain modifications in its Lynchburg Pool Reactor located near Lynchburg, Virginia.

Dated at Germantown, Md., this 28th day of September 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-9943; Filed, Oct. 4, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-216]

ARKANSAS LOUISIANA GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 28, 1962.

Take notice that on May 14, 1962, as supplemented on June 27 and July 23, 1962, Arkansas Louisiana Gas Company (Applicant), P.O. Box 1734, Shreveport Louisiana, filed in Docket No. CP62-216 a motion to amend applications for and certificates of public convenience and necessity by substituting its name for that of Southwest Natural Production Company (Southwest) to reflect a merger by Applicant of Southwest, all as more fully set forth in the motion which is on file with the Commission and open to public inspection. The motion, as supplemented, is in effect an application for a certificate of public convenience and necessity to acquire and operate the facilities of Southwest and will be regarded as such an application pursuant to section 7(c) of the Natural Gas Act.

Applicant states that on February 28, 1962, Applicant, then owner of all the outstanding capital stock of Southwest, executed a "Certificate of Ownership and Merger" of Southwest which will be filed in accordance with the laws of the State of Delaware, and will thereupon become effective, upon the granting of the subject motion and related requests. Upon such effective date, there will be vested in Applicant all of Southwest's assets, including its gas producing properties and all gas sales contracts and amendments thereto in which Southwest, or its predecessor in interest, is seller, including those contracts covering interstate gas sales requiring Commission certification and which are required to be filed with the Commission as rate schedules. Sales of gas heretofore made by Southwest will be continued by Applicant without cessation or interruption.

Concurrently with the subject motion to amend, Applicant filed a Notice of Succession and Certificate of Adoption of Southwest's rate schedules, a Motion to Substitute Party in pending proceedings, and an Agreement and Undertaking of Arkansas Louisiana Gas Company to Comply with the Terms and Conditions of Federal Power Commission Orders Making Effective Increased Rates.

Applicant proposes to record the original cost of facilities and the related depreciation, depletion, and amortization reserves upon its books in the total amounts set forth upon the official books of Southwest, in account 102—Gas Plant Purchased, at the effective date of proposed merger.

Southwest has concurred in the filing of the subject motion.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 8, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 29, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9952; Filed, Oct. 4, 1962; 8:47 a.m.]

[Docket Nos. CP62-266, CP62-267]

EL PASO NATURAL GAS CO. AND SOUTHWEST GAS CORPORATION

Notice of Postponement of Hearing

SEPTEMBER 28, 1962.

Take notice that the hearing in the above-docketed proceeding heretofore scheduled to commence on October 9, 1962, by notice issued August 30, 1962, and published in the FEDERAL REGISTER on September 7, 1962 (27 F.R. 8930), is hereby postponed to a date to be fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9950; Filed, Oct. 4, 1962; 8:47 a.m.]

[Docket No. G-18000]

NEW YORK STATE NATURAL GAS CORP.

Notice of Application and Date of Hearing

SEPTEMBER 28, 1962.

Take notice that on March 5, 1959, as supplemented on March 11, April 13, and May 1, 1959, New York State Natural Gas Corporation (Applicant), 2 Gateway Center, Pittsburgh 22, Pennsylvania, filed in Docket No. G-18000 an application pursuant to section 7(c) of the Natural Gas Act for authorization to construct and operate natural gas facilities necessary to increase Applicant's system peak day delivery capacity from 1,423,500 to 1,766,200 Mcf, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The proposed facilities are:

(1) Approximately 39 miles of 20-inch transmission pipeline extending from the terminus of Applicant's existing Line No. 280 in the Luthersburg area in Clearfield County, Pennsylvania, to a connection with existing main Line Nos. 9 and 19 at a point known as Valley Gate in Armstrong County, Pennsylvania, providing a partial second loop of Applicant's main transmission system in Pennsylvania by way of the Luthersburg-Driftwood-Benezette-Leidy producing areas to the Sabinsville Storage Field near the New York State line;

(2) Approximately 1.6 miles of 6-inch transmission pipeline extending from Applicant's existing Woodhull Compressor Station in Steuben County, New York, to the existing Herrington connection with the facilities of Southern Tier Gas Corporation, a present customer of Applicant, replacing approximately 14.86 miles of Applicant's 8- and 10-inch Lines Nos. 13 and 519, extending from a point on Line No. 12 to the Herrington connection with Southern Tier, which latter facilities will be retired;

(3) Approximately 0.5 mile of 20-inch transmission pipeline extending from a connection with Applicant's existing main Line No. 9 to the suction side of the Preston Compressor Station in Greene County, Pennsylvania, to enable Applicant to compress gas received from Hope Natural Gas Company which now bypasses the station;

(4) Facilities to supercharge, by 350 horsepower each, 5 compressor engines in Applicant's main line Preston Compressor Station in Greene County, Pennsylvania, at the southern end of the system;

(5) The addition of 1,320 horsepower in Applicant's existing main line Tonkin Compressor Station in Westmoreland County, Pennsylvania; and

(6) The addition of 2,000 horsepower in Applicant's existing Utica Compressor Station in Herkimer County, New York.

Applicant also requests authority pursuant to section 7(b) of the Natural Gas Act to abandon approximately 12.4 miles of its existing 14-inch Line No. 4, extending from the Sabinsville Compressor Station to the Dolly Place Header, Tioga County, Pennsylvania, which will no longer be required after the facilities proposed above are in service.

The estimated total capital cost of the facilities proposed herein is $4,470,140, which will be financed through the issuance of common stock and of long-term notes to Applicant's parent corporation, Consolidated Natural Gas Company. The cost of retirement of the facilities proposed to be abandoned is estimated at $117,000, and the salvage value thereof is estimated at $148,600.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 6, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 26, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9953; Filed, Oct. 4, 1962; 8:47 a.m.]

[Docket Nos. RI63-87—RI63-89]

PHILLIPS PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 28, 1962

Phillips Petroleum Company, Docket No. RI63-87; The Atlantic Refining Company, Docket No. RI63-88; Amerada Petroleum Corporation, Docket No. RI63-89.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI63-87	Phillips Petroleum Co., Bartlesville, Okla.	302	8	Kansas-Nebraska Natural Gas Co., Inc. (Hugoton Field, Texas County, Okla.).	$637	8-31-62	10- 1-62	3- 1-63	[2] [3] 16.6	[2] [4] 17.0	RI61-64
RI63-88	The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex.	205	5	Kansas-Nebraska Natural Gas Co., Inc. (Guymon-Hugoton Field, Texas County, Okla.).	233	9-11-62	11- 1-62	4- 1-63	[5] 17.0	[2] 17.2	RI62-77
RI63-89	Amerada Petroleum Corp., P.O. Box 2040, Tulsa 2, Okla.	59	3	Cities Service Gas Co. (Hugoton Field, Kearney County, Kans.).	21	9-11-62	10-12-62	3-12-63	[6] [7] 10.7195	[2] [8] 14.5	----------

[1] The stated effective date is the first day after expiration of the required statutory notice, or, if later, the date proposed by the respondent.
[2] Includes 1.75 cents per Mcf for cost of compression deducted by purchaser.
[3] Subject to downward Btu adjustment if Btu content is less than 1,000 Btu per cubic foot.
[4] Two-step periodic increase.
[5] Periodic increase by contract.
[6] Subject to downward Btu adjustment.
[7] Uncorrected for supercompressibility.
[8] Corrected for supercompressibility.
[9] Redetermined increase by contract.

The proposed change of Amerada Petroleum Corporation (Amerada)[2] purports to be in accordance with the Gas Purchase Contract between Amerada and Cities Service Gas Company (Cities Service), and the price redetermination provisions of the Gas Purchase Contract dated June 23, 1950, between Cities Service and Pan American Petroleum Corporation (Pan American) formerly Stanolind Oil and Gas Company (Stanolind), which provides that after June 22, 1961, the price for gas shall be the fair and reasonable price for each successive five year period but not less than 12 cents per Mcf (10.7195 cents per Mcf at 14.65 psia). On May 2, 1962, the District Court of Shawnee County, Kansas, determined that a fair and reasonable price under Pan American's contract is 14.5 cents per Mcf at 14.65 psia for the five year period commencing on June 23, 1961, with correction for supercompressibility. Amerada's filing is based on such court decision.

Although Cities Service has protested filings similar to Amerada's filing which are based on the provisions in the Pan American-Cities Service contract of June 23, 1950, Cities Service has not filed a protest with respect to the subject filing. Nevertheless it is our understanding that Cities Service has appealed the decision of the District Court of Shawnee County, Kansas, to the Kansas Supreme Court. Accordingly, we shall provide that the hearing concern itself with the legality as well as the lawfulness of Amerada's filing.

The proposed increased rates of all of the Respondents listed in the caption of this order exceed the applicable area price levels as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the legality of the filing made by Amerada, and the lawfulness of Amerada's proposed change, and the lawfulness of the proposed changes of the other Respondents listed in the caption of this order, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the legality of the filing made by Amerada, and the lawfulness of the proposed rate and charge contained in Amerada's above-designated supplement; and the lawfulness of the increased rates and charges contained in the supplements filed by the other Respondents listed in the caption of this order.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 14, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9949; Filed, Oct. 4, 1962; 8:47 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[2] Amerada is signatory to its gas sales contract with Cities Service which includes, as one of the pricing provisions, that the price to be paid to the producer will be the same price as paid to Stanolind (now Pan American).

[Docket No. G-19983]

TENNESSEE GAS TRANSMISSION CO.

Notice of Postponement of Oral Argument

SEPTEMBER 28, 1962.

Upon consideration of the request filed September 21, 1962, by counsel for Tennessee Gas Transmission Company, notice is hereby given that the oral argument now scheduled to be heard October 15, 1962, is hereby postponed to November 5, 1962, 10:00 a.m. e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

By direction of the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9951; Filed, Oct. 4, 1962; 8:47 a.m.]

[Docket No. CP63-47]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing; Correction

SEPTEMBER 28, 1962.

In the third paragraph of notice of application and date of hearing, issued September 26, 1962, change "GPS Gas Tariff" to "FPC Gas Tariff".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9948; Filed, Oct. 4, 1962; 8:46 a.m.]

[Docket No. CP62-201]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

SEPTEMBER 28, 1962.

Take notice that on February 23, 1962, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 296, Houston, Texas, filed in Docket No. CP62-201 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the natural gas fa-

cilities hereinafter described, all as more fully described in the application which is on file with the Commission and open to public inspection.

The subject facilities consist of some 17.10 miles of 6-inch transmission purchase lateral pipeline, being that portion of Applicant's 6-inch "Thomaston Lateral" extending from Applicant's 26-inch main transmission line to its 24-inch "McMullen Lateral" in Victoria County, Texas, which portion, it is stated, is no longer used or needed by Applicant to transport gas from the Arneckeville, Mission Valley, West Mission Valley, and Thomaston Fields for which authorization was originally granted in Docket No. G-704 (7 FPC 24).

Applicant further states that it has negotiated a sale in place of the subject inactive line to Lone Star Gathering Company for $173,067.53 plus the cost of making the necessary disconnections, estimated at approximately $1,500.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 6, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 26, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9954; Filed, Oct. 4, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11879; Order E-18852]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Group Fares Adopted by Joint Conference

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of October 1962, In the matter of an agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to group fares, Docket 11879, Agreement C.A.B. 16765.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, and agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted by mail vote.

The agreement amends Resolution 088n so as to permit Pan American World Airways to apply the North Atlantic group travel discount to travel on weekends during the on season on its mid-Atlantic routing to/from Puerto Rico.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolution JT12 (Mail 281) 088n which is incorporated in the above described agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

1. Agreement C.A.B. 16765 is approved.

2. Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-9971; Filed, Oct. 4, 1962; 8:50 a.m.]

[Docket No. 13564]

SOUTHERN AIRWAYS, INC.

"Use It or Lose It" Investigation; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on November 7, 1962, at 10 a.m. (local time), at the Hilton Inn Motel, 901 Airline Highway, Kenner, Louisiana (adjacent to Moisant International Airport, New Orleans), before the undersigned hearing examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on July 20, 1962, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 2, 1962.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 62-9973; Filed, Oct. 4, 1962; 8:50 a.m.]

[Docket No. 13538]

WIEN ALASKA AIRLINES, INC. AND PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Prehearing Conference

In the matter of the application of Wien Alaska Airlines, Inc., and Pan American World Airways, Inc., for approval of a certificate transfer.

Notice is hereby given, pursuant to Order E-18844, that a prehearing conference on the above-entitled matter is assigned to be held on October 8, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., October 2, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-9974; Filed, Oct. 4, 1962; 8:50 a.m.]

[Docket No. 14030 etc.]

LEAVENS BROS., LTD., ET AL.

Notice of Hearing

Leavens Bros. Limited, Docket 14030; Robert's Flying Service, Docket 14049; Prince Edward Flying Club, Docket 14050, Pacific Wings Ltd., Docket 14051, and Laurentian Air Services Limited, Docket 14052.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearings on the above-entitled applications are assigned to be held on October 9, 1962, beginning at 10 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., October 2, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-9972; Filed, Oct. 4, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[List No. 173]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

SEPTEMBER 14, 1962.

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph #47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		560 kilocycles				
CHCM	Marystown, Newfoundland.	1 D/0.5 N	ND	U	III	Now in operation.
		580 kilocycles				
CHLC	Hauterive, Province of Quebec.	5 D/2.5 N	DA-2	U	III	Assignment of call letters and change of studio location from Baie Comeau, Province of Quebec.
		590 kilocycles				
CFTK	Terrace, British Columbia.	*1 D*/0.25 N	ND	U	III	EIO 9-15-63 (PO 1140 kc 1 kw ND).
		630 kilocycles				
CFCY	Charlottetown, Prince Edward Island.	*10*	*DA-2*	U	III	EIO 9-15-63 (PO 630 kc 5 kw DA-N).
		790 kilocycles				
CFCW	Camrose, Alberta	10	DA-2	U	III	Now in operation with new daytime pattern.
		970 kilocycles				
CKNL	Fort St. John, British Columbia.	1 D/0.5 N	ND	U	III	Now in operation.
		1230 kilocycles				
New	Dolbeau, Province of Quebec.	0.25	ND	U	IV	EIO 9-15-63.
		1240 kilocycles				
CFVP	Abbotsford, British Columbia.	0.25	ND	U	IV	Assignment of call letters. Now in operation.
		1280 kilocycles				
CKCV	Quebec, Province of Quebec.	10 D/5 N	DA-2	U	III	Now in operation with increased daytime power.
		1450 kilocycles				
New	Moncton, New Brunswick.	1	DA-1	U	III	Delete assignment.
		1450 kilocycles				
VOUS	Fort Pepperrel, Newfoundland.	0.5	ND	U	III	Do.
		1450 kilocycles				
New	Fredericton, New Brunswick.	10	DA-N	U	III	EIO 9-15-63.
		1490 kilocycles				
CKAD	Wilmot Station, Nova Scotia.	1 D/0.25 N	ND	U	IV	Assignment of call letters. Now in operation.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9975; Filed, Oct. 4, 1962; 8:50 a.m.]

[Docket No. 14611; FCC 62M-1295]

PROGRESS BROADCASTING CORP. (WHOM)

Order Continuing Hearing

In re application of Progress Broadcasting Corporation (WHOM), New York, New York, Docket No. 14611, File No. BP-13915; for construction permit.

Pursuant to a prehearing conference held on September 28, 1962: *It is ordered,* This first day of October 1962, that the exchange of exhibits now scheduled for October 23, 1962, be and the same is hereby extended to be accomplished on or before December 17, 1962.

It is further ordered, That the hearing herein now scheduled for October 24, 1962, be and the same is hereby rescheduled for January 7, 1963, 10:00 o'clock a.m., in the Commission's Offices, Washington, D.C.

Released: October 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9976; Filed, Oct. 4, 1962; 8:50 a.m.]

[Docket Nos. 14751-14752; FCC 62M-1288]

WESTERN BROADCASTING CO. (KOLO) AND KWES BROADCASTING CO.

Statement and Order After Prehearing Conference

In re applications of Western Broadcasting Company (KOLO), Reno, Nevada, Docket No. 14751, File No. BP-14567; Corbett Pierce and Chester Smith, d/b as KWES Broadcasting Company, Ceres, California, Docket No. 14752, File No. BP-15261; for construction permits.

At the prehearing conference held today, the following timetable was agreed upon:

Exchange of affirmative direct written cases of applicants—by November 15, 1962.

Receipt of notification of witnesses desired for cross-examination—by November 27, 1962.

Hearing—Rescheduled from October 29, 1962, to Monday, December 3, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

So ordered, This 27th day of September 1962.

Released: September 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9977; Filed, Oct. 4, 1962; 8:50 a.m.]

[Docket No. 14754; FCC 62M-1294]

WESTERN UNION TELEGRAPH CO.

Proposed New and Increased Rates for Telegraph Messages of Tieline Customers; Order Continuing Prehearing Conference

The Western Union Telegraph Company, having filed a motion on September 28, 1962, requesting postponement of the prehearing conference presently scheduled for October 2, 1962, on the representation that negotiations are under way looking to a disposition of this case without the necessity of a hearing, and the Common Carrier Bureau having expressed its consent to this action;

It is ordered, This 28th day of September 1962 that the prehearing conference presently scheduled for October 2, 1962, is postponed to October 11, 1962, at 10:00 a.m. at the Commission's offices in Washington, D.C.

Released: October 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-9978; Filed, Oct. 4, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4072]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issuance and Sale of Debentures at Competitive Bidding

OCTOBER 1, 1962.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York 17, New

York, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Columbia proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $30,000,000 principal amount of its ____ percent debentures, due November 1, 1987. The interest rate on the new debentures (which shall be a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid to the company (which shall be not less than 98½ percent nor more than 101½ percent of the principal amount) will be fixed by the competitive bidding. The new debentures will be issued under the provisions of an Indenture, dated June 1, 1961, between Columbia and Morgan Guaranty Trust Company of New York, Trustee, as heretofore supplemented and to be further supplemented by a Third Supplemental Indenture, to be dated as of November 1, 1962.

The net proceeds from the sale of the new debentures will be added to Columbia's general funds and will be made available to subsidiary companies to assist them in completing the balance of their 1962 construction programs and in making rate refunds, and for the payment of notes due banks issued by Columbia for such purposes.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 24, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of the request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after that date, the declaration, as amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9960; Filed, Oct. 4, 1962; 8:49 a.m.]

[File No. 24NY-5322]

DATAMATION, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 1, 1962.

I. Datamation, Inc. (issuer), a New Jersey corporation, formerly located at 100 South Van Brunt Street, Englewood, New Jersey, now reported to be at 1500 West Tryon Avenue, West Englewood, New Jersey, filed with the Commission on November 30, 1960, a notification on Form 1-A and an offering circular relating to an offering of 80,000 shares of its 10 cent par value common stock at $2.00 per share for an aggregate of $160,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to amend the notification and offering circular to reflect subsequent transactions entered into between the issuer and underwriter whereby an underwriter made loans to the issuer; and

2. The issuer filed a false and misleading report of sales on Form 2-A which failed to disclose that the issuer used a portion of the proceeds of the offering to repay loans made to it by an underwriter.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading particularly with respect to:

1. The failure to disclose accurately and adequately the proposed use of proceeds of the offering in that a portion of the proceeds was expended on repayment of indebtedness and the intention to repay such indebtedness was not stated in the offering circular;

2. The failure to disclose accurately and adequately the liabilities of the issuer in that loans made to the issuer by an underwriter and outstanding as of the date of the offering circular were not disclosed therein; and

3. The failure to disclose accurately and adequately the true background of the president of the issuer in that the offering circular contained misrepresentations with respect to his educational and professional background.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9963; Filed, Oct. 4, 1962; 8:49 a.m.]

[File No. 24A-1470]

GREATER MIAMI INDUSTRIAL PARK, INC.

Notice and Order for Hearing

OCTOBER 1, 1962.

I. Greater Miami Industrial Park, Inc. (Issuer), a Florida corporation, 310 Southeast Second Avenue, Miami, Florida, filed with the Commission on March 3, 1961, a notification on Form 1-A and an offering circular relating to a proposed public offering of 115,000 shares of its $1.00 par value common stock at $2.60 per share for an aggregate amount of $299,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission on September 13, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, which temporarily suspended the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.s.t., on October 30, 1962, at the Atlanta Regional Office of the Commission, Suite 138, 1371 Peachtree Street NE., Atlanta 9, Georgia, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the issuer's offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading in that it fails to disclose the true purposes for which the proceeds from this offering are to be used.

B. Whether the issuer in using the proceeds of this offering for purposes other than those specified in the offering circular has engaged in transactions, practices, and a course of business which would operate and did operate as a fraud and deceit upon the purchasers of such securities in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is further ordered,* That William W. Swift, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Greater Miami Industrial Park, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before October 26, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9961; Filed, Oct. 4, 1962; 8:49 a.m.]

[File No. 24W-2325]

TRANSPORTATION EQUIPMENT DEVELOPMENT CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 1, 1962.

I. Transportation Equipment Development Corporation, a Delaware corporation with its principal office at 1625 I Street NW., Washington, D.C., filed with the Commission on August 19, 1959, a notification on Form 1-A relating to an offering of 16,666 shares (later amended to 30,000 shares) of its common stock, par value $1.00 per share (later reduced to $0.10 par value per share) at $3.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. Lloyd, Miller and Company of Washington, D.C. was a named underwriter of the issue, serving on a best efforts basis.

II. The Commission has reasonable cause to believe:

A. That the offering circular used in connection with the offering contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The failure to disclose in the offering circular the actual method of offering whereby a portion of the stock would be offered to the public at higher and undetermined prices by a small number of persons, namely, Daniel Price and Herman Price of Washington, D.C., Interchange Bank of Chiasso, Switzerland, Jean Durand and Paul DuBois, presumably Swiss Nationals, and Marshall Stewart of Washington, D.C., all of whom purchased directly or indirectly from the principal underwriter with a view to distribution and who did distribute the stock.

2. The failure to disclose in the offering circular the resultant profit of such persons from such a distribution.

3. The failure to disclose in the offering circular the identities of these additional underwriters and the nature of their relationships with the issuer and with the principal underwriter.

B. The offering of these securities operated as a fraud upon the purchasers thereof in violation of section 17(a) of the Securities Act of 1933, as amended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of Transportation Equipment Development Corporation pursuant to said notification be, and it hereby is, temporarily suspended.

III. Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request, the Commission will or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9964; Filed, Oct. 4, 1962; 8:49 a.m.]

[File No. 811-761]

WHITNEY APOLLO CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 1, 1962.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Whitney Apollo Corporation, 40 Wall Street, New York 5, New York, a closed-end, nondiversified management company, has ceased to be an investment company.

The Applicant states that it registered under the Act of January 18, 1957. On December 31, 1957, the company was liquidated and all of its property and assets were distributed to the sole stockholder, Madison Square Garden Corporation (formerly called Graham-Paige Corporation), in payment of indebtedness to the stockholder and the complete cancellation of the company's issued and outstanding capital stock. After the filing of all appropriate State and Federal Tax returns, a Certificate of Dissolution was issued by the Department of State of the Commonwealth of Pennsylvania on March 3, 1959.

Section 8(f) of the Act provides, in part, that whenever the Commission upon application finds that an investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 18, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-9962; Filed, Oct. 4, 1962; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 561 (27 F.R. 4001), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (29 CFR 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anvil Brand, Inc., 318 South Elm Street, High Point, N.C.; effective 10–1–62 to 9–30–63 (pants).

Anvil Brand, Inc., 146 South Hamilton Street, High Point, N.C.; effective 10–1–62 to 9–30–63 (overalls and dungarees).

Anvil Brand, Inc., Independence, Va.; effective 10–1–62 to 9–30–63 (pants).

Carbon Hill Manufacturing Corp., Carbon Hill, Ala.; effective 9–20–62 to 9–19–63 (boys' and men's dress slacks).

Carolina Lingerie Co., Inc., Yadkinville Highway, Mocksville, N.C.; effective 9–30–62 to 9–29–63 (ladies' and men's cotton and flannel pajamas).

Cluett, Peabody & Co., Inc., 2022 Murphy Avenue SW., Atlanta, Ga.; effective 10–1–62 to 9–30–63 (men's shirts).

Cluett, Peabody & Co., Inc., 105 Mill Street, Corinth, N.Y.; effective 10–1–62 to 9–30–63 (men's and boys' dress shirts).

Continental Manufacturing Co., Oskaloosa, Iowa; effective 9–20–62 to 9–19–63 (single pants).

Davan Manufacturing Co., Railroad Avenue, Allendale, S.C.; effective 9–26–62 to 9–27–63 (ladies' robes).

Dunhill Shirt Co., El Dorado Springs, Mo.; effective 10–1–62 to 9–30–63 (men's shirts).

Elder Manufacturing Co., Ste. Genevieve, Mo.; effective 9–19–62 to 9–18–63 (boys' shirts and jackets).

Form-O-Uth Brassiere Co., McLean, Tex.; effective 9–30–62 to 9–29–63 (women's brassieres and girdles).

Gross Galesburg Co., 152–162 East Ferris, Galesburg, Ill.; effective 10–1–62 to 9–30–63 (men's and boys' overalls and dungarees).

Hagale Garment Manufacturing Co., Ozark, Mo.; effective 9–28–62 to 9–27–63 (men's and boys' work pants).

Hagale Garment Manufacturing Co., Reeds Spring, Mo.; effective 9–28–62 to 9–27–63 (men's and boys' work pants and semidress pants).

Hallmark Manufacturing Co., Clinton, S.C.; effective 10–1–62 to 9–30–63 (men's sport and dress shirts).

Hopkinsville Clothing Manufacturing Co., Inc., 1100 South Main Street, Hopkinsville, Ky.; effective 10–1–62 to 9–30–63 (men's and boys' denim and fatigue pants).

Jaymar-Ruby, Inc., 209 West Michigan Street, Michigan City, Ind.; effective 9–29–62 to 9–28–63 (men's slacks).

Kayler Manufacturing, Inc., 822 Anderson Street, New Kensington, Pa.; effective 9–25–62 to 9–24–63. Learners may not be employed in the production of separate skirts (misses' and women's blouses).

Linden Apparel Corp., Factory Street, Plant No. 1, Averett Street, Plant No. 2, Linden, Tenn.; effective 9–19–62 to 9–18–63 (men's and boys' dungarees).

Louisiana Garment Manufacturing Co., Inc., 2001 St. Bernard Avenue, New Orleans, La.; effective 9–18–62 to 9–17–63 (men's and boys' work and sport pants).

Meridian Manufacturing Co., Inc., 2315 Front Street, Meridian, Miss.; effective 9–17–62 to 9–16–63 (mens' and boys' bathrobes and swimtrunks).

N & W Industries, Inc., Rocky Mount, Va.; effective 10–1–62 to 9–30–63 (men's denim dungarees and twill work pants).

Penn State Coat & Apron Manufacturing Co., Inc., Broadway & Radnor, Clifton Heights, Pa.; effective 9–21–62 to 9–20–63 (washable wearing apparel for men and women).

Phillips-Van Heusen Corp., Geneva, Ala.; effective 10–1–62 to 9–30–63 (men's dress and sport shirts).

Phillips-Van Heusen Corp., Hartford, Ala.; effective 10–1–62 to 9–30–63 (men's dress shirts).

Phillips-Van Heusen Corp., Ozark, Ala.; effective 10–1–62 to 9–30–63 (pajamas).

Pool Manufacturing Co., 1601 South Montgomery Street, Sherman, Tex.; effective 9–20–62 to 9–19–63 (work, uniform, and sport shirts).

Rodgers of Carolina, Simpsonville, S.C.; effective 9–21–62 to 9–20–63 (juniors' dresses and robes).

Sagamore Manufacturing Co., Shirt Division, 2 Weaver Street, Fall River, Mass.; effective 9–20–62 to 9–19–63 (men's dress shirts).

Southland Manufacturing Co., Inc., 1510 South Third Street, Wilmington, N. C.; effective 9–27–62 to 9–26–63 (men's and boys' sport and dress shirts).

Tell-Gate Garment Co., Hamilton, Ala.; effective 10–1–62 to 9–30–63 (sport and dress shirts).

Troytown Shirt Corp., Harmony Mill No. 3, North Mohawk Street, Cohoes, N.Y.; effective 10–1–62 to 9–30–63 (men's sport shirts).

Westmoreland Manufacturing Co., Inc., Westmoreland, Tenn.; effective 9–21–62 to 9–20–63 (ladies' blouses).

Youngwear Products, Inc., Smoaks, S.C.; effective 9–24–62 to 9–23–63 (children's dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aalfs Manufacturing Co., Sheldon, Iowa; effective 10–1–62 to 9–30–63; 10 learners (men's and boys' jeans).

Bekron Manufacturing Co., Inc., 960 Seneca Street, Bethlehem, Pa.; effective 9–21–62 to 9–20–63; 10 learners (brassieres).

Mike Benet Manufacturing Co., Inc., Nattison Street, Pittsburg, Tex.; effective 9–20–62 to 9–19–63; 10 learners (ladies' formal dresses).

Dodger Gym, Inc., Humboldt, Iowa; effective 9–20–62 to 9–19–63; 10 learners (gym and children's clothes).

Elpern Manufacturing, Inc., 113 Summit Avenue, Hagerstown, Md.; effective 9–23–62 to 9–22–63; 10 learners (children's dresses).

O'Bryan Brothers, Inc., Richland Center, Wis.; effective 9–24–62 to 9–23–63; 10 learners (women's and children's pants and slips).

Summerton Uniform Corp., Summerton, S.C.; effective 9–20–62 to 9–19–63; 10 learners (nurses' and maids' uniforms).

Susquehanna Garment Co., Inc., 65 East Northampton Street, Wilkes-Barre, Pa.; effective 9–19–62 to 9–18–63; 10 learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Angelica Uniform Co., Eminence, Mo.; effective 9–26–62 to 3–25–63; 25 learners (men's and women's washable service uniforms).

Angelica Uniform Co., Summersville, Mo.; effective 9–26–62 to 3–25–63; 20 learners (women's washable service uniforms).

Bekron Manufacturing Co., Inc., 960 Seneca Street, Bethlehem, Pa.; effective 9–17–62 to 3–16–63; 20 learners (brassieres).

Colonial Corp. of America, Woodbury, Tenn.; effective 9–24–62 to 3–23–63; 150 learners (men's and boys' dress shirts).

The Imperial Shirt Corp., Brundidge, Ala.; effective 10–2–62 to 4–1–63; 100 learners (men's dress shirts).

The H. D. Lee Co., Inc., Sulphur Springs, Tex.; effective 9–24–62 to 3–23–63; 100 learners (western pants).

O'Bryan Brothers, Inc., Richland Center, Wis.; effective 9–24–62 to 3–23–63; 30 learners (women's and children's pants and slips).

Reliance Manufacturing Co., Freedom Factory, Edwards Street at Tuscan Avenue, Mattiesburg, Miss.; effective 9–19–62 to 3–18–63; 100 learners (men's and boys' cotton pajamas).

Summerton Uniform Corp., Summerton, S.C.; effective 9–20–62 to 3–19–63; 10 learners (nurses' and maids' uniforms).

West Virginia Garment Co., 3305 Wetzel Street, Wheeling, W. Va.; effective 9–21–62 to 2–28–63; 25 additional learners (women's dresses) (Supplemental certificate).

Westmoreland Manufacturing Co., Inc., Westmoreland, Tenn.; effective 10–1–62 to 3–31–63; 20 learners (ladies' blouses).

Cigar Industry Learners Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

La Primadora Cigar Corp., East Avenue at Turner Street, Clearwater, Fla.; effective 9–19–62 to 3–18–63; 50 learners for plant expansion purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

St. Johnsbury Glovers, Inc., St. Johnsbury, Vt.; effective 9–21–62 to 9–20–63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (ladies' knit and dress fabric gloves).

St. Johnsbury Glovers, Inc., St. Johnsbury, Vt.; effective 9–17–62 to 3–16–63; 20 learners for plant expansion purposes (ladies' knit and dress fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Broadway Hosiery Mills, Inc., 53 Burton Street, Asheville, N.C.; effective 9–22–62 to 9–21–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's hosiery).

Craftsmen Finishers, Inc., 108 West Buffalo Street, Concord, N.C.; effective 9–18–62 to 9–17–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Craftsmen Finishers, Inc., 108 West Buffalo Street, Concord, N.C.; effective 9–18–62 to 3–17–63; 20 learners for plant expansion purposes (seamless).

Davenport Hosiery Mills, Ellijay, Ga.; effective 10–5–62 to 10–4–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' seamless hosiery).

Diamond Mills Corp., Hanover Division, 3402 Carolina Beach Road, Wilmington, N.C.; effective 9–24–62 to 9–23–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Great American Knitting Mills, Inc., Bechtelsville, Pa., and Bally, Pa.; effective 10–1–62 to 9–30–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Kayser-Roth Hosiery Co., Burlington, N.C.; effective 9–19–62 to 3–18–63; 110 learners for plant expansion purposes (full-fashioned).

Kayser-Roth Hosiery Co., Inc., 70 Eighth Street, Pl. SE., Hickory, N.C.; effective 9–20–62 to 9–19–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Morganton Hosiery Mills, Inc., Morganton, N.C.; effective 10–1–62 to 9–30–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Newland Knitting Mills, Newland, N.C.; effective 10–1–62 to 9–30–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.70 to 522.74, as amended).

Central Telephone Co., Decatur, Tex.; effective 9–24–62 to 9–23–63.

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

BanHam Underwear Mills, Inc., Scottsboro, Ala.; effective 10–1–62 to 9–30–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' woven and knit underwear).

East Tennessee Undergarment Co., Inc., New Johnson City Highway, Elizabethton, Tenn.; effective 9–21–62 to 9–20–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' undergarments).

Geissler Knitting Mills, 129–131 East Broad Street, Hazleton, Pa.; effective 10–1–62 to 9–30–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (athletic, T, and polo shirts, knit shorts, and pajamas).

Robinson Manufacturing Co., South Market Street, Dayton, Tenn.; effective 10–1–62 to 9–30–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' woven cotton underwear).

The Russell Manufacturing Co., Alexander City, Ala.; effective 10–1–62 to 9–30–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (knit underwear and sleepers; sweatshirts).

Sierra Lingerie Co., 215 24th Street, Ogden, Utah; effective 9–19–62 to 3–18–63; 10 learners for plant expansion purposes (ladies' and children's undergarments (panties)).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

G. T. Lanning, Inc., 214 East Moulton Street, Watertown, N.Y.; effective 9–21–62 to 3–20–63; five learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 240 hours at the rate of not less than $1.00 an hour (straw hats).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations.

Signed at Washington, D.C., this 28th day of September 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–9957; Filed, Oct. 4, 1962; 8:48 a.m.]

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to 29 CFR 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region VI

Neisner Brothers, Inc., No. 98, 6344 West Cermak Road, Berwyn, Ill.; effective 9–10–62 to 9–9–63 (variety store; 20 employees).

Neisner Brothers, Inc., 151 North Chicago Street, Joliet, Ill.; effective 9–13–62 to 9–12–63 (variety store; 51 employees).

Region VII

Cram's Markets, Inc., d/b/a Jack and Jill Super Market, 304 Liev Eirikkson Drive, Decorah, Iowa; effective 8–13–62 to 8–12–63 (food store; 20 employees).

F. W. Woolworth Co., No. 2165, 1500 West Littleton Boulevard, Littleton, Colo.; effective 9–13–62 to 9–12–63 (variety store; 23 employees).

Region VIII

Teakwood Variety, Inc., d/b/a T.G. & Y Stores Co., No. 45, 4315 Southeast 15th Street, Del City, Okla.; effective 9–17–62 to 9–16–63 (variety store; 20 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates below $1.00 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Bonham's Foods, Inc., Shopper's World Grocery Department, 4340 South Lexington Boulevard, Corpus Christi, Tex.; effective 9–13–62 to 9–12–63; sack boy, produce trimmer, stock clerk, checker; 10 percent each month (food store; 17 employees).

Brannons United Super, No. 3, 1300 Gateway Plaza, Midwest City, Okla.; effective 9–17–62 to 9–16–63; wrapper, carry-out boy; 10 percent each month (food store; 65 employees).

Easter Super Valu, 725 West Second, Ottumwa, Iowa; effective 9–17–62 to 9–16–63; carry-out boy, stock boy; 10 percent each month (food store; 21 employees).

Easter Super Valu, 223 North Madison, Ottumwa, Iowa; effective 9–17–62 to 9–16–63; carry-out boy, stock boy; 10 percent each month (food store; 23 employees).

H. E. B. Food Store, No. 58, Loop 410 South and Lackland Drive, San Antonio, Tex.; effective 9–12–62 to 9–11–63; package boy, sack boy, bottle boy; 10 percent each month (food store; 23 employees).

Neisner Brothers, Inc., No. 61, McCreless Shopping City, Dauchy Road and South New Braunfels, San Antonio, Tex.; effective 9–11–62 to 9–10–63; selling, stocking, clerical; 10 percent each month (variety store; 93 employees).

Newberry Brunswick Corp., No. 521, Main Street at Town Hall Pl., Brunswick, Maine; effective 9–12–62 to 9–11–63; sales clerk, office clerk; between 0 percent and 10 percent (variety store; 79 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for em-

ployment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 28th day of September 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-9958; Filed, Oct. 4, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 2, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37969: *Chemicals to Chicago, Ill.* Filed by O. W. South, Jr., Agent (No. A4243), for interested rail carriers. Rates on polypropylene glycol, in tank-car loads, from Baton Rouge and North Baton Rouge, La., to Chicago, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 312 to Southern Freight Association tariff I.C.C. 400.

FSA No. 37970: *Returned wood plugs from, to and between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8272), for interested rail carriers. Rates on returned wood plugs, as described in the application, in carloads, from, to and between points in southwestern territory.

Grounds for relief: Carrier competition.

Tariffs: Supplements 58, 35, 15, and 5 to Southwestern Freight Bureau tariffs I.C.C. 4340, 4394, 4442, and 4482, respectively.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-9965; Filed, Oct. 4, 1962; 8:49 a.m.]

[Drouth Order 62, Amdt. 7]

KENTUCKY, MISSOURI, AND LOUISIANA

Authorizing Railroads To Transport Hay at Reduced Rates

In the matter of Relief under section 22 of the Interstate Commerce Act.

It appearing that due to the drouth conditions existing in the State of Kentucky the Commission issued Drouth Order No. 62 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport hay to the drouth area at reduced rates;

And it further appearing that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to 12 additional counties and parishes located in the States of Kentucky, Missouri, and Louisiana:

It is ordered, That Drouth Order No. 62 as amended, be, and it is hereby, further amended by adding thereto the following:

KENTUCKY

6 counties, viz.:

Boyd.	McLean.
Clinton.	Rockcastle.
Harrison.	Wayne.

MISSOURI

3 counties, viz.:

Bates.	McDonald.
Dade.	

LOUISIANA

3 parishes, viz.:

Bossier.	Richland.
Quachita.	

It is further ordered, That in all other respects Drouth Order No. 62, as amended, shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committe, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 1st day of October A.D. 1962.

By the Commission, Vice-Chairman Walrath.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-9966; Filed, Oct. 4, 1962; 8:49 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 27 NUMBER 194

Washington, Friday, October 5, 1962

United States Coast Guard

Revision of Suspension and Revocation Proceedings

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 62-27]

REVISION OF SUSPENSION AND REVOCATION PROCEEDINGS

In the June 30, 1961 issue of the FEDERAL REGISTER (26 F.R. 5881-5897) and the Merchant Marine Council Agenda Supplement (CG-249, June 30, 1961) notice was given to interested persons of opportunities to present written comments, views or data regarding the revision of the rules and regulations dealing with suspension and revocation proceedings of licenses, certificates and/or documents issued to individuals by the Coast Guard. After careful consideration of the information presented pursuant to this notice, I hereby adopt the revision of these suspension and revocation proceedings published June 30, 1961, with the changes described in this document, and the approved rules and regulations are set forth in this document.

This document contains the first complete revision of the rules and regulations governing suspension and revocation proceedings published October 14, 1947 (12 F.R. 6742), after the Administrative Procedure Act required the hearings to be under control of civilian hearing examiners. This revision will replace the rules and regulations now published as 46 CFR Parts 1 and 137, while related regulations which are no longer considered necessary are canceled or replaced with appropriate cross references, e.g., 46 CFR 4.05-1 to 4.05-35 (disciplinary proceedings), 136.03-35 (definition of examiner), and 187.30-1 to 187.30-15 (action against licenses as operators or ocean operators of small passenger vessels). This revision does the following:

A. Describes the organization of the Coast Guard, and delegations of authority affecting suspension and revocation proceedings.

B. Describes the general course and methods of handling functions related to suspension and revocation proceedings.

C. Establishes the same procedures for all suspension and revocation proceedings, regardless of law under which authorized.

D. Brings up-to-date and into agreement published rules and regulations with current practices and procedures followed.

E. Publishes interpretations, decisions and policies previously contained in administrative directives and instructions.

The wording of the proposals were reviewed in conjunction with the written comments received. None of the changes adopted involve a substantive change from those published June 30, 1961; however, the changes adopted are considered to clarify language; make more specific the intention of certain regulations; or provide more explanatory material with respect to the regulations in order to be of value to all concerned.

The changes to 46 CFR 1.05(c) (organization; districts), 137.01-5(c) (authority for regulations), 137.02-5, 137.02-10, and 137.02-25 (definitions of Coast Guard district, District Commander, and marine inspection zone), 137.01-30 (redesignating paragraphs as separate sections), 137.03-5(b) (rearranging subparagraphs), 137.05-1(a)(1) (investigations), 137.20-102 (official notice), and 137.20-107 and 137.20-110 (transposing sections), are editorial in nature. These changes insert appropriate cross references to other regulations, list U.S. Code sections rather than a general reference "Title 52 of the Revised Statutes," improve arrangement of material or correct language used.

With respect to the purpose of these regulations, the text of 46 CFR 137.01-10 was rewritten so that the language is directed to the regulations in Part 137. To clarify the language used to describe the nature of suspension and revocation proceedings, the text of 46 CFR 137.01-20 was rewritten.

The text of 46 CFR 137.03-3 (offenses for which revocation of licenses or documents is mandatory) and 137.03-7 (effect of court actions) was changed to clarify the intent of these regulations, and are based on comments received.

A number of comments concerned the investigations conducted by the Coast Guard. The text of 46 CFR 137.05-15(a)(1), regarding preferring charges, was revised. In order to remove grounds for technical objections, the text of 46 CFR 137.05-17(b), last sentence and subparagraph (3), was changed. In 46 CFR 137.05-20(a)(1), regarding misconduct, the phrase "a contract" was changed to "shipping articles" in order to distinguish it from union contracts.

A number of comments raised questions concerning practices and procedures when the persons holding licenses, certificates or documents may be considered as mentally incompetent or the charges involve mental incompetence. When the offenses alleged involve mental incompetence, the practice of the investigating officer to advise the person charged to obtain legal counsel is formalized by a new regulation designated 46 CFR 137.05-25(f). The text of 46 CFR 137.20-27 was revised concerning examiner ordering person charged to submit to a medical examination.

With respect to voluntary surrenders of licenses, certificates or documents to avoid hearings, a number of comments were directed toward possible abuses which may occur. To formalize the practice that has been followed, 46 CFR 137.10-10(c) has been added to require the investigating officer to ascertain that the person voluntarily surrendering a license or document fully realizes the effect and implications of such action.

The hearing procedures were commented on and a number of technical changes are adopted. These changes are in 46 CFR 137.20-80(a) (opening statement of investigating officer), 137.20-102 (official notice), 137.20-106 (certification of extracts, etc.), 137.20-115 (admissibility of consul's reports), and 137.20-155(b) (examiner's decision).

A number of comments were made concerning the proposal to require the examiners to follow a scale of average orders, which objected to this limitation on the examiners' discretion to deviate therefrom in particular cases. The last two sentences in the proposal published June 30, 1961, and designated 46 CFR 137.20-165(a) are deleted. The effect of this is to remove the necessity for the examiner to justify or explain in his decision any variation in a particular order from the average set forth in the Table 137.20-165.

A comment was made concerning the procedures for petitioning for a reopening of a hearing because newly discovered evidence was available. In certain complex cases which may have appeals pending for longer than a year from the time the examiner has given his decision, the persons would be denied relief. Therefore, the text of 46 CFR 137.25-1(a), first sentence, was revised to permit filing a petition to reopen hearing at any time prior to a final decision on appeal or within one year from the date of service of the examiner's decision.

With respect to certain policies and practices a number of comments were received which objected thereto. The following are adopted without change, and comments pertaining thereto are rejected:

(a) Duties of chief examiner and chief counsel.

(b) Hearing examiners' circulars.

(c) Coast Guard jurisdiction.

(d) Policy regarding narcotics.

(e) Physician-patient privilege of merchant seamen.

(f) Warnings issued by investigating officers.

(g) Verification of license or document and retention by examiner during hearing.

For convenience in ascertaining which regulations were revised, as well as the source of these regulations, two tables have been prepared. The first table is a section comparison of the revised regulations and existing regulations. In the first table are the section numbers of the regulations in this document (labeled as "Revised regulations") in the first column, with an asterisk (*) to indicate changes from the proposals published June 30, 1961, while in the second column are the corresponding section numbers of present regulations being amended or revised (labeled as "Present 46 CFR") and in the third column are the proposed corresponding section numbers (labeled as "Proposed CG-249") of the initial proposals considered at the Merchant Marine Council Public Hearing held April 27, 1959. The second table shows a comparison of the existing regulations in 46 CFR Chapter 1 (labeled as "Present 46 CFR") with the section numbers of regulations in this document (labeled "Revised regulations"), in order to locate where existing requirements have been placed in this revision. In this manner it is hoped that interested persons will better understand the actions taken. While this revision of regulations, practices and procedures has taken a long time to complete, the Coast Guard is very appreciative of the many comments and suggestions submitted which have been helpful in the drafting of the regulations set forth in this document.

TABLE 1—SECTION COMPARISON OF REVISED REGULATIONS AND EXISTING REGULATIONS

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1.05	----------	1.05
1.10	----------	1.10
1.15	----------	1.15
1.20	1.01	1.20
1.25	----------	----------

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

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137.01-5	137.01-5	137.01-5
*137.01-10	137.01-1	137.01-10
137.01-15	----------	----------
*137.01-20	4.05-1	137.01-20
137.01-25	137.21-1	137.01-15
*137.01-30	137.01-15	137.01-25
	137.04-5	
137.01-35	----------	137.01-25
137.01-40	----------	137.01-25
137.01-45	137.04-5	137.01-25
137.02	136.03	----------
137.02-1	136.03-15	----------
*137.02-5	136.03-20	----------
*137.02-10	136.03-25	----------
137.02-15	136.03-35	----------
137.02-20	136.03-30	----------
*137.02-25	----------	----------
137.03	----------	137.03
137.03-1	137.09-95	137.03-1
*137.03-3	137.03-1	----------
*137.03-5	137.03-5	----------
*137.03-7	137.04-15	137.03-1
137.03-10	137.04-15	137.03-10
137.03-15	----------	137.03-15
137.03-20	137.03-10	137.03-20
137.03-25	----------	----------
137.05	----------	137.05
*137.05-1	137.05-5	137.05-1
137.05-5	137.05-5	137.05-5
137.05-10	137.05-5	137.05-10
*137.05-15	137.05-5	137.05-15
*137.05-17	137.04-20	137.05-20
	137.05-10	
*137.05-20	----------	137.05-20
137.05-23	----------	137.05-20
*137.05-25	4.05-5	137.05-25
	137.05-10	
	137.05-15	
137.05-30	137.15-1	137.05-30
137.10	----------	137.10
137.10-1	137.05-5	137.10-1
*137.10-10	137.05-7	137.10-10
137.13	----------	137.10
137.13-1	137.03-30	137.10-15
137.13-5	137.03-30	137.10-15
137.13-10	137.03-30	137.10-15
137.15	----------	137.15
137.15-1	137.09-5	137.15-1
137.15-5	----------	137.15-5
137.15-10	----------	137.15-10
137.15-15	----------	137.15-15
137.15-20	----------	137.15-20
137.15-25	----------	137.15-25
137.15-30	----------	137.15-30
137.17	136.11	----------
137.17-1	137.15-1	137.20-100
	136.11-10	
137.17-5	136.11-10	----------
137.20-1	137.09-5	137.20-1
	4.05-20	
137.20-5	----------	137.20-5
137.20-10	137.09-5(d)	137.20-10
137.20-15	137.09-5(e)	137.20-15
137.20-25	137.09-5(f)	137.20-25
*137.20-27	----------	137.20-27
137.20-30	137.09-5(a)	137.20-30
137.20-35	137.09-10	137.20-35
137.20-37	137.09-25	137.20-50
137.20-40	137.09-15	137.20-40
137.20-45	137.09-20	137.20-45
137.20-60	137.09-30	137.20-60
137.20-63	137.09-27	137.20-70
137.20-65	137.09-28	137.20-65
137.20-75	137.09-35	137.20-75
	137.09-50(a)	
137.20-77	137.09-50	137.20-95
*137.20-80	137.09-40	137.20-80
137.20-85	137.09-45	137.20-85
137.20-87	136.11-5	----------
137.20-90	137.09-50(a)	137.20-100
137.20-93	137.09-25(d)	137.20-100
137.20-95	137.21-5	137.20-90
137.20-100	----------	137.20-105
*137.20-102	137.09-5(g)	137.20-20
137.20-105	----------	137.20-105(b)
*137.20-106	----------	137.20-105(c)
137.20-107	----------	137.20-110
137.20-110	137.15-5	137.20-20
*137.20-115	----------	137.20-115
137.20-117	----------	137.20-125
137.20-118	----------	137.20-130
137.20-120	----------	137.20-135
137.20-125	----------	137.20-120
137.20-130	----------	137.20-180
137.20-135	----------	137.20-135
137.20-140	137.09-52	137.20-140
137.20-145	137.09-55	137.20-145
137.20-150	137.09-60	137.20-150
*137.20-155	137.09-75	137.20-155
137.20-160	137.09-70	137.20-160
*137.20-165	----------	137.20-165
137.20-170	----------	137.20-170
137.20-175	137.09-80	137.20-175
137.20-180	137.09-85	137.20-180
137.20-185	137.09-90	137.20-185
137.20-190	----------	137.20-177
137.25	----------	137.25
*137.25-1	----------	137.25-1
137.25-5	----------	137.25-5
137.25-10	----------	137.25-10
137.25-15	----------	137.25-15
137.30	137.11	137.30
137.30-1	137.11-1	137.30-1
137.30-3	----------	----------
137.30-5	137.11-5	137.30-5
137.30-10	137.11-10	137.30-10
137.30-15	137.11-15	137.30-15
137.30-20	----------	137.30-20
137.35	137.12	137.35
137.35-1	137.12-1	137.35-1
137.35-5	137.12-5	137.35-5
137.35-10	137.12-10	137.35-10
137.35-15	137.12-15	137.35-15
137.50	137.17	137.50
137.50-1	137.17-1	137.50-1
137.50-5	137.17-7	137.50-5
137.50-10	137.17-10	137.50-10
137.55	137.17	137.50
137.55-1	137.17-17	137.50-30
137.55-5	137.17-7	137.50-10
137.55-10	137.17-13	----------
137.55-15	137.17-15	137.50-25

TABLE 1—SECTION COMPARISON OF REVISED REGULATIONS AND EXISTING REGULATIONS—Continued

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS—continued

Revised regulations	Present 46 CFR	Proposed CG-249
137.55-20	137.17-3	137.50-5
137.55-25	----------	137.50-10
137.55-30	----------	----------
137.55-35	137.17-17	137.50-30
137.55-40	137.17-20	137.50-35
137.60	----------	----------
137.60-1	137.17-25	137.50-50

TABLE 2—SECTION COMPARISON OF EXISTING REGULATIONS WITH REVISED REGULATIONS

Present 46 CFR	Revised regulations	Present 46 CFR	Revised regulations
1.01	1.20	137.09-45	137.20-85
4.05-1	137.01-15	137.09-50	137.20-77
4.05-3	----------		137.20-90
4.05-5	137.01-30	137.09-52	137.20-140
4.05-20	137.20-1	137.09-55	137.20-45
4.05-35	137.01-30	137.09-60	137.20-150
136.03-35	137.02-15	137.09-65	137.20-155
137.01-1	137.01-10	137.09-70	137.20-160
137.01-5	137.01-5	137.09-75	137.20-155
137.01-10	137.01-1	----------	137.20-170
137.01-15	137.01-30	137.09-80	137.20-175
137.03-1	137.03-3	137.09-85	137.20-180
137.03-5	137.03-5	137.09-90	137.20-185
137.03-10	137.03-20	137.09-95	137.03-1
137.03-25	137.10-10	137.11-1	137.30-1
137.03-30	137.13	137.11-5	137.30-5
137.04-1	----------	137.11-10	137.30-10
137.04-5	137.01-1	137.11-15	137.30-15
137.04-10	----------	137.12-1	137.35-1
137.04-15	137.03-10	137.12-5	137.35-5
137.04-20	137.05-20	137.12-10	137.35-10
137.05-1	137.02-20	137.12-15	137.35-15
137.05-5	137.05-1	137.13-1	137.17
----------	137.05-5	137.15-1	137.05-30
----------	137.05-10	137.15-5	137.20-107
----------	137.05-15	137.17-1	137.50-1
137.05-7	137.10-10	137.17-3	137.55-20
137.05-10	137.05-17	137.17-5	137.55-25
	137.05-25	137.17-7	137.55-5
137.05-15	137.05-25	137.17-10	137.50-10
137.07-1	137.02-15	137.17-13	137.55-10
137.07-5	137.20-1	137.17-15	137.55-15
137.09-1	----------	137.17-17	137.55-1
137.09-5	137.20-1		137.55-35
137.09-10	137.20-35	137.17-20	137.55-40
137.09-15	137.20-40	137.17-25	137.60-1
137.09-20	137.20-45	137.21-1	137.01-25
137.09-25	137.20-37	137.21-5	137.20-95
	137.20-93	137.21-10	137.03-5
137.09-27	137.20-63	137.30-1	137.30-1
137.09-28	137.20-65	137.30-5	137.30-1
137.09-30	137.20-60	137.30-10	137.30-5
137.09-35	137.20-75	137.30-15	137.30-10
137.09-40	137.20-80		

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-9 dated August 8, 1954 (19 F.R. 5195), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-15 dated January 3, 1955 (20 F.R. 840), 167-17 dated June 29, 1955 (20 F.R. 4976), 167-20 dated June 18, 1956 (21 F.R. 4894), and 167-32 dated September 23, 1958 (23 F.R. 7605), to promulgate regulations in accordance with the statutes cited with the following regulations, it is hereby ordered that:

1. The vessel inspection regulations shall be amended in accordance with the changes in this document.

2. Except as provided in the following paragraph 3, the amendments in this document shall be effective on the date of publication in the FEDERAL REGISTER.

3. With respect to any suspension and revocation proceeding now being processed or which may be initiated by service of charges and specifications prior to January 1, 1963, the applicable requirements in 46 CFR Part 137 in effect on the day prior to the date of publication of this document shall govern such proceedings and any rights or liabilities shall not be affected by the amendments published in this document. With respect to any suspension and revocation proceeding initiated on or after January 1, 1963, the requirements in 46 CFR Parts 1 and 137 shall be applicable thereto and the revised practices and procedures prescribed shall be followed.

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

PART 1—ORGANIZATION, GENERAL COURSE AND METHODS GOVERNING MARINE SAFETY FUNCTIONS

Part 1 is amended to read as follows:

Sec.

1.01 Organization.
1.05 Organization; districts.
1.10 Suspension and revocation proceedings.
1.15 Field examiners.
1.20 General flow of functions.
1.25 Judicial review.

AUTHORITY: §§ 1.01 to 1.25 issued under sec. 633, 63 Stat. 545, R.S. 4405, as amended, and 4462, as amended, 14 U.S.C. 633, 46 U.S.C. 375, 416. Interpret or apply R.S. 4450, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 1-12, 60 Stat. 237-244, secs. 1, 2, 68 Stat. 484, sec. 3, 68 Stat. 675, sec. 3, 70 Stat. 152; 46 U.S.C. 239, 367, 239a, 239b, 390b, 5 U.S.C. 1001-1011, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-9, August 8, 1954, 19 F.R. 5195; 167-14, November 26, 1954, 19 F.R. 8026; 167-17, June 29, 1955, 20 F.R. 4976; 167-20, June 18, 1956, 21 F.R. 4894.

§ 1.01 Organization.

(a) The Commandant is the head of the agency and exercises overall direction over the policy and administration of the Coast Guard.

(b) To carry out the regulatory and enforcement aspects of marine safety, the staff officers designated in this paragraph are assigned to the Commandant. The chain of military command is from the Commandant directly to the District Commanders. The staff officers at Headquarters act only on the basis of the Commandant's authority and by his direction.

(1) The Chief, Office of Merchant Marine Safety, under the general direction of the Commandant directs, supervises, and coordinates the activities of the Chief, Merchant Marine Technical Division, Chief, Merchant Vessel Inspection Division, and Chief, Merchant Vessel Personnel Division, located at Headquarters; supervises through the District Commanders the administration of the Merchant Marine Safety Divisions of District Offices and Officers in Charge, Marine Inspection; and exercises technical control over the Merchant Marine Details in foreign ports.

(i) The Chief, Merchant Marine Technical Division, at Headquarters, under the direction of the Chief, Office of Merchant Marine Safety, passes on plans and specifications for the construction or alteration of merchant vessels, conducts or reviews stability tests on merchant vessels, examines equipment and devices submitted to Headquarters, supervises the load lines assigned by classification societies, and otherwise provides technical assistance with respect to enforcing and improving merchant marine materiel standards.

(ii) The Chief, Merchant Vessel Inspection Division, at Headquarters, under the direction of the Chief, Office of Merchant Marine Safety, administers the inspection program for merchant vessels and the program of enforcing and improving merchant marine materiel and operational safety standards, supervises the identification program for undocumented vessels, reviews violations of the navigation and vessel inspection laws and appeals to the Commandant from statutory monetary penalties assessed therefor, and reviews and maintains records of marine casualties.

(iii) The Chief, Merchant Vessel Personnel Division, at Headquarters, under the direction of the Chief, Office of Merchant Marine Safety, administers the program for the enforcement and development of prescribed merchant marine personnel standards, including but not limited to the licensing, certificating, shipment and discharge of seamen, and the investigation and institution of proceedings looking to suspension and revocation under Title 46, U.S. Code, sections 239 and 239b, of licenses, certificates, and documents held by persons.

§ 1.05 Organization; districts.

(a) To assist the District Commander in carrying out the regulatory and enforcement aspects of marine safety in the Coast Guard Districts, there is assigned to each District Commander a staff officer designated as Chief, Merchant Marine Safety Division. The chain of military command is from the District Commander to each Officer in Charge, Marine Inspection, in his district. The Chief, Merchant Marine Safety Division, is a staff officer assigned to the District Commander and acts only on the basis of the authority of the District Commander and by his direction.

(1) The Chiefs, Merchant Marine Safety Division, in the District Offices, under the supervision of their respective District Commanders, direct the activities in their districts relative to vessel, factory and shipyard inspections; reports and investigations of marine casualties and accidents; processing of violations of navigation and vessel inspection laws; the licensing, certificating, shipment and discharge of seamen; the investigation and institution of proceedings looking to suspension and revocation under Title 46, U.S. Code, sections 239 and 239b, of licenses, certificates, and documents held by persons; and all other marine safety regulatory activities.

(b) The Officers in Charge, Marine Inspection, in the Coast Guard districts, under the supervision of their respective District Commanders, are in charge of marine inspection offices located in various ports and have command responsibility within assigned marine inspection zones for the performance of duties with respect to the inspection, enforcement, and administration of navigation and vessel inspection laws, rules, and regulations governing marine safety. The Officer in Charge, Marine Inspection, has been designated and delegated to give immediate direction to Coast Guard activities relating to marine safety functions consisting of inspection of vessels in order to determine that they comply with the applicable laws, rules, and regulations relating to construction, equipment, manning, and operation, and to be satisfied that such vessels are in seaworthy condition for the services in which such vessels are to be operated; shipyard inspections; factory inspections of materials and equipment for vessels; the licensing, certificating, shipment and discharge of seamen; investigations of marine casualties and accidents; investigations of violations of law; negligence, misconduct, unskillfulness, incompetence or misbehavior of persons holding licenses, certificates, or documents issued by the Coast Guard; initiations of actions seeking suspension or revocation under Title 46, U.S. Code, sections 239 and 239b of licenses, certificates and documents held by persons, and presentation of cases at hearings before examiners; and the enforcement of navigation, vessel inspection and seamen laws in general.

(c) For descriptions of Coast Guard districts and marine inspection zones see 33 CFR Part 3.

§ 1.10 Suspension and revocation proceedings.

(a) The Commandant is the final and sole authority for action on appeals or reviews of suspension and revocation proceedings. The Commandant has not delegated the authority to make final decisions on appeals.

(b) To assist the Commandant in the general supervision of the hearing, appeal, and review functions with respect to proceedings looking to suspension and revocation of licenses, certificates, and documents (held by persons) under Title 46, U.S. Code, sections 239 and 239b, there is assigned to the Commandant's Staff a Chief Examiner who is an examiner appointed under the Administrative Procedure Act (5 U.S.C. 1001–1011).

(1) The Chief Examiner at Headquarters, under the general direction and supervision of the Commandant, is assigned the following duties:

(i) Acts as an adviser and as a special assistant to the Commandant in matters concerning hearings conducted pursuant to Title 46, U.S. Code, sections 239 and 239b;

(ii) Trains new examiners and coordinates the activities of all examiners;

(iii) Conducts hearings under Title 46, U.S. Code, sections 239 and 239b; and

(iv) Makes appropriate recommendations to the Chief Counsel for the latter's consideration in the preparation of the final actions by the Commandant with respect to appeals or in cases reviewed on the Commandant's motion under Subpart 137.35 in Part 137 of this chapter.

(c) The Chief Counsel of the Coast Guard at Headquarters, under the general direction and supervision of the General Counsel, Department of the Treasury, and of the Commandant, acts as an adviser and as a special assistant to the Commandant in all matters having legal implications.

(1) The Chief Counsel prepares a proposed decision for the Commandant's consideration in cases of appeal or review in suspension and revocation proceedings.

§ 1.15 Field examiners.

(a) The hearings conducted under Title 46, U.S. Code, sections 239 and 239b, are presided over by examiners. These examiners are located in various ports and are under the exclusive administrative control of the Commandant.

(b) The examiners are appointed under the provisions of the Administrative Procedure Act (5 U.S.C. 1001–1011) and are civilian employees of the Coast Guard.

§ 1.20 General flow of functions.

(a) As indicated in 33 CFR 1.01–20, the Officer in Charge, Marine Inspection, is deemed to have final authority subject to the rights of appeal set forth in § 2.01–70 of this subchapter with respect to the functions described in § 1.05(b).

(b) The general course and method by which the functions (other than those dealing with suspension or revocation of licenses certificates, or documents described in paragraph (c) of this section) concerning marine safety activities are channeled begins with the Officer in Charge, Marine Inspection, at the local Marine Inspection Office. From this officer the course is to the Chief, Merchant Marine Safety Division, on the staff of the District Commander and then to the District Commander. From the District Commander the course is to the Chief of one of the three divisions within the Office of Merchant Marine Safety at Headquarters. In most administrative cases the channel ends at this point. However, on matters of policy or appeals the course is through one of these divisions to the Chief, Office of Merchant Marine Safety, and then to the Commandant, whose decisions are final.

(c) In proceedings involving the suspension or revocation of a Coast Guard license, certificate or document issued to an individual, the course and method by which such proceedings are channeled are as follows:

(1) In the United States, the Commonwealth of Puerto Rico, Territory of Guam, the Virgin Islands, and other possessions, the proceedings are initiated by the preferment of charges and specifications against the holder of the Coast Guard license, certificate or document. A Coast Guard Investigating Officer under the supervision of an Officer in Charge, Marine Inspection, or an Officer in Charge, Marine Inspection, causes the charges and specifications to be served on the person described therein (person charged) who is a holder of a Coast Guard license, certificate or document. At a hearing the Coast Guard submits evidence to support the charges and specifications, while the person charged may submit evidence in rebuttal or mitigation. The examiner renders a decision on the basis of the evidence adduced at the hearing and the law. The examiner's decision is given to the person charged.

(i) In every case the file containing the charges and specifications and examiner's decision is forwarded by the Officer in Charge, Marine Inspection, to the District Commander, and thence to the Commandant.

(ii) In a case where an appeal is made by the person charged, the notice of appeal is filed with the District Commander of the Coast Guard District in which the hearing was held. The District Commander submits a complete transcript of the record with the notice of appeal to the Commandant.

(2) In the event an examiner is assigned to a foreign port, proceedings are initiated by the preferment of charges and specifications against the holder of a Coast Guard license, certificate or document. This is usually initiated by a merchant marine detail officer (investigating officer) who causes the charges and specifications to be served on the person described therein (person charged) who is the holder of a Coast Guard license, certificate or document. At a hearing, the Coast Guard presents evidence to prove the charges and specifications, while the person charged submits evidence of denial or mitigation. The examiner then renders a decision on the basis of the evidence adduced at the hearing and the law. In each case the examiner's decision is given to the person charged. The file containing the charges and specifications and examiner's decision is forwarded by the merchant marine detail officer to the Commandant. An appeal from such an examiner's decision is filed with the District Commander in the District in which such person first arrives in the United States. The District Commander transmits the notice of appeal to the Commandant.

(3) In a foreign port where no examiner has been assigned, no proceedings are initiated by the Coast Guard. In a case originating in a foreign port where a merchant marine detail officer is assigned, such officer investigates the matter to the extent possible and then refers the case to the Officer in Charge, Marine Inspection, having jurisdiction over the vessel's first port of arrival in the United States, or its Territories, or if the person leaves the vessel, then to the Officer in Charge, Marine Inspection, having jurisdiction at such person's first port of arrival in the United States, or its Territories or to the Commandant. The Officer in Charge, Marine Inspection, investigates the case and determines whether or not proceedings are to be initiated against the holder of a Coast Guard license, certificate, or document.

(d) In the performance of their duties, all Coast Guard examiners are bound by law and the regulations in this chapter or in 33 CFR Chapter I. For publicizing statements of policy, clarification of points or procedure, and general administrative instructions, the Commandant may, from time to time, issue instructions via a series designated as "Hearing Examiners' Circulars." A complete file of these instructions is available for reading purposes during normal working hours at Headquarters, each district office, and each Marine Inspection Office.

§ 1.25 Judicial review.

(a) Nothing in this chapter shall be construed to prohibit any party from seeking judicial review of any Commandant's decision or action taken pursuant to the regulations in this part or Part 137 of this chapter with respect to suspension and revocation proceedings arising under Title 46, U.S. Code, sections 239 and 239b.

(b) In the absence of an appeal to, or review by, the Commandant from the decision of the examiner in a suspension and revocation proceeding, such decision of the examiner shall be final and binding on the person charged for all purposes as of the effective date of the decision.

PART 4—INVESTIGATIONS AND HEARINGS

1. The authority for Part 4 is amended to read as follows:

AUTHORITY: §§ 4.01–1 and 4.01–5 issued under secs. 2, 633, 63 Stat. 496, 545; 14 U.S.C. 2, 633. Interpret or apply R.S. 4450, as amended, sec. 3, 68 Stat. 675. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; 167–17 dated June 29, 1955, 20 F.R. 4976.

2. Subpart 4.05, consisting of §§ 4.05–1 to 4.05–35, inclusive (disciplinary proceedings), is canceled. (The revised requirements are now in 46 CFR Part 137.)

SUBCHAPTER K—MARINE INVESTIGATIONS AND SUSPENSION AND REVOCATION PROCEEDINGS

PART 136—MARINE INVESTIGATION REGULATIONS

1. The authority for Part 136 is amended to read as follows:

AUTHORITY: §§ 136.01–1 to 136.23–1 issued under R.S. 4405, as amended, 4462, as amended, secs. 2, 633, 63 Stat. 496, 545; 46 U.S.C. 375, 416, 14 U.S.C. 2, 633. Interpret or apply R.S. 4450, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 93 (e), (f), 63 Stat. 504, secs. 10–13, 18 Stat. 128, as amended, sec. 15, 38 Stat. 1184, as amended, sec. 4, 67 Stat. 462, sec. 3, 68 Stat. 675; 46 U.S.C. 239, 367, 526p, 1333, 390b. 14 U.S.C. 93 (c), (f), 33 U.S.C. 361–364, 365, 43 Stat. 1333, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; 167–15, January 3, 1955, 20 F.R. 840; 167–17, June 29, 1955, 20 F.R. 4976; 167–20, June 18, 1956, 21 F.R. 4894. Additional authority is cited in parentheses following sections affected.

Subpart 136.03—Definitions

2. Section 136.03–35 *Examiner* is canceled. (The revised definition is transferred to 46 CFR 137.02–15.)

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

Part 137 is amended to read as follows:

Subpart 137.01—Authority and Scope

Sec.	
137.01–1	Authority for regulations.
137.01–5	Assignment of functions.
137.01–10	Purpose of regulations.
137.01–15	Purpose of suspension and revocation proceedings.
137.01–20	Nature of suspension and revocation proceedings.
137.01–25	Construction of regulations.
137.01–30	Instituting suspension and revocation proceedings.
137.01–35	Acting under authority of license, certificate, or document.
137.01–40	Violation of law or regulation.
137.01–45	Violation of narcotic laws.

Subpart 137.02—Definitions of Terms Used

137.02–1	Commandant.
137.02–5	Coast Guard District.
137.02–10	District Commander.
137.02–15	Examiner.
137.02–20	Investigating officer.
137.02–25	Marine inspection zone.

Subpart 137.03—Statements of Policy and Interpretations

137.03–1	Effect of Commandant's decisions in appeal or review cases.
137.03–3	Offenses for which revocation of licenses or documents is mandatory.
137.03–5	Offenses for which revocation of licenses or documents is sought.
137.03–7	Effect of court actions.
137.03–10	Court convictions in narcotic cases.
137.03–15	Court of record.
137.03–20	Maritime labor disputes.
137.03–25	Physician-patient privilege.

Subpart 137.05—Investigations

137.05–1	Investigations made by investigating officer.
137.05–5	Powers of investigating officer.
137.05–10	Advising person of complaint.
137.05–15	Courses of action available.

Sec.
137.05–17 Charges and specifications.
137.05–20 Types of charges.
137.05–23 Time limitations for service of charges and specifications.
137.05–25 Procedure preparatory to hearing.
137.05–30 Evidence of criminal liability.

Subpart 137.10—Deposit or Surrender of License, Certificate or Document

Sec.
137.10–1 Voluntary deposit in event of mental or physical incompetence.
137.10–10 Voluntary surrender to avoid hearing.

Subpart 137.13—Issuance of New Licenses, Certificates or Documents After Revocation or Surrender

137.13–1 Time limitations.
137.13–5 Application.
137.13–10 Commandant's decision on application.

Subpart 137.15—Subpenas and Service of Process

137.15–1 Authority for subpenas.
137.15–5 Form of subpena.
137.15–10 Issuance of subpenas.
137.15–15 Service of subpenas.
137.15–20 Proof of service.
137.15–25 Quashing a subpena.
137.15–30 Enforcement.

Subpart 137.17—Witness Fees

137.17–1 Witness's request for payment of fees.
137.17–5 Scale of fees, subsistence, and mileage.

Subpart 137.20—Hearings

137.20–1 General.
137.20–5 Public access to hearings.
137.20–10 Continuance of a hearing.
137.20–15 Disqualification of examiner.
137.20–25 Failure of person charged to appear at hearing.
137.20–27 Person charged may be required to submit to medical examination.
137.20–30 Time and place of hearing.
137.20–35 Opening the hearing.
137.20–37 Appearances.
137.20–40 Verification of license, certificate or document.
137.20–45 Rights of person charged.
137.20–60 Witnesses excluded from hearing room.
137.20–63 Preliminary motions or objections.
137.20–65 Correction or amendment of charges and/or specifications.
137.20–75 Arraignment and plea.
137.20–77 Burden of proof.
137.20–80 Opening statement of investigating officer.

Sec.
137.20–85 Opening statement by or on behalf of person charged.
137.20–87 Coercion of witnesses.
137.20–90 Witnesses.
137.20–93 Witness's personal counsel.
137.20–95 Evidence.
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AUTHORITY: §§ 137.01–1 to 137.60–1 issued under R.S. 4405, as amended, and 4462, as amended, and sec. 633, 63 Stat. 545; 46 U.S.C. 375, 416. 14 U.S.C. 633. Interpret or apply R.S. 4426, as amended and 4450, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 7, 54 Stat. 165, as amended, secs. 1 to 12, 60 Stat. 237–244, secs. 1, 2, 68 Stat. 484, sec. 3, 68 Stat. 675, sec. 3, 70 Stat. 152; 46 U.S.C. 239, 239a, 239b, 367, 390b, 404, 526f, 5 U.S.C. 1001–1011, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–9, August 3, 1954, 19 F.R. 5195; 167–14, November 26, 1954, 19 F.R. 8026; 167–15, January 3, 1955, 20 F.R. 840; 167–17, June 29, 1955, 20 F.R. 4976; 167–20, June 18, 1956, 21 F.R. 4894.

Subpart 137.01—Authority and Scope

§ 137.01–1 Authority for regulations.

(a) The authority to prescribe regulations generally with respect to navigation and vessel inspection is set forth in Title 46, U.S. Code, sections 375 and 416 (R.S. 4405, as amended, 4462, as amended). Under the provisions of Title 46, U.S. Code, section 372 (R.S. 4403, as amended), the Commandant, United States Coast Guard, superintends the administration of the navigation and vessel inspection laws, and is required to produce a correct and uniform administration of such laws, rules and regulations.

(b) The mandatory provisions in Title 46, U.S. Code, section 239, govern suspension and revocation proceedings and are the basic authority therefor; while the Administrative Procedure Act (Title 5, U.S. Code, sections 1001–1011, 60 Stat. 237–244) and Title 46, U.S. Code, section 239b (P.L. 500, 83d Cong., approved July 15, 1954, 68 Stat. 484), require the hearings in such proceedings to be presided over by an examiner, before the Coast Guard may suspend or revoke a license, certificate, or document issued.

(c) Other marine safety laws and regulations in this chapter also provide authority for suspension or revocation of specific categories of licenses, certificates or documents issued by the Coast Guard or predecessor authorities. For examples, see Title 46, U.S. Code, sections 214, 224a, 226, 228, 229, 229c, 232, 234, 240, 246, 391a, 457, 526f, 672, or Title 33, U.S. Code, sections 153, 412, 435, 442, 1006.

(d) Other authority to promulgate regulations deemed appropriate to carry out the provisions of any law applicable to the Coast Guard or to issue rules, orders, and instructions, not inconsistent with law, is set forth in Title 14, U.S. Code, section 633.

§ 137.01–5 Assignment of functions.

(a) By Reorganization Plan No. 3 of 1946, effective July 16, 1946, the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard. By Reorganization Plan No. 26 of 1950 (5 U.S. Code, Note under 241), effective July 31, 1950, the functions formerly vested in the Commandant, United States Coast Guard, were transferred to the Secretary of the Treasury with certain specified exceptions. The Secretary of the Treasury by a Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946. This included suspension or revocation of any license, certificate, or document issued by the Coast Guard or predecessor authorities under Title 46, U.S. Code, section 239. The Commandant delegates to examiners the authority to suspend or revoke any license, certificate, or document issued to a person by the Coast Guard or predecessor authorities under any navigation or vessel inspection law.

(b) The Acting Secretary of the Treasury in Treasury Department Order 167–9, dated August 3, 1954 (19 F.R. 5195), delegated to the Commandant, United States Coast Guard, the functions vested in the Secretary of the Treasury by Title 46, U.S. Code, sections 239a and 239b (P.L. 500, 83d Cong., approved July 15, 1954, 68 Stat. 484) to revoke a license, certificate, or document of a person convicted of a narcotic drug law violation or otherwise involved with narcotics. The Commandant delegates to examiners the authority to revoke a license, certificate, or document issued to a person by the Coast Guard or predecessor authorities under any navigation or vessel inspection law.

(c) The Secretary of the Treasury by Treasury Department Order 167–20, dated June 18, 1956 (21 F.R. 4894), delegated to the Commandant, United States Coast Guard, the functions vested in the Secretary of the Treasury by Title 46, U.S. Code, sections 390–390g, 404, and 526f (P.L. 519, 84th Cong., approved May 10, 1956, 70 Stat. 151–154). The Commandant delegates to examiners the authority to revoke or suspend a license issued to a person by the Coast Guard under Title 46, U.S. Code, sections 390b, 404 and 526f.

§ 137.01–10 Purpose of regulations.

(a) The regulations establish policies and procedures for remedial action (in respect to licenses, certificates and documents already issued to persons) pursuant to the authority set forth in § 137.01–1, and the regulations prescribed thereunder by the Commandant which are in this part or in Part 1 of this chapter.

§ 137.01–15 Purpose of suspension and revocation proceedings.

(a) The suspension and revocation proceedings are for the purpose of assisting in carrying out the statutory duty of the Coast Guard to promote safety of life and property. This obligation extends to the interest of passengers, crews, cargoes, shipowners and the general public.

§ 137.01–20 Nature of suspension and revocation proceedings.

(a) The suspension and revocation proceedings are remedial and not penal in nature because they are intended to maintain standards of competence and conduct essential to the purpose stated in § 137.01–15 to promote the safety of life and property at sea by insuring that the licensed or certificated persons continue to be qualified to carry out their duties and responsibilities.

§ 137.01–25 Construction of regulations.

(a) The regulations in this part shall be liberally construed so as to obtain just, speedy and economical determination of the issues presented.

§ 137.01–30 Instituting suspension and revocation proceedings.

(a) Suspension and revocation proceedings shall be instituted by an investigating officer in any case in which it appears, as a result of any investigation made under this part or Part 136, that there are reasonable grounds to believe that the holder of a license, certificate or document issued by the Coast Guard or its predecessor authorities, has:

(1) Committed an act of incompetency, misconduct, negligence, or unskillfulness while acting under the authority of his license, certificate or document; or,

(2) Endangered life while acting under the authority of his license, certificate or document; or,

(3) Committed a violation of one of the provisions of the navigation and vessel inspection laws, or a provision of the regulations in this chapter or in 33 CFR Chapter I; or,

(4) Been convicted of a narcotic drug law violation, or has been a user of or addicted to the use of a narcotic drug, so as to be subject to provisions of Title 46, U.S. Code, section 239b.

§ 137.01–35 Acting under authority of license, certificate, or document.

(a) A person employed in the service of a vessel is considered to be acting under the authority of a license, certificate or document held by him either when the holding of such license, certificate or document is required by law or regulation or is required in fact as a condition of employment. A person does not cease to act under the authority of his license, certificate or document while ashore on authorized or unauthorized shore leave from the vessel.

§ 137.01–40 Violation of law or regulation.

(a) Under Title 46, U.S. Code, section 239, suspension and revocation proceedings may be conducted, without regard to whether the person charged was in the service of a vessel at the time of the alleged offense, when the charge is a violation of any provision of the navigation and vessel inspection laws, or any provision of the regulations in this chapter or in 33 CFR Chapter I.

§ 137.01–45 Violation of narcotic laws.

(a) Under Title 46, U.S. Code, section 239b, revocation proceedings may be conducted if the person charged holds a valid license, certificate or document issued by the Coast Guard or its predecessor authorities without regard to whether or not the holder was in the service of a vessel at the time of the alleged offense.

Subpart 137.02—Definitions of Terms Used

§ 137.02–1 Commandant.

(a) This term means the Commandant of the Coast Guard.

§ 137.02–5 Coast Guard District.

(a) A Coast Guard District is a geographical area which is assigned to a Coast Guard District Commander.

(b) For descriptions of the Coast Guard districts see 33 CFR Part 3.

§ 137.02–10 District Commander.

(a) This term means an Officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his respective district, which include the inspection, enforcement, and administration of Title 46, U.S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230–234, 239, 240, 361, 362, 364, 372, 375, 381, 391, 391a, 392, 393, 399, 400, 402–414, 416, 435, 436, 451–453, 460, 461, 462, 464, 467, 470–482, and 489–498, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder, except those functions of examiners under the Administrative Procedure Act (5 U.S. Code 1001–1011).

§ 137.02–15 Examiner.

(a) An examiner shall mean any person designated by the Commandant pursuant to the Administrative Procedure Act (5 U.S. Code 1001–1011) for the purpose of conducting hearings arising under Title 46, U.S. Code, section 239 or 239b.

§ 137.02–20 Investigating officer.

(a) An investigating officer is an officer or employee of the Coast Guard designated by the Commandant or the District Commander for the purpose of making an investigation of marine casualties and accidents or other matters pertaining to the conduct of seamen. An Officer in Charge, Marine Inspection, within his assigned marine inspection zone is an investigating officer without further designation by the Commandant or the District Commander.

§ 137.02–25 Marine inspection zone.

(a) A marine inspection zone is a geographical area within a Coast Guard District which is assigned to an Officer in Charge, Marine Inspection.

(b) For descriptions of marine inspection zone boundaries see 33 CFR Part 3.

Subpart 137.03—Statements of Policy and Interpretations

§ 137.03–1 Effect of Commandant's decisions in appeal or review cases.

(a) The decisions of the Commandant in cases of appeal or review of examiners' decisions shall be officially noticed by and shall be binding upon all examiners. The examiners shall follow the principles and policies enunciated by the Commandant in such decisions unless they are modified or rejected by competent authority.

§ 137.03–3 Offenses for which revocation of licenses or documents is mandatory.

(a) Whenever a charge of misconduct by virtue of the possession, use, sale or association with narcotic drugs, including marijuana, is found proved, the examiner shall enter an order revoking all licenses, certificates and documents held by such a person.

(b) In a hearing held under Title 46, U.S. Code, section 239, on a charge of misconduct involving narcotics, wherever the person charged is shown to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize the revocation of his license, certificate, or document unless other evidence explains the possession to the satisfaction of the examiner.

§ 137.03–5 Offenses for which revocation of licenses or documents is sought.

(a) The Coast Guard will initiate administrative action seeking the revoca-

tion of licenses, certificates or documents held by persons who have been involved in acts of such serious nature that permitting such persons to sail under their licenses, certificates and documents would be clearly a threat to the safety of life or property.

(b) These offenses, which are deemed to affect safety of life at sea, the welfare of seamen or the protection of property aboard ship, are:

(1) Assault with dangerous weapon (injury).

(2) Malicious destruction of ship's property.

(3) Misconduct resulting in loss of life or serious injury.

(4) Molestation of passengers.

(5) Murder or attempted murder.

(6) Mutiny.

(7) Perversion.

(8) Possession, use, sale or association with drugs, including marijuana.

(9) Sabotage.

(10) Serious neglect of duty.

(11) Serious theft of ship's property or stores.

(12) Smuggling of aliens.

§ 137.03–7 Effect of court actions.

(a) Except for the serious offenses referred to in §§ 137.03–3, 137.03–5, and 137.03–10, the Coast Guard in other situations will take into consideration court convictions when determining whether or not to initiate administrative action seeking the suspension or revocation of licenses, certificates or documents.

§ 137.03–10 Court convictions in narcotic cases.

(a) After proof of a narcotics conviction by a court of record as required by Title 46, U.S. Code, section 239b, whether or not further court action is pending, the Coast Guard may take action based upon this conviction. After proof of alleged conviction or plea of "guilty," the examiner shall enter an order revoking the seaman's licenses, certificates, and documents. A conviction becomes final when no issue of law or fact determinative of the seaman's guilt remains to be decided by the trial court.

(b) An order of revocation will be rescinded by the Commandant if the seaman submits satisfactory evidence that the court conviction on which the revocation is based has been set aside for all purposes (see § 137.20–190(b)). An order of revocation will not be rescinded as the result of the operation of any law providing for the subsequent conditional setting aside or modification of the court conviction, in the nature of the granting of clemency or other relief, after the court conviction has become final.

(c) After the conviction has become final within the meaning of paragraph (a) of this section, the conditional setting aside or modification of the conviction will not act as a bar to the subsequent revocation of a seaman's document under Title 46, U.S. Code, section 239b.

§ 137.03–15 Court of record.

(a) In the administration of Title 46, U.S. Code, section 239b, and this part, a "court of record" means a court:

(1) Which conforms with the common law principles in that it has a clerk, a seal, keeps a record of its proceedings, and has the power to fine and imprison; and,

(2) Where its proceedings are, by law or usage in the State, District of Columbia, or Territory where rendered, recognized as conclusive evidence in other courts of that jurisdiction.

§ 137.03–20 Maritime labor disputes.

(a) Under no circumstances shall the statutory machinery of the Coast Guard be used for the purpose of favoring any party to a maritime or other labor controversy. However, if a situation affecting the safety of the vessel or persons on board is presented, and a complaint in writing is lodged, the matter shall be thoroughly investigated and when a violation of existing statutes or regulations is indicated appropriate action shall be taken.

§ 137.03–25 Physician-patient privilege.

(a) For the purpose of these proceedings, the physician-patient privilege is not considered to exist between a ship's physician and a seaman employed on the same ship.

Subpart 137.05—Investigations

§ 137.05–1 Investigations made by investigating officer.

(a) Investigations will be made by an investigating officer of:

(1) All acts in violation of any of the provisions of Title 46, U.S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230–234, 239, 240, 361, 362, 364, 372, 375, 381, 391, 391a, 392, 393, 399, 400, 402–414, 416, 435, 436, 451–453, 460, 461, 462, 464, 467, 470–482, and 489–498, whether or not committed in connection with any marine casualty or accident; and

(2) All acts in violation of any regulation in this chapter or in 33 CFR Chapter I, whether or not committed in connection with any marine casualty or accident; and

(3) All acts of incompetency, negligence or misconduct, whether or not committed in connection with any marine casualty or accident, when committed by persons holding licenses, certificates or documents.

§ 137.05–5 Powers of investigating officer.

(a) In the conduct of an investigation, the investigating officer shall have the power to administer oaths, subpena witnesses, require persons having knowledge of the subject matter of the investigation to answer questions and require the production of relevant books, papers, documents, licenses, certificates, or other records.

§ 137.05–10 Advising person of complaint.

(a) The investigating officer conducting an investigation under this part will, where the person whose conduct is being investigated is available, advise such person informally of the substance of the complaint against him and afford him an opportunity to make such comment as he may desire.

§ 137.05–15 Courses of action available.

(a) During or at the conclusion of an investigation, the investigating officer shall take appropriate action as follows:

(1) *Prefer charges.* The investigating officer may prefer charges if he finds reasonable grounds to believe that a person holding a license, certificate or document has committed some offense or act, or has been convicted for a narcotic offense, or has failed to perform some duty, or is incompetent.

(2) *Recommend closing the case.* The investigating officer may recommend closing the case and taking no action on alleged acts if he finds that there is no:

(i) Basis for the complaint; or,

(ii) Jurisdiction; or,

(iii) Reasonable expectation that corrective measures could be accomplished.

(3) *Refer cases to others for further action.* The investigating officer may refer the case to the Commandant or to an Officer in Charge, Marine Inspection, at any port for completion of administrative action if he finds adequate basis for action and the person under investigation and/or witnesses are not then available.

(4) *Accept voluntary deposit of license, certificate or document.* The investigating officer may accept a voluntary deposit of a license, certificate or document from a person under investigation when there is evidence of physical or mental incompetence from any cause other than the use of, or addiction to narcotics.

(5) *Accept voluntary surrender of license, certificate or document.* The investigating officer may accept the voluntary surrender of a license, certificate or document when the person under investigation desires to avoid a hearing.

(6) *Give a warning.* The investigating officer may give a warning in writing to any person holding a license, certificate or document and recommend closing the case. Upon refusal to accept the written warning at the time the warning is given, it shall be withdrawn and the investigating officer may prefer charges. An unrejected warning will become a part of the person's record.

(b) When required, the investigating officer will also submit a report of investigation.

§ 137.05–17 Charges and specifications.

(a) A "charge" is a designation of an offense in general terms. The offense must be one within the purview of Title 46, U.S. Code, section 239 or 239b. A "charge" must be supported by one or more "specifications." Under no circumstances does a "charge" constitute evidence of guilt nor may any inference of guilt be drawn from the fact that the holder of a license, certificate, or document has been the subject of a "charge."

(b) A "specification" sets forth the facts which form the basis of the "charge." The purpose of a "specification" is to enable the person charged to identify the offense so that he will be in a position to prepare his defense. Each specification shall state:

(1) Basis for jurisdiction;

(2) Date and place of offense; and,

(3) A statement of the facts constituting the offense.

§ 137.05–20 Types of charges.

(a) *General.* In lieu of or supplementary to the charges described in paragraphs (b) and (c) of this section, the charges may be:

(1) *Misconduct.* "Misconduct" is a human behavior which violates some formal, duly established rule, such as the common law, the general maritime law, a ship's regulation or order, or shipping articles. In the absence of such a rule, "misconduct" is human behavior which a reasonable person would consider to constitute a failure to conform to the standard of conduct which is required in the light of all the existing facts and circumstances.

(2) *Negligence or inattention to duty.* "Negligence" and "inattention to duty" are essentially the same and cover both the aspects of misfeasance and nonfeasance. They are therefore defined as the commission of an act which a reasonably prudent person of the same station, under the same circumstances, would not commit, or the failure to perform an act which a reasonably prudent person of the same station, under the same circumstances, would not fail to perform.

(3) *Incompetence.* "Incompetence" is the inability on the part of a person to perform required duties, whether due to professional deficiencies, physical disability, mental incapacity, or any combination of same.

(b) *Violation of law or regulation.* Where the proceeding is based exclusively on that part of Title 46, U.S. Code, section 239, which refers to a violation of law or regulation in this chapter or 33 CFR Chapter I, the "charge" shall be "violation of statute" or "violation of regulation." The "specification" shall state the specific statute or regulation by title and section number, and the particular manner in which it was allegedly violated.

(c) *Narcotic drug law violation or use or addiction to use of narcotics.* Where the proceeding is based exclusively on the provisions of Title 46, U.S. Code, section 239b, the "charge" will be "conviction for a narcotic drug law violation" or "use of narcotics" or "addiction to use of narcotics," depending upon the circumstances. The "specification" will allege jurisdiction by stating the elements as required by Title 46, U.S. Code, sections 239 and 239b, and the approximate time and place of the offense.

§ 137.05–23 Time limitations for service of charges and specifications.

(a) The time limitations for service of various charges and specifications are as follows:

(1) For a charge and specification based exclusively on Title 46, U.S. Code, section 239b, service shall be within the time as set forth in this law; namely, 10 years after date of conviction in a court of record subsequent to July 15, 1954, or at any time if a user of or addicted to the use of a narcotic drug after July 15, 1954.

(2) For a charge and specification describing one of the more serious types of offenses specified in § 137.03–5, service shall be within five years after the commission of the offense alleged therein.

(3) For a charge and specification describing an offense not otherwise provided for, the service shall be within three years after the commission of the offense alleged therein.

(b) When computing the period of time specified in this section there shall be excluded any period or periods of time when the person could not attend a hearing by reason of being in a foreign country or by reason of being in prison or asylum.

§ 137.05–25 Procedure preparatory to hearing.

(a) To institute hearing proceedings preparatory to hearing, the investigating officer shall prepare charges and specifications, as required, together with a notice of the time and place of the hearing.

(b) The notice of the time and place of the hearing and the original of the charges and specifications shall be served upon the person charged, either by personal service or by registered mail with return receipt requested, notice to be signed by the addressee only.

(c) When service is by mail, it shall be sufficiently in advance of the time set for the hearing so as to give the person charged a reasonable opportunity to prepare his defense.

(d) When service is made personally upon the person charged, the person making such service shall give the original of the notice of the hearing, the charges and the specifications to the person charged, shall read them to such person if he cannot read, and shall make a record of the time and date of service. When personal service is made, the written acceptance on the reverse side of the form containing the charges and specifications shall be sufficient to show service as of the date on the face of the form unless otherwise indicated by separate notation thereon by the person effecting such service.

(e) Further, at the time of such service, whether personal or by registered mail, the person charged will be also advised with respect to:

(1) The nature of suspension and revocation proceedings and the possible results thereof.

(2) His right to have counsel represent him at the hearing, and that counsel may be a lawyer or any other person he desires to represent him.

(3) His right to have witnesses and/or records subpenaed in his behalf.

(f) If the offense alleged involves mental incompetence, the person charged shall be advised (when the service of the charge and specification and notice of hearing is made) to procure counsel to represent him.

§ 137.05–30 Evidence of criminal liability.

(a) If, as a result of any investigation, evidence of criminal liability on the part of any holder of a license, certificate or document, or any other person is found, such evidence shall be referred to the Attorney General, or his local representative.

(b) The investigating officer shall determine whether to institute suspension and revocation proceedings under Title 46, U.S. Code, section 239 or 239b, for use or addiction to the use of narcotics, before criminal action may be initiated or completed against the holder of a license, certificate or document, or to defer instituting such proceedings pending the outcome of the criminal action in a Federal or State court. One controlling factor will be whether or not the witnesses will be available if the hearing is delayed.

Subpart 137.10—Deposit or Surrender of License, Certificate or Document

§ 137.10–1 Voluntary deposit in event of mental or physical incompetence.

(a) A person may deposit his license, certificate or document with an investigating officer in any case where there is evidence of mental or physical incompetence for any reason other than when caused by use of, or addiction to, narcotics.

(b) A voluntary deposit is accepted on the basis of a written agreement which specifies the conditions accompanying the deposit. The original or a copy will be given to the person making the deposit. The Coast Guard agrees to return the license, certificate or document deposited by the person described therein when he obtains a certificate from the U.S. Public Health Service, or other authorized medical officer showing the person is considered to be fit for sea duty.

(c) Where the mental or physical incompetence of a holder of a license, certificate or document is caused by use of, or addiction to, narcotics, such person may only surrender such license, certificate or document in accordance with § 137.10–10.

§ 137.10–10 Voluntary surrender to avoid hearing.

(a) Any person may surrender his license, certificate or document to an investigating officer in preference to appearing at a hearing.

(b) Whenever a person voluntarily surrenders his license, certificate or document, he shall sign a written statement containing the following stipulations that:

(1) This surrender is made voluntarily in preference to appearing at a hearing;

(2) All title to the license, certificate or document surrendered is permanently relinquished; and,

(3) His rights with respect to a hearing, appeal, and review are waived.

(c) A voluntary surrender of a license, certificate or document to an investigating officer in preference to appearing at a hearing should not be accepted by an investigating officer unless the investigating officer is convinced that the seaman fully realizes the effect of such surrender.

Subpart 137.13—Issuance of New Licenses, Certificates or Documents After Revocation or Surrender

§ 137.13–1 Time limitations.

(a) Any person whose license, certificate or document has been revoked or surrendered for one or more of the offenses described in §§ 137.03–3, 137.03–5, and 137.03–10, or for mental or physical incompetence resulting from use of, or addiction to, narcotics may after three years apply by letter and the application form requesting the issuance of a new license, certificate or document.

(b) Any person whose license, certificate or document has been revoked or surrendered for one or more offenses which are not specifically described in §§ 137.03–3 and 137.03–5 may after one year apply by letter and the application form requesting the issuance of a new license, certificate or document.

§ 137.13–5 Application.

(a) The letter and application shall be addressed to the Commandant, U.S. Coast Guard, Washington 25, D.C., but should be filed in person with the nearest Officer in Charge, Marine Inspection, since this officer will submit a preliminary evaluation and recommendation.

(b) The letter shall be an informal request for the issuance of a new license, certificate or document and shall transmit the following:

(1) A letter from each employer during time applicant was without a license or document, stating dates of employment and attesting to the satisfactory work record. (Times or periods of unemployment shall be satisfactorily explained in the letter.)

(2) At least three character references from responsible persons and stating how long they have known him.

(c) The Officer in Charge, Marine Inspection, will forward the letter and application, together with a preliminary evaluation and recommendation, to the Commandant.

§ 137.13–10 Commandant's decision on application.

(a) Every letter and application received, as well as the preliminary evaluation and recommendation of an Officer in Charge, Marine Inspection, will be referred to a special board appointed by the Commandant. The board will examine all the material submitted with the application and such other information as may, in the judgment of the board, be considered necessary. The board shall submit its findings and recommendations to the Commandant.

(b) The Commandant shall determine whether or not the issuance of a new license, certificate or document shall be made.

Subpart 137.15—Subpenas and Service of Process

§ 137.15–1 Authority for subpenas.

(a) There is delegated to investigating officers and examiners authority to issue subpenas under Title 46, U.S. Code, section 239, to command attendance of witnesses or the production of books, papers, documents, or any other evidence necessary.

§ 137.15–5 Form of subpena.

(a) Every subpena shall bear at least the name "United States Coast Guard", the word "subpena", and local Coast Guard address from which issued. It may be a letter or Form CG–2639B.

(b) Every subpena shall command the person to whom it is directed to attend at a specified time and place to give testimony or to produce books, papers, documents, or any other evidence, which shall be described with such particularity as necessary to identify what is desired.

§ 137.15–10 Issuance of subpenas.

(a) During the investigation and prior to the hearing, the investigating officer shall issue subpenas for the attendance of witnesses or for the production of books, papers, documents, or any other relevant evidence that he may need or that may be needed by the person charged.

(b) During the hearing, the examiner shall issue subpenas for the attendance and the giving of testimony by witnesses or for the production of books, papers, documents, or any other relevant evidence, either upon his own motion or upon a request of either of the parties.

§ 137.15–15 Service of subpenas.

(a) Any person capable of reading and writing may serve a subpena upon the person named therein. Service of a subpena upon a person named therein shall be made by delivering such subpena to such person by personal service, or by registered mail with return receipt to be signed by the addressee only.

(b) The investigating officer shall serve or have served every subpena that he issues in his own behalf, or on behalf of the person charged when feasible.

(c) The person charged or his counsel is responsible for serving subpenas issued at his request by an examiner. However, if the examiner finds that the person charged or his counsel is physically unable to effect the service, despite diligent and bona fide attempts to do so, and if the examiner further finds that the existing impediment to the services of the subpena is peculiarly within the authority of the Coast Guard to overcome, the examiner will have the subpena delivered to such person as the District Commander may designate for the purpose of effecting service.

§ 137.15–20 Proof of service.

(a) The person serving a subpena shall make a written statement setting forth the date, time and manner of service and shall return such report with or on a copy of the subpena to the investigating officer or examiner who issued it. In case of failure to make service of a subpena, the person assigned to serve such subpena shall make a written statement setting forth the reasons, which statement should be on the subpena or attached to it.

(b) When service of a subpena is made by registered mail with return receipt to be signed by the addressee only, the person mailing the subpena shall make a written statement on a copy of the subpena or attached to it, setting forth the date, time and place of Post Office where mailed, and Post Office number assigned thereto. If delivered, the receipt requested shall be returned to the investigating officer or examiner who issued the subpena. In case the subpena is not delivered, any information reported by the Post Office regarding non-delivery shall be given to the investigating officer or examiner who issued the subpena.

§ 137.15–25 Quashing a subpena.

(a) The person to whom a subpena is directed may, prior to or during the hearing, apply in writing to the examiner conducting the hearing a request that the subpena be quashed or modified. The examiner will notify the party for whom the subpena was issued.

(b) The examiner shall rule on the matter promptly. He may quash the subpena if it is unreasonable or requires evidence not relevant to any matter in issue, or he may deny the request.

§ 137.15–30 Enforcement.

(a) Upon application and for good cause shown, or upon its own initiative, the Coast Guard will seek judicial enforcement of subpenas issued by investigating officers or examiners. This may be done by making application to the United States District Court to issue an order compelling the attendance of, and/or the giving of testimony by, witnesses.

Subpart 137.17—Witness Fees

§ 137.17–1 Witness's request for payment of fees.

(a) Duly subpenaed witnesses, other than government employees, may apply for payment for their services as witnesses by submitting a request for payment (Standard Form No. 1157) to the examiner presiding over the hearing or to the investigating officer (28 U.S. Code, section 1821). The examiner or investigating officer will forward the request to the Coast Guard authorized certifying officer together with a statement that:

(1) The witness seeking payment was duly subpenaed as a witness by the Coast Guard;

(2) The witness appeared pursuant to such subpena, the name of the person charged or under investigation, and the name of city and state where investigation or hearing was held; and,

(3) The witness is entitled to witness fees, and/or subsistence, and/or mileage allowance claimed.

(b) Upon receipt of the witness's claim with supporting statement, the Coast Guard authorized certifying officer may certify the voucher according to the scale of fees, subsistence, and mileage in § 137.17–5, and submit it to the appropriate Coast Guard Assistant Disbursing Officer for payment.

(c) Government employees who are witnesses at a hearing or investigation may be paid travel expenses as provided by the Standardized Government Travel Regulations. Coast Guard personnel may be paid travel expenses as provided in the Coast Guard Travel Manual.

§ 137.17–5 Scale of fees, subsistence, and mileage.

(a) A subpenaed witness may be paid a fee of $4.00 for each day or fraction thereof of attendance and for time necessarily occupied in going to and returning from the place of hearing or investigation (28 U.S. Code, section 1821). A witness called to testify as an expert may be paid a higher fee provided such higher fee is approved by the Commandant prior to his appearance.

(b) A subsistence allowance of $8.00 for each day or fraction thereof may be paid if the subpenaed witness resides at a distance so far removed from the place at which the hearing or investigation was held so as to prohibit his returning to his place of residence each day, and if such witness was required to remain at the place where the hearing or investigation was held for more than one day. In a case where subsistence allowance is payable under this paragraph and the subpenaed witness is required to travel, a subsistence allowance of $8.00 per day may be paid for each day necessarily occupied in traveling from the place of residence to attend the hearing or investigation and return to such place: *Provided*, That no subsistence allowance for travel time shall be paid if the witness is already present at place of investigation or hearing at time of service of subpena.

(c) In computing the witness fee or the subsistence allowance, a fraction of a day will be considered as a whole day, the day will be considered as consisting of 24 hours, and a day will be regarded as beginning on the hour at which the witness had to leave his residence in order to arrive at the appointed time at the place where the investigation or hearing was held. After dismissal, the witness is assumed to leave the place of the investigation or hearing for his residence by the first available transportation, and the period of time will be terminated at the time of arrival at his residence.

(d) Travel money at the rate of 8 cents per mile, not to exceed 100 miles, for actual travel from place of residence or place where subpena was served to place at which the investigation or hearing was held may be paid to a subpenaed witness. Travel money at the rate of 8 cents per mile, not to exceed 100 miles, is also allowed for the actual travel involved in return of witness to his place of residence, or if the subpena was served at a place other than the witness's place of residence, to the place where said subpena was served. All payments of travel money shall be computed on the basis of mileage by the shortest route. When a witness is furnished transportation by the Government, no mileage allowance is authorized. If a witness is unable to furnish funds for transportation charges, Government transportation requests may be issued for his transportation, at the lowest first class rate available, to and from the place of hearing, in which case the mileage allowance is not authorized. When two or more witnesses are transported at the same time in the privately owned vehicle, operated by one of the witnesses, the mileage allowance for only one witness is authorized.

(e) The fees provided in paragraphs (a), (b), and (d) of this section shall not apply in Alaska. In Alaska subpenaed witnesses are entitled to the fees, subsistence, and mileage allowances to the same extent as may be prescribed for witnesses before the United States District Court in the judicial division in which the hearing is held. (See 28 CFR 21.3 for schedule of fees and allowances of witnesses in the District of Alaska.)

(f) In the case of employed merchant marine personnel their place of residence will be construed to be the vessel upon which they are employed, and in the case of unemployed merchant marine personnel their place of residence will be construed to be their actual place of residence when ashore at time of the investigation or hearing rather than the residence of their next of kin.

Subpart 137.20—Hearings

§ 137.20–1 General.

(a) A hearing in a suspension and revocation proceeding conducted under Title 46, U.S. Code, section 239 or 239b, is the adjudication of the case. It is presided over and is conducted under the exclusive administrative control of a civilian examiner in accordance with applicable requirements in Title 5, U.S. Code, sections 1001–1011, inclusive (Administrative Procedure Act), and the regulations in this part. The examiner shall regulate and conduct the hearing in such a manner so as to bring out all the relevant and material facts, and to insure a fair and impartial hearing.

(b) An examiner shall not consult with any one concerning any fact in issue in a suspension and revocation proceeding unless, after notice, all parties are permitted to participate. An examiner shall not informally obtain advice or opinions from the parties or their counsel or from any officer or employee of the Coast Guard as to the weight or interpretation to be given to evidence. The examiner may at any time consult with or receive instructions from the Commandant.

(c) The procedure usually followed in a hearing is:

(1) Examiner's opening statement.

(2) Appearances of persons at the hearing.

(3) Verification of currently valid license, certificate and/or document held by person charged.

(4) Examiner advises person charged of his rights.

(5) Exclusion of witnesses from the hearing room.

(6) Preliminary motions, objections and/or corrections to the charges and specifications.

(7) Arraignment and plea of person charged.

(8) Opening statement of investigating officer.

(9) Opening statement by or on behalf of person charged or statement in mitigation if there has been a "guilty" plea.

(10) Submission of evidence.

(11) Argument by the investigating officer and argument by or on behalf of the person charged.

(12) Submission of proposed findings and conclusions by the investigating officer and/or by or on behalf of the person charged.

(13) Findings and conclusions of the examiner.

(14) Prior record of the person charged.

(15) The complete decision of the examiner.

(16) Service of the order or complete decision.

(17) Obtain or return the license, certificate or document, as appropriate.

(18) Advise the person charged of his right of appeal.

(19) Examiner's declaration that the hearing is closed.

§ 137.20–5 Public access to hearings.

(a) Every hearing conducted by an examiner shall be open to the public except when the examiner finds that subject matter to be or being brought out in the evidence concerns classified matter relating to national security, or when other circumstances exist which court decisions have held to warrant a limitation or exception to the right of a public hearing.

(b) Representatives of the press shall not be excluded from a hearing unless the hearing concerns classified matter relating to national security.

§ 137.20–10 Continuance of a hearing.

(a) The examiner may, for good cause to be shown in the record, either on his own motion or the motion of the investigating officer or person charged, continue the hearing from day to day or adjourn such hearing to a later date or to a different place by announcement at the hearing or by other appropriate notice. In making such determination, consistent with the rights of the person charged to a fair and impartial hearing, the examiner shall give careful consideration to the future availability of witnesses and to the prompt dispatch of the vessel or vessels on which the person charged and/or witnesses may be employed.

§ 137.20–15 Disqualification of examiner.

(a) In any suspension and revocation proceeding conducted under this part, an examiner may withdraw voluntarily from a particular case when he deems himself unqualified. In such event the examiner shall immediately notify the Commandant of his desire to withdraw and his reasons.

(b) In any case the person charged or the investigating officer may, in good faith, request the examiner to withdraw on the grounds of personal bias or other disqualification. The person seeking the examiner's disqualification shall file with the examiner a timely affidavit or statement sworn to before a Coast Guard officer or official authorized to administer oaths setting forth in detail the facts alleged to constitute the grounds for disqualification. The examiner may file a response thereto and shall rule whether or not he considers himself disqualified.

(c) If the person seeking disqualification takes exception to the ruling of the examiner, he may appeal such ruling to the Commandant. The examiner shall immediately forward the affidavit or sworn statement with his decision. If the examiner believes himself not disqualified and he so rules, the examiner shall also have all matters relating to such claims of disqualification affirmatively appear in the record. The examiner shall then proceed with the hearing unless it can be shown that a delay in the hearing pending a determination of the appeal will not interfere with the future availability of the person charged and witnesses, or the prompt dispatch of the vessel or vessels on which the person charged and/or witnesses may be employed.

§ 137.20–25 Failure of person charged to appear at hearing.

(a) In any case in which the person charged, after being duly served with the original of the notice of the time and place of the hearing and the charges and specifications, fails to appear at the time and place specified for the hearing, a notation to that effect shall be made in the record and the hearing may then be conducted "in absentia."

(b) The examiner shall also cause to be placed in the record all the facts concerning the issuance and service of the notice of hearing and the charges and specifications.

§ 137.20–27 Person charged may be required to submit to medical examination.

(a) In a hearing in which the physical or mental condition of the person charged is in controversy, the examiner on his own motion may order the person charged to submit to a medical examination, or the investigating officer may submit a written petition requesting such person to be required to submit to a medical examination by a physician. The examiner shall decide from the evidence or information submitted to him by the investigating officer whether or not to order the person charged to submit to an examination before a physician of the U.S. Public Health Service, and also to an examination before another physician if the person charged so desires and pays for the required examination.

(b) If the person named in the examiner's order fails or refuses to submit to such duly ordered examination, such failure shall receive due weight in determining the facts alleged in the specifications.

§ 137.20–30 Time and place of hearing.

(a) The hearing shall be held at the time and place specified in the notice of the hearing served upon the person charged by or under the direction of the investigating officer.

§ 137.20–35 Opening the hearing.

(a) The examiner shall open the hearing at the time and place specified in the notice, administer all necessary oaths, and cause a complete record of the proceedings to be kept.

(b) The examiner shall open the hearing with appropriate identification of the proceeding and announce the statutory jurisdiction under which the hearing is being conducted. The examiner shall describe the nature of the proceedings and state that it is concerned solely with the rights of the person charged to continue holding specific license, certificate, and/or document, and any endorsement thereon, as the case may be, issued by the Coast Guard or by any predecessor authority.

§ 137.20–37 Appearances.

(a) The appearances of persons at the hearing shall be entered in the following order:

(1) The investigating officer;

(2) The person charged; and,

(3) The counsel for the person charged, if any.

§ 137.20–40 Verification of license, certificate or document.

(a) Since the proceeding involves a license, certificate or document issued by the Coast Guard, the examiner shall require the person charged to produce and present to him at the opening of the hearing and on each day the hearing is in session thereafter, all valid licenses, certificates, and/or documents issued to the person charged. In the event that the person charged alleges he has lost any such license, certificate or document, the examiner shall require the person charged to execute a lost document affidavit (Form CG–719E). The examiner shall warn the person charged that a willful misstatement of any material item in such affidavit is punishable as a violation of a federal criminal statute.

(b) When a hearing is continued or delayed, the examiner shall return the license, certificate, and/or document to the person charged upon demand: *Provided*, That such action shall not be taken if a prima facie case has been established that the person charged committed an offense which shows that he has such propensities and proclivities as to constitute a definite danger to the safety of life or property at sea.

§ 137.20–45 Rights of person charged.

(a) The examiner shall advise the person charged of his rights to:

(1) Be represented by professional counsel, or any other person he may desire;

(2) Have witnesses and relevant evidence subpenaed;

(3) Examine witnesses, cross-examine witnesses testifying against him, and introduce relevant evidence into the record; and,

(4) Testify in his own behalf or remain silent.

(b) All matters on which the examiner is required to advise the person charged shall affirmatively appear in the record.

§ 137.20–60 Witnesses excluded from hearing room.

(a) All witnesses shall be excluded from the hearing room prior to the taking of their testimony and the examiner may separate government witnesses if he deems it desirable.

§ 137.20–63 Preliminary motions or objections.

(a) Any preliminary motion or objection shall be heard and disposed of by the examiner.

§ 137.20–65 Correction or amendment of charges and/or specifications.

(a) The examiner shall examine the charges and specifications to determine their correctness as to form and legal sufficiency.

(b) The examiner may, on his own motion or the motion of the investigating officer or person charged, permit the amendment of charges and specifications to correct harmless errors by deletion or substitution of words or figures: *Provided*, That a legal specification is left remaining. Broad and liberal discretion shall be exercised by examiners in permitting such amendments.

(c) When errors of substance are found in charges and specifications, the examiner shall rule that the defective charge or specification is withdrawn. The investigating officer may then prepare and serve a new charge and specification on the person charged.

§ 137.20–75 Arraignment and plea.

(a) The examiner shall read each charge and specification to the person charged and shall obtain from him or counsel a definite plea to each charge and specification. If the person charged does not make a definite plea, the examiner shall enter a plea of "not guilty" and proceed with the hearing.

(b) If the person charged fails to appear at the hearing, the examiner will comply with the procedures in § 137.20–25. If no valid reason to the contrary appears, the examiner shall enter pleas of "not guilty" to all the charges and specifications, and shall then proceed with the hearing.

§ 137.20–77 Burden of proof.

(a) The investigating officer has the burden of proof and shall present his evidence first.

§ 137.20–80 Opening statement of investigating officer.

(a) If the person charged pleads "not guilty," the investigating officer shall make a brief statement outlining the basis for the preferment of the charges; particulars incident to the substance of the complaint; and a summary of matters expected to be proved.

(b) If the person charged pleads "guilty," the opening statement of the investigating officer shall contain a summary of the evidence upon which the charge and specification are based.

§ 137.20–85 Opening statement by or on behalf of the person charged.

(a) The person charged or his counsel shall be afforded an opportunity to state what he intends to establish. This may be waived or deferred at the option of the person charged.

(b) If the person charged pleads "guilty," he may present evidence or mitigating circumstances believed to be material. Should this presentation be inconsistent with a "guilty" plea, the examiner shall reject the plea, change the plea to "not guilty" and proceed with the hearing.

§ 137.20–87 Coercion of witnesses.

(a) Any attempt to coerce any witness or to induce him to testify falsely, is an offense which may be punishable by fine of $5,000 or imprisonment for 5 years, or both fine and imprisonment. (See 18 U.S.C. 1505, 46 U.S.C. 239.)

§ 137.20–90 Witnesses.

(a) All witnesses shall be sworn, duly examined, and may be cross examined. At any time a witness is on the stand he may be questioned by an examiner.

(b) The investigating officer or person charged who calls a witness shall begin his direct examination by identifying the witness. When possible, the witness will be required to identify the person charged.

(c) In any case where the person charged has entered a "guilty" plea, witnesses may be called to establish matters of aggravation or matters of mitigation.

§ 137.20–93 Witness's personal counsel.

(a) Any witness may have personal counsel to advise him as to his rights, but such counsel may not otherwise participate in the hearing.

§ 137.20–95 Evidence.

(a) In these administrative proceedings, strict adherence to the rules of evidence observed in courts is not required. All relevant and material evidence, oral or written, shall be received except that hearsay evidence shall be rejected if the declarant is readily available to appear as a witness. In deciding whether the declarant's testimony should be obtained, the importance of such evidence shall be balanced against the difficulty of producing the witness. Hearsay evidence shall be accorded such weight as the circumstances warrant, including consideration of whether it is opposed by other evidence. Irrelevant, immaterial and unduly repetitious evidence should be excluded.

(b) Findings must be supported by substantial evidence of a reliable and probative character. By this is meant evidence of such probative value as a reasonably prudent and responsible person is accustomed to rely on when making decisions in important matters. It is not limited to evidence which is considered to be competent evidence for the purpose of admissibility under the jury-trial rules.

(c) In conducting a hearing the examiner will extend reasonable latitude to the person charged who does not have professional counsel to represent him. Investigating officers and counsel should be required to conform to the rules of evidence to a greater degree than persons charged without counsel.

§ 137.20–100 Documentary evidence generally.

(a) Except as modified by the regulations in this part, documentary evidence shall be admissible in accordance with the applicable rules of evidence, as set forth in § 137.20–95.

§ 137.20–102 Official notice by Commandant and examiners.

(a) The Commandant and the examiners shall consider the following without requiring the person charged or the Coast Guard to submit them in evidence:

(1) *Federal law.* The Constitution; Congressional Acts, Resolutions, Records, Journals and Committee Reports; Decisions of Federal Courts; Executive Orders and Proclamations; and all rules, regulations, orders and notices published by the Treasury Department or United States Coast Guard in the FEDERAL REGISTER.

(2) *State law.* The Constitution and public laws of each State.

(3) *Governmental organizations.* The organization, territorial limitations, officers, departments, and general administration of the Government of the United States, its territories, possessions, and the Commonwealth of Puerto Rico; the several States; and foreign nations.

(4) *Coast Guard organization.* The Coast Guard's organization, administration, officers, personnel, and official publications pertaining to organization.

(5) *Commandant's decisions.* The Commandant's decisions in all appeal and review cases under this part. (See § 137.03–1.)

(b) The Commandant and examiners may, upon request, take official notice of those matters of which the courts usually take judicial notice, and matters which adjudicated cases recognize may be officially noticed by administrative agencies. However, the matters thus officially noticed by the examiner shall be specified on the record. Either party shall be afforded an opportunity, on the record, to rebut such matters.

§ 137.20–105 Certification of court records.

(a) A copy of a court record, such as the court conviction or judgment, shall be certified to be a true copy by the clerk or deputy clerk of the court and under the seal of the court, with or without the certification of the judge that the attestation by the clerk is in proper form.

§ 137.20–106 Certification of extracts from shipping articles, logbooks, etc.

(a) Extracts from records in the custody of the Coast Guard, shipping articles, and logbooks, shall be certified by an investigating officer or custodian of such records.

(b) Any commissioned officer of the Coast Guard is authorized to certify extracts from Coast Guard records, shipping articles, and logbooks as being true copies of the original by certifying that he has seen the original and compared the copy with it and found it to be a true copy. The officer so certifying shall subscribe his name, rank, and duty station.

§ 137.20–107 Admissibility and weight of entries from Official Log-Books.

(a) The Official Log-Book of a vessel, or a duly certified copy of an entry made therein, shall be admissible in evidence, under authority of Title 28, U.S. Code, section 1732.

(b) An entry in an Official Log-Book of a vessel made in substantial compliance with the requirements of Title 46, U.S. Code, section 702, in addition to being admissible in evidence, shall constitute prima facie evidence of the facts therein recited. However, an entry not made in substantial compliance with the requirements of Title 46, U.S. Code, section 702, while admissible in evidence, does not constitute prima facie evidence of the facts therein recited.

§ 137.20–110 Use of judgments of conviction.

(a) The judgment of conviction by a Federal court is conclusive in proceedings under Title 46, U.S. Code, section 239, where acts forming the basis of the charges in a Federal court are the same. The person charged may not challenge the jurisdiction of a Federal or State court in proceedings under Title 46, U.S. Code, sections 239 and 239b.

(b) Where the acts involved in a judgment of conviction of a State court are the same as those involved in proceedings under Title 46, U.S. Code, section 239, the judgment of conviction is not conclusive of the issues decided. However, such judgment of conviction is admissible in evidence in the latter proceedings and constitutes substantial evidence adverse to the person charged.

(c) The judgment of conviction for a narcotic drug law violation by a Federal court or a State court of record is conclusive in proceedings under Title 46, U.S. Code, section 239b.

§ 137.20–115 Admissibility of reports of consul.

(a) The original or a duly authenticated copy of a report made by a consul or a vice consul of the United States shall be admissible in evidence.

§ 137.20–117 Admissibility of records of proceedings at Coast Guard investigations.

(a) The records of proceedings at Coast Guard investigations, including testimony and statements of witnesses and all exhibits received, are admissible in hearings conducted under this part, pursuant to stipulation by the investigating officer and the person charged.

(b) The stipulation shall be in writing, shall describe the specific portions of the record to be submitted as evidence, and shall be signed by the investigating officer and the person charged or his counsel. The stipulation and the portions of the records referred to therein shall upon presentation be made a part of the record of the hearing.

§ 137.20–118 Admissibility of seaman's Coast Guard records.

(a) The prior negative disciplinary record of the person charged is admissible as character evidence of his general good reputation.

(b) A commendatory record pertaining to the specific trait of character in question is admissible.

(c) No part of a prior disciplinary record may be used to show particular acts in order to refute directly evidence as to the good character of the person charged. However, it is admissible for the limited purposes of:

(1) Impeaching the credibility of the person charged on cross-examination after he has testified, on direct exami-

nation, that he has no prior disciplinary record.

(2) Impeaching the credibility of the person charged by showing offenses of such a nature as to indicate his general lack of veracity.

(3) Testing the qualifications of character witnesses who express opinions concerning the general good reputation of the person charged.

(4) Proving prior conduct tending to show guilty knowledge, design, intent, motive, or the like, which is relevant to the offense alleged.

§ 137.20–120 Admissions by person charged during a Coast Guard investigation.

(a) No person shall be permitted to testify with respect to admissions made by the person charged during or in the course of a Coast Guard investigation except for the purpose of impeachment.

§ 137.20–125 Other admissions by person charged.

(a) Any person other than a Coast Guard investigating officer may testify as to admissions voluntarily made by the person charged in the presence of the witness other than during or in the course of an investigation by the Coast Guard.

§ 137.20–130 Impeachment of witnesses.

(a) A witness, including the person charged if he voluntarily testifies in his own behalf, may be impeached by proof of prior inconsistent statements, whether oral or written, which were made by him. However, before evidence of such inconsistent statements is admissible in evidence, a proper foundation must be established.

(b) Evidence of prior inconsistent statements by a witness is admissible for the limited purpose of impeaching the credibility of the witness.

(c) A party calling a witness or otherwise making a witness his own may, after orally pleading surprise, be permitted to impeach him in the discretion of the examiner.

§ 137.20–135 Testimony of absent witnesses.

(a) The testimony of a witness other than the person charged taken under oath during a Coast Guard investigation may be received in evidence in lieu of the appearance of the witness when it is established to the satisfaction of the examiner that:

(1) Whereabouts of the witness is unknown after diligent search; or,

(2) Witness is non compos mentis; or,

(3) Witness is deceased; or,

(4) Witness is ill or incapacitated to such an extent that neither his testimony nor a deposition can be taken; or,

(5) Witness is more than 100 miles from the place of hearing and at a place so remote and inaccessible as to make it impracticable to take his deposition.

(b) In considering the admissibility and credibility of the testimony taken under oath during an investigation and offered in evidence under paragraph (a) of this section, the examiner shall consider the apparent trustworthiness of the testimony, and shall take into consideration whether or not the parties were represented or afforded the right to be present and to cross examine the witness.

§ 137.20–140 Testimony by deposition.

(a) Testimony may be taken by deposition upon application, and for good cause shown, by any party or upon the initiative of the examiner.

(b) The application to the examiner shall be in writing, setting forth the reasons why it should be taken, the name and address of the witness, the matters concerning which it is expected the witness will testify, the time and place proposed for the taking of the deposition and whether it shall be by oral examination or written interrogatories.

(c) The examiner will for good cause shown, serve upon the parties an order specifying the name of the witness, the time and place for taking the deposition, and a designation of a person before whom the witness is to testify. Such deposition may be taken before any person authorized to administer oaths.

(d) The party desiring a deposition by written interrogatories shall submit a list of interrogatories to be propounded to the absent witness; then the opposite party after he has been allowed a reasonable time for this purpose, may submit a list of cross-interrogatories. If either party objects to any question, the matter shall be presented to the examiner for a ruling. Upon agreement of the parties on a list of interrogatories and cross-interrogatories (if any) the examiner may propound additional questions.

(e) The subpena referred to in Subpart 137.15, of this part together with the list of interrogatories and cross-interrogatories (if any), shall be forwarded to the person designated to take such deposition. This person will cause the subpena to be served personally on the witness, and a copy shall be endorsed and returned to the examiner.

(f) When the deposition has been transcribed, it shall be presented to the witness for examination and correction and then shall be subscribed by him. The person taking the deposition shall certify the signature of the witness. If for any reason the deposition or interrogatory is not subscribed by the witness, then the person taking the deposition shall recite under oath thereon the reason it is not subscribed.

(g) When the deposition has been duly executed it shall be returned to the examiner. As soon as practicable after the receipt of the deposition the examiner shall present it to the parties for their examination. The examiner shall rule on the admissibility of the deposition or any part thereof and on any objections.

(h) In the event one party files interrogatories, the other party, in lieu of filing cross-interrogatories, may attend the taking of the deposition and cross-examine the witness.

§ 137.20–145 Argument.

(a) After all the evidence has been presented the parties may present oral and/or written argument in the following order:

(1) Opening argument by the investigating officer;

(2) Argument by the person charged or his counsel; and,

(3) Closing argument by the investigating officer.

§ 137.20–150 Submission of proposed findings and conclusions.

(a) The examiner shall afford the investigating officer and the person charged reasonable opportunity to submit, either orally or in writing, proposed findings and conclusions with supporting reasons. If either party desires to submit such matter, the examiner shall fix the time within which it shall be filed. Failure to comply within the time so fixed by the examiner shall be regarded as a waiver of the right.

§ 137.20–155 Examiner's decision.

(a) The examiner shall render a decision consisting of:

(1) "Findings of Fact," including necessary evidentiary and ultimate facts pertaining to each specification;

(2) "Conclusions" as to whether or not the charges and specifications are found proved;

(3) "Rulings" on proposed findings and conclusions;

(4) "Opinion," discussing the reasons, precedents, legal authorities, or other basis for the findings, conclusions and order on all material issues of fact, law, or discretion, with such specificity as to advise the parties of their record and legal basis; and,

(5) "Order," reciting disposition of the case. The order is only given after consideration of the prior record of the person charged as provided in § 137.20–160.

(b) A separate conclusion shall be made by the examiner on each charge and specification. A specification may alternately be found "not proved," "proved in part," "proved," or "proved by plea."

§ 137.20–160 Prior record.

(a) Except as provided for in § 137.20–118, the prior commendatory and/or disciplinary record of the person charged will not be disclosed to the examiner until after he has made the conclusions as to each charge and specification, and then only if at least one charge has been found "proved."

(b) In order to expedite the examiner's decision, if prior record is not available at the hearing, the person charged, if he consents, may be questioned under oath as to his prior record. Erroneous information given by the person charged shall be grounds for the examiner to reopen the case and amend his order.

§ 137.20–165 Table of average orders.

(a) The Table 137.20–165 is for the information and guidance of examiners. The orders listed for the various offenses are average only and should not in any manner affect the fair and impartial adjudication of each case on its individual facts and merits.

(b) The Table 137.20–165 is divided into seven groups. In the table, the first numeral indicates the period of suspension in months and when followed by a zero means an outright suspension. For example, 1–0 means a one-month suspension without probation. Where the first numeral is followed by a numeral other than zero, a probationary suspension is indicated. For example, 6–12 means a six-month suspension, with a twelve-month period of probation.

TABLE 137.20–165—SCALE OF AVERAGE ORDERS

Type of Charge	Number of times committed				
	First	Second	Third	Fourth	Fifth
Group A (1) (offenses committed within 3 years are to be considered as repeated):					
Absent over leave	[1] Adm.	1–0	3–0	6–0	[2] Rev.
Absent without leave	Adm.	1–0	3–0	6–0	Rev.
Failure to join (domestic)	Adm.	1–0	3–0	6–0	Rev.
Inattention to duty (unintentional)	Adm.	1–0	3–0	6–0	Rev.
Violation of a regulation (unintentional)	Adm.	1–0	3–0	6–0	Rev.
Group A (2) (offenses committed within 3 years are to be considered as repeated):					
Creating a disturbance aboard ship due to intoxication	Adm.	2–0	4–0	Rev.	
Failure to join (foreign)	Adm.	2–0	4–0	Rev.	
Failure to perform duty	Adm.	2–0	4–0	Rev.	
Group B (time between offenses not to have any bearing when considering whether man is repeater):					
Attempt to illegally take or smuggle property ashore	6–12	6–0	Rev.		
Desertion (domestic)	6–12	6–0	Rev.		
Failure to report marine casualty	6–12	6–0	Rev.		
Failure to manifest	6–12	6–0	Rev.		
Neglect of duty	6–12	6–0	Rev.		
Possession of intoxicating liquor	6–12	6–0	Rev.		
Possession of firearms	6–12	6–0	Rev.		
Sleeping on watch	6–12	6–0	Rev.		
Use of profane and threatening language to superior	6–12	6–0	Rev.		
Violation of a regulation (intentional)	6–12	6–0	Rev.		
Wilful disobedience of a lawful order	6–12	6–0	Rev.		
Group C (time between offenses not to have any bearing when considering whether man is repeater):					
Assault	1–0	4–0	Rev.		
Group D (time between offenses not to have any bearing when considering whether man is repeater):					
Inattention to duty (intentional)	3–0	12–0	Rev.		
Illegal possession of cargo or ship's property	3–0	12–0	Rev.		
Neglect of duty; damage to vessel, cargo or personnel (ordinary negligence)	3–0	12–0	Rev.		
Pilfering cargo or ship's equipment	3–0	12–0	Rev.		
Refusing to perform duty	3–0	12–0	Rev.		
Sale of ship's property	3–0	12–0	Rev.		
Theft	3–0	12–0	Rev.		
Group E (time between offenses not to have any bearing when considering whether man is repeater):					
Assault and battery	6–0	Rev.			
Assault with dangerous weapon (no injury)	6–0	Rev.			
Destruction of ship's cargo or property	6–0	Rev.			
Desertion (foreign)	6–0	Rev.			
Continued disobedience of lawful order	6–0	Rev.			
Embezzling ship's cargo or property	6–0	Rev.			
Neglect of duty; damage to ship, cargo or persons (gross or wilful)	6–0	Rev.			
Interference with master, ship's officer, or Government official in performance of official duties	6–0	Rev.			
Smuggling of property	6–0	Rev.			
Sale of intoxicating liquor	6–0	Rev.			
Group F:					
Assault with dangerous weapon (injury)	Rev.				
Malicious destruction of ship's property	Rev.				
Misconduct resulting in loss of life or serious injury	Rev.				
Molestation of passengers	Rev.				
Murder or attempted murder	Rev.				
Mutiny	Rev.				
Perversion	Rev.				
Possession, use, sale or association with drugs, including marijuana	Rev.				
Sabotage	Rev.				
Serious neglect of duty	Rev.				
Serious theft of ship's property or stores	Rev.				
Smuggling of aliens	Rev.				

[1] Abbreviation for "Admonition."
[2] Abbreviation for "Revocation."

§ 137.20–170 Order.

(a) If no charge is found "proved," the order of the examiner shall state that the charge or charges are "dismissed."

(b) If a charge is found "proved," the examiner shall order an admonition, suspension with or without probation, or revocation.

(c) An order shall be directed against all licenses, certificates, and/or documents, except that in cases of negligence or professional incompetence, the order may be made applicable to specific licenses or documents in qualified ratings.

(d) When an examiner determines that the person charged is professionally incompetent in the grade of the license, certificate or document he holds, but is considered competent in a lower grade, the examiner may revoke the license, certificate or document and order the issuance of one of a lower grade.

(e) In a decision rendered in the United States, an order of revocation or outright suspension shall direct the person charged to surrender his license, certificate and/or document immediately. Any domestic order should state that it is effective on service and that the license, certificate and/or document affected is:

(1) Revoked; or,

(2) Suspended outright until a specified period after surrender; or,

(3) Suspended for a specified period subject to a specified period of probation; or,

(4) A combination of subparagraph (2) of this paragraph and a probationary suspension, as indicated in subparagraph (3) of this paragraph, extending from the beginning of the outright suspension until a specified period after the termination of the outright suspension.

(f) In a decision rendered outside of the United States, an order shall differ only in that a revocation or outright suspension is not to be effective until the date of arrival of the person charged in the United States.

§ 137.20–175 Delivery of order and complete decision.

(a) Whenever possible, the examiner shall prepare in writing his complete decision, including the order, and personally deliver it to the person charged or his authorized representative at the final session of the hearing. The decision, including the order, is effective on the date of such delivery.

(b) If it is not possible for the examiner to deliver his complete written decision at the final session of the hearing, he shall render his oral decision on the record, then prepare the order in writing and personally deliver it to the person charged or his authorized representative. The decision, including the order, is effective upon such delivery of the written order. When the written decision is available, the examiner will cause it to be delivered to the person charged or his authorized representative.

(c) If it is not possible for the examiner at the conclusion of the hearing to render an oral decision on the record and to follow the procedures provided for in paragraph (a) or (b) of this section, the written decision, including the order, shall be delivered to the person charged or his authorized representative, at the earliest possible date, either personally or by registered mail with return receipt required to be signed only by the person charged or his authorized representative. The signed acknowledgement or the affidavit of personal delivery, or the return receipt shall be made a part of the record and shall determine the effective date of the decision, including the order, unless good cause is shown why this date should not apply.

(d) As used in this section, the phrase "authorized representative" means any person who has been authorized, as shown by the hearing record, to receive service and take an appeal on behalf of the person charged.

§ 137.20–180 Notification of right to appeal.

(a) The person charged shall be advised by the examiner of his right to appeal in accordance with Subpart 137.30 of this part. The examiner shall also advise the person charged that if such appeal is not taken within the time limit specified in Subpart 137.30 of this part it will not be accepted.

§ 137.20–185 Completion of the hearing.

(a) Upon completion of the procedures in this subpart, the hearing is completed.

§ 137.20–190 Modification of examiner's order and decision.

(a) After an examiner renders his order and decision, it may be modified or changed pursuant to procedures set forth in paragraph (b) of this section, or in Subpart 137.25 of this part for reopening of hearings, or in Subpart 137.30 of this part for appeals, or in Subpart 137.35 of this part for review of examiner's decisions. In the absence of any such procedures, the decision of the examiner is final and binding.

(b) When the proceeding under the provisions of Title 46, U.S. Code, section 239b, is based on a narcotics conviction as referred to in § 137.03–10, rescission of the revocation of a license, certificate or document will not be considered, unless the applicant submits a specific court order to the effect that his conviction has been unconditionally set aside for all purposes. The Commandant reserves the personal right to make the determination in such case.

Subpart 137.25—Reopening of Hearings

§ 137.25–1 Petition to reopen hearing.

(a) At any time prior to a final decision on appeal or within one year from the date of service of the examiner's decision, a person found guilty of any offense may petition to reopen the hearing on the basis of newly discovered evidence.

(b) If at the time the petition is filed an appeal to the Commandant from the examiner's decision has not been filed, the petition to reopen the hearing shall be considered by an examiner. If an appeal to the Commandant has been filed, the petition to reopen the hearing shall be considered by the Commandant.

§ 137.25–5 Form of petition.

(a) The petition shall be in letter form, typewritten or written in a legible hand, and addressed to the examiner or the Commandant, as appropriate.

(b) The petition shall contain the following:

(1) A descriptive identification of the hearing desired to be reopened, including place of hearing, full name of person found guilty, number and description of license and/or document involved, the name of the examiner and date of the decision.

(2) An affirmative declaration that no appeal has been taken pursuant to Subpart 137.30 of this part, or if an appeal has been taken, the date and with whom such appeal was filed.

(3) A statement setting forth why the evidence would probably produce a different result favorable to the person found guilty.

(4) A statement as to whether or not the additional evidence was known to the petitioner at the time of the hearing, and if applicable, reasons why the petitioner, with due diligence, could not have discovered such new evidence prior to the date the hearing was completed.

(5) A statement setting forth briefly and specifically:

(i) The precise nature and purpose of such additional evidence; and,

(ii) The names and addresses of persons to be called as witnesses and the time and place when such witnesses will be available to testify personally or by deposition.

§ 137.25–10 Action on petition.

(a) After the receipt of the petition, an investigating officer shall be afforded a reasonable time within which to file an answer in writing on the merits of the petition. The decision on the petition will be based on a consideration of the petition, the record of the hearing, and the answer, if any.

(b) The petition shall only be granted when new evidence is described which has a direct and material bearing on the issues, and when valid explanation is given for the failure to produce this evidence at the hearing.

(c) The examiner or the Commandant shall render a decision in writing, either granting or denying the petition.

(d) If the examiner grants the petition, he shall reopen the hearing to permit the offer of new evidence described in the petition.

(e) If the petition is granted by the Commandant, he will remand the case to an examiner with directions to reopen the hearing.

(f) On the basis of the record of the original hearing and the new evidence received, the examiner shall either affirm the original decision or withdraw the original decision and render a new one.

(g) The petition, and answer, if any, the examiner's or Commandant's decision, and the additional evidence will be added to the original record.

(h) The filing of a petition to reopen the hearing shall not stay an existing order of the examiner.

(i) If a petition to reopen a hearing is filed within 30 days after the service of the examiner's decision, it will toll or defer the running of the 30-day statutory period of appeal as provided in Subpart 137.30 of this part until an examiner has acted on the petition.

§ 137.25–15 Appeal from action on petition.

(a) If the petition to reopen the hearing is denied by the examiner, the person found guilty may appeal to the Commandant within 30 days from the date of service of the denial of the petition. The review by the Commandant on this appeal will be limited to the issue raised by the petition. Other grounds for appeal must be in accordance with Subpart 137.30 of this part.

(b) If the petition to reopen the hearing is granted and a previous finding of "proved" is affirmed by the examiner, the person found guilty may appeal the decision as provided for in Subpart 137.30 of this part.

Subpart 137.30—Appeals

§ 137.30–1 Time for filing, contents, etc.

(a) A person found guilty by an examiner may, within 30 days after the date of the order of the examiner is effective, take an appeal to the Commandant. This appeal shall be taken by filing a notice of appeal with the District Commander of the district in which the hearing was held.

(b) The notice of appeal shall:

(1) Be typewritten or written legibly;

(2) Be addressed to the Commandant; and,

(3) Set forth the name of the appellant, the number and description of license, and/or document involved, nature of the charge, the order, and the examiner who made the decision.

(c) The notice of appeal may contain a statement of grounds for appeal and/or exceptions. The appellant may file with the notice of appeal a brief or memorandum in elaboration of the matters set forth in the notice of appeal. The notice of appeal may contain a request for transcript of the hearing. No request for such transcript will be accepted unless it is submitted with the notice of appeal.

(d) The District Commander shall transmit this material and a complete transcript of the hearing to the Commandant.

(e) After the appellant or his counsel has received a transcript of the record, any exceptions submitted shall be identified by specific citations to pages in the transcript and shall contain legal and other authorities relied upon to support such exceptions.

(f) The only matters which will be considered by the Commandant on appeal are:

(1) Exceptions properly raised by the appellant as indicated in paragraph (e) of this section;

(2) Clear errors in the record; and,

(3) Jurisdictional questions.

(g) In the preparation of an appeal, neither the investigating officer nor the examiner will assist the appellant beyond the point of informing him of the proper form to be used and the applicable regulations.

§ 137.30–3 Time in which to complete appeal.

(a) Appellant may submit grounds for appeal and exceptions to the examiner's decision, whether or not any such matter was filed with the notice of appeal. This matter must be submitted within 60 days after receipt of the transcript of the hearing record, or, if no transcript was requested, within 60 days of the date of effective service of the decision. Nothing further will be received and considered as a part of the appeal record after the applicable time has elapsed unless it is extended by the Commandant.

(b) Prior to the expiration of the applicable 60-day period of extension thereof as set forth in paragraph (a) of this section, at least one ground for appeal or exception to the examiner's decision must be filed in support of the notice of appeal. Failure to do so will result in one of the following:

(1) Termination of the case by written notice to the appellant or his counsel,

that the decision of the examiner constitutes the final agency action on the merits of the case; or,

(2) Consideration of the appeal on the merits of the case and publication of the Commandant's decision without prior notice to the appellant or his counsel. This will only be done when some clear error appears in the record, or when the case presents some novel policy consideration.

§ 137.30–5 Record for decision on appeal.

(a) The transcript of hearing, together with all papers and exhibits filed, shall constitute the record for decision on appeal.

§ 137.30–10 Action on appeal.

(a) The Commandant may affirm, reverse, alter, or modify the decision of the examiner, or he may remand the case for further hearing. The decision of the Commandant on appeal shall be final in the absence of a remand.

§ 137.30–15 Temporary documents.

(a) Any person who has appealed from the decision of the examiner to the Commandant may file with the examiner who made the decision, or the Commander of the Coast Guard district in which the hearing was held, a written request for a temporary license, certificate or document of the same type and character as that suspended or revoked. If this request is filed with the District Commander, he shall immediately transmit for action such request to the examiner who heard the case in the event the transcript has not been forwarded to the Commandant. Otherwise, the request shall be forwarded to the Commandant for action. Except in a case where an order of revocation has been imposed by the examiner, or where the issuance of a temporary document reasonably appears to be inconsistent with the requirements of safety of life or property at sea, such request will be granted.

(b) A temporary document shall be subject to such terms and conditions as the Commandant or examiner may prescribe. The document shall not be effective for a period in excess of six months. However, the document may be renewed by the issuance of a new temporary document by the Commandant.

(c) Copies of the temporary document issued shall become a part of the record on appeal.

§ 137.30–20 Appeal cases remanded for further proceedings.

(a) When the Commandant renders a decision remanding a case for further proceedings, the remand is directed to the examiner. The examiner shall notify the parties and set a date for continuance of the proceedings. In the absence of specific directions from the Commandant, the examiner shall either reopen the former hearing or conduct a new hearing.

(b) If the hearing is reopened, the evidence in the prior hearing shall be evaluated together with the new evidence submitted.

(c) In a new hearing, the evidence in the prior hearing may be used for purposes of impeachment. Evidence in the prior hearing may be stipulated as a part of the record of the new hearing.

(d) The examiner shall render either an entirely new decision or a decision incorporating by reference his original decision as necessary.

Subpart 137.35—Review of Examiners' Decisions in Guilty Cases

§ 137.35–1 Commandant's review.

(a) Any decision of an examiner, in which there has been a guilty finding, may be called up for review by the Commandant on his own motion or direction, within sixty (60) days, after the decision is announced or has been made effective, whichever date is later. On occasion, such action may be taken upon recommendation of the District Commander within whose jurisdiction the decision of the examiner was announced. As used in the regulations in this part the phrase, "on his own motion" means by the Commandant's direction or order, without other procedural formality.

(b) The processes in effect with respect to the preparation and presentation of the record on appeals by merchant seamen, shall apply to the consideration of cases brought up on review by the Commandant.

§ 137.35–5 Record for decision on review.

(a) The transcript of hearing, together with all papers and exhibits filed, shall constitute the record for consideration on review.

§ 137.35–10 Scope of review.

(a) The review will be restricted to questions of law, fact, and policy.

§ 137.35–15 Action on review.

(a) In no case will the review by the Commandant be followed by any order increasing the severity of the examiner's original order.

(b) The Commandant may adopt in whole or in part the findings, conclusions, and basis therefor stated by the examiner, or he may make entirely new findings on the record, or he may remand the case to the examiner for further proceedings.

(c) The decision of the Commandant, on review, shall be final in the absence of a remand.

Subpart 137.50—Disclosure of Information

§ 137.50–1 Public information.

(a) Upon inquiry information may be released as to whether an investigation of a specified complaint is in progress, or that charges have been preferred, or that an investigation has been closed.

(b) Upon inquiry information may be released as to scheduled times of hearings and the substance of charges to be considered.

(c) Upon inquiry information disclosed at public hearings before examiners may be released so long as the cases have current public interest. Such information regarding cases no longer having current public interest will not be released unless otherwise provided for in this subpart or Subpart 137.55 of this part.

§ 137.50–5 Public records.

(a) There shall be maintained as public records available for inspection at Coast Guard Headquarters, in each district office, and in each marine inspection office, a file of the Commandant's Decisions on Appeal or Review.

(b) There shall be maintained as public records available for inspection at Coast Guard Headquarters a file of the decisions of examiners.

(c) There shall be maintained as public records available for inspection in the Office of the District Commander a file of copies of decisions of examiners rendered within such district.

§ 137.50–10 Administrative records.

(a) All files, records, testimony, documents, reports, or other data pertaining to an investigation to determine whether or not a hearing should be instituted, are administrative records. They are not public records available for inspection.

Subpart 137.55—Release of Records

§ 137.55–1 Public records.

(a) Upon written application, copies of public records referred to in Subpart 137.50 of this part may be obtained by persons properly concerned because of litigation or other reasonable collateral interest in the proceedings.

§ 137.55–5 Hearing transcript to appellant.

(a) A copy of the complete hearing transcript will be given to an appellant when it is requested in accordance with § 137.30–1.

§ 137.55–10 Hearing transcript to other persons.

(a) Upon written application, a complete copy of, or excerpts from, a hearing record may be obtained by persons properly concerned because of litigation or other reasonable collateral interest in the proceedings: *Provided*, That the record has been transcribed and copies are available.

§ 137.55–15 Written applications.

(a) A written application required by this subpart shall be addressed to the person in charge of the office where such records are maintained. The application shall be made by the party desiring the record or his authorized representative and shall:

(1) Identify the applicant (submit proof if representing another person);

(2) Specify the material desired;

(3) State the reason for the request; and,

(4) State whether or not the material is intended for use in litigation involving the United States.

§ 137.55–20 Action on written applications.

(a) The person to whom a written application for the release of records is addressed shall comply with the request if it meets the requirements of this subpart. Otherwise, the request shall be denied or, in doubtful cases, referred to the Commandant for determination.

§ 137.55–25 Authorized representatives.

(a) When the release of records is provided for in this subpart, such records may be obtained by an agent or attorney whose authority to act on behalf of another person is established by:

(1) A signed statement by the party represented; or,

(2) A statement, on the hearing record, by the party represented; or,

(3) A copy of a contract of retainer signed by the party represented.

(b) When the release of records is provided for in this subpart, such records may be obtained by an executor, administrator, heir, guardian, trustee or other legal representative of a deceased or incompetent person: *Provided*, That proof of the relationship is submitted.

§ 137.55–30 Production upon compulsory process.

(a) When a request for records is denied for any reason, the applicant shall be advised that the records may be obtained by service of a subpena duces tecum or an order from a court of competent jurisdiction. However, if the information desired is classified for security reasons or by virtue of a specific law or executive order the applicant shall also be advised that such subpena or court order should be addressed to the Commandant.

§ 137.55–35 Persons directly concerned.

(a) Appellants in these proceedings are the only persons considered to be directly concerned and, therefore, entitled to free copies of these records as a matter of right upon proper request.

§ 137.55–40 Costs.

(a) The release of records authorized by this subpart shall be subject to the payment of costs prescribed in 33 CFR 1.25 with the exception of hearing transcripts furnished to appellants.

Subpart 137.60—Persons in Service of Coast Guard

§ 137.60–1 Testimony by Coast Guard personnel.

(a) Except as provided in paragraph (c) of this section, no person in the service of the Coast Guard shall, without prior approval of the Commandant, give any testimony with respect to any investigation or any other official proceedings in any suit or action in the courts. This applies equally to cases in State or Federal courts and to civil as well as criminal cases.

(b) In cases involving (1) civil litigation between private parties; or, (2) criminal matters before State courts; or, (3) civil litigation for or against the United States where Coast Guard personnel are called by parties opposing the United States; an affidavit by the litigant or his attorney setting forth the interest of the litigant and the information with respect to which the testimony of such Coast Guard officer or employee is desired must be submitted before permission to testify will be granted. Permission to testify will, in all cases, be limited to the information set forth in the affidavit, or to such portions thereof as may be deemed proper. In addition to the permission required by this paragraph, the Commandant may insist that the appearance of the Coast Guard officer or employee as a witness be conditioned on the issuance of a subpena or subpena duces tecum (as appropriate) from a court of competent jurisdiction.

(c) In cases where the appearance of Coast Guard personnel is desired by counsel representing the United States to support the affirmative claims or defenses of the United States in civil matters or on behalf of the United States in criminal matters, no affidavit as described in paragraph (b) of this section shall be required, but the Commandant's prior approval must be nevertheless obtained, except in those cases where the Coast Guard personnel desired as witnesses file the original complaint or have made original inquiry into the subject matter which resulted in the filing of an original complaint.

SUBCHAPTER T—SMALL PASSENGER VESSELS (NOT MORE THAN 65 FEET IN LENGTH)

PART 187—LICENSING

Subpart 187.30—Action Against Licenses

1. Section 187.30–1(a) is amended to read as follows:

§ 187.30–1 General application.

(a) All licenses issued by the Coast Guard are subject to suspension or revocation as provided under the provisions of 46 U.S. Code, section 239, and the regulations promulgated thereunder in Part 137 in Subchapter K (Marine Investigations and Suspension and Revocation Proceedings) of this chapter.

(Sec. 3, 70 Stat. 152; 46 U.S.C. 390b. Interpret or apply R.S. 4450, as amended, sec. 2, 68 Stat. 484; 46 U.S.C. 239, 239b. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–9, August 3, 1954, 19 F.R. 5195; 167–20, June 18, 1958, 21 F.R. 4894)

2. Section 187.30–5 *Appealing from an action against a license is canceled.* (The revised requirements are transferred to 46 CFR Part 137.)

3. Section 187.30–10 *Record for decision on appeal* is canceled. (The revised requirements are transferred to 46 CFR Part 137.)

4. Section 187.30–15 *Action on appeal* is canceled. (The revised requirements are transferred to 46 CFR Part 137.)

(Sec. 3, 70 Stat. 152; 46 U.S.C. 390b)

Dated: October 1, 1962.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 62–9980; Filed, Oct. 4, 1962; 8:51 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3498

COLUMBUS DAY, 1962

By the President of the United States of America

A Proclamation

WHEREAS four hundred and seventy years ago Christopher Columbus set sail from Spain into an unkown sea on a voyage to increase the opportunities for commerce and on October 12, 1492, sighted the land of a new world; and

WHEREAS his westward course was followed by millions of others from the Old World who came with the same enterprising spirit to build this Nation and other nations in this hemisphere, and to create an indestructible bond between the two hemispheres which continues to grow closer and stronger as a result of both the increasing dangers and constructive opportunities of our modern age; and

WHEREAS in our own uncertain world Columbus' courage and strength of conviction inspire us as we work toward world community among all nations based upon the principles of a lasting peace, freedom, justice, and the dignity of man; and

WHEREAS the Congress of the United States, in recognition of our indebtedness to Christopher Columbus, by a joint resolution approved April 30, 1934 (48 Stat. 657), has requested the President to issue a proclamation designating October 12 of each year as Columbus Day:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate Friday, October 12, 1962, as Columbus Day.

I direct the appropriate officers of the Federal Government to display the flag of the United States on all Government buildings on that day; and I request the appropriate officers of the State and local governments likewise to display the flag on that day.

I also invite the people of the United States to observe the day with appropriate ceremonies in honor of the memory of Christopher Columbus and his daring achievement.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this third day of October in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-10068; Filed, Oct. 5, 1962; 10:44 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[Interpretation 3, Rev. I]

PART 362—REGULATIONS FOR ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Interpretation of Terms Included in Definition of Economic Poison

Pursuant to the authority vested in me by § 362.3 of the regulations (7 CFR 362.3) under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135–135k), Interpretation 3 with respect to interpretation of terms included in the definition of economic poison (7 CFR 362.101) is hereby amended to read as follows:

§ 362.101 Interpretation of terms included in definition of economic poison.

(a) *Definition of economic poison.* Under section 2a of the Act the term "economic poison" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, or weeds, or any of the other forms of life declared to be pests in § 362.25; and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

This includes all preparations intended for use as insecticides, rodenticides, nematocides, fungicides, herbicides, amphibian and reptile poisons or repellants, bird poisons or repellents, fish poisons or repellents, mammal poisons or repellents, invertebrate animal poisons or repellents, plant regulators, plant defoliants, and plant desiccants, as described below.

(1) *Insecticides.* The term "insecticide" as defined in the Act includes all preparations intended for preventing, destroying, repelling, or mitigating any member of the Class Insecta or allied classes in the Phylum Arthropoda, for example products intended for use against beetles, bugs, bees, flies, spiders, mites, ticks, centipedes, or wood lice, in any environment whatsoever, including preparations intended for use on or in living man or other animals.

For convenience of reference all preparations intended for preventing, destroying, repelling, or mitigating other classes of invertebrates in the Phylum Arthropoda, declared to be pests in § 362.25, will also be identified in the administration of the Act as "insecticides."

(2) *Rodenticides.* The term "rodenticide" as defined in the Act includes all preparations intended for preventing, destroying, repelling, or mitigating animals belonging to the Order Rodentia of the Class Mammalia, such as rats, mice, gophers, and porcupines, and closely related species such as rabbits and hares.

(i) Rodenticides include, but are not limited to:

(*a*) Products intended for use as baits, tracking powders, or fumigants to kill or repel rodents; and

(*b*) Products intended for use on plants, in premises, or on or in packaging or other materials such as food containers, plastic pipe, telephone cables, and building materials, to repel rodents.

(ii) The Act defines "rodenticide" to include also any substances or mixture of substances intended for preventing, destroying, repelling, or mitigating other vertebrate animals declared to be pests in § 362.25 but for convenience of reference such products will be identified in the administration of the Act as provided in subparagraphs (6), (7), (8), and (9) of this paragraph.

(3) *Nematocides.* The term "nematocide" as defined in the Act includes all preparations intended for preventing, destroying, repelling, or mitigating any invertebrate animals in the Class Nematoda of the Phylum Nemathelminthes, inhabiting soil, water, plants or plant parts.

(i) Nematocides include, but are not limited to:

(*a*) Products intended for use in controlling such nematodes in soil and in or on plants or plant parts (including foliage, roots, stems, flowers, and seeds);

(*b*) Products intended for use in controlling such nematodes on inanimate surfaces; and

(*c*) Products intended for use as space fumigants to control such nematodes on or in the commodities or articles being fumigated.

(ii) Products intended for use in controlling nematodes in or on living man or other animals are not considered to be economic poisons under the Act.

(4) *Fungicides.* The term "fungicide" as defined in the Act includes all preparations intended for preventing, destroying, repelling, or mitigating any fungi. The term "fungi" includes all such organisms as rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals. For convenience of reference all preparations intended for preventing, destroying, repelling, or mitigating viruses (other than those on or in living man or other animals), declared to be pests in § 362.25, will also be identified in the administration of the Act, as "fungicides."

(i) Fungicides include, but are not limited to:

(*a*) Products intended for use as seed or plant treatments to destroy or prevent fungus diseases;

(*b*) Products intended for use in disinfecting premises or inanimate objects to prevent or destroy pathogenic organisms which cause diseases of man or other animals;

(*c*) Products intended for use in reducing bacteria count in water or air; and

(*d*) Products intended for use as wood preservatives which prevent rot or decay in wood by preventing or destroying organisms which cause decay or rot.

(ii) Products not considered to be fungicides include:

(*a*) Products intended for use in preventing or destroying fungi or viruses on or in living man or other animals; and

(*b*) Paints which are treated to protect the paint itself and bear no claims for protecting painted surfaces or other objects by preventing or destroying fungi.

(5) *Herbicides.* The term "herbicide" as defined in the Act includes all preparations intended for preventing, destroying, repelling, or mitigating plants which grow where they are not wanted. For convenience of reference, products for preventing, destroying, repelling, or mitigating the growth of weed parts, declared to be pests in § 362.25, will also be identified as herbicides in the administration of the Act.

(i) Herbicides include, but are not limited to:

(*a*) Products intended for use in killing, destroying, or mitigating weeds or weed parts by direct contact;

(*b*) Products intended for use as soil treatments for destroying, or preventing growth of weeds or weed parts including those which prevent the germination of weed seed;

(*c*) Products intended for use in killing or preventing the growth of plant roots in drainage tiles and sewers; and

(*d*) Products intended for use in killing or preventing the growth of algae or any other aquatic weeds.

(ii) Desiccants and plant regulators are not considered to be herbicides.

(6) *Amphibian and reptile poisons or repellents.* The term "amphibian and reptile poisons or repellents" as used in this part includes all preparations intended for preventing, destroying, repelling, or mitigating amphibians and reptiles declared to be pests in § 362.25, for example:

(i) Products intended for use in baits or sprays for killing or repelling poisonous snakes.

(7) *Bird poisons or repellents.* The term "bird poisons or repellents" as used in this part includes all preparations intended for preventing, destroying, repelling, or mitigating birds declared to be pests in § 362.25.

(i) Bird poisons or repellents include, but are not limited to:

(*a*) Products applied to perches, tree branches, or similar places to kill birds when absorbed through the feet;

(*b*) Products applied to areas for the purpose of killing, repelling, or otherwise preventing the concentration of undesirable birds such as crows, blackbirds, etc; and

(c) Products applied around airports, grain fields, or similar areas to control birds.

(ii) Instruments to repel birds by high frequency sound are not considered to be economic poisons, but are devices under the Act.

(8) *Fish poisons or repellents.* The term "fish poisons or repellents" as used in this part includes all preparations intended for preventing, destroying, repelling, or mitigating fish declared to be pests in § 362.25.

(i) Fish poisons or repellents include, but are not limited to:

(a) Products intended for use in repelling sharks or other fish; and

(b) Products intended for killing trash fish in ponds.

(ii) Products intended for use in controlling amphibians, reptiles, or aquatic mammals are not considered to be fish poisons or repellents.

(9) *Mammal poisons or repellents.* The term "mammal poisons or repellents" as used in this part includes all preparations intended for preventing, destroying, repelling, or mitigating mammals declared to be pests in § 362.25.

(i) Mammal poisons or repellents include, but are not limited to:

(a) Products intended for use in protecting persons, beneficial animals, plants, structures, or premises from injury by dogs, cats, moles, bats, wild carnivores, armadillos, or deer.

(ii) Rodenticides are treated separately under subparagraph (2) of this paragraph.

(10) *Invertebrate animal poisons or repellents.* The term "invertebrate animal poisons or repellents" as used in this part includes all preparations intended for preventing, destroying, repelling, or mitigating aquatic and terrestrial invertebrates declared to be pests in § 362.25, not including insecticides and nematocides.

(i) Invertebrate animal poisons or repellents include, but are not limited to:

(a) Products intended for use on boat and ship bottoms, piers, docks, and other structures to prevent damage by invertebrate animals such as teredos; and

(b) Products intended for use in destroying or repelling slugs or snails.

(ii) Products, other than insecticides under subparagraph (1) of this paragraph, intended for use in controlling or killing parasites on or in living man and other animals are not considered to be economic poisons under the Act.

(11) *Plant regulators.* The term "plant regulator" as defined in the Act includes all preparations intended for altering the behavior of ornamental or crop plants or the produce thereof through physiological rather than physical action.

(i) Plant regulators include, but are not limited to:

(a) Products intended for accelerating or retarding the rate of growth or maturation of plants;

(b) Products intended for enhancing fruit set, thinning flowers, or preventing fruit drop;

(c) Products intended to prolong or break dormancy of plants or the produce thereof; and

(d) Products intended for accelerating root formation and elongation.

(ii) Products intended for use as fertilizers or plant nutrients, or for use in altering the behavior of plants through physical action such as sprays which form a vinyl coating, are not considered to be plant regulators.

(12) *Defoliants.* The term "defoliant" as defined in the Act includes all preparations intended for causing leaves or foliage to drop from plants.

(i) Defoliants include, but are not limited to:

(a) Products intended for use in causing leaves to drop from crop plants such as cotton, soybeans, or tomatoes, usually to facilitate harvest.

(ii) Products not considered to be defoliants include:

(a) Herbicides; and

(b) Desiccants intended for use in causing leaves to dry but not drop from plants.

(13) *Desiccants.* The term "desiccant" as defined in the Act includes all preparations intended for artificially accelerating the drying of plant tissues.

(i) Desiccants include, but are not limited to:

(a) Products intended for use in accelerating the drying of crop plant parts such as cotton leaves, potato vines, or tobacco suckers, or debarking trees.

(ii) Herbicides intended for use in destroying weeds by drying, and defoliants are not considered to be desiccants.

(b) *Status of products as economic poisons.* (1) A substance or mixture of substances is or is not an economic poison depending upon the purposes for which it is intended. Determination of intent in the marketing or distribution of these products is therefore of major importance. This determination will depend upon the facts in the particular case which tend to show the intended use of the product. In general, if a product is marketed in a manner that results in its being used as an economic poison, it is considered to be the intended result. Such intentions may be either expressed or implied. It is assumed that the distributor is aware of the purposes for which his product will be used.

(i) A product will be considered to be an economic poison if:

(a) The label or labeling of the product bears claims for use as an economic poison;

(b) Claims or recommendations for use as an economic poison are made in collateral advertising such as publications, advertising literature which does not accompany the product, or advertisements by radio or television; or

(c) Claims or recommendations for use as an economic poison are made verbally or in writing by representatives of the manufacturer, shipper, or distributor of the product.

(ii) When all or most of the uses of a product are for economic poison purposes, it will be considered to be intended for use as an economic poison unless other intentions are clearly defined. Examples of products in this category are: pyrethrum concentrates, lead arsenate, calcium arsenate, DDT, toxaphene, pentachlorophenol, quaternary ammonium solutions, warfarin, pival, 2,4-D, and captan.

(2) A product shall be deemed to be an economic poison regardless of whether intended for use as packaged or after dilution or mixture with other substances such as water, kerosene, talc, clay, fertilizers, baits, or other carriers, solvents, diluents, or propellents. Accordingly, products intended for use as economic poisons after reformulation or repackaging are economic poisons. However, products intended for use as economic poisons only after further chemical manufacturing or other extensive processing, such as grinding to dust form, shall not be deemed to be economic poisons, unless such substances are especially prepared for use as economic poisons, or labeled, represented, or marketed in channels of trade where they will presumably be purchased as economic poisons.

(3) Economic poisons include, but are not limited to:

(i) Products intended for use in large scale experimental tests when the user expects benefit in pest control. (Such products are subject to the "permit" provisions of the Act. See § 362.17.)

(ii) Products intended for use both as economic poisons and for other purposes. (Such products are subject to all provisions of the Act including section 2z(1) under which a product is misbranded if its labeling bears any statement which is false or misleading concerning any of its uses or in any other particular.)

(4) Products not considered economic poisons include:

(i) Deodorants, bleaching agents, and cleaning agents, which bear no claims for the control of any pests;

(ii) Embalming fluids;

(iii) Building materials, such as lumber, fiber boards, wallpaper paste, and paints, which have been treated to protect the material itself against any pest and which bear no claims for protection of other surfaces or objects;

(iv) Fabrics which have been treated to protect the fabric itself from insects, fungi, or any other pest, and which bear no claims for protection of other surfaces or objects;

(v) Fertilizers and other plant nutrients; and

(vi) Preparations intended only for experimental use to determine their value as economic poisons, or their toxicity or other properties, when the user expects no benefit in pest control.

(c) *Economic poisons which are also drugs.* A few products are used in such a manner as to make them subject to both the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug and Cosmetic Act. Such products are usually classified as insecticides within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act and bear claims for use on or in living man or other animals. Examples of such products are preparations intended for use in controlling mites which cause mange, scabies, or itch on man or other animals, and preparations intended for use in controlling cattle grubs, bots, and other internal insect parasites of man or other animals. Fungicides which bear drug claims are also subject to both Acts.

To avoid conflict in the requirements under the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug and Cosmetic Act with respect to products which are covered by both Acts, close liaison is maintained between the Pesticides Regulation Division and the Food and Drug Administration.

(Sec. 6, 61 Stat. 168, 7 U.S.C. 135d; 19 F.R. 74, as amended; 7 CFR 362.3)

Effective date. This revision of Interpretation 3 shall become effective upon its publication in the FEDERAL REGISTER, when it shall supersede Interpretation 3.

Issued this 3d day of October 1962.

JUSTUS C. WARD,
Director, Pesticides Regulation Division, Agricultural Research Service.

[F.R. Doc. 62-10009; Filed, Oct. 5, 1962; 8:50 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 9]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1962

Basis and purpose. The purpose of this amendment to Sugar Regulation 811 (26 F.R. 11963; 27 F.R. 3733, 4585, 5255, 6862, 7951, 8208, 8530, and 8821) is to revise the determination of sugar requirements for the calendar year 1962, establish quotas, prorations and allocations and direct-consumption limits thereof consistent with such requirements and to determine and prorate or allocate deficits pursuant to the Sugar Act of 1948, as amended, and as further amended by Public Law 87-535 and Public Law 87-539 (hereinafter referred to as the Act).

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears necessary to increase the estimate of requirements for the calendar year 1962 by 100,000 short tons, raw value, to a total of 10,000,000 short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota. On the basis of quotas herein established for domestic areas for the calendar year 1962 in § 811.2, the quotas herein established for foreign countries in § 811.4 for the six-month period ending December 31, 1962, and the supply of sugar expected to be available from each area and country for marketing in the continental United States during such periods, it is herein found that the following areas and countries will be unable to fill their respective quotas by the quantities, in short tons, raw value, as follows: Domestic Beet Sugar Area, 145,769; Mainland Cane Sugar Area, 99,231; Hawaii, 30,000; Puerto Rico, 250,000; Virgin Islands, 4,000; Mexico, 27,045; British Honduras, 4,104 and Panama, 6,215. The supply of sugar expected to be available from these areas is based on Government reports of crop prospects for the Mainland Cane Sugar Area, sugar production reports from Puerto Rico and the Virgin Islands, forecasts of production and shipments of the Hawaiian sugar industry and information on available supplies from Mexico, Panama and British Honduras received through official government channels. The extent to which the named areas are unable to fill their established quotas, amounting to a total of 566,364 short tons, raw value of sugar plus 4,680 short tons, raw value, which represents the quantities withheld from the Netherlands, Canada, the United Kingdom and Hong Kong as provided in § 811.4(c)(1), is herein determined to be a deficit in quotas for proration and allocation to foreign countries pursuant to section 204(a) of the Act.

The ability of the Republic of the Philippines to fill its share of the deficit is herein determined to be 70,000 short tons, raw value, based upon the best available information concerning sugar supplies available for importation into the United States in 1962 from that country and such quantity, accordingly, is prorated to that country in accordance with the provisions of section 204(a) of the Act. The remainder of the deficit amounting to 501,044 short tons, raw value, is allocated as provided in section 204(a) of the Act to Western Hemisphere countries having quota prorations established pursuant to section 202(c) of the Act.

This action increases the quotas for individual countries named in § 811.4(c)(1) by 12,001 short tons, raw value, establishes additional deficits of 78,366 short tons, raw value, that may be authorized for importation from Western Hemisphere countries as a group, and increases by 20,219 short tons, raw value, the quantity of sugar that may be authorized for purchase and importation from all countries as a group. In order to obtain needed supplies of sugar imports without delay and to promote orderly marketing, it is essential at this time that all persons selling and purchasing sugar for consumption in the continental United States be informed as soon as possible of the changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when filed for public inspection in the Office of the Federal Register.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.1, 811.2, 811.3, 811.4, and 811.8 as follows:

§ 811.1 Sugar requirements, 1962.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1962 is hereby determined to be 10,000,000 short tons, raw value.

§ 811.2 Quotas for domestic areas.

(a)(1) For the calendar year 1962 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2), as follows:

[Short tons, raw value]

Area	Quotas	Direct-consumption limits
Domestic beet sugar	2,795,769	(1)
Mainland cane sugar	944,231	(1)
Hawaii	1,110,000	34,200
Puerto Rico	1,140,000	150,000
Virgin Islands	15,000	0

[1] No limit.

(2) It is hereby determined pursuant to section 204(a) of the Act, that for the calendar year 1962 the domestic areas will be unable to fill the quotas established for such areas in subparagraph (1) of this paragraph by the following quantities in short tons, raw value: Domestic Beet Sugar Area, 145,769; Mainland Cane Sugar Area, 99,231; Hawaii, 30,000; Puerto Rico, 250,000; Virgin Islands, 4,000. Pursuant to section 204(b) of the Act the determination of deficits shall not affect the quota established in subparagraph (1) of this paragraph.

§ 811.3 Proration and allocation of deficits and quotas in effect.

(a) The deficits in quotas determined in paragraph (a)(2) of § 811.2 and in paragraph (c)(1) of § 811.4 amounting to a total of 566,364 short tons, raw value, plus 4,680 short tons, raw value, withheld from net importing countries as provided in paragraph (c)(1) of § 811.4 are hereby prorated, pursuant to section 204(a) of the Act, between the Republic of the Philippines and Western Hemisphere countries named in section 202(c)(3)(A) of the Act which have quota prorations established for them in this part, by prorating 70,000 tons to the Republic of the Philippines, which is herein determined to be the extent of its ability to fill its share of the deficit, and by allocating the remainder of the deficit amounting to 501,044 short tons, raw value, to such Western Hemisphere countries as a group on the following basis:

(1) 100,000 short tons, raw value, for importation into the United States on or before September 30, 1962, in order of priority as specified in Part 817 of this chapter except that applications received on or before August 17 will receive equal consideration for priority as of that date; and 135,000 short tons, raw value, for importation into the United States on or

before October 31, 1962, in order of eligibility for authorization and priority as specified in Part 817 of this chapter, except that applications received on or before August 29, 1962, will be considered as though received at the same time on such date and except that first priority will be given to applications for release or setaside covering sugar to be imported from any Western Hemisphere country which has filled its quota proration established in § 811.4(c)(1).

(2) 187,678 short tons, raw value, for importation into the United States by giving consideration to the following factors with respect to each such country, in accordance with the procedures set forth in § 811.8, for purposes of giving special consideration to Western Hemisphere countries purchasing United States agricultural commodities.

(i) Supplies of sugar on hand to fill the allocation of deficit in addition to the quantity required to fill the present quota;

(ii) The time that the sugar to fill the allocation of deficit can be imported into the United States on or before but no later than November 30, 1962, with special consideration being given to importations which can be made prior to November 1; and

(iii) The extent to which the sugar exporting country agrees to utilize the receipts derived from the sale of sugar imported to fill the deficit allocation for purchase and export of United States agricultural commodities prior to July 1, 1963.

(3) 78,366 short tons, raw value, for importation into the United States by giving consideration to the following factors with respect to each such country, in accordance with the procedures set forth in § 811.8, for purposes of giving special consideration to Western Hemisphere countries purchasing United States agricultural commodities.

(i) Supplies of sugar on hand to fill the allocation of deficit in addition to the quantity required to fill the present quota and any previously assigned deficit allocation.

(ii) The time that the sugar to fill the allocation of deficit can be imported into the United States on or before but no later than November 15, 1962, with special consideration being given to importations which can be made prior to November 1; and

(iii) The extent to which the sugar exporting country agrees to utilize the receipts derived from the sale of sugar imported to fill the deficit allocation for purchase and export of United States agricultural commodities prior to July 1, 1963.

(b) All importations of sugar within the prorations or quantities established in paragraph (a) of this section are conditioned upon the payment of a fee as provided in § 811.5.

§ 811.4 Quotas for foreign countries.

(a) The quotas or prorations for foreign countries limiting the quantities of sugar which may be imported into the continental United States during the calendar year 1962 and the six-month period ending December 31, 1962, for consumption therein and the amounts of such quotas and prorations that may be filled by direct-consumption sugar are hereby established as set forth in the following paragraphs (b), (c), (d), (e), and (f) of this section. All importations of sugar within the prorations or quantities established in paragraphs (b)(2), (c), (d), and (e) of this section are conditioned upon the payment of a fee as provided in § 811.5.

(b)(1) For the calendar year 1962 the quota for the Republic of the Philippines 1,050,000 short tons, raw value, and the quantity established in subparagraph (2) of this paragraph. Of the quantity of 1,050,000 short tons, raw value, 59,920 short tons, raw value, may be filled by direct-consumption sugar.

(2) In addition to the quantity of 1,050,000 short tons, raw value, for the Republic of the Philippines in subparagraph (1) of this paragraph a quantity of 70,000 short tons, raw value, representing a proration of a quota deficit as provided in § 811.3(a), is added to and established as a part of the quota for such country. Such quantity of 70,000 short tons, raw value of sugar may be imported only as raw sugar and upon the condition that the import fee set forth in paragraph (b) of § 811.5 is paid with respect to such quantity as provided in such section.

(c)(1) For the six-month period ending December 31, 1962, the prorations or allocations for individual foreign countries of the quota for foreign countries other than the Republic of the Philippines pursuant to section 202(c)(3) of the Act are as follows, as adjusted to reflect deficits of 27,045 tons in the proration for Mexico, 6,215 tons in the proration for Panama and 4,104 tons in the proration for British Honduras which are hereby determined pursuant to section 204(a) of the Act:

Country:	*Short tons, raw value*
Peru	78,680
Dominican Republic	78,680
Mexico	51,635
Brazil	74,694
British West Indies	37,405
Australia	16,534
Republic of China	14,540
French West Indies	12,430
Colombia	12,430
Nicaragua	10,319
Costa Rica	10,319
Ecuador	10,319
India	8,325
Haiti	8,325
Guatemala	8,325
South Africa	8,325
Ireland	5,000
El Salvador	4,221
Paraguay	4,104
Fiji Islands	4,104
Belgium	91

On the basis of information available, it is found that in the calendar year 1961 the aggregate exports of sugar in each case from the United Kingdom, Canada, Hong Kong, and the Netherlands to countries other than the United States did not equal or exceed the aggregate imports into each of such countries. Consequently, under the provisions of section 202(e) of the Act, sugar may not be exported from such countries to the United States during 1962 to fill the quota prorations for the six-month period ending December 31, 1962, for the United Kingdom, Canada, Hong Kong and the Netherlands in the respective amounts of 258, 316, 2, and 4,104 short tons, raw value. The total of these quantities, or 4,680 short tons, raw value, is reallocated in § 811.3 pursuant to section 204(a) of the Act.

(2) For the six-month period ending December 31, 1962, the allocations for foreign countries pursuant to section 202(c)(4)(B) of the Act and the President's Proclamation 3485 are as follows:

Country:	*Short tons, raw value*
Dominican Republic	65,000
Argentina	10,000

(d) For the six-month period ending December 31, 1962, the amount of each proration and allocation established in paragraph (c) of this section that may be filled by direct-consumption sugar pursuant to section 207(e) of the Act is as follows:

Country:	*Short tons, raw value*
Nicaragua	10,011
Ireland	5,000
Republic of China	3,795
Panama	3,817
Costa Rica	1,944
Haiti	1,175
Belgium	91
Guatemala	3
Ecuador	3

(e) For the six-month period ending December 31, 1962, the amount of sugar available for authorization for purchase and importation from foreign countries as a group, pursuant to section 202(c)(4)(A) of the Act, in addition to the quantities established as the quota for the Republic of the Philippines for the calendar year 1962 in paragraph (b) of this section and the quota prorations or allocations for individual foreign countries for the six-month period ending December 31, 1962, in paragraph (c) of this section, is 602,401 short tons, raw value, which shall be authorized for purchase and importation from foreign countries as a group on the following basis:

(1) 400,000 short tons, raw value, subject to change to reflect correct final outturn weights and tests, representing sugar for importation by September 30, 1962, covered by authorizations for release of sugar or approved applications for setaside issued in accordance with provisions of Part 817 on or before August 15, 1962.

(2) Approximately 182,000 short tons, raw value, shall be authorized for purchase and importation pursuant to proposals received on or before August 29, 1962, and subsequently accepted as provided for in § 811.8. This quantity is being made available for authorization for purchase and importation for purposes of giving special consideration to those countries purchasing United States agricultural commodities.

(3) Any part of the quantity of the approximately 182,000 short tons, raw value, not authorized for release or covered by approved applications for setaside under subparagraph (2) of this paragraph, plus 20,219 short tons, raw value, is authorized for purchase and

importation in accordance with the procedures set forth in Part 817 of this chapter. It is hereby found that the total quantity of 602,401 short tons, raw value, may not be reasonably available as raw sugar to supply our requirements during such period. Accordingly, sugar testing in excess of 99 degrees polarization and raw sugar may be authorized for release within the quantity of 602,401 short tons, raw value, all of such quantity to be further refined or improved in quality in the United States in accordance with the requirements of Part 810 of this chapter. Sugar may be authorized for purchase and importation within the quantity of 602,401 short tons, raw value, established in this paragraph only from countries with which the United States is in diplomatic relations and from countries that had in the calendar year 1961 aggregate exports of sugar to countries other than the United States equal to or in excess of aggregate imports.

(f) For the calendar year 1962 the quota for liquid sugar for foreign countries as a group is 2,000,000 gallons of sirup of cane juice of the type of Barbados molasses, limited to liquid sugar-containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) of more than 5 percent of the total soluble solids, which is not to be used as a component of any direct-consumption sugar but is to be used as molasses without substantial modification of its characteristics after importation.

(g) Quotas or prorations thereof for any foreign country, in subsequent years shall be reduced in accordance with the provisions of paragraph (e) of section 202 of the Act if sugar is imported into the continental United States within the quotas or prorations established in this section in violation of such paragraph (e) of section 202 of the Act.

§ 811.8 Procedures and requirements applicable to sugar imported with special consideration to countries purchasing United States agricultural commodities.

(a) This section sets forth the procedures to be followed and requirements to be met for purposes of giving special consideration to foreign countries purchasing United States agricultural products in connection with authorizing sugar for importation into the continental United States pursuant to § 811.3(a)(2) and (3), and paragraph (e) of § 811.4.

(b) A representative authorized by and acting on behalf of the Government of a foreign country desiring special consideration in accordance with paragraph (a) of this section, shall offer a proposal in writing to the Sugar Division, Agricultural Stabilization and Conservation Service, Washington 25, D.C., which shall be received on or before August 29, 1962, with respect to quantity to be allocated pursuant to § 811.3(a)(2) and on or before noon October 8, 1962, with respect to the quantity to be allocated pursuant to § 811.3(a)(3) and shall include in substance the following information and commitments:

(1) Information identifying the sugar to be imported pursuant to the proposal as either (i) sugar for authorization for entry under the provisions of § 811.3(a)(2) or (3), which is limited to sugar imported from Western Hemisphere countries having prorations established under § 811.4(c)(1) and is subject to the import fee established under § 811.5(b) (0.24 cent per pound as of August 15, 1962); or (ii) sugar for authorization for entry under § 811.4(e) which is subject to the import fee established under § 811.5(a) (2.4 cents per pound as of August 15, 1962).

(2) A statement that the quantities of sugar covered by the proposal are available in addition to the supplies needed to meet the country's proration established under § 811.4(c)(1), the quantities authorized for importation or approved for setaside on or before August 15, 1962, under § 811.4(e) and any quantity to be imported under the provisions of § 811.3(a)(1).

(3)(i) For sugar to be allocated pursuant to § 811.3(a)(2) and § 811.4(e), a statement that raw sugar will be available to be imported from such country into the United States in quantities which shall be stated in the proposal as the largest and smallest quantities to be imported by months through November 1962.

(ii) For sugar to be allocated pursuant to § 811.3(a)(3) a statement that raw sugar will be available to be imported from such country into the United States on or before November 15, 1962.

(4) The latest date the country's proposal may be accepted in whole or in part.

(5) A statement that the country will agree to use for the purchase and export of United States agricultural commodities prior to July 1, 1963, the percentage stated in the proposal, of the net receipts, f.a.s. port of shipment, derived from the sale of sugar covered by the proposal.

(6) A statement that the country will agree that the agricultural commodities purchased will be consumed solely within the country or geographical area thereof.

(7) A statement that the country will agree that on or before a date specified in the agreement, it will certify to the Government of the United States that an amount equivalent to the percentage stated in the proposal of the net receipts derived from the sale of sugar has been used for the purchase and export of United States agricultural commodities prior to July 1, 1963.

(c) Proposals received by the Sugar Division as provided in this section will be reviewed under the considerations set forth in the applicable paragraph (a)(2) or (3) of § 811.3; the representatives of foreign countries submitting proposals found acceptable by the Secretary will be notified of the acceptance, in whole or in part; and agreements shall thereafter be entered into by the governments of the respective foreign countries with the Government of the United States which agreements shall give effect to each proposal in accordance with the acceptance. Upon completion of each of such agreements, authorizations for importation will be issued and setasides will be approved in accordance with the provisions of Part 817 of this chapter for the quantities of sugar covered by the Agreements.

Statement of bases and considerations. The increase in total quotas from 9,9000,000 short tons, raw value, to 10,000,000 tons is based on the need of the domestic market for additional supplies for consumption during 1962.

Total domestic sugar distribution through September 15 was 6,918,000 tons, 145,000 tons more than was delivered during the corresponding period of 1961. However, during August deliveries by cane sugar refiners totalled 784,000 tons, the largest deliveries in any one month of record and their total deliveries this year through September 15 were 326,000 tons above the comparable period last year while deliveries by beet sugar processors were 169,000 tons below those of last year.

The possibility of a longshoremen's strike which would interrupt deliveries of raw sugar and other transportation strikes which may affect deliveries of refined sugar appear to be continuing to stimulate demand for both raw and refined sugar. In addition, there have been delays in the scheduled importation of significant quantities of sugar from Brazil due to the sporadic strikes and other factors.

The price for raw sugar at New York was 6.32 cents per pound on September 11 and by September 20 had increased to 6.50 cents.

Thus, additional supplies of foreign cane sugar appear to be needed to meet the requirements of consumers during 1962 and it is evident that there is an urgent need of additional supplies that can be received promptly.

Accordingly, in allocating to Western Hemisphere countries the additional 78,366 tons made available by this amendment as quota deficits, priority will be given to sugar which can be imported from any of such countries on or before October 31. Such allocations will be made on the basis of promptness of arrival of sugar and on the purchases of agricultural commodities by the respective exporting country. Assignment of the increase of 20,219 tons in the global quota will also be made on the basis of promptness of arrival under the provisions of Sugar Regulation 817.

The total of 78,366 tons made available as deficits for reallocation by this amendment represents the domestic areas' share of the increase in total quotas amounting to 65,000 tons plus 13,366 tons in additional foreign country quota deficits.

The provisions of § 811.8 are modified in order to make them applicable to the additional deficit quantity made available for allocation and so that the requirements for the use of proceeds derived from the sale of sugar are consistent with established procedures and requirements under international monetary agreements.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies Secs. 201, 202, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 927, as amended and 928, as amended; sec. 213 as added by Public Law 87-535; 7 U.S.C. 1111, 1112, 1117, 1118, and 1119; Public Law 87-539)

Issued at Washington, D.C., this 3d day of October 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-10010; Filed, Oct. 5, 1962; 8:50 a.m.]

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination § 855.10, Amdt. 1]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1963 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended and as further amended by Public Law 87-535 (hereinafter referred to as "act"), subparagraph (2) of paragraph (d) of § 855.10 (27 F.R. 8477) is revised to read as follows:

§ 855.10 Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1963 crop.

* * * * *

(d) *Adjustments in proportionate shares.* * * *

(2) To offset estimated proportionate share acreages which will be unused on farms in Louisiana, a maximum of 10,000 acres is hereby made available for adjustments in shares for farms in the State on that account. Any operator of a farm in Louisiana for which a proportionate share is determined, other than the operator of a farm for which a proportionate share is determined pursuant to paragraph (e) of this section, may file a written request with the County Committee on or before September 7, 1962, for an increase in such share on a form available at the local Agricultural Stabilization and Conservation Service County Office (hereinafter referred to as "county office"). However, requests may be accepted after such date if the State Committee determines that the persons desiring such increases were prevented from filing by such date because of absence, illness or other reason beyond their control. The County Committee shall forward the requests to the State Committee. Within the limitation of the 10,000 acres, plus any acreage remaining unused from acreage made available to farms in Louisiana pursuant to subparagraph (1) of this paragraph and paragraph (e) of this section, the State Committee shall authorize County Committees to increase the proportionate shares for farms with respect to which increases in shares were requested; *Provided*, That if the total of the requested increases exceeds the acreage available for increases within these sources, the total acreage available shall insofar as practicable be prorated by the State Committee to all farms for which additional acreages have been requested on the basis of the proportionate shares determined pursuant to paragraph (b) of this section for such farms.

Statement of bases and considerations. The original determination provided a maximum of 10,000 acres to be made available for adjustments in proportionate shares, for certain farms in Louisiana, to offset unused proportionate share acreage on other farms. Requests for such adjustments were required to be filed on or before September 7, 1962. This amendment provides that requests filed subsequent to September 7 may be considered by the State Committee if the Committee determines that the filing of such requests were delayed because of the absence, illness or other reasons beyond the control of the farm operators.

Accordingly, I hereby find and conclude that the foregoing amendment to the determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153. Interprets or applies sec. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. Supp. 1131, 1132; Public Law 87-535 approved July 13, 1962)

Effective date: Date of publication.

Signed at Washington, D.C., on October 3, 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-10011; Filed, Oct. 5, 1962; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 33]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.333 Valencia Orange Regulation 33.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 4, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 7, 1962, and ending at 12:01 a.m., P.s.t., October 14, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 350,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 5, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10070; Filed, Oct. 5, 1962; 11:55 a.m.]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Lemon Administrative Committee

Notice is hereby given of the approval of amendments, as hereinafter set forth, of the rules and regulations (7 CFR 910.100 et seq.; Subpart—Rules and Regulations) of the Lemon Administrative Committee, currently in effect pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910, 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

It is hereby found and determined that the said amendments of the rules and regulations, which were submitted for approval by the Lemon Administrative Committee, established pursuant to the marketing agreement and order as the agency to administer the provisions thereof, are based, insofar as practical, upon the proportionate amount of lemons handled by the respective types of marketing organizations, are in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended, and the said rules and regulations are hereby amended as follows:

§ 910.116 [Amendment]

1. Paragraphs (b) and (c) of § 910.116 *Manner of nomination* are deleted and the following substituted in lieu thereof:

(b) Each cooperative marketing organization, other than the one described in paragraph (a) of this section, shall nominate by resolution adopted by its board of directors, 1 grower member and 1 alternate grower member of the committee; and 1 handler member and 1 alternate handler member of the committee. Each nominee shall be assigned a vote equal to the volume (in terms of cartons) of lemons which the organization making the nomination handled during the current fiscal year to the end of the month preceding the month in which such nominations are made. The nominees for member and alternate member so receiving the largest total votes shall be the respective nominees for the particular positions.

(c) Not less than 5 meetings shall be held, at such times and places throughout the lemon producing districts of the production area as may be designated by the agent of the Secretary, at which growers who are not affiliated with any of the organizations included in paragraphs (a) and (b) of this section may vote. Adequate notice of each such meeting shall be given by such agent. At each such meeting the growers present shall nominate 3 grower members, 3 alternate grower members, 1 handler member, and 1 alternate handler member. At least one of the growers so nominated shall be from District 3. Each grower voting at any such meeting shall submit his name and address to the agent of the Secretary. The nominated members and alternate members receiving the highest total number of votes cast at all meetings for the respective positions in the final balloting of each of such meetings shall be the nominees for such positions: *Provided*, That at least one of such nominees shall be a grower from District 3. If none of those nominated from District 3 would become the nominee on the basis of the highest total number of votes cast at all meetings, then the nominated grower alternate member from District 3 who receives a higher total number of votes cast at all meetings than any other such alternate member shall be one of the nominees for grower alternate member.

2. After § 910.116, the following new section is added:

§ 910.117 Changes in nomination and selection of grower members and alternate grower members of the Lemon Administrative Committee.

(a) The number of grower members and alternate grower members to be nominated and selected pursuant to § 910.22(c) and the third sentence of § 910.23, respectively, shall be one grower member and one alternate grower member.

(b) The number of grower members and alternate grower members to be nominated and selected pursuant to § 910.22(d) and the fourth sentence of § 910.23, respectively, shall be three grower members and three alternate grower members. At least one of the growers so selected shall be a grower of lemons in District 3.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) a change of marketing affiliation of certain handlers subject to the marketing agreement and order has recently occurred, which necessitates a reapportionment of membership on the Lemon Administrative Committee so as to reflect the changes in the relative proportion of lemons marketed by the respective groups represented on the committee; (2) new members of the Lemon Administrative Committee are to be appointed by the Secretary effective on November 1, 1962, and such appointments will be subject to the membership reapportionment of the proposed amendments; (3) growers and handlers have been notified of the proposed adoption and recommendation to the Secretary of the said amendments; and (4) the changes effectuated by such amendments of the rules and regulations will not require any special preparation which cannot be completed by the effective time hereof.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated October 3, 1962, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-9996; Filed, Oct. 5, 1962; 8:48 a.m.]

[947.320, Amdt. 2]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114, as amended, and Order No. 947, as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties, California, and in all counties in Oregon except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said amended marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments regulations hereinafter set forth, limiting the grade, size, quality and maturity of Oregon-California potatoes will maintain orderly marketing conditions tending to increase returns to potato growers in the production area.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of potatoes, in the manner set forth below, on and after the effective date of this amendment, (3) regulations have been issued under the amended order since 1955 and have been in effect this season since July 16, 1962, so compliance with this amendment will not require any special preparation on the part of handlers, and (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

Order. Section 947.320 (27 F.R. 6492; 9508) is hereby amended to read as follows:

§ 947.320 Limitation of shipments.

During the period from October 8, 1962, through June 30, 1963, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with the provisions of paragraphs (c), (d), (e), and (f), of this section.

(a) *Minimum quality requirements*—(1) *Grade.* All varieties—U.S. No. 2, or better, grade.

(2) *Size.* (i) Round varieties—1⅞ inches minimum diameter.

(ii) All other varieties—2 inches minimum diameter or 4 ounces minimum weight.

(b) *Minimum maturity requirements*—(1) *All varieties.* "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any seven consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exampt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b), of this section, shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Grading and storing, planting, or livestock feed: *Provided,* That potatoes may not be shipped for such purposes outside of the district where grown except that potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing, for planting, or for livestock feed within, or to, such districts for such purposes.

(3) Charity.

(4) Starch.

(5) Canning or freezing.

(6) Dehydration.

(7) Export.

(8) Potato chipping.

(9) Prepeeling.

(d) *Safeguards.* (1) Each handler making shipments of certified seed pursuant to paragraph (c) of this section shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

(2) Each handler making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, or prepeeling pursuant to paragraph (c) of this section shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) Pay assessments on such shipments except shipments for canning or freezing.

(iii) Have such shipments inspected, except shipments for canning or freezing.

(iv) Prepare, on forms furnished by the committee, a diversion report in quadruplicate on each individual shipment diverted from fresh market channels to outlets authorized in this subparagraph (2).

(v) Forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office. The handler and receiver may each keep one copy for their files. Failure of handler or receiver to report such shipments by promptly signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the receiver's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon the cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(e) *Minimum quantity exception.* Each handler may ship up to but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Inspection.* For the purpose of operation under this part and unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The period of validity on an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(g) Pursuant to § 947.60(b), the inspection requirements of § 947.60 applicable to the handling of regraded, resorted, or repacked potatoes are suspended during the effective time of this section with respect to any such potatoes which prior to regrading, resorting, or repacking thereof, were inspected pursuant to § 947.60(a) and the inspection certificate is valid at the time of handling such regraded, resorted, or repacked potatoes.

(h) *Definitions.* The terms "slightly skinned," and "U.S. No. 2," shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated October 3, 1962, to become effective October 8, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10007; Filed, Oct. 5, 1962; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), §§ 121.90 and 121.91 of the food additives regulations (21 CFR 121.90, 121.91) are amended as set forth below:

1. Section 121.90 is amended by changing the item listed to read as follows:

§ 121.90 Further extensions of effective date of statute for certain specified food additives as direct additives to food.

* * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Polyethylene glycol 400 through 6000 (26 F.R. 9337).	Component of coatings and binders in tableted foods.	Jan. 1, 1963
* * *	* * *	* * *
Hydrobiotite, exfoliated (magnesium-aluminum-iron silicate) (27 F.R. 3623).	In formulated poultry feed As a nutrient carrier As a blending agent In animal feed As a nonnutritive bulking agent As a nutrient carrier As a blending agent	Jan. 1, 1963 Do.

2. Section 121.91 is amended by changing the items listed to read as follows:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
* * *	* * *	* * *	* * *
Coconut oil fatty acid (C_{12}–C_{18}) diethanolamide (27 F.R. 2961).	Component of an emulsion coating for paper and paperboard.	Jan. 1, 1963	
Ethyl acrylate, methyl methacrylate, and acrylic acid, copolymerized (27 F.R. 2961).	do	do	

* * * * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Petroleum hydrocarbons, aliphatic: Initial boiling point 315° F. minimum; final boiling point 650° F. maximum; ultraviolet absorptivity at 290 mμ: 0.04 liter per gm./cm. maximum (27 F.R. 6623).	Adjuvant for insecticides in food-processing plants; limit 1 p.p.m. residue on food. In manufacture of food packaging	Jan. 1, 1963 Do.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendments to the Federal Food, Drug and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food processing industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: October 1, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-9992; Filed, Oct. 5, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYURETHANE RESINS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the B. F. Goodrich Company 500 South Main Street, Akron 18, Ohio, and other relevant material, has concluded that § 121.2522 of the food additive regulations (21 CFR 121.2522 (27 F.R. 9208)) should be amended as hereinafter provided, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625).

Paragraph (a)(4) of § 121.2522 *Polyurethane resins* is amended by changing the item "Polyurethane, derived from * * *" to read as follows:

List of substances	*Limitations*
* * *	* * *
Polyurethane, derived by reaction of toluene diisocyanate and/or diphenylmethane diisocyanate with one or more of the following substances, with or without the catalyst *N,N*-dimethyldodecylamine: Adipic acid. 1,4-Butanediol. Polypropylene glycol. Trimethylol propane.	---

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Section 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 1, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-9993; Filed, Oct. 5, 1962; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

Phenethicillin Potassium for Oral Solution; Chloramphenicol-Polymyxin Ointment; Extension of Expiration Dates

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 3625), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 146a.18, 146d.313) are amended as follows:

1. Section 146a.18(c)(1)(v) is amended by extending the expiration date to 30 months under the conditions stated. As amended, paragraph (c)(1)(v) reads as follows:

§ 146a.18 Phenethicillin potassium (potassium α-phenoxyethyl penicillin) for oral solution.

* * * * * *

(c) * * * (1) * * *

(v) The statement "Expiration date _____," the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months, 24 months, or 30 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

2. Section 146d.313(b) is amended by extending the expiration date to 36 months under the conditions stated. As amended, paragraph (b) reads as follows:

§ 146d.313 Chloramphenicol-polymyxin ointment.

* * * * * *

(b) In lieu of the labeling prescribed by § 146d.303(c)(1) (ii) and (iv), each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of chloramphenicol and the number of units of polymyxin B in each gram of the batch and the statement "Expiration date _____," the blank being filled in with the date that is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored

for such period of time such drug as prepared by him complies with the standards prescribed by this section: *Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: October 1, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-9991; Filed, Oct. 5, 1962; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Eligibility of Specific Bond Issues for Purchase by National Banks

Part 1, Chapter I, Title 12, of the Code of Federal Regulations of the United States of America is hereby amended by adding new § 1.17 as follows:

§ 1.17 City of London, Kentucky.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $1,150,000 City of London, Kentucky, Industrial Building Revenue Bonds, dated September 1, 1962, for investment by national banks under the provisions of Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* The subject issue consists of special revenue bonds due serially in various amounts beginning March 1, 1964, and with the final maturity on March 31, 1983. The proceeds of the bonds are to be used to construct and equip an industrial building, which the city will lease to Caron Spinning Company to provide additional facilities for the Company's wool processing and spinning business. The lease is noncancellable, and binds the Company to pay the city over a period of 20 years, amounts sufficient to pay the principal and interest on the bonds until they have been retired. In addition, provision is made for the establishment of a sinking fund reserve of one year's annual debt service requirement from the rentals. The credit quality of the issue clearly rests upon the financial responsibility and history of the lessee. The earnings records and financial statements of the Company warrant the conclusion that the subject bonds fall within section 2(c) of the Investment Securities Regulation of the Comptroller. However, bankers are reminded that they must determine on the basis of their own review whether securities are suitable for investment.

(c) *Ruling.* We conclude that the subject bonds are eligible for investment by national banks within the limitations of Paragraph Seventh of 12 U.S.C. 24.

Dated: October 1, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-9999; Filed, Oct. 5, 1962; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 1 of Title 41 is amended as set forth below:

PART 1–1—GENERAL

Subpart 1–1.7—Small Business Concerns

1. In § 1–1.701–1, paragraph (a)(2) is amended by revising the introductory paragraph and subparagraph (i), and by adding subparagraphs (vii) through (xii), to read as follows:

§ 1–1.701–1 Small business concern (for Government procurement).

(a) • • •

(2) *Specific industry definitions.* Unless certified as a small business concern by SBA, in addition to being independently owned and operated, and not dominant in the field of operation in which it is bidding on Government contracts, a small business concern in order to qualify as such must meet special criteria in the following industries:

(i) *Construction industry.* For the purpose of bidding on construction contracts, any concern is small if its average annual receipts for the preceding three fiscal years do not exceed $7,500,000; except that if the concern is located in Alaska, such receipts do not exceed $9,375,000. ("Annual receipts," as used in this § 1–1.701–1, means the annual receipts, less returns and allowances, of a concern and its affiliates.)

• • • • • •

(vii) *Custodial and janitorial services industry.* For the purpose of bidding on contracts for custodial and janitorial services, any concern is small if its average annual receipts for the preceding three fiscal years do not exceed $1,000,000; except that if the concern is located in Alaska, such receipts do not exceed $1,250,000.

(viii) *Rubber footwear industry.* For the purpose of bidding on contracts for rubber footwear, any concern is small if its number of employees does not exceed 1,000 persons.

(ix) *Tire and inner tube industry.* For the purpose of bidding on contracts for tires and inner tubes, any concern is small if its number of employees does not exceed 1,000 persons.

(x) *Small arms industry.* For the purpose of bidding on contracts for small arms (i.e., firearms having a bore of 30 mm., or 1.18 inch, and below), any concern is small if its number of employees does not exceed 1,000 persons.

(xi) *Small arms ammunition industry.* For the purpose of bidding on contracts for small arms ammunition (i.e., ammunition for small arms having a bore of 30 mm., or 1.18 inch, and below), any concern is small if its number of employees does not exceed 1,000 persons.

(xii) *Hydraulic dredging industry.* For the purpose of bidding on hydraulic dredging contracts, any concern is small if its average annual receipts for the preceding three fiscal years do not exceed $5,000,000; except that if the concern is located in Alaska, such receipts do not exceed $6,250,000.

2. In § 1–1.701–1, paragraph (a)(3), *Labor surplus area small business concerns*, is deleted.

3. In § 1–1.701–1, paragraph (c) is added to read as follows:

(c) *Small Business Government subcontractors.*

(1) Any concern, in connection with subcontracts of $2,500 or less which relate to Government procurement, will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

(2) Any concern, in connection with subcontracts exceeding $2,500 which relate to Government procurement, will be considered a small business concern if it qualifies as such under this § 1–1.701–1.

4. In § 1–1.706–5(c), paragraphs (c) and (d) of the Notice of Total Small Business Set-Aside are deleted, and paragraph (b) of the Notice is amended to read as follows:

§ 1–1.706–5 Total set-asides.

• • • • • •

NOTICE OF TOTAL SMALL BUSINESS SET-ASIDE

• • • • • •

(b) *Definition.* A "small business concern" is a concern that (1) is certified as a small business concern by the Small Business Administration, or (2) is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and, with its affiliates, employs not more than 500 employees. In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided,* That this additional requirement does not apply in connection with construction or service contracts.

5. In § 1–1.706–6(c), paragraph (b)(1) of the Notice of Partial Small Business Set-Aside is amended to read as follows:

§ 1–1.706–6 Partial set-asides.

• • • • • •

(c) *Short-form notice.* • • •

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE

• • • • • •

(b) *Definitions.*

(1) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and, with its affiliates, employs not more than 500 employees. In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided,* That this additional requirement does not apply in connection with construction or service contracts.

6. In § 1–1.706–6(d), paragraph (d)(1) of the Notice of Partial Small Business Set-Aside is amended to read as follows:

§ 1–7.706–6 Partial set-asides.

• • • • • •

(d) *Long-form notice.* • • •

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE

• • • • • •

(d) *Definitions.*

(1) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and, with its affiliates, employs not more than 500 employees. In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided,* That this additional requirement does not apply in connection with construction or service contracts.

Subpart 1–1.8—Labor Surplus Area Concerns

7. In § 1–1.804–2(b), paragraph (b)(3) of the Notice of Labor Surplus Area Set-Aside is amended to read as follows:

§ 1–1.804–2 Notice to bidders or offerors.

• • • • • •

(b) *Short-form notice.*

• • • • • •

(b) *Definitions.* • • •

(3) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and, with its affiliates, employs not more than 500 employees. In addition to meeting these criteria, a manufacturer or regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided,* That this additional requirement does not apply in connection with construction or service contracts.

8. In § 1–1.804–2(c), paragraph (d)(3) of the Notice of Labor Surplus Area Set-Aside is amended to read as follows:

§ 1–1.804–2 Notice to bidders or offerors.

• • • • • •

(c) *Long-form notice.* • • •

NOTICE OF LABOR SURPLUS AREA SET-ASIDE

• • • • • •

(d) *Definitions.* • • •

(3) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and, with its affiliates, employs not more than 500 employees. In addition to meeting these criteria, a manufacturer or regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided,* That this additional requirement does not apply in connection with construction or service contracts.

PART 1–3—PROCUREMENT BY NEGOTIATION

Subpart 1–3.2—Circumstances Permitting Negotiation

1. In § 1–3.211, paragraph (c) is added to read as follows:

§ 1–3.211 Experimental, developmental, or research work.

• • • • • •

(c) *Reporting requirement.* Section 302(c)(11) of the Act requires that at the end of each six-month period there shall be furnished to the Congress a report of contracts entered into pursuant to this authority. Each executive agency entering into such contracts, under the authority of section 302(c)(11) of the Act, shall submit agencywide reports to the General Services Administration as provided in (1) and (2) below. The General Services Administration will submit consolidated reports to the Congress.

(1) Reports shall be prepared semiannually to cover the periods January 1 through June 30, and July 1 through December 31, and be submitted in an original and one copy to the General Services Administration, Office of Finance and Administration, General Services Building, Washington 25, D.C., within 30 work days after the close of the period covered by the report.

(2) Reports should contain the following information for each contract entered into pursuant to section 302(c)(11) of the Act during the report period:

(i) Name of contractor;

(ii) Dollar amount of contract (including amendments); and

(iii) Brief description of the work required to be performed under the contract. (When necessary, because of the national security, the word "classified" may be used in lieu of the description.)

(3) Negative reports are not required.

Subpart 1–3.6—Small Purchases

2. In § 1–3.604–5, the first sentence of paragraph (a) is amended to revise the dollar limitations in the use of imprest funds (petty cash) method. As so amended, the sentence reads as follows:

§ 1–3.604–5 Limitations.

(a) Small purchases made pursuant to imprest fund procedures may not exceed $100 for any one transaction, except that under emergency conditions the amount for any one transaction may be increased not to exceed $250.

• • • • • •

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.4—Forms for Advertised Construction Contracts

1. In § 1–16.401, paragraphs (a) and (d) are amended to require modification of the small business representation statement on Standard Forms 19 and 21 to reflect the current small business size standard for the construction industry. As so amended, paragraphs (a) and (d) read as follows:

§ 1–16.401 Forms prescribed.

• • • • • •

(a) Invitation, Bid, and Award (Construction, Alteration or Repair) (Standard Form 19, January 1959 edition). Pending revision of this form, agencies shall (1) substitute the clause contained in § 1–7.101–18 for clause 9 of the General Provisions on the reverse thereof; and (2) substitute the following small business representation for that in the Bid section of the form: "That he [ ] is, [ ] is not, a small business concern. (For this purpose, a small business concern is a business concern, including its affiliates, which (a) is independently owned and operated, (b) is not dominant in the field of operation in which it is bidding on Government contracts, and (c) had average annual receipts for the preceding three fiscal years not exceeding $7,500,000. For additional information see governing regulations of the Small Business Administration.)"

• • • • • •

(d) Bid Form (Construction Contract) (Standard Form 21, January 1961 edition). Pending revision of this form, agencies shall substitute "$7,500,000" for "$5,000,000" in the small business representation statement on the reverse thereof.

Subpart 1–16.8—Miscellaneous Forms

2. In § 1–16.804, paragraph (e) is amended to change the name of the office to which the reports should be addressed. As so amended, the text reads as follows:

§ 1–16.804 Report on procurement by civilian executive agencies.

• • • • • •

(e) *Frequency and due date.* Reports shall be prepared semiannually to cover the periods January 1 through June 30, and July 1 through December 31, of each year, and shall be submitted in an origi-

nal only, within 30 workdays after the close of the period. Reports shall be addressed to the General Services Administration, Office of Finance and Administration, General Services Building, Washington 25, D.C.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective dates. These regulations are effective immediately, except as otherwise provided below:

(a) Deletion of § 1-1.701-1(a)(3), and related revisions in §§ 1-1.706-5, 1-1.706-6, and 1-1.804-2, are effective October 8, 1962. However, pending deletion of § 1-1.701-1(a)(3) on October 8, 1962, the 25 percent differential for firms located in areas of substantial labor surplus is not applicable to subcontractors.

(b) The definition of small business subcontractors that are nonmanufacturers (see § 1-1.701-1 (b) and (c)) is not applicable until January 2, 1963.

(c) The definition of small business subcontractors in the aircraft equipment industry (see § 1-1.701-1(a)(2)(iv) and § 1-1.701-1(c)) is not applicable until January 2, 1963.

(d) Until January 2, 1963, any concern included in paragraphs (b) and (c) above will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

Dated: September 28, 1962.

BERNARD L. BOUTIN,
Administrator of General Services.

[F.R. Doc. 62-9990; Filed, Oct. 5, 1962; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Various Wildlife Refuges

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rulemaking.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

CALIFORNIA AND OREGON

LOWER KLAMATH NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Lower Klamath National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,526 acres or 22 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback), and geese (except Ross' geese).

(b) Open season: All species—12 o'clock noon to sunset October 20 and one-half hour before sunrise to sunset October 21, 1962, through January 2, 1963.

(c) Bag limits: Coots 25, ducks 4, geese 6. The daily bag limit on ducks may not contain more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than 3 of the dark species.

(d) Methods of hunting: (1) Weapons—Only shotguns not larger than 10 gauge which are incapable of holding more than 3 shells, and longbows with arrows, may be used.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Portable blinds or blinds made of vegetative material may be used for hunting. The digging and/or hunting from pits is prohibited.

(4) Retrieving—Where retrieving zones are established within public hunting areas or adjacent to the refuge boundary, a hunter may enter to retrieve dead or crippled birds which he has shot providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(5) Boats — Boats are permitted. Motors not larger than 10 h.p. may be used for access to the hunting area. Sculling and airthrust boats are prohibited.

(6) Access to the hunting areas—Hunters may not enter the public hunting areas earlier than one and one-half hours before start of shooting time and must be off the areas one hour after close of shooting time.

(7) Blinds in designated pass shooting areas may be constructed only at locations staked and appropriately posted by the officer in charge. Hunting in areas so staked and posted is prohibited except at staked blind sites.

(8) Persons may employ guides while hunting on the area subject to restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Abandonment of property—leaving boats, decoys or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment so left one hour after close of shooting time will be subject to impoundment.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective to January 3, 1963.

CALIFORNIA

MODOC NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Modoc National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,440 acres or 23 percent of the total area of the refuge, is delinated on a map available at the refuge headquarters, Alturas, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redheads and canvasbacks), and geese (except Ross' geese).

(b) Open season: All species—From 12 o'clock noon to sunset October 20 and from one-half hour before sunrise to sunset October 21 through January 2, 1963.

(c) Bag limits: Coots 25, ducks 4, geese 6. The daily bag limit on ducks may not include more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than 3 of the dark species.

(d) Methods of hunting: (1) Weapons—Only shotguns not larger than 10 gauge and incapable of holding more than three shells may be used.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Blinds constructed from natural vegetation may be used. Digging of pits prohibited.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping—Camping will not be permitted in the area.

(3) A Federal permit is not required to enter the public hunting area; but hunters will report at such checking stations as may be established when entering or leaving the area.

(4) The provisions of this special regulation are effective to January 3, 1963.

TULE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Tule Lake National Wildlife Refuge, California, is permitted only on the areas designated by signs as open to hunting. This open area, comprising 9,124 acres or 26 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay Street, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback), and geese (except Ross' geese).

(b) Open season: All species—From 12 o'clock noon to sunset October 20 and one-half hour before sunrise to sunset October 21, 1962, through January 2, 1963.

(c) Bag limits: Coots 25, ducks 4, geese 6. The daily bag limit on ducks may not contain more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than 3 of the dark species.

(d) Methods of hunting: (1) Weapons—Only shotguns not larger than 10 gauge which are incapable of holding more than 3 shells, and longbows with arrows, may be used.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Portable blinds or blinds made of vegetative material may be used for hunting. The digging and/or hunting from pits is prohibited.

(4) Retrieving—Where retrieving zones are established within public hunting areas or adjacent to the refuge boundary, a hunter may enter to retrieve dead or crippled birds which he has shot providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(5) Boats—Boats are permitted. Motors not exceeding 10 h.p. may be used for access to the hunting area. Sculling and airthrust boats are prohibited.

(6) Access to the hunting areas—Hunters may not enter the public hunting areas earlier than one and one-half hours before start of shooting time and must be off the areas one hour after close of shooting time.

(7) Blinds in designated pass shooting areas may be constructed only at locations staked and appropriately posted by the officer in charge. Hunting in areas so staked and posted is prohibited, except at staked blind sites.

(8) Persons may employ guides while hunting on the area subject to restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Abandonment of property—Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment so left one hour after close of shooting time will be subject to impoundment.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective to January 3, 1963.

IDAHO

CAMAS NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Camas National Wildlife refuge, Idaho, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,260 acres or 12 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Hamer, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback) and geese (except Ross' geese).

(b) Open season: All species—From 12 o'clock noon to sunset October 17 and one-half hour before sunrise to sunset October 18 through December 30, 1962.

(c) Bag limits: Ducks 5, geese 3, coots 25. The daily bag limit of ducks may not include more than 1 wood duck and 1 hooded merganser. In addition to the limit on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds.

(d) Methods of hunting: (1) Weapons—Only longbows and arrows, and shotguns not larger than 10 gauge and incapable of holding more than 3 shells, are permitted.

(2) Dogs—Dogs, not to exceed two in number, may be used only to retrieve wounded or dead waterfowl and coots.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area, but hunters will report at such checking stations as may be established when entering or leaving the area.

(3) The provisions of this special regulation are effective to December 31, 1962.

DEER FLAT NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Deer Flat National Wildlife Refuge, Idaho, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,000 acres or 35 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Nampa, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots and ducks (except redhead and canvasback).

(b) Open season: All species—From 12 o'clock noon to sunset October 17. One-half hour before sunrise to sunset October 18 through December 30, 1962.

(c) Bag limits: Ducks 5, coots 25. The daily bag limit of ducks may not include more than 1 wood duck and 1 hooded merganser. In addition to the limit on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. Two additional mallard ducks may also be included in the daily bag limit.

(d) Methods of hunting: (1) Weapons—Only shotguns not larger than 10 gauge which are incapable of holding more than 3 shells, and longbows with arrows, may be used.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Boats—Only boats without motors are permitted in the waterfowl hunting area designated as Unit (1). No boats are allowed in waterfowl hunting area designated as Unit (2).

(5) Guides—Persons while hunting on the area may employ guides subject to restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Hunters will report at such checking stations as may be established when entering or leaving the area.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective to December 31, 1962.

MONTANA

BOWDOIN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Bowdoin National Wildlife Refuge, Montana, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,040 acres or 27 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Malta, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback) and geese (except Ross' geese).

(b) Open season: Coots and ducks—From 12 o'clock noon to sunset October 14, and sunrise to sunset October 15 through November 7, 1962. Geese—From sunrise to sunset October 7, 1962, through December 5, 1962.

(c) Bag limits—Ducks 2, coots 6, geese 5. The daily bag limit may not include more of the following species than 1 mallard duck and 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. Also, in addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit on geese may not include, in the alternative, more than (a) 2 Canada geese or subspecies, (b) 1 Canada goose or subspecies and 1 white-fronted goose, (c) 1 white-fronted goose.

(d) Methods of hunting: (1) Weapons—Only longbow and arrow, and shotgun not larger than 10 gauge and incapable of holding more than 3 shells may be used.

(2) Hunting dogs—Not to exceed two dogs per hunter may be used only for retrieving of wounded or dead waterfowl and coots.

(3) Boats—Use of boats is permitted. Motors may be used for access to the hunting area. Use of airthrust boats is prohibited.

(4) Blinds and pits may be constructed of natural materials.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Hunters will report at such checking stations as may be established when entering or leaving the area.

(3) Camping—Camping is not permitted on the area.

(4) A Federal permit is not required to enter the public hunting area. No reservations are required to hunt on the area.

(5) The provisions of this special regulation are effective to December 6, 1962.

FORT PECK GAME RANGE

Public hunting of migratory game birds on the Fort Peck Game Range, Montana, is permitted only on the area designated by signs as open to hunting. This open area, comprising 500 acres or 1 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Lewistown, Montana, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback) and geese (except Ross' geese).

(b) Open season: Coots and ducks—From 12 o'clock noon to sunset October 14 and sunrise to sunset October 15 through November 7, 1962. Geese—From sunrise to sunset October 7, 1962, through December 5, 1962.

(c) Bag limits—Ducks 2, geese 5, coots 6. The daily bag limit may not include more of the following species than 1 mallard duck and 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. Also in addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit on geese may not include, in the alternative, more than (a) 2 Canada geese or subspecies, (b) 1 Canada goose or subspecies and 1 white-fronted goose, or (c) 1 white-fronted goose.

(d) Methods of hunting: (1) Weapons—Only shotguns not larger than 10 gauge and incapable of holding more than 3 shells, and longbows with arrows, may be used.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds may be constructed but will not become the sole property of the constructor.

(4) Boats—Boats are permitted. Use of airthrust or scull boats is prohibited. Motors not larger than 10 h.p. may be used only for access to the hunting area.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Hunters will report at such checking stations as may be established when entering or leaving the area.

(3) The provisions of this special regulation are effective to December 6, 1962.

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Medicine Lake National Wildlife Refuge, Montana, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,735 acres or 9 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Medicine Lake, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback) and geese (except Ross' geese).

(b) Open season: Coots and ducks—From 12 o'clock noon to sunset October 14 and sunrise to sunset October 15 through November 7, 1962. Geese—From sunrise to sunset October 7, 1962, through December 5, 1962.

(c) Bag limits: Ducks 2, geese 5, coots 6. The daily bag limit may not include more of the following species than 1 mallard duck and 1 hooded merganser. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. Also in addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit on geese may not include, in the alternative, more than (a) 2 Canada geese or subspecies, (b) 1 Canada goose or subspecies and 1 white-fronted goose, or (c) 1 white-fronted goose.

(d) Methods of hunting: (1) Weapons—Only shotguns not larger than 10 gauge which are incapable of holding more than 3 shells, and longbows with arrows, may be used.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Boats—Only boats without motors are permitted.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Hunters shall report at designated checking stations as may be established when entering or leaving the area.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective to December 6, 1962.

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Red Rock Lakes National Wildlife Refuge, Montana, is permitted only on the area designated by signs as open to hunting. This open area, comprising 7,060 acres or 17 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Monida, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback) and geese (except Ross', snow and blue geese).

(b) Open season: Coots and ducks—From 12 o'clock noon to sunset October 14 and sunrise to sunset October 15 through November 7, 1962. Geese—From sunrise to sunset October 7, 1962, and sunrise to sunset October 8 through December 5, 1962.

(c) Bag limits: Ducks 2, geese 2, coots 6. The daily bag limit may not include more of the following species than 1 mallard duck and 1 hooded merganser. In addition to other bag limits, 2 scaup ducks are allowed in the daily bag limit. Also, in addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit on geese may not include, in the alternative, more than (a) 2 Canada geese or subspecies, (b) 1 Canada goose or subspecies and 1 white-fronted goose, and (c) 1 white-fronted goose.

(d) Methods of hunting: (1) Only shotguns not larger than 10 gauge and incapable of holding more than 3 shells, or longbows and arrows, may be used.

(2) Dogs—Dogs, not to exceed 2 in number, may be used to retrieve dead or wounded waterfowl and coots.

(3) Boats—Use of boats is permitted. Motors may be used for access to the hunting area. Airthrust motors are prohibited.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping—Camping is permitted in designated areas only.

(3) Mooring and parking—Boats and trailers may be moored or parked in areas designated during the waterfowl hunting season.

(4) Checking stations—Hunters will report at such checking stations as may be established when entering or leaving the area.

(5) A Federal permit is not required to enter the public hunting area.

(6) The provisions of this special regulation are effective to December 6, 1962.

NEVADA

FALLON NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Fallon National Wildlife Refuge, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,600 acres or 54 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, 443 South Main Street, Fallon, Nev., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback), and geese (except Ross' geese).

(b) Open season: Ducks and coots—From 12 o'clock noon to sunset October 13 and from one-half hour before sunrise to sunset October 14 through December 16, 1962. Geese—From 12 o'clock noon to sunset October 13 and from one-half hour before sunrise to sunset October 14 through November 11, 1962. Also from one-half hour before sunrise to sunset December 8, 1962, through January 6, 1963.

(c) Bag limits: Coots 25, ducks 4, geese 6. The daily bag limit on ducks may not include more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and redbreasted merganser is 5, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than 3 of the dark species.

(d) Methods of hunting: (1) Weapons—Only shotguns not larger than 10 gauge and incapable of holding more than 3 shells, and longbows with arrows, may be used.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds may be constructed but will not become sole property of the constructor.

(4) Boats—Boats are permitted. Motors not larger than 10 h.p. may be used for access to the hunting area. Use of airthrust or scull boats is prohibited.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area, but hunters will report at such checking stations as may be established when entering or leaving the area.

(3) The provisions of this special regulation are effective to January 7, 1963.

RUBY LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Ruby Lake National Wildlife Refuge, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 7,100 acres or 19 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Ruby Valley, Nev., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback), and geese (except Ross' geese).

(b) Open season: Ducks and coots: From 12 o'clock noon to sunset October 13 and from one-half hour before sunrise to sunset October 14 through December 16, 1962. Geese: From 12 o'clock noon to sunset October 13 and from one-half hour before sunrise to sunset October 14 through November 11, 1962. Also from one-half hour before sunrise to sunset December 8, 1962, through January 6, 1963.

(c) Daily bag limits: Coots 25, ducks 4, geese 6. The daily bag limit on ducks may not include more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and redbreasted merganser is 5, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than 3 of the dark species.

(d) Methods of hunting: (1) Weapons—Only shotguns not larger than 10 gauge, incapable of holding more than 3 shells, and longbows with arrows, may be used.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulations.

(5) Boats—Boats are permitted. Motors not larger than 10 h.p. may be used for access to the hunting area. Use of airthrust boats or scull boats is prohibited.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Checking stations—Hunters will report at such checking stations as may be established when entering or leaving the area.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective to January 7, 1963.

STILLWATER WILDLIFE MANAGEMENT AREA

Public hunting of migratory game birds on the Stillwater Wildlife Management Area, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 180,430 acres is delineated on a map available at refuge headquarters, 443 South Main Street, Fallon, Nev., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback), and geese (except Ross' geese).

(b) Open season: Ducks and coots: From 12 o'clock noon to sunset October 13 and from one-half hour before sunrise to sunset October 14 through December 16, 1962. Geese: From 12 o'clock noon to sunset October 13 and from one-half hour before sunrise to sunset October 14 through November 11, 1962. Also from one-half hour before sunrise to sunset December 8, 1962, through January 6, 1963.

(c) Daily bag limits: Coots 25, ducks 4, geese 6. The daily bag limit on ducks may not include more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks the daily bag limit on American and redbreasted merganser is 5, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than 3 of the dark species.

(d) Methods of hunting:

(1) Weapons—Only shotguns not larger than 10 gauge and incapable of holding more than 3 shells, and longbows with arrows, may be used.

(2) Dogs—Not to exceed two dogs per hunter may be used to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds may be constructed but will not become sole property of the constructor.

(4) Guides—Persons, subject to the restrictions of State law and regulations, may employ guides while hunting on the area. Guides must be licensed by the State and must be in possession of a refuge guiding permit.

(5) Boats—Boats may be used. Motors may be used for access to the hunting area.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area, but hunters will be required to report at such checking stations as may be established when entering or leaving the area.

(3) The provisions of this special regulation are effective to January 7, 1963.

OREGON

COLD SPRINGS NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Cold Springs National Wildlife Refuge, Oregon, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,120 acres or 37 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, McNary National Wildlife Refuge, Burbank, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback), and geese (except Ross' geese).

(b) Open season: All species 12 o'clock noon to sunset October 20 and from one-half hour before sunrise to sunset October 21, 1962, through January 2, 1963.

(c) Daily bag limits: Ducks 4, geese 6, coots 25. The daily bag limit on ducks

may not include more than 1 wood duck and 1 hooded merganser. In addition to other bag limits on ducks, 2 additional mallard ducks are allowed in the daily bag limit. Also in addition to the limits on other ducks, the daily bag limit on American and redbreasted merganser is 5, singly or in the aggregate of both kinds. The daily bag limit of geese may not include more than 3 of the dark species.

(d) Methods of hunting: (1) Weapons—Shotguns only, not larger than 10 gauge and incapable of holding more than 3 shells, and longbows and arrows, may be used.

(2) Boats—Use of boats is permitted. Motors may be used only for access to the hunting area.

(3) Dogs—Not to exceed two dogs per hunter may be used for retrieving wounded and dead waterfowl and coots.

(4) Blinds—Temporary blinds constructed of natural vegetation may be used. Digging of pits prohibited.

(5) Cars—No cars shall be permitted in the Refuge public hunting area except at designated parking locations.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Checking stations—Hunters upon entering or leaving the hunting area shall report at such checking stations as may be established.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective to January 3, 1963.

KLAMATH FOREST NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Klamath Forest National Wildlife Refuge, Oregon, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,675 acres or 24 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback), and geese (except Ross' geese).

(b) Open season: All species—From 12 o'clock noon to sunset October 20 and one-half hour before sunrise to sunset October 21, 1962, through January 2, 1963.

(c) Bag limits: Coots 25, ducks 4, geese 6. The daily bag limit on ducks may not contain more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than 3 of the dark species.

(d) Methods of hunting: (1) Weapons—Only shotguns not larger than 10 gauge which are incapable of holding more than 3 shells, and longbows with arrows, may be used.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Portable blinds or blinds made of vegetative material may be used for hunting. The digging and/or hunting from pits is prohibited.

(4) Retrieving — Where retrieving zones are established within public hunting areas or adjacent to the refuge boundary, a hunter may enter to retrieve dead or crippled birds which he has shot providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(5) Boats—Boats are permitted. Motors not larger than 10 h.p. may be used for access to the hunting area. Sculling and airthrust boats are prohibited.

(6) Access to the hunting areas—Hunters may not enter the public hunting areas earlier than one and one-half hours before start of shooting time and must be off the areas one hour after close of shooting time.

(7) Blinds in designated pass shooting areas may be constructed only at locations staked and appropriately posted by the officer in charge. Hunting in areas so staked and posted is prohibited except at staked blind sites.

(8) Persons may employ guides while hunting on the area subject to restrictions of State law and regulations.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Abandonment of property—Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment so left one hour after close of shooting time will be subject to impoundment.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective to January 3, 1963.

MALHEUR NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Malheur National Wildlife Refuge, Oregon, is suspended due to lack of water on the public hunting area. The provision of this special regulation is effective to January 3, 1963.

MCKAY CREEK NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the McKay Creek National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 660 acres or 36 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, McNary National Wildlife Refuge, Burbank, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback), and geese (except Ross' geese).

(b) Open season: All species—From 12 o'clock noon to sunset October 20 and from one-half hour before sunrise to sunset October 21, 1962, through January 2, 1963.

(c) Bag limits: Ducks 4, geese 6, coots 25. The daily bag limit on duck may not include more than 1 wood duck and 1 hooded merganser. In addition to other bag limits on ducks, 2 adiditional mallard ducks are allowed in the daily bag limit. Also in addition to the limits on other ducks, the daily bag limit on American and red-breasted merganser is 5, singly or in the aggregate of both kinds. The daily bag limit of geese may not include more than 3 of the dark species.

(d) Methods of hunting: (1) Weapons—Shotguns only, not larger than 10 gauge and incapable of holding more than 3 shells, and longbows and arrows, may be used.

(2) Dogs—Not to exceed two dogs per hunter may be used for retreiving dead and wounded waterfowl and coots.

(3) Boats—The use of boats is permitted. Motors may be used only for access to the hunting area.

(4) Blinds—Temporary blinds constructed of natural vegetation may be used. Digging of pits is prohibited.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Checking stations—Hunters upon entering or leaving the hunting area shall report at such checking stations as may be established.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective to January 3, 1963.

UPPER KLAMATH NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Upper Klamath National Wildlife Refuge, Oregon, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,846 acres or 23 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback), and geese (except Ross' geese).

(b) Open season: All species—From 12 o'clock noon to sunset October 20 and one-half hour before sunrise to sunset October 21, 1962, through January 2, 1963.

(c) Bag limits: Coots 25, ducks 4, geese 6. The daily bag limit on ducks may not contain more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than 3 of the dark species.

(d) Methods of hunting: (1) Weapons—Only shotguns not larger than 10 gauge which are incapable of holding more than 3 shells, and longbows with arrows, may be used.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Portable blinds or blinds made of vegetative material may be used for hunting. The digging and/or hunting from pits is prohibited.

(4) Retrieving—Where retrieving zones are established within public hunting areas or adjacent to the refuge boundary, a hunter may enter to retrieve dead or crippled birds which he has shot providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(5) Boats—Boats are permitted. Motors not larger than 10 h.p. may be used for access to the hunting area. Sculling and airthrust boats are prohibited.

(6) Access to the hunting areas—Hunters may not enter the public hunting areas earlier than one and one-half hours before start of shooting time and must be off the area one hour after close of shooting time.

(7) Blinds in designated pass shooting areas may be constructed only at locations staked and appropriately posted by the officer in charge. Hunting in areas so staked and posted is prohibited except at staked blind sites.

(8) Persons may employ guides while hunting on the area subject to restrictions of State law and regulations.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Abandonment of property—Leaving boats, decoys or other hunting equipment in other than designated areas is prohibited. Boats, decoys or other equipment so left one hour after close of shooting time will be subject to impoundment.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective to January 3, 1963.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Columbia National Wildlife Refuge, Washington, is permitted only on the area designated by signs as open to hunting. This open area, comprising 8,180 acres or 30 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Othello, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except red-head and canvasback) and geese (except Ross' geese).

(b) Open season: All species—From 12 o'clock noon to sunset October 13 and from one-half hour before sunrise to sunset October 14 through December 26, 1962.

(c) Bag limits: Coots 25, ducks 4, geese 3. The daily bag limit of ducks may not include more than 1 wood duck and 1 hooded merganser. In addition to the bag limit on other ducks, the daily bag limit on American and red-breasted merganser is 5, singly or in the aggregate of both kinds. Two additional mallard ducks may also be included in the daily bag limit.

(d) Methods of hunting: (1) Weapons—Only shotguns not larger than 10 gauge and incapable of holding more than 3 shells, and longbows with arrows, may be used.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only for retrieving wounded or dead waterfowl and coots.

(3) Boats—The use of boats is permitted. Motors not larger than 7½ h.p. may be used for access to the hunting area only. Use of airthrust boats is prohibited.

(4) Blinds—Temporary blinds of natural vegetation may be used. Digging of pits is prohibited.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Checking stations—Hunters will report at such checking stations as may be established when entering or leaving the area.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective to December 27, 1962.

WILLAPA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Willapa National Wildlife Refuge, Washington, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,070 acres or 15 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Ilwaco, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback), geese (except Ross' geese) and brant.

(b) Open season: Ducks, geese and coots—From 12 o'clock noon to sunset October 13 and one-half hour before sunrise to sunset October 14 through December 26, 1962. Brant—One-half hour before sunrise to sunset December 2, 1962, through February 14, 1963.

(c) Bag limits: Coots 25, ducks 4, geese 3, brant 3. The daily bag limit on ducks may not include more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds.

(d) Methods of hunting: (1) Shotguns—Only shotguns not larger than 10 gauge and incapable of holding more than 3 shells, and longbows with arrows, may be used.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only for retrieving wounded or dead waterfowl and coots.

(3) Boats—Boats with motors may be used.

(4) Blinds—Blinds constructed from natural vegetation may be used; digging of pits is prohibited.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Hunters will be required to report at such checking stations as may be established when entering or leaving the area.

(3) A Federal permit is not required to enter the public hunting area.

(4) The provisions of this special regulation are effective to Februray 15, 1963.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 2, 1962.

[F.R. Doc. 62-9987; Filed, Oct. 5, 1962; 8:45 a.m.]

Proposed Rule Making

ATOMIC ENERGY COMMISSION

[10 CFR Parts 20, 30]

[Docket Nos. PRM-20-1, PRM-30-13]

CONSOLIDATED ELECTRODYNAMICS CORP.

Notice of Filing of Petition for Rule Making

Please take notice that Consolidated Electrodynamics Corporation, (Analytical and Control Division), 360 Sierra Madre Villa, Pasadena, California, has filed with the Commission a petition for rule making to amend Title 10, Code of Federal Regulations, Part 20 Standards for Protection Against Radiation, and Part 30 Licensing of Byproduct Material. The proposed amendment would add the isotope Krypton 85 in the amount of 250 microcuries to Appendix C of Part 20; would add the isotope Krypton 85 in the amount of 250 microcuries to column I and column II of the list of isotopes in Schedule B of § 30.72 which are presently generally licensed pursuant to § 30.21(a)(2) of Part 30; and would add a section to Part 30 exempting any person from the requirements of Parts 20 and 30 to the extent that he receives, possesses, uses, transfers, exports, owns or acquires hermetically-sealed components, each containing not more than 250 microcuries of Krypton 85, which have been leak tested in a device utilizing Krypton 85 as a tracer gas.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 2d day of October 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-9983; Filed, Oct. 5, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE

Delegation of Authority; Determination of Requirements for Four-Bedroom Family Housing Units

The Deputy Secretary of Defense approved the following September 28, 1962:

Reference: (a) Public Law 87-554, July 27, 1962.

Pursuant to the authority vested in the Secretary of Defense by section 202 (f) of the National Security Act of 1947, as amended, the authorities conferred on the Secretary of Defense in section 504 of reference (a), to determine the requirements for four-bedroom family housing units of specific sizes for enlisted personnel and company grade officers, are delegated to the Assistant Secretary of Defense (Installations and Logistics). These authorities may be redelegated, as appropriate, in accordance with criteria which shall be established by the Assistant Secretary of Defense (Installations and Logistics).

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 62-9984; Filed, Oct. 5, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the Act (27 F.R. 9663) for September and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co	2AD	(*)	(*)				
Do	2E	(*)		(*)		(*)	
Do	2HT	(*)	(*)				
Do	2LT	(*)					
Swift and Co	3CC	(*)		(*)			
Do	3L	(*)				(*)	
Do	3N	(*)	(*)	(*)		(*)	
Do	3T	(*)	(*)				
Do	3Z	(*)	(*)				
Pauly Packing Co., Inc	10	(*)	(*)	(*)			
Hygrade Food Products Corp	12	(*)				(*)	
Do	12A	(*)				(*)	
C. Finkbeiner, Inc	18	(*)				(*)	
The Sperry and Barnes Co	27C					(*)	
Kreinberg and Krasny, Inc	30	(*)					
Stark Wetzel and Co., Inc	44	(*)					
Do	44A					(*)	
Idaho Meat Packers	46	(*)	(*)	(*)		(*)	
Lackawanna Beef and Provision Co	49	(*)					
Swift and Co	59		(*)	(*)			
Selkirk Realty Co	65					(*)	
Somerville Packing Co	66					(*)	
Sugardale Provision Co	92	(*)				(*)	
Kaplan, Inc	102	(*)	(*)				
J. Lynn Cornwell, Inc	107					(*)	
Wilson and Co., Inc	119	(*)	(*)	(*)			
Marhoefer Packing Co., Inc	121	(*)				(*)	
Peyton Packing Co., Inc	126	(*)		(*)		(*)	
Armour and Co	158	(*)					
Carr Packing Co., Inc	160	(*)					
Montrose Beef Co	181	(*)					
The Rath Packing Co	186F					(*)	
Hynes Packing Co	197	(*)	(*)				
George A. Hormel and Co	199	(*)				(*)	
Emge Packing Co., Inc	205	(*)	(*)			(*)	
Raskin Packing Co	237	(*)					
Greenwood Packing Plant	242	(*)	(*)	(*)		(*)	
Iowa Beef Packers, Inc	245	(*)					
John Morrell and Co	246	(*)				(*)	
The Jones Dairy Farm	263					(*)	
Houston Packing Co	271	(*)	(*)			(*)	
Figge and Hutwelker Co	283					(*)	
Sioux City Dressed Pork, Inc	292					(*)	
Commercial Packing Co., Inc	302	(*)					
Union Packing Co	305	(*)					
Star Packing Co	306	(*)					
Surveil Packing Co	307	(*)					
Ideal Packing Co., Inc	312	(*)					
Stadler Packing Co., Inc	320	(*)				(*)	
Great Western Packing Co., Inc	334	(*)					
Nobles Independent Meat Co	335	(*)	(*)				
Chino Valley Meat Packing Co., Inc	336	(*)	(*)				
Sam Kane Packing Co	337	(*)	(*)				
State Packing Co., Inc	344	(*)					
Fresno Meat Packing Co	354	(*)					
McCandless Pack Co., Inc	355	(*)					
Meyers Packing Co	363	(*)					
Montebello Meat Packing Co	364			(*)			
Bowling Provision Co., Inc	372					(*)	
Emge Packing Co., Inc	380	(*)	(*)			(*)	
Lone Star Packing Co	433	(*)	(*)				
Monarch Meat Packing Co	435	(*)					
Peerless Packing Co., Inc	448	(*)					
Pioneer Boneless Beef, Inc	461	(*)					
Eckert Packing Co	471	(*)				(*)	
Armour and Co	477	(*)		(*)			
Memphis Butchers Association, Inc	488	(*)	(*)			(*)	
Goldring Packing Co., Inc	490	(*)		(*)			
Helm Brothers Packing Co	499	(*)				(*)	
Charles Miller and Co	517					(*)	
Armour and Co	528	(*)	(*)				
Smallwood Packing Co., Inc	529	(*)					
Oscar Mayer and Co., Inc	537A	(*)	(*)	(*)		(*)	
Do	537C					(*)	
Pride Packing Co., Inc	549	(*)	(*)				
Piute Packing Co	550	(*)	(*)				
Salter Packing Co	551	(*)					
Mid South Packers, Inc	557	(*)				(*)	
Emery Land Co	561	(*)					
Armour and Co	579	(*)				(*)	
Harman Packing Co	596	(*)	(*)				
Swift and Co	608	(*)					
Eastern Oregon Meat Co., Inc	611	(*)	(*)	(*)		(*)	
Acme Meat Co., Inc	618	(*)					
H. H. Kelm Co	630	(*)	(*)	(*)		(*)	
Wilson and Co., Inc	655			(*)			
Quality Meat Packing Co	661	(*)					
Globe Packing Co	663	(*)					
San Joaquin Packing Co	671	(*)					
Haas Davis Packing Co., Inc	682	(*)	(*)	(*)		(*)	
Pierce Packing Co	691	(*)				(*)	
Bryan Meat Co	693	(*)	(*)				
Kramer Beef Co	695	(*)					

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Carter Packing Co.	698	(*)	(*)				
Davenport Packing Co., Inc.	716	(*)					
Farmbest, Inc.	717					(*)	
Ruchti Bros.	749	(*)	(*)				
Earl C. Gibbs, Inc.	770	(*)					
Caldwell Martin Meat Co.	773	(*)					
Modern Meat Packing Co.	774	(*)		(*)			
Atlas Packing Co.	775	(*)					
Bryan Brothers Packing Co.	780	(*)	(*)			(*)	
Diamond Meat Co., Inc.	783	(*)	(*)				
Granite State Packing Co.	785	(*)	(*)				
J. H. Ruth Packing Co.	818					(*)	
Home Packing Co.	823					(*)	
Nat Buring Packing Co. of Ark., Inc.	837B	(*)				(*)	
Sioux City Dressed Beef, Inc.	857	(*)					
Wells and Davies, Inc.	860	(*)	(*)	(*)		(*)	
Sierra Meat Co.	862	(*)					
The J. H. Rodman Graff Corp.	863		(*)	(*)			
Alco Packing Co.	885	(*)	(*)	(*)			
City Packing Co.	891	(*)	(*)				
Sigman Meat Co., Inc.	901	(*)	(*)				
Hoosier Veterinary Laboratories, Inc.	912					(*)	
E. B. Manning and Son	934	(*)					
Wilson and Co., Inc.	940	(*)	(*)			(*)	
M. Brizer & Co.	948	(*)					
Hawaii Meat Co., Ltd.	970	(*)	(*)				
Perlin Packing Co., Inc.	974	(*)	(*)	(*)			
Hospers Packing Co.	985	(*)					
Armour and Co.	1085	(*)	(*)				
The Harris Packing Co.	1175					(*)	

123 establishments reported.

Done at Washington, D.C., this 2d day of October 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-10008; Filed, Oct. 5, 1962; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13687]

DELTA AIR LINES, INC.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 23, 1962, at 10:00 a.m., e.s.t., at the Holiday Inn Motel, 3312 South Memorial Parkway, Huntsville, Alabama, before Examiner Merritt Ruhlen.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Do the public convenience and necessity require the amendment of the existing certificate of Delta Air Lines, Inc. (Delta), either permanently or temporarily, to permit Delta to serve Huntsville, Alabama, as an intermediate point on segment 2B(a) of Route 24 between Birmingham, Alabama, and Atlanta, Georgia, subject to the condition that one-plane service between Huntsville and (1) New York/Newark, Philadelphia, Baltimore, and Washington; (2) New Orleans, Houston, and Jackson; and (3) Charleston, Columbia, Macon, Augusta, Savannah, and Brunswick, will not be permitted?

2. Is Delta fit, willing, and able to provide the service for which it has applied and to conform to the provisions of the Act and the Board's regulations?

3. If the public convenience and necessity do require such an amendment, what terms, conditions, and/or limitations, if any, should be attached to the exercise of the privileges thereby granted?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before October 16, 1962, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D.C., October 3, 1962.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 62-9998; Filed, Oct. 5, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-11294 etc.]

ARKANSAS LOUISIANA GAS CO.

Notice of Further Extension of Time and Postponement of Hearing

OCTOBER 1, 1962.

In the matter of Arkansas Louisiana Gas Company, Docket Nos. G-11294, G-13459, G-16508, G-19657, and RP61-11.

Upon consideration of the request filed September 27, 1962, by Counsel for Arkansas Louisiana Gas Company for a further extension of time within which to serve prepared testimony and exhibits for its case-in-chief upon all parties as ordered in paragraph (C) of the Commission's order of July 5, 1962, and for further postponement of the hearing presently scheduled for October 24, 1962;

Notice is hereby given that the time within which Arkansas Louisiana Gas Company shall serve its prepared testimony and exhibits for its case-in-chief upon all parties is hereby further extended to and including October 15, 1962, and that the hearing presently scheduled for October 24, 1962, is further postponed to November 8, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-9986; Filed, Oct. 5, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14789; FCC 62M-1303]

AVOYELLES BROADCASTING CORP.

Order Scheduling Hearing

In re application of Avoyelles Broadcasting Corporation, New Roads, Louisiana, Docket No. 14789, File No. BP-14122; for construction permit.

It is ordered, This 1st day of October 1962, that Arthur A. Gladstone will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 5, 1962, in Washington, D.C.

It is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, November 9, 1962.

Released: October 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10000; Filed, Oct. 5, 1962; 8:48 a.m.]

[Docket Nos. 14790, 14791; FCC 62M-1304]

BLUESTEM BROADCASTING CO., INC., AND KAYS, INC.

Order Scheduling Hearing

In re applications of Bluestem Broadcasting Co., Inc., (KVOE), Emporia, Kansas, Docket No. 14790, File No. BP-14520; Kays, Inc. (KAYS), Hays, Kansas, Docket No. 14791, File No. BP-14750; for construction permits.

It is ordered, This 1st day of October 1962, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 4, 1962, in Washington, D.C.

It is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, November 2, 1962.

Released: October 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.D. Doc. 62-10001; Filed, Oct. 5, 1962; 8:48 a.m.]

[Docket Nos. 12445-12450; FCC 62M-1296]

FLORIDA GULF COAST BROADCASTERS, INC.

Order Scheduling Prehearing Conference

In re applications of Florida Gulfcoast Broadcasters, Incorporated, Largo, Florida, Docket No. 12445, File No. BPCT-2371; City of St. Petersburg, Florida (WSUN-TV), Largo, Florida, Docket No. 12446, File No. BPCT-2373; Suncoast Cities Broadcasting Corporation, Largo, Florida, Docket No. 12447, File No. BPCT-2389; Tampa Telecasters, Inc., Largo, Florida, Docket No. 12448, File No. BPCT-2432; WTSP-TV, Inc., Largo, Florida, Docket No. 12449, File No. BPCT-2437; Bay Area Telecasting Corporation, Largo, Florida, Docket No. 12450, File No. BPCT-2445; for construction permits for television broadcast stations.

Upon the written request of counsel for Bay Area Telecasting Corporation:

It is ordered, This 1st day of October 1962, that a further prehearing conference in the above-entitled proceeding shall be held on October 11, 1962, in the Offices of the Commission, Washington, D.C.

Released: October 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10002; Filed, Oct. 5, 1962; 8:48 a.m.]

[Docket No. 14792; FCC 62M-1305]

INTERNATIONAL RADIO, INC.

Order Scheduling Hearing

In re application of International Radio, Inc. (KGST), Fresno, California, Docket No. 14792, File No. BP-14149; for construction permit.

It is ordered, This 1st day of October 1962, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 6, 1962, in Washington, D.C.

It is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, November 2, 1962.

Released: October 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1003; Filed, Oct. 5, 1962; 8:49 a.m.]

[Docket No. 14425 etc.; FCC 62M-1297]

SAUL M. MILLER ET AL.

Order Scheduling Prehearing Conference

In re applications of Saul M. Miller, Kutztown, Pennsylvania, Docket No. 14425, File No. BP-13844; et al., Docket Nos. 14427, 14433, 14435, 14438, 14440, 14441; for construction permits.

Upon written request of two of the applicants in the above-entitled proceeding:

It is ordered, This 1st day of October 1962, that a further hearing conference involving all of the remaining applicants will be held on October 10, 1962, in the Offices of the Commission, Washington, D.C.

Released: October 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10004; Filed, Oct. 5, 1962; 8:49 a.m.]

[Docket No. 14788; FCC 62M-1302]

JAMES A. NOE

Order Scheduling Hearing

In re application of James A. Noe, Lafayette, Louisiana, Docket No. 14788, File No. BP-13615; for construction permit.

It is ordered, This 1st day of October 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 4, 1962, in Washington, D.C.

It is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, October 31, 1962.

Released: October 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10005; Filed, Oct. 5, 1962; 8:49 a.m.]

[Docket Nos. 14786, 14787; FCC 62M-1301]

PENDER BROADCASTING CO. AND DUPLIN BROADCASTING CO.

Order Scheduling Hearing

In re applications of Raymond Woodrow Fields, Oathel Burgess Hall, and William M. Baker, d/b as Pender Broadcasting Company, Burgaw, North Carolina, Docket No. 14786, File No. BP-14784; Duplin Broadcasting Company, St. Pauls, North Carolina, Docket No. 14787, File No. BP-15021; for construction permits.

It is ordered, This 1st day of October 1962, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 28, 1962, in Washington, D.C.

It is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, October 31, 1962.

Released: October 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10006; Filed, Oct. 5, 1962; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

MEMBER LINES OF WEST COAST OF INDIA AND PAKISTAN/U.S.A. CONFERENCE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8040-2 between the member lines of the West Coast of India and Pakistan/U.S.A. Conference, modifies the basic agreement of that conference (No. 8040, as amended, to provide for (1) addition of the port of Marmagoa to the trading area of the conference, (2) special conference meetings, (3) revision of voting procedures in connection with agreement modifications, (4) revision of quorum requirements, (5) rules governing the appointment and compensation of agents, (6) establishment of a conference committee at the port of Cochin, and (7) establishment of procedures for self-regulation. Essential provisions of the self-regulation system are:

(1) The conference secretary shall receive complaints, make preliminary investigations, and decide whether there is a probable violation.

(2) If the secretary decides there is a probable violation he shall notify the complainant and the party charged.

(3) If the party charged admits the charge, the conference at executive level shall determine by a majority vote the penalty in accordance with a schedule of fines.

(4) Should the party charged deny the complaint, the secretary shall appoint a Screening Committee to evaluate the complaint and if substantial grounds are found it shall refer the matter to a conference meeting at the executive level.

(5) The conference at such meeting by majority vote shall decide whether the complaint should be referred to arbitration. If so decided, an arbitration committee shall be chosen to determine whether the agreement has been violated.

(6) Penalties collected are to be distributed equally among all the members, except the party found in violation. Member lines are required to post and maintain with the conference as security the sum of $25,000.

Agreement No. 17-29 between the member lines of the Far East Conference modifies the basic agreement of that conference (No. 17, as amended), to provide for the establishment of a neutral body system. Essential provisions of the system are:

(1) The member lines shall appoint as Neutral Body a person or firm meeting certain qualifications set forth in the agreement.

(2) It shall be the duty of the member lines and the chairman to report to the Neutral Body any information which appears to indicate a malpractice by any member line.

(3) The Neutral Body shall investigate complaints and seek evidence thereon from any source.

(4) Any member charged shall be accorded full opportunity to be heard by the Neutral Body.

(5) A member line charged with violation has the option to have the examination of its records and those of its agents and associate companies made under the direction of the Neutral Body by auditors selected by it and approved by the Neutral Body.

(6) The Neutral Body shall decide whether a member charged has committed a malpractice and if so found shall assess damages in accordance with a schedule set forth in the agreement.

(7) The Neutral Body shall report its determinations and assessments to the Chairman of the Conference.

(8) Following payment of assessment, a member line found to have committed a malpractice may call for arbitration to determine whether the Neutral Body performed its duties with respect to the complaint and assessed damages pursuant to the agreement and accorded the member found at fault all of its rights and privileges pursuant to the agreement.

(9) Damages paid by a member are to be distributed equally among all other member lines.

(10) Complaints charging a violation of the agreement which is not a malpractice are adjudged and the award rendered by the Arbitration Committee.

(11) Member lines are required to post and maintain a security deposit for faithful performance of their obligations in the amount of $50,000. This deposit was formerly required in the amount of $25,000.

Agreement No. 57-76 between the member lines of the Pacific Westbound Conference modifies the basic agreement of that conference (No. 57, as amended), to provide for the establishment of a neutral-body system. Essential provisions of the system are:

(1) The member lines shall appoint as Neutral Body a person or firm meeting certain qualifications set forth in the agreement.

(2) It shall be the duty of the member lines and the chairman to report to the Neutral Body any information which appears to indicate a malpractice by any member line.

(3) The Neutral Body shall investigate complaints and seek evidence thereon from any source.

(4) Any member charged shall be accorded full opportunity to be heard by the Neutral Body.

(5) A member line charged with violation has the option to have the examination of its records and those of its agents and associate companies made under the direction of the Neutral Body by auditors selected by it and approved by the Neutral Body.

(6) The Neutral Body shall decide whether a member charged has committed a malpractice and if so found shall assess damages in accordance with a schedule set forth in the agreement.

(7) The Neutral Body shall report its determinations and assessments to the Chairman of the Conference.

(8) Following payment of assessment, a member line found to have committed a malpractice may call for arbitration to determine whether the Neutral Body performed its duties with respect to the complaint and assessed damages pursuant to the agreement and accorded the member found at fault all of its rights and privileges pursuant to the agreement.

(9) Damages paid by a member are to be distributed equally among all other member lines.

(10) Complaints charging a violation of the agreement which is not a malpractice are adjudged and the award rendered by the Arbitration Committee.

(11) Member lines are required to post and maintain a security deposit for faithful performance of their obligations in the amount of $50,000. This deposit was formerly required in the amount of $25,000.

Agreement No. 150-21 between the member lines of the Trans-Pacific Freight Conference, modifies the basic agreement of that conference (No. 150-21, as amended), to provide for (1) revision of rules governing employment and compensation of agents, (2) clarification of voting procedures in connection with breach of agreement, (3) addition of a proviso that nothing contained in the agreement shall interfere with the rights of any member line under the provisions of the Shipping Act, 1916, or the jurisdiction of the Federal Maritime Commission, (4) revision of rules governing maintenance and return of faithful performance guarantee deposits, and (5) revision of the Neutral Body system. Essential modifications to the Neutral Body system are:

(1) Amplification of Neutral Body appointment procedures to provide that appointment shall be determined in accordance with voting provisions of Article 19, that the Neutral Body shall divulge before appointment any material interest in any member or agent, that the Neutral Body shall disqualify itself in event of complaint against any member in which it maintains an interest and that in event of disqualification the Neutral Body shall appoint a disinterested agent to act in its place.

(2) Clarification of jurisdiction of the Neutral Body to provide that it shall not interfere with the rights of any member line under the provisions of the Shipping Act, 1916, or the jurisdiction of the Federal Maritime Commission, (4) revision of rules governing maintenance and return of faithful performance guarantee deposits, and (5) revision of the Neutral Body system. Essential modifications to the Neutral Body system are:

(1) Amplification of Neutral Body appointment procedures to provide that appointment shall be determined in accordance with voting provisions of Article 19, that the Neutral Body shall divulge before appointment any material interest in any member or agent, that the Neutral Body shall disqualify itself in event of complaint against any member in which it maintains an interest and that in event of disqualification the Neutral Body shall appoint a disinterested agent to act in its place.

(2) Clarification of jurisdiction of the Neutral Body to provide that it shall not interfere with the functions of the Misrating Committee and to define malpractices.

(3) Addition of a proviso that failure to report violations shall be considered a breach of the agreement.

(4) Amplification of investigative powers of Neutral Body to provide for its right of access to member lines' files without prior screening by member lines or agents and to provide that failure to cooperate in this regard shall be a breach of agreement.

(5) Addition of provision giving respondent in case of alleged violation opportunity to be heard.

(6) Amplification of procedures for announcement of Neutral Body decisions, assessment of damages and collection of delinquent damages by the Neutral Body.

Agreement No. 3103-17 between the member lines of the Japan/Atlantic and Gulf Freight Conference, modifies the basic agreement of that conference (No. 3103, as amended), to provide for (1) revision of rules governing employment and compensation of agents, (2) clarification of voting procedures in connection with breach of agreement, (3) addition of a proviso that nothing contained in the agreement shall interfere with the rights of any member line under the provisions of the Shipping Act, 1916, or the jurisdiction of the Federal Maritime Commission, (4) revision of rules governing maintenance and return of faithful performance guarantee deposits, and (5) revision of the Neutral Body system. Essential modifications to the Neutral Body system are:

(1) Amplification of Neutral Body appointment procedures to provide that appointment shall be determined in accordance with voting provisions of Article 19, that the Neutral Body shall divulge before appointment any material interest in any member or agent, that the Neutral Body shall disqualify itself in event of complaint against any member in which it maintains an interest and that in event of disqualification the Neutral Body shall appoint a disinterested agent to act in its place.

(2) Clarification of jurisdiction of the Neutral Body to provide that it shall not interfere with the functions of the Misrating Committee and to define malpractices.

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(4) Amplification of investigative powers of Neutral Body to provide for its right of access to member lines' files without prior screening by member lines or agents and to provide that failure to cooperate in this regard shall be a breach of agreement.

(5) Addition of provision giving respondent in case of alleged violation opportunity to be heard.

(6) Amplification of procedures for announcement of Neutral Body decisions, assessment of damages and collection of delinquent damages by the Neutral Body.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 4, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-10029; Filed, Oct. 5, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-13630]

CARTER-JONES DRILLING COMPANY, INC.

Notice of Application for Exemption

OCTOBER 2, 1962.

Notice is hereby given that Carter-Jones Drilling Company, Inc., a Texas corporation, ("issuer") has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 ("Act") for an order exempting the issuer from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all outstanding securities of the issuers are held of record, as therein defined, that the number of such record holders does not exceed fifty persons, and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the request for exemption, as follows:

1. The issuer has outstanding 493,963 shares of capital stock.

2. All of the outstanding securities are held of record by eight persons.

3. The number of such record holders has been computed in accordance with paragraph (e) of Rule 15d-20.

4. With the exception of 200 shares, all of the stockholders are directors of the issuer.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after October 26, 1962, unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than October 23, 1962 at 5:30 p.m., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of facts or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-9989; Filed, Oct. 5, 1962; 8:45 a.m.]

[File No. 24SF-2899]

TERRA EQUIPMENT ENGINEERING, INC.

Order Canceling Hearing and Making Suspension Permanent

OCTOBER 1, 1962.

The Commission by order dated June 29, 1962, having temporarily suspended the Regulation A exemption of Terra Equipment Engineering, Inc., 496 West San Carlos Street, San Jose, California, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, and Terra Equipment Engineering Inc., having requested a hearing upon the allegations set forth in the aforementioned order, and the Commission by order dated August 16, 1962, having ordered a hearing in the above-entitled matter, pursuant to section 3(b) of the Securities Act of 1933, as amended, and the applicable provisions thereunder, to commence on October 3, 1962, at 10:00 a.m., P.s.t., at the San Francisco Regional Office of the Commission, 821 Market Street, San Francisco, California, before a hearing officer to be designated, and

The Company having requested a withdrawal of its request for a hearing, and the Division of Corporation Finance not objecting thereto:

It is ordered, That the request for hearing be, and it hereby is, deemed withdrawn.

It is further ordered, That the hearing in this matter scheduled for October 3, 1962 be, and it hereby is, canceled.

Pursuant to the provisions of Rule 261(b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by the Company becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-9988; Filed, Oct. 5, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 3, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37971: *Soda ash from Stauffer and Westvaco, Wyo.* Filed by Western Trunk Line Committee, Agent (No. A-2282), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk, in covered hopper cars, in carloads, from Stauffer and Westvaco, Wyo., to Burlington and West Burlington, Iowa.

Grounds for relief: Market competition.

Tariff: Supplement 26 to Western Trunk Line Committee tariff I.C.C. A-4411.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-9994; Filed, Oct. 5, 1962; 8:47 a.m.]

[Notice No. 701]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 3, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65056. By order of September 27, 1962, the Transfer Board, approved the transfer to Gillum Transfer & Storage, Inc., Mayfield, Ky., of the operating rights in Permit No. MC 113201, issued April 3, 1961, to James C. Gillum and Hallie Gillum, a partnership, doing business as Gillum Transfer Co., Mayfield, Ky., authorizing the transportation, over irregular routes, of such commodities as are dealt in by chain retail and mail order department stores, from Mayfield, Ky., to points in Kentucky and Tennessee within 25 miles of Mayfield, Ky. William J. Lippman, 1824 R Street, Washington 9, D.C., applicants' attorney.

No. MC-FC 65114. By order of September 28, 1962, the Transfer Board approved the transfer to Joseph Scafiddi, doing business as Joseph Scafiddi Trucking, Brooklyn, N.Y., of Certificate No. MC 32761, issued August 27, 1943, to Andrew Heidecker, Merrick, Long Island, N.Y., authorizing the transportation of materials and supplies used or useful in the manufacture of paint, over irregular routes, from New York, N.Y., to points in four specified counties in New Jersey and part of Middlesex County, N.J., and part of Passaic, N.J., and empty containers for the above-specified commodities, and such of the above-specified commodities as are rejected and returned, over irregular routes, from destination points to origin point specified above. George R. Stinson, 350 Broadway, New York, N.Y., attorney for transferee.

No. MC–FC 65184. By order of September 28, 1962, the Transfer Board approved the transfer to Checker Van & Storage of Oakland, Inc., Oakland, Calif., of Certificate Nos. MC 27126 and MC 27126 Sub-3, issued November 18, 1949 and March 16, 1959, to J. F. Andrews, doing business as Checker Van & Storage Co., Oakland, Calif., authorizing the transportation of household goods, over irregular routes, between points within 35 miles of Oakland, Calif., including Oakland; and, new store and office fixtures, uncrated, over irregular routes, from San Francisco, Calif., to points in Arizona, Colorado, Nevada, Utah, and New Mexico. Pete H. Dawson, 1261 Drake Avenue, Burlingame, Calif., representative for applicants.

No. MC–FC 65268. By order of September 28, 1962, the Transfer Board approved the transfer to Lloyd V. Coble, doing business as Coble's Trucking Service, Middletown, Pa., of Certificate No. MC 37899, issued January 25, 1952, to Jacob David Zeiter, doing business as Moving The EE–Z Way, Harrisburg, Pa., authorizing the transportation of: Household goods, from Harrisburg, Pa., and points within 30 miles thereof, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Ohio, Virginia, West Virginia, and the District of Columbia. William E. Zeiter, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa., attorney for applicants.

No. MC–FC 65271. By order of September 28, 1962, the Transfer Board approved the transfer to Lyndon Schlough, Boyceville, Wis., of Certificate No. MC 62409, issued July 16, 1937, to Robert U. Schlough, Boyceville, Wis., authorizing the transportation of: livestock and farm products, from specified Townships in Dunn and Barron Counties, Wis., to Minneapolis, St. Paul, and South St. Paul, Minn., and general commodities, with certain exceptions on the return. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., representative for applicants.

No. MC–FC 65296. By order of September 28, 1962, the Transfer Board approved the transfer to Clifford Earl Hale, doing business as Hale's House & Tank Moving Co., Borger, Tex., of Certificate No. MC 113782, issued September 26, 1960, to J. W. Immel and Clifford E. Hale, a partnership, doing business as Immel and Hale, Borger, Tex., authorizing the transportation of: Houses and other buildings, except those prefabricated, between points in Colorado, Kansas, Oklahoma, Texas, and New Mexico within 200 miles of Keyes, Okla., including Keyes. H. M. Hood, Stinnett, Texas, attorney for applicants.

No. MC–FC 65333. By order of September 28, 1962, the Transfer Board approved the transfer to Pait Transfer, Inc., Highway 211 East, Bladenboro, N.C., of the operating rights in Certificate No. MC 105142 Sub-1, issued March 22, 1955, to Grover Pait, doing business as Pait Transfer, Highway 211 East, Bladenboro, N.C., authorizing the transportation, over irregular routes, of fertilizer and fertilizer materials, in containers, from Wilmington, N.C., and points within 8 miles of Wilmington, N.C., to points in Darlington, Dillon, Florence, Horry, Lancaster, Lee, Marion, Marlboro, and York Counties, S.C.

No. MC–FC 65360. By order of September 28, 1962, the Transfer Board approved the transfer to William Gilchrist, 509 Susquehanna Avenue, Old Forge, Pa., of a portion of Certificate No. MC 22536 issued November 1, 1950, to McPeak Freight Lines, Inc., 2406 North Washington Avenue, Scranton, Pa., authorizing the transportation of household goods, as defined by the Commission, over regular routes, between Wilkes-Barre, Pa., and New York, N.Y., with service authorized to and from the intermediate point of Scranton, Pa., and to and from the offroute point of Hoboken, N.J.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–9995; Filed, Oct. 5, 1962; 8:48 a.m.]

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Washington, Tuesday, October 9, 1962

THE UNIVERSITY OF MICHIGAN

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UNITED STATES STATUTES AT LARGE

[87th Cong., 1st Sess.]

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, paragraph (a)(4) of § 6.112 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-10014; Filed, Oct. 8, 1962; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Livestock Feed Bulletin 1, Rev. 1, Amdt. 3]

PART 475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 8271 which contain specific requirements for the continuing Livestock Feed Program are amended as follows:

§ 475.205 [Amendment]

Section 475.205(d)(5) is amended to read:

(5) The quantity of feed available to the applicant shall be considered available for his other livestock in the emergency county and continguous counties as well as his eligible primary and secondary livestock. Such feed shall be allocated among primary, secondary and ineligible livestock in proportion to the maximum quantity of feed grain properly indicated for each such class on the owner's application in accordance with § 475.205(d)(2).

§ 475.208 [Amendment]

Section 475.208(a) is amended to read:

(a) Applicable price of feed grain for primary livestock. The sale price of quantities of any feed grain approved for primary livestock shall be 75 percent of the applicable current price support rate.

§ 475.209 [Amendment]

Section 475.209(a) is amended by deleting the fourth sentence thereof.

§ 475.211 [Amendment]

The heading of § 475.211(c) is amended to read:

(c) *Delivery in areas where there are no warehouses or bin site stored grain.*

Section 475.212 is amended to read:

§ 475.212 Grain not used for approved purposes.

(a) Grain for primary livestock: The owner must feed to his primary livestock by a date not later than 30 days after the end of his final authorized period a total quantity of feed grain, either as grain or in mixed feed, equal in feed equivalents to the feed grain (1) acquired by him under the program for primary livestock and (2) otherwise available to him for feeding his primary livestock.

(b) Total grain for all eligible livestock: The owner must feed to his eligible livestock (primary and secondary combined) by a date not later than 30 days after the end of his final authorized period a total quantity of feed grain, either as grain or grain in mixed feed, equal in feed equivalents to the total feed grain (1) acquired by him under the program, and (2) otherwise available to him for feeding his eligible livestock.

(c) Disposal of grain to others: The owner shall not dispose of feed grain acquired under the program to any other person.

(d) Allocating available feed grain to classes of livestock: The feed grain referred to in paragraphs (a)(2) and (b)(2) of this section shall be determined by allocating the feed grain available to the owner among primary, secondary and ineligible livestock in proportion to the maximum quantity of feed grain properly indicated for each such class on the owner's application in accordance with § 475.205(d)(2).

(e) Violations: If the owner fails to feed the required quantity of feed grain to primary livestock, or to all eligible livestock or disposes of feed grain acquired under the program to any other person, he shall report the fact promptly to the county office from which the grain was purchased and shall make payment to the county committee as provided in paragraph (f) of this section.

(f) Liability of the owner for violations: Liability of the owner under this paragraph shall be based on applicable prices in effect at the time of the owner's last purchase of the feed grain under the program and shall be determined as follows:

(1) If CCC determines that the owner failed to comply with the requirements of paragraph (a), (b), or (c) of this section, the owner shall pay an amount equal to the difference between 115 percent of the support price and the price paid for the feed grain involved in the violation multiplied by the applicable number of bushels: *Provided, however,* That (i) if CCC determines that the owner has disposed of feed grain obtained from CCC for secondary livestock to any other person, he shall pay an amount equal to the market price of such feed grain, as determined by CCC times the applicable number of bushels and shall be subject to such criminal liabilities as are provided by Public Law 86-299 and any other applicable statutes, and (ii) if CCC determines that feed grain required by paragraph (a) of this section to be fed to primary livestock was diverted to the owner's secondary livestock, the owner shall pay damages in an amount equivalent to the difference between the applicable CCC prices for primary and secondary livestock feed grain times the number of bushels thereof.

(2) The kind and quality of feed grains on which payment for violations of paragraphs (a), (b), and (c) of this section shall be based, shall be the applicable kind and quality obtained from CCC which was involved in the violation. If the feed grain involved in the violation is feed grain otherwise available to the owner for feeding his eligible livestock, payment shall be based on the kind and quality of feed grain last purchased from CCC and on a quantity of such feed grain equal in feed grain equivalents to the feed grain involved in the violations, as determined by CCC.

(g) Suspension of delivery when violations are suspected: If the State or county committee has reason to believe that an owner is in violation of these regulations, delivery of grain to him shall be suspended until the committee is satisfied that he is not in violation or until he has made proper settlement for any violations.

(h) If requested to do so by the county committee, the owner shall within 30 days of such request submit such information as may be requested by the county committee as to his compliance with the requirements of paragraphs (a), (b), and (c) of this section, as applicable. If he fails to submit such information within this 30 day period or within such extension of time as may be granted for good cause by the county committee, he shall be considered to have diverted all his feed grain purchases to ineligible livestock and shall make payment of the amount required according to paragraph (f) of this section unless it is established that a different amount is payable under such paragraph.

(i) If the owner disposes of or transfers any of his eligible livestock outside the emergency area, he shall report the fact promptly to the county office from which feed grain was purchased under the program.

(j) Fraudulent representations: The making of a fraudulent representation by an applicant shall render him liable under Federal criminal and civil fraud statutes in addition to liabilities stated in paragraph (f) of this section.

(Secs. 1–4, 73 Stat. 574, sec. 407, 63 Stat. 1055, as amended, secs. 4, 5, 62 Stat. 1070, as amended; 7 U.S.C. 1427, 15 U.S.C. 1714 b, c)

Signed at Washington, D.C., on October 3, 1962.

RAPHAEL V. FITZGERALD,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62–10047; Filed, Oct. 8, 1962; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 929—CRANBERRIES

Expenses and Fixing of Rate of Assessment for 1962–63 Fiscal Period

On September 22, 1962, notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 9455) regarding the expenses and the fixing of the rate of assessment for the 1962–63 fiscal period pursuant to the marketing agreement and Order No. 929 (7 CFR Part 929; 27 F.R. 8101), regulating the handling of cranberries. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals which were submitted by the Cranberry Marketing Committee (established pursuant to the marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 929.202 Expenses and rate of assessment for the 1962–63 fiscal period.

(a) *Expenses.* The expenses necessary to be incurred by the Cranberry Marketing Committee, established pursuant to the provisions of the marketing agreement and Order No. 929, for its maintenance and functioning during the fiscal period ending July 31, 1963, will amount to $49,500.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler who first handles cranberries shall be 4½ cents ($0.0450) per barrel of cranberries, or an equivalent quantity of cranberries, handled by him as the first handler thereof during the said fiscal period.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable cranberries from the beginning of such year; and (2) the current fiscal period began on August 15, 1962, and the rate of assessment herein fixed will automatically apply to all assessable cranberries beginning with such date.

Terms used herein shall have the same meaning as when used in said marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 4, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–10046; Filed, Oct. 8, 1962; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 16,331]

PART 545—OPERATIONS

Home Office

OCTOBER 2, 1962.

Resolved that the Federal Home Loan Bank Board, upon the basis of the consideration by it of the advisability of amendment of § 545.13 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.13) to permit associations to maintain the general accounting records at a branch office in lieu of the present requirement that such records be maintained only at the home office, and for the purpose of effecting said amendment, hereby amends said § 545.13 to read as follows, effective October 9, 1962:

§ 545.13 Home office.

The home office of a Federal association is the office established by such association's charter; such association shall be operated from its home office and all branch offices and agencies thereof shall be subject to direction therefrom. A Federal association shall maintain a detailed record of all transactions of the association and its agents, and shall maintain either at its home office, or at a branch office located in the same community as the home office, all general accounting records, including all control records, of all business transacted at each of its offices and agencies: *Provided*, That such general accounting records and their maintenance shall not be transferred by such Federal association from its home office to a branch office, or from a branch office to its home office or to another branch office, unless and until (a) the board of directors of such Federal association has by resolution authorized such transfer and maintenance, and (b) until such Federal association has sent a certified copy of such resolution to the Chief Examiner of the Federal Home Loan Bank District in which such Federal association is located. As used in this section the term "same community" means an area circumscribed by a radius of 50 miles from the home office of a Federal association.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as said amendment only relieves restrictions, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act and, as said amendment relieves restrictions, deferment of the effective date thereof is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 62–10042; Filed, Oct. 8, 1962; 8:49 a.m.]

[No. 16,322]

PART 545—OPERATIONS

Branch Office

OCTOBER 2, 1962.

Resolved that the Federal Home Loan Bank Board, upon the basis of the consideration by it of the advisability of amendment of § 545.14 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14) to liberalize and clarify said section by prohibiting the approval of loans by branch office personnel, but otherwise permitting approval of loans at branch offices, in lieu of the present prohibition against approval of loans at a branch office, and for the purpose of effecting said amendment, hereby amends said § 545.14 to read as follows, effective October 9, 1962:

§ 545.14 Branch office.

No Federal association may establish or maintain a branch office without the prior written approval of the Board. Each application by a Federal association for permission to establish or maintain a branch office shall state the need for such branch office; the functions to be performed; the personnel and office facilities to be provided; the estimated annual volume of business, income, and expenses of such branch office; and shall be accompanied by a proposed annual budget of such association. Any business of a Federal association may be transacted at a branch office, as authorized by its board of directors, except that the board of directors shall not authorize branch office personnel to approve loans. A detailed record of all transactions of each branch office of a Federal association shall be maintained as provided by § 545.13.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as said amendment only relieves restrictions, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act and, as said amendment relieves restrictions, deferment of the effective date thereof is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 62–10043; Filed, Oct. 8, 1962; 8:49 a.m.]

[No. 16,333]

PART 545—OPERATIONS

Land Acquisition and Development Loans

OCTOBER 2, 1962.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of paragraph (a) of § 545.6–14 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–14) so as to bring the reference in said paragraph to "the last paragraph" of subsection (c) of section 5 of the Home Owners' Loan Act of 1933, as amended, into conformity with said subsection (c) as later amended by the addition of further paragraphs, and for the purpose of effecting such amendment, hereby amends paragraph (a) of § 545.6–14 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–14) to read as follows, effective October 9, 1962:

(a) *General provisions.* Subject to the provisions of this section, a Federal association may, if permitted by the terms of its charter, exercise the authority conferred by the third paragraph of subsection (c) of section 5 of the Home Owners' Loan Act of 1933, as amended, to invest in loans to finance the acquisition and development of land for primarily residential usage. Said authority shall be exercised by a Federal association only by the making of loans in accordance with the provisions of this section. Such loan plans, practices, and procedures, not inconsistent with this section or with other provisions of this part otherwise applicable to such loans, as may be used in the making of such loans are hereby approved by the Board.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as the foregoing amendment merely reflects in said section of rules and regulations the changed position of the statutory provision referred to in said section, as such position was changed by statutory changes enacted after the adoption of said section of rules and regulations, the Board hereby finds that notice and public procedure on said amendment are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board or section 4(a) of the Administrative Procedure Act, and the Board hereby finds that for the same reason the publication of said amendment for the period specified in section 4(c) of said act prior to the effective date of said amendment is unnecessary and hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 62–10044; Filed, Oct. 8, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

[Special Economic Reg. ER–363]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Record Retention by Former Air Carriers Applying for Certificates

Section 401(d)(3) of the Federal Aviation Act of 1958 which was added by Public Law 87–528 of July 10, 1962, authorizes the Board to issue certificates for supplemental air transportation only to applicants which the Board finds to be "fit, willing, and able properly to perform the transportation covered by the application and to conform to the provisions of this Act and the rules, regulations and requirements of the Board hereunder." If such applicant or his predecessor was an air carrier it is obvious that in order to comply with the terms and intent of this provision, the Board must scrutinize such applicant's past record as an air carrier. This may in some cases require examination of the records relating to such applicant's past air carrier activities.

Section 10 of Public Law 87–528 preserves the power of the Board to maintain and institute enforcement proceedings for violations by supplemental air carriers occurring prior to the effective date of that Law, and provides that any sanction which the Board could have imposed on the holder of any supplemental air carrier certificate heretofore issued by the Board, or interim operating authority conferred under Public Law 86–661 or under Order E–9744, for any past violation of the Federal Aviation Act or of Board regulations or of terms of such authorizations, may be imposed on the certificate subsequently issued to such person under section 401(d)(3). These provisions also would be frustrated if former air carriers applying for section 401(d)(3) certificates have destroyed the records pertaining to their past air carrier activities.

Part 249 imposes on air carriers the requirement that they retain certain specified records for specified periods. It is implicit in the intent and purpose of Part 249 that the record retention requirements apply even if the air carrier ceases to be an air carrier before the end of the record retention periods, but Part 249 does not expressly so state. In any event, as shown above, the need for examination of the records in connection with an application under section 401(d)(3) may arise after expiration of the existing retention requirements.

In order to cope with the problem in hand, the Board has concluded that it should promptly issue a special regulation imposing record retention requirements upon persons who have filed applications both under section 7 of Public Law 87–528 and of section 401(d)(3) of the Act; whose applications under section 7 have been denied so that they have lost the status of "air carrier"; but who pursue their applications under section 401(d)(3). Failure to comply with the regulation will be considered as bearing on the applicant's fitness. The Board finds that imposition of these requirements on such persons is necessary for the performance of its functions under sections 401(d)(3) and 401(n)(4) of the Act, as amended, and section 10 of Public Law 87–528; that the requirement, to serve its purpose, must be effective on or prior to the time applications under section 7 of Public Law 87–528 are denied; that therefore time will not permit notice and a public proceeding on this rule, or 30 days' notice prior to the effective date of the rule. Consequently, the Board finds that notice and public procedure hereon are impracticable and contrary to the public interest and there is good cause for making this regulation effective on October 9, 1962.

This regulation is being issued as a Special Economic Regulation because it is transitory in nature.

Accordingly, the Board hereby adopts the following Special Economic Regulation, effective October 9, 1962, to read:

Persons whose applications for a new interim certificate or new interim authority pursuant to section 7 of Public Law 87–528 of July 10, 1962, have been denied and whose applications for a certificate for supplemental air transportation under section 401(d)(3) of the Federal Aviation Act of 1958, as amended, are pending before the Board, shall retain and preserve each of their records mentioned in § 249.8 and/or § 249.10 of Part 249 of the Economic regulations, whichever provision may apply to them, for the applicable record retention period prescribed by Part 249 or until final disposition of their applications for certification under section 401(d)(3), whichever period may be longer. This requirement shall also apply to such persons if they wthdraw and later refile their applications for certification under section 401(d)(3), or to the successors or assignees of such persons who apply under section 401(d)(3). Destruction of records in violation of this regulation will be deemed substantial evidence of the carrier's unwillingness to comply with the Act and the Board's regulations thereunder.

(Sec 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 401, as amended, and 407, 72 Stat. 754, 766; 76 Stat. 143–145; and sec. 10 of Public Law 87–528 of July 10, 1962, 76 Stat. 149; 49 U.S.C. 1371, 1377)

Adopted: October 5, 1962.

Effective: October 9, 1962.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–10080; Filed, Oct. 8, 1962; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–229]

PART 13—PROHIBITED TRADE PRACTICES

George Frost Co. and Kenneth Chase

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.175 *Quality of product or service.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–40 *In general;* § 13.1295 *Quality or grade.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1886 *Quality, grade or type.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, George Frost Company et al., Shirley, Mass., Docket C–229, Sept. 11, 1962]

In the Matter of George Frost Company, a Corporation, and Kenneth Chase, Individually and as an Officer of Said Corporation

Consent order requiring Shirley, Mass., distributors of men's belts, wallets, and related products to wholesalers and retailers, to cease stamping the words "genuine cowhide" on split leather belts, describing such belts in catalogs as "Solid Finished Cowhide Belts", and failing to disclose that the belts—resembling top grain leather—were in fact made of split leather.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, George Frost Company, a corporation, and its officers, and Kenneth Chase, individually and as an officer of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of split leather belts or any other leather product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the expressing "genuine cowhide" or the expression "Solid Finished Cowhide Belts," or any other expression or word of similar import, in connection with leather products made of split leather or misrepresenting in any manner the kind or quality of the materials of which their leather products are composed.

2. Offering for sale or selling leather products made wholly or in part of the under layer or flesh side of hides, known as split leather, without affirmatively disclosing such fact on or in immediate connection with such product and in the advertising of such product in a clear and conspicuous manner.

3. Furnishing means or instrumentalities to others by and through which they may mislead the public as to any of the matters and things prohibited in paragraphs 1 and 2 hereof.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 11, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–10027; Filed, Oct. 8, 1962; 8:47 a.m.]

[Docket C–230]

PART 13—PROHIBITED TRADE PRACTICES

Madow's

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1880 *Old, used, or reclaimed as unused or new:* § 13.1880–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46 Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Murray Madow trading as Madow's, East Canaan, Conn., Docket C–230, Sept. 11, 1962]

In the Matter of Murray Madow, an Individual Trading as Madow's

Consent order requiring a furrier in East Canaan, Conn., to cease violating the Fur Products Labeling Act by failing to show on labels and in advertising when a fur product contained used or artificially colored fur, failing to label, invoice, and advertise products as secondhand where required, and failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Murray Madow, an individual trading as Madow's or under any other trade name and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce or the transportation or distribution in commerce of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Failing to disclose that fur products are "secondhand", when such is the fact.

C. Failing to set forth the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Failing to disclose that fur products are "secondhand", when such is the fact.

C. Failing to set forth the item number or mark assigned to a fur product.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly in the sale, or offering for sale of fur products and which:

A. Fails to set forth all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

B. Fails to disclose that the fur product is "secondhand", when such is the fact.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 11, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–10028; Filed, Oct. 8, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

PART 1001—GENERAL PROVISIONS

Miscellaneous Amendments

Subchapter W is amended in the following respects:

Subpart A—Introduction

Subpart A is revised to read as follows:

Sec.
1001.101 Purpose of subchapter.
1001.102 Applicability of subchapter.
1001.103 Arrangement of subchapter.
1001.103–1 General plan.
1001.103–2 Numbering.
1001.103–5 Dating of contract clauses.
1001.104 Content of subchapter.
1001.105 Amendment of subchapter.
1001.107 Effective date.

Sec.
1001.109 Deviations from ASPR and Department of Defense publications covering procurement.
1001.109–2 Deviations affecting one contract or transaction.
1001.109–3 Deviations affecting more than one contract or contractor.
1001.109–4 Deviations required by Government-to-Government agreements.
1001.109–51 Deviations, contract clauses.
1001.111 Reports of suspected criminal conduct and non-competitive practices.
1001.111–1 Suspected criminal conduct.
1001.111–2 Non-competitive practices.
1001.113 Code of conduct.
1001.113–1 Off installation contractual negotiations.

AUTHORITY: §§ 1001.101 to 1001.113–1 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1001.101 Purpose of subchapter.

The Air Force Procurement Instruction (AFPI) (this subchapter) is issued by the Commander, AFLC by authority of the Secretary of the Air Force, delegated through the Director of Procurement Management (AFSPM), DCS/S&L, Hq USAF. It implements the Armed Services Procurement Regulation (ASPR) (Subchapter A, Chapter I of this title), and establishes for the Air Force uniform policies and procedures for the procurement of supplies and services under the authority of Chapter 137, Title 10 of the United States Code or other laws.

§ 1001.102 Applicability of subchapter.

This subchapter applies to all procurements of supplies or services which obligate appropriated funds (including contract authorizations). If a particular part, subpart, or section has a limited application, it will so state.

§ 1001.103 Arrangement of subchapter.

§ 1001.103–1 General plan.

The organization and numbering system followed in this subchapter is the same as in Subchapter A, Chapter I of this title.

§ 1001.103–2 Numbering.

Sections, subparts, or parts of this subchapter bearing numbers identical to those appearing in Subchapter A, Chapter I of this title implement the sections, subparts, and sections in Subchapter A, Chapter I of this title.

§ 1001.103–5 Dating of contract clauses.

The same method used for identifying clauses in Subchapter A, Chapter I of this title as prescribed in § 1.103–5 of this title will be used for identifying clauses in this subchapter.

§ 1001.104 Content of subchapter.

This subchapter will contain all policies, procedures, and instructions relating to procurement of supplies and services within the Air Force, except those contained in Subchapter A, Chapter I of this title and the 70 series of Air Force regulations.

§ 1001.105 Amendment of subchapter.

New or amended procurement policies and procedures formulated by the Secretary of Defense, the Secretary of the Air Force, and Hq USAF will be directed for implementation and publication in this subchapter from time to time.

§ 1001.107 Effective date.

Compliance with an amendment to the Air Force Procurement Instruction is permissible from the date of the change and will be mandatory 30 days thereafter, except:

(a) As otherwise prescribed in the amendment.

(b) Use of new or revised AFPI contract clauses, will unless otherwise specified, be mandatory 90 days after date of issuance. However, procurements initiated after receipt of the new or revised clauses by the purchasing activity should, to the maximum practicable extent, include such clauses prior to the mandatory date. In the following situations, when compliance with the mandatory date is impracticable, procurements may be completed on the basis initiated, provided that, prior to the mandatory date for use of the new or revised clause: (1) DD Forms 746 and 746–1 have been issued, and the award is to be made by means of DD Form 746–2, (2) Invitations for Bids have been issued, or (3) bilateral contractual documents have been submitted to the contractors and introduction of the new or revised clause may delay the procurement.

§ 1001.109 Deviations from ASPR and Department of Defense publications covering procurement.

§ 1001.109–2 Deviations affecting one contract or transaction.

(a) Deviations which affect a specific contract or procurement may be made by (1) The Director or Deputy Director of Procurement Management, DCS/S&L, Hq USAF, or (2) the Chief of the Division or Office at Hq USAF designated as the Responsible Office (RO) for the section, subpart or part in Subchapter A, Chapter I of this title from which the deviation is requested. Coordination with the Office of General Counsel, USAF, as to form and legality will be effected prior to approval of a deviation.

(b) Requests for deviations will include complete justification and be forwarded through channels in sufficient copies so that the original and two copies will be available to Hq USAF.

(1) Requests by AFSC and the Office of Aerospace Research will be sent through the AFSC Procurement Committee (SCMK–3) to Hq USAF (AFSPM–AS).

(2) Requests for deviations by AFLC and other major commands, except those in subparagraph (1) of this paragraph, will be sent through the AFLC Procurement Committee (MCPC) to Hq USAF (AFSPM–AS). Procurement Committees will forward deviation requests, with which they concur, with their recommendations.

(c) Written notice of deviation to the Assistant Secretary of Defense, I&L, and to the other military departments and Defense Supply Agency will be made by the Directorate of Procurement Management, Hq USAF.

§ 1001.109–3 Deviations affecting more than one contract or contractor.

Deviations which affect more than one contract or contractor will be processed to Hq USAF (AFSPM–AS), in the same manner as prescribed in § 1001.109–2(b). The Hq USAF Responsible Office for the section, subpart or part in Subchapter A, Chapter I of this title from which the deviation is requested will effect necessary Air Staff coordination, including the Office of the Assistant Secretary of the Air Force (Materiel) and the Office of the General Counsel of the Air Force, and if the deviation is favorably considered prepare a request for deviation to the Chairman, ASPR Committee. This request will be submitted to the Air Force Policy Member, ASPR Committee (AFSPM–AS), for presentation to the ASPR Committee.

§ 1001.109–4 Deviations required by Government-to-Government agreements.

Requests for such deviations will be processed as shown in § 1001.109–3.

§ 1001.109–51 Deviations, contract clauses.

(a) Deviations from clauses prescribed in Subchapter A, Chapter I of this title and this subchapter will be held to a minimum and will not be made unless approved as required by §§ 1001.109–2 or 1001.109–3.

(b) Deviations include:

(1) Use of a prescribed clause which does not follow the rules for use of the clause.

(2) Omission of prescribed clause.

(3) Additions to, deletions from, and modifications of a prescribed clause.

(4) Use of a collateral provision which has the effect of altering a prescribed clause or changing its application.

(5) Use of a provision which has not been authorized for use, except as provided in paragraph (c) of this section.

(c) Use of Provisions as described in this paragraph are not deviations:

(1) Provisions which describe the supplies or services being procured, or the supplies or material being furnished to a contractor.

(2) Provisions establishing the time, place, or method of furnishing or paying for supplies and services unless their use has the effect described in paragraph (b)(4) of this section.

(3) Provisions which set forth Advance Understandings on particular cost items, pursuant to § 15.107 of this title, so long as these Advance Understandings are consistent with Subchapter A, Chapter I of this title and this subchapter.

(d) Administrative approval: All proposed contract clause deviations will be submitted for approval as set forth in §§ 1001.109–2 or 1001.109–3, before submitting the contract to the contractor for signature. Requests for approval will be in writing and will include:

(1) Detailed recommendations and the supporting reasons including contractor's request, if any.

(2) The ASPR or AFPI paragraph number from which deviation is requested.

(3) A description of the effect it will have on the rights of the parties and the benefit the Government will gain.

(4) A copy of or extract from the proposed contract which will be retained for the files of the approving authority.

(5) A detailed statement of how the proposed contract differs from prescribed clauses. If desired, subparagraph (4) of this paragraph and this subparagraph (5) may be consolidated by submitting a copy of the standard contract clause with the inserted or deleted matter clearly indicated. This may be done with colored pencil.

(6) A reference to prior action, if the proposed deviation has previously been approved or disapproved. This reference will include date, contract number and be in addition to the reasons required by subparagraph (1) of this paragraph.

§ 1001.111 Reports of suspected criminal conduct and noncompetitive practices.

§ 1001.111–1 Suspected criminal conduct.

Policies and procedures with respect to the debarment, ineligibility, and suspension of bidders are set forth in Subpart F, Part 1 of this title and Subpart F of this part.

§ 1001.111–2 Noncompetitive practices.

Reports of noncompetitive practices will be forwarded through channels, including AFLC (MCPK) to Deputy Chief of Staff Systems and Logistics, DCS/S&L, Hq USAF, for submission to the Secretary.

§ 1001.113 Code of conduct.

See §§ 888.1 to 888.13, Subchapter G of this chapter.

§ 1001.113–1 Off installation contractual negotiations.

No matter of contractual negotiations will be conducted at hotels or at any points away from offices of the initiating or negotiating authority without permission of the chief of the branch or unit in the division or office concerned; and a memorandum will be made of the persons present and subjects discussed at such places. The memorandum will be filed in the contract or office file as appropriate.

Subpart B—Definitions of Terms

§§ 1001.201–2; 1001.201–4—1001.201–17; 1001.201–19 — 1001.201–21 [Deletion]

1. Delete §§ 1001.201–2; 1001.201–4 through 1001.201–17 and 1001.201–19 through 1001.201–21.

2. Revise § 1001.201 to read as follows:

§ 1001.201 Definitions.

§ 1001.201–3 [Amendment]

3. In § 1001.201–3 delete the word "senior" in the third line.

Subpart C—General Policies

§§ 1001.300; 1001.300–1 — 1001.301; 1001.302–1 and 1001.302–2; 1001.302–5; 1001.303 and 1001.304; 1001.305–1; 1001.306; 1001.311; 1001.313 [Deletion]

1. Delete §§ 1001.300; 1001.300–1 through 1001.301; 1001.302–1 and 1001.302–2; 1001.302–5; 1001.303 and 1001.304; 1001.305–1; 1001.306; 1001.311 and 1001.313.

2. Revise §§ 1001.305–2; 1001.307; 1001.312; 1001.312–50(b) and 1001.354 to read as follows:

§ 1001.305–2 General.

See § 1001.310.

§ 1001.307 Priorities, allocations, and allotments.

See § 1001.460 of this subchapter.

§ 1001.312 Voluntary refunds.

(a) Contractors may tender voluntary refunds either by check or credit invoice (memo). Checks will be made payable to the Treasury of the United States. It is preferred that the voluntary refunds be submitted to the administrative contracting officer. In whatever form the refund is made, it will immediately be forwarded by the recipient to the accounting and finance office. If by check, the accounting and finance officer will furnish the recipient of the check a copy of the collection voucher. If the appropriate account cannot be readily determined, the check will be placed temporarily in a suspense account and immediate steps will be taken to determine the account to be credited.

(b) Voluntary refunds identified with a contract and tendered prior to final payment will be recognized by contractual modification issued by the ACO and credited to the applicable appropriation cited in the contract. Voluntary refunds made in connection with a contract, but after contract completion, will be credited to an applicable appropriation provided that it may be regarded fairly as in the nature of a price reduction. In the latter case, a contracting officer designated by the cognizant administrative office, will, in conjunction with the accounting and finance officer, determine the appropriation to be credited. The contracting officer will, without delay, issue an AFPI Form 23, "Administrative Notice of Removal of Funds." The AFPI Form 23 will reference the contractor's letter of transmittal and the manner of the refund, i.e., check or credit invoice (memo).

(c) Where the specific contract cannot be identified, the refund will be transferred to the appropriate miscellaneous receipt account according to current accounting and finance procedures.

§ 1001.312–50 Other than voluntary refunds.

* * * * *

(b) Debts owed by contractors and deferred payments (Subpart F, Part 163, Subchapter E of this title and § 1030.5, Part VI of this subchapter).

§ 1001.354 Discount-expedite.

The words "Discount-Expedite" may be locally overprinted diagonally on a representative portion of reproducible masters of DD Form 1155 and other contractual forms. The lettering will be 1 inch opaque block type so as not to obliterate any typed words or figures. When a time discount applies, the typist will use one of the overprinted forms and no additional manual marking is required. If cut sheets are used, they may also be overprinted if practical. When not practical, a rubber stamp with ½ inch letters will be used.

§ 1001.305–52 [Amendment]

3. In § 1001.305–52, amend paragraph (c)(6), and redesignate paragraphs (h) and (i) as subdivisions (i) and (ii) of paragraph (d)(2).

§ 1001.305–52 Amendment of delivery schedules in supply or research and development contracts.

* * * * *

(c) * * *

(6) Where investigation shows that grounds for a default termination may exist, the ACO will proceed according to the appropriate instructions set forth in paragraph (d) of this section and Subpart F, Part 1008 of this subchapter.

§ 1001.313–50 [Amendment]

4. In § 1001.313–50 delete the words "according to § 1001.109–50."

5. Add § 1001.363 as follows:

§ 1001.363 Responsibility of procurement officers to question requirements.

Whenever a request is received to procure items that require development, and it can be reasonably ascertained that suitable commercial items are available, which essentially meet the requirements, the procurement of such development items shall not be made until the matter is resolved by the principal staff officer responsible for the requiring activity and the Director of Procurement and Production of the procuring activity.

Subpart D—Procurement Responsibility and Authority

1. In § 1001.402, paragraph (a)(2) is revised to read as follows:

§ 1001.402 General authority of contracting officers.

(a) * * * (2) emergency purchases of fuel, oil, repairs, etc., which will be made according to AFR 67–24 (USAF Invoice—AF Form 15 and Invoice Envelope—AF Form 15A) and AFM 77–1 (Administration, Operation and Management of Motor Vehicles) and * * *

2. Revise § 1001.455(a)(3) to read as follows:

§ 1001.455 General procurement authority.

(a) * * *

(3) Approve deviations from regulations, in respect to procurement, and deviations from approved forms of contracts; provided all deviations from Subchapter A, Chapter I of this title and this subchapter will be effected in the manner provided in Subpart A of this part, as it may from time to time be amended or supplemented.

3. Revise § 1001.456 to read as follows:

§ 1001.456 Authorities of the sole "head of a procuring activity."

(a) The Director of Procurement and Production, Hq AMC, has been authorized by the Commander, AMC, to issue delegations of the redelegable authorities that are vested in the Commander, AMC, as sole "head of a procuring activity." Any such delegations issued to oversea commands, air attaches, and foreign missions will be issued "by direction of the Commander, AMC."

(b) The Director of Procurement and Production, Hq AMC, has delegated to the persons listed in this paragraph all redelegable powers vested in the head of a procuring activity by Subchapter A, Chapter I of this title, except as noted.

(1) Commanders of major air commands with power of redelegation not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major air command. However, the powers set forth in §§ 3.303, 5.1105–3 and 7.103–12 of this title were withheld from the commanders of major air commands located within the United States, and its possessions, and the powers set forth in §§ 3.303 and 5.1105–3 of this title were withheld from commanders of oversea commands located outside the possessions of the United States.

(2) Air attaches and chiefs of AF foreign missions. However, the powers set forth in §§ 3.303 and 5.1105–3 of this title were withheld.

§ 1001.457 [Amendment]

4. In § 1001.457, *Authority to enter into, execute and approve contracts*, delete the third sentence.

5. Revise § 1001.460(c) to read as follows:

§ 1001.460 Priorities authority; DO and DX ratings; allotments, and rescheduling deliveries.

* * * * *

(c) The authorities to the Commander, AFSC, in paragraph (a)(3)(iv) through (vi) of this section have been redelegated to the AFSC, Director of Procurement, and in turn to the Commander, AFSC Aeronautical Systems Division, with power of redelegation.

6. Revise § 1001.464 to read as follows:

§ 1001.464 Delegation to Commander, Air Training Command.

In addition to the authorities delegated to him as a commander of a major air command, the Commander, ATC, has been authorized by the Director of Procurement and Production, Hq AFLC, to exercise the authorities described below. The authorities may be exercised only with respect to negotiated contracts for (a) Procurement of services described in AFR 50–9 (Special Training), and (b) procurement of services for primary pilot training.

(1) Authority to execute findings and determinations in support of cost or cost-plus-a-fixed-fee type contracts, provided facts have been obtained which established that:

(i) Such method of contracting is likely to be less costly than other methods.

(ii) It is impracticable to secure services of the kind or quality required without the use of such type contract.

(a) The authority may be redelegated only to the staff officer responsible for procurement within Hq ATC, provided further that the authority may not be exercised by any person who is or will be the contracting officer for the procurements involved.

(c) Authority to authorize ATC contracting officers to enter into contracts containing any of the price redetermination clauses set forth in § 1003.403–3 of this chapter, provided facts have been obtained which established that:

(1) It is impractical to secure services of the kind or quality required without the use of such a price redetermination clause.

(2) The conditions for use of the price redetermination clauses which are set forth in pertinent paragraphs of § 1003.403–3 of this chapter, have been satisfied. The authority may be redelegated only to the staff officer responsible for procurement within Hq ATC.

(d) Authority to authorize ATC contracting officers to enter into master bailment agreements, bailment agreement, and amendments thereto for loaning Government property to AF contractors for some specific purpose in connection with AF contracts when it has been determined that:

(1) The bailment is necessary in the interest of the national defense.

(2) It will not adversely affect the competitive aspect of procurement.

(3) The property is not available to the contractor in the open market within the time requirements of the Air Force.

(i) The authority may be redelegated not below the level of a staff officer responsible for procurement in the first echelon of command immediately subordinate to Hq ATC.

Subpart F—Debarred, Ineligible, and Suspended Bidders

§§ 1001.600; 1001.601–2; 1001.604–1 and 1001.604–2; 1001.605–1 and 1001.605–2 [Deletion]

Delete §§ 1001.600; 1001.601–2; 1001.604–1 and 1001.604–2; 1001.605–1 and 1001.605–2.

Subpart G—Small Business Concerns

§§ 1001.701; 1001.704–1; 1001.705–1; 1001.705–4 and 1001.705–5; 1001.706–6 — 1001.706–9; 1001.707–1 — 1001.707–3; 1001.708 [Deletion]

1. Delete §§ 1001.701; 1001.704–1; 1001.705–1; 1001.705–4 and 1001.705–5; 1001.706–6—1001.706–9; 1001.707–1—1001.707–3; 1001.708.

§ 1001.704–3 [Amendment]

2. In § 1001.704–3, *Small business specialists*, delete the reference "§ 1001.707–3" in paragraph (c)(3); in paragraph (c)(4) delete the reference "§ 1003.902."

3. Revise § 1001.705–3 to read as follows:

§ 1001.705–3 Screening of procurements.

(a) *Individual set-asides.* In applying the procedure set forth in § 1.705–3(a) of this title, the contracting officer is responsible for determining whether the procurement action will probably result in a contract or contracts exceeding $10,000.

(b) *Class set-asides.* See § 1.705–3(b) of this title.

4. Revise § 1001.705–6(b)(1) to read as follows:

§ 1001.705–6 Certificates of competency.

* * * * *

(b)(1) When a Facility Capability Report (Subpart I of this part) or a Special Source Survey (Subpart I of this part) on a small business firm or a small business pool (see § 1.302–3 of this title) is negative as to capacity or credit and notification to SBA is required by § 1.705–6(b) of this title the procedures in Subpart I of this part will be followed except for airlift or CRAF procurement by Hq MATS when Special Surveys are conducted in lieu of FCRs. Hq MATS will be responsible for giving appropriate SBA regional office opportunity to certify as to "capacity" or "credit" when the report is on a small business concern and the answer to questions corresponding to "One" or "Two" of the FCR is negative and the other questions are affirmative or not applicable.

5. Revise §§ 1001.707, 1001.707–4, and 1001.707–5 to read as follows:

§ 1001.707 Subcontracting with small business concerns.

§ 1001.707–4 Responsibility for reviewing the subcontracting program.

(a) Immediately following the award of a prime contract containing the clause in § 1.707–3(b) of this title, the contracting officer will make out the basic information on AFPI Form 1, "Request for Determination of Responsibility for Contractor's Small Business Program," and transmit it with five copies to AFSC (SCMK–4). An additional copy will be placed in the contract file.

(1) The Executive for Small Business will determine which Military Department has the responsibility for reviewing the contractor's small business subcontracting program according to § 1.707–4 of this title, and will execute the first indorsement on AFPI Form 1 as appropriate.

(2) If none of the Military Departments have been assigned the responsibility stated in subparagraph (1) of this paragraph, the Executive for Small Business will transmit AFPI Form 1 to the Air Force Small Business Advisor, Hq USAF (AFSDC–B), and the latter will return the AFPI Form 1 with a second indorsement appropriately filled in.

(b) Promptly upon receipt of the name of a subcontractor who will participate in the small business subcontracting program according to the clause in § 1.707–3(b) of this title, the administrative contracting officer will make out the basic information on the AFPI Form 1 and route it in the same manner as in paragraph (a) of this section.

(c) See § 1003.903–3(a) of this subchapter.

§ 1001.707–5 Reports on DD Form 1140.

The Small Business Specialist in the AFCMD/AFCMO will arrange with contractors that have established a small business subcontracting program to submit semiannual reports on DD Form 1140 direct to him. Following review, DD Form 1140 will be submitted in triplicate to reach AFSC (SCMK–4) by March 5th and September 5th for the semiannual periods ending December 31st and June 30th, respectively.

§ 1001.707–50 [Deletion]

6. Delete § 1001.707–50 including Figures 1 and 2.

Subpart H—Labor Surplus Area Concerns

Subpart H is revised to read as follows:

Sec.
1001.802 General policy.
1001.803 Application of policy.
1001.804 Partial set-asides for labor surplus area concerns.
1001.804–1 General.

AUTHORITY: §§ 1001.802 to 1001.804–1 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1001.802 General policy.

The Executive for Small Business (MCP–6), Directorate of Procurement and Production, Hq AMC, will monitor the placement of contracts in areas of substantial labor surplus by maintaining staff surveillance of the functions of purchasing activities within the scope of this subpart. The AF small business specialist at the procuring activity will be responsible for determining the applicability of DMP No. 4 to a procurement.

§ 1001.803 Application of policy.

(a) (1) and (2). See §1.803(a) (1) and (2) of this title.

(3) "Area Labor Market Trends" which establishes the boundaries of each labor market area and lists communities included in each area are distributed by the Department of Labor.

(4) See § 1.803(a)(4) of this title.

(5) Prior to the solicitation for bids or proposals, the contracting officer will furnish the AF small business specialist assigned to the purchasing activity a copy of the appropriate bidders mailing list. The AF small business specialist assigned to the purchasing activity is responsible for maintaining current labor market information. The small business specialist will indicate on the bidders mailing list, for use in solicitation and for documentation of the contract file, the concerns listed that are labor area surplus concerns.

§ 1001.804 Partial set-asides for labor surplus area concerns.

§ 1001.804–1 General.

Notwithstanding the determination of the small business specialist regarding the applicability of DMP No. 4 to a procurement, the contracting officer is responsible for determining whether the application of a set-aside is appropriate and, if appropriate, determining the quantities to be set aside.

Subpart I—Responsible Prospective Contractors

§§ 1001.900 and 1001.901; 1001.903—1001.903–4; 1001.904–2; 1001.905–2 and 1001.905–3 [Deletion]

1. Delete §§ 1001.900 and 1001.901; 1001.903—1001.903–4; 1001.904–2; 1001.905–2 and 1001.905–3.

2. In § 1001.902 revise the introduction and pargraphs (a) and (d) to read as follows:

§ 1001.902 General policy.

Union affiliation or lack thereof will not be considered in establishing standards for determination of contractor responsibility.

(a) AFR 70–15 (System Source Selection Procedures) describes the workings of the Systems Source Selection Board (SSSB).

• • • • •

(d) A Facility Capability Report (FCR) is an instrument for reporting information to a contracting officer regarding the responsibility of a prospective contractor. See § 1001.905 for procedures. An FCR may be based upon a search of available records or upon a preaward survey (see § 1.905–4 of this title). The FCR activity will determine whether information available in its files is adequate or whether a preaward survey is necessary. "FCR activity" referred to in this subpart includes the AF contract management district, AF contract management office, AF plant officer in charge, and AF plant representative, as applicable.

§ 1001.902–1 [Amendment]

3. Amend § 1001.902–1, *General requirements for obtaining FCR*, by deleting the last four lines of paragraph (a), thereby ending that paragraph with the words "commercial facilities."

4. Revise §§ 1001.902–2 and 1001.902–3 to read as follows:

§ 1001.902–2 Exemptions.

(a) An FCR is not required for the following type of contracts and/or procurements except when § 1001.902–1(c) is applicable.

(1) Definitive contracts which supersede letter contracts or notices of award previously covered by an FCR.

(2) Contracts placed pursuant to Hq USAF approved production program contained in the "W" series program directives (WA, WM, WTD, and WE).

(3) Contracts placed pursuant to recommendations made by a SSS (if not older than 60 days) or a SSSB.

(4) Purchase of additional quantities of supplies or services, or election to extend the period of performance, in the exercise of a contract option clause (Subpart O, Part 1 of this title).

(5) Procurements outside United States and contracts with Canadian Commercial Corporation.

(6) A facilities contract supporting one or more supply or service contracts containing a facilities clause.

(7) Contracts written under authority of Public Law 85–804 which made formal/informal commitments, amend without consideration, or correct mistakes.

(8) Purchase of continued research and development work when the proposed contract is an extension of work previously satisfactorily performed, if the dollar value of the proposed contract does not exceed that of the previous procurement. (See § 1001.902–3.)

(9) Contracts with educational institutions.

(b) An FCR is not required for the following types of contracts and/or procurements or purchases except as required by § 1.902–1 (b) or (e).

(1) Purchases from Schedule of Blind-Made Products, Federal Supply Schedules, Government Departments, and Federal Prisons.

(2) Purchases of standard commercial articles or basic materials, such as sheet aluminum, bar steel, etc., from manufacturers of, or regular dealers in, the articles to be purchased.

(3) Purchases under Federal Supply Classification 76, except group 7650 (drawings and specifications).

(4) Personal services or professional services contracts negotiated under authority of Public Law 79–600.

(5) Open contracts and call procurement arrangements. (Financial clearance required within the general limitations of § 1001.902–1—see § 1001.902–3.)

(6) Procurements from the surplus market where the vendor has authority to dispose of the merchandise.

(7) Construction contracts up to $500,000.

(8) Base procurement up to $500,000 within United States if not to be supported by government financing. (See Part 163, Subchapter E of this title.)

§ 1001.902–3 Financial clearance.

Financial clearance is required prior to award of a contract described in § 1001.902–2(b)(5). If a complete FCR is not obtained for any reason, financial clearance is required prior to award of any contract if the prospective contractor requests advance payments or unusual progress payments. (See Part 163, Subchapter E of this title.) No further financial clearance is required for any contractor on the approved "Prior Financial Clearance List," within the limits outlined in the list, unless (a) The prospective contractor has requested advance payments or unusual progress payments or, (b) if, in the opinion of the FCR activity, or the contracting officer, as indicated in his request for an FCR, the proposed contract might impose a serious burden on the contractor's ability to perform. (See E–212.52, § 1030.5 of this subchapter.) Contracting officers may request financial clearance from the FCR activity having contract administration jurisdiction or from AFSC (ASXKMF), WPAFB, Ohio, whichever is nearer. To obtain financial clearance, indicate on the request for FCR "Financial Clearance Only" and include answers to items 6 through 13 of AFPI Form 63. Items 14 through 20 will be marked "N/A" (not applicable) if such is the case. If the clearance is granted by other than ASXKMF, the activity granting the clearance will furnish a completed AFPI Form 63C, "FCR Financial Action Summary," to ASXKMF. AFPI Form 63C is required for every FCR except when financial clearance is given pursuant to the authority of the "Prior Financial Clearance List." See question two under § 1001.905–1(a).

5. Revise § 1001.904–1 to read as follows:

§ 1001.904–1 Requirement.

(a) *Financial and technical ability clauses.* (1) Include the following clause in all invitations for bid or requests for proposal estimated to involve a procurement of $10,000 or more:

(Nov. 1961)

If a bid or proposal submitted in response to this invitation is favorably considered, a survey team may contact your facility to determine your ability to perform. Current financial statements and other pertinent data should be available at that time if not already on file with the Air Force Systems Command. The team may also evaluate your system for determining the financial and technical ability of your proposed subcontract or procurement sources to perform. Examples of the type of matters the survey team may examine and evaluate are:

1. Past experience with firm (if any).
2. Financial condition.
3. Accounting system.
4. Facilities.
5. Plant loading.
6. Production control system.
7. Materiel control system.
8. Ability to meet required delivery schedule.
9. Receiving and inspection system.
10. Purchasing and subcontracting systems.
11. Quality control system.
12. Apparent understanding of specification requirements.
13. Realism of lead time estimates.
14. Scrap and rework control procedures.
15. Packing and shipping procedures.
16. Facilities and procedures for storing and handling Government-furnished property.
17. General housekeeping.
18. Manpower availability and labor relations.
19. Engineering capability.
20. Management controls.
21. Any other areas pertinent to possible performance of the prospective contract.

(2) Include the following clause in all invitations for bids or request for proposals estimated to involve a procurement of less than $10,000:

(Nov. 1961)

If a bid or proposal submitted in response to this invitation is favorably considered, a survey team may contact your facility to determine your ability to perform. Current financial statements and other pertinent data should be available at that time if not already on file with the Air Force Systems Command. The team may also evaluate your system for determining the financial and technical ability of your proposed subcontract or procurement sources to perform.

(3) The PCO will make, sign, and place in the contract file the necessary determination required by § 1.904–1 of this title. Except as provided in subparagraph (4) of this paragraph, an FCR, SSS, or SSSB recommendation will constitute sufficient basis for either an affirmative or negative finding by a contracting officer. See also § 1001.902–1(c). The FCR, SSS, or SSSB report and supporting data made will be attached to the determination. If additional explanation of an FCR is required, the PCO will request the FCR activity to furnish any data he requires before making a determination. If the PCO is aware of factors that may not have been considered by the FCR activity, he may request a review of the FCR in the light of such information before making a determination. In making the determination, the PCO through channels prescribed by his command, may reject an FCR recommendation, provided clear and compelling circumstances dictate such action. Complete documentation is required. The FCR serial number as furnished by the FCR activity will be shown on the contract file cover sheet. If an FCR was not required "FCR not required" with the specific applicable AFPI section relied upon will be shown on the contract file cover sheet.

(4) Negative FCR, SSS, or SSSB recommendation with respect to "capacity" or "credit" of a small business concern (§ 1.701 of this title) require special handling. See § 1.705–6 of this title. (See also §§ 1001.705–6, 1001.902–1(c), and 1001.950.) The fact that the SBA has issued a Certificate of Competency as to the capacity or credit of a small business concern does not relieve the contracting officer from the responsibility for certifying that the prospective contractor is responsible as to the other factors of responsibility, i.e. questions Three, Five and Six of the FCR as applicable. (See § 1001.905–1(a).) Certificates of Competency will be placed in the contract file.

6. In § 1001.905–1(a), subparagraph (2)(iv) is revised, and in subparagraph (6), the fourth sentence is revised, as follows:

§ 1001.905–1 General.

(a) • • •
(2) • • •

(iv) Send a copy of the completed AFPI Form 63C with case history if necessary to explain the answer regarding financial stability to AFSC (ASXKM) WPAFB, Ohio, at time of reply. If the answer to question Two is negative or qualified, send an information copy of the complete FCR to ASXKMF with supporting financial data, facility advisory board findings and recommendations.

• • • • •

(6) • • • See § 1.906 of this title. • • •

Subpart J—Publicizing Procurement Actions

§§ 1001.1001; 1001.1005–1; 1001.1005–2; 1001.1005–4; 1001.1005–10; 1001.1005–12 and 1001.1006–1 [Deletion]

1. Delete §§ 1001.1001; 1001.1005–1; 1001.1005–2; 1001.1005–4; 1001.1005–10; 1001.1005–12 and 1001.1006–1.

2. Sections 1001.1003–1 through 1001.1003–7 are deleted and the following are substituted therefor:

§ 1001.1003–1 General.

Proposed advertised or negotiated procurements include modifications to existing contracts when new funds are obligated for additional services or products. This includes change orders and exercise of options for increased quantities or extended performance. This does not include change orders or other contract modifications resulting from price changes, engineering changes, overruns, contract change notifications, and repricing actions.

(a) to (c) See § 1.1003–1 (a) to (c) of this title.

(d) Procurements applicable to this exception are exempt only from the regular synopsis according to § 1.1003–9 of this title. If it is determined that the proposed procurements will offer subcontracting opportunities, a synopsis will be transmitted to the Commerce Business Daily. This synopsis will be identified as being submitted for subcontracting opportunities and will contain substantially the information prescribed in §§ 1.1003–3(a) and 1.1003–9 of this title. The name and address of the firms (or firm) to whom solicitations have been issued will be contained in the synopsis.

(e) Orders which obligate new funds for additional services or products will be synopsized for subcontracting opportunities according to § 1.1003–3 of this title.

(f) through (i) See § 1.1003–1 (f) through (i) of this title.

§ 1001.1003–3 Synopses of subcontract opportunities.

By contracting officers. Whenever subcontracting opportunities exist and it is in the Government's interest, a synopsis of Subcontracting Opportunities will be published in the Commerce Business Daily. Whenever only one source has been solicited or reportable modifications or orders are involved, the applicable firm will be shown according to § 1.1003–9(f) of this title and the synopsis will contain substantially the information required in § 1.1003–9 of this title.

Subpart K—Qualified Products

§ 1001.1101; 1001.1102; 1001.1103–2 and 1001.1103–3 [Deletion]

1. Delete §§ 1001.1101; 1001.1102; 1001.1103–2 and 1001.1103–3.

§ 1001.1102–50 [Amendment]

2. In § 1001.1102–50, *Qualification requirements in specifications*, amend the references "§ 1.1102" and "§ 1.1102(a)" to read "§ 1.1103" and "§ 1.1103(a)," respectively.

Subpart L—Specifications, Plans, and Drawings

1. In § 1001.1202, a new sentence is added to paragraph (b) as follows:

§ 1001.1202 Mandatory specifications.

• • • • •

(b) • • • If these latter conditions prevail, and it is necessary to describe the item to be procured in terms of a particular manufacturer's product, the description in IFB or RFP must also include the words "or equal."

2. In § 1001.1206, revise paragraphs (b) and (c) to read as follows:

§ 1001.1206 Purchase descriptions.

• • • • •

(b) See § 1.1206 of this title.

(c) The provision set forth in § 1.1206 of this title entitled "Brand Name or Equal" is not applicable to contracts for construction, rehabilitation and repair of buildings or structures.

Subpart M—Transportation

§§ 1001.1302–1 and 1001.1302–2; 1001.1303 and 1001.1304; 1001.1305–1; 1001.1305–5; 1001.1308; 1001.1310—1001.1313 [Deletion]

Delete §§ 1001.1302–1 and 1001.1302–2; 1001.1303 and 1001.1304; 1001.1305–1; 1001.1305–5; 1001.1308; 1001.1310 through 1001.1313.

Subpart N is revised to read as follows:

Subpart N—Preference for United States-Flag Privately Owned Ocean Carriers

Sec.
1001.1405 Responsibilities.
1001.1405–1 Military departments.

AUTHORITY: §§ 1001.1405 and 1001.1405–1 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1001.1405 Responsibilities.

§ 1001.1405–1 Military departments.

Pending issuance of further instructions, no report is required to be submitted. Transportation officers will maintain records of shipments and other data according to § 1.1405–1(a) of this title, in the event reporting is required at a later date.

Subpart T—Ethical Standards of Procurement Personnel

Subpart T is deleted and reserved.

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, United States Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62–10012; Filed, Oct. 8, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER H—GRAZING

[Circular 2090]

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Grazing District Advisory Boards

Paragraphs (b) and (c) of § 161.13 are amended to read as follows:

§ 161.13 Grazing District Advisory Boards.

• • • • • •

(b) *Election; time and place; the general procedures.* All district advisers, except wildlife representatives, shall be elected in the manner provided in this section, and in the General Procedures for Grazing District Advisory Board Elections as approved by the Director, Bureau of Land Management, and published in the FEDERAL REGISTER. An election of district advisers for each grazing district will be held within 90 days after the publication in the FEDERAL REGISTER of the order establishing the grazing district. Thereafter elections shall be held annually by actual polling or by mail, in accordance with the options in the General Procedures for Grazing District Advisory Board Elections.

(c) *Appointment; term of office; removal; vacancies.* Upon receipt of the judges' certificate of returns after conclusion of the election procedure the district manager shall notify the State Director of the results thereof. A person elected as district adviser shall assume office only after he has been appointed by the State Director and has taken the oath of office. Such person shall serve for the fiscal year for which he has been elected. The State Director may remove any district adviser from office because of failure to discharge his duties, loss of any of his qualifications to hold the office, or in the public interest. Upon a vacancy occurring in the office of a district adviser other than a wildlife representative by reason of resignation, removal, disqualification, or otherwise, the board shall recommend the name of a person to fill the vacancy and such recommendation, together with that of the district manager, shall be transmitted to the State Director for consideration. A person appointed to fill a vacancy shall hold office for the remainder of the unexpired term. The wildlife representative will be appointed by the State Director for a term of office that does not exceed a fiscal year.

These amendments shall become effective at the beginning of the 30th calendar day following date of publication in the FEDERAL REGISTER. They are adopted without publication as proposed rule making in order to conform the regulations to the provisions of Executive Order 11007, February 26, 1962, and the President's memorandum of February 9, 1962, dealing with preventing conflicts of interest on the part of advisers and consultants to the Government. Heretofore the regulations authorized a term of office of 3 years for district advisers, whereas the President has prescribed that they shall be appointed annually on a fiscal year basis.

(48 Stat. 1270; 43 U.S.C. 315a)

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 2, 1962.

[F.R. Doc. 62–10022; Filed, Oct. 8, 1962; 8:46 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2778]

[Nevada 051774]

NEVADA

Air Navigation Site Revocation

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

The Departmental order of August 24, 1942, withdrawing for use of the Civil Aeronautics Administration in connection with a radio range station, a 30-foot right-of-way in T. 18 N., R. 30 E., M.D.M., and the following described lands, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 30 E.,
Sec. 7, SW¼SE¼.

Containing 40 acres.

The lands will remain in an existing withdrawal for reclamation purposes.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 3, 1962.

[F.R. Doc. 62–10020; Filed, Oct. 8, 1962; 8:46 a.m.]

[Public Land Order 2779]

[Arizona 031065]

[Washington 04238]

ARIZONA AND WASHINGTON

Correcting Public Land Order No. 2720 of July 9, 1962 (Revocation of Public Water Reserves), and Public Land Order No. 2731 of July 19, 1962 (Partial Revocation of Power Withdrawals)

Public Land Order No. 2720 of July 9, 1962, appearing as Federal Register Doc. 62–6828 in the issue of July 13, 1962, at Pages 6673–4, is hereby corrected as follows:

The description "T. 42 N., R. 6 W." (18th line of township designations) is corrected to read "T. 42 N., R. 1 W." (a publication error);

The description "T. 25 N., R. 8 W." (33d line of township designations) is corrected to read "T. 25 N., R. 18 W.";

In T. 41 N., R. 7 W., the description "SE¼" following Section 3 is corrected to read "SE¼SW¼";

In T. 13 N., R. 10 W., Section 11, the description "NW¼NE¼" is corrected to read "SW¼NE¼".

In Public Land Order No. 2731 of July 19, 1962, appearing as Federal Register Doc. 62–7237 in the issue of July 25, 1962, at Pages 7022–3, the description "sec. 39" appearing in T. 35 N., R. 44 E., is corrected to read "sec. 29".

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 3, 1962.

[F.R. Doc. 62–10021; Filed, Oct. 8, 1962; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 10—PRACTICE OF ATTORNEYS AND AGENTS BEFORE THE TREASURY DEPARTMENT

Miscellaneous Amendments

On April 14, 1962, notice of proposed rule making with respect to the amendments of the regulations under Part 10 of Title 31 of the Code of Federal Regulations (comprising Treasury Department Circular No. 230 (Revised)) was published in the Federal Register (27 F.R. 3611). The notice pointed out, among other things, that the proposed amendments are not intended in any way to affect the determination of the nature of professional corporations or associations for income tax purposes and are specifically limited to the rules governing the practice of attorneys and agents before the Internal Revenue Service.

After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, Part 10 of Title 31 of the Code of Federal Regulations is hereby amended as follows:

PARAGRAPH 1. Paragraph (d) (1) and (2) of § 10.3 is amended to read as follows:

§ 10.3 Eligibility for enrollment.

• • • • • •

(d) *Attorneys and certified public accountants.* • • •

(1) Any attorney at law who is a member in good standing of the bar of the highest court of a State, Territory, or possession of the United States, or of the courts of the District of Columbia;

(2) Any certified public accountant who has duly qualified to practice as a certified public accountant in a State, Territory, possession of the United States, or in the District of Columbia.

PAR. 2. Section 10.4 is amended by striking out paragraph (d).

The amended provision reads as follows:

§ 10.4 Ineligibility for enrollment.

• • • • • •

(d) [Deleted]

§ 10.29 [Deletion]

PAR. 3. Section 10.29 is deleted.

PAR. 4. Paragraph (b) (28) of § 10.51 is amended to read as follows:

§ 10.51 Disreputable conduct.

• • • • • •

(b) *Forms.* • • •

(28) Solicitation of practice in any unethical or unprofessional manner, including, but not limited to, employment unethically arranged directly or indirectly by or through any individual, partnership, association, corporation or employee thereof.

PAR. 5. Because the amendments made by paragraphs 1 to 4, inclusive, relieve restrictions and are of a liberalizing character, such amendments shall become effective on the date of their publication in the FEDERAL REGISTER.

(Sec. 3, Act of July 7, 1884, 23 Stat. 258, 5 U.S.C. 261; R.S. 161, 5 U.S.C. 22; secs. 2 to 12, 60 Stat. 237 et seq. (5 U.S.C. 1001 to 1011); Reorg. Plan No. 26 of 1950, 64 Stat. 1280, 5 U.S.C. 133z)

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

OCTOBER 3, 1962.

[F.R. Doc. 62–10041; Filed, Oct. 8, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Treatment of Sales Under Revolving Credit Plan as Sales on Installment Plan

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to provide rules for treating sales under a revolving credit type plan as sales on the installment plan, the Income Tax Regulations (26 CFR Part 1) under section 453 of the Internal Revenue Code of 1954 are amended as follows:

PARAGRAPH 1. Paragraph (a) of § 1.453–1 is amended to read as follows:

§ 1.453–1 Installment method of reporting income.

(a) *In general.* (1) Section 453 permits dealers in personal property, that is, persons who regularly sell or otherwise dispose of personal property on the installment plan, to elect to return the income from the sale or other disposition thereof on the installment method. To the extent provided in paragraph (d) of § 1.453–2, sales under a revolving credit type plan will be treated as sales on the installment plan and the income therefrom may be returned on the installment method. A dealer who makes sales of personal property under both a revolving credit plan and a traditional installment plan may elect to report only sales under the traditional installment plan on the installment method; or he may elect to report only sales under the revolving credit plan on the installment method; or he may elect to report both sales under the revolving credit plan and the traditional installment plan on the installment method. A traditional installment plan usually has the following characteristics:

(i) The execution of a separate installment contract for each sale of personal property, and

(ii) The retention by the dealer of some type of security interest in such property.

(2) The installment method may also be applied with certain limitations (see paragraph (c) of this section) to the sale or other disposition of real property and the casual sale or other casual disposition of certain personal property.

PAR. 2. Section 1.453–2 is amended to read as follows:

§ 1.453–2 Special rules applicable to dealers in personal property.

(a) *In general.* A person who regularly sells personal property on the installment plan may adopt (but is not required to do so), one of the following four ways of protecting his interest in case of default by the purchaser:

(1) By an agreement that title is to remain in the vendor until the purchaser has completely performed his part of the transaction;

(2) By a form of contract in which title is conveyed to the purchaser immediately, but subject to a lien for the unpaid portion of the selling price;

(3) By a present transfer of title to the purchaser, who at the same time executes a reconveyance in the form of a chattel mortgage to the vendor; or

(4) By conveyance to a trustee pending performance of the contract and subject to its provisions.

(b) *Definition of installment plan.* The term "installment plan" means any plan, system, or other arrangement for the sale or other disposition of personal property, which under its terms and conditions, contemplates that each sale of personal property under the plan will be paid for in two or more payments.

(c) *Installment income of dealers in personal property.* The income from sales on the installment plan of a dealer, that is, a person regularly engaged in the sale of personal property on the installment plan, may be ascertained by treating as income that proportion of the total payments received in the taxable year from sales on the installment plan (such payments being allocated to the year against the sales of which they apply) which the gross profit realized or to be realized on the total sales on the installment plan made during each year bears to the total contract price of all such sales made during that respective year. However, if the dealer demonstrates to the satisfaction of the district director that income from sales on the installment plan is clearly reflected, the income from such sales may be ascertained by treating as income that proportion of the total payments received in the taxable year from sales on the installment plan (such payments being allocated to the year against the sales of which they apply) which the gross profit realized or to be realized on the total credit sales made during each year bears to the total contract price of all credit sales during that respective year. A dealer who desires to compute income by the installment method shall maintain accounting records in such a manner as to enable an accurate computation to be made by such method in accordance with the provisions of this section, section 446, and § 1.446–1.

(d) *Revolving credit plans.* (1) To the extent provided in this paragraph, sales under a revolving credit plan will be treated as sales on the installment plan. The term "revolving credit plan" includes cycle budget accounts, flexible budget accounts, continuous budget accounts, and other similar plans or arrangements under which the customer agrees to pay each billing-month (as defined in subparagraph (5)(ii) of this paragraph) a part of the outstanding balance of his account. However, sales under a revolving credit plan do not constitute sales on the installment plan merely by reason of the fact that the total debt at the end of a billing-month for all sales under the plan is paid in installments. Since the terms and conditions of a revolving credit plan do not contemplate that each sale of personal property which may be made thereunder will be paid for in two or more payments (see paragraph (b) of this section), it is impossible to determine that any particular sale under a revolving credit plan constitutes a sale on the installment plan. However, subparagraph (2) of this paragraph provides rules under which a certain percentage of sales under a revolving credit plan will be treated as sales on the installment plan.

(2)(i) The percentage of sales under a revolving credit plan which will be treated as sales on the installment plan shall be computed by making an actual segregation and allocation of sales in a representative sample of the revolving credit accounts and by applying the rules contained in subparagraph (3) of this paragraph to determine what percentage of sales in the sample are to be treated as sales on the installment plan. Such segregation and allocation shall be made of sales which make up the balances in the sample accounts as of the end of each customer's last billing month ending within the taxable year. (See subparagraph (5)(iii) of this paragraph for rules to be used in determining which sales make up such balances.) In order to obtain a representative sample, the accounts shall be selected in accordance with generally accepted probability sampling techniques. The appropriateness of the sampling technique and the accuracy and reliability of the results obtained must be demonstrated to the satisfaction of the district director if he so requires on examination of the taxpayer's return. The taxpayer shall maintain records in sufficient detail to show the method of computing and applying the sample.

(ii) For taxable years ending before the date of the publication of this section in FEDERAL REGISTER as a Treasury decision, a taxpayer who has reported all or a portion of sales under a revolving credit plan as sales on the installment method in a return filed on or before the due date for such return (including any extensions thereof), may elect to apply the percentage obtained for the first taxable year ending on or after such date in determining the percentage of sales under a revolving credit plan for such prior taxable year (or years) which will be treated as sales on the installment plan.

(3) For the purposes of determining the percentage provided for in subparagraph (2) of this paragraph, a sale under a revolving credit plan will be treated as a sale on the installment plan only if such sale (as defined in subparagraph (5)(i) of this paragraph) meets all of the following conditions and requirements:

(i) The sale is a sale by the taxpayer of personal property. For example, service charges, finance charges, sales in a department leased by the taxpayer to another, equipment rental charges, and charges for services rendered by the taxpayer shall not be treated as sales on the installment plan.

(ii) The sale is in an amount in excess of the required monthly payment. If the amount of the sale is equal to or less than the required monthly payment, such sale is not treated as an installment sale. The required monthly payment shall be the amount of the payment which the terms and conditions of the revolving credit contract require the customer to make during a billing-month. If the amount of such payment is not fixed at the date the contract is entered into, but is dependent upon the balance of the account, then such amount shall be the amount the customer is required to pay on the statement rendered to the customer for the last billing-month ending within the taxpayer's taxable year. However, in any case where the required monthly payment is not determined in accordance with a consistent method used during the entire taxable year, the district director may determine the required monthly payment in accordance with the method used during the major portion of such taxable year if he determines that the use of such method is necessary in order to reflect properly the income from sales under a revolving credit plan. The requirement stated in this subdivision may be illustrated by the following examples:

Example (1). Under the terms of a revolving credit plan the required monthly payment to be made by a particular customer is $20. The dealer makes successive sales to the customer of $10, $15, and $25 during the same billing-month. Since the $25 sale is greater than the required monthly payment, it is treated as a sale on the installment plan if it meets all the other requirements of this subparagraph. Since the sales of $10 and $15 are each less than the required monthly payment they are not treated as sales on the installment plan.

Example (2). The terms of a revolving credit plan require a payment of 20 percent of the balance of the customer's account as of the end of the billing-month for which the statement is rendered. A customer makes a purchase of $25 in his next to the last billing-month ending within the taxpayer's taxable year, and the balance at the end of that month is $150. At the end of the customer's last billing-month ending within the taxpayer's taxable year the balance of the account has decreased to $110. If it meets all the other requirements of this subparagraph, the $25 sale is treated as a sale on the installment plan because, although it was less than the $30 required payment on the statement rendered for the billing-month of sale (20% × $150) it was more than the $22 that the customer was required to pay on the statement rendered for his last billing-month ending within the taxable year (20% × $110).

(iii) The sale is charged to an account on which the first payment after the billing-month of sale is an amount less than the balance of the account as of the close of the billing-month within which the sale is made. However, sales which meet the requirements of subdivisions (i) and (ii) of this subparagraph and which are charged to accounts on which no payment is credited after the billing-month of sale and on or before the end of the first billing-month ending in the taxpayer's next taxable year shall be disregarded for purposes of determining the percentage provided for in subparagraph (2) of this paragraph. The requirements stated in this subdivision may be illustrated by the following examples, in which it is assumed that the taxpayer's annual accounting period ends on January 31:

Example (1). Customer A's revolving credit account shows the following purchases of personal property (each of which represents a single sale which is in excess of the required monthly payment) and the following payments:

Month ending—	Purchases	Payments	Balance
Dec. 20	$150	0	$150
Jan. 20	75	$30	195
Feb. 20	0	195	0

The $150 sale is treated as a sale on the installment plan because the first payment after the billing-month of sale ($30) is less than the balance of the account as of the close of such month ($150). The $25 sale is not treated as a sale on the installment plan because it is in an amount which is less than the required monthly payment. The $100 sale is not taken into account in determining the percentage of sales treated as sales on the installment plan because no payment was credited after the billing-month of sale and on or before the end of the first billing-month ending in the taxpayer's next taxable year. Thus, of the $245 balance of the account as of the close of the last month ending in the taxable year, $120 is treated as sales on the installment plan, $25 is not treated as sales on the installment plan, and $100 is not taken into account.

(4) The provisions of subparagraph (3) of this paragraph may be illustrated by the following example:

Example. Under the terms of a revolving credit plan offered by corporation X, payments were required in accordance with the following schedule:

Unpaid balance:	*Required monthly payment*
0–$99.99	$20
$100–$199.99	40
$200–$299.99	60

Corporation X is a dealer in personal property which has adopted as its taxable year a fiscal year ending January 31 of each year. The following charges and payments are made on a customer's account (which has a

payment. By application of the rules of subparagraph (5)(iii) of this paragraph, the balance in the account as of the last billing-month ending in the taxable year ($195) consists of $120 of the $150 sale and the full amount of the $75 sale. Therefore, $120 is treated as sales on the installment plan and $75 is not treated as sales on the installment plan.

Example (2). Customer B's revolving credit account shows the following purchases of personal property (each of which represents a single sale which is in excess of the required monthly payment) and the following payments:

Month ending—	Purchases	Payments	Balance
Dec. 20	$50	0	$50
Jan. 20	100	0	150
Feb. 20	0	$50	100

The $50 sale is not treated as a sale on the installment plan because the first payment after the billing-month of sale ($50) is not less than the balance of the account as of the close of such month ($50). The $100 sale is treated as a sale on the installment plan because the first payment after the billing-month of sale ($50) is less than the balance of the account as of the close of such month ($150).

Example (3). Customer C's revolving credit account, for which the required monthly payment is $30, shows the following purchases of personal property (each of which represents a single sale) and the following payments:

Month ending—	Purchases	Payments	Balance
Dec. 20	$150	0	$150
Jan. 20	100		
	25	$30	245
Feb. 20	0	0	245

The $150 sale is treated as a sale on the installment plan because the first payment after the billing-month of sale ($30) is less than the balance of the account as of the close of such month ($150). The $25 sale is not treated as a sale on the installment plan because it is in an amount which is less than the required monthly payment. The $100 sale is not taken into account in determining the percentage of sales treated as sales on the installment plan because no payment was credited after the billing-month of sale and on or before the end of the first billing-month ending in the taxpayer's next taxable year. Thus, of the $245 balance of the account as of the close of the last month ending in the taxable year, $120 is treated as sales on the installment plan, $25 is not treated as sales on the installment plan, and $100 is not taken into account.

billing-month ending on the 20th of each calendar month):

Month ending—	Item	Charges	Payments	Balance
Nov. 20	Desk	$50.00	0	$50.00
Dec. 20	Finance charge	.30	$20.00	
	Lamp	25.00		
	Music lessons	10.00		65.30
Jan. 20	Finance charge	.45	20.00	
	Coat	50.00		
	Jewelry (leased department)	10.00		105.75
Feb. 20	Finance charge	1.06	0	106.81

The purchase of the desk for $50 is treated as a sale on the installment plan because it is (i) personal property sold by the taxpayer, (ii) in an amount in excess of the required monthly payment ($40), and (iii) charged to an account on which the first payment after the billing-month of sale ($20) is less than the balance of the account as of the close of such month ($50). The finance charges of $0.30 and $0.45 and the charge of $10 for music lessons are not treated as sales on the installment plan because they are not sales of personal property. The charge of $10 for jewelry is not treated as a sale on the installment plan because it is not a sale by the taxpayer. The purchase of the lamp for $25 is not treated as a sale on the installment plan because the sale is less than the required monthly payment, that is, the payment required on the statement rendered for the billing-month ending on January 20 ($40), the last billing-month ending within the taxpayer's taxable year. The purchase of a coat for $50 is disregarded because no payment was credited on the account after the billing-month of sale and before February 20, the end of the first billing-month ending in the taxpayer's next taxable year. The two $20 payments are applied against the earliest outstanding charge, the desk. Thus, of the $105.75 balance of this account as of the close of the last billing-month ending within X Corporation's fiscal year, $10 is treated as sales on the installment plan, $45.75 is not treated as sales on the installment plan, and $50 is disregarded.

(5) For purposes of this paragraph—

(i) A sale of personal property consists of all items of personal property entered on an individual sales slip or invoice and purchased on the same day. The taxpayer shall maintain its books and records in sufficient detail to permit the amount of each sale of personal property to be ascertained.

(ii) A billing-month is that period of time for which a periodic statement of charges and credits is rendered to a customer.

(iii) Each payment received from the customer under a revolving credit plan shall be applied to liquidate the earliest outstanding charges under such plan. Where a taxpayer makes sales which are treated as sales on the installment plan and other sales or charges which are debited on the same day to the same customer's account, the first debit on the books of account will be considered the earliest charge. Returns or allowances shall be applied to liquidate or reduce the charge for the specific item so returned or for the item for which an allowance is permitted.

(iv) The taxpayer shall allocate those sales under a revolving credit plan which are treated as sales on the installment plan to the proper year of sale in order to apply the appropriate gross profit percentage as provided for in paragraph (c) of this section. This allocation shall be made on the basis of the percentages of sales treated as sales on the installment plan determined in the sample of accounts provided for in subparagraph (2) of this paragraph which are attributable to each year.

(6) The provisions of this paragraph may be illustrated by the following example:

Example. Corporation X is a dealer in personal property and has elected to report on the installment method those sales under a revolving credit plan which are treated as sales on the installment plan. Corporation X's taxable year ends on January 31, and the total balance of all revolving credit accounts as of January 31, 1963, is $2,000,000. The gross profit percentage realized or to be realized on all credit sales made in the year ending January 31, 1962, is 38 percent, and the percentage for sales made in the year ending January 31, 1963, is 40 percent. In order to determine the amount of the gross profit contained in the year-end balance of $2,000,000 which may be deferred to succeeding years, corporation X performs the following steps:

Step 1. In accordance with generally accepted sampling techniques, the taxpayer selects a representative sample of all revolving credit accounts having balances for billing-months ending in January 1963. The technique employed results in a random selection of accounts with total balances of $100,000.

Step 2. Analysis of these sample accounts discloses the following information about the sales included in the January 1963 balances:

(a) Sales which are not sales made by the taxpayer of personal property	$5,000
(b) Sales in amounts equal to or less than required monthly payment	30,000
(c) Sales other than those included in (a) and (b) which are charged to accounts on which—	
(1) The first payment after the billing-month of sale is an amount less than the balance of the account as of the close of such month—	
(i) Sales made in the year ending 1-31-62	$900
(ii) Sales made in the year ending 1-31-63	44,100
	45,000
(2) The first payment after the billing-month of sale is not an amount less than the balance of the account as of the close of such month	10,000
(3) No payment is credited after the billing-month of sale and on or before the end of first month ending in the next taxable year	10,000
Total balances of sample accounts	100,000

Of the $100,000 total balances in the sample accounts, $10,000 (item (c) (3)) is disregarded. The percentage of sales to be treated as sales on the installment plan is 50 percent ($45,000 divided by $90,000). Of the 50 percent, 2 percent ($900 divided by $45,000) is attributable to the fiscal year ending January 31, 1962, and 98 percent is attributable to the fiscal year ending January 31, 1963.

Step 3. The deferred gross profit attributable to sales made in the fiscal year ending January 31, 1962, is $7,600, determined as follows:

Total balance of revolving credit accounts as of January 31, 1963	$2,000,000
Percent of sales under a revolving credit plan to be treated as sales on the installment plan	50%
Amount of sales under a revolving credit plan treated as sales on the installment plan	$1,000,000
Percent of such sales attributable to fiscal year ending 1-31-62	2%
Amount of such sales attributable to fiscal year ending 1-31-62	$20,000
Gross profit percentage for fiscal year ending 1-31-62	38%
Deferred gross profit for fiscal year ending 1-31-62	$7,600

The deferred gross profit attributable to sales made in the fiscal year ending January 31, 1963, $392,000, is determined as follows:

Amount of sales under a revolving credit plan treated as sales on the installment plan	$1,000,000
Percent of such sales attributable to fiscal year ending 1-31-63	98%
Amount of such sales attributable to fiscal year ending 1-31-63	$980,000
Gross profit percentage for fiscal year ending 1-31-63	40%
Deferred gross profit for fiscal year ending 1-31-63	$392,000
Deferred gross profit attributable to fiscal year ending 1-31-62	$7,600
Deferred gross profit attributable to fiscal year ending 1-31-63	$392,000
Deferred gross profit for year	$399,600

(e) *Treatment of payments on sales made in years prior to change to installment method.* No payments received in the taxable year shall be excluded in computing the amount of income to be returned on the ground that they were received on a sale the total profit from which was returned as income during a taxable year or years prior to the change by the taxpayer to the installment method of returning income. In this regard see section 453(c) and § 1.453–7 for the method of determining the sales on which the payments shall not be excluded and the computation of the adjustments for amounts previously included in income in the case of a change from the accrual method to the installment method. Deductible items are not to be allocated to the years in which the profits from the sales of a particular year are to be returned as income, but must be deducted for the taxable year in which the items are "paid or incurred" or "paid or accrued." See sections 461 and 7701(a)(25), and the regulations thereunder.

PAR. 3. Section 1.453–7 is amended by revising paragraph (a), and by revising the material preceding the example in paragraph (b)(3). These revised provisions read as follows:

§ 1.453–7 Change from accrual to installment method by dealers.

(a) *In general.* A taxpayer who is a dealer in personal property and who is entitled to the benefits of section 453(a) may elect to report his taxable income on the installment method of accounting without securing consent of the Commissioner. In the event a dealer elects to change from the accrual method of accounting to the installment method for either sales under a revolving credit plan or sales on the traditional installment plan, or both types of sales (see paragraph (a)(1) of § 1.453–1), any installment payments actually received in the year of change or in subsequent taxable years on account of sales (or other dispositions of property) of a type or types for which the installment method is elected and which were made in any taxable year before the year of change shall not be excluded from taxable income. For the purpose of determining which payments on account of sales made under a revolving credit type plan shall not be excluded, the dealer shall make a determination of sales under a revolving credit plan made in any taxable year before the year of the change which under the provisions of paragraph (d) of § 1.453–2 are treated as sales on the installment plan. However, for this purpose, in lieu of the percentage determined for any such year, the percentage determined under paragraph (d)(2) of § 1.453–2 for the year of change may be used. Profits attributable to sales on the installment plan even though included in taxable income in their entirety in a year of sale before the year in which the change to the installment method is made are also includible in taxable income as payments are received in the year of change and in subsequent taxable years. But the tax imposed for the year of change or any subsequent taxable years (such years being referred to as "adjustment years") beginning after December 31, 1953, shall be reduced by an adjustment proportionate to the tax attributable to the gross profit which is, by reason of the change to the installment method, included in gross income a second time, determined by the method of computation described in section 453(c) and paragraph (b) of this section.

(b) *Adjustments to tax.* • • •

(3) The computation of the adjustment provided in section 453(c)(2) may be illustrated by the following example, the principles of which are equally applicable to sales under a revolving credit plan which are reported on the installment method:

• • • • • •

PAR. 4. Paragraph (a) of § 1.453–8 is amended to read as follows:

§ 1.453–8 Requirements for adoption of or change to installment method.

(a) *Dealers in personal property*—(1) *Time for election.* An election to adopt or change to the installment method for a type or types of sales must be made on an income tax return for the taxable year of the election, filed on or before the time specified (including extensions thereof) for filing such return. For taxable years ending on or before the date of the publication of this section in the FEDERAL REGISTER as a Treasury decision, the reporting of sales under a revolving credit plan on the installment method on such return constitutes an election to report that type of sale on the installment method, even though no specification was made of the type or types of sales for which the election was made.

(2) *Adoption of installment method.* A taxpayer who adopts the installment method for the first taxable year in which he makes sales on the installment plan of any kind must indicate in his income tax return for that taxable year that the installment method of accounting is being adopted and specify the type or types of sales included within such election. If a taxpayer in the year of the initial election made only one type of sale on the installment plan, but during a subsequent taxable year makes another type of sale on the installment plan and adopts the installment method for such other type of sale, he must indicate in his income tax return for such subsequent year that he is electing to adopt the installment method of accounting for that type of sale.

(3) *Change to installment method.* A taxpayer who changes to the installment method for a particular type or types of sales on the installment plan in accordance with § 1.453–7 shall, for each type of sale on the installment plan for which the installment method is to be used, attach a separate statement to his income tax return for the taxable year with respect to which such change is made. Each statement must show—

(i) The method of accounting used in computing taxable income before the change;

(ii) The type of sale on the installment plan for which the installment method is being elected;

(iii) The span of taxable years over which it will be necessary to compute adjustments; and

(iv) A schedule similar to the schedule shown in the example in paragraph (b)(3) of § 1.453–7, showing the computation of the required adjustments under section 453(c)(2).

Similar statements must be attached to and filed with income tax returns for subsequent taxable years in which adjustments are required because of the inclusion of installment payments in gross income a second time.

PAR. 5. Paragraphs (a) and (b) of § 1.453–10 are amended to read as follows:

§ 1.453–10 Effective date.

(a) Except as provided in this section, the provisions of section 453 and §§ 1.453–1 through 1.453–9 shall apply to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

(b) The provisions of paragraphs (a)(2) and (3), (b), and (c) of § 1.453–8 shall apply to taxable years ending after December 17, 1958.

[F.R. Doc. 62–10105; Filed, Oct. 8, 1962; 9:10 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1406]

AIRWORTHINESS DIRECTIVES

Lockheed Model 18 and Learstar Aircraft; Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the anchor fitting which secures the main landing gear drag strut to the center section on Lockheed Model 18 and Learstar aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 8, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all Model 18 and Learstar aircraft, which incorporate landing gear drag strut anchor fitting, P/N 51101.

Compliance required as indicated.

There have been cases of malfunctioning, due to loose bolts and elongated bolt holes, of the anchor fitting which secures the main landing gear drag strut to the center section on Lockheed Model 18 and Learstar aircraft. As this condition is likely to exist on other such aircraft, accomplish the following:

(a) Within the next 25 landings after the effective date of this AD and thereafter at intervals not to exceed 100 landings, conduct a close visual inspection of anchor fitting, P/N 51101, which transmits main landing gear drag strut loads to the wing center section main beam and adjacent structure, in order to detect any evidence that the fitting has been moving during applications of load.

(b) If evidence is found to indicate that the fitting has been moving under load, rework or replace, as follows:

(1) Gain access to the anchor fitting by drilling out the attachment rivets and removing the bolts which are used to fasten channels, P/N 51119 and P/N 51061, in place.

(2) Conduct another close visual inspection of the anchor fitting to determine whether the attachment bolts are loose or to confirm that the fitting has been moving during applications of load.

(3) Any fitting inspected in accordance with (b)(2) and found to have loose bolts, or to have moved under load shall, prior to further flight, be reworked per (b)(4) or modified per (b)(5), as applicable, or replaced with a new anchor fitting, P/N 51101, of the original or modified design presently approved for use in the airplane.

(4) Anchor fittings, P/N 51101, or the structure which mates with the holes in the anchor fitting, which have not been previously modified, as indicated in (b)(5), if found to have elongated or deformed holes, may be returned to service if the holes are reamed to accommodate steel bushings having a nominal wall thickness of 0.032 inches. The bushing material shall be steel, 4130 or equivalent, heat treated to 125,000–145,000 p.s.i. The dimensions to be maintained are:

	Hole diameter	Bushing O.D.	Bushing I.D.
For ⅝ attachment bolts	0.3758	0.3766	0.318
	0.3750	0.3761	0.312
For ¾ attachment bolts	0.4383	0.4391	0.381
	0.4375	0.4386	0.374

Only those holes found elongated or deformed are to be reamed oversize to accommodate the 0.032 inch bushing.

(5) Anchor fittings, P/N 51101, and the structure which mates with the holes in the anchor fitting, which have been previously modified in conjunction with the "Learstar" modification or other gross weight increase programs, if found to have elongated or deformed holes, may be returned to service if modified in a manner approved by the Chief, Engineering and Manufacturing Branch, of the FAA region in which the gross weight modification for the aircraft was approved.

(6) When new or reworked fittings are installed, new bolts or bolts which have been checked and found to exhibit no evidence of wear shall be used and shall be tightened to the torque values shown in Table 6–1 of Civil Aeronautics Manual 18.

(7) When channels P/N 51119 and P/N 51061 removed per (b)(1) are replaced, NAS 623 screws and appropriate steel washers and steel stop nuts may be substituted for the rivets. This will require reaming out the existing holes in P/N 51119 channel and mating parts to a push fit for the screws. If rivets are selected, AN430AD6 and AN430AD5 type respectively shall be used.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

Issued in Washington, D.C., on October 3, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–10016; Filed, Oct. 8, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIFORNIA; AND THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF WHITE WATER, CALIFORNIA

Approval of Expenses and Fixing of Rate of Assessment for 1962–63 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Administrative Committee, established under Marketing Agreement No. 906, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof.

(1) That the Secretary of Agriculture find that expenses not to exceed $80,100 will be necessarily incurred during the fiscal period August 1, 1962, to July 31, 1963, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order.

(2) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles grapefruit shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, the rate of assessment at three cents ($0.03) per carton of grapefruit handled by such handler as the first handler thereof during such fiscal period.

(3) That the Secretary of Agriculture find that unexpended assessment funds, in excess of expenses incurred during the fiscal period ending July 31, 1963, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42 of said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 4, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–10045; Filed, Oct. 8, 1962; 8:50 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

DEPUTY ASSISTANT ADMINISTRATOR FOR AFRICA AND EUROPE

Delegation of Authority

JANUARY 24, 1962.

By virtue of my authority as Assistant Administrator for Africa and Europe, Agency for International Development, and pursuant to the authority delegated to me by the Administrator, Agency for International Development, by his Delegation of Authority No. 5, dated December 29, 1961, I hereby delegate, retaining for myself concurrent authority to exercise any of the functions herein delegated, to the Deputy Assistant Administrator for Africa and Europe:

(1) Authority to negotiate, execute and implement:

(a) All loan and guaranty agreements authorized under the Foreign Assistance Act of 1961.

(b) All loan and guaranty agreements which have been authorized by the Board of Directors of the corporate Development Loan Fund.

(c) All guaranty agreements which have been authorized pursuant to section 413(b)(4) of Mutual Security Act of 1954, as amended.

(2) Authority to approve, negotiate, execute and implement all amendments of, and ancillary agreements with respect to, the loans and guarantees enumerated in (1) above as the Deputy Assistant Administrator may deem necessary or desirable, provided that the foregoing authority may not be utilized to approve amendments which would increase the maximum total amount of a loan or potential liability of the United States under a guaranty.

The authority delegated herein may not be further redelegated.

This Delegation of Authority shall be effective as of January 8, 1962, and shall continue in full force and effect until such time as it is rescinded by me.

EDWARD C. HUTCHINSON,
Assistant Administrator for Africa and Europe.

[F.R. Doc. 62–10026; Filed, Oct. 8, 1962; 8:47 a.m.]

Office of the Secretary

[Public Notice 212]

[Delegation of Authority 104–A]

TRANSFER OF MUNITIONS CONTROL FUNCTIONS

Delegation of Authority

Delegation of Authority No. 104 of November 3, 1961 (Public Notice 199), is hereby amended as follows:

Section 6(b)(2)(B) is redesignated as section 6(b)(3), and the words "To the Director, Office of Munitions Control:" are added at the beginning thereof.

This amendment shall be deemed to have become effective on September 11, 1962.

Dated: September 26, 1962.

[SEAL] GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62–10033; Filed, Oct. 8, 1962; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 62–10034, Federal Deposit Insurance Corporation, *infra*.

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business, September 28, 1962, to the appropriate agency designated herein, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form 2130–A—Call No. 443,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on Federal Reserve Form 105—Call 165,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 61,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The Original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated January 1961.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1961.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State Banks not members of the Federal Reserve System," dated January 1961.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated January 1961,[1] and shall send the same to the Federal Deposit Insurance Corporation. Each insured mutual savings bank which is a member of the Federal Reserve System shall make its original Report of Condition on Federal Reserve Form 105—Call 165,[1] prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1961,[1] and shall send the same to the Federal Reserve Bank of the District in which it is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation.

ERLE COCKE, SR.,
Chairman,
Federal Deposit Insurance Corporation.
JAMES J. SAXON,
Comptroller of the Currency.
WILLIAM MCCHESNEY MARTIN, JR.,
Chairman, Board of Governors of the Federal Reserve System.

[F.R. Doc. 62–10034; Filed, Oct. 8, 1962; 8:48 a.m.]

[1] Filed as part of original document.

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 62-10034, Federal Deposit Insurance Corporation, *supra*.

ATOMIC ENERGY COMMISSION

[Docket No. 50-5]

PENNSYLVANIA STATE UNIVERSITY

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on September 14, 1962, 27 F.R. 9153, the Atomic Energy Commission has issued Construction Permit No. CPRR-71. The construction permit authorizes The Pennsylvania State University to enlarge the reactor bay and construct additions to the nuclear reactor building located on the University's campus at University Park, Pennsylvania.

Dated at Germantown, Md., this 2d day of October 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-10013; Filed, Oct. 8, 1962; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2871]

VARIOUS OFFICIALS

Delegation of Authority Regarding Virgin Islands Corporation, National Forest Reservation Commission, and Migratory Bird Conservation Commission

SECTION 1. *Delegation.* (a) The Under Secretary of the Interior or an Assistant Secretary of the Interior, upon designation by me, may exercise the authority of the Secretary of the Interior as:

(1) Member and Chairman, Board of Directors, Virgin Islands Corporation, and

(2) Member, National Forest Reservation Commission.

(b) The Under Secretary of the Interior or the Assistant Secretary for Fish and Wildlife, upon designation by me, may exercise the authority of the Secretary of the Interior as Chairman, Migratory Bird Conservation Commission.

SEC. 2. *Redelegation.* The authority delegated by section 1 of this Order may not be redelegated.

(Sec. 2, Reorganization Plan No. 3 of 1950, 5 U.S.C., sec. 133z-15, note)

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 2, 1962.

[F.R. Doc. 62-10023; Filed, Oct. 8, 1962; 8:46 a.m.]

BUREAU OF SPORT FISHERIES AND WILDLIFE

Official Insignia

The insignia depicted below is hereby prescribed as the official insignia of the Bureau of Sport Fisheries and Wildlife of the Fish and Wildlife Service, Department of the Interior.

In making this prescription, notice is hereby given that whoever manufactures, sells, or possesses this insignia, or any colorable imitation thereof, or photographs, prints or in any other manner makes or executes any engraving, photograph or print, or impression in the likeness of this insignia, or any colorable imitation thereof, without authorization from the United States Department of the Interior is subject to the penalty provisions of section 701 of Title 18 of the United States Code.

U.S.
DEPARTMENT OF THE INTERIOR



FISH AND WILDLIFE SERVICE

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 2, 1962.

[F.R. Doc. 62-10024; Filed, Oct. 8, 1962; 8:47 a.m.]

HEADS OF BUREAUS AND OFFICES

Delegation of Authority

In F.R. Doc. 62-9372, appearing on page 9359 of the issue for September 20, 1962, the following change should be made:

Under the list of Secretary's Orders or portions of orders which are superseded, section 10(g), 2508 (16 F.R. 473) should be added.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 2, 1962.

[F.R. Doc. 62-10025; Filed, Oct. 8, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13747]

EASTERN AIR LINES, INC., ENFORCEMENT

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing, heretofore assigned in the above-entitled proceeding for October 9, 1962, is hereby postponed and reassigned for October 16, 1962, at 10 a.m., e.d.s.t., in Room 1020, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., October 5, 1962.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[F.R. Doc. 62-10084; Filed, Oct. 8, 1962; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[File No. 23-774]

OTTO POESCHL AND ARGA WARENHANDELSGESELLSCHAFT

Order Temporarily Denying Export Privileges

In the matter of Otto Poeschl, Individually and doing business as Arga Warenhandelsgesellschaft, Traklgasse 19, Stiege 23, Vienna VI, Austria, Respondents, File 23-774.

The Director, Investigations Staff, Bureau of International Programs, United States Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, chapter III, subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above named respondents. It was requested that the order remain in effect pending continued investigation into the facts and transactions giving rise to the application and the commencement of such proceedings as may be deemed proper under the law against said respondents.

The Compliance Commissioner has reviewed the application together with the evidence presented in support thereof and has submitted his report, together with his recommendation that the application be granted and that a temporary denial order be issued for ninety days. Upon consideration of the recommendation and the evidence submitted I find that the evidence reasonably supports the conclusion that the respondents have engaged in a series of schemes and other improper conduct to procure commodities of United States origin for transshipment to unauthorized destinations in violation of the United States Export Control Law and regulations thereunder. I further find that the evidence reasonably supports the conclusion that unless export privileges are temporarily denied, the respondents will continue to obtain goods of United States origin and thereafter cause them to be shipped to destinations in contravention of the United States Export Control Law and regulations. An order temporarily denying export privileges to the respondents is reasonably necessary for the protection of the public interest and national security. *Accordingly, it is hereby ordered:*

(1) The respondents, Otto Poeschl, individually and doing business as Arga Warenhandelsgesellschaft, and their agents and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondent's participation (a) as a party to or as representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, or disposing of any commodities and technical data in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

(2) Such denial of export privileges shall apply not only to said respondents, but also to any other person, firm, corporation, or business organization with which either respondent may be now or hereafter related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith;

(3) This order shall take effect forthwith and shall remain in effect for a period of ninety days from the date hereof, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the United States Export Regulations.

(4) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from the Bureau of International Programs shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (1) and (2) hereof may receive any benefit or have any interest or participation of any kind or nature, direct or indirect;

(5) A certified copy of this order shall be served upon the respondent.

(6) In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commisioner at Washington, D.C., at the earliest convenient date.

Dated: October 3, 1962.

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 62-10015; Filed, Oct. 8, 1962; 8:45 a.m.]

Maritime Administration

PACIFIC FAR EAST LINE, INC.

Notice of Application

Notice is hereby given that Pacific Far East Line, Inc., has applied for amendment of its Operating-Differential Subsidy Agreement Contract No. FMB-81, so as to increase the maximum number of sailings on its Transpacific Freight Service (Trade Route No. 29) to 63 sailings per annum and to assign an additional ship to the service. The existing contract permits a maximum of 57 sailings per annum and nine ships are assigned to the service.

Any person, firm or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175 should by the close of business on October 22, 1962, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: October 3, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-10031; Filed, Oct. 8, 1962; 8:48 a.m.]

[Docket No. S-143]

AMERICAN EXPORT LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application filed by American Export Lines, Inc., for written permission of the Maritime Subsidy Board, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223 to allow this company's vessels operating in the subsidized Line F Round-the-World (Eastbound) Service to carry domestic cargo and/or domestic passengers from a port or ports in the states of Washington and Oregon to U.S. North Atlantic port or ports (Maine-Virginia, inclusive). This application may be inspected by interested parties in Room 3095, General Accounting Office Building, 441 G. Street NW., Washington 25, D.C.

A hearing on the application has been set for October 30, 1962, at 10:00 a.m., e.d.t., in Room 4458 of General Accounting Office Building, before the Chief Hearing Examiner of the Maritime Administration/Maritime Subsidy Board. The purpose of the hearing under section 805(a) is to receive evidence relevant to whether granting such application (a) would result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the said Act.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on the foregoing issues pertinent to section 805(a) must before the close of business on October 24, 1962, notify the Secretary, Maritime Administration, in writing, in triplicate, and file petition for leave to intervene which petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, petitions for leave to intervene received after the close of business on October 24, 1962, will not be granted in this proceeding.

Dated: October 4, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-10049; Filed, Oct. 8, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC., KGO–TV

Proposed Television Antenna Structure; Notice of Hearing

Notice is hereby given, pursuant to the provisions of Part 626 of the Regulations of the Administrator, as amended, that the hearing in the above-entitled proceeding will be reconvened on October 10, 1962, at 9:00 a.m., e.d.t., in the Solarium at 1711 New York Avenue, Washington 25, D.C., before the undersigned Presiding Officer.

For information concerning the details in this proceeding, interested persons are referred to Obstruction Evaluation Docket No. 61–WE–25 on file in the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C.

Issued in Washington, D.C., on September 28, 1962.

W. THOMAS DEASON,
Presiding Officer.

[F.R. Doc. 62–10017; Filed, Oct. 8, 1962; 8:46 a.m.]

CHRONICLE PUBLISHING COMPANY, KRON–TV

Proposed Television Antenna Structure; Notice of Hearing

Notice is hereby given, pursuant to the provisions of Part 626 of the Regulations of the Administrator, as amended, that the hearing in the above-entitled proceeding will be reconvened on October 10, 1962, at 9:00 a.m., e.d.t., in the Solarium at 1711 New York Avenue, Washington 25, D.C., before the undersigned Presiding Officer.

For information concerning the details in this proceeding, interested persons are referred to Obstruction Evaluation Docket No. 61–WE–26 on file in the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C.

Issued in Washington, D.C., on September 28, 1962.

W. THOMAS DEASON,
Presiding Officer.

[F.R. Doc. 62–10018; Filed, Oct. 8, 1962; 8:46 a.m.]

[OE Docket No. 62–SO–1]

MID-OCEAN BROADCASTING CORP.

Proposed Two-Tower Antenna Array; Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: Mid-Ocean Broadcasting Corporation, Beverly Hills, California, proposes to erect a two-tower antenna array near Dorado, Puerto Rico. The structures would be 186.3 feet apart on a line bearing 293° true with the midpoint being at latitude 18°28'06" north, longitude 66°16'16" west. The overall height of the structures would be 239 feet above mean sea level (206 feet above ground).

Objections were made in response to the circularization by the Dorado Airport Manager, Puerto Rico Wing CAP Commander, and Puerto Rico Ports Authority based upon the conclusions of the objectors that the proposed structures would be:

1. Located in the approach area for Runway 27 of the Dorado Airport.

2. A definite hazard to aircraft using this airport.

3. A hazard because the structures would penetrate the imaginary surfaces of this airport.

At the FAA Atlanta Informal Airspace Meeting the proposed site was stated as being approximately 6,441 feet east of the airport reference point (approximately 4,700 feet east of the east end of the runway). At this meeting objections were made by the Air Transport Association of America, National Business Aircraft Association and Aircraft Owners and Pilots Association on the basis that these structures would be hazardous to aeronautical operations. Subsequent to the meeting, it was determined that the proposed structures actually would be located at a point approximately 6,000 feet east-northeast of the east end of the runway and approximately 800 feet north of the extended runway centerline. Further, the penetration of the non-instrument approach area surface for Runway 27 would be 26 feet rather than 64 feet as indicated at the airspace meeting. Upon being advised of the corrected data, ATA, NBAA and AOPA withdrew their objections.

With respect to the Dorado Airport, the proposed structures would exceed the inner horizontal surface and the non-instrument approach area surface for Runway 27 as defined in § 626.13 of the regulations of the Administrator, by 14 feet and 26 feet respectively. There are no instrument approach procedures established for this airport.

The FAA Airport Facilities Record for the Dorado Airport, dated June 9, 1961, indicates the existing established glide angle for Runway 27 is 1:50. The proposed structures would require an increase in the glide angle to 1:35. This glide angle would be compatible with normal rates of descent and ascent for aircraft landing or taking off at the Dorado Airport. No other VFR aeronautical operations would be affected. Therefore, the Agency study disclosed that the proposed structures at the location and height specified would have no substantial adverse effect upon aeronautical operations at the Dorado Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structures.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33), it is concluded that the erection of the proposed antenna array at the location and mean sea level elevation specified herein would have no substantial adverse effect upon aeronautical operations and it is hereby determined that the proposed structures would not be hazards to air navigation provided that the structures be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (14 CFR 626.34). If the appeal is denied the determination will then become final as of the date of the denial or 30 days after the issuance of the determination whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (14 CFR 626.35).

Issued in Washington, D.C., on September 27, 1962.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62–10019; Filed, Oct. 8, 1962; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1072]

STOCKTON ELEVATORS

Investigations of Certain Practices

During 1961 and 1962, Stockton Elevators, a terminal operator subject to the provisions of the Shipping Act, 1916, as amended (the Act), may have assessed owners, shippers or exporters of grain lower terminal charges than those assessed against the Department of Agriculture, its branches or divisions, for similar services on grain moving over its facilities in violation of sections 16, First and 17 of the Act.

During this same period, Stockton Elevators may have assessed owners, shippers, or exporters of grain, terminal charges other than those set forth in its tariff duly filed with the Commission.

Mitsui & Co., Ltd., of Portland, Oregon, during 1961 and 1962, through its transactions with Stockton Elevators, may have obtained or attempted to obtain, directly or indirectly, transportation by water for property at less than regular rates or charges which would otherwise be applicable therefor in violation of section 16 of the Act.

Accordingly, the Commission, pursuant to section 22 of the Act, hereby institutes on its own motion an investigation, (1) into the practices of Stockton Elevators in connection with terminal charges assessed the Department of Agriculture and other owners, shippers or exporters of grain during 1961 and 1962 to determine whether Stockton Elevators may have violated sections 16, First and 17 of the Act, and (2) into the transactions between Stockton Elevators and Mitsui & Co., Ltd., to determine whether Mitsui and Co., Ltd., violated section 16 of the Act.

Stockton Elevators and Mitsui & Co., Ltd., are hereby made respondents in this proceeding, which is to be set for hearing before an examiner designated by the Chief Hearing Examiner at a time and place to be announced.

A copy of this order shall be served on each of the respondents and published in the FEDERAL REGISTER.

By order of the Commission, October 1, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–10030; Filed, Oct. 8, 1962; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–16072, G–17377]

MAGNA OIL CORP.

Order Substituting Respondent, Accepting Successor's Agreement and Undertaking, and Redesignating Proceedings

OCTOBER 2, 1962.

On May 18, 1962, Magna Oil Corporation (Magna) filed a motion to be substituted for The Grande Corporation (Grande) as respondent in the above-designated rate suspension proceedings. By merger agreement dated June 14, 1961, Magna succeeded to all of the interests of Grande. The increased rates involved in the above-designated proceedings were made effective subject to refund prior to the merger. Concurrently with the filing of the aforementioned motion, Magna submitted an agreement and undertaking to make any refunds required by the Commission.

By letter dated August 14, 1962, the Commission granted temporary authorization for the continuance of the sales formerly made by Grande, and redesignated Grande's FPC Gas Rate Schedule Nos. 1, 2, 3, and 4, as Magna's FPC Gas Rate Schedule Nos. 5, 6, 7, and 8, respectively.

The Commission finds: Good cause exists for substituting Magna for Grande as respondent in the proceedings in Docket Nos. G–16072 and G–17377, for redesignating the proceedings accordingly, and for accepting the agreement and undertaking submitted by Magna in lieu of those heretofore filed by Grande.

The Commission orders:

(A) Magna Oil Corporation is hereby substituted as respondent in the proceedings in Docket Nos. G–16072 and G–17377, in lieu of The Grande Corporation, and the proceedings are hereby redesignated accordingly.

(B) The agreement and undertaking submitted by Magna Oil Corporation to assume any and all refund obligations in the proceedings in Docket Nos. G–16072 and G–17377 is hereby accepted for filing in lieu of those heretofore filed by The Grande Corporation.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–10035; Filed, Oct. 8, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 4, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37972: *Substituted service—CRI&P for Trans-American Van Service, Inc.* Filed by Movers' & Warehousemen's Association of America, Inc. (No. 3), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flatcars, between Chicago, Ill., on the one hand, and Denver, Colo., Dodge City, Topeka, and Wichita, Kans., Omaha, Nebr., Tucumcari, N. Mex., Enid and Oklahoma City, Okla., and Amarillo, Tex., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 37973: *Kyanite from Clover, S.C., to Ohio and Pennsylvania points.* Filed by O. W. South, Jr., Agent (No. A4242), for interested rail carriers. Rates on kyanite, crude or ground, not pulverized, in carloads, from Clover, S.C., to Warren, and North Warren, Ohio, and Sproul, Pa.

Grounds for relief: Market competition.

Tariff: Supplement 55 to Southern Freight Association tariff I.C.C. S–126.

FSA No. 37974: *Petroleum products, returned between points in WTL and mountain Pacific territories.* Filed by North Pacific Coast Freight Bureau, Agent (No. 62–1), for interested rail carriers. Rates on petroleum products, asphalt (asphaltum), petroleum road oil and liquefied petroleum gas, in tank car loads, returned to shipping point, from, to and between points in western trunkline and mountain Pacific territories.

Grounds for relief: Carrier competition.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–10032; Filed, Oct. 8, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24B–1206]

AMERICAN RADIOTELEPHONE CORP.

Notice and Order for Hearing

OCTOBER 3, 1962.

I. American Radiotelephone Corporation (issuer), a Massachusetts corporation, 215 Oak Street, Natick, Massachusetts, filed with the Commission on March 2, 1961, a notification on Form 1–A and an offering circular relating to a proposed public offering of $250,000 of 8 percent convertible debentures due 1966, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission, on September 5, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest in the matter an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 2:00 p.m., e.d.s.t., on October 22, 1962, at the Boston Regional Office of the Commission at the Federal Building, Post Office Square, Boston 9, Massachusetts, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have been complied with in that:

1. The issuer failed to furnish the offering circular required by Rule 256 to certain purchasers of the issuer's convertible debentures.

2. The issuer failed to file sales literature with the Commission as required by Rule 258.

B. Whether the offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, in that:

1. It was misrepresented to certain investors that an offering of common stock of the issuer would shortly go on the market at $15 to $20 per share.

2. It was misrepresented to certain investors that of the $250,000 of convertible debentures offered pursuant to the filing, $221,000 had been sold.

3. It was misrepresented to certain investors that the issuer was acquiring several companies through mergers.

4. It was misrepresented to certain investors that the "Nomad" cordless microphone was the best in the field because "all the bugs had been worked out."

5. It was misrepresented to certain investors that the former president of the company owned 73 percent of the voting stock.

III. *It is further ordered*, That James Ewell, or any officer or officers of the Commission designated by it for the purpose, shall preside at the hearing; that

any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on American Radiotelephone Corporation, that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before October 20, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10036; Filed, Oct. 8, 1962; 8:48 a.m.]

[File No. 70-4071]

HOPE NATURAL GAS CO.

Notice of Proposed Issuance and Sale of Short-Term Notes to Banks; Proposed Increase in Authorized Capital Stock of Subsidiary Company; and Proposed Intrasystem Issuances, Sales, and Acquisitions of Capital Stock and Short-Term Notes

OCTOBER 3, 1962.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), 30 Rockefeller Plaza, New York 20, New York, a registered holding company, and its wholly-owned subsidiary companies, Hope Natural Gas Company ("Hope"), Lake Shore Pipe Line Co. ("Lake Shore"), New York State Natural Gas Corporation ("New York State"), and The Peoples Natural Gas Company ("Peoples"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Consolidated proposes to issue and sell to a group of banks, on one or more dates in 1962, an aggregate of $10,000,000 of unsecured promissory notes, without a commitment fee. The notes will have a maturity of not more than 12 months from the date of the first borrowing and will bear interest at the prime rate (presently 4½ percent) of The Chase Manhattan Bank in effect on the date of the first borrowing. They will be prepayable, in whole or in part at any time, upon ten days' prior written notice, without penalty.

The names of the banks and the participation of each are as follows:

Bank	Participation
New York City:	
The Chase Manhattan Bank	$3,350,000
First National City Bank	1,000,000
Morgan Guaranty Trust Co. of New York	750,000
Bankers Trust Co	500,000
Chemical Bank New York Trust Co	500,000
Irving Trust Co	500,000
Manufacturers Hanover Trust Co	500,000
Cleveland, Ohio:	
The National City Bank of Cleveland	900,000
Union Commerce Bank	400,000
Society National Bank of Cleveland	300,000
Central National Bank of Cleveland	200,000
Pittsburgh, Pa.:	
Pittsburgh National Bank	600,000
Mellon National Bank and Trust Co	500,000
	10,000,000

Consolidated intends to use the borrowed funds to finance subsidiary-company construction and to repay said borrowings from the proceeds of permanent financing at a later date.

The following subsidiary companies propose to issue and sell, and Consolidated proposes to acquire, non-negotiable short-term notes in the amounts set forth below:

Hope	$6,000,000
New York State	3,000,000
Peoples	1,000,000
	10,000,000

The notes will mature not more than 12 months from the date of the first borrowing by each company and on or before the maturity date of the above-described bank borrowings of Consolidated. The notes of the subsidiary companies will bear the same rate of interest as that borne by said notes of Consolidated. The funds received by the subsidiary companies are to be used to finance plant construction.

Lake Shore proposes to increase its authorized capital stock from $820,000 to $920,000, so that its authorized capital stock after such increase will consist of 92,000 shares of the par value of $10 per share. Lake Shore proposes to issue and sell to Consolidated, and Consolidated proposes to acquire, an aggregate of 10,000 shares of $10 par value capital stock of Lake Shore, from time to time during 1962, for cash equal to the aggregate par value of $100,000. Said $100,000 is to be utilized to finance Lake Shore's plant construction.

The joint application-declaration states that the proposed short-term borrowings by Hope are subject to the jurisdiction of the Public Service Commission of West Virginia, the State commission of the State in which Hope is organized and doing business; that the issuance of the additional capital stock proposed by Lake Shore is subject to the jurisdiction of The Ohio Public Utilities Commission, the State commission of the State in which Lake Shore is organized and doing business; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over any of the proposed transactions.

The fees and expenses to be incurred in connection with the proposed transactions are estimated to aggregate $2,700, as follows: Federal original issue tax, $110; State taxes and filing fees, $125; services of Con-Gas Service Corportation, $2,200; and miscellaneous expenses, $265.

Notice is further given that any interested person may, not later than November 1, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10037; Filed, Oct. 8, 1962; 8:49 a.m.]

[File No. 812-1522]

INCUBATION FUND, INC.

Notice of Filing of Application

OCTOBER 3, 1962.

Notice is hereby given that The Incubation Fund, Inc. ("Fund"), 120 Broadway, New York, New York, an open-end management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting the Fund from sections 15(a), 16(a), and 32(a) to the extent that such sections require approval by shareholders of investment advisory agreements, election of directors and selection of independent public accountants, respectively, such order to be effective until the first annual meeting of the stockholders of the Fund which is scheduled to be held on the third Tuesday of September, 1963.

The application states that the Fund presently has no stockholders. It intends to issue initially up to 50,000 shares of its common stock when its Registration Statement under the Securities Act of 1933 becomes effective. Prior to the effective date of the Registration Statement, the Fund proposes to enter into an investment advisory contract with Lewis B. Cullman, Inc. Since the Fund will not have any stockholders until after the effective date of its Registration Statement, it will not be possible to secure prior approval by the stockholders of the Fund of such advisory contract, as required by section 15(a) of the Act.

Similarly, the present directors of the Fund have not been elected by the stockholders as required by section 16(a) of the Act, and such elections will not be possible prior to the proposed issuance of Common Stock of the Fund.

The application further states that the board of directors of the Fund has appointed Messrs. Touche, Ross, Bailey & Smart as its independent public accountants for the fiscal year ending August 31, 1963. (At the end of its first fiscal year on August 31, 1962, the Fund had not commenced operations and had no liabilities, assets or stockholders.) Such appointment was in compliance with paragraph (1) of section 32(a) of the Act. It is expected that such appointment will be renewed, in compliance with said paragraph, for the fiscal year ending August 31, 1964. Such appointment and renewal thereof will be submitted for ratification at the first annual meeting of the stockholders of the Fund which is scheduled to be held on the third Tuesday of September 1963. While the Fund believes that such submission for ratification will thus be made at the "next succeeding annual meeting of the stockholders," within the meaning of section 32(a) of the Act, the fact that such submission will be made after the end of the Fund's first fiscal year may be deemed to be inconsistent with such section.

The entire Board of Directors will stand for election, and the investment advisory contract and the selection of independent public accountants will be presented for approval or rejection, at the first annual meeting of the stockholders of the Fund which is scheduled to be held on the third Tuesday of September 1963. The prospectus to be used by the Fund in connection with the sale of up to 50,000 shares of its Common Stock will contain full and appropriate information concerning its directors, the investment advisory contract and its independent public accountants as of the effective date of the Registration Statement.

Notice is further given that any interested person may, not later than October 15, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission on the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10038; Filed, Oct. 8, 1962; 8:49 a.m.]

[File No. 70-4076]

MASSACHUSETTS ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

Notice of Proposed Issuance of Short-Term Notes

OCTOBER 3, 1962.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary company, Massachusetts Electric Company ("Mass Electric"), 441 Stuart Street, Boston 16, Massachusetts, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(a), 7, 9(a), 10, and 12(f) thereof and Rule 43(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Mass Electric proposes to issue, from time to time through December 31, 1962, to a group of banks and/or to NEES, and NEES proposes to acquire, promissory notes in the maximum aggregate amount of $10,000,000 to be outstanding at any one time. Each note will bear interest, at not in excess of the prime rate (presently 4½ percent per annum) in effect at the time each borrowing is made, will mature on or prior to March 29, 1963, and will be prepayable at any time, in whole or in part, without penalty.

The banks from which borrowings may be made and the maximum amount of borrowings from each are as follows:

The First National Bank of Boston, Mass	$7,550,000
Worcester County National Bank, Worcester, Mass	750,000
Middlesex County National Bank, Everett, Mass	500,000
South Shore National Bank, Quincy, Mass	450,000
Guaranty Bank & Trust Co., Worcester, Mass	400,000
The Mechanics National Bank of Worcester, Mass	350,000
Maximum from banks or from NEES	10,000,000

The proceeds of the proposed borrowings by Mass Electric are to provide new money for construction expenditures, to reimburse its treasury for prior construction expenditures, and to pay then outstanding notes to banks (outstanding in the face amount of $1,100,000 at September 30, 1962).

Mass Electric may prepay, in whole or in part, its proposed notes to banks with borrowings from NEES, or its proposed notes to NEES with borrowings from banks. Any notes issued to NEES for prepayment of notes to banks will bear interest at the prime rate, but not exceeding the interest rate on the notes being prepaid, to the date of their maturity. In the case of any note issued to banks for prepayment of a note to NEES, if the interest rate should exceed that of the note to be prepaid, NEES will credit Mass Electric with the difference between the interest rate on the new note issued to the bank and the interest rate on the note to be prepaid, for the period from the date of issuance of such new note to the normal maturity date of such note payable to NEES.

No fees or commissions will be paid in connection with the proposed transaction. Incidental services will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof, estimated not to exceed $500 for each company or an aggregate of $1,000. The filing states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 25, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10039; Filed, Oct. 8, 1962; 8:49 a.m.]

[File No. 70-4077]

MILWAUKEE GAS LIGHT CO.

Notice of Proposed Issuance and Sale of Notes

OCTOBER 3, 1962.

Notice is hereby given that Milwaukee Gas Light Company ("Milwaukee"), 626 East Wisconsin Avenue, Milwaukee 1, Wisconsin, a gas utility subsidiary of American Natural Gas Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rules 50(a)(2) and 70(b)(2) thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Milwaukee proposes to issue and sell from time to time during the twelve months ended October 31, 1963, as funds are required, up to an aggregate of $12,500,000 face amount of unsecured promissory notes to the banks and in the maximum amounts indicated below:

First National City Bank, New York, N.Y.	$4,250,000
Manufacturers Hanover Trust Co., New York, N.Y.	3,000,000
First Wisconsin National Bank of Milwaukee, Milwaukee, Wis.	3,000,000
Marine National Exchange Bank, Milwaukee, Wis.	$1,250,000
Marshall and Ilsley Bank, Milwaukee, Wis.	1,000,000
Total	12,500,000

The notes are to be dated as of the date of issuance, are to mature October 31, 1963, and are to bear interest at the prime rate (currently 4½ percent) of First National City Bank, New York City, in effect on the date of each borrowing and the interest rate will be adjusted to the prime rate in effect at such bank at the beginning of each 90-day period subsequent to the date of the first borrowing. There is no commitment fee, and the notes may be prepaid at any time without penalty.

Milwaukee proposes to use the proceeds from the proposed sale of notes to finance, in part, its 1962 and 1963 construction programs and to reimburse its treasury for funds used for such purposes. It is also represented that such proceeds will be used to retire any amounts borrowed in the meantime by Milwaukee pursuant to the exemption provided by the first sentence of section 6(b) under the Act.

The estimated expense of $1,050 incident to the proposed transactions consists of $550 of legal fees and $500 of miscellaneous expense.

According to the filing no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 1, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10040; Filed, Oct. 8, 1962; 8:49 a.m.]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, subparagraph (43) is added to paragraph (a) of § 6.312 as set out below.

§ 6.312 Department of Commerce.

(a) *Office of the Secretary.* * * *

(43) One Deputy Under Secretary for Economic Programs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-10093; Filed, Oct. 9, 1962; 8:49 a.m.]

PART 27—EXCLUSION FROM PROVISIONS OF FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

Student Public Health Nutritionists

1. Effective November 1, 1962, § 27.1 is amended by the addition of the following item:

§ 27.1 Exclusion from provisions of Federal Employees Pay Act and Classification Act.

* * * * * * *

Student public health nutritionists, Department of Health, Education, and Welfare, approved training during a program for a graduate degree.

2. Effective November 1, 1962, § 27.2 is amended by the addition of the following item:

§ 27.2 Maximum stipends prescribed.

* * * * * * *

Student public health nutritionists, Department of Health, Education, and Welfare, approved training during a program for a graduate degree, no stipend other than any maintenance provided.

(61 Stat. 727, 728, as amended; 5 U.S.C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-10092; Filed, Oct. 9, 1962; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Rye Loan and Purchase Agreement Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 27 F.R. 6257, and containing the specific requirements of the 1962-crop rye price support program are hereby amended as follows:

1. Section 421.1544(b) is amended to make rye grading No. 4 on account of test weight only eligible for price support so that the amended paragraph will read as follows:

§ 421.1544 Eligible rye.

* * * * * * *

(b) *Grade requirements.* Rye at the time it is placed under loan and rye under purchase agreement which is in approved warehouse-storage prior to notification by the producer of his intention to sell to CCC, must meet the requirements set forth in this paragraph. The rye must grade No. 2 or better, or No. 3 or No. 4 on the factor of "test weight" only, but otherwise No. 2 or better. Rye grading Tough, Light Smutty, Smutty, Light Garlicky, Garlicky, or Weevily, or containing in excess of 1 percent ergot shall not be eligible, except that rye represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt substantially as follows:

CERTIFICATION

On rye grading "Tough" delivery will be made of rye not tough but otherwise of the same country-run quality, quantity and grade as indicated on the applicable warehouse receipt and supplemental certificates, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt.

2. Section 421.1546(c) is amended by extending the schedule therein to apply to rye testing as low as 49 pounds per bushel so that the amended paragraph reads as follows:

§ 421.1546 Determination of quantity.

* * * * * * *

(c) *Adjustment for test weight.* When the quantity is determined by measurement, a bushel shall be 1.25 cubic feet of rye testing 56 pounds per bushel. The quantity determined for rye of a different test weight shall be adjusted by the applicable percentage in the following table:

For rye testing:	*Percent*
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	92
51 pounds or over, but less than 52 pounds	91
50 pounds or over, but less than 51 pounds	89
49 pounds or over, but less than 50 pounds	87

3. Section 421.1551 (a) and (f) are amended for clarification and to correct omissions so that the amended paragraphs (a) and (f) read as follows:

§ 421.1551 Settlement.

(a) *General.* Settlement for rye acquired by CCC under loan or purchase agreement will be made with the producer as provided in this section. The support rate per bushel at which settlement will be made for eligible rye shall be determined under the applicable provisions of § 421.1552, and this section. Rye purchased under a purchase agreement shall be paid for by sight draft drawn on CCC. The producer shall indicate on commodity purchase Form 4 to whom payment shall be made.

(1) *Warehouse-storage.* Settlement for eligible rye acquired by CCC under warehouse-storage loans or purchase agreements, represented by warehouse receipts shall be made on the basis of weight, grade and other quality factors shown on such warehouse receipt or accompanying documents. In the case of eligible rye under purchase agreement, stored in an approved warehouse, the producer must, not later than the day following the loan maturity date or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of the rye he elects to sell to CCC.

(2) *Farm-storage loans and purchase agreements.* Delivery will be made in accordance with instructions issued by the county office. The settlement rate for eligible rye delivered under farm-storage loans or purchase agreements from other than approved warehouses, shall be the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except that if the producer is directed to deliver his rye to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market. Settlement will be based on the quality and quantity as indicated on warehouse receipts and accompanying documents is-

sued by an approved warehouse or if applicable, the quality and quantity as shown on Form CCC–50.

* * * * *

(f) Storage deduction for early delivery. If farm-stored rye is delivered to CCC prior to maturity date, a deduction for storage shall be made, except that no deduction shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the rye will be sold rather than stored, or if CCC requires early delivery on an area basis. The deduction for storage shall be made in accordance with the schedule of deduction for warehouse charges in § 421.1548.

§ 421.1552 [Amendment]

4. Section 421.1552(c) is being amended by increasing the following basic county support rates.

IDAHO

County	Rate per bushel	
	From—	To—
Ada	$0.97	$1.05
Adams	.95	1.03
Bannock	.89	.97
Bear Lake	.90	.94
Bingham	.88	.95
Blaine	.91	.99
Boise	.97	1.05
Bonneville	.88	.93
Butte	.88	.95
Camas	.91	.99
Canyon	.98	1.05
Caribou	.90	.95
Cassia	.91	.99
Clark	.86	.90
Custer	.88	.95
Elmore	.96	1.04
Franklin	.88	.97
Fremont	.88	.90
Gem	.98	1.05
Gooding	.94	1.02
Jefferson	.88	.92
Jerome	.93	1.02
Lemhi	.88	.93
Lincoln	.92	1.01
Madison	.88	.91
Minidoka	.92	1.00
Oneida	.88	.97
Owyhee	.97	1.05
Payette	.99	1.05
Power	.91	.98
Teton	.88	.90
Twin Falls	.91	.99
Valley	.98	1.04
Washington	.99	1.05
MONTANA		
Beaverhead	.84	.90
OREGON		
Harney	.94	1.01
Malheur	.98	1.05

5. Section 421.1552(d) is amended to add the following schedule of discounts for low test weight rye.

§ 421.1552 Support rates.

* * * * *

(d)(3) *Low test weight.* Special discounts for rye grading No. 4 on the factor of test weight only shall be as follows:

Test weight (pounds):	Cents per bushel
51.0 to 51.9	5
50.0 to 50.9	10
49.0 to 49.9	15

(Sec. 4 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective upon publication in the FEDERAL REGISTER.

Signed in Washington, D.C., on October 4, 1962.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62–10100; Filed, Oct. 9, 1962; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 10, 1960 (7 CFR 354.1), administrative instructions (7 CFR 354.2) effective April 29, 1961, as amended effective August 1, 1961, February 2, 1962, March 9, 1962, April 27, 1962, June 21, 1962, and August 11, 1962 (26 F.R. 3671, 6833, 27 F.R. 964, 2267, 4011, 5849, 8025), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding "Any undesignated airport or military airbase in the State of South Carolina served from Charleston, S.C." to the "Three-Hour" list therein.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective October 10, 1962.

Done at Washington, D.C., this 5th day of October 1962.

[SEAL] E. P. REAGAN,
Director, Plant Quarantine Division.

[F.R. Doc. 62–10098; Filed, Oct. 9, 1962; 8:50 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service, Department of Agriculture

[Farm Marketing Quotas for Upland Cotton (Bulletin 1)] (Amdt. 9)

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops

FARM MARKETING EXCESS ADJUSTMENT

The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to provide that the administrator, under certain circumstances, may extend the closing date for filing application for downward adjustment of the farm marketing excess in connection with the 1961 crop. In order that the provisions of the amendment may become available at an early date, it is hereby determined and found that compliance with the notice, public procedure and effective date provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the FEDERAL REGISTER.

Section 722.12(a) of the Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops (26 F.R. 3672, 5489, 7755, 8069, 9899, 27 F.R. 4418, 5027, 6117, 7757, 8527) is amended to read as follows:

§ 722.12 Farm marketing excess adjustment.

(a) *Application for adjustment in the farm marketing excess.* Any producer having an interest in the cotton produced in any crop year on a farm with a farm marketing excess may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in such crop year on the farm. Any such application shall be filed with the county committee not later than the earlier of (1) 60 days after harvest of such cotton crop is completed on the farm or by such later date as is approved by the State committee on the basis of a recommendation by the county committee and a showing that the producer's failure to apply for such adjustment within the 60-day period was due to circumstances beyond his control or (2) March 15 of the year following the year in which the cotton was planted: *Provided, however,* That with respect to the 1961 crop of cotton the administrator may extend the date for such filing beyond March 15, 1962, on the basis of a recommendation by the State committee and a showing that the producer's failure to apply for such adjustment by such date was due to circumstances, such as illness, which were beyond his control. If the harvesting of cotton on the farm has not been completed by March 15 of the year following the year in which the cotton was planted but an application has been timely filed under the foregoing provisions of this paragraph, the producer may request the county committee to provide for an estimate to be made of the amount of unharvested cotton on the farm in order that a final determination of the actual production on the farm for such crop year may be made. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.10 shall be final as to the producers on the farm. Notwithstanding the foregoing provisions of this paragraph, whenever the county committee determines that no cotton has been or will be produced on a farm with a farm marketing excess for the year for which such farm marketing excess is determined, the county committee may adjust the farm marketing excess and notify the operator of such adjustment, as provided in paragraph (b) of this section.

(Secs. 301, 375; 52 Stat. 38, 66, as amended; 7 U.S.C. 1301, 1375)

Effective date: Date of filing with the Director, Office of the FEDERAL REGISTER.

Signed at Washington, D.C., on October 4, 1962.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–10099; Filed, Oct. 9, 1962; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 900—GENERAL REGULATIONS

Definition of Administrator

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and by Executive Order No. 10199, December 22, 1950 (15 F.R. 9217), the general regulations issued thereunder (7 CFR 900.1 et seq.), as amended, are hereby further amended as follows:

Sections 900.2(e), 900.51(e), and 900.200(e) are each amended to read as follows:

(e) The term "Administrator" means: As to programs relating to fruits, vegetables, tree nuts, hops, and such other commodities as may be assigned to the Agricultural Marketing Service, the Administrator of the Agricultural Marketing Service, and as to programs relating to milk, tobacco, and other commodities and their products as assigned, the Administrator of the Agricultural Stabilization and Conservation Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in their stead.

Done at Washington, D.C., this 4th day of October 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–10075; Filed, Oct. 9, 1962; 8:47 a.m.]

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages for the 1962–63 Fiscal Year

Notice was published in the FEDERAL REGISTER of September 26, 1962 (27 F.R. 9520), that there was under consideration the proposed establishment of a free percentage of 68 percent and restricted percentage of 32 percent for Oregon and Washington filberts during the 1962–63 fiscal year, which began on August 1, 1962. The proposed percentages, which are based on recommendations of the Filbert Control Board and other available information, would be established pursuant to the amended marketing agreement and order (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The notice afforded interested persons opportunity to file written data, views, or arguments concerning the proposal with the Department for consideration prior to establishment of percentages. The prescribed time has expired and no such communication has been received.

Pursuant to § 982.41, and after consideration of all relevant matters presented, including those in the notice, it is hereby found that limiting the quantity of merchantable filberts which may be handled during the 1962–63 fiscal year as hereinafter set forth would tend to effectuate the declared policy of the act.

Therefore, free and restricted percentages for merchantable filberts during the 1962–63 fiscal year are established as follows:

§ 982.212 Free and restricted percentages for merchantable filberts during the 1962–63 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1962:

	Percent
Free percentage	68
Restricted percentage	32

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that free and restricted percentages established for a particular fiscal year shall be applicable to all filberts handled during such year; and (2) the current fiscal year began on August 1, 1962, and the percentages herein established will automatically apply to all such filberts beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 5, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[F.R. Doc. 62–10096; Filed, Oct. 9, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation No. ER–364]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of October 1962.

On September 4, 1962, the Board issued a Notice of Rule Making, EDR–43, Docket 13984, 27 F.R. 8881, in which it proposed a new Part 208 of the Economic Regulations to contain the terms, conditions and limitations applicable to certificates to engage in supplemental air transportation issued under section 401(d)(3) of the Act, including provisions implementing section 401(n). Sections 401(d)(3) and 401(n) were added to the Act by Public Law 87–528, which also added section 417 and contained transitory provisions as to supplemental air carriers' authority in sections 7 and 9. Notice was given that Part 208 was also to be made applicable to supplemental air carriers' operations under these provisions.

Comments on the Draft Release were received from eleven supplemental air carriers, seven route air carriers, and insurance interests, and due consideration was given to all relevant matter presented. In light thereof the Board has decided to adopt Part 208 with changes as discussed below. The Board has also decided to add a new § 208.30 which imposes a minimum compensation condition for certain military charter flights.

Comments on the insurance requirements. At the outset it should be made clear that the provisions of §§ 208.12–208.14 apply only to insurance required by §§ 208.10 and 208.11, and clarifying language to this effect has been added. This clarification renders certain comments moot.

Upon consideration of comments which object to the requirement that no cancellation, suspension or change in a policy be effective on less than 30 days' notice to the Board, the provision has been modified in the final rule so as to require such notice only as to changes which fail

to conform to the minimum substantive requirements of the regulation. All other modifications are required to be filed within five days of their effectiveness, accompanied by a certificate of the insurer as to compliance with the minimum requirements of the regulation.

Objection was made to the requirement that the insurance apply irrespective of whether the aircraft involved in the liability are specifically described in the policy, and to the omission of the related exclusion of losses arising from the use of types of aircraft not declared to the insurer. The first of these provisions, § 208.12(b), was taken from the similar provision in the Board's Transatlantic Charter Policy Statement, § 399.37(b)(2)(ii), but the exclusion, found in § 399.37(b)(ii), was not adopted. It appears to the Board that arrangements between carrier and insurer restricting coverage to aircraft or aircraft types declared by the carrier would defeat the protection which this regulation is intended to afford to the public.

The reference to the Warsaw Convention has been omitted as unnecessary in light of revised language, taken from standard aircraft liability policies, in § 208.12(a) which defines the insurer's liability as relating "to all sums which the insured shall become legally obligated to pay." The exclusion in § 208.13(2), questioned in some comments, has also been reworded in light of language used in insurance contracts. The requirement that both the policy and a certificate be filed with the Board has been retained. The statute contemplates filing of insurance policies and the certificate requirement will assist in the administration of the regulation.

Comments expressed doubt as to the meaning of the clause in § 208.12(a), "under an invalid claim of such authority." This language taken from §399.37(b)(2)(ii) appears adequately to express the intent that the insurance attaches to flights which the carrier undertakes under claim or color of authority conferred on it by the Board, even if the flight should later be determined to have been made without authority, whether or not the carrier acted in good faith.

Comments on the performance requirements. In response to comments, the performance requirements have been altered (1) by making refunds or alternative transportation dependent in all cases on the charterer's or passenger's request; (2) by increasing the maximum permissible delay to six hours on departure and en route in the case of charters, and to four hours on departure in individually ticketed service and clarifying the provision to the effect that the limits on permissible delay en route are in addition to those on delay in departure but that the limits on delay en route apply to the aggregate time of additional delays at more than one intermediate stop;[1] and (3) by providing an exception from these requirements in case of unavoidable delays solely due to weather. All other provisions remain unchanged.

Minimum extent of service. Some carriers contended that the requirement of 250 hours of revenue flight per quarter would impose severe hardships on smaller carriers because of seasonal fluctuations and long periods of equipment overhaul and changeover. In light of these comments, the Board has modified § 208.25 to establish a standard of 500 hours of revenue flight in any two consecutive calendar quarters. In addition, a carrier who fails to perform the minimum required services may show unusual circumstances constituting good cause why its operating authority should not be suspended.

It is also urged that industrial flying operations, such as crop-dusting, be counted toward the required hours. However, section 401(n)(3) requires that the minimum performance standards be stated in terms of supplemental air transportation. Industrial operations would thus not appear to qualify for this purpose.

Minimum compensation for military charters. A provision has been added to this part (§ 208.30) which places a floor under the compensation to be received by carriers operating under authority pursuant to section 7 of Public Law 87-528, for certain charter flights performed for the military establishment. Section 208.30 makes reference to Part 288 of the Economic Regulations, which requires minimum compensation as a condition on the authority to perform certain military charters, and makes these provisions (including, of course, integral provisions as to minimum utilization of aircraft, computation of mileage, and the like) applicable as terms, conditions and limitations on military charters performed under section 7 authority. While Part 288, by its terms, is applicable only to charters performed on short notice, the rates prescribed therein will be applicable to flights performed under section 7 without regard to whether they are performed on short notice. Section 208.30 constitutes a condition on the carrier's authority, so that flights under contracts which do not conform to it are performed without operating authority and in violation of section 401(a) of the Act.

Since § 208.30(1) does not limit any existing operating rights but relates to future operating authority under initial licenses being issued, or about to be issued, by the Board in compliance with the procedures required by statute and Special Procedural Regulation PR-65 of July 11, 1962, 27 F.R. 6708; (2) does not introduce any new policy; (3) constitutes a provision necessary to assure the economic soundness, and hence the safety, of supplemental air carrier operations; and (4) must be effective simultaneously with the section 7 authorizations at the time the existing operating authority of the respective carriers expires (October 8, 1962, pursuant to section 8 of Public Law 87-528), the Board finds that notice and public procedure thereon are impracticable and contrary to the public interest.

All pertinent comments not discussed above have been considered and rejected.

The Board has given notice that this regulation may be adopted effective before October 8, 1962, because the existing statutory operating authority of supplemental air carriers expires on that date, and no objections to this effective date have been received. The Board therefore finds that good cause exists for making the regulation effective less than 30 days after the date of publication.

Accordingly, the Board hereby adopts a new Part 208 of its Economic Regulations, 14 CFR Part 208, effective October 9, 1962, to read as follows:

GENERAL PROVISIONS

Sec.
208.1 Applicability.
208.2 Separability.
208.3 Definitions.

LIABILITY INSURANCE REQUIREMENTS

208.10 Liability insurance requirements.
208.11 Minimum limits of liability.
208.12 Terms and conditions of insurance coverage.
208.13 Authorized exclusions of liability.
208.14 Filing of policy and certificate of insurance.

PERFORMANCE REQUIREMENTS

208.20 Assumption of performance obligations in tariffs.
208.21 Substitution or subcontracting.

MINIMUM EXTENT OF SERVICE

208.25 Minimum service requirements.

MINIMUM COMPENSATION FOR MILITARY SERVICES

208.30 Minimum rates and compensation for planeload flights performed for the military establishment.

AUTHORITY: §§ 208.1 to 208.30 issued under sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401 and 417 of the Federal Aviation Act of 1958, as amended, 72 Stat. 754, 76 Stat. 144, 145; 49 U.S.C. 1371, 1387, and secs. 7 and 9 of Public Law 87-528, 76 Stat. 146, 148.

GENERAL PROVISIONS

§ 208.1 Applicability.

This part contains terms, conditions, and limitations on the operating authority of supplemental air carriers, including substantive regulations implementing paragraphs (1), (2), and (3) of section 401(n) of the Act. The requirements of this Part shall constitute terms, conditions, and limitations attached to certificates issued pursuant to section 401(d)(3) of the Act. The requirements shall also attach to special operating authorizations issued under section 417 of the Act, and to interim certificates or authorizations issued pursuant to section 7, and to authority issued pursuant to section 9, of Public Law 87-528.

[1] Example: On a charter flight from A to E via B, C, and D the carrier scheduled departure from A for 1:00 a.m., from B for 3:00 a.m., from C for 5:00, and from D for 7:00 a.m. Actual departure from A was at 5:00 a.m., from B at 10:00 a.m., from C at 2:00 p.m., and the carrier had not left D at 5:00 p.m. The four hour delay at A was within permissible limits and is not considered any further except that it shifts back the departure times at the intermediate stops by four hours. The additional delays of three hours in leaving B, and of another two hours leaving C, thus five hours in the aggregate, are within the six-hour limit for en route delays. But when the carrier had not left D at 5:00 p.m., thus after adding another hour of additional delay, he reached the six-hour total and became subject to the alternative obligation imposed by § 208.20(b) if the charterer so elects.

§ 208.2 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of persons, or circumstances is held invalid, the remainder of the part and the application of such provisions to other air transportation, persons, classes of persons, or circumstances shall not be affected thereby.

§ 208.3 Definitions.

For the purposes of this part:

"Filing" shall mean filing in compliance with § 302.3(a) of this chapter except that provisions in this part which require filing with Board offices other than the Docket Section shall be controlling.

"Supplemental air carrier" shall mean any air carrier holding a certificate issued under section 401(d)(3) of the Federal Aviation Act of 1958, as amended, or a special operating authorization issued under section 417 of the Federal Aviation Act, or operating authority issued pursuant to section 7 or 9 of Public Law 87-528.

LIABILITY INSURANCE REQUIREMENTS

§ 208.10 Liability insurance requirements.

(a) On or before October 9, 1962, as a condition precedent to operations in air transportation on or after that date, each supplemental air carrier shall file an affidavit with the Board that such carrier has in effect liability insurance coverage that substantially complies with the requirements of this part. On or before November 9, 1962, each such air carrier shall file a copy of the policy (or policies) and the certificate of insurance, in accordance with the provisions of § 208.14.

(b) On and after February 1, 1963, no supplemental air carrier shall perform any service unless the carrier maintains a currently effective policy (or policies) of liability insurance, filed with and approved by the Board as complying with the requirements of this part.

(c) Such insurance policy shall be issued by a reputable and financially responsible insurance company which is legally authorized to issue policies of that type in any state, territory or possession of the United States, or the District of Columbia.

(d) The Board will review the policy and certificate for compliance; if the policy or certificate does not comply with the requirements of this part, the Board will notify the air carrier and the insurer by registered or certified mail stating the deficiencies of the policy or the certificate of insurance. If no objections are raised by the Board within 30 days after receipt of the policy and the certificate of insurance, such policy and certificate shall be deemed filed with and approved by the Board as complying with the requirements of this part. The documents required by this section shall be filed with the Office of Carrier Accounts and Statistics at the Board's Washington, D.C., office.

§ 208.11 Minimum limits of liability.

The minimum limits of liability insurance carried by a supplemental air carrier shall be as follows:

(a) Liability for bodily injury to or death of aircraft passengers: A minimum of $50,000 for any one passenger, and a minimum total amount for each accident in any one aircraft equal to the sum produced by multiplying $50,000 by 75 percent of the total number of seats.

(b) Liability for bodily injury to or death of persons not aboard the aircraft: A minimum of $50,000 for one person in any one accident, and a minimum of $500,000 for each accident.

(c) Liability for loss of or damage to property: A minimum of $500,000 for each accident.

§ 208.12 Terms and conditions of insurance coverage.

With respect to insurance required by this part:

(a) Insurance contracts shall provide for payment by the insurer on behalf of the insured, within the specified minimum limits of liability, of all sums which the insured shall become legally obligated to pay for bodily injury to or death of any person, or loss of or damage to property of others, resulting from negligence of the insured, or his duly authorized agent, in the operation, maintenance, or use of any aircraft on a flight conducted by a supplemental air carrier pursuant to authority granted by the Civil Aeronautics Board, or under an invalid claim of such authority.

(b) The liability of the insurer shall apply to any and all such flights conducted by the insured air carrier, irrespective of whether the aircraft involved in such liability are specifically described in the policy, and shall not be subject to any exclusion by virtue of violations, by said carrier, of any applicable safety provisions of the Federal Aviation Act of 1958, as amended, or of any rule, regulation, order or other legally imposed safety requirement prescribed by the Federal Aviation Agency.

(c) Such liability shall not be contingent upon the financial condition, solvency or freedom from bankruptcy of the insured. The limits of the insurer's liability for the amounts prescribed herein shall apply separately to each accident, and any payment under the policy because of any one accident shall not reduce the liability of the insurer for payment of other damages resulting from any other accident.

(d) Within the limits of liability herein prescribed, the insurer shall not be relieved from liability by any condition in the policy or any endorsement thereon, or violation thereof by the insured air carrier, other than the exclusions set forth in § 208.13, or such other exclusions as may be individually approved by the Board. Such policy shall not be subject to cancellation, change or suspension, by either party, except in compliance with the provisions of § 208.14(a).

§ 208.13 Authorized exclusions of liability.

Unless other exclusions are individually approved by the Board, any policy or policies of insurance required by this part may contain only one or more of the following authorized exclusions:

The insurance afforded under this policy shall not apply to:

(1) Any loss against which the named Insured has other valid and collectible insurance, except that the limits of liability provided under this policy shall be excess of the limits provided by such other valid and collectible insurance but in no event exceeding the limits of liability expressed elsewhere in this policy;

(2) Liability assumed by the Insured under any contract or agreement, unless such liability would have attached to the Insured even in the absence of such contract or agreement;

(3) Bodily injury, sickness, disease, mental anguish or death of any employee of the Insured while engaged in the duties of his employment, or any obligation for which the Insured or any Company as his Insurer may be held liable under any Workmen's Compensation or occupational disease law;

(4) Damage to or destruction of property owned, rented, occupied or used by, or in the care, custody or control of the Insured;

(5) Personal injuries or death or damage to or destruction of property, caused directly or indirectly, by hostile or warlike action, including action in hindering, combating or defending against an actual, impending or expected attack by any government or sovereign power, de jure or de facto, or military, naval, or air forces, or by an agent of such government, power, authority, or forces; the discharge, explosion, or use of any weapon of war employing atomic fission or atomic fusion, or radio-active material; insurrection, rebellion, revolution, civil war or usurped power, including any action in hindering, combating, or defending against such an occurrence; or confiscation by any government or public authority.

§ 208.14 Filing of policy and certificate of insurance.

(a) Each supplemental air carrier shall file with the Board a copy of the policy or policies of insurance required by this part and all endorsements thereof and a duly executed certificate of insurance, signed by an authorized representative of the insurer. In case of cancellation or suspension of an insurance policy or a change therein, 30 days' notice of the cancellation or suspension shall be given to the Board by registered or certified mail, and in the case of changes in the policy a new certificate of insurance shall be filed with the Board at least 30 days prior to the proposed effective date of the change, and such certificate shall be accompanied by a copy of the new endorsement or endorsements made to such policy: *Provided*, That changes in an existing policy which are not in conflict with the minimum standards prescribed in the regulations in this part may be filed within five days after their effective date if accompanied by a certificate of the insurer to the effect that the changes are not in conflict with the regulations in this part. All documents required to be filed with respect to liability insurance shall be filed with the Office of Carrier Accounts and Statistics at the Board's Washington, D.C., office.

(b) Each certificate of insurance shall expressly certify that the insurance company has issued to the insured air carrier a policy (or policies) which:

(1) Incorporates the minimum limits of liability set forth in § 208.11;

(2) Contains the specific terms and conditions of coverage set forth in § 208.12; and

(3) Incorporates only exclusions which have been specifically authorized in § 208.13 or individually approved by the Board.

PERFORMANCE REQUIREMENTS

§ 208.20 Assumption of performance obligations in tariffs.

Supplemental air carriers shall assume, and publish as part of the rules and regulations of their tariffs applicable to passenger service in interstate and overseas air transportation, the following obligations without prejudice, and in addition, to any other rights or remedies of passengers under applicable law:

(a) In case of flight delays of more than six hours beyond the departure time stated in the charter contract or four hours beyond the time of departure stated on an individual flight ticket, the carrier, upon request and at the passenger's or charterer's option, must provide alternative air transportation at no additional cost to the passenger or charterer, or immediately refund the full value of the unusued ticket or the unperformed charter contract.

(b) In case of additional flight delays enroute exceeding six hours for charter flights or two hours for individually ticketed flights, the carrier must, upon request and at the passenger's or charterer's option, furnish alternative transportation to the specified destination, or immediately refund the full value of unperformed transportation. The enroute delays shall be calculated without inclusion of any delay at departure but all additional delays at intermediate stops en route shall be added up in determining whether the limit of delay has been reached.

(c) In case of flight cancellations or flight delays, refunds shall be paid immediately upon presentation of an unused flight coupon or upon demand of the charterer or his representative to the air carrier or its agent.

(d) The rules and regulations in the carrier's tariffs governing immediate refunds or alternative transportation may provide for an exception in case of unavoidable delays due solely to weather.

§ 208.21 Substitution or subcontracting.

Supplemental air carriers may subcontract the performance of services which they have contracted to perform, only to air carriers authorized by the Board to perform such services.

MINIMUM EXTENT OF SERVICE

§ 208.25 Minimum service requirements.

Each supplemental air carrier shall perform services authorized by its certificate or authority to engage in supplemental air transportation for at least 500 hours of revenue flight in any two consecutive calendar quarters. Failure to perform such minimum services will be deemed to constitute a prima facie case for suspension of the carrier's operating authority pursuant to the provisions of section 401(n)(5) of the Act: *Provided*, That the carrier may, within 15 days after the end of the two consecutive calendar quarters in which such failure occurred, show unusual circumstances constituting good cause why its operating authority should not be suspended.

MINIMUM COMPENSATION FOR MILITARY SERVICES

§ 208.30 Minimum rates and compensation for planeload flights performed for the military establishment.

The authority conferred upon a supplemental air carrier pursuant to section 7 of Public Law 87-528, insofar as it encompasses the right to perform planeload flights pursuant to contract with the military establishment of the United States or any branch thereof in foreign and overseas air transportation, and air transportation between the 48 contiguous states on the one hand and the states of Alaska and Hawaii on the other hand, shall be subject to the condition that the rate or compensation received by the carrier for any such flight is not less than that set forth in § 288.7 of this chapter, irrespective of whether such contract or charter flight falls within the definition of short notice MATS charter service contained in § 288.1 of this chapter.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-10136; Filed, Oct. 9, 1962; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-226]

PART 13—PROHIBITED TRADE PRACTICES

Diaperwite, Inc., et al.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* [Discriminating in price under sec. 2, Clayton Act]—Furnishing services or facilities for processing, handling, etc. under 2(e): § 13.841 *Free samples.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Diaperwite, Inc., et al., New York, N.Y., Docket C-226, Sept. 11, 1962]

In the Matter of Diaperwite, Inc., a Corporation; and Abraham Hochberg, Burton Hochberg, and Helena Barkman, Individually and as Officers of Said Corporation

Consent order requiring New York City manufacturers of a compound used in washing baby diapers and sold to drug and grocery stores and chains, to cease violating secs. 2(d) and 2(e), respectively, of the Clayton Act by (1) making payments to certain retail grocery chains and certain wholesale grocers pursuant to a contract which provided for a quarterly allowance of 5 percent of purchases in return for two one column-inch newspaper advertisements plus in-store displays during the quarter, while not making the contract available to many of the favored purchasers' competitors and not making alternative plan available to customers who could not utilize newspaper advertising and, further, failing to require full performance from the favored customers, and making lump sum payments to certain customers on the basis of individual negotiations and without reference to purchases; and (2) by furnishing their "Diaperwite" product in one-ounce sample size packages without charge and with freight pre-paid to some of their customers but not to all competitors of the latter.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Diaperwite, Inc., a corporation, its officers, and respondents Abraham Hochberg, Burton Hochberg and Helena Barkman, individually and as officers of said corporation, and respondents' employees, agents and representatives, directly or through any corporate or other device, in the course of business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondents as compensation or in consideration for advertising or display or any other services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of cleaning compounds manufactured, sold or offered for sale by respondents, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution of such products.

2. Furnishing, contracting to furnish, or contributing to the furnishing of any service or facility to, or for the benefit of, any customer of respondents in connection with the processing, handling, sale, or offering for sale of cleaning compounds manufactured, sold or offered for sale by respondents, unless such service or facility is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution of such products.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 11, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10061; Filed, Oct. 9, 1962; 8:46 a.m.]

[1] New.

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

RADIOACTIVITY STANDARDS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from October 8, 1962.

1. Paragraph (r) Radioactivity standards is amended by the revision of the Rock standards part to read as follows:

§ 230.11 Descriptive List.

* * * * *

(r) *Radioactivity standards.*

* * * * *

ROCK STANDARDS

RADIUM ROCK SAMPLES [1]

Sample No.	Rock	Average radium content micromicrograms of radium per gram of rock	Price per sample
4978	Columbia River basalt	0.33±0.03	$11.00
4980	Quartzite	.06± .01	11.00
4981	Graniteville granite	3.3 ± .2	11.00
4982	Gabbro-diorite	.18± .02	11.00
4983	Milford granite	.23± .02	11.00
4984	Triassic diabase	.18± .03	11.00
4985	Deccan trap	.21± .04	11.00
4986	Kimberlite	.59± .04	11.00

[1] Each sample consists of 100 g. of pulverised rock.

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

R. D. HUNTOON, *Deputy Director.*

[F.R. Doc. 62-10052; Filed, Oct. 9, 1962; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-6905]

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

Prohibited Representations in Connection With Certain Offerings

On July 30, 1962, in Securities Exchange Act Release No. 6864, and on August 3, 1962 in the FEDERAL REGISTER (27 F.R. 7684), the Securities and Exchange Commission published its proposal to adopt § 240.10b-9 (Rule 10b-9 under the Securities Exchange Act of 1934) to make it unlawful to represent that a security is offered or sold on an "all-or-none" basis unless specified conditions are met. The Commission has considered the comments and suggestions received and has adopted the rule in the form stated below, effective November 5, 1962.

As adopted, § 240.10b-9 makes it a "manipulative or deceptive device or contrivance", as used in section 10(b) of the Act, for any person, in connection with the offer or sale of a security, to make any representation to the effect that the security is being offered or sold on an "all-or-none" basis unless the security is part of an offering being made on the condition that all or a specified amount of the purchase price will be promptly refunded to the purchaser if all of the securities being offered are not sold at a specified price within a specified time and the total amount due to the seller is not received by him by a specified date. The rule would also prohibit a representation to the effect that the security is being offered or sold on any other basis under which all or part of the amount paid will be refunded to the purchaser if all or part of the securities are not sold, unless the security is part of an offering being made on the condition that all or a specified part of the amount paid will be promptly refunded if a specified number of units are not sold at a specified price within a specified time and the total amount due to the seller is not received by him by a specified date.

The rule would not be applicable where there is a firm commitment underwriting for the purchase of all the securities being offered. The problem which the rule is intended to meet, i.e., misleading representations concerning the conditions under which purchasers will obtain refunds, does not arise in the conventional firm commitment underwriting, where the underwriter has a definite obligation to take down and pay the seller for the securities. The action of the Commission follows:

The Commission acting pursuant to the provisions of the Securities Exchange Act of 1934, as amended, particularly sections 23(a) and 10(b) thereof, deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of its functions under the Act, hereby adopts § 240.10b-9 as stated below, effective November 5, 1962.

§ 240.10b-9 Prohibited representations in connection with certain offerings.

(a) It shall constitute a "manipulative or deception device or contrivance", as used in section 10(b) of the Act, for any person, directly or indirectly, in connection with the offer or sale of any security, to make any representation:

(1) To the effect that the security is being offered or sold on an "all-or-none" basis, unless the security is part of an offering or distribution being made on the condition that all or a specified amount of the consideration paid for such security will be promptly refunded to the purchaser unless (i) all of the securities being offered are sold at a specified price within a specified time, and (ii) the total amount due to the seller is received by him by a specified date; or

(2) To the effect that the security is being offered or sold on any other basis whereby all or part of the consideration paid for any such security will be refunded to the purchaser if all or some of the securities are not sold, unless the security is part of an offering or distribution being made on the condition that all or a specified part of the consideration paid for such security will be promptly refunded to the purchaser unless (i) a specified number of units of the security are sold at a specified price within a specified time, and (ii) the total amount due to the seller is received by him by a specified date.

(b) This rule shall not apply to any offer or sale of securities as to which the seller has a firm commitment from underwriters or others (subject only to customary conditions precedent, including "market outs") for the purchase of all the securities being offered.

(Secs. 10(b) and 23(a), 48 Stat. 891, 901 as amended, 15 U.S.C. 78j, 78w)

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

OCTOBER 3, 1962.

[F.R. Doc. 62-10066; Filed, Oct. 9, 1962; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Reg. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950——)

Subpart G—Filing of Applications and Other Forms

MISCELLANEOUS AMENDMENTS

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.) are further amended as follows:

1. Section 404.601 is amended to read as follows:

§ 404.601 Meaning of terms.

(a) *Claimant defined.* The term "claimant" for purposes of this subpart refers to the individual who has filed on his own behalf, or on whose behalf a proper party under § 404.603 has filed, an application for monthly benefits, a lump-sum death payment, a recomputation of a primary insurance amount, or the establishment of a period of disability.

(b) *Applicant defined.* The term "applicant" for purposes of this subpart refers to the individual who has filed an application on his own behalf or on

behalf of another for monthly benefits, a lump-sum death payment, a recomputation of a primary insurance amount, or the establishment of a period of disability.

(c) *Application defined.* Unless otherwise specified, the term "application" refers only to an application on a form prescribed in § 404.602, and includes an application for monthly benefits, a lump-sum death payment, a recomputation of a primary insurance amount, and the establishment of a period of disability.

(d) *Filing of application on prescribed form.* Except as provided in §§ 404.611, 404.613, and 404.614, an individual has not "filed an application" for purposes of sections 202, 216(i), or 223 of the Act or for purposes of recomputation of a primary insurance amount until an application on a form prescribed in § 404.602 has been filed in accordance with the regulations in this subpart.

(e) *Execution of application defined.* The term "to execute an application" (or a written statement, request, or notice, see §§ 404.610 and 404.613) means the completion and signing of the application (or written statement, request, or notice). Irrespective of who may have completed the items on the application, or written statement, request, or notice, the document is considered to have been executed by or on behalf of such claimant when it is signed by the claimant (or an individual authorized to do so on his behalf under § 404.603).

2. Paragraph (a) of § 404.603 is amended to read as follows:

§ 404.603 Execution of applications.

(a) If the claimant has attained the age of 18, is mentally competent, and is physically able to execute the application, the application shall be executed by him. Where, however, paragraph (d) of this section applies, the application may also be executed by the claimant's legal guardian, committee, or other representative.

• • • • •

3. Paragraph (a) of § 404.607a is amended to read as follows:

§ 404.607a Filing of application for the establishment of a period of disability.

(a) *Application filed before beginning of period of disability.*—(1) *Application filed prior to March 1960.* An application filed after December 31, 1954, and prior to March 1960 to establish a period of disability will be accepted as an application for such purpose if it was filed while the claimant was under a disability and not more than 3 months before the first day on which a period of disability may begin for the claimant.

(2) *Application filed after February 1960.* An application filed after February 1960 to establish a period of disability will be accepted as an application for such purpose if it is filed not more than 3 months before the first day on which a period of disability may begin for the claimant; except that, where clause (ii) of section 223(a)(1) of the Act (concerning prior entitlement to disability insurance benefits and/or a prior period of disability) is applicable, an application for such purpose may be filed as early as 6 months prior to the first month for which the claimant becomes entitled to disability insurance benefits. An application filed within such 3-month or 6-month period shall be deemed filed on such first day or in such first month, as the case may be. Where the 6-month period is applicable in connection with clause (ii) of section 223(a)(1) of the Act, the period of disability may begin no earlier than September 1960.

• • • • •

4. *Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 202, 205, 216, 223, and 1102 of the Social Security Act, as amended, 49 Stat. 623, as amended, 53 Stat. 1368, as amended, 68 Stat. 1080, as amended, 70 Stat. 815, as amended, 49 Stat. 647, as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 402, 405, 416, 423, and 1302)

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

OCTOBER 3, 1962.

Approved: September 26, 1962.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-10069; Filed, Oct. 9, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

Miscellaneous Amendments to Subchapter

Subchapter W of title 32 is amended as follows:

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart B—Solicitation of Bids

1. Section 1002.201 is revised as follows:

§ 1002.201 Preparation of invitations for bids.

• • • • •

(a) • • •

(17) • • •

(vii) *Labor surplus "Set-asides."* See § 1.804-2 of this title.

(viii) *Small business "Set-asides."* See §§ 1.706-5 and 1.706-6 of this title.

(ix) *Financial and technical ability.* See Subpart I, Part 1001 of this subchapter for applicable clause. Also, see Subpart I, Part 1001 relative to requirements and procedures for Special Source Surveys.

• • • • •

(xii) *Multiple awards.* IFBs which will be evaluated according to § 1002.407-5(c) will include the following statement:

• • • • •

(xiv) *Notification of synopsis.* See § 1001.1003-8 of this subchapter.

• • • • •

2. Revise § 1002.203-1 to read as follows:

§ 1002.203-1 Mailing or delivering to prospective bidders.

IFBs, when mailed, will be sent as first class mail. Optional Form 17, "Sealed Bid Label," which is a gummed back label form, may be furnished with the bid set to each prospective bidder to facilitate the identification and handling of envelopes containing sealed bids. The use of this form will provide the bidder with an easy means of specifically identifying his sealed bids, and also facilitate the required special handling of sealed bids when they are received by AF procurement activities.

§ 1002.205 [Amendment]

3. In § 1002.205(d), the reference "§ 1.1104-8" is amended to read "§ 1.1107-3."

Subpart D—Opening of Bids and Award of Contract

§§ 1002.401; 1002.402-1; 1002.404-2; 1002.404-3—1002.405; 1002.406-1; 1002.406-2 1002.407-1—1002.407-4; 1002.407-6—1002.407-8 and 1002.408-2 [Deletion]

1. Delete §§ 1002.401; 1002.402-1; 1002.402-2; 1002.404-3 through 1002.405; 1002.406-1; 1002.406-2; 1002.407-1 through 1002.407-4; 1002.407-6 through 1002.407-8 and 1002.408-2.

2. Revise §§ 1002.404-1; 1002.406, 1002.406-3 and 1002.406-4 to read as follows:

§ 1002.404-1 Cancellation of invitation after opening.

(a)(1) Prior to cancellation of an IFB, review and approval will be obtained by the contracting officer from the director or deputy director of procurement and production at an AFLC AMA or the 2709th Vehicle Control Group (VCG); from the director or deputy director of procurement at an AFSC division; from the director of procurement at an AFSC center; from the Director, Office of Procurement at the Office of Aerospace Research (OAR); or in the case of other major commands and WPAFB, from the chief of the purchasing activity. This review and approval will be accomplished for:

(i) Determining whether the proposed cancellation is in fact required.

(ii) Attempting to preclude cancellation.

(2) Prior to readvertising supplies or services previously detailed on canceled IFB's review and approval will be secured as set forth in subparagraph (1) of this paragraph. This review and approval will be accomplished for insuring that readvertising actions are firm and complete.

(b) Failure to resolve the administrative difficulties and effect award of the contract(s) to the lowest responsible bidder prior to the expiration of the bid acceptance period (or any unqualified extensions thereto) will not be cause for rejection of all bids and readvertisement unless the delay in making award or the difference in price between the lowest responsive bid and the next lowest responsive bid is unreasonable.

§ 1002.406 Mistakes in bids.

§ 1002.406-3 Other mistakes.

(a) The data required by § 2.406-3(e) of this title will be submitted in the most expeditious manner to AFLC (MCJCR), marked "IMMEDIATE ATTENTION—MISTAKE IN BID." Review Branch (MCJCR), Hq AFLC, will evaluate the facts presented and prepare an administrative determination according to § 2.406-3(a) of this title.

(b) Doubtful mistakes in bids will NOT be submitted by contracting officers directly to the Comptroller General for advance decisions.

(c) If modification is authorized and award is made to the bidder alleging the mistake, a copy of the determination will be furnished to the accounting and finance officer to support payment. MCJCR, Hq AFLC, will maintain the record required by § 2.406-3(g) of this title. At the end of each 6-month period, or more often if warranted, the Staff Judge Advocate will forward to the Procurement Division (MCPP), Hq AFLC, the number of cases handled for the period by types, and his findings as to any pattern disclosed that may indicate the need for additional or revised procurement instructions or procedures. Following review of the findings a copy will be furnished by MCPP to Hq USAF together with a statement showing the action taken.

§ 1002.406-4 Disclosure of mistakes after award.

(a) The authority delegated as listed in § 2.406-4(c)(3) of this title has been redelegated by the Commander, AFLC, to the Director of Procurement and Production, to the Deputy for Procurement, and while he is acting as Director of Procurement and Production, to the Deputy for Production, Hq AFLC.

(b) Mistakes disclosed after award and processed according to § 2.406-4(d) of this title will be forwarded by the contracting officer to AFLC (MCPKA). Mistakes involving contracts for the sale of Government-owned surplus property will be processed according to chapter 7, section C, Part Two AFM 177-101 (Basic Systems at Base Level).

Subpart E—Two-Step Formal Advertising

Subpart E is deleted and reserved.

PART 1003—PROCUREMENT BY NEGOTIATION

§ 1003.000 [Deletion]

Delete § 1003.000.

Subpart A—Use of Negotiation

§§ 1003.100; 1003.102; 1003.107—1003.109 [Deletion]

1. Delete §§ 1003.100; 1003.102; 1003.107 through 1003.109.

§ 1003.101 [Amendment]

2. Delete the text from § 1003.101.

Subpart B—Circumstances Permitting Negotiation

§§ 1003.200; 1003.201-1; 1003.201-2; 1003.202-1; 1003.202-2; 1003.203-1—1003.203-3; 1003.204-3—1003.206-2; 1003.207-3; 1003.208-1; 1003.209—1003.209-3; 1003.210-1; 1003.211-1; 1003.211-3; 1003.213-1; 1003.213-2; 1003.214—1003.214-3; 1003.215-1; 1003.215-2; 1003.216—1003.216-3; 1003.217-1 and 1003.218—1003.218-3 [Deletion]

Delete §§ 1003.200; 1003.201-1; 1003.201-2; 1003.202-1; 1003.202-2; 1003.203-1 through 1003.203-3; 1003.204-3 through 1003.206-2; 1003.207-3; 1003.208-1; 1003.209 through 1003.209-3; 1003.210-1; 1003.211-1; 1003.211-3; 1003.213-1; 1003.213-2; 1003.214 through 1003.214-3; 1003.215-1; 1003.215-2; 1003.216 through 1003.216-3; 1003.217-1 and 1003.218 through 1003.218-3.

Subpart C—Determinations and Findings

§§ 1003.300; 1003.302 [Deletion]

Delete §§ 1003.300 and 1003.302.

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62-10053; Filed, Oct. 9, 1962; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

DENIAL OF BENEFITS BECAUSE OF CONDUCT OF WIDOW

In Part 3, § 3.1574 is added to read as follows:

§ 3.1574 Denial of benefits because of conduct of widow.

(a) *Provisions of section 1 of the law.* Section 1 of the law amends section 101 of Title 38, United States Code, by revising subsection (3) to read as follows:

(3) The term "widow" means (except for purposes of Chapter 19 of this title) a woman who was the wife of a veteran at the time of his death, and who lived with him continuously from the date of marriage to the date of his death (except where there was a separation which was due to the misconduct of, or procured by, the veteran without the fault of the wife) and who has not remarried or (in cases not involving remarriage) has not since the death of the veteran, and after enactment of the 1962 amendment to this paragraph, lived with another man and held herself out openly to the public to be the wife of such other man.

(b) *Effect of section 1 of the act.* Section 1 is similar to but broader than our "inference of remarriage" (or "presumption of remarriage") rule, which has been in effect for many years. Under our rule an inference of remarriage is held to exist when there is proof of each of the following:

(1) A cohabitation by the widow with a man as man and wife; and

(2) A "holding out" by the two persons to the general community in which they reside that they are husband and wife (which generally is embraced in the requisite cohabitation); and

(3) A general reputation in such community that they are married to each other.

The inference is not applied where there is evidence that there could not be a legal marriage between the claimant widow and her cohabitant because of an impediment, such as a prior subsisting marriage of the cohabitant. An identical rule is applied in determining whether there is an inference of marriage of the child of a veteran. Section 1 of Public Law 87-674 provides for denial of benefits except gratuitous insurance to a widow where, since the death of the veteran and subsequent to September 19, 1962, date of enactment of this law, she has lived with another man and held herself out openly to the public to be the wife of such other man.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective September 19, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-10094; Filed, Oct. 9, 1962; 8:49 a.m.]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

VETERANS BENEFITS NOT APPORTIONABLE

In § 3.458, paragraph (c) is amended to read as follows:

§ 3.458 Veterans benefits not apportionable.

• • • • •

(c) For the purported or legal wife of the veteran if it has been determined that she has lived with another man and held herself out openly to the public to be the wife of such other man, except where such relationship was entered into in good faith with a reasonable basis (for example trickery on the part of the veteran) for the wife believing that her marriage to the veteran was legally terminated. In such cases, payment will be made to the veteran as though there were no wife. No apportionment to the wife will thereafter be made unless there has been a reconciliation and later estrangement.

• • • • •

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective September 19, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-10094; Filed, Oct. 9, 1962; 8:49 a.m.]

wife of such other man. Therefore, reputation will no longer be a requirement for application of the bar to benefits and the existence of an impediment to marriage will be immaterial, except as to gratuitous National Service life insurance benefits and cases involving an inference of marriage of the child of a veteran. This law effects no change in the present administrative rule and practice pertaining to these excepted cases.

(c) *Adjudication and vocational rehabilitation and education procedures.* The restrictive provisions of section 1 are for prospective application and have no retroactive effect. They will apply only in cases where the veteran's widow has lived with another man since the date of enactment of this law and to benefits other than gratuitous National Service life insurance. A relationship which is secretive, or which consists of occasional short interludes (such as overnight, over a weekend, or for a week) or which is otherwise ostensibly illicit in nature will not be a bar to benefits. The parenthetical statement "(in cases not involving remarriage)" does not require a definite determination of lack of marriage before invoking the bar to benefits.

(d) *Effective date.* Section 1 of Public Law 87-674 is effective from date of enactment, September 19, 1962. The effective date of discontinuance of benefits based on the new statutory standard in this law will be the day preceding date of commencement of the relationship but not prior to September 19, 1962. The effective date of discontinuance of benefits based on the administrative "inference of remarriage" rule will be the day preceding date of commencement of the relationship or date of last payment, whichever is later but in no event later than September 19, 1962. Where additional benefits are payable to a widow for periods prior to inception of the relationship, any amounts paid for periods after that date will be recouped from such additional payment. (Instruction 1, 38 U.S.C. 101, Public Law 87-674.)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective September 19, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-10104; Filed, Oct. 9, 1962; 8:50 a.m.]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

RESTORATION OF BENEFITS FOR WIDOWS AND CHILDREN UPON ANNULMENT OF THEIR REMARRIAGE OR MARRIAGE

In Part 3, § 3.1575 is added to read as follows:

§ 3.1575 Restoration of benefits for widows and children upon annulment of their remarriage or marriage.

(a) *Provisions of the law.* (1) Section 2 of the law amends 38 U.S.C. 103 by adding at the end thereof subsections (d) and (e) as follows:

(d) The remarriage of the widow of a veteran shall not bar the furnishing of benefits to her as the widow of the veteran if the remarriage is void, or has been annulled by a court with basic authority to render annulment decrees unless the Veterans' Administration determines that the annulment was secured through fraud by either party or collusion.

(e) The marriage of a child of a veteran shall not bar recognition of such child as the child of the veteran for benefit purposes if the marriage is void, or has been annulled by a court with basic authority to render annulment decrees unless the Veterans' Administration determines that the annulment was secured through fraud by either party or collusion.

(2) Section 3 of the law amends 38 U.S.C. 3010 by adding at the end thereof subsection (f) as follows:

(f) The effective date of the award of benefits to a widow or of an award or increase of benefits based on recognition of a child, upon annulment of a marriage shall be the date the judicial decree of annulment becomes final if a claim therefor is filed within one year from the date the judicial decree of annulment becomes final; in all other cases the effective date shall be the date the claim is filed.

(b) *Effect of sections 2 and 3 of the act.* (1) Section 2 of the act retains the provision, formerly in 38 U.S.C. 101(3), that remarriage of the widow of a veteran shall not bar payment of benefits to her as the widow of the veteran if the purported remarriage is void. In addition, it provides for restoration of benefits to the widow of a veteran if her remarriage has been annulled by a court with basic authority to render annulment decrees without regard as to whether the remarriage was void or only voidable. It also provides that the marriage of a veteran's child shall not bar the payment of benefits to or for such child if the child's marriage is void, or has been annulled by a court with basic authority to render annulment decrees. The only exception to these provisions is where the Veterans Administration determines that the annulment was obtained through fraud by either party or by collusion.

(2) A claim for benefits is required under section 3 of the act. This section also establishes effective dates for benefits awarded solely by reason of the liberalizing provisions of the second section of the law.

(c) *Claims.* A claim (formal or informal) for benefits under this law will be required. Pending claims for benefits or restoration of benefits will be considered claims under this law and no further claim will be required. Pending claims will include:

(1) A claim not previously adjudicated.

(2) A previously disallowed claim pending appellate consideration.

(3) A previously disallowed claim reopened by receipt of any claim, evidence or inquiry on which action was pending on September 19, 1962.

(4) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry after September 19, 1962, but within the appeal period.

(d) *Effective date.* This act is effective from date of enactment, September 19, 1962. No benefit based solely on its liberalizing provisions may be effective prior to September 19, 1962.

(1) *Annulment granted.* Under this law where a judicial decree of annulment has been granted the effective date of an award of benefits to a widow or of an award or increase of benefits based on recognition of a child will be the date the judicial decree of annulment becomes final if claim therefor is filed within 1 year from such date, but such effective date shall not be prior to September 19, 1962; in all other cases the effective date of benefits under this law shall be the date the claim is filed.

(2) *Void marriage or remarriage; no annulment decree granted.* Where an annulment decree has not been obtained but the Veterans Administration determines in a legal opinion that the marriage of a child or remarriage of a widow is void the effective date of an award or increased award will be the date the child or widow ceased to cohabit with the other party to the void marriage or the date the Veterans Administration receives the evidence showing that the marriage was void, whichever is later. (See § 3.402(c).) (Instruction 2, 38 U.S.C. 103 and 3010, Public Law 87-674)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective September 19, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-10103; Filed, Oct. 9, 1962; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2780]

[Colorado 079625]

COLORADO

Order Opening Reclamation Lands to Location, Entry, and Patent Under General Mining Laws

By virtue of the authority contained in the act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154), it is ordered as follows:

1. Subject to valid existing rights the following described lands shall at 10 a.m. on November 9, 1962 be open to location, entry and patent under the United States mining laws:

NEW MEXICO PRINCIPAL MERIDIAN

T. 50 N., R. 8 W.,
Secs. 6, 7, and 18.
T. 51 N., R. 8 W.,
Sec. 18;
Sec. 19, lots 1, 2, 4, NE¼, E½NW¼, SE¼SW¼, and SW¼SE¼;
Sec. 20, NE¼NE¼, NW¼, S½SW¼, and SE¼SE¼;
Sec. 21, N½N½, NE¼SE¼, and S½S½;
Sec. 22, N½NW¼, and S½S½;
Secs. 29 and 30.
T. 50 N., R. 9 W.,
Secs. 1, 2, 3, and 11;
Sec. 12, N½, N½SW¼, SW¼SW¼, and SE¼.

T. 51 N., R. 9 W.,
Sec. 10, lots 1, 2 to 4, incl.;
Sec. 11, lots 1, 2 to 4, incl.;
Sec. 12, lot 4;
Sec. 13, E½ and S½SW¼;
Secs. 14, 15, and 22;
Sec. 23, N½, SW¼, and NW¼SE¼;
Sec. 24, SE¼NE¼, SE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 25;
Sec. 26, NW¼NW¼, S½N½, and S½;
Secs. 27, 34, 35, and 36.

SIXTH PRINCIPAL MERIDIAN

T. 15 S., R. 93 W.,
Sec. 6, lots 8 to 10, incl.;
Sec. 7, lots 6 to 18, incl.;
Sec. 18, lots 1 to 6, incl., E½, and E½W½;
Sec. 19, lots 1 to 4, incl., NE¼, E½W½, and SW¼SE¼;
Sec. 20, S½NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 21, NW¼NE¼, S½NE¼, NW¼, and S½;
Sec. 22, SW¼NE¼, NW¼NW¼, S½NW¼, and S½;
Sec. 30, lots 1 to 4, incl., E½, and E½W½;
Sec. 31, lots 1 to 5, incl., NE¼, E½NW¼, and SE¼SW¼.
T. 15 S., R. 94 W.,
Sec. 1, lots 22, 23, 24, 28, 29, and 33;
Sec. 12, lots 4, 11, 17, and 18;
Sec. 13, lots 1, 2, NE¼, SW¼SW¼, and W½SE¼;
Sec. 23, NE¼ and S½;
Secs. 24, 25, 26, 35, and 36.

The areas described total in the aggregate approximately 23,991 acres.

2. The opening made by this order shall be subject to the stipulation quoted below, and which is made a part of this order, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors, and assigns, and recorded in the county records, and in the United States Land Office at Denver, Colorado, before any rights attach by virtue of this order:

This location is made subject to the provisions that if and when the land is actually required for reclamation purposes, it may be utilized by the United States without payment, and any structures or improvements placed on the land which may interfere with contemplated reclamation works will be removed or relocated without expense to the United States, its successors or assigns.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 4, 1962.

[F.R. Doc. 62-10064; Filed, Oct. 9, 1962; 8:46 a.m.]

[Public Land Order 2781]

[Idaho 012679]

IDAHO

Restoration From Power Withdrawals, Subject to Section 24, Federal Power Act

By virtue of the authority contained in Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determinations of the Federal Power Commission Docketed as DA-12, and DA-558, 559, Idaho, it is ordered as follows:

1. The following-described lands withdrawn for power purposes are hereby restored to operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals:

BOISE MERIDIAN

T. 7 N., R. 2 E.,
Sec. 28, SW¼NE¼ and NW¼SW¼;
Sec. 33, lot 2.

The areas described aggregate 100.35 acres.

2. Until 10 a.m. on April 5, 1963, the State of Idaho shall have (1) a preferred right of application to select the lands as provided by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act, supra.

3. Any disposition of the lands described in this order shall be subject to the provisions of section 24 of the Federal Power Act, supra.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 4, 1962.

[F.R. Doc. 62-10065; Filed, Oct. 9, 1962; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 93]

PART 253—REQUIREMENTS FOR MAINTAINING BOOM LIFTING CAPACITIES AND OTHER FEATURES

A new part is hereby added to this subchapter reading as follows:

Sec.
253.1 Purpose.
253.2 Changes not to be made without Maritime Subsidy Board approval.
253.3 Responsibility of operator.
253.4 Requests for exceptions.

AUTHORITY: §§ 253.1 to 253.4 issued under sec. 204 (49 Stat. 1987, as amended; 46 U.S.C. 1114).

§ 253.1 Purpose.

The purpose of this part is to insure preservation of all basic design characteristics and features approved by the Maritime Subsidy Board and the Navy for ships built with construction-differential subsidy.

§ 253.2 Changes not to be made without Maritime Subsidy Board approval.

The owner of a ship built under a construction-differential subsidy agreement shall not, without first receiving written approval by the Maritime Subsidy Board, make or permit to be made, any substantial change in the structure, type or speed of the vessel or a change in any of her riggings, or remove any item of material or equipment from the vessel which would effect a major change in any of the listed vessel features, whether classed as a commercial feature or as a national defense feature.

§ 253.3 Responsibility of operator.

(a) Each operator, in conection with cargo gear, is responsible for maintaining the originally approved boom lift capacities on all vessels constructed or reconstructed under contracts entered into pursuant to Title V of the Merchant Marine Act, 1936, as amended, on and after October 7, 1955.

(b) A vessel having lift capability with ordinary booms of ten tons or over at several hatches and sixty tons or over at a heavy lift location, all installed as approved by the Maritime Subsidy Board, will be in compliance with this part regardless of whether the rated capacity rigging is actually retained in working position, provided such rigging for at least three sets of ten tons or over booms (six booms) and the heavy lift is properly maintained aboard and can be restored to working position by the ship's crew on short notice.

(c) Any rigging removed from the ship as permitted by paragraph (b) of this section shall be accounted for by the owner to the Administration and shall be properly maintained ashore, so that it can be restored to working position upon request by the Board.

§ 253.4 Requests for exceptions.

Requests by operators for exceptions to any of the above requirements shall be addressed to the appropriate Coast Director who will forward them to the Maritime Subsidy Board with his recommendations.

Dated: September 25, 1962.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-10050; Filed, Oct. 9, 1962; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-1028]

PART 1—PRACTICE AND PROCEDURE

Local Notice of Filing and of Designation for Hearing of Broadcast Applications

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of October 1962;

The Commission having under consideration the provisions of §§ 1.359 and 1.362 of its rules relating to the giving of local notice of the filing of broadcast applications or of the designation for hearing of such applications;

It appearing that editorial changes need to be made for the purpose of clarifying certain portions of said sections and for the purpose of making the sections internally consistent and consistent with each other; and

It further appearing that changes need to be made in said sections for the purpose of reflecting the fact that some broadcast stations do not operate at hours of the day during which the said sections require that notice be broadcast over such stations; and

It further appearing that some broadcast stations do not operate during times of the year when it is required that notice be broadcast over such stations and that changes should be made in said sections in view of this fact; and

It further appearing that the length of time in which to file with the Commission statements containing information about local notice should be extended from 5 days to 7 days in order to allow more time for the filing of such statements; and

It further appearing that in certain cases, said sections permit the local notice requirement to be satisfied by broadcasting notice over that station if it is the only operating station in its broadcast service which is located in the community involved; and

It further appearing that it is in the public interest to permit operating noncommercial educational stations, in certain cases, to satisfy the local notice requirement by broadcasting the notice over such stations and that publication in newspapers is an unwarranted expense in such cases, this situation being similar to that in which a station is the only station of its broadcast service within a community; and

It further appearing that these amendments to the rules are in the public interest, are procedural in nature, and that compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing that authority for the promulgation of these amendments to the rules is contained in sections 4(i), 303(r) and 311 of the Communications Act of 1934, as amended.

It is ordered, That, effective October 15, 1962, §§ 1.359 and 1.362 of the Commission rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies secs. 303, 311, 48 Stat. 1082, 74 Stat. 889; 47 U.S.C. 303, 311)

Released: October 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 1.359 is amended as follows:

a. Paragraph (b) is amended by changing the word "provision" to read "provisions" and the phrase "public notice of the acceptance of or filing of such application or amendment" to read "public notice of the acceptance for filing of such application or amendment."

b. Paragraph (c) is amended by changing the phrase "Except as provided" to read "Except as otherwise provided", and by deleting reference to § 1.357 in four places.

c. Paragraph (d) is amended by deleting reference to § 1.357, by adding parenthetical material, and by inserting additional information concerning broadcasting of notice.

d. Paragraph (e) is amended by adding a proviso and by adding material relating to educational stations.

e. Paragraph (f) is amended by changing the introductory text.

f. Paragraph (h) is amended by changing the phrase "5 days" to read "7 days" in two places and by indicating that statements about broadcast notices must contain the text of the notice.

The amended text reads:

§ 1.359 Pre-grant procedures.

• • • • •

(b) No application subject to the provisions of this section (whether as originally filed or as amended) will be acted upon by the Commission less than 30 days following issuance of public notice of the acceptance for filing of such application or amendment: *Provided, however*, That the Commission, notwithstanding the requirements of this section, may, if the grant of such application is otherwise authorized by law and if it finds that there are extraordinary circumstances requiring emergency operations in the public interest and that delay in the institution of such emergency operations would seriously prejudice the public interest, grant a temporary authorization accompanied by a statement of its reasons therefor, to permit such emergency operations for a period not exceeding 90 days, and upon making like findings may extend such temporary authorization for one additional period not to exceed 90 days.

(c) Except as otherwise provided in paragraph (e) of this section, an applicant filing any application or an amendment thereto which is subject to the provisions of this section (except for applications for stations in the international broadcast service and for television translator stations) shall cause to be published a notice of such filing as follows: Notice shall be published at least twice a week for the 2 weeks immediately following the tendering for filing of such application or amendment, or at least twice a week for the 2 weeks immediately following notification by the Commission pursuant to § 1.354, 1.355, 1.356, or 1.358, in a daily newspaper of general circulation published in the community in which the station is located or proposed to be located: *Provided, however*, That if there is no such daily newspaper published in the community, the notice shall be published as follows:

(1) If one or more weekly newspapers of general circulation are published in the community in which the station is located or proposed to be located, notice shall be published in such a weekly newspaper once a week for the 3 weeks immediately following the tendering for filing of such application or amendment, or once a week for the 3 weeks immediately following notification by the Commission pursuant to § 1.354, 1.355, 1.356, or 1.358.

(2) If no weekly newspaper of general circulation is published in the community in which the station is located or proposed to be located, notice shall be published at least twice a week for the 2 weeks immediately following the tendering for filing of such application or amendment, or at least twice a week for the 2 weeks immediately following notification by the Commission pursuant to § 1.354, 1.355, 1.356, or 1.358, in the daily newspaper having the greatest general circulation in the community in which the station is located or proposed to be located:

And provided further, That in the case of an application for a permit pursuant to section 325(b) of the Communications Act, the notice shall be published at least twice a week for the 2 weeks immediately following the tendering for filing of such application, or at least twice a week for the 2 weeks immediately following notification by the Commission pursuant to § 1.354, 1.355, 1.356, or 1.358, in a daily newspaper of general circulation in the largest city in the principal area to be served in the United States by the foreign radio broadcast station.

(d) If the application seeks modification, assignment, transfer or renewal of an operating broadcast station (except for applications for stations in the international broadcast service and for television translator stations), the applicant shall, in addition to publishing a notice of such filing as provided in paragraph (c) of this section, cause the same notice to be broadcast over that station at least once daily on 4 days in the week immediately following the tendering for filing of such application, or in the week immediately following notification by the Commission pursuant to § 1.354, 1.355, 1.356, or 1.358. In the case of television broadcast stations and noncommercial educational television broadcast stations, such notice shall be broadcast orally with camera focused on the announcer. The notice required by this paragraph shall be broadcast during the following periods:

(1) For television broadcast stations, between 7:00 p.m. and 10:00 p.m.

(2) For standard and FM broadcast stations, between 7:00 a.m. and 10:00 a.m., but if such stations do not operate during those hours, then between 6:00 p.m. and 9:00 p.m.

(3) For noncommercial educational television broadcast stations, between 7:00 p.m. and 10:00 p.m., but if the period of broadcast of notice falls within a portion of the year during which such stations do not broadcast, then such stations need not comply with the provisions of this paragraph.

(4) For noncommercial educational FM broadcast stations and standard broadcast stations operating as educational stations, between 3:00 p.m. and 10:00 p.m., but if the period of broadcast of notice falls within a portion of the year during which such stations do not broadcast, then such stations need not comply with the provisions of this paragraph.

(e) If the station in question is the only operating station in its broadcast service which is located in the community involved, or if it is a noncommercial educational station (FM or television) or a standard broadcast station operating as a noncommercial educational station, publication of the notice in a newspaper, as provided in paragraph (c) of this section, is not required, and publication by broadcast over that station as provided in paragraph (d), shall be deemed sufficient to meet the requirements of paragraphs (c) and (d) of this section: *Provided, however*, That noncommercial educational FM broadcast stations, noncommercial educational television broadcast stations, and standard broadcast stations operating as noncommercial educational stations which do not broadcast during the portion of the year in which the period of broadcast of notice falls must comply with the provisions of paragraph (c) of this section.

(f) The notice required by paragraphs (c) and (d) of this section shall contain the information indicated in subparagraphs (1) through (4) of this paragraph, and, if the notice concerns applications and amendments referred to in subparagraphs (5) through (9) of this paragraph, shall also contain the information called for in those subparagraphs:

• • • • •

(h) Within 7 days of the last day of publication or broadcast of the notice required by paragraphs (c), (d), or (g) of this section, the applicant shall file a statement in triplicate with the Commission, setting forth the dates on which the notice was published, the newspaper in which the notice was published, the text of the notice, and/or, where applicable, the dates and times that the notice was broadcast and the text thereof. When public notice is given by other means, as provided in paragraph (g) of this section, the applicant shall file, within 7 days of the giving of such notice, the text of the notice, the means by which it was accomplished, and the date thereof.

2. Section 1.362 is amended as follows:

a. The introductory text of paragraph (b) is amended by changing the phrase "Except as provided" to read "Except as otherwise provided" and by adding parenthetical material.

b. Paragraph (c) is amended by adding parenthetical material and by inserting additional information concerning broadcasting of notice.

c. Paragraph (d) is amended by adding a proviso, by adding material relating to educational stations and by changing the initial word from "Where" to "If".

d. Present paragraph (g) is redesignated paragraph (h) and is amended by changing the phrase "5 days" to read "7 days" and by indicating that statements about broadcast notices must contain the text of the notice, and by adding a sentence which deals with filing of statements concerning television broadcast translator stations.

e. A new paragraph (g) is added.

f. Present paragraphs (h) and (i) are redesignated paragraphs (i) and (j) respectively.

The amended text reads:

§ 1.362 Designation for hearing; local notice; conditional grant.

• • • • •

(b) Except as otherwise provided in paragraph (d) of this section, when an application subject to the provisions of § 1.359 (except for applications for stations in the international broadcast service and for television translator stations) is designated for hearing, the applicant shall cause to be published a notice of such designation as follows: Notice shall be published at least twice a week for the 2 weeks immediately following release of the Commission's order specifying the time and place of the commencement of the hearing in a daily newspaper of general circulation published in the community in which the station is located or proposed to be located: *Provided, however*, That if there is no such daily newspaper published in the community, the notice shall be published as follows:

• • • • •

(c) When an application which is subject to the provisions of § 1.359 and which seeks modification, assignment, transfer, or renewal of an operating broadcast station is designated for hearing (except for applications for stations in the international broadcast service and for television translator stations), the applicant shall, in addition to publishing a notice of such designation as provided in paragraph (b) of this section, cause the same notice to be broadcast over that station at least once daily on 4 days in the week immediately following the release of the Commission's order specifying the time and place of the commencement of the hearing. In the case of television broadcast stations and noncommercial educational television broadcast stations, such notice shall be broadcast orally with camera focused on the announcer. The notice required by this paragraph shall be broadcast during the following periods:

(1) For television broadcast stations, between 7:00 p.m. and 10:00 p.m.

(2) For standard and FM broadcast stations, between 7:00 a.m. and 10:00 a.m., but if such stations do not operate during those hours, then between 6:00 p.m. and 9:00 p.m.

(3) For noncommercial educational television broadcast stations, between 7:00 p.m. and 10:00 p.m., but if the period of broadcast of notice falls within a portion of the year during which such stations do not broadcast, then such stations need not comply with the provisions of this paragraph.

(4) For noncommercial educational FM broadcast stations and standard broadcast stations operating as educational stations, between 3:00 p.m. and 10:00 p.m., but if the period of broadcast of notice falls within a portion of the year during which such stations do not broadcast, then such stations need not comply with the provisions of this paragraph.

(d) If the station in question is the only operating station in its broadcast service which is located in the community involved, or if it is a noncommercial educational station (FM or television) or a standard broadcast station operating as a noncommercial educational station, publication of the notice in a newspaper, as provided in paragraph (b) of this section, is not required, and publication by broadcast over that station as provided in paragraph (c) shall be deemed sufficient to meet the requirements of paragraphs (b) and (c) of this section: *Provided, however*, That noncommercial educational FM broadcast stations, noncommercial educational television broadcast stations, and standard broadcast stations operating as noncommercial educational stations which do not broadcast during the portion of the year in which the period of broadcast of notice falls must comply with the provisions of paragraph (b) of this section.

• • • • • •

(g) When an application for a television broadcast translator station which is subject to the provisions of § 1.359 is designated for hearing, the applicant shall cause to be published a notice of such designation as follows: Notice shall be published at least once during the 2-week period immediately following release of the Commission's order specifying the time and place of the commencement of the hearing in a daily, weekly or biweekly publication having general circulation in the community or area to be served: *Provided, however*, That, if there is no publication of general circulation in the community or area to be served, the applicant shall determine an appropriate means of providing the required notice to the general public, such as posting in the local post office or other public place. The notice shall state:

(1) The name of the applicant or applicants designated for hearing.

(2) The call letters, if any, of the station or stations involved, the output channel or channels of such stations, and the call letters, channel and location of the station or stations being or proposed to be rebroadcast.

(3) The time and place of the hearing.

(4) The issues in the hearing as listed in the Commission's order of designation for hearing.

(5) If the application is for renewal of license, the notice shall contain, in addition to the information required by subparagraphs (1) through (4) of this paragraph, the statements required by paragraph (f) of this section.

(h) Within 7 days of the last day of publication or broadcast of the notice required by paragraphs (b) and (c) of this section, the applicant shall file a statement in triplicate with the Commission, setting forth the dates on which the notice was published, the newspaper in which the notice was published, the text of the notice, and/or, where applicable, the date and time the notice was broadcast and the text thereof. When public notice is given by other means, as provided in paragraph (g) of this section, the applicant shall file, within 7 days of the giving of such notice the text of the

notice, the means by which it was accomplished, and the date thereof.

[F.R. Doc. 62-10087; Filed, Oct. 9, 1962; 8:49 a.m.]

[Docket No. 14187; FCC 62-1027]

PART 3—RADIO BROADCAST SERVICES

Logging Requirements for Broadcast Stations; Memorandum Opinion and Order

1. Several parties have filed comments in the above-captioned docket requesting that whatever action is taken include provision for automatic program logging. The decisions to be made in this docket are largely dependent upon a resolution of the more basic considerations posed in Docket No. 13961 dealing with program information required by certain broadcast forms.

2. The Commission now has before it for consideration a petition filed August 16, 1962, by ITA Electronics Corporation asking that the proposals looking toward automatic program logging be severed from this proceeding and that rules permitting such operation be adopted forthwith. This Memorandum Opinion and Order will be addressed solely to this issue and the other problems in Docket No. 14187 will be dealt with at a later date.

3. In support of its requests petitioner notes the passage of more than a year since rule making was initiated, that the issue herein is non-controversial and should not be further delayed pending resolution of these proceedings which involve basic and complex questions which have been the subject of conflicting views.

4. Petitioner contends that it is practicable, through automatic logging, to retain complete program transcripts from which any desired information could be extracted and compiled. It is argued that such automatic logging could be used in conjunction with any new application forms, and consequently that it is not necessary to postpone authorization of automatic program logging until adoption of revised application forms. It is probable that other automatic methods exist which would similarly meet the requirements of any forms which may be adopted.

5. The petitioner recites a number of alleged advantages of automatic program logging. Because we have been asked simply to provide for automation on a permissive basis, it is unnecessary for us to evaluate specific features of various automated systems or to determine their usefulness.

6. The Commission is of the view that the request has merit and its adoption would be in the public interest. Accordingly, we are amending pertinent sections of the program logging rules, as set forth below, to permit automatic logging under prescribed conditions.

7. Because the rule changes adopted herein are procedural in nature, the notice and effective date provisions of Section 4 of the Administrative Procedure Act are inapplicable and the rule changes will be made effective immediately.

8. Authority for the amendments adopted herein is contained in sections 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

9. In view of the foregoing, the petition of ITA Electronics Corporation is granted with certain changes in suggested language: *And it is ordered*, This 3d day of October 1962, That the Commission's rules are amended as set forth below effective October 12, 1962.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: October 5, 1962.

By the Commission: Commissioner Lee absent; Commissioner Henry not participating.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Sections 3.111, 3.281, 3.581 and 3.663 are amended by adding to each a new paragraph (d) as follows:

* * * * * *

§ 3.111 Logs.

* * * * * *

(d) No provision of this chapter shall be construed as prohibiting the recording or other automatic maintenance of data required for program logs. However, where such automatic logging is used, the licensee must comply with the following requirements:

(1) The licensee, whether employing manual or automatic logging or a combination thereof, must be able accurately to furnish the Commission with all information required to be logged;

(2) Each recording, tape, or other means employed shall be accompanied by a certificate of the operator or other responsible person on duty at the time or other duly authorized agent of the licensee, to the effect that it accurately reflects what was actually broadcast. Any information required to be logged which cannot be incorporated in the automatic process shall be maintained in a separate record which shall be similarly authenticated;

(3) The licensee shall extract any required information from the recording for the days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying recording, tape or other means employed.

§ 3.281 Logs.

* * * * * *

(d) No provision of this chapter shall be construed as prohibiting the recording or other automatic maintenance of data required for program logs. However, where such automatic logging is used, the licensee must comply with the following requirements:

(1) The licensee, whether employing manual or automatic logging or a combination thereof, must be able accurately to furnish the Commission with all information required to be logged;

(2) Each recording, tape, or other means employed shall be accompanied by a certificate of the operator or other responsible person on duty at the time or other duly authorized agent of the licensee, to the effect that it accurately reflects what was actually broadcast. Any information required to be logged which cannot be incorporated in the automatic process shall be maintained in a separate record which shall be similarly authenticated;

(3) The licensee shall extract any required information from the recording for the days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying recording, tape or other means employed.

§ 3.581 Logs.

* * * * * *

(d) No provision of this chapter shall be construed as prohibiting the recording or other automatic maintenance of data required for program logs. However, where such automatic logging is used, the licensee must comply with the following requirements:

(1) The licensee, whether employing manual or automatic logging or a combination thereof, must be able accurately to furnish the Commission with all information required to be logged;

(2) Each recording, tape, or other means employed shall be accompanied by a certificate of the operator or other responsible person on duty at the time or other duly authorized agent of the licensee, to the effect that it accurately reflects what was actually broadcast. Any information required to be logged which cannot be incorporated in the automatic process shall be maintained in a separate record which shall be similarly authenticated;

(3) The licensee shall extract any required information from the recording for the days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying recording, tape or other means employed.

§ 3.663 Logs; maintenance of.

* * * * * *

(d) No provision of this chapter shall be construed as prohibiting the recording or other automatic maintenance of data required for program logs. However, where such automatic logging is used, the licensee must comply with the following requirements:

(1) The licensee, whether employing manual or automatic logging or a combination thereof, must be able accurately to furnish the Commission with all information required to be logged;

(2) Each recording, tape, or other means employed shall be accompanied by a certificate of the operator or other responsible person on duty at the time or other duly authorized agent of the licensee, to the effect that it accurately reflects what was actually broadcast. Any information required to be logged which cannot be incorporated in the automatic process shall be maintained in a separate record which shall be similarly authenticated;

(3) The licensee shall extract any required information from the recording for the days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying recording, tape or other means employed.

[F.R. Doc. 62-10088; Filed, Oct. 9, 1962; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Noxubee National Wildlife Refuge, Mississippi

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the area designated by signs as open to hunting. This open area, comprising 43,454 acres or 97 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Ga. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: November 20 through 24, 1962, December 26 through December 29, 1962, December 31, 1962, and January 1, 1963.

(c) Total bag limits: One (1) buck with antlers over 4 inches long per season except on December 31, 1962, and January 1, 1963, when antlerless deer may be taken. Not more than two deer per license year.

(d) Methods of hunting:

(1) Any type gun may be used except 22 caliber rifles and shotguns less than 20 gauge. Shells with buck shot smaller than number one (1) prohibited.

(2) No dogs allowed.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) All antlerless deer killed shall be checked and tagged at a refuge checking station before leaving the area.

(3) Check stations will be located at Keaton Tower, Lynn Creek, and Refuge headquarters office near Bluff Lake.

(4) A Federal permit is required to enter the public hunting area. Permits are obtainable from the Refuge Manager, Noxubee National Wildlife Refuge, Brooksville, Miss., starting November 1, 1962.

(5) The provisions of this special regulation are effective to January 2, 1963.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-10062; Filed, Oct. 9, 1962; 8:46 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 62-WE-89]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Yakima, Wash., control zone is presently designated within a 3-mile radius of the Yakima Municipal Airport.

The Federal Aviation Agency has under consideration the redesignation of the Yakima control zone within a 5-mile radius of the Yakima Municipal Airport (latitude 46°33'55" N., longitude 120°32'25" W.).

This expansion of the basic 3-mile zone is required to provide protection for the larger and more modern type aircraft executing prescribed instrument approach and departure procedures at the Yakima Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 4, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-10054; Filed, Oct. 9, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-WE-90]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Ephrata, Wash., control zone is presently designated within a 3-mile radius of the Ephrata Municipal Airport.

The Federal Aviation Agency has under consideration the redesignation of the Ehprata control zone within a 5-mile radius of the Ephrata Municipal Airport (latitude 47°18'20" N., longitude 119°30'40" W.), and within 2 miles either side of the Ephrata VOR 222° True radial extending from the 5-mile radius zone to the VOR.

This expansion of the basic 3-mile zone is required to provide protection for larger and more modern type aircraft executing prescribed instrument approach and departure procedures at the Ephrata Airport.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 4, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-10055; Filed, Oct. 9, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-WE-91]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Eugene, Oreg., control zone is presently designated within a 3-mile radius of the Eugene (Mahlon Sweet) Airport.

The Federal Aviation Agency has under consideration the redesignation of the Eugene control zone within a 5-mile radius of the Mahlon Sweet Airport (latitude 44°07'25" N., longitude 123°13'05" W.), and within 2 miles either side of the Eugene VORTAC 008° True radial extending from the 5-mile radius zone to 8 miles north of the VORTAC.

This expansion of the basic 3-mile zone is required to provide protection for the larger and more modern type aircraft executing prescribed instrument approach and departure procedures at the Mahlon Sweet Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 4, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-10056; Filed, Oct. 9, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-WA-21]

CONTROLLED AIRSPACE

Alteration of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 601.10853 of the regulations of the Administrator, the substance of which is stated below.

The Cape Girardeau, Mo., transition area is designated as extending upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of the 035° and 215° True bearings from the Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.), extending from 9 miles northeast to 20 miles southwest of the airport.

The Federal Aviation Agency has under consideration the alteration of the Cape Girardeau transition area to add the airspace extending upward from 700 feet above the surface within a 6-mile radius of the Cape Girardeau Municipal Airport, and within 2 miles either side of the 215° True bearing from the Cape Girardeau Airport extending from the 6-mile radius area to 8 miles southwest of the airport. This would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Cape Girardeau Airport.

If this action is taken, the Cape Girardeau, Mo., transition area would be redesignated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.); within 2 miles either side of the 215° True bearing from the Cape Girardeau Airport extending from the 6-mile radius area to 8 miles southwest of the airport; and the airspace extending upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of the 035° and 215° True bearings from the Cape Girardeau Municipal Airport, extending from 9 miles northeast to 20 miles southwest of the airport.

this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 4, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-10056; Filed, Oct. 9, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-WA-21]

CONTROLLED AIRSPACE

Alteration of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 601.10853 of the regulations of the Administrator, the substance of which is stated below.

The Cape Girardeau, Mo., transition area is designated as extending upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of the 035° and 215° True bearings from the Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.), extending from 9 miles northeast to 20 miles southwest of the airport.

The Federal Aviation Agency has under consideration the alteration of the Cape Girardeau transition area to add the airspace extending upward from 700 feet above the surface within a 6-mile radius of the Cape Girardeau Municipal Airport, and within 2 miles either side of the 215° True bearing from the Cape Girardeau Airport extending from the 6-mile radius area to 8 miles southwest of the airport. This would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Cape Girardeau Airport.

If this action is taken, the Cape Girardeau, Mo., transition area would be redesignated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.); within 2 miles either side of the 215° True bearing from the Cape Girardeau Airport extending from the 6-mile radius area to 8 miles southwest of the airport; and the airspace extending upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of the 035° and 215° True bearings from the Cape Girardeau Municipal Airport, extending from 9 miles northeast to 20 miles southwest of the airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 4, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-10057; Filed, Oct. 9, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-KC-29]

CONTROLLED AIRSPACE

Designation of Control Zone, Designation and Alteration of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a request by the Department of the Army for the designation of controlled airspace at the Marshall AAF, Fort Riley, Kans. This controlled airspace would consist of a control zone and transition area.

The Fort Riley, Kans., control zone would be designated within a 5-mile radius of the Marshall AAF (latitude 39°03'15" N., longitude 96°45'50" W.) Fort Riley, Kans.; within 2 miles either side of the Fort Riley VOR 042° True radial extending from the 5-mile radius zone to the VOR; and within 2 miles either side of the 216° True bearing from the Fort Riley radio beacon extending from the 5-mile radius zone to 8 miles southwest of the radio beacon excluding the portion within the Manhattan, Kans., Restricted Area R-3602 and the portion extending clockwise from a line 2 miles northwest of and parallel to the Fort Riley VOR 042° True radial to the 318° True bearing from the Fort Riley RBN. This would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Marshall AAF. Communications and weather reporting service would be provided by the Marshall AAF control tower from 0700-2200 hours, local time, daily and by Marshall AAF operations office during the hours that the tower is not in operation.

The Manhattan, Kans., transition area would be designated to extend upward from 700 feet above the surface within a 7-mile radius of the Manhattan Airport (latitude 39°08'35" N., longitude 96°40'-05" W.); within 6 miles south and 9 miles north of the Fort Riley VOR 059° True radial extending from the VOR to 21 miles northeast; within 2 miles either side of the Fort Riley VOR 222° True radial extending from the VOR to 8 miles southwest; and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 39°19'-00" N., on the east by the Emporia, Kans., VORTAC 346° True radial, on the south by the north boundary of VOR Federal airway No. 4, on the southwest by a line 21 miles northeast of and parallel to the Fort Riley VOR 149° and 329° True radials extending from Victor 4 to its intersection with the arc of a 7-mile radius circle centered at the Manhattan Airport, thence counterclockwise along this arc to longitude 96°41'00" W.; and on the west by longitude 96°41'00" W. The portion of this transition area which would coincide with the Manhattan Restricted Area (R-3602) would be used only after obtaining prior approval from appropriate authority.

The portion of the proposed transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Marshall AAF and the Manhattan Airport. The portion proposed with a floor of 1,200 feet above the surface would provide continuity of controlled airspace northeast of Manhattan for aircraft operating between the 700 feet floor area and the adjacent Salina, Kans., transition area (§ 601.10016). This transition area, which is designated with a floor of 3,500 feet MSL adjacent to Manhattan, would be altered to exclude the portion which would coincide with the proposed Manhattan transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at

this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 4, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-10058; Filed, Oct. 9, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-EA-39]

CONTROLLED AIRSPACE

Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a transition area at Bellona, N.Y. The proposed transition area would be designated to extend upward from 1,200 feet above the surface within the area bounded on the north by VOR Federal airway No. 2, on the east by the arc of a 40-mile radius circle centered on the Syracuse, N.Y., VORTAC, on the southeast by VOR Federal airway No. 84, on the southwest by VOR Federal airway No. 34, and on the west by the arc of a 20-mile radius circle centered on the Monroe County Airport, Rochester, N.Y. (latitude 43°07'20" N., longitude 77°39'55" W.). This transition area would provide protection for aircraft while being radar vectored in accordance with prescribed Rochester Airport instrument approach procedures. Additionally, this area would provide for the establishment of a Rochester Airport radar departure procedure clear of airways to increase the traffic handling capability of the limited altitude tower en route control service authorized between Rochester and Syracuse, N.Y. The area would also provide for the transitioning of aircraft, with terminal en route radar handoff service, from the aforementioned radar departure procedure to VOR Federal airways No. 2 and No. 84.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 4, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-10059; Filed, Oct. 9, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-SO-47]

CONTROLLED AIRSPACE

Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a transition area at Columbus, Ga. The proposed transition area would be designated to extend upward from 1,200 feet above the surface within 8 miles northwest and 5 miles southeast of the Columbus ILS localizer southwest course extending from the ILS outer marker to 12 miles southwest and within 8 miles east and 5 miles west of the Columbus radio range southwest course extending from the radio range to 12 miles southwest excluding the portion which would coincide with the Fort Benning, Ga., Restricted Area R-3002. This would provide protection for aircraft executing instrument approach procedures to the Muscogee County Airport and the Lawson AAF, Columbus, Ga.

To permit fulfillment of the urgent airspace requirements at the earliest practicable date, this action is being proposed in advance of the implementation of Amendments 60-21 and 60-29 to the Civil Air Regulations, Part 60, Air Traffic Rules, in the entire Columbus area. Upon completion of the area review of the airspace requirements attendant to full implementation of these amendments, separate airspace action will be initiated proposing the conversion of the control area extension in this area to a transition area with appropriate floor assignments, and the designation of appropriate airway floors consistent with en route requirements.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street NW., Atlanta 3, Ga. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 4, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-10060; Filed, Oct. 9, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO—AREA NO. 1

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering approval of the expenses and rate of assessment hereinafter set forth which were recommended by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948) regulating the handling of Irish potatoes grown in the State of Colorado and issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 948.241 **Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended agreement and order during the fiscal period ending May 31, 1963, will amount to $625.00.

(b) The rate of assessment to be paid by each handler in Area No. 1 pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, shall be one-half cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 5, 1962.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-10076; Filed, Oct. 9, 1962; 8:47 a.m.]

[7 CFR Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Proposed Control Percentages for the 1962-63 Marketing Year

Notice is hereby given that there is under consideration the proposed establishment of walnut control percentages as herein set forth for the marketing year which began August 1, 1962. The percentages are based on recommendations of the Walnut Control Board and other available information and would be established pursuant to the amended marketing agreement and order (7 CFR Part 984; 27 F.R. 9094), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The proposed percentages are as follows:

	District 1	District 2
Marketable	93	96.5
Surplus	7	3.5

The 1962 orchard-run production is estimated at 170.4 million pounds. The proposed percentages would provide for a (1) trade demand for inshell walnuts of 70 million pounds plus a year end carryover of 10 million pounds, and (2) trade demand for shelled walnuts of 33 million pounds (kernelweight) plus a year end carryover of 6.5 million pounds for the marketing year which began August 1, 1962.

Consideration will be given to written data, views, and arguments pertaining thereto which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

Dated: October 5, 1962.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-10097; Filed, Oct. 9, 1962; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 63–4]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 28, 1962.

The Secretary, Department of Agriculture, has filed an application, Serial No. Oregon 012702, for the withdrawal of the land described below, subject to valid existing rights, from location and entry under the general mining laws.

The land is located in the Whitman National Forest, and the applicant wishes to have the land withdrawn to protect the Blue Mountain Ranger Station Administrative Site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay Street, Portland 12, Oreg.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

WHITMAN NATIONAL FOREST

Blue Mountain Ranger Station Administrative Site

T. 11 S., R. 35 E.
Sec. 33: N½NE¼;
Sec. 34: NW¼NW¼.

Total Area—120 acres.

STANLEY D. LESTER,
Manager, Land Office.

[F.R. Doc. 62–10063; Filed, Oct. 9, 1962; 8:46 a.m.]

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 3, 1962.

Notices of an application, Serial No. Colorado 042348 for withdrawal and reservation of lands was published as Federal Register Document No. 60–7102 on page 7219 of the issue for July 30, 1960. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10 a.m. on November 8, 1962, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 15 S., R. 91 W.,
Sec. 31: SE¼NE¼.

The areas described aggregate 40 acres.

ANDREW J. SENTI,
Acting Chief,
Division of Lands and Minerals.

[F.R. Doc. 62–10079; Filed, Oct. 9, 1962; 8:48 a.m.]

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 3, 1962.

Notices of an application, Serial No. Colorado 066542 for withdrawal and reservation of lands was published as Federal Register Document No. 62–3110, on page 3149–3150 of the issue for March 31, 1962. The applicant agency has cancelled the application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on November 8, 1962, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 2 S., R. 75 W.,
Sec. 28: NW¼, W½SW¼;
Sec. 27: W½;
Sec. 34: NE¼NE¼, W½NE¼, W½.
T. 3 S., R. 75 W.,
Sec. 3: NW¼.
T. 4 S., R. 75 W.,
Sec. 17: S½S½.
T. 5 S., R. 76 W.,
Sec. 3: S½NE¼, SE¼NW¼;
Sec. 18: NW¼NE¼.
T. 4 N., R. 78 W.,
Sec. 2: Lot 9.
T. 3 N., R. 77 W.,
Sec. 7: NW¼SE¼.

The areas described aggregate 1560 acres.

ANDREW J. SENTI,
Acting Chief,
Division of Lands and Minerals.

[F.R. Doc. 62–10095; Filed, Oct. 9, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

MUSCOGEE LIVESTOCK CO., ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name and Location of Stockyard, and Date of Posting

Muscogee Livestock Co., Columbus, Ga.: May 20, 1959.
Southern Cayuga Commission Sale, Moravia, N.Y.: August 18, 1960.
Big Pasture Auction Co., Grandfield, Okla.: April 7, 1959.
Green and White Livestock Commission Co., Breckenridge, Tex.: May 8, 1959.
Paris Livestock Commission Co. (South Barn), Paris, Tex.: November 20, 1956.
H. A. Meyer Cattle Co., Plymouth, Wis.: May 28, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 4th day of October 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62–10071; Filed, Oct. 9, 1962; 8:47 a.m.]

TOWN & COUNTRY AUCTION SERVICE, LTD., ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Town & Country Auction Service, Ltd., Gunnison, Colo.
Shannon Stockyards, Shannon, Ill.
Massena Livestock Auction Market, Massena, Iowa.
Stewart's Auction Barn, Bronson, Kans.
Lawrence Livestock Sale, Lawrence, Kans.
Granite City Livestock Sales, St. Cloud, Minn.
Beatrice 77 Livestock Commission Co., Beatrice, Nebr.
Clinton Livestock Auction, Clinton, Okla.
East Texas Livestock Commission Co., Palestine, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of October 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62–10072; Filed, Oct. 9, 1962; 8:47 a.m.]

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

September 1962 Monthly Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein, the CCC Monthly Sales List for September 1962 is amended by adding the section below:

Honey, extracted, unprocessed, 5-gal. cans or 55-gal. drums (as available).	Domestic and export, unrestricted use: Storable: Market price basis in store, but not less than 105 percent of the applicable 1962 support price for the respective class and color of honey plus reasonable carrying charges.

EXAMPLES OF MINIMUM PRICES

Class and Color	Cents per pound
Table:	
White or lighter	14.5
Extra light amber	13.4
Light amber	11.8
Nontable and other table	9.6

Nonstorable: At not less than the market price as determined by CCC through the Cincinnati ASCS Commodity Office.
Available: Cincinnati ASCS Commodity Office.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on October 4, 1962.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Coporation.

[F.R. Doc. 62–10101; Filed, Oct. 9, 1962; 8:50 a.m.]

Office of the Secretary

AGENCY HEADS ET AL.

Delegation of Authority

Pursuant to the authority vested in me by Reorganization Plan No. 2 of 1953, paragraph b of the delegation of authority dated November 18, 1953 (18 F.R. 7498), as amended, is amended as follows:

The reference to the Director of Agricultural Credit is deleted.

Subparagraph b(1) is amended by striking out Farmer Cooperative Service, Forest Service, Soil Conservation Service.

Subparagraph b(2) is amended to read as follows:

(2) The Under Secretary of Agriculture shall exercise general direction and supervision of the following agency:

Foreign Agricultural Service.

Subparagraph b(3) is amended to read as follows:

(3) The Assistant Secretary of Agriculture for Marketing and Stabilization shall exercise general direction and supervision of the following agencies:

Agricultural Marketing Service.
Agricultural Stabilization and Conservation Service.
Commodity Exchange Authority.
Federal Crop Insurance Corporation.

Subparagraph b(4) is amended to read as follows:

(4) The Assistant Secretary for Rural Development and Conservation shall exercise general direction and supervision of the following agencies:

Farmer Cooperative Service.
Farmers Home Administration.
Forest Service.
Office of Rural Areas Development.
Rural Electrification Administration.
Soil Conservation Service.

Subparagraph b(6) is amended by striking out Office of Administrative Management, changing Library to National Agricultural Library, and adding Office of Management Appraisal and Systems Development.

Done at Washington, D.C., this October 4, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–10073; Filed, Oct. 9, 1962; 8:47 a.m.]

AGENCY HEADS ET AL.

Amendment of Delegation of Authority and Assignment of Functions

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953, the Secretary's Order dated December 24, 1953 (19 F.R. 74), as amended, is further amended as follows:

Section 102 is amended by deleting the Director of Agricultural Credit.

Section 109 is amended as follows:

Subsection a. Federal-States Relations is amended by deleting therefrom the Forest Service, Soil Conservation Service and Farmer Cooperative Service.

Subsection b is amended to read as follows:

b. *Foreign Agriculture:*

Foreign Agricultural Service.

Subsection c is amended to read as follows:

c. *Agricultural Marketing and Stabilization:*

Agricultural Marketing Service.
Agricultural Stabilization and Conservation Service (including Commodity Credit Corporation functions assigned in accordance with Commodity Credit Corporation bylaws).
Commodity Exchange Authority.
Federal Crop Insurance Corporation.

Subsection d is amended to read as follows:

d. *Rural Development and Conservation:*

Farmer Cooperative Service.
Farmers Home Administration.
Forest Service.
Office of Rural Areas Development.
Rural Electrification Administration.
Soil Conservation Service.

The first sentence of section 116 is amended by deleting the words "or the Director of Agricultural Credit".

Section 800 is amended as follows:

Subsection e is amended to read as follows:

e. Marketing agreement and order programs for fruits, vegetables, tree nuts, hops and such other commodities as may be assigned. The functions under 8e of the Agricultural Adjustment Act (of 1933) as amended and reenacted by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1).

Subsection f is deleted.

Done at Washington, D.C., this October 4, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–10074; Filed, Oct. 9, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–142]

AMERICAN EXPORT LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application filed by American Export Lines, Inc.,

for written permission of the Maritime Subsidy Board, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223 to allow this company's vessels operating in the subsidized Line F Round-the-World (Eastbound) Service to carry domestic cargo and/or passengers from a port or ports in the states of Washington and Oregon to Puerto Rico. This application may be inspected by interested parties in Room 3095, General Accounting Office Building, 441 G Street NW., Washington 25, D.C.

A hearing on the application has been set for October 26, 1962, at 10 a.m., e.d.t., in Room 3095 of General Accounting Office Building. The purpose of the hearing under section 805(a) is to receive evidence relevant to whether granting such application (a) would result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the said Act.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on the foregoing issues pertinent to section 805(a) must before the close of business on October 24, 1962, notify the Secretary, Maritime Administration, in writing, in triplicate, and file petition for leave to intervene which petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Petitions for leave to intervene received after the close of business on October 24, 1962, will not be granted in this proceeding.

Dated: October 4, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-10048; Filed, Oct. 9, 1962; 8:45 a.m.]

Office of the Secretary

[Department Order No. 128 (revised); Amdt. No. 3]

UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION

Office of Emergency Transportation

The following amendment to the order was issued by the Secretary of Commerce on September 13, 1962. The material appearing at 27 F.R. 987 of February 2, 1962; F.R. 3411-3412 of April 10, 1962; and 27 F.R. 4814 of May 22, 1962, is further amended as follows; and the material appearing at 20 F.R. 3835 of June 1, 1955, is superseded as follows:

The functions, personnel, records, funds and property of the Defense Air Transportation Administration are hereby transferred to the Office of the Under Secretary of Commerce for Transportation. Department Order No. 137 (Amended) of April 19, 1955 is hereby revoked.

Accordingly, section 3 of Department Order No. 128 (Revised) of January 19, 1962, as amended, is hereby amended as follows:

1. Section 3.01 is amended by adding a new subsection 3.01 7 to read:

7. Administer the War Risk Insurance program under Title XIII, Public Law 85-726 (49 U.S.C. 1531-1542).

Renumber current subsection 3.01 7 as 3.01 8.

2. Section 3.02 is amended by adding a new subsection 3.02 3 to read:

3 Develop plans for a national program to utilize the air carrier civil air transportation capacity and equipment, both domestically and internationally, in a national emergency.

Renumber current subsections 3.02 3, 4, 5, and 6 as 3.02 4, 5, 6, and 7.

Effective date: September 13, 1962.

[SEAL] HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 62-10051; Filed, Oct. 9, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14659; FCC 62M-1311]

CHERRYVILLE BROADCASTING CO., INC.

Order Continuing Hearing

In re application of Cherryville Broadcasting Co., Inc., Cherryville, North Carolina, Docket No. 14659, File No. BP-14041; for construction permit.

Upon verbal request of the applicant and with the concurrence of the other parties: *It is ordered*, This 4th day of October 1962, that the hearing herein now scheduled for this date be and the same is hereby rescheduled for October 23, 1962, 10 a.m. in the Commission's Offices, Washington, D.C.

Released: October 4, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10089; Filed, Oct. 9, 1962; 8:49 a.m.]

[Docket Nos. 14684-14686; FCC 62M-1319]

NORTHFIELD BROADCASTING CO. ET AL.

Order Concerning Procedural Dates

In re applications of Kingsley H. Murphy, Jr., and Carroll E. Crawford, d/b as Northfield Broadcasting Company, Northfield, Minnesota, Docket No. 14684, File No. BP-13872; Hastings Broadcasting Company, Hastings, Minnesota, Docket No. 14685, File No. BP-14823; Albert Lea Broadcasting Company (KATE), Albert Lea, Minnesota, Docket No. 14686, File No. BP-14870; for construction permits.

The Hearing Examiner having under consideration a letter dated October 3, 1962, submitted by counsel for Northfield Broadcasting Company (Northfield), requesting that all dates established in the Orders herein released July 31, 1962 (FCC 62M-1085) and October 1, 1962 (FCC 62M-1292) be extended for a period of two weeks;

It appearing, that the principals of Northfield and Hastings Broadcasting Company (Hastings) are still in the process of negotiation and that an agreement in principle has been reached concerning the method of resolving the present conflict as to their respective applications, but that an additional period of time will be required for the drafting of necessary documents and the resolution of certain matters still unresolved; and

It further appearing, that counsel for all applicants and the Broadcast Bureau have consented to a grant of the subject request and that the public interest requires immediate consideration thereof:

It is ordered, this 4th day of October 1962, that the subject request is granted and that the procedural dates established in the Orders released July 31 and October 1, 1962, are extended as follows: preliminary exchange of engineering exhibits and final exchange of nonengineering exhibits from October 9 to October 23, 1962, by Northfield and Hastings and from October 16 to October 30, 1962, by Albert Lea Broadcasting Company (KATE); further informal engineering conference from October 16 to October 30, 1962; final exchange of all engineering exhibits from October 19 to November 2, 1962; notification of witnesses desired for cross-examination from October 24 to November 7, 1962; and commencement of hearing from October 29 to November 13, 1962.

Released: October 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10090; Filed, Oct. 9, 1962; 8:49 a.m.]

REVISED COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

OCTOBER 4, 1962.

The following dates will constitute the composite week for use in the preparation of program log analyses submitted with applications for AM, FM and TV station licenses which have termination dates in 1963 and applications for major changes in broadcast facilities.

Sunday, August 5, 1962.
Monday, September 25, 1961.
Tuesday, January 23, 1962.
Wednesday, November 15, 1961.
Thursday, April 26, 1962.
Friday, May 11, 1962.
Saturday, February 24, 1962.

The attention of licensees is also directed to section IV, page 3, Item 10, of the renewal application which permits the submission of any additional program data that the applicant desires to call to the Commission's attention, if, in the applicant's opinion, the statistics based on the composite week do not adequately reflect the program service rendered.

Subsequent to the announcement on September 13, 1962 of the composite week for the year 1963 (Public Notice, FCC 62-945), it came to the attention of the Commission that the programs likely to have been broadcast throughout the U.S. on one or more of the dates selected for the composite week were atypical. With respect to those days, the programming information submitted by licensees in various applications filed with the Commission would not be representative of the licensees' programming generally throughout the year. Accordingly, a new composite week, set forth above, has been selected. This new composite week supersedes the composite week dates set forth in the Commission's September 13, 1962 Public Notice, FCC 62-945. In addition to the information required to be filed with respect to the above Composite Week, licensees may also, if they desire, submit additional data based upon the original Composite Week set forth in Public Notice FCC 62-945.

Adopted: October 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10091; Filed, Oct. 9, 1962; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

PACIFIC LINES AND ATLANTIC/GULF LINES

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8800, between the member lines of the Trans-Pacific Freight Conference of Hong Kong (Pacific Lines) and those of the New York Freight Bureau of Hong Kong (Atlantic/Gulf Lines), operating pursuant to approved Agreements 14-1 and 5700, respectively, and engaged in the trade from Hong Kong to Canadian ports and ports of the Pacific, Gulf and Atlantic coasts of the United States, provides for discussion and agreement on matters of mutual interest and courses of action to be taken subject to the right of the exercise of independent action by either upon ten days notice to the other. Other pertinent provisions provide:

(1) That actions taken shall be determined only by the Pacific Lines acting as a group, and by the Atlantic/Gulf Lines acting as a group according to the procedures, quorums, and voting requirements of Agreements 14-1 and 5700, respectively;

(2) That any agreements will be implemented only within the scope of the respective conference agreements;

(3) That neither conference shall admit new parties unless such parties shall simultaneously become parties to Agreement 8800;

(4) Agreement as to meetings, the promulgation of rules and regulations, the filing of minutes with the Federal Maritime Commission, the appointment of a chairman, and the apportionment of expenses.

Agreement 8800-1, between the member lines of the Trans-Pacific Freight Conference of Hong Kong (Pacific Lines) and those of the New York Freight Bureau of Hong Kong (Atlantic/Gulf Lines), operating pursuant to approved Agreements 14-1 and 5700, respectively, and engaged in the trade from Hong Kong to Canadian ports and ports of the Pacific, Gulf and Atlantic coasts of the United States, provides that approved Agreement 4379 shall be superseded and canceled simultaneously with approval of Agreement 8800. Agreement 4379, between the Pacific Lines and the Atlantic/Gulf Lines provides for discussion and agreement with respect to the establishment of rates in the trades covered.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 5, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-10085; Filed, Oct. 9, 1962; 8:48 a.m.]

STOCKHOLMS REDERIAKTIEBOLAG SVEA ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9046, between Stockholms Rederiaktiebolag Svea and Rederiaktiebolaget Fredrika (Norton Line) and Alcoa Steamship Company, Inc., covers a through billing arrangement for the transportation of general cargo under through bills of lading from loading ports in Argentina, Uruguay, and Brazil to ports of call of Alcoa Steamship Company in Puerto Rico with transshipment at New York, N.Y., and Baltimore, Md., under terms and conditions set forth in said agreement.

Agreement 9047, between Stockholms Rederiaktiebolag Svea and Rederiaktiebolaget Frederika (Norton Line) and Alcoa Steamship Company, Inc., covers a through billing arrangement for the transportation of general cargo under through bills of lading from loading ports in Argentina, Uruguay, and Brazil to ports of call of Alcoa Steamship Company in the Virgin Islands with transshipment at New York, N.Y., and Baltimore, Md., under terms and conditions set forth in said agreement.

Agreement 9048, between the Yamashita Steamship Co., Ltd. (Yamashita Kisen Kaisha) and Alcoa Steamship Company, Inc., covers a through billing arrangement for the transportation of general cargo from loading ports in Japan, Hong Kong, and the Philippines to ports of call of Alcoa Steamship Company in Puerto Rico with transshipment at New York, N.Y., and Baltimore, Md., under terms and conditions set forth therein.

Agreement 9049, between the Yamashita Steamship Co., Ltd., (Yamashita Kisen Kaisha) and Alcoa Steamship Company, Inc., covers a through billing arrangement for the transportation of general cargo from loading ports in Japan, Hong Kong, and the Philippines, to ports of call of the Alcoa Steamship Company in the Virgin Islands with transhipment at New York, N.Y., and Baltimore, Md., under the terms and conditions set forth therein.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 5, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-10086; Filed, Oct. 9, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13728]

EASTERN NORTH CAROLINA AREA AIRLINE SERVICE AIRPORT INVESTIGATION

Notice of Cancellation and Reassignment of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference, heretofore assigned in the above-entitled proceeding for October 22, 1962, is hereby canceled and reassigned for October 19, 1962, at 2 p.m., e.d.s.t., in Room 803, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., October 3, 1962.

WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 62-10083; Filed, Oct. 9, 1962; 8:48 a.m.]

[Docket 12319]

PANAMA CITY-MEMPHIS ROUTE CASE

Notice of Postponement

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned to be held on October 23 is postponed to October 30, 1962, 10 a.m., e.s.t., Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., October 4, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-10082; Filed, Oct. 9, 1962; 8:48 a.m.]

[Docket 9523 etc.]

REOPENED PUERTO RICO THIRD-CLASS PASSENGER FARE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on October 30, 1962, at 10 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., October 4, 1962.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 62-10081; Filed Oct. 9, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 7-2242]

AIR PRODUCTS AND CHEMICALS, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 4, 1962.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Air Products and Chemicals, Inc.; File 7-2242.

Upon receipt of a request, on or before October 19, 1962 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-10067; Filed, Oct. 9, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 230]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 5, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-629 (Deviation No. 6), HELM'S EXPRESS, INC., Post Office Box 268, Pittsburgh, Pa., filed August 20, 1962. Attorney Samuel P. Delisi, 1515 Park Building, Pittsburgh 22, Pa. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Granville, Ohio, over Ohio Highway 161 to junction Ohio Highway 4, and thence over Ohio Highway 4 to Springfield, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Granville over Ohio Highway 16 to Columbus, Ohio, and thence over U.S. Highway 40 to Springfield, and return over the same route.

No. MC-64939 (Deviation No. 3), KEYSTONE TRANSFER CO., INC., 100 Scotland Street, Pittsburgh 12, Pa., filed August 20, 1962. Attorney Samuel P. Delisi, 1515 Park Building, Pittsburgh 22, Pa. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fairmont, W. Va., over West Virginia Highway 73 to Bridgeport, W. Va., and thence over U.S. Highway 50 to Clarksburg, W. Va.; and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Fairmont over U.S. Highway 19 to Clarksburg, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC-1501 (Deviation No. 86), THE GREYHOUND CORPORATION (SOUTHERN GREYHOUND LINES DIVISION), 5260 Peachtree Industrial Boulevard, Chamblee, Ga., filed September 24, 1962. Carrier proposes to operate as a *common carrier* by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction of U.S. Highway 60 and access road (Kentucky Highway 841) near Middletown, Ky., over Kentucky Highway 841 to junction Interstate Highway 64, thence over Interstate Highway 64 to access road (U.S. Highway 127), thence over U.S. Highway 127 to Frankfort, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Huntington, W. Va., over U.S. Highway 60 to Louisville, Ky., thence over U.S. Highway 31-W via West Point, Ky., to Tip Top, Ky., thence over U.S. Highway 60 to Henderson, Ky., and return over the same route.

No .MC-1501 (Deviation No. 87), THE GREYHOUND CORPORATION (SOUTHERN GREYHOUND LINES DIVISION), 5260 Peachtree Industrial Boulevard, Chamblee, Ga., filed September 24, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage* over a deviation route as follows: From Covington, Ky., over Interstate Highway 75 to Williamstown, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 25 to Lexington, Ky. (also from Cincinnati across the Ohio River to Covington, Ky., thence over Kentucky Highway 17 to junction U.S. Highway 27, thence over U.S. Highway 27 to Lexington) and thence over U.S. Highway 27 to Chattanooga, Tenn., and return over the same route.

No. MC-1501 (Deviation No. 88), THE GREYHOUND CORPORATION (SOUTHERN GREYHOUND LINES DIVISION), 5260 Peachtree Industrial Boulevard, Chamblee, Ga., filed September 24, 1962. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* and their baggage over a deviation route as follows: From junction U.S. Highway 11 and Interstate Highway 59 one-half mile south of Nicholson, over Interstate Highway 59 to junction U.S. Highway 11 one-half mile north of Pearl River, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Birmingham, Ala., over U.S. Highway 11 via Bucksville and Box Springs, Ala., to New Orleans, La., and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-10077; Filed, Oct. 9, 1962; 8:48 a.m.]

[Notice 486]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 5, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 921 (Sub-No. 7), filed August 13, 1962. Applicant: DEAN TRUCK LINE, INC., Fleming and Grant Streets, Corinth, Miss. Applicant's attorney: Edward G. Grogan, Commerce Title Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Selmer, Tenn., and Nashville, Tenn.; from Selmer over U.S. Highway 45 to Henderson, Tenn.; thence over Tennessee Highway 100 to its junction with Tennessee Highway 22A; thence over Tennessee Highway 22A to Lexington, Tenn.; thence over Tennessee Highway 20 to Parsons, Tenn.; thence over Tennessee Highway 100 to Nashville, and return over the same route, serving all intermediate points.

HEARING: December 3, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107.

No. MC 1124 (Sub-No. 186), filed September 12, 1962. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney, Houston, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Strang, Baytown, La Porte, Morgans Point, Shore Acres, Fairmont Park, Lomax, and Lynchburg, Tex., and the plant or installation sites of the Celanese Corporation of America, E. I. DuPont De Nemours, The Greif Bros., Cooperage Corporation, U.S. Industrial Chemical Company, and Texas Alkyls Company, at or near Strang, Tex., and points on Texas Highways 225, 134 and Miller Cut-Off Road, and N.A.S.A., located near Seabrook, Tex., as offroute points in connection with applicant's authorized regular route operations at Houston, Tex.

HEARING: December 3, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 1124 (Sub-No. 187), filed September 13, 1962. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, those of unusual value, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), serving the plant site of the Gulf Oil Corporation near the intersection of Texas Highway 146 and Interstate Highway 10 as an off-route point in connection with applicant's authorized regular route operations at Houston, Texas.

HEARING: December 5, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 2202 (Sub-No. 237), filed August 17, 1962. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: J. G. Dail, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Counce, Tenn., as an off-route point in connection with applicant's presently authorized regular routes.

HEARING: December 5, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107.

No. MC 4964 (Sub-No. 29), filed August 20, 1962. Applicant: ROY L. JONES, INC., 915 McCarty Avenue, Houston, Tex. Applicant's attorney: James J. Williams, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size, weight, or other physical characteristics, requires the use of special equipment, rigging or handling, together with *parts and attachments thereto* when moving in connection therewith, and *contractor's equipment, machinery, materials and supplies*, (1) between points in Louisiana, New Mexico, and Texas, (2) between points in Alabama, Florida, Georgia, and Mississippi, (3) between points in Colorado, Kansas, Oklahoma, and Texas, (4) between points in Louisiana, New Mexico, and Texas, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Mississippi, and Tennessee, and (5) between points in Colorado, Kansas, New Mexico, Oklahoma, and Texas on the one hand, and, on the other, points in Arizona, Idaho, Iowa, Missouri, Montana, Nebraska, New Mexico, Nevada, North Dakota, South Dakota, Utah, and Wyoming.

NOTE: No duplication of authority is sought.

HEARING: December 10, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Alton R. Smith.

No. MC 21170 (Sub-No. 41), filed October 4, 1962. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elmira, N.Y., to points in Indiana, Illinois, Michigan, Missouri, Pennsylvania, and Ohio.

HEARING: October 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 29130 (Sub-No. 96), filed August 31, 1962. Applicant: THE ROCK ISLAND MOTOR TRANSIT COMPANY, a corporation, 402 Plymouth Building, 919 Walnut Street, Des Moines 9, Iowa. Applicant's attorney: Thomas I. Megan, 139 West Van Buren Street, Chicago 5, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including all classes of explosives, articles requiring special equipment and commodities in bulk* (except household goods as defined by the Commission), (1) between points in Bates, Benton, Camden, Cass, Cedar, Clay, Cole, Cooper, Henry, Hickory, Jackson, Johnson, Lafayette, Miller, Moniteau, Morgan, Pettis, Saline, St. Clair, and Vernon Counties, Mo., and (2) between points in the above-named counties on the one hand, and, on the other, points in the Kansas City, Mo.-Kans., Commercial Zone, as defined by the Commission restricted to shipments moving to or from missile sites of the Minuteman

Missile Complex of Whiteman Air Force Base, Mo.

HEARING: December 7, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 43654 (Sub-No. 54), filed July 5, 1962. DIXIE OHIO EXPRESS, INC., P.O. Box 750, 237 Fountain Street, Akron 9, Ohio. Applicant's attorney: Harry McChesney, Jr., 711 McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes, rubber articles, and textile factor products*, between points in Alabama and Georgia, on the one hand, and, on the other, Ardmore, Ala. (old U.S. Highway 31), Ringgold, Ga. (U.S. Highway 41), Dalton, Ga. (Georgia Highway 71), Wildwood, Ga. (U.S. Highway 11), and Cartersville, Ga. (U.S. Highway 411).

NOTE: Common control may be involved. Duplication with present authority to be eliminated. Applicant has filed simultaneously herewith a petition for modification of its Certificate in No. MC 43654 and requests that said petition and this BMC 78 application be published in the FEDERAL REGISTER and assigned for oral hearing upon a joint record.

HEARING: December 10, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 157, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 52709 (Sub-No. 185) (AMENDMENT), filed August 27, 1962, published FEDERAL REGISTER issue October 3, 1962, and republished as amended this issue. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, liquid commodities in bulk, and commodities requiring special equipment), between Craig, Colo., and Casper, Wyo.; from Craig over Colorado Highway 13 to the Colorado-Wyoming State line, thence over Wyoming Highway 789 to its junction with Wyoming Highway 220 at or near Muddy Gap, Wyo., thence over Wyoming Highway 220 to Casper, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: Applicant states the authority requested herein is subject to the restriction that all traffic must have a prior or subsequent movement by rail and be interchanged between carrier and the Chicago and North Western Railway Company at Casper, Wyo. The purpose of this republication is to add the above restriction to the authority previously sought.

HEARING: Remains as assigned November 12, 1962, at New Customs House, Denver, Colo., before Joint Board No. 50, or, if the Joint Board waives its right to participate, before Examiner Andrew P. Goldstein.

No. MC 52751 (Sub-No. 32), filed August 16, 1962. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and concrete construction forms*, from Valley, Nebr., to points in Iowa, Illinois, Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE: Common control may be involved.

HEARING: December 4, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Francis A. Welch.

No. MC 59120 (Sub-No. 21), filed September 27, 1962. Applicant: EAZOR EXPRESS, INC., 15–26th Street, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving Victor, N.Y., as an offroute point in connection with applicant's authorized regular route operations.

HEARING: October 17, 1962, at the Manger Hotel, Rochester, N.Y., before Examiner Wm. N. Culbertson.

No. MC 61506 (Sub-No. 15), filed June 25, 1962. Applicant: RUSSELL TRANSFER COMPANY, INC., Athens-Augusta Highway, Washington, Ga. Applicant's attorney: Theodore M. Forbes, Jr., Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semitrailers* and *freight containers*, owned by the Gulf Oil Corporation, between railroad trailer-on-flatcar loading and unloading facilities in Virginia, Kentucky, North Carolina, South Carolina, Tennessee, Alabama, Georgia, and Florida on the one hand, and on the other, points within said States, the operations being restricted to transportation in connection with prior or subsequent transportation of the above-stated items by rail, and under continuing contract or contracts with the Gulf Oil Corporation.

HEARING: December 3, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 69116 (Sub-No. 71), filed September 28, 1962. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street., Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Victor, N.Y., as an offroute point in connection with applicant's regular route operations.

HEARING: October 17, 1962, at the Manger Hotel, Rochester, N.Y., before Examiner Alton R. Smith.

No. MC 74321 (Sub-No. 24), filed August 20, 1962. Applicant: B. F. WALKER, INC., 650 17th Street, Denver 2, Colo. Applicant's attorney: James J. Williams, 1825 Jefferson Pl. NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size, weight or other physical characteristics, requires the use of special equipment, rigging or handling, together with *parts and attachments thereto* when moving in connection therewith; and *contractor's equipment, machinery, materials and supplies*, (1) between points in Louisiana, New Mexico, and Texas, (2) between points in Alabama, Florida, Georgia, and Mississippi, (3) between points in Colorado, Kansas, Oklahoma, and Texas, (4) between points in Louisiana, New Mexico, and Texas, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Mississippi, and Tennessee, and (5) between points in Colorado, Kansas, New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in Arizona, Idaho, Iowa, Missouri, Montana, Nebraska, New Mexico, Nevada, North Dakota, South Dakota, Utah, and Wyoming.

NOTE: Applicant states no duplication of authority is sought.

HEARING: December 10, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Alton R. Smith.

No. MC 78786 (Sub-No. 242), filed September 14, 1962. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 110 Market Street, San Francisco 11, Calif. Applicant's attorney: John MacDonald Smith, 65 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), between Eugene, Oreg., and Cushman, Oreg., from Eugene over unnumbered highways, through Veneta, Elmira, Noti, Walton, Globe, and Austa, to the junction Oregon Highway F at Linslaw, thence over Oregon Highway F to its junction with Oregon Highway 36 at Mapleton, thence over Oregon Highway 36 to Cushman, and return over the same route, serving the intermediate points on that portion of the route east of Mapleton and the offroute point of Vaughn.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit 78787; therefore, dual operations may be involved. It is further noted that common control may be involved.

HEARING: November 19, 1962, at the Eugene Hotel, Eugene, Oreg., before Joint Board No. 172.

No. MC 82808 (Sub-No. 4), filed May 28, 1962. Applicant: LEWIS R. HUNT AND C. L. HUNT, a partnership, doing business as HUNT AND SON, Holden, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, P.O. Box 352, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, (1) Between points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, on the one hand, and, on the other, all railheads, intercontinental ballistic missile launching sites, control points, supply points, warehouses and supply dumps located, or to be located, within the Whiteman Air Force Base Intercontinental Ballistic Missile Complex within Vernon, Bates, Cass, Cedar, St. Clair, Henry, Johnson, Lafayette, Benton, Pettis, Saline, Morgan, Cooper, and Moniteau Counties, Mo., and (2) between all railheads, intercontinental ballistic missile launching sites, control points, supply points, warehouses and supply dumps located or to be located, within the Whiteman Air Force Base Intercontinental Ballistic Missile Complex within Vernon, Bates, Cass, Cedar, St. Clair, Henry, Johnson, Lafayette, Benton, Pettis, Saline, Morgan, Cooper, and Moniteau Counties, Mo.

HEARING: December 7, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 92983 (Sub-No. 408), filed July 13, 1962. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Georgia, Oklahoma, Utah, and Washington to Turner, Kans.

HEARING: December 10, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner A. Lane Cricher.

No. MC 93318 (Sub-No. 12), filed August 20, 1962. Applicant: JOE D. HUGHES, INC., P.O. Box 2143, 4100 Clinton Drive, Houston, Tex. Applicant's attorney: James J. Williams, 1825 Jefferson Pl. NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size, weight or other physical characteristics, requires the use of special equipment, rigging or handling, together with *parts and attachments thereto* when moving in connection therewith; and *contractor's equipment, machinery, materials and supplies*, (1) between points in Louisiana, New Mexico, and Texas, (2) between points in Alabama, Florida, Georgia, and Mississippi, (3) between points in Colorado, Kansas, Oklahoma, and Texas, (4) between points in Louisiana, New Mexico, and Texas, on the one hand, and on the other, points in Alabama, Arkansas, Florida, Georgia, Mississippi, and Tennessee, and (5) between points in Colorado, Kansas, New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in Arizona, Idaho, Iowa, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

NOTE: Applicant states no duplication of authority is sought.

HEARING: December 10, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Alton R. Smith.

No. MC 93649 (Sub-No. 13), filed February 28, 1962. Applicant: DeHART MOTOR LINES, INC., P.O. Box 495–A, Hickory, N.C. Applicant's attorney: William M. York, 201 Jefferson Building, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, from Conover, Granite Falls, Hickory, Hudson, Lenoir, Marion, Newton, Taylorsville, Morganton, Drexel, Lincolnton, Statesville, and North Wilkesboro, N.C., to points in Connecticut, Massachusetts, and Rhode Island.

HEARING: November 28, 1962, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Parks M. Low.

No. MC 95540 (Sub-No. 442), filed July 12, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as defined by the Commission, from points in Sumter County, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, the lower peninsula of Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Common control may be involved.

HEARING: December 4, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 95540 (Sub-No. 449), filed August 6, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* from Luling and Galveston, Tex., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. RESTRICTION: Service to Memphis, Tenn., and points in Louisiana and Mississippi must be for part shipments with destinations beyond.

HEARING: November 27, 1962, at the Granado Hotel, San Antonio, Tex., before Examiner James O'D. Moran.

No. MC 98749 (Sub-No. 15), filed September 10, 1962. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, Ryder at Eastman Road, Longview, Tex. Applicant's attorney: Joe T. Lanham, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, (1) from the plant site of the Texas Eastman Company, near Longview, Tex., to Texas Gulf Ports and points in Illinois, Indiana, Kentucky, Louisiana, Missouri, Ohio, and Tennessee, and (2) from the plant site of the Texas Eastman Company, near Longview, Tex., to points in California, Colorado, Michigan, Minnesota, Nebraska, Oregon, Washington, and Wisconsin, and only *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Applicant states the purpose of this application is to remove any doubt as to applicant's rights to "transport dry chemicals in the territory outlined in Part I and to add dry chemicals in Part II to the same territory now served, as well as to eliminate any question concerning the use of types of equipment in view of the recent decisions of the Commission. Sub No. 1 should be reworded so as to reflect above commodity and equipment description if approved by the Commission".

HEARING: November 29, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Alton R. Smith.

No. MC 98749 (Sub-No. 16), filed September 10, 1962. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, Ryder at Eastman Road, Longview, Tex. Applicant's attorney: Austin L. Hatchell, Suite 1009, Perry Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, (1) from the plant site of the Texas Eastman Company, located near Longview, Tex., to points in Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) from the plant site of the Texas Eastman Company, located near Longview, Tex., to points in Alabama, Florida, Georgia, Mississipi, North Carolina, and South Carolina, and *only empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant states the purpose of this application is to "revise commodity and equipment description so as to remove any question of applicant's authority in view of subsequent decisions of the Commission. Subs Nos. 9 and 13 should be reworded as detailed above if this application is approved."

HEARING: November 20, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Alton R. Smith.

No. MC 98952 (Sub-No. 9), filed May 21, 1962. Applicant: GENERAL TRANSFER COMPANY, a corporation, 2800 North Main Street, Decatur, Ill. Applicant's attorney: Kirkwood Yockey, 1406 Morris Plan Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boards, building, wall and insulating fibre board, and pulpboard made of*

vegetable, wood, and mineral fibres, and moldings and fasteners used in connection with the installation of the aforesaid commodities, from Vandalia, Ill., to points in Ohio, Indiana, Wisconsin, Iowa, and the lower peninsula of Michigan; and (2) *damaged and rejected shipments* of the above-specified commodities, from points in Ohio, Indiana, Wisconsin, Iowa, and the lower peninsula of Michigan to Vandalia, Ill.

HEARING: November 28, 1962, at Room 906, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Allen W. Hagerty.

No. MC 99208 (Sub-No. 1), filed April 16, 1962. Applicant: SKYLINE TRANSPORTATION, INC., 2530 Mitchell Street, Knoxville, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17, M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (A) between Knoxville, Tenn., and Hazard, Ky.; from Knoxville over Tennessee Highway 33 to its junction with U.S. Highway 25–E; thence over U.S. Highway 25–E to its junction with U.S. Highway 119 near Pineville, Ky.; thence over U.S. Highway 119 to its junction with U.S. Highway 421 near Harlan, Ky.; thence over U.S. Highway 421 to its junction with Kentucky Highway 80 near Hyden, Ky.; thence over Kentucky Highway 80 to its junction with Kentucky Highway 15; thence over Kentucky Highway 15 to Hazard, and return over the same route, serving all intermediate points, and also the off-route points of Pineville, Harlan, and Hyden, Ky., (B) between Knoxville and Tazewell, Tenn., over U.S. Highways 11–W and 25–E restricted, so as not to authorize service at any intermediate points, (C) between Knoxville and Jellico, Tenn., over U.S. Highway 25–W, serving all intermediate points, (D) between Caryville, Tenn., and Jellico, Tenn.; over Tennessee Highway 63 from Caryville to junction near Pioneer with unnumbered highway; thence over said unnumbered highway via Pioneer, Elk Valley, and Newcomb to Jellico, and return over the same route, (E) between junction of U.S. Highway 25–W and Tennessee Highway 90 near Morley, Tenn., and Middlesboro, Ky., over Tennessee Highway 90 and Kentucky Highway 74, (F) between La Follette, Tenn., and junction of Tennessee Highway 63 and U.S. Highway 25–E, over Tennessee Highway 63, (G) between Knoxville, Tenn., and Lake City, Tenn., via Tennessee Highway 441., (H) between Knoxville and Gatlinburg, Tenn.; over U.S. Highway 70 between Knoxville and Newport; over Tennessee Highway 32 between Newport and the junction of Tennessee Highway 32 with Tennessee Highway 73 near Cosby, and over Tennessee Highway 73 between said junction and Gatlinburg; also between Knoxville and Gatlinburg over U.S. Highway 441, (I) between Sevierville and Newport over U.S. Highway 411, (J) between Sevierville and Douglas Dam over Tennessee Highway 66, (K) between Knoxville and Melton Hill Dam site, at or near the point where Tennessee Highway 95 crosses the Clinch River, serving all points within a five-mile radius of said site, and (L) between Knoxville and Jellico over Interstate Highway 75 and between Knoxville and Newport over Interstate Highway 40, as alternate routes.

NOTE: Applicant states "with operations in both directions over all of the foregoing routes and segments thereof, with all of said routes and segments thereof to be used in conjunction with each other, with service to all intermediate points on any or all of said routes, except as specified. Applicant already holds authority in Tennessee intrastate commerce over all route segments included herein which lie within Tennessee, except over the Interstate Highway routes, a segment of Tennessee Highway 63, approximately two miles long, between Arthur and U.S. Highway 25–E, and routes D and E above, and has been performing service under Second Proviso registration over those routes. Applicant here seeks to convert the registered authority to a certificate because the proposed extension into Kentucky will require cancellation of the registration, and applicant does propose to take such steps as the Commission may direct to cancel the registration if and when the certificate is issued."

HEARING: December 10, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25.

No. MC 100666 (Sub-No. 47), filed August 13, 1962. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7295, Shreveport, La. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pressure treated forest products and lumber*, (1) from points in Oklahoma, to points in New Mexico, and (2) between points in Texas and points in New Mexico.

HEARING: November 27, 1962, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 210 or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 102567 (Sub-No. 89), filed September 7, 1962. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La. Applicant's attorney: Jo E. Shaw, Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Naphtha, toluol and xylol*, in bulk, in tank vehicles, from Greenville, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states it does not seek any duplication of existing authority.

HEARING: December 5, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James O'D. Moran.

No. MC 103880 (Sub-No. 256), filed April 25, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Anhydrous monomethylamine, dimethylamine* and *trimethylamine*, in bulk in tank vehicles, from Terre Haute, Ind., to points in Alabama, Connecticut, Kansas, Maryland, New York, and West Virginia. (B) *Spent amines*, from Kansas City, Kans., to Terre Haute, Ind.

HEARING: November 26, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Allen W. Hagerty.

No. MC 103993 (Sub-No. 164), filed May 25, 1962. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements in truckaway service, from points in Kansas (except Newton, Coffeyville, Great Bend, Hutchinson, Arkansas City, Wichita, and McPherson, Kans.), to points in the United States, including Alaska, but excluding Hawaii, and (2) *campers and camper coaches*, from points in Kansas, to points in the United States, including Alaska, but excluding Hawaii, and (3) *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, and *rejected shipments* of the commodities specified in (1) and (2) above, on return.

HEARING: December 12, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner A. Lane Cricher.

No. MC 106398 (Sub-No. 195), filed May 22, 1962. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 711 Fourteenth Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Nebraska (except from Gering) to points in the United States, including Alaska but excluding Hawaii, and (2) *portable grain dryers*, in truckaway service, from points in Nebraska to points in the United States, including Alaska but excluding Hawaii, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities in (1) and (2) above, on return.

HEARING: November 26, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Francis A. Welch.

No. MC 106398 (Sub-No. 199), filed June 11, 1962. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan, Tulsa, Okla. Applicant's attorney: Wm. R. Privitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Kansas (except Augusta, Newton, Wichita, Coffeyville, Great Bend, Hutchinson, McPherson), to points in the United States, including Alaska but excluding Hawaii, and (2) *Campers and camper coaches*, in initial movements, in truckaway service, from points in Kansas to points in the United States, including Alaska but excluding Hawaii, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (1) and (2) above, on return.

HEARING: December 14, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner A. Lane Cricher.

No. MC 107107 (Sub-No. 214), filed May 14, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: H. R. Marlane (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations*, in vehicles equipped with mechanical refrigeration, from points in the Chicago, Ill., Commercial Zone, to points in Florida.

HEARING: December 3, 1962, at The Palmer House, Chicago, Ill., before Examiner Allen W. Hagerty.

No. MC 107107 (Sub-No. 228), filed July 30, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as defined by the Commission, (1) from points in Iowa, to points in Alabama, North Carolina, and South Carolina, (2) from points in Iowa (except Dubuque, Estherville, Fort Dodge, and Sioux City), to points in Florida, and (3) from points in Iowa (except Ottumwa), to points in Georgia.

HEARING: December 5, 1962, at Room 401 Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Francis A. Welch.

No. MC 107107 (Sub-No. 229), filed August 10, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products* as defined by the Commission from points in Sumter County, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan (lower peninsula), Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and District of Columbia.

HEARING: December 4, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 107496 (Sub-No. 245), filed May 21, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Kansas, and Omaha, Nebr.

NOTE: Applicant conducts operations as contract carrier in MC 119136 and subs thereunder; therefore dual operations may be involved.

HEARING: December 11, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner A. Lane Cricher.

No. MC 107515 (Sub-No. 403), filed July 9, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products* as defined by the Commission, from points in Sumter County, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan (Lower Peninsula), Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: December 4, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 107515 (Sub-No. 412), filed September 14, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, from Waterloo, Iowa, to points in Tennessee.

NOTE: Common control may be involved.

HEARING: December 3, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Francis A. Welch.

No. MC 108248 (Sub-No. 9), (CORRECTION), filed August 8, 1962, published FEDERAL REGISTER issue of September 26, 1962 and republished as corrected this issue. Applicant: SHAW TRUCKING, INCORPORATED, P.O. Box 84, Brockway, Pa. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, oyster shells and agricultural insecticides* (except in bulk in tank or hopper type vehicles), from Baltimore, Md., and Cleveland, Ohio, to points in Indiana, Armstrong, Clarion, Venango, Forest, Warren, McKean, Potter, Tioga, Cameron, Elk, Jefferson, and Clearfield Counties, Pa.

NOTE: The purpose of this republication is to show Indiana a county in Pennsylvania rather than a destination state.

HEARING: Remains as assigned October 31, 1962, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Examiner Richard A. White.

No. MC 109435 (Sub-No. 25), filed August 17, 1962. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., P. O. Drawer J, Stroud, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, and in packages, from the plant site of St. Clair Lime, located near Sallisaw, Okla., to points in Kansas, points in Missouri, on, south and west of U.S. Highway 36 from the Missouri-Kansas State line near St. Joseph to its junction with Missouri Highway 13, near Hamilton, Mo., thence along Missouri Highway 13 to its junction with U.S. Highway 65 near Springfield, thence along U.S. Highway 65, to the Missouri-Arkansas State line; those points in Arkansas on and west of U.S. Highway 65, those points in Texas on and north of U.S. Highway 80 from Louisiana-Texas State line to Fort Worth, thence over U.S. Highway 287 to Amarillo, thence over U.S. Highway 66 to the New Mexico State line (including service to points located on the indicated highways and specifically including the Pine Bluff, Arkansas Arsenal), points in the Dallas, and Fort Worth Commercial Zones, and the Little Rock-North Little Rock Commercial Zone.

HEARING: November 26, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner Alton R. Smith.

No. MC 110098 (Sub-No. 32), filed August 20, 1962. Applicant: ZERO REFRIGERATED LINES, 815 Merida Street, Station A, Box 7249, San Antonio 7, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, from Luling and Galveston, Tex., to points in Colorado, Montana, Nevada, North Dakota, South Dakota, and Wyoming.

HEARING: November 28, 1962, at The Granado Hotel, San Antonio, Tex., before Examiner James O'D. Moran.

No. MC 110315 (Sub-No. 7), filed October 2, 1962. Applicant: FELTS TRANSPORT CORPORATION, Railroad Avenue, Galax, Va. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except liquid chemicals), in bulk, in tank vehicles, from Friendship, N.C., to points in West Virginia (except Peterstown and points in Mercer, McDowell, and Wyoming Counties, W.Va.).

HEARING: October 15, 1962, at 7413 Federal Building, 400 North Eighth

Street, Richmond, Va., before Joint Board No. 292.

No. MC 110525 (Sub-No. 530), filed September 25, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Ronald N. Cobert, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum chloride*, in bulk, in sealed tank vehicles with pneumatic unloading devices, from Lockport, N.Y., to Institute, W. Va.

HEARING: October 19, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Wm. N. Culbertson.

No. MC 110698 (Sub-No. 223), filed August 13, 1962. Applicant: RYDER TANK LINE, INC., Winston Salem Road, P.O. Box 457, Greensboro, N.C. Applicant's attorney: R. D. Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, between points within a seventy-five (75) mile radius of Orange, Tex., on the one hand, and, on the other, points in the United States, including Alaska.

NOTE: Common control may be involved.

HEARING: December 10, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James O'D. Moran. This assignment is for applicant's presentation only.

No. MC 110698 (Sub-No. 227), filed September 4, 1962. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Dale Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Ringwood, Ill., to points in Tennessee, Louisiana, and Texas.

NOTE: Common control may be involved.

HEARING: December 6, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James O'D. Moran.

No. MC 110698 (Sub-No. 230), filed September 14, 1962. Applicant: RYDER TANK LINE, INC., Winston Salem Road, P.O. Box 457, Greensboro, N.C. Applicant's attorney: Dale Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acids and chemicals*, in bulk, in tank vehicles, from Texas City, Tex., to points in North Dakota.

NOTE: Common control may be involved.

HEARING: December 7, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Alton R. Smith.

No. MC 111103 (Sub-No. 9) (REPUBLICATION), filed September 7, 1962, published FEDERAL REGISTER issue of September 26, 1962, and republished this issue. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725–29 South Broad Street, Philadelphia 47, Pa. Applicant's attorney: Peter Platten, Land Title Building, Philadelphia 10, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial, theatre and television exhibition) between Philadelphia, Pa., on the one hand, and, on the other, points in Lebanon and Berks Counties, Pa.

NOTE: Applicant states the proposed service will be restricted to traffic having a prior or subsequent movement by air, rail or motor carrier for the account of Eastman Kodak Company, of Rochester, N.Y. The purpose of this republication is to show application has been selected for handling under the no-hearing procedure. The hearing scheduled for November 9, 1962, has been canceled.

No. MC 111159 (Sub-No. 144), filed August 10, 1962. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700 Petroleum Building, P.O. Box 1250, Jackson 5, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, between points in Lowndes and Monroe Counties, Miss., and Calcasieu Parish, La., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

HEARING: December 3, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James O'D. Moran.

No. MC 111773 (Sub-No. 1), filed June 18, 1962. Applicant: BLUE & WHITE SERVICE, INC., 2425 Lafayette Road, Indianapolis, Ind. Applicant's attorney: Kirkwood Yockey, Morris Plan Building, Suite 1406, 108 East Washington Street, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked and disabled motor vehicles*, other than automobiles, by the truckaway method, between points in Indiana, on the one hand, and, on the other, points in Wisconsin and Minnesota, and (2) *used tractors*, when being transported to the sites of wrecked or disabled tractors, by the truckaway method, from Indianapolis, Ind., and points in Indiana within 75 miles of Indianapolis, to points in Wisconsin and Minnesota.

HEARING: November 30, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Allen W. Hagerty.

No. MC 111812 (Sub-No. 168), filed May 1, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs, frozen, canned or packaged*, (1) from points in Pennsylvania on and east of U.S. Highway 15, extending from the New York-Pennsylvania line to junction with U.S. Highway 11, and on and north of U.S. Highway 11, to the Pennsylvania-New York State line, to points in Kansas, Missouri, Wisconsin, Michigan, Illinois, Maine, New Hampshire, and Vermont, (2) from points in Pennsylvania on, south, and east of U.S. Highway 522 from the Pennsylvania-Maryland State line to Selinsgrove, Pa., and thence south along the west bank of the Susquehanna River to the Pennsylvania-Maryland State line, points in Rockingham, Shenandoah, Frederick, and Warren Counties, Va., Hancock, Berkely Springs, Inwood, and Martinsburg, W. Va., to points in Iowa, Missouri, Colorado, Kansas, Nebraska, Minnesota, Wisconsin, North Dakota, and Wyoming.

NOTE: Applicant states no duplicating authority is sought by the service proposed above. Common control may be involved.

HEARING: December 5, 1962, at The Palmer House, Chicago, Ill., before Examiner Allen W. Hagerty.

No. MC 111823 (Sub-No. 13), filed July 9, 1962. Applicant: VON DER AHE VAN LINES, INC., 4601 Olive, St. Louis 8, Mo. Applicant's attorney: Harold G. Hernly, 711 Fourteenth Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California, Arizona, and New Mexico, on the one hand, and, on the other, points in that part of Arkansas on and east of U.S. Highway 67, points in Connecticut, the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, that part of Missouri on and east of U.S. Highway 63, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia.

NOTE: Applicant states the proposed service is for gateway elimination, and may not be joined or tacked to any other operating rights presently held.

HEARING: November 29, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner A. Lane Cricher.

No. MC 112020 (Sub-No. 166) (AMENDMENT) filed July 16, 1962, published FEDERAL REGISTER issue of October 3, 1962, amended September 26, 1962, and republished, as amended, this issue. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt*, in bulk, from points in Harris County, Tex. to points in Arkansas, Oklahoma, and Louisiana, (2) *drilling mud*, in bulk, from points in Harris County, Tex. to points in Arkansas, Oklahoma, Louisiana, and Mississippi, and (3) *drilling mud*, in bulk, which originates at Harris County, Tex. and is stopped in transit for processing at New Orleans, La., and reshipped from New Orleans, La. to points in Mississippi and Louisiana.

NOTE: The purpose of this republication is to show the amended authority in lieu of that previously sought and also to add Mississippi as a destination state.

HEARING: Remains as assigned November 6, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Garland E. Taylor.

No. MC 112497 (Sub-No. 185), filed May 28, 1962. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's Attorney: Harry C. Ames, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk flour*, from Mobile, Ala., to points in Alabama, Florida, Georgia, Louisiana, and Mississippi.

HEARING: December 7, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James O'D. Moran .

No. MC–112617 (Sub-No. 126), filed August 27, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Defoaming compounds*, from Cincinnati, Ohio, to Calhoun, Tenn., and *rejected shipments*, on return.

HEARING: November 29, 1962, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 209.

No. MC 113651 (Sub-No. 45), (CORRECTION), filed August 17, 1962, published in FEDERAL REGISTER issue of October 3, 1962, republished this issue as corrected. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: William J. Boyd, 30 North La Salle Street, Chicago 2, Ill. As originally published the hearing date was shown as November 11, 1962. This has been changed as follows:

HEARING: November 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 114194 (Sub-No. 40), filed May 17, 1962. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard* and *lard oils*, and *blends thereof*, in bulk, from points in the St. Louis, Mo., commercial zone to points in Illinois, Missouri, Iowa, Ohio, Indiana, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Oklahoma, Kansas, and Nebraska, and *rejected shipments of above commodities* on return.

HEARING: November 30, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner A. Lane Cricher.

No. MC 115066 (Sub-No. 3), filed May 4, 1962. Applicant: LEE MOTOR LINES, INC., P.O. Box 728, Muncie, Ind. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, one (1) gallon or less capacity, *caps, lids, labels and cartons knocked down or set up*, from Winchester, and Richmond, Ind., to points in Illinois, St. Louis, Mo., and Milwaukee, Wis., and *empty containers or other such incidental facilities* used in transporting the above-described commodities and *refused and rejected shipments, and empty pallets or skids*, on return.

NOTE: Applicant states that all of the above transportation is to be performed under a continuing contract or contracts with the Anchor-Hocking Glass Corporation, Lancaster, Ohio.

HEARING: November 27, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Allen W. Hagerty.

No. MC 115311 (Sub-No. 32), filed July 18, 1962. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 894, Americus, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217, Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, lime, mortar mix and concrete*, from Brunswick, Savannah, and Augusta, Ga., to points in Georgia, North Carolina, South Carolina, and Florida.

NOTE: Common control may be involved.

HEARING: December 5, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 115917 (Sub-No. 11), filed August 30, 1962. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 348, Crossnore, N.C. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Alexander, Burke, Caldwell, Catawba, Davidson, Davie, Lincoln, McDowell, and Wilkes Counties, N.C., to points in Arkansas, Arizona, California, Colorado, Idaho, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, Louisiana, Mississippi, Iowa, Kansas, and Missouri, and *rejected shipments of the commodity specified above*, on return, and (2) *rubber tires and tubes (new, used, retreaded, repaired, including rims and wheels), and retreading supplies, including materials used in advertising and sales promotion*, between points in Mitchell and Rowan Counties, N.C., on the one hand, and, on the other, points in the District of Columbia, and points in the United States (including Hawaii and Alaska).

HEARING: November 26, 1962, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Parks M. Low.

No. MC 116014 (Sub-No. 3), filed August 29, 1962. Applicant: RALPH OLIVER AND MRS. SCOTT OLIVER, a partnership, doing business as OLIVER TRUCKING CO., 117 Buckner Street, Winchester, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Stanton, Ky., and points within five miles thereof, to points in Ohio, and *rejected and damaged shipments*, on return.

HEARING: November 29, 1962, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 37.

No. MC 116048 (Sub-No. 6), filed August 1, 1962. Applicant: MANGUM TRUCKING COMPANY, INC., Arrowood, P.O. Box 3491, Charlotte 3, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cereal food preparations, flaked or shredded* (not for human consumption) from Danville, Ill., Augusta, Ga., and points in South Carolina to points in North Carolina.

HEARING: November 30, 1962, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Parks M. Low.

No. MC 116077 (Sub-No. 118), filed January 19, 1962. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 1535 Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, (1) between points within a 75-mile radius of New Orleans, La., on the one hand, and on the other, points in the United States except Hawaii and Alaska, and (2) between points within a 75-mile radius of Orange, Texas, on the one hand, and on the other, points in the United States except Hawaii and Alaska.

NOTE: Applicant states that no duplicating operating authority is sought.

HEARING: December 10, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James O'D. Moran. This assignment is for applicant's presentation only.

No. MC 116077 (Sub-No. 135), filed July 24, 1962. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 401 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, between points in Lowndes and Monroe Counties, Miss., and points in Calcasieu Parish, La., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

HEARING: December 3, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James O'D. Moran.

No. MC 116200 (Sub-No. 3), filed October 2, 1962. Applicant: UNITED PARCEL SERVICE, INC., 331 East 38th Street, New York 16, N.Y. Applicant's attorney: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities

requiring special equipment), (A) between points in the District of Columbia, Delaware, Maryland, Virginia, West Virginia, that part of Pennsylvania included in the Counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, Lycoming, McKean, Mercer, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Washington, Wayne, Westmoreland, and Wyoming, including points in Ohio within ten (10) miles of the Ohio-Pennsylvania and the Ohio-West Virginia State lines, and (B) between points in the territory described in (A) above on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, that part of Pennsylvania included in the Counties of Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Montgomery, Northampton, Philadelphia, Schuylkill, and York, that part of Vermont on and south of Vermont Highway 9, that part of New Hampshire on and south of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 9 to Concord, N.H., and thence along U.S. Highway 202 to the New Hampshire-Maine State line, and that part of Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 202 to junction Maine Turnpike, thence along the Maine Turnpike to junction U.S. Highway 202, thence north along U.S. Highway 202 to Augusta, Maine, and thence south along Maine Highway 27 to Boothbay Harbor, Maine, including points on the highway boundary lines in the States of Vermont, New Hampshire and Maine.

NOTE: Applicant states the following re-restrictions: (a) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment, and (b) no service shall be rendered between department stores, specialty shops and retail stores and the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores, or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores. Applicant further states that it is a wholly owned subsidiary of United Parcel Service of America, Inc., which also owns and controls United Parcel Service of Pennsylvania, Inc., Philadelphia, Pa.; United Parcel Service, Inc., Chicago, Ill.; and indirectly owns and controls United Parcel Service of Portland, Portland, Oreg. Applicant holds contract authority in MC 63063 and Sub No. 1 thereunder; therefore, dual operations may be involved.

PREHEARING CONFERENCE: November 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

At the prehearing conference it is contemplated that the following matters will be discussed:

(1) The issues generally with a view of their simplification;

(2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements;

(3) The time and places of such hearing or hearings as may be agreed upon;

(4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants;

(5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to:

(a) Their present operating authority,

(b) Their corporate organizations if any, ownership and control,

(c) Their fiscal data,

(d) Their equipment, terminals, and other facilities;

(6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and

(7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 116204 (Sub-No. 6), filed September 14, 1962. Applicant: VAN E. HAMLETT, 3049 Dickerson Road, Nashville, Tenn. Applicant's attorney: A. O. Buck, Suite 434, Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from points in Colbert County, Ala., to points in Tennessee and points in Allen, Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlenberg, Simpson, Todd, Trigg, Union, Warren, and Webster Counties, Ky., and *returned and damaged shipments*, on return.

NOTE: Applicant states that it proposes to operate under contract with the American Agricultural Chemical Company, hauling from the T.V.A. Fertilizer plant located at or near Wilson Dam, Alabama. Applicant holds common carrier authority in MC 118883, therefore, dual operations may be involved.

HEARING: December 5, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 284.

No. MC 117686 (Sub-No. 17), filed October 3, 1962. Applicant: RAYMOND C. HIRSCHBACH, doing business as HIRSCHBACH MOTOR LINES, 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts and pineapples*, from points in Louisiana and Mobile, Ala., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

HEARING: October 31, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner Garland E. Taylor.

No. MC 117712 (Sub-No. 6), filed September 10, 1962. Applicant: KENNETH WEBER, U.S. No. 63 North, Kirksville, Mo. Applicant's attorney: James Glenn, Macon, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logs and rough or unfinished lumber*, from points in Missouri on and north of the Missouri River and from points in Iowa on and south of U.S. Highway 20 (restricted in each instance to points which are or may be described properly as logging sites, or nearby itinerant saw mill locations), to Bearden and Little Rock, Ark., Louisville, Ky., and Memphis, Tenn., and *rejected logs and lumber*, on return.

HEARING: December 6, 1962, at the Missouri Hotel, Jefferson City, Mo., before Examiner A. Lane Cricher.

No. MC 117836 (Sub-No. 3), filed September 10, 1962. Applicant: H. J. NOLL, 6706 Avenue East, Houston 11, Tex. Applicant's attorney: Joe G. Fender, 2033 Norfolk Street, Houston 6, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Houston, Tex., to points in Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

HEARING: December 7, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Alton R. Smith.

No. MC 118468 (Sub-No. 12), filed September 10, 1962. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as *a contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients*, from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin.

NOTE: Applicant states the proposed service will be limited to a transportation service to be performed under a continuing contract or contracts with Oyster Shell Products Co.

HEARING: December 3, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Francis A. Welch.

No. MC 119777 (Sub-No. 9), filed August 29, 1962. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Box 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and limestone*, between points in Hopkins and Christian Counties, Ky., on the one hand, and, on the other, points in Tennessee.

HEARING: December 4, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25.

No. MC 121269. Applicant: D. M. DAVIS, Box 434, Route 6, Parkville, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade Building, 10th and Wyandotte, Kansas City 5, Mo. Assigned for hearing to determine whether the motor vehicle operations of D. M. Davis are and will be managed and operated in a common interest, management, and control with those of Williams Transfer, Inc., a multiple-State carrier under No. MC-3790, or any other multiple-State carrier, and whether D. M. Davis is eligible to engage in operations in interstate or foreign commerce within the State of Missouri under the second proviso of section 206(a)(1) of the Interstate Commerce Act.

HEARING: December 13, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner A. Lane Cricher.

No. MC 123393 (Sub-No. 13), filed June 28, 1962. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packing house products, dairy products, and frozen foods*, from points in Missouri (except St. Louis and Kansas City) to points in Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: December 3, 1962, at the Missouri Hotel, Jefferson City, Mo., before Examiner A. Lane Cricher.

No. MC 123393 (Sub-No. 14), filed June 28, 1962. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chilled citrus products*, from Waycross, Ga., to points in Missouri, Oklahoma, Kansas, Iowa, Minnesota, Arkansas, and Nebraska, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: December 3, 1962, at the Missouri Hotel, Jefferson City, Mo., before Examiner A. Lane Cricher.

No. MC 123393 (Sub-No. 15), filed August 3, 1962. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products and packing house products* from points in Kansas on and east of U.S. Highway No. 81 (except points in the Kansas City, Kans.-Mo., commercial zone) to points in Mississippi, Alabama, Georgia, and Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: December 4, 1962, at the Missouri Hotel, Jefferson City, Mo., before Examiner A. Lane Cricher.

No. MC 123393 (Sub-No. 16), filed August 31, 1962. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packing house products, byproducts and items distributed by packing houses*, from points in Missouri (except St. Louis, Kansas City, and St. Joseph), to points in Massachusetts, Maine, Connecticut, Vermont, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, South Carolina, North Carolina, Alabama, and Georgia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *exempt commodities*, on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit 115991; therefore, dual operations may be involved. It is further noted that common control may be involved.

HEARING: December 5, 1962, at the Missouri Hotel, Jefferson City, Mo., before Examiner A. Lane Cricher.

No. MC 124048 (Sub-No. 3), filed May 31, 1962. Applicant: SCHWERMAN TRUCKING CO. OF INDIANA, INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, fertilizer ingredients, and fertilizer materials*, from Fort Wayne, Remington, and Jasonville, Ind., and points within ten (10) miles of each, to points in Ohio, Indiana, Michigan, and Illinois.

NOTE: Common control may be involved. Applicant has contract carrier authority under MC 113833; therefore, dual operations may be involved.

HEARING: November 29, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Allen W. Hagerty.

No. MC 124078 (Sub-No. 36), filed July 25, 1962. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and lime products*, from Loring, Kans., to points in Kansas, Iowa, Missouri, and Nebraska.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit 113833; therefore, dual operations may be involved.

HEARING: December 10, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner A. Lane Cricher.

No. MC 124078 (Sub-No. 45), filed September 27, 1962. Applicant: SCHERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and mortar*, in bulk and in packages, from Paducah, Ky., and points within fifteen (15) miles thereof, to points in Kentucky, Indiana, Illinois, Missouri, and Tennessee; and *refused and rejected shipments* of the above-specified commodities, on return.

NOTE: Applicant is also authorized to conduct operations in Permit No. MC 113832 and subs thereunder; therefore dual operations may be involved.

HEARING: October 29, 1962, at the Kentucky Hotel, Louisville, Ky., before Examiner James I. Carr.

No. MC 124282 (Sub-No. 1), filed July 5, 1962. Applicant: WILLIS DENNIS, doing business as DENNIS TRUCK LINES, P.O. Box 175, Helena, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and wooden pallets*, from points in Georgia and Florida to points in Tennessee, Alabama, Florida, South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York. (2) *Lumber and wooden pallets*, between points in Georgia and Florida, on the one hand, and, on the other, points in Tennessee, Alabama, Florida, South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York.

HEARING: December 7, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 124415, filed April 27, 1962. Applicant: MRS. J. J. DANNER, 303 26th Street SW., Hickory, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pianos and organs*, uncrated, between Granite Falls and Hickory, N.C., on the one hand, and, on the other, points in Alabama, Georgia, Florida, Kentucky, Louisiana, Mississippi, South Carolina, Tennessee, Texas, Virginia, and West Virginia, and (2) *piano and organ packing crates*, knocked down, from Lynchburg, Va., to Granite Falls and Hickory, N.C.

NOTE: Applicant is presently authorized to conduct operations over the above routes in No. MC 119865, as a contract carrier, and the purpose of this application is to change an existing operation.

HEARING: November 29, 1962, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Parks M. Low.

No. MC 124540, filed June 15, 1962. Applicant: TRAILER TRANSPORT, INC., 1313 Sylvan Road SW., Atlanta, Ga. Applicant's attorney: Robert E. Born, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semitrailers, trailer chassis, and semitrailer chassis* (other than mobile homes and house trailers) and *freight containers* (demountable type

trailers or semitrailer body), (1) in initial movements, from Savannah, Ga., and Memphis, Tenn., to points in Florida, Mississippi, Louisiana, Alabama, Tennessee (from Savannah only), Georgia (from Memphis only), North Carolina, South Carolina, Virginia, Kentucky, West Virginia, Maryland, Delaware, District of Columbia, Pennsylvania, New Jersey, New York, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Oklahoma, and Texas; (2) in secondary movements, between points in Georgia, Alabama, Tennessee, Florida, North Carolina, and South Carolina, and (3) in secondary movements between points in Georgia, Alabama, Tennessee, Florida, North Carolina, and South Carolina on the one hand, and on the other, points in those states on and east of the Mississippi River, and points in Minnesota, Iowa, Missouri, Arkansas, Texas, and Louisiana.

NOTE: Applicant states in his amendment that the proposed service will be under a continuing contract with Great Dan Trailers, Inc., of Savannah, Ga., and its subsidiary companies.

HEARING: December 6, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 124560, filed June 21, 1962. Applicant: Charles W. Munk, R.R. No. 1, Memphis, Ind. Applicant's attorney: George M. Catlett, 319 Ann Street, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemical fertilizers and dry chemical fertilizer materials* in bulk and in bags, *pesticides* in buckets, bags or cans, and *fertilizer spreaders*, from the plant and warehouse sites of the Armour Agricultural Chemical Co., Inc., at Jeffersonville, Ind., to points in Daviess, McLean, Hancock, Ohio, Muhlenberg, Todd, Logan, Simpson, Warren, Butler, Grayson, Breckinridge, Meade, Edmonson, Jefferson, Bullitt, Hardin, Hart, Larue, Barren, Allent, Monroe, Cumberland, Clinton, Wayne, McCreary, Pulaski, Russell, Adair, Casey, Green, Metcalf, Taylor, Marion, Nelson, Washington, Spencer, Shelby, Oldham, Trimble, Henry, Anderson, Mercer, Boyle, Lincoln, Franklin, Woodford, Carroll, Owen, Gallatin, Grant, Kenton, Boone, Scott, Fayette, Jessamine, and Gerrard Counties, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: November 28, 1962, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 155.

No. MC 124569 (Sub-No. 1), filed September 19, 1962. Applicant: JOHN HUSZAR, JR., doing business as HUSZAR'S VEGETABLE FARM, Route 1, Box 204, Holden, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Texture*, in bags, from Hammond, La., to points in Florida, Georgia, Mississippi, Alabama, and Louisiana.

NOTE: Applicant states it will transport raw material from which texture is manufactured, on return. The proposed operations will be under a continuing contract or contracts with Lee Forbes, Co., Hammond, La.

HEARING: December 7, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James O'D. Moran.

No. MC 124586, filed July 2, 1962. Applicant: GLAVIS A. REED, doing business as WIND RIVER LOGGING COMPANY, Box 592, Dubois, Wyo. Applicant's attorney: Donald P. White, 215–218 Masonic Temple Building, Riverton, Wyo. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: (1) *Rough cut and finished lumber* and *wood products*, and (2) *empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in the application*, between a point located approximately twelve (12) miles northwest of Dubois, Wyo., and Riverton, Wyo., over U.S. Highways 287 and 26, serving all intermediate points, and terminating said routes at rail point of the Chicago and Northwestern Railroad Co., located at Riverton.

NOTE: Applicant states the entire route described above lies within the boundaries of Fremont County, Wyo.

HEARING: November 13, 1962, at the Wyoming Public Service Commission Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 197.

No. MC–124624 (Sub-No. 1), filed August 27, 1962. Applicant: OUR OWN DELIVERIES, INC., 827 West Madison Street, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *General commodities*, in parcel pickup and delivery service restricted to packages or items each 70 pounds or less including pick-up and return of same when necessary (excluding articles of unusual value limited to money, coin, currency, bullion, bonds, and any negotiable instruments of value, motion picture film, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading)—

(A) (1) Between Louisville, Ky., and Mauckport, Ind., from Louisville over U.S. Highway 60 to junction of Kentucky Highway 1638, thence over Kentucky Highway 1638 and Kentucky Highway 448 to Brandenburg, Ky., thence across the Ohio River via ferry to Mauckport, Ind., and return over the same route, serving all intermediate points.

(2) Between Brandenburg, Ky., and Irvington, Ky., from Brandenburg, over Kentucky Highway 448 to Irvington, and return, and return over the same route, serving all intermediate points.

(3) Between Muldraugh, Ky., and Irvington, Ky., from Muldraugh over U.S. Highway 60 to Irvington, and return over the same route, serving all intermediate points.

(4) Between Louisville, Ky., and Hodgenville, Ky., (a) from Louisville over U.S. Highway 31W to Elizabethtown, Ky., thence over Kentucky Highway 61 to Hodgenville, and return over the same route, serving all intermediate points. (b) From Louisville over Interstate Highway 65 to exit to Kentucky Highway 61, thence over Kentucky Highway 61 to Hodgenville, and return over the same route, serving all intermediate points.

(5) Between Kosmosdale, Ky., and Lexington, Ky., from Kosmosdale over U.S. Highway 60 to junction of Kentucky Highway 44, thence over Kentucky Highway 44 to Lawrenceburg, thence over U.S. Highway 62 to Versailles, Ky., thence over U.S. Highway 60 to Lexington, and return over the same route, serving all intermediate points.

(6) Between junction of Interstate Highway 65 with U.S. Highway 62 and Lexington, Ky., from junction Interstate Highway 65 with U.S. Highway 62 over U.S. Highway 62 to Versailles, Ky., thence over U.S. Highway 60 to Lexington, and return over the same route, serving all intermediate points.

(7) Between Hodgenville, Ky., and Lexington, Ky., from Hodgenville over Kentucky Highway 84 to Lebanon, thence over U.S. Highway 68 and Kentucky Highway 34 to Camp Dick Robinson, Ky., thence over U.S. Highway 27 to Lexington, and return over the same route, serving all intermediate points.

(8) Between Hodgenville, Ky., and Bardstown, Ky., from Hodgenville over U.S. Highway 31E to Bardstown, and return over the same route, serving all intermediate points.

(9) Between Louisville, Ky., and Harrodsburg, Ky., from Louisville over U.S. Highways 150 and 31E to Bardstown, thence over U.S. Highway 150 to Springfield, Ky., thence over Kentucky Highway 152 to Harrodsburg, and return over the same route, serving all intermediate points.

(10) Between Harrodsburg, Ky., and Owenton, Ky., from Harrodsburg over U.S. Highway 127 to Owenton, and return over the same route, serving all intermediate points.

(11) Between Louisville, Ky., and Lexington, Ky., (a) from Louisville over U.S. Highway 60 to Lexington, and return over the same route, serving all intermediate points. (b) From Louisville over U.S. Highway 60 to junction with Interstate Highway 64 access road, thence over such access road to Interstate Highway 64 (or lieu thereof over the projected extension of Interstate Highway 64 from its present terminus), thence over Interstate Highway 64 to access road near Frankfort, thence over such access road to U.S. Highway 60, thence over U.S. Highway to junction of U.S. Highway 421 (or in lieu thereof the alternative use of and future extension of Interstate Highway 64 from its present eastern terminus to its future connection with U.S. Highway 421 south and east of Frankfort), thence over U.S. Highway 421 to Lexington, and return over the same route, serving all intermediate points.

(12) Between Frankfort, Ky., and Lexington, Ky., from Frankfort over U.S. Highway 460 to Georgetown, Ky., thence over U.S. Highway 25 to Lexington, and return over the same route, serving all intermediate points.

(13) Between Louisville, Ky., and Owenton, Ky., (a) from Louisville over U.S. Highway 42 to Carrollton, thence over U.S. Highway 227 to Owenton, and return over the same route, serving all intermediate points; (b) from Louisville over U.S. Highway 42 to junction with Kentucky Highway 22, thence over Kentucky Highway 22 to Owenton, and return over the same route, serving all intermediate points.

(14) Between Louisville, Ky., and ison, Ind., from Louisville over U.S. Highway 42 to junction with Kentucky Highway 22, thence over Kentucky Highway 22 to Crestwood, Ky., thence over Kentucky Highway 146 to New Castle, Ky., thence over U.S. Highway 421 to Madison, Ind., from Louisville over U.S. route, serving all intermediate points.

(15) Between Springfield, Ky., and Lebanon, Ky., from Springfield over Kentucky Highway 55 to Lebanon, and return over the same route, serving all intermediate points.

(16) Between Springfield, Ky., and Danville, Ky., from Springfield over U.S. Highway 150 to Danville, and return over the same route, serving all intermediate points.

(17) Between Harrodsburg, Ky., and Danville, Ky., from Harrodsburg over U.S. Highway 127 to Danville, and return over the same route, serving all intermediate points.

(18) Between Irvington, Ky., and Owensboro, Ky., from Irvington over U.S. Highway 60 to Owensboro, and return over the same route, serving all intermediate points.

(19) Between Elizabethtown, Ky., and Greenville, Ky., from Elizabethtown over U.S. Highway 62 to Greenville, and return over the same route, serving all intermediate points.

(20) Between Elizabethtown, Ky., and Bowling Green, Ky., from Elizabethtown, over U.S. Highway 31W to Bowling Green, and return over the same route, serving all intermediate points, or alternatively from Elizabethtown over Interstate Highway 65 to junction with U.S. Highway 31W near Upton, Ky., thence over U.S. Highway 31W to Bowling Green, and return over the same route, serving all intermediate points.

(21) Between Cave City, Ky., and Bowling Green, Ky., from Cave City over Kentucky Highway 70 to junction with U.S. Highway 31E thence over U.S. Highway 31E to Glasgow, Ky., thence over U.S. Highway 68 to junction with U.S. Highway 31W, thence over U.S. Highway 31W to Bowling Green, and return over the same route, serving all intermediate points.

(22) Between Owensboro, Ky., and Bowling Green, Ky., from Ownsboro over U.S. Highway 231 to Bowling Green, and return over the same route serving all intermediate points.

(23) Between Hodgenville, Ky., and Edmonton, Ky., from Hodgenville over U.S. Highway 31E to Glasgow, thence from Glasgow over U.S. Highway 68 to Edmonton, and return over the same route, serving all intermediate points.

(24) Between Hodgenville, Ky., and Columbia, Ky., from Hodgenville over U.S. Highway 31E to junction with Kentucky Highway 61, thence over Kentucky Highway 61 to Columbia, and return over the same route, serving all intermediate points.

(25) Between Lebanon, Ky., and Edmonton, Ky., from Lebanon over U.S. Highway 68 to Edmonton, and return over the same route, serving all intermediate points.

(26) Between Edmonton, Ky., and Columbia Ky., from Edmonton over Kentucky Highway 80 to Columbia, and return over the same route, serving all intermediate points.

(27) Between Munfordville, Ky., and Greensburg, Ky., from Munfordville over U.S. Highway 31W to junction with Kentucky Highway 88, thence over Kentucky Highway 88 to junction with Kentucky Highway 61, thence over Kentucky Highway 61 to Greensburg, and return over the same route, serving all intermediate points.

(28) Between Lexington, Ky., and Perryville, Ky., from Lexington over U.S. Highway 68 to Perryville, and return over the same route, serving all intermediate points.

(29) Between Frankfort, Ky., and New Castle, Ky., from Frankfort over U.S. Highway 421 to New Castle, and return over the same route, serving all intermediate points.

(30) Between Munfordville, Ky., and Harned, Ky., from Munfordville over Kentucky Highway 88 to junction with Kentucky Highway 259, thence over Kentucky Highway 259 to Harned, and return over the same route, serving all intermediate points.

(31) Between Owensboro, Ky., and Central City, Ky., from Owensboro over U.S. Highway 431 to Central City, and return over the same route, serving all intermediate points.

(B) (1) Between Louisville, Ky., and Madison, Ind., from Louisville over U.S. Highway 62 to Madison, and return over the same route, serving all intermediate points.

(2) Between Madison, Ind., and Columbus, Ind., from Madison over Indiana Highway 7 to Columbus, and return over the same route, serving all intermediate points.

(3) Between Columbus, Ind., and Bloomington, Ind., from Columbus over Indiana Highway 46 to Bloomington, and return over the same route serving all intermediate points.

(4) Between Bloomington, Ind., and Burns City, Ind., and Crayne Naval Depot, Ind., from Bloomington over Indiana Highway 45 to junction of U.S. Highway 231, thence over U.S. Highway 231 to junction of Indiana Highway 645, thence over Indiana 645 to Burns City and Crayne Naval Depot, and return over the same route, serving all intermediate points, including Crayne Naval Depot.

(5) Between Burns City, Ind., and Huntingburg, Ind., from Burns City over Indiana Highway 645 to junction of U.S. Highway 231, thence over U.S. Highway 231 to Loogootee, Ind., thence over U.S. Highway 50 to Washington, Ind., thence over Indiana Highway 57 to junction with Indiana Highway 357, thence over Indiana Highway 357 to Oakland City, Ind., thence over Indiana Highway 64 to Huntingburg, and return over the same route, serving all intermediate points.

(6) Between Petersburg, Ind., and Arthur, Ind., from Petersburg over Indiana Highway 61 to Arthur, and return over the same route, serving all intermediate points.

(7) Between Loogootee, Ind., and Owensboro, Ky., from Loogootee over U.S. Highway 231 to Owensboro, and return over the same route, serving all intermediate points.

(8) Between the junction of U.S. Highway 231 and Indiana Highway 66 and Sulphur, Ind., from the junction of U.S. Highway 231 and Indiana Highway 66 over Indiana Highway 66 to Sulphur, and return over the same route, serving all intermediate points.

(9) Between Dale, Ind., and Louisville, Ky., from Dale over U.S. Highway 460 to Louisville, and return over the same route, serving all intermediate points.

(10) Between Madison, Ind., and Austin, Ind., from Madison over Indiana Highway 256 to Austin, and return over the same route, serving all intermediate points.

(11) Between North Vernon, Ind., and Loogootee, Ind., from North Vernon over U.S. Highway 50 to Loogootee, and return over the same route, serving all intermediate points.

(12) Between Louisville, Ky., and Shoals, Ind., from Louisville over U.S. Highway 150 to Shoals, and return over the same route, serving all intermediate points.

(13) Between New Albany, Ind., and Huntingburg, Ind., from New Albany over U.S. Highway 460 to Edwardsville, Ind., thence over Indiana Highway 64 to Huntingburg, and return over the same route, serving all intermediate points.

(14) Between Charlestown, Ind., and the junction of U.S. Highway 50, from Charlestown over Indiana Highway 160 to Salem, Ind., thence over Indiana Highway 60 to the junction of U.S. Highway 50, and return over the same route, serving all intermediate points.

(15) Between Prospect, Ind., and the junction of Indiana Highways 64 and 145, from Prospect over Indiana Highway 56 to French Lick, Ind., thence over Indiana Highway 145 to its junction with Indiana Highway 64, and return over the same route, serving all intermediate points.

(16) Between Sulphur, Ind., and Bloomington, Ind., from Sulphur over Indiana Highway 37 to Bloomington, and return over the same route, serving all intermediate points.

(17) Between Brownstown, Ind., and Mauckport, Ind., from Brownstown over Indiana Highway 135 to Muckport, and return over the same route, serving all intermediate points.

(18) Between New Albany, Ind., and Sellersburg, Ind., from New Albany over U.S. Highway 31W to Sellersburg, and return over the same route, serving all intermediate points.

(19) Between Louisville, Ky., and the junction of Interstate Highway 65 and Indiana Highway 46, from Louisville over Interstate Highway 65 to junction of Interstate Highway 65 and Indiana Highway 46, and return over the same route, serving all intermediate points.

(20) Between Louisville, Ky., and Columbus, Ind., from Louisville over U.S. Highway 31 and U.S. Highway 31E to Columbus, and return over the same route, serving all intermediate points.

(21) Between Madison, Ind., and Paoli, Ind., from Madison over Indiana Highway 56 to Paoli and return over the same route, serving all intermediate points.

(22) Between Brownstown, Ind., and the intersection of Indiana Highways 39 and 56, from Brownstown over Indiana Highway 39 to junction with Indiana Highways 39 and 56 and return over the same route, serving all intermediate points.

(23) Between Mauckport, Ind., and Brandenburg, Ky., from Mauckport across the Ohio River via ferry to Brandenburg, and return over the same route.

(24) Between Cannelton, Ind., and Hawesville, Ky., from Cannelton across the Ohio River via ferry to Hawesville, and return over the same route.

(25) Between Seymore, Ind., and Columbus, Ind., from Seymore to Columbus over U.S. Highway 31A and return over the same route, serving all intermediate points.

NOTE: Applicant states that any duplication of routes stated is intended to confer only a single operating right. Applicant further states that no service shall be rendered over the above routes in the transportation of any package, article, or item weighing more than seventy (70) pounds. Each package, article, or item is to be considered as a separate and distinct shipment.

HEARING: November 30, 1962, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 155.

No. MC 124710 (Sub-No. 1), filed September 19, 1962. Applicant: WALTON & SON STEVEDORING & CONTRACTING CO., INC., P.O. Box 9787 (13036 Sarah Lane), Houston 15, Tex. Applicant's attorney: Joe G. Fender, 2033 Norfolk Street, Houston 6, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic rubber*, from Baytown, Tex., to the Port of Houston and barge terminals at Houston, Tex., for warehousing or movement beyond by water.

NOTE: Common control may be involved.

HEARING: December 6, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 124713 (Sub-No. 1), filed September 13, 1962. Applicant: HOUSTON WAREHOUSE SERVICE, INC., 2121 Congress Avenue, Houston, Tex. Applicant's attorney: Joe G. Fender, 2033 Norfolk Street, Houston 6, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Petroleum and petroleum products*, in drums, barrels and other containers, and (b) *synthetic rubber*, from Baytown, Tex., to Houston, Tex., for warehousing or to the Port of Houston for movement beyond by water.

NOTE: Common control may be involved.

HEARING: December 6, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 124758, filed September 7, 1962. Applicant: RALPH G. RUBLE, doing business as RUBLE'S TRUCK SERVICE, Mounted Route, Shelbyville, Ky. Applicant's attorney: Herbert D. Liebman, 403 West Main Street, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, rough and dressed, including *plywood and veneer*, and *plumbing, heating and electrical fixtures and supplies*, when moving in mixed loads with lumber, between the yard site of the Wickes Corporation approximately 2 miles southwest of Shelbyville, Ky., and points in Spencer, Perry, Crawford, Harrison, Washington, Jackson, Floyd, Clark, Scott, Jefferson, Jennings, Bartholomew, Decatur, Ripley, Switzerland, Ohio, and Dearborn Counties, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: November 28, 1962, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 155.

No. MC 124784, filed September 14, 1962. Applicant: T. J. SMITH, doing business as SMITTY'S AIRFREIGHT EXPEDITING SERVICE COMPANY, 2707 Love Field Drive, Dallas 35, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities of unusual value, household goods, commodities in bulk, commodities requiring special equipment and perishable or live animals), between points in Texas, Arkansas, Louisiana, and Oklahoma bounded as follows: Beginning at Galveston, Tex., east on Texas Highway 87 to junction of U.S. Highway 90 and U.S. Highway 165, northeast on U.S. Highway 165 to junction of U.S. Highway 65, north on U.S. Highway 65 to junction of U.S. Highway 64, west on U.S. Highway 64 to junction of U.S. Highway 266, U.S. Highway 75 and U.S. Highway 62 to junction of U.S. Highway 66, west on U.S. Highway 66 to junction of U.S. Highway 87 in Amarillo, Tex., south on U.S. Highway 87 to junction U.S. Highway 83, south on U.S. Highway 83 to Uvalde, Tex. following the Leona River to U.S. Highway 281 and U.S. Highway 59, east on U.S. Highway 59 to junction of U.S. Highway 90–A and Texas Highway 6, southeast on Texas Highway 6 to Galveston, Tex.

NOTE: Applicant states the proposed transportation will be restricted to emergency shipments in expedited service having prior or subsequent movement by air.

HEARING: November 28, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Alton R. Smith.

No. MC 124791, filed September 17, 1962. Applicant: AMEX CORPORATION, 311 Main Street, Thomas, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fire extinguishers, component parts and raw materials used in the manufacture thereof, and other firefighting equipment*, between Los Angeles and points in Los Angeles County, Calif., Dallas and points in Dallas County, Tex., and Chicago and points in Cook County, Ill.

HEARING: November 30, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Alton R. Smith.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 40), filed May 2, 1962. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers. (1) Between Mahwah, N.J., and Ridgewood, N.J.; from junction New Jersey Highway 17 and U.S. Highway 202, in Mahwah, over U.S. Highway 202 (Ramapo Valley Road) to junction Belmont Avenue, Oakland, N.J., thence over Belmont Avenue to junction Franklin Avenue, thence over Franklin Avenue through Franklin Lakes, N.J., to junction Wyckoff Avenue, in Waldwick, N.J., thence over Wyckoff Avenue to junction North Franklin Turnpike, thence over North Franklin Turnpike to junction East Franklin Turnpike, in Hohokus, N.J., and thence over East Franklin Turnpike to junction New Jersey Highway 17, in Ridgewood, and return over the same route, serving all intermediate points. (2) Between points in Waldwick, N.J.; from junction Wyckoff Avenue and North Franklin Turnpike, over North Franklin Turnpike to junction East Prospect Avenue, and thence over East Prospect Avenue to junction New Jersey Highway 17, and return over the same route, serving all intermediate points. (3) Between points in Oakland, N.J.; from junction U.S. Highway 202 (Ramapo Valley Road) and Belmont Avenue over U.S. Highway 202 to junction West Oakland Avenue, and thence over West Oakland Avenue to a point 100 feet from the intersection of West Oakland Avenue and U.S. Highway 202, and return over the same route, serving all intermediate points. (4) Between Oakland, N.J. and Paramus, N.J.; from junction U.S. Highway 202 and access roads leading to New Jersey Highway 208, in Oakland, N.J., over access roads to New Jersey Highway 208, thence over New Jersey Highway 208 to its junction with access roads leading to New Jersey Highway 4 in Fair Lawn, N.J., thence over access roads to New Jersey Highway 4, thence over New Jersey Highway 4 to its junction with access roads leading to New Jersey Highway 17 in Paramus, N.J., thence over access roads to New Jersey Highway 17 in Paramus, N.J., and return over the same route except using access roads provided for use in such reverse direction leading from New Jersey Highway 17 to New Jersey Highway 4, in Paramus, N.J., and leading from New Jersey Highway 4 to New Jersey Highway 208 in Fair Lawn, N.J., and leading from New Jersey Highway 208 to U.S. Highway 202 in Oakland, N.J., serving all intermediate points in Oakland, Franklin Lakes and Wyckoff, N.J. (5) Between points in Franklin Lakes, N.J.; from junction Franklin Avenue and Colonial Road in Franklin Lakes, over Colonial Road to junction with access roads leading to New Jersey Highway 208, thence over access roads to New Jersey Highway 208 in Franklin Lakes, N.J., and return over same route except using access roads provided for use in such reverse direction leading from New Jersey 208 to Colonial Road, in Franklin Lakes, N.J. serving all intermediate points. (6) Between points in Wyckoff, N.J.; from junction Franklin Avenue and Wyckoff Avenue, in Wyckoff, N.J., over Wyckoff Avenue to its junction with Russell Avenue, thence over Russell Avenue to its junction with access roads leading to New Jersey Highway 208, thence over access roads to New Jersey Highway 208 in Wyckoff, N.J., and return over same route except using access roads provided for use in such reverse direction leading from New Jersey Highway 208 to Russell Avenue, in Wyckoff N.J., serving all intermediate points. (7) Between points in Wyckoff, N.J.; from junction Wyckoff Avenue and Russell Avenue, in Wyckoff, N.J., over Wyckoff Avenue to its junction with Grandview Avenue, thence over Grandview Avenue to its junction with access roads leading to New Jersey Highway 208, thence over access roads to New Jersey Highway 208 in Wyckoff, N.J., and return over same route except using access roads provided for use in such reverse direction leading from New Jersey Highway 208 to Grandview Avenue, in Wyckoff, N.J., serving all intermediate points.

NOTE: Applicant states it is presently authorized to operate over the before described routes 1, 2 and 3, pursuant to Certificate of Public Convenience and Necessity issued in Docket No. MC 228, Sub No. 25. Service on said routes is restricted to traffic moving to and from New York, N.Y., by way of the Lincoln Tunnel. The purpose of this application with respect to route Nos. 1, 2 and 3 is to eliminate the restriction so that applicant may also move traffic over said routes to and from New York City by way of the George Washington Bridge. Applicant has an application pending before the Interstate Commerce Commission in Docket No. MC 228 Sub No. 37, wherein it seeks authority to operate over the aforesaid route Nos. 4, 5, 6 and 7. The authority proposed in said Sub 37 application is restricted to traffic moving to and from New York by way of the Lincoln Tunnel. The purpose of this application with respect to the aforesaid route Nos. 4, 5, 6 and 7 is to obtain authority to use the aforesaid routes also to move traffic to and from New York City by way of the George Washington Bridge.

HEARING: December 3, 1962, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 119, or, if the Joint Board waives its right to participate before Examiner Lacy W. Hinely.

No. MC 3647 (Sub-No. 328), filed June 7, 1962. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Rahway, N.J., and Carteret, N.J.; from junction of Hart Street and Randolph Avenue in Rahway, over Randolph Avenue to Blazing Star Road, through Woodbridge, N.J., to Roosevelt Avenue in Carteret, thence over access roads leading to and from the New Jersey Turnpike at Interchange No. 12, and return over the same route, for operating convenience only, serving no intermediate points. RESTRICTION: Trips operated via New Jersey Turnpike and Carteret Interchange No. 12 on the No. 135 line from and to New York City shall be destined to or operated from, points south of Inman Avenue and St. George Avenue, Rahway, N.J.

HEARING: November 29, 1962, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 119, or, if the Joint Board waives its right to participate before Examiner Lacy W. Hinely.

No. MC 8500 (Sub-No. 10), filed September 17, 1962. Applicant: TENNESSEE TRAILWAYS, INC., 710 Sevier Avenue, Knoxville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, mail, newspapers and baggage* in the same vehicle with passengers, between Sparta, Tenn., and Nashville, Tenn., from Sparta, Tenn., over Tennessee Highway 26 to Lebanon, Tenn., thence over U.S. Highway 70N to Nashville, Tenn., and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

HEARING: December 7, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107.

No. MC 55312 (Sub-No. 11), filed July 19, 1962. Applicant: CONTINENTAL TENNESSEE LINES, INC., 418 Fifth Avenue South, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers or in a separate vehicle, and *express* and *newspapers* in the same vehicle with passengers, between Scottsville, Ky., and Leitchfield, Ky., from Scottsville over Kentucky Highway 101 to Rhoda, Ky., thence over Kentucky Highway 259 to Leitchfield, and return over the same route, serving all intermediate points.

NOTE: Applicant holds contract property authority in MC 113738 Sub No. 1; also, applicant is a wholly owned subsidiary of Transcontinental Tennessee Lines, Inc.

HEARING: November 26, 1962, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 105.

No. MC 123153 (Sub-No. 1), filed August 3, 1962. Applicant: SKINNER SCHOOL BUS LINES LIMITED, R.R. No. 9 (P.O. Box 4422, Postal Station C), London, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at Ports of Entry on the United States-Canada Boundary line in Michigan and New York and extending to points in Alaska, Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

NOTE: Applicant states the transportation proposed herein shall be restricted to foreign transportation only.

HEARING: December 10, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Allen W. Hagerty.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12829, filed September 13, 1962. Applicant: EUGENE B. ROBERTS, doing business as MORRISTOWN TOUR AGENCY, Airport Road, Morristown, Tenn. For a license (BMC–5) to engage in operations as a *broker* at Morristown, Tenn., in arranging for the transportation in interstate or foreign commerce of *Passengers*, both as individuals and groups, in round-trip, all expense tours, between points in the United States, including ports of entry on the International Boundary lines between the United States and Canada, and the United States and Mexico.

HEARING: December 6, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 966 (Sub-No. 15), filed September 20, 1962. Applicant: CAPITOL TRUCK LINES, INC., 200 West First Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods, dangerous explosives and commodities in bulk), serving Galesburg, Kans., as an off-route point in connection with applicant's authorized regular route operations.

No. MC 119226 (Sub-No. 45), filed August 22, 1962. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: Robert W. Loser, 400 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinyl acetate*, in bulk, in tank vehicles, from South Bend, Ind., to Oklahoma City, Okla.

No. MC 124709, filed September 10, 1962. Applicant: ALASKA BARGE AND

TRANSPORT, INC., 525 Third Avenue, Anchorage, Alaska. Applicant's attorney: Alan F. Wohlstetter, 1 Farragut Square South, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in seasonal operations between May 1st and September 30th inclusive of each year, transporting: *General commodities* (except household goods as defined by the Commission, articles of unusual value and livestock), but including *contractor's supplies, building materials, heavy machinery and equipment*, requiring the use of specialized hauling equipment, and *petroleum products* in drums and bulk and in tank trucks, between tidewater and interior military or construction-storage sites in Alaska, except Bethal, Alaska, at or near but not limited to Shemya, Tin City (Wales), Lisburne, Point Barrow, Barter Island, Newenham, Romanzof, Unalakleet, North East Cape, Liz A (Cape Beauford), Liz 2 (Point Lay), Liz B (Icy Cape), Liz 3 (Wainwright), Liz C (Peard Bay), Pow Main, Pow A (Simpson Lagoon), Pow 1 (Lonely Lagoon), Pow B (Kogru River), Pow 2 (Oliktok Point), Pow C (Point McIntyre), Pow 3 (Bullen Point), Pow D (Brownlow Point), Bar A, Saint Paul Island, Hoonah, Yakutat, Yakataga, Duncan Canal, Boswell Bay, Middleton Island, Cold Bay, Driftwood Bay, Nikolski, Cape Simson, Pitt Point, North River, Cape Sarichef, Port Moller, Port Heiden, Nome, Ainak, King Salmon, Matalakatla, McGrath, and Kotzebue. Restricted to ex-barge, truck off-load service at tidewater points, and retrograde from such interior points, on traffic having a prior or subsequent movement by water via ocean going barges owned or operated by Alaska Barge and Transport, Inc.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 124485 Sub 1, therefore dual operations may be involved.

No. MC 124803, filed September 24, 1962. Applicant: CHARLES E. TRAYLOR, doing business as TRAYLOR GRAIN SALES, 909 North Line Street, Loogootee, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial feed and commercial feed ingredients*, packaged and in bulk, from Louisville, Ky., and points in the Commercial Zone thereof, to points in Indiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 284), filed September 24, 1962. Applicant: THE GREYHOUND CORPORATION, Western Greyhound Lines Division, 371 Market Street, San Francisco 5, Calif. Applicant's attorney: Earl A. Bagby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers. (1) Establish regular routes over segments of Interstate Highway 5, on a Revised Sheet No. 69 and a Revised Sheet No. 70, as follows: (a) "13. Between Seattle and the Washington-Oregon State line south of Vancouver: from Seattle over U.S. Highway 99 to junction Interstate Highway 5 (Midway), thence over Interstate Highway 5 to junction U.S. Highway 99 (Tacoma Junction), thence over U.S. Highway 99 to junction Interstate Highway 5 (North Salmon Creek Junction), thence over Interstate Highway 5 to junction U.S. Highway 99 (North Vancouver Junction), thence over U.S. Highway 99 to the Washington-Oregon State line. (Connects with Oregon route 26.)" (b) "13–A. Between Midway and Tacoma Junction: From junction Interstate Highway 5 and Business Route U.S. Highway 99 (Midway), over Business Route U.S. Highway 99 to junction Interstate Highway 5 (Tacoma Junction)." (c) "13–B. Between North Salmon Creek Junction and North Vancouver Junction: From Junction Interstate Highway 5 and Business Route U.S. Highway 99 (North Salmon Creek Junction), over Business Route U.S. Highway 99 to junction Interstate Highway 5 (North Vancouver Junction)." (2) Revision of Routes between Walla Walla and College Place Junction. Reauthorize present alternate route between Walla Walla and College Place Junction as a regular route and revoke authority to operate between the same points over the present regular route via College Place. 2.2 Requested Certificate Revisions: Reauthorize present alternate Route No. 40 as regular Route to be included as a segment of regular Route 39; and revoke authority over the segment of present regular Route No. 39 between Walla Walla and College Place Junction. (a) "39. Between Walla Walla and the Washington-Oregon State line south thereof: from Walla Walla over Washington Highway 3 to the Washington-Oregon State line. (Connects with Oregon route 32.)" (b) "40. Intentionally left blank."

NOTE: The proposed operating authority hereinabove shown and explained is proposed to be incorporated in the designated revised and added sheets to Certificate No. MC 1501 (Sub-No. 138).

NOTICE OF FILING OF PETITIONS

No. MC 11207 (PETITION FOR MODIFICATION OF CERTIFICATE), filed September 17, 1962. Petitioner: DEATON TRUCK LINE, INC., Birmingham, Ala. Petitioner's attorneys: A. Alvis Layne and Lester M. Bridgeman, Pennsylvania Building, Washington 4, D.C. By Certificate dated February 5, 1946, petitioner was authorized, among other things, to transport: "Cast iron pipe and fittings, and structural iron and steel articles, tanks, and pipe, from Alabama City, Gadsden, Anniston, and Talladega, Ala., to points in Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Mississippi, and Louisiana." By the instant petition, filed September 17, 1962, petitioner desires to substitute in lieu of the above-portion of the authority, the phrase: "Iron and steel and iron and steel articles". Any person or persons desiring to participate, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 43654 (PETITION FOR MODIFICATION OF CERTIFICATE), filed July 5, 1962. Petitioner: DIXIE OHIO EXPRESS, INC., P.O. Box 750, 237 Fountain Street, Akron 9, Ohio. Petitioner's attorney: Harry McChesney, Jr., 711 McClure Building, Frankfort, Ky. By petition filed July 5, 1962, petitioner seeks waiver of Rule 1.101(e) and for reopening, modification, and correction of its Certificate of Public Convenience and Necessity in No. MC 43654, dated December 7, 1959, which reads in part: "REGULAR and IRREGULAR ROUTES: *Tires, tubes, rubber articles, cotton factory products, cotton cord tire fabric, wooden winding cores, burlap discs, cotton fabrics*, in truckloads, between Akron, Ohio and points in Alabama and Georgia". Petitioner prays that the commodity description presently shown on Sheet 6 of its Certificate be modified and corrected to read: "*Tires, tubes, rubber articles, textile factory products, wooden winding cores* and *burlap discs*", and that the limitation to "in truckloads" immediately following that commodity description be deleted from Sheet 6, and further that that portion of the certificate be modified and clarified to avoid ambiguity to read: "Between points in Alabama and Georgia, on the one hand, and, on the other, Ardmore, Ala. (old U.S. Highway 31), Ringgold, Ga. (U.S. Highway 41), Dalton, Ga. (Georgia Highway 71), Wilkwood, Ga. (U.S. Highway 11), and Cartersville, Ga. (U.S. Highway 411). Petitioner has filed simultaneously herewith a Form BMC 78 application, No. MC 43654 (Sub-No. 54) for a new certificate to replace most of the involved portion of the present certificate, and prays that the BMC 78 application and the instant petition be published in the FEDERAL REGISTER and assigned for oral hearing upon a joint record.

HEARING: December 10, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 59934 (Sub-No. 3), (PETITION FOR MODIFICATION OF CERTIFICATE), filed September 4, 1962. Petitioner: MAIN TRUCKING & RIGGING CO., INC., 21 Camden Street, Paterson, N.J. Petitioner's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Petitioner is authorized in No. MC 59934 (Sub-No. 3) to transport, as a common carrier, over irregular routes, *heavy machinery* between points in Connecticut, Rhode Island, Massachusetts, New York, and New Jersey. By the instant petition it seeks a modification of heavy-machinery commodity description to: *commodities, the transportation of which, because of size or weight, requires the use of handling and related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment.* Petitioner prays that its Certificate be modified accordingly. Any person or persons desiring to participate, may, within 30 days from the publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 77055 (Sub-No. 4), and No. MC 114457 (Sub-No. 2) (PETITION FOR WAIVER OF RULE 101 (E), REOPENING OF CONVERSION PROCEEDING AND MODIFICATION OF CERTIFICATE), filed September 4, 1962. Petitioner: DART TRANSIT COMPANY, St. Paul Minn. Petitioner's attorneys: Charles W. Singer and James C. Hardman, 33 North LaSalle Street, Chicago 3, Ill. By petition filed September 4, 1962, petitioner requests waiver of Rule 101(e) of the Commission's general rules of practice, reopening of the conversion proceeding in Docket No. MC 77055 (Sub-No. 4), and modification of the Certificate of Public Convenience and Necessity granted as a result thereof in Docket No. MC–114457, to conform to the language of the commodity authorization contained in the Permit held by petitioner. By order of December 6, 1957, Division 1 of the Commission instituted a proceeding under section 211(c) of the Interstate Commerce Act, to determine whether the outstanding permits of petitioner should be revoked and a certificate of convenience and necessity issued in lieu thereof. The operations of petitioner were found not to come within the meaning of a contract carrier, and a certificate of public convenience and necessity was issued, which now reads, in part, as follows: "*Dairy products*, as defined in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *dairy supplies, equipment and materials*, from Albert Lea, Mankato, Fairmont, Owatonna, Fairbault, and Pipestone, Minn., to Chicago and Waukegan, Ill., and Racine, Milwaukee, Madison, Stoughton, and Kenosha, Wis." Petitioner is fearful that the scope of its operating authority has been reduced as a result of the conversion proceeding. As a contract carrier, it states that it clearly had a separate authority to transport dairy products, and such transportation could be performed for an independent dairy or other shipper of such commodities as well as a meat packer. Petitioner prays that the conversion proceeding be reopened for reconsideration and modification of petitioner's Certificate to conform to the language of its Permit. Any person or persons desiring to participate in this proceeding, may, within 30 days from this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 104893 (Sub-No. 1), (PETITION FOR CLARIFICATION OR IN THE ALTERNATIVE TO REVISE A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY), filed June 29, 1962. Petitioner: H. GORDON TRUEMAN, St. Leonard, Md. Petitioner's Representative: Donald E. Freeman, 172 East Green Street, Westminister, Md. On January 24, 1947 Petitioner was granted a Certificate in No. MC 104893 (Sub-No. 1) to transport: *Building materials and supplies* (excluding nails), boats, malt beverages, unmanufactured tobacco, sea-food, farm tractors and parts and attachments therefor, over irregular routes, between St. Leonard, Md., and points and places in Calvert County, Md., within 15 miles of St. Leonard, on the one hand, and, on the other, points and places in Virginia, Maryland, West Virginia, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia, within 250 miles of St. Leonard. By the instant petition, petitioner requests clarification or revision of his Certificate: (1) by determining that Lumber used in the building of boats is "Building materials and supplies", as the term is used in its certificate, or, in the alternative, (2) revised its certificate to include the specific term "Lumber" in the commodity description. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 119784 (PETITION FOR MODIFICATION OF PERMIT), filed September 26, 1962. Petitioner: AUSTIN K. LIVELY, State Center, Iowa. Petitioner's attorney: Robert R. Rydell, 1020 Savings and Loan Building, Des Moines 9, Iowa. Petitioner holds Permit MC 119784 issued on February 21, 1961, which authorizes the transportation of: *Linseed meal* and *linseed screenings*, in bags and in bulk, from Minneapolis and St. Paul, Minn., to points in that part of Iowa bounded by a a line beginning at the Minnesota-Iowa State line and extending south along U.S. Highway 169 to junction Iowa Highway 92, thence east along Iowa Highway 92 to junction U.S. Highway 218, thence north along U.S. Highway 218 to the Iowa-Minnesota State line, and thence west along the Iowa-Minnesota State line to point of beginning, including points on the indicated portions of the highways specified, with no transportation for compensation on return except as otherwise authorized. Said Permit restricts service thereunder to service performed under a continuing contract with Goodwin Milling Company of State Center, Iowa, and Doyen & Company of Marshalltown, Iowa. By the instant petition, petitioner desires to add Farmers Elevator Service Company, Inc., of Fort Dodge, Iowa, as a contracting shipper. Any person or persons desiring to oppose the addition of this additional shipper, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

NOTICE OF FILING OF PETITION SEEKING MODIFICATION OF COMMODITY DESCRIPTION IN PERTINENT ACTIVE OPERATING AUTHORITY HELD BY PETITIONER

In a report on reconsideration, decided October 16, 1961, and served November 9, 1961, in No. MC 109637 (Sub-No. 74), *Southern Tank Lines, Inc., Extension—St. Bernard, Ohio*, the Commission concluded generally that the commodity descriptions utilized in granting operating authority to motor carriers of liquid chemicals, including those prescribed in *Descriptions in Motor Carrier Certificates*, 61 M.C.C., 209, 766, and *Maxwell Co., Extension—Addyston*, 63 M.C.C., 677, should be revised for use in making future grants, and as a basis for modifying outstanding certificates and permits upon application of the holders thereof in accordance with approved procedure. The Commission found with respect to the commodity descriptions at issue, that the generic heading "liquid chemicals, in bulk, in tank vehicles," is a proper and reasonable commodity description for use in motor carrier operating authorities issued by the Commission; and that where such commodity description described is utilized, the following will be reasonable and proper definition thereof for determining the commodities which are embraced in such description:

Liquid chemicals, as used in the foregoing commodity description are those substances or materials resulting from a chemical or physical change induced by processes employed in the chemical industry, including uniting, mixing, blending, and compounding.

The subject report provided: "All motor carriers holding certificates or permits authorizing the transportation in bulk, in tank vehicles, of 'liquid chemicals as defined in the *Maxwell* case', of 'acids and chemicals as described in the *Descriptions* case', or of liquid chemicals under any other commodity description, are hereby notified that petitions will be entertained requesting the modification of such authorities to reflect the revised commodity descriptions promulgated herein. Such petitions should refer to the specific authority which the carrier desires to have modified, and should contain a certification that there is, in fact, traffic available for the transportation from and to the points it is authorized to serve, and that its operations are not dormant. The petitions should be filed in the proceedings in which the authority held was granted, these petitions will be published in the FEDERAL REGISTER, and if no objections are filed thereto, they will be disposed of without extended further proceedings. If protests are received, a hearing may be required for their disposition; but, in such event, every effort will be made to conclude the proceedings promptly." The following petition seeking modification of pertinent operating authority has been received:

No. MC 119934 and MC 119934 Sub-Nos. 18, 20, and 26, filed September 13, 1962. Petitioner: ECOFF TRUCKING, Portville, Ind. Any person or persons desiring to participate in this proceeding may file replies to said petition (original and fourteen (14) copies each) within 30 days from the date of this publication in the FEDERAL REGISTER. In the event it is deemed necessary or desirable, informal conferences between our staff members and the tank truck carriers, and any other persons who may have an interest in the matter, can be arranged for the purpose of implementing the matter. Persons responding to this publication should specifically advise whether an informal conference is desired.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8206 (L. STANLEY STRANG AND DONALD E. STRANG—PURCHASE—BEN MOZENTER (HARRIS Y. COTTON, TRUSTEE), published in the August 8, 1962, issue of the FEDERAL REGISTER on page 7850. Application filed October 1, 1962 for temporary authority under section 210a(b).

No. MC-F-8244 (SUPPLEMENTAL NOTICE) (JOHNSON MOTOR LINES, INC.—CONTROL AND MERGER—ATLANTA-NEW ORLEANS MOTOR FREIGHT CO.), published in the October 3, 1962, issue of the FEDERAL REGISTER on page 9801. JOHNSON MOTOR LINES, INC., and ATLANTA-NEW ORLEANS MOTOR FREIGHT CO., are presently under common control by H. BEALE ROLLINS, with the approval of the Commission under section 5, in No. MC-F-8224, H. BEALE ROLLINS—CONTROL—ATLANTA-NEW ORLEANS MOTOR FREIGHT CO., INC., AND JOHNSON MOTOR LINES, INC., July 16, 1956.

No. MC-F-8250. Authority sought for control by INTER-CITY AUTO FREIGHT, INC., 1821 Dock Street, Tacoma, Wash., of MOUNTAIN ROAD AUTO FREIGHT CO., INC., 1616 East 26th Street, Tacoma, Wash., and for acquisition by J. H. GALBRAITH, JR., as EXECUTOR of the Estate of J. H. GALBRAITH, 1821 Dock Street, Tacoma, Wash., of control of MOUNTAIN ROAD AUTO FREIGHT CO., INC., through the acquisition by INTER-CITY AUTO FREIGHT, INC. Applicants' attorney: E. K. Murray, 1125 Rust Building, Tacoma 2, Wash. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between junction U.S. Highway 99 and Washington Highway 5K (near Forest, Wash.), and Ethel, Wash., between Onalaska, Wash., and Morton, Wash., between Morton, Wash., and Riffe, Wash., serving all intermediate points, between Tacoma, Wash., and Chehalis, Wash., serving all intermediate and certain off-route points, between Elbe, Wash., and Ashford, Wash., serving certain intermediate and off-route points, and between Morton, Wash., and Packwood, Wash., serving all intermediate and certain off-route points. INTER-CITY AUTO FREIGHT, INC., is authorized to operate as a *common carrier* in Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8251. Authority sought for control by ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark., of DELTA MOTOR LINE, INC., Highway 80 West, Jackson, Miss., and for acquisition by R. A. YOUNG, JR., 301 South 11th Street, Fort Smith, Ark., of control of DELTA MOTOR LINE, INC., through the acquisition by ARKANSAS-BEST FREIGHT SYSTEM, INC. Applicants' attorney: Thomas Harper, P.O. Box 297, Fort Smith, Ark. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods, but not excepting commodities in bulk as a *common carrier* over regular routes, between Memphis, Tenn., and Greenville, Miss., serving all intermediate points between Clarksdale, Miss., and Greenville, Miss., including Clarksdale; *general commodities*, excepting, among others, household goods and commodities in bulk, between Jackson, Miss., and Port Gibson, Miss., serving all intermediate points, between Port Gibson, Miss., and Washington, Miss., serving all intermediate and certain off-route points, between Hazlehurst, Miss., and Fayette, Miss., serving certain intermediate points, between Mathiston, Miss., and Ackerman, Miss., between Louisville, Miss., and DeKalb, Miss., between Jackson, Miss., and Vicksburg, Miss., between Vicksburg, Miss., and Port Gibson, Miss., between Leland, Miss., and Vicksburg, Miss., serving all intermediate and certain off-route points, between Greenville, Miss., and Winona, Miss., between Yazoo City, Miss., and Tutwiler, Miss., between Sunflower, Miss., and junction Mississippi Highway 3 and U.S. Highway 49-W north of Inverness, Miss., between Yazoo City, Miss., and Redwood, Miss., between junction Mississippi Highway 14 and U.S. Highway 49-W north of Louise, Miss., and Anguilla, Miss., serving all intermediate points, between Lake Providence, La., and Vicksburg, Miss., serving all intermediate points, between Tchula, Miss., and junction Mississippi Highway 12 and U.S. Highway 51, near Durant, Miss., serving the intermediate point of Lexington, Miss., between Lexington, Miss., and junction Mississippi Highway 17 and U.S. Highway 51, near Pickens, Miss., between Vaiden, Miss., and Carthage, Miss., serving certain intermediate points and the off-route point of Williamsville, Miss., between Jackson, Miss., and Philadelphia, Miss., between Meridian, Miss., and Philadelphia, Miss., serving certain intermediate points, between Memphis, Tenn., and Blytheville, Ark., between St. Louis, Mo., and Little Rock, Ark., serving certain intermediate points, between St. Louis, Mo., and Cape Girardeau, Mo., between St. Louis, Mo., and Chicago, Ill., serving certain intermediate and off-route points, between Chicago, Ill., and Cape Girardeau, Mo., over several alternate routes for operating convenience only; *dangerous explosives and general commodities*, except those of unusual value, livestock, commodities in bulk, and those requiring special equipment, between Jackson, Miss., and New Orleans, La., serving certain intermediate points without restriction, serving all other intermediate points and certain off-route points, restricted against the transportation of household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467; to and from the off-route point of the U.S. Army Cantonment near Centerville, Miss., in the transportation of general commodities, except those of unusual value, currency, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, supra, commodities in bulk, and those requiring special equipment; and to and from off-route points within one mile of Jackson, restricted to transportation of glass containers only; *dangerous explosives and general commodities*, except those of unusual value, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, between Jackson, Miss., and Memphis, Tenn., serving all intermediate points and the off-route points within one mile of the above-specified route, and certain off-route points, unrestricted; to and from the off-route point of Oil City, Miss., restricted against the transportation of currency and the off-route point of Tinsley, Miss., in the transportation of general commodities, between Memphis, Tenn., and Winona, Miss., serving certain intermediate and off-route points; *dangerous explosives, and general commodities*, except those of unusual value, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, between points in Mississippi, serving all intermediate points, and between Winona, Miss., and Columbus, Miss., serving all intermediate points and the off-route point of the airport located approximately eight miles north of Columbus; *dangerous explosives, and general commodities*, between Meridian, Miss., and DeKalb, Miss., serving all intermediate points, between Jackson, Miss., and Louisville, Miss., serving the intermediate points between Canton and Jackson restricted to traffic moving to or from points beyond Canton and Louisville, Miss., and Philadelphia, Miss., and those between Philadelphia and Louisville, restricted to traffic moving to or from points beyond Philadelphia; all other intermediate points without restriction; *fresh vegetables*, during the season extending from the 15th day of April to the 15th day of July, inclusive, from Crystal Springs, Miss., to Memphis, Tenn., serving the intermediate and off-route points within 25 miles of Crystal Springs, restricted to pick-up only; *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, in tank trucks over irregular routes between points in territory bounded by a line extending from Greenville, Miss., along U.S. Highway 82 to junction U.S. Highway 61, thence along U.S. Highway 61 through Rolling Fork, Miss., to junction with an imaginary line extending in a westerly direction 60 miles from Greenville, thence along said imaginary line to the Mississippi-Louisiana State line, thence along the Mississippi-Louisiana State line, to the Mississippi-Arkansas State line, thence along the Mississippi-Arkansas State line to, and including, Greenville; *class A and B explosives*, between Vicksburg, Miss., and magazines in Mississippi within five miles of Vicksburg; *wood products, and lumber*, from Memphis, Tenn., Morehouse, Mo., and Little Rock, and Wheatley, Ark., to points in Illinois; *rice, and rice products*, from Stuttgart, Carlisle, Little Rock, Lonoke and DeWitt, Ark., and Memphis, Tenn., to points in Illinois. ARKANSAS-BEST FREIGHT SYSTEM, INC. is authorized to operate as a *common carrier* in Ohio, Texas, Indiana, Missouri, Oklahoma, Illinois, Arkansas, Kansas, Louisiana, Mississippi and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8252. Authority sought for purchase by LUEKING TRANSFER COMPANY, INC., 1531 East 14th Street, St. Louis 6, Mo., of a portion of the operating rights of SUPREME EXPRESS AND TRANSFER CO., 417 South 15th Street, St. Louis, Mo., and for acquisition by LESTER L. LUEKING, 4420 Overbrook Drive, St. Louis 21, Mo., LEWIS L. LUEKING, 72 Country Club Drive, St. Louis 21, Mo., and HERMAN A. LUEKING, 7215 Ravinia Drive, St. Louis 21, Mo., of control of such rights through the purchase. Applicants' attorneys: LaTourette & Rebman, 314 North Broadway, St. Louis 2, Mo. Operating rights sought to be transferred: *Malt beverages*, as a *contract carrier* over regular routes, from Belleville, Ill., to St. Louis, Mo.; *empty malt beverage containers*, from St. Louis, Mo., to Belleville, Ill. Vendee is authorized to operate as a *contract carrier* in Illinois and Missouri. Application has not been filed for temporary authority under section 210a(b).

NOTE: Vendor is retaining its common carrier rights.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 62-10078; Filed, Oct. 9, 1962; 8:48 a.m.]

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[Updated to January 1, 1962]

Lists (1) published requirements (in laws and regulations) on the keeping of non-Federal records, (2) what records must be kept and who must keep them, and (3) retention periods.

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VOLUME 27 NUMBER 198

Washington, Thursday, October 11, 1962

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11055

INSPECTION OF INCOME TAX RETURNS BY THE HOUSE SELECT COMMITTEE ON SMALL BUSINESS

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (53 Stat. 29; 54 Stat. 1008; 26 U.S.C. (1952 Ed.) 55(a)), and by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income tax return for the years 1950 to 1962, inclusive, made by an organization exempt from income tax under section 101 or 165(a) of the 1939 Code, as amended (53 Stat. 33, 67, 876; 56 Stat. 836, 862, 872; 64 Stat. 953, 959; 65 Stat. 490; 26 U.S.C. (1952 Ed.) 101, 165(a)), or section 501(a) or 521 of the 1954 Code (68A Stat. 163, 176; 26 U.S.C. 501(a), 521), shall, during the Eighty-seventh Congress, be open to inspection by the Select Committee on Small Business, House of Representatives, or any duly authorized subcommittee thereof, in connection with its study of the impact of the activities of tax-exempt organizations on small business, pursuant to House Resolution 46, 87th Congress, agreed to February 6, 1961, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall become effective upon its filing for publication in the FEDERAL REGISTER.

JOHN F. KENNEDY

THE WHITE HOUSE,
October 9, 1962.

[F.R. Doc. 62–10219; Filed, Oct. 10, 1962; 11:08 a.m.]

Rules and Regulations

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6612]

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Tax on Sale of Toilet Preparations

On March 20, 1962, notice of proposed rule making with respect to the regulations under section 4021 of the Internal Revenue Code of 1954, as amended (relating to the retailers excise tax on toilet preparations) was published in the FEDERAL REGISTER (27 F.R. 2607). The regulations, except as otherwise provided, are effective January 1, 1959. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so proposed are hereby adopted, subject to the changes set forth below:

Paragraph (a) of § 48.4021–1 is amended by revising the last sentence of subparagraph (1) and by revising subdivision (iv) of subparagraph (2).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: October 4, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

The regulations as adopted under section 4021 of the Internal Revenue Code of 1954, as amended, relating to the tax on the sale of toilet preparations are shown below. They are issued under the authority in section 7805, IRC, 1954; 68A Stat. 917; 26 U.S.C. 7805. These regulations are effective January 1, 1959, except as otherwise provided.

§ 48.4021–1 Imposition of tax.

(a) *Toilet articles.* (1) The tax attaches to the sale by the retailer of the following articles specifically enumerated in section 4021—

Perfume	Hair oils
Essences	Pomades
Extracts	Hair dressings
Toilet waters	Hair restoratives
Cosmetics	Hair dyes
Petroleum jellies	Toilet powders

and similar articles commonly or commercially known as toilet articles which are used or applied, or intended to be used or applied, for toilet purposes. Any substance, article, or preparation advertised or held out for toilet purposes shall be subject to the tax regardless of the name by which it may be known or distinguished. The tax attaches to the sale by the retailer of any substance, article, or preparation which is used or applied, or intended to be used or applied, for toilet purposes or used in connection with the bath or care of the body, or applied to the clothing as a perfume or to the body as a toilet article. Factors which shall be taken into account in determining the purpose of a product include the advertising and promotional claims made for the product, its packaging, labeling, and display, and the class or classes of consumers to which the composition of the advertising and promotional material is directed.

(2) A product which is used, or held out for use, as an adjunct to the toilet or for toilet purposes, is subject to the tax even though such product may have, or may be held out to have, a medicinal, stimulating, remedial, or curative value. Thus, for example, lotions, creams, oils, etc., even though having or held out as having medicinal properties, are subject to the tax if used or held out for use for such toilet purposes as:

(i) The treatment of dry, oily, or falling hair;

(ii) A skin cleanser, astringent, makeup base, or other agent for conditioning or improving the appearance of the skin;

(iii) The care of the skin before exposure to the sun, wind, cold, or other weather conditions, such as for the prevention of sunburn or chapped lips, or for the care of the skin before exposure to household irritants, such as dirt, grime, cleaning products, etc.;

(iv) The care of the skin after exposure to weather conditions or to household irritants, unless the product is a medication which meets the requirements of paragraph (b).

(b) *Medication.* A product shall not be subject to the tax if the product is a medication and if the product is held out for use for:

(1) The relief, remedy, or cure of diseased or injured conditions of the skin, such as those caused by acne, "athlete's foot", dandruff, or burns (including sunburn);

(2) The relief, remedy, or cure of irritated conditions of the lips, such as cold sores, fever blisters, and other irritations of the lips caused by sun, wind, or other elements; or

(3) Other medicinal purposes, such as for use as an antiseptic or for the relief of muscular aches.

(c) *Effective date.* Paragraphs (a) and (b) of this section shall be effective with respect to sales by the retailer made on or after the first day of the first month which begins more than 60 days after the date of publication of this section in the FEDERAL REGISTER. For regulations applicable to sales prior to such first day of articles subject to tax under section 4021, see Regulations 51 (1941 Edition, as amended), 26 CFR (1939) Part 320, which were made applicable under the Internal Revenue Code of 1954 by Treasury Decision 6091 (19 F.R. 5167, August 17, 1954).

(d) *Aromatic cachous.* The tax on sales at retail of aromatic cachous does not apply to sales after April 30, 1960.

(e) *Rate of tax.* The tax is imposed at the rate of 10 percent of the price for which the taxable article is sold at retail. For definition of the term "price", see section 4051 and the regulations thereunder contained in Subpart G of this part.

(f) *Liability for tax.* The tax is payable by the person who sells at retail any article subject to tax under section 4021.

(g) *Sales by United States.* For provisions relating to sales at retail made by the United States, its agencies or instrumentalities, see section 4054 and the regulations thereunder contained in Subpart G of this part

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 62-10128; Filed, Oct. 10, 1962; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2782]

[Washington 03334]

WASHINGTON

Revocation of Lighthouse Reserve

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Departmental order of October 19, 1897, and any other order or orders which withdrew a small island rock located approximately 200 feet off the south end of Lopez Island of the San Juan Group, and more particularly described as follows, is hereby revoked:

WILLAMETTE MERIDIAN

T. 34 N., R. 2 W.,
Sec. 14, unsurveyed island south of lot 3, containing approximately 2 acres.

2. At 10:00 a.m. on November 9, 1962, the lands shall become subject to such forms of application, petition, location and selection as may be made of and for unsurveyed lands, subject to valid existing rights, the provisions of the existing withdrawals, and the requirements of applicable law, and regulations.

Inquiries concerning the island shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

JORN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 4, 1962.

[F.R. Doc. 62-10117; Filed, Oct. 10, 1962; 8:46 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Wheat Loan and Purchase Agreement Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 27 F.R. 5243 and 8297 and containing the specific requirements of the 1962-crop wheat price support program are hereby amended to make wheat grading No. 4, No. 5 or "Sample" because of damaged kernels eligible for price support and provide apropriate discounts.

1. Section 421.1204(b) is amended to read as follows:

§ 421.1204 Eligible wheat.

* * * * *

(b) *Grade requirements.* Wheat at the time it is placed under loan, and wheat under purchase agreement which is in approved warehouse-storage prior to notification by the producer of his intention to sell to CCC, must meet the requirements set forth in this paragraph. The wheat must be: (1) Wheat of any class grading No. 3 or better; (2) wheat of any class grading No. 4 or No. 5 because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better; (3) wheat of any class grading No. 4, No. 5 or "Sample" on the factor(s) of test weight and/or total damage (other than heat damage), provided that the test weight is not less than 40 pounds and the wheat otherwise meets the requirements as stated in subparagraphs (1) and (2) of this paragraph; or (4) wheat of the class Mixed wheat, which consists of mixtures of grades of eligible wheat as specified in subparagraph (1), (2), or (3) of this paragraph provided such mixtures are the natural products of the field. Wheat grading Tough, Weevily, Ergoty, or Treated shall not be eligible, except that wheat represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt substantially as follows:

CERTIFICATION

On wheat grading "Tough" delivery will be made of wheat not tough but otherwise of the same country-run quality, quantity, and grade as indicated on the supplemental certificates, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt.

Except as provided above with respect to wheat grading "Tough" wheat of the class hard red spring, durum, or red durum, shall not contain more than 14½ percent moisture, and wheat of any other class shall not contain more than 14 percent moisture.

2. Section 421.1212(f) is amended to read as follows:

§ 421.1212 Support rates.

* * * * *

(f) *Discounts and premiums.* * * *

	Cents per bushel
(2) Grade premium and discounts:	
(i) Premium:	
No. 1 Heavy (Hard Red Spring)	+1
(ii) Discounts:	
No. 2	−1
No. 3	−3
No. 4, No. 5 or "Sample" on account of test weight:	

Hard Red Spring		All other classes	
Test weight	Cents per bushel	Test weight	Cents per bushel
53.0–54.9	−6	54.0–55.9	−6
50.0–52.9	−9	51.0–53.9	−9
49	−13	50	−13
48	−17	49	−17
47	−21	48	−21
46	−25	47	−25
45	−29	46	−29
44	−35	45	−33
43	−41	44	−39
42	−47	43	−45
41	−53	42	−51
40	−59	41	−57
		40	−63

	Cents per bushel
No. 4, No. 5 or "Sample" on account of total damaged kernels (other than heat damaged): [3] [4]	
Percent—Total damaged kernels:	
7.1–8	−1
8.1–9	−2
9.1–10	−3
10.1–11	−4
11.1–12	−5
12.1–13	−6
13.1–14	−7
14.1–15	−8
15.1–16	−10
16.1–17	−12
17.1–18	−14
18.1–19	−16
19.1–20	−18
20.1–21	−20
21.1–22	−22
22.1–23	−24
23.1–24	−26
24.1–25	−28
25.1–26	−30
26.1–27	−32
27.1–28	−34
28.1–29	−36
29.1–30	−38
30.1 and over [5]	−60
No. 4 or 5 because of containing Durum and/or Red Durum [1] [2]	−6
Smut—Degree basis:	
Light Smutty	−2
Smutty	−6
Smut—Percentage basis:	
One-half of 1 percent	−1
One percent or over	−3
Garlic—Degree basis:	
Light Garlicky	−6
Garlicky	−15

[1] This discount is in addition to any other applicable numerical grade discount, and any other discounts which may be applicable.

[2] Not applicable to any of the Mixed Wheats or Red Durum. For discounts applicable to Mixed Wheat containing Durum and/or Red Durum, see subparagraph (1)(ii) of this paragraph.

[3] Where damage is no more than 30 percent, this discount shall be in addition to all other applicable discounts and wheat otherwise grading No. 1 Heavy, No. 1 or No. 2 on the basis of test weight shall be discounted 3 cents per bushel in lieu of the numerical grade premium or discount.

[4] Premiums in subparagraphs (1) and (4) of this paragraph are not applicable.

[5] No additional discounts shall be applied except the variety discount in subparagraph (3) and the test weight discount when the wheat would grade "Sample" on account of test weight.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on October 5, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-10130; Filed, Oct. 10, 1962; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

CODIFICATION CHANGE

EDITORIAL NOTE: For the purpose of incorporating the regulations in this chapter now appearing in Subchapters C and D into a single subchapter, those subchapters are redesignated as follows:

SUBCHAPTER C—SPECIAL PROGRAMS

Part	
750	Soil Bank.
775	Feed grains.
776	Wheat stabilization program.

SUBCHAPTER D—[RESERVED]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-EA-71]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Control Zone

The purpose of these amendments to §§ 601.2244 and 608.66 of the regulations of the Administrator is to alter the boundaries and altitude limits and provide joint use of the Quantico, Va., restricted area R-6608.

The Commander of the Marine Corps Air Station, Quantico, Va., the using agency of R-6608, has advised that all hazardous activities can be contained within an altitude limit of 14,000 feet MSL and that portions of this restricted area in its northern and eastern extremities are no longer required. Therefore, these portions of airspace are unjustified as an airspace assignment and revocation thereof is in the public interest. Such action is taken herein.

In order to promote efficient utilization of this restricted area, it is designated herein as a joint-use area with the Washington ARTC Center as the controlling agency.

The Quantico, Va., control zone (§ 601.2244) now excludes that portion overlapping restricted areas. Alteration of the eastern portion of R-6608 permits removal of this exclusion to the Quantico control zone, and such action is taken herein. Editorial changes to airway descriptions containing references to R-6608 will be accomplished in Airspace Docket No. 62-EA-59.

Since these amendments reduce a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. In § 608.66 Virginia (27 F.R. 7363) the Quantico, Va., restricted area R-6608 is amended to read:

R-6608 Quantico, Va.:

Boundaries. Beginning in latitude 38°31'-15" N., longitude 77°24'20" W.; to latitude 38°29'00" N., longitude 77°28'45" W.; to latitude 38°31'20" N., longitude 77°34'07" W.; to latitude 38°37'00" N., longitude 77°-34'07" W.; to latitude 38°37'50" N., longitude 77°32'20" W.; to latitude 38°37'00" N., longitude 77°25'34" W.; to latitude 38°34'00" N., longitude 77°24'00" W.; to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Washington ARTC Center.

Using agency. Commander, Marine Corps Air Station, Quantico, Va.

2. In the text of § 601.2244 (14 CFR 601.2244) "station, excluding that portion overlapping restricted areas." is deleted and "station." is substituted therefor.

These amendments shall become effective 0001 e.s.t. October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 8, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-10131; Filed, Oct. 10, 1962; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Table of Frequency Allocations

The Commission having under consideration the desirability of making certain editorial changes in § 2.106 of its rules and regulations; and

It appearing that Footnote NG4 in the Table of Frequency Allocations should be corrected to read 152.84–153.38 Mc/s so as to indicate the frequency band; and

It further appearing that Footnotes NG26 and NG37 in the table may be consolidated as both apply to Puerto Rico and the Virgin Islands; and

It further appearing that the amendments herein are editorial in nature, and hence that compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is neither necessary nor appropriate; and

It further appearing that the amendments adopted herein are issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.341(a) of the Commission's rules;

It is ordered, This 5th day of October 1962, that effective October 15, 1962, § 2.106 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: October 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 2.106 *Table of frequency allocations,* is amended by deleting Footnote NG37 and the designator NG37 in column 11 opposite 161.8 Mc/s and 161.85 Mc/s in column 10, and by amending Footnotes NG4 and NG26 to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

NG4 The use of the frequencies in the band 152.84–153.38 Mc/s may be authorized, in any area, to remote pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to the industrial radio services.

* * * * *

NG26 In Puerto Rico and the Virgin Islands only, the bands 154.04–154.46 Mc/s and 161.385–161.875 Mc/s are allocated exclusively to (a) aeronautical fixed service, (b) domestic fixed public service, and (c) international fixed public service and are not available to the mobile services.

[F.R. Doc. 62-10146; Filed, Oct. 10, 1962; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-218]

PART 13—PROHIBITED TRADE PRACTICES

Fabric Shop, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* § 13.30–75 *Textile Fiber Products Identification Act.* Subpart—Concealing, obliterating or removing law required and informative marking: § 13.523 *Textile fiber products tags or identifications.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–80 *Textile Fiber Products Identification Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–70 *Textile Fiber Products Identification Act;* § 13.1845–80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–70 *Textile Fiber Products Identification Act;* § 13.1852–80 *Wool Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–80 *Textile Fiber Products Identification Act;* § 13.1900–90 *Wool Products Labeling Act.* Subpart—Using misleading name—Goods: § 13.2280 *Composition:* § 13.2280–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, The Fabric Shop, Inc., et al., Louisville, Ky., Docket C-218, Sept. 10, 1962]

In the Matter of The Fabric Shop, Inc., a Corporation, and Julius Lazar, and Werner Herz, Individually and as Officers of Said Corporation

Consent order requiring sellers of fabrics in Louisville, Ky., to cease violating the Textile Fiber Products Identification and the Wool Products Labeling Acts by falsely advertising textile fiber products in newspapers as "Linen Weave", failing to set forth the true generic names of fibers contained in products and in the proper order, using the names of fur-bearing animals for fabrics which were not fur products, and removing required labels prior to ultimate sale; failing to identify the manufacturer, etc., of wool products; and failing in other respects to comply with requirements of the Acts, as in the order below more specifically indicated.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents The Fabric Shop, Inc., a corporation, and its officers, and Julius Lazar, and Werner

Herz, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products by representing either directly or by implication, through the use of such terms as "Linen Weave" or any other such terms, that any fibers are present in a textile fiber product when such is not the case.

3. Failing to affix labels to such textile fiber products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

4. Setting forth on labels affixed to textile fiber products information required under section 4(b) of the Textile Fiber Products Identification Act and the rules and regulations promulgated thereunder in handwriting.

5. Using a fiber trademark on labels affixed to such textile fiber products without the generic name of the fiber appearing on such label.

6. Using a generic name or fiber trademark on any label whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Textile Fiber Products Identification Act and the rules and regulations promulgated thereunder the first time such generic name or fiber trademark appears on the label.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using any name, word, depiction, descriptive matter, or other symbol, which connotes or signifies a fur-bearing animal, unless such products or parts thereof in connection with which such name, word, depiction, descriptive matter or other symbol is used, are furs or fur products within the meaning of the Fur Products Labeling Act: *Provided, however,* That where a textile fiber product contains the hair or fiber of a fur-bearing animal, the name of such animal, in conjunction with the word "fiber", "hair", or "blend", may be used.

3. Using a fiber trademark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in the said advertisement.

4. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

5. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

6. Using a generic name of a fiber in advertising textile fiber products in such a manner as to be false, deceptive, or misleading as to fiber content or to indicate, directly or indirectly, that such textile fiber products are composed wholly or in part of such fiber when such is not the case.

7. Using nonrequired information and representations in advertising textile fiber products in such a manner as to be false, deceptive or misleading as to the fiber content of the textile fiber products or so as to interfere with, minimize or detract from required information.

It is further ordered, That respondents The Fabric Shop Inc., a corporation and its officers, and Julius Lazar, and Werner Herz, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device do forthwith cease and desist from removing, or causing or participating in the removal of the stamp, tag, label, or other identification required to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce, and prior to the time such textile fiber product is sold and delivered to the ultimate consumer.

It is further ordered, That respondents The Fabric Shop, Inc., a corporation, and its officers, and Julius Lazar, and Werner Herz, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or offering for sale, sale, transportation, distribution, or delivery for shipment in commerce of any wool product, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

A. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

B. Setting forth on labels affixed to wool products information required under section 4(a) (2) of the Wool Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 10, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10107; Filed, Oct. 10, 1962; 8:45 a.m.]

[Docket C-231]

PART 13—PROHIBITED TRADE PRACTICES

Farber Bros., Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Farber Bros., Inc., et al., New York, N.Y., Docket C-231, Sept. 12, 1962]

In the Matter of Farber Bros., Inc., a Corporation, and Ralph Farber and Max Farber, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by failing, on invoices, to show the true animal name of fur or when fur was artificially colored or fur products were made of cheap or waste fur; failing to set forth the terms "Dyed Broadtail-processed Lamb" and "natural" as required; and failing in other respects to comply with invoicing requirements.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Farber Bros., Inc., a corporation, and its officers, and respondents Ralph Farber and Max Farber, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any product; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce; as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

B. Setting forth on invoices pertaining to fur products the name or names of any animal or animals other than the name of the animal or animals producing the fur contained in the fur product as specified in the Fur Products Name Guide and as prescribed in the rules and regulations.

C. Setting forth information required under section 5(b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

D. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the term "Dyed Lamb".

E. Failing to set forth the term "Natural" as part of the required information to describe furs which were not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

F. Failing to disclose that fur products are composed in whole or substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 12, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10106; Filed, Oct. 10, 1962; 8:45 a.m.]

[Docket 8302]

PART 13—PROHIBITED TRADE PRACTICES

Garland Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.155 *Prices:* § 13.155-80 *Retail as cost, wholesale, discounted, etc;* § 13.155-98 *Two-for-one sales.*[1] Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin:* § 13.1325-60 *Maker or seller.* Subpart—Using misleading name—Vendor: § 13.2385 *Identity.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Garland Company et al., Cleveland, Ohio, Docket 8302, Sept. 12, 1962]

In the Matter of The Garland Company, a corporation, and Juliette F. Harris, John Wise, John H. Harris, and Edward F. Wise, individually and as officers of said corporation

Order requiring Cleveland manufacturers of paint which they sold under a variety of brand names, to cease making such deceptive offers in advertising as "Buy A Gallon—Get A Gallon Free" and "* * * factory to you merchandising", when in fact the advertised price was the usual retail selling price for two gallons; and making use on labels on their paints of various nonexistent companies to designate the manufacturer.

The order to cease and desist is as follows:

It is ordered, That respondents, The Garland Company, a corporation, and its officers, and Juliette F. Harris, John Wise, John H. Harris and Edward F. Wise, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of paint or any other product, do forthwith cease and desist from:

1. Representing directly or by implication:

(a) That any merchandise is sold or offered for sale at factory prices when such is not the fact.

(b) That any amount is respondents' customary and usual retail price of any merchandise when said amount is in excess of the price at which such merchandise is customarily and usually sold by respondents, at retail, in the recent and regular course of business.

(c) That any article of merchandise is being given free or as a gift or without cost or charge, when such is not the fact.

2. Using a fictitious name to designate the manufacturer of their merchandise.

3. Engaging in any practice or plan which will provide retailers of their merchandise with the means or instrumentalities of misrepresenting the usual and regular retail prices of such merchandise.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 12, 1962.

By the Commission, Commissioner Elman not participating.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10108; Filed, Oct. 10, 1962; 8:45 a.m.]

[1] New

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 40-3548]

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Disclosures to Security Holders Concerning Repurchase of Securities by Closed-End Companies

The Securities and Exchange Commission has recently had numerous inquiries from closed-end investment companies, including small business investment companies licensed under the Small Business Investment Act of 1958, with respect to the purchase of their own outstanding equity securities.

Sections 23(c) (1), (c) (2), and (c) (3) of the Investment Company Act of 1940 ("Act") express the statutory policy prohibiting the repurchase by a closed-end investment company of its own securities unless effected in a manner specified in the Act and the Rules adopted thereunder.

Under section 23(c) (1) it is permissible for a registered closed-end company to purchase on a securities exchange, securities of any class of which it is the issuer, provided that, if the securities are stock, the company shall within the preceding six months have informed stockholders of its intention to purchase the stock of such class by letter or report addressed to stockholders of such class.

Under section 23(c) (2) such a company is also permitted to purchase its securities pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased.

Under section 23(c) (3) the Act permits such a company to purchase its own securities under such other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors in order to insure that such purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class or classes of securities to be purchased. Under this section Rule 23c-1 (§ 270.23c-1) of the general rules and regulations under the Investment Company Act of 1940 was promulgated by the Commission and it recites the conditions under which a registered

closed-end company may purchase for cash securities of which it is the issuer other than on a securities exchange or pursuant to tenders.

The anti-fraud provisions of the various statutes administered by this Commission are also applicable to any such repurchases. In particular, Rule 10b–5 (§ 240.10b–5) of the general rules and regulations under the Securities Exchange Act of 1934 makes it unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, to employ any device, scheme or artifice to defraud in connection with the purchase or sale of any security, or to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading or to engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person.

The relationship between an issuer and its stockholders is such that a failure to disclose material facts in connection with the purchase by the issuer of its outstanding shares may be a violation of these provisions. It should be noted that the need for, and adequacy of, the disclosures is the responsibility of the purchasers. Such disclosure should include all material facts necessary to permit informed decisions to be made. In addition, under some circumstances, the purchase by a closed-end investment company of its outstanding stock may be improper even though all material facts are disclosed. This result might obtain, for example, where prior to purchase, the issuer has failed to declare dividends on its stock even though substantial earnings are available for this purpose. It is therefore suggested that any closed-end investment company contemplating the purchase of its own shares consult with the Division of Corporate Regulation of the Commission about the nature of the disclosure to be made or other problems that may exist.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 3, 1962.

[F.R. Doc. 62–10118; Filed, Oct. 10, 1962; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 44—CONDITIONS OF DELIVERY

Delivery to Officials or Employees of Organizations

A notice of proposed changes in the regulations for determining the proper delivery of mail addressed to officials or employees of organizations in §§ 44.4 and 44.6 of Title 39, Code of Federal Regulations was published in the FEDERAL REGISTER of August 7, 1962, at pages 7794–7795. Interested persons were given 30 days in which to submit written comments with respect to the proposal.

No adverse comments have been received with respect to the proposed changes. Accordingly, the proposal is adopted without change. As so adopted, the changes are as follows:

I. Amend § 44.4 to read as follows:

§ 44.1 Delivery to officials or employees of organizations.

(a) Mail directed to officials or employees of a Governmental or private organization at the address of the organization will be delivered to the organization when such mail is claimed both by an officer or employee and by the organization. This also applies to mail addressed in this manner to former officials or employees.

(b) Mail addressed elsewhere to a public or private official by title or to the organization even though marked to the attention of a particular person or title will be delivered to the organization if it so directs.

NOTE: The corresponding Postal Manual section is 154.4.

II. In § 44.6 the section heading and paragraph (b) are amended by deleting "firms," where it appears therein. As so amended, the section heading and paragraph (b) read as follows:

§ 44.6 Delivery of mail addressed to persons at hotels, institutions, schools, etc.

* * * * *

(b) Mail addressed to persons at hotels, schools, and similar places, is delivered with the other mail directed to the hotel or school, unless otherwise ordered by the addressee. If the addressee is no longer at that address, the mail should be redirected to his current address. If the forwarding address is unknown, the mail should be returned to the post office.

NOTE: The corresponding Postal Manual section is 154.62.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

LOUIS J. DOYLE, *General Counsel.*

[F.R. Doc. 62–10133; Filed, Oct. 10, 1962; 8:49 a.m.]

PART 95—TRANSPORTATION OF MAIL BEYOND BORDERS OF UNITED STATES

Compensation for Transportation of Surface Mail

A notice of a proposed increase in compensation for sea transportation of surface mail and a formal declaration of service elements included in compensation in § 95.4 of Title 39, Code of Federal Regulations, effective October 13, 1962, was published in the FEDERAL REGISTER of September 7, 1962, at page 8925. Interested persons were given 30 days in which to submit written comments with respect to the proposal.

No adverse comments have been received with respect to the proposed changes. Accordingly, the proposal is adopted without change. As so adopted, § 95.4 is amended, effective October 13, 1962, to read as follows:

§ 95.4 Compensation for transportation of surface mail.

(a) Definite rates: Payment shall be made for the transportation of United States mail and foreign closed transit mail on steamships of the United States and foreign registry at the rates specified in the schedule below. The word "mail" includes parcel post. The rates cover all services performed by foreign flag vessels and all maritime service of U.S. flag vessels.

Distance conveyed (nautical miles)	(1) Rates [1]	(2) Rates [2]
Up to 300 miles	3.6	1.8
Over 300 up to 600 miles	3.6	2.5
Over 600 up to 1,000 miles	3.6	3.1
Over 1,000 up to 1,500 miles	4.1	3.6
Over 1,500 up to 2,000 miles	5.4	4.0
Over 2,000 up to 2,500 miles	5.4	4.4
Over 2,500 up to 3,000 miles	5.4	4.7
Over 3,000 up to 3,500 miles	5.8	5.0
Over 3,500 up to 4,000 miles	6.1	5.3
Over 4,000 up to 5,000 miles	6.4	5.6
Over 5,000 up to 6,000 miles	7.0	6.1
Over 6,000 up to 7,000 miles	7.5	6.5
Over 7,000 up to 8,000 miles	7.8	6.8
Over 8,000 miles	8.0	7.1

[1] Rates for: Maritime transportation of mail (except U.S. Mail transshipped from the Canal Zone) including outbound empty equipment on steamships of United States registry (cents per pound, net weight for mail).

[2] Rates for: 1. All mail (including empty air mail sacks) on steamships of foreign registry; and 2. United States Mail transshipped from Canal Zone on steamships of United States registry (cents per pound, net weight for mail).

In addition to the maritime transportation rates shown in column (1) above, the Post Office Department will either pay steamships of United States registry directly for costs incurred by them or assume the responsibility for cartage from postal facility to pier.

(b) Special rates: This section shall not prevent a carrier from accepting maritime transportation rates lower than those shown in paragraph (a) of this section.

(c) The maritime transportation rates prescribed in paragraph (a) of this section while measured by the net weight of the mail, are intended in all cases to include payment for the weight of the covering mail bags. In the case of vessels of foreign registry, the maritime transportation rates prescribed in paragraph (a) of this section while measured by the net weight of the mail, also include compensation for the return of empty surface mail bags and the transportation from the postal facility to the pier. Acceptance by steamship companies of mail for transportation constitutes an acceptance of this method of computing payment.

(d) Any steamship company desiring to be relieved of the transportation of mail may make written application to the Assistant Postmaster General, Bureau of Transportation, Post Office Department, Washington 25, D.C.

(R.S. 161, as amended; 5 U.S.C. 22, 18 U.S.C. 1724, 39 U.S.C. 501, 6101, 6409)

LOUIS J. DOYLE, *General Counsel.*

[F.R. Doc. 62–10159; Filed, Oct. 10, 1962; 8:52 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5–1—GENERAL

Subpart 5–1.54—Products or Services Presented for Procurement Consideration

Subpart 5–1.54 is added, to read as follows:

Sec.
5–1.5401 Policy.
5–1.5402 Definitions.
5–1.5403 Initial referral of inquiries.
5–1.5404 Processing of inquiries.
5–1.5405 Processing of completed application forms.

AUTHORITY: §§ 5–1.5401 to 5–1.5405 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 5–1.5401 Policy.

(a) All reasonable assistance shall be rendered to concerns desiring to supply their products and services to GSA and GSA customer agencies on either a prime contract or subcontract basis. This will include (1) consideration of the items presented with respect to all current and potential operational and program requirements of all GSA operating services and staff offices, and (2) advice concerning potential customer demand outside GSA and assistance in contacting other agencies.

(b) No applicant shall be compelled to assist in the development of data to show actual or potential Government demand for his products or services as a prerequisite to consideration or acceptance by GSA.

§ 5–1.5402 Definitions.

As used in this Subpart 5–1.54 the following terms shall have the meanings set forth:

(a) "Item" means either a product or a service.

(b) "A similar item" means one having the same general characteristics and end use as another item currently being purchased.

(c) "A competitively similar item" means one which is comparable to other items currently being offered as meeting applicable specification requirements.

(d) A "new item" means one which (1) is not competitively similar to an item currently being purchased; or (2) is similar to an item being purchased but exceeds specification requirements to the degree that the supplier could not reasonably be expected to submit competitive quotations.

§ 5–1.5403 Initial referral of inquiries.

All business inquiries presenting items for consideration by GSA, which are received by other than a Business Service Center, shall be referred promptly to the Business Service Center serving the GSA organizational element which received the inquiry.

§ 5–1.5404 Processing of inquiries.

Upon receipt of inquiries, the Business Service Center shall provide the inquirers appropriate counseling on doing business with GSA and GSA customer agencies and shall take the following action with respect to the item presented:

(a) When it is readily apparent that the item presented is competitively similar to types currently contracted for by GSA, the Business Service Center shall so advise the inquirers and provide them the appropriate bidders mailing list application forms and such instructions or specification information as will permit the preparation and submission of bids or offers.

(b) When the item appears to be a new item, the Business Service Center shall furnish the inquirer at least four copies of GSA Form 1171, Application for Presenting New or Improved Articles, and request its completion and return in triplicate.

(c) In cases where the nature and usage of the item presented is such that procurement by GSA is not likely, the Business Service Center shall so advise the inquirers and shall provide appropriate counseling with respect to other agencies' potential procurement.

§ 5–1.5405 Processing of completed application forms.

(a) Completed new item application forms shall be referred to the Business Service Center for review and appropriate action. The Business Service Center shall:

(1) Assign a control number to each application for which it has processing responsibility and record all data essential to the maintenance of a control system which will enable the Business Service Center to ascertain the status of each application every 30 days from the date of receipt and to provide the Director of Business Services and Small Business, Central Office, a monthly status report on all applications which are pending 60 days or more from the date of receipt in the region. A new series of control numbers shall be established at the beginning of each fiscal year for applications received during that year. Each annual series shall be in numerical sequence and shall identify the processing region and the fiscal year in which the applications are received and processed. For example, number R5–63–1 would be the number assigned to the first application processed by Region 5 during fiscal year 1963.

(2) Transmit the original and one copy of the application to that regional operating service having primary interest in the item involved.

(3) Inform each other Business Service Center that the item has been taken under consideration. If other Business Service Centers receive duplicate inquiries they shall be referred to the Business Service Center receiving the initial inquiry and the inquirers so advised.

(b) Upon receipt of an application from the Business Service Center, the regional operating service shall:

(1) Objectively evaluate the merits and uses of the items presented.

(2) Determine the need for and acceptability of the items in connection with regional operational and program responsibilities.

(3) Take such actions within the scope of regional authority as is appropriate in the light of the evaluation under (1) and (2), above.

(4) Prepare a report of evaluations and actions and forward it with the original copy of the application to the appropriate Central Office counterpart organizational element. Reports on rejected items shall contain a full explanation as to the reasons therefor.

(5) Furnish the Business Service Center a copy of the report referred to in (4), above.

(c) Upon receipt of the application and the regional report, the Central Office operating service shall:

(1) Objectively evaluate the merits and uses of the items presented. In cases in which sufficient information is not provided on the application to permit an accurate evaluation of the product, the applicant shall be requested to provide technical specifications (not sales literature). When, in addition to the technical specifications, test data are required to permit an accurate evaluation to be made, the applicant shall be advised of the specific test data to be submitted.

(2) Determine the need for and acceptability of the item (considering the requirements of other GSA services as well) in connection with overall national operational and program responsibilities.

(3) Take appropriate actions to assure that acceptable items are made available to potential users on a national or local basis.

(4) Advise the applicant in writing of the action taken. When the item is not accepted, the applicant shall be informed of the reason for nonacceptance. Advice of nonacceptance shall, where appropriate, contain a statement that other Federal agencies having need for the item may seek procurement through appropriate contracting facilities.

(5) Advise all Business Service Centers of final disposition by providing them a copy of the letter to the applicant.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: October 5, 1962.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 62–10140; Filed, Oct. 10, 1962; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Bitter Lake National Wildlife Refuge, New Mexico

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,600 acres or 7 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Quail.

(b) Open season: From one-half hour before sunrise to sunset, November 22, 1962, through December 16, 1962.

(c) Daily bag limit: 10 per day

(d) Methods of hunting:

(1) Weapons: Shotguns only may be used. (Shotguns larger than 10 gauge or capable of holding more than 3 shells in magazine and chamber combined and all pistols and rifles are prohibited.)

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 17, 1962.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 3, 1962.

[F.R. Doc. 62-10110; Filed, Oct. 10, 1962; 8:45 a.m.]

PART 32—HUNTING

National Wildlife Refuges, North Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,000 acres or 69 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer or mule deer during the season specified below. The hunting of big game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset on November 20, 1962, and from sunrise to sunset November 21, 1962, through November 28, 1962.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer, any age or sex.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(2) A special license is required in State Deer Unit II–H in which the Arrowwood National Wildlife Refuge is located. Applications for such special license must be made to the State Game and Fish Department, Bismarck, North Dakota.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 29, 1962.

DES LACS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Des Lacs National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 17,740 acres or 94 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Any white-tailed deer regardless of sex or age. Those holding special mule deer permits for Area D may take a white-tailed or mule deer regardless of sex or age. The hunting of big game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset on November 20, 1962, and from sunrise to sunset November 21, 1962, through November 28, 1962.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer, any age or sex.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(2) A special license is required in State Deer Unit II–H in which the Arrowwood National Wildlife Refuge is located. Applications for such special license must be made to the State Game and Fish Department, Bismarck, North Dakota.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 29, 1962.

DES LACS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Des Lacs National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 17,740 acres or 94 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Any white-tailed deer regardless of sex or age. Those holding special mule deer permits for Area D may take a white-tailed or mule deer regardless of sex or age. The hunting of big game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset November 20, 1962, and from sunrise to sunset November 21, 1962, through November 28, 1962.

(c) Bag limit: One deer per person per season.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 26, 1962.

LONG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Long Lake National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,700 acres or 93 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Any white-tailed deer regardless of sex or age. Those holding special mule deer permits for Area D may take a white-tailed or mule deer regardless of sex or age. The hunting of big game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset November 20, 1962, and from sunrise to sunset November 21, 1962, through November 25, 1962.

(c) Bag limit: One deer per person per season.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 26, 1962.

LOSTWOOD NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Lostwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,300 acres or 97 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: any white-tailed deer regardless of sex or age. Those holding special mule deer permits for Area D may take a white-tailed or mule deer regardless of sex or age. The hunting of big game species,

as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset November 20, 1962, and from sunrise to sunset November 21, 1962, through November 25, 1962.

(c) Bag limit: One deer per person per season.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 26, 1962.

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Lower Souris National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres or 99.5 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Any white-tailed deer regardless of sex or age. Those holding special mule deer permits for Area D may take a white-tailed or mule deer regardless of sex or age. The hunting of big game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset November 20, 1962, and from sunrise to sunset November 21, 1962, through November 25, 1962.

(c) Bag limit: One deer per person per season.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 26, 1962.

SLADE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Slade National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,840 acres or 95 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Any white-tailed deer regardless of sex or age. Those holding special mule deer permits for Area D may take a white-tailed or mule deer regardless of sex or age. The hunting of big game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset November 20, 1962, and from sunrise to sunset November 21, 1962, through November 25, 1962.

(c) Bag limit: One deer per person per season.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 26, 1962.

SNAKE CREEK NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Snake Creek National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 13,435 acres or 91 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Any white-tailed deer regardless of sex or age. Those holding special mule deer permits for Area D may take a white-tailed or mule deer regardless of sex or age. The hunting of big game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset November 20, 1962, and from sunrise to sunset November 21, 1962, through November 25, 1962.

(c) Bag limit: One deer per person per season.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A special license is required in State Deer Unit II–L in which the Tewaukon National Wildlife Refuge is located. Applications for such special license must be made to the State Game and Fish Department, Bismarck, North Dakota.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

TEWAUKON NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Tewaukon National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,840 acres or 33 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer or mule deer during the season specified below. The hunting of big game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset on November 20, 1962, and from sunrise to sunset November 21, 1962, through November 28, 1962.

(c) Bag limit: One deer per person per season, either white-tailed or mule deer, any age or sex.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A special license is required in State Deer Unit II–L in which the Tewaukon National Wildlife Refuge is located. Applications for such special license must be made to the State Game and Fish Department, Bismarck, North Dakota.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 29, 1962.

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Upper Souris National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,500 acres or 98 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Any white-tailed deer regardless of sex or age. Those holding special mule deer permits for Area D may take a white-tailed or mule deer regardless of sex or age. The hunting of big game species, as may be otherwise authorized by North Dakota State regulations, is prohibited.

(b) Open season: From 12:00 noon to sunset November 20, 1962, and from sunrise to sunset November 21, 1962, through November 25, 1962.

(c) Bag limit: One deer per person per season.

(d) Methods of hunting:

(1) Weapons—deer may be taken with rifle or shotgun. Shotguns must be .410 gauge or larger, rifled slugs only. Only rifles firing center fire cartridges and of .22 caliber or larger, shall be legal. Rimfire cartridges shall be illegal. Legal weapons must have a minimum barrel length of 18 inches. Fully automatic guns and full metal jacketed bullets or altered bullets are not permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 26, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 3, 1962.

[F.R. Doc. 62-10109; Filed, Oct. 10, 1962; 8:45 a.m.]

PART 32—HUNTING

Seney National Wildlife Refuge, Michigan

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Seney National Wildlife Refuge, Michigan, is permitted only on the area designated by signs as open to hunting. This open area, comprising 85,200 acres or 89 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer and bear during the season specified below. The hunting of big game species, as may be otherwise authorized by Michigan State regulations, is prohibited.

(b) Open season: From 6:00 a.m. to 7:00 p.m., e.s.t., each day from November 10, 1962, through November 25, 1962.

(c) Bag limits: Deer and bear—one per person per season. Deer must be a male with antlers extending at least three (3) inches above the skull, except that hunters possessing a valid 1962 special deer hunting permit for Area 29 may take one deer of any age and of either sex.

(d) Methods of hunting:

(1) Weapons—Legal firearms or bow and arrow. No .22 caliber rim fire rifles permitted; no crossbows permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 26, 1962.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 3, 1962.

[F.R. Doc. 62-10111; Filed, Oct. 10, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 191, 192]

GENERAL REGULATIONS APPLICABLE TO MINERAL PERMITS, LEASES, AND LICENSES; OIL AND GAS LEASES

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of February 25, 1920 (41 Stat. 437), as amended (30 U.S.C. 181 et seq.), it is proposed to amend 43 CFR Parts 191 and 192 as set forth below.

The purpose of these amendments is to clarify the regulations with respect to the evidence required of corporations filing applications for oil and gas leases and to require the submission of a showing of qualifications of stockholders owning over 10 percent of the stock of the corporation; to permit certain offerors including associations (partnerships) and attorneys in fact or agents to refer to previously filed evidence of qualifications or authority to act when filing subsequent oil and gas lease offers; to clarify the regulations pertaining to oil and gas royalty interest assignments; and to provide for the leasing of fractional oil and gas interests in public lands.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 191.4 is amended to read as follows:

§ 191.4 Rights of aliens.

Aliens may not acquire or hold any direct or indirect interest in permits or leases, except that they may own or control stock in corporations holding permits or lease, if the laws of their country do not deny similar or like privileges to citizens of the United States. If any appreciable percentage of the stock of a corporation is held by aliens who are citizens of a country denying similar or like privileges to United States citizens, its application will be denied.

2. Subparagraph (3)(i) of paragraph (e) of § 192.42 is amended to read as follows:

§ 192.42 Offer to lease, and issuance of lease.

* * * * * * *

(e) * * *

(3)(i) Except in a case where an officer of a corporation signs an offer on behalf of the corporation (as to which see paragraph (f) of this section), evidence of the authority of the attorney in fact or agent to sign the offer and lease, if the offer is signed by such attorney or agent on behalf of the offeror. Where such evidence has previously been filed in the same land office where the offer is filed, a reference to the serial number of the record in which it has been filed, together with a statement that such authority is still in effect will be accepted.

3. Section 192.42(f) is amended to read as follows:

§ 192.42 Offer to lease, and issuance of lease.

* * * * * * *

(f) If the offeror is a corporation, the offer must be accompanied by a statement showing (1) the State in which it is incorporated, (2) that it is authorized to hold oil and gas leases and that the officer executing the lease is authorized to act on behalf of the corporation in such matters, (3) the percentage of voting stock and of all the stock owned, held, or controlled by aliens or those having addresses outside of the United States, and (4) the names and addresses of the stockholders holding more than 10 percent of the stock of the corporation. When the stock owned, held, or controlled by aliens is over 10 percent, additional information, including information as to whether any of the stock owned, held, or controlled by aliens is owned, held, or controlled by citizens of a country, the laws, customs, or regulations of which deny similar or like privileges to citizens of this country, shall be required by the Bureau before the lease is issued. A separate showing of citizenship and holdings of stockholders owning or controlling more than 10 percent of the corporation must also be furnished. Where such material has previously been filed a reference by serial number to the record in which it has been filed, together with a statement as to any amendments will be accepted.

4. A new paragraph (n) is added to § 192.42 to read as follows:

§ 192.42 Offer to lease, and issuance of lease.

* * * * * * *

(n) Where evidence of the authority to act of a guardian, trustee, an executor or administrator, or where articles of association, including partnership agreements, have previously been filed pursuant to regulations in this section, a reference by serial number to the record in which such evidence has previously been filed, together with a statement as to any amendments thereof will be accepted.

5. Paragraph (a)(1) of § 192.141 is amended to read as follows:

§ 192.141 Requirements for filing of transfers.

(a)(1) Except for assignments of royalty interests all instruments of transfer of a lease or of an interest therein, including assignments of working interests, operating agreements, and subleases, must be filed for approval within 90 days from the date of final execution and must contain all of the terms and conditions agreed upon by the parties thereto, together with a statement over the transferee's own signature with respect to citizenship and interests held, similar to that required of an offeror under § 192.42 (e) (3), (4) and (f).

6. Section 192.145 is amended to read as follows:

§ 192.145 Royalty interests in oil and gas leases and assignments thereof.

Royalty interests in oil and gas leases constitute holdings or control of lands and deposits within the meaning of section 27 of the act. In order that the holdings of the assignee may be verified, all assignments of royalty interests must be filed for record purposes within 90 days from the date of execution, but no formal approval will be given. Any such assignment will be deemed to be valid provided it is accompanied by a statement over the assignee's signature that he is a citizen of the United States and that his interests in oil and gas leases do not exceed the acreage limitation as provided in § 192.3 and by the statement as to overriding royalties required by § 192.83. If any portion of this statement is found to be false the assignment shall be invalid.

7. A new § 192.162 is added to read as follows:

§ 192.162 Leases of fractional interests.

(a) Competitive and noncompetitive oil and gas leases for lands in which the United States owns an undivided fractional oil and gas interest may be issued pursuant to the regulations in this part, subject to the provisions of this section.

(b) An offer for a fractional interest noncompetitive oil and gas lease must be filed on Form 4–1158 in accordance with § 192.42. The offer must be accompanied by a statement showing the offeror owns the entire operating rights to the fractional mineral interest not owned by the United States in each tract covered by the offer to lease, and if not, the extent of the offerors ownership in the operating rights in each tract, and the names of other parties who own operating rights in such fractional interests. Ordinarily, the issuance of a noncompetitive fractional interest oil and gas lease to one who, upon such issuance, would own less than a majority interest in the operating rights in any such tract, will not be regarded as in the public interest, and an offer leading to such result will be rejected.

(c) Rentals, minimum royalties and royalties payable for lands in which the United States owns an undivided fractional interest shall be in the same proportion to the rentals, minimum royalties and royalties, provided in §§ 192.80, 192.81, and 192.82, respectively, of this part, as the undivided fractional interest of the United States in the oil and gas underlying the leased lands is to the full mineral interest.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 4, 1962.

[F.R. Doc. 62-10116; Filed, Oct. 10, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 145, 146, 147]

NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS AND AUXILIARY PROVISIONS

Notice of Proposed Rule Making

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Department of Agriculture has under consideration proposed amendments of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions recommended by the 1962 Conference of representatives of the State agencies cooperating in the administration of the Plans, and that, pursuant to section 101(b) of the Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429), it is proposed to amend Parts 145, 146 and 147 of Title 9, Code of Federal Regulations, to incorporate such recommended amendments and to make incidental changes for clarity and consistency. Said Parts 145, 146 and 147 would be amended in the following respects:

§ 145.5 [Amendment]

1. Section 145.5 would be amended by changing paragraph (a) to read:

(a) Poultry equipment, and poultry houses and the land in the immediate vicinity thereof shall be kept in sanitary conditions, and effective July 1, 1963, the participating flock, its eggs, and all equipment used in connection with the flock shall be separated from non-participating flocks, in a manner acceptable to the Official State Agency. The procedures outlined in §§ 147.31 and 147.32 (a) and (e) of this chapter shall be considered as a guide in determining compliance with this provision.

§ 145.10 [Amendment]

2. Section 145.10 would be amended by changing the portion of paragraph (b) preceding figure 3 to read:

(b) *U.S. Performance Tested Parent Stock.* Stock meeting the requirements prescribed in § 145.23. This classification may be applied only to flocks maintained under the direct supervision of the qualifying breeder or by a multiplier designated by the breeder.

§ 145.14 [Amendment]

3. Section 145.14 would be amended by adding two new paragraphs, (g) and (h), to read, respectively:

(g) When evidence indicates that pullorum disease or fowl typhoid outbreaks are occurring in chicks, the Official State Agency may, at its discretion, require additional testing of the flock or flocks involved. If pullorum or typhoid is found, the flock involved immediately loses its classification and must be retested to meet the requirements outlined in § 145.10 (f) or (g). Furthermore, in such cases the Official State Agency may require that the hatching eggs from such flocks be removed from the incubator and destroyed prior to hatching.

(h) Any drug, for which there is scientific evidence of masking the test reaction or hindering the bacteriological recovery of Salmonella organisms, shall not be fed or administered to poultry within three weeks prior to a test or bacteriological examination upon which a Salmonella classification is based.

§ 145.15 [Amendment]

4. Section 145.15 would be amended by changing the first sentence of paragraph (f) to read:

(f) Participants are encouraged to enter random sample tests annually as a further measure of the performance of their stock. • • •

§ 145.19 [Amendment]

5. Section 145.19 would be amended by changing paragraph (a) to read:

(a) For ROP participants having an entry in a random sample egg production test as provided in § 145.15(f), the report specified in § 145.26(c).

§ 145.19 [Amendment]

6. Section 145.19 would be further amended by changing the introductory portion of paragraph (b), and subdivisions (ii) and (iii) of subparagraph (3), and subparagraph (11) to read, respectively:

(b) For ROP participants having no entry in a random sample egg production test as provided in § 145.15(f) and for other participants at their request a report comprised of the following:

• • • • • •

(3) • • •

(ii) Individual birds otherwise meeting the requirement of 60 percent production during a period of at least 8 months;

(iii) Families of 6 or more meeting the requirement of 65 percent production during a period of at least 8 months;

• • • • • •

(11) Average egg production of all birds entered for qualification on basis of 8 months or 365 days reported in percentage production and number of eggs, respectively;

7. The present §§ 145.22 through 145.33 would be deleted, and the following new §§ 145.22 through 145.28 would be issued in lieu thereof:

§ 145.22 U.S. Performance Tested Parent Stock; general.

(a) The Performance Tested Parent Stock classification may be attained by a stock represented by an entry in a random sample test for which the records have been included in a combined summary published by the AH Division.

(b) Application for the classification shall be made to the Official State Agency by the breeder of the parent stock. Such application, if acceptable to the Official State Agency, shall be submitted to the AH Division.

§ 145.23 U.S. Performance Tested Parent Stock; qualification.

(a) Stocks offered for qualification under § 145.22 may qualify as:

(1) Performance Tested Parent Stock for egg production when the regressed mean of the stock for income above feed and chick cost per pullet housed, as published in the combined summary, exceeds the overall mean for all entries in all tests or is not significantly different, at the 5 percent level of probability, from the stock with the highest regressed mean.

(2) Performance Tested Parent Stock for meat production when the regressed mean of the stock for rate of growth (average live weight at completion of test) and for rate of egg production on a hen-housed basis, as published in the combined summary, exceeds the overall mean for all entries in all tests or is not significantly different, at the 5 percent level of probability, from the stock with the highest regressed mean.

(b) Qualification for the U.S. Performance Tested Parent Stock classification shall be determined by the AH Division from records published in the combined summary, and that Division shall notify each applicant and his Official State Agency of his qualification or failure to qualify.

(c) Stock classified as Performance Tested Parent Stock may retain that classification for one year after qualification, provided the stock is maintained under the supervision of the qualifying breeder, and is mated in the same combination, and for one more year when, in addition, the stock has been continuously represented by an entry for which the test results have been included in the combined summary. When the entry on which qualification is based is the progeny of a combination of two stocks which are distributed commercially under different strain or trade names, each stock may be designated as Performance Tested Parent Stock, but this interrelationship shall be specified when the classification of either stock is referred to in advertising or certification.

§ 145.24 U.S. Performance Tested Parent Stock; sale of products.

When products are sold or offered for sale as Performance Tested Parent Stock, the breeder shall be able to substantiate by records filed with the Official State Agency that such products are qualified for this classification.

§ 145.25 Random sample tests; general.

(a) The tests shall obtain specified performance data on representative samples of the stocks of two or more breeders, maintained under equal treatment with respect to housing, feeding, and management, at each test location.

(b) The tests shall be conducted by an impartial public agency.

(c) Samples shall be taken, preferably under the supervision of the Official State Agency, in accordance with the following procedures:

(1) Determine from Official State Agency records the number and location of all flocks within the State supplying eggs of the grade to be tested. By a process of drawing at random names or assigned numbers, determine from which of these flocks the sample is to be taken. The flock or flocks from which the sample is taken must include at least 1,000 birds.

(2) The eggs shall be taken from the nests, the farm egg room, or cases of hatching eggs or setting trays in the hatchery, in proportion to the number of birds in each flock represented.

(3) The sample shall not include eggs which, in the opinion of the sample taker, are unsuitable for hatching.

(4) The sample shall be placed in an appropriate container and the container sealed with a distinctive seal or sealing tape by the sample taker.

(5) The sample taker shall furnish the Official State Agency and the test supervisor with a detailed report of the procedures followed in obtaining each sample.

(d) Entries shall be maintained in two or more replicates and the performance of the replicates recorded separately.

(e) Pen assignments shall be made at random to reduce to a minimum any bias in results due to pen location.

§ 145.26 Random sample egg production test.

(a) A minimum of 50 pullet chicks, hatched from the egg sample, shall be started for each entry.

(b) Records shall be kept on the performance of each entry until the birds reach 500 days of age.

(c) At the end of the test, and no later than November 1, the Supervisor shall submit to the AH Division, for analysis and publication, a summary for each entry covering the following items:

(1) Name and address of entrant and the source of the sample;

(2) Breed or cross of breeds entered (indicate if entry is a pure strain, line cross, strain cross, breed cross, incross, incrossbred or synthetic);

(3) Strain or trade name;

(4) Percent mortality to 150 days of age or subsequent age at housing;

(5) Percent laying house mortality computed from 150 days of age or subsequent age at housing to 500 days of age;

(6) Days of age to 50 percent production calculated from the first day of the first two consecutive days of 50 percent production for living birds in the entry at that time;

(7) Number of eggs per pullet housed to 500 days of age;

(8) Percent hen-day production from the time the birds reached 50 percent production to 500 days of age;

(9) Income over feed and chick cost per pullet housed, with chick cost in 1,000 lots at hatch date adjusted for mortality (accidental deaths, sexing errors and missing chicks not included);

(10) Pounds of feed per 24 ounces of eggs produced (weight of eggs produced shall be computed from production and egg weight records (bulk weighings) for each two week period throughout the test);

(11) Average annual egg weight computed from bulk weighings at least every two weeks or two days a month at equal intervals;

(12) Body weight at 150 days of age or subsequent age at housing and at the end of test;

(13) Albumen quality—Haugh Units measured on one day's eggs per quarter or every three months, at equal intervals, broken-out basis;

(14) Percentage of eggs with large blood spots, ⅛ inch or more, computed from at least three days' eggs per quarter, broken-out basis;

(15) Percentage of eggs with small blood spots, less than ⅛ inch, computed from at least three days' eggs per quarter, broken-out basis;

(16) Percentage of eggs with large colored meat spots, ⅛ inch or more, computed from at least three days' eggs per quarter, broken-out basis;

(17) Percentage of eggs with small colored meat spots, less than ⅛ inch, computed from at least three days' eggs per quarter, broken-out basis;

(18) Shell thickness by direct measurement to the nearest 1/1000 inch from at least one breakout each quarter.

§ 145.27 Random sample meat production test.

(a) For the growing phase:

(1) An entry shall consist of at least 200 chicks hatched from a sample of eggs obtained as prescribed in § 145.25 or from an entry of the stock in the laying phase;

(2) Records shall be kept on the performance of each entry for a period determined by the test management;

(3) At the end of the test and no later than February 1, the Supervisor shall submit to the AH Division, for analysis and publication, a summary for each entry covering the following items:

(i) Name and address of the entrant and the source of the sample;

(ii) Breed and strain or trade name of stock entered (including, for entries involving a cross of stocks, the identification of the stocks represented by the males and females in the parent flock);

(iii) Viability of chicks started to completion of test;

(iv) Average live weight of all pullets at completion of test;

(v) Average live weight of all cockerels at completion of test;

(vi) Percent eviscerated yield, by sexes, based on the live and eviscerated weights of all birds, or at least 50 birds of each sex selected at random, at the completion of the test;

(vii) Percent weight distribution in each U.S. Grade, by sexes, based on United States Classes, Standards and Grades for Poultry as contained in 7 CFR, Part 70, Subpart B (all factors considered except handling and dressing defects);

(viii) Feed conversion expressed as the pounds of feed required to produce a pound of live weight to the completion of test; and

(b) For the laying phase:

(1) An entry shall consist of a mating, including at least 50 pullets, representative of the stock entered. The birds in the entry shall be produced from a sample of eggs obtained as prescribed in § 145.25;

(2) Records shall be kept on the performance of each entry for a growing period of at least 150 days and an egg production period of 240 days;

(3) At the end of the test and no later than January 1, the Supervisor shall submit to the AH Division, for analysis and publication a summary for each entry covering the following items:

(i) Name and address of the entrant and the source of the sample;

(ii) Breed and strain or trade name of the stock entered and, for entries comprised of males of one and females of a different stock, the identification of each stock;

(iii) Percent mortality to 150 days of age or to subsequent age at housing;

(iv) Percent mortality from 150 days of age or subsequent age at housing, to end of the 240-day period;

(v) Number of eggs per pullet housed to end of the 240-day period;

(vi) Percent hen-day production from the time the birds reached 50 percent production to end of the 240-day period. (The time of reaching 50 percent production shall be the first day of the first two consecutive days of 50 percent production for living birds in the entry at that time);

(vii) Average egg weight as computed from bulk weighings of all eggs laid at least one day a month;

(viii) Percent hatchability of all eggs set;

(ix) Body weight of females at end of test;

(x) Pounds of feed consumed during the 240-day period per dozen of eggs produced.

§ 145.28 Random sample tests; combined summary.

(a) The combined summary published by the AH Division shall include the results of all acceptable tests, combined by stocks, with adjustments for tests differences and the use of other accepted statistical procedures.

(b) The provisions specified in §§ 145.25 and 145.26 or § 145.27 shall be used by the AH Division as a guide for determining acceptability of test results for inclusion in the combined summary.

§ 146.5 [Amendment]

8. Section 146.5 would be amended by changing the first sentence of paragraph (a) to read:

(a) Poultry equipment, and poultry houses and the land in the immediate vicinity thereof shall be kept in sanitary condition and the participating flock, its eggs, and all equipment used in connection with the flock shall be separated from non-participating flocks in a man-

ner acceptable to the Official State Agency. * * *

§ 146.14 [Amendment]

9. Section 146.14 would be amended by adding a new paragraph (h) to read:

(h) Any drug, for which there is scientific evidence of masking the test reaction or hindering the bacteriological recovery of Salmonella organisms, shall not be fed or administered to turkeys within three weeks prior to a test or bacteriological examination upon which a Salmonella classification is based.

§ 146.30 [Amendment]

10. Section 146.30 would be amended by changing paragraph (k) to read:

(k) The results of the tests reported to the AH Division by December 1 shall be published in a national summary by test and entry. The national summary shall also include a report of a statistical analysis of the combined results of all tests, by stocks, showing the significance of the differences between stocks.

§ 146.31 [Deletion]

11. Section 146.31 would be deleted.

§ 147.24 [Amendment]

12. Section 147.24 would be amended by changing the third sentence to read: "It is recommended but not required that the official delegates be Plan participants."

§ 147.35 [Amendment]

13. Section 147.35 would be amended by changing subparagraph (2) of paragraph (a) to read:

(2) The eggs should be placed on wire racks, in wire baskets, or on cup-type egg flats stacked outside of the egg cases (to permit air circulation) and exposed to circulating formaldehyde gas.

§ 147.35 [Amendment]

14. Section 147.35 would be further amended by adding a new paragraph (f) to read:

(f) The cheesecloth method of fumigation described in this paragraph may be used in lieu of the chemical method described in paragraph (b) of this section, using 0.6 cc of formalin (37.5 percent) per cubic foot of space in the incubator, or paragraph (e) of this section, using 0.9 cc of formalin (37.5 percent) for each cubic foot of space in the empty hatcher.

(1) Enough cheesecloth should be used to absorb all of the formalin that is to be used for the fumigation.

(2) The formalin-saturated cheesecloth should be hung in the cabinet in such a manner as to permit the circulating air to evaporate all the formalin. This will require longer than 20 minutes.

(3) Care should be taken to prevent the cheesecloth from blocking the air movement created by the fans.

(4) The cheesecloth method is not suitable for still air machines.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions may do so by filing them with the Director, Animal Husbandry Research Division, Agricultural Research Center, Beltsville, Maryland, within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of October 1962.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 62-10142; Filed, Oct. 10, 1962; 8:51 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 722]

UPLAND COTTON

Notice of Determinations To Be Made With Respect to Fixing a Date for Holding a Referendum and Issuing Regulations Pertaining to Acreage Allotments if a National Marketing Quota is Proclaimed for 1963 Crop

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "act") (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), the Secretary of Agriculture is preparing to determine whether a national marketing quota is required to be proclaimed for the 1963 crop of upland cotton (hereinafter referred to as "cotton"). If such quota is required, the Secretary will fix the date for holding a referendum and will issue regulations pertaining to acreage allotments for cotton.

It is expected that December 11, 1962, will be set as the date of the referendum in the regulations for the 1963 crop of upland cotton.

The regulations which the Secretary will issue pertaining to acreage allotments for the 1963 crop will be substantially the same as those issued for the 1962 crop and will provide for approval by the Secretary and publication thereof in the FEDERAL REGISTER of State and county allotments and State and county reserves.

Prior to making any of the foregoing determinations consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director of the Cotton Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within 10 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 8, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-10143; Filed, Oct. 10, 1962; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 8B9) has been filed by Troy Chemical Company, 338 Wilson Avenue, Newark 5, New Jersey, proposing the amendment of § 121.2519 *Defoaming agents used in the manufacture of paper and paperboard*, to provide for the use of the following substances as components of defoaming agents:

Mono-, di-, and triisopropanolamine.
Mono- and diisopropanolamine stearate.
Monobutyl ether of ethylene glycol.
Polyoxyethylene (3 mols) tridecyl alcohol.

Dated: October 4, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-10129; Filed, Oct. 10, 1962; 8:45 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF WORK, BUSINESS, AND FUNCTIONS

Temporary Authorities Board

OCTOBER 5, 1962.

The Interstate Commerce Commission has amended its Organization Minutes, being assignment of work, business and functions pursuant to section 17 of the Interstate Commerce Act, as amended, issue of March 7, 1961, revised to May 1, 1961 (26 F.R. 4773, 5167, 8434, 10991, and 12789 and 27 F.R. 1234, 1747, 2500, and 3830), in the following particulars:

Under the heading *Assignments to Boards*, paragraph (a) of Item 7.4, Temporary Authorities Board, has been amended, effective October 6, 1962, to read as follows:

(a) Section 210a(a), relating to applications for temporary authority for service by common or contract carriers by motor vehicle, except applications involving broad questions of policy, matters in which the decision of the Board would be inconsistent with an order of the Commission or a division, matters in which substantially the same question is already before the Commission or a division and the initial application received as a result of a strike which allegedly disrupts transportation in the area involved. After Division 1 has made the initial determination that a particular strike is disrupting transportation, it may, at its discretion, refer all subsequent applications involving the same strike to the Board for disposition. Matters herein excepted from the Board's jurisdiction shall be certified to Division 1 under Item 7.4(e).

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-10132; Filed, Oct. 10, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

October 1962 Monthly Sales List

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

These prices at which Commodity Credit Corporation commodity holdings are available for sale during October 1962 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, grain sorghums, soybeans, dry edible beans, rice (rough), peanuts (farmers' stock), honey, and gum turpentine.

Principal changes in the list for October are a shift to a 1962-crop price support basis in setting minimum domestic sales prices for corn and soybeans, and the addition of honey as announced September 20 (press release USDA 3342-62). Cheddar cheese has been added to the list of commodities eligible for barter.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for special export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cheddar cheese, cotton, tobacco, wheat, corn, rye, barley, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for October 1962 are 3½ percent for periods up to 12 months, and 4 percent for periods from over 12 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS Office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC or exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Programs (the Bureau of Foreign Commerce until Aug. 9, 1961), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agriculture commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, § 379.10(c) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland ASCS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati ASCS Commodity Office.
Butter	Domestic, unrestricted use: Announced prices, under LD-29 as amended, 63.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.0 cents per pound—Washington, Oregon, and California. All other States 64.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above any butter not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD-29, as amended: Spray process, U.S. Extra Grade, 17.40 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland ASCS Commodity Offices. Announced prices under LD-35: When sales are made under LD-33, as amended above, any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday. Under both LD-33, as amended, and LD-35, CCC will offer nonfat dry milk in redemption of payment-in-kind certificates earned under SM-7.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use: Announced prices under LD-29, as amended: 39.75 cents per pound New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 38.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any cheese offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16 (sale of upland cotton for unrestricted use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC. Export, CCC Credit Sales: Competitive bid under the terms and conditions of Announcements CN-EX-14 (acquisition of cotton for export under Credit Sales Program) and NO-C-17 (sale of upland cotton (for credit sales)). Cotton to be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC, less in either case an amount equal to the payment-in-kind cotton export payment rate in effect on the date of the acceptance of an offer. Export, CCC Export Sales: Competitive bid under the terms and conditions of Announcements CN-EX-16 (1962-63 Cotton Export Program—Sales) and NO-C-19 (sales of upland cotton, Cotton Export Program—1962-63 marketing year).
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-6 (revised July 22, 1960), as amended and NO-C-10, as amended. Under these announcements extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price for such cotton as determined by CCC.
Catalogs	Catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans ASCS Commodity Office.
Wheat, bulk	Domestic, unrestricted use: Market price basis in store,[1] but not less than 105 percent of the applicable 1962 support price [2] for the class, grade, and quality of the wheat plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added.

Commodity	Unit	Received by—		Examples of minimum prices (exrail or barge)		
		Truck	Rail or barge	Terminal	Class and grade	Price
Wheat	Bushel	*Cents* 9	*Cents* 3	Chicago Minneapolis Kansas City Portland	No. 1 RW No. 1 DNS No. 1 HW No. 1 SW	$2.43 2.50 2.43 2.32

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

Export:
(1) Under Announcement GR-265 (revised June 30, 1960), as amended, for redemption of certificates under export payment-in-kind program, (2) under Announcement GR-212 (Revision 2, Jan. 9, 1961), for specified offerings as announced and (3) as wheat under Announcement GR-261 (Revision 2, Jan. 9, 1961), or as flour under Announcement GR-262 (Revision 2, Jan. 9, 1961) or as flour under Announcement GR-263 (Revision 2, Jan. 9, 1961), for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily.

Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. (At Portland ASCS Commodity Office hard red winter wheat is not available for barter or Title I, P.L. 480 transactions.)

See footnotes at end of table.

Commodity	Sales price or method of sale	Unit	In store at— Point of production	In store at— Other point	Examples of minimum prices (exrail or barge) Terminal	Class and grade	Price
Barley, bulk (continued)	Export announcement sales: Storable: Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is the applicable 1962 support price referred to in Subparagraph B above. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Stocks at seaboard in the Portland ASCS Commodity Office area and at Duluth and Minneapolis in the Minneapolis ASCS Commodity Office area are also available. Domestic and export: Storable: A. Redemption of Feed Grain Program Certificates: Such CCC dispositions of storable barley as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. Redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to restrict the availability of barley at any location when ever such action is deemed necessary. For information on the availability of such barley from bin sites, contact the ASCS State or county offices. For information on the availability of such barley from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. B. General Sales: Market price basis in store,[1] but not less than 105 percent of the applicable 1962 support price [2] for the class, grade, and quality of the barley plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.	Bushel	*Cents* 0	*Cents* 3	Chicago	No. 2 YC, 13% moisture 95% Regular grain material.	$1.49¾

Available: For information on the availability of such corn from bin sites, contact ASCS State or county offices. For information on the availability of such corn from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS grain offices listed under Dry edible beans, below.

Export announcement sales: Storable: Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is the applicable 1962 support price referred to in Subparagraph B above.

Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

Stocks at seaboard in the Portland ASCS Commodity Office area and at Duluth and Minneapolis in the Minneapolis ASCS Commodity Office area are also available.

Domestic and export:

Storable: A. Redemption of Feed Grain Program Certificates: Such CCC dispositions of storable barley as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. Redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to restrict the availability of barley at any location when ever such action is deemed necessary. For information on the availability of such barley from bin sites, contact the ASCS State or county offices. For information on the availability of such barley from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

B. General Sales: Market price basis in store,[1] but not less than 105 percent of the applicable 1962 support price [2] for the class, grade, and quality of the barley plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.

Commodity	Sales price or method of sale	Unit	Received by— Truck	Received by— Rail or barge	Examples of minimum prices (exrail or barge) Terminal	Class and grade	Price
Rye, bulk	Domestic, unrestricted use: Storable: Market price basis in store,[1] but not less than 105 percent of the applicable 1962 support price,[2] for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.	Bushel	*Cents* 9	*Cents* 3	Minneapolis	No. 2 or better (or No. 2 on TW only).	$1.32

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed under dry edible beans, below.

Export: Under Announcement GR-368 (revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales.

Available: Evanston, Dallas, Kansas City, and Portland ASCS Commodity Offices, also Minneapolis ASCS Commodity Office as available in terminal location in Minneapolis area.

Commodity	Sales price or method of sale	Unit	Received by— Truck	Received by— Rail or barge	Examples of minimum prices (exrail or barge) Terminal	Class and grade	Price
Barley, bulk	Domestic, unrestricted use: Storable: Market price basis in store,[1] but not less than 105 percent of the applicable 1962 support price,[2] for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.	Bushel	*Cents* 8	*Cents* 3	Minneapolis	No. 2 or better	$1.21

Available: For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations, through the ASCS grain offices listed under Dry edible beans, below.

See footnotes at end of table.

Commodity	Sales price or method of sale	Examples of minimum prices (exrail or barge)				
		Unit	Received by—		Terminal	Class and grade	Price
			Truck	Rail or barge			
Grain sorghums, bulk	Domestic and export: Storable: A. Redemption of Feed Grain Program Certificates: Such CCC dispositions of storable sorghums as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. Redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain sorghums with which such certificates or rights may be satisfied. CCC also reserves the right to restrict the availability of grain sorghums at any location whenever such action is deemed necessary. For information on the availability of such grain sorghums from bin sites, contact ASCS State or county offices. For information on the availability of such grain sorghums from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. B. General Sales: Market price basis in store, but not less than 105 percent of the applicable 1962 support price for the class, grade, and quality of the sorghums plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.	Hundredweight	Cents 17	Cents 6	Kansas City	No. 2 or better	$2.46
Grain sorghums	Available: For information on the availability of such grain sorghums from bin sites, contact ASCS State or county offices. For information on the availability of such grain sorghums from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS grain offices listed under Dry edible beans, below. Export: Under Announcement GR-368 (revised Aug. 31, 1959) as amended for feed grain export payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 4, 1961), for application to arrangements for latter, approved credit and emergency sales. CCC stocks of grain sorghums held in California export terminals are the only grain sorghums stored in California available for sale under these export announcements, except that such sorghums shipped to California for disposition will be available for purchase authorizations or for barter. CCC will not sell for export at less than the class, grade, quality, and quantity to be made available for sale under the announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is the adjusted support price referred to in subparagraph B above. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.						
Soybeans, bulk (as available)	Domestic or export: Market price basis in store, but not less than the 1962 basic loan rate for No. 2 grade, basis point of production plus 19 cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-of-position charges at country loading point will be added to the above charges at subterminal or terminal storage point will be added.						
Rice, rough (as available)	Available: At bin sites through ASCS county offices. At other locations through the Evanston, Dallas, Kansas City, and Minneapolis ASCS Commodity Offices. Domestic, unrestricted use: Market price but not less than 105 percent of the applicable 1962 support price, plus 9 cents per hundredweight basis in store. Export: Under Announcement GR-406 (Revision 1, Feb. 1, 1961) Rice Export Program Announcement GR-406 (Revision 2, Revision 1, May 1, 1961), for approved credit sales. Prices, quantities, and varieties or rough rice available from Dallas ASCS Commodity Office.						
Peanuts, unshelled, farmers' stock (as available).	Domestic, unrestricted use: Competitive offers for unrestricted use, bulk in storage tanks, subject to acceptance by Naval Stores Branch, Tobacco Division, ASCS, U.S. Department of Agriculture.						
Gum turpentine							

Commodity	Sales price or method of sale	Examples of minimum price (exrail or barge)				
		Unit	In store at—		Terminal	Class and grade	Price
			Point of production	Other point			
Oats, bulk	Domestic and export: Storable: A. Redemption of Feed Grain Program Certificates: Such CCC dispositions of storable oats as may be designated by CCC, will be in redemption of certificates (or rights represented by pooled certificates) under a feed grain program. Redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of oats with which such certificates or rights may be satisfied. CCC also reserves the right to restrict the availability of oats at any location whenever such action is deemed necessary. For information on the availability of such oats from bin sites, contact ASCS State or county offices. For information on the availability of such oats from other locations, contact the Evanston, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. B. General Sales: Market price basis in store, but not less than 105 percent of the applicable 1962 support price for the class, grade, quality of the oats plus the amount shown below applicable to the storage point involved. For oats in store at other than the point of production the freight from point of production to the present point of storage will also be added.	Bushel	Cents 3	Other point	Chicago[7]	No. 2 or better Extra heavy.	$0.84½
Oats	Available: For information on the availability of such oats from bin sites, contact ASCS State or county offices. For information on the availability of such oats from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS grain offices listed under Dry edible beans, below. Export announcement sales: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind programs, and under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved credit and emergency sales. Oats will not be sold for application to Title I, P.L. 480 purchase authorizations or for barter. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is the adjusted support price referred to in subparagraph B above. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.						

See footnotes at end of table.

Commodity	Sales price or method of sale
Honey, extracted, unprocessed, 5-gal. cans or 55-gal. drums (as available).	Domestic, unrestricted use: Storable: Market price basis in store, but not less than the minimum price shown below for the respective class and color of honey.

Class and color	Cents per pound
Table:	
White or lighter	14.5
Extra light amber	13.4
Light amber	11.8
Nontable and other table	9.6

Commodity	Sales price or method of sale
Dry edible beans, bagged (as available).	Nonstorable: At not less than the market price as determined by CCC through the Cincinnati ASCS Commodity Office. Available: Cincinnati ASCS Commodity Office. Domestic: Domestic market price but not less than the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated point of production, amount of paid-in-freight to be added as applicable. For other grades, adjust by market differentials. In other areas, adjust by the 1962 price support differential.

Class	Price per hundredweight	Area of production
Small Red	$7.66	Washington.

Export: Under Announcement GR-409 the following price per hundredweight for U.S. No. 1 f.o.f. indicated point of production, amount of paid-in-freight to be added as applicable. In other areas, adjust by the 1962 price support differential.

Class	Price per hundredweight	Area of production
Small Red	$7.15	Washington.

Available: Portland ASCS Commodity Office.

[1] On bin site sales, such delivery basis shall be f.o.b. buyers conveyance at the bin site.
[2] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight for grain stored outside the area of production. Such support price shall include the loan bulletin premium for applicable sedimentation value (if the wheat is sold on a sedimentation basis). If it is not sold on a sedimentation basis such support price shall be increased by market premiums for applicable protein content, but not in excess of 25 cents per bushel.
[3] On bin site sales such delivery basis shall be f.o.b. buyers conveyance at the site.
[4] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight for grain stored outside the area of production.
[5] Such dispositions shall be for domestic unrestricted use or for export.
[6] To compute, multiply applicable support prices by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.
[7] Woodford County Illinois, origin.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on October 4, 1962.

ROBERT G. LEWIS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-10102; Filed, Oct. 10, 1962; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 337]

ARIZONA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

OCTOBER 4, 1962.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona effective November 9, 1962, at 10 a.m.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 12 N., R. 12 W.,
Sec. 3, lots 1, 2, 3, 4, S½;
Sec. 4, lots 1, 2, 3, 4, S½;
Sec. 5, lots 1, 2, 3, 4, S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, E½SW¼, SE¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, E½;
Sec. 8;
Sec. 9;
Sec. 10;
Sec. 11;
Sec. 12;
Sec. 13;
Sec. 14;
Sec. 15;
Sec. 16;
Sec. 17;
Sec. 18, lots 1, 2, 3, 4, E½W½, E½;
Sec. 19, lots 1, 2, 3, 4, E½W½, E½;
Sec. 20;
Sec. 21;
Sec. 22;
Sec. 23;
Sec. 24;
Sec. 25;
Sec. 26;
Sec. 27;
Sec. 28;
Sec. 29;
Sec. 30, lots 1, 2, 3, 4, E½W½, E½;
Sec. 31, lots 1, 2, 3, 4, E½W½, E½;
Sec. 32;
Sec. 33;
Sec. 34;
Sec. 35;
Sec. 36.

The areas described aggregate 21,121.87 acres.

2. The southern part of this township consists of gently rolling mountainous lands and the central and northern portions consist of heavily rolling mountainous lands. The soils of the bottom lands along the river are very fine sandy silt loam, and the soils on the balance of the township are sandy, gravelly, and stony.

3. The E½, SE¼SW¼ sec. 19, NW¼NW¼ and SW¼SW¼ sec. 20, W½SW¼ sec. 28, S½, S½NW¼, NW¼NW¼ sec. 29, W½, E½NW¼, NE¼SW¼ sec. 30, NE¼NE¼ sec. 31, N½, N½SE¼, SE¼SE¼ sec. 32, W½ and the W½E½ sec. 33, T. 12 N., R. 12 W. were withdrawn by Public Land Order 492 of July 2, 1948, for the Alamo Dam and Reservoir. The SW¼NW¼, W½SW¼ sec. 17, lots 1, 2, 3, 4, E½W½, E½ sec. 18, lots 1, 2, 3, 4, E½W½, E½ sec. 19, W½W½ sec. 20, W½SW¼ sec. 28, SE¼, W½ sec. 29, lots 1, 2, 3, 4, E½W½, E½ sec. 30, N½NE¼, SE¼NE¼, NE¼SE¼ sec. 31, all sec. 32, W½ and the W½E½ sec. 33, T. 12 N., R. 12 W. were withdrawn pursuant to an application for a preliminary permit filed February 19, 1927, by Joseph Wittmann pursuant to Sec. 24 of the Federal Power Act for Power Project No. 767.

4. The following described lands are opened to application, location, selection, and petition as outlined in paragraph 5, below. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract, or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified:

T. 12 N., R. 12 W.,
Sec. 3, lots 1, 2, 3, 4, S½;
Sec. 4, lots 1, 2, 3, 4, S½;
Sec. 5, lots 1, 2, 3, 4, S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, E½SW¼, SE¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, E½;
Sec. 8;
Sec. 9;
Sec. 10;
Sec. 11;
Sec. 12;
Sec. 13;
Sec. 14;
Sec. 15;
Sec. 16;
Sec. 17, E½, E½W½, NW¼NW¼;
Sec. 20, E½W½, E½;
Sec. 21;
Sec. 22;
Sec. 23;
Sec. 24;
Sec. 25;
Sec. 26;
Sec. 27;
Sec. 28, E½, NW¼, E½SW¼;
Sec. 29, NE¼;
Sec. 31, lots 1, 2, 3, 4, E½W½, SW¼NE¼, W½SE¼, SE¼SE¼;
Sec. 33, E½E½;
Sec. 34;
Sec. 35;
Sec. 36.

The areas described aggregate 17,099.38 acres.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 4 hereof, are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claim subject to allowance and confirmation will be adjudicated on the facts presented in support of each claims or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws presented prior to 10 a.m. on November 9, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 62-10141; Filed, Oct. 10, 1962; 8:51 a.m.]

[Arizona 010780]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Army Corps of Engineers has filed an application, serial number Arizona 010780 for the withdrawal of the land described below, from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws, subject to existing valid claims.

The applicant desires the land for construction of an Aircraft Control and and Warning Site, M-92 for the purposes of National Defense by the Department of the Air Force. The land is situated in the Coronado National Forest.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix 25, Arizona.

If circumstances warrant it a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER BASE MERIDIAN, ARIZONA

T. 11 S., R. 15 E., unsurveyed,
In Secs. 26 and 35.

The lands affected by the withdrawal in the above legal description contain approximately 30 acres.

RAYMOND C. CLEGHORN,
Acting State Director.

[F.R. Doc. 62-10134; Filed, Oct. 10, 1962; 8:49 a.m.]

[Arizona 020563]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Army Corps of Engineers has filed an application, Serial Number 020563 for the withdrawal of the land described below, from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws, subject to existing valid claims.

This withdrawal embraces patented lands. The withdrawal will become effective as to those lands upon acquisition thereof by the United States.

The applicant desires the land for construction, maintenance, and operation of a dam and spillway across Queen Creek. The construction of the dam and spillway is for flood control purposes necessary for establishment of the Whitlow Ranch Reservoir.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix 25, Arizona.

If circumstances warrant it a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER BASE MERIDIAN, ARIZONA

T. 1 S., R. 10 E.,
Sec. 25: S½SW¼, SW¼SE¼;
Sec. 36: W½NE¼, NW¼, N½SW¼.

The area described above aggregates 440 acres.

RAYMOND C. CLEGHORN,
Acting State Director.

OCTOBER 3, 1962.

[F.R. Doc. 62-10112; Filed, Oct. 10, 1962; 8:45 a.m.]

[Arizona 031722]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number Arizona 031722 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the general mining and mineral leasing laws, subject to valid existing rights and the Act of June 17, 1902 (32 Stat. 388).

The lands are situated in the Tonto National Forest, and will remain under the administration of the Forest Service.

The applicant desires the lands for the operation, maintenance, and administration of the areas surrounding the reservoirs along the Salt and Verde Rivers. Timber and other mineral resources, grazing resources, fish and wildlife resources, scenic, wilderness, recreational, and other values will remain unchanged.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their view in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix 25, Arizona.

If circumstances warrant it a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER BASE MERIDIAN, ARIZONA

T. 6 N., R. 7 E.,
Sec. 21.
T. 3 N., R. 8 E.,
Secs. 22, 23, and 26.
T. 2 N., R. 9 E.,
Secs. 10 and 11.

The area described above aggregates approximately 3,840 acres.

RAYMOND C. CLEGHORN,
Acting State Director.

OCTOBER 3, 1962.

[F.R. Doc. 62-10113; Filed, Oct 10, 1962; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 4, 1962.

The Bureau of Reclamation, Department of the Interior, has filed an application, Serial Number R 01051, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights. The applicant desires the land for the construction, operation, and maintenance in connection with the reservoir of the proposed Senator Wash Pump Storage Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 14 S., R. 23 E., unsurveyed,
Sec. 36, E½.
T. 15 S., R. 23 E., partly unsurveyed,
Sec. 1, E½.

The areas described aggregate approximately 640 acres.

The Bureau of Land Management will continue to manage the mineral leasing, grazing, and recreational resources of this land.

CHARLES L. SCHAEFER,
Acting Manager,
Land Office, Riverside.

[F.R. Doc. 62-10114; Filed, Oct. 10, 1962; 8:46 a.m.]

NEVADA

Order Providing for Opening of Public Lands

OCTOBER 5, 1962.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272, 43 U.S.C. 315g), as amended, the following described lands have been conveyed to the United States:

MOUNT DIABLO MERIDIAN, NEVADA

(Nevada 056267)

T. 47 N., R. 30 E.,
Sec. 9, NW¼NE¼, SE¼NW¼, NW¼SW¼.

(Nevada 054826, 054844, 057837, 057839, and 058613)

T. 27 N., R. 31 E.,
Sec. 5, S½;
Secs. 7 and 17.
T. 31 N., R. 31 E.,
Sec. 5, S½NW¼SW¼, S½SW¼, NE¼SW¼, SE¼;
Sec. 7, NE¼NE¼, N½NW¼NE¼;
Sec. 15, S½SW¼, SE¼;
Sec. 17, NE¼, E½NW¼, NW¼NW¼, N½SW¼NW¼, NE¼SW¼.

(Nevada 058384 and 058462)

T. 41 N., R. 32 E.,
Sec. 28, S½SE¼;
Sec. 34, NW¼NW¼, SE¼NW¼.
T. 42 N., R. 32 E.,
Sec. 36, NW¼NE¼.
T. 43 N., R. 32 E.,
Sec. 17, W½NE¼, SE¼NW¼, SW¼SW¼, E½SW¼, NW¼SE¼;
Sec. 20, NW¼, NW¼SW¼.

(Nevada 056262 and 058462)

T. 40 N., R. 33 E.,
Sec. 7, N½ NE¼.
T. 42 N., R. 33 E.,
Sec. 27, SW¼NE¼.
T. 35 N., R. 35 E.,
Sec. 24, SE¼NE¼.
T. 42 N., R. 36 E.,
Sec. 20, E½NE¼.
T. 47 N., R. 36 E.,
Sec. 3, lot 1.

(Nevada 058462 and 058578)

T. 42 N., R. 37 E.,
Sec. 12, SW¼NE¼, SE¼NW¼.
T. 47 N., R. 37 E.,
Sec. 9, SW¼NW¼, NE¼SE¼.

(Nevada 058300 and 058462)

T. 33 N., R. 38 E.,
Sec. 13, N½.
T. 37 N., R. 38 E.,
Sec. 16, E½SE¼;
Sec. 22, NE¼NW¼.
T. 39 N., R. 38 E.,
Sec. 22, NW¼NW¼.
T. 47 N., R. 38 E.,
Sec. 13, lots 5 and 6.

(Nevada 056261 and 058462)

T. 40 N., R. 39 E.,
Sec. 4, S½NE¼, N½SE¼.
T. 41 N., R. 39 E.,
Sec. 29, NE¼SE¼.
T. 47 N., R. 39 E.,
Sec. 6, lots 2 and 3;
Sec. 28, S½NW¼;
Sec. 29, SE¼NE¼.

(Nevada 057590 and 058462)

T. 40 N., R. 40 E.,
Sec. 8, SE¼;
Sec. 9, NW¼.
T. 42 N., R. 40 E.,
Sec. 36, N½NE¼, SE¼NE¼, SW¼NW¼, NE¼SE¼.
T. 43 N., R. 40 E.,
Sec. 32, NE¼SE¼;
Sec. 33, SW¼NW¼.
T. 41 N., R. 41 E.,
Sec. 6, SE¼SE¼.
T. 39 N., R. 43 E.,
Sec. 23, SE¼;
Sec. 24, SW¼;
Sec. 26, N½;
Sec. 34, NE¼NE¼.
T. 41 N., R. 43 E.,
Sec. 14, S½SW¼, NW¼SW¼;
Sec. 36, W½SW¼.
T. 39 N., R. 44 E.,
Sec. 5, lots 3 and 4;
Sec. 6, lots 1, 2, 3 and 4.
T. 40 N., R. 44 E.,
Sec. 4, lot 20;
Sec. 6, lot 3;
Sec. 18, W½SE¼;
Sec. 19, NE¼NE¼;
Sec. 32, S½SE¼;
Sec. 33, SW¼SW¼.

(Nevada 058533)

T. 37 N., R. 49 E.,
Sec. 24, E½, SE¼NW¼, E½SW¼;
Sec. 25, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 36, S½NE¼.
T. 37 N., R. 50 E.,
Sec. 18, lot 4, SE¼SW¼, SE¼SE¼;
Sec. 19, lots 1, 2, 3 and 4, SE¼NE¼, W½NE¼, E½W½, SE¼;
Sec. 20, SW¼NW¼, W½SW¼;
Sec. 28, NE¼, SW¼NW¼, SE¼SW¼, S½SE¼;
Sec. 29, S½NE¼, SW¼NW¼, NW¼SW¼, S½SW¼, E½SE¼;
Sec. 30, lots 2, 3 and 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 31, lot 1, N½NE¼, NE¼NW¼.

(Nevada 058305 and 058463)

T. 43 N., R. 54 E.,
Sec. 36, SE¼SE¼.
T. 33 N., R. 55 E.,
Sec. 13.
T. 43 N., R. 55 E.,
Sec. 10, SE¼NE¼;
Sec. 11, SE¼SW¼;
Sec. 12, S½SW¼;
Sec. 13, lots 2 and 3, NE¼NW¼;
Sec. 17, NW¼SE¼;
Sec. 26, N½SE¼, SE¼SE¼;
Sec. 31, lot 4, SE¼SW¼.

(Nevada 058301 and 058407)

T. 18 N., R. 57 E.,
Sec. 13, NW¼NW¼.
T. 17 N., R. 58 E.,
Sec. 14, N½NW¼, SW¼NW¼;
Sec. 15, SE¼NE¼;
Sec. 24, S½NE¼, NE¼SW¼, W½SE¼.
T. 39 N., R. 60 E.,
Sec. 36.

(Nevada 043690, 058304, and 058625)

T. 9 N., R. 61 E.,
Sec. 1, lots 2, 3, and 4;
Sec. 2, lots 1 and 2, SW¼NW¼, W½SW¼;
Sec. 3, lot 1;
Sec. 11, W½NW¼, E½SW¼.
T. 10 N., R. 61 E.,
Sec. 22, SE¼NE¼, E½SE¼;
Sec. 27, NE¼NE¼.
T. 16 N., R. 63 E.,
Sec. 1, S½SE¼;
Sec. 22, NE¼NE¼, SE¼NW¼, NW¼SW¼, SE¼SW¼, SW¼SE¼.
T. 19 N., R. 63 E.,
Sec. 2, S½SW¼;
Sec. 3, lots 1, 2, 3 and 4, SW¼NW¼, SW¼SW¼, SE¼SW¼, S½SE¼;
Sec. 4, SE¼;
Sec. 10, NE¼, NE¼NW¼, W½NW¼, E½SE¼;
Sec. 11, NE¼NW¼, W½NW¼;
Sec. 15, NE¼NE¼.
T. 20 N., R. 63 E.,
Sec. 26, S½NE¼, SE¼SW¼, W½SE¼;
Sec. 34, SE¼NE¼, S½SW¼, NE¼SW¼, N½SE¼;
Sec. 35, NE¼NW¼; W½NW¼.

(Nevada 057838, 058614, and 058625)

T. 34 N., R. 63 E.,
Sec. 21, NW¼SW¼, S½S½;
Sec. 28, NW¼NE¼, N½NW¼.
T. 19 N., R. 65 E.,
Sec. 28, N½NW¼;
Sec. 29, N½N½.
T. 19 N., R. 66 E.,
Sec. 11, SW¼SW¼;
Sec. 14, NW¼NW¼.
T. 20 N., R. 66 E.,
Sec. 27, S½SE¼;
Sec. 34, N½NE¼.
T. 16 N., R. 67 E.,
Sec. 3, lot 3, SE¼NW¼, E½SW¼;
Sec. 10, E½NW¼, SW¼SW¼, NE¼SW¼;
Sec. 16, E½NE¼, W½SE¼;
Sec. 21, W½E½;
Sec. 22, N½SW¼.
T. 17 N., R. 67 E.,
Sec. 34, SE¼NW¼, E½SW¼.
T. 18 N., R. 67 E.,
Sec. 7, NE¼SE¼.
T. 19 N., R. 67 E.,
Sec. 32, SW¼SE¼.

(Nevada 050637 and 058308)

T. 19 S., R. 54 E.,
Sec. 14, W½SW¼.
T. 18 S., R. 55 E.,
Sec. 20, SW¼NW¼.
T. 4 S., R. 67 E.,
Sec. 12, NE¼NE¼.

T. 4 S., R. 66 E.,
Sec. 7, E½NW¼.

The above tracts aggregate 16,445.11 acres more or less.

2. The conveyances to the United States included the minerals in the following described lands only:

MOUNT DIABLO MERIDIAN, NEVADA

T. 47 N., R. 30 E.,
Sec. 9, NW¼NE¼, SE¼NW¼, NW¼SW¼.
T. 27 N., R. 31 E.,
Sec. 5, S½;
Secs. 7 and 17.
T. 41 N., R. 32 E.,
Sec. 28, S½SE¼;
Sec. 34, NW¼NW¼, SE¼NW¼.
T. 42 N., R. 32 E.,
Sec. 36, NW¼NE¼.
T. 43 N., R. 32 E.,
Sec. 17, W½NE¼, SE¼NW¼, SW¼SW¼, E½SW¼, NW¼SE¼;
Sec. 20, NW¼, NW¼SW¼.
T. 42 N., R. 33 E.,
Sec. 27, SW¼NE¼.
T. 35 N., R. 35 E.,
Sec. 24, SE¼NE¼.
T. 42 N., R. 36 E.,
Sec. 20, E½NE¼.
T. 47 N., R. 37 E.,
Sec. 9, SW¼NW¼, NE¼SE¼.
T. 33 N., R. 38 E.,
Sec. 13, N½.
T. 37 N., R. 38 E.,
Sec. 16, E½SE¼;
Sec. 22, NE¼NW¼.
T. 39 N., R. 38 E.,
Sec. 22, NW¼NW¼.
T. 47 N., R. 38 E.,
Sec. 13, lots 5 and 6.
T. 40 N., R. 39 E.,
Sec. 4, S½NE¼, N½SE¼.
T. 47 N., R. 39 E.,
Sec. 6, lots 2 and 3;
Sec. 28, S½NW¼;
Sec. 29, SE¼NE¼.
T. 40 N., R. 40 E.,
Sec. 8, SE¼;
Sec. 9, NW¼.
T. 43 N., R. 40 E.,
Sec. 32, NE¼SE¼;
Sec. 33, SW¼NW¼.
T. 41 N., R. 41 E.,
Sec. 6, SE¼SE¼.
T. 39 N., R. 43 E.,
Sec. 23, SE¼;
Sec. 24, SW¼;
Sec. 26, N½;
Sec. 34, NE¼NE¼.
T. 41 N., R. 43 E.,
Sec. 14, S½SW¼, NW¼SW¼.
T. 39 N., R. 44 E.,
Sec. 5, lots 3 and 4;
Sec. 6, lots 1, 2, 3, and 4.
T. 40 N., R. 44 E.,
Sec. 4, lot 20;
Sec. 6, lot 3;
Sec. 18, W½SE¼;
Sec. 19, NE¼NE¼;
Sec. 32, S½SE¼;
Sec. 33, SW¼SW¼.
T. 43 N., R. 54 E.,
Sec. 36, SE¼SE¼.
T. 43 N., R. 55 E.,
Sec. 10, SE¼NE¼;
Sec. 11, SE¼SW¼;
Sec. 12, S½SW¼;
Sec. 13, lots 2 and 3, NE¼NW¼;
Sec. 17, NW¼SE¼;
Sec. 26, N½SE¼, SE¼SE¼;
Sec. 31, lot 4, SE¼SW¼.
T. 18 N., R. 57 E.,
Sec. 13, NW¼NW¼.
T. 17 N., R. 58 E.,
Sec. 14, N½NW¼, SW¼NW¼;
Sec. 15, SE¼NE¼;
Sec. 24, S½NE¼, NE¼SW¼, W½SE¼.
T. 19 N., R. 63 E.,
Sec. 2, S½SW¼;
Sec. 3, SE¼SW¼, S½SE¼;
Sec. 10, NE¼, NE¼NW¼, W½NW¼, E½SE¼;
Sec. 11, NE¼NW¼, W½NW¼;
Sec. 15, NE¼NE¼.
T. 34 N., R. 63 E.,
Sec. 21, NW¼SW¼, S½S½;
Sec. 28, NW¼NE¼, N½NW¼.
T. 19 N., R. 65 E.,
Sec. 28, N½NW¼;
Sec. 29, N½N½.
T. 4 S., R. 67 E.,
Sec. 12, NE¼NE¼.
T. 4 S., R. 68 E.,
Sec. 7, E½NW¼.

3. The conveyances to the United States included only the gas, coal, oil and oil shale in the following described lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 40 N., R. 33 E.,
Sec. 7, N½NE¼.
T. 47 N., R. 36 E.,
Sec. 3, lot 1.
T. 42 N., R. 37 E.,
Sec. 12, SW¼NE¼, SE¼NW¼.
T. 41 N., R. 39 E.,
Sec. 29, NE¼SE¼.
T. 42 N., R. 40 E.,
Sec. 36, N½NE¼, SE¼NE¼, SW¼NW¼, NE¼SE¼.

4. The land in T. 47 N., R. 30 E., is approximately one mile south of Denio, Nevada, at an elevation of about 4,200 feet. Vegetation consists of saltgrass, greasewood and other phreatophytes. Soils are alkali and silty clay with some blow sand present.

5. The lands in T's. 27 and 31 N., R. 31 E., are from approximately 4 miles to 27 miles northwest of Lovelock, Nevada. The elevation varies from 4,100 feet to 5,000 feet above sea level. Topography is gently rolling to rough and mountainous. The soils are sandy loam and gravelly and support sage, shadscale, annual forbs, and a few native grasses.

6. The land in T's. 41, 42, and 43 N., R. 32 E., is located northwest of Winnemucca, Nevada. Elevation varies from about 4,500 feet to 5,800 feet. Vegetation consists of rabbitbrush, saltgrass, and annual weeds. The only land possibly suitable for agricultural development is in T. 43 N., R. 32 E.

7. The land in T's. 40 and 42 N., R. 33 E., lies 45 to 57 miles northwest of Winnemucca, Nevada. Vegetation consists of sage, cheatgrass, rabbitbrush, and saltgrass.

8. The land in T. 35 N., R. 35 E., located southwest of Winnemucca, Nevada, contains saline alkali soils which support a growth of rabbitbrush, saltgrass and other phreatophytes. Agricultural development is not feasible.

9. The land in T. 42 N., R. 36 E., lies along the river bottom and contains saline alkali soils.

10. The land in T. 47 N., R. 36 E., is located about 10 miles west of McDermitt, Nevada, in a deep canyon and rimrock mountainous area at an elevation of approximately 5,600 feet. Soils vary from sandy loam to rocky lava benchlands.

11. The land in T. 42 N., R. 37 E., is within the Quinn River Valley, 2½ miles southeast of Orovada, Nevada. Soil is sandy loam supporting big sage, cheat and native grasses.

12. The land in T. 47 N., R. 37 E., is located just west of McDermitt, Nevada. Soils are nonsaline alkali which support big sage, cheatgrass and other annuals.

13. The land in T. 33 N., R. 38 E., lies 17 miles south of Winnemucca, Nevada, in the steep foothills of the Sonoma Range. Vegetation includes sage, rabbitbrush, bitterbrush, native grasses and annual forbs.

14. The land in T's. 37 and 39 N., R. 38 E., is located north of Winnemucca, Nevada. The topography varies from rough and mountainous to nearly level.

15. The land in T. 47 N., R. 38 E., located near McDermitt, Nevada, contains nonsaline alkali soils which support big sage, cheatgrass and other annuals.

16. The land in T's. 40 and 41 N., R. 39 E., lies southwest of the town of Paradise Valley, Nevada. Soils are nonsaline; topography varies from rough and mountainous to nearly level.

17. The land in T. 47 N., R. 39 E., southeast of McDermitt, Nevada, contains nonsaline alkali soils which support big sage, cheatgrass and other native grasses.

18. The land in T's. 40, 42, and 43 N., R. 40 E., and T. 41 N., R. 41 E., lies east of the town of Paradise Valley. Soils are nonsaline alkali soils. Topography varies from rough and mountainous to nearly level.

19. The land in T's. 39 and 41 N., R. 43 E., and T's. 39 and 40 N., R. 44 E., located northeast of Winnemucca, Nevada, contains sandy loam and nonsaline alkali soils. Vegetation consists of big sage, native grasses, shadscale and cheatgrass.

20. The land in T. 37 N., R's. 49 and 50 E., is located 25 miles north and west of Carlin, Nevada. Elevation is from 5,500 feet to 7,500 feet. Topography ranges from rolling hills to steep mountains with deep mountain soils.

21. The land in T. 33 N., R. 55 E., lies approximately 6 miles south of Elko, Nevada, at an elevation of 5,800 feet. The area is rolling with slopes 3 to 30 per cent, subject to sheet erosion. Soils are shallow and medium textured.

22. The land in T. 43 N., R's. 54 and 55 E., is located 6 to 12 miles north of North Fork, Nevada. Elevation varies from 6,400 feet to 7,000 feet. Soils are shallow with claypan and support a growth of sagebrush, bluegrass and annual grasses.

23. The land in T. 18 N., R. 57 E., and T. 17 N., R. 58 E., lies southeast of Eureka, Nevada, at an elevation of about 7,000 feet. Topography is rolling and characterized by dendridic drainage patterns.

24. The land in T. 39 N., R. 60 E., is located in the Tabor Flats area north and east of Deeth, Nevada. Soils are moderately deep with a vegetative covering of sagebrush, rabbitbrush, and mixed grasses.

25. The land in T's. 9 and 10 N., R. 61 E., is in White River Valley near Preston, Nevada. Topography varies from flat to rolling foothills. Vegetative cover consists of ricegrass, rabbitbrush, greasewood and shadscale.

26. The land in T's. 16, 19 and 20 N., R. 63 E., lies north of Ely, Nevada. Topography is generally flat. Duck Creek passes through portions of the land, creating a meadow and slough condition on some of the land.

27. The land in T. 34 N., R. 63 E., near Tobar, Nevada, is relatively flat. Soils are heavy, alkaline, playa and subject to slight wind and sheet erosion.

28. The land in T. 19 N., R. 65 E.; T's. 19 and 20 N., R. 66 E.; and T's. 16, 17, 18, and 19 N., R. 67 E., lies in scattered parcels along the foothills of the eastern portion of Schell Creek Range. Elevation varies from 5,500 feet to 7,000 feet. Soils are gravelly sand to clay loam. Vegetation is chiefly sagebrush, rabbitbrush and shadscale with a few scattered pinion and juniper trees.

29. The land in T. 19 S., R. 54 E., and T. 18 S., R. 55 E., is located within the boundaries of the Desert Game Range, and therefore is not subject to entry under the public land laws.

30. The land in T. 4 S., R's. 67 and 68 E., is about 6 miles east of Caliente, Nevada, at an elevation of 4,500 feet. The soils are productive, supporting big sage and juniper.

31. Pursuant to the authority delegated to me by Order No. 684, section 2.5, of the Assistant Director, Bureau of Land Management, the lands described in paragraph 1 are hereby restored to the operation of the public land laws, subject to any valid existing rights, and the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

32. Applications and offers, under the mineral leasing laws, for the lands described in paragraphs 2 and 3, received prior to 10:00 a.m. on October 5, 1962, will be considered as simultaneously filed as of that date and hour. The land as described in paragraph 2 will be open to mining location at 10:00 a.m., October 5, 1962.

33. Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Post Office Box 1551, Reno, Nevada.

ELLIS R. FERGUSON,
Acting Land Office Manager.

[F.R. Doc. 62-10135; Filed, Oct. 10, 1962; 8:50 a.m.]

National Park Service

[Order 3, Amdt. 11]

NATIONAL PARK SERVICE SUPERINTENDENTS ET AL.

Delegation of Authority

Order No. 3, issued March 8, 1956 (21 F.R. 1493) is amended by changing the designation references in sections 1, 1a, 4, and 5 from Region One Office to Southeast Regional Office; by withdrawal of sections 1(g), 2(h), and 3(n), pertaining to the inspection of properties transferred to state and local agencies for park, recreation and historic monument purposes pursuant to the Act of June 10, 1948 (62 Stat. 350), in view of the limitation contained in 245 DM 1.2A3.

Delete section 1(g).
Delete section 2(h).
Delete section 3(n).

Section 1(h) is renumbered (g); section 2(i) is renumbered (h); section 3(o) is renumbered (n); sections (7), (8), and (9) are renumbered sections (6), (7), and (8).

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C. 1962 ed., sec. 2, Region One Order No. 3 (21 F.R. 1493))

ELBERT COX,
Regional Director,
Southeast Region.

SEPTEMBER 18, 1962.

[F.R. Doc. 62-10115; Filed, Oct. 10, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[File 24-31]

LOUIS VANDERVEKEN ET AL.

Order Denying Export Privileges for an Indefinite Period

OCTOBER 9, 1962.

In the matter of Louis Vanderveken, E.M.M. (Equipement et Materiaux Modernes), Minexi, Volhardingstraat 27, Antwerp, Belgium, respondents.

The Director, Investigations Staff, Bureau of International Programs, United States Department of Commerce, has applied for an order denying to Louis Vanderveken, and to the above named firms under which he trades, all export privileges for an indefinite period because of the failure of said Vanderveken to furnish responsive answers to interrogatories without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations). In accordance with the practice, the application was referred to the Compliance Commissioner of the Bureau of International Programs who, after considering the evidence, has recommended that the application be granted.

The record shows that on December 1, 1961, an order was entered against Louis Vanderveken, Minexi, S.P.R.L., and Societe Commerciale d'Afrique (SOCODA), all of Antwerp, and also against Yvon Le Coq of Lens, France, temporarily denying export privileges. Said order was published in the FEDERAL REGISTER on December 9, 1961 (26 F.R. 11844). The order was based on an application of the said Director, Investigations Staff, pending the continued investigation of the export transactions giving rise to the application therein and the final disposition of administrative compliance proceedings which were about to be instituted against the respondent. The order was also effective against E.E.M. (Equipement et Materiaux Modernes) and Programm-Automation as parties related to Louis Vanderveken. The order which was entered was to remain in effect pending the final disposition of the administrative compliance proceedings unless amended, modified, or vacated.

The recommendation of the Compliance Commissioner has been reviewed and the evidence in support of the application has been considered. On the evidence I find that the investigation above referred to continues to be conducted; it is impracticable to issue a subpoena to the respondents; relevant and material interrogatories were duly served on the respondent Vanderveken and he replied thereto but answers to certain of the interrogatories were not responsive; said Vanderveken was duly requested to make further reply and give full responses and he failed to do so; he has not shown cause for his failure to furnish responsive answers. I further find that said Vanderveken does business under the firm name E.M.M. (Equipement et Materiaux Modernes) and also under the firm name Minexi, and that this order should also be effective against said firms. I further find that the evidence reasonably establishes that the respondent Louis Vanderveken is related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade or related services to Societe Commerciale d'Afrique (SOCODA) and to Programm-Automation (Societe Anonyme), both of Antwerp, Belgium, and that in order to prevent evasion it is necessary that these companies be made subject to the terms of this indefinite denial order as related parties, and for the purposes of this order said companies are considered to be respondents. An order indefinitely denying export privileges is reasonably necessary to protect the public interest, the national security, and to achieve effective enforcement of the Export Control Act of 1949 as amended.

Accordingly, it is ordered:

I. All outstanding licenses in which any of the respondents appear or participate as purchaser, intermediate or ultimate consignee, or otherwise are hereby revoked and shall be returned forthwith to the Bureau of International Programs for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit their participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation of filing of any export license application or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondents,

but also to successors of any of the companies and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent Vanderveken provides satisfactory answers, written information and documents in response to the interrogatories heretofore served upon him or gives adequate reasons for his failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. During the time when any respondent, corporation or successors, or related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Programs, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. This order does not affect the order entered against Yvon Le Coq on December 1, 1961, temporarily denying export privileges and such order against Yvon Le Coq remains in full force and effect.

Dated: October 9, 1962.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 62-10137; Filed, Oct. 10, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[List 39; FCC 62-1023]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

OCTOBER 5, 1962.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on November 14, 1962, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.106(b)(1) and § 1.361(c) of the Commission rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on November 13, 1962, which involves a conflict necessitating a hearing with an application on this list, must comply with the interim criteria governing acceptance of standard broadcast applications set forth in the Note to § 1.354 of the Commission rules (adopted May 10, 1962) and be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on November 13, 1962, or (b) the earlier effective cutoff date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: October 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

APPENDIX

Applications from the top of the processing line

BP-5574 New, Valparaiso, Ind.
Northwestern Indiana Radio Co., Inc.
Req: 1080 kc, 250 w, Day.

BMP-2561 WSIV, Pekin, Ill.
Pekin Broadcasting Co.
Has: 1140 kc, 1 kw, Day.
Req: 1140 kc, 5 kw, Day.

BP-5827 New, Wyandotte, Mich.
Woodward Broadcasting Co.
Req: 850 kc, 5 kw, DA-1, U.

BP-11517 New, Loretto, Pa.
St. Francis College of Loretto, Pa.
Req: 1400 kc, 250 w, U.

BP-12256 WHOF, Canton, Ohio.
Douglas Properties, Inc.
Has: 1060 kc, 1 kw, Day.
Req: 1060 kc, 5 kw, DA, Day.

BP-12596 New, Palm Desert, Calif.
Palm Desert Broadcasting Co.
Req: 1270 kc, 500 w, DA, Day.

BP-13407 WCRA, Effingham, Ill.
Effingham Broadcasting Co.
Has: 1090 kc, 250 w, Day.
Req: 1090 kc, 1 kw, Day.

BP-13495 WVLN, Olney, Ill.
Illinois Broadcasting Co.
Has: 740 kc, 250 w, Day.
Req: 740 kc, 1 kw, 250 w (CR), DA, Day.

BP-13818 WAYE, Baltimore, Md.
Erway Broadcasting Corp.
Has: 860 kc, 500 w, DA Day (Dundalk, Md.).
Req: 860 kc, 1 kw, DA, Day (Baltimore, Md.).

BP-14487 New, Saranac, Mich.
Grand Valley Broadcasting Co.
Req: 1520 kc, 250 w, DA, Day.

BP-14934 New, Santa Clara, Calif.
George B. Bairey.
Req: 1430 kc, 1 kw, DA-1, U.

BP-14935 WTIK, Durham, N.C.
W & W Broadcasting Co., Inc.
Has: 1310 kc, 500 w, 1 kw-LS, DA-N, U.
Req: 1310 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-14936 New, Liberty, Ky.
Patrick Henry Broadcasting Co.
Req: 1560 kc, 250 w, Day.

BP-14937 WAIR, Winston-Salem, N.C.
Holiday Broadcasting Corp.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-14938 WBUY, Lexington, N.C.
Davidson County Broadcasting Co.
Has: 1440 kc, 5 kw, Day.
Req: 1440 kc, 1 kw, 5 kw-LS, DA-N, U.

BP-14940 New, Deer Lodge, Mont.
Powell County Broadcasting Co.
Req: 1400 kc, 250 w, U.

BP-14941 New, Dimmitt, Tex.
High Plains Broadcasting Co.
Req: 1470 kc, 500 w, DA, Day.

BP-14945 New, Lawrence Park, Pa.
Greater Erie Broadcasting Co., Inc.
Req: 1530 kc, 250 w, Day.

BP-14947 KVOL, Lafayette, La.
Evangeline Broadcasting Co., Inc.
Has: 1330 kc, 1 kw, DA-N, U.
Req: 1330 kc, 1 kw, 5 kw-LS, DA-N, U.

BP-14950 New, Donelson, Tenn.
The Donelson Broadcasting Co., Inc.
Req: 1390 kc, 1 kw, DA, Day.

BP-14951 New, Rensselaer, Ind.
Jasper County Broadcasting Corp.
Req: 1560 kc, 250 w, Day.

BP-14952 KWAM, Memphis, Tenn.
KWEM, Inc.
Has: 990 kc, 1 kw, Day.
Req: 990 kc, 10 kw, DA, Day.

BP-14954 New, South Charleston, W. Va.
William D. Stone.
Req: 1410 kc, 1 kw, Day.

BP-14955 New, Selma, N.C.
Charles Franklyn Barry, Jr.
Req: 1510 kc, 500 w, Day.

BP-14957 WOIC, Columbia, S.C.
Speidel Broadcasting Corp.
Has: 1320 kc, 1 kw, DA-N, U.
Req: 1320 kc, 1 kw, 5 kw-LS, DA-N, U.

BP-14963 New, Millinocket, Maine.
Mid-Maine Broadcasters, Inc.
Req: 1240 kc, 250 w, 1 kw-LS, S.H.

BP-14964 KVOW, Riverton, Wyo.
Riverton Broadcasting Co., Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-14969 New, Lebanon, Va.
Clinch Mountain Broadcasting Co.
Req: 1380 kc, 500 w, Day.

BP-14970 New, Port Pierce, Fla.
Indian River Television, Inc.
Req: 970 kc, 1 kw, DA, Day.

BP-14972 New, Fontana, Calif.
Stanley Helfman.
Req: 1470 kc, 500 w, DA, Day.

BP-14977 KTEM, Temple, Tex.
Bell Broadcasting Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14979 KWEB, Rochester, Minn.
Northland Radio Corp.
Has: 1270 kc, 500 w, Day.
Req: 1270 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-14980 New, Valparaiso, Ind.
Porter County Broadcasting Co.
Req: 1500 kc, 1 kw, DA, Day.

BP-14982 New, Valparaiso, Ind.
Porter County Broadcasting Corp.
Req: 1500 kc, 250 w, DA, Day.

BP-14984 WTRO, Brownsville, Tenn.
McQueen and Co., Inc.
Has: 1330 kc, 500 w, Day (Dyersburg, Tenn.).
Req: 1330 kc, 500 w, Day (Brownsville, Tenn.).

BP-14993 WPLB, Greenville, Mich.
Flat River Broadcasting Co.
Has: 1380 kc, 500 w, DA, Day.
Req: 1380 kc, 500 w, 1 kw-LS, DA-N, U.

BP-14994 New, San Juan, P.R.
Mid-Ocean Broadcasting Corp.
Req: 1190 kc, 10 kw, DA-2, U.

BP-14995 KKAN, Phillipsburg, Kans.
North Central Broadcasting, Inc.
Has: 1490 kc, 250 w, S.H.
Req: 1490 kc, 250 w, 1 kw-LS, S.H.

BP-14998 New, Clinton, Mo.
Golden Valley Broadcasting Co.
Req: 1350 kc, 1 kw, DA, Day.

BP-15000 New, Greenwood, Miss.
William E. Hardy.
Req: 1540 kc, 500 w, Day.

BMP-9659 WNLC, New London, Conn.
Thames Broadcasting Corp.
Has Lic: 1490 kc, 250 w, U.
Has CP: 1510 kc, 5 kw, DA-2, U.
Req MP: 1510 kc, 5 kw, 10 kw-LS, DA-2, U.

BP-15003 KUKA, San Antonio, Tex.
Por Favor, Inc.
Has: 1250 kc, 500 w, Day.
Req: 1250 kc, 1 kw, Day.

BP-15006 New, Springdale, Ark.
Austus Johnson.
Req: 1590 kc, 500 w, Day.

BP-15007 New, Rockdale, Tex.
Rockdale Broadcasters.
Req: 1510 kc, 500 w, Day.

BP-15012 New, Elizabethton, Tenn.
Holston Broadcasting Corp.
Req: 1520 kc, 1 kw, 500 w (CH), Day.

BP-15015 WIVI, Christiansted, Virgin Island.
Radio American West Indies, Inc.
Has: 970 kc, 1 kw, U.
Req: 970 kc, 1 kw, 5 kw-LS, U.

BP-15017 New, Sparta, N.C.
Alleghany Broadcasting Co.
Req: 1390 kc, 1 kw, Day.

BP-15022 New, Phoenix, Ariz.
Eastside Broadcasting Co.
Req: 1540 kc, 10 kw, DA, Day.

BP-15024 WESR, Tasley, Va.
The Accomack-Northampton Broadcasting Co., Inc.
Has: 1330 kc, 1 kw, DA, Day.
Req: 1330 kc, 5 kw, Day.

BP-15025 KNOT, Prescott, Ariz.
Thunderbird Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

Application deleted from public notice of March 24, 1961

(FCC 61-386) (26 F.R. 2654)

BP-13795 New, Asland, Ala.
Clay Service Corp.
Req: 910 kc, 1 kw, Day.
(Assigned new file number: BP-15449.)

[F.R. Doc. 62-10144; Filed, Oct. 10, 1962; 8:51 a.m.]

[Docket Nos. 14166-14169; FCC 62M-1321]

EASTERN BROADCASTING SYSTEM, INC., ET AL.

Order Scheduling Hearing

In re applications of Eastern Broadcasting System, Inc., Brookfield, Connecticut, Docket No. 14166, File No. BP-13017; Blair A. Walliser, tr/as Colonial Broadcasting Company, New Milford, Connecticut, Docket No. 14167, File No. BP-13673; George F. O'Brien, New Milford, Connecticut, Docket No. 14168, File No. BP-14040; Ubiquitous Corporation, Hyde Park, New York, Docket No. 14169, File No. BP-14138; Ray S. Whittles, Paul E. Josephson, Carlton A. Soderhol and Royal V. Carley, a Partnership, d/b as Fairfield Broadcasting Company, Easton, Connecticut, Docket No. 14171, File No. BP-14142; for construction permit.

The Hearing Examiner having under consideration the petition for severance filed herein on September 17, 1962, by Ubiquitous Corporation and the comments with reference thereto filed on September 26, 1962, by the Commission's Broadcast Bureau;

It appearing on the basis of the evidentiary showing made that the said petition should be granted, that the request for severance is supported by the Commission's Broadcast Bureau and that no opposition thereto has been filed by the other parties:

It is ordered, This 4th day of October 1962, that the said petition for severance is granted and the application herein of Ubiquitous Corporation is severed from the consolidated proceeding to be considered in a separate proceeding.

It is further ordered, That further hearing on the application of Ubiquitous Corporation shall be held on October 10, 1962 commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C.

Released: October 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10147; Filed, Oct. 10, 1962; 8:51 a.m.]

[Docket No. 14474; FCC 62M-1318]

EASTERN SHORE MICROWAVE RELAY CO.

Order Continuing Hearing

In re application of Eastern Shore Microwave Relay Company, Salisbury, Maryland, Docket No. 14474, File No. 3423-C1-P-60; for construction permit for common carrier point-to-point microwave relay station.

The Hearing Examiner having under consideration a motion filed October 4, 1962, by Eastern Shore Microwave Relay Company (Eastern) for indefinite continuance of the hearing presently scheduled to commence on October 5, 1962;

It appearing that by Memorandum Opinion and Order released January 3, 1962, the Commission designated Eastern's application for hearing in consolidation with that of Peninsula Television Relay Corporation; and that the issues specified therein looked toward resolution of the comparative qualifications of Eastern and the then pending application of Peninsula, as well as, inter alia, to the degree of common interests existing between Eastern and a then proposed customer, Delmarva Community Television Corporation; and

It further appearing that by order released September 7, 1962, the Chief Hearing Examiner dismissed with prejudice Peninsula's application; and

It further appearing that by order released October 3, 1962, the Hearing Examiner granted Eastern's petition for leave to amend its application, as supplemented; and

It further appearing that Eastern's application, as amended, reflects a proposal to provide four channels of microwave transmission service to General Television, Inc., a customer qualified as a "public subscriber" within the purview of the Commission's definition as set forth in its Memorandum Opinion and Order released January 3, 1962; and

It further appearing that in light of applicant's amended proposal and the Chief Hearing Examiner's dismissal of Peninsula's application no further issues remain for determination in a formal hearing, and that in view thereof Eastern is in the process of preparing for filing a petition for reconsideration and grant without hearing and that favorable action on such petition will obviate the necessity for any further proceedings herein; and

It further appearing that counsel for the Common Carrier Bureau, the only other party to this proceeding, has no objection to the indefinite continuance as requested nor to a waiver of the four-day provisions of 47 CFR 1.43, likewise requested by applicant:

It is ordered, This 4th day of October 1962, that the subject motion is granted and that the hearing heretofore scheduled to commence on October 5, 1962, is continued pending action by the Commission on a petition for reconsideration and grant without hearing to be filed.

Released: October 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10148; Filed, Oct. 10, 1962; 8:52 a.m.]

[Docket Nos. 14721, 14722; FCC 62M-1323]

GENERAL COMMUNICATIONS, INC., AND SOUTH MISSISSIPPI BROADCASTING CO.

Order Continuing Hearing

In re applications of General Communications, Incorporated (KXKW), Lafayette, Louisiana, Docket No. 14721, File No. BMP-9060; Holton D. Turnbough and George J. Sliman, d/b as South Mississippi Broadcasting Company, Mississippi City, Mississippi, Docket No. 14722, File No. BP-14865; for construction permits.

The Chief Hearing Examiner having under consideration a petition in behalf of General Communications, Incorporated, filed October 1, 1962, requesting (a) an extension of the period for filing reply to a petition by South Mississippi Broadcasting Company for leave to amend its application, and (b) continuance of the prehearing conference which is presently scheduled for October 12, 1962;

It appearing that the petition states good and sufficient cause and that all of the parties to the proceeding consent to the granting thereof:

It is ordered, This 5th day of October 1962, that the petition is granted and that the period for filing replies to the pending petition of South Mississippi Broadcasting Company for leave to amend its application is hereby extended to November 5, 1962; and that the prehearing conference in the proceeding which is presently scheduled for October 12, 1962, is hereby continued to November 13, 1962, commencing at 9:00 a.m.: *And it is further ordered*, That the hearing herein, which is presently scheduled to commence October 15, 1962, is continued to a date to be specified by the presiding Hearing Examiner.

Released: October 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10149; Filed, Oct. 10, 1962; 8:52 a.m.]

[Docket No. 14510 etc.; FCC 62R-58]

ROCKLAND BROADCASTING CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Sidney Fox, George Dacre, Harry Edelstein, d/b as Rockland Broadcasting Company, Blauvelt, New York, Docket No. 14510, File No. BP-13477; Rockland Radio Corporation, Spring Valley, New York, Docket No. 14512, File No. BP-14461; Rockland Broadcasters, Inc., Spring Valley, New York, Docket No. 14513, File No. BP-14462; for construction permits.

1. On the basis of the evidence in the record the Broadcast Bureau seeks to enlarge[1] the issues to determine whether there will be an overlap of the 2 and 25 mv/m contours of the station proposed by Rockland Broadcasting Company and Station WADO, New York, New York, in contravention of § 3.37 of the rules. It contends that the matter did not come to its attention until the hearing session of July 12, 1962, when the analysis of the field strength measurement data as an exhibit was offered into evidence.[2]

2. Rockland Broadcasting Company argues that the motion is filed late and should be denied. In addition, it contends that there may be an overlap of 2 and 25 mv/m contours of the station proposed by Rockland Radio Corporation and Station WADO and that the issue should be enlarged as to Rockland Radio Corporation inquiring whether there would be any violation of § 3.37 of the rules.

3. As is pointed out by Rockland Broadcasting Company, the measurements have been on file since May of 1961, and we therefor agree that the Broadcast Bureau's motion was untimely filed. See § 1.141 of the rules. The request made by Rockland Broadcasting Company in its opposition pleading for a 3.37 issue as to overlap between Rockland Radio Corporation and Station WADO is likewise defective in that it introduces a new allegation not encompassed in the originating petition, and which even if treated as a separate request is clearly untimely. However, as is indicated in footnote 2, supra, and in the engineering data submitted with Rockland Broadcasting Company's opposition,[3] it is clear that both applications present a problem of compliance with § 3.37 of the rules. Weighing the competing public policy considerations underlying §§ 1.141 and 3.37 of the rules, we think that the substantive requirements of § 3.37 must prevail over the procedural requirements of § 1.141. Accordingly, the issue will be enlarged as indicated below.

4. The Broadcast Bureau also requests that the applicants be directed to take measurements. We agree that measurements should be taken. See Jeannette Broadcasting Co., FCC 60-798, 19 RR 480 (1960).

Accordingly, it is ordered, This 2d day of October 1962, That the motion of the Commission's Broadcast Bureau to enlarge the issues of July 24, 1962, is denied and the request of Rockland Broadcasting Company, contained in its opposition filed August 14, 1962, for the addition of an issue concerning overlap of the Rockland Radio Corporation 25 mv/m contour with the WADO 2 mv/m contour, is denied; and

It is further ordered, That the issues in the designation Order, released February 12, 1962 (FCC 62-151) and as later amended, is further amended by the addition of the following two issues:

To determine whether overlap of the 2 and 25 mv/m contours would occur between the instant proposal of Rockland Broadcasting Company and Station WADO, in contravention of § 3.37 of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

To determine whether overlap of the 2 and 25 mv/m contours would occur between the instant proposal of Rockland Radio Corporation and Station WADO, in contravention of § 3.37 of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

Released: October 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10150; Filed, Oct. 10, 1962; 8:52 a.m.]

[Docket Nos. 14794, 14795; FCC 62-1022]

SERVICE BROADCASTING CORP. AND Z-B BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Service Broadcasting Corporation, Kenosha, Wisconsin, Docket No. 14794, File No. BP-14786; requests: 1500 kc, 250 w, DA, Day, Class II; Maurice J. Weber, Edwin H. Weinberg, and Sidney J. Goldstein, d/b as Z-B BROADCASTING CO., Zion, Illinois, Docket No. 14795, File No. BP-15458; requests: 1500 kc, 250 w, DA, Day, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of October 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposals of Service Broadcasting Corporation and the Z-B Broadcasting Co. are mutually exclusive.

2. The proposal of Service Broadcasting Corporation will cause interference to Station WAUX, Waukesha, Wisconsin.

It further appearing that the proposed operations of Service Broadcasting Corporation (BP-14786) and Z-B Broadcasting Co. (BP-15458), will involve mutual interference with the applications of Valparaiso Broadcasting Company (BP-14888), Porter County Broadcasting Company (BP-14980), and Porter County Broadcasting Corporation (BP-14982), each for a new broadcast station in Valparaiso, Indiana; that a grant to either proposal will not cause excessive interference to whichever of the mutually exclusive Valparaiso applications is granted; that, in the event of a grant of either Z-B Broadcasting Co. or Service Broadcasting Corporation applications, the construction permit shall be conditioned upon acceptance of interference that may result in the event of a grant of one of the Valparaiso applications; and

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the above-captioned applications and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of Service Broadcasting Corporation would cause objectionable interference to Station WAUX, Waukesha, Wisconsin, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between the instant applications should not be based solely on considerations relating to sections 307 (b), which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed stations.

(c) The programming services proposed in each of the instant applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, the Waukesha Broadcasting Company, Inc., licensee of Station WAUX, Waukesha, Wisconsin, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of either of the applications of the Service Broadcasting Corporation or Z-B Broadcasting Co., the construction permit shall contain a condition that the permittee shall accept any interference that may result in the event of a subsequent grant of any of the following applications:

1. Valparaiso Broadcasting Company, BP-14888.

2. Porter County Broadcasting Company, BP-14980.

3. Porter County Broadcasting Corporation, BP-14982.

It is further ordered, That, in the event of a grant of either the application of Service Broadcasting Corporation or Z-B Broadcasting Co., the construction permit shall contain the following condition: This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That a grant of either of the proposals in this proceeding prior to a final decision in Docket No. 14419 will be conditioned as follows: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10151; Filed, Oct. 10, 1962; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

MEMBER LINES OF TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 150-24, between the member lines of the Trans-Pacific Freight Conference of Japan, modifies the basic agreement of that Conference (No. 150, as amended), to provide that voting rights on rate matters shall be suspended for members who do not operate strictly trans-Pacific services but who only serve Pacific Coast ports as way ports of other services, until December 31, 1962.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 8, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-10139; Filed, Oct. 10, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-1631]

ABC BUSINESS FORMS, INC.

Order Temporarily Suspending Exemption, Statements of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 5, 1962.

I. ABC Busines Forms, Inc. (issuer), 3500 Northwest 71st Street, Miami, Florida, a Florida corporation, filed with the Commission on July 27, 1962, a notification on Form 1-A and an offering circular relating to a proposed public offering of 70,000 shares of its 10 cents par value common stock at $3.50 per share for an aggregate amount of $245,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. Item 2 of Form 1-A fails to disclose all affiliates of the issuer and the nature of their affiliation.

2. The offering circular fails to disclose all direct and indirect interests of the issuer's officers and directors in certain material transactions within the past two years to which the issuer was a party, as required by paragraph 9(c) of Schedule I.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under

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[1] The Review Board has before it for consideration (1) a motion to enlarge the issues filed July 24, 1962, by the Commission's Broadcast Bureau; (2) an opposition filed August 14, 1962, by Rockland Broadcasting Company; (3) a Broadcast Bureau reply filed August 22, 1962; and (4) a reply to opposition filed August 24, 1962, by Rockland Radio Corporation.

[2] The Bureau does not specify the precise extent of the overlap it alleges. The most extreme overlap depicted by any of the pertinent exhibits accompanying the pleadings is not more than five-tenths of a mile.

[3] Rockland Broadcasting Company depicts the Rockland Radio Corporation 25 mv/m contour as overlapping the WADO 2 mv/m contour for a maximum distance of about six-tenths of a mile.

[1] Concurring statement of Commissioner Bartley in which Chairman Minow joined filed as part of the original document. Commissioner Henry not participating.

which they are made not misleading in that:

1. It fails to disclose the primary liability of a wholly-owned subsidiary under an existing lease;

2. The cash position was deliberately overstated in a material amount in the issuer's original financial statements;

3. The financial statements include worthless assets;

4. The financial statements as originally submitted were not prepared in accordance with generally accepted auditing and accounting practices and procedures, as required by paragraph 11 of Schedule I, in that the balance sheet included cash items received subsequent to the date thereof.

C. The offering would operate as a fraud and deceit upon purchasers in violation of section 17(a) of the Securities Act of 1933.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10119; Filed, Oct. 10, 1962; 8:47 a.m.]

[File No. 24NY-5386]

CHARLES KREISLER, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 5, 1962.

I. Charles Kreisler, Inc., 241 Park Avenue, New York, N.Y., filed a notification on Form 1-A and an offering circular on February 27, 1961, relating to an offering of $300,000 of its common stock, 60,000 shares, $1.00 par value per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that the exemption from registration provided by Regulation A is not available to the issuer because the offering price of the securities proposed to be offered ($300,000) together with the amount of securities required to be computed pursuant to Rule 253(c)(2) exceeds the $300,000 limitation imposed by Regulation A.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose information regarding the substantial capital deficiency of Charles Kreisler Auto Rental, Inc., in describing the transaction involving the issuance of the issuer's stock in exchange for the capital stock of such firm and two other firms.

2. The failure to set forth the address of the issuer as required by paragraph 2 of Schedule I.

3. The failure to set forth the location and general character of the physical properties held and the nature of the title under which such properties are held as required by paragraph 8C(b) of Schedule I.

C. The issuer failed to cooperate with the Commission in that it persistently failed to respond to the Commission's letter of comments and subsequent communications and to comply with the terms and conditions of Regulation A.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10120; Filed, Oct. 10, 1962; 8:47 a.m.]

[File No. 24A-1597]

DECORATIVE INTERIORS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 5, 1962.

I. Decorative Interiors, Inc. (issuer), 1191 NW. 22d Street, Miami, Florida, filed on February 27, 1962, a notification and offering circular relating to a proposed offering of 52,000 shares of its $0.10 par value Class A common stock at $2.50 per share for an aggregate amount of $130,000. Lancer Securities Company was designated as underwriter for the offering. The offering commenced on July 25, 1962.

II. The Commission has reasonable cause to believe that the underwriter for the offering has refused to cooperate by refusing to answer relevant questions pursuant to an informal investigation concerning the issuer and the disposition of its securities as underwriter of the issue.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10121; Filed, Oct. 10, 1962; 8:47 a.m.]

[File No. 24A-1622]

FIFCO, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

OCTOBER 5, 1962.

I. Fifco, Inc. (issuer), 1465 N.E. 129th Street, Miami 61, Florida, filed on May 17, 1962, a notification, offering circular and other exhibits relating to a proposed offering of 66,666 shares of its $0.10 par value Class A common stock at $3 per share for an aggregate amount of $199,998. The offering originally became effective on July 2, 1962, but was subsequently amended to designate Lancer Securities Company as underwriter and the offering was thereafter commenced on September 7, 1962.

II. The Commission has reasonable cause to believe that the underwriter for the offering has failed to cooperate by refusing to answer relevant questions pursuant to an informal investigation concerning the issuer and the disposition of its securities as underwriter of the issue.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10122; Filed, Oct. 10, 1962; 8:47 a.m.]

[File No. 24B-1125]

HARMAR CO., INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 5, 1962.

I. The Harmar Co., Inc., a Massachusetts corporation, 4 Sanderson Avenue, Dedham, Massachusetts, filed with the Commission on November 18, 1959, a notification on Form 1-A and a statement pursuant to Rule 257 relating to a proposed public offering of $50,000 of 6½ percent convertible subordinated debentures, Series A, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. Eastern Investment Corporation, Manchester, New Hampshire, was engaged to act as underwriter on a best efforts basis.

II. The Commission has reasonable grounds to believe that the terms and conditions of Regulation A have not been complied with in that the issuer has failed to file a report of sales on Form 2-A pursuant to Rule 260 which report was due July 9, 1962, as of June 9, 1962.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10123; Filed, Oct. 10, 1962; 8:47 a.m.]

[File No. 24A-1486]

ANTILLES ELECTRONICS CORP.

Notice and Order for Hearing

OCTOBER 5, 1962.

I. Antilles Electronics Corporation (issuer), San Lorenzo, Puerto Rico, a Puerto Rico corporation, filed with the Commission on May 3, 1961, a notification on Form 1-A and an offering circular relating to a proposed public offering of 100,000 shares of $0.10 par value Class A common stock at $3 per share for an aggregate amount of $266,454, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. 11,182 shares were reserved for issuance without cost to previous purchasers of common stock at $5 per share. Fraser & Company, Inc., Fidelity-Philadelphia Trust Building, Philadelphia 9, Pennsylvania, was named as underwriter on a best efforts basis. The offering was commenced as of July 12, 1961.

II. The Commission, on July 19, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.s.t., on November 14, 1962, at Room 308A, United States General Post Office Building, 30th and Market Streets, Philadelphia, Pennsylvania, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. The terms and conditions of Regulation A have not been complied with in that the issuer has failed to file a report on Form 2-A, as required.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading, concerning, among other things:

1. The failure to use the offering proceeds for the purposes set out in the offering circular.

2. The failure to disclose material transactions between the issuer and the underwriter which resulted in the offering proceeds being used by the underwriter for its own benefit.

3. The failure to comply with the terms of the underwriting agreement as set out in the offering circular.

C. The issuer and the underwriter have failed to cooperate in that they failed to report the number of shares sold and to state the purposes for which the offering proceeds received were used.

D. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is further ordered*, That Sidney Gross, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Antilles Electronics Corporation; that a notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before November 12, 1962, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That Antilles Electronics Corporation, pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file

an answer to the allegations set forth in section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Antilles Electronics Corporation does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II hereinabove.

Notice is hereby given that if Antilles Electronics Corporation fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Antilles Electronics Corporation by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10124; Filed, Oct. 10, 1962; 8:48 a.m.]

[File No. 70-4067]

GEORGIA POWER CO.

Notice of Proposed Issuance and Sale of Bonds and Stock at Competitive Bidding and Proposed Amendment of Charter

OCTOBER 5, 1962.

Notice is hereby given that Georgia Power Company ("Georgia"), 270 Peachtree Street, Atlanta 3, Georgia, an exempt holding company and an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act as applicable to the proposed transactions. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Georgia proposes to isue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $23,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1992. The interest rate of the new bonds (which will be a multiple of ⅛ of 1 percent and the price, exclusive of accrued interest, to be paid to Georgia (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The new bonds will be issued under the Indenture dated as of March 1, 1941, between Georgia and Chemical Bank New York Trust Company, successor to The New York Trust Company, as Trustee, as heretofore supplemented by various indentures supplemental thereto and as to be further supplemented by a Supplemental Indenture to be dated as of November 1, 1962.

Georgia also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, under the Act, 70,000 shares of $_____ Preferred Stock, cumulative, without par value. The dividend rate of the new preferred stock (which will be a multiple of $0.04) and the price, exclusive of accrued dividends, to be paid to Georgia (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding.

Georgia further proposes to amend its charter in order to restate various definitions relating to capitalization, income, and surplus to conform with certain provisions of the proposed supplement to its Indenture dated March 1, 1941.

The application states that Georgia intends to use the proceeds from the issuance and sale of the new bonds and the new preferred stock for the construction or acquisition of permanent improvements, extensions, and additions to its property and for the payment of short-term bank loans made for such purposes which may be incurred in a total amount of not exceeding $10,500,000 prior to the sale of the new bonds and the new preferred stock. To finance such program, Georgia will also use its cash on hand in excess of operating requirements, interest, and dividends, including $6,000,000 heretofore received from the sale to The Southern Company of additional shares of common stock of Georgia. Georgia estimates that it will not be necessary for it to sell any additional securities in 1962 for such purposes. Construction expenditures for Georgia for the year 1962 are estimated at $72,877,000.

The issuance and sale of the new bonds and the new preferred stock have been expressly authorized by the Georgia Public Service Commission, the State commission of the State in which Georgia is organized and doing business. The application states that no Federal commission, other than this Commission, has jurisdiction over the transactions proposed. Estimates of fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than October 22, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62-10125; Filed, Oct. 10, 1962; 8:48 a.m.]

[File No. 811-1122]

GREATER PITTSBURGH CAPITAL CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 5, 1962.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Greater Pittsburgh Capital Corporation, 952 Union Trust Building, Pittsburgh 19, Pennsylvania, a management closed-end nondiversified investment company, has ceased to be an investment company.

Applicant represents that its outstanding securities are beneficially owned by twenty-two persons, and that it is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in part, that whenever the Commission upon application finds that an investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Notice is further given that any interested person may, not later than October 22, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62-10126; Filed, Oct. 10, 1962; 8:48 a.m.]

[File No. 70-4070]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issuance and Sale of Bonds at Competitive Bidding

OCTOBER 5, 1962.

Notice is hereby given that Jersey Central Power & Light Company ("JCP&L"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transaction. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

JCP&L proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $11,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1992. The interest rate of the new bonds (which will be a multiple of ⅛ of one percent) and the price, exclusive of accrued interest, to be paid to JCP&L (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the Indenture dated as of March 1, 1946, between JCP&L and First National City Trust Company (formerly City Bank Farmers Trust Company), Trustee, as heretofore supplemented and amended, and as to be further supplemented and amended by a Supplemental Indenture to be dated as of November 1, 1962.

The proceeds (other than premium, if any, and accrued interest) from the sale of the new bonds will be applied toward JCP&L's 1962 construction program, reimbursement for expenditures out of JCP&L's treasury therefor, and prepayment of its notes issued to banks in face amount of $2,645,000 as of July 31, 1962, and which may subsequently be issued to banks for such purpose. JCP&L's 1962 construction program makes provision for cash expenditures of approximately $23,600,000 for property additions, including the payment by JCP&L to New Jersey Power & Light Company, an affiliated company, of approximately $3,400,000 for the purchase of investments of the latter company in certain pumped storage and other projects. The premium, if any, from the sale of the new bonds will be used for JCP&L's general corporate purposes, including the payment of the expenses of this financing.

Fees and expenses incident to the proposed transaction are estimated as follows:

Filing fees:	
Board of Public Utility Commissioners of State of New Jersey	$4,239
Securities and Exchange Commission	1,133
Federal issue tax	12,100
Printing and engraving	23,000
Legal fees:	
Alfred A. Rochester	3,500
Berlack, Israels & Liberman	7,500
Accounting fees	4,000
Trustee's fees, including counsel fees	6,300
Miscellaneous	3,228
Total	65,000

The fees and disbursements of counsel for the underwriters, to be paid by the successful bidder, will be supplied by amendment.

The application states that the issuance and sale of the new bonds are subject to the jurisdiction of the Board of Public Utility Commissioners of the State of New Jersey, the State commission of the State in which JCP&L is organized and doing business. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 29, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption for such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62-10127; Filed, Oct. 10, 1962; 8:48 a.m.]

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Title 3—THE PRESIDENT

Executive Order 11056

ASSIGNING TO THE CIVIL SERVICE COMMISSION CERTAIN AUTHORITY WITH RESPECT TO FEDERAL SALARIES

By virtue of the authority vested in me by the last sentence of Subsection (a) and Subsection (b) of Section 504 of the Federal Salary Reform Act of 1962 (which Act constitutes Part II of the Postal Service and Federal Employees Salary Act of 1962, Public Law 87-793, approved October 11, 1962), and as President of the United States, it is ordered as follows:

The Civil Service Commission is hereby designated and authorized to exercise the authority conferred upon the President by the provisions of Subsections (a) and (b) of Section 504 of the Federal Salary Reform Act of 1962 to make certain findings and to establish and revise certain rates of basic compensation, to the extent that that authority pertains to positions compensated under Section 603(b) of the Classification Act of 1949, as amended (5 U.S.C. 1113(b)).

JOHN F. KENNEDY

THE WHITE HOUSE,
October 11, 1962.

[F.R. Doc. 62-10285; Filed, Oct. 11, 1962; 11:53 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Navy

Effective upon publication in the FEDERAL REGISTER, paragraph (b) is added to § 6.206 as set out below.

§ 6.206 **Department of the Navy.**

• • • • •

(b) Until July 1, 1963, two Staff Assistants (Equal Employment Opportunity), GS–15.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–10175; Filed, Oct. 11, 1962; 8:48 a.m.]

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

Special Adjustments in Salary Ranges for Certain Positions

Effective on the effective date of Compensation Schedule I in section 602(a) of the Federal Salary Reform Act of 1962, § 25.105 is amended as set out below.

§ 25.105 **Special adjustments in salary ranges for certain positions.**

(a) For each Classification Act grade in an occupation and location for which the Civil Service Commission under former section 803 of the Act in effect prior to the Federal Salary Reform Act of 1962, had increased the minimum rate prescribed by the Classification Act, the lowest rate of the grade in Compensation Schedule I of section 603(b) of the Classification Act which equals or exceeds such increased minimum rate shall be the minimum rate of basic salary; and all rates of the salary range for the grade shall be increased by the dollar amount by which the new minimum rate exceeds the minimum rate prescribed by law for the grade.

(b) Employees occupying positions covered by increased minimum rates under former section 803 of the Act immediately prior to the effective date of Compensation Schedule I of section 603(b) of the classification Act shall, after their salaries are initially fixed under Compensation Schedule I in accordance with the provisions of section 602(b) of the Federal Salary Reform Act of 1962, then be placed at the lowest salary rate in the increased rate range established under paragraph (a) of this section which equals or exceeds their salaries as initially fixed under Compensation Schedule I.

(Sec. 504, Pub. Law 87–793; E.O. 11056, 27 F.R. 10017)

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–10282; Filed, Oct. 11, 1962; 11:54 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 629, 4th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.81–2 of the regulations supplemental to the imported fire ant quarantine (7 CFR 301.81–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.81–2a are hereby revised to read as follows:

§ 301.81–2a **Administrative instructions designating regulated areas under the imported fire ant quarantine.**

Infestations of the imported fire ant have been determined to exist in the counties, parishes, other civil divisions, or parts thereof listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such counties, parishes, other civil divisions, or parts thereof, are hereby designated as imported fire ant regulated areas within the meaning of the provisions in this subpart:

ALABAMA

(1) *Generally infested area.*

Autauga County. All of Autauga County.
Baldwin County. All of Baldwin County.
Barbour County. All of Barbour County.
Bibb County. All of Bibb County.
Bullock County. All of Bullock County.
Butler County. All of Butler County.
Calhoun County. E¾ T. 15 S., R. 6 E.; secs. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 35, and 36, T. 16 S., R. 6 E., and that portion of sec. 34, T. 16 S., R. 6 E., lying in the county; W⅗ Tps. 15 and 16 S., R. 7 E.; secs. 35 and 36, T. 16 S., R. 7 E.; secs. 31 and 32, T. 16 S., R. 8 E.; secs. 32, 33, and 34, T. 14 S., R. 9 E.; and secs. 3, 4, and 5, T. 15 S., R. 9 E.
Chambers County. S½ T. 22 N., Rs. 26 and 27 E.; that portion of T. 22 N., R. 28 E. lying in the county; those portions of secs. 31 and 32, T. 22 N., R. 29 E. lying in the county; and that portion of the county lying south of the north line of T. 21 N.
Chilton County. All of Chilton County.
Choctaw County. All of Choctaw County.
Clarke County. All of Clarke County.
Clay County. Those portions of Tps. 21 and 22 S., Rs. 5 and 6 E. lying in the county.
Coffee County. All of Coffee County.
Conecuh County. All of Conecuh County.
Coosa County. All of Coosa County.
Covington County. All of Covington County.
Crenshaw County. All of Crenshaw County.
Dale County. All of Dale County.
Dallas County. All of Dallas County.
Elmore County. All of Elmore County.
Escambia County. All of Escambia County.
Etowah County. N½ T. 11 S., R. 6 E., S½ T. 11 S., Rs. 5, 6, and 7 E., and all of the county within Rs. 5, 6, and 7 E. lying south of the north line of T. 12 S.
Geneva County. All of Geneva County.
Greene County. All of Greene County.
Hale County. All of Hale County.
Henry County. All of Henry County.
Houston County. All of Houston County.
Jefferson County. All of Jefferson County.
Lamar County. All of Lamar County.
Lee County. All of Lee County.
Limestone County. S½ T. 3 S., R. 4 W.; T. 4 S., R. 4 W.; all of T. 5 S., R. 4 W. lying north of the Tennessee River; SE¼ T. 3 S., R. 5 W.; and that part of the E½ T. 4 S., R. 5 W. lying north of the Tennessee River.
Lowndes County. All of Lowndes County.
Macon County. All of Macon County.
Marengo County. All of Marengo County.
Mobile County. All of Mobile County.
Monroe County. All of Monroe County.
Montgomery County. All of Montgomery County.
Morgan County. N½ T. 6 S., Rs. 4 and 5 W.; and those portions of T. 5 S., Rs. 4 and 5 W., and T. 4 S., R. 5 W., lying south of the Tennessee River.
Perry County. All of Perry County.
Pickens County. All of Pickens County.
Pike County. All of Pike County.
Russell County. All of Russell County.
St. Clair County. All of St. Clair County.
Shelby County. All of Shelby County.
Sumter County. All of Sumter County.
Talladega County. All of Talladega County.
Tallapoosa County. That portion of the county lying south of the north line of T. 20 N.
Tuscaloosa County. All of Tuscaloosa County.
Walker County. All of Walker County.
Washington County. All of Washington County.
Wilcox County. All of Wilcox County.

(2) *Eradication area.* None.

ARKANSAS

(1) *Generally infested area.* None.

(2) *Eradication area.*

Union County. W½ Tps. 17 and 18 S., R. 14 W.; S½ T. 16 S., R. 15 W.; Tps. 17 and 18 S., R. 15 W.; sec. 13, T. 19 S., R. 15 W.; S½, and secs. 5, 6, 7, and 8, T. 16 S., R. 16 W.; Tps. 17 and 18 S., R. 16 W.; secs. 3, 4, 5, 6, 7, 8, 9, and 10, T. 19 S., R. 16 W.; Tps. 16

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and 17 S., R. 17 W.; secs. 1, 12, 13, and 24, T. 18 S., R. 17 W.; and those portions of Tps. 16 and 17 S., R. 18 W. lying in Union County.

FLORIDA

(1) *Generally infested area.*

Bay County. All of Bay County.

Calhoun County. All of Calhoun County.

Duval County. That portion of the county bounded on the west and north by the St. Johns River; on the east by Greenfield Creek, State Highway 101A and the Duval-St. Johns County line; on the south by a line beginning at the point where the southern boundary of T. 3 S., R. 28 E. intersects the Duval-St. Johns County line and extending west along this line through sec. 36, T. 3 S., R. 27 E. to State Highway 115; thence south along said highway to its intersection with U.S. Highway 1; thence southeast along said highway to the intersection of Loretta Road; thence west along Loretta Road to the St. Johns River.

That portion of the county bounded by a line beginning at the intersection of the Trout River Bridge and U.S. Highway 17 (Main Street, Jacksonville, Florida); thence south on Main Street to 14th Street; thence west on the St. Johns Terminal Company Railroad siding to the point where said siding adjoins Kings Road; thence northwest on kings Road to Pickettville Road; thence west and south on Pickettville Road to Commonwealth Avenue; thence northwest on Commonwealth Avenue to Bulls Bay Highway; thence south on Bulls Bay Highway to U.S. Highway 90 (Beaver Street); thence west on U.S. Highway 90 to Romona Boulevard; thence southeast on Romona Boulevard to Memorial Park Road; thence southeast on Memorial Park Road to the Middleburg Road; thence southwest on Middleburg Road to Ricker Road; thence south on Ricker Road to 103d Street; thence east on 103d Street to State Highway 21 (Blanding Boulevard); thence south on State Highway 21 to the county line; thence east on the county line to the St. Johns River; thence north along the St. Johns River to the point of beginning.

Escambia County. All of Escambia County.

Gadsden County. That portion of the county lying north of the south line of T. 2 N.

Gulf County. That portion of the county lying north of the south line of T. 6 S.

Hillsborough County. All of Hillsborough County.

Holmes County. All of Holmes County.

Jackson County. All of Jackson County.

Lake County. Secs. 23, 24, 25, 26, 35, and 36, T. 19 S., R. 28 E.; secs. 19, 20, 29, 30, 31, and 32, T. 19 S., R. 29 E; and those portions of secs. 21, 28, and 33, T. 19 S., R. 29 E., lying in the county.

Leon County. Secs. 12 and 13, T. 3 N., R. 1 W., and those portions of secs. 11 and 14, T. 3 N., R. 1 W. lying in the county; and secs. 7 and 18, T. 3 N., R. 1 E.

Liberty County. That portion of the county lying west of the east line of R. 7 W.

Manatee County. T. 34 S., Rs. 18 and 19 E.; and T. 33 S., Rs. 18, 19, 20, and 21 E.

Okaloosa County. All of Okaloosa County.

Orange County. Secs 5, 6, 7, 8, 17, and 18, T. 20 S., R. 29 E. and those portions of secs. 4, 9, 16, 19, 20, 21, 29, and 30, T. 20 S., R. 29 E. lying in the county.

Pasco County. That portion of the county bounded by a line beginning at the intersection of the Pasco-Pinellas County line on the Gulf of Mexico; thence north along the Gulf of Mexico to the southern line of sec. 12, T. 26 S., R. 15 E.; thence east along the southern lines of sec. 12, T. 26 S., R. 15 E. and secs. 7 and 8, T. 26 S., R. 16 E. to the intersection of State Highway 55; thence north on State Highway 55 to its intersection with the southern city limits of New Port Richey; thence east along said city limits continuing to the Pithlachascootie River; thence east along said river to its intersection with the east side of sec. 9, T. 26 S., R. 16 E.; thence north along the eastern lines of secs. 9 and 4, T. 26 S., R. 16 E. and secs. 33, 28, 21, and 16 T. 25 S., R. 16 E. to State Highway 55 and continuing along State Highway 55 north to its junction with State Highway 52; thence east along State Highway 52 to the intersection of the corporate limits of Dade City; thence south and east along the corporate limits of Dade City to the intersection of U.S. Highway 98; thence south and southeast along said highway to its intersection with the Pasco-Polk County line; thence west and south along the Pasco-Polk County line to its intersection with the Pasco-Hillsborough County line; thence west along the Pasco-Hillsborough and Pasco-Pinellas County lines to the point of beginning.

Pinellas County. That portion of the county bounded by a line beginning at the southeast corner of sec. 12, T. 28 S., R. 16 E. on the Hillsborough-Pinellas County line; thence west along the southern lines of secs. 11, 10, 9, 8, and 7, T. 28 S., R. 16 E. and secs. 12, 11, and 10, T. 85 S., R. 15 E. to the Gulf of Mexico; thence north along the Gulf of Mexico to the Pasco-Pinellas County line; thence east along the Pasco-Pinellas County line to its intersection with the Hillsborough County line; thence south along the Hillsborough-Pinellas County line to the point of beginning.

That portion of the county bounded by a line beginning at the intersection of State Highway 55 and Allen Creek and extending eastward along said creek to Old Tampa Bay; thence southeast along Old Tampa Bay to its intersection with Interstate Highway 4; thence northeast along said highway to its intersection with the Hillsborough-Pinellas County line in Old Tampa Bay; thence south along the said County line to a point which would be intersected by a line extended due east from the junction of State Highways 687 and 694; thence west along said extended line to said junction; thence north and west along the city limits of St. Petersburg to the northeast corner of sec. 14, T. 30 S., R. 16 E.; thence south along the east line of said section to its southeast corner; thence west along the southern boundaries of secs. 14, 15, 16, and 17, T. 30 S., R. 16 E. to its intersection with State Highway 693; thence north along said highway to its junction with State Highway 55; thence north along said highway to the point of beginning.

Polk County. That portion of the county bounded by a line beginning at the intersection of the Seaboard Airline Railroad and the Highlands-Polk County line; thence west along the southern boundary of Polk County to its intersection with the Seaboard Airline Railroad; thence north along the Seaboard Airline Railroad to its intersection with State Highway 630; thence west along State Highway 630 to its junction with State Highway 37; thence north along State Highway 37 to its junction with the northern limits of sec. 24, T. 29 S., R. 23 E., excluding the city of Mulberry; thence due east along the center section line of T. 29 S., to the Seaboard Airline Railroad, excluding Lake Hancock; thence southeasterly along the Seaboard Airline Railroad to the point of beginning.

Santa Rosa County. All of Santa Rosa County.

Seminole County. That portion of the county bounded by a line beginning at a point on the Seminole-Lake County line where State Highway 46 crosses the Wekiva River; thence east along State Highway 46 to the eastern boundary of R. 29 E.; thence south along the eastern boundary of R. 29 E. to the corporate limits of the city of Longwood; thence east along said city limits to State Highway 427; thence northeast along said highway to the junction with U.S. Highway 17 and 92; thence south along U.S. Highways 17 and 92 to the Seminole-Orange County line; thence west and north along the said line to the Seminole-Lake County line; thence north along the Seminole-Lake County line to the point of beginning, including any portion of the county lying in secs. 19 and 20, T. 20 S., R. 29 E.

Walton County. All of Walton County.

Washington County. That portion of the county lying east of the west line of R. 15 W.

(2) *Eradication area.* None.

GEORGIA

(1) *Generally infested area.*

Baker County. That portion of the county lying in Hoggard Mill Georgia Militia District 1183.

Ben Hill County. All of Ben Hill County.

Chattahoochee County. All of Chattahoochee County.

Clayton County. All of Clayton County.

Colquitt County. That portion of the county bounded by a line beginning at a point where State Secondary Road S1206 intersects the Colquitt-Mitchell County line and extending southeast along State Secondary Road S1206 to its junction with State Highway 133; thence southeast along said highway to its intersection with the Moultrie Georgia Militia District 1151 line; thence extending along said line to its intersection with State Highway 133 on the south boundary of said Militia district; thence southwest along said highway to its intersection with the Colquitt-Thomas County line; thence west and north along said line and the Colquitt-Mitchell County line to the point of beginning.

Crisp County. All of Crisp County.

Decatur County. All of Decatur County.

Dodge County. All of Dodge County.

Dooly County. All of Dooly County.

Dougherty County. All of Dougherty County.

Early County. All of Early County.

Grady County. All of Grady County.

Harris County. All of Harris County.

Houston County. All of Houston County.

Lee County. That portion of the county lying south of State Highway 32.

Marion County. That portion of the county lying north of a line beginning at the intersection of State Highway 26 and the Marion-Chattahoochee County line and extending eastward along State Highway 26 to its junction with State Highway 137 in the town of Buena Vista; thence northeast along State Highway 137 to its intersection with the Marion-Taylor County line; including all of the towns of Buena Vista and Tazewell.

Meriwether County. All of Meriwether County.

Miller County. All of Miller County.

Mitchell County. All of Mitchell County.

Quitman County. That portion of the county lying north of U.S. Highway 82, excluding all of the area within the corporate limits of the city of Georgetown.

Schley County. All of Schley County.

Stewart County. All of Stewart County.

Sumter County. That portion of the county lying east of the Muckalee Creek.

Talbot County. That portion of the county lying west of the Atlantic Coast Line Railroad and including all of the towns of Woodland, Talbotton, and Junction City.

Terrell County. That portion of the county lying north and east of a line beginning at the intersection of State Secondary Road S529 and the Terrell-Randolph County line and extending southeast along State Secondary Road S529 to its intersection with the city limits of Dawson; thence southeast along the city limits of Dawson to the intersection with State Highway 50; thence southeast along said highway to its intersection with the Terrell-Lee County line, excluding the cities of Dawson and Sasser.

Thomas County. All of Thomas County.

Troup County. That portion of the county lying east and south of the Atlantic and West Point Railroad, excluding all of the area within the corporate limits of the cities of Hogansville, La Grange, and West Point.

Turner County. All of Turner County.

Wilcox County. That portion of the county lying west of a line beginning at the intersection of the Wilcox-Pulaski County line and U.S. Highway 129, and extending southeast along said highway to its intersection with State Highway 233, thence southwest and south along said highway to its intersection with the Wilcox-Ben Hill County line, including all of the town of Rochelle.

Worth County. That portion of the county lying in Georgia Militia District 1602 and Georgia Militia District 1428.

(2) *Eradication area.*

Bibb County. All of Bibb County.

Bleckley County. All of Bleckley County.

Jones County. That portion of the county lying west of the Central of Georgia Railroad, including all of the town of Gray.

Muscogee County. All of Muscogee County.

Peach County. That portion of the county, including the city of Fort Valley, lying southwest of a line beginning at the Crawford-Peach county line and following Mossy Creek southeastward to State Highway 49, thence due south to Bay Creek and thereafter following Bay Creek to the Houston County line.

Pierce County. That portion of the county lying west and south of Hurricane Creek and the Alabaha River.

Seminole County. All of Seminole County.

LOUISIANA

(1) *Generally infested area.*

Acadia Parish. All of Acadia Parish.

Ascension Parish. All of Ascension Parish.

Assumption Parish. All of Assumption Parish.

Beauregard Parish. All of Beauregard Parish.

Calcasieu Parish. All of Calcasieu Parish.

Cameron Parish. All of that portion of Cameron Parish lying north of the south line of T. 12 S.

East Baton Rouge Parish. All of East Baton Rouge Parish.

East Feliciana Parish. That portion of East Feliciana Parish lying south of the north line of T. 2 S.

Evangeline Parish. All of Evangeline Parish.

Iberia Parish. All of Iberia Parish.

Iberville Parish. All of Iberville Parish.

Jefferson Parish. All of Jefferson Parish.

Jefferson Davis Parish. All of Jefferson Davis Parish.

Lafayette Parish. All of Lafayette Parish.

Lafourche Parish. All of Lafourche Parish.

Livingston Parish. All of Livingston Parish.

Orleans Parish. All of Orleans Parish.

Plaquemines Parish. All of Plaquemines Parish.

Pointe Coupee Parish. All of Pointe Coupee Parish.

St. Bernard Parish. All of St. Bernard Parish.

St. Charles Parish. All of St. Charles Parish.

St. Helena Parish. All of St. Helena Parish.

St. James Parish. All of St. James Parish.

St. John the Baptist Parish. All of St. John the Baptist Parish.

St. Landry Parish. All of St. Landry Parish.

St. Martin Parish. All of St. Martin Parish.

St. Mary Parish. All of St. Mary Parish.

St. Tammany Parish. All of St. Tammany Parish.

Tangipahoa Parish. All of Tangipahoa Parish.

Terrebonne Parish. All of Terrebonne Parish.

Vermilion Parish. All of Vermilion Parish.

Washington Parish. All of Washington Parish.

West Baton Rouge Parish. All of West Baton Rouge Parish.

West Feliciana Parish. All of West Feliciana Parish.

(2) *Eradication area.*

Allen Parish. T. 3 S., R. 3 W., and that portion of T. 3 S., R. 2 W., lying in Allen Parish. T. 6 S., R. 5 W.; those portions of T. 6 S., Rs. 2, 3, and 4 W., and T. 7 S., Rs. 4 and 5 W. lying in Allen Parish.

Avoyelles Parish. All of Avoyelles Parish.

Bossier Parish. All of Bossier Parish.

Caddo Parish. All of Caddo Parish.

Caldwell Parish. That portion of Caldwell Parish lying east of the Ouachita River and north of State Highway 4.

Catahoula Parish. That portion of Catahoula Parish lying within Tps. 8 and 9 N., Rs. 6 and 7 E.

Concordia Parish. All of Concordia Parish.

East Carroll Parish. All of East Carroll Parish.

Franklin Parish. Secs. 4, 5, and 6, T. 14 N., R. 9 E., and those portions of secs. 2 and 3, T. 14 N., R. 9 E. lying in the parish; secs. 29, 30, 31, and 32, T. 15 N., R. 9 E. and those portions of secs. 27, 28, 33, 34, and 35, T. 15 N., R. 9 E., lying in the parish; and that portion of the parish lying north of the north line of T. 15 N.

LaSalle Parish. Secs. 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 38, T. 8 N., R. 3 E.

Lincoln Parish. T. 18 N., Rs. 1 and 2 W.

Madison Parish. All of Madison Parish.

Morehouse Parish. All of Morehouse Parish.

Ouachita Parish. All of Ouachita Parish.

Rapides Parish. All of Rapides Parish.

Red River Parish. That portion of the parish lying north of the north line of T. 12 N., and west of the west line of R. 9 W.

Richland Parish. All of Richland Parish.

Tensas Parish. That portion of Tensas Parish lying south of the north line of T. 9 N. and west of the main channel of the Mississippi River; that portion of T. 14 N., R. 11 E. lying in Tensas Parish.

Union Parish. All of Union Parish.

Webster Parish. Tps. 18 and 19 N., Rs. 9 and 10 W., and those portions of Tps. 18 and 19 N., R. 8 W. lying in Webster County.

West Carroll Parish. All of West Carroll Parish.

MISSISSIPPI

(1) *Generally infested area.*

Adams County. All of Adams County.

Amite County. T. 1 N., R. 6 E.

Chickasaw County. T. 13 S., Rs. 4 and 5 E.; T. 14 S., Rs. 2, 3, 4, and 5 E.; T. 12 S., Rs. 4 and 5 E.; and those portions of T. 15 S., Rs. 1, 2, and 3 E., lying in Chickasaw County.

Choctaw County. Sec. 35, T. 18 N., R. 8 E.; that area north of the north line of T. 15 N., and east of the east line of R. 9 E., lying in Choctaw County.

Clarke County. All of Clarke County.

Clay County. All of Clay County.

Copiah County. Tps. 1 and 2 N., Rs. 1 and 2 W., T. 2 N., R. 2 W.; secs. 2 and 3, T. 10 N., R. 8 E., including all of the town of Hazelhurst; sec. 13, T. 9 N., R. 9 E.; and that area east of the east line of R. 9 E. and R. 1 W., lying in Copiah County.

Covington County. All of Covington County.

Forrest County. All of Forrest County.

George County. All of George County.

Greene County. All of Greene County.

Hancock County. All of Hancock County.

Harrison County. All of Harrison County.

Hinds County. That portion of the county lying east of the east line of R. 2 W.

Jackson County. All of Jackson County.

Jasper County. All of Jasper County.

Jefferson Davis County. All of Jefferson Davis County.

Jones County. All of Jones County.

Kemper County. All of Kemper County.

Lamar County. All of Lamar County.

Lauderdale County. All of Lauderdale County.

Lawrence County. All of Lawrence County.

Leake County. T. 9 N., Rs. 6, 7, and 8 E.; T. 10 N., R. 6 E.; S½ T. 10 N., Rs. 7 and 8 E.; and sec. 25, T. 11 N., R. 7 E.

Lowndes County. All of Lowndes County.

Madison County. That area south of the south line of T. 10 N., lying in Madison County.

Marion County. All of Marion County.

Monroe County. All of Monroe County.

Neshoba County. All of Neshoba County.

Newton County. All of Newton County.

Noxubee County. All of Noxubee County.

Oktibbeha County. All of Oktibbeha County.

Pearl River County. All of Pearl River County.

Perry County. All of Perry County.

Pike County. All of Pike County.

Rankin County. All of Rankin County.

Simpson County. All of Simpson County.

Smith County. All of Smith County.

Stone County. All of Stone County.

Walthall County. All of Walthall County.

Wayne County. All of Wayne County.

Webster County. That portion of the county lying east of the east line of R. 10 E.; and secs. 21 and 28, T. 20 N., R. 10 E.

Winston County. That portion of the county north of the north line of T. 13 N. and east of the east line of R. 11 E.

(2) *Eradiction area.*

Amite County. T. 1 N., R. 2 E., including all of that portion of the corporate limits of the city of Centreville lying in Amite County; and that portion of the corporate limits of the city of Crosby lying in Amite County.

Attala County. Secs. 1, 2, 3, 10, 11, and 12, T. 14 N., R. 6 E.; secs. 34, 35, and 36, T. 15 N., R. 6 E.; and Tps. 14 and 15 N., R. 7 E.

Calhoun County. Sec. 29, T. 13 S., R. 1 E.; sec. 35, T. 14 S., R. 1 W.; and secs. 22, 23, and 24, T. 22 N., R. 10 E.

Franklin County. N½ T. 6 N., R. 5 E.; S½ T. 7 N., R. 5 E., secs. 6, 7, and 18, T. 6 N., R. 6 E., and secs. 19, 30, and 31, T. 7 N., R. 6 E.

Lincoln County. That portion of T. 7 N., R. 6 E. lying in Lincoln County; T. 6 N., Rs. 7 and 8 E.; T. 7 N., Rs. 7 and 8 E.; S½ T. 8 N., Rs. 7 and 8 E.; sec. 6, T. 6 N., R. 9 E.; and T. 5 N., Rs. 7, 8, and 9 E.

Scott County. All of Scott County.

Warren County. That area included within the corporate limits of the city of Vicksburg.

Wilkinson County. All of Wilkinson County.

SOUTH CAROLINA

(1) *Generally infested area.*

Charleston County. That portion of the county bounded by a line beginning at a point where U.S. Highway 78 intersects the Charleston-Dorchester County line and extending northeast along said county line to its junction with the Charleston and Berkeley County line; thence south and east along said county line to its junction with Cooper River; thence in a southerly direction along said river to its intersection with U.S. Highway 17; thence west and north along said highway to its intersection with State Primary Highway 165; thence northwest along said highway to its intersection with the Charleston-Dorchester County line; thence along said county line to the point of beginning.

Orangeburg County. That portion of the county bounded by a line beginning at a point where U.S. Highway 21 intersects the Orangeburg-Calhoun County line, and extending in a southeasterly direction along said county line to its intersection with Four Hole Swamp; thence southeast along said swamp to its intersection with State Primary Highway 121; thence southwest along said highway to its intersection with State Secondary Highway 92; thence southeast along said highway to its junction with State Secondary Highway 28; thence west along said highway to its junction with U.S.

Highway 178; thence northwest along said highway to its intersection with the southeast boundary of the corporate limits of Bowman; thence southwest and northwest along said corporate limits to its intersection with State Primary Highway 121; thence southwest along said highway to its intersection with the corporate limits of Branchville; thence along the north boundary of said corporate limits to the intersection with State Secondary Highway 63; thence northwest along said highway to its intersection with North Fork Edisto River; thence generally north along said river to its intersection with State Secondary Highway 39; thence west along said highway to its junction with State Secondary Highway 49; thence northeast along said highway to its junction with State Secondary Highway 376; thence west along said highway to its intersection with State Secondary Highway 90; thence generally north along said highway to its junction with State Secondary Highway 1072; thence northwest along said highway to its junction with U.S. Highway 301–601; thence east along said highway to its intersection with North Fork Edisto River; thence northwest along said river to its intersection with State Secondary Highway 74; thence northeast along said highway to its junction with U.S. Highway 178; thence southeast 1.6 miles along said highway to its intersetcion with a FAS unnumbered road; thence southeast along said FAS road to its intersection with U.S. Highway 21 at the north city limits of Orangeburg; thence north along said U.S. Highway 21 to the point of beginning; excluding the area within the corporate limits of the towns of Orangeburg, Rowesville and Bowman.

(2) *Eradication area.* None.

TEXAS

(1) *Generally infested area.*
Bexar County. All of Bexar County.
Hardin County. All of Hardin County.
Harris County. All of Harris County.
Jasper County. All of Jasper County.
Jefferson County. All of Jefferson County.
Liberty County. All of Liberty County.
Montgomery County. All of Montgomery County.
Newton County. All of Newton County.
Orange County. All of Orange County.
Tyler County. All of Tyler County.

(2) *Eradication area.* None.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33, 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 19 F.R. 74, as amended, 7 CFR 301.81–2)

This revision shall become effective October 12, 1962, when it shall supersede P.P.C. 629, 3d Revision (7 CFR 301.81–2a), effective June 30, 1961.

The purpose of this revision is to revoke the designation as regulated areas of Carroll, Sharkey, and Yazoo Counties, Mississippi, where, following the application of eradication measures, no imported fire ants have been found for three successive years. Also, to designate as regulated all of Coffee County, Alabama, and parts of Pinellas and Polk Counties, Florida, and Caldwell, Cameron, Catahoula, East Feliciana, LaSalle, Lincoln, and Webster Parishes, Louisiana, areas which heretofore have not been regulated. In addition, the existing regulated areas in 52 counties and parishes in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and South Carolina, have been extended. Futhermore, some areas in Arkansas, Georgia, Louisiana and Mississippi, have been designated as eradication areas.

These instructions impose restrictions supplementing imported fire ant quarantine regulations already effective, and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest, and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of October 1962.

[SEAL] E. D. BURGESS,
Director, Plant Pest Control Division.

[F.R. Doc. 62-10196; Filed, Oct. 11, 1962; 8:53 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Subpart—Administrative Rules and Regulations

Notice of a proposal was published in the September 12, 1962, issue of the FEDERAL REGISTER (27 F.R. 9065) to amend the administrative rules and regulations, as amended (Subpart—Administrative Rules and Regulations, 7 CFR 987.100 to 987.165; 27 F.R. 7088), effective under the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 27 F.R. 6818), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order (hereinafter referred to collectively as the "order") are effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act."

Although item 7 of the proposal (as contained in the published notice) inadvertently did not list wooden containers among the enumerated examples of containers of specialty packs of dates, all of the enumerated containers and wooden containers are set forth in the current rules and regulations as examples of containers used for specialty packs. Since the intent of the proposal was not to exclude the wooden container, this container should be expressly included among the examples in § 987.152 (b)(2) of the amendment based on the proposal.

Said notice afforded interested persons opportunity to submit written data, views, or arguments on the proposal. None were received within the time prescribed therefor.

After consideration of all relevant matters presented, including those in the notice, the recommendation of the Date Administrative Committee, and other available information, it is concluded that the proposed amendment, set forth in the notice, of the amended administrative rules and regulations will tend to effectuate the declared policy of the act.

Therefore, the proposed amendment, as published in the FEDERAL REGISTER (27 F.R. 9065) and as herein corrected, is hereby adopted. The correction is as follows:

In § 987.152(b)(2) *Specialty packs* of item 7 of the notice, appearing at 27 F.R. 9066, is corrected by inserting therein "wood," immediately following "tin,".

For convenient reference, the entire subpart is set forth as follows:

Subpart—Administrative Rules and Regulations

DEFINITIONS

Sec.
987.100 Inspection service.
987.101 Lot.
987.102 Lot number.

DATE ADMINISTRATIVE COMMITTEE
987.131 Confirmation of telephone vote.

GRADE AND SIZE REGULATION
987.141 Inspection certificate.

VOLUME REGULATION
987.145 Volume regulation.

QUALIFICATIONS TO REGULATION
987.151 Interhandler transfers of dates.
987.152 Exemption from regulations.

DISPOSITION OF OTHER THAN FREE DATES
987.155 Diversion or disposition of restricted and other marketable dates.
987.157 Approved manufacturers and feeders.

REPORTS AND RECORDS
987.161 Handler carry-over reports.
987.162 Monthly report of acquisition, shipment, and disposition of dates.
987.164 Reports on disposition of restricted, other marketable, and substandard dates.
987.165 Other reports.
987.168 Minimum records requirement.

GENERAL
987.174 Establishment of divisor to convert the weight of pitted dates to the equivalent weight of whole dates.

AUTHORITY: §§ 987.101 to 987.174 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 987.100 Inspection service.

The inspection service shall be the United States Department of Agriculture's Processed Products Standardization and Inspection Branch, or such other inspection service as is selected by the Committee with the approval of the Secretary.

§ 987.101 Lot.

"Lot" means dates of the same variety, style, type, and grade, in any number of like containers.

§ 987.102 Lot number.

"Lot number" means the code identification assigned by the handler to a particular lot which differs from any other code identification assigned by such handler to any other lot and at least includes: (a) The packing house symbol approved by the Committee for the handlers; (b) a number which indicates the date coded, with January 1 as number one and subsequent days in sequence; (c) the applicable symbol approved by the Committee to indicate whether the lot contains dates which are designated as "packed for handling," "for further processing," "marketable for products," "substandard," or "field-run"; and (d) if more than one lot with the same designation is coded in a day, a number indicating the lot.

DATE ADMINISTRATIVE COMMITTEE

§ 987.131 Confirmation of telephone vote.

All votes made by telephone pursuant to § 987.31 shall be confirmed in writing within 48 hours after the telephone vote is cast.

GRADE AND SIZE REGULATION

§ 987.141 Inspection certificate.

(a) *Furnishing of inspection certificate to Committee.* Each handler shall furnish to the Committee a copy of each inspection certificate issued to him by the inspection service within 24 hours after receipt or issuance. This may be accomplished by authorizing in writing the inspection service to send directly to the Committee a copy of each certificate which is issued. A copy of such authorization shall be furnished to the Committee.

(b) *Information to be shown on inspection certificate.* Each inspection certificate issued by the inspection service with respect to a particular lot of dates shall, among other information pertinent to the inspection of such lot, contain the following: (1) The date of the inspection and the name of the handler; (2) the variety, and lot number, of the dates inspected; (3) the weight of the dates contained in the lot; (4) the number, and the type, of the containers of the inspected dates; and (5) if the dates (i) are other than field-run dates, a certification as to the grade of such dates and whether such dates meet the applicable grade and size requirements and regulations effective pursuant to this part for free dates, marketable dates for products, dates for further processing, or substandard dates, whichever is applicable, or (ii) are field-run dates, a certification as to whether the dates meet the minimum standards for field-run dates set forth in § 987.145(f) and as to the percentage, by weight, of eligible sound dates in the lot.

VOLUME REGULATION

§ 987.145 Volume regulation.

(a) *Weight equivalent on dates certified for further processing.* Dates certified for further processing may be shipped for packing outside the area of production and when so shipped and packed shall be subject to the packed dates grade and inspection requirements before being further placed in the channels of commerce, but need not meet further assessment or restricted withholding obligations due to weight variations. Dates for further processing packed within the area of production and on which assessment and restricted withholding obligations have been met pursuant to § 987.45(c) shall be subject to the packed date grade and inspection requirements and to assessment and withholding obligations on any poundage in excess of that shown on the inspection certificate issued at the time such dates were certified for further processing.

(b) *Identification of dates to be handled*—(1) *Packed dates.* Each handler shall mark all shipping containers (not including subcontainers) of whole or pitted dates packed for handling in such a manner as to indicate the lot number and the name of the handler or distributor. Such markings on shipping containers shall be legible and not less than five-sixteenths (5/16) inch in height on containers of contents exceeding five pounds net weight and not less than one-eighth (1/8) inch in height on smaller containers. The marking shall be done prior to or at the time the dates are inspected. Prior to such marking, the handler shall remove or delete from each such container any former, identifying marks. Upon the dates being inspected and certified as meeting the applicable grade and size requirements and regulations prescribed or provided for in §§ 987.39 and 987.40, the handler shall mark, or otherwise identify, under the supervision of the inspection service, each shipping container with the date of the inspection, the insignia or name of the inspection service, and the letters "DAC".

(2) *Dates for further processing.* (i) Each handler shall mark all shipping containers of dates for further processing with his name and the lot number. Such markings on the shipping containers shall conform with the requirements prescribed in the second sentence of subparagraph (1) of this paragraph. The marking shall be done prior to or at the time the dates are inspected. Prior to such marking, the handler shall remove or delete from each such container all former, identifying marks. Upon the dates being inspected and certified as meeting the applicable grade and size requirements and regulations for such dates effective pursuant to §§ 987.39 and 987.40, the handler shall mark, or otherwise identify, under the supervision of the inspection service, each such shipping container with the date of the inspection and the letters "FP", if the dates are to be moved from the place where inspected.

(ii) If dates certified for further processing are to be held at the place where inspected, they shall be stored separate from all other dates and the stacks thereof shall be marked to show that the dates have been certified as meeting the applicable requirements and regulations effective pursuant to §§ 987.39 and 987.40 for such dates.

(c) *Dates withheld or set aside*—(1) *Identification.* (i) Except for dates to be disposed of through exportation and which are identified in conformity with the requirements prescribed in subdivision (iv) of this subparagraph, each lot of restricted dates and of other dates withheld from handling or set aside pursuant to, or for disposition in accordance with, § 987.45 (a) and (f) or § 987.55, shall, upon inspection, be marked or otherwise identified by the handler under the supervision of the inspection service to show: (*a*) The date of inspection; (*b*) the number of containers in the lot; and (*c*) the number of the inspection certificate covering the lot. Also, each lot of such dates shall, under the supervision of the inspection service: (*1*) Be marked "marketable for products" if the dates meet the effective requirements and regulations for marketable dates prescribed or provided for in §§ 987.12, 987.39, and 987.40; or (*2*) be marked "field-run" if the dates meet the effective requirements and regulations for eligible field-run dates. In addition to marking or otherwise identifying each lot of such dates upon inspection as provided in the two preceding sentences, the handler shall mark the lot number, which shall be legible and not less than five-sixteenths (5/16) inch in height, on each container of the dates which are "marketable for products" unless inspection is concurrent with conversion into approved products (prescribed in, or pursuant to, § 987.55 or § 987.56) under the supervision of the inspection service or the Committee: *Provided,* That the Committee may exempt a handler from the requirement of marking the lot number on each container of dates in a lot if the handler establishes, to the satisfaction of the Committee, and utilizes a procedure for maintaining the identity of such lot. Prior to marking the lot number on any such container, the handler shall remove or delete from such container all former identifying marks.

(ii) Graded dates set aside under § 987.45(e) shall be marked or otherwise identified by the handler as "graded dates set aside."

(iii) Each of such categories of dates (i.e., "marketable for products," "field-run," and "graded dates set aside") withheld from handling or set aside shall be held separate and apart from other dates and from each other and the identity of each preserved.

(iv) Each handler shall mark all shipping containers (not including subcontainers) of dates for export pursuant to § 987.55 in such manner as to indicate the appropriate lot number, and, except for exports to Mexico, the name of the handler or distributor. Such markings on shipping containers shall be legible and not less than five-sixteenths (5/16) inch in height on shipping containers exceeding five pounds net weight and not less than one-eighth (1/8) inch in height on all shipping containers of five pounds net weight or less. All shipping containers of dates to be exported to Mexico also shall be marked by the handler, "EXPORT MEXICO", and such markings shall be legible and not less than three-fourths (3/4) inch in height on shipping containers exceeding five pounds net weight and not less than one-eighth (1/8) inch in height on all shipping containers of five pounds net weight or less. The marking shall be done prior to or at the time the dates are inspected. Prior to such marking, the handler shall remove, delete, or obliterate from each such container any former identifying marks other than those herein authorized. Upon the dates being inspected and certified as meeting the applicable grade and size requirements prescribed

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in, or pursuant to, §§ 987.39, 987.40, and 987.155, the shipping containers shall, except those of dates destined for Mexico, be marked or otherwise identified by, or under the supervision of, the inspection service with the date of inspection, the insignia or name of inspection service, and the word "Export".

(2) *Restricted dates; crediting.* Dates that are identified and held as "marketable for products" shall be eligible as restricted dates. The Committee shall, at such times as a handler who so holds such dates incurs an obligation to withhold from handling a quantity of marketable dates, credit him, subject to the provisions of subparagraph (3)(ii) of this paragraph, with satisfaction of obligation to the extent of the quantity of such dates identified as "marketable for products" but not exceeding such obligation. The quantity of dates involved in such crediting and satisfaction shall thereupon become restricted dates and be subject to all of the provisions of this part with respect to restricted dates.

(3) *Requirements with respect to unidentified dates, deterioration, and further inspection.* (i) Dates shall not be disposed of in outlets other than the non-human food outlets provided for in § 987.56 unless such dates are inspected and certified as meeting the applicable requirements for the outlets at the time of disposition. Any dates which previously had been inspected and certified as meeting the effective requirements and regulations for marketable dates, whose identity has been preserved, and with respect to which the Committee has not determined that the dates have so deteriorated as to be eligible only for disposition in the substandard or cull date outlets, may be disposed of without further inspection into the outlets prescribed in, or pursuant to, § 987.55 for marketable dates.

(ii) Whenever dates which a handler sets aside or withholds from handling to meet restricted obligation cannot be identified to the satisfaction of the Committee as dates previously certified as marketable dates or as eligible field-run dates, the Committee shall cancel, to the extent of the restricted obligation involved, the withholding credit previously granted to the handler unless the handler sets aside or withholds from handling marketable dates or eligible field-run dates in sufficient quantity to equal such credit. In setting aside or withholding such marketable dates or eligible field-run dates, the handler may use part or all of the dates which could not be identified if they are inspected and certified as marketable dates or eligible field-run dates. The provisions of this subdivision shall not excuse any failure by a handler to comply with any provisions of the act or this part, and the remedies and penalties prescribed in the act shall continue to apply with respect to any such failure.

(iii) Any dates which can be identified as marketable dates set aside but which have so deteriorated as to be eligible only for disposition in the substandard or cull outlets shall be disposed of therein unless reconditioned to marketable quality under the direct supervision of the inspection service. The determination of the Committee of whether the dates have so deteriorated shall be final unless the handler establishes by reinspection by the inspection service that the lot or any portion continues to be marketable. Any withholding credit granted on such marketable dates shall continue to apply irrespective of the disposition of the original lot.

(d) *Change in outlet of certified dates.* Each handler, prior to placing any lot of dates in an outlet other than that indicated on the inspection certificate, shall notify the Committee of such intention in writing and inform it of (1) the net weight of such dates, (2) the number of containers, (3) the handler's lot number, (4) the inspection certificate number applicable to such certified dates, and (5) the new outlet into which the dates will be placed. Upon the Committee notifying the handler of its approval of the proposed change, and the completion of any necessary recertification of the lot as to its eligibility for disposition in the new outlet, the handler shall, under the supervision of the Committee, bring the identification of the lot, as well as identification, if any, on the containers in the lot, into conformance with the identification required pursuant to paragraph (c) of this section for the new outlet. In approving or disapproving the change in outlet, the Committee shall take into consideration whether or not disposition of the particular dates in the new outlet would be in accordance with the provisions of this part except as to certification.

(e) *Deferment by setting aside graded dates.* In order for a handler to defer, as provided in § 987.45(e), the meeting of any portion of his obligation to withhold restricted dates by setting aside graded dates, he shall file an application therefor with the Committee. Such application shall be submitted on DAC Form 12 and shall contain the following information: (1) Name and address of the handler; (2) the variety and location of the graded dates to be set aside; (3) the net weight, and the number of containers, of the dates to be set aside; and (4) the lot number. The application shall also set forth the agreement prescribed in § 987.45(e); and the application, including the agreement, shall be signed by the handler or his authorized representative. Such application may be approved by the Committee manager.

(f) *Withholding and disposition of field-run dates.* (1) *General.* Any handler may, as provided in § 987.45(f), satisfy all or any part of his obligation to withhold restricted dates by setting aside or disposing of lots of eligible field-run dates in the prescribed cull outlets. The direct disposal as well as the disposal of lots set aside shall occur prior to July 31 of the crop year, as provided in said § 987.45(f).

(2) *Filing of agreement.* In connection with a handler's setting aside, as provided in § 987.45(f), of field-run dates to satisfy all or any part of his obligation to withhold restricted dates, the handler shall file with the Committee on DAC Form 13 an agreement, as specified in § 987.45(f), which shall be signed by the handler or his authorized representative.

(3) *Disposition of field-run dates.* Prior to disposition by a handler of any field-run dates in any outlets, the handler shall notify the Committee of his intention to do so. If any such disposal is of field-run dates to be used, or is of field-run dates set aside, pursuant to the § 987.45(f) in satisfaction of any of such handler's obligation to withhold restricted dates, the disposition shall be under the supervision of the Committee and through approved manufacturers or feeders. If any handler has not disposed of his set-aside, field-run dates by July 30 of the crop year in which set aside, such handler shall, as provided in § 987.45(f) and not later than said July 30, (i) have such set-aside dates graded and the graded dates certified as marketable dates or substitute for the set-aside, field-run dates an equivalent quantity of marketable dates, and (ii) withhold or dispose of all such marketable dates as restricted dates.

(4) *Requirements for eligible field-run dates.* Lots of eligible field-run dates shall be limited to those which, on the basis of the representative sample drawn by the inspection service and inspected on an individual date basis, meet the following requirements:

(i) At least 70 percent, by weight, of the dates in the sample are sound dates which would, after normal processing, meet the effective minimum requirements for the factors of color, uniformity of size, and character for restricted dates ("sound dates" meaning dates which are free of defects, other than those removable by washing, that are scored pursuant to the effective United States Standards for Grades of Dates); and

(ii) Not more than a total of 10 percent, by weight, of the dates in the sample are cull dates of which hidden culls do not exceed five percent, by weight, of the sample ("hidden culls" being cull dates which have internal defects not visible on the surface, including souring, mold, insect infestation, fermentation, and related defects).

(5) *Credit for eligible weight of field-run dates.* Any handler who sets aside any such lot of dates or disposes of such lot in the cul outlets shall be credited, subject to the applicable provisions of paragraph (c)(3)(ii) of this section, with satisfaction of all or any part of his restricted obligation to the extent of the eligible weight of the lot. The eligible weight of such lot shall be computed by multiplying the net weight of the dates in the lot by the percentage (as set forth in the inspection certificate applicable to such lot) of the sound dates in the lot which meet the requirements in subparagraph (4)(i) of this paragraph.

(g) *Credit for disposition in excess of restricted obligation.* Any handler disposing of marketable dates in restricted outlets in excess of his restricted obligation during a crop year may upon request to the Committee, have such excess credited to his restricted obligation of the following crop year subject to the following limitations: (1) The excess disposition exceeds 199 pounds, and (2) the amount of excess disposition credited shall not exceed 25 percent of the handler's restricted obligation of the crop

year beginning August 1, 1962, nor 10 percent of the obligation of any subsequent crop year.

QUALIFICATIONS TO REGULATION

§ 987.151 Interhandler transfers of dates.

Each handler who transfers dates to another handler pursuant to § 987.51 shall give written notice to the Committee of the transfer not later than the next business date after such transfer. Such notice shall be on DAC Form No. 1 and shall specify: (a) The names and addresses of the transferring or selling handler and of the receiving or buying handler; (b) the number, and types, of containers; (c) the quantities, and varieties, of dates transferred; (d) whether the dates are packed dates, dates for further processing, field-run dates, or graded dates; and (e) the lot numbers and the numbers of the inspection certificates if any, covering the dates. If the transfer is wholly within the area of production, any assessment and withholding obligations incident to the dates being transferred shall be placed on the handler agreeing to assume them except that, if the Committee fails to receive notice of the agreement on such obligations, the buying handler shall be held accountable. Notice of any such agreement shall be given by furnishing the Committee a signed copy.

§ 987.152 Exemption from regulations.

(a) *Producer exemptions.* Any date producer, upon obtaining written approval of the Committee, may sell dates of his own production directly to consumers, free of the requirements of §§ 987.45, 987.48, and 987.72 in the following outlets:

(1) *Roadside stands or date shops.* Any quantity if sold directly to consumers at roadside stands or date shops at locations specifically approved by the Committee.

(2) *Parcel post or express shipments.* Shipments by parcel post or express directly to consumers.

(b) *Handler exemptions.* Any date handler, upon obtaining written approval of the Committee, may obtain the following partial exemptions in the following outlets:

(1) *Specialty outlets.* Any quantity if sold to such specialty outlets as health stores or outlets specializing in health foods, as shall be approved by the Committee, may be exempt from the moisture requirements of the effective minimum grade.

(2) *Specialty packs.* Dates in specialty packs such as hand layered dates in glass, tin, wood, plastics, film, or other types of container approved by the Committee may be sold free from the provisions of § 987.41(a) and § 987.48: *Provided*, That the dates shall have been packed from dates that have been certified as meeting the applicable grade requirements and have not been commingled with other dates.

(3) *Minimum quantity shipments.* Shipments by common carrier not to exceed ten flats of fifteen pounds each, or the equivalent weight in other packs, to any one purchaser in any one day may be exempt from the provisions of § 987.41(a): *Provided*, That such dates shall have been packed from dates that have been certified as meeting the effective grade regulations and have not been commingled with other dates.

(c) *Sales not eligible for exemption.* Except as provided in paragraph (b)(1), and (2), and (3) of this section, no exemption shall be granted on dates sold by producers or handlers to truckers, dealers, retail stores, or any other outlets for resale. The Committee may, however, upon a finding that inspection is unnecessary, exempt any producer receiving other exemptions hereunder from the requirements of § 987.41.

(d) *Application to be filed.* Applications for exemption from regulation shall be filed with the Committee on producer DAC Form No. 9 or handler DAC Form No. 10, whichever is applicable, at the beginning of each marketing year or as soon thereafter as is practicable. The applications shall show, as applicable: (1) The name and address of the producer or handler; (2) if dates are to be sold from roadside stands or date shops, the location and description of the place at which the sales are to be made, the estimated quantity to be sold at such location during the marketing year, and the grade of dates to be sold; (3) if dates are to be sold by mail order, the estimated quantity and grade of the dates to be sold; (4) if dates are to be sold in specialty packs, a detailed description of the type of container in which dates are to be packed, the estimated quantity to be sold in each type of pack, and the procedure for having such dates inspected prior to packing and set aside to prevent commingling with other dates; (5) if dates are to be sold to specialty outlets, the name, address, and nature of business of the person or company to whom the dates will be sold, and the estimated quantity of dates that will be sold during the marketing year in such outlets; and (6) if dates are to be sold in minimum quantity shipments, the application shall set forth the procedure for having such dates inspected prior to packing and set aside to prevent commingling with other dates, and shall state the estimated quantity to be marketed in this manner during the marketing year. The application shall also contain a certification to the Committee and the United States Department of Agriculture, signed by the applicant, that all date sales will conform with the requirements of this part except to the extent that exemption is specifically granted. The applicant shall agree to submit on DAC Form No. 2 such information concerning his exempt sales of dates as may be requested by the Committee.

DISPOSITION OF OTHER THAN FREE DATES

§ 987.155 Diversion or disposition of restricted and other marketable dates.

(a) *By export.* (1) The export of restricted dates to the following countries is approved pursuant to § 987.55: Mexico and, subject to the conditions herein specified, all other countries not included in the annual determination of trade demand pursuant to § 987.34 and not specified in connection with the annual establishment of volume percentages pursuant to § 987.44. Except for dates exported to Mexico, such dates shall be (i) inspected and certified prior to export as meeting all of the requirements pursuant to §§ 987.39 and 987.40 for free dates, (ii) packed prior to export in cartons, not including bags, each having a net weight content of eight, ten, or twelve ounces, or in containers having a net weight content of not less than ten pounds, and (iii) clearly marked for export at the time of shipment and shall move directly from the handler to the country of destination. If the conditions in the foregoing sentence are not complied with, the export shipment of any dates to such countries other than Mexico shall be considered to be an export shipment of free dates and subject to requirements applicable to free dates. The provisions of this subparagraph shall not be construed as prohibiting the dates packed in the prescribed cartons or containers from being placed in larger shipping containers.

(2) Upon exporting dates to Mexico, each handler shall furnish to the Committee on DAC Form No. 11a, a certification to the Committee and the United States Department of Agriculture that such dates will not re-enter the United States or be reshipped to Canada or any other country. Such certificate shall state: (i) The name of the handler; (ii) the date of shipment; (iii) the customs permit, passport, or border crossing number of the person moving the dates into export; (iv) the quantity and variety of dates included in the shipment; (v) the number of the DAC Form No. 8 report covering the shipment as required by § 987.164; (vi) the truck license number; (vii) the destination of the dates; (viii) the location of border crossing station through which such dates will be transported; and (ix) the name and address of the Mexican importer. The certificate shall be signed by the handler or by his authorized agent and the person moving the dates into export. It may constitute the proof of exportation which the handler is required to submit pursuant to § 987.164. The original copy of the certificate shall be forwarded by the handler to the Committee on the day of sale, the duplicate shall accompany the shipment and shall be surrendered to the United States Customs Service at the Mexican border, and the triplicate shall be retained by the handler.

(b) *By diversion into products.* Restricted dates and any other dates that have been inspected and certified as "marketable for products" may, in accordance with §§ 987.55 and 987.57, be diverted by any handler or sold to any diverter who is an approved manufacturer for diversion into such products as rings, chunks, pieces, butter, paste, macerated dates, syrup, or any other products which the Committee concludes to be appropriate pursuant to § 987.55.

§ 987.157 Approved manufacturers and feeders.

(a) *Application.* In order for any manufacturer, including any handler, to become an approved manufacturer or for

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any person to become an approved feeder pursuant to § 987.57, he shall submit to the Committee an application on DAC Form No. 3, which shall contain the following information: (1) The name and address of applicant; (2) the quantity of dates which the applicant intends to obtain during a normal crop year for diversion into products; (3) the particular products the applicant proposes to make or derive from such dates (need not be answered by feeder applicants); (4) location of applicant's products plants or feeding pens, as the case may be; (5) a certification to the Date Administrative Committee and the United States Department of Agriculture that all dates the applicant obtains for use in the manufacture of the specified products or for livestock feeding will be used only for the purposes stated in the application, and that none of these dates will be resold or disposed of as whole or pitted dates; and (6) an agreement to furnish such information on the disposition of dates as required on DAC Forms Nos. 4 and 8 and to otherwise comply with the requirements and restrictions relative to the use and disposition of dates, as set forth in this part.

(b) *Approval.* Based upon the information submitted in the application, and upon other information obtained by the Committee upon investigation, the Committee shall approve or disapprove the application. If the application is approved, the applicant's name shall be placed on the list of approved manufacturers or the list of approved feeders, as the case may be, but shall be subject to the continuing right of disapproval for cause. Such lists shall be maintained in the office of the Committee for examination by handlers upon request. The list of approved manufacturers shall set forth the products the respective approved manufacturers produce.

REPORTS AND RECORDS

§ 987.161 Handler carry-over reports.

Handler carry-over reports required under § 987.61 shall be submitted on DAC Form No. 5, and shall show the respectice quantities, by varieties, of dates held within the area of production and dates held outside the area of production, which are (a) certified as free (certified for handling), (b) certified for further processing, (c) certified as "marketable for products", (d) graded dates set aside on approval of the Committee, (e) certified as "field-run" dates set aside including the sound and unsound portions therein, (f) graded or packed but not certified, (g) substandard dates and culls, and (h) estimated by the handler to be marketable dates in all field-run lots, other than those covered by (e) of this section, and the balance of the dates in such lots which are not marketable dates.

§ 987.162 Monthly report of acquisition, shipment, and disposition of dates.

Each handler shall file with the Committee by the 10th day of each month on DAC Form No. 6 a report for the preceding month of the respective quantities by varieties of (a) field-run dates received, (b) receipts of dates from other handlers, (c) free dates shipped, (d) free dates sold, (e) dispositions of restricted dates and other dates that are "marketable for products", substandard dates, and cull dates, and (f) dispositions by handler exempt sales.

§ 987.164 Reports on disposition of restricted, other marketable and substandard dates.

Upon completion of each disposition by a handler of dates of any of the following categories, the handler shall report such completion to the Committee on DAC Form No. 8: Restricted dates, other marketable dates (except free dates), and substandard dates. Such report shall show the (a) variety, (b) category, (c) lot number(s) and inspection certificate number(s), if any, (d) number of boxes and net weight of the date disposed of, and (e) the outlet of disposition. If the dates were exported, the report shall be accompanied by a copy of the on-board bill of lading covering the shipment or such other documentary evidence as is satisfactory to the Committee that the dates were exported. If dates are disposed of to an approved manufacturer or an approved feeder, a copy of the report shall be signed by the manufacturer or feeder as the case may be.

§ 987.165 Other reports.

(a) *Report of exempt sales.* Each handler to whom an exemption has been granted shall, upon completion during the crop year of sales of the dates covered by the exemption or by July 31 of the crop year, whichever occurs first, submit to the Committee on DAC Form No. 2 a report showing the respective total quantities by variety, of dates handled under such exemption during the crop year.

(b) *Reports by approved manufacturers.* Each approved manufacturer shall file with the Committee no later than August 31 a report on DAC Form No. 4 showing by varieties and for the preceding crop year: (1) the carryin and carryout of dates and of date products, each separately; (2) the quantity of dates received for manufacture; (3) the quantity of dates utilized; and (4) the quantity of date products manufactured, separately as to types.

§ 987.168 Minimum records requirement.

Each handler shall, pursuant to § 987.68, maintain at least the following types of records and retain them for a minimum period of two years subsequent to the termination of the crop year in which the transactions occurred:

(a) A record of grower deliveries of dates showing, for each delivery: (1) The name of the grower; (2) the date of delivery; (3) the varieties of dates so delivered; and (4) the net weight of the dates delivered;

(b) A record of all shipments of dates showing, by variety and for each shipment: (1) The date of shipment; (2) the number and size of the containers; (3) the net weight of the shipment; and (4) the name and address of the person to whom the dates were shipped;

(c) A record of all sales of dates showing, by variety and for each sale: (1) The name and address of the purchaser; (2) the date of sale; (3) the number and size of the containers; and (4) the net weight of dates sold; except when all information in such a record would be the same as contained in the record of shipments maintained pursuant to paragraph (b) of this section; and

(d) A record of dates held, respectively, on each January 1, June 1, and August 1 showing, by variety, for each of these days and by category (i.e., as described in § 987.161): (1) The number and size of the containers of dates; and (2) the net weight of the dates.

GENERAL

§ 987.174 Establishment of divisor to convert the weight of pitted dates to the equivalent weight of whole dates.

For the purpose of determining the whole date equivalent (i.e., weight) of a given quantity of pitted dates, the weight of the pitted dates shall be divided by 0.875.

It is hereby found and determined that good cause exists for not postponing the effective time of this action later than the time hereinafter set forth (5 U.S.C. 1003(c)) in that: (1) This amendment authorizes certain exemptions from regulation under the order and hence relieves restrictions on the handling of dates; (2) it establishes a divisor required to be used pursuant to the order for converting the weight of the pitted dates to the equivalent weight of whole dates and prescribes the types of records which handlers shall, as a minimum, maintain; (3) it is necessary that the amendment become effective at the time hereinafter set forth to (i) prevent inequity among handlers from their use of different divisors for converting the weight of pitted dates and (ii) assure that handlers commence keeping the prescribed minimum records required to be maintained for purposes of verification of their reports; and such records should at least cover the essential part of the crop year to maximize their utility and would facilitate reports that would be on a uniform basis; (4) the proposal on which this amendment is based was submitted by the Date Administrative Committee (on which handlers and producers are represented) and hence handlers and producers have had general knowledge of the proposal; (5) notice of proposed rule making in connection with this amendatory action was published in the FEDERAL REGISTER (27 F.R. 9065) and interested persons were afforded an opportunity to submit written data, views, or arguments thereon, and no such comments were submitted; (6) at most, any preparation by handlers necessary for compliance with this amendment should not require more than seven days; and (7) a reasonable time, therefore, is afforded to enable regulated persons to prepare for, and conduct, their operations accordingly.

Dated, October 9, 1962, to become effective on the eighth day after the date

of publication of this document in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10194; Filed, Oct. 11, 1962; 8:52 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

District Offices; Relocation

In the matter of amendment of Part 0 of the Commission's rules and regulations for the purpose of making editorial changes therein.

The Commission, having under consideration the amendment of § 0.49(a) of its rules; and

It appearing that the District Office in Houston, Texas has been relocated from its former address to the New Federal Building; and

It further appearing that the District Office in Washington, D.C., has been relocated from its former address to 1101 Pennsylvania Avenue NW., Room 10110 Washington, D.C.; and

It further appearing that the amendment adopted herein pertains to Commission management and organization and that such amendment is editorial in nature, and hence that compliance with the requirements of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.341(a) of the Commission's rules

It is ordered, This 8th day of October 1962, that effective October 8, 1962, § 0.49 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1062, as amended; 47 U.S.C. 303)

Released: October 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

The table in § 0.49(a) is amended as follows:

(1) The address in Column 2 for Radio District 9 is amended to read: New Federal Office Building, 515 Rusk Avenue, Room 5636, Houston 2, Texas.

(2) The address in Column 2 for Radio District 24 is amended to read: 1101 Pennsylvania Avenue NW., Room 10110, Washington, D.C.

[F.R. Doc. 62-10185; Filed, Oct. 11, 1962; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

[Docket No. 13984; Order E-18894]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Liability Insurance Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of October 1962.

In the matter of the applicability of § 208.10(a) of the Economic Regulations to holders of interim operating authority issued under section 7 of Public Law 87-528.

Part 208 of the Economic Regulations, which imposes various terms and conditions upon supplemental air carrier operating authority, became effective October 9, 1962. Section 208.10(a) requires that an air carrier subject thereto file, on October 9, 1962, as a condition to operations on or after that date, an affidavit stating that it has in effect liability insurance coverage that substantially complies with the requirements of said part. It has come to the Board's attention that because of the short notice involved, many carriers may be unable to comply with this requirement and the Board has concluded that it is in the public interest to extend the period for filing the affidavit.

The Board notes that the interim certificates or authority of each of the carriers to whom the rule is applicable were issued upon findings that the carriers were covered by adequate liability insurance. Moreover, each of the certificates contains a condition requiring the carrier to maintain such insurance in full force and effect until the Board adopts regulations governing liability insurance. We will condition the extension of time granted herein upon the continued maintenance of the liability insurance in force on the date of the carrier's application for interim authority until the required affidavit is filed.

Accordingly, pursuant to sections 204 (a) and 401 of the Federal Aviation Act of 1958, as amended, and 2, 3, and 4 of the Administrative Procedure Act, 72 Stat. 743, 754; 76 Stat. 143; 60 Stat. 237, 238; 49 U.S.C. 1324, 1371; 5 U.S.C. 1001, 1002, 1003: *It is hereby ordered,*

1. That the time for filing affidavits required by § 208.10(a), 14 CFR 208.10 (a), be and it hereby is extended to October 16, 1962; *Provided,* That each air carrier to whom this order is applicable shall maintain in full force and effect all flight liability insurance held by it on the date it filed its application for an interim certificate or authority pursuant to Public Law 87-528;

2. This order shall be applicable to each air carrier holding an interim certificate or authority from the Board issued under section 7 of Public Law 87-528;

3. This order shall be served upon all carriers referred to in paragraph 2 hereof; and

4. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-10191; Filed, Oct. 11, 1962; 8:52 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1415; Amdt. 493]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707/720 Series and Douglas DC-8 Series Aircraft

Amendment 385, 27 F.R. 442 (AD 62-2-2), requires inspection of the fourth stage compressor rotor disc of Pratt & Whitney JT3D-3 turbofan engines installed in Boeing 707/720 and Douglas DC-8 Series aircraft. Airworthiness Directive 61-24-1 requires inspection of the main oil screen when the engine is disassembled to the extent of exposing any bearing compartment. It has been determined that the number one bearing compartment has not exhibited internal carbon build-up as experienced in other bearing compartments as it is located in the forward and relatively cool section of the engine. Accordingly, Amendment 385 is being amended to state that the requirements for main oil screen inspections per AD 61-24-5 does not apply when the No. 1 bearing compartment is exposed for this disc inspection.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 385, 27 F.R. 442, Boeing 707/720 Series and Douglas DC-8 Series aircraft, is amended by adding the following paragraph (d):

(d) The requirement for main oil screen inspection per AD 61-24-1 does not apply when the No. 1 bearing compartment is exposed for this disc inspection.

This amendment shall become effective October 12, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 8, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-10155; Filed, Oct. 11, 1962; 8:45 a.m.]

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SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1399; Amdt. 291]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE OCTOBER 27, 1962, OR UPON DECOMMISSIONING OF FACILITY.							
City, El Centro; State, Calif.; Airport Name, NAAS; Elev., −43'; Fac. Class., SBMRLZ; Ident., ELC; Procedure No. 1, Amdt. 6; Eff. Date, 7 May 58; Sup. Amdt. No. 5; Dated, 1 Mar. 58							
PROCEDURE CANCELLED, EFFECTIVE OCTOBER 27, 1962, OR UPON DECOMMISSIONING OF FACILITY.							
City, Imperial; State, Calif.; Airport Name, Imperial County; Elev., −58'; Fac. Class., SBMRLZ; Ident., EC; Procedure No.1, Amdt. 5; Eff. Date, 21 Oct. 61; Sup. Amdt. No. 4; Dated, 16 Sept. 61							
PROCEDURE CANCELLED, EFFECTIVE OCTOBER 27, 1962.							
City, Rapid City; State, S. Dak.; Airport Name, Rapid City; Elev., 3181'; Fac. Class., SABRAZ; Ident., RP; Procedure No. 1, Amdt. 9; Eff. Date, 25 Nov. 61; Sup. Amdt. No. 8; Dated, 23 June 56							
PROCEDURE CANCELLED, EFFECTIVE OCTOBER 27, 1962.							
City, Rapid City; State, S. Dak.; Airport Name, Rapid City; Elev., 3181'; Fac. Class., SABRAZ; Ident., RP; Procedure No. 2, Amdt. 1; Eff. Date, 25 Nov. 61; Sup Amdt. No. Orig.; Dated, 3 Nov. 56							

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CPR VOR	CPR RBn	Direct	7000	T-dn	300–1	300–1	200–½
Alcova Int	CPR RBn	Direct	8000	C-d	500–1	500–1	500–1½
CPR ILS/LOM	CPR RBn	Direct	7000	C-n	500–2	500–2	500–2
Cole Creek Int%	CPR RBn (Final)	Direct	7000	S-dn*	400–1	400–1	500–1¼
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 075° Outbnd, 255° Inbnd, 7000' within 10 miles.
Minimum altitude over facility on final approach crs, 6500'.
Crs and distance facility to airport, 255°—6.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing RBn, climb to 7500' on 255° Outbnd, within 20 miles of RBn, or when directed by ATC, turn right, proceed direct to CPR VOR at 7500'.
NOTE: 5900' terrain 5 miles south, southeast, and west of airport.
*Straight-in minimums less than circling minimums authorized only when LMM operating and utilized.
%Cole Creek Int: Int CPR VOR R-120 and 075° brng to CPR RBn.

City, Casper; State, Wyo.; Airport Name, Casper Air Terminal; Elev., 5348'; Fac. Class., SABH; Ident., CPR; Procedure No. 2, Amdt. Orig., upon commission of CPR SABH; Eff. Date, 27 Oct. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
JAX VOR	JX RBn	Direct	1600	T-dn	300–1	300–1	200–½
				C-dn	600–2	600–2	600–2
				A-dn	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 090° Outbnd, 270° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, facility to airport, 140°—6.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RBn, climb to 1600' on heading of 270° within 20 miles.
NOTE: If unable to maintain visual reference after passing facility, climb to 1600' on a heading of 140° within 20 miles and contact JAX approach control immediately. NA for air carriers. No weather or communications service at airport.

City, Jacksonville; State, Fla.; Airport Name, Craig; Elev., 41'; Fac. Class., MH; Ident., JX; Procedure No. 1, Amdt. Orig.; Eff. Date, 27 Oct. 62

JAX VOR	JX RBn	Direct	1600	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-27	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 090° Outbnd, 270° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, facility to airport, 270°—1.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles after passing JX RBn, climb to 1600' on a bearing of 270° from RBn within 20 miles.
CAUTION: 194' tank between RBn and airport.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 52'; Fac. Class., MH; Ident., JX; Procedure No. 2, Amdt. Orig.; Eff. Date, 27 Oct. 62

MLS VOR	MLS-RBn	Direct	4500	T-dn	300–1	300–1	200–½
				C-dn	400–1	500 1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side crs, 236° Outbnd, 056° Inbnd, 4500' within 10 miles.
Minimum altitude over facility on final approach crs, 3300'.
Crs and distance, facility to airport, 056°—1.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing RBn, climb to 4500' on 056° crs of RBn within 20 miles.

City, Miles City; State, Mont.; Airport Name, Municipal; Elev., 2628'; Fac. Class., SABH; Ident., MLS; Procedure No. 1, Amdt. Orig.; Eff. Date, 27 Oct. 62

Valley Int	LYS RBn	Direct	3500	T-d	300–1	300–1	200–½
Angelica Int	LYS RBn	Direct	3400	C-d	500–1	500–1	500–1½
Wellsville VOR	LYS RBn	Direct	3600	S-d-22	500–1	500–1	500–1
				A-d*	NA	NA	NA

Procedure turn E side of crs, 037° Outbnd, 217° Inbnd, 3400' within 10 miles.
Minimum altitude over facility on final approach crs, 2900'.
Crs and distance, facility to airport, 217°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing MHW, make immediate left climbing turn to Olean RBn at 3400'. Hold on LYS RBn, left turns, 1-minute pattern, 217° Inbnd.
NOTE: This procedure authorized only during hours of operation from 0800 to sunset local time. Facility owned and operated by City of Olean.
*Alternate minimums of 800–2 authorized for those who have previous arrangement for weather service at airport.

City, Olean; State, N.Y.; Airport Name, Olean Municipal; Elev., 2118'; Fac. Class., MHW; Ident., LYS; Procedure No. 1, Amdt. 1; Eff. Date, 27 Oct. 62; Sup. Amdt. No. Orig.; Dated, 12 Aug. 61

Pensacola VOR	PNS RBn	Direct	1500	T-dn	300–1	300–1	200–½
Harold Int	PNS RBn	Direct	1400	C-dn	400–1	500–1	500–1½
				S-dn-34	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 161° Outbnd, 341° Inbnd, 1200' within 10 miles. Beyond 10 miles NA due warning area.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 343°—1.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing RBn, climb to 1300' on 341° crs from RBn within 15 miles or, when directed by ATC, turn right, climb to 1300' on crs of 053° from Saufley RBn within 15 miles.
CAUTION: Warning area beyond 10 miles S of PNS RBn.

City, Pensacola; State, Fla.; Airport Name, Municipal; Elev., 121'; Fac. Class., SABH; Ident., PNS; Procedure No. 2, Amdt. Orig.; Eff. Date, 27 Oct. 62

TA-RBn	PI LOM	Direct	1500	T-dn	300–1	300–1	200–½
PIE-VOR	PI LOM	Direct	1300	C-dn	600–1	600–1	600–1½
				S-dn-17	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 1300' within 10 miles.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 170°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LOM, turn right, climbing to 1300' on course of 270°, intercept and proceed out 220° brng from PI LOM withing 20 miles.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg-Clearwater International; Elev., 10'; Fac. Class., LOM; Ident., PI; Procedure No. 1, Amdt. 5; Eff. Date, 27 Oct. 62; Sup. Amdt. No. 4; Dated, 4 Nov. 61

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ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
TLH-VOR	LOM	Direct	1400	T-dn	300–1	300–1	200–½
TLH-RBn	LOM	Direct	1400	C-dn	400–1	500–1	500–1½
Camp Int*	LOM	Direct	1200	S-dn–36	400–1	400–1	400–1
Creek Int**	LOM	Direct	1200	A-dn	800–2	800–2	800–2
Jackson Int#	LOM	Direct	1500				

Procedure turn E side of crs, 178° Outbnd, 358° Inbnd, 1200′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 358°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 1400′ on crs 358° from LOM, make left turn, proceeding direct to LOM or, when directed by ATC, climb to 1500′ on crs 358° from LOM, proceed to TLH-VOR via R-265.
*Camp Int: Int R-152 TLH-VOR and 090° crs from LOM.
**Creek Int: Int R-139 MAI-VOR and R-228 TLH-VOR.
#Jackson Int: Int R-286 TLH-VOR and north crs of localizer.

City, Tallahassee; State, Fla.; Airport Name, Tallahassee Municipal; Elev., 82′; Fac. Class., LOM; Ident., TL; Procedure No. 1, Amdt. 1; Eff. Date, 27 Oct. 62; Sup. Amdt. No. Orig.; Dated, 6 May 61

TLH VOR	TLH RBn	Direct	1500	T-dn	300–1	300–1	200–½
TL LOM	TLH RBn	Direct	1500	C-dn	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 297° Outbnd, 117° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs, and distance, facility to airport, 140°—2.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles after passing RBn, climb to 1500′ on the 140° crs from TH RBn within 20 miles.

City, Tallahassee; State, Fla.; Airport Name, Municipal; Elev., 82′; Fac. Class., BH; Ident., TLH; Procedure No. 2, Amdt. 1; Eff. Date, 27 Oct. 62; Sup. Amdt. No. Orig.; Dated, 1 Sept. 62

PIE VOR	TA RBn	Direct	1500	T-dn*	300–1	300–1	300–1
				C-dn	700–1	700–1	700–1½
				S-dn–3	500–1	500–1	500–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 211° Outbnd, 031° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 056°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing TA RBn, climb to 1500′ on 056° brng from RBn within 20 miles.
CAUTION: 451′ towers immediately N of airport.
NOTE: Air carrier use not authorized. Weather and communications service not available at this airport. Unicom available.
*500–1 required for N and NW takeoffs.

City, Tampa; State, Fla.; Airport Name, Peter O. Knight; Elev., 8′; Fac. Class., MH; Ident., TA; Procedure No. 1; Amdt. Orig.; Eff. Date, 27 Oct. 62

PIE VOR	TA RBn	Direct	1500	T-dn	300–1	300–1	*200–½
				C-dn	500–1	500–1	500–1½
				S-dn–36	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 136° Outbnd, 316° Inbnd, 1500′ within 10 miles. Nonstandard due to obstruction.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 335°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing TA RBn, turn right to 356° brng from RBn, climb to 1500′ within 20 miles or, when directed by ATC, turn right to 056° brng from RBn, climb to 1500′ within 20 miles.
CAUTION: 210′ tower 1 mile WSW of airport.
AIR CARRIER NOTE: Takeoff Runway 27 below 200–½ NA. Runway 14–32 closed to all air carrier operations.
*One mile visibility required all operations Runway 14–32.

City, Tampa; State, Fla.; Airport Name, Tampa International; Elev., 27′; Fac. Class., MH; Ident., TA; Procedure No. 2, Amdt Orig.; Eff. Date, 27 Oct. 62

Thornhurst VOR	LOM	Direct	3500	T-dn*	600–1	600–1	600–1
Hazelton RBn	LOM	Direct	3500	C-dn	1200–1	1200–1½	1200–2
Crystal Lake Rbn#	LOM (Final)	Direct	3000	C-n	1300–2	1300–2	1300–2
				S-dn	NA	NA	NA
				A-d	1400–2	1400–2	1400–2
				A-n	1600–3	1600–3	1600–3

Radar transitions authorized in accordance with approved patterns.
Procedure turn W side of crs, 223° Outbnd, 043° Inbnd, 3500′ within 10 miles of LOM.**
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 043°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Wilkes-Barre LOM, climb to 3500′ on course 043° from the Wilkes-Barre LOM, then proceed to Wilkes-Barre VOR, maintain 4000′, hold east, 1-minute right turns, inbound course 268° or, when directed by ATC, (1) climb to 3500′ on crs 043° from the Wilkes-Barre LOM, turn left and proceed direct to Wilkes-Barre LOM, maintain 3500′, hold SW, 1-minute left turns, inbound course 043°, (2) hold west of the Wilkes-Barre LOM at 3500′, 1-minute right turns, inbound course 100°.
AIR CARRIER NOTE: Provisions for reduced visibility not authorized at night or day with day minimums below 1 mile for 65 knots or less aircraft and 1½ miles for more than 65 knots aircraft.
CAUTION: High terrain to east, southeast, and south of airport within 2.5 miles.
*Takeoff Runways 10 and 16, day 600–2, night 800–2.
**Nonstandard procedure turn and holding pattern due to terrain considerations and to provide separations from Hazleton traffic.
#This transition authorized only for aircraft dual ADF equipped.

City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre-Scranton; Elev., 956′; Fac. Class., LOM; Ident., AV; Procedure No. 1, Amdt. 4; Eff. Date, 27 Oct. 62; Sup. Amdt. No. 3; Dated, 6 Oct. 62

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-d	500–1		
				T-n	500–2		
				C-d	800–1		
				C-n	800–2		

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 7000′ within 10 miles.
Minimum altitude over facility on final approach crs, 6000′.
Crs and distance, facility to airport, 336°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing VOR, turn left, climb to 7000′ on R-152 within 20 miles. Not authorized for air carrier use. Airport unattended and frequently in poor condition.
NOTE: No weather available at airport.
Major change: Deletes transition from Dubois LFR.

City, Dubois; State, Idaho; Airport Name, Dubois Municipal; Elev., 5123′; Fac. Class., BVOR; Ident., DBS; Procedure No. 1, Amdt. 2; Eff. Date, 27 Oct. 62; Sup. Amdt. No. 1; Dated, 25 May 57

MJ-LFR	MKG-VOR	Direct	2800	T-dn#	500–1	500–1	500–1
MKG LOM	MKG-VOR	Direct	2800	C-dn	1000–2	1000–2	1000–2
				A-dn	NA	NA	NA
				The following minimums are authorized for aircraft capable of receiving VOR and ILS or ADF simultaneously and Spring Int* identified:			
				C-d	700–1	700–1	700–1½
				C-n	700–2	700–2	700–2

Procedure turn N side of crs, 042° Outbnd, 222° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′; over Spring Int*, 1600′.
Crs and distance, facility to airport, 222°—10.7 mi; Spring Int* to airport, 222°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.7 miles after passing MKG-VOR or 4.6 miles after passing Spring Int*, make climbing right turn to 2800′ and proceed direct to MKG-VOR or, when directed by ATC, climb to 2000′ on MKG-VOR R-222 and proceed to Bullfrog Int via MKG-VOR R-222 and FMM-VOR R-335.
CAUTION: Rapid rising terrain 950′ msl 1.2 miles WSW of airport.
*Spring Int: Int MKG-VOR R-222 and SE crs MKG-VOR localizer or 137° brng from MK LOM.
#For takeoffs on Runways 18 and 27, climb to 1300′ msl before proceeding southwestbound.

City, Grand Haven; State, Mich.; Airport Name, Grand Haven Memorial Airpark; Elev., 604′; Fac. Class., BVORTAC; Ident., MKG; Procedure No. 1, Amdt. 2; Eff. Date, 27 Oct. 62.; Sup. Amdt. No. 1; Dated, 15 Sept. 62

KG-LFR	AKN-VOR	Direct	1700	T-dn	300–1	300–1	200–½
				C-dn*	400–1	500–1	500–1½
				S-dn-11*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 291° Outbnd, 111° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 111°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing VOR, climb on R-111 AKN VOR to 3000′ within 20 miles, or when directed by ATC, make right turn, climb on SW course KG LFR to 1500′ (205° Outbnd, 025° Inbnd) within 20 miles.
*Radio towers 1.1 miles W of airport 185′ MSL.

City, King Salmon; State, Alaska; Airport Name, King Salmon; Elev., 63′; Fac. Class., BVOR; Ident. AKN; Procedure No. 1, Amdt. 2; Eff. Date, 27 Oct. 62; Sup. Amdt. No. 1; Dated, 22 Sept. 62

Miles City RBn	MLS-VOR	Direct	4500	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-Rny 4	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs 211° Outbnd, 031° Inbnd, 4500′ within 10 miles.
Minimum altitude over VOR on final approach crs, 3500′; over Fort Int*, 3100′.
Crs and distance, Fort Int to airport, 031°—2.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing MLS-VOR, climb to 4500′ on R-062 with in 20 miles.
CAUTION: RBn tower 2800′ msl.
*Fort Int: Int MLS-VOR R-031 and 300° brng to MLS RBn or 1.5-mile DME fix R-031.

City, Miles City; State, Mont.; Airport Name, Municipal; Elev., 2628′; Fac. Class., BVORTAC; Ident., MLS; Procedure No. 1, Amdt. 4; Eff. Date, 27 Oct. 62; Sup. Amdt. No. 3; Dated, 9 June 62

RAP RBn	RAP-VOR	Direct	4500	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn–32	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar transitions to final approach authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3 miles from VOR.
Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 4500′ within 10 miles.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 322°—4.0 miles.
If visual contact not established upon descent to authorized landing minumums or if landing not accomplished within 4.0 miles after passing RAP-VOR, make a left climbing turn to 4500′ and return to RAP-VOR. Aircraft on missed approach may be radar controlled after radar identification.
CAUTION: Rising terrain to 3447′ msl 3 miles north of airport.

City, Rapid City; State, S. Dak.; Airport Name, Rapid City Municipal; Elev., 3181′; Fac. Class., BVORTAC; Ident., RAP; Procedure No. 1, Amdt. 7; Eff. Date, 27 Oct. 62; Sup. Amdt. No. 6; Dated, 24 Feb. 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PROCEDURE CANCELLED, EFFECTIVE OCTOBER 27, 1962.							
City, San Juan; State, P.R.; Airport Name, International; Elev., 9'; Fac. Class., BVOR; Ident., SJU; Procedure No. 3, Amdt. Orig.; Eff. Date, 21 May 60							
Covington Int	SSU-VOR	Direct	5800	T-d	1600-1	1600-1	1600-1
Natural Well Int	SSU-VOR	Direct	5400	T-n	NA	NA	NA
Frankford Int	SSU-VOR	Direct	5400	C-d	2100-2	2100-2	2100-2
Cliffdale VOR	SSU-VOR	Direct	4900	C-n	NA	NA	NA
				A-dn	NA	NA	NA

Procedure turn N side of crs, 119° Outbnd, 299° Inbnd, 4900' within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 4100'.
Crs and distance, facility to airport, 299°—1.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles after passing VOR, make an immediate climbing left turn to 4900' on SSU-VOR R-119 within 10 miles.

City, White Sulphur Springs; State, W. Va.; Airport Name, Greenbrier; Elev., 1795'; Fac. Class., BVOR; Ident., SSU; Procedure No. 1, Amdt. 3; Eff. Date, 27 Oct. 62; Sup. Amdt. No. 2; Dated, 31 Dec. 60

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-dn-9	500-1	500-1	500-1
				A-dn*	NA	NA	NA

Procedure turn S side of crs, 266° Outbnd, 086° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach course, 1100'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing Escanaba VOR, make right climbing turn to 2200' on R-266 within 10 miles. Hold west on R-266 Escanaba VOR.
CAUTION: 1. Magnetic disturbance of as much as 14° exists at ground level at Escanaba. 2. 752' water tower 1.2 miles NNE of airport.
*Alternate minimums of 800-2 authorized for air carriers with weather reporting service at the airport.

City, Escanaba; State, Mich.; Airport Name, Municipal; Elev., 600'; Fac. Class., LBVOR; Ident., ESC; Procedure No. TerVOR-9, Amdt. Orig; Eff. Date, 27 Oct. 62

Shirley Int%*	PNE VOR (Final)	Direct	500	T-dn	300-1	300-1	200-½
				C-dn#	400-1	500-1	500-1½
				S-dn-24#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E* or N side of crs, 049° Outbnd, 229° Inbnd, 1500' within 10 miles of Shirley Int%.
Facility on airport.
Minimum altitude over facility on final approach crs, 500'.
Crs and distance, breakoff point to approach end of Runway 24, 238°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make a right climbing turn to 1500' on R-049 within 10 miles, then return to VOR, hold 1-minute, right turns, inbnd crs 229°.
CAUTION: Standard obstruction clearance not provided over two smoke stacks, 2.2 miles NE of field, elev. 306' and 340' MSL.
*Procedure turn nonstandard to provide lateral separation with Willow Grove, Pa., and McGuire AFB. The direction of procedure turn to be issued in approach clearance.
#Maintain 800' until after passing Shirley Int%. If Shirley Int% not identified, ceiling minimum of 700' is applicable for landing.
%Shirley Int: Int PNE VOR R-049 and 319 brng from PF RBn.

City, Philadelphia; State, Pa.; Airport Name, North Philadelphia; Elev., 120'; Fac. Class., VOR; Ident., PNE; Procedure No. TerVOR(R-049), Amdt. 3; Eff. Date, 27 Oct. 62; Sup. Amdt. No. 2; Dated, 8 Sept. 62

Red Hill FM	ODR-VOR (Final)	Direct	2700	T-dn*#	1000-2	1000-2	1000-2
Cliffdale VOR	ODR-VOR	Direct	4900	C-d	1500-2	1500-2	1500-2
				C-n*	2000-2	2000-2	2000-2
				A-dn*	2500-2	2500-2	2500-2

Procedure turn E side S crs, 170° Outbnd, 350° Inbnd, 4600' within 10 miles of Red Hill FM.
Minimum altitude over Red Hill FM on final approach crs, 4600'.
Crs and distance, Red Hill FM to ODR-VOR, 350°—9.3 mi.
If visual contact not established upon desent to authorized landing minimums or if landing not accomplished within 7.4 miles after passing Red Hill FM (abeam RA-LFR), climb to 5000' on R-350 and return to ODR-VOR or, when directed by ATC, make right climbing turn, climbing to 5000' on R-170.
AIR CARRIER NOTE: Sliding scale NA. No reduction in landing minimums authorized due to local visbility conditions.
#For Air Carrier use only: 600-2 minimums on Runway 15 and 800-2 minimums on Runway 23 authorized with immediate left turn to intercept R-126 ODR-VOR, cross Leslie MHW at 2400' MSL or above, climb to 4000' in Leslie holding pattern—VOR receiver required.
*Takeoffs on Runway 33 and landings on Runway 15 NA at night.

City, Roanoke; State, Va.; Airport Name, Municipal (Woodrum Field); Elev., 1174'; Fac. Class., VOR; Ident., ODR; Procedure No. Ter VOR-170, Amdt. 4; Eff. Date, 2 Oct. 62; Sup. Amdt. No. 3; Dated, 28 Apr. 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
TA-RBn	PIE-VOR	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn-17	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2
				If two mi. DME fix R-342 received the following minimums apply			
				S-dn-17	400-1	400-1	400-1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 342° Outbnd, 162° Inbnd, 1300' within 10 miles.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, breakoff point to approach end of Runway 17, 170°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing PIE-VOR turn right, climb to 1500' on R-270 within 20 miles or, when directed by ATC, turn right, climb to 1500' on R-225 within 20 miles.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg-Clearwater International; Elev., 10'; Fac. Class., BVOR TAC; Ident., PIE; Procedure No. TerVOR-17, Amdt. 6; Eff. Date, 27 Oct. 62; Sup. Amdt. No. 5; Dated, 4 Nov. 61

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
25-mile DME Fix R-211	15-mile DME Fix R-211	Direct	5400	T-dn	300-1	300-1	200-½
15-mile DME Fix R-211	10-mile Fix DME R-211	Direct	4300	C-dn	400-1	500-1	500-1½
10-mile DME Fix R-211	0-mile DME Fix R-211	Direct	3500	S-dn-4	400-1	400-1	400-1
0-mile DME Fix R-031	1.5 mile DME Fix R-031	Direct	3100	A-dn	800-2	800-2	800-2
1.5-mile DME Fix R-031	3.5 mile DME Fix R-031	Direct	3000				

Procedure turn S side of crs, 211° Outbnd, 031° Inbnd, 4500' within 10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.5-mile DME Fix R-031, climb to 4500' on R-062 within 20 miles.
NOTE: When authorized by ATC, DME may be used within 17 miles at 5500' altitude to position aircraft for straight-in approach with the elimination of procedure turn.

City, Miles City; State, Mont.; Airport Name, Miles City Municipal; Elev., 2628'; Fac. Class., BVORTAC; Ident., MLS; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. Date, 27 Oct. 62; Sup. Amdt. No. Orig.; Dated, 7 July 62

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	*200-½
				C-dn	500-1	500-1	500-1¼
				S-dn-16	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring utilizing Great Falls Radar authorized in accordance with approved radar patterns.
Minimum altitude over Well Radar Fix on final approach crs, 5000'.
Crs and distance, Well Radar Fix to airport, 161°—5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing Well Radar Fix climb to 6200' on course of 161° within 10 miles of GTF LOM, all turns west, high terrain east or, when directed by ATC, turn right, climb on the 252 radial of GTF VOR to 6000' within 10 miles.
CAUTION: 3843' MSL RBn tower 0.9 mile SW of airport.
NOTES: Glide slope use not authorized. If radar contact not established or radar inoperative, execution of this procedure not authorized.
*300-1 required for takeoff Runways 11-29.

City, Great Falls; State, Mont.; Airport Name, Great Falls International; Elev., 3671'; Fac. Class., ILS; Ident., I-GTF; Procedure No. ILS-16, Admt. Orig.; Eff. Date, 27 Oct. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Deer Park VOR (23 mi DME Fix IDL R-077).	Roslyn VHF Int#	IDL R-077 to 12 mi counter clockwise Arc.	2000	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-22L*	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2
Roslyn VHF Int#	OM (Final)	Direct	1700				
Idlewild VOR	OM	Direct	1700				
Deer Park VOR	Roslyn VHF Int#	LGA R-101	2000				

Radar terminal area transition altitudes: All directions—within 25 miles, 2500'; E of NE/SW crs LaGuardia LFR—within 15 miles, 1500'.
Procedure turn E side of NE crs, 043° Outbnd, 223° Inbnd, 1700' within 10 miles of OM. (Nonstandard to avoid LGA traffic.)
Minimum altitude at glide slope int inbnd, 1700'.
Altitude of glide slope and distance to approach end of runway at OM, 1690'—5.5 mi; at MM, 216'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 500' on SW crs ILS, make climbing left turn to 2000' on IDL R-190 to Sandy Hook VHF Int (19-mile DME Fix), hold south 1-minute right turns inbound course 010°.
CAUTION: Circling minimums do not provide standard clearance over the following obstructions: 278' stack 1.1 miles SSE of Runway 4; 187' control tower on airport.
Other changes: Deletes transitions from Glen Cove MHW and Mitchell LFR.
NOTE: DME Fixes—Line of Sight.
*400–¾ required with glide slope inoperative.
#Roslyn Int: Int LGA VOR R-101 and IDL NE ILS crs (11.4-mile DME Fix IDL VOR R-042).

City, New York; State, N.Y.; Airport Name, International; Elev., 12'; Fac. Class., ILS; Ident., I-IWY; Procedure No. ILS-22L, Amdt. 5; Eff. Date, 27 Oct. 62; Sup. Amdt. No. 4; Dated, 15 Sept. 62

PIE-VOR	LOM	Direct	1300	T-dn	300–1	300–1	200–½
TA-TBn	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
				S-dn-17*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 1300' within 10 miles.
Minimum altitude at glide slope interception inbnd, 1300'.
Altitude of glide slope and distance to approach end of runway at OM, 1166'—4.2 mi; at MM, 189'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 1500' on PIE-VOR R-270 within 20 miles or, when directed by ATC, turn right and climb to 1500' on crs of 270°, intercept and proceed out 220° brng from PI LOM within 20 miles.
*500–¾ required when glide slope not utilized.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg-Clearwater International; Elev., 10'; Fac. Class., ILS; Ident., I-PIE; Procedure No. ILS-17, Amdt 3; Eff. Date, 27 Oct. 62; Sup. Amdt. No. 2; Dated, 2 June 62

PIE-VOR	Sawgrass Int*	Direct	1300	T-dn	300–1	300–1	200–½
Egmont Key RBn	Sawgrass Int*	Direct	1300	C-dn	400–1	500–1	500–1½
				S-dn-35	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 170° Outbnd, 350° Inbnd, 1300' within 10 miles of Sawgrass Int*.
Minimum altitude over Sawgrass Int* on final approach crs, 1300'.
Crs and distance, Sawgrass Int* to Runway 35, 350°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing Sawgrass Int make left turn, climb to 1300' on the PIE-VOR R-334 within 20 miles.
*Sawgrass Int: Int PIE ILS south crs and 070° brng to TA-RBn.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg-Clearwater International; Elev., 10'; Fac. Class., ILS; Ident., I-PIE; Procedure No. ILS-35, Amdt. 1; Eff. Date, 27 Oct. 62; Sup. Amdt. No. Orig.; Dated, 26 May 62

TLH-VOR	LOM	Direct	1400	T-dn	300–1	300–1	200–½
TLH-RBn	LOM	Direct	1400	C-dn	400–1	500–1	500–1½
Camp Int*	LOM	Direct	1200	S-dn-36#	200–½	200–½	200–½
Creek Int**	LOM	Direct	1200	A-dn	600–2	600–2	600–2
Jackson Int##	LOM	Direct	1500				

Procedure turn E side of crs, 178° Outbnd, 358° Inbnd, 1200' within 10 miles.
Minimum altitude at glide slope interception inbnd, 1200'.
Altitude of glide slope and distance to approach end of runway at OM, 1200'—4.1 mi.; at MM, 255°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1400' on N crs of ILS, make left turn, returning direct to LOM or, when directed by ATC, climb to 1500' on N crs of ILS, proceed to TLH-VOR via R-265.
*Camp Int: Int R-152 TLH-VOR and 090° crs from LOM.
**Creek Int: Int MAI-VOR R-139 and TLH-VOR R-228.
#400–¾ required when glide slope inoperative.
##Jackson Int: Int R-286 TLH-VOR and north crs of localizer.

City, Tallahassee; State, Fla.; Airport Name, Tallahassee Municipal; Elev., 82'; Fac. Class., ILS; Ident., I-TLH; Procedure No. ILS-36, Amdt. 1; Eff. Date, 27 Oct. 62; Sup. Amdt. No. Orig.; Dated, 10 June 61

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
All sectors		Within 15 mi	2500	Surveillance approach			
				T-dn	300–1	300–1	300–1
				C-dn-04, 15, 17, 35.	600–1	600–1	600–1½
				S-dn-04, 15, 17, 35.	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2
				Precision approach			
				T-dn	300–1	300–1	300–1
				C-dn-04, 15, 17, 35.	600–1	600–1	600–1½
				S-dn-17, 35	200–½	200–½	200–½
				S-dn-04, 15	400–1	400–1	400–1
				A-dn	600–2	600–2	600–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 17: Climb on 172° crs from FTK NDB to 2500'. Turn right (west) and return to FTK NDB. Hold south, 1-minute left turns. Contact SDF Approach Control.
Runway 35: Climb to 2500' on a crs of 352° to FTK NDB. Hold south, 1-minute left turns. Contact SDF Approach Control.
Runway 04: Make immediate left climbing turn to 2500'. Proceed direct to the FTK NDB. Hold south 1-minute left turns. Contact SDF Approach Control.
Runway 15: Make immediate right climbing turn to 2500'. Proceed direct to FTK NDB. Hold south 1-minute left turns. Contact SDF Approach Control.
NOTE: Authorized for military use only except by prior arrangement.

City, Fort Knox; State, Ky.; Airport Name, Godman AFF; Elev., 753'; Fac. Class., and; Ident., Fort Knox Radar; Procedure No. 1, Amdt. 2; Eff. Date, 27 Oct. 62; Sup. Amdt. No. 1; Dated, 2 Dec. 61

All directions		Within: 5 mi	4500	Surveillance approach			
215°	230°	10 mi	5200	T-dn	300–1	300–1	200–½
230°	215°	10 mi	4500	C-dn	600–1	600–1	600–1½
235°	250°	15 mi	6000	S-dn-32	400–1	400–1	400–1
250°	215°	15 mi	4500	A-dn	800–2	800–2	800–2
215°	235°	15 mi	5200				
190°	295°	20 mi	7000				
295°	190°	20 mi	4500				
160°	190°	25 mi	6000				
190°	265°	25 mi	10000				
265°	290°	25 mi	7500				
290°	320°	25 mi	5500				
320°	160°	25 mi	4500				

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left climbing turn to 4500' and return to the VOR or, when directed by ATC, make left climbing turn to 4800' on 167° brng from RAP RBn. Aircraft on missed approach may be radar controlled after radar identification.
All bearings are from radar site with sector azimuths progressing clockwise.
NOTE: Instrument approaches not authorized to Runway 14.

City, Rapid City; State, S. Dak.; Airport Name, Municipal; Elev., 3181'; Fac. Class. and Ident., Ellsworth AFB Radar; Procedure No. 1, Amdt. 2; Eff. Date, 27 Oct. 62; Sup. Amdt. No. 1; Dated, 24 Feb. 62

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
360	015	30 mi	2000											Surveillance approach			
015	035	30 mi	2100														
*035	200	30 mi	2000														
**200	360	30 mi	2300											T-dn	300–1	300–1	#200–½
														C-dn	##400–1	500–1	500–1½
														S-dn-26	500–1	500–1	500–1
														S-dn17L and 35R	400–1	400–1	400–1
														A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 26: Turn right and climb to 2400' on R-288 TUL-VOR within 10 miles or, when directed by ATC, turn left and climb to 2400' on R-236 TUL-VOR.
Runway 35R: Climb to 1900' on heading 354° (TUL ILS) within 10 miles or, when directed by ATC, turn right and climb to 2000' on R-035 TUL-VOR within 10 miles.
Runway 17L: Climb to 2200' on heading 174° (TUL ILS) within 10 miles or, when directed by ATC, climb to 2200' on R-113 TUL-VOR within 10 miles.
#300–1 required on Runways 3L, 17R, 35L, 21R.
##500–1 required if approach is made to Runway 26.
*Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within 3 to 5 miles (inclusive) radius of TV/radio towers 19.5 miles SSE 1710' MSL, and 5 miles SE 1218' MSL (KVOO).
**Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within 3 to 5 miles (inclusive) radius of TV/radio towers 9.9 miles west 2147' MSL and 8 miles SW 1440' MSL.

City, Tulsa; State, Okla.; Airport Name, Tulsa Municipal; Elev., 674'; Fac. Class. and Ident., Tulsa Radar; Procedure No. 1, Amdt. 2; Eff. Date, 27 Oct. 62; Sup. Amdt. No. 1; Dated, 25 Aug. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on September 24, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-9663; Filed, Oct. 11, 1962; 8:45 a.m.]

[Reg. Docket No. 1414; Amdt. 291a]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Manassas Int	Stonewall Int*	Direct	1600	T-dn	300-1	300-1	200-½
Mosby Int	Stonewall Int*	Direct	1600	C-dn	400-1	500-1	500-1½
Stonewall Int*	LOM (Final)	Direct	1600	S-dn-01R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn NA.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 006°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing DI LOM, proceed direct to Poolesville RBn, cross Poolesville RBn at 2000', continue climb to 2300' in holding pattern. Hold north 006° brng, 186° Inbnd, 1-minute right turns.
*Stonewall Int: Int S crs DIA ILS and R-254 DCA.

City, Chantilly; State, Va.; Airport Name, Dulles International; Elev., 313'; Fac. Class., LOM; Ident., DI; Procedure No. 1, Amdt. 1; Eff. Date, 18 Oct. 62; Sup. Amdt. No. Orig.; Dated, 20 Sept. 62

Boyds Int	Poolesville RBn (Final)	Direct	2300	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-19R*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with approved patterns.
Radar vectoring to final approach or procedure turn required.
Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 2300' within 10 miles of Poolesville RBn.
Minimum altitude over facility on final approach crs, 2300' over Poolesville RBn.
Crs and distance, facility to airport, 186°—7.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing PLV RBn, make a right climbing turn, proceed direct to PLV RBn, cross PLV RBn at 2000', continue climb to 2300' in holding pattern. Hold north 006° brng, 186° Inbnd, 1-minute right turns.
*If DLX, OM not received, minimums of 700-2 apply.

City, Chantilly; State, Va.; Airport Name, Dulles International; Elev., 313'; Fac. Class., MHW; Ident., PLV; Procedure No. 2, Amdt. 2; Eff. Date, 18 Oct. 62; Sup. Amdt. No. 1; Dated, 18 Oct. 62

2. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Manassas Int	Stonewall Int*	Direct	1600	T-dn	300-1	300-1	200-½
Mosby Int	Stonewall Int*	Direct	1600	C-dn	400-1	500-1	500-1½
Stonewall Int*	LOM (Final)	Direct	1600	S-dn-01R	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar transitions in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude at glide slope interception inbnd, 1600'.
Altitude of glide slope and distance to approach end of runway at OM, 1507'—4.6 mi; at MM, 515'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed direct to Poolesville RBn, cross PLV RBn at 2000', continue climb to 2300' in holding pattern. Hold north 006° brng, 186° Inbnd, 1-minute right turns.
*Stonewall Int: Int S crs DIA ILS and R-254 DCA.

City, Chantilly; State, Va.; Airport Name, Dulles International; Elev., 313'; Fac. Class., ILS; Ident., I-DIA; Procedure No. ILS-01R, Amdt. 1; Eff. Date, 18 Oct. 62; Sup. Amdt. No. Orig.; Dated, 20 Sept. 62

Boyds Int	Poolesville RBn (Final)	Direct	2300	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-19R	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar transitions and vectoring authorized in accordance with approved patterns.
Radar vectoring to final approach or procedure turn required.
Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 2300' within 10 miles of PLV RBn.
Minimum altitude at glide slope interception inbnd, 2300'.
Altitude of glide slope and distance to approach end of runway at Poolesville RBn, 2297'—7.3 mi; at OM, 1252'—3.6 mi; at MM, 462'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right climbing turn to PLV RBn, cross PLV RBn at 2000', continue climb to 2300' in holding pattern. Hold north 006° brng, 186° Inbnd, 1-minute right turns.
*Boyds Int: Int MRB-VOR R-128 and N crs DLX ILS.

City, Chantilly; State, Va.; Airport Name, Dulles International; Elev., 313'; Fac. Class., ILS; Ident., I-DLX; Procedure No. ILS-19R, Amdt. 2; Eff. Date, 18 Oct. 62; Sup. Amdt. No. 1; Dated, 18 Oct. 62

3. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Precision approach			
All directions	Radar Site	5 mi	1900				
All directions	Radar Site	15 mi	2400	T-dn	300-1	300-1	200-½
All directions	Radar Site	25 mi	3000	C-dn	400-1	500-1	500-1½
				S-dn-01R	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
				Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed direct to Poolesville RBn, cross Poolesville RBn at 2000', continue climb to 2300' in holding pattern. Hold north 006° brng, 186° Inbnd, 1-minute right turns.

City, Chantilly; State, Va.; Airport Name, Dulles International; Elev., 313'; Fac. Class. and Ident., Dulles Radar; Procedure No. 1, Amdt. 1; Eff. Date, 18 Oct. 62; Sup. Amdt. No. Orig.; Dated, 20 Sept. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on October 8, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-10138; Filed, Oct. 11, 1962; 11:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territory, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territory, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, North Dakota, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming;

(2) The following Counties in South Dakota: McPherson, Edmunds, Faulk, Hand, Jerauld, Aurora, and Douglas, and all Counties in the State of South Dakota lying west thereof;

(3) The following Counties in Nebraska: Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scotts Bluff, and Thomas;

(4) In New Mexico: Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Los Alamos, Luna, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Taos, and Union Counties; all of Socorro County except that portion lying east of U.S. Highway 85; and all of Valencia County except that portion lying east of the Rio Puerco river from its intersection with the southwest corner of Bernalillo County to its intersection with the Socorro County line;

(5) The following Counties in Kansas: Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, and Sumner, and all Counties in the State of Kansas lying west thereof;

(6) The following Counties in Michigan: Alcona, Alger, Alpena, Antrim, Baraga, Benzie, Charlevoix, Cheboygan, Chippewa, Crawford, Delta, Dickinson, Emmet, Gogebic, Grand Traverse, Houghton, Iron, Kalkaska, Keweenaw, Leelanau, Luce, Mackinac, Manistee, Marquette, Menominee, Missaukee, Montmorency, Ontonagon, Oscoda, Otsego, Presque Isle, Roscommon, Schoolcraft, and Wexford.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States and parts thereof are hereby designated as eradication areas:

(1) Hawaii, Illinois, Kentucky, New Jersey, New York, Pennsylvania, and Tennessee;

(2) The following Counties in South Dakota: Brown, Spink, Beadle, Sanborn, Davison, Hutchinson, and Bon Homme, and all Counties in the State of South Dakota lying east thereof;

(3) All Counties in Nebraska except Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scotts Bluff, and Thomas;

(4) In New Mexico: That portion of Socorro County lying east of U.S. Highway 85; that portion of Valencia County lying east of the Rio Puerco river from its intersection with the southwest corner of Bernalillo County to its intersection with the Socorro County line; and all other Counties in New Mexico except Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Los Alamos, Luna, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Taos, and Union.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments add the State of Wisconsin to the list of free areas and delete such State from the list of infected and eradication areas as sheep scabies is no longer known to exist therein. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will not apply to such State. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of October 1962.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 62-10195; Filed, Oct. 11, 1962; 8:53 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. F]

PART 206—TRUST POWERS OF NATIONAL BANKS

Termination

1. Effective September 28, 1962, Part 206 is terminated.

2a. The purpose of this action is to terminate this Part since section 11(k) of the Federal Reserve Act (12 U.S.C. 248(k)) was repealed by act of September 28, 1962 (Public Law No. 87-722), and, effective on and after the date of enactment, authority to regulate the exercise of trust powers by national banks was transferred to the Comptroller of the Currency.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in § 262.1(e) of the Board's rules of procedure (Part 262), and especially because in connection with this amendment such procedures are unnecessary as they would serve no useful purpose.

(Sec. 11, 38 Stat. 262; 12 U.S.C. 248. Interpret or apply secs. 2–4, 24 Stat. 18, 19, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, sec. 11, 38 Stat. 261, as amended, 53 Stat. 68, as amended; 12 U.S.C. 30–33, 34, 248, 26 U.S.C. 584)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-10160; Filed, Oct. 11, 1962; 8:46 a.m.]

[Reg. J]

PART 210—CHECK CLEARING AND COLLECTION

General Requirements

1. Effective September 27, 1962, § 210.2 (a) is amended to read as follows:

§ 210.2 General requirements.

(a) In pursuance of the authority vested in it under these provisions of law, the Board of Governors of the Federal Reserve System, desiring to afford both to the public and to the various banks of the country a direct expeditious and economical system of check collection and settlement of balances, has arranged to have each Federal Reserve bank exercise the functions of a clearing house and collect checks for such of its member banks as desire to avail themselves of its privileges and for such nonmember banks and trust companies as may maintain with the Federal Reserve bank balances sufficient to qualify them under the provisions of section 13 to send items to Federal Reserve banks for purposes of exchange or of collection. Such nonmember banks and trust companies will hereinafter be referred to as nonmember clearing banks.

2a. The purpose of this amendment is to substitute the term "nonmember banks" for the term "nonmember State banks" at two places where it appears in § 210.2(a), so as to conform the language of this section to the first paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 342) and to § 201.1 of this Part.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.1 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply secs. 13, 16, 38 Stat. 263, 265; 12 U.S.C. 248(o), 342, 360)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-10161; Filed, Oct. 11, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 14—ADMINISTRATIVE INTERPRETATIONS

Guides for Shoe Content Labeling and Advertising

These Guides are being issued by the Commission to assist manufacturers and other sellers of shoes in labeling and advertising their products in a manner which will conform with section 5 of the Federal Trade Commission Act.

The Guides are intended to encourage voluntary and uniform compliance with the law by businessmen. In issuing these Guides, the Commission has made no attempt to cover the entire field of shoe advertising and labeling. The Guides are limited to labeling and advertising concerning the materials of which shoes are made. Subjects such as use of therapeutic claims or description of shoe manufacturing processes are not covered.

The content of these Guides is not to be construed as an expression of opinion concerning the relative merits of the various materials used in the manufacture of the products of this industry. Rather the Guides are intended to insure that the consumer is not deceived into thinking he is getting a material for which he has shown a demonstrable preference when actually he is being furnished another.

These Guides become operative at the point of manufacture ninety (90) days after the date of publication in the FEDERAL REGISTER.

Inquiries and requests for copies should be directed to the Bureau of Industry Guidance, Federal Trade Commission, Washington 25, D.C.

§ 14.8 Guides for shoe content labeling and advertising.

(a) *Labeling*—(1) *Labeling in general.* (i) (*a*) The term "leather" and other terms suggestive of leather may be unqualifiedly used in the labeling of shoes and slippers only when the shoes or slippers are composed in all substantial parts of top grain leather, exclusive of heels, stiffenings and ornamentation.

(*b*) If a shoe or slipper is composed in substantial part of leather, such terms may be used if immediately qualified to show clearly what part or parts are of leather, provided the other requirements of these Guides are met and provided further that no reference to leather content shall be so emphasized as to exaggerate or otherwise deceptively represent the quantity, quality or extent of leather present.

(*c*) The unqualified term "leather" and other terms suggestive of leather may not be used to describe shoes and slippers or parts thereof made from split leather or from ground, pulverized or shredded leather. The term may be used if qualified so as to provide an accurate, nondeceptive description of the split leather or the ground, pulverized or shredded leather content.

(ii) (*a*) In the labeling of shoes and slippers, no trade name, coined name, trade-mark, depiction, symbol, or other words or terms may be used, which would tend to convey the impression that the shoes or slippers are made of certain kind or type of material when they are not.

(*b*) Examples of words and terms prohibited by this Guide, when applied to nonleather material are:

"Duraleather"
"Barkhyde"

(iii) All labeling disclosures required by this paragraph (a) must be in the form of stamps, tags or labels imbedded in or attached to the product itself and so affixed as to remain thereon until completion of the sale to the retail customer. The disclosures required need not be in a single location or on the same stamp, tag or label, but they must all be easily and readily observed and understood upon casual inspection of the shoes or slippers.

(2) *Simulated or imitation leather.* Shoes or slippers composed either wholly, or in any part other than heels, of visible, or partly visible, nonleather material having the appearance of leather, or split leather, must bear labeling which clearly identifies the part or parts so composed and which clearly discloses either:

(i) The material is simulated or imitation leather, or

(ii) (*a*) The general nature of the material in such manner as will show it is not leather or split leather.

(*b*) Examples of disclosures which will meet the requirements of this Guide, when justified by the facts, are:

"Outersole, innersole and linings composed of imitation leather," or "imitation leather shoeboard."
"Midsoles composed of cellulose fibres," or "cellulose fibre shoeboard."
"Sock lining, quarter lining and heel pad are imitation leather made from ground leather fibres."
"Vinyl Linings."

(iii) A disclosure that will not meet the requirements of this Guide is:

"Shoeboard innersole"

(3) *Concealed innersoles.* (i) (*a*) Shoes or slippers containing innersoles of nonleather material which are concealed from view, but which also contain other visible parts of leather, must bear a label clearly disclosing the presence of the nonleather innersole.

(*b*) Examples of disclosures which will meet the requirements of this Guide are:

"Innersole of non-leather shoeboard"
"Innersole of cellulose fibre" or "cellulose fibre shoeboard"
"Innersole of rubberized felt"

(ii) A disclosure which will not meet the requirements of this Guide is:

"Shoeboard Innersole"

(4) *Split leather.* (i) Shoes or slippers composed either wholly or in part of visible split leather which simulates top grain leather must bear a label clearly disclosing the material is split leather and clearly identifying the part or parts to which the disclosure applies. (Leather made from portions of hides or skins which have been split into two or more thicknesses, other than the grain or hair side, shall be considered split leather.)

(ii) Example of disclosures which will meet the requirement of this Guide is:

"Upper composed of split cowhide"

(5) *Embossed or processed leather.* (i) Shoes or slippers composed either wholly or in part of visible leather which has been embossed, dyed, or otherwise processed, so as to simulate the appearance of a different kind or type of leather, must bear a label clearly disclosing the kind or type of leather of which they are actually made.

(ii) If representations as to the leather appearance of the shoes or slippers are made, the label must reveal the simulated or imitation nature of the visible surface, and the disclosure as to the true composition of the material must be set forth in immediate conjunction with such representations.

Example. "Simulated alligator made of split cowhide."

(6) *Ground or shredded leather.* Shoes or slippers, composed either wholly or in part of visible ground, pulverized or shredded leather that has the ap-

pearance of being leather must bear a label clearly identifying the part or parts involved and clearly disclosing either:

(i) The material is simulated or imitation leather, or

(ii) The material is of ground, pulverized or shredded leather.

(b) *Advertising*—(1) *Disclosures in advertising.* (i) Whenever a shoe or slipper is visually depicted in advertising, including catalogs, with sufficient clarity so that the picturization itself would have a tendency to create the impression that pictorially visible nonleather parts exclusive of heels are composed of leather or split leather or that pictorially visible leather parts exclusive of heels are composed of a different kind or type of leather than is the case, the advertising must contain a statement clearly and conspicuously disclosing either:

(*a*) The visible part or parts are simulated or imitation leather, or

(*b*) The general nature of the visible part or parts in such manner as will show they are not leather or not the type of leather depicted.

Example. An advertisement contains a picture of a shoe in sufficient detail as to lead a casual reader to expect the upper and linings were composed of leather. This advertisement must disclose the true composition of these parts or disclose that they are imitation leather.

(ii) The term "leather" and other terms suggestive of leather may be unqualifiedly used in advertising of shoes and slippers only when the shoes or slippers are composed in all substantial parts of top grain leather, exclusive of heels, stiffenings and ornamentation.

(*a*) If a shoe or slipper is composed in substantial part of leather, such terms may be used in advertising if immediately qualified to show clearly what part or parts are of leather, provided no reference to leather content shall be so emphasized as to exaggerate or otherwise deceptively represent the quantity, quality or extent of leather present.

(*b*) The unqualified term "leather" and other terms suggestive of leather may not be used to describe shoes and slippers or parts thereof made from split leather or from ground, pulverized or shredded leather. The term may be used if qualified so as to provide an accurate, nondeceptive description of the split leather or the ground, pulverized or shredded leather content.

(c) Terms suggestive of leather may be used to describe the appearance of a nonleather material which has the appearance of leather if immediately accompanied by a disclosure that the term refers only to the appearance and that the material is not leather.

Example. "Imitation Alligator."

(iii) (*a*) In the advertising of shoes and slippers, no trade name, coined name, trade-mark, depiction, symbol, or other words or terms may be used which would tend to convey the impression that the shoes or slippers advertised are made of a certain kind or type of material when they are not.

(*b*) Examples of words and terms prohibited by this Guide, when applied to nonleather material are:

"Duraleather"
"Barkhyde"

(Secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46)

Adopted: October 2, 1962.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10176; Filed, Oct. 11, 1962; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Correction

In F.R. Doc. 62-9992, appearing at page 9889 of the issue for Saturday, October 6, 1962, in the "Specified uses or restrictions" column of the tabular material of § 121.91, the entry reading "Component of an mulsion coating for paper and paperboard" should read "Component of an emulsion coating for paper and paperboard."

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ACETYLATED MONOGLYCERIDES

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Drew Chemical Corporation, 416 Division Street, Boonton, New Jersey, and other relevant material, has concluded that § 121.1018 of the food additive regulations should be amended to provide for additional methods of producing acetylated monoglycerides. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1018 is revised to read as follows:

§ 121.1018 Acetylated monoglycerides.

The food additive acetylated monoglycerides may be safely used in or on food in accordance with the following prescribed conditions:

(a) The additive is manufactured by:

(1) The interesterification of edible fats with triacetin and in the presence of catalytic agents that are not food additives or are authorized by regulation, followed by a molecular distillation; or

(2) The direct acetylation of edible monoglycerides with acetic anhydride without the use of catalyst or molecular distillation, and with the removal by vacuum distillation, if necessary, of the acetic acid, acetic anhydride, and triacetin.

(b) The food additive has a Reichert-Meissl value of 75–150 and an acid value of less than 6.

(c) The food additive is used at a level not in excess of the amount reasonably required to produce its intended effect in food, or in food-processing, food-packing, or food-storage equipment.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 8, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-10178; Filed, Oct. 11, 1962; 8:49 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Products Containing Sodium Chloride; Exemption From Labeling Requirements

There has been submitted to the Commissioner of Food and Drugs pursuant to section 3(c) of the Federal Hazardous Substances Labeling Act and § 191.62 of the regulations thereunder, a request to exempt products containing sodium chloride (common salt) from the labeling requirements of section 2(p)(1) of the act, Common salt is toxic as defined in § 191.1(f)(1) in that it has an LD 50 single oral dose (lethal dose medium; 50 percent or more of test group) between 500 milligrams and 5 grams per kilogram of body weight in test rats.

Taking into account common knowledge about salt, the Commissioner concludes that a minor hazard is presented and full labeling of products containing salt is not necessary for the adequate protection of the public health and safety. Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (25 F.R. 8625), § 191.63 (21 CFR 191.63) is amended by adding thereto a new paragraph (p), reading as follows:

§ 191.63 Exemption for small packages, minor hazards, and special circumstances.

* * * * *

(p) Containers of substances which include salt (sodium chloride) as a component are exempt from the labeling requirements of section 2(p)(1) of the act insofar as such requirements would be necessary because the salt contained therein is present in a quantity sufficient to render the article "toxic" as defined in § 191.1(f)(1); *Provided*, That the labels of such containers bear a conspicuous statement that the product contains salt.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Labeling Act contemplates such modification of labeling requirements under certain conditions.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: October 8, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-10180; Filed, Oct. 11, 1962; 8:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6613]

PART 177—INTERSTATE TRAFFIC IN FIREARMS AND AMMUNITION

Miscellaneous Amendments

On July 24, 1962, a notice of proposed rule making with respect to the amendment of 26 CFR Part 177, Interstate Traffic in Firearms and Ammunition, was published in the FEDERAL REGISTER (27 F.R. 6981). No objections to the rules proposed having been received within the 30-day period prescribed in the notice, the regulations as so published are hereby adopted.

This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

(Sec. 7 of the Federal Firearms Act (52 Stat. 1252; 15 U.S.C. 907))

[SEAL] MORTIMER M. CAPLIN, *Commissioner of Internal Revenue.*

Approved: October 9, 1962.

STANLEY S. SURREY, *Assistant Secretary of the Treasury.*

In order to conform to the provisions of the Federal Firearms Act (52 Stat. 1250; 15 U.S.C. 901–909), as amended by Public Law 87-342 (75 Stat. 757) and to make certain other editorial and clarifying changes, the regulations in 26 CFR Part 177, "Interstate Traffic in Firearms and Ammunition", are amended as follows:

§ 177.10 [Amendment]

1. Section 177.10 is amended by deleting the term "crime of violence," and the definition of the term and by striking the definition of "fugitive from justice" and inserting in lieu of the latter definition the following: "Means any person who has fled from any State, Territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime punishable by imprisonment for a term exceeding one year or to avoid giving testimony in any criminal proceeding.", and by striking the last sentence in the definition of "United States."

§ 177.20 [Amendment]

2. Section 177.20 is amended by inserting the following sentence at the end thereof: "In any case where a person who possesses a license issued under the Act becomes a fugitive from justice or is indicted for, or convicted of, a crime punishable by imprisonment for a term exceeding one year by or in any court, such person is prohibited from transporting, shipping or receiving firearms or ammunition in interstate or foreign commerce or causing firearms or ammunition to be transported or shipped in interstate or foreign commerce."

3. Section 177.25 is amended to read as follows:

§ 177.25 Statutory Restrictions.

A license shall not be issued to any person who is a fugitive from justice or is under indictment for, or has been convicted of, a crime punishable by imprisonment for a term exceeding one year by or in any court.

4. Section 177.31 is amended to read as follows:

§ 177.31 General.

A proper license shall entitle the person to whom issued to transport, ship and receive firearms or ammunition in interstate or foreign commerce, within the limitations of the Act, for a period of one year from the date of issuance. A license issued under the Act shall be subject to revocation at any time the licensee is convicted of a violation of any of the provisions of the Act (see § 177.43), and to administrative cancellation (see § 177.30). It shall be unlawful for any manufacturer or dealer holding a license issued under the Act who becomes a fugitive from justice or is indicted for, or convicted of, a crime punishable by imprisonment for a term exceeding one year by or in any court, to transport, ship, or receive firearms or ammunition in interstate or foreign commerce or to cause firearms or ammunition to be transported or shipped in interstate or foreign commerce. A license shall not be issued in any case for a period of less than one year.

§ 177.38—177.42 [Deletions]

5. Sections 177.38, 177.39, 177.40, 177.41, and 177.42 are deleted in their entirety, and the undesignated centerhead proceeding § 177.38 is amended to read, "Revocation of License".

6. Section 177.43 is amended to read as follows:

§ 177.43 Revocation of license.

Section 3(c) of the Act (15 U.S.C. 903(c)) provides that whenever any licensee is convicted of a violation of any of the provisions of the Act it shall be the duty of the clerk of the court to notify the Secretary of the Treasury within 48 hours after such conviction. Accordingly, the Director, pursuant to the authority delegated to him to administer and enforce the Act shall, upon receipt of the notice of a conviction of a licensee of a violation of any of the provisions of the Act, immediately notify the licensee, by registered mail addressed to his last known address, that his license is being revoked. The letter will state the basis of the revocation and give the licensee an opportunity to show cause within 20 days after such notification is mailed why his license should not be revoked. If the licensee fails to show cause, the license will be revoked by the Director in accordance with the provisions of section 3(c) of the Act.

§ 177.44 [Deletion]

7. Section 177.44 is deleted in its entirety.

8. Section 177.56 is amended to read as follows:

§ 177.56 Variations from requirements.

The Director may approve methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations—

(a) Will not hinder the effective administration of this part, and

(b) Will not be contrary to any provision of law.

Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the licensee thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variation may be withdrawn whenever in the judgment of the Director the effective administration of this part is hindered by the con-

tinuation of such variation. Where a licensee desires to employ such variation, he shall submit a written application to do so, in triplicate, to the Assistant Regional Commissioner for transmittal to the Director. The application shall describe the proposed variation and set forth the reasons therefor. A variation shall not be employed until the application has been approved. The licensee shall retain, as part of his records, any authorization of the Director under this section.

§ 177.80 [Amendment]

9. Section 177.80 is amended by inserting the following sentence at the end thereof: "Further, it shall be unlawful for any licensed dealer or licensed manufacturer who is a fugitive from justice or who has been indicted for, or convicted of, a crime punishable by imprisonment for a term exceeding one year by or in any court, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce or to cause any firearm or ammunition to be transported or shipped in interstate or foreign commerce."

§ 177.83 [Amendment]

10. Section 177.83 is amended by striking all the words after the term "such person" and inserting in lieu thereof, the following: "is a fugitive from justice or is under indictment for, or has been convicted of, a crime punishable by imprisonment for a term exceeding one year by or in any court."

11. Section 177.84 is amended to read as follows:

§ 177.84 Interstate transportation by felons, etc.

It shall be unlawful for any person who is a fugitive from justice or who is under indictment for, or has been convicted of, a crime punishable by imprisonment for a term exceeding one year by or in any court, to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition.

(Sec. 2, 52 Stat. 1250, as amended; 15 U.S.C. 902)

12. Section 177.85 is amended to read as follows:

§ 177.85 Receipt by felons, etc.

It shall be unlawful for any person who is a fugitive from justice or who is under indictment for, or has been convicted of, a crime punishable by imprisonment for a term exceeding one year by or in any court, to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(Sec. 2, 52 Stat. 1250, as amended; 15 U.S.C. 902)

§ 177.88 [Amendment]

13. Section 177.88 is amended by placing a period after the word "altered," and by striking the words in the section that appear after the word "altered,".

(Sec. 7, Federal Firearms Act; 52 Stat. 1252; 15 U.S.C. 907)

[F.R. Doc. 62-10183; Filed, Oct. 11, 1962; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER F—ISLANDS UNDER NAVY JURISDICTION

PART 761—NAVAL DEFENSIVE SEA AREAS, NAVAL AIRSPACE RESERVATIONS, AREAS UNDER NAVY ADMINISTRATION, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Miscellaneous Amendments

1. The authority note is revised to read as follows:

AUTHORITY: §§ 761.1 to 761.20 issued under sec. 2152, 62 Stat. 799, secs. 5031, 6011, 70A Stat. 278, 375, as amended; 10 U.S.C. 5031, 6011, 18 U.S.C. 2152. Interpret or apply sec. 21, 64 Stat. 1005, sec. 1501(a), 72 Stat. 809, sec. 133, 76 Stat. 517; 10 U.S.C. 133, 49 U.S.C. 1301 note, 50 U.S.C. 797. The text contains additional references, including Executive orders.

2. Section 761.1(b) is revised to read as follows:

§ 761.1 Scope.

• • • • • •

(b) In addition to the authorization required by this part, local clearance is required for entry into certain restricted areas, including the Islands of Bikini and Eniwetok in the Trust Territory and the Bonin, Volcano, and Marcus Islands. The entry authorizations issued under the authority of this part do not supersede or eliminate the need for visas or other clearances or permits required by other law or regulation.

3. In § 761.3, paragraphs (a), (b), and (c) are revised to read as follows:

§ 761.3 Authority.

(a) *Naval Defensive Sea Areas and Naval Airspace Reservations.* By Executive orders, the President has reserved, set aside, and established the following Naval Defensive Sea Areas and Naval Airspace Reservations under the control of the Secretary of the Navy. Incorporated therein are provisions for the exercise of control by the Secretary over the entry of persons, vessels, and aircraft into the areas so described.

(1) *Atlantic areas.* (i) Culebra Island Naval Defensive Sea Area; Culebra Island Naval Airspace Reservation: Executive Order 8684 of February 14, 1941 (6 F.R. 1016; 3 CFR, 1943 Cum. Supp., p. 895).

(ii) Guantanamo Bay Naval Defensive Sea Area; Guantanamo Bay Naval Airspace Reservation: Executive Order 8749 of May 1, 1941 (6 F.R. 2252; 3 CFR, 1943 Cum. Supp., p. 931).

(2) *Pacific areas.* (i) Johnston Island Naval Defensive Sea Area; Johnston Island Naval Airspace Reservation: [1] Executive Order 8682 of February 14, 1941 (6 F.R. 1015; 3 CFR, 1943 Cum. Supp., p. 894) as amended by Executive Order 8729 of April 2, 1941 (6 F.R. 1791; 3 CFR, 1943 Cum. Supp., p. 919) and Executive Order 9881 of August 4, 1947 (12 F.R. 5325; 3 CFR, 1943–1948 Comp., p. 662).

(ii) Wake Island Naval Defensive Sea Area;[2] Wake Island Naval Airspace Reservation:[1] Executive Order 8682 of February 14, 1941 (6 F.R. 1015; 3 CFR, 1943 Cum. Supp., p. 894) as amended by Executive Order 8729 of April 2, 1941 (6 F.R. 1791; 3 CFR, 1943 Cum. Supp., p. 919) and Executive Order 9881 of August 4, 1947 (12 F.R. 5325; 3 CFR, 1943–1948 Comp., p. 662).

(iii) Midway Island Naval Defensive Sea Area; Midway Island Naval Airspace Reservation: [1] Executive Order 8682 of February 14, 1941 (6 F.R. 1015; 3 CFR, 1943 Cum. Supp., p. 894) as amended by Executive Order 8729 of April 2, 1941 (6 F.R. 1791; 3 CFR, 1943 Cum. Supp., p. 919) and Executive Order 9881 of August 4, 1947 (12 F.R. 5325; 3 CFR, 1943–1948 Comp., p. 662).

(iv) Kingman Reef Naval Defensive Sea Area; Kingman Reef Naval Airspace Reservation: [1] Executive Order 8682 of February 14, 1941 (6 F.R. 1015; 3 CFR, 1943 Cum. Supp., p. 894) as amended by Executive Order 8729 of April 2, 1941 (6 F.R. 1791; 3 CFR, 1943 Cum. Supp., p. 919) and Executive Order 9881 of August 4, 1947 (12 F.R. 5325; 3 CFR, 1943–1948 Comp., p. 662).

(v) Honolulu Defensive Sea Area: Executive Order 8987 of December 20, 1941 (6 F.R. 6675; 3 CFR, 1943 Cum. Supp., p. 1048).

(vi) Kaneohe Bay Naval Defensive Sea Area; Kaneohe Bay Naval Airspace Reservation: [1] Executive Order 8681 of February 14, 1941 (6 F.R. 1014; 3 CFR, 1943 Cum. Supp., p. 893).

(vii) Pearl Harbor Defensive Sea Area: Executive Order 8143 of May 26, 1939 (4 F.R. 2179; 3 CFR, 1943 Cum. Supp., p. 504).

(viii) Kodiak Naval Defensive Sea Area: Executive Order 8717 of March 22, 1941 (6 F.R. 1621; 3 CFR, 1943 Cum. Supp., p. 915). Kodiak Naval Airspace Reservation: [1] Executive Order 8597 of November 18, 1940 (5 F.R. 4559; 3 CFR, 1943 Cum. Supp., p. 837) as amended by Executive Order 9720 of May 8, 1946 (11 F.R. 5105; 3 CFR, 1943–1948 Comp., p. 527).

(ix) Kiska Island Naval Defensive Sea Area; Kiska Island Naval Airspace Reservation: [1] Executive Order 8680 of February 14, 1941 (6 F.R. 1014; 3 CFR 1943 Cum. Supp., p. 892) as amended by Executive Order 8729 of April 2, 1941 (6 F.R. 1791; 3 CFR, 1943 Cum. Supp., p. 919).

(x) Unalaska Island Naval Defensive Sea Area; Unalaska Island Naval Airspace Reservation: [1] Executive Order 8680 of February 14, 1941 (6 F.R. 1014; 3 CFR, 1943 Cum. Supp., p. 892) as amended by Executive Order 8729 of April 2, 1941 (6 F.R. 1791; 3 CFR, 1943 Cum. Supp., p. 919).

(b) *Administrative areas.* By Executive orders, the President has reserved, set aside, and placed under the control and jurisdiction of the Secretary of the Navy for administrative purposes the following named islands and surrounding reefs:

(1) Kingman Reef: Executive Order 6935 of December 29, 1934.

(2) Johnston Island: Executive Order 6935 of December 29, 1934.

(3) Sand Island: Executive Order 6935 of December 29, 1934.

(4) Midway Island: Executive Order 11048 of September 4, 1962 (27 F.R. 8851).

(c) *Trust Territory of the Pacific Islands.* The Trust Territory of the Pacific Islands is a strategic area administered by the United States under the provisions of a Trusteeship Agreement with the United Nations. By Executive Order 11021 of May 7, 1962 (27 F.R. 4409), the Secretary of the Interior has been charged with the administrative responsibility for all of the Trust Territory of the Pacific Islands. Under an agreement between the Department of the Navy and the Department of the Interior with respect to the Transfer of Responsibility for the Administration of the Trust Territory of June 29, 1951, clearance by the Secretary of the Navy of all persons, vessels, and aircraft (other than public vessels or public aircraft of the United States), is a prerequisite to the granting of permission by the High Commissioner to enter the Trust Territory. This control over the entry of persons, vessels, and aircraft was modified by the President on August 23, 1962, to apply only in the case of foreign nationals, foreign flag ships and foreign flag aircraft, and entries into designated defense areas of the Trust Territory.

• • • • • •

4. Section 761.4(a)(1) is revised to read as follows:

§ 761.4 Special provisions.

(a) *Restricted areas.* • • •

(1) *Eniwetok and Bikini Atolls and Kwajalein Island.* Entry into these islands and the territorial seat thereof is controlled by the Commander, Pacific Missile Range (COMPACMISRAN), and is not covered by or subject to this part.

• • • • • •

5. Section 761.4(a)(2) is deleted and § 761.4(a)(3) is renumbered 761.4(a)(2).

6. Section 761.4(b)(1)(iii) is deleted.

§ 761.6 [Amendment]

7. Section 761.6(c)(4) is deleted.

8. Section 761.7(d) is revised to read as follows:

§ 761.7 Basic controls.

• • • • • •

(d) *Trust Territory.* In addition to the Naval entry authorization for foreign nationals, permission from the High Commissioner is required for all persons, except Trust Territory citizens and U.S. Government employees on official business, to enter the Trust Territory of the Pacific Islands (less Eniwetok and Bikini Atolls and Kwajalein Island).

• • • • • •

9. Section 761.9 (f) and (g) is revised to read as follows:

§ 761.9 Entry Control Commanders.

• • • • • •

(f) *Commander, Hawaiian Sea Frontier.* Authorizations for U.S. citizens and U.S. registered private vessels to enter Johnston Island, Midway Island, Kingman Reef, Kaneohe Bay Naval Defensive Sea Area, and Pearl Harbor Defensive Sea Area. (See also paragraph (i) of this section.)

(g) *Commander, U.S. Naval Forces Marianas.* Authorizations for U.S. citizens to enter the Bonin, Volcano, and Marcus Islands.

• • • • • •

10. Section 761.10 is revised to read as follows:

§ 761.10 Persons: Group authorizations.

Persons in the following groups or classes, except persons who have been denied individual authorizations or who have been notified that their privileges under an individual or group authorization have been revoked, may enter the defense areas indicated without individual authorization.

(a) Persons aboard U.S. public vessels or aircraft.

(b) Military members or U.S. civil service employees of the Department of Defense when traveling on official orders or leave papers, except that personnel traveling on leave may not enter the Trust Territory without permission from the High Commissioner, and personnel traveling on leave may not enter the Bonin-Volcano Islands without the prior approval to the Commander, U.S. Naval Forces, Marianas.

(c) U.S. ambassadors, cabinet members, elected U.S. Government officers and U.S. citizen civil service employees of the United States Government traveling on official orders on government business may enter defense areas as required by their orders.

(d) Dependents of military members of the Armed Forces and U.S. citizen dependents of U.S. citizen civil service employees of the United States Government traveling on orders and entering for the purposes of joining a principal permanently stationed in an area covered by this part may enter such area.

(e) U.S. Navy Technicians, U.S. Army Contract Technicians, or U.S. Air Force Contract Technicians, who are traveling on official travel authorizations on U.S. Government business, may enter defense areas as required by such authorizations. This group entry authorization does not include persons traveling on invitational travel orders.

(f) Persons domiciled and currently residing in the Bonin Islands and traveling on a Bonin Island travel document may enter the Bonin Islands.

(g) Individuals on board any foreign public vessel or aircraft which has been granted diplomatic or other official authorization to enter an area covered by this part.

(h) Through passengers and bona fide regularly employed crew members, except excluded persons, on nonpublic vessels authorized to enter areas covered by this part. This does not include an authorization to disembark at a port contiguous to or within the areas covered in Part 761. Application for permission to disembark may be submitted to an Entry Control Commander having jurisdiction over the particular port.

(i) Through passengers and bona fide regularly employed crew members, except excluded persons, on nonpublic aircraft which is authorized to enter areas covered by this part provided such persons intend and certify in writing that they intend to continue on the flight on which embarked or on the first available onward transportation. Such persons are subject to local regulations governing entry into or movement within military air stations or facilities. Application for permission to disembark may be submitted to an Entry Control Commander having jurisdiction over the air facility.

(j) U.S. citizen news correspondents and photographers when properly accredited by the Department of Defense to enter areas covered by this part except that special authorization is required to enter the restricted areas listed in § 761.4(a).

11. Section 761.12 (c) and (d) is revised to read as follows:

§ 761.12 Vessels: Group authorizations.

• • • • • •

(c) Vessels of United States registry regularly engaged in trade between ports in the Trust Territory and Guam, and whose crews consist only of United States or Trust Territory citizens or persons holding individual entry permits, to enter the Trust Territory.

(d) Vessels registered and licensed in the Trust Territory of the Pacific Islands and manned by U.S. citizens or residents of the Trust Territory or the Bonin Islands, to enter the Trust Territory.

• • • • • •

12. Section 761.14 (c) and (e) is revised to read as follows:

§ 761.14 Aircraft: Group authorizations.

• • • • • •

(c) Non-public aircraft of U.S. registry operating under the authority of the Secretary of the Interior to provide logistic support for the Trust Territory to fly over and land in the Trust Territory (except at naval aviation facilities at Kwajalein, Eniwetok and Bikini Atolls) and Guam when proper authorization has been obtained from the Chief of Naval Operations to use naval aviation facilities on Guam.

• • • • • •

(e) Aircraft operated by companies authorized by the Chief of Naval Operations to utilize naval facilities in defense areas for regular commercial activity to enter the defense areas as authorized by the Chief of Naval Operations.

• • • • • •

13. Sections 716.20 through 716.24 are deleted and a new § 716.20 is inserted to read as follows:

§ 716.20 Additional regulations governing persons and vessels in Naval Defensive Sea Areas.

(a) By virtue of the authority vested in the President by section 44 of the United States Criminal Code, as amended and reenacted in 18 U.S.C. 2152, the President has prescribed the following additional regulations in Executive Order 9275 of November 23, 1942 (7 F.R. 9767; 1943 Cum. Supp., p. 1227) to govern persons and vessels within the limits

[1] Operation of entry control for Naval Airspace Reservation suspended. See § 761.4(b).

[2] Operation of entry control for Wake Island Naval Defensive Sea Area suspended except for foreign flag vessels and foreign nationals. See § 761.4(b).

of defensive sea areas theretofore or thereafter established:

(1) No person shall have in his possession within the limits of any defensive sea area, any camera or other device for taking pictures, or any film, plate or other device upon or out of which a photographic imprint, negative or positive, can be made, except in the performance of official duty or employment in connection with the national defense, or when authorized pursuant to the provisions of the Act approved June 25, 1942 (Public Law 627, 77th Congress) as amended (50 U.S.C. App. 781–785), and the regulations promulgated thereunder (7 F.R. 7307; 32 CFR 765.19(b)).

(2) It shall be the duty of the master or officer in charge of any vessel to take custody of and safeguard all cameras or other devices for taking pictures, or film, plate or other device upon or out of which a photographic imprint, positive or negative, can be made, the possession of which is prohibited by Executive Order 9275, from any person, prior to the time any vessel enters any defensive sea area or upon the boarding by any person of any vessel while within a defensive sea area, and to retain custody thereof until such vessel is outside the defensive sea area or the person is about to disembark.

(3) There shall be prominently displayed on board all vessels, except public war vessels of the United States manned by personnel in the naval service, a printed notice containing the regulations prescribed in Executive Order 9275.

(4) Any person violating section 1 of Executive Order 9275 (restated in subparagraph (1) of this paragraph) shall be liable to prosecution as provided in section 44 of the Criminal Code as amended and reenacted in 18 U.S.C. 2152.

(b) The regulations stated in paragraph (a) of this section are not a limitation on prosecution under any other statute that may have been violated by acts or omissions prohibited by Executive Order 9275.

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy,
Judge Advocate General of the Navy.

OCTOBER 5, 1962.

[F.R. Doc. 62-10152; Filed, Oct. 11, 1962; 8:45 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

Miscellaneous Amendments

The following amendments are made, to take effect thirty days after publication in the FEDERAL REGISTER.

The text of proposed amendments was published in the FEDERAL REGISTER for February 9, 1962 (28 F.R. 1217–19), and all persons who desired were invited to submit written data, views, arguments or suggestions in connection with the proposed amendments. A hearing was held at 10:00 a.m. on April 23, 1962, in Room 3886–B of the Department of Commerce Building. The amendments are made after consideration of all the material submitted and statements made.

The text of the amendments is as follows:

1. Paragraph (a) of § 2.39 is amended to read as follows:

§ 2.39 Omission of allegation of use in commerce by foreign applicants.

(a) The allegation that the mark is in use in commerce, required by § 2.33(b), and the statements of the dates of applicant's first use, required by § 2.33(a)(1)(vii) and (viii), may be omitted in the case of an application filed pursuant to section 44(e) of the act for registration of a mark duly registered in the country of origin of a foreign applicant, provided the application when filed is accompanied by a certificate of the trademark office of the foreign country showing that the mark has been registered in the country of origin of the applicant and also showing the mark, the goods for which registered and that said registration is then in full force and effect. If the certificate is not in the English language, a translation is required.

2. Section 2.96 is amended to read as follows:

§ 2.96 Issue; burden of proof.

The issue in an interference between applications shall be the respective rights of the parties to registration. The issue in an interference between an application and a registration shall be the same, but in the event the final decision is adverse to the registrant, a registration to the applicant will not be authorized so long as the interfering registration remains on the register. The party whose application or registration involved in the interference has the latest filing date (the junior party) will be regarded as having the burden of proof.

3. Section 2.97 is amended to read as follows:

§ 2.97 Enlargement of issue.

Any party to an interference may, within fifty days after the notice of interference is mailed, file a pleading setting forth affirmatively any matter on the basis of which, if proved, the other party would not be entitled to obtain or maintain a registration. Such pleading may request affirmative relief by way of cancellation of a registration involved, but no defense attacking the validity of such registration may be otherwise raised in the proceeding. Such request for affirmative relief must be verified and must be accompanied by the fee as required by section 14 of the act. A reply to such request for affirmative relief is required within twenty days after service thereof, but no reply need be filed to other affirmative defenses.

4. Paragraph (b) of § 2.106 is amended to read as follows:

§ 2.106 Answer.

* * * * *

(b) An answer may contain any defense, and it may also contain a request for affirmative relief by way of cancellation of a registration pleaded in the notice of opposition; but no defense attacking the validity of such registration may be otherwise raised in the proceeding. Such request for affirmative relief must be verified and must be accompanied by the fee as required by section 14 of the act. A reply to such request for affirmative relief is required within twenty days after service thereof, but no other reply to the answer need be filed.

* * * * *

5. Paragraph (b) of § 2.113 is amended to read as follows:

§ 2.113 Notice of filing of petition.

* * * * *

(b) When the petition is correct as to form a notice shall be prepared, identifying the title and number of the proceeding and the registration involved, and designating a time, not less than thirty days from the mailing date of such notice, within which answer must be filed. A copy of this notice shall be forwarded to the petitioner in care of his attorney or agent, if he has an attorney or agent of record. The duplicate copy of the petition and exhibits shall be forwarded with a copy of such notice to the registrant.

6. Paragraph (b) of § 2.114 is amended to read as follows:

§ 2.114 Answer.

* * * * *

(b) An answer may contain any defense, and it may also contain a request for affirmative relief by way of cancellation of a registration pleaded in the petition; but no defense attacking the validity of such registration may be otherwise raised in the proceeding. Such request for affirmative relief must be verified and must be accompanied by the fee as required by section 14 of the act. A reply to such request for affirmative relief is required within twenty days after service thereof, but no other reply to the answer need be filed.

* * * * *

7. Paragraphs (a)(1), (b)(1) and (2), (c) and (d) of § 2.120 are amended, and new paragraph (f)(1) and (2) to follow § 2.120(e) are added, so that said section, as amended, reads as follows:

§ 2.120 Discovery procedure.

The provisions of the Federal Rules of Civil Procedure relating to discovery are inapplicable in inter partes trademark cases except as specifically set forth in this section.

(a) *Depositions for discovery.* (1) Any party to an opposition, interference, cancellation or concurrent use proceeding may, at any time not later than thirty days prior to the day upon which any testimony may first be taken as set by initial or subsequent Office action, take the deposition of any person, including

a party, for the purpose of discovery. Such depositions may be taken upon oral examination in the manner prescribed by §§ 1.273, 1.274, and 1.275 of this chapter, or upon written questions in the manner prescribed by § 2.124. The responsibility for securing the attendance of proposed deponents rests wholly with the interested party.

(2) *Scope of examination.* The deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding, whether it relates to the claim or defense of the examining party or to the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection that the testimony would be inadmissible at the trial if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence.

(3) *Use of discovery depositions.* Discovery depositions may be used in accordance with Rule 26(d)(1), (2) and (4) and (f) of the Federal Rules of Civil Procedure, provided the party offering the deposition, or any part thereof, in evidence files the same before the close of his testimony period and also files a notice of reliance thereon. Objections, including any made during the examination, will be considered only if made or renewed at the hearing.

(b) *Request for admission.* (1) Any party to an opposition, interference, cancellation or concurrent use proceeding may, within the time specified for taking deposition for discovery, serve upon any adverse party two copies of a written request for admission by the latter of the genuineness of any relevant document described in and attached to the request (a photocopy may be attached provided the original thereof is made available for inspection), or of the truth of any facts which are material and relevant to the issues and which are believed to be within the knowledge of both the party serving and the party served. Each matter in respect of which an admission is requested shall be considered as admitted unless, within fifteen days after service thereof, the party to whom the request is directed serves upon the party requesting the admission a sworn statement denying specifically the matter in respect of which admission is requested, or setting forth in detail the reasons why he cannot truthfully either admit or deny the same, or files objections thereto together with one copy of the request for admission. Any reply to such objections shall be due within ten days after service thereof.

(2) *Effect of admissions.* No admission shall be considered as part of the record in the case unless a party files, before the close of his testimony period, a notice of reliance thereon and a copy of the admission and request therefor.

(c) *Motion to produce documents, etc., for inspection and copying.* Upon motion showing good cause therefor, filed prior to the day upon which any testimony may first be taken as set by initial or subsequent Office action, an order may be entered requiring a party to produce and permit the inspection and copying or photographing, by or on behalf of the moving party, of any designated books, documents or other tangible things, not privileged, the existence of which has been pleaded or otherwise acknowledged, and which constitute or contain material within the scope of inquiries permitted in depositions for discovery and which are in his possession, custody or control. The order shall specify a time for compliance therewith, and may prescribe such terms and conditions as may be just.

(d) *Refusal to comply with an order to produce.* If any party fails or refuses to comply with an order to produce and permit the inspection and copying or photographing of designated things, the Trademark Trial and Appeal Board may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment as by default against that party, or take such other action as may be deemed appropriate.

(e) *Examination and cross-examination.* A party may interrogate any unwilling or hostile witness by leading questions. A party may call an adverse party or an officer, director, or managing agent of a public or private corporation or of a partnership or association which is an adverse party, and interrogate him by leading questions and contradict and impeach him in all respects as if he had been called by the adverse party, and the witness thus called may be contradicted and impeached by or on behalf of the adverse party also, and may be cross-examined by the adverse party only upon the subject matter of his examination in chief.

(f) *Interrogatories.* (1) Any party to an opposition, interference, cancellation or concurrent use proceeding may, within the time specified for taking depositions for discovery, serve upon any adverse party a written interrogatory limited to the name and address of the person or persons having knowledge of the facts contained in the pleading of such adverse party. An answer to the interrogatory shall be served upon the interrogating party within fifteen days after receipt thereof.

(2) If a party refuses to answer an interrogatory so limited, the Trademark Trial and Appeal Board may take any of the measures specified in paragraph (d) of this section for refusal to comply with an order to produce.

8. Paragraph (b) of § 2.127 is amended to read as follows:

§ 2.127 Motions.

* * * * *

(b) Any petition for reconsideration or modification of a decision, if it is not appealable, must be filed within ten days after the decision or, if the decision is appealable, within the time specified in § 2.129(c).

* * * * *

9. Paragraph (c) of § 2.128 is amended to read as follows:

§ 2.128 Final hearing and briefs.

* * * * *

(c) If a party desires an oral hearing, he should so state by a separate notice filed not later than ten days after the due date of the reply brief of the party in position of plaintiff, and the time for such hearing will be set in a notice sent to each party by the Office. If no request for oral hearing is made, the case will be decided on the record and briefs.

10. Paragraph (a) of § 2.129 is amended, and new paragraph (c) to follow § 2.129(b) is added, so that said section, as amended, reads as follows:

§ 2.129 Oral argument.

(a) Oral arguments will be heard by at least three members of the Trademark Trial and Appeal Board at the time stated in the notice. If any party appears at the specified time, he will be heard. If the Board is prevented from hearing the case at the time specified, a new assignment will be made, or the case will be continued from day to day until heard. Unless otherwise permitted, oral arguments will be limited to one-half hour for each party.

(b) Hearings may be advanced or adjourned, as far as is convenient and proper, to meet the wishes of the parties and their attorneys or agents.

(c) Any petition for rehearing, reconsideration, or modification of a decision must be filed within thirty days from the date thereof.

11. Section 2.133 is amended to read as follows:

§ 2.133 Amendment of application or registration during proceedings.

An application involved in a proceeding may not be amended in substance nor may a registration be amended or disclaimed in part, except with the consent of the other party or parties and the approval of the Trademark Trial and Appeal Board, or except upon motion.

12. Section 2.134 is amended to read as follows:

§ 2.134 Surrender or cancellation of registration.

If a registrant involved in a proceeding applies to cancel his registration under section 7(d) of the act without first obtaining the written consent thereto of the adverse party, judgment shall be entered against him.

13. Section 2.135 is amended to read as follows:

§ 2.135 Abandonment of application or mark.

If, in a proceeding, an applicant files a written abandonment of the application or of the mark without the consent thereto of the adverse party, judgment shall be entered against such applicant.

14. Paragraphs (a) and (c) of § 2.142 are amended to read as follows:

§ 2.142 Time and manner of ex parte appeals.

(a) Such appeal must be taken within six months from the date of final refusal

or from the date of the action from which appeal is taken. Appeal is taken simply by filing a notice of appeal and payment of the appeal fee.

• • • • •

(c) If the appellant desires an oral hearing, he should so state by a separate notice filed not later than his brief; and due notice of the time for such hearing will be given. Oral argument will be limited to one-half hour unless otherwise permitted. If no request for oral hearing is made, the appeal will be considered on brief.

• • • • •

(Sec. 1, 41, 60 Stat. 427, 440; 15 U.S.C. 1051, 1123, secs. 6, 23, 66 Stat. 793, 795; 35 U.S.C. 6, 23. Interpret or apply secs. 1, 13, 14, 16, 17, 21, 24, 44, 60 Stat. 427, 433, 434, 436, 441; 15 U.S.C. 1051, 1063, 1064, 1066, 1067, 1071, 1126)

DAVID L. LADD,
Commissioner of Patents.

Approved:

J. HERBERT HOLLOMON,
Assistant Secretary of Commerce for Science and Technology.

[F.R. Doc. 62-10181; Filed, Oct. 11, 1962; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

Assignments

In § 8.59, paragraphs (c), (d), and (e) are added to read as follows:

§ 8.59 Assignments.

• • • • •

(c) The provisions of paragraphs (a) and (b) of this section are restricted to National Service life insurance policies which matured prior to July 27, 1962.

(d) The proceeds of a National Service life insurance policy shall not be assignable, except that any beneficiary to whom such insurance, maturing on or after July 27, 1962, is payable may assign all or any part of his interest in the insurance to the insured's widow, widower, child, father, mother, grandfather, grandmother, brother, or sister, when the designated contingent beneficiary, if any, joins the beneficiary in the assignment. Such joinder shall not be required in any case in which the insurance proceeds are payable to the assignor under option 1. No such assignment of a National Service life insurance policy shall be binding upon the United States unless in writing and until filed in the Veterans Administration. The United States assumes no responsibility for the validity of any assignment. Insurance granted under the provisions of section 722(b) of Title 38, United States Code, cannot be assigned.

(e) On insurance maturing on or after July 27, 1962, if an assignment is made by the principal beneficiary before any payment of the insurance has been made, payment to the assignee will be made in accordance with the option selected by the insured. If any payment of insurance to a beneficiary has been made, only the guaranteed unpaid installments certain may be assigned. However, if the principal beneficiary after payment under option 3 or 4 has commenced, assigns the remaining unpaid guaranteed installments certain and survives the period certain, such beneficiary shall be entitled to the resumption of the monthly installments payable for life in accordance with the monthly income option previously selected by such beneficiary.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective October 12, 1962.

[SEAL] A. T. MCANSH,
Acting Deputy Administrator.

[F.R. Doc. 62-10196; Filed, Oct. 11, 1962; 8:53 a.m.]

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Miscellaneous Amendments

1. Sections 13.400 and 13.401 are revised to read as follows:

§ 13.400 Legal services in other than guardianship and commitment matters.

The Chief Attorney is authorized under the professional guidance of the General Counsel, to render legal advice and assistance to all Veterans Administration installations located in the regional office area and their top staff officers. (See §§ 13.401 and 13.402.) He may perform other legal services in matters within the jurisdiction of the General Counsel as provided by Veterans Administration regulations and instructions or as directed in specific cases by the General Counsel. (See § 14.500 et seq. of this chapter.)

§ 13.401 Legal advice and assistance in other than domestic relations matters.

(a) Directors of centers, hospitals or domiciliaries, Managers of centers or regional offices, and chiefs of divisions, are authorized to make written or oral requests for legal advice or assistance from the appropriate Chief Attorney; however, the inquiry shall be in writing, if the Chief Attorney so requests. Except as to questions wholly controlled by the interpretation or application of the laws of the State or States in his regional office area, the Chief Attorney will confine his advice and opinions to matters covered by Veterans Administration precedents and opinions of the General Counsel, or his predecessors which he knows to be currently authoritative on the issues involved; will be governed thereby, and will not go beyond the scope thereof. Subject to the stated exceptions, if no applicable opinion or precedent is found, a Chief Attorney will prepare a tentative opinion researched as completely as possible with reasonably available facilities and forward two copies thereof, through the Manager or Director of the station requesting advice and the appropriate Central Office department (or direct, if appropriate) to the General Counsel for review. No such tentative opinion will be released or acted upon unless approved by the General Counsel. The General Counsel will advise the Chief Attorney of his action through the same channels; and the Chief Attorney will then conform his opinion (if necessary) to accord with the views of the General Counsel and release it as an approved opinion. However, if he prefers, he may release any modified opinion as the opinion of the General Counsel. Any necessary professional discussion of the contents of an opinion may be conducted by direct communication between the General Counsel and the Chief Attorney, with information copy to any service director concerned.

(b) Notwithstanding anything in this section or in § 13.402, the Chief Attorney may under special circumstances stated by him submit through appropriate channels to the General Counsel any legal question or question pertinent to his legal functions upon which he desires the views or advice of the General Counsel. His request in such cases will contain a statement of the legal implications involved (including any Veterans Administration benefits claimed), the facts out of which they arise, citation of and reference to any statutes or court decisions readily available, regulations, related opinions of the General Counsel and other matters deemed pertinent, with appropriate discussion.

(c) The requirement that any of the above matters or those covered by § 13.402 be submitted through appropriate channels should not be construed as authorizing any administrative official to revise the submission by the Chief Attorney of a legal question or opinion required by regulation to be passed upon or approved by the General Counsel, and shall not be applicable at all in emergency situations when direct contact with the General Counsel's office is necessary, or when litigation, a tort claims matter, a hospital collection, or other matter is involved for which the General Counsel has responsibility. (See § 14.500 et seq. of this chapter.)

2. In § 13.402, the headnote and paragraphs (a) and (b) are amended to read as follows:

§ 13.402 Domestic relations questions, authority and exceptions.

(a) The Chief Attorney has the same authority with respect to domestic relations questions as he does with respect to matters covered by § 13.401 (with the exception of the matters excluded by the provisions of paragraphs (b) and (d) of this section) and will accordingly prepare and release (when authorized) or forward (if required) opinions on all other legal questions submitted relating to the validity and legal effect of marital relationships, ceremonial or otherwise, divorces, annulments (void or voidable), ostensible marriages and remarriages, adoptions and legitimacy.

(b) In the following instances the Chief Attorney will prepare a tentative opinion, researched as completely as possible with reasonably available facilities, and forward two copies thereof through appropriate channels to the General Counsel for approval:

(1) Where there is doubt as to whether the remarriage of the veteran's widow was void or whether an annulment decree so declaring it should be accepted as a basis for restoration to the rolls.

(2) Cases in which there are contesting claims.

(3) Unusual situations such as those involving proxy marriages, the law of two or more jurisdictions, or of a foreign country.

(4) Cases involving difference of opinions between Chief Attorneys or between a Chief Attorney and the official who submitted the question involved.

• • • • •

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective October 12, 1962.

[SEAL] A. T. MCANSH,
Acting Deputy Administrator.

[F.R. Doc. 62-10199; Filed, Oct. 11, 1962; 8:53 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

PORTS OF DOCUMENTATION IN FLORIDA

Proposed Revocations and Redesignations

In order to provide better service to the public and improve the efficiency of vessel documentation procedures, it is considered desirable to transfer vessel documentation activities at the ports of entry of St. Augustine, Florida, and Apalachicola, Florida, to the ports of entry of Jacksonville, Florida, Tampa, Florida, and Pensacola, Florida.

Accordingly, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority contained in section 2 of the Act of July 5, 1884, as amended (46 U.S.C. 2), and section 1 of the Act of February 16, 1925, as amended (46 U.S.C. 18), it is proposed to revoke the designation of St. Augustine, Florida, and of Apalachicola, Florida, as ports of documentation in Customs Collection District No. 18 (Florida), and to amend § 1.1(c) of the Customs Regulations (19 CFR 1.1(c)) to reflect such revocation.

It is also proposed to transfer the marine records at Apalachicola, Florida, to Pensacola, Florida, and to make Pensacola, Florida, the home port of all vessels which now have Apalachicola, Florida, as home port; and to transfer the marine records at St. Augustine, Florida, for each vessel having that port as home port to Tampa or Jacksonville, according to a plan of determination by the collector of customs at Tampa based in general on proximity of the port selected to the place where the vessel business of the owner is conducted, and to make the port so designated the home port of such vessel with notification in writing to each vessel owner. Vessel owners who desire to designate a home port other than the one so assigned may make application to the collector of customs at Tampa, Florida, or to the deputy collectors of customs in charge at Jacksonville, Florida, or Pensacola, Florida, as appropriate.

If the marking of Apalachicola or St. Augustine on any vessel would no longer meet the requirements of § 3.16 of the Customs Regulations (19 CFR 3.16) and section 4178 of the Revised Statutes, as amended (46 U.S.C. 46), after and solely by reason of the issuance of the revocation order, it is proposed to allow a period of two years in which to have the vessel remarked.

St. Augustine, Florida, and Apalachicola, Florida, will continue to be designated as Customs ports of entry for all other customs purposes except vessel documentation.

Data, views, or arguments with respect to the proposed revocation of the designations of St. Augustine and Apalachicola as ports of documentation may be addressed to the Commissioner of Customs, Washington 25, D.C. To assure consideration of such communications, they must be received by the Commissioner of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. (FM 192-18.1 H)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: October 2, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-10182; Filed, Oct. 11, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO342]

POTATOES

Notice of Reconvened Hearing With Respect to Proposed National Marketing Agreement and Order

The public hearing held pursuant to the notice of hearing issued February 15, 1962 (27 F.R. 1556; 2178) on a proposed national marketing agreement and order for potatoes was recessed by the Hearing Examiner on April 21, 1962, to reconvene at a date, time, and place to be later announced by the issuance of a public notice in accordance with the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900).

Accordingly, notice is hereby given that such public hearing will be reconvened in the House Chamber, Capitol Building, State of Colorado, Denver, Colo., at 9:30 a.m., local time, December 4, 1962.

Issued this 9th day of October 1962.

G. OSMOND HYDE,
Chief Hearing Examiner.

[F.R. Doc. 62-10173; Filed, Oct. 11, 1962; 8:47 a.m.]

[7 CFR Ch. IX]

[Docket No. AO342]

POTATOES

Supplemental Notice of Hearing With Respect to Proposed National Marketing Agreement and Order

Notice was issued on February 15, 1962, and published in the FEDERAL REGISTER February 20, 1962 (27 F.R. 1556; 2178) of a public hearing with respect to a proposed National Marketing Agreement and Order for regulating the handling of potatoes.

The hearing, which was recessed April 21, 1962, will be reconvened by the Hearing Examiner in the House Chamber, Capitol Building, State of Colorado, Denver, Colorado, at 9:30 a.m. local time, December 4, 1962.

Notice is hereby given that at this reconvened hearing evidence will also be received with respect to the proposal set forth below, and any appropriate modification thereof, which was proposed by the National Potato Advisory Committee. Neither the proposal set forth below nor the proposal contained in the original notice of hearing have been approved by the Secretary of Agriculture.

§ ——.9 **Producer.**

"Producer" means any person producing potatoes for market, except that any person producing potatoes on less than one-fourth of an acre shall not be classed as a producer.

Copies of this notice may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., or it may be examined at the Hearing Clerk's office, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C.

Issued at Washington, D.C., this 9th day of October 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-10174; Filed, Oct. 11, 1962; 8:47 a.m.]

[7 CFR Part 990]

CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Proposed Handling

Notice is hereby given that the Grape Crush Administrative Committee has requested that § 990.154 of the Subpart—Administrative Rules and Regulations (27 F.R. 3158; 7539; 9248) be amended to prescribe procedures for the identification of items set aside pursuant to § 990.54 and held for the account of the Committee and for the authorized substitution of eligible material for items set aside. The administrative rules and regulations are promulgated pursuant to the marketing agreement and Order No. 990 (7 CFR Part 990), regulating the handling of Central California grapes for crushing. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Whenever free and surplus percentages have been established for a crop year, handlers are required to set aside products from that year's crush. Handlers are thereby precluded from satisfying setaside obligations of one crop year with items from another crop year's crush. However, § 990.54 permits handlers holding setaside to sustitute therefor items of the same crop year's crush eligible for setaside. Section 990.-54 also requires setaside items to be labeled or marked as the Committee may direct.

The purpose of this amendatory action is to establish procedures for the identification of setaside and to prevent unauthorized substitution. The procedures, among other things, would require (1) on certain dates, attachment of an identication card to each container in which setaside is held, (2) for purposes of identification and accountability, submission of reports by handlers to the Committee during the crop year and after the crop year reporting the setaside held for the account of the Committee, (3) samples to be drawn, after the crop year has ended, from each container of setaside wine and submission of these samples to the Committee, (4) whenever wine is proposed to be substituted for setaside of the same crop year's crush after the crop year has ended, samples to be drawn from the wine and submitted to the Committee, and (5) during the crop year, handlers to notify the Committee of their intention to substitute eligible items for setaside before making such substitution, and after the crop year has ended, prior approval by the Committee of any proposed substitution of items of that crop year's crush. The foregoing would require certain conforming changes in § 990.154(d) (27 F.R. 7539) pertaining to the storage of high proof in the same container and the redesignation of such paragraph (d) as paragraph (f).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are submitted to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received within 10 days after publication of this notice in the FEDERAL REGISTER.

The proposal under consideration is as follows:

1. As hereinafter set forth, redesignate present paragraph (d) *Storage of high proof in the same container* of § 990.154 as paragraph (f) and amend the redesignated paragraph, add a new paragraph (d) *Identification of setaside*, and add a new paragraph (e) *Substitution* as follows:

(d) *Identification of setaside*—(1) *Initial requirement.* Each handler holding setaside of the 1961-62 crop year for the account of the Grape Crush Administrative Committee shall identify this setaside by attaching a completed "Setaside Tank Card", furnished by the Committee, to each container of that setaside near the tank outlet, or in any other appropriate and conspicuous location on the container, no later than five days after the effective date of this paragraph and, for setaside of all subsequent crop years, no later than February 1 of each of those crop years, setting forth the number of wine gallons of setaside in the container on the date the tank card is attached. In addition, each handler shall, during each crop year upon the request of the Committee, submit to it as of, and within the respective times specified in the request, a certified report on Form GCAC-10 of setaside of the current crop year held for the account of the Committee showing the respective setaside items so held for the account of the Committee and at least the information required by § 990.65(c).

(2) *Following the crop year*—(i) *Samples of wine.* Each handler shall complete the drawing of samples from each container of setaside wine from the 1961-62 crop year no later than five days after the effective date of this paragraph and, for setaside of all subsequent crop years, no later than 15 days after the end of each of those crop years. Two one-fifth (⅕) gallon representative samples shall be drawn consecutively through the top of each container of setaside wine in a manner to avoid contamination. Metal sampling devices, other than stainless steel, shall not be used. Sample bottles shall be clean, filled, and tightly closed with a screw cap. Each sample bottle shall be labeled with a "GCAC Setaside Sample Label" furnished by the Committee, and the handler shall show at least the following on such label:

(*a*) The name of the handler;
(*b*) Bonded premise number;
(*c*) Location of bonded premise;
(*d*) Container number;
(*e*) Type of wine;
(*f*) Brix of wine;
(*g*) Alcohol content of wine;
(*h*) Date sample taken; and
(*i*) Crop year of crush of the wine.

Samples shall be submitted to the Committee within three days after being drawn.

(ii) *Reports.* Each handler holding setaside of the prior crop year for the account of the Committee shall submit a certified report of that setaside on Form GCAC-12 to the Committee showing, for each item so held, at least the number of wine gallons and the equivalent number of proof gallons. A completed "Setaside Location Schedule" on Form GCAC-12A shall accompany each Form GCAC-12 and shall show the container number and location of each container holding the setaside. Each such report and related location schedule shall be as of July 1 following the crop year and shall be submitted to the Committee no later than the following July 15 unless otherwise specified by the Committee.

(3) *Resampling.* Whenever setaside wine in a container is commingled with other like wine after samples have been drawn from the setaside, the commingled wine shall be resampled in accordance with subparagraph (2)(i) of this paragraph and the samples submitted to the Committee within three days following the commingling.

(4) *Transfer of setaside.* Whenever a handler intends to transfer setaside of a crop year to a different tank after the crop year has ended, he shall notify the Committee of this intention, prior to the transfer, on a form furnished by the Committee showing at least the two container numbers involved.

(e) *Substitution*—(1) *Notice to the Committee.* Pursuant to § 990.54, each handler holding setaside may substitute therefor only items of the same crop year eligible for setaside. If such substitution is to be made during that crop year, the handler shall submit a certified "Report of Substitution of Setaside Held for the Account of the Committee" on Form GCAC-11 to the Committee so as to be received by it prior to the reported effective date of the substitution. If the substitution is to be made after that crop year has ended, the handler shall notify the Committee of his intention to substitute eligible items for setaside by completing a certified "Notice of Intention to Substitute Setaside Held for the Account of the Grape Crush Administrative Committee" on Form GCAC-13 showing at least the number of gallons of each item to be withdrawn from setaside and the number of gallons of each eligible item to be substituted therefor. Such notice shall be received by the Committee at least seven days prior to the proposed date of the substitution. If more than three items are to be withdrawn or placed in the setaside, the additional items shall be listed on a "Setaside Substitution Schedule" on Form GCAC-13A and this form shall accompany the appropriate Form GCAC-13. Unless the Committee determines that the item to be substituted is ineligible for substitution, it shall approve such substitution within 7 days after receipt of the handler's notice of intent to transfer and, when applicable, the samples required in subparagraph (2) of this paragraph. After the crop year has ended, no substitution shall be made by a handler prior to the receipt of written approval from the Committee. Upon substitution, regardless of when made, the handler shall complete and attach a new "Setaside Tank Card" to the container holding the setaside.

(2) *Sampling.* Whenever a handler intends to substitute wine for setaside of the same crop year's crush after the crop year has ended, he shall draw two one-fifth (⅕) gallon samples in accordance with paragraph (d)(2)(i) of this section from each container of wine and submit these samples with the notice of intention to substitute. Each sample bottle shall be labeled with the appropriate label furnished by the Committee. Such labels shall show in addition to the information required in (*a*) through (*i*) of paragraph (d)(2)(i) of this section, at least the number of wine gallons and the number of proof gallons of the type of wine proposed to be held for the account of the Committee.

(3) *Verification of eligibility.* The Committee shall have access to all relevant handler records and premises in order to verify the eligibility of the material substituted or offered for substitution. The handler substituting one setaside item for another shall furnish such evidence bearing on the eligibility of the material to be substituted as the Committee may request.

2. Redesignate present paragraph (d) *Storage of high proof in the same con-*

tainer as paragraph (f) of § 990.154 and amend the redesignated paragraph as follows:

a. Delete subparagraph (1)(iii) thereof and substitute the following: "(iii) Attaches a tank card, as prescribed in paragraph (d)(1) of this section, showing, in addition to the information required to be shown thereon, the number of proof gallons, by crop year, of the setaside high proof being held in such container for the account of the Committee; and".

b. Delete the first sentence of subparagraph (2) thereof and substitute therefor the following: "Each handler holding setaside high proof may make substitutions therefor in accordance with paragraph (e) of this section."

c. Delete the last sentence of subparagraph (2) thereof. As so redesignated and amended, the paragraph would read as follows:

(f) *Storage of high proof in the same container*—(1) *Simultaneous storage.* No handler shall store setaside high proof from grapes for crushing of any crop year in the same container with other high proof, whether or not setaside pursuant to § 990.54, from grapes for crushing of any other crop year(s) except in accordance with the requirements of § 990.54 and the following: Such handler (i) stores in such container only marketable high proof of not less than 185 degrees proof or only high proof within the lesser range of alcohol at which setaside storage is permitted by the Committee pursuant to § 990.54; (ii) stores all high proof in such container to preserve the quality of the setaside high proof and maintain its condition as required by § 990.54; (iii) attaches a tank card, as prescribed in paragraph (d)(1) of this section, showing, in addition to the information required to be shown thereon, the number of proof gallons, by crop year, of the setaside high proof being held in such container for the account of the Committee; and (iv) makes no withdrawal from such container below the handler's then effective aggregate setaside therein.

(2) *Substitution.* Each handler holding setaside high proof may make substitutions therefor in accordance with paragraph (e) of this section. If such setaside high proof of a particular crop year is in the same container with other high proof, the handler may, upon the setting aside of the requisite proof gallons of eligible product(s) of that crop year, withdraw the applicable proof gallon quantity of high proof.

(3) *Disposition.* Whenever setaside highproof in simultaneous storage is included in a disposition of the Committee, pursuant to § 990.62, the withdrawal gallonage shall be deemed to be from the setaside of the crop year specified by the Committee in its disposition action.

Dated: October 9, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10172; Filed, Oct. 11, 1962; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

TOBACCO

Notice of Determination To Be Made With Respect to Marketing Quotas for 1963–64 Marketing Year

Pursuant to the Agricultural Adjustment Act of 1938, as amended, (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary of Agriculture is preparing to (a) proclaim a national marketing quota for each of the three marketing years beginning October 1, 1963, for Maryland, cigar-binder (types 51 and 52), and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, (b) determine and announce the amount of the national marketing quota for the 1963–64 marketing year for each of such above-named kinds of tobacco, and for burley, flue-cured, Virginia sun-cured, fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, and for dark air-cured (types 35 and 36) tobacco, (c) apportion the national marketing quota for the 1963–64 marketing year for each of such kinds of tobacco among the several States; and (d) convert the State marketing quotas for the 1963–64 marketing year into State acreage allotments.

The Act (7 U.S.C. 1312(a)) provides that the Secretary shall, not later than December 1 of any marketing year with respect to flue-cured tobacco and not later than February 1 of any marketing year with respect to other kinds of tobacco, proclaim a national marketing quota for any kind of tobacco for each of the next three succeeding marketing years whenever he determines with respect to such kind of tobacco—

(1) That a national marketing quota has not previously been proclaimed and the total supply as of the beginning of such marketing year exceeds the reserve supply level therefor;

(2) That such marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect;

(3) That amendments have been made in provisions for establishing farm acreage allotments which will cause material revision of such allotments before the end of the period for which quotas are in effect; or

(4) That a marketing quota previously proclaimed for such marketing year is not in effect because of disapproval by producers: *Provided*, That if such producers have disapproved national marketing quotas for three successive years subsequent to 1952, thereafter a national marketing quota shall not be proclaimed hereunder which would be in effect for any marketing year within the three-year period for which national marketing quotas previously proclaimed were disapproved by producers, unless prior to November 10 of the marketing year one-fourth or more of the farmers engaged in the production of the crop of tobacco harvested in the calendar year in which such marketing year begins petition the Secretary, in accordance with such regulations as he may prescribe, to proclaim a national marketing quota for each of the next three succeeding marketing years.

Subsection 301(b)(15) of the Act, (7 U.S.C. 1301(b)(15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (part 30 of this title) of the Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13 and 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23 and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54 and 55; and
Cigar-filler tobacco, comprising type 41.

Subsection 301(b)(15) also provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of this Act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority, the Secretary has determined (15 F.R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports on the 1951 and subsequent crops of such tobacco. Pursuant to such authority, the Secretary has also determined (22 F.R. 367) that cigar-binder (types 51 and 52) tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports on the 1957 and subsequent crops of such tobacco.

The Act (7 U.S.C. 1313(i)) provides that notwithstanding any other provisions of the Act, whenever after investigation the Secretary determines with respect to any kind of tobacco that a substantial difference exists in the usage or market outlets for any one or more of the types comprising such kind of tobacco and that the quantity of tobacco of such type or types to be produced under the marketing quotas and acreage allotments established pursuant to this section would not be sufficient to provide an adequate supply for estimated market demands and carry-over requirements for such type or types of tobacco, the Secretary shall increase the marketing quotas and acreage allotments for farms producing such type or types of tobacco in the preceding year to the extent necessary to make available a supply of such type or types of tobacco adequate to meet such demands and carry-over requirements. The increases in farm marketing quotas and acreage allotments shall be made on the basis of the production of such type or types of

tobacco during the period of years considered in establishing farm marketing quotas and acreage allotments for such kind of tobacco. The additional production authorized by this subsection shall be in addition to the national marketing quota established for such kind of tobacco pursuant to section 312 (7 U.S.C. 1312) of the Act. The increase in acreage under this subsection shall not be considered in establishing future State or farm acreage allotments.

Subsection 312(b) of the Act (7 U.S.C. 1312(b)) provides that the Secretary shall also determine and announce, not later than the first day of December 1962 with respect to flue-cured tobacco and not later than the first day of February 1963 with respect to other kinds of tobacco, the amount of the national marketing quota which is in effect for the 1963–64 marketing year in terms of the total quantity of each kind of tobacco which may be marketed which will make available during such marketing year a supply of each kind of tobacco equal to the reserve supply level. Subsection 312(b) provides further that the amount of the 1963–64 national marketing quota may, not later than March 1, 1963, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of tobacco for any marketing year as the carry-over at the beginning of the marketing year (on January 1 of such marketing year in the case of Maryland tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The Act (7 U.S.C. 1312(c)) requires that within 30 days after a national marketing quota is proclaimed for the 1963–64, 1964–65 and 1965–66 marketing years for (1) Maryland tobacco, (2) cigar-binder (types 51 and 52) tobacco, and (3) cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, the Secretary shall conduct a referendum of farmers who are engaged in the production of the 1962 crop of each such kind of tobacco to determine whether such farmers are in favor of or opposed to such quota for the next three succeeding marketing years. If more than one-third of the farmers voting in the referendum oppose such quotas, such results shall be proclaimed by the Secretary and the national marketing quota so proclaimed shall not be in effect but such results shall in no way affect or limit the subsequent proclamation and subsequent submission to a referendum, as otherwise provided in section 312 of the Act (7 U.S.C. 1312), of a national marketing quota. The 1962–63 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for Maryland tobacco (25 F.R. 1479), cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco (25 F.R. 2125). Growers of cigar-filler (type 41) tobacco disapproved quotas for the three marketing years beginning October 1, 1962 (27 F.R. 2679), and quotas will not be in effect during any of such three marketing years on such kind of tobacco unless proclaimed and approved pursuant to a petition by growers to the Secretary in accordance with regulations (27 F.R. 2679) pursuant to paragraph (a) of section 312 of the Agricultural Adjustment Act of 1938, as amended. Quotas have never been in effect on cigar-filler (type 41) tobacco.

Growers of flue-cured tobacco favored marketing quotas being in effect for the 1963–64 marketing year in a referendum (27 F.R. 649). Growers of burley tobacco and Virginia sun-cured tobacco favored marketing quotas being in effect for the 1963–64 marketing year in referenda (27 F.R. 2679). Fire-cured and dark air-cured tobacco growers favored marketing quotas being in effect for the 1963–64 marketing year in referenda held pursuant to the Act (26 F.R. 2277).

The Act (7 U.S.C. 1313(a)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 1313 for small farms and "new" farms, among the several States on the basis of the total production in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed, with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such 5-year period.

The Act (7 U.S.C. 1313(g)) provides that any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent year shall not be taken into account in establishing State and farm acreage allotments.

Section 377 of the Act (7 U.S.C. 1377) reads as follows:

> In any case in which, during any year beginning with 1956, the acreage planted to a commodity on any farm is less than the acreage allotment for such farm, the entire acreage allotment for such farm (excluding any allotment released from the farm or reapportioned to the farm and any allotment provided for the farm pursuant to subsection (f)(A) of section 344), shall, except as provided herein, be considered for the purpose of establishing future State, county and farm acreage allotments to have been planted to such commodity in such year on such farm, but the 1956 acreage allotment of any commodity shall be regarded as planted under this section only if the owner or operator on such farm notified the county committee prior to the sixtieth day preceding the beginning of the marketing year for such commodity of his desire to preserve such allotment: *Provided*, That beginning with the 1960 crop, except for Federally-owned land, the current farm acreage allotment established for a commodity shall not be preserved as history acreage pursuant to the provisions of this section unless for the current year or either of the two preceding years an acreage equal to 75 per centum or more of the farm acreage allotment for such year was actually planted or devoted to the commodity on the farm (or was regarded as planted under provisions of the soil bank or the Great Plains program): *Provided further*, That this section shall not be applicable in any case, within the period 1956 to 1959, in which the amount of the commodity required to be stored to postpone or avoid payment of penalty has been reduced because the allotment was not fully planted. Acreage history credits for released or reapportioned acreage shall be governed by the applicable provisions of this title pertaining to the release and reapportionment of acreage allotments.

Section 378 of the Act (7 U.S.C. 1378) provides that allotment acreage pooled under the provisions of such section shall be considered fully planted, during the time it is in the pool within the period of eligibility, for purposes of future State, county and farm allotments.

Section 316 of the Act (7 U.S.C. 1314 (b); Public Law 87–530) provides that allotment acreage leased under the provisions of such section shall be considered planted on the farm from which leased.

The Soil Bank Act (7 U.S.C. 1801 et seq.) provides that the acreage withdrawn or diverted from the production of tobacco under the acreage reserve program and conservation reserve program shall for allotment purposes be considered devoted to the production of tobacco.

The Soil Bank Act also provides that insofar as the acreage of cropland on a farm covered by a Great Plains or conservation reserve contract enters into the determination of acreage allotments and marketing quotas, such cropland shall not be decreased during the period of the contract by reason of any action taken for the purpose of carrying out the contract. After expiration of such a contract, such law provides that the cropland shall not be decreased, for a period equal to the period of the contract, by reason of the maintenance of any change in land use from cropland to permanent vegetation carried out under the contract. Allotment history acreages are given similar protection for purposes of establishing future allotments.

The Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

In making the determinations of the amounts of the national marketing quotas, the apportionment of the quotas among the several States, the conversion of State marketing quotas into State acreage allotments, and of the date(s) of the referenda with respect to (1) Maryland tobacco, (2) cigar-binder (types 51 and 52) tobacco, and (3) cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, consideration will be given to any data, views, and recommendations pertaining thereto, which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C. All submissions must be postmarked, with respect to flue-cured tobacco not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER, and not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER for the other kinds of tobacco, in order to be considered.

Signed at Washington, D.C., on October 9, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-10197; Filed, Oct. 11, 1962; 8:53 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group No. 464]

CALIFORNIA

Corrected Notice of Filing of Plat of Survey

OCTOBER 3, 1962.

Notice of filing of above plat of survey appearing in Volume 27, No. 188, page 9570, FEDERAL REGISTER of September 27, 1962, is hereby corrected to show the lands described as being in "Mount Diablo Meridian."

CHARLES L. SCHAEFER,
Acting Manager.

[F.R. Doc. 62-10158; Filed, Oct. 11, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7031; Order E-18892]

CERTAIN IRREGULAR AIR CARRIERS

Liability for Loss and Damage to Baggage and Personal Property; Order Dismissing Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of October 1962.

On March 1, 1955, the Board instituted the investigation in this Docket [1] of a tariff rule [2] revision which reduced from $100.00 to $50.00 the liability of certain air carriers for loss of, or damage to, baggage or personal property, unless a higher valuation was declared and additional charges paid. Also included in the investigation was the lawfulness of the rules of certain other carriers which then provided a limitation of $50.00 upon such liability. Twenty-nine air carriers were named parties to the investigation.[3]

The question which precipitated this investigation in 1955 was whether a $50.00 limitation of liability for personalty was lawful. However, the scope of the investigation, as then ordered, was sufficiently broad to encompass other aspects of the tariff rules. During the time since this proceeding was instituted we note that all the air carrier parties have either increased their baggage and personal property liability limitation to $100.00 or ceased operating in air transportation. Many air carriers in addition to those named as parties hereto maintain limitations of liability of $100.00 or more for loss or damage to baggage and personal property in their tariff rules, and there appears to be no compelling reason to investigate the lawfulness of the rules maintained by the parties hereto while omitting the similar rules of other air carriers. On the other hand, joinder of all other air carriers maintaining such rules in this proceeding would substantially alter the character of this investigation as originally conceived.

By a motion filed on September 13, 1962, Bureau Counsel has requested the dismissal of the instant investigation for the reasons stated above.

In the light of these facts, the Board now finds that consistent with orderly procedure and proper dispatch of the Board's business, it is appropriate to grant Bureau Counsel's motion to dismiss this investigation. Our action herein is taken without prejudice to any future investigation of the lawfulness of carriers' tariff rules purportedly limiting liability for loss of, or damage to, baggage or personal property of passengers.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a) and 1002 thereof, the investigation ordered in Docket 7031 will be dismissed.

Accordingly, it is ordered, That:

1. Bureau Counsel's motion of September 13, 1962, to dismiss this proceeding is hereby granted.

2. The investigation of tariff liability rules instituted by Order E-8987 is dismissed.

3. The Board's action herein does not constitute a determination of the lawfulness of any tariff rules under investigation in Docket 7031 and is without prejudice to any investigation of the same or similar tariff rules which is pending or which hereafter may be instituted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-10193; Filed, Oct. 11, 1962; 8:52 a.m.]

[1] Order E-8987, March 1, 1955.

[2] Rule 65 in Agent Forsyth's Tariff C.A.B. No. 1.

[3] Aero Finance Corporation, Air Cargo Express, Inc., All-American Airways, Inc., American Air Export and Import Company, American Flyers Airline Corporation, Arnold Air Service, Inc., Associated Air Transport, Inc., Aviation Corporation of Seattle, Capitol Airways, Inc., California Air Charter, Inc., Central Air Transport, Inc., Coastal Cargo Co., Inc., Continental Charters, Inc., General Airways, Inc., Meteor Air Transport, Inc., Overseas National Airways, Inc., Peninsular Air Transport, Seaboard and Western Airlines, Inc., Standard Airways, Sourdough Air Transport, Southern Air Transport, Inc., S. S. W., Inc., Trans Alaskan Airlines, Inc., Trans Caribbean Airways, Inc., Transocean Air Lines, Unit Export Company, Inc. (The), United States Overseas Airlines, Inc., U.S. Aircoach, and World Airways Incorporated.

[Docket No. 14061; Order E-18891]

FLYING TIGER LINE INC.

Passenger Charter Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of October, 1962.

The Flying Tiger Line Inc. (Tiger) has filed a tariff, marked to become effective October 10, 1962, proposing passenger charter rates of $2.50 per charter mile and $2.25 per ferry mile for L-1049H type aircraft and $3.00 per charter mile and $2.50 per ferry mile for Electra type aircraft, between points within the United States (except between points within the state of Alaska) and between points in the United States on the one hand and points in Canada, Mexico, and Puerto Rico on the other hand. The carrier states that this tariff is being filed pursuant to Public Law 87-528 which it asserts grants passenger charter rights to certificated all-cargo carriers.

The proposed rates appear to be below the general pattern of rates established for L-1049H and Electra passenger charters and significant question is raised as to their lawfulness. The carrier has submitted no justification for its proposal.

Upon consideration of this tariff and all relevant matters, the Board finds that the tariff proposal may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. In view of the departure of this proposal from the existing general level of L-1049H and Electra passenger charter rates,[1] the Board has concluded to suspend the operation of such L-1049H and Electra passenger charter tariff proposal and the use thereof pending investigation, insofar as it involves interstate and overseas air transportation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the rates, charges, and provisions in C.A.B. No. 160 of The Flying Tiger Line Inc. are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates, charges, and provisions.

2. Pending investigation, hearing, and decision by the Board, the rates, charges, and provisions in C.A.B. No. 160 of The Flying Tiger Line Inc., insofar as applicable for interstate and overseas air transportation, are suspended and their use deferred to and including January 7, 1963, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the aforesaid tariff and shall be served upon The Flying Tiger Line Inc.

[1] See Order E-18037, February 19, 1962.

which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-10192; Filed, Oct. 11, 1962; 8:52 a.m.]

[Docket No. 14012]

VANCE ROBERTS

Notice of Oral Argument

Application for Interim Certification under Public Law 87-528.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 23, 1962 at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the Board.

Vance Roberts will be allotted thirty minutes for the presentation of its argument. The Bureau of Economic Regulation, opposing the grant of this authority, will be allotted thirty minutes for argument. Counsel for Vance Roberts may reserve not to exceed one-quarter of its allotted time for rebuttal. Please notify this office not later than October 16, 1962 the name of the representative who will present the argument.

Dated at Washington, D.C., October 9, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-10190; Filed, Oct. 11, 1962; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14693, 14694; FCC 62M-1328]

JOHN A. EGLE AND KLFT RADIO, INC.

Order Scheduling Hearing

In re applications of John A. Egle, Golden Meadow, Louisiana, Docket No. 14693, File No. BP-15478; KLFT Radio, Inc., Golden Meadow, Louisiana, Docket No. 14694, File No. BP-15536; for construction permits.

Pursuant to agreement of counsel arrived at during the further prehearing conference held on this date: *It is ordered*, This 5th day of October 1962, that the hearing in the above-styled proceeding, previously continued to a date to be fixed at such further prehearing conference, be and the same is hereby rescheduled to commence on December 4, 1962, at 10 a.m., in Washington, D.C.

Released: October 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10186; Filed, Oct. 11, 1962; 8:51 a.m.]

[Docket Nos. 14762, 14763; FCC 62M-1331]

PAYNESVILLE BROADCASTING CO. AND HARRY NEWBY

Order Continuing Hearing

In re applications of R. Earle LeMasurier, tr/as Paynesville Broadcasting Co., Paynesville, Minnesota, Docket No. 14762, File No. BP-14584; Harry Newby, Cambridge, Minnesota, Docket No. 14763, File No. BP-15280; for construction permits.

To formalize the agreements and rulings made on the record at a prehearing conference held on October 8, 1962, in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, This 8th day of October 1962, that:

Exhibits shall be exchanged on November 19, 1962;

Rebuttal exhibits shall be exchanged on November 30, 1962;

Notification of Witnesses on December 7, 1962; and

Hearing presently scheduled for November 1, 1962, is rescheduled for December 17, 1962.

Released: October 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10187; Filed, Oct. 11, 1962; 8:51 a.m.]

[Docket Nos. 14794, 14795; FCC 62M-1337]

SERVICE BROADCASTING CORP. AND Z-B BROADCASTING CO.

Order Scheduling Hearing

In re applications of Service Broadcasting Corporation, Kenosha, Wisconsin, Docket No. 14794, File No. BP-14786; Maurice J. Weber, Edwin H. Weinberg and Sidney J. Goldstein, d/b as Z-B Broadcasting Co., Zion, Illinois, Docket No. 14795, File No. BP-15458; for construction permits.

It is ordered, This 8th day of October 1962, that Arthur A. Gladstone will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 12, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, November 15, 1962.

Released: October 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10188; Filed, Oct. 11, 1962; 8:51 a.m.]

[Docket No. 14734; FCC 62M-1332]

STAR BROADCASTING CORP. (WFLS)

Order Continuing Hearing

In re application of Star Broadcasting Corporation (WFLS), Fredericksburg, Virginia, Docket No. 14734, File No. BP-14752, for construction permit.

The Hearing Examiner having before him a Motion filed on October 2, 1962, by Tidewater Teleradio, Inc., requesting change in dates governing future course of hearing in the above-entitled proceeding; and

It appearing that the revised schedule, as requested in the above motion, was agreed upon at an informal conference of counsel and engineers for the parties to the proceeding and that all parties have consented to grant of the motion;

Accordingly, it is ordered, This 8th day of October 1962, that the above described Motion is granted; and the schedule of dates governing future steps in this proceeding is changed as follows:

Exchange of Applicant's showings changed from October 12, 1962, to October 19, 1962;

Freeze date changed from October 26, 1962, to November 7, 1962;

Hearing date continued from October 31, 1962, to November 13, 1962.

Released: October 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10189; Filed, Oct. 11, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CI60-796, etc.]

TOWER SERVICE CO. ET AL.

Notice of Applications and Date of Hearing and Notice of Severance

OCTOBER 5, 1962.

A. M. Carlson, d.b.a. Tower Service Company, Docket No. CI60-796; W. E. Bakke, Docket No. CI61-257; Amerada Petroleum Company, Docket No. CI61-461; Yoak-Hayes Gas Company, Docket No. CI61-504; Cities Service Petroleum Company, Docket No. CI61-1341; The Pure Oil Company, Docket No. CI61-1499; HRC Gas & Oil Associates,[1] Docket No. CI61-1538; Delhi-Taylor Oil Corporation,[2] Docket No. CI62-485; Saturn Drilling Company (Operator), et al., Docket No. CI62-697; Wofford Cain, Docket No. CI62-764; North Fork Development Company, Docket No. CI62-1109; Shell Oil Company, Docket No. CI62-1472; Shell Oil Company, Docket No. CI62-1494; Acco Oil & Gas Co. (Operator), et al., Docket No. CI62-1539; Acco Oil & Gas Co. (Operator), et al., Docket No. CI62-1540; Danube Oil Company, Docket No. CI62-1552; Producing Properties, Inc.,[3] Docket No. CI63-10; Shell Oil Company, Docket No. CI63-12; Leo Clymore, et al., Docket No. CI63-29; Shell Oil Company, Docket No. CI63-42; Richard E. Haas (Operator), et al., Docket No. CI63-53; Newman Brothers Drilling Company, Docket No. CI63-83; Lamar Hunt, Docket No. CI63-243; N. B. Hunt, Docket No. CI63-244; W. H. Hunt, Docket No. CI63-245.

[1] Successor in interest to Robinson Oil & Gas Company.

[2] Successor in interest to Delhi Oil Corporation.

[3] Successor in interest to Shoreline Petroleum Corporation.

Take notice that each of the above Applicants has filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon natural gas service as hereinafter described and as more fully set forth in the respective applications which are on file with the Commission and open to public inspection.

In Docket No. CI62-1109 Applicant filed an application pursuant to section 7(b) of the Natural Gas Act to abandon service to Hope Natural Gas Company and pursuant to section 7(c) of the Natural Gas Act to initiate service from the same lease to Equitable Gas Company at the same rate of 20.0 cents per Mcf at 15.325 psia. The application states that the contract was assigned by Hope to Equitable on April 26, 1961.

The facts in the abandonment applications are as follows:

Docket No.	Location	Purchaser	Docket No. in which sale was authorized	abandonment Reasons for
CI60-796	Court House District, Lewis County, W. Va.	Hope Natural Gas Co.	Application for certificate authorization pending in Docket No. CI60-796.	Depletion.
CI61-257	McManus Field, Hidalgo County, Tex.	South Texas Natural Gas Gathering Co.	Application for certificate authorization pending in Docket No. CI61-257.	Do.
CI61-461	East Satsuma Field, Harris County, Tex.	United Gas Pipe Line Co.	G-4784	Do.
CI61-504	Bear Fork Field, Sherman District, Calhoun County, W. Va.	Hope Natural Gas Co.	G-5577	Do.
CI61-1341	Osage County, Okla.	Union Gas System, Inc.	G-4579	Applicant's interest in producing property assigned to gas purchaser.
CI61-1499	Manderson Field, Big Horn County, Wyo.	Mobil Production Co., et al.	G-9617	Depletion.
CI61-1538	Meade District, Marshall County, W. Va.	Hope Natural Gas Co.	CI61-152 [1]	Do.
CI62-485	North Magnolia City, Field Area, Jim Wells County, Tex.	Tennessee Gas Transmission Co.	G-6306	Do.
CI62-697	Lehn-Apco (Montoya) Field, Pecos County, Tex.	El Paso Natural Gas Co.	G-18908	Do.
CI62-764	Ballard Pictured Cliffs Pool, Rio Arriba County, Tex.	do	G-13712	Applicant's interest in producing property assigned to gas purchaser.
CI62-1109	Grant District, Wetzell County, W. Va.	Hope Natural Gas Co.	G-13173	Contract assigned by purchaser to Equitable Gas Co.
CI62-1472	Fox Graham Field, Carter County, Okla.	Lone Star Gas Co.	G-5049	Depletion.
CI62-1494	Shell State Field, Cheyenne County, Nebr.	Kansas-Nebraska Natural Gas Co., Inc.	G-12051	Do.
CI62-1539	Appling Field, Calhoun County Tex.	Coastal Transmission Corp. [2]	Application for certificate authorization pending in Docket No. CI60-724.	Do.
CI62-1540	North New Talton Field, Wharton County, Tex.	Texas Eastern Transmission Corp.	G-12573	Do.
CI62-1552	West Kutz (Pictured Cliffs) Field, San Juan County, N. Mex.	El Paso Natural Gas Co.	G-6425	Applicant's interest in producing property assigned to gas purchaser.
CI63-10	Six Mile Field, Calhoun County, Tex.	Tennessee Gas Transmission Co.	CI60-424	Depletion.
CI63-12	Woodward Field, Woodward County, Okla.	Cities Service Gas Co.	CI60-345	Do.
CI63-29	East Plymouth Field, San Patricio County, Tex.	Tennessee Gas Transmission Co.	CI61-797	Do.
CI63-42	East Sturgis Field, Texas County, Okla.	Cabot Corp. [3]	G-9819 [4]	Applicant's [4] interest in producing property assigned to gas purchaser. Water encroachment.
CI63-53	Orange Grove Area, Jim Wells County, Tex.	Orange Grove Gas Gathering Co.	G-18810	
CI63-83	Hinkle Field, Harris County, Tex.	United Gas Pipe Line Co.	CI60-386	Depletion.
CI63-243	Sparton Field, San Patricio County, Tex.	Tennessee Gas Transmission Co.	G-4870	Do.
CI63-244	Spartan Field, San Patricio County, Tex.	do	G-4649	Do.
CI63-245	do	do	G-4786	Do.

[1] Temporary authorization was issued to Robinson Oil & Gas Co. in this docket to continue operations authorized in Docket No. G-8357 in a certificate issued to Eagon & Robinson Oil & Gas Co.

[2] Merged by Florida Gas Transmission Co.

[3] Successor in interest to Cabot Carbon Co.

[4] The certificate issued in Docket No. G-9819 authorized the sale of casinghead gas.

[5] Applicant assigned to purchaser all right, title, and interest in the lease from the surface to the depth of 4,500 feet beneath the surface. The assigned depth includes all formations presently productive of casinghead gas.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice, that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 15, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 5, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Notice is hereby given that the proceeding entitled W. E. Bakke, Docket No. CI61-257, is severed from the consolidated proceeding entitled Docket Nos. G-18638, et al, and said Docket No. CI61-257 will be disposed of in the instant proceeding in Docket Nos. CI60-796, et al.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-10157; Filed, Oct. 11, 1962; 8:45 a.m.]

[Docket No. E-7058]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Notice of Application

OCTOBER 5, 1962.

Take notice that on September 24, 1962 an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Central Illinois Public Service Company (Applicant), a corporation organized under the laws of the State of Illinois and doing business in that State, with its principal business office at Springfield, Illinois, seeking authorization to acquire and to merge with its own facilities all of the facilities, consisting of electric and gas facilities, of Illinois Electric & Gas Company (Illinois Electric), a corporation organized under the laws of the State of Illinois and doing business in that State, with its principal business office at Chicago, Illinois.

Applicant is engaged principally in generating, purchasing, distributing and selling electric energy in portions of central and southern Illinois; it also distributes and sells natural gas in various parts of its territory. Illinois Electric is engaged in distributing electricity in the City of Murphysboro, Illinois and vicinity, and in distributing natural gas in 14 communities, including Murphysboro, and adjacent rural areas located in the Counties of Franklin, Jackson, Perry, and Williamson, in Illinois. Illinois Electric also sells electric and gas appliances. Applicant furnishes electric service to approximately 240,700 customers, natural gas service to approximately 52,200 customers and propane-air gas to approximately 1,290 customers. Illinois Electric has approximately 4,750 electric customers and approximately 17,830 gas customers. The electricity distributed by Illinois Electric is purchased from Applicant under contract.

In accordance with the terms of an Exchange Agreement dated as of September 11, 1962 between Applicant and the holders of all outstanding shares of the capital stock of Illinois Electric, Applicant proposes to acquire, on Novem-

ber 30, 1962, all of such shares in exchange for 75,000 shares of Applicant's 4.90 percent Cumulative Preferred Stock, par value $100 per share. Immediately upon acquisition of the Illinois Electric shares, Applicant proposes to liquidate Illinois Electric and to acquire its properties and assets by appropriate instruments of conveyance and transfer, in satisfaction and complete cancellation of Illinois Electric's outstanding capital stock. Simultaneously or immediately following such acquisition, all of the outstanding bonds of Illinois Electric will be redeemed and retired and the mortgage securing such bonds will be released. Applicant states that, as soon as practicable after the proposed acquisition, the standard electric rate schedules of Applicant will be applied to electric customers of Illinois Electric in cases where Applicant's rates are lower than the Illinois Electric rates, but that customers who would benefit by continuing under present Illinois Electric rates will be entitled to do so. Applicant further states that after the proposed acquisition the sale of electric and gas appliances now carried on by Illinois Electric will be discontinued.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 29th day of October 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-10156; Filed, Oct. 11, 1962; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

CHIEF, OFFICE OF SHIP CONSTRUCTION

Delegation of Authority

Pursuant to the provisions of section 4.03 of Department of Commerce Order No. 117 (Revised), and the specific approval granted thereunder by the Secretary of Commerce under date of August 24, 1962, the Maritime Subsidy Board hereby delegates to the Chief, Office of Ship Construction authority to approve changes in contract plans and specifications of ships constructed, reconstructed, or reconditioned under contracts with the Maritime Subsidy Board, and authority to approve changes in cost and delay in delivery, if any, resulting from such changes provided such changes do not result in a cost change in excess of $50,000 in any one instance and provided the aggregate cost of the changes does not increase the cost of the ship by more than 2 percent of the single vessel contract price. The Chief, Office of Ship Construction, may, with the approval of the Maritime Subsidy Board, redelegate this authority to subordinate officials. Actions taken under this authority shall be reported monthly to the Maritime Subsidy Board.

Effective date: This delegation is effective as of August 24, 1962.

This delegation of authority supersedes the delegation appearing in the FEDERAL REGISTER issue of June 6, 1962 (27 F.R. 5350).

Dated: October 9, 1962.

DONALD W. ALEXANDER,
Chairman,
Maritime Subsidy Board,
Maritime Administrator.

[F.R. Doc. 62-10171; Filed, Oct. 11, 1962; 8:48 a.m.]

[Docket No. S-142]

AMERICAN EXPORT LINES, INC.

Notice of Application and of Hearing

Correction

In F.R. Doc. 62-10048, appearing at page 9957 of the issue for Wednesday, October 10, 1962, the Room No. appearing in the third line of the second paragraph should read "Room 3059" instead of "Room 3095".

FEDERAL RESERVE SYSTEM

FIRST OKLAHOMA BANCORPORATION, INC.

Order Regarding Oral Argument and Composition of the Record

In the matter of the application of First Oklahoma Bancorporation, Inc., Oklahoma City, Oklahoma, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956.

I. On September 4, 1962, there was filed with the Secretary of the Board of Governors on behalf of certain banks opposing the application in the above-captioned matter a Motion to Allow Oral Argument before the Board of Governors of the Federal Reserve System. Within the time allowed by § 263.8 of the Board's rules of practice for formal hearings, Applicant filed objections to opposing banks' motion. The motion and objections thereto having been considered by the Board, it is the Board's judgment that the motion for oral argument should be granted.

Accordingly, it is hereby ordered, That a public oral argument before the Board in this matter be held commencing at 10 a.m. on Monday, October 15, 1962, at the offices of the Board of Governors, Washington, D.C., and that counsel for opposing banks and counsel for Applicant shall each have 45 minutes for oral argument.

It is further ordered, That within 7 calendar days of the date of oral argument, that is, before the close of business, October 22, 1962, briefs in support of oral argument may be presented by counsel for the respective parties.

II. On September 4, 1962, counsel for the opposing banks filed Exceptions of Protesting Banks to Report and Recommended Decision of Hearing Examiner (hereinafter referred to as Exceptions). Paragraph 1 of the said Exceptions cited a statement in the Hearing Examiner's Report that a Reply Brief had been filed by Applicant on July 31, 1962, and had been considered by the Examiner. Exception was taken to the Examiner's consideration of said Reply Brief on the ground that it had not been timely filed, since the Examiner had stated in an Order of June 26, 1962, that reply briefs would be considered if filed by July 30, 1962.

Inspection of the official docket of pleadings and papers filed in the above-captioned cause, maintained by the Secretary of the Board of Governors, reveals that the original of the Reply Brief in question bears an official date stamp of the Office of the Secretary showing receipt at 10:45 a.m. on July 30, 1962.

Accordingly, it is ordered, That paragraph 1 of the Exceptions of opposing banks be, and it hereby is, specifically overruled.

III. On September 17, 1962, counsel for Applicant filed a Response of Applicant to Exceptions of Protesting Banks to Report and Recommended Decision of Hearing Examiner (hereinafter referred to as Response and Exceptions, respectively). On September 19, 1962, counsel for opposing banks filed a Motion to Strike Purported "Response of Applicant to Exceptions of Protesting Banks" (hereinafter referred to as Motion to Strike). The Motion to Strike averred, in pertinent part, that: on September 4, 1962, the protesting banks filed their Exceptions with the Board of Governors and mailed copies to all parties; on September 17, 1962, Applicant filed with the Board of Governors its Response to the Exceptions; § 263.7 of the Board's rules of practice provides that opposition to exceptions to a Hearing Examiner's report must be filed "within 5 days following the date of service of such exceptions • • •"; and, therefore, Applicant's Response was not timely filed. In light of these allegations, it was moved that Applicant's Response be stricken and denied admission to the record in this proceeding.

As asserted, § 263.7 of the Board's rules of practice allows 5 days following service of exceptions to a Hearing Examiner's report within which opposition thereto by any party may be filed. However, the 5-day period for filing such opposition must be computed from the date upon which the party filing such opposition was served with a copy of the exceptions to the Hearing Examiner's report. In this connection, it is instructive to note that § 263.12(b) of the Board's rules of practice provides that—

> Service shall be made by personal service on the party or his attorney of record, by registered mail addressed to the party or his attorney of record, or by other appropriate means specified by the Board. Service by registered mail shall be deemed to be made as of the date of receipt by the person addressed.

The Motion to Strike contains no allegation concerning the date on which service of the Exceptions was made on counsel for Applicant, nor is said motion supported by a registered mail return receipt or other probative evidence of the date of service thereof. Under these circumstances, since the Board cannot determine on the pleadings before it the precise date on which service of the opposing banks' Exceptions was made on counsel for Applicant, the Board has concluded that Applicant's Response to the Exceptions should not be stricken as untimely filed.

Furthermore, by letter to the Board of September 24, 1962, a copy of which was sent to counsel for opposing banks, Applicant's counsel evidence his misunderstanding of the applicable section of the Board's Rules of Practice for Formal Hearings under which Applicant's Response should have been filed and requests the Board to receive the Response for the reasons set forth in counsel's letter. Finally, a review of Applicant's Response to which the Motion to Strike is directed, has satisfied the Board that there is not contained in that Response substantive matters not contained elsewhere in the record of this matter, expressly or implicitly, and that, therefore, denial of the Motion to Strike would not prejudice the position of the opposing banks. Accordingly,

It is ordered, That the opposing banks' Motion to Strike be, and it hereby is, denied.

Dated at Washington, D.C., this 5th day of October 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-10162; Filed, Oct. 11, 1962; 8:46 a.m.]

MONTANA SHARES, INC.

Order Approving Application

In the matter of the application of Montana Shares, Incorporated, Great Falls, Montana, for prior approval of the acquisition of more than 50 percent of the voting shares of Citizens Bank of Montana, Havre, Montana.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 222.4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application by Montana Shares, Incorporated ("Applicant"), Great Falls, Montana, a registered bank holding company, for the Board's prior approval of Applicant's acquisition of more than 50 percent of the voting shares of one of its present subsidiary banks, the Citizens Bank of Montana, Havre, Montana.

A Notice of Receipt of Application was published in the FEDERAL REGISTER on July 12, 1962 (27 F.R. 6636), which provided an opportunity for submission of comments and views regarding the proposed acquisition. No comments or views have been received.

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is granted, and the acquisition by Applicant of more than 50 percent of the voting shares of Citizens Bank of Montana is hereby approved, provided that such acquisition shall not be consummated (a) within seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 3d day of October 1962.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-10163; Filed, Oct. 11, 1962; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Minneapolis.

MONTANA SHARES, INC.

Order Approving Application

In the matter of the application of Montana Shares, Incorporated, Great Falls, Montana, for prior approval of the acquisition of up to 100 percent of the outstanding voting shares of Central Bank of Montana, Great Falls, Montana.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of Montana Shares, Incorporated ("Applicant"), Great Falls, Montana, for the Board's prior approval of the acquisition of up to 100 percent of the outstanding voting shares of Central Bank of Montana, Great Falls, Montana.

A Notice of Receipt of Application was published in the FEDERAL REGISTER on March 15, 1962 (27 F.R. 2496), which provided an opportunity for submission of comments and views regarding the proposed acquisition. No comments or views have been received.

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is granted, and the acquisition by Applicant of up to 100 percent of the voting shares of Central Bank of Montana is hereby approved;

Provided, That such acquisition shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date;

And provided further, That such acquisition shall not be consummated unless and until (a) cash with which to pay for the shares of Central Bank of Montana has been raised by sale of Applicant's stock, or (b) a reliable and independent underwriter has given a firm and unconditional commitment to provide Applicant with sufficient proceeds from the sale of Applicant's stock, within three months of the date of this order, to liquidate any indebteness assumed or incurred by Applicant in connection with the purchase of said shares.

Dated at Washington, D.C., this 3d day of October 1962.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-10164; Filed, Oct. 11, 1962; 8:46 a.m.]

MONTANA SHARES, INC.

Order Approving Application

In the matter of the application of Montana Shares, Incorporated, Great Falls, Mont., for prior approval of the acquisition of up to 100 percent of the voting shares of the Liberty County Bank, Chester, Mont.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 222.4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application by Montana Shares, Incorporated ("Applicant"), Great Falls, Mont., a registered bank holding company, for the Board's prior approval of Applicant's acquisition of up to 100 percent of the voting shares of one of its present subsidiary banks, the Liberty County Bank, Chester, Mont.

A Notice of Receipt of Application was published in the FEDERAL REGISTER on July 12, 1962 (27 F.R. 6636), which provided an opportunity for submission of comments and views regarding the proposed acquisition. No comments or views have been received.

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is granted, and the acquisition by Applicant of up to 100 percent of the voting shares of Liberty County Bank is hereby approved, provided that such acquisition shall not be consummated (a) within 7 calendar days after the date of this Order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 3d day of October 1962.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-10165; Filed, Oct. 11, 1962; 8:47 a.m.]

PEOPLES UNION BANK AND TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Peoples Union Bank and Trust Company for approval of merger with The Bank of Glassport.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Minneapolis. Dissenting statement of Governor Mitchell also filed as part of the original document and available upon request.

[2] Voting for this action: Governors Balderston, Mills, Robertson, Shepardson, and King. Voting against this action: Governor Mitchell. Absent and not voting: Chairman Martin.

[3] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Minneapolis. Governor Mitchell dissented. The reasons therefor are set forth in his Dissenting Statement accompanying the Board's Order of this date in the matter of the proposed acquisition of Central Bank of Montana by the Applicant herein.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Peoples Union Bank and Trust Company, McKeesport, Pa., a member bank of the Federal Reserve System, for prior approval by the Board of the merger of that bank and The Bank of Glassport, Glassport, Pa., under the charter and title of the former. As an incident to the merger, the present office of The Bank of Glassport would be operated as a branch of the Peoples Union Bank and Trust Company. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within 7 calendar days after the date of this Order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 5th day of October 1962.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 62-10166; Filed, Oct. 11, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4064]

AMERICAN NATURAL GAS CO. ET AL.

Notice of Proposed Modification of Agreement for Allocating Consolidated Tax Liability Among System Companies and Liquidation of Nonutility Subsidiary Company

OCTOBER 8, 1962.

In the matter of American Natural Gas Company, Suite 4950, 30 Rockefeller Plaza, New York 20, New York, MSC Corporation, Michigan Consolidated Gas Company, Milwaukee Gas Light Company, Michigan Wisconsin Pipe Line Company, American Louisiana Pipe Line Company, American Natural Gas Production Company, American Natural Gas Service Company, File No. 70-4064.

Notice is hereby given that American Natural Gas Company ("American Natural"), a registered holding company, and its subsidiary companies, including its wholly-owned nonutility subsidiary company, MSC Corporation ("MSC"), have filed a joint declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 12(b), 12(c), and 12(f) of the Act and Rules 42, 43, and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

MSC (successor in name to Milwaukee Solvay Coke Company) sold all of its assets (except cash and the right to receive certain insurance premium refunds) to a nonaffiliated company for $3,334,106, of which $2,879,644 was paid in cash and the balance by the purchaser's assumption of certain liabilities of MSC. As a result of the sale, MSC incurred a loss, for tax purposes, of $968,470, which loss will be treated as an ordinary loss from the sale of property used in the trade or business in accordance with Section 1231 of the Internal Revenue Code. MSC's taxable ordinary income from operations in the first six months of 1962 amounted to about $218,000, so that for the full year 1962 it will report a net loss for Federal income tax purposes of approximately $750,000.

Declarants, who as a group join in the filing of consolidated Federal income tax returns, state that the loss from MSC's sale of its assets will result in a tax benefit of $503,000, and that inclusion of said loss and the resultant tax benefit in the consolidated tax return will give rise to certain inequities in the allocation, under the exemptive provisions of Rule 45(b)(6), of the 1962 consolidated tax liability among the declarants. Accordingly declarants propose, in accordance with Rule 45(a), to amend their tax allocation agreement of July 15, 1959, heretofore approved by the Commission (Holding Company Act Release No. 14013), so as, in effect, to allocate the tax benefit from the loss on the sale of MSC's assets entirely to MSC for the year 1962.

MSC, whose assets now consist substantially of cash and cash items, also proposes to reacquire all of its outstanding stock, consisting of 35,000 shares of $100 par value common stock, in exchange for its assets and then dissolve. American Natural, as sole stockholder of MSC, proposes to surrender the common stock of MSC in exchange of MSC's assets subject to its liabilities as of the date of dissolution. American Natural's investment in MSC is carried on its books at the cost of $7,672,937, with a valuation reserve of $3,159,462, which results in a net carrying value of $4,513,475. The net proceeds on liquidation of MSC are estimated to be approximately $4,530,000 plus the $503,000 proposed tax benefit to MSC from the loss on the sale of its assets. Such net proceeds will be added to the treasury funds of American Natural; its investment in MSC and the applicable reserve will be closed out. The book profit to American Natural resulting from the liquidation of MSC will be credited to American Natural's earned surplus account.

Fees and expenses to be incurred by American Natural incident to the proposed transactions are estimated at $5,000, consisting of legal fees of $4,500 and miscellaneous expenses of $500. It is anticipated that MSC's income from temporary cash investments after June 30, 1962, will offset all its expenses of liquidation.

The joint declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the transactions proposed.

Notice is further given that any interested person may, not later than October 30, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10177; Filed, Oct. 11, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 9, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37975: *Class and commodity rates from and to Stella (Escambia County), Fla.* Filed by O. W. South, Jr., Agent (No. A-4244), for interested rail carriers. Rates on various commodities moving on class and commodity rates, in carloads and less-than-carloads, between Stella (Escambia County), Fla., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

FSA No. 37976: *Petroleum products to WTL territory points.* Filed by Western Trunk Line Committee, Agent (No. A-2278), for interested rail carriers. Rate on asphalt (asphaltum), petroleum road oil and petroleum wax tailings, in tank-car loads, from specific points in Colorado, Kansas, Missouri and Wyoming, also Chicago, Ill., and points grouped with Chicago, to specified points in Minnesota, North Dakota, South Dakota and Wisconsin.

Grounds for relief: Market competition.

Tariffs: Supplement 113 to Western Trunk Line Committee tariff I.C.C. A-4294, and 6 other schedules named in the application.

FSA No. 37977: *Perlite and vermiculite from and to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8273), for interested rail carriers. Rates on perlite and vermiculite, as described in the application, in carloads, between points in southwestern territory, on the one hand, and points in Minnesota, North Dakota, South Dakota and Wisconsin, on the other.

Grounds for relief: Market competition.

Tariff: Supplement 34 to Southwestern Freight Bureau tariff I.C.C. 4456.

FSA No. 37978: *Joint motor-rail rates from and to southern territory.* Filed by Pre-Fab Transit Co., a corporation (No. 3), for itself and the Illinois Central Railroad Company. Rates on various commodities moving on commodity rates, loaded in highway trailers of the motor carrier, over the highways, thence transported on railroad flat cars of the railroad, from specified points in Louisiana and Mississippi, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio and Wisconsin, also from points in Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio and Wisconsin, to specified points in Mississippi, and New Orleans, La., via interchange points named in the application.

Grounds for relief: Motor-truck competition.

Tariffs: Pre-Fab Transit Co., tariffs MF-I.C.C. 82, 84, and 86.

FSA No. 37979: *Brick and related articles from and to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8276), for interested rail carriers. Rates on brick and related articles, as described in the application, in carloads, between points in southwestern territory, on the one hand, and points in southern also official-southern border territory, on the other.

Grounds for relief: Market competition.

Tariffs: Supplements 35 and 39 to Southwestern Freight Bureau tariffs I.C.C. 4455 and 4457, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-10170; Filed, Oct. 11, 1962; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Cleveland.

[2] Voting for this action: Governors Balderston, Mills, Robertson, Shepardson, and Mitchell. Absent and not voting: Chairman Martin and Governor King.

[Drought Order 62, Amdt. 8]

GEORGIA, PENNSYLVANIA, AND NORTH CAROLINA

Authorization of Railroads To Transport Hay at Reduced Rates

OCTOBER 8, 1962.

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing that due to the drought conditions existing in the State of Kentucky the Commission issued Drought Order No. 62 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport hay to the drought area at reduced rates;

And it further appearing that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to 6 additional counties located in the States of Georgia, Pennsylvania, and North Carolina:

It is ordered, That Drought Order No. 62 as amended, be, and it is hereby, further amended by adding thereto the following:

GEORGIA

1 county, viz.:

Wheeler

PENNSYLVANIA

1 county, viz.:

Adams

NORTH CAROLINA

4 counties, viz.:

Cabarrus.	Iredell.
Catawba.	Rowan.

It is further ordered, That in all other respects Drought Order No. 62, as amended, shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Roalroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 8th day of October A.D. 1962.

By the Commission, Chairman Murphy.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-10169; Filed, Oct. 11, 1962; 8:48 a.m.]

[Notice 702]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 9, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65146. By order of October 5, 1962, the Transfer Board approved the transfer to Holmes Trucking Service, Inc., Sioux Falls, S. Dak., of that portion of Certificate No. MC 106298, designated as Routes 8, 9, and 10, issued October 12, 1951, to Tri-State Transportation Co., Inc., Sioux Falls, S. Dak., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, (1) Between Sioux City, Iowa and Chicago, Ill., and (2) Between Denison, Iowa, and Omaha, Nebr. The operations in (1) and (2) above are conducted over specified regular routes, serving certain named intermediate and off-route points. T. M. Bailey, Jr., 305 Northwest Bank Building, Sioux Falls, S. Dak., attorney for applicants.

No. MC-FC 65234. By order of October 2, 1962, the Transfer Board approved the transfer to W. Jeff Hammond Moving & Storage, Inc., 721 North Main Street, Hopkinsville, Ky., of Certificate No. MC 101177, issued December 23, 1940, to W. Jeff Hammond, 721 North Main Street, Hopkinsville, Ky., authorizing the transportation, over irregular routes, of household goods, between points in Christian County, Ky., on the one hand, and, on the other, points in Tennessee, Kentucky, Indiana, Missouri, Ohio, and Illinois.

No. MC-FC 65256. By order of October 4, 1962, the Transfer Board approved the transfer to J. H. Glowatsky Trucking, Inc., Allentown, Pa., of Certificate No. MC 101829 issued January 19, 1955, to John H. Glowatsky, Allentown, Pa., authorizing the transportation over irregular routes of general commodities, excluding household goods and commodities in bulk, between Allentown, Pa., on the one hand, and, on the other, New York, N.Y., Baltimore, Md., Wilmington, Del., and points in New Jersey; roofing materials and skylights, between Allentown, Pa., on the one hand, and, on the other, points within 60 miles of Allentown, Pa., including Allentown; scrap rubber, from Allentown, Pa., to Dover and Trenton, N.J., waste wool, cotton, and paper, from Allentown, Pa., to Newark, N.J., and New York, N.Y., scrap metals, between Allentown, Emmaus, Boyertown, and Quakertown, Pa., on the one hand, and, on the other, Phillipsburg, Newark, Carteret, and Perth Amboy, N.J., oxygen gas in cylinders and shipper-owned tube trailers, and oxygen gas generators; from Emmaus and Allentown, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland,

Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; empty oxygen gas cylinders and shipper-owned tube trailers, on return; portable oxygen gas generators installed in specially built trailers, from Allentown, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. William J. Wilcox, 624 Commonwealth Building, Allentown, Pa., attorney for applicants.

No. MC-FC 65264. By order of October 2, 1962, the Transfer Board approved the transfer to W. L. Hardy, doing business as Motorway Express, P.O. Box 175, Pearsall, Tex., of Certificate No. MC 28596, issued November 4, 1940, as amended May 25, 1960, to Louis H. Hardy, doing business as Motorway Express, P.O. Box 175, Pearsall, Tex., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between Pearsall, Tex., and San Antonio, Tex.

No. MC-FC 65276. By order of October 2, 1962, the Transfer Board approved the transfer to F. J. Bergthold, Jr., doing business as Bergthold's Transfer, Fort Madison, Iowa, of Certificate No. MC 82783, issued May 31, 1941, to Gus J. Miller, Jr., Fort Madison, Iowa, authorizing the transportation of: coal, livestock, fresh fruit, grain, hay, straw, feed, tankage, and household goods, from, to, or between specified points in Iowa and Illinois. William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa, representative for applicants.

No. MC-FC 65369. By order of October 2, 1962, the Transfer Board approved the transfer to Okey W. Barney, doing business as Okey W. Barney Co., Triadelphia, W. Va., of the operating rights in Certificate No. MC 106884, issued November 13, 1961, to Wildon A. Dague, Earl R. Reeves, and Okey W. Barney, a partnership, doing business as Okey W. Barney Co., Triadelphia, W. Va., authorizing the transportation, over irregular routes, of coal, from points in Ohio County, W. Va., to points in Greene and Washington Counties, Pa., concrete blocks, from points in Ohio County, W. Va., and points in Marshall County (except Benwood), W. Va., to points in Greene and Washington Counties, Pa., road building equipment, between Martins Ferry, Ohio, and Benwood, W. Va., on the one hand, and, on the other, points in Belmont and Jefferson Counties, Ohio, and points in Brooke, Marshall, Ohio, Tyler, and Wetzel Counties, W. Va., such commodities as are usually transported in dump trucks, including road and building materials, between points in Belmont and Jefferson Counties, Ohio, Allegheny and Washington Counties, Pa., and Brooke, Hancock, Marshall, and Ohio, Counties, W. Va., and such commodities as are transported in dump trucks and can be unloaded by dumping, between points in Belmont, Harrison, Jefferson, Monroe, and Columbiana Counties, Ohio, between points in Belmont, Harrison, Jefferson, and Monroe Counties, Ohio, on the one hand, and, on the other, points in Brooke, Hancock, Marshall, Ohio, and Wetzel Counties, W. Va., between Martins Ferry, Ohio, on the one hand, and, on the other, points in Belmont and Jefferson Counties, Ohio, and Tyler County, W. Va., between Benwood, W. Va., on the one hand, and, on the other, points in Brooke, Marshall, Ohio, Tyler, and Wetzel Counties, W. Va., from Martins Ferry, Ohio, and Wierton and Benwood, W. Va., to points in Greene and Washington Counties, Pa., and from Wierton and Benwood, W. Va., to points in Columbia County, Ohio. Ronald W. Kasserman, 900 Riley Law Building, Wheeling, W. Va., applicants' attorney.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-10168; Filed, Oct. 11, 1962; 8:47 a.m.]

[Notice 702-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 9, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64909. By order of October 4, 1962, Division 3, acting as an Appellate Division, approved the transfer to Great Belt Line Trucking Corporation, Orange, N.J., of the operating rights in Certificate No. MC 29953, issued by the Commission December 22, 1959, to Demeny's N.Y. & N.J. Express, Inc., Wallington, N.J., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between New York, N.Y., and points in Nassau County, N.Y., on the one hand, and, on the other, points in Bergen, Passaic, Hudson, Morris, Essex, Monmouth, Middlesex, Union, and Somerset Counties, N.J. Bert Collins, 140 Cedar Street, New York 6, N.Y., applicants' representative.

No. MC-FC 65182. By order of October 2, 1962, Division 3, acting as an Appellate Division, approved the transfer to Wardlow Transfer Co., Inc., Sardinia, Ohio, of the operating rights in Permit No. MC 115834, issued June 13, 1957, to Willie T. Boaz, Bobby Boaz and Clyde Boaz, a partnership, doing business as Bourbon Transfer Co., Paris, Ky., authorizing the transportation, over irregular routes, of used agricultural machinery and used motor vehicles, which, at the time of transportation by carrier, are moving to or from the site of a blue grass stripping and processing operation, and equipment, materials, and supplies, used in connection with blue grass stripping and processing, between Paris, Ky., and points in Indiana and Ohio, and blue grass seed, from points in Indiana and Ohio to points in Bourbon County, Ky. James S. Wilson, Jr., P.O. Box 151, Paris, Ky., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-10167; Filed, Oct. 11, 1962; 8:47 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 27 NUMBER 199

Washington, Friday, October 12, 1962

Federal Communications Commission

Public Notice of October 9, 1962

Use of Broadcast Facilities by Candidates for Public Office

FEDERAL COMMUNICATIONS COMMISSION

[FCC 62-1019; 25297]

USE OF BROADCAST FACILITIES BY CANDIDATES FOR PUBLIC OFFICE

OCTOBER 3, 1962.

This Public Notice is a compilation of the Commission's interpretive rulings under section 315 of the Communications Act of 1934, as amended, and the Commission's rules implementing that section of the Act and brings up-to-date and supersedes all prior Public Notices issued by the Commission entitled "Use of Broadcast Facilities by Candidates for Public Office." The Commission has carefully reviewed both its Revised Public Notice (October 1, 1958; FCC 58-936), and its Supplement thereto (September 8, 1960; FCC 60-1050) which contained the 1959 amendments to section 315 of the Act, the amendments to the Commission's rules and additional rulings. Significant rulings made subsequent to the 1960 Supplement have been added, and editorial and other revisions have been made with respect to some of the interpretations previously published. Where appropriate, cumulative rulings have been cited. Included herein are the determinations of the Commission with respect to problems which have been presented to it and which appear likely [1] to be involved in future campaigns. While the information contained herein does not purport to be a discussion of every problem that may arise in the political broadcast field, experience has shown that these documents have been of assistance to candidates and broadcasters in understanding their rights and obligations under section 315.

The purpose of this Notice is to apprise licensees, candidates, and other interested persons of their respective responsibilities and rights under section 315, and the Commission's rules, when situations similar to those discussed herein are encountered. In this way, resort to the Commission may be obviated in many instances and time—which is of great importance in political campaigns—will be saved. We do not mean to preclude inquiry to the Commission when there is a genuine doubt as to licensee obligations and responsibilities to the public interest under section 315. But it is believed that the following document will, in many instances, remove the need for such inquiries, and that licensees will be able to take the necessary prompt action in accordance with the interpretations and positions set forth below.

We emphasize that this discussion relates solely to obligations of broadcast licensees under section 315 of the Act. It is not intended to include the wholly separate question of the treatment by broadcast licensees, in the public interest, of political or other controversial programs or discussions not falling within the specific provisions of that section. With respect to the responsibilities of broadcast licensees for insuring fair and balanced presentation of programs not coming within section 315, but relating to important public issues of a controversial nature including political broadcasts, licensees are referred to the Commission's "fairness doctrine" as enunciated in its Report, "Editorializing by Broadcast Licensees" (Vol. 1, Part 3, R.R. 91-201), and the cases cited therein. We are of the view that the 1959 amendments to the Act constituted an affirmation and codification by the Congress of the Commission's "fairness doctrine".[2] With regard to programs not coming within the "equal opportunities" provision of section 315, but relating to important public issues of a controversial nature, including political broadcasts, it is particularly important that licensees recognize that the specific obligations imposed upon them by the provisions of section 315 of the Communications Act with respect to certain types of political broadcasts do not in any way limit the applicability of general public interest concepts to political broadcasts not falling within the "equal opportunities" provision of section 315. On the contrary, in view of the obvious importance of such programming to our system of representative government, it is clear that these precepts as set forth in the Report referred to above and in the Commission's "Report and Statement of Policy" with respect to programming, issued July 29, 1960, are of particular applicability to such programming.

We have continued the question-and-answer format as an appropriate means of delineating the section 315 problems. Wherever possible, reference to Commission's decisions or rulings are made so that the researcher may, if he desires, review the complete text of the Commission's ruling. Copies of rulings may be found in a "Political Broadcast" folder kept in the Commission's Reference Room. Citations in "R.R." refer to Pike and Fischer, Radio Regulations.

I. *The statute.* Section 315 of the Communications Act of 1934, as amended, provides as follows:

SEC. 315. (a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting stations: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—

(1) Bona fide newscast,

(2) Bona fide news interview,

(3) Bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

(4) On-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto), shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

(b) The charges made for the use of any broadcasting station for any of the purposes set forth in this section shall not exceed the charges made for comparable use of such station for other purposes.

(c) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.[3]

II. *The Commission's rules and regulations with respect to political broadcasts.* The Commission's rules and regulations with respect to political broadcasts coming within section 315 of the Communications Act are set forth in §§ 3.120 (AM), 3.290 (FM), 3.590 (Non-Commercial Educational FM), and 3.657 (TV), respectively. These provisions are identical (except for elimination of any discussion of charges in § 3.590 relating to non-commercial educational FM stations) and read as follows:

Broadcasts by candidates for public office—(a) *Definitions:* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:

(1) Has qualified for a place on the ballot or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all such other candidates for that office to use such facilities: *Provided*, That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Rates and practices.* (1) The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means direct or indirect. A candidate shall, in each case, be charged no more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office for which such person is a candidate. All discount privileges otherwise offered by a station to commercial advertisers shall be available upon equal terms to all candidates for public office.

(2) In making time available to candidates for public office no licensee shall make any discrimination between candidates in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Records; inspection.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted. Such records shall be retained for a period of two years.

(e) *Time of request.* A request for equal opportunities must be submitted to the licensee within one week of the day on which the prior use occurred.

(f) *Burden of proof.* A candidate requesting such equal opportunities of the licensee, or complaining of non-compliance to the Commission shall have the burden of proving that he and his opponent are legally qualified candidates for the same public office.[4]

In addition, the attention of the licensees is directed to the following provisions of §§ 3.119, 3.289 and 3.654, which provide in identical language:

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of five minutes' duration or less, which announcement may be made either at the beginning or the conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (b) of this section are furnished. Where an agent or other person contracts or otherwise makes arrangement with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in paragraph (b) of this section are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of the radio stations carrying the program.

III. *"Uses", in general.* In general, any use of broadcast facilities by a legally qualified candidate for public office imposes an obligation on licensees to afford "equal opportunities" to all other such candidates for the same office.

Section 315 of the Act was amended by the Congress in 1959 to provide that appearances by legally qualified candidates on specified news-type programs are deemed not to be a "use" of broadcast facilities within the meaning of that section. In determining whether a particular program is within the scope of one of these specified news-type programs, the basic question is whether the program meets the standard of "bona fides". To establish whether such a program is in fact a "bona fide" program, the following considerations, among others, may be pertinent: (1) The format, nature and content of the programs; (2) whether the format, nature and content of the program has changed since its inception and, if so, in what respects; (3) who initiates the programs; (4) who produces and controls the program; (5) when the program was initiated; (6) is the program regularly scheduled; and (7) if the program is regularly scheduled, specify the time and day of the week when it is broadcast. Questions have also been presented by the appearances on news-type broadcast programs of station employees who are also legally qualified candidates. In such cases, in addition to the above, the following considerations, among others, may be pertinent to a determination of the applicability of section 315: (1) What is the dominant function of the employee at the station?; (2) what is the content of the program and who prepares the program?; and (3) to what extent is the employee personally identified on the program? In the rulings set forth below, wherein the Commission held that the "equal opportunities" provision was applicable, it should be assumed that the news-type exemptions contained in the 1959 amendments were not involved.

A. *Types of uses.*

1. Q. Does section 315 apply to one speaking for or on behalf of the candidate, as contrasted with the candidate himself?

A. No. The section applies only to legally qualified candidates. Candidate A has no legal right under section 315 to demand time where B, not a candidate, has spoken against A or in behalf of another candidate. (Felix v. Westinghouse Radio Stations, 186 F. 2d 1, cert. den. 341 U.S. 909.)

2. Q. Does section 315 confer rights on a political party as such?

A. No. It applies in favor of legally qualified candidates for public office, and is not concerned with the rights of political parties, as such. (Letter to National Laugh Party, May 8, 1957.)

3. Q. Does section 315 require stations to afford "equal opportunities" in the use of their facilities in support of or in opposition to a public question to be voted on in an election?

A. No. Section 315 has no application to the discussion of political issues, as such, but is concerned with the use of broadcast stations by legally qualified candidates for public office. In the 1959 amendment of section 315, relating to certain news-type programs, Congress stated specifically that its action was not to be construed "• • • as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the

[1] A few of the questions taken up within have been presented to the Commission informally—that is, through telephone conversations or conferences with station representatives. They are set out in this Public Notice because of the likelihood of their recurrence and the fact that no extended Commission discussion is necessary to dispose of them; the answer in each case is clear from the language of section 315.

[2] In amending section 315 in 1959 so as to exempt appearances by legally qualified candidates on certain news-type programs from the "equal opportunities" provision, it was stated in the statute that such action should not be "construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance." (Public Law 86-274, approved September 14, 1959, 73 Stat. 557.)

[3] Section 315(a) was amended to read as above by Public Law 86-274, approved September 14, 1959, 73 Stat. 557.

Public Law 86-677, approved August 24, 1960, 74 Stat. 554, suspended the equal opportunity provision of section 315(a) for the period of the 1960 Presidential and Vice Presidential campaigns with respect to nominees for the offices of President and Vice President of the United States. It provided:

That that part of section 315(a) of the Communications Act of 1934, as amended, which requires any licensee of a broadcast station who permits any person who is a legally qualified candidate for any public office to use a broadcasting station to afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, is suspended for the period of the 1960 presidential and vice presidential campaigns with respect to nominees for the offices of President and Vice President of the United States. Nothing in the foregoing shall be construed as relieving broadcasters from the obligation imposed upon them under this Act to operate in the public interest.

(2) The Federal Communications Commission shall make a report to the Congress, not later than March 1, 1961, with respect to the effect of the provisions of this joint resolution and any recommendations the Commission may have for amendments in the Communications Act of 1934 as a result of experience under the provisions of this joint resolution.

[4] On July 31, 1959, the Commission amended §§ 3.120, 3.290, 3.590 and 3.657 of its rules (FCC 59-797) by adding subsections (e) and (f).

obligation imposed upon them under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance." The Commission has considered this statement to be an affirmation of its "fairness doctrine", as enunciated in its Report on Editorializing by Broadcast Licensees.

B. *What constitutes a "use" of broadcast facilities entitling opposing candidates to "equal opportunities"?*

4. Q. If a legally qualified candidate secures air time but does not discuss matters directly related to his candidacy, is this a use of facilities under section 315?

A. Yes. Section 315 does not distinguish between the uses of broadcast time by a candidate, and the licensee is not authorized to pass on requests for time by opposing candidates on the basis of the licensee's evaluation of whether the original use was or was not in aid of a candidacy. (Letter to WMCA, Inc., May 15, 1952, 7 R.R. 1132.)

5. Q. Must a broadcaster give equal time to a candidate whose opponent has broadcast in some other capacity than as a candidate?

A. Yes. For example, a weekly report of a Congressman to his constituents via radio or television is a broadcast by a legally qualified candidate for public office as soon as he becomes a candidate for reelection, and his opponent must be given "equal opportunities" for time on the air. Any "use" of a station by a candidate, in whatever capacity, entitles his opponent to "equal opportunities." (Letter to Station KNGS, May 15, 1952, 7 R.R. 1130; see Q. and A. 15; for a joint Congressional Report, see also letter to Senator Joseph S. Clark, Jan. 25, 1962; and for a judge's report, see also telegram to Station KSHO–TV, Apr. 24, 1961.)

6. Q. If a candidate appears on a variety program for a very brief bow or statement, are his opponents entitled to "equal opportunities" on the basis of this brief appearance?

A. Yes. All appearances of a candidate, no matter how brief or perfunctory, are a "use" of a station's facilities within section 315.

7. Q. If a candidate is accorded station time for a speech in connection with a ceremonial activity or other public service, is an opposing candidate entitled to equal utilization of the station's facilities?

A. Yes. Section 315 contains no exception with respect to broadcasts by legally qualified candidates carried "in the public interest" or as a "public service." It follows that the station's broadcasts of the candidate's speech was a "use" of the facilities of the station by a legally qualified candidate giving rise to an obligation by the station under section 315 to afford "equal opportunities" to other legally qualified candidates for the same office. (Letter to CBS (WBBM), Oct. 31, 1952; Letter to KFI, Oct. 31, 1952.)

8. Q. If a station arranges for a debate between the candidates of two parties, or presents the candidate of two parties in a press conference format or so-called forum program, is the station required to make equal time available to other candidates?

A. Yes. The appearance of candidates on the above types of programs constitutes a "use" of the licensee's facilities by legally qualified candidates and, therefore, other candidates for the same office are entitled to "equal opportunities." (Letter to Harold Oliver, Oct. 31, 1952; Letter to Julius F. Brauner, October 31, 1952. However, see S. J. Res. 207 (Public Law 86–677) (suspension statute), fn. 2, supra; and III. C, infra, concerning news-type programs.)

*9. Q. Where a candidate delivers a non-political lecture on a program which is part of a regularly scheduled series of lectures broadcast by an educational FM station, is that station required to grant equal time to opposing candidate?

A. Yes. Unless the candidate's appearance comes within the category of broadcasts exempt from section 315's "equal opportunities" provision, equal time must be granted. The use to which the candidate puts this broadcast time is immaterial. (See Q. and A. 4, supra.) (Telegram to Station WFUV–FM, Oct. 27, 1961.)

10. Q. Are acceptance speeches by successful candidates for nomination for the candidacy of a particular party for a given office, a use by a legally qualified candidate for election to that office?

A. Yes, where the successful candidate for nomination becomes legally qualified as a candidate for election as a result of the nomination. (Letter to Progressive Party, July 2, 1952, 7 R.R. 1300; but see sec. 315(a)(4).)

11. Q. Does section 315 apply to broadcasts by a legally qualified candidate where such broadcasts originate and are limited to a foreign station whose signals are received in the United States?

A. No. Section 315 applies only to stations licensed by the FCC. (Letter to Gregory Pillon, July 19, 1955.)

12. Q. A candidate for the Democratic nomination for President appeared on a network variety show. A claimant for "equal opportunities" showed that his name had been on the ballots in the Democratic presidential primary elections in two states; that the network had shown him in a film on a program concerned with the various 1960 presidential candidates; and that he was continuing his efforts as a candidate for the Democratic nomination. Would the claimant be entitled to "equal opportunities"?

A. Yes, since the appearance of the first candidate was on a program which was not exempt from the "equal opportunities" requirement of section 315 and the claimant had shown that he was a "legally qualified" candidate for the nomination for the same office. (Telegram to NBC, July 6, 1960.)

13. Q. If a station owner, or a station advertiser, or a person regularly employed as a station announcer were to make any appearances over a station after having qualified as a candidate for public office, would section 315 apply?

A. Yes. Such appearances of a candidate are a "use" under section 315. (Letters to KUGN, Apr. 9, 1958; to KTTV, Jan. 23, 1957, 14 R.R. 1227; to Kenneth Spengler, Nov. 19, 1956, 14 R.R. 1226b, respectively; and letter to Jack Williams, May 18, 1962. But cf. letter to KWTX Broadcasting Co., Mar. 16, 1960; Brigham vs. FCC, 276 F. 2d 828 (C.A. 5), Apr. 19, 1960 and Q. and A. 18.)

14. Q. When a station, as part of a newscast, uses film clips showing a legally qualified candidate participating as one of a group in official ceremonies and the newscaster, in commenting on the ceremonies, mentions the candidate and others by name and describes their participation, has there been a "use" under section 315?

A. No. Since the facts clearly showed that the candidate had in no way directly or indirectly initiated either filming or presentation of the event, and that the broadcast was nothing more than a routine newscast by the station in the exercise of its judgment as to newsworthy events. (Letter to Allen Blondy, February 6, 1957, 14 R.R. 1199; cf. CBS, Inc. (Lar Daly case), 26 FCC 715, 18 R.R. 701 [1959] and letter to Lar Daly, Sept. 9, 1959, 18 R.R. 750.)

C. *What constitutes an appearance exempt from the equal opportunities provisions of section 315?*

*15. Q. Does an appearance on a program subject to the equal opportunities provision of section 315 such as a Congressman's Weekly Report, attain exempt status when the Weekly Report is broadcast as part of a program not subject to the equal opportunities provisions, such as a bona fide newscast?

A. No. A contrary view would be inconsistent with the legislative intent and recognition of such an exemption would in effect subordinate substance to form. (Letter to Congressman Clark W. Thompson, Feb. 9, 1962, 23 R.R. 178.)

*16. Q. Are appearances by an incumbent-candidate in film clips prepared and supplied by him to the stations and broadcast as part of a station's regularly scheduled newscast, "uses" within the meaning of section 315?

A. Yes. Broadcasts of such film clips containing appearances by a candidate constitute uses of the station's facilities. Such appearances do not attain exempt status when the film clips are broadcast as part of a program not subject to the equal opportunities provision, for the reasons set forth in Question and Answer 15, above. (Letter to Congressman Clem Miller, June 15, 1962.)

17. Q. A sheriff who was a candidate for nomination for U.S. Representative in Congress conducted a daily program, regularly scheduled since 1958, on which he reported on the activities of his office. He terminated each program with a personal "Thought for the Day." Would his opponent be entitled to "equal opportunities?"

*An asterisk denotes a new question and answer.

A. Yes. In light of the fact that the format and content of the program were determined by the sheriff and not by the station, the program was not of the type intended by Congress to be exempt from the "equal opportunities" requirement of section 315. (Letter to Station WCLG, Apr. 27, 1960.)

18. Q. A local weathercaster who was a candidate for re-election for Representative in the Texas Legislature was regularly employed by an AM and TV station in Texas. His weathercasts contained no references to political matters. He was identified over the air while a candidate as the "TX Weatherman." Would his opponent be entitled to "equal opportunities?"

A. No. The Court of Appeals, Fifth Circuit, ruled that the weathercaster's appearance did not involve anything but a bona fide effort to present the news; that he was not identified by name but only as the "TX Weatherman"; that his employment did not arise out of the election campaign but was a regular job; and that the facts did not reveal any favoritism on the part of the stations or any intent to discriminate among candidates. (Letter to KWTX Broadcasting Co., Mar. 16, 1960; Brigham v. FCC, 276 F. 2d 828 (C.A. 5), Apr. 19, 1960.)

19. Q. A Philadelphia TV station had been presenting a weekly program called "Eye on Philadelphia." This program consisted of personalities being interviewed by a station representative. Three candidates for the office of Mayor of Philadelphia, representing different political parties, appeared on the program. Would a write-in candidate for Mayor be entitled to "equal opportunities"?

A. No, since it was ascertained that the appearances of the three mayoralty candidates were on a bona fide, regularly scheduled news interview program and that such appearances were determined by the station's news director on the basis of newsworthiness. (Telegram to Joseph A. Schafer, Nov. 2, 1959.)

*20. Q. A New York television station had been presenting a weekly program called "Search Light". This program consisted of persons, selected by the station on the basis of their newsworthiness, interviewed by a news reporter selected by the station, a member of the Citizens Union (a permanent participant initially selected by the station), and a station newsman who acted as moderator. Two candidates appeared on the program and were interviewed. Is a third opposing candidate entitled to "equal opportunities"?

A. No. The format of the program was such as to constitute a bona fide news interview pursuant to section 315(a)(2), since the program was regularly scheduled, was under the control of the licensee, and the particular program had followed the usual program format. (Telegram to Ethel B. Lobman, Nov. 1, 1961.)

*21. Q. A Washington, D.C., television station had been presenting a weekly program called "City Side". This program consisted of persons being interviewed by a panel of reporters. The panel was selected by the station and the persons interviewed were selected by the station on the basis of newsworthiness. Three candidates for the Democratic nomination for the office of Governor of Maryland were invited to appear on the program and one of them accepted. Would a fourth candidate for the same nomination, not invited by the station to appear, be entitled to "equal opportunities"?

A. No. It was determined that "City Side" was a regularly scheduled, weekly, live, news-interview program on the station for approximately six years; that the normal format of the program consisted of the interview of a newsworthy guest or guests by a panel of reporters; that the appearances on the program were determined by the station on the basis of newsworthiness; and that it was on this basis that the three candidates were invited to appear. Such a program constitutes a bona fide news-interview program pursuant to section 315(a)(2). (Telegram to Charles Luthardt, Sr., May 12, 1962.)

*22. Q. A New York television station had been presenting a weekly half-hour program series for over two years. The program, "New York Forum", was presided over by a station moderator and consisted of interviews of currently newsworthy guests by a panel of three lawyers. The guests were selected by the station in the exercise of its bona fide news judgment and not for the political advantage of any candidate for public office. The local bar association suggested the lawyer-interviewers to be used on a particular program but their final selection remained subject to the station's approval. The Democratic and Republican candidates for the office of Governor of New Jersey had appeared on separate programs in the series. Would a third party candidate be entitled to "equal opportunities"?

A. No. Such a program is a bona fide news interview and, as such, appearances on the program are exempt pursuant to section 315(a)(2). (Telegram to Socialist Labor Party of New Jersey, Nov. 2, 1961.)

23. Q. Certain networks had presented over their facilities various candidates for the Democratic nomination for President on the programs "Meet the Press", "Face the Nation" and "College News Conference." Said programs were regularly scheduled and consisted of questions being asked of prominent individuals by newsmen and others. Would a candidate for the same nomination in a state primary be entitled to "equal opportunities"?

A. No. The programs were regularly scheduled, bona fide news interviews and were of the type which Congress intended to exempt from the "equal opportunities" requirement of section 315. (Letter to Andrew J. Easter, April 28, 1960; letters to Charles V. Falkenberg, May 12 and June 13, 1960; and letter to Congressman Frank Kowalski, July 10, 1962.)

24. Q. A candidate for the Democratic nomination for President was interviewed on a network program known as "Today." It was shown that this was a daily program emphasizing news coverage, news documentaries and on-the-spot coverage of news events; that the determination as to the content and format of the interview and the candidate's participation therein was made by the network in the exercise of its news judgment and not for the candidate's political advantage; that the questions asked of the candidate were determined by the director of the program; and that the candidate was selected because of his newsworthiness and the network's desire to interview him concerning current problems and events. Would the candidate's opponent be entitled to "equal opportunities"?

A. No, since the appearance of the candidate was on a program which was exempt from the "equal opportunities" requirement of section 315. (Telegram to Lar Daly, July 6, 1960.)

*25. Q. Does the appearance of a candidate on any of the following programs constitute a "use" under the "equal opportunities" provisions of section 315: "Meet the Press", "Youth Wants to Know", "Capitol Cloakroom", "Tonight", and "PM"?

A. The programs "Meet the Press" and "Youth Wants to Know" were specifically referred to during the Senate debates on the 1959 amendments as being regularly scheduled news interview programs of the type intended to be exempt from the "equal opportunities" provision of section 315. Thus, if the format of these programs is not changed in any material respect, appearances by a candidate on such programs would not constitute a "use" under section 315. (See also Q. and A. 23.) As to the "Tonight" program, see Q. and A. 12. (Letter to Senator Russell B. Long, June 13, 1962.)

*26. Q. A New Jersey television station had been presenting for approximately two and one-half years a weekly program called "Between the Lines." This program consisted of interviews by a station moderator of persons involved with current public events in New Jersey and New York. The incumbent, candidate for re-election to the state assembly, appeared on the program. Would his opponent be entitled to "equal opportunities"?

A. No. The Commission ruled that "* * * the program in question is the type of program Congress intended to be exempt from the equal time requirements of section 315." (Letter to George A. Katz, Esq., Nov. 2, 1960.)

*27. Q. The "Governor's Radio Press Conference" is a weekly 15-minute program which has been broadcast approximately two years employing essentially the same format since its inception. In the program, the Governor-candidate is seated in his office and speaks into a microphone; each of the participating stations has selected a newsman, who, while located at his respective station, asks questions of the Governor which the newsman considers to be newsworthy. The questions are communicated to the

Governor-candidate by telephone from the respective stations and the questions and the Governor's answers are communicated to the stations by the means of a broadcast line from his office to the stations. The questions and answers are taped both by his office and each of the participating stations, and no tapes are supplied by the Governor to the stations. Questions asked of the Governor and all of the material, including his answers, are not screened, or edited by anyone in his office or on his behalf. The program is unrehearsed and there is no prepared material of any kind used by the Governor or by anyone on his behalf. The newsmen are free to ask any question they wish and each program is under the control of the participating stations. Does the appearance of the Governor-candidate on said program constitute a "use" under the "equal opportunities" provision of section 315?

A. No. Since the program involves the collective participation of the stations' newsmen, is prepared by the stations, is under their sole supervision and control, has been regularly scheduled for a period of time, and was not conceived or designed to further the candidacy of the Governor, it was held to be a bona fide news interview program and, therefore, exempt from the "equal opportunities" provision of section 315. (Letter to Governor Michael DiSalle, June 8, 1962.)

*28. Q. The "Governor's Forum" program has been broadcast for approximately eight months by several participating stations. In this program, the Governor-candidate is seated in his office and speaks into a microphone. The program consists of his answers to and questions submitted by the listening public. Questions asked are either telephoned or written to the stations or directly to his office. The questions which are telephoned or written to the several stations are forwarded to the principal participating station, which then selects the questions, edits the questions, and accumulates them on a tape. The questions telephoned or written to the Governor's office are likewise selected and edited by his office for taping. The tape or tapes containing the questions are played in his office and the questions and the Governor's answers are then recorded on a master tape prepared by his office. Additional questions are asked of the Governor by the principal station's newsman, present in the Governor's office, to amplify any prior question and answer. On occasion, further editing of the tape has been made by the Governor's office or by the stations. The tape is sent to each of the participating stations by the Governor's office. There is no prepared material or rehearsal by the Governor's office. Would the appearance by the Governor-candidate on the above program constitute a "use" under the "equal opportunities" provision of section 315?

A. Yes. Such a program is not a news-interview program as contemplated by section 315(a)(2). This conclusion has been reached since the selection and compilation of the questions, as well as the production, supervision, control, and editing of the program are not functions exercised exclusively by the stations. (Letter to Governor Michael DiSalle, June 8, 1962.)

*29. Q. CBS Television Network presented a one-hour program entitled "The Fifty Faces of '62." The program consisted of a comprehensive news report of the current off-year elections and campaigns. It included a brief review of the history of off-year elections, individual and group interviews, on-the-spot coverage of conventions and campaigns, and flashbacks of currently newsworthy aspects of the current campaigns and elections. In addition to the appearances on the broadcast of private citizens, voters, college students, and candidates, there were approximately twenty-five political figures, none of whom was on camera for more than approximately two or three minutes. Some of the candidates appearing on the program mentioned their candidacy; others, including the minority leader of the House of Representatives, who appeared in that capacity and discussed the prospect of his party in the Fall elections, did not discuss their candidacies. The determination as to who was to appear on the program was made solely by CBS News on the basis of its bona fide news judgment that their appearances were in aid of the coverage of the subject of the programs and not to favor or advance the candidacies of any of those who appeared, such appearances being incidental and subordinate to the subject of the documentary. Is the appearance on the program of a candidate, in his capacity as minority leader of the House of Representatives, a "use" within the "equal opportunities" provision of section 315?

A. No. Such a program is a bona fide news documentary pursuant to section 315(a)(3). The appearance of the candidate therein is incidental to the presentation of the subject covered by the documentary and the program is not designed to aid his candidacy. (Telegram to Judge John J. Murray, June 12, 1962.)

*30. Q. A television station had been presenting since 1958 a weekly 30 minute program concerning developments in the state legislature with principal Democratic and Republican party leaders of both houses of the legislature participating. At the close of each legislative term, the station televised a one hour summary of the legislature's activities, using film and recordings made during its meetings. Is the appearance, in the latter program, of an officer of the state legislature, who is also a candidate, in which he and others express their views on the accomplishments of the legislative session a "use" under the "equal opportunities" provision of section 315?

A. No. For the reasons stated in Question and Answer 29, above.

31. Q. A former President expressed his views with respect to a forthcoming national convention of his party. A candidate for that party's nomination for President called a press conference to comment on said views, which conference was broadcast by two networks. Would said candidate's opponent for the same nomination be entitled to "equal opportunities"?

A. No, since the appearance of the first candidate was on a program which constituted "on-the-spot coverage of bona fide news events", pursuant to section 315(a)(4). (Telegram to Falkenberg & Falkenberg, July 7, 1960.)

IV. *Who is a legally qualified candidate?*

32. Q. How can a station know which candidates are "legally qualified"?

A. The determination as to who is a legally qualified candidate for a particular public office within the meaning of section 315 and the Commission's rules must be determined by reference to the law of the state in which the election is being held. In general, a candidate is legally qualified if he can be voted for in the state or district in which the election is being held, and, if elected, is eligible to serve in the office in question.

33. Q. Need a candidate be on the ballot to be legally qualified?

A. Not always. The term "legally qualified candidate" is not restricted to persons whose names appear on the printed ballot; the term may embrace persons not listed on the ballot if such persons are making a bona fide race for the office involved and the names of such persons, or their electors can, under applicable law, be written in by voters so as to result in their valid election. The Commission recognizes, however, that the mere fact that any name may be written in does not entitle all persons who may publicly announce themselves as candidates to demand time under section 315; broadcast stations may make suitable and reasonable requirements with respect to proof of the bona fide nature of any candidacy on the part of applicants for the use of facilities under section 315. (§§ 3.120, 3.290, 3.657, esp. paragraph (f); letters to Socialist Labor Party, Nov. 14, 1951, 7 R.R. 766; Julius F. Brauner, May 28, 1952, 7 R.R. 1189; Press Release of November 26, 1941 (Mimeo 55732).)

34. Q. May a person be considered to be a legally qualified candidate where he has made only a public announcement of his candidacy and has not yet filed the required forms or paid the required fees for securing a place on the ballot in either the primary or general elections?

A. The answer depends on applicable state law. In some states persons may be voted for by electorate whether or not they have gone through the procedures required for getting their names placed on the ballot itself. In such a state, the announcement of a person's candidacy—if determined to be bona fide—is sufficient to bring him within the purview of section 315. In other states, however, candidates may not be "legally qualified" until they have fulfilled certain prescribed procedures. The applicable state laws and the particular facts surrounding the announcement of the candidacy are determinatives. (Letter to Senator Earle C. Clements, Feb. 2, 1954; and see also paragraph (f) of §§ 3.120, 3.290, 3.657.)

35. Q. May a station deny a candidate "equal opportunities" because it believes that the candidate has no possibility of being elected or nominated?

A. No. Section 315 does not permit any such subjective determination by the station with respect to a candidate's chances of nomination or election. (Letter to Julius F. Brauner, May 28, 1952, 7 R.R. 1189.)

36. Q. When is a person a legally qualified candidate for nomination as the candidate of a party for President or Vice President of the United States?

A. In view of the fact that a person may be nominated for these offices by the conventions of his party without having appeared on the ballot of any state having presidential primary elections, or having any pledged votes prior to the convention, or even announcing his willingness to be a candidate, no fixed rule can be promulgated in answer to this question. Whether a person so claiming is in fact a bona fide candidate will depend on the particular facts of each situation, including consideration of what efforts, if any, he has taken to secure delegates or preferential votes in State primaries. It cannot, however, turn on the licensee's evaluation of the claimant's chances for success. (Letter to Julius F. Brauner, May 28, 1952, 7 R.R. 1189; and see also paragraph (f) of §§ 3.120, 3.290, 3.657.)

37. Q. Has a claimant under section 315 sufficiently established his legal qualifications when the facts show that after qualifying for a place on the ballot for a particular office in the primary, he notified state officials of his withdrawal therefrom and then later claimed he had not really intended to withdraw, and where the facts further indicated that he was supporting another candidate for the same office and was seeking the nomination for an office other than the one for which he claimed to be qualified?

A. No. Where a question is raised concerning a claimant's legal qualification, it is incumbent on him to prove that he is in fact legally qualified. The facts here did not constitute an unequivocal showing of legal qualification. (Letter to Lar Daly, April 11, 1956; letter to American Vegetarian Party, Nov. 6, 1956.)

38. Q. If a candidate establishes his legal qualifications only after the date of nomination or election for the office for which he was contending, is he entitled to equal opportunities which would have been available had he timely qualified?

A. No, for once the date of nomination or election for an office has passed, it cannot be said that one who failed timely to qualify therefor is still a "candidate". The holding of the primary or general election terminates the possibility of affording "equal opportunities", thus mooting the question of what rights the claimant might have been entitled to under section 315 before the election. (Letter to Socialist Workers' Party, December 13, 1956; letter to Lar Daly, Oct. 31, 1956 14 R.R. 713, appeal sub. nom. Daly v. U.S. Case No. 11,946 (C.A. 7th Cir.) dismissed as moot Mar. 7, 1957; cert. den. 355 U.S. 826.)

39. Q. Under the circumstances stated in the preceding question, is any post-election remedy available to the candidate, before the Commission, under section 315?

A. None, insofar as a candidate may desire retroactive "equal opportunities". But this is not to suggest that a station can avoid its statutory obligation under section 315 by waiting until an election has been held and only then disposing of demands for "equal opportunities". (See citations in Question and Answer 38.)

*40. Q. A, a candidate for the Democratic Party nomination for President, appeared on a variety program prior to the nominating convention because of the prior appearance of B, his opponent. After the closing of the convention, A claimed he was entitled to additional time in order to equalize his appearance with that afforded B. Would A be entitled to additional time?

A. No. A licensee may not be required to furnish the use of its facilities to a candidate for nomination for President after the convention has chosen its nominee. (Telegram to Lar Daly, Nov. 3, 1960.)

41. Q. When a state Attorney General or other appropriate state official having jurisdiction to decide a candidate's legal qualification has ruled that a candidate is not legally qualified under local election laws, can a licensee be required to afford such "candidate" "equal opportunities" under section 315?

A. In such instances, the ruling of the state Attorney General or other official will prevail, absent a judicial determination. (Telegram to Ralph Muncy, Nov. 5, 1954; letter to Socialist Workers' Party, Nov. 23, 1956.)

V. *When are candidates opposing candidates?*

42. Q. What public offices are included within the meaning of section 315?

A. Under the Commission's rules, section 315 is applicable to both primary and general elections, and public offices include all offices filled by special or general election on a municipal, county, state or national level as well as the nomination by any recognized party of a candidate for such an office.

43. Q. May the station under section 315 make time available to all candidates for one office and refuse all candidates for another office?

A. Yes. The "equal opportunities" requirement of section 315 is limited to all legally qualified candidates for the same office.

44. Q. If the station makes time available to candidates seeking the nomination of one party for a particular office, does section 315 require that it make equal time available to the candidates seeking the nomination of other parties for the same office?

A. No, the Commission has held that while both primary elections or nominating conventions and general elections are comprehended within the terms of section 315, the primary elections or conventions held by one party are to be considered separately from the primary elections or conventions of other parties, and, therefore, insofar as section 315 is concerned, "equal opportunities" need only be afforded legally qualified candidates for nomination for the same office at the same party's primary or nominating convention. The station's actions in this regard, however, would be governed by the public interest standards encompassed within the "fairness doctrine". (Letters to KWFT, Inc., October 22, 1948, 4 R.R. 885; Arnold Peterson, May 13, 1952, 11 R.R. 234; WCDL, April 3, 1953; Senator Joseph S. Clark, Jan. 25 and Apr. 13, 1962; and telegram to Dr. Edward J. Leuddeke, Oct. 25, 1961.)

45. Q. If the station makes time available to all candidates of one party for nomination for a particular office, including the successful candidate, may candidates of other parties in the general election demand an equal amount of time under section 315?

A. No. For the reason given above. (Letter to KWFT, Inc., Oct. 22, 1948, 4 R.R. 885.)

VI. *What constitutes equal opportunities?*—(a) *In general.*

46. Q. Generally speaking, what constitutes "equal opportunities"?

A. Under section 315 and §§ 3.120, 3.290, and 3.657 of the Commission's rules, no licensee shall make any discrimination in charges, practices, regulations, facilities, or services rendered to candidates for a particular office.

47. Q. Is a licensee required or allowed to give time free to one candidate where it had sold time to an opposing candidate?

A. The licensee is not permitted to discriminate between the candidates in any way. With respect to any particular election it may adopt a policy of selling time, or of giving time to the candidates free of charge, or of giving them some time and selling them additional time. But whatever policy it adopts it must treat all candidates for the same office alike with respect to the time they may secure free and that for which they must pay.

48. Q. Is it necessary for a station to advise a candidate or a political party that time has been sold to other candidates?

A. No. The law does not require that this be done. If a candidate inquires, however, the facts must be given him. It should be noted here that a station is required to keep a public record of all requests for time by or on behalf of political candidates, together with a record of the disposition and the charges made, if any, for each broadcast. (§§ 3.120(d), 3.290(d), 3.657(d); and telegram to Norman William Seemann, Esq., May 18, 1962.)

*An asterisk denotes a new question and answer.

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*49. Q. If a station desires to make its facilities available on a particular day for political broadcasts to all candidates for the same office, is one of the candidates precluded from requesting "equal opportunities" at a later date if he does not accept the station's initial offer?

A. This depends on all of the circumstances surrounding the station's offer of time and, particularly, whether the station has given adequate advance notice. The Commission has held that a four day notice by a Texas station to a Congressman while Congress is in session does not constitute adequate advance notice and the Congressman is not foreclosed from his right to request "equal opportunities". (Letter to Jack Neil, Station KTRM, Apr. 18, 1962.)

*50. Q. With respect to a request for time by a candidate for public office where there has been no prior "use" by an opposing candidate, must the station sell the candidate the specific time segment he requests?

A. No. Neither the Act nor the Commission's rules contain any provisions which require a licensee to sell a specific time segment to a candidate for public office. (Letter to Mr. Bill Neil, Station KTRM, Mar. 9, 1962.)

*51. Q. Is a station required to sell to a candidate time which is unlimited as to total time and as to the length of each segment?

A. Neither the Act nor the Commission's rules contain provisions requiring stations to sell unlimited periods of time for political broadcasts. Section 315 of the Act imposes no obligation on any licensee to allow the use of its station by any candidate. Commission's programming statement contemplates the use of stations for political broadcasting. Where the station showed that sale of limited time segments to candidates was based on its experience and the interests of viewers in programming diversification, no Commission action was required. (Telegram to J. B. Lahan, May 18, 1962; and telegrams to Grover C. Doggette, Esq., May 22 and 23, 1962. Cf., letter to Station WLBT-TV, Apr. 17, 1962 and letter to Station WROX, May 2, 1962, where the Commission indicated that a public interest question would be raised if the station failed to provide any broadcast time to candidates in a major election being held within the station's coverage area.)

52. Q. If a station offers free time to opposing candidates and one candidate declines to use the time given him, are other candidates for that office foreclosed from availing themselves of the offer?

A. No. The refusal of one candidate does not foreclose other candidates wishing to use the time offered. However, whether the candidate initially declining the offer could later avail himself of "equal opportunities" would depend on all the facts and circumstances. (Letter to Leonard Marks, June 13, 1956, 14 R.R. 65.)

*An asterisk denotes a new question and answer.

53. Q. If one political candidate buys station facilities more heavily than another, is a station required to call a halt to such sales because of the resulting imbalance?

A. No. Section 315 requires only that all candidates be afforded "equal opportunities" to use the facilities of the station. (Letter to Mrs. M. R. Oliver, Oct. 23, 1952, 11 R.R. 239.)

54. Q. Can a station contract with the committee of a political party whereby it commits itself in advance of an election to furnish substantial blocks of time to the candidates of that party?

A. Neither section 315 nor the Commission's rules prohibit a licensee from contracting with a party for reservation of time in advance of an election. However, substantial questions as to a possible violation of section 315 would arise if the effect of such prior commitment were to disable a licensee from meeting its "equal opportunities" obligations under section 315. (Letter to Congressman Frank M. Karsten, Nov. 25, 1955.)

*55. Q. Where a television station had previously offered certain specified time segments during the last week of the campaign to candidate A, who declined the purchase, and then sold the same segments to A's opponent, was the station obligated under section 315 to accede to A's subsequent request for particular time periods immediately preceding or following the time segments previously offered to him and refused by him and subsequently sold to his opponent?

A. No. But the time offered to candidate A must be generally comparable. The principal factors considered in this situation were: (a) the total amount of time presently scheduled for each candidate; (b) the time segments presently offered to candidate A; (c) the time segments presently scheduled for candidate A's opponent and previously rejected by candidate A; (d) the time segments now scheduled for candidates for other offices, if any, and previously rejected by candidate A; and (e) the station's possible obligations to other candidates for office. (Telegram to Major General Harry Johnson, Nov. 1, 1961.)

56. Q. If a station has a policy of confining political broadcasts to sustaining time, but has so many requests for political time that it cannot handle them all within its sustaining schedule, may it refuse time to a candidate whose opponent has already been granted time, on the basis of its established policy of not cancelling commercial programs in favor of political broadcasts?

A. No. The station cannot rely upon its policy if the latter conflicts with the "equal opportunities" requirement of section 315. (Stephens Broadcasting Co., 11 F.C.C. 61, 3 R.R. 1.)

57. Q. If one candidate has been nominated by Parties A, B, and C, while a second candidate for the same office is nominated only by Party D, how should time be allocated as between the two candidates?

A. Section 315 has reference only to the use of facilities by persons who are candidates for public office and not to the political parties which may have nominated such candidates. Accordingly, if broadcast time is made available for the use of a candidate for public office, the provisions of section 315 require that "equal opportunities" be afforded each person who is a candidate for the same office, without regard to the number of nominations that any particular candidate may have. (Letter to Thomas W. Wilson, Oct. 31, 1946.)

(b) *Comparability.*

58. Q. Is a station's obligation under section 315 met if it offers a candidate the same amount of time an opposing candidate has received, where the time of the day or week afforded the first candidate is superior to that offered his opponent?

A. No. The station in poviding "equal opportunities" must consider the desirability of the time segment allotted as well as its length. And while there is no requirement that a station afford candidate B exactly the same time of day on exactly the same day of the week as candidate A, the time segments offered must be comparable as to desirability.

59. Q. If candidate A has been afforded time during early morning, noon and evening hours, does a station comply with section 315 by offering candidate B time only during early morning and noon periods?

A. No. However, the requirements of comparable time do not require a station to make available exactly the same time periods, nor the periods requested by candidate B. (Letter to D. L. Grace, July 3, 1958.)

60. Q. If a station broadcasts a program sponsored by a commercial advertiser which includes one or more qualified candidates as speakers or guests, what are its obligations with respect to affording "equal opportunities" to other candidates for the same office?

A. If candidates are permitted to appear without cost to themselves, on programs sponsored by commercial advertisers, opposing candidates are entitled to receive comparable time also at no cost. (Letter to Senator A. S. Mike Monroney, Oct. 16, 1952, 11 R.R. 451; and telegram to WWIN, May 3, 1962.)

61. Q. Where a candidate for office in a state or local election appears on a national network program, is an opposing candidate for the same office entitled to equal facilities over stations which carried the original program and serve the area in which the election campaign is occurring?

A. Yes. Under such circumstances an opposing candidate would be entitled to time on such stations. (Letter to Senator A. S. Mike Monroney, Oct. 9, 1952.)

62. Q. Where a candidate appears on a particular program—such as a regular series of forum programs—are opposing candidates entitled to demand to appear on the same program?

A. Not necessarily. The mechanics of the problem of "equal opportunities" must be left to resolution of the parties. And while factors such as the size of the potential audience because of the appearance of the first candidate on an established or popular program might very well be a matter for consideration by the parties, it cannot be said, in the abstract, that "equal opportunities" could only be provided by giving opposing parties time on the same program. (Letter to Harold Oliver, Oct. 31, 1952; letter to Julius F. Brauner, Oct. 31, 1952.)

63. Q. Where a station asks candidates A and B (opposing candidates in a primary election) to appear on a debate-type program, the format of which is generally acceptable to the candidate, but with no restrictions as to what issues or matters might be discussed, and candidate A accepts the offer and appears on the program and candidate B declines to appear on the program, is candidate B entitled to further "equal opportunities" in the use of the station's facilities within the meaning of section 315 of the act? If so, is any such obligation met by offering candidate B, prior to the primary, an opportunity to appear on a program of comparable format to that on which candidate A appeared, or is the station obligated to grant candidate B time equal to that used by candidate A on the program in question unrestricted as to format?

A. Since the station's format was reasonable in structure and the station put no restrictions on what matters and issues might be discussed by candidate B and others who appeared on the program in question, it offered candidate B "equal opportunities" in the use of its facilities within the meaning of section 315 of the Act. The station's further offer to candidate B, prior to the primary, of its facilities on a "comparable format" was reasonable under the facts of the case, consistent with any continuing obligation to afford candidate B "equal opportunities" in the use of the station which he may have had. (Letter to Congressman Bob Wilson, Aug. 1, 1958.)

*64. Q. A licensee offered broadcast time to all the candidates for a particular office for a joint appearance, the details of which program were determined solely by the licensee. If Candidate "A" rejects the offer and Candidate "B" and/or other candidates accepts and appears, would Candidate "A" be entitled to "equal opportunities" because of the appearance of Candidate "B" and/or other candidates on the program previously offered by the licensee to all of the candidates?

A. Yes, provided the request is made by the candidate within the period specified by the Rules. The Commission stated that licensees should negotiate with the affected candidates and that where the offer was mutually agreeable to such candidates, "equal opportunities" were being afforded to the candidates. Where the candidate rejected the proposal, however, and other candidates accepted and appeared, the Commission stated: "Where the licensee permits one candidate to use his facilities, Section 315 then—simply by virtue of that use—requires the licensee to 'afford equal opportunities to all other such candidates for that office in the use of such broadcasting station.' This obligation may not be avoided by the licensee's unilateral actions in picking a program format, specifying participants other than and in addition to the candidates, setting the length of the program, the time of taping, the time of broadcast, etc., and then offering the package to the candidates on a 'take it or leave it—this is my final offer' basis. For * * * Section 315 provides that the station 'shall have no power of censorship over the material broadcast.' (Cf. Port Huron Broadcasting Co., 4 RR 1.) Clearly, the 'take it or leave it' basis described above would constitute such prohibited censorship, since it would, in effect, be dictating the very format of the program to the candidate—and thus, an important facet of 'the material broadcast.' We wish to make clear that the Commission is in no way saying that one format is more in the public interest than another. On the contrary, the thrust of our ruling is that the Act bestows upon the candidate the right to choose the format and other similar aspects of 'the material broadcast', with no right of 'censorship' in the licensee." Cf. Farmers Educational and Cooperative Union of America, North Dakota Division v. WDAY, Inc., 360 U.S. 525. (Letter to Nicholas Zapple, Oct. 5, 1962.)

65. Q. In affording "equal opportunities", may a station limit the use of its facilities solely to the use of a microphone?

A. A station must treat opposing candidates the same with respect to the use of its facilities and if it permits one candidate to use facilities over and beyond the microphone, it must permit a similar usage by other qualified candidates. (Letter to D. L. Grace, July 3, 1958.)

VII. *What limitations can be put on the use of facilities by a candidate?*

66. Q. May a station delete material in a broadcast under section 315 because it believes the material contained therein is or may be libelous?

A. No. Any such action would entail censorship which is expressly prohibited by section 315 of the Communications Act. (Port Huron Broadcasting Co., 12 FCC 1069, 4 RR 1; WDSU Broadcasting Co., 7 RR 769.)

67. Q. If a legally qualified candidate broadcasts libelous or slanderous remarks, is the station liable therefor?

A. In Port Huron Broadcasting Co., 12 FCC 1069, 4 RR 1, the Commission expressed an opinion that licensees not directly participating in the libel might be absolved from any liability they might otherwise incur under state law, because of the operation of section 315, which precludes them from preventing a candidate's utterances. In a subsequent case, the Commission's ruling in the Port Huron case was, in effect, affirmed, the Supreme Court holding that since a licensee could not censor a broadcast under section 315, Congress could not have intended to compel a station to broadcast libelous statements of a legally qualified candidate and at the same time subject itself to the risk of damage suits. (Read: Farmers Educational & Cooperative Union of America v. WDAY, Inc., 79 S. Ct. 1302 (Oct. 1958) 89 N.W. 2d 102, 164 F. Supp. 928.)

68. Q. Does the same immunity apply in a case where the Chairman of a political party's campaign committee, not himself a candidate, broadcasts a speech in support of a candidate?

A. No, licensees are not entitled to assert the defense that they are not liable since the speeches could have been censored without violating section 315. Accordingly, they were at fault in permitting such speeches to be broadcast. (Felix v. Westinghouse Radio Stations, 186 F. 2d 1, cert. den. 341 U.S. 909.)

*69. Q. A candidate prepared a 15-minute video tape which contained the opinions of several private citizens with respect to an issue pertinent to the pending election. If the station broadcast such program in which the candidate did not appear, would the immunity afforded licensees by section 315 from liability for the broadcast of libelous or slanderous remarks by candidates be applicable?

A. No. The provision of section 315 prohibiting censorship by a licensee over material broadcast pursuant to section 315 applies only to broadcasts by candidates themselves. Section 315, therefore, is not a defense to an action for libel or slander arising out of broadcasts by non-candidates speaking in behalf of another's candidacy. Since section 315 does not prohibit the licensee from censoring such a broadcast, the licensee is not entitled to the protection of section 315. (Letter to Mr. William P. Webb, Apr. 24, 1962.)

70. Q. If a candidate secures time under section 315, must he talk about a subject directly related to his candidacy?

A. No. The candidate may use the time as he deems best. To deny a person time on the ground that he was not using it in furtherance of his candidacy would be an exercise of censorship prohibited by section 315. (Letter to WMCA, Inc., May 15, 1952, 7 R.R. 1132.)

71. Q. If a station makes time available to an office holder who is also a legally qualified candidate for re-election and the office holder limits his talks to non-partisan and informative material, may other legally qualified candidates who obtain time be limited to the same subjects or the same type of broadcast?

A. No. Other qualified candidates may use the facilities as they deem best in their own interest. (Letter to Congressman Allen Oakley Hunter, May 28, 1952, 11 R.R. 234.)

72. Q. May a station require an advance script of a candidate's speech?

A. Yes, provided that the practice is uniformly applied to all candidates for the same office using the station's facilities, and the station does not undertake to censor the candidate's talk. (Letter to H. A. Rosenberg, Louisville, Ky., July 9, 1962, 11 R.R. 236.)

73. Q. May a station have a practice of requiring a candidate to record his proposed broadcast at his own expense?

A. Yes. Provided again that the procedures adopted are applied without discrimination as between candidates for

*An asterisk denotes a new question and answer.

the same office and no censorship is attempted. (Letter to H. A. Rosenberg, Louisville, Ky., July 9, 1962, 11 R.R. 236.)

VIII. *What rates can be charged candidates for programs under section 315?*

74. Q. May a station charge premium rates for political broadcasts?

A. No. Section 315, as amended, provides that the charges made for the use of a station by a candidate "shall not exceed the charges made for comparable use of such stations for other purposes."

75. Q. Does the requirement that the charges to a candidate "shall not exceed the charges for comparable use" of a station for other purposes apply to political broadcasts by persons other than qualified candidates?

A. No. This requirement applies only to candidates for public office. Hence, a station may adopt whatever policy it desires for political broadcasts by organizations or persons who are not candidates for office, consistent with its obligation to operate in the public interest. (Letter to Congressman Charles C. Diggs, Jr., Mar. 16, 1955.)

76. Q. May a station with both "national" and "local" rates charge a candidate for local office its "national" rate?

A. No. Under §§ 3.120, 3.290 and 3.657 of the Commission's rules a station may not charge a candidate more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that within which persons may vote for the particular office for which such person is a candidate.

77. Q. Considering the limited geographical area which a member of the House of Representatives serves, must candidates for the House be charged the "local" instead of the "national" rate?

A. This question cannot be answered categorically. To determine the maximum rates which could be charged under section 315, the Commission would have to know the criteria a station uses in classifying "local" versus "national" advertisers before it could determine what are "comparable charges." In making this determination, the Commission does not prescribe rates but merely requires equality of treatment as between 315 broadcasts and commercial advertising. (Letter to Congressman Richard M. Simpson, Feb. 27, 1957.)

78. Q. Is a political candidate entitled to receive discounts?

A. Yes. Under §§ 3.120, 3.290 and 3.657 of the Commission's rules political candidates are entitled to the same discounts that would be accorded persons other than candidates for public office under the conditions specified, as well as to such special discounts for programs coming within section 315 as the station may choose to give on a nondiscriminatory basis.

79. Q. Can a station refuse to sell time at discount rates to a group of candidates for different offices who have pooled their resources to obtain a discount, even though as a matter of commercial practice, the station permits commercial advertisers to buy a block of time at discount rates for use by various businesses owned by them?

A. Yes, section 315 imposes no obligation on a station to allow the use of its facilities by candidates, and neither that section nor the Commission's rules require a station to sell time to a group of candidates on a pooled basis, even though such may be the practice with respect to commercial advertisers. (Letter to WKBT–WKBH, Oct. 14, 1954.)

80. Q. If candidate A purchases ten time segments over a station which offers a discount rate for purchase of that amount of time, is candidate B entitled to the discount rate if he purchases less time than the minimum to which discounts are applicable?

A. No. A station is under such circumstances only required to make available the discount privileges to each legally qualified candidate on the same basis.

81. Q. If a station has a "spot" rate of two dollars per "spot" announcement, with a rate reduction to one dollar if 100 or more such "spots" are purchased on a bulk time sales contract, and if one candidate arranges with an advertiser having such a bulk time contract to utilize five of these spots at the one dollar rate, is the station obligated to sell the candidates of other parties for the same office time at the same one dollar rate?

A. Yes. Other legally qualified candidates are entitled to take advantage of the same reduced rate. (Letter to Senator A. S. Mike Monroney, Oct. 16, 1952.)

82. Q. Where a group of candidates for different offices pool their resources to purchase a block of time at a discount, and an individual candidate opposing one of the group seeks time on the station, to what rate is he entitled?

A. He is entitled to be charged the same rate as his opponent since the provisions of section 315 run to the candidates themselves and they are entitled to be treated equally with their individual opponents. (Report and Order, Docket 11092, 11 R.R. 1501.) (Cf. Question and Answer 60; and telegram of WWIN, May 3, 1962.)

83. Q. Is there any prohibition against the purchase by a political party of a block of time for several of its candidates, for allocation among such candidates on the basis of personal need, rather than on the amount each candidate has contributed to the party's campaign fund?

A. There is no prohibition in section 315 or the Commission's rules against the above practices. It would be reasonable to assume that the group time used by a candidate is, for the purposes of section 315, time paid for by the candidate through the normal device of a recognized political campaign committee, even though part of the campaign funds was derived from sources other than the candidates' contributions. (Letter to Edward de Grazia, Oct. 14, 1954.)

84. Q. When a candidate and his immediate family own all the stock in a corporate licensee and the candidate is the president and general manager, can he pay for time to the corporate licensee from which he derives his income and have the licensee make a similar charge to an opposing candidate?

A. Yes. The fact that a candidate has a financial interest in a corporate licensee does not affect the licensee's obligation under section 315. Thus, the rates which the licensee may charge to other legally qualified candidates will be governed by the rate which the stockholder candidate actually pays to the licensee. If no charge is made to the stockholder candidate, it follows that other legally qualified candidates are entitled to equal time without charge. (Letter to Charles W. Stratton, Mar. 18, 1957.)

IX. *Period within which request must be made.*

*85. Q. When must a candidate make a request of the station for opportunities equal to those afforded his opponent?

A. Within one week of the day on which the prior use occurred. (Paragraph (e) of §§ 3.120, 3.290, and 3.657 of the Commission rules; and telegram to WWIN, May 3, 1962.)

*86. Q. A United States Senator, unopposed candidate in his party's primary had been broadcasting a weekly program entitled "Your Senator Reports". If he becomes opposed in his party's primary, would his opponent be entitled to request "equal opportunities" with respect to all broadcasts of "Your Senator Reports" since the time the incumbent announced his candidacy?

A. No. A legally qualified candidate announcing his candidacy for the above nomination would be required to request "equal opportunities" concerning a particular broadcast of "Your Senator Reports" not later than one week after the date of such broadcast. Thus, any of the incumbent's opponents for the nomination who first announced his candidacy on a particular day, would not be in a position to request "equal opportunities" with respect to any showing of "Your Senator Reports" which was broadcast more than one week prior to the date of such announcement. (Letter to Senator Joseph S. Clark, Apr. 16, 1962.)

X. *Issuance of interpretations of section 315 by the Commission.*

87. Q. Under what circumstances will the Commission consider issuing declaratory orders, interpretive rulings or advisory opinions with respect to section 315?

A. Section 5(d) of the Administrative Procedure Act, Title 5, U.S.C.A., provides that "The agency is authorized in its sound discretion, with like effect as in the case of other orders, to issue a declaratory order to terminate a controversy or remove uncertainty." However, agencies are not required to issue such orders merely because a request is made therefor. The grant of authority to agencies to issue declaratory orders is limited, and such orders are authorized only with respect to matters which are required by statute to be determined "on the record after opportunity for an agency hearing." See Attorney General's Manual on the Administrative Procedure Act, pp. 59, 60; also, In re Goodman, 12 FCC 678, 4 Pike and Fischer R.R. 98. In general, the Commission limits its interpretive rulings or advisory opinions to situations where the critical facts are explicitly stated without the possibility that subsequent events will alter them. It prefers to issue such rulings or opinions where the specific facts of a particular case in controversy are before it for decision. (Letter to Pierson, Ball & Dowd, June 18, 1958.)

*An asterisk denotes a new question and answer.

Released: October 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10184; Filed, Oct. 11, 1962; 8:51 a.m.]

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FEDERAL REGISTER

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THE UNIVERSITY OF MICHIGAN

OCT 15 1962

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Title 3—THE PRESIDENT

Proclamation 3499

NATIONAL SCHOOL LUNCH WEEK, 1962

By the President of the United States of America
A Proclamation

WHEREAS the National School Lunch Act was enacted, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school-lunch programs; and

WHEREAS the school-lunch program is essentially a community effort, depending on the interest and support of every citizen; and

WHEREAS, in order to encourage our citizens and civic groups to lend assistance to the school-lunch program, the Congress, by a joint resolution approved October 9, 1962, has designated the seven-day period beginning on the second Sunday of October in each year as National School Lunch Week, and has requested the President to issue annually a proclamation calling for the observance of that week:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 14, 1962, as National School Lunch Week, with ceremonies and activities designed to encourage our citizens and civic groups to extend every effort in support of the school-lunch program.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of October in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-seventh.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-10289; Filed, Oct. 11, 1962; 1:33 p.m.]

Proclamation 3500

PROVIDING FURTHER FOR THE OBSERVANCE OF THE ONE HUNDRED AND SEVENTY-FIFTH ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

By the President of the United States of America
A Proclamation

WHEREAS September 17, 1962, marked the one hundred and seventy-fifth anniversary of the signing of the Constitution of the United States; and

WHEREAS the Congress, by joint resolution of July 14, 1960, 74 Stat. 508, as amended by Senate Joint Resolution 60, approved October 9, 1962, provided for a comprehensive national observance of this anniversary; and

WHEREAS by Proclamation No. 3464 of April 5, 1962, I designated the period beginning September 17 and ending September 23, 1962, as Constitution Week:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States, acting in accord with Senate Joint Resolution 60, do hereby further designate the period from September 17, 1962, to July 4, 1963, inclusive, as a period dedicated to a renewal of national awareness of the priceless heritage which the Constitution represents; and I call upon the people of the United States during that period to engage in such educational and inspirational activities as will deepen their understanding of the Constitution and strengthen their devotion to it.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of October in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-seventh.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-10290; Filed, Oct. 11, 1962; 1:33 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (45) of paragraph (a) of § 6.304 is amended as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* • • •

(45) Two Private Secretaries to the Chairman, Joint Chiefs of Staff.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-10237; Filed, Oct. 12, 1962; 8:50 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, subparagarph (44) is added to paragraph (a) of § 6.312 as set out below.

§ 6.312 Department of Commerce.

(a) *Office of the Secretary.* • • •

(44) One Deputy National Export Expansion Coordinator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-10236; Filed, Oct. 12, 1962; 8:50 a.m.]

PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

Miscellaneous Amendments

Effective on the first day of the first pay period beginning on or after approval of the Federal Salary Reform Act of 1962, § 25.103(e) is revoked and § 25.104(a) is amended by the insertion of "(1)" after the heading and the addition of subparagraph (2). The present Subpart B in its entirety is revoked and a new Subpart B added as set out below.

§ 25.104 [Amendment]

(a) *Promotions and transfers.* (1) The requirements of section 802(b) of the Act apply in repromotion actions and in transfers involving promotions between Classification Act grades.

(2) For employees serving in grade GS-3 at the time of promotion, the following are two within-grade increases for the purposes of section 802(b) of the Act:

(i) For employees who are in rates 1 through 4, $210;

(ii) For employees who are in rate 5, $215;

(iii) For employees who are in rate 6, $235;

(iv) For employees who are in rate 7 or above, $250.

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Subpart B—Within-Grade Increases

Sec.
25.150 Scope.
25.151 Definitions.
25.152 Within-grade increases; waiting period.
25.153 Creditable service; waiting period.
25.154 Non-creditable service; waiting period.
25.155 Equivalent increase.
25.156 Work of an acceptable level of competence.
25.157 Effective date; within-grade increase.
25.158 Corrective action; within-grade increase.

AUTHORITY: §§ 25.150 to 25.158 issued under sec. 1101, 63 Stat. 971; 5 U.S.C. 1072.

§ 25.150 Scope.

(a) *Applicability.* Within-grade increases provided in section 701 of the Act apply to both full-time and non-full-time employees who occupy permanent positions under the Act and who are compensated on a per annum basis.

(b) *Entitlement.* An employee covered by paragraph (a) of this section shall have his entitlement to within-grade increases determined in accordance with section 701 of the Act and this subpart.

§ 25.151 Definitions.

As used in this subpart:

(a) "Act" or "Classification Act" means the Classification Act of 1949, as amended.

(b) "Maximum rate" means the top rate for the grade of the Classification Act position.

(c) "Permanent position" means one filled on a permanent basis, that is by an appointment not designated as temporary by law and not having a definite time limitation.

(d) [Reserved].

(e) "Within-grade increase" means an increase in an employee's rate of basic compensation from one rate of his grade to the next in accordance with section 701 of the Act and this subpart, and is synonymous with the term "step increase" as used in the Act.

(f)(1) "Waiting period" means the minimum time requirement of creditable service to become eligible for consideration for a within-grade increase.

(2) The waiting period is not interrupted by nonworkdays intervening between an employee's last regularly scheduled workday in one position and his first regularly scheduled workday in a new position.

§ 25.152 Within-grade increases: waiting period.

(a)(1) For full-time employees and for non-full-time employees with a prearranged regularly scheduled tour of duty, the waiting periods for advancement to the following rates in all grades are:

(i) Rates 2, 3, and 4, 52 calendar weeks of creditable service.

(ii) Rates 5, 6, and 7, 104 calendar weeks of creditable service.

(iii) Rates 8, 9, and 10, 156 calendar weeks of creditable service.

(2) For non-full-time employees with no prearranged regularly scheduled tour of duty, the waiting periods for advancement to the following rates in all grades are:

(i) Rates 2, 3, and 4, 260 days of creditable service in a pay status over a period of not less than 52 calendar weeks.

(ii) Rates 5, 6, and 7, 520 days of creditable service in a pay status over a period of not less than 104 calendar weeks.

(iii) Rates 8, 9, and 10, 780 days of creditable service in a pay status over a period of not less than 156 calendar weeks.

(b) A waiting period begins under each of the following: (1) Upon a new appointment in the Federal service; (2) after a break in service or a nonpay status in excess of 52 calendar weeks; or (3) upon an equivalent increase.

(c) For purposes of this section, a calendar week is a period of any seven calendar days.

§ 25.153 Creditable service; waiting period.

(a) Continuous civilian employment in any branch (executive, legislative, or judicial) of the Federal Government, or in the municipal government of the District of Columbia, is creditable service in the computation of a waiting period. Service credit is given during this employment for periods of annual, sick, and other leave with pay; advanced annual and sick leave; prior service under a temporary appointment; and prior service paid for at a per diem or hourly rate.

(b) For full-time employees and non-full-time employees with a regularly scheduled tour of duty, time in a nonpay status is creditable as service toward a waiting period when it does not exceed, in the aggregate:

(1) 2 workweeks in the waiting period for rates 2, 3, and 4;

(2) 4 workweeks in the waiting period for rates 5, 6, and 7;

(3) 6 workweeks in the waiting period for rates 8, 9, and 10. Any time in a nonpay status in excess thereof shall be made up with creditable service before the next within-grade increase is effected.

(c) Full service credit shall be allowed toward a waiting period for leaves of absence granted to an employee because of an injury for which compensation is payable under the Federal Employees' Compensation Act of September 7, 1916, as amended (5 U.S.C. 751, et seq.).

(d) Service with the armed forces during a period of war or national emergency is creditable toward a waiting period when an employee leaves his civilian position to enter the military service and he is (1) reemployed in a position under the Act not later than 52 calendar weeks after separation from active military duty; or (2) restored to his civilian position after separation from active military duty or hospitalization continuing thereafter as provided by law.

(e) Service is creditable toward a waiting period from the date of an employee's separation from Federal civilian employment with reemployment rights granted by law, Executive order, or regulation to the date of his return to duty in the Federal service through the exercise of those rights.

(f) Service in essential non-Government civilian employment in the public interest during a period of war or national emergency shall be credited toward a waiting period if it interrupts otherwise creditable service.

§ 25.154 Noncreditable service—waiting period.

Credit may not be given toward a waiting period for:

(a) Service at overtime rates.

(b) Service before a single nonpay period or a break in service whenever this nonpay period or break in service exceeds 52 calendar weeks, and any part of a nonpay period of more than 52 calendar weeks under § 25.153(b).

(c) Any period of separation from a civilian position, except as provided in § 25.153 (d)(2) and (f).

(d) The period of time between the date an employee leaves a Federal civilian position to enter the armed forces and the date of his reemployment in a position subject to the Act when his reemployment is not within 52 continuous calendar weeks from the date of his discharge from the armed forces, except in instances of restoration as provided by law.

§ 25.155 Equivalent increase.

An equivalent increase is an increase in basic compensation equal to or greater than the amount of the difference between the rate of the grade in which the employee is serving or has served during the waiting period under consideration and the next higher rate of that grade. When an employee receives more than one increase in basic compensation within his current waiting period, no one of which is an equivalent increase, first and subsequent increases shall be added until a total is reached which is equal to or greater than the amount of difference between the rate of the grade in which the employee is serving at the time this total is reached and the next higher rate of that grade. The employee shall then be deemed to have received an equivalent increase.

§ 25.156 Work of an acceptable level of competence.

(a) Before an employee may receive a within-grade increase under section 701 of the Act, his work shall be of an acceptable level of competence. The head of his department, or persons authorized to act in behalf of the department head, shall make this determination, which shall be recorded in writing.

(b) When a department determines that an employee's work is not of an acceptable level of competence, it shall notify him promptly of that determination in writing. It shall also give him the opportunity, upon timely request, to secure a reconsideration of that determination within the department. If the determination upon reconsideration is favorable to the employee, the new determination supersedes the earlier one and is deemed to be made as of the date of the earlier determination.

(c) When it is determined that an employee's work is not of an acceptable level of competence, the department shall make a new determination within the next 52 calendar weeks. If this new determination is favorable to the employee, the effective date of a within-grade increase for which he is otherwise eligible is the first day of the first pay period beginning on or after the date the new determination is made.

(d) There is no right to secure a review by the Commission of a departmental determination.

(e) When a determination as prescribed by paragraphs (a), (b), and (c) of this section is not made on a timely basis through administrative oversight, error, or delay, it is deemed to be made as of the date it would have been made were it not for the administrative oversight, error, or delay.

(f) The requirement for a determination as prescribed by paragraph (a) shall be waived for periods of service which are counted as creditable service toward a waiting period under § 25.153 (c), (d), (e), or (f).

§ 25.157 Effective date; within-grade increase.

(a) A within-grade increase shall be made effective at the beginning of the next pay period following completion of the required waiting period and compliance with the other conditions of eligibility.

(b) When the effective date of a within-grade increase occurs simultaneously with the effective date of a personnel action, the actions shall be processed in the order which gives the employee the maximum benefit.

§ 25.158 Corrective action; within-grade increase.

(a) When a within-grade increase is delayed beyond its proper effective date through administrative oversight, error, or delay, the increase shall be made effective as of the date it was properly due.

(b) An improper personnel action later corrected in accordance with mandatory statutory or regulatory requirements does not serve to extend the waiting period for a within-grade increase. In such a case, the waiting period begins as of the date it would have begun had the improper action not occurred.

(Sec. 1101, 63 Stat. 971; 5 U.S.C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-10283; Filed, Oct. 12, 1962; 8:52 a.m.]

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

Appendix A—List of Officers Excluded From Coverage Pursuant to Section 202(c)(1)(C) of the Annual and Sick Leave Act of 1951, as Amended

GENERAL

Effective on the first day of the first pay period beginning on or after enactment of the Federal Salary Reform Act of 1962, the following item is added to Appendix A:

GENERAL

Any person appointed by the President, by and with the advice and consent of the Senate, or by the President alone (other than postmasters, United States attorneys, and United States marshals) whose rate of basic compensation exceeds $18,500 per annum but who is not otherwise excepted by section 202 (c)(1) of the Annual and Sick Leave Act of 1951.

(Sec. 206, 65 Stat. 681; 5 U.S.C. 2065)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-10284; Filed, Oct. 12, 1962; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 727—MARYLAND TOBACCO

Marketing Quota Regulations, 1962–63 Marketing Year; Average Market Price; Rate of Penalty per Pound

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311–1315), and is made for the purpose of amending § 727.1347 of the Maryland Tobacco Marketing Quota Regulations, 1962–63 Marketing Year (27 F.R. 6593), to include the rate of penalty per pound upon marketings of excess tobacco subject to marketing quotas. The official average price for Maryland tobacco for the 1961–62 marketing year has recently been determined. The Act provides that the penalty rate on marketings of excess tobacco shall be seventy-five (75) percent of the average market price (calculated to the nearest whole cent) for the preceding marketing year.

As sales of the 1962 crop of Maryland tobacco will soon begin it is necessary that the amendment set forth herein be made effective at the earliest possible date in order that the rate of penalty may be made known to producers who desire to market tobacco, and to buyers who are responsible for the payment of the penalty on marketings of excess tobacco. Accordingly, and as the amendment with respect to the rate of penalty is the result of a mathematical calculation provided for by the Act, it is hereby found and determined that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon publication of this document in the FEDERAL REGISTER.

Section 727.1347 of the Maryland Tobacco Marketing Quota Regulations, 1962–63 Marketing Year is hereby amended by changing paragraphs (a) and (b) to read:

(a) *Average market price.* The 1961–62 marketing year for Maryland tobacco covers the period October 1, 1961, through September 30, 1962. The average market price for Maryland tobacco as determined by the Crop Reporting Board, Statistical Reporting Service (formerly Agricultural Marketing Service), United States Department of Agriculture, for the period October 1, 1961, through September 30, 1962, was 61.7 cents per pound.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1962–63 marketing year shall be forty-six (46) cents per pound.

(Secs. 314, 375, 52 Stat. 48, as amended, 66, as amended; 7 U.S.C. 1314, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 10, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-10243; Filed, Oct. 12, 1962; 8:52 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 874.15]

PART 874—SUGARCANE; LOUISIANA

Fair and Reasonable Prices, 1962 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended, and as further amended by Public Law 87-535 and Public Law 87-539 (herein referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held in Houma, Louisiana, on July 27, 1962, the following determination is hereby issued:

§ 874.15 Fair and reasonable prices for the 1962 crop of Louisiana sugarcane.

A producer of sugarcane in Louisiana who is also a processor of sugarcane (herein referred to as "processor") shall have paid or contracted to pay, for sugarcane of the 1962 crop grown by other producers and processed by him, in accordance with the following requirements.

(a) *Definitions.* For the purpose of this section the term:

(1) "Price of raw sugar" means the price of 96° raw sugar quoted by the Louisiana Sugar Exchange, Inc. except that if the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C., determines that such price does not reflect the true market value of raw sugar, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of raw sugar.

(2) "Price of blackstrap molasses" means the price per gallon of blackstrap molasses quoted by the Louisiana Sugar Exchange, Inc., except that if the Director of the Sugar Division determines that such price does not reflect the true market value of blackstrap molasses, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of blackstrap molasses.

(3) "Weekly average price" means the simple average of the daily prices of raw sugar or blackstrap molasses, for the week (Friday through the following Thursday) in which the sugarcane is delivered.

(4) "Season's average price" means the simple average of the weekly prices of raw sugar or of blackstrap molasses for the period October 5, 1962, through February 28, 1963.

(5) "Net sugarcane" means the quantity of sugarcane obtained by deducting the weight of trash from the gross weight of sugarcane as delivered by a producer.

(6) "Trash" means green or dried leaves, sugarcane tops, dirt, and all other extraneous material delivered with sugarcane.

(7) "Standard sugarcane" means net sugarcane, containing 12 percent sucrose in the normal juice with a purity of at least 76.00 but not more than 76.49 percent.

(8) "Salvage sugarcane" means any sugarcane containing either less than 9.5 percent sucrose in the normal juice or less than 68 purity in the normal juice.

(9) "State Office" means the Louisiana State Agriculture Stabilization and Conservation Service Office, 528 Monroe Street, Alexandria, Louisiana.

(10) "State Committee" means the Louisiana State Agricultural Stabilization and Conservation Committee.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than $1.06 per ton for each one-cent per pound of raw sugar determined on the basis of the weekly average price or the season's average price in accordance with whichever period was used by the processor during the 1961 crop, or the processor may use the alternate period upon written approval by the State Office: *Provided,* That the average price of raw sugar as determined above shall be increased 0.03 cent for all mills located in Freight Area (a); shall be unchanged for all mills in Freight Area (b); and may be decreased 0.03 cent in Freight Area (c).

(2) The basic price for salvage sugarcane shall be determined in accordance with the method of settlement used by the processor for the 1961 crop, except that the processor and producer may agree upon a different method of settlement subject to written approval by the State Office upon a determination by the State Committee that the method of settlement and the resultant price are fair and reasonable.

(c) *Conversion of net sugarcane to standard sugarcane.* Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane as follows:

(1) By multiplying the quantity of net sugarcane by the applicable quality factor in accordance with the following table:

Percent sucrose in normal juice:	*Standard sugarcane quality factor*[1]
9.5	0.60
10.0	.70
10.5	.80
11.0	.90
11.5	.95
12.0	1.00
12.5	1.05
13.0	1.10
13.5	1.15
14.0	1.20
14.5	1.25

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 14.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

and,

(2) By multiplying the quantity determined pursuant to subparagraph (1) of this paragraph by the applicable purity factor in the following table:

[1] Freight Area (a) includes all mills except those located in Areas (b) and (c) below:
Freight Area (b) includes all mills located north of Bayou Goula between the Atchafalaya and Mississippi Rivers and southeast of New Iberia west of the Atchafalaya River.
Freight Area (c) includes all mills located north and west of New Iberia west of the Atchafalaya River.

STANDARD SUGARCANE PURITY FACTOR [1]

Percent purity of normal juice		Percent sucrose in normal juice															
		At least 9.50	9.70	9.90	10.10	10.30	10.50	11.00	11.50	12.00	12.50	13.00	13.50	14.00	14.50	15.00	15.50
At least—	But not more than—	But not more than 9.69	9.89	10.09	10.29	10.49	10.99	11.49	11.99	12.49	12.99	13.49	13.99	14.49	14.99	15.49	15.99
68.00	68.24	1.000	0.989	0.978	0.967	0.956	0.945	0.936	0.929	0.922	0.922	0.908	0.901	0.894	0.887	0.880	0.873
68.25	68.49	1.005	.993	.982	.971	.960	.949	.941	.934	.927	.920	.913	.906	.899	.892	.885	.878
68.50	68.74	1.010	.998	.987	.976	.965	.954	.945	.938	.931	.924	.917	.910	.904	.897	.890	.884
68.75	68.99	1.016	1.003	.992	.981	.970	.959	.950	.943	.936	.929	.922	.915	.909	.902	.895	.890
69.00	69.49	1.021	1.009	.997	.986	.975	.964	.955	.948	.941	.934	.927	.920	.914	.908	.902	.896
69.50	69.99	1.025	1.013	1.001	.990	.979	.968	.960	.953	.945	.938	.931	.924	.918	.912	.906	.900
70.00	70.49	1.030	1.018	1.006	.995	.984	.973	.965	.958	.950	.943	.936	.929	.923	.917	.911	.905
70.50	70.99	1.035	1.023	1.011	.999	.988	.977	.969	.962	.954	.947	.940	.933	.927	.921	.915	.909
71.00	71.49	1.040	1.028	1.016	1.004	.993	.982	.974	.966	.959	.951	.945	.938	.932	.926	.920	.914
71.50	71.99	1.045	1.033	1.021	1.009	.998	.987	.978	.970	.963	.955	.949	.942	.936	.930	.924	.918
72.00	72.49	1.050	1.038	1.026	1.014	1.003	.992	.983	.975	.967	.960	.954	.947	.940	.934	.928	.922
72.50	72.99	1.055	1.043	1.031	1.019	1.007	.996	.987	.979	.971	.964	.958	.951	.944	.938	.932	.926
73.00	73.49	1.060	1.048	1.036	1.024	1.012	1.001	.991	.984	.976	.968	.962	.955	.948	.942	.936	.930
73.50	73.99	1.065	1.052	1.040	1.028	1.016	1.004	.995	.988	.980	.972	.966	.959	.952	.946	.940	.934
74.00	74.49	.....	1.057	1.044	1.032	1.020	1.008	1.000	.992	.984	.977	.970	.963	.956	.950	.944	.938
74.50	74.99	.....	1.062	1.049	1.036	1.024	1.012	1.004	.996	.988	.981	.974	.967	.960	.954	.948	.942
75.00	75.49	.....	.....	1.054	1.041	1.028	1.016	1.008	1.000	.992	.985	.978	.971	.964	.958	.952	.946
75.50	75.99	.....	.....	1.059	1.046	1.033	1.020	1.011	1.004	.996	.988	.981	.974	.967	.961	.955	.949
76.00	76.49	.....	.....	.....	1.051	1.038	1.025	1.015	1.008	1.000	.992	.985	.978	.971	.965	.959	.956
76.50	76.99	.....	.....	.....	1.054	1.041	1.028	1.019	1.011	1.004	.996	.989	.981	.975	.969	.963	.957
77.00	77.49	.....	.....	.....	.....	1.045	1.032	1.023	1.015	1.008	1.000	.993	.985	.979	.973	.967	.961
77.50	77.99	.....	.....	.....	.....	1.049	1.035	1.027	1.019	1.011	1.003	.996	.989	.982	.976	.970	.964
78.00	78.49	.....	.....	.....	.....	.....	1.039	1.031	1.023	1.015	1.007	1.000	.993	.986	.980	.974	.968
78.50	78.99	.....	.....	.....	.....	.....	1.042	1.035	1.026	1.018	1.010	1.003	.996	.989	.983	.977	.971
79.00	79.49	.....	.....	.....	.....	.....	.....	1.039	1.030	1.022	1.014	1.007	1.000	.993	.987	.981	.975
79.50	79.99	.....	.....	.....	.....	.....	.....	1.043	1.033	1.025	1.017	1.010	1.003	.996	.990	.984	.978
80.00	80.49	.....	.....	.....	.....	.....	.....	.....	1.037	1.029	1.021	1.014	1.007	1.000	.994	.988	.982
80.50	80.99	.....	.....	.....	.....	.....	.....	.....	1.040	1.032	1.024	1.017	1.010	1.003	.997	.991	.985
81.00	81.49	.....	.....	.....	.....	.....	.....	.....	.....	1.036	1.028	1.021	1.014	1.006	1.000	.994	.988
81.50	81.99	.....	.....	.....	.....	.....	.....	.....	.....	1.039	1.032	1.024	1.017	1.009	1.003	.997	.991
82.00	82.49	.....	.....	.....	.....	.....	.....	.....	.....	.....	1.035	1.027	1.020	1.013	1.007	1.000	.995
82.50	82.99	.....	.....	.....	.....	.....	.....	.....	.....	.....	1.038	1.030	1.023	1.016	1.010	1.004	.998
83.00	83.49	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1.033	1.027	1.019	1.013	1.007	1.000
83.50	83.99	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1.036	1.030	1.022	1.016	1.010	1.004
84.00	84.49	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1.033	1.025	1.019	1.013	1.007
84.50	84.99	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1.028	1.022	1.016	1.010

[1] Factors applicable to higher or lower sucrose and purity of normal juice than shown in this table shall be determined by the same method of calculation used to compute the factors specified and shall be furnished by the State office upon request.

(d) *Payment for frozen sugarcane.* (1) The payment for sugarcane determined pursuant to paragraph (c) of this section may be reduced upon certification by the State Office that sugarcane has been damaged by freeze and that the processing of such sugarcane has adversely affected boiling house operations. Deductions from the payment for such frozen sugarcane shall be at rates not in excess of 1.5 percent of the payment for each 0.1 cc. of acidity above 2.50 cc. of N/10 alkali per 10 cc. of juice but not in excess of 4.75 cc. (intervening fractions are to be computed to the nearest multiple of 0.05 cc.). No payment is required for the amount of sugar recoverable from sugarcane testing in excess of 4.75 cc. of acidity.

(2) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose and purity tests of sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor, subject to written approval by the State Office: *Provided*, That the payment for each ton of net sugarcane shall be not less than an amount equal to the total returns from raw sugar and molasses actually recovered from such sugarcane, determined on the basis of the season's average prices of raw sugar and blackstrap molasses less an amount not to exceed $3.00 per gross ton of sugarcane for processing and less the actual costs of hoisting, weighing, and transporting such sugarcane.

(e) *Molasses payment.* The processor shall pay an amount equal to the product of 6.6 gallons times one-half of the average price per gallon of blackstrap molasses in excess of 6 cents for each ton of net sugarcane processed except for (1) salvage sugarcane where settlement is based on the so called "Java Formula", (2) frozen sugarcane testing in excess of 4.75 cc. of acidity, and (3) sugarcane damaged by a general freeze which is tolled by the processor and settlement is based on the net proceeds from the sugar and molasses recovered from such cane. The average price of blackstrap molasses shall be the weekly average price or the season's average price in accordance with whichever period was used by the processor during the 1961 crop, or the processor may use the alternate period upon written approval by the State Office.

(f) *Hoisting, weighing, and transportation.* The price for sugarcane established by this section shall be applicable to sugarcane delivered by the producer (1) to a hoist for loading into the conveyance for transportation to the mill, or (2) from the farm directly to the mill. With respect to sugarcane delivered to a hoist, the costs of hoisting, weighing, and transporting sugarcane from the hoist to the mill shall be paid by the processor or the processor shall make allowances to the producer for such services, based on net sugarcane, at per ton rates not less than those made with respect to sugarcane of the 1961 crop: *Provided*, That the processor shall not be required to make hauling allowances to the producers in excess of the rates charged by a contract or commercial carrier or the rates which such carrier would have charged for performing such service. With respect to sugarcane delivered directly from the farm to the mill the processor shall pay the cost of transportation or shall make an allowance to the producer for such service, based on net sugarcane, at per ton rates not less than those made with respect to the 1961 crop: *Provided*, That the processor shall not be required to make an allowance to the producer for hauling sugarcane directly from the farm to the mill at rates in excess of 30 cents per ton for distances of one mile or less, 40 cents per ton for distances of 1.1 to 2 miles, plus 5 cents per ton for each mile or fraction thereof in excess of 2 miles: *Provided, further*, That nothing in this paragraph shall be construed as prohibiting negotiations between the processor and the producer, any change to be approved in writing by the State Office upon a determination by the State Committee that the change results in allowances which are fair and reasonable.

(g) *Mutual plan for improving harvesting and delivery.* If a processor and the producers delivering sugarcane to such processor mutually agree upon a plan for improving harvesting and delivery operations, the processor may deduct from the price per ton of sugarcane an amount equal to one-half of the per ton cost of such plan. Such deduction may not be made until the plan has the written approval of the State Office and it has been determined by the State Committee that the plan is fair and reasonable.

(h) *Applicability.* The requirements of this section apply to that sugarcane grown by a producer within the proportionate share for the farm and processed by the processor for the extraction of sugar or liquid sugar.

(i) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1962 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also, directly or indirectly, a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1962 price determination.* This determination continues the provisions of the 1961 crop determination, except that the period for determining the season's average prices of raw sugar and blackstrap molasses is from October 5, 1962, through February 28, 1963.

A public hearing was held in Houma, Louisiana, on July 27, 1962, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1962 crop of Louisiana sugarcane. The notice of hearing specifically requested interested parties to present views on the periods which would provide an equitable basis for pricing sugar and molasses of the 1962 crop.

A representative of the Louisiana Grower-Processor Committee recommended that the pricing period for raw sugar and blackstrap molasses extend from October 5, 1962, through February 28, 1963, and that all other provisions of the 1961 crop determination be continued without change. He also stated that the Committee had given further consideration to the two methods of pricing salvage sugarcane used by processors and that it found no valid reason to require producers and processors to use either method and completely exclude the other. The witness stated that the 1962 crop would not be as large as the 1961 crop because a severe freeze and a drought had affected most producing areas; that some new processors in Florida contemplate selling 1962 crop raw sugar to Louisiana refiners and that such sales could have a pronounced effect on the New Orleans market; and that the refiners which purchase Louisiana raw sugars had not indicated their views concerning the purchase of any substantial quantity of 1962 crop sugar.

The representative of the Louisiana Farm Bureau Federation recommended that the pricing period for raw sugar and blackstrap molasses extend from October 4, 1962, through January 31, 1963; that the determination provide that all processors settle for salvage sugarcane on the basis of the "scale-down" method; and that all other provisions of the 1961 determination be continued for 1962. The witness stated that a shorter pricing period would result in producers receiving earlier final settlements for their sugarcane; that he believed the producer's interest would be protected best if payments for sugarcane were based on the average raw sugar price for the four-month period October through January; and that the scale-down method of payment for salvage sugarcane has won acceptance and favorable reaction in several areas within the State.

Consideration has been given to the testimony presented at the public hearing, to information obtained as a result of investigation, to comparative returns, costs, and profits of producing and processing sugarcane obtained through field survey and recast in terms of prospective price and production conditions for the 1962 crop, and to other pertinent factors. The Crop Production Report issued September 11, 1962 by the Department indicates a substantial decline in yields per acre and production of 1962-crop sugarcane because of adverse weather. Changes in volume of production and yields of sugarcane per acre affect unit costs of production to a greater degree than processing costs. Analysis of available data indicate that the sharing relationship between producers and processors during recent years has, on average, been equitable and that such relationship should be continued for the 1962 crop.

The period for determining the season's average prices of raw sugar and molasses upon which payments for sugarcane are to be based is that recommended by the Grower-Processor Committee. To maintain a fair sharing relationship between the parties, the pricing period must be long enough to permit orderly marketing and it is believed the October-February period will more nearly coincide with the processors' raw sugar marketing opportunities.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932, 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. Sup. 1131, as amended by Public Law 87-535, Public Law 87-539)

Signed at Washington, D.C., on October 10, 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-10226; Filed, Oct. 12, 1962; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 16]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.338 Grapefruit Regulation 16.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 9, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and

order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., October 15, 1962, and ending at 12:01 a.m., e.s.t., October 29, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{0}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 11, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10302; Filed, Oct. 12, 1962; 8:53 a.m.]

[Orange Reg. 16]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.339 Orange Regulation 16.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 9, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., October 15, 1962, and ending at 12:01 a.m., e.s.t., October 29, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2\frac{8}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{8}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter or smaller.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 11, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10303; Filed, Oct. 12, 1962; 8:53 a.m.]

[Tangerine Reg. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.340 Tangerine Regulation 4.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 15, 1962. The Growers Administrative Committee held an open meeting on October 9, 1962, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committees has been disseminated among shippers of tangerines grown in the production area, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangerines, grown in the production area, at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 15, 1962, and ending at 12:01 a.m., e.s.t., October 29, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, which are smaller than $2\frac{8}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 11, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10304; Filed, Oct. 12, 1962; 8:53 a.m.]

[Tangelo Reg. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.341 Tangelo Regulation 4.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 15, 1962. The committee held an open meeting on October 9, 1962, to consider recommendations for a regulation, in accordance with the said amended marketing agreement and order, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangelos, grown in the production area, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangelos, grown in the production area, at the start of this marketing season; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relative to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 15, 1962, and ending at 12:01 a.m., e.s.t., October 29, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than $2\frac{8}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 11, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10305; Filed, Oct. 12, 1962; 8:53 a.m.]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Miscellaneous Amendments

§ 907.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, California, on February 8, 1962, upon proposed amendments to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of navel oranges grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of navel oranges; and

(5) All handling of navel oranges grown in the designated production area is in the current of interstate or foreign

commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found, on the basis hereinafter indicated that good cause exists for making the provisions of this amendatory order effective not later than November 1, 1962, and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (5 U.S.C. 1001–1011). The provisions of this order revises the requirements relating to early maturity allotments; the use of and need for early maturity allotments are during the period prior to time of general maturity of Navel oranges; general maturity of Navel oranges in the early district generally occurs on or about November 15 of each year. Hence, for the program to be of maximum benefits for the 1962–63 season, the order should be made effective on November 1, 1962, which date begins the new fiscal year. The provisions of this order are well known to producers and handlers. The hearing in connection therewith was held at Los Angeles, California, on February 8, 1962, and the recommended decision and the final decision were published in the FEDERAL REGISTER on June 28, 1962 (27 F.R. 6093), and August 15, 1962 (27 F.R. 8122), respectively. Copies of the provisions of the amendatory order were made available to all known interested parties, and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective time hereof.

(c) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement, as amended, regulating the handling of navel oranges grown in the designated production area, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the oranges covered by this order) who, during the period November 1, 1961, through July 31, 1962, handled not less than 80 percent of the oranges covered by said order, as amended, and as hereby further amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least three-fourths of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (November 1, 1961, through July 31, 1962) were engaged within the area in the production for market of the oranges covered by the said order, as amended, and as hereby further amended; and

(3) The issuance of this order, amending the aforesaid order, is favored or approved by producers who, during the aforesaid representative period, produced for market at least two-thirds of the volume of navel oranges produced for market within the designated production area.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of navel oranges grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. The provisions of § 907.4 *Production area* are revised to read as follows:

§ 907.4 Production area.

"Production area" means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California.

§ 907.20 [Amendment]

2. Section 907.20 is revised by deleting from the second sentence the words "who shall not be handlers, or employees of handlers, or employees of central marketing organizations" and deleting from the fifth sentence the words "and who shall not be handlers, or employees of handlers, or employees of central marketing organizations."

§ 907.31 [Amendment]

3. The amount "$10" in § 907.31 is replaced by "$15."

4. A new § 907.33 is added as follows:

§ 907.33 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of navel oranges, the expense of such projects to be paid from funds collected pursuant to this part.

§ 907.55 [Amendment]

5. The second sentence in § 907.55 is revised to read as follows: "The quantity of oranges so handled in excess of each such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from each such person's allotment for the next week: *Provided,* That no such deduction shall apply when such quantity is handled pursuant to early maturity allotment issued under § 907.60."

§ 907.56 [Amendment]

6. The following is added to the end of the sentence in § 907.56: "except that the undershipment of early maturity allotment shall not entitle a handler to so handle an additional quantity of oranges."

§ 907.57 [Amendment]

7. The words "early maturity" are deleted from the first sentence of § 907.57.

§ 907.60 [Amendment]

8. The proviso and all subsequent language in § 907.60 are deleted and the following substituted therefor: "Early maturity allotments issued to any handler may be used only during the week for which issued, and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early maturity allotments issued to him shall be adjusted by deducting therefrom a quantity of oranges equivalent to the total quantity of his oranges for which early maturity allotments were issued but were not used. A person to whom early maturity allotments have been issued may, after approval by the committee, transfer such allotments to other persons to whom such allotments also have been issued: *Provided,* That, upon such transfer of allotment, the transferee shall be obligated to use the transferred allotment during the week for which it was issued and if he fails to do so shall have his oranges available for current shipment adjusted in the same manner as if the transferred allotment had been issued to him by the committee. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Early maturity allotments issued, and any transfer thereof, under this section shall be on a prorate district basis."

§ 907.66 [Amendment]

9. Paragraph (a) of § 907.66 is revised to read as follows:

(a) District 1 shall include that part of the State of California which is south of a line drawn due east and west through the post office in Turlock, California, and north of the 35th Parallel, but shall exclude that portion of Kern County situated south of the Kern River.

§ 907.67 [Amendment]

10. The first sentence in § 907.67 is revised to read as follows: "Except as otherwise provided in this section, nothing contained in this subpart shall be construed to authorize any limitation of the right of the initial handler of oranges to: (a) Handle oranges to charitable institutions for consumption by such institutions or to relief agencies for distribution by such agencies; (b) handle oranges to commercial processors for processing into products, including juice; (c) export oranges or handle oranges to exporters for export purposes; (d) handle oranges by parcel post or by railway express; or (e) handle oranges in such minimum quantities or in such types of shipments as the committee may, with the approval of the Secretary, prescribe."

§ 907.83 [Amendment]

11. Subparagraph (3) of § 907.83(c) is revised to read as follows: "(3) Upon recommendation of the committee, received not later than January 15 of an odd numbered year, the Secretary shall conduct a referendum prior to March 15 of such year to ascertain whether continuance of this part is favored by producers."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, October 10, 1962, to become effective November 1, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-10238; Filed, Oct. 12, 1962; 8:50 a.m.]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Miscellaneous Amendments

§ 908.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, California, on February 8, 1962, upon proposed amendments to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of Valencia oranges grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Valencia oranges; and

(5) All handling of Valencia oranges grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found, on the basis hereinafter indicated that good cause exists for making the provisions of this amendatory order effective not later than October 15, 1962, and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (5 U.S.C. 1001–1011). Unless this amendatory order is made effective not later than the 15th day of this month, a referendum will be required to be conducted, in accordance with the current provisions of the order, to ascertain whether the continuance of this part is favored by producers. The results of the referendum just concluded on this amendatory order show that the program as hereby amended to modify the requirement of a mandatory referendum by October 15 of each even-numbered year, is favored by producers; and a further referendum at this time, together with the expense thereof, is unnecessary. The provisions of this order are well known to producers and handlers. The hearing in connection therewith was held at Los Angeles, California, on February 8, 1962, and the recommended decision and the final decision were published in the FEDERAL REGISTER on July 24, 1962 (27 F.R. 6982), and August 28, 1962 (27 F.R. 8593), respectively. Copies of the provisions of the amendatory order were made available to all known interested parties, and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective time hereof.

(c) *Determinations.* It is hereby determined that:

(1) The marketing agreement, as amended, regulating the handling of Valencia oranges grown in the designated production area, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the oranges covered by this order) who, during the period February 1, 1961, through January 31, 1962, handled not less than 80 percent of the oranges covered by said order, as amended, and as hereby further amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least three-fourths of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (February 1, 1961, through January 31, 1962) were engaged within the area in the production for market of the oranges covered by the said order, as amended, and as hereby further amended; and

(3) The issuance of this order, amending the aforesaid order, is favored or approved by producers who, during the aforesaid representative period, produced for market at least two-thirds of the volume of Valencia oranges produced for market within the designated production area.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of Valencia oranges grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. The provisions of § 908.4 *Production area* are revised to read as follows:

§ 908.4 Production area.

"Production area" means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California.

§ 908.20 [Amendment]

2. Section 908.20 is revised by deleting from the second sentence the words "who shall not be handlers, or employees of handlers, or employees of central marketing organizations" and deleting from the fifth sentence the words "and who shall not be handlers, or employees of handlers, or employees of central marketing organizations."

§ 908.31 [Amendment]

3. The amount "$10" in § 908.31 is replaced by "$15."

4. A new § 908.33 is added as follows:

§ 908.33 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Valencia oranges, the expense of such projects to be paid from funds collected pursuant to this part.

§ 908.55 [Amendment]

5. The second sentence in § 908.55 is revised to read as follows: "The quantity of oranges so handled in excess of each such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from each such person's allotment for the next week: *Provided,* That no such deduction shall apply when such quantity is handled pursuant to early maturity allotment issued under § 908.60."

§ 908.56 [Amendment]

6. The following is added to the end of the sentence in § 908.56: "except that the undershipment of early maturity allotment shall not entitle a handler to so handle an additional quantity of oranges."

§ 908.57 [Amendment]

7. The words "early maturity" are deleted from the first sentence of § 908.57.

§ 908.60 [Amendment]

8. The proviso and all subsequent language in § 908.60 are deleted and the following substituted therefor: "Early maturity allotments issued to any handler may be used only during the week for which issued, and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early maturity allotments issued to him shall be adjusted by deducting therefrom a quantity of oranges equivalent to the total quantity of his oranges for which early maturity allotments were issued but were not used. A person to whom early maturity allotments have been issued may, after approval by the committee, transfer such allotments to other persons to whom such allotments also have been issued: *Provided,* That, upon

such transfer of allotment, the transferee shall be obligated to use the transferred allotment during the week for which it was issued and if he fails to do so shall have his oranges available for current shipment adjusted in the same manner as if the transferred allotment had been issued to him by the committee. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Early maturity allotments issued, and any transfer thereof, under this section shall be on a prorate district basis."

§ 908.66 [Amendment]

9. Paragraphs (a), (b), and (c) of § 908.66 are revised to read as follows:

(a) District 1 shall include that part of the State of California which is south of a line drawn due east and west through the Post Office in Turlock, California, and north of a line drawn due east and west through the Post Office in Gorman, California, but excluding San Luis Obispo and Santa Barbara Counties and that part of San Bernardino County located east of the 115th Meridian.

(b) District 2 shall include that part of the State of California which is south and west of District 1, and west of a line drawn due north and south through the Post Office in White Water, California.

(c) District 3 shall include the State of Arizona and that part of the production area not included in Districts 1 and 2.

§ 908.67 [Amendment]

10. The first sentence in § 908.67 is revised to read as follows: "Except as otherwise provided in this section, nothing contained in this subpart shall be construed to authorize any limitation of the right of the initial handler of oranges to: (a) Handle oranges to charitable institutions for consumption by such institutions or to relief agencies for distribution by such agencies; (b) handle oranges to commercial processors for processing into products, including juice; (c) export oranges or handle oranges to exporters for export purposes; (d) handle oranges by parcel post or by railway express; or (e) handle oranges in such minimum quantities or in such types of shipments as the committee may, with the approval of the Secretary, prescribe."

§ 908.83 [Amendment]

11. Subparagraph (3) of § 908.83(c) is revised to read as follows:

(3) Upon recommendation of the committee, received not later than August 15 of an even numbered year, the Secretary shall conduct a referendum prior to October 15 of such year to ascertain whether continuance of this part is favored by producers.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, October 10, 1962, to become effective October 15, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62–10239; Filed, Oct. 12, 1962; 8:51 a.m.]

[Valencia Orange Reg. 34]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.334 Valencia Orange Regulation 34.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 11, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 14, 1962, and ending at 12:01 a.m., P.s.t., October 21, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 350,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 12, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–10340; Filed, Oct. 12, 1962; 11:25 a.m.]

[Avocado Order 1, Amdt. 4]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C 1001–1011) because the time intervening between the the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 15, 1962. This regulation revises certain of the maturity requirements applicable to the shipment of avocados of the Hall variety; it is necessary that such revised requirements be made effective at the time and for the periods specified herein in order to assure that immature Hall avocados are not handled; a determination as to the stage of maturity of Hall avocados was made at the meeting of the Avocado Administrative Committee on October 9, 1962, after consideration of all available information relative to the maturity of such avocados; such meeting was held, after due notice thereof, to consider recommendation for such regulation; interested parties were afforded opportunity to submit their views at such meeting; the provisions of this amendment are identical with the aforesaid recommendations and information concerning such provisions have been disseminated among handlers of avocados; and compliance with this amended regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

It is therefore ordered, That the provisions of paragraph (b) of § 915.301 (27 F.R. 5135, 6705, 8264, 9174) are hereby amended as follows:

In Table 1, the dates appearing in Columns 2 and 4 applicable to the Hall variety are revised so that after such revision the portion of such table applicable to the Hall variety shall read as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Hall	10–22–62	20 or 3⁹⁄₁₆ in	11– 5–62				

The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., October 15, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 11, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–10300; Filed, Oct. 12, 1962; 8:53 a.m.]

[Grapefruit Reg. 5, Amdt. 1]

PART 944—FRUITS; IMPORT REGULATIONS

Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) Grapefruit Regulation 5 (§ 944.101; 27 F.R. 9771) are hereby amended to read as follows:

(a) On and after 12:01 a.m., e.s.t. October 15, 1962, the importation of any grapefruit is prohibited unless such grapefruit are inspected and meet the following applicable requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 Russet and be of a size not smaller than 3¹⁵⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least U.S. No. 1 Russet and be of a size not smaller than 3⁹⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; 75 Stat. 305), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions made applicable to the shipment of all grapefruit grown in Florida under Grapefruit Regulation 16 (§ 905.338) effective October 15, 1962; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, October 11, 1962, to become effective at 12:01 a.m., e.s.t., October 15, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–10301; Filed, Oct. 12, 1962; 8:53 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 67]

PART 1067—MILK IN OZARKS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Ozarks marketing area (7 CFR PART 1067), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act during the months September, October, and November 1962:

In § 1067.11(b) opposite the month of September, the following: "35".

(b) By notice of proposed rule making issued September 13, 1962 (27 F.R. 9260; F.R. Doc. 62–9350), by the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, interested parties were advised that suspension of this provision was under consideration and were given opportunity to submit written views, data or arguments with respect thereto. No opposition to the proposed suspension was filed.

(c) Thirty days notice of effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(1) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

Therefore, good cause exists for making this order effective upon its publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of September 1962.

Effective date: Upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on October 10, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62–10241; Filed, Oct. 12, 1962; 8:51 a.m.]

[Milk Order 73]

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Wichita, Kansas, marketing area (7 CFR Part 1073), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act during the months September, October, and November 1962:

(1) In § 1073.10(c), the words "not less than 50 percent of its total".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension action is necessary to permit a group of producers who have supplied the Wichita milk market for several years to continue their status as "producers" under the order and thus share in the marketwide pool of payments for milk.

(4) The status of these dairy farmers is determined by their delivery of milk to a "pool" plant. The plant to which these farmers deliver their milk has discontinued bottling milk and now serves as a supply plant for the market. However, the shipments from the plant during the months of September, October, and November to pool distributing plants are not expected to be sufficient to qualify the plant as a pool supply plant. This suspension action will make it possible for the plant to qualify as a pool supply plant if any milk is shipped during the month to a pool distributing plant.

(5) This suspension is made effective for the period September–November 1962, during which time a hearing on the problem can be held and appropriate standards for pooling developed and made effective.

Therefore, good cause exists for making this order effective September 1, 1962.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective September 1, 1962, for the period September 1, 1962, through November 30, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1962.

Signed at Washington, D.C., on October 10, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62–10242; Filed, Oct. 12, 1962; 8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 9—TRUST POWERS OF NATIONAL BANKS

Amendment to Preamble

The Act of September 28, 1962, Public Law 87–722, 76 Stat. 668, transferred from the Board of Governors of the Federal Reserve System to the Comptroller of the Currency the authority to grant trust powers to national banks and to issue regulations governing the exercise of such powers. On September 28, 1962, the Comptroller pursuant to paragraph (j) of section 1 of the Act issued a regulation by adding a new Part 9 to Chapter I, Title 12 of the Code of Federal Regulations of the United States of America. Part 9 was filed with the FEDERAL REGISTER on October 2, 1962, at 8:46 a.m., 27 F.R. 9764. It was prefaced by a brief statement of the transfer effected by the Act and that the new regulation was in substance the same as the regulation of the Board of Governors of the Federal Reserve System on the subject formerly appearing in Part 206 of Chapter II of this title. This action of the Comptroller was intended to continue without interruption the granting of trust powers and the regulation of the exercise of such powers and was based upon a finding that immediate effectiveness of the regulation was required and that notice and public procedure on the regulation were impracticable, unnecessary and contrary to the public interest for the following reasons: (1) The Act contemplated and the public interest required that the transfer of authority be accomplished immediately, and that there be no lapse in the continuity of regulations governing the exercise of trust powers by national banks and providing the standard for the qualification for tax exempt status under the Internal Revenue Code, of the common trust funds of all banks; and (2) the new regulations are new only in the technical sense that they are now issued by the Comptroller rather than the Board, effecting no change in the substantive rules concerning the affected parties other than those effected by the statute.

Dated: October 11, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62–10291; Filed, Oct. 12, 1962; 8:53 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 16357]

PART 522—ORGANIZATION OF THE BANKS

Appointment and Election of Directors

OCTOBER 8, 1962.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of paragraphs (a) and (c) of § 522.21 and § 522.27 of the regulations for the Federal Home Loan Bank System (12 CFR § 522.21(a), § 522.21(c), and § 522.27) for the purpose of amending said regulations so as to provide implementation of and effecting conformity to the provisions of subsection (e) of section 7 of the Federal Home Loan Bank Act, as amended by Public Law 87–676, approved September 19, 1962, and for the purpose of effecting such amendment, hereby amends said paragraphs (a) and (c) of § 522.21 and § 522.27 as follows, effective October 13, 1962:

§ 522.21 [Amendment]

1. Amend paragraphs (a) and (c) of § 522.21 to read as follows:

(a) There shall be eight elective directors on the board of directors of each Federal home loan bank except that, in case of the Federal Home Loan Bank of New York, there shall be an additional elective director to fill the directorship which shal be designated to represent the members located in the Commonwealth of Puerto Rico under the provisions of the last sentence of subsection (c) of section 7 of the Federal Home Loan Bank Act, as amended, and, in the case of the Federal Home Loan Bank of San Francisco, there shall be thirteen elective directors. Notwithstanding the provisions of the preceding sentence, whenever the provisions of the second sentence of subsection (c) of section 7 of the act are applicable, the number of elective directors shall be increased by the Board to such number as may be necessary to comply with the provisions of the aforesaid second sentence of said subsection (c). The word "member" as used in this subsection (a) shall have only the meaning set out in § 521.7 of this subchapter.

* * * * * *

(c) The Board will designate not less than one nor more than six elective directorships for each State. The number of elective directorships so designated shall be determined in the approximate ratio of the percentage of the required stock of the members located in each State in a Bank district to the total required stock of all members in such Bank district. In the event, however, that the number of elective directorships so designated for any State would be less than the total number of such directorships filled by officers or directors of members whose principal places of business were located in such State on December 31, 1960, the Board will add to the board of directors of the Bank of the district in which the State is located such number of elective directorships that the total number of elective directorships for any such State will equal said total number as of December 31, 1960. Any elective directorship added pursuant to the provisions of the preceding sentence shall be for one term and shall expire at the end thereof: *Provided*, That, notwithstanding any provision of this subsection to the contrary, any directorship added pursuant to the provisions of the last sentence of subsection (e) of section 7 of the Federal Home Loan Bank Act, as amended, (1) shall be designated as representing the members located in the Commonwealth of Puerto Rico, (2) such designation of such directorship shall not be changed, and (3) such directorship shall automatically cease if and when the Commonwealth of Puerto Rico ceases to be included in the district for which such additional directorship has been added. The word "member" as used in the third sentence of this paragraph (c) shall have only the meaning set out in § 521.7 of this subchapter.

2. Amend § 522.27 to read as follows:

§ 522.27 Definition of "State".

As used with respect to the election of directors for the Federal Home Loan Banks, the term "States" or "State" shall mean the States of the Union, the District of Columbia, and the Commonwealth of Puerto Rico.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that the Board for good cause hereby finds and determines that notice and public procedure herein are impracticable under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act, as due and timely exercise of the Board's functions require giving immediate effect to the provisions of said Public Law 87–676, and for the same cause the Board hereby finds and determines that deferment of the effective date of such amendments is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 62–10229; Filed, Oct. 12, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER D—AIRPORT REGULATIONS

[Reg. Docket No. 568, Rev. of Nov. 14, 1960, Amdt. 3]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

United States Share of Project Costs

This amendment involves a change to § 550.4(c)(1) relating to the United States share of project costs in States containing unappropriated and unreserved public lands and nontaxable Indian lands. The new percentage shares of project costs in these states have been determined in conjunction with the Department of Interior in accordance with section 10(b) of the Federal Airport Act, as amended.

Since this amendment relates to public grants, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, § 550.4 of Part 550 of the regulations of the Administrator (14 CFR Part 550), is hereby amended, effective October 13, 1962, by deleting the table appearing in paragraph (c)(1) of that section and by inserting in lieu thereof the following table:

Alaska	62.50	New Mexico	56.38
Arizona	61.00	Oregon	55.55
California	53.89	South Dakota	52.60
Colorado	53.30	Utah	62.11
Idaho	55.83	Washington	51.57
Montana	53.09	Wyoming	57.29
Nevada	62.50		

(Sec. 1–15, 60 Stat. 170–178, as amended, 49 U.S.C. 1101–1114)

Issued in Washington, D.C., on October 9, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–10200; Filed, Oct. 12, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–WE–94]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.25 of the regulations of the Administrator is to increase the designated altitudes of the El Centro, Calif., Restricted Area R–2510 from "Surface to flight level 400" to "Surface to flight level 1,000" and to change the time designation from "Continuous" to "Continuous, surface to 20,000 feet MSL; sunrise to sunset, Monday through Friday, from 20,000 feet MSL to flight level 1,000".

R–2510 is presently designated to provide special use airspace in which the Department of the Navy and the Department of the Air Force can conduct aircraft special weapons delivery maneuvers and aerodynamic decelerator tests. In order for the Air Force to continue its high altitude retardation test programs, it is necessary that the present ceiling of R–2510, flight level 400, be increased to flight level 1,000. Inasmuch as little or no civil air operations are conducted above flight level 400, this change in the altitude designation of R–2510 will not affect current civil aeronautical operations. In processing this requirement, it also has been determined that R–2510 is needed only from sunrise to sunset, Monday through Friday, above 20,000 feet MSL.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

1. In § 608.25 *California* (27 F.R. 7327), the El Centro, Calif., Restricted Area R–2510 is amended to read:

R–2510 El Centro, Calif.:

Boundaries. Beginning at latitude 32°–59'35" N., longitude 115°43'30" W.; to latitude 32°52'40" N., longitude 115°43'30" W.; counterclockwise along the arc of a 5-mile radius circle centered at latitude 32°49'20" N., longitude 115°40'15" W.; to latitude 32°–50'05" N., longitude 115°45'20" W.; to latitude 32°50'05" N., longitude 115°55'00" W.; to latitude 32°55'50" N., longitude 115°55'–00" W.; to latitude 33°01'20" N., longitude 116°02'15" W.; to latitude 33°06'35" N., longitude 115°56'50" W.; to latitude 33°06'–35" N., longitude 115°51'12" W.; to the point of beginning.

Designated altitudes. Surface to flight level 1,000.

Time of designation. Continuous, surface to 20,000 feet MSL; Sunrise to sunset, Monday through Friday, 20,000 feet MSL to flight level 1,000.

Using Agency. Commanding Officer, Marine Corps Auxiliary Air Station, Yuma, Arizona.

This amendment shall become effective 0001 e.s.t. December 13, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–10202; Filed, Oct. 12, 1962; 8:45 a.m.]

[Airspace Docket No. 62–SO–20]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On July 24, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 6987), stating that the Federal Aviation Agency was considering an amendment to § 608.44 of the regulations of the Administrator to provide the Tactical Air Command use of this area surface to 3,500 feet MSL as published in NOTAMS at least twenty-four hours in advance of use.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator, (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

1. In § 608.44 Mississippi (27 F.R. 7346) the Camp Shelby, Miss., Restricted Area R–4401 is amended to read:

R–4401 Camp Shelby, Miss.:

Boundaries. Beginning at latitude 31°–12'54" N., longitude 89°11'03" W.; to latitude 31°11'48" N., longitude 89°00'00" W.; to latitude 31°04'36" N., longitude 89°00'00" W.; to latitude 31°04'36" N., longitude 89°–11'03" W.; to the point of beginning.

Designated altitudes and time of designation. Surface to 13,000 feet MSL, 0700 to 2300 c.s.t., Monday through Friday, June 1 through August 31; surface to 3,500 feet MSL as published in NOTAMs at least twenty-four hours in advance of use, to be activated once each three months for periods of approximately three consecutive weeks.

Using agency. Adjutant General, State of Mississippi, Jackson, Miss.

This amendment shall become effective 0001 e.s.t. November 15, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–10203; Filed, Oct. 12, 1962; 8:45 a.m.]

[Reg. Docket No. 1416; Amdt. 94]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and altitudes which

assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.11 *Green Federal airway 1* is amended to read:

From U.S.-Canadian Border; to Millinocket, Maine, LFR; MEA 6,000.
From Millinocket, Maine, LFR; to Orient INT, Maine; MEA 2,100.

Section 610.603 *Blue Federal airway 3* is deleted.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From Guppy INT, Fla.; to Fisher INT, Fla.; MEA 2,000; via control, 1,150.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Farmington, N. Mex., VOR; to La Sal, Utah, VOR; MEA *12,000. *10,600—MOCA.
From Albany, Ga., VOR; to Valdosta, Ga., VOR; MEA 2,400.
From Spartanburg, S.C., VOR; to Hickory, N.C., VOR; MEA 3,000.
From Georgetown INT, Tenn.; to Etowah INT, Tenn.; MEA 3,500.

Section 610.1001 *Direct routes—U.S.* is amended to read in part:

From Maytown INT, Fla.; to *Titusville INT, Fla.; MEA **2,500. *4,000—MRA. **1,200—MOCA.
From Titusville INT, Fla.; to *Squid INT, Fla.; MEA **15,000. *20,000—MRA. **1,000—MOCA.
From Squid INT, Fla.; to Barracuda INT, Fla.; MEA *15,000. *1,000—MOCA.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From Riverhead INT, Md.; to Dayton INT, Md.; MEA 2,000.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Herndon, Va., VOR; to Oakton INT, Va.; MEA 1,500.
From Oakton INT, Va.; to Fairfax INT, Va.; MEA 1,600.
From Fairfax INT, Va.; to Doncaster INT, Md.; MEA 1,500.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Mount Holly INT, Ohio; to Gladstone INT, Ohio; MEA *3,000. *2,500—MOCA.
From Gladstone INT, Ohio, to South Solon INT, Ohio; MEA 3,000.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From *Malone INT, Fla., via W alter.; to **Madrid INT, Ala., via W alter.; MEA 2,500. *3,000—MRA. **3,200—MRA.
From Madrid INT, Ala., via W alter.; to Dothan, Ala., VOR via W alter.; MEA 2,500.

Section 610.6009 *VOR Federal airway 9* is amended to read in part:

From Memphis, Tenn., VOR; to Blytheville, Ark., VOR; MEA *3,000. *2,300—MOCA.
From Blytheville, Ark., VOR; to Malden, Mo., VOR; MEA *3,000. *1,700—MOCA.

Section 610.6011 *VOR Federal airway 11* is amended to read in part:

From Anderson INT, Tenn., via E. alter.; to Int. 112 M rad Dyersburg VOR and 266 M rad Graham VOR via E alter.; MEA *4,000. *2,100—MOCA.
From Int. 112 M rad Dyersburg VOR and 266 M rad Graham VOR via E alter.; to *Bradford INT, Tenn., via E alter.; MEA **4,000. *4,000—MRA. **1,600—MOCA.
From Memphis, Tenn., VOR; to Dyersburg, Tenn., VOR; MEA *2,000. *1,700—MOCA.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Blythe, Calif., VOR via N alter.; to Buckeye, Ariz., VOR via N alter.; MEA *6,500. *5,500—MOCA.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Lake Charles, La., VOR via N alter.; to Hathaway INT, La., via N alter.; MEA 1,400.

Section 610.6021 *VOR Federal airway 21* is amended to read in part:

From *Craters INT, Calif.; to Jean INT, Nev.; northbound, MEA **10,000; Southbound, MEA **12,000. *12,000—MCA Craters INT, southbound. **8,000—MOCA.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From Miami, Fla., ILS/LOM, via W alter.; to Int. W crs. (I—MFA) and 152 M rad Miami VOR, via W alter.; MEA 1,300.
From Int. W crs. (I—MFA) and 152 M rad Miami VOR, via W alter.; to *Vega INT, Fla., via W alter.; MEA **1,500. *3,100—MRA. **1,300—MOCA.
From *Homo INT, Fla., via E alter.; to Gainesville, Fla., VOR, via E alter.; MEA 1,500. *2,500—MRA.

Section 610.6051 *VOR Federal airway 51* is amended to read in part:

From Dublin, Ga., VOR, via E alter.; to Macon, Ga., VOR, via E alter.; MEA 1,700.
From Biscayne Bay, Fla., VOR, via E alter.; to Oakland INT, Fla., via E alter.; MEA 2,000.

Section 610.6053 *VOR Federal airway 53* is amended to read in part:

From Holston Mountain, Tenn., VOR; to Daley INT, Ky.; MEA 6,000.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From Memphis, Tenn., VOR, via S alter.; to Miller INT, Miss., via S alter.; MEA 1,600.
From Moscow INT, Tenn., via N alter.; to Int. 076 M rad Memphis VOR and 293 M rad Muscle Shoals VOR via N alter.; MEA *3,200. *2,000—MOCA.
From Int. 076 M rad Memphis VOR and 293 M rad Muscle Shoals VOR, via N alter.; to Muscle Shoals, Ala., VOR via N alter.; MEA *3,000. *2,000—MOCA.

Section 610.6055 *VOR Federal airway 55* is amended to read in part:

From Fort Wayne, Ind., VOR, via W alter.; to Claypool INT, Ind., via W alter.; MEA 2,200.
From Claypool INT, Ind., via W alter.; to Goshen, Ind., VOR, via W alter.; MEA 2,300.

Section 610.6059 *VOR Federal airway 59* is amended to read in part:

From Ivydale INT, W. Va.; to Walnut Grove INT, W. Va.; MEA 5,000.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From Yuma, Ariz., VOR; to Gila Bend, Ariz., VOR; MEA 4,000.

Section 610.6072 *VOR Federal airway 72* is amended to read in part:

From Rockdale, N.Y., VOR; to Albany, N.Y., VOR; MEA 4,000.

Section 610.6140 *VOR Federal airway 140* is amended to read in part:

From Walnut Ridge, Ark., VOR; to Dyersburg, Tenn., VOR; MEA 1,700.

Section 610.6154 *VOR Federal airway 154* is amended to read in part:

From Macon, Ga., VOR; to Dublin, Ga., VOR; MEA 1,700.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From Harvey INT, Fla., via W alter.; to *Vega INT, Fla., via W alter; MEA **3,800. *3,100—MRA. **1,100—MOCA.

Section 610.6161 *VOR Federal airway 161* is amended to read in part:

From *Marshalltown INT, Iowa; to **Reinbeck INT, Iowa; MEA 2,400. *2,700—MRA. **2,700—MRA.

Section 610.6169 *VOR Federal airway 169* is amended to read in part:

From Tobe, Colo., VOR; to Hugo, Colo., VOR; MEA 7,500.

Section 610.6176 *VOR Federal airway 176* is amended to read in part:

From Memphis, Tenn., VOR via S alter.; to Miller INT, Miss., via S alter; MEA 1,600.

Section 610.6185 *VOR Federal airway 185* is amended to read in part:

From Asheville, N.C., VOR; to Owen INT, N.C.; MEA 6,000.
From Owen INT, N.C.; to Marshall INT, N.C.; MEA *7,000. *6,800—MOCA.
From Marshall INT, N.C.; to Douglas INT, Tenn.; MEA *8,000. *7,700—MOCA.

Section 610.6191 *VOR Federal airway 191* is amended to read in part:

From *Wausaw, Wis., VOR; to Rhinelander, Wis., VOR; MEA 3,100. *3,000—MCA Wausaw VOR, northbound.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From Lake Charles, La., VOR; to Hathaway INT, La.; MEA 1,400.

Section 610.6240 *VOR Federal airway 240* is amended to read in part:

From New Orleans, La., VOR; to *Ruby INT, La.; MEA 2,000. *2,700—MRA.
From Ruby INT, La.; to *Harbor INT, Miss.; MEA 2,000. *2,700—MRA.

Section 610.6251 *VOR Federal airway 251* is amended to read in part:

From Pottstown, Pa., VOR; to Int. 051 M rad Pottstown VOR and 115 M rad Allentown VOR; MEA 2,000.
From Int. 051 M rad Pottstown VOR and 115 M rad Allentown, VOR; to Sparta, N.J., VOR; MEA 2,400.

Section 610.6285 *VOR Federal airway 285* is added to read:

From Kokomo, Ind., VOR; to Goshen, Ind., VOR; MEA 2,300.

Section 610.6289 *VOR Federal airway 289* is amended to read in part:

From Beaumont, Tex., VOR; to *Kountze INT, Tex., MEA **1,600. *2,900—MRA. **1,500—MOCA.
From Kountze INT, Tex.; to Lufkin, Tex., VOR; MEA *1,600. *1,500—MOCA.

Section 610.6415 *Hawaii VOR Federal airway 15* is amended to read in part:

From *Molokai, Hawaii, VOR; to **Maui, Hawaii, VOR; MEA 7,000. *4,500—MCA Molokai VOR, eastbound. **8,000—MCA Maui VOR, eastbound. **6,000—MCA Maui VOR, westbound.

Section 610.6428 *VOR Federal airway 428* is amended to read in part:

From Ithaca, N.Y., VOR; to Georgetown, N.Y., VOR; MEA 3,500.
From Georgetown, N.Y., VOR; to Utica, N.Y., VOR; MEA 3,500.

Section 610.6477 *VOR Federal airway 477* is amended to read in part:

From Bedias INT, Tex., via W alter.; to Leona, Tex., VOR via W alter.; MEA 2,100.

Section 610.6503 *VOR Federal airway 503* is amended to read in part:

From *Goffs, Calif., VOR; to Clark INT, Calif.; MEA 12,000. *10,000—MCA Goffs VOR, northwest-bound.

Section 610.6804 *VOR Federal airway 804* is amended to read in part:

From Clarion, Pa., VOR; to Imperial, Pa., VOR; MEA 3,000.

Section 610.6837 *VOR Federal airway 837* is amended to read in part:

From LaGrange, Ga., VOR; to Atlanta, Ga., VOR; MEA 2,500.
From Atlanta, Ga., VOR; to Winder INT, Ga.; MEA 3,200.
From Winder INT, Ga.; to Royston, Ga., VOR; MEA 2,700.
From Royston, Ga., VOR; to Spartanburg, S.C., VOR; MEA 2,500.

Section 610.6843 *VOR Federal airway 843* is amended to read in part:

From Bowling Green, Ky., VOR; to *Hartsville INT, Tenn.; MEA **2,400. *2,800—MRA. **2,000—MOCA.

Section 610.6845 *VOR Federal airway 845* is amended to read in part:

From Ardmore, Okla., VOR; to *Gainesville INT, Tex.; MEA 2,300. *2,500—MRA.

Section 610.6859 *VOR Federal airway 859* is amended to read in part:

From Ardmore, Okla., VOR; to *Gainesville INT, Tex.; MEA 2,300. *2,500—MRA.

Section 610.1502 *VOR Federal airway 1502* is amended to read in part:

From Green Bay, Wis., VOR; to White Cloud, Mich., VOR; MEA 14,500; MAA 24,000.

Section 610.1503 *VOR Federal airway 1503* is amended to delete:

From Wilmington, N.C., VOR; to Cofield, N.C., VOR; MEA 14,500; MAA 24,000.
From Cofield, N.C., VOR; to Cape Charles, Va., VOR; MEA 14,500; MAA 24,000.

Section 610.1503 *VOR Federal airway 1503* is amended to by adding:

From Wilmington, N.C., VOR; to Norfolk, Va. VOR; MEA 14,500; MAA 24,000.
From Norfolk, Va., VOR; to Cape Charles, Va., VOR; MEA 14,500; MAA 24,000.

Section 610.1510 *VOR Federal airway 1510* is amended to read in part:

From Rock Springs, Wyo., VOR; to Laramie, Wyo., VOR; MEA 17,000; MAA 24,000.

Section 610.1677 *VOR Federal airway 1677* is amended to read in part:

From Wilmington, N.C., VOR; to Rocky Mount, N.C., VOR; MEA 14,500; MAA 24,000.

Section 610.1689 *VOR Federal airway 1689* is amended to read:

From Albany, N.Y., VOR; to U.S.-Canadian Border; MEA 14,500; MAA 24,000.

Section 610.1740 VOR Federal airway *1740* is amended by adding:

From Massena, N.Y., VOR; to Albany, N.Y., VOR; MEA 14,500; MAA 24,000.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall become effective November 15, 1962.

Issued in Washington, D.C., on October 8, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-10154; Filed, Oct. 12, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Dockets C-228, C-232, C-233]

PART 13—PROHIBITED TRADE PRACTICES

Alamo Fruit Distributors, Ltd., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist orders: John H. Ginsbach doing business as Alamo Fruit Distributors, Ltd., Alamo, Tex., Docket C-228, Sept. 11, 1962; Charles A. Rogers, Sr., et al., doing business as Chas. A. Rogers & Sons, Donna, Tex., Docket C-232, Sept. 12, 1962; and Larry Lightner, Inc., Brownsville, Tex., Docket C-233, Sept. 13, 1962]

In the Matters of John H. Ginsbach, an Individual Doing Business as Alamo Fruit Distributors, Ltd.; Charles A. Rogers, Sr., Charles A. Rogers, Jr., and William M. Rogers, Individually and as Copartners Doing Business as Chas. A. Rogers & Sons; Larry Lightner, Inc., a Corporation

Consent orders requiring three Texas fruit packers to cease violating section 2 (c) of the Clayton Act by paying commissions or discounts on a large number of purchases of citrus fruit by brokers and direct buyers for their own accounts for resale.

Identical orders to cease and desist, including orders requiring reports of compliance therewith (combining respondents in these three cases), are as follows:

It is ordered, That the respondents John H. Ginsbach, an individual doing business as Alamo Fruit Distributors, Ltd., and his officers, agents, representatives and employees; Charles A. Rogers, Sr., Charles A. Rogers, Jr., and William M. Rogers, individually and as copartners doing business as Chas. A. Rogers & Sons, their agents, representatives and employees; and Larry Lightner, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of these orders, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied with these orders.

Issued: September 11, 1962 (D. C-228), September 12, 1962 (D. C-232), September 13, 1962 (D. C-233).

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-10204; Filed, Oct. 12, 1962; 8:46 a.m.]

[Docket C-235]

PART 13—PROHIBITED TRADE PRACTICES

Annis Furs, Inc., and Felix Merrick

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary;* § 13.155-70 *Percentage savings.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Annis Furs, Inc., et al., New York, N.Y., Docket C-235, Sept. 13, 1962]

In the Matter of Annis Furs, Inc., a Corporation, and Felix Merrick, an Individual and Employee of the Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by advertising in newspapers which represented sale prices of fur products as reduced from purported regular prices which were in fact fictitious and which implied falsely that customers could "Save ¼ ⅓ ½ and more"; and by failing to maintain adequate records as a basis for price and value claims.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Annis Furs, Inc., a corporation, and its officers, and Felix Merrick, individually and as an employee of said corporation, and

respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

B. Represents directly or by implication through percentage savings claims that the prices of fur products are reduced in direct proportion to the percentage of savings stated, when such is not the fact.

C. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

2. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 13, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10205; Filed, Oct. 12, 1962; 8:46 a.m.]

[Docket 8150 o.]

PART 13—PROHIBITED TRADE PRACTICES

Lanolin Plus, Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170–52 *Medicinal, therapeutic, healthful, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Lanolin Plus, Inc., Newark, N.J., Docket 8150, Sept. 12, 1962]

Order requiring a Newark, N.J., distributor to cease representing falsely in advertising in newspapers and magazines and by means of television and radio broadcasts that its "Rybutol" vitamin-mineral would be of benefit in the treatment of tiredness, loss of a sense of well-being and happiness, and premature aging, and would provide pep, strength and energy overnight, unless such claims were expressly limited to cases where symptoms were caused by a deficiency of the nutrients in the preparation and clear disclosure was made of the fact that such symptoms were generally due to other causes than nutritional deficiency.

The order to cease and desist is as follows:

It is ordered, That respondent Lanolin Plus, Inc., a corporation, and its officers, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation designated Rybutol, or any other preparation of substantially similar composition or possessing substantially similar properties, under whatever name or names sold, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mail, by radio, by television, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That the use of said preparation will be of benefit in the treatment of tiredness, loss of a sense of well-being, loss of happiness or appearing or feeling older than one should, unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms have been caused by an established deficiency of one or more of the nutrients provided by the preparation and, further, unless the advertisement clearly and conspicuously reveals the fact that in the great majority of persons these symptoms are caused by conditions other than those which may respond to treatment by the use of the preparation, and that in such persons the preparation will not be of benefit.

(b) That the use of said preparation will provide pep, strength or energy overnight.

2. Disseminating, or causing to be disseminated, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, any advertisement which contains any of the representations prohibited in paragraph 1, above, or which fails to comply with the affirmative requirements of paragraph 1, above.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the initial decision.

Issued: September 12, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10206; Filed, Oct. 12, 1962; 8:46 a.m.]

[Docket C-234]

PART 13—PROHIBITED TRADE PRACTICES

Pfeifers of Arkansas and John Hannahs

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–70 *Percentage savings.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40 (b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Pfeifers of Arkansas et al., Little Rock, Ark., Docket C-234, Sept. 13, 1962]

In the Matter of Pfeifers of Arkansas, a Corporation, and John Hannahs, Individually and as Manager of the Fur Department of the Said Corporation

Consent order requiring a furrier in Little Rock, Ark., to cease violating the Fur Products Labeling Act by failing to show on invoices the true animal name of furs and the country of origin of imported furs, and to disclose when furs were artificially colored; by setting forth required information on invoices in abbreviated form; by advertising in newspapers which represented sale prices as reduced from regular prices which were in fact fictitious, and falsely implied purchasers could "Save ¼, ⅓, ½ and more"; and by failing to maintain adequate records as a basis for price and value claims.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Pfeifers of Arkansas, a corporation, and its officers and John Hannahs, individually and as manager of the fur department of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution, in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received, in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which:

A. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

B. Represents through percentage savings claims that prices of fur products are reduced in direct proportion to the percentage of savings stated, when such is not the fact.

C. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

3. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 13, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10207; Filed, Oct. 12, 1962; 8:46 a.m.]

[Docket 7463]

PART 13—PROHIBITED TRADE PRACTICES

Southwestern Sugar & Molasses Co. et al.

Subpart—Coercing and intimidating: § 13.345 *Competitors;* § 13.350 *Customers or prospective customers.* Subpart—Cutting off access to customers or market: § 13.572 Leasing trucking equipment of distributors.[1] Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials.* Subpart—Maintaining resale prices: § 13.1160 *Refusal to sell.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Southwestern Sugar & Molasses Company (New York, N.Y.) et al., Docket 7463, Sept. 12, 1962]

In the Matter of Southwestern Sugar & Molasses Company, a Corporation, and Abraham I. Kaplan, Peter Berdeshevsky, Lutz H. Frieler, Individually and as Officers of Said Corporation, and Stanley J. Posner, Individually and as an Employee of Said Corporation

Consent order requiring distributors of "blackstrap" molasses—the largest purchasers of domestic and "offshore" molasses in the United States—with main office in New York City and a direct branch in Houston, Tex., to cease their attempts to eliminate competition in the sale of "blackstrap" molasses—in the course of which they engaged in such unfair practices as coercing independent competitor customers to maintain prices they established and policed, including unincurred freight charges; refusing to sell to independent competitor-customers, or "hot truckers", who sold at lower delivered prices than they prescribed or, in the alternative, leasing trucking equipment to preclude price-cutting; and requiring truckers to provide "kickbacks" in order to continue hauling blackstrap molasses under lease arrangements—and to cease discriminating in price in violation of section 2(a) of the Clayton Act by such practices as selling their molasses to certain favored distributors at a discount of ¼ cent to ½ cent per gallon from the established market price.

The order to cease and desist is as follows:

It is ordered, That respondents Southwestern Sugar and Molasses Company, a corporation, its officers, representatives, agents and employees, and Lutz H. Frieler and Stanley J. Posner, individually and as employees of said corporation, their representatives, agents and employees, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of blackstrap molasses in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from doing or performing any of the following acts and practices:

(a) Entering into, continuing, maintaining, or enforcing any agreement or understanding, express or implied, with any purchaser of blackstrap molasses to fix, establish or maintain the price at which such product is to be resold by such purchaser or by which such purchaser agrees or understakes to include in any delivered price or price quotation any freight or other charge which is different from actual cost incurred.

[1] New.

(b) Persuading, inducing, coercing, intimidating, compelling, or attempting to cause or influence any customer of said respondents:

(i) To adopt, maintain, or sell or offer to sell such product at any particular price or prices; or

(ii) To include in any delivered price or price quotation any freight or other charge which is different from the actual cost incurred.

(c) Refusing to sell or offer to sell to, or otherwise deal with, any competitor-customer or prospective competitor-customer of blackstrap molasses for the reason that such purchaser or prospective purchaser has resold, or is reselling, such product at prices lower than those prescribed by said respondents.

(d) Requiring any trucker or other hauler of blackstrap molasses to pay rebates or "kickbacks" to the said respondents in order to haul respondents' blackstrap molasses.

It is further ordered, That respondents Southwestern Sugar and Molasses Company, a corporation, its officers, representatives, agents, and employees, and Lutz H. Frieler and Stanley J. Posner, as employees of said corporation, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of blackstrap molasses in commerce, as "commere" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(a) Discriminating, directly or indirectly, in the price of blackstrap molasses by selling said product from a terminal owned or operated by respondents to any purchaser at a net price which is higher than the net price charged any other purchaser of blackstrap molasses of like grade and quality from the same terminal who in fact competes with the purchaser paying the higher price in the resale and distribution of said blackstrap molasses as such, or in fact competes with such purchaser in the resale and distribution of said blackstrap molasses as an ingredient of other products.

(b) Discriminating, directly or indirectly, in the price of blackstrap molasses by selling said product for shipment from a point other than a terminal owned or operated by respondents to any purchaser at a net price which is higher than the net price charged any other purchaser of blackstrap molasses of like grade and quality (for shipment in the manner described in this subparagraph (b)) who in fact competes with the purchaser paying the higher price in the resale and distribution of said molasses as such, or in fact competes with such purchaser in the resale and distribution of said blackstrap molasses as an ingredient of other products.

For the purpose of determining "net price" as used in this order, there shall be taken into account rebates, allowances, commissions, discounts, terms and conditions of sale and delivery, or other forms of direct or indirect price reductions, by which net prices are effected.

It is further ordered, That the allegation in Paragraph Eleven of the complaint that the effect of respondents' alleged discriminations in price and terms of sale may be substantially to

lessen, injure, destroy or prevent competition in the line of commerce in which respondents are engaged be dismissed.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed without prejudice as to respondents Lutz H. Frieler and Stanley J. Posner as individuals, insofar as it relates to the allegations under Count II of the complaint; and as to respondent Abram I. Kaplan (incorrectly named in the complaint as Abraham I. Kaplan) in its entirety.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to respondent Peter Berdeshevsky, subject to this decision's becoming the decision of the Commission as to the other respondents in the proceeding.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents Southwestern Sugar and Molasses Company, Lutz H. Frieler and Stanley J. Posner shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission, Commissioner MacIntyre not concurring.

Issued: September 12, 1962.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10208; Filed, Oct. 12, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PERFLUOROCARBON RESINS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 207) filed by E. I. du Pont de Nemours and Company, Wilmington 98, Delaware, and other relevant material, has concluded that the following regulation should issue with respect to perfluorocarbon resins as articles or components of articles intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2555 Perfluorocarbon resins.

Perfluorocarbon resins may be safely used as articles or components of articles used in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) Perfluorocarbon resins are produced by the homopolymerization and/or copolymerization of hexafluoropropylene and tetrafluoroethylene, to which may have been added certain optional substances to impart desired technological properties to the resins. Subject to any limitations prescribed in this section, the optional substances may include:

(1) Substances generally recognized as safe in food and food packaging.

(2) Substances the use of which is permitted under applicable regulations in this part, prior sanctions, or approvals.

(b) Perfluorocarbon resins shall conform to the specifications prescribed in subparagraph (1) of this paragraph and shall meet the extractability limits prescribed in subparagraph (2) of this paragraph.

(1) *Specifications*—(i) *Infrared identification.* Perfluorocarbon resins can be identified by their characteristic infrared spectra.

(ii) *Melt viscosity.* Perfluorocarbon resins have a melt viscosity of not less than 10^4 poises at 380° C. as determined by American Society for Testing Materials Method D-1238-57T. Melt viscosity of the copolymers shall not vary more than 50 percent within ½-hour at 380° C.

(iii) *Thermal instability index.* The thermal instability index of the tetrafluoroethylene hemopolymer shall not exceed 50 as determined by American Society for Testing Materials Method D-1457-56T.

(2) *Limitations.* Perfluorocarbon resins when extracted at reflux temperatures for 2 hours separately with distilled water, 50 percent ethanol in water, *n*-heptane, and ethyl acetate shall meet the following extractability limits:

(i) Total extractives not to exceed 0.2 milligram per square inch.

(ii) Fluoride extractives calculated as fluorine not to exceed 0.03 milligram per square inch.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C 348(c)(1))

Dated: October 8, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-10179; Filed, Oct. 12, 1962; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6614]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Change of Annual Accounting Period

On July 18, 1962, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 442 of the Internal Revenue Code of 1954 (relating to change of annual accounting period) to facilitate the processing of requests for change of annual accounting period was published in the FEDERAL REGISTER (27 F.R. 6786). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of paragraph (b)(1) of § 1.442-1 which reads as follows is hereby adopted.

§ 1.442-1 Change of annual accounting period.

. . . . . .

(b) *Prior approval of the Commissioner*—(1) *In general.* In order to secure prior approval of a change of a taxpayer's annual accounting period, the taxpayer must file an application on Form 1128 with the Commissioner of Internal Revenue, Washington 25, D.C., on or before the last day of the calendar month following the close of the short period for which a return is required to effect the change of accounting period. Approval will not be granted unless the taxpayer and the Commissioner agree to the terms, conditions, and adjustments under which the change will be effected. In general, a change of annual accounting period will be approved where the taxpayer establishes a substantial business purpose for making the change. In determining whether a taxpayer has established a substantial business purpose for making the change, consideration will be given to all the facts and circumstances relating to the change, including the tax consequences resulting therefrom. Among the nontax factors that will be considered in determining whether a substantial business purpose has been established is the effect of the change on the taxpayer's annual cycle of business activity. The agreement between the taxpayer and the Commissioner under which the change will be effected shall, in appropriate cases, provide terms, conditions, and adjustments necessary to prevent a substantial distortion of income which otherwise would result from the change. The following are examples of effects of the change which would substantially distort income: (i) Deferral of a substantial portion of the taxpayer's income, or shifting of a substantial portion of deductions, from one year to another so as to substantially reduce the taxpayer's tax liability; (ii) causing a similar deferral or shifting in the case of any other person, such as a partner, a beneficiary, or a shareholder in an electing small business corporation as defined in section 1371(b); or (iii) creating a short period in which there is either (*a*) a substantial net operating loss, or (*b*) in the case of an electing small business corporation, a substantial portion of amounts treated as long-term capital gain. Even though a substantial business purpose is not established, the Commissioner in appropriate cases may permit a husband or wife to change his or her taxable year in order to secure the benefits of section 2 (relating to tax in the case of a joint return). See paragraph (e) of this section for special rule for newly married couples.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] MORTIMER M. CAPLIN, *Commissioner of Internal Revenue.*

Approved: October 10, 1962.

STANLEY S. SURREY, *Assistant Secretary of the Treasury.*

[F.R. Doc. 62-10232; Filed, Oct. 12, 1962; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 687—HOSIERY INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), and by means of Administrative Order No. 564 (27 F.R. 7680), the Secretary of Labor appointed and convened Industry Committee No. 54-B. Administrative Order No. 564 referred to Industry Committee No. 54-B the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the hosiery industry in Puerto Rico, as defined in that order, and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 54-B are hereinafter published in this revision of 29 CFR Part 687.

Effective October 28, 1962, 29 CFR Part 687 is hereby revised to read as follows:

Sec.
687.1 Definition.
687.2 Wage rates.
687.3 Notices.

AUTHORITY: §§ 687.1 to 687.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 687.1 Definition.

The hosiery industry in Puerto Rico to which this part shall apply, is defined as the manufacture and processing of full-fashioned and seamless hosiery, including, among other processes, the knitting, seaming, looping, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture or processing of yarn or thread.

§ 687.2 Wage rates.

Wages at a rate of not less than 78 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hosiery industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce, or who is employed in an enterprise engaged in commerce or in the production of goods for commerce.

§ 687.3 Notices.

Every employer subject to the provisions of § 687.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 687.2 are working such notice of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 10th day of October 1962.

CLARENCE T. LUNDQUIST, *Administrator.*

[F.R. Doc. 62-10234; Filed, Oct. 12, 1962; 8:50 a.m.]

PART 699—TEXTILE AND TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), and by means of Administrative Order No. 564 (27 F.R. 7680), the Secretary of Labor appointed and convened Industry Committee No. 54-A. Administrative Order No. 564 referred to Industry Committee No. 54-A the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the textile and textile products industry in Puerto Rico, as defined in that Order, and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Excluded from the matters referred to Industry Committee No. 54-A were the activities described in 29 CFR 699.2 (a) and (g). The minimum wage rates for these activities equal the rates prescribed in section 6(a)(1) or 6(b)(1) of the Act.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 54-A are hereinafter published in this revision of 29 CFR Part 699.

Effective October 28, 1962, 29 CFR Part 699 is hereby revised to read as follows:

Sec.
699.1 Definition.
699.2 Wage rates.
699.3 Notices.

AUTHORITY: §§ 699.1 to 699.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062 as amended; 29 U.S.C. 205, 206.

§ 699.1 Definition.

The textile and textile products industry in Puerto Rico to which this part shall apply is defined as the preparation of textile fibers, including the ginning and compressing of cotton; the manufacture of batting, wadding, and filling; the manufacture, including dyeing and finishing of yarn, cordage, twine, felt, woven and knitted fabrics, and lace-machine products, from cotton, jute, sisal, coir, maguey, silk, rayon, nylon, wool or other vegetable, animal, or synthetic fiber, or from mixtures of these fibers; and the manufacture of blankets, textile bags, mattresses, quilts, pillows, hairnets, oilcloth and artificial leather containing a textile base, woven carpets and rugs, and hooked or punched rugs and carpeting: *Provided, however*, That the industry shall not include the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber.

§ 699.2 Wage rates.

(a) Wages at a rate of not less than $1.15 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce and who is

also engaged in the mattress and pillow classification of the textile and textile products industry in Puerto Rico, which is defined as the manufacture of mattresses and pillows.

(b) Wages at a rate of not less than 70 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce and who is also engaged in the bag cleaning and repairing classification of the textile and textile products industry in Puerto Rico, which is defined as the cleaning, mending, and repairing of bags made from burlap, cotton, and other textile materials.

(c) Wages at a rate of not less than 88 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce and who is also engaged in the multiple-needle power-driven machine operations on hooked rugs classification of the textile and textile products industry in Puerto Rico, which is defined as the punching or tufting in the manufacture of hooked or punched rugs and carpeting with multiple-needle machines containing five or more needles, including the operation of the machine, the work of the assistant or helper thereon, and the work of the maintenance employees who set up or repair these machines.

(d) Wages at a rate of not less than 68 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce and who is also engaged in the other operations on hooked rugs classification of the textile and textile products industry in Puerto Rico, which is defined as all operations and processes in the manufacture of hooked or punched rugs and carpeting except those included in the multiple-needle power-driven machine operations on hooked rugs classification as defined in paragraph (c) of this section.

(e) Wages at a rate of not less than 79 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce and who is also engaged in the yarn classification of the textile and textile products industry in Puerto Rico, which is defined as the spinning, throwing, twisting, winding, or spooling of yarn of all fibers in establishments primarily engaged in producing yarn as an end product.

(f) Wages of not less than 73 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce and who is also engaged in the broad woven fabrics classification of the textile and textile products industry in Puerto Rico, which is defined as the weaving of fabrics of all fibers over 12 inches in width.

(g) Wages at a rate of not less than 75 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce and who is also engaged in the general classification of the textile and textile products industry in Puerto Rico, which is defined as all services and the manufacture of all products included in the textile and textile products industry in Puerto Rico, except those products and activities included in any other classification of this industry.

(h) Wages at a rate of not less than $1.00 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the mattresses and bedsprings craft masters and supervisors new coverage classification of the textile and textile products industry in Puerto Rico, who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the operations performed by craft masters and supervisors, as these terms are used in the trade, who are engaged in the manufacture of mattresses, bedsprings and boxsprings and who are covered by section 6 of the Act, only by reason of the Fair Labor Standards Amendments of 1961 in the textile and textile products industry in Puerto Rico.

(i) Wages at a rate of not less than $1.00 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the mattresses and bedsprings skilled workers new coverage classification of the textile and textile products industry in Puerto Rico, who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the operations performed by skilled workers, as this term is used in the trade, who are engaged in the manufacture of mattresses, bedsprings, and boxsprings, and who are covered by section 6 of the Act, only by reason of the Fair Labor Standards Amendments of 1961 in the textile and textile products industry in Puerto Rico.

(j) Wages at a rate of not less than 85 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general textile and textile products new coverage classification of the textile and textile products industry in Puerto Rico, who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all activities of employees covered by section 6 of the Act, only by reason of the Fair Labor Standards Amendments of 1961 in the textile and textile products industry in Puerto Rico except those included in the mattresses and bedsprings craft masters and supervisors new coverage classification and the mattresses and bedsprings skilled workers new coverage classification.

§ 699.3 Notices.

Every employer subject to the provisions of § 699.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 699.2 are working such notice of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington 25, D.C., this 9th day of October 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-10235; Filed, Oct. 12, 1962; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER C—AIDS TO NAVIGATION

[CGFR 62-32]

PART 62—UNITED STATES AIDS TO NAVIGATION SYSTEM

PART 66—PRIVATE AIDS TO NAVIGATION

PART 67—PRIVATE AIDS TO NAVIGATION, OUTER CONTINENTAL SHELF AND WATERS UNDER THE JURISDICTION OF THE UNITED STATES

PART 72—MARINE INFORMATION

Miscellaneous Amendments

The purpose of the following amendments to the regulations is to:

(a) Make certain miscellaneous corrections.

(b) Define with greater particularity certain Electronic Aids to Navigation.

(c) Amend the description of the location of private aids to conform with 14 U.S.C. 83.

(d) Amend the description of the procedure for testing fog signals for use on the Outer Continental Shelf to agree with actual practice.

(e) Amend the regulations to permit the installation of obstruction lights, on Class B structures on the Outer Continental Shelf, more than 60 feet above mean high water without changing their required arcs of visibility.

(f) Amend the regulations to require notification to the District Commander of the commencement of work on the site of certain structures located on the Outer Continental Shelf.

(g) Amend the regulation to indicate the present practice of issuing Weekly Notices to Mariners.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Nos. 167-3, dated May 6, 1953 (18 F.R. 2962), 167-15, dated January 3, 1955 (20 F.R. 840), 167-17, dated June 29, 1955 (20 F.R. 4976), and 167-23, dated July 27, 1962 (27 F.R. 5852), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

Subpart 62.15—Reporting Defects

§ 62.15-1 [Amendment]

Section 62.15-1 *Procedure* is amended by changing after the title "Radio Navigational Aids" the number "HO-205" to "HO-117".

Subpart 62.40—Loran

Section 62.40-1 is amended to read as follows:

§ 62.40-1 General.

(a) Loran-A is an electronic aid to navigation by means of which navigators on or over the ocean can determine their position accurately and quickly, day or night, and under practically any condition of weather and sea. A Loran line of position is determined by measuring the time difference in receipt of synchronized electromagnetic wave pulses from two transmitting stations. A position fix may be determined by crossing a Loran line of position with another Loran line, sun line, star line, or other normal line of position. The reliable average daytime range of Loran-A is 700 miles using ground waves and 1,400 miles nighttime range using sky waves. Loran-A is usable only by vessels or aircraft equipped with a Loran-A receiver-indicator and Loran-A charts or tables.

(b) Loran-C is similar to Loran-A in most particulars, being also an electronic pulsed hyperbolic radio aid to navigation. Due to the lower frequency band used, 90-110 kc/s, ranges are considerably increased. Groundwave coverage extends approximately 1,200 miles from each station. Usable skywave coverage exists to about 3,500 miles. Accuracy of Loran-C is considerably greater than Loran-A. Use of the system requires appropriate Loran-C receiver-indicator equipment and charts or tables.

Section 62.40-5 is amended to read as follows:

§ 62.40-5 Rate designation.

(a) The Loran signals transmitted from two paired transmitting stations determine a Loran rate. Loran-A rates are given designators consisting of a single digit number followed by either the letter "L", "H", or "S", followed by another single digit number. The first digit indicates the frequency channel of the rate (in the band 1750 kc/s to 2000 kc/s) and the letter and final digit designate the pulse recurrence rate, i.e., the number of pulses per second transmitted. Loran-C rates are designated by a similar system in that letters and numbers are used to specify basic rates and specific pulse intervals. Since all rates are on the same frequency (100 kc/s) no preliminary number is required.

(Sec. 92, 63 Stat. 503, 14 U.S.C. 92. Interpret or apply secs. 81, 87, 93, 633, 63 Stat. 500 as amended, 501, 504, as amended, 545; 14 U.S.C. 81, 87, 93, 633)

Subpart 66.01—General

Section 66.01-1 is amended to read as follows:

§ 66.01-1 Basic provisions.

(a) No person, public body, or instrumentality not under the control of the Commandant, exclusive of the Armed Forces, shall establish, erect or maintain any aid to maritime navigation, without first obtaining permission to do so from the Commandant; nor shall any person, public body, or instrumentality change, move or discontinue any authorized private aid to navigation required by statute or regulation (Class I, § 66.01-15), without first obtaining permission to do so from the commandant. Discontinuance of any authorized voluntary private aid (Classes II and III, § 66.01-15), not required by statute or regulation, may be effected by order of the Coast Guard in accordance with § 66.01-25 or by removal by owner after a 30-day period of notice to the District Commander to whom the original request for authorization for establishment of the aid was submitted.

(b) Coast Guard authorization of a private aid to navigation does not authorize any invasion of private rights, not grant any exclusive privileges, nor does it obviate the necessity of complying with any other Federal, State, or local laws or regulations. It is an instrument of record which concerns the public rights and benefits derived from the aids to navigation system of the United States.

(Sec. 92, 63 Stat. 503, as amended; 14 U.S.C. 92. Interpret or apply secs. 83, 85, 633, 63 Stat. 500, 501, as amended, 545, sec. 4, 67 Stat. 462; 14 U.S.C. 83, 85, 633, 43 U.S.C. 1333)

Subpart 67.10—General Requirements for Fog Signals

Section 67.10-1(a)(4) is amended to read as follows:

§ 67.10-1 Types and characteristics.

(a) * * *

(4) In lieu of witnessing the actual test of the fog signal apparatus prior to the issuance of a permit for its establishment and operation the District Commander may accept as proof a certificate prepared by the manufacturer which shows that the particular fog signal apparatus proposed for use is an identical production model of a type of fog signal which has been tested in the presence of a Coast Guard Officer and which has been found to meet or exceed the requirements of this part.

Subpart 67.25—Class "B" Requirements

Section 67.25-5(a) is amended to read as follows:

§ 67.25-5 Obstruction lights.

(a) The obstruction lights shall be white lights as prescribed in Subpart 67.05 of this part and shall be of sufficient candlepower as to be visible at a distance of at least three nautical miles 90 percent of the nights of the year. The lights shall be displayed not less than 20 feet above mean high water, but not at a height greater than that specified in § 67.05-1(f), except that on Class "B" structures which are required to be marked by only one light, that light may be displayed not less than 10 feet above mean high water if the structural features preclude mounting the light within the range of heights otherwise specified in this section.

Subpart 67.40—Notification

Section 67.40-1(a) is amended to read as follows:

§ 67.40-1 Notification to District Commander.

(a) *Class "A" structures.* In the case of structures to be located in areas where Class "A" requirements must be met, notification shall be given to the District Commander of the approximate date work will commence, as soon as known after a permit is received from the Corps of Engineers, U.S. Army, or 30 days in advance, if possible. The District Commander shall be notified by telegram the day the construction of the structure is commenced, informing him of the lights and fog signals to be used during construction. When construction has been completed, the maintainer shall notify the District Commander to that effect by letter, stating whether or not the authorized obstruction lights and/or fog signals are in operation. Final notification by letter shall be given when the lights used for general illumination, to facilitate the construction or operation of the structure, have been discontinued and the authorized obstruction lights placed in operation.

(Sec. 92, 63 Stat. 503; 14 U.S.C. 92. Interpret or apply secs. 83, 85, 633, 63 Stat. 500, 501, as amended, 545, sec. 4, 67 Stat. 462, 14 U.S.C. 83, 85, 633, 43 U.S.C. 1333)

Subpart 72.01—Notices to Mariners

Section 72.01-10 is amended to read as follows:

§ 72.01-10 Weekly Notice to Mariners (Part I, Atlantic and Mediterranean).

(a) Weekly Notices to Mariners (Part I—Atlantic and Mediterranean) are prepared jointly by the United States Coast Guard, Treasury Department, and the United States Naval Oceanographic Office, Navy Department, and are published weekly by the Naval Oceanographic Office. They include changes in aids to navigation in assembled form for the 1st, 3d, 5th, 7th, and 8th Coast Guard Districts and the Greater Antilles Section. Foreign marine information in the Atlantic and Mediterranean area is also included in these notices.

(b) These notices are intended for mariners and others who have a definite need for them in connection with extended seagoing activities or those operating in several Coast Guard Districts.

(c) These notices may be obtained, free of charge, upon request to the Commander, U.S. Naval Oceanographic Office, Washington 25, D.C.

Section 72.01-20 is amended to read as follows:

§ 72.01-20 Weekly Notice to Mariners (Part II, Pacific and Indian Oceans).

(a) Weekly Notices to Mariners (Part II—Pacific and Indian Oceans) are prepared jointly by the United States Coast Guard, Treasury Department, and the United States Naval Oceanographic Office, Navy Department, and are published weekly by the Naval Oceanographic Office. They include changes in aids to navigation in assembled form for the 11th, 12th, 13th, 14th, and 17th Coast Guard Districts. Foreign marine information in the Pacific and Indian Ocean area is also included in these notices.

(b) These notices are intended for mariners and others who have a definite need for them in connection with extended seagoing activities or those operating in several Coast Guard Districts.

(c) These notices may be obtained, free of charge, upon request to the Commander, U.S. Naval Oceanographic Office, Washington 25, D.C.

(Sec. 92, 63 Stat. 503, as amended; 14 U.S.C. 92. Interpret or apply secs. 93, 633, 63 Stat. 504, as amended, 545; 14 U.S.C. 93, 633)

Dated: October 8, 1962.

[SEAL] D. McG. MORRISON,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 62-10230; Filed, Oct. 12, 1962; 8:49 a.m.]

Title 46—SHIPPING

Chapter III—Great Lakes Pilotage Administration, Department of Commerce

PART 401—GREAT LAKES PILOTAGE REGULATIONS

Miscellaneous Amendments

On June 9, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5509) setting forth the text of proposed amendments to the Great Lakes Pilotage Regulations.

Interested persons submitted data and views at a public hearing in Washington, D.C., on June 27, 1962. Interested persons also submitted written data and views prior to completion of the hearing.

After consideration of all relevant matter submitted, the following amendments to the Great Lakes Pilotage Regulations are hereby adopted.

Subpart D—Rates, Charges and Conditions for Pilotage Services

Section 401.400 is amended to read as follows:

§ 401.400 Rates and charges on designated waters.

(a) The following rates and charges shall be payable for all services performed by United States or Canadian registered pilots in the following areas of the United States waters of the Great Lakes described in § 401.300, pursuant to the written arrangements between United States and Canada of May 1, 1961:

(1) *District No. 1.* (i) Snell Lock to Cape Vincent	$200
(ii) Trips commencing or terminating at any intermediate point within the District, an amount computed on a pro-rata basis set forth in (i) according to the distance piloted shall be charged as pilotage dues with a minimum charge therefor of	50
(2) *District No. 2.* (i) The Welland Canal	125
(ii) Trips commencing or terminating at any intermediate point within the Welland Canal an amount computed on the basis of $3 for each mile of distance piloted plus $10 for each lock transited except that the minimum charge for such part pilotage shall be	30
and the maximum charge for such part pilotage shall not exceed	125
(iii) Southeast Shoal (pilots board at the Welland Canal) to Lake Huron Lightship (includes direct transit of undesignated Lake Erie waters)	125
(iv) Southeast Shoal (pilots board at the Welland Canal) to any point on Lake Erie west of Southeast Shoal (includes direct transit of undesignated Lake Erie waters)	80
(v) Southeast Shoal (pilots board at the Welland Canal) to any point on the Detroit River (includes direct transit of undesignated Lake Erie waters)	80
(vi) Any point on Lake Erie west of Southeast Shoal to any point on the St. Clair River or to Lake Huron Lightship	125
(vii) Any point on Lake Erie west of Southeast Shoal to any point on the Detroit River	80
(viii) Any point on the Detroit River to any point on the St. Clair River or to Lake Huron Lightship	80
(ix) Any point on the Detroit River or the St. Clair River to any point on the same river, or from any point on Lake Erie west of Southeast Shoal to any other point on Lake Erie west of Southeast Shoal	50
(3) *District No. 3.* (i) Detour Reef Light to Gros Cap Reefs Light	200
(ii) Detour Reef Light to Sault Ste. Marie, Mich. or Sault Ste. Marie, Ontario	165
(3) *District No. 3*—Continued	
(iii) Detour Reef Light to Algoma Steel Corp. Wharf at Sault Ste. Marie, Ontario	$200
(iv) Sault Ste. Marie, Mich. or Sault Ste. Marie, Ontario including the Algoma Steel Corp. Wharf to Gros Cap Reefs Light	75
(v) Harbor movement of vessels within District No. 3, per movement	50

(b) When a vessel in transit of a District puts into a port for the purpose of loading or discharging cargo, or otherwise interrupts her passage through the District for the convenience of the vessel, excluding ice, weather and traffic delay, and the pilot remains on board for the convenience of the vessel, an additional charge of $5 per hour, with a maximum of $50 for each 24-hour period, shall be payable.

Section 401.410 is amended to read as follows:

§ 401.410 Rates and charges on undesignated waters.

The rates or charges for all pilotage services performed by United States or Canadian registered pilots in undesignated waters, other than the direct transit of Lake Erie covered by the rates as specified in District No. 2, paragraph (a)(2)(iii), (iv), and (v) of § 401.400, payable for each 24-hour period or part thereof shall be $50, plus a charge of $25 for a harbor movage, or for docking or undocking the vessel upon arrival or departure, if performed by the pilot, plus travel expenses reasonably incurred by the pilot both in joining the vessel and in returning to his base.

Section 401.420 is amended to read as follows:

§ 401.420 Cancellation of services.

When a pilot reports for service and the service is cancelled within one hour of the time of his reporting, a charge of $25 shall be made and if the service is cancelled after one hour a further charge of $5 per hour for each hour after the first hour shall be charged, but the aggregate amount of these charges shall not exceed $50 for any one 24-hour period. When a pilot reports for service and the rendition of his services is delayed for the convenience of the vessel for more than one hour, or when the pilot has completed his services and he is delayed for the convenience of the vessel for more than one hour in debarking from the vessel, then a further charge of $5 for each hour after the first hour shall be charged, but the aggregate amount of these charges shall not exceed $50 for any one 24-hour period.

Effective date: October 15, 1962.

A. T. MESCHTER,
Administrator.

[F.R. Doc. 62-10218; Filed, Oct. 12, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 74]

SCABIES IN SHEEP

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), it is proposed to amend § 74.3(a)(1) of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, by adding the Virgin Islands of the United States to the list of areas therein designated as eradication areas, since the cooperative sheep scabies eradication program is now being conducted in such Territory, which is presently included in the areas designated as infected.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 45 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of October 1962.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 62-10225; Filed, Oct. 12, 1962; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 815]

ALLOTMENT OF 1963 DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Notice of Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter called the "Act", and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of the direct-consumption portion of the 1963 mainland quota for Puerto Rico is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States, and hereby give notice that a public hearing will be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area ASCS Office, Segarra Building on October 25, 1962, at 10:00 a.m.

The findings made above are in the nature of preliminary findings based on the best information now available. The quantity of direct-consumption sugar which will be permitted to be brought into the continental United States within the 1963 quota is still unknown. However, the capacity of Puerto Rican refineries to produce direct-consumption sugar far exceeds the quantity of such sugar which may be marketed in the continental United States and for local consumption in Puerto Rico within probable 1963 quotas.

Under such circumstances it is imperative that provision be made for the allotment of the direct-consumption portion of the mainland quota to avoid disorderly marketing and to afford all interested persons an equitable opportunity to market direct-consumption sugar in the continental United States.

It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary findings and make or withhold allotment of the direct-consumption portion of the mainland quota in accordance therewith.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make fair, efficient, and equitable allotments of the direct-consumption portion of the 1963 mainland quota among persons who produce or refine and market direct-consumption sugar to be brought into the continental United States for consumption therein.

In addition, the subject and issues of this hearing also include (1) the manner in which the statutory factors of "processings from proportionate shares", "past marketings", and "ability to market", as provided in section 205(a) of the said Act, should be measured; and (2) the relative weightings which should be given to these factors.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the direct-consumption portion of the mainland quota for the purposes of (1) allotting any increase, or decrease in the direct-consumption portion of the mainland quota; (2) allotting any deficit in the allotment for any allottee, and (3) substituting revised estimates of data or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of this portion of the quota.

Issued at Washington, D.C., this 10th day of October 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-10240; Filed, Oct. 12, 1962; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-FW-104]

FEDERAL AIRWAYS

Proposed Alterations

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13) and in consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.1610 and 600.1630 of the regulations of the Administrator. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on International air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3.D that its state aircraft will be operated in International airspace with due regard for the safety of civil aircraft.

Since this action involves in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Intermediate altitude VOR Federal airway No. 1610 extends in part from the Houston, Tex., VOR to the Lake Charles, La., VOR via the intersection of the Houston VOR 044° and the Lake Charles VOR 273° True radials. Intermediate altitude VOR Federal airway

No. 1630 extends in part from the Austin, Tex., VOR to the Houston, Tex., VOR.

The Federal Aviation Agency has under consideration the following proposed airspace actions:

1. Extend Victor 1630 from the Houston VOR as a 10-mile wide airway via the intersection of the Houston VOR 090° and the Sabine Pass, Tex., VOR 265° True radials to the Sabine Pass VOR; thence 10-mile wide airway to the Tibby, La., VOR, including the additional airspace between lines diverging from the Sabine Pass VOR to points of tangency to a circle with an 8.5 statute mile radius centered at the intersection of the Sabine Pass VOR 090° and the Lake Charles, La., VOR 127° True radials; within the circumference of the circle and between lines tangent to that circle converging to the Tibby VOR; thence 10-mile wide airway to the New Orleans, La., VOR. This extension of Victor 1630 would facilitate the movement of intermediate altitude air traffic by combining with intermediate altitude VOR Federal airway No. 1542 to provide a dual route structure between Houston and New Orleans. The reduced airway widths from Houston to Sabine Pass would provide lateral separation from Victor 1542 and Victor 1548 airways. The proposed airway width and alignment between Sabine Pass and Tibby would minimize the conflict with the airspace utilized for jet aircraft penetration procedures at NAS New Iberia, La., and would permit Victor 1630 to overlie the centerline of low altitude VOR Federal airway No. 22 and assure adequate lateral protection for aircraft operating at the maximum distance from widely separated navigational aids, where minute errors, either in ground or airborne equipment, could result in more than 5 statute miles deviation from the airway centerline. The reduced airway width from Tibby to New Orleans would provide lateral separation from adjoining airspace being utilized for arrival and departing traffic within the New Orleans terminal area.

2. After the segment of Victor 1610 from Houston to Lake Charles by realigning it from the Houston VOR as a 10-mile wide airway via the intersection of the Houston VOR 090° and the Sabine Pass VOR 265° True radials; Sabine Pass VOR to the Lake Charles VOR. Victor 1610 would then coincide with the preferential outbound routing from Houston for eastbound traffic.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn.: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on October 8, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-10201; Filed, Oct. 12, 1962; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 62-SO-61]

SPECIAL USE AIRSPACE

Proposed Designation of Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.29 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of the Air Force for designation of a restricted area in the vicinity of Venice, Fla.

The restricted area being considered is currently designated in § 608.29 of the Regulations of the Administrator as R-2920 Venice, Fla.; however, this restricted area will expire on November 15, 1962. The area is used to contain periodic high altitude rocket launching activities which are conducted in conjunction with certain missile launchings from Cape Canaveral, Fla.

It was intended that the program would be completed by November 15, 1962. The Air Force has stated, however, that the program has not been completed and that there is a requirement for designation of the area until November 15, 1963.

Restricted area R-2920 is presently designated on a part-time basis, being activated approximately twice each month, normally during the hours of darkness. Issuance of a NOTAM at least 24 hours in advance is required for activation of the area. The Air Force proposal under consideration would continue these procedures and would also continue the designation of the area as joint use with the Miami Air Route Traffic Control Center as the controlling agency.

If this action is taken, the area would be designated as follows:

R-2920 Venice, Fla.:

Boundaries. A circular area with a 3-nautical-mile radius centered at latitude 27°03'30" N., longitude 82°26'15" W., excluding the portion E of a line extending from latitude 27°05'50" N., longitude 82°24'-10" W., to latitude 27°02'00' N., longitude 82°23'15" W.

Designated altitudes. Unlimited.

Time of designation. As published in NOTAMS, to be activated approximately twice a month normally during the hours of darkness until November 15, 1963.

Controlling agency. Federal Aviation Agency, Miami ARTC Center.

Using agency. Commander, Air Proving Ground Center, Eglin AFB, Fla.

The Department of the Air Force justified their requirement for original designation of this area as a matter of military urgency and necessity, and in the interest of national defense.

Since the area is currently designated and interested parties are aware of its minimal effect on other aeronautical activities and due to urgency of the military requirement, it is felt that a fifteen-day comment period will suffice.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street, Atlanta 3, Ga. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 11, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-10244; Filed, Oct. 12, 1962; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 14793; FCC 62-1008]

EMISSION DESIGNATORS AND BAND WIDTHS

Notice of Proposed Rule Making

In the matter of amendment of Part 2 of the Commission's rules and regulations to revise the tables of emission designators and necessary bandwidths pursuant to the Geneva (1959) radio regulations.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. It is the purpose of this notice to set forth proposed changes in Part 2 of the rules to provide new or changed designations of emissions and formulas for necessary bandwidths of emissions.

3. Article 2 and Appendix 5 of the Geneva (1959) Radio Regulations provide some new and revised emission designators and formulas for calculation of the necessary bandwidths of emissions. Accordingly, it is necessary to amend Part 2 to incorporate these changes.

4. Attention is invited to the fact that the Geneva (1959) Radio Regulations were scheduled to come into force on May 1, 1961. Therefore, in the interest of an orderly procedure to implement those regulations, the Commission is preparing to incorporate in Part 2 of its rules as much of the Geneva Regulations as is practicable.

5. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in sections 303 (a), (f), and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before December 3, 1962, and comments in reply to the original comments may be filed on or before December 13, 1962. The Commission will consider all such comments and such other material and information as may be deemed necessary and relevant prior to taking final action in this matter.

7. In accordance with the provisions of § 1.54 of the Commission's rules, the original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: October 3, 1962.

Released: October 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. It is proposed to amend § 2.201 to read as follows:

§ 2.201 Emission, modulation and transmission characteristics.

The following system of designating emission, modulation and transmission characteristics shall be employed.

(a) Emissions are designated according to their classification and their necessary bandwidth.

(b) Emissions are classified and symbolized according to the following characteristics:

(1) Type of modulation of main carrier.

(2) Type of transmission.

(3) Supplementary characteristics.

(c) Types of modulation of main carrier:

	Symbol
(1) Amplitude	A
(2) Frequency (or Phase)	F
(3) Pulse	P

(d) Types of transmission:

	Symbol
(1) Absence of any modulation intended to carry information	0
(2) Telegraphy without the use of a modulating audio frequency	1
(3) Telegraphy by the on-off keying of a modulating audio frequency or audio frequencies, or by the on-off keying of the modulated emission (special case: an unkeyed modulated emission)	2
(4) Telephony (including sound broadcasting)	3
(5) Fascimile (with modulation of main carrier either directly or by a frequency modulated sub-carrier)	4
(6) Television (visual only)	5
(7) Four-frequency diplex telegraphy	6
(8) Multichannel voice-frequency telegraphy	7
(9) Cases not covered by the above	9

(e) Supplementary characteristics:

(1) Double sideband	(None)
(2) Single sideband:	
(i) Reduced carrier	A
(ii) Full carrier	H
(iii) Suppressed carrier	J
(3) Two independent sidebands	B
(4) Vestigial sideband	C
(5) Pulse:	
(i) Amplitude modulated	D
(ii) Width (or duration) modulated	E
(iii) Phase (or position) modulated	F
(iv) Code modulated	G

(f) The classification of typical emissions is tabulated as follows:

Type of modulation of main carrier	Type of transmission	Supplementary characteristics	Symbol
Amplitude modulation	With no modulation		A0
	Telegraphy without the use of a modulating audio frequency (by on-off keying).		A1
	Telegraphy by the on-off keying of an amplitude modulating audio frequency or audio frequencies, or by the on-off keying of the modulated emission (special case: an unkeyed emission amplitude modulated).		A2
Amplitude	Telephony	Double sideband	A3
		Single sideband, reduced carrier.	A3A
		Single sideband, suppressed carrier.	A3J
		Two independent sidebands	A3B
	Facsimile (with modulation of main carrier either directly or by a frequency modulated subcarrier).		A4
	Facsimile	Single sideband, reduced carrier.	A4A
	Television	Vestigial sideband	A5C
	Multichannel voice-frequency telegraphy	Single sideband, reduced carrier.	A7A
	Cases not covered by the above, e.g. a combination of telephony and telegraphy.	Two independent sidebands	A9B
Frequency (or phase) modulation.	Telegraphy by frequency shift keying without the use of a modulating audio frequency; one of two frequencies being emitted at any instant.		F1
	Telegraphy by the on-off keying of a frequency modulating audio frequency or by the on-off keying of a frequency modulated emission (special case: an unkeyed emission, frequency modulated).		F2
	Telephony		F3
	Facsimile by direct frequency modulation of the carrier.		F4
	Television		F5
	Four-frequency diplex telegraphy		F6
	Cases not covered by the above, in which the main carrier is frequency modulated.		F9
Pulse modulation	A pulsed carrier without any modulation intended to carry information (e.g. radar).		P0
	Telegraphy by the on-off keying of a pulsed carrier without the use of a modulating audio frequency.		P1D
	Telegraphy by the on-off keying of a modulating audio frequency or audio frequencies, or by the on-off keying of a modulated pulsed carrier (special case: an unkeyed modulated pulsed carrier).		
		Audio frequency or audio frequencies modulating the amplitude of the pulses.	P2D
		Audio frequency or audio frequencies modulating the width (or duration) of the pulses.	P2E
		Audio frequency or audio frequencies modulating the phase (or position) of the pulses.	P2F
	Telephony	Amplitude modulated pulses	P3D
		Width (or duration) modulated pulses.	P3E
		Phase (or position) modulated pulses.	P3F
		Code modulated pulses (after sampling and quantization).	P3G
	Cases not covered by the above in which the main carrier is pulse modulated.		P9

(g) Type B emission: As an exception to the above principles, damped waves are symbolized in the Commission's rules and regulations as type B emission.

(h) Whenever the full designation of an emission is necessary, the symbol for that emission, as given above, shall be preceded by a number indicating in kilo-

cycles per second the necessary bandwidth of the emission. Bandwidths shall generally be expressed to a maximum of three significant figures, the third figure being almost always a nought or a five.

2. It is proposed to amend § 2.202 to read as follows:

§ 2.202 Bandwidths.

(a) Occupied bandwidth: The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission. In some cases, for example multichannel frequency-division systems, the percentage of 0.5 percent may lead to certain difficulties in the practical application of the definitions of occupied and necessary bandwidth; in such cases a different percentage may prove useful.

(b) Necessary bandwidth: For a given class of emission, the minimum value of the occupied bandwidth sufficient to ensure the transmission of information at the rate and with the quality required for the system employed, under specified conditions. Emissions useful for the good functioning of the receiving equipment as, for example, the emission corresponding to the carrier of reduced carrier systems, shall be included in the necessary bandwidth.

(c) The necessary bandwidth may be determined by one of the following methods:

(1) Use of the formulas included in the following Table which also gives examples of necessary bandwidths and designation of corresponding emissions;

(2) Computation in accordance with Recommendations of the International Radio Consultative Committee (C.C.I.R.);

(3) Measurement, in cases not covered by subparagraphs (1) or (2) of this paragraph.

(d) The value so determined should be used when the full designation of an emission is required. However, the necessary bandwidth so determined is not the only characteristic of an emission to be considered in evaluating the interference that may be caused by that emission.

(e) In the formulation of the table, the following terms have been employed:

B_n = Necessary bandwidth in cycles per second.
B = Telegraph speed in bauds.
N = Maximum possible number of black plus white elements to be transmitted per second, in facsimile and television.
M = Maximum modulation frequency in cycles per second.
C = Subcarrier frequency in cycles per second.
D = Half the difference between the maximum and minimum values of the instantaneous frequency. Instantaneous frequency is the rate of change of phase.
t = Pulse duration in seconds.
K = An overall numerical factor which varies according to the emission and which depends upon the allowable signal distortion.

I. Amplitude Modulation

Description and class of emission	Necessary bandwidth in cycles per second	Examples: Details	Examples: Designation of emission
Continuous wave telegraphy, A1.	$B_n = BK$ $K=5$ for fading circuits. $K=3$ for nonfading circuits.	Morse code at 25 words per minute, $B=20$, $K=5$. Bandwidth: 100 c/s. Four-channel time-division multiplex, 7-unit code, 42.5 bauds per channel, $B=170$, $K=5$. Bandwidth: 850 c/s.	0.1A1 0.85A1
Telegraphy modulated by an audio frequency, A2.	$B_n = BK+2M$ $K=5$ for fading circuits. $K=3$ for nonfading circuits.	Morse code at 25 words per minute, $B=20$, $M=1,000$, $K=5$. Bandwidth: 2,100 c/s.	2.1A2
Telephony, A3.	$B_n = M$ for single sideband. $B_n = 2M$ for double sideband.	Double sideband telephony $M=3,000$. Bandwidth: 6,000 c/s. Single sideband telephony reduced carrier, $M=3,000$. Bandwidth: 3,000 c/s. Telephony, two independent sidebands, $M=3,000$. Bandwidth: 6,000 c/s.	6A3 3A3A 6A3B
Sound broadcasting A3.	$B_n = 2M$ M may vary between 4,000 and 10,000 depending on quality desired.	Speech and music, $M=4,000$. Bandwidth: 8,000 c/s.	8A3
Facsimile, carrier modulated by tone and by keying, A4.	$B_n = KN+2M$ $K=1.5$	The total number of picture elements (black plus white) transmitted per second is equal to the circumference of the cylinder multiplied by the number of lines per unit length and by the speed of rotation of the cylinder in revolutions per second. Diameter of cylinder = 70 mm. Number of lines per mm = 5. Speed of rotation = 1 r.p.s. $N=1,100$. $M=1,900$. Bandwidth: 5,450 c/s.	5.45A4
Television (visual and aural) A5 and F3.	Refer to relevant C.C.I.R. documents for the bandwidths of the commonly used television systems.	Number of lines = 525. Number of lines per second = 15,750. Video bandwidth: 4.2 Mc/s. Total visual bandwidth: 5.75 Mc/s. FM aural bandwidth including guard bands: 250,000 c/s. Total bandwidth: 6 Mc/s.	5750A5C 250F3
Composite transmission, A9.	$B_n = 2M$ (double sideband)	Television relay, video limited to 4 Mc/s, audio on 6.5 Mc/s FM subcarrier, subcarrier deviation = 50 kc/s. M = subcarrier frequency plus its maximum deviation = 6.55×10^6. Bandwidth: 13.1×10^6 c/s.	13,100A9
Composite transmission, A9.	$B_n = 2M$ (double sideband)	Microwave relay system providing 10 telephone channels occupying baseband between 4 and 164 kc/s. $M=164,000$. Bandwidth: 328,000 c/s.	328A9

II. Frequency Modulation

Frequency-shift telegraphy: F1.	$B_n = 2.6D+0.55B$ for $1.5 \leq \frac{2D}{B} \leq 5.5$. $B_n = 2.1D+1.9B$ for $5.5 \leq \frac{2D}{B} \leq 20$.	Four-channel time-division multiplex with 7-unit code, 42.5 bauds per channel, $B=170$, $D=200$; $2D=2.35$, therefore the B first formula in column 2 applies. Bandwidth: 613 c/s	0.6F1
Commercial telephony: F3.	$B_n = 2M+2DK$ K is normally 1 but under certain conditions a higher value may be necessary.	For an average case of commercial telephony, $D=15,000$ $M=3,000$. Bandwidth: 36,000 c/s.	36F3
Sound broadcasting: F3.	$B_n = 2M+2DK$	$D=75,000$, $M=15,000$ and assuming $K=1$. Bandwidth: 180,000 c/s	180F3
Facsimile: F4.	$B_n = KN+2M+2D$ $K=1.5$	(See facsimile, amplitude modulation.) Diameter of cylinder = 70mm. Number of lines per mm = 5. Speed of rotation = 1 r.p.s. $N=1,100$. $M=1,900$. $D=10,000$. Bandwidth: 25,450 c/s.	25.5F4
Four-frequency diplex Telegraphy: F6.	If the channels are not synchronized, $B_n = 2.6D+2.75B$ where B is the speed of the higher speed channel. If the channels are synchronized the bandwidth is as for F1, B being the speed of either channel.	Four-frequency diplex system with 400 c/s spacing between frequencies, channels not synchronized, 170 bauds keying in each channel, $D=600$, $B=170$. Bandwidth: 2,027 c/s.	2.05F6

II. Frequency Modulation—Continued

Description and class of emission	Necessary bandwidth in cycles per second	Examples: Details	Examples: Designation of emission
Composite transmission: F9.	$B_n = 2M+2DK$	Microwave relay system providing 240 telephone channels occupying baseband between 60 and 1050 kilocycles. $M=1.05\times10^6$. $D=2.35\times10^6$. Bandwidth: 6.8×10^7 c/s.	6800F9
Composite transmission: F9.	$B_n = 2M+2DK$	TV microwave relay, aural program on 7.5 Mc/s subcarrier; subcarrier deviation plus or minus 150 kilocycles. M = subcarrier frequency plus maximum deviation = $(7.5 \text{ plus } 0.15)\times10^6$. $D=1\times10^6$ (visual) plus 0.3×10^6 (aural). Bandwidth: 17.9×10^6 c/s.	17,900F9
Composite transmission: F9.	$B_n = 2M+2DK$ $K=1$	Stereophonic FM broadcasting (U.S. system) with multiplexed subsidiary communications subcarrier, $M=75,000$; $D=75,000$. Bandwidth: 300,000 c/s.	300F9

III. Pulse Modulation

Unmodulated pulse: P0...	$B_n = \frac{2K}{t}$ K depends on the ratio of pulse duration to pulse rise time. Its value usually falls between 1 and 10 and in many cases it does not need to exceed 6.	$t=3\times10^{-4}$, $K=6$ Bandwidth: 4×10^4 c/s.	4000P0
Modulated pulse: P2 or P3.	The bandwidth depends on the particular types of modulation used, many of these being still in the development stage.	.....	.....
Composite transmission: P9.	$B_n = \frac{2K}{t}$ $K=1.6$	Microwave relay, pulse-position modulated by 36 channel baseband; pulse width at half amplitude = 0.4 microseconds. Bandwidth: 8×10^8 c/s.	8000P9

§ 2.524 [Amendment]

3. It is proposed to amend § 2.524(c) to read as follows:

(c) Bandwidth occupied: The frequency bandwith such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission; measured under the following conditions as applicable:

(1) Telegraph transmitters for manual operation—when keyed at 16 dots per second.

(2) Other keyed transmitters—when keyed at the maximum machine speed.

(3) Voice modulated transmitters equipped with a device to prevent overmodulation when modulated by an input signal large enough to produce at least 85 percent modulation: Test at 2500 cycles.

(4) Voice modulated transmitter without a device to prevent overmodulation when modulated by an input signal large enough to produce at least 85 percent modulation: Test at 2500 cycles.

(5) Standard broadcast transmitters—when modulated with a frequency of 7500 cycles at 85 percent modulation, FM broadcast transmitters, including TV aural transmitters, when modulated with a frequency of 15 kc at 85 percent modulation.

(6) Transmitters in which the modulating baseband comprises more than three independent channels—when modulated with a test signal consisting of a band of random noise extending continuously from below 20 kilocycles to the highest frequency in the baseband. The level of the test signal shall be adjusted to provide RMS modulation which is 22.4 percent of the full rated peak modulation of the transmitter. The test signal shall be applied through any preemphasis networks used in normal service.

(7) Transmitters in which the modulating baseband comprises not more than three independent channels—when modulated by the full complement of signals for which the transmitter is rated. The level of modulation for each channel should be set to that prescribed in rule parts applicable to the services for which the transmitter is intended. If specific modulation levels are not set forth in the rules, the test levels should provide the manufacturer's maximum rated condition.

(8) Transmitters designed for other types of modulation—when modulated by an appropriate signal of sufficient amplitude to be representative of the type of service in which used. A description of the input signal used should be supplied.

[F.R. Doc. 62-10145; Filed, Oct. 12, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

JAMES S. BROADDUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 22, 1962.

Dated: September 22, 1962.

JAMES S. BROADDUS.

[F.R. Doc. 62-10209; Filed, Oct. 12, 1962; 8:46 a.m.]

CHARLES M. CUSTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 25, 1962.

Dated: September 25, 1962.

CHARLES M. CUSTER.

[F.R. Doc. 62-10210; Filed, Oct. 12, 1962; 8:46 a.m.]

JOHN W. HIERONYMUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 24, 1962.

Dated: September 24, 1962.

JOHN W. HIERONYMUS.

[F.R. Doc. 62-10211; Filed, Oct. 12, 1962; 8:46 a.m.]

HOMER G. KEESLING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 24, 1962.

Dated: September 24, 1962.

HOMER G. KEESLING.

[F.R. Doc. 62-10212; Filed, Oct. 12, 1962; 8:46 a.m.]

GEORGE A. PORTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 21, 1962.

Dated: September 21, 1962.

GEORGE A. PORTER.

[F.R. Doc. 62-10213; Filed, Oct. 12, 1962; 8:47 a.m.]

EDWARD W. WELCH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) My entire financial assets consist of: U.S. Government bonds, bank deposits, and real estate, consisting of my homestead (unnumbered), located in the City of Janesville, Rock County, Wisconsin.
(2) None.
(3) Additions: Continued Purchase of U.S. Government Bonds, Treasury Notes, and Bank Deposit Certificates.
(4) None.

This statement is made as of September 28, 1962.

Dated: September 28, 1962.

E. W. WELCH.

[F.R. Doc. 62-10214; Filed, Oct. 12, 1962; 8:47 a.m.]

EDWARD F. ZIEGLER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 28, 1962.

Dated: September 28, 1962.

E. F. ZIEGLER.

[F.R. Doc. 62-10215; Filed, Oct. 12, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ILLINOIS, MISSISSIPPI, AND TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the States of Illinois, Mississippi and Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ILLINOIS

Jackson.	Randolph.
Perry.	Union.
Pulaski.	

MISSISSIPPI

Adams.	Lincoln.
Carroll.	Marshall.
Franklin.	Perry.
Greene.	Walthall.
Jefferson.	Webster.
Jefferson Davis.	Winston.
Lauderdale.	Yalobusha.
Leake.	

TEXAS

Aransas.	Jefferson.
Bee.	Liberty.
Brazoria.	Matagorda.
Calhoun.	Nueces.
Cameron.	Orange.
Chambers.	Refugio.
Fort Bend.	San Patricio.
Galveston.	Victoria.
Hardin.	Wharton.
Hidalgo.	Willacy.
Jackson.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of October 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-10224; Filed, Oct. 12, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-13496 etc.]

ATLANTIC REFINING CO.

Correction

SEPTEMBER 26, 1962.

In the Order Conditionally Accepting Proposed Offer of Settlement, Severing and Terminating Certain Proceedings, Severing and Terminating Other Proceedings In Part, and Providing For Refunds, issued August 15, 1962, and published in the FEDERAL REGISTER August 22, 1962 (F.R. Doc. 62-8412; 27 F.R. 8394-95), in the chart, change the "Date Effective Subject To Refund" for Docket No. RI62-77, F.P.C. Gas Rate Schedules Nos. 1 and 141, and for Docket No. RI62-78, F.P.C. Gas Rate Schedule No. 136, from "4/1/61" to "4/1/62".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10227; Filed, Oct. 12, 1962; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL DIRECTOR OF ADMINISTRATION, REGION I (NEW YORK)

Designation

The officers appointed to the following listed positions in Region I (New York) are hereby designated to serve as Acting Regional Director of Administration, Region I, during the absence of the Regional Director of Administration, with all the powers, functions, and duties delegated or assigned to the Regional Director of Administration, provided that no officer is authorized to serve as Acting Regional Director unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Special Assistant to Regional Director of Administration.
2. Assistant Director, Administrative Management.

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 13th day of October 1962.

[SEAL] LESTER EISNER, Jr.,
Regional Administrator,
Region I.

[F.R. Doc. 62-10220; Filed, Oct. 12, 1962; 8:47 a.m.]

ACTING REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION I (NEW YORK)

Designation

The officers appointed to the following listed positions in Region I (New York) are hereby designated to serve as Acting Regional Director of Community Facilities, Region I, during the absence of the Regional Director of Community Facilities, with all the powers, functions, and duties delegated or assigned to the Regional Director of Community Facilities, provided that no officer is authorized to serve as Acting Regional Director of Community Facilities unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Director of Community Facilities.
2. College Housing Operations Officer, Community Facilities Branch.

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 13th day of October 1962.

[SEAL] LESTER EISNER, Jr.,
Regional Administrator,
Region I.

[F.R. Doc. 62-10221; Filed, Oct. 12, 1962; 8:47 a.m.]

REGIONAL DIRECTOR OF ADMINISTRATION, REGION I (NEW YORK)

Redelegation of Authority To Execute Legends on Bonds, Notes or Other Obligations

The Regional Director of Administration, Region I (New York), Housing and Home Finance Agency, is hereby authorized within such Region to execute, on behalf of the Housing and Home Finance Administrator, in instances where necessary or appropriate, any legend appearing on any bond, note or other obligation being acquired by the Federal Government from a Local Public Agency on account of a loan to such Local Public Agency pursuant to Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U.S.C. 1450-1460), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note or other obligation and its payment therefor on the date specified in the particular legend.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); Org. Order 1, 19 F.R. 9303-5 (December 29, 1954); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Delegation of Authority, 20 F.R. 556 (January 25, 1955))

This redelegation supersedes the redelegation effective November 5, 1956 (22 F.R. 272, January 12, 1957).

Effective as of the 13th day of October 1962.

[SEAL] LESTER EISNER, Jr.,
Regional Administrator,
Region I.

[F.R. Doc. 62-10222; Filed, Oct. 12, 1962; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55730]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Limitations on Entry or Withdrawal From Warehouse

OCTOBER 11, 1962.

To Collectors of Customs and others concerned:

There is published below a letter of October 5, 1962, from The Chairman of the President's Cabinet Textile Advisory Committee, directing that the amounts of certain categories of cotton textiles and cotton textile products produced or manufactured in Portugal which may be entered, or withdrawn from warehouse, for consumption in the United States from October 1 through November 29, 1962, be limited to certain designated levels. This direction is in accordance with procedures outlined in Executive Order 11052, dated September 28, 1962 (27 F.R. 9691).

As the letter directs, cotton textiles and cotton textile products produced or manufactured in Portugal, included in Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26, and 27, shall not be permitted to be entered, or withdrawn from warehouse, for consumption in the United States (including the Commonwealth of Puerto Rico), between October 1 and November 29, 1962, in excess of the amounts designated by the aforesaid letter. The categories and levels of restraint involved are described in detail in the "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories and Levels of Restraint," attached to the above-mentioned letter.

Entries for consumption or warehouse withdrawals for consumption of the specified categories will not be accepted before noon, e.s.t., or its equivalent in other time zones, on October 9, 1962. The designated amounts will thereafter be released when specific authorization from the Bureau of Customs is granted.

Samples which are classifiable free of duty under section 201, paragraph 1821 (b), of the Tariff Act of 1930, as amended

(19 U.S.C. 1201, par. 1821(b)), and samples of categories 6, 24, and 25, transported to the United States directly from Portugal via air mail parcel post, are excepted from the provisions of the directive in the above-mentioned letter.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

THE SECRETARY OF COMMERCE,
Washington 25, D.C., October 5, 1962.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: The United States Government has requested the Government of Portugal to restrain its exports of cotton textiles and cotton textile products in categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26, and 27 during the twelve month period ending September 30, 1963. This request was made pursuant to Article 6(c) of the Long Term Arrangement regarding International Trade done at Geneva on February 9, 1962. This Arrangement is an agreement contemplated by section 204 of the Agricultural Act of 1956, as amended.

An undue concentration of imports from Portugal of the listed categories during the 60-day period allowed by Article 3(3) of the Arrangement for consideration of such a request by exporting countries participating in the Arrangement would cause damage to our domestic market difficult to repair. Without restraint, imports in these categories will result in undue concentration. Because of these critical circumstances, you are directed, in accordance with procedures outlined in Executive Order 11052 of September 28, 1962, to limit the amounts of each of these categories of cotton textiles and cotton textile products produced or manufactured in Portugal which may be entered for consumption in the United States* during that period (October 1 through November 29, 1962) to the levels of restraint herein designated for each such category.

A listing of the categories, their detailed descriptions, and the designated levels of restraint is attached.

The foregoing restraints are not applicable to samples of categories 6, 24, and 25, transported to this country directly from Portugal via air mail parcel post. This allowance of entry is in addition to, and not in lieu of, the presently allowed duty free importation of samples pursuant to paragraph 1821 of section 1201 of Title 19 of the United States Code.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of Portuguese cotton textiles and cotton textile products have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. You are requested to publish this letter in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

*This includes such articles which may be withdrawn from warehouse for consumption.

SCHEDULE A AND U.S.I.D.A. COMPONENTS OF SELECTED INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORIES AND LEVELS OF RESTRAINT

Category	Schedule A number	U.S.I.D.A. number	Levels of restraint
1. Cotton yarn, carded, singles, not ornamented, etc.	3011 000	0901 11**	2,475,000 pounds.
	3021 100	0901 21**	
2. Cotton yarn, plied, carded, not ornamented, etc.	3021 300	0901 31**	38,250 pounds.
3. Cotton yarn, singles, combed, not ornamented, etc.	3021 200	0901 22**	525,000 pounds.
4. Cotton yarn, plied, combed, not ornamented, etc.	3021 400	0901 32**	20,500 pounds.
5. Ginghams, carded yarn	3068 100	0904 300*	740,000 square yards.
		600*	
		900*	
		0905 300*	
		600*	
		900*	
6. Ginghams, combed yarn	3068 150	0904 301*	1,050,000 square yards.
		601*	
		901*	
		0905 301*	
		601*	
		901*	
9. Sheeting, carded yarn	3048 210	0904 110*	1,540,500 square yards.
	3048 230	112*	
	3058 200	212*	
	3068 200	312*	
		0905 110*	
		112*	
		212*	
		312*	
19. Print cloth type shirting, other than 80 x 80 type, carded yarn.	3048 500	0904 152*	191,500 square yards.
	3058 500	252*	
	3068 500	352*	
		0905 152*	
		252*	
		352*	
24. Yarn-dyed fabrics, except ginghams, carded yarn	3068 800	0904 390*	378,000 square yards.
		690*	
		990*	
		0905 390*	
		690*	
		990*	
25. Yarn-dyed fabrics, except ginghams, combed yarn	3068 850	0904 391*	518,000 square yards.
		691*	
		991*	
		0905 391*	
		691*	
		991*	
26. Fabrics, n.e.s., carded yarn	3048 260	0904 120*	491,500 square yards.
	3058 260	420*	
	3068 260	720*	
		220*	
		520*	
		820*	
		320*	
		620*	
		920*	
		0905 120*	
		420*	
		720*	
		220*	
		520*	
		820*	
		320*	
		620*	
		920*	
	3048 280	0904 130*	
	3058 280	430*	
	3068 280	730*	
		230*	
		530*	
		830*	
		330*	
		630*	
		930*	
		0905 130*	
		430*	
		730*	
		230*	
		530*	
		830*	
		330*	
		630*	
		930*	
	3048 900	0904 192*	
	3058 900	492*	
	3068 900	792*	
	3075 010	292*	
	3078 010	592*	
	3080 210	892*	
	3081 350	392*	
	3081 410	692*	
	3968 010	992*	
		0905 192*	
		492*	
		792*	
		292*	
		592*	
		892*	
		392*	
		692*	
		992*	
		0906 1000	
		0908 1000	
		0909 4520	
		5020	
		0520	
		2020	
		2520	
		3020	
		1122 1000	

See footnotes at end of list.

SCHEDULE A AND U.S.I.D.A. COMPONENTS OF SELECTED INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORIES AND LEVELS OF RESTRAINT—Continued

Category	Schedule A number	U.S.I.D.A. number	Levels of restraint
27. Fabrics, n.e.s., combed yarn	3048 270	0904 121*	206,000 square yards.
	3058 270	421*	
	3068 270	721*	
		221*	
		521*	
		821*	
		321*	
		621*	
		921*	
		0905 121*	
		421*	
		721*	
		221*	
		521*	
		821*	
		321*	
		621*	
		921*	
	3048 290	0904 131*	
	3058 290	431*	
	3068 290	731*	
		231*	
		531*	
		831*	
		331*	
		631*	
		931*	
		0905 131*	
		431*	
		731*	
		231*	
		531*	
		831*	
		331*	
		631*	
		931*	
	3048 950	0904 193*	
	3068 950	493*	
	3068 950	793*	
	3075 020	293*	
	3078 020	593*	
	3080 220	893*	
	3081 360	393*	
	3081 420	693*	
		993*	
		0905 193*	
		493*	
		793*	
		293*	
		593*	
		893*	
		393*	
		693*	
		993*	
		0906 2000	
		0908 2000	
		0909 4560	
		5060	
		0560	
		2060	
		2560	
		3060	

**The last two digits represent yarn number groups (e.g., *05* represents yarn numbers 1 through 5; *30* represents yarn numbers 26 through 30; *90* represents yarn numbers from 81 through 90, etc.).

*The last digit represents average yarn number groups (e.g., *0* represents average yarn numbers 10 or lower; *5* represents average yarn numbers 21 through 25; *9* represents average yarn numbers over 60, etc.).

[F.R. Doc. 62-10295; Filed, Oct. 12, 1962; 8:53 a.m.]

Comptroller of the Currency

FIRST-MERCHANTS NATIONAL BANK OF MICHIGAN CITY

Notice of Decision Granting Application to Consolidate

On July 25, 1962, the $15.7-million First National Bank of Michigan City, Michigan City, Indiana, and the $19.7 million Merchants National Bank of Michigan City, Michigan City, Indiana, applied to the Comptroller of the Currency for permisison to consolidate under the charter of the former and with the title of "The First-Merchants National Bank of Michigan City."

On October 2, 1962, the Comptroller of the Currency granted this application effective on or after October 5, 1962.

Copies of this decision are available upon request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 10, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-10231; Filed, Oct. 12, 1962; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12964 etc.]

TRANSPORTES AEREOS NACIONALES, S.A.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on November 7, 1962, at 10 a.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 10, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-10233; Filed, Oct. 12, 1962; 8:49 a.m.]

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

DAMAGES CAUSED IN 1951 AND 1952 BY CONSTRUCTION AND MAINTENANCE OF GUT DAM IN SAINT LAWRENCE RIVER BY CANADIAN GOVERNMENT

Notice With Respect to Dates for Filing Claims

Notice is hereby given that pursuant to section 2, Public Law 87-587, approved August 15, 1962, the Foreign Claims Settlement Commission of the United States will receive, during the period ending at midnight, October 15, 1963, claims of citizens of the United States for damages caused during 1951 and 1952 by the construction and maintenance of Gut Dam in the Saint Lawrence River by the Canadian Government, in accordance with the terms and conditions prescribed in such Public Law and in accordance with the regulations of the Commission made with respect thereto.

Dated: October 10, 1962, Washington, D.C.

EDWARD D. RE,
Chairman.

[F.R. Doc. 62-10342; Filed, Oct. 12, 1962; 11:54 a.m.]

GENERAL SERVICES ADMINISTRATION

Utilization and Disposal Service

[Wildlife Order 65]

PROPERTY KNOWN AS BLACKISTONE ISLAND, ST. MARYS COUNTY, MARYLAND

Transfer From United States to State of Maryland

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated September 18, 1962, that property known as Blackistone Island, otherwise known as Blakestone Island, located in the County of St. Marys, State of Maryland, and more particularly described in that deed, has been transferred from the United States to the State of Maryland.

2. The above-described property was transferred to the State of Maryland for

wildlife conservation purposes in accordance with the provisions of section 1 of the said Public Law 537 (16 U.S.C. 667c).

WALTER C. MORELAND,
Acting Commissioner,
Utilization and Disposal Service.

OCTOBER 9, 1962.

[F.R. Doc. 62-10228; Filed, Oct. 12, 1962; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24 D-2578]

CAPITOL LEASING CORP.

Order Temporarily Suspending Exemption, Statements of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 9, 1962.

I. Capitol Leasing Corporation (issuer), 1123 Delaware Street, Denver 4, Colorado, filed a notification and offering circular on May 7, 1962, relating to a proposed offering of 150,000 shares of its no par value common stock at $2 per share or, in the alternative, in exchange for the assignment to the issuer of automobile-type utility trailers on the basis of one share of common for each $2 of the cost of the trailer assigned to the company. The notification and offering circular were cleared, and the offering circular dated, on May 21, 1962.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The notification filed by the issuer omits to state a material fact in that the issuer fails to disclose, as required by Item 10 of Form 1-A, that American Trailer Rentals Company (hereinafter referred to as ATR), an affiliate of the issuer, is presently contemplating a public offering of securities as evidenced by the fact that said affiliate had filed a registration statement with the Commission on December 11, 1961.

2. The offering circular omits to state material facts and contains a materially misleading presentation of facts and untrue statements of material facts in that:

(a) It fails to disclose all direct and indirect interests of two directors of the issuer in the affiliate of the issuer;

(b) It fails to state that the major portion, if not all, of the offering has been and is being made solely to ATR trailer owners in exchange for trailers;

(c) It fails to disclose that the present offering and the contemplated offering are but two steps in an integrated plan of financing which will ultimately result in the reorganization and refinancing of ATR;

(d) It fails to disclose that ATR trailer owners are merely being offered an opportunity to exchange their interest in ATR for stock in substantially the same enterprise;

(e) It fails to disclose that the directors of ATR formed the issuer for the purpose(s) of:

(1) Supplying the issuer with an attractive balance sheet to facilitate the sale of additional stock for cash;

(2) Eliminating the financial burden on ATR caused by its contractual obligations under trailer management contracts;

(3) Relieving the present officers and directors of ATR from potential liability under the Securities Act of 1933, as amended;

(f) It fails to disclose accurately and adequately the nature of the trailer rental system through which the issuer will operate and makes false and misleading representation with respect thereto;

(g) It fails to disclose that the trailers to be acquired (1) might be defective, (2) that such trailers were manufactured by a former affiliate of ATR, and (3) that ATR's present management has never been able to operate its system at a profit.

B. The offering has been and is being made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-10216; Filed, Oct. 12, 1962; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 400]

FLORIDA

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Sarasota, Manatee and Charlotte Counties in the State of Florida;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about September 20, 1962.

OFFICES

Small Business Administration Regional Office
90 Fairlie Street NW.
Atlanta 3, Ga.

Small Business Administration Branch Office
Huntington Building, Room 301
168 Southeast First Street
Miami 32, Fla.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1963.

Dated: October 2, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-10217; Filed, Oct. 12, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 10, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37980: *Potatoes from WTL to southwestern territory points.* Filed by Southwestern Freight Bureau, Agent (No. B-8277), for interested rail carriers. Rates on potatoes, other than sweet, in carloads, from points in western trunk line territory, to points in southwestern territory.

Grounds for relief: Modified short-line distance formula.

Tariffs: Supplements 47 and 12 to Southwestern Freight Bureau tariff I.C.C. 4321 and Western Trunk Line Committee tariff I.C.C. A-4420, respectively.

FSA No. 37981: *Joint motor-rail rates in the West.* Filed by J. D. Hughett, Agent (No. 40), for interested carriers. Rates on various commodities moving on class and commodity rates, over joint routes of applicant rail and motor carriers, between points in Colorado and Wyoming, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor and rail competition.

Tariffs: Supplements 7, 16, and 48 to J. D. Hughett, Agent, tariffs MF-I.C.C. 357, 340 and 326, respectively.

FSA No. 37982: *Vegetables from Albertville, and Cullman, Ala., and Euclid, Va.* Filed by O. W. South, Jr., Agent (No. A4245), for interested rail carriers. Rates on vegetables, fresh or green, in carloads, from Albertville and Cullman, Ala., and Euclid, Va., to points in official (including Illinois), and western trunk-line territory.

Grounds for relief: Market competition.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-10223; Filed, Oct. 12, 1962; 8:48 a.m.]

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Washington, Tuesday, October 16, 1962

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GUIDE TO RECORD RETENTION REQUIREMENTS

[Updated to January 1, 1962]

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Rules and Regulations

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 112—DOMINIC NUCLEAR TEST SERIES, 1962

Johnston Island Zone

On October 12, 1962, the Joint Task Force–8 issued public notice of an extension of the danger area surrounding Johnston Island effective October 15, 1962, in connection with the DOMINIC nuclear test series now being conducted in the Pacific.

To avoid any unnecessary delay or interruption of that test activity, and to protect the health and safety of the public, the Atomic Energy Commission has amended Part 112 of its regulations. This amendment which increases the danger area encompassing Johnston Island will be effective October 15, 1962.

In view of the importance of these tests to the national defense, the potential hazard to the health and safety of individuals who enter the danger area as amended, and the early date planned for tests within the area surrounding Johnston Island, the Atomic Energy Commission has found that general notice of proposed rule-making and the public procedure thereon would be contrary to the public interest; and that good cause exists why this amendment should be made effective without the customary period of notice.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d Session, the following rules are published as a document subject to codification, to be effective October 15, 1962:

Section 112.3(a)(3) is deleted, effective October 15, 1962, and the following new § 112.3(a)(3) is added:

(3) That area established, effective October 15, 1962, until a date to be announced, consisting of a zone encompassing Johnston Island and which is a circle of 600 nautical miles radius at the surface gradually extending to a circle of 635 nautical miles radius at an altitude of 5,000 feet, then gradually extending to a circle of 700 nautical miles radius at an altitude of 10,000 feet, then gradually extending to a circle of 750 nautical miles radius at an altitude of 20,000 feet, then gradually extending to a circle of 780 nautical miles radius at an altitude of 30,000 feet, then gradually extending to a circle of 810 nautical miles radius at an altitude of 40,000 feet and above, centered at the following geographic coordinates.

16° 15' N., and 169° 30' W.

(Sec. 161p, 72 Stat. 337; 42 U.S.C. 2201(p). Interpret or apply secs. 2, 3, 91, 68 Stat. 921, as amended, 922, 936; 42 U.S.C. 2012, 2013, 2121)

Dated at Germantown, Md., this 12th day of October 1962.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 62-10381; Filed, Oct. 15, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1423; Amdt. 494]

PART 507—AIRWORTHINESS DIRECTIVES

Cessna Models 150, 175, 175A, 175B, and 175C Aircraft

It has been determined that there has been improper installation of the Airborne Mechanisms Model 113A5 vacuum pump on Cessna Models 150, 175, 175A, 175B, and 175C aircraft under Supplemental Type Certificates issued to Airborne Mechanisms Division of Randolph Manufacturing Co. Improper installation can cause failure of the pump due to overloading of the pump drive gear, resulting in loss of instrument power and failure of the pump drive system within the engine. Accordingly, an airworthiness directive is being issued to require removal and proper reinstallation of the pumps.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CESSNA. Applies to all Models 150, 175, 175A, 175B, and 175C aircraft equipped with Continental engines O-200A, GO-300A, and GO-300C modified to incorporate Airborne Mechanisms Model 113A5 vacuum pumps (Supplemental Type Certificates Nos. SA1-630 and SA1-610 amended March 13, 1962, issued to Airborne Mechanisms Division of Randolph Manufacturing Co.).

Compliance required within the next 10 hours' time in service after the effective date of this AD.

In order to prevent failure of the Airborne Mechanisms Model 113A5 vacuum pump because of improper installation, remove and reinstall the pump as follows:

Mount the pump and then remove it from the engine drive pad. The coupling will remain in the engine spline and the separation will occur between the pump shaft and the coupling. The coupling must then be pressed 1/16 inch further into the engine spline. Reinstall the pump, and insure that the steel cross vanes protrude approximately 1/16 inch from the hub of the coupling.

(Airborne Mechanisms Service Letter No. 4 dated May 15, 1962, entitled "Installation Interference of Model 113A5 Drive Splines" covers this same subject.)

This amendment shall become effective October 31, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 9, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-10250; Filed, Oct. 15, 1962; 8:46 a.m.]

[Reg. Docket No. 1424; Amdt. 495]

PART 507—AIRWORTHINESS DIRECTIVES

Sikorsky S–58 Helicopters

Amendment 191, 25 F.R. 8026 (AD 60-17-3), requires that all main rotor blades P/N S1615-20100 with 1,000 hours' time in service on Sikorsky S–58 helicopters be removed from service. Subsequent testing has shown that this time may be increased to 1,330 hours without affecting the level of safety. Accordingly, Amendment 191 is being amended to provide for the longer service life.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 191, 25 F.R. 8026, Sikorsky S–58 helicopters is amended by changing paragraph (a) to read as follows:

(a) All main rotor blades, P/N S1615-20100, with 1,330 or more hours' time in service shall be removed from service prior to further flight.

This amendment shall become effective October 16, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 9, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-10251; Filed, Oct. 15, 1962; 8:45 a.m.]

[Reg. Docket No. 1425; Amdt. 496]

PART 507—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft JT3D–1 Turbofan Engines

There have been failures of the fourth stage compressor rotor disc in Pratt & Whitney Aircraft JT3D–1 turbofan engines. As this condition is likely to occur in other engines of the same type design, an airworthiness directive is necessary to require inspection of the discs on such engines and replacement of any which are cracked.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PRATT & WHITNEY. Applies to all Pratt & Whitney Aircraft JT3D–1 turbofan engines.

Compliance required as indicated.

To preclude failure of the fourth stage compressor rotor disc, P/N 393504, accomplish the following:

(a) For engines previously inspected by the procedure described in paragraph (c) or for engines which have been overhauled, inspect in accordance with paragraph (c) as follows:

(1) Inspect engines which have accumulated 235 or more hours' time in service since the last such inspection or engine overhaul within the next 130 hours' time in service after the effective date of this AD, and every 365 hours' time in service thereafter.

(2) Inspect engines which have accumulated less than 235 hours' time in service since the last such inspection or engine overhaul, prior to the accumulation of 365 hours' time in service since the last such inspection or engine overhaul and every 365 hours' time in service thereafter.

(b) For engines which have not previously been inspected by the procedure described by paragraph (c) and which have not been overhauled, inspect in accordance with paragraph (c) as follows:

(1) Inspect engines with 300 or more hours' time in service within the next 65 hours' time in service after the effective date of this AD, and every 365 hours' time in service thereafter.

(2) Inspect engines with less than 300 hours' time in service prior to the accumulation of 365 hours' time in service and every 365 hours' time in service thereafter.

(c) Remove the front accessory drive support assembly (NI gearcase) and the front accessory drive main spur gear (NI gearcase coupling). Using a strong light, visually inspect the fourth stage compressor rotor disc in the area between the disc bore and the spacer shoulder on the disc. If cracking is found, remove the engine for disc replacement prior to further flight.

(d) When fourth stage compressor disc P/N 468304 is installed in place of P/N 393504, the repetitive inspections required by this AD are no longer required.

(e) The requirement for main oil screen inspections per AD 61–24–1 does not apply when the No. 1 bearing compartment is exposed for this disc inspection.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Pratt & Whitney Aircraft telegraphic message of August 21, 1962, to all JT3D operators, covers the same subject.)

This amendment shall become effective October 16, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 10, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–10252; Filed, Oct. 15, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–CE–53]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601 2070 of the regulations of the Administrator is to alter the St. Louis, Mo., control zone.

The St. Louis control zone is designated, in part, with reference to the St. Louis radio range. This facility is being converted to a combined transcribed weather broadcast station and nondirectional radio beacon and the radio range instrument approach procedure has been cancelled. Therefore, action is taken herein to revoke the control zone extension based on the St. Louis radio range.

Since the change effected by this amendment is less restrictive in nature than present requirements, and imposes no burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following action is taken:

In the text of § 601.2070 (14 CFR 601.2070), "within 2 miles either side of the east course of the St. Louis radio range extending from the radio range station to a point 10 miles east," is deleted.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 11, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62–10247; Filed, Oct. 15, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

HYDROGENATED SPERM OIL

The Commissioner of Food and Drugs having evaluated the data submitted in a petition (FAP 761) filed by Archer-Daniels-Midland Company, 733 Marquette Avenue, Minneapolis 40, Minnesota, and other relevant material, has concluded that the following regulation should issue with respect to the food additive hydrogenated sperm oil as a release agent or lubricant in bakery pans. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1101 Sperm oil, hydrogenated.

The food additive hydrogenated sperm oil may be safely used in accordance with the following prescribed conditions:

(a) The sperm oil is derived from rendering the fatty tissue of the sperm whale or is prepared by synthesis of fatty acids and fatty alcohols derived from the sperm whale. The sperm oil obtained by rendering is refined. The oil is hydrogenated.

(b) It is used alone or as a component of a release agent or lubricant in bakery pans.

(c) The amount used does not exceed that reasonably required to accomplish the intended lubricating effect.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 10, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62–10278; Filed, Oct. 15, 1962; 8:47 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 3—CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING AND PUBLIC WORK AND ON BUILDING AND WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION

Amendments Relating to Contract Work Hours Standards Act

Pursuant to section 2 of the Act of June 13, 1934 (40 U.S.C. 276), and Reorganization Plan No. 14 of 1950 (3 CFR 1949–53 Comp., p. 1007), Parts 3 and 5 of Title 29 of the Code of Federal Regulations are hereby amended in the manner indicated below in order to implement the Contract Work Hours Standards Act and to make minor miscellaneous changes.

The amendments shall become effective October 12, 1962.

The procedural and effective date requirements of section 4 of the Administrative Procedure Act do not apply because the amendments are within the exception to section 4 relating to public loans, grants, benefits, and contracts.

The amendments to 29 CFR Parts 3 and 5 are as follows:

1. 29 CFR 3.1 is amended in order to add a reference to the Contract Work Hours Standards Act. As amended, § 3.1 reads as follows:

§ 3.1 Purpose and scope.

The regulations in this part are promulgated to aid in the enforcement of the Copeland Act (40 U.S.C. 276c) and to effect the purpose of the Anti-Kickback Act (18 U.S.C. 874), the Davis-Bacon Act (40 U.S.C. 276a–276a–7), the Contract Work Hours Standards Act (secs. 101–106, 76 Stat. 357–360), and certain other statutes concerning rates of pay for labor.

(Sec. 2, 48 Stat. 948, 62 Stat. 862; 40 U.S.C. 276c)

2. 29 CFR 5.1 is hereby amended to substitute a reference to the Contract Work Hours Standards Act for the reference to the Eight Hour Laws and to add references to other recent statutes containing labor standards provisions.

§ 5.1 Purpose and scope.

The regulations contained in this part are promulgated in order to coordinate the administration and enforcement of the labor standards provisions of each of the following acts by the Federal agencies responsible for their administration; i.e.:

Davis-Bacon Act (40 U.S.C. 276a–276a–7), and as extended to the Federal-Aid Highway Act of 1956 (23 U.S.C. 113).

Copeland Act (40 U.S.C. 276c).

Contract Work Hours Standards Act (secs. 101–106, 76 Stat. 357–360).

National Housing Act (12 U.S.C. 1701q, 1703, 1708–1711, 1713, 1715a, 1715k, 1715l(d)(4), 1715v, 1751w, 1715e, 1716, 1743, 1747, 1748b, 1748h–2, 1750g).

Hospital Survey and Construction Act (42 U.S.C. 291h).

Federal Airport Act (49 U.S.C. 114).

United States Housing Act of 1937 (42 U.S.C. 1416).

Housing Act of 1949 (42 U.S.C. 1459).

School Survey and Construction Act of 1950 (20 U.S.C. 636).

Defense Housing and Community Facilities and Services Act of 1951 (42 U.S.C. 1592l).

Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281).

Area Redevelopment Act (sec. 21, 75 Stat. 61).

Delaware River Basin Compact (sec. 15.1, 75 Stat. 714).

(Reorg. Plan No. 14 of 1950, 64 Stat. 1267, 5 U.S.C. 133z–15; 3 CFR 1949–53 Comp., p. 1007)

3. Paragraph (b) of 29 CFR 5.5 is amended to insert the condition required by the Contract Work Hours Standards Act; paragraphs (c), (d), and (e) thereof are deleted; and paragraph (f) thereof is redesignated paragraph (c). As amended, § 5.5 reads as follows:

§ 5.5 Contract provisions.

* * * * *

(b) The Agency Head shall cause or require the following clauses set forth in subparagraphs (1), (2), and (3) of this paragraph to be included in any contract subject to the Contract Work Hours Standards Act. As used in this paragraph, the terms "laborers" and "mechanics" include watchmen and guards.

(1) *Overtime requirements.* No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic to be employed on such work in excess of eight hours in any calendar day or in excess of forty hours in any workweek unless such laborer or mechanic receives compensation at a rate of not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any such calendar day or in excess of forty hours in any such workweek, as the case may be.

(2) *Violations; liability for unpaid wages; liquidated damages.* In the event of any violation of the clause set forth in subparagraph (1) of this paragraph, the contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of the clause set forth in subparagraph (1) of this paragraph, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in subparagraph (1) of this paragraph.

(3) *Withholding for unpaid wages and liquidated damages.* The [write in the name of the Federal agency] may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in subparagraph (2) of this paragraph.

(4) In any contract required to contain the clause set forth in subparagraph (2) of paragraph (a) of this section, the Federal Agency may modify the clause in subparagraph (3) of this paragraph so as to refer only to the withholding and determination of sums for liquidated damages.

(c) The provisions required to be included in the contracts by this section shall be physically included in the contracts. Incorporation of these provisions by reference is not compliance with the provisions of this section.

(Reorg. Plan No. 14 of 1950, 64 Stat. 1267, 5 U.S.C. 133z–15; 3 CFR 1949–53 Comp., p. 1007)

4. A new section, designated § 5.7a, is hereby added to 29 CFR Part 5, and reads as follows:

§ 5.7a Review of recommendations for an appropriate adjustment in liquidated damages under the Contract Work Hours Standards Act.

(a) *Findings and recommendations by head of agency.* Whenever the head of an agency finds that the sum of liquidated damages administratively determined to be due under section 104(a) of the Contract Work Hours Standards Act is incorrect or that the contractor or subcontractor violated inadvertently the provisions of the Contract Work Hours Standards Act notwithstanding the exercise of due care upon the part of the contractor or subcontractor involved, he may make recommendations to the Secretary that an appropriate adjustment in liquidated damages be made or that the contractor or subcontractor be relieved of liability for such liquidated damages. Such findings with respect to liquidated damages necessarily include findings with respect to any wage underpayments for which the liquidated damages are determined.

(b) *Findings by the Department of Labor.* The recommendations of the head of an agency submitted to the Department of Labor under paragraph (a) of this section shall be reviewed initially by the officer in charge of the Division of Wage Determinations. Whenever such officer concurs in the findings and recommendations of the head of the agency, he shall issue an order to that

effect, which shall be the final action of the Department of Labor with respect to the issues involved. Whenever such officer makes findings differing from those of the head of the agency, his decision shall be transmitted forthwith to the Solicitor for review. The decision and order of the Solicitor shall be the final action of the Department of Labor with respect to the issues involved.

(Reorg. Plan No. 14 of 1950, 64 Stat. 1267; 5 U.S.C. 133z-15; 3 CFR 1949-53 Comp., p. 1007)

5. 29 CFR 5.10 is amended to read as follows:

§ 5.10 Department of Labor investigations.

The Secretary shall cause to be made such investigations as he deems necessary, in order to obtain compliance with the labor standards provisions of the applicable statutes listed in § 5.1, or to affirm or reject the recommendations by the Head of an agency for an appropriate adjustment in liquidated damages assessed under the Contract Work Hours Standards Act. Federal agencies, contractors, subcontractors, sponsors, applicants or owners shall cooperate with any authorized representative of the Department of Labor in the inspection of records, in interviews with workers, and in all other aspects of the investigation. Any authorized representative of the Department of Labor under this section is deemed a person designated to aid in the enforcement of the overtime standards required by the Contract Work Hours Standards Act within the meaning of section 104(a) of that Act. A report of the investigation of such representative shall be transmitted to proper officers of the United States, any territory or possession, as the case may be, as required by the aforesaid section 104(a).

6. A new section, designated § 5.12a, is added to 29 CFR Part 5, and reads as follows:

§ 5.12a Limitations, variations, tolerances, and exemptions under the Contract Work Hours Standards Act.

(a) *General.* Upon his own initiative or upon the request of any Federal agency, the Secretary may provide under section 105 of the Contract Work Hours Standards Act reasonable limitations and allow variations, tolerances, and exemptions to and from any or all provisions of that Act whenever he finds such action to be necessary and proper in the public interest to prevent injustice or undue hardship or to avoid serious impairment of the conduct of Government business. Any request for such action by the Secretary shall be submitted in writing, and shall set forth the reasons for which the request is made.

(b) *Exemptions.* Pursuant to section 105 of the Contract Work Hours Standards Act, the following classes of contracts are found exempt from all provisions of that Act in order to prevent injustice, undue hardship, or serious impairment of Government business:

(1) Agreements entered into by or on behalf of the Commodity Credit Corporation providing for the storing in or handling by commercial warehouses of wheat, corn, oats, barley, rye, grain sorghums, soybeans, flaxseed, rice, naval stores, tobacco, peanuts, dry beans, seeds, cotton, and wool.

(2) Sales of surplus power by the Tennessee Valley Authority to States, counties, municipalities, cooperative organization of citizen or farmers, corporations and other individuals pursuant to section 10 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831i).

(Reorg. Plan No. 14 of 1950, 64 Stat. 1267; 5 U.S.C. 133z-15; 3 CFR 1949-53 Comp., p. 1007)

Signed at Washington, D.C., this 11th day of October 1962.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 62-10293; Filed, Oct. 12, 1962; 1:00 p.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

Fishers Island Sound, Conn.

Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.50a is hereby redesignated as § 202.50b, and a new § 202.50a is hereby prescribed designating a special anchorage area in Fishers Island Sound, at Stonington, Connecticut, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.50a Fishers Island Sound, Stonington, Conn.

An area on the east side of Mason Island bounded as follows:

Beginning at the shore line on the easterly side of Mason Island at latitude 41°20'06"; thence due east about 600 feet to latitude 41°20'06", longitude 71°-57'37"; thence due south about 2,400 feet to latitude 41°19'42", longitude 71°-57'37"; thence due west about 1,000 feet to the shore line on the easterly side of Mason Island at latitude 41°19'42"; thence along the shore line to the point of beginning.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes will be prohibited. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and the discretion of the local Harbor Master.

§ 202.50b Mystic Harbor, Groton and Stonington, Conn. [Redesignated]

[Regs., 17 September 1962, 285/111-ENGCW-ON] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-10246; Filed, Oct. 15, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER L—MINERAL LANDS

[Circular No. 2091]

PART 192—OIL AND GAS LEASES

Rentals

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of February 25, 1920 (41 Stat. 437), as amended (30 U.S.C., secs. 181-263), and section 2470 of the Revised Statutes (43 U.S.C. 1201), § 192.80 of Title 43 of the Code of Federal Regulations is amended as set forth below. The purpose of the amendment is to conform this section to the opinions rendered by the Associate Solicitor, Division of Public Lands, that the rentals for the extended terms of oil and gas leases in Alaska whose primary terms expired after July 3, 1958, must be at the rate of 50 cents per acre per annum and that the rental on noncompetitive leases which include lands situated on a known geologic structure and which are committed to a nonproducing unit plan shall be payable at the same rate as rental on noncompetitive leases not committed to any unit plan of operation.

Section 192.80 is amended to read as follows:

§ 192.80 Rentals.

Rentals shall be payable in advance at the following rates:

(a) On noncompetitive leases issued on and after September 2, 1960, under section 17 of the act for lands which on the day on which the rental falls due lie wholly outside of the known geologic structure of a producing oil or gas field, or on which on the day on which the rental falls due the thirty days' notice period under paragraph (b)(1) of this section has not yet expired, an annual rental of 50 cents per acre or fraction thereof for each lease year.

(1) For the sixth and each succeeding year of a lease which issued prior to September 2, 1960, and in the State of Alaska of any lease whose initial term expired on or after July 3, 1958, rental shall be payable at the rate of 50 cents per acre or fraction thereof.

(2) For each year of the primary term of a lease which issued prior to September 2, 1960, rental shall be payable at the rate set forth in the lease.

(b) On leases wholly or partly within the known geologic structure of a producing oil or gas field:

(1) If issued noncompetitively under section 17 of the act, and not committed to a cooperative or unit plan which includes a well capable of producing oil or gas and contains a general provision for allocation of production, beginning with the first lease year after the expiration of thirty days' notice to the lessee that all or part of the land is included in such a structure and for each year thereafter prior to a discovery of oil or gas on the leased lands, rental of $2 per acre or fraction thereof.

(2) If issued noncompetitively under section 17 of the act, and committed to an approved cooperative or unit plan which includes a well capable of producing oil or gas and contains a general provision for allocation of production, the rental prescribed for the respective lease years in paragraph (a) of this section shall apply to the acreage not within a participating area.

(3) If issued competitively, an annual rental, prior to a discovery on the leased lands, of $2 per acre or fraction thereof, unless a different rate of rental is prescribed in the lease.

(c) On leases issued in any other way, an annual rental of $1 per acre or fraction thereof.

JOHN A. CARVER, JR.,
Acting Secretary of the Interior.

OCTOBER 10, 1962.

[F.R. Doc. 62-10256; Filed, Oct. 15, 1962; 8:45 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2783]

[Colorado 066553]

[Colorado 048805]

COLORADO

Withdrawals for Forest Service Recreation Areas; Correcting Public Land Order No. 2589 of January 15, 1962

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the minerals in the following described national forest lands in the national forests hereafter named are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States in aid of programs of the Forest Service for utilization of the surface as recreation areas, as indicated:

[Colorado 066553]

SIXTH PRINCIPAL MERIDIAN

PIKE NATIONAL FOREST

Pike Community Picnic Ground

T. 11 S., R. 69 W.,
Sec. 26, W½NW¼NW¼.

South Meadows Campground

T. 11 S., R. 69 W.,
Sec. 27, W½NE¼SE¼.

Trail Creek Picnic Ground

T. 11 S., R. 70 W.,
Sec. 1, S½S½NW¼SW¼ and SW¼SW¼;
Sec. 12, N½NW¼NW¼.

Rainbow Picnic Ground

T. 12 S., R. 68 W.,
Sec. 28, E½SW¼NW¼, E½W½SW¼NW¼, NW¼NE¼SW¼, and NE¼NW¼SW¼.

Rampart Picnic Ground

T. 12 S., R. 68 W.,
Sec. 28, SW¼NW¼SW¼ and NW¼SW¼SW¼;
Sec. 29, the East 10 chains of lot 11.

Grassy Saddle Picnic Ground

T. 13 S., R. 67 W.,
Sec. 18, S½S½SW¼SE¼;
Sec. 19, W¼NE½NE½, N¼NW¼NE½, and SE¼NW¼NE¼.

Trail Junction Picnic Ground

T. 13 S., R. 67 W.,
Sec. 20, NW¼SE¼.

Black Canyon Picnic Ground

T. 13 S., R. 67 W.,
Sec. 28, S½S½NE¼SW¼, SE¼SW¼, and E½E½SW¼SW¼.

Ridge Crest Picnic Ground

T. 13 S., R. 68 W.,
Sec. 13, lot 12;
Sec. 14, lot 9.

Stage Road Picnic Ground

T. 15 S., R. 67 W.,
Sec. 16, SW¼NE¼NE¼ and NW¼SE¼NE¼.

Saint Peter's Dome Picnic Ground

T. 15 S., R. 67 W.,
Sec. 17, S½S½SW¼NE¼, E½E½NE¼SW¼, E½E½SE¼SW¼, W½E½NW¼SE¼, W½NW¼SE¼, N½SW¼SE¼, and N½S½SW¼SE¼.

Wye Picnic Ground

T. 15 S., R. 68 W.,
Sec. 24, lots 19 and 20.

Eagle Rock Picnic Ground

T. 15 S., R. 68 W.,
Sec. 22, W½NW¼NE¼ and NE¼NE¼NW¼.

West Creek Picnic Ground

T. 10 S., R. 70 W.,
Sec. 12, W½W½SW¼NE¼, E½SE¼NW¼, NE¼NE¼SW¼, and W½NW¼NW¼SE¼;
Sec. 13, SW¼NE¼NE¼, SE¼NW¼NE¼, E½SW¼NW¼NE¼, E½NW¼SW¼NE¼, NE¼SW¼NE¼, W½SE¼NE¼, and W½E½SE¼.

Goose Creek Campground

T. 10 S., R. 71 W.,
Sec. 18, the East 10 chains of lot 4, and W½SE¼SW¼.

Whiteside Picnic Ground

T. 6 S., R. 74 W.,
Sec. 32, N½NE¼SW¼, SE¼NE¼SW¼, SW¼NW¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼, S½NW¼SE¼SE¼, and SW¼SE¼SE¼.

Twin Eagles Campground

T. 10 S., R. 72 W.,
Sec. 30, SW¼NE¼NE¼, SE¼NW¼NE¼, E½E½SW¼NE¼, and SE¼NE¼.

Wilkerson Pass Overlook and Picnic Ground

T. 12 S., R. 73 W.,
Sec. 2, lots 11 and 12, less private land.

Tarryall Campground

T. 10 S., R. 73 W.,
Sec. 9, N½SW¼NE¼, N½S½SW¼NE¼, N½SE¼NE¼, and N½SW¼SE¼NE¼.

Horseshoe Campground

T. 10 S., R. 78 W.,
Sec. 10, E½NE¼NE¼ and NE¼SE¼NE¼;
Sec. 11, W½NE¼NW¼, NW¼NW¼, N½SW¼NW¼, and NW¼SE¼NW¼.

Jefferson Lake Campground

T. 7 S., R. 76 W.,
Sec. 10, lots 3, 4, 6, SE¼NW¼, and NE¼SW¼;
Sec. 11, lot 5;
Sec. 14, N½NW¼NW¼;
Sec. 15, N½NE¼NE¼.

Michigan Creek Campground

T. 7 S., R. 76 W.,
Sec. 27, W½W½SW¼, SE¼SW¼SW¼, S½SE¼SW¼, and S½NE¼SE¼SW¼;
Sec. 28, E½SE¼;
Sec. 33, NE¼NE¼.

Eleven Mile Canyon Recreation Area (Addition)

T. 12 S., R. 71 W.,
Sec. 31, NW¼SE¼NE¼, SW¼SW¼NE¼, N½N½SE¼SW¼, S½SW¼SE¼, S½SE¼SE¼, E½NE¼SE¼, and NE¼SE¼SE¼;
Sec. 32, W½W½SW¼.
T. 13 S., R. 71 W.,
Sec. 5, lot 4 and N½SW¼NW¼;
Sec. 6, lots 2 and 8.
T. 12 S., R. 72W.,
Sec. 36, the south 10 chains of lot 19, and the south 10 chains of lot 20.
T. 13 S., R. 72 W.,
Sec. 1, lot 6;
Sec. 2, S½S½SE¼;
Sec. 10, SE¼SW¼;
Sec. 11, SE¼SW¼NE¼, SE¼NE¼SW¼, and N½NW¼SE¼;
Sec. 12, NW¼NE¼NW¼;
Sec. 15, E½SW¼NE¼;
Sec. 16, the north 10 chains and the west 10 chains of lot 6;
Sec. 20, lot 6 and SE¼NW¼.

PIKE AND ARAPAHO NATIONAL FORESTS

Hoosier Pass Overlook and Picnic Ground

T. 8 S., R. 78 W.,
Sec. 12, south 10 chains of east 5 chains of lot 9, and south 10 chains of west 15 chains of lot 10, less private land;
Sec. 13, north 5 chains of east 5 chains of lot 2, and lot 11.

The areas described total in the aggregate approximately 2,255 acres.

[Colorado 048805]

2. In F.R. Doc. 62-651, appearing at pages 628-29 of the issue for Saturday, January 20, 1962, as Public Land Order No. 2589, the land description, "N½NE¼NE¼" in sec. 14, T. 1 N., R. 86 W., for the Lower Bear River Recreation Area, Routt National Forest is corrected to read "N½NE¼NW¼".

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 10, 1962.

[F.R. Doc. 62-10257; Filed, Oct. 15, 1962; 8:45 a.m.]

[Public Land Order 2784]

[Oregon 06752]

OREGON

Modifying Executive and Departmental Orders of December 12, 1917 (Power Site Reserve No. 661; Water Power Designation No. 14)

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, and other authority vested in the Secretary of the Interior, it is ordered as follows:

The Executive order of December 12, 1917, creating Power Site Reserve No. 661, and the Departmental order of December 12, 1917, classifying certain lands as Water Power Designation No. 14, are hereby modified to the extent necessary

to permit the grant of a highway right-of-way made by section 2477, United States Revised Statutes (43 U.S.C. 932) to become effective as to those portions of the following described lands delineated on a map filed by Marion County, Oregon, as part of its application, Oregon 06752:

WILLAMETTE MERIDIAN

T. 9 S., R. 2 E.,
Sec. 9, SW¼SE¼;
Sec. 11, SW¼SE¼.

The areas described aggregate approximately 80 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 10, 1962.

[F.R. Doc. 62-10258; Filed, Oct. 15, 1962; 8:45 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4, Amdt. 3]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Issuance or Denial of Licenses

On June 19, 1962, the Commission published notice of proposed rule making in the FEDERAL REGISTER (27 F.R. 5773) setting forth a proposed revision to paragraph (c) of § 510.8 of the Commission's General Order No. 4 (46 CFR 510.8(c)). The purpose of the present amendment is to clarify § 510.8(c); to provide for the issuance of a separate license to separately incorporated, even though related, independent ocean freight forwarder firms. It is also the purpose of this revision to require that the shipping public be apprised of all inter-relationships between licensed freight forwarders.

The Commission has carefully considered the comments submitted in response to the notice of proposed rule making and has, pursuant to the authority of sections 43 and 44 of the Shipping Act, 1916 (75 Stat. §§ 522, 523, and 766), adopted the following revision to § 510.8(c) of its General Order No. 4:

(c) Except as provided in subparagraph (1) of this paragraph, only one license shall be issued to any person regardless of the number of names under which such person may be doing business.

(1) Each separately incorporated qualified applicant for an independent freight forwarder license may be granted a separate license even though under common control with other independent ocean freight forwarding corporations, if such applicant submits a separate (i) application form FMC-18, (ii) $100.00 application fee as required by § 510.5(b), and (iii) surety bond in the form and amount hereafter to be prescribed.

(2) Each independent ocean freight forwarder authorized to carry on the business of forwarding under the Shipping Act, 1916, shall indicate on its letterhead stationery and on billing invoices the name or names of all such related freight forwarders on or before 180 days after publication of this rule in the FEDERAL REGISTER.

Effective date: The rule herein adopted shall become effective 30 days after date of publication in the FEDERAL REGISTER.

By order of the Commission, September 27, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-10299; Filed, Oct. 15, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DEDUCTION FOR INVESTMENT EXPENSES OF MUTUAL FIRE AND CASUALTY INSURANCE COMPANIES

Notice of Hearing on Proposed Regulations

Proposed amendment to the regulations under section 822 of the Code, relating to deduction for investment expenses of mutual fire and casualty insurance companies, was published in the FEDERAL REGISTER for August 31, 1962 (27 F.R. 8742).

A public hearing on the provisions of these proposed regulations will be held on Tuesday, October 30, 1962, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by October 26, 1962.

MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 62-10288; Filed, Oct. 15, 1962; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 861) has been filed by American Petroleum Institute, 1271 Avenue of the Americas, New York 20, New York, proposing the issuance of a regulation to provide safe conditions of use for petroleum waxes meeting adequate specifications of purity as a direct food additive in chewing gum, as an adjuvant in the manufacture of confectionery, for the waxing of fruits and vegetables, as an antifrothing agent in the manufacture of sugar, and as a constituent of nonfood articles used in contact with food.

Dated: October 9, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-10274; Filed, Oct. 15, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 938) has been filed by The Dow Chemical Company, Abbott Road Buildings, Midland, Michigan, and Abbott Laboratories, North Chicago, Illinois, proposing the amendment of § 121.207 of the food additive regulations to provide for the addition of 0.01 percent of arsanilic acid or sodium arsanilate to zoalene-medicated chicken feeds.

Dated: October 9, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-10275; Filed, Oct. 15, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 906) has been filed by Esso Research and Engineering Company, Post Office Box 172, Linden, New Jersey, proposing the amendment of § 121.2520 *Adhesives* to provide for the use of dihexyl phthalate as a component of food-packaging adhesives.

Dated: October 9, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-10276; Filed, Oct. 15, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 931) has been filed by Fine Organics, Inc., 205 Main Street, Lodi, New Jersey, proposing the amendment of § 121.2509 of the food additive regulations to provide for the safe use of erucamide as a release agent, antislip agent, antiblock agent, and/or antitack agent in polymeric films intended for use in contact with food.

Dated: October 9, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-10277; Filed, Oct. 15, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 935) has been filed by W. R. Grace and Company, 62 Whittemore Avenue, Cambridge 40, Massachusetts, proposing the amendment of §§ 121.2514(b)(3)(xxxi) and 121.2550(b)(5) to provide for the safe use of tri(nonylphenyl) phosphite as a component of resinous and polymeric coatings (§ 121.2514) and closures with sealing gaskets for food containers (§ 121.2550).

Dated: October 9, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-10278; Filed, Oct. 15, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348-(b)(5)), notice is given that petitions (FAP 922, 923, 928) have been filed by Chas. Pfizer and Company, Inc., 235 East Forty-second Street, New York 17, New York, proposing the amendment of § 121.206 of the food additive regulations to provide for the safe use of oleandomycin in chicken and turkey feeds containing oxytetracycline alone or oxytetracycline with zoalene or amprolium. The oleandomycin is to be added to promote growth and improve feed efficiency.

Dated: October 9, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-10279; Filed, Oct. 15, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (FAP 922, 923, 928) have been filed by Chas. Pfizer and Company, Inc., 235 East Forty-second Street, New York 17, New York, proposing the issuance of a regulation to provide for the safe use of oxytetracycline in chicken and turkey feeds, as follows:

TABLE 1—OXYTETRACYCLINE IN CHICKEN AND TURKEY FEED[1]

Principal ingredient	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
1. Oxytetracycline	50			For chickens and turkeys; not to be fed to laying chickens; as oxytetracycline hydrochloride.	Prevention of chronic respiratory disease (air-sac infection), blue comb (non-specific infectious enteritis, mud fever); prevention of disease from susceptible organisms during periods of stress.
a. Oxytetracycline	50	Amprolium	113	do	Prevention and control of coccidiosis.
b. Oxytetracycline	50	Zoalene	113	do	Do.
c. Oxytetracycline	50	Bacitracin	50–100	For chickens and turkeys; not to be fed to laying chickens; as bacitracin, bacitracin methylene disalicylate, or zinc bacitracin; as oxytetracycline hydrochloride.	Prevention of chronic respiratory disease.
2. Oxytetracycline	50			For turkeys; as oxytetracycline hydrochloride.	Prevention of hexamitiasis.
a. Oxytetracycline	50	Amprolium	113	do	Prevention and control of coccidiosis.
b. Oxytetracycline	50	Zoalene	113	do	Do.
3. Oxytetracycline	50–100			For chickens and turkeys; as oxytetracycline hydrochloride.	Increase hatchability of eggs.
4. Oxytetracycline	100			For chicks and poults; as oxytetracycline hydrochloride.	Prevention of early mortality.
a. Oxytetracycline	100	Amprolium	113	do	Prevention and control of coccidiosis.
b. Oxytetracycline	100	Zoalene	113	do	Do.
5. Oxytetracycline	100			For turkeys; as oxytetracycline hydrochloride.	Treatment of hexamitiasis.
6. Oxytetracycline	100–200			For chickens and turkeys; not to be fed to laying chickens; as oxytetracycline hydrochloride.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever), infectious sinusitis; prevention of infectious synovitis.
a. Oxytetracycline	100–200	Bacitracin	100	For chickens and turkeys; not to be fed to laying chickens; as bacitracin, bacitracin methylene disalicylate, or zinc bacitracin; as oxytetracycline hydrochloride.	Do.
b. Oxytetracycline	100–200	Amprolium	113	For chickens and turkeys; not to be fed to laying chickens; as oxytetracycline hydrochloride.	Prevention and control of coccidiosis.
c. Oxytetracycline	100–200	Zoalene	113	do	Do.
7. Oxytetracycline	200			For chickens; not to be fed to laying chickens; as oxytetracycline hydrochloride.	Treatment of infectious synovitis; prevention of avian infectious hepatitis and fowl cholera.
a. Oxytetracycline	200	Amprolium	113	do	Prevention and control of coccidiosis.
b. Oxytetracycline	200	Zoalene	113	do	Do.
8. Oxytetracycline	200			For turkeys; as oxytetracycline hydrochloride.	Treatment of infectious synovitis.
a. Oxytetracycline	200	Amprolium	113	do	Prevention and control of coccidiosis.
b. Oxytetracycline	200	Zoalene	113	do	Do.
9. Oxytetracycline	200			For chickens; not to be fed to laying chickens; in low calcium feed containing 0.18 percent to 0.55 percent dietary calcium; not to be fed continuously for more than 5 days; as oxytetracycline hydrochloride.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever); treatment of fowl cholera and infectious synovitis; prevention of coccidiosis and avian infectious hepatitis.
10. Oxytetracycline.	5–7.5			For chickens and turkeys; as oxytetracycline hydrochloride.	Growth promotion and feed efficiency.
11. Oxytetracycline.	10–50			do	Increased egg production.

[1] Where oxytetracycline is combined with other permitted additives, appropriate limitations and indications for use for each additive shall apply.

Dated: October 9, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-10280; Filed, Oct. 15, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 42]

[Reg. Docket No. 1347; Draft Release No. 62-39A]

AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, LARGE COMMERCIAL OPERATORS, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

In the notice of proposed rule making on this subject (Draft Release 62-39) published in the FEDERAL REGISTER August 22, 1962 (26 F.R. 8356), an error appears in § 42.396(a)(1)(iii) of the proposed revision of Part 42 of the Civil Air Regulations which changes the original intent of this section.

The words "plus 10 percent" should be corrected to read "plus 15 percent." In addition, the wording of paragraph (a)(1)(iii) needs clarification.

Accordingly, pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that § 42.396(a)(1) as proposed in Draft Release 62-39 is hereby changed to read as follows:

§ 42.396 Fuel supply for all operations; airplanes.

(a) *Reciprocating-engine and turbopropeller-powered airplanes.* (1) No airplane shall be dispatched or released for flight unless it carries sufficient fuel, considering the wind and other weather conditions expected, to comply with the following:

(i) To fly to and land at the airport to which it is dispatched or released, and thereafter;

(ii) To fly to and land at the most distant alternate airport designated in the dispatch or flight release, and thereafter;

(iii) To fly for a period of at least 45 minutes at normal cruising consumption, except that;

(iv) If the airplane is dispatched or released from the United States to an airport outside thereof, to an airport within the United States from a place outside thereof, or from any place to an airport within the State of Alaska or Hawaii or the several Territories and possessions of the United States, to fly for a period of at least 30 minutes plus 15 percent of the total time required to fly at normal cruising consumption to the airports listed in subdivisions (i) and (ii) of this subparagraph, or to fly for 90 minutes at normal cruising consumption, whichever is lesser.

In view of the aforementioned change in the proposal, notice is hereby given that the time in which comment will be received on this proposed section is extended to November 15, 1962. Comments should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C.

(Secs. 313(a), 601-610 of the Federal Aviation Act of 1958 (72 Stat. 752, 775-780; 49 U.S.C. 1354, 1421-1430))

Issued in Washington, D.C., on October 9, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-10292; Filed, Oct. 15, 1962; 8:49 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1421]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring installation of an engine oil filter differential pressure warning system on certain Boeing 707/720 and Douglas DC-8 airplanes. Service experience has shown that clogging of the engine main oil filter can occur from carbon particles or other foreign matter generated by the engine being carried into the lubrication system. Complete clogging of the filter will allow foreign matter to by-pass the filter and be carried into the bearing lubrication passage where it can cause clogging of the "last chance" screens at the bearings. When this occurs, serious mechanical damage to the engine can result. In one instance, oil starvation at a mainshaft bearing caused overheating and failure of the mainshaft which resulted in overspeeding of the turbines to the point of failure. This failure caused serious structural damage to the airplane.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 15, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BOEING AND DOUGLAS. Applies to Boeing Models 707-100B, 707-300B and 720-000B Series aircraft and to Douglas DC-8-50 Series aircraft with Pratt & Whitney JT3D Series engines.

Compliance required within the next 4,000 hours' time in service after the effective date of this AD.

Clogging of engine oil filters by foreign matter has caused lubrication system malfunctions which have resulted in engine mechanical failures affecting safety of flight. To prevent such failures, the following is required:

(a) For Pratt & Whitney JT3D Series engines with serial numbers listed in Pratt & Whitney Engine Service Bulletin No. 327 dated January 8, 1962:

(1) Modify the engine oil filter assembly to provide for the installation of a differential pressure switch between the by-pass port and the filter drain port, and provide an additional spring in the by-pass valve to increase the pressure at which by-pass occurs.

(2) Install a pressure switch across the engine main oil system filter, set to be actuated when the differential pressure between the inlet and outlet ports reaches a value of approximately 50 p.s.i. This change requires prior or concurrent incorporation of Pratt & Whitney Engineering Change No. 116970 in accordance with (a)(1).

(b) For Boeing Models 707-100B, 707-300B and 720-000B Series aircraft with serial numbers listed in Boeing Service Bulletin No. 1586 dated April 11, 1962, and Douglas DC-8-50 Series aircraft which have not had this modification incorporated:

(1) Provide a means in the cockpit to give corresponding indication of the actuation of the differential pressure switch on each engine. For the purpose of this requirement, it is satisfactory to connect the differential pressure switch signals into the existing engine low oil pressure warning lights.

(c) When the above modifications in (a) and (b) are accomplished, the engine oil filter inspections prescribed by AD 61-24-1 are no longer required.

(Boeing Service Bulletin No. 1586 dated April 11, 1962, covers this subject for Boeing aircraft. A Douglas service bulletin covering this subject will be available at a later date.)

Issued in Washington, D.C., on October 9, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-10248; Filed, Oct. 15, 1962; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1422]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of and specifying a retirement time for wood tail rotor blades on Bell Model 47 Series helicopters.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 15, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BELL. Applies to all Model 47 Series helicopters equipped with P/N 47-642-020-1 wood tail rotor blades.

Compliance required as indicated.

There have been several failures of wood tail rotor blades resulting from wood deterioration. To preclude further wood blade failures the following must be accomplished:

(a) Within 50 hours' time in service after the effective date of this AD:

(1) Remove wood tail rotor blades in accordance with the applicable Bell Maintenance and Overhaul (M&O) Manual.

(2) Remove the fiberglas wrapping from the root end area of blades and remove the fiberglas blade covering from areas underneath the wrapping in accordance with the applicable Bell M&O Manual. Blade covering should be cut by lightly sanding cover.

(3) Inspect root end of blades from root end of blade to 6 inches outboard for:

(i) Elongated bolt holes. Maximum allowable diameter 0.260 inch.

(ii) Decay of wood. Detection of decay can be made visually by noting discoloration of the basic material. (Generally decay will start as a grayish discoloration and deepens to a brown color during the later stages.)

(iii) Cracks in the stainless steel leading edge strip and grip plates using at least a 5-power magnifying glass.

(4) Blades found with bolt hole diameters exceeding 0.260 inch, with decay, or with any cracks, shall be removed from service prior to further flight.

(5) Blades without defects may be returned to service after:

(i) Recovering the blade root area in accordance with patching procedures given in the applicable Bell M&O Manual; and

(ii) Rewrapping the root area with two pieces of MIL-P-8013 No. 181 fiberglas cloth 2 x 27 inches in accordance with Bell Service Bulletin No. 75 dated September 17, 1951.

(b) Blades returned to service after compliance with (a) shall be retired from service prior to the accumulation of 200 hours' time in service since reinstallation in accordance with (a).

Issued in Washington, D.C., on October 9, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-10249; Filed, Oct. 15, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 11]

[Docket No. R-221]

COMPUTATION OF ANNUAL CHARGES FOR HEADWATER BENEFITS TO OWNERS OF NONFEDERAL HYDROELECTRIC PROJECTS

Notice of Extension of Time

OCTOBER 8, 1962.

Upon consideration of several requests filed by various persons for extension of the time within which to submit data, information, comments, and suggestions relating to the subject of the notice of proposed rule making issued August 24, 1962, in the above-designated matter:

Notice is hereby given that the time within which all parties may submit data, information, comments, and suggestions relative to the above-designated matter is hereby extended from October 16, 1962, to and including November 30, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10253; Filed, Oct. 15, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[417.329]

CERTAIN DEUTERATED COMPOUNDS

Tariff Classification

OCTOBER 11, 1962.

There appeared in the FEDERAL REGISTER of October 11, 1961, Vol. 26, No. 196, a notice of proposed tariff classification of deuterated compounds.

It is expected that pursuant to the Tariff Classification Act of 1962, Public Law 87-456, the proposed tariff schedules of the United States will be proclaimed in the near future. Accordingly, the Bureau will take no further action in this matter and the compounds will continue to be classifiable as radioactive substitutes under paragraph 1749, Tariff Act of 1930, pending the proclamation of the proposed tariff schedules. Subsequent to the proclamation of the proposed schedules, the compounds will be classifiable in accordance with those schedules.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

[F.R. Doc. 62-10294; Filed, Oct. 15, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-43]

U.S. NAVAL POSTGRADUATE SCHOOL

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to Facility License No. R-11. The license authorizes the U.S. Naval Postgraduate School ("the licensee") to operate a Model AGN-201 nuclear reactor ("the reactor") located on the licensee's campus in Monterey California. The amendment authorizes the licensee to remove, repair, and reinstall, the core tank of the reactor as described in the licensee's submissions to the Commission dated September 13, 1962, and September 17, 1962 (together "the application").

The Commission has found that:

(1) Conduct of the proposed activities in accordance with the license as amended will not present an undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since conduct of the proposed activities in accordance with the license, as amended, does not present any hazards to the health and safety of the public significantly different from those considered and evaluated in connection with the previously approved operation.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, (10 CFR 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see Docket No. 50-43 which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 9th day of October 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-11; Amdt. No. 2]

In addition to the activities previously authorized by the Commission in License No. R-11, as amended, U.S. Naval Postgraduate School is authorized to remove, repair and reinstall the core tank of its Model AGN-201 reactor located on its campus in Monterey, California.

The activities shall be conducted in accordance with the procedures and subject to the limitations in License No. R-11, as amended, and in the U.S. Naval Portgraduate School's submissions to the Commission dated September 13, 1962, and September 17, 1962.

This amendment is effective as of the date of issuance.

Date of issuance: October 9, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-10245; Filed, Oct. 15, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13971; Order No. E-18895]

SAN FRANCISCO & OAKLAND HELICOPTER AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of October 1962.

San Francisco & Oakland Helicopter Airlines, Inc. (SFO), filed a petition on August 24, 1962, requesting the Board to establish a temporary service mail rate of $2.58 per ton-mile as a fair and reasonable rate of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, by SFO; and requesting, in the usual form, such other and further relief as the Board may deem fitting and proper. The Postmaster General filed an answer to SFO's petition on September 5, 1962, stating that he did not support the petition insofar as it requested the Board to establish a temporary rate of compensation; and that in the event the Board should prescribe a fair and reasonable final rate of compensation not in excess of the service mail rate presently established for helicopter mail transportation in Los Angeles, Chicago, and New York, the Post Office would utilize the services of SFO on an "as needed basis." In view of the position of the Postmaster General, the Board has proceeded to consider establishing a final service mail rate.[1]

By Order E-18583 of July 12, 1962, the Board in Docket 13407 granted SFO an exemption from Title IV of the Federal Aviation Act of 1958 and Part 298 of the Board's Economic Regulations, insofar as such provisions would otherwise prevent the carrier from transporting mail solely on a service mail rate to be paid entirely by the Postmaster General. In its instant petition, SFO stated that the terms of its exemption authority to carry mail on a nonsubsidized basis, which limit SFO's mail operations to those pairs of points on its system between which no scheduled air carrier is certificated, are acceptable to it. While the Postmaster General has stated that the Post Office Department will use SFO's services on an "as needed basis" alone,[2] the representations of contemplated use are considered sufficient to justify the establishment of a final service mail rate.

Upon consideration of SFO's petition, the answer of the Postmaster General and matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions:

1. SFO's operations are generally comparable to those of the certificated helicopter operators in Los Angeles (Los Angeles Airways, Inc.), Chicago (Chicago Helicopter Airways, Inc.) and New York (New York Airways, Inc.).

2. The interairport and downtown-airport routes SFO flies are comparable in their short-haul nature, and similar in

[1] By letter dated September 11, 1962, SFO advises that it acquiesces in the suggestion of the Postmaster General that the service mail rate requested be made final, rather than temporary, in the Board's discretion.

[2] The Post Office Department has also advised informally that October 13, 1962, would be an appropriate date upon which mail service by SFO could be commenced.

stage length, to those of the three certificated helicopter carriers.

3. SFO's schedule frequencies, services offered, and fares charged are likewise similar to those of the Los Angeles, Chicago, and New York certificated helicopter operators.

4. SFO's services and operating costs should not materially differ from the certificated helicopter operators in Los Angeles, Chicago, and New York.

5. A service mail rate of $2.58 per ton-mile has been and continues to be applicable to the three certificated helicopter operators as the fair and reasonable final rate of compensation paid them for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over their respective systems.[1]

6. A final service mail rate at the same level as that established for the certificated helicopter carriers is fair and reasonable for SFO.

7. The fair and reasonable final service mail rate to be paid SFO pursuant to section 406 of the Act, effective commencing October 13, 1962, is $2.58 per ton-mile for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

It is ordered:

A. That San Francisco & Oakland Helicopter Airlines, Inc. and the Postmaster General are each directed to show cause why the Board should not adopt the provisional findings and conclusions stated above, and fix and determine a rate of $2.58 per ton-mile as the fair and reasonable final rate of compensation to be paid San Francisco & Oakland Helicopter Airlines, Inc. for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its system on and after October 13, 1962, under the terms of the present exemption authority contained in Order E–18583 or any other exemption authority granted hereafter.

B. That the aforesaid rate established under section 406 of the Act is a service mail rate payable in its entirety by the Postmaster General.

C. That all further procedures herein shall be in accordance with the rules of practice (14 CFR Part 302); and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and, if notice is filed, written answers and supporting documents shall be filed within 30 days, after the date of service of this order.

D. That if notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the final rate specified herein.

[1] Appendix No. 1, E–7721, September 16, 1953.

E. That if answer is filed, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

F. That this order be served upon San Francisco & Oakland Helicopter Airlines, Inc. and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–10297; Filed, Oct. 15, 1962; 8:49 a.m.]

[Docket 5395 etc.]

SOUTHERN ROCKY MOUNTAIN AREA LOCAL SERVICE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on November 14, 1962, at 10 a.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 10, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62–10296; Filed, Oct. 15, 1962; 8:49 a.m.]

[Docket 13674]

NORTH CENTRAL AIRLINES, INC., "USE IT OR LOSE IT" INVESTIGATION OF TRANSBORDER ROUTE 86 F

Notice of Reassignment of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding, heretofore assigned to be held in Duluth, Minnesota, is reassigned and will be held on October 16, 1962, at 10 a.m. local time, in Room 803, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned hearing examiner.

Dated at Washington, D.C., October 11, 1962.

[SEAL] BARRON FREDERICKS,
Hearing Examiner.

[F.R. Doc. 62–10341; Filed, Oct. 15, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14730; FCC 62M–1344]

KIMBLE COMMUNICATIONS

Order Continuing Hearing

In re applications of W. A. Henley, d/b as Kimble Communications, Docket No. 14730, File Nos. 2397/2398–C1–P–62; for construction permits to establish stations in the Point-to-Point Microwave Radio Service near Kerrville, and at Midway, Texas.

The Hearing Examiner having under consideration the informal request of the applicant for a continuance of the date of the hearing presently scheduled to commence on October 19, 1962, and the statement of the applicant that counsel for the Commission has consented to such continuance;

It is ordered, This 9th day of October 1962, That the hearing presently scheduled to commence on October 19, 1962, is continued to October 22, 1962, commencing at 10:00 a.m. at the offices of the Commission in Washington, D.C.

Released: October 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–10306; Filed, Oct. 15, 1962; 8:50 a.m.]

[Docket No. 14797]

HERBERT JEFFREY

Order To Show Cause

In the matter of Herbert Jeffrey; 8809 Evansview Drive, Los Angeles, California, Docket No. 14797; order to show cause why there should not be revoked the License for Radio Station 11Q0687 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation mailed on February 8, 1962, alleging that on January 6, 1962, Citizens Radio Station 11Q0687 was observed in violation of § 19.61(a) of the Commission's rules, in that the radio communications transmitted were not purposeful or substantive to the licensee's business or personal needs.

It further appearing that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated April 6, 1962, and sent by Certified Mail—Return Receipt Requested (Cert. #091488), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's Rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee on April 9, 1962, to a Post Office Department return receipt; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 8th day of October 1962, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of the Commission's statement of delegations of authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: October 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–10307; Filed, Oct. 15, 1962; 8:50 a.m.]

[Docket Nos. 14755–14757; FCC 62M–1330]

JUPITER ASSOCIATES, INC., ET AL.

Order Continuing Hearing

In re applications of Jupiter Associates, Inc., Matawan, New Jersey, Docket No. 14755, File No. BP–14178; William S. Halpern and Louis N. Seltzer, d/b as Somerset County Broadcasting Company, Somerville, New Jersey, Docket No. 14756, File No. BP–14234; Radio Elizabeth, Inc., Elizabeth, New Jersey, Docket No. 14757, File No. BP–14812; for construction permits.

Pursuant to a prehearing conference held this date: *It is ordered*, This 8th day of October 1962, that the hearing herein now scheduled for November 15, 1962, be and the same is hereby rescheduled for December 17, 1962, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: October 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–10308; Filed, Oct. 15, 1962; 8:50 a.m.]

[Docket No. 14380; FCC 62M–1338]

KSAY BROADCASTING CO.

Order Continuing Hearing

In re application of Grant R. Wrathall and Taft R. Wrathall as Trustee for Grant R. Wrathall, Jr., Charlotte Wrathall, Lawrence Wrathall, and Loretta Wrathall, d/b as KSAY Broadcasting Company, San Francisco, California, Docket No. 14380, File No. BR–3528; for renewal of license of Standard Broadcast Station KSAY.

It is ordered, This 8th day of October 1962, on the Hearing Examiner's own motion, that the hearing in this matter now scheduled for October 22, 1962, be postponed indefinitely.

Released: October 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62 10309; Filed, Oct. 15, 1962; 8:50 a.m.]

[Docket Nos. 14759, 14760; FCC 62M–1329]

LEVY COUNTY BROADCASTING CO. AND THOMAS COUNTY BROADCASTING CO., INC. (WKTG)

Order Continuing Hearing

In re applications of Levy County Broadcasting Company, Williston, Florida, Docket No. 14759, File No. BP–13981; Thomas County Broadcasting Company, Inc. (WKTG), Thomasville, Georgia, Docket No. 14760, File No. BP–14988; for construction permits.

As a result of agreements reached upon the record of a prehearing conference held this date in the above-entitled matter: *It is ordered*, This 8th day of October 1962, that:

1. All exhibits shall be exchanged on or before November 8, 1962.

2. Notification of witnesses shall be made on or before November 20, 1962, and

3. The hearing now scheduled for November 1, 1962, is rescheduled to commence at 10:00 a.m., November 26, 1962, in the Commission's offices in Washington, D.C.

Released: October 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–10310; Filed, Oct. 15, 1962; 8:50 a.m.]

[Docket Nos. 13067, 13068; FCC 62M–1345]

NEWTON BROADCASTING CO. AND TRANSCRIPT PRESS, INC.

Order Continuing Hearing

In re applications of Charles A. Bell, George J. Helmer, III, Wayne H. Lewis and Edward Bleier, d/b as Newton Broadcasting Company, Newton, Massachusetts, Docket No. 13067, File No. BP–12884; Transcript Press, Inc., Dedham, Massachusetts, Docket No. 13068, File No. BP–12901; for construction permits.

The Hearing Examiner having under consideration "Petition for Extension Change in Hearing Date," filed by Newton Broadcasting Company on October 9, 1962;

It appearing that good cause exists for the requested extension and that all parties have consented to the requested extension;

It is ordered, This 10th day of October 1962, that the petition is granted, and the hearing date now scheduled for December 3, 1962, is extended to December 10, 1962.

Released: October 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–10311; Filed, Oct. 15, 1962; 8:50 a.m.]

[Docket Nos. 14639, 14640; FCC 62M–1343]

OLNEY BROADCASTING CO. AND JAMES R. WILLIAMS

Order Re Procedural Dates

In re applications of Harwell V. Shepard tr/as Olney Broadcasting Company, Olney, Texas, Docket No. 14639, File No. BP–10494; James R. Williams, Anadarko, Oklahoma, Docket No. 14640, File No. BP–13635; for construction permits.

The Hearing Examiner having under consideration motion filed October 9, 1962, on behalf of Harwell V. Shepard, tr/as Olney Broadcasting Company, requesting a change of certain procedural dates herein;

It appearing that good cause exists; that there is no objection to the motion and the other parties to the proceeding have consented to a waiver of the provisions of § 1.46(a) of the Commission's rules to permit immediate consideration of the instant pleading;

Accordingly, it is ordered, This 10th day of October 1962, that the motion is granted and the following procedural dates are hereby established:

Preliminary exchange engineering exhibits: November 2, 1962.
Informal engineering conference: November 8, 1962.
Final exchange all engineering and non-engineering exhibits: November 16, 1962.
Notification of witnesses for cross-examination: November 23, 1962.

Released: October 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–10312; Filed, Oct. 15, 1962; 8:50 a.m.]

[Docket Nos. 12315, 12316; FCC 62M–1342]

SHEFFIELD BROADCASTING CO. AND J. B. FALT, JR.

Order Continuing Hearing

In re application of Iralee W. Benns, tr/as Sheffield Broadcasting Co., Sheffield, Alabama, Docket No. 12315, File No. BP–11130; J. B. Falt, Jr., Sheffield, Alabama, Docket No. 12316, File No. BP–11559; for construction permits.

The Hearing Examiner having under consideration the evidentiary hearing herein now scheduled for October 15, 1962;

It appearing that by communication dated October 5, 1962, counsel for Iralee W. Benns, tr/as Sheffield Broadcasting Co., advised the Commission's Secretary that Mrs. Benns would file a petition for

dismissal of her application in the near future;

It further appearing that said petition for dismissal, as of this date, has not been filed;

It further appearing that pursuant to informal discussion between counsel for the Commission's Broadcast Bureau and counsel for J. B. Falt, Jr., the other applicant herein, it was concluded it would be appropriate to reschedule the hearing herein to a subsequent date in order to conserve the time of all concerned in the hearing;

Accordingly, it is ordered, This 10th day of October 1962, that the hearing herein now scheduled for October 15, 1962, be and the same is hereby rescheduled for November 15, 1962, 10:00 a.m. in the Commission's Offices, Washington, D.C.

Released: October 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10313; Filed, Oct. 15, 1962; 8:50 a.m.]

[Docket Nos. 14632-14634; FCC 62M-1327]

TUSCARAWAS BROADCASTING CO. ET AL.

Order Continuing Prehearing Conference

In re applications of The Tuscarawas Broadcasting Company, Uhrichsville, Ohio, Docket No. 14632, File No. BP-13896; The Niles Broadcasting Company, Niles, Ohio, Docket No. 14633, File No. BP-13993; Punxsutawney Broadcasting Company (WPME), Punxsutawney, Pennsylvania, Docket No. 14634, File No. BP-14022; for construction permits.

The Hearing Examiner having under consideration a pleading filed September 24, 1962, on behalf of The Niles Broadcasting Company requesting that the date for the exchange of rebuttal engineering, additional engineering and lay exhibits be extended from October 15, 1962, to October 22, 1962, and that the informal engineering conference scheduled for the week of October 22, 1962, be rescheduled for the week of October 29, 1962; and

It appearing that the reason for the requested extensions of time is a conflict in the hearing schedule of counsel for movant; and

It further appearing that counsel for the other parties have no objections to the granting of the pleading and good cause for the requested extensions of time having been shown;

It is ordered, This the 5th day of October 1962, that the pleading for an extension of exchange dates is granted and the date for the exchange of rebuttal engineering, additional engineering and lay exhibits is extended from October 15, 1962, to October 22, 1962, and the informal engineering conference scheduled for the week of October 22, 1962, is rescheduled for the week of October 29, 1962;

It is further ordered, That the hearing will begin on November 5, 1962 as presently scheduled.

Released: October 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10314; Filed, Oct. 15, 1962; 8:50 a.m.]

[Docket No. 14796]

ALVIN WILLIS ET AL.

Order To Show Cause

In the matter of Alvin Willis and Robert Garrison d/b as Willis & Garrison, 1400 Albany Street, Brunswick, Georgia, Docket No. 14796; order to show cause why there should not be revoked the license for Radio Station 6Q1691 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation mailed on May 11, 1962, alleging that on May 2, 1962, Citizens Radio Station 6Q1691 was observed in violation of the Commission's § 19.72 (a)—failure to post the station license or a photocopy thereof at the location of the fixed transmitter; § 19.72(a)—properly executed transmitter identification tags (F.C.C. Form 452-C) or a plate metal or other durable substance or a photocopy thereof was not posted to the units bearing serial numbers 26932 and 26933.

It further appearing that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated June 11, 1962, and sent by Certified Mail—Return Receipt Requested (Cert. #567790), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee Robert Garrison on June 12, 1962, to a Post Office Department return receipt; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 8th day of October 1962, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: October 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10316; Filed, Oct. 15, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP62-248; CP62-249]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Applications and Date of Hearing

OCTOBER 8, 1962.

Take notice that on April 26, 1962, as supplemented on July 30, 1962, Kansas-Nebraska Natural Gas Company (Applicant), Hastings, Nebraska, filed in Docket No. CP62-248 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during a 12-month period and the operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in said application, as supplemented, which is on file with the Commission and open to public inspection.

The purpose of the "budget-type" application in Docket No. CP62-248 is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally co-extensive with said system.

The total cost of the facilities proposed in Docket No. CP62-248, it is stated, will not exceed $1,200,000, and no single project will exceed a cost of $300,000. The application further states that the proposed facilities will be financed from current working capital.

Take further notice that on April 26, 1962, Applicant filed in Docket No. CP62-249 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during a 24-month period and the operation of facilities to render direct service to new industrial customers, all as more fully set forth in said application which is on file with the Commission and open to public inspection.

In said Docket No. CP62-249 Applicant seeks authorization for the following:

(1) Installation and operation of the necessary connecting pipeline and measuring facilities to serve on an interruptible basis not more than six new agricultural processing plants in the vicinity of Applicant's system at a total cost not exceeding a maximum of $100,000, with the cost of facilities to serve any single plant not to exceed $25,000, and provided that the total annual sales to all such plants shall not exceed a maximum of 750,000 Mcf of gas, with the annual sales to any single plant not to exceed 200,000 Mcf of gas;

(2) Installation and operation of the necessary connecting pipeline and measuring facilities to serve not more than four new miscellaneous industrial customers in the vicinity of Applicant's system on an interruptible basis at a total cost not exceeding a maximum of $75,000, with the cost of facilities to serve any single customer not to exceed $25,000, and provided that the total annual sales to all such customers shall not exceed a maximum of 500,000 Mcf of gas, with annual sales to any single customer not to exceed 200,000 Mcf of gas; and

(3) Installation and operation of the necessary connecting pipeline and measuring facilities to serve on an interruptible basis not more than three new electric generation customers in the vicinity of Applicant's system at a total cost not exceeding a maximum of $75,000, with the cost of facilities to serve any single plant not to exceed $30,000, and provided that the total annual sales to all such plants shall not exceed a maximum of 500,000 Mcf of gas, with annual sales to any single plant not to exceed 200,000 Mcf of gas. The gas would be used only for internal combustion engine driven generators and not for boiler fuel.

The facilities in Docket No. CP62-249 will be financed from current working capital.

The applications in the subject dockets are not interdependent.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 15, 1962, at 9:30 a.m. e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 5, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 62-10254; Filed, Oct. 15, 1962; 8:45 a.m.]

[Docket No. G-14943 etc.]

MINERAL RESOURCES, INC., ET AL.

Findings and Order Issuing Certificates of Public Convenience and Necessity, Terminating Certificate Authorizations, Redesignating Related FPC Gas Rate Filings, Substituting Respondent in and Redesignating Rate Proceeding, Accepting Successor's Agreement and Undertaking and Making Rate Effective Thereunder, Dismissing Certificate Applications and Cancelling Docket Numbers

OCTOBER 9, 1962.

In the matter of Mineral Resources, Inc., et al. (Successor to Chesapeake Industries, Inc., formerly Bass & Vessels, et al.), Docket Nos. G-14943, G-5192, G-5232; Producing Properties, Inc. (Operator), et al. (Successor to Christiana Oil Corporation (Operator), et al., formerly Southwestern Exploration Company (Operator), et al.), Docket Nos. G-16146, G-6406, G-6407, G-10726, G-10745, G-10762, G-12532; Lawrence W. Curtin, et al. (Successor to George W. Walker, et al., Assignees of Neil J. Sharp and Mabel I. Sharp), Docket Nos. CI61-103,[1] G-4414; J. M. Zachary, et al. (Successor to Mapenza Oil Company, et al., formerly Makin Oil Company, et al.), Docket Nos. CI61-114, G-6551, G-9401, G-12644; Aztec Oil & Gas Company (Successor to Raymond Oil Company, Inc. (Operator), et al.), Docket Nos. CI61-924, G-18283; Coastal States Gas Producing Company (Successor to Roy H. Bettis and G. Frederick Shepherd), Docket Nos. CI61-1008, CI61-1009, CI61-1010, CI61-1011, G-10120, G-17091, G-18646; Paul D. Little (Successor to Dalport Oil Corporation, et al.), Docket Nos. CI62-690, G-8887; Texas Pacific Coal and Oil Company (Successor to Woodson Oil Company), Docket Nos. CI62-742, RI60-455, G-18954.

Each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of a sale or sales of natural gas in interstate commerce previously authorized to or applied for by a predecessor in interest. These sales, as represented in the respective applications, and any amendments and/or supplements thereto, are proposed to be continued by the assignee Applicants in accordance with the terms of the respective original basic contracts (and any amendments and/or supplements thereto) which have been accepted for filing and are subject to appropriate redesignation.

Producing Properties, Inc. (Operator), et al. proposes in Docket No. G-16146 to continue sales covered by the six docket numbers indicated in the caption hereof. It appears that no certificate authorization has ever been granted to the predecessor Applicant, Southwestern Exploration Company (Operator), et al. in Docket No. G-10762 and that Producing Properties may properly be substituted for Southwestern Exploration Company as Applicant for the authorization sought in said Docket No. G-10762. It further appears that said application in Docket No. G-10762 may be treated as an amendment enlarging the authorization sought by Producing Properties in its application in Docket No. G-16146 and the designation Docket No. G-10762 may be cancelled.

Aztec Oil & Gas Company proposes in Docket No. CI61-924 to continue a sale previously authorized to Raymond Oil Company, Inc., in Docket No. G-18283. On December 12, 1960, Raymond filed an abandonment application in Docket No. CI61-923, citing as reason therefor complete assignment of its interest to Aztec. Such filing was accepted and is pending as a petition to vacate the certificate issued in Docket No. G-18283 and the Docket No. CI61-923 designation was cancelled.

Coastal States Gas Producing Company proposes in Docket No. CI61-1009

[1] Joint 7(b) 7(c) filing.

to continue a sale covered by Roy H. Bettis, et al.'s pending Docket No. G-18645. Coastal has been substituted for Bettis, et al., in Docket No. G-18645, consequently, the application in Docket No. CI61-1009 should be dismissed as moot.

Texas Pacific Coal and Oil Company (Assignee of The Prudential Company of America) proposes in Docket No. CI62-742 to continue a sale authorized to Woodson Oil Company (Assignor of Prudential) in Docket No. G-18954. On January 2, 1962, Woodson filed a motion for recission of the certificate issued in Docket No. G-18954, citing as reason therefor its complete assignment of interest to Prudential.

On January 2, 1962, Texas Pacific and Woodson filed a joint motion to substitute Texas Pacific in lieu of Woodson as Respondent in the pending rate proceeding in Docket No. RI60-455. Said joint motion was filed pursuant to the acquisition on November 8, 1961, by Texas Pacific of Woodson's working interest in the producing properties from which sales of natural gas were being made under Woodson's filed FPC Gas Rate Schedule No. 1, as supplemented, which rate schedule is involved in Docket No. RI60-455.

Concurrently with the aforesaid joint motion, Texas Pacific filed a motion to place in effect as of January 1, 1962, the rate suspended until December 2, 1960, in that proceeding and also submitted its agreement and undertaking to assure the refunding of any and all charges which may be determined to be excessive in said proceeding. Under the Commission's regulations, a suspended rate may be placed in effect only upon the expiration of the suspension period or upon the date of filing of a motion therefor, whichever is later. In this case the date of January 2, 1962, therefore shall be the effective date.

Pursuant to due notice, a public hearing was held in Washington, D.C., on September 25, 1962, respecting the matters involved in and the issues presented by the applications herein. No petition to intervene or protest to the granting of any of said applications or motions in this consolidated proceeding has been received. Staff counsel moved orally at the hearing that the intermediate decision procedure be omitted and that the Commission render a decision herein pursuant to § 1.30(c)(1) of the Commission's rules of practice and procedure.

The Commission finds:

(1) The respective Applicants herein, all independent producers of natural gas, by reason of the continuation of the sale or sales of natural gas hereinafter authorized, all as hereinbefore described and as more fully described in the respective applications herein, will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and each will be, therefore, a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The sales of natural gas by the respective Applicants herein, together with the operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Said sales of natural gas by the respective Applicants herein, together with the operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act to terminate as of the date of issuance of this order the certificates of public convenience and necessity heretofore issued to the predecessors of the Applicants to whom certificate authorization to continue the services covered by said predecessor certificates is granted hereinafter.

(6) The pending certificate applications in Docket Nos. G-10762 and CI61-1009 should be dismissed for the reasons hereinbefore stated.

(7) The certificate authorizations heretofore issued by the Commission in the following dockets should be terminated as of the date on which this order issues: Docket Nos. G-4414, G-5192, G-5232, G-6406, G-6407, G-6551, G-8887, G-9401, G-10120, G-10726, G-10745, G-12532, G-12644, G-17091, G-18283, G-18646, and G-18954.

(8) Texas Pacific Coal and Oil Company should be substituted in lieu of Woodson Oil Company as Respondent in the pending rate proceeding in Docket No. RI60-455 and said proceeding should be redesignated accordingly.

(9) The increased rate heretofore suspended in the proceeding in Docket No. RI60-455 should be made effective, subject to refund, as of January 2, 1962, and the agreement and undertaking submitted by Texas Pacific Coal and Oil Company submitted on January 2, 1962, should be accepted, effective as of that date.

(10) The related FPC Gas Rate Schedules should be redesignated, and certain notices of succession should be accepted and redesignated, as hereinafter ordered.

(11) A request by staff counsel during the public hearing for omission of the intermediate decision procedure herein was unopposed by any party of record and, not having been denied by the Commission, is granted pursuant to § 1.30(c)(1) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the continuation of the sales by the respective Applicants herein, of natural gas in interstate commerce for resale, together with the continued operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Parts 154 or 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The pending certificate applications in Docket Nos. G-10762 and CI61-1009 be and the same are hereby dismissed and said docket numbers cancelled.

(E) The certificate authorizations heretofore issued by the Commission in the following dockets be and the same are hereby terminated as of the date on which this order issues and said docket numbers cancelled:

Docket No. G-4414 (order issued February 21, 1957, Docket Nos. G-2579, et al.).

Docket No. G-5192 (order issued September 24, 1956, Docket Nos. G-4102, et al.).

Docket No. G-5232 (order issued October 24, 1956, Docket Nos. G-2603, et al.).

Docket Nos. G-6406 and G-6407 (order issued May 28, 1956, Docket Nos. G-3275, et al.).

Docket No. G-6551 (order issued April 27, 1956, Docket Nos. G-6030, et al.).

Docket No. G-8887 (order issued May 21, 1956, Docket Nos. G-8512, et al.).

Docket No. G-9401 (order issued February 15, 1956, Docket Nos. G-6580, et al.).

Docket No. G-10120 (order issued July 20, 1956, Docket Nos. 10101, et al.).

Docket Nos. G-10726 and G-10745 (order issued March 22, 1957, Docket Nos. G-10551, et al.).

Docket No. G-12532 (order issued November 26, 1957, Docket Nos. G-9692, et al.).

Docket No. G-12644 (order issued February 10, 1958, Docket Nos. G-3031, et al.).

Docket No. G-17091 (order issued December 1, 1959, Docket Nos. G-14829, et al.).

Docket No. G-18283 (order issued October 31, 1960, Docket Nos. G-13831, et al.).

Docket No. G-18646 (order issued November 22, 1960, Docket Nos. G-18078, et al. and reaffirmed by order issued May 11, 1961).

Docket No. G-18954 (order issued June 27, 1961, Docket Nos. G-11789, et al.).

(F) Texas Pacific Coal and Oil Company be and the same is hereby substituted in lieu of Woodson Oil Company as Respondent in the rate suspension proceeding in Docket No. RI60-455 and said proceeding is hereby redesignated accordingly.

(G) The rate, charge and classification set forth in Supplement No. 3 to Texas Pacific Coal and Oil Company FPC Gas Rate Schedule No. 58 (see paragraph (I) below) is hereby made effective, subject to refund, as of January 2, 1962. The effective rate set forth in said Supplement No. 3 to Texas Pacific Coal and Oil Company FPC Gas Rate Schedule No. 58 shall be charged and collected commencing January 2, 1962, subject to any future orders of the Commission in Docket No. RI60-455.

(H) The related agreement and undertaking of Texas Pacific Coal and Oil Company filed on January 2, 1962, in Docket No. RI60-455, to comply with the refunding and reporting provisions of § 154.102 of the Commission's regulations under the Natural Gas Act, is hereby accepted for filing effective as of January 2, 1962, and such agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(I) The related FPC Gas Rate Schedules and notices of succession listed below are hereby accepted for filing and redesignated as shown:

Predecessor document and designation	Rate schedule designation	
	Coastal States Gas Producing Co.—(Docket No. CI61-1008), FPC Gas Rate Schedule No.:	*Supplement No.*
Roy H. Bettis, et al.—		
(Docket No. G-10120):		
FPC Gas Rate Schedule No. 2	39	
Assignment, Mar. 1, 1960	39	1
Notice of Succession, Jan. 6, 1961	39	
(Docket No. G-18645):	(Docket No. G-18645):	
FPC Gas Rate Schedule No. 7	40	
Supplement No. 1	40	1
Assignment, Mar. 1, 1960	40	2
Notice of Succession, Jan. 6, 1961	40	
(Docket No. G-17901):	(Docket No. CI61-1010):	
FPC Gas Rate Schedule No. 4	41	
Supplement No. 1	41	1
Assignment, Mar. 1, 1960	41	2
Notice of Succession, Jan. 6, 1961	41	
(Docket No. G-18946):	(Docket No. CI61-1011):	
FPC Gas Rate Schedule No. 5	42	
Supplement No. 1	42	1
Assignment, Mar. 1 1960	42	2
Notice of Succession, Jan. 6, 1961	42	
Woodson Oil Co.—	Texas Pacific Coal and Oil Co.—(Docket No. CI62-742):	
(Docket No. G-18954):		
FPC Gas Rate Schedule No. 1	58	
Supplement Nos. 1-3	58	1-3
Successor Individual Trustee's Deed, Nov. 7, 1961	58	4
Conveyance and Quit-Claim Agreement, Nov. 8, 1961	58	5
Conveyance and Agreement, Nov. 8, 1961	58	6
Conveyance and Agreement, Nov. 8, 1961	58	7
Notice of Succession	58	

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-10260; Filed, Oct. 15, 1962; 8:46 a.m.]

[Docket No. G-15250 etc.]

SHELL OIL CO. ET AL.

Notice of Applications and Date of Hearing and Notice of Severance

OCTOBER 9, 1962.

In the matter of Shell Oil Company, Docket No. G-15250;[1] Tidewater Oil Company, Docket No. G-16172; Shell Oil Company, Docket Nos. G-18334,[1] G-18402,[1] G-19044, G-19214,[1] G-19215,[1] G-19569,[1] G-19570,[1] G-19571, G-19572, G-19573,[1] G-19805, G-19840,[1] G-20224, G-20323, G-20324,[1] G-20567,[1] CI60-14,[1] CI60-35; Tidewater Oil Company, Docket No. CI60-430; Shell Oil Company, Docket Nos. CI60-454, CI60-502, CI61-104;[1] Tidewater Oil Company, Docket No. CI61-171; Shell Oil Company, Docket Nos. CI61-613, CI61-737, CI61-1063, CI61-1066,[1] CI61-1394, CI61-1421.[1]

Take notice that the above Applicants, Shell Oil Company and Tidewater Oil Company, have filed applications pursuant to section 7(c) of the Natural Gas Act in the docket numbers as listed above, for certificates of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce as hereinafter described, all as more fully described in the respective applications (and any supplements or amendments thereto) which are on file with the Commission and open to public inspection.

The aforesaid Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Field and Location; Purchaser; Price per Mcf[2]

G-15250; West Cameron Block 192 Field, offshore Louisiana; Tennessee Gas Transmission Co.; 18.75 cents at 15.025 psia.

G-16172; Ridge Field, Lafayette Parish, La.; United Gas Pipe Line Co.; 20.0 cents at 15.025 psia.

G-18334; Mosquito Bay Field, southern Louisiana; Transcontinental Gas Pipe Line Corp.; 20.0 cents at 15.025 psia.

G-18402; Humphreys and South Humphreys Fields, Terrebonne Parish, southern Louisiana; Transcontinental Gas Pipe Line Corp.; 20.0 cents at 15.025 psia.

G-19044; Cote Blanche Field, southern Louisiana; United Gas Pipe Line Co.; 18.5 cents at 15.025 psia.

G-19214; North Turtle Bayou Field, Terrebonne Parish, southern Louisiana; United Gas Pipe Line Co.; 18.5 cents at 15.025 psia.

G-19215; Belle River Field, St. Martin Parish, southern Louisiana; United Gas Pipe Line Co.; 18.5 cents at 15.025 psia.

G-19569; Lake Washington Field, Plaquemines Parish, southern Louisiana; Tennessee Gas Transmission Co.; 20.0 cents at 15.025 psia.

G-19570; Atchafalaya Bay Field (Deep), offshore Louisiana; Tennessee Gas Transmission Co.; 20.0 cents at 15.025 psia.

G-19571; Alta Loma Field, Texas R.R. Comm. District No. 3, Texas; Trunkline Gas Co.; 17.0 cents at 14.65 psia.

G-19572; S.W. Camp Creek Field, Beaver County, Okla.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.

G-19573; Bayou Chauvin Field, southern Louisiana; United Gas Pipe Line Co.; 18.5 cents at 15.025 psia.

G-19805; Laverne Field, Harper County, Okla.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.

G-19840; Chauvin Field, Terrebonne Parish, southern Louisiana; United Gas Pipe Line Co.; 18.5 cents at 15.025 psia.

G-20224; Oklahoma Deep Rights, Texas County, Okla.; Natural Gas Pipeline Co. of America; 15.0 cents at 14.65 psia.

G-20323; Rich Ranch Field, Texas R.R. Comm. District No. 3, Texas; Tennessee Gas Transmission Co.; 16.16947 cents at 14.65 psia.

G-20324; Clovelly Field, Lafourche Parish, southern Louisiana; Tennessee Gas Transmission Co.; 20.0 cents at 15.025 psia.

G-20567; East Cameron Block 17 Field (South), Cameron Parish, La.; United Fuel Gas Co.; 19.5 cents at 15.025 psia.

CI60-14; White Castle Field, Iberville Parish, southern Louisiana; Florida Gas Transmission Co. (successor to Coastal Transmission Corp.); 19.75 cents at 15.025 psia.

CI60-35; Borcher Area, Meade County, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

CI60-430; Caillou Island Field, Terrebonne Parish, southern Louisiana; Tennessee Gas Transmission Co.; 18.5 cents at 15.025 psia.

CI60-454; Prairie Dog Field, Baca County, Colo.; Colorado Interstate Gas Co.; 14.625 cents at 14.65 psia.

CI60-502; Wilburton Area, Morton County, Kans., and Texas County, Okla.; Northern Natural Gas Co.; 14.0 cents and 16.0 cents at 14.65 psia.

CI61-104; West Delta Block 20, southern Louisiana; Tennessee Gas Transmission Co.; 20.0 cents at 15.025 psia.

CI61-171; Lacassine Refuge Field, Cameron Parish, La.; American Louisiana Pipe Line Co.; 19.75 cents at 15.025 psia.

CI61-613; Kansas Hugoton Field (Deep Rights), Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.

CI61-737; Texas Panhandle Field, Roberts County, Tex.; Transwestern Pipe Line Co.; 17.0 cents at 14.65 psia. Oklahoma Panhandle Field, Beaver County, Okla.; Transwestern Pipe Line Co.; 17.0 cents at 14.65 psia.

CI61-1063; East Durant Area, Bryan County, Okla.; Lone Star Gas Co.; 15.0 cents at 14.65 psia.

CI61-1066; Eugene Island Block 128 Field, offshore Louisiana; Transcontinental Gas Pipe Line Co.; 19.5 cents at 15.025 psia.

CI61-1394; Buffalo Field, Harper County, Okla.; Transwestern Pipe Line Co.; 17.0 cents at 14.65 psia.

[1] Presently consolidated with Docket Nos. AR61-2, et al.

[2] Shell Oil Company prices as approved by order issued August 1, 1962, as amended August 30, 1962, in Docket Nos. G-9446, et al. Tidewater Oil Company prices as approved by order issued June 15, 1962, as amended July 11, 1962, in Docket Nos. G-13310, et al.

CI61–1421; South Pass Block 27 Field, offshore Louisiana; Tennessee Gas Transmission Co.; 21.25 cents at 15.025 psia.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 5, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 31, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m)(2) of the rules of practice and procedure.

Take further notice that the docketed proceedings listed below are hereby severed from the Area Rate Proceeding designated as Docket No. AR61–2 and will be disposed of in the instant proceeding: Docket Nos. G–15250, G–18334, G–18402, G–19214, G–19215, G–19569, G–19570, G–19573, G–19840, G–20324, G–20567, CI61–14, CI61–104, CI61–1066, CI61–1421.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–10255; Filed, Oct. 15, 1962; 8:45 a.m.]

[Docket No. RP63–1]

UNITED GAS PIPE LINE CO.

Order Suspending Proposed Revised Tariff Sheets and Providing for Hearing Thereon

OCTOBER 9, 1962.

On September 12, 1962, United Gas Pipe Line Company (United) filed Proposed First Revised Tariff Sheets Nos. 9–A, 9–B, and 20–A, to its FPC Gas Tariff, First Revised Volume No. 1, relating to sales of natural gas to Tyler Gas Company (Tyler) subject to the jurisdiction of the Commission. The proposed tariff sheets cancel United's Rate Schedule IND–T, and provide for increased rates under United's Rate Schedule DG–T totalling approximately $37,000 annually. The filing is intended to conform the rates and charges applicable to Tyler with proposed rates to other of United's Central Zone town border customers, tendered for filing on June 15, 1962, and suspended in Docket No. RP63–1 until January 1, 1963, by order of the Commission issued July 27, 1962. United has requested suspension of the proposed sheets filed September 12, 1962, until January 1, 1963, in Docket No. RP63–1.

The changes in rates and charges proposed in the aforementioned tariff sheets may be unjust, unreasonable, unduly discriminatory, or preferential for the reasons set forth in the Commission's order issued July 27, 1962, relating, inter alia, to similar changes for other town border customers. Under the circumstances, the proposed tariff sheets should be suspended in the above-styled proceeding until January 1, 1963, subject to all orders heretofore and hereafter issued in this proceeding. We are of the view, furthermore, that Tyler should be allowed additional time within which to file a petition to intervene, if it so desires.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provision of the Natural Gas Act that United's Proposed First Revised Tariff Sheets Nos. 9–A, 9–B, and 20–A, filed September 12, 1962, and the rates contained therein, be suspended and the use thereof deferred and hearing thereon be held as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Chapter 1), the public hearing prescribed in Docket No. RP63–1 is hereby augmented to include determination of the lawfulness of the rates, charges, classifications, and services, contained in United's FPC Gas Tariff as proposed to be amended by First Revised Tariff Sheets Nos. 9–A, 9–B, and 20–A, tendered for filing on September 12, 1962.

(B) Pending hearing and decision thereon, United's Proposed First Revised Tariff Sheets Nos. 9–A, 9–B, and 20–A, tendered for filing September 12, 1962, and the rates and charges contained therein, are hereby suspended in Docket No. 63–1, and the use thereof deferred until January 1, 1963, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act. Such suspension shall be subject to all orders heretofore and hereafter issued in the above-styled proceeding.

(C) Petition to intervene may be filed by Tyler Gas Company with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure, § 1.8 (18 CFR 1.8), on or before October 22, 1962.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–10259; Filed, Oct. 15, 1962; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

UNION AND NEW HAVEN TRUST CO.

Order Approving Merger of Banks

In the matter of the application of The Union and New Haven Trust Company for approval of merger with The Madison Trust Company.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by The Union and New Haven Trust Company, New Haven, Connecticut, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Madison Trust Company, Madison, Connecticut, under the charter and title of the former and, as an incident to the merger, a branch would be operated at the location of The Madison Trust Company. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 9th day of October 1962.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62–10281; Filed, Oct. 15, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–4257]

ATLANTIC RESEARCH CORP.

Order Summarily Suspending Trading

OCTOBER 10, 1962.

The common stock, $1 par value of Atlantic Research Corporation, being listed and registered on the American Stock Exchange and the Philadelphia-Baltimore Stock Exchange, national securities exchanges; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange and the Philadelphia-Baltimore Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be be effective for the period October 10, 1962, to October 19, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–10264; Filed, Oct. 15, 1962; 8:46 a.m.]

[File No. 1–3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

OCTOBER 10, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 11, 1962, through October 20, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–10265; Filed, Oct. 15, 1962; 8:46 a.m.]

[File No. 1–3445]

E. L. BRUCE CO., INC.

Order Summarily Suspending Trading

OCTOBER 10, 1962.

The common stock, par value $1, of E. L. Bruce Co. (Incorporated), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 11, 1962, through October 20, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–10266; Filed, Oct. 15, 1962; 8:46 a.m.]

[File No. 1–4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

OCTOBER 10, 1962.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 11, 1962, through October 20, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–10267; Filed, Oct. 15, 1962; 8:46 a.m.]

[File No. 812–1523]

M. A. HANNA CO.

Notice of Filing of Application for Order Exempting Joint Enterprise by Controlled Persons of Registered Investment Company and Transactions Between Affiliated and Controlled Persons

OCTOBER 10, 1962.

Notice is hereby given that the M. A. Hanna Company ("Applicant"), 1750 Union Commerce Building, Cleveland 14, Ohio, a registered closed-end, nondiversified investment company has filed an application pursuant to sections 6(c), 17(b), and 17(d) of the Investment Company Act of 1940 ("Act") and Rule 17d-1 thereunder to permit the Hanna Mining Company ("Hanna Mining"), National Steel Corporation ("National"), and certain other affiliated persons to participate in the organization, financing and operation of a steel pelletizing plant to be constructed and operated by Carol Pellet Company ("Carol"). All interested persons are referred to the application on file with the Commission for a complete statement of the facts which are summarized below.

Applicant owns approximately 46 percent and 26 percent of the outstanding voting securities of Hanna Mining and National, respectively, and for the purposes of the Act they are affiliate persons of each other, affiliated persons of Applicant, and are presumptively controlled by Applicant. Hanna Mining and National own approximately 24 percent and 15 percent, respectively, of the outstanding voting securities of Iron Ore Company of Canada ("IOC"), which was organized in 1949 to develop iron ore properties in northern Quebec and Labrador. IOC in which Hanna Mining owns about 24 percent of the voting stock, is an affili-

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Boston.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, and Mitchell. Absent and not voting: Governors Robertson and King.

ate of an affiliate (Hanna Mining) of Applicant for the purposes of the Act. The balance of the outstanding capital stock of IOC is owned by five United States and three Canadian steel producing companies, none of which is affiliated with Applicant or each other. All of the iron ore produced by IOC, except ore owned by two Canadian stockholders, is purchased pursuant to long term purchase contracts by the seven United States stockholders (referred to herein as "the stockholders"). Production, which consisted of "direct shipping" ore, began in 1954. In 1959, IOC adopted plans to produce "concentrates" or beneficiated ore in the form of fines, and production of such concentrates began in June 1962. Subsequently, Hanna Mining, National and the other United States stockholders of IOC decided to establish a pelletizing plant on a site at Carol Lake in Labrador, adjacent to IOC, to pelletize the bulk of the ore concentrates, such plant to be constructed and operated by Carol, a Delaware corporation.

The equity interest in Carol is to be held in varying proportions by the seven American companies which are stockholders of IOC. Hanna Mining and National will hold 11.59 percent and 18.54 percent thereof, respectively. Carol will be financed by its borrowing up to a maximum of $56,000,000, or about 80 percent of the funds needed, through the issuance and sale to six institutional investors, of $35,200,000 face amount of 5¼ percent Secured Notes Series A, due October 15, 1980, and $20,800,000 face amount of 4¾ percent Secured Notes, Series B, due October 15, 1969. An amount at least equal to 25 percent of the amounts so borrowed, or about $14,000,000, will be supplied by the stockholders, under several and not joint commitments, in the form of equity or junior capital, partly as common stock and partly as loans evidenced by subordinated notes in proportions which will be equal to their respective commitments to purchase and pay for pellets. The stockholders will also be committed severally but not jointly to provide any additional funds needed to complete the project, partly in the form of the purchase price of additional common stock and partly as loans and the acquisition of subordinated notes. The application represents that the relative participations of the stockholders in the joint enterprise have been determined solely on the basis of their own indications as to the amounts of concentrates which they desire to have produced and pelletized by Carol pursuant to a proposed Pellet Contract dated August 1, 1962, between Carol and the participating stockholders. Each of the stockholders except Hanna Mining and National presently expects to have pelletized at Carol all of the concentrates produced for it by IOC. Hanna Mining purchases all of its ore from IOC for resale and expects to resell a portion of the concentrates in that form, rather than in the form of pellets, and National presently plans to have part of its share of IOC concentrates sintered at its Weirton plant.

Carol's senior debt will be secured by an assignment of the obligations of the stockholders under the Pellet Contract to pay the debt service if and to the extent Carol does not have sufficient funds to pay the same. The contract provides, among other things, that each stockholder will purchase pellets produced from concentrates delivered to Carol by IOC as requested by the stockholders, to pay for such pellets in an amount sufficient to cover its proportionate share, i.e., in the same proportion as its stock ownership interest, of all expenses incurred by Carol in connection with the operation of the pellet plant including interest and an amount for depreciation which it is anticipated will be sufficient to cover all principal payments on Carol's indebtedness. The obligations under the contract are several and not joint. It will terminate on December 31, 1978, except that each stockholder shall thereafter continue to be severally obligated to cover its share of the debt service on senior debt which matures October 15, 1980.

The application states that in addition to the Pellet Contract and the financing arrangements described above, the project involves arrangements for possible future expansion of the pelletizing plant; for the purchase and delivery of and payment for pellets; the sale of pellets from excess plant capacity, if any; adjustments in the stock and subordinated notes of each participant so as to be proportionate to the quantity of pellets which a participant is committed to take in the event the plant is enlarged; arrangements and an undertaking by IOC to furnish such supervision and administrative services as may be requested by Carol and compensation therefor; the construction of additional supporting facilities by IOC and the furnishing of electric power by IOC on a cost basis.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement, in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement as used in Rule 17d–1 is defined as any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of or a principal underwriter for such registered company, or any affiliated person of such person or principal underwriter, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking.

Section 17(a) of the Act, in general, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling any securities or property to such registered company or to any company controlled by such company and it prohibits affiliated persons from borrowing money from such registered investment company and companies controlled by it unless the Commission upon application pursuant to section 17(b), grants an exemption from section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its Registration Statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that the participation of Hanna Mining and National will not be on a basis different from or less advantageous than that of the other participants since all participants will share the costs of financing and operating Carol in exact proportion to their respective stock interests and it also states that the proposed joint enterprise is not in any way inconsistent with any provisions, policies or purposes of the Act. It further urges that an order pursuant to section 17(b) and section 6(c) exempting the sale of securities to, or borrowing of money from, Hanna Mining and National by Carol pursuant to the Pellet Contract from the provisions of section 17(a) would be appropriate since, among other things, the securities proposed to be purchased by Hanna Mining and National will be issued on the same basis to each participant in the project and the proceeds will be used to provide part of the financing of the construction of the pelletizing facilities.

Notice is further given that any interested person may, not later than October 29, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–10268; Filed, Oct. 15, 1962; 8:46 a.m.]

[File No. 24A–1547]

PRECISION METAL PRODUCTS, INC.

Notice and Order for Hearing

OCTOBER 9, 1962.

I. Precision Metal Products, Inc. (issuer), a Florida corporation, 278 N.W. 27th Street, Miami 37, Florida, filed with the Commission on October 5, 1961, a notification on Form 1–A and an offering circular relating to a proposed public offering of 100,000 shares of its 10 cent par value common stock at $3.00 per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. Armstrong and Company, Inc., 15 William Street, New York City, New York, was named as underwriter.

II. The Commission, on September 13, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest in the matter an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.s.t., on November 26, 1962, at the New York Regional Office of the Commission, 23d Floor, 225 Broadway, New York 7, New York, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether Regulation A became unavailable to the issuer by reason of the fact that Armstrong and Company, Inc., 15 William Street, New York City, New York, underwriter of this issue, is subject to an order issued by the United States District Court for the Southern District of New York temporarily enjoining such firm from further violations of certain provisions of the Securities Exchange Act of 1934, and in that the underwriter was named as underwriter of securities covered by a filing which is subject to a permanent suspension order entered under Rule 261 within the past five years.

B. Whether the terms and conditions of Regulation A have not been complied with in that the report on Form 2–A filed by the issuer failed to disclose adequately and accurately the total number of shares sold to the public and the total amount of proceeds received from the sale of these securities as required by Rule 260 of Regulation A.

C. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading in that the proceeds from the offering were not used for the purposes set out in the offering circular.

D. Whether the underwriter, Armstrong and Company, Inc., in the distribution of these securities engaged in transactions, practices and a course of business which would operate and did operate as a fraud and deceit upon the purchasers of such securities in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is further ordered*, That William Swift, Sr., or any officer or officers of the Commission designated by it for the purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Precision Metal Products, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before November 23, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–10269; Filed, Oct. 15, 1962; 8:47 a.m.]

[File No. 1–4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

OCTOBER 10, 1962.

The Common Stock, Par Value $1.00, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 11, 1962, through October 20, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–10270; Filed, Oct. 15, 1962; 8:47 a.m.]

[File No. 1–3412]

PROSPER OIL AND MINING CO.

Order Summarily Suspending Trading

OCTOBER 10, 1962.

The common stock of the par value of ten cents, of Prosper Oil and Mining Company, being listed and registered on the Salt Lake Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such stock on such exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in said security on the Salt Lake Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effec-

tive for the period of ten (10) days, October 11, 1962, through October 20, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10271; Filed, Oct. 15, 1962; 8:47 a.m.]

[File No. 24NY-4811]

RAINDOR GOLD MINES, LTD.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 10, 1962.

I. Raindor Gold Mines, Limited, 200 Bay Street, Toronto, Ontario, Canada, filed a notification on Form 1-A and an offering circular on January 28, 1959, and subsequently filed amendments relating to an offering of $290,000 of its common stock, $1.00 par value, for the purpose of obtaining an exemption from the registration requirements under section 3(b) of the Securities Act of 1933, pursuant to Regulation A.

II. The Commission has reasonable cause to believe that:

A. Regulation A is not available to the issuer

1. Under the provisions of Rule 253(d)(3) of Regulation A because Quinn, Neu & Co., Inc., the named underwriter, by stipulation filed May 27, 1959, is subject to an order of the Commission issued on October 9, 1961, pursuant to section 15(b) of the Securities Exchange Act of 1934, revoking its broker-dealer registration;

2. Under the provisions of Rule 253(d)(4) of Regulation A because Quinn, Neu & Co., Inc., the named underwriter, has been expelled from membership in the National Association of Securities Dealers.

B. The terms and conditions of Regulation A have not been complied with, in that the issuer has failed to file a revised offering circular, pursuant to Rule 256(e), subsequent to January 18, 1961, although the offering has not been completed.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10272; Filed, Oct. 15, 1962; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

FEDERAL RESEARCH & DEVELOPMENT CORPORATION

Approval To Operate as a Small Business Research and Development Pool, Request To Operate as Defense Production Pool, and Request to Certain Companies To Participate in Operations of Such Pool

Pursuant to sections 9(d) and 11 of the Small Business Act (72 Stat. 391, 394) and section 1 of Executive Order 10493 (18 F.R. 6583), dated October 15, 1953, the Administrator of the Small Business Administration, after consultation with the Chairman of the Federal Trade Commission and the Attorney General of the United States, has found that the voluntary agreement and proposed joint programs of the Federal Research and Development Corporation to operate as a small business research and development pool and as a defense production pool, are in the public interest as contributing to the national defense, will maintain and strengthen the free enterprise system and economy of the United States, and will further the objectives of the Small Business Act.

Having received the approval of the Attorney General of the United States as required by sections 9(d) and 11 of the Small Business Act, the Administrator of the Small Business Administration has approved the voluntary agreement and proposed joint program of the Federal Research and Development Corporation as a research and development pool and has requested it to act in accordance with this agreement and proposed program as a small business defense production pool.

In accordance with the requirements of sections 9(d) and 11 of the Small Business Act, there is set forth herewith a copy of the request sent to the Federal Research and Development Corporation.

REQUEST TO FEDERAL RESEARCH AND DEVELOPMENT CORPORATION, NEW ORLEANS, LA.

Following consultation with the Attorney General of the United States and the Chairman of the Federal Trade Commission, I find that the voluntary agreement and proposed joint program of the Federal Research and Development Corporation to operate as a small business research and development pool and a small business defense production pool is in the public interest as contributing to the national defense and to the needs of small business, will maintain and strengthen the free enterprise system and economy of the United States, and further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by sections 9(d) and 11 of the Small Business Act, I, in accordance with these sections, approve your voluntary agreement and proposed joint program and request the pool to act in accordance with said agreement and proposed joint program as a defense production pool.

The immunity from the prohibitions of the antitrust laws or the Federal Trade Commission Act as granted by sections 9(d) and 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or myself of the above findings, approval or request.

The approval by the Attorney General of the United States is limited to activities engaged in between the pool and its members and does not extend to subcontracting with nonmembers. This should not be interpreted, however, as meaning that such subcontracting would necessarily be in violation of the antitrust laws.

Please inform me as to whether the pool will act in accordance with my request. The pool cannot begin operation until the pool and each of its members has individually accepted this request.

With kindest regards, I am

Sincerely,

JOHN E. HORNE, *Administrator.*

In accordance with the requirements of sections 9(d) and 11 of the Small Business Act, there is set forth herewith a copy of the request sent to the following members of the Federal Research and Development Corporation:

1. Eustis Engineering Co., 3635 Airline Highway, Metairie, La.
2. B. M. Dornblatt & Associates, Inc., 826 Lafayette Street, New Orleans 12, La.
3. Holzer Sheet Metal Works, 321 Burgundy Street, New Orleans, La.
4. Shilstone Testing Laboratory, 814 Conti Street, New Orleans, La.

REQUEST TO MEMBERS OF FEDERAL RESEARCH AND DEVELOPMENT CORPORATION

Following consultation with the Attorney General of the United States and the Chairman of the Federal Trade Commission, I find that the voluntary agreement and proposed joint program of the Federal Research and Development Corporation to operate as a small business research and development pool and a small business defense production pool is in the public interest as contributing to the national defense and to the needs of small business, will maintain and strengthen the free enterprise system and economy of the United States, and further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by sections 9(d) and 11 of the Small Business Act, I, in accordance with these sections, approve your voluntary agreement and proposed joint program and request the pool to act in accordance with said agreement and proposed joint program as a defense production pool.

The immunity from the prohibitions of the antitrust laws or the Federal Trade Commission Act as granted by sections 9(d) and 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or the Administrator of the Small Business Administration of the above findings, approval or requests.

The pool and the above four members accepted the requests to participate.

Dated: October 8, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-10298; Filed, Oct. 15, 1962; 8:49 a.m.]

contracting would necessarily be in violation of the antitrust laws.

Please inform me as to whether you will become a member of and participate in the joint program of the pool.

With kindest regards, I am

Sincerely,

JOHN E. HORNE, *Administrator.*

The immunity from the prohibitions of the antitrust laws or the Federal Trade Commission Act as granted by sections 9(d) and 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or the Administrator of the Small Business Administration of the above findings, approval or requests.

The pool and the above four members accepted the requests to participate.

Dated: October 8, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-10298; Filed, Oct. 15, 1962; 8:49 a.m.]

TARIFF COMMISSION

[7-113; 7-114; 7-115; 7-116]

CERTAIN MERCHANDISE

Notice of Continuation of Investigations

The Trade Expansion Act of 1962, which was signed into law by the President on October 11, 1962 (Public Law 87-794), provides in section 257(e)(3) that any investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951, as amended, which is in progress on the date of the enactment of the Trade Expansion Act of 1962 shall be continued under section 301 as if the application by the interested party were a petition under such section for tariff adjustment under section 351. For the purposes of section 301(f), such petition shall be treated as having been filed on the date of the enactment of this Act.

On the date of enactment of the Trade Expansion Act of 1962, there were in progress under section 7 of the Trade Agreements Extension Act of 1951 the following investigations, in connection with which public hearings had been held on the dates indicated:

Number 7-113, relating to Household China Tableware and Kitchenware. Hearing held July 24-Aug. 1, 1962;

Number 7-114, relating to Earthenware Table and Kitchen Articles. Hearing held July 25 and Aug. 1-2, 1962;

Number 7-115, relating to Hatters' Fur. Hearing held Sept. 11, 1962.

Number 7-116, relating to Softwood Lumber. Hearing held Oct. 2-5 and 9-12, 1962.

In view of the enactment of the Trade Expansion Act of 1962, the above identified investigations which were initiated under section 7 of the Trade Agreements Extension Act of 1951 are continuing and will be completed under the provisions of section 301(b)(1) of the Trade Expansion Act of 1962.

No additional hearings are being scheduled in connection with the foregoing investigations. However, any interested party may request an additional hearing, stating his reasons therefor. Such request shall be in writing and shall be filed with the Secretary of the Tariff Commission within 20 days after the date of publication of this notice in the FEDERAL REGISTER. Parties desiring to supplement the information presented at the hearings in the foregoing investigations need not for this reason request an additional hearing, but may submit such information to the Commission in writing not later than November 15, 1962. Such written supplemental information will be made a part of the records of the pertinent investigation.

Issued: October 12, 1962.

By order of the Commission.

DONN N. BENT, *Secretary.*

[F.R. Doc. 62-10346; Filed, Oct. 15, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order No. 62; Amdt. 9]

ALABAMA, SOUTH CAROLINA AND WEST VIRGINIA

Authorization for Railroads To Transport Hay at Reduced Rates

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: Laurence K. Walrath, Vice-Chairman, to whom the above-entitled matter has been assigned for action thereon.

It appearing that due to the drouth conditions existing in the State of Kentucky the Commission issued Drouth Order No. 62 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport hay to the drouth area at reduced rates;

And it further appearing that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to 8 additional counties located in the States of Alabama, South Caroline, and West Virginia:

It is ordered, That Drouth Order No. 62 as amended, be, and it is hereby, further amended by adding thereto the following:

ALABAMA

4 counties, viz:

Colbert.	Lamar.
Crenshaw.	Talladega.

SOUTH CAROLINA

2 counties, viz:

Greenwood.	York.

WEST VIRGINIA

2 counties, viz:

Hancock.	Wetzel.

It is further ordered, That in all other respects Drouth Order No. 62, as amended, shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 10th day of October A.D. 1962.

By the Commission, Vice-Chairman Walrath.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-10286; Filed, Oct. 15, 1962; 8:48 a.m.]

[Notice 703]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 11, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65326. By order of October 8, 1962, the Transfer Board approved the transfer to A & C Carriers, Inc., Muskegon, Mich., of Certificates Nos. MC 114227 Sub-1 and MC 114227 Sub-8, issued October 25, 1956, and March 1, 1960, to Albert Meeusen and Clifford Russell, a partnership, doing business as A & C Carriers, Muskegon, Mich., authorizing the transportation, over irregular routes, of petroleum products, in bulk, in tank vehicles, from Muskegon, Mich., to points in Indiana, of lacquer thinner, commercial solvents, and commercial thinner used in the manufacture of industrial finishes, in bulk, in tank vehicles, from Grand Rapids, Mich., to points in North Carolina, and of enamel, varnish, lacquers, lacquer thinner and sealer, stains, commercial finishes, and resins, in bulk, in tank vehicles, from Grand Rapids, Mich., to points in Virginia, Georgia, Tennessee, and Arkansas. Thomas F. Kilroy, 912 Federal Bar Building, 1815 H Street NW., Washington 6, D.C., attorney for applicants.

No. MC-FC 65351. By order of October 8, 1962, the Transfer Board ap-

proved the transfer to Alfred E. Anding, Arena, Wis., of Certificate No. MC 101631, issued June 7, 1956, to Walter Anding and Emil C. Millette, a partnership, doing business as Muscoda-Chicago Motor Express, Muscoda, Wis., authorizing the transportation of: Farm machinery and implements, from specified points in Illinois, Indiana, and Iowa, to points in Wisconsin; farm machinery from Charles City and Waterloo, Iowa, to points in Iowa and Illinois within 35 miles of Bloomington, Wis., agricultural commodities, from Bloomington, Wis., and points within 35 miles thereof, to Chicago, Ill., and Dubuque, Iowa; from points in Illinois and Iowa, to Bloomington, Wis., feed, seed, and fertilizer, from points in Illinois, and Iowa, to Keokuk, Iowa, and specified points in Wisconsin, from Chicago, Ill., and Dubuque, Iowa, to Bloomington, Wis., and points within 35 miles thereof; corrugated culverts, from Dubuque, Iowa, to points in Wisconsin; fencing materials, grain and soy beans, from points in Illinois and Iowa, to Keokuk, Iowa, to points in Wisconsin; coal from points in Illinois to East Peoria, Ill., to specified points in Wisconsin; livestock, from Bloomington, Wis., and points within 35 miles thereof, and other specified points in Wisconsin, to Chicago, Ill., and Dubuque, Iowa; from Chicago, Ill., and points in Iowa, to specified points in Wisconsin; between Bloomington, Wis., and points within 35 miles thereof, and those in Iowa County, Wis., not included in the above-described area, on the one hand, and, on the other, points in Illinois and Iowa; between points in Wisconsin on the one hand, and, on the other, Dubuque, Iowa, and East Dubuque, Ill., carbonated beverages, nonalcoholic, and mineral water, from Rocky Dell Mineral Springs, Grant County, Wis., to points in Illinois and Iowa and empty containers from specified points in Illinois and Iowa to Rocky Dell Mineral Springs in the Town of Woodman, Grant County, Wis. Edward Solie, 1 South Pinckney Street, Madison 3, Wis., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-10287; Filed, Oct. 15, 1962; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 561 (27 F.R. 4001), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (29 CFR 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anvill Brand, Inc., 1624 North Main Street, High Point, N.C.; effective 10-6-62 to 10-5-63 (work shirts).

Adam H. Bartel Co., Richmond, Ind.; effective 10-14-62 to 10-13-63 (men's denim overalls and dungarees).

Blue Bell, Inc., Belmont, Miss.; effective 10-13-62 to 10-12-63 (men's and boys' work and sport trousers and shorts).

Blue Gem Manufacturing Co., 604 Hoover Street, Asheboro, N.C.; effective 10-1-62 to 9-30-63 (men's and boys' work clothing-dungarees).

Blue Gem Manufacturing Co., 1301 Carolina Street, Greensboro, N.C.; effective 10-1-62 to 9-30-63 (men's and boys' denim overalls).

Bruce Co., Inc., 120 East 15th Street, Ottawa, Kans.; effective 9-28-62 to 9-27-63 (men's work clothing).

Elsing Manufacturing Co., South on Highway 69, McAlester, Okla.; effective 9-27-62 to 9-26-63 (ladies' and children's blouses and pants).

Freeland Shirt Co., 1015 Dewey Street, Freeland, Pa.; effective 10-3-62 to 10-2-63 (men's and children's outerwear jackets and vests).

Paul Gayer, Inc., 213 Church Street, Zeigler, Ill.; effective 10-1-62 to 9-30-63. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's blouses, vests, and dresses).

Lebro Shirt Manufacturing Co., Lykena, Pa.; effective 10-1-62 to 9-30-63 (men's sport shirts).

Martin Shirt Co., 27 East Poplar Street, Shenandoah, Pa.; effective 9-26-62 to 9-25-63 (ladies' blouses and boys' shirts).

Mode O'Day Corp., 607 Main Street, Osawatomie, Kans.; effective 9-27-62 to 9-26-63 (women's blouses).

The Morehead Co., 800 West Main Street, Morehead, Ky.; effective 10-1-62 to 9-30-63 (men's and boys' dungarees).

Nino Sportswear, 221 Lackawanna Avenue, Scranton, Pa.; effective 10-4-62 to 10-3-63 (boys' trousers).

Oshkosh B' Gosh, Inc., Celina Division, Celina, Tenn.; effective 10-8-62 to 10-7-63 (men's cotton work and casual pants).

Standard Romper Co., Inc., Verney Building, Main Street, Brunswick, Maine; effective 10-11-62 to 10-10-63 (children's pants).

Standard Romper Co., R. 335 Forest Avenue Portland, Maine; effective 10-4-62 to 10-3-63 (children's outer garments).

Star Sportswear Manufacturing Co., 278 Broad Street, Lynn, Mass.; effective 10-10-62 to 10-9-63 (vinyle, and cloth outerwear jackets for men, women and children).

A. Stein & Co., 606 North Vermillion Street, Streator, Ill.; effective 9-28-62 to 9-27-63 (women's brassieres and girdles).

Levi Strauss and Co., 220 North Houston Avenue, Denison, Tex.; effective 9-27-62 to 9-26-63 (men's and boys' slacks and outerwear jackets).

Tracy City Manufacturing Co., Tracy City, Tenn.; effective 9-27-62 to 9-26-63 (men's and boys' sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Hampton Industries, Co., Hampton, Ark.; effective 10-1-62 to 9-30-63; six learners (men's lined work jackets).

Eileen Hope, Inc., 138 Cumberland Street, Duncannon, Pa.; effective 9-26-62 to 9-25-63; 10 learners (women's dresses).

Eileen Hope, Inc., 209 Market Street, Halifax, Pa.; effective 9-26-62 to 9-25-63; 10 learners (women's dresses).

Murcel Manufacturing Co., Glennville, Ga.; effective 9-28-62 to 9-27-63; 10 learners (nurses' and maids' uniforms).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barad Lingerie Co. of Salem, Salem, Mo.; effective 9-27-62 to 3-26-63; 20 learners (ladies' cotton sleepwear).

Carbon Hill Manufacturing Co., Carbon Hill, Ala.; effective 10-1-62 to 9-30-63; 45 learners (boys' and men's dress slacks).

Michael Casuals, Inc., Konawe, Seminole County, Okla.; effective 9-27-62 to 3-26-63; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's blouses, shorts, pants, etc.).

Mill Apparel Co., Inc., Corner of State and Walnut Streets, Millville, Pa.; effective 10-1-62 to 3-30-63; 10 learners (women's dresses).

Tracy City Manufacturing Co., Tracy City, Tenn.; effective 9-27-62 to 3-26-63; 150 learners (men's and boys' sport shirts).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

Budd Cigar Co., Alabama, 309 Sixth Avenue, Dothan, Ala.; effective 9-24-62 to 9-23-63; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Mountain City Glove Co., Mountain City, Tenn.; effective 9-27-62 to 9-26-63; 10 learners for normal labor turnover purposes (flannel knit work gloves).

Mountain City Glove Co., Mountain City, Tenn.; effective 9-27-62 to 3-26-63; 30 learners for plant expansion purposes (knit work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Amos Hosiery Mills, Inc., High Point, N.C.; effective 10-1-62 to 9-30-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Claussner Hosiery Co., Plant No. 1, Hosiery Division, 28th and Adams Streets, Paducah, Ky.; effective 10-1-62 to 9-30-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Commonwealth Hosiery Mills, Inc., Ellerbe, N.C.; effective 10-3-62 to 10-2-63; five learners for normal labor turnover purposes (ladies' hosiery).

Commonwealth Hosiery Mills, Inc., Randleman, N.C.; effective 10-1-62 to 9-30-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' seamless hosiery).

Franklin Hosiery Co., Franklin, N.C.; effective 10-1-62 to 9-30-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' seamless hosiery).

Harriman Hosiery Co., Siluria Street, Harriman, Tenn.; effective 10-1-62 to 9-30-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' circular knit nylon hosiery).

Hollar Hosiery Mills, Inc., 5 First Avenue NW., Hickory, N.C.; effective 9-24-62 to 9-23-63; five learners for normal labor turnover purposes (seamless).

C. D. Jessup and Co., Claremont, N.C.; effective 10-1-62 to 9-30-63; five learners for normal labor turnover purposes (seamless hosiery).

Kayser-Roth Hosiery Co., Inc., Dayton Division, Dayton, Tenn.; effective 10-1-62 to 9-30-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Kosciusko Hosiery Mills, Division of Wayne Knitting Mills, Kosciusko, Miss.; effective 10-1-62 to 9-30-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Walnut Cove Hosiery Mills, Walnut Cove, N.C.; effective 10-3-62 to 10-2-63; five learners for normal labor turnover purposes (infants' hosiery, seamless).

Wright Knit Hosiery Mills, Inc., 876 East Highland Avenue, Hickory, N.C.; effective 9-25-62 to 9-24-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (hosiery, seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Rocky Mount Undergarment Co., Inc., 1536 Boone Street, Rocky Mount, N.C.; effective 10-1-62 to 9-30-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' cotton and acetate tricot knit panties).

Standard Romper Co., Inc., Building No. 7; 200 Conant Street, Pawtucket, R.I.; effective 9-23-62 to 9-22-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's knit garments).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 5th day of October 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-10261; Filed, Oct. 15, 1962; 8:46 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to §§ 519.6(c) and 519.6(g) of 29 CFR providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region IV

Belk-Gallant Co., East Main Street, LaGrange, Ga.; effective 9-20-62 to 9-19-63 (department store; 53 employees).

Region V

Nelsner Bros., Inc., #3, East Detroit, Mich.; effective 9-18-62 to 9-17-63 (variety store; 12 employees).

Region VI

Nelsner Bros., Inc., #69, 1614 Sherman Avenue, Evanston, Ill.; effective 9-18-62 to 9-17-63 (variety store; 24 employees).

Region VIII

McCrory-McLellan-Green Stores, 804 Congress Avenue, Austin, Tex.; effective 9-21-62 to 9-20-63 (variety store; 34 employees).

Region X

S. H. Heironimus Co., 405 South Jefferson Street, Roanoke, Va.; effective 9-17-62 to 9-16-63 (department store; 341 employees).

J. Fred Johnson Co., Broad Street, Kingsport, Tenn.; effective 9-14-62 to 9-13-63 (department store; 135 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates below $1.00 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Bonham's Foods, Inc., 4200 South Staples Street, Corpus Christi, Tex.; effective 9-14-62 to 9-13-63; sack boy, stock clerk, produce trimmer, checker; 10 percent each month (food store; 20 employees).

W. T. Grant Co., Inc., #958, Southside Shopping Center, Bristol, Tenn.; effective 9-24-62 to 9-23-63; cashiers, sales clerk; between 6.3 percent and 10 percent (department store; 28 employees).

H. E. B. Food Store, #82, 2600 Seventh Street, Bay City, Tex.; effective 9-14-62 to 9-13-63; package boy, stock boy, bottle boy; 10 percent each month (food store; 27 employees).

H. E. B. Food Store, #85, 120 West Rice Street, Falfurrias, Tex.; effective 9-14-62 to 9-13-63; package boy, sack boy, bottle boy; 10 percent each month (food store; 22 employees).

H. E. B. Food Store, #84, 302 South Second Street, McAllen, Tex.; effective 9-14-62 to 9-13-63; package boy, sack boy, bottle boy; 10 percent each month (food store; 22 employees).

H. E. B. Food Store, #20, Viking Mall Shopping Center, Port Lavaca, Tex.; effective 9-24-62 to 9-23-63; package boy, sack boy, bottle boy; 10 percent each month (food store; 27 employees).

H. E. B. Food Store, #83, 3680 Fredericksburg Road, San Antonio, Tex.; effective 9-24-62 to 9-23-63; package boy, sack boy, bottle boy; 10 percent each month (food store; 34 employees).

H. E. B. Food Store, #58, North Star Mall, San Antonio, Tex.; effective 9-14-62 to 9-13-63; package boy, sack boy, bottle boy; 10 percent each month (food store; 50 employees).

H. E. B. Food Store, #56, 516 North Main, Taylor, Tex.; effective 9-14-62 to 9-13-63; package boy, sack boy, bottle boy; 10 percent each month (food store; 27 employees).

H. E. B. Food Store, #54, 516 North 20th Street, Waco, Tex.; effective 9-24-62 to 9-23-63; package boy, sack boy, bottle boy; 10 percent each month (food store; 45 employees).

Hested Laramie Corp., #725, Laramie, Wyo.; effective 9-24-62 to 9-23-63; sales clerk, window trimmer, stock clerk, janitor, gift wrapper; between 1.0 percent and 10 percent (variety store; 24 employees).

S. S. Kresge Co., 3727 Oleander Drive, Wilmington, N.C.; effective 9-21-62 to 9-20-63; sales clerk; between 3.5 percent and 10 percent (variety store; 23 employees).

S. S. Kresge Co., #779, The Village Shopping Center, 555 Reidville Road, Spartanburg, S.C.; effective 9-13-62 to 9-12-63; sales clerk; between 6.7 percent and 10 percent (variety store; 29 employees).

Mart Grocers, Inc., 8601 East 40 Highway, Kansas City, Mo.; effective 9-18-62 to 9-17-63; shag boy; 10 percent each month (food store; 27 employees).

McCrory-McLellan-Green Store, #1301, 1734 Merritt Boulevard, Baltimore, Md.; effective 9-25-62 to 9-24-63; sales clerk, stock clerk, office clerk; 10 percent each month (variety store; 30 employees).

McCrory-McLellan-Green Stores, Mountainville Shopping Center, South Fourth Street, Allentown, Pa.; effective 7-19-62 to 7-18-63; sales clerk, stock clerk, office clerk; between 1.7 percent and 10 percent (variety store; 51 employees).

G. C. Murphy Co., 230-232 Main Street, Tifton, Ga.; effective 9-21-62 to 9-20-63; sales, clerical, janitorial, stock-keeping; be-

tween 0 percent and 9.7 percent (variety store; 20 employees).

Pratt Foods, 811 East Main Street, Shawnee, Okla.; effective 10-1-62 to 4-30-63; sacker, carryout, stock clerk, window washer, janitor; 10 percent each month (food store; 21 employees).

Southway Discount Center, Inc., 342 Finley Avenue, Birmingham, Ala.; effective 9-24-62 to 9-23-63; bag boy, carryout boy, clerk, checker; between 4.2 percent and 10 percent (food store; 82 employees).

F. W. Woolworth Co., #2484, 1105 Shelby Street, Indianapolis, Ind.; effective 9-17-62 to 9-16-63; saleslades; between 4.8 percent and 10 percent (variety store; 44 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 8th day of October 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-10262; Filed, Oct. 15, 1962; 8:46 a.m.]

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to 29 CFR 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region I

The Outlet Co., 176 Waybosset Street, Providence, R.I.; effective 9-24-62 to 9-23-63 (variety store; 806 employees).

W. T. Grant Co., 149 South Main Street, Fall River, Mass.; effective 9-26-62 to 9-25-63 (variety store; 41 employees).

Region III

B. J. Hoy 5 & 10¢ Stores, Inc., 239F Concord Road, Village Green, Chester, Pa.; effective 9-24-62 to 9-23-63 (variety store; 14 employees).

B. J. Hoy 5 & 10¢ Stores Mart Inc., Merchandise Mart-East Wing, Governor Printz Boulevard, Wilmington, Del.; effective 9-24-62 to 9-23-63 (variety store; 16 employees).

B. J. Hoy 5 & 10¢ Stores Inc., 206 North Union Street, Wilmington, Del.; effective 9-24-62 to 9-23-63 (variety store; 21 employees).

Region VIII

Popular Dry Goods Co., Inc., Texas, Mesa and San Antonio Streets, El Paso, Tex.; effective 9-29-62 to 9-28-63 (variety store; 790 employees).

F. W. Woolworth Co., #735, 317 Central NW., Albuquerque, N. Mex.; effective 9-29-62 to 9-28-63 (variety store; 70 employees).

Region X

Byck Bros. & Co., 532 South Fourth Street, Louisville, Ky.; effective 9-25-62 to 9-24-63 (women's apparel and specialty store; 186 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates below $1.00 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Bonham's Foods, Inc., Central Boulevard at Northwest Jefferson, Brownsville, Tex.; effective 10-1-62 to 9-30-63; sacker, stock clerk, checker, produce trimmer; between 0 percent and 10 percent (food store; 27 employees).

Britts Parole Corp., Parole Plaza Shopping Center, 2 Parole Plaza, Annapolis, Md.; effective 9-26-62 to 9-25-63; sales clerk, stock clerk; between 5.1 percent and 10 percent (department store; 65 employees).

The Gateway Co., Inc., Hinky Dinky Store #62, 60th and O Streets, Lincoln, Nebr.; effective 10-1-62 to 9-30-63; sack boy, carryout boy; 10 percent each month (food store; 35 employees).

Hested Stores Co., #793, 2547 11th Avenue, Greeley, Colo.; effective 10-1-62 to 9-30-63; sales clerk, stock clerk; between 3.5 percent and 10 percent (variety store; 17 employees).

Jupiter Discount, 760 North Main Street, West Hartford, Conn.; effective 9-21-62 to 9-20-63; sales clerk; between 4.3 percent and 10 percent (variety store; 19 employees).

Jupiter Discount Store, 6316 Woodland Avenue, Philadelphia, Pa.; effective 9-28-62 to 9-27-63; sales clerk; between 3.0 percent and 10 percent (variety store; 19 employees).

S. S. Kresge Co., #264, Yorkridge Shopping Center, 50 West Ridgely Road, Lutherville, Md.; effective 10-3-62 to 10-2-63; sales clerk; 10 percent each month (variety store; 33 employees).

S. S. Kresge Co., #771, 1545 Grand Avenue, Billings, Mont.; effective 10-5-62 to 10-4-63; sales clerk; 10 percent each month (variety store; 29 employees).

S. S. Kresge Co., 408 Northlake Shopping Center, Northwest Highway and Ferndale Road, Dallas, Tex.; effective 9-27-62 to 9-26-63; sales clerk; between 0.2 percent and 10 percent (variety store; 21 employees).

S. S. Kresge Co., #705, Oak Forest Shopping Center, 1341 West 43d Street, Houston, Tex.; effective 9-27-62 to 9-26-63; sales clerk; between 3.1 percent and 10 percent (variety store; 33 employees).

S. S. Kresge Co., McArthur Drive Shopping Center, 2656 West McArthur Drive, Orange, Tex.; effective 10-3-62 to 10-2-63; sales clerk; between 1.5 percent and 7.4 percent (variety store; 30 employees).

S. S. Kresge Co., 354 North Star Mall, San Antonio, Tex.; effective 10-3-62 to 10-2-63; sales clerk; between 4.9 percent and 10 percent (variety store; 38 employees).

S. S. Kresge Co., Springfield Plaza Shopping Center, 6414 Springfield Plaza, Springfield, Va.; effective 9-26-62 to 9-25-63; sales clerk; 10 percent each month (variety store; 48 employees).

McCrory's, U.S. #1 South, Smyrna Shopping Center, New Smyrna Beach, Fla.; effective 10-1-62 to 9-30-63; sales clerk, stock clerk, office clerk; between 3.5 percent and 10 percent (variety store; 59 employees).

McCrory-McLellan's-Green, 1114 Candelaria Northwest, Albuquerque, N. Mex.; effective 10-1-62 to 4-28-63; stock clerk, sales clerk; between 0 percent and 10 percent (variety store; 28 employees).

Neisner Bros., Inc., #196, U.S. #1 and Palm Place, Marathon, Fla.; effective 9-28-62 to 9-27-63; selling, stocking; between 7.2 percent and 10 percent (variety store; 32 employees).

Neisner Bros., Inc., #204, 2726 Mount Pleasant Street, Burlington, Iowa; effective 10-1-62 to 9-30-63; selling, stocking, clerical; between 4.3 percent and 10 percent (variety store; new store).

Younker Bros., Inc., Niddle and Nimberly Roads, Bettendorf, Iowa; effective 9-24-62 to 9-23-63; stock clerk, office clerk, sales clerk, messenger, wrapper, marker, delivery clerk; between 8.9 percent and 10 percent (department store; 53 employees).

Younker Bros., Inc., Lindale Plaza, 4444 First Avenue, Northwest, Cedar Rapids, Iowa; effective 9-24-62 to 9-23-63; stock clerk, office clerk, sales clerk, delivery clerk, wrapper, marker, messenger; between 2.3 percent and 8.8 percent (department store; 131 employees).

Younker Bros., Inc., 1501 First Avenue, East, Newton, Iowa; effective 9-24-62 to 9-23-63; stock clerk, office clerk, sales clerk, delivery clerk, messenger, marker, wrapper; between 0.6 percent and 8.2 percent (department store; 22 employees).

Younker Bros., Inc., 1950 Grand Avenue, North, Spencer, Iowa; effective 9-24-62 to 9-23-63; sales clerk, stock clerk, office clerk, delivery clerk, wrapper, marker, messenger; between 0 percent and 7.9 percent (department store; 24 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 8th day of October 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-10263; Filed, Oct. 15, 1962; 8:46 a.m.]

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VOLUME 27 NUMBER 202

Washington, Wednesday, October 17, 1962

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OCT 19 1962
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Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

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FEDERAL REGISTER

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3501

NATIONAL DAY OF PRAYER, 1962

By the President of the United States of America

A Proclamation

WHEREAS faith in Almighty God was a dominant power in the lives of our Founding Fathers; and

WHEREAS they expressed this faith in prayer, and in this posture members of the Continental Congress mutually pledged their lives, their fortunes, and their sacred honor; and

WHEREAS each succeeding generation has shared that faith; and

WHEREAS in full recognition of our dependence upon Almighty God and for our continuing need of His great blessings, the Congress of the United States by joint resolution approved on the seventeenth day of April 1952 a provision that "The President shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation at churches, in groups, and as individuals":

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States, do set aside and proclaim Wednesday, the seventeenth day of October 1962, as the National Day of Prayer.

On this day, let us all pray, each following the practices of his own faith. Let us pray for our Nation and for other nations of the world. May we especially ask God's blessing upon—

Our homes, that this integral unit of society may nurture our youth and give to them the needed faith in God, in our Nation, and in their future;

Our citizens, that they may increase in the desire to promote mercy and justice, peace and freedom, good will and brotherhood; that they may open new frontiers in helping to alleviate hunger, ignorance and disease;

Our Nation, that each new achievement may add to our heritage of faith;

And our world, that this generation may experience the fruits of peace and may know the real meaning of brotherhood under God.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 11th day of October, in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-seventh.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-10418; Filed, Oct. 16, 1962; 10:01 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Navy

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.206 is revoked and paragraph (a)(1) of § 6.106 is amended as set out below.

§ 6.106 **Department of the Navy.**

(a) *General.* (1) Intelligence and Counter Intelligence positions assigned exclusively to Naval Intelligence activities and positions assigned to Naval Security Group activities/functions.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-10365; Filed, Oct. 16, 1962; 8:53 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Treasury Department

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.203 is amended as set out below.

§ 6.203 **Treasury Department.**

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Chief National Bank Examiner, Deputy Regional Chief National Bank Examiner, Senior National Bank Examiner, National Bank Examiner, Senior Assistant National Bank Examiner, Assistant National Bank Examiner, Deputy to the Comptroller of the Currency for Trusts, Representatives in Trusts, Associates in Trusts, Assistants in Trusts, and one Administrative Assistant to the Comptroller of the Currency, whose salaries are paid from assessments against national banks and other financial institutions.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-10409; Filed, Oct. 16, 1962; 8:55 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Barley Loan and Purchase Agreement Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service published in 27 F.R. 6463 and 8159, and containing the specific requirements for the 1962-crop barley price support program are hereby amended as follows:

1. Section 421.1244(b)(1) is amended to make barley grading No. 5 eligible for price support. The amended subparagraph reads as follows:

§ 421.1244 **Eligible barley.**

* * * * * * *

(b) * * *

(1) The barley must be of any class grading No. 5 or better, except that Western Barley shall have a test weight of not less than 36 pounds per bushel. In addition, barley may have the following special grade designations: (i) "Garlicky" and (ii) in the State of Alaska only, "Tough" (i.e., more than 14.5 percent but not more than 16 percent moisture). The provisions of subparagraph (2) below pertaining to barley grading "Tough" are not applicable to barley produced in Alaska.

2. Section 421.1246(c) is amended to extend the table of test weight adjustment factors to include barley with test weight as low as 36 pounds per bushel. The amended paragraph reads as follows:

§ 421.1246 **Determination of quality.**

* * * * * * *

(c) *Adjustment for test weight.* When the quantity is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel. The quantity determined for barley of a different test weight shall be adjusted by the applicable percentage in the following table.

For barley testing (pounds per bushel):	Percent
50 or over	104
49 or over, but less than 50	102
48 or over, but less and 49	100
47 or over, but less than 48	98
46 or over, but less than 47	96
45 or over, but less than 46	94
44 or over, but less than 45	92
43 or over, but less than 44	90
42 or over, but less than 43	88
41 or over, but less than 42	85
40 or over, but less than 41	83
39 or over, but less than 40	81
38 or over, but less than 39	79
37 or over, but less than 38	77
36 or over, but less than 37	75

3. Section 421.1252(d)(2)(ii) is amended to provide a discount of 15 cents per bushel for barley grading No. 5. The amended subparagraph reads as follows:

§ 421.1252 **Support rates.**

* * * * * * *

(d) * * *

(2) *Class and quality.*

	Amount of discount (cents per bushel)
(i) Class: mixed barley	−2
(ii) Grade:	
No. 3	−3
No. 4	−6
No. 5	−15
(iii) Other: Garlicky	−10

NOTE: Discounts are cumulative except only one grade discount shall be applied. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

4. Section 421.1252(f) is amended to increase the basic support rate for the following counties in Montana and Oregon:

(f) *Basic support rates (counties).*

County	Rate per bushel From—	To—
MONTANA		
Beaverhead	0.75	0.80
OREGON		
Harney	0.83	0.90
Malheur	.87	.93

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 12, 1962.

RAPHAEL V. FITZGERALD,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-10377; Filed, Oct. 16, 1962; 8:54 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service, Department of Agriculture

[Amdt. 5]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1962 Crop of Upland Cotton

TRANSFER OF FARM ALLOTMENTS IN DESIGNATED COUNTIES WHICH HAVE FLOODS OR EXCESSIVE RAINFALL

The purpose of this amendment is to provide that the State committee, under certain circumstances, may extend the closing date for county committee approval of transfers of farm allotments in designated counties which have flood or excessive rainfall preventing the timely planting or replanting of a substantial portion of the 1962 farm allotments. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

In order that the county committees may perform their assigned functions in connection with the transfer of allotments, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.517, paragraph (k)(3) of the regulations pertaining to acreage allotments for the 1962 crop of upland cotton, as amended (26 F.R. 9966, 11472, 11851, 11887; 27 F.R. 5254, 7087), is amended by adding a new subparagraph (iv) to read as follows:

(iv) The State committee may extend the closing date set forth in (iii) of this subparagraph for individual cases where it is conclusively shown through information furnished by the person concerned and the county committee that failure to complete the required application forms was not the fault of the applicant and a hardship will exist if the transfer is disapproved. The owner or operator may not be considered at fault if it is shown that tacit approval of the transfer was obtained through contacts with the county office or county committee and that he was not fully advised of the requirements for formal approval of such transfer.

(Secs. 344(n), 375; 72 Stat. 186, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344(n), 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 12, 1962.

RAPHAEL V. FITZGERALD,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-10376; Filed, Oct. 16, 1962; 8:54 a.m.]

PART 722—COTTON

Subpart—Proclamation Relating to National Marketing Quota and National Allotment for the 1963 Crop of Upland Cotton

Sec.
722.601 Basis and purpose.
722.602 Findings and determinations with respect to a national marketing quota for the 1963 crop of cotton.
722.603 Determination of a national allotment for the 1963 crop of cotton.
722.604 National reserve.
722.606 Data and determination with respect to national marketing quota and national allotment for the 1963 crop of cotton.

AUTHORITY: §§ 722.601 to 722 issued under secs. 301, 342, 344, 375, 52 Stat. 38, as amended; 63 Stat. 670, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1301, 1342, 1344, 1375.

§ 722.601 Basis and purpose.

(a) This proclamation is issued pursuant to sections 342 and 344 of the Agricultural Adjustment Act of 1938, as amended (referred to herein as the "act") to announce findings with respect to the total supply and the normal supply of upland cotton for the marketing year beginning August 1, 1962, and to proclaim whether, upon the basis of such findings, a national marketing quota and a national allotment for the 1963 crop of upland cotton are required under the provisions of the act. The term "upland cotton" (referred to herein as "cotton") and the data appearing in § 722.605 do not include extra long staple cotton described in section 347(a) of the act or similar types of such cotton which are imported. The terms "total supply," "carryover," and "normal supply," as they relate to cotton, are defined in section 301 of the act.

(b) The findings and determinations of the Secretary in §§ 722.602, 722.603, 722.604, and 722.605 have been made on the basis of the latest available statistics of the Federal Government. Prior to making such findings and determinations, notice was published in the FEDERAL REGISTER on September 29, 1962, (27 F.R. 9655) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), that the Secretary was preparing to determine whether a national marketing quota and national allotment would be required under the act for the 1963 crop of cotton. The data and recommendations received in response to such notice have been duly considered.

§ 722.602 Findings and determinations with respect to a national marketing quota for the 1963 crop of cotton.

(a) *Total supply.* The total supply of cotton for the marketing year beginning August 1, 1962 (in terms of running bales or the equivalent), as set out in § 722.605, consists of (1) carryover on August 1, 1962, (2) estimated production from the 1962 crop, and (3) estimated imports into the United States during the marketing year beginning August 1, 1962.

(b) *Normal supply.* The normal supply of cotton for the marketing year beginning August 1, 1962 (in terms of running bales or the equivalent), as set out in § 722.605, consists of (1) estimated domestic consumption for the marketing year beginning August 1, 1962, (2) estimated exports during the marketing year beginning August 1, 1962, and (3) 30 percent of the sum of such estimated domestic consumption and estimated exports as an allowance for carryover.

(c) *National marketing quota proclaimed.* It is hereby determined and proclaimed that the total supply of cotton for the marketing year beginning August 1, 1962, will exceed the normal supply of cotton for such marketing year. Therefore, a national marketing quota shall be in effect for the crop of cotton produced in the calendar year 1963.

(d) *Determination of amount of national marketing quota.* It is further determined and proclaimed that the national marketing quota for the 1963 crop of cotton (in terms of standard bales of 500 pounds gross weight) shall be 14,367,000 bales, as set out in § 722.605. The amount of such quota has been determined under section 342 of the act which, in effect, provides that the 1963 quota shall be the largest of the following:

(1) The number of bales of cotton adequate, together with (i) the estimated carryover at the beginning of the 1963–64 marketing year, and (ii) the estimated imports during the 1963–64 marketing year, to make available a normal supply of cotton.

(2) The number of bales of cotton equal to the estimated domestic consumption and estimated exports (less estimated imports) for the 1963–64 marketing year, except that the Secretary shall make such adjustment in the amount of such quota as he determines necessary after taking into consideration the estimated stocks of cotton in the United States (including the qualities of such stocks) and stocks in foreign countries which would be available for the marketing year for which the quota is being proclaimed, if no adjustment of such quota is made hereunder, to assure the maintenance of adequate but not excessive stocks in the United States to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton-consuming countries, and for purposes of national security; but the Secretary, in making such adjustments, may not reduce the national marketing quota below one million bales less than the estimated domestic consumption and estimated exports for the 1963–64 marketing year.

(3) Ten million bales.

(4) The number of bales of cotton required to provide a national allotment of 16,000,000 acres for the 1963 crop of cotton.

Accordingly, the national marketing quota for the 1963 crop of cotton as set out in § 722.605 is based on a minimum national allotment of 16,000,000 acres. Such national marketing quota is determined on the basis of a national average yield of 431 pounds per acre of cotton for the four calendar years 1958, 1959, 1960, and 1961.

§ 722.603 Determination of national allotment for the 1963 crop of cotton.

It is hereby further determined and proclaimed that a national allotment shall be in effect for the crop of cotton produced in the calendar year 1963. The amount of such national allotment as determined under section 344 of the act is 16,000,000 acres as set out in § 722.605. The apportionment of the 1963 national allotment to the States will be included in the acreage alotment regulations for the 1963 crop of upland cotton.

§ 722.604 National reserve.

The national reserve authorized under section 344(b) of the act will be determined on the basis of the estimated needs for additional acreage for establishing minimum farm allotments under section 344(f)(1) of the act. The amount of such national reserve to be allocated will be determined and published at a later date.

§ 722.605 Data and determinations with respect to national marketing quota, national allotment, and national reserve for the 1963 crop of cotton.

(a) Total supply of cotton for the marketing year beginning August 1, 1962, in running bales or equivalent:

(1) Carryover	7,472,000
(2) Estimated production	14,609,000
(3) Estimated imports	50,000
Total	22,131,000

(b) Normal supply of cotton for the marketing year beginning August 1, 1962, in running bales or equivalent:

(1) Estimated domestic consumption	8,400,000
(2) Estimated exports	5,000,000
(3) 30 percent allowance for carryover	4,020,000
Total	17,420,000

(c) National marketing quota for 1963 crop of cotton: 14,367,000 Standard bales.

Determinations for purposes of:	
(1) Section 722.602(d)(1)	[1] 8,639,000
(2) Section 722.602(d)(4)	[1] 14,367,000
(3) Section 722.602(d)(2)	[1] 13,350,000
Based on:	
(i) Estimated domestic consumption	[2] 8,400,000
(ii) Estimated exports	[2] 5,000,000
(iii) Estimated imports	[2] 50,000
(iv) Adjustment for stocks	None

(d) National alotment for 1963 crop of cotton: 16,000,000 acres.

[1] Standard bales.
[2] Running bales.
[3] Equivalent running bales.

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 15, 1962.

JOHN P. DUNCAN, Jr.,
Acting Secretary.

[F.R. Doc. 62-10412; Filed, Oct. 15, 1962; 4:09 p.m.]

PART 722—COTTON

Subpart—Proclamation Relating to National Marketing Quota and National Allotment for the 1963 Crop of Extra Long Staple Cotton

Sec.
722.651 Basis and purpose.
722.652 Findings and determinations with respect to a national marketing quota for the 1963 crop of extra long staple cotton.
722.653 Determination of a national allotment for the 1963 crop of extra long staple cotton.
722.654 Data and determinations with respect to national marketing quota and national allotment for the 1963 crop of extra long staple cotton.

AUTHORITY: §§ 722.651 to 722.654 issued under secs. 301, 344, 347, 375, 52 Stat. 38, as amended; 63 Stat. 670, as amended; 63 Stat. 675, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1301, 1344, 1347, 1375.

§ 722.651 Basis and purpose.

(a) This proclamation is issued pursuant to sections 344 and 347 of the Agricultural Adjustment Act of 1938, as amended (referred to herein as the "act"), to announce findings by the Secretary of Agriculture with respect to the total supply and the normal supply of extra long staple cotton for the marketing year beginning August 1, 1962, and to proclaim whether, upon the basis of such findings, a national marketing quota and a national allotment for the 1963 crop of extra long staple cotton are required under the provisions of the act. The term "extra long staple cotton", as used in § 722.652 (a) and (b), means the kinds of cotton described in section 347(a) of the act, including American-Egyptian cotton, Sea Island cotton in both the continental United States and Puerto Rico, and Sealand cotton, and all imports of similar type cotton produced in Egypt, Sudan, and Peru. The term "extra long staple cotton", as used in §§ 722.652(c) and 722.653, means the kinds of cotton described in section 347(a) of the act. Pursuant to Public Law 87-548 enacted July 25, 1962 (76 Stat. 218), the term "carryover" as used herein does not include any domestically grown extra long staple cotton which was transferred or made available to the Commodity Credit Corporation from the stockpile established under the Strategic and Critical Materials Stockpiling Act, as amended (50 U.S.C. 98) and which has not been sold by the Commodity Credit Corporation; and does not include any foreign-grown extra long staple cotton which was transferred to the Commodity Credit Corporation from such stockpile. Section 347(c) of the act provides that, with certain exceptions, all provisions of the act shall, insofar as applicable, apply to marketing quotas and acreage allotments for extra long staple cotton. The terms "total supply", "carryover", and "normal supply", as they relate to extra long staple cotton, are defined in section 301 of the act.

(b) The findings and determinations made by the Secretary are contained in §§ 722.652 to 722.654 and have been made on the basis of the latest available statistics of the Federal Government. Prior to making such findings and determinations, notice was published in the FEDERAL REGISTER on September 29, 1962 (27 F.R. 9655), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) that the Secretary was preparing to determine whether a national marketing quota and national allotment would be required under the act for the 1963 crop of extra long staple cotton. The data and recommendations received in response to such notice have been duly considered.

§ 722.652 Findings and determinations with respect to a national marketing quota for the 1963 crop of extra long staple cotton.

(a) *Total supply.* The total supply of extra long staple cotton for the marketing year beginning August 1, 1962 (in terms of running bales or the equivalent), as set out in § 722.654, consists of (1) a carryover on August 1, 1962, (2) estimated production from the 1962 crop, and (3) estimated imports into the United States during the marketing year beginning August 1, 1962.

(b) *Normal supply.* The normal supply of extra long staple cotton for the marketing year beginning August 1, 1962 (in terms of running bales or the equivalent), as set out in § 722.654, consists of (1) estimated domestic consumption for the marketing year beginning August 1, 1962, (2) estimated exports during the marketing year beginning August 1, 1962, and (3) 30 percent of the sum of such estimated domestic consumption and estimated exports as an allowance for carryover.

(c) *National marketing quota proclaimed.* It is hereby determined and proclaimed that the total supply of extra long staple cotton for the marketing year beginning August 1, 1962, will exceed the normal supply of such cotton for such marketing year by more than 8 per centum. Therefore, a national marketing quota shall be in effect for the crop of extra long staple cotton produced in the calendar year 1963.

(d) *Determination of amount of national marketing quota.* It is further determined and proclaimed that the national marketing quota for the 1963 crop of extra long staple cotton, in terms of standard bales of 500 pounds gross weight, shall be 155,500 bales as set out in § 722.654. The amount of such quota has been determined under section 347 (b) of the act which, in effect, provides

that the 1963 quota shall be the largest of the following:

(1) The number of bales equal to the estimated domestic consumption plus exports for the marketing year beginning August 1, 1963; less the estimated imports for the marketing year beginning August 1, 1963; plus such additional number of bales, if any, as the Secretary determines is necessary to assure adequate working stocks in trade channels until extra long staple cotton from the next crop becomes readily available without resort to Commodity Credit Corporation stocks. It is hereby determined that an adjustment of 16,000 bales under this provision is necessary.

(2) 30,000 bales.

(3) The number of bales equal to 30 per centum of the estimated domestic consumption plus exports of extra long staple cotton for the marketing year beginning in the calendar year in which such quota is proclaimed.

§ 722.653 Determination of national allotment for the 1963 crop of extra long staple cotton.

It is hereby further determined and proclaimed that a national allotment shall be in effect for the crop of extra long staple cotton produced in the calendar year 1963. The amount of such national allotment as determined under section 344(a) of the act is 149,880 acres as set out in § 722.654. Such national allotment is determined on the basis of the national average yield of 498 pounds per acre of extra long staple cotton for the four calendar years 1958, 1959, 1960, and 1961. The apportionment of the 1963 national allotment to the States will be included in the acreage allotment regulations for the 1963 crop of extra long staple cotton.

§ 722.654 Data and determinations with respect to national marketing quota and national allotment for the 1963 crop of extra long staple cotton.

(a) Total supply of extra long staple cotton for the marketing year beginning August 1, 1962, in running bales or equivalent:

(1) Carryover	84,100
(2) Estimated production	95,300
(3) Imports	85,600
Total	265,000

(b) Normal supply of extra long staple cotton for the marketing year beginning August 1, 1962, in running bales or equivalent:

(1) Estimated domestic consumption	183,000
(2) Estimated exports	5,000
(3) 30 percent allowance for carryover	56,400
Total	244,400

(c) National marketing quota for 1963 crop of extra long staple cotton: 155,500 Standard bales.

Determinations for purposes of:

(1) Section 722.652(d)(3)	[1] 57,700
(2) Section 722.652 (d)(1)	[1] 155,500

[1] Standard bales.

Based on running bales or equivalent:

(i) Estimated domestic consumption	210,000
(ii) Estimated exports	10,000
(iii) Estimated imports	85,600
(iv) Adjustment for stocks	15,600

(d) National allotment for 1963 crop of extra long staple cotton: 149,880 acres.

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 15, 1962.

JOHN P. DUNCAN, JR.,
Acting Secretary.

[F.R. Doc. 62-10413; Filed, Oct. 15, 1962; 4:09 p.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territory, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territory, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, North Dakota, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming;

(2) The following Counties in Nebraska: Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scottsbluff, and Thomas;

(3) In New Mexico: Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Los Alamos, Luna, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Taos, and Union Counties; all of Socorro County except that portion lying east of U.S. Highway 85; and all of Valencia County except that portion lying east of the Rio Puerco river from its intersection with the southwest corner of Bernalillo County to its intersection with the Socorro County line;

(4) The following Counties in Kansas: Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, and Sumner, and all Counties in the State of Kansas lying west thereof;

(5) The following Counties in Michigan: Alcona, Alger, Alpena, Antrim, Baraga, Benzie, Charlevoix, Cheboygan, Chippewa, Crawford, Delta, Dickinson, Emmet, Gogebic, Grand Traverse, Houghton, Iron, Kalkaska, Keweenaw, Leelanau, Luce, Mackinac, Manistee, Marquette, Menominee, Missaukee, Montmorency, Ontonagon, Oscoda, Otsego, Presque Isle, Roscommon, Schoolcraft, and Wexford.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, and parts thereof, are hereby designated as eradication areas:

(1) Hawaii, Illinois, Kentucky, New Jersey, New York, Pennsylvania, and Tennessee;

(2) All Counties in Nebraska except Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya, Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scotts Bluff, and Thomas;

(3) In New Mexico: That portion of Socorro County lying east of U.S. Highway 85; that portion of Valencia County lying east of the Rio Puerco river from its intersection with the southwest corner of Bernalillo County to its intersection with the Socorro County line; and all other Counties in New Mexico except Catron, Colfax, Dona Ana, Grant, Harding, Hildalgo, Los Alamos, Luna, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Taos, and Union.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments delete all parts in the State of South Dakota heretofore designated as infected and eradication areas, from such areas, and add such parts to the free areas, as sheep scabies is no longer known to exist therein. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will not apply to this State. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of October 1962.

F. H. SPENCER,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-10375; Filed, Oct. 16, 1962; 8:54 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-365]

PART 225—TARIFFS OF CERTAIN CERTIFICATED AIRLINES: TRADE AGREEMENTS

Increasing Limitation on Value of Certain Trade Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of October 1962.

Part 225 of the Board's Economic Regulations permits the local service carriers, the certificated carriers operating within Hawaii, the certificated Alaskan carriers insofar as their intra-Alaskan operations are concerned, carriers holding certificates for the performance of all expense tours or cruises, and any certificated carrier furnishing passenger air transportation between Hawaii on the one hand and Christmas Island, the Society Islands, American Samoa, Western Samoa or Fiji on the other hand, to exchange air transportation for advertising goods or services within certain limitations.

A notice of proposed rule making was published in the FEDERAL REGISTER on September 21, 1962 (27 F.R. 9408) and circulated to the industry as Draft Release, EDR-45, dated September 18, 1962, Docket 13715, which proposed an amendment to Part 225 increasing the value of trade agreements from $100,000 to $150,000 applicable to certificated air carriers furnishing passenger air transportation between Hawaii on the one hand and Christmas Island, the Society Islands, American and Western Samoa or Fiji on the other hand. This notice was issued as a result of an application to amend Part 225 filed by South Pacific Air Lines (South Pacific). Specifically, South Pacific requested that the limitation on the value of trade agreements involving it be increased from the present $100,000 to $200,000 for the calendar year 1962. The Board in the notice, however, proposed an increase of only $50,000 for the calendar year 1962.

No comments have been received in response to the notice. Accordingly, the Board herein adopts the amendment as proposed in the notice.

To the extent not granted herein, the application of South Pacific in Docket 13715 is denied.

Inasmuch as this amendment does not impose a regulatory burden on any person and grants an exemption, the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 225 of its Economic Regulations (14 CFR Part 225), effective October 17, 1962, by deleting the reference to carriers identified in § 225.1(a)(5) from § 225.6(a) and adding a new § 225.6(d), these provisions to read:

(a) $100,000 in the aggregate each year for airlines identified under § 225.1 (a)(1), (2) and (3);

. . . . . .

(d) $150,000 for the calendar year 1962, for the air carriers identified under § 225.1(a)(5).

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 403, 404, 416, 72 Stat. 758, 760, 771; 49 U.S.C. 1373, 1374, 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-10350; Filed, Oct. 16, 1962; 8:51 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-117]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to designate a control zone at Oxford, Miss.

On October 2, 1962, Special Civil Air Regulation No. SR-453 was published in the FEDERAL REGISTER (27 F.R. 9697) restricting aircraft from operating below 5,000 feet above mean sea level within a 10-nautical-mile radius of the University-Oxford Airport, Oxford, Miss., without prior authorization by the Memphis Air Route Traffic Control Center.

The conditions which necessitated the restriction imposed by the Special Civil Air Regulation no longer exist, and, by separate action, that Regulation is being revoked. However, the present volume of air traffic arriving and departing the University-Oxford Airport requires the designation of a control zone. Therefore, such action is taken herein.

For the reasons stated above, I have determined that a situation exists requiring immediate action in the interest of safety and that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2520 Oxford, Miss., control zone.

Within a 5-mile radius of University-Oxford Airport (latitude 34°23'05" N., longitude 89°32'10" W.) and within 2 miles either side of the 257° bearing from the airport extending from the 5-mile radius zone to 8 miles W of the airport.

This amendment shall become effective immediately.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 16, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-10461; Filed, Oct. 16, 1962; 11:10 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-236]

PART 13—PROHIBITED TRADE PRACTICES

Elysee Fabrics, Inc., and Gunther F. Ziegler

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.30-75 *Textile Fiber Products Identification Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-80 *Textile Fiber Products Identification Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185-80 *Textile Fiber Products Identification Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-70 *Textile Fiber Products Identification Act;* § 13.1845-80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-70 *Textile Fiber Products Identification Act.* Subpart—Using misleading name—Goods: § 13.2280 *Composition:* § 13.2280-70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Elysee Fabrics, Inc., et al., Jamaica, N.Y., Docket C-236, Sept. 18, 1962]

In the Matter of Elysee Fabrics, Inc., a Corporation, and Gunther F. Ziegler, Individually and as an Officer of Said Corporation

Consent order requiring importers in Jamaica, N.Y., to cease violating the Textile Fiber Products Identification Act by labeling, invoicing and advertising textile fiber products falsely as to the name or amount of constituent fibers and by use of such misleading terms as "linen weave" and "silky"; failing to disclose

on labels on textiles the true generic name of the fibers present, the percentage thereof, and the order of predominance by weight; failing to set forth in catalogs the true generic names of fibers in advertised fabrics and by using therein the name leopard or other fur-bearing animal for textiles which were not fur products; and to cease violating the Wool Products Labeling Act by failing to disclose the true generic name of fibers present in wool fabrics.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Elysée Fabrics, Inc., a corporation, and its officers, and Gunther F. Ziegler, individually and as an officer of the said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of textile fiber products which have been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of textile fiber products, either in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products by representing either directly or by implication, through the use of such terms as "linen weave", and "silky", or any other terms, that such products contain any fibers which are not present therein.

3. Failing to affix labels to such textile fiber products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

4. Setting forth the generic name or fiber trademark of a fiber present in any of the aforesaid textile fiber products when the amount of such fiber is five per centum or less of the total fiber weight of such product.

5. Using a fiber trademark as a part of the required information on labels affixed to such textile fiber products without the required generic name of the fiber appearing on the said labels in immediate conjunction therewith and in type or lettering of equal size and conspicuousness.

6. Using a generic name or fiber trademark on any label, whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Act and the rules and regulations promulgated thereunder, the first time such generic name or fiber trademark appears on the label.

7. Failing to affix labels showing the respective fiber content and other required information to samples, swatches and specimens of textile fiber products subject to the aforesaid Act which are used to promote or effect sales of such textile fiber products.

B. Falsely or deceptively advertising textile fiber products by:

1. Making any representation, by disclosure or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product unless the same information required to be shown on the stamp, tag, label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using any names, words, depictions, descriptive matter, or other symbols which connote or signify a fur-bearing animal, unless such products or parts thereof in connection with which the names, words, depictions, descriptive matter or other symbols are used, are furs or fur products within the meaning of the Fur Products Labeling Act, provided, however, where a textile fiber product contains the hair or fiber of a fur-bearing animal, the name of such animal, in conjunction with the word "fiber", "hair", or "blend", may be used.

3. Setting forth the generic name of a fiber present in any of the aforesaid textile fiber products when the amount of such fiber is five per centum or less of the total fiber weight of such product.

4. Using a generic name of a fiber in advertising textile fiber products in such a manner as to be false, deceptive or misleading as to the fiber content or to indicate, directly or indirectly, that such textile fiber products are composed wholly or in part of such fiber when such is not the case.

5. Using nonrequired information and representations in such advertising in such a manner as to be false, deceptive or misleading as to the fiber content of the textile fiber products or so as to interfere with, minimize or detract from required information.

It is further ordered, That respondents, Elysée Fabrics, Inc., a corporation, and its officers, and Gunther F. Ziegler, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as the terms "commerce", and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Failing to securely affix to or place on each product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

2. Failing to affix labels to samples, swatches or specimens of wool products used to promote or effect sales of wool products, showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commisison a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 18, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10330; Filed, Oct. 16, 1962; 8:48 a.m.]

[Docket C-220]

PART 13—PROHIBITED TRADE PRACTICES

Fibre Glass-Evercoat Company, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.195 *Safety:* § 13.195-60 *Product.* Subpart—Misbranding or mislabeling: § 13.1315 *Safety.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1890 *Safety.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Fibre Glass-Evercoat Company, Inc., et al., Cincinnati, Ohio, Docket C-220, Sept. 11, 1962]

In the Matter of Fibre Glass-Evercoat Company, Inc., a Corporation, and Joseph Linder, and Carl Friedman, Individually and as Officers of Said Corporation, and John Fielman, and Cecil Wilson, Individually

Consent order requiring Cincinnati sellers of a plastic metal mender designated "Ever-Flex" to automotive distributors and jobbers for resale, to cease representing falsely in advertising that their said product was nontoxic and safe and to cease selling it without adequate warning on containers of the dangers attendant on its use.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Fibre Glass-Evercoat Company, Inc., a corporation, and its officers, and respondents Joseph Linder and Carl Friedman, individually and as officers of said corporation, and John Fielman and Cecil Wilson, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a plastic metal mender designated "Ever-Flex", or any other product of similar composition or possessing substantially similar properties, under whatever name sold, do forthwith cease and desist from:

1. Representing, directly or by implication, that the creme hardener or the liquid hardener or the plastic metal mender is non-toxic or safe or will not cause itching or skin irritation.

2. Using a label on the container for the creme hardener which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: Keep away from heat or flame. Keep out of reach of children. If taken internally, induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 11, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10331; Filed, Oct. 16, 1962; 8:48 a.m.]

[Docket C-224]

PART 13—PROHIBITED TRADE PRACTICES

H. Clausen & Co., Inc., and Tyrus W. Peck

Subpart—Advertising falsely or misleadingly: § 13.195 *Safety:* § 13.195-60 *Product.* Subpart—Misbranding or mislabeling: § 13.1315 *Safety.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure. § 13.1890 *Safety.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, H. Clausen & Co., Inc., et al., Fords, N.J., Docket C-224, Sept. 11, 1962]

In the Matter of H. Clausen & Co., Inc., a Corporation, and Tyrus W. Peck, Individually and as Officer of Said Corporation

Consent order requiring distributors in the Village of Fords, N.J., of a plastic metal mender designated "Claw Plast Black Armor" to automotive jobbers, distributors, and warehouses for resale to autobody and truck repair shops, to cease advertising falsely that their said product was nontoxic under all conditions of use, and to set forth clearly and conspicuously on labels on containers warning of dangers and directions for safe use thereof.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent H. Clausen & Co., Inc., a corporation, and its officers, and respondent Tyrus W. Peck, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a plastic metal mender designated "Claw Plast Black Armor", or any other product of similar composition or possessing substantially similar properties, under whatever name sold, do forthwith cease and desist from:

1. Representing, directly or by implication, that the creme hardener or the metal mender is nontoxic, noninjurious or will not cause itching or skin irritation.

2. Using a label on the container for the liquid hardener which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: Keep away from heat or flame. Keep out of reach of children. If taken internally, induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water. Use in well ventilated area; avoid vapors.

3. Using a label on the container for the creme hardener which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: Keep away from heat or flame. Keep out of reach of children. If taken internally, induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

4. Using a label on the container for the putty which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: After mixing with liquid hardener or creme hardener, avoid prolonged or repeated contact with skin. In case of contact, flush skin with water. After mixing with liquid hardener, use in well ventilated area; avoid vapors.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 11, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10329; Filed, Oct. 16, 1962; 8:47 a.m.]

[Docket C-216]

PART 13—PROHIBITED TRADE PRACTICES

D. S. Lahmers Co., Inc., and Don S. Lahmers

Subpart—Advertising falsely or misleadingly: § 13.195 *Safety:* § 13.195-60 *Product.* Subpart—Misbranding or mislabeling: § 13.1315 *Safety.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1890 *Safety.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, D. S. Lahmers Co., Inc., et al., Dover, Ohio, Docket C-216, Sept. 10, 1962]

In the Matter of D. S. Lahmers Co., Inc., a Corporation, and Don S. Lahmers, Individually and as an Officer of Said Corporation

Consent order requiring Dover, Ohio, sellers of a plastic metal mender designated "Laco Presto" to automotive jobbers for resale to autobody repair shops, to cease advertising falsely in magazines and on labels, etc., that the product, was nontoxic, and to label containers conspicuously as to dangers attendant on its use.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent D. S. Lahmers Co., Inc., a corporation, and its officers, and respondent Don S. Lahmers, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a plastic metal mender designated "Laco Presto", or any other product of similar composition or possessing substantially similar properties under whatever name sold, do forthwith cease and desist from:

(1) Representing, directly or by implication, that the cream hardner or the metal mender is nontoxic or will not cause itching or skin irritation.

(2) Using a label on the container for the cream hardner which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: Keep away from heat or flame. Keep out of reach of children. If taken internally, induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

(3) Using a label on the container for the putty which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: After mixing with cream hardener, avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 10, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10332; Filed, Oct. 16, 1962; 8:48 a.m.]

[Docket C-223]

PART 13—PROHIBITED TRADE PRACTICES

Lam Fi Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.195 *Safety:* § 13.195-60 *Product.* Subpart—Misbranding or mis-

labeling: § 13.1315 *Safety.* Subpart—Neglecting, unfairly or deceptively to make material disclosure: § 13.1890 *Safety.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Lam Fi Corp. et al., Rochester, N.Y., Docket C-223, Sept. 11, 1962]

In the Matter of Lam Fi Corp., a Corporation, and Howard L. Guenther, Earl J. Guenther, and Joseph L. Demske, Individually and as Officers of Said Corporation

Consent order requiring Rochester, N.Y., distributors of a plastic metal mender designated "Jiffy Black" to consumers to cease representing falsely that such product was nontoxic, and to label containers clearly and conspicuously with adequate warnings as to possible danger attendant on its use and directions for safe handling.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Lam Fi Corp., a corporation, and its officers, and respondents Howard L. Guenther, Earl J. Guenther, and Joseph L. Demske, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a plastic metal mender designated "Jiffy Black", or any other product of similar composition or possessing substantially similar properties, under whatever name sold, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That the cream hardener is nontoxic or will not cause itching or skin irritation.

(b) That the plastic metal mender is nontoxic or will not cause itching or skin irritation.

2. Using a label on the container for the cream hardener which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: Keep away from heat or flame. Keep out of reach of children. If taken internally, induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

3. Using a label on the container for the putty which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: After mixing with cream hardener, avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 11, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10333; Filed, Oct. 16, 1962; 8:48 a.m.]

[Docket C-209]

PART 13—PROHIBITED TRADE PRACTICES

Martin-Senour Co.

Subpart—Advertising falsely or misleadingly: § 13.195 *Safety:* § 13.195-60 *Product.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1890 *Safety.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Martin-Senour Company, Cleveland, Ohio, Docket C-209, Aug. 31, 1962]

Consent order requiring a Cleveland distributor of plastic metal menders designated "Blu-Flex" and "Fuse-Tite" to wholesalers, to cease such unfair practices as stating in catalogs "Blu-Flex • • • It's non-toxic" when in fact such product could cause itching or skin irritation; to disclose conspicuously on labels such danger in use and treatment therefor and the fact of the product's flammability; and to make similar disclosures on labels of its "Fuse-Tite" product, as well as the importance of avoiding its vapors.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent The Martin-Senour Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of plastic metal menders designated "Blu-Flex" and "Fuse-Tite", or any other product or products of similar composition or possessing substantially similar properties under whatever name or names sold, do forthwith cease and desist from:

1. Representing, directly or by implication, that the plastic metal mender designated "Blu-Flex", or any other product of similar composition or possessing substantially similar properties, which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: After mixing with cream hardener, avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

4. Using a label on the container for the liquid hardener which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: Keep away from heat or flame. Keep out of reach of children. If taken internally induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water. Use in well ventilated area; avoid vapors.

5. Using a label on the container for the putty used in the plastic metal mender designated "Blu-Flex", or any other product of similar composition or possessing substantially similar properties, which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: After mixing with liquid hardener, avoid prolonged or repeated contact with skin. In case of contact, flush skin with water. Use in well-ventilated area; avoid vapors.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: August 31, 1962.

By the Commission.

[SEAL] JOSEPH N. KUZEW, *Acting Secretary.*

[F.R. Doc. 62-10334; Filed, Oct. 16, 1962; 8:49 a.m.]

[Docket C-222]

PART 13—PROHIBITED TRADE PRACTICES

U.S. Chemical & Plastics, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.195 *Safety:* § 13.195-60 *Product.* Subpart—Misbranding or mislabeling: § 13.1315 *Safety.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1890 *Safety.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, U.S. Chemical & Plastics, Inc., et al., Canton, Ohio, Docket C-222, Sept. 11, 1961]

In the Matter of U.S. Chemical & Plastics, Inc., a Corporation and Jerome L. Maggiore, Phillip Maggiore, and Jerome V. Maggiore, Individually and as Officers of Said Corporation

Consent order requiring Canton, Ohio, distributors of plastic metal menders designated "Jet Black", and "Jet Bond", "Kwik Magic" and "Black Label" to warehouse distributors and jobbers for resale to autobody repair shops and others, to cease representing falsely that such products were nontoxic and safe under all conditions of use, and to label containers of the products clearly and conspicuously with directions for safe use.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent U.S. Chemical & Plastics, Inc., a corporation, and its officers, and respondents Jerome L. Maggiore, Philip Maggiore and Jerome V. Maggiore, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of plastic metal menders designated "Jet Black", "Jet Bond", "Kwik Magic" and "Black Label", or any other product or products of similar composition or possessing substantially similar properties under whatever name or names sold, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That the cream hardener is nontoxic or will not cause itching or skin irritation.

(b) That any of the plastic metal menders is nontoxic or safe or will not cause itching or skin irritation.

2. Using a label on the container for the cream hardener which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: Keep away from heat or flame. Keep out of reach of children. If taken internally, induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

3. Using a label on the container for any of the putties used in the plastic metal menders designated "Jet Black", "Jet Bond" or "Kwik Magic", or any other product or products of similar composition or possessing substantially similar properties, which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: After mixing with cream hardener, avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

4. Using a label on the container for the liquid hardener which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: Keep away from heat or flame. Keep out of reach of children. If taken internally, induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water. Use in well ventilated area; avoid vapors.

5. Using a label on the container for the putty used in the plastic metal mender designated "Black Label", or any other product of similar composition or possessing substantially similar properties, which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: Keep out of reach of children. If taken internally, induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water. Use in well ventilated area; avoid vapors.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 11, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10335; Filed, Oct. 16, 1962; 8:49 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-207]

PART 154—RATE SCHEDULES AND TARIFFS

Filings by Pipeline Companies; Correction

OCTOBER 10, 1962.

In Order No. 254, amending § 154.63 of the Regulations Under The Natural Gas Act, issued September 20, 1962 and published in the FEDERAL REGISTER September 26, 1962 (F.R. Doc. 62-9576; 27 FR-9500-9508).

Page 9500, second column, change last sentence in first full paragraph to read "Section 154.63(f) includes the descriptions of two new statements not heretofore required, to wit, Statement O relating to description of operations and Statement P relating to prepared testimony."

Page 9504, first column, change second line of subparagraph (4) to read "In the Statements described in paragraph (f) • • •".

Page 9505, Column 3, line 4 delete asterisk.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-10323; Filed, Oct. 16, 1962; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55733]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Articles for Use of Foreign Military Personnel and Their Immediate Families

Public Law 271, 81st Congress (section 196a, title 19, United States Code) permits entry free of duties and internal-revenue taxes imposed upon or by reason of importation of articles entered for consumption or withdrawn from warehouse for consumption on or after August 28, 1949, for the official use of any person who is on duty in the United States, its territories, or possessions as a member of the armed forces of any foreign country, or for the personal use of any such person or of any member of his immediate family. The law provides further that if the Secretary of the Treasury shall find that any such foreign country does not accord similar treatment to members of the armed forces of the United States or members of their immediate families, the privileges granted by the law, shall, after collectors of customs have been officially advised of such finding, be accorded only to the extent that similar treatment is accorded by such foreign country to members of the armed forces of the United States or members of their immediate families. To provide controls on the entry or withdrawal from warehouse for consumption of alcoholic beverages under 19 U.S.C. 196a and to incorporate in the regulations the reciprocal feature of this law, § 10.30c of the Customs Regulations is amended as follows:

Paragraph (a) is amended by adding at the end thereof the following: "When collectors of customs have been advised officially of a finding by the Secretary of the Treasury that a foreign country does not reciprocate to members of the armed forces of the United States on duty in its country and members of their immediate families the privileges accorded its members and their families in the United States, the collectors shall accord to the personnel of such foreign government privileges under the law only to the extent to which the foreign government or governments accord similar treatment to members of the armed forces of the United States and members of their immediate families."

Paragraph (b) is amended by adding the following at the end thereof: "In the case of the entry for consumption or withdrawal from warehouse for consumption for personal use of alcoholic beverages in amounts in excess of one case per month per person entitled to the free entry privilege, an application in writing signed by the person entitled to the privilege shall be made to the collector of customs stating explicitly the reasons for the quantity requested. The application shall be approved by the officer or person in charge of the armed forces involved or a person designated specifically by such officer or person in charge as authorized to approve such requests. Questionable cases shall be referred to the Bureau for instructions."

(R.S. 161, as amended, Sec. 1, 63 Stat. 666; 5 U.S.C. 22, 19 U.S.C. 196a)

[SEAL] PHILIP NICHOLS, JR., *Commissioner of Customs.*

Approved: October 10, 1962.

JAMES POMEROY HENDRICK, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 62-10348; Filed, Oct. 16, 1962; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart D—Types of Contracts

Subpart D is revised to read as follows:

Sec.
1003.404 Fixed-price contracts.
1003.404–3 Fixed-price contract with escalation (FPE).
1003.404–4 Fixed-price incentive contracts.
1003.404–5 Prospective price redetermination at a stated time or times during performance (FPR–A).
1003.404–6 Retroactive and prospective price redetermination at a stated time during performance (FPR–C).
1003.404–7 Retroactive price redetermination after completion (FPR–E).
1003.404–50 Redetermination upon happening of a specified contingency (FPR–X).
1003.405 Cost-reimbursement type contracts.
1003.405–1 General.
1003.405–4 Cost-plus-incentive-fee contracts (CPIF).
1003.405–5 Cost-plus-fixed-fee contract (CPFF).
1003.406 Other types of contracts.
1003.406–1 Time and materials contract (T–M).
1003.406–2 Labor-hour contract (L–H).
1003.407 Additional incentives.
1003.407–2 Contracts with performance incentives.
1003.407–3 Contracts with value engineering incentives.
1003.408 Letter contract.
1003.409 Indefinite delivery type contracts.
1003.409–50 Call procurement arrangements.
1003.410 Other types of agreements.
1003.410–1 Basic agreement (BA).
1003.410–50 Open contracts (OC).

AUTHORITY: §§ 1003.404 to 1003.410–50 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1003.404 Fixed-price contracts.

§ 1003.404–3 Fixed-price contract with escalation (FPE).

(a) *FPE clauses.* Depending upon the type of escalation, clauses in §§ 7.106 and 7.107 of this title apply.

§ 1003.404–4 Fixed-price incentive contracts.

(a) *Description.* The firm target incentive contract is identified by the symbol FPIF. The successive target incentive contract is identified by the symbol FPIS.

(b) *Limitations.* The determinations and findings required to support use of these contracts will be made as outlined in § 1003.303.

(c) *FPIF and FPIS clauses.* The clause in § 7.108 of this title applies for the FPIF contract, and the clause in § 1007.108–50 of this subchapter for the FPIS contract.

§ 1003.404–5 Prospective price redetermination at a stated time or times during performance (FPR–A).

FPR–A clause. Section 7.109–2 of this title applies.

§ 1003.404–6 Retroactive and prospective price redetermination at a stated time during performance (FPR–C).

(a) *Limitations.* To obtain Hq AFSC or Hq AFLC written approval for use of this contract, as required by § 3.404–6(c)(8) of this title, contracting officers located in AFSC procurement activities and Office of Aerospace Research (OAR) will address requests to AFSC (ASXKF), WPAFB, Ohio; requests from contracting officers located in all other AF procurement activities will be addressed to AFLC (MCPKP). Requests for approval will be signed by the contracting officer and will contain the following information:

(1) Name of proposed contractor and brief description of supplies or services being procured.

(2) Unit and total prices, including both billing and ceiling prices.

(3) Delivery schedule of supplies to be furnished, or scheduled date for completion of performance if services are being procured.

(4) Method of source selection. If competitive, indicate also the contract type, and the unit and total prices proposed by each rejected offeror, including ceiling prices, if applicable.

(5) Copy of the record of price negotiation.

(6) Statement indicating that each of the requirements under § 3.404–6(c)(1) through (7) of this title has been considered and complied with.

§ 1003.404–7 Retroactive price redetermination after completion (FPR–E).

(a) *Limitations.* To obtain Hq AFSC or Hq AFLC written approval for use of this contract, as required by § 3.404–7(c)(4) of this title, contracting officers located in AFSC procurement activities and OAR will address requests to AFSC (ASXKF) WPAFB, Ohio; requests from contracting officers located in all other AF procurement activities will be addressed to AFLC (MCPKP). Requests for approval will be signed by the contracting officer and will include the same information required by § 1003.404–6(a)(1) through (5), together with a statement indicating that each of the requirements under § 3.404–7(c) of this title has been considered and complied with.

(b) *FPR–E clause.* Section 7.109–4 of this title applies.

§ 1003.404–50 Redetermination upon happening of a specified contingency (FPR–X).

(a) *Description.* This contract provides for an equitable upward revision of prices upon the happening of a contingency specified in the clause as a "basic assumption."

(b) *Application.* This contract is available for Air Force use pursuant to a blanket ASPR deviation. It is appropriate for use when, except for the specified contingency, realistic, firm fixed prices can be negotiated initially. Its purpose is to limit any upward revision to the identified contingency situation, which is beyond the contractor's control. The major difference between the FPE and FPR–X contract types is that the FPR–X contemplates certain identifiable contingent situations.

(c) *Limitations.* This contract type will not be used unless all of the following conditions are met:

(1) The procurement is for motion picture production.

(2) The contractor warrants that the price does not include any charge for the contingency.

(3) The contingency is outside the contractor's control, such as weather conditions, failure of the Government to furnish equipment, etc.

(4) The following contingencies are not covered by the contract clause: (i) Changes in taxes or duties, (ii) changes in wage rates or employment conditions, (iii) changes in material costs, (iv) risks arising in relation to patents, and (v) termination of the contract in whole or in part.

(d) *FPR–X clause.* Section 1007.109–50 applies.

§ 1003.405 Cost-reimbursement type contracts.

§ 1003.405–1 General.

Determinations and findings required to support use of cost-reimbursement type contracts will be made according to the requirements of § 1003.303.

§ 1003.405–4 Cost-plus-incentive-fee contracts (CPIF).

(a) *Limitations.* For procedures to be followed when requesting Secretarial approval to exceed administrative limitations on target fees, see § 1003.405–5.

(b) *CPIF clause.* Section 7.203–4(b) of this title applies.

§ 1003.405–5 Cost-plus-fixed-fee contract (CPFF).

(a) *Limitations.* (1) For contracts placed by AFSC or AFLC procurement activities, those officials who have been authorized to make determinations and findings to support the use of CPFF and CPIF contracts (see § 1003.303) are also authorized to approve fixed and target fees within the prescribed ASPR administrative limitations.

(2) To obtain Secretarial approval to exceed the prescribed ASPR administrative limitations on fixed and target fees, the procuring activity will forward a request for approval to the Director of Procurement Management, Hq USAF. AFSC procurement activities and OAR will route such requests through AFSC (SCMK–3); all other AF procurement activities will route requests through AFLC (MCPC). The request will contain a full statement of facts and recommendations, identifying the supplies or service being procured and the type of procurement involved (research, development, production, architectural or engineering services, etc.), the need for the supplies or services being procured, estimated (target) costs, percentage of fixed (target) fee proposed, fees on prior contracts for similar work with the same or other contractors, description of the incentive arrangement if CPIF, and all other pertinent information.

§ 1003.406 Other types of contracts.

§ 1003.406–1 Time and materials contract (T–M).

(a) *Limitations.* The determination that no other type of contract will suitably serve may be accomplished by the contracting officer placing the contract if the total consideration is not in excess of $5,000. For contracts in excess of $5,000, the determination will be accomplished by the following, subject to the provisions of subparagraph (3) of this paragraph:

(1) Staff officer in charge of procurement at the AFLC or AFSC procurement activity concerned, or the staff officer responsible for procurement within APRE, FEAPR, or OAR.

(2) The commander of the major command concerned (or a duly authorized representative not below the level of the staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major command), except that for contracts to be placed outside the United States, its territories and its possessions, the determination also may be made by air attaches and chiefs of AF foreign missions, as appropriate.

(3) The authority set forth in this paragraph is subject to the following limitations: (i) No person will exercise the authority if he is himself the contracting officer in the procurement involved, and (ii) the officials to whom authority is delegated will exercise such authority only within the jurisdictional limits of their respective duty assignments.

§ 1003.406–2 Labor-hour contract (L–H).

Limitations on the use of T–M contracts (see § 1003.406–1(c)) also apply to L–H contracts, except that specific provision will be made that there will be no direct reimbursement for any materials used or consumed in the performance of the L–H contract.

§ 1003.407 Additional incentives.

§ 1003.407–2 Contracts with performance incentives.

Contracts containing a performance incentive will be identified by adding "P" to the symbol designating the basic pricing provision of the contract; i.e., FPIF–P, CPIF–P.

§ 1003.407–3 Contracts with value engineering incentives.

(a) *Description.* Contracts containing value engineering incentives will be identified by adding "V" to the symbol designating the basic pricing provision of the contract: e.g., FPIFV or FPR–CV.

(b) *Application.* Many of the contract types described in this Subpart, when properly negotiated and administered provide the contractor with an incentive for reducing costs. However, under these contract types, this incentive applies only to cost reductions which the contractor is able to achieve while performing according to existing contractual requirements. The objective of special value engineering incentive provisions is to motivate the contractor to develop and submit cost reduction ideas involving a change in contractual requirements. Value engineering incentive clauses will be used in development, production, and modification procurements in excess of $100,000 where (1) potentialities exist for significant cost reduction, and (2) governing specifications are such that engineering efforts will result in cost reduction ideas which, to be acceptable under the contract, would necessitate issuing a contractual change. For development contracts where governing specifications are not detailed, use paragraph (e) of this section. Whenever a clause according to either paragraph (d) or (e) of this section is omitted from a contract over the dollar limitation set forth in this paragraph, such omission will be justified in writing by the contracting officer and approved specifically by the official manually approving the contract, if manual approval is otherwise required.

(c) *Limitations.* Use of value engineering incentive provisions, providing the clauses in § 1007.4064 of this subchapter and paragraph (e) of this section are used, are approved by the Commanders, AFSC and AFLC. A blanket deviation to § 3.407–3(c) of this title has been granted the Air Force. Use of value engineering clauses other than those in this Instruction requires the prior written approval of Hq AFSC (ASXKF), WPAFB, Ohio, or Hq AFLC (MCPKP), as appropriate. Requests will describe the procurement, the proposed clause, and explain why authorized clauses are not appropriate.

(d) *Contract clauses.* (1) If, according to paragraph (b) of this section, a value engineering incentive is to be included in an FFP contract (negotiated or advertised), or an FPIF contract, the clause in § 1007.4064 of this subchapter should be used.

(2) If, according to paragraph (b) of this section, a value engineering incentive is to be included in a contract type other than the FFP or FPIF, a clause should be used which provides:

(i) That it applies to any proposal for deviation from contractual specifications which, to be acceptable under the contract, would necessitate issuing a contractual change, and which reduces the cost of performing the contract without degrading operational functions; e.g., performance, reliability, or maintainability of the item for governmental purposes.

(ii) For the submission of applicable proposals in the same manner and form as prescribed for any other proposal which would likewise necessitate a change in contractual requirements.

(iii) The manner in which the price, target, or fee will be adjusted if applicable proposals are accepted by the Government and incorporated into the contract. In no event will contractor sharing exceed 50 percent of the estimated savings, nor in the case of cost reimbursement contracts, administrative or statutory limits on fee, including other contract incentives.

(iv) That the Government does not have to accept any applicable proposal submitted by the contractor, and that nonacceptance will not be a cause for dispute under the "Disputes" clause of the contract.

(e) *Value engineering in development contracts.* Value engineering is often of particular importance in development contracts because of its potential for minimizing the cost of prototype and follow-on quantities of the item being developed. In development programs, the nature of the procurement situation often precludes awarding a fixed-price contract type which provides the contractor with a significant incentive for cost reduction. A special value engineering incentive also may be inappropriate because specifications are not detailed and the application of value engineering techniques is not likely to result in requirements for contract changes. In many of these procurements, especially where the estimated dollar value is in excess of $500,000, it is in the Government's best interest to incorporate a contractual provision specifically requiring the contractor to engage in value engineering efforts, of a specified nature and extent. Such a provision will be negotiated by the PCO with the advice and cooperation of the cognizant ACO, and pricing and engineering specialists. Provision will set forth the manner in which the contractor is to carry out the required value engineering effort, and how such effort will be recognized contractually. Following is a sample clause which is authorized for use in such a development contract.

REQUIRED VALUE ENGINEERING (APR. 1962)

The Contractor shall, during the life of this contract, establish and maintain an active value engineering program. A value engineering program is defined as a continuing and intensive appraisal of all elements influencing the cost of Air Force materiel and the elimination of those factors which contribute to an item's costs but are not necessary for required functional performance and other aspects of quality assurance. In the performance of the value engineering program, the Contractor, and to the extent practicable, his subcontractors, shall have in their normal employ full-time engineering and other personnel, the number of whom shall be subject to the approval of the Contracting Officer, specifically designated for this field of activity. These personnel will devote their time and effort to those elements of end item design (including materiel), manufacturing processes and tool design which offer the greatest potential for (i) minimizing the cost of the item for initial prototype quantities, and (ii) reducing the cost of potential follow-on quantities. Throughout the life of this value engineering program the Contractor will maintain detailed documentation of achievements which will be subject to review by the Contracting Officer or his representative to assure the value engineering being performed is in accordance with the intent cited herein. In the event the value engineering program required hereunder should result in Contractor development of a proposal involving a change in contractual requirements, and such proposal is acceptable to the Government, the parties agree that there will be no reduction in fee by reason of the incorporation of the proposal into the contract.

§ 1003.408 Letter contract.

(a) *Limitations.* (1) No letter contract may be issued prior to the execution of all Determinations and Findings necessary to authorize the intended subsequent definitive contract (see Subpart C, Part 3 of this title and Subpart C of this part). The determination required by § 3.408(c)(1) of this title that no other type of contract is suitable will be accomplished by the Director of Procurement, Hq AFSC, for AFSC procurement activities and OAR, or by the Director of Procurement and Production, Hq AFLC, for all other AF procurement activities, or by the appropriate official listed in subparagraph (2) (i) or (ii) of this paragraph. Except as provided in paragraph (c)(2) of this section, the approval of a request for authority to issue a letter contract will constitute the determination. If an approval to issue a letter contract has not been used within 30 days of date of approval, the authority is automatically rescinded.

(2) The authority of the Director of Procurement, Hq AFSC, and the Director of Procurement and Production, Hq AFLC, to issue letter contracts has been redelegated as indicated in subdivisions (i) and (ii) of this subparagraph.

(i) Hq AFSC:

(*a*) Irrespective of dollar amount: Commanders, ASD, BSD, ESD, and SSD with power to redelegate as deemed appropriate.

(*b*) Where the total cost of the subsequent contract is estimated not to exceed $1,000,000: Commander, OAR with power to redelegate as deemed appropriate.

(*c*) Where the total cost of the subsequent contract is estimated not to exceed $500,000: Commanders, AFSC centers with power to redelegate as deemed appropriate.

(*d*) Where the total cost of the subsequent contract is estimated not to exceed $100,000: Commander, AMD with power to redelegate as deemed appropriate.

(ii) Hq AFLC:

(*a*) Irrespective of dollar amount:

(*1*) Commanders of oversea commands, air attaches, and chiefs of AF foreign missions. Oversea commanders may redelegate to not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the oversea command.

(*b*) Where the total cost of the subsequent definitive contract is estimated not to exceed $1,000,000: Commanders, AFLC AMAs. Authority may be redelegated only to directors of procurement and production. Deputy commanders may be authorized to exercise the authority during the absence of the Commander. Commanders MAAMA and SMAMA may redelegate authority to the Commander and Deputy Commander of APRE and FEAPR respectively, with power of redelegation to not lower than a staff officer responsible for procurement.

(*c*) Where the total cost of the subsequent definitive contract is estimated not to exceed $350,000: Commander, 2709th AF Vehicle Control Group. Authority may be redelegated only to the Chief, Procurement and Production Division. The Deputy Commander may be authorized to exercise the authority during the absence of the commander.

(*d*) Commander, Air Training Command, with power of redelegation to not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to Air Training Command; provided that the letter contract has been authorized by the office of the Procurement Committee, (MCPC), Hq AFLC, pursuant to paragraph (c) of this section.

(3) The date by which definitization is expected will not be established beyond the limits imposed by § 3.408(c)(3) of this title. Where price competition was the controlling factor in source selection, the overall price (estimated cost and fee) ceiling required by § 3.408(c)(2) of this title will be no higher than the quotation leading to the issuance of the letter contract. The amount obligated for each letter contract will be the amount estimated to cover the contractor's requirements for funds prior to definitization, but will not exceed the limits imposed by § 3.408(c)(4) of this title. If it becomes necessary to increase the funds obligated for the letter contract by later amendment, the personal approval of the official who authorized the issuance of the letter contract (or in the case of letter contracts requiring prior approval of SCMK–3 or MCPC, the official who requested permission to issue the letter contract) is required and will be sufficient without regard to the additional amount involved. If a definitive contract is not executed when expected, the contracting officer will inform the official who authorized the issuance of the letter contract (or in the case of letter contracts requiring prior approval of SCMK–3 or MCPC, the official who requested permission to issue the letter contract) as to the causes for the delay. Such official will establish a revised realistic date for definitization, and if deemed advisable by such official the letter contract will be amended accordingly. Prior to issuing an amendment which increases the amount obligated or the date of definitization beyond the limits imposed by § 3.408(c) (3) or (4) of this title, the approving official will insure that the action is necessary and justifiable.

(b) *Content.* Each letter contract will be written according to Subpart Y, Part 1007 of this subchapter.

(1) The date to be inserted in the last sentence of the clause set forth in §§ 1007.2504–4, 1007.2505–4, and 1007.2506–4 of this subchapter will in no event be a date later than 180 days from the date of the letter contract.

(2) Contracting personnel will not offer progress payments under fixed-price letter contracts. If requested by contractors, progress payments may be made according to Part 163, Subchapter E of this title and § 1030.5 of this subchapter.

(3) Contracting personnel will not offer current reimbursement under cost-reimbursement type letter contracts, but same may be provided upon request by the contractor. The prescribed clause, and percentage of reimbursement is set forth in § 1007.4058 of this subchapter.

(4) Where price competition was the controlling factor governing source selection, the letter contract will contain a price ceiling provision according to § 3.408(c)(2) of this title and paragraph (a)(3) of this section.

(5) Properly authorized letter contracts do not require manual approval regardless of dollar amount, except letter contracts for personal and professional services procured under the authority of Public Law 600, 79th Congress (5 U.S. Code 55a).

(6) Amendments to letter contracts to accomplish new procurements will be avoided to the greatest practical extent but may be used if the new procurement is so closely allied to the procurement covered by the existing letter contract as to be inseparable. Amendments to letter contracts to accomplish new procurements are subject to the same limitations and delegations as new letter contracts.

(c) *Procedure.* (1) No letter contract will be issued unless a request for authorization has been approved.

(2) The request for authorization will be prepared by the procuring office and will be transmitted through command channels to AFSC (SCMK–3) or AFLC (MCPC), or to the applicable official listed in paragraph (a)(2) (i) or (ii) of this section for approval. The request to SCMK–3 or MCPC will be signed by one of the officials enumerated in paragraph (a)(2) (i) or (ii) of this section, including delegatees as therein authorized; the request will constitute the determination required by § 3.408(c)(1) of this title. The same effect will be given to electrically transmitted messages to SCMK–3 or MCPC which conclude with the phrase "Signed by the (here insert the title of appropriate official)," as for example, "Signed by the Director Procurement and Production."

(3) All requests will be in the exact order set forth in this subparagraph and each item must be answered or marked "N/A" as appropriate.

It is requested this office be authorized to issue a letter contract in accordance with the information contained herein:

(i) Contract number:
Buyer's name Org. code:
Location: Phone No.:

(ii) Supplies or services:

NOTE: Include the quantities and a brief description of each item being procured, including spare parts, data, etc., to be included in the letter contract. When letter is used, inclose Purchase Request.

(iii) Has determination required by § 3.408(c)(1) of this title been executed?

(iv) Reasons establishing the need for a letter contract:

(*a*) Required delivery schedule:

(*b*) Who established the required delivery schedule?

(*c*) If the requesting activity itself established the required delivery schedule, was it so established by direction of authority outside the requesting activity? If so, identify that authority by name and office symbol.

(*d*) What is the production lead time, and on what is this answer based?

(*e*) Date by which an order must be placed in order to meet delivery dates stated in answer to (*a*) of this subdivision.

(*f*) Consequence expected if required delivery schedule is not met.

(*g*) Why can a definitive contract not be entered into in time to meet required delivery dates?

(v) Contractor's name and address:

(*a*) Is contractor a small business concern?

(*b*) Where is work to be performed?

(vi) Selection of source:

(*a*) Was the requirement subjected to synopsis (Subpart J, Part 1 of this title)? If not, what exemption applied?

(*b*) Number of quotations requested:

(*c*) Number of quotations received:

(*d*) Date quotations received:

(*e*) Was further negotiation conducted after the receipt of quotations? If yes, state with whom and major details.

(*f*) If competition was obtained, is award proposed to the lowest bidder? If no, explain.

(*g*) If competition and price was the controlling factor in source selection, what is the ceiling price in the letter contract?

(*h*) Has small business coordination been obtained, both as to small business and critical labor area determination? If no, explain.

(*i*) Give the reasons for the selection of the recommended contractor, and identify by contract number any previous procurements for like items.

(vii) Prices.

(*a*) Have the unit prices or a specific amount been negotiated and agreed to between the contractor and the Government?

(*b*) Total dollar estimated cost of this procurement:

(*c*) Total funds presently available:

(*d*) Total dollar amount to be obligated on the letter contract:

NOTE: The amount obligated should be no more than is necessary to provide funds up to the anticipated date of definitization, and will in no event exceed 50 percent of the total estimated cost of this procurement.

(*e*) Total dollar amount in addition to (*d*) of this subdivision committed to cover the cost of this procurement:

(viii) State whether Facility Capability Report has been requested, received, or is not required. If not required, why not?

NOTE: In those instances where an FCR is required it is understood the authorization, if granted, is conditioned upon the receipt of an affirmative FCR or granting of a waiver, prior to issuing the letter contract.

(ix) Government aid:

(*a*) Are existing Government facilities to be used by the contractor?

(*b*) Are any additional facilities to be furnished to the contractor? If yes, has authorization been obtained therefor?

(*c*) Is any Government property to be furnished, bailed or leased? If yes, has availability been verified and does the letter contract make such provision?

(*d*) Is it contemplated that the contractor will require guaranteed loan or advance payments? If yes, has approval been obtained?

(x) Contract:

(*a*) Indicate under which sections, if applicable, of Subpart B of this part the procurement is being negotiated, e.g., § 1003.210–2(a), and state whether or not the required Determinations and Findings has been executed. If a "class" Determinations and Findings is applicable, so state, and identify it by number and date.

(*b*) Type and form of contract contemplated:

(*c*) Has a cost reimbursement type or fixed price incentive Determinations and Findings been executed in accordance with § 1003.303?

(*d*) Is this contract to be under a basic agreement? If yes, state the number and identify the standard and special clauses to be included in the letter contract and the superseding contract.

(*e*) Are there any clauses other than those specified in Subpart Y, Part 1007 of this subchapter to be included in the letter contract?

(*f*) Percentage and method of current reimbursement contemplated, if any?

(*g*) Indicate as briefly as possible the project fund or funds to be utilized.

(*h*) What is contemplated date of definitization?

(*i*) If date in subsection (*f*) of this subdivision is more than 90 days in the future, what is expected to cause the delay?

(d) Copies of the letter contract issued will be forwarded to AFSC (SCMK–3) or AFLC (MCPC) if the letter contract required Procurement Committee approval for issuance, or if the definitive contract contemplated will require manual approval of the Director or Deputy Director for Procurement.

§ 1003.409 Indefinite delivery type contracts.

(a) *Definite quantity contracts (DQ).* This contract will provide only for firm fixed-prices or price escalation.

(b) *Requirements contract (RC)*—(1) *Description.* Estimated total quantity stated for information of prospective contractors will be in the contract as the estimated dollar amount of supplies or services to be procured during the contract period. This dollar amount will be the amount of the contract for purposes of determining the approval authority set forth in § 1001.457 of this subchapter. Funds are obligated and delivery schedules and quantities are established by each call and not by the contract itself. Clause provided in § 1007.4028 of this subchapter will also be a required clause. These contracts will provide only for firm fixed-prices or price escalation.

(2) *Applicability.* Requirement contracts are used in situations contemplated in Subparts FF, GG and II, Part 1007 of this subchapter, or for other commercial type supplies or services where requirements are indefinite in quantity and frequency. They also may be used where specific item requirements are not known but where requirements for similar supplies or services are anticipated and for minor repairs and alterations of buildings, roads, or other kinds of real property on AF bases. Foreign purchase activities may add the clause in § 1007.4205–27 of this subchapter.

(3) *Limitations.* Requirements contracts will be used only when contracting officer has, in contract file, statements signed by all activities authorized to make calls thereunder, that they will neither make a call on nor enter into a contract with any other contractor for delivery of specified supplies or services during the specified contract period; requirements recur frequently and are indefinite in quantity and occurrence; and amount of work is beyond local AF capability.

(4) In certain instances an AF activity may be able to perform a part of its entire estimated requirements in a given period for work of a type which, if contracted for, could be placed by a nonpersonal services contract. In such instances, a requirements contract may be used to purchase the requirements estimated to be in excess of the activity's capabilities to perform, provided all the following criteria are met:

(i) The requirements are for nonpersonal services (and supplies incidental to such services) and are otherwise authorized for procurement by a requirements contract pursuant to § 3.409(b) of this title.

(ii) There is a recurrent need for the services by the activity concerned.

(iii) No sharp increase or decrease in the activity's internal capabilities to perform the services is anticipated during the contract term.

(iv) Capabilities of AF activities other than that whose requirements are involved are not to be used to perform the services contracted for.

(v) It is determined that no other type of contract is as suitable for obtaining such services, on a timely basis, or without excessive administrative costs.

When, pursuant to the foregoing, this type of contract is used, the clause set forth in § 1007.4028(a) of this subchapter, amended as provided in § 1007.4028 (b) of this subchapter, will be inserted in the contract.

(c) *Indefinite quantity contract (IQ)*—(1) *Description.* Clause in § 1007.4039 of this subchapter is required. Minimum quantity of supplies or services will be stated in terms of obligated dollars only and will be a part of the contract when executed. First call (order) on the contract may or may not be part of the original contract. The procuring contracting officer will decide which alternative is better. In addition to specific items in first call, contract may cover future calls for similar type supplies or services where recurring needs are anticipated, provided pricing for those calls can be effected by the same method used for the first call and is so specified in contract. Except for amount on contract, the Government is not obligated to order any supplies or services during the contract period. After liquidation of original obligated dollars by calls, all funds are obligated and delivery schedules and quantities are established by each call. Stated maximum quantity in contract will be the established dollar amount of similar supplies or services of the type involved to be procured during the contract period. This dollar amount will be considered the amount of the contract within the delegation of authority to make awards and execute or approve contracts set forth in § 1001.457 of this subchapter. These contracts will provide only for firm fixed prices or price escalation.

(2) *Applicability.* After an indefinite quantity contract which includes the first call has been executed, this type of contract offers a means of expeditious contractual coverage where quantity, delivery, specific items, and price are not known but where recurring emergency requirements for similar supplies and services are anticipated. Foreign purchase activities may add the clause in § 1007.4205–27 of this subchapter.

§ 1003.409–50 Call procurement arrangements.

(a) *Description.* A call procurement arrangement is an agreement containing a specific description of the supplies or services to be furnished but not contain-

ing specific quantities or delivery schedules. The arrangement, along with other terms, contains fixed prices and specifies the period during which calls may be made. The Government is under no obligation to call for any supplies or services during such period. Quantities and delivery schedules are established by each call. The estimated aggregate price of the calls will be considered the amount of the contract within the delegation of authority to make awards and execute or approve contracts set forth in § 1001.457 of this subchapter.

(b) *Applicability.* A call procurement arrangement may be appropriate where quantity and delivery requirements are not presently known, but where recurring requirements are expected to arise in circumstances where—by the time such requirements become definitely known—time would not permit solicitation of bids or proposals, and fixed prices can be established at the outset for the supplies or services to be procured. Thus, a call procurement arrangement may be applicable where standby procurement coverage is required and circumstances will not permit firm contractual commitments by either the Government or the contractor, for example: in the procurement of the printing of technical data for oxygen.

(c) *Limitations.* (1) Call procurement arrangements will be written for a period not exceeding 12 months, but not necessarily on a fiscal year basis.

(2) Call procurement arrangements will not be used where the requisites for indefinite quantity contracts or requirements contracts can be met. Maximum effort should be exerted to come up with minimum and maximum requirements. A call procurement arrangement should be used only when no other method of procurement can be used. The procurement file will contain a statement giving the reasons why the use of an indefinite quantity or requirement contract cannot be used and why a call arrangement is necessary.

(3) Any call using one year funds will be supported by fiscal year funds in effect at the date of the call.

(d) *Contract clause.* The appropriate clause for incorporating the call feature in a contract is set forth in § 1007.4040 of this subchapter.

§ 1003.410 Other types of agreements.

§ 1003.410–1 Basic agreement (BA).

(a) *Description.* (1) Basic agreements may be of the "Fixed Price" or "Cost Reimbursement" type. Both types can not be covered by the same basic agreement, although one, and only one, of each type may be entered into by the Air Force with the same contractor.

(b) *Applicability.* (1) Subject to limitations stated therein, basic agreements will be used to cover each new negotiated procurement placed with a contractor after the execution of the basic agreement if the basic agreement is of the proper type to cover the procurement (FP or CR). The applicable sections and clauses of the basic agreement, and supplements thereto, will be made a part of the procurement instrument by reference therein to the basic agreement by number. If the basic agreement has been amended, the reference will include specifically the numbers of all supplemental agreements thereto previously finalized. The reference to supplements must specifically state the number of the document referred to; the terminology "Basic Agreement No. —— as amended," will not be used.

(2) Except as set forth in this paragraph, if a proposed new procurement is to be covered by a supplemental agreement to an existing procurement contract, the supplemental agreement will amend the existing procurement contract to conform to the most recent basic agreement and supplements. This rule applies regardless of whether such existing procurement contract was entered into under the existing basic agreement prior to the latest supplemental agreement thereto, or under a basic agreement which at the time of the proposed new procurement is over-aged, expired, terminated, or superseded or was entered into without reference to a basic agreement. In such actions the terms of the most recent basic agreement may be made applicable to the entire procurement contract on and after the effective date of the procuring supplemental agreement, if it is determined to be in the interest of the Government to do so, or may be limited to the work added by such procuring supplemental agreement. The parties may agree to supplementing an existing procurement contract without incorporating the most recent basic agreement, as required in this subparagraph, if:

(i) No clauses then required by statute or Executive Order are omitted, (ii) ASPR clauses are added or modernized to the same extent as would be required if a basic agreement did not exist, and (iii) permission to use any deviation involved has not been rescinded or expired by lapse of time.

(3) Supplemental agreements, negotiated solely pursuant to the terms of an existing procurement contract and not involving new procurement, need not, but may if determined to be in the interest of the Government, amend such existing contract to conform to a subsequently executed or supplemented basic agreement.

(4) Basic agreements are not necessarily all inclusive. Clauses covering subject matter not covered in the basic agreement and applicable to contracts of the type being negotiated, are subject to negotiation for inclusion in the procurement contract to the same extent as if no basic agreement existed; however, if a basic agreement, as amended, is less than one year old, clauses that have been changed after execution of the basic agreement should not be substituted for clauses in the basic agreement covering like matter, unless the revised clause is made mandatory by statute, Executive Order, or a specific statement to this effect in Subchapter A, Chapter I of this title.

(5) Pending the supplementing of an existing basic agreement, which is more than one year old, but which has not been superseded or terminated, such basic agreement may be used in the preparation of new procurement contracts if the clauses that would be required to make the procurement contract conform to current requirements of statute, Executive order, Subchapter A, Chapter 1 of this title or this subchapter are inserted or substituted in the proposed procurement contract. Deviations pertaining to clauses that require substitution may be made in the substituted clauses if the revision requiring the substitution is not related to the deviation.

(6) If a letter contract has been entered into under a basic agreement which thereafter was superseded by a new basic agreement, or amended by supplemental agreement, the contractual instrument which definitizes such letter contract will incorporate the superseding basic agreement, or the supplemental agreement as applicable. If the basic agreement in this situation has been terminated without being superseded, or has expired or has become overage, by failure to revise it as required, the definitive contract which supersedes the letter contract may incorporate the clauses of the basic agreement which were incorporated in the letter contract together with such additional clauses as have in the meantime become mandatory by statute, Executive order, or specific direction in Subchapter A, Chapter 1 of this title.

(c) *Limitations.* (1) New procurement contracts will not incorporate the terms of superseded or terminated basic agreements.

(2) Portions only of the applicable terms of a current basic agreement will not be referred to in supplemental agreements to procurement contracts executed under superseded, expired, or terminated basic agreements, or in contracts prepared without reference to a basic agreement.

(d) *Procedure.* (1) Numbering: Each basic agreement will be numbered according to the established numbering system for contracts. For ease of identification, a separate block of numbers will be reserved therefor.

(2) If a contracting officer determines that a basic agreement with a contractor which does not have one is justified by the number of contracts being placed with such contractor and recurring substantial negotiating problems associated therewith, he may proceed with negotiations as authorized by subparagraph (3) of this paragraph.

(3) Authority to negotiate: Contracting officers of AFSC ASD are authorized to negotiate, write, and execute basic agreements. Contracting officers of OAR are authorized to negotiate, write and execute basic agreements with respect to educational institutions only. AF activities are encouraged to submit suggestions and recommendations to ASD (ASKPC) for consideration in negotiating basic agreements. AFLC requirements will be negotiated by ASKPC upon request and approval of MCPC and with such assistance from AFLC personnel as referenced activities may agree.

(4) Approval: All basic agreements and amendments will be submitted to AFSC (SCMK–3) for review and administrative approval prior to execution by the contracting officer. Prior to submission to the office of the Procurement Committee (SCMK–3), Hq AFSC, each proposed basic agreement, or supplement, will be submitted to the staff judge advocate of the installation negotiating the basic agreement for review; and in addition, any coordination deemed necessary to insure that the contents of the basic agreement are adequate and suitable for the needs of the Air Force will be obtained.

(5) Amendment or supersession: The amendment of basic agreements will be accomplished by consecutively numbered supplemental agreements, negotiated and processed by the activity which negotiated and executed the basic agreement. The covering agreement of such supplements will contain a statement that it conforms with Subchapter A, Chapter I of this title and this subchapter as of revisions ------ and ------ respectively.

(i) Annual review: Such activity will also be responsible for establishing procedures to insure that basic agreements are reviewed and revised annually on a timely basis to conform to statutes, Executive Orders, Subchapter A, Chapter I of this title and this subchapter. For the purpose of review, the term "anniversary of their effective date" (§ 3.410–1(b)(2) of this title) means one year after the date of execution of the basic agreement and each year thereafter, however, if a basic agreement has been amended by supplemental agreement so that it contains all required ASPR clauses effective on the date of such supplement, the term means one year from the date of such supplement. If a basic agreement is reviewed and no revision is required, a statement to that effect will be made by the contracting officer.

(ii) Need for amendment: The term "conform with the current requirements of this Subchapter" as used in Subchapter A, Chapter I of this title does not require reopening negotiations on use of a deviation which has been approved previously for the basic agreement unless the clause to which the deviation applies has been revised in such a manner as to affect the deviation. Failure to accomplish required revisions will result in an unauthorized ASPR or AFPI deviation insofar as ASPR or AFPI clauses which have been changed or added are concerned.

(e) *List of approved basic agreements.* (1) AFSC ASD (ASKPD) will publish quarterly a list of all approved basic agreements and supplements issued by AFSC ASD and OAR. Changes to the quarterly list will be published monthly until the succeeding quarterly list is issued.

(2) The quarterly list will indicate in alphabetical order by contractor's name the following information:

(i) Contract or supplement number.

(ii) Date contract or supplement number assigned.

(iii) Type of contract covered by the basic agreement.

(iv) Date distributed.

(v) Procurement activity which negotiated the latest basic agreement.

(3) Requests for copies of the list will be addressed to ASD (ASKPD).

(f) *Distribution of OAR basic agreements.* Basic agreements and supplements executed by OAR with educational institutions will be distributed by OAR (RRMK). Requests for copies will be addressed to OAR (RRMK).

§ 1003.410–50 Open contracts (OC).

(a) *Description.* Open contracts do not obligate the Government to order any supplies or services but do contain either general or detailed descriptions of the supplies or services which the Government may order during a specified period of time. No prices are contained in the contract, but provision is made for the method by which pricing is to be effected. As in the case of call contracts, funds are obligated and quantities are established by each order and not by the contract itself.

(b) *Applicability.* An open contract offers a means of expeditious contractual coverage where quantity, delivery, specific items, and price are not presently known but where recurring emergency requirements for similar supplies and services are anticipated. This type of contract should not be used where firm requirements for future supply can be computed sufficiently in advance to permit a definite quantity contract.

(c) *Limitations.* (1) The open contract is not authorized for use by local purchase activities and foreign procurement activities. Further, the use of open contracts by AMC field procurement activities requires prior approval by the director of procurement and production at the respective AMC field procurement activity.

(2) Open contracts will be written for a period not exceeding 12 months; provided, however, in the case of open contracts expiring June 30th of any year, replacing open contracts may be written for either 15 or 18 months to avoid ending with a fiscal year; but thereafter the subsequent replacing contract will be written for a period not exceeding 12 months.

(3) Any order using 1 year funds will be supported by fiscal year funds in effect at the date of the order.

(d) *Contract clause.* See Subpart Z, Part 1007 of this subchapter.

(e) *Standardized use of open contracts.* (1) AMA's (hereinafter called requiring AMA's) anticipating requirements for open contracts with contractors under the contract administration responsibility of other AMA's (hereinafter called administering AMA's) and AF depots anticipating requirements for open contracts will submit the following information to the AMA administering a potential contractor:

(i) Name of potential contractor with whom the open contract will be written. (When appropriate specify the particular division of the company involved).

(ii) AF property class designation(s) of item(s) to be procured and general item description(s).

(iii) Estimated dollar value of FY requirements.

(iv) Information to support the necessary determination and finding according to the provisions of Subpart B of this part.

(2) When the information in subparagraph (1) of this paragraph indicates at least two requiring AMA's or AF depots anticipate the same contractor as a source of supply, the procuring contracting officer in the administering AMA will execute the determination and finding and write the open contract. Copies of the determination and finding will be distributed to the requiring AMA's/depots and will be used to support all orders placed under the contract. The open contract should not be executed in the first instance if there are not adequate factual circumstances to support all of the anticipated orders under the open contract.

(3) When an administering AMA determines that one of its contractors is anticipated as a source of supply by only one AMA or AF depot, it will authorize in writing the requiring AMA or AF depot to write and distribute its own open contract.

(4) Only those AMA's and depots for which a contract has been written under the provisions of subparagraph (2) of this paragraph are authorized to issue orders against that contract. Other AMA's and depots must request permission to issue orders from the administering AMA. In either event copies of the determination and finding must be obtained from the administering AMA to support the order(s) to be issued.

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, United States Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62-10317; Filed, Oct. 16, 1962; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50–202—MINIMUM WAGE DETERMINATIONS

Motors and Generators Industry

Exceptions have been filed to the tentative decision determining prevailing minimum wages for the motors and generators industry (27 F.R. 1913). Some of the exceptions repeat contentions fully discussed in the tentative decision. Other exceptions present subsidiary arguments relating to the findings and conclusions in the tentative decision which were considered in its preparation but not deemed of sufficient substance to warrant express discussion. The only remaining exceptions do not relate to material issues of fact, law, and discretion presented on the record in this proceeding. Each exception has been carefully considered. None appears to warrant further discussion here. Each is overruled. Each finding and conclusion, together with the reasons, and basis therefor, which is expressed in the tentative decision is hereby made final.

Attached to exceptions filed by the National Electrical Manufacturers Association (NEMA) are affidavits concerning wages paid by two establishments. NEMA requests that they be accorded weight in the making of this determination. Since the Administrative Procedure Act requires that an opportunity be accorded to all parties to rebut or challenge the admissibility of such evidence, complying with the request would require that the hearing be reopened. The affidavits in question were brought to the hearing by NEMA, and at that time NEMA voluntarily withdrew its request that they be made a part of the record. Thus, it is abundantly clear that NEMA has had a full and fair opportunity to present this evidence and that any merit there may be in providing a second opportunity to present it is outweighed by the need for a determination in this industry without further delay. The request is denied.

The National Small Business Association has requested that the record be reopened in order to consider wage data relating to certain establishments which did not come within the scope of the wage survey. I have reached the conclusion that if such data were received at a reopened hearing, it would not alter the conclusion reached[2] in the tentative decision. Accordingly, the request is denied.

Now therefore, upon the findings and conclusions stated herein, pursuant to authority under the Walsh-Healey Public Contracts Act (41 U.S.C. 35) and in accordance with the Administrative Procedure Act (5 U.S.C. 1001), Title 41 of the Code of Federal Regulations, Part 50–202, is hereby amended by the addition of § 50–202.29 to read as set forth below.

For the reasons expressed in the tentative decision (27 F.R. 1916), good cause is hereby found to make this decision effective 7 days after its publication in the FEDERAL REGISTER. Accordingly, the amendments to the Code of Federal Regulations provided herein shall have effect on and after October 24, 1962.

§ 50–202.29 Motors and generators industry.

(a) *Definition.* (1) The motors and generators industry is defined as that industry which manufactures or furnishes electric motors and generators; prime mover generator sets (except complete steam, gas or hydraulic turbine-generator sets), such as gasoline or diesel-engine driven or wind driven generator sets; motor generator sets and other rotating equipment (except automotive) such as dynamotors, converters, inverters, rotating regulators, servomotors, synchro-motors, and gear motors; and motors, generators and control apparatus for such land transportation equipment as gasoline-electric and diesel-electric locomotives, rail cars, trolleys, busses, and trucks (except control apparatus for storage-battery powered transportation equipment). The manufacture of parts (including spare and renewal) specifically designed for the foregoing products is also included.

(2) The industry does not include the manufacture of the following products: Electric starting motors; automotive generators; arc welding generators; battery-charging generators for internal combustion engines; and parts commonly recognized as products of industries other than the motors and generators industry, such as bearings; brushes; brush holders; built-in overload protecting devices; capacitors; filters; insulating materials; lead terminals, markers, and connectors; permanent magnets; recording and indicating instruments and devices; rectifiers; relays; and resistors.

(b) *Minimum wages.* (1) The minimum wage for persons employed in the manufacture or furnishing of fractional horsepower motors and generators shall be not less than $1.48 an hour. Fractional horsepower motors and generators are deemed to include all motors built in frames smaller than that frame having a continuous rating of one horsepower, open construction, at 1700 to 1800 r.p.m. and all generators in the corresponding frame sizes.

(2) The minimum wage for persons employed in the manufacture or furnishing of nonfractional horsepower motors and generators shall be not less than $1.73 an hour. Nonfractional horsepower motors and generators shall be deemed to include all products within the scope of the motors and generators industry that are not included in the definition of fractional horsepower motors and generators provided in subparagraph (1) of this paragraph.

(49 Stat. 2036 as amended; 41 U.S.C. 35 et seq.)

Signed at Washington, D.C., this 11th day of October 1962.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 62-10370; Filed, Oct. 16, 1962; 8:53 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-1082]

PART 0—COMMISSION ORGANIZATION

Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of October 1962;

The Commission having under consideration § 0.111, concerning the functions of the Office of General Counsel, and §§ 0.116 and 0.117, concerning the functions of the Administrative Law and Treaties Division and the Regulatory Division; and

It appearing that § 0.111 should be amended to more completely describe the functions of the Office of General Counsel; and

It further appearing, in order to promote a more efficient operation and in light of the Commission's expanding national defense responsibilities devolving upon the Office of General Counsel, that there should be a reassignment of the functions now performed by the Administrative Law and Treaties Division and the Regulatory Division as set forth herein, and that the Regulatory Division should be renamed the Enforcement and Defense Division; and

It further appearing that the amendments herein adopted are issued pursuant to authority contained in sections 4(i), 5(b) and 303(r) of the Communications Act of 1934, as amended; and

It further appearing that the amendments adopted herein pertain to Commission organization and hence that the notice and effective date requirements of section 4 of the Administrative Procedure Act are inapplicable;

It is ordered, Effective October 10, 1962, that §§ 0.111, 0.116, and 0.117 of the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: October 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 0.111 (k) to (o) is added to read as follows:

§ 0.111 Functions of the Office.

* * * * *

(k) To study the licensing practices of patentees and assignees in radio services regulated by the Commission, particularly in situations referred to it by the Office of Chief Engineer; and, in collaboration with the Office of Chief Engineer, to develop appropriate recommendations for Commission action.

(l) To interpret statutes and executive orders affecting the Commission's national defense responsibilities, and to perform such functions involving implementation of such statutes and executive orders as may be assigned to it by the Commission or the Defense Commissioner.

(m) To perform all legal functions with respect to leases, contracts, tort claims and such other internal legal problems as may arise.

(n) To prepare the bound volumes of the FCC Reports.

(o) To review the national security aspects of applications for commercial operator licenses or permits referred to it by the Field Engineering and Monitoring Bureau.

2. Sections 0.116 and 0.117 are revised to read as follows:

§ 0.116 Administrative Law and Treaties Division.

The Administrative Law and Treaties Division has the following duties and responsibilities:

(a) To conduct research in legal matters and prepare legal opinions as directed by the General Counsel.

(b) To participate in international conferences and in the implementation of international agreements, and to interpret international agreements and international regulations affecting the Commission.

(c) To prepare and/or coordinate recomendations concerning procedural rules of general applicability, and to maintain liaison with Government agencies and private organizations concerned with improving the Commission's procedures.

(d) To coordinate rule making matters and proceedings affecting more than one Bureau.

(e) In cooperation with the Office of Chief Engineer, to participate in general frequency allocation proceedings affecting more than one Bureau and in rule making proceedings involving Parts 5, 15, or 18 of this chapter.

(f) To cooperate with the Common Carrier Bureau and the Office of Chief Engineer on matters pertaining to satellite communications.

(g) To perform any additional functions assigned to it by the General Counsel.

§ 0.117 Enforcement and Defense Division.

The Enforcement and Defense Division has the following duties and responsibilities:

(a) To advise the Commission and to take action, usually upon recommendations submitted by the operating Bureaus, as to civil and criminal proceedings to enforce the Communications Act, the rules and regulations of the Commission, and Commission orders in the courts of the United States.

(b) To interpret statutes and executive orders affecting the Commission's national defense responsibilities, and to perform the functions of the Office of General Counsel involving implementation of such statutes and executive orders.

(c) To perform all legal functions involved in administering and enforcing the rules and regulations of the Commission pertaining to the Experimental Radio Service (Part 5 of this chapter), Incidental and Restricted Radiation Devices (Part 15 of this chapter), the Industrial, Scientific, and Medical Service (Part 18 of this chapter), and type approval and type acceptance of radio equipment, including educational functions directed to obtaining voluntary compliance with the provisions of Parts 15 and 18 of this chapter.

(d) To study and develop recommendations with regard to the licensing practices of patentees and assignees in radio services regulated by the Commission.

(e) To perform all legal functions with respect to leases, contracts, tort claims and such other internal legal problems as may arise.

(f) To prepare the bound volumes of the FCC Reports.

(g) To review the national security aspects of applications for commercial operator licenses or permits submitted to it by the Field Engineering and Monitoring Bureau.

(h) To perform any additional functions assigned to it by the General Counsel.

[F.R. Doc. 62-10353; Filed, Oct. 16, 1962; 8:52 a.m.]

[Docket No. 14591 (FM-303); FCC 62-1078]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Henderson-Las Vegas, Nev.

1. The Commission has before it for consideration its notice of proposed rule making released herein on March 30, 1962 (FCC 62-363), which invited comments on a proposal to reassign Channel 2 from Henderson, Nevada, to Las Vegas, Nevada.

2. Comments and reply comments were filed by Southern Nevada Radio and Television Company, licensee of television station KLRJ-TV, Channel 2, Henderson, Nevada (petitioner for this rule making), and by Las Vegas Television, Inc., licensee of television station KLAS-TV, Channel 8, Las Vegas, Nevada. Informal documents not complying with the Commission rules were filed in opposition to the proposal by the Mayor and City Council of Henderson, by the Henderson Chamber of Commerce, and by private citizens of Henderson.

3. The population of Henderson, according to the 1960 U.S. Census, is 12,525, and that of Las Vegas is 64,405. Channel 2, on which Station KLRJ-TV operates, is the only channel assigned to Henderson, Channels 8, *10 and 13 are assigned to Las Vegas. No authorization is outstanding for Channel *10, and no application is pending. Station KLAS-TV operates on Channel 8 and Station KSHO-TV, on Channel 13. The transmitter and studio of KLRJ-TV are located on the Las Vegas-Henderson highway 3 miles from Las Vegas and 8 miles from Henderson, and the station provides to both cities the minimum signal required over a principal community (74 dbu or greater). KLRJ-TV is affiliated with NBC; KLAS-TV, with CBS; and KSHO-TV, with ABC. KLRJ-TV was in 1961 given permission by the Commission to identify itself as a Henderson-Las Vegas station.

4. Petitioner states that because of the tremendous growth of the Las Vegas market (1950 U.S. Census, Las Vegas: 24,624; 1960 U.S. Census, Las Vegas: 64,405; 1960 U.S. Census, Las Vegas Urbanized Area: 89,427; 1960 U.S. Census, Las Vegas Standard Metropolitan Statistical Area: 127,016) it is important for Channel 2 to be designated as a Las Vegas station. It gives as reasons therefor the fact that it competes with the two Las Vegas stations for audience and advertisers and that it is a hardship not to be identified as a Las Vegas station. It further states that Henderson is an industrial city with a population of about 12,000, that most of the business firms are small and cannot afford the rates of television and that less than $1,000 per month is spent with petitioner by Henderson merchants so that it has to secure practically all of its local revenue from Las Vegas merchants. Because it is not a Las Vegas station, it sometimes runs into difficulties both with Las Vegas merchants and with national advertisers who buy the Las Vegas market.

5. Petitioner further states that if the change in assignment is made it will not move its transmitter or studio locations and that it will continue to give complete service to Henderson.[1] It goes on to say that it intends to increase its power so that it will serve more of the southern Nevada area.

6. Numerous cases are cited by petitioner to show that the Commission has in the past granted similar relief in situations similar to the present one. Las Vegas Television, Inc., urges that these cases are distinguishable from the instant situation for various reasons and cites cases in support of its view that the proposal herein should be denied. We are of the opinion that it is unnecessary to enter into a discussion concerning the cases cited, each of which was decided on the basis a combination of factors therein prevailing, some which included continued financial losses of stations requesting change of channel assignment to a nearby larger community, change in Commission rules permitting assignment of a channel to a larger community where it could not previously be assigned, and opportunity for improving the competitive situation within a community.

7. Petitioner herein requests the reassignment of Channel 2 for the purpose of making a more effective use of the channel and in order to permit the station to serve the public interest through the achievement of competitive equality with the other stations serving the Henderson-Las Vegas market. One of the principal arguments urged by Las Vegas Television, Inc., in opposition to the proposal is that petitioner is making a profit at its present station assignment whereas one of the two Las Vegas stations is presently licensed to a receiver in bankruptcy, and the other (KLAS-TV) is not earning as much as petitioner. However, the record is devoid of any showing that one of the two present Las Vegas stations became a bankrupt because the community is unable to support three stations. The failure of that station might have been caused by any of a number of other reasons. With regard to the comparative incomes of KLRJ-TV and KLAS-TV, we observe that the share of revenue which a station is able to obtain from the total revenue in a market is more indicative than net income of its chances for success in the market. The financial data which were submitted by Las Vegas Television, Inc., for Station KLAS-TV for the past three years indicate that its share of the market is not insubstantial.

8. We are of the opinion that it would be in the public interest to reassign Channel 2 from Henderson to Las Vegas because to do so will improve the com-

[1] The Commission places particular reliance on these representations. In this connection, we note that in accordance with the doctrine which we expressed in the NTA case (NTA Television B/casting Corp., 22 Pike & Fischer R.R. 273, 295) any Las Vegas station which includes Henderson within its Grade A service area has a duty to serve the latter city as an outlet for local self expression if there is no station or auxiliary studio of a station located at Henderson.

petitive situation which we believe will result in benefits to the entire Las Vegas metropolitan area. Although this will leave Henderson without a local outlet, we believe that the merits of the reassignment outweigh this consideration especially since petitioner does not intend to move the site of either its transmitter or studio and intends to continue to give a complete service to Henderson, and since no service will be taken away from any area.

9. The action herein is taken pursuant to the authority found in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

10. Since Southern Nevada Radio and Television Company has requested that its authorization for Station KLRJ-TV be modified to show station location to be Las Vegas, Nevada, and has consented to such modification, it is unnecessary to issue an order to show cause why its license should not be modified.

11. Since the studio of KLRJ-TV is located 3 miles outside Las Vegas, Nevada, and it is proposed not to change its location or that of the transmitter which is located at the same site, and in view of the circumstances herein, it is in the public interest for the studio to continue at that site and we are of the opinion that a waiver of the provisions of § 3.613 should be granted for the operation of Station KLRJ-TV.

12. In view of the foregoing: *It is ordered*, Effective November 19, 1962, that the Table of Assignments contained in § 3.606 of the Commission rules and regulations is amended as follows:

(a) Delete the entry for Henderson, Nevada.

(b) Add a channel to Las Vegas, Nevada, so that the new entry reads:

City	*Channel No.*
Las Vegas, Nev	2—, 8—, *10+, 13—

13. *It is further ordered*, That the license of Southern Nevada Radio and Television Company for Station KLRJ-TV, Henderson, Nevada, is modified to specify station location at Las Vegas, Nevada, instead of at Henderson, Nevada.

14. *It is further ordered*, That a waiver of the provisions of § 3.613 of the Commission Rules concerning main studio location is granted to Southern Nevada Radio and Television Company for Station KLRJ-TV, the main studio and transmitter of which are presently located and operating 3 miles outside of Las Vegas, Nevada.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interpret or apply secs. 303, 307, 316, 48 Stat. 1082, 1083, 66 Stat. 711; 47 U.S.C. 303, 307, 153)

Adopted: October 10, 1962.

Released: October 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10354; Filed, Oct. 16, 1962; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 46]

REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering a revision of the existing regulations, other than rules of practice (7 CFR 46.1–46.42) effective under the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531, et seq., as amended; 7 U.S.C. 499a et seq.).

Statement of considerations leading to the proposed revision. The cost of administering this Act, except for the cost of legal services, is financed entirely by the license fees. There have been approximately 25,000 licenses in effect under this Act. Under the current $25 fee the administrative expenses have exceeded the collections for the past four years, necessitating withdrawals from the limited reserve fund which has been built up over a period of years. At the current level of costs and receipts, this fund is being depleted rapidly.

A bill to amend the Act was introduced in Congress in 1961 as a result of a joint study and review by the industry and the Department over a period of three years. One of the objectives of the bill was to provide sufficient revenue to cover the costs of administering the Act and to make the law a more useful tool for the produce industry under present day marketing conditions. The bill as enacted was approved by the President on October 1, 1962, authorizing the Secretary of Agriculture to increase the license fee up to a maximum of $50, after giving public notice and allowing a reasonable time prior to the effective date of such increase for interested parties to file their views relative to such increase. At the time this bill was introduced in the Congress it was estimated that it would be necessary to increase the fee approximately $10 per license. However, it was not then anticipated that the number of licenses in effect would be reduced.

In the enactment of the bill, Congress provided that certain retailers and frozen food brokers should be exempt from license. It is estimated that approximately 2,500 retailers and brokers who previously were licensed will now be exempt from license. On the basis of $36 per license, this represents a loss in revenue of approximately $90,000 per year. Furthermore, a pay raise for government employees has subsequently been approved. The salaries of the employees administering the Perishable Agricultural Commodities Act represents approximately 75 percent of the total expenditures under this law. The pay raise will further increase the administrative expenses.

Therefore, it is deemed necessary to increase the annual fee to $36. If this fee does not produce sufficient revenue to meet the administrative costs of this Act, a subsequent increase will become necessary.

All persons who desire to submit written data, views, or comments concerning the proposed increase in the fee should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than twenty days after publication of this notice in the FEDERAL REGISTER.

The proposed revision would amend § 46.5 to read as follows:

§ 46.5 License fee.

The annual license fee is thirty-six dollars ($36). The Director may require the fee be submitted in the form of a money order, bank draft, cashier's check, or certified check made payable to Agricultural Marketing Service. Authorized representatives of the Division may accept fees and issue receipts therefor.

Done at Washington, D.C., this 11th day of October 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10373; Filed, Oct. 16, 1962; 8:54 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Notice of Proposed Rule Making

Statement of consideration. Experience gained by the Commission in administering its regulatory program indicates a need for amendment of 10 CFR Part 20 to state more precisely in § 20.203 (f) the information to be given on containers in which there is licensed material. The amendments proposed in this notice would include some additional labeling requirements, and would grant relief from certain of the present requirements.

Two additional requirements would be included in 10 CFR 20.203(f). One would specify that containers in which licensed material is transported and used must be labeled with information as to the kinds and quantities of the contained radioactive material. Under the present provisions of § 20.203(f), only containers used exclusively for storage of licensed material need be labeled with this information. This additional labeling is required to provide a means for assessing the radiation hazard potential of contained radioactive material. The second requirement would specify that containers of uranium enriched in the isotope uranium 235 must bear a label showing the percentage by weight of uranium 235 in the uranium. This requirement is deemed to be necessary to facilitate protection against accidental criticality.

The amendments would reduce or dispense with existing requirements of 10 CFR 20.203(f) in the following respects: (a) The date of measurement of radioactive materials having a half-life greater than ten (10) years need not be included on a container label. (b) The kinds and quantities of contained radioactive material need not be identified on the label of a wall cabinet, drawer of a storage safe, storage "well," laboratory waste-paper receptacle and certain outer storage containers. (c) No labeling would be required for certain containers such as pharmaceutical capsules, containers which are constantly attended, and intermediate inside containers when the innermost container and the outermost container are each labeled as required. (d) The labeling specified in § 20.203(f) would not be required for any container in possession of a licensee for a period of 5 days or less provided that the radioactive materials are packaged and labeled in accordance with regulations of the Interstate Commerce Commission, Coast Guard or Federal Aviation Agency. (e) A colored radiation symbol would not be required for containers which are subject to high temperatures during normal conditions of use.

None of the exceptions or exemptions from labeling would present an unreasonable risk to the health and safety of the public.

Notice is hereby given that adoption of the following amendments to Part 20 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within sixty (60) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. A new subparagraph (7) is added to § 20.3(b) to read as follows:

(7) "Container" defined in § 20.203.

2. Paragraph 20.203(f) is revised to read as follows:

(f) *Containers.* (1) As used in the regulations in this part, "container" means any sealed source, receptacle, vessel, holder, package or device in which there is licensed material.

(2) A container in which there is more than 1.5 kilograms (3.3 pounds) of natural uranium or uranium depleted in the isotope uranium 235, more than 4.5 kilograms (9.9 pounds) of natural thorium, or more than the quantity of any other licensed material specified in Appendix C of this part, shall bear a durable, legible and clearly visible label which shall:

(i) State each chemical element, by name or chemical symbol, and the mass number of radioactive material in the container. A parent radionuclide may be identified without identifying its decay products. Mixed fission products, natural uranium, uranium enriched or depleted in the isotope uranium 235, and natural thorium may be identified by name only without identifying each radionuclide. Plutonium may be identified by name only without identifying each isotope of plutonium present when the amount of plutonium is stated in units of weight and radioactivity;

(ii) State the amount of each radioactive material identified. The amount of natural uranium, uranium depleted in the isotope uranium 235, natural thorium, thorium 232 and any special nuclear material shall be stated in units of weight. The amount of all other radioactive material shall be stated in units of radioactivity. When uranium enriched in the isotope uranium 235 is present, the percentage by weight of uranium 235 in the uranium shall be stated;

(iii) State the date of measurement of the radioactivity of each radioactive material identified which has a half-life of ten (10) years or less;

(iv) Include the radiation caution symbol prescribed by paragraph (a) of this section and the words:

CAUTION*

RADIOACTIVE MATERIAL(S)

*Or DANGER.

(3) The requirements of subdivisions (i) through (iii) of subparagraph (2) of this paragraph do not apply to:

(i) A nuclear reactor; chemical hood; glove box; chemical processing pipe, tank or similar equipment; autoclave; wall cabinet; drawer of a storage safe; storage "well"; or laboratory waste-paper receptacle.

(ii) Any outer storage container when:

(a) The radioactive material is contained in a beaker, flask, test tube, bottle or other laboratory container inside of the outer container, and each such inside container is labeled in accordance with subparagraph (2) of this paragraph; and

(b) The exposure dose rate from all the inside containers does not exceed 100 millirems per hour at a distance of 18 inches from the unclosed outer container opening.

(4) A label complying with the provisions of subdivisions (i) through (iv) of subparagraph (2) of this paragraph is not required for:

(i) A pharmaceutical capsule designed for ingestion;

(ii) A container or housing in which the concentration of radioactive material does not exceed the limits specified in Appendix B, Table I of this part;

(iii) A container while constantly attended by an individual who takes the precautions necessary to prevent the exposure of any individual to radiation or radioactive materials in excess of the limits established in the regulations in this part;

(iv) A sealed source inside of a container when the outermost container is labeled with the information specified in subparagraph (2) of this paragraph.

(v) A sealed source outside of a labeled container when it is located within a room or area which is equipped with a control device complying with paragraph (c)(2) of this section or locked to protect against unauthorized and accidental entry, and the sealed source has attached to it a durable tag containing the information specified in subparagraph (2)(iv) of this paragraph;

(vi) An intermediate inside container when each of the following containers is labeled with the information specified in subparagraph (2) of this paragraph:

(a) The outermost container; and

(b) The innermost container(s) or the first container enclosing the innermost container(s) if the innermost container(s) is an unlabeled sealed source;

(vii) Any outer container in possession of the licensee for a period of five days or less when radioactive materials are packaged and labeled in accordance with regulations of the Interstate Commerce Commission, Coast Guard or Federal Aviation Agency, provided that the innermost containers are labeled in accordance with the provisions of subparagraph (2) of this paragraph.

(5) The radiation caution symbol need not be in the colors prescribed by paragraph (a) of this section for any container such as an autoclave, a gas chromatograph device or a gauge attached to a blast furnace, where the colors would be destroyed by heat under normal conditions of use. The radiation caution symbol shall comply in all other respects with the requirements of paragraph (a) of this section.

(Sec. 161, 68 Stat. 948; 74 U.S.C. 2201)

Dated at Germantown, Md., the 5th day of October 1962.

For the United States Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-10319; Filed, Oct. 16, 1962; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1429]

DOUGLAS C54-DC SERIES AND DC-4 AIRCRAFT

Proposed Airworthiness Directive

Pursuant to the authority delegated to be by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring revised engine-propeller operating limitations as a result of resurveys of propeller vibration which have shown higher blade stresses than those originally found.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 16, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DOUGLAS. Applies to all C54-DC Series and DC-4 aircraft equipped with Pratt & Whitney Aircraft Twin Wasp Series and R-2000 Series engines and Hamilton Standard 23E50/6507-0 propellers.

Compliance required within the next 200 hours' time in service after the effective date of this AD.

Recent resurveys of 23E50/6507-0 propeller blade vibration stresses have shown that vibration stresses in excess of allowable limits for continuous safe operation occur over a wider range of engine operating speeds than was determined by previous surveys. To prevent possible blade failures due to exceeding allowable stress limits within the speed range, the following is required:

(a) Remove the existing placard covering the 1600 to 1700 R.P.M. range and install a new placard in full view of the pilot to read: "During flight, avoid operation between 1,550 and 1,750 r.p.m. During ground running, avoid operation between 1,550 and 1,800 r.p.m. when the blades are off the low pitch stops."

(b) Mark the tachometers with a red radial band over the 1,550 to 1,750 r.p.m. range.

(c) Revise the operating limitations section of the FAA approved Airplane Flight Manual to incorporate the limitations in (a) and (b).

NOTE: The other restricted operating speed range between 2,310 and 2,510 r.p.m. required by AD 56-20-5 still remains in effect. For the purpose of this directive, a single placard reading: "During flight, avoid operation between 1,550 and 1,750 r.p.m. and between 2,310 and 2,510 r.p.m.", in the first sentence, may be installed if desired. Similar wording may be used for the FAA approved Airplane Flight Manual.

Issued in Washington, D.C., on October 11, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-10320; Filed, Oct. 16, 1962; 8:46 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 1428; Draft Release No. 62-43]

AIRBORNE ILS LOCALIZER RECEIVING EQUIPMENT FOR AIR CARRIER AIRCRAFT

Proposed Technical Standard Order

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to revise § 514.61 of Part 514 of the regulations of the Administrator (14 CFR Part 514) by adding a new technical standard order. This Technical Standard Order establishes minimum performance standards for airborne ILS localizer receiving equipment to be used on civil aircraft of the United States engaged in air carrier operations.

The amendment is proposed to incorporate new environmental test procedures which were developed to be more compatible with existing and anticipated aircraft environmental conditions. These are in a new FAA standard replacing RTCA Paper 89-54/DO-59 referenced in TSO-C36a (§ 514.61). A change to the emission of spurious radio frequency energy requirement is the only change to the minimum performance standards. Otherwise the FAA standard is similar to RTCA Paper 89-54/DO-59.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before December 3, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By revising § 514.61 to read as follows:

§ 514.61 Airborne ILS localizer receiving equipment (for air carrier aircraft)—TSO-C36b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne ILS localized receiving equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne ILS localizer receiving equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the minimum performance standards contained in Federal Aviation Agency Standard entitled "Minimum Performance Standards for Airborne ILS Localizer Receiving Equipment",[1] dated June 15, 1962, and Radio Technical Commission for Aeronautics Paper 120-61/DO-108[2] entitled "Environmental Test Procedures Airborne Electronic Equipment", dated July 13, 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics Paper 120-61/DO-108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories, as specified in RTCA Paper 120-61/DO-108, is eligible under this order:

(i) Temperature-Altitude Test—Categories A, B, C, or D.

(ii) Humidity Test—Categories A or B.

(iii) Vibration Test—Categories A, B, C, D, E, or F.

(iv) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B.

(v) Radio-Frequency Susceptibility Test—Category A.

(vi) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 514.3(d), the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120-61/DO-108 which have categories established. These should be identified on the nameplate by the words "environmental categories", or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120-61/DO-108: Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be readily identified:

(i) Temperature-Altitude Test Category.

(ii) Humidity Test Category.

(iii) Vibration Test Category.

(iv) Audio-Frequency Magnetic Field Susceptibility Test Category.

(v) Radio-Frequency Susceptibility Test Category.

(vi) Emission of Spurious Radio-Frequency Energy Test Category.

(vii) Explosion Test.

(2) Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X". A typical nameplate identification would be as follows: Env. Cat. $\frac{A}{D}$ABAAAAX.

(3) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env. Cat. $\frac{A}{D}$ABAAAAX.

(4) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturers' name, TSO number, and the environmental categories over which the equipment component is designed to operate.

(c) *Data requirements.* Six copies each of the following, except where noted, shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(3) One copy of the manufacturer's test report.

Issued in Washington, D.C., on October 10, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-10321; Filed, Oct. 16, 1962; 8:46 a.m.]

[1] Copies may be obtained upon request addressed to Publishing and Graphics Branch, Inquiry Section, MS-158, Federal Aviation Agency, Washington 25, D.C.

[2] Copies of this paper may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C., at a cost of 75 cents per copy.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14809 (RM-361); FCC 62-1077]

TELEVISION BROADCAST STATIONS; MOSCOW, IDAHO

Proposed Table of Assignments

1. Notice is hereby given in the above-entitled matter.

2. The Commission has before it for consideration a request for rule making filed September 4, 1962, by the Financial Vice President of the University of Idaho, in behalf of the University's Regents, requesting the reservation of Channel 12 for noncommercial educational use in Moscow.

3. Moscow, Idaho, with a population of 11,183, located in Latah County whose population, according to the 1960 U.S. Census, is 21,170, presently has assigned to it Channels 12 and *15. There are neither applications or licenses outstanding for these channels.

4. Latah County receives Grade "B" signals from Channels 2 and 6 in Spokane, Washington, and Channel 3 in Lewiston, Idaho. A signal is also received from Channel 4 in Spokane, Wash. It would be to petitioner's advantage to broadcast on Channel 12, rather than Channel *15, not only because of its

lower frequency, but also because there are no UHF receivers in the area.

5. The petitioner states that it has had television for teaching purposes under consideration for six years. A new permanent television studio was built and equipped for the making of sound motion pictures, and kinescope recordings, looking forward to the purchase of television equipment. In 1960, $40,000 was provided by the authorities of the University of Idaho for the purchase of television equipment. This equipment is now being used for the teaching of mathematics to students at the University. The facilities have also been made available to the Moscow Public School District.

6. Petitioner asserts that a Department of Communications was established at the University between 1956 and 1960 and that the training of the professional faculty and students of the Department has progressed rapidly enough to carry out the activities set out above and to operate reserved Channel 12 as part of a state-wide educational network. There is currently no educational TV service in this area.

7. In view of the fact that Moscow would be left without the potential of local commercial service if petitioner's request is granted without other action, the Commission, on its own motion, proposes to consider the retention of the present Channel 15 for commercial purposes in Moscow, simultaneously with petitioner's request for the reservation of Channel 12.

8. In view of the above, it is proposed to amend § 3.606 of the rules to read as follows in respect to the community named:

City	*Channel No.*
Moscow, Idaho	*12, 15

9. Authority for the adoption of the amendment proposed herein is contained in sections 4(i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before November 19, 1962, and reply comments on or before December 3, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

11. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: October 10, 1962.

Released: October 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10352; Filed, Oct. 16, 1962; 8:51 a.m.]

[47 CFR Part 3]

[Docket No. 14420 (RM-287); FCC 62-1076]

TELEVISION BROADCAST STATIONS; BLOOMINGTON-INDIANAPOLIS, INDIANA

Proposed Table of Assignments

1. The Commission has before it for consideration the notice of proposed rule making issued in this proceeding on December 11, 1961, and the comments and reply comments filed in response thereto. As described in the notice, this proceeding has two aspects: (1) The question of shifting Channel 4 from Bloomington, Indiana, to Indianapolis, as requested by Sarkes Tarzian, Inc. (Tarzian), licensee of Station WTTV, Bloomington Channel 4; and (2) the question of whether more than three commercial VHF services are needed in the Bloomington-Indianapolis area, or whether the public interest would be better served by reserving one of the four VHF channels involved for educational use.

2. Present channel assignments in Indianapolis and Bloomington are as follows:

Indianapolis --- 6, 8—, 13—, *20—, 39, 67—
Bloomington --- 4, *30—, 36

Indianapolis stations WFBM–TV, WISH–TV, and WLWI operate on Channels 6, 8, and 13, respectively. There are no authorized stations on the UHF channels mentioned; the only pending application therefor is that of Indiana University (BPET–102) for an educational station at Bloomington on Channel 30.

3. It should be noted that in the past we have ruled on questions related to both aspects of the present matter, in denying petitions for rule making because the showings made by petitioners did not satisfy us that the proceedings would be warranted. In February 1959 we denied a petition by Tarzian to shift Channel 4 to Indianapolis, the proposal at that time not contemplating any move in transmitter site. (See FCC 59–136; 18 Pike & Fischer R.R. 1539.) In June 1959 we denied a petition seeking reservation of a VHF channel for educational use at Indianapolis. (FCC 59–533; 18 Pike & Fischer R.R. 1673.)

4. Comments and reply comments supporting the shift of Channel 4 were filed herein by Tarzian and by American Broadcasting Company (ABC). Comments in opposition were filed by the licensees of two of the Indianapolis stations (WFBM–TV and WISH–TV), by the present and former permittees of the Channel 13 station, and by the licensees of Channel 4 stations WWJ–TV, Detroit, and WLWC, Columbus, Ohio.[1] The Association of Maximum Service Telecasters (AMST) filed reply comments, neither supporting nor opposing the proposal as such. Letters supporting the Tarzian proposal were submitted with that party's comments, from Indiana University at Bloomington, and the Mayor and Chamber of Commerce of that city. No other educational groups filed comments or replies, even though one such party petitioned for and was granted an extension of time to do so. The very scanty material relating to education, consisting of two letters, is discussed below in connection with that aspect of the proceeding. The arguments and data advanced by the parties are mentioned below insofar as they are of substance, in connection with the various subjects covered. In reaching our decision herein we have carefully considered all of the material of record.

5. The three Indianapolis stations operate from transmitter sites within that city, putting over the entire city a signal stronger than that required by our Rules for the city of assignment. They put a Grade B signal, but no more, over Bloomington, which is about 45 miles south-southwest of Indianapolis. WTTV's transmitter site, near Trafalgar, is located about 25 miles south of Indianapolis and the same distance northeast of Bloomington; WTTV puts a signal of more than the minimum required for the city of assignment over Bloomington and, on the basis of contours computed in accordance with our rules, over part of Indianapolis, with a Grade A signal over the rest of that city.[2] If Channel 4 is moved to Indianapolis, WTTV proposes to operate from a transmitter site (the "Hill Farm" site) northwest of that city and about 10 miles from the center thereof; so operating it would provide all of Indianapolis with a signal of more than the minimum intensity required for the city of assignment, but would put only a Grade B signal over Bloomington.[3] That city has no other signal of more than Grade B intensity.

6. According to 1960 U.S. Census figures, the cities of Indianapolis and Bloomington have populations of 476,258 and 31,357 respectively, and the counties in which they are located, respectively Marion and Monroe, have populations of 697,567 and 59,225. The Indianapolis standard metropolitan statistical area (Marion County) ranks population-wise as the country's 33rd. Bloomington is not part of any urbanized or standard metropolitan area. In February 1959 WTTV received permission for dual-city identification as a Bloomington-Indianapolis station, and it is so listed in the trade press.[4]

Discussion. 7. The chief reasons advanced by Tarzian in support of the proposed shift are economic—that WTTV has lost substantial sums in recent years since three Indianapolis stations have been in operation, and that in order to survive, it must improve its situation so as to compete effectively with them, by moving north so as to put a signal comparable to theirs into that populous city.[5] Also, it is urged, competitive equality will be furthered by permitting WTTV to identify itself exclusively with Indianapolis, and to increase its potential audience up to a size comparable to its competitors'—especially in the area north of Indianapolis, alleged to be both wealthier and freer from outside television than the area to the south where WTTV now has its coverage advantage.

8. Tarzian's opponents make the obvious point that the proposed move would deprive Bloomington of its only local television outlet and only VHF assignment, thus contravening the always important consideration of providing where possible local outlets for all communities of substantial size.[6] It is also pointed out that Bloomington would lose its only signal of Grade A or stronger intensity with operation as proposed by Tarzian, and it is asserted that substantial populations to the west and southwest of Bloomington would be deprived of a needed Grade B signal by the proposed move northward. It is also urged that there is not here the pressing need for a third outlet in a major market to provide three competitive services (a highly important consideration in past "move" cases as well as in our recent actions contemplating "drop-ins" of VHF channels), and that in fact Indianapolis does not need a fourth station.[7]

9. As to the economics of the situation, the opponents of the move argue that: (1) WTTV could survive if operated as a local Bloomington station, or (with transmitter move west toward Terre Haute) as a Bloomington-Terre Haute station, and that its economic problems stem from its efforts to compete as a fourth, non-network station in the Indianapolis market; and (2) the move to Indianapolis would not materially help WTTV's position, its inferior position audience-wise arising not from signal inferiority but from its less popular nonnetwork programming, a position much the same as "fourth" stations so situated in four-station markets such as Dallas-Ft. Worth and Minneapolis-St. Paul.

10. As noted, there is absent in this case the pressing need for providing a fully competitive third service in a major market, which was an important factor in past "move" cases where we deleted the only VHF assignment and the only existing local outlet from a smaller community in order to permit the station to become the third outlet in the larger city. It is also obviously true that a decision to move Channel 4 from Bloomington—with the disadvantages mentioned—cannot and should not be made on the basis of the economic welfare of the station involved, as such. We are not in the business of guaranteeing broadcast licensees a profit, or insuring them against loss. It is only where the public interest becomes involved that such action may be appropriate. Here, possible public-interest factors come into play only if it appears that survival of a Channel 4 station assigned to Bloomington (and serving that city in accordance with applicable rules and policies relating to service to the city of assignment) is impossible, or, at least, that such an operation must necessarily be so marginal in nature as not to be able to serve the public interest adequately (e.g., with respect to hours of operation or quality of programming). Even if we so conclude, before the move would be justified we would have to reach two further conclusions: (1) That the chances of survival on an adequate basis of a "fourth" commercial Indianapolis station (be it Channel 4 or whatever station should operate nonnetwork) would be substantially better, so as to be substantially more likely to insure the continuation of four commercial services in the Indianapolis-Bloomington area; and (2) that if a fourth VHF channel is to be assigned to Indianapolis, it would be more in the public interest to leave it available for commercial use than to reserve it for education.

11. In support of its contention that continued survival as a Bloomington station is impossible, Tarzian submits data as to WTTV's history, its profits in the mid-1950's and losses in recent years since three Indianapolis stations have been operating, and the makeup of its business. WTTV, which has always been licensed as a Bloomington station,[8] went on the air in 1949, and until mid-1954 (when WISH–TV and WTHI–TV began operation at Indianapolis and Terre Haute respectively) WTTV and WFBM–TV were the only two stations operating in the area, WTTV as an NBC affiliate. In March 1954 WTTV moved its transmitter from Bloomington to a site near Cloverdale, about 25 miles northwest of Bloomington, 40 miles west-southwest of Indianapolis, and 35 miles east-northeast of Terre Haute (it is asserted that the reason for the move was to get the regional coverage sought by NBC). After WISH–TV went on the air in 1954 as a CBS affiliate and WFBM–TV became available to NBC for some programs, WTTV's NBC affiliation was dropped, and in September 1955 it became an ABC affiliate, losing this affiliation when WLWI went on the air in October 1957. Since then it has been independent. In September 1957 WTTV's transmitter site was moved again, to its present location near Trafalgar; it is stated that the reason was to improve its situation with respect to Indianapolis and avoid duplication of the Terre Haute station. WTTV's net sales, total expenses, and profit or loss for the fiscal years from 1952–1953 to 1960–1961 are set forth below, along with data as to network affiliation of WTTV, transmitter location, and number of other stations operating (where, in the latter respects, circumstances changed during a fiscal year, the item italicized represents the situation during the bulk of the fiscal year):

[1] Time-Life Broadcast, Inc., and Indiana Broadcasting Corporation, licensees of WFBM–TV and WISH–TV, respectively; WIBC, Inc., former permittee on Channel 13, under our Decision of October 27, 1961 (FCC 61–1291); The Evening News Association, licensee of WWJ–TV; and Crosley Broadcasting Corporation, both as the present operator of WLWI on Channel 13 and present permittee of that station (under our action of September 13, 1962), and as licensee of WLWC.

[2] Its 74 dbu contour falls about 7.5 miles short of the furthest extremity of the city. In the earlier petition for rule making, mentioned above, Tarzian claimed that on the basis of measured contours WTTV's present operation provides a principal-city signal to most of Indianapolis. We did not pass upon the merits of this contention in denying the petition. No new engineering information upon this point has been submitted in the present proceeding.

[3] In its petition for rule making which led to the present proceeding, Tarzian proposed a different site, involving a substandard co-channel separation. The Hill Farm site, and efforts to get air-space clearance for it, were mentioned in Tarzian's comments and reply comments. On April 11, 1962, Tarzian filed a "Supplemental Statement," and request for acceptance thereof, showing that air-space clearance for Hill Farm site had been obtained. No opposition to acceptance of this statement was filed, and, good cause existing for receipt thereof, it is accepted and considered herein.

[4] E.g., Television Factbook, 1961 spring-summer edition, p. 272.

[5] Tarzian asserts that "it is economically impossible for [WTTV] . . . to continue to operate, on a permanent basis, under its present allocation"; and that unless the competitive situation in Indianapolis is equalized by shift in Channel 4, "the valuable service now rendered by WTTV . . . will be forever lost to the viewing public in that area."

[6] As mentioned above, there is a UHF channel assigned to Bloomington and available for commercial use. The UHF service has recently shown substantial development, and it may be expected to develop to an even greater extent now that all-channel legislation has been enacted; but nevertheless, as a practical matter, there appears no substantial likelihood that in the immediate future this UHF channel will be used to provide Bloomington with another television station.

[7] As to the importance of providing a third competitive service as reason for moving channels, see, for example, Chattanooga-Rome, FCC 57-345, 15 Pike & Fisher R.R. 1628; and Green Bay-Marinette, FCC 60-195, 19 R.R. 1564.

[8] Tarzian points out that at the time of its application for WTTV (in 1947) its channel was assigned as a "metropolitan channel" to the Indianapolis metropolitan district. The channel was assigned to Bloomington in 1948, and WTTV's new channel (Channel 4) was assigned to Bloomington in the Sixth Report. Tarzian states that it has always been recognized that WTTV would serve and has served the Indianapolis market. This, however, does not alter the fact that the channel has for more than a decade been assigned to Bloomington exclusively with the objective of providing that city with a local television assignment.

WTTV transmitter location	1952–53 Bloomington	1953–54 Bloomington-Cloverdale	1954–55 Cloverdale	1955–56 Cloverdale	1956–57 Cloverdale	1957–58 Cloverdale-Trafalgar	1958–59 Trafalgar	1959–60 Trafalgar	1960–61 Trafalgar
WTTV network	NBC	NBC	NBC	ABC	ABC	ABC–none	None	None	None
Number of Indianapolis stations	1	1–2	2	2	2	2–1	3	3	3
Number of Terre Haute stations	0	0	1	1	1	1	1	1	1
WTTV total net sales	$849,159	$1,462,229	$1,539,540	$1,663,939	$1,515,394	$903,629	$729,225	$536,783	$670,485
Total WTTV expenses	458,529	1,135,596	1,135,407	1,399,806	1,401,507	1,026,366	1,140,196	838,261	1,020,453
Profit or (loss) on operations	390,630	326,633	404,133	264,133	113,887	(122,737)	(410,971)	(301,478)	(340,968)

12. Tarzian describes efforts to alleviate its economic situation after 1957, when it had to turn to independent operation—alternately cutting expenses to cut losses (fiscal 1958 and fiscal 1960) or increasing expenses (fiscal 1959 and fiscal 1961) in the hope that improved programming would mean more revenue; but under neither course was a breakeven point achieved. It is stated that losses are continuing at about the same rate today. WTTV's Class AA hourly rate (national) is $500, less than half of the $1,300 or $1,400 charged by its competitors. For the four stations in the Indianapolis-Bloomington area, the Commmission's 1961 TV financial data showed a combined profit (before Federal income taxes) of $2,910,399.

13. Tarzian asserts that Bloomington itself cannot support a television station, and in support of this position submits data as to the makeup of its local business. For fiscal 1953–54, a period when only WTTV and WFBM–TV were in operation in the Indianapolis-Bloomington-Terre Haute area, "local" (i.e., nonnational and non-network) business totalled about $533,000. Of this, in round figures, business from Indianapolis concerns amounted to $149,000 from Terre Haute $99,000, from "regional" business (business from firms doing business throughout the coverage area mostly originating in Indianapolis) $190,000, from Bloomington $46,000, and from other cities $49,000. During the period of ABC affiliation "local" business rose to a high of about $850,000 (gross sales) in fiscal 1957; but of this only about $10,500 came from Bloomington, compared to about $367,000 each for local Indianapolis and regional business, and $26,000 from Terre Haute. Since WTTV has been operating independently "local" business has dropped to a figure of about $350,000 annually, of which Bloomington contributes very little, only $2,750 in fiscal 1961.

Operation as an Indianapolis station. 14. Tarzian's argument is that, since Bloomington itself cannot support a television station, an equal competitive position in Indianapolis is necessary for survival. It is asserted that WTTV's inferior competitive position in this major city stems from the fact that its signal in Indianapolis is not equal to that of its competitors, since for the most part outdoor antennas are required to receive WTTV satisfactorily, and viewers in Indianapolis simply will not install such antennas when they can receive three network stations easily without them. It is asserted that when WTTV moved to its Cloverdale site in 1954 it spent more than $100,000 in subsidizing outdoor antennas, but even so, and with a network affiliation and only two Indianapolis competitors, it achieved only a minor degree of success. Tarzian also asserts (on the basis of engineering data which appear accurate) that the move to Hill Farm would increase the number of persons within its Grade B contour from about 1,888,000 to about 2,047,000, an increase of about 160,000, which would make it more comparable to its three competitors (who have within their Grade B contours populations of 1,902,000, 1,955,000, and 2,130,000).

15. The ARB 1960 coverage study shows the following data as to the four stations involved, with respect to homes "able to receive," and net weekly and net daily total circulation.[9]

Station	TV homes able to receive	Net weekly circulation	Net daily circulation
WTTV	478,200	336,400	134,500
WFBM–TV	630,500	606,900	441,500
WISH–TV	591,200	554,700	432,600
WLWI	585,200	551,200	389,000

16. In Marion County (Indianapolis) itself, the same ARB study shows WTTV's potential (TV homes able to receive) as 153,100, or 75 percent of the 202,800 county TV homes, compared to about 191,000 or 192,000, 94 or 95 percent, for the three Indianapolis stations.

17. It is urged by Tarzian's opponents (particularly WISH–TV) that WTTV's economic problems, and its inferior competitive position in Indianapolis, do not result from any signal inferiority, but from inferior programming and the station's more or less inevitably inferior position as a fourth, nonnetwork station in a four-station market; and therefore its situation would not be materially helped by moving to Indianapolis. It is asserted that WTTV, which is located closer to Indianapolis than some stations are to their cities of assignment, now puts a thoroughly adequate signal into the city (as described in paragraph 5 and note 2 above); that, while WTTV's potential "able to receive" audience is slightly less than theirs, more significant is its failure to draw, weekly or daily, anything like as large a fraction of its potential as they do of theirs; that in some time-segments WTTV is in a leading position as to share of sets in use in Marion County, showing that when its programming warrants it can get Indianapolis audience; that the fourth, independent stations in four-station markets (larger than Indianapolis) have often lost money, and that WTTV's average over-all weekly share of sets in use is comparable to those of such stations in other markets.

18. Market-survey data advanced in support of these propositions tend to indicate that WTTV's inferior position in the Indianapolis market stems, in large part, from its position as a non-network station, with less popular programming. For example, as WISH–TV points out, the ARB figures as to homes "able to receive" the four stations respectively show WTTV at somewhat of a disadvantage compared to its three Indianapolis competitors; but even larger is the difference in the percentage of this potential "able to receive" audience which the various stations draw, in terms of daily and weekly circulation. As shown by the ARB figures set forth above (paragraph 15) WTTV draws weekly about 70 percent of its potential audience, and daily about 28 percent, compared to weekly percentages of 93 percent and higher and daily percentages of 66 percent and higher, for the three Indianapolis stations. It is also pointed out that during certain time-segments WTTV is the leading station, or at least among the leaders, in Indianapolis and its metropolitan area (Marion County); for example, ARB market reports for November of the years 1956 and following show that, for the 3 PM to 6 PM segment Monday to Friday, WTTV led its competitors in share of the Marion County audience in 1960 and 1961, and was never worse than second except in 1957. Other ARB data set forth by WISH–TV indicates that WTTV's share of the Marion County audience does not differ greatly from that of the "fourth", non-network station in other four-station markets. In March 1961, WTTV's over-all (9 AM to midnight, share of seven days) audience was 15 percent, which was less than that of the fourth station in the San Francisco-Oakland market (18 percent), but higher than that of the independent stations in St. Louis, Washington, Dallas-Ft. Worth, and Minneapolis-St. Paul. In November 1961 WTTV's percentage of 11 percent was somewhat lower than that of the independent stations in four of these cities (which ranged to 15 percent) but higher than the 7 percent drawn by the St. Louis independent.[11] As also pointed

[9] The figures given here differ slightly from those set forth in the comments, which are lower for all four stations because the comments used "station subtotals" instead of "station grand totals." The difference is immaterial.

[11] Significant in this connection, along with the data submitted by Tarzian's opponents, are the ARB 1960 coverage study data pertaining to Monroe County (Bloomington), where, with all four stations able to be received by all or nearly all of the county's 13,600 TV homes, WTTV had net weekly circulation of 83 percent and net daily circulation of 41 percent, compared to weekly circulation of 96 percent or higher, and daily circulation of 64 percent or higher, for the three Indianapolis stations. This clearly shows that programming is an important factor in drawing audience. These data were not set forth by the parties; but in view of the references to other ARB data and the fact that this study is available and used in the industry, it is appropriate to note them here.

out (by WIBC), independent stations in four-station markets larger than Indianapolis (Dallas-Ft. Worth and Minneapolis-St. Paul) have in the past lost considerable sums. Therefore, if WTTV should operate as an independent, its situation, while probably better in some degree because of better reception, would probably not be equal to its competitors nor necessarily a profitable or breakeven one.

19. WISH–TV asserts that WTTV's efforts to move to Indianapolis at this particular time may be motivated chiefly by a desire to get ABC affiliation, which might be available as a result of the uncertainty as to the status of Channel 13. This may be or may not be true; neither Tarzian nor ABC in reply comment upon this matter. But in any event, this is irrelevant to our consideration of the present rule making proposal, since, if Channel 4 is moved to Indianapolis and four commercial stations operate in that city, the economic facts of life may be expected to be the same for whichever station operates as an independent. In other words, we cannot perceive that, by moving Channel 4 to Indianapolis, we would necessarily be increasing in large measure by the chances of success of all four commercial stations.

20. Nor, in view of the factors just mentioned, is there reason to believe that WTTV's situation would be improved materially simply by an increase in the population within its Grade B contour of the magnitude mentioned in paragraph 16, above.[12]

Operation as a Bloomington or "Bloomington-Terre Haute" station. 21. Tarzian's figures as to revenue derived from Bloomington itself, and its assertion as to the impossibility of operating a station based primarily on economic support from that community, have been noted above. The letters from prominent Bloomington persons supporting the move contain statements to the effect that experience has demonstrated this impossibility. On the other hand, Tarzian's opponents (particularly WIBC) call attention to the fact that nine communities in the United States smaller than Bloomington have television stations of their own (ranging in size down to Washington, North Carolina, with a 1960 Census population of 9,939.[13] Tarzian in reply points out that all of these are network stations, which WTTV is not (and in deciding this matter we assume that it would not be able to obtain an affiliation if continuing its present form of operation). Size of city of license is of course only one factor in the economic viability of a television operation; other important considerations are population served, other sizeable communities, and amount of other service available. In the latter respect in particular, it appears that none of the nine communities mentioned is in the same "overshadowed" situation as Bloomington, receiving from a major city fairly close by the signals of three network-affiliated stations.[14] Nevertheless, the fact that these communities maintain their own local stations—as do even smaller places such as Glendive, Montana—casts doubt on the proposition that survival of a station close to and primarily supported out of Bloomington is impossible.

22. WIBC in its comments asserts that Tarzian made a mistake in trying to continue (and indeed increase) its proximity to and identification with the Indianapolis market in the face of competition from three network-affiliated stations located in that city, and that, instead, it should have created a separate identity, by moving closer to Terre Haute. WIBC goes so far as to assert that a network affiliation would be available to it on that basis, although no details supporting this assertion are supplied. WIBC assumes a location for WTTV, about 25 miles west of Bloomington and some 30 miles southeast of Terre Haute, from which the station could put a Grade A signal over Terre Haute and a principal-city signal over Bloomington, and where it would serve populations having fewer services than those within its present Grade B coverage area (furnishing a second Grade B signal to about 1,000 more than at present, and a third Grade B signal to nearly 200,000 more).[15] However, as Tarzian points out in reply, the total population within its Grade B contour would be considerably decreased below its present figure, by upwards of 200,000. In this connection, it must be noted that there are now two VHF channels available for use at Terre Haute, which will shortly be occupied. WTTV operated in the mid-1950's from a site not far from the suggested location, as mentioned above (the Cloverdale site); this operation was profitable, but at that time there were only two Indianapolis stations operating and WTTV had an ABC affiliation. Tarzian asserts that with the overlap from other network-affiliated stations in the service area which it would have operating at this suggested site, the chances of success would be very small (overlap from Indianapolis stations, particularly WFBM (NBC), whose Grade B contour gets into Terre Haute, Champaign, (WCIA (CBS)), and Louisville).

23. Viewing the total picture, we are not convinced that it has been established that viable operation on one of the bases just mentioned is impossible. The amount of revenue derived from Bloomington in the past has been small, but there is no indication as to how hard Tarzian tried to sell Bloomington advertising, or whether the business concerns in that community were able and willing to pay the higher rates which, presumably, Tarzian could command from Indianapolis advertisers, regional and local. There is no specific evidence, other than that concerning daily programming on behalf of Indiana University during October 1961, regarding attempts to present programs of particular interest to Bloomington. On this record we are not persuaded that independent operation, based primarily on Bloomington support and geared to the particular interests of that town, which is the seat of the state's university, would not be possible on a permanent basis. It must be borne in mind that we must consider here not WTTV as such, but any potential occupant of the channel at Bloomington, before we would be justified in removing the local outlet from that city. We find it far from certain, and in fact doubtful, that if WTTV should go off the air the Bloomington Channel 4 assignment would go unused for long. It might be that such an operation would have to be conducted on a smaller scale than WTTV's has been; we note in this connection that WTTV's expenses in 1960–61 and some other years were over $1,000,000.

24. The prospect of serving also as a "third" Terre Haute station—by providing a Grade A signal to that community—also appears not out of the question even assuming that no network affiliation would be available. If WTTV could serve a potential audience approaching the approximately 185,000 TV homes now able to receive Station WTHI–TV (according to the ARB 1960 study)[16] it would have a larger potential audience than many of the country's television stations. The availability of a network affiliation appears not beyond possibility, even though doubtful.[17] In sum, we conclude that there is a reasonable possibility that a Channel 4 station—if not Tarzian's, then one operated by another—can operate with some suc-

[12] Another factor which might work against economic success for WTTV as an Indianapolis station (at least as an independent) is one pointed out in the opposing comments—that if it operates strictly as a major-market station some of its costs, e.g., film and staff salaries, might be expected to rise. Tarzian in reply does not comment on this matter. In the absence of more specific information we do not attach controlling weight to this factor, except, of course, that if WTTV should operate as an Indianapolis station, in order to fulfill its commitment to provide facilities for Bloomington live programming (mentioned below) WTTV would have to incur certain additional costs.

[13] The other eight cities, with approximate 1960 Census populations, are as follows: Bluefield, W. Va., 19,256; Salisbury, Md., 16,302; Ardmore, Oklahoma, 20,184; Kearney, Nebraska, 14,210; Hastings, Nebraska, 21,412; Great Bend, Kansas, 16,670; North Platte, Nebraska, 17,184; and Lufkin, Texas, 17,641.

[14] Of the nine communities, only Bluefield is within the Grade B contours of three or more outside stations. See TV Factbook, edition of spring-summer, 1961.

[15] WIBC's data are used for the figures for WTTV's present opertaion; Tarzian's reply data are used for the populations which would receive coverage under the WIBC assumed operation.

[16] See TV Factbook, spring-summer 1961 edition, p. 279, for information concerning circulation of WTHI–TV.

[17] Terre Haute receives one service from WTHI–TV and will shortly receive another service from a Terre Haute station. The city is bisected by the Grade B contours of WFBM–TV, (Indianapolis, NBC), WCIA (Champaign, CBS) and present WTTV. These are the only Grade B signals available in the city. Terre Haute's 1960 Census population is 72,500; that of its standard metropolitan statistical area (Vigo County) is 108,458, the country's 183rd in size. There are some smaller three-station markets. Terre Haute is 70 miles from Indianapolis.

cess either as a Bloomington station or as a "Bloomington-Terre Haute" station, in either event preserving for Bloomington the advantages of a local outlet and a signal of principal-city grade.[18]

The Educational Issue. 25. As mentioned in the Notice herein, following Tarzian's petition for rule making a letter was filed by a Citizens' Committee for educational television, asking consideration of whether one of the four Bloomington-Indianapolis VHF channels should be reserved for education. This proceeding includes this issue. The commenting parties generally either opposed such a reservation or raised questions about it; none actually favored it. There were no formal comments by educational groups; outside of Tarzian's comments the only filings referring to education are two letters—one, mentioned above, concerning a Bloomington-Terre Haute operation, the other stating that if Channel 4 is assigned to Indianapolis a group of businessmen will apply for it and make a substantial amount of time available, at low cost, to educational institutions. Tarzian states that if WTTV operates as an Indianapolis station it will continue to broadcast numerous programs on behalf of the University; the University is apparently satisfied with Tarzian's assurance and supports its petition.

Conclusions. 26. In view of the matters mentioned above, it appears that removal of Channel 4 from Bloomington to Indianapolis is not shown to be a matter of necessity for the survival of a Channel 4 operation. Therefore, aside from the fact noted above that such a move might likely not improve the chances of survival to a great degree, we conclude that we would not be justified in making the shift, in view of the obvious disadvantages involved of removal from Bloomington of its only VHF assignment and its only local outlet, and its only Grade A or better signal.

27. In reaching this conclusion, we have not overlooked the statements in support of the move, from responsible leaders in Bloomington, expressing their belief in Tarzian's assurance that as an Indianapolis station WTTV would continue to provide for the needs and interests of Bloomington, both as to programming and advertising. We do not doubt the good faith of these expressions, or of Tarzian's assurances to these persons as well as to this Commission. But the fact remains that only by remaining as a Bloomington-assigned station can a Channel 4 operation be held to account with respect to service to that community. As we pointed out in our earlier opinion on this matter, if the ownership of WTTV should change there would be no assurance in these connections. Moreover, there are some problems connected with the statements, even on their face. If Tarzian is to maintain facilities for live programming in both Indianapolis and (on any substantial basis) Bloomington, WTTV's costs would necessarily be more. It is stated that Bloomington merchants will be afforded opportunity to advertise on the station at less than "regional" rates. It is not clear what this means. If it means that they must pay the same rates as Indianapolis local advertisers, these might well be beyond their ability to pay, since their community is much smaller. If it means that they will get special rates lower than Indianapolis local rates, Tarzian's economic position vis-a-vis the other Indianapolis stations would still be unequal, if this privilege to the Bloomington merchants is extended in any substantial degree. In sum, we find that only by remaining as a Bloomington assignment can Channel 4 be expected to serve truly as an outlet meeting particularly the needs of that community for local self-expression.

28. We have also taken into account the fact that the requested move would increase the population within its Grade B coverage area by about 160,000 persons, and (as indicated in a showing made by WISH-TV) would increase by about 27,000 the persons receiving a second Grade B signal (in an area lying to the north, and now receiving a Grade B signal only from WFBM-TV). These are both obviously desiderata in any consideration of TV assignments. But, in our judgment, they do not outweigh the importance of continuing the provision of a local outlet to Bloomington.[19]

29. As to the educational issue, the record herein does not support the reservation of Channel 4, or another Indianapolis VHF channel, for education at this time. However, it must also be observed that we do not necessarily rely on expressions of immediate interest in making such reservations; if we did, we would never have adopted the educational reservation in its extensive form in 1952. These are needs which must be given a chance to ripen into expression. All we conclude here is that—as compared to the value of Channel 4 as a local outlet for a commercial operation in Bloomington (especially one which has, and presumably will continue to, serve the needs of the state university located there)—we would not be justified in moving the channel to Indianapolis and reserving it for educational purposes. We feel, however, that there is in a city and market this size a need for an effective educational channel; and if it were a matter of moving Channel 4 to Indianapolis (which we have decided not to do) it might very well be that the public interest would require its reservation.

30. In view of the foregoing: *It is ordered*, That the proposals to move Channel 4 from Bloomington to Indianapolis, Indiana, or to reserve Channel 4 or one of the VHF channels assigned to Indianapolis for educational use, are denied; and

31. *It is further ordered*, That this proceeding is terminated.

Adopted: October 10, 1962.

Released: October 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[20]

[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-10351; Filed, Oct. 16, 1962; 8:51 a.m.]

[18] There is in the docket in this proceeding a letter, dated March 13, 1962 and addressed to the Chairman of the Commission, in which Mr. Paul Dean Ford, a Terre Haute consulting engineer, opposes the move to Indianapolis and states that if the channel is left in Bloomington he will form a corporation to apply therefor, with the station to be located half way between Bloomington and Terre Haute, and will give Indiana State College, Terre Haute, opportunity to apply for a "dual-license" operation enabling that institution to present educational programs. This letter, untimely filed and without specificity on such matters as financing, ownership, and whether the college would even be interested, does not form the basis for any of our judgments in this proceeding.

[19] The proposed move would of course involve a loss of service (though less than the gain, and, in view of the assignment of Channel 2 to Terre Haute, none to areas which will receive fewer than two other services). As mentioned by the Court of Appeals in Television Corporation of Michigan v. FCC, 294 F. 2d 730, 21 Pike & Fischer R.R. 2107 (1961), loss of service is of itself something to be evaluated first, and any gains then weighed against it. Here, we have the loss referred to, and also the loss of the only Grade A service to Bloomington and the only local outlet to that community.

[20] Commissioners Minow, Chairman; and Lee dissenting; Commissioner Henry not participating.

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. I]

[Ex Parte No. 230]

SUBSTITUTED SERVICE; CHARGES AND PRACTICES OF FOR-HIRE CARRIERS AND FREIGHT FORWARDERS; PIGGYBACK SERVICE

Publication of Proposed Rules and Directing Special Procedure

It appearing that on June 29, 1962, the Commission having issued a notice of proposed rule making (27 F.R. 6434) in the instant proceeding concerning the need for the promulgation of rules and regulations governing the practices of, and the manner and methods of the performance and use of coordinated and substituted motor-rail service, and all similar and related types of service now provided by or participated in, or to be provided by or participated in, or used by shippers and carriers not subject to economic regulation, and by motor common and contract carriers, rail carriers, water carriers, express companies, and freight forwarders subject to the Interstate Commerce Act for the transportation or shipment of property in interstate or foreign commerce:

It further appearing that in accordance with the Commission's notice dated June 29, 1962, a rehearing conference was held on October 9, 1962, and a draft of proposed rules (attached as Appendix A below) was distributed to the parties in attendance;

And it further appearing that consideration has been given to the various views expressed at the prehearing conference with regard to the procedure to

be followed by all parties and that this proceeding is of such a nature requiring special procedure and good cause appearing therefor:

It is ordered, That: (a) The proceeding shall be handled, to the extent practicable, by the filing of verified[1] statements and replies. In order to conserve time and avoid expense, it is strongly urged that persons finding themselves with common interests in the proceeding, to the greatest extent possible, endeavor to consolidate their presentation of verified statements or replies. Individual participation is not precluded; mere casual interest, however, will not justify participation, and will make the preparation and service of verified statements burdensome and impracticable. The Commission desires participation only by those who intend to take an active part in the proceeding.

Copies of the representations heretofore submitted in response to the invitation contained in the order of June 29, 1962, instituting this proceeding, together with copies of the proposed rules and regulations and other material served on those participating in the prehearing conference, and a copy of the opening statement of Commissioner Herring made at such conference, will be on file at the Field Offices listed in Appendix B hereto and during regular office hours will be open to examination by any party or other interested person. Copies of the proposed rules and regulations and other Commission material served on those participating in the prehearing conference held herein also may be obtained, upon request, from the Secretary, Interstate Commerce Commission, Washington 25, D.C.

(b) On or before November 16, 1962, any person, other than those who participated in the prehearing conference, who desires to participate in the proceeding shall notify the Secretary of the Commission to that effect, giving his name, address, and company, if any represented, and he will become a party to the proceeding. After that date, no additional party will be allowed to participate except by special permission and for good cause shown or except as permitted under special procedural rules as may be issued under (g) below.

(c) As soon as practicable after expiration of the time specified in (b) above, the Commission will serve a list of the names and addresses of all persons parties to this proceeding and upon whom service of all verified statements, replies, or other pleadings permissible hereunder must, unless waived, be made. An original (signed in ink) and 25 copies of each verified statement, reply, or pleading shall be filed with the Commission, and a copy of each such verified statement, reply, or other pleading shall be served on each party named in the list prepared pursuant to this part in accordance with Rule 1.22 of the Commission's general rules of practice.

(d) On or before November 16, 1962, each party to this proceeding shall file a special pleading herein (1) setting forth whether it agrees in whole or in part with the proposed Rules and Regulations served on the parties participating in the prehearing conference held herein and concurrently being published herewith, and (2) suggesting changes and modifications of such rules and regulations as well as such additional rules as may be deemed appropriate. Such a pleading shall be brief and shall not contain argument or supporting factual data. Service of such a pleading shall be made on other parties following receipt from the Commission of the list of parties referred to in (c) above. No replies thereto may be filed.

(e) On or before December 10, 1962, all parties to the proceeding shall file verified statements, with or without exhibits attached, with the Commission, and serve the other parties as described in (c) above. Each verified statement shall set forth the position of the party making it with respect to the use of coordinated and substituted service, and may include statements of both fact and arguments. Where both fact and argument are included in the same pleading, they shall be set forth under separate headings in the interest of clarity and understanding.

(f) Replies to the verified statements, if any, shall be filed with the Commission on or before January 28, 1963. Copies of the replies should be served on all persons contained in the list of parties to be furnished by the Commission pursuant to (c) above.

(g) For good cause shown, the proceeding may be separated with respect to one or more of the issues or operational areas involved. Any party desiring to request such action shall file with the Commission, on or before February 6, 1963, a separate pleading setting forth (1) each such issue or operational area it wishes separated, (2) whether oral hearing for cross-examination or for other purposes is desired with respect thereto, and (3) the reasons and arguments relied upon in support of such request. A copy of such pleading shall be served on the parties as described in (c) above. No replies may be filed.

Should it be determined that such separation and oral hearing is desirable or necessary, special procedural rules for the conduct of such hearing will be issued at the time such determination is made.

(h) Only such pleadings as are specifically permitted under these rules or as may be permitted under such special procedural rules as may be issued under (g) above may be filed.

It is further ordered, That all representations filed prior to the prehearing conference and the General Summary of Piggyback Questionnaires prepared by the Bureau of Transport Economics and Statistics, of this Commission, be, and they are hereby, considered a part of the record.

And it is further ordered, That a copy of this order be served on the Public Utility Commissions or Boards, or similar regulatory bodies, of each State having jurisdiction over the transportation here involved; that a copy be posted in the Office of the Secretary of the Interstate Commerce Commission and the Field Offices of said Commission listed in Appendix B to this order for public inspection; that a copy be served on all parties who attended the prehearing conference and those who have previously filed representations in this proceeding; and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

Dated at Washington, D.C., this 11th day of October A.D. 1962.

By the Commission, Commissioners Herring and Tucker.

[SEAL] HAROLD D. MCCOY, *Secretary.*

APPENDIX A

PROPOSED TOFC RULES

A. *Definitions.* 1. "Trailer-on-flatcar (TOFC) service" means the transportation, in interstate or foreign commerce, of any freight-laden highway truck, trailer, or semitrailer (or the container portion of any highway truck, trailer, or semitrailer having a demountable chassis) on a rail car, and/or the return transportation, in interstate or foreign commerce, of any empty highway truck, trailer, or semitrailer (or the demountable container portion thereof) on a rail car.

2. "Joint intermodal TOFC service" means any transportation of property (the motor and/or water transportation of which is subject to economic regulation under the Interstate Commerce Act) jointly provided by a railroad or railroads subject to Part I of the act and a motor common carrier or carriers subject to Part II of the act or a water common carrier, or carriers subject to Part III of the act, and which includes, for the whole[2] or any part of the line-haul movement, the performance of TOFC service as defined in (1) above; except that the term "joint intermodal TOFC service" does not include the transportation of property moving under contract rates as set forth in section 409 of the act.

3. "All-rail TOFC service" means any transportation, other than transportation embraced in (2) above, provided by a railroad or railroads subject to Part I of the act, which transportation includes the performance of TOFC service as defined in (1) above.

B. *Rules governing joint intermodal TOFC Service.* 1. Tariffs embracing joint intermodal TOFC rates or charges shall set forth the service covered by the published rates or charges, the routes over which such service will be performed, and the names of the carriers participating therein.

2. Tariffs embracing joint intermodal TOFC rates or charges may be published only by rail, motor, or water common carriers, or their agents, on commodities subject to economic regulation through-

[1] In lieu of verification under oath, the statements and replies may be made subject to the following declaration: "I solemnly declare that I have examined the foregoing statement [or reply] and that, to the best of my knowledge and belief, the representations contained therein are true." (Signature.)

[2] See Rule B-7 below.

out their entire movement, and shall show appropriate concurrences of all carriers participating in the movement.

3. Motor carriers shall not participate in joint intermodal TOFC service which is to be provided in lieu of their authorized over-the-road service where the combined distance from origin to destination over the intermodal route is less than 90 percent of the distance between such points over the motor carrier's authorized highway route, except as may be permitted by the Commission upon consideration of an appropriate application filed by the motor carrier in which it seeks relief from the percentage provisions of this section.

EXAMPLE: In connection with a shipment originating at A and destined to D, a motor common carrier holding authority to transport such shipment from A to D (a distance of 300 miles by its authorized highway routes), serving the intermediate points of B and C, participates in joint intermodal TOFC service in lieu of its authorized over-the-road service in the following manner: The shipment is transported from A to B by the motor carrier over its authorized highway route (a distance of 100 miles), at which point it is placed on a rail car for TOFC movement to C (a distance of 80 miles over the rail route used as compared to 100 miles over the motor carrier's authorized highway route), and at C the shipment is returned to the originating motor carrier for ultimate delivery at D (a distance of 100 miles over the motor carrier's authorized highway route). Although the rail line distance (80 miles) between B and C is less than 90 percent of the motor carrier's authorized highway route between the same points (100 miles), the above rule allows this operation inasmuch as the combined motor-rail-motor route between A and D (280 miles) is more than 90 percent of the motor carrier's authorized highway route (300 miles) between A and D.

4. The railroad or railroads providing TOFC service jointly with motor or water common carriers shall receive no greater compensation or charge for its or their portion of the total intermodal movement than it or they would receive under any all-rail TOFC terminal-to-terminal rates or charges maintained for like service between the same points.

5. Any railroad which provides TOFC service jointly with any motor or water common carrier shall not refuse to enter into a like arrangement with other motor or water common carriers under similar circumstances and conditions, except that such railroad shall have the duty of ascertaining whether the connecting motor or water carriers hold appropriate authority to transport the involved commodities. If the connecting motor or water carriers do not hold such authority, no joint intermodal TOFC service shall be performed with respect thereto.

6. The billing carrier participating in joint intermodal TOFC service may refuse to reveal the identities of the shippers or consignees to its connecting carriers, in which event the billing carrier shall assume, with respect to the shippers or freight forwarders, full responsibility for the complete movement.

7. Tariffs embracing joint intermodal TOFC rates or charges may provide for TOFC service for the entire line-haul movement.

NOTE: Although this rule is in apparent conflict with Commission decisions in *Substituted Freight Service*, 232 I.C.C. 683, and *Interchange of Traffic at Point of Origin*, 46 M.C.C. 623, it is intended to represent what appears to be a widespread practice under present Plant I operations.

8. Carriers participating in joint intermodal TOFC service shall interchange traffic only at a common point of service.

9. Notwithstanding its participation in joint intermodal TOFC service, a motor or water common carrier shall continue to render reasonably adequate and continuous transportation service at all points authorized to be served by it.

10. A rail, motor, or water common carrier participating in joint intermodal TOFC service shall not act as the agent of a shipper or freight forwarder in arranging for transportation by other carriers subject to the Interstate Commerce Act without providing therefor in tariffs filed with the Commission.

11. Railroads participating in joint intermodal TOFC service shall assume full responsibility for the safe loading and securing of highway trucks, trailers, or semitrailers (or the demountable container portion thereof) on rail cars and for unloading them from rail cars.

C. *Rules governing all-rail TOFC service.* 1. Rates or charges for all-rail TOFC line-haul service, and for any transportation or auxiliary service in connection with all-rail TOFC service, shall be provided for in tariffs published, posted, and filed by a railroad or its agent, in either of the following ways:

(a) Publish rates or charges which specifically include pickup from shipper and/or delivery to consignee by the railroad or railroads.

(b) Publish rates or charges which are limited specifically to apply only from and/or to designated railroad terminals when all service and equipment is provided by the railroad.

2. (a) Each carrier performing or holding out to perform all-rail TOFC service shall publish, post, and file tariffs (by itself or through an agent) which shall contain in clear and explicit terms all of the rates and charges for and rules governing storage, demurrage, detention of highway vehicles, cartage, switching, floating, lighterage, wharfage, weighing, diversion, reconsignment, icing, refrigeration, heat, C.O.D. services, transit services, absorptions, allowances, and other special or accessorial services or practices, and an explicit statement of all other charges and rules which in any way increase or decrease the amount to be paid on any shipment or which increase or decrease the value of the service to the shipper.

(b) All tariffs containing rates for the all-rail TOFC transportation of property shall specify whether such rates do or do not include pickup or delivery services.

(c) When charges for pickup or delivery service are in addition to line-haul TOFC transportation charges, they shall be published in tariffs as provided in paragraph (a) of this rule.

(d) The area within which pickup or delivery service will be performed shall be described specifically and the description published in clear and explicit terms in tariffs as provided in paragraph (a) of this rule. It will be sufficient to state that pickup and delivery service will be performed at all places or locations within the limits of the incorporated cities, towns, or villages, from, to, or between which the rates apply, if that is the only application intended. It is not permissible to refer to decisions of the Commission for the description nor to state that the area within which pickup and delivery service will be performed is that defined by the Commission in a formal proceeding.

(e) All tariffs containing rates for the all-rail TOFC transportation of property shall specify the extent to which such rates do or do not include the loading and unloading of the property from the highway vehicle by the carrier (including the number of laborers to be used). When charges in addition to the line-haul TOFC transportation charges or in addition to pickup or delivery charges, if any, are made for the loading or unloading of property, they shall be published in tariffs as provided in paragraph (a) of this rule.

(f) If the shipper, freight forwarder, and/or consignee directly or indirectly renders any service connected with such transportation (such as ramping, deramping, and tiedown of trailers on cars), or furnishes any equipment or other instrumentality used therein (such as a trailer, semitrailer or car), the charge or allowance paid to the shipper, freight forwarder, and/or consignee therefor shall be published as provided in paragraph (a) of this rule.

3. Railroads or persons under common control with railroads shall not for use in TOFC service lease, directly or indirectly, highway trucks, trailers, or semitrailers, and/or rail cars, to or from shippers or freight forwarders.

4. A railroad providing all-rail TOFC service shall not act as the agent of a shipper or freight forwarder in arranging for transportation by other carriers subject to the Interstate Commerce Act without providing therefor in tariffs filed with the Commission.

5. Railroads providing all-rail TOFC service shall assume full responsibility for the safe loading and securing of highway trucks, trailers, or semitrailers (or the demountable container portion thereof) on rail cars and for unloading them from rail cars.

6. Highway vehicles and/or rail cars provided by shippers or freight forwarders in connection with all-rail TOFC service, while on railroad premises, shall be subject to the storage and/or demurrage rules, regulations, and charges provided for in Rule C–2 above.

7. The handling by a railroad of a motor or water carrier's trailer, empty or loaded with commodities the motor and/or water transportation of which is not subject to economic regulation under the Interstate Commerce Act, is permissible under all-rail TOFC tariffs.

D. *Billing and notification rules.* 1. No shipment shall be transported in or in connection with TOFC service until the origin carrier has issued a bill of lading therefor and received from the shipper or freight forwarder any manifest used in connection therewith.

2. Certification as to the weight and contents of a highway truck, trailer, or semitrailer (or the demountable container portion thereof) shall be made by the shippers or carriers at the time of its tender to a railroad or connecting carrier.

3. Unless otherwise provided for and made available to other shippers and carriers, two or more highway trucks, trailers, or semitrailers (or demountable container portions thereof) shall be tendered on the same day in order to qualify for a rate for the movement of multiple highway vehicles (or the demountable container portions thereof).

4. Arrangements for the movement of highway trucks, trailers, or semitrailers (or the demountable container portion thereof) containing explosives or other dangerous articles shall be made by a shipper or carrier with a railroad in sufficient time to permit the latter properly to placard and position the rail cars used for the movement.

5. All-freight (all-commodity) rates that are restricted to apply only when not more than a designated percent of the shipment consists of one article or commodity shall be made subject to the following tariff provision:

Rates subject hereto apply only when shipper certifies on shipping order and bill of lading at time of shipment as follows: "Not more than ------ percent of the articles (or commodities) in this shipment consists of an article or articles embraced by the commodity description of a single item of the current Uniform Freight Classification."

If the certificate has not been signed at the time when the bill of lading is issued such all-freight (all-commodity) rates do not apply; and the applicable rate on the shipment will be ------. (In the blank space there must be inserted a specific statement of the rate or charge that will apply, such as, for example: "the Class 45 rate applicable over the route of movement subject to a minimum weight of 30,000 pounds.")

APPENDIX B

FIELD OFFICES WHERE CERTAIN MATERIAL RELATIVE TO THIS PROCEEDING WILL BE AVAILABLE FOR PUBLIC INSPECTION

Boston 8, Mass.:
14–17 Court Square, 11th Floor,
Bureau of Motor Carriers,
Interstate Commerce Commission,
Martin E. Foley, District Director.

New York 13, N.Y.:
Room 1111, 346 Broadway,
Bureau of Motor Carriers,
Interstate Commerce Commission,
Thomas L. McClelland, District Director.

Philadelphia 6, Pa.:
800 U.S. Custom House Building,
Second and Chestnut Streets,
Bureau of Motor Carriers,
Interstate Commerce Commission,
James B. Weber, District Director.

Columbus 15, Ohio:
236 New Post Office Building,
85 Marconi Boulevard,
Bureau of Motor Carriers,
Interstate Commerce Commission,
Roy M. Snetzer, District Director.

Atlanta 8, Ga.:
680 West Peachtree Street NW.,
Bureau of Motor Carriers,
Interstate Commerce Commission,
William Addams, District Director.

Nashville 3, Tenn.:
Room 706, U.S. Court House
801 Broadway,
Bureau of Motor Carriers,
Interstate Commerce Commission,
Edward A. Moynihan, District Director.

Chicago 7, Ill.:
852 U.S. Custom House Building,
610 South Canal Street,
Bureau of Motor Carriers,
Interstate Commerce Commission,
James J. Werner, District Director.

Minneapolis 1, Minn.:
448 Federal Building and Court House,
110 South Fourth Street,
Bureau of Motor Carriers,
Interstate Commerce Commission,
Charles W. Haas, District Director.

Kansas City 6, Mo.:
1100 Federal Office Building,
911 Walnut Street,
Bureau of Motor Carriers,
Interstate Commerce Commission,
H. Joseph Simmons, District Director.

Forth Worth 2, Texas:
816 T & P Building,
Bureau of Motor Carriers,
Interstate Commerce Commission,
Bernard H. English, District Director.

Denver 2, Colorado:
502 Denham Building,
Bureau of Motor Carriers,
Interstate Commerce Commission,
Bert L. Penn, District Director.

Portland 5, Oregon:
538 Pittock Block,
Bureau of Motor Carriers,
Interstate Commerce Commission,
Norman T. Harris, District Director.

San Francisco 5, Calif.:
602 Sheldon Building,
9 First Street,
Bureau of Motor Carriers,
Interstate Commerce Commission,
Marvin W. Van Cleave, District Director.

Anchorage, Alaska:
P.O. Box 1532,
Room 51–52 Federal Building,
Bureau of Motor Carriers,
Interstate Commerce Commission,
Hugh H. Chaffee, District Director.

[F.R. Doc. 62–10369; Filed, Oct. 16, 1962; 8:53 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

TRANSFER OF CROW INDIAN RESERVATION LAND RECORDS TO BILLINGS AREA OFFICE

OCTOBER 11, 1962.

In accordance with 25 CFR 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given that all source title documents and land records pertaining to trust or restricted Indian-owned lands on the Crow Indian Reservation in the State of Montana, have been transferred from the City of Washington, D.C., to the Billings Area Office, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana.

Effective October 1, 1962, the Billings Area Office will be the office for the maintenance of records for all trust and restricted lands on the Crow Reservation.

JOHN O. CROW,
Acting Commissioner.

[F.R. Doc. 62-10336; Filed, Oct. 16, 1962; 8:49 a.m.]

Bureau of Land Management

CALIFORNIA

Notice of Amendment and Partial Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 8, 1962.

Notice of an application Serial No. Sacramento 048180, for withdrawal and reservation of lands, by the United States Department of Agriculture, was published as Federal Register Document No. 57-8313 on page 8069 of the issue for Thursday, October 10, 1957. The description of certain land involved in the proposed withdrawal application is hereby amended to conform to the official survey plat to read as follows:

A strip of land 200 feet on either side of the centerline as surveyed on the ground of the Big Oak Flat Forest Highway Route 39 (State of California Route 120) through the following legal subdivisions:

MOUNT DIABLO MERIDIAN, CALIFORNIA

STANISLAUS NATIONAL FOREST

T. 1 S., R. 19 E.,
Sec. 31: Lot 1, NW¼NE¼, NE¼NW¼.

And, the following described lands as involved in the proposed withdrawal application as published in the above-identified publication have been cancelled by the applicant agency. Therefore pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m., on November 13, 1962, be relieved of the segregative effect of the above-mentioned application.

Lands to be terminated are:

A strip of land 200 feet on either side of the centerline as surveyed on the ground of the Big Oak Flat Forest Highway Route 39 (State of California Route 120), through the following legal subdivisions:

MOUNT DIABLO MERIDIAN, CALIFORNIA

STANISLAUS NATIONAL FOREST

T. 1 S., R. 18 E.
Sec. 26: N½SE¼, SE¼SE¼;
Sec. 29: NE¼SW¼.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 62-10337; Filed, Oct. 16, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Miscellaneous Amendments

Pursuant to authority (19 F.R. 74, as amended) delegated to the Administrator, Agricultural Marketing Service, the material appearing at 26 F.R. 9758 is amended as follows:

Section 2 is amended by substituting Assistant Secretary for Marketing and Stabilization for Assistant Secretary for Marketing and Foreign Agriculture.

Section 5(c)(2) is amended to read as follows:

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for fruits, vegetables, tree nuts, hops and such other commodities as may be assigned; and

Issued at Washington, D.C., October 11, 1962.

S. R. SMITH,
Administrator,
Agricultural Marketing Service.

[F.R. Doc. 62-10372; Filed, Oct. 16, 1962; 8:54 a.m.]

FRESH BARTLETT PEARS

Notice of Purchase Program DMP 38a

In order to encourage the domestic consumption of pears by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the United States Department of Agriculture will purchase fresh Bartlett pears of the 1962 crop, grown in the Pacific Coast States, for subsequent use in nonprofit school lunch programs and eligible institutions. Purchases will be made on an offer and acceptance basis as a surplus removal activity. Details and specifications of the invitation to offer fresh Bartlett pears are contained in Announcement FV-320 issued by the Department on October 10, 1962. Quantities purchased will depend upon marketing conditions at the time of purchase, and availability of outlets for use of the pears without waste. Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D.C.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: October 12, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10371; Filed, Oct. 16, 1962; 8:54 a.m.]

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the lists previously published under the Act (27 F.R. 9663 and 9899) for September and represents those establishments and species which were reported too late to be included in the earlier lists or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier lists were based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods.

Name of establishment	Establishment number	Cattle	Calves	Sheep	Goats	Swine	Horses
Hygrade Food Products Corp.	12G	(*)	(*)			(*)	
Utica Veal Co., Inc.	88	(*)					
George A. Hormel & Co.	199A	(*)					
The Lundy Packing Co.	413					(*)	

Four establishments reported.

Done at Washington, D.C., this 12th day of October 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-10374; Filed, Oct. 16, 1962; 8:54 a.m.]

Office of the Secretary

COLORADO AND TEXAS

Designation of Counties Within Great Plains Area of Ten Great Plains States Where Great Plains Conservation Program Is Specifically Applicable

For the purpose of making contracts based upon the approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115-1117), the following counties in the following States are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

COLORADO

Custer

TEXAS

Archer. Clay. Eastland.

Done at Washington, D.C., this 12th day of October 1962.

J. A. BAKER,
Assistant Secretary.

[F.R. Doc. 62-10379; Filed, Oct. 16, 1962; 8:54 a.m.]

MINNESOTA AND MISSISSIPPI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the States of Minnesota and Mississippi natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Stevens

MISSISSIPPI

Calhoun

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of October, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-10380; Filed, Oct. 16, 1962; 8:55 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WILLIAM M. FIRSHING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months;

A. Deletions: Gellman Mfg., National Distillers, Dresser Corp.

B. Additions: Korvette, Food Giant Markets, Studebaker Corp., Seaboard World Airlines.

This statement is made as of October 6, 1962.

WILLIAM M. FIRSHING.

OCTOBER 6, 1962.

[F.R. Doc. 62-10322; Filed, Oct. 16, 1962; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that, pursuant to the Initial Decision of the Presiding Officer dated August 31, 1962, the Atomic Energy Commission has issued Amendment No. 1 to Provisional Operating License No. DPR-4. The license authorizes Saxton Nuclear Experimental Corporation to operate its nuclear reactor located near the Borough of Saxton in Liberty Township, Bedford County, Pa. The amendment (1) authorizes Saxton Nuclear Experimental Corporation to conduct Phase I of the Research and Development Program, (2) authorizes necessary related changes in the existing license and Technical Specifications, and (3) extends the term of the license to September 30, 1963.

The amendment also incorporates into the revised Technical Specifications (Appendix "A") of License No. DPR-4 the changes previously authorized by the Atomic Energy Commission by Changes Nos. 1, 2, and 3 dated February 15, 1962.

Dated at Germantown, Md., this 9th day of October 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-10318; Filed, Oct. 16, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14078; Order E-18908]

REFUND OF DOMESTIC GROUP TRAVEL TICKETS

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of October 1962.

By tariff amendment filed September 17, 1962, to become effective October 17, 1962, Trans World Airlines, Inc. (TWA) proposes to amend Rule 13 of its group passenger tariff[1] to provide for full refund if cancellation is made 30 days prior to flight departure, and a refund of 50 percent of the group fare if cancellation is made less than 30 days but at least 24 hours before scheduled departure time with no refund if cancellation occurs on less than 24 hours' notice. The amended rule will also provide that up to 10 members of a group of 25 may cancel and be replaced up to 5 days prior to departure time without penalty. The tariff bears an expiration date of April 30, 1963.

No complaints have been filed.

The Board has decided to suspend this proposal and to investigate its lawfulness. Passengers canceling their reservation after 30 days who cannot utilize the substitution rule will forfeit 50 percent of the fare and the entire round-trip fare after 24 hours from scheduled departure time. The carrier has made no showing that penalties of such an onerous nature are necessary to prevent cancellations of an avoidable nature, or, when cancellations are made, to compensate the carrier for losses it might have incurred in denying reservations to other passengers. Recently, we found that similar refund provisions in the group tour fares to Hawaii of United Air Lines, Inc. and Pan American World Airways, Inc. may be unlawful, and such rules were suspended and investigated.[2] In accordance with this decision of the Board, the proposed refund rules of TWA will be suspended and investigated.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the provisions of Rules Nos. 13(A)(2)(b) and 13(A)(3) on 2nd Revised Page 6 and 1st Revised Page 7 of Trans World Airlines, Inc.'s C.A.B. No. 85 are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and

[1] Trans World Airlines, Inc., Local and Joint Group Passenger Tariff, C.A.B. No. 85.
[2] Order E-18790 of September 17, 1962.

if found to be unlawful, to determine and prescribe the lawful provisions.

2. Pending investigation, hearing, and decision by the Board, Rules Nos. 13(A)(2)(b) and 13(A)(3) on 2nd Revised Page 6 and 1st Revised Page 7 of Trans World Airlines, Inc.'s C.A.B. No. 85 are suspended and their use deferred to and including January 14, 1963, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. This investigation be set for hearing before an Examiner of the Board at a time and place hereafter to be designated.

4. A copy of this order shall be filed with the aforesaid tariff and shall be served upon Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-10349; Filed, Oct. 16, 1962; 8:51 a.m.]

[Docket No. 11879; Order E-18907]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 11th day of October 1962.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreement, adopted pursuant to unprotested notices to the carriers, names additional specific commodity rates as follows:

Item 0495—Strawberries

44 cents per kilogram, minimum weight 45 kilograms, 38 cents per kilogram, minimum weight 250 kilograms, from Mexico City to New York City.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered:

1. That Agreement C.A.B. 14827, R-112, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-10364; Filed, Oct. 16, 1962; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14798]

FRANCIS C. BAXTER

Order To Show Cause

In the matter of Francis C. Baxter, Denver, Colorado, Docket No. 14798; order to show cause why there should not be revoked the license for Radio Station 15Q1314 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation mailed April 16, 1962, alleging that on April 8, 1962, Citizens Radio Station 15Q1314 was observed operating in violation of § 19.61(a) of the Commission's rules in that radio communications were not purposeful or substantive to the licensee's business or personal activities and § 19.61(g) in that radio communications were transmitted beyond the groundwave range of the radio station.

It further appearing that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated May 17, 1962, and sent by Certified Mail, Return Receipt Requested (Cert. #150162), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Ruth L. Baxter, on May 23, 1962, to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 11th day of October 1962, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested to the said licensee, at 3318 West Hayward Place, Denver 4, Colo.

Released: October 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10355; Filed, Oct. 16, 1962; 8:52 a.m.]

[Docket Nos. 14764-14766; FCC 62M-1357]

JESUS VARGAS CANDELARIA ET AL.

Order Continuing Hearing

In re applications of Jesus Vargas Candelaria, Bayamon, Puerto Rico, Docket No. 14764, File No. BP-14334; International Broadcasting Corporation, Carolina, Puerto Rico, Docket No. 14765, File No. BP-15161; Mauricio Alvarez-Martin, Carolina, Puerto Rico, Docket No. 14766, File No. BP-15164; for construction permits.

Pursuant to agreements reached at a prehearing conference held on October 9, 1962: *It is hereby ordered*, This 11th day of October 1962, that the following procedure shall govern the further proceedings in this case:

Each applicant shall submit his affirmative case in writing with respect to all the issues in this proceeding, and a preliminary exchange of proposed testimony and exhibits shall be effected among the parties on or before December 7, 1962.

A final exchange of proposed exhibits and testimony shall be effected among the parties on or before December 21, 1962.

All witnesses responsible for the preparation of exhibits and testimony shall be available for cross-examination, and notification by each of the parties respecting such witnesses as shall be available for cross-examination, shall be furnished on or before December 28, 1962.

The hearing herein shall commence at Washington, D.C. (unless the place of hearing is hereafter changed pursuant to a request of the parties) on January 7, 1963, at 10 a.m.

Released: October 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10356; Filed, Oct. 16, 1962; 8:52 a.m.]

[Docket Nos. 14511, 14616; FCC 62M-1360]

DELAWARE VALLEY BROADCASTING CO. (WAAT) ET AL.

Order Continuing Hearing

In re applications of Delaware Valley Broadcasting Co. (WAAT), Trenton, New Jersey, Docket No. 14511, File No. BP-14054; Asbury Park Press, Inc. (WJLK), Asbury Park, New Jersey, Docket No. 14514, File No. BP-14469; City of Camden (WCAM), Camden, New Jersey, Docket No. 14616, File No. BP-14638; for construction permits.

It is ordered, This 12th day of October 1962, that the hearing in the above-entitled proceeding, which heretofore was scheduled to commence October 15, 1962, is continued to a date to be specified by the presiding Hearing Examiner.

Released: October 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10357; Filed, Oct. 16, 1962; 8:52 a.m.]

[Docket Nos. 14693, 14694; FCC 62R-67]

JOHN A. EGLE AND KLFT RADIO, INC.

Memorandum Opinion and Order Amending Issues

In re applications of John A. Egle, Golden Meadow, Louisiana, Docket No. 14693, File No. BP-15478; KLFT Radio, Inc., Golden Meadow, Louisiana, Docket No. 14694, File No. BP-15536; for construction permits.

1. Petitioner John A. Egle requests that the issues in this proceeding be enlarged by the addition of seven issues.[1] The requested issues are based upon the relationship of two of the principals of KLFT Radio, Inc., with Leo Theriot. The Broadcast Bureau opposes the petitioner's request on the ground that the designated standard comparative issue will permit the petitioner to "make a full showing on the subjects he would cover by the specific issues suggested."

2. In its Decision released March 16, 1962 (22 RR 237, 32 FCC 599), the Commission revoked the license of Station KLFT (1600 kc, 1 kilowatt, daytime only, Class III), Golden Meadow, La. On April 13, 1962, petitioner John A. Egle filed his application proposing to operate on 1600 kc, Golden Meadow. On May 9, 1962, KLFT Radio, Inc., filed a mutually exclusive application proposing to operate on the same frequency in Golden Meadow. By Order published July 12, 1962 (27 F.R. 6640), these two applications were designated for hearing on the standard comparative issue.

3. KLFT Radio, Inc., has entered into an agreement with Leo Theriot for the purchase of the physical assets of former Station KLFT. The total price for these assets is fixed at $30,000, payable in equal annual installments over a ten year period with 6 percent interest. The agreement does not contain any default in payment provisions, nor by its terms does the agreement provide that the physical assets shall constitute security for the unpaid balance of the purchase price. None of the principals of KLFT Radio, Inc., has personally guaranteed payment of the purchase price. In addition to the purchase of physical assets, KLFT Radio, Inc., has agreed to pay Theriot $160 per month for leases of the transmitter site and studio.

4. The petitioner does not specifically allege that $30,000 is an unreasonably low figure for the physical assets of former Station KLFT. He does allege, however, that Theriot, although once willing to sell these same assets to petitioner for $27,500, suddenly and without explanation raised the price to $53,125.49. Petitioner alleges that Theriot was adamant in his refusal to reduce the price to petitioner. It appears to be petitioner's theory that there may be some undisclosed agreements between Theriot and KLFT Radio, Inc., which would account for Theriot's refusal to reduce the price to petitioner, yet at the same time agreeing to sell the assets for a substantially lesser amount to KLFT Radio, Inc. Heightening petitioner's suspicion in this regard are the following facts which petitioner alleges: (a) Diaz, one of the principals in KLFT Radio, Inc., is counsel for and a close business associate of Theroit; (b) they occupy interconnecting offices in the Theriot Building; (c) Diaz is general counsel of both banks in which Theriot has an interest; (d) Kief, the other principal of KLFT Radio, Inc., is a minority stockholder in these two banks. The implication is inescapable, according to petitioner, that Theriot will exercise, through Diaz and Kief, substantial control over the station proposed by KLFT Radio, Inc. Indeed, it is essential that he do so, according to petitioner, in view of his sale of the physical assets to KLFT Radio, Inc., and in view of the alleged fact the income of former Station KLFT was such as to render it problematical whether the earnings of the station proposed by KLFT Radio, Inc., will be sufficient to repay the loan.

5. KLFT Radio, Inc., has not filed an opposition pleading, and, hence, for the limited purpose of determining whether the issues should be enlarged, the following allegations of fact must be accepted as correct: (a) that Theriot has a close business relationship with Diaz and Kief; (b) that Theriot insisted upon a higher price in any sale of the physical assets to petitioner than the price fixed in the sales agreement submitted with the application of KLFT Radio, Inc.; (c) that in view of the earnings of former Station KLFT, the unsecured sales agreement between Theriot and KLFT Radio, Inc., creates in Theriot a continuing interest in the fortunes of the station proposed by KLFT Radio, Inc. In view of these uncontroverted allegations, the hearing issues in this proceeding will be enlarged by the addition of the issues specified below.

6. In addition to the issues which are being added, petitioner also requested an issue to determine whether KLFT Radio, Inc., is legally qualified to be a licensee of the Commission. No specific allegations of fact were made by petitioner in support of this requested issue, and the petitioner does not explain the basis of his request therefor. The request for this issue will therefore be denied.

7. We do not agree with the Broadcast Bureau that the matters encompassed in the issues which petitioner requested may be determined pursuant to the standard comparative issue. The matters which petitioner seeks to have explored relate to the basic qualifications of KLFT Radio, Inc., and go beyond the factors which are considered under the standard comparative issue.

Accordingly, it is ordered, This 9th day of October 1962, That the petition to enlarge issues, filed July 27, 1962, by John A. Egle, is granted to the extent indicated herein and is in all other respects denied;

It is further ordered, That the Order of Designation herein (FCC 62-685, released July 3, 1962) is amended by having the hearing issues read as follows:

1. To determine whether any agreements or understandings exist between Leo Joseph Theriot and KLFT Radio, Inc., Edward Diaz and Clerville Kief, Sr., or either of them, relating to the above-captioned application of KLFT Radio, Inc., and to its proposed station, which have not been disclosed to the Commission.

2. To determine whether the agreements, disclosed or undisclosed, between Theriot and the above corporation or individuals (a) were intended to constitute Theriot as an undisclosed principal to the application of KLFT Radio, Inc., or to permit him to exercise control of or participate in the operation of its proposed station; or (b) do, in fact, provide Theriot with the opportunity to exercise such control or participation.

3. To determine whether, in connection with the filing of its application and its communications with the Commission, KLFT Radio, Inc., and its principals misrepresented facts to the Commission and/or were lacking in candor.

4. To determine the character qualifications of Edward Diaz and Clerville Kief.

5. To determine, in the light of the evidence adduced with respect to the foregoing issues, whether KLFT Radio, Inc., and its principals are qualified to be licensees of this Commission.

6. To determine on a comparative basis, in the event issue "5" is deter-

[1] The Review Board has before it for consideration (1) John A. Egle's petition to enlarge the issues, filed July 27, 1962; and (2) the Comments of the Broadcast Bureau, filed August 15, 1962. Attached to the petition is the affidavit of John A. Egle attesting to the facts alleged in the petition.

mined affirmatively, which of the instant proposals would best serve the public interest, convenience and necessity in light of the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

7. To determine, in light of the evidence adduced with respect ot issue "6", which of the above-captioned applications should be granted.

Released: October 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10358; Filed, Oct. 16, 1962; 8:52 a.m.]

[Docket Nos. 14708, 14709; FCC 62M-1353]

ALFRED RAY FUCHS AND C. M. ROUSE

Order Continuing Hearing

In re applications of Alfred Ray Fuchs, Grants, New Mexico, Docket No. 14708, File No. BP-14516; C. M. Rouse, Milan, New Mexico, Docket No. 14709, File No. BP-15049; for construction permits.

Pursuant to the agreements reached at the prehearing conference held on October 10, 1962, the evidentiary hearing in the above-entitled proceeding now scheduled to begin on October 16, 1962, is continued to December 17, 1962.

It is so ordered, This the 10th day of October 1962.

Released: October 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10359; Filed, Oct. 16, 1962; 8:52 a.m.]

[Docket No. 14380; FCC 62M-1359]

KSAY BROADCASTING CO.

Order Scheduling Hearing

In re application of Grant R. Wrathall and Taft R. Wrathall as Trustee for Grant R. Wrathall, Jr., Charlotte Wrathall, Lawrence Wrathall and Loretta Wrathall, d/b as KSAY Broadcasting Company, San Francisco, California, Docket No. 14380, File No. BR-3528; for renewal of license of Standard Broadcast Station KSAY.

The Hearing Examiner having under consideration a "Petition for Continuance" filed by the applicant in the above-entitled matter on October 8, 1962, and

It appearing that the hearing in question has been postponed indefinitely, and

It further appearing that the applicant requests that the hearing be continued specifically to December 17, 1962, and the date for exchange of exhibits be set as December 10, 1962, and

It further appearing that all parties have agreed to the granting of the petition and for immediate consideration thereof,

It is ordered, This 11th day of October 1962, that the aforesaid petition for continuance is granted and that, accordingly, exhibits will be exchanged on or before December 10, 1962, and the hearing is scheduled for December 17, 1962, in San Francisco, Calif.

Released: October 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10360; Filed, Oct. 16, 1962; 8:52 a.m.]

[Docket Nos. 14767, 14768; FCC 62M-1358]

SMITH BROADCASTING, INC., AND NORTH ALABAMA BROADCASTERS, INC.

Order Continuing Hearing

In re applications of Smith Broadcasting, Inc., Huntsville, Alabama, Docket No. 14767, File No. BPCT-3012; North Alabama Broadcasters, Inc., Huntsville, Alabama, Docket No. 14768, File No. BPCT-3051; for construction permits for new television broadcast stations (Channel 19).

Pursuant to agreements reached at a prehearing conference held on October 10, 1962: *It is hereby ordered,* This 11th day of October 1962, that the following procedure shall govern the further proceedings in this case:

Each applicant shall submit its affirmative case in writing with respect to all the issues in this proceeding, and the proposed exhibits and testimony shall be exchanged on or before December 10, 1962.

All witnesses responsible for the preparation of exhibits and testimony shall be available for cross-examination, and notification by each of the parties respecting such witnesses as shall be available for cross-examination, shall be furnished on or before December 27, 1962.

A further prehearing conference will be held herein at 9:00 a.m. on October 30, 1962, for the purpose of reviewing the status of this case at that date and to resolve any pending questions regarding stipulations, etc., which may then be extant.

The hearing herein shall commence in Washington, D.C. on January 16, 1963, at 10 a.m.

Released: October 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10361; Filed, Oct. 16, 1962; 8:53 a.m.]

[Docket No. 14294; FCC 62M-1349]

STORER BROADCASTING CO. (WJBK)

Order Continuing Prehearing Conference

In re application of Storer Broadcasting Company (WJBK), Detroit, Michigan, Docket No. 14294, File No. BP-14275; for construction permit.

Upon oral request of all the parties to this proceeding:

It is ordered, This 10th day of October 1962, that the prehearing conference presently scheduled for October 12, 1962, is postponed to October 22, 1962, at 9 a.m.

Released: October 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10362; Filed, Oct. 16, 1962; 8:53 a.m.]

[Docket Nos. 14603, 14604; FCC 62M-1352]

WKLM-TV, INC., AND CAPE FEAR TELECASTING, INC.

Order Continuing Hearing

In re applications of WKLM-TV, Inc., Wilmington, North Carolina, Docket No. 14603, File No. BPCT-2905; Cape Fear Telecasting, Inc., Wilmington, North Carolina, Docket No. 14604, File No. BPCT-2938; For construction permits for new television broadcast stations (Channel 3).

It has come to the attention of this Examiner that a conflict in hearing dates on the part of counsel for WKLM-TV, Inc., has developed. It appears that this counsel is engaged in an extended, multi-party television proceeding already underway and that the presently scheduled date of November 13, 1962, for commencement of hearing in the instant proceeding occurs at a time when his personal participation in the other television hearing will be essential to the expeditious conclusion thereof. In view of the obvious public interest in having the previously designated and started matter brought to an early conclusion, the Examiner deems it desirable, on his own motion, to further postpone the commencement of hearing in the instant case until the earliest practicable date which will permit attendance of all counsel in light of their present schedules.

Accordingly, it is ordered, This 10th day of October 1962, on the Examiner's own motion, that the hearing heretofore scheduled for November 13, 1962, in this proceeding, is postponed to December 11, 1962, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: October 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10363; Filed, Oct. 16, 1962; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

MEMBERS OF BRAZIL/UNITED STATES COFFEE AGREEMENT ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreemnts have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8505-2, between the ten (10) carriers which are the present parties to the Brazil/United States Coffee Agreement, modifies approved Agreement 8505, as amended, which covers an arrangement for pooling and division of the revenues derived from the total coffee transported by such carriers in the trade from Brazil to U.S. Atlantic and Gulf ports. Agreement 8505-2, provides for (1) the withdrawal of Scansa Line as a party to Agreement 8505, as amended, by virtue of that line's resignation from membership in the Brazil/United States-Canada Freight Conference (Agreement 59, as amended), the governing conference in the trade, (2) the revision of the percentage participation of the remaining parties to the pooling arrangement as a result of the elimination of Scansa Line as a party thereto, and (3) substitution of Empresa Lineas Maritimas Argentinas (E.L.M.A.), a new Argentine company, as a party to the agreement, in lieu of Flota Mercante del Estado (Argentine State Line) Flota Argentina de Navegacion de Ultramar (F.A.N.U.) Combined, two former Argentine companies which have been merged and now operate as the said new company.

Agreement 8989, between Grace Line, Inc., and Flota Mercante Grancolombiana, S.A., covers a through billing arrangement in the trade from U.S. Atlantic Coast ports to ports in the West Coast of Central America and Mexico, with transshipment at Cristobal or Balboa, Canal Zone.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 12, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-10366; Filed, Oct. 16, 1962; 8:53 a.m.]

[No. 1073]

PORT OF SEATTLE, WASHINGTON

Investigation of Reduced Wharfage Charges on Direct Transfer Freight

On October 1, 1962, the Port of Seattle, Washington, a furnisher of "wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water" within the meaning of section 1 of the Shipping Act, 1916, issued fifth revised page 31-M of its Terminal Tariff No. 2-D which provides in Item 1008 that the wharfage charge on "Metals, Viz: Aluminum, Copper, Iron, Lead, Zinc in Bars, Blisters, Ingots, Slabs, Pigs or Sheets" handled directly between open rail cars, barges or lighters and vessels would be reduced from 80 cents to 40 cents per net ton (or cubic feet). Said revised page was issued to become effective October 7, 1962.

It appears that said revised page was filed by the Port of Seattle, Washington, to meet the competition of the Port of Everett, Washington, which filed a revised tariff page reducing wharfage charges on all direct transfer freight by 50 percent effective October 7, 1962. By order of the Commission dated September 19, 1962, Docket No. 1071 was instituted to investigate said reduction in wharfage rates filed by the Port of Everett.

The Commission has considered the reduced rate filed by the Port of Seattle and the possible effect the reduced rate could have on shippers moving ocean traffic through ports in the states of Washington and Oregon and has concluded that the matter warrants investigation. Accordingly the Commission, pursuant to section 22 of the Shipping Act, hereby institutes upon its own motion an investigation to determine (1) whether the reduced wharfage rate of the Port of Seattle would make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever within the meaning of section 16, First of the Shipping Act, (2) whether the reduced wharfage rate is an unjust or unreasonable regulation or practice relating to or connected with the receiving, handling, storing, or delivering of property within the meaning of section 17 of the Shipping Act; and (3) what change, if any, the Commission should order in said reduced wharfage rate of the Port of Seattle.

The Port of Seattle, Washington, is hereby made respondent in this proceeding and the matter is assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner. Because of the interdependence of the issues in this proceeding and in Docket No. 1071, the two proceedings are hereby consolidated.

This order and notice of hearing shall be published in the FEDERAL REGISTER; a copy of this order and a notice of hearing shall be served upon all respondents in these consolidated proceedings.

By order of the Commission, October 11, 1962.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 62-10368; Filed, Oct. 16, 1962; 8:53 a.m.]

WILHELMSEN LINE AND SWEDISH AMERICAN LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8920, between the carriers comprising the Wilhelmsen Line joint service (operating under approved joint service Agreement 7589, as amended) and Swedish American Line, provides for the establishment and maintenance of agreed rates, charges and practices for on in connection with the transportation of cargo by the parties in the trade from Continental European Ports (between Hamburg and Bayonne both inclusive, including all cargo originating at, moving through or transhipped at said ports, and transported on vessels of the parties), to U.S. South Atlantic and Gulf ports.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 12, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-10367; Filed, Oct. 16, 1962; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-7160]

GULF OIL CORP.

Notice of Applications To Amend Certificate Authorization

OCTOBER 10, 1962.

Take notice that on December 30, 1960, on April 20, 1961, and on December 29, 1961, Gulf Oil Corporation, Operator (Gulf) filed three separate applications to amend the certificate authorization issued to it in Docket No. G-7160, as previously amended, by deleting therefrom authorization to render natural gas serv-

ice to Permian Basin Pipeline Company (now Northern Natural Gas Company) (Purchaser) from certain acreages and pursuant to certain supplemental gas rate filings as hereinafter described, all as more fully described in the respective applications for amendment which are on file with the Commission and open to public inspection.

Gulf's original authorization in Docket No. G-7160 (order issued November 15, 1955, Docket Nos. G-3183, et al.) authorized the sale of natural gas from the Eumont, Jalmat, Blinebry and Tubbs Fields, Lea County, New Mexico, to Permian Basin Pipeline Company, now Northern Natural Gas Company, pursuant to a gas sales contract dated February 18, 1952, as amended, on file with the Commission as Gulf Oil Corporation FPC Gas Rate Schedule No. 15, as supplemented.

The amendment filed December 30, 1960, requests deletion of the Eaves, Brunson and C. L. Hardy Leases located in the Eumont Gas Pool. Letter agreements between Gulf and Purchaser releasing this acreage were concurrently filed, accepted as notices of cancellation and designated as Supplement Nos. 20 and 21 to Gulf's FPC Gas Rate Schedule No. 15.

The amendment filed April 20, 1961, requests deletion of the Arnott-Ramsey (NCT-A) Lease located in the Jalmat Gas Pool. The letter agreement releasing this acreage, concurrently filed, was accepted as notice of cancellation and designated as Supplement No. 22 to Gulf's FPC Gas Rate Schedule No. 15.

The amendment filed December 29, 1961, requests deletion of the Bell & Bell State and the J. W. Smith Leases (down to and including the Queen Zone) located in the Eumont Gas Pool, Lea County, New Mexico. The letter agreement releasing this acreage, concurrently filed as part of Gulf's notice of cancellation of this portion of its basic contract with Purchaser, is designated as Supplement No. 25 to Gulf's FPC Gas Rate Schedule No. 15.

Each of the subject applications for amendment states that the producing pressures of the wells on the acreages specified have declined to the extent that the gas available no longer meets the contract requirements for delivery to Purchaser, resulting in the related mutual agreements between Gulf and Purchaser for the release of the subject acreages from the whole dedication under the basic contract.

Protests, petitions to intervene or requests for hearing on these matters may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 31, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10324; Filed, Oct. 16, 1962; 8:46 a.m.]

[Docket No. G-19888 etc.]

PRODUCING PROPERTIES, INC., ET AL.

Order Substituting Respondent, Redesignating Proceedings, and Accepting Successor's Corporate Undertaking

OCTOBER 10, 1962.

Producing Properties, Inc., (Operator), et al. (formerly Shoreline Petroleum Corporation (Operator) et al, Docket Nos. G-19888, RI60-348, and RI61-79; Producing Properties, Inc., et al. (formerly Shoreline Petroleum Corporation, et al, G-19902 and RI60-347.

On August 25, 1961, Producing Properties, Inc. (Producing Properties) and Shoreline Petroleum Corporation (Shoreline) filed joint motions to substitute Producing Properties for Shoreline in the above-designated proceedings. Concurrent with such motions, Producing Properties filed a corporate agreement and undertaking assuming all obligations to make refunds arising on or after the proposed increased rates became effective, subject to refund, in the above-designated proceedings. Producing Properties and Shoreline, in support of the motions to substitute, state that Producing Properties has acquired all of Shoreline's interest in the assets, properties and contracts covered by Shoreline's FPC Gas Rate Schedules Nos. 2, 11, and 21, to which the above-designated proceedings relate.[1]

Concurrently with the filing of the joint motions to substitute, Producing Properties filed its Certificate of Adoption of Rate Schedules (notices of succession) covering Shoreline's FPC Gas Rate Schedules Nos. 2, 11, and 21. By letter dated October 27, 1961, the adoption was accepted for filing to be effective as of July 15, 1961, and Shoreline's FPC Gas Rate Schedules Nos. 2, 11, and 21 were redesignated as Producing Properties FPC Gas Rate Schedules Nos. 34, 42, and 51 respectively.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Producing Properties be substituted for Shoreline as Respondent in the above-designated proceedings, that the proceedings be redesignated accordingly, and that the agreement and undertaking filed by Producing Properties assuming the obligations heretofore undertaken by Shoreline, in said proceedings, be accepted for filing in lieu of the undertakings previously filed by Shoreline.

The Commission orders:

(A) Producing Properties, Inc., is hereby substituted for Shoreline Petroleum Corporation as Respondent in the proceedings in Docket Nos. G-19888, G-19902, RI60-347, RI60-348, and RI61-79, and said proceedings are redesignated accordingly.

(B) The agreement and undertaking filed by Producing Properties, Inc. on August 25, 1961, assuming all of Shoreline Petroleum Corporation's obligations to make refunds arising on or after the proposed increased rates became effective subject to refund in Docket Nos. G-19888, G-19902, RI60-347, RI60-348, and RI61-79, is accepted for filing.

(C) Producing Properties, Inc. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking assuming the refund obligations in Docket Nos. G-19888, G-19902, RI60-347, RI60-348 and RI61-79 shall remain in full force and effect until discharged by the Commission.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10325; Filed, Oct. 16, 1962; 8:46 a.m.]

[Docket Nos. RI63-91 etc.]

SUNRAY DX OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Accepting and Permitting Proposed Rate Filing To Become Effective [1]

OCTOBER 10, 1962.

Sunray DX Oil Company, Docket No. RI63-91; The Atlantic Refining Company, (Operator), et al., Docket No. RI63-92; The Atlantic Refining Company, Docket No. RI63-93; Humble Oil & Refining Company, Docket No. RI63-94; Humble Oil & Refining Company, (Operator), et al., Docket No. RI63-95; Hiawatha Oil and Gas Company, Docket No. RI63-96; Mayfair Minerals, Inc., Docket No. RI63-97; Dorothy Hewit Blakeney, et al., Docket No. RI63-98; Hunt Oil Company, Docket No. RI63-99; Hidalgo Gas Production Corporation, Docket No. RI63-100; Preston Oil Company, Docket No. RI63-101; Barnwell Drilling Company, Inc., Docket No. RI63-102; McAlester Fuel Company, Docket No. RI63-103; Hassie Hunt Trust, Docket No. RI63-104; Hunt Oil Company (Operator), et al., Docket No. RI63-105; Sohio Petroleum Company, Docket No. RI63-106.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] Rate Schedule No. 2 relates to Docket Nos. G-19002 and RI60-347; Rate Schedule No. 11 relates to Docket Nos. G-19888 and RI60-348; and Rate Schedule No. 21 relates to Docket No. RI61-79.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI63-91	Sunray DX Oil Co., P.O. Box 2039, Tulsa 2, Okla.	122	13	Texas Eastern Transmission Corp. (Greenwood Waskon Field, Caddo Parish, La.).	964	9-12-62	[11] 1-1-62	4-1-63	16.4161	[2] [3] 16.6212	RI62-30
	Sunray DX Oil Co.	126	10	Texas Eastern Transmission Corp. (Bethany Longstreet Field, DeSoto Parish, La.).	198	9-13-62	[11] 1-1-62	4-1-63	16.4161	[2] [3] 16.6212	RI62-55
	do	127	11	do	132	9-12-62	[11] 1-1-62	4-1-63	16.4161	[2] [3] 16.6212	RI62-55
	do	132	10	United Fuel Gas Co. (Cole's Gully Field, Acadia Parish, La.).	664	9-12-62	[11] 1-1-62	4-1-63	20.3	[2] [3] 20.7	RI62-32
	do	178	5	United Fuel Gas Co. (Valentine Field, LaFourche Parish, La.).	1,131	9-12-62	[11] 1-1-62	4-1-63	20.3	[2] [3] 20.7	RI62-32
RI63-92	The Atlantic Refining Co. (Operator), et al., P.O. Box 2819, Dallas 21, Tex.	63	15	United Fuel Gas Co. (Midland Estherwood Field, Acadia Parish, La.).	32,051	9-11-62	[11] 1-1-62	4-1-63	20.3	[2] [3] 20.7	RI62-78
RI63-93	The Atlantic Refining Co.	166	11	United Fuel Gas Co. (Bourg Field, Terrebonne and LaFourche Parish, La.).	46	9-11-62	[11] 1-1-62	4-1-63	20.3	[2] [3] 20.7	RI62-77
RI63-94	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	24	12	United Fuel Gas Co. (Cameron Meadows Field, Cameron Parish, La.).	10,873	9-14-62	[11] 1-1-62	4-1-63	20.3	[2] [3] 20.7	RI62-82
	Humble Oil & Refining Co.	26	12	United Fuel Gas Co. (Ellis Field, Acadia Parish, La.).	900	9-14-62	[11] 1-1-62	4-1-63	20.3	[2] [3] 20.7	RI62-82
	do	26	12	United Fuel Gas Co. (Avery Island Field, Iberia Parish, La.).	8,281	9-14-62	[11] 1-1-62	4-1-63	20.3	[2] [3] 20.7	RI62-82
RI63-94	do	185	6	United Fuel Gas Co. (Florence Field, Vermillion Parish, La.).	10,692	9-14-62	[11] 1-1-62	4-1-63	20.3	[2] [3] 20.7	RI62-82
	do	145	4	United Fuel Gas Co. (Go-Around Bayou Field, Cameron Parish, La.).	1,812	9-13-62	[11] 1-1-62	4-1-63	20.3	[2] [3] 20.7	RI62-82
	do	151	3	Texas Eastern Transmission Corp. (Southeast Joaquin Field, Shelby County, Tex.) (R.R. District No. 6).	145	9-13-62	[11] 1-1-62	4-1-63	15.2	[2] [4] 15.4	RI62-102
RI63-95	Humble Oil & Refining Co. (Operator) et al.	166	3	United Fuel Gas Co. (Caleasieu Pass Field, Cameron Parish, La.).	2,459	9-13-62	[11] 1-1-62	4-1-63	20.3	[2] [3] 20.7	RI62-83
RI63-96	Hiawatha Oil and Gas Co., Benedum-Trees Bldg., Pittsburgh 22, Pa.	6	9	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.).	79	9-17-62	[11] 1-1-62	4-1-63	16.5411	[2] [3] 16.7462	RI62-129
RI63-97	Mayfair Minerals, Inc., P.O. Box 940, McAllen, Tex.	2	6	Texas Eastern Transmission Corp. (Hidalgo Field, Hidalgo County, Tex.) (R.R. District No. 4).	1,320	9-10-62	[11] 1-1-62	4-1-63	15.2	[2] [4] 15.4	RI62-74
RI63-98	Dorothy Hewit Blakeney, et al., Beeville, Tex.	1	[7]	Tennessee Gas Transmission Co.		9-11-62	[10] 12-12-62		11.02818	([6])	
		1	8	(Roche Field, Refugio County, Tex.) (R.R. District No. 2).	9,975	9-11-62	[10] 12-12-62	3-12-63	11.02818	[6] [8] 15.33333	
RI63-99	Hunt Oil Co., 700 Mercantile Bank Bldg., Dallas 1, Tex.	35	6	Texas Eastern Transmission Corp. (South Nome Field, Jefferson County, Tex.) (R.R. District No. 3).	301	9-19-62	[11] 1-1-62	4-1-63	15.2	[2] [4] 15.4	RI62-143
	Hunt Oil Co.	38	7	Texas Eastern Transmission Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. District No. 6).	166	9-19-62	[11] 1-1-62	4-1-63	14.5252	[2] [4] 14.7284	
RI63-100	Hidalgo Gas Production Corp., 700 Mercantile Bank Bldg., Dallas 1, Tex.	1	6	Texas Eastern Transmission Corp. (Mercedes Field, Hidalgo County, Tex.) (R.R. District No. 4).	781	9-19-62	[11] 1-1-72	4-1-63	15.2	[2] [4] 15.4	RI62-138
	Hidalgo Gas Production Corp.	2	6	Texas Eastern Transmission Corp. (Agua Dulce Field, Nueces County, Tex.) (R.R. District No. 4).	272	9-19-62	[11] 1-1-62	4-1-63	15.2	[2] [4] 15.4	RI62-138
RI63-101	Preston Oil Co., P.O. Box 2319, Columbus 16, Ohio.	27	1	United Fuel Gas Co., (North Crowley Field, Acadia Parish, La.).	5,840	9-20-62	[1] 1-1-62	4-1-63	20.3	[2] [3] 20.7	
RI63-102	Barnwell Drilling Co., Inc., Beck Bldg., Shreveport, La.	1	9	Texas Eastern Transmission Corp. (Fort Lynn Field, Miller County, Ark.).[9]	790	9-13-62	[11] 1-1-62	4-1-63	[9] [10] [11] 14.43125	[2] [4] [9] [10] [11] 14.63125	
RI63-103	McAlester Fuel Co., P.O. Box 210, Magnolia, Ark.	3	7	do.[9]	200	9-21-62	[1] 1-1-62	4-1-63	[10] [11] 14.475	[2] [4] [10] [11] 14.675	RI62-300
RI63-104	Hassie Hunt Trust, 700 Mercantile Bank Bldg., Dallas 1, Tex.	4	17	Texas Eastern Transmission Corp. (Lisbon Field, Claiborne Parish, La.).	1,881	9-19-62	[11] 1-1-62	4-1-63	16.4161	[2] [3] 16.6212	RI62-141
RI63-105	Hunt Oil Co. (Operator), et al.	28	11	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.).	2,664	9-19-62	[11] 1-1-62	4-1-63	16.4161	[2] [3] 16.6212	RI62-142
RI63-106	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla., Attn: Mr. R. F. Remmers.	35	10	do	60	9-24-62	[11] 1-1-62	4-1-63	16.4161	[2] [3] 16.6212	RI62-263

[1] The stated effective date is the effective date proposed by respondent.
[2] Periodic rate increase.
[3] Pressure base is 15.025 psia.
[4] Pressure base is 14.65 psia.
[5] The stated effective date is the first day after expiration of the required statutory notice.
[6] Redetermined rate increase.
[7] Amendment which establishes that price redetermination must be completed at least 6 months, instead of 3 months, prior to the beginning, of period for which redetermination is desired.
[8] Adjacent to Texas R.R. District No. 6. There is no established ceiling for increased rates for gas sold in Arkansas.
[9] Barnwell shows 0.5 cents per Mcf for amortization and gathering deducted by buyer, but contract does not so provide, and delivery is at buyer's main transmission line.
[10] Subject to downward Btu adjustment for gas containing less than 1000 Btu per cu. ft.
[11] Includes 0.13125 cent per Mcf Arkansas Severance Tax Reimbursement.
[12] Includes Tax Reimbursement of 0.175 cent per Mcf (Arkansas Severance Tax and Conservation Assessment).

As no certificate authorization is required in conjunction with the amendment to the basic gas sales contract of Dorothy Hewit Blakeney, et al., (Blakeney), which changes the period for concluding price determination by arbitration from three months to six months prior to the beginning of such redetermination, it appears that such amendment should be accepted for filing and permitted to become effective as of October 12, 1962, upon expiration of the statutory notice.

All of the proposed increased rates listed herein exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56)[2]

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The contract amendment of Dorothy Hewit Blakeney, et al., designated as Supplement No. 7 to Blakeney's FPC Gas Rate Schedule No. 1, should be accepted for filing and permitted to become effective as of October 12, 1962.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 7 to Blakeney's FPC Gas Rate Schedule No. 1 is hereby accepted for filing and permitted to take effect as of October 12, 1962.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before November 26, 1962.

By the Commission, Commissioner O'Connor did not participate in the suspension of the filing of Preston Oil Company in Docket No. RI63–101.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–10328; Filed, Oct. 16, 1962; 8:47 a.m.]

[2] This statement does not apply to the proposed rates of Barnwell and McAlester because there is no established ceiling for increased rates for gas sold in Arkansas.

[Docket No. CI62–1037]

SHELL OIL CO.

Notice of Postponement of Hearing

OCTOBER 10, 1962.

Take notice that the hearing in the above-docketed proceeding heretofore scheduled to commence on October 22, 1962, by notice issued September 7, 1962, and published in the FEDERAL REGISTER on September 14, 1962 (27 F.R. 9161) be and hereby is postponed to a date to be fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–10326; Filed, Oct. 16, 1962; 8:46 a.m.]

[Docket No. RI63–90]

SUNRAY DX OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate and Allowing Increased Rate To Become Effective

OCTOBER 10, 1962.

On September 10, 1962, Sunray DX Oil Company [1] (Sunray) [2] tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The sale is made at a pressure base of 14.65 psia. The proposed change is designated as follows:

Description: Notice of change, dated September 6, 1962.

Purchaser: United Gas Pipe Line Company (United).

Producing area: Burnell Field, Bee and Harnes Counties, Texas (R.R. Dist. No. 2).

Rate schedule designation: Supplement No. 9 to Sunray's FPC Gas Rate. Schedule No. 22.

Proposed rate: 14.0¢ per Mcf.[3]

Effective rate: 9.72288 cents per Mcf.

Annual increase: $1,422.

Effective date: October 11, 1962. (Stated effective date is the first day after expiration of thirty days' notice.)

Sunray's proposed increased rate of 14.0 cents per Mcf does not exceed the applicable area price level as set forth in the Commission's Statement of General Policy No. 61–1, and the amendments thereto. The 14.23-cent per Mcf rate provided in the contract, however, would exceed the applicable area price level. Had Sunray's instant filing been accompanied by a waiver of the right to file for a 14.23-cent rate or a contractual amendment substituting the 14.0-cent rate in place of the 14.23-cent rate, we would not suspend Sunray's 14.0-cent rate filing. But, in the absence of such assurance and in view of United's position that the filing is prohibited under section 4(d) of the Act, we conclude that Sunray's filing should be suspended for one day, as hereinafter ordered.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the Commission enter upon hearing concerning the lawfulness of the changed rate proposed by Sunray and that Supplement No. 9 to Sunray's FPC Gas Rate Schedule No. 22 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearing shall be held upon the date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement.

(B) Pending hearing and decision thereon, Supplement No. 9 to Sunray's FPC Gas Rate Schedule No. 22 is hereby suspended and the use thereof deferred until October 12, 1962, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That said supplement shall become effective subject to refund on October 12, 1962 if within 20 days from the date of issuance of this order Sunray shall execute and file in the above-entitled proceeding with the Secretary of the Commission its agreement and under taking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon the purchaser under the rate schedule involved. Unless Sunray is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before November 26, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–10327; Filed, Oct. 16, 1962; 8:47 a.m.]

[1] Formerly Sunray Mid-Continent Oil Company.

[2] Address is: P.O. Box 2039, Tulsa 2, Oklahoma.

[3] Rate increase is based on redetermination price, but Sunray did not file for the 14.23 cents per rate (plus tax reimbursement) permitted pursuant to United's letter agreement dated July 31, 1962. United on September 26, 1962, filed a protest claiming that Sunray's filing is prohibited under section 4(d) of the Act because Sunray's proposed rate has not been "agreed-upon" by Sunray and United.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4066]

AMERICAN NATURAL GAS CO.

Notice of Proposed Issuance and Sale of Installment Promissory Note to Bank

OCTOBER 11, 1962.

Notice is hereby given that American Natural Gas Company ("American Natural"), Suite 4950, 30 Rockefeller Plaza, New York 20, New York, a registered holding company, has filed a declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 7 of the Act and Rule 50(a)(2) thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

American Natural proposes to issue and sell to First National City Bank, New York ("First National") an installment promissory note in the face amount of $6,000,000. The note is to be dated November 5, 1962, is to bear interest at the prime rate of First National on such date (currently 4½ percent) and is to mature in the amounts of $2,000,000 on November 5, 1963, and $4,000,000 on November 5, 1964. The note is to be unsecured but will contain a negative pledge clause under which American Natural, should it secure any indebtedness by the pledge of any securities of its subsidiaries, will be obligated to secure the proposed note ratably with such other indebtedness. There is no commitment fee, and the note may be prepaid at any time without penalty.

The proceeds from the borrowing, together with $2,000,000 of treasury funds, will be used to retire a remaining balance of $8,000,000 of notes due banks and issued on November 5, 1954, to retire collateral trust notes of American Natural then outstanding.

The estimated expenses incident to the proposed transaction aggregate $1,000 and consist of a legal fee of $500 and miscellaneous expense of $500.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 29, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–10338; Filed, Oct. 16, 1962; 8:50 a.m.]

[File No. 70–4081]

WEST PENN POWER CO.

Notice of Filing Regarding Issuance and Sale of First Mortgage Bonds

OCTOBER 11, 1962.

Notice is hereby given that West Penn Power Company ("West Penn"), Cabin Hill, Greensburg, Pennsylvania, an exempt holding company and also a public-utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed with this Commission an application, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application on file at the office of this Commission for a statement of the transactions, therein proposed, which are summarized as follows:

West Penn proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, $14,000,000 principal amount of First Mortgage Bonds, Series T, -- percent, due November 1, 1992. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to the company for the bonds (which shall be not less than the principal amount nor more than 102¾ percent thereof) will be determined by the competitive bidding. The bonds will be issued under the Mortgage and Deed of Trust dated March 1, 1916, between the company and The Chase Manhattan Bank, as Trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture, dated November 1, 1962.

The net proceeds from the sale of the bonds, together with other funds, will be used for the redemption on December 1, 1962, of $14,000,000 principal amount of outstanding First Mortgage Bonds, Series R, 5⅛ percent, due June 1, 1989, at the redemption price of 106.33 percent of principal amount.

The fees and expenses to be incurred by West Penn in connection with the proposed transactions are estimated to aggregate $54,000, and consist of Federal issue stamp taxes of $15,400, legal fees of $10,500, Trustee's fees and expenses $7,150, printing expenses $15,000, accountant's fees $2,000, registration fee $1,456, blue sky fees and expenses $1,000, and miscellaneous expenses of $1,494. The fee of independent counsel for the underwriters, to be paid by the purchaser of the bonds, is estimated at $6,500.

The application states that registration by the Pennsylvania Public Utility Commission of a securities certificate with respect to the bonds is required for their issue and sale, that such a securities certificate has been filed with that Commission, and that a copy of the securities certificate and the order of that Commission will be supplied by amendment.

Notice is further given that any interested person may, not later than October 29, 1962, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for the request, and the issues of fact or law, if any, raised by the application which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit, or, in case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the application, as it may be amended, may be granted, as provided by Rule 23 of the general rules and regulations promulgated under the Act; or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–10339; Filed, Oct. 16, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 704]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 12, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 65069. By order of October 8, 1962, the Transfer Board approved the transfer to D. L. M. Company, Incorporated, 921 West 80th Street, Minneapolis, Minn., of Certificate No. MC 119079, issued September 23, 1960, to Daryl D. Swanson and Ludwig O. Swanson, doing business as D. L. M. Company, 4301 West 70th Street, Minneapolis, Minn., authorizing the transportation of: Aggregate, except sand and gravel, from points in Hennepin County, Minn., to specified points in Wisconsin; silica sand, from Portage and Berlin, Wis., to points in Scott County, Minn., trap rock, from Dresser, Wis., to points in Hennepin, Ramsey, Dakota, Scott, Carver, and Washington Counties, Minn., and limestone, from Linwood, Iowa, and Kenosha, Manitowoc, Milwaukee, Racine, and Sparta, Wis., to points in Hennepin and Scott Counties, Minn.

No. MC–FC 65106. By order of October 9, 1962, the Transfer Board approved the transfer to Edward H. Dudley, Roland C. Dudley, and Marvin D. Dudley, a partnership, doing business as Dudley Transfer, Lincoln, Nebr., of Certificate No. MC 2283 issued January 9, 1961, to Randolph A. Sherwood, doing business as Sherwood's Van Lines, San Antonio, Tex., authorizing the transportation of household goods, over irregular routes, between points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Nebraska, Ohio, Oklahoma, Tennessee, and Texas. R. E. Powell, 1005 Terminal Building, Lincoln 8, Nebr., attorney for transferee. Randolph A. Sherwood, 422 Chestnut Street, San Antonio 2, Tex., for transferor.

No. MC–FC 65230. By order of October 9, 1962, the Transfer Board approved the transfer to V. F. Warner & Son, Inc., 706 Anthony Drive, Champaign, Ill., of Certificates Nos. MC 60076, issued April 14, 1958, and MC 60076 Sub-16, issued September 22, 1961, to Vern F. Warner and Clifford V. Warner, a partnership, doing business as V. F. Warner and Son, 706 Anthony Drive, Champaign, Ill., authorizing the transportation, over irregular routes, of coal, washing machines and washing-machine parts, bleachers, bleacher seats, academic caps and gowns, seed corn, household goods, basketball backstops, materials, component parts thereof, and the equipment to install and operate such backstops, and materials used in the construction of bleachers and basketball backstops, and component parts thereof, from, to, and between all points in United States (except Alaska and Hawaii), varying with the commodities transported.

No. MC–FC 65299. By order of October 9, 1962, the Transfer Board approved the transfer to William Stanko and Louis D. Sobers, doing business as Sober's Transfer & Storage, Pittsburgh, Pa., of Certificate No. MC 74693, issued October 23, 1956, to Louis E. Sobers, doing business as Sober's Transfer, Pittsburgh, Pa., authorizing the transportation of: Household goods, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, New York, Maryland, New Jersey, Delaware, and the District of Columbia; and household goods as defined, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Indiana, Michigan, Illinois, and Virginia. Edward M. Larkin, 1221 Grant Building, Pittsburgh 19, Pa., attorney for applicants.

No. MC–FC 65303. By order of October 9, 1962, the Transfer Board approved the transfer to Beer Transit, Inc., Hartland, Wis., of a portion of the operating rights in Certificate No. MC 114417, issued March 24, 1954, and the entire operating rights in Certificate No. MC 114417 Sub 4, issued July 2, 1954, to Edward C. Stoffiet and Robert A. Stoffiet, a partnership, doing business as Red Arrow Express, Milwaukee, Wis., authorizing the transportation of: Insulation materials, (1) from Dousman and Woodland, Wis., to points in Illinois, Indiana, Iowa, Michigan, and Missouri (except from Woodland to points in the Chicago, Ill., Commercial Zone, as defined by the Commission, those in Illinois on and north of U.S. Highway 30, and Dubuque, Iowa), (2) from Dousman and Woodland, Wis., to points in Minnesota, and (3) from Dousman, Wis., to points in Ohio. Clinton R. Bentley, 31 Goodhue Bank Building, Red Wing, Minn., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–10344; Filed, Oct. 16, 1962; 8:50 a.m.]

[Notice 487]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 12, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 126), filed August 6, 1962. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston 21, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, (1) between points within a 75-mile radius of New Orleans, La., on the one hand, and, on the other, points in the United States including Alaska, and (2) between points within a 75-mile radius of Orange, Tex., on the one hand, and, on the other, points in the United States including Alaska.

NOTE: Common control may be involved.

HEARING: December 10, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James O'D. Moran. This assignment is for applicant's presentation only.

No. MC 10761 (Sub-No. 129), filed October 8, 1962. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and dairy products*, from Fort Worth, Tex., to points in Maine, New Hampshire, and Vermont, and *damaged and refused shipments*, on return.

HEARING: October 24, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Samuel C. Shoup.

No. MC 19778 (Sub-No. 50), filed August 10, 1962. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 516 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Platte, S. Dak., to the construction site of the Platte Bridge over the Missouri River near Academy, S. Dak., on traffic having an immediately prior movement by rail, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: November 20, 1962, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 230.

No. MC 29988 (Sub-No. 86), filed June 20, 1962. Applicant: DENVER CHICAGO TRUCKING COMPANY, INC., 45th Avenue, at Jackson Street, Denver, Colo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives) serving Carol Stream, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: November 29, 1962, at The Palmer House, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 45657 (Sub-No. 29), filed June 21, 1962. Applicant: PIC-WALSH FREIGHT CO., a corporation, 731 Campbell Avenue, St. Louis, Mo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Carol Stream, Ill. (in Milton Township, Du Page County, on Illinois Highway 64, near Wheaton), as an off-route point in connection with carrier's authorized regular-route operations to and from Chicago, Ill.

HEARING: November 29, 1962, at The Palmer House, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 52054 (Sub-No. 21), filed June 6, 1962. Applicant: S & C TRANSPORT COMPANY, INC., 65 State Street, South Hutchinson, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, ingredients thereof*, and *mineral mixtures*, from Wichita, Kans., to points in New Mexico, Arkansas, Oklahoma, and points in Cochran, Bailey, Randall, Roberts, Crosby, Swicher, Potter, Sherman, Wichita, Lubbock, Castro, Oldham, Dallam, Cottle, Hall, Gray, Ochiltree, Yoakum, Dickens, Briscoe, Carson, Hansford, Floyd, Collinsworth, Hartley, Foard, Kent, Terry, Motley, Childress, Wheeler, Lipscomb, Lamb, Armstrong, Hutchinson, Wilbarger, Lynn, Hale, Donley, Moore, Hockley, Parmer, Deaf Smith, Hemphill, Hardeman, and Garza Counties, Tex.

HEARING: December 17, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner Samuel Horwich.

No. MC 52110 (Sub-No. 75), filed July 5, 1962. Applicant: BRADY MOTOR-FRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Carol Stream, Ill., to points in Iowa, Topeka, and Wichita, Kans., Albert Lea, Rochester, Minneapolis, St. Paul, Chemolite Siding, Minn., Kansas City, St. Joseph, and St. Louis, Mo., Omaha, Lincoln, and South Sioux City, Nebr., and Canton, Yankton, and Sioux Falls, S. Dak.

NOTE: Common control may be involved.

HEARING: November 30, 1962, at the Palmer House, Chicago, Ill., before Examiner Walter R. Lee.

No. MC 52458 (Sub-No. 168), filed September 13, 1962. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., U.S. Route No. 9, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1700 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid (molten) sulphur*, in bulk, in tank vehicles, from Wellsville, Ohio, to points in that part of Pennsylvania on and west of U.S. Highway 15, and Luke, Md.

HEARING: November 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 52932 (Sub-No. 6), filed September 20, 1962. Applicant: NORTH PENN TRANSFER, INC., Box 230, Lansdale, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flower pots and flower-pot saucers*, from North Wales, Pa., to points in Connecticut, Delaware (except points in New Castle County), Maryland (except Baltimore), New York (except points in the New York, N.Y., Commercial Zone, as defined by the Commission), and Virginia, and *empty containers* used in transporting the above-specified commodities, on return.

NOTE: Applicant states duplicating authority is to be cancelled.

HEARING: November 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 70451 (Sub-No. 238), filed June 21, 1962. Applicant: WATSON-WILSON TRANSPORTATION SYSTEM, INC., 1910 South Harney Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment because of unusual size or weight), serving Carol Stream, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: November 29, 1962, at the Palmer House, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 71305 (Sub-No. 2), filed October 11, 1962. Applicant: FULLERTON TRANSFER AND STORAGE LIMITED, INC., 1122 East Midlothian Boulevard, Youngstown, Ohio. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Sharon, Pa., and points in the Sharon, Pa., Commercial Zone, to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Virginia, West Virginia, and Tennessee, and *empty containers and pallets*, on return.

HEARING: October 29, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner James A. McKiel.

No. MC 92983 (Sub-No. 409), filed August 20, 1962. Applicant: ELDON MILLER, INC., P.O. Box 232, 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugars and syrups*, in bulk, in tank vehicles, from Ottawa, Kans., to points in Colorado, Missouri, and Nebraska.

HEARING: December 3, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Samuel Horwich.

No. MC 94265 (Sub-No. 90), filed September 14, 1962. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388—Thomas Corne R. Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Kansas City, Kans., to points in Virginia, Maryland, and West Virginia.

HEARING: November 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 95540 (Sub-No. 421), filed April 19, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses as Defined by the Commission*, from St. Louis, Mo., to points in Alabama, Georgia, and Virginia.

NOTE: Common control may be involved.

HEARING: November 29, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Samuel Horwich.

No. MC 95540 (Sub-No. 447), filed July 27, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh fruits and vegetables, chilled fruits, juices and salads, frozen fruits, frozen berries, frozen vegetables, frozen fruit juices, and frozen concentrates*, in mixed loads with canned and processed citrus fruits and juices, from points in Florida, to points in Arkansas, Colorado, Louisiana, Minnesota, North Dakota, South Dakota, Texas, and Wisconsin.

NOTE: Common control may be involved.

HEARING: November 5, 1962, at the Angebilt Hotel, Orlando, Fla., before Examiner Abraham J. Essrick.

No. MC 95540 (Sub-No. 469), filed September 29, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Road, Thomasville, Ga. Applicant's attorney: Duane W. Acklie, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Hawarden, Iowa, and points within (5) five miles thereof, to points in California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, West Virginia, and Washington.

HEARING: November 5, 1962, at the Sheraton-Warrior Hotel, Sioux City, Iowa, before Examiner Hugh M. Nicholson.

No. MC 103490 (Sub-No. 53), filed October 5, 1962. Applicant: PROVAN PETROLEUM TRANSPORTATION COMPANY, INC., 210 Mill Street, Newburgh, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement and mortar*, in bulk and in bags, from the plant site of Atlantic Cement Co., at or near Ravena, N.Y., to points in New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, and New Hampshire, and *rejected, returned or damaged shipments*, on return.

HEARING: November 12, 1962, at 346 Broadway, New York, N.Y., before Examiner Richard A. White.

No. MC 105813 (Sub-No. 78), filed October 4, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, (1) from Madison, S. Dak., to points in Florida, and (2) from Madison and Sioux Falls, S. Dak., to points in Tennessee, North Carolina, South Carolina, and Alabama.

NOTE: Common control may be involved.

HEARING: November 7, 1962, at the U.S. Court Rooms, Sioux Falls, S. Dak., before Examiner Hugh M. Nicholson.

No. MC 106398 (Sub-No. 200), filed June 11, 1962. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Applicant's attorney: Wm. R. Privitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Missouri (except Linden, Kansas City, Carrollton, Springfield, Nevada, and Neosho, Mo.), to points in the United States, including Alaska (but excluding Hawaii); and (2) *campers and camper coaches*, in initial movements, in truckaway service, from points in Missouri, to points in the United States, including Alaska, (but excluding Hawaii), and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (1) and (2) above, on return.

HEARING: December 6, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Samuel Horwich.

No. MC 106965 (Sub-No. 191), filed September 14, 1962. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, a corporation, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, (1) from the plant site of Standard Lime and Cement Co., a division of Martin-Marietta Corp., Baltimore, Md., to points in Maryland, Delaware, District of Columbia, and points in Virginia on and east of U.S. Highway 11 and on and north of U.S. Highway 60, and points in Adams, Chester, Delaware, Lancaster, and York Counties, Pa., and (2) from the plant site of Standard Lime and Cement Co., a division of Martin-Marietta Corp., Washington, D.C., to points in Maryland, Delaware, District of Columbia, and points in Virginia on and east of U.S. Highway 11 and on and north of U.S. Highway 60, and points in Adams, Chester, Delaware, Lancaster and York Counties, Pa.

NOTE: Common control may be involved.

HEARING: November 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 107107 (Sub-No. 214) (AMENDMENT), filed May 14, 1962, published in FEDERAL REGISTER of October 10, 1962, amended September 26, 1962, and republished, as amended, this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: H. R. Marlane (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations*, in vehicles equipped with mechanical refrigeration, from points in the Chicago, Ill., Commercial Zone, to points in Florida and Georgia.

NOTE: The purpose of this republication is to add the state of Georgia as a destination state.

HEARING: Remains as assigned December 3, 1962, at the Palmer House, Chicago, Ill., before Examiner Warren C. White.

No. MC 108207 (Sub-No. 100), filed August 23, 1962. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Mobile, Ala., to Topeka, Kans.

HEARING: December 14, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Examiner Samuel Horwich.

No. MC 108435 (Sub-No. 16), filed July 17, 1962. Applicant: OSCAR C. RADKE, doing business as RADKE TRANSIT, Schofield, Wis. Applicant's attorney: Richard E. Kossow, Midland Bank Building, Minneapolis 1, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboard, fibrous-felted (fibreboard)*, from Phillips, Wis., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, and Tennessee, and *damaged or rejected material*, on return, and (2) *supplies for manufacturing and packaging hardboard* from points in Illinois and Ohio to Phillips, Wis.

HEARING: December 12, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Walter R. Lee.

No. MC 110012 (Sub-No. 9), filed September 25, 1962. Applicant: G. B. C., INC., P.O. Box 68, Morristown, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Particle board*, from points in Hamblen County, Tenn., to points in all the states east of the Mississippi River and the District of Columbia; and (b) *lumber*, from points in Pennsylvania, New York, Georgia, North Carolina, South Carolina, Virginia, Indiana, Illinois, Ohio, West Virginia, Tennessee, Louisiana, Kentucky, Alabama, Vermont, to points in Hamblen and Cocke Counties, Tenn.

HEARING: November 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Theodore M. Tahan.

No. MC 111375 (Sub-No. 7), filed May 18, 1962. Applicant: OTTO PIRKLE, doing business as PIRKLE REFRIGERATED FREIGHT LINES, 3567 East Barnard Avenue, Cudahy, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Dairy products*, as described in section "B" of Appendix I, to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, (1) from points in Wisconsin, Lincoln, Ill., Rochester, Ind., Fairbault, New Ulm and Stillwater, Minn., Delevan, Lowville, New York, Rochester, and Syracuse, N.Y., and Van Wert, Ohio, to points in California, Idaho, Montana, Oregon, and Washington, Phoenix and Tucson, Ariz., Albuquerque, N. Mex., Las Vegas and Reno, Nev., Denver, Colo., Tulsa and Oklahoma City, Okla., El Paso, Tex., and Salt Lake City, Utah; (2) from points in Wisconsin to Akron and Cleveland, Ohio, points in New York, New Jersey, Massachusetts, Rhode Island, and Connecticut, and Pittsburgh and Philadelphia, Pa. (B) *Canned cream* from Menominee, Wis., to Phoenix and Tucson, Ariz., Las Vegas and Reno, Nev., Salt Lake City, Utah, Albuquerque, N. Mex., Denver, Colo., Tulsa and Oklahoma City, Okla., El Paso, Tex., and points in California, Idaho, Montana, Oregon, and Washington.

NOTE: Applicant states that the authority requested in (1) above duplicates to some extent authority now held under Subs 1, 2, 4, and 5; and that revocation of any duplicating authority will be requested if the authority requested in (1) above "is granted in whole or in part."

HEARING: December 3, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Walter R. Lee.

No. MC 112020 (Sub-No. 166) (AMENDMENT), filed July 16, 1962, published FEDERAL REGISTER issue of October 3, 1962, amended September 26, 1962, republished as amended, October 10, 1962, and further amended and republished, this issue. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt*, in bulk, from points in Harris County, Tex., to points in Arkansas, Oklahoma, and Louisiana, (2) *drilling mud*, in bulk, from points in Harris County, Tex., to points in Arkansas, Oklahoma, Louisiana, and Mississippi, (3) *drilling mud*, in bulk, which originates at Harris County, Tex., and is stopped in transit for processing at New Orleans, La., and reshipped from New Orleans, La., to points in Mississippi and Louisiana, and (4) *used drilling mud*, in bulk, from points in Arkansas, Oklahoma, Louisiana, and Mississippi to points in Harris County, Tex.

NOTE: The purpose of this republication is to add (4).

HEARING: Remains as assigned November 6, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Garland E. Taylor.

No. MC 112020 (Sub-No. 172) (AMENDMENT), filed August 3, 1962, published FEDERAL REGISTER issue of October 3, 1962, amended October 9, 1962 and republished as amended this issue. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Alabama, Louisiana, Texas, and Mississippi.

NOTE: Common control may be involved. The purpose of this republication is to add Mississippi as a destination State.

HEARING: Remains as assigned November 9, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Henry A. Cockrum.

No. MC 112020 (Sub-No. 173), filed August 3, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Arkansas, Oklahoma, Kansas, Nebraska, Iowa, and Illinois.

NOTE: Common control may be involved.

HEARING: December 10, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Samuel Horwich.

No. MC 112020 (Sub-No. 177), filed August 13, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk (1) from Horn, Mo., to points in Arkansas, South Dakota, and Wyoming; (2) from St. Joseph, Mo., to points in Nebraska, Kansas, Colorado, South Dakota, and Wyoming; (3) from Lawrence, Kans., to points in Oklahoma, Colorado, South Dakota, Iowa, and Wyoming; (4) from Muskogee, Okla., to points in Kansas and (5) from East St. Louis, Ill., to points in Iowa, Kansas, and Missouri.

HEARING: December 11, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Samuel Horwich.

No. MC 112617 (Sub-No. 129), filed September 20, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Ringwood, Ill., to points in Kentucky, Tennessee, Louisiana, and Texas, and *rejected shipments*, on return.

HEARING: December 6, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James O'D. Moran.

No. MC 113255 (Sub-No. 36), filed August 13, 1962. Applicant: MILK TRANSPORT, INC., P.O. Box 398, New Bridgton, Minn. Applicant's attorney: Val M. Higgins, First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Belding, Mich., to Chaska and Minneapolis, Minn., and *exempt commodities*, on return.

HEARING: December 10, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Walter R. Lee.

No. MC 113255 (Sub-No. 38), filed August 13, 1962. Applicant: MILK TRANSPORT, INC., P.O. Box 398, New Brighton, Minn. Applicant's attorney: Val M. Higgins, First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from St. Paul, Minn., to points in Iowa, Nebraska, Wisconsin, South Dakota, and Colorado, and *exempt commodities*, on return.

HEARING: December 10, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Walter R. Lee.

No. MC 113310 (Sub-No. 2), filed September 24, 1962. Applicant: C & J TRANSPORT CO., a corporation, 639 East Polk Street, Milwaukee 2, Wis. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Traction engines or tractors, steam or internal combustion, with or without attachments*, from Milwaukee, Wis., to points in Wisconsin, points in Lake, McHenry, Boone, Winnebago, Stephenson, Jo Daviess, Carroll, Ogle, De Kalb, Kane, Cook, Du Page, Kendall, Lee, and Whiteside Counties, Ill., points in Allamakee, Winneshiek, Howard, Mitchell, Worth, Floyd, Chickasaw, Fayette, Clayton, Butler, Bremer, Black Hawk, Buchanan, Delaware, Dubuque, Linn, Jones, Jackson, and Clinton Counties, Iowa, and points in Pine, Kanabec, Mille Lacs, Benton, Isanti, Chisago, Sherburne, Anoka, Washington, Ramsey, Wright, Hennepin, McLeod, Carver, Scott, Dakota, Sibley, Nicollet, Le Sueur, Rice, Goodhue, Wabasha, Blue Earth, Waseca, Steele, Dodge, Olmsted, Winona, Faribault, Freeborn, Mower, Fillmore, and Houston Counties, Minn.

HEARING: December 7, 1962, at the Federal Building, Milwaukee, Wis., before Examiner Walter R. Lee.

No. MC 113666 (Sub-No. 11), filed September 14, 1962. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. Applicant's attorney: James W. Hagar, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated or precut houses*, knocked down or in sections, and *component parts thereof*, and when moving in connection therewith, *material, supplies, accessories, fixtures, and appliances* necessary to the construction, erection and completion of such houses (except commodities requiring special equipment) from the plant site of Main Line Manufacturing Company, in Philadelphia, Pa., to points in Delaware, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Jersey, Tennessee, and Wisconsin. (2) *Materials, supplies, accessories, fixtures* and *appliances*, used in construction, erection, and completion of prefabricated or precut houses, from points in Michigan and Ohio to Philadelphia, Pa.

HEARING: November 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 113666 (Sub-No. 12), filed September 14, 1962. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. Applicant's attorney: James W. Hagar, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea and ammonium nitrate*, from ports of entry on the International boundary line between the United States and Canada in New York on the Niagara River and in

Michigan on the Detroit River to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

HEARING: November 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 114364 (Sub-No. 66), (AMENDED), filed June 18, 1962, published in FEDERAL REGISTER issue of September 26, 1962, republished as amended this issue. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Box 672, Rocky Ford, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages* from Pueblo, Colo., commercial zone to points in Kansas, Oklahoma, Nebraska, New Mexico, Wyoming, Montana, Iowa, on and west of U.S. Highway 59, Missouri on and west of U.S. Highway 65, Spokane, Wash., and Rapid City, S. Dak.; and *empty bottles, kegs* and *containers, or other such incidental facilities* used in transporting the above commodities, on return trips.

NOTE: Applicant states that it is controlled by Earl Bray, Inc. The purpose of this republication is to add Spokane, Wash., as a destination point.

HEARING: Remains as assigned November 1, 1962, at New Customs House, Denver, Colo., before Examiner Laurence E. Masoner.

No. MC 115669 (Sub-No. 32), filed July 30, 1962. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, P.O. Box 95, Clay Center, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soybean products, soybean meal products, animal and poultry feed, animal and poultry feed ingredients, and other related items when shipped with feed and ingredients, such related items as empty bags and other containers, animal and poultry health products, insecticides, pesticides, advertising matter, advertising materials, and premiums*, from Muncie, Kans., to points in Nebraska, Iowa, North Dakota, South Dakota, Montana, Wyoming, Colorado, and Missouri, and (2) *soybeans, soybean meal products, animal and poultry feed ingredients*, from points in Missouri, Iowa, Minnesota, Nebraska, South Dakota, and Colorado, to Muncie, Kans.

HEARING: December 7, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Samuel Horwich.

No. MC 116317 (Sub-No. 21), filed September 17, 1962. Applicant: FEASTER TRUCKING SERVICE, INC., Claflin, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* (except floor tile), (1) between Great Bend, Kanopolis, and Buffalo, Kans., on the one hand, and, on the other, points in that part of New Mexico west of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 85, to Santa Fe, N. Mex., thence northwest along U.S. Highway 84 to junction New Mexico Highway 96, thence south along New Mexico Highway 96 to junction New Mexico Highway 44, thence south along New Mexico Highway 44 to junction U.S. Highway 85, at or near Bernalillo, N. Mex., and thence along U.S. Highway 85 to the New Mexico-Texas State line, and that part of Wyoming west and north of a line beginning at the Wyoming-Colorado State line and extending northwest along U.S. Highway 287, to Muddy Gap, Wyo., thence northeast along Wyoming Highway 220 to Casper, Wyo., and thence east along U.S. Highway 20 to the Wyoming-Nebraska State line, that part of Colorado west of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 287, to Denver, Colo., and thence along U.S. Highway 85 to the Colorado-New Mexico State line, and (2) between Tulsa, Oklahoma City and Clinton, Okla., on the one hand, and, on the other, points in that part of New Mexico west of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 85 to Santa Fe, N. Mex., thence northwest along U.S. Highway 84 to junction New Mexico Highway 96, thence south along New Mexico Highway 96 to junction New Mexico Highway 44, thence south along New Mexico Highway 44 to junction U.S. Highway 85, at or near Bernalillo, N. Mex., and thence along U.S. Highway 85 to the New Mexico-Texas State line, and that part of Wyoming west and north of a line beginning at the Wyoming-Colorado State line and extending northwest along U.S. Highway 287, to Muddy Gap, Wyo., thence northeast along Wyoming Highway 220 to Casper, Wyo., and thence east along U.S. Highway 20 to the Wyoming-Nebraska State line, that part of Colorado west of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 287, to Denver, Colo., and thence along U.S. Highway 85 to the Colorado-New Mexico State line.

NOTE: It is noted that applicant has common carrier authority under MC 117651 (Sub-No. 3), therefor, dual operations may be involved.

HEARING: December 12, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Examiner Samuel Horwich.

No. MC 117119 (Sub-No. 68), filed September 28, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C., and John H. Joyce, 26 North College Avenue, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Council Bluffs, Iowa, to points in Florida, Alabama, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis).

HEARING: November 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 119792 (Sub-No. 5), filed June 4, 1962. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs and toilet preparations, dessert preparations, catalogs and books, hairwaving kits and shampoos, matches, premiums, advertising materials, promotional and display materials*, from Chicago, Ill., to points in Florida.

HEARING: November 28, 1962, at The Palmer House, Chicago, Ill., before Examiner Walter R. Lee.

No. MC 119880 (Sub-No. 6), filed June 7, 1962. Applicant: DRUM TRANSPORT, INC., Box 2056, East Peoria, Ill. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic liquors*, in bulk, in tank vehicles, from Sausalito, Calif., to Pekin, Ill.

HEARING: November 26, 1962, at The Palmer House, Chicago, Ill., before Examiner Walter R. Lee.

No. MC 120543 (Sub-No. 6), filed September 20, 1962. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. 301, North Dade City, Fla. Applicant's attorney: Lawrence D. Fay, 512 Barnett National Bank Building, P.O. Box 1086, Jacksonville 1, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products and canned fruit juices, in mixed shipments with citrus products, frozen, and citrus products not canned and not frozen, in vehicles equipped with mechanical refrigeration*, from points in Florida, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

HEARING: November 12, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner Abraham J. Essrick.

No. MC 123075 (Sub-No. 7), filed July 5, 1962. Applicant: HARVEY D. SHUPE AND HOWARD YOST, doing business as SHUPE & YOST, a partnership, 2721 Eighth Avenue, Greeley, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver 20, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, from St. Joseph, Mo., to points in Colorado, Nebraska, Kansas, and Wyoming, and *salt and salt products, and exempt commodities*, on return.

NOTE: Applicant states the proposed service will be for the account of Schreiber Mills, St. Joseph, Mo.

HEARING: December 5, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Samuel Horwich.

No. MC 124078 (Sub-No. 21), filed June 6, 1962. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James A. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia, fertilizers, liquid fertilizer solutions*, liquid, in bulk, in tank vehicles, from Muscatine, Iowa, and points within five (5) miles thereof, to points in Nebraska, Missouri, Illinois, Indiana, Wisconsin, Minnesota, South Dakota, Kansas, North Dakota, and Iowa.

NOTE: Applicant states it has contract carrier authority involving the transportation of petroleum products under Docket No. MC 113832; it also has common carrier authority involving the transportation of cement, concrete conduit, as well as applications involving other commodities, pending under Docket No. MC 124078. Therefore, dual operations may be involved. Common control may be involved.

HEARING: November 27, 1962, at the Palmer House, Chicago, Ill., before Examiner Walter R. Lee.

No. MC 124432 (Sub-No. 1), filed August 20, 1962. Applicant: ANDY KINDSVATER, P.O. Box 1037, Dodge City, Kans. Applicant's attorney: Arthur L. Claussen, 303 New England Building, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural augers, crop spayers, bale movers and elevators with attachments and accessories*, from Dodge City, Kans., and Compton and Monmouth, Ill., to points in California, Illinois, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Washington, and Wyoming, and *returned and refused commodities* as described above, on return.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate MC 249 and subs; therefore dual operations may be involved.

HEARING: December 13, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Examiner Samuel Horwich.

No. MC 124505 (Sub-No. 1), filed June 18, 1962. Applicant: EUGENE TRIPP, 4624 South Avenue West, Missoula, Mont. Applicant's attorney: Jeremy G. Thane, Western Bank Building, Missoula, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Missoula, Mont., to Sandpoint, Coeur d'Alene, Lewiston, and Idaho Falls, Idaho; Spokane, Moses Lake, Seattle, and Kennewick, Wash.; and Pendleton and Portland, Oreg., and *empty beer containers*, from the above-destination points to Missoula, Mont.

HEARING: November 26, 1962, at Yellowstone County Court House, Billings, Mont., before Examiner Joseph A. Reilly.

No. MC 124596, filed July 30, 1962. Applicant: STANLEY C. MATLOCK, doing business as STAN's SUBURBAN SERVICE, 1250 First Avenue South, Lethbridge, Alberta, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour* (not for human consumption) from ports of entry on the international boundary between United States and Canada located in Montana and Idaho to Eugene, Grants Pass, Coquille, and North Bend, Oreg., and Eureka, Calif.; (2) *agricultural machinery, implements, steel buildings and parts thereof*, from points in California, Kansas, Minnesota, Illinois, Missouri, Idaho, Nebraska, Ohio, Oregon, Oklahoma, South Dakota, Texas, Utah, Washington, and Wisconsin to ports of entry on the international boundary line between United States and Canada located in Idaho and Montana; (3) *agricultural machinery, implements and parts* from ports of entry along the international boundary line between the United States and Canada located in Idaho and Montana to points in North Dakota, Nebraska, Missouri, Kansas, Texas, and Oklahoma; (4) *road construction machinery and equipment* from Portland, Oreg., and Los Angeles, Calif., to ports of entry on the international boundary line between United States and Canada located in Idaho and Montana; and (5) *animal feed supplements and agricultural fertilizer* from Butte and Red Lodge, Mont., to ports of entry on the international boundary between the United States and Canada located in Idaho and Montana.

HEARING: November 27, 1962, at Yellowstone County Court House, Billings, Mont., before Examiner Joseph A. Reilly.

No. MC 124647, filed July 26, 1962. Applicant: FELIX BOUSKA, doing business as FELIX'S GARAGE, 1750 Cass Street, Green Bay, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles and replacement tractors for wrecked and disabled vehicles*, using tow truck and wrecker equipment only in the performance of said service, between points in Brown, Oconto, Door, Kewaunee, Outagamie, Shawano, Waupaca, Winnebago, Manitowoc, Calumet, Waushara, Portage, Green Lake, Marquette, Fond du Lac, Columbia, Washington, Ozaukee, Sheboygan, Milwaukee, Racine, Walworth, Dane, Jefferson, Adams, Juneau, Langlade, Marathon, Florence, and Taylor Counties, Wis., on the one hand, and, on the other, points in Illinois, Indiana, and Michigan.

HEARING: December 6, 1962, at the Federal Building, Milwaukee, Wis., before Examiner Walter R. Lee.

No. MC 124657, filed August 6, 1962. Applicant: MINNESOTA TRUCKING, INC., 3441 New Brighton Road, St. Paul 12, Minn. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene bag making machines and accessories, and equipment and parts moving with such machines*, from the plant site of Schjeldahl Co. at or near Northfield, Minn., to points in New York, Pennsylvania, Massachusetts, Wisconsin, Connecticut, Illinois, Michigan, Ohio, Indiana, New Jersey, Rhode Island, and Maryland, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: December 11, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Walter R. Lee.

No. MC 124715, filed August 13, 1962. Applicant: LEIGH SHOWALTER AND RAY SHOWALTER, doing business as SHOWALTER BROS., 403 South Elm, South Hutchinson, Kans. Applicant's attorney: Leland M. Spurgeon, 1319 Huntoon, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Custom-engineered and manufactured bucket elevators, spouting, legging, hoppers and bins, load-out spouts, distributors, turn-heads, conveying equipment, allied machinery and parts, 18 gauge thru ½" plate hot and cold rolled steel*, from Hutchinson, Kans., to points in Colorado, Missouri, Nebraska, Oklahoma, Texas, Iowa, Illinois, Wyoming, Louisiana, North Dakota, and South Dakota.

NOTE: The proposed service will be under contract with Grain Spouting and Elevators of Kansas, Inc., P.O. Box 371, Hutchinson, Kans. Applicant conducts common carrier operations under MC 117375; therefore dual operations may be involved.

HEARING: December 12, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Examiner Samuel Horwich.

No. MC 124729, filed August 20, 1962. Applicant: CHARLES S. STAGG, JR., doing business as STAGG AUTO SERVICE, 5302 King Hill, St. Joseph, Mo. Applicant's attorney: Vernon N. Kneib, 401 Corby Building, St. Joseph, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles, including tractors and trucks, and replacements therefor*, by the towaway method, between points in Kansas, Nebraska, and Iowa, on the one hand, and, on the other, St. Joseph, Mo.

HEARING: December 3, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Samuel Horwich.

No. MC 124739, filed August 29, 1962. Applicant: LESLIE L. JOHNSON, 1045 West Sixth Street, Colby, Kans. Applicant's attorney: Leland M. Spurgeon, 1319 Huntoon, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Oregon and Idaho to points in Kansas, and *exempt commodities*, on return.

HEARING: December 14, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Examiner Samuel Horwich.

No. MC 124774, filed September 12, 1962. Applicant: CARAVELLE EXPRESS, INC., Box 4843, State House Station, Lincoln, Nebr. Applicant's representative: C. F. Noren, Box 4843, State House Station, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission, in Appendix I, 61 M.C.C. 209, from points in Antelope, Burt, Butler, Cedar, Cumming, Dixon, Knox, Madison, Otoe, Pierce, Polk, Saunders, Sheridan, Stanton, Thurston, and Wayne Counties, Nebr., and points in Cherokee, Monona, and Sioux Counties, Iowa, to points in the United States (except Hawaii).

HEARING: November 19, 1962, at the Offices of the Interstate Commerce Com-

mission, Washington, D.C., before Examiner Raymond V. Sar.

MOTOR CARRIERS OF PASSENGERS

No. MC 115116 (Sub-No. 10), filed September 26, 1962. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) between South Plainfield, N.J., and Metuchen, N.J.; from junction Hamilton Boulevard and Lehigh Valley Railroad Crossing in South Plainfield over Hamilton Boulevard to its junction with South Plainfield Avenue, thence over South Plainfield Avenue to its junction with Front Street, thence over Front Street to its junction with Oak Tree Road, thence over Oak Tree Road to its junction with Plainfield Road in Edison Township, N.J., thence over Plainfield Road to Metuchen, and return over the same route, serving all intermediate points, and (2) between Metuchen, N.J., and points in Edison Township, N.J.; from Metuchen over Amboy Avenue to its junction with Main Street in Edison Township, and return over the same route, serving all intermediate points.

NOTE: Applicant states that under its existing authority contained in Certificate of Public Convenience and Necessity issued in Docket MC 115116, it is presently authorized to serve all streets and highways within the Borough of Metuchen, N.J.

HEARING: November 19, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

No. MC 48958 (Sub-No. 61), filed October 1, 1962. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (a) between Walsenburg, Colo., and junction U.S. Highway 66 (approximately 4 miles east of Flagstaff): from Walsenburg over U.S. Highway 160 to junction U.S. Highway 666 at Cortez, thence over U.S. Highway 666 to junction Navajo Trail Route No. 1 (approximately 20 miles south of Cortez) thence over Navajo Trail Route No. 1 thru Mexican Water, Kayenta and Tuba City, Ariz., to junction U.S. Highway 89 (approximately 15 miles north of Cameron, Ariz.) thence over U.S. Highway 89 to junction U.S. Highway 66 (approximately 4 miles east of Flagstaff) and return over the same route. (b) Between Denver and Del Norte, Colo.: from Denver over U.S. Highway 285 to junction Colorado Highway 112 (approximately 12 miles north of Monte Vista) thence over Colorado Highway 112 to junction U.S. Highway 160 at Del Norte and return over the same route. (c) Between junction U.S. Highway 285 and Monte Vista: from junction U.S. Highway 285 and Colorado Highway 112 over U.S. Highway 285 to junction U.S. Highway 160 at Monte Vista, and return over the same route serving Monte Vista, Del Norte and Junction 285 and Colorado Highway 112 as points of joinder only in (a), (b), and (c) above.

NOTE: Applicant states no duplicating authority is sought.

No. MC 112592 (Sub-No. 1), filed August 28, 1962. Applicant: BRICK DELIVERY COMPANY, a corporation, 145 Commerce Street, Kingsport, Tenn. Applicant's representative: Harry E. Dixon, Jr., P. O. Box 211, Roanoke, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Blocks*, such as building (solid, hollow and perforated), not decorated, enameled, or glazed, other than soft glazed, individual blocks (not being packed), or otherwise coated, condensing (including condensing rings), facing (solid, hollow and perforated), not enameled or glazed, except as provided for below, filter bed (solid, hollow and perforated), shale and fire clay, paving, shale and fire clay, Polyester, glazed, salt glazed, segment, (vitrified), and silo; (2) *brick*, such as building (solid, hollow and perforated), not enameled or glazed except as provided for below, cinder cement, facing (solid, hollow and perforated), not enameled or glazed except as provided for below, paving, shale and fire clay, salt, glazed, sand cement, sand, lime, slag lime, and zinc and lead, glazed; (3) *clay*, such as crude clay and ground clay; (4) *clay condensing balls;* (5) *conduits*, not lined, clay and shale or clay and cement combined (will not apply on conduits having bell ends; (6) *curbing*, clay and shale street (vitrified); (7) *slabs*, such as slabs (including silo slabs), clay and shale, not enameled, not roofing or ornamental, loaded loose in cars, or packed in crates, or barrels, not individually packed, shipped in same manner as building or facing brick; (8) *tile*, such as clay, hollow building, salt, lead and zinc glazed, when shipped in same manner as building or facing brick, individual tile not being packed; fire-proofing; fire-proofing and hollow building, broken, crushed and ground; hollow building, not decorated, enameled, glazed (other than salt), lead and zinc glazed, individual tile not being packed or otherwise coated; and promenade and quarry, when packed in fibreboard cartons with double-faced strawboard partitions and filters, and when packed in wooden crates; (9) *concrete and mortar mixes;* (10) *flue lining;* and (11) *wall coping*, from Kingsport, Tenn., to points in Lee, Wise, Scott, Dickenson, Washington, Buchanan, Tazewell, Smyth, Wythe, Pulaski, Montgomery, Bland, Grayson, Carroll, Russell, and Giles Counties, Va.; and *Rejected and refused shipments* of the above-specified commodities, from the above-specified destination points to Kingsport, Tenn.

NOTE: Applicant indicates that the purpose of the instant application is to change the existing commodity description under Permit No. MC 112592, dated November 15, 1951, to that described above and that the territory as contained therein is to remain unchanged.

No. MC 14252 (Sub-No. 18), filed September 19, 1962. Applicant: COMMERCIAL MOTOR FREIGHT, INC., 525 Cleveland Avenue, Columbus 3, Ohio. Applicant's attorney: R. L. Ratchford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment), serving West LaFayette, Ohio, at the junction of Ohio Highway 93 and Ohio Highway 16 at the terminal of White Transportation Company for the purpose of effecting the interchange of traffic at said location.

No. MC 59894 (Sub-No. 31), filed October 1, 1962. Applicant: TEXAS, ARIZONA FREIGHT, INC., 1700 East Second Street, P.O. Box 1034, El Paso, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the National Aeronautics and Space Administration, Manned Spacecraft Center, Houston, Tex., as an off-route point in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

No. MC 79135 (Sub-No. 27), filed October 1, 1962. Applicant: COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal cages, set-up, uncrated and crated, wire baskets, uncrated, trucks for cages, lattice works, cups and tins used in cages, and other articles made of iron and steel*, from Norwich, N.Y., to points in Connecticut, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Maryland, New York, Delaware, District of Columbia, and Virginia, and *fertilizer and animal feeds*, on return.

No. MC 101075 (Sub-No. 78), filed October 1, 1962. Applicant: TRANSPORT, INC., P.O. Box 396, 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Ronald B. Pitsenbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Wrenshall, Minn., to points in Minnesota.

No. MC 112750 (Sub-No. 111), filed October 4, 1962. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, De Bovoise Building, Bayside 61, N.Y. Applicant's attorney: James K. Knudson, Esq., 1903 N Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Invoices, inventory control documents, and business records*, pertaining to general accounting and auditing of chain grocery stores, (1) from points in Connecticut and Massachusetts to North Haven, Conn., and (2) from North Haven, Conn., to Boston, Mass.

NOTE: Applicant states that the above will be transported for the account of Stop and Shop, Inc.

No. MC 116710 (Sub-No. 7), filed October 5, 1962. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 1634, Hattiesburg, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur dioxide*, in bulk, in tank vehicles, from the plant site of Stauffer Chemical Company-Consolidated Chemical Industries Division, Baton Rouge, La., to points in Illinois.

No. MC 119435 (Sub-No. 1), filed August 24, 1962. Applicant: ELLIS M. WADDELL, doing business as WADDELLS TRANSFER, Hockett Street, Marion, Va. Applicant's representative: Harry E. Dixon, Jr., P.O. Box 211, Roanoke, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Blocks*, namely: *building* (solid, hollow and perforated), not decorated, enameled, glazed (other than soft glazed, individual blocks not being packed) or otherwise coated; *condensing* (including condensing rings); *facing* (solid, hollow and perforated) not enameled or glazed except as provided for below: *filter bed* (solid, hollow and perforated) shale and fire clay; *paving*, shale and fire clay; *polyester glazed; salt glazed; segment* (vitrified); and *silo;* (2) *brick*, namely: *building* (solid, hollow and perforated) not enameled or glazed except as provided for below: *cinder cement; facing* (solid, hollow and perforated), not enameled or glazed except as provided for below, *paving*, shale and fire clay; *salt glazed; sand*, cement; *sand*, lime; *slag*, lime; *zinc and lead*, glazed; (3) *clay*, namely: *clay*, (crude); *clay*, (ground); (4) *clay condensing balls;* (5) *conduits*, not lined, clay or shale or clay and cement combined (will not apply on conduits having bell ends); (6) *curbing*, clay and shale, street (vitrified); (7) *slabs*, namely: *slabs* (including silo slabs), clay or shale, not enameled, not roofing or ornamental, loaded loose in cars, or packed in crates, or barrels, not individually packed, shipped in same manner as building or facing brick; (8) *tile*, namely: *clay*, hollow building, salt, lead or zinc glazed, when shipped in same manner as building or facing brick, individual tile not being packed; *fire-proofing; fire-proofing or hollow building*, broken, crushed or ground, *hollow building*, not decorated, enameled, glazed (other than salt, lead or zinc glazed, individual tile not being packed) or otherwise coated; *promenade or quarry*, when packed in fibreboard cartons with double-faced strawboard partitions or fillers, or when packed in wooden crates; (9) *concrete and mortar mixes*, (10) *flue lining*, and (11) *wall coping*, from Grose-close, Va., to points in West Virginia, Tennessee, North Carolina, and Kentucky, and *rejected and refused shipments*, on return.

No. MC 124078 (Sub-No. 46), filed October 4, 1962. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk and in packages, from Charlotte, N.C., to points in York, Cherokee, Lancaster, Chester, Union, Kershaw, Greenville, Spartanburg, Laurens, Chesterfield, Marlboro, Anderson, Newberry, Fairfield, and Richland Counties, S.C.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit 113832; therefore, dual operations may be involved. Common control may be involved.

No. MC 124809, filed September 24, 1962. Applicant: DONALD L. WAEHLER, doing business as WAEHLER TRUCKING SERVICE, Route No. 1, Lomira, Wis. Applicant's attorney: Robert W. Smith, 309 Insurance Building, 119 Monona Avenue, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, from Chicago, Ill., to Lomira, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, and *damaged and rejected shipments*, on return.

NOTICE OF FILING OF PETITIONS

No. MC 11207 (CORRECTION) (PETITION FOR MODIFICATION OF CERTIFICATE), filed September 17, 1962, published FEDERAL REGISTER issue of October 10, 1962, and republished as corrected this issue. Petitioner: DEATON TRUCK LINE, INC., Birmingham, Ala. Petitioner's attorneys: A. Alvis Layne and Lester M. Bridgeman, Pennsylvania Building, Washington 4, D.C. By Certificate dated February 5, 1946, petitioner was authorized, among other things, to transport: "Cast iron pipe and fittings, and *structural iron and steel articles*, tanks, and pipe, from Alabama City, Gadsden, Anniston, and Talladega, Ala., to points in Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Mississippi, and Louisiana." By the instant petition, filed September 17, 1962, petitioner desires to substitute in lieu of the above portion of the authority "structural iron and steel articles", "iron and steel and iron and steel articles". Any person or persons desiring to participate, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

NOTE: The purpose of this republication is to show that petitioner desires by this petition to substitute the phrase "iron and steel and iron and steel articles" in lieu of "structural iron and steel articles" as presently authorized.

No. MC 123902 (PETITION TO ADD ADDITIONAL POINT OF ORIGIN), filed October 5, 1962. Petitioner: NORTH JERSEY TRANSFER, INC., Sparta, N.J. Petitioner's attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. By Permit dated January 23, 1962, petitioner was granted authority to transport foam rubber, loose and in packages, over irregular routes, from Franklin, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, restricted to a transportation service to be performed under a continuing contract, or contracts, with Stauffer-Hewitt, Inc., of Franklin, N.J. Petitioner has been operating under this authority with the contracting shipper since the grant, but has been informed that the company, Stauffer-Hewitt, Inc., will also warehouse this foam rubber at Newton, N.J., which is fourteen miles from its plant at Franklin, N.J. The facilities and plant will remain at Franklin, N.J., but this warehouse is needed for additional storage. Petitioner desires to pick up at the warehouse in Newton, N.J., as well as the plant in Franklin, N.J., if this petition is granted. Any person or persons desiring to oppose the addition of this additional point of origin, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 29761 (Sub-No. 11), filed October 1, 1962. Applicant: DE ROSA TRANSPORTATION, INC., 2380 South Halsted Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Charlotte and Lansing, Mich., from Charlotte over U.S. Highway 27 to Lansing, and return over the same route, serving all intermediate points and the off-route point of Eaton Rapids, Mich.

NOTE: This application is directly related to MC-F-8163, published FEDERAL REGISTER, issue of June 13, 1962.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8245 (correction) (SUBLER TRANSFER, INC.—PURCHASE (PORTION)—RICHARD JACOB, JR., AND JOSEPH G. JACOB), published in the

October 3, 1962, issue of the FEDERAL REGISTER on pages 9801 and 9802. The operating rights sought to be transferred should have been shown as follows: *Bananas*, as a *common carrier* over irregular routes, from Baltimore, Md., to Chicago, Ill., Cincinnati and Cleveland, Ohio, Detroit, Flint, and Grand Rapids, Mich., Huntington, W. Va., Norfolk and Richmond, Va., and Utica, N.Y., from Philadelphia, Pa., to Chicago, Ill., Detroit, Mich., and Richmond, Va., and from Port facilities in the New York, N.Y., Commercial Zone, as defined by the Commission, to Baltimore, Md., Chicago, Ill., Detroit, Flint, and Grand Rapids, Mich., Raleigh, Greenville, and Elizabeth City, N.C., Huntington, W. Va., Cincinnati, Cleveland, and Columbus, Ohio, Norfolk and Richmond, Va., and Rochester, Syracuse, and Utica, N.Y.; RESTRICTION: The separate parts of the authority granted herein may not be tacked or joined, directly or indirectly for the purpose of providing through service.

No. MC–F–8253. Authority sought for control by THOMAS J. PALUMBO, MD25 and McCall Place, Newburgh, N.Y., of STANDARD TRUCKING CO., 587 Fayette Street, Perth Amboy, N.J. Applicants' attorney and representatives, respectively: Hymen Knopf, 70 Second Street, Newburgh, N.Y., Charles H. Trayford, 220 East 42d Street, New York 17, N.Y., and James F. Patten, 163 West Milton Avenue, Rahway, N.J. Operating rights sought to be controlled: *Insulation materials*, as a *contract carrier* over irregular routes, from Perth Amboy, N.J., to points in certain counties in Connecticut, Delaware, Pennsylvania, and New York; *roofing materials, asphalt and asbestos building materials, and asphalt paving materials*, from Perth Amboy, N.J., to points in certain counties in Connecticut, Delaware, Pennsylvania, and New York; *commodities used or useful in the manufacture of roofing materials, asphalt and asbestos building materials, asphalt paving materials, and insulating materials*, from points in the Connecticut, Delaware, Pennsylvania, and New York Counties, to Perth Amboy, N.J.; *plaster, plaster board, chip board, gypsum blocks, lime, metal lath, metal latch products, fiber board, insulation board, paints, paper bags, rockwool, insulation, and other insulation materials*, between Long Island City and Harlem River, N.Y., and Perth Amboy and Newark, N.J., on the one hand, and, on the other, points in New Jersey, and points in certain counties in New York and Pennsylvania; *such commodities* as are dealt in by persons engaged in the manufacture of insulation materials, roofing materials, asphalt and asbestos building materials and asphalt paving materials, from Perth Amboy, N.J., to the District of Columbia, points in Maryland, certain counties in Delaware, New York, Pennsylvania, Virginia, and West Virginia; and from Lyndhurst, N.J., to points in certain counties in Connecticut and New York; *such commodities* as are used in the manufacture of insulation materials, roofing materials, asphalt and asbestos building materials, and asphalt paving materials, from all points in the District of Columbia and Maryland, certain counties in Delaware, New York, Pennsylvania, Virginia and West Virginia, to Perth Amboy; *asphalt, in packages*, from Bayonne, N.J., to points in certain counties in Connecticut, Delaware, New York and Pennsylvania. THOMAS J. PALUMBO holds no authority from this Commission. However, he is affiliated with (1) STELLA TRUCKING, INC., MD25 and McCall Place, Newburgh, N.Y., and (2) C & T HAULAGE, INC., MD25 and McCall Place, Newburgh, N.Y., which are authorized to operate as *contract carriers* in (1) New York, Maryland, New Jersey, Massachusetts, Connecticut, Maine, Rhode Island, Pennsylvania; and (2) New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Ohio, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8254. Authority sought for purchase by SHORT FREIGHT LINES, INC., 220 Saginaw Street, Bay City, Mich., of the operating rights and property of H. & G. CARTAGE COMPANY, 1531 Brooklyn Street, Detroit 26, Mich. Applicants' attorney: Carl H. Smith, Sr., 212 Phoenix Building, Bay City, Mich. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Detroit, Mich., and Toledo, Ohio and between junction U.S. Highway 25 and Alternate U.S. Highway 24 (near Allen Road), and Toledo, Ohio, serving all intermediate and certain off-route points; serving points in Berlin Township and Frenchtown Township, in Monroe County, Mich., as off-route points in connection with carrier's authorized regular-route operations between Toledo, Ohio, and Detroit, Mich. Vendee is authorized to operate as a *common carrier* in the State of Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8255. Authority sought for purchase by GLENDENNING MOTORWAYS, INC., 1665 West County Road "C", Roseville-St. Paul 13, Minn., of the operating rights and property of HOWARD MOLAND, CLARENCE MOLAND, LOTHARD MOLAND and H. T. MOLAND, copartners, doing business as MOLAND BROS. TRUCKING COMPANY, 2502 West Huron, Duluth 6, Minn., and for acquisition by LOUISE M. GLENDENNING, 294 Stonebridge Boulevard, St. Paul 5, Minn., of control of such rights and property through the purchase. Applicants' attorney: Adolph J. Bieberstein, 121 West Doty, Madison 3, Wis. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over regular routes from Duluth, Minn., to Madison and Jefferson, Wis., serving the intermediate point of Wisconsin Dells, Wis., for delivery only, and from Monroe, Wis., to Beloit, Ill., for operating convenience only; *general commodities*, excepting, among others, household goods and commodities in bulk between Duluth, Minn., and Chicago, Ill., serving all intermediate points between Duluth, Minn, and Eau Claire, Wis., including Eau Claire, and the off-route points of Shell Lake, Barronett, Cumberland, and Barron, Wis., between Duluth, Minn., and Ashland, Wis., serving all intermediate points, between Duluth, Minn., and Hurley, Wis., serving all intermediate points and the off-route point of Montreal, Wis., between Duluth, Minn., and Milwaukee, Wis., serving all intermediate points between Duluth, Minn., and Abbotsford, Wis., including Abbotsford and Green Bay, Wis., and the off-route points of Boyd, Longwood, and Edson, Wis., and those within two miles of Wisconsin Highway 29 between Thorp and Stanley, Wis., between Eau Claire, Wis., and Minneapolis, Minn., serving all intermediate points between Eau Claire and Menomonie, including Menomonie, and the off-route points of St. Paul, South St. Paul, Invergrove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, Minn., between Ladysmith, Wis., and Prentice, Wis., serving all intermediate points, and the off-route point of Kennan, Wis., between St. Paul, Minn., and Ashland, Wis., and between Turtle Lake, Wis., and Ladysmith, Wis., for operating convenience only, between Ashland, Wis., and Abbotsford, Wis., serving certain off-route points, between Hurley, Wis., and Mellen, Wis., between Marshfield, Wis., and Plainfield, Wis., between Coloma, Wis., and Milwaukee, Wis., between Madison, Wis., and Janesville, Wis., between Hurley, Wis., and Wakefield, Mich., between Hurley, Wis., and Stevens Point, Wis., serving all intermediate points, between Evansville, Wis., and Harvard, Ill., between Emerald Grove, Wis., and Belvidere, Ill., between Rockford, Ill., and Chicago, Ill., between Trego, Wis., and junction U.S. Highways 63 and 2, near Ashland, Wis., serving all intermediate points and the off-route point of Benoit, Wis., between Duluth, Minn., and Proctor, Minn., serving all intermediate points, and between junction U.S. Highway 53 and Wisconsin Highway 77, near Minong, Wis., on the one hand, and, on the other, junction Wisconsin Highway 77 and Wisconsin Highway 13, near Glidden, Wis., with service at the termini for the purpose of joinder only, over 19 alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, the site of the Twin City Ordnance Plant in Mounds View Township, Ramsey County, Minn.; *animal feeds*, from Duluth, Minn., to points in Dane, Jefferson, Waukesha, Milwaukee, Rock, Walworth, and Kenosha Counties, Wis., those in McHenry and Lake Counties, Ill., and Barrington, Hanover, Palatine, Wheeling, Northfield, Schaumberg, Elk Grove, Main, and Nile Townships in Cook County, Ill. Vendee is authorized to operate as a *common carrier* in Iowa, South Dakota, Minnesota, Illinois, Wisconsin, North Dakota, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8256. Authority sought for purchase by BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway Street, St. Louis 15, Mo., of a portion of the operating rights of NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio, and for acquisition by GEORGE R. GOODE, 7220 Canterbury, Normandy 21, Mo., and P. W. GOODE, 7322 Ravinia, Normandy 21, Mo., of control of such rights through the purchase. Applicants' attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Milwaukee, Wis., and Dixon, Ill., serving the intermediate point of Rockford, Ill., and between Milwaukee, Wis., and Freeport, Ill., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Oklahoma, Missouri, Illinois, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–8257. Authority sought for purchase by NATIONWIDE TOURS, INC., 1344 Albany Street, Schenectady, N.Y., of the operating rights and property of BOHL TOURS, INC., Latham, N.Y., and for acquisition by T. MILEN RHODES, 1475 Broadway, New York City, N.Y., of control of such rights and property through the purchase. Applicants' attorneys: Shereff Brothers, 292 Madison Avenue, New York 17, N.Y. Operating rights sought to be transferred: *Passengers and their baggage*, in special operations, in round-trip all-expense tours, as a *common carrier* over irregular routes beginning and ending at Albany, N.Y., and extending to points in Florida, Louisiana, Tennessee, and Wyoming, and beginning and ending at Albany, N.Y., and extending to points in Arizona, California, Montana, and Texas; *passengers and their baggage*, restricted to traffic originating at the points and in the territory indicated, in charter operations, from Albany, N.Y., and points within 25 miles of Albany, to points in Massachusetts, New Hampshire, Maine, Vermont, New York, Connecticut, Rhode Island, Delaware, Ohio, Maryland, District of Columbia, New Jersey, Pennsylvania, North Carolina, South Carolina, Virginia, West Virginia, Michigan, Indiana, Illinois, and Missouri; *passengers and their baggage* in the same vehicle with passengers in special service round-trip all-expense tours, beginning and ending at Albany, N.Y., and extending to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. Vendee holds no authority from this Commission. However, its controlling stockholder (T. MILEN RHODES) owns all of the issued stock of SCHENECTADY TRANSPORTATION CORPORATION, 1344 Albany St., Schenectady 4, N.Y., which is authorized to operate as a *common carrier* in New York, Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-10345; Filed, Oct. 16, 1962; 8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 12, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37983: *Commodity rates from and to Mesquite, Charleston, and Scottdale, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B–8283), for interested rail carriers. Rates on property moving on commodity rates, in carloads and less-than-carloads, between Charleston, Mesquite, and Scottdale, Tex., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Rate relationship.

FSA No. 37984: *Salt from Michigan and Ohio points.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2636), for interested rail carriers. Rates on salt, in bulk, in carloads, from specified points in Michigan and Ohio, to Council Bluffs, Iowa, Omaha and South Omaha, Nebr.

Grounds for relief: Market competition.

Tariff: Supplement 22 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C–91.

FSA No. 37985: *Bituminous fine coal to Nashville, Tenn.* Filed by Illinois Freight Association, Agent (No. 183), for interested rail carriers. Rates on bituminous fine coal, as described in the application, in carloads, from mine origins in the Belleville, Ill., group on the GM&O RR., to Nashville, Tenn.

Grounds for relief: Truck competition.

Tariff: Supplement 22 to Illinois Freight Association tariff I.C.C. 765.

FSA No. 37986: *Chemicals from Louisiana and Texas points.* Filed by Southwestern Freight Bureau, Agent (No. B–8279), for interested rail carriers. Rates on carbon tetrachloride, ethylene dichloride, methylene chloride, perchloroethylene, and trichloroethylene, and trichloroethane, in tank-car loads, from Lake Charles and West Lake Charles, La., also Port Neches, Tex., to Chicago, Ill., and points grouped therewith.

Grounds for relief: Market competition.

Tariffs: Supplements 113 and 54 to Southwestern Freight Bureau tariffs I.C.C. 4370 and 4450, respectively.

FSA No. 37988: *Asphalt from Gulfport, Miss., to Memphis, Tenn.* Filed by O. W. South, Jr., Agent (No. A4247), for the Illinois Central Railroad Company. Rates on asphalt (asphaltum), natural, by-product or petroleum, liquid, other than paint, stain or varnish, in tank-car loads, from Gulfport, Miss., to Memphis, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 67 to Southern Freight Association tariff I.C.C. N–3.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37987: *Chemicals from Louisiana and Texas points to Chicago, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B–8280), for interested rail carriers. Rates on carbon tetrachloride, ethylene dichloride, methylene chloride, perchloroethylene, trichloroethane, and trichloroethylene, in tank-car loads, from Lake Charles and West Lake Charles, La., also Port Neches, Tex., to Chicago, Ill., and points grouped therewith.

Grounds for relief: Maintenance of depressed rates published to meet market competition, without use of such rates as factors in constructing combination rates.

Tariffs: Supplements 113 and 54 to Southwestern Freight Bureau tariffs I.C.C. 4370 and 4450, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-10343; Filed, Oct. 16, 1962; 8:50 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3–J]

TECHNICAL VANILLIN FROM CANADA

Purchase Price; Less Foreign Market Value

OCTOBER 11, 1962.

Pursuant to seciton 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of technical vanillin imported from Canada is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of technical vanillin from Canada pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

The complaint in this case was made by the Monsanto Chemical Company.

[SEAL] PHILIP NICHOLS, JR., *Commissioner of Customs.*

[F.R. Doc. 62-10347; Filed, Oct. 16, 1962; 8:51 a.m.]

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OCT 22 1962
MAIN READING ROOM

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[87th Cong., 1st Sess.]

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Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Corn Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (27 F.R. 8473) and containing the specific requirements for the 1962-crop corn price support program are hereby amended as follows:

Section 421.1312 Support rates, is amended by the addition of paragraph (c) which contains the basic support rates for counties. The added paragraph reads as follows:

§ 421.1312 **Support rates.**

* * * * *

(c) *Basic support rates.* The basic county support rates for use in making loans and for use in settling loans and purchase agreements for both farm-stored and warehouse-stored corn which grades No. 3 (except for moisture) or No. 4 on the factor of test weight but otherwise No. 3 or better (except for moisture) are as follows:

County	Rate per bushel
ALABAMA	
All counties	$1.30
ARIZONA	
All counties	$1.34
ARKANSAS	
All counties	$1.26
CALIFORNIA	
All counties	$1.34

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.23	Grand	$1.27
Alamosa	1.26	Huerfano	1.25
Arapahoe	1.24	Jefferson	1.25
Archuleta	1.29	Kiowa	1.24
Baca	1.25	Kit Carson	1.22
Bent	1.25	La Plata	1.31
Boulder	1.24	Larimer	1.23
Cheyenne	1.23	Las Animas	1.25
Conejos	1.27	Lincoln	1.24
Costilla	1.25	Logan	1.22
Crowley	1.25	Mesa	1.31
Custer	1.25	Moffat	1.31
Delta	1.31	Montezuma	1.33
Dolores	1.33	Montrose	1.31
Douglas	1.25	Morgan	1.22
Elbert	1.24	Otero	1.25
El Paso	1.25	Ouray	1.33
Fremont	1.25	Phillips	1.22
Garfield	1.31	Pitkin	1.29

COLORADO—Continued

County	Rate per bushel	County	Rate per bushel
Prowers	$1.24	San Miguel	$1.33
Pueblo	1.25	Sedgwick	1.22
Rio Blanco	1.31	Washington	1.22
Rio Grande	1.29	Weld	1.22
Routt	1.29	Yuma	1.22
Saquache	1.27		
CONNECTICUT			
All counties	$1.36		
DELAWARE			
All counties	$1.34		
FLORIDA			
All counties	$1.30		
GEORGIA			
All counties	$1.31		
IDAHO			
All counties	$1.29		

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.20	Lee	$1.21
Alexander	1.23	Livingston	1.21
Bond	1.22	Logan	1.22
Boone	1.21	McDonough	1.20
Brown	1.21	McHenry	1.21
Bureau	1.21	McLean	1.21
Calhoun	1.21	Macon	1.21
Carroll	1.19	Macoupin	1.22
Cass	1.22	Madison	1.22
Champaign	1.20	Marion	1.22
Christian	1.22	Marshall	1.22
Clark	1.21	Mason	1.22
Clay	1.22	Massac	1.23
Clinton	1.22	Menard	1.22
Coles	1.20	Mercer	1.19
Cook	1.22	Monroe	1.23
Crawford	1.22	Montgomery	1.22
Cumberland	1.21	Morgan	1.22
De Kalb	1.21	Moultrie	1.20
De Witt	1.21	Ogle	1.20
Douglas	1.20	Peoria	1.21
Du Page	1.22	Perry	1.23
Edgar	1.20	Piatt	1.20
Edwards	1.23	Pike	1.21
Effingham	1.22	Pope	1.23
Fayette	1.22	Pulaski	1.23
Ford	1.20	Putnam	1.21
Franklin	1.23	Randolph	1.23
Fulton	1.21	Richland	1.23
Gallatin	1.23	Rock Island	1.19
Greene	1.22	St. Clair	1.23
Grundy	1.21	Saline	1.23
Hamilton	1.23	Sangamon	1.22
Hancock	1.20	Schuyler	1.21
Hardin	1.24	Scott	1.22
Henderson	1.19	Shelby	1.21
Henry	1.20	Stark	1.21
Iroquois	1.21	Stephenson	1.20
Jackson	1.23	Tazewell	1.22
Jasper	1.22	Union	1.23
Jefferson	1.22	Vermilion	1.20
Jersey	1.22	Wabash	1.23
Jo Daviess	1.19	Warren	1.20
Johnson	1.23	Washington	1.23
Kane	1.22	Wayne	1.22
Kankakee	1.21	White	1.23
Kendall	1.21	Whiteside	1.19
Knox	1.21	Will	1.22
Lake	1.22	Williamson	1.23
La Salle	1.21	Winnebago	1.20
Lawrence	1.23	Woodford	1.22
INDIANA			
Adams	$1.21	Blackford	$1.21
Allen	1.21	Boone	1.21
Bartholomew	1.22	Brown	1.21
Benton	1.21	Carroll	1.21

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Cass	$1.21	Martin	$1.22
Clark	1.23	Miami	1.21
Clay	1.20	Monroe	1.21
Clinton	1.21	Montgomery	1.20
Crawford	1.23	Morgan	1.21
Daviess	1.22	Newton	1.21
Dearborn	1.23	Noble	1.21
Decatur	1.22	Ohio	1.23
De Kalb	1.21	Orange	1.22
Delaware	1.21	Owen	1.20
Dubois	1.22	Parke	1.20
Elkhart	1.21	Perry	1.23
Fayette	1.21	Pike	1.22
Floyd	1.23	Porter	1.21
Fountain	1.20	Posey	1.23
Franklin	1.22	Pulaski	1.21
Fulton	1.21	Putnam	1.21
Gibson	1.23	Randolph	1.21
Grant	1.21	Ripley	1.22
Greene	1.21	Rush	1.21
Hamilton	1.21	St. Joseph	1.21
Hancock	1.21	Scott	1.23
Harrison	1.23	Shelby	1.21
Hendricks	1.21	Spencer	1.23
Henry	1.21	Starke	1.21
Howard	1.21	Steuben	1.21
Huntington	1.21	Sullivan	1.22
Jackson	1.22	Switzerland	1.23
Jasper	1.21	Tippecanoe	1.20
Jay	1.21	Tipton	1.21
Jefferson	1.23	Union	1.21
Jennings	1.22	Vanderburgh	1.23
Johnson	1.21	Vermillion	1.20
Knox	1.22	Vigo	1.20
Kosciusko	1.21	Wabash	1.21
LaGrange	1.21	Warren	1.20
Lake	1.21	Warrick	1.23
La Porte	1.21	Washington	1.23
Lawrence	1.22	Wayne	1.21
Madison	1.21	Wells	1.21
Marion	1.21	White	1.21
Marshall	1.21	Whitley	1.21
IOWA			
Adair	$1.16	Greene	$1.14
Adams	1.17	Grundy	1.14
Allamakee	1.15	Guthrie	1.15
Appanoose	1.18	Hamilton	1.13
Audubon	1.15	Hancock	1.12
Benton	1.17	Harding	1.14
Black Hawk	1.15	Harrison	1.16
Boone	1.14	Henry	1.19
Bremer	1.14	Howard	1.14
Buchanan	1.16	Humboldt	1.12
Buena Vista	1.12	Ida	1.13
Butler	1.14	Iowa	1.17
Calhoun	1.13	Jackson	1.19
Carroll	1.14	Jasper	1.15
Cass	1.16	Jefferson	1.18
Cedar	1.19	Johnson	1.18
Cerro Gordo	1.12	Jones	1.18
Cherokee	1.13	Keokuk	1.17
Chickasaw	1.14	Kossuth	1.12
Clarke	1.17	Lee	1.19
Clay	1.12	Linn	1.17
Clayton	1.16	Louisa	1.19
Clinton	1.19	Lucas	1.17
Crawford	1.14	Lyon	1.11
Dallas	1.15	Madison	1.16
Davis	1.18	Mahaska	1.15
Decatur	1.17	Marion	1.16
Delaware	1.17	Marshall	1.14
Des Moines	1.19	Mills	1.17
Dickinson	1.11	Mitchell	1.12
Dubuque	1.18	Monona	1.15
Emmet	1.11	Monroe	1.17
Fayette	1.16	Montgomery	1.17
Floyd	1.13	Muscatine	1.19
Franklin	1.13	O'Brien	1.12
Fremont	1.17	Osceola	1.11

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County	Rate per bushel	County	Rate per bushel
Page	$1.17	Taylor	$1.17
Palo Alto	1.11	Union	1.17
Plymouth	1.13	Van Buren	1.18
Pocahontas	1.12	Wapello	1.17
Polk	1.15	Warren	1.16
Pottawattamie	1.17	Washington	1.18
Poweshiek	1.15	Wayne	1.17
Ringgold	1.17	Webster	1.13
Sac	1.13	Winnebago	1.12
Scott	1.19	Winneshiek	1.15
Shelby	1.15	Woodbury	1.13
Sioux	1.12	Worth	1.12
Story	1.14	Wright	1.12
Tama	1.15		

KANSAS

Allen	$1.22	Linn	$1.22
Anderson	1.21	Logan	1.22
Atchison	1.20	Lyon	1.20
Barber	1.24	McPherson	1.20
Barton	1.21	Marion	1.20
Bourbon	1.22	Marshall	1.17
Brown	1.18	Meade	1.24
Butler	1.22	Miami	1.21
Chase	1.20	Mitchell	1.18
Chautauqua	1.24	Montgomery	1.24
Cherokee	1.24	Morris	1.20
Cheyenne	1.20	Morton	1.24
Clark	1.24	Nemaha	1.18
Clay	1.17	Neosho	1.23
Cloud	1.17	Ness	1.23
Coffey	1.21	Norton	1.18
Comanche	1.24	Osage	1.20
Cowley	1.24	Osborne	1.18
Crawford	1.23	Ottawa	1.18
Decatur	1.19	Pawnee	1.22
Dickinson	1.19	Phillips	1.17
Doniphan	1.19	Pottawatomie	1.18
Douglas	1.20	Pratt	1.23
Edwards	1.22	Rawlins	1.20
Elk	1.24	Reno	1.22
Ellis	1.20	Republic	1.16
Ellsworth	1.20	Rice	1.21
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Lane	1.23	Woodson	1.22
Leavenworth	1.21	Wyandotte	1.21
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KENTUCKY

Adair	$1.28	Caldwell	$1.26
Allen	1.28	Calloway	1.25
Anderson	1.27	Campbell	1.24
Ballard	1.24	Carlisle	1.24
Barren	1.27	Carroll	1.24
Bath	1.29	Carter	1.28
Bell	1.31	Casey	1.28
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Bullitt	1.25	Edmonson	1.26
Butler	1.26	Elliott	1.29

KENTUCKY—Continued

County	Rate per bushel	County	Rate per bushel
Estill	$1.29	Magoffin	$1.31
Fayette	1.28	Marion	1.27
Fleming	1.27	Marshall	1.25
Floyd	1.31	Martin	1.30
Franklin	1.26	Mason	1.26
Fulton	1.24	Meade	1.24
Gallatin	1.24	Menifee	1.29
Garrard	1.29	Mercer	1.28
Grant	1.25	Metcalfe	1.28
Graves	1.24	Monroe	1.28
Grayson	1.25	Montgomery	1.29
Green	1.28	Morgan	1.30
Greenup	1.27	Muhlenburg	1.26
Hancock	1.24	Nelson	1.26
Hardin	1.25	Nicholas	1.28
Harlan	1.31	Ohio	1.25
Harrison	1.27	Oldham	1.24
Hart	1.27	Owen	1.25
Henderson	1.24	Owsley	1.30
Henry	1.25	Pendleton	1.25
Hickman	1.24	Perry	1.31
Hopkins	1.26	Pike	1.31
Jackson	1.30	Powell	1.29
Jefferson	1.24	Pulaski	1.29
Jessamine	1.29	Robertson	1.27
Johnson	1.30	Rockcastle	1.29
Kenton	1.24	Rowan	1.29
Knott	1.31	Russell	1.29
Knox	1.30	Scott	1.27
Larue	1.26	Shelby	1.25
Laurel	1.30	Simpson	1.28
Lawrence	1.29	Spencer	1.25
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Lewis	1.26	Trimble	1.24
Lincoln	1.29	Union	1.24
Livingston	1.24	Warren	1.27
Logan	1.27	Washington	1.27
Lyon	1.26	Wayne	1.29
McCracken	1.24	Webster	1.25
McCreary	1.29	Whitley	1.30
McLean	1.25	Wolfe	1.30
Madison	1.29	Woodford	1.28

LOUISIANA

All counties $1.27

MAINE

All counties $1.36

MARYLAND

All counties $1.34

MASSACHUSETTS

All counties $1.36

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$1.22	Livingston	$1.23
Barry	1.22	Macomb	1.23
Berrien	1.21	Mecosta	1.23
Branch	1.22	Midland	1.23
Calhoun	1.22	Monroe	1.23
Cass	1.21	Montcalm	1.23
Clinton	1.23	Oakland	1.23
Eaton	1.23	Saginaw	1.23
Genesee	1.23	St. Clair	1.23
Gratiot	1.23	St. Joseph	1.21
Hillsdale	1.22	Sanilac	1.23
Ingham	1.23	Shiawassee	1.23
Ionia	1.23	Tuscola	1.23
Isabella	1.23	Van Buren	1.21
Jackson	1.23	Washtenaw	1.23
Kalamazoo	1.22	Wayne	1.23
Kent	1.23	All other counties	1.24
Lapeer	1.23		
Lenawee	1.23		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.12	Carlton	$1.12
Anoka	1.14	Carver	1.14
Becker	1.10	Cass	1.11
Beltrami	1.10	Chippewa	1.10
Benton	1.13	Chisago	1.13
Big Stone	1.09	Clay	1.09
Blue Earth	1.12	Clearwater	1.10
Brown	1.12	Cook	1.12

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Cottonwood	$1.11	Nobles	$1.10
Crow Wing	1.11	Norman	1.09
Dakota	1.13	Olmsted	1.12
Dodge	1.12	Otter Tail	1.10
Douglas	1.11	Pennington	1.09
Faribault	1.10	Pine	1.12
Fillmore	1.12	Pipestone	1.10
Freeborn	1.12	Polk	1.09
Goodhue	1.13	Pope	1.11
Grant	1.10	Ramsey	1.14
Hennepin	1.14	Red Lake	1.09
Houston	1.13	Redwood	1.11
Hubbard	1.10	Renville	1.12
Isanti	1.13	Rice	1.13
Itasca	1.12	Rock	1.10
Jackson	1.10	Roseau	1.09
Kanabec	1.13	St. Louis	1.12
Kandiyohi	1.12	Scott	1.13
Kittson	1.09	Sherburne	1.13
Koochiching	1.12	Sibley	1.13
Lac Qui Parle	1.09	Stearns	1.13
Lake	1.12	Steele	1.12
Lake of the Woods	1.10	Stevens	1.10
Le Sueur	1.13	Swift	1.11
Lincoln	1.09	Todd	1.11
Lyon	1.10	Traverse	1.09
McLeod	1.13	Wabasha	1.13
Mahnomen	1.09	Wadena	1.11
Marshall	1.09	Waseca	1.12
Martin	1.10	Washington	1.14
Meeker	1.13	Watonwan	1.11
Mille Lacs	1.13	Wilkin	1.09
Morrison	1.11	Winona	1.13
Mower	1.12	Wright	1.13
Murray	1.10	Yellow Medicine	1.10
Nicollet	1.13		

MISSISSIPPI

All counties $1.28

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.20	Hickory	$1.23
Andrew	1.19	Holt	1.19
Atchison	1.18	Howard	1.22
Audrain	1.22	Howell	1.24
Barry	1.24	Iron	1.24
Barton	1.24	Jackson	1.22
Bates	1.22	Jasper	1.24
Benton	1.22	Jefferson	1.23
Bollinger	1.24	Johnson	1.22
Boone	1.22	Knox	1.20
Buchanan	1.21	Laclede	1.24
Butler	1.24	Lafayette	1.22
Caldwell	1.22	Lawrence	1.24
Calloway	1.22	Lewis	1.20
Camden	1.24	Lincoln	1.22
Cape Girardeau	1.24	Linn	1.21
Carroll	1.22	Livingston	1.21
Carter	1.24	McDonald	1.24
Cass	1.22	Macon	1.22
Cedar	1.23	Madison	1.24
Charlton	1.22	Maries	1.24
Christian	1.24	Marion	1.20
Clark	1.20	Mercer	1.18
Clay	1.22	Miller	1.24
Clinton	1.22	Mississippi	1.24
Cole	1.23	Moniteau	1.23
Cooper	1.22	Monroe	1.22
Crawford	1.24	Montgomery	1.22
Dade	1.24	Morgan	1.23
Dallas	1.24	New Madrid	1.24
Daviess	1.20	Newton	1.24
De Kalb	1.20	Nodaway	1.18
Dent	1.24	Oregon	1.24
Douglas	1.24	Osage	1.23
Dunklin	1.24	Ozark	1.24
Franklin	1.23	Pemiscot	1.24
Gasconade	1.23	Perry	1.24
Gentry	1.19	Pettis	1.22
Greene	1.24	Phelps	1.24
Grundy	1.20	Pike	1.21
Harrison	1.19	Platte	1.22
Henry	1.22	Polk	1.24
		Pulaski	1.24

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Putnam	$1.19	Scott	$1.24
Ralls	1.21	Shannon	1.24
Randolph	1.22	Shelby	1.21
Ray	1.22	Stoddard	1.24
Reynolds	1.24	Stone	1.24
Ripley	1.24	Sullivan	1.20
St. Charles	1.22	Taney	1.24
St. Clair	1.23	Texas	1.24
St. Francois	1.24	Vernon	1.23
St. Louis	1.23	Warren	1.22
Ste. Genevieve	1.23	Washington	1.24
Saline	1.22	Wayne	1.24
Schuyler	1.19	Webster	1.24
Scotland	1.20	Worth	1.18
		Wright	1.24

MONTANA

All counties $1.22

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.15	Jefferson	$1.16
Antelope	1.13	Johnson	1.17
Arthur	1.18	Kearney	1.15
Banner	1.20	Keith	1.19
Blaine	1.15	Keyapaha	1.14
Boone	1.14	Kimball	1.20
Box Butte	1.19	Knox	1.13
Boyd	1.13	Lancaster	1.15
Brown	1.14	Lincoln	1.17
Buffalo	1.15	Logan	1.17
Burt	1.15	Loup	1.15
Butler	1.15	McPherson	1.17
Cass	1.16	Madison	1.14
Cedar	1.13	Merrick	1.15
Chase	1.19	Morrill	1.20
Cherry	1.16	Nance	1.15
Cheyenne	1.20	Nemaha	1.17
Clay	1.15	Nuckolls	1.15
Colfax	1.15	Otoe	1.16
Cuming	1.14	Pawnee	1.17
Custer	1.16	Perkins	1.19
Dakota	1.13	Phelps	1.16
Dawes	1.19	Pierce	1.13
Dawson	1.16	Platte	1.15
Deuel	1.20	Polk	1.15
Dixon	1.13	Red Willow	1.18
Dodge	1.15	Richardson	1.17
Douglas	1.16	Rock	1.14
Dundy	1.19	Saline	1.16
Fillmore	1.15	Sarpy	1.16
Franklin	1.15	Saunders	1.15
Frontier	1.17	Scotts Bluff	1.20
Furnas	1.17	Seward	1.15
Gage	1.16	Sheridan	1.18
Garden	1.19	Sherman	1.16
Garfield	1.15	Sioux	1.20
Gosper	1.17	Stanton	1.14
Grant	1.17	Thayer	1.15
Greeley	1.15	Thomas	1.16
Hall	1.15	Thurston	1.13
Hamilton	1.15	Valley	1.15
Harlan	1.16	Washington	1.16
Hayes	1.19	Wayne	1.13
Hitchcock	1.19	Webster	1.15
Holt	1.13	Wheeler	1.15
Hooker	1.16	York	1.15
Howard	1.15		

NEVADA

All counties $1.35

NEW HAMPSHIRE

All counties $1.36

NEW JERSEY

All counties $1.35

NEW MEXICO

All counties $1.31

NEW YORK

All counties $1.34

NORTH CAROLINA

All counties $1.34

NORTH DAKOTA

All counties $1.08

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.25	Licking	$1.25
Allen	1.22	Logan	1.23
Ashland	1.26	Lorain	1.27
Ashtabula	1.30	Lucas	1.24
Athens	1.28	Madison	1.24
Auglaize	1.22	Mahoning	1.30
Belmont	1.30	Marion	1.24
Brown	1.25	Medina	1.27
Butler	1.22	Meigs	1.28
Carroll	1.29	Mercer	1.22
Champaign	1.23	Miami	1.22
Clark	1.23	Monroe	1.30
Clermont	1.24	Montgomery	1.22
Clinton	1.23	Morgan	1.27
Columbiana	1.30	Morrow	1.25
Coshocton	1.27	Muskingum	1.27
Crawford	1.24	Noble	1.28
Cuyahoga	1.28	Ottawa	1.25
Darke	1.22	Paulding	1.22
Defiance	1.22	Perry	1.26
Delaware	1.24	Pickaway	1.24
Erie	1.26	Pike	1.25
Fairfield	1.25	Portage	1.29
Fayette	1.24	Preble	1.22
Franklin	1.24	Putnam	1.23
Fulton	1.23	Richland	1.25
Gallia	1.27	Ross	1.25
Geauga	1.29	Sandusky	1.25
Greene	1.23	Scioto	1.26
Guernsey	1.28	Seneca	1.24
Hamilton	1.23	Shelby	1.22
Hancock	1.23	Stark	1.28
Hardin	1.23	Summit	1.28
Harrison	1.29	Trumbull	1.30
Henry	1.23	Tuscarawas	1.28
Highland	1.24	Union	1.23
Hocking	1.26	Van Wert	1.22
Holmes	1.27	Vinton	1.27
Huron	1.26	Warren	1.23
Jackson	1.26	Washington	1.29
Jefferson	1.30	Wayne	1.27
Knox	1.25	Williams	1.22
Lake	1.29	Wood	1.24
Lawrence	1.27	Wyandot	1.24

OKLAHOMA

All counties $1.26

OREGON

All counties $1.31

PENNSYLVANIA

All counties $1.34

RHODE ISLAND

All counties $1.36

SOUTH CAROLINA

All counties $1.33

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Armstrong	$1.12	Gregory	$1.09
Aurora	1.09	Haakon	1.12
Beadle	1.09	Hamlin	1.09
Bennett	1.14	Hand	1.09
Bon Homme	1.10	Harson	1.09
Brookings	1.09	Harding	1.14
Brown	1.09	Hughes	1.10
Brule	1.09	Hutchinson	1.10
Buffalo	1.09	Hyde	1.10
Butte	1.14	Jackson	1.13
Campbell	1.10	Jerauld	1.09
Charles Mix	1.09	Jones	1.12
Clark	1.09	Kingsbury	1.09
Clay	1.11	Lake	1.09
Codington	1.09	Lawrence	1.14
Corson	1.12	Lincoln	1.11
Custer	1.17	Lyman	1.10
Davison	1.09	McCook	1.10
Day	1.09	McPherson	1.09
Deuel	1.09	Marshall	1.09
Dewey	1.12	Meade	1.13
Douglas	1.09	Mellette	1.12
Edmunds	1.09	Miner	1.09
Fall River	1.18	Minnehaha	1.10
Faulk	1.10	Moody	1.09
Grant	1.09	Pennington	1.14

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Perkins	$1.13	Tripp	$1.10
Potter	1.11	Turner	1.11
Roberts	1.09	Union	1.11
Sanborn	1.09	Walworth	1.11
Shannon	1.16	Washabaugh	1.13
Spink	1.09	Washington	1.15
Stanley	1.12	Yankton	1.11
Sully	1.10	Ziebach	1.13
Todd	1.12		

TENNESSEE

Anderson	$1.31	Lauderdale	$1.25
Bedford	1.28	Lawrence	1.27
Benton	1.27	Lewis	1.27
Bledsoe	1.29	Lincoln	1.27
Blount	1.32	Loudon	1.31
Bradley	1.30	McMinn	1.30
Campbell	1.31	McNairy	1.27
Cannon	1.29	Macon	1.28
Carroll	1.26	Madison	1.26
Carter	1.32	Marion	1.28
Cheatham	1.27	Marshall	1.29
Chester	1.26	Maury	1.27
Claiborne	1.31	Meigs	1.30
Clay	1.29	Monroe	1.31
Cocke	1.32	Montgomery	1.27
Coffee	1.28	Moore	1.29
Crockett	1.26	Morgan	1.30
Cumberland	1.30	Obion	1.25
Davidson	1.28	Overton	1.29
Decatur	1.27	Perry	1.27
De Kalb	1.29	Pickett	1.29
Dickson	1.27	Polk	1.30
Dyer	1.25	Putnam	1.29
Fayette	1.26	Rhea	1.30
Fentress	1.30	Roane	1.31
Franklin	1.27	Robertson	1.27
Gibson	1.25	Rutherford	1.28
Giles	1.27	Scott	1.30
Grainger	1.32	Sequatchie	1.29
Greene	1.32	Sevier	1.32
Grundy	1.29	Shelby	1.25
Hamblen	1.32	Smith	1.28
Hamilton	1.29	Stewart	1.27
Hancock	1.32	Sullivan	1.32
Hardeman	1.26	Sumner	1.28
Hardin	1.27	Tipton	1.25
Hawkins	1.32	Trousdale	1.28
Haywood	1.26	Unicoi	1.32
Henderson	1.26	Union	1.31
Henry	1.26	Van Buren	1.29
Hickman	1.27	Warren	1.29
Houston	1.27	Washington	1.32
Humphreys	1.27	Wayne	1.27
Jackson	1.29	Weakley	1.25
Jefferson	1.32	White	1.29
Johnson	1.32	Williamson	1.28
Knox	1.31	Wilson	1.28
Lake	1.25		

TEXAS

All counties $1.27

UTAH

All counties $1.34

VERMONT

All counties $1.36

VIRGINIA

All counties $1.34

WASHINGTON

All counties $1.29

WEST VIRGINIA

All counties $1.33

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.20	Clark	$1.20
Ashland	1.20	Columbia	1.21
Barron	1.18	Crawford	1.18
Bayfield	1.19	Dane	1.21
Brown	1.22	Dodge	1.21
Buffalo	1.18	Door	1.23
Burnett	1.18	Douglas	1.18
Calumet	1.22	Dunn	1.18
Chippewa	1.19	Eau Claire	1.19

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Florence	$1.22	Pepin	$1.18
Fond du Lac	1.21	Pierce	1.18
Forest	1.22	Polk	1.18
Grant	1.18	Portage	1.21
Green	1.20	Price	1.20
Green Lake	1.21	Racine	1.22
Iowa	1.20	Richland	1.19
Iron	1.21	Rock	1.21
Jackson	1.19	Rusk	1.19
Jefferson	1.21	St. Croix	1.18
Juneau	1.20	Sauk	1.20
Kenosha	1.22	Sawyer	1.19
Kewaunee	1.23	Shawano	1.22
La Crosse	1.18	Sheboygan	1.22
Lafayette	1.20	Taylor	1.20
Langlade	1.22	Trempealeau	1.18
Lincoln	1.21	Vernon	1.18
Manitowoc	1.23	Vilas	1.22
Marathon	1.21	Walworth	1.21
Marinette	1.22	Washburn	1.18
Marquette	1.21	Washington	1.21
Milwaukee	1.22	Waukesha	1.21
Monroe	1.19	Waupaca	1.22
Oconto	1.22	Waushara	1.21
Oneida	1.22	Winnebago	1.22
Outagamie	1.21	Wood	1.20
Ozaukee	1.22		

WYOMING

All counties $1.22

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 12, 1962.

RAPHAEL V. FITZGERALD,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-10378; Filed, Oct. 17, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[958.307 Amdt. 2]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (3) reasonable time is permitted under the circumstances, for such preparation, and (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended:

In § 958.307 (27 F.R. 6923, 7953), delete paragraphs (a) and (d) and substitute in lieu thereof new paragraphs (a) and (d) as set forth below.

§ 958.307 Limitation of shipments.

* * * * *

(a) *Minimum grade and size requirements.* (1) Yellow varieties: U.S. No. 1 grade, 2 inches minimum diameter.

(2) White varieties: U.S. No. 1 grade, 1½ inches minimum diameter; or U.S. No. 2 grade, 1 inch minimum to 2 inches maximum diameter, if packed separately.

(3) Other varieties: U.S. No. 2 grade.

* * * * *

(d) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Onions (§§ 51.2830–51.2850 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated October 12, 1962, to become effective October 22, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10404; Filed, Oct. 17, 1962; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Baldwin, Barbour, Blount, Calhoun, Chambers, Cherokee, Clay, Cleburne, Coffee, Coosa, Covington, Cullman, Dale, De Kalb, Escambia, Etowah, Geneva, Henry, Houston, Jackson, Lauderdale, Lee, Limestone, Macon, Madison, Marion, Marshall, Morgan, Randolph, Russell, St. Clair, Talladega, and Tallapoosa Counties;

Arizona. The entire State;

Arkansas. The entire State;

California. The entire State;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Idaho. The entire State;

Illinois. Alexander, Bond, Boone, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Greene, Grundy, Hamilton, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McHenry, McLean, Macon, Macoupin, Madison, Marion, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Perry, Piatt, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Washington, Wayne, White, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana. The entire State;

Iowa. Audubon, Boone, Carroll, Clinton, Dickinson, Emmet, Greene, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

Kansas. Allen, Anderson, Atchison, Barber, Barton, Brown, Cheyenne, Clark, Clay, Cloud, Coffey, Comanche, Decatur, Dickinson, Edwards, Ellis, Finney, Ford, Franklin, Geary, Gove, Graham, Gray, Greeley, Hamilton, Harper, Harvey, Haskell, Hodgeman, Jefferson, Jewell, Johnson, Kearney, Kingman, Kiowa, Lane, Leavenworth, Lincoln, Linn, Logan, Marshall, Meade, Miami, Mitchell, Morris, Morton, Nemaha, Ness, Norton, Osage, Osborne, Pawnee, Phillips, Pratt, Rawlins, Reno, Rice, Riley, Rooks, Rush, Russell, Scott, Sedgwick, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Thomas, Trego, Wallace, Wichita, and Wyandotte Counties;

Kentucky. Allen, Anderson, Ballard, Barren, Bell, Boone, Boyd, Bracken, Breathitt, Breckinridge, Butler, Calloway, Campbell, Carlisle, Carroll, Carter, Casey, Clay, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Elliott, Estill, Floyd, Franklin, Fulton, Gallatin, Grant, Graves, Grayson, Green, Greenup, Hardin, Harlan, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jackson, Jefferson, Johnson, Kenton, Knott, Knox, Larue, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Livingston, Logan, McCracken, McCreary, McLean, Magoffin, Marion, Marshall, Martin, Mason, Meade, Menifee, Mercer, Metcalfe, Monroe, Morgan, Muhlenberg, Nelson, Ohio, Oldham, Owen, Pendleton, Perry, Pike, Pulaski, Robertson, Rockcastle, Rowan, Scott, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster, Whitley, and Wolfe Counties;

Louisiana. Ascension, Assumption, Claiborne, St. Helena, St. James, St. John the Baptist, Tangipahoa, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Choctaw, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. Adair, Barry, Bates, Benton, Bollinger, Boone, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cass, Cedar, Christian, Clark, Clinton, Cole, Cooper, Crawford, Dade, De Kalb, Dent, Douglas, Dunklin, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Iron, Jackson, Jasper, Jefferson, Johnson, Knox, Lawrence, Linn, Livingston, McDonald, Macon, Madison, Maries, Marion, Mercer, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Oregon, Osage, Ozark, Pemiscot, Perry, Pettis, Phelps, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, Ste. Genevieve, St. Louis, Saline, Scotland, Scott, Shannon, Shelby, Stone, Sullivan, Taney, Texas, Warren, Washington, Wayne, Webster, Worth, and Wright Counties;

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska. Adams, Banner, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Grand Forks, Grant, Griggs, Hettinger, Kidder, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Butler, Carroll, Champaign, Clark, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Fayette, Franklin, Fulton, Greene, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Huron, Jackson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Wayne, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Canadian, Choctaw, Cimarron, Delaware, Grant, Mayes, Nowata, and Ottawa Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Brookings, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Harding, Lawrence, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Turner, Union, and Walworth Counties, and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Andrews, Bailey, Bandera, Baylor, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Cameron, Childress, Cochran, Coke, Coleman, Comal, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Ector, Edwards, El Paso, Fisher, Gaines, Gillespie, Glasscock, Hardeman, Hartley, Haskell, Hays, Hidalgo, Howard, Hudspeth, Irion, Jeff Davis, Kendall, Kerr, Kimble, King, Kinney, Lampasas, Lipscomb, Llano, Loving, McCulloch, Martin, Mason, Menard, Midland, Mills, Mitchell, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor, Terrell, Throckmorton, Tom Green, Travis, Upton, Val Verde, Ward, Winkler, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Niobrara, Park, Sweetwater, Teton, Uinta, Washakie, and Weston Counties; and all of Lincoln County except that portion lying east of a line beginning at the southwest corner of Sublette County and running in a westerly direction to the Bear River Divide; thence running in a southerly direction along the Bear River Divide to U.S. Highway 30; thence running easterly along U.S. Highway 30 to its intersection with U.S. Highway 189; thence running in a southerly direction along U.S. Highway 189 to the Uinta County line;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Marion County in Alabama; Orange County in California; Marion County in Illinois; Coffey, Edwards, Jewell, Ness, and Sedgwick Counties in Kansas; Bell, Casey, Grayson, Lee, Pike, and Scott Counties in Kentucky; Clay, Lincoln, and Oktibbeha Counties in Mississippi; Clinton, Cooper, and Newton Counties in Missouri; Huron and Wayne Counties in Ohio; and Callahan and Travis Counties in Texas.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Nassau County in Florida; Delaware and Fayette Counties in Iowa; Buchanan, Hickory, Lafayette, and Vernon Counties in Missouri; Lincoln County in South Dakota; and that portion of Lincoln County in Wyoming lying east of a line beginning at the southwest corner of Sublette County and running in a westerly direction to the Bear River Divide; thence running in a southerly direction along the Bear River Divide to U.S. Highway 30; thence running easterly along U.S. Highway 30 to the point where it intersects U.S. Highway 189; thence running in a southerly direction along U.S. Highway 189 to the Uinta County line.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of October 1962.

E. E. SAULMON,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 62-10416; Filed, Oct. 17, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1404]

PART 60—AIR TRAFFIC RULES

Rescission of Special Civil Air Regulation

By Special Civil Air Regulation No. SR–453 (27 F.R. 9697), effective October 1, 1962, flight operations were prohibited below 5,000 feet mean sea level within ten nautical miles of the Oxford University Airport, Mississippi, unless authorized by the Memphis Air Route Traffic Control Center. This action was necessary to preclude the development of a hazardous situation caused by the sudden influx of air traffic in the vicinity of Oxford, Mississippi, due to recent events involving the University of Mississippi.

Inasmuch as the aerial activity generated in the Oxford area has now returned to normal, retention of Special Civil Air Regulation No. SR–453 is no longer necessary and should therefore be rescinded.

Since this action removes an existing restriction, compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, Special Civil Air Regulation No. SR–453 is hereby rescinded, effective immediately.

(Sec. 307 of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 16, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–10478; Filed, Oct. 17, 1962; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–237]

PART 13—PROHIBITED TRADE PRACTICES

Home Freezer Foods, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–250 *Qualifications and abilities;* § 13.15–265 *Service;* § 13.15–278 *Time in business;* § 13.155 *Prices:* § 13.155–80 *Retail as cost, wholesale, discounted, etc.;* § 13.170 *Qualities or properties of product or service:* § 13.170–34 *Economizing or saving.* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Home Freezer Foods, Inc., et al., Washington, D.C., Docket C–237, Sept. 18, 1962]

In the Matter of Home Freezer Foods, Inc., a Corporation, and Philip L. Lendenbaum, Individually and as an Officer of Said Corporation

Consent order requiring a Washington, D.C., seller of freezers and foods by means of a so-called freezer food plan to cease making deceptive savings claims and other misrepresentations in advertising in newspapers, by radio, etc., as in the order below more specifically indicated.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

PART I

It is ordered, That respondents Home Freezer Foods, Inc., a corporation, its officers, and Philip L. Lendenbaum, individually and as an officer of said corporation and respondents' agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of freezers, food or freezer food plans in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication that:

(a) Purchasers of respondents' freezer food plan will save enough money on the purchase of their food to pay for a freezer;

(b) "Home Economists" or other qualified individuals will assist purchasers of respondents' freezer food plan in planning their food orders.

(c) For any stated price, purchasers of respondents' freezer food plan, will receive all their food needs and a freezer.

2. Representing that respondents have been in the freezer food business for 30 years or for any other length of time not in accordance with the facts.

3. Representing that purchasers of their freezer food plan can buy their food from respondents at wholesale prices.

4. Misrepresenting in any manner the amount of food or the food items purchasers of their freezer food plan will receive from respondents.

5. Misrepresenting in any manner the savings realized by the purchase of the freezer food plan.

6. Obtaining purchasers' signatures to contracts without full and complete disclosure of charges therein and full and complete disclosure of the total of all charges involved therein.

PART II

It is further ordered, That respondents Home Freezer Foods, Inc., a corporation, and its officers and Philip L. Lendenbaum, individually and as an officer of said corporation and respondents' agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of any food or any purchasing plan involving food, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in paragraphs one, two, three, four, and five of Part I of this order.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly the purchase of any food, or any purchasing plan involving food in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in paragraphs one, two, three, four, and five of Part I of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 18, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–10391; Filed, Oct. 17, 1962; 8:46 a.m.]

[Docket 7662]

PART 13—PROHIBITED TRADE PRACTICES

Radiator Specialty Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods.* Subpart—Using misleading name—Goods: § 13.2280 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Radiator Specialty Company et al., Charlotte, N.C., Docket 7662, Sept. 21, 1962]

In the Matter of Radiator Specialty Company, a Corporation, and I. D. Blumenthal, Herman Blumenthal, and J. J. Duckworth, Individually and as Officers of Said Corporation

Order requiring Charlotte, N.C., manufacturers of nonmetallic sealing compounds designed for repairing and sealing leaks in automobile radiators and in steam and hot water heating systems, to cease representing falsely in advertising in magazines, by circulars distributed to the trade and the general public, and by use of their trade name "Solder Seal", that their products were solders, were metallic, and formed a metallic seal or bond.

The order to cease and desist is as follows:

It is ordered, That the respondents, Radiator Specialty Company, a corporation, and its officers, and I. D. Blumenthal, Herman Blumenthal, and J. J. Duckworth as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act of respondents' products "Solder Seal Radiator Repair", "Liquid Solder Seal Radiator Repair", "Solder Seal Radiator Pressure Seal", "Boiler Solder Seal", "Liquid Boiler Solder Seal", "Boiler Solder Seal Type R–H", "Block Seal" and "Liquid Block Seal", or any other products of substantially similar composition, do forthwith cease and desist from:

1. Representing through the use of trade names, trademarks, or in any other manner, that any of said products is a solder, unless it is clearly disclosed that the product is non-metallic; provided, however, that if a product contains a metallic substance the percentage thereof may be stated.

2. Representing, directly or by implication, that any of said products is metallic or that when used it forms a metallic seal or bond.

It is further ordered, That the complaint be dismissed as to the charge that respondents have represented, contrary to fact, that their product "Solder Seal Radiator Repair" will effect a permanent repair.

It is further ordered, That the complaint be dismissed as to respondents I. D. Blumenthal, Herman Blumenthal, and J. J. Duckworth in their individual capacities.

By "Final Order" report of compliance was required as follows:

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 21, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–10392; Filed, Oct. 17, 1962; 8:46 a.m.]

[Docket C–240]

PART 13—PROHIBITED TRADE PRACTICES

Taylor & Art, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1315 *Safety.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1890 *Safety.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Taylor & Art, Inc., et al., Oakland, Calif., Docket C–240, Sept. 20, 1962]

In the Matter of Taylor & Art, Inc., a Corporation, and Arthur L. Whitehead, Gilbert G. Taylor, and Peter K. Arpin, Individually and as Officers of Said Corporation

Consent order requiring Oakland, Calif., distributors of plastic metal menders designated "Flex Bond", to automotive paint jobbers and others for resale, to cease labeling their said product as a "plastic solder", and to set forth clearly and conspicuously on labels possible dangers in use thereof and directions for safe handling.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Taylor & Art, Inc., a corporation, and its officers, and respondents Arthur L. Whitehead, Gilbert G. Taylor, and Peter K. Arpin, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of plastic metal menders designated "Flex Bond" and "Flex Bond C", or any other product or products of similar composition or possessing substantially similar properties, under whatever name or names sold, do forthwith cease and desist from:

1. Using the word "solder" to designate, describe or refer to any product which is not a metallic compound or otherwise misrepresenting the composition of the product.

2. Using a label on the container for the cream hardener which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: Keep away from heat or flame. Keep out of reach of children. If taken internally, induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

3. Using a label on the container for the putty used in the plastic metal mender designated "Flex Bond C", or any other product of similar composition or possessing substantially similar properties, which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: After mixing with cream hardener, avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

4. Using a label on the container for the liquid hardener which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: Keep away from heat or flame. Keep out of reach of children. If taken internally induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water. Use in well ventilated area; avoid vapors.

5. Using a label on the container for the putty used in the plastic metal mender designated "Flex Bond", or any other product of similar composition or possessing substantially similar properties, which does not set forth in a clear and conspicuous manner the following statements.

CAUTION: Keep out of reach of children. If taken internally, induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water. After mixing with liquid hardener, use in well ventilated area; avoid vapors.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 20, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–10393; Filed, Oct. 17, 1962; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55734]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

Carriers; Application to Bond, Amendment

Section 551, Tariff Act of 1930, as amended, provided that, among others, any freight forwarder, as defined in section 402 of part IV of the Interstate Commerce Act, as amended, may, in the discretion of the Secretary of the Treasury, be designated as a carrier of bonded merchandise. Public Law 87–598, approved August 24, 1962 (T.D. 55711), further amends section 551 of the tariff act to permit the Secretary to designate any freight forwarder, authorized to act as such by any Federal agency, as a carrier of bonded merchandise. Section 18.1 of the Customs regulations is hereby amended as set forth below, to conform to that change in the law.

The second sentence of § 18.1(a) is amended by substituting "authorized to operate as such by any agency of the United States" for "as defined in section 402 of part IV of the Interstate Commerce Act, as amended (49 U.S.C. 1002 (a)(5))" so that the sentence will read as follows: "For the purposes of this section, the term 'common carrier' means a common carrier of merchandise owning or operating a railroad, steamship, or other transportation line or route or a freight forwarder authorized to operate as such by any agency of the United States."

Footnote 1 appended to § 18.1(a) is amended to read as follows:

[1] Under such regulations and subject to such terms and conditions as the Secretary of the Treasury shall prescribe, any common carrier of merchandise owning or operating a railroad, steamship, or other transportation line or route for the transportation of merchandise in the United States, or any freight forwarder authorized to operate as such by any agency of the United States, upon application, may, in the discretion of the Secretary, be designated as a carrier of bonded merchandise for the final release of which from customs custody a permit has not been issued. (19 U.S.C. 1551.)

The second sentence of § 18.1(c) is amended to read as follows: "In addition to the foregoing a freight forwarder

shall submit a certificate from the appropriate agency of the United States showing that the applicant is authorized to operate as a freight forwarder by that agency."

(R.S. 161, as amended, 251, secs. 551, 624, 46 Stat. 742, as amended, 759; 5 U.S.C. 22, 19 U.S.C. 66, 1551, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: October 10, 1962.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 62-10409; Filed, Oct. 17, 1962; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 613—STRAW, HAIR, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), and by means of Administrative Order No. 564 (27 F.R. 7680), the Secretary of Labor appointed and convened Industry Committee No. 54–C. Administrative Order No. 564 referred to Industry Committee No. 54–C the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the straw, hair, and related products industry in Puerto Rico, as defined in that Order, and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 54–C are hereinafter published in this revision of 29 CFR Part 613.

Effective November 2, 1962, 29 CFR Part 613 is hereby revised to read as follows:

Sec.
613.1 Definition.
613.2 Wage rates.
613.3 Notices.

AUTHORITY: §§ 613.1 to 613.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 613.1 Definition.

The straw, hair, and related products industry in Puerto Rico, to which this part shall apply is defined as the manufacture of products made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers, and similar materials: *Provided, however,* That the industry shall not cover products or activities included in the artificial flower, decoration, and party favor industry (Part 688 of this chapter), the button, jewelry, and lapidary work industry (Part 616 of this chapter), the children's dress and related products industry (Part 610 of this chapter), the men's and boys' clothing and related products industry (Part 615 of this chapter), the shoe and related products industry (Part 601 of this chapter), or the textile and textile products industry (Part 699 of this chapter).

§ 613.2 Wage rates.

(a) Wages at a rate of not less than 80.5 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hair piece and doll wig classification of the straw, hair, and related products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of hair pieces and doll wigs.

(b) Wages at a rate of not less than 65 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the artists' brush and native handicraft products classification of the straw, hair, and related products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of artists' brushes, hair pencils, and other miscellaneous brushes (excluding house-painting brushes, toothbrushes, shaving brushes, and other toilet, clothes, or household brushes); and the manufacture of hand-made or hand-woven products (including, but without limitation, handbags, mats, coasters, lamp and window shades, blinds, fans, and brooms) made wholly or chiefly of materials originating in Puerto Rico, including straw, raffia, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers, and similar materials.

(c) Wages at a rate of not less than 70 cents an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hair and bristles processing and other straw, hair, and related products and new coverage classification of the straw, hair, and related products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce and this classification shall be defined as the processing of hair and bristles and the manufacture of all products included in the straw, hair, and related products industry in Puerto Rico not included in the hair piece and doll wig classification or the artists' brush and native handicraft products classification; and all activities of employees in the industry covered by section 6 of the Act only by reason of the Fair Labor Standards Amendments of 1961.

§ 613.3 Notices.

Every employer subject to the provisions of § 613.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 613.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 15th day of October 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-10415; Filed, Oct. 17, 1962; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

Miscellaneous Amendments to Subchapter

Subchapter W of title 32 is amended as follows:

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart E is revised to read as follows:

Subpart E—Solicitations of Proposals and Quotations

§ 1003.501 Preparation of request for proposals or request for quotations.

When samples or descriptive literature are desired the provisions of §§ 2.202–4 and 2.202–5 of this title with regard to IFBs, should be used as guidelines in preparation of provisions for inclusion in RFPs or RFQs.

Subpart F—Small Purchases

1. Revise § 1003.602 to read as follows:

When it is not feasible to use the aggregate award procedure in § 3.602(d) of this title, but the nature of the requirement indicates the possibility of multiple awards, the cost of issuing and administering multiple purchase actions will be considered in making awards. For the purpose of this evaluation, the cost of issuing and administering the various purchase documents will be considered to be: (a) $3 for calls against established blanket purchase agreements; (b) $3 for AF Form 385; (c) $10 for SF 44; and (d) $12 for DD Form 1155. Suppliers will be notified of this award procedure. When applicable, this section will be cited on the Abstract of Proposals/Quotations as the basis for awarding to other than the low offerer.

§ 1003.604–3 [Deletion]

2. Delete § 1003.604–3.

§ 1003.606–2 [Amendment]

3. In § 1003.606–2, delete the second sentence and paragraphs (d) to (f).

4. Revise § 1003.607 to read as follows:

§ 1003.607 Use of Department of Defense or Departmental Procurement forms.

(See Part 16 of this title and Part 1016 of this subchapter.) AF procurement activities will not normally use a negotiated (two-party) formal contract for small purchases. However, when it is necessary to add an ASPR clause not authorized for use with a form designed for small purchases, any appropriate authorized negotiated (two-signature) contract form (e.g., DD Form 1261) may be used.

5. Add a new § 1003.609 as follows:

§ 1003.609 Purchase data.

Written justification explaining how prices were determined to be reasonable is not required for purchases of $250 or less. The fact that written justification is not required does not excuse the contracting officer or cash purchasing officer from determining that prices are reasonable. When prices are solicited from three suppliers dealing in the items required and only one quotation is received, it is not necessary to solicit additional quotations if the price received is considered reasonable. When one source is solicited for a purchase exceeding $250 up to $2,500, a brief written notation must be made a part of each file to explain absence of competition.

6. Section 1003.652–3(a) is revised as follows:

§ 1003.652–3 Purchasing procedures.

(a) • • •

(3) The contracting officer will select only one competent and reputable firm for the performance of the required service. Normally this firm will be selected in the following chronological order, except that the order of selection may be altered when the contracting officer determines that lower prices may be obtained without sacrificing quality workmanship:

• • • • •

(4) • • •

(iii) • • •

(*a*) Obtain from the maintenance activity a statement as to the reparability of the item in light of the prices quoted and the reasonableness of the price quoted for repairs contemplated. If it is determined by the contracting officer that the price is unreasonable, other qualified sources may be contacted for prices by using the itemized labor and parts list furnished by the first source.

(*b*) If the item is not reparable or award is to be made to another vendor, notify the first vendor accordingly and accomplish the purchase action for services performed in either subdivision (i) (*a*) of this subparagraph or this subsection, as appropriate, by one of the other small purchase procedures authorized by this subpart.

Subpart G is revised to read as follows:

Subpart G—Negotiated Overhead Rate

Sec.
1003.700 Scope of subpart.
1003.703 Applicability.
1003.704 Contract clauses.
1003.704–1 Contracts with commercial concerns.
1003.704–2 Contracts with nonprofit and educational institutions.
1003.705 Procedure.
1003.706 Coordination.

AUTHORITY: §§ 1003.700 to 1003.706 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1003.700 Scope of subpart.

This subpart sets forth policy and procedure governing the negotiation of overhead rates for use in cost-reimbursement type contracts containing the Negotiated Overhead Rates clause in either § 3.704–1 or § 3.704–2 of this title.

§ 1003.703 Applicability.

This subpart applies to all AF procurement activities. AFSC procuring activities will request approval from Pricing Division (ASXKF), Deputy for Procurement, AFSC, Wright-Patterson AFB, Ohio. AFLC procuring activities and all other commands, will request approval from Pricing Branch, Contract Operations Division (MCPKP), Hq AFLC, who will coordinate with AFSC (ASXKF) before granting approval. It is not practical for a contractor to have a mixture of cost-reimbursement type contracts, some requiring negotiated final overhead rates, as provided in this subpart and others which omit the clauses in § 3.704–1 or § 3.704–2 of this title and therefore requiring settlement of final overhead by audit determination.

§ 1003.704 Contract clauses.

§ 1003.704–1 Contracts with commercial concerns.

It is AF policy, not to incorporate provisional rates in contracts with commercial organizations. The contractor will be reimbursed on basis of billing overhead rates negotiated by the administrative contracting office as provided in the ASPR clause.

§ 1003.704–2 Contracts with nonprofit and educational institutions.

It is AF policy to incorporate provisional rates in contracts with colleges, universities, and research institutes. Provisional overhead rates for research institutes will be negotiated by AFSC (SCMKF). Provisional overhead rates for colleges and universities will be negotiated by OAR (RRMK). Such rates will be negotiated as part of the final overhead rate negotiations.

§ 1033.705 Procedure.

(a) AFSC (ASXKF) will conduct or monitor all negotiated final overhead rates when the Air Force is the only procurement activity concerned or when the Air Force is the cognizant negotiating service for coordinated negotiations as described under § 3.706 of this title.

(1) ASXKF will conduct the negotiation of all final overhead rates established pursuant to § 3.704–1 of this title when the Air Force is the only procurement activity concerned or when the Air Force is the cognizant negotiating service for coordinated negotiations (§ 3.706 of this title) except with colleges, universities and research institutes as shown in subparagraph (2) of this paragraph. The contractor's proposal will be forwarded through the administrative contracting officer for distribution to either ASXKF or SCMKF within AFSC, or OAR (RRMK) and to the cognizant auditor. The audit report will be forwarded by the cognizant auditor to ASXKF, SCMKF, or OAR (RRMK) through the Auditor General, USAF, liaison activity nearest the office responsible for the negotiation, with copies provided to the ACO. In addition to the auditor's responsibility to obtain the contractor's reaction to the costs questioned, it will normally be standard procedure to furnish one copy of the audit report, exclusive of narrative comments, to the contractor.

(2) ASXKF will monitor the negotiation of all final overhead rates established pursuant to § 3.704–2 of this title when the Air Force is the only procurement activity concerned or when the Air Force is the cognizant negotiating service for coordinated negotiations (§ 3.706 of this title) with colleges, universities, and research institutes. The authority to conduct such negotiations with colleges and universities has been delegated to OAR (RRMK) without redelegation authority. The authority to conduct such negotiations with research institutes has been delegated to SCMKF without redelegation authority.

(3) ASXKF will monitor the negotiations of all final overhead rates established for fractional periods of time. ACOs are authorized to negotiate final overhead rates for any fractional periods less than 6 months necessary to close out a contract. ACOs may utilize either the rates negotiated for the immediate preceding period, the recommendation of the cognizant auditor based on limited review, or any other reasonable approach.

(b) Advisory audit reports will be used in all final overhead negotiations except where ASXKF, SCMKF, or OAR (RRMK), as appropriate, decides that the amount of overhead involved is so small that the cost of auditing is not justified and the cognizant audit agency is so notified.

(c) ASXKF, SCMKF, or OAR (RRMK) as appropriate will distribute the negotiation report to all Air Force and other military department buying activities holding affected contracts and the audit activity.

§ 1003.706 Coordination.

Where one or more military departments, other than the Air Force, have cost-reimbursement type contracts with a contractor, ASXKF will coordinate with the other military departments in determining the cognizant negotiating activity. Should the determination be made that the Air Force will be the cognizant negotiating activity, ASXKF will

(a) For negotiations pursuant to § 3.704–1 of this title, schedule the negotiation, or (b) for negotiations pursuant to § 3.704–2 of this title notify SCMKF or OAR (RRMK) as appropriate, who will be responsible for scheduling the negotiation meeting, notifying the other interested services, and conduct the negotiation.

Subpart H—Price Negotiation Policies and Techniques

§§ 1003.802–3; 1003.812—1003.812–4 [Deletion]

1. Delete §§ 1003.802–3 and 1003.812 through 1003.812–4.

§ 1003.808–5 [Amendment]

2. In § 1003.808–5 amend the reference to read "§ 1003.405–5(c)(2)."

3. Revise § 1003.850–7 to read as follows:

§ 1003.850–7 Savings clauses.

* * * * *

(b) Where deviation approval has been received.

Subpart I—Subcontracting Policies and Procedures

§§ 1003.900—1003.902; 1003.904 [Deletion]

1. Delete §§ 1003.900 through 1003.902; 1003.904.

2. In § 1003.903–4(a), add a new subparagraph (10) as follows:

§ 1003.903–4 Review of individual subcontracts.

(a) * * *

(10) A subcontract will be placed in a manner which will assure economical and efficient performance and whether a subcontractor operates a union or nonunion shop is not a factor for consideration in determining the award of a subcontract.

§ 1003.903–50 [Amendment]

3. In § 1003.903–50, *Consent to subcontracts*, delete paragraph (f) and redesignate paragraph (g) as paragraph (f).

PART 1005—INTERDEPARTMENTAL PROCUREMENT

Subpart A—Procurement Under Federal Supply Schedule Contracts

§§ 1005.100; 1005.101; 1005.103–1; 1005.103–3; 1005.104; 1005.105 and 1005.151 [Deletion]

1. Delete §§ 1005.100; 1005.101; 1005.103–1; 1005.103–3; 1005.104; 1005.105 and 1005.151.

§ 1005.103–2 [Amendment]

2. In § 1005.103–2 (a) and (c) amend the reference to read: "§ 5.102."

3. Revise § 1005.106 to read as follows:

§ 1005.106 Federal Supply Schedules with multiple source provisions.

In ordering from multiple source Federal Supply Schedules, as set forth in § 5.106 of this title, the choice of equipment will be governed by price, except when the using activity furnishes a written justification for ordering a particular make or brand. The justification statement will be signed by the director of materiel or his designated representative, at the installation originating the requirement and will constitute full authority to the procuring activity for placing the order. The justification statement will be attached to the purchase request and will be included in the contract file as documentation to justify the order. No formal determination or finding need be filed with either GSA or the General Accounting Office. Where the price of comparable items of two or more contractors is identical, orders will be rotated to the extent practicable to avoid a sole source situation.

Subpart B—Procurement From General Services Administration Stores Depots

Subpart B is deleted and reserved.

Subpart C—Procurement Through Federal Supply Service Consolidated Purchasing Programs

Subpart C is deleted and reserved.

Subpart E—Procurement of Blind-Made Supplies

§§ 1005.505–1 and 1005.505–2 [Deletion]

Delete §§ 1005.505–1 and 1005.505–2.

Subpart F—Procurement of Printing and Related Supplies

§ 1005.650–1 [Amendment]

In § 1005.650–1(c)(1), amend the reference "AFM 171–5" to read "AFM 171–10 (General Data Processing and Reporting Instructions)."

Subpart H—Procurement of Certain Utility Services by Use of General Services Administration Area Contracts

§§ 1005.800—1005.802; 1005.804 [Deletion]

Delete §§ 1005.800 through 1005.802 and 1005.804.

PART 1006—FOREIGN PURCHASES

Subpart A—Buy American Act—Supply and Service Contracts

§§ 1006.100—1006.102; 1006.103–1; 1006.103–4; 1006.103–6 and 1006.104–5 [Deletion]

1. Delete §§ 1006.100 through 1006.102; 1006.103–1; 1006.103–4; 1006.103–6 and 1006.104–5.

§ 1006.103–2 [Amendment]

2. In § 1006.103–2(b)(2), amend the words "Part 1004, Subpart F of this chapter" to read "Subpart D of this part."

§ 1006.103–5 [Amendment]

3. In § 1006.103–5(a), delete the section signs.

Subpart B is revised to read as follows:

Subpart B—Buy American Act; Construction Contracts

Sec.

1006.203 Exceptions.
1006.203–1 Nonavailability in the United States.
1006.204 Procedures.
1006.204–3 Evaluation of bids and proposals.

AUTHORITY: §§ 1006.203 to 1006.204–3 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1006.203 Exceptions.

§ 1006.203–1 Nonavailability in the United States.

This section will be used according to procedures prescribed in § 1006.103–2.

§ 1006.204 Procedures.

§ 1006.204–3 Evaluation of bids and proposals.

(a) to (b) See § 6.204–3 (a) to (b) of this title.

(c) *Impracticability.* Proposed procurements within § 6.204–3(c) of this title will be forwarded through channels (including AMC (MCPP)) to Hq USAF (AFMPP–PR–1), Washington 25, D.C., for submission to the Secretary of the Air Force for consideration.

(d) *Procedure.* When proposed procurements are submitted for Secretarial consideration under the provisions of paragraph (c) of this section, the request will include the following:

(1) IFB or RFP number and date issued.

(2) Date(s) of bid expiration and any extensions obtained.

(3) Complete description of each designated item of non-domestic construction material proposed for use, including total quantity and price.

(4) Name and address of proposed contractors or individuals.

(5) Designation of agency to effect purchase.

(6) Complete detailed facts justifying the proposed award and demonstrating that, as to each designated item of non-domestic construction material proposed for use, the use of any corresponding domestic construction material would be impracticable.

(e) *Provision for extension of bid expiration.* Procedures set forth in § 1006.104–4(f) will be followed.

Subpart D is revised to read as follows:

Subpart D—Purchases From Soviet-Controlled Areas

§ 1006.402 Exceptions.

(a)(1) See § 1006.103–2.

(2) Purchases in excess of $2,500 may be made only after specific approval of the Secretary of the Air Force. The buyer will prepare three copies of an appropriately worded finding and determination together with complete justification and forward them through channels (including AFSC (SCMK) or AFLC (MCPP) for other commands) to Hq USAF (AFSPM–PR–1), Washington 25, D.C., for submission to the Secretary.

(b) Requests for approvals or appeals will be forwarded according to paragraph (a)(2) of this section.

Subpart E—Canadian Purchases

§§ 1006.502 and 1006.504 [Deletion]

1. Delete §§ 1006.502 and 1006.504.

§ 1006.552 [Amendment]

2. In § 1006.552, delete the reference therein.

Subpart F—Duty and Customs

Subpart F is deleted and reserved.

Subpart T—Offshore Procurement

§ 1006.2001–2 [Amendment]

1. In § 1006.2001–2(c), delete the words: "according to § 1053.102 of this chapter" in the last sentence of subparagraph (1).

§ 1006.2005 [Amendment]

2. In § 1006.2005(a), the reference "§ 1.201–8" is amended to read: "§ 1.201–20"; and in paragraph (d) delete the words: "and Subpart C of this part."

§ 1006.2008 [Amendment]

3. In § 1006.2008 delete the parenthetical phrase.

A new Subpart U is added as follows:

Subpart U—Procurement Services for the Federal Republic of Germany

Sec.

1006.2100 Scope of subpart.
1006.2101 Cooperative U.S.–FRG logistics system.
1006.2102 Definitions.
1006.2103 Policies.

AUTHORITY: §§ 1006.2100 to 1006.2103 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1006.2100 Scope of subpart.

This subpart pertains to procurement services for nonstandard military items to be provided by the Department of the Air Force to the Government of the Federal Republic of Germany (FRG).

§ 1006.2101 Cooperative U.S.–FRG logistics system.

Based on principles expressed in previous Mutual Defense Assistance Agreements, and as part of a broad cooperative U.S.–FRG logistics system, the U.S. Government has agreed to provide procurement services to the FRG. These services involve the purchase of certain articles and services which were not procured before under the previous Agreements, and which are not standard military items but are directly related to or essential for the operational capability of the armed forces of the FRG.

§ 1006.2102 Definitions.

(a) *Nonstandard military item.* An item which is currently not in stock, on order, or being procured or produced for the armed forces of the United States.

(b) *Procurement services.* The purchase, processing, financing and delivery of non-standard military items for the FRG.

(c) *Domestic source end product.* See § 6.101(d) of this title.

§ 1006.2103 Policies.

Procurement services for nonstandard military items will be provided the FRG by AF activities according to the following policies:

(a) *When sources are designated by the FRG.* (1) Procurements will be limited to domestic source end products. Procurement services should be expedited as much as possible using procedures established in AFR 400–6.

(2) Contracts and purchases should be made as the agent of the FRG under the authority of the Foreign Assistance Act of 1961 (P.L. 87–195). Title will pass directly from the suppliers to the FRG.

(3) Each procurement document should cite the applicable trust fund expenditure account "Advances, Mutual Security Act, Executive (Transfers to AF) 57–11x8242.01" directly on the contract for procurement.

(4) Items not covered by U.S. Government specifications will be procured according to manufacturers' specifications and warranties, unless the FRG requests other specifications, qualifications, and warranties. If the specifications and warranties of the manufacturer are considered inadequate for procurement purposes, such specifications and warranties may be adequately supplemented by the procuring activity after consultation with the FRG. Questions relating to supplementary specifications and warranties will be referred to Hq USAF (AFSMS–CG–MS) for clarification and appropriate action.

(5) ASPR and AFPI contract clauses and procedures may be appropriately modified to the extent necessary and consistent with law and good procurement practices. In no event should contracts be awarded at unreasonable prices.

(6) In addition to charges made under AFR 400–6 (Mutual Security Military Sales), an additional charge of 5 percent of the purchase price of the articles or services procured should be made to reimburse general expenses incurred for normal contract administration including testing, inspection, and quality control. Specific services requested by the FRG, such as special inspection or testing services over and above those normally performed, will be charged and reimbursed at cost. The FRG may request a reduction in the percentage charged for a single procurement exceeding $10,000,000 in value. Questions relating to fee reductions will be referred to Hq USAF (AFSMS–CD–MS) for clarification and appropriate action.

(b) *When sources are not designated by the FRG.* (1) Nonstandard military items for which the FRG does not specify sources will be procured according to AFR 400–6.

(2) Charges made to the FRG for nonstandard military items will be governed by paragraph (a)(6) of this section.

PART 1007—CONTRACT CLAUSES

In § 1007.000–6, delete the words "Subpart 00, "Contracts With Canadian Commercial Corporation," and."

Subpart A—Clauses for Fixed-Price Supply Contracts

1. Revise § 1007.106 to read as follows:

§ 1007.106 Price escalation clauses (established prices).

See § 7.106 of this title and § 1003.404–3 of this subchapter.

§ 1007.107 [Deletion]

2. Delete § 1007.107.

§ 1007.108–50 [Amendment]

3. In § 1007.108–50, amend the reference in the introduction to read "§ 3.404–4."

4. Revise § 1007.109–1 to read as follows:

§ 1007.109–1 General.

Description, applicability, and limitations of clauses are covered in Subpart D, Part 3 of this title and Subpart D, Part 1003 of this subchapter.

§ 1007.109–50 [Amendment]

5. In § 1007.109–50(a), amend the reference to read: "§ 1003.404–50."

Subpart D—Clauses for Cost-Reimbursement Type Research and Development Contracts

§ 1007.403–51 [Deletion]

Delete § 1007.403–51.

A new Subpart F is added as follows:

Subpart F—Clauses for Fixed Price Construction Contracts

Sec.

1007.602 Required clauses.
1007.602–50 Bonds.
1007.602–51 Government-furnished property.
1007.602–52 Approval of subcontracts.
1007.602–53 Safety and accident prevention.
1007.604 Additional clauses.
1007.604–50 Superseding specifications.
1007.604–51 Estimated requirements.
1007.604–52 Alterations to printed general and special provisions.
1007.650 Required special provisions.
1007.650–1 Description of work.
1007.650–2 Scope of work.
1007.650–3 Order of work.
1007.650–4 Operation and storage areas.
1007.650–5 Base lines and grades.
1007.650–6 Progress charts, Sundays, holidays and nights.
1007.650–7 Standard test, qualify, and guarantees.
1007.650–8 Preservation of existing vegetation.
1007.650–9 Protection of material and work.
1007.650–10 Possession prior to completion.
1007.650–11 Price adjustment for suspension, delay, or interruption of the work.
1007.650–12 Identification of employees.
1007.650–13 Cleaning up.
1007.650–14 Water.
1007.650–15 Electricity.
1007.650–16 Airfield safety precautions.
1007.650–17 Shop drawings.
1007.650–18 Rates of wages.
1007.650–19 Protection of existing structures, utilities and work.
1007.651 Additional special provisions.

AUTHORITY: §§ 1007.602 to 1007.651 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1007.602 Required clauses.

The clauses appearing in §§ 7.602–1 through 7.602–22 of this title, with the

exception of § 7.602–10 of this title, are the clauses printed as Standard Form 23A, "General Provisions (Construction Contracts)." The labor provisions covered by § 7.602–23 of this title are the clauses printed as Standard Form 19A "Labor Provisions." These forms will be used together with the Standard Form 23, "Construction Contract," and such additional clauses as are required by Subchapter A, Chapter I of this title and this subpart. The additional clauses (General Provisions) will be serially numbered beginning with the number 22 to follow the numbering of Standard Form 23A. The commonly used additional General and Special provisions have been printed as AFPI 71–1031 (see § 1016.051 of this subchapter) for convenience and standardization. Inapplicable clauses will be deleted and additional clauses will be added according to instructions in Subchapter A, Chapter I of this title and this subpart.

§ 1007.602–50 Bonds.

BONDS (JULY 62)

(a) *Payment bond.* If this contract exceeds $2,000, the Contractor agrees to furnish a payment bond with good and sufficient surety or sureties acceptable to the Government for the protection of persons furnishing material or labor in connection with the performance of the work under this contract on Standard Form 25A, "Payment Bond," or Standard Form 27A, "Payment Bond, Corporate Co-Surety Forms." The penal sum of such payment bond shall be as follows: (i) If the contract price is not more than $1,000,000, 50 percent of the contract price, (ii) if the contract price is more than $1,000,000 but not more than $5,000,000, 40 percent of the contract price, and (iii) if the contract price is more than $5,000,000, $2,500,000.

(b) *Performance bond.* If the contract price exceeds $2,000, the Contractor further agrees, in connection with the performance of work under this contract, to furnish a performance bond on Standard Form 25, "Performance Bond," or Standard Form 27, "Performance Bond Corporate Co-Surety Form" with good and sufficient surety or sureties acceptable to the Government. Unless otherwise stated in the Schedule the penal sum of such performance bond shall be 100 percent of the contract price.

(c) Any bonds required hereunder will be dated as of the same date as the contract and will be furnished by the Contractor to the Government at the time the contract is executed.

§ 1007.602–51 Government-furnished property.

Insert the clause in § 13.502 of this title with modifications appropriate to the following:

(a) Construction contracts entered into and administered by the base procurement officer will be modified as follows:

(1) Delete the second and third sentence of paragraph (c).

(2) In paragraph (e) change "sound industrial practice' to 'sound construction practice."

(3) Delete the first paragraph (f) and the italicized instructions immediately preceding and following it.

(4) Delete the words "industry in which the contractor is engaged' appearing in paragraph (f)(i)(B)(II) and substitute therefor the words 'construction industry."

(5) Omit paragraph (f)(vii).

(6) Add the following paragraphs:

(j) If any work required by this contract involves the repair, alteration, or renovation of any building or other structure such building or structure, and any property removed therefrom, shall be subject to the provisions of paragraphs (c), (f), (h), (k) and paragraph (e) revised as follows:

"The contractor shall maintain and protect the building or structure required to be repaired, altered, or renovated under this contract, and any property removed therefrom, in accordance with sound construction practice."

Notwithstanding the foregoing provisions such building or structure, or any property removed therefrom, shall not be considered Government-Furnished Property within the meaning and for the purposes of any other provisions of this clause.

(k) All reasonable requests of the Contracting Officer to inclose or specially protect Government-Furnished Property will be complied with. If the Contracting Officer determines that Government-Furnished Property is not adequately protected by the Contractor, such property may be protected by the Government and the cost of such protection may be charged to the contractor or deducted from any payments due to him.

(l) Notwithstanding any other provisions of this contract, the contractor's liability for Government-Furnished Property, including buildings, structures, and property removed therefrom, but excluding property covered by SP 1–08 and SP 1–19, shall be determined solely by the provisions of this clause, and in applying these provisions all other clauses of this contract shall be construed to be in accordance therewith.

(b) Construction contracts entered into and administered in behalf of the Government by other than the base procurement officer will be modified in the same manner as provided in paragraph (a) of this section except that the second sentence only of paragraph (c) of the clause set forth in § 13.502 of this title will be deleted.

§ 1007.602–52 Approval of subcontracts.

APPROVAL OF SUBCONTRACTS (Nov. 1961)

No contract shall be made by the Contractor with any other party for furnishing any of the completed or substantially completed articles or work herein contracted for without the written approval of the Contracting Officer as to sources.

§ 1007.602–53 Safety and accident prevention.

Section 1007.4047.

§ 1007.604 Additional clauses.

§ 1007.604–50 Superseding specifications.

The clause in § 1007.4024 may be inserted.

§ 1007.604–51 Estimated requirements.

The clause in § 1007.4028(b) may be inserted subject to the limitations in § 1003.405–5(b) of this subchapter.

NOTE: When this clause is used, paragraphs (b) and (c) of the clause set forth in § 1007.650–1 will be omitted.

§ 1007.604–52 Alterations to printed general and special provisions.

If any alterations are required in the printed General or Special Provisions insert an introductory statement substantially as follows immediately before Standard Form 23A.

Alterations in printed provisions. The following alterations are hereby made in the General and Special Provisions of this Invitation for Bid and any contract awarded hereunder. (List alterations).

§ 1007.650 Required special provisions.

The following special provisions (§§ 1007.650–1 through 1007.650–19) will be inserted in construction contracts estimated to exceed $10,000. Individual special provisions may be added to contracts in excess of $2,000 up to $10,000 when past experience has indicated that the subject matter of the particular clause is necessary for proper administration of the contract. (For example, SP 1–14 and SP 1–15 covering the furnishing of water and electricity.) To maintain the simplicity of Standard Form 19, the addition of special provisions will be kept to the minimum.

§ 1007.650–1 Description of work.

In contracts for alteration, rehabilitation, and repair of family housing the percentage of variation in paragraph (c) of this section will be changed from "90 percent to 110 percent" to "75 percent to 125 percent."

SP 1–01 DESCRIPTION OF WORK (JUL. 1962)

(a) *Work to be done.* The work to be done is described in Standard Form 23 attached hereto. The Government will furnish to the Contractor the materials and equipment required by the statement of work to be so furnished, if any.

(b) *Quantity.* (This paragraph is applicable to all lump-sum contracts but is inapplicable to all unit price contracts.) The lump-sum price for the entire work will be the basis of payment. The Contractor will be required to complete the work as specified, subject to the provisions of Clause 3, Changes, in Standard Form 23A of this contract.

(c) *Quantity.* (This paragraph is applicable to all unit price contracts but is inapplicable to all lump-sum contracts.) The Contractor may reasonably expect a variation in the estimated quantity set forth in the Schedule such that the total payment for the completed work may range from 90 percent to 110 percent of the total amount stated on the Standard Form 23 attached hereto. The Contractor will be required to complete the entire work as set forth herein subject to the allotment of sufficient funds to the contract: Provided, (1) the Contractor is not authorized to perform work the cost of which will exceed the amount stated on Standard Form 23 attached hereto without the prior written authorization of the contracting officer, and (2) if the completed work ranges from 90 percent to 110 percent of the estimated quantities set forth in the Schedule, the contractor will be allowed no claims for anticipated profits or loss of profits or for damage of any sort because of differences between the estimate of any item and the amount of any item actually required, and (3) if work less than 90 percent or more than 110 percent of the estimated quantities set forth on the Schedule causes an increase or decrease in the unit price or prices there may be an adjustment of such prices in accordance with the procedures of Clause 3, Changes, in Standard Form 23A of this contract.

§ 1007.650–2 Scope of work.

SP 1–02 SCOPE OF WORK (JUL. 1962)

All work which is necessary to carry out the intent of the drawings and specifications or which is customarily performed for such work shall be performed by the Contractor. Any requirement shown on the drawings, but omitted from the specifications, or any requirement shown in the specifications but omitted from the drawings shall be considered as being required under the contract as if set forth in both. Any change in drawings or specifications directed by the Contracting Officer shall be made in accordance with Clause 3, Changes, in Standard Form 23A of this contract.

§ 1007.650–3 Order of work.

SP 1–03 ORDER OF WORK (OCT. 1957)

The Contractor shall start and complete the work in such order of procedure as may be prescribed by the Contracting Officer.

§ 1007.650–4 Operation and storage areas.

SP 1–04 OPERATION AND STORAGE AREAS (OCT. 1957)

All operations of the Contractor (including storage of materials) upon Government premises shall be confined to areas authorized or approved by the Contracting Officer. No unauthorized or unwarranted entry upon, passage through, or storage or disposal of materials shall be made upon Government premises. Government premises adjacent to the construction will be made available for use by the Contractor without cost whenever such use will not interfere with the other Government uses or purposes. The Contractor shall hold and save the Government, its officers and agents, free and harmless from liability of any nature or kind arising from any use, trespass or damage occasioned by his operations on premises of third persons.

Temporary buildings (storage sheds, shops, offices, etc.) shall be erected by the Contractor upon Government premises only with the approval of the Contracting Officer, and shall be built with labor and materials furnished by the Contractor without expense to the Government, and will be removed by him at his expense upon the completion of the work. With written consent of the Contracting Officer, such buildings and/or utilities may be abandoned and need not be removed.

The Contractor shall, under regulations prescribed by the Contracting Officer, use only established roadways or construct and use such temporary roadways as may be authorized by the Contracting Officer. Where materials are transported in the prosecution of the work, vehicles shall not be loaded beyond the loading capacity recommended by the manufacturer of the vehicle or prescribed by any Federal, State, or local law or regulation. When it is necessary to cross curbings or sidewalks, protection against damage shall be provided by the Contractor, and any damaged roads, curbings, or sidewalks shall be repaired by, and at the expense of, the Contractor.

§ 1007.650–5 Base lines and grades.

SP 1–05 BASE LINES AND GRADES (OCT. 1957)

The Contractor shall lay out his work from base lines and grades established by the Government and shall be responsible for all measurements in connection therewith. The Contractor shall, at his own expense, furnish all stakes, templates, platforms, equipment, and ranges and labor that may be required in setting and cutting, or laying out any part of the work. The Contractor will be held responsible for the proper execution of the work to such lines and grades as may be established or indicated by the Contracting Officer, and all stakes or other marks thus established shall be preserved by him until their removal is authorized by the Contracting Officer. The Contracting Officer will furnish, on request from the Contractor, all location and limit marks reasonably necessary for the conduct of the work.

§ 1007.650–6 Progress charts, Sundays, holidays and nights.

SP 1–06 PROGRESS CHART, SUNDAYS, HOLIDAYS AND NIGHTS (MAR. 1958)

The Contractor shall within five (5) days or within such time as determined by the Contracting Officer, after date of commencement of work, prepare and submit to the Contracting Officer for approval a practicable and feasible schedule, showing the order in which the Contractor proposes to carry on the work, the date on which he will start the several salient features (including procurement of materials, plant, and equipment) and the contemplated dates for completing them. The schedule shall be submitted on AFPI Form 78, "Construction Contract Progress Schedule," in accordance with the instructions printed on the reverse side of the form. The Contractor shall submit to the Contracting Officer at the end of each week a brief written report of the percentage of work accomplished for each work element during that week, or at such other intervals of time as may be established by the Contracting Officer.

(b) The Contractor shall furnish sufficient forces, construction plant, and equipment, and shall work such hours, including night shifts, overtime operations, and Sunday and holiday work, as may be necessary to insure the prosecution of the work in accordance with the approved progress schedule. If, in the opinion of the Contracting Officer, the Contractor falls behind the progress schedule, the Contractor shall take such steps as may be necessary to improve his progress, and the Contracting Officer may require him to increase the number of shifts, and/or overtime operations, days of work, and/or the amount of construction plant, all without additional cost to the Government.

(c) Failure of the Contractor to comply with the requirements of the Contracting Officer under this provision shall be grounds for determination by the Contracting Officer that the Contractor is not prosecuting the work with such diligence as will insure completion within the time specified. Upon such determination, the Contracting Officer may terminate the Contractor's rights to proceed with the work, or any separable part, thereof, in accordance with the clause entitled "Termination for Default—Damages for Delay—Time Extensions".

§ 1007.650–7 Standard test, quality, and guarantees.

SP 1–07 STANDARD TEST, QUALITY, AND GUARANTEES (OCT. 1957)

(a) Tests or trials to determine the effectiveness of performance of a completed assembly or fabricated system shall be made by the Contractor, without cost to the Government.

(b) All articles and supplies, and equipment, parts and assemblies thereof, of standard manufacture, or for which detail design or requirements are not prescribed in these specifications, shall be guaranteed by the Contractor against any failure in the proper use or operation caused by defective material, workmanship, or design for a period of one (1) year from date of final acceptance of the complete work under this contract. Failure in any part due to such causes within that time shall be promptly and satisfactorily remedied by the Contractor without cost to the Government.

§ 1007.650–8 Preservation of existing vegetation.

SP 1–108 PRESERVATION OF EXISTING VEGETATION (OCT. 1957)

The Contractor will preserve and protect all existing vegetation such as trees, shrubs, and grass on or adjacent to the site which do not unreasonably interfere with the construction as may be determined by the Contracting Officer. The Contractor will be responsible for unauthorized cutting or damaging of trees and shrubs, including damage due to careless operation of equipment, stockpiling of materials, or tracking of grass areas by equipment.

Care will be taken by the Contractor in felling trees authorized for removal to avoid any unnecessary damage to vegetation that is to remain in place. Any limbs or branches of trees broken during such operations shall be trimmed with a clean cut and painted with an approved tree-pruning compound if required by the Contracting Officer. The Contractor will be liable for or may be required to replace or restore at his own expense all vegetation not protected and preserved as required herein that may be destroyed or damaged.

§ 1007.650–9 Protection of material and work.

SP 1–09 PROTECTION OF MATERIAL AND WORK OTHER THAN GOVERNMENT PROPERTY (NOV. 1961)

The Contractor shall at all times take care to protect and preserve all materials, supplies, equipment and property other than Government-owned or -furnished property. All reasonable requests of the Contracting Officer to inclose or specially protect such property will be complied with. If, as determinated by the Contracting Officer such material, equipment, supplies and property are not adequately protected by the contractor, such material, equipment, supplies and property may be protected by the Government and the cost thereof may be charged to the Contractor or deducted from any payments due to him.

§ 1007.650–10 Possession prior to completion.

SP 1–10 POSSESSION PRIOR TO COMPLETION (OCT. 1957)

The Government shall have the right to take possession of or use any completed or partially completed part of the work. Such possession or use shall not be deemed an acceptance of any work not completed in accordance with contract. If such prior possession or use by the Government delays the process of the work or causes additional expense to the Contractor, an equitable adjustment in the contract price and/or the time of completion will be made and the contract shall be modified in writing accordingly.

§ 1007.650–11 Price adjustment for suspension, delay, or interruption of the work.

SP 1–11 INSERT § 7.604–3 OF THIS TITLE

§ 1007.650–12 Identification of employees.

SP 1–12 IDENTIFICATON OF EMPLOYEES (OCT. 1957)

The Contractor shall be responsible for furnishing to each employee and for requiring each employee engaged on the work to display, such identification as may be approved and directed by the Contracting Officer. All prescribed identification shall immediately be delivered to the Contracting Officer, for cancellation upon the release of any employee. When required by the Contracting Officer, the Contractor shall obtain and submit fingerprints of all persons employed or to be employed on the project.

§ 1007.650–13 Cleaning up.

SP 1–13 CLEANING UP (NOV. 1957)

The Contractor shall at all times keep the construction area, including storage areas used by him, free from accumulation of

waste material or rubbish and prior to completion of the work, remove any rubbish from and about the premises, and all tools, scaffolding, equipment, and materials not the property of the Government. Upon completion of the construction, the Contractor shall leave the work and premises in a clean, neat and workmanlike condition satisfactory to the Contracting Officer.

§ 1007.650–14 Water.

Insert the most appropriate of the following clauses. Generally the first alternate clause will be used when the amount of water required by the Contractor will be negligible and existing water systems are adequate without disruption or alteration. If the amount of water estimated to be required is substantial, would disrupt the existing water system, or would require additional connections, meters, or other facilities, the second alternate should be used.

(a)

SP 1–14 WATER (OCT. 1957)

All reasonable required amounts of water will be made available to the Contractor by the Government from Government-owned and -operated water system without cost to the Contractor. The Contractor will carefully conserve all water.

(b)

SP 1–14 WATER (OCT. 1957)

The responsibility shall be upon the Contractor to provide and maintain at his own expense an adequate supply of water of a quality suitable for his use for construction and domestic consumption. At his own expense, he shall install and maintain any necessary water supply connections and piping but only at such location and in such workmanlike manner as may be authorized by the Contracting Officer. In the event water is made available by the Government, the Contractor shall at his own expense, install a meter to determine the amount of water used by him and such water will be paid for at prevailing rates to the Government or in the event the water is furnished from Government-owned and -operated sources, at reasonable rates as determined by the Contracting Officer. All water shall be carefully conserved. Before final acceptance, temporary connections and piping installed by the Contractor shall be removed in a workmanlike manner to the satisfaction of the Contracting Officer.

§ 1007.650–15 Electricity.

Insert the most appropriate of the following three alternate clauses. Generally the first alternate will be used only where it is clearly practicable to meter service to the contractor and where the estimated cost of energy consumed will exceed $50.

(a)

SP 1–15 ELECTRICITY (OCT. 1957)

All electric current required by the Contractor shall be furnished at his own expense. All temporary connections for electricity shall be subject to the approval of the Contracting Officer. In the event electricity is made available by the Government, the Contractor shall, at his own expense, install a meter to determine the amount of current used by him and such electricity will be paid for by or charged to the Contractor at prevailing rates charged to the Government, or, in the event the electricity is generated by the Government, at reasonable rates, as determined by the Contracting Officer. All temporary lines will be furnished, installed, connected and maintained by the Contractor in a workmanlike manner satisfactory to the Contracting Officer and shall be removed by the Contractor in like manner at his expense prior to final acceptance of the construction.

(b)

SP 1–15 ELECTRICITY (OCT. 1957)

All electric current required by the Contractor shall be furnished at his own expense. All temporary connections for electricity shall be subject to approval of the Contracting Officer. In the event electricity is made available by the Government, the Contractor shall, at his own expense, install a meter to determine the amount of current used by him and such electricity will be paid for by the Contractor at prevailing rates charged to the Government or, in the event electricity is generated by the Government at reasonable rates as determined by the Contracting Officer, except that under the following conditions where electric power is furnished, such power will be furnished at no cost to the Contractor.

(1) Where fractional horsepower tools are used other than at a central location where metering is not feasible.

(2) Where the total value of the estimated quantity of electricity to be used in addition to that supplied without cost in (1) above is less than $50.

The Contractor will be furnished a statement of such charges and the amount so charged will be deducted from the final payment. All temporary lines will be furnished, installed, connected, and maintained by the Contractor in a workmanlike manner satisfactory to the Contracting Officer and shall be removed by the Contractor in like manner at his expense prior to final acceptance of the construction.

(c)

SP 1–15 ELECTRICITY (OCT. 1957)

All reasonable required amounts of electric power will be made available to the Contractor by the Government from Government-owned or -operated electrical systems and supplied without cost to the Contractor. The Contractor shall install and maintain at his own expense any necessary supply connections and facilities but only at such locations and in such workmanlike manner as may be authorized by the Contracting Officer. All electricity shall be carefully conserved. Before final acceptance, temporary connections and facilities installed by the Contractor shall be removed in a workmanlike manner to the satisfaction of the Contracting Officer. If, for any reason, the Government is unable to furnish all reasonable amounts of electric power required by the Contractor in the performance of this contract, it shall be the responsibility of the Contractor to provide an adequate supply of electric power at his own expense, subject to reimbursement by the Government on an actual cost basis.

§ 1007.650–16 Airfield safety precautions.

SP 1–16 AIRFIELD SAFETY PRECAUTIONS (NOV. 1961)

In addition to other normal safety requirements, the operation of all ground equipment (mobile or stationary), the placement of construction materials, and the performance of evacuation operations required for construction, repairs, or any other purpose within the landing and other safety precaution areas of all airdromes will be governed by the following:

(a) Definitions:

(1) Landing Areas. The term "landing areas" includes all runways and corresponding safety zones; an area 750 feet either side of the runway centerline; the clear zone extending 1,000 feet beyond ends of runways for a width of 1,500 feet; all taxiways and an area 250 feet from the taxiway edge farthest from the object (minimum of 350 feet at heavy bombardment airfields); and all aircraft parking aprons, and an area of 125-foot width adjoining the outside edges of such aprons.

(2) Safety Precaution Areas. This term includes portions of transitional and approach zones where placement of objects may result in vertical projections at or above the transitional or approach surface.

(i) Transitional Zone. The transitional zone is an area, adjoining the landing area and approach zone, covered by the transitional surface.

(ii) Transitional Surface. The transitional surface is the 1 on 7 side slope projecting upward and outward from the boundary of landing areas and approach surfaces to intersection with a horizontal surface, and imaginary plane 150 feet above established airfield elevation.

(iii) Approach Zone. The approach zone is an area beyond each clear zone extending on the ground for a distance of 25,000 feet along and symmetrical about the centerline of the runway. The width of the approach zone is 1,500 feet at the end of the clear zone, flaring to 4,000 feet wide at a distance of 10,000 feet from the clear zone, and continuing at the 4,000-foot width for the additional 15,000 feet.

(iv) Approach Surface. The approach surface is an imaginary plane covering the approach zone, beginning at the end of the clear zone at the elevation of the end of the runway and rising over the approach zone on a slope of 1 on 50 (known as the glide angle) for a horizontal distance of 10,000 feet (200 feet above the elevation of the end of runway). From this point the controlling elevation of the approach surface will remain at the 200-foot level for the remainder of the approach zone.

(b) Unless otherwise directed by the Contracting Officer, landing areas hazardous to aircraft will be outlined by yellow flags by day and electric, battery operated, low intensity, red flasher, lights by night.

(c) All vehicles, as defined in ANC–R–5, while operating in the landing area, will be marked in accordance with requirements of AFR 32–18 (Uniform Requirements for Marking Vehicles Used on Landing Areas) as in effect on the date of this contract.

(d) Nothing will be placed upon the landing area or applicable portions of safety precaution areas without authority of the Contracting Officer.

(e) Neither equipment nor personnel will use any runway for purposes other than aircraft operation without permission of the Contracting Officer unless the runway is closed by order of the Contracting Officer and marked as indicated herein.

(f) The Contractor shall report to the Contracting Officer before initiating any work and shall notify the Contracting Officer of proposed changes of locations and operations. At all airdromes where flying is controlled, additional permission must, in each and every instance, be obtained from the control tower operator before entering a landing area unless such area is marked as hazardous to aircraft as indicated herein.

(g) Work will be carried on in such a manner as to leave the portion of the landing area which is available to aircraft free from hazards, holes, material piles, or projecting shoulders which might damage an airplane tire. Paved surfaces such as runways, taxiways, and hardstands shall be kept clean at all times and specifically must be kept free from small stones which damage propellers.

(h) During periods of active performance of work on the airfield by the Contractor, the operation of mobile equipment will be governed by the safety provisions herein. At all other times, all mobile equipment will be removed to locations approved by the Contracting Officer at a distance no less than

750 feet from the centerline of the runway plus any additional distance necessary to insure compliance with safety provisions herein.

(i) Only those trenches for which material is on hand and ready for placing therein will be opened. As soon as practicable after material has been placed and work approved, trenches will be backfilled and compacted as required. In the meantime, all resulting hazardous conditions will be marked and lighted in accordance with safety provisions herein.

(j) Any object placed in the areas adjoining or adjacent to the landing areas, defined as safety precaution areas, which project above the transitional or approach surfaces, must be provided with a red light or lantern during the hours of darkness.

(k) No separate payments will be made for lighting and protection necessitated by safety provisions herein; all costs in connection therewith will be included in the cost of the work.

§ 1007.650–17 Shop drawings.

SP 1–17 SHOP DRAWINGS (OCT. 1957)

The Contractor shall submit to the Contracting Officer for approval four (4) copies of all shop drawings as called for under the various headings of these specifications. These drawings shall be complete and shall contain all required detailed information. If approved by the Contracting Officer, each copy of the drawings will be identified as having received such approval by being so stamped and dated. The Contractor shall make any corrections required by the Contracting Officer. Three (3) sets of all shop drawings will be retained by the Contracting Officer and one set will be returned to the Contractor. The approval of the drawings by the Contracting Officer shall not be construed as a complete check but will indicate only that the general method of construction and detailing is satisfactory. Approval of such drawings will not relieve the Contractor of the responsibility for any error which may exist, as the Contractor shall be responsible for the dimensions and design of adequate connections, details, and satisfactory construction of all work.

§ 1007.650–18 Rates of wages.

SP 1–18 RATES OF WAGES (JUL. 1962)

(a) In accordance with the requirements of Clause 1, Davis-Bacon Act (40 U.S.C. 276a–a(7)), of Standard Form 19A of this contract, the minimum wages to be paid laborers and mechanics on this project, as most recently determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the pertinent locality, are as set forth in Schedule "A," attached. The complete determination is incorporated in the contract specifications regardless of whether the Contractor will employ all of the classes of laborers and mechanics listed.

(b) Any class of laborers and mechanics not listed in Schedule "A," attached, which will be employed on this contract shall be classified or reclassified conformably to Schedule "A," attached, by mutual agreement between the Contractor and the class of labor concerned, subject to the prior approval of the Contracting Officer. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question, accompanied by the recommendation of the Contracting Officer, shall be referred to the Secretary of Labor for final determination.

§ 1007.650–19 Protection of existing structures, utilities and work.

SP 1–19 PROTECTION OF EXISTING UTILITIES (JUL. 1962)

The Contractor shall protect all existing utilities and communication facilities against damage or interruption of service. Damage or interruption of service resulting from failure to do so shall be repaired or restored promptly by, and at the expense of, the Contractor as provided in Clause 12, Permits and Responsibilities, Standard Form 23A, of this contract. If the Contractor fails to adequately and promptly make repairs or restore service, the Contracting Officer may have such repairs or restoration of service accomplished by the most expeditious means and the cost thereof either charged to the Contractor or deducted from any payments due to him.

§ 1007.651 Additional special provisions.

Additional special provisions may be inserted according to the necessities of the construction work called for by the contract, provided that no contract clauses contained in Subchapter A, Chapter I of this title or this subchapter will be included in such special provisions.

Subpart W—Clauses for Time and Materials Contracts

1. Revise § 1007.2302 to read as follows:

§ 1007.2302 Definition.

As used throughout this subpart, the term "time and materials contract" will have the same meaning as that set forth in § 3.406–1 of this title and will be used according to the requirements of § 1003.-406–1 of this subchapter.

§ 1007.2304–15; 1007.2304–16 [Amendment]

2. In § 1007.2304–15, delete the "(b)" in the reference § 1.707–2(b); and in § 1007.2304–16, amend the reference to read "§ 10.504."

Subpart Z—Clauses for Open Contracts for Equipment and Services

1. Revise §§ 1007.2601 and 1007.2603–1 to read as follows:

§ 1007.2601 Limitation on use.

This type of contract set forth in this subpart will be issued only by AFSC procurement activities, OAR, and AFLC field procurement activities and is only for use where firm requirements for emergency procurements or stock replenishment cannot be computed sufficiently in advance of required delivery so that a definite-quantity contract can be entered into.

§ 1007.2603–1 Additional tax provision.

ADDITIONAL TAX PROVISION (JUL. 1962)

The term "contract date" under the clause hereof entitled "Federal, State and Local Taxes" shall also be deemed to refer to the date of approval of the respective Exhibits or Spare Parts Change Requests submitted pursuant to this contract.

2. In § 1007.2605–3, revise the material following the chart, as follows:

§ 1007.2605–3 Sample exhibit.

• • • • •

Prices are fair and reasonable and this exhibit is hereby approved.

Allotment chargeable ---------

Signed ----------
(Administrative Contracting Officer)

Removal of excess funds is authorized in the amount of $----------

Contractor warrants prices conform to the price formula in effect on date of this exhibit.

Signed ----------
(Contractor)

Subpart AA—Clauses for Facilities Contracts

§ 1007.2703–2 [Amendment]

In § 1007.2703–2(c) amend the reference "Subpart H, Part 18 of this title" to read "§ 4.214–4 of this title."

Subpart BB—Clauses for Short-Form Facilities Contracts

§ 1007.2803–18 [Amendment]

In § 1007.2803–18(a) amend "Subpart H, Part 13 of this title" to "§ 4.214–4 of this title."

Subpart EE—Clauses for Construction Contracts

Subpart EE is deleted.

Subpart JJ—Contracts for Care of Remains

In § 1007.3603, Items 4b and 5b, and Note (1) are revised to read as follows:

§ 1007.3603 Schedule.

• • • • •

Item No.	Supplies, services, and transportation	Quantity estimated	Unit	Price unit	Amount
	• • • • •				
4b	Same requirement as a, except Type I Casket size 6.8.25 or 6.9.25 and shipping case. (Indicate additional cost of casket and case only.)	----------	EA	----------	----------
	• • • • •				
5b	Same requirement as a, except Type II Casket size 6.8.25 or 6.9.25 and shipping case. (Indicate additional cost of casket and case only.)	----------	EA	----------	----------
	• • • • •				

NOTE: (1) Calls for item 3, 4, 5, or 6 of Schedule will be as directed by the Contracting Officer; • • •

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, United States Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62–10384; Filed, Oct. 17, 1962; 8:45 a.m.]

for fit a workmanlike manner satisfactory to

an area 250 feet from the taxiway edge farth-

be removed to locations approved by the Contracting Officer at a distance no less than

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Parts 7, 10—14]

CORPORATE PRACTICES AND PROCEDURES OF NATIONAL BANKING ASSOCIATIONS

Notice of Proposed Rule Making

Notice is hereby given that the Comptroller of the Currency, pursuant to the authority contained in the National Bank Act, 12 U.S.C. 1 et seq., is considering the adoption of new regulations dealing with certain of the corporate practices and procedures of national banking associations.

Prior to the adoption thereof, consideration will be given to any written comments pertaining thereto which are submitted by November 20, 1962, in duplicate, to the Comptroller of the Currency, Washington 25, D.C. All national banking associations and other interested persons are invited to submit such comments.

In order to afford sufficient time for compliance therewith, it is not intended that Parts 10, 11, and 12 of the proposed regulations will enter into effect prior to February 1, 1963. It is contemplated that §§ 7.5 and 7.6 of Part 7 and Parts 13 and 14 will enter into effect on or about November 30, 1962, with such revisions thereof as may be deemed appropriate in the light of the comments submitted.

The proposed regulations are as follows:

PART 7—INTERPRETATIONS

§ 7.5 Appointment of directors.

(a) The Comptroller of the Currency has been requested to interpret the National Bank Act, 12 U.S.C. sec. 1 *et seq.*, with respect to the propriety of action by the board of directors of a national banking association to increase the number of directors between meetings of stockholders, and to appoint persons to fill such vacancies.

(b) The best interest of the bank and of the community are served when well-qualified persons may be added to the board of directors during the year without the expense attendant upon the calling of a special meeting of stockholders, and without the necessity of the resignation of an incumbent director of the bank in order to create a vacancy.

(c) The Comptroller is of the opinion that, if so authorized by an amendment to the bank's Articles of Association pursuant to 12 U.S.C. 21a, the board of directors of a national banking association may properly increase the number of directors and appoint persons to fill the resulting vacancies between meetings of stockholders. It is, however, the Comptroller's view that any such authorization to increase the number of directors should be limited to not more than three nor more than one-third of the existing number of directors, whichever shall be the lesser.

§ 7.6 Preemptive rights.

(a) The Comptroller has been requested to reconsider the position expressed in paragraph 6110 of the *Digest of Opinions*, published in 1960, which states that all stockholders of a national banking association are entitled, in preference to any other persons, to the opportunity to purchase additional stock resulting from an increase in the bank's capital, in proportion to the number of shares held by them respectively.

(b) The Comptroller is of the opinion that, by vote of the holders of a majority of the voting shares of the bank pursuant to 12 U.S.C. 21a, a national banking association may properly amend its Articles of Association in order to modify or eliminate the preemptive rights therein contained. The statement to the contrary in paragraph 6110 of the *Digest of Opinions* is hereby revoked.

PART 10—ANNUAL REPORT TO STOCKHOLDERS

Sec.
10.1 Scope and application.
10.2 Information to be furnished stockholders.
10.3 Material to be filed.

§ 10.1 Scope and application.

Every national banking association shall furnish to each of its stockholders not later than 30 days after the close of each calendar year a written report containing as a minimum the financial and other information called for by this part.

§ 10.2 Information to be furnished stockholders.

The Annual Report shall be signed by the president of the bank and shall include, as a minimum, the following information:

(a) A balance sheet as of the close of the last calendar year.

(b) A reconciliation of capital funds for the period.

(c) Profit and loss statements in comparative columnar form for the last calendar year and the preceding calendar year disclosing net income after all taxes, earnings per share, and dividends paid per share.

(d) Items (a), (b), and (c) shall be set forth in such manner as to adequately reflect the financial position and operations of the bank. Any change in accounting principles or practices made during any period under report which materially affects the comparability with reports for other periods shall be disclosed in a footnote to the appropriate statement.

(e) A brief description of any matter materially affecting the operations of the bank during the last calendar year.

(f) Such other and further information as is necessary, in the opinion of the bank's management, to adequately inform the stockholders as to the affairs of the bank.

§ 10.3 Material to be filed.

Two copies of the Annual Report shall be filed with the Comptroller of the Currency and one copy with the appropriate Regional Chief National Bank Examiner.

PART 11—SOLICITATION OF PROXIES

Sec.
11.1 Scope and application.
11.2 Information to be furnished stockholders.
11.3 Requirements as to form of proxy.
11.4 Material required to be filed.
11.5 False or misleading statements.
11.6 Special circumstances.

§ 11.1 Scope and application.

The rules contained in this part apply to every solicitation of a proxy with respect to stock of a national banking association.

§ 11.2 Information to be furnished stockholders.

(a) No solicitation subject to this regulation shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the applicable information specified in Schedules A and B. In the case of a solicitation made by any persons in opposition to any other solicitation subject to this regulation, with respect to any annual or special meeting of stockholders at which directors are to be elected, the information required by Schedule C with respect to each participant in such a solicitation shall be included in the proxy statement in addition to the information required by the applicable items of Schedules A and B. Each participant shall obtain a copy of instructions for compliance with the requirements of Schedule C from the Comptroller prior to making any solicitation of proxies. For the purpose of this Schedule, the term "participant" includes principal officers and directors of the bank or banks involved in the contest, nominees for whose election proxies are solicited, and any other person, acting alone or in conjunction with one or more other persons, in organizing, directing or financing the solicitation.

(b) If the solicitation relates to an annual or special meeting of stockholders at which directors are to be elected, the proxy statement shall be accompanied or preceded by the Annual Report required by Part 10 of this chapter.

§ 11.3 Requirements as to form of proxy.

(a) A proxy may confer discretionary authority with respect to matters as to which a choice is not specified in the form of proxy, provided that the form of proxy shall state prominently how it is intended to vote the shares represented by the proxy in each such case.

(b) A proxy may confer discretionary authority with respect to other matters which may come before the meeting, provided that the persons on whose behalf the solicitation is made are not aware, a reasonable time prior to the time the solicitation is made, that any such other matters are to be presented for action at the meeting and provided further that a specific statement to that effect shall be made in the proxy statement or in the form of proxy.

(c) No proxy shall confer authority (1) to vote for the election of any person to any office for which a *bona fide* nominee is not named in the proxy statement, or (2) to vote at any meeting other than the next meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to stockholders.

NOTE: In cases where the Articles of Association so provide, the board of directors of the bank may increase the number of directors by not more than three nor more than one-third of the existing number of directors, whichever shall be the lesser, and appoint persons to fill such vacancies between meetings of stockholders.

(d) Subject to the provisions of 12 U.S.C. 61, any person or group of persons, including directors of the bank, may be designated to act as proxy.

§ 11.4 Material required to be filed.

(a) Two copies of the definitive proxy statement, notice of meeting, and form of proxy shall be filed with the Comptroller of the Currency concurrently with the mailing thereof to stockholders, and two copies of each such item shall be filed with the appropriate Regional Chief National Bank Examiner.

(b) Definitive proxy material filed pursuant to this section shall be available for public inspection at reasonable times at the office of the appropriate Regional Chief National Bank Examiner.

§ 11.5 False or misleading statements.

No solicitation subject to this regulation shall be made by means of any proxy statement, form of proxy, notice of meeting, or other communication, written or otherwise, containing any statement which, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or which omits to state any material fact necessary to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter which has become false or misleading.

§ 11.6 Special circumstances.

In cases where special circumstances render compliance with one or more of the requirements of this part impracticable, the Comptroller may be in his discretion modify or waive any such requirement.

SCHEDULE A

Item 1. *Amount of outstanding stock and principal holders thereof.* (a) State the total number of shares outstanding and the number entitled to vote.

(b) State the date as of which the list of stockholders entitled to vote at the meeting will be determined. If the right to vote is not limited to stockholders of record on that date, indicate the conditions under which other stockholders may be entitled to vote.

(c) Where action is to be taken with respect to the election of directors, state that each stockholder has the right to vote the number of shares owned by him for as many persons as there are directors to be elected, or to cumulate such shares and give one candidate as many votes as the number of directors multiplied by the number of his shares shall equal, or to distribute such votes on the same principle among as many candidates and in such proportions as he may choose.

(d) If any person owns of record more than 10 percent of the outstanding stock of the bank, name such person and state the approximate amount of such stock owned by such person and the percentage of outstanding stock represented by the amount of stock so owned.

Item 2. *Nominees for directors.* If action is to be taken with respect to the election of directors, furnish the following information, in tabular form to the extent practicable, with respect to each person nominated for election as a director.

(a) Name each such person and state his age and all positions and offices with the bank presently held by him.

(b) State his present principal occupation or employment.

(c) If the board of directors of the bank may increase the number of directors between stockholders' meetings and fill vacancies created thereby, state the number of vacancies which may be so filled.

Item 3. *Remuneration of management.* If action is to be taken with respect to the election of directors, furnish the following information in tabular form as to all remuneration paid by the bank and its affiliates during the last calendar year to the following persons for services in all capacities:

(a) The aggregate remuneration paid to all directors and principal officers of the bank as a group, without naming them.

(b) The amount set aside or accrued during the last calendar year for all pension or retirement benefits to be paid under an existing plan in the event of retirement with respect to all directors and principal officers as a group, without naming them.

SCHEDULE B

Item 4. *Bonus, profit sharing, and other remuneration plans.* If action is to be taken with respect to any bonus, profit sharing, or other remuneration plan, furnished the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will participate therein, indicate the approximate number of persons in each such class, and state the basis of such participation.

(b) State separately the amounts which would have been distributable under the plan during the last calendar year to (1) directors and principal officers as a group, and (2) to all other employees as a group, if the plan had been in effect.

(c) If the plan to be acted upon may be materially amended otherwise than by a vote of stockholders to increase the cost thereof to the bank or to alter the allocation of the benefits as between the groups specified in paragraph (b), state the nature of the amendments which may be so made.

Item 5. *Pension and retirement plans.* If action is to be taken with respect to any pension or retirement plan, describe briefly the material features of the plan with an indication of the estimated cost of funding past services and the estimated annual payments with respect to current services.

Item 6. *Options, warrants, and rights.* If action is to be taken with respect to the granting or extension of any options, warrants, or rights to purchase stock of the bank, other than warrants or rights issued to all stockholders on a *pro rata* basis, furnish the following information:

(a) State (1) the title and amount of stock called for or to be called for by such options, warrants, or rights; (2) the prices, expiration dates, and other material conditions upon which the options, warrants, or rights may be exercised; and (3) the market price of the stock called for or to be called for by the options, warrants, or rights as of the latest practicable date.

(b) State separately the amount of stock called for or to be called for by options, warrants, or rights received or to be received by the following persons, naming each such person: (1) each nominee for election as a director of the bank, and (2) each other person who received or is to receive 5 percent or more of the stock called for or to be called for by such options, warrants, or rights. State also the total amount of the stock called for or to be called for by such options, warrants, or rights received or to be received by all directors and principal officers of the bank as a group, without naming them.

Item 7. *Authorization or issuance of securities.* If action is to be taken with respect to the authorization or issuance of any security, furnish the following information:

(a) State the title and amount of securities to be authorized or issued.

(b) If the securities are other than additional shares of common stock of a class outstanding, furnish information with respect to (1) dividend rights, (2) voting rights, (3) liquidation rights, (4) preemptive rights, (5) conversion rights, (6) redemption provisions, (7) sinking fund provisions, and (8) liability to further calls or to assessment by the bank.

Instruction. This item requires only a brief summary of the provisions. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

(c) If the securities to be authorized or issued are other than additional shares of common stock of a class outstanding, the Comptroller may require financial statements comparable to those contained in the Annual Report prescribed by Part 10 to be furnished.

Item 8. *Amendment of Articles of Association.* If action is to be taken with respect to any amendment of the Articles of Association, or other organizational instruments as to which information is not required above, state briefly the reasons for and general effect of such amendment and the vote needed for its approval.

Item 9. *Mergers, consolidations, acquisitions, and similar matters.* If action is to be taken with respect to a merger, consolidation, acquisition, or similar matter, furnish such information as the Comptroller may prescribe in the instructions to the appropriate form of application for the Comptroller's approval of the transaction concerned.

Item 10. *Other proposed action.* If action is to be taken with respect to any matter not specifically referred to above, describe briefly the substance of each such matter.

PART 12—OWNERSHIP REPORTS OF CAPITAL SECURITIES

Sec.
12.1 Scope and application.
12.2 Definitions.
12.3 Filing of reports.

§ 12.1 Scope and application.

(a) Every national banking association, within ten days after the effective date of this part, shall file with the Comptroller of the Currency a statement containing the name and address of, and the amount of securities held by, each owner of record of more than 10 percent of any class of outstanding capital securities issued by the bank as of the effective date hereof.

(b) The bank shall file a statement containing similar information with respect to any person who thereafter becomes the owner of record of more than 10 percent of any class of outstanding capital securities issued by the bank, within ten days after his becoming such owner of record.

(c) If, after the filing of the initial statements prescribed by paragraphs (a) and (b) of this section, the record ownership of any such persons increases or decreases to the extent of 5 percent or more of any class of outstanding capital securities issued by the bank, whether in one transaction or in a series of transactions from time to time, the bank shall file a statement indicating such changes, within ten days from the date as of which such changes aggregate such 5 percent or more increase or decrease.

(d) If the bank has reason to believe that the beneficial owner of any securities under report is other than the owner of record, the statements prescribed by paragraphs (a), (b), and (c) of this section shall so indicate, and shall also include the name and address of the person known or believed to be the beneficial owner.

§ 12.2 Definitions.

(a) The term "person" is not limited to natural persons, but also includes corporations, partnerships, pension funds, profit-sharing funds, and any other organization of whatever nature.

(b) For purposes of this part, ownership of any security convertible into any other security shall be deemed to be ownership of such other security.

§ 12.3 Filing of reports.

(a) Statements required to be filed pursuant to this part shall be filed on forms available from the office of the Comptroller.

(b) All such statements shall be prepared and filed in accordance with the requirements of the applicable form. One executed copy shall be filed with the appropriate Regional Chief National Bank Examiner, and one executed copy with the principal office of the Comptroller in Washington. The Comptroller will normally maintain the information contained in such statements in confidence, and will disclose any such information only in the exercise of his discretion in the public interest.

PART 13—EMPLOYEE STOCK OPTION AND STOCK PURCHASE PLANS

Sec.
13.1 Scope and application.
13.2 Source of shares.
13.3 Terms and procedure.

§ 13.1 Scope and application.

Any national banking association may grant options to purchase, sell, or enter into agreements to sell shares of its capital stock to its employees, for a consideration of not less than 85 percent of the fair market value of the shares on the date the option is granted or, if pursuant to a stock purchase plan, on the date the shares are sold, pursuant to the terms of an employee restricted stock option plan or employee stock purchase plan which has been adopted by the board of directors of the bank and approved by the holders of at least two-thirds of the outstanding shares of the bank and by the Comptroller of the Currency. Stock options issued hereunder shall not extend beyond a period of ten years from date of issuance and shall otherwise qualify as restricted stock options under section 421 of the Internal Revenue Code of 1954, as it may be amended from time to time.

§ 13.2 Source of shares.

Shares issued to employees pursuant to this Part 13 may be authorized but unissued stock which has been authorized by stockholders in accordance with the procedures outlined in Part 14 of this chapter.

§ 13.3 Terms and procedure.

Employee stock options and stock purchase agreements may provide that options may be exercisable or that shares may be purchased on any business day. A notice specifying the number of shares issued pursuant to option and stock purchase plans and the amount paid in therefor shall be executed by the president, vice president or cashier of the bank and filed with the Comptroller not later than the tenth day of the following month and no stock shall be deemed validly issued until the Comptroller has issued his certificate specifying the amount of stock involved, that such amount has been duly paid in to the capital of the bank, and his approval thereof.

PART 14—CHANGES IN CAPITAL STRUCTURE

Sec.
14.1 Capital adequacy.
14.2 Authorized but unissued stock.
14.3 Stock dividends.
14.4 Preferred stock.
14.5 Capital debentures.
14.6 Other increases of capital.
14.7 Applications for approval.
14.8 Effectiveness of increase.

§ 14.1 Capital adequacy.

The Comptroller of the Currency will not hereafter rely on the ratios of capital to risk assets and to total deposits in assessing the adequacy of capital of national banking associations. These formulae, although of some value in assessing capital adequacy, do not take into account other factors of equal or greater importance. Henceforth, the capital position of the bank will be analyzed and appraised in relation to the character of its management and its asset and deposit position as a going institution under normal conditions, with due allowance for a reasonable margin of safety, and with due regard to the bank's capacity to furnish the broadest service to the public. These factors, which are necessarily imprecise, cannot be directly interpolated into any specific formula. The following factors will be considered by the Comptroller in assessing the adequacy of capital:

(a) The quality of management;
(b) The liquidity of assets;
(c) The history of earnings and of the retention thereof;
(d) The quality and character of ownership;
(e) The burden of meeting occupancy expenses;
(f) The potential volatility of deposit structure;
(g) The quality of operating procedures; and
(h) The bank's capacity to meet present and future financial needs of its trade area, considering the competition it faces.

§ 14.2 Authorized but unissued stock.

Any national banking association, with the approval of the Comptroller and by vote of stockholders owning two-thirds of the stock of the bank, may authorize an increase in the common stock of the bank, which increase shall be considered in the category of authorized but unissued stock. Such authorized but unissued stock may be issued from time to time to employees of the bank pursuant to a stock option or stock purchase plan adopted in accordance with Part 13 of this chapter, or in exchange for convertible preferred stock or convertible capital debentures in accordance with the terms and provisions of such securities. Authorized but unissued stock may also be issued from time to time for such other purposes and considerations as may, in accordance with the bank's Articles of Association, be approved by the board of directors of the bank, and by the Comptroller.

§ 14.3 Stock dividends.

(a) It is the policy of the Comptroller of the Currency not to discourage the retention of earnings by national banking associations by means of stock dividends. Accordingly, stock dividends, whether on a recurring or nonrecurring basis, will not be subject to disapproval, except in rare or unusual circumstances.

(b) Subject to the provisions of 12 U.S.C. 57, any national banking association may increase its capital stock by the declaration of a stock dividend, with the approval of the Comptroller. For such approval, applications on Form 1904–C shall be filed with the appropriate Regional Chief National Bank Examiner. If the Regional Chief National Bank Examiner does not communicate disapproval of the proposed stock dividend or does not otherwise communicate with the applicant bank concerning it within 15 days from his receipt of the application, the application shall be deemed approved by the Comptroller, and the bank may thereupon proceed to obtain the approval of stockholders if such approval has not been obtained previously under the procedures set forth in § 14.2.

§ 14.4 Preferred stock.

It is the policy of the Comptroller of the Currency to permit the issuance of preferred stock by national banking associations in accordance with normal business considerations. Subject to the provisions of 12 U.S.C. 51a, 51b, and 51b–1, the bank may, by vote of stockholders owning two-thirds of the stock of the bank, issue convertible or nonconvertible preferred stock of one or more classes, with such other provisions and in such amount and with such par value as shall be approved by the Comptroller, and make such amendments to its Articles of Association as may be necessary for this purpose.

§ 14.5 Capital debentures.

(a) It is the policy of the Comptroller of the Currency to permit the issuance of convertible or nonconvertible capital debentures by national banking associations in accordance with normal business considerations.

(b) Subject to the provisions of 12 U.S.C. 82, the bank may, by the vote of stockholders owning two-thirds of the stock of the bank, issue convertible or nonconvertible capital debentures in such amounts and under such terms and conditions as shall be approved by the Comptroller, provided, however, that the principal amount of capital debentures outstanding at any time, when added to all other outstanding indebtedness of the bank, except those forms of indebtedness exempt from the provisions of 12 U.S.C. 82, shall not exceed an amount equal to 100 percent of the bank's unimpaired paid-in capital stock plus 50 percent of the amount of its unimpaired surplus fund.

§ 14.6 Other increases of capital.

(a) Applications by a national banking association on Form 1904–B for the Comptroller's approval of proposed sales of additional common capital stock, other than under an employee stock option or employee stock purchase plan which has previously been approved by the stockholders of the bank and by the Comptroller pursuant to Part 13, and other than pursuant to the preceding sections of this Part 14, shall be filed with the appropriate Regional Chief National Bank Examiner, whose approval shall be deemed to be the approval of the Comptroller. Upon such approval, the bank may proceed to obtain the approval of stockholders pursuant to the provisions of 12 U.S.C. 57, if such approval has not been obtained previously under the procedures set forth in § 14.2.

(b) The Regional Chief National Bank Examiner will normally communicate his written approval to the bank within 30 days after his receipt of the application. In cases where the Regional Chief National Bank Examiner determines not to approve the proposed increase of capital, he shall forward the application to the principal office of the Comptroller in Washington for final disposition, and shall advise the bank of such referral.

§ 14.7 Applications for approval.

(a) Applications by a national banking association for the Comptroller's approval of a change in capital structure shall be filed with the principal office of the Comptroller in Washington, except as provided in §§ 14.3 and 14.6.

(b) In the case of a proposed public distribution of securities, the Comptroller will consider, among other factors in determining whether to approve the application, the adequacy of the procedures proposed to inform prospective investors of the merits of the securities to be offered.

§ 14.8 Effectiveness of increase.

No increase in the capital of a national banking association shall be valid until the whole amount of such increase is paid in and notice thereof, duly acknowledged before a notary public by the president, vice president or cashier of the bank has been transmitted to the Comptroller of the Currency and his certificate obtained specifying the amount of such increase in capital and his final approval thereof, and that it has been duly paid in as part of the capital of the bank. The Comptroller will execute and transmit such certificate of final approval upon receipt of such notice and of a certified copy of the resolutions adopted by the required number of stockholders approving said increase in capital.

Dated: October 16, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62–10479; Filed, Oct. 17, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 280, 281]

EASTERN PACIFIC TUNA FISHERIES

Yellowfin Tuna; Restrictions on Tuna Imports

Notice is hereby given, pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), and section 6(c) of the Tuna Conventions Act of 1950 (64 Stat. 778), as amended by Public Law 87–814, that the Secretary of the Interior proposes to amend Title 50, Code of Federal Regulations, by adding a new Subchapter H—Eastern Pacific Tuna Fisheries, consisting of Part 280—Yellowfin Tuna and Part 281—Restrictions on Tuna Imports. The proposed regulations are set forth in tentative form below.

The proposed regulations are to be issued under the authority contained in section 6(c) of the Tuna Conventions Act of 1950, as amended by Public Law 87–814. In accordance with the authority cited, after adoption of the regulations proposed as Part 280 and publication thereof in the FEDERAL REGISTER, such regulations are to become applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary of the Interior shall prescribe, but in no event prior to an agreed date for the application by all countries whose vessels engage in fishing for species of fish covered by the Convention for the Establishment of an Inter-American Tropical Tuna Commission (1 U.S.T. 230), in the regulatory area on a meaningful scale of effective measures for the implementation of the Commission's recommendations applicable to all vessels and persons subject to their respective jurisdictions. Steps are being taken to reach agreement with the several countries whose fishermen participate in the tuna fisheries of the eastern Pacific Ocean concerning a date for the simultaneous application by all such countries of suitable conservation measures to be observed by their fishing vessels.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Area Director, Bureau of Commercial Fisheries, 101 Seaside Avenue, Terminal Island, California, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Interested persons will also be afforded an opportunity to comment orally on the proposed regulations at a public hearing to be held at United Portuguese Club, 2818 Addison Street, San Diego, California, beginning at 9:30 a.m., November 19, 1962. Any person who intends to present views orally at such hearing is requested to furnish in writing his name and the name of the organization he represents, if any, to the said Area Director not later than November 15, 1962.

Issued at Washington, D.C., and dated October 16, 1962.

JAMES K. CARR,
Acting Secretary of the Interior.

PART 280—YELLOWFIN TUNA

Sec.
280.1 Definitions.
280.2 Basis and purpose.
280.3 Catch limit.
280.4 Open season.
280.5 Closed season.
280.6 Registration certificates.
280.7 Reports and record keeping.
280.8 Persons and vessels exempted.

AUTHORITY: §§ 280.1 to 280.8 issued under sec. 6, 64 Stat. 778, as amended, 16 U.S.C. 955.

§ 280.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Convention.* The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.T. 230).

(b) *Commission.* The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(c) *Director of Investigations.* The Director of Investigations, Inter-American Tropical Tuna Commission, La Jolla, California.

(d) *Bureau Director.* The Director of the Bureau of Commercial Fisheries, Fish and Wildlife Service, United States Department of the Interior.

(e) *Area Director.* The Area Director, California Area, Bureau of Commercial Fisheries, Terminal Island, California.

(f) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40 degrees north latitude intersects the coast; thence due west to the meridian of 125 degrees west longitude; thence due south to the parallel of 20 degrees north latitude; thence due east to the meridian of 120 degrees west longitude; thence due south to the parallel of 5 degrees north latitude; thence due east to the meridian of 110 degrees west longitude; thence due south to the parallel of 10 degrees south latitude; thence due east to the meridian of 90 degrees west longitude; thence due south to the parallel of 30 degrees south latitude; thence due east to a point on the mainland where the parallel of 30 degrees south latitude intersects the coast.

(g) *Yellowfin tuna.* Any fish of the species Thunnus albacares (synonomy: Neothunnus macropterus).

(h) *Other tuna fishes.* Those species (and none other) of the family Scombridae which are known as:

(1) Albacore—Thunnus alalunga (synonomy: Thunnus germo).

(2) Bigeye—Thunnus obesus (synonomy: Parathunnus sibi).

(3) Bluefin—Thunnus thynnus (synonomy: Thunnus saliens).

(4) Skipjack—Katsuwonus pelamis (synonomy: Euthynnus pelamis).

(i) *Fishing vessel.* Every kind, type or description of watercraft subject to the jurisdiction of the United States (other than purse seine skiffs) used in or outfitted for catching or processing fish or transporting fish from fishing grounds.

(j) *Person.* Individual, association, corporation or partnership subject to the jurisdiction of the United States.

(k) *Open season.* The time during which yellowfin tuna may lawfully be captured and taken on board a fishing vessel in the regulatory area without limitation on the quantity permitted to be retained during each fishing trip. Unless otherwise specified, whenever time is stated in hours it shall be construed to refer to standard time in the area affected.

(l) *Closed season.* The time during which yellowfin tuna may not be taken or retained on board a fishing vessel in quantities exceeding the amounts permitted to be taken and retained as an incident to fishing for other tuna fishes.

§ 280.2 Basis and purpose.

(a) At a special meeting held at Long Beach, California on September 14, 1961, the Commission recommended to the parties to the Convention that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fishermen of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than the maximum average sustainable yield. The Commission's recommendation for joint action by the parties to restrict the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum average sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At its annual meeting held at Quito, Ecuador, May 16–18, 1962, the Commission affirmed its earlier conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and again recommended to the parties to the Convention that they take joint action to:

(1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during the calendar year 1962 from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of not more than fifteen percent (15%) by weight of yellowfin tuna among the tuna taken on a fishing trip made after the close of the yellowfin tuna fishing season; and

(4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) At a meeting held at _____, on _____ 1962,[1] representatives of the Governments of _____, _____, _____, _____, _____, and the United States of America (being the several countries which are parties to the Convention or, not being parties, exercised jurisdiction over vessels which, during 1962, engaged in fishing for species covered by the Convention in the regulatory area on a meaningful scale), gave assurances that beginning as of _____, each country would apply to all vessels and persons subject to its jurisdiction effective measures for the implementation of the recommendations made by the Commission in May 1962 for a yellowfin tuna conservation regime.

(d) The regulations in this part are designed to implement the Commission's current and future recommendations for the conservation of yellowfin tuna so far as they affect all vessels and persons subject to the jurisdiction of the United States.

§ 280.3 Catch limit.

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area during the open season by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of the Interior of the recommended catch limit, announcement of the catch limit thus established shall be made by the Bureau Director through publication of a suitable notice in the FEDERAL REGISTER. The Bureau Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

§ 280.4 Open season.

The open season for yellowfin tuna fishing shall begin annually at 12:01 a.m. of the first day of January and terminate at midnight on a date to be determined and announced as provided in § 280.5.

§ 280.5 Closed season.

(a) Pursuant to authority granted by the Commission, the Director of Investigations will maintain records of the catches of yellowfin tuna taken from the regulatory area and landed from time to time during the open season by the fishing vessels of all nations participating in the fishery. By taking into account the aggregate weight of the yellowfin tuna landings and the estimated additional quantities of yellowfin tuna expected to be taken by the fishing vessels of all nations operating in the regulatory area, the Director of Investigations will determine the date on which he deems the annual catch limit will be reached and will promptly notify the Bureau Director of such date. The Bureau Director shall announce the season closure date thus established by publication in the FEDERAL REGISTER. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the catch limit will not be reached by such date, he may substitute another date which shall be announced by the Bureau Director in like manner as provided for the date originally determined.

(b) After the date determined in the manner provided in this section for the closing of the yellowfin fishing season, the taking of yellowfin tuna shall be prohibited until the yellowfin tuna fishing season reopens on January 1 next following the close of the season: *Provided*, That any fishing vessel which has departed port to engage in yellowfin tuna fishing prior to the date of the closure of the yellowfin fishing season may continue to take and retain yellowfin tuna without restriction as to quantity until the fishing voyage has been completed by unloading the whole or any part of the fishing vessel's cargo of tuna in port: *Provided further*, That after the close of the yellowfin tuna fishing season as provided in this section, yellowfin tuna captured as an incident to fishing for other tuna fishes may be taken on board a fishing vessel and landed in an amount not exceeding fifteen percent by weight of all tuna fishes on board the vessel from which the fishing was conducted.

§ 280.6 Registration certificates.

(a) Except as permitted by § 280.8, after the _____ day of _____, 1962; no person shall use a fishing vessel for the capture, retention, transportation, or landing of yellowfin tuna in any

[1] Arrangements are being made to hold a meeting of the Governments concerned early in November 1962.

quantity from the regulatory area unless such vessel shall have first been registered and cleared for yellowfin tuna fishing in conformity with the provisions of this section.

(b) The managing owner, master, or other person in charge of a fishing vessel may register such vessel to engage in yellowfin tuna fishing by furnishing, either by letter or on a form to be supplied by the Bureau of Commercial Fisheries, information specifying the names and addresses of the managing owner and master, respectively, of the vessel, and the name, official number, home port, and cargo capacity (in tons of frozen tuna) of the vessel. Such application shall be submitted to the Area Director who shall, without charge, issue in the name of the fishing vessel a certificate evidencing its registration to engage in yellowfin tuna fishing during the calendar year applied for. Each such certificate shall expire at the end of the calendar year during which it is issued and shall be replaced by a new certificate upon application made in like manner as prescribed for the original certificate. New certificates shall similarly be issued to replace lost or mutilated certificates.

(c) Not earlier than 48 hours prior to each departure from port to engage in tuna fishing during the open season for yellowfin tuna, the master or other person in charge of a fishing vessel shall present the vessel's registration certificate for validation. Validation of a registration certificate shall be accomplished in the manner specified in paragraph (e) of this section. Such validation shall terminate at the time of the first landing thereafter of any part of the catch of tuna taken during the voyage authorized by the validated certificate.

(d) Prior to each departure from port during the closed season to engage in fishing for species of tuna other than yellowfin, the master or other person in charge of a fishing vessel shall present the vessel's registration certificate for validation for the purpose of permitting the retention on board such vessel of yellowfin tuna, taken as an incident to fishing for other tuna species, in an amount not exceeding fifteen percent by weight of all tuna species taken by the fishing vessel during the voyage covered by the validated certificate. Validation of a registration certificate during the closed season shall likewise be accomplished in the manner prescribed in paragraph (e) of this section and such validation shall terminate at the time of the first landing thereafter of any part of the catch of tuna taken during the voyage covered by the validated certificate.

(e) Validation of a registration certificate as required in paragraphs (c) and (d) of this section shall, upon proper request, be entered as an endorsement made by an authorized validating officer upon the certificate held by the fishing vessel. Authorized officers as listed below, and their authorized representatives, may perform the functions of authorized validating officers:

(1) For fishing vessels departing ports of the United States—

Area Director, California Area, Bureau of Commercial Fisheries, Terminal Island, California; and Regional Director, Pacific Region, Bureau of Commercial Fisheries, Arcade Building, Seattle, Washington.
Officers of the United States Bureau of Customs.
Officers of the United States Coast Guard.
Officers and employees of the Commonwealth of Puerto Rico.

(2) For fishing vessels departing foreign ports—

The officer in charge at each of the following United States Consular posts:
Colombia: Barranquilla, Bogota, Buenaventura, and Cali.
Chile: Antofagasta, Concepcion, Santiago, and Valparaiso.
Costa Rica: Puntarenas and San Jose.
Ecuador: Guayaquil and Quito.
El Salvador: San Salvador.
Guatemala: Guatemala.
Mexico: Mexico, D.F., and Mazatlan.
Nicaragua: Managua.
Panama: Colon and Panama.
Peru: Arequipa and Lima.

(f) As circumstances require, the Bureau Director from time to time shall revise the list of authorized validating officers by publishing appropriate changes in the FEDERAL REGISTER. In the event an authorized validating officer is not available in port at the time of impending departure of a fishing vessel on a fishing voyage, a validation of the nature required by paragraph (c) or (d) of this section may be obtained by letter or telegraphic communication.

(g) The registration certificate and validation endorsements thereon issued as provided in this section shall at all times be carried on board the fishing vessel for which issued and such certificate, the vessel, and its cargo shall at all times be subject to inspection for the purposes of this part by officers authorized to enforce the provisions of this part.

§ 280.7 Reports and record keeping.

The master or other person in charge of a fishing vessel holding a registration certificate issued under this part shall—

(a) Keep an accurate log of all fishing operations conducted from the vessel, entering therein for each day the name and official number of the vessel, date, noon position (stated in latitude and longitude or in relation to known physical features) and the estimated quantities (in short tons) of tuna fish by species which are taken on board the vessel: *Provided*, That the fishing record and bridge log maintained at the request of the Commission shall be deemed a sufficient compliance with this paragraph whenever the items of information specified herein are fully and accurately entered in such log;

(b) Report by radio at least once each calendar week during a fishing voyage (alternatively) to Radio Station WWD, La Jolla, California, 415.8 wc or 3805.6 kc, to Radio Station Balboa, Canal Zone (call letters and frequencies to be supplied later), or by prepaid commercial radio message directed to the Director of Investigations. Radio reports shall be made between the hours of 8:00 a.m. and 12:00 midnight and shall state the name of the fishing vessel and the cumulative estimated quantities, by species, of all tuna fish taken on board during the fishing voyage from the time of departure from port until the return of the vessel to port; and

(c) Furnish on a form supplied by the Bureau of Commercial Fisheries, immediately following the delivery or sale of a catch of tuna made by means of such vessel, a report, certified to be correct, giving the name and official number of the fishing vessel, the dates of commencement and conclusion of the fishing trip and listing separately by species and weight in short tons, the gross quantities of each species of tuna fish so sold or delivered: *Provided*, That, at the option of the vessel master or other person in charge, a copy of the fish ticket, weigh-out slip, settlement sheet, or similar record customarily issued by the fish dealer or his agent may be used for reporting purposes, in lieu of the form supplied by the Bureau of Commercial Fisheries, if such alternate record is similarly certified and contains all items of information required by this subparagraph. Such report shall be delivered or mailed to the Area Director within 24 hours after the weigh-out has been completed.

§ 280.8 Persons and vessels exempted.

Nothing contained in §§ 280.2 to 280.7 shall apply to:

(a) Any person or vessel authorized by the Commission, the Bureau Director, or any State of the United States to engage in fishing for research purposes.

(b) Any vessel documented as a common carrier by the Government of the United States and engaged exclusively in the carriage of freight and passengers.

(c) Any vessel of less than ten gross tons.

(d) Any person or vessel engaged in sport fishing for personal use.

PART 281—RESTRICTIONS ON TUNA IMPORTS

Sec.
281.1 Definitions.
281.2 Basis and purpose.
281.3 Species subject to regulation.
281.4 Species under investigation by the Commission.
281.5 Investigations authorized.
281.6 Publication of findings.
281.7 Proof of admissibility.
281.8 Removal of import restrictions.

AUTHORITY: §§ 281.1 to 281.8 issued under sec. 6, 64 Stat. 778, as amended, 16 U.S.C. 955.

§ 281.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *United States.* All areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

(b) *Convention.* The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.T. 230).

(c) *Commission.* The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(d) *Bureau Director.* The Director of the Bureau of Commercial Fisheries, Fish and Wildlife Service, United States Department of the Interior.

(e) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40 degrees north latitude intersects the coast; thence due west to the meridian of 125 degrees west longitude; thence due south to the parallel of 20 degrees north latitude; thence due east to the meridian of 120 degrees west longitude; thence due south to the parallel of 5 degrees north latitude; thence due east to the meridian of 110 degrees west longitude; thence due south to the parallel of 10 degrees south latitude; thence due east to the meridian of 90 degrees west longitude; thence due south to the parallel of 30 degrees south latitude; thence due east to a point on the mainland where the parallel of 30 degrees south latitude intersects the coast.

(f) *Yellowfin tuna.* Any fish of the species Thunnus albacares (synonomy: Neothunus macropterus).

(g) *Other tuna fishes.* Those species (and none other) of the family Scombridae which are known as:

(1) Albacore—Thunnus alalunga (synonomy: Thunnus germo).

(2) Bigeye—Thunnus obesus (synonomy: Parathunnus sibi).

(3) Bluefin—Thunnus thynnus (synonomy; Thunnus saliens).

(4) Skipjack—Katsuwonus pelamis synonomy: Kuthynnus pelamis).

(h) *Fishing vessel.* Every kind, type or description of watercraft (other than purse seine skiffs) used in or outfitted for catching or processing fish or transporting fish from fishing grounds.

(i) *Person.* Individual, association, corporation or partnership.

§ 281.2 Basis and purpose.

(a) At a special meeting held at Long Beach, California on September 14, 1961, the Commission recommended to the Government of Costa Rica, Ecuador, Panama, and the United States of America, parties to the Convention, that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fisherman of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than that at which the maximum average sustainable yield may be obtained. The Commission's recommendation for joint action by the parties to regulate the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum average sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At its annual meeting held at Quito, Ecuador, May 16–18, 1962, the Commission affirmed its earlier conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and again recommended to the parties to the Convention that they take joint action to:

(1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during the calendar year 1962 from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of not more than fifteen percent (15%) by weight of yellowfin tuna among the tuna taken on a fishing trip made after the close of the yellowfin tuna fishing season; and

(4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) At a meeting held at _____, on _____ 1962,[1] representatives of the Governments of _____, _____, _____, _____, _____, _____, and the United States of America (being the several countries which are parties to the Convention or, not being parties, exercised jurisdiction over vessels which, during 1962, engaged in fishing for species covered by the Convention in the regulatory area on a meaningful scale), gave assurances that beginning as of _____, each country would apply to all vessels and persons subject to its jurisdiction effective measures for the implementation of the recommendations made by the Commission in May 1962 for a yellowfin tuna conservation regime.

(d) In conformity with the provisions of section 6(c) of the Tuna Conventions Act of 1950, as amended, and simultaneously with the adoption of the regulations in this part, the Secretary of the Interior has made effective Part 280 of this title for the purpose of carrying out the current and future recommendations of the Commission for the conservation of yellowfin tuna in the regulatory area so far as such recommendations affect all vessels and persons subject to the jurisdiction of the United States.

(e) The yellowfin tuna stocks recommended for regulation by the Commission constitute a significant part of an international high seas fishery in which the vessels of a number of countries are engaged in varying degrees. Since some of the countries are not parties to the Convention and, therefore, have no applicable treaty obligations to fulfill, the achievement of the conservation objectives with respect to the tuna resources of the eastern Pacific Ocean is dependent upon international cooperative efforts to implement the Commission's recommendations. With a view toward encouraging effective cooperation on the part of such countries, the Tuna Conventions Act of 1950, as amended, directs that restrictions be established on the importation of certain tuna fish from any country which shall fail to take action to prevent the occurrence of certain proscribed activities. Thus, section 6(c) of the Act provides that the Secretary of the Interior, with the concurrence of the Secretary of State, shall promulgate regulations—

(1) To prohibit the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the regulatory area; and

(2) To prohibit entry into the United States, from any country, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the regulatory area by vessels other than those of such country in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission.

(f) Section 6(c) of the Act further provides that "in the case of repeated and flagrant fishing operations in the regulatory area by the vessels of any country which seriously threaten the achievement of the objectives of the Commission's recommendations, the Secretary of the Interior, with the concurrence of the Secretary of State, may, in his discretion, also prohibit the entry from such country of such other species of tuna, in any form, as may be under investigation by the Commission and which were taken in the regulatory area."

(g) The regulations in this part are designed to implement the provisions of section 6(c) of the Act with respect to import controls and to prescribe procedures for the establishment of restrictions on imports of tuna whenever such action shall be deemed warranted.

§ 281.3 Species subject to regulation.

The species of fish currently subject to regulation pursuant to a recommendation of the Commission within the meaning of section 6(c) of the Act is yellowfin tuna.

§ 281.4 Species under investigation by the Commission.

The species of fish currently under investigation by the Commission within the meaning of section 6(c) of the Act are yellowfin tuna, skipjack tuna, and bigeye tuna.

§ 281.5 Investigations authorized.

(a) The Bureau Director shall cause to be made from time to time such inquiries and investigations as may be necessary to keep himself and other persons concerned currently informed regarding the nature and effectiveness of the measures for the implementation of the Commission's recommendations which are being carried out by countries whose vessels engage in fishing within the regulatory area. In making a finding as to whether or not a country is condoning the use of vessels in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, the Bureau Director shall take into account, among such other considerations as may appear to be pertinent in a particular case, the following factors:

(1) Whether or not the country provides or causes to be provided to the Commission pertinent statistics on a timely basis.

(2) Whether or not the country has in force conservation measures applicable to its own fishermen adequate for the implementation of the Commission's recommendations.

(3) Whether or not the country has in force measures for the control of landings in its ports of species subject to regulation which are taken in the regulatory area by fishermen of other countries contrary to the Commission's conservation recommendations.

(4) Whether or not the country, having put conservation measures into effect, takes reasonable action to enforce such measures.

(5) The number of vessels of the country which conduct fishing operations in the regulatory area.

(6) The quantity of species subject to regulation taken from the regulatory area by the country's vessels contrary to the Commission's conservation recommendations and its relationship to (i) the total quantity permitted to be taken by the vessels of all countries participating in the fishery and (ii) the quantity of such species sought to be restored to the stocks of fish pursuant to the Commission's conservation recommendations.

(b) Any person who shall have reason to believe that the vessels of any country are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission or that other acts within the purview of the import control provisions of section 6(c) of the Tuna Conventions Act of 1950, as amended, are occurring or are likely to occur, may communicate his belief to the Bureau Director. Every such communication shall contain or be accompanied by a full statement of the reasons for the belief, including a detailed description of such specific acts or events as may support the belief, and such other pertinent facts as may indicate a need for instituting an investigation as authorized in this part.

(c) Upon receipt by the Bureau Director of any communication submitted pursuant to paragraph (b) of this section and found to comply with the requirements of that paragraph, the Bureau Director promptly shall cause such investigation to be made as appears to be warranted by the circumstances of the case. In conducting such investigation the Bureau Director or his designated representative shall consider any representations offered by foreign interests, importers, brokers, domestic producers, or other interested persons. Unless good cause to the contrary shall exist, every such investigation shall be completed within 60 days following receipt of the communication.

§ 281.6 Publication of findings.

If it shall be determined on the basis of § 281.5 that species of fish subject to regulation or under investigation by the Commission, as the case may be, are ineligible for entry into the United States from a particular country pursuant to the provisions of section 6(c) of the Act, the Bureau Director, with the approval of the Secretary of the Interior, shall publish a finding to that effect in the FEDERAL REGISTER. Effective upon the date of publication of such finding in the FEDERAL REGISTER every shipment of fish in any form of the species under regulation or under investigation by the Commission offered for entry either directly or indirectly from the country named in the finding shall be denied entry unless it shall be established by satisfactory proof pursuant to § 281.7 that a particular shipment of such fish is not ineligible for entry: *Provided,* That entry shall not be denied and no such proof shall be required for any such shipment which, on the date of such publication, was in transit to the United States on board a vessel operating as a common carrier.

§ 281.7 Proof of admissibility.

For the purposes of § 281.6 and section 8(c) of the Tuna Conventions Act of 1950, as amended, a shipment of fish in any form of the species under regulation or under investigation by the Commission offered for entry, directly or indirectly, from a country named in a finding published under such § 281.6 shall be deemed to be eligible for entry if the shipment is accompanied by a certificate of eligibility, executed in the form and manner set forth below, certifying that the tuna in the shipment are not of the species specified in the published finding or, if of such species, were not taken in the regulatory area. The required certificate of eligibility must be executed by a duly authorized official of the country named in the published finding and the certificate must be authenticated with respect to the signature and official position of the person executing the same by a consular officer or consular agent of the United States.

CERTIFICATE OF ELIGIBILITY

I, _____, an authorized officer of the Government of _____, certify that the shipment of tuna fish accompanied by this certificate, consisting of _____ of _____ (Quantity) _____ in _____ (Species) (Number and kind of packages) _____ bearing the following marks or containers) and numbers _____:

☐ (a) Contains no fish of the species prohibited entry into the United States by virtue of a finding of ineligibility published under regulations issued pursuant to section 6(c) of the Tuna Conventions Act of 1950, as amended.

☐ (b) Contains fish of the species prohibited entry into the United States by virtue of a finding of ineligibility published under regulations issued pursuant to section 6(c) of the Tuna Conventions Act of 1950, as amended, but that such fish were caught in the waters of _____ (Identify area or areas in _____ by vessels subject to the jurisdiction of _____ (Country) and that none of the said fish was taken in any part of the eastern Pacific Ocean subject to conservation regulations pursuant to recommendations of the Inter-American Tropical Tuna Commission.

_____ (Signature)

_____ (Title)

_____ (Address)

[This certificate must be accompanied by a certificate of authentication executed by a consular officer or consular agent of the United States]

§ 281.8 Removal of import restrictions.

Upon a determination by the Bureau Director that the conditions no longer exist which warranted the imposition of import restrictions against the country named in the finding published pursuant to section 281.6, the Bureau Director, with the approval of the Secretary of the Interior, shall publish a finding to such effect in the FEDERAL REGISTER. Effective upon the date of publication of such finding, the prior existing import restrictions against the country designated therein shall terminate: *Provided,* That for a period of one year from such date of publication every shipment of fish in any form of the species subject to regulation or under investigation by the Commission shall continue to be denied entry unless the shipment is accompanied by a certification executed by an authorized official of the country of export and authenticated by a consular officer or consular agent of the United States, certifying that no portion of the shipment is comprised of fish which are of species under regulation and which were prohibited from entry under the prior existing import restrictions.

[F.R. Doc. 62-10475; Filed, Oct. 17, 1962; 8:51 a.m.]

[1] Arrangements are being made to hold a meeting of the Governments concerned early in November 1962.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1044]

[Docket No. AO-299-A4]

MILK IN MICHIGAN UPPER PENINSULAR MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and

procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the State Office Building, Escanaba, Michigan, beginning at 10:00 a.m., on October 24, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Michigan Upper Peninsula marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Michigan Milk Producers Association:

Proposal No. 1. Amend § 1044.9 to read:

§ 1044.9 Handler.

"Handler" means:

(a) A person who operates one or more fluid milk plants or any other plant from which fluid milk products are disposed of during the month on routes in the marketing area, or

(b) A cooperative association with respect to milk customarily received by a handler as described under paragraph (a) of this section, which is diverted to a nonpool plant for the account of the association.

Proposal No. 2. Amend the order by adding a new section to read:

"Associated producer" means a person who, with respect to any milk not accepted at or accounted for by a handler at a fluid milk plant in any month, meets all of the following qualifications:

(a) Produces milk in conformity with the sanitation requirements of any duly constituted health authority relating to milk for consumption in the area in the form of a fluid milk product;

(b) Delivered milk during the preceding November which milk was received at a fluid milk plant; and

(c) Certifies in writing to the market administrator, on or before the first day of any month following the first month in which any of his milk is not accepted at or accounted for by a handler at a fluid milk plant, that he is ready and willing to deliver his milk to such fluid milk plant, and does so perform in response to appropriate request from the handler through the market administrator.

Proposal No. 3. Amend the order by adding a new section to read: "Associated producer milk" means that portion of the milk produced by one or more associated producers which is not accepted at or accounted for by a handler at a fluid milk plant and which milk is sold for manufacturing purposes.

Proposal No. 4. Amend § 1044.22 by adding new paragraphs (j) and (k) to read:

(j) On or before the 8th day of the delivery month, furnish to each handler operating a fluid milk plant the names and addresses of any associated producers who have declared their willingness to deliver milk to such plant pursuant to the "Associated producer" section.

(k) On or before the 12th day following the delivery month notify each handler of the quantity and butterfat test of associated producer milk assigned to such handler and the amount to be remitted to the market administrator therefore pursuant to § 1044.70(d).

Proposal No. 5. Amend § 1044.30 by adding a new paragraph (d) to read:

(d) Each associated producer shall submit to the market administrator:

(1) On or before the 5th day following the delivery month, a statement of the quantity and butterfat test of his milk sold for manufacturing purposes, and

(2) On or before the 20th day following such delivery month, payment slips, or other acceptable evidence to verify the quantity and butterfat test of milk sold for manufacturing purposes.

Proposal No. 6. Amend § 1044.61 to include the quantity of associated producer milk and the value received at the Class II price in determining the uniform price.

Proposal No. 7. Amend § 1044.64 by adding a new paragraph (d) to read:

(d) The amounts to be paid to the market administrator for associated producer milk pursuant to § 1044.70(d).

Proposal No. 8. Amend § 1044.70 by adding a new paragraph (d) to read:

(d)(1) On or before the 15th day after the end of each month each handler having associated producer milk shall remit to the market administrator for payment to associated producers, an amount computed by multiplying the quantity of associated producer milk determined pursuant to § 1044.22(j) by the difference between such handler's uniform price as determined pursuant to § 1044.61 and the Class II price determined pursuant to § 1044.51.

(2) Such amounts shall be maintained by the market administrator in a separate fund out of which he shall, on or before the 25th day after the end of each delivery month, make payments to associated producers on the basis of the verifiable quantity recorded submitted by them pursuant to § 1044.30(d).

Proposal No. 9. Amend § 1044.71 to include associated producer milk included in computing his uniform price in determining the amount to be paid to the market administrator.

Proposed by Bancroft Dairy, Inc.:

Proposal No. 10. Amend § 1044.50 to provide that the Class I price in Zone 1 and Zone 2 be the same in each month and that the Class I price be not more than 20 cents per hundredweight in excess of the Northeastern Wisconsin order Class I price in any month.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 11. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Post Office Box 505, Room 308, First National Bank Building, Escanaba, Michigan, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on October 15, 1962.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-10417; Filed, Oct. 17, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 136]

[Ex Parte No. 171]

TRAIN CONTROL AND OTHER SIMILAR APPLIANCES, METHODS AND SYSTEMS

Rules, Standards, and Instructions; Notice of Proposed Rule Making

It appearing that on May 25, 1962, a notice of proposed rule making was entered in this proceeding giving notice of the institution by the Interstate Commerce Commission, on its own motion, under authority of section 25 of the Interstate Commerce Act, as amended (49 U.S.C. 26), of an investigation for the purpose of revising, amending, and modifying certain Rules, Standards, and Instructions, in this proceeding, as particularly set forth in the said notice of May 25, 1962;

It further appearing that the said notice of May 25, 1962, called for the submission, in writing, of views, arguments, or suggestions bearing on the proposed revisions;

It further appearing that in their written statements certain parties ask that the proceeding be assigned for oral hearing and that oral hearing is warranted in the circumstances;

It further appearing that certain parties have specifically requested, in the event an oral hearing is held, that the hearing be preceded by a prehearing conference;

It further appearing that a prehearing conference in this matter is appropriate and desirable:

It is ordered, That this proceeding be assigned for oral hearing, and that it also be assigned for prehearing conference;

It is further ordered, That this proceeding be set down for prehearing conference in Washington, D.C., on November 8, 1962, at 10:00 a.m., United States standard time, before Examiner Robert R. Boyd, and that subsequently it be set down for hearing at a date and place to be determined at the prehearing conference or determined by the Commission after the completion of the prehearing conference;

And it is further ordered, That a copy of this order shall be given to persons of interest and to the general public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D.C., for public inspection and by filing a copy with the Director of the Division of the Federal Register for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 9th day of October A.D. 1962.

By the Commission, Commissioner Tuggle.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-10407; Filed, Oct. 17, 1962; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-6912]

FOR VOTING TRUST CERTIFICATES AND FOREIGN ISSUERS

Exemptions

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed amendment to § 240.3a12-3 under the Securities Exchange Act of 1934.

This rule provides that securities for which the filing of applications on Form 18, 19, 20, or 21 is authorized shall be exempt from the operation of sections 14(a) and 16 of the Act. It is proposed to amend this rule to provide that it shall not afford such an exemption for voting trust certificates where the voting trustee or, if more than one, at least one-half of the voting trustees are citizens or residents of the United States, or if any person or persons controlling such voting trustee or voting trustees are citizens or residents of the United States.

It is proposed that § 240.3a12-3 be further amended so that it will not exempt from sections 14(a) and 16 of the Act certain issuers organized in a foreign country. These would include (i) companies which have their principal executive offices in the United States and which have a substantial portion of their assets in, or derive a substantial portion of their gross revenues from sources in, the United States; (ii) companies which have the major portion of their assets in, or derive the major portion of their gross revenues from sources in, the United States; (iii) companies the majority of whose directors are citizens or residents of the United States; and (iv) companies more than 50 percent of whose voting securities are owned by residents of the United States.

The text of § 240.3a12-3, as proposed to be amended, follows:

§ 240.3a12-3 Exemption of Certain Securities from Sections 14(a) and 16 of the Act.

Securities for which the filing of applications on Form 18, 19, 20, or 21 is authorized shall be exempt from the operation of sections 14(a) and 16 of the Act, except that this rule shall not apply to the following securities:

(a) Securities evidencing a participating in a voting trust agreement or similar agreement for the holding of securities for voting purposes if the voting trustee or, if more than one, at least one-half of the voting trustees are citizens or residents of the United States, or if any person or persons controlling such voting trustee or voting trustees are citizens or residents of the United States;

(b) Securities of any issuer having its principal executive office in the United States if more than 25 percent of the total assets of the issuer and its consolidated subsidiaries is located in the United States or more than 25 percent of the aggregate gross revenues of the issuer and its consolidated subsidiaries for such issuer's last fiscal year was derived from sources in the United States;

(c) Securities of any issuer if more than 50 percent of the total assets of such issuer and its consolidated subsidiaries is located in the United States or if more than 50 percent of the aggregate gross revenues of such issuer and its consolidated subsidiaries for the issuer's last fiscal year was derived from sources in the United States;

(d) Securities of any issuer a majority of whose directors are citizens or residents of the United States; or

(e) Securities of any issuer more than 50 percent of the voting securities of which is owned of record by persons resident in the United States.

For the purpose of paragraph (b) or (c) of this section, the percentage of total assets of the issuer and its consolidated subsidiaries located in the United States, shall be computed upon the basis of the value of such assets as shown by the latest balance sheet of the issuer and its consolidated subsidiaries.

(Secs. 3(a)(12), 23(a), 48 Stat. 882, 901, as amended, 15 U.S.C. 78c, 78w)

* * * * *

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before November 12, 1962. Except where nondisclosure is requested, all such communications will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

OCTOBER 11, 1962.

[F.R. Doc. 62-10399; Filed, Oct. 17, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Small Tract Classification No. 118]

ALASKA

Small Tract Classification

OCTOBER 11, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215), as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961, and effective immediately, I hereby classify the following described public lands, totalling approximately 4,377.57 acres and completely surrounding Lake Louise, as suitable for lease and sale for recreation purposes under the Small Tract Act of June 1, 1933 (52 Stat. 609; 43 U.S.C. 682a), as amended:

Lake Louise Area

U.S. Survey No. 3483.
U.S. Survey No. 3484.
U.S. Survey No. 3485.
U.S. Survey No. 3494.
U.S. Survey No. 3486 (Unapproved).
U.S. Survey No. 3487 (Unapproved).
U.S. Survey No. 3488 (Unapproved).
U.S. Survey No. 3489 (Unapproved).
U.S. Survey No. 3490 (Unapproved).
U.S. Survey No. 3491 (Unapproved).
U.S. Survey No. 3492 (Unapproved).
U.S. Survey No. 3493 (Unapproved).
U.S. Survey No. 3495 (Unapproved).
U.S. Survey No. 3502 (Unapproved).
U.S. Survey No. 3503 (Unapproved).
U.S. Survey No. 3504 (Unapproved).
U.S. Survey No. 3929 (Unapproved).

Containing approximately 2,377.57 acres.

Also, those unsurveyed lands described as follows by Protracted Diagram:

T. 7 N., R. 7 W., C.R.M.,
Secs. 17–20 incl., 28–30 incl.
T. 7 N., R. 8 W., C.R.M.,
Secs. 24, 25.

Containing approximately 2,000 acres.

Aggregating approximately 4,377.57 acres.

The intent of the foregoing description is to embrace all of the lands fronting on Lake Louise.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. All valid applications filed prior to October 11, 1962, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

5. The purpose of this classification is to facilitate the identification and association of the numerous prior existing claims with recently surveyed lots, the inventory of unclaimed lots, and their opening in the near future to application or bid.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-10394; Filed, Oct. 17, 1962; 8:46 a.m.]

ARIZONA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application Serial No. Arizona 018981, for withdrawal and reservation of lands was published as F.R. Doc. No. 188 on page 7824 of the issue for October 9, 1958. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations in 43 CFR Part 295, such lands will be at 10:00 a.m., November 6, 1962, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

GILA AND SALT RIVER BASE AND MERIDIAN

T. 15 S., R. 28 E.,
Sec. 12: N½N½NE¼, S½SW¼, S½SE¼;
Sec. 13: N½.

FRED J. WEILER,
State Director.

OCTOBER 8, 1962.

[F.R. Doc. 62-10395; Filed, Oct. 17, 1962; 8:47 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 11, 1962.

The Bureau of Reclamation, Department of the Interior, has filed an application, Serial Number R02052, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights. The applicant desires the land for the construction, operation, and maintenance in connection with the project of the proposed Coachella Valley County Water District's Rehabilitation and Betterment Program, All-American Canal System.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, Calif.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 6 S., R. 6 E.,
SEC. 24, Lot 4, W½ and SW¼SE¼.

The areas described aggregate 401.59 acres.

The Bureau of Land Management will continue to manage the mineral leasing, grazing, and recreational resources of this land.

JENS C. JENSEN,
Manager, Land Office, Riverside.

[F.R. Doc. 62-10396; Filed, Oct. 17, 1962; 8:47 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Elimination Thereof

OCTOBER 10, 1962.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 071184, for the withdrawal of the lands described below, from prospecting, location, entry, and purchase under the mining laws only, subject to existing valid claims. The applicant desires the land for withdrawal of the land to protect recreation areas and administrative sites in the Sierra National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, Calif.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

IN THE SIERRA NATIONAL FOREST

Roadside Zone along the Mammoth Road

(Forest Development Road No. 4S00)

A strip of land 200 feet on each side of the centerline of the Mammoth Road through the following subdivisions:

T. 6 S., R. 24 E.,
Sec. 1: Lots 9, 10, E½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 2: SE¼, SE¼SW¼.
T. 6 S., R. 25 E.,
Sec. 6: Lots 2, 3, 5, SE¼NW¼.
T. 5 S., R. 25 E.,
Sec. 30: Lots 3, and 4;
Sec. 31: Lot 1, E½NW¼, E¼SW¼, W½SE¼.

ADMINISTRATIVE AREAS

Clover Forest Station

T. 5 S., R. 25 E.,
Sec. 6: W½SW¼NE¼, E½SE¼NW¼.

Minarets Ranger Station

T. 6 S., R. 24 E.,
Sec. 16: W½NE¼.

RECREATION AREAS

China Bar

T. 6 S., R. 24 E.,
Sec. 25: SW¼ less 36½ acres within Mammoth Pool Project No. 2085, and S½NW¼;
Sec. 26: E½NE¼SE¼, SE¼NE¼.

Mammoth Pool

T. 7 S., R. 24 E.,
Sec. 2: W½W½SW¼SW¼ outside of Mammoth Pool Project No. 2085;
Sec. 3: SE¼ less 33 acres in Mammoth Pool Project No. 2085; SW¼NE¼, W½SE¼NE¼, SE¼NW¼, NE¼SW¼, E½SE¼SW¼ less 1.3 acres in Mammoth Pool Project No. 2085.

Fuller Meadow

T. 6 S., R. 24 E.,
Sec. 35: S½SE¼ outside of Mammoth Pool Project No. 2085.

Lower Chiquito

T. 5 S., R. 24 E.,
Sec. 31: E½SE¼SE¼;
Sec. 32: W½SW¼SW¼.
T. 6 S., R. 24 E.,
Sec. 5: W½ Lot 5, NE¼SW¼;
Sec. 6: Lots 8, 10, 14, S½ Lot 7, E½ Lot 9, S½ Lot 11, E½E½SE¼;
Sec. 7: Lots 1, 2, E½ Lot 3, E½ Lot 4, W½NE¼NW¼, NW¼SE¼NW¼, W½E½SW¼;
Sec. 8: W½NW¼, NW¼SE¼NW¼, NW¼SW¼, E½SW¼SW¼, NW¼SE¼SW¼;
Sec. 18: E½ Lot 1, E½ Lot 2, NE¼ Lot 3, E½NW¼, S½NE¼, N½NE¼SW¼, NW¼NW¼SE¼.

Vista Point

T. 7 S., R. 24 E.,
Sec. 16: S½SW¼NE¼.

Upper Chiquito

T. 5 S., R. 23 E.,
Sec. 13: W½NW¼.

Jackass Rock

T. 6 S., R. 24 E.,
Sec. 1: S½SW¼SW¼, SW¼SE¼SW¼;
Sec. 12: N½N½NW¼NW¼, N½NW¼NE¼NW¼.

Sweetwater

T. 6 S., R. 24 E.,
Sec. 33: NW¼SW¼NE¼.

Logan Meadow

T. 6 S., R. 24 E.,
Sec. 34: S½SW¼SW¼;
Sec. 33: SE¼SE¼SE¼.
T. 7 S., R. 24 E.,
Sec. 3: N½ Lot 4;
Sec. 4: NE¼ Lot 1.

The areas described above aggregate approximately 2,836.11 acres.

The applicant agency has cancelled its application insofar as it involved the lands described below for the reason that these lands are included in the pending United States Department of Agriculture Proposed Withdrawal Sacramento 050138 of lands from prospecting, location, entry and purchase under the mining laws, subject to existing valid claims. Therefore pursuant to the regulation contained in Title 43, Code of Federal Regulations Part 295, such lands will be at 10:00 a.m., on November 14, 1962, relieved of the segregative effect of the above-mentioned application:

T. 6 S., R. 24 E., M.D.M.,
Sec. 16: W½SE¼NE¼, W½NE¼NE¼, and
T. 7 S., R. 24 E., M.D.M.,
Sec. 16: N½NW¼SE¼.

The areas described above aggregate approximately 60.00 acres.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 62-10397; Filed, Oct. 17, 1962; 8:47 a.m.]

Office of the Secretary

FORT CLATSOP NATIONAL MEMORIAL, OREGON

Establishment

Whereas, the Act of May 29, 1958 (72 Stat. 153), requires the Secretary of the Interior to designate, for inclusion in the Fort Clatsop National Memorial, certain land and improvements thereon located in Clatsop County, Oregon, which are associated with the winter encampment of the Lewis and Clark Expedition and adjacent portions of the old trail which led from Fort Clatsop to the coast, subject to the limitation that not more than 125 acres be so designated; and

Whereas, on March 24, 1959, an area comprising 124.97 acres of land in Clatsop County, Oregon, was designated by the Secretary for inclusion in the Fort Clatsop National Memorial, and title thereto is now vested in the United States; and

Whereas, section 4 of the above Act requires that establishment of such Memorial be effected when there is vested in the United States title to not less than 100 acres of land associated with the historical events to be commemorated:

Now, therefore, the conditions of the said Act of May 29, 1958, having been met, the Fort Clatsop National Memorial is hereby established to comprise the area depicted on map identified NMEM–FC–7000 and dated March 24, 1959, which map is on file in the Office of the National Park Service, Department of the Interior.

JOHN A. CARVER, JR.,
Acting Secretary of the Interior.

[F.R. Doc. 62-10398; Filed, Oct. 17, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[BIP Case No. 309]

MARINTELE ET AL.

Default Order Denying Export Privileges

In the matter of Marintele, Carl Alvar Sporre, Hovslagaregatan 5, Stockholm, Sweden; Ariba-Agenturer AB, John Norman, Hovslagaregatan 5, Stockholm, Sweden, respondents.

The Director of the Investigations Staff, Bureau of Foreign Commerce, now the Bureau of International Programs, U.S. Department of Commerce (hereafter referred to as BIP), by a charging letter dated July 10, 1961, alleged that the above respondents Ariba-Agenturer AB, John Norman, its owner and director, Marintele, and Carl Alvar Sporre, its manager, all of Stockholm, Sweden, had participated in a transaction to obtain the export from the United States of two klystron tubes and cavities in violation of the U.S. Export Control Act of 1949, as amended, and the regulations issued thereunder.

Delivery of the charging letter was effected upon all of the respondents in Sweden in accordance with § 382.3(b) of the U.S. Export Regulations. None of the respondents answered the charging letter or requested a hearing or to be represented at any proceeding herein. The matter was then referred to the Compliance Commissioner in accordance with the practice, who deemed all the respondents to be in default and held a default proceeding to receive evidence on the charges. After examination of the evidentiary materials submitted on behalf of the Director, Investigations Staff, the Compliance Commissioner made findings, concluded that the charges made had been sustained, and recommended that all the respondents be denied all export privileges for the period of two years followed by probation for the duration of the period of export control.

Now, after an examination of the record herein and after consideration of the findings, conclusions and recommendations of the Compliance Commissioner, I make the following findings of fact:

(1) Ariba Agenturer AB (hereafter referred to as Ariba) was at all times hereafter mentioned, an importer and dealer in electronic equipment. John Norman was its owner and he and Carl Alvar Sporre were its directors and officers. The firm Marintele was at all times hereafter a vendor of electronic equipment in Stockholm, Sweden, managed by Carl

Alvar Sporre, doing business at the same address as Ariba.

(2) Norman and Sporre as codirectors of Ariba in November 1959 undertook to obtain in Ariba's name two klystron tubes and cavities from the United States. Pursuant thereto, Ariba ordered from the sales agent in Sweden for a U.S. supplier, said klystron tubes and cavities for Ariba, with instructions to ship them to Sweden, and furnished an end use statement executed by John Norman on behalf of Ariba, which certified that the klystrons and cavities were for resale for the production of research equipment.

(3) The U.S. supplier filed with the Bureau of Foreign Commerce (hereafter called the BFC) its application for a license to export the klystron tubes. It indicated that the tubes were for resale in Sweden. The BFC issued a validated export license and the tubes were shipped by air to Sweden.

(4) The U.S. supplier later filed its application for a license to export the cavities for the aforesaid klystron. It enclosed the end use statement signed by John Norman on behalf of Ariba. The BFC rejected the application for this license on the ground that the proposed exportation was considered to be contrary to the national interest of the United States.

(5) At the request of the BFC the Swedish agent of the U.S. supplier ascertained from Norman that the klystron tubes had been delivered by Ariba to its alleged customer Marintele in Stockholm, and that according to Norman, the tubes had been ordered by Sporre for a Swedish Government agency. Marintele subsequently told U.S. officals the name of its customer, but further inquiry by U.S. officials of the Swedish Government agency named indicated that no such order had been given Marintele by the agency.

(6) Sporre later informed the U.S. officials that the ultimate user was a person employed by a Swedish public authority concerned with defense, but refused any further details. Efforts by U.S. officials and the agent of the U.S. supplier to obtain return of the tubes for inspection and repurchase were unsuccessful, as was a further effort by the BFC to ascertain what disposition Marintele had made of the klystrons. Sporre, who answered for Marintele, was not responsive to the questions asked, and he refused to disclose the name of the alleged buyer of the tubes.

(7) Upon learning that the BFC had refused to issue a license to the U.S. supplier to export the cavities, John Norman, in furtherance of the original unlawful undertaking, sought to procure the cavities from another exporter in the United States by offering the services of an unnamed personal representative to act as courier and exporter, and transport them by him to Sweden in violation of the U.S. export control law and the regulations thereunder.

After consideration of the entire record and from the above findings of fact, I have reached the following conclusions:

1. I have concluded that all respondents herein have knowingly:

(a) Caused, aided, abetted, induced, procured, and permitted the doing of the acts referred to in (b), (c), and (d) hereinbelow prohibited by the U.S. Export Control Law and licenses and regulations issued thereunder, in violation of § 381.2 of the Export Regulations.

(b) Directly and through third persons made false statements to and concealed material facts from the BFC concerning the true parties in interest for the purpose of inducing the issuance of a U.S. export license, in violation of § 381.5 of the Export Regulations.

(c) Without authorization of the BFC, diverted and disposed of commodities to persons and destinations not authorized by the U.S. export license in violation of §§ 379.10(d) and 381.6 of the Export Regulations.

(d) Bought, sold, disposed of, and exported commodities from the United States with knowledge that violations of the Export Control Law, regulations and license had occurred, were about to occur, and were intended to occur, with respect to said exportations in violation of § 381.4 of the Export Regulations.

2. I have also concluded that John Norman and Ariba-Agenturer AB, two of the respondents herein, made an attempt to bring about a violation of § 371.1(a) of the Export Regulations, contrary to § 381.3(a) of the Export Regulations.

Now after careful consideration of the entire record and being of the opinion that the recommendations of the Compliance Commissioner are fair and just and that this order is necessary to achieve effective enforcement of the law, it is hereby ordered:

I. All outstanding validated export licenses in which the respondents or any of them appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned to the Bureau of International Programs for cancellation.

II. So long as export controls shall be in effect, the respondents herein are hereby denied all privileges of participating directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination including Canada, whether such exportation has heretofor or hereafter been completed, except as qualified in Part IV hereof. Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation by any respondent or related party directly or indirectly in any manner or capacity (a) as a party or as representative of a party to any validated export license application, or documents to be submitted therewith, (b) in the preparation or filing of any export license application or of any documents to be submitted therewith, (c) in the obtaining or using of any validated or general export license, or other export control documents, (d) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities or technical data, in whole or in part exported or to be exported from the United States, and (e) in storing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Two years after the date hereof, without further order of the Bureau of International Programs, the respondents shall have their export privileges restored to them conditionally, the condition for such restoration being that, during the said two years following the date hereof, the said respondents shall comply in all respects with this order, and thereafter shall comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses and orders issued thereunder.

V. The privileges so conditionally permitted to the respondents herein under Part IV hereof may be revoked summarily and without notice upon a finding by the Director of the Office of Export Control, or such other official as may at that time be exercising the duties now exercised by him, that any respondent has knowingly failed to comply with the conditions applicable to him or it as set forth in Part IV hereof, in which event Part II hereof, insofar as it shall apply to such respondent, shall then be and become effective as to him or them without thereby precluding the Bureau of International Programs from taking such other and further action based on such violation or violations as it shall deem warranted. In the event that such supplemental order is issued, such respondents as are involved therein shall have a right to review thereof, as provided in the Export Regulations.

VI. During the time when any such respondent or related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Programs, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondent or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in, any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to or to be exported from the United States.

VII. Should any respondent herein against whom this order has been issued in default, desire to contest this order, he may apply upon good cause shown, together with evidential data in support thereof to set aside his default and vacate the order against him entered herein. This application shall be submitted to the Director, Office of Export Control, Bureau of International Programs, Washington 25, D.C., in accordance with the requirements of § 382.4(b) of the Export Regulations and will be disposed of in accordance with the procedure set forth therein.

Dated: October 15, 1962.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 62-10410; Filed, Oct. 17, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-2]

ALLIED-CROSSROADS NUCLEAR CORP.

Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 7 to License No. 20-685-2 which authorizes Mr. Joseph Cronin t› receive, handle, and ship to the disposal site packaged radioactive waste material.

The licensee is authorized to receive prepackaged waste only. The training and experience of Mr. Cronin appears adequate for the duties he will perform.

The Commission has determined, pursuant to the provisions of 10 CFR Parts 2, 30, 40 and 70 that the issuance of the amendment is consistent with applicable provisions of law, regulations and orders issued by the Commission.

In accordance with the Commission's rules of practice, Title 10, Code of Federal Regulations, Chapter I, Part 2, a formal hearing will be held on the matter upon receipt of a request therefor from the licensee or an intervener within fifteen (15) days after the publication of this notice.

Dated at Germantown, Md., October 12, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Licensing and Regulation.

[License No. 20-685-2; Amdt. No. 7]

In accordance with application dated September 7, 1962, License No. 20-685-2 is amended as follows:

Condition 2 is amended to read:

2. Packages prepared for disposal by land burial shall be received, handled and shipped to the disposal site by, or in the physical presence of, George C. Perry, James J. Nuss or Joseph Cronin. Packages for sea disposal shall be prepared and disposed of by, or in the physical presence of, George C. Perry, James J. Nuss or Joseph Cronin.

Date of Issuance: October 12, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Licensing and Regulation.

[F.R. Doc. 62-10382; Filed, Oct. 17, 1962; 8:45 a.m.]

[Docket No. 50-141]

BOARD OF TRUSTEES OF LELAND STANFORD JUNIOR UNIVERSITY

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 4, set forth below, to Facility License No. R-60. The license authorizes The Board of Trustees of the Leland Stanford Junior University ("the licensee") to operate the pool-type nuclear reactor ("the reactor") located on the Stanford University's campus near Palo Alto, California. The amendment, as requested by the licensee's application ("the application") filed with the Commission on June 8, 1962, authorizes the licensee, subject to certain specified conditions, to (1) conduct a broad program of irradiation, activation, and reactivity worth experiments in the reactor and (2) use graphite reflector elements in the reactor.

The Commission has found that:

(1) Operation of the reactor, including conduct of the additional activities authorized by this amendment, in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor, including conduct of the additional activities authorized by this amendment, in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petition to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, (10 CFR 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the hazards analysis prepared by the Division of Licensing and Regulation and (2) the application filed with the Commission on June 8, 1962, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 11th day of October 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-60; Amdt. No. 4]

Facility License No. R-60, as amended, which authorizes The Board of Trustees of the Leland Stanford Junior University ("the licensee") to operate the pool-type nuclear reactor ("the reactor") located on the Stanford University's campus near Palo Alto, California is hereby further amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. R-60, as amended, the licensee is authorized, as requested by the licensee's application ("the application") filed with the Commission on June 8, 1962, to (1) conduct a broad program of irradiation, activation and reactivity worth experiments in the reactor and (2) use graphite reflector elements in the reactor.

The activities authorized by this amendment shall be conducted in accordance with the provisions of License No. R-60, as amended, and the application and the following additional conditions:

a. The licensee's Reactor Safety Committee shall review and approve each new experiment prior to its insertion into the reactor. Written records shall be maintained by the licensee of all reviews of experiments by the Committee.

b. The licensee shall not conduct any experiment which includes the handling or irradiation of plutonium or uranium 233 unless and until approval is granted by Commission after it has reviewed and evaluated additional information to be provided by the licensee which demonstrates that adequate safeguards have been provided for such activities.

c. Any uranium-235, uranium-238 or thorium 232 used during the conduct of any activity authorized by this amendment shall be maintained in solid metallic form throughout the conduct of the activity.

d. The licensee may insert up to a maximum total of 26 graphite fuel elements in positions on the periphery of the reactor core.

2. Section 3.B is amended in its entirety to read as follows:

"3.B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, 'Special Nuclear Material', to receive, possess and use in connection with operation of the reactor (a) up to 4.0 kilograms of contained uranium-235 in fuel elements, (b) up to 2 grams of uranium-235 in fission counters, (c) up to 100 grams of uranium-235 for use in the conduct of experiments and (d) up to 80.2 grams of plutonium contained in encapsulated neutron sources."

3. A new section 3.D is added as follows:

"3.D. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 40, 'Licensing of Source

Material", to receive possess and use in connection with operation of the reactor up to 3.0 kilograms each of uranium-238 and of thorium-232."

4. The first paragraph of section 4. is amended in its entirety to read as follows:

"4. This license shall be deemed to contain and be subject to the conditions specified in Section 30.32 of Part 30, Section 40.41 of Part 40, Section 50.54 of Part 50 and Section 70.32 of Part 70, Title 10, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission now or hereafter in effect, and to the additional conditions specified below:"

5. This amendment is effective as of the date of issuance.

Date of issuance: October 11, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research & Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-10383; Filed, Oct. 17, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13329 etc.]

AIR BUS TARIFFS INVESTIGATION

Notice of Hearing

In the matter of the investigation of bus-type tariffs of Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Pan American World Airways, Inc., Trans Caribbean Airways, Inc., and Trans World Airlines, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 7, 1962, at 10 a.m., e.s.t. in Room 911 of the Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Milton H. Shapiro.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on May 25, 1962, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 12, 1962.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 62-10414; Filed, Oct. 17, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-5471 etc.]

ALABAMA-TENNESSEE NATURAL GAS CO.

Order Postponing Date for Oral Argument

OCTOBER 12, 1962.

Pursuant to notice issued by the Secretary of the Commission on August 13, 1962, oral argument in the above dockets on the issues set forth in the order issued June 1, 1962, herein, was postponed and is presently scheduled to be held November 1, 1962.

On September 27, 1962, the United States Court of Appeals for the District of Columbia Circuit issued its decision in Panhandle Eastern Pipeline Company v. F.P.C., No. 16,479. By that decision, the Court set aside the Commission's order issued March 20, 1961, in Panhandle Eastern Pipeline Company, Docket No. G-19780 (25 F.P.C. 550), wherein the Commission held that, for the purposes of determining the overall rate of return for Panhandle, its capitalization should reflect the accumulated deferred income taxes with a return thereon of 1.5 percent. It is the Commission's intent to seek rehearing of the Court decision, but it seems likely that action on that request will not be forthcoming prior to the date now scheduled for oral argument in this docket.

The Panhandle case was tried under determinations and regulations of the Commission authorizing normalization and does not directly present the question here presented as to whether the Commission should instead direct that parties utilizing liberalized depreciation should in the future account for the taxes paid pursuant to the so-called flow-through technique. We recognize, however, that some of the language of the majority opinion in Panhandle might be viewed as inconsistent with any discretion on the part of the Commission to adopt flow-through, and that this opinion would in any event limit any Commission discretion to choose between normalization, with the company being afforded a "full rate of return" and flow-through, instead of the broader range of choice to which our order of August 13, 1962 was directed.

It is our view that, under the circumstances, the aforementioned oral argument should be postponed.

The Commission orders: The oral argument presently scheduled for November 1, 1962 in the above proceeding hereby is postponed until further order.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10390; Filed, Oct. 17, 1962; 8:45 a.m.]

[Project No. 2319]

BUZZARD'S ROOST HYDROELECTRIC PROJECT AND COOS-CURRY ELECTRIC COOPERATIVE, INC.

Notice of Land Withdrawal

OCTOBER 12, 1962.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States are included in power Project No. 2319 (Buzzard's Roost Hydroelectric Project) for which an application for preliminary permit was filed August 3, 1962, by the Coos-Curry Electric Cooperative, Inc., Box 427, Coquille, Oregon. Under said section 24 these lands are from the date of filing reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

WILLAMETTE MERIDIAN

T. 36 S., R. 10 W.,
Section 30: Lots 1, 2, 3, 4, E½W½, SE¼;
Section 31: NE¼;
Section 32: N½, SE¼;
Section 33: NW¼.
T. 35 S., R. 11 W.,
Section 19: Lots 1, 2;
Section 27: SE¼;
Section 29: Lots 4, 5, 7, 9, 10, 11, 12, SE¼SE¼;
Section 32: Lots 1, 2, 3, 4, 5, 6, 7, SW¼NE¼;
Section 34: Lots 1, 2, N½, N½S½, SW¼SW¼, SE¼SE¼;
Section 35: S½.
T. 36 S., R. 11 W.,
Section 4: Lots 1, 2, 3, 4, 5, 6, 7, 8, SE¼NE¼, SW¼NW¼, W½SW¼, SE¼SW¼, SW¼SE¼, E½SE¼;
Section 5: Lots 1, 2, 3, 4, S½N½, S½;
Section 6: Lots 1, 2, S½NE¼;
Section 9: Lots 1, 2, 3, 4, HES No. 206, E½, W½W½, SE¼SW¼;
Section 14: SW¼;
Section 15: S½;
Section 16: Lots 1, 2, 3, 4, HES No. 215, E½E½, W½W½, NW¼NE¼, NE¼NW¼, SE¼SW¼, SW¼SE¼;
Section 20: SE¼;
Section 21: All;
Section 22: NE¼;
Section 23: NW¼;
Section 28: W½;
Section 29: E½;
Section 32: SW¼, E½;
Section 33: W½;
Section 35: SE¼;
Section 36: All.
T. 37 S., R. 11 W.,
Section 2: E½;
Section 4: W½;
Section 5: E½, NW¼;
Section 6: E½;
Section 8: E½;
Section 9: W½, SE¼;
Section 11: All;
Section 14: W½;
Section 15: All;
Section 16: E½, NW¼;
Section 22: NE¼.

The area reserved pursuant to the filing of this application is approximately 13,831.47 acres wholly within the Siskiyou National Forest. Approximately 9,178.47 acres have been heretofore reserved by Water Power Designation No. 10, Power Site Classification No. 123, Power Site Reserves No. 617 or 618, or Project No. 853.

Copies of the H & I map exhibits (FPC Nos. 2319-1 and -2) have been transmitted to the Bureau of Land Management, Geological Survey, and Forest Service.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10385; Filed, Oct. 17, 1962; 8:45 a.m.]

[1] Lots 1, 2, section 19, lots 5, 9, 11, SE¼SE¼, section 29, were formerly O&C lands. Lots 1, 2, section 19, SE¼SE¼, section 29, are now patented with a power site reserve and lots 5, 9, 11, section 29, have been transferred to the jurisdiction of the Agriculture Department and are withdrawn for use as the California Springs Administrative Site, Siskiyou National Forest.

[Docket Nos. CP62-265, CP62-200]

EL PASO NATURAL GAS CO. AND CALIFORNIA-PACIFIC UTILITIES CO.

Notice of Applications, Consolidation, and Date of Hearing

OCTOBER 11, 1962.

Take notice that on March 16, 1962, El Paso Natural Gas Company (El Paso) filed an application as supplemented June 21, 1962, July 6, 1962, July 19, 1962, August 6, 1962, and September 27, 1962, for a certificate of public convenience and necessity to construct and operate an extension of approximately 127.6 miles to its Northwest Division in Oregon from Eugene southerly to a point near the community of Grants Pass in order to sell gas to California-Pacific Utilities Company (California-Pacific) for resale in a number of Oregon towns. The proposal contemplates a total investment by El Paso of $7,693,000 to provide estimated third year deliveries to California-Pacific of up to 28,027 Mcf per day for use by residential, commercial, industrial and institutional customers.

El Paso proposes to render the service pursuant to new firm and interruptible rate schedules that contemplate a higher level of rates than now available for service on its existing Northwest Division.

The proposed facilities are to be used to sell and deliver gas at various points along the proposed pipe line between Eugene and Grants Pass, Oregon. California-Pacific will construct lateral lines and distribution systems to provide retail service in the communities of Canyonville, Riddle, Myrtle Creek, Winston, Dillard, Roseburg, Sutherlin, and Oakland, Oregon. In addition, California-Pacific proposes to construct a pipeline running generally in a southeasterly direction from El Paso's proposed line at Grants Pass to the vicinity of Ashland, Oregon. Along this line, California-Pacific proposes to build laterals and distribution facilities, where required, to provide retail service in the communities of Grants Pass, Rogue River, Gold Hill, Central Point, Medford, Jacksonville, Phoenix, and Talent, Oregon. No natural gas is presently available in this area.

Take further notice that California-Pacific filed on February 20, 1962, an application for exemption from jurisdiction under the Natural Gas Act, as amended, the following facilities which the Applicant proposes to construct, install and operate and for the transportation and sale for resale of natural gas, all within the State of Oregon.

(1) Approximately 53½ miles of pipeline having diameters of 10-inch, 8-inch and 6-inch, from the point of interconnection with El Paso's proposed 10¾-inch lateral line (Docket No. CP62-265) in the vicinity of Grants Pass, Oregon and extending to a terminus in the immediate vicinity of Ashland, Oregon, together with distribution facilities to serve a number of communities along the line's right-of-way.

(2) One or more short laterals extending from El Paso's proposed Eugene-Grants Pass 10¾-inch lateral line (Docket No. CP62-265) to serve the communities of Canyonville, Myrtle Creek, Riddle, Winston, Roseburg, Winchester, Oakland and Southerlin, Oregon.

The facilities, listed above, will not be connected to any other part of Applicant's transportation or distribution facilities or natural gas operations.

The proceedings upon these related applications in Docket Nos. CP62-265 and CP62-200 should be heard on a consolidated record and are hereby consolidated for hearing.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 1(c), 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 19, 1962, at 10 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications. Notices and petitions to intervene and protests may be filed with the Commission in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before November 5, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10386; Filed, Oct. 17, 1962; 8:45 a.m.]

[Docket Nos. CP63-30, CP63-31]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Applications and Date of Hearing

OCTOBER 11, 1962.

Take notice that on July 30, 1962, Natural Gas Storage Company of Illinois (now Natural Gas Pipeline Company of America) (Applicant), 122 South Michigan Avenue, Chicago 3, Ill., filed in Docket No. CP63-30 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas storage service for the City of Salem, Ill., an existing customer of Applicant, all as more fully set forth in said application which is on file with the Commission and open to public inspection.

The application states that the City of Salem has requested the delivery of increased volumes of natural gas directly from Applicant, to which increase Applicant has consented, and that upon receipt of such increased quantity by the City of Salem the use of the aforesaid storage service will no longer be necessary.

Concurrently with the foregoing application, Natural Gas Pipeline Company of America filed in Docket No. CP63-31 its related application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of an additional daily contract quantity of 2,002 Mcf of natural gas to the City of Salem, all as more fully set forth in the application in Docket No. CP63-31 which is also on file with the Commission and open to public inspection.

The total increased volumes of natural gas contemplated by the above applications will be purchased from Applicant by the City of Salem under Applicant's G-1 Rate Schedule instead of the presently used CD-1 Rate Schedule.

No additional facilities will be required to make the proposed additional deliveries.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 20, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 9, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10387; Filed, Oct. 17, 1962; 8:45 a.m.]

[Project No. 2079]

PLACER COUNTY WATER AGENCY

Notice of Amended Application for License

OCTOBER 12, 1962.

Public notice is hereby given that amended application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Placer County Water Agency (correspondence to Frank J. Paoli, Chairman, Board of Directors, Placer County Water Agency, Court House, Auburn, California) for license for proposed Project No. 2079, to be located on Middle Fork of American River and Rubicon River, and their tributaries, in Placer and El Dorado Counties, California, upstream from Foresthill, and affecting lands of the United States with-

in the Tahoe and El Dorado National Forests.

The proposed project, to be known as the Middle Fork American River Project, would consist of a system of gravity diversion dams, reservoirs, tunnels, penstocks and power plants, described as follows: (1) Duncan Creek Diversion, a concrete gravity dam 32 feet high with crest length of 188 feet at elevation 5275 feet; an 11-foot horseshoe tunnel 7880 feet long to the French Meadows Reservoir; (2) French Meadows Reservoir on the Middle Fork of the American River, created by a composite gravel and earthfill dam 229 feet high with crest length of 2700 feet at elevation 5269 feet and having 125,000 acre-feet of usable storage; the French Meadows-Hell Hole 12-foot horseshoe tunnel 13,613 feet long to a penstock 655 feet long to the French Meadows Power Plant having an installed capacity of 15,300 kw, the tailrace discharging into the Hell Hole Reservoir; (3) Hell Hole Reservoir on the Rubicon River created by a rockfill dam 410 feet high with crest length of 1570 feet at elevation 4650 feet and having 202,600 acre-feet of usable storage; the Hell Hole-Middle Fork 13-foot 3-inch horseshoe tunnel 55,034 feet long to the 3,680-foot penstock leading to the Middle Fork Power Plant with an installed capacity of 109,800 kw, the tailrace discharging into the Middle Fork Interbay on the Middle Fork of the American River (the North Fork Long Canyon Diversion, a 13-foot high concrete gravity dam with crest length of 155 feet at elevation 4695 feet and the South Fork Long Canyon Diversion, a 26-foot high concrete gravity dam with crest length of 230 feet at elevation 4658 feet to divert the waters to the Hell Hole-Middle Fork tunnel by shafts about midway of its length; (4) Middle Fork Interbay on the Middle Fork of the American River created by a concrete gravity dam 75 feet high with a 212-foot crest length at elevation 2540 feet; the 35,326-foot Middle Fork-Ralston 13-foot 3-inch horseshoe tunnel to the 1680-foot Ralston penstock leading to the Ralston Power Plant with an installed capacity of 79,200 kw the tailrace discharging into Ralston Afterbay; and (5) Ralston Afterbay on the Middle Fork of the American River created by a composite gravel and earth fill dam 88 feet high with a crest length of 525 feet at elevation 1198 feet; the 1320-foot Oxbow 16-foot horseshoe tunnel to the 100-foot Oxbow penstock leading to the Oxbow Power Plant with an installed capacity of 6,000 kw, and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 C.F.R. 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 30, 1962. The amended application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10388; Filed, Oct. 17, 1962; 8:45 a.m.]

[Docket No. CI63-144]

SHALLOW WATER REFINING CO.

Notice of Application and Date of Hearing

OCTOBER 12, 1962.

Take notice that on August 1, 1962, The Shallow Water Refining Company (Applicant), P.O. Box 8108, Kansas City 12, Missouri, filed in Docket No. CI63-144 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Northern Natural Gas Company (Northern Natural) from the Wright No. 1 Unit, Hugoton Field, Finney County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is primarily in the oil business and has 19 pumping oil wells, that natural gas from three shallow wells on the acreage has been used as fuel for the oil pumping operations, that two of these wells provided sufficient fuel for said operations until recently and the output from the third was dedicated to a gas sales contract dated October 14, 1955, between Applicant and Northern Natural and a certificate for the service under that contract was granted by order issued May 21, 1956, in Docket No. G-9559 (Docket Nos. G-8512, et al.)

Applicant further states that decline in deliverability of the two wells supplying the oil pumping operations has made urgently necessary the use of the gas from the third well, the Wright No. 1, now dedicated to Northern Natural in Docket No. G-9559, to augment the supply for Applicant's own pumping operations, that Northern Natural by agreement dated July 13, 1962, has consented to the cancellation of service now being rendered under Docket No. G-9559, and that approval of the abandonment of said service will result in prolonging the economic life of Applicant's oil wells and avoid waste.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 6, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 2, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10389; Filed, Oct. 17, 1962; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

UNION TRUST COMPANY OF MARYLAND

Order Approving Merger of Banks

In the matter of the application of Union Trust Company of Maryland for approval of merger with The Liberty Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Union Trust Company of Maryland, Baltimore, Maryland, a member bank of the Federal Reserve System, for prior approval by the Board of the merger of that bank and The Liberty Bank, Easton, Maryland, under the charter and title of the former. As an incident to the merger, the three offices of The Liberty Bank would be operated as branches of the Union Trust Company of Maryland. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 12th day of October, 1962.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-10403; Filed, Oct. 17, 1962; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, and Shepardson. Absent and not voting: Governors Robertson, King, and Mitchell.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

HHFA REGIONAL ADMINISTRATOR, REGION I (NEW YORK)

Delegation of Authority With Respect to Urban Planning Grant Program—New York City Metropolitan Region (New York, Connecticut, and New Jersey)

1. The Regional Administrator of the Housing and Home Finance Agency, Region I (New York), is hereby authorized to administer the provisions of section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), with respect to grants for transportation planning for the New York City metropolitan region, encompassing portions of the states of New York, Connecticut, and New Jersey.

2. The delegation with respect to the urban planning grant program, published at 25 F.R. 9874, 9875, October 14, 1960, as it applies to the HHFA Regional Administrator, Region I (New York) and Region II (Philadelphia), is modified accordingly.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 18th day of October 1962.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 62-10411; Filed, Oct. 17, 1962; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-1111]

CAPITAL CORPORATION OF AMERICA

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 12, 1962.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), for an order of the Commission declaring that Capital Corporation of America ("Applicant"), 1000 Vermont Avenue, Washington, D.C., a management closed-end, nondiversified company has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a complete statement of the facts which are summarized below.

Applicant represents that its outstanding securities are beneficially owned by twenty three natural persons and one corporation. No stockholder, natural or corporate, owns of record or beneficially as much as ten percent of the outstanding voting securities of Applicant. It is not making and does not presently intend to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such Company shall cease to be in effect.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Notice is further given that any interested persons may, not later than October 30, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission on the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-10400; Filed, Oct. 17, 1962; 8:48 a.m.]

[File No. 70-4074]

PENN FUEL GAS, INC., AND JOHN H. WARE, 3d

Notice of Proposed Acquisition of Common Stock of New Subsidiary Company

OCTOBER 12, 1962.

Notice is hereby given that Penn Fuel Gas, Inc. ("Penn Fuel"), 55 South Third Street, Oxford, Pennsylvania, a holding company exempt from the provisions of the Public Utility Holding Company Act of 1935 ("Act"), subject to certain conditions, and John H. Ware, 3d ("Ware"), the president and an affiliate of Penn Fuel, have filed a joint application pursuant to the Act regarding the proposed acquisition by Penn Fuel of all the capital stock of Belleville Gas Company ("Belleville"), a proposed Pennsylvania corporation. The applicants have designated sections 9 and 10 of the Act as applicable to the transaction.

All interested persons are referred to the joint application on file at the office of the Commission for a description of the proposed transaction which is summarized below.

Penn Fuel, a Pennsylvania corporation, has 18 gas utility subsidiaries, all Pennsylvania corporations and all operating entirely within that State. Ware owns or controls approximately 83 percent of the common stock of Penn Fuel. The subsidiary companies distribute gas, principally natural gas, in various communities in eastern and central Pennsylvania.

Penn Fuel will acquire 150 shares of $100 par value capital stock which will be issued by Belleville and will constitute all of the authorized and initially outstanding stock of the company. The shares will be purchased at their par value. Belleville proposes to furnish natural gas service in Menno and Union townships, in Pennsylvania.

Belleville proposes to construct a lateral gas transmission line approximately one and one-half miles in length extending to the community of Belleville, in Union Township, from a connection with the "Leidy Line" of Texas Eastern Transmission Corporation, a nonaffiliated natural gas pipe line company. Belleville will also construct facilities for the distribution of natural gas. The company, on completion of its facilities, will initially supply natural gas to two industrial customers and various residential and commercial customers in and near the community of Belleville. By the end of the third year of operation it is expected that the number of customers will be substantially increased. It is estimated that the cost of the lateral pipe line, and the distribution system and other facilities to be initially constructed, will approximate $43,115. The necessary funds will be derived in part from Belleville's sale of capital stock to Penn Fuel and in part from advances by Penn Fuel to Belleville.

The proposed service area of Belleville is situated directly northwest and adjacent to the service areas of Lewistown Gas Company and Counties Gas Company, each of which is a subsidiary company of Penn Fuel.

The fees, commissions, and expenses in connection with the proposed transaction will consist solely of legal fees, transfer taxes, filing fees, and incidental expenses, estimated to aggregate not more than $1,000. All such fees and expenses will be paid either by Penn Fuel or Belleville.

The filing states that the issuance of 150 shares of capital stock by Belleville is subject to the jurisdiction of the Pennsylvania Public Utility Commission, with whom application therefor has been filed. The purchase of such stock by Penn Fuel is not subject to the jurisdiction of any State or Federal commission other than this Commission.

Notice is further given that any interested person may, not later than October 30, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact

or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed, or as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-10401; Filed, Oct. 17, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order No. 60; Amdt. No. 7]

ALABAMA, ARIZONA AND ARKANSAS

Drouth Order

In the Matter of Relief under section 22 of the Interstate Commerce Act.

Present: Laurence K. Walrath, Vice-Chairman, to whom the above-entitled matter has been assigned for action thereon.

It appearing, that due to the drouth conditions existing in the States of Pennsylvania, New Jersey, and New York, the Commission issued its Drouth Order No. 60 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the drouth area at reduced rates;

And it further appearing, that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to 10 additional counties located in the States of Alabama, Arizona, and Arkansas:

It is ordered, That Drouth Order No. 60 as amended, be, and it is hereby, further amended by adding thereto the following counties:

ALABAMA

3 counties, viz.:

Barbour	Greene	Hale

ARIZONA

3 counties, viz.:

Coconino	Santa Cruz	Yavapai

ARKANSAS

4 counties, viz.:

Lonoke	Polk	Searcy
Marion		

It is further ordered, That in all other respects Drouth Order No. 60, as amended, shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the FEDERAL REGISTER; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Ga., the Chairman of the Executive Committee, Western Traffic Association, Chicago, Ill., the Traffic Vice President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 12th day of October A.D. 1962.

By the Commission, Vice-Chairman Walrath.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-10408; Filed, Oct. 17, 1962; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 15, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37989: *Passenger fares in western territory.* Filed by E. B. Padrick, Agent (No. 9), for interested rail carriers. Relating to the transportation of passengers, between points on the lines of the applicant carrier, and between such points, on the one hand, and points on the lines of connecting carriers, on the other.

Grounds for relief: Establishment of new fares by applicant carrier and maintenance of present fares by connecting carriers.

FSA No. 37990: *Roofing and building materials to Wilmington, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-8278), for interested rail carriers. Rates on roofing and building materials, as described in the application, in carloads, from Houston, Tex., to Wilmington, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 113 to Southwestern Freight Bureau tariff I.C.C. 4370.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-10406; Filed, Oct. 17, 1962; 8:49 a.m.]

[Notice 705]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 15, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64973. By order of October 9, 1962, Division 3, acting as an Appellate Division, approved the transfer to Rapid Trucking, Inc., Jersey City, N.J., of Certificate No. MC 30111, issued by the Commission May 16, 1955, to Stamm Trucking Corporation, New York, N.Y., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, from New York, N.Y., to points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J. August W. Heckman, 297 Academy Street, Jersey City 6, N.J., attorney for Applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-10405; Filed, Oct. 17, 1962; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-XV-2 (Rev. 3)]

CHIEF, PROCUREMENT AND TECHNICAL ASSISTANCE DIVISION

Delegation Relating to Procurement and Technical Assistance, Correction

In F.R. Doc. 62-9629, appearing at page 9576 of the issue for Thursday, September 27, 1962, as Delegation of Authority No. 30-XV-2 (Revision 3), the heading and paragraph numbered "I" should read as follows:

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 7) (27 F.R. 6247), there is hereby redelegated to the Chief, Detroit Regional Procurement and Technical Assistance Division, the authority:

Effective date: This correction shall become effective upon the date of its publication in the FEDERAL REGISTER.

FLOYD D. BIRDZELL,
Alternate Liaison Officer,
Detroit Regional Office.

[F.R. Doc. 62-10402; Filed, Oct. 17, 1962; 8:48 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.* A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 87th Congress, Second Session.

Approved October 15, 1962

S.J. Res. 214 ---------- Public Law 87-804
Authorizing the President of the U.S. to designate the period from Nov. 26, 1962, through Dec. 2, 1962, as National Cultural Center Week.

S.J. Res. 235 ---------- Public Law 87-809
To extend the time during which loans for mass transportation facilities may be made under title 11 of the Housing Amendments of 1955.

S. 320 ---------- Public Law 87-805
To amend the provisions contained in Part II of the Interstate Commerce Act concerning registration of State certificates whereby a common carrier by motor vehicle may engage in interstate and foreign commerce within a State.

S. 507 ---------- Public Law 87-806
To set aside certain lands in Washington for Indians of the Quinault Tribe.

S. 914 ---------- Public Law 87-807
District of Columbia Public Assistance Act of 1962.

S. 962 ---------- Public Law 87-810
To amend the Federal Aviation Act of 1958, as amended, to aid the Civil Aeronautics Board in the investigation of aircraft accidents, etc.

S. 1288 ---------- Public Law 87-811
To amend sec. 362(b) of the Communications Act of 1934.

S. 2454 ---------- Public Law 87-808
To amend the Housing Amendments of 1955 to make Indian tribes eligible for Federal loans to finance public works or facilities, and for other purposes.

S. 2568 ---------- Public Law 87-814
To amend the Act of Sept. 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission (May 31, 1949), etc.

S. 2697 ---------- Public Law 87-815
To amend title 38, U.S. Code, to provide an extension of the period within which certain educational programs must be begun and completed in the case of persons called to active duty during the Berlin crisis, etc.

S. 3338 ---------- Public Law 87-817
To incorporate the American Symphony Orchestra League.

S. 3504 ---------- Public Law 87-812
To amend the Migratory Bird Conservation Act.

S. 3631 ---------- Public Law 87-813
To amend title 13, United States Code, to preserve the confidential nature of copies of reports filed with the Bureau of the Census on a confidential basis.

H.R. 946 ---------- Public Law 87-832
To extend to oyster planters the benefits of the provisions of the present law which provide for production disaster loans for farmers and stockmen.

H.R. 4094 ---------- Public Law 87-818
To amend the Act of July 15, 1955, relating to the conservation of anthracite coal resources.

H.R. 6691 ---------- Public Law 87-829
To amend title 18, United States Code, sections 871 and 3056, to provide penalties for threats against the successors to the Presidency, to authorize their protection by the Secret Service, etc.

H.R. 7099 ---------- Public Law 87-816
To validate payments of certain per diem allowances made to members and former members of the U.S. Coast Guard while serving in special programs overseas.

H.R. 7600 ---------- Public Law 87-825
To amend title 38, U.S. Code, to revise the effective date provisions relating to awards, and for other purposes.

H.R. 7791 ---------- Public Law 87-826
To amend title 13 of the U.S. Code to provide for the collection and publication of foreign commerce and trade statistics, and for other purposes.

H.R. 9342 ---------- Public Law 87-828
To provide for an exchange of lands between the U.S. and the Southern Ute Indian Tribe, and for other purposes.

H.R. 9737 ---------- Public Law 87-819
To amend sec. 641 of title 38, U.S. Code, to provide that deductions shall not be made from Federal payments to a State home because of amounts collected from the estates of deceased veterans and used for recreational or other purposes not required by State laws and to change age limitations regarding educational assistance.

H.R. 10129 ---------- Public Law 87-820
To amend the Act of Sept. 7, 1957, relating to aircraft loan guarantees.

H.R. 10617 ---------- Public Law 87-830
Providing that the U.S. district courts shall have jurisdiction of certain cases involving pollution of interstate river systems, and providing for the venue thereof.

H.R. 11018 ---------- Public Law 87-821
District of Columbia Uniform Gifts to Minors Act.

H.R. 11049 ---------- Public Law 87-822
To amend the Mineral Leasing Act of Feb. 25, 1920.

H.R. 11665 ---------- Public Law 87-823
To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

H.R. 11678 ---------- Public Law 87-833
To waive section 142 of title 28, USC, with respect to the U.S. District Court for the Northern District of Ohio, Eastern Division, holding court at Akron.

H.R. 12080 ---------- Public Law 87-827
To permit domestic banks to pay interest on time deposits of foreign governments at rates differing from those applicable to domestic depositors.

H.R. 12513 ---------- Public Law 87-831
To provide for public notice of settlements in patent interferences, etc.

H.R. 12855 ---------- Public Law 87-824
To amend the Agricultural Adjustment Act of 1938 relating to the lease and transfer of tobacco acreage allotments.

Approved October 16, 1962

S. 2795 ---------- Public Law 87-837
To prohibit the use by collecting agencies and private detective agencies of any name, emblem, or insignia which reasonably tends to convey the impression that any such agency is an agency of the government of the District of Columbia.

H.R. 8556 ---------- Public Law 87-835
To amend the National Science Foundation Act of 1950 to require certain additional information to be filed by an applicant for a scholarship or fellowship, and to amend the National Defense Education Act of 1958 with respect to requirements for payments or loans, etc.

H.R. 9199 ---------- Public Law 87-836
For the relief of certain officers and enlisted personnel of the 1202d Civil Affairs Group (Reinf Tng) Fort Hamilton, Brooklyn, N.Y.

H.R. 10650 ---------- Public Law 87-834
Revenue Act of 1962.

Approved October 17, 1962

H.R. 11099 ---------- Public Law 87-838
To amend the Public Health Service Act to provide for the establishment of an Institute of Child Health and Human Development, to extend for three additional years the authorization for grants for the construction of facilities for research in the sciences related to health, etc.

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FEDERAL REGISTER

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Announcing first

5-year Cumulation

UNITED STATES STATUTES AT LARGE

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

Price: $1.50

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3502

NATIONAL CULTURAL CENTER WEEK

By the President of the United States of America

A Proclamation

WHEREAS the Congress, by an Act approved September 2, 1958 (72 Stat. 1698), established a board known as the Trustees of the National Cultural Center to plan, create, and operate a National Cultural Center in the Nation's Capital; and

WHEREAS the National Cultural Center will provide facilities for the presentation of classical and contemporary music, drama, opera, dance, poetry, and other performing arts; and

WHEREAS a nationwide fund-raising campaign will give the American people an opportunity to demonstrate their support of the creation of the National Cultural Center and also their support of cultural activities in their own communities; and

WHEREAS this fund-raising program will be high-lighted on November 29, 1962, with a nationwide, closed-circuit telecast entitled "An American Pageant of the Arts," designed to display the contributions of each of the Nation's regions to our national cultural heritage; and

WHEREAS communities participating in this telecast will retain one-half of the proceeds to support local cultural activities; and

WHEREAS both Mrs. Kennedy and Mrs. Eisenhower now serve as Honorary Chairmen of the National Cultural Center and a number of citizens prominent in government, business, labor, and the arts are members of its Board of Trustees; and

WHEREAS the Congress, by a joint resolution approved October 15, 1962, has requested the President to issue a proclamation designating the period from November 26, 1962, through December 2, 1962, as National Cultural Center Week:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the period from November 26, 1962, through December 2, 1962, as National Cultural Center Week; and I urge all persons, organizations, and governmental agencies involved in fostering the performing arts in this Nation to publicize and observe that week.

I also call upon the Governors of the States, other State officials, the mayors and city managers, and the various civic, fraternal, and patriotic organizations to join in assuring a successful fund-raising campaign for the National Cultural Center.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of October in the year of our Lord nineteen hundred and sixty-two, [SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-10530; Filed, Oct. 17, 1962; 2:29 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—Regulations

BASIS FOR CHARGES

Statement of considerations leading to amendment of regulations. The cost of maintaining the inspection service for fresh fruits and vegetables and other products in the destination markets has increased materially since the adjustment in fees which became effective in August 1960. Consequently it is again necessary to make changes in the schedule of fees charged for making inspections. The changes affect the fees for quantities of not more than one-half a customary carload as set forth in paragraph (a) of § 51.37, and the hourly fees set forth in paragraphs (c) and (d) of § 51.37. The rate per hour is increased from $5.00 to $6.00. The additional charge for inspection performed outside the inspector's regular scheduled work week is increased from $2.50 to $3.00. For an inspection covering quality and condition, when the quantity involved is not more than one-half a carload the fee is increased from $9.00 to $12.00. For an inspection covering condition only, when the quantity involved is not more than one-half a carload the fee is increased from $8.00 to $10.00.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.) for the provision of a service for the inspection and certification of the class, quality and condition of agricultural products, including the assessment and collection of fees to cover the cost of such service, Subpart—Regulations governing the inspection and certification of fresh fruits, vegetables and other products is hereby amended by deleting § 51.37 and inserting in lieu thereof the following:

§ 51.37 Basis for charges.

(a) The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department, except for peanuts, pecans, and other nuts, shall be on the following basis: For an inspection covering quality and condition, $15.00 when the quantity involved is more than one-half of a carload of the customary size for such products in the area from which shipped but not more than a full carload, and $12.00 when the quantity involved is not more than one-half of such carload, but the maximum fee for any carload not exceeding the customary size which contains more than one kind of a product shall be $30.00. For an inspection covering condition-only, $12.00 when the quantity involved is more than one-half of a carload of the customary size for such products in the area from which shipped but not more than a full carload, and $10.00 when the quantity involved is not more than one-half of such carload, but the maximum fee for condition-only inspection of any carload not exceeding the customary size which contains more than one kind of a product shall be $24.00. When any lot involved is in excess of a carload the quantity shall be calculated in terms of carloads and fractions thereof of the customary size for such carloads and carload rates aforesaid applied: *Provided*, That such fractions shall be calculated in terms of fourths or next higher fourths.

(b) Base fee for peanuts, pecans or other nuts: The base fee for peanuts (shelled), pecans or other nuts shall be 60 cents per ton: *Provided*, That the minimum fee shall be $12.00 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' stock peanuts (unshelled) shall be $1.65 per ton.

(c) When inspections are made on which formal certificates are not issued, as provided in § 51.19, or when the products inspected cannot readily be calculated in terms of carlots or when samples are drawn, or when the services rendered are such that a charge on the carlot basis would be inadequate or inequitible, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $6.00 per hour, or the charges may be based on the number of pounds or number of containers in the lot inspected, if such charges are in substantial conformity with the hourly or carload rate.

(d) Whenever inspections are performed at the request of the applicant on Saturdays, Sundays, holidays or at any other periods which are outside the inspector's regular scheduled work week, the charge for inspection shall be $3.00 per hour or portion thereof per inspector in addition to the regular commercial lot or hourly fees specified in this subpart.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this revision later than November 1, 1962 (5 U.S.C. 1003) are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall, as nearly as possible, cover the cost of the service rendered; (2) the increases in fees set forth herein are necessary to more nearly cover such cost including, but not limited to, increased salaries to Federal employees required by recent legislation; (3) it is imperative that the increase in fees become effective in time to meet such increased costs; and (4) additional time is not required by users of the inspection service to comply with this revision.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1621, 1624)

Dated October 12, 1962, to become effective at 12:01 a.m., November 1, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-10484; Filed, Oct. 18, 1962; 8:55 a.m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS [1]

Subpart—Regulations Governing Inspection and Certification

CHANGES IN SCHEDULE OF FEES

The regulations governing Inspection and Certification of Processed Fruits and Vegetables and Related Products (7 CFR 52.1–52.87) are hereby amended pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended). The amendment as hereinafter set forth revises the schedule of fees for inspection service.

Statement of consideration leading to the amendment. The cost of maintaining the inspection service for processed fruits and vegetables and other products has increased materially since the adjustment in fees which became effective in August 1960. Consequently, it is again necessary to make changes in the schedule of fees charged for making inspections.

The basic change is the increase in the hourly rate for inspection from $5.50 to $6.00 and in the basic rate for lot inspection from $10.00 to $12.00.

Other changes include adjustments in charges for certain special analyses, multiple small lot inspections, fees for score sheets, and fees for additional copies of inspection certificates. The amendment is as follows:

1. Section 52.42 is hereby revised to read as follows:

§ 52.42 Schedule of fees.

(a) Unless otherwise provided in a written agreement between the applicant and the Administrator, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United

[1] Among such other processed food products are the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; tea; cocoa; coffee; spices; condiments.

States, or any agency or instrumentality thereof, shall be at the rate of $6.00 per hour.

(b) Unless otherwise provided in this part, the fees to be charged and collected for any inspection service performed under this part shall be based on the applicable rates specified in this section to which may be added charges for such micro, chemical, and certain other special analyses, which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product, as are specified in § 52.47.

(1) *Canned or similarly processed fruits, vegetables, honey, and products thereof.*

OFFICIALLY DRAWN SAMPLES

For each lot packed in containers of a volume not exceeding that of a No. 12 size can (603 x 812) except canned pineapple and canned pineapple juice inspected in Puerto Rico:

Minimum fee for 600 cases or less	[1] $12.00
For each additional 100 cases, or fraction thereof, in excess of 600 cases but not in excess of 10,000 cases	[1] 1.00
For each additional 100 cases, or fraction thereof, in excess of 10,000 cases	[1] .80

[1] However, the fee for any additional lots of 200 cases or less which are offered for inspection by the same applicant at the same time and which are available for inspection at the same time and place shall be $9.00.

For each lot of canned pineapple and canned pineapple juice inspected in Puerto Rico:

The fee for each case of 24 containers or less	$0.015
The fee for each case of more than 24 containers	.020
The minimum fee for any lot	6.00

For each lot of honey packed in containers of a volume exceeding that of a No. 12 size can (603 x 812), the fee for sampling and inspecting the samples shall be in accordance with the following schedule:

(a) For sampling the honey, including travel time, per hour	$6.00
(b) For inspection—each sample unit	1.00
(c) For liquefying crystallized or partially crystallized honey for any one applicant at any one time—each group of 15 sample units or fraction thereof	6.00
(d) Minimum fee for any lot	12.00

UNOFFICIALLY DRAWN SAMPLES

For containers of a volume not exceeding that of a No. 3 size can (404 x 414):

Minimum fee for 4 containers or less	$6.00
For each additional container in excess of 4 containers	1.50

For containers of a volume exceeding that of a No. 3 size can (404 x 414), but not exceeding that of a No. 12 size can (603 x 812):

Minimum fee for 2 containers or less	$6.00
For each additional container in excess of 2 containers	3.00

(2) *Frozen or other similarly processed fruits, vegetables, and products thereof.*

OFFICIALLY DRAWN SAMPLES

For each lot other than frozen corn-on-the-cob:

Minimum fee for 10,000 pounds or less	[2] $12.00
For each additional 5,000 pounds or fraction thereof, in excess of 10,000 pounds but not in excess of 100,000 pounds	[2] 2.50
For each additional 5,000 pounds, or fraction thereof, in excess of 100,000 pounds	[2] 2.00

[2] However, the fee for any additional lots of 1,500 pounds or less which are offered for inspection by the same applicant at the same time and which are available for inspection at the same time and place shall be $9.00.

For each lot of frozen corn-on-the-cob:

Minimum fee for 1,500 dozen ears or less	[3] $12.00
For each additional 1,000 dozen ears, or fraction thereof, in excess of 1,500 dozen ears but not exceeding 15,000 dozen ears	[3] 2.50
For each additional 1,000 dozen ears, or fraction thereof, in excess of 15,000 dozen ears	[3] 2.00

UNOFFICIALLY DRAWN SAMPLES

Minimum fee for 2 sample units or less of any type or weight	$6.00
For each additional sample unit in excess of 2 sample units	3.00

[3] However, the fee for any additional lots of 250 dozen or less which are offered for inspection by the same applicant at the same time and which are available for inspection at the same time and place shall be $9.00.

(3) *Dried Fruits other than figs and dates.*

OFFICIALLY DRAWN SAMPLES

Each lot:

Minimum fee for 12,000 pounds or less	$12.00
For each additional 2,000 pounds, or fraction thereof, in excess of 12,000 pounds	1.00

UNOFFICIALLY DRAWN SAMPLES

Each sample unit	$6.00

(4) *Dried Figs and dates.*

OFFICIALLY DRAWN SAMPLES

Each lot:

Minimum fee for 8,000 pounds or less	$12.00
For each additional 2,000 pounds, or fraction thereof, in excess of 8,000 pounds	2.50

UNOFFICIALLY DRAWN SAMPLES

Each sample unit	$6.00

(5) *Edible sugarcane molasses, sugarcane sirup, and refiners sirup.*

OFFICIALLY AND UNOFFICIALLY DRAWN SAMPLES

The total fee for sampling and inspection of samples shall be in accordance with the following schedule:

(a) For sampling the product, including travel time, per hour	$6.00
(b) For inspecting—each sample	1.00
(c) Minimum fee for any lot	12.00

(6) *Coffee.*

OFFICIALLY AND UNOFFICIALLY DRAWN SAMPLES

The total fee for sampling and inspection of samples shall be in accordance with the following schedule:

(a) For sampling the coffee, including travel time, per hour	$6.00
(b) Green bean grading—each sample unit	6.00
(c) Complete inspection, green bean grading and cupping—each sample unit	9.00

(7) *Other processed food products.* The fee to be charged and collected for the inspection of any processed product not included in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph shall be at the rate of $6.00 per hour for the time consumed by the inspector in making the inspection, including the time consumed in sampling by the inspector or licensed sampler: *Provided,* That, fees for sampling time will not be assessed by the office of inspection when such fees have been assessed and collected directly from the applicant by a licensed sampler.

2. Section 52.44 is hereby revised to read as follows:

§ 52.44 Inspection fees when charges for sampling have been collected by a licensed sampler.

For each lot of processed products from which samples have been drawn by a licensed sampler and with respect to which the sampling fee has been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee provided in this part applicable to the respective processed product: *Provided,* That, if the fee charged for the inspection service is based on the hourly rate of charge, the fee shall be at the rate of $6.00 per hour prescribed in this part.

3. Section 52.45 is hereby revised to read as follows:

§ 52.45 Inspection fees when charges for sampling have not been collected by a licensed sampler.

For each lot of processed products from which samples have been drawn by a licensed sampler, and with respect to which the sampling fee has not been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee as prescribed in this part, plus a reasonable charge to cover the cost of sampling as may be determined by the Administrator: *Provided,* That, if the fee charged is based on the hourly rate, the fee shall be at the rate of $6.00 per hour prescribed in this part, plus a reasonable charge to cover the cost of sampling, as determined by the Administrator.

4. Section 52.47 is hereby revised to read as follows:

§ 52.47 Charges for micro, chemical, and certain other special analyses.

(a) The following charges shall be made for micro, chemical, and certain other special analyses which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product. When any of these analyses are made at the request of an applicant and are not in connection with an inspection to determine the quality or condition of the product, the listed fees shall be increased by 50 percent.

Type of analysis	For first analysis	For each additional analysis
Mold count	$3.00	$3.00
Worm larvae and insect fragment count	6.00	3.00
Fly egg and maggot count	3.00	1.50
Alcohol insoluble solids	6.00	3.00
Alcohol (distillation and specific gravity)	12.00	12.00
Ascorbic acid (vitamin C)	12.00	3.00
Total ash (carbonated or sulfated)	6.00	3.00
Ash, acid insoluble	6.00	3.00
Ash, water soluble or water insoluble	6.00	3.00
Ash, NaCl free (approximate method—total ash less NaCl)	12.00	6.00
Ash, NaCl free (P_2O_5 x 2)	18.00	9.00
Catalase test	3.00	1.50
Crude fiber	15.00	7.50
Diastase test for honey (AOAC method)	12.00	6.00
Ether extract (crude fat)	9.00	4.50
Fat (acid hydrolysis)	12.00	6.00
Fiber (green and wax bean)	6.00	6.00
Insoluble solids	6.00	4.50
Iodine number	9.00	4.50
Moisture (air oven method)	3.00	3.00
Moisture (vacuum oven method)	3.00	3.00
Nitrogen or crude protein	12.00	6.00
Nonvolatile ether extract	9.00	4.50
Oil, volatile	6.00	6.00
Phosphorous pentoxide (P_2O_5)	18.00	9.00
Potash (K_2O)	18.00	9.00
Peroxidase test (frozen vegetables)	3.00	1.50
Reducing sugars	15.00	7.50
Reducing sugars plus sucrose	18.00	12.00
Sucrose (direct polarization)	4.50	3.00
Sucrose (chemical methods)	18.00	12.00
Starch or carbohydrates (direct hydrolysis)	18.00	12.00
Sulphur dioxide (direct titration)	4.50	3.00
Sulphur dioxide (distillation method)	9.00	6.00
Sodium	9.00	4.50
Total solids (drying method)	6.00	3.00
Vanillin (colorimetric)	6.00	4.50
Volatile and nonvolatile ether extract	9.00	4.50
Water-insoluble-inorganic-residue (peanut butter)	6.00	3.00

(b) The following charges shall be made for analyses which are requested by an applicant and are not in connection with an inspection to determine the quality or condition of the product. When these analyses are made in connection with an inspection to determine the quality or condition of the product no fee shall be charged for the analyses.

Type of analysis	For each analysis
Brix readings (refractometric or spindle)	$1.50
Brix readings (double dilution)	3.00
Total acidity (direct titration)	1.50
Free fatty acids	3.00
Salt (NaCl)—direct titration	1.50
Soluble solids (refractometric method)	1.50
Total solids (refractometric method)	1.50
Color determination of extracted honey	1.50
Color determination of sugarcane molasses or sugarcane sirup	1.50

5. Section 52.48 is hereby revised to read as follows:

§ 52.48 When charges are to be based on hourly rate not otherwise provided for in this part.

When inspection is for condition only or when inspection services or related services are rendered and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of $6.00 per hour.

6. Section 52.49 is hereby revised to read as follows:

§ 52.49 Fees for score sheets.

If the applicant for inspection service requests score sheets showing in detail the inspection of each container or sample inspected and listed thereon, such score sheets may be furnished by the inspector in charge of the office of inspection serving the area where the inspection was performed; and such applicant shall be charged at the rate of $3.00 for each thirteen sample units, or fraction thereof, inspected and listed on such score sheets.

7. Section 52.50 is hereby revised to read as follows:

§ 52.50 Fees for additional copies of inspection certificates.

Additional copies of any inspection certificate other than those provided for in § 52.21, may be supplied to any interested party upon payment of a fee of $3.00 for each set of five (5) or fewer copies.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective date of this revision later than November 1, 1962 (5 U.S.C. 1003), are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall, as nearly as possible, cover the cost of the service rendered; (2) the increases in fees set forth herein are necessary to more nearly cover such cost including, but not limited to, increased salaries to Federal employees required by recent legislation; (3) it is imperative that the increase in fees become effective in time to meet such increased costs; and (4) additional time is not required by users of the inspection service to comply with this revision.

(Secs. 203, 205, 60 Stat. 1087, as amended; 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: October 12, 1962, to become effective at 12:01 a.m. November 1, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-10485; Filed, Oct. 18, 1962; 8:55 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Inspection and Quarantine Acitvities at Border, Coastal, and Air Ports

Section 354.1 of Part 354, Title 7, Code of Federal Regulations, is further amended to read as follows:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, and who requires the services of an employee of the Plant Quarantine Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime request the Division inspector in charge to furnish inspection, quarantine or certification service during such overtime period, and shall pay the Government therefor at the rate of $6.12 per man-hour per employee as follows: A minimum charge of two hours shall be made for any unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least one hour before his scheduled tour of duty or at least one hour after he has completed his scheduled tour of duty, and has left his place of employment. In addition, each period of unscheduled overtime work which requires an employee to perform additional travel for which he would otherwise not be compensated, and each period of holiday duty, may include a commuted travel time period, not in excess of three hours. The amount of this period shall be prescribed in administrative instructions to be issued by the Director of the Plant Quarantine Division for the ports, stations, and areas in which the employees are located, and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty if such travel is performed solely on account of such overtime duty. It will be administratively determined from time to time which days constitute holidays.

(b) The Division inspector in charge, in honoring a request to furnish inspection, quarantine, or certification service, shall assign employees to such overtime or holiday duty with due regard to the work program and availability of employees for such duty.

(64 Stat. 561; 5 U.S.C. 576)

The foregoing amendment shall become effective October 16, 1962.

The purpose of this amendment is to increase the hourly rate for overtime services from $5.80 to $6.12 commensurate with salary increases provided in the Postal Service and Federal Employees Salary Act of 1962 (Public Law 87-793).

The purpose of this amended section is to prescribe conditions under which a minimum charge may be made for unscheduled overtime duty, and to provide for a commuted travel time period for any such overtime duty involving additional and otherwise uncompensated travel. Determination of these conditions and travel time period depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly,

pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than thiry days after publication.

Done at Washington, D.C., this 16th day of October 1962.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-10469; Filed, Oct. 18, 1962; 8:53 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 817, Amendment]

PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Miscellaneous Amendments

Basis and purpose and bases and considerations. This amendment of Sugar Regulation 817, as revised, (23 F.R. 671; 24 F.R. 6614; 25 F.R. 2710; 26 F.R. 1705, 8660; 27 F.R. 6865, 7863) is issued pursuant to section 403(a) of the Sugar Act of 1948, as amended (61 Stat. 922, as amended) for the purpose of clarifying provisions of Sugar Regulation 817 in regard to: (1) The meaning of the term "livestock", (2) what constitutes the use of sugar "for livestock feed or the production of livestock feed", and (3) the report required to evidence the sugar so used.

Notice of the proposed amendment of Sugar Regulation 817 was published on June 20, 1962 (27 F.R. 5814) in accordance with the Administrative Procedure Act (60 Stat. 237). Consideration has been given to the data, views and arguments submitted in connection therewith.

Section 212 of the Sugar Act provides in part that the quota provisions of the Act shall not apply to "any sugar or liquid sugar imported, brought into, or produced or manufactured in the United States * * * for livestock feed, or for the production of livestock feed". Accordingly, Sugar Regulation 817, provides that sugar for such purpose may be authorized for release subject to a performance bond requiring that an equivalent quantity of sugar shall be so used.

The amendment of subparagraph (4) of paragraph (b) of § 817.8, names the animals to be considered "livestock" consistent with the Department's established use of the term in the administration of the Sugar Act. Animals not named, notably pets, are excluded from the term "livestock" as they have been throughout the period, 1953 to date, during which quota-exempt sugar has been imported for livestock feed purposes. Naming of animals at this time is for the purpose of clarification for the benefit of all interested persons.

The amendment also provides that the quota exemption provided for in section 212(4) of the Act shall apply only to sugar used directly to feed livestock or in a process the purpose of which is to produce feed for livestock as the only product. The quota exemption shall not apply to the sugar used to produce other products and which has lost its natural identification as sugar prior to being used to feed livestock or to produce a livestock feed. Accordingly, none of the sugar used in a process to produce pharmaceuticals, bakery products, cereals, confections and other such products, shall be regarded as quota-exempt use of sugar for livestock feed purposes even though a portion of such sugar-containing product, by-product, or waste is subsequently used for livestock feed or in the production of livestock feed. Recently, sugar contained in a by-product, or sub-standard product resulting from the manufacture of a product other than livestock feed has been certified as having been used for quota-exempt livestock feed purposes on the basis that such use can be substantiated by adequate records and is consistent with the existing regulation. These certificates have been accepted pending a thorough study of the matter.

The change made by this amendment is necessary to assure that all quantities of sugar imported quota-exempt for livestock feed or the production of livestock feed pursuant to section 212(4) of the Act, are used for such purposes and to assure uniform applicability of the requirements relating to the use of quota-exempt sugar for such purposes.

Effective date. This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Pursuant to the provisions of section 403 of the Sugar Act, as amended (61 Stat. 922, as amended), Sugar Regulation 817, as revised (23 F.R. 671; 24 F.R. 6614; 25 F.R. 2710; 26 F.R. 1705, 8860; F.R. 6865, 7863), is amended as follows:

1. Subparagraph (4) of paragraph (b) of § 817.8, is amended to read:

§ 817.8 Authorization for purposes other than to fill current quotas.

* * * * *

(b) * * *

(4) *Sugar for livestock feed or for the production of livestock feed.* For the purposes of this regulation: (i) "Livestock" shall mean horses, mules, cattle, swine, sheep, goats, poultry and bees; (ii) "sugar for livestock feed" shall mean sugar used for feeding livestock by the person who received such sugar, excluding any sugar received as an ingredient of a mixture or product; (iii) "sugar for the production of livestock feed" shall mean sugar, excluding any sugar contained as an ingredient of a mixture or product, put into a mixing or manufacturing process that produces only feed for livestock.

2. Subparagraph (3) of paragraph (d) of § 817.9 is amended to read:

§ 817.9 Bonds to cover releases.

* * * * *

(d) * * *

(3) The raw value equivalent of the sugar or liquid sugar authorized under a bond to be imported for the distillation of alcohol or for livestock feed or for the production of livestock feed shall be so used within one year after the date of importation as subsequently evidenced by a certificate of use as provided for in paragraph (e) of this section. The use of sugar for livestock feed or the production of livestock feed shall be as provided in § 817.8(b)(4).

3. Subparagraph (2) of paragraph (e) of § 817.9 is amended to read:

§ 817.9 Bonds to cover releases.

* * * * *

(e) * * *

(2) The principal on a bond given for a purpose specified in § 817.8(b) (3) or (4) shall transmit to the Sugar Division no later than 30 days after the one year use period provided for in § 817.9(d)(3), certificates executed by the persons who used the sugar showing the following information on a form prescribed by the Secretary:

The undersigned certifies that between _____, 19__ and _____, 19__, he has
(Date) (Date)
used the following quantity or quantities of sugar for the purpose or purposes as stated below:

	(Pounds)
(1) Used to feed livestock	
(2) Used in the production of livestock feed:	
(a) For his subsequent use in feeding livestock	
(b) For subsequent sale to others for feeding livestock	
(3) Used for distillation of alcohol	

The undersigned further certifies that each quantity of sugar shown in this certificate of use does not include a quantity of sugar previously covered by another United States Department of Agriculture certificate of use; that any quantity of sugar shown on this certificate to have been used to feed livestock or for the production of livestock feed excludes any sugar contained as an ingredient of a mixture or product at the time such sugar was received and that such sugar was either fed to livestock by the person receiving it or was put into a mixing or manufacturing process that produces only feed for livestock; and that the term "livestock" as used throughout in this certificate means horses, mules, cattle, swine, sheep, goats, poultry and bees.

Each certificate shall be endorsed by the principal of the bond acknowledging that the use of the sugar, to which the certificate applies, is to apply to the fulfillment of the conditions of the bond on which he is the principal and the bond shall be identified on the endorsement.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 212; 61 Stat. 929, as amended; 7 U.S.C. 1122)

Issued at Washington, D.C., this 16th day of October 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-10486; Filed, Oct. 18, 1962; 8:55 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Subpart—Administrative Rules and Regulations

NATURAL CONDITION RAISINS

Notice of a proposal was published in the September 22, 1962, issue of the FEDERAL REGISTER (27 F.R. 9455), to amend § 989.158 of the administrative rules and regulations, as revised (Subpart—Administrative Rules and Regulations, 7 CFR 989.101-989.176; 27 F.R. 3112), effective under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act".

The notice afforded interested persons opportunity to submit written data, views, or arguments on the proposal. None were submitted within the time prescribed therefor.

After consideration of all relevant matters presented, including those in the notice, the information and recommendation submitted by the Raisin Administrative Committee (established under the said marketing agreement and order), and other available information, it is concluded that the proposed amendment, set forth in the notice, of § 989.158 of the revised administrative rules and regulations will tend to effectuate the declared policy of the act.

Therefore, the proposed amendment, as published in the FEDERAL REGISTER (27 F.R. 9455), is hereby adopted. As so amended, § 989.158(a)(1) and § 989.158(c)(4)(i) read, respectively, as follows:

§ 989.158 Natural condition raisins.

(a) *Incoming inspection.* (1) Each handler shall, at his expense, provide at each of his inspection points, reasonably adequate facilities (not necessarily scales) for receiving, weighing of samples, and inspection of natural condition raisins. At the time of inspection of any lot, the handler shall, at his expense, provide the inspector with any assistance necessary in the inspection of the raisins, including the movement of individual containers. The weight of each lot of raisins tendered for receiving, storage, reconditioning, or acquisition or disposition shall be substantiated by an official "State Certificate of Weights and Measures" issued by a public weighmaster, whether located at the inspection point or otherwise. The net weight of such raisins, for the purposes of this part, shall be determined by deducting the sand tare and box tare from the gross weight of the raisins. The sand tare shall be the weight of the sand and other foreign material removed from the raisins by passing the raisins over a screen (of a type commonly used by the industry for such purpose) having thirty-six square openings to the square inch, with each opening being one-eighth of an inch square.

* * * * *

(c) *Off-grade raisins.* * * *

(4) *Reconditioning off-grade raisins—reconditioning requirements.* (i) The handler shall notify the inspection service in writing at least one business day in advance of the time he plans to begin reconditioning each lot of raisins, unless a shorter period is acceptable to the inspection service. Natural condition raisins which have been reconditioned shall continue to be considered natural condition raisins for purposes of re-inspection (inspection pursuant to § 989.58(d)) after such reconditioning has been completed if no water or moisture has been added; otherwise, such raisins shall be considered as packed raisins for purposes of the inspection required pursuant to § 989.58(d) or § 989.59(d). The weight of the raisins reconditioned successfully shall be determined by reweighing, except where a lot, before reconditioning, failed due to excess moisture only. The weight of such raisins resulting from reconditioning a lot failing account excess moisture may be determined by deducting 1.2 percent of the weight for each percent of moisture in excess of the allowable tolerance. When necessary due to the presence of sand, as determined by the inspection service, the requirement for deducting sand tare and the manner of its determination, as prescribed in paragraph (a)(1) of this section, shall apply in computing the net weight of any such successfully reconditional natural condition raisins. If, after reconditioning, such raisins meet the minimum grade standards, but no longer are natural condition raisins as defined in § 989.8, any handler who acquires such raisins shall meet his reserve and surplus obligations from natural condition standard raisins of the same varietal type acquired by him. The weight of the reconditioned raisins acquired as packed raisins shall be adjusted to natural condition weight by the use of factors applicable to the various degrees of processing accomplished. The applicable factor shall be that selected by the inspector of the reconditioned raisins from among factors established by the Committee with the approval of the Secretary.

It is hereby found that good cause exists for making this amendatory action effective as hereinafter set forth and for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) Handlers are beginning to receive raisins of the 1962-63 crop year; (2) this amendatory action is designed to achieve more accurate and uniform determinations as to insect infestation (a factor in ascertaining whether raisins qualify as "standard raisins"), sand tare, and net weight of raisins (including calculations regarding assessments due on standard raisins acquired); (3) it is necessary that the action become effective promptly so as to be applicable to the maximum quantity practicable of raisins received during the crop year and thus promote equity among handlers, producers and dehydrators and assure the proper determination as to whether raisins are "standard raisins" or "off-grade", thereby tending to effectuate the declared policy of the act; (4) the amendment is the same as that recommended by the Raisin Administrative Committee on which handlers, producers, and dehydrators, are represented and hence these groups have general knowledge of the amendment; (5) notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 9455) and all interested persons were afforded an opportunity to submit written data, views, or arguments and none were received; and (6) handlers are aware, therefore, of this action and should require no additional time for any special preparation in order to conduct their operations accordingly.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, October 16, 1962, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10483; Filed, Oct. 18, 1962; 8:55 a.m.]

PART 990—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Subpart—Administrative Rules and Regulations

DISPOSITION

Notice was published in the September 6, 1962 issue of the FEDERAL REGISTER (27 F.R. 8881), regarding a proposed amendment of Subpart—Administrative Rules and Regulations (27 F.R. 3158, as amended) by the addition of new paragraphs (b) and (c) to § 990.162 defining the respective normal and non-normal outlets for the purpose of disposition of setaside concentrate, high proof, and dessert wine. The administrative rules and regulations, as amended, are promulgated pursuant to the marketing agreement and Order No. 990 (7 CFR Part 990), regulating the handling of Central California grapes for crushing, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Concentrate, high proof, and dessert wine are setaside items now being held for the account of the Grape Crush Administrative Committee (established under the marketing agreement and order) and available for disposition in non-normal outlets. The proposed amendatory action would implement the provisions of § 990.62 (b) and (c) which provide for normal outlets and non-normal outlets for the purpose of disposition of setaside items in terms of established trade channels. Since the marketing agreement and order provide that non-normal outlets are those other than normal outlets, any definition of normal outlets would perforce define non-normal outlets. It is necessary to

quota-exempt sugar has been imported

2. Subparagraph (3) of paragraph (d) of § 817.9 is amended to read:

[F.R. Doc. 62-10486; Filed, Oct. 18, 1962; 8:55 a.m.]

screen (of a type commonly used by the

to the maximum quantity practicable of raisins received during the crop year

normal outlets would perforce define non-normal outlets. It is necessary to

define established trade channels (normal outlets) in terms of geographical and usage limits, and thus the non-normal outlets for the setaside items to assure disposition thereof in areas, and for uses, consistent with the attainment of program objectives. Moreover, handlers, by having knowledge of the delineations of normal and non-normal outlets, would be in a better position to find and develop outlets for the setaside.

The notice afforded interested persons a 15-day period to submit written data, views, or arguments pertaining to the proposal. During that period, written comments were submitted by the Committee and one handler. The Committee recommended that: (1) Wine vinegar be included in the definitions of normal outlets for concentrate, high proof, and dessert wine; (2) Canada and Mexico be deleted from the definition of normal outlets for high proof; (3) flavorings and pharmaceuticals be added to the definition of normal outlets for dessert wine; and (4) the Committee be given additional time to submit a recommendation on the question whether export sales constitute a normal or non-normal outlet for dessert wine. The handler urged that: (1) Export sale of dessert wine be regarded as a normal outlet for this item; and (2) wine vinegar be included in the definitions of normal outlets for concentrate and dessert wine.

Since one of the established trade channels for concentrate is in the wine vinegar outlet, such outlet should be included in the definition of normal outlets for the purpose of disposition of setaside concentrate. Moreover, since the vinegar made from high proof is generally recognized or classified as distilled vinegar and not as wine vinegar, the wine vinegar outlet should not be included in the definition of normal outlets for the purpose of disposition of setaside high proof.

Canada and Mexico are not regarded by the industry as established trade channels or markets for high proof. Therefore, these two countries should not be included in the definition of normal outlets for the purpose of disposition of high proof.

The notice provided, in part, that the established trade channels for concentrate, high proof, and dessert wine mean the sale for use in the production of listed products for each of those setaside items. It was not intended thereby that use by handlers of concentrate, high proof or dessert wine in their own operations would be excluded from the definitions of normal outlets for the purpose of disposition of such setaside items. The definitions contained herein have been drafted to expressly include such use.

After consideration of all relevant matters presented, including information and recommendations submitted by the Committee and the handler, the data, information, and proposal contained in the notice, and other available information, it is hereby found that the provisions hereinafter set forth with respect to the definitions of normal and non-normal outlets for the purpose of disposition of setaside concentrate and high proof will tend to effectuate the provisions of the marketing agreement and this part, as well as the declared policy of the act. With respect to normal outlets and non-normal outlets for the purpose of disposition of setaside dessert wine, it is concluded that proposed modified definitions (from those set forth in the aforesaid notice) of normal and non-normal outlets for the purpose of disposition of setaside dessert wine should be published as a new notice of proposed rule making with opportunity for the submission of written data, views, and arguments with respect thereto. Such notice appears in this daily issue of the FEDERAL REGISTER.

Therefore, it is ordered, That Subpart—Administrative Rules and Regulations (27 F.R. 3158, 7539, 9248) is hereby amended by adding new paragraphs (b) and (c) to § 990.162 thereof as follows:

§ 990.162 Disposition.

* * * * *

(b) *Normal outlets*—(1) *Concentrate.* The established trade channels (i.e., normal outlets) for concentrate mean the use, or sale for use, within the United States of concentrate in the production of wine, high proof, brandy, wine vinegar, grape beverages, jams, or jellies.

(2) *High proof.* The established trade channels (i.e., normal outlets) for high proof mean the use, or sale for use, within the United States of high proof in the production of wine or other alcoholic beverage.

(c) *Non-normal outlets.* Non-normal outlets for the purpose of disposition of setaside concentrate and high proof mean all outlets not specifically set forth in paragraph (b) of this section as normal outlets for the purpose of disposition of the particular setaside item.

It is hereby further found that good cause exists for making this action effective at the time hereinafter set forth and for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The Committee is presently negotiating for the disposition of a portion of the setaside into non-normal outlets, and this disposition is imminent; (2) postponement of this action could adversely affect these sales and potentially reduce net returns to producers or their successors in interest; and (3) it is necessary that the specifications of normal and non-normal outlets be made effective promptly to assure that dispositions of concentrate and high proof will be maximized and for the uses and in the areas consistent with the attainment of program objectives, thus tending to enhance the total net return.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, October 16, 1962, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10467; Filed, Oct. 18, 1962; 8:53 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night and Holiday Inspection and Quarantine Activities at Border, Coastal and Air Ports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 5 U.S.C. 576) § 97.1 of Part 97, Title 9, of the Code of Federal Regulations is further amended to read as follows:

§ 97.1 Overtime work at border ports, seaports, and airports.

Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of the Animal Inspection and Quarantine Division on a holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime request the Division inspector in charge to furnish inspection, certification or quarantine service during such overtime period and shall pay the Administrator of the Agricultural Research Service at the rate of $6.12 per man hour per employee as follows: A minimum charge of two hours shall be made for any unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least one hour before his scheduled tour of duty or at least one hour after he has completed his scheduled tour of duty, and has left his place of employment. In addition, each such period of unscheduled overtime work which requires an employee to perform additional travel for which he would otherwise not be compensated, and each period of holiday duty, may include a commuted travel time period, not in excess of three hours. The amount of this period shall be prescribed in administrative instructions to be issued by the Director of the Animal Inspection and Quarantine Division for the ports, stations, and areas in which the employees are located, and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime duty if such travel is performed solely on account of such overtime duty. It will be administratively determined from time to time which days constitute holidays.

Purpose: The purpose of this amendment is to increase the hourly rate for overtime services from $5.80 to $6.12 commensurate with salary increases provided in the Postal Service and Federal Employees Salary Act of 1962 (Public Law 87-793). It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication.

Effective date: The foregoing amendment shall be effective upon issuance.

(64 Stat. 561; 5 U.S.C. 576)

Done at Washington, D.C., this 16th day of October 1962.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 62-10468; Filed, Oct. 18, 1962; 8:53 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Eligibility of Specific Bond Issues for Purchase by National Banks

Part 1, Chapter I, Title 12, of the Code of Federal Regulations of the United States of America is amended by revising § 1.11 as follows:

§ 1.11 Georgia State Authorities.

(a) *Request.* The Comptroller of the Currency has been requested to reconsider the ruling of July 12, 1962, that the bonds of various public authorities created by the State of Georgia are not general obligations of the State within the meaning of Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* The State of Georgia has created, by special acts of its General Assembly, nine public authorities for the purpose of constructing and financing public buildings, bridges, highways, and other public improvements. An Authority has the power to hold property in its own name, to construct projects on land owned by the state, to borrow money for any of its corporate purposes, and to issue its negotiable revenue bonds payable solely from earnings. It does not have the power to levy taxes nor to pledge property other than its earnings. The State Constitution authorizes the State, its institutions and political subdivisions to contract for the long-term use of the facilities of an Authority and requires that appropriations be made sufficient to satisfy the payments required by such lease rental contracts (Art. VII, Sec. VI, Par. I(a)). The General Assembly, in section 46 of the General Appropriations Act of 1961, has made the required appropriation for the current and future years and has provided that payments on lease rental contracts shall constitute a first charge on all such appropriations. The Supreme Court of the State of Georgia has held that payments under such leases constitute obligations of the state for the payment of which the good faith of the state is pledged. It has also held that such lease obligations do not violate the debt restriction and limitation provisions of the Constitution, and that the constitutional and statutory provisions designed to ensure that state monies will be available to permit payment of the bonds must be read together with those provisions. The net result of the foregoing is that the State of Georgia has solemnly undertaken to provide for the payment of the obligations of its duly constituted authorities.

(c) *Ruling.* We conclude that the subject bonds are general obligations of the State of Georgia within the meaning of paragraph seventh of 12 U.S.C. 24.

Dated: October 16, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-10480; Filed, Oct. 18, 1962; 8:54 a.m.]

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Foreign Time Deposits

1. Effective October 15, 1962, paragraph (a) of § 217.3 is amended to read as follows:

§ 217.3 Maximum rate of interest on time and savings deposits.

(a) *Maximum rate prescribed from time to time.* Except in accordance with the provisions of this part, no member bank shall pay interest on any time deposit or savings deposit in any manner, directly or indirectly, or by any method, practice, or device whatsoever. No member bank shall pay interest on any time deposit or savings deposit at a rate in excess of such applicable maximum rate as the Board of Governors of the Federal Reserve System shall prescribe from time to time; and any rate or rates which may be so prescribed by the Board will be set forth in supplements to this part, which will be issued in advance of the date upon which such rate or rates become effective. During the period commencing October 15, 1962, and ending upon the expiration of three years after such date, the provisions of this paragraph shall not apply to the rate of interest which may be paid by member banks on time deposits of foreign governments, monetary and financial authorities of foreign governments when acting as such, or international financial institutions of which the United States is a member.

2a. The purpose of this amendment is to add a new sentence to § 217.3(a) to conform this part to the Act of Congress, approved October 15, 1962 (Public Law 87-827), which exempts, for a period of three years, deposits of foreign governments and certain foreign institutions from regulation by the Board of Governors as to the rate of interest which member banks may pay on time deposits.

b. The notice and public procedure described in sections 4(a) and 4(b) of the Administrative Procedure Act, and the prior publication described in section 4(c) of such act, are not followed in connection with this amendment for the reasons and good cause found, as stated in § 262.1(e) of the Board's rules of procedure (Part 262), and especially because such notice, procedure, and prior publication are unnecessary as they would serve no useful purpose.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U.S.C. 264(c)(7), 371, 371(a), 371(b), 461)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-10531; Filed, Oct. 18, 1962; 8:58 a.m.]

Chapter III—Federal Deposit Insurance Corporation

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

Foreign Time Deposits

1. Effective October 15, 1962, § 329.3 (a) of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.3(a)) is amended to read as follows:

§ 329.3 Maximum rate of interest on time and savings deposits.

(a) *Maximum rate prescribed from time to time.* Except in accordance with the provisions of this part, no insured nonmember bank shall pay interest on any time deposit or savings deposit in any manner, directly or indirectly, or by any method, practice, or device whatsoever. No insured nonmember bank shall pay interest on any time deposit or savings deposit at a rate in excess of such applicable maximum rate as the Board of Directors of the Federal Deposit Insurance Corporation shall prescribe from time to time; and any rate or rates which may be so prescribed by the Board will be set forth in supplements to this part (see § 329.6), which will be issued in advance of the date upon which such rate or rates become effective. During the period commencing October 15, 1962, and ending upon the expiration of three years after such date, the provisions of this subsection shall not apply to the rate of interest which may be paid by insured nonmember banks on time deposits of foreign governments, monetary and financial authorities of foreign governments when acting as such, or international financial institutions of which the United States is a member.

2a. The purpose of this amendment is to add a new sentence to § 329.3(a) to conform this part to the Act of Congress, approved October 15, 1962 (Public Law 87–827), exempting for three years time deposits of foreign governments, monetary and financial authorities of foreign governments when acting as such, or international financial institutions of which the United States is a member from regulation by the Board of Directors of the Federal Deposit Insurance Corporation as to maximum rates of interest which insured nonmember banks may pay on time deposits.

b. The notice and public procedure described in sections 4(a) and 4(b) of the Administrative Procedure Act, and the prior publication described in section 4 (c) of such act, are not followed in connection with this amendment for the reasons and good cause found, as stated in § 302.6 of the Federal Deposit Insurance Corporation's procedure and rules of practice, and especially because such notice, procedure, and prior publication are unnecessary as they would serve no useful purpose.

(Sec. 9, 64 Stat. 881; 12 U.S.C. 1819) [Interprets or applies sec. 18, 64 Stat. 891; 12 U.S.C. 1828]

FEDERAL DEPOSIT INSURANCE CORPORATON,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 62–10487; Filed, Oct. 18, 1962; 8:56 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141d—CHLORAMPHENICOL AND CHLORAMPENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Antibiotic and Antibiotic-Containing Drugs; Changes in Tests and Methods of Assay

There was published in the FEDERAL REGISTER of August 23, 1962 (27 F.R. 8452), notice of proposal to amend the regulations for certain antibiotic and antibiotic-containing drugs to provide more efficient and accurate tests and methods of assay. The comment received has been evaluated and the change suggested has been accepted. Therefore, the amendments set out in the FEDERAL REGISTER of August 23, 1962 (27 F.R. 8452), are effective upon publication of this order, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625).

In proposed amendment 14b, § 141d.-316(b)(1)(ii)(*a*) is changed.

§ 141a.1 [Amendment]

1. By changing the fourth sentence of paragraph (e) of § 141a.1 *Sodium penicillin,* * * * to read: "The test organism is *Staphylococcus aureus* (American Type Culture Collection 6538P)."

§ 141a.21 [Amendment]

2. By amending § 141a.21 *Capsules penicillin and novobiocin* in the following respects:

a. By changing the words "Micrococcus pyogenes var. aureus" in paragraph (a)(1)(i)(*b*) to read "Staphylococcus aureus".

b. By changing the words "Micrococcus pyogenes var. albus" in the first sentence of paragraph (c)(v) to read "Staphylococcus epidermidis".

§ 141a.35 [Amendment]

3. By changing the first sentence of § 141a.35(a)(5) to read: "Proceed as directed in subparagraph (4) of this paragraph, using the dihydrostreptomycin working standard as the standard of comparison."

§ 141a.38 [Amendment]

4. By changing the first sentence of § 141a.38(a)(1) to read: "Proceed as directed in § 141a.35(a) or § 141a.27(a)(1)(i)."

5. By changing § 141a.39(a)(2) to read:

§ 141a.39 Penicillin-streptomycin; penicillin-dihydrostreptomycin veterinary.

(a) * * *

(2) *Total penicillin content.* Proceed as directed in § 141a.1, except paragraphs (d) and (i) of that section. In lieu of the directions in § 141a.1(d), place a representative aliquot of the sample in a blending jar, add 1.0 milliliter of polysorbate 80 and sufficient 1 percent phosphate buffer, pH 6.0, to make a total volume of 500 milliliters. Blend 3 to 5 minutes. For the alternative iodometric test, proceed as directed in § 141a.5(d)(1), except add one drop of 1.2 *N* HCl to the blank immediately before the addition of the 0.01 *N* I_2.

§ 141a.43 [Amendment]

6. By deleting the last sentence of § 141a.43(a).

7. By changing § 141a.46(a)(1) to read:

§ 141a.46 Procaine penicillin in streptomycin sulfate solution; procaine penicillin in dihydrostreptomycin sulfate solution.

(a) *Potency*—(1) *Procaine penicillin content.* Proceed as directed in § 141a.1, except paragraphs (d) and (i) of that section. In lieu of the directions in § 141a.46(d), place a representative aliquot of the sample in a blending jar, add 1.0 milliliter of polysorbate 80 and sufficient 1 percent phosphate buffer, pH 6.0, to make a total volume of 500 milliliters. Blend 3 to 5 minutes. If the iodometric assay is used, one drop of the 1.2 *N* HC1 is added to the blank immediately before the addition of the 0.01 *N* I_2. Its content of procaine penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

8. By changing § 14a.60(a)(1) (i) and (ii) to read:

§ 141a.60 Penicillin and dihydrostreptomycin-streptomycin sulfates veterinary; procaine penicillin in dihydrostreptomycin-streptomycin sulfates veterinary.

(a) * * *

(1) * * *

(i) *Crystalline penicillin and dihydrostreptomycin-streptomycin sulfates.* Proceed as directed in § 141a.39(a)(2) if it is the dry powder or in § 141a.46(a)(1) if it is the solution; or

(ii) *Procaine penicillin and dihydrostreptomycin-streptomycin sulfates.* Proceed as directed in § 141a.39(a)(2) if it is the dry powder or in § 141a.46(a)(1) if it is the solution; or

§ 141a.65 [Amendment]

9. By amending § 141a.65(a)(4) as follows:

a. By changing the terms "Micrococcus pyogenes var. aureus" and "Micrococcus albus" in the last sentence of subdivision (i) to read "Staphylococcus aureus" and "Staphylococcus epidermidis," respectively.

b. By changing the term "Staphylococcus albus" in the fourth sentence of subdivision (ii) to read "Staphylococcus epidermidis."

10. By changing § 141a.105(a) to read:

§ 141a.105 Sodium oxacillin tablets.

(a) *Potency*—(1) *Plate assay.* Place a representative number of tablets (usually 3 to 12) in a blending jar and add approximately 200 milliliters of a 500-milliliter quantity of 1 percent phosphate buffer, pH 6.0. After blending for 1 minute with a high-speed blender, add the remainder of the 500 milliliters of buffer. Blend again for 1 minute, remove an aliquot, and make the proper estimated dilutions to 5.0 micrograms per milliliter in 1 percent phosphate buffer, pH 6.0. Follow the plate assay procedure given in § 141a.104.

(2) *Iodometric assay.* In lieu of the plate assay method described in subparagraph (1) of this paragraph, the potency may also be determined by using the iodometic assay described in § 141a.-5(d) except prepare the sample as follows: Grind a representative number of tablets (usually 5 to 12), using a mortar and pestle. Dilute a weighed portion of the powder (approximately 30 milligrams) with 1 percent phosphate buffer at pH 6.0 to a concentration of approximately 1.0 milligram per milliliter.

The potency of sodium oxacillin tablets is satisfactory if they contain not less than 90 percent of the number of milligrams per tablet that they are represented to contain.

§ 141b.129 [Amendment]

11. By changing the words "M. pyogenes var. aureus (P.C.I. 1209 R.D.)" in § 141b.129(a)(4)(ii) to read "Staphylococcus aureus (American Type Culture Collection 6538–PR)".

$$\text{Chloramphenicol content (\% weight/weight)} = \frac{[(^{a}hc242)(A274)-(^{a}hc274)(A242)]\times 5\times 100}{[(^{a}ch274)(^{a}hc242)-(^{a}ch242)(^{a}hc274)]}\times \text{weight of sample in grams}$$

b. By changing paragraph (b)(1) to read as follows:

(b) *Paromomycin sulfate used in making the ointment*—(1) *Potency.* (i) Proceed as directed in § 141c.231(c)(1) of this chapter, except that:

(*a*) In lieu of the directions in § 141c.-231(c)(1)(iii) of this chapter, prepare the standard as follows: Dissolve a suitable weighed quantity (usually 25 milligrams or less) of the working standard in sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a concentration of 1,000 micrograms of paromomycin per milliliter. This stock solution may be kept in the refrigerator for 3 weeks.

(*b*) In lieu of the directions in § 141c.-231(c)(1)(iv) of this chapter, dilute the sample to a final concentration of 1.0 microgram per milliliter (estimated).

(c) In lieu of the concentrations for the standard curve as prescribed in § 141c.231(c)(1)(vii) of this chapter, prepare concentrations of 0.64, 0.80, 1.00, 1.25, and 1.56 micrograms per milliliter. The 1.00 microgram per milliliter solution is the reference concentration.

(ii) As an alternative method, proceed as directed in § 141b.101 (a) through (i) of this chapter, except that:

(*a*) In lieu of the directions in § 141b.101(b) of this chapter, prepare the nutrient ager for the base and seed layers as follows:

Beef extract	6.0 grams.
Peptone	10.0 grams.
Agar	15.0 grams.
Distilled water q.s.	1,000.0 ml.

pH 7.8–8.0 after sterilization.

(*b*) Prepare the standard stock solution as described in subdivision (i)(*a*) of this subparagraph, and in lieu of the concentrations for the standard curve as prescribed in § 141b.101(d) of this chapter, prepare concentrations of 1.28, 1.6, 2.0, 2.5, and 3.12 micrograms per milliliter from this stock solution and use the 2.0 micrograms per milliliter concentration as the reference point.

(*c*) In lieu of the directions in § 141b.-101(e) of this chapter, dilute the sample to a final concentration of 2.0 micrograms per milliliter (estimated).

§ 141c.231 [Amendment]

12. By changing the words "Micrococcus pyogenes var. albus" in the first sentence of § 141c.231(c)(1)(v) to read "Staphylococcus epidermidis".

§ 141c.242 [Amendment]

13. By changing the words "M. pyogenes var. aureus" in the fourth sentence of § 141c.242(a)(1)(ii) to read "Staphylococcus aureus".

§ 141d.316 [Amendment]

14. By amending § 141d.316 *Chloramphenicol-paromomycin ointment* in the following respect:

a. By changing the second equation in paragraph (a)(1)(ii)(*c*) to read:

§ 141e.410 [Amendment]

15. By amending paragraph (b)(1) of § 141e.410 *Bacitracin-neomycin* tablets as follows:

a. By changing the words "Staphylococcus epidermitis" to read "Staphylococcus epidermidis" in subdivision (iv), first sentence; subdivision (v), sixth sentence; and subdivision (vii), second sentence.

b. By changing the words "M. Pyogenes var. aureus" in the first sentence of subdivision (v) to read "Staphylococcus aureus".

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: October 12, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62–10485; Filed, Oct. 18, 1962; 8:52 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETIVE REGULATIONS

Ferrous Oxalate; Exemption from Labeling Requirement

There has been submitted to the Commissioner of Food and Drugs, pursuant to section 3(c) of the Federal Hazardous Substances Labeling Act and § 191.62 of the regulations thereunder a request to exempt packages of products containing ferrous oxalate from the labeling requirements of § 191.109(f) of the regulations. This section requires that articles containing 10 percent or more of a salt of oxalic acid bear the word "Poison" instead of a signal word.

From a study of the data supplied to him and obtained by independent investigations, the Commissioner has concluded that products containing 10 percent or more of ferrous oxalate may be hazardous, but not sufficiently hazardous to require the signal word "Poison," and therefore the additional labeling requirements imposed by § 191.109(f) are not necessary for the protection of the public health. Therefore, pursuant to the provisions of the Federal Hazardous Substance Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education and Welfare and delegated to the Commissioner (25 F.R. 8625), § 191.63 is amended by adding thereto a new paragraph (p) reading as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

* * * * * *

(p) The labeling of substances containing 10 percent or more of ferrous oxalate is exempt from the requirement of § 191.109(f) that it bear the word "Poison," which would otherwise be required for such concentration of a salt of oxalic acid.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Labeling Act contemplates such modification of labeling requirements under certain conditions.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: October 12, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62–10464; Filed, Oct. 18, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1432; Amdt. 497]

PART 507—AIRWORTHINESS DIRECTIVES

General Dynamics/Convair Model 30 Aircraft

There have been several failures of the main landing gear door forward actuator fitting on General Dynamics/Convair Model 30 aircraft. Failure of this part prevents closing of the main landing gear door. Since this condition is likely to exist in other such aircraft, an airworthiness directive is being issued to require inspection and replacement or rework of any cracked fittings.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part

507), is hereby amended by adding the following new airworthiness directive.

GENERAL DYNAMICS/CONVAIR. Applies to all Model 30 aircraft. Compliance required as indicated.

As a result of cracking of the main landing gear door upper forward attachment fitting, P/N 30-55153, the following shall be accomplished:

(a) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished within the preceding 250 hours' time in service, and at intervals thereafter not to exceed 350 hours' time in service following that initial inspection, conduct a close visual and dye penetrant inspection of P/N 30-55153 to detect any cracking of the fitting in the vicinity of the attachment of the door actuator. Particular attention shall be given to the radii between the leg and base of these tee-shaped fittings.

(b) Any fitting inspected per (a) and found to exhibit a crack not exceeding 4 inches in length shall be replaced with an uncracked part or repaired in accordance with General Dynamics/Convair Telegraphic Service Instructions dated August 10, 1962, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region, prior to further flight.

(c) Fittings repaired per (b) shall be reinspected in accordance with the inspection provisions of (a) at intervals not to exceed 100 hours' time in service.

(d) Any fitting inspected in accordance with (a) or (c) and found to exhibit a crack greater than 4 inches in length shall be replaced with an uncracked part prior to further flight.

(e) When fitting, P/N 30-55153, is reworked in accordance with the provisions of General Dynamics/Convair Service Bulletin No. 32-38, or equivalent rework approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region, the inspections prescribed by (a) or (c) may be discontinued.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator, if the request is substantiated by technical data and/or other facts which justify the acceptability of such increased intervals.

(General Dynamics/Convair Alert Service Bulletin No. A32-11, Telegraphic Service Instructions dated August 10, 1962, and Service Bulletin No. 32-38 pertain to this subject.)

This amendment shall become effective October 19, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 12, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-10419; Filed, Oct. 18, 1962; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter II—The Tax Court of the United States

PART 701—RULES OF PRACTICE

Miscellaneous Amendments

A new paragraph (b) is added to § 701.27, and the present paragraph (b) is changed to (c), and amended; the remaining paragraphs are re-lettered.

A new subparagraph (5) is added to § 701.31(b), and the present subparagraph (5) is changed to (6).

Sections 701.27 and 701.31, as amended, are as follows:

§ 701.27 Place, time, and notice of hearing and trials—attendance and continuances.

(a) *Calendars of hearings on motions and other procedural and subsidiary matters.* (1) If it is necessary for the Court to hear the parties on matters other than the merits, the proceeding will be listed for such hearing on a motion calendar which is called in Washington, D.C., unless good cause for holding the hearing elsewhere is shown in a timely motion to the Court. Ordinarily such calendars will be set for call at 10 a.m. (see § 701.1) on Wednesdays throughout the year, but due notice of the time and place in each case will be given to the parties by the Clerk (see § 701.22).

(2) *Attendance at hearings on motion calendar.* If a party fails to appear at the call of the motion calendar, the Court will hear the proceeding ex parte. However, a memorandum or brief stating the position of the petitioner upon the pending motion will be accepted, when the failure of the petitioner to appear is justified by distance, shortness of time, or other good reason stated in such memorandum or brief.

(3) Where the motion or order is directed to defects in a pleading, prompt filing of a proper pleading correcting the defects may obviate the necessity of a hearing thereon.

(b) *Report calendars.* On a calendar specially set for the purpose or on a trial calendar, and after due notice of the time and place given to the parties by the Clerk, any case at issue may be listed and called, first, for report as to whether the case is to be tried or otherwise disposed of, and if the latter, to report on its status, and second, if it is to be tried, for report on the current status of preparations for trial, particular reference being given to the requirements of § 701.31(b).

(c) *Trial calendars.* (1) Each case, when at issue, will be placed upon a calendar for trial in accordance with § 701.26 and the Clerk, not less than 90 days in advance unless otherwise authorized by the Chief Judge, will notify the parties of the place where and the date and time when it will be called.

(2) *Calendar call.* Each case appearing on such a calendar will be called at the time and place scheduled. The cases will be called usually in the order listed, and counsel or the parties will state their estimate of the time required for trial or file stipulations in lieu of trial. The cases for trial will thereupon be tried in due course, but not necessarily in the order listed.

(3) *Attendance at trials.* The unexcused absence of a party or his counsel when a case is called for trial will not be the occasion for delay. The case may be dismissed for failure properly to prosecute or the trial may proceed and the case be regarded as submitted on the part of the absent party or parties.

(4) The Court may require appearance for argument or it may accept briefs in lieu of personal appearance.

(d) *Continuances-motions-trials.* (1) Court action on cases set for hearing on motions or trial will not be delayed by a motion for continuance unless it is timely, sets forth good and sufficient cause, and complies with all applicable Rules.

(2) Conflicting engagements of counsel or the employment of new counsel will never be regarded as good ground for a continuance unless set forth in a motion filed promptly after the notice of hearing or trial has been mailed or unless extenuating circumstances are shown which the Court deems adequate (see § 701.20).

(e) *Reserve calendar.* A case once at issue may, upon motion, be placed on an inactive list called the reserve calendar. Good cause must be shown, as, for example, that the case will be governed by the decision in a case pending in a higher court. The case may be placed later on a trial calendar by motion of either party or by the Court on its own motion when the reason for inaction no longer exists.

§ 701.31 Evidence and the submission of evidence.

(a) *Rules applicable.* The trials before the Court and its Divisions will be conducted in accordance with the rules of evidence applicable in trials without a jury in the United States District Court for the District of Columbia. With reference to the examination of unwilling or hostile witnesses, see Rule 43(b) of the Rules of Civil Procedure for the United States District Courts.[1]

(b) *Stipulations—(1) Stipulations required.* The Court expects the parties to stipulate evidence to the fullest extent to which complete or qualified agreement can be reached including all material facts that are not or fairly should not be in dispute.

(2) *In preparation for trial.* The party expecting to introduce any evidence which might possibly be stipulated (as, for example, entries or summaries from books of account and other records, documents, and all other evidence, to the extent not disputed) shall confer with his adversary promptly after receipt of the trial notice, and both shall endeavor to stipulate all facts not already stipulated.

[1] Rules of Civil Procedure for the United States District Courts:

RULE 43. *Evidence.*

* * * * *

(b) Scope of Examination and cross-examination. A party may interrogate any unwilling or hostile witness by leading questions. A party may call an adverse party or an officer, director, or managing agent of a public or private corporation or of a partnership or association which is an adverse party, and interrogate him by leading questions and contradict and impeach him in all respects as if he had been called by the adverse party, and the witness thus called may be contradicted and impeached by or on behalf of the adverse party also, and may be cross-examined by the adverse party only upon the subject matter of his examination in chief.

(3) *Presentation-Copies-Form.* Stipulations in writing may be filed with the Court in advance or presented at the trial and when filed need not be offered formally to be considered in evidence. They shall be filed in duplicate except that duplicates of the exhibits attached to the original of the stipulation need not be filed. (See § 701.4 as to form and style.)

(4) *Objections.* Any objection to all or any part of a stipulation should be noted in the stipulation, but the Court will consider any objection to stipulated facts made at the trial.

(5) *Results of noncompliance by a party.* If at the date of issuance of trial notice in a case a party has failed to confer with his adversary, or has refused or failed to stipulate facts and evidence which are not in dispute or fairly should not be in dispute, as required under subparagraph (2) of this paragraph, and after trial notice, still fails or refuses to stipulate, the party proposing to stipulate may within 30 days, but not less than 10 days, prior to the date set for call of the case from a trial calendar, file with the Court a motion for an order to show cause why the facts and evidence covered in his proposal to stipulate should not be accepted as established for the purposes of the case. The facts and evidence covered by the motion shall be shown with particularity and by numbered paragraphs. The motion shall contain adequate references to the sources of the matter set forth, and where the sources of material are in possession or under control of the moving party, the motion shall also show that the opposing party has had reasonable access thereto. The motion shall be accompanied by proof of service on the opposing party or his counsel. Upon the filing of such motion, an order to show cause as moved shall be issued forthwith, unless the Court, in its discretion, directs otherwise, which order shall be returnable at the call of the case from the trial calendar.

(6) *No evidence received to alter or contradict.* The Court may set aside a stipulation in whole or in part where justice requires, but otherwise will not receive evidence tending to qualify, change, or contradict any fact properly introduced into the record by stipulation.

(c) *Depositions must be offered.* Testimony taken by deposition will not be considered until offered and received in evidence.

(d) *Marking exhibits.* Exhibits attached to a stipulation or a deposition shall be numbered serially, i.e., 1, 2, 3, etc., if offered by the petitioner; shall be lettered serially, i.e., A, B, C, etc., if offered by the respondent; and shall be marked serially, i.e., 1-A, 2-B, 3-C, etc., if offered as a joint exhibit.

(e) *Documentary evidence—(1) Copies.* A copy of any book, record, paper, or document may be offered directly in evidence in lieu of the original, where there is no objection, and, where the original is admitted in evidence, a copy may be substituted later for the original or such part thereof as may be material or relevant, upon leave granted in the discretion of the trial Judge.

(2) *Return after final decision.* Either party desiring the return at his expense of any exhibit belonging to him, after the decision of the Court in any case has become final, shall make prompt application in writing to the Clerk, suggesting a practical manner of delivery. Otherwise exhibits may be disposed of as the Court deems advisable.

(f) ***Ex parte statements are not evidence.*** Ex parte affidavits, statements in briefs, and unadmitted allegations in pleadings do not consititute evidence.

(g) *Failure of proof.* Failure to adduce evidence in support of the material facts alleged by the party having the burden of proof and denied by his adversary, may be ground for dismissal. The provisions of Rule 30 do not relieve the party upon whom rests the burden of proof of the necessity of properly producing evidence in support of issues joined on questions of fact.

These amendments are effective November 1, 1962.

Dated: October 15, 1962.

By the Court.

NORMAN O. TIETJENS,
Chief Judge,
Tax Court of the United States.

[F.R. Doc. 62-10477; Filed, Oct. 18, 1962; 8:54 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 9-4.50—Indemnification of AEC Contractors

DEFINITIONS

Section 9-4.5002 *Definitions* is amended by deleting paragraphs (c) and (d) and inserting the following new paragraphs (c) and (d) in lieu thereof:

(c) The term "nuclear incident" means (1) any occurrence within the United States causing, within or outside the United States, bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material, and (2) any such occurrence outside the United States if such occurrence involves a facility or device owned by, and used by or under contract with, the United States.

(d) The term "person indemnified" means (1) with respect to a nuclear incident occurring within the United States, the person with whom an indemnity agreement is executed and any other person who may be liable for public liability; or (2) with respect to any nuclear incident occurring outside the United States, the person with whom an indemnity agreement is executed and any other person who may be liable for public liability by reason of his activities under any contract with the Commission or any project to which indemnification under the provisions of section 170d. of the Atomic Energy Act of 1954, as amended, has been extended or under any subcontract, purchase order or other agreement, of any tier, under any such contract or project.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486)

Effective date: These regulations are effective forty-five (45) days from date of publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 12th day of October 1962.

For the U.S. Atomic Energy Commission.

JOHN V. VINCIGUERRA,
Director,
Division of Contracts.

[F.R. Doc. 62-10488; Filed, Oct. 18, 1962; 8:56 a.m.]

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

SAFETY, HEALTH AND FIRE PROTECTION

Subpart 9-7.50 is amended as follows: Section 9-7.5004-8 *Safety, health and fire protection* is amended by adding the following Note A thereto:

NOTE A: The foregoing clause should be included in the following categories of contracts:

(a) Contracts involving the use, operation or construction of Government-owned or controlled sites,[1] plants, laboratories, production facilities, or utilization facilities (including reactors subject to the "parallel procedures" of 10 CFR Part 115); [2] and

(b) Contracts involving construction or other services performed at Government-owned or controlled sites or facilities; and

(c) Contracts involving use of AEC-owned particle accelerators not at Government-owned or controlled sites; and

(d) Contracts other than categories (a) through (c) above involving any nonlicensed use or possession of source, by-product or special nuclear material or of production or utilization facilities; and

(e) Contracts other than categories (a) through (d) above determined on an individual basis to involve special considerations warranting inclusion of the clause.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486)

Effective date: These regulations shall become effective forty-five (45) days following the date of publication in the

[1] A "controlled site" is any site which is Government-owned or leased or any land on which is located a Government-owned or leased building to be used under the contract.

[2] In accordance with AECPR 9-7.5006-36 the Nuclear Reactor Safety clause shall be incorporated in all contracts involving the start-up and/or operation of AEC-owned, nonlicensed reactors including critical facilities.

FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 12th day of October 1962.

For the Atomic Energy Commission.

JOHN V. VINCIGUERRA,
Director,
Division of Contracts.

[F.R. Doc. 62-10489; Filed, Oct. 18, 1962; 8:56 a.m.]

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

MISCELLANEOUS AMENDMENTS

In § 9-7.5004-24 *Nuclear hazards indemnity*, paragraph (c)(1) is deleted and the following paragraph (c)(1) is inserted in lieu thereof:

(c)(1) To the extent that the Contractor and other persons indemnified are not compensated by any financial protection permitted or required by the Commission, the Commission will indemnify the Contractor, and other persons indemnified, against (i) claims for public liability as described in paragraph (2) of this section (c); and (ii) the reasonable costs of investigating and settling claims, and defending suits for damage for such public liability, provided that the Commission's liability, including such reasonable costs, under all indemnity agreements entered into by the Commission under section 170 of the Act, including this contract, shall not exceed $500,000,000 in the aggregate for each nuclear incident occurring within the United States or $100,000,000 in the aggregate for each nuclear incident occurring outside the United States, irrespective of the number of persons indemnified in connection with this contract.

In § 9-7.5004-25 *Nuclear hazards indemnity—product liability*, the introductory text of paragraph (a) is amended by deleting the phrase "section 170" and inserting in lieu thereof the phrase "section 170d". As amended, the introductory text of paragraph (a) reads as follows:

(a) This article is incorporated into this contract pursuant to the authority contained in section 170d of the Atomic Energy Act of 1954, as amended (hereinafter called the Act).

Paragraph (c)(1) of § 9-7.5004-25 is deleted and the following paragraph (c)(1) is inserted in lieu thereof:

(c)(1) To the extent that the Contractor and other persons indemnified are not compensated by any financial protection, permitted or required by the Commission, the Commission will indemnify the Contractor, and other persons indemnified, against (i) claims for public liability as described in paragraph (2) of this section (c); and (ii) the reasonable costs of investigating and settling claims, and defending suits for damage for such public liability, provided that the Commission's liability, including such reasonable costs, under all indemnity agreements entered into by the Commission under section 170 of the Act, including this contract, shall not exceed $500,000,000 in the aggregate for each nuclear incident occurring within the United States or $100,000,000 in the aggregate for each nuclear incident occurring outside the United States, irrespective of the number of persons indemnified in connection with this contract.

In § 9-7.5004-26 *Indemnity assurance to architect-engineer or supplier prior to operation of a production or utilization facility*, paragraph (d) is deleted and the following paragraph (d) is inserted in lieu thereof:

(d) The indemnity provided by the Commission under all indemnity agreements entered into by the Commission under section 170 of the Act, including this agreement, shall not exceed $500,000,000 in the aggregate for each nuclear incident, without regard to the number of persons indemnified, including the reasonable costs of investigating and settling claims and defending suits for damages, provided, however, that with respect to incidents occurring outside the United States such aggregate indemnity shall not exceed $100,000,000, including such reasonable costs.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486.)

Effective date: These regulations are effective forty-five (45) days from date of publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 12th day of October 1962.

For the U.S. Atomic Energy Commission.

JOHN V. VINCIGUERRA,
Director,
Division of Contracts.

[F.R. Doc. 62-10490; Filed, Oct. 18, 1962; 8:56 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2785]

COLORADO AND NEVADA

Forest Service Administrative Site Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described lands in the national forests indicated are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States in aid of programs of the Forest Service for utilization of the lands as indicated:

(a)

(Colorado 071590)

SIXTH PRINCIPAL MERIDIAN

WHITE RIVER NATIONAL FOREST

Gore Creek Ranger Station and Administrative Site

T. 5 S., R. 80 W.,
Sec. 5, SW¼SW¼.

Containing 40 acres.

(b)

(Nevada 058297)

MOUNT DIABLO MERIDIAN

TOIYABE NATIONAL FOREST

Charleston Cavern Geological Area

T. 19 S., R. 57 E.,
Sec. 7, S½ lot 11, lot 12;
Sec. 8, N½, lot 5, SE¼ lot 5, S½ lot 6, lot 11, NE¼ lot 12, S½ lot 12, lots 13 and 14.

Aggregating 243.13 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 15, 1962.

[F.R. Doc. 62-10427; Filed, Oct. 18, 1962; 8:46 a.m.]

[Public Land Order 2786]

NEVADA

Revoking Certain Stock Driveway Withdrawals

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental orders of January 16, 1919, and September 13, 1933, creating Stock Driveway Withdrawals No. 54, Nevada No. 10, and No. 240, Nevada No. 48, respectively, and any other order or orders which withdrew lands for stock driveway purposes are hereby revoked so far as they affect the following described lands:

a.

[Nevada 047410]

Order of January 16, 1919:

MOUNT DIABLO MERIDIAN

T. 12 N., R. 36 E.,
Sec. 20, S½ and S½NE¼.

b.

[Nevada 047448]

Order of September 13, 1933:

MOUNT DIABLO MERIDIAN

T. 42 N., R. 58 E.,
Sec. 6;
Sec. 7, N½, SW¼, N½SE¼, and SW¼SE¼.

The areas described aggregate 1,554.40 acres.

2. The lands described in subparagraph a, paragraph 1, above, are located in Nye County. They are typical of the isolated interior basins found in Nevada. Those described in subparagraph b, are situated adjacent to the Nevada-Idaho boundary in north central Elko County. Topography is a relatively flat mesa sloping to the north.

3. Subject to any valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, the lands are hereby opened to filing of applications, selections and locations. All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on November 20, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the regulations in 43 CFR 185.35, 185.36.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 15, 1962.

[F.R. Doc. 62-10428; Filed, Oct. 18, 1962; 8:46 a.m.]

[Public Land Order 2787]

[Anchorage 056148]

ALASKA

Withdrawing Lands for Department of the Army

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of disposition under the public land laws, including the mining and the mineral leasing laws, and reserved for use of the Department of the Army for the storage of ammunition:

SEWARD MERIDIAN

ANCHORAGE AREA, LAKE EKLUTNA ROAD

T. 16 N., R. 1 E.,
Sec. 26, W½NW¼SW¼ and NW¼SW¼SW¼;
Sec. 27, SW¼NW¼NW¼, S½NW¼, S½SW¼NE¼, SW¼SE¼NE¼, and S½;
Sec. 28, SE¼, S½NE¼, NW¼NE¼, S½NE¼NE¼, E½NW¼, S½SW¼NW¼, SE¼NW¼NW¼, N½SW¼, N½SW¼SW¼, N½SE¼SW¼, and SE¼SE¼SW¼;
Sec. 33 N½NE¼NE¼;
Sec. 34, N½NE¼, N½SW¼NE¼, NW¼SE¼NE¼, NE¼NW¼, E½NW¼NW¼, and NW¼NW¼NW¼.

Aggregating 1,210 acres.

The Department of the Army shall not interfere with public use of the Eklutna Lake Road, nor with any rights of access of the public to the waters of Eklutna Lake.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 15, 1962.

[F.R. Doc. 62-10429; Filed, Oct. 18, 1962; 8:47 a.m.]

[Public Land Order 2788]

[Fairbanks 029657]

ALASKA

Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the Act of May 14, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

Subject to valid existing rights, the following-described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Federal Aviation Agency in the maintenance of air navigation facilities:

FORT YUKON

Commencing at Corner No. 4 of U.S. S. 3191, proceed N. 33°17' W., to northwest corner of State Airport Lease, F-029281; thence N. 60°11' E., along the northern boundary of the State Airport Lease approximately 1,300 feet to the point of beginning; thence West, 1,810 feet; North 2,000 feet; East, 2,000 feet; South, 1,900 feet; S. 60°11' W., 220 feet to the point of beginning.

Aggregating 91.61 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 15, 1962.

[F.R. Doc. 62-10471; Filed, Oct. 18, 1962; 8:53 a.m.]

[Public Land Order 2789]

[Anchorage 057654]

ALASKA

Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Federal Aviation Agency in the maintenance of an air navigation facility:

WOODY ISLAND, KODIAK AREA

Beginning at a point where line 1-2 of U.S. Survey 484 intersects mean high tide of St. Paul Harbor, thence: S. 34°57' E., 2.50 chains to Corner No. 2, U.S. Survey 484; S. 54°54' W., 2.17 chains to Corner No. 3, U.S. Survey 484; S. 41°41' E., 5.34 chains to Corner No. 4, U.S. Survey 484; N. 88°10' E., 2.79 chains to Corner No. 5, U.S. Survey 484; S. 55°25' W., 4.77 chains to Corner No. 1, U.S. Survey 603, Tract B; S. 76°45' W., 2.21 chains to Corner No. 4, U.S. Survey 603, Tract B; S. 76°45' W., approximately 3.7 chains to mean high tide of St. Paul Harbor, thence northeasterly along the line of mean high tide approximately 15 chains to the point of beginning.

Containing about 6.75 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 15, 1962.

[F.R. Doc. 62-10472; Filed, Oct. 18, 1962; 8:53 a.m.]

[Public Land Order 2790]

WYOMING

Partly Revoking Certain Reclamation Withdrawals, Bear River and Flaming Gorge Projects

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The Executive order of May 14, 1915, and the departmental order of July 13, 1943, which withdrew lands in Wyoming for reclamation purposes in connection with the Flaming Gorge Reservoir and Bear River Storage Projects, respectively, are hereby revoked so far as they affect the following described lands, as indicated:

a.

[Wyoming 090936]

Order of May 14, 1915:

SIXTH PRINCIPAL MERIDIAN

T. 18 N., R. 107 W.,
Sec. 26.

Containing 538.85 acres.

b.

[Wyoming 0200767]

Order of July 13, 1943:

SIXTH PRINCIPAL MERIDIAN

T. 17 N., R. 120 W.,
Sec. 6, lots 11, 12, 14, 15, 16, and 17;
Sec. 8, lots 1, 2, 3, and 4;
Sec. 18, lots 5, 10, and 11;
Sec. 20, lots 5, 6, 7, and 8.
T. 18 N., R. 120 W.,
Sec. 30, lots 7, 8, 9, 10, E½NE¼, E½SW¼, and SE¼;
Sec. 32, NE¼, E½NW¼, and SW¼.

Containing 1,409.40 acres.

The areas described in this paragraph total in the aggregate approximately 1,948 acres. Some of the lands are included in other withdrawals, and some are patented.

2. Subject to any valid existing rights and equitable claims, the provisions of any existing withdrawals, and the requirements of applicable law, rules and regulations, the public lands released from withdrawal by paragraph 1 of this order are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Until 10:00 a.m. on April 16, 1963, the State of Wyoming shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(b) All valid applications and selections under the nonmineral public land laws other than any from the State of Wyoming presented prior to 10:00 a.m. on April 16, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(c) The public lands have been open to applications and offers under the mineral leasing laws, and as to those described in subparagraph 1a, hereof, to locations for metalliferous minerals. They will be open to location under the United States mining laws beginning at 10:00 a.m. on April 16, 1963, the lands described in subparagraph 1a of this order being at that time open to such location for nonmetalliferous minerals.

3. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements

in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 15, 1962.

[F.R. Doc. 62-10430; Filed, Oct. 18, 1962; 8:47 a.m.]

[Public Land Order 2791]

[Anchorage 051189]

[Anchorage 052480]

ALASKA

Revoking Public Land Order No. 561 of February 14, 1949, Air Navigation Site No. 246; Withdrawing Lands for Use of the Alaska Railroad for an Ammunition Depot

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Public Land Order No. 561 of February 14, 1949, which withdrew the following-described public lands for use of the Civil Aeronautics Administration, Department of Commerce, now Federal Aviation Agency, is hereby revoked:

WHITTIER AREA

TRACT NO. 1

Beginning at a point from which a point on the center line of the main track of the Portage Canal Connection, Alaska Railroad, at U.S. Army Survey station 104+00.00, approximately two miles west of the Whittier railroad station, in approximate latitude 60° 46' N., longitude 148°44' W., bears West 1,320 feet, S. 18°42' W., 2,136.27 feet. From the initial point; N. 17°30' E. 795 feet; East approximately 770 feet to a point on line of mean high tide of Passage Canal; Southerly with meanders approximately 1,100 feet; N. 73°00' W., 860 feet to the point of beginning.

Containing 16.18 acres.

TRACT NO. 2

A right-of-way 20 feet wide for a power and telephone line, the center line of which is described as follows:

Beginning at a point on the south boundary of Tract No. 1 from which the beginning point of said tract bears N. 73°00' W., 770 feet; thence by metes and bounds: South 855 feet; S. 28°15' W., 90 feet; S. 63°30' W., 740 feet; S. 78°00' W., 950 feet; S. 14°00' W., 600 feet, to the north boundary of the Alaska Railroad right-of-way.

Containing 1.49 acres.

2. Subject to valid existing rights, the lands described in Paragraph 1, of this order, as Tract No. 1, containing 16.18 acres, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for use of the Alaska Railroad, Department of the Interior, as an ammunition loading and unloading reserve.

3. The remaining lands released from withdrawal by Paragraph 1 hereof, comprising Tract No. 2, containing 1.49 acres, are included in withdrawal for other purposes.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 15, 1962.

[F.R. Doc. 62-10473; Filed, Oct. 18, 1962; 8:54 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Colusa National Wildlife Refuge, California

In F.R. Doc. 62-7972, appearing on page 7987 of the issue for Friday, August 10, 1962, paragraph (b) of § 32.22 should read as follows:

(b) Open season, 8:00 a.m. to 4:30 p.m., November 10, 11, 14, and 17 through 25, 1962.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 11, 1962.

[F.R. Doc. 62-10424; Filed, Oct. 18, 1962; 8:45 a.m.]

PART 32—HUNTING

Merced National Wildlife Refuge, California

In F.R. Doc. 62-9472, appearing on page 9453 of the issue of Saturday, September 22, 1962, paragraph (b) of § 32.22 should read as follows:

(b) Open season, 8:00 a.m. to 4:30 p.m., November 10, 11, 14, and 17 through 25, 1962.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 11, 1962.

[F.R. Doc. 62-10425; Filed, Oct. 18, 1962; 8:45 a.m.]

PART 32—HUNTING

Sutter National Wildlife Refuge, California

In F.R. Doc. 62-8211, appearing on page 8177 of the issue for Thursday, August 16, 1962, paragraph (b) of § 32.22 should read as follows:

(b) Open season, 8:00 a.m. to 4:30 p.m., November 10, 11, 14, and 17 through 25, 1962.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 11, 1962.

[F.R. Doc. 62-10426; Filed, Oct. 18, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 990]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given that the Secretary is proposing to amend the Subpart—Administrative Rules and Regulations (27 F.R. 3158; 7539; 9248; 10249) by defining, in § 990.162 (b) and (c), the respective normal and nonnormal outlets for the purpose of disposition of setaside dessert wine. Paragraphs (b) and (c) are effective pursuant to the marketing agreement and Order No. 990 (7 CFR Part 990), regulating the handling of Central California grapes for crushing, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On September 6, 1962, a notice was published in the FEDERAL REGISTER (27 F.R. 8881) regarding a proposed further amendment of the administrative rules and regulations, as amended, by the addition of new paragraphs (b) and (c) to § 990.162 defining the respective normal and nonnormal outlets for the purpose of disposition of setaside concentrate, high proof, and dessert wine. Final action regarding the normal and nonnormal outlets for the purpose of disposition of setaside concentrate and high proof is set forth at page 10250 of this issue of the FEDERAL REGISTER.

Written comments were submitted by the Grape Crush Administrative Committee and one handler during the 15-day period prescribed in the notice. The Committee recommended with respect to the outlets for the purpose of disposition of setaside dessert wine that wine vinegar, flavorings, and pharmaceuticals be included in the definition of normal outlets and that additional time be afforded for the submission of comments on the question of whether export sales constitutes a normal or non-normal outlet. The handler urged that wine vinegar and export sales both be included in the definition of normal outlets.

The Committee has not submitted to the Department a recommendation to aid in resolving the question whether export sales should be included in the definition of non-normal outlets for dessert wine. Additional views and recommendations with respect to the matter of export sales would be desirable prior to final action as to the outlets for the purpose of disposition of setaside dessert wine, and the industry should therefore be given additional time for submission of written comments on the question.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are submitted to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received within 20 days after publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

1. Amend paragraph (b) of § 990.162 by adding a new subparagraph (3) as follows:

(3) *Dessert wine.* The established trade channels (i.e., normal outlets) for dessert wine mean (i) the use, or sale for use, of dessert wine as a beverage within the United States, Canada, or Mexico, or on ships or other carriers porting thereon, (ii) disposition to United States armed forces and diplomatic, trade or aid missions, (iii) and use, or sale for use, in the United States of dessert wine in pharmaceuticals, flavorings, distillation, or the production of wine vinegar.

2. Amend paragraph (c) of § 990.162 by inserting "dessert wine" after "high proof". As so amended, paragraph (c) would read as follows:

(c) *Nonnormal outlets.* Nonnormal outlets for the purpose of disposition of setaside concentrate, high proof, and dessert wine, respectively, mean all outlets not specifically set forth in paragraph (b) of this section as normal outlets for the purpose of disposition of the particular setaside item.

Dated: October 16, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10466; Filed, Oct. 18, 1962; 8:53 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–202]

BATTERY INDUSTRY

Change of Time and Place of Hearing

The time and place of the hearing to determine prevailing minimum wages in the battery industry under the Walsh-Healey Public Contracts Act noticed in the FEDERAL REGISTER on September 29, 1962 (27 F.R. 9656), is hereby changed to November 19, 1962, at 10:00 a.m., in Conference Room B, Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington 25, D.C.

Signed at Washington, D.C., this 15th day of October 1962.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 62-10481; Filed, Oct. 18, 1962; 8:54 a.m.]

Wage and Hour Division

[29 CFR Part 516]

RECORDKEEPING REQUIREMENTS RELATING TO OVERTIME EXEMPTION FOR EMPLOYEES EMPLOYED IN RETAIL OR SERVICE ESTABLISHMENTS AND PAID MOSTLY BY COMMISSIONS ON GOODS AND SERVICES

Notice of Hearing on Proposed Rule Making

Pursuant to the provisions of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201), hereinafter referred to as the Act, the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, is giving consideration, for purposes of section 11(c) of the Act and as a result of the enactment in the Fair Labor Standards Amendments of 1961 of section 7(h) thereof (72 Stat. 70, sec. 6(g); 29 U.S.C. 207(h)), to the nature and scope of the information concerning wages, hours, and other conditions and practices of employment in retail or service establishments which will be necessary or appropriate for the enforcement of the provisions of the Act with respect to employees of such establishments who receive compensation representing commissions on goods or services. Under section 7(h), if more than half the compensation of such an employee for a representative period (not less than one month) represents commissions on goods or services, his employer will not, in any workweek when the employee's regular rate of pay is more than one and one-half times the applicable minimum hourly rate under section 6 of the Act, be deemed to violate the Act by employing the employee for more than the applicable number of hours under section 7(a) without payment of the overtime compensation specified in that subsection.

Interested persons are invited to make written and oral presentations of information on the matters above mentioned and of any other data, views, and arguments having pertinence to the questions under consideration by the Administrator which are described above. The oral presentation may be made on January 14, 1963, at 10 o'clock a.m., in Conference Room B, Departmental Auditorium, Constitution Avenue, between Twelfth and Fourteenth Streets NW., Washington 25, D.C., before Hearing Examiner Clifford P. Grant. Interested persons wishing to make oral presentations shall file a notice of intention to appear with the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., not later than December 31, 1962. Written data, views, and arguments may also be filed with the Administrator on or before December 31, 1962.

Any notice of intention to appear filed in accordance with the preceding paragraph shall contain the following information: (1) The name and address of the person to appear; (2) if such person is to appear in a representative capacity, the name and address of the persons or organization that he intends to represent; (3) the approximate time that the person anticipates will be needed for his presentation.

In order to determine what information will be necessary or appropriate for the above-stated purposes, the Administrator desires to give consideration to any information which can be made available with respect to the nature of practices followed in paying to employees of retail or service establishments compensation representing commissions on goods or services. The method of remuneration used may be significant in determining whether the employee's compensation includes sums representing commissions in an amount sufficient to satisfy the conditions of section 7(h). Further, the Administrator desires to give consideration to such information as can be made available with respect to any practices or conditions of employment in such establishments which may cause the compensation of an employee which represents such commissions to vary in particular pay periods or workweeks or other periods between sums which are greater and sums which are less than half his total compensation. Information on such practices and conditions and the periods in which they result in increases and decreases in compensation which represents commissions may be significant in determining what period of a month or more will actually be representative of the proportion which compensation representing commissions bears to the total compensation of particular employees of retail or service establishments.

It is requested that the presentations of interested persons include, among other things, data for typical or particular retail establishments of the various types which have employees more than half of whose compensation may be expected to represent commissions on goods or services. The data for such establishments should show, for a recent typical period or periods of twelve months or more with respect to each department, group of departments, or entire establishment to which such an employee's duties relate, the following types of information: (1) Total sales with respect to which compensation representing commissions is paid, for each month, and total store sales for the same period; (2) the methods of paying such compensation to such employees, with the computation periods and dates of payment, and any differences in methods used with respect to different employees with the basis therefor; (3) the number of employees employed in such department, group of departments, or establishment whose duties include selling, and the number of such employees whose regular rate of pay exceeds $1.50 an hour and more than one-half of whose compensation represents commissions, in each of the following periods (a) each month of the year; (b) each quarter of the year; (c) each of the six-month periods in the year; (d) the entire year; and (e) such other period as may be considered to be representative; (4) factors which account for the variations when the different time periods are used for determining the proportion of total compensation which represents commissions, and any other factors which, in such department, group of departments, or establishment, cause or are likely to cause fluctuations in sales volume which have a bearing on whether an employee's compensation representing commissions will amount to more than half of his total compensation (some examples of such factors might be seasonal demands, weather, special sales, etc.); and (5) for each type of selling by salespersons compensated in a manner which may bring any of them within the provisions of section 7(h), the separate total earnings and the compensation representing commissions earned, for each month of the year, by three sales persons whose regular rate of pay is $1.51 an hour or more, one with lowest earnings, one with average earnings, and one with highest earnings.

The oral proceedings shall be stenographically reported. Transcripts will be made available to interested persons on such terms as the Hearing Examiner shall prescribe. The Hearing Examiner shall regulate the proceeding, dispose of procedural requests, objections, and related matters and confine the proceeding to matters pertinent to that hereinabove stated. He shall have discretion to keep the record open for a specified period of time after the close of the proceeding to permit any person who participated therein to submit additional data, views, and arguments responsive to the oral presentations made by other persons. Immediately following the termination of this period, the Hearing Examiner shall forward the record to the Administrator for his consideration along with any other relevant information that may be available

Signed at Washington, D.C., this 13th day of October 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-10482; Filed, Oct. 18, 1962; 8:54 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 932) has been filed by Celanese Corporation of America, 522 Fifth Avenue, New York 36, New York, proposing the amendment of paragraph (c)(5) of § 121.2520 *Adhesives* by adding thereto the items "Anhydroenneaheptitol" and "1,3-Butanediol."

Dated: October 12, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-10462; Filed, Oct. 18, 1962; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 952) has been filed by Merck Chemical Division, Merck and Company, Inc., Rahway, New Jersey, proposing the amendment of § 121.210 of the food additive regulations to provide for the addition of 0.0075 percent of 3-nitro-4-hydroxyphenylarsonic acid to amprolium-medicated chicken and turkey feeds.

Dated: October 12, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-10463; Filed, Oct. 18, 1962; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1434]

EDISON AIRCRAFT

Proposed Airworthiness Directive

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring overhaul, including replacement of the fuel pressure diaphragm, of Thomas A. Edison Models 195, 273 and AN 5773-2 aircraft engine fuel gages, as rupture of the diaphragm causes a serious fire hazard.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 20, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423.)

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

EDISON. Applies to all aircraft with Thomas A. Edison Models 195, 273, and AN 5773-2 aircraft engine gage units installed.

Compliance required within the next 100 hours' time in service after the effective date of this AD.

To prevent diaphragm rupture which can cause a fire hazard, overhaul all units having 500 or more hours time in service, replacing the diaphragm and capillary tube assembly, P/N 45010, with a new assembly. Each such unit shall be overhauled, and the diaphragm and capillary tube assembly replaced at each 500 hours' time in service thereafter.

Issued in Washington, D.C., on October 12, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-10420; Filed, Oct. 18, 1962; 8:45 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 1431; Draft Release No. 62-44]

FIRE DETECTORS

Proposed Technical Standard Order for Aircraft Materials

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator by adopting a new Technical Standard Order. This Technical Standard Order establishes minimum performance standards for radiation sensing type fire detectors which are for use on both piston and turbine engine-powered civil aircraft of the United States. For many years, fire detectors of the thermal or flame contact type have been approved under the standards of TSO-C11 covering "Fire Detectors, Thermal and Contact Type". In recent years, however, the fire detector industry has developed detector systems which operate on a different principle involving the sensing of radiated energy (sometimes termed surveillance type detectors). These newer type detectors could not be approved under TSO-C11, nor could minimum airworthiness be assured by reference to any other existing technical standards. This TSO, therefore, has been developed to establish minimum performance requirements for radiation sensing type fire detectors.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before December 5, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By adding the following § 514.85:

§ 514.85 Fire detectors (radiation sensing type)—TSO-C79.

(a) *Applicability.* Minimum performance standards are hereby established for radiation sensing type fire detectors which are for use on both piston and turbine engine-powered civil aircraft of the United States. New models of fire detectors (radiation sensing type) manufactured on or after the effective date of this section, which are to be used on civil aircraft of the United States, shall meet the standards specified in Federal Aviation Agency Standard, "Fire Detectors (Radiation Sensing Type)", dated August 15, 1962.[1]

(b) *Marking.* In lieu of the weight required in § 514.3(d)(3), the operating voltage for the detector shall be shown. Compliance of the detector with the piston or turbine engine requirements, or both, shall be designated by -P, -T, or -PT, respectively, as a suffix following the technical standard order designation as TSO-C79-P.

(c) *Data requirements.* (1) In addition to the data specified in § 514.2, the manufacturer shall furnish six copies each, except where noted, of the following to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(iii) One copy of the manufacturer's test report.

(2) The data required under Paragraph (1) (i) and (ii) shall include the following:

(i) Field of vision;

(ii) Maximum effective range at field extremities;

(iii) Maximum allowable normal ambient temperature at the point of detector location;

(iv) Maximum allowable rate of temperature rise at point of detector location as a result of normal operation;

(v) Operating voltage;

(vi) Mounting or support method; and

(vii) Maximum or minimum number of units which can be used in one circuit or one fire zone without adversely affecting sensitivity or causing false indications due to temperature.

Issued in Washington, D.C., on October 12, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-10422; Filed, Oct. 18, 1962; 8:45 a.m.]

[1] Copies may be obtained upon request addressed to Publishing and Graphics Branch, Inquiry Section, MS-158, Federal Aviation Agency, Washington 25, D.C.

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-CE-18]

FEDERAL AIRWAY, ASSOCIATED CONTROL AREAS, AND CONTROL ZONE

Proposed Revocation and Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.220, 601.220 and 601.2108 of the regulations of the Administrator, the substance of which is stated below.

Low altitude Red Federal airway No. 20 extends in part from Lansing, Mich., to Windsor, Ontario, Canada. The Federal Aviation Agency is considering the revocation of this segment of Red 20. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Lansing to Windsor is adequately served by low altitude VOR Federal airways No. 84 and No. 42. Therefore, it appears that the retention of this airway segment is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke the United States segment of Red 20 and its associated control areas from Lansing to Windsor. Concurrently with the revocation of Red 20, it is proposed to decommission the Lansing radio range, since it is no longer required for air traffic control purposes. This latter proposal will be circularized separately and interested persons will be afforded an opportunity to comment.

It is also proposed to alter the Lansing control zone which is designated in part with reference to the Lansing radio range, by revoking the control zone extension based on the east course of the Lansing radio range and by redescribing the control zone extension based on the 052° True radial of the Lansing VOR by deleting reference to the Lansing radio range northwest course. Controlled airspace requirements in the Lansing area will be reviewed at a later date under the Civil Air Regulations Amendment Nos. 60-21 and 60-29 implementation program.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action

is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 12, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-10421; Filed, Oct. 18, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 4, 5, 16, 24, 131]

[Docket No. R-223]

LICENSE APPLICATIONS

Notice of Proposed Rule Making

OCTOBER 16, 1962.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Parts 4, 5, 16, and 24, Regulations under the Federal Power Act, Subchapter B, and Part 131, approved Forms, Subchapter D, Chapter I of Title 18 of the Code of Federal Regulations, so as to provide for an original and ten copies of all applications concerning licensing matters under Part I of the Federal Power Act, and to provide that a recreational plan be filed as part of all applications for license for projects of more than 2,000 horsepower installed capacity. The numbers of copies of applications now specified in the regulations do not meet the minimum requirements. A recreation plan filed with the application for license should assist in expediting the processing of the application. The regulations concerning applications for license for minor projects should be revised to conform with Public Law 87-647, approved September 7, 1962 (76 Stat. 447), which authorizes the Commission to issue minor licenses for existing and proposed projects having an installed capacity of not more than 2,000 horsepower. The proposed revisions of the regulations are as specifically set forth in the attachments annexed.

3. The amendments herein described and as specifically set forth below are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act, as amended, particularly sections 9, 10(a), 10(i), and 309 thereof (16 U.S.C. 802, 803, 825h).

4. Any person may submit to the Federal Power Commission, Washington 25, D.C., not later than November 20, 1962, data, views, comments and suggestions in writing concerning the proposed revision in the regulations under the Federal Power Act. An original and nine conformed copies of any such submittals should be filed. The Commission will consider any such written submittals before acting on the proposed regulations.

By direction of the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

1. Amend § 4.40 *Contents* to read as follows:

§ 4.40 Contents.

Each application for license for a complete project of more than 2,000 horsepower installed capacity, to be constructed, or for a minor part of such project shall be verified, shall conform to § 131.2 of this chapter, and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the original and ten conformed copies of the application and all accompanying documents shall be submitted with one additional conformed copy for each interested State Commission.

§ 4.41 [Amendment]

2. Amend § 4.41 *Required exhibits* by adding the following after *Exhibit O:*

Exhibit P. (Not required under this section).

Exhibit Q. (Not required under this section).

Exhibit R. The applicant shall submit a plan for the recreational use of project lands and waters for the purpose of full public utilization of such lands and waters. Such recreational plan shall be prepared in cooperation with state and local agencies, and with the agency having supervision over the lands in cases where lands of the United States will be affected. The plan shall show the location of the areas and access roads proposed for camping, picnicking, bathing, boat-launching ramps, and sanitary facilities.

3. Amend § 4.50 *Contents* to read as follows:

§ 4.50 Contents.

Each application for license for a complete project of more than 2,000 horsepower installed capacity already constructed, or for a minor part of such project, shall be verified, shall conform to § 131.2 of this chapter, and shall set forth in appropriate detail all information and exhibits prescribed in §§ 4.40 to 4.42, inclusive, for applications for licenses for proposed major projects, except as hereinafter provided. Unless otherwise specified, the original and ten conformed copies of the application and all accompanying exhibits shall be submitted with one additional conformed copy for each interested State Commission.

4. Amend § 4.60 *Contents* to read as follows:

§ 4.60 Contents.

Each application for a license for a complete project having installed capacity of 2,000 horsepower or less, or for part of such project, whether constructed or to be constructed shall conform to § 131.6 of this chapter. Unless otherwise specified, an original and ten copies of the application and of all accompanying exhibits shall be submitted, with one additional copy for each interested State Commission. Additional information will be requested by the Commission when desired.

5. Amend the introductory paragraph of § 4.70 *Contents* to read as follows:

§ 4.70 Contents.

Each application for license for transmission line only shall be verified, shall conform to § 131.5 of this chapter, and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the original and ten conformed copies of the application and all accompanying exhibits shall be submitted with one conformed copy for each interested State Commission.

* * * * *

6. Amend § 4.80 *Who may file* to read as follows:

§ 4.80 Who may file.

Any citizen, association of citizens, corporation, State, or municipality desirous of obtaining a license pursuant to the act for a project of more than 2,000 horsepower installed capacity may make application for the issuance of a preliminary permit for the purpose of enabling applicant to secure the data and perform the acts required by law for filing an application for the issuance of a license.

7. Amend the introductory paragraph of § 4.82 *Contents of application* to read as follows:

§ 4.80 Contents of application.

Each application for preliminary permit shall be submitted as prescribed in § 131.10 of this chapter, and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the original and ten conformed copies of the application and all accompanying documents shall be submitted, with one additional conformed copy for each interested State Commission.

* * * * *

8. Amend § 4.84 *Amendments* to read as follows:

§ 4.84 Amendments.

Applications for amendments of preliminary permits shall follow the form prescribed for original applications, as far as applicable. If an application for an amendment embraces sites or areas not covered by the original permit, notice of such application will be given in the manner required for the original application. Unless otherwise specified, an original and ten conformed copies of the application and all accompanying documents shall be submitted, with one additional copy for each interested State Commission.

9. In § 5.1 *Amendment of license,* the last sentence is revised. As amended, § 5.1 reads as follows:

§ 5.1 Amendment of license.

Where a licensee desires to make a change in the physical features of the project or its boundary, and/or make an addition or betterment and/or abandonment or conversion, of such character as to constitute an alteration of the license, application for an amendment of the license shall be filed with the Commission, fully describing the changes licensee desires to make. If, after consideration of an application for amendment of the license, the Commission is of the opinion that the contemplated changes are of such character as to constitute a substantial alteration of the license, public notice of such application shall be given by an advertisement made at least 30 days prior to action upon the application. Unless otherwise specified, the original and ten conformed copies of the application for amendment of license shall be submitted, with one additional copy for each interested State Commission, in accordance with § 131.30 of this chapter and verified.

10. Amend the introductory paragraph of § 16.1 *Contents* to read as follows:

§ 16.1 Contents.

Each application for a new or annual license for a project already under license which is about to expire shall be submitted at least three months prior to the expiration of license and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, an original and ten conformed copies of the application, duly subscribed and verified under oath, and all accompanying documents, together with one additional conformed copy for each interested State Commission, shall be submitted.

* * * * *

11. Amend the introductory paragraph of § 24.1 *Filing* to read as follows:

§ 24.1 Filing.

An original and ten conformed copies of each declaration of intention under the provisions of section 23(b) of the Act shall be filed. The declaration shall give the name and post office address of the person to whom correspondence in regard to it shall be addressed, and shall be accompanied by:

* * * * *

12. Section 131.6 is amended to read as follows:

§ 131.6 Application for license for minor project having installed capacity of 2,000 horsepower or less.

(See § 4.60 of this chapter.)

(1) Full name of applicant_____ (a citizen—an association of citizens—a corporation) **(strike out all but one)** whose post office address is

_____

_____

hereby makes application to the Federal Power Commission for a license to authorize construction, operation and maintenance of certain project works fully described herein.

(If a corporation, report State of incorporation and location of principal place of business. Corporations, municipal or private and associations, must give name and address of person who is authorized to act as agent and consent to accept service upon such agent as equivalent to service upon applicant.)

(2) A concise general description of the project is as follows, and plans of the principal project works are shown on Exhibit L, which is submitted herewith and made a part of this application:

(Give the name or other designation of the project and disregard such of the following items as are not applicable. Give approximate size and material of which dam, conduits, flumes, pipes and powerhouse are constructed, estimated head to be developed, estimated flow available in stream, proposed flow through plant, and approximate capacity of water-wheel and generator.)

(3) The project is located in the State of _____ County of _____, on the _____ stream, near the town of _____, in the _____ National Forest, as shown on the map submitted herewith as Exhibit K, which map is hereby made a part of this application.

(4) The lands of the United States which will be affected are:

(a) Surveyed land in public land survey: (Sections and subdivisions thereof; township, range, principal meridian) _____.

(b) Unsurveyed land in public-land State: (Estimated location by sections and subdivisions thereof; township, range, principal meridian) _____.

(c) If not in a public-land State: (Distance and general direction from a city, town or fixed monument or physical feature delineated on a map of a scale of 1:500,000 or 1:1,000,000) _____.

(5) The following project facilities are located in whole or in part on lands of the United States (dam, reservoir, etc.).

(6) What State water or other permits have been obtained authorizing the construction, operation and maintenance of the proposed project?

(7) The project will produce power for use in (tourist camp, mine, farm, etc., for domestic, industrial or other specified use; by pumps, cooking, heating, etc.) _____ of the power output, _____ percent will be sold to _____ and _____ percent will be used by the applicant.

(8) It is desired to begin construction of the project within _____ months. It is estimated that construction will be carried on during _____ months and that operation will be started within _____ months of completion of project construction.

(9) The applicant hereby designates _____ whose address is _____ as its agent and agrees that service upon such agent shall constitute full service upon it for all purposes in connection with any license issued pursuant to this application. (This is to be used only by associations or corporations.)

In witness whereof, the applicant has signed this application on the _____ day of _____, 19__.

By _____
(Name of applicant)

By _____
(If applicant is an association)

EVIDENCE OF CITIZENSHIP [1]

(To be used where applicant is an association of citizens and with minor changes where applicant is an individual.)

State of _____
County of _____ ss:

_____ and _____ being duly sworn, each for himself, depose and says that he is a citizen of the United States of America, and that all of the members of said Association have signed this affidavit.

_____
_____
_____

Subscribed and sworn to before me, a notary public of the State of _____ this _____ day of _____, 19__.

[SEAL] _____
(Notary Public)

NOTE: The following requirements for the project map to be filed as Exhibit K and plans of structure as Exhibit L are prescribed:

There shall be submitted pursuant to sections 4.60 and 131.6 with each application for license for a minor project having installed water-wheel capacity of 2,000 horsepower or less, a map, designated as Exhibit K, showing the portion of the stream developed, the location of all essential project works (dams, reservoirs, conduits, powerhouses, tailraces, access roads, and transmission lines), and the area occupied by all project works as limited by a project boundary, and indicating State, county, meridian, township, range, section and the smallest legal subdivision or numbered lot or tract. The map shall show the ownership, whether Government or private, for each parcel of land affected by the project. The map shall also indicate whether or not the affected Government land is included in any reservation such as a national forest, Indian reservation, etc.

Exhibit K shall conform to the following specifications and shall show the following information:

(1) The exhibit shall be an ink drawing on tracing linen, not smaller than 8 inches by 10½ inches, accompanied by ten prints thereof drawn to an appropriate scale of one inch equals not more than 1,000 feet.

(2) The project boundary shall be stated separately for each facility, and shown on the map. The number of feet on each side of the surveyed center lines of the conduits, roads, powerhouse unit, tailrace and transmission lines shall be at least 10 feet. The distances of the project boundary from the survey center lines need not be identical on both sides of the center lines of the structures nor for all parts of the project, and, in the vicinity of the powerhouse, they shall be large enough to allow at least 10 feet on each side of the powerhouse and to include all appurtenant project structures. Unequal offsets or changes in offsets with points of change should be definitely described on the map. The project boundary inclosing the dam and reservoir should be a surveyed line with stated courses and distances, which line shall be not less than 20 feet horizontal measurement from the ends and from the axis on the downstream side of the dam and not less than 10 feet outside of a contour around the reservoir established by the highest point on the dam and abutment. The area of the enclosure in acres should be given. The project area and boundary at

[1] If applicant is an individual, prepare affidavit accordingly, using only appropriate portion of above form. If applicant is an association, each member must be a citizen and sign the affidavit.

the powerhouse, dam, and reservoir should, if necessary for clarity, be shown in an insert sketch to a larger scale than that used for the rest of the project works.

(3) If practicable, there shall be shown one or more ties by distance and bearing from a definite point or points on the project boundary which point or points can be identified on the ground, to established corners of the public land survey or to a mineral monument or other fixed recognizable object if the land is unsurveyed.

(4) If the project affects unsurveyed Government lands, the protraction of township and section lines shall be shown; such protractions, whenever available, to be those recognized by the agency of the United States having jurisdiction over the lands.

(5) Where no government lands are affected, Exhibit K may show only the general location of the project.

(6) The map shall bear the following certificate dated and signed by the applicant: "This map is a part of the application for a license made by the undersigned this ------ day of ----------, 19--.

Exhibit L shall conform to the following specifications and shall show the following information:

(1) The exhibit shall be an ink drawing on tracing linen or process tracing if legible and of durable quality, not smaller than 8 inches by 10½ inches, accompanied by 10 prints thereof drawn to an appropriate scale of one inch equals not more than 100 feet.

(2) Exhibit L General design drawings showing plan, elevation and section of dam, conduit and powerhouse. Scales are not specified, but it is desired that they be no larger than necessary to show clearly the information required. Drawings should be simple.

(3) The drawing shall bear the following certificate dated and signed by the applicant: "This drawing is a part of the application for a license made by the undersigned this ------ day of ----------, 19--."

(Name of applicant)

[F.R. Doc. 62-10460; Filed, Oct. 18, 1962; 8:51 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARIZONA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter-named counties in the State of Arizona natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARIZONA

Pima. Pinal.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of October 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-10470; Filed, Oct. 18, 1962; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14739, 14740; FCC 62R-77]

EDINA CORP. AND TEDESCO, INC.

Memorandum Opinion and Order Amending Issues

In re applications of Edina Corp., Edina, Minnesota, Docket No. 14739, File No. BP-14018; Tedesco, Inc., Bloomington, Minnesota, Docket No. 14740, File No. BP-15272; for construction permits.

1. Edina Corp., one of the applicants in the above-captioned proceeding, requests the addition of four issues.[1] For convenience, the issues will be discussed seriatim.

2. *Interference issue.* Edina Corp. requests an issue to determine the extent of interference which would be caused by the proposed operation of Tedesco, Inc. to the proposal of Continental Broadcasting Company (BP-5395; 1080 kc, 250 w, Day) for a new standard broadcast station at Atlantic, Iowa. The latter application was dismissed by the Commission on September 5, 1962, rendering Edina's request for addition of this issue moot.

3. *"Reciprocal service" issue.* Edina requests addition of the following issue to this proceeding:

In the event either applicant seeks comparative consideration on the ground that it provides service with the required signal strength to a community other than its principal city (or if such service is not provided, whether circumstances exist which would warrant waiver of such signal strength requirements) to determine the applicability of the program origination requirement of § 3.30(a) and if applicable, to determine whether there are circumstances which would warrant waiver of the requirements of § 3.30(a).

In support of its request, Edina includes an affidavit of its consulting engineer which allegedly demonstrates "substantial compliance" with the principal city signal strength requirements of § 3.188 (b) of the Commission's rules as applied to Bloomington, Minnesota. Thus, although petitioner specified Edina, Minnesota, as its station location, it contends that should Bloomington be preferred pursuant to the section 307(b) issue, Edina Corp. should nevertheless be compared with Tedesco, Inc. to determine which applicant would better serve Bloomington. Cited in support of this contention are Consolidated Broadcasting Industries, Inc., 19 RR 1374 (1960); Kent-Ravenna Broadcasting Co., 22 RR 605 (1961); and Rockland Broadcasting Company, 23 RR 789 (1962).

4. In Consolidated Broadcasting Industries, Inc., supra, each of the applicants for Newton, Natick and Dedham, Massachusetts, and each of the applicants for Hartford and West Hartford, Connecticut, would provide 2 mv/m service to each of those communities. The Commission stated that if one community should prevail under the section 307(b) issue, "a comparative evaluation of those applicants proposing to provide primary service to the preferred community would be required." The Commission very clearly outlined the procedure to be followed in cases where separate community,[2] section 307(b), and contingent comparative issues are designated for hearing: First, there is to be a determination of whether or not the communities are to be treated as separate and distinct; after the communities are so identified, there is to be a choice made under the standard section 307(b) issue; and finally, a choice under the standard comparative issue will be made among the applicants which establish, by acceptable engineering evidence, that they would provide primary service to the preferred community. In Kent-Ravenna Broadcasting Co., supra, the Commission further determined that to be entitled to comparative consideration, an applicant must not only provide primary service to the preferred community, but must also meet the same requirements imposed on the applicant for that community (i.e., the applicant which specified the preferred community as its station location) by § 3.30 of the Commission's rules as to studio location and program origination. In the usual case, the Commission recognized, the applicant could not meet such requirements, and a request for waiver of § 3.30 must be made to entitle it to comparative consideration. In Rockland Broadcasting Company, supra, an issue similar to that requested by petitioner was added. The Commission stated that it would determine whether the program origination requirements of § 3.30(a) have been met, and, if not, whether there are circumstances which would warrant a waiver of these requirements. Not cited by petitioner but relevant to the instant question is Michigan Broadcasting Company, 20 RR 221 (1960), wherein the Commission noted that term "service" as used in "reciprocal service" issues means the service which, under the Commission's rules, an applicant is required to provide to the community which it has designated in its application as the community it proposes to serve. The Commission stated: "Thus, if community A is the favored community under section 307(b), an applicant for community B will be considered comparatively with applicant for community A only if it meets all of the requirements of our Rules which applicants for community A are required to meet."

5. Applying the above Commission pronouncements to the question before us, we conclude that Edina Corp., in order to gain comparative consideration with Tedesco, Inc., in the event that Bloomington is preferred under section 307(b), must demonstrate compliance with all Commission rules as to Bloomington, as is required of Tedesco, Inc., itself. To require less of Edina Corp. than is required of Tedesco, Inc., would not only prejudice Tedesco, Inc., but would unjustly deprive Bloomington of its right to a fair, efficient and equitable distribution of radio facilities. Recognizing that strict compliance by an applicant such as Edina Corp. with the rules as regards a community other than that specified in its application is unlikely, the Commission has indicated that substantial compliance with the coverage rules (H & R Electronics Co., 20 RR 637 (1960)) and that waiver of § 3.30(a) are possible. Edina Corp., in its petition, alleges substantial compliance with § 3.188(b) as to Bloomington. It is further noted that petitioner proposes location of its transmitter and main studio in Bloomington. Accordingly, the Review Board will add an issue (see Issue below) to determine whether Edina Corp. should be entitled to comparative consideration with Tedesco, Inc., in the event that Blooming-

[1] Before the Review Board are Edina's petition, filed on August 20, 1962, and pleadings properly and timely filed in response thereto.

[2] In the Kent-Ravenna case, the Commission determined that the separate community question would henceforth be treated as part of the standard section 307(b) issue.

ton, Minnesota, is preferred under the section 307(b) issue. A contingent standard comparative issue has already been designated for hearing in this proceeding. The presence of such issue would therefore permit comparison of the applicants not only in the event that section 307(b) considerations are not determinative (see, e.g., KWEN Broadcasting Company, FCC 62R–35, released September 14, 1962), but would also permit such comparison in the event that both aspects of the added issue are resolved in favor of Edina Corp.

6. *Trafficking issue.* By Order released August 3, 1961 (FCC 61–955), the Commission designated for hearing an application for assignment of license of Station WMIN, St. Paul, Minnesota, to Tedesco, Inc., on "trafficking" issues. The application was dismissed at the request of the assignor, but Tedesco, Inc., sought a declaratory ruling on the trafficking issue. On the ground that such a ruling would be inappropriate in that the proceeding had been rendered moot, the Commission denied Tedesco's request. Franklin Broadcasting Company, 22 RR 880 (1962). A trafficking issue was then designated by the Commission for hearing in a proceeding involving Tedesco, Inc.'s, application for a new standard broadcast station at Chisholm, Minnesota (Docket No. 14528). Tedesco, Inc., now has pending a petition for dismissal of the Chisholm application, the grant of which would render moot the trafficking issue in that proceeding. Edina Corp. now contends that this proceeding (involving Tedesco, Inc.'s, proposal for Bloomington) would be the most appropriate vehicle for resolution of the trafficking issue.[3] The Broadcast Bureau agrees. Tedesco, Inc., contends that the trafficking issue should be resolved (without hearing, if possible) in the proceeding on its application to change the facilities of Station KFNF, Shenandoah, Iowa (Docket No. 14651). In a separate Memorandum Opinion and Order (FCC 62R– ____) in the Shenandoah proceeding, the Review Board ruled that as long as the "trafficking" issue still obtains in the Chisholm proceeding, consideration of Tedesco's request should be deferred. The same considerations apply herein, and a ruling on that portion of the instant pleadings which relate to disposition of the "trafficking" issue will be held in abeyance pending resolution of the petition for dismissal of the Chisholm application.

7. *Character qualifications issues.* Edina Corp. requests addition of an issue to determine whether the actions of Tedesco, Inc. with respect to the application for transfer of Station KBLO,[4] Hot Springs, Arkansas, reflect adversely on its character qualifications. Station KBLO was in bankruptcy when Tedesco, Inc., contracted to purchase it in 1960. The application for assignment of license (BAL–4186) from the trustee in bankruptcy to Tedesco, Inc., was filed on March 22, 1961. By request of the trustee, that application was dismissed on October 12, 1961. Edina Corp. merely alleges that with such dismissal request there was filed an order by a referee in bankruptcy cancelling the sale and surcharging Tedesco, Inc., for the losses incurred by the trustee while the transfer was pending. Tedesco, Inc., has appealed the referee's order. We think that Edina Corp. has failed to allege sufficient facts to warrant addition of a character qualifications issue.

Accordingly, it is ordered, This 15th day of October 1962, That the petition for enlargement of issues filed by Edina Corp. on August 20, 1962, is granted in part and denied in part, and action on the request for a trafficking issue is deferred; and

It is further ordered, That the Commission's Memorandum Opinion and Order (FCC 62–845), released July 31, 1962, designating the above-captioned applications for hearing is amended by addition of the following issue: To determine, in the event that Bloomington, Minnesota, is preferred under the section 307(b) issue, whether the proposal of Edina Corp. would (1) be in substantial compliance with § 3.188(b) of the Commission's rules with respect to Bloomington and (2) comply with § 3.30 of the Commission's rules with respect to Bloomington, and, if not, whether circumstances exist which would warrant waiver of § 3.30 of the Commission's rules.

Released: October 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–10492; Filed, Oct. 18, 1962; 8:57 a.m.]

[Docket Nos. 14803–14805; FCC 62–1072]

FRANKLIN COUNTY BROADCASTING CO., INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Franklin County Broadcasting Company, Inc., Owensville, Missouri, Docket No. 14803, File No. BP–14539; requests: 1220 kc, 250 w, Day, Class II; Franklin County Broadcasting Company, Inc. (KYRO), Potosi, Missouri, Docket No. 14804, File No. BP–14541; has: 1280 kc, 500 w, D, Class III, requests: 1310 kc, 500 w, D, Class III; Franklin County Broadcasting Company, Inc. (KLPW), Union, Missouri, Docket No. 14805, File No. BP–14548; has: 1220 kc, 1 kw, Day, Class II, requests: 1280 kc, 1 kw, Day, Class III; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of October 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. Franklin County Broadcasting Company, Inc., is the licensee of Stations KYRO and KLPW and the applicant for BP–14539, the three instant applications. The principals in Franklin County Broadcasting Company, Inc., are officers of the licensee of Station KZIX, Ft. Collins, Colorado. In addition, two of the Franklin County Broadcasting Co., Inc. principals are the permittees of Station KLME (CP), Laramie, Wyoming. A grant of the Owensville's application would give Franklin County Broadcasting Co., Inc., control of three standard broadcast stations within a relatively small area in Missouri. Stations KYRO and KLPW are located approximately 37.5 and 27 miles, respectively, from Owensville, Missouri. Moreover, there is substantial overlap of the normally protected service areas (0.5 mv/m contours) of all three of the instant proposals. Therefore questions exist with respect to compliance with § 3.35 (a) and (b) of the rules. In considering the instant proposals and § 3.35 of the Commission's rules, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved; the number of persons residing within the overlap area; the classes of stations involved; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap and/or concentration of control involved will or will not be in contravention of § 3.35 of the Commission's rules.

2. Station KYRO proposes to change frequency from 1280 kc to 1310 kc utilizing the existing transmitter site and antenna system. However, on September 15, 1961, KYRO was authorized a change in transmitter site and the subject proposal of KYRO has not been amended to reflect this change.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from BP–14539 and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Stations KYRO and KLPW and the availability of other primary service to such areas and populations.

3. To determine whether a grant of the instant proposals would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

4. To determine whether a grant of the instant proposals would be in contravention of § 3.35(b) of the Commission rules with respect to concentration of control.

5. To determine whether the geographical coordinates describing the site in the KYRO proposal are in agreement with the coordinates in the outstanding authorization for KYRO.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That in the event of a grant, BP–14539 is subject to compliance with any applicable procedures of the FAA.

It is further ordered, That in the event of a grant of applications, BP–14541 and BP–14548, the construction permit shall be conditioned as follows: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization and such operation is precluded.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, in each community where the stations are located or proposed to be located, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362 (g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–10493; Filed, Oct. 18, 1962; 8:57 a.m.]

[3] The instant proceeding as it relates to Tedesco, Inc., cannot be made final until resolution of the trafficking issue in the Chisholm case.

[4] The call letters have since been changed from KBLO to KZNG.

[Docket Nos. 14801, 14802; FCC 62–1071]

FRAN-MACK BROADCASTING CO., INC., AND RADIO SMILES, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Fran-Mack Broadcasting Company, Inc., Fayetteville, North Carolina, Docket No. 14801, File No. BP–14417; requests: 1450 kc, 250 w, U, Class IV; Radio Smiles, Inc., Spring Lake, North Carolina, Docket No. 14802, File No. BP–14615; requests: 1450 kc, 250 w, 500–LS, U, Class IV; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of October 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals;

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposals of Fran-Mack and Radio Smiles are mutually exclusive.

2. The proposal of Radio Smiles, Inc. will cause interference to Station WFVG, Fuquay Springs, North Carolina.

3. The Fran-Mack Broadcasting Company, Inc., proposal may not comply with § 3.188(a)(1) of the Commission rules in that the location of the transmitter may not serve adequately the center of the population in which the studio is located during nighttime operation.

4. Upon the basis of information submitted with the proposal of Fran-Mack, it cannot be determined that the applicant is financially qualified to construct and operate its proposed station. It is noted that the financing plan is dependent on Michael H. Meiselman, a stock subscriber, loaning an amount up to $50,000, should additional money be needed to operate the station. However, the loan commitment appears to be incomplete as it fails to specify terms of repayment and security as required by section III, paragraph 4(c) of the application form. (FCC Form 301.)

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the above captioned applications and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Radio Smiles, Inc., would cause objectionable interference to Station WFVG, Fuquay Springs, North Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the instant proposal of Fran-Mack would provide coverage of the city sought to be served, as required by § 3.188(a)(1) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether Fran-Mack Broadcasting Company, Inc., is financially qualified to construct and operate its proposed station.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the event it is concluded that a choice between the instant applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast stations.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed stations.

(c) The programming services proposed in each of the instant applications.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, Carl Vernon Venters, Jr., and Herbert Cloid Wade, Jr., d/b as WFVG Broadcasting Company, licensee of Station WFVG, Fuquay Springs, North Carolina, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the application of the Fran-Mack Broadcasting Company, Inc., the construction permit shall contain the following condition: This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to §1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on

from KBLO to KZNG.

by the issues specified below, each of the applicants is legally, technically, finan-

2. To determine the areas and populations which may be expected to gain or

[F.R. Doc. 62-10493; Filed, Oct. 18, 1962; 8:57 a.m.]

service from the above captioned appli-

mission in triplicate, a written appearance stating an intention to appear on

the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the applications will be effectuated.

Released: October 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10494; Filed, Oct. 18, 1962; 8:57 a.m.]

[Docket Nos. 14799, 14800; FCC 62-1070]

GRIFFITH BROADCASTING CORP. AND PARKWAY BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Griffith Broadcasting Corporation, Lynchburg, Virginia, Docket No. 14799, File No. BP-14340; requests: 930 kc, 1 kw, Day, Class III; M. Condon Bowers, Jr., and Richard A. Moran, d/b as Parkway Broadcasting Company, Buena Vista, Virginia, Docket No. 14800, File No. BP-14356; requests: 930 kc, 5 kw, Day, Class III; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of October 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The applications are mutually exclusive.

2. The proposal of Parkway Broadcasting Company, if granted, would appear to cause groundwave objectionable interference to the existing operation of Station WFMD, Frederick, Maryland, which filed a Petition to Deny on this ground and also because of interference from any possible presunrise operation. In the latter respect, any authorization is conditioned on nonoperation prior to sunrise. This also makes it unnecessary to discuss further petitions by WBEN, Inc., licensee of Station WBEN, Buffalo, New York, and Carolina Broadcasting Company, licensee of Station WSOC, Charlotte, South Carolina, seeking relief as to possible presunrise operation.

3. As to the Parkway Broadcasting Company proposal, a serious question is presented concerning the ability of the area to produce adequate revenue and we are of the opinion that an issue should be included to show that its estimate of operating revenues is realistic.

4. It cannot be determined whether the Griffith Broadcasting Corporation antenna site complies with criteria set forth in Federal Aviation Agency regulations (§ 626.12).

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each proposal and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from either of the instant proposals.

3. To determine whether the instant proposal of Parkway Broadcasting Company would cause objectionable interference to Station WFMD, Frederick, Maryland, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

4. To determine whether Parkway Broadcasting Company is financially qualified to construct and operate his proposed station and whether its estimate of expected operating revenues is reasonable.

5. To determine whether there is a reasonable possibility that the tower height and location proposed by Griffith Broadcasting Corporation would constitute a menace to air navigation.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That The Monocacy Broadcasting Company, licensee of Station WFMD, Frederick, Maryland, and the Federal Aviation Agency are made parties to the proceeding.

It is further ordered, That, in the event of a grant of either application, the construction permit shall contain the following conditions:

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

To the extent that it permits operation with daytime facilities prior to local sunrise, § 3.87 of the Commission rules is not applicable to this authorization and such operation is precluded.

It is further ordered, That the petition of The Monocacy Broadcasting Company is granted to the extent indicated herein and, in all other respects, denied.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission Rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(h) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10495; Filed, Oct. 18, 1962; 8:58 a.m.]

[Docket No. 14733; FCC 62M-1365]

HUDSON VALLEY BROADCASTING CORP. (WEOK)

Order Re Procedural Dates

In re application of Hudson Valley Broadcasting Corporation (WEOK), Poughkeepsie, New York, Docket No. 14733, File No. BP-14590; for construction permit.

The Hearing Examiner having under consideration a petition filed October 11, 1962, by Hudson Valley Broadcasting Corporation, requesting changes in certain procedural dates as follows: (a) November 7, 1962—preliminary exchange of engineering exhibits and final exchange of lay exhibits;[1] (b) November 14, 1962—informal conference on engineering; (c) November 23, 1962—final exchange of engineering exhibits and notification by applicant of proposed witnesses; and (d) prior to November 28, 1962—notification by other parties of applicant's witnesses;

It appearing that counsel for respondents, intervenor, and Broadcast Bureau have agreed to the revised schedule and to its prompt adoption, and that a grant of the petition will conduce to the orderly dispatch of the Commission's business:

It is ordered, This 12th day of October 1962, that the subject petition is granted, and that, in lieu of the dates established in the Hearing Examiner's Order released September 21, 1962, the following procedural dates are established: (1) Preliminary exchange of applicant's engineering exhibits and final exchange of applicant's lay exhibits—November 7, 1962; (2) informal engineering conference—November 14, 1962; (3) final exchange of applicant's engineering exhibits with notification by applicant of witnesses it intends to produce to supplement its written case—November 23, 1962; and (4) notification by other parties of witnesses, if any, desired for cross-examination—prior to November 28, 1962; and

It is further ordered, That the date of commencement of hearing, now scheduled for November 28, 1962, shall remain unchanged.

Released: October 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10496; Filed, Oct. 18, 1962; 8:58 a.m.]

[Docket Nos. 14726, 14727; FCC 62M-1364]

PROGRESS VALLEY BROADCASTERS CO. AND SHAKOPEE BROADCASTING CO.

Order Continuing Hearing

In re applications of George J. McCarthy, Robert J. Chevalier and Robert D. Zellmer, Limited Partnership, d/b as Progress Valley Broadcasters Company, Shakopee, Minnesota, Docket No. 14726, File No. BP-14665; Alfred R. Sundberg, James J. Delmont and Edward M. Smith, Limited Partnership, d/b as Shakopee Broadcasting Company, Shakopee, Minnesota, Docket No. 14727, File No. BP-15281; for construction permits.

[1] The nature of the exhibits so to be exchanged makes unnecessary further adherence to the October 31, 1962, date (established in the Hearing Examiner's September 21, 1962 Order) for a preliminary exchange of applicant's lay exhibits.

It is ordered, This 12th day of October 1962, that the procedural dates heretofore specified herein are extended as follows: Exchange of written cases from October 23 to November 6, 1962, notification of witnesses from October 29 to November 13, 1962, and hearing from November 5 to November 19, 1962.

It is further ordered, That the joint petition of the applicants herein, filed October 9, 1962, for extensions of procedural dates, is dismissed as moot.

Released: October 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10497; Filed, Oct. 18, 1962; 8:58 a.m.]

[Docket Nos. 14806-14808; FCC 62-1073]

VALPARAISO BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of William H. Wardle, Robert A. Jones and F. Patrick Nugent d/b as Valparaiso Broadcasting Company, Valparaiso, Indiana, Docket No. 14806, File No. BP-14888; requests: 1500 kc, 500 w, (250 w C.H.), D, Class II; Leonard J. Ellis and Benice A. Ellis d/b as Porter County Broadcasting Company, Valparaiso, Indiana, Docket No. 14807, File No. BP-14980; requests: 1500 kc, 1 kw, DA-D, Class II; Porter County Broadcasting Corporation, Valparaiso, Indiana, Docket No. 14808, File No. BP-14982; requests: 1500 kc, 250 w, DA-D, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of October 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The above-captioned applications are mutually exclusive.

2. The proposals of Porter County Broadcasting Company (BP-14980) and Valparaiso Broadcasting Company (BP-14888) appear to cause interference to Station WJRC (CP) Joliet, Illinois.

3. The financial data submitted by Porter County Broadcasting Corporation and Valparaiso Broadcasting Company fails to show that adequate cash and liquid assets are available to the parties to fulfill their respective commitments to the applicants so that the proposed operations, if granted could be constructed and operated for a reasonable period of time.

4. Dee O. Coe, J. Mark Coe, and Victor H. Voss (the sole stockholders of applicant Porter County Broadcasting Corporation), are the controlling shareholders, officers and directors of the licensees of Station WWCA, Gary, Indiana, and Station WLOI, LaPorte, Indiana. A grant of the instant application of Porter County Broadcasting Corporation would give the herein named persons control of three standard broadcast stations within a radius of approximately 25 miles and the primary service area of applicant would involve substantial overlap of the primary service areas of Stations WWCA and WLOI. Therefore, questions exist with respect to compliance with § 3.35 (a) and (b) of the rules. In considering the Porter County Broadcasting Corporation proposal and § 3.35 of the Commission's rules, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to such areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap and/or concentration of control involved will or will not be in contravention of § 3.35 of the Commission's rules.

5. It appears that there is a substantial difference in the service areas of the above-captioned proposals.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the above-captioned applications and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Valparaiso Broadcasting Company (BP-14888) and Porter County Broadcasting Company (BP-14980) would cause interference to Station WJRC (CP) Joliet, Illinois, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether Porter County Broadcasting Corporation and

of Station WFMD, Frederick, Maryland, which filed a Petition to Deny on this

1934, as amended, which of the instant proposals would better provide a fair,

Broadcasting Corporation (WEOK), Poughkeepsie, New York, Docket No.

21, 1962 Order) for a preliminary exchange of applicant's lay exhibits.

structed and operated for a reasonable period of time.

3. To determine whether Porter County Broadcasting Corporation and

Valparaiso Broadcasting Company are financially qualified to construct and operate their respective proposed stations.

4. To determine whether a grant of the instant proposal of Porter County Broadcasting Corporation would be in contravention of the provisions of § 3.35 (a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

5. To determine whether a grant of the instant proposal of Porter County Broadcasting Corporation would be in contravention of § 3.35(b) of the Commission rules with respect to concentration of control.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event it is concluded that a choice between the instant applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed stations.

(c) The programming services proposed in each of the instant applications.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That Radio Joliet, permittee of Station WJRC (CP), Joliet, Illinois, is made a party to the proceeding.

It is further ordered, That in the event of a grant of any of the above-captioned applications, the construction permit shall be conditioned as follows:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of §3.87 of the Commission rules are not extended to this authorization and such operation is precluded.

Permittee shall accept any interference which may result in the event of a subsequent grant of the applications of Service Broadcasting Corporation, Kenosha, Wisconsin, File No. BP-14786, and Z-B Broadcasting Co., Zion, Illinois, File No. BP-15458.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10498; Filed, Oct. 18, 1962; 8:58 a.m.]

[FCC 62-1049]

NONCOMMERCIAL SPOT ANNOUNCEMENTS NOT TO BE CONSIDERED PROGRAM MATERIAL IN COMPUTING PROGRAM PERCENTAGES BY TYPE

OCTOBER 11, 1962.

An increasing number of renewal applications are being filed with the Commission which contain, in the program log analysis for the composite week, percentage figures as to programming by types (i.e., Religious, Agricultural, Educational, etc.) in section IV, Paragraph 2(a), which are improperly computed because the licensee has classified noncommercial spot announcements as program material and included such material as the basis for some of the statistical information. For example, a number of applicants broadcast one or more noncommercial spot announcements relating to school safety, back-to-school campaigns, school lunch menus, etc., within a time segment consisting primarily of recorded music and then categorize the entire segment as Educational. Another such practice is to include in the percentage of time devoted to the "Talks" category or to a special "Public Service" program category the total amount of time devoted to noncommercial spot announcements. A third such practice is to determine the total amount of time devoted to noncommercial spot announcements based upon the subject matter of such announcements (i.e., Religious, Agricultural, Educational, etc.) and to include that amount of time in the percentage computation for the respective program categories by type.

While this is not intended as an indication that noncommercial spot announcements do not serve a useful purpose, licensees are advised that noncommercial spot announcements as defined by the Commission are not considered as "programs" for the purpose of computing the percentage figures required by section IV, Paragraph 2, of the renewal application and other reports to the Commission. Nor shall the nature of noncommercial spot announcements broadcast within a time segment be used to determine the program type for that time segment to be reported in paragraph 2 (a) and (b). Instructions in paragraph 2, section IV, of the renewal application specifically state, for instance, that programs intended primarily to entertain shall be included in the Entertainment category. The renewal application provides for the reporting of the *number* of noncommercial spot announcements in paragraph 4(a), section IV. In order to be categorized separately, nonentertainment programs of short duration that are not noncommercial spot announcements should be separately logged, in accordance with § 3.111(a)(2) of the Commission's rules.

The Commission expects its licensees to be candid in their representations with respect to programming contained in section IV of its application forms. Future inaccuracies of the types described above will be viewed as serious violations of Commission instructions. Applicants with renewal applications now pending before the Commission and licensees preparing to file renewal applications should review their responses to section IV to determine whether program percentage figures were improperly computed. In the case of pending applications, the responses to section IV should be amended, if necessary.

Adopted: October 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10491; Filed, Oct. 18, 1962; 8:57 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7062]

GULF STATES UTILITIES CO.

Notice of Application

OCTOBER 15, 1962.

Take notice that on October 3, 1962, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Gulf States Utilities Company (Applicant), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana, with its principal business office at Beaumont, Texas, seeking authorization to issue and to sell at competitive bidding $16,000,000, principal amount of First Mortgage Bonds, ____ percent Series A, due 1992. Applicant states that the new Bonds will be dated the first day of the month in which they are issued (presently expected to be November 1, 1962), and will be due 30 years from that date. The interest rate will be set forth in an amendment to the application. The Bonds will be issued under Applicant's Indenture of Mortgage to the Hanover Bank, Trustee, dated September 1, 1926, as heretofore supplemented and modified by Supplemental Indentures to and including a Twenty-first Supplemental Indenture dated as of May 1, 1962, and as to be further supplemented by a Twenty-second Supplemental Indenture to be dated as of the first day of the month in which the new Bonds are issued. Applicant states that the proceeds from the sale of the Bonds, together with cash on hand, will be used to redeem $16,000,000, principal amount of presently outstanding First Mortgage Bonds, 5¼ percent Series A, due 1989, callable at 107.10 percent of the principal amount thereof, plus accrued interest to the redemption date. The redemption premium to be paid in excess of the principal amount is $1,136,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the thirty-first day of October 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10459; Filed, Oct. 18, 1962; 8:50 a.m.]

[Docket No. CP62-243 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Order Granting Motion To Consolidate Further Consolidation of Applications, Fixing Date of Hearing and Giving Notice of Applications

OCTOBER 15, 1962.

Natural Gas Pipeline Company of America, Docket Nos. CP62-243, CP61-339; Mississippi River Fuel Corporation, Docket No. CP61-341; Mississippi River Transmission Corporation, Docket Nos. CP61-341, CP61-339, CP62-76, CP62-242; Oklahoma Illinois Gas Pipeline Company, Docket No. CP62-260; Pan American Petroleum Corporation, Docket Nos. CI62-1347, CI62-1348, CI62-1349; Midwest Oil Corporation, Docket No. CI62-135; Sunray DX Oil Company, Docket Nos. CI62-1383, CI62-1386, CI62-1387; Shell Oil Company, Docket Nos. CI62-1401, CI62-1402, CI62-1403; Cleroy Inc., et al., Docket No. CI62-1424; Robert G. Anderson, Docket No. CI62-1442; Phillips Petroleum Company, Docket Nos. CI62-1453, CI62-1454; Champlin Oil & Refining Company, Docket Nos. CI62-1455, CI62-1456; Slats Honeymon Drilling Company, Docket No. CI62-1463; Thomas N. Berry & Company, Docket No. CI62-1465; Thomas C. Mueller, Docket No. CI62-1467; W. C. Sojourner, et al., Docket No. CI62-1470; John P. Gallagher, et al., Docket No. CI62-1471; Keener Oil Company, Docket No. CI62-1480; H. H. Coffield, Docket No. CI62-1482; H. L. Willett, Docket No. CI62-1488; Kingwood Oil Company, Docket No. CI62-1514; Fred C. Mueller, Docket No. CI62-1531; Cities Service Petroleum Co., Docket No. CI62-1556; Kingwood Oil Company, Docket No. CI63-3; Sohio Petroleum Company, Docket Nos. CI63-34, CI63-52; Southern Union Production Company, Docket No. CI63-54; T. F. Hodge, Docket No. CI63-81; Kirby Production Company, Docket No. CI63-85; El Paso Natural Gas Products Company, Docket No. CI63-89; Continental Oil Company, Docket No. CI63-118; Tidewater Oil Company, Docket Nos. CI63-119, CI63-120; E. A. Obering, Docket No. CI63-139; Ashland Oil & Refining Company, Docket No. CI63-178; Marathon Oil Company, Docket Nos. CI63-313, CI63-314, CI63-315; George W. Pirtle, Docket No. CI62-1481.

By our notice of July 12, 1962, the above-designated docketed applications and motions therein of Natural Gas Pipeline Company of America (Natural), Mississippi River Transmission Corporation (Mississippi Transmission) and Mississippi River Fuel Corporation (Mississippi Fuel) were consolidated and set for formal hearing.[1] In short, Natural proposes to construct 62 miles of 30-inch pipeline looping and install an additional 2,800 BHP of compression at an existing compressor station with a combined estimated cost of $6,616,000[2] so as to (1) increase the design day sales capacity of its pipeline system by 35,000 Mcf and (2) sell an equivalent amount of natural gas, on a firm basis, to Mississippi Transmission for resale by the latter to Mississippi Fuel. Mississippi Fuel in turn would resell it to its customers in the St. Louis, Missouri area. Delivery of the gas would be effected through use of existing facilities interconnecting Natural and Mississippi Transmission and Mississippi Transmission with Mississippi Fuel. No additional facilities are required either by Mississippi Fuel or Mississippi Transmission.

On July 20, 1962, Oklahoma Illinois Gas Pipeline Company (Oklahoma Illinois) filed a motion to consolidate its application in Docket No. CP62-260 with the Natural, et al., applications. Answers in opposition to the motion were filed by the Natural, et al., applicants.

Oklahoma Illinois, in its application in CP62-260 seeks authority to construct and operate 394 miles of 12 and 20-inch supply lines and 307 miles of 24-inch transmission pipeline, together with related gathering, lateral and compressor facilities so as to (1) transport to the St. Louis, Missouri area up to 105,000 Mcf per day of gas purchased by industrial concerns directly from Oklahoma gas field producers, (2) sell to distributing utilities for resale up to 81,000 Mcf per day of contract demand and winter peaking service and (3) sell an interruptible supply of gas to the same industrial customers for whom Oklahoma Illinois would also be rendering the aforementioned transportation service. The initial capacity of the pipeline is to be 186,000 Mcf per day with a capability of being expanded to 300,000 Mcf per day with additional compression. Total estimated cost is $64,000,000. The gas supply associated with the proposed transportation service and Oklahoma Illinois' proposed sales is to be furnished by and/or acquired from 43 producers, all within the State of Oklahoma.[3] To date only 31 of these producers, as set forth in the caption of this order, have filed applications with this Commission.

The matters are interrelated and should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

The Commission orders:

(A) Oklahoma Illinois' motion to consolidate its application in CP62-260 with the applications of Natural Gas Pipeline Company of America, et al., in Docket Nos. CP62-243, et al., is hereby granted.

(B) Consolidation is also ordered herein of the producer applications as set forth in the caption of this order.

(C) The hearing postponed by our notice of September 4, 1962, is hereby rescheduled, as consolidated by this order, to commence on December 12, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

(D) Additional protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before October 30, 1962.

(E) In order to expedite the hearing, all applicants shall serve upon all parties by November 1, 1962, the testimony and exhibits to be relied upon at the hearing in support of their respective cases. In this regard, once the hearing has commenced and the respective applicants' evidence introduced in evidence and objections thereto disposed of, cross-examination shall commence immediately. This however, should not be construed as a pre-emption of the Presiding Examiner's right to prescribe the manner in which the hearing is to be conducted.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10458; Filed, Oct. 18, 1962; 8:50 a.m.]

[Docket No. RI63-31 etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Correction

OCTOBER 12, 1962.

Union Oil Company of California, et al., Docket Nos. RI63-31, et al.; N. Appleman Company, et al., Docket No. RI63-32.

[1] By notice of September 4, 1962, the hearing was postponed until a date to be fixed by further notice.

[2] Costs related to the acquisition by Natural of certain existing interconnecting facilities between Natural and Mississippi Transmission are estimated at an additional $11,275.

[3] See Oklahoma Illinois' application, Supplement No. 1, Volume 1, Exhibit H.

In the Order Providing For Hearing on And Suspension of Proposed Changes In Rates, issued August 10, 1962 and published in the FEDERAL REGISTER August 17, 1962 (F.R. Doc. 62-8259; 27 F.R. 8229). In the chart, under Docket No. RI63-32, N. Appleman Company, et al., change the "Amount of Annual Increase" from "$23,791" to "$42,925".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10457; Filed, Oct. 18, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2478]

PROFESSIONAL INSURORS AND INVESTORS, LTD.

Order Canceling Hearing and Making Suspension Permanent

OCTOBER 15, 1962.

The Commission by order dated June 25, 1962, having temporarily suspended the Regulation A exemption of Professional Insurors and Investors, Ltd., 123 Cook Street, Denver, Colorado, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, and Professional Insurors and Investors, Ltd., having requested a hearing upon the allegations set forth in the aforementioned order, and the Commission by order dated August 13, 1962, having ordered a hearing in the above-entitled matter, pursuant to section 3(b) of the Securities Act of 1933, as amended, and the applicable provisions thereunder, to commence on September 17, 1962, at 10:00 a.m., m.s.t., at the Denver Regional Office of the Commission, 802 Midland Savings Building, 444 17th Street, Denver 2, Colorado, before Hearing Officer Sidney Gross, and said hearing having been postponed until October 16, 1962, and

The company having requested a withdrawal of its request for a hearing, and the Division of Corporation Finance and the Denver Regional Office not objecting thereto,

It is ordered, That the request for hearing be, and it hereby is, deemed withdrawn.

It is further ordered, That the hearing in this matter scheduled for October 16, 1962, be, and it hereby is, canceled.

Pursuant to the provisions of Rule 261(b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by the company becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-10432; Filed, Oct. 18, 1962; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-I-2 (Revision 2)]

CHIEF, PROCUREMENT AND TECHNICAL ASSISTANCE DIVISION

Delegation Relating to Procurement and Technical Assistance

I. Pursuant to the authority delegated by the Regional Director by Delegation of Authority No. 30 (Revision 7), 27 F.R. 6247, there is hereby redelegated to the Chief, Procurement and Technical Assistance Division, the authority:

A. *Procurement and technical assistance.* 1. To determine joint set-asides for Government procurements and sales.

2. To make original determinations and determinations upon reconsideration thereof as to which concerns are small businesses within the meaning of the Small Business Size Standards Regulations, as amended, except, that no authority is given to make determinations in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements. This authority is limited to the Procurement and Technical Assistance program and does not permit the issuance of Small Business Certificates.

B. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days for employees under his supervision.

2. To authorize travel for employees under his supervision.

II. The authority delegated in I.A.1 may be redelegated. All other authority delegated herein may not be redelegated.

III. The authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Procurement and Technical Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Procurement and Technical Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 30, 1962.

THOMAS J. NOONAN,
Regional Director,
Boston Regional Office.

[F.R. Doc. 62-10433; Filed, Oct. 18, 1962; 8:47 a.m.]

[Delegation of Authority 30-I-3 (Revision 2)]

ADMINISTRATIVE OFFICER

Delegation Relating to Administrative Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority 30 (Revision 7) (27 F.R. 6247), there is hereby delegated to the Administrative Officer, the authority:

A. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay not to exceed 30 days for employees under his supervision.

3. To authorize travel other than travel involving a change of official duty station for employees under his supervision.

4. To (a) make emergency purchases chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but not more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

5. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

6. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

7. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

8. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

9. To establish and classify all non-technical positions subject to the Classification Act of 1949, as amended, in grades GS-1 through GS-7.

II. The authority delegated herein cannot be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Administrative Officer.

IV. All previous authority delegated to the Administrative Officer is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 30, 1962.

THOMAS J. NOONAN,
Regional Director,
Boston Regional Office.

[F.R. Doc. 62-10434; Filed, Oct. 18, 1962; 8:47 a.m.]

[Delegation of Authority 30-I-4 (Revision 2)]

REGIONAL COUNSEL

Delegation Relating to Legal Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation

No. 30 (Revision 7), 27 F.R. 6247, there is hereby redelegated to the Regional Counsel the authority:

A. *Legal.* To disburse approved loans.

B. *Eligibility.* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Administrative.* To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

II. The authority delegated herein may be redelegated, except I.B. cannot be redelegated.

III. The authority delegated herein may be exercised by any SBA employee designated as Acting Regional Counsel.

IV. All previous authority delegated by the Regional Director to the Regional Counsel is hereby rescinded without prejudice to actions taken under all such delegation prior to the date hereof.

Effective date: July 30, 1962.

THOMAS J. NOONAN,
Regional Director,
Boston Regional Office.

[F.R. Doc. 62-10435; Filed, Oct. 18, 1962; 8:47 a.m.]

[Delegation of Authority 30-I-9]

DEPUTY REGIONAL DIRECTOR

Rescission of Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

Notice is hereby given that this delegation (24 F.R. 4896) is rescinded in its entirety without prejudice to any actions taken under the delegation.

Effective Date: July 30, 1962.

THOMAS J. NOONAN,
Regional Director,
Boston Regional Office.

[F.R. Doc. 62-10436; Filed, Oct. 18, 1962; 8:48 a.m.]

[Delegation of Authority 30-I-10 (Revision 1)]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 7), 27 F.R. 6247, there is hereby redelegated to the Chief, Financial Assistance Division the authority:

A. *Financial assistance.* 1. To approve and decline the following:

a. Direct loans not exceeding $50,000.

b. Participation loans not exceeding $150,000.

c. Limited loan participation not exceeding $25,000.

d. Small loans not exceeding $25,000.

e. Disaster loans not exceeding $50,000.

2. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

3. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
(Name)
Chief, Financial Assistance Division.

4. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

8. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Eligibility.* To make original determinations and determinations upon the reconsideration thereof as to which concerns are small businesses within the meaning of the Small Business Size Standards Regulation, as amended, except no determinations will be made in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements, unless otherwise authorized. This authorization does not permit the issuance of Small Business Certificates. This authority is limited to the Financial Assistance program only.

C. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay not to exceed 30 days for employees under his supervision.

2. To authorize travel other than travel involving a change of official duty station for employees under his supervision.

II. The authority delegated herein can be redelegated, except I.B. cannot be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 30, 1962.

THOMAS J. NOONAN,
Regional Director,
Boston Regional Office.

[F.R. Doc. 62-10437; Filed, Oct. 18, 1962; 8:48 a.m.]

[Delegation of Authority 30-I-11 (Revision 1)]

CHIEF, LOAN PROCESSING SECTION

Delegation Relating to Loan Processing

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation of Authority 30-I-10 (Revision 1) dated July 30, 1962, there is hereby delegated to the Chief, Loan Processing Section, the authority:

A. *Financial assistance.* 1. To approve the following:

a. Direct loans not exceeding $50,000.

b. Participation loans not exceeding $150,000.

c. Limited loan participation not exceeding $25,000.

d. Small loans not exceeding $25,000.

e. Disaster loans not exceeding $50,000.

2. To decline Limited Loan Participation not exceeding $25,000.

3. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
(Name)
Chief, Loan Processing Section.

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

B. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave

without pay not to exceed 30 days for employees under his supervision.

II. The authority delegated herein cannot be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Processing Section.

IV. All previous authority delegated to Chief, Loan Processing by the Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 30, 1962.

BERNARD F. O'NEIL,
Chief, Financial Assistance Division, Boston Regional Office.

[F.R. Doc. 62-10438; Filed, Oct. 18, 1962; 8:48 a.m.]

[Delegation of Authority 30-I-12 (Revision 2)]

CHIEF, LOAN ADMINISTRATION SECTION

Delegation Related to Loan Administration

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation of Authority 30-I-10 (Revision 1), dated July 30, 1962, there is hereby delegated to the Chief, Loan Administration Section, the authority:

A. *Financial assistance.* 1. To approve amendments and modifications of loan authorizations for loans that have been fully disbursed.

2. To take all necessary action in connection with the servicing, administration and collection of all loans and other obligations or assets, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay not to exceed 30 days for employees under his supervision.

II. The authority delegated herein cannot be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section.

IV. All previous authority delegated to Chief, Loan Administration by the Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 30, 1962.

BERNARD F. O'NEIL,
Chief, Financial Assistance Division, Boston Regional Office.

[F.R. Doc. 62-10439; Filed, Oct. 18, 1962; 8:48 a.m.]

[Delegation of Authority 30-I-14]

BRANCH COUNSEL, AUGUSTA, MAINE

Delegation Relating to Legal Activities

I. Pursuant to the authority delegated to the Branch Manager by Delegation of Authority No. 30-I-15 (Revision 2) dated July 30, 1962, there is hereby delegated to branch counsel, the authority:

A. *Loan closing.* 1. To disburse approved loans.

B. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days for employees under his supervision.

2. To authorize travel other than travel involving a change of official duty station for employees under his supervision.

II. The authority delegated herein cannot be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Counsel.

Effective date: July 30, 1962.

MAURICE F. WILLIAMS,
Branch Manager,
Boston Regional Office.

[F.R. Doc. 62-10440; Filed, Oct. 18, 1962; 8:48 a.m.]

[Delegation of Authority 30-I-15 (Revision 2)]

BRANCH MANAGER, AUGUSTA, MAINE

Delegations Relating to Operation of Branch Office

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 7), 27 F.R. 6247, there is hereby delegated to the Branch Manager, Augusta, Maine, the authority:

A. *Financial assistance.* 1. To approve and decline the following:

a. Direct loans not exceeding $20,000.

b. Participation loans not exceeding $100,000.

c. Limited loan participation not exceeding $15,000.

d. Small loans not exceeding $15,000.

e. Simplified Bank Participation loans not exceeding $150,000.

2. To approve disaster loans not exceeding $50,000.

3. To decline disaster loans of any amount.

4. To disburse approved loans.

5. To enter into business loan and disaster loan participation agreements with banks.

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
(Name)
Branch Manager.

7. To cancel, reinstate, modify, and amend authorizations for business or disaster loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

10. To approve service charges by participating bank not to exceed two per cent per annum on the outstanding balance of construction loans involving accounts receivable and inventory financing.

11. To take all necessary actions in connection with the administration, servicing and collection of all loans and other obligations or assets; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Investment program.* 1. To disburse Section 502 loans.

2. To extend the disbursement period on Section 502 loans authorization or undisbursed portions of Section 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed Section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of Section 502 loans.

C. *Procurement and technical assistance.* 1. To determine joint set asides for Government procurement and sales.

D. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave, except advanced annual and sick leave; (b) leave without pay, not to exceed 30 days.

3. To (a) make emergency purchases chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but not more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

6. To (a) authorize or approve official travel; and (b) administratively approve travel reimbursement claims.

7. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

8. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Eligibility.* 1. To make original determinations and determinations upon the reconsideration thereof as to which concerns are small businesses within the meaning of the Small Business Size Standards Regulations, as amended, except no determinations will be made in those cases which involve questions of dominance, questions relating to cooperatives, and questions involving franchise, license or other contractual agreements, unless otherwise authorized. This authorization does not permit the issuance of Small Business Certificates.

II. The specific authority delegated in Items I.A.4 and I.B.1 may be redelegated. All other authority delegated herein may not be redelegated.

III. All authority herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated to the Branch Manager by the Regional Director is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 30, 1962.

THOMAS J. NOONAN,
Regional Director,
Boston Regional Office.

[F.R. Doc. 62-10441; Filed, Oct. 18, 1962; 8:48 a.m.]

[Delegation of Authority 30-I-16 (Revision 2)]

BRANCH MANAGER, PROVIDENCE, RHODE ISLAND

Delegations Relating to Operations of Branch Office

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 7), 27 F.R. 6247, there is hereby delegated to the Branch Manager, Providence, Rhode Island, the authority:

A. *Financial assistance.* 1. To approve and decline the following:

a. Direct loans not exceeding $20,000.

b. Participation loans not exceeding $100,000.

c. Limited loan participation not exceeding $15,000.

d. Small loans not exceeding $15,000.

e. Simplified Bank Participation loans not exceeding $150,000.

2. To approve disaster loans not exceeding $50,000.

3. To decline disaster loans of any amount.

4. To disburse approved loans.

5. To enter into business loan and disaster loan participation agreements with banks.

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
(Name)
Branch Manager.

7. To cancel, reinstate, modify, and amend authorizations for business or disaster loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

10. To approve service charges by participating bank not to exceed two per cent per annum on the outstanding balance of construction loans involving accounts receivable and inventory financing.

11. To take all necessary actions in connection with the administration servicing, and collection of all loans and other obligations or assets; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator:

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Investment program.* 1. To disburse section 502 loans.

2. To extend the disbursement period on section 502 loans authorization or undisbursed portions of section 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

C. *Procurement and technical assistance.* To determine joint set-asides for Government procurement and sales.

D. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave, except advanced annual and sick leave; (b) leave without pay, not to exceed 30 days.

3. To (a) make emergency purchases chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but not more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

6. To (a) authorize or approve official travel; and (b) administratively approve travel reimbursement claims.

7. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

8. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Eligibility.* I. To make original determinations and determinations upon the reconsideration thereof as to which concerns are small businesses within the meaning of the Small Business Size Standards Regulations, as amended, except no determinations will be made in those cases which involve questions of dominance, questions relating to cooperatives, and questions involving fran-

chise, license or other contractual agreements, unless otherwise authorized. This authorization does not permit the issuance of Small Business Certificates.

II. The specific authority delegated in Items I.A.4 and I.B.1 may be redelegated. All other authority delegated herein cannot be redelegated.

III. All authority herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated to the Branch Manager by the Regional Director is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective Date: July 30, 1962.

THOMAS J. NOONAN,
Regional Director,
Boston Regional Office.

[F.R. Doc. 62-10442; Filed, Oct. 18, 1962; 8:48 a.m.]

[Delegation of Authority 30-I-17 (Revision 1)]

CHIEF, LOAN LIQUIDATION SECTION

Delegation Relating to Loan Liquidation

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation of Authority 30-I-10 (Revision 1) dated July 30, 1962, there is hereby delegated to the Chief, Loan Liquidation Section, the authority:

A. *Financial assistance.* 1. To take all necessary actions on the liquidation of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay not to exceed 30 days for employees under his supervision.

II. The authority delegated herein cannot be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Liquidation Section.

IV. All previous authority delegated to Chief, Loan Liquidation by Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 30, 1962.

BERNARD F. O'NEIL,
Chief, Financial Assistance Division, Boston Regional Office.

[F.R. Doc. 62-10443; Filed, Oct. 18, 1962; 8:49 a.m.]

[Delegation of Authority 30-I-18]

BRANCH COUNSEL, PROVIDENCE, RHODE ISLAND

Delegation Relating to Legal Activities

I. Pursuant to the authority delegated to the Branch Manager by Delegation of Authority 30-I-16 (Revision 2) dated July 30, 1962, there is hereby delegated to the branch counsel within his branch, the authority:

A. *Loan closing.* 1. To disburse approved loans.

B. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days for employees under his supervision.

2. To authorize travel other than travel involving a change of official duty station for employees under his supervision.

II. The authority delegated herein cannot be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Counsel.

Effective date: July 30, 1962.

ANTHONY S. STASIO,
Branch Manager,
Boston Regional Office.

[F.R. Doc. 62-10444; Filed, Oct. 18, 1962; 8:49 a.m.]

[Delegation of Authority 30-I-19]

BRANCH MANAGER, CONCORD, NEW HAMPSHIRE

Delegations Relating to Operation of Branch Office

I. Pursuant to the authority delegated to Regional Director by Delegation of Authority 30 (Revision 7) (27 F.R. 6247), there is hereby delegated to the branch manager, the authority:

A. *Financial assistance.* 1. To approve and decline the following:

a. Direct loans not exceeding $20,000.

b. Participation loans not exceeding $100,000.

c. Limited loan participation not exceeding $15,000.

d. Small loans not exceeding $15,000.

e. Simplified Bank Participation loans not exceeding $150,000.

2. To approve disaster loans not exceeding $50,000.

3. To decline disaster loans of any amount.

4. To enter into business loan and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
(Name)
Branch Manager.

6. To cancel, reinstate, modify, and amend authorizations for business or disaster loans.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

8. To approve service charges by participating bank not to exceed two per cent per annum on the outstanding balance of construction loans involving accounts receivable and inventory financing.

9. To take all necessary actions in connection with the administration, servicing, and collection of all loans and other obligations or assets; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Investment program.* To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

C. *Procurement and technical assistance.* To determine joint set-asides for Government procurement and sales.

D. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave, except advanced annual and sick leave; (b) leave without pay, not to exceed 30 days.

3. To (a) make emergency purchases chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but not more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

6. To (a) authorize or approve official travel; and (b) administratively approve travel reimbursement claims.

7. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

8. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Eligibility.* I. To make original determinations and determinations upon the reconsideration thereof as to which concerns are small businesses within the meaning of the Small Business Size Standards Regulations, as amended, except no determinations will be made in those cases which involve questions of dominance, questions relating to cooperatives, and questions involving franchise, license or other contractual agreements, unless otherwise authorized. This authorization does not permit the issuance of Small Business Certificates.

II. The specific authority delegated herein may not be redelegated.

III. All authority herein may be exercised by any SBA employee designated as Acting Branch Manager.

Effective date: July 30, 1962.

THOMAS J. NOONAN,
Regional Director,
Boston Regional Office.

[F.R. Doc. 62-10445; Filed, Oct. 18, 1962; 8:49 a.m.]

[Delegation of Authority 30-I-20]

BRANCH MANAGER, MONTPELIER, VERMONT

Delegation Relating to Administrative Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 7), 27 F.R. 6247, there is hereby delegated to the branch manager the authority:

A. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay not to exceed 30 days for employees under his supervision.

3. To authorize travel other than travel involving a change of official duty station for employees under his supervision.

4. To (a) make emergency purchases chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but not more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

5. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

6. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

7. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

8. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The authority delegated herein cannot be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Branch Manager.

Effective date: July 30, 1962.

THOMAS J. NOONAN,
Regional Director,
Boston Regional Office.

[F.R. Doc. 62-10446; Filed, Oct. 18, 1962; 8:49 a.m.]

[Delegation of Authority 30-I-21]

DEPUTY REGIONAL DIRECTOR

Delegation Relating to Administrative Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority 30 (Revision 7), 27 F.R. 6247, there is hereby delegated to the Deputy Regional Director the authority:

A. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay not to exceed 30 days for employees under his supervision.

3. To authorize travel other than travel involving a change of official duty station for employees under his supervision.

4. To (a) make emergency purchase chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but not more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

5. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

6. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

7. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

8. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

9. To establish and classify all nontechnical positions subject to the Classification Act of 1949, as amended, in grades GS-1 through GS-7.

II. The authority delegated herein cannot be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Regional Director.

Effective date: July 30, 1962.

THOMAS J. NOONAN,
Regional Director,
Boston Regional Office.

[F.R. Doc. 62-10447; Filed, Oct. 18, 1962; 8:49 a.m.]

[Delegation of Authority 30-III-18]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority 30-III-17, dated July 10, 1962 (27 F.R. 9421) there is hereby redelegated to the Chief, Financial Assistance Division, the authority:

A. *Financial assistance.* 1. To approve the following:

a. Direct loans not exceeding $50,000.

b. Participation loans not exceeding $150,000.

c. Limited loan participation not exceeding $25,000.

d. Small loans not exceeding $25,000.

e. Disaster loans not exceeding $50,000.

2. To decline direct and participation business and disaster loans of any amount.

3. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for

loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
(Name)
Chief, Financial Assistance Division.

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

8. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

9. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

(b) The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

10. To make original determinations and determinations upon the reconsideration thereof as to which concerns are small businesses within the meaning of the Small Business Size Standards Regulation, as amended, except no determinations will be made in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements, unless otherwise authorized. This authorization does not permit the issuance of Small Business Certificates. This authority is limited to the Financial Assistance program.

B. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days, for employees under his supervision.

2. To authorize travel other than travel involving a change of official duty station for employees under his supervision.

II. The authority delegated herein may be redelegated, except Item I.A.10.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

Effective date: July 10, 1962.

JOSEPH T. CLARK,
Deputy Regional Director,
Philadelphia Regional Office.

[F.R. Doc. 62-10448; Filed, Oct. 18, 1962; 8:49 a.m.]

[Delegation of Authority 30-III-19]

CHIEF, PROCUREMENT AND TECHNICAL ASSISTANCE DIVISION

Delegation Relating to Procurement and Technical Assistance

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority 30-III-17, dated July 10, 1962 (27 F.R. 9421), there is hereby redelegated to the Chief, Procurement and Technical Assistance Division, the authority:

A. *Procurement and technical assistance.* 1. To determine joint set-asides for Government procurements and sales. 2. To make original determinations and determinations upon reconsideration thereof as to which concerns are small business within the meaning of the Small Business Size Standards Regulation, as amended, except no determinations will be made in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements, unless otherwise authorized. This authorization does not permit the issuance of Small Business Certificates. This authority is limited to the Procurement and Technical Assistance program.

B. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days for employees under his supervision.

2. To authorize travel for employees under his supervision.

II. The authority delegated herein may be redelegated except I.A.2.

III. The authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Procurement and Technical Assistance Division.

Effective date: July 10, 1962.

JOSEPH T. CLARK,
Deputy Regional Director,
Philadelphia Regional Office.

[F.R. Doc. 62-10449; Filed, Oct. 18, 1962; 8:50 a.m.]

[Delegation of Authority 30-III-20]

ADMINISTRATIVE OFFICER

Delegation Relating to Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority 30-III-17, dated July 10, 1962 (27 F.R. 9421) there is hereby redelegated to the Administrative Officer, the authority:

A. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days for employees under his supervision.

3. To (a) make emergency purchases, chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but not more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

4. In connection with the establishment of Disaster Loan Offices to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

6. To (a) authorize or approve official travel; and (b) administratively approve travel reimbursement claims.

7. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

8. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

9. To establish and classify all nontechnical positions subject to the Classification Act of 1949, as amended, in Grades GS-1 through GS-7.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Administrative Officer.

Effective date: July 10, 1962.

JOSEPH T. CLARK,
Deputy Regional Director,
Philadelphia Regional Office.

[F.R. Doc. 62-10450; Filed, Oct. 18, 1962; 8:50 a.m.]

[Delegation of Authority 30-III-21]

REGIONAL COUNSEL

Delegation Relating to Legal Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority 30-III-17, dated July 10, 1962 (27 F.R. 9421), there is hereby redelegated to the Regional Counsel, the authority:

A. *Loan closing.* To disburse approved loans.

B. *Eligibility.* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days for employees under his supervision.

2. To authorize travel for employees under his supervision.

II. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Regional Counsel.

III. The authority delegated in subsection I.C. may be redelegated. All other authority delegated herein may not be redelegated.

Effective date: July 10, 1962.

JOSEPH T. CLARK,
Deputy Regional Director,
Philadelphia Regional Office.

[F.R. Doc. 62-10451; Filed, Oct. 18, 1962; 8:50 a.m.]

[Delegation of Authority 30-III-22]

CHIEF, INVESTMENT DIVISION

Delegation Relating to Investment Division

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority 30-III-17, dated July 10, 1962 (27 F.R. 9421), there is hereby redelegated to the Chief, Investment Division, the authority:

A. *Investment.* 1. To extend the disbursement period on Section 502 loan authorizations or undisbursed portions of Section 502 loans.

2. To cancel wholly or in part undisbursed balances of partially disbursed Section 502 loans.

3. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of Section 502 loans.

B. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days for employees under his supervision.

2. To authorize travel for employees under his supervision.

C. *Size determination.* 1. To make original determinations and determinations upon the reconsideration thereof as to which concerns are small businesses within the meaning of the Small Business Size Standards Regulation, as amended, except no determinations will be made in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements, unless otherwise authorized. This authorization does not permit the issuance of Small Business Certificates. This authority is limited to the Investment Division program.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Investment Division.

Effective date: July 10, 1962.

JOSEPH T. CLARK,
Deputy Regional Director,
Philadelphia Regional Office.

[F.R. Doc. 62-10452; Filed, Oct. 18, 1962; 8:50 a.m.]

[Delegation of Authority 30-III-23]

BRANCH MANAGER, PITTSBURGH, PENNSYLVANIA

Delegations Relating to Operation of Branch Office

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority 30-III-17, dated July 10, 1962 (27 F.R. 9421), there is hereby redelegated to the Branch Manager, Pittsburgh, Pennsylvania, the authority:

A. *Financial assistance.* 1. To approve and decline the following:

a. Direct loans not exceeding $20,000.
b. Participation loans not exceeding $100,000.
c. Limited loan participation not exceeding $15,000.
d. Small loans not exceeding $15,000.
e. Simplified Bank Participation loans not exceeding $150,000.

2. To approve disaster loans not exceeding $50,000.

3. To decline disaster loans of any amount.

4. To disburse approved loans.

5. To enter into business loan and disaster loan participation agreements with banks.

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
(Name)
Branch Manager.

7. To cancel, reinstate, modify, and amend authorizations for business or disaster loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

10. To approve service charges by participating bank not to exceed two percent per annum on the outstanding balance of construction loans involving accounts receivable and inventory financing.

11. To take all necessary actions in connection with the administration, servicing, and collection of all loans and other obligations or assets; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole of part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Investment program.* 1. To disburse Section 502 loans.

2. To extend the disbursement period on Section 502 loans authorization or undisbursed portions of Section 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed Section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of Section 502 loans.

C. *Procurement and technical assistance.* 1. To determine joint set-asides for Government procurement and sales.

D. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave, except advanced annual and sick leave; (b) leave without pay, not to exceed 30 days.

3. To (a) make emergency purchases chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but not more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

6. To (a) authorize or approve official travel; and (b) administratively approve travel reimbursement claims.

7. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

8. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Eligibility.* 1. To make original determinations and determinations upon the reconsideration thereof as to which concerns are small business within the meaning of the Small Business Size Standards Regulations, as amended, except no determinations will be made in those cases which involve questions of dominance, questions relating to cooperatives, and questions involving franchise, license or other contractual agreements, unless otherwise authorized. This authorization does not permit the issuances of Small Business Certificates.

II. The specific authority delegated herein may be redelegated except I.E.1.

III. All authority herein may be exercised by any SBA employee designated as Acting Branch Manager.

Effective date: July 10, 1962.

JOSEPH T. CLARK,
Deputy Regional Director,
Philadelphia Regional Office.

[F.R. Doc. 62-10453; Filed, Oct. 18, 1962; 8:50 a.m.]

[Delegation of Authority 30-III-24]

CHIEF, LOAN PROCESSING SECTION

Delegation Relating to Loan Processing

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation of Authority No. 30-III-18, dated July 10, 1962, there is hereby redelegated to the chief, Loan Processing Section, the authority:

A. *Financial assistance.* 1. To approve the following:

a. Direct loans not exceeding $50,000.

b. Participation loans not exceeding $150,000.

c. Limited loan participation not exceeding $25,000.

d. Small loans not exceeding $25,000.

e. Disaster loans not exceeding $50,000.

2. To decline Limited Loan Participation Loans not exceeding $25,000.

3. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
(Name)
Chief, Loan Processing Section.

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

B. *Administration.* 1. To approve annual and sick leave for employees under his supervision, except advanced annual and sick leave.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Processing Section.

Effective date: July 10, 1962.

RAYSON E. ROCHE,
Chief, Financial Assistance Division, Philadelphia Regional Office.

[F.R. Doc. 62-10454; Filed, Oct. 18, 1962; 8:50 a.m.]

[Delegation of Authority 30-III-25]

CHIEF, LOAN ADMINISTRATION SECTION

Delegation Relating to Loan Administration

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation of Authority No. 30-III-18, dated July 10, 1962, there is hereby redelegated to the Chief, Loan Administration Section, the authority:

A. *Financial assistance.* 1. To approve amendments and modifications of loan authorizations for loans that have been fully disbursed.

2. To take all necessary action on the servicing, administration and collection of all loans and other obligations or assets, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Administration.* To approve annual and sick leave for employees under his supervision, except for advanced annual and sick leave.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section.

Effective date: July 10, 1962.

RAYSON E. ROCHE,
Chief, Financial Assistance Division, Philadelphia Regional Office.

[F.R. Doc. 62-10455; Filed, Oct. 18, 1962; 8:50 a.m.]

[Delegation of Authority 30-III-26]

CHIEF, LIQUIDATION SECTION

Delegation Relating to Liquidation

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation of Authority No. 30-III-18, dated July 10, 1962, there is hereby redelegated to the Chief, Loan Liquidation Section, the authority:

A. *Financial assistance.* 1. To take all necessary actions on the liquidation of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Administrative.* To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Liquidation Section.

Effective date: July 10, 1962.

RAYSON E. ROCHE,
Chief, Financial Assistance Division, Philadelphia Regional Office.

[F.R. Doc. 62-10456; Filed, Oct. 18, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 706]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 16, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65237. By order of October 9, 1962, the Transfer Board approved the transfer to Don L. Cooney, Inc., doing business as Northwest Hauling Company Division of Don L. Cooney, Inc., Tacoma, Wash., of Certificates Nos. MC 102128 and MC 102128 Sub 6, issued October 6, 1942 and October 10, 1947, respectively, to Don L. Cooney, doing business as Northwest Hauling Company, Tacoma, Wash., authorizing the transportation of: Such commodities as by reason of their weight or size require special equipment, over irregular routes, (1) Between Tacoma, Wash., and points in Oregon, and those in that part of California on and north of a line beginning at Santa Cruz, Calif., and extending along California Highway 17 to junction California Highway 21, thence along California Highway 21 to Dublin, Calif., and thence along U.S. Highway 50 to the California-Nevada State line, and (2) From points in King and Pierce Counties, Wash., to points in Oregon. Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle 4, Wash., representative for applicants.

No. MC-FC 65282. By order of October 9, 1962, the Transfer Board approved the transfer to Metropolitan Coach Corp., Richmond, Va., of Certificate No. MC 107450 issued July 26, 1956, to Groome Transportation, Incorporated, Richmond, Va., authorizing the transportation of: Passengers and their baggage, in round-trip charter operations, over irregular routes, beginning and ending at points within 15 miles of Richmond, Va., including Richmond, and extending to points in Delaware, Maryland, New Jersey, Pennsylvania, New York, North Carolina, and the District of Columbia. Henry E. Ketner, 1001 State-Planters Bank Building, Richmond, Va., attorney for applicants.

No. MC-FC 65325. By order of October 15, 1962, the Transfer Board approved the transfer to Carpenter Trucking, Inc., 22 Lafayette Street, Plattsburg, N.Y., of Certificate No. MC 16881, issued September 26, 1951, to Minnie Carpenter, doing business as Estate of Harry C. Carpenter, 18 Lafayette Street, Plattsburg, N.Y., authorizing the transportation of: Fresh meats, and packing-house products, over regular routes, between Plattsburg, N.Y., and Au Sable Forks, N.Y., between Plattsburg, N.Y., and Redford, N.Y., and between Plattsburg, N.Y., and West Chazy, N.Y.

No. MC-FC 65363. By order of October 9, 1962, the Transfer Board approved the transfer to Paramount Movers, Inc., Killeen, Tex., of Certificate No. MC 59733, issued November 16, 1956, to H. C. Davenport and J. D. Davenport, a partnership, doing business as O.K. Transfer Company, Houston, Tex., authorizing the transportation of: Household goods, over irregular routes, between Houston, Tex., and points within 50 miles thereof, not including Galveston, Tex., on the one hand, and, on the other, points in Texas and Louisiana. Allen Melton, 316 Rio Grande National Life Building, Dallas, Tex., attorney for applicants.

No. MC-FC 65380. By order of October 9, 1962, the Transfer Board approved the transfer to Goddard's Transportation, Inc., Fair Haven, Vt., of Certificates Nos. MC 106748 and MC 106748 Sub 7 issued December 19, 1949 and October 14, 1960, respectively, in the name of Reginald Goddard, doing business as Goddard's Transportation, Fair Haven, Vt., authorizing the transportation over irregular routes of wool, from Fair Haven, Vt., and points within 50 miles of Fair Haven, to Boston, Mass., marble, from Proctor, Florence, and Center Rutland, Vt., to points in Maryland, the District of Columbia, and those in that part of Pennsylvania east of a line beginning at the Pennsylvania-New York State line, and extending along U.S. Highway 11 to junction U.S. Highway 22 at Clark's Ferry, thence over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 15 to Lemoyne, Pa., thence along U.S. Highway 111 to the Pennsylvania-Maryland State line, including points and places on the indicated portions of the highway specified, and those in the New York, N.Y., Commercial Zone as defined by the Commission; slate and slate products, from Fair Haven, Poultney, and Castleton, Vt., and Granville, N.Y., to points within 20 miles of Providence, R.I., including Providence, those in that part of Massachusetts on and east of Massachusetts Highway 12, those in New Jersey within 25 miles of Jersey City, N.J., including Jersey City; and those in New York on and east of a line beginning at the international boundary and extending along U.S. Highway 9 to Albany, N.Y., and thence along U.S. Highway 9W to New York, N.Y., including points on the indicated portion of the highways specified and those within 20 miles of Albany, N.Y., and from Fair Haven, Vt., to points in Maine on and south of a line extending along U.S. Highway 302 from the Maine-New Hampshire State line to junction Maine Highway 11 at or near Naples, Maine, thence along Maine Highway 11 through Auburn, Maine, to Lewiston, Maine, thence southeasterly along Maine Highway 196 to junction U.S. Highway 201 at or near Topsham, Maine, thence along U.S. Highway 201 to Brunswick, Maine, thence along Maine Highway 123 to the Atlantic Ocean at South Harpswell, Maine; wooden pallets used in transporting the above-specified commodities, from points in the above-specified destination territory to Fair Haven, Vt., grain and fertilizer, from Albany and Amsterdam, N.Y., to Fair Haven, Vt., and points in Vermont within 25 miles of Fair Haven; green hides and skins, from Fair Haven and Orwell, Vt., to Albany, New York, and Troy, N.Y., oil and grease, in containers, from Albany, N.Y., to Fair Haven, Vt., applies during the season extending from the 1st day of August to the 15th day of February, inclusive, from Orwell, Castleton, Fair Haven, Middletown Springs, and East Clarendon, Vt., to Hampson, Albany, and Red Hook, N.Y., and from Castleton, Fair Haven, and Middletown Springs, Vt., to New York, N.Y., and household goods, between Fair Haven, Vt., and points within 25 miles of Fair Haven, on the one hand, and, on the other, points in Vermont, New Hampshire, Massachusetts, Connecticut, New York, New Jersey and Pennsylvania. John J. Brady, Jr., 75 State St., Albany 7, N.Y., attorney for Applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-10475; Filed, Oct. 18, 1962; 8:54 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 16, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 37991: *Scrap iron or steel from Cincinnati, Ohio to Vandergrift, Pa.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2637), for The Pennsylvania Railroad Company. Rates on scrap iron or steel, as described in the application, in carloads, from Cincinnati, Ohio, to Vandergrift, Pa.

Grounds for relief: Market competition.

Tariff: Supplement 45 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4807 (Hinsch series).

FSA No. 37992: *T.O.F.C. service from and to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8282), for interested rail carriers. Rates on various commodities moving on class rates, loaded in highway trailers and transported on railroad flat cars, between points in southwestern territory, on the one hand, and points in New Hampshire, Pennsylvania, and Vermont, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 157 to Southwestern Freight Bureau tariff I.C.C. 4380.

8:50 a.m.]

Plattsburg, N.Y., of Certificate No. MC 16881, issued September 26, 1951, to Auburn, Maine, to Lewiston, Maine, thence southeasterly along Maine High-

Tariff: Supplement 157 to Southwestern Freight Bureau tariff I.C.C. 4380.

FSA No. 37993: *Chemicals from Texas points to Chicago, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-8284), for interested rail carriers. Rates on trichloroethane, in tank-car loads, from Freeport and Houston, Tex., to Chicago, Ill.

Grounds for relief: Carrier competition.

Tariff: Supplement 113 to Southwestern Freight Bureau tariff I.C.C. 4370.

FSA No. 37995: *Joint motor-rail rates from and to central territory.* Filed by Eastern Central Motor Carriers Association, Inc., Agent (No. 216), for interested carriers. Rates on commodities moving on class and commodity rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flat cars of the railroad, between points in central, middlewest and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: 19th revised page 64 and 8th revised page 470 to Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-194.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37994: *Chemicals from Texas points to Chicago, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-8285), for interested rail carriers. Rates on trichloroethane, in tank-car loads, from Freeport and Houston, Tex., to Chicago, Ill.

Grounds for relief: Maintenance of depressed rates published to meet carrier competition, without use of such rates as factors in constructing combination rates.

Tariff: Supplement 113 to Southwestern Freight Bureau tariff I.C.C. 4370.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-10474; Filed, Oct. 18, 1962; 8:54 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 561 (27 F.R. 4001), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (29 CFR 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Allen Garment Co., Franklin, Ky.; effective 10-12-62 to 10-11-63 (men's and boys' sport shirts).

Bifiex-Marion, Inc., Marion, Ala.; effective 10-5-62 to 10-4-63 (bras and girdles).

Blue Bell, Inc., Fulton, Miss.; effective 10-14-62 to 10-13-63 (men's and boys' work and sport trousers).

Ephrata Apparel Co., Fulton Street, Ephrata, Pa.; effective 10-6-62 to 10-5-63 (children's dresses).

Higginsville Garment Co., Inc., Higginsville, Mo.; effective 10-1-62 to 9-30-63 (ladies' uniforms).

Lebanon Garment Co., East Market Street, Lebanon, Tenn.; effective 10-15-62 to 10-14-63 (men's and boys' trousers).

Loma Manufacturing Co., Inc., 101 South Main Street, Winchester, Ky.; effective 10-4-62 to 10-3-63 (ladies' blouses and men's shirts).

Mylcraft Manufacturing Co., Inc., North Main Street, Rich Square, N.C.; effective 10-20-62 to 10-19-63 (women's woven nightwear).

Newport News Childrens Dress Co., 824 39th Street, Newport News, Va.; effective 10-5-62 to 10-4-63 (children's and girls' dresses and playsuits).

Publix Shirt Corp., Myerstown, Pa.; effective 10-2-62 to 10-1-63 (men's and boys' cotton dress shirts).

Puritan Fashions Corp., Thayer, Mo.; effective 10-10-62 to 10-9-63 (dresses and robes).

Quad Manufacturing Co., 1040 Vernon Street, Huntington, W. Va.; effective 10-8-62 to 10-7-63 (men's trousers and ladies' walk shorts and slacks).

Quaker Manufacturing Co., Inc., 19 St. Louis Street, Lewisburg, Pa.; effective 10-5-62 to 10-4-63 (women's woven nightwear).

Quality Sewn Products, Inc., Royston, Ga.; effective 10-8-62 to 10-7-63 (men's sport shirts and ladies' blouses).

Red Hill Apparel Co., Main Street, Red Hill, Pa.; effective 10-6-62 to 10-5-63 (children's dresses).

Selro Cambridge Manufacturing Co., Highway 413, Crisfield, Md.; effective 10-8-62 to 10-7-63 (ladies' sportswear—dresses, pants, and blouses).

Henry I. Siegel Co., Inc., South Fulton, Tenn.; effective 10-5-62 to 10-4-63 (men's and boys' single pants).

Shirtmaster Co., Inc., Abbeville, S.C.; effective 10-3-62 to 10-2-63 (sport shirts).

Standard Romper Co., Inc., 558 Roosevelt Avenue, Central Falls, R.I.; effective 10-4-62 to 10-3-63 (children's outer garments).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Carolina Garment Co., Jackson Street, Rich Square, N.C.; effective 10-20-62 to 10-19-63; 10 learners (women's woven nightwear).

Colonial Togs, Inc., Leggett and Clark Streets, Scranton, Pa.; effective 10-8-62 to 10-7-63; four learners (children's fall and spring outerwear).

Marshall Clothing Manufacturing Co., Inc., 115 East Main Street and 118-122 South Broadway, Butler, Ind.; effective 10-5-62 to 10-4-63; 10 learners (baseball jackets, gym pants, insulated garments).

Paul-Bruce Manufacturing Co., Inc., Scotland Neck, N.C.; effective 10-3-62 to 10-2-63; 10 learners (women's nylon nightwear).

Sero Shirt, Inc., Main and Rose Streets, Branford, Conn.; effective 10-3-62 to 10-3-63; six learners (men's shirts).

Southern Garment Co., Robbins, N.C.; effective 10-4-62 to 10-3-63; 10 learners (women's cotton wash dresses).

Tru-Fit Trousers, Traverse City, Mich.; effective 10-2-62 to 10-1-63; 10 learners (single pants).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Paul-Bruce Manufacturing Co., Inc., Scotland Neck, N.C.; effective 10-9-62 to 4-8-63; 25 learners (women's nylon tricot nightwear).

Quad Manufacturing Co., 1040 Vernon Street, Huntington, W. Va.; effective 10-8-62 to 4-7-63; 15 learners (men's trousers and ladies' walk shorts and slacks).

Rodgers of Carolina, Simpsonville, S.C.; effective 10-8-62 to 4-7-63; 15 learners (juniors' dresses and robes).

Salant & Salant Inc., South First Street, Union City, Tenn.; effective 10-8-62 to 4-7-63; 75 learners (men's cotton work pants and boys' cotton pants).

Selro Cambridge Manufacturing Co., Highway 413, Crisfield, Md.; effective 10-4-62 to 4-3-63; 75 learners (ladies' sportswear—dresses, pants, and blouses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Monte Glove Co., Inc., Maben, Miss.; effective 10-1-62 to 9-30-63; 10 learners for normal labor turnover purposes (cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Burlington-Balfour Mills, Asheboro, N.C.; effective 10-12-62 to 10-11-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's seamless half-hose and anklets, and misses' and children's half-hose and anklets).

Burlington Industries, Inc., Scottsboro Hosiery Co., Scottsboro, Ala.; effective 10-9-62 to 10-8-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' seamless circular-knit hose).

Drexel Knitting Mills Co., Drexel, N.C.; effective 10-5-62 to 10-4-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's seamless socks).

Hudson Hosiery Co., 712 North Brevard Street, Charlotte, N.C.; effective 10-8-62 to 10-7-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Wee Sox Hosiery Mills, Inc., Randleman, N.C.; effective 10-12-62 to 10-11-63; five learners for normal labor turnover purposes (infants' hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Benham Underwear Mills, Inc., Scottsboro, Ala.; effective 10-8-62 to 4-7-63; 20 learners for plant expansion purposes (men's and boys' woven and knit underwear).

Norwich Mills, Inc., Clayton, N.C.; effective 10-1-62 to 9-30-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton knit underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

Advertisers Manufacturing Co., 415 East Oshkosh Street, Ripon, Wis.; effective 10-3-62 to 4-2-63; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of sewing machine operators for a learning period of 240 hours at the rate of not less than $1.00 an hour (advertising caps, aprons, newsbags).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 12th day of October 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-10431; Filed, Oct. 18, 1962; 8:47 a.m.]

[F.R. Doc. 62-10431; Filed, Oct. 18, 1962; 8:47 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11057

AUTHORIZATION FOR THE COMMUNICATION OF RESTRICTED DATA BY THE DEPARTMENT OF STATE

By virtue of the authority vested in me by the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act; 42 U.S.C. 2011 et seq.), and as President of the United States, it is ordered as follows:

The Department of State is hereby authorized to communicate, in accordance with the terms and conditions of any agreement for cooperation arranged pursuant to subsection 144b of the Act (42 U.S.C. 2164(b)), such Restricted Data and data removed from the Restricted Data category under subsection 142d of the Act (42 U.S.C. 2162(d)) as is determined

(i) by the President, pursuant to the provisions of the Act, or

(ii) by the Atomic Energy Commission and the Department of Defense, jointly pursuant to the provisions of Executive Order No. 10841, as amended,

to be transmissible under the agreement for cooperation involved. Such communications shall be effected through mechanisms established by the Department of State in accordance with the terms and conditions of the agreement for cooperation involved: *Provided*, that no such communication shall be made by the Department of State until the proposed communication has been authorized either in accordance with procedures adopted by the Atomic Energy Commission and the Department of Defense and applicable to conduct of programs for cooperation by those agencies, or in accordance with procedures approved by the Atomic Energy Commission and the Department of Defense and applicable to conduct of programs for cooperation by the Department of State.

JOHN F. KENNEDY

THE WHITE HOUSE,
October 18, 1962.

[F.R. Doc. 62-10564; Filed, Oct. 18, 1962; 3:41 p.m.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Determination Relative to the Expenses and Fixing of the Rate of Assessment for the Fiscal Period 1962–63

Pursuant to the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 925.201 Expenses and rate of assessment for the fiscal period 1962–63.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning June 1, 1962, and ending May 31, 1963, will amount to $3,550.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles prunes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one-third cent ($0.0033) per one-half bushel of prunes so handled by such handler during such fiscal period.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal year ending May 31, 1962, shall be carried over as a reserve in accordance with the applicable provisions of § 925.42 of the said marketing agreement and order.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said amended marketing agreement and this part require that rates of assessment fixed for a particular marketing year shall be applicable to all assessable prunes from the beginning of such year; and (2) the current marketing year began June 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable prunes beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 17, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10521; Filed, Oct. 19, 1962; 8:48 a.m.]

Title 29—LABOR

Chapter XI—Office of Welfare and Pension Plans

PART 1304—WELFARE AND PENSION PLANS WITH LESS THAN 100 PARTICIPANTS

On July 13, 1962, notice was published in the FEDERAL REGISTER (27 F.R. 6676) of proposed regulations implementing section 7 of the Welfare and Pension Plans Disclosure Act (72 Stat. 1000; 29 U.S.C. 306) as amended by section 9 of the Welfare and Pension Plans Disclosure Act Amendments of 1962 (76 Stat. 36). The proposal principally required identification of plans which have fewer than 100 participants and are thus exempt from publishing an annual financial report, and provided that the statutory exemption shall not apply to any plan which covers 100 or more participants at any time during the calendar, policy, or other fiscal year upon which the records of the plan are maintained.

The notice afforded 20 days for interested persons to submit data, views or arguments concerning the proposed rule. The time having elapsed, and after consideration of materials submitted in response to the notice, Part 1304 is hereby adopted as proposed with the exception of modified language in § 1304.3 clarifying the point that the exemption applies to all of the publication requirements of section 8 of the Act as well as the filing of an annual financial report with the Office of Welfare and Pension Plans.

Accordingly, pursuant to authority of section 5 of the Welfare and Pension Plans Disclosure Act (72 Stat. 999; 76 Stat. 36; 29 U.S.C. 304) and Secretary's Order 15–62 (27 F.R. 4977), 29 C.F.R. Chapter XI is hereby amended by adding a new Part 1304 to read as set forth herein.

This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Sec.
1304.1 Purpose and scope.
1304.2 Definitions.
1304.3 Identification of plans covering less than 100 participants.
1304.4 Scope of exemption.
1304.5 Withdrawal of exemption.

AUTHORITY: §§ 1304.1 to 1304.5 issued under sections 5 and 7, 72 Stat. 999, 1000; 29 U.S.C. 304, 306, as amended by sections 7, 9, 76 Stat. 36; Secretary of Labor's Order 15–62, 27 F.R. 4977.

§ 1304.1 Purpose and scope.

The purpose of this part 1304 is to implement section 7 of the Welfare and Pension Plans Disclosure Act (72 Stat. 1000, 76 Stat. 36; 29 U.S.C. 306), as amended by the Welfare and Pension Plans Disclosure Act Amendments of 1962. That section provides an exemption from the requirement of publishing an annual financial report concerning employee welfare or pension benefit plans that cover less than 100 participants, and further provides that, after investigation, the Secretary of Labor may require the administrator of any plan otherwise covered by the Act to publish an annual report when necessary and appropriate to carry out the purposes of the Act.

§ 1304.2 Definitions.

(a) The term "Assistant Secretary" shall mean the Assistant Secretary of Labor for Labor-Management Relations.

(b) The term "participant" means any employee or former employee of an employer or any member of an employee organization who is or may become eligible to receive a benefit of any type from an employee welfare or pension benefit plan, or whose beneficiaries may be eligible to receive any such benefit.

§ 1304.3 Identification of plans covering less than 100 participants.

The administrator of any covered employee welfare or pension benefit plan covering less than 100 participants is not required to publish (as otherwise required by sections 8 (a) and (b) of the Act) the annual financial report specified in section 7 of the Act: *Provided, however*, That the administrator of such a plan shall submit two copies of U.S. Department of Labor Form D–3 completed and executed in accordance with instructions contained thereon. Such forms shall be submitted within 150 days after the end of each calendar, policy, or other fiscal year during which the plan covers less than 100 participants, as provided in § 1304.4 of this Part. The form calls for identification of the plan and information relating to the greatest number of participants covered by the plan at any one time during the reporting year. Copies of the form may be obtained by request directed to the Office of Welfare

and Pension Plans, U.S. Department of Labor, Washington, D.C.

§ 1304.4 Scope of exemption.

The exemption contained in § 1304.3 of this part shall not apply to any plan which covers 100 or more participants at any time during the calendar, policy, or other fiscal year upon which the records of the plan are maintained.

§ 1304.5 Withdrawal of exemption.

The Assistant Secretary, after investigation, may require the administrator of any plan otherwise subject to the provisions of the Act, but exempt from the requirement of publishing an annual financial report by reason of covering fewer than 100 participants, to publish an annual financial report containing the information required by section 7 of the Act in the form and detail prescribed in § 2.11 of this Title, when he finds that publication of such a report is necessary and appropriate to carry out the purposes of the Act.

Signed at Washington, D.C. this 14th day of September 1962.

JAMES J. REYNOLDS,
Assistant Secretary of Labor for Labor-Management Relations.

[F.R. Doc. 62-10515; Filed, Oct. 19, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

PART 1007—CONTRACT CLAUSES

Subpart KK—Clauses and Arrangements for Negotiated Utility Service Contracts

A new Subpart KK is added as follows:

Sec.
1007.3700 Scope of subpart.
1007.3702 Definitions.
1007.3702-1 Negotiated utility service contract.
1007.3703 Required clauses and arrangements; contracts for $2,400 or less.
1007.3703-1 Gratuities.
1007.3704 Clauses to be used when applicable.
1007.3704-1 Alterations in contract.
1007.3704-2 Soviet-controlled areas.
1007.3705 Additional clauses.
1007.3705-1 General.
1007.3706 Required clauses and arrangements; contracts for more than $2,400.
1007.3706-1 Cover page.
1007.3706-2 Definitions.
1007.3706-3 Rates for service.
1007.3706-4 Application of most favorable rates.
1007.3706-5 Change in class of service.
1007.3706-6 Access.
1007.3706-7 Payments.
1007.3706-8 Liability of contractor.
1007.3706-9 Assignment of claims.
1007.3706-10 Disputes.
1007.3706-11 Termination.
1007.3706-12 Convict labor.
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1007.3706-14 Officials not to benefit.
1007.3706-15 Covenant against contingent fees.
1007.3706-16 Gratuities.
1007.3706-17 Conflicts.
1007.3706-18 Signature page.
1007.3707 Clauses to be used when applicable; contracts for more than $2,400.
1007.3707-1 Examination of records.
1007.3707-2 Multiple service locations.
1007.3707-3 Approval of contract.
1007.3707-4 Priorities, allocations and allotments.
1007.3707-5 Alterations in contract.
1007.3708 Additional clauses.
1007.3708-1 General.
1007.3709 Description of services.
1007.3709-1 Technical provisions.
1007.3709-2 Connection and termination charges.
1007.3709-3 Specifications.

AUTHORITY: §§ 1007.3700 to 1007.3709-3 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 1007.3700 Scope of subpart.

This subpart sets forth clauses and arrangements for use in negotiated utility service contracts.

§ 1007.3702 Definitions.

§ 1007.3702-1 Negotiated utility service contract.

The term "negotiated utility service contract" means any contract entered into as a result of negotiation for the procurement of the following types of services only: electric, gas, water, sewage, and steam utility services.

§ 1007.3703 Required clauses and arrangements; contracts for $2,400 or less.

When a negotiated utility service contract is utilized according to § 16.501-1 of this title, DD Form 671, "Negotiated Utilities Service Contract," will be used and the following clauses added as General Provisions.

§ 1007.3703-1 Gratuities.

See § 7.104-16 of this title.

§ 1007.3704 Clauses to be used when applicable.

Contracts for $2,400 or less.

§ 1007.3704-1 Alterations in contract.

According to the requirements of § 1007.105-1, insert the clause in § 7.105-1 of this title.

§ 1007.3704-2 Soviet-controlled areas.

According to the requirements of § 6.403 of this title, insert the clause in that section.

§ 1007.3705 Additional clauses.

Contracts for $2,400 or less.

§ 1007.3705-1 General.

Any other clauses authorized by Subchapter A, Chapter I of this title or this subchapter according to instructions for use may be inserted when necessary or desirable to cover the subject matter contained in such clauses.

§ 1007.3706 Required clauses and arrangements; contracts for more than $2,400.

The following clauses and provisions will be inserted in all negotiated utility service contracts which involve a connection charge, termination charge, or are for an estimated annual cost of more than $2,400, or both. In addition to the requirements for approval in § 1001.457 of this subchapter, utility service contracts for a period "extending beyond the current fiscal year" submitted for approval as specified in § 1001.461 of this subchapter. See AFR 91-5 (Utility Services) for administrative procedures for review of utility service contracts.

§ 1007.3706-1 Cover page.

The following provisions will be set forth on the cover page, and will be completed with appropriate information:

UTILITY SERVICE CONTRACT

Contract No. _____

NEGOTIATED _____ SERVICE CONTRACT

_____

(Premises to be served)

_____ _____ _____

(City) (County) (State)

_____ _____

(Contractor) (Contractor's address)

Premises are: ( ) Government Owned
( ) Government Leased
Symbol No. of Lease _____
Name of Lessor _____

Estimated annual cost hereunder $_____

Connection charge $_____

Bills will be rendered to _____

at _____

Appropriation chargeable _____

Negotiated pursuant to 10 U.S.C. 2304(a) ( ).

_____

This Contract, entered into as of _____, by and between the United States of America, hereinafter called the Government, represented by the Contracting Officer executing this contract, and _____ whose address is _____, hereinafter called the Contractor.

Witnesseth That the parties hereto do mutually agree as follows:

§ 1007.3706-2 Definitions.

Insert the clause set forth in § 7.103-1 of this title.

§ 1007.3706-3 Rates for service.

(a) Except as provided in paragraphs (b) and (c) of this section, insert the following clause:

RATES FOR SERVICE (OCT. 1960)

Rates established under this contract shall be subject to regulation in the manner and to the extent prescribed by law by any Federal, State or local regulatory agency having jurisdiction. The Contractor agrees to give the Contracting Officer written notice of the filing of an application for rate changes concurrently with the filing of the application. Such notice shall fully describe proposed rate change. If during the term of this contract the public regulatory agency having jurisdiction approves rates that are higher or rates that are lower than those stipulated herein, for like conditions of service, the Contractor agrees to continue to furnish service as stipulated in this contract and the Government agrees to pay for such service at the higher or lower rates from after the date when such rates are made effective.

In the event that the regulatory agency promulgates any regulation concerning other than rates which affects this contract, the Contractor shall immediately notify the Contracting Officer. The Government shall not be bound to accept any new regulation inconsistent with federal laws or regulations.

(b) If the service to be furnished under the contract is not subject to regulations by any Federal, State or local regulatory agency, or if the Contractor also acts as the local public regulatory agency and its decisions are not subject to review by a higher regulatory agency insert the following clauses in lieu of the clause set forth in paragraph (a) of this section.

RATES FOR SERVICE (OCT. 1960)

(a) If at any time during the term of this contract either of the parties hereto consider it appropriate that all or part of the rates applicable to the service furnished under this contract be changed, the parties agree to promptly renegotiate such rates upon receipt by one party of a written request from the other specifying the rates as to which a change is considered appropriate, setting forth the proposed change in rates, and stating in detail the reasons for the proposed change. Any rate changes agreed to by the parties as the result of such negotiations shall be made a part of this contract by the issuance of a supplemental agreement hereto and shall become effective as of the date of the request for a change in rates, unless otherwise agreed by the parties. Failure of the parties to agree upon the appropriate adjustment of rates, if any, shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(b) The Contractor agrees that a duly authorized representative of the Department of the Air Force shall have access to and the right to examine any directly pertinent books, documents, papers and records of the Contractor relating to costs which form the basis for the rates.

(c) Where contractor is a Rural Electrical Cooperative, and not subject to public regulation, the following clause shall be used:

RATES FOR SERVICE (OCT. 1960)

At the request of either party to this contract, said party having reasonable cause therefor, the rates set forth herein shall be renegotiated, and any adjustment so negotiated by mutual agreement shall become effective as provided in such agreement: *Provided, however,* That any rates so negotiated shall not be in excess of rates to any customer of the Contractor having similar conditions of service.

§ 1007.3706-4 Application of most favorable rates.

(OCT. 1960)

(a) The Contractor hereby declares that the rates applicable to the service furnished under this contract are not in excess of the lowest rates available to any prospective customer under like conditions, and agrees that during the life of this contract the Government shall continue to be billed at the lowest available rate for similar conditions of service.

(b) In the event the Contractor, during the term of this contract, shall make effective any new rate schedule or amended rate schedule applicable to the class of service furnished the Government at the service location which contains a lower rate or conditions more favorable to the Government for such class of service, the Contractor shall forward to the Contracting Officer a copy of such rate schedule or amended rate schedule within fifteen (15) days after the effective date thereof, and shall substitute such rate schedule or amended rate schedule for the rate schedule then in effect hereunder for such service location, commencing not later than the billing period immediately following the effective date of the rate change.

§ 1007.3706-5 Change in class of service.

(OCT. 1960)

(a) In the event of a permanent change in the class of service furnished the Government at the service location, service shall be furnished to such service location at the lowest available rate schedule of the Contractor which is applicable to the class of service furnished following such permanent change subject to the clause hereof entitled "Rates for Service."

(b) Where the Contractor's rate schedule on file with the regulatory agency and applicable to services provided by the Contractor does not contain a schedule applicable to the class of service furnished the Government, no clause in this contract shall preclude the parties from negotiating a rate schedule applicable to the class of service furnished.

§ 1007.3706-6 Access.

ACCESS (JULY 1955)

The Government hereby grants to the Contractor, free of any rental or similar charge, but subject to the limitations specified in this contract, a revocable permit to enter the service location for any purpose under this contract, including use of the site or sites agreed upon by the parties hereby for the installation, operation and maintenance of the facilities of the Contractor. Authorized representatives of the Contractor will be allowed access to the facilities of the Contractor at suitable times to perform the obligations of the Contractor with respect to such facilities. It is expressly understood, however, that proper military or Government authority may limit or restrict the right of access herein granted in any manner considered by such authority to be necessary for the national security.

§ 1007.3706-7 Payments.

(MAY 1962)

(a) Payments for the services rendered under this contract shall be made monthly upon the submission of proper invoices.

(b) All bills shall be paid without penalty or interest and the Government shall be entitled to any discounts customarily applicable to payment of bills by all customers of the contractor.

(c) Recognition is given to the fact that the Government fiscal year ends on June 30. Payments hereunder shall be contingent upon the availability of appropriations therefor.

§ 1007.3706-8 Liability of contractor.

LIABILITY OF CONTRACTOR (MAY 1962)

All taxes and other charges in connection with facilities provided hereunder by the Contractor, together with all liability arising out of the construction, operation or maintenance of such facilities except liability resulting from the negligence of the Government shall be assumed by the Contractor.

§ 1007.3706-9 Assignment of claims.

ASSIGNMENT OF CLAIMS (JULY 1955)

No claim under this contract shall be assigned.

§ 1007.3706-10 Disputes.

See § 7.103-12 of this title.

§ 1007.3706-11 Termination.

(The figure of 30 days may be changed to any other figure not in excess of 90 days.)

TERMINATION (JULY 1955)

This contract may be terminated at the option of the Government by the giving of not less than thirty (30) days advance written notice of the effective date of termination.

§ 1007.3706-12 Convict labor.

See § 12.203 of this title.

§ 1007.3706-13 Nondiscrimination in employment.

See § 12.802 of this title.

§ 1007.3706-14 Officials not to benefit.

See § 7.103-19 of this title.

§ 1007.3706-15 Covenant against contingent fees.

See § 7.103-20 of this title.

§ 1007.3706-16 Gratuities.

See § 7.104-16 of this title.

§ 1007.3706-17 Conflicts.

CONFLICTS (JULY 1955)

To the extent of any inconsistency between the provisions of this contract, and any schedule, rider or exhibit incorporated in this contract by reference or otherwise, or any of the contractor's rules and regulations, the provisions of this contract shall control.

§ 1007.3706-18 Signature page.

The following provisions will be set forth on the signature page, and will be completed with appropriate information:

In witness whereof, the parties hereunto have executed this contract as of the day and the year first above written.

THE UNITED STATES OF AMERICA
By _____
_____
(Contractor)
By _____
Title _____

§ 1007.3707 Clauses to be used when applicable; contracts for more than $2,400.

§ 1007.3707-1 Examination of records.

Insert the clause in § 7.104-15 of this title except where the public utility services are to be furnished at rates not in excess of those established for uniform applicability to the general public or at such rates plus reasonable service or connection charges incident to such utility services.

§ 1007.3707-2 Multiple service locations.

If it is desired to provide for possible alternative service locations, insert the following clause:

MULTIPLE SERVICE LOCATIONS (JULY 1955)

(a) The Contracting Officer may at any time, by written order, designate any service location within the service area of the Contractor at which service shall be furnished or discontinued thereunder, and the contract shall be modified in writing accordingly by adding to or deleting from the Service Specifications the name and location of the appropriate service location, by specifying a different rate if applicable, the appropriate point of delivery, different service specification if applicable, and any other appropriate terms and conditions.

(b) The minimum monthly charge specified in this contract shall be equitably prorated for the billing period in which commencement or discontinuance of service at any service location designated under the Service Specifications shall become effective.

§ 1007.3707–3 Approval of contract.

Whenever the contract requires manual approval other than by the contracting officer, prior to becoming effective, insert the clause in § 7.105–2 of this title.

§ 1007.3707–4 Priorities, allocations and allotments.

According to the requirements of § 1.307–2 of this title, insert the clause in § 7.104–18 of this title.

§ 1007.3707–5 Alterations in contract.

According to the requirements of § 1007.105–1 insert the clause in § 7.105–1 of this title.

§ 1007.3708 Additional clauses.

§ 1007.3708–1 General.

Any other clauses authorized by Subchapter A, Chapter I of this title or this subchapter, according to instructions for use, may be inserted when necessary or desirable to cover the subject matter contained in such clauses.

§ 1007.3709 Description of services.

Utility service contracts to be complete must also contain a detailed description of the services to be rendered. Since these services will vary from contract to contract, the establishment of standard provisions is not practicable, and it is the responsibility of the contracting officer to negotiate with the contractor special contract provisions which will accurately describe the services desired and which will adequately protect the interests of the Government. Set forth in § 1007.3709–1 are some sample provisions which may be useful as a guide. Other clauses, not inconsistent with the clauses set forth in this subpart, will be developed as required to suit individual conditions and will be incorporated into the contract subject to the provisions of the Conflicts clause.

§ 1007.3709–1 Technical provisions.

Set forth in this section are sample technical provisions. Similar provisions covering, to the extent applicable, the subject matter in this section should be included in each contract.

TECHNICAL PROVISIONS (OCT. 1960)

(a) *Scope of work.* Subject to the terms and conditions hereinafter set forth, the Contractor shall sell and deliver to the Government and the Government shall purchase and receive from the Contractor ---------- service (hereinafter called service) requested by the Government from the Contractor at the premises to be served hereunder (hereinafter called the service location), all in accordance with ---------- Service Specifications attached hereto and made a part hereof.

(b) *Measurement of service.*

(i) All service furnished by the Contractor shall be measured by suitable metering equipment of standard manufacture, to be furnished, installed, maintained, calibrated and read by the Contractor at its expense. When more than a single meter is installed at the service location, the readings thereof shall be billed conjunctively. In the event any meter fails to register or registers incorrectly the service furnished therethrough, the parties shall agree upon the length of period during which such meter failed to register or registered incorrectly and the quantity of service delivered therethrough during such period and, upon agreement, an appropriate adjustment based thereon shall be made in the Government's bills. For the purpose of the preceding sentence, any meter which registers not more than two (2) percent slow or fast shall be deemed correct.

(ii) The Contractor, so far as possible, shall read all meters at periodic intervals of approximately thirty (30) days. All billings based on meter readings of less than twenty-seven (27) days or more than thirty-two (32) days shall be prorated accordingly. Invoices for service rendered hereunder shall contain statements of the meter readings at the beginning of the billing period, meter constants, consumption during the billing period and such other pertinent data as shall be required by the Government.

(c) *Meter test.* The Contractor, at its expense, shall periodically inspect and test the meters installed by it at intervals not exceeding one (1) year. At the written request of the Contracting Officer the Contractor shall make additional tests of any or all such meters in the presence of Government representatives. The cost of such additional tests shall be borne by the Government if the percentage of error is found to be not more than two (2) percent slow or fast. No meter shall be placed in service or allowed to remain in service which has an error in registration in excess of two (2) percent under normal operating conditions.

(d) *Change in volume or character.* Reasonable notice shall, so far as possible, be given by the Contracting Officer to the Contractor respecting any material changes proposed in the volume or characteristics of the utility service required at each location.

(e) *Continuity of service and consumption.*

(i) The Contractor shall use reasonable diligence to provide a regular and uninterrupted supply of service at the service location, but shall not be liable for damages, breach of contract or otherwise to the Government for failure, suspension, diminution or other variations of service occasioned by or in consequence of any cause beyond the control of the Contractor, including but not limited to acts of God or of the public enemy, fires, floods, earthquakes or other catastrophes, strikes or failure or breakdown of transmission or other facilities; provided, that when any such failure, suspension, diminution, or variation of service shall aggregate more than ten (10) hours during any billing period hereunder, an equitable adjustment shall be made in the monthly rates specified in this contract (including the minimum monthly charge).

(ii) In the event the Government is unable to operate the service location in whole or in part for any cause beyond its control, including but not limited to acts of God or of the public enemy, fires, floods, earthquakes or other catastrophes, or strikes, an equitable adjustment shall be made in the monthly rates specified in this contract (including the minimum monthly charge) if the period during which the Government is unable to operate such service location in whole or in part shall exceed fifteen (15) days during any billing period hereunder.

(f) *Rates and charges.*

(i) For all service furnished under this contract to the service location the Government shall pay the Contractor at the rate schedule ---------- attached hereto and made a part of this contract.

(ii) For purposes of charges under subparagraph (i) above, any demands due to faulty operation of, or excessive or fluctuating pressure on, the Contractor's system shall not be included as part of the Government's demand.

(g) *Term of contract.* This contract shall commence ---------- and continue (insert "until terminated" or "until ----------" subject to the clause hereof entitled termination:")

(h) *Contractor's facilities.* The Contractor, at its expense, shall furnish, install, operate and maintain all facilities required to furnish service hereunder to and measure such service as of the point of delivery specified in the Service Specifications. Title to all such facilities shall be and remain in the Contractor and the Contractor shall be responsible for all loss of or damage to such facilities.

§ 1007.3709–2 Connection and termination charges.

When a connection or termination charge is involved by reason of the contractor furnishing additional facilities for the performance of the contract, an appropriate clause, setting forth the terms and conditions applicable thereto will be inserted. The following sample clauses are furnished for guidance. If the termination charge procedure is used, funds must be reserved annually to cover the maximum liability of the Government at the respective time.

CONNECTION CHARGE (MAY 1962)

(a) *Charge.* The Government, in consideration of the furnishing and installation by the Contractor at its expense of the New Facilities described in Exhibit "A," attached hereto and made a part hereof, shall pay the Contractor, as a connection charge, after receipt of satisfactory evidence of completion of the facilities, the sum of $----------, representing the sum of $----------, less the agreed salvage value in the amount of $----------, as shown on Exhibit "A"; provided that, as a condition precedent to final payment, the Contractor shall, if required by the Contracting Officer, execute a release in terms acceptable to the Contracting Officer, of claims against the Government arising under or by virtue of such installation.

(b) *Ownership, operation, and maintenance of new facilities to be provided hereunder.* The facilities to be supplied by the Contractor under this clause, notwithstanding the payment by the Government of a connection charge, shall be and remain the property of the Contractor and shall, at all times during the life of this contract or any renewals thereof, be operated and maintained by the Contractor at its expense.

(c) *Credits.*

(1) The Contractor agrees to allow the Government on each monthly bill for service furnished under this contract to the Service Location, a credit of ------ percent of the amount of each such bill as rendered until the accumulated credits shall equal the amount of such connection charge, provided that the Contractor may at any time so allow a credit up to 100 percent of the amount of each such bill.

(2) In the event the Contractor, prior to any termination of this contract but subsequent to completion of the facilities provided for in this clause, serves any customer other than the Government (regardless of whether the Government is being served simultaneously, intermittently or at all) by means of such facilities, the Contractor shall, unless otherwise agreed to by the parties in writing at that time, promptly accelerate the credits provided for under subparagraph (1) above, to 100 percent of each monthly bill until the connection charge is fully credited.

(3) *Termination by the Contractor.* In the event the Contractor without cause terminates service under, or otherwise defaults in performance of, this contract prior to the crediting in full, in accordance with the terms of this contract, of any connection charge paid by the Government, the Contractor shall pay to the Government an amount equal to the uncredited balance of the connection charge as of date of such termination.

(d) *Termination prior to completion of facilities.* The Government reserves the right to terminate this contract at any time prior to completion of the facilities provided for herein with respect to which the Government is to pay a connection charge, in the event the Government exercises this right, the Contractor shall be paid fair compensation, exclusive of profit, with respect to such facilities.

(e) *Termination subsequent to completion of facilities.* In the event the Government terminates this contract subsequent to completion of the facilities provided for herein with respect to which the Government is to pay a connection charge, but prior to the crediting in full by the Contractor of any connection charge in accordance with the terms of this contract, the possible continued usefulness of such facilities is hereby recognized. It is, therefore, agreed that upon such termination the Contractor shall have the following options:

(1) To remove such facilities at its own expense within six months after the effective date of the termination by the Government; provided, that if the Contractor elects to so remove such facilities, the Government shall then have the option of purchasing such facilities at the agreed salvage value set forth herein; and provided further, that the Contractor will, at the request of the Government, leave in place any such facilities located on Government property which the Contractor elects to so remove and which the Government elects to purchase at the agreed salvage value.

(2) To retain such facilities in place for six months or more after effective date of the termination by the Government on condition that immediately after such six-month period the Contractor shall promptly pay in full to the Government the uncredited balance of the connection charge.

TERMINATION CHARGE (JULY 1961)

(a) *Facilities.* The Contractor agrees to furnish and install at his expense, the facilities described in Exhibit ------ attached hereto and made a part hereof.

(b) *Ownership; operation, and maintenance of new facilities to be provided hereunder.* The facilities to be supplied by the Contractor under this clause, unless purchased by the Government under the provisions of paragraph (e) of this clause, shall be and remain the property of the Contractor and shall, at all times during the life of this contract or any renewals thereof, be operated and maintained by the Contractor at its expense, and all taxes and other charges in connection therewith, together with all liability arising out of the construction, operation or maintenance of such facilities shall be the obligation of the Contractor.

(c) *Termination by the Contractor.* In the event the Contractor without cause terminates service under, or otherwise defaults in the performance of, this contract, the Government shall have no obligation to pay the Contractor any amount pursuant to the terms of this clause.

(d) *Termination prior to completion of facilities.* In the event the Government terminates this contract prior to completion of the facilities provided for herein the Contractor shall be paid fair compensation, exclusive of profit, for the work performed with respect to such facilities.

(e) *Termination subsequent to completion of facilities.* In the event the Government terminates this contract subsequent to completion of the facilities provided for herein, and prior to ---------- the Government shall pay the Contractor the sum of $------ less 1* of such amount for each month this contract remains in effect. In the event of such termination the Contractor shall remove any of such facilities located on Government property, provided, however, the Government shall have the option to purchase the facilities located on Government property at the agreed salvage value of $------.

*The fraction shall be completed by inserting the number of months comprising the amortization period.

If there is a probability that the facilities furnished under either of the above clauses may be used at a later date to serve new consumers other than the Government and for which no allowance has been made in computing the termination charge, additional provisions should be included in the clause to assure that the Government receives such credits as may be equitable under the circumstances.

§ 1007.3709–3 Specifications.

Set forth in this section are sample specifications for various types of utility services. An appropriate specification should be incorporated by reference and attached to each contract.

(a) *Electric service specifications.*

ELECTRIC SERVICE SPECIFICATIONS

1. Premises to be served ----------
2. Estimated service requirements:
Estimated maximum demand ------- KW.
Estimated annual consumption ---- KWH.
(The Government is in no way obligated to use nor is it restricted to the above estimated requirements.)
3. Point of delivery. The point of delivery service shall be ----------
4. Description of electric service. Contractor will supply -------- phase -------- wire, -------- cycle, alternating current at -------- volts. The voltage of Contractor's high tension line is -------- Substation transformers; normal capacity ----- KVA; overload capacity for -------- hours -------- KVA; delta or wye connected, high side -------, low side. Lightning arresters: type -------- Switching apparatus: high side, fused disconnects or OCB --------, interrupting capacity ---------- KVA; low side, OCB --------, interrupting capacity -------- KVA.
5. Metering and billing. Service will be measured at -------- volts by -------- watt hour meter(s) -------- demand meter(s).
6. Alterations and additions.

(b) *Gas service specifications.*

GAS SERVICE SPECIFICATIONS

1. Premises to be served ----------
2. Estimated service requirements:
Estimated maximum demand:
---------- MCF per hour.
---------- MCF per day.
Estimated annual consumption ---- MCF.
(The Government is in no way obligated to use nor is it restricted to above estimated requirements.)
3. Point of delivery. The point of delivery of gas shall be ----------
4. Quality.

(a) The gas delivered hereunder shall be ---------- gas. The gas so delivered shall contain not less than ---------- Btu per cubic foot. The unit of volume for the purpose of determining total heating value shall be one (1) cubic foot of gas saturated with water vapor at a temperature of sixty degrees (60°) Fahrenheit and an absolute pressure equivalent to thirty (30) inches of mercury at thirty-two degrees (32°) Fahrenheit;

(b) The gas delivered:

(1) shall be commercially free from dust or other solid or liquid matter which might interfere with its merchantability or cause injury to or interference with proper operation of the lines, regulators, meters and other equipment of Government;

(2) shall not contain more than a trace of hydrogen sulphide per one hundred (100) cubic feet of gas, as determined by methods prescribed in Standards for Gas Service, Circular of the National Bureau of Standards, No. 405, page 134 (1934 Edition), and shall be considered free from hydrogen sulphide if a strip of white filter paper, moistened with a solution containing five percent (5%) by weight of lead acetate, is not distinctly darker than a second paper freshly moistened with the same solution, after the first paper has been exposed to the gas for one (1) minute in an apparatus of approved form, through which the gas is flowing at the rate of approximately five (5) cubic feet per hour, the gas not impinging directly from a jet upon the test paper;

(3) shall not contain more than twenty (20) grains of total sulphur per one hundred (100) cubic feet.

(4) In the event the gas contains more than a trace of hydrogen sulphide per one hundred (100) cubic feet or more than twenty (20) grains of total sulphur per one hundred (100) cubic feet, by test prescribed by the Bureau of Standards or other recognized method, then upon the request of Government, Contractor shall reduce the hydrogen sulphide content to not more than a trace per one hundred (100) cubic feet and the total sulphur content to twenty (20) grains or less per one hundred (100) cubic feet.

5. Measurement.

(a) *Unit of measurement and metering base.* The volumetric measurement base shall be one (1) cubic foot of gas at a pressure base of thirty (30) inches of mercury (14.73 pounds per square inch absolute), and without adjustment for water-vapor content. To determine the volume of gas delivered, factors for pressure, temperature, specific gravity, and deviation from Boyle's Law shall be applied.

(b) *Atmospheric pressure.* The average absolute atmospheric (Barometric) pressure shall be assumed to be fourteen and four-tenths (14.4) pounds to the square inch, irrespective of actual elevation or location of the delivery point above sea level or variations in actual barometric pressure from time to time.

(c) *Temperature.* The temperature of the natural gas flowing through the meter or meters shall be arithmetic average of the hourly temperature record; or read from established tables of monthly averages for the service location.

(d) *Specific gravity.* The specific gravity of the natural gas shall be determined by joint test using an Edwards type Balance, or other approved instrument, at the commencement of deliveries hereunder and as often thereafter as deemed necessary; or if mutually agreed upon, by the use of a recorder, periodically checked with an Edwards type Balance or by other accepted methods.

(e) *The deviation from Boyle's Law* shall be determined by tests or computed by approved methods based on the composition of the gas and conditions at point of measurement, with such reasonable frequency as found necessary.

(f) *Measuring equipment.* Contractor will maintain and operate, at the delivery points, measuring stations properly equipped with displacement or orifice meters and other necessary measuring equipment by which the volumes of gas delivered hereunder shall be measured. Orifice meters shall be installed and operated, and gas volumes computed, in accordance with specifications recommended in Gas Measurement Committee Report No. 2, dated May 6, 1935,

of the Natural Gas Department of the American Gas Association, as the same may be amended from time to time, applied in a practical manner; displacement meter dial readings to be adjusted for varying pressure and temperature conditions. Government may install such check measuring equipment as it shall desire, provided that such equipment shall be so installed as not to interfere with the operations of Contractor. Contractor shall have access to such check measuring equipment at all reasonable hours, but the reading, calibrating and adjusting thereof and the changing of charts shall be done by Government unless otherwise agreed upon.

Both Contractor and Government shall have the right to be present at the time of any installing, reading, cleaning, changing, repairing, inspecting, testing, calibrating, or adjusting done in connection with the other's measuring equipment used in measuring deliveries. The records from such measuring equipment shall remain the property of their own, but upon request, each will submit to the other its records and charts, or true copies thereof, together with calculations therefrom, for inspection and verification, subject to return within thirty (30) days after receipt thereof, after which return the contractor's charts and records shall be kept on file by the Contractor for the mutual use of both parties for such period and to such extent as may be required by law.

Reasonable care shall be exercised in the installation, maintenance and operation of any pressure regulating equipment so as to avoid any inaccuracy in the determination of the volume of gas delivered.

6. Metering and billing. Gas will be measured by _____
(Number installed and type)
meter(s).

7. Pressure. *Contractor will maintain at the point of delivery a regulated pressure within ten percent of the pressure requested by the Contracting Officer but shall not be required to maintain more than _____ pounds or less than _____ pounds per square inch gauge.

*Contractor will supply gas from its low pressure distribution system at a pressure between _____ and _____ ounces per square inch gauge.

*Delete inapplicable language.

8. Size of pipeline to point of delivery _____ inches diameter: Operating pressure _____ psig.

9. Alterations and additions.

(c) *Water service specifications.*

WATER SERVICE SPECIFICATIONS

1. Premises to be served _____
2. Estimated service requirements:
Estimated daily maximum demand_____
_____
Estimated annual consumption _____
(Government is in no way obligated to use nor is it restricted to the above estimated requirements.)

3. Point of delivery. The point of delivery of water shall be _____

4. Description of water service. The Contractor shall have _____ gallons per minute of water continuously available at the point of delivery at a pressure of not less than _____ pounds per square inch gauge.

5. Quality of water. The Contractor will supply clear, potable water safe for human consumption in accordance with standards adopted by the United States Public Health Service for drinking and culinary water supplied by common carriers in interstate commerce and such revisions thereof as may be made from time to time.

6. Metering and billing. Water will be measured by _____ meter(s).

7. Size of contractor's pipe line to point of delivery _____ inches diameter.

8. Alterations and additions.

(d) *Sewage service specifications.*

SEWAGE SERVICE SPECIFICATIONS

1. Premises to be served _____
2. Estimated service requirements _____
Estimated annual volume _____
(The Government is in no way obligated to deliver nor is it restricted to the above estimated requirements.)

3. Service to be rendered. Contractor shall furnish a sanitary sewer connection and sanitary sewerage service as required by the Government and shall receive, carry, treat and dispose of all sanitary sewage originating at the project in such amounts as the Government desires to release into Contractor's sewer system and in a manner and by such means as will constitute no hazard to the public health. Contractor shall operate its sewage disposal and treatment facilities in conformity with applicable laws, rules, and regulations promulgated by State and Federal governmental authorities.

4. Point of delivery. The sewage shall be delivered to Contractor by the Government at _____

5. Size of sewer to point of delivery _____ inches diameter.

6. Alterations and additions.

(e) *Steam service specifications.*

STEAM SERVICE SPECIFICATIONS

1. Premises to be served _____
2. Estimated service requirements:
Estimated hourly maximum demand _____
Estimated annual consumption _____
(The Government is in no way obligated to use nor is it restricted to the above estimated requirements.)

3. Point of delivery. The point of delivery of steam shall be _____

4. Description of steam service. The Contractor shall have _____ pounds per hour of steam continuously available at the point of delivery at a pressure of not less than _____ pounds or in excess of _____ pounds per square inch gauge.

5. Quality of steam. The steam furnished shall contain not more than 1% moisture and shall be free of condensate at point of delivery.

6. Metering and billing. Steam will be measured by _____
(Number installed and type-condensate or flow meter)
meters.

7. Size of pipe line to point of delivery _____ inches diameter.

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62-10520; Filed, Oct. 19, 1962; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Buzzards Bay and Adjacent Waters, Mass.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), paragraph (c) of § 204.5 governing the use and navigation of a danger zone in Buzzards Bay and adjacent waters, Mass., in vicinity of Hen and Chickens Reef is hereby revoked, effective upon publication in the FEDERAL REGISTER since the area is no longer needed, as follows:

§ 204.5 Buzzards Bay, and adjacent waters, Mass.; danger zone for naval operations.

* * * * *

(c) *Buzzards Bay in vicinity of Hen and Chickens Reef.* [Revoked]

[Regs., 3 October 1962, 285/111 (Buzzards Bay, Mass.)-ENCCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 62-10510; Filed, Oct. 19, 1962; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-37]

PART 170—COMMERCIAL ZONES

Cleveland, Ohio; Corrected Order

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 6th day of September A.D. 1962.

It appearing that on March 23, 1948, the Commission, division 5, made and filed its first supplemental report, 48 M.C.C. 95, and order in the above-entitled proceeding, establishing the limits of the zone adjacent to and commercially a part of Cleveland, Ohio, within the meaning of section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)), within which zone transportation by motor vehicle, in interstate or foreign commerce, is partially and conditionally exempt from regulation;

It further appearing that the description thus established includes all points in Willoughby Township, Lake County, Ohio;

It further appearing that said description has been rendered inaccurate, in that the area formerly known as Willoughby Township is now known solely by the names of its eight constituent parts, the incorporated cities and Villages of Wickliffe city, Willoughby Hills village, Waite Hill village, Willoughby city, Willowick city, Eastlake city, Lakeline village, and Timberlake village;

And it further appearing that notice and public procedure thereon to render the above description accurate and unambiguous are impracticable and unnecessary, for the reason that the substitution of the said incorporated cities and villages in lieu of the said township will not alter to any material extent the zone limits as originally established in this proceeding; and good cause appearing therefor;

It is ordered, That said proceeding be, and it is hereby, reopened for further consideration.

It is further ordered, That § 170.22 as prescribed in the order entered in this proceeding on March 23, 1948 (49 CFR 170.22) be, and it is hereby, vacated and set aside, and the following is hereby substituted in lieu thereof:

§ 170.22 Cleveland, Ohio.

The zone adjacent to and commercially a part of Cleveland, Ohio, within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)) includes and is comprised of all points as follows:

(a) All points in Cuyahoga County, Ohio, and

(b) All points in Wickliffe city, Willoughby Hills village, Waite Hill village, Willoughby city, Willowick city, Eastlake city, Lakeline village, and Timberlake village, Lake County, Ohio.

(49 [illegible] 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303)

It is further ordered, That this order shall become effective October 22, 1962, and shall continue in effect until the further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-10519; Filed, Oct. 19, 1962; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Certain Wildlife Refuges in California

In compliance with the requirements of the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695) it has been determined that a major portion of the crops in the vicinity of the following refuges have been harvested and that the period of susceptibility of such crops to wildfowl depredation has passed. Accordingly, since the possibility of crops being damaged by waterfowl is minor, the following special regulations are issued and are effective on the date stated herein. The limitation of time makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

CALIFORNIA

COLUSA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Colusa National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,180 acres or 29 percent of the total area of the refuge, is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redheads and canvasbacks) and geese (except Ross' geese).

(b) Open season—All species: From one-half hour before sunrise to sunset on the following dates: October 27, 28, and 31; November 3, 4, 7, 10, 11, 12, 14, 17, 18. From 12 noon to sunset December 8 and from one-half hour before sunrise to sunset December 9, 12, 15, 16, 19, 22, 23, 25, 26, 29, 30, and January 1, 2, 5, 6, 1963.

(c) Bag limits: Coots 25, ducks 5, geese 6. The daily bag limit on ducks may not include more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than 3 of the dark species.

(d) Methods of hunting: (1) Weapons: Shotguns only, not larger than 10 gauge and incapable of holding more than three shells.

(2) Dogs: Not to exceed two dogs per hunter may be used for retrieving wounded or dead waterfowl and coots.

(3) Boats: Boats without motors will be permitted.

(4) Blinds: Temporary blinds may be constructed from natural vegetation and will not become sole property of constructing individual.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) State and Federal game law enforcement officers are authorized to enforce all hunting regulations in the refuge.

(3) A Federal permit is not required to enter the public hunting area, but hunters must obtain a State permit issued at the checking station, or advance reservations obtained from the State Fish and Game Department, Sacramento, California, before hunting on the area.

(4) The provisions of this special regulation are effective to January 7, 1963.

MERCED NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Merced National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,160 acres or 45 percent of the total area of the refuge, is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redheads and canvasbacks), and geese (except Ross' geese).

(b) Open season—All species: From one-half hour before sunrise to sunset on the following dates: October 21, 24, 27, 28, and 31; November 3, 4, 7, 10, 11, 12, 14, 17, 18. From 12 noon to sunset December 8 and from one-half hour before sunrise to sunset December 9, 12, 15, 16, 19, 22, 23, 25, 26, 29, 30, and January 1, 2, 5, 6, 1963.

(c) Bag limits: Coots 25, ducks 5, geese 6. The daily bag limit on ducks may not include more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than 3 of the dark species.

(d) Methods of hunting: (1) Weapons: Shotguns only, not larger than 10 gauge and incapable of holding more than three shells.

(2) Dogs: Not to exceed two dogs per hunter may be used for retrieving wounded or dead waterfowl and coots.

(3) Boats: Boats without motors will be permitted.

(4) Blinds: Temporary blinds may be constructed from natural vegetation and will not become sole property of constructing individual.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) State and Federal game law enforcement officers are authorized to enforce all hunting regulations in the refuge.

(3) A Federal permit is not required to enter the public hunting area, but hunters must obtain a State permit issued at the checking station, or advance reservations obtained from the State Fish and Game Department, Sacramento, California, before hunting on the area.

(4) The provisions of this special regulation are effective to January 7, 1963.

SALTON SEA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Salton Sea National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,120 acres or 23 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife,

1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redhead and canvasback) and geese (except Ross' geese).

(b) Open season: From 12 noon to sunset December 8 and from one-half hour before sunrise to sunset December 9, 12, 15, 16, 19, 22, 23, 25, 26, 29, 30, and January 1, 2, 5, 6, 1963.

(c) Bag limits: Coots 25, ducks 5, geese 6. The daily bag limit on ducks may not include more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than 3 of the dark species.

(d) Methods of hunting: (1) Weapons: Shotguns only, not larger than 10 gauge and incapable of holding more than three shells.

(2) Dogs: Not to exceed two dogs per hunter may be used for retrieving wounded or dead waterfowl and coots.

(3) Blinds: Temporary blinds may be constructed from natural vegetation and will not become sole property of constructing individual.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) State and Federal game law enforcement officers are authorized to enforce all hunting regulations in the refuge.

(3) A Federal permit is not required to enter the public hunting area, but hunters must obtain a State permit issued at the Wister Game Management Area, 5 miles northeast of Niland, California, on Highway 111, or by advance reservation obtained from the State Fish and Game Department, Sacramento, California, before hunting on the area.

(4) The provisions of this special regulation are effective to January 7, 1963.

SUTTER NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Sutter National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,194 acres or 46 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except redheads and canvasbacks), and geese (except Ross' geese).

(b) Open season—All species: From one-half hour before sunrise to sunset on the following dates: October 27, 28, and 31; November 3, 4, 7, 10, 11, 12, 14, 17, 18. From 12 noon to sunset December 8 and from one-half hour before sunrise to sunset December 9, 12, 15, 16, 19, 22, 23, 25, 26, 29, 30, and January 1, 2, 5, 6, 1963.

(c) Bag limits: Coots 25, ducks 5, geese 6. The daily bag limit on ducks may not include more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit on geese may not include more than 3 of the dark species.

(d) Methods of hunting:

(1) Weapons: Shotguns only, not larger than 10 gauge and incapable of holding more than three shells.

(2) Dogs: Not to exceed two dogs per hunter may be used for retrieving dead or wounded waterfowl and coots.

(3) Boats: Boats without motors will be permitted.

(4) Blinds: Temporary blinds may be constructed from natural vegetation and will not become sole property of constructing individual.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) State and Federal game law enforcement officers are authorized to enforce all hunting regulations in the refuge.

(3) A Federal permit is not required to enter the public hunting area, but hunters must obtain a State permit issued at the checking station, or advance reservations, obtained from the State Fish and Game Department, Sacramento, Calif., before hunting on the area.

(4) The provisions of this special regulation are effective to January 7, 1963.

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 17, 1962.

[F.R. Doc. 62-10532; Filed, Oct. 19, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–202]

BATTERY INDUSTRY

Denial of Application

The Burgess Battery Company has applied for a subpoena duces tecum in the matter of the determination of the prevailing minimum wages in the Battery Industry under the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.). The text of the application is as follows:

Burgess Battery Company, a division of Servel, Inc., by its counsel, hereby requests the Secretary of Labor to issue a subpoena duces tecum to the Bureau of Labor Statistics commanding said Bureau of Labor Statistics to:

(1) Make available to the undersigned attorney, in Chicago, Ill., as counsel for Burgess Battery Company the wage and related data of the individual plants or companies which has been supplied to the Bureau of Labor Statistics with regard to the battery industry in order that this counsel may examine such wage and related data and compare the same with the information now contained in two exhibits prepared by said Bureau of Labor Statistics for use in the hearing before the representatives of the Secretary of Labor in the above entitled matter; and

(2) Direct the appropriate official or agent of the Bureau of Labor Statistics to have with him at such hearing now scheduled for October 30, 1962, such wage and related data as above specified for the purpose of permitting this applicant to examine said official or agent as to the usage of such wage and related data in compiling the statistical data exhibits which the Government proposes to the Hearing Examiner at that time.

The above request for subpoena is made pursuant to the provisions of rules of practice applicable to minimum wage determination under the Walsh-Healey Public Contracts Act as reported in 41 CFR § 50–203.-19(a).

In determining whether this subpoena should be issued and enforced, I am called upon to balance the applicant's need for the material sought against the burden that would be imposed upon the Bureau of Labor Statistics (BLS) by requiring the production of such material. The applicant desires this material for the purpose of examination and comparison with the Bureau of Labor Statistics' survey prepared for use in the determination. On the other hand the data sought was obtained by the BLS from the companies of which the industry is composed in return for its pledge that such data would be kept in confidence and that no information identified by company name would be released. The subpoena calls upon me to force the BLS to violate its pledge.

I therefore am called upon to balance the mere possibility that the applicant's examination may have some as yet unknown probative value in these proceedings against the injury to the BLS and the Department that would be occasioned by a violation of the pledge of confidence. It has been established in previous wage determinations that any violation of this pledge (which is similar to the ones given by the BLS in their other studies) would make it impossible for them to continue their useful work (see the tentative determination of prevailing minimum wages in the motors and generators industry, 27 F.R. 1913).

It is clear that the applicant's need for the information sought is outweighed by the burden production of it would impose upon the BLS. The application is hereby denied.

Signed at Washington, D.C., this 15th day of October 1962.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 62-10537; Filed, Oct. 19, 1962; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

EXPENSES OF WALNUT CONTROL BOARD AND RATES OF ASSESSMENT FOR 1962–63 MARKETING YEAR

Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal regarding expenses of the Walnut Control Board and rates of assessment for the 1962–63 marketing year which began August 1, 1962. The proposal, which is based on the recommendation of the Walnut Control Board and other available information, would be established pursuant to the amended marketing agreement and order (7 CFR Part 984, 27 F.R. 9094), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to written data, views, or arguments pertaining to the proposal, which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

§ 984.314 Expenses of the Walnut Control Board and rates of assessment for the 1962–63 marketing year.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1962, in accordance with § 984.68 will amount to $108,200, and the Board is authorized to incur such expenses.

(b) *Rates of assessment.* The rates of assessment fixed for said marketing year, payable by each handler in accordance with § 984.69 shall be 0.10 cent per pound for merchantable inshell walnuts and 0.20 cent per pound for merchantable shelled walnuts.

Dated: October 17, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R Doc. 62-10522; Filed, Oct. 19, 1962; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1001, 1006, 1007, 1014, 1015]

[Docket Nos. AO–14–A 35, AO–203–A 17, AO–204–A 17, AO–302–A 9, and AO–305–A 9]

MILK IN THE GREATER BOSTON, SPRINGFIELD, AND WORCESTER, MASSACHUSETTS; SOUTHEASTERN NEW ENGLAND; AND CONNECTICUT MARKETING AREAS

Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice was issued on July 27, 1962 (27 F.R. 7647) of a public hearing to be convened at the Hotel Bradford, Boston, Mass., at 10 a.m., e.s.t., on November 13, 1962, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Boston, Springfield, and Worcester, Massachusetts, Southeastern New England, and Connecticut marketing areas.

Notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), that the time and the place of such hearing as stated in the original notice of hearing are changed, and that such hearing shall be convened at the Hotel Bradford, 275 Tremont Street, Boston, Mass., at 10 a.m., e.s.t., on November 26, 1962; with additional sessions to be held at the Hotel Crown, 208 Weybosset Street, Providence, R.I., at 9:30 a.m., e.s.t., on December 10, 1962; at the Bond Hotel, 338 Asylum Street, Hartford, Connecticut, at 9:30 a.m., e.s.t., on December 11 and 12, 1962; at the Schine Inn, Exit 6, Massachusetts Turnpike, Chicopee, Mass., at 9:30 a.m., e.s.t., on December 13, 1962; at the Aurora Hotel, 654 Main Street, Worcester, Mass., at 9:30 a.m., e.s.t., on December 14, 1962; and with any additional sessions which may

be necessary to be held at a time and place to be announced.

Further notice is hereby given that, in addition to receiving evidence relative to the proposed amendments set forth in the original notice of hearing, evidence will be received with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Cooperative Dairy Economics Service in behalf of Bellows Falls Cooperative Creamery, Inc., et al.:

Proposal No. 52. Delete the nearby farm location differential provisions of the five New England orders if merged. If the orders are not merged or merged into more than one combination of orders, consider the deletion or reduction of the nearby farm location differential provisions of such orders as would then be in effect.

Proposed by H. P. Hood & Sons, Inc.:

Proposal No. 53. In all five New England orders revise the supply-demand adjuster in the New England basic Class I price formula so that the base Class I percentages will reflect seasonalities in producer receipts and Class I milk in a recent three-year period instead of the 1953–57 seasonalities presently used, and that the percentage of base supply and its resulting supply-demand adjustment factor will be based on data for the latest three months of statistical record, instead of on those for the latest two months.

Initially the updated measure of seasonality in receipts underlying the base Class I percentages should be based on the period July 1959–July 1962, adjusted so that it will not be distorted by effects of the abnormally late springs which have occurred in 1961 and 1962. It is proposed that commencing with the calculation of the March 1964 price, the base Class I percentages be revised annually, based on seasonalities of producer receipts and Class I milk in the three preceding calendar years.

Proposal No. 54. Amend the five New England orders in the following manner:

1. Revise § 1001.30 of the Greater Boston order by inserting after the term "8th day" the phrase "or on the 9th day if two Sundays or a Sunday and a holiday both occur within the first eight days of a reporting month,".

2. Revise the language in the Springfield, Worcester, Southeastern New England, and Connecticut orders to establish the same reporting time extension.

Proposed by the Dairy Farmer Distributors Association of New England:

Proposal No. 55. Amend the Greater Boston, Springfield, Worcester, and Southeastern New England orders to provide that each order be changed from a marketwide pool to an individual-handler pool, and that all relevant portions of the present provisions of such orders be amended to achieve such a result.

Proposal No. 56. Amend the Greater Boston, Springfield, Worcester, and Southeastern New England orders to provide for an exempt milk category which shall include in it the milk of own farm production which is marketed at retail or retail-wholesale at the cost and expense of the producer of such own farm production, and to provide for an exemption from the payment provisions of such orders for exempt milk.

Proposed by Bay State Ice Cream Company:

Proposal No. 57. Amend §§ 1001.66(a), 1007.66, and 1014.60(a)(2) of the Greater Boston, Worcester, and Southeastern New England orders, respectively, by adding a new sentence to read as follows: "Any deduction authorized by the producer in writing shall be conclusively presumed to be a properly authorized deduction and shall be conclusively presumed to be properly chargeable to the producer."

Proposal No. 58. Delete §§ 1001.66(b), 1007.71, and 1014.69(b) of the Greater Boston, Worcester, and Southeastern New England orders, respectively, to eliminate from these orders the provision for deductions for association members.

Proposed by Connecticut Milk Producers Association, Modern Milk Marketing Association, and Cooperative Dairy, Inc.:

Proposal No. 59. In § 1015.3(c)(2) of the Connecticut order delete the first proviso which states "*Provided*, That any plant qualifying for pooling under the Boston order on the basis of greater shipments under such order, but which is designated as a non-pool plant under the Boston order for such month, and from which the qualifying shipments under this order are at least 15 percent of its receipts of milk from dairy farmers, and are greater than under any other order except Boston shall also qualify under this subparagraph."

Proposal No. 60. In the event Proposal No. 59 is not adopted alter the language of § 1015.3(c)(2) by deleting the underlined words in the following excerpt from the first proviso of that paragraph: "• • • and from which the qualifying shipments under this order are at least 15 percent of its receipts of milk from dairy farmers, • • •" and substituting in lieu of these deleted words the underlined portions of the following proposed excerpt from that same proviso: "• • • and from which the qualifying shipments to plants subject to this order are at least 15 percent of its receipts of milk from dairy farmers • • •".

Make corresponding changes in other New England orders if deemed necessary or advisable.

Proposed by the State of Wisconsin:

Proposal No. 61. Review generally the provisions of the five New England orders dealing with allocation, classification, location differentials and other pertinent provisions dealing with intermarket sales of packaged and bulk milk, and the treatment of non-regulated other source bulk milk.

Specifically, the following provisions are proposed:

1. Consumer packaged Class I (or Class II in orders with more than 2 classes) items should be exempted from down allocation or compensatory payment provisions. Once the packaged milk has been pooled and priced it should be free to move.

2. Each handler accounts to the pool for all of his milk on the basis of order prices and his utilization (both pool and non-pool milk combined). The administration assessment should be applied only on the volume of non-pool milk received in the market.

3. Location differentials should be uniform between markets, not only in rate per hundredweight of whole milk moved from the extremities of the normal supply area but should be extended indefinitely to account for long distance shipments of whole milk or concentrated skim or cream.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 62. Amend each of the five New England orders to provide that the class and producer blend prices be announced on a 3.5 percent butterfat basis.

Copies of this supplemental notice of hearing and the respective orders may be procured from the Market Administrator for the respective markets at Room 403, 230 Congress Street, Boston 10, Mass.; Room 408, 145 State Street, Springfield 3, Mass.; Room 403, 107 Front Street, Worcester 8, Mass.; 57 Eddy Street, Providence 3, R.I.; and 1049 Asylum Avenue, Hartford 5, Conn.; or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on October 15, 1962.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-10523; Filed, Oct. 19, 1962; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations, Norden Laboratories, Inc., Lincoln 1, Nebr., has withdrawn its petition (FAP 865), published in the FEDERAL REGISTER of August 3, 1962 (27 F.R. 7682), proposing the issuance of a regulation to provide for the safe use of virginiamycin in oil for the treatment of mastitis in milk-producing animals.

The withdrawal of this petition is without prejudice to a future filing.

Dated: October 16, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-10516; Filed, Oct. 19, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 732) has been filed by Pabst Brewing Company, Milwaukee 1, Wis., proposing the amendment of § 121.207 of the food additive regulations to provide for the safe use of zoalene with bacitracin in chicken feeds as provided in the Notice of Filing of Petition (FAP 882) published in the FEDERAL REGISTER of September 8, 1962 (27 F.R. 8953), by changing the words "zinc bacitracin" in the fifth column to read "bacitracin or zinc bacitracin".

Dated: October 16, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-10517; Filed, Oct. 19, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1438]

BEECH AIRCRAFT

Proposed Airworthiness Directives

Pursuant to the authority delgated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive superseding Amendment 30, 24 F.R. 5634, AD 59-13-4, which requires inspection and replacement of the rudder-aileron bungee interconnect cable on Beech Models A45 and B45 aircraft. There have been recent cases of failure of the bungee attach lugs on the aileron bellcrank. From a safety standpoint, this failure is equivalent to a broken cable. Therefore it is proposed to issue a new directive to supersede AD 59-13-4, requiring inspection and replacement of the bellcrank as well as the cable.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 20, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BEECH. Applies to all Models A45 (T-34A), and B45 aircraft incorporating FAA Certification Kit, No. 45-322A.

Compliance required within the next 50 hours' time in service after the effective date of this AD and thereafter at intervals not exceeding 100 hours' time in service.

(a) Disconnect the turnbuckles on the 45-524504 and 45-524505 rudder-aileron bungee interconnect cable assemblies and thoroughly inspect the cables. Replace any cables that show evidence of fraying, excessive wear or internal breakage.

(b) Disconnect the two AN 161-8RS forks that attach to the 45-524028 bellcrank assembly and inspect the 3/16-inch-diameter holes in the bellcrank for elongation or cracks. If elongation exceeds 0.02 inch or if cracks are found, replace bellcrank prior to further flight.

(c) The inspections required in (a) and (b) may be discontinued when larger pulleys, P/N MS-20219, are installed per Beech Kit 45-325 and bronze bushings, Beech P/N 105740B-ZF-0105, are installed in the aileron bellcrank holes per Beech Drawing 45-000060, Revision C.

(Beech Service Bulletin No. 32 on Models A45 (T-34A) and B45 covers the cable inspection.)

This supersedes Amendment 30, 24 F.R. 5634, AD 59-13-4.

Issued in Washington, D.C., on October 15, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-10511; Filed, Oct. 19, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-SO-30]

TRANSITION AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), and in consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 601 of the regulations of the Administrator. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3.D that its state aircraft will be operated in International airspace with due regard for the safety of civil aircraft.

Since this action involves in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Federal Aviation Agency has under consideration the designation of a transition area at Jacksonville, Fla. The proposed transition area would be designated to extend upward from 2,000 feet above the surface within the airspace east of Jacksonville bounded on the east by the east boundary of VOR Federal airway No. 437, and on the southwest, west and northwest by VOR Federal airway No. 3 east alternate, excluding the portions which would coincide with the Jacksonville control area extensions (§§ 601.1005 and 601.1153). This proposed transition area would provide protection for aircraft executing holding, approach and departure procedures associated with airports within the Jacksonville terminal area, including radar vector service and jet scramble, penetration and recovery procedures in the vicinity of VOR Federal airway No. 437. This transition area would also provide controlled airspace for improving the flow of air traffic to and from the en route structure north and south of Jacksonville.

To permit fulfillment of the urgent airspace requirements at the earliest practicable date, this action is being proposed in advance of the implementation of Amendments 60-21 and 60-29 to the Civil Air Regulations, Part 60, Air Traffic Rules, in the entire Jacksonville area. Upon completion of the area review of the airspace requirements attendant to full implementation of these amendments, separate airspace action will be initiated proposing the conversion

of the control area extensions in this area to transition areas with appropriate floor assignments, and the designation of appropriate airway floors consistent with en route requirements.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street, Atlanta 3, Ga. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C. on October 15, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-10512; Filed, Oct. 19, 1962; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

CITIZENS NATIONAL BANK AND GLENDORA COMMERCIAL AND SAVINGS BANK

Notice of Decision Granting Application to Merge

On August 8, 1962, the $3.5 million Glendora Commercial and Savings Bank, Glendora, Calif., and the $731.7 million Citizens National Bank, Los Angeles, Calif., applied to the Comptroller of the Currency for permission to merge under the charter and title of the latter.

On October 12, 1962, the Comptroller of the Currency granted this application, effective on or after October 19, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 16, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-10524; Filed, Oct. 19, 1962; 8:49 a.m.]

CITIZENS NATIONAL BANK OF GREENLEAF AND GREENLEAF STATE BANK

Notice of Decision Granting Application to Purchase Assets

On August 14, 1962, the $1.6 million Citizens National Bank of Greenleaf, Greenleaf, Kans., applied to the Comptroller of the Currency for permission to purchase the assets and assume the liabilities of the $1.1 million Greenleaf State Bank, Greenleaf, Kans.

On October 12, 1962, the Comptroller of the Currency granted this application, effective on or after October 19, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 16, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-10525; Filed, Oct. 19, 1962; 8:49 a.m.]

FIRST NATIONAL BANK OF OLEAN AND FIRST NATIONAL BANK OF ALLEGANY

Notice of Decision Granting Application to Merge

On August 13, 1962, the $27.4 million First National Bank of Olean, Olean, N.Y., filed an application with the Comptroller of the Currency to merge with the $3.5 million First National Bank of Allegany, Allegany, N.Y., under the charter and title of the former.

On October 12, 1962, the Comptroller of the Currency granted this application, effective on or after October 19, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 16, 1962.

A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-10526; Filed, Oct. 19, 1962; 8:49 a.m.]

PLANTERS NATIONAL BANK AND TRUST CO. AND BANK OF MANTEO

Notice of Decision Granting Application to Merge

On August 13, 1962, the Planters National Bank and Trust Company of Rocky Mount, Rocky Mount, N.C., applied to the Comptroller of the Currency for permission to merge under its charter and title The Bank of Manteo, Manteo, N.C.

On October 12, 1962, the Comptroller of the Currency granted this application effective on or after October 19, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 16, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-10527; Filed, Oct. 19, 1962; 8:49 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1962 Rev. Supp. No. 11]

DUBUQUE FIRE & MARINE INSURANCE COMPANY

Change of Name to Bankers Multiple Line Insurance Company

OCTOBER 16, 1962.

Dubuque Fire & Marine Insurance Company, an Iowa corporation, has formally changed its name to Bankers Multiple Line Insurance Company, effective July 10, 1962. A certified copy of the Articles of Amendment to the Articles of Incorporation of Dubuque Fire & Marine Insurance Company, approved by the Solicitor General and the Commissioner of Insurance of the State of Iowa on July 10, 1962, changing the name of Dubuque Fire & Marine Insurance Company to Bankers Multiple Line Insurance Company has been received and filed in the Treasury.

The change in the name of Dubuque Fire & Marine Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to its authority under the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13), to qualify as sole surety on such obligations.

The name of the company will appear as Bankers Multiple Line Insurance Company in the next annual revision of this circular (Treasury Department Circular No. 570) which lists the companies authorized to act as acceptable sureties on bonds in favor of the United States.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 62-10528; Filed, Oct. 19, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

LOUISIANA, NORTH CAROLINA AND NORTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 (a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter-named counties in the States of Louisiana, North Carolina, and North Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

LOUISIANA

Acadia.	La Salle.
Allen.	Lincoln.
Ascension.	Madison.
Avoyelles.	Morehouse.
Beauregard.	Natchitoches.
Bienville.	Ouachita.
Bossier.	Plaquemines.
Caddo.	Pointe Coupee.
Calcasieu.	Rapides.
Caldwell.	Red River.
Cameron.	Richland.
Catahoula.	Sabine.
Claiborne.	St. Charles.
Concordia.	St. James.
De Soto.	St. John.
East Baton Rouge.	St. Landry.
East Carroll.	St. Martin.
Evangeline.	Tensas.
Franklin.	Union.
Grant.	Vermilion.
Iberia.	Webster.
Iberville.	West Baton Rouge.
Jackson.	West Carroll.
Lafayette.	Winn.

NORTH CAROLINA

Cabarrus

NORTH DAKOTA

Traill

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can

qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of October, 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-10539; Filed, Oct. 19, 1962; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Correction of Partial Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 8, 1962.

Notice of an application Serial No. Sacramento 047050, for withdrawal and reservation of lands was published as Federal Register Document No. 57-7292 on pages 7156 and 7157 of the issue for September 6, 1957. Notices of corrections of land descriptions were published as Federal Register Document No. 57-7917 on page 7716 of the issue for September 27, 1957; and as Federal Register Document No. 58-3414 on page 3071 of the issue for May 8, 1958. A notice of Partial Termination of the Proposed Withdrawal and Reservation of Lands was published as Federal Register Document No. 62-6919 on page 9570 of the issue for Thursday September 27, 1962, cancelling the following listed lands from the subject withdrawal, and desegregating them as of October 23, 1962 pursuant to the regulations contained in 43 CFR, Part 295:

MOUNT DIABLO MERIDIAN, CALIFORNIA
MENDOCINO NATIONAL FOREST
Administrative Sites
John Day

T. 19 N., R. 11 W.,
Sec. 15: SW¼SW¼SW¼.

Montague

T. 23 N., R. 11 W.,
Sec. 11: S½SE¼SE¼;
Sec. 12: SW¼SW¼SW¼;
Sec. 13: W½NW¼NW¼;
Sec. 14: NE¼NE¼, SW¼NE¼, NW¼SE¼NE¼.

Cedar Camp

T. 16 N., R. 8 E.,
Sec. 1: NE¼SE¼.

Sheetiron

T. 19 N., R. 8 W.,
Sec. 22: NW¼NE¼, S½NE¼, SW¼NW¼, E½SW¼NW¼, E½NW¼SW¼, NE¼SW¼, NW¼SE¼;
Sec. 23: NW¼NW¼NW¼.

The applicant agency desires a correction to eliminate only the following described lands from the Proposed Withdrawal Sacramento 047050. Therefore, the description of land involved in the Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands as published in the Federal Register Document No. 62-6919 on page 9570 of the issue for September 27, 1962 is amended hereby to read:

MOUNT DIABLO MERIDIAN, CALIFORNIA
MENDOCINO NATIONAL FOREST
Administrative Sites
John Day

T. 19 N., R. 11 W.,
Sec. 15: SW¼SW¼.

Sheetiron

T. 19 N., R. 8 W.,
Sec. 22: NW¼NE¼, S½NE¼, SW¼NW¼, E½SW¼NW¼, E½NW¼SW¼, NE¼SW¼, NW¼SE¼;
Sec. 23: NW¼NW¼NW¼.

[SEAL] WALTER E. BECK,
Manager,
Land Office, Sacramento.

[F.R. Doc. 62-10513; Filed, Oct. 19, 1962; 8:47 a.m.]

MICHIGAN, MISSISSIPPI, ARKANSAS, LOUISIANA, AND INDIANA

Notice of Proposed Withdrawal and Reservation of Land

Correction

In F.R. Doc. 62-8596, appearing at page 8599 of the issue for Tuesday, August 28, 1962, the following correction is made in the section 19 land description under T. 18 N., R. 13 W., in the Manistee National Forest, Michigan: The words now reading "west 330 ft. of east 900 ft." should read "west 330 ft. of east 990 ft.".

DEPARTMENT OF COMMERCE

Bureau of International Programs

[File 24-48]

SWATSON LIVET CO. LTD., ET AL.

Order Temporarily Denying Export Privileges

In the matter of Swatson Livet Co. Ltd., D. Z. Swart, J. Waddas, 3106 Chambord Street, Quebec 10, Canada.

The Director, Investigations Staff, Bureau of International Programs, United States Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above named respondents. It was requested that the order remain in effect for a period of ninety days pending continued investigation into the facts and transactions giving rise to the application and the commencement of such proceedings as may be deemed proper under the law against said respondents.

The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with his recommendation that the application be granted and that a temporary denial order be issued for ninety days. The evidence presented shows that the respondent Swatson Livet Co. Ltd. is a Canadian corporation with a place of business in Quebec, Province of Quebec, Canada, and that the respondents Swart and Waddas are the controlling shareholders of said company and are the individuals in charge of its operations. Upon consideration of the recommendation and the evidence submitted I find that the evidence reasonably supports the conclusion that the respondents are engaged in obtaining commodities of United States origin, including spare parts for machinery and equipment of United States origin, and are shipping and participating in the shipment of such commodities to Cuba, in violation of the United States Export Control Act and regulations thereunder. I further find that the evidence reasonably supports the conclusion that unless export privileges are temporarily denied, the respondents will continue to obtain goods of United States origin and thereafter cause them to be shipped to destinations in contravention of the United States Export Control Act and regulations. An order temporarily denying export privileges to the respondents is reasonably necessary for the protection of the public interest and national security.

Accordingly, it is hereby ordered:

The respondents, Swatson Livet Co. Ltd., D. Z. Swart and J. Waddas, and their successors, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondent's participation (a) as a party to or as representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, or disposing of any commodities and technical data in whole or in part exported or to be exported from the United States; and (d) in the financing forwarding, transporting, or other servicing of exports from the United States;

(2) Such denial of export privileges shall apply not only to said respondents, but also to any successor and to any other person, firm, corporation, or business organization with which any respondent may be now or hereafter related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith;

(3) This order shall take effect forthwith and shall remain in effect for a period of ninety days from the date hereof, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the United States Export Regulations;

(4) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from the Bureau of International Programs shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (1) and (2) hereof may receive any benefit or have any interest or participation of any kind or nature, direct or indirect;

(5) A certified copy of this order shall be served upon the respondents;

(6) In accordance with the provisions of Section 382.11(c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: October 16, 1962.

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 62-10529; Filed, Oct. 19, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-198]

AMERICAN RADIATOR & STANDARD SANITARY CORP.

Notice of Proposed Issuance of Facility Export License

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or an intervener as provided by the Commission's rules of practice (Title 10, CFR, Chapter 1, Part 2), the Commission proposes to issue to American Radiator & Standard Sanitary Corporation a facility export license essentially in the form set forth below authorizing export of a 100 kilowatt, water-moderated, graphite-reflected Model UTR-100 teaching and research nuclear reactor to the Scottish Research Reactor Center, East Kilbride, Scotland.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", the Commission has found that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an Agreement for Cooperation between the United States of America and the United Kingdom of Great Britain and Northern Ireland.

In its review of applications solely to authorize the export production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactor.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 12th day of October 1962.

For the Atomic Energy Commisison.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954 and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued to the licensee authorizing the export of the materials and/or production or utilization facilities listed below, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

License No. XR-47 authorizes American Radiator & Standard Sanitary Corporation, represented by Advanced Technology Laboratories, A Division of American-Standard, 369 Whisman Road, Mountain View, Calif., to export a 100 kilowatt, water-moderated, graphite-reflected Model UTR-100 teaching and research nuclear reactor to the Scottish Research Reactor Center, East Kilbride, Scotland.

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by Section 106 of the Atomic Energy Act of 1954, and to all of the other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission.

This license is effective as of the date of issuance and shall expire on December 31, 1964.

For the Atomic Energy Commission.

[F.R. Doc. 62-10499; Filed, Oct. 19, 1962; 8:45 a.m.]

[Docket No. 27-35]

LONG ISLAND NUCLEAR SERVICE CORP.

Notice of Amendment of Byproduct and Source Material License

Please take notice that no requests for a formal hearing have been filed following publication of the notice of proposed amendment of License No. 31-8360-1 held by Long Island Nuclear Service Corporation in the FEDERAL REGISTER. The Atomic Energy Commission has this date issued Amendment No. 1 to License No. 31-8360-1. This amendment is in the form set forth in the notice of proposed amendment published in the FEDERAL REGISTER on September 28, 1962, 27 F.R. 9627.

Dated at Germantown, Md., October 15, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director,
Licensing and Regulation.

[License No. 31-8360-1, Amdt. No. 1]

In accordance with application dated June 25, 1962, and amendment thereto dated July 25, 1962 (hereinafter referred to as the application), License No. 31-8360-1 is amended as follows:

Condition 1 is amended to read as follows:

1. The licensee shall not possess at any one time more than:
A. 1,000 curies of Hydrogen 3.
B. 1,000 curies of any byproduct material having Atomic Nos. between 3 and 83.
C. 15,000 pounds of source material.

Condition 6 is amended to read as follows:

6. The licensee shall store packaged byproduct and source material only at its facilities located in the Bellport-Patchogue Industrial Park, Station Road and Sunrise Highway, Brookhaven, N.Y., as described in the application.

Condition 7 is amended to read as follows:

7. Byproduct and source material received under this license shall be disposed of within 20 months from the date on which Long Island Nuclear Service Corporation first takes possession of such material.

Date of Issuance: October 15, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director,
Licensing and Regulation.

[F.R. Doc. 62-10500; Filed, Oct. 19, 1962; 8:45 a.m.]

[Docket No. 50-2]

UNIVERSITY OF MICHIGAN

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 10, set forth below, to Facility License No. R-28. The license authorizes The Regents of the University of Michigan (the licensee) to operate the Ford Nuclear Reactor (the reactor) located in Ann Arbor, Mich. The amendment authorizes the licensee to conduct experiments in the reactor involving the irradiation of nuclear heated thermionic devices, and to receive, possess and use in connection with conduct of the experiments up to 200 grams of contained uranium-235 as requested by the licensee's application for license amendment dated March 23, 1962, and supplement thereto dated August 16, 1962.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment and supplement thereto comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in

connection with the previously approved operation.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated March 23, 1962, and supplement thereto dated August 16, 1962, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 11th day of October 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-28; Amdt. 10]

1. License No. R-28, as amended, which authorizes the Regents of the University of Michigan ("the licensee") to operate the Ford Nuclear Reactor ("the reactor") located in Ann Arbor, Mich., is hereby further amended in the following respects:

A. In addition to the activities previously authorized by the Commission in License No. R-28, as amended, the licensee is authorized as requested by the licensee's application for license amendment dated March 23, 1962, and supplement thereto dated August 16, 1962 (together "the application"), to conduct experiments in the reactor involving the irradiation of nuclear heated thermionic devices.

B. In addition to the amounts of special nuclear material which License No. R-28, as amended, previously authorized the licensee to receive, possess and use, the licensee is authorized to receive, possess and use up to 200 grams of contained uranium-235 in connection with the conduct of the experiments authorized by this amendment.

C. The activities authorized by this amendment shall be conducted in accordance with the applicable provisions of License No. R-28, as amended, and the application, and the additional condition that not more than one thermionic device containing up to a maximum of 40 grams of uranium-235 may be irradiated in the reactor at any one time.

2. This amendment is effective as of the date of issuance.

Date of issuance: October 11, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-10501; Filed, Oct. 19, 1962; 8:45 a.m.]

[Docket No. 50-200]

BABCOCK AND WILCOX CO.

Notice of Hearing on Application for Consfruction Permit

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10:00 a.m., e.s.t., on November 20, 1962, in Lynchburg, Va., to consider the issuance of a construction permit to The Babcock and Wilcox Company (hereinafter referred to as the "Applicant"), 161 East 42d Street, New York 17, N.Y., under section 104c and section 185 of the Atomic Energy Act of 1954, as amended. The place in Lynchburg, Va., where the hearing will be held will be fixed by a subsequent Commission order. The facility, a six megawatt (thermal), heterogeneous, light water cooled and moderated, test reactor with a circulating loop through the core in which fuel irradiation experiments are to be conducted, will be located at the applicant's site in Campbell County, Va., approximately four miles east of Lynchburg, Va.

The issues to be considered at the hearing will be the following:

1. Whether the applicant has submitted sufficient information to provide reasonable assurance that a testing facility of the general type proposed in the application can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether there is reasonable assurance that the technical information omitted from and required to complete the application will be supplied;

3. Whether the applicant is technically qualified to design and construct the proposed facility;

4. Whether the applicant is financially qualified to design and construct the facility; and

5. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

Notice is hereby given that the application and the reports of the Commission's Advisory Committee on Reactor Safeguards (ACRS) in this matter are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the ACRS reports may be obtained by request to the Director, Division of Licensing and Regulation, United States Atomic Energy Commission, Washington 25, D.C.

Petitions for leave to intervene pursuant to § 2.714 of the Commission's "Rules of Practice" must be received in the Office of the Secretary, United States Atomic Energy Commission, Germantown, Md., or in the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C., not later than November 14, 1962, or, in the event of a postponement of the hearing date specified, at such time as the licensing board may specify.

Answers to this notice pursuant to § 2.705 of the Commission's "Rules of Practice" shall be filed on or before November 9, 1962, by the applicant.

Papers required to be filed with the Commission in this proceeding shall be filed by mail or telegram addressed to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., or may be filed by delivery to the Office of the Secretary, United States Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the licensing board, parties shall file pursuant to § 2.708 of the Commission's "Rules of Practice", an original and fifteen conformed copies of each such paper with the Commission.

The hearing will be conducted by an atomic safety and licensing board composed of three members who will be selected by the Commission pursuant to section 191 of the Atomic Energy Act of 1954, as amended, (Public Law 87-615).

Dated at Washington, D.C., this 18th day of October 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary to the Commission.

[F.R. Doc. 62-10594; Filed, Oct. 19, 1962; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13660]

ABC INTERNATIONAL, INC., AND ADD AIRFREIGHT CORPORATION MERGER

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 6, 1962, at 10 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., October 16, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-10538; Filed, Oct. 19, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7063]

CALIFORNIA ELECTRIC POWER CO.

Notice of Application

OCTOBER 16, 1962.

Take notice that on October 3, 1962, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by California Electric Power Company (Applicant), a corporation organized under the laws of the State of Delaware and doing business in the States of California, Nevada, and Arizona, with its principal business office at San Bernardino, Calif., seeking an order authorizing the issuance of unsecured Promissory Notes in the aggregate principal amount of not to exceed $20,000,000 at any one time outstanding. In accordance with a Loan Agreement dated September 7, 1962, Applicant proposes to issue to the Bank of America National Trust and Savings Association, during the period commencing October 31, 1962, and ending October 31, 1963, a series of Notes, each Note maturing not more than 12 months after its date of issuance and not later than January 30, 1964. Each Note would bear interest at a fluctuating rate which shall be equal at all times during the life thereof to the Bank of America National Trust and Savings Association prime rate for 90-day to 180-day prime commercial loans. Applicant states that the proceeds from the new Notes will be used to pay off approximately $4,750,000 in promissory notes presently outstanding under an agreement of September 18, 1961, and for interim financing to pay for additions, betterments and improvements to Applicant's properties used in and devoted to the conduct of Applicant's public utility business. Applicant estimates that its construction expenditures will be $9,500,000 for 1962; and, $15,939,000 for 1963, including $7,893,000 for new transmission and distribution lines and substations, $6,513,000 toward the construction of a second unit at Applicant's Cool Water Steam Plant, and $1,533,000 for miscellaneous and general construction.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 13th day of November 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10534; Filed, Oct. 19, 1962; 8:50 a.m.]

[Docket No. E-7057]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

OCTOBER 17, 1962.

Take notice that on September 12, 1962, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co. (Applicant), a corporation organized under the laws of the State of Delaware, and doing business in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal business office at Minneapolis, Minn., for authorization to enter into a standby agreement with and to pay a standby fee to underwriters in connection with the redemption of its outstanding 4⅞ percent Convertible Debentures, due June 1, 1977, of which $6,832,000 in principal amount were outstanding at the close of business on September 4, 1962. Applicant amended its application on September 27, and October 8, 1962.

By letter dated September 13, 1962, Docket No. IN-954, the Commission, pursuant to § 34.2(k)(2)(ii) of its regulations under the Federal Power Act, authorized Applicant to enter into negotiations for the underwriting of the redemption and/or conversion of the aforementioned Debentures. Applicant now requests, by the second amendment to its application, that the proposed underwriting be exempted from the competitive bidding requirements of § 34.1a (b) and (c) of those regulations upon findings set forth in § 34.1a(a)(4) thereof.

Applicant states that it received proposals from underwriters, as follows: Eastman Dillon, Union Securities & Co., proposed a standby fee of $69,950; Blyth & Co., Inc., and Merrill Lynch, Pierce, Fenner & Smith jointly proposed a standby fee of $22,499. Applicant now proposes to enter into a Standby Agreement with Blyth & Co., Inc., and Merrill Lynch, Pierce, Fenner & Smith on October 30, 1962, for a standby fee of $22,499, based upon $5,700,000 of Debentures outstanding at the close of business on October 4, 1962; the standby fee will be reduced, in accordance with the terms of the Agreement, by a proportionate amount for Debentures converted between the close of business on October 4, 1962, and the close of business on October 29, 1962.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 29th day of October 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10535; Filed, Oct. 19, 1962; 8:50 a.m.]

[Docket No. CP61-285]

NEW YORK STATE NATURAL GAS CORP.

Notice of Application and Date of Hearing

OCTOBER 16, 1962.

Take notice that on April 28, 1961, as supplemented on June 15, 1961, November 24, 1961, and August 9, 1962, New York State Natural Gas Corporation (Applicant), 2 Gateway Center, Pittsburgh 22, Pa.; filed in Docket No. CP61-285 an application pursuant to section 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon and for a certificate of public convenience and necessity to construct and operate certain natural gas transmission facilities as hereinafter described, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate 7.6 miles of 30-inch loop line extending from the E. M. Borger Compressor Station in Tompkins County, N.Y., in an easterly direction and parallel to Applicant's Line No. 30. Applicant states that the proposed construction is necessary to supply the increased requirements of its existing customers. Such requirements are stated to represent normal growth in residential and commercial space heating in the present market served with natural gas by Applicant.

The facilities to be constructed are estimated to cost approximately $998,697, to be financed from funds on hand.

Applicant also proposes to abandon the following facilities due to their age and inability to be operated at necessary pressures:

(1) Approximately 9.8 miles of 8-inch diameter transmission pipeline, Applicant's Line No. 15, extending from Applicant's State Line Compressor Station in Potter County, Pa., in a westerly direction to Applicant's Wolcott Regulating Station in Sharon Township, Potter County, Pa.; and

(2) Approximately 6.1 miles of 8-inch diameter transmission pipeline and 4.5 miles of 6-inch diameter transmission pipeline, Applicant's Line No. 11, extending from Applicant's State Line Compressor Station in Potter County, Pa., in a southerly direction to Applicant's Line No. 2 at point known as Hempfield Gate in Potter County, Pa.

Salvage value and cost of retirement of facilities proposed to be abandoned are $61,827 and $50,784, respectively.

These matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 20, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 9, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10536; Filed, Oct 19, 1962; 8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

CADMIUM HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 2,000,000 pounds of cadmium.

The Office of Emergency Planning has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a(a), that said cadmium is excess to stockpile needs. The revised determination was occasioned in part by a change in the mobilization planning period from 5 to 3 years.

Since the revised determination is not by reason of obsolescence of the cadmium for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to transfer said cadmium to other Government agencies, to offer the material for sale on a competitive basis, or otherwise to dispose of it in the best interest of the Government upon the express approval by the Congress of this proposed disposition but not earlier than 6 months after the date of publication of this notice in the FEDERAL REGISTER. This notice has also been transmitted to the Congress and to the Armed Services Committee of each House thereof.

The initial quantity to be offered for sale will not exceed 300,000 pounds. Subsequent offerings will be scheduled at intervals of not less than 60 days.

This plan and the dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: October 16, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-10533; Filed, Oct. 19, 1962; 8:50 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL DIRECTOR OF URBAN RENEWAL, REGION I (NEW YORK)

Designation

The officers appointed to the following listed positions in Region I (New York) are hereby designated to serve as Acting Regional Director of Urban Renewal, Region I, during the absence of the Regional Director of Urban Renewal, with all the powers, functions, and duties delegated or assigned to the Regional Director of Urban Renewal, provided that no officer is authorized to serve as Acting Regional Director of Urban Renewal unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Director of Urban Renewal.
2. Deputy Regional Administrator.
3. Assistant Regional Director for Special Programs.
4. Fiscal Management Officer.

Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 FR 4319, May 4, 1962).

Effective as of the 20th day of October 1962.

LESTER EISNER, Jr.,
Regional Administrator,
Region I.

[F.R. Doc. 62-10518; Filed, Oct. 19, 1962; 8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

GEOFFREY BAKER

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Ralston Purina Co.—Vice President.
First Investors Corp., Wellington Fund, Inc., The First Pennsylvania Banking & Trust Co., Custodian-Stockholder.

This amends statement previously published in the FEDERAL REGISTER, March 7, 1962 (27 F.R. 2210).

Dated: May 21, 1962.

GEOFFREY BAKER.

[F.R. Doc. 62-10502; Filed, Oct. 19, 1962; 8:45 a.m.]

GERHARD D. BLEICKEN

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Senior Vice President and Secretary, John Hancock Mutual Life Ins. Co., Boston 17, Mass.
Director, Robinson Technical Products, Inc., Teterboro, N.J.
Director, High Vacuum Equipment Corp., Hingham, Mass.
Trustee, B & M Real Estate Trust, Hingham, Mass.

This amends statement published February 6, 1962 (27 F.R. 1080).

Dated June 29, 1962.

GERHARD D. BLEICKEN.

[F.R. Doc. 62-10503; Filed, Oct. 19, 1962; 8:45 a.m.]

H. M. BOTKIN

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

American Telephone and Telegraph Co.
General Electric Co.
Cuban American Co.
Eastern Telephone and Telegraph Co.
American Telephone and Telegraph Co. of Arkansas.
American Telephone and Telegraph Co. of Baltimore City.
American Telephone and Telegraph Co. of Delaware.
The East Pittsburgh Telephone Co.
The American Telephone and Telegraph Co. of Illinois.
American Telephone and Telegraph Co. of Indiana, Inc.
American Telephone and Telegraph Co. of Michigan.
American Telephone and Telegraph Co. of New Jersey.
The Ohio Telephone and Telegraph Co.
The American Telephone and Telegraph Co. of Pennsylvania.
American Telephone and Telegraph Co. of Rhode Island.
American Telephone and Telegraph Co. of Virginia.
The American Telephone and Telegraph Co. of Wisconsin.
American Telephone and Telegraph Co. of Wyoming.
Transoceanic Cable Ship Co., Inc.
Transoceanic Communications, Inc.

This amends statement published May 1, 1962 (27 F.R. 4158).

Dated: May 22, 1962.

H. M. BOTKIN.

[F.R. Doc. 62-10504; Filed, Oct. 19, 1962; 8:45 a.m.]

VICTOR BUSSIE

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Gulf Union Corp.—Baton Rouge, La.
Parish properties—Baton Rouge, La.

This amends statement published March 28, 1962 (27 F.R. 2876).

Dated: June 10, 1962.

VICTOR BUSSIE.

[F.R. Doc. 62-10505; Filed, Oct. 19, 1962; 8:45 a.m.]

CARLTON S. DARGUSCH

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

The following are the corporations in which I was an officer or director within 60 days preceding my appointment:

Mount Carmel Hospital.
The Clark Grave Vault Co.
The Ohio Tuberculosis & Health Association.
The Ohio State University Research Foundation (all of Columbus, Ohio).
Henrite Products Corp. (of Ironton, Ohio).

I own stock in the following companies:

The Clark Grave Vault Co.
Henrite Products Corp.

I am a member of the law firm of Dargusch, Saxbe and Dargusch, 218 East State Street, Columbus, Ohio, which firm represents a substantial number of clients, largely on an annual retainer basis.

This amends statement published April 14, 1962 (27 F.R. 3619).

Dated: June 28, 1962.

CARLTON S. DARGUSCH.

[F.R. Doc. 62-10506; Filed, Oct. 19, 1962; 8:46 a.m.]

SAM M. EWING

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Youngstown Steel & Alloy Co., Canfield, Ohio.

This amends statement published March 7, 1962 (27 F.R. 2210).

Dated: May 22, 1962.

SAM M. EWING.

[F.R. Doc. 62-10507; Filed, Oct. 19, 1962; 8:46 a.m.]

DAVID C. HOLUB

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

The Holub Iron & Steel Co., Akron, Ohio, President and Director.

This amends statement published August 15, 1961 (26 F.R. 7554).

Dated: June 18, 1962.

DAVID C. HOLUB.

[F.R. Doc. 62-10508; Filed, Oct. 19, 1962; 8:46 a.m.]

H. BURKE HORTON

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Univac Division of Sperry Rand Corp., 315 Park Avenue, South, New York 10, N.Y.
Teletrak Corp., Washington, D.C.

This amends statement published March 7, 1962 (27 F.R. 2210).

Dated: May 23, 1962.

H. BURKE HORTON.

[F.R. Doc. 62-10509; Filed, Oct. 19, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-1898]

TRI-NITE MINING CO.

Notice and Order for Hearing

OCTOBER 16, 1962.

I. Tri-Nite Mining Company (issuer), 405 Fidelity Bldg., Spokane 1, Washington, incorporated in the State of Washington on June 21, 1962, filed with the Commission on July 31, 1962, a notification on Form 1-A relating to a proposed offering of 400,000 shares of $0.10 par value common stock at $0.50 per share for an aggregate amount of $200,000 for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on September 13, 1962, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., P.s.t., on November 5, 1962, at Room 209, U.S. Post Office, Court House and Customs House, West 904 Riverside Avenue, Spokane, Wash., with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that:

1. There has been a failure to furnish adequately and accurately material information as to previous exploratory and development work on issuer's property as required by Item 8A(e) of Schedule I;

2. The cash cost paid, including cash expended for property transferred to the issuer, by officers, directors, controlling persons and promoters of the issuer for securities of the issuer held by them, has not been stated in the offering circular as required by Items 9(c) and 9(d) of Schedule I;

3. A statement of cash receipts and disbursements of issuer's predecessor, Triton Mining Company, has not been included as required by Item 11 of Schedule I.

B. Whether the notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose adequately and accurately the unfavorable results of past exploratory work and operations;

2. The failure to disclose that major mining companies had examined and rejected issuer's property;

3. The representations that this is an operational venture and the failure to disclose adequately the exploratory nature of the venture;

4. The failure to disclose that it is not economically feasible and is not the practice in the mining industry to expend funds for a mill prior to the establishment of ore reserves;

5. The failure to describe accurately and adequately in the offering circular the equity dilution of stock to be issued under the proposed offering.

C. Whether the offering would be made in violation of section 17 of the Securities Act of 1933.

III. *It is further ordered,* That Frederick Zazove, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Tri-Nite Mining Company; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before November 2, 1962, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That Tri-Nite Mining Company, pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Tri-Nite Mining Company does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in Section II hereinabove.

Notice is hereby given that if Tri-Nite Mining Company fails to file an answer pursuant to 17 CFR 201.7 within 15 days after service upon it of this notice and order for hearing, the proceedings may be determined against Tri-Nite Mining Company by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10514; Filed, Oct. 19, 1962; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-XV-2 (Rev. 3)]

CHIEF, PROCUREMENT AND TECHNICAL ASSISTANCE DIVISION, DETROIT REGIONAL OFFICE

Delegation Relating to Procurement and Technical Assistance; Correction

Correction

In F.R. Doc. 62-10402, appearing at page 10236 of the issue for Thursday, October 18, 1962, the following changes should be made:

1. The headings should read as set forth above.

2. The signature and title should read "Floyd D. Birdzell, *Alternate Liaison Officer.*"

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.* A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 87th Congress, Second Session.

Approved October 18, 1962

S. 1658 ..... Public Law 87-840
Gambling Devices Act of 1962.

S. 3389 ..... Public Law 87-839
To amend the Merchant Marine Act, 1936, to develop American flag carriers and promote the foreign commerce of the United States through the use of mobile trade fairs.

S. 3679 ..... Public Law 87-841
Authorizing an appropriation to enable the U.S. to extend an invitation to the Food and Agriculture Organization of the United Nations to hold a World Food Congress in the U.S. in 1963.

H.J. Res. 712 ..... Public Law 87-842
To direct the Franklin Delano Roosevelt Memorial Commission to consider possible changes in the winning design for the proposed memorial or the selection of a new design for such memorial.

H.R. 9804 ..... Public Law 87-844
For the relief of Cuyahoga County, Ohio.

H.R. 10931 ..... Public Law 87-845
Canal Zone Code.

H.R. 12580 ..... Public Law 87-843
"Department of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1963."

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VOLUME 27 NUMBER 206

Washington, Tuesday, October 23, 1962

THE UNIVERSITY OF MICHIGAN
OCT 25 1962
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[87th Cong., 1st Sess.]

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Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Cotton Bulletin 1, Amdt. 2 (Correction)]

PART 427—COTTON

Subpart—1962 Cotton Loan Program Regulations

PREPARATION OF DOCUMENTS; CORRECTION

Amendment 2 to 1962 C.C.C. Cotton Bulletin 1 entitled Preparation of Documents, appearing at page 8667 of the issue for Thursday, August 30, 1962, F.R. Doc. 62-8732, is corrected by changing the title of the subpart to read: "Subpart—1962 Cotton Loan Program Regulations".

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714b and c; 7 U.S.C. 1441, 1444, 1421)

Signed at Washington, D.C., on October 17, 1962.

FRANK W. HUSSEY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-10555; Filed, Oct. 22, 1962; 8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 3]

PART 121—SMALL BUSINESS SIZE STANDARDS

Correction

In F.R. Doc. 62-9787, published on October 3, 1962, 27 F.R. 9757-9763, an error appears. At page 9762, the paragraph designation "(f)" in § 121.3-10 preceding the word "Wholesale" should be "(g)".

Effective date: This correction shall be effective upon publication in the FEDERAL REGISTER.

Dated: October 12, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-10549; Filed, Oct. 22, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Lemon Juice [1]

On May 23, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4839) regarding a proposed revision of the United States Standards for Grades of Canned Lemon Juice.

Statement of consideration leading to the revision of the grade standard. Revision of the existing United States Standards for Canned Lemon Juice, issued July 1, 1941 is done to:

1. Accomplish necessary administrative changes such as codification, as required by the Administrative Procedures Act; and to realign the scoring system to reflect current marketing practices; and

2. Provide that manufacture be limited to high acid variety lemons; slightly increase the limits for free and suspended pulp; and eliminate the present minimum Brix requirements.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Lemon Juice are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

PRODUCT DESCRIPTION, GRADES, FILL OF CONTAINER

Sec.
52.5481 Product description.
52.5482 Grades of canned lemon juice.

FILL OF CONTAINER

52.5483 Recommended fill of container.

FACTORS OF QUALITY

52.5484 Ascertaining the grade.
52.5485 Ascertaining the rating for the factors which are scored.
52.5486 Color.
52.5487 Defects.
52.5488 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.5489 Definition of terms.
52.5490 Methods of analysis.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

LOT INSPECTION AND CERTIFICATION

Sec.
52.5491 Ascertaining the grade of a lot.

SCORE SHEET

52.5492 Score sheet for canned lemon juice.

AUTHORITY: §§ 52.5481 to 52.5492 issued under sec. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

PRODUCT DESCRIPTION, GRADES, FILL OF CONTAINER

§ 52.5481 Product description.

Canned lemon juice is the undiluted, unconcentrated, unfermented juice obtained from sound, mature lemons of one or more of the high acid varieties, which fruit is prepared by sorting, and by washing prior to extraction of the juice to assure a clean and sanitary product. The product is sufficiently processed with heat to assure preservation in hermetically sealed containers.

§ 52.5482 Grades of canned lemon juice.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned lemon juice that: (1) Has good color; (2) is practically free of defects; (3) has good flavor; and (4) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade C" (or "U.S. Standard") is the quality of canned lemon juice that: (1) Has fairly good color; (2) is fairly free of defects; (3) has fairly good flavor; and (4) scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned lemon juice that fails to meet the requirements of U.S. Grade C.

FILL OF CONTAINER

§ 52.5483 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality. It is recommended that the container be as full of lemon juice as practicable and that the product occupy not less than 90 percent of the water capacity of the container.

FACTORS OF QUALITY

§ 52.5484 Ascertaining the grade of a sample unit.

The grade of canned lemon juice is ascertained by considering the respective ratings for the factors of color, defects, and flavor (and aroma). The relative importance of each factor is expressed, numerically, on the scale of 100. The maximum number of points that may be given each factor are:

	Points
(1) Color	40
(2) Defects	30
(3) Flavor	30
Total score	100

§ 52.5485 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "27 to 30 points" means 27, 28, 29, or 30 points).

§ 52.5486 Color.

(a) *(A) classification.* Canned lemon juice that has good color may be given a score of 36 to 40 points. "Good color" means that the color is bright and typical of fresh, properly processed lemon juice that is practically free of browning caused by scorching, oxidation, storage conditions, or any other causes.

(b) *(C) classification.* Canned lemon juice that has fairly good color may be given a score of 32 to 35 points. Canned lemon juice that is scored into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color may be only fairly bright, but is not off-color, and is typical of properly processed lemon juice that is reasonably free of browning due to scorching, oxidation, improper storage, or any other causes.

(c) *(SStd) classification.* Canned lemon juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 31 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.5487 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from particles of membrane, core or skin; from seeds or seed particles; and any other defects that affect the wholesomeness or detract from the appearance or utility of the product.

(b) *(A) classification.* Canned lemon juice that is practically free of defects may be given a score of 27 to 30 points. "Practically free of defects" means that there may be present: (1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not affect the appearance or drinking quality of the juice; (2) not more than 13 percent, by volume, of fine centrifuged pulp calculated as outlined in § 52.5490; (3) no coagulated pulp; (4) and that the juice does not contain peel, core, seeds, seed particles or other defects that detract from the appearance or utility of the product.

(c) *(C) classification.* Canned lemon juice that is fairly free of defects may be given a score of 24 to 26 points. Canned lemon juice that is scored into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule). "Fairly free of defects" means that there may be present: (1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not affect the appearance or drinking quality of the juice; (2) not more than 16 percent, by volume, of fine centrifuged pulp calculated as outlined in § 52.5490; (3) and that the juice does not contain coagulated pulp, peel, core, seeds, seed particles, or other defects that more than slightly detract from the appearance or utility of the product.

(d) *(SStd) classification.* Canned lemon juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.5488 Flavor.

(a) The flavor of the product is evaluated after preparing as follows:

Lemon juice	30 ml.
Sugar	26 gm.
Water	160 ml.

(b) *(A) classification.* Canned lemon juice that has good flavor may be given a score of 27 to 30 points. "Good flavor" means that the product has the distinct flavor of properly prepared, freshly extracted canned lemon juice that is free of any trace of terpenic, oxidized, scorched, or caramelized flavors and is free of any other abnormal flavors. In addition, there is not less than 5.0 grams nor more than 7.0 grams of acid per 100 ml. of juice.

(c) *(C) classification.* Canned lemon juice that has fairly good flavor may be given a score of 24 to 26 points. Canned lemon juice that is scored into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the product has a normal flavor which may have a slightly caramelized or slightly oxidized flavor, but is free of off-flavors of any kind. In addition, there is not less than 4.5 grams nor more than 7.5 grams of acid per 100 ml. of juice.

(d) *(SStd) (classification.* Canned lemon juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.5489 Definition of terms.

(a) *Acid.* "Acid" means the number of grams of total acidity, calculated as anhydrous citric acid, per 100 ml. of canned lemon juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein indicator.

(b) *Fine centrifuged pulp.* "Fine centrifuged pulp" means pulp, referred to in § 52.5487 *Defects*, that settles on centrifuging by the method outlined in § 52.5490.

(c) *Light membranous materials.* "Light membranous materials" means pulp including juice sacs but exclusive of peel particles, that is recoverable as outlined in § 52.5490. This material, in normal amounts, is not a defect for the purposes of these Standards. The amount of such pulp in the juice may be determined by the method outlined in this subpart.

§ 52.5490 Methods of analysis.

(a) *"Fine centrifuged pulp"* is calculated by: (1) removing the light membranous material from the sample by pouring it through a No. 20 sieve, and (2) fill graduated centrifuge tubes of 50 ml. capacity with sieved lemon juice, and place in a suitable centrifuge. Adjust the speed as nearly as possible, according to diameter, as indicated in Table I and centrifuge as indicated in Table I for exactly 10 minutes. As used in this part, "diameter" means the overall distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by two to give the percentage of pulp.

(b) "Light membranous materials" are recoverable by: (1) pouring one liter of product through a U.S. Standard No. 20 circular sieve 8 inches in diameter with 20 meshes to the inch (0.0331 inch ±5 percent square openings) with the aid of a gentle stream of tap water;

(2) Rinse the retained pulp with a gentle stream of tap water only until all of the product is removed from the pulp;

(3) Dry and gather the pulp into a ball by shaking the sieve back and forth;

(4) As soon as the pulp has been gathered into a ball, place it into a suitable dry graduated cylinder or centrifuge tube and settle by tapping lightly in the palm of one's hand. If air pockets remain a thin spatula may be used to effect their removal;

(5) The number of milliliters of pulp divided by ten is the percent by volume of "light membranous material;"

(6) If the light membranous material so recovered exceeds 100 milliliters or will not dry and gather into a small ball, discard results and repeat the test using a sample so reduced in size as to yield less than 100 milliliters of such material which will so dry and gather. Calculate the percent of light membranous materials as follows:

$$\text{Percent of light membranous materials by volume} = \frac{\text{Ml. recovered material} \times 100}{\text{Ml. of sample}}$$

TABLE I [1]

Diameter (inches):	Revolutions per minute
10	1,600
10½	1,570
11	1,534
11½	1,500
12	1,468
12½	1,438
13	1,410
13½	1,384
14	1,359
14½	1,336
15	1,313
15½	1,292

[1] This table, calculated from the formula $R.C.F. = 0.00001118\ N^2r$, provides a Relative Centrifugal Force of 364.6 times gravity.

TABLE I—Continued

Diameter (inches)—Continued	Revolutions per minute
16	1,271
16½	1,252
17	1,234
17½	1,216
18	1,199
18½	1,182
19	1,167
19½	1,152
20	1,137

LOT INSPECTION AND CERTIFICATION

§ 52.5491 Ascertaining the grade of a lot.

The grade of a lot of canned lemon juice covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.5492 Score sheet for canned lemon juice.

Size and kind of container			
Container mark or identification:			
Cans			
Cases			
Label			
Liquid measure (fluid ounces)			
Vacuum (inches)			
Acid (grams/100ml.: calculated as anhydrous citric acid)			
Factors	**Score points**		
Color	40	(A)	36–40
		(C)	32–35
		(SStd)	[1] 0–31
Defects	30	(A)	27–30
		(C)	24–26
		(SStd)	[1] 0–23
Flavor	30	(A)	27–30
		(C)	24–26
		(SStd)	[1] 0–23
Total score	100		
Grade			

[1] Indicates limiting rule.

The United States Standards for Grades of Canned Lemon Juice (which is the second issue) contained in this subpart shall become effective 45 days after the date of publication hereof in the FEDERAL REGISTER, and thereupon will supersede the United States Standards for Grades of Canned Lemon Juice which have been in effect since July 1, 1941.

Dated: October 18, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-10584; Filed, Oct. 22, 1962; 8:51 a.m.]

PART 56—GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

Accessibility and Condition of Product

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), the United States Department of Agriculture hereby amends the regulations governing the grading and inspection of shell eggs (7 CFR Part 56), as stated below.

Statement of considerations. The amendment deletes the provision for samples to be drawn at public warehouses by warehouse employees. The provision to allow samples to be drawn by warehouse employees was made at a time when it was not customary for egg handlers to engage in public warehousing. Since that time there has been an increasing trend toward egg handlers owning public warehouses in whole or in part. In instance where the applicant for the grading is financially interested in the public warehouse, employees in such warehouse who draw the samples for grading could be considered as having a financial interest. It is impractical for Government to attempt to determine if the applicant for grading is financially interested in the public warehouse at which the grading is to be made. The amendment will protect the integrity of certificates issued by the Department, and in the public interest should be made effective as soon as possible. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice of rulemaking and other public procedure on the amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Section 56.5 is amended by deleting paragraph (b).

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of October 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-10586; Filed, Oct. 22, 1962; 8:51 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 615]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Mediterranean Fruit Fly

ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN LOCALITIES AS REGULATED AREAS

Pursuant to § 301.78–2 of the regulations supplemental to the Mediterranean Fruit Fly Quarantine (7 CFR 301.78–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions appearing as 7 CFR 301.78–2a are hereby amended to read as follows:

§ 301.78–2a Administrative instructions designating regulated areas under the Mediterranean fruit fly quarantine and regulations.

Infestations of the Mediterranean fruit fly have been determined to exist in the parts of civil divisions listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such parts of civil divisions because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such parts of civil divisions are hereby designated as Mediterranean fruit fly regulated areas within the meaning of the provisions in this subpart:

FLORIDA

Palm Beach County. That portion of the county bounded by a line beginning at a point where the Seaboard Airline Railroad intersects Woolbright (15th) Avenue and extending along said avenue to its intersection with Southeast 5th Street; thence east on a line projected from said intersection to the point where Chickasaw Avenue intersects the Intercoastal Waterway; thence along said avenue to its intersection with Ocean Boulevard; thence along a line projected due east from said intersection to the Atlantic coastline; thence south along the coastline to its intersection with a line projected due east from the intersection of Hibiscus Road and Ocean Boulevard; thence west along said projected line and Hibiscus Road to its intersection with Sea Sage Drive; thence west along a line projected due west from said point to its intersection with the Intercoastal Waterway; thence southwest along a line projected from said point to the point where Germantown Road (Southeast 10th Street) intersects the Intercoastal Waterway; thence west and southwest along said road to its intersection with the Seaboard Airline Railroad; thence northward along said railroad to the point of beginning.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.78–2)

These administrative instructions shall become effective October 23, 1962, when they shall supersede P.P.C. 615, effective August 30, 1962 (7 CFR 301.78–2a).

The foregoing amendment relieves restrictions by removing from the list of civil divisions designated as Mediterranean fruit fly regulated areas all parts of Broward and Dade Counties, Florida, heretofore included in such list, it having been determined by the Director of the Plant Pest Control Division that adequate eradication measures have been practiced in said localities for a sufficient length of time to eradicate the Mediterranean fruit fly infestation therein and that regulation of such localities is not otherwise necessary under this subpart. Intensive survey and trapping activities have been carried on in the localities, but no Mediterranean fruit flies have been found there for a period of three months. Therefore, it is considered safe to release them from regulation.

The amendment therefore relieves restrictions deemed unnecessary and should be made effective promptly in order to be of maximum benefit to persons wishing to move regulated products from these localities. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and since

the amendment relieves restrictions it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of October, 1962.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 62-10587; Filed, Oct. 22, 1962; 8:51 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 56]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

The regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, are hereby further amended as follows:

Section 750.157(k) is amended by adding the following at the end thereof: "On and after October 15, 1962, the following uses of Conservation Reserve acreage will not be a violation of the contract even though the contract signers charge fees for such use: (1) Fishing and hunting enterprises except the production of fish and game for commercial marketing, (2) camping excluding permanent trailer courts, (3) picnicking, (4) boating, (5) riding, (6) hiking, and (7) swimming; nor will the following uses be a violation of the contract provided the contract signers do not charge or receive compensation for such uses: (8) community sports and athletic activities, (9) carnivals and fairs, (10) meeting sites for religious, cultural, and educational groups, (11) landing areas for use by civil air patrol or non-commercial flying, (12) parades, and (13) military maneuvers. If the uses or activities permitted in the preceding sentence result in the area becoming subject to wind and water erosion adequate protective measures must be taken at no cost to the Conservation Reserve Program. If permanent-type structures or facilities are erected on the conservaton reserve in connection with the uses or activities permitted above, the area occupied by such structures or facilities shall be removed from contract."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Date of signature.

Signed at Washington, D.C., on October 17, 1962.

FRANK W. HUSSEY,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-10554; Filed, Oct. 22, 1962; 8:46 a.m.]

[Amdt. 21]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1960

The regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, are hereby further amended as follows:

Section 750.513(k) is amended by adding the following at the end thereof: "On and after October 15, 1962, the following uses of Conservation Reserve acreage will not be a violation of the contract even though the contract signers charge fees for such use: (1) Fishing and hunting enterprises except the production of fish and game for commercial marketing, (2) camping excluding permanent trailer courts, (3) picnicking, (4) boating, (5) riding, (6) hiking, and (7) swimming; nor will the following uses be a violation of the contract provided the contract signers do not charge or receive compensation for such uses: (8) community sports and athletic activities, (9) carnivals and fairs, (10) meeting sites for religious, cultural, and educational groups, (11) landing areas for use by civil air patrol or non-commercial flying, (12) parades, and (13) military maneuvers. If the uses or activities permitted in the preceding sentence result in the area becoming subject to wind and water erosion adequate protective measures must be taken at no cost to the Conservation Reserve Program. If permanent-type structures or facilities are erected on the conservation reserve in connection with the uses or activities permitted above, the area occupied by such structures or facilities shall be removed from contract."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Date of signature.

Signed at Washington, D.C., on October 17, 1962.

FRANK W. HUSSEY,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-10553; Filed, Oct. 22, 1962; 8:46 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 848.2, Supp. 2]

PART 848—VIRGIN ISLANDS

Approved Local Producing Area for 1962 Crop

Pursuant to the provisions of § 848.2 (17 F.R. 2111), the Director of the Agricultural Stabilization and Conservation Service Caribbean Area Office hereby makes the following determinations:

§ 848.4 Approved local producing area in the Virgin Islands.

For purposes of considering eligibility of farms for abandonment and crop deficiency payments on the 1962 sugarcane crop in the Virgin Islands, the Island of St. Croix is determined to be a local producing area in which due to drought the actual yields of sugar for the 1962 crop year from ten percent or more of the total number of sugarcane farms in such local producing area were not in excess of 80 percent of the applicable farm normal yields.

Statement of bases and considerations. One of the conditions of eligibility of a farm in the Virgin Islands for an acreage abandonment or crop deficiency payment in connection with the production of sugar from sugarcane is that the farm be located in a local producing area for which the Director of the Agricultural Stabilization and Conservation Service Caribbean Area Office determines that drought, flood, storm, disease, or insects damaged a substantial part of the sugarcane crop in such area.

The purpose of this supplement is to give notice that the Island of St. Croix has been determined to comprise a local producing area for the 1962 crop and that such area has qualified under the requirements relating to crop damage. Any sugarcane producer on a farm which is located in whole or in part in this local producing area and which is otherwise qualified may apply for payment accordingly, if he has not already done so.

CARLOS G. TROCHE,
Director, Agricultural Stabilization and Conservation Service Caribbean Area Office.

OCTOBER 9, 1962.

[F.R. Doc. 62-10591; Filed, Oct. 22, 1962; 8:52 a.m.]

SUBCHAPTER K—GENERAL CONDITIONAL PAYMENTS PROVISIONS

[Sugar Determination 891.1]

PART 891—DOMESTIC BEET SUGAR PRODUCING AREA, 1962 AND SUBSEQUENT CROPS

Pursuant to the provisions of the Sugar Act of 1948, as amended, and effective upon publication in the FEDERAL REGISTER, Chapter VIII of Title 7 of the Code of Federal Regulations is amended by adding a new Subchapter K and Part 891, as above entitled, and by adding in Part 891 a new § 891.1 containing general provisions pertaining to conditipnal payments, as follows:

§ 891.1 General conditional payments provisions.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has been delegated or to whom authority may hereafter be delegated, to act in his stead.

(2) "Deputy Administrator" means the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(3) "Director" means the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(4) "Act" means the Sugar Act of 1948, as amended.

(5) "State Committee" means the persons designated by the Secretary in a State as the Agricultural Stabilization and Conservation State Committee, under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(6) "County Committee" means the persons elected within a county as the County Committee pursuant to regulations governing the selection and function of Agricultural Stabilization and Conservation County and Community Committees, under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(7) "Farm" shall have the meaning set forth in Part 822 of this chapter.

(8) "Operator" means the producer who controls and directs the sugarbeet operations on the farm, who bears all or the major portion of the risk of financial loss or the opportunity for financial gain resulting from such operations and who has the authority to make the final decisions with respect to growing, harvesting and marketing the sugarbeet crop.

(9) "Producer" shall have the meaning set forth in section 101(k) of the act.

(b) *Designation of crop year.* Sugarbeets which are planted in the calendar year 1962 or in any calendar year thereafter in Southern California (including the Counties of Imperial, San Diego, Riverside, Orange, San Bernardino and that part of Los Angeles County lying south of the San Gabriel Mountains) or in any other State shall be designated as to crop year to correspond with the calendar year in which the beets are planted. For the balance of California, sugarbeets which were planted in the period November 1, 1961, through December 31, 1961, shall be designated as to crop year to correspond with the crop year designation set forth in the sugarbeet purchase contract that applies to any such sugarbeets; sugarbeets planted during the period January 1, 1962, through October 31, 1962, shall be designated as 1962-crop sugarbeets; and all sugarbeets planted after October 31, 1962, in the interval beginning November 1 of one calendar year through October 31 of the following calendar year shall be designated as to crop year to correspond with such following calendar year.

(c) *Instructions and forms.* The Director shall cause to be prepared for issuance to the State Committee such forms and internal management instructions as are necessary for carrying out the regulations issued for any year in which proportionate shares have been established. Such instructions shall be approved by the Deputy Administrator.

(d) *Filing application for payment.* Application for payments authorized under Title III of the act with respect to sugarbeets planted on a farm shall be made on Form SU-110 by the producer on the farm, or his legal representative, who must sign and file the form in the ASCS county office for the county where the farm or major portion thereof is located or with a representative of such office no later than December 31 of the second calendar year following the designated crop year.

(e) *Determination of eligibility and basis for payment and appeals for review thereof.* Compliance with the conditions prescribed by the act and regulations for any payment authorized under title III of the act, the facts constituting the basis for any such payment, and the amount thereof, shall be determined by the County Committee, such determination to be subject to review and approval or redetermination by the State Committee and any determination by the State Committee shall be subject to review and approval or change by the Deputy Administrator or the Secretary. Determinations and corrections by the County Committee and determinations by the State Committee, the Deputy Administrator or the Secretary shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder, and on the facts in the individual case. Within 15 days after a notice of a determination by the County Committee is mailed to or otherwise made available in writing to a producer, he may file an appeal with respect thereto at the local ASCS county office. The appeal shall be addressed to the State Committee and shall be accompanied by a statement of facts constituting the basis for such appeal. The County Committee shall make such adjustments as are required to correct errors and to give effect to the substitution of correct data for incorrect data, and unless such adjustments dispose of all issues raised by the appeal, shall promptly transmit the appeal, together with the recommendations of the County Committee to the State Committee. The appellant or his representative or both shall be afforded the opportunity of appearing in person at the hearing before the State Committee in regard to his appeal, and shall, at a hearing, be advised of the issues and given the opportunity of cross-examination. Each witness at the hearing shall testify under oath or affirmation administered by a State Committeeman. A written record shall be compiled of the written material and information submitted to or considered by the Committee in reaching a decision and of any testimony adduced at the hearing. The appellant shall be notified in writing of the decision of the State Committee. If the producer is dissatisfied with the decision of the State Committee, he may, within 15 days after the notice of the decision is mailed to him, appeal in writing the decision of the State Committee to the Deputy Administrator. The Deputy Administrator shall render a decision upon each appeal to him, except any appeal which the Secretary directs shall be referred to himself, in which case the Secretary shall render the decision. The decision of the Deputy Administrator or of the Secretary shall be made after due consideration of all written material or briefs accompanying the appeal including the written record compiled of any hearing conducted in the course of the appeal, and of any oral argument. The Deputy Administrator or the Secretary may affirm or modify the decision of the State Committee, or remand the case to such committee for purposes of developing additional information or compiling an adequate record on which to reach a decision. The decision of the Deputy Administrator or the Secretary shall be final. The appellant may submit written briefs or argument or may request a hearing for presentation of oral argument or views at Washington, D.C., and such submission or request may be made concurrently with an appeal to the Deputy Administrator or not later than 15 days after the date acknowledgment of the receipt of an appeal to the Deputy Administrator is mailed to the appellant. A hearing at Washington, D.C., shall be limited to the submission of arguments or views based on the information in the record of the appeal compiled by the State Committee. If the appellant appealing to the Deputy Administrator timely requests a hearing, the Deputy Administrator, or the Secretary in the case of an appeal referred to him for decision, shall fix the date, time and place of the hearing at Washington, D.C., shall notify the appellant thereof, and shall conduct the hearing. The procedures applicable to claims for unpaid wages are provided for under regulations pertaining thereto, as issued by the Secretary.

(f) *Obtaining information regarding eligibility for payment.* Where it is necessary to obtain information to assist the County Committee in determining compliance with the conditions prescribed by the act and regulations for any payment authorized under title III of the act, the facts constituting the basis for any such payment or the amount thereof, or to assist the State Committee, the Deputy Administrator, or the Secretary in reviewing, upon appeal, any such determination by the County Committee, any such information with respect to acreage or compliance shall be obtained to the extent possible as provided in the applicable provisions of Part 718 of Chapter VII of this title (24 F.R. 4223) as amended. In the absence of a provision in such Part 718 for obtaining any such information, any employee of the County Committee or employees of the State Committee designated respectively by the county office manager or by the State Administrative Officer to be qualified to perform such a duty may obtain such information. If the operator, or his representative, of any farm with respect to which application is made for any payment authorized under title III of the act prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis for any such payment or the amount thereof, as provided in this paragraph,

the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been met until such farm operator or his representative permits such information to be obtained.

Statement of bases and considerations. In order to qualify for Sugar Act payments, sugar beet producers must comply with various general provisions and requirements of the act, as implemented in child labor and wage rate determinations, farm proportionate share determinations when such shares are determined by the Secretary to be in effect and sugarbeet price determinations when sugarbeets are purchased from other producers and, in addition, must file applications for payment, use approved forms, adhere to instructions and furnish information regarding eligibility for payment, the basis for payment and appeals for review thereof. Heretofore, some of these provisions were incorporated in the annual determinations of proportionate shares. Since proportionate shares are not determined for the 1963 crop, it is necessary to incorporate into a separate subchapter and part those provisions which are not a part of other determinations issued within this chapter.

The definitions and provisions contained in this determination are substantially the same as those in effect for the 1962 and earlier crops. However, a new provision, the designation of a crop year, has been added. On August 7, 1962, the Department published in the FEDERAL REGISTER a notice that the Secretary was preparing to issue regulations providing for the designation of a crop year for the 1962 and subsequent crops. It was felt that it is essential for growers, particularly in California because of the long period during which sugarbeets may be planted, to have firm crop designations in reference to coverage of crops by the Sugar Act and compliance with regulations concerning proportionate shares, wage rates and prices. All interested persons were given the opportunity to submit comments and views regarding this crop year designation. After consideration of the comments and views received subsequent to the issuance of the notice in the FEDERAL REGISTER, it has been determined that a crop year would be determined as provided in § 891.1(b). The concluding provision was included to prevent a possible retroactive determination.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153, Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. Supp. 1131, 1132, Public Law 87-535 approved July 13, 1962)

Effective date: Date of publication.

Signed at Washington, D.C., on October 18, 1962.

CHARLES S. MURPHY,
Acting Secretary of Agriculture.

[F.R. Doc. 62-10590; Filed, Oct. 22, 1962; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[980.101 Onions, Amdt. 1]

PART 980—VEGETABLES; IMPORT REGULATIONS

Onions

This amendment changes grade and size requirements for yellow and for white varieties of onions imported into the United States.

Order as amended. In § 980.101, *Onion import regulation* (27 F.R. 7953), delete paragraphs (a) and (h) and substitute in lieu thereof new paragraphs (a) and (h) as set forth below. Paragraph (b) is republished for information.

§ 980.101 Onion import regulation.

During the period from November 12, 1962, through June 30, 1963, no person shall import dry onions of any variety unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Yellow varieties.* U.S. No. 1 grade, 2 inches minimum diameter.

(2) *White varieties.* U.S. No. 1 grade, 1½ inches minimum diameter; or U.S. No. 2 grade, 1 inch minimum to 2 inches maximum diameter.

(3) *Other varieties.* U.S. No. 2 grade.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. For onions with transit time from country of origin to entry into the United States of ten or more days, onions, otherwise meeting import quality and size requirements may be entered if they meet an average tolerance for decay of not more than 5 percent.

* * * * *

(h) *Definitions.* For the purpose of this part, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The terms "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Onions (§§ 51.2830 to 51.2850, inclusive, of this title). Application of tolerances, as set forth in § 51.2838 of this title, shall apply. In percentage grade lots, tolerance for decay shall not exceed 2 percent, except as provided in paragraph (b) of this section. Double the lot tolerance shall be permitted in individual packages. Onions meeting the requirements of Canada No. 1 and No. 2 grades shall be deemed to comply with the requirements of U.S. No. 1 and No. 2 grades, respectively. "Importation" means release from custody of the United States Bureau of Customs.

Findings. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment beyond the time specified (5 U.S.C. 1003) in that (1) the requirements established by this amendment are mandatory under Section 8e of the Agricultural Marketing Agreement Act, as amended, which provides that imports of onions shall be prohibited unless they comply with the grade, size, quality, and maturity requirements in effect for domestic onions under a Federal marketing order, (2) the grade and size requirements of this amendment are the same as those for domestic shipments of onions under Marketing Order No. 958 regulating the handling of onions grown in the Idaho-Eastern Oregon production area, (3) compliance with this import regulation will not require any special preparation by importers which cannot be completed by the effective date, and (4) this notice in excess of the three day minimum prescribed by said section 8e, is determined to be reasonable.

Dated October 16, 1962, to become effective November 12, 1962.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-10585; Filed, Oct. 22, 1962; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1440; Amdt. 498]

PART 507—AIRWORTHINESS DIRECTIVES

Bell Model 47 Series Helicopters

There have been cases of excessive wear of the main rotor mast thrust bearing on Bell Model 47 Series helicopters. As this condition is likely to develop in other such helicopters, an airworthiness directive is being issued to require inspection of the engine oil filter for metal particles and inspection of the thrust bearing if metal particles are found.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BELL. Applies to all Model 47 Series helicopters.

Compliance required as indicated.

Excessive wear and evidence of impending failure of the main rotor mast thrust bearing have occurred. To preclude progression of bearing deterioration to a hazardous degree, accomplish the following:

(a) Within the next 25 hours' time in service following the effective date of this AD and thereafter at periods not to exceed 25 hours, conduct a close visual inspection of the engine oil filter.

(b) If metal particles are found during any inspection of the engine oil filter, the following shall be accomplished prior to further flight:

(1) The source of the contaminant shall be located and eliminated and other components of the engine and transmission which may be jeopardized by metal particles shall be inspected and overhauled as prescribed by the appropriate Bell maintenance manual; and

(2) The main rotor mast thrust bearing, P/N 47-130-110-1, shall be thoroughly inspected and replaced with a like component if found not to be in a serviceable condition.

(c) Clean engine oil filter carefully before reinstalling.

NOTE: For the purpose of this AD, the operations outlined under (a) and (c) are considered to be preventive maintenance and may, therefore, be accomplished by persons specified in §18.10(c) of the Civil Air Regulations.

This amendment shall become effective October 29, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 17, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-10544; Filed, Oct. 22, 1962; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55736]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Cotton Textiles and Cotton Textile Products, Restrictions on Entry or Withdrawal From Warehouse; Revocations

OCTOBER 15, 1962.

Pursuant to a letter of March 16, 1962, from the President of the United States to the Secretary of the Treasury, published in the FEDERAL REGISTER on March 22, 1962 (27 F.R. 2677), §§ 12.70-12.73 of the Customs Regulations relating to the entry for consumption or withdrawal from warehouse for consumption of textiles and textile products produced or manufactured in countries participating in the Arrangement Regarding International Trade In Cotton Textiles, done at Geneva July 21, 1961, were issued. These regulations were published in Treasury Decision 55589, dated March 26, 1962 (27 F.R. 2795).

Pursuant to a letter of June 21, 1962, from the President of the United States to the Secretary of the Treasury, published in the FEDERAL REGISTER on June 27, 1962 (27 F.R. 6009), §§ 12.70 and 12.71 were amended to cover countries not parties to the multilateral international agreement. The amended regulations were published in Treasury Decision 55672, dated July 18, 1962 (27 F.R. 7396).

A letter of September 24, 1962, from the Interagency Textile Administrative Committee, recommended and requested that action taken by the Secretary of the Treasury in accordance with requests and recommendations of that committee be terminated as of midnight, September 30, 1962. An order revoking eight treasury decisions which promulgated such restrictions was published in Treasury Decision 55721, dated September 26, 1962 (27 F.R. 9660).

In view of the aforesaid termination of restrictions and since Article IA of the Arrangement Regarding International Trade In Cotton Textiles expired by its terms on midnight, September 30, 1962, §§ 12.70, 12.71, 12.72, and 12.73 of the Customs Regulations are hereby deleted and Treasury Decision 55662 (27 F.R. 6719), pertaining to the release of certain articles produced or manufactured in the Crown Colony of Hong Kong, and Treasury Decision 55698, dated August 23, 1962 (27 F.R. 8978), pertaining to the importation of otherwise restricted articles when transported as samples via air parcel post directly from the country of origin, are revoked.

(Sec. 204, 70 Stat. 200, as amended; 7 U.S.C. 1854)

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-10563; Filed, Oct. 22, 1962; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 110—DISTRIBUTION OF JUDGMENT AWARDED CHEROKEE NATION OR TRIBE OF INDIANS

Payment of Shares and Determination of Heirs and Legatees

The Act of October 9, 1962 (76 Stat. 776), authorizes the Secretary of the Interior to distribute per capita to all persons whose names appear on the final membership rolls of the Cherokee Nation or Tribe of Indians in Oklahoma the funds arising from the judgment awarded to the Cherokee Nation or Tribe of Indians by the Indian Claims Commission.

It has been determined to be in the best interests of the Indians to dispense with the procedure for general notice of proposed rule making because compliance with such procedure would unduly delay payment of the funds to the Indians. Accordingly, the regulations in this part shall become effective immediately upon publication in the FEDERAL REGISTER.

JOHN M. KELLY,
Acting Secretary of the Interior.

OCTOBER 17, 1962.

Part 110, Chapter I, Title 25 of the Code of Federal Regulations reads as follows:

Sec.
110.1 Definitions.
110.2 Purpose.
110.3 Persons eligible to share in payment.
110.4 Payment of shares to living enrollees.
110.5 Shares of deceased enrollees.
110.6 Payment of shares of minors.
110.7 Assignment of shares.
110.8 Power of attorney.
110.9 Shares of deceased heirs.
110.10 Disposition of unclaimed and unpaid shares.

AUTHORITY: § 110.1 to 110.10 issued under sec. 8, 76 Stat. 776.

§ 110.1 Definitions.

(a) "Director" means the Area Director, Bureau of Indian Affairs, Federal Building, Muskogee, Oklahoma.

(b) "Tribe" means the Cherokee Nation or Tribe of Indians of Oklahoma.

(c) "Enrollee" means a person whose name appears on the rolls of the Cherokee Nation which rolls were closed and made final as of March 4, 1907, pursuant to the Act of April 26, 1906, and subsequent additions thereto.

(d) "Distribute" means to apportion or divide into shares the proportional shares of deceased heirs or legatees.

(e) "Minor" means any person under twenty-one years of age.

(f) "Act" means the Act of Congress approved October 9, 1962.

§ 110.2 Purpose.

The regulations in this part are to govern the disposition of judgment funds of the Cherokee Nation or Tribe of Indians of Oklahoma pursuant to the Act.

§ 110.3 Persons eligible to share in payment.

All enrollees shall be eligible to receive a per capita share. The Director shall make forms, applications, and instructions available to all claimants.

§ 110.4 Payment of shares to living enrollees.

(a) Except as provided herein, the Director shall pay the share of a living enrollee directly to him upon receipt of an application filed on the form provided for that purpose by the Director.

(b) The Director shall pay a share or a proportional share payable to a person under legal disability in accordance with such procedures as the Director determines will adequately protect the best interest of such person.

§ 110.5 Shares of deceased enrollees.

(a) The Director is authorized to pay a share due a deceased enrollee or a proportional share due a deceased heir or legatee to his heirs or legatees as determined by the Director from a proof of death and inheritance satisfactory to the Director and dated and filed after the date of the Act.

(b) All determinations of heirs or legatees shall be made by the Director under the laws of succession and testacy of the state of residence of the decedent on the date of his death and the Director's findings and determinations shall be final and conclusive.

(c) The filing of a request within 3 years from the date of the Act, signed by an heir or legatee, for payment of a share due a named deceased enrollee shall be considered as a claim filed for and on behalf of all heirs and legatees and shall be construed to comply with the three-year limitation on the filing

of claims imposed by section 3(a) of the Act.

§ 110.6 Payment of shares of minors.

The Director shall pay a share or a proportional share payable to a minor in accordance with procedures as the Director determines will adequately protect the interests of such persons.

§ 110.7 Assignment of shares.

No part of any of the funds which may be distributed shall be subject to any lien, debt, or claim of any nature whatsoever against the Tribe or individual Indians, except delinquent debts owed by the Tribe to the United States, or owed by individual Indians to the Tribe or to the United States.

§ 110.8 Power of attorney.

Powers of attorney will not be recognized, nor will any order given to another person by anyone entitled to share in the payment be honored.

§ 110.9 Shares of deceased heirs.

The Director shall not distribute proportional shares of deceased heirs or legatees amounting to $10 or less and he shall not pay an inherited share amounting to $5 or less. The unpaid and undistributed shares shall revert to the Tribe.

§ 110.10 Disposition of unclaimed and unpaid shares.

All per capita shares of living enrollees and proportional shares of deceased enrollees for which a claim has not been filed within 3 years from the date of approval of the Act, as provided by the Act and in § 110.5, shall revert to the Tribe. The Director shall keep accurate records of all monies reverting to the Tribe.

[F.R. Doc. 62-10550; Filed, Oct. 22, 1962; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 212—ADMINISTRATION OF THE FOREST DEVELOPMENT TRANSPORTATION SYSTEM

Cooperative Road Programs

Part 212 is amended by adding the following section:

§ 212.7 Cooperative Road Programs.

The Chief, Forest Service, is authorized to continue cooperative road programs dealing with rights to cross intermingled private and National Forest lands and arrangements under such programs to the fullest extent consistent with the Attorney General's opinion of February 1, 1962 (42 Op. No. 7), and where:

(a) A cooperative agreement with implementing arrangements has been or is entered into under such a program, pursuant to which there is provision for the granting of an easement, easements or permits for construction, reconstruction, improvement, maintenance or use of a road or road system over lands in intermingled private and Federal ownership;

(b) The cooperator has granted or tendered to the United States an easement, easements or permits in acceptable form and other reciprocal benefits in furtherance of and required to implement the agreement;

(c) Stipulations have been or are entered into between the cooperator and this Department through the Forest Service designed to meet the specific needs of the road or road system, and any special stipulations if there are other affected Federal agencies, to cover the management responsibilities of the United States and to implement the Attorney General's opinion of February 1, 1962;

(d) The cooperator has submitted or submits an application in approved form for the approval or granting of a right-of-way by permit or in the nature of a non-exclusive easement pursuant to the Act of March 3, 1899 (30 Stat. 1233; 16 U.S.C. 525), and the applicable regulations of the Department of the Interior (43 CFR Subparts A and F of Part 244, except §§ 244.9 and 244.16); and

(e) It is determined by the Chief, Forest Service, that the granting of such a right-of-way over National Forest land and payment, when found appropriate, of a supplemental monetary consideration is necessary in order to secure appropriate reciprocal rights over the private land of the applicant;

The Chief, Forest Service, may accept the easement or permit, approve the application and payment of any supplemental consideration, and authorize the granting of the permit or transmit the application to the officer of the Department of the Interior authorized to approve and grant such a right-of-way.

The Chief, Forest Service, shall issue appropriate directives and instructions to supplement and implement this regulation.

Regulation U-14 (36 CFR 251.5) is superseded insofar as it conflicts with the above.

Done at Washington, D.C., this 18th day of October 1962.

[SEAL] J. A. BAKER,
Assistant Secretary.

[F.R. Doc. 62-10592; Filed, Oct. 22, 1962; 8:52 a.m.]

PART 261—TRESPASS

Miscellaneous Amendments

By virtue of the authority vested in the Secretary of Agriculture, Regulations T-6, T-12, and T-13 of the rules and regulations governing the occupancy, use, protection, and administration of the National Forests, which constitute §§ 261.7, 261.13, 261.14, Chapter II, Title 36, Code of Federal Regulations, are hereby amended as follows:

§ 261.7 Grazing uses restricted.

The following acts are prohibited on National Forests or other land under Forest Service control:

(a) The grazing upon or driving across any National Forest or other land under Forest Service control of any livestock without permit, except such livestock as are specifically exempted from permit by the regulations of the Secretary of Agriculture, or the grazing upon or driving across any National Forest or other land under Forest Service control of any livestock in violation of the terms of a permit.

(b) The grazing of livestock upon National Forest or other land under Forest Service control within an area closed to the grazing of that kind or class of livestock.

(c) The grazing of livestock by a permittee upon an area included in a permit and subsequently withdrawn from grazing use to protect it from damage or for any other reason of public necessity, after notice of withdrawal and amendment of the grazing permit have been received by the permittee.

(d) Allowing livestock not exempt from permit to drift onto and graze on a National Forest or other land under Forest Service control without a permit.

(e) Violation of any of the terms of a grazing or crossing permit.

(f) Refusal to remove livestock upon instructions from an authorized Forest officer when damage is being done to any resource or use value of the National Forest or other land under control of the Forest Service by reason of improper handling of the livestock or for any other cause related to presence of the livestock.

§ 261.13 Impounding of livestock.

(a) Livestock trespassing on National Forests or on other land under Forest Service control, which are not removed therefrom within the prescribed period after giving or publishing a warning notice as provided in this regulation, may be impounded by a Forest officer. Whenever such Forest officer has definite knowledge of the kind or class of livestock that is in trespass, and knows the name and address of the owners, such impoundment may be effected at any time five days after the date that written notice of the trespass is mailed by registered mail or delivered to such owners, unless in the meantime the trespass has ceased.

(b) In the event that local Forest officers do not have complete knowledge of the kind or class of livestock in trespass, or if the name and address of the owner thereof are unknown, impoundment may be effected at any time 15 days after the date a notice of intention to impound trespassing livestock is first published in a local newspaper and posted at the county courthouse and in one or more local post offices.

(c) Any unbranded livestock which are in trespass or any livestock bearing brands belonging to the owner of livestock previously found in trespass during the calendar year, which subsequent to notice and action under paragraph (a) or (b) of this section, are found in continuing or subsequent trespass, within twelve months after a general notice of intention to impound trespassing livestock is first published in the calendar year in a local newspaper and posted at the county courthouse and in one or more local post offices, may be impounded without further notice.

(d) No sale of impounded livestock shall be made until at least five days have elapsed after the date of impoundment. The owner may redeem the livestock within the five-day period by submitting proof of ownership and paying for the value of the forage consumed during the trespass period and all expenses incurred by the United States in advertising, gathering, impounding, and feeding or pasturing them.

(e) If the livestock are not redeemed on or before the date fixed for their sale, they shall be sold at public sale to the highest bidder. If no bid is received, the livestock may, in the discretion of the responsible Forest officer, be sold at private sale or be condemned and destroyed or otherwise disposed of. When livestock are sold pursuant to this regulation, the Forest officer making the sale shall furnish the purchaser a bill of sale or other written instrument evidencing the sale.

§ 261.14 Elements of damage in livestock trespasses.

In all livestock trespasses on the National Forests or other land under Forest Service control, the value of the forage consumed will be computed at the daily, monthly, or yearly commercial rates prevailing in the locality for the kind or class of livestock found in trespass.

(30 Stat. 35, as amended, 16 U.S.C. 551; 50 Stat. 526, 7 U.S.C. 1011(f); R.S. 161, 5 U.S.C. 22)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 17th day of October 1962.

[SEAL] CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-10593; Filed, Oct. 22, 1962; 8:52 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14689, RM-328; FCC 62-1105]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Chicago, Illinois

1. The Commission has before it for consideration its notice of proposed rule making released June 21, 1962 (FCC 62-668), proposing that Channel 20, presently assigned to Chicago, Illinois be reserved as a noncommercial educational station.

2. Chicago, Ill., with a 1960 population of 6,220,913 presently has assigned to it Channels 2, 5, 7, 9, *11, 20, 26, 32, 38 and 44. Channels 2, 5, 7 and 9 are presently licensed and operating as commercial stations. Channel *11 is licensed and operating as a noncommercial educational station. Channel 26 has recently been applied for by Weigel Broadcasting Company. Channel 32 has also recently been applied for by Television Chicago, a joint venture. There are no licenses outstanding or applications pending for Channels 20, 38 or 44.

3. Comments and/or reply comments were timely filed by Lloyd P. Morris, Chicago Educational Television Association and the Association of Educational Broadcasters in support of the instant proceeding. Television Chicago filed a comment opposing it.

4. The substance of the remarks in favor of the reservation of Channel 20 for educational purposes is covered by NAEB's statement, "The necessity indicated by educators in Chicago for multiple educational channels in a single community is in accord with the majority of educators throughout the country, who reported to the NAEB that two or more channels were necessary to provide for the complex schedules, the added diversity of courses and the mushrooming types of services which could be afforded by school systems to the community at large."

5. Television Chicago, which filed its application for Channel 32 on July 18, 1962, twenty-seven days after the release of the notice of proposed rule making herein dealt with was released, argues against the reservation, that Channel 20 is the most desirable available channel in Chicago and should not, therefore, be reserved. It contends, further, that the existing educational station, Channel 11, does not broadcast on a full schedule, is not on the air at all on Saturdays, and cannot therefore justify a request for a second reservation. We reject any implication that the educational needs of a community must be satisfied out of less desirable facilities. We are of the view that the argument addressed to the allegedly less-than-full use of Channel 11 overlooks the unusual problems of educational broadcasting which finds concurrent demands on its available time from in and out of school community interests. In short, a second educational television station would appear to be necessary here to the development of a full range of educational programming for the many levels of formal educational activities while permitting the continuance of efforts to bring service to the general public.

6. In view of the foregoing, the Commission finds that the adoption of the proposal to reserve Channel 20 in Chicago for noncommercial educational use is in the public interest.

7. We call attention to Docket No. 14229 in which the Commission announced that it would examine the present Table of Assignments and method of making assignments with a view toward fostering the expanded use of UHF channels and making the most efficient use of such channels. Although no final decision has been reached in this proceeding, we are concluding the subject proceeding so as to avoid delaying the Chicago Educational Television Association in proceeding with its educational television plans. In the future it may become necessary to change the specific channels assigned. If this becomes necessary, every effort will be made to avoid changing those channels on which educational stations are operating or where authorized construction has reached a stage where a change in channel assignment would require the expenditure of additional funds.

8. Authority for the amendment adopted herein is contained in sections 4(i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

9. *It is ordered*, That effective November 26, 1962, the Table of Assignments contained in § 3.606 of the Commission rules and regulations is amended, with respect to the community named, to read as follows:

City	Channel No.
Chicago, Ill.	2—, 5, 7, 9+, *11, *20, 26, 32, 38, 44

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs: 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: October 17, 1962.

Released: October 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10576; Filed, Oct. 22, 1962; 8:49 a.m.]

[Docket No. 14745, RM-343; FCC 62-1106]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Hatch, New Mexico

1. The Commission has before it for consideration its notice of proposed rule making, released July 30, 1962 (FCC 62-872), proposing the deletion of Channel 12 from Silver City and its reassignment to Hatch, New Mexico as a reserved assignment, and additionally proposing possible solutions to meet the resulting need for a commercial station in the Silver City area.

2. Brief comments were filed by the Board of Regents of New Mexico State University, the Board of Education of the State of New Mexico and the Association of Maximum Service Telecasters, Inc. None of the comments opposed the reassignment and reservation of Channel 12

3. Silver City, N. Mex., with a population of 6,972, currently has Channels *10 and 12 assigned to it. No licenses are outstanding or are there any applications pending for their use. Hatch, N. Mex., with a population of 888,[1] presently has no channel assigned to it. The assignment of Channel 12 to Hatch for educational purposes will implement one segment of a statewide program for educational TV to serve all levels of education throughout the state. The Board

[1] Las Cruces, about 30 miles to the southeast has a population of 29,367.

of Education plans to initiate construction in the near future.

4. The reassignment of Channel 12 from Silver City to Hatch leaves only Channel *10 remaining in the Silver City area, except for Channel 6 which is a hyphenated assignment to Silver City-Truth or Consequences. In order to meet minimum mileage spacings, a Channel 6 transmitter would have to be located approximately 30 miles distant from Silver City. There is some question as to whether a practical site is available to locate a transmitter which would provide service to Silver City. In view of the above, comments were invited on a number of alternate arrangements of the channels in these two areas. As a result of the comments received on this aspect of the rule making we have decided for the time being to retain the status quo in regard to the assignment of Channels *10 and 6.

5. Authority for the amendment adopted herein is contained in sections 4(i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered*, That effective November 26, 1962, the Table of Assignments contained in § 3.606 of the Commission rules and regulations is amended, with respect to the communities named, to read as follows:

City	Channel No.
Hatch, N. Mex.	*12
Silver City, N. Mex.	*10+
Silver City-Truth or Consequences, N. Mex.	6

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: October 17, 1962.

Released: October 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10577; Filed, Oct. 22, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 970]

CARROTS GROWN IN SOUTH TEXAS

Notice of Proposed Rule Making With Respect to Limitation of Shipments

Notice is hereby given that the Secretary of Agriculture is considering the limitation of shipments, as hereinafter set forth, which was recommended by the South Texas Carrot Committee, established pursuant to Marketing Agreement No. 142 and Marketing Order No. 970 (7 CFR Part 970) regulating the handling of carrots grown in certain designated counties of South Texas. This program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than seven days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 970.303 Limitation of shipments.

During the period from November 5, 1962, through June 30, 1963, no person shall handle any lot of carrots grown in the production area unless such carrots meet the grade requirements of paragraph (a) of this section, and one of the size designations of paragraph (b) of this section, and meet the container and pack requirements of paragraphs (c) and (d) of this section, or unless such carrots are handled in accordance with provisions of paragraphs (e), (f), and (g) of this section.

(a) *Minimum grade requirements.* U.S. No. 1, or better.

(b) *Sizing requirements*—(1) *Medium-to-large.* ⅞ inch minimum diameter to 1½ inches maximum diameter, 5½ inches minimum length;

(2) *Jumbos.* 1 inch minimum diameter to 3 inches maximum diameter and 5½ inches minimum length.

(c) *Container requirements.* (1) Carrots may be handled only in containers classified by weight as follows:

(i) 1 pound;
(ii) 2 pounds;
(iii) 25 pounds;
(iv) 50 pounds; and
(v) 75–80 pounds.

(2) "Jumbos," as specified in paragraph (b)(2) of this section may be handled only in 25, 50, and 75–80 pound containers.

(3) The container requirements of this paragraph shall not, but the pack requirements of paragraph (d) of this section shall, be applicable to carrots handled for export.

(d) *Pack requirements.* (1) Master containers for 1 pound or 2 pound packages shall contain the following number of packages only:

(i) 24 1-pound packages;
(ii) 48 1-pound packages; or
(iii) 24 2-pound packages.

(2)(i) Average gross weight of master containers is to be computed by multiplying the allowable number of packages therein by their weight classification, with respective tare allowances added. Tare allowances for crates, or their equivalents in other containers, are 4 pounds for crates Nos. 4015 and 3820, and 2 pounds for crate No. 5055. Crate designations are carrier numbers.

(ii) Master containers of packages with the following weight classifications may not weigh more than their average gross weight, plus the following tolerances:

(a) 1-pound packages, 22.5 percent.
(b) Over 1-pound and including 2-pound packages, 15 percent.
(c) Over 2-pound packages, 10 percent.

(iii) Containers weighing 25 pounds or more may not exceed an average of 10 percent of the net weight of contents.

(e) *Minimum quantities.* Pursuant to § 970.52(c)(2) of this part any person subject to these regulations may handle, except for export, up to but not to exceed 100 pounds of carrots per calendar month without regard to the requirements of this section or to the inspection and assessment requirements of this part, but this exception may not apply to any portion of a shipment of over 100 pounds of carrots.

(f) *Special purpose shipments.* The requirements set forth in paragraphs (a), (b), (c), and (d) of this section, and the inspection and assessment requirements of this part, shall not be applicable to carrots handled for:

(i) Canning or freezing;
(ii) Relief or charity;
(iii) Experimental purposes; and
(iv) Livestock feed within the production area.

(g) *Safeguards.* Each handler of carrots which do not meet the requirements of paragraphs (a), (b), (c), and (d) of this section, and which are handled under paragraph (f) of this section shall, prior to handling, apply for and obtain a Certificate of Privilege from the committee. This shall require the handler to furnish reports and documents as the committee may require showing that the carrots handled were utilized for the purpose specified in the certificate. Certificates are not required on carrots for livestock feed if (1) the carrots are mutilated to make them unfit for commercial markets or (2) the carrots are farm packed and limited in distribution to one mile or less of loading point. Certificates are not required on carrots for canning or freezing if processed within Cameron, Starr, Willacy, and Hidalgo Counties.

(h) *Inspection.* (1) No handler may handle any carrots for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation of any shipment of carrots by motor vehicle for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto.

(3) For administration of this part each inspection certificate is valid for only 72 hours following completion of inspection as shown on the certificate.

(i) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Topped Carrots (§§ 51.2360–51.2381 of this title) including the tolerances set forth therein. The term "loading point" means a commercial facility maintained and operated by a Registered Handler as defined in § 970.8. "Farm packed" means carrots handled by the grower on the farm where such carrots were produced. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 142, and this part (Order No. 970).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: October 17, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-10551; Filed, Oct. 22, 1962; 8:46 a.m.]

Agricultural Research Service

[9 CFR Part 74]

SCABIES IN SHEEP

Notice of Proposed Amendment

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), it is proposed to amend § 74.3(a)(1) of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, by adding the entire State of Maryland to the list of areas therein designated as eradication areas since the cooperative sheep scabies eradication program is now being conducted in such State. The entire State of Maryland is presently included in the infected areas as sheep scabies is known to exist in such State.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by

filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 45 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of October 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-10588; Filed, Oct. 22, 1962; 8:51 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 827]

PUERTO RICO

Proposed Definition of a Farm; 1962-63 and Subsequent Crops

On September 21, 1962 (27 F.R. 9408), notice was given that the Secretary of Agriculture is preparing to issue regulations providing for a revision of the definition of a farm in Puerto Rico under the Sugar Act. Such notice provided that all comments and views regarding the proposed revision should be submitted in writing within thirty days following the date of publication of the notice.

Notice is hereby given that the date for submission of written comments and views in this matter is extended to October 31, 1962.

Signed at Washington, D.C., on October 17, 1962.

FRANK W. HUSSEY,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-10552; Filed, Oct. 22, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[15 CFR Subtitle A]

HYDRAULIC BRAKE FLUIDS FOR USE IN MOTOR VEHICLES

Proposed Specifications

Notice is hereby given that the specifications for hydraulic brake fluids for use in motor vehicles set forth in tentative form below are proposed to be prescribed and published as required under Public Law 87-637, approved September 5, 1962, on or before December 4, 1962.

Prior to the final adoption and publication of such specifications, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Office of Technical Services, U.S. Department of Commerce, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

LUTHER H. HODGES,
Secretary of Commerce.

SPECIFICATIONS FOR SYNTHETIC-BASE HYDRAULIC BRAKE FLUIDS FOR USE IN MOTOR VEHICLES

Pursuant to the provisions of section 1 of the act of September 5, 1962, to "prescribe and publish in the FEDERAL REGISTER specifications for hydraulic brake fluids for use in motor vehicles," the following specifications are prescribed:

Sec.
000.1 Definitions.
000.2 Scope and application.
000.3 Requirements.
000.4 Test procedures.
000.5 Provision for changes in the specifications.
000.6 Effective date.

AUTHORITY: §§ 000.1 to 000.6 issued under secs. 1-4, 76 Stat. 437.

§ 000.1 Definitions.

As used in the specifications in this part, unless the context specifically states otherwise:

(a) The term "act" means Public Law 87-637, 87th Congress, 2d Session, H.R. 2446.

(b) The term "commerce" means (1) commerce between any place in a State, the District fo Columbia, the Commonwealth of Puerto Rico, or a possession of the United States and any place outside thereof, and (2) commerce wholly within the District of Columbia or any such possession.

(c) The term "motor vehicle" means any vehicle or machine propelled or drawn by mechanical power and used on the highways.

(d) The term "brake fluid" or "fluid" means any liquid used, or intended for use, in the braking system of a motor vehicle.

(e) The term "synthetic-base" means that the fluid is an organic liquid prepared by chemical synthesis from organic compounds containing oxygen such as glycols and castor oil.

(f) The abbreviation "°C" means temperature expressed in degrees Celsius.

(g) The abbreviation "°F" means temperature expressed in degrees Fahrenheit.

§ 000.2 Scope and application.

The specifications in this part shall apply to any synthetic-base hydraulic brake fluid used or intended for use in the braking system of a motor vehicle, including the manufacture for sale, the sale, or the offering for sale, in commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation or causing to be transported in, commerce, or for the purpose of sale, or delivery after sale, in commerce, of any such hydraulic brake fluid. Brake fluids included in these specifications are of two types for use in motor vehicles where the fluid is subjected to different temperatures. The type of brake fluid to be used in a particular motor vehicle is governed by the requirements as given by the manufacturer of the motor vehicle and the following use for each type:

(a) Type S-1 brake fluid is for use in motor vehicles having hydraulic braking systems designed for use with a synthetic-base fluid having a boiling point not less than 150° C. or 302° F. Until March 1, 1964, the standards in specification 70-R-1 of the Society of Automotive Engineers shall be deemed to meet the requirements herein prescribed for Type S-1 brake fluid.

(b) Type S-2 brake fluid is for use in motor vehicles having hydraulic braking systems designed for use with a synthetic-base fluid having a boiling point not less than 190° C. or 374° F. Until March 1, 1964, the standards in specification 70-R-3 of the Society of Automotive Engineers shall be deemed to meet the requirements herein prescribed for Type S-2 brake fluid.

§ 000.3 Requirements.

(a) *Boiling point.* Brake fluid when tested by the procedure specified in § 000.4 (a) shall have a boiling point not less than the following temperature: Type S-1 brake fluid 150° C. or 302° F.; Type S-2 brake fluid 190° C. or 374° F.

(b) *Flash point.* Brake fluid when tested by the procedure specified in § 000.4(a) shall have a flash point not less than the following temperature: Type S-1 brake fluid 60° C. or 140° F.; Type S-2 brake fluid 80° C. or 176° F.

(c) *Viscosity.* At minus 40° C. or °F., Type S-1 or Type S-2 brake fluid when tested by the procedure specified in § 000.4(c) shall have a kinematic viscosity of not more than 1,800 centistokes. At 50° C. or 122° F., Type S-1 or Type S-2 brake fluid when tested by the procedure specified in § 000.4(c) shall have a kinematic viscosity of not less than 4.2 centistokes. At 100° C. or 212° F., Type S-1 or Type S-2 brake fluid when tested by the procedure specified in § 000.4(c) shall have a kinematic viscosity of not less than 1.5 centistokes.

(d) *Acidity.* Type S-1 or Type S-2 brake fluid when tested by the procedure specified in § 000.4(d) shall have a pH value not less than 7.0 nor more than 11.0.

(e) *Stability at high temperature.* The boiling point of Type S-1 brake fluid shall not change by more than 3.0° C. or 5.4° F. and the boiling point of Type S-2 brake fluid shall not change by more than 5.0° C. or 9.0° F. when tested by the procedure specified in § 000.4(e).

(f) *Corrosiveness.* Metal strips subjected to Type S-1 or Type S-2 brake fluid under conditions specified in § 000.4 (f) shall not be pitted nor etched, and shall not decrease in weight by more than the following amounts in milligrams per square centimeter: Aluminum alloy strips 0.1, brass strips 0.5, cast iron strips 0.2, copper strips 0.5, steel strips 0.2, tinned iron strips 0.2. Rubber cups exposed to Type S-1 or Type S-2 brake fluid simultaneously with metal strips shall show no disintegration, tackiness, or sloughing as evidenced by the presence of carbon black on the surface of the rubber cup, and shall not decrease in hardness more than 15 degrees. The base diameter of the cup shall not increase more than 1.4 millimeter or 0.055 inch. At the end of the corrosiveness test, the fluid shall show no jelling, shall contain no precipitate which after being suspended by shaking shall not settle within 24 hours at room temperature (23±5° C. or 73.4±9° F.), and shall have a pH value not less than 7.0 nor more than 11.0.

(g) *Fluidity and appearance at low temperatures.* At minus 40° C. or °F., Type S-1 or Type S-2 brake fluid when conditioned for 144 hours as specified in § 000.4(g) shall be transparent, or slightly opalescent, shall show no stratification, separation, precipitation, or crystallization, shall upon inversion of the sample bottle start flowing within 5 seconds and the air bubble shall travel to the top of the fluid in not more than 5 seconds after leaving the bottom. At minus 50° C. or minus 58° F., Type S-1 or Type S-2 brake fluid when conditioned for 6 hours as specified in § 000.4(g) shall be transparent, or slightly opalescent, shall show no stratification, separation, precipitation, or crystallization, shall upon inversion of the sample bottle start flowing within 5 seconds and the air bubble shall travel to the top of the fluid in not more than 30 seconds after leaving the bottom.

(h) *Evaporation.* Loss by evaporation of Type S-1 or Type S-2 brake fluid when tested by the procedure specified in § 000.4(h) shall not exceed 80 percent by weight. Residue from the brake fluid after evaporation shall be liquid, shall contain no precipitate that is gritty or abrasive when rubbed with the fingertip, and shall have a kinematic viscosity of not more than 7,000 centistokes at 0° C. or 32° F. when tested by the procedure specified in § 000.4(c).

(i) *Water tolerance.* Type S-1 or type S-2 brake fluid when tested by procedure specified in § 000.4(i) shall be transparent or slightly opalescent, shall show no stratification, separation, sedimentation, or crystallization after conditioning at minus 40° C. or after test, and shall after the conditioning at minus 40° C. have a fluidity so that when the sample bottle is inverted an air bubble travels to the top of the fluid within 5 seconds.

(j) *Compatibility.* Type S-1 or Type S-2 brake fluid shall be compatible with standard fluid when tested by procedure specified in § 000.4(j), shall be transparent, or slightly opalescent, and shall show no stratification, separation, precipitation, or crystallization.

(k) *Resistance to oxidation.* Type S-1 or Type S-2 brake fluid when tested by procedure specified in § 000.4(k) shall not cause pitting nor etching, and shall not deposit more than a trace of gum on the strips. The aluminum alloy strips shall not decrease in weight by more than 0.05 milligrams per square centimeter and the cast iron strips shall not decrease in weight by more than 0.3 milligrams per square centimeter.

(l) *Effect on rubber.* Rubber brake cups subjected to Type S-1 or Type S-2 brake fluid as specified in § 000.4(l) shall not decrease in hardness by more than 10 degrees, and shall show no evidence of sloughing indicated by carbon black on the surface. The increase in the diameter of the base of the cups shall be not less than 0.15 millimeter or 0.006 inch nor more than 1.4 millimeter or 0.055 inch.

(m) *Simulated service performance.* Type S-1 or S-2 brake fluid subjected to the simulated service test specified in § 000.4(m) shall perform as follows:

(1) The fluid shall cause no pitting nor etching of metal parts.

(2) The initial diameter of any cylinder or piston shall not change by more than 0.25 millimeter or 0.010 inch during test.

(3) The base diameter of the rubber cups shall not increase by more than 0.9 millimeter or 0.035 inch.

(4) The rubber cups shall not decrease in hardness by more than 10 degrees and shall not be in an unsatisfactory operating condition, as evidenced by tackiness, scoring, scuffing, blistering, cracking, chipping or collapsing of the lip edge.

(5) During any period of 24,000 strokes, the pressure shall not increase more than 2.5 kilograms per square centimeter or 35 pounds per square inch nor decrease more than 3.5 kilograms per square centimeter or 50 pounds per square inch, and the volume loss of fluid shall be not more than 36 milliliters.

(6) The wheel cylinder pistons shall not freeze nor function improperly throughout the test.

(7) The volume loss of fluid during the 100 strokes at the end of test shall not be more than 50 milliliters.

(8) The amount of sludge, jell, sediment or crystalline material in the fluid at the end of test shall not be in an amount likely to cause improper functioning of the brake assembly.

(n) *Labeling.* Type S-1 or Type S-2 brake fluid shall have a label on the container indicating the type of fluid and warning against use in braking systems designed for Type P-1 or Type P-2 brake fluid.

§ 000.4 Test procedures.

(a) *Boiling point.* Place 50 to 60 milliliters of the fluid in a 100-milliliter round-bottom, boiling flask that has a female ground-glass joint and a side tube for insertion of a thermometer. Add 2 to 4 small pieces of porous porcelain or boiling stones to the flask. Connect the flask to a straight-wall, water-cooled, reflux condenser having a male ground-glass joint that fits the flask and a drip-tip. Insert a calibrated thermometer having a suitable temperature range through the side tube until the bulb of the thermometer is within 6 millimeters of the bottom of the flask. Heat the fluid to boiling. Measure the temperature of the fluid after boiling for 5 minutes at a reflux rate of 1 to 2 drops per second. Make necessary corrections in the reading for stem emergence of the thermometer and difference in barometric pressure from 760 millimeters mercury pressure.

(b) *Flash point.* Determine the flask point of the fluid by Standard Method of Test for Flash and Fire Points by Cleveland Open Cup published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia 3, Pa., under designation D 92-57.

(c) *Viscosity.* Determine the kinematic viscosity of the fluid by Standard Method of Test for Kinematic Viscosity published by the American Society for Testing and Materials under designation D 445-61.

(d) *Acidity.* Mix the fluid with an equal volume of either distilled water or an 80 percent ethanol-20 percent water mixture neutralized to a pH of 7.0. Determine the pH of the resulting solution electrometrically at 23°±5° C. or 73.4°±9° F., using a pH meter equipped with a calibrated glass electrode and a calomel reference electrode.

(e) *Stability at high temperature.* After the boiling point is measured by the procedure in paragraph (a) of this section, allow the fluid to cool until a temperature of 145±2° C. or 293±3.6° F. for Type S-1 brake fluid, or of 185±2° C. or 365±3.6° F. for Type S-2 brake fluid, is reached. Maintain the fluid at that temperature for two hours. Heat the fluid and measure the boiling point by the procedure in paragraph (a) of this section. Calculate the difference in the boiling points before and after conditioning at high temperature.

(f) *Corrosiveness.* (1) Prepare 3 sets of metal strips, each strip having a surface area of about 30 square centimeters (approximately 7.5 centimeters long, 1.2 centimeters wide and 0.6 centimeter thick), from each of the following metals: Aluminum alloy conforming to condition A of Federal Specification QQ-A-355, brass conforming to composition 1, half hard temper of Federal Specification QQ-B-613, cast iron taken from housing of wheel brake cylinders, copper conforming to Federal Specification QQ-C-576, steel having low carbon and conforming to Federal Specification QQ-S-636, and tinned iron conforming to Type I, grade 1, class A-2 of Federal Specification QQ-T-425. Drill a hole between 4 and 5 millimeters in diameter about 6 millimeters from one end of each strip. Clean the strips with the exception of the tinned iron strips by abrading them with 320A waterproof carborundum paper and stoddard solvent until all surface scratches, cuts, and pits are removed from the strips. Polish the strips with 00 grade steel wool. Wash the strips including the tinned iron with 95 percent ethanol and dry the strip first with a clean lint-free cloth and then in a desiccator. Weigh each strip to the nearest 0.1 milligram and assemble each set of strips on a cotter pin or bolt in the order tinned iron, steel, aluminum, cast iron, brass and copper so that the strips are in electrolytic contact. Bend the strips so that there is a separation of at least 3 millimeters between adjacent strips for a distance of about 6 centimeters from the free end of the strips.

(2) Measure the base diameter of 3 wheel cylinder rubber cups with a micrometer to the nearest 0.02 millimeter or 0.001 inch at two places at right angles to each other. Discard the cups if the diameters differ by more than 0.08 millimeter or 0.003 inch. Determine the hardness of the cups by the procedure specified in Tentative Method of Test for International Hardness of Vulcanized Natural and Synthetic Rubbers or Tentative Method of Test for Indentation of Rubber by Means of a Durometer published by the American Society for

Testing and Materials under the designation D 1415–62T and D 676–59T, respectively, supporting the cup on the inner face by means of a rubber anvil having a flat circular, top surface at least 19 millimeters in diameter a thickness of about 25 millimeters and a hardness within 5 degrees of the hardness of the rubber cup. When a durometer is used to measure hardness, use a fixture to locate the anvil and to keep the base of the durometer parallel to the plane of cup face during measurement. Use cups made from a rubber compound having the following composition by weight and vulcanized to a hardness of 60±5 degrees: Natural rubber (No. 1 ribbed smoked sheet) 100 parts; easy processing channel black 16.5 parts; semi-reinforcing furnace black 16 parts; zinc oxide 6 parts; sulfur 1.75 parts; lauric acid 1.5 parts; n-cyclohexyl-2-benzothiazole sulfenamide 1.6 parts; diphenyl guanidine 0.9 part; phthalic anhydride 0.75 part; and amine-type antioxidant 0.75 part.

(3) Place one rubber cup with lip edge facing up in each of 3 glass jars having a capacity of about 500 milliliters and tinned steel (with no organic coating) lids vented with a hole about 0.8 millimeter in diameter. Place a metal strip assembly inside each cup with the pinned end in contact with the concavity of the cup and the free end extending upward in the jar. Mix 950 milliliters of fluid with 50 milliliters of distilled water and add a sufficient amount of the mixture to cover the metal strip assembly in each jar to a depth of at least 10 millimeters above the tops of the strips. Secure the lid and place the jars in an oven maintained at 100±2° C. for 120 hours. Remove the metal strips from the jars. Disassemble the metal strips, remove adhering sediment, sludge and corroded particles by flushing with water and wiping with a cloth wetted with 95 percent ethanol. Examine the strips for evidence of corrosion, pitting and etching. After drying the strips in a desiccator, weigh each strip to the nearest 0.1 milligram. Calculate the weight loss per unit area in milligrams per square centimeter for each strip and average the results for the 3 strips of each type of metal.

(4) Remove the rubber cups from the jars. Wash the cups with 95 percent ethanol and dry the cups with a clean lint-free cloth. Examine the cups for evidence of sloughing, tackiness and disintegration. Measure within 10 minutes after the cups are removed from the jars the base diameter and hardness of the cups in the manner previously specified. Examine the appearance of the fluid and measure the pH value by the procedure specified in paragraph (d) of this section.

(g) *Fluidity and appearance at low temperature.* Place 100 milliliters of fluid in a 125-milliliter oil-sample bottle, about 3.5 centimeters in diameter and 15 centimeters in length. Place the bottle in a cold bath maintained at the specified temperature within 2.0° C. or 3.6° F. for the time specified. After conditioning, remove the bottle from the bath, invert the bottle immediately, and determine the number of seconds required for the air bubble to start moving and the number of seconds required for the bubble to reach the top of the fluid from the instant that the bubble moves. Quickly wipe the bottle with a clean lint-free cloth saturated with ethanol or acetone, determine the transparency of the fluid by placing the bottle against a hiding power test chart, of the type specified in method 4112 of Federal Test Method Standard No. 141 and examine the fluid for evidence of stratification, separation, sedimentation, and crystallization.

(h) *Evaporation.* Place approximately 25 milliliters of fluid in each of 8 tared petri dishes (approximately 10 centimeters in diameter) with covers, weigh each dish plus fluid to the nearest 0.01 gram, and determine the weight of fluid from the difference in weights of filled and empty dishes. Place the dish inside the inverted cover in a draft free oven at room temperature for 16 hours. Raise the temperature gradually over a period of 6 hours to 100±2° C. or 212±3.6° F. and maintain this temperature for 70±2 hours. Remove the dishes from the oven, replace the covers, allow to cool to room temperature and weigh each one. Calculate the percentage of fluid evaporated in each dish and the average for all dishes. Store the covered dishes at 23±2° C. or 73.4±3.6° F. and examine the residue in the dishes at the end of 1 hour and 96 hours. Rub any sediment with the fingertip to determine its grittiness and abrasiveness. Determine the kinematic viscosity at 0° C. or 32° F. by the procedure specified in paragraph (c) of this section.

(i) *Water tolerance.* Mix 3.5 milliliters of distilled water with 100 milliliters of fluid and pour the mixture into a 125 milliliter oil-sample bottle. Place the bottle for 24 hours in a bath maintained at minus 40±2° C. or minus 40±3.6° F. Remove the bottle from the bath and invert it immediately. Record the number of seconds required for the air bubble to travel to the top of the liquid. Examine the liquid for evidence of stratification, separation, sedimentation, and crystallization. Place the bottle for 24 hours in an oven maintained at 60±2° C. or 140±3.6° F. Remove the bottle from the oven and examine the contents for evidence of stratification, separation, sedimentation, and crystallization.

(j) *Compatibility.* Mix 50 milliliters of fluid with 50 milliliters of a standard fluid having the following composition by weight: 20 percent polyethylene-propylene glycol having a kinematic viscosity of 50±5 centistokes at 50° C. or 122° F. and stabilized with 0.2 percent tertiary butyl catechol, 30 percent ethylene glycol mono butyl ether, 44 percent diethylene glycol mono methyl ether, and 6 percent of a double condensate of borax with 1,2 propylene glycol and 2-butyn diol. Pour the mixture into a 125-milliliter oil-sample bottle. Place the bottle for 24 hours in a bath maintained at minus 40±2° C. or minus 40±3.6° F. Remove the bottle from the bath, quickly wipe the surface with a clean lint-free cloth saturated with ethanol or acetone, determine the transparency of the liquid by placing the bottle against a hiding power chart of the type specified in method 4112 of Federal Test Method Standard No. 141, and examine the fluid for evidence of stratification, separation, sedimentation, and crystallization.

(k) *Resistance to oxidation.* (1) Prepare 3 metal strips of aluminium alloy and of cast iron by the procedure specified in paragraph (f)(1) of this section. Weigh the clean and dry strips to the nearest 0.1 milligram. Assemble a strip of each metal on a cotter pin, separating the strips at each end with a piece of tinfoil approximately 12 millimeters square and between 0.02 and 0.06 millimeter in thickness.

(2) Place 10 milliliters of fluid in each of 3 test tubes about 22 millimeters in diameter and 175 millimeters in length. Add 20±2 milligrams of reagent-grade benzoyl peroxide and 0.50±0.02 milliliter of distilled water to each tube. Stopper the tubes loosely with corks, shake and place the tubes for 2 hours in an oven at 70±2° C. Shake the tubes every 15 minutes to effect solution of the peroxide, taking care to avoid getting the solution on the cork. Remove the tubes from the oven and cool them slowly to room temperature.

(3) Place approximately one-eighth of a wheel cylinder rubber cup having the composition specified in paragraph (f)(2) of this section in the bottom of each tube. Place a metal-strip assembly in each tube with the end of the strips resting on the rubber, the solution covering about one-half the length of the strips, and the end having the cotter pin remaining out of the solution. Stopper the tubes with corks and store upright for 72 hours at 23±5° C. or 73.4±9° F. Loosen the stoppers and place the tubes for 168±2 hours in an oven maintained at 70±2° C. or 158±3.6° F. After the heating period, remove and disassemble the metal strips. Examine the strips for gum deposits. Wipe the strips with a cloth wet with 95 percent ethanol and examine for pitting and etching. After drying the strips in a desiccator, weigh them to the nearest 0.1 milligram. Calculate the weight loss in milligrams per square centimeter of surface for each strip and the average for the 3 strips of each metal.

(l) *Effect on rubber.* (1) Test Type S–1 brake fluid by the following procedure: Use 2 wheel-brake cylinder rubber cups having the composition specified in paragraph (f)(2) of this section that are not older than 6 months from date of manufacture when stored at room temperature below 30° C. or 86° F. nor older than 36 months from date of manufacture when stored at temperatures below minus 15° C. or plus 5° F. Measure the base diameter and hardness of the cups by the procedure specified in paragraph (f)(2) of this section. Place the cups in a glass jar having a capacity of about 250 milliliters and a glass or tinned steel (with no organic coatings) lid. Add 75 milliliters of fluid to the jar and heat for 120±2 hours at 70±2° C. or 158±3.6° F. Allow the jar to cool at room temperature (23±5° C. or 73.4±9° F.) for 60 to 90 minutes. Remove the cups from the jar, wash quickly with 95 percent ethanol, dry with clean lint-free cloth, and measure the base diameter and hardness of each cup within 10 minutes after removal from the fluid. Examine the surface of the cups for evidence of carbon black or sloughing.

(2)(i) Test Type S–2 brake fluid by the procedure for Type S–1 brake fluid and also using synthetic rubber cups made from a compound having the following composition by weight and vulcanized to a hardness of 60±5 degrees: Styrene-butadiene rubber (type 1023) 100 parts; fast extrusion furnace black 50 parts; zinc oxide 3 parts; stearic acid 1 part; mercaptobenzothiazole 1 part; dipentamethylene-thiuram-tetrasulfide 1 part; and phenyl-beta-naphthylamine 1 part.

(ii) In testing with synthetic rubber cups, use the procedure for Type S–1 brake fluid except that the heating period shall be 70 hours at 120±2° C. or 248±3.6° F.

(m) *Simulated service performance.* Use an apparatus consisting of a master cylinder from an hydraulic brake system having a diameter of at least 28 millimeters and fitted with a stand pipe, four wheel-brake assemblies (including hydraulic cylinders at least 28 millimeters in diameter, brake shoes and drums), a pressure recorder having a range of at least 0 to 70 kilograms per square centimeter or 0 to 1000 pounds per square inch, an actuator for stroking the master cylinder at a rate of 1000±50 strokes per hour, a stroke counter, metal tubing, fittings, and cabinet capable of housing the equipment and maintaining a temperature of 70±5° C. and 120±5° C. or 158±9° F. and 248±9° F. For each test, use new unassembled master and wheel-brake cylinders made from cast iron, having pistons made from unanodized aluminium alloy, and rubber cups having the composition given in paragraph (f)(2) of this section for testing Type S–1 or S–2 brake fluid, and in paragraph (l)(3) of this section for testing Type S–2 brake fluid. Use rubber cups not older than 6 months from date of manufacture when stored at room temperatures below 30° C. or 86° F. nor older than 36 months from date of manufacture when stored at temperatures below minus 15° C. or plus 5° F. Measure the base diameter and hardness of cups by procedure specified in paragraph (f)(2) of this section. Clean all metal parts of master and wheel cylinders with ethanol and dry with clean compressed air. Inspect the working surfaces of all metal parts for scoring, galling, or pitting and discard defective parts. Remove any stains on cylinder walls with crocus cloth and ethanol. If stains can not be removed, do not use the cylinder. Measure the internal diameter of each cylinder at 4 points approximately 45 degrees apart to the nearest 0.02 millimeter or 0.001 inch. Measure the external diameter of each piston at 2 points approximately 90 degrees apart. Remove any burrs or wire edges from the relief and supply ports of the master cylinder. Clean other metal parts of hydraulic system with ethanol and dry with clean compressed air. Clean rubber parts with ethanol and lint-free cloth. Dry with clean compressed air. Discard any parts showing defects such as cuts, moulding flaws, or blisters. Dip the rubber and metal parts of master and wheel cylinders, except housings and rubber boots, in the fluid to be tested and install them in accordance with the manufacturer's instructions. Stroke the cylinders to insure that they operate easily. Assemble the cylinders in braking system. Adjust the brake-shoe toe clearance to 1.00±0.1 millimeter. Fill the system with test fluid being careful to bleed all wheel cylinders and pressure recorder. Operate the actuator manually to apply a pressure of 70 kilograms per square centimeter or 1,000 pounds per square inch, and inspect the system for leaks. Adjust the actuator to apply a pressure of 35±1 kilogram per square centimeter or 500±15 pounds per square inch when natural rubber cups are used, or a pressure of 70±2 kilograms per square centimeter or 1,000±30 pounds per square inch when synthetic rubber cups are used, and a smooth pressure-stroke pattern of 60 percent load time and 40 percent no-load time. Adjust the rate to 1,000±50 strokes per hour. Record the fluid level in master cylinder standpipe. Record the stroking pressure at room temperature (23±5° C. or 73.4±9° F.) and initial pressure-stroke pattern. Operate the system for 16,000±500 cycles at room temperature. Repair any leakage, and readjust the brake-shoe clearance and fluid level. Record number of milliliters of fluid required to bring to the original level. Start test and raise the temperature of the cabinet within 8 hours to 70±5° C. or 158±9° F. for tests using natural rubber cups or to 120±5° C. or 248±9° F. for tests using synthetic rubber cups. During test, observe operation of wheel cylinders for improper functioning and record the amount of fluid required to replenish any loss at intervals of 24,000 strokes. At the end of 70,000 strokes when using synthetic rubber cups or at the end of 284,000 strokes when using natural rubber cups, stop the test and allow the equipment to cool to room temperature. Examine the wheel cylinders for excessive leakage. Stroke the assembly an additional 100 strokes and examine wheel cylinders for leakage. Remove the master and wheel cylinders from the system, retaining the fluid in the cylinders by immediately capping or plugging the parts. Disassemble the cylinders collecting the retained fluid in a glass jar. Measure and record the base diameter and hardness of the rubber cups within 1 hour after disassembly by the procedure specified in paragraph (f)(2) of this section. Record any sludge, jell, sediment or grit present in test fluid. Inspect cylinder parts recording any pitting, or etching or acid attack on the pistons and cylinder walls, and tackiness, scoring, scuffing, blistering, cracking, chipping and collapsing of the lip edges of the rubber cups. Clean cylinder parts in ethanol and dry with compressed air. Measure and record diameters of pistons and cylinders. Repeat the test if mechanical failure occurs that may affect the evaluation of the test fluid.

§ 000.5 Provision for changes in the specifications.

Section 4 of the act provides for the possibility of changes in the specifications first established pursuant to section 1 of the act. Any person wishing to propose a change in the specifications in this part shall submit to the Director, Office of Technical Services, United States Department of Commerce, Washington 25, D.C., the proposed change. Before a change is recommended, the Director, Office of Technical Services shall secure advice and consultation from public and private sources, and shall then forward such proposal with his recommendation to the Secretary of Commerce for such action as the Secretary deems appropriate.

§ 000.6 Effective date.

The specifications prescribed in this part shall become effective upon publication in the FEDERAL REGISTER. Section 2 of the act shall take effect ninety days after the date of publication in the FEDERAL REGISTER.

SPECIFICATIONS FOR PETROLEUM-BASE HYDRAULIC BRAKE FLUIDS FOR USE IN MOTOR VEHICLES

Pursuant to the provisions of section 1 of the act of September 5, 1962, to "prescribe and publish in the FEDERAL REGISTER specifications for hydraulic brake fluids for use in motor vehicles," the following specifications are prescribed:

Sec.
000.1 Definitions.
000.2 Scope and application.
000.3 Requirements.
000.4 Test procedures.
000.5 Provision for changes in the specifications.
000.6 Effective date.

AUTHORITY: §§ 000.1 to 000.6 issued under secs. 1–4, 76 Stat. 437.

§ 000.1 Definitions.

As used in the specifications, in this part, unless the context specifically states otherwise:

(a) The term "act" means Public Law 87–637, 87th Congress, 2d Session, H.R. 2446.

(b) The term "commerce" means (1) commerce between any place in a State, the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States and any place outside thereof, and (2) commerce wholly within the District of Columbia or any such possession.

(c) The term "motor vehicle" means any vehicle or machine propelled or drawn by mechanical power and used on the highways.

(d) The term "brake fluid" or "fluid" means any liquid used, or intended for use, in the braking system of a motor vehicle.

(e) The term "petroleum-base" means that the fluid is an organic liquid consisting primarily of hydrocarbons.

(f) The abbreviation "°C" means temperature expressed in degrees Celsius.

(g) The abbreviation "°F" means temperature expressed in degrees Fahrenheit.

§ 000.2 Scope and application.

The specifications in this part shall apply to any petroleum-base hydraulic brake fluid used, or intended for use, in the braking system of a motor vehicle, including the manufacture for sale, the sale, or the offering for sale, in commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation or causing to be transported in, commerce, or for the purpose of sale, or delivery after sale, in commerce, of any such hydraulic brake fluid. Brake fluids included in these specifications are of two types for use in motor vehicles where the fluid is subjected to different temperatures. The type of brake fluid to be used in a particular motor vehicle is governed by the requirements as given by the manufacturer of the motor vehicle and the following use for each type:

(a) Type P–1 brake fluid is for use in motor vehicles having hydraulic braking systems designed for use with a petroleum-base fluid having a boiling point not less than 200° C. or 392° F.

(b) Type P–2 brake fluid is for use in motor vehicles having hydraulic braking systems designed for use with a petroleum-base fluid having a boiling point not less than 250° C. or 482° F.

§ 000.3 Requirements.

(a) *Boiling point.* Brake fluid when tested by the procedure specified in § 000.4(a) shall have a boiling point not less than the following temperature: Type P–1 brake fluid 200° C. or 392° F.; Type P–2 brake fluid 250° C. or 482° F.

(b) *Flash point.* Brake fluid when tested by the procedure specified in § 000.4(b) shall have a flash point not less than the following temperature: Type P–1 brake fluid 95° C. or 203° F.; Type P–2 brake fluid 160° C. or 320° F.

(c) *Viscosity.* At minus 40° C. or °F., Type P–1 brake fluid when tested by the procedure specified in § 000.4(c) shall have a kinematic viscosity of not more than 2,000 centistokes. At 0° C. or 32° F., Type P–2 brake fluid when tested by the procedure specified in § 000.4(c) shall have a kinematic viscosity of not more than 500 centistokes. At 50° C. or 122° F., brake fluid when tested by the procedure specified in § 000.4(c) shall have a kinematic viscosity of not less than the following values: Type P–1 brake fluid 10 centistokes; Type P–2 brake fluid 25 centistokes. At 100° C. or 212° F., brake fluid when tested by the procedure specified in § 000.4(c) shall have a kinematic viscosity of not less than the following values: Type P–1 brake fluid 4.0 centistokes; Type P–2 brake fluid 6.0 centistokes.

(d) *Acidity.* Type P–1 or P–2 brake fluid when tested by the procedure specified in § 000.4(d) shall have an acid or base number not greater than 0.20.

(e) *Pour point.* The pour point of brake fluid when tested by the procedure specified in § 000.4(e) shall not be higher than the following temperatures: Type P–1 brake fluid minus 60° C. or minus 76° F.; Type P–2 brake fluid minus 30° C. or minus 22° F.

(f) *Corrosiveness.* Metal strips subjected to Type P–1 or Type P–2 brake fluid under conditions specified in § 000.4(f) shall not be pitted nor etched and shall not decrease in weight by more than the following amounts in milligrams per square centimeter: Aluminum alloy strips 0.2, cadmium-plated steel strips 0.2, copper strips 0.5, magnesium strips 0.2, steel strips 0.2. The fluid shall not have changed more than minus 5 or plus 20 percent from the original viscosity in centistokes at 50° C. or 122° F. when tested after the corrosiveness test by the procedure specified in § 000.4(c). The acid or base number shall not have increased by more than 0.20 over the acid or base number of the original fluid when tested after the corrosiveness test by the procedure specified in § 000.4(d). At the end of the corrosiveness test, the fluid shall show no evidence of separation of insoluble material nor gum deposits.

(g) *Stability at low temperatures.* At minus 55° C. or minus 67° F., Type P–1 brake fluid when conditioned for 72 hours as specified in § 000.4(g) shall show no gel, solidification, separation, precipitation, or crystallization, and shall not be more turbid than the turbidity standard. At minus 25° C. or minus 13° F., Type P–2 brake fluid when conditioned for 72 hours as specified in § 000.4(g) shall show no gel, solidification, separation, precipitation, or crystallization, and shall not be more turbid than the turbidity standard.

(h) *Foaming.* Type P–1 or Type P–2 brake fluid when tested by the procedure specified in § 000.4(h) shall not have more than 100 milliliters of foam at the end of a 5-minute blowing period and shall have no foam at the end of a 10-minute settling period.

(i) *Resistance to shear.* Type P–1 or Type P–2 brake fluid when tested by procedure specified in § 000.4(i) shall not decrease in viscosity at 50° C., or 122° F. by a greater percentage than the reference fluid and the acid or base number shall not increase over the original acid or base number by more than 0.20.

(j) *Compatibility.* Type P–1 or Type P–2 brake fluid shall be compatible with reference fluid when tested by the procedure specified in § 000.4(j) and shall show no gel, stratification, solidification, separation, precipitation, or crystallization.

(k) *Rust protection.* Type P–1 or Type P–2 brake fluid when tested by the procedure specified in § 000.4(k) for 100 hours at 50° C. or 122° F. shall protect steel surfaces against rusting as evidenced by each surface of 3 panels passing test.

(l) *Effect on rubber.* Rubber specimens subjected to Type P–1 or Type P–2 brake fluid as specified in § 000.4(l) shall not change in hardness by more than 10 degrees, and shall show no evidence of sloughing indicated by carbon black on the surface, tackiness or disintegration. The increase in the volume of the specimens shall be not less than 1 percent nor more than 16 percent. The fluid shall be free of gel, sediment or crystals at the end of the test.

(m) *Labeling.* Type P–1 or Type P–2 brake fluid shall have a label on the container indicating the type of fluid and warning against use in braking systems designed for Type S–1 or Type S–2 brake fluid.

§ 000.4 Test procedures.

(a) *Boiling point.* Place 50 to 60 milliliters of the fluid in a 100-milliliter round-bottom, boiling flask that has a female ground-glass joint and a side tube for insertion of a thermometer. Add 2 to 4 small pieces of porous porcelain or boiling stones to the flask. Connect the flask to a straight-wall, water-cooled, reflux condenser having a male ground-glass joint that fits the flask. Insert a calibrated thermometer having a suitable temperature range through the side tube until the bulb of the thermometer is within 6 millimeters or 0.25 inch of the bottom of the flask. Heat the fluid to boiling. Measure the temperature of the fluid after boiling for 5 minutes at a reflux rate of 1 to 2 drops per second. Make necessary corrections in the readings for stem emergence of the thermometer and difference in barometric pressure from 760 millimeters mercury pressure.

(b) *Flash point.* Determine the flash point of the fluid by Standard Method of Test for Flash and Fire Points by Cleveland Open Cup published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia 3, Pa., under designation D 92–57.

(c) *Viscosity.* Determine the kinematic viscosity of the fluid by Standard Method of Test for Kinematic Viscosity published by the American Society for Testing and Materials under designation D 445–61.

(d) *Acidity.* Determine the acid and base number of the fluid by method 5105 of Federal Test Method Standard No. 791.

(e) *Pour point.* Determine the pour point of the fluid by Standard Method of Test for Cloud and Pour Points published by the American Society for Testing and Materials under designation D 97–57.

(f) *Corrosiveness.* Determine the corrosiveness of the fluid by method 5308 of Federal Test Method Standard No. 791.

(g) *Stability.* Determine the stability of the fluid at low temperature by Method 202 of Federal Test Method Standard No. 791.

(h) *Foaming.* Determine the foaming characteristics of the fluid by Tentative Method of Test for Foaming Characteristics of Lubricating Oils published by American Society for Testing and Materials under designation D 892–58T.

(i) *Resistance to shear.* Determine the resistance to shear by Method 3471 of Federal Test Method Standard No. 791.

(j) *Compatibility.* Mix 50 milliliters of fluid with 50 milliliters of reference fluid having the composition specified in Method 3471 of Federal Test Method Standard No. 791. Pour the mixture into a 125-milliliter oil-sample bottle. Place the bottle for 24 hours in a bath maintained at minus 25°±2° C. or minus 13°±3.6° F. Remove the bottle from the bath, quickly wipe the surface with a clean lint-free cloth saturated with ethanol or acetone, and examine the fluid for evidence of gel, stratification, solidification, separation, precipitation, and crystallization.

(k) *Rust protection.* Determine the protection against rusting of steel surfaces by the fluid using Tentative Method of Test for Rust Protection by Metal Preservatives in the Humidity Cabinet published by the American Society for Testing and Materials under the designation D 1748–60T. Use 3 steel panels in the test of the fluid.

(l) *Effect on rubber.* (1) Test Type P–1 or Type P–2 brake fluid by the following procedure. Use 3 rubber specimens having a hardness of 70±5 degrees and made from a compound having the following composition by weight and which are not older than 6 months from date of vulcanization when stored at room temperature below 30° C. or 86° F. nor older than 36 months from date of manufacture when stored below minus 15° C. or 5° F.: Acrylonitrile-butadiene rubber containing approximately 20 percent combined acrylonitrile 100 parts; medium thermal black 70 parts; fast extrusion furnace black 30 parts; zinc oxide 5 parts; polyester resins 7.5 parts; polytrimethyldihydroquinoline 4 parts; tetramethyl-thiuramdisulfide 3.5 parts; stearic acid 1 part; sulfur 0.2 part. Measure the hardness of the specimens by the procedure specified in Tentative Method of Test for International Rubber Hardness of Vulcanized Natural and Synthetic Rubbers or Tentative Method of Test for Indentation of Rubber by means of a Durometer published by the American Society for Testing and Materials under the designation D 1415–62T and D 676–59T, respectively, supporting the specimens on a piece of vulcanized rubber having a hardness within 5 degrees of the hardness of the rubber specimen and a thickness of about 25 millimeters. When a durometer is used to measure hardness, use a fixture to keep the base of the durometer parallel to the plane of the specimen surface during measurement. Measure the volume change of the specimens when subjected to the fluid for 168±2 hours at 150°±5° C. or 302°±9° F. as specified in Method 3603 of Federal Test Method Standard No. 791. After the test, measure the hardness within 15 minutes after the specimens are removed from the fluid and examine the surface of the specimens for sloughing, tackiness, or disintegration. Examine the appearance of the fluid for gel, sediment and crystals.

§ 000.5 Provision for changes in the specifications.

Section 4 of the act provides for the possibility of changes in the specifications first established pursuant to section 1 of the act. Any person wishing to propose a change in these specifications shall submit to the Director, Office of Technical Services, United States Department of Commerce, Washington 25, D.C., the proposed change. Before a change is recommended, the Director, Office of Technical Services, shall secure advice and consultation from public and private sources, and shall then forward such proposal with his recommendation to the Secretary of Commerce for such action as the Secretary deems appropriate.

§ 000.6 Effective date.

The specifications prescribed in this part shall become effective upon publication in the FEDERAL REGISTER. Section 2 of the act shall take effect 90 days after the date of publication in the FEDERAL REGISTER.

[F.R. Doc. 62-10573; Filed, Oct. 22, 1962; 8:52 a.m.]

Accordingly, pursuant to authority delegated under section 7.3C of Public Notice PN–15, the undersigned hereby extends the date for submitting comments on the subject proposals until November 13, 1962. All relevant matter in communications received on or before this date will be considered by the Board before taking final action on these proposals. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711 Universal Building, 1825 Connecticut Avenue N.W., Washington, D.C., upon receipt thereof.

(Secs. 204(a) and 1001 of the Federal Aviation Act of 1958; 72 Stat. 743, 788; 49 U.S.C. 1324 and 1481)

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Special Counsel Division.

[F.R. Doc. 62-10575; Filed, Oct. 22, 1962; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 302, 399]

[Docket No. 14035]

AIR CARRIERS AND FOREIGN AIR CARRIERS

Proposed Processing of Tariff Proposals and Posting of Tariff Changes; Extension of Time for Filing Comments

OCTOBER 18, 1962.

The Board, in 27 F.R. 9456 and by circulation of a notice for proposed rule making, EDR–46, PDR–20, and PSDR–5 dated September 19, 1962, gave notice that it had under consideration proposed new and amended rules and a new policy statement which are designed to expedite the processing of tariff proposals and to provide more realistic notice to air travelers of tariff changes between the time a ticket is purchased and actual transportation is to begin.

The last day for filing comments with respect to this notice is October 22, 1962. Several persons have requested a 60-day extension of the deadline for submission of comments in order to more fully consider and develop a position with respect to the various proposals.

It appears to the undersigned that good cause has been shown for extending the time for filing comments on these proposals. However, the showing made does not justify the grant of a 60-day extension. The undersigned finds that it is in the public interest to extend the filing date to November 13, 1962, which will afford an additional 22-day period in which comments may be filed with respect to these proposals.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 193]

[Ex Parte No. MC–40]

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

Notice of Proposed Rule Making; Postponement of Date for Filing Statements

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held at its office in Washington, D.C., on the 15th day of October A.D. 1962.

Upon consideration of the record in the above-entitled proceeding, and of further petition for extension of time for filing statements as provided by the order of the Commission, Motor Carrier Board No. 2, dated August 30, 1962, served September 10, 1962 (27 F.R. 9109) and good cause appearing therefor:

It is ordered, That the present date for filing written statements provided by the said order of August 30, 1962, be, and it is hereby, postponed from October 15, 1962, to November 15, 1962.

By the Commission, Motor Carrier Board No. 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-10557; Filed, Oct. 22, 1962; 8:47 a.m.]

specified in § 000.4(e) shall not be higher than the following temperatures: Type P–1 brake fluid minus 60° C. or minus 1 percent nor more than 16 percent. The fluid shall be free of gel, sediment or crystals at the end of the test.

into a 125-milliliter oil-sample bottle. Place the bottle for 24 hours in a bath maintained at minus 25°±2° C. or minus

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 55735]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Limitations on Entry or Withdrawal From Warehouse

OCTOBER 17, 1962.

Reference is made to Treasury Decision 55730, dated October 11, 1962 (27 F.R. 10109), limiting to certain designated levels certain categories of cotton textiles and cotton textile products produced or manufactured in Portugal which may be entered, or withdrawn from warehouse, for consumption in the United States from October 1 through November 29, 1962. This action was taken pursuant to a letter of October 5, 1962, from the Chairman of the President's Cabinet Textile Advisory Committee.

Attached to the Committee letter was a schedule describing in detail the categories involved and the levels of restraint. There is published below a letter of October 16, 1962, from the Acting Chairman, President's Cabinet Textile Advisory Committee, enclosing a revised listing reflecting certain modifications to Schedule A and U.S.I.D.A. Components. The letter directs that the revised listing be substituted for the enclosure in the above-mentioned letter of October 5, 1962. Therefore, Treasury Decision 55730, dated October 11, 1962, is amended by canceling the schedule published therein as an attachment to the Committee's letter of October 5, 1962, and inserting in place thereof the schedule enclosed with the letter published below.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

THE SECRETARY OF COMMERCE,
Washington 25, D.C., October 16, 1962.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: This letter is in further reference to the letter of October 5, 1962, addressed to you by the Secretary of Commerce and Chairman of the President's Cabinet Textile Advisory Committee. That letter, relating to imports of designated categories of cotton textiles and cotton textile products produced or manufactured in Portugal included as an enclosure a listing of Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories and Levels of Restraint.

We are advised today of modifications to Schedule A and U.S.I.D.A. Components effective October 1, 1962. There is enclosed a revised listing reflecting these changes which you will please substitute for the enclosure in the letter of October 5th.

Sincerely yours,

EDWARD GUDEMAN,
Acting Secretary of Commerce, and Acting Chairman, President's Cabinet Textile Advisory Committee.

SCHEDULE A AND U.S.I.D.A. COMPONENTS OF SELECTED INTERNATIONAL COTTON TEXTILE ARRANGEMENT—CATEGORIES AND LEVELS OF RESTRAINT

Category	Schedule A number	U.S.I.D.A. number	Levels of restraint
1. Cotton yarn, carded, singles	3011 000	0901 11**	*Pounds* 2,475,000
2. Cotton yarn, carded, plied	3021 100	0901 21**	38,250
3. Cotton yarn, combed, singles	3021 200	0901 22**	525,000
4. Cotton yarn, combed, plied	3021 400	0901 32**	20,500
5. Gingham, carded	3068 100	0904 318*	*Square yards* 740,000
		618*	
		918*	
		0905 318*	
		618*	
		918*	
6. Gingham, combed	3068 150	0904 319*	1,050,000
		619*	
		919*	
		0905 319*	
		619*	
		919*	
9. Sheeting, carded	3048 212	0904 156*	1,540,500
	3048 216	158*	
	3048 222	162*	
	3048 228	166*	
	3058 226	266*	
	3068 200	366*	
		0905 156*	
		158*	
		162*	
		166*	
		266*	
		366*	
19. Print Cloth, shirting type, other than 80 x 80 type, carded	3048 500	0904 152*	191,500
	3058 500	252*	
	3068 860	352*	
		0905 152*	
		252*	
		352*	
24. Woven fabric, not elsewhere specified, yarn dyed, carded	3068 860	0904 376*	378,000
	3068 870	386*	
	3068 880	390*	
		676*	
		686*	
		690*	
		976*	
		986*	
		990*	
		0905 376*	
		386*	
		390*	
		676*	
		686*	
		690*	
		976*	
		986*	
		990*	
25. Woven fabric, not elsewhere specified, yarn dyed, combed	3068 862	0904 377*	518,000
	3068 872	387*	
	3068 890	391*	
		677*	
		687*	
		691*	
		977*	
		987*	
		991*	
		0905 377*	
		387*	
		391*	
		677*	
		687*	
		691*	
		977*	
		987*	
		991*	
26. Woven fabric, not elsewhere specified, other, carded [1]	3048 260	0904 106*	491,500
	3048 280	108*	
	3048 360	114*	
	3048 366	116*	
	3048 370	120*	
	3048 376	153*	
	3048 520	182*	
	3048 864	184*	
	3048 874	188*	
	3048 980	0904 192*	
	3058 260	206*	
	3058 280	208*	
	3058 360	214*	
	3058 366	216*	
	3058 370	220*	
	3058 376	253*	
	3058 520	282*	
	3058 864	284*	
	3058 874	288*	
	3058 980	292*	
	3068 260	306*	
	3068 280	308*	
	3068 360	314*	
	3068 366	316*	
	3068 370	320*	
	3068 376	353*	
	3068 520	382*	

See footnotes at end of table.

SCHEDULE A AND U.S.I.D.A. COMPONENTS OF SELECTED INTERNATIONAL COTTON TEXTILE ARRANGEMENT—CATEGORIES AND LEVELS OF RESTRAINT—Continued

Category	Schedule A number	U.S.I.D.A. number	Levels of restraint
26. Woven fabric, not elsewhere specified, other, carded (continued)			
27. Woven fabric, not elsewhere specified, other combed [1]	3048 270	0904 107*	206,000
	3048 290	109*	
	3048 363	115*	
	3048 369	117*	
	3048 373	121*	
	3048 378	183*	
	3048 878	186*	
	3048 990	193*	
	3058 270	207*	
	3058 290	209*	
	3058 363	215*	
	3058 369	217*	
	3058 379	221*	
	3058 868	283*	
	3058 878	286*	
	3058 990	293*	
	3068 270	307*	
	3068 290	309*	
	3068 363	315*	
	3068 373	321*	
	3068 868	383*	
	3068 878	386*	
	3068 990	393*	
	3075 020	423*	
	3078 022	483*	
	3078 025	485*	
	3080 220	489*	
	3081 260	491*	
	3081 420	585*	
		589*	
		593*	
		621*	
		683*	
		689*	
		693*	
		721*	
		783*	
		789*	
		793*	
		821*	
		883*	
		889*	

SCHEDULE A AND U.S.I.D.A. COMPONENTS OF SELECTED INTERNATIONAL COTTON TEXTILE ARRANGEMENT—CATEGORIES AND LEVELS OF RESTRAINT—Continued

Category	Schedule A number	U.S.I.D.A. number	Levels of restraint
26. Woven fabric, not elsewhere specified, other, carded (continued)			
	3068 884	384*	
	3068 874	388*	
	3068 980	392*	
	3075 010	420*	
	3078 012	482*	
	3078 015	484*	
	3080 210	488*	
	3081 350	492*	
	3081 410	520*	
	3068 010	582*	
		584*	
		588*	
		592*	
		620*	
		682*	
		684*	
		688*	
		692*	
		720*	
		782*	
		784*	
		788*	
		792*	
		820*	
		882*	
		884*	
		888*	
		892*	
	0904	920*	
		982*	
		984*	
		988*	
	0905	992*	
		1082*	
		1084*	
		1088*	
		1092*	
		1114*	
		1116*	
		1120*	
		1153*	
		1182*	
		1184*	
		1188*	
		1192*	
		1206*	
		1208*	
		1214*	
		1216*	
		1220*	
		1253*	
		1282*	
		1284*	
		1288*	
		1292*	
		1306*	
		1308*	
		1314*	
		1316*	
		1320*	
		1353*	
		1382*	
		1384*	
		1388*	
		1392*	
		1420*	
		1482*	
		1484*	
		1492*	
		1520*	
		1582*	
		1584*	
		1588*	
		1592*	
		1620*	
		1682*	
		1684*	
		1688*	

See footnotes at end of table.

SCHEDULE A AND U.S.I.D.A. COMPONENTS OF SELECTED INTERNATIONAL COTTON TEXTILE ARRANGEMENT—CATEGORIES AND LEVELS OF RESTRAINT—Continued

Category	Schedule A number	U.S.I.D.A. number	Levels of restraint
27. Woven fabric, not elsewhere specified, other combed[1] (continued).		803*	
		921*	
		983*	
		985*	
		989*	
		993*	
		(0905 997*	
		109*	
		115*	
		117*	
		0903 121*	
		189*	
		193*	
		199*	
		203*	
		207*	
		209*	
		213*	
		217*	
		221*	
		224*	
		225*	
		226*	
		227*	
		309*	
		315*	
		317*	
		321*	
		325*	
		326*	
		329*	
		303*	
		421*	
		433*	
		435*	
		439*	
		465*	
		521*	
		533*	
		535*	
		539*	
		543*	
		621*	
		633*	
		635*	
		639*	
		663*	
		721*	
		724*	
		726*	
		729*	
		703*	
		821*	
		833*	
		835*	
		839*	
		863*	
		0905 921*	
		983*	
		985*	
		989*	
		993*	
		0906 2000	
		0908 2010	
		0908 2020	
		0909 0550	
		2060	
		2560	
		3060	
		4560	
		5060	

**The last two digits represent yarn number groups (e.g., 05 represents yarn numbers 1 through 5; 39 represents yarn numbers 26 through 30; 99 represents yarn numbers from 81 through 90, etc.).

*The last digit represents average yarn number groups (e.g., 0 represents average yarn numbers 10 or lower; 2 represents average yarn numbers 21 through 25; 9 represents average yarn numbers over 60, etc.).

[1] Includes lawns and voiles. The Schedule A numbers for lawns and voiles are enumerated in categories 11, 12, 13, and 14. Until historical data for these products have been established, however, imports will be reported in category 26 if carded and 27 if combed.

[F.R. Doc. 62-10562; Filed, Oct. 22, 1962; 8:47 a.m.]

Comptroller of the Currency

ADAMS COUNTY NATIONAL BANK

Notice of Decision Granting Application To Merge

On August 7, 1962, the $9.2 million First National Bank of Gettysburg, Gettysburg, Pa., and the $12.7 million Littlestown State Bank, Littlestown, Pa., applied to the Comptroller of the Currency for permission to merge under the charter of the former, and under the title "Adams County National Bank," and to relocate its main office at Littlestown, Pa.

On October 12, 1962, the Comptroller of the Currency granted this application, effective on or after October 19, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 17, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-10560; Filed, Oct. 22, 1962; 8:47 a.m.]

ANN ARBOR BANK AND DEXTER SAVINGS BANK

Notice of Report on Competitive Factors Involved in Consolidation Application

On August 29, 1962, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C 1828(c), requested that the Comptroller of the Currency report on the competitive factors involved in the proposed consolidation of the $4.7 million Dexter Savings Bank, Dexter, Michigan with the $69.6 million Ann Arbor Bank, Ann Arbor, Michigan under the charter and title of the latter.

On October 15, 1962, the Comptroller of the Currency reported that consummation of this proposal would substitute a branch of the Ann Arbor Bank for the only bank in Dexter. He observed that nothing in the application indicated such growth as to require the introduction of a larger banking facility, but that, on the contrary, the available facts suggested that the population and economic development of the committee was static. He concluded that the effect of this proposal on competition would be adverse.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 17, 1962.

A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-10561; Filed, Oct. 22, 1962; 8:47 a.m.]

NATIONAL BANK OF KENNETT

Proposed Charter; Notice of Hearing

A public hearing will be held on November 8, 1962, on the proposed charter of a new national bank in Kennett, Mo. The hearing will be held in the city of Kennett, Missouri.

All persons desiring to testify should notify the Comptroller of the Currency by Thursday, November 1, 1962.

Dated: October 17, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-10559; Filed, Oct. 22, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

PRODUCERS OF SHEEP AND WOOL

Determination of Producers' Approval on Referendum

Pursuant to section 708 of the National Wool Act of 1954, as amended (68 Stat. 912, 72 Stat. 994, 75 Stat. 306; 7 U.S.C. 1787), a referendum was held among producers of sheep and wool in the United States to determine whether they approved a proposed agreement by the Secretary of Agriculture with the American Sheep Producers Council, Inc., for developing and conducting advertising and sales promotion programs and for deductions from payments to such producers to be made pursuant to the act for the marketing years 1962, 1963, 1964, and 1965. Notice of the referendum (27 F.R. 7577) issued on July 26, 1962, included a copy of the proposed agreement.

In the referendum held pursuant to the notice, 87.6 percent of the voting producers who during any one period of 30 consecutive days since January 1, 1962, and prior to their casting the ballots were engaged in the United States in the production for market of sheep and wool, voted in favor of the agreement, and those voting in favor owned 91.0 percent of the sheep owned by all the voting producers. The period from January 1, 1962, to the time the ballots were cast is a representative period of production.

Accordingly, I hereby determine that the agreement has the approval of the requisite number of producers as required by said act since in said referendum more than two-thirds of the total number of producers and more than two-thirds of the total volume of production represented in the referendum indicated approval of the agreement.

I have this day signed the agreement and it became effective upon my signature.

(Sec. 708, 68 Stat. 912, 72 Stat. 994, 75 Stat. 306; 7 U.S.C. 1787)

Signed at Washington, D.C., on October 18, 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-10589; Filed, Oct. 22, 1962; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

CHIEF, OFFICE OF SHIP CONSTRUCTION

Redelegation of Authority

SECTION 1. *Redelegation of authorities.* 1.01 Department Order No. 117 and other Department orders and issuances on specific matters, establish the authorities of the Maritime Administrator and the Maritime Subsidy Board and give them the authority to redelegate such authorities and to prescribe necessary limitations, restrictions, and conditions on the exercise of such authority. Delegations of authority by the Maritime Subsidy Board are subject to the prior approval of the Secretary of Commerce.

1.02 The authorities set forth in section 2 of this order are redelegated by the Maritime Administrator and, with the approval of the Secretary of Commerce, by the Maritime Subsidy Board to the Chief, Office of Ship Construction, subject to the limitations prescribed in this order.

1.03 The Chief, Office of Ship Construction, may in his discretion, redelegate his authorities to subordinate personnel of his Office, in accordance with Administrator's Order No. 151; provided however that the redelegation of any authority delegated to him by the Maritime Subsidy Board shall have the prior approval of the Board. The Chief, Office of Ship Construction, retains full responsibility for actions taken by his subordinates under any authority he may have redelegated to them.

SEC. 2. *Specific authorities redelegated to the Chief, Office of Ship Construction.* 2.01 Authority to approve changes in contract plans and specifications of ships constructed, reconstructed, converted, reconverted or reconditioned under construction-type contracts with the Maritime Administration, and authority to approve changes in cost and delay in delivery, if any, provided such changes do not result in a cost change in excess of $50,000 in any one instance and provided the aggregate cost of the changes does not increase the cost of the ship by more than 2 percent of the single vessel contract price.

2.02 Authority to effect cost settlements pursuant to approved changes to contract plans and specifications of ships constructed, reconstructed, converted, reconverted, or reconditioned under ship construction-type contracts with the Maritime Administration involving costs in excess of $50,000, in cases where the actual cost does not vary more than ten percent from the estimated cost upon which the Maritime Administrator based his approval of the changes.

2.03 Authority to approve changes in contract plans and specifications of ships constructed, reconstructed, or reconditioned under contracts with the Maritime Subsidy Board, and authority to approve changes in cost and delay in delivery, if any, resulting from such changes provided such changes do not result in a cost change in excess of $50,000 in any one instance and provided the aggregate cost of the changes does not increase the cost of the ship by more than 2 percent of the single vessel contract price. Actions taken under this authority shall be reported monthly to the Maritime Subsidy Board on Report No. MAR-800-9.

2.04 Authority to determine and negotiate amount of contractor's liability for final guarantee survey items and for delay in delivery of ships, under contracts administered by the Office of Ship Construction, up to the point where the matter becomes a claim as defined in Management Order No. 502 (Amended), provided that the determination made does not exceed $100,000.

2.05 Subject to Department Orders, authority to approve requisitions within allotted funds for materials, supplies and equipment, provided that any obligation incurred in filling the requisition will be charged against the appropriations for ship construction.

2.06 Authority to accept on behalf of the Maritime Administration ships delivered by shipyards under contract with the Maritime Administration or the Maritime Subsidy Board for their construction, reconstruction, conversion, reconversion, or reconditioning.

2.07 Authority to grant extensions of time for the delivery of ships being constructed for the Maritime Administration or the Maritime Subsidy Board.

2.08 Authority to approve ship construction schedules pursuant to ship construction programs approved by the Maritime Subsidy Board or the Maritime Administrator, and to operate the Defense Materials System in connection therewith, in accordance with current directives.

2.09 Authority to settle matters, other than claims, arising from contracts supervised, by agreement with the debtor or claimant, in an amount not to exceed $50,000; and to execute release agreements incident to such settlements.

2.10 Authority to administer Maritime Administration responsibilities for the program of subsidy payments for the construction of fishing vessels as set forth in Public Law 86-516, and as established by the Memorandum of Understanding between the Department of the Interior and the Maritime Administration, coordinating as necessary with other offices in accordance with their functional responsibilities as set forth in appropriate Administrator's Orders.

2.11 Authority to develop and determine values of ships and revised values thereof, as circumstances require, for the purposes of marine insurance of mortgaged, chartered or subsidized ships.

2.12 Authority to exercise all functions and to take all actions necessary to direct and carry out the duties and responsibilities assigned to the Chief, Office of Ship Construction, subject to clearance of the appropriate office, division, or official in accordance with functional assignments as established in the Manual of Orders.

Dated: October 17, 1962.

J. W. GULICK,
Acting Maritime Administrator, Chairman, Maritime Subsidy Board.

[F.R. Doc. 62-10543; Filed, Oct. 22, 1962; 8:45 a.m.]

Office of the Secretary

CARL W. HASEK, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of October 9, 1962.

CARL W. HASEK, JR.

OCTOBER 9, 1962.

[F.R. Doc. 62-10542; Filed, Oct. 22, 1962; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-188]

KANSAS STATE UNIVERSITY OF AGRICULTURE AND APPLIED SCIENCE

Notice of Issuance of Facility License

Please take notice that no request for a formal hearing having been filed following publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Facility License No. R-88 to Kansas State University of Agriculture and Applied Science, authorizing operation of the TRIGA Mark II tank-type nuclear reactor located on the University's campus at Manhattan, Kansas.

The license, as issued, is substantially as set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER August 25, 1962, 27 F.R. 8560.

Dated at Germantown, Md., this 16th day of October 1962.

For the Atomic Energy Commission.

S. LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-10540; Filed, Oct. 22, 1962; 8:45 a.m.]

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that, pursuant to a Memorandum and Order of the Atomic Energy Commission, the Division of Licensing and Regulation has issued Amendment No. 1 to Provisional Operating License No. DPR-7. The license authorizes Pacific Gas and Electric Company to operate its nuclear reactor located in Humboldt County, California. The amendment corrects paragraph 7 of the license to make it clear that the only exemption granted is an exemption from the requirement of § 20.203(c)(2) of 10 CFR Part 20.

Dated at Germantown, Md., this 16th day of October 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-10541; Filed, Oct. 22, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11879; Order E-18927]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of October 1962.

On July 2, 1962, the members of Joint Conference 3-1 of the International Air Transport Association (IATA) filed for approval under section 412 of the Federal Aviation Act of 1958 an agreement adopted by mail vote which would provide for the elimination of transpacific general cargo rates in the eastbound direction at weight breaks above the 1,000 kilogram level, namely, at weight breaks of 2,500 and 7,500 kilograms. By Order E-18656, dated August 2, 1962, the Board deferred action thereon with a view toward eventual disapproval. In taking this action the Board noted that the agreement had not been supported by written documentation on the carriers' experience with respect to traffic and revenues or their expectations with regard to the proposed agreement. The Board concluded, based on the record which consisted only of comments by two international freight forwarders, Airborne Freight Corporation and Air Express International Corporation, in opposition to the agreement, that it could not make a finding that the agreement was not adverse to the public interest. Final action on the agreement was deferred for a period of 10 days so as to afford interested persons an opportunity to protest or otherwise comment on the Board's proposed disapproval. This period was subsequently extended for an additional ten-day period at the request of Pan American for itself and on behalf of Japan Air Lines and Northwest Airlines. Pan American World Airways, Northwest Airlines, and Japan Air Lines have now submitted a joint statement in support of the agreement. Supporting comments have also been received from one international air freight forwarder, Shulman, Inc., and additional comments have been received from Airborne Freight Corporation and Air Express International Corporation in response to the direct carriers' statement.

The three carriers, Pan American, Northwest, and Japan Air Lines, contend that the weight breaks have failed to divert cargo from surface to air eastbound and that the weight breaks are used primarily by forwarders under joint loading arrangements, resulting in a dilution of revenues.[1] The carriers assert that the forwarders do not quote rates above the 1,000 kilogram break point, that the profits derived under the high weight breaks encourage the forwarders to follow rebating practices, and that the forwarders have joint loaded as an association at the high weight breaks after which they would split the consignment for distribution among the carriers for shipment at the rate applicable to the total consignment. Shulman states it does not participate in the joint loading arrangements and supports the agreement on the basis that the elimination of the weight breaks would serve to correct the evils of rebating.

[1] The carriers' statement shows that collectively during the period January through June 1962, they received only one nonconsolidated and five consolidated shipments from individual forwarders at or above 2,500 kilograms; that for the period January through May, 1962, 88 shipments were joint loaded, of which 23 were at the 2,500 kilogram break point and one at the 7,500 kilogram break point.

In the comments of the international air freight forwarders in opposition to the agreement, it is contended that cancellation of the high weight breaks will necessitate higher forwarder rates, that international forwarders have made substantial investments in establishing operations in Japan, and that elimination of these weight breaks, at a time when the industry is beginning to make progress under stabilized conditions, will be disruptive of the forwarder industry and result in an adverse impact on the operations of Japanese exporters and United States importers as well. With regard to the matter of split consignments, the international forwarders allege that the practice was encouraged by local airline management to prevent one carrier being deluged with traffic while others had flights departing relatively empty, and that on being informed the practice was considered improper by IATA, it had been discontinued.

Upon consideration of the data submitted, there does not appear to be a sound basis in support of eliminating the two high weight breaks which will result in increasing the charge for eastbound movements of 2,500 kilograms and over to that now applicable to 1,000 kilograms, or 36 cents per ton-mile (Tokyo-San Francisco). The fact that the high weight breaks may not be used substantially by commercial shippers is not in itself conclusive as to their effect upon total traffic and revenues, since it does not necessarily follow that traffic shipped by the forwarders would otherwise have moved at the higher rates applicable at lower volume break points. Moreover, operating data on file with the Board indicate that the U.S. flag carriers combined have realized a substantially greater increase in volume of traffic carried and in revenues received during the six-month period ending June 30, 1962, than in the preceding comparable period. There is an inference that this traffic growth may be due in significant part to the availability of these higher weight breaks and their use by the forwarders. We recognize the carriers experienced a decline in their average tonmile yield. However, we are unable to conclude that the new traffic generated under the present rate scale fails to compensate for the decline in average yield. In this light, we find neither economic necessity nor justification for eliminating the high volume discounts at this time.

On the question of joint loading, we believe this practice serves as an incentive to small forwarders, as well as large forwarders, thereby broadening the overall market, and we point out further that the concept has been specifically approved by the Board. We would agree that the splitting of consolidated shipments between the carriers with less return to each carrier than the rate applicable to the volume received would undermine the soundness of the rate structure. The carriers state that the practice is not permissible under IATA resolutions. We would add that the practice appears to be in violation of the carriers' tariffs as well. We note, however, it is contended the practice is no longer followed. In any event, this is a matter of the use made of the rates at the high weight breaks. It does not involve the economic validity of the rate structure as such and should be dealt with accordingly.

We conclude, in view of these considerations, that the agreement is adverse to the public interest and should be disapproved. Our conclusion in this regard is also related to the somewhat limited period of the intended effectiveness of the agreement, that is, through March 31, 1963.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, finds that the above-described agreement is adverse to the public interest.

Accordingly, it is ordered that: Agreement C.A.B. 16533 is disapproved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

HAROLD R. SANDERSON,
Secretary.

[SEAL]

[F.R. Doc. 62-10574; Filed, Oct. 22, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14803-14805; FCC 62M-1379]

FRANKLIN COUNTY BROADCASTING CO., INC.

Order Scheduling Hearing

In re applications of Franklin County Broadcasting Company, Inc., Owensville, Missouri, Docket No. 14803, File No. BP-14539; Franklin County Broadcasting Company, Inc. (KYRO), Potosi, Missouri, Docket No. 14804, File No. BP-14541; Franklin County Broadcasting Company, Inc. (KLPW), Union, Missouri, Docket No. 14805, File No. BP-14548; for construction permits.

It is ordered, This 17th day of October 1962, that Arthur A. Gladstone will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 19, 1962, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9 a.m., Friday, November 16, 1962.

Released: October 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[SEAL]

[F.R. Doc. 62-10578; Filed, Oct. 22, 1962; 8:49 a.m.]

[Docket Nos. 14801, 14802; FCC 62M-1378]

FRAN-MACK BROADCASTING CO., INC., AND RADIO SMILES, INC.

Order Scheduling Hearing

In re applications of Fran-Mack Broadcasting Company, Inc., Fayetteville, North Carolina, Docket No. 14801, File No. BP-14417; Radio Smiles, Inc., Spring Lake, North Carolina, Docket No. 14802, File No. BP-14615; for construction permit.

It is ordered, This 17th day of October 1962, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 18, 1962, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9 a.m., Friday, November 16, 1962.

Released: October 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[SEAL]

[F.R. Doc. 62-10579; Filed, Oct. 22, 1962; 8:50 a.m.]

[Docket Nos. 14799, 14800; FCC 62M-1377]

GRIFFITH BROADCASTING CORP. AND PARKWAY BROADCASTING CO.

Order Scheduling Hearing

In re applications of Griffith Broadcasting Corporation, Lynchburg, Virginia, Docket No. 14799, File No. BP-14340; M. Condon Bowers, Jr., and Richard A. Moran, d/b as Parkway Broadcasting Company, Buena Vista, Virginia, Docket No. 14800, File No. BP-14356; for construction permits.

It is ordered, This 17th day of October 1962, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 18, 1962, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9 a.m., Friday, November 16, 1962.

Released: October 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[SEAL]

[F.R. Doc. 62-10580; Filed, Oct. 22, 1962; 8:50 a.m.]

[Docket Nos. 14125-14127; FCC 62-1092]

MASSILLON BROADCASTING CO., INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Massillon Broadcasting Company, Inc., Norwood, Ohio, Docket No. 14125, File No. BP-13633; Covington Broadcasting Company, Covington, Kentucky, Docket No. 14126, File No. BP-14552; Irving Schwartz, tr/as Kenton County Broadcasters, Covington, Kentucky, Docket No. 14127, File No. BP-14613; for construction permits.

1. The Commission has before it for consideration (1) a request for reconsideration of its Memorandum Opinion and Order released June 29, 1962 (FCC 62-678), filed July 3, 1962, by Massillon Broadcasting Company, Inc.; and (2) oppositions filed July 10 and July 13, 1962, respectively, by Covington Broadcasting Company and the Broadcast Bureau.

2. The above described Memorandum Opinion and Order denied Massillon's request for addition of a contingent comparative issue by reason of untimely filing. The Commission also refused to add the issue on its own motion.

3. The Commission's Broadcast Bureau points out the propriety of refusing the relief requested,' but goes on to comment that, for stated reasons, "this proceeding may have to be remanded a second time for findings on the contingent standard comparative issue." Bureau and petitioner suggest that possible future delays may be avoided should the Commission, at this time, add the issue as requested. The Commission believes the foregoing points to be well taken, and it is persuaded to ignore the untimeliness of the original petition and to find here sufficiently unusual circumstances to permit reconsideration of the action complained of.

4. Consistent with the foregoing, the Commission is deleting existing Issues 4 and 5 and is substituting therefor the standard 307(b) issue and a contingent standard comparative issue.

Accordingly, it is ordered, This 17th day of October 1962, that the request for reconsideration, filed July 3, 1962, by Massillon Broadcasting Company, Inc., is granted; that existing Issues 4 and 5 are deleted; and that the following issues are substituted therefor:

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event it is concluded that a choice between the instant applications should not be made solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the instant applications.

Released: October 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[SEAL]

[F.R. Doc. 62-10581; Filed, Oct. 22, 1962; 8:50 a.m.]

[1] See Hershey Broadcasting Co., Inc., 22 RR 1072 (1962); KWK Radio, Inc., 21 RR 304 (1961).

[Docket Nos. 14770, 14771; FCC 62M-1384]

TRI-CITY BROADCASTING CO. AND THE RADIOCASTERS

Order After Prehearing Conference

In re applications of Russell E. Starner and Robert E. Benson d/b as Tri-City Broadcasting Company, Belpre, Ohio, Docket No. 14770, File No. BP-14408; Will P. McKinney, Jane M. Burton, Daniel W. Burton, Ruth M. Schornstheimer, Robert E. Schornstheimer, Betty C. McKinney, and William E. McKinney d/b as The Radiocasters, Marietta, Ohio, Docket No. 14771, File No. BP-15265; for construction permits.

The Hearing Examiner having under consideration the proceedings during prehearing conference in the above-entitled matter held October 17, 1962;

It is ordered, This 17th day of October 1962, that the agreements or understandings of the parties as set forth in the transcript of the proceedings are hereby approved and that the following procedural ground rules governing the future conduct of the hearing are adopted:

(a) The hearing is rescheduled so as to commence at 10 a.m., Wednesday, December 19, 1962, at the Commission's offices, Washington, D.C.

(b) Engineering and 307(b) evidence, as well as the financial data to be presented on behalf of applicant Tri-City, is to be reduced to written exhibit form under oath of the person or persons having knowledge of the facts and circulated, with one copy of each such exhibit provided to each counsel (including counsel for the Commission's Broadcast Bureau) and the Hearing Examiner and one additional copy of the engineering to the respective consulting radio engineers (including the Bureau's staff engineer), by the close of business, November 20, 1962;

(c) Evidence in rebuttal similarly is to be reduced to written form and circulated as above by the close of business, December 7, 1962;

(d) Any measurement data the parties may decide to obtain shall be obtained only on written notification by letter on behalf of the party seeking to obtain same setting forth the pertinent dates and places, any such data desired to be submitted in evidence to be included in the engineering exhibits to be circulated as aforesaid;

(e) Full and free discussions and conferences as may be necessary among or between the consulting radio engineers and the Bureau's staff engineer are to be held with the specific objective in view of narrowing controverted matters to essentials, it being the intention of all concerned that the hearing shall commence on December 19 and be concluded by December 21, without interruption, and that the case be determined on the basis of its substantive merit as distinguished from procedure; and

It is ordered further, That the transcript of the prehearing conference is hereby incorporated herein by reference and shall be deemed to be controlling with respect to any question not covered explicitly in this order.

Released: October 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10582; Filed, Oct. 22, 1962; 8:50 a.m.]

[Docket No. 14738; FCC 62M-1374]

WRIGHT AND MALTZ, INC. (WBRB)

Order Continuing Hearing

In re application of Wright and Maltz, Inc. (WBRB), Mt. Clemens, Michigan, Docket No. 14738, File No. BP-14561; for construction permit.

The Hearing Examiner having under consideration the "Petition to Postpone Hearing Date" filed on October 12, 1962, by counsel for Wright and Maltz, Inc., in the above-entitled proceeding;

It appearing, that the exchange of exhibits was scheduled for October 12, 1962 but that engineering considerations have arisen which make the attainment of that date impossible; and

It further appearing, that counsel for the Broadcast Bureau, the only other party in this proceeding, has agreed to a grant of the aforesaid petition and to a waiver of the four-day rule to allow immediate consideration thereof; and

It further appearing, that good cause has been shown for a grant of the petition;

It is ordered, This 16th day of October 1962 that the "Petition to Postpone Hearing Date" filed by Wright and Maltz, Inc., be, and the same is, hereby granted; that the exchange of engineering exhibits is hereby continued to November 13, 1962; and that the hearing date presently scheduled for October 19, 1962, be and the same is, hereby continued to a date to be set by subsequent order.

Released: October 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10583; Filed, Oct. 22, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI60-467, RI61-54]

LELAND DAVISON ET AL.

Order Making Partial Successor in Interest Co-Respondent, Accepting Successor Co-Respondent's Agreement and Undertakings to Assure Refund, and Redesignating Proceedings

OCTOBER 17, 1962.

Leland Davison, et al. Humble Oil & Refining Company, Docket Nos. RI60-46,[1] RI61-54.[1]

[1] Consolidated with the Area Rate Proceedings in Docket No. AR61-1, et al.

On June 22, 1962, Leland Davison, et al. (Davison) filed two assignments dated April 26, 1961, wherein Leland Davison and Ralph Pembrook assigned to Humble Oil & Refining Company (Humble), effective as of May 1, 1961, all of their working interest in the Walker Lease covering the NE¼ of Section 35, Block "B", L & SV Survey, Reagan County, Texas, but retained their interest in the Ralph Pembrook No. 1 Fee Lease, covering the Northwest 146 acres of Section 2, Block "N", J. T. Priest Survey, Upton County, Texas. Such leases are subject to the Casinghead Gas Contract dated December 3, 1954, as amended by Supplemental Gas Purchase Agreement dated September 4, 1956, adding additional acreage. The contract of December 3, 1954, was filed with the Commission as Leland Davison, et al. FPC Gas Rate Schedule No. 3. Subsequent to the assignment of the said Walker Lease, deliveries of gas from said Walker Lease to El Paso Natural Gas Company will be made by Humble. Davison and Pembrook will continue to make sales from the Pembrook No. 1 Fee Lease under their Rate Schedule No. 3, as supplemented. The above assignments have been designated as Supplements Nos. 4[2] and 5[3] to Davison's FPC Gas Rate Schedule No. 3.

On November 16, 1961, the Commission advised Humble that its notices of succession to Leland Davison, et al. FPC Gas Rate Schedules Nos. 1, 2, (suspended in Docket No. RI60-467) 4, 5 and 6 (suspended in Docket No. RI61-54) and the related assignments had been accepted for filing and, on the basis thereof, the aforementioned rate schedules had been redesignated as Humble's FPC Gas Rate Schedules Nos. 288, 289, 291, 292 and 293, respectively. Humble was also advised in said letter that Humble's notice of succession to Leland Davison, et al. FPC Gas Rate Schedule No. 3 (a partial succession covering the Walker Lease and subject to the suspension proceedings in Docket No. RI60-467) had been accepted for filing (including contract dated December 3, 1954, and related amendments and assignments) and had been redesignated as Humble's FPC Gas Rate Schedule No. 290, and Supplements Nos. 1 through 4 thereto.

The proceedings in Docket No. RI60-467 involve proposed rate increases, from 11.0 cents per Mcf to 17.2295 cents per Mcf, filed by Davison on June 17, 1960, for sales of natural gas to El Paso Natural Gas Company from the Spraberry Field, Midland County, Texas (R.R. District No. 8). The proposed rate increases are contained in Supplements Nos. 2, 3, and 3 to Davison's FPC Gas Rate Schedules Nos. 2, 1 and 3, respectively, and were suspended by the Commission's order issued in said Docket No. RI60-467 on July 7, 1960, until December 18, 1960, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Motion pursuant to section 4(e) of the Natural Gas Act was filed by Davison on December 14, 1960, and on January 3, 1961, the Commission issued its notice of effectiveness permitting Davison's increased rates under the three supplements to become effective subject to refund as of December 18, 1960, upon the filing of an acceptable surety bond. The required surety bond has not been filed by Davison.

The proceedings in Docket No. RI61-54 involve proposed increased rates, from 11.1056 cents per Mcf (11.0 cents per Mcf under Supplement No. 2 to Davison's FPC Gas Rate Schedule No. 7) to 17.2295 cents per Mcf, filed by Davison on July 22, 1960, for sales of natural gas to El Paso Natural Gas Company from the Spraberry Field, Midland County, Texas (R.R. District No. 8). The proposed rate increases are contained in Supplements Nos. 13, 13, 12 and 2 to Davison's FPC Gas Rate Schedules Nos. 4, 5, 6 and 7,[4] respectively, and were suspended by the Commission's order issued in Docket No. RI61-54 until January 22, 1961, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Motion pursuant to section 4(e) of the Natural Gas Act was filed by Davison on January 18, 1961, and on March 16, 1961, the Commission issued its notice of effectiveness permitting Davison's increased rates under the aforementioned supplements to become effective subject to refund as of January 22, 1961, upon the filing by Davison of an acceptable surety bond. Davison states that due to the negotiations with Humble for the purchase of the Davison interests, the filing of the required surety bonds have been delayed.

On September 22, 1961, Humble filed its separate undertakings in Docket Nos. RI60-467 and RI61-54 to assure refunds of any portion of the increased rates under its acquired interests found by the Commission in these proceedings not justified. In view of the circumstances that have developed in these proceedings since the issuance of the Commission's notices of January 3, 1961 and March 16, 1961, making Davison's increased rates effective subject to refund upon the filing of surety bonds, it appears that the Commission's aforementioned notices should be amended so as to reduce the amount of the bond in each proceeding (from $11,500 to $2,500 in Docket No. RI60-467 and from $7,000 to $500 in Docket No. RI61-54) required by said notices to assure refunds of any amounts found by the Commission not justified. Since Humble acquired its interests subsequent to the date that the subject suspended rates became effective subject to refund, Davison will be responsible for any monies collected, or to be collected, subject to refund in such proceedings prior to the effective date of such assignments.

The Commission finds:

(1) It is necessary and proper in carrying out the provisions of the Natural Gas Act that Humble Oil & Refining Company be joined as Co-Respondent with Leland Davison, et al., in the rate suspension proceedings in Docket Nos. RI60-467 and RI61-54, that said proceedings be redesignated as hereinafter ordered, and that Humble Oil & Refining Company's agreement and undertaking be accepted for filing to be effective as of the effective date of the assignments, May 1, 1961.

(2) Good cause exists for amending the Commission's notices issued on January 3, 1961 and March 16, 1961, in these proceedings, so as to reduce the amount of bond required in each proceeding as hereinafter ordered.

The Commission orders:

(A) Humble is hereby joined as Co-Respondent with Leland Davison, et al., in the rate suspension proceedings in Docket Nos. RI60-467 and RI61-54, and said proceedings are hereby redesignated as Leland Davison, et al., and Humble Oil & Refining Company.

(B) The agreement and undertakings filed by Humble on September 22, 1961, in the proceedings in Docket Nos. RI60-467 and RI61-54, to assure refunds of any amounts found by the Commission not justified under Humble's acquired interests,[5] are hereby accepted for filing and are effective from May 1, 1961.

(C) The Commission's notices of effectiveness issued in these proceedings on January 3, 1961 and March 16, 1961, are hereby amended reducing the amount of the required bond that Davison shall file in each of the proceedings. Said amounts are hereby reduced from $11,500 to $2,500 in Docket No. RI60-467, and from $7,000 to $500 in Docket No. RI61-54. Davison shall file bonds in the reduced amounts within 30 days from the date of the issuance of this order. Such bonds shall assure refund of any excess charges which might be determined by a final order of the Commission to have accrued with respect to the aforementioned interests retained by Davison (Ralph Pembrook No. 1 Fee Lease retained under Davison's FPC Gas Rate Schedule No. 3, Docket No. RI60-467, and Supplement No. 2 to Davison's FPC Gas Rate Schedule No. 7 Leeson Lease, suspended in Docket No. RI61-54) and the amounts collected, or to be collected, with respect to the suspended supplements involved in the above-captioned proceedings prior to the assignments to Humble. Unless Davison is notified to the contrary by the Secretary of the Commission within 30 days from the date of filing, such bonds shall be deemed to be satisfactory and to have been accepted for filing.

(D) The effective rate set forth in the supplement to each rate schedule shall be charged and collected in accordance with §154.102 of the Commission's regulations under the Natural Gas Act, commencing on the date and in the manner as set forth above, subject to any future orders of the Commission in these proceedings.

(E) Humble and Davison shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. Humble's agreement and undertakings and Davison's bonds shall remain in full force and effect until discharged by the Commission.

(F) This order is without prejudice to any findings and orders which have been or may hereafter be made by the Commission in Docket No. RI60-467 and RI61-54 or any other proceeding now pending or hereafter instituted by or against Humble and Davison.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10565; Filed, Oct. 22, 1962; 8:48 a.m.]

[2] Assigns lease interest (Leland Davison to Humble Oil & Refining Company).

[3] Assigns lease interest (Ralph Pembrook to Humble Oil & Refining Company).

[4] Davison's FPC Gas Rate Schedule No. 7 covers the Leeson Lease which is retained by Davison.

[5] Humble Oil & Refining Company's FPC Gas Rate Schedules Nos. 288, 289, 290, 291, 292 and 293 (formerly Davison's FPC Gas Rate Schedules Nos. 1, 2, 3 (partial), 4, 5 and 6, respectively).

[Docket Nos. RI63-107—RI63-126]

SUNSET INTERNATIONAL PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

OCTOBER 17, 1962.

Sunset International Petroleum Corporation, Docket No. RI63-107; H. L. Hunt, et al., Docket No. RI63-108; Hunt Oil Company, Docket No. RI63-109; Hunt Oil Company (Operator), et al., Docket No. RI63-110; Salt Dome Production Company, Docket No. RI63-111; Sun Oil Company, Docket No. RI63-112; Benedum Trees Oil Company, et al., Docket No. RI63-113; Texas Pacific Coal and Oil Company, Docket No. RI63-114; Socony Mobil Oil Company, Inc., Docket No. RI63-115; Midwest Oil Corporation (Operator), et al., Docket No. RI63-116; Union Oil Company of California, Docket No. RI63-117; Sohio Petroleum Company, et al., Docket No. RI63-118; Pan American Petroleum Corporation, Docket No. RI63-119; Forest Oil Corporation (Operator), et al., Docket No. RI63-120; Sohio Petroleum Company, Docket No. RI63-121; N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Company, et al., Docket No. RI63-122; Cabot Corporation (SW), Docket No. RI63-123; Texaco Inc. (Operator) et al., Docket No. RI63-124; Helmerich & Payne, Inc. (Operator), et al., Docket No. RI63-125; Texaco Inc., Docket No. RI63-126.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI63-107	Sunset International Petroleum Corp., 400 South Beverly Drive, Beverly Hills, Calif., Attn: Jack W. Oney.	3	17	El Paso Natural Gas Co. (Spraberry Field, Reagan and Upton Counties, Tex.) (District No. 7C).	$108	9-19-62	[2] 10-20-62	3-20-63	10.096	[3] [4] 17.2295	
		3	8	do		9-19-62	[2] 10-20-62	3-20-63			
	Sunset International Petroleum Corp.	4	17	do	108	9-19-62	[2] 10-20-62	3-20-63	10.096	[3] [4] 17.2295	
		4	8	do		9-19-62	[2] 10-20-62	3-20-63			
RI63-108	H. L. Hunt, et al., 700 Mercantile Bank Bldg., Dallas 1, Tex.	[1] 4	17	Texas Eastern Transmission Corp. (Whelan-North Lansing Fields, Harrison County, Tex.) (R.R. District No. 6).	4,096	9-19-62	[2] 11-1-62	4-1-63	15.5	[4] [6] 15.7	RI62-466
RI63-109	Hunt Oil Co	[7] 32	8	Texas Eastern Transmission Corp. (Waskom Field, Harrison County, Tex.) (R.R. District No. 6).	15	9-19-62	[2] 11-1-62	4-1-62	15.2	[4] [6] 15.4	RI62-143
RI63-110	Hunt Oil Co. (Operator), et al.	[7] 39	6	Texas Eastern Transmission Corp. (Northeast Hallsville Field, Harrison County, Tex.) (R.R. District No. 6).	2,438	9-19-62	[2] 11-1-62	4-1-63	14.5252	[4] [6] 14.7284	
RI63-111	Salt Dome Production Co., 737 Texas National Bank Bldg., Houston 2, Tex.	[7] 5	4	Texas Eastern Transmission Corp. (Garwood Field, Colorado County, Tex.) (R.R. District No. 3).	414	9-20-62	[2] 11-1-62	4-1-63	[8] 15.2	[4] [6] [8] 15.4	RI62-84
RI63-112	Sun Oil Co., P.O. Box 2880, Dallas 21, Tex.	[7] 23	14	Texas Eastern Transmission Corp. (Carthage Field, Panola County, Tex.) (R.R. District No. 6).	840	9-25-62	[2] 11-1-62	4-1-63	15.2	[4] [6] 15.4	RI62-115
	Sun Oil Co	[7] 91	7	Texas Eastern Transmission Corp. (Hidalgo Field, Hidalgo County, Tex.) (R.R. District No. 4).	36	9-25-62	[2] 11-1-62	4-1-63	[8] 15.2	[4] [6] [8] 15.4	RI62-115
	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa.	37	19	Tennessee Gas Transmission Co. (Midland Field, Acadia Parish, La.).	36,245	10-1-62	[2] 11-1-62	4-1-63	22.8333	[9] [10] 23.675	G-16699
	Sun Oil Co	72	5	Tennessee Gas Transmission Co. (South Crowley Field, Acadia Parish, La.).	1,104	10-1-62	[2] 11-1-62	4-1-63	22.8333	[9] [10] 23.675	G-16700
RI63-113	Benedum Trees Oil Co., et al., 223 Fourth Ave., Pittsburgh 22, Pa.	[7] 10	6	Texas Eastern Transmission Corp. (Delate Charco Field, Brooks County, Tex.) (R.R. District No. 4).	550	9-25-62	[2] 11-1-62	4-1-63	[8] 15.2	[4] [6] [8] 15.4	RI62-126
RI63-114	Texas Pacific Coal and Oil Co., P.O. Box 2110, Fort Worth, Tex. Attn: Stanley E. Davis, Jr.	33	3	El Paso Natural Gas Co. (Jalmat [11] Field, Lea County, N. Mex.).		9-24-62	[2] 10-25-62	3-25-63	10.5	[4] [12] 15.55987	
RI63-115	Socony Mobil Oil Co., Inc., 150 East 42d St., New York 17, N.Y., Attn: James R. January.	48	7	El Paso Natural Gas Co. (Pegasus Plant, Midland and Upton Counties, Tex.) (R.R. District Nos. 7C and 8.)	82	9-18-62	[2] 10-19-62	3-19-63	10.0	[3] [4] 17.2295	G-20408
RI63-116	Midwest Oil Corp. (Operator), et al., 1700 Broadway, Denver 2, Colo.	15	4	United Fuel Gas Co. (Branch Field, Acadia Parish, (South) La.).	1,008	9-26-62	[5] 11-1-62	4-1-63	[13] 20.3	[6] [10] 20.7	RI62-119
	Midwest Oil Corp. (Operator), et al.	14	4	United Fuel Gas Co. (Ellis Field, Acadia Parish, (South) La.).	2,772	9-26-62	[5] 11-1-62	4-1-63	[13] 20.3	[6] [10] 20.7	RI61-251
	do	20	7	do	1,734	9-26-62	[5] 11-1-62	4-1-63	[13] 20.3	[6] [10] 20.7	RI61-251
	do	26	3	United Fuel Gas Co. (South Thornwell Field, Jefferson Davis Parish, (South) La.).	626	9-26-62	[5] 11-1-62	4-1-63	[13] 20.3	[6] [10] 20.7	
RI63-117	Union Oil Co. of California, P.O. Box 7600, Los Angeles 54, Calif.	12	8	United Fuel Gas Co. (Lake Hatch Field, Terrebonne Parish (South) La.).	9,120	9-27-62	[5] 11-1-62	4-1-63	[14] 20.55	[6] [10] 20.95	RI62-43
	Union Oil Co. of California.	7	7	Tennessee Gas Transmission Co. (South Tigre Lagoon Field, Vermillion and Iberia Parishes, La.).	4,757	9-28-62	[5] 11-1-62	4-1-63	23.0833	[9] [10] 23.675	G-16692
RI63-118	Sohio Petroleum Co., et al., 970 First National Office Bldg., Oklahoma City, Okla.	52	6	United Fuel Gas Co. (Calcasieu Pass Field, Cameron Parish (South) La.).	331	9-26-62	[5] 11-1-62	4-1-63	[13] 20.3	[6] [10] 20.7	RI62-89
RI63-119	Pan American Petroleum Corp., P.O. Box 591, Tulsa, Okla.	78	14	United Fuel Gas Co. (Valentine Field, Lafourche Parish (South) La.).	572	9-28-62	[5] 11-1-62	4-1-63	[14] 20.3	[6] [10] 20.7	RI62-98
RI63-120	Forest Oil Corp. (Operator), et al., National Bank of Commerce Bldg., San Antonio 5, Tex.	7	11	Tennessee Gas Transmission Co. (South Grand Chenier Field, Cameron Parish, La.).	2,196	9-28-62	[5] 11-1-62	4-1-63	22.0833	[9] [10] 23.675	G-16726
RI63-121	Sohio Petroleum Co	20	37	Tennessee Gas Transmission Co. (Grand Chenier Field, Cameron Parish, La.).	67,562	10-1-62	[5] 11-1-62	4-1-63	22.8333	[9] [10] 23.675	G-1669
RI63-122	N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Co., et al., 1818 Republic Bank Bldg., Dallas 1, Tex.	1	2	Northern Natural Gas Co. (Hansford Field, Hansford County, Tex.).	3,400	9-20-62	[5] 11-1-62	4-1-63	16.5	[6] [6] 17.5	
RI63-123	Cabot Corp (SW) P.O. Box 1101, Pampa, Tex.	69	2	Panhandle Eastern Pipe Line Co. (Seward County, Kans.).	450	9-24-62	[5] 11-1-62	4-1-63	16.0	[6] [6] 17.0	
RI63-124	Texaco Inc. (Operator), et al., P.O. Box 2332, Houston, Tex.	166	5	Kansas-Nebraska Natural Gas Co., Inc., (Camrick Southeast Field, Texas County, Okla.).	2,616	9-27-62	[5] 11-7-62	4-7-63	16.5	[6] [6] 17.0	R162-76

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI63-125	Helmerich & Payne, Inc., (Operator), et al., Sixth Floor, First National Bldg., Tulsa 3, Okla.	19	14	Colorado Interstate Gas Co. (Eubank and Kansas 31 Fields, Haskell and Seward Counties, Kans.).	[15] $3,780	9-28-62	[5] 11-1-62	4-1-63	[16] 15.0	[6] [10] 16.0	
RI63-126	Texaco Inc	167	4	Colorado Interstate Gas Co. (Adams Ranch Field, Meade County, Kans.).	3,307	10-1-62	[5] 11-1-62	4-1-63	[16] 15.81	[6] [17] 16.86	

[1] Provides for renegotiated 5-year periodic increases and redetermination commencing the third 5-year period in lieu of favored nation escalations.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] Renegotiated rate increase.
[4] Pressure base is 14.65 psia.
[5] The stated effective date is the effective date proposed by respondent.
[6] Periodic rate increase.
[7] Contains take-or-pay provisions.
[8] Subject to downward Btu adjustment below 1,000 Btu's.
[9] Redetermined rate increase.
[10] Pressure base is 15.025 psia.
[11] No production is anticipated in the succeeding 12-months' period.
[12] Includes 0.05987 cents per Mcf additional tax reimbursement.
[13] Includes 1.5 cents per Mcf severance tax reimbursement.
[14] Includes 1.75 cents per Mcf severance tax reimbursement.
[15] Does not include Btu adjustment.
[16] Subject to upward or downward Btu adjustment for gas containing more or less than 1,000 Btu's per cu. ft.
[17] Base rate of 16.0 cents per Mcf plus upward Btu adjustment.
[18] Base rate of 15.0 cents per Mcf plus upward Btu adjustment.

The proposed increased rates and charges exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before December 3, 1962.

By the Commission. Commissioner O'Connor not participating in the suspension of the rate increase in Docket No. RI63–116, Midwest Oil Corporation.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–10566; Filed, Oct. 22, 1962; 8:48 a.m.]

[Docket Nos. G–11294, etc.]

ARKANSAS LOUISIANA GAS CO.

Notice of Further Extension of Time and Postponement of Hearing

OCTOBER 17, 1962.

Arkansas Louisiana Gas Company, Docket Nos. G–11294, G–13459, G–16508, G–19657, and RP61–11.

Upon consideration of the request filed October 15, 1962, by Counsel for Arkansas Louisiana Gas Company for a further extension of time within which to serve prepared testimony and exhibits for its case-in-chief upon all parties as ordered in Paragraph (C) of the Commission's order of July 5, 1962, and for further postponement of the hearing presently scheduled for November 8, 1962;

Notice is hereby given that the time within which Arkansas Louisiana Gas Company shall serve its prepared testimony and exhibits for its case-in-chief upon all parties is hereby further extended to and including October 30, 1962, and that the hearing presently scheduled for November 8, 1962, is further postponed to November 26, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–10567; Filed, Oct. 22, 1962; 8:48 a.m.]

[Docket No. E–7059]

BONNEVILLE POWER ADMINISTRATION, COLUMBIA RIVER, OREGON–WASHINGTON

Notice of Request for Confirmation and Approval of Rate Schedule Application

OCTOBER 17, 1962.

Notice is hereby given that the Assistant Secretary of the Interior, acting on behalf of the Bonneville Power Administration, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, has requested confirmation and approval of an application of Bonneville Wholesale Power Rate Schedule E–4 as contained in a twenty year contract with the Public Utility District No. 1 of Okanogan County, Washington.

This contract rescinds the present similar contract which has been in effect since September 10, 1959.

Bonneville's Wholesale Power Rate Schedule E–4 provides for the sale of firm and interruptible power, and the proposed contract in addition provides for the sale of dump energy under Bonneville's Wholesale Energy Rate Schedule H–3.

The Commission has heretofore approved Rate Schedules E–4 and H–3. In order to preclude the possibility of dump energy sales being included in the determination of billing limitations under section 4 of Rate Schedule E–4, the proposed contract modifies section 4 of Rate Schedule E–4 to the following extent:

4. *Payment for power sold.* (a) The Purchaser shall pay the Administrator for the firm and interruptible power made available hereunder, rounded to the nearest dollar, at the rate specified in Bonneville Wholesale Power Rate Schedule E–4, as amended, and in accordance with the terms thereof and of the General Rate Schedule Provisions, as amended. Such Schedule and Provisions, copies of which are attached hereto as Exhibits A and B, respectively, are hereby made a part of this contract: *Provided, however,* That for billing purposes the dump energy delivered in accordance with subsection (c) of section 3 hereof shall not be subject to the limitations set forth in section 4 of said Exhibit A (Schedule E–4).

It is anticipated the proposed modification of the rate schedule will be utilized in future similar sales.

The contract is on file with the Commission for public inspection. Any person desiring to comment or make representation with respect thereto should submit the same on or before November

8, 1962, to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10568; Filed, Oct. 22, 1962; 8:48 a.m.]

[Docket No. CP62-301]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

OCTOBER 17, 1962.

Take notice that on June 18, 1962, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Tex., filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of certain of Applicant's existing field pipeline facilities, and the acquisition from Humble Oil & Refining Company and Shell Oil Company (Humble-Shell) and operation of certain other existing field pipeline facilities, for the transportation of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that the existing facilities for which only authorization to operate is requested consist of approximately 1.2 miles of combination 6⅝-inch O.D. and 4½-inch O.D. field transmission pipeline extending from Applicant's existing 20-inch O.D. Terrell-Puckett transmission pipeline in Terrell County, Texas, to the Humble Annie Spencer No. 1 well in the Cobblestone Field in Terrell County, Texas, and wellhead equipment for said well. The application further indicates that the facilities for which authorization to acquire and to operate is requested consist of approximately 7.7 miles of field transmission pipeline extending from the Yucca Butte Field in Terrell and Pecos Counties, Texas, to a point of connection with the field transmission pipeline described last above. In addition, Applicant proposes to acquire from Humble-Shell certain gathering facilities in the Yucca Butte Field situated upstream of the point of last commingling of gas produced from and gathered in said field.

Applicant states that since April 17, 1961, under an interim arrangement with Humble-Shell it has received natural gas produced by Humble-Shell in the Cobblestone and Yucca Butte Fields, and that said gas has been utilized by Applicant for intrastate purposes. Applicant states further that the interim arrangement is to be terminated and that the subject facilities are now proposed to be used for the transportation of natural gas in interstate commerce.

The total cost of the proposed project, including the cost of all facilities to be acquired and those heretofore constructed by Applicant, is estimated to be $351,957. Such estimated cost has and will be financed from current working funds supplemented by short-term bank loans as necessary.

No facilities additional to those heretofore constructed by Applicant or Humble-Shell are proposed to be constructed to implement the subject project.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 27, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10569; Filed, Oct. 22, 1962; 8:48 a.m.]

[Docket Nos. CP62-182, CP62-183]

SAM HOUSTON PUBLIC UTILITY DISTRICT AND HARDEMAN-FAYETTE UTILITY DISTRICT

Notice of Applications

OCTOBER 17, 1962.

Take notice that on February 7 and February 8, 1962, Sam Houston Public Utility District (Sam Houston District), Erin, Tennessee, and Hardeman-Fayette Utility District (Hardeman-Fayette), Moscow, Tennessee, filed in Docket Nos. CP62-182 and CP62-183, respectively, applications pursuant to section 7(a) of the Natural Gas Act for orders of the Commission directing Tennessee Gas Transmission Company (Tennessee Gas) to establish physical connection of its transmission facilities with facilities proposed to be installed by the aforesaid Applicants and to sell and deliver natural gas to said Applicants for the rendition of natural gas service in 13 communities in the State of Tennessee, all as more fully set forth in the respective applications which are on file with the Commission and open to public inspection.

Sam Houston District proposes to construct and operate approximately 71 miles of various sizes of lateral pipelines extending from Tennessee Gas's existing transmission line in Dickson County, together with the necessary distribution systems for residential and commercial service in eight communities in Dickson, Houston and Stewart Counties, Tennessee, for which the estimated total natural gas requirements are:

Year	Mcf at 14.73 psia and 1,000 Btu	
	Peak day	Annual
1	1,183	96,856
2	1,509	128,367
3	1,802	147,763

The estimated cost of construction of Sam Houston District's facilities under the application in Docket No. CP62-182 is $1,150,000 which is proposed to be financed by the issuance of 30-year 4⅝ percent gas system revenue bonds.

Hardeman-Fayette proposes to construct and operate approximately 39 miles of lateral pipelines, together with the necessary distribution systems in five communities for residential and commercial service, and some firm industrial service, in Hardeman and Fayette Counties, Tennessee, for which the estimated total natural gas requirements are:

Year	Mcf at 14.73 psia and 1,000 Btu	
	Peak day	Annual
1	613	58,339
2	757	70,057
3	855	76,675

The estimated cost of construction of Hardeman-Fayette's facilities under the application in Docket No. CP62-183 is $555,000, which is proposed to be financed by the issuance of 30-year 4⅝ percent gas system revenue bonds.

The facilities required from Tennessee Gas for the service requested under the two applications herein are a line tap and meter station, estimated to cost about $6,000, for each connection.

Protests, petitions to intervene or requests for hearing in either of these two proceedings may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 9, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10570; Filed, Oct. 22, 1962; 8:48 a.m.]

[Docket No. E-7060]

PACIFIC POWER & LIGHT CO.

Notice of Application

OCTOBER 18, 1962.

Take notice that on October 5, 1962, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Pacific Power & Light Company (Applicant), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, California, Montana and Idaho, with its principal business office at Portland, Oregon, seeking authorization to issue and to sell at competitive bidding $32,000,000, principal amount of First Mortgage Bonds, ---- percent, Series due 1992. Applicant states that the new Bonds will be dated December 1, 1962, and will be due thirty years from that date. The interest rate and the price to Applicant will be determined by competitive bidding. The Bonds will be issued under Applicant's Mortgage and Deed of Trust, dated as of July 1, 1947, to Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York) and Oliver R. Brooks (Wesley L. Baker, successor), as Trustees, as heretofore supplemented and as to be further supplemented by a Fourteenth Supplemental Indenture to be dated as of December 1, 1962. Applicant states that the net proceeds from the sale of the new Bonds will be applied to the redemption, at the redemption price of 106.33 percent of their principal amount plus accrued interest to the date of redemption, of its First Mortgage Bonds, 5⅜ percent, Series due 1987, presently outstanding in the principal amount of $12,000,000, and to the redemption, at the redemption price of 105.72 percent of their principal amount plus accrued interest to the date of redemption, of its First Mortgage Bonds, 5¾ percent, Series due September 1, 1987, presently outstanding in the principal amount of $20,000,000. Treasury funds will be used to provide any necessary redemption moneys not provided through the issuance and sale of the new Bonds.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 9th day of November, 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10571; Filed, Oct. 22, 1962; 8:48 a.m.]

[Docket Nos. G-9638 and CP60-14]

UNITED GAS PIPE LINE CO.

Notice of Motions to Amend

OCTOBER 17, 1962.

Take notice that on June 29, 1962, as supplemented on July 27, 1962, United Gas Pipe Line Company (Movant), Shreveport, Louisiana, filed in Docket No. G-9638 a motion to amend the Commission's order, issued May 28, 1956, as amended, by authorizing Movant to transport and sell natural gas to The Utilities Board of the Town of Foley (Utilities Board) for resale and distribution in the Town of Silverhill, Alabama, all as more fully set forth in the motion, as supplemented, on file with the Commission and open to public inspection.

The subject order authorized Movant, among other things, to construct and operate certain facilities and to sell and deliver natural gas to Utilities Board for resale and distribution in certain named communities in Alabama. Movant requests herein that Silverhill be added to that list of communities to be served by Utilities Board. The motion shows that Silverhill's estimated third year peak day and annual requirements are 82 Mcf and 6,336 Mcf, respectively. The estimated third year peak day and annual requirements of Utilities Board, including Silverhill, are shown to be 3,270 Mcf and 245,000 Mcf, respectively.

Take further notice that on June 29, 1962, Movant filed in unrelated Docket No. CP60-14 a motion to amend the Commission's order therein, issued August 11, 1962, by authorizing Movant to transport and deliver a total maximum daily volume of 26,500 Mfc of natural gas to Escambia Chemical Corporation (Escambia) in lieu of the 24,000 Mcf presently authorized, all as more fully set forth in said motion on file with the Commission and open to public inspection.

The order of August 11, 1962, authorized Movant, among other things, to construct and operate certain facilities and to increase to 24,000 Mcf the maximum daily deliveries of natural gas to Escambia. Movant states that there is sufficient capacity in the presently authorized facilities to render the proposed increased service.

Protests, requests for hearing or petitions to intervene in the respective proceedings may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10572; Filed, Oct. 22, 1962; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-5136]

C.F.C. FUNDING, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 17, 1962.

I. C.F.C. Funding, Inc., 33 West 42d Street, New York 1, New York, filed with the Commission on May 6, 1960, a notification on Form 1-A and an offering circular relating to an offering of $150,000 of its common stock, $.10 par value, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) and Regulation A promulgated thereunder. Darius, Inc., was named as underwriter for the offering on a best-efforts basis.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A were not complied with in that:

1. The Report of Sales on Form 2-A required by Rule 260, as filed by the issuer, contains false statements and omits to state information required by that form in that:

(a) It is falsely reported that $66,000 of the proceeds were used to purchase machinery and equipment.

(b) The report fails to show the true proceeds to the issuer and the disbursement of part of the proceeds to the underwriter.

2. The issuer is an investment company within the meaning of section 3(a) of the Investment Company Act of 1940 and, therefore, the exemption afforded by Regulation A was not available to it by reason of Rule 252(b)(2).

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, in that:

1. The offering circular falsely states that the company would engage principally in the business of acquiring machinery and equipment for leasing to industrial concerns.

2. The offering circular fails to disclose the intention to use most of the company's cash for investing, owning, and holding securities of other companies.

3. The offering circular fails to disclose that the proceeds to the issuer would be available for the use of the underwriter in its broker-dealer operations.

C. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-10545; Filed, Oct. 22, 1962; 8:45 a.m.]

[File No. 812-1242]

EUROFUND, INC.

Notice of Filing of Application To Modify Order of Exemption

OCTOBER 16, 1962.

Notice is hereby given that Eurofund, Inc. ("Applicant"), 14 Wall Street, New York 5, New York, a registered closed-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") requesting the modification of an existing order of the Commission to permit Applicant to maintain part of its assets in the custody of a Spanish bank. All interested persons are referred to the application on file with the Commission for a complete statement of the proposal which is summarized below.

Applicant's investment policy is, generally speaking, that of investing primarily in equity securities of European issuers. As a result of difficulties in connection with the custody of such securities, Applicant applied for an order of the Commission to permit Bankers Trust Company, its custodian, to deposit Applicant's securities in custody accounts with certain European banks. By order dated March 1, 1960 (Investment Company Act Release No. 2980) the Commission granted an exemption from the provisions of section 17(f)(1) of the Act to the extent necessary to permit the holding of certain of Applicant's portfolio securities by four European banks, Banque de Bruxelles, Credit Commercial de France, Dresdner Bank and Banca Commerciale Italiana. Applicant states that when it filed its original application it had not purchased any Spanish securities and was not contemplating any such purchases because of existing currency and other restrictions. Since then there have been substantial changes which have resulted in a favorable climate for foreign investment in Spain, and as a result Applicant has purchased certain Spanish securities and is considering additional investments in Spain. Applicant's custodian does not maintain an office in Spain and Applicant believes that there are no branch offices of any American bank in Spain at this time. Applicant's Spanish securities have been deposited in Credit Commercial de France, the nearest European subcustodian bank, with resulting delays in deliveries of securities, difficulties in certain servicing functions and additional costs of processing, shipping and insurance. Accordingly, Applicant seeks modification of the existing Commission order to permit Applicant's custodian to open and maintain a securities custody account in the custodian's name with Banco de Vizcaya, a Spanish bank.

The Commission cited as grounds for the existing order of exemption the undertaking by Applicant to have its domestic auditors make periodic physical examinations of its securities in the possession of the four European banks, and the assumption of responsibility for the acts of these European banks by Applicant's domestic bank custodian. Applicant states that the same arrangements with respect to examination of the Spanish securities to be held by Banco de Vizcayo will be followed by its domestic auditors if the instant application is granted. In addition, Banco de Vizcayo will act as agent of Bankers Trust Company under the same arrangement as the four European banks.

Section 17(f)(1) of the Act provides, among other things, that every registered management company shall maintain its securities and similar investments in the custody of a bank. A "bank" is defined in section 2(a)(5) of the Act as a bank organized or doing business under the laws of any State or of the United States and subject to supervision and examination by State or Federal authorities. Since a foreign bank is not included within the foregoing definition, the proposal to hold securities in its possession is not in conformity with the provisions of section 17(f)(1), and the arrangement cannot be carried out within an order of exemption by the Commission. Section 6(c) of the Act authorizes the Commission to exempt, conditionally or unconditionally, any transaction from any provision of the Act or any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 30, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10546; Filed, Oct. 22, 1962; 8:46 a.m.]

[File No. 70-4078]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Stock Dividend

OCTOBER 17, 1962.

Notice is hereby given that General Public Utilities Corporation ("GPU"), 80 Pine Street, New York 5, New York, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof as applicable to the proposed transaction. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

GPU proposes to distribute to its stockholders on December 28, 1962, a dividend payable in additional shares of its Common Stock, par value $2.50 per share, at the rate of one additional share for each 25 shares (i.e., at the rate of 4 percent) held on the record date. Such record date will be the later of (i) the close of business on November 23, 1962, or (ii) the close of business on the fifth business day after this declaration, as amended, shall have become effective.

As of October 5, 1962, GPU had outstanding 22,919,613 shares of its Common Stock (excluding 46,421 shares previously issued and reacquired by GPU and held in its treasury). The proposed dividend will require the issuance by GPU, out of its authorized and unissued Common Stock, of a total of 916,785 shares. GPU proposes to debit its earned surplus account with an assigned value of $29.5673 per share of the Common Stock issued, or a total of $27,106,857; to credit its capital stock account with the amount of $2,291,962, representing the par value of the shares being issued; and to credit its capital surplus account with the excess of said assigned value over the par value, or a total of $24,814,895. The assigned value was determined by dividing the closing market price of $30.75 of GPU's shares on the New York Stock Exchange on October 3, 1962, the day preceding the declaration of the stock dividend, by 1.04 (to allow for the new shares).

As at July 31, 1962, GPU's earned surplus amounted to $124,265,362. The $27,106,857 to be debited to earned surplus is approximately equal to the increase in GPU's earned surplus arising out of the recent sale of its entire investment in Manila Electric Company (Holding Company Act Release No. 14556).

No fractional shares or script certificates representing fractional interest in shares will be issued. Instead, GPU will appoint a bank or trust company as agent, through which a stockholder who would otherwise be entitled to a fractional interest in a share may purchase such additional fractional interest as would entitle him to one full share or may sell his fractional interest. An appropriate form and instructions will be furnished each stockholder. GPU will pay all of the fees and disbursements of the agent.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of GPU's expenses incident to the proposed transaction is to be supplied by amendment.

Notice is further given that any interested person may, not later than November 5, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10547; Filed, Oct. 22, 1962; 8:45 a.m.]

[File No. 812-1530]

SHARES IN AMERICAN INDUSTRY, INC.

Notice of Filing of Application for Order for Exemption To Permit Purchase of Securities During an Underwriting

OCTOBER 17, 1962.

Notice is hereby given that Shares in American Industry, Inc. ("Applicant"), Washington, D.C., has filed an application pursuant to section 10(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 10(f) of the Act, the proposed purchase by the Applicant of up to $75,000 principal amount of Units of Subordinated Debentures with attached warrants to purchase common stock of Duro-Test Corporation ("Duro-Test"), which is a portion of a $3,500,000 offering of Units, each consisting of $1,000 principal amount of Subordinated Debentures, Series A due 1982, with an attached warrant to purchase 60 shares of common stock (15 cents par value). These debentures are expected to be offered to the public as soon as the registration statement Form S-1 filed September 19, 1962 by Duro-Test shall be made effective pursuant to section 8(a) of the Securities Act of 1933.

Auchincloss, Parker, & Redpath is the principal underwriter of the issue. A partner of such firm is Mack Sullivan, Jr., who is also a director of the Applicant.

Apparently the exemption provided by Rule 10f-3 of the Act is unavailable since the sales commission applicable to the public offering of the Duro-Test debentures will be up to 5 percent of the principal amount. The price to be paid will be equal to the public offering price in effect on the first full day of the offering.

Section 10(f) of the Act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since one of the Applicant's directors is an affiliated person of the manager of the underwriting syndicate offering the stock, the purchase thereof by Applicant is subject to the provisions of section 10(f) of the Act.

The Applicant in support of its application asserts that the proposed investment in Duro-Test would be a suitable and attractive one for the Fund, that the purchase will be made through nonaffiliated members of the underwriting group, and that the amount proposed to be purchased will not exceed 3% of the total assets of the Fund.

Notice is further given that any interested person may, not later than November 1, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10548; Filed, Oct. 22, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 18, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37996: *Processed clay to points in official territory.* Filed by O. W. South, Jr., Agent (No. A4248), for interested rail carriers. Rates on processed clay, in carloads, as described in the application, from points in Alabama, Florida, Georgia, North Carolina and South Carolina, to points in official (not including Illinois) territory

Grounds for relief: Modified short-line distance formula and grouping.

Tariff: Supplement 126 to Southern Freight Association tariff I.C.C. S-40.

FSA No. 37997: *Soda ash to Hillsboro and Lincoln, Ill.* Filed by O. W. South, Jr., Agent (No. A4249), for interested rail carriers. Rates on soda ash (other than modified soda ash), in carloads, from Baton Rouge and North Baton Rouge, La., to Hillsboro and Lincoln, Ill.

Grounds for relief: Carrier competition.

FSA No. 37998: *Petroleum products to points in North Dakota.* Filed by Northern Pacific Railway Company (No. 127), for itself. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain or varnish), petroleum road oil and petroleum wax tailings, in tank-car loads, from Billings, East Billings and Laurel, Mont., to Dunn Center, Halliday, Killdeer and Werner, N. Dak.

Grounds for relief: Cross-country competition.

Tariff: Supplement 21 to Northern Pacific Railway Company tariff I.C.C. 9977.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-10556; Filed, Oct. 22, 1962; 8:47 a.m.]

[Notice No. 707]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 18, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested per-

son may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64807. By order of October 15, 1962, the Transfer Board approved the transfer to Dan F. Gurule, doing business as Taos Enterstate Express, Romeo, Colo., of Certificate No. MC 119845, issued May 9, 1961, to Raymond Lee Culler, doing business as Ray's Truck Line, Romeo, Colo., authorizing the transportation of: General commodities, between Fort Garland, Colo., and Taos, N. Mex., serving all intermediate points in New Mexico; between Fort Garland and the Colorado-New Mexico State line, except petroleum products in bulk, and articles too large to be transported on ordinary equipment, originating at or destined to points in Colorado; and serving the off-route points of San Acacio, Mesita, Chama, San Pablo, and Garcia, Colo., and Sunshine Valley, Valdez, Taos Pueblo, Arroyoseco, Ranchos De Taos, and Talpa, N. Mex., with exceptions; between Jaroso, Colo., and junction unnumbered highway and New Mexico Highway 3; general commodities, except Classes A and B explosives, household goods, and other specified commodities, between Alamosa, Colo., and Fort Garland, Colo., houses, over irregular routes, including fixtures and appurtenances therefor, requiring the use of special equipment, from Los Alamos and White Rock, N. Mex., to points in Alamosa, Rio Grande, Conejos, Costilla, and Saguache Counties, Colo., and lumber, from points in Alamosa, Costilla, and Conejos Counties, Colo., to points in New Mexico. Henry Blickhahn, Alamosa, Colo., attorney for applicants.

No. MC-FC 65345. By order of October 15, 1962, the Transfer Board approved the transfer to R. W. Doggett Inc., 411 Cherry Street, Manassas, Va., of Certificate No. MC 58913, issued March 27, 1942, to R. W. Doggett, 411 Cherry Street, Manassas, Va., authorizing the transportation, over irregular routes, of building materials, lumber, and poles, coal, wheat, livestock, farm machinery, hardware, oil and paint, heating, plumbing, and electrical equipment and supplies, salt, feed, and flour, fertilizer, contractors' tools and equipment, street car bodies, and small houses, from, to, and between specified points in Maryland, Virginia, Pennsylvania, West Virginia, and the District of Columbia, varying with the commodities transported.

No. MC-FC 65365. By order of October 15, 1962, the Transfer Board approved the transfer to Alexis E. Sines, doing business as Sines Transfer Company, Westminster, Md., of portion of Certificate No. MC 88094, issued September 27, 1946, to James Gesell Hook, Westminster, Md., authorizing the transportation of: Canned goods, over irregular routes, from Westminster, and points within five miles of Westminster, to points in Pennsylvania. Donald E. Greeman, 172 East Green Street, Westminster, Md., representative for Applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-10558; Filed, Oct. 22, 1962; 8:47 a.m.]

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Rules and Regulations

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SUBCHAPTER C—EXPORT PROGRAMS

[Rev. I; Amdt. 5]

PART 483—WHEAT AND FLOUR

Subpart—Flour Export Program—Cash Payment (GR–346) Terms and Conditions

MISCELLANEOUS AMENDMENTS

The Terms and Conditions of the Flour Export Program—Cash Payment (GR–346) (25 F.R. 5816), as amended (25 F.R. 9939) (25 F.R. 10758), (27 F.R. 1753) and (27 F.R. 4863) are further amended herein as follows:

§ 483.222 [Amendment]

Section 483.222(a) is amended to read as follows:

(a) The following conversion factors shall be applied to the announced rate to determine the rate applicable to a particular exportation of flour:

	Rate factor
Wheat flour (including clears), derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction operation	1.000
Semolina and farina	1.000
Wheat flour, derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing an 80 percent extraction operation	.921
Bulgur (85 percent extraction operation)	.872
Wheat flour, derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 90 percent extraction operation	.822
Whole wheat flour	.726

§ 483.225 [Amendment]

Section 483.225(b)(3) is amended to read as follows:

(3) Contract quantity in net hundredweight.

§ 483.227 [Amendment]

Section 483.227(b)(8) is amended to read as follows:

(8) Type and extraction of flour, the class of wheat from which the flour was milled and the approximate ash content must be shown. For example: "Hard Spring .48 Ash". For blended flours, the most predominant class of wheat contained in the blend should be shown. For example: "blended (predominantly) Hard Winter .70 Ash".

§ 483.228 [Amendment]

Section 483.228(b) is amended to read as follows:

(b) *Information required.* The Notice of Export shall contain the following information.

(1) Registration Number.
(2) Date of Preparation.
(3) Total quantity in net hundredweight actually loaded on all shipments made in connection with the applicable Declaration of Sale.
(4) Country of destination.
(5) Date of export of final shipments.
(6) The U.S. coastal area or areas from which the flour was exported. If more than one coastal area is involved, the quantity exported from each coast should be shown on the reverse side of the form.
(7) Name and address of the exporter.
(8) Signature and title of the person who prepared the form.
(9) If more than one class of wheat or extraction rate is involved, quantities milled from each class of wheat shall be shown separately on the reverse side of the form.

§ 483.246 [Amendment]

Section 483.246(a)(4) is amended to read as follows:

(4) A certification by the exporter that the flour for which export payment is claimed is the same flour which is described in the Declaration of Sale and which is covered by the evidence of export referred to in subparagraph (1) or (2) of this paragraph, and a certification of the weight of any enrichments or other additives to the flour in excess of one-half of one percent of the combined net weight of the flour and additives.

Section 483.291 is amended to read as follows:

§ 483.291 Flour.

"Flour" means wheat flour processed in the United States or Puerto Rico from wheat as defined in the Official Grain Standards of the United States and grown in the United States, and shall include whole wheat flour, durum flour, malted wheat flour, self-rising flour, semolina, farina and bulgur, but shall not include wheat products produced during a continuing process of manufacturing processed wheat products other than flour; nor flour mixes unless composed entirely of wheat flour except for additives. The flour shall be such as not to be in conflict with the laws of the country to which it is intended for export. As used herein, the word bulgur means the food product prepared from wheat by scouring, tempering, cooking (steaming under pressure), drying, and removing the bran coat. The quantity of flour exported which is eligible for export payment shall be determined by deducting from the net weight of the shipment, the weight of any enrichment, or other additive (including Creta Praeperata), in excess of one-half of one percent of the combined net weight of the flour and additive. (See § 483.222 with regard to eligibility of particular exportation of flour for particular rates of payment.)

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: This amendment shall become effective on the date of filing with the Office of the Federal Register.

(Secs. 4 and 5, Stat. 1070 and 1072, sec. 2, 63 Stat. 945, as amended, 15 U.S.C. 714 b and c, and 7 U.S.C. 1641)

Issued at Washington, D.C., this 4th day of October 1962.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62–10611; Filed, Oct. 23, 1962; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Subpart E—Cotton Fiber and Processing Tests

AIR FLOW TESTS

The amendment of § 28.956 of the regulations for Cotton Fiber and Processing Tests (7 CFR, Part 28), hereinafter set forth, is hereby promulgated to be effective upon publication in the FEDERAL REGISTER, pursuant to authority contained in section 3c of the Cotton Statistics and Estimates Act (sec. 3c, 50 Stat. 62; 7 U.S.C. 473c).

Statement of consideration leading to amendment. In recent years micronaire readings from air flow instrument tests have become increasingly important in the marketing of cotton. The Department has received many requests from cotton producers, farm leaders, and farm organizations to enter micronaire readings on cotton classification cards for cotton classed for producers under the Smith-Doxey program. This service is not provided for under the Smith-Doxey Amendment to the Cotton Statistics and Estimates Act, but is being provided under the Cotton Service Testing Amendment (7 U.S.C. 473d). It can be expeditiously performed simultaneously with classification which is performed under the Smith-Doxey Act. The

amendment makes available micronaire readings on a fee basis to producers who have their cotton classed under the Smith-Doxey program. These readings will be made under authority of the Cotton Service Testing Act which provides for analyses of fiber properties, spinning tests, and other tests of the quality of cotton samples on a fee basis. The purpose of the amendment is to promote more orderly and efficient marketing of cotton.

The Department finds that it is impracticable, unnecessary, and contrary to the public interest to issue a notice of proposed rule making on this amendment or to postpone the effective date of the amendment until thirty (30) days after publication in the FEDERAL REGISTER, for the reason that: (1) The ginning and classing of cotton has already started in most sections of the Cotton Belt and it is imperative that this new service be made available as soon as possible; and (2) no preparation is required by the industry to comply with the amendment.

Section 28.956 is amended by adding a new Item No. 36 which reads as follows:

36. Air flow instrument tests and reporting micronaire readings on cotton samples submitted for classification pursuant to §§ 28.901–28.917 in this Part 28. These tests will be made available to the extent facilities will permit, upon written application from the gin manager or other officer of the cotton gin that gins the cotton. Such application will provide that the air flow tests will be made on each sample submitted for classification and that the gin will be responsible for payment of the test fee. Application forms for this service will be furnished to cotton gins by the Cotton Division.

Per sample 0.08

(Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: October 18, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-10610; Filed, Oct. 23, 1962; 8:47 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

PART 750—SOIL BANK

Subpart—Violations Procedure

TERMINATION OF CONTRACTS

Section 750.294j of the Soil Bank regulations applicable to violations, 22 F.R. 2411, as amended, is hereby further amended to read as follows:

§ 750.294j Termination of contracts for violations.

In addition to the forfeitures and refunds provided for in § 750.293 to § 750.294i, inclusive, in connection with violations of contracts, a contract shall be terminated if violations covered by §§ 750.293, 750.294, 750.294a, 750.294b, 750.294c, 750.294d, 750.294f, or 750.294g have occurred for two consecutive years of the contract period: *Provided*, That where an adjustment in the forfeiture or refund is made under §§ 750.293 (a) or (b), 750.294 (a) or (c), 750.294b(b), 750.294c(c), or 750.294d(b), such a violation shall not be considered a violation for purposes of this section. Upon termination, the entire amount of the cost-share payment and all annual payments paid or payable to the operator and each other producer on the farm shall be forfeited or refunded.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Date of signature.

Signed at Washington, D.C., on October 18, 1962.

FRANK W. HUSSEY,
Acting Administrator, Agricultural Stabilization Service.

[F.R. Doc. 62-10628; Filed, Oct. 28, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Reg. Docket No. 1274; Airspace Docket No. 61-WA-63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 73—SPECIAL USE AIRSPACE [NEW]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

PART 77—NOTICE OF CONSTRUCTION OR ALTERATION AFFECTING NAVIGABLE AIRSPACE [NEW]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

PART 608—SPECIAL USE AIRSPACE

PART 626—NOTICE OF CONSTRUCTION OR ALTERATION; CRITERIA, PROCEDURES AND RULES FOR DETERMINATION OF THE EFFECT OF PROPOSED STRUCTURES UPON THE USE OF NAVIGABLE AIRSPACE

This amendment adds Subchapter E—Airspace [New] to Chapter I of Title 14 of the Code of Federal Regulations. The amendment is a part of the program of the Federal Aviation Agency to recodify its regulatory material into a new series of regulations called the "Federal Aviation Regulations" to replace the present "Civil Air Regulations" and "Regulations of the Administrator".

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as these, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

Subchapter E [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on July 3, 1962 (27 F.R. 6300). That notice contained a statement that, when finally adopted, the new subchapter might include "applicable rules on which individual notices of proposed rule making have been issued and the comment period has expired, but which have not been theretofore adopted".

As proposed in that notice, Subchapter E would have consisted of Parts 71, 73, 75, 77, and 79. However, as a result of a notice of proposed rule making published in the FEDERAL REGISTER on November 21, 1961 (stating that the Agency proposed to combine current Parts 600 and 601), and in accordance with the quoted language in the preceding paragraph, the proposed new Parts 71 and 73 (based on 600 and 601) have been combined into a new Part 71. The comment period on that notice expired on January 5, 1962. The proposed Parts 75, 77, and 79 have been renumbered as Parts 73, 75, and 77 respectively.

The purpose of the combination in the new Part 71 is to effect the modernization of the Code as it pertains to the designation of Federal airways and associated controlled airspace.

As stated in the notice of November 21, 1961, this modernization was prompted by the adoption by the FAA of Amendment 60-21 to Part 60 of the Civil Air Regulations which redefined the vertical extent of controlled airspace (26 F.R. 570), and the implementation of a three-level route structure within the United States (Airspace Docket No. 60-WA-53, 26 F.R. 1079). The notice further stated that the proposition would result in the following actions:

Provide that the control areas associated with Federal airways coincide with the extent of the airways and be automatically included in the designation of airways.

Provide a basis for the designation of control areas to be associated with jet route segments and intermediate altitude airway segments outside the continental control area.

Clarify the vertical extent of the controlled airspace between the main and alternate VOR Federal airways when the control area floor provisions of Amendment 60-21 are applied.

In addition, the notice proposed various editorial changes with the intent of furthering simplicity and clarification in the designation of Federal airways and controlled airspace.

Comments to the notice were received from the Air Transport Association of America (ATA) and the Department of the Navy.

The ATA agreed with the consolidation of Parts 600 and 601 and offered some recommendations to facilitate this accomplishment. Advanced were various editorial changes, some of which have been accepted and are incorporated herein.

Among the recommendations was one concerning reporting points. The ATA was of the opinion that all compulsory and noncompulsory reporting points should be listed in the new part. The FAA has reviewed the requirement for compulsory reporting points. In Airspace Docket No. 62-WA-59 (27 F.R. 5759) action was taken to reduce the burden on the pilot by deleting those reporting points no longer required for air traffic control purposes, and by designating certain reporting points as applicable only to specific airways or directions of flight, or both. These reporting points are published on aeronautical charts and indicate to the pilot that a position report to air traffic control is mandatory. However, the FAA is of the opinion that noncompulsory reporting points should not be included in the revised Part 71 since these reporting points are used less frequently for air traffic control purposes, and a position report is not mandatory. These reporting points are published on aeronautical charts for the convenience of pilots and controllers, and a position report is necessary only when requested by air traffic control.

The Department of the Navy concurred with the proposal subject to reservations concerning certain provisions contained in the Docket relating to the designation of control areas beyond the territorial limits of the United States. After a study of the Navy comments, and as a result of further discussions with the Navy, the FAA decided to include references to ICAO Standards and Recommended Practices in the preamble of notices of proposed rule making dealing with such designation.

As a result of comments received, both on the notice of November 21, 1961 (to combine Parts 600 and 601) and that of July 3, 1962 (proposing a new Subchapter E), several minor changes of a technical nature have been made. In addition, several comments suggested changes in style, format, or terminology. These comments have been carefully considered and, where consistent with the style, format, and terminology of the recodification project, were adopted.

The descriptions of airways, reporting points, and controlled airspace, to be contained in Subparts B through J of the new Part 71 are not, because of their complexity and length, set forth at this time. They will be published by November 12, 1962, to become effective with the rest of the Part on December 12, 1962.

The airspace reservation descriptions in Part 73 [New] and the jet route descriptions in Part 75 [New] also are not set forth in this revision. The pertinent sections of current Parts 602 and 608 are redesignated as sections of the new Parts 73 and 75, and are otherwise unaffected by this revision.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations (27 F.R. 4587) apply to the new Subchapter E.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, effective December 12, 1962, Chapter III of Title 14 of the Code of Federal Regulations is amended by deleting Parts 600, 601, 602, 608, and 626, and Chapter I of Title 14 is amended by adding Subchapter E [New] reading as hereinafter set forth.

This amendment is made under the authority of sections 307, 313, and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, and 1510), and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on October 19, 1962.

N. E. HALABY,
Administrator.

SUBCHAPTER E—AIRSPACE [NEW]

Part
71 Designation of Federal Airways, Controlled Airspace, and Reporting Points [New].
73 Special Use Airspace [New].
75 Establishment of Jet Routes [New].
77 Notice of Construction or Alteration Affecting Navigable Airspace [New].

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Subpart A—General

Sec.
71.1 Applicability.
71.3 Classification of Federal airways.
71.5 Extent of Federal airways.
71.7 Control areas.
71.9 Continental control area.
71.11 Control zones.
71.13 Transition areas.
71.15 Positive control route segments and positive control areas.
71.17 Reporting points.
71.19 Bearings; radials; miles.

Subpart B—Low Altitude Colored Federal Airways and Control Areas

71.101 Designation.
71.103 Low altitude green Federal airways.
71.105 Low altitude amber Federal airways.
71.107 Low altitude red Federal airways.
71.109 Low altitude blue Federal airways.

Subpart C—Low Altitude VOR Federal Airways and Control Areas

71.121 Designation.
71.123 Domestic low altitude VOR Federal airways.
71.125 Alaskan low altitude VOR Federal airways.
71.127 Hawaiian low altitude VOR Federal airways.

Subpart D—Intermediate Altitude VOR Federal Airways

71.141 Designation.
71.143 Intermediate altitude VOR Federal airways.

Subpart E—Continental Control Area

71.151 Restricted areas included.

Subpart F—Control Areas and Control Area Extensions

71.161 Designation of control areas associated with jet routes outside the continental control area.
71.163 Designation of additional control areas.
71.165 Designation of control area extensions.

Subpart G—Control Zones

71.171 Designation.

Subpart H—Transition Areas

71.181 Designation.

Subpart I—Positive Control Route Segments and Positive Control Areas

71.191 Designation of positive control route segments.
71.193 Designation of positive control areas.

Subpart J—Reporting Points

71.201 Designation.
71.203 Domestic low altitude reporting points.
71.205 Domestic intermediate altitude reporting points.
71.207 Domestic high altitude reporting points.
71.209 Other domestic reporting points.
71.211 Alaskan low altitude reporting points.
71.213 Alaskan high altitude reporting points.
71.215 Hawaiian reporting points.

AUTHORITY: §§ 71.1 to 71.215 issued under secs. 307, 313, and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, and 1510); E.O. 10854, 24 F.R. 9565.

Subpart A—General

§ 71.1 Applicability.

(a) The airspace areas that are described in Subparts B, C, and D of this part, are designated as Federal Airways.

(b) Those airspace areas that are described in Subparts B through J of this part are designated as control areas, the continental control area, control zones, transition areas, positive control route segments, positive control areas, and reporting points, respectively as described in the appropriate subpart.

§ 71.3 Classification of Federal airways.

Federal airways are classified as follows:

(a) Low altitude colored Federal airways:

(1) Green Federal airways.
(2) Amber Federal airways.
(3) Red Federal airways.
(4) Blue Federal airways.

(b) Low altitude VOR Federal airways.

(c) Intermediate altitude VOR Federal airways.

§ 71.5 Extent of Federal airways.

(a) Each Federal airway is based on a centerline that extends from one navigation aid or intersection to another navigation aid (or through several navigation aids or intersections) specified for that airway.

(b) Unless otherwise specified in Subpart B, C, or D of this part—

(1) Each low altitude Federal airway includes the airspace within parallel boundary lines five miles on each side of the centerline;

(2) Each intermediate altitude Federal airway includes the airspace within parallel boundary lines eight miles on each side of the centerline;

(3) Where an airway changes direction, it includes the airspace that is enclosed by extending the boundary lines of the airway segments until they meet, but if the airway changes width and direction at the same point, it includes the airspace that is enclosed by extending either boundary line of its narrow segment to meet the airspace within its wide segment; and

(4) Where an airway terminates, it includes the airspace within a circle centered at the specified navigation aid or intersection and having a diameter equal to the airway width at that point.

(c) Unless otherwise specified in Subpart B, C, or D of this part—

(1) Each low altitude Federal airway includes the airspace that extends upward from 700 feet (until designated from 1200 feet or more) above the surface of the earth, but does not include airspace in the continental control area;

(2) Each intermediate altitude Federal airway includes the airspace that extends from 14,500 feet MSL up to, but not including, flight level 240; and

(3) The airspace of a low altitude Federal airway within the lateral limits of a transition area has a floor coincident with that of the transition area.

(d) At least one alternate VOR Federal airway may be established between specified navigational aids or intersections along each VOR Federal airway described in Subpart C of this part. Unless otherwise specified, the centerline of an alternate VOR Federal airway and the centerline of the main VOR Federal airway are separated by 15 degrees.

(e) A Federal airway does not include the airspace of a prohibited area.

§ 71.7 Control areas.

(a) Control areas consist of the airspace designated in Subparts B, C, D, and F of this part, but do not include the continental control area.

(b) Control areas include—

(1) The airspace designated as low altitude Federal airways and the airspace of intermediate altitude airways that extend beyond the continental control area;

(2) Unless otherwise designated, the airspace between a main and associated alternate VOR Federal airway, with the vertical extent of this area corresponding to the vertical extent of the main airway; and

(3) Unless otherwise designated, the airspace that extends beyond the continental control area within 16 miles of each side of the jet route segments described in Subpart F of this part, and within a 16-mile radius of the navigational aids and intersections specified in describing those jet route segments.

§ 71.9 Continental control area.

The continental control area consists of the airspace of the 48 contiguous states and the District of Columbia at and above 14,500 feet MSL, but does not include—

(a) The airspace less than 1,500 feet above the surface of the earth; or

(b) Prohibited and restricted areas, other than restricted area military climb corridors and the restricted areas listed in Subpart E of this part.

§ 71.11 Control zones.

The control zones listed in Subpart G consist of controlled airspace extending upward from the surface of the earth. A control zone may include one or more airports and is normally a circular area with a radius of five miles and any extensions necessary to include instrument approach and departure paths.

§ 71.13 Transition areas.

The transition areas listed in Subpart H of this part consist of controlled airspace extending upward from 700 feet or more above the surface of the earth when designated in conjunction with an airport for which an approved instrument approach procedure has been prescribed; or from 1,200 feet or more above the surface of the earth when designated in conjunction with airway route structures or segments. Unless otherwise limited, transition areas terminate at the base of the overlying controlled airspace.

§ 71.15 Positive control route segments and positive control areas.

(a) The positive control route segments listed in Subpart I of this part consist of the airspace of the Federal airways from 17,000 feet to 22,000 feet, MSL, inclusive, in which there is positive control of aircraft. Positive control route segments that underlie positive control areas with a base of 24,000 feet extend up to, but do not include, 24,000 feet, MSL.

(b) The positive control areas listed in Subpart I of this part consist of controlled airspace within which there is positive control of air traffic.

§ 71.17 Reporting points.

(a) The reporting points listed in Subpart J of this part consist of geographic locations, in relation to which the position of an aircraft must be reported in accordance with § ---- of this chapter [present § 60.47].

(b) Unless otherwise designated, each reporting point applies to all directions of flight. In any case where a geographical location is designated as a reporting point for one or more airways, or for a particular direction of flight along an airway only, it is so indicated by including the airways or direction of flight in the designation of geographic location.

(c) Unless otherwise specified, place names appearing in the reporting point descriptions indicate VOR or VORTAC facilities identified by those names.

§ 71.19 Bearings; radials; miles.

(a) All bearings and radials in this part are true from point of origin.

(b) Unless otherwise specified, all mileages in this part are stated as statute miles.

Subpart B—Low Altitude Colored Federal Airways and Control Areas

§ 71.101 Designation.

The airspace areas described in this subpart are designated as Low Altitude Colored Federal airways and control areas.

§ 71.103 Low altitude green Federal airways.

[To be published separately]

§ 71.103 Low altitude green Federal airways.

[To be published separately]

§ 71.107 Low altitude red Federal airways.

[To be published separately]

§ 71.109 Low altitude blue Federal airways.

[To be published separately]

Subpart C—Low Altitude VOR Federal Airways and Control Areas

§ 71.121 Designation.

The airspace areas described in this subpart are designated as low altitude VOR Federal airways and control areas. Unless otherwise specified, place names appearing in the descriptions indicate VOR or VORTAC facilities identified by those names.

§ 71.123 Domestic low altitude VOR Federal airways.

[To be published separately]

§ 71.125 Alaskan low altitude VOR Federal airways.

[To be published separately]

§ 71.127 Hawaiian low altitude VOR Federal airways.

[To be published separately]

Subpart D—Intermediate Altitude VOR Federal Airways

§ 71.141 Designation.

The airspace areas described in this subpart are designated as intermediate altitude VOR Federal airways and unless otherwise specified, the airspace areas outside of the continental control area and within eight miles of each side of the centerline of the airways listed below are designated as control areas. Unless otherwise specified, place names appearing in the descriptions indicate VOR or VORTAC facilities identified by those names.

§ 71.143 Intermediate altitude VOR Federal airways.

[To be published separately]

Subpart E—Continental Control Area

§ 71.151 Restricted areas included.

The airspace of the following restricted areas at or above 14,500 feet MSL and 1,500 feet or more above the surface of the earth is continental control area:

[To be published separately]

Subpart F—Control Areas and Control Area Extensions

§ 71.161 Designation of control areas associated with jet routes outside the continental control area.

Unless otherwise specified, the airspace areas outside of the continental control area and within 16 miles of each side of the jet route segments listed below are designated as control areas:

[To be published separately]

§ 71.163 Designation of additional control areas.

Unless otherwise specified, each control area designated below extends upward from 700 feet above the surface of the earth except that the airspace of a control area within the lateral limits of a transition area has a floor coincident with that of the transition area:

[To be published separately]

§ 71.165 Designation of control area extensions.

Unless otherwise specified, each control area extension designated below extends upward from 700 feet above the surface of the earth, except that the airspace of a control area extension within the lateral limits of a transition area has a floor coincident with that of the transition area:

[To be published separately]

Subpart G—Control Zones

§ 71.171 Designation.

The parts of airspace described below are designated as control zones:

[To be published separately]

Subpart H—Transition Areas

§ 71.181 Designation.

The parts of airspace described below are designated as transition areas:

[To be published separately]

Subpart I—Positive Control Route Segments and Positive Control Areas

§ 71.191 Designation of positive control route segments.

The parts of airspace described below are designated as positive control route segments:

[To be published separately]

§ 71.193 Designation of positive control areas.

The parts of airspace described below are designated as positive control areas:

[To be published separately]

Subpart J—Reporting Points

§ 71.201 Designation.

The locations described in this subpart are designated as reporting points.

§ 71.203 Domestic low altitude reporting points.

The reporting points listed below are designated up to, but not including, 14,500 feet, MSL:

[To be published separately]

§ 71.205 Domestic intermediate altitude reporting points.

The reporting points listed below are designated beginning at 14,500 feet up to, but not including, 24,000 feet, MSL:

[To be published separately]

§ 71.207 Domestic high altitude reporting points.

The reporting points listed below are designated at flight level 240 and above:

[To be published separately]

§ 71.209 Other domestic reporting points.

The reporting points listed below are designated at all altitudes:

[To be published separately]

§ 71.211 Alaskan low altitude reporting points.

The reporting points listed below are designated up to and including 15,200 feet, MSL:

[To be published separately]

§ 71.213 Alaskan high altitude reporting points.

The reporting points listed below are designated above 15,200 feet, MSL:

[To be published separately]

§ 71.215 Hawaiian reporting points.

The reporting points listed below are designated at all altitudes:

[To be published separately]

PART 73—SPECIAL USE AIRSPACE [NEW]

Subpart A—General

Sec.
73.1 Applicability.
73.3 Special use airspace.
73.5 Bearings; radials; miles.

Subpart B—Restricted Areas

73.11 Applicability.
73.13 Restrictions.
73.15 Using agency.
73.17 Controlling agency.
73.19 Reports by using agency.
73.21 Alabama.
73.22 Alaska.
73.23 Arizona.
73.24 Arkansas.
73.25 California.
73.26 Colorado.
73.27 Connecticut.
73.28 Delaware.
73.29 Florida.
73.30 Georgia.
73.31 Hawaii.
73.32 Idaho.
73.33 Illinois.
73.34 Indiana.
73.35 Iowa.
73.36 Kansas.
73.37 Kentucky.
73.38 Louisiana.
73.39 Maine.
73.40 Maryland.
73.41 Massachusetts.
73.42 Michigan.
73.43 Minnesota.
73.44 Mississippi.
73.45 Missouri.
73.46 Montana.
73.47 Nebraska.
73.48 Nevada.
73.49 New Hampshire.
73.50 New Jersey.
73.51 New Mexico.
73.52 New York.
73.53 North Carolina.
73.54 North Dakota.
73.55 Ohio.
73.56 Oklahoma.
73.57 Oregon.
73.58 Pennsylvania.
73.59 Rhode Island.
73.60 South Carolina.
73.61 South Dakota.
73.62 Tennessee.
73.63 Texas.
73.64 Utah.
73.65 Vermont.
73.66 Virginia.
73.67 Washington.
73.68 West Virginia.
73.69 Wisconsin.
73.70 Wyoming.
73.71 Puerto Rico.
73.72 Guam.

AUTHORITY: §§ 73.1 to 73.72 issued under secs. 307, 313, and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, and 1510); E.O. 10854, 24 F.R. 9565.

Subpart A—General

§ 73.1 Applicability.

The airspace that is described in Subpart B of this part is designated as special use airspace. This Part prescribes the requirements for the use of that airspace.

§ 73.3 Special use airspace.

(a) Special use airspace consists of airspace of defined dimensions identified by an area on the surface of the earth wherein activities must be confined because of their nature, or wherein limitations are imposed upon aircraft operations that are not a part of those activities, or both.

(b) The vertical limits of special use airspace are measured by designated altitude floors and ceilings expressed as flight levels or as feet above mean sea level.

(c) The horizontal limits of special use airspace are measured by boundaries described by geographic coordinates or other appropriate references that clearly define their perimeter.

(d) The period of time during which a designation of special use airspace is in effect is stated in the designation.

§ 73.5 Bearings; radials; miles.

(a) All bearings and radials in this part are true from point of origin.

(b) Unless otherwise specified, all mileages in this part are stated as statute miles.

Subpart B—Restricted Areas

§ 73.11 Applicability.

This subpart designates restricted areas and prescribes limitations on the operation of aircraft within them.

§ 73.13 Restrictions.

No person may operate an aircraft within a restricted area between the designated altitudes and during the time of designation, unless he has the advance permission of

(a) The using agency described in § 73.15; or

(b) The controlling agency described in § 73.17.

§ 73.15 Using agency.

(a) For the purposes of this part, the following are using agencies:

(1) The agency, organization, or military command whose activity within a restricted area necessitated the area being so designated.

(2) In the case of a Restricted Area/Military Climb Corridor that does not have a designated controlling agency, the Military Air Traffic Control facility that may be contacted for permission for transit through the climb corridor.

(b) Upon the request of the FAA, the using agency shall execute a letter establishing procedures for joint use of a restricted area by the using agency and the controlling agency, under which the using agency would notify the controlling agency whenever the controlling agency may grant permission for transit through the restricted area in accordance with the terms of the letter.

(c) The using agency shall—

(1) Schedule activities within the restricted area;

(2) Authorize transit through, or flight within, the restricted area as feasible; and

(3) Contain within the restricted area all activities conducted therein in accordance with the purpose for which it was designated.

§ 73.17 Controlling agency.

For the purposes of this part, the controlling agency is the FAA facility that may authorize transit through or flight within a restricted area in accordance with a joint-use letter issued under § 73.15.

§ 73.19 Reports by using agency.

(a) Each using agency shall report once a year, in duplicate, to the Director, Air Traffic Service, Federal Aviation Agency, Washington 25, D.C., on each restricted area for which it is the using agency. The report must reach the Director not later than January 31 and shall cover the 12-month period ending with the preceding September 30.

(b) In its report under this section the using agency shall—

(1) State the name and number of the restricted area as published in this part;

(2) State the period covered by the report;

(3) List in detail the activities carried on in the area by all organizations using it for the restricted area purposes;

(4) State the time that daily operations are normally scheduled to begin and end;

(5) State the average number of hours the area is actually used each day, and in addition, for a restricted area used for aircraft operations, the total number of aircraft hours of actual use during the reporting period;

(6) State the number of days each week, weeks each month, and months each year (as appropriate) that the area is used for actual operations;

(7) State whether or not radar is used during operations;

(8) State the number and type of aircraft, if any, normally involved in the activities for which the area was restricted;

(9) List the altitudes used in daily operations of aircraft, including for each activity the altitudes used and the number of hours at each of those altitudes;

(10) Include a chart of the area (of optional scale and design) showing—

(i) The approximate location, and the representative pattern (if any), for firing runs (if any), for bombing runs (if any), the place where runs begin, where firing (if any) begins and ends, and the release point and pullup point; and

(ii) The location of impact areas, if any;

(11) State the maximum ordinate of surface firing (expressed in feet, mean sea level altitude) used for required operations;

(12) State the daily number of hours or minutes, or both, that the maximum ordinate altitudes are normally used in surface to surface firing operations;

(13) List the altitudes normally used for daily surface to surface firing operations;

(14) Include a chart of the area (of optional scale and design) showing—

(i) The location of firing points and impact areas, if any; and

(ii) The perimeter of the firing fan for each weapon used, if any; and

(15) Include a brief statement of any other pertinent facts concerning the current use of the restricted area and requirements for future use of the area or part of it.

(c) This section does not apply to restricted areas established for climb corridors.

§§ 73.21–73.72 [Redesignations]

Sections 73.21 through 73.72. [§§ 608.21 through 608.72 of the regulations of the Administrator are hereby redesignated as §§ 73.21 through 73.72, respectively]

PART 73—DISTRIBUTION TABLE

Former section	*Revised section*
608.1	(1)
608.2	73.1
608.3 (2d and 16th clauses)	73.5
608.3 (3d, 6th, and 28th clauses)	73.3
608.3 (5th clause)	73.17
608.3 (13th and 34th clauses)	73.15
608.3 (less 2d, 3d, 5th, 6th, 13th, 16th, 28th, and 34th clauses)	(2)
608.11 (2d sentence)	73.15
608.11 (less 2d sentence)	73.11
608.12	73.13
608.13 (1st 42 words)	73.19
608.13 (less 1st 42 words)	73.15
608.14	73.17
608.15	73.19
608.21–608.72	73.21–73.72

[1] Surplusage.
[2] Transferred to Part 1.

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Subpart A—General

Sec.
75.1 Applicability.
75.11 Jet routes.
75.13 High altitude navigational aids.
75.15 Jet advisory areas.
75.17 Bearings; radials; miles.

Subpart B—Jet Routes

Sec.
75.100 Jet routes.

Subpart C—Jet Advisory Areas

75.200 En route jet advisory areas.
75.300 Terminal jet advisory areas.

AUTHORITY: §§ 75.1 to 75.300 issued under secs. 307, 313, and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, and 1510); E.O. 10854, 24 F.R. 9565.

Subpart A—General

§ 75.1 Applicability.

The routes that are described in Subpart B of this part are designated as jet routes between high altitude navigational aids or intersections of their signals, along which aircraft may be operated at and above flight level 240. The areas described in Subpart C of this part are designated as jet advisory areas along specified jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between high altitude navigational facilities, centerlines of control area extensions, or in the vicinity of specific geographical locations.

§ 75.11 Jet routes.

(a) Each jet route consists of a direct course for navigating aircraft at and above flight level 240 between the respective navigational aids and intersections specified for that route. They are designated in Subpart B.

(b) Jet routes designated in a west to east direction between their initial and final points are normally assigned even numbers, even though parts of such a route may deviate from that direction between any two or more intermediate points.

(c) Jet routes designated in a south to north direction between their initial and final points are normally assigned odd numbers, even though parts of such a route may deviate from that direction between any two or more intermediate points.

§ 75.13 High altitude navigational aids.

The navigational facilities used in the jet route descriptions in Subpart B of this part, and the following, are high altitude navigational aids:

(a) Nantucket, Mass.—CONSOLAN.
(b) Newark, N.J.—RR.
(c) Wilmington (Carolina Beach), N.C.—RBN.
(d) Marathon, Fla.—RBN.
(e) Galveston, Tex.—RBN.
(f) Grand Isle, La.—RBN.
(g) Egmont Key, Fla.—RBN.
(h) Miami, Fla.—RBN.
(i) Pensacola, Fla.—RBN.
(j) Millville, N.J.—RR.
(k) Boston, Mass.—RR.
(l) Squantum, Mass.—RBN.

§ 75.15 Jet advisory areas.

(a) Unless otherwise designated in Subpart C of this part, each jet advisory area consists of airspace within the continental control area, as designated in that subpart.

(b) En route radar jet advisory areas consist of areas within which jet advisory service is provided by using radar. Unless otherwise designated, each of them includes the area within 16 miles on each side of the jet route segment from flight level 240 through flight level 390, inclusive.

(c) Terminal radar jet advisory areas consist of areas in which jet advisory service is provided by using radar. Unless otherwise designated, each of them includes the area within 16 miles on each side of the jet route segment, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control area extensions from flight level 240 through flight level 390, inclusive.

(d) Unless otherwise designated, nonradar jet advisory areas consist of areas in which jet advisory service is provided on a procedural basis without the use of radar, from flight level 270 through flight level 310, inclusive, and from flight level 370 through flight level 390, inclusive.

(e) Jet advisory areas do not include the airspace within prohibited areas or restricted areas except those restricted areas specified in Subpart E of Part 71 of this chapter.

(f) Jet advisory areas that are based on jet routes are identified by the associated jet route number. Those based on jet route segments VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control area extensions, and those in the vicinity of geographical locations, are identified by geographical names.

§ 75.17 Bearings; radials; miles.

(a) All bearings and radials in this part are true from point of origin.

(b) Unless otherwise specified, all mileages in this part are stated as statute miles.

Subpart B—Jet Routes

§ 75.100 Jet routes.

[§ 602.100 is hereby redesignated as § 75.100]

Subpart C—Jet Advisory Areas

§ 75.200 En route jet advisory areas.

[§ 602.200 of the regulations of the Administrator is hereby redesignated as § 75.200]

§ 75.300 Terminal jet advisory areas.

[§ 602.300 of the regulations of the Administrator is hereby redesignated as § 75.300]

PART 75—DISTRIBUTION TABLE

Former section	*Revised section*
602.1	75.1
602.2 (2d and 14th clauses)	75.17
602.2 (9th clause)	75.15
602.2 (10th clause)	75.11
602.2 (less 2d, 9th, 10th, and 14th clauses)	(1)
602.3	75.11
602.9	75.13
602.10	75.11
602.50	75.15
602.60	75.15
602.100	75.100
602.200	75.200
602.300	75.300

[1] Transferred to Part 1.

PART 77—NOTICE OF CONSTRUCTION OR ALTERATION AFFECTING NAVIGABLE AIRSPACE

Subpart A—General

Sec.
77.1 Applicability.
77.3 Kinds of construction or alteration affected.

Subpart B—Notice of Proposed Construction or Alteration

77.11 Scope.
77.13 Construction or alteration requiring notice.
77.15 Construction or alteration not requiring notice.
77.17 Form and time of notice.
77.19 Acknowledgment of notice.

Subpart C—Standards for Determining Hazards to Air Navigation

77.21 Scope.
77.23 Standards for determining hazards.
77.25 Airport imaginary surfaces, except runways and heliports.
77.27 Airport imaginary surfaces: runways.
77.29 Heliport imaginary surfaces.

Subpart D—Aeronautical Studies of Effect of Proposed Construction on Navigable Airspace

77.31 Scope.
77.33 Initiation of studies.
77.35 Regional office procedures for aeronautical studies.
77.37 Headquarters review and issue of determination.
77.39 Petitions for public hearing.
77.41 Effective period of determination of no hazard.

Subpart E—Rules of Practice for Hearings Under Subpart D

77.51 Scope.
77.53 Nature of hearing.
77.55 Presiding officer.
77.57 Legal officer.
77.59 Notice of hearing.
77.61 Parties to the hearing.
77.63 Prehearing conference.
77.65 Examination of witnesses.
77.67 Evidence.
77.69 Subpoenas of witnesses and exhibits.
77.71 Revision of construction or alteration proposal.
77.73 Record of hearing.
77.75 Recommendations by parties.
77.77 Final decision of the Administrator.
77.79 Limitations on appearance and representation.

Subpart F—Establishment of Antenna Farm Areas

77.81 Scope.
77.83 General provisions.
77.85 Establishment of antenna farm areas.

AUTHORITY: §§ 77.1 to 77.85 issued under secs. 307, 313, and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, and 1510); E.O. 10854, 24 F.R. 9565.

Subpart A—General

§ 77.1 Applicability.

This part:—

(a) Sets forth the requirements for notice to the Administrator of certain proposed construction or alteration described in Subpart B of this part;

(b) Establishes standards for determining whether that proposed construction or alteration would be a hazard to air navigation;

(c) Provides for aeronautical studies of proposed construction or alteration that would exceed the standards in this part, to determine its effect on the safe flight of aircraft and the efficient use of airspace;

(d) Provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and

(e) Provides for establishing antenna farm areas.

§ 77.3 Kinds of construction or alteration affected.

(a) This part applies to the following kinds of construction or alteration:

(1) Erecting any permanent or temporary construction or apparatus, including implements or materials used therein.

(2) Altering any permanent or temporary existing structure by a change in its height (including appurtenances), or lateral dimensions, including implements or materials used therein.

(b) This part does not apply to any structure that was in existence on July 15, 1961, except with respect to a change in its height (including appurtenances), or lateral dimensions, after that date.

(c) The standards in this part apply only in determining the effect that proposed construction or alteration would have on air navigation from an airspace utilization standpoint. They do not affect the standards in Parts ____ and ____ [present Parts 609 and 610] of this chapter or in Technical Standard Order TSO–N18.

Subpart B—Notice of Proposed Construction or Alteration

§ 77.11 Scope.

(a) This subpart requires each person proposing any kind of construction or alteration described in § 77.13 to give adequate notice to the Administrator. It specifies the locations and dimensions of the construction or alteration for which notice is required and prescribes the form and manner of the notice.

(b) The information in notices received under this subpart provides a basis of charting and other notification to airmen of new or altered construction or apparatus.

§ 77.13 Construction or alteration requiring notice.

Each person who proposes any of the following construction or alteration shall notify the Administrator in the form and manner prescribed in § 77.17:

(a) Any construction or alteration that would be more than 150 feet above the surface level of its site.

(b) Any construction or alteration within 15,000 feet of the boundary of an airport (except a heliport), that would extend above the airport elevation, or above the surface level of its site, whichever is higher, more than one foot vertically for each 100 feet (or fraction thereof) of the horizontal distance from the construction or alteration to the airport boundary.

(c) Any construction or alteration within 5,000 feet of the boundary of any heliport, that would extend above the heliport elevation, or above the surface level of its site, whichever is higher, more than three feet vertically for each 100 feet (or fraction thereof) of the hori-

zontal distance from the construction or alteration to the heliport boundary.

(d) Any construction or alteration that would extend into an airport approach plane consisting of an imaginary surface extending from each end of any airport runway that is at least 2,000 feet long, longitudinally centered on the extended centerlines therof, for 1,000 feet at the elevation of the approach end of the runway and then sloping upward at a ratio of 1 to 60, but not extending beyond any limit in paragraph (b) of this section or beyond 10,000 feet from the runway end, and having—

(1) In the case of an instrument approach runway or runway at least 5,000 feet long, a width of 1,000 feet at the end adjacent to the runway and expanding uniformly to a width of 4,000 feet at a distance of 10,000 feet from the end of the runway; and

(2) In the case of a noninstrument approach runway having a length of 2,000 feet or more up to, but not including, 5,000 feet, a width of 500 feet at the end adjacent to the runway and expanding uniformly to a width of 3,000 feet at a distance of 10,000 feet from the end of the runway.

(e) Any construction or alteration within 500 feet of the centerline of any runway.

(f) Any construction or alteration 500 feet or more from a runway centerline, if that construction or alteration would project above an inclined plane extending upward from the ground from a base line 500 feet either side of and parallel to each runway centerline, sloping upward and away from the runway at a ratio of one to seven to a height of 150 feet above the airport elevation.

(g) Any construction or alteration that would project above an inclined plane that extends upward and away from the outer edge of an airport approach plane (as described in paragraph (d) of this section) at a ratio of one to seven until it intersects the limits described in paragraph (b) of this section, but not more than a height of 150 feet above the airport elevation.

§ 77.15 Construction or alteration not requiring notice.

(a) No person is required to notify the Administrator as prescribed by § 77.17, for any of the following:

(1) Any construction or alteration that, when completed, would be shielded by—

(i) Existing construction of a permanent and substantial nature;

(ii) Natural terrain; or

(iii) Topographic features of equal or greater height; if as a result of that shielding, the proposed construction or alteration would not cause an increase in potential hazard to aircraft operations.

(2) Any antenna structure that, when completed, would not be more than 20 feet high and would be located on the ground or on an existing structure other than an antenna structure.

(3) Any electronic facility the broadcast signal of which is used for navigational guidance by aircraft, any airport visual approach or landing aid, or any airport ceiling or visibility indicator device, the location and height of which would be fixed by its functional purpose.

(b) In any case where there is doubt as to whether construction or alteration of the type described in paragraph (a) (1) of this section would increase the potential hazard to aircraft, the sponsor of the construction or alteration shall notify the Administrator as prescribed in § 77.17.

§ 77.17 Form and time of notice.

(a) Each person who is required to notify the Administrator under this subpart shall send three executed copies of Form FAA–117, "Notice of Proposed Construction or Alteration", to the Chief, Air Traffic Division, of the nearest regional office of the FAA, or to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C.

(b) The notice must be submitted at least 30 days before the earlier of the following dates:

(1) The date the proposed construction or alteration is to begin.

(2) The date an application for a construction permit is to be filed.

However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to the FAA at the same time the application for construction is filed with the Federal Communications Commission.

(c) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day requirement in paragraph (b) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Form FAA–117 submitted within 5 days thereafter.

§ 77.19 Acknowledgment of notice.

(a) The FAA acknowledges receipt of each notice submitted under § 77.13.

(b) If the construction or alteration proposed in a notice does not violate the standards in Subpart C of this part, the acknowledgment contains a statement to that effect and a request that the acknowledging office be notified when the construction or alteration reaches the minimum height requiring notice under § 77.13.

(c) If the construction or alteration proposed in a notice violates the standards in Subpart C of this part, the acknowledgment advises the sponsor—

(1) That the construction or alteration at the location and to the height specified in the notice, would violate those standards, and a preliminary determination has been made that it would be a hazard to air navigation;

(2) Of any possible modications of the construction or alteration that would eliminate the violation;

(3) That he may request the FAA, within 30 days after the date of acknowledgment, to make an aeronautical study of the proposal or an amended proposal, and that the preliminary determination of a hazard would expire at the beginning of the study; and

(4) That the preliminary determination of hazard becomes final unless the FAA receives a request for an aeronautical study within 30 days after the date of acknowledgment or an aeronautical study is initiated within 60 days after that date.

Subpart C—Standards for Determining Hazards to Air Navigation

§ 77.21 Scope.

(a) This subpart establishes standards for evaluating the effect on air navigation of any proposed construction or alteration for which a notice has been sent to the Administrator under Subpart B of this part.

(b) The standards in this subpart are applied to establish which proposed construction or alteration requiring notice would result in a hazard to air navigation unless, upon an aeronautical study under this part, it is determined that it would not be a hazard.

§ 77.23 Standards for determining hazards.

(a) Unless, based upon an aeronautical study under this part, it is determined that it would not be a hazard, or unless it is entirely within an antenna farm area established under Subpart E of this part, any proposed construction or alteration for which a notice has been submitted under § 77.17 and that would extend above a height set forth in any of the following subparagraphs, may ultimately be considered to be a hazard to air navigation:

(1) An elevation of 500 feet above ground at the site of the construction or alteration.

(2) An elevation of 200 feet above ground at the site of the construction or alteration and within a control zone or within five miles of either side of the centerline of a low altitude Federal airway or a VFR flyway that is an established air route, depicted on aeronautical charts, along a valley, river, highway, railroad, shoreline, or other visually identifiable path over the ground, used for pilotage under weather conditions suitable for flight under Visual Flight Rules.

(3) An elevation, at the site of the construction or alteration, that is 951 feet below the minimum en route altitude of an approved off-airway route, or 200 feet above ground, whichever is higher, if the construction or alteration is within five miles of either side of that route.

(4) An elevation above mean sea level, at the site of the construction or alteration, that is on a slope ratio of 1 to 50 extending upward from 500 feet below the minimum en route altitude of any Low Altitude Federal airway or approved off-airway route, beginning at a point five miles from and perpendicular to the centerline of that airway or the course of that route, if the construction or alteration would be more than five, but not more than 10, miles from that centerline or course and a perpendicular line from that centerline or course on which the construction or alteration lies intersects the centerline or course not more than 25 miles from the nearest electronic air navigation aid upon which that airway or route is based.

(5) An elevation above mean sea level, at the site of the construction or alteration, that is 500 feet below the minimum en route altitude for any Low Altitude Federal airway or approved off-airway route, if the construction or alteration would be more than five, but not more than 10, miles perpendicular distance from the centerline of that airway or the course of that route and more than 25 miles from the nearest electronic air navigation aid upon which the airway or route is based, measured as prescribed in subparagraph (4) of this paragraph.

(6) Any airport or heliport imaginary surface as established under § 77.25, § 77.27, or § 77.29.

(b) The standards in this section apply to the effect of proposals for construction or alteration upon any electronic facility whose broadcast signal is used for navigational guidance by aircraft, airports, Low Altitude Federal airways, standard instrument approach procedures, approved off-airway routes, or control zones, and changes in any of them, that are not in existence at the time of filing the notice required by Subpart B of this part, but only if plans or proposals for such a facility or change are on file with the FAA on the date the notice is filed. Minimum obstruction clearance altitudes are considered in place of minimum en route altitudes in applying these standards to construction or alteration proposals whenever planning information available at the time of the notice indicates a need to lower the minimum en route altitude of a segment of a Federal airway, and that need may be filled by an additional VOR, distance measuring equipment, or other electronic air navigation aid.

(c) In any case in which more than one of the standards in this section would apply, the most restrictive one is applied.

§ 77.25 Airport imaginary surfaces, except runways and heliports.

The following airport imaginary surfaces are established for airports based on the length of the longest runway:

(a) Inner horizontal surface—a circular plane, 150 feet above the established elevation of the airport having a radius from an airport reference point selected or approved by the FAA as its approximate center—

(1) Two and one-half miles (13,200 feet)—for runways at least 5,000 feet long;

(2) One and one-half miles (7,920 feet)—for runways at least 2,000, but less than 5,000 feet long; or

(3) One mile (5,280 feet)—for runways less than 2,000 feet long.

(b) Conical surface—a surface extending from the periphery of the inner horizontal surface upward and outward at a—

(1) Slope ratio of 1 to 40 for a horizontal distance of 14,000 feet—for runways at least 5,000 feet long;

(2) Slope ratio of 1 to 30 for a horizontal distance of 10,500 feet—for runways at least 2,000, but less than 5,000, feet long; or

(3) Slope ratio of 1 to 20 for a horizontal distance of 7,000 feet—for runways less than 2,000 feet long.

(c) Outer horizontal surface—a circular plane, 500 feet above the established airport elevation extending outward from the periphery of the conical surface—

(1) 25,600—for runways at least 5,000 feet long; or

(2) 7,980 feet—for runways at least 2,000, but less than 5,000 feet long.

§ 77.27 Airport imaginary surfaces: runways.

The following airport imaginary surfaces are established for runways:

(a) Instrument approach area surface—a plane longitudinally centered on the extended runway centerline beginning at the end of the runway and extending 500 feet outward at the elevation of the approach end of the runway and then sloping upward at a ratio of 1 to 50 to an altitude of 500 feet above the established airport elevation, then constant to the outer end of the plane; being 1,000 feet wide at the end adjacent to the runway and expanding uniformly to a width of 16,000 feet at a distance of 50,000 feet from the end of the runway (and, in the case of a runway for which an instrument approach with straight-in landing minimums are prescribed, having an instrument approach area surface at each end).

(b) Noninstrument approach area surface—a plane longitudinally centered on the extended runway centerline, the runway having (in the case of one for which no instrument approach with straight-in landing minimums are prescribed) a noninstrument approach area surface at each end as follows:

(1) For runways at least 5,000 feet long—beginning at the end of the runway and extending 500 feet outward at the elevation of the approach end of the runway and then sloping upward at a ratio of 1 to 50, being 1,000 feet wide at the beginning and expanding uniformly to a width of 4,000 feet at the outer extremity, 10,000 feet from the end of the runway.

(2) For runways at least 2,000, but less than 5,000 feet, long—beginning at the end of the runway and extending 500 feet outward at the elevation of the approach end of the runway and then sloping upward at a ratio of 1 to 40, being 500 feet wide at the beginning and expanding uniformly to a width of 3,000 feet at the outer extremity, 10,000 feet from the end of the runway.

(3) For runways less than 2,000 feet long—beginning at the end of the runway, at the elevation of the approach end of the runway and sloping upward at a ratio of 1 to 20, being 250 feet wide at the beginning and expanding uniformly to a width of 2,000 feet at the outer extremity, 10,000 feet from the end of the runway.

(c) Transitional surface—an inclined plane sloping upward and away from each side of each runway and its associated approach area surfaces, at a ratio of 1 to 7 to a height of 150 feet above the airport elevation, and with—

(1) The edge of the approach area surface as a base line for the transitional surface of the approach area surface;

(2) For the length of the runway, the base of the transitional surface parallel to and at the elevation of the runway; and

(3) The distance of the runway transitional surface base line from the runway centerline as follows:

(i) 500 feet—for runways at least 5,000 feet long and for instrument approach runways.

(ii) 250 feet—for runways at least 2,000, but less than 5,000, feet long.

(iii) 125 feet—for runways less than 2,000 feet long.

§ 77.29 Heliport imaginary surfaces.

A heliport conical surface is a surface sloping upward and outward to an altitude of 500 feet above the established heliport elevation at a ratio of 1 to 8, beginning at the heliport elevation on the perimeter of a circle or circles of 200-foot radius centered on each helipad.

Subpart D—Aeronautical Studies of Effect of Proposed Construction on Navigable Airspace

§ 77.31 Scope.

(a) This subpart establishes procedures to be applied in initiating and processing informal aeronautical studies of the effect of proposed construction or alteration on the use of navigable airspace by aircraft.

(b) Whenever a study is made under this subpart, its conclusion is normally a determination as to whether the specific proposal being studied would be a hazard to air navigation.

§ 77.33 Initiation of studies.

Aeronautical studies of the effect, on the use of navigable airspace, of proposed construction or alterations to heights that would exceed the standards set forth in Subpart C of this part are initiated by the FAA—

(a) Upon the request of the sponsor of any construction or alteration for which a notice was submitted under Subpart B of this part; or

(b) Whenever it is otherwise considered appropriate.

§ 77.35 Regional office procedures for aeronautical studies.

(a) Whenever an aeronautical study is initiated under this subpart, the Chief of the Air Traffic Division of the Region in which the construction or alteration is proposed informally notifies the sponsor of the construction or alteration and all other known interested persons, by informal circularization, that an informal study is to be made, including enough details of the proposal to provide a basis for the study, such as location by geographical coordinates, height above ground, and height above mean sea level. Aeronautical comments on the proposal are solicited.

(b) If the Chief of the Air Traffic Division concerned finds that there is no substantial aeronautical objection to the proposal in comments he receives, or from the analysis made by that division, he notifies the sponsor, in writing, that the proposal would not result in a hazard to air navigation, and sends a copy of the notice to each other interested person. If the proposed construction or alteration is to be used for or in connection

with communications, he sends a copy of the letter to the Secretary of the Federal Communications Commission.

(c) If the Chief of the Air Traffic Division concerned finds that there is substantial aeronautical objection to the proposal in comments he receives, or from the analysis made by that Division, he sends a written notice to all interested persons, including the sponsor, of an informal meeting, to be held in the Regional Office, at which the aeronautical study will be discussed. In addition to evaluating the effects of the proposed construction or alteration on air navigation, the purposes of such a meeting are to explore aeronautical objections to the proposal, attempt to develop recommendations for adjustment of aviation requirements that would accommodate the proposed construction or alteration, and examine possible changes in the proposal, including revisions that would eliminate the violation of the standards in Subpart C of this part.

(d) Any interested person may attend the meeting in person or be represented by an attorney or other person, and may introduce at the meeting any material, oral presentation, or written statements that are pertinent to the study. A designated FAA representative presides at the meeting.

(e) The Chief of the Air Traffic Division concerned has a summary report made of the informal meeting and recommends conclusions on the effect of the proposed construction or alteration on the use of navigable airspace. He sends the report and copies of all pertinent written material and statements received as a result of the circular and meeting to the Obstruction Evaluation Branch of the Airspace Utilization Division for its review.

§ 77.37 Headquarters review and issue of determination.

(a) Based on its review and analysis of the report made under § 77.35, the Obstruction Evaluation Branch evaluates each construction or alteration proposal as to its effect on the safe and efficient use of airspace by aircraft. The Chief of that Branch issues a determination as to whether it would be a hazard to air navigation, including appropriate findings. He sends copies of the determination to the sponsor of the construction or alteration and each other interested person (including the Secretary of the Federal Communications Commission, if appropriate), and publishes it in the FEDERAL REGISTER.

(b) A determination made under this section is final unless an appeal from it is granted under § 77.39.

§ 77.39 Petitions for public hearing.

(a) The sponsor of any proposed construction or alteration, or any person who stated a substantial aeronautical objection to it in the study made under § 77.35 may petition the Administrator, within 30 days after the date the determination is issued under § 77.39, for a public hearing to obtain a formal decision of the Administrator on the matter.

(b) The petition must be in triplicate and must contain a full statement of the basis for it.

(c) The Administrator determines whether there is adequate grounds for the substance of the petition and grants or denies a hearing on that basis.

§ 77.41 Effective period of determination of no hazard.

(a) Unless it is otherwise revised or terminated, each final determination, made under this subpart or Subpart E of this part, that proposed construction or alteration would not be a hazard to air navigation, expires 18 months after its effective date or upon the date the proposed construction or alteration is abandoned, whichever is earlier.

(b) In any case where the proposed construction or alteration has not been started during the 18-month period any interested person may petition the Administrator to—

(1) Revise the final determination based on new facts that alter the basis upon which the determination was made; or

(2) Extend the effective period of the determination.

(c) The Administrator provides an appropriate review for each petition and the facts upon which it is based, and revises, extends, or reaffirms the determination as indicated by his findings.

Subpart E—Rules of Practice for Hearings Under Subpart D

§ 77.51 Scope.

This subpart applies to hearings held by the FAA under Titles III and X of the Federal Aviation Act of 1958 (49 U.S.C. Subchapters III and X), on proposed construction or alteration that affects the use of navigable airspace.

§ 77.53 Nature of hearing.

Sections 4, 5, 7, and 8 of the Administrative Procedure Act (5 U.S.C. 1003, 1004, 1006, and 1007) do not apply to hearings held on proposed construction of alteration to determine its effect on the safety of aircraft and the efficient use of navigable airspace because those hearings are fact-finding in nature. As a fact-finding procedure, each hearing is nonadversary and there are no formal pleadings or issues and no adverse parties.

§ 77.55 Presiding officer.

(a) If, under § 77.39, the Administrator orders a public hearing to be held on any proposed construction or alteration covered by this part, the Director of the Air Traffic Service designates an employee of the FAA to be the Presiding Officer at that hearing.

(b) The Presiding Officer may—

(1) Give notice of the date and location of the hearing and any pre-hearing conference that may be held;

(2) Administer oaths and affirmations;

(3) Examine witnesses;

(4) Issue subpoenas and take depositions or have them taken;

(5) Obtain, in the form of a public record, all pertinent and relevant facts relating to the subject matter of the hearing;

(6) Rule, with the assistance of the Legal Officer, upon the admissibility of evidence;

(7) Regulate the course and conduct of the hearing; and

(8) Designate parties to the hearing and revoke those designations.

§ 77.57 Legal officer.

The General Counsel designates a member of his staff to serve as Legal Officer at each hearing under this subpart. The Legal Officer may examine witnesses and assist and advise the Presiding Officer on questions of evidence or other legal questions arising during the hearing.

§ 77.59 Notice of hearing.

In designating a time and place for a hearing under this subpart, the Presiding Officer considers the needs of the FAA and the convenience of the parties and witnesses. The time and place of each hearing is published in the "Notices" section of the FEDERAL REGISTER before the date of the hearing, unless the notice is impractical or unnecessary.

§ 77.61 Parties to the hearing.

The Presiding Officer shall designate the following as parties to the hearing:

(a) The proponent of the proposed construction or alteration.

(b) Those persons whose activities would be substantially affected by the proposed construction or alteration.

§ 77.63 Prehearing conference.

(a) The Presiding Officer may, in his discretion, hold a prehearing conference with the parties to the hearing and the Legal Officer at a convenient time and place.

(b) Each party to a prehearing conference shall, at least 24 hours before the conference, submit a brief written statement of the evidence he intends to provide through his witnesses and by questioning other witnesses at the hearing, and shall provide enough copies of the statement so that the Presiding Officer may keep three for the FAA and give one to each other party.

(c) At the prehearing conference, the Presiding Officer reduces and simplifies each issue so far as possible and advises the parties of the probable order of presenting the evidence.

§ 77.65 Examination of witnesses.

(a) Each witness at a hearing under this subpart shall, after being sworn by the Presiding Officer, give his testimony under oath.

(b) The party for whom a witness, other than an employee of the FAA, is testifying shall examine that witness. After that examination, other parties to the hearing may examine the witness, in the order fixed by the Presiding Officer. The Presiding Officer and the Legal Officer may then examine the witness. The Presiding Officer may grant any party an additional opportunity to examine any witness, if that party adequately justifies the additional examination.

(c) The Legal Officer examines each FAA employee who is a witness, before the other parties examine him. After that examination, the order prescribed in paragraph (b) of this section applies.

§ 77.67 Evidence.

(a) The Presiding Officer receives all testimony and exhibits that are relevant to the issues of the hearing. So far as possible, each party shall submit enough copies of his exhibits that the Presiding Officer may keep three copies for the FAA and give one to each other party.

(b) The Presiding Officer excludes any testimony that is irrelevant or unduly repetitious. A party to the hearing may object to the admission of evidence only on the ground that it is irrelevant.

§ 77.69 Subpoenas of witnesses and exhibits.

(a) The Presiding Officer of a hearing may issue subpoenas for any witness or exhibit that he determines may be material and relevant to the issues of the hearing. So far as possible, each party to the hearing shall provide the witnesses and exhibits that he intends to present at the hearing.

(b) If any party to the hearing is unable to provide his necessary witnesses and exhibits, he shall advise the Presiding Officer far enough in advance that the Presiding Officer can determine whether he should issue subpoenas for the desired witnesses or exhibits.

§ 77.71 Revision of construction or alteration proposal.

(a) The sponsor of any proposed construction or alteration covered by this Part may revise his proposal at any time before or during the hearing. If he revises it, the Presiding Officer decides whether the revision affects the proposal to the extent that he should send it to the Administrator for a redetermination of the need for a hearing.

(b) If the Presiding Officer decides that it does not need to be re-submitted to the Administrator, he advises the parties of the revised proposal and takes the action necessary to allow all parties to effectively participate in the hearing on the revised proposal. Without limiting his discretion, the Presiding Officer may recess and reconvene the hearing, or hold another prehearing conference.

§ 77.73 Record of hearing.

(a) Each hearing is recorded verbatim by an official reporter under an FAA contract. The transcript, and all exhibits, become a part of the record of the hearing.

(b) Any person may buy a copy of the transcript of the hearing from the reporter at the price fixed for it.

(c) The Presiding Officer may allow any party to withdraw an original document if he submits authenticated copies of it.

(d) Any person may buy, from the FAA, photostatic copies of any exhibit by paying the copying costs.

(e) A change in the official transcript of a hearing may be made only if it involves an error of substance. Any recommendation to correct the transcript must be filed with the Presiding Officer within five days after the hearing closes. The Presiding Officer reviews each request for a correction to the extent he considers appropriate and shall make any revisions that he finds appropriate as a result of that review.

§ 77.75 Recommendations by parties.

Within 20 days after a hearing closes, each party to it, or any other interested person, may submit five copies of his recommendations for a final decision to be made by the Administrator.

§ 77.77 Final decision of the Administrator.

After reviewing the evidence relevant to the issues of a hearing, including the official transcript and the exhibits the Administrator resolves all questions of fact, based on the weight of evidence, and makes his determination, stating the basis and reasons for it. He then issues an appropriate order to be published in the FEDERAL REGISTER and served on each of the parties.

§ 77.79 Limitations on appearance and representation.

(a) A former officer or employee of the FAA may not appear on behalf of, or represent, any party before the FAA in connection with any matter to which this part applies, if he considered or passed on that matter while he was an officer or employee of the FAA.

(b) A person appearing before the FAA on any matter to which this part applies may not, in connection with that appearance, knowingly accept assistance from, or share fees with, any person who is prohibited, by paragraph (a) of this section, from appearing himself on that matter.

(c) A former officer or employee of the FAA may not, within six months after he ceases to be such an officer or employee, appear before the FAA on behalf of, or represent, any party in connection with any proceeding that was pending under this part while he was an officer or employee of the FAA, unless he obtains written consent from an appropriate officer of the FAA, based on a verified showing that he did not personally consider the matter concerned or gain particular knowledge of it while he was an officer or employee of the FAA.

Subpart F—Establishment of Antenna Farm Areas

§ 77.81 Scope.

(a) This subpart establishes antenna farm areas in which antenna structures may be grouped to localize their effect on the use of navigable airspace.

(b) It is the policy of the FAA to encourage the use of antenna farms and the single structure-multiple antenna concept for radio and television towers whenever possible. In considering proposals for establishing antenna farm areas, it considers as far as possible the revision of aeronautical procedures and operations to accommodate antenna structures that will fulfill broadcasting requirements.

§ 77.83 General provisions.

(a) An antenna farm area consists of a specified geographic location with established dimensions of area and height, where antenna towers with a common impact on aviation may be grouped.

(b) Each proposal for an antenna farm area is evaluated on the basis of its effect on the use of navigable airspace. The views of the Federal Communications Commission are requested on the effect that each establishment of an antenna farm area would have on its statutory responsibilities. Any views submitted by it are fully considered before the antenna farm concerned is established. If the Commission advises that the establishment of any proposed antenna farm area would interfere with its statutory responsibility, the proposed area is not established.

(c) The establishment of an antenna farm area is considered whenever it is proposed by—

(1) The FAA;

(2) The Federal Communications Commission;

(3) The sponsor of a proposed antenna tower; or

(4) Any person having a substantial interest in a proposed antenna tower.

§ 77.85 Establishment of antenna farm areas.

The airspace areas described in the following sections of this subpart are established as antenna farm areas.

§§ 77.87–77.1100 [Reserved]

[§§ 77.87–77.1100 reserved for descriptions of antenna farm areas]

PART 77—DISTRIBUTION TABLE

Former section	*Revised section*
626.1	77.1
626.2 (f), (h), (m), and (x)	77.3
626.2 (less (f), (h), (m), and (x))	(1)
626.3	77.3
626.8 (less last 18 words of (a) and less last sentence of (b))	77.11
626.8 (last 18 words of (a) and last sentence of (b))	77.21
626.9(a)	77.13
626.9 (less (a))	77.15
626.10	77.17
626.11	77.19
626.12	77.23
626.13(a)	77.25
626.13(b)	77.27
626.13 (less (a) and (b))	77.29
626.30	77.31
626.31	77.33
626.32	77.35
626.33	77.37
626.34	77.39
626.35	77.41
626.50	77.51
626.51	77.53
626.52	77.55
626.53	77.57
626.54	77.59
626.55	77.61
626.56	77.63
626.57	77.65
626.58	77.67
626.59	77.69
626.60	77.71
626.61	77.73
626.62	77.75
626.63	77.77
626.64	77.79
626.75(a) (last sentence)	77.23
626.75 (less last sentence of (a))	77.81
626.76	77.83
626.77	77.85

(1) Transferred to Part 1.

[F.R. Doc. 62–10612; Filed, Oct. 23, 1962; 8:48 a.m.]

[Airspace Docket No. 62-WA-89]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration and Designation of Federal Airways; Alteration of Jet Route and Jet Advisory Area

On August 21, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 8321) stating that the Federal Aviation Agency (FAA) proposed to alter the low altitude, intermediate altitude and jet route structure in the vicinity of Vance Air Force Base, Enid, Okla., and to depict on all aeronautical charts the following described "Intensive Student Jet Training Areas". These actions would meet the Department of the Air Force airspace requirements for undergraduate pilot training activities at Vance AFB and would have the least impact on other segments of aviation.

I

Name. Vance One Intensive Student Jet Training Area.

Boundary. Beginning at latitude 36°21'-00" N., longitude 99°40'20" W.; to latitude 37°03'40" N., longitude 98°50'30" W.; to latitude 37°04'30" N., longitude 98°25'30" W.; to latitude 36°58'20" N., longitude 98°-02'00" W.; to latitude 36°47'30" N., longitude 97°34'00" W.; to latitude 36°37'30" N., longitude 97°19'00" W.; to latitude 35°49'-30" N., longitude 97°41'20" W.; to latitude 35°39'00" N., longitude 98°17'00" W.; to latitude 35°45'00" N., longitude 98°52'10" W.; to the point of beginning.

Time of use. Sunrise to Sunset, Monday through Friday.

Altitudes. 10,000 feet MSL to 23,000 feet MSL.

II

Name. Vance Two Intensive Student Jet Training Area.

Boundary. Beginning at latitude 36°35'10" N., longitude 97°08'03" W.; to latitude 36°08'00" N., longitude 97°21'30" W.; to latitude 36°10'00" N., longitude 97°07'55" W.; to latitude 36°09'00" N., longitude 97°07'25" W.; to latitude 36°10'00" N., longitude 96°56'30" W.; to latitude 36°11'15" N., longitude 96°49'00" W.; to latitude 36°09'55" N., longitude 96°48'45" W.; to latitude 36°12'30" N., longitude 96°23'30" W.; to latitude 36°25'00" N., longitude 96°20'00" W.; to latitude 36°31'00" N., longitude 96°15'05" W.; to latitude 36°38'00" N., longitude 96°22'55" W.; to latitude 36°39'40" N., longitude 96°56'00" W.; thence clockwise along a 10-mile radius circle centered at latitude 36°43'40" N., longitude 97°06'10" W. (Ponca City Airport) to point of beginning.

Time of use. Sunrise to Sunset, Monday through Friday.

Altitudes. 10,000 feet MSL to 19,000 feet MSL.

The Air Transport Association of America in commenting on the proposed amendments endorsed the objectives of the "Intensive Student Jet Training Area" concept, but did not agree to the proposed disposition of VOR Federal airway Nos. 17, 1531, 1541, 1644, and 1775 and recommended that the following changes be made in the proposals as published in the notice:

1. Retain Victor 17 and Victor 1531 as designated and relocate the southwestern boundary of Vance No. 1 northeastward to the northeastern edge of Victor 1531.

2. Realign Victor 12 north alternate and Victor 1775 from Gage, Okla., via the intersection of the Liberal, Kans., VOR direct radial to the Anthony, Kans., VOR and the Gage VOR direct radial to the Hutchinson, Kans., VOR; to the Wichita, Kans., VORTAC.

3. Designate a low and intermediate altitude airway from Oklahoma City, Okla., direct to Wichita, and use these airways as the eastern boundary of Vance No. 1 and the western boundary of Vance No. 2.

4. Designate a low and intermediate altitude airway that would permit a more direct routing between Tulsa, Okla., and Wichita.

The above changes recommended by the Air Transport Association would reduce the size of the training area (Vance 1) and in part would necessitate additional rule making action, which would delay implementation of the FAA program for the intensive student jet training activity in the Vance area. Therefore, these changes cannot be made at this time. However, the recommendations will be studied and if considered advantageous and desirable, will be made the subject of separate action.

No other adverse comments were received.

It was stated in the notice that the prohibition of acrobatics on the airways would not be considered applicable within the altitude and geographical limits of the "Intensive Student Jet Training Areas" when the areas were in use for student jet training by the Air Training Command. This statement requires clarification in that it was intended that only participating jet training flights be exempt from the prohibition against acrobatics. Therefore, by separate action, an exemption to the provisions of § 60.16(b) of Part 60 of the Civil Air Regulations, applicable to the Air Training Command is being granted to the Department of the Air Force.

It was also stated in the notice that during the time these areas were in use, IFR flights of nonparticipating aircraft would not be cleared to transit the areas, but that VFR flights would not be denied access to the areas. However, VFR flights would be advised of the training activities and given traffic advisory service. A question was raised as to why access to the areas would be denied to IFR flights, but not denied to VFR flights.

The new concept of "Intensive Student Jet Training Areas" is an effort on the part of the Agency to provide additional service, and more efficient utilization of the airspace, through cooperation and advisories as opposed to regulation and restriction. The distinction made between IFR traffic and VFR traffic is necessary for the following reasons:

1. IFR traffic normally proceeds at higher altitudes than VFR traffic. Since IFR traffic would represent the majority of flights that would transit the training area and since the areas have been kept to minimum size, it is necessary that all IFR traffic circumnavigate the areas in order to preclude disruption of training. Therefore, IFR traffic will not be authorized by Air Traffic Control to transit the areas during periods of training.

2. VFR traffic en route is not subject to Air Traffic Control; consequently, this traffic cannot be excluded from the areas unless large amounts of airspace are designated as restricted airspace. The depiction of these areas on charts, the advisories issued and lower altitudes available to VFR traffic will serve to minimize the disruption of the training activities.

In describing the airways which would traverse one of the training areas, the notice referred to a south alternate airway between Ponca City, Okla., and Tulsa, Okla., as low altitude VOR Federal airway No. 14 south alternate. This should have been low altitude VOR Federal airway No. 74 south alternate. Since it is not proposed to alter this airway segment, no further action will be required herein. In addition, it was stated in the notice that the FAA proposed to redesignate Jet Route No. 20, jet advisory area "nonradar" from 150 nautical miles southeast of Denver, Colo., to 85 nautical miles northwest of Gage, Okla. Subsequent to publication of the notice, it has been determined that radar coverage is available to only 120 nautical miles southeast of Denver. Accordingly, Jet Route No. 20, jet advisory area "nonradar" is designated herein from 120 nautical miles southeast of Denver in lieu of 150 nautical miles.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

§ 600.6516 [Amendment]

1. In the text of § 600.6516 (14 CFR 600.6516) "INT of the Liberal VOR 090° True and the Ponca City, Okla., VORTAC 280° True radials; Ponca City VORTAC;" is deleted and "Anthony, Kans., VOR; Ponca City, Okla., VORTAC;" is substituted therefor.

§ 600.1530 [Amendment]

2. In the text of § 600.1530 (14 CFR 600.1530, 27 F.R. 170) "INT of the Liberal VOR 090° and the Ponca City, Okla., VOR 280° radials; INT of the Ponca City VOR 280° and the Anthony, Kans., VOR 162° radials; thence 10-mile-wide airway to the Ponca City VOR;" is deleted and "INT of the Liberal VOR 086° and the Hutchinson, Kans., VOR 224° radials; thence 10-mile-wide airway via the Anthony, Kans., VOR; Ponca City Okla., VOR;" is substituted therefor.

§ 600.1531 [Amendment]

3. In § 600.1531 (14 CFR 600.1531) "thence 12-mile-wide airway to the Gage, Okla., VOR;" is deleted and "thence 12-mile-wide airway via the INT of the Oklahoma City, Okla., VOR 282° and the Gage, Okla., VOR 133° radials; Gage VOR;" is substituted therefor.

§ 600.1644 [Amendment]

4. In § 600.1644 (14 CFR 600.1644) "thence 10-mile-wide airway via the Tulsa, Okla., VOR;" is deleted and "thence 10-mile-wide airway via the INT of the Ponca City VOR 094° and the Tulsa, Okla., VOR 319° radials; Tulsa VOR;" is substituted therefor.

5. In Part 600 (14 CFR Part 600) the following are added:

§ 600.1773 VOR Federal airway No. 1773 (Gage, Okla., to Hutchinson, Kans.).

From the Gage, Okla., VOR to the Hutchinson, Kans., VOR.

§ 600.1775 VOR Federal airway No. 1775 (Gage, Okla., to Wichita, Kans.).

From the Gage, Okla., VOR via the INT of the Gage VOR 043° and the Wichita, Kans., VOR 250° radials; to the Wichita VOR.

§ 602.100 [Amendment]

6. Section 602.100 (27 F.R. 7304) *Jet routes*, is amended as follows:

In the text of Jet Route No. 20 "Garden City, Kans.:" is deleted and "Gage, Okla.;" is substituted therefor.

§ 602.200 [Amendment]

7. Section 602.200 *En route jet advisory areas*, (27 F.R. 7312) is amended as follows:

a. In Jet Route No. 20 Radar "to 150 nmi SE of Denver; from Garden City, Kans., to Oklahoma City, Okla.;" is deleted and "to 120 nmi SE of Denver; from 85 nmi NW of Gage, Okla., to Oklahoma City, Okla.;" is substituted therefor.

b. In Jet Route No. 20 nonradar "from 150 nmi SE of Denver to Garden City, Kans." is deleted and "from 120 nmi SE of Denver to 85 nmi NW of Gage, Okla." is substituted therefor.

These amendments shall become effective 0001 e.s.t., December 13, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 18, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-10599; Filed, Oct. 23, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-61]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On August 23, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 8453) stating that the Federal Aviation Agency proposed to alter the Boardman, Oregon, Restricted Area R-5701 in order that the Department of the Navy might accomplish its assigned mission in this area.

No adverse comments were received regarding the proposed amendment.

The description of R-5701, as proposed in the notice, excluded the airspace within 5 statute miles of Jet Route 16 and the centerline of VOR Federal airway No. 1710. Since there is a difference of 2° between the VOR radials upon which these routes are based, the description of the exclusion could cause confusion as to the amount of airspace being excluded. Therefore, in the interest of simplification, the description of that portion of R-5701, based on the 093° bearing from the bombing target, is changed to exclude the airspace within 5 statute miles of the 256° True radial of the Pendleton, Oreg., VOR. Further, the Navy has conducted an engineering survey of this area and has determined that the coordinates appearing in the notice (latitude 45°43'20" N., longitude 119°41'00" W.) upon which the restricted area is to be centered are incorrect. The correct coordinates should read latitude 45°43'36" N., longitude 119°41'03" W. This change in coordinates will move the boundaries of the restricted area less than one-quarter mile to the north and will not affect current aeronautical operations. Action is being taken herein to reflect these changes.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following action is taken:

In § 608.57 *Oregon*, R-5701 Boardman, Oreg., (27 F.R. 7356) is amended to read:

R-5701 Boardman, Oreg.

Boundaries and designated altitudes. A 5-nautical-mile radius circle centered at latitude 45°43'36" N., longitude 119°41'03" W., surface to flight level 450; within 3 nautical miles either side of the 093° and 268° bearings from the center of the circle extending to 11 nautical miles from the center, excluding the airspace within 5 statute miles of the 256° radial of the Pendleton, Oreg., VOR, 20,000 feet MSL to flight level 450; within 2 nautical miles N and 3 nautical miles S of the 082° bearing from the center of the circle extending to a line one nautical mile W of and parallel to Butter Creek, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the E extremity; within 3 nautical miles either side of the 234° bearing from the center of the circle extending to 10 nautical miles from the center, excluding the airspace within VOR Federal airway No. 112, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the SW extremity; within 3 nautical miles either side of the 270° bearing from the center of the circle extending to 15 nautical miles from the center, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the W extremity.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Seattle ARTC Center.

Using agency. Commanding Officer, NAS Whidbey Island, Wash.

This amendment shall become effective 0001 e.s.t. December 13, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 18, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-10598; Filed, Oct. 23, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-120]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Zone

The purpose of this amendment to § 601.2520 of the regulations of the Administrator is to revoke the Oxford, Miss., control zone.

The Federal Aviation Agency has determined that the Oxford control zone is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke this control zone.

Since the change effected by this amendment is less restrictive in nature than present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following action is taken:

Section 601.2520 (27 F.R. 10153) Oxford, Miss., control zone is revoked.

This amendment shall be come effective 1800 c.s.t., October 24, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 23, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-10718; Filed, Oct. 23, 1962; 10:53 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8232 o.]

PART 13—PROHIBITED TRADE PRACTICES

Dannon Milk Products, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service;* § 13.170–10 *Antiseptic, germicidal;* § 13.170–52 *Medicinal, therapeutic, healthful, etc.;* § 13.170–64 *Nutritive;* § 13.170–74 *Reducing, nonfattening, low-caloric, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Dannon Milk Products, Inc., et al., Long Island City, N.Y., Docket 8232, Sept. 28, 1962]

In the Matter of Dannon Milk Products, Inc., a Corporation, and Juan E. Metzger, Don L. Grantham, and John F. Hazelton, Individually and as Officers of Said Corporation

Order requiring Long Island City, N.Y., sellers of "Dannon Yogurt" to cease advertising falsely in magazines, circulars, etc., and by radio broadcasts, that their said product was "nature's perfect food", would correct poor eating habits, had reducing or antibiotic properties, or con-

tained fewer calories than milk, except in the plain form.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Dannon Milk Products, a corporation, and its officers, and Juan E. Metzger, Don L. Grantham, and John F. Hazelton, individually and as officers of said corporation, their representatives, agents and employees, directly or through any corporate or other device, in connection with the sale of their product "Dannon Yogurt", including the plain, flavored and prune whip forms, or any other product containing substantially the same ingredients, or possessing substantially the same properties, whether sold under the same or any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that said product:

(a) Is nature's perfect food;

(b) Will correct poor eating habits;

(c) Except in the plain form contains less calories than the same quantity of milk;

(d) Has intrinsic reducing properties;

(e) Has therapeutic or prophylactic value or is an adequate or effective treatment or cure for gastrointestinal disorders, including but not limited to diarrhea, autointoxication, flatulence, sub-optimal nutrition, amebic dysentery, shigellosis, ulcerative colitis, salmonellosis, or chronic constipation, except that nothing herein shall apply to representations:

(1) As to the relief of post antibiotic diarrhea, or

(2) As to the temporary relief of chronic constipation provided by Dannon Yogurt in the prune whip form;

(f) Has any antibiotic properties and qualities.

2. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement misrepresents in any manner, directly or by implication, the quality, properties, or merits of such product.

3. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product, any advertisement which contains any of the representations or misrepresentations prohibited in Paragraphs 1 and 2 of this order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist as set forth herein.

Issued: September 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10620; Filed, Oct. 23, 1962; 8:48 a.m.]

[Docket C-244]

PART 13—PROHIBITED TRADE PRACTICES

Fairbanks Ward Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.155 *Prices:* § 13.155–98 *Two-for-one sales;* § 13.155–100 *Usual as reduced, special, etc.;* § 13.175 *Quality of product or service;* § 13.235 *Source or origin:* § 13.235–60 *Place:* § 13.235–60(c) *Foreign, in general;* § 13.240 *Special or limited offers.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Fairbanks Ward Industries, Inc., et al., Chicago, Ill., Docket C-244, Sept. 28, 1962]

In the Matter of Fairbanks Ward Industries, Inc., a Corporation, and Michael Wolfson and Harry Zaidler, Individually and as Officers of Said Corporation

Consent order requiring Chicago distributors to cease supplying retail dealers selling their merchandise with advertising mats to be published over the retailers' names which misrepresented the usual prices, availability, source, quality, etc., of their merchandise as in the order below indicated.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Fairbanks Ward Industries, Inc., a corporation, and its officers, and Michael Wolfson and Harry Zaidler, individually and as officers of said corporate respondent, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the promotion or offering for sale, sale or distribution of any merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or indirectly, that:

1. Any amount is the usual and customary retail price of respondents' merchandise when such amount is in excess of the price at which respondents' merchandise is usually and customarily sold at retail.

2. Any amount is the usual and customary retail price of merchandise when it is in excess of the generally prevailing price or prices at which the merchandise is sold at retail in the trade area or areas where the representation is made.

3. Any price is a "sale" or special price, unless such price constitutes a reduction from the generally prevailing price or prices at which the merchandise is sold at retail in the trade area or areas where the representation is made.

4. Two sets of any merchandise are being offered for the usual price of one set, unless the sales price for the two sets is respondents' usual and customary retail price for the single set in the recent, regular course of their business.

5. The supply of merchandise offered for sale by respondents is limited, when adequate quantities are available.

6. Offers of merchandise must be accepted at once or within a limited time.

7. Merchandise or service is free or is given as a gift or gratuity without cost to the recipient (a) when all the conditions, obligations, or other prerequisites to the receipt and retention of the free merchandise or service are not clearly and conspicuously disclosed at the outset so as to leave no reasonable probability that the terms of the advertisement or offer might be misunderstood; or (b) when the respondents' price for the article required to be purchased in order to obtain the merchandise or service represented to be free exceeds the usual price of said article by an amount which includes a charge for the merchandise or service represented to be free.

8. The country of origin of merchandise is any other than that in which the merchandise was produced.

9. Any tool or wrench made of carbon steel is made of chrome alloy steel or other alloy steel.

10. Any merchandise offered for sale is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

B. Misrepresenting, directly or indirectly, the composition, quality, usual price, or availability of their merchandise.

C. Misrepresenting in any manner the savings available to purchasers of respondents' merchandise or the amount by which the price of merchandise has been reduced from the price at which it is customarily sold by respondents or their competitors in the usual course of business in the trade area or areas where the representations are made.

D. Furnishing or otherwise placing in the hands of retailers, or others, the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10621; Filed, Oct. 23, 1962; 8:48 a.m.]

[Docket 8333]

PART 13—PROHIBITED TRADE PRACTICES

Moe Osher and Reliable Handkerchief Co.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Moe Osher trading as Reliable Handkerchief Co., New York, N.Y., Docket 8333, Oct. 3, 1962]

In the Matter of Moe Osher, an Individual Trading as Reliable Handkerchief Co.

Order requiring a New York City distributor to cease violating the Textile Fiber Products Identification Act by selling handkerchiefs which did not have affixed thereto labels showing the required information, and by furnishing false guaranties that such products were not misbranded.

The order to cease and desist is as follows:

It is ordered, That respondent Moe Osher, an individual, trading as Reliable Handkerchief Co., and his representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising and offering for sale, in commerce, and in the transportation or causing to be transported in commerce, and the importation into the United States of textile fiber products; and in connection with selling, offering for sale, advertising, delivering, transporting, or causing to be transported, textile fiber products, which have been advertised or offered for sale in commerce; and in connection with selling, offering for sale, advertising, delivering, transporting, and causing to be transported, after shipment in commerce, textile fiber products, either in their original state or which have been made of other textile fiber products shipped in commerce; as the term "commerce" is defined in the Textile Fiber Products Identification Act, of handkerchiefs or other "textile fiber products", as such products are defined in and subject to the Textile Fiber Products Identification Act, do forthwith cease and desist from:

1. Misbranding textile fiber products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Furnishing false guaranties that textile fiber products are not misbranded under the provisions of the Textile Fiber Products Identification Act.

By "Final Order" report of compliance was required as follows:

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist as set forth herein.

Issued: October 3, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10622; Filed, Oct. 23, 1962; 8:48 a.m.]

[Docket C-238]

PART 13—PROHIBITED TRADE PRACTICES

Blum's Vogue, Inc., and Irving Eisen

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Blum's Vogue, Inc., et al., Chicago, Ill., Docket C-238, Sept. 20, 1962]

In the Matter of Blum's Vogue, Inc., a Corporation and Irving Eisen, Individually and as an Officer of Said Corporation

Consent order requiring a Chicago furrier to cease violating the Fur Products Labeling Act by attaching to fur products labels containing fictitious prices represented thereby as regular retail prices; by advertising in newspapers which failed to show the true animal name of furs, to disclose when fur products contained artificially colored fur, and to describe as natural, furs which were not artificially colored; and by failing to maintain adequate records as a basis for price and value claims.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Blum's Vogue, Inc., a corporation and its officers, and Irving Eisen, individually and as an officer of said corporation and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying such products as to the regular prices or values thereof by any representation that the regular or usual prices of such products are any amount in excess of the prices at which respondents have usually and customarily sold such products in the recent regular course of business.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

B. Fails to describe fur products as natural, when such is the fact.

C. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

D. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

3. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 20, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10600; Filed, Oct. 23, 1962; 8:45 a.m.]

[Docket C-243]

PART 13—PROHIBITED TRADE PRACTICES

Crestmark Manufacturing Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.175 *Quality of product or service.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Crestmark Manufacturing Company, Inc., et al., Paterson, N.J., Docket C-243, Sept. 21, 1962]

In the Matter of Crestmark Manufacturing Company, Inc., a Corporation, Stanley H. Lieberman and Naomi Lieberman, Individually and as Officers of Said Corporation

Consent order requiring Paterson, N.J., manufacturers of jewelry and jewelry findings, including bell caps, to cease representing falsely in advertising that such products were "finished in the heaviest of 18 Karat gold plate or rhodium plate", when in fact they had only a thin coating of gold or gold alloy applied by electrolysis and none were plated with any rhodium.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Crestmark Manufacturing Company, Inc., a corporation, its officers, and the respondents Stanley H. Lieberman and Naomi Lieberman, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of jewelry and jewelry findings, including bell caps, or any other products, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

1. Using the term "gold plate", or "gold plated" or any other word or words of similar import or meaning to designate, describe or refer to any article which does not have a surface plating of gold or gold alloy applied by a mechanical process; provided, however, that any product or part thereof, on which a substantial coating of gold or gold alloy has been affixed by an electrolytic process may be marked or described as "gold electroplate" or "gold electroplated".

2. Using the term "rhodium plate", "rhodium plated" or any other word or words of similar import or meaning, to designate, describe or refer to any article which does not have a surface plating of rhodium or rhodium alloy applied by a mechanical process; *Provided, however,* That any product or part thereof, on which a substantial coating of rhodium or rhodium alloy has been affixed by an electrolytic process may be marked or described as "rhodium electroplate" or "rhodium electroplated".

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 21, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10601; Filed, Oct. 23, 1962; 8:46 a.m.]

[Docket C-245]

PART 13—PROHIBITED TRADE PRACTICES

Great Eastern Foods Corp. et al.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1720 *Quantity;* § 13.1775 *Value.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Great Eastern Foods Corporation trading as Home Food Buyers Service, etc., et al., Baltimore, Md., Docket C-245, Sept. 28, 1962]

In the Matter of Great Eastern Foods Corporation, a Corporation Trading and Doing Business as Home Food Buyers Service, Home Frozen Foods Service, and Better Food Service, and Leroy S. Girson and William S. Ledbetter, Individually and as Officers of Said Corporation

Consent order requiring Baltimore sellers of freezers and foods by means of a so-called freezer food plan, to cease representing falsely, through salesmen or otherwise, that purchasers of their said plan would receive the same amount of food and a freezer for what they had been paying for food alone, or less.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Great Eastern Foods Corporation, a corporation, trading and doing business as Home Food Buyers Service, Home Frozen Foods Service or Better Food Service, or any other name, and its officers and Leroy S. Girson and William S. Ledbetter, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of freezers, food or a freezer food plan in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication that purchasers of respondents' freezer food plan will receive the same or any amount of food and a freezer for the same or less money than they have been paying for food alone.

2. Misrepresenting in any manner the savings realized by the purchasers of a freezer food plan, freezer, or food.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10602; Filed, Oct. 23, 1962; 8:46 a.m.]

[Docket C-241]

PART 13—PROHIBITED TRADE PRACTICES

Green's Furs, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-45 *Fictitious marking;* § 13.155-70 *Percentage savings.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1880 *Old, used, or reclaimed as unused or new:* § 13.1880-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act;* § 13.1900-40(a) *Maker or seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Green's Furs, Inc., et al., Gary, Ind., Docket C-241, Sept. 21, 1962]

In the Matter of Green's Furs, Inc., a Corporation, and Herman Zweiban, Ethel Zweiban, and Robert Fox, Individually and as Officers of the Said Corporation

Consent order requiring Gary, Ind., furriers to cease violating the Fur Products Labeling Act by, among other things, failing to show the name of the manufacturer, etc., on labels on fur products; failing, in newspaper advertising, to disclose the names of animals producing furs, and to set forth the disclosure "second-hand" where required; and representing falsely that fur products were being closed out "at less than half price", and that uncalled for lay away furs could be bought for the balance due when the prices listed as original were fictitious; and failing to maintain adequate records as a basis for price and value claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Green's Furs, Inc., a corporation, and its officers, and Herman Zweiban, Ethel Zweiban, and Robert Fox, individually and as officers of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce or the transportation or distribution in commerce of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required to be disclosed under section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder with respect to the fur comprising each section.

C. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to show in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

B. Fails to disclose that fur products are secondhand when such is the fact.

C. Represents, directly or by implication, through percentage savings claims that prices of fur products are reduced, in direct proportion to the percentage of savings stated, when such is not the fact.

D. Represents, directly or by implication, that fur products offered for sale were previously sold by respondents at prices higher than respondents sold such fur products.

E. Misrepresents in any manner the savings available to purchasers of respondents fur products.

3. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 21, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10603; Filed, Oct. 23, 1962; 8:46 a.m.]

[Docket C-239]

PART 13—PROHIBITED TRADE PRACTICES

Harold A. Moore, et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1520 *Personnel or staff;* § 13.1550 *Retailer as wholesaler, jobber, or factory distributor;* [Misrepresenting oneself and goods]—Goods: § 13.1625 *Free goods or services;* [Misrepresenting oneself and goods]—Prices: § 13.1817 *Reductions for prospect referrals.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Harold A. Moore also known as Hal Moore et al. trading as Mayfair Appliance, etc., Spokane, Wash., Docket C-239, Sept. 20, 1962]

In the Matter of Harold A. Moore, also known as Hal Moore, and Larry Moore, as Individuals and as Copartners Trading as Mayfair Appliance and as Morse Advertising Associates

Consent order requiring franchised dealers for Morse sewing machines in Spokane, Wash., to cease unfair practices they utilized under their "Morse Owner/Advertiser Program", including representations by their salesmen that they were employed by manufacturers of the sewing machines, were not salesmen but were merely seeking to induce favorable word-of-mouth advertising by witnesses of their demonstrations, that participants in their program would acquire a machine free or for only a down payment, could easily earn enough to offset installment payments by referring leads to purchasers, etc.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Harold A. Moore, also known as Hal Moore, and Larry Moore, as individuals and as copartners trading as Mayfair Appliance, Morse Advertising Associates, or under any other trade name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of sewing machines or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. They are representatives of, or are employed by, the manufacturer of such products; or misrepresenting in any other manner the identity, nature or status of their business.

2. They are engaged in an advertising program; are seeking favorable word-of-mouth advertising; or that they are not engaged in direct selling; or misrepresenting in any other manner their status as salesmen.

3. Any such product will be acquired free, or without cost other than a down payment; or misrepresenting in any other manner how, or the conditions under which, any such products may be acquired.

4. They have in the past, or may in the future, sell such products to 10 out of 24, 53 percent, or any other amount or proportion, however expressed, which is not in accord with the facts, of the leads referred to them; or misrepresenting in any other manner the frequency of sales to leads, or the probability of selling such products to persons whose names are to be referred or submitted by their customers.

5. Installment payments will be offset by referring one lead per month to respondents; or that such payments will easily or customarily be offset or exceeded by lead-referral earnings; or misrepresenting in any other manner the effort which will be necessary to achieve earnings by submitting names to respondents.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 20, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10604; Filed Oct. 23, 1962; 8:46 a.m.]

[Docket C-248]

PART 13—PROHIBITED TRADE PRACTICES

Spada Fruit Sales Agency, Inc.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Spada Fruit Sales Agency, Inc., Tampa, Fla., Docket C-248, Oct. 3, 1962]

Consent order requiring Tampa, Fla., packers of citrus fruit to cease such illegal practices as paying brokerage or discounts to brokers or direct buyers on a large number of purchases for their own accounts for resale.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Spada Fruit Sales Agency, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu

thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: October 3, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10605; Filed, Oct. 23, 1962; 8:46 a.m.]

[Docket 8194]

PART 13—PROHIBITED TRADE PRACTICES

Western Fruit Growers Sales Co.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Western Fruit Growers Sales Co., Fullerton, Calif., Docket 8194, Sept. 18, 1962]

Order requiring Fullerton, Calif., packers of citrus fruit and avocados to cease violating sec. 2(c) of the Clayton Act by granting allowances or discounts on a large number of sales to brokers and direct buyers purchasing for their own accounts for resale.

The order to cease and desist is as follows:

It is ordered, That respondent Western Fruit Growers Sales Co., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or any other food products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or any other food products, to such buyer for his own account.

By "Decision and Order", report of compliance was required as follows:

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist

Issued: September 18, 1962.

By the Commission, Commissioner Elman not concurring.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10606; Filed, Oct. 23, 1962; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Hood Canal, Wash.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.784 is hereby prescribed to govern the operation of the bridge across Hood Canal, near Port Gamble, Washington, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.784 Hood Canal, Wash.; Washington State Department of Highways bridge near Port Gamble.

(a) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance, except as otherwise provided in paragraph (b)(3) of this section.

(b) Whenever a vessel is unable to safely pass under either of the two fixed approach spans and desires to pass through the draw of the bridge, at least one hour advance notice of the time of required opening shall be given to the authorized representative of the owner of or agency controlling the bridge by any of the methods indicated below.

(1) Telephone requests for bridge opening will be directed as collect calls to the Toll Office at the bridge site. The call may also be made by direct telephone communication, through the Seattle Marine Operator, Station KOW, or through other marine wire or radio telephone service.

(2) Audio requests for watercraft without facilities as set forth in subparagraph (1) of this paragraph will be made by sounding one long blast of a horn or whistle followed quickly by two short blasts in the immediate vicinity of the drawspan. The bridge attendant will acknowledge by repeating the signal.

(3) During unusual or emergency periods, the authorized representative of the owner of or agency controlling the bridge will be required to operate the draw of the bridge on a demand basis for specified periods of time, which will normally not exceed 48 hours, when requested by the Department of the Navy. While on a demand basis the draw tender will be in attendance on the bridge with radio communications equipment in operation.

(c) After receipt of proper advance notice of a required opening of the drawspan the authorized representative of the owner of or agency controlling the bridge shall arrange for opening the span at the specified time. When opening of the bridge is imminent, all signals, radio or audio, will be promptly acknowledged by both the bridge and vessels desiring to pass through the draw.

(d) Communication when opening is imminent:

(1) Radio: The draw tender will monitor radio telephone frequency 2738 kilocycles and will communicate with vessels on the frequency regarding the intended opening. In the event that radio contact cannot be made on frequency 2738 kilocycles, an attempt will then be made on 2182 kilocycles.

(2) Audio: The draw tender will communicate with vessels not equipped with radio telephone or in instances where radio communication is not satisfactory by use of audio signals as follows:

(i) Vessels wishing to have the draw opened will sound one long blast of a horn or whistle followed quickly by two short blasts.

(ii) If the drawspan cannot be opened immediately, or if open and must close immediately, the draw tender will sound four or more short blasts of a horn or whistle, to be repeated at regular intervals until acknowledged.

(e) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that it can easily be read at any time, a copy of the regulations in this section.

[Regs., October 9, 1962, 285/111 (Hood Canal, Wash.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army.
The Adjutant General.

[F.R. Doc. 62-10596; Filed, Oct. 23, 1962; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Lake Mead National Recreation Area, Arizona and Nevada; Alcoholic Beverages

On page 9149 of the FEDERAL REGISTER of September 14, 1962, there was published a notice and text of a proposed amendment to § 7.48 of Title 36, Code of Federal Regulations. The purpose of the amendment is to establish reasonable regulations which will provide adequate control over the possession of alcoholic beverages by persons under 21 years of age.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 20th Calendar day following the date of this publication in the FEDERAL REGISTER.

A new paragraph (d) divided into subparagraphs, is added to § 7.48 to read as follows:

§ 7.48 Lake Mead National Recreation Area.

• • • • • •

(d) *Alcoholic beverages.* (1) Sales or gifts of alcoholic beverages to persons under 21 years of age are prohibited.

(2) Possession of alcoholic beverages by persons under 21 years of age is prohibited.

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 15 U.S.C. 3)

CHARLES A. RICHEY,
Superintendent, Lake Mead National Recreation Area.

[F.R. Doc. 62-10626; Filed, Oct. 23, 1962; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Individual Country Amendments

The regulations of the Post Office Department in § 168.5 *Individual country regulations*, are amended as follows:

I. In country "Argentine", as amended by 27 F.R. 404, under Parcel Post, the fourth paragraph of the item *Observations* is amended for the purpose of clarification and to revise the legalization fee to read "$3.22". As so amended, the item reads as follows:

Observations. • • •

Used clothing addressed to individuals is limited to 22 pounds per parcel. Each parcel containing used clothing must have enclosed a notarized and legalized statement from a dry-cleaning or disinfecting establishment that the clothing has been thoroughly cleaned or disinfected. After the statement has been notarized the notarization must be certified by the county clerk or other competent official. The statement must then be sent to an Argentine consulate accompanied by a fee of $3.22 for legalization. After the consulate returns the legalized statement, it must be enclosed in the parcel with the clothing. The wrapper of the parcel must be marked "Legalized disinfection certificate enclosed."

II. In country "Canada", as amended by 27 F.R. 404, under Parcel Post, the sixth paragraph of the item *Prohibitions* is amended by inserting "being sold or intended for sale by a person or firm" immediately after "Prison made goods". As so amended, the sixth paragraph reads as follows:

Prohibitions. • • •

Commercial tags of metal. Prison made goods being sold or intended for sale by a person or firm.

III. In country "Chile", under Parcel Post delete the item *Import restrictions;* and amend the items *Observations* and *Prohibitions* to read as follows:

Observations. In view of the extensive variety of articles prohibited to Chile (see the item "Prohibitions"), persons desiring to mail parcels should be advised to consult the addressees in advance of mailing to ascertain whether their articles will be admitted, or to consult the American Republics Division, Bureau of International Programs, Department of Commerce, Washington 25, D.C., stating specifically what articles they desire to send. Parcels will be accepted only with the understanding that the mailer has satisfied himself that the contents will be admitted.

Parcels for Chile must be accompanied by commercial invoices which must bear a declaration of origin in English or Spanish, signed by the mailer, in the following terms:

"Under oath, we declare that we are the owners (or shippers) of the above mentioned merchandise; that the prices and other details are exact; that the said merchandise is a product of the soil or industry of (country of origin) and that we accept the legal consequences which might arise through any inexactitude contained in this account."

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 137 of this chapter.

Prohibitions. An extensive variety of articles is prohibited to Chile as a result of stringent import regulations. No list of the prohibited items has been furnished. Parcels are accepted only under the conditions set forth in "Observations."

III. In country "Great Britain and Northern Ireland", under Parcel Post, the seventh paragraph of the item *Prohibitions* is amended to show that cigars are admitted in gift parcels therein. As so amended, the seventh paragraph reads as follows:

Prohibitions. • • •

Cut and pressed tobacco, and tobacco mixed with other substances. However, cigars, cigarettes and pipe tobacco are admitted in gift parcels.

IV. In country "Indonesia", as amended by 27 F.R. 5659, under Parcel Post make the following changes:

A. In the tabular information immediately following the item *Air parcel rates*, strike out "Weight limit: 11 pounds" and insert in lieu thereof "Weight limit: 22 pounds".

B. In the item *Observations* delete the last paragraph. Parcel post service from Indonesia to the United States has been reestablished.

V. Delete the country "Ruanda-Urundi" as a result of the former Belgian trust Territory becoming two independent countries. Accordingly, insert "Burundi (Kingdom of)" and "Rwanda (Republic of)" and the following accompanying data in the proper alphabetical order of countries therein.

BURUNDI (KINGDOM OF)

Postal Union Mail

Surface rates, classifications, weight limits and dimensions. See § 168.1 of this chapter.

Air rates. (See § 168.1 of this chapter for classifications, weight limits and dimensions.)

Letters, 25 cents per half ounce.

Single post cards, 11 cents each.

Aerogrammes, 11 cents each.

Other articles, 50 cents first 2 ounces; 30 cents each additional 2 ounces.

Small packets. Accepted.

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter. Perishable Biological materials accepted. See § 111.3(b)(5) of this chapter.

Registration. Fee, 60 cents. Maximum indemnity, $8.17.

Special delivery. Yes. See § 168.3 for fees and other conditions.

Money orders. No service.

Parcel Post

Surface parcel rates. Two pounds or less, 90 cents; each additional pound or fraction, 35 cents.

Air parcel rates. Four ounces or less, $1.75; each additional 4 ounces or fraction, 67 cents.

Weight limit: 22 pounds.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
Postal forms required:
1 Form 2922 (Parcel Post Sticker).
3 Forms 2966 (Customs declaration).
1 Form 2972 (Dispatch Note).

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Special handling. Available. See § 168.4 of this chapter.

Indemnity. No provision.

• • • • • •

RWANDA (REPUBLIC OF)

Postal Union Mail

Surface rates, classifications, weight limits and dimensions. See § 168.1 of this chapter.

Air rates. (See § 168.1 of this chapter for classifications, weight limits and dimensions.)

Letters, 25 cents per half ounce.

Single post cards, 11 cents each.

Aerogrammes, 11 cents each.

Other articles, 50 cents first 2 ounces; 30 cents each additional 2 ounces.

Small packets. Accepted.

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter. Perishable biological materials accepted. See § 111.3(b)(5) of this chapter.

Registration. Fee, 60 cents. Maximum indemnity, $8.17.

Special delivery. Yes. See § 168.3 for fees and other conditions.

Money orders. No service.

Parcel Post

Surface parcel rates. Two pounds or less, 90 cents; each additional pound or fraction, 35 cents.

Air parcel rates. Four ounces or less, $1.75; each additional 4 ounces or fraction, 67 cents.

Weight limit: 22 pounds.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
Postal forms required:
1 Form 2922 (Parcel Post Sticker).
3 Forms 2966 (Customs declaration).
1 Form 2972 (Dispatch Note).

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Special handling. Available. See § 168.4 of this chapter.

Indemnity. No provision.

VI. In country "Syria", as added by 27 F.R. 404, and amended by 27 F.R. 5660, under Parcel Post, amend the second paragraph of the item *Import restrictions* to read as follows:

Import restrictions. • • •

Addressees are required to obtain import licenses for gift parcels exceeding 200 Syrian pounds ($90.50) in value, and for all commercial parcels.

VII. In "Places Not Included in Alphabetical List of Countries", as amended by 27 F.R. 405, insert "Ruanda-Urundi (Burundi or Rwanda)" in alphabetical order therein.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-10614; Filed, Oct. 23, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 912]

[Docket No. AO-333-A1]

HANDLING OF GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Notice of Recommended Decision and Opportunity to File Written Exceptions With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed amendment of the marketing agreement and Order No. 912 (7 CFR Part 912), hereinafter referred to collectively as the "order", regulating the handling of grapefruit grown in the Indian River District in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act". Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the tenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the Indian River Grapefruit Committee established under the order. A notice that such public hearing would be held on July 2, 1962, in the Community Building, 21st Street and 14th Avenue, Vero Beach, Florida, was published in the FEDERAL REGISTER (27 F.R. 5564) on June 12, 1962.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Extend the principal regulatory period to cover all of the weeks from the first week in January through the last week beginning in April;

(2) Revise the method of computing the prorate base of handlers; and

(3) Permit allotment loans to be repaid at any time during the fiscal year.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence adduced at the hearing and the record thereof:

(1) The current provisions of the order establish a period, generally covering fifteen weeks, beginning the second full week in January and ending the third full week in April, during which the weekly volume of shipments of grapefruit may not be restricted for more than ten weeks. Thus approximately one week of each three weeks during this period is required to be free of volume restrictions on the handling of grapefruit.

Experience in the administration of the order during its initial season of operation indicates more flexibility is needed in selecting the weeks during which no regulation of grapefruit shipments would be recommended or made effective. Continuous volume restrictions on grapefruit shipments are likely to be most needed during the said January–April period and, during the past season, were so used for the entire ten weeks permitted. It was testified, without opposition, that changing the said period so as to start one week earlier and extend through all of the weeks beginning in April would always provide two additional weeks, and in some seasons three additional weeks, in which to "spot" the weeks without regulation; and this would contribute to the more effective regulation of grapefruit shipments since the added weeks would be weeks when regulation was less likely to be needed.

It is concluded, therefore, that the order should be so amended and, as hereinafter set forth, corresponding changes made in the quorum and voting procedures of the committee so that such provisions will continue to apply to actions of the committee during the revised January–April period the same as theretofore specified.

(2) The method for apportioning among handlers the quantity of grapefruit that may be shipped each week regulations are effective under the order should be revised. The current provisions of the order relating thereto were predicated upon the fact that the bulk of Indian River grapefruit crop is marketed during the period beginning the second week in January and ending with the third week in April, and that only occasional regulation of grapefruit shipments would be required at anytime other than during such period. However, freezing temperatures in Texas the past season reduced the production of Texas grapefruit. Consequently, heavier shipments of Indian River grapefruit undoubtedly will be made early in the season, particularly prior to Thanksgiving; and it is likely that regulation of shipments of Indian River grapefruit early in the season, to prevent shipments in excess of the requirements of the market demand, will occur more frequently than otherwise would have been the case. With the indicated change in the pattern of shipments of Indian River grapefruit and the likelihood of more frequent regulation of grapefruit shipments prior to the January–April period, such period will no longer be the most representative one for computing the prorate base upon which to allocate to handlers their equitable shares of the limited quantity of grapefruit that may be handled during a particular regulation period. Moreover, continuation of the current provision for the computation of the prorate bases of handlers—the average shipments of grapefruit during the January–April period—could result in handlers deferring shipments until such prorate base period merely for the purpose of assuring that their respective percentages of the total shipments of grapefruit would not be reduced and, thus, their relative positions in the subsequent season maintained or increased whenever the volume of grapefruit shipments is regulated. This would not contribute to the more orderly marketing of the grapefruit crop.

The use of the average shipments by handlers during the entire fiscal period as the basis of establishing the prorate base of handlers will permit handlers to choose freely the period during which they individually will market their grapefruit and the order should be amended to so provide.

(3) The order currently provides that each allotment loan transaction between handlers shall be liquidated the following week. If a handler lending a portion of his allotment to another did not want the loan repaid for several weeks, and the borrower agreed, it was necessary for the borrower to repay the loan each week and the lender immediately to relend the allotment to the borrower. In other words, it is possible under the provisions of the order for a loan transaction to finally be repaid after several weeks but the record-keeping by the lender, the borrower, and the committee is excessive and cumbersome. Such record-keeping could be simplified and reduced by providing that each allotment loan agreement specify the date during the current fiscal period when the loan is to be repaid. The order should be amended, therefore, as hereinafter set forth.

(4) During the course of the hearing, it was disclosed that the botanical name of grapefruit, as currently specified in the order, includes both grapefruit and the shaddock; the latter being a type of citrus fruit not handled commercially in the Indian River District. The more precise botanical name for "grapefruit", and one which does not include other types of citrus fruit, is "citrus paradisi, MacFadyen". Such botanical name should be specified in the order for purposes of clarity, although this change will have no actual effect insofar as the coverage of the order is concerned since, as stated, there is no commercial handling of shaddocks.

Rulings on proposed findings and conclusions. July 27, 1962, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the findings and conclusions which should be drawn therefrom. No brief was filed.

General findings. (1) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, regulate the handling of grapefruit grown in the Indian River District in Florida, and in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, a proposed marketing agreement upon which hearings have been held;

(3) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Indian River District in Florida which make necessary different terms and provisions applicable to different parts of the production area;

(5) All handling of grapefruit grown in the Indian River District, as defined in the marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. The first sentence of paragraph (b) of § 912.32 *Procedure of committee* is revised to read as follows:

(b) For any decision or recommendation with respect to regulations to be effective during any calendar week except a week during the period beginning with and including the first full calendar week in January and ending with but not including the first full calendar week in May, twelve members shall constitute a quorum and twelve concurring votes shall be required.

2. Paragraph (a) of § 912.46 *Recommendation for volume regulations* is revised to read as follows:

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided,* That such regulations shall not be recommended during the period beginning with and including the first full calendar week in January and ending with but not including the first full calendar week in May after regulations during such period have limited the volume of grapefruit handled during 12 weeks.

3. The proviso in § 912.47 *Issuance of volume regulation* is revised to read as follows:

Provided, That such regulations shall not, in the aggregate, limit the volume of grapefruit shipments during more than 12 weeks of the period beginning with and including the first full calendar week in January and ending with but not including the first full calendar week in May.

4. Paragraph (d) of § 912.48 *Prorate bases* is deleted and the following substituted therefor:

(d) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute a prorate base for each person who has made application in accordance with the provisions of this section. Such prorate base for each handler shall, except as provided in paragraph (e) of this section, be the seasonal average quantity of grapefruit shipped by him during the immediately preceding three marketing seasons.

5. The last sentence in pargaraph (a) of § 912.52 *Allotment loans* is revised to read as follows:

Each such agreement shall specify the date, during the then current fiscal period, for the repayment of the loan.

6. The provisions of § 912.4 *Fruit or grapefruit* are revised to read as follows:

"Fruit" or "grapefruit" means any or all varieties of citrus paradisi, MacFadyen grown in the Indian River District.

Dated: October 19, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-10627; Filed, Oct. 23, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 62-WA-107]

POSITIVE CONTROL AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 601.9011 of the regulations of the Administrator, the substance of which is stated below.

At the present time, the positive control area is comprised of airspace from flight level 240 to and including flight level 600 under the jurisdiction of Indianapolis, Chicago, Detroit, and Cleveland air route traffic control centers in the Central United States and effective October 18, 1962, the Oakland (27 F.R. 9213) air route traffic control center in the Western United States.

The FAA now has under consideration the inclusion of the airspace from flight level 240 to and including flight level 600 under the jurisdiction of the Atlanta, Jacksonville, and Memphis air route traffic control centers in the positive control area. This expansion would abut the Chicago, Ill.-Indianapolis, Ind., positive control area (§ 601.9011), thus in fact enlarging the existing area. It is therefore also proposed to change the caption in § 601.9011 from "Chicago, Ill.-Indianapolis, Ind." to "Central and Southern U.S."

If this action is taken the area described below would be added to the Chicago-Indianapolis positive control area: Beginning at

Latitude 37°11'30" N., longitude 81°09'00" W.; thence to latitude 37°21'45" N., longitude 80°31'30" W.; thence to latitude 36°29'30" N., longitude 79°28'30" W.; thence to latitude 36°19'00" N., longitude 79°16'00" W.; thence to latitude 35°47'20" N., longitude 79°31'00" W.; thence to latitude 35°01'45" N., longitude 80°02'00" W.; thence to latitude 34°52'00" N., longitude 80°10'20" W.; thence to latitude 34°51'00" N., longitude 79°55'00" W.; thence to latitude 34°29'00" N., longitude 79°15'00" W.; thence to latitude 34°29'00" N., longitude 78°45'00" W.; thence to latitude 34°00'00" N., longitude 78°07'00" W.; thence to latitude 33°58'30" N., longitude 77°50'00" W.; thence south via a line 3 nautical miles from the mainland to latitude 29°00'00" N., longitude 80°48'00" W.; thence to latitude 29°00'00" N., longitude 81°34'20" W.; thence to latitude 28°57'45" N., longitude 81°37'15" W.; thence to latitude 29°02'20" N., longitude 81°41'30" W.; thence clockwise along a 5-nautical-mile radius arc centered at

Latitude 29°06'52" N., longitude 81°42'55" W.; thence to latitude 29°08'25" N., longitude 81°48'20" W.; thence to latitude 29°22'00" N., longitude 82°02'20" W.; thence to latitude 29°22'00" N., longitude 82°25'30" W.; thence to latitude 29°29'00" N., longitude 82°39'00" W.; thence to latitude 29°14'30" N., longitude 83°07'30" W.; thence north and west via a line 3 nautical miles from the mainland to

Latitude 30°14'50" N., longitude 86°04'40" W.; thence to latitude 30°54'00" N., longitude 86°04'40" W.; thence to latitude 31°00'35" N., longitude 86°11'00" W.; thence to latitude 30°58'00" N., longitude 86°25'00" W.; thence to latitude 31°11'50" N., longitude 86°24'30" W.; thence to latitude 31°38'00" N., longitude 86°18'00" W.; thence to latitude 31°34'30" N., longitude 86°34'30" W.; thence to latitude 31°45'00" N., longitude 86°45'00" W.; thence to latitude 31°45'00" N., longitude 87°30'00" W.; thence to latitude 31°58'30" N., longitude 88°19'09" W.; thence to latitude 31°45'00 N., longitude 90°13'00" W.; thence to latitude 31°57'00" N., longitude 91°30'00" W.; thence to latitude 32°25'00" N., longitude 91°30'00" W.; thence to latitude 33°43'00" N., longitude 93°00'00" W.; thence to latitude 36°30'00" N., longitude 93°00'00" W.; thence to latitude 37°46'40" N., longitude 88°34'30" W.; thence to latitude 37°43'30" N., longitude 88°19'00" W.; thence to latitude 38°30'00" N., longitude 88°00'00" W.; thence to latitude 37°40'00" N., longitude 87°30'00" W.; thence to latitude 37°00'00" N., longitude 83°40'00" W.; thence to latitude 38°00'00" N., longitude 81°00'00" W.; thence to point of beginning.

Because of complications in the installation of radar necessary for complete coverage of the Memphis air route traffic control center area, implementation of positive control therein would take place approximately 30 days after Atlanta and Jacksonville. This area is a part of the area described above and consists of the following: Beginning at

Latitude 31°57'00" N., longitude 91°30'00" W.; thence to latitude 32°25'00" N., longitude 91°30'00" W.; thence to latitude 33°43'00" N., longitude 93°00'00" W.; thence to latitude 36°30'00" N., longitude 93°00'00" W.; thence to latitude 37°46'40" N., longitude 88°34'30" W.; thence to latitude 37°43'30" N., longitude 88°19'00" W.; thence to latitude 37°16'30" N., longitude 87°23'50" W.; thence to latitude 37°18'00" N., longitude 86°09'00" W.; thence to latitude 36°54'10" N., longitude 85°30'00" W.; thence to latitude 36°12'20" N., longitude 85°14'30" W.; thence to latitude 35°43'45" N., longitude 85°04'00" W.; thence to latitude 35°21'30" N., longitude 85°49'00" W.; thence to latitude 34°33'20" N., longitude 85°51'30" W.; thence to latitude 33°56'30" N., longitude 87°39'00" W.; thence to latitude 33°17'30" N., longitude 87°39'00" W.; thence to latitude 33°06'00" N., longitude 88°02'00" W.; thence to latitude 32°56'00" N., longitude 87°54'00" W.; thence to latitude 32°27'00" N., longitude 88°17'00" W.; thence to latitude 31°58'30" N., longitude 88°19'09" W.; thence to latitude 31°45'00" N., longitude 90°13'00" W.; thence to point of beginning.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 18, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-10597; Filed, Oct. 23, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

[Ex Parte No. MC-37 (Sub-No. 6)]

COMMERCIAL ZONES

Houston, Tex.; Proposed Definition

OCTOBER 19, 1962.

Petitioners: Chamber of Commerce, Bayton, Tex.; Chamber of Commerce, La Porte-Bayshore, Tex.; Chamber of Commerce, Houston, Tex.; and Houston Port Bureau, Inc.

Petitioners' representative: G. B. Perry, General Manager, Houston Port Bureau, Inc., 334 World Trade Building, Houston 2, Tex.

By petition filed September 10, 1962, petitioners request the Commission to institute a proceeding for the purpose of specifically defining the limits of the Houston, Tex., commercial zone, which are now prescribed by the general formula promulgated in *Commercial Zones and Terminal Areas,* 46 M.C.C. 665 (49 CFR 170.16). Such formula provides that a city having a population of 100,000 or more, and which has not been accorded individual consideration, shall have a commercial zone which consists of, and includes, the following: (a) The municipality itself; (b) all municipalities within the United States which are contiguous to the base municipality (c) all unincorporated areas within 5 miles of its corporate limits and all of any other municipality any part of which is within 5 miles of the corporate limits of the base municipality; and (d) all municipalities wholly surrounded, or so surrounded except for a water boundary, by the base municipality. The instant petition requests a specific definition of the Houston commercial zone to include all the area which was included by application of the above formula prior to June 20, 1962, on which date the City of Houston divested itself by ordinance of extensive territory formerly within its eastern corporate boundary. Application of the formula to the now contracted city limits thus produces a Houston commercial zone which excludes such points as Baytown, La Porte, and Lomax. Petitioners allege that these points lie within the zone as an economic fact, and they request that the zone now be specifically defined to include all points as follows: "(a) All points within the corporate limits of Houston, Tex., (b) all contiguous municipalities, (c) all unincorporated areas within 5 miles of the Houston corporate limits, (d) all points within corporate limits of adjacent municipalities, any part of which is within 5 miles of the Houston corporate limits, and (e) points and places beyond (c) and (d) above, commencing at the junction of Battleground Road and the Houston Ship Channel (Deer Park, Tex., corporate boundary), thence easterly along the southside of the Houston Ship Channel to Baytown, including Baytown, thence south to Texas Highway 146 to La Porte, including La Porte, thence westerly along Spencer Highway to junction Spencer Highway and Underwood Road, thence northerly along Underwood Road to junction Underwood Road and Battleground Road, thence northerly along Battleground Road to the Houston Ship Channel (Deer Park, Tex., corporate boundary), including points and places on the mentioned highways and roads, and consisting in the main of the incorporated communities of Baytown, Lomax, and La Porte, Tex." This proceeding is assigned for oral hearing on November 12, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Texas, before Examiner Henry A. Cockrum. Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-10619; Filed, Oct. 23, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 19]

DEPUTY ADMINISTRATOR FOR ADMINISTRATION ET AL.

Delegation of Authority

OCTOBER 3, 1962.

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State dated November 3, 1961, and in accordance with the authority contained in sec. 632(b) of the Foreign Assistance Act of 1961, I hereby delegate to the Deputy Administrator for Administration, and for the countries or areas within their responsibility to the Assistant Administrator for the Near East-South Asia, the Assistant Administrator for Latin America, the Assistant Administrator for Africa and Europe, and the Assistant Administrator for the Far East, authority to enter into, and to implement agreements with any agency of the United States Government to undertake specific projects or programs financed in whole or in part by A.I.D., subject to the terms of basic agreements between A.I.D. and such agencies. This Delegation does not include authority to make such basic agreements.

This Delegation of Authority may be redelegated to such officers and employees as may be designated. This Delegation of Authority is effective immediately.

FOWLER HAMILTON,
Administrator.

[F.R. Doc. 62-10623; Filed, Oct. 23, 1962; 8:48 a.m.]

POST OFFICE DEPARTMENT

DIRECTORS, ENGINEERING AND FACILITIES DIVISION, ET AL.

Delegation of Authority

The following is the text of Order No. 229, dated October 15, 1962, of the Assistant Postmaster General, Bureau of Facilities:

1. Effective November 1, 1962, the Director, Engineering and Facilities Division, of each Post Office Department Regional Office is authorized to approve requests to the General Services Administration regional offices for minor alterations and improvements of postal space in Federal Buildings, in accordance with applicable instructions contained in Subchapter 230 of the Regional Manual, and Facilities Handbook S-6, Acquiring Postal Quarters.

2. Under this delegation, estimated costs for a single project may not exceed $25,000 plus 10 percent override, or a maximum of $27,500, without prior approval of the Director, Realty Division. Projects may not be split to circumvent this delegation. No combination of projects may exceed regional fund allotments.

3. In accordance with authority contained in Part 812.32 of the Postal Manual (27 F.R. 8982), this authority may also be exercised by the Regional Director and the Deputy Regional Director.

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-10613; Filed, Oct. 23, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

October 1962 Monthly Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the CCC Monthly Sales List for October 1962 is amended as set forth below:

The entire section relating to *Peanuts, unshelled (farmers' stock)* is deleted and replaced with the following:

Peanuts, shelled and unshelled, farmers, stock (as available).	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (revised, Jan. 4, 1962), as amended.

AUTHORITY: Issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427.

Signed at Washington, D.C., on October 18, 1962.

FRANK W. HUSSEY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-10629; Filed, Oct. 23, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 18, 1962.

Notice of an application, Serial No. A-033091, for withdrawal and reservation of lands was published as F.R. Doc. No. 57-6053 on page 5902 of the issue for July 25, 1957. The Bureau of Land Management has cancelled its application, insofar as it involves the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be, at 10:00 a.m., on November 30, 1962, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

ANCHOR RIVER AREA

T. 5 S., R. 14 W., S.M.
Sec. 20: SW¼NW¼SW¼, W½SE¼NW¼SW¼.
T. 5 S., R. 15 W., S.M.
Sec. 10: W½SW¼SE¼NW¼, NW¼SE¼SE¼NW¼, NE¼SW¼SE¼NW¼.

Containing 25 acres.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-10607; Filed, Oct. 23, 1962; 8:47 a.m.]

National Park Service

[Order No. 3, Amdt. No. 9]

ASSISTANT REGIONAL DIRECTORS, REGIONAL CHIEF DIVISION OF PROPERTY MANAGEMENT AND GENERAL SERVICES, PROCUREMENT AGENT

Delegation of Authority Regarding Execution and Approval of Contracts for Construction, Supplies, Equipment and/or Services

Sections 4, 5, and 6 of Order No. 3, issued February 17, 1956 (21 F.R. 1494), are amended to read as follows:

SEC. 4. *Assistant Regional Directors.* The Assistant Regional Directors may execute and approve contracts not in excess of $200,000 for construction, supplies, equipment and/or services. This authority may be exercised by the Assistant Regional Directors in behalf of any office or area for which the Western Regional Office serves as the field finance office.

SEC. 5. *Regional Chief, Division of Property Management and General Services.* The Regional Chief, Division of Property Management and General Services may execute, administer and approve contracts not in excess of $100,000 for construction, supplies, equipment and/or services. This authority may be exercised by the Regional Chief, Division of Property Management and General Services in behalf of any area under the Western Regional Office.

SEC. 6. *Procurement Agent (Western Regional Office).* The Procurement Agent (Western Regional Office) may execute and approve contracts not in excess of $5,000 for construction, supplies, equipment and/or services. This authority may be exercised by the Procurement Agent (Western Regional Office) in behalf of any office or area for which the Western Regional Office serves as the field finance office.

(National Park Service Order No. 14; 39 Stat. 535; 16 U.S.C., sec. 2)

Dated: September 27, 1962.

LAWRENCE C. MERRIMAN,
Regional Director, Western Regional Office, San Francisco, California.

[F.R. Doc. 62-10625; Filed, Oct. 23, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14748, 14749; FCC 62R-81]

CHARLES COUNTY BROADCASTING CO., INC., AND DORLEN BROADCASTERS, INC.

Memorandum Opinion and Order Amending Issues

In re applications of Charles County Broadcasting Co., Inc., La Plata, Maryland, Docket No. 14748, File No. BP-14748; Dorlen Broadcasters, Inc., Waldorf, Maryland, Docket No. 14749, File No. BP-15287; for construction permits.

1. Charles County Broadcasting, Co., Inc., seeks modification and clarification of hearing issues in the above-entitled proceeding.[1] The hearing issues pertinent to the pleadings filed herein are:

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of Charles County Broadcasting Co., Inc. would cause objectionable interference to Station WQXR, New York, New York, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

The petitioner requests that the issues be modified as follows:

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference, if any, that each of the instant proposals would receive from existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

[1] The Review Board has before it for consideration (1) a petition to modify issues filed August 24, 1962, by Charles County Broadcasting Co., Inc., and (2) a reply of Commission's Broadcast Bureau filed September 6, 1962.

NOTE: Subsequent to the filing of these pleadings, the application of Radio Vienna, Docket No. 14750, was dismissed by order of the Chief Hearing Examiner.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to existing standard broadcast stations, including Station WPGC, Morningside, Maryland, and Station WQXR, New York, New York, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

2. Charles County contends that the last words in Issue 2 relate to interference to existing stations "from any of the instant proposals", and Issue 3 is intended to elicit evidence concerning interference which will be caused to existing standard broadcast stations, and that "modification and clarification of Issue 2 is desirable to prevent possible difficulty in the future." As to Issue 3, Charles County contends that the issue refers only to interference Charles County's proposal may cause to Station WQXR, New York, New York; but that, although the designation Order states that each of the proposals would cause interference to Station WPGC, Morningside, Maryland, making the licensee of that station a party to the proceeding, there is no issue as to the interference to Station WPGC.

3. The Broadcast Bureau does not object to the modification of Issue 3. As to the proposed modification of Issue 2, the Bureau states: "This issue as presently stated is of long existence. Evidence which might be submitted under the requested modification would have no decisional significance and no bearing on the final outcome of this case. It is well settled that there is no necessity for showing service to populations and areas lost by interference from existing stations."

4. We are of the opinion that Issue 2 requires some clarification as requested by the petitioner. This issue is of long standing as indicated by the Broadcast Bureau and is designed to develop evidence to resolve three interrelated questions. The first part, i.e., "to determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other," is for the purpose of determining the degree of mutual interference between the proposals, so that, together with other evidence a finding can be made as to the feasibility of simultaneous operation of the proposals. The second part, i.e., "the interference that each of the instant proposals would receive from all other existing standard broadcast stations," would elicit evidence as to whether the interference from existing stations to each of the proposals would result in a violation of § 3.28(d) of the Commission's rules, and whether this interference when combined with the interference determination made under the first part would involve, additionally, a question of compliance with § 3.28(d).

5. Lastly, the final part of the issue, i.e., "the availability of other primary service to the areas and population affected by interference from any of the instant proposals," is designed to adduce evidence in a proceeding involving a section 307(b) conflict where it may be possible to assign stations to two or more communities. In making this determination, it is necessary to know the areas and populations which would receive the proposed service if there were no competing proposals, the areas and populations which would not receive the proposed service if any, or all, of the competing proposals were granted simultaneously, and the availability of other services. The general purpose of this part is to answer the question as to whether underserved areas would not gain service if simultaneous operation of any of the proposals were permitted, a factor to be considered under the 307(b) issue. The request to modify Issue 2 will therefore be denied.

6. As to Issue 3, the issue as to interference affecting the service of Station WPGC, Morningside, Maryland, should be included. Thus, Issue 3 would be modified as indicated below.

Accordingly, it is ordered, This 17th day of October, 1962, That the petition to modify filed August 24, 1962, by Charles County Broadcasting Co., Inc., is granted to the extent indicated below and is denied in all other respects; and

It is further ordered, That Issue 3 in the designation Order, released August 6, 1962 (FCC 62-890) is modified to read as follows:

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to existing standard broadcast stations, including Station WPGC, Morningside, Maryland, and Station WQXR, New York, New York, the areas and populations which would receive the proposed service if there were no competing proposals, the areas and populations which would not receive the proposed service if any, or all, of the competing proposals were granted simultaneously, and the availability of other primary service to such areas and populations.

Released: October 19, 1962

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10630; Filed, Oct. 23, 1962; 8:49 a.m.]

[Docket Nos. 14341-14344; FCC 62M-1390]

COLLIER ELECTRIC CO.

Order Scheduling Prehearing Conference

In re applications of Collier Electric Company, Docket No. 14341, File No. 848-C1-R-61; for renewal of the license for Station KAQ79, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fort Morgan, Colorado; Docket No. 14342, File No. 849-C1-R-61; for renewal of the license for Station KAQ80, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sterling, Colorado; Docket No. 14343, File No. 2670-C1-R-61; for renewal of the license for Station KAQ81, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sidney, Nebraska; Docket No. 14344, File No. 2710-C1-R-61; for renewal of the license for Station KAS41, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Bridgeport, Nebraska.

The Hearing Examiner having under consideration:

(a) His order herein, released July 3, 1962 (FCC 62M-934), wherein on his own motion the hearing was postponed until further order of the Examiner;

(b) His Memorandum Opinion and Order, released July 11, 1962 (FCC 62M-980), wherein he granted the petition of the applicant for leave to amend and denied the request of the Commission's Common Carrier Bureau that the Examiner immediately reschedule the hearing for a date certain without prejudice to renewal after the Commission had acted on the motion or petition which the applicant indicated it intended to file with respect to the economic impact issue; and

(c) Memorandum Opinion and Order, released by the Review Board on September 17, 1962 (FCC 62R-38), wherein the petition by the applicant for deletion of the economic impact issue was denied.

It appearing that the Examiner has been advised informally on behalf of all of the parties that it would be useful to have a further prehearing conference wherein further procedures in this matter might be discussed and firm dates might be fixed:

It is ordered, This 18th day of October 1962, that a further prehearing conference herein shall be held at the offices of the Commission in Washington, D.C., beginning at 9:00 a.m., on October 26, 1962:

It is further ordered, That at such prehearing conference each of the parties shall make specific suggestions regarding the dates to be fixed for the exchange of exhibits, notification of witnesses and commencement of the hearing; and

It is further ordered, That, if there is any disagreement between the parties regarding the requests made of each other with respect to the furnishing of information, the parties shall be prepared to make appropriate motions before the Examiner or submit other formal requests for the action that they deem necessary to protect the interests of their respective clients so that such disagreements may not be the cause for further delay in the commencement of the hearing.

Released: October 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10631; Filed, Oct. 23, 1962; 8:49 a.m.]

[Docket Nos. 14714, 14715; FCC 62M-1386]

DESERT BROADCASTING CO., INC., AND MANUEL MARTINEZ

Order Scheduling Hearing

In re applications of Desert Broadcasting Company, Inc., Docket No. 14714, File No. BMPH-6746; for additional time to construct radio station KANT-FM, Lancaster, California; Desert Broadcasting Company, Inc. (assignor) and Manuel Martinez (assignee), Docket No. 14715, File No. BAPH-271; for assignment of construction permit for radio station KANT-FM, Lancaster, California.

Pursuant to ruling made by the Hearing Examiner on the record at the October 18, 1962, further prehearing conference: *It is ordered*, This 18th day of October 1962, that the hearing in this proceeding shall commence at 10:00 a.m. on October 31, 1962.

Released: October 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10632; Filed, Oct. 23, 1962; 8:49 a.m.]

[Docket Nos. 14739, 14740; FCC 62M-1391]

EDINA CORP. AND TEDESCO, INC.

Order Scheduling Prehearing Conference

In re applications of Edina Corp., Edina, Minnesota, Docket No. 14739, File No. BP-14018; Tedesco, Inc., Bloomington, Minnesota, Docket No. 14740, File No. BP-15272; for construction permits.

The Hearing Examiner having under consideration a Memorandum Opinion and Order of the Review Board (FCC 62R-77, Mimeo. No. 26437), released herein on October 16, 1962:

It is ordered, This 18th day of October 1962, that a further prehearing conference for the purpose of discussing the nature and timing of the evidence to be offered under the issue added by the said Memorandum Opinion and Order of the Review Board will be held on October 23, 1962, commencing at 9:00 a.m. in the offices of the Commission in Washington, D.C.

Released: October 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10633; Filed, Oct. 23, 1962; 8:49 a.m.]

[Docket No. 14810]

ESSLINGER FLYING SERVICE, INC.

Order To Show Cause

In the matter of Esslinger Flying Service, Inc., P.O. Box 110, Eureka, Kansas, Docket No. 14810; order to show cause why there should not be revoked the license for special industrial radio station KAM-853.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of alleged violation of § 11.158 of the Commission's rules and the terms of the station license by the above-named licensee;

It appearing, that, pursuant to § 1.76 of the Commission's rules, licensee was advised by letter from the Commission dated April 20, 1962, that lighting of the antenna towers of the subject radio station apparently was not being maintained in accordance with the requirements of § 11.158 of the Commission's rules and the station license; and

It further appearing that follow-up letters were sent to the licensee concerning this matter on May 9 and 23, and August 10, 1962; and

It further appearing that no reply has been received to any of the foregoing letters; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 19th day of October 1962, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return receipt requested—to the said licensee.

Released: October 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10634; Filed, Oct. 23, 1962; 8:49 a.m.]

[Docket Nos. 14736, 14737; FCC 62M-1389]

FIVE CITIES BROADCASTING CO., INC., AND DOUGLAS COUNTY BROADCASTING CO.

Order Scheduling Prehearing Conference

In re applications of Five Cities Broadcasting Co., Inc., Austell, Georgia, Docket No. 14736, File No. BP-14410; Bolling Branham tr/as Douglas County Broadcasting Company, Douglasville, Georgia, Docket No. 14737, File No. BP-14731; for construction permits.

The Hearing Examiner has under consideration (1) a petition filed October 11, 1962, by Five Cities Broadcasting Co., Inc., requesting that the Hearing Examiner enlarge the issues in the above-entitled proceeding; and (2) a motion filed October 16, 1962, by Douglas County Broadcasting Company requesting that the time to file a pleading in opposition thereto be extended from October 17, 1962, to October 22, 1962.

The Hearing Examiner, on his own motion, is calling a further prehearing conference for the purpose of discussing the merits of the presently pending petition to enlarge issues as well as the necessity of establishing a new or revised hearing schedule. It appears that the date of Tuesday, October 23, 1962, will be satisfactory to all parties for such hearing conference.

It is ordered, This the 17th day of October 1962, that the motion for extension of time is granted and the time for filing an opposition to the petition to enlarge issues is extended from October 17, 1962, to October 22, 1962:

It is further ordered, That a further prehearing conference will be held on Tuesday, October 23, 1962, beginning at 2:00 p.m. in the offices of the Commission, Washington, D.C.

Released: October 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10635; Filed, Oct. 23, 1962; 8:49 a.m.]

[Docket No. 14824]

LLOYD D. PHILLIPS, JR.

Order To Show Cause

In the matter of Lloyd D. Phillips, Jr., Houston, Texas, Docket No. 14824; order to show cause why there should not be revoked the license for radio station KED-0622 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules by the subject licensee;

It appearing that, on August 14, 1962, and August 17, 1962, the subject Citizens radio station was used for the exchange of communications between two or more such stations in excess of five consecutive minutes and without being followed by a silent period of at least two minutes, in violation of § 19.61(f) of the Commission's rules; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 19.61(f) of the Commission's rules:

It is ordered, This 18th day of October 1962, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for Citizens Radio Station KED-0622 should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order to the licensee, Lloyd D. Phillips, Jr., 1447 Loper, Houston 17, Texas, by Certified Mail—Return Receipt Requested.

Released: October 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10636; Filed, Oct. 23, 1962; 8:49 a.m.]

[Docket Nos. 14773, 14774; FCC 62M-1392]

SEMO BROADCASTING CORP. AND BROWNSVILLE BROADCASTING CO.

Order Continuing Hearing

In re applications of SEMO Broadcasting Corporation, Sikeston, Missouri, Docket No. 14773, File No. BP-14129; Roy Davis tr/as Brownsville Broadcasting Co., Brownsville, Tennessee, Docket No. 14774, File No. BP-14145; for construction permits.

As a result of agreements reached upon the record of a prehearing conference held this date in the above-entitled matter: *It is ordered*, This 18th day of October 1962, that:

1. All informal engineering and final lay exhibits shall be exchanged on or before November 19, 1962,

2. All final engineering exhibits shall be exchanged on or before December 10, 1962,

3. Notification of witnesses shall be made on or before December 17, 1962, and

4. The hearing now scheduled for November 15, 1962 is rescheduled to commence at 10:00 a.m., January 7, 1963, in the Commission's offices in Washington, D.C.

Released: October 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10637; Filed, Oct. 23, 1962; 8:49 a.m.]

[Docket Nos. 14806-14808; FCC 62M-1380]

VALPARAISO BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of William H. Wardle, Robert A. Jones and F. Patrick Nugent d/b as Valparaiso Broadcasting Company, Valparaiso, Indiana, Docket No. 14806, File No. BP-14888; Leonard J. Ellis and Bernice A. Ellis d/b as Porter County Broadcasting Company, Valparaiso, Indiana, Docket No. 14807, File No. BP-14980; Porter County Broadcasting Corporation, Valparaiso, Indiana, Docket No. 14808, File No. BP-14982; for construction permits.

It is ordered, This 17th day of October 1962, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 19, 1962, in Washington, D.C.

It is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, November 16, 1962.

Released: October 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10638; Filed, Oct. 23, 1962; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 401]

CALIFORNIA, OREGON, WASHINGTON

Declaration of Disaster Area

Whereas, it has been reported that during the month of October 1962, because of the effects of certain disasters, damage resulted to residences and business property located in the States of California, Oregon, and Washington;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, Therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid States suffered damage or destruction resulting from high winds, gales, rain, flood, high tides and landslides and accompanying conditions occurring on or about October 11, 12, and 13, 1962.

OFFICES

Small Business Administration Regional Office,
525 Market Street,
San Francisco 5, Calif.

Small Business Administration Regional Office,
312 West 5th Street,
Los Angeles 13, Calif.

Small Business Administration Regional Office,
Smith Tower, Room 1206,
506 Second Avenue,
Seattle 4, Wash.

Small Business Administration Branch Office,
Room 309 Pittock Block,
921 Southwest Washington,
Portland, Oreg.

2. Temporary field offices will be established, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1963.

Dated: October 15, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-10609; Filed, Oct. 23, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-1267]

SOUTHWEST FACTORIES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 18, 1962.

I. Southwest Factories, Inc. (issuer), 1432 West Main St., Oklahoma City, Oklahoma, an Oklahoma corporation, filed with the Commission on October 10, 1961, a notification on Form 1-A and an offering circular relating to an offering of 100,000 shares of its $.40 par value

common stock at $3.00 per share for an aggregate offering of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. The offering was commenced and completed on December 27, 1961, with the sale of the entire 100,000 shares for $300,000.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that the report required by Rule 260 was not filed in proper form, as it was not signed by an authorized officer of the issuer and did not give the information called for by Item 7 pertaining to use of the net proceeds of the offering.

B. The offering circular contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, in that:

1. It stated that the net proceeds of the offering were to be applied for purposes other than those to which the proceeds were intended to be applied and were actually applied.

2. It failed to disclose the issuer's intent to invest the proceeds of the offering and the company's resources in the acquisition of another company or other companies.

C. The offering would operate as a fraud and deceit upon purchasers in violation of section 17(a) of the Securities Act of 1933.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-10608; Filed, Oct. 23, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order No. 60; Amdt. No. 8]

ALABAMA AND WEST VIRGINIA

Transportation of Livestock Feed and Hay at Reduced Rates

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing that due to the drouth conditions existing in the States of Pennsylvania, New Jersey, and New York, the Commission issued its Drouth Order No. 60 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the drouth area at reduced rates;

And it further appearing that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to five additional counties located in the States of Alabama and West Virginia:

It is ordered, That Drouth Order No. 60 as amended, be, and it is hereby further amended by adding thereto the following counties:

ALABAMA

1 county, viz.:

Tallapoosa

WEST VIRGINIA

4 counties, viz:

Doddridge.	Ritchie.
Harrison.	Tyler.

It is further ordered, That in all other respects Drouth Order No. 60, as amended, shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Ga., the Chairman of the Executive Committee, Western Traffic Association, Chicago, Ill., the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 19th day of October A.D. 1962.

By the Commission, Chairman Murphy.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-10624; Filed, Oct. 23, 1962; 8:48 a.m.]

[Notice 708]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 19, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65278. By order of October 16, 1962, the Transfer Board approved the transfer to Walter F. Kuhnen, doing business as Reliance Moving, Hackensack, N.J., of Certificate No. MC 74565, issued September 17, 1940, to John Smith, Hackensack, N.J., authorizing the transportation of: Household goods, between Hackensack, N.J., and points in New Jersey within 60 miles of Hackensack, on the one hand, and, on the other, points in Pennsylvania, Connecticut, New York, Maine, Massachusetts, and Rhode Island. James J. Farrell, 201 Montague Place, South Orange, N.J., representative for applicants.

No. MC-FC 65287. By order of October 16, 1962, the Transfer Board approved the transfer to Truck Transport, Inc., St. Louis, Mo., of Certificate No. MC 119775, issued September 29, 1961, to Bloomsdale Transport, Inc., Bloomsdale, Mo., authorizing the transportation of: Lime and lime products, in bulk, and in bags, from Mosher and St. Genevieve, Mo., to Chicago, Ill., and points in Arkansas, Indiana, Tennessee, Iowa, and Kentucky. La Tourette & Rebman, 314 North Broadway, St. Louis 2, Mo., attorneys at law.

No. MC-FC 65288. By order of October 16, 1962, the Transfer Board approved the transfer to Truck Transport, Inc., St. Louis, Mo., of Certificate No. MC 116639 and MC 116639 Sub-3, issued June 1, 1961, and September 29, 1961, respectively, to King Kong Truck Line, Inc., Benld, Ill., authorizing the transportation over irregular routes of: Malt beverages, from Milwaukee, Wis., to a specified portion of Illinois, and from Peoria Heights, Ill., to points in Missouri, except St. Louis and Kansas City, Mo., and empty malt-beverage containers on return and household goods, between St. Louis, Mo., and points in St. Louis County, Mo., on the one hand, and, on the other, points in St. Clair County, Ill., general commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between Scott Air Force Base, Ill., and St. Louis, Mo., serving all intermediate points; and off-route points in St. Louis County, Mo., within the St. Louis-Mo.,-East St. Louis, Ill., Commercial Zone, as defined by the Commission. La Tourette & Rebman, 314 North Broadway, St. Louis 2, Mo., attorneys at law.

No. MC-FC 65355. By order of October 16, 1962, the Transfer Board approved the transfer to 3-B Trucking Company, Inc., Paterson, N.J., of Permits Nos. MC 117183 Sub-1 and MC 117183 Sub-2, issued January 28, 1959 and January 27, 1960, respectively, to Westboro Forwarding Corp., a corporation, Lodi, N.J., authorizing the transportation of: (a) Syrups, in containers, from Lodi, N.J., to Yonkers and New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., and empty containers, and skids, on return; (b) Non-alcoholic beverages, in containers, from New York, N.Y., to Lodi, N.J., and from Lodi, N.J., to New York, and Yonkers, N.Y., and points in Nassau and Suffolk Counties, N.Y. The above-described operations are performed under continuing contracts with National Phoenix Industries, Inc., Lodi, N.J. A. David Millner, 1060 Broad Street, Newark 2, N.J., attorney at law.

No. MC-FC 65359. By order of October 16, 1962, the Transfer Board approved the transfer to J. F. Macri, Inc., Yonkers, N.Y., of Permit No. MC 59356, issued February 7, 1962, to James F. Macri, doing business as J. F. Macri Trucking, Yonkers, N.Y., authorizing the transportation of: Laundry and dry cleaning machinery and equipment, between New York, N.Y., on the one hand, and, on the other, Washington, D.C., and points in New York, New Jersey, Connecticut, Pennsylvania, Delaware, Maryland, and Rhode Island. Arthur J. Piken, 160 Jamaica Avenue, Jamaica 32, N.Y., attorney at law.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-10617; Filed, Oct. 23, 1962; 8:48 a.m.]

[Notice 231]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 19, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-26771 (Deviation No. 1) NESTOR BROS., INC., P.O. Box 539, Endicott, N.Y., filed August 13, 1962. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: From Weedsport, N.Y., over the New York Thruway, with designated access routes, to Syracuse, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent authorized service routes as follows: From Syracuse over U.S. Highway 11 to Cortland, N.Y., thence over New York Highway 13 to Elmira, N.Y.; and from Cayuta, N.Y., over New York Highway 224 to Montour Falls, N.Y., thence over New York Highway 14 to Watkins Glen, N.Y., thence over New York Highway 414 to junction New York Highway 96 (formerly a portion of New York Highway 414) and thence over New York Highway 96 to Romulus, N.Y., and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-10615; Filed, Oct. 23, 1962; 8:48 a.m.]

[Notice 488]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 19, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2309 (Sub-No. 49), filed October 11, 1962. Applicant: GILLETTE MOTOR TRANSPORT, INC., 2311 Butler Street, Dallas, Tex. Applicant's attorney: Hugh T. Matthews, 2130 Fidelity Union Tower, Dallas 1, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, articles of unusual value, household goods as defined by the Commission, bulk commodities, commodities requiring special equipment and dangerous explosives (other than explosive, incendiary, gas, smoke, or tear producing ammunition), serving the National Aeronautics and Space Administration Manned Spacecraft Center located near Clear Lake, Tex., as an off-route point in connection with applicant's authorized regular route operations to and from Houston, Tex.

NOTE: Common control may be involved.

HEARING: November 15, 1962, at the Federal Office Building, Franklin and Fannin Streets., Houston, Tex., before Joint Board No. 77, or if the Joint Board waives its right to participate before Examiner Henry A. Cockrum.

No. MC 18808 (Sub-No. 1), filed August 27, 1962. Applicant: JOSEPH M. TRINGALI, doing business as RETAILERS DELIVERY SERVICE, 138-23 249th Street, Rosedale, N.Y. Applicant's attorney: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses,* and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between points in Hudson, Bergen, Essex, and Passaic Counties, N.J., and New York, N.Y., on the one hand, and, on the other, New York City and points in Nassau and Suffolk Counties, N.Y.

NOTE: Applicant states that the proposed operations are for the account of S & S Wholesale Grocery Co., Inc.

HEARING: December 4, 1962, at 346 Broadway, New York, N.Y., before Examiner C. Evans Brooks.

No. MC 21242 (Sub-No. 1), filed September 20, 1962. Applicant: GENSER TRUCKING CO., INC., 1150 Longwood Avenue, Bronx 59, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Merchandise, such as is dealt in by wholesale, retail and chain grocery and food business houses,* between Carlstadt, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.

HEARING: December 6, 1962, at 346 Broadway, New York, N.Y., before Examiner C. Evans Brooks.

No. MC 25798 (Sub-No. 73), filed June 11, 1962. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1075, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, 912 Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from points in Minnesota, Wisconsin, Illinois, and Indiana to points in West Virginia, Virginia, Tennessee, and Georgia.

HEARING: November 29, 1962, at the Conrad Hilton, Chicago, Ill., before Examiner W. Elliott Nefflen.

No. MC 30209 (Sub-No. 9), filed September 11, 1962. Applicant: JOHN O'SHEA, INC., Foot Birch Street, Ridgefield Park, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses,* between the warehouse of Seeman Bros., Inc., Carlstadt, N.J., on the one hand, and, on the other, points in Sullivan, Ulster, Dutchess, and Putnam Counties, N.Y.

NOTE: Applicant states the proposed operation will be under contract with Seeman Bros., Inc., and its subsidiaries and affiliates.

HEARING: December 5, 1962, at 346 Broadway, New York, N.Y., before Examiner C. Evans Brooks.

No. MC 30605 (Sub-No. 130), filed August 27, 1962. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman, Wichita, Kans. Applicant's attorney: F. J. Steinbrecher, 1211 Railway Exchange, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) serving the Cheney Reservoir Dam Site, located approximately twenty-one (21) miles west of Wichita, Kans., as an off-route point in connection with presently authorized regular route operations, (2) serving Elk City Reservoir Dam Site, located approximately five (5) miles northwest of Independence, Kans., as an off-route point in connection with presently authorized regular route operations, and (3) between Salina, Kans., and Great Bend, Kans.; from Salina, Kans., over U.S. Highway 40 to the junction of U.S. Highway 40 and Kansas Highway 45, thence over Kansas Highway 45 to Great Bend, Kans., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

HEARING: December 7, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52.

No. MC 30844 (Sub-No. 82), filed September 17, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen manufactured and prepared foods*, from Webster City, Iowa, to points in Louisiana and Mississippi and Memphis, Tenn.

HEARING: November 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 42329 (Sub-No. 157), filed August 27, 1962. Applicant: HAYES FREIGHT LINES, INC., P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, between the site of the Iowa Ordnance Plant, Burlington, Iowa, on the one hand, and, on the other, Peoria, Ill.

NOTE: Common control may be involved.

HEARING: November 28, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 54.

No. MC 43654 (Sub-No. 54) (CORRECTION), filed July 5, 1962, published in FEDERAL REGISTER issue of October 10, 1962, republished as corrected this issue. Applicant: DIXIE OHIO EXPRESS, INC., P.O. Box 750, 237 Fountain Street, Akron 9, Ohio. Applicant's attorney: Harry McChesney, Jr., 711 McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes, rubber articles, and textile factory products.*

NOTE: This republication is to correctly state the commodity "textile *factory* products" and the destination point of *Wildwood*, Ga., both of which were incorrectly shown in original publication.

HEARING: Remains as assigned December 10, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 157, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 52574 (Sub-No. 5), filed August 22, 1962. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City 6, N.J. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Bakery products and containers therefor*, from Baltimore, Md., to Philadelphia, Pa., and Atlantic City, N.J., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

NOTE: Applicant states the proposed service will be under contract with Ward Baking Company.

HEARING: November 28, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner C. Evans Brooks.

No. MC–52574 (Sub-No. 6), filed August 28, 1962. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and containers*, from Newark, N.J., to Albany and Garden City, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states that the proposed operation will be under contract with Ward Baking Company.

HEARING: November 28, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner C. Evans Brooks.

No. MC 59531 (Sub-No. 87), filed September 17, 1962. Applicant: AUTO CONVOY CO., a corporation, 3020 Haskell Avenue, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors*, restricted to secondary movements, in truckaway service, ex-rail, (1) from Houston, San Antonio, and Dallas, Tex., and Tulsa, Okla., to points in Texas, Oklahoma, Louisiana, New Mexico, Mississippi, Alabama, Kentucky, Tennessee, Arkansas, and points in Dunklin and Pemiscot Counties, Mo., (2) from El Paso, Tex., to points in Cochise, Graham, Greenlee, Pima, and Santa Cruz Counties, Ariz., and Catron, Chaves, De Baca, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero, Roosevelt, Sierra, and Socorro Counties, N. Mex., (3) from Shreveport, La., to points in Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Delta, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Jasper, Lamar, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, and Wood Counties, Tex.

HEARING: November 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 60014 (Sub-No. 9), filed July 18, 1962. Applicant: AERO TRUCKING, INC., Box 278, R.D. 1, Oakdale, Pa. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between Lorain, Cleveland, and Youngstown, Ohio, and points within ten (10) miles of each, Pittsburgh, Pa., and points within 20 miles thereof, Allenport, Pa., and points within ten (10) miles thereof, Wheeling, W. Va., and points within 25 miles thereof, in the States of Ohio and West Virginia and Weirton, W. Va., on the one hand, and, on the other, points in Virginia, Kentucky, North Carolina, South Carolina, Tennessee, Alabama, Georgia, Florida, and Mississippi.

HEARING: November 29, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Frank R. Saltzman.

No. MC 61403 (Sub-No. 83), filed August 9, 1962. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Jeffersonville, Ind., to points in Florida, Georgia, Mississippi, North Carolina, and South Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: November 27, 1962, at the Dinker-Andrew Jackson Hotel, Nashville, Tenn., before Examiner William R. Tyers.

No. MC 71516 (Sub-No. 66), filed October 10, 1962. Applicant: ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Sharon, Pa., and points in the Sharon, Pa. Commercial Zone, to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Virginia, West Virginia, and Tennessee,

and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Common control may be involved.

HEARING: October 29, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner James A. McKiel.

No. MC 76177 (Sub-No. 289), filed September 13, 1962. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yarn, staple fiber, thread, tire cord yarn, synthetic plastic, nylon flake and synthetic fiber yarns*, on beams, bobbins, cones, cores, tubes, in hank and tow, in bales, bags, boxes, cases, crates, cradles and on wrapped beams loose, and (2) *empty warp beams, empty bobbins and empty containers therefor*, between Pensacola and Gonzales, Fla., on the one hand, and, on the other, points in Georgia, Tennessee, and Alabama.

NOTE: Common control may be involved.

HEARING: November 30, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Allen W. Hagerty.

No. MC 88905 (Sub-No. 17), filed September 18, 1962. Applicant: CARL R. VAN DYKE, doing business as C. R. VAN DYKE, 87 Clinton Street, Montgomery, N.Y. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anthracite coal*, (1) from Greenwood Breaker and Colliery at Tamaqua, Pa., to Lakeland, Conn., and (2) from Scranton and Hazelton, Pa., and points within 25 miles of each, to Lakeland, Conn.

NOTE: Applicant is also authorized to conduct operations in Permit No. MC 109864, so therefore dual operations may be involved.

HEARING: December 5, 1962, at 346 Broadway, New York, N.Y., before Examiner C. Evans Brooks.

No. MC 89723 (Sub-No. 27), filed July 2, 1962. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis 3, Mo. Applicant's attorney: Robert S. Davis, 1218 Olive Street, St. Louis 3, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including express, baggage, newspapers and mail*, (1) between Hoisington and Great Bend, Kans., from Hoisington over U.S. Highway 281 to Great Bend, a distance of approximately 10 miles; (2) between Lomax and Topeka, Kans., from Lomax approximately six (6) miles east of Pomona, over unnumbered county road via Michigan Valley, Overbrook, Richland, and Berryton, Kans. to junction approximately two (2) miles west of Berryton, over unnumbered county road and U.S. Highway 75, thence over U.S. Highway 75 to Topeka (also from Berryton over unnumbered county road to Topeka); (3) between Wichita and Lindsborg, Kans., serving the points of Newton, Zimmerdale, Hesston, Moundridge, Elyria, and McPherson, Kans., from Wichita over U.S. Highway 81 to Newton, Kans., thence continuing over U.S. Highway 81 to Lindsborg; (4) between Wichita and Arkansas City, Kans., serving Winfield, Kans., from Wichita over Kansas Highway 15 to junction with U.S. Highway 77, thence over U.S. Highway 77 to Arkansas City; and (5) as an alternate route only, between Kansas City, Mo.-Kans. and Wichita, Kans., over Kansas Turnpike and U.S. Highway 35.

NOTE: Applicant states that the operations will be in auxiliary or supplemental service of the Missouri Pacific Railroad, and restricted in accordance with key-point conditions in MC–89723 Subs. 15, 16, and 17, to the extent that no shipments are to be transported over the highway from Kansas City, Mo.-Kansas City, Kans. to Wichita, Kans., vice versa, but serving the intermediate points of Admire and Eldorado, which points are presently served and are stations on the Missouri Pacific Railroad. Applicant further states that it is wholly owned by the Missouri Pacific Railroad.

HEARING: December 3, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 36.

No. MC 89723 (Sub-No. 28), filed July 11, 1962. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis 3, Mo. Applicant's attorney: Robert S. Davis, 1218 Olive Street, St. Louis 3, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including express, baggage, newspapers and mail*, between Union and Lincoln, Nebr.; from Union over U.S. Highway 34 to Lincoln, and return over the same route, serving the offroute points of Nehawka, Eagle, and Walton over unnumbered county road, and the offroute points of Weeping Water, Wabash, and Elmwood over Nebraska Highways 50 and 1.

NOTE: Applicant states the proposed service will be limited to service which is auxiliary to, or supplemental of, the rail service of the Missouri Pacific Railroad. Applicant further states it is a wholly owned subsidiary of the Missouri Pacific Railroad, St. Louis, Mo.

HEARING: November 29, 1962, at Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93.

No. MC 93235 (Sub-No. 4), filed June 20, 1962. Applicant: INDIANA TRUCKING, INC., 425 West Chicago Avenue, East Chicago, Ind. Applicant's attorney: Eugene L. Cohn, 1 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, and gypsum and gypsum products*, from the plant site of United States Gypsum Company located at East Chicago, Ind., to points in Allegan, Barry, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Hillsdale, Ingham, Ionia, Jackson, Kalamazoo, Kent, Lake, Mason, Mecosta, Montcalm, Muskegon, Newaygo, Oceana, Ottawa, St. Joseph, and Van Buren Counties, Mich., and points in Adams, Brown, Columbia, Calumet, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Green Lake, Iowa, Juneau, Jefferson, Kenosha, Kewaunee, La Crosse, Lafayette, Manitowac, Marquette, Milwaukee, Monroe, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Sheboygan, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood Counties, Wis., and points in Illinois.

NOTE: Applicant states the proposed operations will be limited to a transportation service to be performed under a continuing contract or contracts with the United States Gypsum Company.

HEARING: November 28, 1962, at the Conrad Hilton, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 94201 (Sub-No. 51) (AMENDMENT), filed August 8, 1962, published FEDERAL REGISTER issue September 6, 1962, amended September 21, 1962, and republished as amended this issue. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. Applicant's attorney: Donald L. Morris, 325–29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yarn, staple fiber, thread, tire cord yarn, synthetic plastic, nylon flake, and synthetic fiber yarns*, on beams, bobbins, cones, cores, tubes, in hank and tow, in bales, bags, boxes, cases, crates, cradles, or on wrapped beams loose, and (2) *empty warp beams, empty bobbins, and empty containers therefor*, between Pensacola and Gonzales, Fla., on the one hand, and, on the other, points in Georgia, and Chattanooga, Tenn., and Scottsville, Va.

NOTE: The purpose of this republication is to add Chattanooga, Tenn., and Scottsville, Va., to the destination territory.

HEARING: November 29, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Allen W. Hagerty.

No. MC 98749 (Sub-No. 16) (CORRECTION), filed September 10, 1962, published FEDERAL REGISTER issue of October 10, 1962, and republished as corrected this issue. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, Ryder at Eastman Road, Longview, Tex. Applicant's attorney: Austin L. Hatchell, Suite 1009, Perry Brooks Building, Austin 1, Tex. The purpose of this republication is to correctly state the hearing date as shown below in lieu of November 20, 1962, as previously published in error.

HEARING: November 29, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Alton R. Smith.

No. MC 103051 (Sub-No. 136), filed September 5, 1962. Applicant: WALKER HAULING CO., INC., 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from points in Jefferson County, Ala., Dade and Polk Counties, Fla., and Mecklen-

berg County, N.C., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Common control may be involved.

HEARING: November 27, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Allen W. Hagerty.

No. MC 103494 (Sub-No. 9), filed September 10, 1962. Applicant: EASLEY HAULING SERVICE, INC., North First Avenue and Quince, Yakima, Wash. Applicant's attorney: Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Freezing and cannery equipment and supplies*, between points in Multnomah County, Oreg., on the one hand, and, on the other, points in Yakima, Walla Walla, and King Counties, Wash.

NOTE: Applicant states the proposed will be confined to service under a contract or contracts with Libby, McNeill & Libby.

HEARING: December 12, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Joseph A. Reilly.

No. MC 105813 (Sub-No. 75) (AMENDMENT), filed August 13, 1962, published in FEDERAL REGISTER issue of September 19, 1962, amended October 9, 1962, and republished as amended this issue. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Council Bluffs, Iowa, to points in Florida, Alabama, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis).

NOTE: Common control may be involved. The purpose of this republication is to include the additional states of Alabama, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis) as destination points.

HEARING: Reassigned November 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 106233 (Sub-No. 10), filed September 28, 1962. Applicant: GORDON HART, doing business as GORDON HART TRUCK LINE, Dexter, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment and commodities which are injurious or contaminating to other lading), between Junction U.S. Highways 61 and 67 near Crystal City, Mo., and Poplar Bluff, Mo.; from the junction of U.S. Highways 61 and 67 near Crystal City, over U.S. Highway 67 to Poplar Bluff, and return over the same routes, serving the junction of U.S. Highways 61 and 67 for joinder purposes only, as an alternate route for operating convenience only.

HEARING: December 11, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 107107 (Sub-No. 239), filed October 4, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts and pineapples*, from points in Louisiana, and Mobile, Ala., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Wyoming, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia, and Colorado.

HEARING: October 31, 1962, in Room 503–E–F–G, Federal Office Building, 600 South Street, New Orleans, La., before Examiner Garland E. Taylor.

No. MC 107403 (Sub-No. 431), filed September 19, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plant site of Dragon Cement Company Division of Martin Marietta Corporation located at Elizabeth, N.J., to points in Connecticut, New Jersey, and points in New York on and south of New York Highways 23 and 10, including those points on Long Island, N.Y.

NOTE: Common control may be involved.

HEARING: November 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 107403 (Sub-No. 434), filed October 11, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in tank vehicles, from Garrettsville and Geauga Lake, Ohio, to points in Pennsylvania and New York.

HEARING: October 31, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner James A. McKiel.

No. MC 107496 (Sub-No 252), filed June 6, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, P.O. Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from the site of the Meramec Power Plant located at or near Arnold, Mo., to points in Illinois and Kentucky.

NOTE: Applicant states it is wholly owned by John Ruan. Applicant controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation. Applicant holds contract authority in MC 119136 and Subs thereunder; therefore, dual operations may be involved.

HEARING: December 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 298.

No. MC 107500 (Sub-No. 65), filed July 30, 1962. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: Thomas J Houser, 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Newspapers, cream, milk, express and mail* and *empty cans and containers*, between St. Louis, Mo., and West Quincy, Mo.; from St. Louis over Interstate Highway 70 to its junction with Missouri Highway 79; thence over Missouri Highway 79 to Louisiana, Mo.; thence over U.S. Highway 54 to its junction with U.S. Highway 61 at Bowling Green; thence over U.S. Highway 61 to Hannibal; thence over U.S. Highway 61 to its junction with U.S. Highway 24; thence over U.S. Highway 24 to West Quincy, Mo., and return over the same routes, serving the intermediate points of Old Monroe, Winfield, Foley, Elsberry, Clarksville, Louisiana, and Hannibal, Mo

NOTE: Applicant states service to be performed under the authority sought herein shall be limited to that which is supplemental and auxiliary to Chicago, Burlington & Quincy Railroad Company train service and the Railway Express Agency. Applicant is a wholly owned subsidiary of the Chicago, Burlington and Quincy Railroad Company.

HEARING: December 12, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 107500 (Sub-No. 66), filed August 27, 1962. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: Thomas J. Houser, 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between St. Joseph, Mo., and Bedford, Iowa; from St. Joseph over U.S. Highway 71 to Maryville, Mo., thence over U.S. Highway 71 to its junction with Missouri Highway 27, thence over Missouri Highway 27 to the Missouri-Iowa State Line, thence over Iowa Highway 148 to Bedford, serving Maryville, Mo., as a point of interchange only, and return over the same route, serving the intermediate and off-route points of Hopkins, Pickering, Rosendale, Bolckow, and Bernard, Mo.

NOTE: Applicant states that it is a wholly owned subsidiary of the Chicago, Burlington and Quincy Railroad Company.

HEARING: November 27, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenue, Des Moines, Iowa, before Joint Board No. 55.

No. MC 107500 (Sub-No. 67), filed September 24, 1962. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: Thomas J. Houser, 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Newspapers, magazines, and periodicals; cream, milk and empty containers; express and United States mail;* between Sterling, Colo., and junction of Nebraska Highways 19 and 26N near Angora, Nebr.; from Sterling over U.S. Highway 138 to its junction with Colorado Highway 113; thence over Colorado Highway 113 to the Colorado-Nebraska state line; thence over Nebraska Highway 19 to its junction with U.S. Highway 385; thence over U.S. Highway 385 to its junction with Nebraska Highway 26N, about three (3) miles south of Angora, Nebr., and return over the same route serving the intermediate and off-route points of Peetz and Padroni, Colo., and Sidney, Gurley, Dalton, and Bridgeport, Nebr.

NOTE: The service to be provided under authority sought herein shall be limited to that which is supplemental and auxiliary to the service of the Chicago, Burlington and Quincy Railroad Co., and the Railway Express Agency. Applicant states it is a wholly owned subsidiary of the Chicago, Burlington and Quincy Railroad Company.

HEARING: November 30, 1962, at Nebraska State Railroad Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 31.

No. MC 107913 (Sub-No. 7) (CLARIFYING AMENDMENT), filed April 13, 1962, published FEDERAL REGISTER issue September 26, 1962, amended October 9, 1962, republished as amended this issue. Applicant: F & W EXPRESS, INC., 575 South Front Street, Memphis, Tenn. Applicant's attorney: Edward G. Grogan, Commerce Title Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods* 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between junction U.S. Highway 61 and Mississippi Highway 6, and West Helena, Ark., from junction of U.S. Highway 61 and Mississippi Highway 6 over Mississippi Highway 6, to Mississippi-Arkansas state line, thence over Arkansas Highway 6, to West Helena, Ark., and return over the same route, serving all the intermediate points.

NOTE: The purpose of this republication is for the sole purpose of clarifying the route involved and designating the proper highway number as designated by the State of Arkansas, and does not broaden the scope of the application.

HEARING: Remains as assigned October 29, 1962, at the Arkansas Commerce Commission Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 109, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 108053 (Sub-No. 44), filed October 12, 1962. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 709, Fremont, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Ohio, to points in Washington, Oregon, California, Wyoming, Nebraska, Montana, Idaho, Nevada, North Dakota, Kansas, Utah, Arizona, Colorado, and South Dakota.

HEARING: November 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 108248 (Sub-No. 8), filed August 8, 1962. Applicant: SHAW TRUCKING, INC., P.O. Box 84, Brockway, Pa. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, between Du Boise, Pa., on the one hand, and, on the other, Hagerstown, Md., Camden and Jersey City, N.J., Buffalo, N.Y., and Charleston and Clarksburg, W. Va.

HEARING: November 27, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Edith H. Cockrill.

No. MC 109397 (Sub-No. 63), filed October 8, 1962. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B and C explosives*, as defined by the Commission, between Iowa Ordnance Plant, Burlington, Iowa, and Seneca, Ill.

HEARING: November 8, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 54.

No. MC 109637 (Sub-No. 213), filed September 19, 1962. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Applicant's representative: H. N. Nunnally (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Daviess County, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: November 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 109637 (Sub-No. 216), filed October 1, 1962. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and mortar*, in bulk, and in packages, from Paducah, Ky., and points within fifteen (15) miles thereof, to points in Indiana, Illinois, Kentucky, Missouri, and Tennessee.

HEARING: October 29, 1962, in Hearing Room No. 255, U.S. Court House, Louisville, Ky., before Examiner James I. Carr.

No. MC 109654 (Sub-No. 6), filed September 17, 1962. Applicant: GREEN MOTOR LINES, INCORPORATED, 1420 East Ninth Street Road, Richmond, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South Tenth Street, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Excelsior*, from points in Hanover and Caroline Counties, Va. to Baltimore, Md., Wilmington, Del., Philadelphia, Sellersville, Lancaster, Reading, and Boyertown, Pa., Rahway, Newark, Atlantic City, East Orange, Kearney, Trenton, New Brunswick, Perth Amboy, and Camden, N.J., Washington, D.C., Suffern and New York, N.Y., and points in the New York, N.Y., commercial zone as defined by the Commission, and *damaged, refused, rejected and unclaimed shipments*, on return.

NOTE: Applicant states duplicating authority is to be eliminated.

HEARING: November 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 110698 (Sub-No. 228), filed September 7, 1962. Applicant: RYDER TANK LINE, INC., Winston Salem Road, P.O. Box 457, Greensboro, N.C. Applicant's attorney: Dale Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and petroleum products*, in bulk, in tank vehicles, between Alvin, Tex., and points within 25 miles thereof, and all points in the continental United States.

HEARING: November 8, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Garland E. Taylor.

No. MC 110878 (Sub-No. 15), filed August 13, 1962. Applicant: ARGO TRUCKING COMPANY, INC., Lower Heard Street, Elberton, Ga. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Abrasives and iron castings*, when shipped in mixed loads with presently authorized shipments of granite or marble, from Elberton, Ga., to points in Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kansas, Oklahoma, Texas, New Mexico, Colorado, Utah, Arizona, Nevada, California, North Carolina, South Carolina, Florida, and Tennessee.

HEARING: November 27, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Allen W. Hagerty.

No. MC 111748 (Sub-No. 5) (AMENDMENT), filed August 1, 1962, published FEDERAL REGISTER issue of October 3, 1962, amended October 16, 1962, and republished, as amended, this issue. Applicant: HARVEY L. WILLIAMS, JR., doing business as WILLIAMS MOVING & STORAGE CO., Tarkio, Mo. Applicant's

attorney: Carll V. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed blender mills*, from points in Jasper County, Mo., to points in Iowa, and *damaged and rejected shipments*, on return.

NOTE: The purpose of this republication is to substitute "points in Jasper County, Mo." in lieu of "Joplin, Mo." as the point of origin.

HEARING: Remains as assigned November 9, 1962, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 137.

No. MC 111812 (Sub-No. 168), (CORRECTION), filed May 1, 1962, published in the FEDERAL REGISTER issue of October 10, 1962, republished as corrected this issue. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs, frozen, canned or packaged.*

NOTE: The purpose of this republication is to correct the spelling of destination point *Berkeley* Springs, W. Va., appearing in part (2) of the original publication.

HEARING: December 5, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White.

No. MC 112020 (Sub-No. 168) (AMENDMENT), filed July 23, 1962, published in FEDERAL REGISTER issue of October 3, 1962, amended October 3, 1962, amended October 9, 1962, and republished as amended this issue. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Fort Worth, Tex., to points in Arkansas, Louisiana, New Mexico, Oklahoma, Colorado, Kansas, and Texas.

NOTE: Common control may be involved. The purpose of this republication is to change the commodity description from perchlorethylene, in bulk, in tank vehicles, to chemicals, in bulk.

HEARING: Remains as assigned November 7, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Garland E. Taylor.

No. MC 112020 (Sub-No. 182), filed October 10, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, between points in Brazoria County, Tex., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii).

HEARING: November 8, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Garland E. Taylor.

No. MC 112188 (Sub-No. 4), filed August 22, 1962. Applicant: DORRIS M. HOPPER AND DOROTHY J. ADAMS, a partnership, doing business as GEORGE McBREEN COMPANY, 1841 Northwest 22d Avenue, Portland, Oreg. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bread, pies, and pastries*, from Portland, Oreg., to Walla Walla, Wash., and points within 10 miles thereof, and *rejected shipments*, on return.

HEARING: December 14, 1962, at the Interstate Commerce Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Joseph A. Reilly.

No. MC 112520 (Sub-No. 79), filed September 26, 1962. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry crude sulphate of soda (salt cake)*, in bulk, in hopper and tank vehicles, between points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Common control may be involved.

HEARING: November 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 112617 (Sub-No. 128), filed September 19, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Daviess County, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, Texas, West Virginia, and Wisconsin, and *rejected shipments* of the above-specified commodities, on return.

HEARING: November 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 114045 (Sub-No. 97), filed October 3, 1962. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packing houses*, from Arkansas City, Kans., to points in Louisiana, Alabama, Georgia, Florida, North Carolina, and South Carolina.

HEARING: November 1, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner John B. Mealy.

No. MC 114045 (Sub-No. 98), filed October 5, 1962. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts and pineapples*, from points in Louisiana and Mobile, Ala., to points in the United States (except Alaska and Hawaii).

HEARING: October 31, 1962, in Room 503–E–F–G, Federal Office Building, 600 South Street, New Orleans, La., before Examiner Garland E. Taylor.

No. MC 114194 (Sub-No. 41), filed July 16, 1962. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar and blends thereof and molasses and blends thereof*, in bulk, from the St. Louis, Mo.-East St. Louis, Ill., commercial zone to points in Illinois, Indiana, Kansas, and Missouri, and *rejected shipments*, on return.

HEARING: November 30, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner A. Lane Cricher.

No. MC 114290 (Sub-No. 8), filed August 20, 1962. Applicant: EXLEY EXPRESS, INC., 2204 Southeast Eighth Avenue, Portland 14, Oreg. Applicant's attorney: James T. Johnson, 609–11 Norton Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Ventura, Corona, Modesto, and Ontario, Calif., to Seattle, Wash., and Portland, Oreg., and *exempt commodities*, on return.

HEARING: December 13, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Joseph A. Reilly.

No. MC 114558 (Sub-No. 3), filed August 28, 1962. Applicant: W. A. CUMMINS, 512 Florida Avenue, Mt. Pleasant, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock wool insulation*, from Mt. Pleasant, Tenn., to points in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, and Jackson Counties, Fla.

HEARING: November 29, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner William R. Tyers.

No. MC 114848 (Sub-No. 9), filed September 4, 1962. Applicant: WHARTON TRANSPORT CORPORATION, P.O. Box 2591, DeSoto Station, Memphis, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, airfloated or otherwise, crude, dried, crushed or compacted, in tank or hopper type vehicles, in bulk, from points in Henry and Weakley Counties, Tenn., and points in Graves and Calloway Counties, Ky., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Indiana, Illinois, Texas, West Virginia, South Carolina, North Carolina, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: November 29, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner William R. Tyers.

No. MC 115931 (Sub-No. 3), filed September 17, 1962. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue North, Billings, Mont. Applicant's attorney: Clinton J. Hansen, 608–616 Hennessy Building, Butte, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and other timber products*, from points in Montana, to points in Iowa, Illinois, Minnesota, and South Dakota, and (2) *prefabricated steel buildings and components or parts for such buildings*, from Monticello, Iowa, and points within 10 miles thereof, and from Galesburg, Ill., and points within 10 miles thereof, to points in Montana and Wyoming.

NOTE: Common control may be involved.

HEARING: November 29, 1962, at the Yellowstone County Court House, Billings, Mont., before Examiner Joseph A. Reilly.

No. MC 116077 (Sub-No. 135) (AMENDMENT), filed July 24, 1962, published FEDERAL REGISTER issue October 10, 1962, amended October 15, 1962, and republished as amended this issue. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 401 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, between points in Lowndes and Monroe Counties, Miss., and points in Calcasieu Parish, La., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE: The purpose of this republication is to add the destination State of Missouri to the authority previously sought.

HEARING: Remains as assigned December 3, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James O'D. Moran.

No. MC 116204 (Sub-No. 7), filed October 1, 1962. Applicant: VAN E. HAMLETT, 3049 Dickerson Road, Nashville, Tenn. Applicant's attorney: A. O. Buck, Suite 434, Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from points in Davidson County, Tenn., to points in Estill, Lee, Rockcastle, Jackson, Owsley, Breathitt, Laurel, Knox, Clay, Bell, Leslie, Perry, Knott, Harlan, and Letcher Counties, Ky., and *returned and damaged shipments*, on return.

NOTE: Applicant states the proposed operation will be under a continuing contract with Armour Agricultural Chemical Company. Applicant is also authorized to conduct operations as a common carrier in Certificate MC 118883; therefore dual operations may be involved.

HEARING: November 30, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 116254 (Sub-No. 10), filed August 3, 1962. Applicant: CHEM-HAULERS, INC., P.O. Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, in bulk, from Tuscola, Ill., and points within 10 miles thereof, to points in Alabama, Florida, Kentucky, Louisiana, Mississippi, and Tennessee.

HEARING: November 27, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner William R. Tyers.

No. MC 116763 (Sub-No. 23) (CORRECTION), filed August 14, 1962, published FEDERAL REGISTER issue of September 12, 1962, and republished as corrected this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Applicant's attorneys: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio, and Benjamin J. Brooks, 4700 Connecticut Avenue, Washington 8, D.C. The purpose of this republication is to correct applicant's attorney's address to *Columbus*, Ohio, as shown above in lieu of *Cleveland*, Ohio, as previously published in error.

HEARING: Remains as assigned October 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 116763 (Sub-No. 25), filed October 5, 1962. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Applicant's attorneys: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio, and Benjamin J. Brooks, 4700 Connecticut Avenue, Washington 8, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquettes*, from Brookville, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 31, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 117757 (Sub-No. 7), filed September 25, 1962. Applicant: W. D. FRISBEE, doing business as FRISBEE MOTOR EXPRESS, Austell, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to Atlanta, Ga., and Central City, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: December 4, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Allen W. Hagerty.

No. MC 117836 (Sub-No. 4), filed October 16, 1962. Applicant: H. J. NOLL, 6706 Avenue E, Houston 11, Tex. Applicant's attorney: Joe G. Fender, 2033 Norfolk Street, Houston 6, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Mobile, Ala., to points in the United States, excluding Alaska and Hawaii.

HEARING: October 31, 1962, in Room 503, E–F–G, Federal Office Building, 600 South Street, New Orleans, La., before Examiner Garland E. Taylor.

No. MC 117998 (Sub-No. 7), filed July 2, 1962. Applicant: RAY WILSON, INC., 1404 East Linwood Drive, Mobile, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and coconuts*, from Mobile, Ala., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, Wisconsin, and Wyoming.

NOTE: Applicant states he proposes to transport exempt commodities, on return.

HEARING: October 31, 1962, in Room 503–E–F–G, Federal Office Building, 600 South Street, New Orleans, La., before Examiner Garland E. Taylor.

No. MC 118039 (Sub-No. 4), filed August 27, 1962. Applicant: A. V. Edmondson, P.O. Box 195, Forest Park, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from Gulfport, Miss., to Atlanta, Ga., (2) from Tampa, Fla., to Birmingham, Ala., and (3) from Atlanta, Ga., to points in Alabama, South Carolina, and Tennessee.

HEARING: December 3, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Allen W. Hagerty.

No. MC 118201 (Sub-No. 4), filed July 5, 1962. Applicant: JOHN SEPHTON, doing business as JOHN SEPHTON PRODUCT COMPANY, 403 Marine Street, Mobile, Ala. Applicant's representative: Robert E. Tate, Traffic Building, 2031 Ninth Avenue South, Birmingham 5, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and cocoanuts*, from Mobile, Ala., to points in Illinois, Iowa, and Minnesota.

HEARING: October 31, 1962, in Room 503–E–F–G, Federal Office Building, 600 South Street, New Orleans, La., before Examiner Garland E. Taylor.

No. MC 118222 (Sub-No. 3), filed August 17, 1962. Applicant: SOUTHERN SHIPPERS, INC., Highway 11, North, Hattiesburg, Miss. Applicant's attorney: Albert A. Andrin, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and coconuts* from Mobile, Ala., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Ohio, Tennessee, Texas, Vir-

ginia, West Virginia, Wisconsin, and Wyoming.

HEARING: October 31, 1962, in Room 503–E–F–G, Federal Office Building, 600 South Street, New Orleans, La., before Examiner Garland E. Taylor.

No. MC 118746 (Sub-No. 5), filed June 29, 1962. Applicant: NOEL E. TIDWELL, doing business as CULLMAN BANANA SUPPLY, 104 East First Avenue, Cullman, Ala. Applicant's representative: Robert E. Tate, Motor Carrier Consultants, Inc., 2031 Ninth Avenue, South, Birmingham 5, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas* and *coconuts*, from Mobile, Ala., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, Wisconsin, and Wyoming and (2) *commodities that can be transported in vehicles exempt under section 203(b)6* of the Act, from the above-specified destination points to Mobile, Ala.

HEARING: October 31, 1962, in Room 503–E–F–G, Federal Office Building, 600 South Street, New Orleans, La., before Examiner Garland E. Taylor.

No. MC 118912 (Sub-No. 8), filed September 26, 1962. Applicant: BURNHAM TRUCKING CO., INC., 52 Fletcher Street, Ayer, Mass. Applicant's attorney: Raymond E. Bernard, Brattle Arms, Harvard Square, Cambridge 38, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pin setter machines, bowling alley, automatic, loose, unassembled and uncrated, and empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between Littleton, Maynard, Clinton, Ayer, Westford, Hudson, Acton, Harvard, Shirley, and Everett, Mass., and points in Virginia, North Carolina, Alabama, Mississippi, Tennessee, Arkansas, Louisiana, Montana, Wyoming, Idaho, Utah, Colorado, Nevada, California, Oregon, Washington, and Alaska.

NOTE: Applicant states the proposed operations are for the account of Bowl-Mor Co., Inc., and its divisions and subsidiaries.

HEARING: December 11, 1962, at the Hotel Essex, Boston, Mass., before Examiner C. Evans Brooks.

No. MC 118912 (Sub-No. 9), filed September 26, 1962. Applicant: BURNAHM TRUCKING CO., INC., 52 Fletcher Street, Ayer, Mass. Applicant's attorney: Raymond E. Bernard, Brattle Arms, Harvard Square, Cambridge 28, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pin setter machines, bowling alley, automatic, loose, unassembled and uncrated, and empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, between Littleton, Maynard, Clinton, Ayer, Westford, Hudson, Acton, Harvard, Shirley, and Everett, Mass., and points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Pennsylvania, Maryland and Washington, D.C.

NOTE: Applicant states the proposed service will be for the account of Bowl-Mor Co., Inc., and its divisions and subsidiaries.

HEARING: December 11, 1962, at the Hotel Essex, Boston, Mass., before Examiner C. Evans Brooks.

No. MC 118959 (Sub-No. 8), filed June 25, 1962. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Casing, pipe, tubing, couplings, connections, and steel* (except those requiring the use of special equipment because of size or weight), from Irvington and Sparta, Ill., to points in Alabama, Arizona, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, and Tennessee; and (2) *steel* (except those requiring the use of special equipment because of size or weight), from Carlinville and Flora, Ill., to points in Alabama, Arizona, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, and Tennessee.

HEARING: November 27, 1962, at the Conrad Hilton, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 119422 (Sub-No. 11), filed June 12, 1962. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Joseph H. Goldenhersh, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in bags, from the plant site of the Meramec Power Plant of Union Electric Co., located at or near Arnold, Mo., to points in Illinois, and Kentucky, and *damaged and defective shipments*, on return.

HEARING: December 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 298.

No. MC 119623 (Sub-No. 3), filed August 6, 1962. Applicant: LAWRENCE SUNDERMEYER, Box 376, Panama, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosoted and penta treated posts, poles and lumber*, from Panama, Okla., and points within 5 miles thereof, to points in Kansas, and *exempt agricultural commodities*, on return.

HEARING: December 6, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 39.

No. MC 121244 (Sub No. 1), filed July 27, 1962. Applicant: RAY P. CARPENTER, doing business as R. & M. PICKUP AND DELIVERY, R.R. No. 1, Newton, Iowa. Applicant's attorney: Stephen Robinson, 412 Equitable Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities* between Newton, Iowa, and points within 5 miles thereof on the one hand, and, on the other, the municipal airport near Des Moines, Iowa.

NOTE: Applicant states the commodities transported will have either a prior or subsequent movement in interstate commerce by airplane.

HEARING: November 28, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 123393 (Sub-No. 16) (AMENDMENT), filed August 31, 1962, published in FEDERAL REGISTER issue of October 10, 1962, amended October 8, 1962, and republished as amended this issue. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products, byproducts and items distributed by packinghouses*, from points in Missouri (except St. Louis, Kansas City, and St. Joseph), to points in Massachusetts, Maine, Connecticut, Vermont, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, South Carolina, North Carolina, Alabama, District of Columbia, and Georgia, and *empty containers or other such incidental facilities* (not specified), used in transporting the above described commodities, and *exempt commodities*, on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit 115991; therefore, dual operations may be involved. It is further noted that common control may be involved. The purpose of this republication is to include the District of Columbia as a destination point.

HEARING: Remains as assigned December 5, 1962, at the Missouri Hotel, Jefferson City, Mo., before Examiner A. Lane Cricher.

No. MC 123783 (Sub-No. 4), filed August 16, 1962. Applicant: WALT JONES WRECKER SERVICE, INC., 432 Whitehall Street SW., Atlanta, Ga. Applicant's attorney: Bates Block, Sixth Floor, First National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled trucks, tractors and semitrailers* (excluding mobile homes) and *serviceable replacements*, in wrecker tow-away service, between points in Georgia, on the one hand, and, on the other, points in North Carolina, South Carolina, Florida, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, Virginia, and West Virginia.

HEARING: November 28, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Allen W. Hagerty.

No. MC 124078 (Sub-No. 7) (AMENDMENT), filed March 12, 1962, published FEDERAL REGISTER issue March 21, 1962, amended August 7, 1962, and republished as amended this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) from Atlanta, Ga., to points in Georgia, Alabama, and South Carolina, (2) from Savannah, Ga., to points in Georgia and South Carolina, and (3) from Bainbridge, Ga., to points in Georgia, points in Barbour, Coffee, Dale, Geneva, Henry, Houston, and Russell Counties, Ala., and points north of the following Florida Counties: Manatee, Hardee, Highland, Okeechobee, and Saint Lucie Counties, Fla.

NOTE: Applicant states that it has contract carrier authority involving the transportation of petroleum products under Docket MC 113832, it also has common carrier cement and concrete and concrete conduit applications pending under Docket MC 124078, therefore, dual operations may be involved. The purpose of this republication is to broaden the scope of the territory previously sought.

HEARING: November 26, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Allen W. Hagerty.

No. MC 124078 (Sub-No. 37), filed July 27, 1962. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from the plant site of the Kansas City Power and Light Co., located near La Due, Mo., to points in Missouri and Kansas (except the site of the John Redmond Dam six (6) miles northwest of Burlington, Kans.).

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 113832; therefore dual operations may be involved.

HEARING: December 10, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 36.

No. MC 124117 (Sub-No. 1), filed September 7, 1962. Applicant: EARL FREEMAN, doing business as MID-TENN EXPRESS, Route No. 1, Unionville, Tenn. Applicant's attorney: Walter Harwood, 515 Nashville Trust Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials, and empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between Milwaukee, Wis., and Evansville, Ind., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 27 and east of the western traversal of the Tennessee River (but excluding Nashville and Chattanooga and their commercial zones).

HEARING: November 30, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner William R. Tyers.

No. MC 124589 (Sub-No. 1), filed September 10, 1962. Applicant: GEORGE B. SCHOFIELD, doing business as GEORGE SCHOFIELD TRUCKING CO., Main Street, Bound Brook, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, New Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Philadelphia, Pa., and Delaware City, Del., to Somerville, North Plainfield, Plainfield, Oxford, Toms River, Greenbrook Township, Bound Brook, and New Brunswick, N.J.

HEARING: November 26, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner C. Evans Brooks.

No. MC 124615, filed July 12, 1962. Applicant: J. W. O'ROURKE, INC., 538 Kramer Street, Sewickley, Pa. Applicant's attorney: Roy F. Walters, Jr., Grant Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Ambridge, and Pittsburgh, Pa., to points in Illinois, Kentucky, Michigan, Ohio, New York, Indiana, Virginia, West Virginia, Connecticut, Massachusetts, Maryland, Delaware, New Jersey, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, and *damaged, rejected and refused shipments*, on return.

NOTE: The proposed operation will be for Armco Steel Corp.

HEARING: November 28, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Frank R. Saltzman.

No. MC 124670, filed August 2, 1962. Applicant: HOY TRANSFER, INC., Route 322 North (P.O. Box 662), State College, Pa. Applicant's attorney: Richard H. Rea, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in Rule 1(a), *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and *electronic computers and equipment which require the specialized handling and equipment usually employed in moving household goods*, between points in Centre County, Pa., and points in Ohio, West Virginia, Maryland, Delaware, New Jersey, New York, the District of Columbia, Virginia, Connecticut, Rhode Island, and Massachusetts.

HEARING: November 26, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Edith H. Cockrill.

No. MC 124671, filed August 2, 1962. Applicant: JOHN KLEFFNER, Brinktown, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Fertilizers and animal and poultry feeds*, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone and Freeburg, Mo.; from East St. Louis over U.S. Highway 66 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Missouri Highway 28, thence over Missouri Highway 28 to junction U.S. Highway 63, thence over U.S. Highway 63 to Freeburg, and return over the same routes, serving the intermediate point of Vienna, Mo.

NOTE: Applicant states that it also proposes to transport exempt commodities.

HEARING: December 10, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 124683, filed August 6, 1962. Applicant: J. A. YOUNG AND D. C. YOUNG, doing business as YOUNG'S FROZEN FOODS, 142 North Main Street, Goodlettsville, Tenn. Applicant's attorney: William R. Willis, Jr., 214 Union Street, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, such as *frozen pizzas, juices, meats, etc.* by refrigerated vehicle, between Nashville, Tenn., on the one hand, and, on the other, points in Tennessee, Alabama, Georgia, and Florida.

HEARING: November 28, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner William R. Tyers.

No. MC 124692, filed August 9, 1962. Applicant: MYRON SAMMONS, P.O. Box 59, Midland, S. Dak. Applicant's attorney: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt building paper and roofing materials*, from the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission to points in Montana, and *damaged and rejected shipments*, on return.

HEARING: November 28, 1962, at Yellowstone County Court House, Billings, Mont., before Examiner Joseph A. Reilly.

No. MC 124692 (Sub-No. 1), filed August 20, 1962. Applicant: MYRON SAMMONS, P.O. Box 52, Midland, S. Dak. Applicant's attorney: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber of all kinds*, including but not limited to plywood, and *damaged and rejected shipments*, between points in Oregon, Washington, Idaho, Montana, and Wyoming, on the one hand, and, on the other, points in Oregon, Washington, Idaho, Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, and Illinois.

HEARING: December 3, 1962, at the Davenport Hotel, Spokane, Wash., before Examiner Joseph A. Reilly.

No. MC 124694 (Sub-No. 1), filed August 15, 1962. Applicant: JOHN J. HEGARTY, 251 West 18th Street, New York 11, N.Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa beans* from points in New York, N.Y., Commercial Zone and Philadelphia, Pa., to Hillside, N.J., under a continuing contract with Robert A. Johnston Co., of Hillside, N.J., and *returned and rejected commodities* on return.

HEARING: November 27, 1962, in Room 212, State Office Building, 1100

Raymond Boulevard, Newark, N.J., before Examiner C. Evans Brooks.

No. MC 124696, filed August 13, 1962. Applicant: REFRIGERATED TRUCKS, INC., 1309 First Avenue, North, Billings, Mont. Applicant's attorney: Hugh Sweeney, Billings State Bank Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from Billings and Great Falls, Mont., to points in California and to Reno, Austin, and Round Mountain, Nev., and *exempt commodities*, on return.

HEARING: November 30, 1962, at the Yellowstone County Court House, Billings, Mont., before Examiner Joseph A. Reilly.

No. MC 124696 (Sub-No. 1), filed August 13, 1962. Applicant: REFRIGERATED TRUCKS, INC., 1309 First Avenue, North, Billings, Mont. Applicant's attorney: Hugh Sweeney, Billings State Bank Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in California, to points in Montana, and *exempt commodities*, on return.

HEARING: November 30, 1962, at Yellowstone County Court House, Billings, Mont., before Examiner Joseph A. Reilly.

No. MC 124702, filed August 13, 1962. Applicant: DAVID H. WILLEMS, doing business as WILLEMS TRUCK LINE, 6151 Fairfield Street, Wichita 4, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated and wood boxes and all materials and equipment used in the construction thereof, including corrugated sheets, wood, glue, tape and wire*, between Love Box Company, Inc., and Love Manufacturing, Inc., at 700 East 37th North, Wichita, Kans., and points in Oklahoma, Kansas, and Missouri.

HEARING: December 5, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 180.

No. MC 124722, filed August 21, 1962. Applicant: EXPORT WAREHOUSE & TRANSFER CO., a corporation, 70 South Park Street, Elizabeth, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except bakery products and supplies), in mechanically refrigerated units at (0 degrees, between the warehouse of Food Fair Stores, Inc., and its subsidiaries, Linden, N.J., on the one hand, and, on the other, New York, N.Y., points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and points in Fairfield, New Haven, and Hartford Counties, Conn.

NOTE: Applicant states the proposed operations are to be under contract or continuing contracts with Food Fair Stores, Inc., and its subsidiaries. It is further noted that common control may be involved.

HEARING: December 3, 1962, at 346 Broadway, New York, N.Y., before Examiner C. Evans Brooks.

No. MC 124728, filed August 21, 1962. Applicant: DIXIE APPAREL CARRIERS, INC., 511 West 36th Street, New York 18, N.Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, on hangers, and materials and supplies, used in the manufacture of wearing apparel*, between the New York, N.Y., Commercial Zone, and points in Essex and Hudson Counties, N.J., on the one hand, and, on the other, Walnut Ridge, Ark., Bardstown, Gafney, and Harrodsburg, Ky., Barnesville, Ohio, Bond Park, Spartanburg, and St. Matthews, S.C., Fayetteville, and Greenville, Tenn.

NOTE: Common control may be involved. It is also noted that the proposed service will be under a continuing contract with Jonathan Logan, Inc., of North Bergen, N.J.

HEARING: November 30, 1962, at 346 Broadway, New York, N.Y., before Examiner C. Evans Brooks.

No. MC 124744 (Sub-No. 1), filed September 7, 1962. Applicant: VILLAGE CARTING COMPANY, INC., 516 Hudson Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent earth*, in bulk, in dumpster equipment, from Port Ivory, Staten Island, N.Y., to Boonton, N.J., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: November 27, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner C. Evans Brooks.

No. MC 124759, filed September 7, 1962. Applicant: GERARD SAVOIE, doing business as SAVOIE'S TRANSPORT, Chatham Head, New Brunswick, Canada. Applicant's attorney: James McCaffrey, 31 Milk Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and manufactured wood products, building materials and plywood, canned and frozen blueberries, canned and frozen lobster, fish*, and *peat moss*, between Ports of Entry on the International Boundary line between the United States and Canada at or near Holden and Calais, Maine, and points in Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York.

HEARING: December 10, 1962, at the Hotel Essex, Boston, Mass., before Examiner C. Evans Brooks.

No. MC 124770, filed September 11, 1962. Applicant: FRANK G. TELLERI, doing business as TELLERI TRUCKING CO., 831 Van Buren Avenue, Elizabeth, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products*, in vehicles equipped with mechanical refrigeration and with meat rails with double switches, (1) between Linden, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., and Kingston, Albany, and Troy, N.Y., Philadelphia, Pa., Stamford, Danbury, New Haven, and Hartford, Conn., and Boston, Mass., and (2) between New York, N.Y., on the one hand, and, on the other, Newark, East Orange, and Kearny, N.J., and Philadelphia, Pa.

NOTE: Applicant states the proposed operation will be under contract with Food Fair Stores, Inc., and its subsidiaries. Common control may be involved.

HEARING: November 29, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner C. Evans Brooks.

No. MC 124771, filed September 11, 1962. Applicant: RONALD HACKENBERGER, R.D. 1, Thompsontown, Pa. Applicant's attorney: Arthur H. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from Delphos and Bellevue, Ohio, to points in Pennsylvania, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: November 27, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Edith H. Cockrill.

No. MC 124811, filed September 26, 1962. Applicant: G. A. M. TRANSPORTATION, INC., 423 Washington Building, Washington 5, D.C. Applicant's attorney: Alfred S. Fried (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stereophonic components and cabinets*, in containers, from points in Washington County, Tenn., to points in Virginia, the District of Columbia, Maryland, Pennsylvania, New Jersey, New York, Ohio and Michigan, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: The carrier named herein intends to limit and restrict his services to the Space-Tone Electronics, Inc., for the purpose of this application.

HEARING: November 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

MOTOR CARRIERS OF PASSENGERS

No. MC 118848 (Sub-No. 1) (AMENDMENT), filed January 5, 1962, published FEDERAL REGISTER issue March 21, 1962, amended October 5, 1962, republished as amended this issue. Applicant: DOMENICO BUS SERVICE, INC., 764 Boulevard, Bayonne, N.J. Applicant's attorney: Joseph P. Lordi, 11 Hill Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special or charter operations, beginning and ending at Bayonne, N.J., and extending to Miami Beach, Fla.

NOTE: The purpose of this republication is to show that applicant seeks to conduct operations as a "common carrier" in lieu of "contract carrier" as previously published.

HEARING: November 26, 1962, at 9:30 o'clock a.m., United States standard time, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Examiner Lacy W. Hinely.

No. MC 124651, filed July 27, 1962. Applicant: GEORGE LANICH, PAUL LANICH, AND MARY LANICH, a partnership, doing business as LANICH BUS LINES, Box 57, Kent, Indiana County, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter service and special operations, beginning and ending at points in Indiana County, Pa., and extending to points in the United States, including points in Alaska and Hawaii, and including ports of entry on the International Boundary lines between the United States and Canada and the United States and Mexico.

HEARING: November 27, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Frank R. Saltzman.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

No. MC 18535 (Sub-No. 33), filed October 12, 1962. Applicant: O. ALEX HICKLIN, doing business as HICKLIN MOTOR LINE, Railroad Avenue, St. Matthews, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone* and *hot mix asphalt*, in dump trucks, from Martinez, Ga., and points within five (5) miles thereof, to points in Abbeville, Aiken, Edgefield, McCormick, Saluda, Barnwell, Allendale, Hampton, Beaufort, and Jasper Counties, S.C.

No. MC 37918 (Sub-No. 8), filed October 5, 1962. Applicant: DIRECT WINTERS TRANSPORT LIMITED, 207 Queen's Quay W, Toronto, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Buffalo 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between Niagara Falls, N.Y., and the port of entry on the International Boundary line between the United States and Canada on the Niagara River, (1) from Niagara Falls over Interstate Highway 190 and relocated Lewiston-Queenston Bridge to the International Boundary, and return over the same route, serving all intermediate points, including service on access roads thereto, (2) from Niagara Falls over New York Highway 18 to Upper Mountain Road, thence over Upper Mountain Road to junction Interstate Highway 190, thence over Interstate Highway 190 and relocated Lewiston-Queenston Bridge to the International Boundary, returning over such bridge, and access road thereto to New York Highway 18, thence over New York Highway 18 to Niagara Falls, serving all intermediate points.

No. MC 79135 (Sub-No. 28), filed October 5, 1962. Applicant: COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, between* Cooperstown, N.Y., and Oneonta, N.Y., from Cooperstown over New York Highway 28 to Oneonta and return over the same route, serving no intermediate points.

No. MC 87689 (Sub-No. 6), filed October 10, 1962. Applicant: INTERCITY TRUCK LINES LIMITED, P.O. Box 900, Station U, Toronto 18, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Niagara Falls, N.Y., and the port of entry on the International Boundary line between the United States and Canada on the Niagara River, (1) from Niagara Falls over Interstate Highway 190 and relocated Lewiston-Queenston Bridge to the International Boundary, and return over the same route, serving all intermediate points, including service on access roads thereto, (2) from junction New York Highway 18 and Upper Mountain Road in Niagara County, N.Y., over Upper Mountain Road to junction Interstate Highway 190, thence over Interstate Highway 190 and relocated Lewiston-Queenston Bridge to the International Boundary, serving all intermediate points, and (3) from the port of entry on the International Boundary line between the United States and Canada on the Niagara River, over relocated Lewiston-Queenston Bridge and access road to junction New York Highway 18 in Niagara County, N.Y., serving all intermediate points.

NOTE: Common control may be involved.

No. MC 101075 (Sub-No. 78) (AMENDMENT), filed October 1, 1962, published FEDERAL REGISTER issue October 17, 1962, and republished as amended this issue. Applicant: TRANSPORT, INC., P.O. Box 396, 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Ronald B. Pitsenbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Wrenshall, Minn., to points in Minnesota on and east of U.S. Highway 53, restricted to the handling of traffic destined to points in Minnesota.

NOTE: The purpose of this republication is to show that service will be performed only in that portion of Minnesota as shown above in lieu of entire State as originally published.

No. MC 103435 (Sub-No. 126), filed October 12, 1962. Applicant: UNITED BUCKINGHAM FREIGHT LINES, 915 South Springfield Avenue, Spokane, Wash. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities including Classes A and B explosives, but* (excluding those of unusual value, and except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Spencer, Wyo., as an offroute point in connection with applicant's authorized regular route operations to and from Newcastle, Wyo.

No. MC 107403 (Sub-No. 436), filed October 12, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plant site of Alpha Portland Cement Company, Lime Kiln, Md., to points in Pennsylvania (except in Adams, Bedford, Blair, Cambria, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, and York Counties, Pa.).

NOTE: Common control may be involved.

No. MC 109616 (Sub-No. 13), filed October 5, 1962. Applicant: CONSOLIDATED TRUCK LINES LIMITED, 775 The Queensway, Toronto 18, Ontario, Canada. Applicant's attorney: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Niagara Falls, N.Y., and the International Boundary Line between the United States and Canada, located on the Niagara River, (1) from Niagara Falls over Interstate Highway 190 and relocated Lewiston-Queenston Bridge to the International Boundary, and return over the same route, serving all intermediate points, including service on access roads thereto, and (2) from Niagara Falls over New York Highway 18 to Upper Mountain Road, thence over Upper Mountain Road to junction Interstate Highway 190, thence over Interstate Highway 190 and relocated Lewiston-Queenston Bridge to the International Boundary, returning over the Lewiston-Queenston Bridge, and access road thereto, to New York Highway 18, thence over New York Highway 18 to Niagara Falls.

No. MC 109637 (Sub-No. 217), filed October 3, 1962. Applicant: SOUTHERN

TANK LINES INC., 4107 Bells Lane, Louisville 11, Ky. Applicant's representative: H. N. Nunnally (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vermouth*, in bulk, in tank vehicles, from Brooklyn, N.Y., to Owensboro, Ky.

No. MC 111002 (Sub-No. 17), filed September 4, 1962. Applicant: CLARA MILES SCHREYER, FRANCES H. MILES, AND THOMAS M. MILES, a partnership, doing business as T. M. MILES OIL COMPANY, 306 Railroad Avenue, Milton, Pa. Applicant's attorney: Preston L. Davis, 37 Arch Street, Milton, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Potassium silicate*, in bulk in a semitank trailer or trailers, from Towanda, Pa., to Huguenot, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

NOTE: Applicant states the semitank trailer or trailers proposed to be used are specially built and owned by Sylvania Electric Products, Inc. Applicant holds common carrier authority in MC 105351 and Subs thereunder; therefore dual operations may be involved.

No. MC 113594 (Sub-No. 2), filed October 12, 1962. Applicant: ASPHALT PRODUCTS TRANSPORT CO., INC., 558 West Simpson Street (P.O. Box 5924), Tucson, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt, road oil and fuel oil*, in bulk, in tank vehicles, (1) from the site of the Standard Oil Company of Texas refinery located at El Paso, Tex., to points in Arizona, and (2) from the site of the American Bitumuls & Asphalt Co., plant located at Tucson, Ariz., to the site of the Standard Oil Company of Texas refinery located at El Paso, Tex., and *refused and contaminated shipments*, on return.

NOTE: Applicant states the proposed operation is to be under a continuing contract with the American Bitumuls & Asphalt Co.

No. MC 115830 (Sub-No. 16), filed September 17, 1962. Applicant: BABCOCK & LEE PETROLEUM TRANSPORTERS, INC., 1002 Third Avenue North, Billings, Mont. Applicant's attorney: Clinton J. Hansen, 608–616 Hennessy Building, Butte, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water reducing compounds*, in bulk, in tank vehicles, from Chicago, Ill., to the site of the Yellowtail Dam project in Big Horn County, Mont.

NOTE: Common control may be involved.

No. MC 119863 (Sub-No. 5), filed October 12, 1962. Applicant: MYRON RICHARD GRAHAM, doing business as LAMONI REFRIGERATED EXPRESS, Davis City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, frozen, from Chicago, Ill., to Burlington, Clinton, Dubuque, and Ottumwa, Iowa.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 103435 (Sub-No. 123) (AMENDMENT), filed September 18, 1962, published in FEDERAL REGISTER, issue October 3, 1962, amended October 12, 1962, and republished as amended this issue. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, 900 East Omaha, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Lansing, Mich., and Charlotte, Mich.; from Lansing over Michigan Highway 78 to Charlotte, and return over the same route, serving no intermediate or offroute points. (2) Between Coldwater, Mich., and the junction of U.S. Highway 127 and U.S. Highway 12 (formerly U.S. Highway 112) near Somerset Center, Mich.; from Coldwater over U.S. Highway 12 to the junction of U.S. Highway 127 and U.S. Highway 12 (formerly U.S. Highway 112) near Somerset Center and return over the same route, serving no intermediate or offroute points.

NOTE: This application is related to MC–F 8167, and is necessitated due to the fact that authority of Expressways, Inc., is sought to be transferred partly to DeRosa Transportation, Inc., in MC–F 8163, and partly to this applicant. The segment between Lansing and Charlotte is required to be used by both vendees in order to accomplish service between the points being transferred respectively to each vendee. The segment between Coldwater and Somerset Center is likewise required to be used by both vendees, DeRosa Transportation, Inc., to use it as a service route, and applicant to use it as an alternate route, with no service to intermediate points, and serving Coldwater and the junction point abovementioned for joinder purposes only, in order to continue use of an alternate route over U.S. Highway 12 between Ypsilanti and New Buffalo, Mich. The purpose of this republication is to add route (2).

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8258. Authority sought for merger into O'BOYLE TANK LINES, INCORPORATED, Arlington Towers, Arlington, Va., of the operating rights and property of M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C., and for acquisition by FRANK L. GRIMM, CLARE L. GRIMM, both of Washington, D.C., and SARAH F. CARL, Gaithersburg, Md., of control of such rights and property through the transaction. Common control and management of O'BOYLE TANK LINES, INCORPORATED and M. I. O'BOYLE & SON, INC., was authorized October 21, 1953, in 59 M.C.C. 553. Applicants' attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Operating rights sought to be merged: *Gasoline, kerosene, and fuel oil*, in bulk, and *motor oil, grease, and alcohol*, in cans and drums, as a *common carrier* over regular routes between Washington, D.C., and Baltimore, Md.; *liquid petroleum products*, from Baltimore, Md., to Washington, D.C.; *petroleum products*, in bulk, in tank vehicles, over irregular routes, from Norfolk, Va., and points in Norfolk and Princess Anne Counties, Va., to Washington, D.C., and points in St. Marys, Calvert, and Prince Georges Counties, Md., from points in Delaware and Philadelphia Counties, Pa., and those in Bergen, Essex, Gloucester, Camden, Hudson, Union, and Middlesex Counties, N.J., to the site of Bolling Field, in Washington, D.C., and the site of Andrews Field in Prince Georges County, Md., from Baltimore, Md., and points in the Washington, D.C., Commercial Zone, as defined by the Commission in 3 M.C.C. 243 and 48 M.C.C., 460, to Clarksburg and Fairmont, W. Va., and to points in West Virginia on and east of U.S. Highway 119 extending from the Pennsylvania-West Virginia State line to Philippi, W. Va., and thence on, east and north of U.S. Highway 250, extending from Philippi to the Virginia-West Virginia State line, from points in St. Marys County, Md., to points in Virginia and the District of Columbia, from Pittsburgh, Pa., to the District of Columbia, from the site of the Tidewater Oil Company Refinery, at or near Delaware City, Del., to points in Maryland, Virginia, and the District of Columbia. RESTRICTION: The authority granted herein is subject to the condition that carrier shall not tack or join directly or indirectly, the authority granted herein with any of its other authority for the purpose of performing through transportation to points in North Carolina; *petroleum products*, in bulk, in tank trucks, from Rosslyn, Va., to Philadelphia, Pa., from Baltimore, Md., to Martinsburg and Shepherdstown, W. Va., and points in that part of Virginia on and north of U.S. Highway 60 except those in Accomac and Northampton Counties, and from points in the Washington, D.C., Commercial Zone, as defined by the Commission, to Martinsburg and Shepherdstown, W. Va., points in Maryland, and those in that part of Virginia on and north of U.S. Highway 60 except those in Accomac and Northampton Counties; *petroleum products*, in tank vehicles, from points in St. Marys County, Md., to points in North Carolina; *petroleum and petroleum products*, in bulk, in tank vehicles, from points in York County, Va., to points in Delaware, Maryland, North Carolina, West Virginia, and the District of Columbia; *petroleum products* (except liquid petroleum wax), in bulk, in tank vehicles, from Emlenton and Farmers Valley, Pa., to Washington, D.C.; *liquid petroleum wax*, in bulk, in tank vehicles, from Emlenton and Farmers Valley, Pa., to points in North Carolina; *liquid petroleum products*, from Baltimore, Md., to points in the Washington, D.C., Commercial Zone, as defined by the Commission, other than Washington, D.C.; *sugar and petroleum products*, in bulk, in tank vehicles, from Baltimore, Md., to points in Virginia; *benzol*, in bulk, in tank vehicles, from Johnstown, Pa., to Washington, D.C., and from Sparrows Point, Md., to Natrium, W. Va.; *liquid sugar*, in bulk, in tank vehicles, from Philadelphia, Pa., and Baltimore, Md., to points in the Washington, D.C., Commercial Zone, as defined by the Commission, and from Philadelphia, Pa., to the site of the plant of the Maryland-Virginia Milk Producers, near Laurel, Md.; *liquid and invert sugar*, in bulk, in tank vehicles, from Baltimore, Md., to points in New Jersey, Delaware, Pennsylvania, Ohio, West Virginia, North Carolina, and points in Virginia except those in the Washington, D.C., Commercial Zone, from Philadelphia, Pa., to points in West Virginia, North Carolina, and Virginia except those in the Washington, D.C., Commercial Zone; *liquid and invert sugar and blends of liquid sugar and corn syrup*, in bulk, in tank vehicles, from Richmond, Va., to points in Maryland, North Carolina, Pennsylvania, South Carolina, Tennessee, West Virginia, and the District of Columbia; *alcohol*, in bulk, in tank vehicles, from Baltimore, Md., and points in Maryland within 5 miles of Baltimore, to Yonkers, N.Y.; *lubricating oils*, in bulk, in tank vehicles, from Oil City, Pa., to Washington, D.C., and from St. Marys, W. Va., to points in North Carolina, South Carolina, Tennessee, that part of Kentucky west of U.S. Highway 31W, Virginia, except points west and south of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 311 to Roanoke, Va., and thence along U.S. Highway 220 to the Virginia-North Carolina State line, and the District of Columbia; *syrups*, in bulk, in tank vehicles, from Baltimore, Md., to Washington, D.C., and points in Delaware, Pennsylvania, Virginia, West Virginia, Ohio and North Carolina and from Philadelphia, Pa., to Washington, D.C., and points in Virginia, West Virginia, and North Carolina; *syrups*, not medicated, in bulk, in tank vehicles, from Atlas Point, Del., to Norfolk, Va.; *edible oils*, in tank vehicles, from Baltimore, Md., to Hanover, Pa.; *edible oils*, in bulk, in tank vehicles, from Baltimore, Md., to Columbia, Pa., and from points in Georgia, North Carolina, and South Carolina, to Bayonne, N.J.; *vinegar*, in tank vehicles, from Peach Glen, Pa., to Washington, D.C.; *vinegar*, in bulk, in tank vehicles, from Baltimore, Md., to points in Delaware, New Jersey, North Carolina, Pennsylvania, Virginia, and the District of Columbia, from Biglerville and Peach Glen, Pa., to Baltimore, Md., from Winchester, Va., to Pittsburgh, Pa., from Pittsburgh, Pa., to Salem, N.J., from Chambersburg, Pa., to Winchester, Va., from Winchester, Va., to Brooklyn, N.Y., and Terre Haute, Ind., from Winchester, Va., to Medina, N.Y., from Medina, N.Y., to Pittsburgh, Pa., from Salem, N.J., to Chambersburg, Pa., from Pittsburgh, Pa., to Winchester, Va., from Winchester, Va., to Salem, N.J., and Chambersburg, Pa., from Baltimore, Md., to points in Ohio; liquid cocoa butter, in bulk, in tank vehicles, from Norfolk, Va., to Philadelphia, Pa.; *lauryl alcohol sulfates*, in bulk, in tank vehicles, from Baltimore, Md., to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, and Wisconsin; *vegetable oils*, in bulk, in tank vehicles, from Baltimore, Md., to Washington, D.C.; *fish oil and natural bodied fish-oil products*, in bulk, in tank vehicles, from Baltimore, Md., to points in Delaware, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, and from Baltimore, Md., to points in Ohio; *wine*, in bulk, in tank vehicles, from Petersburg, Va., to Baltimore, Md., Philadelphia, Pa., Washington, D.C., and Canandaigua, N.Y.; *aviation fuel*, in bulk, in tank vehicles, from Naval Fuel Supply Depot, Craney Island (Churchland), Va., to Naval Air Station, Pomona, N.J.; *corn syrup*, in bulk, in tank vehicles, from Richmond, Va., to points in Maryland, North Carolina, Tennessee, and the District of Columbia, from Philadelphia, Pa., to Baltimore, Md. RESTRICTION: The authority granted herein is limited to shipments moving to the site of the American Sugar Company Refinery for blending, and destined for further immediate movement beyond Baltimore, Md., in the same transporting vehicle, from Baltimore, Md., to points in New Jersey, except those within 25 miles of Philadelphia, Pa.; *cottonseed oil*, in bulk, in tank vehicles, from Baltimore, Md., to York and Wilkes-Barre, Pa.; *flavoring and coating syrups*, in bulk, in tank vehicles, from Jersey City and Hillside, N.J., to points in Alabama, Florida, Georgia, Indiana, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; *helium*, in bulk, in tank trailers owned by the United States Government, from Lakehurst, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Maine, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; *liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from Hopewell, Va., and points within five miles thereof, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia; *liquid caustic soda*, in bulk, in tank vehicles, from Baltimore, Md., to Alexandria, Va., and points within 20 miles thereof; *sulphur dioxide gas*, in bulk, in shipper-owned tank trailers, from West Norfolk, Va., to points in New York, New Jersey, Rhode Island, Pennsylvania, Ohio, North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, and Louisiana; *sulphur dioxide gas*, in shipper-owned tank trailers, from West Norfolk, Va., to points in Massachusetts, Delaware, Kentucky, Michigan, Illinois, Indiana, Tennessee, West Virginia, Texas, Oklahoma, Missouri, Arkansas, Connecticut, Maine, and Maryland; *tomato paste*, in bulk, in tank vehicles, from Bowling Green, Ohio, to Salem, N.J., and Chambersburg and Pittsburgh, Pa.; *liquid animal feed mixtures*, in bulk, in tank vehicles, from York, Pa., to points in Delaware, Maryland, Virginia, and the District of Columbia; *palm kernel oil*, in bulk, in tank vehicles, from Bayonne, N.J., to Augusta, Ga.; *liquid wax*, in bulk, in tank vehicles, from Emlenton and Farmers Valley, Pa., to Norfolk, Va.; *whiting talc*, dry, in bulk, in tank or hopper vehicles, from York, Pa., to Baltimore, Md.; *dry fluorspar*, in bulk, in tank or hopper-type vehicles, from Wilmington, Del., to the site of the Pemco Corporation plant at Baltimore, Md.; *dry feldspar*, in bulk, in tank or hopper-type vehicles, from Bedford, Va., to the site of the Pemco Corporation plant at Baltimore, Md.; *silica flour* (ground or pulverized sand), in bulk, in tank or covered hopper vehicles equipped for unloading by pneumatic devices, from Millville, N.J., and the plant site of the Pennsylvania Glass Sand Corporation, near Newport, N.J., to Baltimore and Havre de Grace, Md.; *ground limestone*, in bulk, in tank vehicles, from York, Pa., and points within 10 miles thereof, to Baltimore, Md.; *zinc oxide*, dry, in bulk, in tank and hopper vehicles, from Josephtown and Palmerton, Pa., to Baltimore, Md.; *chemicals*, in bulk, from Baltimore, Md., to Coatesville, Marcus Hook, and Philadelphia, Pa., Linden, N.J., and Washington, D.C., and from Linden and Jersey City, N.J., and Marcus Hook and Chester, Pa., to Baltimore, Md.; *sulphuric acid*, in bulk, in tank vehicles, between Baltimore, Md., on the one hand, and, on the other, New York, N.Y., points on Long Island, N.Y., and points in New Jersey; *alum*, in bulk and burlap bags, between Baltimore, Md., on the one hand, and, on the other, York, Pa., points in Delaware, New Jersey (except Warners, N.J.), and points in that part of Virginia on and east of U.S. Highway 1; *alum*, in bulk from Baltimore, Md., to Batavia, Brockport, Fairport, Leroy, and Westfield, N.Y., and points in Ohio; *hydrofluosilicic acid*, in bulk, in tank vehicles, from Carneys Point, N.J., to Baltimore, Md.; *silica gel catalyst*, in bulk, in covered-hopper vehicles, from Baltimore, Md., to Delaware City, Del., Westville, N.J., Yorktown, Va., and Warren, Pa.; *dry cement*, from the plant site of Standard Lime and Cement Company at Martinsburg, W. Va., to points in Delaware, Maryland, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia; *dry sand*, ground and pulverized, in bulk, in tank or covered hopper vehicles equipped for unloading by pneumatic unloading devices, from the plant site of the Pennsylvania Glass Sand Corporation, at Edmund, S.C. (in Lexington County, approximately 10 miles south of Columbia, S.C.), to points in Georgia, and North Carolina; *limestone*, crushed, ground or pulverized, in bulk, from the

plant site of Thomasville Stone and Lime Company, Thomasville, Pa., to New York, N.Y., and points in Delaware, Maryland (except Baltimore, Md., and points in Frederick, Carroll, Baltimore, Cecil, and Harford Counties, Md.), and New Jersey; *limestone*, crushed, ground or pulverized, in bulk, in tank vehicles, from the plant site of White Pigment Corporation, West Manchester Township, York County, Pa., to New York, N.Y., and points in Delaware, Maryland (except Baltimore, Md.), and New Jersey; *limestone*, crushed, ground or pulverized, bagged and in bulk, in tank vehicles, from the plant site of the National Gypsum Company, West Manchester Township, York County, Pa., to New York, N.Y., and points in Delaware, Maryland (except bulk shipments to Baltimore, Md.), and New Jersey; *gasoline*, in bulk, in tank vehicles, between Aberdeen Proving Grounds, Md. and Fort Belvoir, Va.; *dry sugar*, in bulk, in tank vehicles, from Philadelphia, Pa., to Washington, D.C., points in Virginia (except Norfolk, Va., and points within 30 miles thereof), that part of West Virginia on and north of a line beginning at Parkersburg, W. Va., and extending east along U.S. Highway 50 to junction U.S. Highway 19, thence south along U.S. Highway 19 to junction U.S. Highway 33, and thence east and south along U.S. Highway 33 to the Virginia-West Virginia State line, and points in Maryland; *dry potassium silicofluoride*, in bulk, in tank vehicles, from Greensboro, N.C., to Baltimore, Md. O'BOYLE TANK LINES, INCORPORATED is authorized to operate as a *common carrier* in North Carolina, Virginia, West Virginia, Delaware, and Maryland. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8259. Authority sought for merger into T.I.M.E. FREIGHT, INC., 2604 Texas Avenue, P.O. Box 1120, Lubbock, Tex., of the operating rights and property of CONSTRUCTORS TRANSPORT CO., 1205 Date Street, Montebello, Calif. Applicant's attorney: W. D. Benson, Jr., P.O. Box 1120, Lubbock, Tex. Operating rights sought to be merged: *General commodities* (moving on Government bills of lading), except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, as a *common carrier* over irregular routes, between points in the Oakland, Calif., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Port Hueneme, Calif., between San Diego, Calif., on the one hand, and, on the other, Oakland, Calif., from points in the Los Angeles, Calif., Commercial Zone, as defined by the Commission, and those in the Los Angeles Harbor, Calif., Commercial Zone, as defined by the Commission, to points in the Oakland, Calif, Commercial Zone, as defined by the Commission, and from points in the Los Angeles, Calif., Commercial Zone, as defined by the Commission, to Port Hueneme, Calif.; *canned vegetables*, from Mira Loma, Calif., to Oakland, Calif. RESTRICTION: The service authorized herein is restricted to traffic moving to the Territories or possessions of the United States; operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of California, as more specifically described in Docket Nos. MC–113759 Sub-2 and MC–113759 Sub-4. T.I.M.E. FREIGHT, INC., is authorized to operate as a *common carrier* in California, Arizona, New Mexico, Texas, Oklahoma, Arkansas, Missouri, Tennessee, Georgia, Indiana, Ohio, Kentucky, Illinois, and Kansas. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-35320 Sub-77 is a matter directly related.

NOTE: Application for authority under section 214 was filed in conjunction with the application under section 5, in Finance Docket No. 22301.

No. MC–F–8260. Authority sought for purchase by JAMES E. O'BRIEN, doing business as O'BRIEN TRANSFER, 309 West Promenade Street, Mexico, Mo., of a portion of the operating rights of HANNIBAL-QUINCY TRUCK LINES, INC., Hannibal, Mo. Applicants' attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over regular routes, between Lancaster, Mo., and Burlington, Iowa, serving certain intermediate and off-route points; from Bowling Green, Mo., to junction U.S. Highway 54 and Missouri Highway 19, from Macon, Mo., to Monroe City, Mo., serving all intermediate points; between Hannibal, Mo., and Pittsfield, Ill., between Hannibal, Mo., and Quincy, Ill., between Louisiana, Mo., and junction Missouri Highway 79 and U.S. Highway 40, serving all intermediate points; between Burlington, Iowa, and Ottumwa, Iowa, between Elsberry, Mo., and Hawk Point, Mo., serving the intermediate point of Silex, Mo.; between Kansas City, Kans., and Macon, Mo., serving certain intermediate and off-route points; between Mt. Pleasant, Iowa, and junction U.S. Highway 218 and U.S. Highway 61; *household goods*, over irregular routes, between Memphis, Mo., on the one hand, and points in Iowa and Illinois, on the other; between Hannibal, Mo., on the one hand, and, on the other, points in Illinois and Iowa. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Iowa, Kansas and New Mexico. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8261. Authority sought for purchase by K & H FREIGHT LINES, INC., 1002 North Owasso, Tulsa, Okla., of the operating rights and property of J. H. JENKINS, doing business as B & B LINES, 1002 North Owasso, Tulsa, Okla., and for acquisition by J. H. JENKINS, 1002 North Owasso, Tulsa, Okla., of control of such rights and property through the purchase. Applicants' attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 2, Okla. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Coffeyville, Kans., and Henryetta, Okla., serving all intermediate and certain off-route points; between Tulsa, Okla., and Bixby, Okla., serving all intermediate points and the off-route point of Jenks, Okla.; between junction U.S. Highway 64 and Oklahoma Highway 51 and Coweta, Okla., serving all intermediate points; between Tulsa, Okla., and Nowata, Okla., serving all intermediate points; and between Nowata, Okla., and Tulsa, Okla., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Oklahoma. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8262. Authority sought for merger into NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo., of the operating rights and property of BROOKS TRUCK LINES, INC., Marshall, Mo., and for acquisition by LAURENCE COHEN, 1205 South Platte River Drive, Denver 23, Colo., of control of such rights and property through the transaction. Applicants' attorney: O. Russell Jones, P.O. Box 1437, Santa Fe, N. Mex. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Kansas City, Mo., and Holton, Kans., between Kansas City, Mo., and St. Louis, Mo., between Carrollton, Mo., and Kansas City, Mo., between Carrollton, Mo., and St. Louis, Mo., between Miami, Mo., and Kansas City and St. Louis, Mo., and between Windsor and Kansas City, Carrollton, Miami, and St. Louis, Mo., serving certain intermediate and off-route points. NAVAJO FREIGHT LINES, INC., is authorized to operate as a *common carrier* in New Mexico, Califorina, Arizona, Texas, Colorado, Illinois, Missouri, Nebraska, Nevada, Kansas, Oklahoma, Indiana, and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8263. Authority sought for continuance in control by ABLER TRANSFER, INC., 1006 South Eighth Street, Norfolk, Nebr., FRED L. CLARK and WALTER F. CLARK, doing business as CLARK BROTHERS TRANSFER, 802 North First Street, Norfolk, Nebr., HENRY G. FREAR, doing business as SUPERIOR TRANSFER, Superior, Nebr., JOHN JACK ROMANS, doing business as ROMANS MOTOR FREIGHT, 142 North 15th Street, Ord, Nebr., McKAY FREIGHT LINE, INC., 216 Fourth Street, Fairbury, Nebr., ROYAL F. LYON, doing business as LYON TRANSFER, Box 257, Columbus, Nebr., WALDO W. WINTER and HUBERT B. WINTER, doing business as WINTER BROS., 335 South Eighth Street, Lincoln, Nebr., HERBERT PETERS, doing business as FREMONT EXPRESS, 137 East Washington, Fremont, Nebr., and JOHN DERICKSON, doing business as DERICKSON TRANSFER, 906 North Taylor, Lexington, Nebr., of NEBRASKA SHORT LINE CARRIERS, INC., 605 South 14th, Lincoln, Nebr., and for acquisition by LEONARD E. ABLER, 607 North 12th, Norfolk, Nebr., MARK W. ABLER, 700 North 11th, Norfolk, Nebr., LEON J. ABLER, Pierce, Nebr., and ROBERT J. ABLER, 0128 South Fifth Street, Norfolk, Nebr., of control of NEBRASKA SHORT LINE CARRIERS, INC., through the acquisition by ABLER TRANSFER, INC. Applicants' attorneys: J. Max Harding and Donald E. Leonard, NSEA Building, Third Floor, 14th and J Streets, P.O. Box 2028, Lincoln, Nebr. Operating rights sought to be controlled upon issuance of a certificate in No. MC–116067: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, (1) between Omaha, Nebr., and Chicago, Ill., (a) from Omaha over Alternate U.S. Highway 30 to junction U.S. Highway 30 at or near Missouri Valley, Iowa, thence over U.S. Highway 30 to junction Illinois Highway 65 at or near Aurora, Ill., thence over Illinois Highway 65 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, and (b) from Omaha over U.S. Highway 6 to junction U.S. Highway 66 near Joliet, Ill., thence over U.S. Highway 66 to Chicago, and (2) between Omaha and St. Louis, Mo., from Omaha over U.S. Highway 275 to junction U.S. Highway 34 at or near Glenwood, Iowa, thence over U.S. Highway 34 to Kansas City, Mo., thence over U.S. Highway 40 to St. Louis, serving no intermediate points on routes (1)(a) and (1)(b), and serving the intermediate point of Kansas City on route (2), restricted, in eac hinstance, to traffic restricted, in each instance, to traffic Nebraska. (1) ABLER TRANSFER, INC., (2) FRED L. CLARK and WALTER F. CLARK, doing business as CLARK BROTHERS TRANSFER, (3) HENRY G. FREAR, doing business as SUPERIOR TRANSFER, (4) JOHN JACK ROMANS, doing business as ROMANS MOTOR FREIGHT, (5) McKAY FREIGHT LINE, INC., (6) ROYAL F. LYON, doing business as LYON TRANSFER, (7) WALDO W. WINTER and HUBERT B. WINTER, doing business as WINTER BROS., (8) HERBERT PETERS, doing business as FREMONT EXPRESS, and (9) JOHN DERICKSON, doing business as DERICKSON TRANSFER are authorized to operate as *common carriers* in (1) Nebraska, Iowa, Missouri, and South Dakota, (2) Nebraska and Iowa, (3) Nebraska, (4) Nebraska, Iowa, Kansas, and South Dakota, (5) Nebraska, Kansas, and Iowa, (6) Nebraska, (7) Nebraska, (8) Nebraska, and (9) Nebraska, respectively. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8265. Authority sought for purchase by INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids 2, Mich., of the operating rights of EATON TRUCK LINE, INC., 511 South Orchard, Clinton, Mo. Applicants' attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Operating rights sought to be transferred: *General commodities*, excepting, among others, commodities in bulk but not excepting household goods, as a *common carrier*, over regular routes, between Windsor, Mo., and Kansas City, Kans., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, between Windsor, Mo., and Sedalia, Mo., serving no intermediate points, between Clinton, Mo., and Kansas City, Kans., serving certain intermediate and off-route points, from Garden City, Mo., to St. Louis, Mo., serving certain intermediate and off-route points; *livestock*, and *household goods* as defined by the Commission, over irregular routes, between Creighton, Mo., and points within 8 miles thereof (except Urich, Mo.), on the one hand, and, on the other, points in Kansas; *general commodities*, excepting, among others, commodities in bulk but not excepting household goods, from National Stock Yards and East St. Louis, Ill., to points in that part of Henry County, Mo., north of Missouri Highway 7 (formerly Missouri Highway 35) and east of Missouri Highway 13; *livestock*, from points in that part of Henry County, Mo., north of Missouri Highway 7 (formerly Missouri Highway 35) and east of Missouri Highway 13, to East St. Louis and National Stock Yards, Ill., and from Clinton, Mo., and points within 30 miles thereof, to National Stock Yards, Ill.; *road building machinery*, from points in Missouri to points in Iowa, Kansas, and Illinois; *household goods* as defined by the Commission, from Clinton, Mo., and points within 15 miles thereof, to points in Illinois and Iowa; *mining machinery and parts thereof*, between Pittsburg, Kansas, and points within 5 miles thereof, on the one hand, and, on the other, Windsor, Mo., and points within 5 miles thereof. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, Pennsylvania, Illinois, Minnesota, Wisconsin, Iowa, Missouri, Michigan, Kentucky, West Virginia, Maryland, New York, Massachusetts, New Jersey, Colorado, Nebraska, Wyoming, Kansas, Delaware, Connecticut, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-10616; Filed, Oct. 23, 1962; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 19, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37999: *Fresh vegetables from South Carolina to Milan, Tenn.* Filed by O. W. South, Jr., Agent (No. A4250), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), in carloads, from points in South Carolina, to Milan, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 21 to Southern Freight Association tariff I.C.C. S–178.

FSA 38000: *Fresh vegetables from Elizabeth City, N.C., and Euclid, Va.* Filed by O. W. South, Jr., Agent (No. A4251), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), in carloads, from Elizabeth City, N.C., and Euclid, Va., to points in Alabama, Kentucky, Mississippi, Tennessee, and Virginia.

Grounds for relief: Market competition.

Tariff: Supplement 21 to Southern Freight Association tariff I.C.C. S–178.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-10618; Filed, Oct. 23, 1962; 8:48 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 87th Congress, Second Session.

Approved October 22, 1962

H.R. 7283 ---------- Public Law 87–846
To amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses.

CUMULATIVE CODIFICATION GUIDE—OCTOBER

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VOLUME 27 NUMBER 208

Washington, Thursday, October 25, 1962

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3503
IMMIGRATION QUOTAS

By the President of the United States of America
A Proclamation

WHEREAS under the provisions of section 202(a) of the Immigration and Nationality Act, each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than independent countries of North, Central, and South America, is entitled to be treated as a separate quota area when approved by the Secretary of State; and

WHEREAS under the provisions of section 201(b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202(a) of the said Act, and to report to the President the quota of each quota area so determined; and

WHEREAS under the provisions of section 202(e) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to revise the quotas, whenever necessary, to provide for any political changes requiring a change in the list of quota areas; and

WHEREAS on December 9, 1961, the former British Trust Territory of Tanganyika became independent upon the termination of United Nations Trusteeship; and

WHEREAS on January 1, 1962, the former New Zealand Trust Territory of Western Samoa became the Independent State of Western Samoa upon the termination of United Nations Trusteeship; and

WHEREAS on July 1, 1962, upon the termination of United Nations Trusteeship, the former Belgian Trust Territory of Ruanda-Urundi became the independent states of the Republic of Rwanda and the Kingdom of Burundi; and

WHEREAS on August 6, 1962, the former British Colony of Jamaica was granted independence by the Government of the United Kingdom; and

WHEREAS on August 31, 1962, the former British Colony of Trinidad and Tobago was granted independence by the Government of the United Kingdom; and

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have jointly determined and reported to me the immigration quotas hereinafter set forth,

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid Act of Congress, do hereby proclaim and make known that the annual quotas of the quota areas hereinafter designated have been determined in accordance with the law to be, and shall be, as follows:

Quota Area	*Quota*
Tanganyika	100
Western Samoa	100
Rwanda	100
Burundi	100
Jamaica	100
Trinidad and Tobago	100

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The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation No. 3298 of June 3, 1959, as amended, entitled "Immigration Quotas," is further amended by the abolishment of the immigration quotas established for "Tanganyika (trust territory, United Kingdom)", "Somoa, Western (trust territory, New Zealand)", "Ruanda-Urundi (trust territory, Belgium)" and by the addition of the immigration quotas established by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-third day of October, in the year of our Lord nineteen hundred and sixty-two and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-10772; Filed, Oct. 24, 1962; 10:29 a.m.]

Proclamation 3504

INTERDICTION OF THE DELIVERY OF OFFENSIVE WEAPONS TO CUBA

By the President of the United States of America
A Proclamation

WHEREAS the peace of the world and the security of the United States and of all American States are endangered by reason of the establishment by the Sino-Soviet powers of an offensive military capability in Cuba, including bases for ballistic missiles with a potential range covering most of North and South America;

WHEREAS by a Joint Resolution passed by the Congress of the United States and approved on October 3, 1962, it was declared that the United States is determined to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere, and to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

WHEREAS the Organ of Consultation of the American Republics meeting in Washington on October 23, 1962, recommended that the Member States, in accordance with Articles 6 and 8 of the Inter-American Treaty of Reciprocal Assistance, take all measures, individually and collectively, including the use of armed force, which they may deem necessary to ensure that the Government of Cuba cannot continue to receive from the Sino-Soviet powers military material and related supplies which may threaten the peace and security of the Continent and to prevent the missiles in Cuba with offensive capability from ever becoming an active threat to the peace and security of the Continent:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority conferred upon me by the Constitution and statutes of the United States, in accordance with the aforementioned resolutions of the United States Congress and of the Organ of Consultation of the American Republics, and to defend the security of the United States, do hereby proclaim that the forces under my command are ordered, beginning at 2:00 P.M. Greenwich time October 24, 1962, to interdict, subject to the instructions herein contained, the delivery of offensive weapons and associated materiel to Cuba.

For the purposes of this Proclamation, the following are declared to be prohibited materiel:

Surface-to-surface missiles; bomber aircraft; bombs, air-to-surface rockets and guided missiles; warheads for any of the above weapons; mechanical or electronic equipment to support or operate the above items; and any other classes of materiel hereafter designated by the Secretary of Defense for the purpose of effectuating this Proclamation.

To enforce this order, the Secretary of Defense shall take appropriate measures to prevent the delivery of prohibited materiel to Cuba, employing the land, sea and air forces of the United States in cooperation with any forces that may be made available by other American States.

The Secretary of Defense may make such regulations and issue such directives as he deems necessary to ensure the effectiveness of this order, including the designation, within a reasonable distance of Cuba, of prohibited or restricted zones and of prescribed routes.

Any vessel or craft which may be proceeding toward Cuba may be intercepted and may be directed to identify itself, its cargo, equipment and stores and its ports of call, to stop, to lie to, to submit to visit and search, or to proceed as directed. Any vessel or craft which fails or refuses to respond to or comply with directions shall be subject to being taken into custody. Any vessel or craft which it is believed is en route to Cuba and may be carrying prohibited materiel or may itself constitute such materiel shall, wherever possible, be directed to proceed

to another destination of its own choice and shall be taken into custody if it fails or refuses to obey such directions. All vessels or craft taken into custody shall be sent into a port of the United States for appropriate disposition.

In carrying out this order, force shall not be used except in case of failure or refusal to comply with directions, or with regulations or directives of the Secretary of Defense issued hereunder, after reasonable efforts have been made to communicate them to the vessel or craft, or in case of self-defense. In any case, force shall be used only to the extent necessary.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done in the City of Washington this twenty-third day of October in the year of our Lord, nineteen hundred and sixty-two, and
[SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN FITZGERALD KENNEDY
7:06 p.m.,
October 23rd 1962

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-10771; Filed, Oct. 24, 1962; 10:29 a.m.]

Executive Order 11058

ASSIGNING AUTHORITY WITH RESPECT TO ORDERING PERSONS AND UNITS IN THE READY RESERVE TO ACTIVE DUTY AND WITH RESPECT TO EXTENSION OF ENLISTMENTS AND OTHER PERIODS OF SERVICE IN THE ARMED FORCES

By virtue of the authority vested in me by the Joint Resolution of October 3, 1962 (Public Law 87-736), and by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense, and, when designated by him for this purpose, any of the Secretaries of the military departments of the Department of Defense, and the Secretary of the Treasury with respect to the Coast Guard are hereby authorized and empowered to exercise the authority vested in the President until February 28, 1963, by section 1 of the Act of October 3, 1962 (Public Law 87-736) to order, without the consent of the persons concerned, any unit, or any member, of the Ready Reserve of an armed force to active duty for not more than twelve consecutive months, provided there are not more than 150,000 members of the Ready Reserve thereby on active duty (other than for training) without their consent at any one time.

SEC. 2. In pursuance of the provisions of section 2 of the said Joint Resolution of October 3, 1962, the Secretary of Defense and the Secretary of the Treasury with respect to the Coast Guard are hereby authorized to extend enlistments, appointments, periods of active duty, periods of active duty for training, periods of obligated service or other military status in any component of an armed force or in the National Guard that expire before February 28, 1963, for not more than twelve months. However, if the enlistment of a member of the Ready Reserve who is ordered to active duty under section 1 of this Executive Order would expire after February 28, 1963, but before he has served the entire period for which he was so ordered to active duty, his enlistment may be extended until the last day of that period.

SEC. 3. In pursuance of the provisions of section 3 of the said Joint Resolution of October 3, 1962, no member of the armed forces who was involuntarily ordered to active duty or whose period of active duty was extended under the Act of August 1, 1961, Public Law 87-117 (75 Stat. 242), may be involuntarily ordered to active duty under this Executive Order.

JOHN F. KENNEDY

THE WHITE HOUSE,
October 23, 1962.

[F.R. Doc. 62-10752; Filed, Oct. 24, 1962; 9:02 a.m.]

Executive Order 11059

DESIGNATING PUBLIC INTERNATIONAL ORGANIZATIONS ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

WHEREAS the Inter-American Tropical Tuna Commission is an international organization in which the United States participates pursuant to the Convention with Costa Rica for the Establishment of an Inter-American Tropical Tuna Commission, May 31, 1949, 1 UST 230, TIAS 2044; and

WHEREAS the Great Lakes Fishery Commission is an international organization in which the United States participates pursuant to the Convention with Canada for the Establishment of a Great Lakes Fishery Commission, September 10, 1954, 6 UST 2836; TIAS 3326; and

WHEREAS the International Pacific Halibut Commission is an international organization in which the United States participates pursuant to the Convention with Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, March 2, 1953, 5 UST 5; TIAS 2900, being the last of a series of similar treaties dating from 1923:

NOW, THEREFORE, by virtue of the authority vested in me by Section 1 of the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288), I hereby designate the Inter-American Tropical Tuna Commission, the Great Lakes Fishery Commission, and the International Pacific Halibut Commission as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act, except those conferred pursuant to Sections 4(b), 4(e), and 5(a) of that Act.

The designation of the above-named international organizations as public international organizations within the meaning of the International Organizations Immunities Act is not intended to abridge in any respect privileges, exemptions, and immunities which these organizations may have acquired or may acquire by treaty or congressional action.

JOHN F. KENNEDY

THE WHITE HOUSE,
October 23, 1962.

[F.R. Doc. 62-10762; Filed, Oct. 24, 1962; 10:11 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTION IN FORCE

PART 22—ADVERSE ACTIONS AND APPEALS TO THE COMMISSION

PART 29—RETIREMENT

PART 77—REMEDIES

Miscellaneous Amendments

1. The following amendments and additions are made to Part 2: Paragraph (c) of § 2.103, paragraph (b) of § 2.105, paragraph (a) (1) and the introductory paragraph of paragraph (b) (1) of § 2.301, and paragraph (a) of § 2.302 are amended. Section 2.303 is added, paragraph (c) is added to § 2.404 and paragraph (c) is added to § 2.501.

§ 2.103 Apportionment.

• • • • •

(c) Apportionment shall not apply to temporary or term appointments or to appointments in rare cases under § 2.305.

§ 2.105 Restrictions as to members of family.

• • • • •

(b) The members of family restriction shall not apply to temporary or term appointment, to overseas limited appointment under § 2.308, to appointment in rare cases under § 2.305, or to conversion from career-conditional appointment to career appointment.

§ 2.301 Career-conditional and career appointments.

(a) *Career-conditional appointment.* (1) An eligible selected from a register for other than temporary or term appointment shall be given a career-conditional appointment, except as provided in paragraph (b) of this section.

• • • • •

(b) *Initial career appointment.* (1) An eligible selected from a civil service register for other than temporary or term appointment shall be given a career appointment if:

• • • • •

§ 2.302 Temporary appointment.

(a) *Pending establishment of register.* When there are insufficient eligibles on a register appropriate for filling a vacancy in a position that will last longer than a year and the public interest requires that the vacancy be filled before eligibles can be certified, the Commission may authorize the agency to fill the vacancy by temporary appointment pending establishment of a register. Such appointment shall continue only for such period as may be necessary to make appointment through certification.

§ 2.303 Term appointment.

(a) Upon specific request of an agency and upon determination by the Commission that the needs of the service so require and that the employment need is for a limited period of up to and not in excess of four years, the Commission may authorize term appointment for periods exceeding one year. Selections for term appointment shall be made from registers.

(b) In the absence of sufficient eligibles on an appropriate register the Commission may authorize the agency to make term appointment outside the register. Under such circumstances the provisions of § 2.302 (c), (d), and (e) shall be followed.

(c) Persons appointed under this section shall not thereby acquire a competitive status. The first year of service under term appointment will be a trial period.

(d) Persons serving under term appointment may be separated at any time within the first year of service in accordance with § 2.301(c). After one year of service, term appointees will be covered by Part 22 of this chapter. Unless separated earlier, in accordance with Commission regulations, they shall be automatically separated upon expiration of their term appointments.

(e) Persons serving under term appointment in positions within the scope of the compensation schedules of the Classification Act of 1949, as amended, shall be eligible for periodic step increases in accordance with Subpart B of Part 25 of this chapter.

§ 2.404 Noncompetitive temporary appointment.

• • • • •

(c) Agencies that the Commission has authorized to make term appointments are hereby authorized to make such appointments, without regard to registers of eligibles, of former Federal employees with elegibility for reinstatement.

§ 2.501 Agency authority.

• • • • •

(c) *Term appointees.* The Commission hereby delegates authority to agencies to promote, demote, or reassign employees serving under term appointment on a given project to other positions within the project which the agency has been authorized to fill by term appointment.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

2. Paragraph (d)(4) of § 20.201 is amended as set out below.

§ 20.201 Determining retention standing.

• • • • •

(d) *Tenure groups—competitive service.* • • •

(4) Group III includes indefinite employees, employees serving under temporary appointments pending establishment of registers, employees serving under term appointment and employees serving in status quo or under any other nonstatus nontemporary appointment.

(Secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 860, 868)

3. Paragraph (a) of § 22.103, paragraph (a) of § 22.201 and paragraph (a) of § 22.301 are amended as set out below.

§ 22.103 General exclusions.

(a) *Employees.* The employees covered are shown in Subparts B and C. In no case, however, does any of this part apply to (1) a reemployed annuitant, (2) an employee under the legislative or judicial branch of the Government unless he is occupying a position in the competitive service, (3) an employee occupying a position in the competitive service under a temporary appointment, (4) an employee (except a postmaster) whose appointment is required by the Congress to be confirmed by, or made with, the advice and consent of the United States Senate, (5) an employee currently serving a probationary or trial period, except as provided in § 2.301(c) of this chapter, (6) an employee in the excepted service who is not a preference eligible employee (except an employee with competitive status occupying a position in Schedule B), or (7) an employee serving under a term appointment upon expiration of his term appointment.

§ 22.201 Coverage.

(a) *Employees covered.* The regulations in this subpart apply to (1) any career, career-conditional, overseas limited, indefinite, or term employee who is not serving a probationary or trial period in a position in the competitive service, (2) any employee having a competitive status who occupies a position in Schedule B under a nontemporary appointment, and (3) any preference eligible employee who has completed one year of current continuous employment in a position outside the competitive service. The regulations in this subpart do not apply to the employees excluded by § 22.103.

§ 22.301 Coverage.

(a) *Employees covered.* The regulations in this subpart apply to (1) any career, career-conditional, overseas limited, indefinite, or term employee who is not serving a probationary or trial period in a position in the competitive service, and (2) any employee having

a competitive status who occupies a position in Schedule B under a non-temporary appointment. The regulations in this subpart do not apply to the employees excluded by § 22.103.

(R.S. 1753, 5 U.S.C. 631; sec. 2, 22 Stat. 403, as amended, 5 U.S.C. 633; secs. 11, 19, 58 Stat. 390, 391, as amended, 5 U.S.C. 860, 868; sec. 14, E.O. 10988, Jan. 17, 1962)

4. Subparagraph (15) is added to paragraph (a) of § 29.2 as set out below.

§ 29.2 Exclusions from retirement coverage.

(a) The following groups of employees in the executive branch of the Government are excluded from the Civil Service Retirement Act:

• • • • • •

(15) Employees serving under term appointments.

(Sec. 16, 70 Stat. 758; 5 U.S.C. 2266)

5. Paragraphs (a) and (b) of § 77.104 are amended as set out below.

§ 77.104 Employee coverage.

(a) *Employees covered.* Except as provided by paragraph (c) of this section, an agency appeals system shall apply (1) to any career, career-conditional, overseas limited, indefinite, or term employee except as provided in paragraph (b) of this section, in a position in the competitive service who is not serving a probationary or trial period, and (2) to any employee having competitive status and occupying a position in Schedule B under a non-temporary appointment.

(b) *Employees not covered.* An agency appeals system shall not apply to (1) a reemployed annuitant, (2) an employee occupying a position in the competitive service under a temporary appointment, (3) an employee (except a postmaster) whose appointment is required by the Congress to be confirmed by, or made with, the advice and consent of the U.S. Senate, (4) an employee currently serving a probationary or trial period, (5) an employee in a position outside the competitive service except as provided by § 77.104(a)(2), or (6) an employe serving under a term appointment upon expiration of his "term" appointment.

(E.O. 10987 of Jan. 17, 1962)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 62-10671; Filed, Oct. 24, 1962; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (4) of paragraph (d) of § 6.311 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 62-10668; Filed, Oct. 24, 1962; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, subparagraph (45) is added to paragraph (a) of § 6.312 as set out below.

§ 6.312 Department of Commerce.

(a) *Office of the Secretary.* • • •

(45) The Trade Adjustment Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 62-10669; Filed, Oct. 24, 1962; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—1963 Land Use Adjustment Program

Sec.
751.1 General.
751.2 Conservation reserve regulations applicable.
751.3 Land eligible.
751.4 Annual payments.
751.5 Practice cost-sharing.
751.6 Use of land.

AUTHORITY: §§ 751.1 to 751.6 issued under sec. 16(e), 49 Stat. 1151, as amended by 76 Stat. 605.

§ 751.1 General.

The producers having control of any farm with respect to which a Conservation Reserve contract for any land expires on December 31, 1962, may place such land in this program and continue to divert such land from the production of crops for 1963 under the same terms and conditions applicable to the land in 1962, except as otherwise provided in this part, by completing Form ASCS-802, Land Use Adjustment Agreement. The producers signatory to the Conservation Reserve contract must sign the agreement. One of the producers required to sign the agreement must sign and file it at the county office on or before December 31, 1962. All other producers required to sign the agreement must sign it on or before February 1, 1963. However, the State committee may authorize the county committee to approve an agreement signed or filed after the prescribed dates if it is established to the satisfaction of the State committee that failure to sign or file the agreement within the time prescribed was not due to the fault or negligence of the producers.

§ 751.2 Conservation reserve regulations applicable.

Except as provided in paragraphs (a) through (j) of this section and in other sections of this part, all of the regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, the regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, and the regulations governing Soil Bank violations, 22 F.R. 2411, as amended, which were applicable to the land and the Conservation Reserve contract in 1962 shall be applicable to the land and the Land Use Adjustment Agreement in 1963; and for purposes of both the Conservation Reserve Program and the 1963 Land Use Adjustment Program, such regulations shall apply as though the Conservation Reserve contract period with respect to the land placed in this program had been extended through December 31, 1963:

(a) The civil penalty provisions of §§ 750.173, 750.530, and 750.295 of this chapter shall not be applicable on a farm on which the contract period for all the land covered by a Conservation Reserve contract in 1962 expires on December 31, 1962, and such land is placed in this program.

(b) The civil penalty provisions of §§ 750.173, 750.530, and 750.295 of this chapter shall not be applicable to a violation on the land placed in this program on a farm on which the contract period for only part of the land covered by a Conservation Reserve contract in 1962 expires on December 31, 1962: *Provided*, That such civil penalty provisions shall be applicable if an acreage of soil bank base crops is knowingly and willfully harvested in excess of that permitted even though such violation occurs on the land placed in this program

(c) The amount of any civil penalty assessed on the farm shall not be computed on the basis of any payments made with respect to the land placed in this program.

(d) Except for a violation provided for in § 750.293 of this chapter, a violation on the land placed in this program shall not be considered a violation for purposes of applying § 750.294j of this chapter, relating to the termination of Conservation Reserve contracts for violations.

(e) The provisions of § 750.280 of this chapter, relating to judicial review of Soil Bank violations, shall not be applicable on a farm on which the contract

period for all the land covered by a Conservation Reserve contract in 1962 expires on December 31, 1962, and such land is placed in this program.

(f) The provisions of § 750.280 of this chapter, relating to judicial review of Soil Bank violations, shall not be applicable to that part of any determination which requires the forfeiture or refund of payments with respect to the land placed in this program on a farm on which the contract period for only part of the land covered by a Conservation Reserve contract in 1962 expires on December 31, 1962.

(g) The provisions of §§ 750.187 and 750.541 of this chapter, relating to incorrect information furnished by the Government, shall not be applicable to the land placed in this program.

(h) The provisions of §§ 750.184, 750.185, 750.185a and 750.509 of this chapter, relating to the awarding of Conservation Reserve contracts, shall not be applicable to the Land Use Adjustment Agreement.

(i) The provisions of such regulations which require the forfeiture or refund of any payments paid or payable with respect to land placed in this program for any violation occurring during 1963 shall not apply to payments paid or payable with respect to such land for the period it was in the Conservation Reserve Program.

(j) The contract period for land placed in this program shall be from January 1, 1963, to December 31, 1963. A practice started before January 1, 1963, and after the producers have filed the Land Use Adjustment Agreement shall be considered as having been started during the contract period.

§ 751.3 Land eligible.

All of the land on the farm with respect to which the Conservation Reserve contract expires on December 31, 1962, shall be eligible and shall be placed in this program except that:

(a) No agreement shall be entered into with respect to land owned by a social club, recreational club, country club, golf club, cemetery, cemetery association or a State, county, city, town government, or subdivisions thereof, and no agreement shall be entered into which permits payments to any organization or governmental unit of this type;

(b) No agreement shall be entered into with respect to land already devoted to trees or a water storage facility;

(c) No agreement shall be entered into with respect to land which, because of its physical condition or other reasons, the county committee determines would not be devoted to crop production in the absence of a Land Use Adjustment Program; and

(d) No agreement shall be entered into with respect to land for which the ownership has changed since December 31, 1960, unless (1) the new ownership was acquired by will or succession as a result of the death of the previous owner, (2) the land becomes a part of an existing farm, or (3) the land is combined with other land as a farming enterprise which the county committee determines will effectuate the purposes of this program: *Provided*, That this provision shall not prohibit the continuation of an agreement by a new owner after an agreement has once been entered into under these regulations.

§ 751.4 Annual payments.

(a) *Regular rate.* The regular annual payment rate applicable to such land under the Conservation Reserve contract in 1962 shall remain in effect for the land placed in this program except that such rate shall not exceed:

(1) Twenty percentum of the value of such land, such value to be determined by the county committee without regard to physical improvements thereon or geographical location thereof in accordance with instructions issued by the Administrator; and

(2) With respect to land rented for a fixed amount of cash or a fixed amount of commodity to be paid as rent, the per acre rental rate which, at the time the producers file the agreement, has been established for 1963 or if at such time the 1963 rental rate has not been established, the rental rate for 1962.

(b) *Nondiversion rate.* The nondiversion annual payment rate applicable to such land under the Conservation Reserve contract in 1962 shall remain in effect for the land placed in this program except that if the regular annual payment rate is reduced under paragraph (a) of this section, the nondiversion rate for the land shall be reduced by the same percentage.

(c) *Reduction in payments for grazing.* The rate of payment for any field with respect to which the regular rate determined under paragraph (a) of this section is applicable shall be reduced by fifty per centum if the field is grazed as authorized in this part. No payment shall be made for any field with respect to which the non-diversion rate determined under paragraph (b) of this section is applicable if the field is grazed as authorized by this part.

§ 751.5 Practice cost-sharing.

The planting of forest trees (practice A-7) on the land placed in this program is authorized and the Secretary will bear 100 percentum of the average cost of performance. The establishment and maintenance of other approved conservation uses on the land placed in this program shall be carried out at no expense to the 1963 Land Use Adjustment Program or the Conservation Reserve Program.

§ 751.6 Use of land.

The land placed in this program may be grazed subject to the condition that the annual per acre payment rate shall be reduced as provided in § 751.4(c).

Effective date: Date of signature.

Signed at Washington, D.C., on October 19, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-10685; Filed, Oct. 24, 1962; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Subpart—Administrative Rules and Regulations

NATURAL CONDITION RAISINS

Correction

In F.R. Doc. 62-10483, appearing at page 10249 of the issue for Friday, October 19, 1962, the following correction is made in § 989.158(c)(4)(i): In the fifth sentence, the word "reconditioned" should read "reconditioned".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER D—AIRMEN [NEW]

[Reg. Docket No. 1179; Amdts. 61-1, 63-1, 65-1]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS [NEW]

PART 63—CERTIFICATION: FLIGHT CREW MEMBERS OTHER THAN PILOTS [NEW]

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREW MEMBERS [NEW]

Miscellaneous Amendments

The purpose of this amendment is to incorporate into Subchapter D—Airmen [New] of the Federal Aviation Regulations, several minor items of a clarifying nature. It also includes three items that had been omitted from the subchapter through inadvertence. The amendment is a part of the program of the Federal Aviation Agency, in conjunction with its recodification program, to deal with inconsistencies and discrepancies in its regulations that are brought to light in the recodification process, and that can be cured by a spot amendment to the regulation involved, particularly in those instances in which the issuance of a notice of proposed rule making will not be required by the Administrative Procedure Act.

Since the adoption of Subchapter D on August 6, 1962, certain minor discrepancies and inconsistencies have been discovered. A study of them has indicated that they can be resolved in a manner that is not burdensome to the persons affected thereby.

The amendments to §§ 61.15(d), 61.17, 61.27(a)(2)(ii), 61.33(a), 61.47(e), and 61.159 all relate to ratings placed on airman certificates. They are clarifying in nature in that they specify more clearly the kind of rating placed on airman certificates.

The amendments to §§ 61.27(d) and 61.171(d)(4)(v) correct typographical errors.

The amendments to §§ 65.75(b) and 65.93(b) are made solely to clarify the intent of the present section.

The amendment to § 61.43(a)(3) and (b)(2) is made to state positively the duration of a medical certificate for operation requiring a free balloon pilot certificate.

The amendments to §§ 61.115(b) and 61.119(b) are made to correct inadvertent omissions in the text of those sections as recodified. The amendment to § 61.31 restates the requirements that an applicant for a pilot certificate, based on military competence, must meet. These requirements were fully set forth in Draft Release 62-14 dated April 2, 1962. The period for receiving comments on that proposal closed on June 7, 1962, and no adverse comments were received. The amendments to § 63.3 are made to state positively the duration of a medical certificate for operations requiring a flight engineer or flight navigator certificate. This duration was previously set forth in §§ 34.43 and 35.43, of the Civil Air Regulations.

Since this amendment is clarifying in nature, and merely restates the substance of the regulations in accordance with Draft Releases 61-25 and 62-20, I find that notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, Subchapter D—Airmen [New] of Chapter I of Title 14 of the Code of Federal Regulations is amended as follows, effective November 1, 1962.

This amendment is made under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1422).

§ 61.15 [Amendment]

1. By striking out the period at the end of the first sentence of § 61.15(d) and adding the following in place thereof: "if that type of aircraft is certificated by the Administrator for civil operations."

2. By striking out paragraph (g) of § 61.17 and adding new paragraphs (g) and (h) to read as follows:

§ 61.17 Additional aircraft ratings after original issuance of certificates (other than airline transport or lighter-than-air).

* * * * *

(g) *Airline transport pilot certificates.* This section does not authorize a rating to be placed on an airline transport pilot certificate unless that rating is limited to commercial privileges.

(h) *Inapplicability.* This section does not apply to a lighter-than-air pilot certificate.

3. By amending § 61.27(a)(2)(ii) to read as follows:

§ 61.27 Retesting after failure.

(a) *Written test.* * * *

(2) * * *

(ii) For an instrument rating—a certificated flight instructor with an instrument rating on his flight instructor certificate or a certificated ground instructor with a rating for the subject failed.

4. By striking out the reference to "§ 61.145(b)(1)" in § 61.27(d) and inserting a reference to "§ 61.145(b)(2)(i)" in place thereof.

5. By amending the last sentence of § 61.31(a) to read as follows: "However, a person covered by subparagraph (2), (3), or (4) of this paragraph who was discharged or released more than 12 months before the date he applies, or who has not been on solo flying status as a rated pilot or the equivalent within that 12-month period, must also pass the written examination prescribed for the aeronautical knowledge requirements appropriate to the certificate sought, meet the prescribed physical standards, and pass the appropriate flight test, or in the case of an applicant for a private lighter-than-air certificate, have had at least 10 hours of flight time as pilot in command in military lighter-than-air aircraft within that 12-month period."

6. By amending § 61.31(b) to read as follows:

§ 61.31 Military pilots or former military pilots: special rules.

* * * * *

(b) *Category, class, or type ratings.* A person who applies for a particular category, class, or type rating (other than lighter-than-air), is entitled to an appropriate rating on the pilot certificate that he holds or for which he has applied, if he presents satisfactory documentary evidence that, within the 12 months before the date he applies, he has had at least 10 hours of flight time as pilot in command in military aircraft of a category, class, or type for which he seeks a rating or has passed either an official military checkout as pilot in command, or the equivalent, in the aircraft concerned or the appropriate FAA flight test. A type rating is issued only for aircraft types that the Administrator has certificated for civil operations. This paragraph does not authorize a rating to be placed on an airline transport pilot certificate unless that rating is limited to commercial privileges.

§ 61.33 [Amendment]

7. By amending the second sentence of § 61.33(a) to read as follows: "If he has no ratings on that certificate, ratings under this section may be issued for those aircraft that he has flown for at least 10 hours as pilot in command, during the preceding 12 months."

§ 61.41 [Amendment]

8. By striking out the last sentence of § 61.41(e).

§ 61.43 [Amendment]

9. By amending § 61.43 (a)(3) and (b)(2) each to read as follows: "The 24th month after the month in which it is issued, for operations requiring only a private, student, or free balloon pilot certificate."

§ 61.47 [Amendment]

10. By inserting the words "(if applicable)" after the words "type rating" in § 61.47(e).

§§ 61.115, 61.119 [Amendments]

11. By adding the following new sentence at the end of § 61.115(b) and at the end of § 61.119(b): "Whenever he presents satisfactory written evidence that he has met this ICAO requirement, he is entitled to a new certificate without the endorsement."

§ 61.159 [Amendment]

12. By adding the words "helicopter or" between the words "a" and "large" in the first sentence of §61.159.

§ 61.171 [Amendment]

13. By striking out the words "200 feet" in § 61.171(d)(4)(v) and inserting the words "100 feet" in place thereof.

14. By revising § 63.3 (a) and (b) to read as follows:

§ 63.3 Certificates required.

(a) No person may serve as a flight engineer assisting a pilot in the mechanical operation of an aircraft of U.S. registry as his primary assigned duty in flight in air commerce unless he has in his personal possession a current flight engineer certificate issued to him under this part and a second-class (or higher) medical certificate issued to him under Part 67 of this chapter within the preceding 12 months.

(b) No person may serve as a flight navigator on an aircraft of U.S. registry in air commerce unless he has in his personal possession a current flight navigator certificate issued to him under this part and a second-class (or higher) medical certificate issued to him under Part 67 of this chapter within the preceding 12 months.

§ 65.75 [Amendment]

15. By inserting the word "written" between the words "the" and "test" in the last sentence of § 65.75(b).

16. By amending § 65.93(b) to read as follows:

§ 65.93 Inspection authorization: renewal.

* * * * *

(b) The holder of an inspection authorization that has been in effect for less than 90 days before the expiration date need not comply with paragraph (a) (1) through (3) of this section.

Issued in Washington, D.C., on October 19, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-10663; Filed, Oct. 24, 1962; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-242]

PART 13—PROHIBITED TRADE PRACTICES

Samuel Murrow and Co. and Irving Silverman

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary.* Subpart—Misbranding or mislabeling: § 13.1280 *Price:* § 13.1325 *Source or origin:* § 13.1325-70 *Place:* § 13.1325-70(e) *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act;* § 13.1900-40(a) *Maker or seller;* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 68, 69f) [Cease and desist order, Samuel Murrow and Company et al., Chicago, Ill., Docket C-242, Sept. 21, 1962]

In the Matter of Samuel Murrow and Company, a Corporation, and Irving Silverman, Individually and as an Officer of Said Corporation

Consent order requiring Chicago wholesaler-retailers of wool and fur products to cease violating the Fur Products Labeling Act by labeling fur products with excessive prices represented thereby as regular selling prices, labeling imported furs as originating in the United States, failing to show on labels the name of the manufacturer, etc., and the country of origin of imported furs; failing, in newspaper advertising, to disclose that fur products contained artificially colored fur and to reveal when the fur was natural, falsely representing in advertisements that prices of fur products had been drastically reduced when so-called regular prices listed were fictitious; and failing to keep adequate records as a basis for price and value claims; and to cease violating the Wool Products Labeling Act by affixing fictitious pricing labels to wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Samuel Murrow and Company, a corporation, and its officers, and Irving Silverman, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce or the transportation or distribution in commerce of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying such products as to the regular prices or values thereof by any representation that the regular or usual prices of such products are any amount in excess of the prices at which respondents have usually and customarily sold such products in the recent regular course of business.

B. Falsely or deceptively labeling or otherwise identifying such products as to the country of origin of the furs contained in such fur products.

C. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

D. Failing to set forth the item number or mark assigned to a fur product.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which:

A. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

B. Fails to describe fur products as natural, when such fur products are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

C. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

D. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

3. Making claims and representations of the type covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That respondents Samuel Murrow and Company, a corporation, and its officers, and Irving Silverman, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the introduction into commerce, or the offering for sale, sale, transportation and delivery for shipment, in commerce, of any wool product as "wool product" and "commerce" are defined in the Wool Products Labeling Act do forthwith cease and desist from:

1. Misbranding wool products by:

A. Falsely or deceptively labeling or otherwise identifying such products as to the regular prices or values thereof by any representation that the regular or usual prices of such products are any amount in excess of the prices at which respondents have usually and customarily sold such products in the recent regular course of business.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 21, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-10649; Filed, Oct. 24, 1962; 8:45 a.m.]

[Docket 8323 o.]

PART 13—PROHIBITED TRADE PRACTICES

Regina Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-60 *List or catalog as regular selling.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719; as amended; 15 U.S.C. 45) [Cease and desist order, The Regina Corporation et al., Rahway, N.J., Docket 8323, Oct. 11, 1962]

In the Matter of The Regina Corporation, a Corporation, and Lannon F. Mead, and Robert C. Cassatt, Individually and as Officers of Said Corporation

Order requiring a large manufacturer of electric floor polishing machines, vacuum cleaners, and other household appliances, with headquarters in Rahway, N.J., to cease supplying its distributors and retailers with fictitious "manufacturer's list prices" or "suggested list prices", thereby represented as the usual retail prices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is further ordered, That the respondent, The Regina Corporation, and its officers, agents, representatives and employees, directly or indirectly, or through any corporate or other device, in connection with the offering for sale, sale and distribution of electric floor polishers and vacuum cleaners, or other household appliances, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Supplying to, or placing in the hands of,

any distributor or retailer any tabulation of figures, sales literature, price list or other material containing "manufacturer's list prices," "manufacturer's suggested list prices," "suggested list prices," or "suggested retail prices," when said respondent knows, or has reason to know, that such figures are in excess of the price or prices at which the items of merchandise to which they refer are usually and customarily sold at retail in the trade area or trade areas where the figures are supplied.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondents Lannon F. Mead and Robert C. Cassatt in their individual capacities.

It is further ordered, That respondent, The Regina Corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist as set forth herein.

Issued: October 11, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10650; Filed, Oct. 24, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 814]

MAINLAND CANE SUGAR AREA

Notice of Hearing on Proposed Allotment of 1963 Quota

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq. and on the basis of information available to me, I do hereby find that the allotment of the 1963 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held in New Orleans, La., in the Queen Ann Ballroom of the Monteleone Hotel on November 15, 1962, beginning at 10 a.m., c.s.t.

The purpose of this hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the above-mentioned quota for the calendar year 1963 among persons who process and market sugar produced from sugarcane grown in the Mainland Cane Sugar Area. The preliminary finding made above is based upon the best information now available. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or revoke such finding and make or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing include (1) the manner in which consideration should be given to the statutory factors as provided in section 205(a) of the Act, and (2) the manner in which marketings within allotments shall be restricted.

This Notice of Hearing also constitutes notice that at such hearing it will be appropriate to present evidence on the basis of which the allotment of the quota or proration thereof may be revised or amended by the Secretary for the purposes of (1) allotting any increase, or decrease, in the quota resulting from a change in United States sugar requirements or from the proration of a deficit in the quota of any area; (2) prorating any deficit in the allotment for any allottee; and (3) substituting revised estimates or final data for estimates of such data wherever estimates are used in the formulation of an allotment of the quota.

Issued at Washington, D.C., this 19th day of October 1962.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 62-10667; Filed, Oct. 24, 1962; 8:47 a.m.]

[7 CFR Part 817]

IMPORTATION OF SUGAR INTO CONTINENTAL UNITED STATES

Proposed Requirements

Notice is hereby given that the Secretary of Agriculture pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) is considering amendment of Sugar Regulation 817 (23 F.R. 671; 25 F.R. 2710; 26 F.R. 1705, 8660; 27 F.R. 6865, 7863).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed regulation shall file the same in duplicate with the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., not later than 20 days after the publication of this notice in the FEDERAL REGISTER.

The purpose of this proposed amendment is to implement section 206 of the Sugar Act of 1948, as amended by Public Laws 87-535 and 87-539 (hereinafter referred to as the Act).

Section 206 of the Act provides that sugar and liquid sugar contained in a product or mixture which is the same or essentially the same in composition and use as a product or mixture which was imported into the continental United States during any three or more years during the period 1955 through 1959 without being subject to a Sugar Act quota, shall not be subject to a quota or other provisions of the Act, unless the Secretary determines that actual or prospective importations will substantially interfere with the attainment of the objectives of the Act. Section 206 of the Act further provides that the sugar or liquid sugar in any other product or mixture shall upon importation be subject to sugar quotas and other provisions of the Act unless the Secretary determines that the actual or prospective importation of the product or mixture will not substantially interfere with the attainment of the objectives of the Act.

Considering the multitude of sugar-containing products and mixtures which are imported and which are the same or essentially the same as products imported during the period prescribed in section 206 of the Act, unnecessary confusion and delay in the importation of sugar-containing products would result if the Secretary were to require that an individual determination be made by him as to whether each such product or mixture is or is not subject to Sugar Act quotas. Accordingly, the proposed amendment provides that, unless and until the Secretary determines otherwise, any sugar-containing product or mixture represented by the importer to be the same or essentially the same in composition and use as a product or mixture which was imported into the continental United States during any three or more years during the period 1955 through 1959 shall not be subjected to a sugar quota. The proposed amendment provides that any interested person may request the Secretary, or the Secretary may on his own initiative, determine for an individual sugar-containing product or mixture whether the quota provisions of the Act shall or shall not apply to such product or mixture, and provides for the submission of information to be considered by the Secretary in making such determinations. Provision is also made that whenever the Secretary has reason to believe it likely that any determination will subject the sugar or liquid sugar in a product or mixture to quotas, the determination will be made in conformity with the rule making requirements of section 4 of the Administrative Procedures Act.

The proposed amendment of Sugar Regulation 817, as revised (23 F.R. 671, 25 F.R. 2710; 26 F.R. 1705, 8660; 27 F.R. 6865, 7863), if made effective, would read as follows:

Pursuant to the provisions of section 403 of the Act (61 Stat. 932), §§ 817.10 and 817.11 are herein redesignated as §§ 817.11 and 817.12, respectively; paragraph (a) of § 817.1, paragraph (a) of §§ 817.3 and 817.12 is amended and a new § 817.10 is added as follows:

1. Paragraph (a) of § 817.1 is hereby amended to read:

§ 817.1 Purpose and persons affected.

(a) Under authority contained in the Sugar Act of 1948, as amended by Public Laws 87-535 and 87-539 (61 Stat. 922, as amended) and subject to the provisions contained in Part 811 of this chapter, the regulations in this part establish the procedures applicable to (1) importing sugar and liquid sugar into the continental United States from all domestic offshore areas and foreign countries, (2) importing or bringing sugar and liquid sugar in a product or mixture into the United States (including Hawaii and Alaska) and into Puerto Rico and from

all domestic areas and foreign countries, and (3) reporting the applicable evaluation provided for in Part 810 of this chapter and the subsequent processing and movement of imported sugar and liquid sugar.

2. Paragraph (a) of § 817.3 is hereby amended to read:

§ 817.3 Restrictions on importing sugar and liquid sugar.

(a) Any person is hereby prohibited from importing more than 100 pounds of sugar or liquid sugar that is not an ingredient in a mixture, or from importing more than 100 pounds of sugar or liquid sugar as an ingredient of a sugar-containing product or mixture, except pursuant to the provisions of this part.

3. Section 817.10 is redesignated as § 817.11 and a new § 817.10 is added to read as follows:

§ 817.10 Sugar-containing products and mixtures.

(a) (1) The sugar or liquid sugar in a product or mixture which the Secretary determines is the same or essentially the same in composition and use as a product or mixture which was inported into the United States without being subject to a sugar quota under the Act in each of three or more years during the period 1955 through 1959, shall not be subject to the quota and other provisions of the Act and the provisions of this part except as provided in paragraph (c) of this section. The representation by an importer that a sugar-containing product or mixture is the same or essentially the same in composition and use as a product or mixture which was imported into the United States without being subject to a sugar quota under the Act in each of three or more years during the period 1955 through 1959 will be accepted by the Secretary as determinative in each case, unless the Secretary determines otherwise, and the sugar or liquid sugar in such product or mixture shall not be subject to the quota and other provisions of the Act and the provisions of this part, except as provided in paragraph (c) of this section, or unless the Secretary determines otherwise pursuant to subparagraph (2) of this paragraph. Any such representation by the importer shall be made at the time the entry is made with the Collector of Customs as required by § 8.3(a) of Chapter I, Title 19, Code of Federal Regulations and shall be made in the form of a certification as follows which shall appear on, or as a supplement to, the Customs entry:

I hereby certify that the sugar-containing product(s) or mixture(s) covered by this entry is (are) the same or essentially the same in composition and use as a sugar-containing product or mixture which was imported into the United States during any three or more of the five calendar years 1955 through 1959 without being subject to a quota established pursuant to the Sugar Act of 1948, as amended, and that I have no knowledge of any determination issued by the Secretary of Agriculture which would subject to a Sugar Act quota the sugar or liquid sugar in the product(s) or mixture(s) covered by this entry.

(2) Upon written request by any interested person or upon his own initiative, the Secretary, in accordance with the procedure prescribed in paragraph (d) of this section, shall determine whether or not a sugar-containing product or mixture is the same as or essentially the same in composition and use as a product or mixture which was imported into the United States without being subject to a Sugar Act quota in each of three years during the period 1955 through 1959.

(b) The sugar or liquid sugar in a product or mixture which is not represented by the importer to be the same or essentially the same in composition and use or which is determined by the Secretary not to be the same or essentially the same in composition and use as a product or mixture which was imported into the United States without being subject to a Sugar Act quota in each of three years or more during the period 1955 through 1959, shall be subject to the quota and other provisions of the Act and of this part, except as provided in paragraph (c) of this section.

(c) (1) Upon written request by an interested person or upon his own initiative, the Secretary shall determine whether the actual or prospective importation into the United States or Puerto Rico of a sugar-containing product or mixture will, or will not, substantially interfere with the attainment of the objectives of the Act in accordance with the procedures prescribed in paragraph (d) of this section.

(2) If the Secretary has determined that the actual or prospective importation of a sugar-containing product or mixture will interfere with the attainment of the objective of the Act, the sugar or liquid sugar in such product or mixture shall upon importation be subject to the quota and other provisions of the Act and the provisions of this part.

(3) If the Secretary determines that the actual or prospective importation of a product or mixture will not interfere with the attainment of the objectives of the Act, the importation of such product or mixture shall not be subject to the quota and other provisions of the Act and the provisions of this part. The importer of such a product or mixture shall, at the time entry is made with the Collector of Customs, as required by § 8.3(a), Chapter I, Title 19, Code of Federal Regulations, include the following certification on the Customs entry, or as a supplement thereto:

I hereby certify that in accordance with a letter from the Department of Agriculture dated ----------, it has been determined that sugar or liquid sugar in the product(s) or mixture(s) covered by this entry is (are) not subject to a Sugar Act quota.

(d) (1) Whenever the Secretary is required to make a determination as provided in paragraphs (a) and (c) of this section, and if the Secretary has reason to believe it likely that as a result of such determination the sugar or liquid sugar in any product or mixture will be subject to a quota as provided in this section, he shall, as provided in section 4 of the Administrative Procedure Act (5 U.S.C. 1003), publish a notice of the proposed rule making, afford interested persons an opportunity to submit written views and arguments and publish his determination. Whenever the Secretary makes a determination as provided for in paragraphs (a) and (c) of this section which does not subject the sugar or liquid sugar in a product or mixture to a quota as provided in this section, such determination may be made without regard to the rule making requirements of section 4 of the Administrative Procedure Act and by addressing and mailing such determination in writing to named interested persons.

(2) In making a determination as provided for in paragraph (c) of this section the Secretary shall take into consideration the total sugar content of the product or mixture in relation to other ingredients or to the sugar content of other products or mixtures for similar use, the costs of the mixture in relation to the costs of its ingredients for use in the United States or Puerto Rico, the present or prospective volume of importation relative to past importations, and the following information, which interested persons requesting a determination shall submit, or, which importers of a product or mixture or other persons having such information shall submit upon request of the Secretary:

(i) The trade or commercial name identifying the product or mixture;

(ii) The ingredients and the proportion thereof contained in the product or mixture;

(iii) The size or sizes of the container in which the product or mixture was or will be imported;

(iv) The past, current and prospective volume of importations annually;

(v) The export value and duty rate per unit and tariff classifications (U.S.I.D.A. Reporting Number) and whether the product or mixture has or has not been imported pursuant to that classification;

(vi) The most common use or uses made or to be made of the product or mixture, indicating the approximate extent that importations have been or may be disposed of for each use and noting which uses do and do not involve the production of another product;

(vii) The identity of domestically produced products or mixtures, if any, which are used for the same or essentially the same purpose.

(3) In making a determination as provided for in paragraph (a) of this section, the Secretary will take into consideration the information identified in subdivisions (i) through (vii) of subparagraph (2) of this paragraph pertaining to both the product or mixture in question, and the product or mixture imported during the period 1955 through 1959. Such information shall be submitted by persons requesting a determination or by importers of the product or mixture or persons having such information at the request of the Secretary.

4. Section 817.11 is redesignated as § 817.12 and as redesignated is amended to read as follows:

§ 817.12 Delegation of authority.

The Director, or Deputy Director, of the Sugar Division, or the Chief or Acting Chief of the Quota and Allotment Branch thereof, Agricultural Stabilization and Conservation Service of the Department, is hereby authorized to act for and on behalf of the Secretary in administering §§ 817.1 through 817.11 except for the issuance of notices provided for in paragraph (d) of § 817.8

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 101, 202, 206, 211, 212; 61 Stat. 922, as amended, 924, as amended, 928, as amended, 929, as amended, sec. 213 as added by Public Law 87-535, 7 U.S.C. 1101, 1112, 1121 and 1122; Public Law 87-539).

Issued at Washington, D.C., this 19th day of October 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-10686; Filed, Oct. 24, 1962; 8:49 a.m.]

[7 CFR Parts 1125, 1133, 1136]

[Docket Nos. AO-226-A8, AO-275-A9, AO-309-A4]

MILK IN PUGET SOUND, INLAND EMPIRE AND GREAT BASIN MARKETING AREAS

Notice of Recommended Decision and Opportunity to File Written Exceptions on Proposed Admendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Puget Sound, Inland Empire and Great Basin marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Seattle, Washington, on September 14, 1962, pursuant to notice thereof which was issued August 23, 1962 (27 F.R. 8597).

The material issues on the record of the hearing relate to:

1. Basic formula prices used to compute Class I prices.

2. Basic butterfat tests at which prices are computed, and conforming changes.

3. Distribution points for packaged milk under the Puget Sound order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Basic formula prices used to compute Class I prices.* The monthly average price received by farmers for manufacturing grade milk in Minnesota and Wisconsin as reported by the Department on the 5th day of the following month (adjusted to a 3.5 percent butterfat test) should be the basic formula price from which the Class I milk price is computed under each of the three Federal orders considered at the hearing.

(a) *Present order provisions.* Monthly Class I milk prices under each of these orders are determined from a basic formula price representing a value for manufacturing grade milk, to which is added a stated differential. Under the orders for the Inland Empire and Great Basin areas a supply-demand adjustment is then made to reflect changing relationships of the milk supply to Class I sales in the market.

While certain components of the basic formula pricing provisions are common to either two or all three of the orders, no two formulas are the same. Each contains a competitive pay price series, the Midwest condensery price. Each also contains at least one alternative formula price which is computed from the market prices of specified manufactured dairy products, with a fixed cost allowance for the cost of manufacturing the products. The Puget Sound order contains both a butter-powder price and a butter-cheese price along with the Midwest condensery price. The Inland Empire order contains the same basic formula provisions as the Pudget Sound order except that there is no butter-cheese price. The Great Basin order contains the Midwest condensery price and a butter-powder price in its price formula provisions. Each month in each of the markets the higher or highest of the alternative prices is designated as the basic formula price and this price is used to compute the Class I price.

Representatives of producers in each of the markets proposed and supported the change from present formula provisions to the Minnesota-Wisconsin price. The most important problems relating to the present basic formula pricing provisions of the orders are the deterioration of the condensery series, certain characteristics of the product price series, and the lack of uniformity.

The Midwest condensery price was originally based on reports from 18 plants. From time to time operations at certain plants have ceased until now prices at only seven plants, five in Wisconsin and two in Michigan, are being reported. Four of these plants are operated by a single firm and two more by another firm. Moreover, there is substantial evidence that the posted pay prices reported for the two Michigan plants in the series do not currently reflect the total costs of milk to such plants. As a consequence of these developments, the reliability and representativeness of the Midwest condensery price as an accurate measure of manufacturing milk values have been impaired.

Unlike competitive pay price series, the alternative prices employ fixed product yields and cost-of-manufacturing factors which do not respond automatically to changes in technological and economic efficiency. In the powder component of the butter-powder series substantial weight is given to the price of roller process powder, production of which has declined to the point that it no longer represents a use for substantial volumes of manufacturing grade milk. For this reason, it is no longer being purchased under the dairy price support program. Thus, the butter-powder price series may not be representative of the price changes occurring in the general level of the value of milk.

The butter-cheese formula in the Puget Sound order also fails to respond automatically to changes in efficiencies. Furthermore, it has never been the effective basic formula price under that order.

The lack of uniformity of basic formula price provisions clouds intermarket price relationships and makes it difficult to understand methods of determining Class I prices.

(b) *Minnesota-Wisconsin price.* The average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, is issued by the State-Federal Crop Reporting Service of the Department on about the 5th day of each month for milk received during the previous month. The price is based on reports of total pounds of manufacturing grade milk received from farmers, the butterfat content of such milk and the total money paid to farmers for the milk. These reports are submitted regularly by plant operators in both states. From them average prices for each state are computed late in the following month.

The current Minnesota-Wisconsin price is based on an adjustment of the two-state prices computed from special supplementary reports which are submitted for a representative group of plants. These reports are indicative of price changes during the second month from the price of the previous month. The reports are submitted in time to allow computation of a price by about the 5th day of the following month. Thus, the Minnesota-Wisconsin price is as current as the price series used in existing order provisions.

About half of the manufacturing grade milk produced in the nation is produced in the Minnesota-Wisconsin area. In Minnesota, about 80 percent of the milk sold off farms is of manufacturing grade and, in Wisconsin, about 65 percent. Many plants compete for this supply and at these plants all major manufactured milk products are produced. The price level for manufacturing milk in this area is determined by competitive conditions that reliably reflect supplies of manufacturing milk and demand for the products made from it. Changes in production and processing efficiencies

are automatically reflected in the competitive price level.

Over the past twelve months, other basic formula price provisions have been replaced by the Minnesota-Wisconsin price as the sole effective basic formula price in 69 Federal milk orders following hearings on proposals similar to that contained in the notice of this hearing. The adoption of the price in these three orders will enlarge the advantages accruing from uniformity of basic formula price provisions.

Uniformity of these provisions allows price changes in the general value of manufacturing milk to be reflected concurrently in Class I costs to handlers and returns to producers for a great number of markets. Uniformity of basic formula price provisions also aids in promoting the understanding of the methods used to determine prices under the orders.

It is concluded that the average price for manufacturing grade milk in Wisconsin and Minnesota as reported by the Department for the month should be adopted as the basic formula price in these orders.

Inasmuch as the manufacturing milk price in the two-state area is reported by the Department as the price at actual test, a method for adjusting to a butterfat test of 3.5 percent should be adopted. (Elsewhere in this decision it is found that prices under the Puget Sound and Inland Empire orders should be computed at 3.5 percent butterfat.) To make this adjustment a generally recognized value of butterfat, 0.12 times the average wholesale price for (92-score) butter at Chicago, should be used.

This method of adjustment is used in all orders now employing the price series as a basic formula price. Its adoption will enhance the consistency and uniformity of basic formula pricing among Federal orders sought through the adoption of the new price provisions.

(c) *Transition to new formula.* No changes should be made in the Class I price differentials of the Puget Sound, Inland Empire and Great Basin orders with the adoption of the new basic price formula provisions.

For the 34-month period from January 1958 through October 1960 the Minnesota-Wisconsin price and the Midwest condensery price represented virtually the same level of price at a butterfat test of 3.5 percent, differing by less than one-half cent on a simple average basis. In only six of these months did these prices vary by more than three cents and the differences never exceeded seven cents. From November 1960 through February 1961 the Midwest condensery price exceeded the Minnesota-Wisconsin price by 6 to 14 cents; for March and April 1961 the condensery price was approximately the same as the Minnesota-Wisconsin price. The condensery price was four cents less than the Minnesota-Wisconsin price in May 1961 and it has been from 9 to 15 cents less each month since. The recent wider variations have offset each other so that the two series averaged within one-half cent of each other for the 4-year period of 1958 through 1961.

In the Puget Sound and Inland Empire orders the Midwest condensery price has been the effective basic formula price for each month since January 1958. Had the basic formula provisions of the Great Basin order been in effect for this period the Midwest condensery price would have been the dominant price. It would have been the effective basic formula price in 36 of the 41 months from January 1958 through May 1961.

For these reasons the Minnesota-Wisconsin price may be substituted for the Midwest condensery and other price formulas without adjustment of the Class I differential. The recent decline of the Midwest condensery price relative to paying prices in Minnesota and Wisconsin and to prices of manufactured dairy products are symptoms of the progressive failure of the condensery price to represent accurately manufacturing milk values. It would not be appropriate to reduce Class I differentials to reflect recent levels of the condensery price.

In the Puget Sound and Inland Empire orders conversion of the condensery price to a 4.0 butterfat basis by direct ratio has been at a higher rate than the Class I butterfat differentials of the orders. As a consequence, basic formulas of these orders, when reconverted to a 3.5 percent basis, are slightly higher than the 3.5 percent condensery price. At present this increment is approximately equal to the amount by which the Great Basin basic formula (based on butter-powder prices) exceeds the Midwest condensery price. The deterioration in the condensery price series from the level of the Minnesota-Wisconsin price more than offsets these amounts, so that no increase in Class I differentials is required to prevent current reductions in the Class I prices of the orders.

2. *Basic butterfat tests at which prices are computed.* Class prices under the Puget Sound and the Inland Empire orders should be computed at a 3.5 percent butterfat basis rather than at a 4.0 percent basis as is currently the practice. This change will maintain and enlarge the uniformity of pricing sought in the adoption of the new basic formula price provisions in the two orders and will simplify making price comparisons among markets. When the Minnesota-Wisconsin manufacturing milk price was made the effective basic formula price in 69 other Federal orders, those under which prices were computed at other butterfat tests were changed to the 3.5 percent butterfat test.

Class prices for classes of milk other than Class I were not at issue at the hearing. The basic butterfat test may be changed from 4.0 to 3.5 percent without altering the Puget Sound Class II price by reducing the Class II price by five times the Class II butterfat differential before completing the computation of that price. A similar change in the Inland Empire Class III price computations will leave the prices for Class II and Class III milk in that market unaffected.

3. *Distribution points for packaged milk under the Puget Sound order.* The "plant" definition of the Puget Sound order should be revised to clarify the status of distribution points at which milk processed and packaged at fully regulated plants is stored in the course of normal disposition to trade outlets. It should be specified that such facilities do not of themselves constitute a plant, and that such facilities on the premises of nonpool plants or country plants which do not package milk for fluid distribution should not be treated as a part of the operations of such plants, but as part of the operations of the plant at which the milk was processed and packaged. The requirement that milk transferred to nonpool plants as Class II milk must be in bulk form should also be deleted.

One Puget Sound handler now has a distribution point located on the premises of a nonpool plant at which he manufactures ice cream, and other handlers have such facilities on the premises of country plants at which there is no processing or packaging of milk for distribution to trade outlets.

The application of the order to such operations will be substantially simplified with full assurance to producers that disposition through such distribution points will be properly classified if operations of such points are excluded from those of the nonpool or country plant, and the milk disposed of through them is treated as though disposed of direct from the plant at which processed and packaged.

Deletion of the present requirement that Class II transfers must be in bulk form will provide opportunity for economical disposition of route returns at distribution points to manufacturing facilities without transportation back to the processing plant. The order provides other provisions adequate to insure that any pool milk moved to nonpool plants will be assigned the proper classification.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders as amended regulating the handling of milk in the Puget Sound, Inland Empire and Great Basin marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Amendment to Part 1125 regulating the handling of milk in the Puget Sound, Washington, marketing area:

1. Section 1125.7 is revised to read as follows:

§ 1125.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment, whether owned by one or more persons, constituting a single operating unit or establishment, which is maintained and operated primarily for the receiving, handling and processing of milk and milk products.

(a) The buildings, premises and facilities, including facilities for washing tanks, of a reload point used primarily as a location at which milk is transferred from one bulk farm pickup tank to another or to an over-the-road tank truck, and approved for such use by an appropriate health authority, shall constitute a plant, and any such reload point on the premises of a plant engaging in other operations shall constitute a part of the operations of such plant.

(b) The buildings, premises and storage facilities of a distribution point at which are stored en route in the course of disposition skim milk and butterfat in any of the forms specified in § 1125.41 (a) that have been processed and packaged in consumer-type packages at the fluid milk plant (or country plant qualified pursuant to the proviso of § 1125.9) of the operator of such distribution point shall not constitute a plant. Operations of such a distribution point located on the premises of a nonpool plant or a country plant not engaged in packaging milk in consumer-type packages shall not constitute a part of the operations of such plant. Skim milk or butterfat disposed of through such a distribution point shall be treated as though disposed of from the fluid milk plant or country plant at which it was processed and packaged.

2. In § 1125.41, paragraph (b)(3) is revised to read as follows:

§ 1125.41 Classes of utilization.

* * * * *

(b) * * *

(3) Disposed of in bulk in any of the forms specified in paragraph (a) of this section to bakeries, soup companies and candy manufacturing establishments in their capacity as such,

3. Section 1125.50 is revised to read as follows:

§ 1125.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

4. In § 1125.51 paragraphs (a) and (b)(3) are revised to read as follows:

§ 1125.51 Class prices.

* * * * *

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.65: *Provided,* That the price for Class I milk for the months of April through June, inclusive, of any year shall not be higher than the price computed pursuant to the above provisions of this paragraph for the month of March immediately preceding, and the price for Class I milk for any October through January period, inclusive, shall not be lower than the price computed pursuant to the provisions of this paragraph for the month of September immediately preceding.

(b) *Class II milk.* * * *

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents plus five times the butterfat differential computed pursuant to § 1125.52(b).

§§ 1125.52, 1125.71, 1125.82 [Amendment]

5. In §§ 1125.52, 1125.71, and 1125.82, "4.0" is changed to "3.5" wherever it appears.

Amendment to Part 1133 regulating the handling of milk in the Inland Empire marketing area:

1. Section 1133.50 is revised to read as follows:

§ 1133.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1133.51 paragraphs (a) and (c)(3) are revised to read as follows:

§ 1133.51 Class prices.

* * * * *

(a) *Class I milk.* For each month the price for Class I milk shall be the basic formula price for the preceding month plus $1.90 adjusted by the amount, but not in excess of 50 cents for any month, computed pursuant to paragraph (d) of this section.

* * * * *

(c) *Class III milk.* * * *

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents plus five times the butterfat differential computed pursuant to § 1133.52(b), and round to the nearest cent.

§§ 1133.52, 1133.71, 1133.82 [Amendment]

3. In §§ 1133.52, 1133.71, 1133.82, "4.0" is changed to "3.5" wherever it appears.

Amendment to Part 1136 regulating the handling of milk in the Great Basin marketing area:

1. Section 1136.51 is revised to read as follows:

§ 1136.51 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the butter price for the month. The basic formula price shall be rounded to the nearest full cent.

Signed at Washington, D.C., on October 22, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-10673; Filed, Oct. 24, 1962; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 22]

DRAWBACK

Proposed Allowance When Substituted Merchandise Is Involved

Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority of sections 313 and 624 of the Tariff Act of 1930, as amended (19 U.S.C. 1313, 1624),

it is proposed to amend § 22.5 of the Customs Regulations.

The purpose of the proposed amendment is to permit the importer to designate, as the basis for the allowance of drawback, imported crude petroleum which is exchanged by the importer for domestic crude petroleum in conformity with Presidential Proclamation No. 3279 of March 10, 1959, and the Oil Import Regulations issued thereunder. The terms of the proposed amendment, in tentative form, are as follows:

Section 22.5 is amended by adding a new paragraph (e) reading as follows:

(e) For purposes of compliance with paragraph (a) (2) of this section, the use of domestic crude petroleum taken in exchange for imported crude petroleum in conformity with Presidential Proclamation 3279 of March 10, 1959, and the Oil Import Regulations issued thereunder, shall constitute use of the imported crude petroleum.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: October 18, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-10672; Filed, Oct. 24, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

PAUL RESSLER ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Paul Ressler, Wittelsbacherstrasse 1, Haus Sonnenhof, Bad Reichenhall, Germany; Claim No. 40784; $156.88 in the Treasury of the United States and an undivided 1/13th interest in the securities described below.

Mrs. Lotte Ressler, Wittelsbacherstrasse 1, Haus Sonnenhof, Bad Reichenhall, Germany; Claim No. 40785; $156.88 in the Treasury of the United States and an undivided 1/13th interest in the securities described below.

Mrs. Erna Apfelbaum, Fruehlingstrasse 2, Bad Reichenhall, Germany; Claim No. 40789; $313.74 in the Treasury of the United States and an undivided 2/13ths interest in the securities described below. Fifty (50) shares of Aztec Silver-Gold Mining Company $1.00 par value capital stock, evidenced by Certificate No. 141 for 50 shares. Two hundred and fifty (250) shares of Transvaal Copper Mines Company of Utah $5.00 par value common stock, evidenced by Certificate No. 637 for 250 shares. Two hundred (200) shares of The Arizona Consolidated Mines Company $10.00 par value capital stock, evidenced by Certificate No. 1102 for 200 shares. The above securities are located in the Office of Alien Property, Department of Justice, 101 Indiana Avenue NW., Washington 25, D.C.

Vesting Order No. 1813.

Executed at Washington, D.C., on October 18, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-10662; Filed, Oct. 24, 1962; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. N-3-S T A-63-1]

NEVADA

Small Tract Classification

1. Pursuant to authority delegated by Bureau Order 684, dated August 28, 1961 (26 F.R. 8216), and the State Director June 29, 1962 (27 F.R. 6240), I hereby classify the following described public lands in Washoe County, Nevada, as suitable for sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 19 E.,
Sec. 34, NW¼NE¼.

The area described aggregates 40 acres of which 35 acres are covered by 7 applications from persons entitled to preference under 43 CFR 257.5(a).

2. Classification of the above described land by this order segregates them from all appropriation, including location under the mining laws, except as to application under mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act (op. cit.) until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

5. All valid applications filed prior to October 18, 1962 will be granted as soon as possible, the preference right provided for by 43 CFR 257.5.

DANIEL P. BAKER,
Chief, Division of
Lands and Minerals Management.

OCTOBER 18, 1962.

[F.R. Doc. 62-10651; Filed, Oct. 24, 1962; 8:45 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 18, 1962.

The Bureau of Sport Fisheries and Wildlife has filed an application, Serial Number Washington 03536, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws.

The applicant desires the land to protect the water supply from contamination and to assure an adequate supply for the operation of the Leavenworth National Fish Hatchery.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 680 Bon Marche Building, Spokane 1, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN

T. 23 N., R. 16 E.,
Sec. 8, all;
Sec. 10, all.
T. 23 N., R. 17 E.,
Sec. 8, all;
Sec. 16, NW¼;
Sec. 18, all;
Sec. 20, all.

JOHN E. BURT, Jr.,
Officer in Charge.

[F.R. Doc. 62-10652; Filed, Oct. 24, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

SECRETARY AND ASSISTANT SECRETARIES

Redelegation of Authority

Authority to execute and sign contracts, agreements and other legal documents on behalf of the Maritime Administration, which have been authorized or approved by the Maritime Administrator, the Deputy Maritime Administrator or a duly authorized Office Chief or Staff Official, on matters which have not been otherwise redelegated to any other official.

Effective date. This redelegation is effective as of September 17, 1962.

Dated: October 19, 1962.

J. W. GULICK,
Acting Maritime Administrator.

[F.R. Doc. 62-10674; Filed, Oct. 24, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

NOTICE OF AGREEMENT WITH THE STATE OF NEW YORK

Agreement between the United States Atomic Energy Commission and the State of New York for discontinuance of certain Commission regulatory authority and responsibility within the State pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

Whereas the United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended, (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas the Governor of the State of New York is authorized under section

462 of the New York State Atomic Energy Law to enter into this Agreement with the Commission; and

Whereas the Governor of the State of New York certified on July 20, 1962, that the State of New York (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas information as to the Radiation Control Program within the State of New York was submitted to the Commission on July 20, 1962, August 30, 1962, and October 8, 1962; and

Whereas the Commission found on October 12, 1962, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII. The Commission and the State recognize that the limits on their respective rights, powers and responsibilities under the Constitution, with respect to protection against radiation hazards arising out of the activities licensed by the Commission within the State, are not precisely clear. The Commission and the State agree to work together to define, within a reasonable time, the limits of, and to provide mechanisms for accommodating, such responsibilities of both parties. Without prejudice to the respective rights, powers and responsibilities of Federal and State authority, the State undertakes to obtain promptly and to maintain in effect while such cooperative endeavors are in progress, a modification of the Health, Sanitary and Industrial Codes which are to become effective within the State as of October 15, 1962, so as to exempt (except for registration; notification; inspection, not including operational testing but including sampling which would not substantially interfere with or interrupt any Commission licensed activities; and routing and scheduling of material in transit) licensees of the Commission from so much of such Codes as pertain to protection against radiation hazards arising out of activities licensed by the Commission within the State. While such cooperative endeavors are in progress, the existence or nonexistence of the exemptions and exceptions referred to above shall not prejudice the exercise by the Commission or the State, in an emergency situation presenting a peril to the public health and safety, of any constitutional rights and powers the Federal Government or the State may have now or in the future. If such cooperative endeavors do not result in a definition, within a reasonable time, of the limits of, and provision of mechanisms for accommodating, the responsibilities of the Commission and the State with respect to protection against radiation hazards arising out of the activities licensed by the Commission within the State, then the existence or nonexistence of the exemptions and exceptions referred to above shall not prejudice the exercise by the Commission or the State of any constitutional rights and powers the Federal Government or the State may have now or in the future.

Article VIII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article IX. This Agreement shall become effective on October 15, 1962, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VIII.

Done at Washington, District of Columbia, in tripilcate, this 15th day of October 1962.

For the United States Atomic Energy Commission.

GLENN T. SEABORG,
Chairman.

Done at Albany, State of New York, in triplicate, this 15th day of October 1962.

For the State of New York.
NELSON A. ROCKEFELLER,
Governor.

[F.R. Doc. 62-10664; Filed, Oct. 24, 1962; 8:47 a.m.]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Notice of Issuance of Amendment to Facility License

Please take notice that the Atomic Energy Commission, pursuant to the Initial Decision of the Presiding Officer dated October 10, 1962, and on the basis of a report from Yankee Atomic Electric Company dated October 10, 1962, that the physical modifications of the facility described in Yankee's Amendment No. 41 to its license application have been completed and confirmation by the AEC's Division of Compliance of the satisfactory completion of the modifications, has issued Amendment No. 4 to Facility License No. DPR-3, set forth below. The license authorizes Yankee Atomic Electric Company to possess and operate its nuclear power facility located at Rowe, Massachusetts. The amendment (1) increases the maximum authorized steady state power level from 485 megawatts (thermal) to 540 megawatts (thermal) and (2) revises the technical specifications of the license.

Dated at Germantown, Md., this 11th day of October 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[License No. DPR-3; Amdt. No. 4]

1. This license applies to the pressurized water reactor (hereinafter referred to as the "reactor") which is owned by Yankee Atomic Electric Company (hereinafter referred to as "Yankee"), located in Rowe, Massachusetts, and described in the technical specifications attached as appendix A hereto.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Yankee:

A. Pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the "Act"), and Title 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities" to possess and use the reactor as a utilization facility;

B. Pursuant to the Act and Title 10 CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use 2300 kilograms of contained uranium 235 as fuel for the operation of the reactor; and

C. Pursuant to the Act and Title 10 CFR, Chapter I, Part 30, "Licensing of By-product Material", to possess, but not to separate, such by-product material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70 of the Regulations, Title 10 CFR, Chapter I; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Technical specifications.* The technical specifications contained in Appendix A hereto (hereinafter referred to as technical specifications) are hereby incorporated in this license. Except as provided in § 50.59 of the Commission's regulations, Yankee shall operate the facility in accordance with the technical specifications.

B. *Authorization of changes, tests and experiments.* Yankee may (1) make changes in the facility as described in the hazards summary report, (2) make changes in the procedures as described in the hazards summary report, and (3) conduct tests or experiments not described in the hazards summary report, only in accordance with the provisions of § 50.59 of the Commission's regulations. As used in this license, the term "hazards summary report" means Part 2 of the license application as amended as of the date hereof and as may be further amended from time to time in accordance with the procedures of paragraph 3.E. of this license.

C. *Records.* In addition to those otherwise required under this license and applicable regulations, Yankee shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing the radioactivity released or discharged into the air or water beyond the effective control of Yankee as measured at or prior to the point of such release or discharge.

(3) Records of radioactivity levels on-site and at off-site monitoring stations.

(4) Records of scrams, including reasons therefor.

(5) Records of reactor tests and measurements performed pursuant to the requirements of the technical specifications.

(6) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(7) Records of changes made in the systems listed in paragraphs "B" and "C" of the technical specifications and the reasons therefor.

D. *Reports.* In addition to those otherwise required under this license and applicable regulations, Yankee shall make the following reports:

(1) Yankee shall make an immediate report of any indication or occurrence of a possible unsafe condition relating to the operation of the reactor including, without implied limitation: (a) Any accidental release of radioactivity, whether or not resulting in personal injury or property damage or exposure above permissible limits; and (b) any substantial variance disclosed by operation of the reactor from the performance specifications set forth in the technical specifications.

(2) At least yearly, Yankee shall submit an operation report summarizing data with respect to the following:

(a) Hours use of the reactor.

(b) The electric output of the plant.

(c) Shutdowns of the reactor, with a brief explanation of the cause and duration of each shutdown.

(d) Levels of radioactivity recorded at the site and at off-site monitoring stations.

(e) Levels of radioactivity in principal systems established by chemical analysis.

(f) Routine releases, discharges and shipments of radioactive materials.

(g) Principal maintenance performed with the reasons therefor.

(h) A description of significant tests performed and the results of any test analyses completed. The tests reported shall include periodic determinations of the effects of plutonium buildup on reactivity coefficients and of reactor power distribution as measured by use of the in-core instrumentation.

(i) Significant changes or new information regarding transient or accident analyses.

(j) A description of any other significant or unusual occurrence or operating condition experienced.

(3) Within 90 days following the end of each calendar year, Yankee shall submit a financial report for such year, including a balance sheet at the end of such year and a statement of income and surplus for such year; and a summary of the amount and type of financial protection in effect at the end of such year pursuant to section 170 of the Act.

Each such report shall be in writing, signed by a responsible officer of Yankee and shall be addressed to the Commission, Attention: Division of Licensing and Regulation. 25 copies of each report shall be submitted. Reports submitted pursuant to (1) above may be made initially by telephone, telegram or orally but shall be confirmed in writing promptly thereafter.

E. *Amendments to the license application.* Yankee may submit amendments to its license application at any time or from time to time, but no such amendment to the license application shall be effective to change or modify the technical specifications unless authorized by the Commission pursuant to § 50.59 of the regulations, Title 10 CFR Chapter I, Part 50.

4. Pursuant to § 50.60 of the regulations, Title 10 CFR, Chapter I, Part 50, the Commission has allocated to Yankee for use in the operation of the reactor 6,002.6 kilograms of uranium-235 contained in uranium at the isotopic ratios specified in Yankee's license application. Estimated schedules of special nuclear material transfers to Yankee and returns to the Commission are contained in Appendix B which is attached hereto. Shipments by the Commission to Yankee in accordance with Column (2) in Appendix B will be conditioned upon Yankee's return to the Commission of material substantially in accordance with Column (3) of Appendix B.

5. This license is effective as of the date of issuance and shall expire November 4, 1997.

Date of issuance: October 11, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-10639; Filed, Oct. 24, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11908 etc.]

TRANSATLANTIC CHARTER INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on November 20, 1962, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 22, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-10675; Filed, Oct. 24, 1962; 8:48 a.m.]

[Docket No. 13538]

WIEN ALASKA AIRLINES, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Hearing

In the matter of the application of Wien Alaska Airlines, Inc., and Pan American World Airways, Inc., for approval of a route transfer agreement.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on October 29, 1962, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this pro-

ceeding, interested persons are referred to the prehearing conference report served on October 12, 1962, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 19, 1962.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 62-10676; Filed, Oct. 24, 1962; 8:49 a.m.]

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THERE IS DETERMINED TO BE A MANPOWER SHORTAGE

Notice of Listing

Under the provisions of Public Law 86-587, the Civil Service Commission has determined that there is a manpower shortage for the following:

Grade	Position	Location	Effective date
GS-17	Director, Defense Study of Military Compensation	Office of the Secretary of Defense, Washington, D.C.	July 13, 1962
GS-16	Chief, Research Statistics Division.	Department of Medicine and Surgery, Veterans Administration, Washington, D.C.	Aug. 8, 1962
GS-15	Aquatic Ecologist.	Headquarters, Atomic Energy Commission, Germantown, Md.	Sept. 21, 1962

Travel and transportation expenses may be paid for appointees to their duty station for the positions as listed above. Any such payments as a result of this determination must be made in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 62-10670; Filed, Oct. 24, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14825]

CITY CAB CO.

Order To Show Cause

In the matter of Tom Harrison, d/b as City Cab Company, Elko, Nevada; order to show cause why there should not be revoked the license for Radio Station KBC-469 in the Taxicab Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned radio station;

It appearing that pursuant to § 1.76 of the Commission's rules, written notice of violation was served upon the above-named licensee, as follows: Official Notice of Violation, mailed November 14, 1961, which alleged that on October 2, 1961, Taxicab Radio Station KBC-469 was operated in violation of § 16.107(e)(1)—no visual indicator provided at the control point to show when the transmitter is radiating; § 16.109(b)—the base station transmitter (G.E. ET1C1) does not meet the Commission's technical standards; § 16.160 (a) and (b)—no record of results and dates of transmitter measurements or of service duties performed which may affect the proper operation of the radio apparatus.

It further appearing that the above-named licensee received the said Official Notice of Violation but did not make satisfactory reply thereto, whereupon the Commission, by letters dated December 19, 1961, January 22, 1962, February 21, 1962, April 12, 1962, and September 19, 1962, again requested the licensee to advise the Commission concerning this matter and although the foregoing letters were received he did not reply to any of them; and

It further appearing that in view of the foregoing the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 22d day of October 1962, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended and § 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—Return Receipt Requested—to the said licensee to P.O. Box 88, Elko, Nevada.

Released: October 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10679; Filed, Oct. 24, 1962; 8:49 a.m.]

[Docket Nos. 14815-14817; FCC 62-1100]

WILLIAM S. COOK ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of William S. Cook, Colorado Springs, Colorado, Docket No. 14815, File No. BP-14198; requests: 1530 kc, 1 kw, Day, Class II; Charles W. Stone (KCHY), Cheyenne, Wyoming, Docket No. 14816, File No. BP-15080; has: 1590 kc, 1 kw, Day, Class II, requests: 1530 kc, 1 kw, 10 kw-LS, DA-2, U, Class II; Frances C. Gaguine & Bernice Schwartz d/b as Denver Area Broadcasters (KDAB), Arvada, Colorado, Docket No. 14817, File No. BMP-9769; has: 1550 kc, 10 kw, Day, Class II, requests: 1550 kc, 10 kw, 50 kw-LS, DA-2, U, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of October 1962;

The Commission having under consideration on the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the multiple applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals: and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

A. The proposal of William S. Cook (BP-14198):

1. Causes interference to the existing operation of Station KDAB, Arvada, Colorado.

2. The proposed 2 mv/m contour of KDAB (BMP-9769) apparently overlaps the 25 mv/m contour of the applicant in violation of § 3.37 of the Commission's rules. Also involved is mutual 0.5 mv/m and 15 mv/m interference with BMP-9769.

3. This proposal involves mutual interference with the proposal of Charles W. Stone (BP-15080).

4. On the basis of the information submitted it cannot be concluded that this applicant has adequate cash or liquid assets available to finance the construction costs and initial operation of the proposed station. Funds of approximately $17,559 are needed to cover the down payment on equipment, land, buildings, miscellaneous expenses and operating expenses for a reasonable period of time. The balance sheet of William S. Cook shows cash in the amount of $6,000 and the balance sheet of Mrs. Reader J. Hubbell, from whom there is a loan commitment of $8,000, reflects adequate assets with which to meet the commitment. However, it cannot be determined from the balance sheet of Mrs. Connie L. Thombs, from whom there is a loan commitment of $8,000, that she will be able to meet her commitment. Also, the source of "New Capital" referred to in the applicant is not identified.

B. The proposal of Charles W. Stone (KCHY) (BP-15080):

1. Involves mutual interference with the proposal of William S. Cook (BP-14198) resulting in a population loss to the Stone proposal in excess of 10% in violation of § 3.28(d)(3) of the Commission's rules.

2. The antenna site photo submitted by applicant is inadequate to determine whether the proposed antenna system would be reasonably free of deleterious effects with nearby structures.

C. The proposal of Denver Area Broadcasters (KDAB) (BMP-9769):

1. The proposed 25 mv/m contour of William S. Cook (BP-14198) apparently overlaps the 2 mv/m contour of applicant in violation of § 3.37 of the Commission's rules. Also involved is mutual 0.5 mv/m and 15 mv/m interference with BP-14198.

2. The photo submitted by applicant for the amended antenna site does not clearly show the surrounding area to determine whether the proposed antenna system would be reasonably free of deleterious effects with nearby structures.

3. The proposed antenna parameters for the nighttime antenna system do not accurately depict the proposed radiation pattern.

4. (a) By Petition to Deny filed on October 20, 1961, Lakewood Broadcasting Service, Inc., licensee of Station KLAK, Lakewood, Colorado, requested that the KDAB application be denied on the grounds that its nighttime proposal violates § 3.28(d)(3) of the Commission's rules because the population loss within its protected contour substantially exceeds 10 percent and no valid reason exists for a waiver of the rule. Applicant originally conceded this population loss by requesting a waiver of § 3.28(d) of the rules, but now has amended its proposal deleting the request for waiver.

(b) KLAK claims standing based on economic injury that it will receive from KDAB, operating as proposed, because a grant thereof "would significantly and substantially increase the degree of competition between stations KDAB and KLAR for advertising revenues, program sources and listener acceptance". KDAB, in its opposition, attacks the standing of KLAK on the grounds that its claim is not supported "by specific allegations of fact". A statement by an existing station that a new proposal will operate in the same market and in the same broadcast band with competing hours of operation meets the requirement as to specificity of pleading. Under the doctrine of the Sanders case,[1] we agree that KLAK has standing pursuant to section 309 of the Communications Act of 1934, as amended.

(c) KDAB also attacks the KLAK petition on the grounds that it was not timely filed. Section 1.359(i) of the Commission's rules permits the filing of petitions to deny until the "cut-off" date as listed in a public notice issue pursuant to § 1.354(e) of the rules. The KDAB application has never been listed on a public notice. Thus, the petition is timely filed.

(d) With respect to the substantive allegation of KLAK that KDAB's proposal violates the 10 percent rule, applicant claims the petition lacks merit on the grounds that its proposal comes within the purview of the nighttime exception of § 3.28(d) of the rules. It has not been conclusively determined that Arvada is or is not a "separate community" within the meaning of § 3.28(d)(3) of the rules. At the time of the original grant to KDAB, it was held not to be a separate "community" within the meaning of section 307(b) of the Act. Therefore, an issue is included to determine whether Arvada is a separate community for the purposes of § 3.28(d)(3) of the rules.

[1] F.C.C. v. Sanders Bros. Radio Station, 309 U.S. 470 (1940)

As set forth in paragraph 5(d), the proposal violates § 3.28(d)(3) of the rules. Should it be determined that Arvada is a separate community for § 3.28(d) purposes, thereby qualifying for an exception thereto, a question would be raised with respect to efficient utilization of the channel pursuant to § 3.24(b) of the rules. According to data submitted by applicant, the proposed nighttime operation will be limited to 21.1 mv/m resulting in an area loss of approximately 87.5 percent and a population loss of approximately 28.4 percent.

D. Two of the proposed antenna systems, those of Denver Area Broadcasters and William S. Cook, have been approved by the Federal Aviation Agency. The remaining proposal, that of Charles W. Stone, has not been specifically approved by the F.A.A., but has been examined by the Commission in the light of the criteria contained in F.A.A. regulations, § 626.12. It appears that the Charles W. Stone proposal would comply with F.A.A. criteria.

It further appearing that in view of the foregoing, the Commission is unable to make the statutory finding that grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of William S. Cook and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations KDAB and KCHY and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of William S. Cook would cause objectionable interference to the existing operation of Station KDAB, Arvada, Colorado, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine, for the purposes of § 3.28(d)(3) of the Commission's rules, whether Arvada, Colorado, is a separate community from Denver, Colorado.

6. To determine, if it is concluded that Arvada, Colorado, is a separate community pursuant to Issue No. 5 above, whether, because of interference received, the nighttime proposal of Station KDAB would be consistent with the requirements of § 3.24(b) of the Commission's rules.

7. To determine, if it is concluded that Arvada, Colorado, is not a separate community pursuant to Issue No. 5 above, whether interference received from existing stations would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Denver Area Broadcasters, in contravention of § 3.28(d)(3) of the Commission's rules, and if so, whether circumstances exist which would warrant a waiver of said section.

8. To determine whether interference received from the proposed operation of William S. Cook would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Charles W. Stone (KCHY), in contravention of § 3.28(d)(3) of the Commission rules, and if so, whether circumstances exist which would warrant a waiver of said section.

9. To determine whether William S. Cook is financially qualified to construct and operate his proposed station.

10. To determine whether the transmitter sites proposed by Charles W. Stone (KCHY) and Denver Area Broadcasters (KDAB) are satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna systems which would distort the proposed antenna radiation patterns.

11. To determine whether overlap of the 2 and 25 mv/m contours would occur between the instant proposal of William S. Cook and Denver Area Broadcasters (KDAB) in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

12. To determine whether the proposed Station KDAB antenna parameters for the nighttime antenna system accurately depict the proposed radiation pattern.

13. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

14. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Denver Area Broadcasters, and Lakewood Broadcasting Service, Inc., licensees of Stations KDAB, and KLAK, respectively, are made parties to the proceeding with respect to their existing and authorized operations.

It is further ordered, That the Petition to Deny filed by Lakewood Broadcasting Service Inc., is hereby granted to the extent indicated above.

It is further ordered, That in the event of a grant of any of the instant proposals, the construction permit shall contain the following conditions: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That in the event of a grant of the proposal of Charles W. Stone, the construction permit shall be further conditioned as follows: This authorization is subject to compliance by permittee with any applicable procedures of the Federal Aviation Agency.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(h) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10680; Filed, Oct. 24, 1962; 8:49 a.m.]

[Docket Nos. 14739, 14740; FCC 62R-82]

EDINA CORP. AND TEDESCO, INC.

Memorandum Opinion and Order Amending Issues

In re applications of Edina Corp., Edina, Minnesota, Docket No. 14739, File No. BP-14018; Tedesco, Inc., Bloomington, Minnesota, Docket No. 14740, File No. BP-15272; for construction permits.

1. Tedesco, Inc., has petitioned for dismissal of the application of Edina Corp. or, in the alternative, for enlargement of issues.[1] Tedesco also seeks deletion of certain issues which pertain to its application.

2. *Availability of Site.* Tedesco's request for dismissal of Edina Corp.'s application is grounded on the assertion that that applicant has been denied permission by the local planning commission to construct a radio tower on the site specified in its application. Edina Corp. replies that the Planning Commission is not the zoning authority; that the authority to permit construction lies in the City Council; and that it has reason to believe that approval by the City Council will be forthcoming. Edina Corp. further notes that it does not intend to pursue the matter before the City Council unless and until it receives a construction permit from the Federal Communications Commission.

3. It is well settled that the Commission's policy is to leave resolution of zoning matters to local authorities. W. Gordon Allen (KTIX), 13 RR 1120 (1956). The Commission does require, however, that an applicant have "reasonable assurance" that the site specified in its application will be available for the use intended. Massillon Broadcasting Company, Inc., 22 RR 95 (1961). In view of the fact that the City Council has not yet had an opportunity to act on Edina Corp.'s application for a conditional use permit which would allow construction of a radio tower at the specified site, its application cannot be dismissed at this time. However, since Edina Corp. has failed to demonstrate satisfactorily that there is reasonable assurance that the City Council will approve its application, the Review Board is of the opinion that an issue should be added to permit development of all the facts concerning Edina Corp.'s actions in attempting to obtain such approval, in order to determine whether Edina Corp. has a reasonable expectancy that its proposed site can be used as intended.

4. *Suitability of Site.* Tedesco, Inc., also requests addition of an issue to determine whether the site specified by Edina Corp. is suitable for the construction proposed. Tedesco merely cites the fact that the terrain involved is swampy, and speculates that difficulties might be encountered which would render the site "untenable from a useability standpoint." Edina Corp., in its opposition, counters Tedesco's speculative allegations with a showing that the proposed site is suitable and useable. Tedesco's request for addition of a suitability of site issue will be denied.

5. *Evansville Issue.* Tedesco requests addition of an issue to determine whether Edina Corp. has sufficient funds to effectuate construction at the site specified in its application. The Commission's Memorandum Opinion and Order designating these applications for hearing (FCC 62-845, released July 31, 1962) empowers the presiding officer to add such an issue upon sufficient allegations of fact in support of a motion therefor. No further consideration need be given to Tedesco's request for addition of the "Evansville" issue.

6. *Character qualifications.* Tedesco urges addition of a character qualifications issue as to Edina Corp. Tedesco contends that Edina Corp.'s continued prosecution of its application after its application for a conditional use permit was denied by the Planning Commission constitutes an abuse of Commission processes and raises a question of whether Edina Corp. "has the requisite character qualifications to receive a construction permit." As noted above, the Planning Commission is not the final local authority in zoning matters. Thus, there remains only the question of whether Edina Corp. was remiss in failing to advise the Commission of the difficulties encountered in its attempt to obtain permission from local authorities to build a radio tower on its specified site. There being no requirement in the rules or on the application form to so advise the Commission, the Review Board concludes that no specific character qualifications issue should be added. See The Young People's Church of the Air, Inc., 19 RR 1187 (1960). Where, however, the circumstances affecting the availability of the proposed site have been altered so radically as to eliminate any reasonable possibility of obtaining the site, failure to report such facts to the Commission might partake of misrepresentation of the actual facts, and hence warrant the addition of a character qualifications issue. As noted above, such circumstances are not present in the instant case.

7. *Multiple Ownership.* Tedesco contends that an issue should be added to determine whether grant of Edina's application will result in violation of § 3.35 (a) (multiple ownership) and/or § 3.35 (b) (concentration of control) of the Commission's rules. The following facts are pertinent to Tedesco's contentions: Edina Corp.'s principals are John Croil Hunter, Robert Donner, Jr., Kenneth E. Palmer and Croil Hunter (25 percent each). The first three each hold 33⅓ percent of the licensee of Station KIMN, Denver, Colorado. John C. Hunter also owns 58.33 percent of the licensee of Station WCMP, Pine City, Minnesota. Proposed Edina and WCMP would have 0.5 mv/m overlap affecting 53.3 percent of the WCMP 0.5 mv/m contour and 22.9 percent of the proposed Edina 0.5 mv/m contour. Pine City's 1960 Census population is less than 2,500 persons. There would be no 2 mv/m overlap. One Richard K. Power is a 30 percent stockholder of WCMP. Power also owns 50.5 percent of WAVN, Stillwater, Minnesota and 50 percent of WJON, St. Cloud, Minnesota. Total overlap (0.5 mv/m) of proposed Edina with WJON, WCMP and WAVN would be 84.2 percent. Edina is approximately 65 miles from Pine City, 27 miles from Stillwater and 65 miles from St. Cloud. Edina, in its opposition, stresses the fact that no Edina principal has any interest whatsoever in WAVN and WJON. In an affidavit, John C. Hunter maintains that, at most, he acts in an advisory capacity with respect to WCMP, and that he has no arrangement with Power respecting the operation or policies of WAVN or WJON. In reply, Tedesco contends that the business relationship between Hunter and Power renders it important that we "consider Mr. Power's role."

8. On the basis of the above, a § 3.35 (a) issue (duopoly) will be added, since Edina Corp.'s proposed operation would appear to provide primary service to Pine City and the proposed operation and that of WCMP will engender substantial, mutual 0.5 mv/m overlap. Tedesco's allegations are insufficient to warrant addition of a § 3.35(b) issue (concentration of control). However, the business privity between Hunter and Power in WCMP raises the question of whether their relationship therein would tend to diminish competition between the proposed Edina operation and that of WAVN, Stillwater. The proposed Edina operation and the operation of WAVN[2] engender not only substantial 2.0 mv/m overlap, but the 0.5 mv/m contours cover both communities as well. Thus, the doctrine enunciated in Macon Television Co., 8 RR 897 (1953) has application to the instant situation, and an appropriate issue will be added. WWSW, Inc., 12 RR 858c (1955).

9. Tedesco requests deletion of the multiple ownership issues relating to its proposal. These issues were included by the Commission on the basis of the following:

Interest (percent)	Call	Location	Power
28.6	BP-15151..	Depre (De Pere), Wis.	1 kw, 10 kw-LS.
28.6	BP-15272..	Bloomington, Minn.	10 kw, 50 kw-LS.
28.6	KWKY...	Des Moines, Iowa.	1 kw.
100.0	BP-14416..	Chisholm, Minn..	5 kw.
40.0	KCUE....	Red Wing, Minn.	1 kw.
45.0	WIXK....	New Richmond, Wis.	5 kw.
100.0	KFNF ...	Shenandoah, Iowa.	500 w, 1 kw-LS.

g. Victor J. Tedesco and his brother Nicholas, hereinafter referred to as the Tedesco brothers, are President and Vice President respectively and together own 28.6 percent of the subject applicant's voting stock. The Tedesco brothers are also officers, directors and stockholders of the licensees of Station WIXK, New Richmond, Wisconsin and Station KCUE, Red Wing, Minnesota. Together the Tedesco brothers own 45 and 40 percent of the voting stock of the aforementioned stations. Stations WIXK and KCUE are located approximately 45 miles from Bloomington, Minnesota and both of their normally protected service areas (0.5 mv/m contours) are almost entirely enclosed by the 0.5 mv/m contour of the instant proposal. There is also substantial overlap of the 2 mv/m contours. Due to the proximity of Bloomington, Minnesota, New Richmond, Wisconsin and Red Wing, Minnesota it will be necessary to determine [at] the hearing ordered below whether a grant of the instant application would be in contravention of § 3.35(a) of the Commission's rules. In addition to the overlap situation, a substantial question exists regarding the geographical concentration of the broadcast interests of the Tedesco brothers within a radius of 280 miles of Minneapolis, St. Paul. Their holdings, including the instant proposal are as follows:

10. The Tedesco brothers have relinquished their interests in KCUE and WIXK. Thus, it is clear that the reasons for which the § 3.35(a) issue was included no longer exist, and that issue will be deleted. There remains for consideration the § 3.35(b) issue, relating to concentration of control. The elimination of the Tedescos' Red Wing, Minnesota and New Richmond, Wisconsin interests from consideration removes the nucleus of the geographical concentration with which the Commission was concerned. While the other, more widespread interests were relevant to the concentration of control question, they do not, standing alone, raise a sufficient question of concentration to warrant retention of the issue. It should be noted, also, that Tedesco's request for deletion of issues is being considered at this time only because it is made in connection with other requests, and because the factual context which underlay the inclusion of the issues has been radically altered. Except in unusual circumstances such as are here presented, the Review Board will not be disposed to consider requests for deletion of issues when the matters can easily be resolved at hearing.

Accordingly, it is ordered, This 17th day of October 1962, That the petition to dismiss application of Edina Corp., filed by Tedesco, Inc., on August 17, 1962, is denied; and

It is further ordered, That the request for late acceptance of petition for enlargement and deletion of issue, filed by Tedesco, Inc., on August 21, 1962, is granted; and

It is further ordered, That the petition for enlargement and deletion of issues, filed by Tedesco, Inc., on August 21, 1962, is granted to the extent indicated below and is denied in all other respects; and

It is further ordered, That the Commission's Memorandum Opinion and Order (FCC 62-845) released July 31, 1962, is amended by deletion of Issues 5 and 6 and by addition of the following issues:

(a) To determine whether Edina Corp. has a reasonable expectancy of obtaining permission from the appropriate authorities for the construction of the proposed directional antenna system at the site specified in its application.

(b) To determine whether a grant of the instant proposal of Edina Corp. would be in contravention of the provisions of § 3.35(a) of the Commission's rules with respect to multiple ownership of standard broadcast stations.

(c) To determine, in light of the joint interests of J. C. Hunter and R. K. Power in Station WCMP, Pine City, Minnesota, and their separate respective interests in Edina Corp. and Station WAVN, Stillwater, Minnesota, and the overlap which would exist between Edina's proposal and Station WAVN's operation, whether a grant of the instant proposal of Edina Corp. would tend to diminish open, arms-length competition between Edina Corp. and Station WAVN.

Released: October 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10681; Filed, Oct. 24, 1962; 8:49 a.m.]

[Docket Nos. 14813, 14814; FCC 62-1099]

OSAGE PROGRAMERS AND CHEROKEE BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Bedwin H. Steely and Richard J. Houser, d/b as Osage Programers, Bartlesville, Oklahoma, Docket No. 14813, File No. BP-14698; requests: 1500 kc, 1 kw, Day, Class II; Cherokee Broadcasting Company, Pawhuska, Oklahoma, Docket No. 14814, File No. BP-15294; requests: 1500 kc, 500 w, Day, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of October 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the above-captioned proposals involve serious electrical interference and that the Cherokee Broadcasting Company proposal would cause slight electrical interference to the operation of Station KLEO, Wichita, Kansas; and

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other pri-

[1] Before the Review Board for consideration are: Tedesco's petition to dismiss Edina Corp.'s application, filed on August 17, 1962; its petition for enlargement and deletion of issues, filed on August 21, 1962; its request for late acceptance of the latter petition filed on August 21, 1962; and pleadings properly and timely filed in responses to all of the above. The petition for enlargement and deletion was filed one day late. The Review Board agrees with the Broadcast Bureau that the reproduction failure which occasioned the delay in filing constitutes good cause for the late filing of the petition.

[2] The operation of WAVN as herein used includes consideration of the 5 kw operation as authorized by its outstanding construction permit.

mary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby and the availability of other primary service to the areas and populations affected by interference from either of the instant proposals.

3. To determine whether the instant proposal of the Cherokee Broadcasting Company would cause objectionable interference to Station KLEO, Wichita, Kansas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event it is concluded that a choice between the instant applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed stations.

(c) The programming services proposed in each of the instant applications.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, Swanco Broadcasting of Kansas, Inc., licensee of Station KLEO, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of either application, the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10682; Filed, Oct. 24, 1962; 8:49 a.m.]

[Docket No. 14812; FCC 62-1089]

PILOT-TO-WEATHER FORECASTER SERVICE

Selection of an Appropriate Frequency or Frequencies; Notice of Inquiry

1. The Commission has provided for the temporary use of the frequency 122.6 Mc/s for the direct Pilot-to-Weather Forecaster Service test conducted by the Federal Aviation Agency (FAA). This test was originally scheduled to be completed by July 1, 1962. The Commission, however, at the request of FAA and the Aircraft Owners and Pilots Association (AOPA) granted an extension to October 1, 1962. A further extension was recently requested by FAA, and the Commission on September 25, 1962, granted an extension until April 1, 1963.

2. The Commission Action of September 25, 1962, provided the additional six months in order to permit further Commission consideration leading to an anticipated general proceeding by the Commission. The present Notice of Inquiry is the first step in that general proceeding.

3. Prior to the Commission's concurrence in the use of the frequency 122.6 Mc/s, it was agreed that this frequency was to be used on a temporary basis only and was not intended for use in this Service on a regular or permanent basis. The question then arises, should it be decided to establish the Pilot-to-Forecaster Service on a permanent basis, what frequency or frequencies would be appropriate for use on a permanent basis? It is to this question that the instant notice is primarily directed.

4. The question of whether FAA will establish the subject Service on a permanent basis has not been determined by that Agency. Should it be decided to implement the Service on a permanent basis, sufficient information is not currently available to the Commission to justify the selection of any frequency or frequencies for the Service. In addition, use of the frequency 122.0 Mc/s was recommended by the AOPA, although they recognize that this frequency poses technical difficulties to FAA. Therefore, it becomes imperative for the Commission to initiate a proceeding to obtain such technical information and assistance as may be available in order that any required rulemaking be completed prior to the termination of the Service test and thereby avoid the probability of disruption to the Service should it be continued on a permanent basis. Accordingly, there is instituted herewith, pursuant to the provisions of section 403 of the Communications Act of 1934, as amended, an inquiry into the matters set forth in the attached Appendix.

5. Comments in response to this Inquiry should be submitted on or before December 3, 1962. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements or comments shall be furnished the Commission.

Adopted: October 17, 1962.

Released: October 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

APPENDIX

Comments submitted by parties to this proceeding should be responsive to the matters set forth below:

1. Does a need for direct Pilot-to-Forecaster Service exist for operators of private aircraft?

(a) If a need exists, is it limited to specific areas?

2. Does a need for direct Pilot-to-Forecaster Service exist for operators of aircarrier aircraft?

(a) If a need exists, is it limited to specific areas?

Assuming a need exists for the Service for operators of private aircraft and aircarrier aircraft:

3. What VHF aeronautical frequency or frequencies should be made available?

4. Should the Pilot-to-Forecaster Service have an exclusive or shared frequency or frequencies?

5. Should private aircraft and aircarrier aircraft share the same frequency or frequencies?

(a) If not, what frequency or frequencies would be suitable for each?

[F.R. Doc. 62-10678; Filed, Oct. 24, 1962; 8:49 a.m.]

[Docket No. 14692; FCC 62M-1393]

PINELLAS RADIO CO.

Order Continuing Hearing

In re application of William D. Mangold, Francis G. Bonsey, and Edward P. Landt, d/b as Pinellas Radio Company, Pinellas Park, Florida, Docket No. 14692, File No BP-14387; for construction permit.

The Hearing Examiner having under consideration the informal request of the applicant for the continuance of the date of the hearing and certain procedural dates herein, and the statement of the applicant that all other counsel have consented to such continuance:

It is ordered, This 18th day of October 1962, that the date for the exchange of applicant's exhibits in final form is continued from October 25, 1962, to December 3, 1962; that the date for notification of witnesses to be called for cross-examination is continued from November 2, 1962, to December 10, 1962; and that the hearing presently scheduled to commence on November 13, 1962, is continued to December 17, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: October 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10683; Filed, Oct. 24, 1962; 8:49 a.m.]

[Docket No. 14738; FCC 62R-88]

WRIGHT AND MALTZ, INC. (WBRB)

Memorandum Opinion and Order Amending Issues

In re application of Wright and Maltz, Inc. (WBRB), Mt. Clemens, Michigan, Docket No. 14738, File No. BP-14561; for construction permit.

1. Petitioner requests modification of an issue to this proceeding.[1] The Broadcast Bureau supports the request.

2. By Order (FCC 62-844, released July 31, 1962), the Commission designated for hearing the application of Wright and Maltz, Inc., licensees of Station WBRB, Mt. Clemens, Michigan (Class III, 1430 kc, 500 w, Day, DA-D) to operate nighttime on its presently assigned frequency with a power of 500 w, employing a directional antenna, DA-2. The issues to be determined at the hearing include areas and populations to be served, and whether because of interference received WBRB's proposal would be consistent with the requirements of § 3.24(b) of the rules.[2] At the prehearing conference, the Bureau opposed applicant's proposal to introduce nonengineering evidence under the designated § 3.24(b) issue.

3. Petitioner contends that an issue should be added to determine whether circumstances justify a waiver of § 3.24(b) if its proposal is found violative of the Rule. The Bureau in supporting the modification of the designated § 3.24(b) issue cites the Commission ruling in Strafford Broadcasting Corporation, FCC 61-847, 21 RR 793 (1961). The circumstances presented here are comparable to those in Strafford, and the issue will be appropriately modified.

4. Applicant's delay in filing the instant petition constitutes a violation of § 1.141 of the rules. However, applicant did not discover the Bureau's position concerning the designated § 3.24(b) issue until its disclosure at a prehearing conference. Immediately thereafter, it filed the instant petition. Under the circumstances, good cause has been shown for the late filing of the petition.

Accordingly, it is ordered, This 18th day of October 1962, That the petition to enlarge issues, filed by Wright and Maltz, Inc., on September 19, 1962, is granted; and

It is further ordered, That Issue No. 2 in this proceeding is modified to read as follows: To determine whether, because of interference received, the nighttime proposal of Station WBRB would be consistent with the requirements of § 3.24(b) of the Commission's rules, and, if not, whether circumstances exist warranting waiver of the rule.

Released: October 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10684; Filed, Oct. 24, 1962; 8:49 a.m.]

[1] Before the Review Board for consideration are (1) a petition to enlarge issues, filed by Wright and Maltz, Inc., on September 19, 1962, and (2) a statement in support of petition to enlarge issues, filed October 1, 1962, by the Broadcast Bureau.

[2] Section 3.24(b) reads in part as follows: ". . . That the proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree."

FEDERAL POWER COMMISSION

[Docket No. E-7066]

BLACK HILLS POWER AND LIGHT CO.

Notice of Application

OCTOBER 22, 1962.

Take notice that on October 10, 1962, an application was filed with the Federal Power Commission, and on October 18, 1962, an amendment to Application was filed with the Federal Power Commission, both pursuant to section 204 of the Federal Power Act by Black Hills Power and Light Company (Applicant), a corporation organized under the laws of the State of South Dakota and doing business in the States of South Dakota and Wyoming, with its principal business office at Rapid City, South Dakota, seeking an order authorizing the issuance of $995,000 principal amount of First Mortgage Bonds, Series M. Applicant proposes to issue and sell the aforesaid Series M First Mortgage Bonds, to be dated October 1, 1962 and to mature October 1, 1992, at a negotiated price of 100 percent of principal amount and an interest rate of 4¾ percent. The aforesaid Series M First Mortgage Bonds will be sold by Applicant through its agent, Dillon, Read & Co., Inc., to the Manufacturers' Hanover Trust Company. The fee to be paid by Applicant to Dillon, Read & Co., Inc., for its services and expenses in securing purchasers for the proposed bonds, negotiating the sale thereof, and the rates and provisions pertaining thereto is the sum of $5,000. Such Bonds will be secured by and issued under Applicant's Indenture of Mortgage and Deed of Trust to the Hanover Bank, as Trustee (presently the Manufacturers' Hanover Trust Company through merger with Manufacturers' Trust), dated as of September 1, 1941, as supplemented and amended by various supplemental indentures to and including the supplemental indenture dated as of June 1, 1961, and a proposed supplemental indenture to be dated as of October 1, 1962. Applicant states that it proposes to use the proceeds from the sale of the First Mortgage Bonds, Series M, for repayment of bank loans obtained for additions and improvements to its properties.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 9th day of November 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-10677; Filed, Oct. 24, 1962; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4257]

ATLANTIC RESEARCH CORP.

Order Summarily Suspending Trading

OCTOBER 19, 1962.

The common stock, $1 par value of Atlantic Research Corporation, being listed and registered on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange, national securities exchanges; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means of instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order

to be effective for the period October 20, 1962, through October 29, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10653; Filed, Oct. 24, 1962; 8:46 a.m.]

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

OCTOBER 19, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934, and the Commission's Rules 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 21, 1962, through October 30, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10654; Filed, Oct. 24, 1962; 8:46 a.m.]

[File No. 1-3445]

E. L. BRUCE CO., INC.

Order Summarily Suspending Trading

OCTOBER 19, 1962.

The common stock, par value $1, of E. L. Bruce Co. (Incorporated), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 21, 1962, through October 30, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10655; Filed, Oct. 24, 1962; 8:46 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

OCTOBER 19, 1962.

The Common assessable stock, $1 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 21, 1962, through October 30, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10656; Filed, Oct. 24, 1962; 8:46 a.m.]

[File No. 22-1897]

NORDDEUTSCHER LLOYD

Notice of Application and Opportunity for Hearing

OCTOBER 19, 1962.

Notice is hereby given that Norddeutscher Lloyd (The Company) (North German Lloyd) has filed an application pursuant to Rule 304(d) of the Trust Indenture Act of 1939 (the Act) for a finding by the Commission that the inclusion in a proposed Supplemental Indenture of the provision required by section 314(b)(2) of the Act is not necessary in the public interest and for the protection of investors.

Section 314(b)(2) of the Trust Indenture Act provides that an indenture which is to be secured by a mortgage or pledge shall contain a provision that an opinion of counsel will be furnished annually to the trustee stating that in the opinion of such counsel action has been taken with respect to recording, filing, re-recording and re-filing as is necessary to maintain the lien or no such action is necessary. Section 304(d) of the Act provides that the Commission may on application by the issuer and after opportunity for hearing thereon, by order exempt from any provision of the Trust Indenture Act any security issued or proposed to be issued by a person organized and existing under the laws of a foreign government if compliance with such provision is not necessary in the public interest and for the protection of investors.

The application states that:

(1) The Company has heretofore issued its 4½ percent Debt Adjustment Debentures, Due January 1, 1970, under an Indenture between the Company and Chemical Bank New York Trust Company, New York, N.Y., as Trustee, dated as of January 1, 1953. The Indenture was qualified under the Act pursuant to an application on Form T-3 which became effective on August 7, 1956.

(2) On February 18, 1960, the Company contracted a loan from a group of lending institutions in Germany and granted as security therefor mortgages on twelve of its ships. Pursuant to section 5.06 of the Indenture, the Company subsequently created mortgages on these ships in favor of the Trustee as security for the Debentures, which mortgages have been registered in the Ship Register at Bremen.

(3) The Trustee and the Company propose to enter into a Supplemental Indenture to add to the original Indenture, among other provisions, provisions required by the Act relating to security for the Debentures and in compliance with section 5.06 of the Indenture. An amendment to the Company's original application on Form T-3 is being filed with the Commission to qualify this Supplemental Indenture under the Act.

(4) The Company believes that the inclusion in the Supplemental Indenture of the provisions required by section 314(b)(2) of the Act is not necessary in the public interest and for the protection of investors for the reason that under German law which governs the recording or filing of the mortgages in question, no re-recording or re-filing of registered mortgages may be cancelled or modified only with the consent of the creditors.

(5) It is therefore proposed that the Supplemental Indenture will provide that an annual opinion of counsel as to recording will not be required if the initial opinion with regard to recording states that subsequent re-recording or re-filing will not be necessary.

For a more detailed statement of the matters asserted, all persons are referred to said application which is on file at the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting the application may be issued by the Commission at any time after November 15, 1962, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in section 304(d) of the Trust Indenture Act of 1939. Any interested person may, not later than November 14, 1962, at 5:30 p.m., e.s.t., in writing, submit to the Commission, his views or any additional facts bearing upon this application on the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to contravert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10657; Filed, Oct. 24, 1962; 8:46 a.m.]

[File No. 1-4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

OCTOBER 19, 1962.

The Common Stock, Par Value $1, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 21, 1962, through October 30, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10658; Filed, Oct. 24, 1962; 8:46 a.m.]

[File No. 1-3412]

PROSPER OIL AND MINING CO.

Order Summarily Suspending Trading

OCTOBER 19, 1962.

The common stock of the par value of ten cents, of Prosper Oil and Mining Company, being listed and registered on the Salt Lake Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such stock on such exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commissions' Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in said security on the Salt Lake Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 21, 1962, through October 30, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10659; Filed, Oct. 24, 1962; 8:46 a.m.]

SAN FRANCISCO MINING EXCHANGE

Order Setting Date and Place of Hearing and Designating Hearing Officer

OCTOBER 19, 1962.

The Commission having, by order dated July 26, 1962 in the above-entitled matter, directed that a public hearing for the purpose of taking evidence on the questions set forth in section III of said order be held at a time and place to be fixed, and before a hearing officer to be designated, by further order of the Commission,

It is ordered, That a public hearing be held in this matter at 10 a.m. December 12, 1962, at the San Francisco Regional Office of the Securities and Exchange Commission, Pacific Building, 821 Market Street, San Francisco, Calif., before James G. Ewell Hearing Officer, or such other hearing officer as the Commission may designate. Upon completion of the taking of evidence in this matter, the hearing officer will prepare a recommended decision pursuant to Rule 16(b) of the rules of practice of the Commission unless such decision is waived.

This order shall be served upon the Exchange by personal service or by registered mail forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10660; Filed, Oct. 24, 1962; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

OREGON

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated October 16, 1962, reading in part as follows: "I hereby determine the damage in the various areas of the State of Oregon, adversely affected by severe storms beginning on or about October 11, 1962, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal government to supplement State and local efforts."

I do hereby determine the following areas of the State of Oregon to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 16, 1962:

The Counties of:

Benton.	Lane.
Clackamas.	Lincoln.
Clatsop.	Linn.
Columbia.	Marion.
Coos.	Multnomah.
Curry.	Polk.
Douglas.	Tillamook.
Jackson.	Washington.
Josephine.	Yamhill.
Klamath.	

Dated: October 18, 1962.

J. M. CHAMBERS, *Deputy Director, Office of Emergency Planning.*

[F.R. Doc. 62-10640; Filed, Oct. 24, 1962; 8:45 a.m.]

K. G. FLORY

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

None.

No change since last statement published February 8, 1962 (27 F.R. 1202).

Dated: June 1, 1962.

K. G. FLORY.

[F.R. Doc. 62-10641; Filed, Oct. 24, 1962; 8:45 a.m.]

MINOR S. JAMESON

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Savanna Creek Gas & Oil Limited.

This amends statement published February 6, 1962 (27 F.R. 1080).

Dated: May 28, 1962.

MINOR S. JAMESON.

[F.R. Doc. 62-10642; Filed, Oct. 24, 1962; 8:45 a.m.]

JOSEPH D. KEENAN

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Bought: Chemoil Industries, Inc.; Providence Gas; Texaco, Inc. (Exchanged for TXL Oil Co.).

Disposed of: TXL Oil Co. (Exchanged for Texaco); New York Airways; Burroughs; Standard Oil of California; Standard Oil of New Jersey.

This amends statement published February 6, 1962 (27 F.R. 1080).

Dated: June 1, 1962.

JOSEPH D. KEENAN.

[F.R. Doc. 62-10643; Filed, Oct. 24, 1962; 8:45 a.m.]

RUSSELL C. McCARTHY

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Atlantic Refining Co.
Borg Warner Co.
Gulf Oil Co.
Food Fair Co.
General Electric Co.
General Motors Corp.
General Railway Signal Co.
Friden Corp.
Rochester Gas & Electric Corp.
Taylor Instrument Co.
Union Carbide Co.
American Machine & Foundry
Lincoln-Rochester Trust Co.

This amends statement published March 31, 1962 (27 F.R. 3151).

Dated: June 1, 1962.

RUSSELL C. MCCARTHY.

[F.R. Doc. 62-10644; Filed, Oct. 24, 1962; 8:45 a.m.]

OTTO L. NELSON, JR.

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Vice President in charge of Housing, New York Life Insurance Co.;
Trustee, Carnegie Endowment for International Peace;
Director, Governmental Affairs Institute;
Trustee, Institute of International Education;
Trustee and Vice-Chairman of Board, Institute of Public Administration;
Trustee, Excelsior Savings Bank;
Director and Vice President, Regional Plan Association, Inc.;
Member, Board of Governers, Building Research Institute and Vice President, Building Research Institute;
Member, Board of Governors, New York Building Congress, Inc.
Stockholder in the following corporations:
Blaw Knox Co.
Union Pacific Railroad Co.
United Fruit Co.
Standard Oil Company of Indiana.
Standard Oil Company of New Jersey.
Monsanto Chemical Co.
General Motors Corp.
Also owner of various municipal bonds, school bonds, and public authority bonds

This amends statement published February 6, 1962 (27 F.R. 1080).

Dated: May 28, 1962.

OTTO L. NELSON, JR.

[F.R. Doc. 62-10645; Filed, Oct. 24, 1962; 8:45 a.m.]

PHILIP N. POWERS

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Petrolite Corporation, St. Louis, Mo.
Internuclear Company, St. Louis, Mo.
Wabash Magnetics Inc., Wabash, Ind.
Transworld Airlines, Inc.

This amends statement published March 31, 1962 (27 F.R. 3151).

Dated: May 28, 1962.

PHILIP N. POWERS.

[F.R. Doc. 62-10646; Filed, Oct. 24, 1962; 8:45 a.m.]

R. CARTER WELLFORD

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement, published March 31, 1962 (27 F.R. 3151).

Dated: June 7, 1962.

R. CARTER WELLFORD.

[F.R. Doc. 62-10647; Filed, Oct. 24, 1962; 8:45 a.m.]

W. VICTOR WOMACK

Appointee's Statement of Change in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

(1) Womack Brokerage Co., Lubbock, Tex., president-director; James E. Byrne Co., Inc., Dallas, Tex., vice president-director; Womack-Byrne Co. of South Texas, Houston, Tex., vice president-director; Patio Foods, Inc., San Antonio, Tex., director.

(2) James E. Byrne Company, Inc., Dallas, Tex.; Womack-Byrne Company of South Texas, Houston, Tex.; Womack Brokerage Company, Lubbock, Tex.; Continental Baking Company, Rye, N.Y.; Smokehouse Barbecued Products, Dallas, Tex.; Diversified Investment Fund, Elizabeth, N.J.; Managed Funds, Incorporated, St. Louis, Mo.; Continental Fidelity Life Insurance Company, Dallas, Tex.; Texas Continental Life Insurance Company, San Antonio, Tex.; International Fidelity Insurance Company, Dallas, Tex.

This amends statement published December 15, 1961 (26 F.R. 12051).

Dated: June 15, 1962.

W. VICTOR WOMACK.

[F.R. Doc. 62-10648; Filed, Oct. 24, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 22, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38001: *Lumber and related articles from and to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8274), for interested rail carriers. Rates on fallout shelter sections, box and/or crate material, and boards, all as described in the application, in carloads, between points in southwestern territory, also between points in southwestern territory, on the one hand, and points in Kansas and Missouri, also Mississippi River crossings, on the other.

Grounds for relief: Carrier competition.

Tariffs: Supplements 34 to Southwestern Freight Bureau tariffs I.C.C. 4454 and 4456, respectively.

FSA No. 38002: *Starch and dextrine from points in Iowa.* Filed by Western Trunk Line Committee, Agent (No. A-2280), for interested rail carriers. Rates on starch and dextrine, as described in the application, in carloads, from points in Iowa, to specified points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

Grounds for relief: Market competition.

Tariff: Supplement 53 to Western Trunk Line Committee tariff I.C.C. A-4396.

By the Commission.

[SEAL] HAROLD MCCOY, *Secretary.*

[F.R. Doc. 62-10666; Filed, Oct. 24, 1962; 8:47 a.m.]

[Notice 709]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 22, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65376. By order of October 16, 1962, the Transfer Board approved the transfer to Aquilino Transport Co., Inc., Trenton, N.J., of Permits Nos. MC 111495 Sub-3 and MC 111495 Sub-4, issued January 3, 1956, and February 21, 1962, respectively, to Vincent A. Aquilino and Frank M. Aquilino, a partnership, doing business as Aquilino Trucking, Trenton, N.J., authorizing the transportation of: New furniture, except upholstered furniture, as defined by the Commission, uncrated, crated, or otherwise packaged or unpackaged, from Trenton, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, and the District of Columbia; and from New Bedford, Mass., Columbus, Ga., Brooklyn, N.Y., Elmore, Ohio, North Wilkesboro, N.C., Union City, Pa., and Weirton, W. Va., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; materials, supplies and equipment used or useful in the manufacture of shipping of new furniture, from points in Connecticut, Indiana, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia to New Bedford, Mass. Daniel Rappaport, 28 West State Street, Trenton, N.J., attorney for applicants.

No. MC-FC 65385. By order of October 16, 1962, the Transfer Board approved the transfer to A. L. Cedergren, Inc., doing business as A. L. Cedergren, Brockton, Mass., of Certificate No. MC 17039, issued January 18, 1949, to Arvid L. Cedergren, doing business as A. L. Cedergren, Brockton, Mass., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Brockton, Mass., and Boston, Mass., and over irregular routes, of packing house products and dairy products, between Providence, R.I., Fall River, Brockton, and Boston, Mass., on the one hand, and, on the other, points in Rhode Island within 25 miles of Providence, and those in that part of Massachusetts on and east of U.S. Highway 1, and of coal, from Providence, R.I., to Brockton, Bryantville, Whitman, and New Bedford, Mass. Theodore E. Shasta, 1 Court Street, Boston 8, Mass., applicants' attorney.

No. MC-FC 65398. By order of October 16, 1962, the Transfer Board approved the transfer to Diodata Villani and Dominic Lello, a partnership, doing business as Villani Bros. Trucking, Linden, N.J., of the operating rights in Permit No. MC 110941, issued February 6, 1950, to Salvatore Lembo, Long Island City, New York, authorizing the transportation, over irregular routes, of scrap iron, scrap steel, and scrap tin plate, in dump vehicles, from Queens and Brooklyn, New York, N.Y., to Kearny, Newark, Sewaren, South Amboy, Trenton, Burlington, Florence, Bordentown, and Camden, N.J. Charles J. Williams, 1060 Broad Street, Newark 2, N.J., attorney for transferee. M. Hiram Kegan, 16 Court Street, Brooklyn, N.Y., attorney for transferor.

No. MC-FC 65400. By order of October 16, 1962, the Transfer Board approved the transfer to Marx Truck Line, Inc., Sioux City, Iowa, of Certificate No. MC 118537 and Permit No. MC 61401 issued March 23, 1959, and March 8, 1955, respectively, to Robert L. Marx, Wallace A. Marx, and Don T. Marx, doing business as Marx Truck Line, Sioux City, Iowa, authorizing the common carrier transportation of beer, over irregular routes, from Milwaukee, Wis., and Peoria, Ill., to Sioux City, Iowa; and empty beer containers on return; and contract carrier transportation of packing house products and other commodities, dealt in by packing houses, and packing house equipment, materials, and supplies, over regular routes, between Sioux City, Iowa, and Chicago, Ill., serving all intermediate and offroute points in the Chicago, Ill., Commercial Zone, as defined by the Commission; between Omaha, Nebr., and Chicago, Ill., serving all intermediate and offroute points in the Chicago, Ill., Commercial Zone; from Chicago, Ill., to Omaha, Nebr., cheese, from Dixon, Ill., to Sioux City, Iowa, serving no intermediate points; and from Dixon, Iowa to Omaha, Nebr., serving no intermediate points. Wallace W. Huff, 314 Security Building, Sioux City 1, Iowa, attorney at law.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-10665; Filed, Oct. 24, 1962; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (29 CFR 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bishop & Co., 329 Franklin Street, Weissport, Pa., Railroad Street, Lehighton, Pa.; effective 10-10-62 to 10-9-63 (ladies' and children's blouses).

Blue Bell, Inc., Arab, Ala.; effective 10-17-62 to 10-16-63 (men's and boys' cotton denim pants).

Blue Bell, Inc., Oneonta, Ala.; effective 10-17-62 to 10-16-63 (bib overalls and coveralls).

Blue Ridge Shirt Manufacturing Co., Fayetteville, Tenn.; effective 10-25-62 to 10-24-63 (men's and boys' sport shirts).

Crystal Springs Shirt Corp., Crystal Springs, Miss.; effective 10-21-62 to 10-20-63 (boys' shirts).

Edison Textiles, Inc., Edison, Ga.; effective 10-26-62 to 10-25-63 (infants' and girls' cotton sunsuits and cotton panties (woven)).

Eureka Pants Manufacturing Co., Madison Street, Shelbyville, Tenn.; effective 10-27-62 to 10-26-63 (men's work pants and shirts).

Fashionality Blouses, Ware Shoals, S.C.; effective 10-8-62 to 10-7-63 (ladies' blouses).

Glenn Manufacturing Co., Inc., Amory, Miss.; effective 10-15-62 to 10-14-63 (men's dress pants).

Harrisburg Childrens Dress Co., 1380 Howard Street, Harrisburg, Pa.; effective 10-26-62 to 10-25-63 (children's and girls' dresses and playsuits).

Taylor Instrument Co.
Union Carbide Co.

The following statement lists the names and concerns required by sub-

Tariffs: Supplements 34 to Southwestern Freight Bureau tariffs I.C.C. 4454 and 4456, respectively.

lumbia; materials, supplies and equipment used or useful in the manufacture of shipping of new furniture, from points

Chicago, Ill., serving all intermediate and offroute points in the Chicago, Ill., Commercial Zone; from Chicago, Ill.,

Harrisburg Children's Dress Co., 1330 Howard Street, Harrisburg, Pa.; effective 10-26-62 to 10-25-63 (children's and girls' dresses and playsuits).

Heavy Duty Manufacturing Co., Gainesboro, Tenn.; effective 10-28-62 to 10-27-63 (men's and boys' sport shirts).

Hicks-Ponder Co., Del Rio, Tex.; effective 10-21-62 to 10-20-63 (working clothing and wash slacks).

Honea Path Shirt Co., Honea Path, S.C.; effective 10-17-62 to 10-16-63 (men's sport shirts).

Luverne Slack Co., Inc., Luverne, Ala.; effective 10-19-62 to 10-18-63 (men's cotton and synthetic slacks).

Meyers & Son Manufacturing Co., Inc., Corner First and Jefferson Streets, Madison, Ind.; effective 10-9-62 to 10-8-63 (men's one-piece work suits and work aprons).

Rob Roy Co., Inc., Ridgely, Md.; effective 10-14-62 to 10-13-63. Learners may not be employed at special minimum wage rates in the production of swim suits (boys' shirts).

Royal Manufacturing Co., Inc., Sandersville, Ga.; effective 10-12-62 to 10-11-63 (men's and boys' sport shirts).

Tom & Huck Togs, Inc., Amory, Miss.; effective 10-15-62 to 10-14-63 (men's and boys' play slacks).

Washington Overall Manufacturing Co., Inc., South Court Street, Scottsville, Ky.; effective 10-26-62 to 10-25-63 (men's and boys' trousers).

White Stag Manufacturing Co., Sylvania, Ga.; effective 10-18-62 to 10-17-63. Learners may not be employed in the production of separate skirts and tailored-type jackets of suit-type construction (sport blouses, skirts and unlined outerwear jackets).

Wilgree Manufacturing Co., Inc., North Harney Street, Camilla, Ga.; effective 10-10-62 to 10-9-63 (men's sport and dress shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Apco Manufacturing Co., 922 Exchange Avenue, Brodhead, Wis.; effective 10-11-62 to 10-10-63; 10 learners (infants' and children's cotton knit polo shirts).

Athens Garment Co., 208 North Marion Street, Athens, Ala.; effective 10-24-62 to 10-23-63; 10 learners (cotton work shirts).

Dunmore Sewing Co., 105 Corner Street, Dunmore, Pa.; effective 10-12-62 to 10-11-63; five learners (children's dresses).

Sally Marks Ltd., Rienzi, Miss.; effective 10-10-62 to 10-9-63; 10 learners (women's monogrammed blouses and dresses.)

Mitchell Manufacturing Co., Inc., Tate Street, Corinth, Miss.; effective 10-10-62 to 10-9-63; 10 learners (men's sport shirts).

A. Soloff & Son, Inc., 1637 North Main Street, Fall River, Mass.; effective 10-8-62 to 10-7-63; 10 learners (men's and boys' outerwear jackets).

Trend Trousers Inc., 615 Railroad Avenue, North Judson, Ind.; effective 10-19-62 to 10-18-63; 10 learners (men's dress slacks).

Silver's St. Croix Manufacturing Co., St. Croix, Wis.; effective 10-10-62 to 10-9-63; 10 learners (women's maternity wear—blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Glamorise Foundations, Inc., 161-163 West Water Street, Muncy, Pa.; effective 10-9-62 to 4-8-63; 50 learners (brassieres and girdles).

Eileen Hope, Inc., 209 Market Street, Halifax, Pa.; effective 10-9-62 to 4-8-63; five learners (women's dresses).

Mitchell Manufacturing Co., Inc., Tate Street, Corinth, Miss.; effective 10-10-62 to 4-9-63; 20 learners (men's sport shirts).

Rolesville Manufacturing Co., Inc., Rolesville, N.C.; effective 10-11-62 to 4-10-63; 40 learners (ladies' and children's woven slacks and shorts).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

General Cigar Co., Inc., White Owl Avenue and Robert Burns Drive, Mahanoy City, Pa.; effective 10-12-62 to 10-11-63; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Boss Manufacturing Co., Oneida, Tenn.; effective 10-10-62 to 4-9-63; 30 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Alba-Waldensian, Inc., Alba Division, Valdese, N.C.; effective 10-8-62 to 10-7-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless and full-fashioned).

Alba-Waldensian, Inc., Lenoir Plant, Lenoir, N.C.; effective 10-12-62 to 10-11-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' seamless hosiery).

Alba-Waldensian, Inc., Finishing Plant, Valdese, N.C.; effective 10-12-62 to 10-11-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and ladies' seamless hosiery).

Auburn Dyeing & Finishing Co., Auburn, Ky.; effective 10-12-62 to 10-11-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's nylon hosiery).

Beaver Hosiery Co., Hickory, N.C.; effective 10-18-62 to 10-17-63; 5 learners for normal labor turnover purposes (seamless).

Diamond Mills Corp., Hanover Division, 3402 Carolina Beach Road, Wilmington, N.C.; effective 10-12-62 to 4-11-63; 60 learners for plant expansion purposes (seamless).

Greensboro Hosiery Mills, Inc., Greensboro, N.C.; effective 10-12-62 to 10-11-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Hudson Hosiery Co., Shelby, N.C.; effective 10-8-62 to 10-7-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned hosiery).

Kayser-Roth Hosiery Co., Inc., Concord Division, Concord, N.C.; effective 10-11-62 to 4-10-63; 40 learners for plant expansion purposes (ladies' seamless hosiery).

Waldensian Hosiery Mills, Inc., Pauline Plant, Valdese, N.C.; effective 10-12-62 to 10-11-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's hosiery).

Wayne Knitting Mills, Humboldt, Tenn.; effective 10-24-62 to 10-23-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' full-fashioned and seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Rocky Mount Undergarment Co., Inc., 1536 Boone St. Rocky Mount, N.C.; effective 10-23-62 to 4-22-63; 70 learners for plant expansion purposes (ladies' knit panties).

S & M Manufacturing Co., Inc., Greenville Highway, Easley, S.C.; effective 10-6-62 to 10-5-63; 5 percent of the total number of factory production workers engaged in the production of infants' pajamas and play togs only, for normal labor turnover purposes (infants' knit sleepwear and play clothes).

A. H. Schreiber Co., Inc., Washington Street, Mt. Holly, N.J.; effective 10-10-62 to 10-9-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's, children's, misses', and infants' underpants).

Sylvester Textile Corp., Sylvester, Ga.; effective 10-8-62 to 10-7-63; five learners for normal labor turnover purposes (ladies' and children's underwear).

Van Raalte Co., Inc., Saratoga Springs, N.Y.; effective 10-31-62 to 10-30-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' nylon panties, petticoats, slips, gowns, and pajamas).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 18th day of October 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-10661; Filed, Oct. 24, 1962; 8:46 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 87th Congress, Second Session.

Approved October 23, 1962

S. 3451---------- Public Law 87-851
To provide relief for residential occupants of unpatented mining claims upon which valuable improvements have been placed, and for other purposes.

H.J. Res. 907---------- Public Law 87-864
Eighty-eighth Congress shall assemble at noon on Wednesday Jan. 9, 1963.

H.R. 555---------- Public Law 87-853
For the relief of Elmore County, Alabama.

H.R. 5260---------- Public Law 87-859
To continue for an additional three-year period the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil and fatty acids, salts, combinations, or mixtures thereof.

H.R. 5700---------- Public Law 87-854
To amend the Tariff Act of 1930 to permit the designation of certain contract carriers as carriers of bonded merchandise.

H.R. 6190---------- Public Law 87-850
To amend title 38 of the USC to provide for the repair or replacement for veterans of certain prosthetic or other appliances damaged or destroyed as a result of certain accidents.

H.R. 6836---------- Public Law 87-857
To amend the Policemen and Firemen's Retirement and Disability Act.

H.R. 7781---------- Public Law 87-848
To authorize the Administrator of General Services to convey by quitclaim deed a parcel of land in Prince Georges County, Md., to the Silver Hill Voluntary Fire Dept. and Rescue Squad.

H.R. 7932---------- Public Law 87-860
To amend the Act of July 2, 1948, to as to repeal portions thereof relating to residual rights in certain land on Santa Rosa Island, Fla.

H.R. 8140---------- Public Law 87-849
To strengthen the criminal laws relating to bribery, graft, and conflicts of interest, and for other purposes.

H.R. 8355---------- Public Law 87-852
To authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, etc.

H.R. 8563---------- Public Law 87-855
To amend the Life Insurance Act of the Dist. of Col. to permit certain policies to be issued to members of duly organized national veterans' organizations.

H.R. 8874---------- Public Law 87-856
To authorize certain banks to invest in corporations whose purpose is to provide clerical services for them, and for other purposes.

H.R. 8952---------- Public Law 87-858
To amend the provisions of the Internal Revenue Code of 1954 relating to the conditions under which the special constructive sale price rule is to apply for purposes of certain manufacturers excise taxes and relating to the taxation of life insurance companies, etc.

H.R. 9045---------- Public Law 87-861
To amend the Trading With the Enemy Act, as amended.

H.R. 10002---------- Public Law 87-871
For the relief of civilian employees of the New York Naval Shipyard and the San Francisco Naval Shipyard erroneously in receipt of certain wages due to a misinterpretation of a Navy civilian personnel instruction.

H.R. 10541---------- Public Law 87-868
Vaccination Assistance Act of 1962.

H.R. 10620---------- Public Law 87-863
To amend section 213 of the Internal Revenue Code of 1954 to increase the maximum limitations on the amount allowable as a deduction for medical, dental, etc., and for other purposes.

H.R. 10708---------- Public Law 87-862
To amend section 203 of the Rural Electrification Act of 1936, as amended, with respect to communication service for the transmission of voice, sounds, signals, pictures, writing, or signs of all kinds through the use of electricity.

H.R. 10936---------- Public Law 87-865
To permit the Postmaster General to extend contract mail routes up to one hundred miles during the contract term, etc.

H.R. 11899---------- Public Law 87-847
To amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for a Federal telecommunications fund.

H.R. 12135---------- Public Law 87-866
Federal-Aid Highway Act of 1962.

H.R. 12276---------- Public Law 87-867
"District of Columbia Appropriation Act, 1963."

H.R. 12434---------- Public Law 87-869
To facilitate the work of the Forest Service, and for other purposes.

H.R. 12599---------- Public Law 87-870
Relating to the Income tax treatment of terminal railroad corporations and their shareholders, etc.

H.R. 12708---------- Public Law 87-873
To increase the jurisdiction of the Municipal Court for the D.C. in civil actions, to change the names of the court, etc.

H.R. 13175---------- Public Law 87-872
Foreign Aid and Related Agencies Appropriation Act, 1963.

H.R. 13273---------- Public Law 87-874
"River and Harbor Act of 1962" (Title I).
"Flood Control Act of 1962" (Title II).

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THE UNIVERSITY OF MICHIGAN

THE UNIVERSITY OF MICHIGAN
OCT 29 1962
MAIN READING ROOM

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VOLUME 27 NUMBER 209

Washington, Friday, October 26, 1962

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Appendix A—List of Officers Excluded From Coverage Pursuant to Section 202(c)(1)(C) of the Annual and Sick Leave Act of 1951, as Amended

GENERAL

Effective on the first day of the first pay period beginning on or after enactment of the Federal Salary Reform Act of 1962, the item in Appendix A under the heading "General" is amended as set out below.

GENERAL

Any person appointed by the President, by and with the advice and consent of the Senate, or by the President alone (other than postmasters, United States attorneys, and United States marshals) whose rate of basic compensation exceeds $18,500 per annum: *Provided*, That (1) this exclusion shall apply only to persons who are in positions the basic compensation for which immediately prior to the effective date of the Federal Salary Reform Act exceeded $18,500 per annum; and (2) this exclusion shall not apply to persons otherwise excepted by section 202(c)(1) of the Annual and Sick Leave Act of 1951.

(Sec. 206, 65 Stat. 681; 5 U.S.C. 2065)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 62-10733; Filed, Oct. 25, 1962; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

Fees for Grading Service

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR 53.29(a) prescribing fees in connection with the performance of Federal meat grading services are hereby amended by changing the phrase "$6.00 per hour" to "7.20 per hour."

The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to the cost of the services, such as Federal meat grading services, rendered under its provisions. The act of July 1, 1960 (Public Law 86-568), and the act of October 11, 1962 (Public Law 87-793), have required increases in the salaries paid to Federal employees engaged in the performance of Federal meat grading services. It has been determined that in order to cover the increased costs of the services due to these salary changes and other increases in expenses of providing the services, the hourly fee charges in connection with the performance of the services must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Agricultural Marketing Service. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found that notice and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective November 1, 1962, with respect to all Federal meat grading services thereafter rendered including service under weekly grading contracts whether heretofore or hereafter made.

(Secs. 203, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624)

Done at Washington, D.C., this 23d day of October 1962.

G. R. GRANGE,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 62-10744; Filed, Oct. 25, 1962; 8:51 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815.2, Amdt. 4]

PART 815—ALLOTMENT OF THE DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Calendar Year 1962

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act"), for the purpose of amending Sugar Regulation 815.2 (7 CFR 815.2) (27 F.R. 8099, 9441), which established allotments of the direct-consumption portion of the mainland quota for Puerto Rico for the calendar year 1962.

This amendment of S.R. 815 is necessary to: (1) Give effect to Amendment 9 of Sugar Regulation 811 (27 F.R. 9883) which established the direct-consumption portion of the 1962 mainland quota for Puerto Rico of 150,000 short tons, raw value, a quantity 1,500 tons greater than the 148,500 short tons, raw value, previously allotted and to allot the larger quantity in accordance with findings heretofore made and (2) determine deficits in allotments and prorate such deficits to other allottees to the extent they are able to utilize additional allotments.

Pursuant to Finding (10) of Sugar Regulation 815.2 (27 F.R. 8099) Central San Francisco released the portion of their 1962 allotment in excess of 1,094 short tons, raw value. All other allottees indicated they could market quantities of direct-consumption sugar as large as provided in this order. Accordingly, a deficit of 472 short tons, raw value, in the allotment of Central San Francisco was determined and pursuant to Finding (11) of Sugar Regulation 815.2 such deficit was prorated to other allottees on the basis of allotments otherwise computed for such allottees, as follows: Central Aguirre Sugar Co., a trust—18 tons; Central Roig Refining Company—68 tons; Puerto Rican American Sugar Refinery, Inc.—309 tons; and Western Sugar Refining Co.—77 tons. Since the total allotment deficit released can be fully utilized by other allottees, no quantity was placed in a residual balance available for all persons.

Findings heretofore made by the Secretary in the course of this proceeding (27 F.R. 8099) provide that this order shall be revised without further notice or hearing for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Effective date. It is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective upon publication in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with the findings and conclusions heretofore made, it is hereby ordered: That, paragraph (a) of § 815.2 be amended to read as follows:

§ 815.2 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1962.

(a) *Allotments.* The direct-consumption portion of the 1962 sugar quota for Puerto Rico amounting to 150,000 short

507---------- 10444 404---------- 10459 33---------- 10458

tons, raw value, is hereby allotted as follows:

Allottee:	Direct-consumption allotment (short tons, raw value)
Central Aguirre Sugar Co., a trust	5,851
Central Roig Refining Co.	21,360
Central San Francisco	1,094
Puerto Rican American Sugar Rfy., Inc.	97,350
Western Sugar Refining Co.	24,295
Liquid sugar reserve for persons other than named above	50
Total	150,000

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119; Public Law 87-535)

Done at Washington, D.C., this 23d day of October 1962.

ROBERT G. LEWIS,
Deputy Administrator,
Price and Production.

[F.R. Doc. 62-10747; Filed, Oct. 25, 1962; 8:51 a.m.]

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 863.14]

PART 863—SUGARCANE; FLORIDA

Fair and Reasonable Wage Rates

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended by the act approved July 13, 1962 (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in Canal Point, Florida, on May 9, 1962, the following determination is hereby issued:

§ 863.14 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida.

(a) *Requirements.* A producer of sugarcane in Florida shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker but not less than the following:

(i) *For work performed on a time basis.*

	Rate per hour
(a) Tractor drivers and operators of mechanical harvesting or loading equipment	$1.10
(b) All other workers	0.95

(ii) *For work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker: *Provided*, That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate prescribed in subdivision (i) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point or tractor shed, located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the workers, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, the worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Workers not covered.* The requirements of this determination are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

(c) *Proof of compliance.* The producer shall furnish, upon request, to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this determination.

(d) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

(e) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Agricultural Stabilization and Conservation Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the local County ASCS office. Upon receipt of a wage claim the County office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Committee, 412 Northeast 16th Avenue, Gainesville, Florida, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, 25, D.C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

(f) *Effective period.* The provisions of this section supersede Sugar Determination 863.13 (§ 863.13, 26 F.R. 7795) and shall become effective on the date of publication in the FEDERAL REGISTER and shall remain in effect until amended, superseded, or terminated.

Statement of bases and considerations—(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

(c) *Wage determination.* This determination differs from the prior determination in that the minimum wage rates for tractor drivers and operators of mechanical harvesting and loading equipment are increased 10 cents—to $1.10 per hour, and for all other workers, 5 cents—to $0.95 per hour. Other provisions of the prior determination are continued unchanged.

A public hearing was held in Canal Point, Florida on May 9, 1962, at which interested persons were afforded the opportunity to present testimony as to whether the minimum wage rates established in the wage determination which became effective August 22, 1961, should be continued under existing circumstances.

Producer representatives generally recommended that the wage rate and other provisions of the determination be continued. Several of the representatives of new producers urged that no changes be made in the wage rates since they had just begun operations within the past year and cost projections had been based on wage rates then in effect. The representative of one producer stated that the productivity of cane cutters had not increased in recent years; that inexperienced workers employed on a piecework basis for cutting had not earned during the early part of the harvesting season the minimum hourly rate established in the determination, and that when wage rates were increased in the future a training period be provided at the old rate; that the average earnings of cane cutters employed on the piecework basis for the 1961 crop increased more than 8 percent, or to about $1.06 per hour; that the labor force consisted of about 80 percent West Indies workers and 20 percent domestic workers; and that insurance and retirement benefits to workers amounted to about 13 cents per dollar of wages paid to agricultural workers. This witness stated that the prevailing wage rate paid for unskilled work on fruit and vegetable crops in the area was 70 cents an hour. One producer witness testified that cane cutters employed on a piecework basis earned an average $1.18 per hour; that loader operators and truck drivers were paid rates ranging from $1.10 to $1.25 per hour; cultivator operators $1.00 to $1.15; tractor drivers $1.00; and unskilled workers were paid 90 cents per hour. Another witness stated that cane cutters working on piecework earned an average of $1.22 per hour and that he paid some unskilled workers 95 cents per hour. There was no testimony on behalf of workers.

Consideration has been given to the recommendations made at the public hearing, to the returns, costs, and profits of producing sugarcane obtained by field survey in a prior year and recast to reflect prospective conditions for the 1962 crop, and to other pertinent factors. Analysis of these data indicate that the wage rates established in this determination are fair and reasonable and are within the producers' ability to pay. The production of sugarcane in Florida has been a profitable operation during recent years due largely to favorable yields of sugarcane and sugar and improvements in production practices, which have resulted in greater labor productivity.

Sugarcane cutters are employed on a piecework basis while other workers usually are employed on an hourly rate basis. Data available to the Department showing rates actually paid by producers, indicate that the average earnings of cane cutters employed on a piecework basis for the 1961 crop were $1.05 per hour and among individual farms ranged from 90 cents to $1.30 per hour. These reports show that tractor drivers were paid an average hourly rate of about $1.12, and that the rates for such workers ranged from $1.00 to $1.45 per hour. Unskilled workers were paid rates which averaged 92 cents per hour and ranged from 90 cents to $1.05 per hour.

The differential in hourly rates established in this determination for skilled and unskilled workers is 15 cents per hour compared with 10 cents per hour in the prior determination. Testimony at the hearing and other data indicate that a differential of 15 cents per hour in the wage rates for such workers is warranted and will more accurately reflect current practices in the area.

This determination will continue in effect until it is amended, superseded, or terminated. However, the Department will reappraise the economic position of producers and workers as additional information becomes available and will hold public hearings at such times as conditions may warrant. A public hearing may also be held upon request of producers or of workers or their representatives, accompanied by a statement of justification or need for such a hearing.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate wage provisions of the Sugar Act of 1948, as amended by the act approved July 13, 1962.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, Stat. 929, as amended; 7 U.S.C. Sup. 1132, Act of Congress approved July 13, 1962)

Signed at Washington, D.C., on October 23, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-10748; Filed, Oct. 25, 1962; 8:51 a.m.]

[Sugar Determination 864.9]

PART 864—WAGES; SUGARCANE; LOUISIANA

Fair and Reasonable Rates

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended, and as further amended by Public Law 87-535 and Public Law 87-539 (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Houma, Louisiana, on July 27, 1962, the following determination is hereby issued:

§ 864.9 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Louisiana.

(a) *Requirements.* A producer of sugarcane in Louisiana shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but not less than the following:

(i) *For work performed on a time or piecework basis.*

Class of worker or operation	Rate per hour
Harvest work:	
Operators of mechanical loading or harvesting equipment	$0.90
Tractor drivers, truck drivers, and harvester bottom blade operators	.85
Loaders, spotters, ropemen, grabmen, and teamsters	.80
Cutters, toppers, strippers, scrappers behind loaders, cutters and loaders, pilers, and hoist operators	.75
All other harvesting workers	.70
	Rate per ton
Cutting top and bottom:	
Large barrel varieties [1]	$1.10
Small barrel varieties [2]	1.30
	Rate per hour
Production and cultivation work:	
Tractor drivers	$0.80
All other production and cultivation workers	.70

[1] Large barrel varieties: Co. 290; C.P. 29/103; C.P. 29/116; C.P. 32/243; C.P. 36/13; C.P. 36/105; C.P. 29/120; C.P. 4347; C.P. 44/101; C.P. 44/155; N. Co. 310; C.P. 47/193; C.P. 48/103; and C.P. 52/68.

[2] Small barrel varieties: All other.

(ii) *Workers between 14 and 16 years of age when employed on a time basis.* For workers between 14 and 16 years of age, the wage rate per hour (maximum employment is 8 hours per day for such workers without deduction from Sugar Act payments to the producers) shall be not less than three-fourths of the applicable hourly wage rates for adults provided under subdivision (i) of this subparagraph.

(iii) *Other piecework rates.* For any piecework performed on a unit basis for which a rate is not specified in subdivision (i) of this subparagraph, the rate shall be as agreed upon between the producer and worker: *Provided*, That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks), shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate prescribed in subdivisions (i) and (ii) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point or a tractor shed, located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to an assembly point located on the farm,

paragraph.

County ASC Committee shall arrange for such investigation as it deems neces-

Point, Florida on May 9, 1962, at which interested persons were afforded the op-

reports show that tractor drivers were

than the following:

central recruiting point or labor camp to an assembly point located on the farm.

or from a central recruiting point to the field, is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, the worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Workers not covered.* The requirements of this section are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

(c) *Proof of compliance.* The producer shall furnish, upon request, to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this section.

(d) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements in this section through any subterfuge or device whatsoever.

(e) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the local County Agricultural Stabilization and Conservation Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the local County ASCS office. Upon receipt of a wage claim the County office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Committee, 528 Monroe Street, Alexandria, Louisiana, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

(f) *Effective period.* The provisions of this section applicable to harvest work shall become effective on the date of publication of this section in the FEDERAL REGISTER and the provisions for production and cultivation work shall become effective on January 1, 1963, and the provisions of this section shall remain in effect until amended, superseded, or terminated.

Statement of bases and considerations.

(a) *General.* The foregoing determination establishes fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Louisiana as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and byproducts, income from sugarcane, and cost of production), and the differences in conditions among various producing areas.

(c) *Wage determination.* This determination differs from the prior determination in that time rates for workers employed in harvest work are increased 5 cents per hour and the rates for workers employed in production and cultivation work, after January 1, 1963, are increased 10 cents per hour. Other provisions of that determination continue unchanged.

A public hearing was held in Houma, Louisiana on July 27, 1962, at which interested persons were afforded the opportunity to testify as to whether the wage rates established by the determination which became effective November 2, 1961, continue to be fair and reasonable or whether the determination should be amended. The notice of hearing specifically requested interested parties to present views on the elimination of the differentials in the determination wage rates between harvesting work and production and cultivation work for tractor drivers and for unskilled workers.

An agriculture economist with the Louisiana State University testified regarding economic studies of the costs and returns from the operation of sugarcane farms in Louisiana. He stated that the 1960 crop was relatively profitable for Louisiana producers; that total returns for large-scale farms averaged approximately $190 per acre in 1960 compared to $191 per acre for the period 1955–59, while total expenses averaged $182 and $191 per acre for the two periods, respectively; that return on total capital invested in the farm business averaged 8.3 percent in 1960 and 4.9 percent for the period 1955–59; that estimated total labor requirements per ton of cane sold declined from about 10 hours in the 1947–49 period to about 5 hours in the period 1956–58; that labor costs in producing sugarcane have not decreased in proportion to the reduction in labor requirements; and that for the period 1958–60 labor costs represented 48 percent of total direct costs of producing sugarcane compared with 51 percent for the period 1937–60. He also stated that for family-type farms the results were essentially the same as for large-scale farms; that returns to the small farm operator averaged $2,498 in 1960 and $1,322 for the 5-year period 1955–59; and that the net profit amounted to 1.8 percent on invested capital for the 23-year period 1938–60, 3.7 percent for the period 1953–57, and 2.1 percent for the period 1958–60. The witness made no recommendations regarding wage rates, but he stated that a larger share of the benefits of increased technology have gone to the laborer than to the farm producer. He pointed out that the data collected reflect the risks involved in sugarcane production and emphasized the desirability of considering 3-to-5-year average data as the basis for analysis rather than individual years.

The Chairman of the Employee Relations Committee of the American Sugarcane League testified and recommended that the determination then in effect be continued without change. In support of his recommendation he stated that the higher minimum wage rates paid for harvesting work as compared with nonharvest work are justified because the harvesting job is more difficult and is performed under working conditions much less favorable than those during the production and cultivation season; and that if the differential between harvesting and production and cultivation work is eliminated in the determination producers would still have to pay higher wage rates for harvesting work because workers would expect and demand it. He stated that since 1947 the rates prescribed by the wage determinations have increased 82 percent while the Consumers Price Index published by the U.S. Department of Labor in May of 1962 was 29.1 percent above the 1947–49 base period; that since 1947 the price of raw sugar has fluctuated slightly and today is approximately 2 percent above the 1947 price; that a smaller number of man-hours is required today to produce and harvest an acre or ton of sugarcane; and that it has only been through such reductions in man-hour requirements that producers have been able to pay the more than 90 percent increase in hourly earnings of workers since 1947–49.

The representative of the Louisiana Farm Bureau Federation recommended that there be no change in wage rates and that the differential between production and cultivation and harvesting wage rates, as established in prior determinations, be continued. The witness stated that higher wage rates for work during harvesting, as compared with production and cultivation, are justified because of the urgency of completing harvesting before damaging freezes; that workers perform their tasks in more undesirable weather during harvesting, and work a good deal harder than during the production and cultivation season; that workers are accustomed to this differential and if minimum wage rates for production and cultivation work were fixed at the same level as the harvesting rates, producers would have to increase the wage rates for harvesting to obtain labor; and that by offering higher wage rates for harvesting work producers are able to attract additional workers during the harvest season. He testified that the 1961 crop of sugarcane was exceptionally good, but because of a severe freeze early this year the prospects for the 1962 crop were exceptionally poor; that as indicated by the Consumer Price Index the prices of goods farmers must buy have increased, while the prices paid for sugarcane have remained relatively constant; that the most important factor in establishing wage rates is ability to pay, but rates should not be set at levels which would put a number of producers out of business; and that most farmers pay some of their workers higher wages than the minimum rates.

A representative of the United Packinghouse, Food and Allied Workers, AFL–CIO, recommended that the minimum wage rate for sugarcane fieldworkers be increased to $1.15 per hour. The witness pointed out that the U.S. Department of Labor's Worker Family Budget for a family of four in New Orleans is around $5,200 per year; that 1961 per capita income in the State of Louisiana was $1,624, while a cane worker employed at a rate of 60 cents an hour would earn only $1,248 working 40 hours a week for 52 weeks. He stated that labor has not shared equitably in the labor productivity gains experienced by the Louisiana sugarcane industry; that if all workers were paid $1.15 per hour the additional labor cost per year would be about $9 million; that the record crop year of 1961 would be a proper basis for determining wage levels; and that sugarcane producers are entitled to a profit on their operations even though this might preclude the payment of the recommended minimum of $1.15 per hour.

Consideration has been given to the recommendations presented at the hearing, to the returns, costs, and profits of producing sugarcane obtained by field survey in a prior year and recast to reflect prospective conditions for the 1962 crop, and to other pertinent factors. This analysis indicates that the wage rates provided in this determination are within producers' ability to pay.

Net income of sugarcane producers in Louisiana varies substantially from crop to crop, primarily because of the impact of changes in the volume of production of sugarcane and sugar recovery on production costs. The season's average prices of raw sugar to which sugarcane returns are related have been higher for the past two crops than at any time during the past decade. Producers realized favorable profits from the 1960 crop and the record 1961 crop is estimated to have been more profitable than the 1960 crop. The 1962 crop has been adversely affected by freeze and drought. However, the Crop Production Report issued October 10, 1962, by the Department, showed that crop conditions had improved substantially over those indicated a month earlier, although yields of sugarcane per acre and production of sugarcane are estimated to be lower than for either the 1960 or 1961 crops. Present prospects, therefore, are that profits for the 1962 crop will be lower than for either of the prior two crops.

However, on a trend basis profits have been steady since 1954 at a level substantially higher than for the previous six years, and labor productivity has improved steadily since 1946, the first year for which such data are available. Producers and workers have shared the benefits accruing from this development. Accordingly, in the light of current prospects for the 1962 crop and the trends in profits and in labor productivity gains during recent years, it is deemed equitable to increase the wage rates for workers employed in harvest work on the 1962 crop and in production and cultivation work, effective January 1, 1963, for the next crop.

The minimum wage rates provided in this determination range from 70 cents per hour for unskilled fieldworkers to 90 cents per hour for operators of mechanical loading and harvesting equipment.

This determination is issued on a continuing basis but the Department, in order to keep informed on current conditions in the area, will conduct the customary investigations, and will afford interested persons the opportunity to present testimony at a hearing to be held annually.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132, Act of Congress approved July 13, 1962)

Signed at Washington, D.C., on October 23, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-10749; Filed, Oct. 25, 1962; 8:51 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

On August 16, 1962, there was published in the FEDERAL REGISTER (27 F.R. 8182), a notice with respect to a proposal to amend § 74.3(a)(1) of Part 74, as amended, Title 9, Code of Federal Regulations. After due consideration of all relevant material and pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), § 74.3(a)(1) of Part 74, as amended, Title 9, Code of Federal Regulations, is hereby amended to read as follows:

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Hawaii, Illinois, Kentucky, Minnesota, New Jersey, New York, Pennsylvania, and Tennessee;

(2) All counties in Nebraska except Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scottsbluff, and Thomas;

(3) In New Mexico: That portion of Socorro County lying east of U.S. Highway 85; that portion of Valencia County lying east of the Rio Puerco river from its intersection with the southwest corner of Bernalillo County to its intersection with the Socorro County line; and all other Counties in New Mexico except Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Los Alamos, Luna, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Taos, and Union.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

The amendment adds the State of Minnesota to the list of eradication areas since the cooperative sheep scabies eradication program is now being conducted in such State. This State is presently included in the infected areas as sheep scabies is known to exist therein. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such State.

Done at Washington, D.C., this 23rd day of October, 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-10746; Filed, Oct. 25, 1962; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Reserve Percentages; Counting of Currency and Coin

1. Effective as to member banks in reserve cities at the opening of business on October 25, 1962, and as to all other member banks at the opening of business on November 1, 1962, § 204.5 (Supplement to Regulation D) is amended to read as follows:

§ 204.5 Supplement.

(a) *Reserve percentages.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2(a) and subject to paragraph (b) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve bank of its district:

(1) If not in a reserve city—

(i) 4 percent of its time deposits, plus

(ii) 12 percent of its net demand deposits.

(2) If in a reserve city (except as to any bank located in such a city which is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in subparagraph (1) of this paragraph)—

(i) 4 percent of its time deposits, plus

(ii) 16½ percent of its net demand deposits.

(b) *Counting of currency and coin.* The amount of a member bank's currency and coin shall be counted as reserves in determining compliance with the reserve requirements of paragraph (a) of this section.

2. This amendment is issued pursuant to the authority granted to the Board of Governors by section 19 of the Federal Reserve Act with primary regard to the general credit and business situation. The notice and public procedure described in sections 4(a) and 4(b) of the Administrative Procedure Act, and the prior publication described in section 4(c) of such act, are impracticable, unnecessary, and contrary to the public interest in connection with this amendment reducing reserve balances of member banks of the Federal Reserve System for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262), and especially because such notice, procedure, and prior publication would prevent the action from becoming effective as promptly as necessary, and would serve no useful purpose.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply secs. 11, 19, 38 Stat. 261, 270, as amended; 12 U.S.C. 248 (c), (e), 461, 462, 462a-1, 462b, 464, 465)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-10751; Filed, Oct. 25, 1962; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1452; Reg. No. SR-454]

PART 43—GENERAL OPERATION RULES

PART 60—AIR TRAFFIC RULES

Special Operating Rule Within Certain Areas of the State of Florida and Over Waters Adjacent Thereto

On October 22, 1962, the President of the United States announced several actions that were necessary in the interests of hemispheric and national security with respect to recent threatening situations developing within the Island of Cuba. These actions require immediate means of identification and control of aircraft operations in the area specified in section 2. In order adequately and properly to provide for the necessary protection, identification, and control of aircraft operating within that area this Special Civil Air Regulation is required.

I have determined that a situation exists which requires the immediate adopting of this regulation for the security of the United States and for the safety of air commerce. Accordingly, after consultation with the Department of Defense, I find that notice and public procedure hereon are impracticable, and that good cause exists for making this regulation effective immediately.

SECTION 1. No person may operate any civil aircraft within the area described in section 2 of this regulation unless (1) it is operated under a flight plan that has been approved by appropriate military authority acting through an FAA air traffic control facility; and (2) that aircraft possesses functioning navigation equipment, and functioning communications equipment necessary to maintain two-way contact with air traffic control facilities at all times during the operation, and the pilot in command monitors the radio frequencies specified by air traffic control.

SEC. 2. This regulation applies within the following area within the State of Florida and over waters adjacent thereto, from the surface upward: Beginning at 29 degrees North latitude, 85 degrees West longitude; thence clockwise to 29 degrees North latitude, 79 degrees 30 minutes West longitude, to 24 degrees North latitude, 79 degrees 30 minutes West longitude, to 24 degrees North latitude, 85 degrees West longitude, to the point of beginning.

This regulation becomes effective at 6 p.m. (2300Z) e.s.t., October 24, 1962, and is prescribed under the authority of sections 306, 307(a), 307(c) and 1202 of the Federal Aviation Act of 1958 (48 U.S.C. 1347, 1348 (a) and (c) and 1522).

Issued in Washington, D.C., on October 23, 1962.

HAROLD W. GRANT,
Lieutenant General, U.S. Air Force, Acting Administrator.

[F.R. Doc. 62-10783; Filed, Oct. 24, 1962; 4:27 p.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1442; Amdt. 499]

PART 507—AIRWORTHINESS DIRECTIVES

Auto Crat Safety Belts

It has been found that certain safety belts manufactured by Auto Crat Manufacturing Company for automobile use have been marked with TSO-C22 identification. These belts do not meet the Technical Standard Order requirements and have end fittings which are not adequate for aircraft installation. Accordingly, an airworthiness directive is being issued to assure removal of these belts which may have been installed in aircraft.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

AUTO CRAT MANUFACTURING COMPANY SAFETY BELTS. Applies to all aircraft equipped with Auto Crat Models BN 1-2001, BN 3-1501, BN 3-6001, or BN 3-7001 Series safety belts.

Compliance required within the next 25 hours' time in service after the effective date of this AD.

It has been determined that Auto Crat Models BN 1-2001; BN 3-1501, BN 3-6001, or BN 3-7001 Series safety belts, not intended for aircraft use and which do not fully comply with the requirements of Technical Standard Order C22, have been improperly marked with TSO-C22 identification. Accordingly, Auto Crat belt assemblies identified with these model numbers shall be replaced with belt assemblies that conform to TSO-C22 standards.

This amendment shall become effective November 19, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 22, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-10692; Filed, Oct. 25, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WE-77]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Federal Airways, Control Area Extensions and Continental Control Area; Alteration and Designation of Restricted Areas

On September 8, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 8952) stating that the Federal Aviation Agency was considering amendments to §§ 600.1516, 600.1529, 601.1281, 601.1347, 601.7101, and 608.26 of the regulations of the Administrator which would designate a new restricted area R-2602, Fort Carson South, Colo.; alter Restricted Area R-2601, Fort Carson, Colo., by reducing its designated altitude; modify the descriptions of the Colorado Springs, Colo., and the Pueblo, Colo., control area extensions so as to permit use of the portions within R-2602 only after obtaining prior approval from appropriate authority; designate a portion of intermediate altitude airway V-1516 as 10 miles wide to avoid coincidence with R-2602; designate a portion of intermediate altitude airway V-1529 as 10 miles wide to provide lateral separation between aircraft operating on V-1529 and aircraft transitioning to the Colorado Springs ILS via the Colorado Springs VOR 183° radial and designate R-2602 as part of the continental control area.

No adverse comments were received regarding the proposed amendments. However, the Department of the Air Force and the Air Transport Association have requested that any changes to operational procedures, i.e., transition to ILS, etc., required by the adoption of these rules be made prior to the effective date of this rule. Such action will be taken.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 608.26 (27 F.R. 7332) the following changes are made:

a. In R-2601 Fort Carson, Colo., "Designated altitudes. Surface to 40,000 feet MSL." is deleted and "Designated altitudes. Surface to 35,000 feet MSL." is substituted therefor.

b. R-2602 Fort Carson South, Colo., is added to read:

R-2602 Fort Carson South, Colo.

Boundaries. Beginning at latitude 38°32'06" N., longitude 104°45'00" W.; to latitude 38°24'00" N., longitude 104°45'00" W.; to latitude 38°25'00" N., longitude 104°56'00" W.; to latitude 38°27'00" N., longitude 104°56'00" W.; to latitude 38°27'00" N., longitude 105°01'00" W.; thence along State Highway No. 115 to latitude 38°34'00" N., longitude 104°56'30" W.; to latitude 38°36'20" N., longitude 104°51'40" W.; to latitude 38°32'06" N., longitude 104°49'18" W.; to the point of beginning.

Designated altitudes. Surface to 35,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Denver ARTC Center.

Using agency. Commanding General, Fort Carson, Colorado.

2. In the text of § 601.7101 (26 F.R. 1399), the following is added:

R-2602 Fort Carson South, Colo.

3. In the text of § 600.1516 (14 CFR 600.1516, 27 F.R. 3378) "INT of the Pueblo, Colo., VOR 275° and the Colorado Springs, Colo., VOR 195° radials;" is deleted and "INT of the Pueblo, Colo., VOR 275° and the Colorado Springs, Colo., VOR 209° radials;" is substituted therefor.

4. In the text of § 600.1529 (14 CFR 600.1529) "via the Tobe, Colo., VOR; Pueblo, Colo., VOR; thence 10 mile wide airway via the" is deleted and "via the Tobe, Colo., VOR; INT of the Pueblo, Colo., VOR 147° and the Hugo, Colo., VOR 225° radials; thence 10-mile wide airway via the Pueblo VOR;" is substituted therefor.

5. In the text of § 601.1347 (14 CFR 601.1347) "The portion of this control area extension which would coincide with R-2601 would be used only after obtaining prior approval from appropriate authority." is deleted and "The airspace within R-2601 and R-2602 shall be used only after obtaining prior approval from appropriate authority." is substituted therefor.

6. In the text of § 601.1281 (14 CFR 601.1281) the following is added: "The airspace within R-2602 shall be used only after obtaining prior approval from appropriate authority."

These amendments shall become effective 0001 e.s.t. December 13, 1962.

(Sec. 307(a), 72 Stat. 749; U.S.C. 1348)

Issued in Washington, D.C., on October 19, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-10691; Filed, Oct. 25, 1962; 8:45 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 5—Delegations and Designations

New § 1204.502 is added:

§ 1204.502 Delegation of authority to reimburse owners and tenants for certain moving expenses on the basis of fair value.

The Director, Office of Administration, National Aeronautics and Space Administration (NASA), may exercise all the authority of the National Aeronautics and Space Administration under the Act of Congress approved August 14, 1962 (42 U.S.C. 2473(b)(14)) to reimburse, to the extent determined by him to be fair and reasonable, the owners, and tenants of land and interests in land in accordance with the provisions of Subpart 6 of this part, but in no event in excess of 25 per centum of the fair value of the parcel of land or interest in land to which the reimbursement is related. For this purpose, the fair value of land or an interest in land shall be determined on the basis of an appraisal made by or on behalf of the Government in accordance with established appraisal principles and procedures, except that the Director of Administration, NASA, in extraordinary cases where he deems departure from the appraised value to be justified, may submit the question of fair value to the Administrator, NASA, for his determination.

(42 U.S.C. 2473(b)(14))

Effective date: This delegation of authority is to be effective on and after October 22, 1962.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 62-10728; Filed, Oct. 25, 1962; 8:49 a.m.]

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 6—Regulations Governing Reimbursement for Moving Expenses to Owners and Tenants of Land Acquired by the National Aeronautics and Space Administration

1. New Subpart 6 is added:

Sec.
1204.600 Scope of subpart.
1204.601 Definitions.
1204.602 Authority.
1204.603 Reimbursement.
1204.604 Examples of reimbursable items.
1204.605 Examples of nonreimbursable items.
1204.606 Filing of applications.
1204.607 Limitation on amount of payment.
1204.608 Conditions of reimbursement.

AUTHORITY: §§ 1204.600 to 1204.608 issued under 42 U.S.C. 2473(b)(14).

§ 1204.600 Scope of subpart.

This subpart establishes the policy and procedures of the National Aeronautics and Space Administration (NASA) governing reimbursement for certain moving expenses to owners and tenants of land acquired by the National Aeronautics and Space Administration.

§ 1204.601 Definitions.

(a) *Owner.* Any owner of land or of an interest in land who moves himself, his family, and his possessions because of acquisition of his land or his interest in land by the United States for the use of the National Aeronautics and Space Administration.

(b) *Tenant.* An individual who, under proper authority, uses or occupies land and who moves himself, his family, and his possessions because of acquisi-

tion of such land by the United States for the use of the National Aeronautics and Space Administration.

(c) *Date of vacating.* The date upon which the land or interest in land (1) is to be vacated under agreement with the Government by the owner or tenant or pursuant to law including but not limited to an order of a court; or (2) is vacated, whichever first occurs.

(d) *Fair value.* The value of land or an interest in land determined on the basis of an appraisal made by or on behalf of the Government in accordance with established appraisal principles and procedures except that the Director of Administration, NASA, in extraordinary cases where he deems departure from the appraised value to be justified, may submit the question of fair value to the Administrator, NASA, for his determination.

§ 1204.602 Authority.

(a) The National Aeronautics and Space Administration is authorized to reimburse, to the extent determined by the Administrator, NASA, or his designee to be fair and reasonable, the owners and tenants of land and interests in land acquired by purchase, condemnation, or otherwise, on or after November 1, 1961, by the United States for use by the Administration, for expenses and losses and damages incurred by such owners and tenants as a direct result of moving themselves, their families, and their possessions because of such acquisition.

(b) Reimbursement as stated in paragraph (a) of this section shall be in addition to but not in duplication of any payments that may otherwise be authorized by law to be made to such owners and tenants. The total of any such reimbursement to any owner or tenant shall in no event exceed 25 per centum of the fair value, as determined by the Administrator, NASA, of the parcel of land to which the reimbursement is related.

(c) No payment under this subpart shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages incurred, is submitted to the Administrator, NASA, within one year from (1) the date upon which the parcel of land or interest in land is to be vacated under agreement with the Government by the owner or tenant or pursuant to law, including but not limited to an order of the court; or (2) the date upon which the parcel of land or interest in land involved is vacated, whichever first occurs.

(d) The Administrator, NASA, may perform any and all acts and make such further rules and regulations as he deems necessary and proper for the purpose of carrying out the provisions of this subpart.

§ 1204.603 Reimbursement.

Pursuant to the provisions of the Act, reimbursement may only be made to the extent determined fair and reasonable for items of expense and other losses and damages incurred by owners or tenants as a direct result of the moving of themselves and their families and possessions. Examples of reimbursable and nonreimbursable items are set forth in §§ 1204.604 and 1204.605. Such listing is a partial enumeration only, and is not intended to be all inclusive.

§ 1204.604 Examples of reimbursable items.

The following are examples of reimbursable items:

(a) Moving expenses, such as costs of transportation, insurance premium for protection of possessions, crating and uncrating.

(b) Temporary storage expenses.

(c) Expenditures for obtaining new site or land such as cost of appraisals, surveys, and title searches, where such expenses are normally borne by the purchaser. This does not include any part of the purchase price for the new site or any expenditures for the purpose of adding to the value or utility of the new site.

§ 1204.605 Examples of nonreimbursable items.

The following are examples of nonreimbursable items:

(a) Costs of conveying property to the Government.

(b) Consequential damages or losses, such as loss of good will, loss of profits, loss of trained employees, or expenses of sales and losses because of such sales.

§ 1204.606 Filing of applications.

All applications for reimbursement will be delivered or mailed to the National Aeronautics and Space Administration, Washington 25, D.C., within one year from the date of vacating as defined in § 1204.601(c) except that in the case of applications for reimbursement based on land acquired by the United States for the use of the National Aeronautics and Space Administration at the Mississippi Test Facility or at the Manned Lunar Landing Project, Cape Canaveral, Florida, applications for reimbursement will be delivered or mailed to the appropriate office of the Division or District Engineer, Corps of Engineers, U.S. Army, for forwarding to the Administrator, NASA, for final action. Applications must be supported by an itemized statement of the expenses, losses and damages incurred for which reimbursement is requested.

§ 1204.607 Limitation on amount of payment.

The total amount of reimbursement to all owners and tenants of any parcel of land shall not exceed 25 per centum of the fair value of such parcel of land. In the event that the approved amount of reimbursement for all owners and tenants exceeds 25 per centum of the fair value of the land, each applicant will receive the same proportion of the 25 per centum of the fair value as the approved amount for each application is of the total amount approved for all applications.

§ 1204.608 Conditions of reimbursement.

In determining whether reimbursement will be made and the extent and amount thereof, consideration will be given to the following:

(a) Reimbursement shall not be made unless and until reasonable proof of the expenses or other losses and damages incurred, in the form of receipts therefor or the next best evidence thereof when receipts are not available, have been submitted.

(b) Reimbursement shall not be made to the extent that the applicant's negligence or wrongful act has contributed to the amount of the expenses, losses or damages.

(c) Reimbursement shall not be made for expenses, losses or damages which were allowed in establishing the compensation paid or to be paid for the interest acquired in the land.

Effective date: The provisions of this subpart are effective on and after October 22, 1962.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 62-10729; Filed, Oct. 25, 1962; 8:49 a.m.]

PART 1245—PATENTS

Subpart 2—Patent Licensing Regulations

1. Subpart 2 is added:

Sec.
1245.200 Scope of subpart.
1245.201 Definitions.
1245.202 Applicability.
1245.203 Policy.
1245.204 Publication.
1245.205 Types of licenses and conditions for licensing.
1245.206 Procedures.
1245.207 Provisions and clauses for licenses.
1245.208 Other licenses.
1245.209 Licenses to contractor-inventor.

AUTHORITY: §§ 1245.200 to 1245.209 issued under 42 U.S.C. 2457(g).

§ 1245.200 Scope of subpart.

This subpart prescribes the terms, conditions and procedures under which National Aeronautics and Space Administration (NASA) inventions may be licensed.

§ 1245.201 Definitions.

The following definitions are applicable to this subpart:

(a) To "work" an invention means to develop any embodiment or process thereof to the point of commercial utility, and to offer the benefits of the developed invention to the public in accordance with normal business practice.

(b) To "practice" an invention means to make, use, and sell any embodiment of the invention or to use the process where the invention is a process.

(c) "NASA invention" means any invention for which the Administrator, NASA, holds a United States patent on behalf of the United States.

§ 1245.202 Applicability.

The Regulations set forth in this Subpart 2 apply to all NASA inventions.

§ 1245.203 Policy.

(a) NASA inventions will best serve the interests of the United States when they are licensed and worked.

(b) Although the nonexclusive licensing of NASA inventions is generally preferable, the granting of an exclusive license may be desirable when an additional incentive appears necessary to

have the invention worked. In selecting an exclusive licensee, consideration will be given to providing assistance to small business and labor surplus areas.

(c) **No royalties will be charged by** the National Aeronautics and Space Administration for the practice of the NASA inventions.

§ 1245.204 Publication.

(a) The Administration will cause to be published in the Official Gazette of the United States Patent Office a list of NASA inventions available for licensing, in three sections as follows:

(1) *Section A:* Those available for nonexclusive, revocable licensing under the conditions specified in § 1245.205(a);

(2) *Section B:* Those available for nonexclusive licensing for the term of the patent as described in § 1245.205(b);

(3) *Section C:* Those available for exclusive licensing under the conditions specified in § 1245.205(c).

(b) The list will be revised quarterly to include all NASA inventions which are currently available for licensing.

§ 1245.205 Types of licenses and conditions for licensing.

NASA inventions will be made available for the grant of licenses according to the circumstances and conditions set forth in paragraphs (a), (b), and (c) of this section, subject to the applicable requirements in §§ 1245.206, 1245.207, and 1245.208.

(a) *Nonexclusive, revocable license for inventions not yet worked.* Each NASA invention which has not been worked will be made available during the first two years after the issuance of a United States patent thereon for the grant of a nonexclusive license to practice the invention. Such a license shall extend to subsidiaries and affiliates of the licensee and shall be nontransferable except to the successor of that part of the licensee's business to which the invention pertains. The license shall be revocable if the licensee fails before the end of the second year after the issuance of the patent on the invention to demonstrate that the invention has been worked.

(b) *Nonexclusive license for term of patent for inventions which have been worked.* The National Aeronautics and Space Administration reserves the right to dedicate to the public any NASA invention which has been worked, which has been patented for at least two years, and which is not subject to an outstanding exclusive license. A nonexclusive license to practice a NASA invention for the term of the patent will be granted upon an applicant's showing, to the satisfaction of the Administration, that the invention for which the license is requested has been worked; provided that the invention has not been dedicated to the public and is not the subject of an outstanding exclusive license. When such a license is granted, the invention will be listed under the provisions of § 1245.204(a)(2), and similar nonexclusive licenses will be granted to any applicant. Such licenses shall extend to the subsidiaries and affiliates of the licensee and shall be nontransferable except to the successor of that part of the licensee's business to which the invention pertains. Any revocable license granted pursuant to § 1245.205(a), may be converted to a nonexclusive license for the term of the patent when it is shown that the invention has been worked. If the invention is subject to an outstanding exclusive license at the time when it is shown that the invention has been worked, a license may be granted under this paragraph for any unexpired portion of the term of the patent upon the termination or the expiration of the exclusive license.

(c) *Exclusive license.* (1) Each NASA invention which has not been worked by the end of the second year after the issuance of the United States patent thereon will be made available for the grant of an exclusive license to practice the invention. Exclusive licenses may be granted for the practice of inventions throughout the United States of America, its territories and possessions, or in any lesser geographic portion thereof.

(2) The exclusive licensee will be selected in accordance with § 1245.206 (d).

(3) The term of the license will be negotiated.

(4) There will be reserved from the exclusive license a nontransferable, royalty-free right to practice the invention by or on behalf of the United States or any foreign government, international organization, or group of nations pursuant to any treaty or agreement with the United States.

(5) The license will be nontransferable except to the successor of that part of the licensee's business to which the invention pertains.

(6) The exclusive license will be revocable if the licensee fails to use his continuing best efforts to work the invention.

§ 1245.206 Procedures.

(a) *Submission of applications.* Applications for a license under any NASA invention should be addressed to the Administrator, NASA. The application must identify the patent by number, title, and date, and state the type of license requested.

(b) *Applications for a nonexclusive license for the patent term.* If the applicant requests a nonexclusive license for the term of a patent which is not listed as available for licensing under § 1245.204(a)(2), the applicant, in addition to the requirements set forth in paragraph (a) of this section, shall furnish evidence that the invention has been worked.

(c) *Applications for an exclusive license.* In addition to the requirements set forth in paragraph (a) of this section, an application for an exclusive license must:

(1) Describe the applicant's capabilities to undertake the industrial and market development required to work the invention without undue delay,

(2) State the expenditure which the applicant estimates to be required to develop the invention to the point where it is ready for working, and the applicant's intention to invest that sum of money in development of the invention if the license is granted,

(3) Give the applicant's status, if any, as a small business firm or as being located in a surplus labor area, or both,

(4) Indicate whether the applicant would be willing to accept an exclusive license for any geographic portion less than the entirety of the United States of America, its territories and possessions and, if so, define the geographic portion, and

(5) State any other facts which the applicant believes would show it to be in the interests of the United States to grant an exclusive license rather than a nonexclusive license, and that such exclusive license should be granted to the applicant.

(d) *Processing of applications for an exclusive license.* An exclusive license for a NASA invention will not be granted until after three months from the date on which the invention has been listed as available for exclusive licensing pursuant to § 1245.204(a)(3) in order to provide a suitable time interval for all interested applicants to submit their applications. In carrying out the policy of the regulations in this Subpart 2, preference shall be given to adequately qualified applicants for an exclusive license in the following order of priority:

(1) Persistent labor surplus area concerns which are also small business concerns,

(2) Other persistent labor surplus area concerns,

(3) Substantial labor surplus area concerns which are also small business concerns,

(4) Other substantial labor surplus area concerns, and

(5) Small business concerns which are not labor surplus area concerns.

(e) *Acceptance.* All licenses shall become effective upon the written acceptance by the licensee of a license instrument which shall specify the kind and extent of the license, the term of years, any limitations to be imposed on the license, and any conditions to be imposed on the licensee.

§ 1245.207 Provisions and clauses for licenses.

(a) All license instruments shall contain the following clauses:

(1) *Officials not to benefit clause.*

OFFICIALS NOT TO BENEFIT

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this license or to any benefit that may arise therefrom, but this provision shall not be considered to extend to this license if granted to a corporation for its general benefit.

(2) *Covenant against contingent fees clause.*

COVENANT AGAINST CONTINGENT FEES

The licensee warrants that no person or selling agency has been employed or retained to solicit or secure this license upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the licensee for the purpose of securing business. For breach or violation of this warranty the licensor shall

have the right to annul this license without liability.

(3) *Representation or warranty clause.*

REPRESENTATION OR WARRANTY

The licensor makes no representation or warranty that the practice by the licensee of the invention licensed hereunder will be free from any infringement or charges of infringement of any other patent or patents, and licensor assumes no liability whatsoever that may result from the exercise of this license.

(4) *Dispute clause.*

DISPUTES

All disputes concerning the interpretation or application of this license agreement which are not disposed of by mutual agreement shall be decided by the officer executing this license on behalf of the Government, or his successor, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the licensee. His decision shall be final and conclusive, except on questions of law, unless, within 30 days from the date of receipt of such copy, the licensee mails or otherwise furnishes to him a written appeal addressed to the Administrator, National Aeronautics and Space Administration. The decision of the Administrator, or his duly authorized representative for the determination of such appeals, shall be final and conclusive, except on questions of law, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with appeals under this clause, the licensee shall be afforded an opportunity to be heard and to offer evidence in support of its appeal.

(b) Licenses granted under the provisions of § 1245.205(a) shall also contain the following clause:

REVOCATION

(a) This license may be revoked if the licensee fails to demonstrate before ----------, 19-- (the end of the second year after issuance of the United States patent on the invention), that any embodiment or process of the invention has been developed to the point of commercial utility, and that the benefits of the developed invention have been offered to the public in accordance with normal business practice.

(b) Before revoking this license for any cause, there will be furnished to the licensee a written notice of intention to revoke the license, and the licensee will be allowed 30 days after such notice in which to request a hearing before the Inventions and Contributions Board, National Aeronautics and Space Administration, on the question of whether the license should be revoked.

(c) Licenses granted under the provisions of § 1245.205(c) shall also contain the following clauses:

(1) *Reporting clause.*

REPORTING

Licensee is required to furnish to the Administration an annual report of all activity and progress in developing the invention to the point of commercial utility and in making the developed invention available to the public. The report shall be furnished not later than the 15th of March of each year and shall cover the activities of the preceding calendar year.

(2) *Sublicenses clause.*

SUBLICENSES

Licensee may grant sublicenses. Each sublicense must make reference to the rights retained by the Government hereunder and a copy must be furnished to the Administration promptly upon execution.

(3) *Revocation clause.*

REVOCATION

(a) This license may be revoked if the licensee at any time shall fail to use its best efforts to develop at least one embodiment or process of the invention to the point of commercial utility and to offer the benefits of the developed invention to the public in accordance with normal business practice.

(b) If the licensee at any time shall default in making any report required hereunder, or shall make any false report, or shall commit any breach of any covenant or agreement herein contained, and shall fail to remedy any such default, false report, or breach within 30 days after written notice, this license may be revoked.

(c) Before revoking the license herein granted for any cause, there will be furnished to the licensee and to all sublicensees a written notice of intention to revoke the license, and the licensee will be allowed 30 days after such notice in which to request a hearing before the Inventions and Contributions Board, National Aeronautics and Space Administration, on the question of whether the license should be revoked. Revocation of this license shall include revocation of all sublicenses which have been granted.

(4) *Nonexclusive license clause.*

NONEXCLUSIVE LICENSE

Upon expiration of this license, the licensee and any sublicensees will be granted a nonexclusive license to practice the invention for the remainder of the term of the patent if the licensee has demonstrated that the invention has been worked prior to expiration of the exclusive license.

(5) *Litigation clause.*

LITIGATION

The licensee shall, during the term of this license, have the right to sue at its own expense infringers of the patent licensed hereunder. The licensee may join the licensor, upon consent, as a party complainant in such suit, but without expense to the licensor, and the licensee shall pay costs and any final judgment or decree that may be rendered against the licensor in such suit. If, as a result of any such litigation the aforesaid United States patent shall be declared invalid, the licensee shall have the right to surrender this license and be relieved from any further obligation hereunder.

§ 1245.208 Other licenses.

Subject to any limitation in an outstanding exclusive license, nothing contained in these regulations shall preclude the Administrator, NASA, from granting other licenses when he determines that the interests of the United States would be served thereby. The following exemplify circumstances wherein such licenses may be granted:

(a) In consideration of the settlement of an interference.

(b) In consideration of a release of a claim of infringement.

(c) In exchange for a license to the Government under adversely held patents.

(d) Under improvement patents and inventions as a part of the consideration for a license granted to the Government.

§ 1245.209 Licenses to contractor-inventor.

For regulations governing licenses to contractors for inventions made in the performance of work under contracts of the Administration, see § 1245.111 of Subpart 1.

Effective date: The regulations set forth in this Subpart 2 are effective October 22, 1962.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 62-10731; Filed, Oct. 25, 1962; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-250]

PART 13—PROHIBITED TRADE PRACTICES

American Transportation Institute, Inc., et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* [Misrepresenting oneself and goods]—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1670 *Jobs and employment.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, American Transportation Institute, Inc., et al., Kansas City, Mo., Docket C-250, Oct. 5, 1962]

In the Matter of American Transportation Institute, Inc., a Corporation, Formerly Known as Air Age Institute, Inc., and Leslie M. Reed, Individually and as an Officer of Said Corporation, and Arthur F. Lohrey, Individually

Consent order requiring Kansas City, Mo., sellers of correspondence courses in airline training to cease representing falsely, through their sales agents calling upon prospective purchasers, that they were affiliated with a large airline, that employment with an airline was guaranteed to persons completing their course, and that enrollees in the course would receive free air transportation to Kansas City to attend the resident portion of the course.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents American Transportation Institute, Inc., formerly known as Air Age Institute, Inc., a corporation, and its officers, and Leslie M. Reed, individually and as an officer of said corporation, and Arthur F. Lohrey, individually, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of courses of training and instruction in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Employment with an airline is guaranteed to persons completing respondents' course of study and instruction, or that such persons are otherwise assured of employment with an airline upon completion of respondents' course of study and instruction, or misrepresenting in any other manner the opportunities for employment by persons completing said course.

2. Respondents are affiliated with or sponsored by Trans World Airlines or any other airline, or misrepresenting in any other manner respondents' relationship with members of the airline industry.

3. Persons enrolling in respondents' course will receive free air transportation from their place of residence to Kansas City, Missouri, for the purpose of attending the resident training portion of respondents' course, or representing in any other manner that persons enrolling in said course can attend the resident training portion of said course without expense for transportation between their place of residence and respondents' resident training school.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 5, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-10735; Filed, Oct. 25, 1962; 8:49 a.m.]

[Docket C-249]

PART 13—PROHIBITED TRADE PRACTICES

Beecham Products, Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170-52 *Medicinal, therapeutic, healthful, etc.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Beecham Products Inc., Clifton, N.J., Docket C-249, Oct. 5, 1962]

In the Matter of Beecham Products Inc., a Corporation

Consent order requiring a Clifton, N.J., distributor of its "Silvikrin" scalp preparation, to cease representing falsely in advertising that use of its said product would prevent and overcome thinning hair, hair loss, and baldness, would grow hair, and permanently eliminate baldness, unless such advertising conspicuously revealed that male pattern baldness was the cause of the great majority of such conditions, and in such cases "Silvikrin" was of no value.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Beecham Products Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of its preparation "Pure Silvikrin," or any other product for use in treatment of hair and scalp conditions, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the U.S. mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that the use of said preparation will:

(A) Prevent or overcome thinning hair, hair loss or baldness, or cause hair to grow, unless such representation be expressly limited to cases other than those known as male pattern baldness and unless the advertisement clearly and conspicuously reveals that the great majority of cases of excessive hair fall and baldness are the beginning and more fully developed stages of male pattern baldness and in such cases respondent's preparation is of no value.

(B) Permanently eliminate dandruff.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondent's preparation, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: October 5, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-10736; Filed, Oct. 25, 1962; 8:49 a.m.]

[Docket 8402]

PART 13—PROHIBITED TRADE PRACTICES

Hilton Watch & Clock Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15-235 *Producer status of dealer or seller:* § 13.15-235(m) *Manufacturer;* § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155-45 *Fictitious marking;* § 13.170 *Qualities or properties of product or service:* § 13.170-84 *Shock-resistant;* § 13.170-96 *Waterproof, waterproofing, water-repellent;* § 13.235 *Source or origin:* § 13.235-60 *Place:* § 13.235-60(c) *Foreign, in general.* Subpart—Misbranding or mislabeling; § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—Prices; § 13.1811 *Fictitious pretricketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hilton Watch & Clock Co, Inc., et al., Chicago, Ill., Docket 8402, Sept. 25, 1962]

In the Matter of Hilton Watch & Clock Co., Inc., a Corporation, and Warren Winkler, and Adolph Winkler, Individually and as Officers of Said Corporation, Winkler Watch Company, a Corporation, and Milton Winkler, Individually and as an Officer of Said Corporation

Order requiring Chicago watch distributors to cease preticketing watches with fictitious prices, giving deceptive guarantees, misrepresenting base metal bezels as chrome or gold, representing watches in cases imported from Hong Kong as Swiss Watches, falsely representing watches as "25 jewel", "shock proof", "water protected", etc., and themselves as manufacturers of watches they distributed.

The order to cease and desist is as follows:

It is ordered, That respondents Hilton Watch & Clock Co., Inc., a corporation, and its officers and Warren Winkler and Adolph Winkler, individually and as officers of said corporation, Winkler Watch Company, a corporation, and its officers, and Milton Winkler, individually and as an officer of said corporation and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of watches or any other merchandise in commerce, as "commerce" is defined in The Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by preticketing or by implication, that any amount is the regular or usual retail price of merchandise when such amount is in excess of the price at which the merchandise is usually and regularly sold at retail in any trade area or areas where the representations are made.

2. Representing, directly or by implication, that watches are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly, completely, and conspicuously disclosed.

3. Representing that their watches are "shock proof" or "shock protected" or otherwise representing that their watches possess greater shock resistance than is the fact.

4. Offering for sale or selling watches, the cases of which are in whole or in part composed of base metal which has been treated to simulate precious metal without clearly and conspicuously disclosing on such cases or parts, the true metal composition of such treated cases or parts.

5. Using the term "gold plate," "gold plated," or "gold filled," or any other word or term of similar import or meaning, to designate, describe or refer to any watch case or part thereof which does not have a surface plating of gold or gold alloy applied by a mechanical process, provided, however, that any product, or part thereof, on which a substantial coating of gold or gold alloy has been affixed by an electrolytic proc-

ess may be marked or described as gold electroplate or gold electroplated.

6. Offering for sale or selling watches, the cases of which are in whole or in part composed of base metal which has been treated with an electrolytically applied flashing or coating of precious metal of thin and unsubstantial character without clearly and conspicuously disclosing on such cases or parts, in understandable English language, the thin and unsubstantial character of the flashing or coating.

7. Using the term "chrome" or any other term of similar meaning, to designate or describe an article or part thereof, which consists of a plating of chromium over other metal unless said term be accompanied by a clear and conspicuous disclosure that the article is plated.

8. Representing, directly or by implication, that their watches contain a designated number of jewels such as "25 jewels" unless such watches actually contain the stated number of jewels, each and every one of which serves a mechanical purpose as a frictional bearing.

9. Representing in advertising on letterheads, billheads or in any other manner, that respondents are manufacturers of watches or that watches sold by them are made in any particular factory unless, at some future time, they actually become manufacturers or unless such watches are actually made in that factory.

10. Representing that their watches are water resistant or water protected unless such representations are made with respect to watches which actually are water resistant or water protected.

11. Offering for sale or selling watches represented to be "water resistant" unless such watches are so constructed, and are of such a composition, as to provide protection against water or moisture to the extent of meeting the test designated test number 2 of the Trade Practice Conference rules for the watch industry, as set forth in the Code of Federal Regulations, Title 16, Chapter 1, § 170.2(c); (16 CFR 170.2(c)).

12. Offering for sale, or selling, watches the cases of which are in whole or in part of foreign origin without clearly and conspicuously disclosing on such cases or parts the foreign country or place of origin.

13. Representing that a watch contains an "Incabloc" or other device, when such is not the fact.

By "Order Vacating Prior Order, Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 25, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10737; Filed, Oct. 25, 1962; 8:50 a.m.]

[Docket 8201o.]

PART 13—PROHIBITED TRADE PRACTICES

Nash, Inc., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.520 *Quality, grade or qualities.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–40 *In general.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Nash, Inc., et al., Jersey City, N.J., Docket 8201, Sept. 18, 1962]

In the Matter of Nash, Inc., a Corporation, and Daniel J. Nash and Jack Hammel, Individually and as Officers of Said Corporation

Order requiring manufacturers of wallets, billfolds, purses, and other small leather and plastic accessories in Jersey City, N.J., to cease representing falsely that their split pigskin products were made of top grain leather by such practices as stamping them with the words "Saddle Pigskin", by describing them on attached cards as "Leather" and "Genuine Leather", and by inserting in them cards stating the true composition of nonleather pockets, linings, etc., in such a manner as not to be readily noticed by purchasers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Nash, Inc., a corporation, and its officers, and respondents Daniel J. Nash and Jack Hammel, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of wallets or billfolds, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Saddle Pigskin", "Leather", "Genuine Leather", or any other words of similar import, in connection with wallets or billfolds made of split leather, or misrepresenting in any manner the kind or quality of the materials of which their wallets or billfolds are composed.

2. Offering for sale or selling wallets or billfolds made in whole or in part of split leather without affirmatively disclosing such fact on or in immediate connection with such product in a clear and conspicuous manner.

3. Offering for sale, selling or distributing wallets or billfolds made in part of leather and in substantial part of material other than leather without clearly disclosing thereon or in immediate connection therewith that a part thereof is not made of leather.

4. Furnishing any means or instrumentality to others whereby they may mislead the public as to any of the matters or things prohibited by the above provisions of this order.

It is further ordered, That the complaint insofar as it relates to the misrepresentation of the operation of plants or offices in London, Paris, Rome and Canada, as more specifically set forth in paragraph seven of the complaint be, and the same hereby is, dismissed.

It is further ordered, That paragraph five of the complaint be, and it hereby is, dismissed.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 18, 1962.

By the Commission, Commissioner Anderson not participating.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10701; Filed, Oct. 25, 1962; 8:46 a.m.]

[Docket C-246]

PART 13—PROHIBITED TRADE PRACTICES

National Business Service, Inc., and Eli Levine

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1490 *Nature.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.* Subpart—Simulating another or product thereof: § 13.2211 *Employment forms.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Business Service, Inc., et al., Elizabeth, N.J., Docket C-246, Sept. 28, 1962]

In the Matter of National Business Service, Inc., a Corporation, and Eli Levine, Individually and as an Officer of said Corporation

Consent order requiring a collection agency in Elizabeth, N.J., to cease, in efforts to obtain information as to the current addresses, etc., of delinquent debtors, using such misleading questionnaire forms as those stating falsely that "money will be sent you if you will complete this questionnaire . . . within 10 days", or which bear the words "Official Questionnaire", "Please send me 'Free Post Paid' Gift Reg. No. __", or simulate a card used in an IBM key punch machine and purport to be "Current Employment Records" forms.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That National Business Service, Inc., a corporation, and its officers, and respondent Eli Levine, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the collection of, or attempting to collect, delinquent accounts in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, or placing in the hands of others for use, any form, questionnaire or other material, printed or written, which does not clearly reveal that the purpose for which the information is requested is that of obtaining information concerning alleged delinquent debtors.

2. Representing, or placing in the hands of others, any means by which they may represent, directly or by implication, that money or a free gift or any other thing of value, is being held for the person from whom information is sought, unless respondents have in their possession a substantial sum of money or a gift of substantial value which will be sent to such person and then only when the exact sum of money or the exact nature of the gift or other thing of value is clearly and expressly disclosed and described.

3. Representing, or placing in hands of others, any means by which they may represent, directly or by implication, that they have any official capacity or that any information requested is to be used for official purposes.

4. Using post cards, form letters or other material which represent, directly or by implication, that respondents' business is other than that of collecting delinquent accounts for themselves and for others.

5. Using the name or appellation "American Information Service", "Official Questionnaire", "Mr. Q", "Current Employment Records", or any other name or names of similar import to describe or refer to respondents' business or otherwise misrepresenting the purpose for which information is sought by respondents.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10702; Filed, Oct. 25, 1962; 8:46 a.m.]

[Dockets 7972, etc.]

PART 13—PROHIBITED TRADE PRACTICES

Transogram Co., Inc.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist orders in the 16 captioned toy cases as listed above, all Sept. 19, 1962]

In the Matters of: Transogram Company, Inc., a Corporation, Docket 7978; *Ideal Toy Corporation, a Corporation*, Docket 7979; *Emenee Industries, Inc., a Corporation*, Docket 7974; *Milton Bradley Company, a Corporation*, Docket 8256; *Amerian Machine & Foundry Company, a Corporation*, Docket 7977; *Wen-Mac Corporation, a Corporation*, Docket 8245; *Revell, Incorporated, a Corporation*, Docket 8224; *Kohner Bros., Inc., a Corporation*, Docket 8226; *Mattel, Inc., a Corporation*, Docket 8227; *Fisher-Price Toys, Inc., a Corporation*, Docket 8243; *The Hubley Manufacturing Company, a Corporation*, Docket 8254; *Hassenfeld Bros., Inc., a Corporation*, Docket 8258; *Knickerbocker Toy Co., Inc., a Corporation*, Docket 8101; *Remco Industries, Inc., a Corporation*, Docket 8103; *The Porter Chemical Company, a Corporation*, Docket 8228; *Wolverine Supply and Manufacturing Co., a Corporation*, Docket 7972

Orders requiring 16 toy manufacturers to cease violating sec. 2(d) of the Clayton Act by making payments to certain toy catalog companies of jobber customers for advertising in their catalogs, but failing to make payments available on proportionally equal terms to all competing distributors.

The order to cease and desist, including further order requiring reports of compliance therewith, is as follows:

It is ordered, That each respondent named in the above-captioned proceedings, and its officers, directors, employees, agents, and representatives, directly or through any corporate or other device, in, or in connection with, the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Clayton Act, as amended, of any toy, game, or hobby products, do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to or for the benefit of any customer of such respondent as compensation or in consideration for any services or facilities consisting of advertising or other publicity, furnished by or through such customer, in a toy catalogue, handbill, circular, or any other printed publication serving the purpose of a buying guide, distributed, directly or through any corporate or other device, by such customer, in connection with the processing, handling, sale, or offering for sale of any toy, game, or hobby products manufactured, sold, or offered for sale by such respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products.

It is further ordered, That each respondent named in the above-captioned proceedings shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 19, 1962.

By the Commission. Commissioner Anderson concurring in the result.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10725; Filed, Oct. 25, 1962; 8:48 a.m.]

[Docket 8138 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Claude I. Woolwine et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–80 *Government connection;* § 13.15–237 *Professional or scientific status;* § 13.60 *Earnings and profits;* § 13.85 *Government approval, action, connection or standards:* § 13.60–15 *Civil Service Commission connections or recognition;* § 13.105 *Individual's special selection or situation;* § 13.115 *Jobs and employment service:* § 13.115–20 *Government;* § 13.225 *Services.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Claude I. Woolwine doing business as Universal Training Service et al., San Francisco, Calif., Docket 8138, Sept. 28, 1962]

In the Matter of Claude I. Woolwine, Doing Business as Universal Training Service et al.[1]

Consent order requiring a San Francisco seller of a correspondence course purporting to prepare purchasers for U.S. Civil Service examinations and U.S. Government positions, to cease misrepresenting the availability of Government jobs and accompanying salaries, and representing falsely connection with the U.S. Civil Service and prospective earnings of salesmen of the course, among other things, as fully set out in the order below.

The order to cease and desist is as follows:

It is ordered, That respondent Claude I. Woolwine, doing business as Universal Training Service, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his course of instruction, relating to United States Civil Service positions, or any other course of instruction, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Civil Service Examinations are imminent or had been announced for any of the positions listed in any particular area, unless such is the fact.

2. The completion of said course of instruction will enable a person to pass the Civil Service Examination for a selected job.

[1] This proceeding was disposed of as to the other respondent, Grady L. Rushing dba Marcel Co., by a desist order dated Nov. 27, 1961 (27 F.R. 3512, Apr. 12, 1962).

[1] New.

[F.R. Doc. 62-10737; Filed, Oct. 25, 1962; 8:50 a.m.]

ters or things prohibited by the above provisions of this order.

[1] New.

3. Their course of instruction provides training for Civil Service positions.

4. Qualifications are required in order to purchase the course.

5. Starting salaries for positions in Civil Service are in any amount that is not in accordance with the facts; or misrepresenting the amount of any salary for Civil Service positions.

6. Respondents will continue to instruct persons who have completed their courses of instruction until they are appointed to a Civil Service position; or misrepresenting in any manner the amount of instruction that they give to their purchasers.

It is further ordered, That respondent Claude I. Woolwine, trading as Universal Training Service, or under any other name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the solicitation for salesmen to sell his course of instruction relating to United States Civil Service positions, or any other course of instruction, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the monthly earnings of salesmen selling his course of instruction average from $1,200 to $1,800; or average or amount to any sum that is in excess of the average or the amount actually earned.

2. Representing, directly or by implication, that persons selling said course operate a home study school.

By "Order Waiving Filing of Notice, Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: September 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10738; Filed, Oct. 25, 1962; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

Lake Champlain, N.Y., and Vt.

Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.8 is hereby amended, redesignating paragraphs (b) and (c) as (c) and (d), respectively, and prescribing a new paragraph (b) designating a special anchorage area in Shelburne Bay, Lake Champlain, Vermont, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.8 Lake Champlain, N.Y., and Vt.

(a) *Ticonderoga, N.Y.* • • •

(b) *Shelburne Bay, Vt.* An area shoreward of a line bearing 142° from the eastern point of Collymer Point to Allen Hill.

(c) *Mallets Bay, Vt.* [Redesignated]

(d) *St. Albans Bay, Vt.* [Redesignated]

[Regs., October 15, 1962, 285/111 (Lake Champlain, Vt.)—ENGCW-ON] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-10687; Filed, Oct. 25, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PART 131—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

Antibiotic Drugs Used in Treatment of Milk-Producing Animals

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 as amended; 52 Stat. 1055, 59 Stat. 463 as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), §§ 3.25, 131.20, 131.21, 146.1, 146a.37, and 146b.133 are amended as set forth below:

1. Section 3.25 is amended by changing the cross reference at the end of the section to read as follows:

§ 3.25 Notice to manufacturers and labelers of antibiotic drugs for veterinary use.

• • • • • •

CROSS REFERENCE: For required warning statements to be used in the labeling of antibiotic drugs intended for use in milk-producing animals, see § 146.14 of this chapter.

2a. Section 131.20 is amended by changing the ninth item "Antibiotics (Intramammary)" to read as follows:

§ 131.20 Drugs for veterinary use; recommended warning and caution statements.

• • • • •

Antibiotics (Intramammary). (See §§ 3.18 and 146.14 of this chapter.)

Warning—Milk taken from dairy animals within _____ hours after the latest treatment for mastitis must not be used for food.

The blank is filled in with the number 96, unless the person has submitted to the Commissioner information adequate to prove that milk from dairy animals treated with the drug as prepared by him contains no antibiotics after a time period that is shorter than 96 hours after the latest treatment. In such cases, the blank shall be filled in with the number 72, 60, 48, 36, or 24, as authorized by the Commissioner.

This statement should appear on the label of the immediate container, if it is intended for use in the prevention or treatment of mastitis in dairy animals by intramammary infusion.

b. Section 131.21 is amended by changing the third item "Antibiotics (Intramammary)" to read as follows:

§ 131.21 Drugs for veterinary use; warning and caution statements required by regulations.

• • • • •

Antibiotics (intramammary). (See § 146.14 of this chapter.)

"Warning—Milk taken from dairy animals within _____ hours after the latest treatment for mastitis must not be used for food," the blank being filled in with the number 96 unless the person who requests certification has submitted to the Commissioner information adequate to prove that milk from dairy animals treated with the drug as prepared by him contains no antibiotics after a time period that is shorter than 96 hours after the latest treatment. In such cases, the blank shall be filled in with the number 72, 60, 48, 36, or 24, as authorized by the Commissioner. This statement shall appear on the label of the immediate container.

§ 146.1 [Amendment]

3. Section 146.1 *Definitions and interpretations applicable to Parts 146, 146a, 146b, 146c, 146e, and 147* is amended by revoking paragraph (k), which is reserved.

§ 146a.37 [Amendment]

4. Section 146a.37 *Buffered crystalline penicillin* is amended by changing the last sentence in paragraph (f)(3) to read as follows:

If such drug is represented for use in milk-producing animals, its labeling shall bear the statement required by § 146.14 of this chapter.

5. Section 146b.133 is amended by changing paragraph (c)(1)(vi) to read as follows:

§ 146b.133 Dihydrostreptomycin-neomycin-polymyxin aerosol solution veterinary.

• • • • •

(c) • • • (1) • • •

(vi) The warning required by § 146.14 of this chapter.

I find that the protection of the public health requires that the antibiotic drugs intended for intramammary infusion in milk-producing animals be labeled with adequate warnings to prevent residues of these drugs from contaminating milk supplies. Therefore, notice and public procedure in this instance are contrary to the public interest.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Secs. 507, 701 as amended; 52 Stat. 1055, 59 Stat. 463 as amended; 21 U.S.C. 357, 371)

Dated: October 19, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-10723; Filed, Oct. 25, 1962; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Definitions and Interpretations

Information provided by Clemson Agricultural College, Clemson, South Carolina, and by the United States Department of Agriculture indicates that the same pesticides that are useful on turnip greens would be useful on broccoli raab and that use of pesticides on broccoli raab would result in residues similar to those incurred from usage of the same pesticides on turnip greens.

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408, 701, 68 Stat. 511 as amended, 52 Stat. 1055 as amended; 21 U.S.C. 346a, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 120.1 (21 CFR 120.1) of the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities is amended by adding to the tabulation in paragraph (h) the following item:

§ 120.1 Definitions and interpretations.

• • • • •

(h) • • •

A	B
• • •	• • •
Turnip tops or turnip greens.	Broccoli raab (raab, raab salad), turnip tops (turnip greens).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments effected are interpretative in nature and serve to clarify existing regulations.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Secs. 408, 701, 68 Stat. 511 as amended, 52 Stat. 1055 as amended; 21 U.S.C. 346a, 371)

Dated: October 19, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-10722; Filed, Oct. 25, 1962; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of 2,4-Dichloro-6-o-Chloroanilino-s-Triazine

A petition was filed with the Food and Drug Administration by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, requesting the establishment of tolerances for residues of the fungicide 2,4-dichloro-6-o-chloroanilino-*s*-triazine in or on blueberries, cranberries, currants, gooseberries, and huckleberries. Currants and gooseberries were later withdrawn from the petition.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by inserting the words "the fungicide" in the introduciton to § 120.158 (27 F.R. 1887) and by adding to the section a tolerance of 10 parts per million for residues of the subject pesticide chemical in or on blueberries (huckleberries) and cranberries. As amended, § 120.158 reads as follows:

§ 120.158 Tolerances for residues of 2,4-dichloro-6-o-chloroanilino-s-triazine.

Tolerances for residues of the fungicide 2,4-dichloro-6-o-chloroanilino-*s*-triazine in or on raw agricultural commodities are established as follows:

10 parts per million in or on blackberries, blueberries (huckleberries), celery, cranberries, cucumbers, dewberries, green onions, loganberries, melons, pumpkins, raspberries, shallots, summer squash, strawberries, tomatoes, winter squash.

1 part per million in or on garlic, onions (dry bulb), potatoes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: October 19, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-10719; Filed, Oct. 25, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

Subpart D—Food Additives Permitted in Food for Human Consumption

TYLOSIN

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Elanco Products Company, Division of Eli Lilly and Company, Indianapolis 6, Indiana, and other relevant material, has concluded that the following amendment to the food additive regulations should issue to provide for the safe use of tylosin tartrate in drinking water for the treatment of infectious sinusitis in turkeys. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.217(a) (27 F.R. 3255) is amended by adding thereto a new subparagraph (4), reading as follows:

§ 121.217 Tylosin.

• • • • • •

(a) • • •

Quantity	Limitations	Indications for use
• • •	• • •	• • •
(4) *In turkey drinking water.* Grams per gallon: 2	Withdraw 72 hours prior to slaughter; administer not more than 5 days, as tylosin tartrate.	Treatment of infectious sinusitis.

Champlain, Vermont, wherein vessels producing animals, see § 146.14 of this chapter.

changing paragraph (c)(1)(vi) to read as follows:

tative in nature and serve to clarify existing regulations.

No. 209——3

	as tylosin tartrate.

2. Based upon an evaluation of the data before him and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that where turkeys have been treated with tylosin in accordance with § 121.217, tolerance limitations are required in order to assure that uncooked, edible tissues and byproducts of turkeys are safe for human food. Therefore, § 121.1049 is amended to included a zero tolerance in the edible tissues and byproducts of turkeys. As amended, § 121.1049 reads as follows:

§ 121.1049 Tylosin.

A tolerance of zero is established for residues of the food additive tylosin in eggs of chickens and turkeys and in the uncooked, edible tissues and byproducts of swine, turkeys, and chickens.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409, 72 Stat. 1786; 21 U.S.C. 348)

Dated: October 18, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-10721; Filed, Oct. 25, 1962; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6615]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Election by Small Business Corporation; Shareholders Consent

On May 1, 1962, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 1372 of the Internal Revenue Code of 1954 to conform the regulations to changes made by the Act of May 4, 1961 (Public Law 87-29, 75 Stat. 64), and to make clarifying changes was published in the FEDERAL REGISTER (27 F.R. 4153). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following amendments of the regulations are hereby adopted.

PARAGRAPH 1. Section 1.1372 is amended by adding a new subsection (g) at the end of section 1372 and by revising the historical note at the end of the section. These amended provisions read as follows:

§ 1.1372 Statutory provisions; election by small business corporation.

SEC. 1372. *Election by small business corporation.* • • •

(g) *Consent to election by certain shareholders of stock held as community property.* If a husband and wife owned stock which was community property (or the income from which was community income) under the applicable community property law of a State, and if either spouse filed a timely consent to an election under subsection (a) for a taxable year beginning before January 1, 1961, the time for filing the consent of the other spouse to such election shall not expire prior to May 15, 1961.

[Sec. 1372 as added by sec. 64(a), Technical Amendments Act of 1958 (72 Stat. 1650); amended by sec. 2, Act of May 4, 1961 (Pub. Law 87-29, 75 Stat. 64)]

PAR. 2. Paragraph (a) of § 1.1372-3 is amended to read as follows:

§ 1.1372-3 Shareholders' consent.

(a) *In general.* The consent of a shareholder to an election by a small business corporation shall be in the form of a statement signed by the shareholder in which such shareholder consents to the election of the corporation. Such shareholder's consent is binding and may not be withdrawn after a valid election is made by the corporation. The consent of a minor shall be made by the minor or by his legal guardian, or his natural guardian if no legal guardian has been appointed. The consent of an estate shall be made by the executor or administrator thereof. The statement shall set forth the name and address of the corporation and of the shareholder, the number of shares of stock owned by him, and the date (or dates) on which such stock was acquired. The consents of all shareholders may be incorporated in one statement. The consents of all persons who are shareholders at the time the election is made shall be attached to the election of the corporation. If the election is made before the first day of the corporation's taxable year for which it is effective, the consents of persons who become shareholders after the date of election and are shareholders on such first day shall be filed with the district director with whom the election was filed as soon as practicable after such first day. The consent referred to in the preceding sentence will be considered timely if it is filed on or before the last day prescribed for making the election. Where a consent is filed after the date of election, a copy of the consent shall also be filed with the return required to be filed under section 6037. In the case of a shareholder in a community-property State whose spouse has filed a timely consent to an election under section 1372(a) for a taxable year beginning before January 1, 1961, the time for filing the consent of such shareholder shall not expire prior to May 15, 1961; in the case of a shareholder in a community-property State whose spouse has filed a timely consent to an election under section 1372(a) for a taxable year beginning after December 31, 1960, and on or before October 26, 1962, the consent of such shareholder shall be considered timely if it is filed on or before the last day prescribed for making the election. An election under section 1372(a) will not be valid if any of the consents are not timely filed. However, an election which was timely filed for any taxable year beginning before March 1, 1960, and which would be valid but for the fact that the consent of any shareholder of the corporation was not filed or was defective in any manner, will not be invalid if—

(1) A proper consent is filed by such shareholder after December 19, 1959, and on or before March 1, 1960,

(2) All shareholders of the corporation who previously filed timely and proper consents file new consents within the period mentioned in subparagraph (1) of this paragraph, and

(3) The shareholders show to the satisfaction of the district director with whom the election under section 1372(a) was filed that the failure to file timely and proper consents was not due to an intention to avoid making a valid election.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

Approved: October 22, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-10753; Filed, Oct. 25, 1962; 8:52 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2792]

MONTANA

Withdrawing Lands for Reclamation Purposes

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Reclamation, Department of the Interior, for reclamation purposes in connection with the Yellowtail and Canyon Ferry Reservoirs, Missouri River Basin Project, as indicated:

[Montana 043839]

YELLOWTAIL RESERVOIR

PRINCIPAL MERIDIAN

T. 9 S., R. 28 E.,
Sec. 12, SW¼NE¼;
Sec. 13, NE¼SW¼.
T. 8 S., R. 29 E.,
Sec. 9, SW¼SE¼;
Sec. 16, lots 3, 4, NW¼, and N½SW¼;
Sec. 20, E½SE¼;
Sec. 29, NW¼NW¼;
Sec. 30, SW¼SE¼.

Containing 592.91 acres.

[Montana 044786]

CANYON FERRY RESERVOIR

PRINCIPAL MERIDIAN

T. 10 N., R. 1 W.,
Sec. 35, NE¼NE¼.

Containing approximately 40 acres.

2. The lands will remain under the jurisdiction of the Bureau of Land Management until they are actually needed for project uses.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 19, 1962.

[F.R. Doc. 62-10703; Filed, Oct. 25, 1962; 8:46 a.m.]

[Public Land Order 2793]

CALIFORNIA AND NEVADA

Revoking Wholly or in Part Certain Air Navigation Site Withdrawals

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The orders hereinafter described, withdrawing lands for use of the Civil Aeronautics Administration in the maintenance of air navigation facilities, are hereby revoked as indicated:

a. The Departmental order of June 11, 1938, creating Air Navigation Site Withdrawal No. 121, so far as it affects the following-described lands:

CALIFORNIA

SAN BERNARDINO MERIDIAN

[Los Angeles 0165038]

T. 8 N., R. 23 E.,
Sec. 8, N½S½.

Containing 120 acres.

b. The Departmental order of May 25, 1948, enlarging Air Navigation Site Withdrawal No. 121, withdrawing the following-described lands:

SAN BERNARDINO MERIDIAN

[Los Angeles 0170550]

T. 8 N., R. 23 E.,
Sec. 8, NE¼NE¼ and E½NW¼NE¼.

Containing 60 acres.

c. The Departmental order of September 27, 1935, creating Air Navigation Site Withdrawal No. 99, so far as it affects the following-described lands:

NEVADA

MOUNT DIABLO MERIDIAN

[1584296]

T. 25 S., R. 58 E.,
Sec. 4, lot 6.

Containing 36.04 acres.

2. Until 10:00 a.m. on April 20, 1963, the State of California shall have a preferred right of application to select the lands in California as provided by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. All valid applications and selections under the nonmineral public land laws for lands in California, other than any from the State of California, presented prior to 10:00 a.m. on April 20, 1963, and those for lands in Nevada presented prior to 10:00 a.m. on November 24, 1962, will be considered as simultaneously filed at the designated hour. Rights under such applications and selections filed thereafter will be governed by the time of filing.

4. The lands have been open to applications and offers under the mineral leasing laws. The lands in California will be open to location under the United States mining laws at 10:00 a.m. on April 20, 1963, and those in Nevada at 10:00 a.m. on November 24, 1962.

5. Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

6. The Federal Aviation Agency is continuing to maintain improvements on a 2.7-acre facility site in the NW¼SE¼ of Section 8, and a powerline and access road elsewhere in the N½S½ of that section. These improvements will not be subject to appropriation under any law.

Inquiries concerning the lands in California shall be addressed to the Manager, Land Office, Bureau of Land Management, Riverside, California, and concerning those in Nevada to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 19, 1962.

[F.R. Doc. 62-10704; Filed, Oct. 25, 1962; 8:46 a.m.]

[Public Land Order 2794]

[New Mexico 0263399]

NEW MEXICO

Withdrawal From Mining Operations for Protection of Archeological Values

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The minerals in the following-described nonpublic lands, situated in Roosevelt County, New Mexico, within the Anderson Basin along Blackwater Draw, are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States for protection of archeological and paleontological values, and for scientific study of such values by authorized agencies under the provisions of the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431), Preservation of American Antiquities:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 S., R. 35 E.,
Sec. 12, E½SE¼.
T. 1 S., R. 36 E.,
Sec. 7, lots 3, 4, and E½SW¼;
Sec. 8, N½ and SE¼.

The areas described contaih, in the aggregate, 711.21 acres.

2. Surface rights to the lands have been patented under the Stockraising Homestead Act of December 29, 1916, with a reservation of all minerals in the United States.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 19, 1962.

[F.R. Doc. 62-10705; Filed, Oct. 25, 1962; 8:46 a.m.]

[Public Land Order 2795]

[Utah 059894]

[1375265]

UTAH

Modifying Executive Order No. 5327 of April 15, 1930, Which Withdrew Public Oil Shale Deposits and Lands Containing Same for Classification

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 5327 of April 15, 1930, which withdrew the deposits of oil shale, and lands containing such deposits owned by the United States, from lease or other disposal, and reserved same for purposes of investigation, examination, and classification, is hereby modified to the extent necessary to permit issuance of leases for deposits of native asphalt, solid and semisolid bitumen and bituminous rock under the act of February 25, 1920 (41 Stat. 437), as amended by the act of September 2, 1960 (74 Stat. 790; 30 U.S.C. 181), for and of any of the lands withdrawn by said order.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 19, 1962.

[F.R. Doc. 62-10706; Filed, Oct. 25, 1962; 8:47 a.m.]

[Public Land Order 2796]

WYOMING

Withdrawals for Forest Service Campgrounds and Recreation Area

By virtue of the authority vested in the President, and pursuant to Executive

Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The minerals in the following-described national forest lands in the national forests hereafter named are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as recreation areas and campgrounds, as indicated:

a.

[Wyoming 068665]

SIXTH PRINCIPAL MERIDIAN

MEDICINE BOW NATIONAL FOREST

Battle Creek Campground

T. 13 N., R. 87 W.,
Sec. 15, NW¼NE¼SE¼, SE¼NW¼SE¼, and S½NE¼SE¼.

Deep Creek Campground

T. 17 N., R. 79 W.,
Sec. 9, S½SE¼NE¼, N½NE¼SE¼, and SW¼NE¼SE¼.

Lincoln Park Campground

T. 16 N., R. 81 W.,
Sec. 8, NE¼NE¼;
Sec. 9, W½NW¼NW¼.

Little Sandstone Campground

T. 14 N., R. 87 W.,
Sec. 33, S½SE¼NW¼ and N½NE¼SW¼.

Pickaroon Campground

T. 13 N., R. 80 W.,
Sec. 8, NW¼SE¼NW¼ and lot 5.

Pike Pole Campground

T. 14 N., R. 80 W.,
Sec. 31, E½SE¼SW¼, W½SW¼SE¼, and NE¼SW¼SE¼.

Containing approximately 286 acres.

b.

[Wyoming 025467]

SIXTH PRINCIPAL MERIDIAN

TARGHEE NATIONAL FOREST

Upper Teton Canyon Recreation Area

T. 44 N., R. 117 W. (unsurveyed),

Beginning at Corner No. 1 (also Corner 1 of the Rex Placer owned by the William Walker Company) located 465.75 feet north 88°51.5' east from a quarried granite rock 12" x 13" designated by order of the Cheyenne Office Cadastral Engineer as U.S.L.M. No. 45; thence S. 43°07' E. along the southwesterly border of the Rex Placer 1,500 feet to Corner No. 2 (also Corner 4 of the Rex Placer); thence N. 27°15' E. along the easterly border of the Rex Placer for a distance of 189.8 feet to Corner No. 3; S. 47°38.8' E. near the toe of the slope for a distance of 650.1 feet to Corner No. 4; S. 46°52.7' W. for a distance of 1207.2 feet to Corner No. 5; N. 79°04.8' W. along the toe of the slope for a distance of 648.2 feet to Corner No. 6; N. 54°10' W. along the toe of the slope for a distance of 1,300 feet to Corner No. 7; N. 24°13.1' W. along the toe of the slope for a distance of 1,560 feet to Corner No. 8; N. 59°11.1' E. for a distance of 1,120 feet to Corner No. 9; S. 50°31.1' E. on the toe of the slope for a distance of 896.5 feet to Corner No. 10; S. 27°15' W. along the westerly border of the Rex Placer for a distance of 142.3 feet to Corner No. 1, the point of beginning, which when surveyed will probably be located principally in the NE¼ of Section 29.

Containing approximately 104 acres.

The areas described in this order total in the aggregate approximately 390 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 19, 1962.

[F.R. Doc. 62-10707; Filed, Oct. 25, 1962; 8:47 a.m.]

[Public Land Order 2797]

[Anchorage 052289]

ALASKA

Reserving Lands for Forest Service Use

By virtue of the authority vested in the President by section 1 of the Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 303, 304), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described lands in Alaska are hereby reserved for use of the Forest Service as an administrative site:

ANCHORAGE TOWNSITE

U.S. Survey 3458 A and B,
North Addition No. 7,
Townsite of Anchorage,
Tract B, Block 1: lots 1 and 2.

Containing 17,048 square feet.

2. Executive Order No. 2242 of August 31, 1915, reserving lands for townsite purposes and other purposes in connection with the construction and operation of railroad lines, is hereby modified to the extent necessary to permit the reservation made by Paragraph 1 of this order to become effective.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 19, 1962.

[F.R. Doc. 62-10708; Filed, Oct. 25, 1962; 8:47 a.m.]

[Public Land Order 2798]

NEW MEXICO

Withdrawal for Forest Service Recreation Area and Roadside Zone

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following described national forest lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as a recreation area, and for a roadside zone, as indicated:

[New Mexico 0184187]

NEW MEXICO PRINCIPAL MERIDIAN

CIBOLA NATIONAL FOREST

Tunnel Spring Recreation Area

T. 12 N., R. 5 E.,
Sec. 5, lots 4, 5, 6, 7, 8, 9, 10, and S½SW¼;
Sec. 8, N½NW¼ (partially surveyed).

The areas described aggregate 316.52 acres.

[New Mexico 0220340]

NEW MEXICO PRINCIPAL MERIDIAN

LINCOLN NATIONAL FOREST

Cloudcroft Road (State No. 83) Highway Roadside Zone

A strip of land 500 feet on each side of the center line through the following legal subdivisions:

T. 15 S., R. 13 E.,
Sec. 31, lot 4, SE¼SW¼, and S½SE¼;
Sec. 32, S½SW¼ and SW¼SE¼.
T. 16 S., R. 12 E.,
Sec. 3, lots 1, 2, 3, 4, 6, 8, 9, and 11;
Sec. 4, lots 1, 2, 3, 4, 5, 6, 7, and 8;
Sec. 5, lot 1, lot 8, lot 28 (formerly a portion of lot 2), and lot 31 (formerly a portion of lot 9).

Containing approximately 412.12 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 19, 1962.

[F.R. Doc. 62-10709; Filed, Oct. 25, 1962; 8:47 a.m.]

[Public Land Order 2799]

[Riverside 083, 084]

CALIFORNIA

Transferring Land From Department of Navy to Federal Aviation Agency

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

A portion of lot 1, Sec. 6, T. 27 S., R. 40 E., M.D.M., California, containing 4,015 acres, withdrawn by metes and bounds by Public Land Order No. 719 of May 15, 1951, for use of the Department of the Navy for a radio installation, is hereby transferred to the jurisdiction of the Federal Aviation Agency for operation of a radio transmitter/receiver facility.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 19, 1962.

[F.R. Doc. 62-10710; Filed, Oct. 25, 1962; 8:47 a.m.]

[Public Land Order 2800]

[Colorado 078086]

COLORADO

Withdrawal for Reclamation Uses; Dolores Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights, the following described lands in the San Juan National Forest are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, for use by the Bureau of Reclamation in connection with the McPhee Reservoir, Dolores Project:

NEW MEXICO PRINCIPAL MERIDIAN

T. 38 N., R. 15 W.,
Sec. 2, lots 3, 4, and NW¼SW¼NW¼;
Sec. 3, lots 1, 3, S½NE¼, SE¼NW¼, NE¼SW¼, NW¼NE¼SE¼, and NW¼SE¼;
Sec. 20, W½E½W½;
Sec. 21, NW¼SE¼ and E½SW¼;
Sec. 28, SW¼NW¼;
Sec. 29, N½SE¼, and E½SW¼.
T. 39 N., R. 15 W.,
Sec. 27, SE¼SW¼;
Sec. 34, E½W½;
Sec. 35, S½SW¼ and W½SW¼SE¼.

The areas described aggregate 1,078.18 acres.

JOHN A. CARVER, JR.,
Secretary of the Interior.

OCTOBER 19, 1962.

[F.R. Doc. 62-10711; Filed, Oct. 25, 1962; 8:47 a.m.]

[Public Land Order 2801]

[Nevada 051770]

[Wyoming 0210736]

NEVADA AND WYOMING

Partially Revoking Certain Air Navigation Site Withdrawals

By virtue of the authority vested in the Secretary of the Interior by section 4 of the Act of May 24, 1928 (48 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The Departmental orders of January 31, 1936, and September 16, 1938, creating Air Navigation Site Withdrawals No. 103, Nevada, and No. 124, Wyoming, respectively, are hereby revoked so far as they affect the following-described lands, as indicated:

a.

NEVADA

[Nevada 051770]

MOUNT DIABLO MERIDIAN

Order of January 31, 1936:

T. 33 N., R. 70 E.,
Sec. 18, NE¼NE¼SW¼.

Containing approximately 10 acres.

b.

WYOMING

[Wyoming 0210736]

SIXTH PRINCIPAL MERIDIAN

Order of September 16, 1938:

T. 43 N., R. 79 W.,
Sec. 4, SE¼ of lot 2 and NE¼SW¼NE¼.

Containing approximately 20 acres.

2. The lands described in subparagraph a, above, are located some 3½ miles west of Wendover, Nevada. Those in subparagraph b, are situated near Sussex, Wyoming.

3. Subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals:

(a) The Nevada lands released from withdrawal by Paragraph 1a of this order are hereby restored to the operation of the public land laws effective at 10:00 a.m. on November 24, 1962.

(b) The Wyoming lands released from withdrawal by Paragraph 1b hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

(1) Until 10:00 a.m. on April 20, 1963, the State of Wyoming shall have a preferred right of application to select the lands in accordance with the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(2) All valid applications and selections under the nonmineral public land laws other than any from the State of Wyoming presented prior to 10:00 a.m. on April 20, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on November 24, 1962, as to the Nevada lands, and at 10:00 a.m. on April 20, 1963, as to the Wyoming lands.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada, or Cheyenne, Wyoming, as appropriate.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 19, 1962.

[F.R. Doc. 62-10712; Filed, Oct. 25, 1962; 8:47 a.m.]

[Public Land Order 2802]

[Fairbanks 013704]

ALASKA

Amending Bureau of Land Management Order of September 12, 1958

By virtue of the authority contained in the Act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

1. The description of the unsurveyed tract of land in the area of Noatak, comprising 2.9 acres, reserved by order of the Director of the Bureau of Land Management of September 12, 1958, for use of the Bureau of Indian Affairs for school purposes, is hereby amended to read as follows:

U.S. Survey 3778 lot 1.

Containing 1.53 acres.

2. Until 10:00 a.m. on January 26, 1963, the withdrawn lands not included in U.S. Survey 3778 shall be subject to selection by the State of Alaska as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339). At 10:00 a.m. on January 26, 1963, they shall become subject to the operation of the public land laws generally, subject to valid existing rights and the provisions of existing withdrawals.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 19, 1962.

[F.R. Doc. 62-10713; Filed, Oct. 25, 1962; 8:47 a.m.]

[Public Land Order 2803]

[Nevada 027282]

NEVADA

Withdrawing Lands for Use of the Atomic Energy Commission for a Radio Facility; Partly Revoking Public Land Order No. 1609 of March 31, 1958

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Atomic Energy Commission as a site for a radio facility:

MOUNT DIABLO MERIDIAN

A tract of land situated in unsurveyed sec. 2, T. 2 N., R. 42 E., described as follows:

Beginning at a point from which USGS Triangulation Station "Brock" latitude 38°03'06.779" N., longitude 117°13'30.676" W., bears S. 27°49'45" W., 450 feet; thence South, 700.00 feet; West, 700.00 feet; North 700.00 feet; East, 700.00 feet to a point of beginning.

Containing approximately 11.29 acres.

2. Public Land Order No. 1609 of March 31, 1958, which withdrew lands for use of the Department of the Air Force for military purposes, is hereby revoked so far as it affects the lands described in paragraph 1, hereof.

3. The jurisdiction and use granted by this order shall be limited to those activities which are related directly to the operation and maintenance of radio facilities.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 19, 1962.

[F.R. Doc. 62-10714; Filed, Oct. 25, 1962; 8:47 a.m.]

[Public Land Order 2804]

[New Mexico 0207053]

NEW MEXICO

Partly Revoking Stock Driveway Withdrawals

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The Departmental order of April 29, 1919, as amended, creating Stock Driveway Withdrawal No. 81, New Mexico No. 12, and the Departmental order of Feb-

ruary 4, 1919, as amended, creating Stock Driveway Withdrawal No. 58, New Mexico No. 7, and any other order or orders which withdrew lands for stock driveway purposes are hereby revoked so far as they affect the following described lands:

a.

Order of April 2, 1919

NEW MEXICO PRINCIPAL MERIDIAN

T. 25 N., R. 4 E.,
Sec. 15, NE¼ and W½SE¼;
Sec. 22, NW¼NE¼, E½NW¼, and W½SW¼;
Sec. 27, NW¼NW¼;
Sec. 28, NE¼ and S½;
Sec. 33, W½W½.

The areas described aggregate approximately 1,120 acres, in the Carson National Forest.

b.

Order of April 29, 1919

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 1 E.,
Sec. 5, SW¼NW¼;
Sec. 7, lots 1, 2, and E½NW¼.
T. 23 N., R. 1 W.,
Sec. 12, NW¼.
T. 24 N., R. 1 W.,
Sec. 29, NW¼NE¼.
T. 24 N., R. 2 W.,
Sec. 17, N½SW¼;
Sec. 18, NE¼ and N½SE¼.
T. 25 N., R. 3 W.,
Sec. 1, SW¼.

The areas described, including the public, nonpublic, and national forest lands in the Santa Fe National Forest, aggregate 871.05 acres.

2. The lands are located in Rio Arriba County, in the northern part of the State of New Mexico. The topography varies from rolling to gently sloping valley land. The soils are sandy clay and loam. Vegetation consists of pinon, juniper, mountain mahogany, June grass, grama grass, galleta and sage.

3. At 10:00 a.m. on November 27, 1962, the national forest lands shall be open to such forms of disposition as may by law be made of such lands.

4. Subject to any valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations, the public lands released from withdrawal by this order, are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Until 10:00 a.m. on April 23, 1963, the State of New Mexico shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(b) All valid applications and selections under the nonmineral public land laws other than any from the State of New Mexico presented prior to 10:00 a.m. on April 23, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(c) The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 22, 1962.

[F.R. Doc. 62-10715; Filed, Oct. 25, 1962; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Reelfoot National Wildlife Refuge, Tennessee

In F.R. Doc. 62-998, appearing at page 896 of the issue for January 31, 1962, § 33.5 (b) and (e)(3) are corrected as follows:

(b) Open season: January 30, 1962, through October 23, 1962, except the lower refuge located south of Upper Blue Basin remains open through November 25, 1962.

• • • • • •

(e) • • •

(3) The provisions of this special regulation are effective to November 26, 1962.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 22, 1962.

[F.R. Doc. 62-10734; Filed, Oct. 25, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 990]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Notice of Extension of Time for Receipt of Written Data, Views, or Arguments

Pursuant to the provisions of the marketing agreement and Order No. 990 (7 CFR Part 990), hereinafter referred to collectively as the "order", a notice of proposed rule making was published in the October 12, 1962, issue of the FEDERAL REGISTER (27 F.R. 10048) regarding a proposed amendment of § 990.154 of the Subpart—Administrative Rules and Regulations (27 F.R. 3158, as amended) to prescribe procedure for (1) the identification of items set aside pursuant to § 990.54 and held for the account of the Committee and (2) the authorized substitution of eligible material for items set aside. The notice afforded interested persons opportunity to submit written data, views, or arguments with respect thereto. Request for a reasonable extension of time has been made so as to afford interested persons additional time for further consideration of the proposal.

Notice is hereby given that the time for submission, and receipt by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., of such written data, views, or arguments is hereby extended to 5 p.m., e.s.t., November 9, 1962.

Dated: October 23, 1962.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-10724; Filed, Oct. 25, 1962; 8:48 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor-Management Reports

[29 CFR Part 404]

LABOR ORGANIZATION OFFICERS AND EMPLOYEES REPORT

Notice of Proposed Rule Making

In order better to facilitate the filing by labor organization officers and employees of reports which uniformly and fully provide all of the information required by section 202 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 432), and pursuant to authority contained in section 208 (29 U.S.C. 438), I propose to amend 29 CFR by adding a new Part 404 to read as follows:

Sec.
404.1 Definitions.
404.2 Annual report.
404.3 Form of annual report.
404.4 Special report.
404.5 Exceptions from the filing requirements of section 404.2.
404.6 Attorney-client communications exempted.
404.7 Personal responsibility of signatories of reports.
404.8 Maintenance and retention of records.
404.9 Publication of reports required by this section.

AUTHORITY: §§ 404.1 to 404.9 issued under secs. 202, 208, 73 Stat. 526, 529; 29 U.S.C. 432, 438.

§ 404.1 Definitions.

As used in this part the term:

(a)(1) "Fiscal year" means the calendar year or other period of 12 consecutive calendar months, on the basis of which financial accounts of the labor organization officer or employee are kept. Where a labor organization officer or employee designates a new fiscal year period prior to the expiration of a previously established fiscal year period, the resultant period of less than 12 consecutive calendar months, and thereafter the newly established fiscal year, shall in that order constitute the fiscal year for purposes of the reports required to be filed by section 202(a) of the Act and of the regulation in this part.

(2) A labor organization officer or employee who is subject to section 202(a) of the Act for only a portion of his fiscal year because the date of enactment of the Act (September 14, 1959) occurred during such fiscal year or because the labor organization officer or employee otherwise first becomes subject to the Act during such fiscal year, may consider such portion as the entire fiscal year in making this report under this part.

(b) "Labor organization officer" means any constitutional officer, any person authorized to perform the functions of president, vice president, secretary-treasurer, or other executive functions of a labor organization, and any member of its executive board or similar governing body.

(c) "Labor organization employee" means any individual (other than an individual performing exclusively custodial or clerical services) employed by a labor organization.

(d) "Employer" means any employer or any group or association of employers engaged in an industry affecting commerce (1) which is, with respect to employees engaged in an industry affecting commerce, an employer within the meaning of any law of the United States relating to the employment of any employees or (2) which may deal with any labor organization concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and includes any person acting directly or indirectly as an employer or as an agent of an employer in relation to an employee but does not include the United States or any corporation wholly owned by the Government of the United States or any State or political subdivision thereof.

§ 404.2 Annual report.

Every labor organization officer and employee (or his spouse or minor child) who in any fiscal year has been involved in transactions of the type described in section 202(a) of the Act to be reported to the Secretary or holds or has held any interest in an employer or a business of the type referred to therein or has received any payments of the type referred to in the section, shall file with the Commissioner, Bureau of Labor-Management Reports, United States Department of Labor, Washington 25, D.C., within 90 days after the end of his fiscal year, a signed report together with a true copy thereof, containing the detailed information required therein by section 202(a) of the Act and found by the Secretary under section 208 thereof to be necessary in this report.

§ 404.3 Form of annual report.

On and after the effective date of this section, every labor organization officer and employee required to file an annual report under § 404.2 shall file such report on United States Department of Labor Form LM-30 entitled "Labor Organization Officer and Employee Report," in the detail required by the instructions accompanying such form and constituting a part thereof.

§ 404.4 Special report.

In addition to the report on Form LM-30, the Secretary may require from union officers and employees subject to the Act the submission of special reports on pertinent information including, but not necessarily confined to, reports with respect to matters referred to in items (ii) and (iv) of the Instructions relating to Part A of the form and items (ii) and (iii) of the Instructions relating to Part C of the form.

§ 404.5 Exceptions from the filing requirements of § 404.2.

Nothing contained in this part shall be construed to require:

(a) A labor organization officer or employee to file a report under section 202(a) of the Act unless he or his spouse or minor child holds or has held an interest, has received income or any other benefit with monetary value or a loan, or has engaged in a transaction described therein.

(b) A labor organization officer or employee to report bona fide investments in or income therefrom by way of dividends or interest from employers whose securities are traded on an exchange registered as a national securities exchange under the Securities Exchange Act of 1934, or from an employer which is an investment company registered under the Investment Company Act of

1940, or from an employer which is a public utility holding company registered under the Public Utility Holding Company Act of 1935.

(c) A labor organization officer or employee to file a report with regard to any payment or benefit received from any employer whose employees such labor organization represents or is actively seeking to represent as a bona fide employee of such employer or with regard to any purchase and sale of goods or services in the regular course of business at prices generally available to any employee of that employer.

(d) A labor organization officer or employee to file a report with regard to any payment of money or other thing of value (including reimbursed expenses) which he or his spouse or minor child received directly or indirectly from any employer or any person who acts as a labor relations consultant to an employer, if the payment is one of the kinds referred to in section 302(c) of the Labor Management Relations Act, 1947, as amended.

§ 404.6 Attorney-client communications exempted.

Nothing contained in this part shall be construed to require an attorney who is a member in good standing of the bar of any State, to include in any report required to be filed pursuant to the provisions of section 202(a) of the Act and of this part any information which was lawfully communicated to such attorney by any of his clients in the course of a legitimate attorney-client relationship.

§ 404.7 Personal responsibility of signatories of reports.

Every labor organization officer or employee required to file a report under section 202(a) of the Act and under this part shall be personally responsible for the filing of such report and for any statement contained therein which he knows to be false.

§ 404.8 Maintenance and retention of records.

Every person required to file any report under this part shall maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Bureau may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.

§ 404.9 Publication of reports required by this part.

For provisions related to this subject, see § 2.4 of this title.

Interested persons are hereby afforded opportunity to submit written data, views and arguments in connection with the proposal to the Secretary of Labor, United States Department of Labor, Washington 25, D.C., within 15 days after this notice of proposed rule making is published in the FEDERAL REGISTER.

Copies of proposed Form LM–30 and the instructions therefor are available upon request from the Bureau of Labor-Management Reports, United States Department of Labor, Washington 25, D.C.

Signed at Washington, D.C., this 16th day of October 1962.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 62–10740; Filed, Oct. 25, 1962; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by E. I. du Pont de Nemours & Company, Inc., Wilmington 98, Delaware, proposing the establishment of a tolerance of 5 parts per million for residues of ammonium sulfamate in or on apples and pears.

The analytical method proposed in the petition for determining residues of ammonium sulfamate is based on nitrous acid reaction with the sulfamate to yield sulfate which is reduced to hydrogen sulfide and measured spectrophotometrically after treating with zinc, paraaminodimethylaniline, and ferric chloride to form methylene blue.

Dated: October 18, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62–10720; Filed, Oct. 25, 1962; 8:47 a.m.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[14 CFR Part 1245]

NASA PATENT WAIVER REGULATIONS

Proposed Revision; Notice of Hearing

Notice is hereby given that all persons desiring to submit comments or suggestions respecting the proposed revisions to NASA Patent Waiver Regulations (Title 14, Chapter V, Part 1245, Subpart 1: 24 F.R. 8788–8790, March 5, 1959, and 27 F.R. 8584, August 28, 1962) hereinafter set forth may do so by filing them with the General Counsel of the National Aeronautics and Space Administration, Washington 25, D.C., not later than December 3, 1962.

A public hearing will be held on December 10, 1962, at 9:30 a.m., in Room 60012, Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C., at which time and place oral presentation of comments and suggestions concerning these regulations may be made.

In addition, in order that an agenda for the public hearing may be prepared, each person desiring to make oral presentation is requested to submit a brief outline thereof to the General Counsel of the National Aeronautics and Space Administration not later than November 19, 1962.

JAMES E. WEBB,
Administrator.

Subpart 1—Patent Waiver Regulations

Sec.
1245.100 Scope.
1245.101 Definitions.
1245.102 Applicability.
1245.103 Policy.
1245.104 Inventions generally eligible for waiver.
1245.105 Inventions not generally eligible for waiver.
1245.106 Reservation of license.
1245.107 Additional reservations.
1245.108 Content of petitions.
1245.109 Processing of petitions.
1245.110 Acceptance.
1245.111 License to contractor.
1245.112 Waiver of foreign rights.
1245.113 Discretion of administrator.

§ 1245.100 Scope of subpart.

This subpart prescribes regulations under section 305(f) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(f)) for the waiver of rights of the United States to inventions.

§ 1245.101 Definitions.

As used in this subpart:

(a) "Contract of the Administration" means any agreement or arrangement, and any subcontract thereunder, with the National Aeronautics and Space Administration (NASA) or another Government agency on the Administration's behalf, including grants made by the Administration under 42 U.S.C. 1891–1893.

(b) "Contractor" means a party which has undertaken to perform work under a contract or subcontract of the Administration.

(c) To "work" an invention means to develop any embodiment or process thereof to the point of commercial utility, and to offer the benefits of the developed invention to the public in accordance with normal business practice.

§ 1245.102 Applicability.

This subpart applies to all inventions which may be conceived or first actually reduced to practice under conditions enabling the Administrator, NASA, to determine rights therein on behalf of the United States pursuant to section 305(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(a)).

§ 1245.103 Policy.

Inventions made in the performance of work under contracts of the Administration constitute a valuable national resource, the benefits of which should be expeditiously made available to the public. Since the prompt working of

inventions will ordinarily be fostered by the private retention of exclusive rights, it is the policy of the Administration to favor the waiving of exclusive rights to industrial contractors except where it appears from the nature of the invention that waiver would be inequitable to competitors, unfair to the consuming or using public, or contrary to the interests of public health, safety, or security.

§ 1245.104 Inventions generally eligible for waiver.

Except in the cases described in § 1245.105, a prima facie case for waiver of title may be established by showing that:

(a) The invention is in a field of technology in which the contractor has an established commercial interest and in which, prior to such contract, it had acquired technical competence demonstrated by factors such as know-how and patent position; or

(b) Waiver of title to the contractor would be an effective incentive to work the invention at the earliest practicable date because of the substantial expense or investment required to do so; or

(c) The invention was conceived prior to the contract of the Administration under which it was first reduced to practice and independently of any other contract of the Administration and is covered by a United States patent application filed prior to the contract.

§ 1245.105 Inventions not generally eligible for waiver.

Waiver of title will not ordinarily be granted in the following cases:

(a) Where the invention is in a field of technology in which there has been little significant prior experience outside of work funded by the Government and the acquisition of exclusive rights by the contractor might lead to domination of that field.

(b) Where the invention constitutes an end item which is likely to be required for use by the public by law or governmental regulation in furtherance of the public health, safety, or security.

(c) Where the invention has primary utility in a field of technology in which research has depended to a major degree upon support from the Government in programs designed to create, develop, or improve goods or services intended for use by the general public.

§ 1245.106 Reservation of license.

Each waiver of title shall be subject to the reservation of at least an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of the invention or inventions throughout the world by or on behalf of the United States or any foreign government pursuant to any existing or future treaty or agreement with the United States.

§ 1245.107 Additional reservations.

(a) Each waiver of title shall be subject to the reservation by the Administrator of the right to require the granting of a license to any applicant on a nonexclusive royalty-free basis unless the contractor, his licensee, or his assignee has taken effective steps within three years after a patent issued on the invention to work the invention, or shows cause why he should retain the exclusive rights for a further period of time. Upon request, not more often than annually, the contractor will be required to report the results of his efforts to work the invention.

(b) Each waiver of title shall be subject to the reservation by the Administrator of the right to require the granting of a license to any applicant, royalty-free or on terms that are reasonable in the circumstances, for such practice of the invention as may be appropriate to satisfy the requirements which may be made by governmental regulations requiring use of the invention by the public.

(c) Before exercising either of the rights set forth in paragraphs (a) and (b) of this section, notice shall be given the contractor to show cause before the Inventions and Contributions Board, NASA, why he should not be required to grant such a license. Failure by the contractor to grant any license which the Administrator, NASA, may require to be granted pursuant to this § 1245.107 shall void the waiver.

§ 1245.108 Content of petitions.

Each proposal for waiver of title shall be by petition to the Administrator, NASA. A separate petition shall be filed for each invention and shall include:

(a) An identification of the pertinent contract by number and date.

(b) The full name of all inventors.

(c) If a patent application has not been filed on the invention, a concise description of the invention, pointing out the relation thereof to the known prior art, and isolating what the petitioner regards as new.

(d) A statement whether a patent application has been filed on the invention, together with a copy of such application if filed.

(e) If a patent application on the invention has not been filed, any information which may indicate a potential statutory bar to the filing of a patent application under 35 U.S.C. 102 (1958), or a certification that no known bar exists.

(f) A statement of facts showing that the invention qualifies for waiver of title under § 1245.104 and is not of a type described in § 1245.105.

(g) The signature of the petitioner or his authorized representative.

§ 1245.109 Processing of petitions.

(a) *Submission.* Petitions may be submitted directly to the Chairman, Inventions and Contributions Board, National Aeronautics and Space Administration, Washington 25, D.C., or through the installation contracting officer for referral to the Board.

(b) *Consideration.* The Inventions and Contributions Board will consider each petition for compliance with §1245.108 and will determine whether the petition sets forth facts which justify waiver as sought.

(c) *Notice of proposed recommendation.* The Inventions and Contributions Board will notify the petitioner:

(1) Whether it proposes to recommend to the Administrator, NASA, that the petition be—

(i) Granted in the extent requested;

(ii) Granted in an extent different from that requested; or

(iii) Denied.

(2) Of any conditions on which it proposes to recommend the granting of waiver.

(3) Of the reasons for any recommended action adverse to or different from the waiver requested by the petitioner, and

(4) That the petitioner may, within 30 days from receipt of the notification, request an oral hearing before the Inventions and Contributions Board, in the event that the petitioner is not satisfied with the action the Board proposes to recommend.

(d) *Hearing.* If the petitioner requests a hearing, the Inventions and Contributions Board will set a place and date for such hearing and notify the petitioner.

(e) *Transmittal to administrator.* (1) If the petitioner does not request a hearing within 30 days as provided in paragraph (c)(4) of this section or informs the Inventions and Contributions Board that a hearing will not be requested, the Board shall transmit the petition, its findings of fact with respect thereto, and its recommendation to the Administrator, NASA.

(2) After a hearing as provided in paragraph (d) of this section, the Inventions and Contributions Board shall transmit to the Administrator, NASA, the petition, the record of proceedings, its findings of fact with respect to the request for waiver, and its recommendation.

(f) *Notice of denial.* In the event of denial by the Administrator, NASA, of the petition, prompt written notice will be given the petitioner of such denial. The written notice will be accompanied with a simple statement of procedural or other grounds therefor.

§ 1245.110 Acceptance.

Waivers of title shall be effective only upon written acceptance of an Instrument of Waiver by the petitioner.

§ 1245.111 License to contractor.

Notwithstanding denial of a petition for waiver or the absence of a petition for waiver, there will be granted to any contractor reporting any invention which is determined to have been made in the performance of work under any contract of the Administration under the conditions of section 305(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(a)) an irrevocable, nonexclusive, royalty-free license for the practice of such invention throughout the world, together with the right to grant sublicenses of the same scope, to the extent the contractor was legally obligated to do so at the time the contract was awarded. Such license and right is nontransferable except to the successor of that part of the contractor's business to which the invention pertains.

§ 1245.112 Waiver of foreign rights.

Upon request, waiver will be granted of rights to any identified invention in countries other than the United States in which the Administrator, NASA, does

ing is published in the FEDERAL REGISTER.

December 10, 1962, at 9:30 a.m., in Room

public. Since the prompt working of

exclusive royalty-free basis unless the contractor, his licensee, or his assignee has taken effective steps within three

(1) Whether it proposes to recommend to the Administrator, NASA, that the petition be—

Upon request, waiver will be granted of rights to any identified invention in countries other than the United States in which the Administrator, NASA, does

not desire to file an application for patent for such invention, subject to the reservation of at least an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of the invention or inventions throughout the world by or on behalf of the United States or any foreign government pursuant to any existing or future treaty or agreement with the United States.

§ 1245.113 Discretion of administrator.

Nothing herein shall preclude the Administrator, NASA, from granting or denying petitions for waiver on grounds other than those specified in these regulations, or from granting waivers on terms and conditions differing from those herein set forth.

ELEANOR G. BORELLA,
Alternate Certifying Officer.

[F.R. Doc. 62-10730; Filed, Oct. 25, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1962 Rev. Supp. No. 12]

INTER-OCEAN REINSURANCE CO.

Acceptable Surety on Federal Bonds

OCTOBER 22, 1962.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $1,061,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1963. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office
IOWA
Inter-Ocean Reinsurance Co., Cedar Rapids, Iowa.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 62-10739; Filed, Oct. 25, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

OREGON

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87–128 (7 U.S.C. 1961) it has been determined that in the hereinafter-named counties in the State of Oregon a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

OREGON

Benton.	Lane.
Clackamas.	Lincoln.
Clatsop.	Linn.
Columbia.	Marion.
Coos.	Multnomah.
Curry.	Polk.
Douglas.	Tillamook.
Jackson.	Washington.
Josephine.	Yamhill.
Klamath.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 23d day of October 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-10750; Filed, Oct. 25, 1962; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 9523 et al.]

REOPENED PUERTO RICO THIRD-CLASS PASSENGER FARE INVESTIGATION

Notice of Postponement of Hearing

Pursuant to request, hearing in the above-entitled proceeding, now assigned for October 30, 1962, is hereby postponed to November 1, 1962, 10:00 a.m., e.s.t., Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., October 23, 1962.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 62-10741; Filed, Oct. 25, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC., KGO–TV

Proposed Television Antenna Structure; Notice of Hearing

Notice is hereby given, pursuant to the provisions of Part 626 of the Regulations of the Administrator, as amended, that the hearing in the above-entitled proceeding will be reconvened on November 5, 1962, at 9:00 a.m., e.s.t., in the Marriott Motor Hotel, Key Bridge, Arlington, Va., before the undersigned Presiding Officer.

For information concerning the details in this proceeding, interested persons are referred to Obstruction Evaluation Docket No. 61–WE–25 on file in the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C.

Issued in Washington, D.C., on October 18, 1962.

W. THOMAS DEASON,
Presiding Officer.

[F.R. Doc. 62-10689; Filed, Oct. 25, 1962; 8:45 a.m.]

CHRONICLE PUBLISHING CO., KRON–TV

Proposed Television Antenna Structure; Notice of Hearing

Notice is hereby given, pursuant to the provisions of Part 626 of the Regulations of the Administrator, as amended, that the hearing in the above-entitled proceeding will be reconvened on November 5, 1962, at 9:00 a.m., e.s.t., in the Marriott Motor Hotel, Key Bridge, Arlington, Va., before the undersigned Presiding Officer.

For information concerning the details in this proceeding, interested persons are referred to Obstruction Evaluation Docket No. 61–WE–26 on file in the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C.

Issued in Washington, D.C., on October 18, 1962.

W. THOMAS DEASON,
Presiding Officer.

[F.R. Doc. 62-10688; Filed, Oct. 25, 1962; 8:45 a.m.]

AIRPORT DISTRICT OFFICE AT HELENA, MONTANA

Notice of Change

Notice is hereby given that after September 30, 1962, the services formerly provided to the State of Idaho by the Airport District Office at Helena, Montana, will be provided by the Airport District Office at Seattle, Washington.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

Issued in Washington, D.C., on October 19, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-10690; Filed, Oct. 25, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14654; FCC 62-1085]

ANDREW T. BARNES ET AL.

Order Designating Matter for Hearing

Andrew T. Barnes, tr/as Thornell Barnes Company, complainant, vs. Illinois Bell Telephone Company, defendant; Docket No. 14654.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of October 1962;

The Commission having under consideration (1) a complaint filed May 24, 1962, on behalf of Andrew T. Barnes,

tr/as Thornell Barnes Company who alleges he has been damaged by reason of violations of the Communications Act in the nature of overcharges by the Illinois Bell Telephone Company in the course of rendering interstate telephone service to complainant; (2) an answer to said complaint and a motion to dismiss filed June 28, 1962, on behalf of the Illinois Bell; and (3) an opposition to the motion to dismiss filed July 5, 1962, on behalf of Barnes; and

It appearing that the above pleadings raise issues which should be solved by a public hearing;

It further appearing that the practices alleged by complainant raise questions of lawfulness under section 203(c) of the Communications Act if followed not only with respect to complainant but more generally with respect to defendant's other customers;

It further appearing that in its motion to dismiss Illinois Bell maintains this action should be barred since complainant has instituted a suit against defendant in the Circuit Court of Cook County, Illinois;

It further appearing that although an action has been commenced by petitioner against Illinois Bell in the Circuit Court of Cook County, Illinois, and although this state action is based on the same transactions giving rise to the instant petition, the institution of such state proceeding does not bar this action since section 207 of the Communications Act applies only to actions instituted in the District Courts of the United States;

It further appearing that petitioner does not make his allegations of damages with the degree of specificity required by § 1.423(a) of the Commission's rules and regulations but that, if found appropriate, an award of damages could be accomplished upon the filing of a supplemental petition;

It is ordered, That pursuant to sections 203(c) and 208 of the Communications Act, a hearing on the issues raised by the pleadings shall be held at the Commission's offices in Washington, D.C., before a hearing examiner, and at a time to be hereafter specified;

It is further ordered, That without in any way limiting the scope of the proceeding, pursuant to Section 403 of the Communications Act, the issues shall include inquiry as to whether the practices set forth in the complaint, if established in fact, constitute violations of section 203(c) of the Communications Act whether followed generally with respect to all defendant's customers or specifically with regard to complainant;

It is further ordered, That for the reasons given above defendant's motion to dismiss is denied.

Released: October 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10742; Filed Oct. 25, 1962; 8:51 a.m.]

[Docket Nos. 14818-14823; FCC 62-1103]

TIPTON COUNTY BROADCASTERS (WKBL) ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Robert C. Whiteley, Jr. & Katharine Whiteley d/b as Tipton County Broadcasters (WKBL), Covington, Tennessee, Docket No. 14818, File No. BR-2982; Shelby County Broadcaster's, Inc. (WHEY), Millington, Tennessee, for renewal of license, Docket No. 14819, File No. BR-3656; Earl W. Daly tr/as Jonesboro Broadcasting Service, Jonesboro, Arkansas, requests: 1600 kc, 500 w, Day, Docket No. 14820, File No. BP-13617; Day-Phil Broadcasting Company, Blytheville, Arkansas, requests: 1300 kc, 500 w, DA-Day, Docket No. 14821, File No. BP-13705; Earl W. Daly tr/as West Helena Radio Service, West Helena, Arkansas, requests: 1520 kc, 250 w, Day, Docket No. 14822, File No. BP-14063; Huntingdon Broadcasting Company, Huntingdon, Tennessee, requests: 1580 kc, 250 w, Day, Docket No. 14823, File No. BP-14556; for construction permits.

1. The Commission has before it for consideration: (a) The above-captioned applications; (b) information made available to the Commission with respect to circumstances surrounding successive changes in ownership of Station WHEY, Millington, Tennessee; (c) a "Petition to Intervene and Request for Hearing" filed January 9, 1961 by White County Broadcasting Company, licensee of Station KWCB, Searcy, Arkansas, directed against the application of Day-Phil Broadcasting Company for a new station at Blytheville, Arkansas; (d) a "Petition to Deny" the latter application, filed March 3, 1961 by Harold L. Sudbury, licensee of Station KLCN, Blytheville, Arkansas, (and subsequent pleadings); and (e) a "Petition to Deny" the application of Huntingdon Broadcasting Company for a new station at Huntingdon, Tennessee, filed December 22, 1961 by The Tri-County Broadcasting Company, Inc., licensee of Station WHDM, MacKenzie, Tennessee.

NECESSITY FOR CONSOLIDATED HEARING

2. Consolidation of the present group of applications into a single hearing proceeding has become necessary owing to common questions of fact, concerning the character qualifications of the various applicants, which arise from successive ownership changes in Station WHEY, Millington, Tennessee, from 1958 through 1960. By way of preface to the questions raised below, the following table sets forth the various ownership changes (and applications for ownership changes) of record for Station WHEY since the station was originally licensed:

Date and Event

August 4, 1958—WHEY licensed to Earl W. Daly d/b as Millington Broadcasting Co. (Original CP granted December 27, 1957.)

November 14, 1958—Application tendered to assign license of WHEY from Daly to Robert G. Watson and Fred L. Thomas, d/b as Memphis-Millington Broadcasting Co. This application returned as defective.

January 16, 1959—Latter application resubmitted and accepted for filing as BAL-3316.

July 29, 1959—BAL-3316 granted without hearing.

December 14, 1959—Application tendered to assign license of WHEY from Thomas and Watson to Robert C. Whiteley, Jr. and John M. Latham, d/b as WHEY Radio Service. This application, and two successive applications proposing the same assignment of license, were returned as defective in various respects.

January 23, 1960—Latter application again resubmitted and accepted for filing as BAL-3786.

March 9, 1960—BAL-3786 granted without hearing.

September 6, 1960—Application filed to assign WHEY license from the Whiteley and Latham partnership to a corporation, Shelby County Broadcaster's, Inc., all issued stock of which was to be held equally by Whiteley and Latham. (BAL-3998)

October 6, 1960—BAL-3998 granted without hearing.

October 31, 1960—Application filed to transfer Whiteley's 50 percent interest in Shelby County Broadcaster's, Inc., to Eugene P. Vance. (BTC-3574)

December 19, 1960—Application filed to transfer Latham's 50 percent interest in Shelby County Broadcaster's, Inc., to Eugene P. Vance. (BTC-3637)

August 14, 1962—BTC-3574 and BTC-3637 dismissed at joint request of parties.

3. Information available to the Commission concerning the circumstances surrounding the successive ownership changes and applications listed above has raised substantial questions regarding the character qualifications of various parties to the applications consolidated in this proceeding. Thus, from the information presently available to the Commission, it appears that:

(A) With the knowledge and consent of Earl W. Daly, and with knowledge that they lacked the requisite Commission authorization, Robert B. Watson and Fred L. Thomas assumed the full-time operation and control of Station WHEY in December 1958, or early January 1959, approximately eight months prior to grant of BAL-3316, approving the assignment of license from Daly to Thomas and Watson, and prior to the acceptance of that application for filing.

(B) With knowledge that they lacked the requisite Commission authorization, Robert C. Whiteley, Jr. and John M. Latham assumed the full-time operation and control of Station WHEY on or before August 1, 1959, approximately seven months prior to Commission authorization, and approximately four and one-half months prior to the time any application was tendered for filing, requesting assignment of license from Thomas and Watson to Whiteley and Latham. This action occurred with the knowledge, consent, and participation of Earl W. Daly who had, in effect, "repossessed" the station following default upon notes to Daly from Thomas and Watson.

(C) According to declarations contained in BAL-3998, the license of Station WHEY was to be transferred from the partnership of Whiteley and Latham to Shelby County Broadcaster's, Inc., a corporation in which Whiteley and Latham were each to own one-half of the issued stock. Contrary to representations contained in BAL-3998, and without prior or subsequent report to the Commission, Robert C. Whiteley, Jr. and John M. Latham issued, or caused to be issued, to persons other than themselves, twenty-three or more shares of the 1,000 authorized shares in Shelby County Broadcaster's, Inc. Such action, which took place in part prior to the time BAL-3998 was filed, resulted in unauthorized relinquishment of negative control by Whiteley and by Latham.

(D) Between August 1959 and the end of 1960, Whiteley and Latham moved the studios of Station WHEY from 4962 Navy Road, Millington, to a small trailer adjacent to the transmitter at 7534 Raleigh-Millington Road, Millington, and after several months operation from the trailer, back to the original location. Each move was made without report to the Commission, as required by § 3.31 of the Commission's rules.

(E) With the knowledge and consent of Robert C. Whiteley, Jr., and John M. Latham (and of Earl W. Daly, who holds a mortgage covering a substantial portion of the WHEY physical equipment), Eugene P. Vance was, subsequent to August 23, 1960, permitted to exercise premature ownership and control of Station WHEY.

(F) Upon the following occasions, Earl W. Daly has participated in bringing about the filing of applications, or in causing existing applications to be amended to different frequencies, for the purpose of impeding, obstructing, or delaying competing applications (or the Commission's processes), or for the purpose of extracting a "pay-off" from competing applicants for new stations or for major changes in the facilities of existing stations:

Application	Location	Nominally Filed by	Intended to Obstruct
BP-13925	Collierville, Tenn.	Collierville Broadcasting Co.	BP-13025, Radio Millington, Inc., for a new station at Millington, Tenn.
BP-12753	Prentiss, Miss.	Jeff Davis Broadcasting Service.	BP-11869, Southeast Mississippi Broadcasting Co., for increase in power of Station WSJC, Magee, Miss.
BP-10850	Brownsville, Tenn.	Florence Broadcasting Co., Inc.	BP-12420, WCPC Broadcasting Co., for increase in power of Station WCPC, Houston, Miss.

SUDBURY PETITION TO DENY BLYTHEVILLE APPLICATION

4. On March 3, 1961, Harold L. Sudbury, licensee of Station KLCN, Blytheville, Arkansas, petitioned to deny the instant application of Day-Phil Broadcasting Company. Mr. Sudbury claims status as a party in interest by alleging that KLCN, the only station presently licensed at Blytheville, Arkansas, would suffer economic injury if the Day-Phil application for a new station at Blytheville should be granted. We find that Mr. Sudbury has standing to file the subject petition. Federal Communications Commission v. Sanders Bros., 309 U.S. 470 (1940).

5. Sudbury contends that Earl W. Daly lacks the requisite character qualifications to be a Commission licensee. In support of the general charge, Sudbury submits three specific allegations:

(A) It is alleged, first, that Daly has consistently in the past, and again in the instant application for Blytheville, misrepresented the availability of the transmitter sites specified in applications for new stations. Contending that Daly had no reasonable expectation that the transmitter sites specified in the subject application for Blytheville would be available, (i.e., the site originally specified, and, a new site, specified by amendment filed January 3, 1961), Sudbury submits the following:

(1) An affidavit of Paul Byrum, states that the transmitter site described and depicted by photographs in the original application was his, that he, Byrum, had never been approached by any potential broadcaster regarding lease or sale of the property, and that the property was not for sale.

(2) An affidavit of Clair Miller, states that the site described and depicted by photographs in the amended application was his, that the land had not been leased or sold to the Day-Phil Broadcasting Company or any of its representatives, and that Day-Phil had not been authorized to utilize his land by photographing it and submitting the photographs with the subject application.

(B) Secondly, Sudbury alleges that the official record of a hearing involving the application of Crittenden County Broadcast Company for a new station at West Memphis, Arkansas (File No. BP-12405, Docket No. 12840), raises at least a substantial question as to whether Daly was an undisclosed principal to that application. It is alleged that Daly filed the application through his uncle, Ronald Earl Blackford, in order to avoid problems with the Commission's multiple ownership rule which would have existed had Daly been an applicant of record.

(C) Finally, Sudbury alleges that Daly has, in the past, constructed, and quickly disposed of, three standard broadcast stations: WTRB, Ripley, Tennessee; KPCA (formerly KTME), Trumann, Arkansas; and WHEY, Millington, Tennessee. This past pattern of conduct is alleged to raise substantial questions as to whether a grant of Daly's three present applications would be consistent with the Commission's policy against "trafficking" in broadcast licenses and construction permits.

6. In an Opposition to the Sudbury petition filed April 12, 1961, Daly denies each of the charges set forth above and states that the facts set forth in the petition are insufficient to raise any substantial question concerning Daly's character qualifications. Regarding the question of misrepresentation of transmitter site availability, Daly asserts, in an accompanying affidavit, that (a) the original site specified in the subject application for Blytheville was not owned by Sudbury's affiant, Byrum, but was the immediately adjacent land owned by one Charles Brogden; (b) that Brogden had agreed to sell the land to Day-Phil; and that (c) Clair Miller had agreed to lease the land described in the amended application to Day-Phil, following approval of the application by the FCC and had authorized the photographing of the land for the purpose of completing the Day-Phil application. A second affidavit, submitted by Robbie Cox, identified as the resident agent of Day-Phil, supports Daly's statements regarding negotiations with Brogden and with Miller. Daly's affidavit further contradicts numerous assertions in the Sudbury petition regarding facts purportedly indicating Daly was an undisclosed principal in the Crittenden County Broadcast Company application for West Memphis. Finally, Daly asserts that his sales of Stations WTRB and KPCA shortly after their acquisition resulted in no net profit and that the sale of WHEY resulted in a lower profit than indicated in the Sudbury petition.

7. Sudbury's reply, submitted April 25, 1961 (with Petition to Accept Late Filing, hereby granted), reasserts his original contentions and, primarily, takes issue with Daly's explanations concerning transmitter site representations:

(A) Sudbury submits an affidavit of Charles Brogden. Brogden states that the land pictured in the original Day-Phil application is that of Paul Byrum and not his (i.e., Brogden's). Brogden asserts, however, that he was contacted by representatives of Day-Phil but not until June 1960 (approximately six months after the application was filed); that no agreement was ever reached for sale of his land to Day-Phil since the latter's representatives felt the price asked was too high; and that in March 1961, Robbie Cox attempted to induce affiant to sign a statement to the effect that he, Brogden, had agreed to sell the land to Day-Phil.

(B) A second affidavit of Clair Miller is submitted. Miller states that he never agreed to lease his land, described in the amended application; that Day-Phil had always, until March 1961, contended that his price for a lease was unreasonable; that no authority to take photographs of the land for use in this application was ever granted; that no lease agreement existed as of the date of this affidavit; and, that Robbie Cox and Earl W. Daly had contacted affiant numerous times in March 1961, attempting to induce him to sign a statement to the effect that Daly and Cox had received an oral lease agreement during prior negotiations with affiant.

(C) Sudbury submits a further joint affidavit from persons described as the present and past owners of the land specified as the transmitter site in Daly's pending application for a new station at Jonesboro, Arkansas. Affiants state that the land involved is or has been theirs, that they have never been approached concerning possible sale of all or part, and that the land is not available for use as a transmitter site.

8. In view of the foregoing, the Commission is of the opinion that substantial questions of fact exist regarding: (a) Possible misrepresentations as to availability of the transmitter sites specified in the Blytheville and Jonesboro applications; and (b) the possibility of a past undisclosed ownership interest by Earl W. Daly in the Crittenden County Broadcast Company application for West Memphis, Arkansas. However, we feel that the question of possible trafficking in broadcast licenses by Daly was thoroughly examined by the Commission in connection with Daly's sale of Station WHEY and that further examination of that subject is not warranted here.

THE WHITE COUNTY (KWCB) REQUEST FOR HEARING

9. By petition filed January 9, 1961, White County Broadcasting Company, licensee of Station KWCB, Searcy, Arkansas, has requested that the Day-Phil application for Blytheville, Arkansas be designated for hearing regarding questions for interference to the existing cochannel operation of KWCB. Study of the Day-Phil application, as amended January 3, 1961, and of an engineering affidavit submitted by the applicant March 7, 1961, indicates that the Day-Phil proposal will not afford complete protection to the existing operation of KWCB. Accordingly, the KWCB petition will be denied.

THE TRI-COUNTY (WHDM) PETITION TO DENY HUNTINGDON APPLICATION

10. On December 26, 1961, The Tri-County Broadcasting Company, licensee of Station WHDM, McKenzie, Tennessee (WHDM hereinafter), petitioned to deny the subject application of Huntingdon Broadcasting Company.[1] The petition is unopposed, although, by letter submitted December 29, 1961, the applicant's attorney indicated that an opposition to the petition was in preparation. WHDM claims standing by reason of potential economic injury from a new Huntingdon station and in support of this claim submits the following facts: McKenzie, Tennessee, in which WHDM is the only existing station, is approximately nine miles from Huntingdon. Huntingdon has no existing station and is within the WHDM market area. WHDM carries substantial amounts of programming specifically directed to the Huntingdon audience and receives approximately 25–30 percent of its average yearly revenues from Huntingdon advertisers. A new station in Huntingdon, WHDM concludes, would result in substantial diminution of revenues now available to WHDM. The Commission is of the opinion that these facts, which have not been challenged by the Huntingdon applicant, establish WHDM's standing as a party in interest.

[1] At the time the WHDM petition was filed, the Huntingdon applicant was a partnership composed of John M. Latham (90 percent) and Thomas D. Haywood (10 percent). The application has since been transferred to a corporation, in which the stockholders are Latham (45 percent), Haywood (5 percent), and Hamilton Parks (50 percent).

11. Petitioner's substantive contentions are (apart from matters previously noted in this order), threefold. First, WHDM asserts that the instant applicant lacks the requisite financial qualifications to construct and operate its station. Secondly, it is alleged that the applicant has failed to ascertain the programming needs of the community it seeks to serve. Finally, the past broadcast activities of John M. Latham, now 45 percent stockholder in the applicant, are said to be inconsistent with the Commission's policy against "trafficking" in broadcast licenses and construction permits. For the reasons set forth below, the Commission agrees that a substantial question exists as to the latter two of the three matters about which WHDM has expressed its concern.

12. The Commission's study of the Huntingdon application indicates that a total of $11,225 cash will be required for the down payment on equipment, miscellaneous costs, and initial operating expenses. Hamilton Parks, 50 percent stockholder in the corporate applicant (but not a party to the application when the WHDM petition was filed), has agreed to loan the corporation $15,000. Mr. Parks' balance sheet indicates that he will be able to meet his commitment and, therefore, no issue concerning financial qualifications appears justified.

13. Petitioner notes that the programming proposals submitted with the Huntingdon application are almost identical to the programming proposals submitted with the application of Latham and Whiteley, in 1960, to purchase Station WHEY, Millington, Tennessee. The Commission notes further that these programming proposals are substantially identical (including the same misspelled word in the policy statement) with the proposals submitted in each of the three instant applications for new stations to which Earl W. Daly is a party. Moreover, the same programming proposals were submitted with the now dismissed applications of Eugene P. Vance, which sought approval of purchase of the interests of Whiteley and Latham in WHEY. In view of these facts, the Commission must determine in hearing what efforts, if any, the various applicants have made to ascertain the programming needs of the communities they seek to serve.

14. Commission records indicate that John M. Latham, 45 percent stockholder in the Huntingdon application, has held varied ownership interests in five standard broadcast stations since 1955. Latham has disposed of four of these stations—WKTM, Mayfield, Kentucky; WFWL, Camden, Tennessee; WLAY, Muscle Shoals, Alabama; and WTRO, Dyersburg, Tennessee—and had pending, but has dismissed, an application to dispose of his interests in the fifth station, WHEY, Millington, Tennessee. These stations have been held by Latham for periods of from four to twenty-two months and, in most instances, their sale has resulted in substantial profit to Latham. Generally, Latham's reasons of record for selling the various stations refer only to "other business interests" or other pending applications. However, in seeking approval of the sale of his fifty percent interest in Station WFWL, Camden, Tennessee, four months after the construction permit for that station had been granted, Latham stated that, because of family considerations, it would be undesirable for him to make his home in Camden and that he preferred not to commute almost daily from his home in Mayfield, Kentucky. Five months later Latham and two other persons sought approval of an application to acquire an interest in WLAY, Muscle Shoals, Alabama, stating that "all three of the parties hereto will move to the Muscle Shoals area and each shall devote his full time to the active operation of Radio Station WLAY." In view of these facts, it will be necessary to determine whether a grant of any application to which Latham is a party would be consistent with the Commission's policy against "trafficking" in broadcast licenses and construction permits.

ADDITIONAL CONSIDERATIONS

15. It will be necessary, in connection with the WHEY renewal application, to determine whether the licensee of that station is financially qualified to continue operation. The licensee's balance sheet, submitted with the renewal application, shows current assets in the amount of $4,434 and total liabilities in the amount of $76,806. The liabilities consist of notes payable, accounts payable, and bank loans, none of which are segregated to show amounts currently payable. It is indicated, additionally, that the station suffered a net operating deficit during the five month period prior to the date of the balance sheet. No reply has been received to a Commission letter of June 26, 1961, requesting further financial information.

16. Examination of the latest balance sheet submitted by Earl W. Daly, in his application, BP–14063, for a new station at West Helena, Arkansas, does not indicate sufficient cash or liquid assets to meet his combined commitments for his three pending applications for new stations.

17. Examination of Earl W. Daly's application, BP–13617, for a new station at Jonesboro, Arkansas, indicates that virtually none of the business district would be served with a minimum signal of 25 mv/m, as required by § 3.188(b)(1) of the Commission's rules. The applicant has requested a waiver, if necessary.

18. Examination of the Day-Phil Broadcasting Company application, BP–13705, for a new station at Blytheville, Arkansas, reveals the following apparent engineering deficiencies:

(a) The proposed operation fails to provide a minimum signal of 5 mv/m over the entire residential area of Blytheville, as required by § 3.188(b)(2) of the Commission rules.

(b) A substantial question exists as to whether the proposed operation represents sound engineering practice, since part of the city to be served is located in a null area of the directional antenna, or is served from the side of a null.

(c) The proposed directional antenna parameters submitted with the application do not depict the horizontal plane radiation pattern submitted.

(d) The proposed operation would receive interference from existing stations resulting in population losses exceeding 10 percent. The applicant has requested waiver of § 3.28(d)(3) of the rules.

19. Examination of the Huntingdon Broadcasting Company application, BP–14556, for a new station at Huntingdon, Tennessee, indicates that slight adjacent channel interference would be caused to the existing operation of Station WKBJ, Milan, Tennessee. The licensee of Station WKBJ has objected informally to any potential interference. An appropriate hearing issue is included below.

20. Examination of the application of West Helena Radio Service, BP–14063, indicates that the proposal may receive slight interference from the pending application of Semo Broadcasting Corporation, BP–14129, for a new station at Sikeston, Missouri. The potential interference appears insufficient in amount to render the West Helena application in violation of any Commission rule and, accordingly, the two applications will not be consolidated for hearing. Any grant of the West Helena application will be conditioned to accept any interference caused by a later grant of the Sikeston application.

21. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at Millington, Tennessee, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Robert G. Watson and Fred L. Thomas assumed control and operation of Station WHEY, Millington, Tennessee, prior to July 29, 1959, in violation of section 310(b) of the Communications Act of 1934, as amended.

2. To determine whether Robert C. Whiteley, Jr. and John M. Latham assumed control and operation of Station WHEY, Millington, Tennessee, prior to March 9, 1960, in contravention of section 310(b) of the Communications Act of 1934, as amended.

3. To determine whether Eugene P. Vance was, at any time, permitted to assume control and operation of Station WHEY, Millington, Tennessee, in violation of section 310(b) of the Communications Act of 1934, as amended.

4. To determine, in the event any violation of section 310(b) of the Communications Act is found to have occurred, pursuant to the foregoing issues, whether such violation or violations occurred with the knowledge, consent and/or participation of Earl W. Daly.

5. To determine whether Robert C. Whiteley, Jr., and John M. Latham, between August 9, 1960, and March 10, 1961, issued or caused to be issued to persons other than themselves, twenty-three or more shares in Shelby County Broadcaster's, Inc., and, if so: (a) Whether the application, BAL–3998, filed by Whiteley and Latham contained false representations inconsistent with the issuance of such shares; (b) whether the issuance of such shares without report to the Commission violated § 1.343 of the rules; and (c) whether the issuance of such shares resulted in relinquishment of negative control of Shelby County Broadcaster's, Inc., by Whiteley and by Latham, without authorization by the Commission, in violation of § 1.329 of the rules and section 310(b) of the Communications Act.

6. To determine whether Robert C. Whiteley, Jr., and John M. Latham, between August 1959 and January 1960, moved the main studios of Station WHEY without reporting such move to the Commission, in contravention of § 3.31 of the Commission rules.

7. To determine whether Day-Phil Broadcasting Company had any reasonable assurance of obtaining the transmitter site specified in its original application for Blytheville, Arkansas, at the time that application was filed, and, whether the applicant had any reasonable assurance of obtaining the site specified in the application as amended January 3, 1961, at the time the amendment was submitted.

8. To determine whether Earl W. Daly, tr/as Jonesboro Broadcasting Service had any reasonable assurance of obtaining the transmitter site specified in his application for Jonesboro, Arkansas, at the time that application was filed.

9. To determine whether Earl W. Daly held an undisclosed ownership interest in the application of Crittenden County Broadcast Company, File No. BP–12405, Docket No. 12840, for a new station at West Memphis, Arkansas.

10. To determine whether Earl W. Daly participated in bringing about the filing of the applications of Collierville Broadcasting Company (BP–13995), Jeff Davis Broadcasting Service (BP–12753), and/or Florence Broadcasting Company, Inc. (BP–10850), or whether Daly participated in causing these applications to be amended to certain frequencies, and, if so, whether such filings and/or amendments were for the purpose of impeding, obstructing, or delaying competing applications (or the Commission's processes), or for the purpose of extracting a "payoff" from any other applicants for new or changed facilities.

11. To determine whether the past and present broadcast activities of John M. Latham have been and are, consistent with the Commission's policy against "trafficking" in broadcast licenses and construction permits.

12. To determine whether the following applicants have undertaken efforts to ascertain the programming needs and interests of the areas they seek to serve and, if so, the extent of these efforts and the manner in which the applicants propose to meet such needs and interests:

(a) Jonesboro Broadcasting Service, BP–13617.

(b) Day-Phil Broadcasting Company, BP–13705.

(c) West Helena Radio Service, BP–14063.

(d) Huntingdon Broadcasting Company, BP–14556.

13. To determine whether the following applicants are financially qualified to construct and operate their proposed stations:

(a) Jonesboro Broadcasting Service, BP–13617.

(b) Day-Phil Broadcasting Company, BP–13705.

(c) West Helena Radio Service, BP–14063.

14. To determine whether Shelby County Broadcaster's, Inc. is financially qualified to continue operation of Station WHEY, Millington, Tennessee.

15. To determine whether the instant proposal of Jonesboro Broadcasting Service would provide coverage of the city sought to be served, as required by § 3.188(b)(1) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of the rule.

16. To determine whether the instant proposal of Day-Phil Broadcasting Company would provide coverage of the city sought to be served, as required by § 3.188(b)(2) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of the rules.

17. To determine whether a portion of the city sought to be served by the Day-Phil application is in an area of maximum signal suppression, and, if so, whether the proposed directional antenna system represents good engineering practice, especially in light of the normally expected variations in signal strength occurring in null areas of directional patterns.

18. To determine whether the proposed directional antenna array parameters submitted by Day-Phil Broadcasting Company accurately depict the horizontal plane radiation pattern submitted.

19. To determine whether interference received by the proposed operation of Day-Phil Broadcasting Company would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

20. To determine whether the instant proposal of Huntingdon Broadcasting Company would cause objectionable interference to Station WKBJ, Milan, Tennessee, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

21. To determine, in view of evidence adduced pursuant to the foregoing issues, whether Earl W. Daly, Robert C. Whiteley, Jr., or John M. Latham have the requisite character qualifications to be licensees of standard broadcast stations.

22. To determine, in light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicants involved in each of the issues above.

It is further ordered, That Harold L. Sudbury, The Tri-County Broadcasting Company, Inc., and West Tennessee Broadcasting Company, licensees of Stations KLCN, Blytheville, Arkansas, WHDM, McKenzie, Tennessee, and WKBJ, Milan, Tennessee, respectively, are made parties to the proceeding.

It is further ordered, That the aforementioned petition of White County Broadcasting Company is denied.

It is further ordered, That the aforementioned petitions of Harold L. Sudbury and of The Tri-County Broadcasting Company, Inc., are granted to the extent indicated, and are denied in all other respects.

It is further ordered, That in the event of a grant of the application of West Helena Radio Service, the construction permit shall contain the following conditions:

This authorization is subject to any interference that may be received from a subsequent grant of the application of Semo Broadcasting Corporation, BP–14129.

This authorization is subject to compliance by permittee with any applicable procedures of the Federal Aviation Agency.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(h) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Adopted: October 17, 1962.

Released: October 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–10743; Filed, Oct. 25, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62–289]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Notice of Application

OCTOBER 22, 1962.

Take notice that on June 6, 1962, Central Illinois Public Service Company (Applicant), Illinois Building, Springfield, Illinois, filed in Docket No. CP62–289 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Trunkline Gas Company (Respondent) to establish physical connection of its facilities with those which Applicant proposes to construct and operate and to sell and deliver to Applicant natural gas for resale and distribution for residential and commercial service in the Village of Dieterich, Effingham County, Illinois, and environs, and the Village of Wheeler and the City of Newton and their environs, Jasper County, Illinois, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 4-inch gas transmission line from a proposed metering and regulating station of Respondent to be located approximately 1.8 miles east of the Village of Dieterich, to the City of Newton, a distance of approximately 14 miles. In each of the Villages of Dieterich and Wheeler and at the terminus of said 4-inch transmission line at or near the corporate limits of the City of Newton, Applicant proposes to construct and operate town border stations and from said town border stations Applicant proposes to construct and operate gas distribution lines to serve the communities.

The total annual and peak day gas requirements in Mcf to serve the three communities during the first three years of operations are as follows:

	First Year		Second Year		Third Year	
	Peak day	Annual	Peak day	Annual	Peak day	Annual
Dieterich	387	38,770	515	51,520	558	55,570
Wheeler	106.1	10,560	142	14,100	153	15,240
Newton	1,577.9	158,950	1,993	200,810	2,155	215,320
Total	2,071	208,280	2,650	266,430	2,866	286,130

Applicant estimates the cost of its proposed project at $549,720, which will be financed from internal funds. Applicant also estimates that the project will require an expenditure of approximately $20,000 by Respondent.

On August 20, 1962, Respondent filed an answer to the subject application and stated that it has no opposition to the application.

Protests, requests for hearing, or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 19, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–10693; Filed, Oct. 25, 1962; 8:45 a.m.]

[Docket No. CP63–28]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application and Date of Hearing

OCTOBER 22, 1962.

Take notice that on July 30, 1962, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), Phillipsburg, Kansas, filed in Docket No. CP63–28 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary to meet the anticipated increased peak demands of its firm customers and to increase natural gas sales to Consumers Cooperative Association (Co-op) for use by the latter as raw material and as plant fuel in its fertilizer plant near Hastings, Nebraska, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to sell on a firm basis 10,000 Mcf of natural gas per day to Co-op for use as raw material in the manufacture of fertilizer. Gas sold by Applicant to Co-op on an interruptible basis will be utilized by the latter as plant fuel.

Specifically, Applicant proposes to construct and operate the following facilities:

(a) Approximately 7.5 miles of 12-inch pipeline replacing an equal quantity of 8-inch pipeline north of Oakley, Kansas;

(b) Approximately 23.2 miles of 12-inch pipeline replacing an equal quantity of 8-inch pipeline from Herndon, Kansas to Danbury, Nebraska;

(c) Approximately 40 miles of 12-inch pipeline replacing an equal quantity of 8-inch pipeline from Axtell, Nebraska to Hastings, Nebraska;

(d) Approximately 2,500 additional compressor horsepower at Scott City, Kansas, compressor station, salvaging two 500 horsepower units at said station;

(e) One additional 500 horsepower unit at Colby, Kansas, compressor station (said unit to be one of those salvaged from Scott City station); and

(f) Approximately 1,000 additional horsepower at Holdrege, Nebraska, compressor station.

The estimated total cost of the proposed facilities is $2,425,000, which cost will be financed out of current working capital or by interim bank loans.

This matter is one that should be disposed of as promptly as possible under

the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 29, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 19, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–10694; Filed, Oct. 25, 1962; 8:45 a.m.]

[Docket No. G–17132 etc.]

MIDHURST OIL CORP. ET AL.

Order Substituting Respondent, Making Increased Rates Effective Subject To Refund Under Successor Corporation's Agreement and Undertakings, and Redesignating Proceedings

OCTOBER 19, 1962.

Midhurst Oil Corporation (Operator), et al.,[1] Docket No. G–17132; Midhurst Oil Corporation (Operator), et al.,[2] Docket No. G–17921; Midhurst Oil Corporation,[3] Docket No. RI61–279.

On March 19, 1962, Midhurst Oil Corporation (Midhurst) and Slick Oil Corporation and Slick Oil Corporation (Operator), et al., (Slick) filed their joint motion in each of the above-captioned proceedings requesting that Midhurst be permitted to be substituted as Respondent in lieu of Slick. In support of their motions, movants state that inasmuch as Slick has conveyed to Midhurst all of the properties from which the subject gas is produced and sold, that Midhurst be substituted for Slick in these proceedings insofar as they relate to and cover sales of gas beginning November 1, 1961, at 7:00 o'clock a.m., Central Standard Time, and that the proceedings in Docket Nos. G–17132 and G–17921 be redesignated as Midhurst Oil Corporation (Operator) et al., and the proceeding in Docket No. RI61–279 be redesignated as Midhurst Oil Corporation.

Concurrently with the filing of the above motions to substitute party, Midhurst filed three motions pursuant to section 4(e) of the Natural Gas Act (a motion for each proceeding) requesting that the Commission allow the suspended rates involved be allowed to become effective as of the date of the filing of said motions on March 19, 1962. On the same date, March 19, 1962, Midhurst filed its agreement and undertakings to comply with § 154.102 of the Commission's regulations under the Natural Gas Act.

By letter dated July 3, 1962, the Commission advised Midhurst that the notices of succession to Slick Oil Corporation's FPC Gas Rate Schedules Nos. 1, 2, and 6 (among others) had been accepted for filing and on the basis thereof the aforementioned rate schedules had been redesignated as Midhurst's FPC Gas Rate Schedules Nos. 13, 14, and 15, respectively, subject, inter alia, to the Commission's action on the related pending certificate applications filed by Midhurst pursuant to section 7(c) of the Natural Gas Act.

The proceeding in Docket No. G–17132 relates to a rate increase filed by Slick on November 10, 1958, contained in Supplement No. 1 to Slick's FPC Gas Rate Schedule No. 2[3] for sales of natural gas to Tennessee Gas Transmission Company from the Witte Field, Victoria County, Texas. By the Commission's order issued on December 4, 1958, in said docket, the proposed increased rate was suspended until June 1, 1959.[4] Motion pursuant to section 4(e) of the Natural Gas Act was never filed by Slick.

The proceeding in Docket No. G–17921 involves an increased rate filed by Slick on February 9, 1959, contained in Supplement No. 8 to Slick's FPC Gas Rate Schedule No. 6[5] for sales of natural gas to Tennessee Gas Transmission Company from the Tomball Southeast Field, Harris County, Texas. By the Commission's order issued on March 9, 1959, in said docket, the proposed increased rate was suspended until August 12, 1959.[4] Motion pursuant to section 4(e) of the Natural Gas Act was never filed by Slick.

The proceeding in Docket No. RI61–279 relates to an increased rate filed by Slick on November 18, 1960, for sales of natural gas to United Gas Pipe Line Company from the Maxie Field, Forrest, Lamar and Pearl River Counties, Mississippi, and contained in Supplement No. 4 to Slick's FPC Gas Rate Schedule No. 1.[6] By the Commission's order issued on December 13, 1960, in said docket, the proposed increased rate was suspended until May 19, 1961.[4] Motion pursuant to section 4(e) of the Natural Gas Act was never filed by Slick.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Midhurst Oil Corporation (Operator), et al., be substituted for Slick Oil Corporation and Slick Oil Corporation (Operator), et al., in Docket No. G–17132 and Docket No. G–17921, respectively, and that Midhurst Oil Corporation be substituted for Slick Oil Corporation in Docket No. RI61–279; that the proceedings in the aforementioned dockets be redesignated accordingly; that the successor's agreement and undertakings filed by Midhurst be accepted for filing, and that the suspended rates in said dockets be made effective subject to refund as of March 19, 1962.

The Commission orders:

(A) Midhurst Oil Corporation (Operator), et al., is hereby substituted as Respondent in lieu of Slick Oil Corporation and Slick Oil Corporation (Operator), et al., in Docket Nos. G–17132 and G–17921, respectively; Midhurst Oil Corporation is hereby substituted for Slick Oil Corporation in Docket No. RI61–279, and said proceedings are accordingly redesignated.

(B) The agreements and undertakings submitted by Midhurst to assume any and all refund obligations in these proceedings from March 19, 1962, are hereby accepted for filing.

(C) The rates, charges and classifications set forth in the supplements suspended in the aforementioned dockets are hereby made effective subject to refund as of March 19, 1962, under the agreements and undertakings filed by Midhurst, and the effective rates shall be charged and collected commencing March 19, 1962, subject to any future orders of the Commission in these proceedings.

(D) Midhurst shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The undertakings shall remain in full force and effect until discharged by the Commission.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–10695; Filed, Oct. 25, 1962; 8:45 a.m.]

[Docket No. E–7068]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

OCTOBER 22, 1962.

Take notice that on October 15, 1962, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co. (Applicant), a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal business office at 831 Second Avenue South, Minneapolis 2, Minnesota, seeking an order authorizing the issuance of $10,000,000 principal

[1] Formerly Slick Oil Corporation.
[2] Formerly Slick Oil Corporation (Operator), et al.
[3] Redesignated as Supplement No. 1 to Midhurst's FPC Gas Rate Schedule No. 14.
[4] Also, suspended until such further time as it is made effective in the manner prescribed by the Natural Gas Act.
[5] Redesignated as Supplement No. 8 to Midhurst's FPC Gas Rate Schedule No. 15.
[6] Redesignated as Supplement No. 4 to Midhurst's FPC Gas Rate Schedule No. 13.

amount of First Mortgage Bonds, __ percent Series, due December 1, 1987, and $5,000,000 principal amount of First Mortgage __ percent Sinking Fund Bonds, due December 1, 1982. The proposed bonds are to be secured by Applicant's Indenture of Mortgage dated May 1, 1939, and Indentures supplemental thereto and as to be further supplemented by a Twenty-second Supplemental Indenture to be dated December 1, 1962. The interest rates per annum of the proposed $10,000,000 First Mortgage Bonds __ percent Series and the proposed $5,000,000 First Mortgage __ percent Sinking Fund Bonds are to be fixed by competitive bidding and the Bonds are to be sold by competitive bidding. Bidders will be invited to bid on each bond issue separately.

Applicant proposes to use the proceeds from the sale of the Bonds to retire such as may be outstanding of $15,000,000 of promissory notes due within one year which will have been issued in 1962 as heretofore authorized by the Commission.

Any remainder will be added to the general funds of the Company and used to pay costs of its 1962 construction program, with a small amount available to apply on the 1963 program.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 13th day of November 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10696; Filed, Oct. 25, 1962; 8:45 a.m.]

[Docket No. CP62-85 etc.]

NORTHERN NATURAL GAS CO. ET AL.

Notice of Applications and Order Consolidating Proceedings

OCTOBER 19, 1962.

Northern Natural Gas Company, Docket Nos. CP62-85, CP62-178; Iowa Electric Light and Power Company, Docket No. CP62-119; American Gas Company of Wisconsin, Inc., Docket No. CP63-34; Wisconsin Southern Gas Company, Inc., Docket No. CP63-11; City of Tipton, Iowa, Docket No. CP63-54; Great Plains Natural Gas Co., Docket No. CP63-78.

Take notice that on July 31, 1962, American Gas Company of Wisconsin, Inc., Applicant, a corporation organized under the laws of the State of Wisconsin, with its principal place of business in Omaha, Nebraska, filed an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Company (Northern) to establish physical connection between its existing transmission facilities and certain proposed facilities of Applicant and to sell and deliver natural gas to Applicant for resale in the communities of Ladysmith, Bruce and Weyerhauser, Wisconsin, as hereinafter described or as more fully described in the application herein.

There are no existing gas distribution facilities in any of the three communities proposed to be served by Applicant. Applicant proposes to construct the distribution systems in the communities of Ladysmith, Bruce and Weyerhauser at a cost of $541,870, which will be financed by the issuance of bonds. Cost of additions estimated to be required during the second and third years of operation in the amounts of $35,550 and $23,160, respectively, will be financed out of earnings. The total estimated cost at the end of three years operations will be $600,580.

Applicant estimates that its requirements for the first three years of operation will be:

Year	Mcf of Natural Gas at 14.73 psia	
	Peak day	Annual
1	845	653,400
2	1,292	993,600
3	1,546	717,220

Northern, in its answer to the application, states that service to the three above-mentioned communities was not proposed in CP62-85 or in its amendment to CP62-85. Therefore, Northern requests that this application be consolidated with Docket No. CP62-85, because of the similarity of the issues involved in both applications.

Take further notice that on July 12, 1962, Wisconsin Southern Gas Company, Inc., Applicant, a corporation organized under the laws of Wisconsin, with its principal office at Sheridan Springs Road, Lake Geneva, Wisconsin, filed an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Company (Northern) to establish physical connection between its existing transmission facilities and certain proposed facilities of Applicant and to sell and deliver natural gas to Applicant for resale in the communities of Ladysmith, Bruce and Weyerhauser, Wisconsin, as hereinafter described or as more fully described in the application herein.

There are no existing gas distribution facilities in any of the three communities proposed to be served by Applicant. Applicant proposes to construct the distribution systems in the communities of Ladysmith, Bruce and Weyerhauser at a cost of $541,870, which will be financed by the issuance of bonds. Cost of additions estimated to be required during the second and third years of operation in the amounts of $35,550 and $23,160, respectively, will be financed out of earnings. The total estimated cost at the end of three years operations will be $600,580.

Applicant estimates that its requirements for the first three years of operation will be:

Year	Mcf at 14.73 psia	
	Peak day	Annual
1	554	143,146
2	704	319,015
3	1,150	377,904

Applicant will construct a distribution system for service to Prairie du Chien at a total estimated cost of $298,689. Applicant will finance its project through temporary bank loans.

On August 17, 1962, Northern filed its answer to the 7(a) application of Wisconsin Southern, stating that because of the issues common to this application and that of Northern in Docket No. CP62-85, the subject application be consolidated therewith.

Take further notice that on September 5, 1962, the city of Tipton, Iowa, Applicant, filed an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Company (Northern) to establish physical connection between its existing transmission facilities and certain proposed facilities of Applicant and to sell and deliver natural gas to Applicant for resale in the city of Tipton, Iowa, as hereinafter described or as more fully described in the application herein.

Applicant is a municipality as defined in section 2 of the Natural Gas Act and is an incorporated community of the State of Iowa.

Applicant proposes to construct and operate a natural gas distribution system within the bounds of the city of Tipton. Applicant seeks a physical connection of its proposed facilities with an extension of Northern Natural's Anamosa branchline in Cedar County, Iowa, and the delivery and sale of the third-year requirements of Tipton of 1,385 Mcf of gas per day by Northern Natural to Applicant at such interconnection.

The total estimated volumes of natural gas involved to meet Applicant's annual and maximum day requirements for the estimated first three years of proposed operation are as follows:

[Volumes—Mcf]

Year of operation	Peak day	Annual
1st	446	67,706
2d	1,040	136,475
3d	1,385	175,020

Take further notice that on September 28, 1962, Great Plains Natural Gas Co. (Applicant), a corporation organized under the laws of the State of Minnesota, with its principal place of business at Omaha, Nebraska, filed an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission, directing Northern Natural Gas Company (Northern) to establish physical connection between its existing transmission facilities and certain proposed distribution facilities to be constructed by Applicant and to sell and deliver natural gas to Applicant for resale in 31 communities in Minnesota, two communities in South Dakota, and one community in North Dakota, as hereinafter described or as more fully described in the application herein.

According to the application franchises have been obtained by the consulting engineering firm of Henningson, Durham & Richardson, Inc. from 29 communities, and such franchises will be assigned to Applicant. Applicant does not at the time of filing the application have franchises from the communities of Benson, Butterfield, Elbow Lake, and Morris, all in Minnesota, and Big Stone City, South Dakota, but alleges that letters of intent have been obtained from Big Stone City, Butterfield, and Elbow Lake.

Applicant more specifically requests an order pursuant to section 7(a) directing Northern to establish physical connection of its facilities with those which Applicant proposes to construct and operate, to sell and deliver to it up to 23,671 Mcf per day, its estimated third year peak day natural gas requirements, for distribution and resale in the following 34 communities in Minnesota, North Dakota, and South Dakota:

MINNESOTA

Appleton.	Holloway.
Belview.	Lamberton.
Benson.	Madison.
Boyd.	Marshall.
Breckenridge.	Montevideo.
Butterfield.	Morris.
Canby.	Odessa.
Clarkfield.	Ortonville.
Comfrey.	Redwood Falls.
Dawson.	Sanborn.
Echo.	Vesta.
Elbow Lake.	Wabasso.
Fergus Falls.	Watson.
Granite Falls.	Wheaton.
Hancock.	Wood Lake.
Herman.	

NORTH DAKOTA

Wahpeton

SOUTH DAKOTA

Big Stone City.	Milbank.

Applicant requests that the order also direct Northern to build new branchlines and to install border stations at the corporate limits of the communities named above.

Applicant proposes to construct and operate distribution systems in each of the 34 communities in order to supply natural gas to residential, commercial, and industrial customers therein, including certain electric generating plants.

Applicant estimates the aggregate maximum day and annual requirements of the 34 communities as follows:

PROPOSED SALES (Mcf)

Year	Peak day	Annual
1st	12,526	12,030,255
2d	19,020	12,816,984
3d	23,671	13,081,427

The gas required by Applicant will be purchased under Northern's existing rate schedules for Zones CD-3 and CD-B, as set forth in its FPC Gas Tariff.

Applicant estimates its total investment in the distribution systems at the end of the third year at $10,479,176 which it proposes to finance by the issuance of $6 million in first mortgage bonds, $2 million in subordinated debentures, and $2.5 million in common stock. Applicant further estimates that Northern would be required to construct branch lines costing $12,246,534. No answer to the application has yet been filed by Northern.

The Commission finds:

(1) These related matters should be heard on a record consolidated with the main applications of Northern Natural Gas Company in Docket Nos. CP62-85 and CP62-178 since they involve common issues.

(2) Interventions in support of the respective allocations of gas from Northern required by the above applicants have been filed prior to September 28, 1962, the final date for protests or petitions to intervene in Docket Nos. CP62-85 and CP62-178. By virtue of such interventions the applicants consolidated herein have apprised all parties of their respective positions and requests for allocation in this proceeding. It appears therefore, that no detriment to other parties will result from the consolidation of the applications herein with the applications of Northern Natural Gas Company in Docket Nos. CP62-85 and CP62-178.

The Commission orders: The above-named applications of American Gas Company of Wisconsin, Inc., Wisconsin Southern Gas Company, Inc., City of Tipton, Iowa, and Great Plains Natural Gas Co., should be and are hereby consolidated with the applications of Northern Natural Gas Company in Docket Nos. CP62-85 and CP-178 for the purpose of hearing on the 23d day of October 1962, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10697; Filed, Oct. 25, 1962; 8:46 a.m.]

[Docket No. E-7061]

PACIFIC POWER & LIGHT CO.

Notice of Application

OCTOBER 19, 1962.

Take notice that on October 5, 1962, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Pacific Power & Light Company (Applicant), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, California, Montana, and Idaho, with its principal business office at Portland, Oregon, seeking authorization to issue not to exceed $64,000,000, principal amount of First Mortgage Bonds and not to exceed $19,600,000, principal amount of unsecured Promissory Notes. The Bonds and the Notes would be issued in connection with the refunding and retirement of all First Mortgage Bonds issued by the former The California Oregon Power Company (Copco) and assumed by Applicant as a result of the merger into it of Copco (Docket No. E-6977), presently outstanding in the aggregate principal amount of $74,000,000 under the First Mortgage and Deed of Trust, dated November 1, 1944, from Copco to American Trust Company (now Wells Fargo Bank), as Trustee, as supplemented.

Applicant proposes to issue seven new series of its First Mortgage Bonds, described as follows:

Description of series	Maximum Principal amount
3⅝ percent Series due Nov. 1, 1974	$13,500,000
3⅝ percent Series due Apr. 1, 1978	4,500,000
3⅜ percent Series due Aug. 1, 1979	7,000,000
4¼ percent Series due June 1, 1981	6,000,000
4⅛ percent Series due Oct. 1, 1982	7,000,000
3¾ percent Series due Mar. 1, 1984	10,000,000
4⅜ percent Series due May 1, 1986	16,000,000
Total	64,000,000

Applicant's 1974-1986 Series Bonds would be offered in exchange, on a series for series and principal amount for principal amount basis, for the following seven of the eight presently outstanding series of First Mortgage Bonds issued by Copco and assumed by Applicant upon the merger into it of Copco:

Description of series	Principal amount
3⅛ percent Series due Nov. 1, 1974	$13,500,000
3⅛ percent Series due Apr. 1, 1978	4,500,000
2⅞ percent Series due Aug. 1, 1979	7,000,000
3⅝ percent Series due June 1, 1981	6,000,000
3⅝ percent Series due Oct. 1, 1982	7,000,000
3¼ percent Series due Mar. 1, 1984	10,000,000
3⅞ percent Series due May 1, 1986	16,000,000
Total	64,000,000

The Notes would be issued in accordance with the terms of a Letter Agreement, dated as of September 21, 1962, between Applicant and eight banks, in maximum principal amounts, as follows:

Morgan Guaranty Trust Company of New York	$6,860,000
The Chase Manhattan Bank	4,762,800
First National City Bank	2,548,000
Mellon National Bank and Trust Company	1,470,000
Continental Illinois National Bank and Trust Company of Chicago	1,097,600
Manufacturers Hanover Trust Company	1,097,600
Wells Fargo Bank	1,097,600
Harris Trust and Savings Bank	666,400
Total	19,600,000

The Notes are to be dated the dates of their respective borrowings and will mature eleven months therefrom or on December 31, 1963, whichever shall be earlier. The interest rate will be a rate per

annum equivalent to the prime commercial loan rate of Morgan Guaranty Trust Company of New York in effect at the time of each borrowing; interest will be payable on June 30, 1963, September 30, 1963, and at maturity.

Applicant states that the Notes are to be issued to provide funds (other than an amount equal to redemption premiums and accrued interest to the date of redemption) with which to redeem such principal amount of Copco 1974–1986 Series Bonds as shall not be exchanged for Applicant's 1974–1986 Series Bonds pursuant to an Exchange Offer to be made to the holders of the Copco Bonds, and with which to redeem as a whole the remaining series of Copco First Mortgage Bonds—5⅛ percent Series due October 1, 1987, presently outstanding in the aggregate principal amount of $10,000,000. Treasury funds would be employed to provide any necessary redemption moneys not provided through the issuance of the Notes.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 9th day of November 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10698; Filed, Oct. 25, 1962; 8:46 a.m.]

[Docket No. CP63-51]

TOWN OF BURLINGTON, OKLAHOMA

Notice of Application

OCTOBER 19, 1962.

Take notice that on August 31, 1962, the Town of Burlington, Oklahoma (Applicant) filed in Docket No. CP63-51 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Company (Cities Service) to establish physical connection of its transmission facilities with the proposed facilites of and to sell natural gas to Applicant for resale in Burlington, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a distribution system in Burlington as well as a 2-mile transmission lateral connecting the proposed distribution system with the transmission facilities of Cities Service.

The application shows Applicant's third year peak day and annual natural gas requirements to be 187 Mcf and 18,710 Mcf, respectively.

The total estimated cost of transmission and distribution facilities for the project is $32,000, which cost will be financed by the issuance of gas system bonds.

On September 21, 1962, Cities Service filed an answer to the subject application stating that it had no objection to the requested Commission order.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10699; Filed, Oct. 25, 1962; 8:46 a.m.]

[Docket Nos. G-18661, G-18662]

WESTERN NATURAL GAS CO.

Order Denying Motion To Stay Proceedings, Permitting Intervention, and Setting Hearing Date

OCTOBER 19, 1962.

Docket No. G-18662: Western Natural Gas Company, Houston, Texas, filed on May 29, 1959, pursuant to section 7(b) of the Natural Gas Act, a request for permission to abandon its sales to Cities Service Gas Company, Oklahoma City, of natural gas produced from Western's leasehold interests in the Kansas Hugoton Field, Grant and Stanton Counties, Kansas. Said sales are being made under a gas purchase agreement dated September 29, 1949, by and between Western and Cities Service which by its terms, expired on April 1, 1960. That agreement is on file with the Commission as Western's FPC Gas Rate Schedule No. 17 as supplemented. A certificate of public convenience and necessity authorizing such sales was issued to Western in Docket No. G-4882.

Docket No. G-18661: Western Natural Gas Company filed on May 29, 1959, pursuant to section 7(c) of the Natural Gas Act, an application for a certificate of public convenience and necessity authorizing the sale by Western to El Paso Natural Gas Company, El Paso, Texas, of natural gas which is now being sold to Cities Service Gas Company as authorized under said Docket No. G-4882, which sale Western requests authority to abandon under Docket No. G-18662. Attached to the application was a copy of the 20-year contract made March 20, 1959, between El Paso and Western covering the proposed sale.

By notice issued July 5, 1961 (26 F.R. 6252), notice of said filings was given and the proceedings under Docket Nos. G-18661 and G-18662 were consolidated for hearing and are still pending.

On June 26, 1962, Western filed under Docket No. G-18662 an "Amended request for authorization to abandon existing service under section 7 of the Natural Gas Act, as amended." That document described certain contractual arrangements between Western, El Paso, and Pan American Petroleum Corporation whereby Western's gas, which is presently being delivered through the facilities of Cities Service, would be delivered through Pan American's facilities instead of through El Paso's facilities as contemplated by said contract made March 20, 1959, and referred to in the original request for abandonment authorization. These arrangements are described in three contracts, one between El Paso and Western, one between Western and Pan American, and one between El Paso and Pan American. All of the contracts, copies of which were attached to the amended request for abandonment authorization, were made January 30, 1962, for terms of 20 years from the date thereof and are subject to termination at any time by either party upon appropriate written notice to the other party.

The 1962 contract between El Paso and Western provides that deliveries of gas thereunder will commence promptly after the Commission authorizes Western to abandon service to Cities Service and thereupon said 1959 contract between El Paso and Western will terminate. In the meantime, performance on the part of both parties under the 1959 contract is suspended, but if the 1962 contract should be terminated by either party pursuant to the provisions for such termination, performance under the 1959 contract would cease to be suspended and that contract would continue thereafter in full force and effect.

On June 26, 1962, Western filed also in Docket No. G-18661 a "Motion to stay proceedings" pending final disposition of the application for abandonment authority under Docket No. G-18662. In support of that motion, Western referred to the 1962 contractual arrangements which were described in said amended request for abandonment authorization, and stated that under those arrangements, "• • • the gas will not be sold or transported in interstate commerce so that no Certificate of Public Convenience and Necessity will be required in connection therewith".

Western has not filed an application for a certificate of public convenience and necessity authorizing the sale or transportation of gas under said 1962 contracts pursuant to section 7(c) of the Natural Gas Act, nor has it filed a petition for a declaratory order regarding the Commission's jurisdiction over said sale and transportation pursuant to § 1.7(c) of the Commission's rules of practice and procedure. We will not assume that the sale or transportation of gas under the 1962 contractual arrangements will be beyond the Commission's jurisdiction and that no certificate of public convenience and necessity will be required. Any finding of the Commission's lack of jurisdiction over such sale or transportation must be based on substantial factual evidence.

Western's application for a certificate of public convenience and necessity under Docket No. G-18661 is the only application now pending before us for an alternative disposition of Western's gas which is now being sold to Cities Service. If we should stay proceedings on that application and if thereafter we should deny the abandonment authorization which Western seeks under Docket No. G-18662, Western's application under Docket No. G-18661 would still be pending. The proper administration of the Natural Gas Act and the public interest require that said application be decided in the same proceeding with the request for abandonment authorization made in Docket No. G-18662. The public interest requires also that in deciding Western's request for abandonment authorization, consideration be given to the proposed alternative disposition of Western's gas if the sale to Cities Service should be discontinued. Western's application in Docket No. G-18661 provides the only basis for such consideration now before the Commission.

We find therefore that good cause has not been shown for staying the proceedings in Docket No. G-18661.

On November 6, 1961, the Missouri Public Service Commission filed a notice of intervention under Docket Nos. G-18661 and G-18662. On June 27, 1962, El Paso Natural Gas Company filed a petition to intervene under Docket No. G-18662.

The notice of applications which was issued July 5, 1961 (26 F.R. 6252), fixed August 15, 1961, as the final date for the filing of notices and petitions to intervene. An order permitting intervention to persons who had filed was issued September 11, 1961. Section 1.8(d) of the Commission's rules of practice and procedure provides that petitions to intervene and notices of intervention may be filed at any time following the filing of an application or other document seeking Commission action:

• • • but in no event later than the date fixed for the filing of petitions to intervene in any order or notice with respect to the proceedings issued by the Commission or its Secretary, unless, in extraordinary circumstances for good cause shown, the Commission authorizes a late filing.

The Missouri Public Service Commission referred to its duties imposed by law regarding the regulation of rates and charges for the sale of natural gas and, as explanation of its delayed filing, stated that:

• • • the knowledge and information of fixed for the filing of petitions to intervene thereof to Missouri and its citizens has just been learned by this Commission.

El Paso, in its petition to intervene, referred to said contracts made January 30, 1962, and, as explanation of the delay in filing its petition, stated that in its original application under Docket No. G-18616 for authorization to sell an additional 100,000 Mcf of gas per day to Pacific Gas and Electric Company and to construct and operate facilities, it had included facilities which were necessary to enable it to take deliveries of Western's Kansas Hugoton gas and to deliver it into El Paso's existing facilities, but that it had deleted such facilities by the filing on August 1, 1960, of the 4th supplement to the application under Docket No. G-18616.

We find that the Missouri Public Service Commission and El Paso have shown good cause for permitting intervention.

The Commission orders:

(A) Western Natural Gas Company's motion to stay proceedings under Docket No. G-18661 is hereby denied.

(B) Permission to intervene in this proceeding is hereby granted to the Missouri Public Service Commission and to the El Paso Natural Gas Company; provided however that the participation of each intervener shall be limited to matters affecting rights and interests expressly asserted in its notice or petition to intervene, and provided further that permission to intervene shall not be construed as recognition by the Commission that any intervener might be aggrieved by any order entered in this proceeding.

(C) A public hearing on the applications under Docket Nos. G-18661 and G-18662 will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C., commencing at 10:00 a.m., e.s.t. on November 19, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10700; Filed, Oct. 25, 1962; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

Order Approving Applications Under Bank Holding Company Act

In the matter of the applications of The First Virginia Corporation for approval of the acquisition of voting shares of Southern Bank of Norfolk, Norfolk; Peoples' Bank, Mount Jackson; Shenandoah County Bank and Trust Company, Woodstock.

There have come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(2) of the Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), three applications for the Board's prior approval of the acquisition of 80 percent or more of the outstanding voting shares of each of the following three banks in the Commonwealth of Virginia: (1) Southern Bank of Norfolk, Norfolk; (2) Peoples' Bank, Mount Jackson; and (3) Shenandoah County Bank and Trust Company, Woodstock.

As required by section 3(c) of the Act, notice of each of these applications was given to the Commissioner of Banking of the Commonwealth of Virginia, who expressed no objection to approval thereof. In addition, notices of receipt of these applications were published in the FEDERAL REGISTER on February 10, 1962 (27 F.R. 1300), February 10, 1962 (27 F.R. 1300), and April 14, 1962 (27 F.R. 3618), respectively, providing an opportunity for submission of comments and views regarding the proposed acquisitions. The time for filing such comments and views has expired and all comments and views filed with the Board have been considered by it.

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that said applications be and hereby are approved, provided that none of the acquisitions so approved shall be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 18th day of October 1962.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-10726; Filed, Oct. 25, 1962; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Richmond.

WHITNEY HOLDING CORP.

Order Extending Period of Time Prescribed by Proviso in Order of Approval

In the matter of the application of Whitney Holding Corporation for approval of its becoming a bank holding company by acquiring the stock of Crescent City National Bank, New Orleans, Louisiana, and Whitney National Bank in Jefferson Parish, Jefferson Parish, Louisiana.

Whereas, by Order dated May 3, 1962 (27 F.R. 4437), the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 222.4(a)(1) of Federal Reserve Regulation Y (12 U.S.C. 222.4(a)(1)), approved action whereby Whitney Holding Corporation would become a bank holding company by acquiring substantially all of the voting stock of two banks named therein, and said Order was made subject to the proviso "that Whitney National Bank in Jefferson Parish shall be opened for business within six months after said date"; and

Whereas, Whitney Holding Corporation has applied to the Board for modification of said proviso for the reason that compliance within the time prescribed therein apparently will not be feasible, and it appears to the Board that good cause exists for modification of the terms of the proviso with respect to the period of time prescribed therein;

It is hereby ordered, That said Order be, and it hereby is, amended so that said proviso shall read as follows: "*Provided further*, That Whitney National Bank in Jefferson Parish shall be opened for business not later than November 4, 1963".

Dated at Washington, D.C., this 19th day of October 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-10727; Filed, Oct. 25, 1962; 8:48 a.m.]

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, King, and Mitchell. Absent and not voting: Governor Robertson.

stating that it had no objection to the requested Commission order.

orization. These arrangements are described in three contracts, one between

for abandonment authorization made in Docket No. G-18662. The public inter-

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-737]

AMERICAN FINANCIAL FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 22, 1962.

Notice is hereby given that American Financial Fund, Inc. ("Applicant"), 905 16th Street NW., Washington, D.C., a Delaware corporation and a management open-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application and an amendment thereto pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All persons are referred to the application on file with the Commission for a complete statement of the facts which are summarized below.

Applicant represents that it has not offered or sold any of its securities; that no shares were ever issued and no funds were ever paid in to the corporation; that its charter has been forfeited; and that it is not engaged and does not propose to engage in any business activity as an investment company or otherwise.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Notice is further given that any interested person may, not later than November 7, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-10717; Filed, Oct. 25, 1962; 8:47 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 87th Congress, Second Session.

Approved October 24, 1962

S.J. Res. 208 ---------- Public Law 87-883
To establish a Commission to develop and execute plans for the celebration of the one hundred and fiftieth anniversary of the Battle of Lake Erie, etc.

S. 1447 ---------- Public Law 87-881
To amend the District of Columbia Teachers' Salary Act of 1955, as amended, and to provide for the adjustment of annuities paid from the District of Columbia teachers' retirement annuity fund.

S. 3361 ---------- Public Law 87-885
To facilitate the entry of alien skilled specialists and certain relatives of U.S. citizens, etc.

S. 3705 ---------- Public Law 87-882
To amend the Dist. of Col. Police and Firemen's Salary Act of 1958, as amended, to increase salaries, to adjust pay alinement, etc.

H.J. Res. 489 ---------- Public Law 87-884
To provide protection for the golden eagle.

H.R. 6371 ---------- Public Law 87-876
To amend the Internal Revenue Code of 1954 with respect to the limitation on retirement income, and with respect to taxable year for which deduction for interest paid will be allowable to certain building and loan assns., mutual savings banks, and cooperative banks.

H.R. 8517 ---------- Public Law 87-875
To grant emergency officer's retirement benefits to certain persons who did not qualify therefor because their applications were not submitted before May 25, 1929.

H.R. 11586 ---------- Public Law 87-877
To amend section 502 of the Merchant Marine Act, 1936, as amended, etc.

H.R. 12048 ---------- Public Law 87-879
"Department of Agriculture and Related Agencies Appropriation Act, 1963".

H.R. 12820 ---------- Public Law 87-878
To validate the coverage of certain State and local employees in the State of Arkansas under the agreement entered into by such State pursuant to section 218 of the Social Security Act, etc.

H.R. 12900 ---------- Public Law 87-880
"Public Works Appropriation Act, 1963".

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[87th Cong., 1st Sess.]

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Rules and Regulations

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Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Post Office Department

Effective upon publication in the FEDERAL REGISTER, subparagraph (11) is added to paragraph (a) of § 6.109 as set out below.

§ 6.109 Post Office Department.

(a) *General.* • • •

(11) One additional Assistant to the Boston Regional Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 62-10755; Filed, Oct. 26, 1962; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Corn Loan and Purchase Agreement Program

SUPPORT RATES

Correction

In F.R. Doc. 62-10378, appearing at page 10203 of the issue for Thursday, October 18, 1962, in the tabular material under § 421.1312(c), the county reading "Harson" in the listing for South Dakota, should read "Hanson".

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 17]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.342 Grapefruit Regulation 17.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 23, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750-51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., October 29, 1962, and ending at 12:01 a.m., e.s.t., November 12, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 24, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10807; Filed, Oct. 26, 1962; 8:47 a.m.]

[Orange Reg. 17]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.343 Orange Regulation 17.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making pro-

cedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 23, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., October 29, 1962, and ending at 12:01 a.m., e.s.t., November 12, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area which do not grade at least U.S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{14}/_{16}$ inches in diameter or smaller.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 24, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10811; Filed, Oct. 26, 1962; 8:47 a.m.]

[Tangerine Reg. 5]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.344 Tangerine Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 23, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810-51.1834 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 29, 1962, and ending at 12:01 a.m., e.s.t., November 12, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, which are smaller than 2$^{6}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 24, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10810; Filed, Oct. 26, 1962; 8:47 a.m.]

[Tangelo Reg. 5]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.345 Tangelo Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 23, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 29, 1962, and ending at 12:01 a.m., e.s.t., November 12, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2$^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 24, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10809; Filed, Oct. 26, 1962; 8:47 a.m.]

[Lemon Reg. 42]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.342 Lemon Regulation 42.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910, 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 17, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., October 28, 1962, and ending at 12:01 a.m., P.s.t., October 27, 1963, no handler shall handle any lemons, grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at right angles to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the lemons in any type of container may measure less than 1.82 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," "District 2," and "District 3" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 24, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-10808; Filed, Oct. 26, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-EA-59]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration and Designation of Federal Airways and Associated Control Areas; Alteration of Control Area Extension

On September 19, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 9261) stating that the Federal Aviation Agency proposed to alter the airway structure in the Washington, D.C., Metropolitan area.

The Air Transport Association of America concurred with the proposed amendments provided that the segment of VOR Federal airway No. 140 to be realigned could be renumbered and retained as an airway for an alternate route between Washington and points northeast. The FAA has reviewed the ATA proposal and agreed that such an airway could be used to advantage with-

out compromise to the revised Washington air traffic control procedures. Accordingly, action is taken herein to designate VOR Federal airway No. 476 from the Washington VOR via the Baltimore, Md., VORTAC to the Millville, N.J., VOR. No other comments were received.

As stated in the notice, it was proposed to designate VOR Federal airway No. 3 in part from Brooke, Va., to Westminster, Md., and reduce its width to 8 miles between Brooke and a point west of Washington. Subsequent to publication of the notice it has been determined that the segment from a point west of Washington to Westminster should also be reduced to an 8-mile wide airway to provide adequate separation between aircraft executing the revised jet aircraft penetration procedure at Andrews AFB and aircraft executing holding procedures at the Unity Intersection (intersection of the Westminster VOR 195° and the Baltimore VORTAC 278° True radials). Accordingly, action is taken herein to designate the segment of Victor 3 between Brooke and Westminster as an 8-mile wide airway.

VOR Federal airway No. 3 as designated required prior approval before use of the portion within R–6608, and VOR Federal airway Nos. 140, 143, 144, and 174 as proposed in the notice exclude the airspace within R–6608. In Airspace Docket No. 62–EA–71, effective on October 18, 1962, action is taken to alter R–6608 to the extent that conflict with the airways has been eliminated. Accordingly, action is taken herein to delete mention of R–6608 in the descriptions of Victors 3, 140, 144, 143, and 174.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 600.6003 (14 CFR 600.6003, 27 F.R. 1160, 7386) is amended as follows:

a. In the caption "to Springfield, Va., and Riverdale, Md.," is deleted.

b. In the text "Brooke, Va., VORTAC; to the INT of the Brooke VORTAC 011° and the Herndon, Va., VORTAC 144° radials. From the INT of the Baltimore, Md., VORTAC 224° and the Westminster, Md., VOR 179° radials via the Westminster VOR; Point of INT of the West Chester VOR 253° radial with the Lancaster, Pa., VOR direct radial to the Baltimore, Md., VOR; West Chester, Pa., VOR;" is deleted and "Brooke, Va., VORTAC, 8-mile wide airway via the INT of the Brooke VORTAC 014° and the Westminster, Md., VOR 195° radials; to the Westminster VOR; thence via the INT of the Westminster VOR 065° and the West Chester, Pa., VORTAC 250° radials; West Chester VORTAC;" is substituted therefor. "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Quantico Restricted Area (R–37) shall be used only after obtaining prior approval from the Federal Aviation Agency Air Traffic Control." is deleted.

2. Section 600.6004 (14 CFR 600.6004, 27 F.R. 1595, 4809, 6672, 7983, 8614) is amended as follows:

a. In the caption "to Doncaster, Va." is deleted and "to Herndon, Va." is substituted therefor.

b. In the text "Herndon, Va., VORTAC to the INT of the Herndon VORTAC 144° and the Washington, D.C., VOR 189° radials," is deleted and "to the Herndon, Va., VORTAC," is substituted therefor.

3. In the text of § 600.6008 (14 CFR 600.6008, 27 F.R. 3378) all after "Indian Head, Pa., VOR;" is deleted and "Martinsburg, W. Va., VORTAC; INT of the Herndon, Va., VORTAC 048° and the Washington, D.C., VOR 324° radials; to the Washington VOR, including an N alternate from the INT of the Martinsburg VORTAC 297° and the Grantsville, Md., VOR 086° radials, via the Hagerstown, Md., VOR, to the INT of the Washington VOR 324° and the Herndon VORTAC 048° radials." is substituted therefor.

4. In the text of § 600.6016 (14 CFR 600.6016, 27 F.R. 467, 4734, 5862, 4244, 8011, 8946) "Nottingham, Md., VOR; Kenton, Del., VOR; Millville, N.J., VOR;" is deleted and "Nottingham, Md., VOR, 8-mile wide airway to the Kenton, Del., VORTAC; thence via the Millville, N.J., VOR;" is substituted therefor.

5. In the text of § 600.6039 (14 CFR 600.6039) "Gordonsville, Va., VOR; Casanova, Va., VOR; Herndon, Va., VOR;" is deleted and "Gordonsville, Va., VORTAC; INT of the Gordonsville VORTAC 019° and the Casanova, Va., VORTAC 201° radials; Casanova VORTAC; Herndon, Va., VORTAC, including an E alternate from the Gordonsville VORTAC to the Herndon VORTAC via the INT of the Herndon VORTAC 202° and the Brooke, Va., VORTAC 300° radials;" is substituted therefor.

6. Section 600.6092 (14 CFR 600.6092, 27 F.R. 3378) is amended as follows:

a. In the caption "to Washington, D.C." is deleted and "to Front Royal, Va." is substituted therefor.

b. In the text "Front Royal, Va., VOR; INT of the Front Royal VOR 112° and the Washington, D.C., VOR 245° radials; to the Washington VOR." is deleted and "to the Front Royal, Va., VOR." is substituted therefor.

7. Section 600.6093 (14 CFR 600.6093, 27 F.R. 7564) is amended as follows:

a. In the caption "Baltimore, Md.," is deleted and "Patuxent River, Md.," is substituted therefor.

b. In the text "From the Baltimore, Md., VORTAC via the" is deleted and "From the Patuxent River, Md., VOR via the INT of the Patuxent River VOR 013° and the Baltimore, Md., VORTAC 122° radials; Baltimore VORTAC;" is substituted therefor, and at the end of the text "The airspace within R–4005, R–4006, and R–4007 is excluded." is added.

8. Section 600.6123 (14 CFR 600.6123, 27 F.R. 7386) is amended to read:

§ 600.6123 VOR Federal airway No. 123 (Washington, D.C., to Westfield, Mass.).

From the Washington, D.C., VOR via the Andrews AFB, Md., VOR; INT of the Andrews AFB VOR 061° and the Baltimore, Md., VORTAC 097° radials; thence 11-mile wide airway via the Woodstown, N.J., VOR 231° radial to 45 nautical miles from the Woodstown VOR; thence via the Woodstown VOR; INT of the Pottstown, Pa., VOR 104° and the Robbinsville, N.J., VOR 239° radials; Robbinsville VOR; INT of the Solberg, N.J., VORTAC 110° and the Idlewild, N.Y., VORTAC 232° radials; La Guardia, N.Y., VOR; INT of the La Guardia VOR 034° and the Riverhead, N.Y., VORTAC 289° radials; Trinity, N.Y., VOR; INT of the Trinity VOR 031° and the Poughkeepsie, N.Y., VOR 099° radials; to the Westfield, Mass., VOR. The airspace within R–4003 shall be used only after obtaining prior approval from the appropriate authority.

9. In the text of § 600.6140 (14 CFR 600.6140, 27 F.R. 4734, 7386), all after "Casanova, Va., VORTAC;" is deleted and "INT of the Herndon, Va., VORTAC 165° and the Linden, Va., VORTAC 104° radials; Washington, D.C., VOR; Andrews AFB, Md., VOR; INT of the Andrews AFB VOR 061° and the Baltimore Md., VORTAC 097° radials (Rockhall INT); INT of the Woodstown, N.J., VOR 231° and the Millville, N.J., VOR 255° radials (11-mile wide airway from the Rockhall INT to 45 nautical miles from the Woodstown, N.J., VOR); Millville, N.J., VOR; Coyle, N.J., VORTAC; INT of the Coyle VORTAC 031° and the Colts Neck, N.J., VOR 179° radials; Colts Neck VOR; to the INT of the Colts Neck VOR 335° and the Solberg, N.J., VORTAC 110° radials. The airspace within R–4003 shall be used only after obtaining prior approval from the appropriate authority." is substituted therefor.

10. Section 600.6143 (14 CFR 600.6143, 27 F.R. 8305) is amended to read:

§ 600.6143 VOR Federal airway No. 143 (Fort Mill, S.C., to Nottingham, Md.).

From the Fort Mill, S.C., VOR via the Greensboro, N.C., VOR, including a W alternate via the INT of the Fort Mill VOR 005° and the Greensboro VOR 238° radials; Lynchburg, Va., VORTAC; Montebello, Va., VOR; INT of the Montebello VOR 031° and the Casanova, Va., VORTAC 267° radials; Casanova, VORTAC; INT of the Herndon, Va., VORTAC 185° and the Linden, Va., VORTAC 104° radials; to the Nottingham, Md., VOR.

11. Section 600.6144 (14 CFR 600.6144) is amended as follows:

a. In the caption "Washington, D.C." is deleted and "Manassas, Va." is substituted therefor.

b. In the text, all after "Kessel, W. Va., VOR;" is deleted and "Linden, Va., VORTAC; to the INT of the Linden VORTAC 104° and the Herndon, Va., VORTAC 185° radials." is substituted therefor.

12. Section 600.6155 (14 CFR 600.6155) is amended as follows:

a. In the caption "Washington, D.C." is deleted and "Front Royal, Va." is substituted therefor.

b. In the text, all after "Flat Rock, Va., VOR;" is deleted and "Gordonsville, Va., VORTAC; Linden, Va., VORTAC; to the Front Royal, Va., VOR. The airspace within R–6602 is excluded." is substituted therefor.

13. In the text of § 600.6157 (14 CFR 600.6157, 27 F.R. 562, 4151, 7386) "to the Washington, D.C., VOR," is deleted and "to the Washington, D.C., VOR (8-mile wide airway from the INT of the Brooke VORTAC 132° and the Washington VOR 189° radials to the Washington VOR)," is substituted therefor.

14. Section 600.6174 (14 CFR 600.6174) is amended as follows:

a. In the caption "Washington, D.C." is deleted and "Manassas, Va." is substituted therefor.

b. In the text, all after "Elkins, W. Va., VORTAC;" is deleted and "Linden, Va., VORTAC; to the INT of the Linden VORTAC 104° and the Herndon, Va., VORTAC 185° radials." is substituted therefor.

15. Section 600.6222 (14 CFR 600.6222) is amended as follows:

a. In the caption "Nottingham, Md." is deleted and "Grubbs, Va." is substituted therefor.

b. In the text, all after "Gordonsville, Va., VORTAC;" is deleted and "to the INT of the Gordonsville VORTAC 076° and the Brooke, Va., VORTAC 132° radials (11-mile airway from 45 nautical miles from the Gordonsville VORTAC to the INT of the Gordonsville VORTAC 076° and the Brooke VORTAC 132° radials). The airspace within R–6601 shall be used only after obtaining prior approval from the appropriate authority." is substituted therefor.

16. Section 600.6223 (14 CFR 600.6223) is amended to read:

§ 600.6223 VOR Federal airway No. 223 (Flat Rock, Va., to Harrisburg, Pa.).

From the Flat Rock, Va., VORTAC via the INT of the Brooke, Va., VORTAC 300° and the Herndon, Va., VORTAC 202° radials (Brandy INT) (12-mile wide airway from 45 nautical miles from the Flat Rock VORTAC to the Brandy INT); Herndon VORTAC; to the Harrisburg, Pa., VORTAC.

17. Section 600.6265 (14 CFR 600.6265) is amended as follows:

a. In the caption "Westminster, Md.," is deleted and "Riverdale, Md.," is substituted therefor.

b. In the text "From the Westminster, Md., VOR via the" is deleted and "From the INT of the Baltimore, Md., VORTAC 224° and the Westminster, Md., VOR 179° radials; Westminster VOR;" is substituted therefor.

18. In the text of § 600.6268 (14 CFR 600.6268, 27 F.R. 7387, 8174) all before "Westminster, Md., VOR;" is deleted and "From the INT of the Grantsville, Md., VOR 086° and the Martinsburg, W. Va., VORTAC 297° radials; Hagerstown, Md., VOR;" is substituted therefor.

19. Section 600.6286 (14 CFR 600.6286, 27 F.R. 4150) is amended to read:

§ 600.6286 VOR Federal airway No. 286 (Linden, Va., to Cape Charles, Va.).

From the Linden, Va., VORTAC via the Casanova, Va., VORTAC; INT of Herndon, Va., VORTAC 202° and the Brooke, Va., VORTAC 300° radials; Brooke VORTAC; to the Cape Charles, Va., VOR.

20. Section 600.6433 (27 F.R. 7387) is amended to read:

§ 600.6433 VOR Federal airway No. 433 (Washington, D.C., to Saybrook, Conn.).

From the Washington, D.C., VOR via the Andrews, AFB, Md., VOR; INT of the Andrews, AFB VOR 061° and the Baltimore, Md., VORTAC 097° radials; New Castle, Del., VORTAC; Yardley, Pa., VOR; INT of the Yardley VOR 059° and the La Guardia, N.Y., VOR 231° radials; La Guardia VOR; Trinity, N.Y., VOR; to the INT of the Trinity VOR 093° and the Norwich, Conn., VORTAC 227° radials. The airspace within R–4003 shall be used only after obtaining prior approval from the appropriate authority.

21. In Part 600 (14 CFR 600) the following section is added.

§ 600.6476 VOR Federal airway No. 476 (Washington, D.C., to Millville, N.J.).

From the Washington, D.C., VOR via the Baltimore, Md., VORTAC; to the Millville, N.J., VOR. The airspace within R–4001 shall be used only after obtaining prior approval from the appropriate authority.

22. In the text of § 600.6837 (14 CFR 600.6837, 27 F.R. 7387) "Nottingham, Md., VOR; Kenton, Del., VORTAC;" is deleted and "Nottingham, Md., VOR, 8-mile wide airway to the Kenton, Del., VORTAC; thence via the" is substituted therefor.

23. In the text of § 600.6855 (14 CFR 600.6855, 27 F.R. 3378) "INT of the Washington VOR 321° and the Martinsburg, W. Va., VORTAC 119° radials;" is deleted and "INT of the Washington VOR 324° and the Herndon VORTAC 048° radials;" is substituted therefor.

24. In the text of § 600.6875 (14 CFR 600.6875, 27 F.R. 467, 4244, 4734, 7387, 8011) "INT of the Lancaster, Pa., VOR 197° True and the Westminster, Md., VOR 060° True radials;" is deleted and "INT of the West Chester VORTAC 250° and the Westminster, Md., VORTAC 065° radials;" is substituted therefor.

25. In the text of § 600.6885 (14 CFR 600.6885, 27 F.R. 7387) all before "Millville, N.J., VOR;" is deleted and "From the Washington, D.C., VOR via the Andrews AFB, Md., VOR; INT of the Andrews AFB VOR 061° and the Baltimore, Md., VORTAC 097° radials; INT of the Baltimore VORTAC 097° and the Kenton, Del., VORTAC 242° radials; thence 8-mile wide airway to the Kenton VORTAC; thence via the" is substituted therefor.

26. In the text of § 601.1378 (14 CFR 601.1378) "and the S by VOR Federal airway No. 123, on the W by VOR Federal airway No. 123," is deleted and "on the S and W by VOR Federal airway No. 157" is substituted therefor.

27. In the caption of § 601.6003, (14 CFR 601.6003) "to Springfield, Va., and Riverdale, Md.," is deleted.

28. In the text of § 601.6004 (14 CFR 601.6004) "Doncaster, Va." is deleted and "Herndon, Va." is substituted therefor.

29. Section 601.6039 (14 CFR 601.6039) is amended to read:

§ 601.6039 VOR Federal airway No. 39 control areas (Pinehurst, N.C., to United States-Canadian Border).

All of VOR Federal airway No. 39 including an E alternate.

30. In the caption of § 601.6092 (14 CFR 601.6092) "Washington, D.C." is deleted and "Front Royal, Va." is substituted therefor.

31. In the caption of § 601.6093 (14 CFR 601.6093) "Baltimore, Md.," is deleted and "Patuxent River, Md.," is substituted therefor.

32. In the caption of § 601.6143 (14 CFR 601.6143, 27 F.R. 8305) "Casanova, Va." is deleted and "Nottingham, Md." is substituted therefor.

33. In the caption of § 601.6144 (14 CFR 601.6144) "Washington, D.C." is deleted and "Manassas, Va." is substituted therefor.

34. In the caption of § 601.6155 (14 CFR 601.6155) "Washington, D.C." is deleted and "Front Royal, Va." is substituted therefor.

35. In the caption of § 601.6174 (14 CFR 601.6174) "Washington, D.C." is deleted and "Manassas, Va." is substituted therefor.

36. In the caption of § 601.6222 (27 F.R. 9250) "Nottingham, Md." is deleted and "Grubbs, Va." is substituted therefor.

37. In the caption of § 601.6223 (14 CFR 601.6223) "Herndon, Va.," is deleted and "Flat Rock, Va.," is substituted therefor.

38. In the caption of § 601.6265 (14 CFR 601.6265) "Westminster, Md.," is deleted and "Riverdale, Md.," is substituted therefor.

39. In the caption of § 601.6286 (14 CFR 601.6286) "Front Royal, Va.," is deleted and "Linden, Va.," is substituted therefor.

40. In the caption of § 601.6433 (14 CFR 601.6433, 27 F.R. 7389) "New Castle, Del.," is deleted and "Washington, D.C.," is substituted therefor.

41. In Part 601 (14 CFR 601) the following section is added:

§ 601.6476 VOR Federal airway No. 476 control areas (Washington, D.C., to Millville, N.J.).

All of VOR Federal airway No. 476.

These amendments shall become effective 0001 e.s.t. December 13, 1962.

(Sec. 307(a), 72 Stat., 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 22, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-10760; Filed, Oct. 26, 1962; 8:45 a.m.]

[Airspace Docket No. 62-SW-47]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Zone

The purpose of this amendment to § 601.1984 of the regulations of the Administrator is to revoke the Otto, N. Mex., control zone.

Weather reporting service is no longer available at the Otto FAA Intermediate Field. Therefore, action is taken herein to revoke the Otto control zone.

Since the change effected by this amendment is less restrictive in nature than present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 601.1984 (14 CFR 601.1984) "Otto, N. Mex.: FAA Intermediate Field." is deleted.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 22, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-10759; Filed, Oct. 26, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Phenethicillin Potassium

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for antibiotic and antibiotic-containing drugs (21 CFR Part 147) are amended as follows:

1a. In § 147.1 *Antibiotic sensitivity discs; tests and methods of assay; potency*, paragraph (c) (3) is amended by inserting in the table following the item "Penicillin G", the following new item:

Antibiotic	Volume of suspension added to each 100 ml. of seed agar used for test	Suspension number	Medium	
			Base layer	Seed layer
...	*Ml.* ...	...	...	...
Phenethicillin potassium.	1.0	3	E	A

b. Paragraph (d) is amended by inserting in the table, following the item "Penicillin G", the following new item:

Antibiotic	Solvent	Standard curve (antibiotic concentration per disc)
...	...	...
Phenethicillin potassium.	Water.....	1.3, 2.4, 4.4, 8.1, 15.0 units.

2a. In § 147.2 *Antibiotic sensitivity discs; certification procedure*, paragraph (a) is amended by inserting in the first sentence, preceding "streptomycin", the word "phenethicillin", and by adding to the paragraph a new subparagraph (11), as follows:

(11) Phenethicillin potassium: 3 units.

b. Paragraph (c) (1) (iii) (*a*) is amended to read as follows:

(*a*) For penicillin G, methicillin, oxacillin, and phenethicillin potassium: 6 months, except 12 months may be used if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such time.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are noncontroversial in nature and provide for changes in tests and methods of assay and certification for antibiotic sensitivity discs deemed necessary for the protection of the public health.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: October 22, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-10775; Filed, Oct. 26, 1962; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Miscellaneous Amendments

1. The section heading and paragraph (b) of § 204.215 are revised to read as follows:

§ 204.215 San Pablo Bay, Calif.; target practice area, Mare Island Naval Shipyard, Vallejo.

• • • • • •

(b) *The regulations.* The Commander, Mare Island Naval Shipyard, Vallejo, California, will conduct target practice in the area at intervals of which the public will be duly notified. At such times vessels shall stay clear.

2. In § 207.640, revise paragraphs (e) (3) (iv), (f) (2) (i), and (l) (2), as follows:

§ 207.640 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.

• • • • • •

(e) *San Francisco Bay; seaplane restricted area, Naval Air Station, Alameda.* • • •

(3) *The regulations.* • • •

(iv) The regulations in this paragraph shall be enforced by the Commanding Officer, U.S. Naval Air Station, Alameda, California, and such agencies as he may designate.

(f) *San Francisco Bay and Oakland Inner Harbor; restricted areas in vicinity of Naval Air Station, Alameda.* • • •

(2) *The regulations.* (i) No vessel or other craft, except vessels of the United States Government or vessels duly authorized by the Commanding Officer, U.S. Naval Air Station, Alameda, California, shall navigate, anchor, or moor in the area described in subparagraph (1) (i) of this paragraph.

• • • • • •

(l) *San Pablo Bay, Carquinez Strait, and Mare Island Strait in* vicinity of U.S. Naval Shipyard, Mare Island; restricted area. • • •

(2) *The regulations.* No vessel or other craft, except vessels of the United States Government or vessels duly authorized by the Commander, Mare Island Naval Shipyard, Vallejo, California, shall navigate, anchor, or moor in this area.

[Regs., Oct. 18, 1962, ENGCW-ON] (Sec. 4, 28 Stat. 362, as amended; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-10756; Filed, Oct. 26, 1962; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 1 of Title 41 is amended as set forth below:

PART 1-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1-2.2—Solicitation of Bids

1. Section 1-2.201 is amended to revise paragraph (a) (23) and to add paragraphs (a) (25), (b) (12) and (13) to read as follows:

§ 1-2.201 Preparation of invitations for bids.

• • • • • •

(a) • • •

(23) Pending revision of paragraph 4 of the Terms and Conditions of the Invitation for Bids on the back of Standard Form 30 (October 1957 edition) and Standard Form 33 (October 1957 edition) and of paragraph 7 of Standard Form 22 (January 1961 edition), the following provision shall be substituted, as to each form, for the cited paragraph:

Late bids and modifications or withdrawals. (a) Bids and modifications or withdrawals thereof received at the office designated in the Invitation for Bids after the exact time set for opening of bids will not be considered unless: (1) They are received before award is made; and either (2) they are sent by registered mail or by certified mail for which an official dated post office stamp (postmark) on the original Receipt for Certified Mail has been obtained, or by telegraph if authorized, and it is determined by the Government that the late receipt was due solely to delay in the mails, or delay by the telegraph company, for which the bidder was not responsible; or (3) if submitted by mail (or by telegram if authorized), it is determined that the late receipt was due solely to mishandling by the Government after receipt at the Government installation: *Provided*, That timely receipt at such installation is established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt (if readily available) within the control of such installation or the post office serving it. However, a modification which makes the terms of the otherwise acceptable bid more favorable to the Government will be considered at any time it is received and may thereafter be accepted.

(b) Bidders using certified mail are cautioned to obtain a legibly postmarked dated Receipt for Certified Mail and retain it against the chance that the postmark thereon will be required as evidence that a late bid was timely mailed. If the postmark on such receipt, or on the registered mail wrapper, shows the hour of mailing as well as the date, the time of mailing shall be established accordingly; if it shows the date but not the hour, the time of mailing shall be deemed to be the last minute of the date shown unless the bidder furnishes evidence from the post office of mailing which, (1) in the case of registered mail, establishes an earlier time; or (2) in the case of certified mail, where the Receipt for Certified Mail identifies the post office station of mailing, establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station. If any such Receipt for Certified Mail does not show the date, the bid shall not be considered.

• • • • • •

(25) A statement substantially as follows (prominently placed in the invitation):

Caution to bidders—Late bids. See the special provision entitled "Late Bids and Modifications or Withdrawals" which provides that late bids and modifications or withdrawals thereof sent through the mails ordinarily will be considered ONLY IF TIMELY MAILED BY REGISTERED MAIL OR BY CERTIFIED MAIL FOR WHICH A POSTMARKED RECEIPT HAS BEEN OBTAINED AS SPECIFIED IN SUCH PROVISION.

(b) • • •

(12) Any requirement for preproduction samples or tests, including a statement that the Government reserves the right to waive the requirement as to those bidders offering a product which has been previously procured or tested by the Government, and a statement that bidders offering such products, who wish to rely on such prior procurement or test, must furnish with the bid information from which it may be clearly established that prior Government approval is presently appropriate for the pending procurement.

(13) Pending revision of paragraph 6 of the Terms and Conditions of the Invitation for Bids on the back of Standard Form 30 (October 1957 edition) and Standard Form 33 (October 1957 edition), the following provision shall be substituted, as to each form, for the cited paragraph:

Labor information. If a contract resulting from this Invitation for Bids is subject to the Walsh-Healey Public Contracts Act, a minimum wage determination under the Act is applicable to all employees of the contractor who are engaged in the manufacture or furnishing of the supplies required under the contract. Information in this connection as well as general information regarding requirements of the Act concerning overtime payment, child labor, safety and health, etc., should be obtained from the Wage and Hour and Public Contracts Divisions, Department of Labor, Washington 25, D.C., or from any of the Divisions' offices throughout the various states. It is important that requests for information include the Invitation number, name and address of the issuing agency, and a description of the supplies.

Subpart 1-2.3—Submission of Bids

2. Section 1-2.302 is revised to read as follows:

§ 1-2.302 Time of bid submission.

Bids shall be submitted so as to be received in the office designated in the invitation for bids not later than the exact time set for opening of bids. Where telegraphic bids are authorized, a telegraphic bid received in such office by telephone from the receiving telegraph office not later than the time set for opening of bids shall be considered if such bid is confirmed by the telegraph company by sending a copy of the written telegram which formed the basis for the telephone call.

3. Section 1-2.303-2 is revised to read as follows:

§ 1-2.303-2 Consideration for award.

A late bid shall be considered for award only if:

(a) It is received before award; and either

(b) It was sent by registered mail or by certified mail for which an official dated post office stamp (postmark) on the original Receipt for Certified Mail has been obtained, or by telegraph if authorized, and it is determined that the lateness was due solely to a delay in the mails (based on evidence pursuant to § 1-2.303-3), or to a delay by the telegraph company, for which the bidder was not responsible; or

(c) If submitted by mail (or by telegram where authorized), it was received at the Government installation in sufficient time to be received at the office designated in the invitation by the time set for opening and, except for delay due to mishandling on the part of the Government at the installation, would have been received on time at the office designated. The only evidence acceptable to establish timely receipt at the Government installation is that which can be established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt (if readily available) within the control of such installation or the post office serving it.

4. Section 1-2.303-3 is revised to read as follows:

§ 1-2.303-3 Mailed bids.

(a) *Registered mail.* The time of mailing of a late bid mailed by registered mail shall be determined by the date, and hour if shown, in the postmark. If the postmark shows the date but not the hour of mailing, the time of mailing shall be deemed to be the last minute of the date shown unless the bidder furnishes evidence from the post office of mailing which establishes an earlier time. If the postmark does not show the date of mailing, the bid shall be deemed to have been mailed too late unless the bidder furnishes evidence from the post office of mailing which establishes a timely date.

(b) *Certified mail.* The time of mailing of a late bid for which a postmarked Receipt for Certified Mail was obtained shall be determined by the official post office stamp (postmark) on the original Receipt for Certified Mail, to be furnished by the bidder, showing the date of receipt by the post office at the time of mailing. If this postmark shows the hour of mailing as well as the date, the time of mailing shall be established accordingly; if it shows the date but not the hour, the time of mailing shall be deemed to be the last minute of the date shown, except that where the Receipt for Certified Mail identifies the post office station of mailing and the bidder furnishes evidence from the post office station of mailing that the business day of that station ended at an earlier time, the time of mailing shall be deemed to be the last minute of the business day of that station. If this postmark does not show the date of mailing, the bid shall be deemed to have been mailed too late.

(c) *Delivery time.* Information concerning the normal time for mail delivery shall be obtained by the procuring activity from the postmaster, superintendent of mails, or a duly authorized representative for that purpose, of the post office serving that activity. When time permits, such information shall be obtained in writing.

5. Section 1-2.303-4 is amended to add a reference to § 1-2.302. As amended, the section reads as follows:

§ 1-2.303-4 Telegraphic bids.

A late telegraphic bid shall be presumed to have been filed with the telegraph company too late to be received in time, except where the bidder demonstrates by clear and convincing evidence, which includes substantiation by an authorized official of the telegraph

company, that the bid, as received at the office designated in the invitation for bids, was filed with the telegraph company in sufficient time to have been delivered by normal transmission procedure so as not to have been late (see § 1–2.302).

6. Section 1–2.303–6 is revised to read as follows:

§ 1–2.303–6 Notification to late bidders.

Where a late bid is received and it is clear from available information that under § 1–2.303–2 such late bid cannot be considered, the contracting officer or his authorized representative shall promptly notify the bidder that his bid was received late and will not be considered (see also § 1–2.303–7). However, where a late bid is transmitted by registered mail and received before award but it is not clear from available information whether the bid can be considered, or in any case of a late bid transmitted by certified mail received before award, the bidder shall be promptly notified substantially as follows:

Your bid in response to Invitation for Bids No. ------, dated ----------, was received after the time for opening specified in the Invitation. Accordingly, your bid will not be considered for award unless (1) there is received from you by ----------, clear and convincing evidence from the post office of mailing which establishes the date (and hour, if possible) that the bid was deposited with that post office, and (2) it is determined by the Government that late receipt was due solely to a delay in the mail for which you are not responsible. In the case of certified mail, the original postmarked Receipt for Certified Mail must be furnished and is the only evidence acceptable under (1) above, except that, where the Receipt for Certified Mail identifies the post office station of mailing, evidence from such station of its closing time is also acceptable.

(Date)

The foregoing notification shall be appropriately modified in the case of late telegraphic bids.

7. Section 1–2.304 is revised to read as follows:

§ 1–2.304 Modification or withdrawal of bids.

(a) Bids may be modified or withdrawn by written or telegraphic notice received in the office designated in the invitation for bids not later than the exact time set for opening of bids. A telegraphic modification or withdrawal of a bid received in such office by telephone from the receiving telegraph office not later than the time set for opening of bids shall be considered if such message is confirmed by the telegraph company by sending a copy of the written telegram which formed the basis for the telephone call. Modifications received by telegram (including a record of those telephoned by the telegraph company) shall be sealed in an envelope by a proper official who shall write thereon the date and time of receipt and by whom, the invitation for bid number, and his signature. No information contained therein shall be disclosed before the time set for bid opening.

(b) A bid may be withdrawn in person by a bidder or his authorized representative, provided his identity is made known and he signs a receipt for the bid, but only if the withdrawal is prior to the exact time set for opening of bids.

8. Section 1–2.305 is revised to read as follows:

§ 1–2.305 Late modifications and withdrawals.

Modifications of bids and requests for withdrawal of bids which are received in the office designated in the invitation for bids after the exact time set for opening are "late modifications" and "late withdrawals," respectively. A late modification or late withdrawal shall be subject to the rules and procedures applicable to late bids set forth in § 1–2.303. However, a late modification of the otherwise acceptable bid shall be opened at any time it is received, and if in the judgment of the contracting officer it makes the terms of the bid more favorable to the Government, it shall be considered. In the case of late modifications and late withdrawals, the notice set forth in § 1–2.303–6 shall be appropriately modified.

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.1—Forms for Advertised Supply Contracts

1. Section 1–16.101 is amended to revise paragraphs (b) and (e) to read as follows:

§ 1–16.101 Forms prescribed.

• • • • •

(b) Invitation and Bid (Supply Contract) (Standard Form 30, October 1957 edition). (Pending revision of this form, the provisions contained in § 1–2.201 (a)(23) and (b)(13) shall be substituted for paragraphs 4 and 6, respectively, of the Terms and Conditions of the Invitation for Bids on the back of the form.)

• • • • •

(e) Invitation, Bid, and Award (Supply Contract) (Standard Form 33, October 1957 edition). (Pending revision of this form, the provisions contained in § 1–2.201 (a)(23) and (b)(13) shall be substituted for paragraphs 4 and 6, respectively, of the Terms and Conditions of the Invitation for Bids on the back of the form.)

Subpart 1–16.4—Forms for Advertised Construction Contracts

2. Section 1–16.401 is amended to revise paragraph (e) to read as follows:

§ 1–16.401 Forms prescribed.

• • • • •

(e) Instructions to Bidders (Construction Contract) (Standard Form 22, January 1961 edition). (Pending revision of this form, the provision contained in § 1–2.201(a)(23) shall be substituted for paragraph 7 of the form.)

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective January 2, 1963, but may be observed earlier.

Dated: October 23, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62–10767; Filed, Oct. 26, 1962; 8:46 a.m.]

Chapter 9—Atomic Energy Commission

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

ESTIMATES OF COST, OBLIGATION OF FUNDS, AND FIXED FEE

Subpart 9–7.50 is amended as follows:

Section 9–7.5006–14 *Estimates of cost, obligation of funds, fixed fee,* is revised to read as follows:

§ 9–7.5006–14 Estimates of cost, obligation of funds, fixed fee.

(a) *Initial estimate of cost and fixed fee.* The presently estimated cost of the work under this contract is ------dollars ($------) exclusive of the Contractor's fixed fee. The Contractor's fixed fee, as set forth in Article ------ of this contract, is ------ dollars ($------). The sum of the foregoing two amounts, as the same may be revised from time to time in accordance with the provisions of this contract, shall comprise the amount obligated by the Government with respect to this contract.

(b) *Revised estimates of cost.* The presently estimated cost of the work under this contract may be increased unilaterally by the Commission by written notice to the Contractor and may be increased or decreased by written agreement of the parties (whether or not by formal modification of this contract).

(c) *Limitation of obligation.* Payments on account of costs shall not in the aggregate at any time exceed the amount of funds presently obligated hereunder less the Contractor's fixed fee.

(d) *Notice of costs approaching funds obligated—Contractor excused pending increase when obligation is reached.* Whenever the Contractor has reason to believe that the total cost of the work under this contract (exclusive of the Contractor's fixed fee) will be substantially greater or less than the presently estimated cost of the work the Contractor shall promptly notify the Contracting Officer in writing. The Contractor shall also notify the Contracting Officer in writing when the aggregate of expenditures and outstanding commitments allowable under this contract, including the Contractor's fixed fee, is equal to ninety percent (90%) (or such other percentage as the Contracting Officer may from time to time establish by notice to the Contractor) of the amount of funds presently obligated hereunder. When such expenditures and outstanding commitments, including the Contractor's fixed fee, equal one hundred percent (100%) of such amount the Contractor shall make no further commitments or expenditures (except to meet existing commitments) and shall be excused from further performance of the work unless and until the Contracting Officer thereafter shall increase the funds obligated with respect to this contract.

(e) *Government's right to terminate not affected.* The giving of any notice by either party under this article shall not be construed to waive or impair any right of the Government to terminate the contract under the provisions of the clause entitled "Termination."

(f) *Cost information.* The Contractor shall maintain current cost information adequate to reflect the cost of performing the work under this contract at all times while the work is in progress, and shall prepare and furnish to the Government such written estimates of cost and information in support thereof as the Contracting Officer may request.

(g) *Correctness of estimates not guaranteed.* Neither the Government nor the Contractor guarantees the correctness of any estimate of cost for performance of the work under this contract, and there shall be no adjustment in the amount of the Contractor's fixed fee by reason of errors in the computation of estimates or differences between such estimates and the actual cost for performance of the work.

NOTE A: In the event that a particular contract cannot be fully funded for the total estimated cost of the work (plus the fee) contemplated by the contract (e.g., multi-year operating contracts and multiple phase contracts, where funds are not made available to the Contracting Officer for all of the years or phases involved), the following may be substituted for paragraph (a) above, in which case paragraph (d) above will also be changed as indicated below:

"(a) *Initial estimate of cost and fixed fee.* The presently estimated cost of the work under this contract for the period ---------- is ------ dollars ($------) exclusive of the Contractor's fixed fee. The Contractor's fixed fee, as set forth in Article ------ of this contract for the period ---------- is ------ dollars ($------). The sum of the foregoing two amounts, as the same may be revised from time to time in accordance with the provisions of this contract, shall comprise the amount obligated by the Government with respect to this contract." When this substitution is made the phrase "for the period ----------" should be inserted after the phrase "the presently estimated cost of the work" in the first sentence of paragraph (d) above.

NOTE B: The substitutions prescribed in Note A for use in certain types of contractual situations assume that the phases of a multiple phase contract will be described by calendar periods. Where this is not the case changes in the substitute language should be made to appropriately identify the phases.

NOTE C: The following may be substituted as an alternative to the second sentence of (d) above:

"The Contractor shall also notify the Contracting Officer in writing when the aggregate of expenditures and outstanding commitments allowable under this contract, including the Contractor's fixed fee leaves available funds sufficient only to continue operations for forty-five (45) days."

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486)

Effective date. These regulations shall become effective 45 days following the date of publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 19th day of October 1962.

For the Atomic Energy Commission.

JOHN V. VINCIGUERRA,
Director, Division of Contracts.

[F.R. Doc. 62–10754; Filed, Oct. 26, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2805]

[Colorado 066555]

COLORADO

Revoking Certain Reclamation Withdrawals in Whole or in Part; Collbran Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental orders of December 15, 1942, and October 14, 1948, and the orders of the Bureau of Reclamation dated July 20, 1948, March 22, 1957, January 30, 1957, and October 6, 1958, concurred in by the Bureau of Land Management on October 22, 1948, September 15, 1958, June 11, 1957, and November 10, 1958, respectively, and any other order or orders which withdrew lands for reclamation purposes, are hereby revoked so far as they affect the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 9 S., R. 93 W.,
Sec. 31, NE¼SW¼ and N½SE¼.
T. 10 S., R. 93 W.,
Sec. 18, lots 6, 7, 8, 9, S½NE¼, SE¼NW¼, and N½SE¼.
T. 9 S., R. 94 W.,
Sec. 22, E½SE¼;
Sec. 23, S½S½;
Sec. 26, W½W½;
Sec. 27, E½E½, SW¼NE¼, W½W½, and SE¼SW¼;
Sec. 29, NE¼, N½SE¼, and SE¼SE¼;
Sec. 30, lot 4, SE¼SW¼, and SW¼SE¼;
Sec. 31, lots 1, 3, and 4;
Sec. 32, NE¼NE¼;
Sec. 35, SW¼NE¼, NW¼NW¼, S½NW¼, SW¼, and NW¼SE¼;
Sec. 36, E½SW¼.
T. 10 S., R. 94 W.,
Sec. 2, SW¼NE¼;
Sec. 4, SE¼SW¼ and S½SE¼;
Sec. 5, SW¼SE¼;
Sec. 6, lots 4, 5, 6, and 7;
Sec. 8, W½NE¼ and NE¼NW¼;
Sec. 9, E½NW¼ and SW¼;
Sec. 16, N½NW¼ and NE¼SE¼;
Sec. 17, NE¼NE¼;
Sec. 19, lots 3 and 4;
Sec. 20, N½SW¼ and SW¼SW¼.
T. 9 S., R. 95 W.,
Sec. 23, NE¼NE¼;
Sec. 24, N½NW¼.
T. 10 S., R. 95 W.,
Sec. 15, SW¼SE¼;
Sec. 22, NE¼NE¼;
Sec. 26, E½SW¼;
Sec. 31, SE¼SE¼;
Sec. 33, SE¼NE¼ and NE¼SE¼;
Sec. 34, S½N½ and S½.
T. 11 S., R. 95 W.,
Sec. 5, lot 8 and SW¼.
T. 10 S., R. 96 W.,
Sec. 21, NE¼SE¼ and S½SE¼;
Sec. 22, W½SW¼;
Sec. 23, NE¼SE¼;
Sec. 24, W½SW¼;
Sec. 25, NW¼NW¼, NE¼SW¼, S½SW¼, and NW¼SE¼;
Sec. 26, SE¼NW¼;
Sec. 27, SW¼NE¼, NW¼NW¼, S½NW¼, SW¼, and NW¼SE¼;
Sec. 28, NE¼ and E½SE¼;
Sec. 29, SE¼SE¼;
Sec. 32, NE¼NE¼ and N½SE¼;
Sec. 33, E½NE¼, NW¼NE¼, W½W½, and NE¼SW¼;
Sec. 34, NW¼NE¼, S½NE¼, and NW¼;
Sec. 35, NW¼.
T. 11 S., R. 96 W.,
Sec. 4, lots 26, 29, and 30;
Sec. 6, lots 19, 20, and 21;
Sec. 9, W½SW¼ and SE¼SW¼;
Sec. 16, NE¼.
T. 10 S., R. 97 W.,
Sec. 13, SE¼SW¼ and S½SE¼;
Sec. 14, NE¼NW¼;
Sec. 15, SE¼NE¼, NE¼, and NW¼SW¼;
Secs. 16 and 21;
Sec. 22, NW¼NW¼, S½NW¼, and SW¼;
Sec. 23, SE¼NE¼ and E½SE¼;
Sec. 24, W½NE¼, E½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 26, N½NW¼, SW¼NW¼, S½SW¼, and SE¼;
Secs. 27, 28, and 29;
Sec. 33, S½S½;
Secs. 34 and 35;
Sec. 36, W½NW¼ and SW¼.
T. 10 S., R. 98 W.,
Sec. 25;
Sec. 35, E½, S½NW¼, N½SW¼, and SE¼SW¼;
Sec. 36.

The lands described aggregate approximately 15,191 acres, of which about 1,008 acres are patented, and some 497 acres are national forest lands in the Grand Mesa National Forest.

2. These lands are in the Grand Junction Grazing District, in the Collbran Unit. They lie on generally north sloping terrain that drains into Buzzard Creek and Plateau Creek and smaller drainages tributary to them. Elevation varies from 6,000 feet to 8,500 feet. Rainfall ranges from 10 inches annually at the lower elevations to 18 inches on the higher portion. Soils are generally shallow and rocky.

3. At 10:00 a.m. on November 27, 1962, the national forest lands shall be open to such forms of disposition as may by law be made of such lands.

4. Subject to any valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, the public lands released from withdrawal by this order are hereby opened to filing of applications, selections and locations in accordance with the following:

(a) Until 10:00 a.m. on April 23, 1963, the State of Colorado shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(b) All valid applications and selections under the nonmineral public land laws other than any from the State of Colorado presented prior to 10:00 a.m. on April 23, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(c) The lands have been opened to applications and offers under the mineral leasing laws. They will be opened to location under the United States mining laws at 10:00 a.m. on April 23, 1963.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 22, 1962.

[F.R. Doc. 62-10768; Filed, Oct. 26, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 170 and 162 of the Internal Revenue Code of 1954, relating to deductions for charitable contributions and trade or business expenses, respectively, to the Act of September 14, 1960 (Public Law 86-779, 74 Stat. 1002), such regulations are amended as follows:

PARAGRAPH 1. Section 1.170 is amended by adding a new sentence at the end of subsection (c), inserting a new subsection (d), redesignating the present subsections (d) and (e) as (e) and (f), respectively, and amending the historical note. These amended provisions read as follows:

§ 1.170 Statutory provisions; charitable, etc., contributions and gifts.

SEC. 170. *Charitable, etc., contributions and gifts.* • • •

(c) *Charitable contribution defined.* For purposes of this section, the term "charitable contribution" means a contribution or gift to or for the use of—

(1) A State, a Territory, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes.

(2) A corporation, trust, or community chest, fund, or foundation—

(A) Created or organized in the United States or in any possession thereof, or under the law of the United States, any State or Territory, the District of Columbia, or any possession of the United States;

(B) Organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals;

(C) No part of the net earnings of which inures to the benefit of any private shareholder or individual; and

(D) No substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation.

A contribution or gift by a corporation to a trust, chest, fund, or foundation shall be deductible by reason of this paragraph only if it is to be used within the United States or any of its possessions exclusively for purposes specified in subparagraph (B).

(3) A post or organization of war veterans, or an auxiliary unit or society of, or trust or foundation for, any such post or organization—

(A) Organized in the United States or any of its possessions, and

(B) No part of the net earnings of which inures to the benefit of any private shareholder or individual.

(4) In the case of a contribution or gift by an individual, a domestic fraternal society, order, or association, operating under the lodge system, but only if such contribution or gift is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals.

(5) A cemetery company owned and operated exclusively for the benefit of its members, or any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, if such company or corporation is not operated for profit and no part of the net earnings of such company or corporation inures to the benefit of any private shareholder or individual.

For purposes of this section, the term "charitable contribution" also means an amount treated under subsection (d) as paid for the use of an organization described in paragraph (2), (3), or (4).

(d) *Amounts paid to maintain certain students as members of taxpayer's household*—(1) *In general.* Subject to the limitations provided by paragraph (2), amounts paid by the taxpayer to maintain an individual (other than a dependent, as defined in section 152, or a relative of the taxpayer) as a member of his household during the period that such individual is—

(A) A member of the taxpayer's household under a written agreement between the taxpayer and an organization described in paragraph (2), (3), or (4) of subsection (c) to implement a program of the organization to provide educational opportunities for pupils or students in private homes, and

(B) A full-time pupil or student in the twelfth or any lower grade at an educational institution (as defined in section 151(e)(4)) located in the United States,

shall be treated as amounts paid for the use of the organization.

(2) *Limitations*—(A) *Amount.* Paragraph (1) shall apply to amounts paid within the taxable year only to the extent that such amounts do not exceed $50 multiplied by the number of full calendar months during the taxable year which fall within the period described in paragraph (1). For purposes of the preceding sentence, if 15 or more days of a calendar month fall within such period such month shall be considered as a full calendar month.

(B) *Compensation or reimbursement.* Paragraph (1) shall not apply to any amount paid by the taxpayer within the taxable year if the taxpayer receives any money or other property as compensation or reimbursement for maintaining the individual in his household during the period described in paragraph (1).

(3) *Relative defined.* For purposes of paragraph (1), the term "relative of the taxpayer" means an individual who, with respect to the taxpayer, bears any of the relationships described in paragraphs (1) through (8) of section 152(a).

(4) *No other amount allowed as deduction.* No deduction shall be allowed under subsection (a) for any amount paid by a taxpayer to maintain an individual as a member of his household under a program described in paragraph (1)(A) except as provided in this subsection.

(e) *Disallowance of deductions in certain cases.* (1) For disallowance of deductions in case of contributions or gifts to charitable organizations engaging in prohibited transactions, see section 503(e).

(2) For disallowance of deductions for contributions to or for the use of communist controlled organizations, see section 11(a) of the Internal Security Act of 1950 (64 Stat. 996; 50 U.S.C. 790).

(f) *Other cross references.* (1) For charitable contributions of estates and trusts, see section 642(c).

(2) For nondeductibility of contributions by common trust funds, see section 584.

(3) For charitable contributions of partners, see section 702.

(4) For charitable contributions of nonresident aliens, see section 873.

(5) For treatment of gifts for benefit of or use in connection with the Naval Academy as gifts to or for the use of the United States, see section 3 of the Act of March 31, 1944 (58 Stat. 135; 34 U.S.C. 1115b).

(6) For treatment of gifts for benefit of the library of the Post Office Department as gifts to or for the use of the United States, see section 2 of the Act of August 8, 1946 (60 Stat. 924; 5 U.S.C. 393).

(7) For treatment of gifts accepted by the Secretary of State under the Foreign Service Act of 1946 as gifts to or for the use of the United States, see section 1021(e) of that Act (60 Stat. 1032; 22 U.S.C. 809(e)).

(8) For treatment of gifts of money accepted by the Attorney General for credit to the "Commissary Funds Federal Prisons" as gifts to or for the use of the United States, see section 2 of the Act of May 15, 1952 (66 Stat. 73, as amended by the Act of July 9, 1952, 66 Stat. 479, 31 U.S.C. 725s-4).

[Sec. 170 as amended by sec. 1, Act of Aug. 7, 1956 (Public Law 1022, 84th Cong., 70 Stat. 1117); secs. 10, 11, and 12, Technical Amendments Act 1958 (Public Law 85-866, 72 Stat. 1609-1610); sec. 7(a), Act of Sept. 14, 1960 (Public Law 86-779, 74 Stat. 1002)]

PAR. 2. Paragraph (a) of § 1.170-1 is amended to read as follows:

§ 1.170–1 Charitable, etc., contributions and gifts; allowance of deduction.

(a) *General rule.* Any charitable contribution (as defined in section 170 (c)) actually paid during the taxable year is allowable as a deduction in computing taxable income, regardless of the method of accounting employed or when pledged. In addition, contributions by corporations may under certain circumstances be deductible even though not paid during the taxable year (see § 1.170–3). The deduction is subject to the limitations of section 170(b) (see §§ 1.170–2 and 1.170–3) and is subject to verification by the district director. In connection with claims for deductions for charitable contributions, taxpayers shall state in their income tax returns the name and address of each organization to which a contribution was made and the amount and approximate date of the actual payment of each contribution. Any deduction for a charitable contribution must be substantiated, when required by the district director, by a statement from the organization to which the contribution was made indicating whether the organization is a domestic organization, the name and address of the contributor, the amount of the contribution, and the date of its actual payment, and by such other information as the district director may deem necessary. For rules relating to the determination of, and the deduction for, amounts paid to maintain certain students as members of the taxpayer's household and treated under section 170 (d) as paid for the use of an organization described in section 170(c) (2), (3), or (4), see paragraph (f) of § 1.170–2.

PAR. 3. In § 1.170–2, subparagraph (1) of paragraph (a) thereof is amended and a new paragraph (f) is added at the end thereof. These amended provisions read as follows:

§ 1.170–2 Charitable deductions by individuals; limitations.

(a) *In general.* (1) A deduction is allowable to an individual under section 170 only for charitable contributions actually paid during the taxable year, regardless of when pledged and regardless of the method of accounting employed by the taxpayer in keeping his books and records. A contribution to an organization described in section 170(c) is deductible even though some portion of the funds of the organization may be used in foreign countries for charitable or educational purposes. The deduction by an individual for charitable contributions under section 170 is limited generally to 20 percent of the taxpayer's adjusted gross income (computed without regard to any net operating loss carryback to the taxable year under section 172). If a husband and wife make a joint return, the deduction for contributions is the aggregate of the contributions made by the spouses, and the limitation in section 170(b) is based on the aggregate adjusted gross income of the spouses. The 20-percent limitation applies to amounts contributed during the taxable year "to or for the use of" those recipients described in section 170(c), including amounts treated under section 170(d) as paid for the use of an organization described in section 170(c) (2), (3), or (4). See paragraph (f) of this section. The limitation is computed without regard to contributions qualifying for the additional 10-percent deduction. For examples of the application of the 10- and 20-percent limitation, see paragraph (b)(5) of this section. For special rules reducing amount of certain charitable deductions, see paragraph (c)(2) of § 1.170–1.

* * * * *

(f) *Amounts paid to maintain certain students as members of the taxpayer's household—(1) In General.* (i) For taxable years beginning after December 31, 1959, the term "charitable contribution" includes amounts paid by the taxpayer during the taxable year to maintain certain students as members of his household which, under the provisions of section 170(d) and this paragraph, are treated as amounts paid for the use of an organization described in section 170(c) (2), (3), or (4), and such amounts, to the extent they do not exceed the limitations under section 170(d)(2) and subparagraph (2) of this paragraph, are deductible contributions under section 170. In order for such amounts to be so treated, the student must be an individual who is neither a dependent (as defined in section 152) of the taxpayer nor related to the taxpayer in a manner described in any of the paragraphs (1) through (8) of section 152(a), and such individual must be a member of the taxpayer's household pursuant to a written agreement between the taxpayer and an organization described in section 170(c) (2), (3), or (4) to implement a program of the organization to provide educational opportunities for pupils or students placed in private homes by such organization. Furthermore, such amounts must be paid to maintain such individual during the period in the taxable year he is a member of the taxpayer's household and is a full-time pupil or student in the twelfth or any lower grade at an educational institution (as defined in section 151(e)(4)) located in the United States. Amounts paid outside of the period (but within the taxable year) for expenses necessary for the maintenance of the student during the period will qualify for the charitable deduction if the other limitation requirements of the section are met.

(ii) For purposes of subdivision (i) of this subparagraph, amounts treated as charitable contributions include only those amounts actually paid by the taxpayer during the taxable year which are directly attributable to the maintenance of the student while he is a member of the taxpayer's household and is attending school on a full-time basis. This would include amounts paid to ensure the well-being of the individual and to carry out the purpose for which the individual was placed in the taxpayer's home. For example, a deduction would be allowed for amounts paid for books, tuition, food, clothing, transportation, medical and dental care, and recreation for the individual. Amounts treated as charitable contributions under this paragraph do not include amounts which the taxpayer would have expended had the student not been in the household. They would not include, for example, amounts paid in connection with the taxpayer's home for taxes, insurance, interest on a mortgage, repairs, etc. Moreover, such amounts do not include any depreciation sustained by the taxpayer in maintaining such student or students in his household, nor do they include the value of any services rendered on behalf of such student or students by the taxpayer or any member of the taxpayer's household.

(iii) For purposes of section 170(d) and this paragraph, an individual will be considered to be a full-time pupil or student at an educational institution only if he is enrolled for a course of study (prescribed for a full-time student) at such institution and is attending classes on a full-time basis. Nevertheless, such individual may be absent from school due to special circumstances and still be considered to be in full-time attendance. Periods during the regular school term when the school is closed for holidays, such as Christmas and Easter, and for periods between semesters are treated as periods during which the pupil or student is in full-time attendance at the school. Also, absences during the regular school term due to illness of such individual shall not prevent him from being considered as a full-time pupil or student. Similarly, absences from the taxpayer's household due to special circumstances will not disqualify the student as a member of the household. Summer vacations between regular school terms are not considered periods of school attendance.

(iv) As in the case of other charitable deductions, any deduction claimed for amounts described in section 170(d) and this paragraph which are treated as charitable contributions under section 170(c) is subject to verification by the district director. When claiming a deduction for such amounts, the taxpayer should submit a copy of his agreement with the organization sponsoring the individual placed in the taxpayer's household together with a summary of the various items for which amounts were paid to maintain such individual, and a statement as to the date the individual became a member of the household and the period of his attendance at school and the name and location of such school. Substantiation of amounts claimed must be supported by adequate records of the amounts actually paid. Due to the nature of certain items, such as food, a record of amounts spent for all members of the household, with an equal portion thereof allocated to each member, will be acceptable.

(2) *Limitations.* Section 170(d) and this paragraph shall apply to amounts paid during the taxable year only to the extent that the amounts paid in maintaining each pupil or student do not exceed $50 multiplied by the number of full calendar months in the taxable year that the pupil or student is maintained in accordance with the provisions of this paragraph. For purposes of such limitation, if 15 or more days of a calendar month fall within the period to which the maintenance of such pupil or student relates, such month is considered as a full calendar month. To the extent that such amounts qualify as charitable contributions under section 170(c), the aggregate of such amounts plus other contributions made during the taxable year is deductible under section 170, subject to the 20-percent limitation provided in section 170(b)(1)(B). Also, see § 1.170–2(a)(1).

(3) *Compensation or reimbursement.* Amounts paid during the taxable year to maintain a pupil or student as a member of the taxpayer's household, as provided in subparagraph (1) of this paragraph, shall not be taken into account under section 170(d) of this paragraph, if the taxpayer receives any money or other property as compensation or reimbursement for any portion of such amounts. The taxpayer will not be denied the benefits of section 170(d) if he prepays an extraordinary or nonrecurring expense, such as a hospital bill or vacation trip, at the request of the individual's parents or the sponsoring organization and is reimbursed for such prepayment. The value of services performed by the pupil or student in attending to ordinary chores of the household will not generally be considered to constitute compensation or reimbursement. However, if the pupil or student is taken into the taxpayer's household to replace a former employee of the taxpayer or gratuitously to perform substantial services for the taxpayer, the facts and circumstances may warrant a conclusion that the taxpayer received reimbursement for maintaining the pupil or student.

(4) *No other amount allowed as deduction.* Except to the extent that amounts described in section 170(d) and this paragraph are treated as charitable contributions under section 170(c) and, therefore, deductible under section 170(a), no deduction is allowed for any amount paid to maintain an individual, as a member of the taxpayer's household, in accordance with the provisions of section 170(d) and this paragraph.

(5) *Examples.* Application of the provisions of this paragraph may be illustrated by the following examples:

Example (1). The X organization is an organization described in section 170(c)(2) and is engaged in a program under which a number of European children are placed in the homes of United States residents in order to further the children's high school education. In accordance with the provisions of subparagraph (1) of this paragraph, the taxpayer, A, who reports his income on the calendar year basis, agreed with X to take two of the children, and they were placed in the taxpayer's home on January 2, 1960, where they remained until January 21, 1961, during which time they were fully maintained by the taxpayer. The children enrolled at the local high school for the full course of study prescribed for tenth grade students and attended the school on a full-time basis for the spring semester starting January 18, 1960, and ending June 3, 1960, and for the fall semester starting September 1, 1960, and ending January 13, 1961. The total cost of food paid by A in 1960 for himself, his wife, and the two children amounted to $1,920, or $40 per month for each member of the household. Since the children were actually full-time students for only 8½ months during 1960, the amount paid for food for each child during that period amounted to $340. Other amounts paid during the 8½ month period for each child for laundry, lights, water, recreation, and school supplies amounted to $160. Thus, the amounts treated under section 170(d) and this paragraph as paid for the use of X would, with respect to each child, total $500 ($340+$160), or a total for both children of $1,000, subject to the limitations of subparagraph (2) of this paragraph. Since, for purposes of such limitations, the children were full-time students for only 8 full calendar months during 1960 (less than 15 days in January 1960), the taxpayer may treat only $800 as a charitable contribution made in 1960, that is, $50 multiplied by the 8 full calendar months, or $400 paid for the maintenance of each child. Neither the excess payments nor amounts paid to maintain the children during the period before school opened and for the period in summer between regular school terms is taken into account by reason of section 170(d). Also, because the children were full-time students for less than 15 days in January 1961 (although maintained in the taxpayer's household for 21 days), amounts paid to maintain the children during 1961 would not qualify as a charitable contribution.

Example (2). A religious organization described in section 170(c)(2) has a program for providing educational opportunities for children it places in private homes. In order to implement the program, the taxpayer, H, who resides with his wife, son, and daughter of high school age in a town in the United States, signs an agreement with the organization to maintain a girl sponsored by the organization as a member of his household while the child attends the local high school for the regular 1960–61 school year. The child is a full-time student at the school during the school year starting September 6, 1960, and ending June 6, 1961, and is a member of the taxpayer's household during that period. Although the taxpayer pays $200 during the school period falling in 1960, and $240 during the school period falling in 1961, to maintain the child, he cannot claim either amount as a charitable contribution because the child's parents, from time to time during the school year, send butter, eggs, meat, and vegetables to H to help defray the expenses of maintaining the child. This is considered property received as reimbursement under subparagraph (3) of this paragraph. Had her parents not contributed the food, the fact that the child, in addition to the normal chores she shared with the taxpayer's daughter, such as cleaning their own rooms and helping with the shopping and cooking, was responsible for the family laundry and for the heavy cleaning of the entire house while the taxpayer's daughter had no comparable responsibilities would also preclude a claim for a charitable deduction. These substantial gratuitous services are considered property received as reimbursement under subparagraph (3) of this paragraph.

Example (3). A taxpayer resides with his wife in a city in the eastern United States. He agrees, in writing, with a fraternal society described in section 170(c)(4) to accept a child selected by the society for maintenance by him as a member of his household during 1961 in order that the child may attend the local grammar school as a part of the society's program to provide elementary education for certain children selected by it. The taxpayer maintains the child, who has as his principal place of abode the home of the taxpayer, and is a member of the taxpayer's household, during the entire year 1961. The child is a full-time student at the local grammar school for 9 full calendar months during the year. Under the agreement, the society pays the taxpayer $30 per month to help maintain the child. Since the $30 per month is considered as compensation or reimbursement to the taxpayer for some portion of the maintenance paid on behalf of the child, no amounts paid with respect to such maintenance can be treated as amounts paid in accordance with section 170(d). In the absence of the $30 per month payments, if the child qualifies as a dependent of the taxpayer under section 152(a)(9), that fact would also prevent the maintenance payments from being treated as charitable contributions paid for the use of the fraternal society.

PAR. 4. In § 1.162, section 162(b) and the historical note are amended to read as follows:

§ 1.162 Statutory provisions; trade or business expenses.

SEC. 162. *Trade or business expenses.* * * *

(b) *Charitable contributions and gifts excepted.* No deduction shall be allowed under subsection (a) for any contribution or gift which would be allowable as a deduction under section 170 were it not for the percentage limitations, the dollar limitations, or the requirements as to the time of payment, set forth in such section.

* * * * *

[Sec. 162 as amended by sec. 5, Technical Amendments Act 1958 (72 Stat. 1608); sec. 7(b), Act of Sept. 14, 1960 (Public Law 86–779, 74 Stat. 1002)]

[F.R. Doc. 62–10780; Filed, Oct. 26, 1962; 8:47 a.m.]

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order that the Income Tax Regulations (26 CFR Part 1) may reflect the delegation of functions authorized by section 1015(a) of the Internal Revenue Code of 1954 and be made to conform to section 43(a) of the Technical Amendments Act of 1958 (Public Law 85-866, 72 Stat. 1640), such regulations are amended as follows:

PARAGRAPH 1. Section 1.1015 is amended by adding a new subsection (d) to section 1015 and by adding a historical note. As added, these provisions read as follows:

§ 1.1015 Statutory provisions; basis of property acquired by gifts and transfers in trust.

SEC. 1015. *Basis of property acquired by gifts and transfers in trust.* * * *

(d) *Increased basis for gift tax paid—(1) In general.* If—

(A) The property is acquired by gift on or after the date of the enactment of the Technical Amendments Act of 1958, the basis shall be the basis determined under subsection (a), increased (but not above the fair market value of the property at the time of the gift) by the amount of gift tax paid with respect to such gift, or

(B) The property was acquired by gift before the date of the enactment of the Technical Amendments Act of 1958 and has not been sold, exchanged, or otherwise disposed of before such date, the basis of the property shall be increased on such date by the amount of gift tax paid with respect to such gift, but such increase shall not exceed an amount equal to the amount by which the fair market value of the property at the time of the gift exceeded the basis of the property in the hands of the donor at the time of the gift.

(2) *Amount of tax paid with respect to gift.* For purposes of paragraph (1), the amount of gift tax paid with respect to any gift is an amount which bears the same ratio to the amount of gift tax paid under chapter 12 with respect to all gifts made by the donor for the calendar year in which such gift is made as the amount of such gift bears to the taxable gifts (as defined in section 2503(a) but computed without the deduction allowed by section 2521) made by the donor during such calendar year. For purposes of the preceding sentence, the amount of any gift shall be the amount included with respect to such gift in determining (for the purposes of section 2503(a)) the total amount of gifts made during the calendar year, reduced by the amount of any deduction allowed with respect to such gift under section 2522 (relating to charitable deduction) or under section 2523 (relating to marital deduction).

(3) *Gifts treated as made one-half by each spouse.* For purposes of paragraph (1), where the donor and his spouse elected, under section 2513 to have the gift considered as made one-half by each, the amount of gift tax paid with respect to such gift under chapter 12 shall be the sum of the amounts of tax paid with respect to each half of such gift (computed in the manner provided in paragraph (2)).

(4) *Treatment as adjustment to basis.* For purposes of section 1016(b), an increase in basis under paragraph (1) shall be treated as an adjustment under section 1016(a).

(5) *Application to gifts before 1955.* With respect to any property acquired by gift before 1955, references in this subsection to any provision of this title shall be deemed to refer to the corresponding provision of the Internal Revenue Code of 1939 or prior revenue laws which was effective for the year in which such gift was made.

[Sec. 1015(d) as added by sec. 43(a), Technical Amendments Act 1958 (Public Law 85-866, 72 Stat. 1640)]

PAR. 2. Paragraph (a) of § 1.1015-1 is amended by adding a new subparagraph (3) to read as follows:

§ 1.1015-1 Basis of property acquired by gift after December 31, 1920.

(a) *General rule.* * * *

(3) If the facts necessary to determine the basis of property in the hands of the donor or the last preceding owner by whom it was not acquired by gift are unknown to the donee, the district director shall, if possible, obtain such facts from such donor or last preceding owner, or any other person cognizant thereof. If the district director finds it impossible to obtain such facts, the basis in the hands of such donor or last preceding owner shall be the fair market value of such property as found by the district director as of the date or approximate date at which, according to the best information the district director is able to obtain, such property was acquired by such donor or last preceding owner. See paragraph (e) of this section for rules relating to fair market value.

PAR. 3. There is inserted immediately after § 1.1015-4 the following new section.

§ 1.1015-5 Increased basis for gift tax paid.

(a) *General rule.* (1) (i) Subject to the conditions and limitations provided in section 1015(d), as added by the Technical Amendments Act of 1958, the basis (as determined under section 1015(a) and paragraph (a) of § 1.1015-1) of property acquired by gift is increased by the amount of gift tax paid with respect to the gift of such property. Under section 1015(d)(1)(A), such increase in basis applies to property acquired by gift on or after September 2, 1958 (the date of enactment of the Technical Amendments Act of 1958). Under section 1015(d)(1)(B), such increase in basis applies to property acquired by gift before September 2, 1958, and not sold, exchanged, or otherwise disposed of before such date. If section 1015(d)(1)(A) applies, the basis of the property is increased as of the date of the gift regardless of the date of payment of the gift tax. For example, if the property was acquired by gift on September 8, 1958, and sold by the donee on October 15, 1958, the basis of the property would be increased (subject to the limitation of section 1015(d)) as of September 8, 1958 (the date of the gift), by the amount of gift tax applicable to such gift even though such tax was not paid until March 1, 1959. If section 1015(d)(1)(B) applies, any increase in the basis of the property due to gift tax paid (regardless of date of payment) with respect to the gift is made as of September 2, 1958. Any increase in basis under section 1015(d) can be no greater than the amount by which the fair market value of the property at the time of the gift exceeds the basis of such property in the hands of the donor at the time of the gift. See paragraph (b) of this section for rules for determining the amount of gift tax paid in respect of property transferred by gift.

(ii) With respect to property acquired by gift before September 2, 1958, the provisions of section 1015(d) and this section do not apply if, before such date, the donee has sold, exchanged, or otherwise disposed of such property. The phrase "sold, exchanged, or otherwise disposed of" includes the surrender of a stock certificate for corporate assets in complete or partial liquidation of a corporation pursuant to section 331. It also includes the exchange of property for property of a like kind such as the exchange of one apartment house for another. The phrase does not, however, extend to transactions which are mere changes in form. Thus, it does not include a transfer of assets to a corporation in exchange for its stock in a transaction with respect to which no gain or loss would be recognizable for income tax purposes under section 351. Nor does it include an exchange of stock or securities in a corporation for stock or securities in the same corporation or another corporation in a transaction such as a merger, recapitalization, reorganization, or other transaction described in section 368(a) or 355, with respect to which no gain or loss is recognizable for income tax purposes under section 354 or 355. If a binding contract for the sale, exchange, or other disposition of property is entered into, the property is considered as sold, exchanged, or otherwise disposed of on the effective date of the contract, unless the contract is not subsequently carried out substantially in accordance with its terms. The effective date of a contract is normally the date it is entered into (and not the date it is consummated, or the date legal title to the property passes) unless the contract specifies a different effective date. For purposes of this subdivision, in determining whether a transaction comes within the phrase "sold, exchanged, or otherwise disposed of", if a transaction would be treated as a mere change in the form of the property if it occurred in a taxable year subject to the Code, it will be so treated if the transaction occurred in a taxable year subject to the Internal Revenue Code of 1939 or prior revenue law.

(2) Application of the provisions of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). In 1938, A purchased a business building at a cost of $120,000. On September 2, 1958, at which time the property had an adjusted basis in A's hands of $60,000, he gave the property to his nephew, B. At the time of the gift to B, the property had a fair market value of $65,000 with respect to which A paid a gift tax in the amount of $7,545. The basis of the property in B's hands at the time of the gift, as determined under section 1015(a) and § 1.1015-1, would be the same as the adjusted basis in A's hands at the time of the gift, or $60,000. Under section 1015(d) and this section, the basis of the building in B's hands as of the date of the gift would be increased by the amount of the gift tax paid with respect to such gift, limited to an amount by which the fair market value of the property at the time of the gift exceeded the basis of the property in the hands of A at the time of gift, or $5,000. Therefore, the basis of the property in B's hands immediately after the gift, both for determining gain or loss on the sale of the property, would be $65,000.

Example (2). C purchased property in 1938 at a cost of $100,000. On October 1, 1952, at which time the property had an adjusted basis of $72,000 in C's hands, he gave the property to his daughter, D. At the date of the gift to D, the property had a fair market value of $85,000 with respect to which C paid a gift tax in the amount of $11,745. On September 2, 1958, D still held the property which then had an adjusted basis in her hands of $65,000. Since the excess of the fair market value of the property at the time of the gift to D over the adjusted basis of the property in C's hands at such time is greater than the amount of gift tax paid, the basis of the property in D's hands would be increased as of September 2, 1958, by the amount of the gift tax paid, or $11,745. The adjusted basis of the property in D's hands, both for determining gain or loss on the sale of the property, would then be $76,745 ($65,000 plus $11,745).

Example (3). On December 31, 1951, E gave to his son, F, 500 shares of common stock of the X Corporation which shares had been purchased earlier by E at a cost of $100 per share, or a total cost of $50,000. The basis in E's hands was still $50,000 on the date of the gift to F. On the date of the gift, the fair market value of the 500 shares was $80,000 with respect to which E paid a gift tax in the amount of $10,695. In 1956, the 500 shares of X Corporation stock were exchanged for 500 shares of common stock of the Y Corporation in a reorganization with respect to which no gain or loss was recognized for income tax purposes under section 354. F still held the 500 shares of Y Corporation stock on September 2, 1958. Under such circumstances, the 500 shares of X Corporation stock would not, for purposes of section 1015 (d) and this section, be considered as having been "sold, exchanged, or otherwise disposed of" by F before September 2, 1958. Therefore, the basis of the 500 shares of Y Corporation stock held by F as of such date would, by reason of section 1015(d) and this section, be increased by $10,695, the amount or gift tax paid with respect to the gift to F of the X Corporation stock.

Example (4). On November 15, 1953, G gave H property which had a fair market value of $53,000 and a basis in the hands of G of $20,000. G paid gift tax of $5,250 on the transfer. On November 16, 1956, H gave the property to J who still held it on September 2, 1958. The value of the property on the date of the gift to J was $63,000 and H paid gift tax of $7,125 on the transfer. Since the property was not sold, exchanged, or otherwise disposed of by J before September 2, 1958, and the gift tax paid on the transfer to J did not exceed $43,000 ($63,000, fair market value of property at time of gift to J, less $20,000, basis of property in H's hands at that time), the basis of property in his hands is increased on September 2, 1958, by $7,125, the amount of gift tax paid by H on the transfer. No increase in basis is allowed for the $5,250 gift tax paid by G on the transfer to H, since H had sold, exchanged, or otherwise disposed of the property before September 2, 1958.

(b) *Amount of gift tax paid with respect to a gift of property.* (1) (i) If only one gift was made during a certain calendar year, the entire amount of the gift tax paid under chapter 12 or the corresponding provisions of prior revenue laws for that calendar year is the amount of the gift tax paid with respect to the gift.

(ii) If more than one gift was made during a certain calendar year, the amount of gift tax paid under chapter 12 or the corresponding provisions of prior revenue laws with respect to any specified gift made during that calendar year is an amount, A, which bears the same ratio to B (the total gift tax paid for that calendar year) as C (the "amount of the gift", computed as described in this subdivision) bears to D (the total taxable gifts for the year, computed without deduction for the gift tax specific exemption under section 2521 or the corresponding provisions of prior revenue laws). Stated algebraically, the amount of the gift tax paid with respect to a gift equals:

$$\frac{\text{"Amount of the gift" (C)}}{\text{Total taxable gifts, plus specific exemption allowed (D)}} \times \text{Total gift tax paid (B)}$$

For purposes of the ratio stated in the preceding sentence, the "amount of the gift" referred to as factor "C" is the value of the gift reduced by any portion excluded or deducted under section 2503(b) (annual exclusion), 2522 (charitable deduction), or 2523 (marital deduction) of the Internal Revenue Code or the corresponding provisions of prior revenue laws. In making the computations described in this paragraph, the values to be used are those finally determined for purposes of the gift tax.

(iii) If a gift consists of more than one item of property, the gift tax paid with respect to each item shall be computed by allocating to each item a proportionate part of the gift tax paid with respect to the gift, computed in accordance with the provisions of this paragraph.

(2) For purposes of this paragraph, it is immaterial whether the gift tax is paid by the donor or the donee. Where more than one gift of a present interest in property is made to the same donee during a calendar year, the annual exclusion shall apply to the earliest of such gifts in point of time.

(3) Where the donor and his spouse elect under section 2513 or the corresponding provisions of prior law to have any gifts made by either of them considered as made one-half by each, the amount of gift tax paid with respect to such a gift is the sum of the amounts of tax (computed separately) paid with respect to each half of the gift by the donor and his spouse.

(4) The method described in section 1015(d)(2) and this paragraph for computing the amount of gift tax paid in respect of a gift may be illustrated by the following examples:

Example (1). Prior to 1959 H made no taxable gifts. On July 1, 1959, he made a gift to his wife, W, of land having a value for gift tax purposes of $60,000 and gave to his son, S, certain securities valued at $60,000. During the year 1959, H also contributed $5,000 in cash to a charitable organization described in section 2522. H filed a timely gift tax return for 1959 with respect to which he paid gift tax in the amount of $6,000, computed as follows:

Value of land given to W		$60,000
Less: Annual exclusion	$3,000	
Marital deduction	30,000	33,000
Included amount of gift		$27,000
Value of securities given to S		60,000
Less: Annual exclusion		3,000
Included amount of gift		57,000
Gift to charitable organization		5,000
Less: Annual exclusion	3,000	
Charitable deduction	2,000	5,000
Included amount of gift		None
Total included gifts		84,000
Less: Specific exemption allowed		30,000
Taxable gifts for 1959		54,000
Gift tax on $54,000		6,000

In determining the gift tax paid with respect to the land given to W, amount C of the ratio set forth in subparagraph (1)(ii) of this paragraph is $60,000, value of property given to W, less $33,000 (the sum of $3,000, the amount excluded under section 2503(b), and $30,000, the amount deducted under section 2523), or $27,000. Amount D of the ratio is $84,000 (the amount of taxable gifts, $54,000, plus the gift tax specific exemption, $30,000). The gift tax paid with respect to the land given to W is $1,928.57, computed as follows:

$$\frac{\$27,000\ (C)}{\$84,000\ (D)} \times \$6,000\ (B)$$

Example (2). On January 15, 1956, A made a gift to his nephew, N, of land valued at $86,000, and on June 30, 1956, gave N securities valued at $40,000. On July 1, 1956, A gave to his sister, S, $46,000 in cash. A and his wife, B, were married during the entire calendar year 1956. The amount of A's taxable gifts for prior years was zero although in arriving at that amount A had used in full the specific exemption authorized by section 2521. B did not make any gifts before 1956. A and B elected under section 2513 to have all gifts made by either during 1956 treated as made one-half by A and one-half by B. Pursuant to that election, A and B each filed a gift tax return for 1956. A paid gift tax of $11,325 and B paid gift tax of $5,250, computed as follows:

	A	B
Value of land given to N	$43,000	$43,000
Less: exclusion	3,000	3,000
Included amount of gift	40,000	40,000
Value of securities given to N	20,000	20,000
Less: exclusion	None	None
Included amount of gift	20,000	20,000
Cash gift to S	23,000	23,000
Less: exclusion	3,000	3,000
Included amount of gift	20,000	20,000
Total included gifts	80,000	80,000
Less: specific exemption	None	30,000
Taxable gifts for 1956	80,000	50,000
Gift tax for 1956	11,325	5,250

The amount of the gift tax paid by A with respect to the land given to N is computed as follows:

$$\frac{\$40,000\ (C)}{\$80,000\ (D)} \times \$11,325\ (B) = \$5,662.50$$

The amount of the gift tax paid by B with respect to the land given to N is computed as follows:

$$\frac{\$40,000\ (C)}{\$80,000\ (D)} \times \$5,250\ (B) = \$2,625$$

The amount of the gift tax paid with respect to the land is $5,662.50 plus $2,625, or $8,287.50. Computed in a similar manner, the amount of gift tax paid by A with respect to the securities given to N is $2,831.25, and the amount of gift tax paid by B with respect thereto is $1,312.50, or a total of $4,143.75.

(c) *Treatment as adjustment to basis.* Any increase in basis under section 1015(d) and this section shall, for purposes of section 1016(b) (relating to adjustments to a substituted basis), be treated as an adjustment under section 1016(a) to the basis of the donee's property to which such increase applies. See paragraph (n) of § 1.1016–5.

PAR. 4. Section 1.1016–5 is amended by adding a new paragraph at the end thereof to read as follows:

§ 1.1016–5 Miscellaneous adjustments to basis.

* * * * *

(n) *Gift tax paid on certain property acquired by gift.* Basis shall be adjusted by that amount of the gift tax paid in respect of property acquired by gift which, under section 1015(d), is an increase in the basis of such property.

[F.R. Doc. 62–10781; Filed, Oct. 26, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

HANDLING OF RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Notice of Proposed Expenses of Raisin Administrative Committee for 1962–63 Crop Year and Rate of Assessment

Notice is hereby given of a proposal regarding approval of expenses of the Raisin Administrative Committee for the 1962–63 crop year and the fixing of a rate of assessment for that crop year. These actions are to be taken pursuant to §§ 989.79 and 989.80 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Raisin Administrative Committee (established under the said marketing agreement and order) has unanimously recommended for the 1962–63 crop year beginning September 1, 1962, a budget of expenses in the total amount of $126,900 and an assessment rate of 75 cents per ton of assessable raisins. Expenses in that amount and an assessment at that rate are specified in the proposal hereinafter set forth. The assessable tonnage is estimated by the Committee at 169,200 tons.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the eighth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

§ 989.313 Expenses of the Raisin Administrative Committee and rate of assessment for the 1962–63 crop year.

(a) *Expenses.* Expenses (other than those specified in § 989.82) in the amount of $126,900 are reasonable and likely to be incurred by the Raisin Administrative Committee during the crop year beginning September 1, 1962, for the maintenance and functioning of the Committee and the Raisin Advisory Board.

(b) *Rate of assessment.* The rate of assessment for the crop year beginning September 1, 1962, which each handler is required to pay in accordance with § 989.80 to the Raisin Administrative Committee as his pro rata share of the Committee's expenses is hereby fixed at 75 cents per ton for free tonnage raisins (all standard raisins) acquired by him during the crop year.

Dated: October 24, 1962.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 62–10788; Filed, Oct. 26, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

TREATED FOOD SEED

Proposal To Require Use of Color for Purpose of Identification

Notice is given that the Commissioner of Food and Drugs, on his own initiative and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to issue the following statement of policy:

§ 3.13 Grain seed treated with poisonous substances; color identification to prevent adulteration of human and animal food.

In recent years there has developed increasing use of poisonous treatments on seed for fungicidal and other purposes. Such treated seed, if consumed, presents a hazard to humans and livestock. It is not unusual for stocks of such treated food seeds to remain on hand after the planting season has passed. Despite the cautions required by the Federal Seed Act (53 Stat. 1275, as amended 72 Stat. 476; 7 U.S.C. 1551 et seq.) in the labeling of the treated seed, the Food and Drug Administration has encountered many cases where such surplus stocks of treated wheat, corn, oats, rye, barley, sorghum, and alfalfa seed have been mixed with nontreated seed and sent to market for food or feed use. This has resulted in livestock injury and in legal actions under the Federal Food, Drug, and Cosmetic Act against large quantities of food adulterated through such admixtures of poisonous treated seeds with good food. Criminal cases were brought against some firms and individuals.

Where the treated seeds are prominently colored, buyers and users of agricultural food seed for food purposes are able to detect the admixture of the poisonous seed and thus reject the lots; but most such buyers do not have the facilities or scientific equipment to determine the presence of the poisonous chemical at the time crops are delivered in cases where the treated seeds have not been so colored. A suitable color for this use should be one that is in sharp contrast to the natural color of the particular food seeds, and is so applied that it is not readily removed.

On and after (date to be inserted in final order), the Food and Drug Administration will regard as adulterated any interstate shipment of food seeds bearing a poisonous treatment unless such food seeds have been adequately denatured by a suitable color to preclude their subsequent inadvertent use as food for man or feed for animals.

Attention is also called to the possible application of the Federal Hazardous Substances Labeling Act to denatured seeds in packages suitable for household use.

All interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: October 22, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62–10773; Filed, Oct. 26, 1962; 8:46 a.m.]

[21 CFR Part 27]

[Docket No. FDC—70]

ORANGE JUICE AND ORANGE JUICE PRODUCTS

Definitions and Standards of Identity; Proposed Findings of Fact and Tentative Order

In the matter of establishing definitions and standards of identify for orange juice, pasteurized orange juice, canned orange juice, sweetened pasteurized orange juice, canned sweetened orange juice, concentrated orange juice, sweetened concentrated orange juice, reconstituted orange juice, sweetened reconstituted orange juice, and industrial orange juice with added chemical preservatives:

Notices of proposed rule making were published in the FEDERAL REGISTER of November 6, 1956 (21 F.R. 8511), and June 4, 1957 (22 F.R. 3893), setting forth proposals of Kraft Foods Company, 500 Peshtigo Court, Chicago, Illinois, the National Association of Frozen Food Packers, 1415 K Street NW., Washington, D.C., and the Commissioner of Food and Drugs for the establishment of definitions and standards of identity for orange juice and certain types of orange juice products. Subsequently, an order was published in the FEDERAL REGISTER of March 1, 1960 (25 F.R. 1770), promulgating identity standards for all the above-identified orange juice and orange juice products, except for industrial orange juice, the petition for which was denied. Objections to the order were filed asserting reasonable grounds for a public hearing on several issues, and on announcement was published on April 13, 1960 (25 F.R. 3159), staying the order. In response to a notice published in the FEDERAL REGISTER of December 2, 1960 (25 F.R. 12372), which set forth the issues, a hearing was held.

On the basis of the evidence received at the hearing, and pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055, as amended, 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs (25 F.R. 8625), and after giving consideration to the written arguments and suggested findings, which are adopted in part and rejected in part as is apparent from the detailed findings herein made, it is proposed that the following order be issued:

Findings of fact.[1] 1. The food commonly and usually known as orange juice is the natural liquid that is squeezed from mature oranges. Oranges generally used in producing orange juice are of the species *Citrus sinensis.* (R. 1839, 1840)

2. Fresh orange juice is not a suitable name for the commercially packaged expressed juice of oranges. The housewife who for many years has squeezed oranges knows this juice to be orange juice. The term "fresh" is ambiguous in that it is difficult to determine and to draw the line when a product is fresh and when it is no longer fresh. The use of the term "fresh" on commercially packed orange juice or orange juice products would tend to confuse and mislead consumers. (R. 859, 1843, 1944)

3. Orange juice is the raw material out of which all other orange juice products are made. In the commercial production of orange juice for these other products, there are several different types of extractors used in obtaining the juice from oranges. The juice as it comes from the extractors needs further treatment to remove seed, rag, excess pulp, and similar materials. This is usually accomplished by passing the juice through mechanical equipment known as "finishers." However, the embryonic seeds or bits of larger seeds accidentally broken during the extraction of juice may pass through the finisher with the juice. In noticeable numbers, they are objectionable to the consumer. It would be impracticable to impose a zero tolerance on seeds or fragments thereof in orange juice. It would not be contrary to consumers' interests to permit the inclusion of minute seed particles in orange juice, in amounts that cannot be removed by good commercial practice. (R. 518–522, 525–526, 536, 546, 552, 555, 1839, 1856, 1898–1899)

4. The evidence indicates that since 1959 orange juice has been commercially packed in containers, frozen, and used in preparation of other orange juice products for enhancing flavor. This frozen product is not packed in retail-size containers for consumer use, but in 3½- and 7-gallon containers. This frozen orange juice is normally used by the processor within a period of 12 months, and limited tests have not revealed any detectable change in identity within this time. Since this product differs from orange juice because it is sold in the frozen state a separate definition and standard of identity should be established for it. (R. 1848, 1892, 2103–2105, 2107–2108; Ex. 144, 167)

5. There are three general species of citrus fruits used in the manufacture of orange juice products: (1) Citrus sinensis (sweet oranges); (2) Citrus reticulata (mandarin oranges); and (3) Citrus aurantium (sour oranges). Most of the Citrus reticulata and Citrus aurantium are grown in Florida. However, 97 percent of the oranges used in Florida for commercial production of orange juice products are varieties of Citrus sinensis. The other 3 percent are of miscellaneous varieties including Murcott, King, Temple, Satsuma, Clementine, sour oranges, and tangerines. The single-strength unmixed juices of these miscellaneous varieties is not what the consumer knows as orange juice. Juice from tangerine oranges is tangerine juice. Juice from Satsuma oranges is Satsuma juice. These juices may have a legitimate purpose when blended into orange juice products, but they are not orange juice (see Finding 1). Likewise, the juice from Citrus aurantium, when used in limited proportions, serves a useful function in certain orange juice products. (R. 117, 118, 120, 125, 126, 1839, 1840; Ex. 116, 117)

6. The use of tangerine juice and other Citrus reticulata juices in the production of orange juice concentrate would aid in producing a product uniform in color as well as flavor. The ranges of Brix and Brix-acid ratios for mandarin oranges are practically the same as those for sweet oranges. All varieties of Citrus reticulata and hybrids thereof may have a legitimate use in limited amounts in products derived from orange juice. A reasonable maximum limit for the inclusion of juice from Citrus reticulata in other juice products is 10 percent by volume of the finished product. The declaration of the juice of mandarin oranges as an optional ingredient on labels of orange juice products containing such juice would present great difficulties, because of the many hybrid varieties of these products. (R. 126, 129, 153, 154, 160, 169–171, 197, 198; Ex. 81(a), 109–113, 116, 117)

7. Sometimes juice from sour oranges is added in the manufacture of orange concentrates to adjust the acidity. Most of the distinctive aroma and bouquet of Citrus aurantium juice that would be undesirable in single-strength products is driven off in the evaporators, and therefore contributes little, if any, to the flavor of the finished product. The acidity of the juice from sour oranges is approximately four to six times that of sweet oranges. Late in the season the Brix-acid ratio of Valencia orange juice becomes higher than is desirable for making a quality concentrate. It is frequently necessary to blend substantial quantities of lower-ratio concentrate in order to adjust to a lower and more desirable ratio. Citrus aurantium juice is needed if the supply of low-ratio Citrus sinensis bulk concentrate is exhausted. The quantity of such juice, when used, is normally from 1 percent to 5 percent of the finished product. (R. 206, 1263, 2670–2678, 2681, 2682; Ex. 109–113)

8. A new product has been developed within recent years and sold as "orange juice" or "fresh orange juice," largely in dairy-type cartons. The new product is distinctly different from what has been historically known to the consumer as orange juice. The new product has been heat-treated to retard deterioration; the pulp has been adjusted, as has been the oil content; a part or all of it may have been frozen; and it may have had concentrated orange juice added to it. Since this is a newly developed product, it requires a name of its own. Testimony was presented to show that this product, as well as other single-strength orange juice products, has been sometimes referred to in the citrus industry as "chilled orange juice"; also, that there are U.S. Department of Agriculture grade standards for this product under the name "chilled orange juice." However, the product referred to as "chilled orange juice" can be prepared in several ways. The word "chilled" in the name "chilled orange juice" is not really meaningful to consumers, and chilling is not the significant difference between orange juice and this new product. Both may be chilled, and the word "chilled" unqualified implies that this is freshly expressed orange juice preserved by refrigeration. The feature that distinguishes one from the other is that orange juice has not been heat-treated; whereas, the new product has been heat-treated. This affects the taste and differentiates this food from orange juice as known to ordinary consumers. The term "chilled juice" is meaningful only in the trade. (R. 709(k), 709(l), 1364–1365, 1863, 1895)

9. The heat-treated orange juice product referred to in Finding 8 is made by the manufacturing process as commonly used for single-strength products. First, a determination is made of the Brix-acid ratio of the oranges. Oranges with

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

varying characteristics are blended in an effort to get a finished product having the desired final composition. The oranges are passed through mechanical extractors to separate the liquid and pulp portions of the orange from the peel. The pulp and juice from the extractors is passed through mechanical strainers known as "finishers," which, among other things, remove some of the pulp. One or more of these finishers may be used to recover as much juice from oranges as is commercially possible. In many cases the juice is then passed through a deoiler or a deaerator or both. At this point the juice may be frozen and stored at very low temperatures for use later in the season, or it may be heated and quickly cooled to improve stability. The heated juice may be frozen and stored at very low temperatures, or it may pass on immediately to further steps, which may include blending with other batches of similar juice, with frozen heated or unheated juice, or with concentrated juice. This is followed by chilling, packaging, and distribution. The details and sequence of the manufacturing steps vary from one plant to another and vary within a plant, depending upon the availability of juices and concentrates for blending, cost, etc. (R. 253, 1855–1860, 1892, 2167; Ex. 161)

10. The primary purpose of heat-treating orange juice is to inactivate the enzyme pectinesterase. A secondary purpose is to reduce the number of micro-organisms. This is done to impart the necessary keeping qualities, and the heat treatment is called pasteurization. Generally, the temperatures required to inactivate enzymes are higher than those required to kill micro-organisms. The time and temperature may vary, depending upon the type of pasteurizer used. However, testimony was given that in a typical process the orange juice is heated for 12 seconds at 170° F.–183° F. and then cooled to 31° F. The entire time lapse is 20 to 22 seconds. When the enzymes in orange juice are not inactivated they tend to promote chemical reactions that result in undesirable changes, notably the separation and precipitation of the cloudy material. The principal difference between pasteurized or heat-treated orange juice and the product "orange juice" is the taste, stability, and keeping quality of the former. The identifying terms that are suitable for distinguishing this product from other orange juice products are "pasteurized," "heat-processed," and "heat-stabilized." (R. 253, 709, 1861, 1863, 1864)

11. There are at present two forms of frozen single-strength orange juices sometimes used in the manufacture of pasteurized orange juice. Sometimes the orange juice is heat-treated before freezing and storing. At other times it is heat-treated after storage and thawing. It may be in storage up to 12 months. Scientific experts studied the problem of the change of identity for single-strength orange juice that had been frozen, stored, and defrosted, and concluded that there was no change in the product. Other experts in this field, on the basis of their studies, questioned the above conclusion. Changes in relation to flavor, vitamin C content, stability, etc. that may take place in the frozen orange juice during low temperature storage are smaller in magnitude than those that customarily take place in the finished product during the first day or so of shipment and distribution under refrigeration. Considering all the testimony on this point, it is concluded that freezing and thawing single-strength orange juice does not change its identity. (R. 794, 1060–1064, 1068, 1070, 1073–1075, 1078–1080, 1082–1085, 1089, 1094–1096, 1244–1247, 1264–1265, 1384, 2017–2019, 2452–2478; Ex. 141)

12. Maturity standards, as defined in the Florida Citrus Code, require that oranges to be used for making concentrated orange juice and other processed orange products shall have not less than 8.0 percent soluble solids and not less than the Brix-ratio prescribed by a sliding scale, the lowest value of which requires a ratio of 8.5 to 1. Section 795.1 of the Agricultural Code of California states that oranges shall not be considered mature unless the juice has a Brix-acid ratio of at least 8.0 to 1. There is no California State law prohibiting processors from using oranges that do not meet the State maturity standards. Orange juice made from oranges just meeting the minimum maturity standards is not acceptable to drink as orange juice, as the average consumer knows it. In establishing a reasonable definition and standard of identity for the heat-stabilized orange juice product in the consumer's interest, it is necessary to establish certain minimum requirements for the composition of this product. The record reveals that the following figures fulfill these requirements: That the amount of orange juice soluble solids be not less than 10.5° Brix, and that the Brix-acid ratio be not less than 10 to 1. The juice of many legally mature oranges that come on the market would not meet these requirements. However, most fruit used in preparing the product would meet them. When fruit of lower Brix or Brix-acid ratio is used, these factors may be adjusted by using frozen single-strength juice or orange juice concentrate. The composition of this product as it is presently manufactured generally meets or exceeds these requirements. The addition of orange juice concentrate to adjust the orange juice soluble solids modifies the identity of the product. However, where not more than one-fourth of the total orange juice solids are contributed by the addition of orange juice concentrate it would not be sufficient to change the identity to that of some other product. In adjusting these orange juice soluble solids, it is not necessary to restrict the concentrate that may be added to that which is 41.8° Brix. It would not be in the interest of consumers to permit the addition of reconstituted orange juice (with its added water) to this product. (R. 427, 437, 461, 463, 830, 832, 1867–1870; Ex. 3, 78, 80, 81, 121, 144)

13. There was substantial evidence (see Finding 11) that frozen, stored, and thawed single-strength orange juice is not a different identity from orange juice. For this reason, it is unnecessary to require label declaration of its use as an optional ingredient in pasteurized orange juice or in any other orange juice product. However, the addition of orange juice concentrate to pasteurized orange juice does modify the identity of the product sufficiently to require label declaration of the orange juice concentrate as an optional ingredient. It would not be feasible to provide, in a regulation, different labeling requirements to reflect the amount of concentrate used. (R. 943, 958–959, 962, 981, 996, 1003, 1254, 1871, 2024, 2027–2029; Ex. 103–105)

14. Canned orange juice is a well-recognized product of long standing. It is prepared by extracting the juice from oranges and passing it through a finisher or a series of finishers to remove seeds and excess pulp. The excess oil is also removed. The most significant difference between canned orange juice and pasteurized orange juice is the stability of the product. Canned orange juice is hermetically sealed to prevent contamination with micro-organisms. It is heat-treated before or after being sealed in containers in order to yield a product that does not require refrigeration to prevent spoilage. (R. 517, 1876–1880)

15. Canned orange juice is not adjusted by the addition of orange juice concentrate as is pasteurized orange juice. The packer of canned orange juice ordinarily has only a very limited opportunity to adjust the Brix of his product by blending oranges. But, to promote the interest of consumers, there is a need for the standard to prescribe a minimum Brix requirement. A minimum of 10° Brix is a reasonable requirement. The juice extractable from some lots of legally mature oranges will fall below 10° Brix. It is customary for canners to add a sweetening ingredient to compensate for the Brix deficiency of such juice. The Brix-acid ratio is a very significant characteristic of a citrus product. In order to assure that canned orange juice will be acceptable to consumers, the standard should prescribe a minimum Brix-acid ratio. For canned orange juice, a Brix-acid ratio of 10 to 1 is a reasonable minimum. A ratio lower than 10 to 1 marks a very tart juice. It is reasonable also to permit the canner to adjust very tart juice by adding a sweetening ingredient to raise the Brix-acid ratio to 10 to 1 (with reasonable variations). In any event, if the finished canned orange juice contains an added sweetening ingredient consumers should be informed of that fact by label declaration. A proper way to declare the presence of the sweetener added for this purpose is "_____ added to reduce tartness" inserting in the blank the name of the sweetener added or, alternatively, the word "sweetener" or "sweeteners." (R. 365, 367, 377, 398–402, 407, 408, 1876–1880; Ex. 81, 140)

16. In the deoiling and deaerating process commonly employed for canned orange juice, volatile flavors along with oil and some water are removed to some extent in the vacuum distillation. The extent of water removal depends on the temperature and vacuum employed and

efficiency of the equipment. It is considered good manufacturing practice to add back to the juice the condensate separated from the oil, thus augmenting the flavor of the juice. (R. 2587–2589)

17. The Food and Drug Administration directed its field offices over the country to obtain an accurate and comprehensive picture of the merchandising practices of the orange juice industry. As a result of this nationwide investigation, it was found that most of the States and municipalities have no laws, regulations, nor ordinances specifically applicable to orange juice products. All the States have general food laws which to some extent enable them to cope with the misbranding and adulteration of orange juice and orange juice products. The problem most encountered by the States is the adulteration of orange juice products with water and sugar. The next most frequent problem is misrepresentation of reconstituted orange juice and of pasteurized orange juice as fresh orange juice. The investigation further showed that even managers of retail food stores over the country are confused concerning the identity of various single-strength orange juice products. There is general confusion in this area. Investigation of processors of dairy-type pasteurized orange juice and reconstituted orange juice, i.e., products made or sold through dairies, showed a wide difference in labels for products of similar composition. For example, five firms made the same product from orange juice concentrate and water, but labeled it under names ranging from "fresh orange juice" to "reconstituted orange juice." Other firms produced a reconstituted juice to which sugar had been added, but made no reference to the added sugar on the label. (R. 1569–1570, 1572–1577, 1581–1584, 1589–1615, 1618–1649, 2165–2166, 2170–2176, 2206–2209; Ex. 3, 114, 119–138, 159)

18. Reconstituted orange juice differs from orange juice in many respects. It is made from orange juice concentrate. It contains added water, and parts of it, if not all of it, have been subjected to heat-treatment. It is necessary to establish a minimum requirement for the percentage of orange juice soluble solids in the standard of identity for this product, especially since water is being added. A reasonable and practical requirement is 11.8° Brix. This product will then be comparable to the product prepared by the consumer, from concentrate. The standard of identity should provide that the product may be heat-treated, either before or after reconstitution. The names "reconstituted orange juice" and "orange juice from concentrate" are truthful, meaningful, and accurate designations for this product and are presently being used by some firms. (R. 719–721, 764–800, 842, 845, 879, 1013, 1870, 1872–1874, 1876, 1921, 2031; Ex. 121, 122, 138)

19. Nutritive sweeteners added to orange juice products have an effect on the Brix-acid ratio; i.e., sweet to tart taste, within the normal range of orange juice. The addition of sugar or other nutritive sweeteners modifies the identity and, depending upon the extent of that modification, might even change the identity into a distinctly different product. Processors use sweeteners to compensate for a natural deficiency in sugars relative to the acidity in particular lots of orange juice, and the sweeteners are added only to the extent of compensating for that deficiency. For reconstituted orange juice, the minimum fruit solids should be 11.8° Brix, which is comparable to the product the housewife reconstitutes for herself. Sugar, invert sugar, dextrose, dried corn sirup, and dried glucose sirup are suitable sweetening ingredients for addition to pasteurized orange juice and canned orange juice. Liquid sweetening ingredients should not be used in making pasteurized orange juice or canned orange juice because such use would result in the indirect addition of water. The consumer should be informed by appropriate labeling that a sweetening ingredient has been added. The presence of added sweeteners in orange juice products should be so declared on labels as to inform consumers that the product contains an added sweetening ingredient but without naming the article as a sweetened orange juice product, since it is the practice of industry, when using a sweetener, to add it in small proportions to bring the sweetness within the range found in average oranges, and it is not the practice to sweeten the products above the upper limit of the normal range of oranges. It is reasonable to provide that the addition of any optional sweetening ingredient be shown on labels by a statement "_____ added to reduce tartness" the blank being filled in with the name of the sweetening ingredient; for example, "sugar" or "dextrose" or "dried corn sirup". In lieu of the specific name of the sweetening ingredient the general designation "sweetener" or "sweeteners" is suitable. If an orange juice product does not contain an added sweetener, the packer may, at his option, put the word "unsweetened" on the label. (R. 105, 658–662, 1881–1884, 1914, 1932–1933, 2089–2090; Ex. 3)

20. No complaints are reported in the record that the consuming public has objected to the taste of canned orange juice to which sugar has been added. There was some testimony that consumers have shown a preference for the canned orange juice product labeled "unsweetened" over the product labeled "sugar added," but industry has found no trouble, from the taste standpoint, in marketing either product. Testimony was given on the use of calcium cyclamate (calcium cyclohexylsulfamate) as an artificial sweetening ingredient in canned orange juice. It would be added to a tart-tasting juice to suppress the effect of the citric acid and give a sweet taste equivalent to an acceptable Brix-acid ratio, thus making the juice appear to be of higher quality. An artificial sweetener is a chemical substance that has the power of sweetening but does not provide food energy or calories. Canned orange juice was not proposed as a special dietary food. It will not promote honesty and fair dealing in the interest of the consumer to provide for the use of calcium cyclamate as an artificial sweetening ingredient in canned orange juice. (R. 2118, 2121–2124, 2127–2130, 2150–2151, 2184, 2187, 2193–2194, 2196, 2207–2209, 2212, 2222–2223, 2232, 2237–2238, 2242, 2252, 2254, 2258; Ex. 172–175)

21. Orange oil is a natural constituent of orange juice. However, if oil obtained from an extraneous source is added to raise the oil level naturally occurring in the juice, such added oil is an optional ingredient in that product. A number of conditions influence the level of oil in the extracted juice: The condition of the fruit, its temperature when processed, and the processing methods used. Testimony showed that there is often a need for addition of high-quality orange oil to reconstituted orange juice, since the concentrate from which it is prepared may be low in oil content. Testimony given on the production of pasteurized orange juice and canned orange juice indicates that there is no commercial practice of adding orange oil to these products and no need for such addition. Usually, such juice is run through a deoiler to remove excess oil before the final processing and packaging. (R. 1855–1860, 1876–1880, 1884–1886, 2584–2586, 2599)

22. Orange pulp, prepared in several ways, has been used commercially in reconstituted orange juice. One method of obtaining pulp is by separation from the juice at time of concentration, heat-treating it to inactivate the enzymes, draining it to remove as much of the liquid as possible, and finally packaging and freezing it. Although attempts are made to obtain a pulp that resembles that derived from hand-squeezed juice, it is not commercially feasible to do so because the pumps and finishers alter the appearance. Another method involves saving the spent pulp which consists mainly of exhausted juice cells and connective tissue resulting from the washed-pulp process. The addition of pulp to orange juice products is not in the interest of the consumer, because it makes the product appear to be better or of greater value than it actually is. To the consumer, pulp in the products is a factor equating such products to orange juice freshly expressed in the home. However, it is not considered as in conflict with the promotion of honesty and fair dealing in the interest of consumers to blend juices containing varying amounts of pulp so as to standardize the pulpiness of the blended product. (R. 1915–1918, 2591–2595, 2607–2613)

23. "Orange essence" is a generic term describing the volatile flavoring constituents in orange juice. Nearly all these volatile flavoring constituents are unavoidably removed in the production of concentrated orange juice by evaporation. The resulting concentrate as it comes from the evaporator has a flat taste. Presently the industry compensates for this loss of flavor by adding unheated, "cut-back" single-strength orange juice, orange oil, and sometimes, "orange essence." A substantial portion of the volatile flavoring constituents of orange juice is found in orange oil.

The testimony revealed that there are two methods used for obtaining volatile orange flavors and aromas. In one

method the volatile flavoring components that have escaped from the orange juice in the evaporator are recovered from the water vapor and concentrated as orange essence. Sometimes the "cut-back" juice is rather low in volatile flavoring constituents. This deficiency can be partially remedied by adding orange oil or by adding such oil plus a quantity of orange essence. Such use of orange essence helps to achieve a product of more uniform quality, in the interest of the consumer. In the future it may become possible to substitute orange essence for unheated "cut-back" juice in the manufacture of orange juice concentrate. If this can be perfected, a product of better shelf life may be provided the consumer. There is no need to add orange essence to single-strength orange juice products.

The second method of preparing so-called orange essence consists of grinding up the orange peel from the juice extractors and mixing it with water. This mixture is pressed and the resulting fluid is separated into water- and oil-phases. The oil phase is sometimes termed orange essence. It consists of oil, peel juices, and other components that were never present in the orange juice. It is not in the consumers' interest to permit the use of the so-called orange essence made from orange peel or other orange byproducts outside the concentrating system. (R. 1887–1889, 3148, 3151–3152, 3154–3155, 3157–3161, 3165–3171, 3178–3181, 3237, 3255, 3257–3258, 3296–3303; Ex. 100, 202–207)

24. Benzoate of soda (sodium benzoate) was used as early as 1925 as a preservative to inhibit fermentation in orange juice products. In the last 5 years nearly 2 million gallons of single-strength orange juice containing preservatives have been used for making beverage bases. Such orange juice with preservative is sold in 3½-, 7-, 50-, 55-gallon containers. The single-strength orange juice is heat-treated, after which the chemical preservative is added. For sodium benzoate, 0.2 percent is used to accomplish the intended results. Label designation of the quantity of preservative is an established practice. Taste tests made with finished orange beverages containing various amounts of sodium benzoate showed that 0.06 percent is the maximum that can be used without injuring the flavor. More than that amount causes a burning sensation on the palate of the tasters. Orange juice containing 0.2 percent sodium benzoate is not suitable for direct consumer use because of the excessive burning or "hot" taste. Tests are being made with other preservatives not specifically described by testimony, to determine their effectiveness in inhibiting fermentation. (R. 2272–2278, 2294–2299, 2300; Ex. 176)

25. Some concentrated orange juice products containing preservatives have been sold within a Brix range of 22° to 72°. It is reasonable to provide a minimum of 20° Brix in the standard of identity for concentrated orange juice with preservative. Thus the concentration of this article will correspond to the concentration of concentrated orange juice for manufacturing. Testimony was given that these concentrated orange juice products containing preservatives have never been sold in the frozen state, in retail-size containers, or to retail outlets. They are used primarily as a source of flavor and fruit solids and for enhancing the appearance of the finished beverage. Tests show that it is necessary to add up to 0.2 percent benzoate of soda to the concentrate, depending upon the degree of concentration, to inhibit spoilage. Label designation of the preservative is an established practice. The only reference to other preservatives was testimony that in Florida, during the 4 years preceding the hearing, approximately 600,000 gallons of orange juice with added chemical preservatives were produced. Benzoate of soda and sorbic acid were the preservatives used. The preservatives were used at the level of 0.2 percent. (R. 2279–2290, 3057–3058; Ex. 177)

26. Shipments of single-strength orange juice and concentrated orange juice preserved with sulfur dioxide have been exported. Sulfur dioxide is not added as a chemical preservative in single-strength orange juice and concentrated orange juice for use in this country. Orange juice products preserved with sulfur dioxide may be exported in accordance with section 801(d) of the Federal Food, Drug, and Cosmetic Act, even though sulfur dioxide is not listed in the standard. The record does not establish that it will promote the interests of consumers in this country to provide in the standard of identity for "orange juice with preservative" for adding sulfur dioxide as an optional preservative ingredient. (R. 2295–2296, 2299, 2300, 2312; Ex. 177)

27. During recent years, the trend has been to increase the yield of juice from a standard box of oranges. This has been accomplished by more vigorous methods of extraction, separation of pulp from extracted juice, and removal of the remaining juice from the pulp by the use of one or more finishers employing pressure. This increase in yield adversely affects the quality of the resulting products. When the pressure on a finisher is increased, the pulp becomes comminuted and the juice that is forced through the screen contains finely ground pulp and considerable amounts of pectin. Although this juice is identified as orange juice, it is not orange juice in the sense that that term is normally understood. To avoid to some extent the undesirable properties of juice coming from finishers exerting excessive pressure, a counter-current flow technique was developed to extract the juice from the pulp by the use of water. This method gives a product of better quality than second finisher juice and it produces a slightly higher yield. Water is introduced into the pulp and the mixture is screened through several finishers, where the juice remaining in the pulp is "washed" away. This diluted orange juice is mixed with undiluted juice from the primary finisher going to the evaporators for concentration. The volume of water used is about the same in weight as the pulp. This added water is removed in the evaporator in making concentrated orange juice, and this is a costly operation; however, industry witnesses from Florida and California assert that the increase in yield and quality make the operation worthwhile. Comparative analytical studies were made on concentrated orange juice products manufactured by the washed-pulp process and the mechanical pressure process, the two alternative processing steps by which the soluble solids of the orange pulp may be recovered for conversion into concentrate. The product made by the water-extraction process was about half as viscous as the product made by the mechanical-pressure process. The vitamin C content was essentially the same for both products.

Results of taste-panel tests on samples of reconstituted orange juice prepared from concentrates made by both processes showed that the commercial washed-pulp process produced a product equal to or better than the product produced by the mechanical-pressure process. From the evidence in the record, the interests of consumers do not require that orange juice products prepared in part from water extract of orange pulp should be labeled to show this fact. (R. 2711–2735, 2737–2738, 2742, 2746–2747, 2751–2753, 2757, 2759, 2767–2768, 2792–2795, 2825–2829, 2831–2862, 2901–2912, 2938–2962; Ex. 180–182, 187–189, 191A–191B, 193A–193C, 194–195, 200)

28. Testimony was given by Florida processors that it would not be in the interest of consumers to promulgate a Federal standard of identity for frozen concentrated orange juice that would be supcrimposed upon the strict standards already enforced in the State of Florida. They assert that doubt and confusion would be created in the Florida industry by the establishment of such a Federal standard and, further, that such Federal standard might serve to hinder future development of this product. Testimony revealed that the Florida Citrus Commission Regulation No. 22 provides that no citrus fruit or products thereof shall be processed except in the presence of a U.S. Department of Agriculture inspector or without his previous consent. Such inspection is carried out under inspection service arranged under contract between the Agricultural Marketing Service and the State of Florida Department of Agriculture. In the 1959–60 season, Florida produced 66,200,000 gallons of the retail-type concentrate, and 1,000,000 gallons of the same product was produced elsewhere. An industry witness acknowledged, however, that Florida has no control over orange juice concentrate once it leaves the State of Florida, and that a product labeled "substandard" could be relabeled after leaving the State. An industry witness acknowledged that the statement "concentrated orange juice is the food prepared by removing water from the juice of mature oranges" is sufficiently broad to permit further improvements and technological advances in the development of the concentrating process. There was some concern whether the citrus industry could pursue the same type of research and to the same extent if a Federal standard of identity were established. However, several agreed that § 3.12 of Title 21 of the Code of Federal Regulation on temporary permits for experimental packs of food varying from requirements of definitions and standards of identity would permit further research and development. A limited market survey was made by the Food and Drug Administration for the purpose of determining whether there were on the market products that purported to be frozen concentrated orange juice packed in retail-size containers but which were in fact some other product. Products that purported to be frozen concentrated orange juice but that were really a concentrate for orange juice drink were found in two large cities in Southern California. These products were labeled in part "quick frozen concentrated orange juice product" or "frozen orange concentrate." All had been stocked for from 8 months to 5 years. These products were stored side by side with frozen concentrated orange juice in the retail market freezer. This Food and Drug survey shows that there are on the market products that purport to be concentrated orange juice and accentuates the need for a Federal definition and standard of identity for that product. It is clear that the Florida authorities have no control of activities beyond the State's borders. Testimony revealed that bulk concentrate could be purchased in Florida and repackaged easily and economically elsewhere. Most frozen concentrate is packed in Florida. However, California and Texas processors pack a substantial amount that would be beyond the control of the Florida Citrus Code. (R. 2331–2335, 2349, 2397, 2415–2416, 2430–2431, 2434–2435, 2440, 2968–2971, 2998–2999, 3034–3037, 3051–3052, 3054–3056, 3311–3317, 3320–3322, 3371, 3378–3386; Ex. 144, 179, 197–199)

29. Frozen concentrated orange juice consists of a blend of selected orange juice and may contain several other related ingredients, including other frozen concentrates, packed during different seasons and perhaps at other places. Refined orange oil and orange essence may be added. The finely divided pulp present is adjusted to whatever level is called for. Fractions or all of the product may be heated before blending, and washed-pulp extract or second finisher liquid may be among the components used. The resulting product when properly diluted makes a beverage that resembles and substitutes for fresh orange juice, but it has an identity of its own. (R. 2353, 2402–2407, 3311–3314)

30. "Addback" is the name given to concentrated orange juice packed in bulk 55-gallon drums for later reprocessing. Approximately 20 percent of the frozen concentrate packed in retail-size containers during the last season was reprocessed from bulk "addback" which had been stored in a frozen condition. The 55-gallon drums of concentrated orange juice are removed from storage, allowed to soften by standing at room temperature, and emptied into a hopper. A layer of approximately 1 gallon of concentrate remains on the plastic liner of the drums. A stream of water is sprayed over the interior of the drum to flush the adhering concentrate into the hopper. This diluted concentrate may pass through the evaporator or go directly to the blend tank and be incorporated into the final product. During the 1959–60 season, over 13 million gallons of concentrate were reprocessed in this manner. If the drums were not washed out with water, some three-quarters of a million dollars would be added to the annual cost of producing concentrate, thus raising the price to consumers accordingly. (R. 2951, 2962–2973, 3136)

31. For the past 15 years, the housewife has come to recognize the name "frozen concentrated orange juice" as meaning the product to which she adds three volumes of water to obtain reconstituted orange juice. Therefore, the unqualified name "frozen concentrated orange juice" should reflect the product with which she is familiar. In all probability, a consumer product having a different, and very likely a higher concentration, will become available. However, when that product is ready for sale, it should have some distinguishing name that will set it apart from the product already known as "frozen concentrated orange juice." This can be done by indicating, as a part of the name, the number of cans of water necessary to reconstitute the can of concentrate. (R. 3034–3037, 3315, 3316)

32. The amount of orange juice soluble solids in the reconstituted product made by the consumer from orange juice concentrate ranges from 11.8 percent to 12.4 percent. The approximate average of the soluble solids in the Florida orange juices available for processing is 11.8° Brix. For several reasons the industry adopted a concentrate in consumer-sized containers of about 42 percent orange juice soluble solids or 42° Brix. First, it was desirable to have as high a degree of concentration as was then practicable in order to achieve savings in freight, storage, and container costs. Second, the Brix value was selected with the thought that reconstitution should be based on the addition of a whole number of cans of water in the interests of preventing confusion on the part of consumers in using this new product. This resulted in the selection of a concentrate to be reconstituted by the addition of three parts of water, now described as three-plus-one concentrate. Thus the selection of a specific Brix value for the three-plus-one concentrate was based on the average Brix value for orange juice, and the figure of approximately 42° Brix was derived. In practice, this may vary from 41.8° to 44.0° Brix. When diluted with three volumes of water, reconstituted juice ranging from 11.8° to 12.4° Brix results. The three-plus-one reconstitution factor for concentrate in small size cans has had wide consumer acceptance and understanding of how to use it. Since the housewife is now familiar with that product, other products of different levels of concentration when offered to the consumer should be plainly labeled to indicate that difference. It would reduce confusion if the products were concentrated to such levels that they can be reconstituted by addition of whole numbers of volumes of water, e.g., four-plus-one or five-plus-one, or be made up to a standard volume, for example, 1 quart. The Brix of the reconstituted juice should in no case be less than 11.8°. (R. 2322, 3034–3036, 3314–3316, 3371)

33. California processors of concentrated orange juice find it desirable to add sugar to orange juice concentrate when they are using California oranges that have a low Brix-acid ratio. The addition of sugar to frozen concentrated orange juice for the purpose of adjusting the Brix-acid ratio would modify but not destroy its identity. This then would not require that a different standard of identity be established but rather that a label declaration indicate that sugar or other sweeteners have been added. Frozen concentrated orange juice to which a sweetener is added should have the same orange juice soluble solids as that product to which no sugar or other sweetener has been added. If the orange juice soluble solids were less in the concentrate with sweetener than in concentrate without sweetener having the same dilution factor it would cause the consumer to over-dilute the orange juice concentrate and thus make a product that is not reconstituted orange juice nor even a sweetened reconstituted orange juice, but a watered reconstituted orange juice. (R. 663–673, 680, 684–688, 3318, 3320–3322, 3340)

34. Under the laws of Florida, a special experimental permit was given for packing a "four-plus-one" frozen concentrated orange juice for distribution to institutions to be reconstituted by the addition of four parts of water to one part of the concentrate product. The product proved successful. The Brix of this concentrate is 50.6° and it reconstitutes to 11.8° Brix. (R. 2382, 2383, 3034–3036)

35. During the 1959–60 season in Florida, there were produced over 9 million gallons of concentrated orange juice for further processing. The concentration of these products varies from 33°–72° Brix, most of it being above 42° Brix. There are approximately 50,000 to 100,000 gallons of 33° Brix orange juice concentrate produced annually in Florida. Orange juice concentrates ranging from 25° Brix–72° Brix are made for sale to producers of pasteurized orange juice and to the beverage base and flavors trade for further manufacture. The concentrates that range from 25° Brix–65° Brix are frozen and packed in 3½- and 7-gallon containers and 50- and 55-gallon drums. The product of 65° Brix or higher is held under refrigeration but not frozen. A minimum orange juice solids content of 20° Brix was suggested for such concentrated orange juice. The users of concentrated orange juice products for further processing need to know the concentration of orange juice solids in the products as they purchase them. It is customary in the citrus industry to express the concentration of orange juice soluble solids in terms of the degrees Brix of the product. It is reasonable to specify in the standard for concentrated orange juice for manufacturing that the label shall name the product "concen-

trated orange juice for manufacturing ----------" or "---------- orange juice for manufacturing," the blank being filled in with the figure showing the concentration of orange juice soluble solids in degrees Brix. (R. 2331–2333, 2346, 2361, 2389, 2390, 2621, 2631, 3054–3056, 3313, 3314; Ex. 179)

36. Testimony was offered with respect to canned heat-processed concentrated orange juice for consumer use. The Brix requirements in a standard of identity for such a product should be the same as that for frozen concentrated orange juice. The name for this canned concentrate would be "canned concentrated orange juice," and the word "canned" would not necessarily have to be on the label if the product did not purport to be frozen concentrated orange juice. (R. 3040, 3314, 3327, 3339–3348, 3369–3371)

Conclusions. On the basis of the foregoing findings of fact, and taking into consideration the substantial evidence of the entire record, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish definitions and standards of identity as follows:

§ 27.105 Orange juice; identity.

(a) Orange juice is the unfermented juice obtained from mature oranges of the species *Citrus sinensis*. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) and excess pulp are removed. The juice may be chilled, but it is not frozen.

(b) The name of the food is "orange juice." The name "orange juice" may be preceded on the label by the varietal name of the oranges used, and if the oranges grew in a single State, the name of such State may be included in the name, as for example, "California Valencia orange juice."

§ 27.106 Frozen orange juice; identity.

(a) Frozen orange juice is orange juice as defined in § 27.105, except that it is frozen.

(b) The name of the food is "frozen orange juice." Such name may be preceded on the label by the varietal name of the oranges used, and if the oranges grew in a single State, the name of such State may be included in the name, as for example, "California Valencia frozen orange juice."

§ 27.107 Pasteurized orange juice; heat-processed orange juice, heat-stabilized orange juice; identity; label statement of optional ingredients.

(a) Pasteurized orange juice, heat-processed orange juice, heat-stabilized orange juice is the food prepared from unfermented juice obtained from mature oranges as specified in § 27.105, to which may be added not more than 10 percent by volume of the unfermented juice obtained from mature oranges of the species *Citrus reticulata* or hybrids thereof. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) are removed, and pulp and orange oil may be adjusted in accordance with good manufacturing practice. The solids may be adjusted by the addition of one or more of the optional concentrated orange juice ingredients specified in paragraph (b) of this section. One or more of the optional sweetening ingredients listed in paragraph (c) of this section may be added, in a quantity reasonably necessary to compensate for a deficiency, if any, of the Brix-acid ratio. The orange juice is so treated by heat as to reduce substantially the enzymatic activity and the number of viable microorganisms. Either before or after such heat treatment, all or a part of the product may be frozen. The finished pasteurized orange juice contains not less than 10.5 percent by weight of orange juice soluble solids, and the ratio of the Brix hydrometer reading to the percent by weight of acid, calculated as anhydrous citric acid, is not less than ten to one.

(b) The optional concentrated orange juice ingredients referred to in paragraph (a) of this section are frozen concentrated orange juice as specified in § 27.109 and concentrated orange juice for manufacturing as specified in § 27.110; but the quantity of such concentrated orange juice ingredients added shall not contribute more than one-fourth of the total orange juice solids in the finished pasteurized orange juice.

(c) The optional sweetening ingredients referred to in paragraph (a) of this section are sugar, invert sugar, dextrose, dried corn sirup, dried glucose sirup.

(d)(1) The name of the food is "pasteurized orange juice" or "heat-processed orange juice" or "heat-stabilized orange juice." If the food is filled into containers and preserved by freezing, the label shall bear the name "frozen pasteurized orange juice," "frozen heat-processed orange juice," or "frozen heat-stabilized orange juice."

(2) If the pasteurized orange juice is filled into containers and refrigerated, the label shall bear the name of the food, "chilled pasteurized orange juice," "chilled heat-processed orange juice," or "chilled heat-stabilized orange juice." If it does not purport to be either canned orange juice or frozen pasteurized orange juice, the word "chilled" may be omitted from the name.

(e)(1) If a concentrated orange juice ingredient specified in paragraph (b) of this section is used in adjusting the orange juice solids of the pasteurized orange juice, the label shall bear the statement "prepared in part from concentrated orange juice" or "with added concentrated orange juice" or "concentrated orange juice added."

(2) If one or more of the sweetening ingredients specified in paragraph (c) of this section is added to the pasteurized orange juice, the label shall bear the statement "---------- added to reduce tartness," the blank being filled in with the name or an appropriate combination of the names of the sweetening ingredients used. However, for the purpose of this section, the name "sweetener" or "sweeteners" may be used in lieu of the specific name or names of the sweetening ingredients.

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this section for naming the optional ingredients used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

§ 27.108 Canned orange juice; identity; label statement of optional ingredients.

(a) Canned orange juice is the food prepared from orange juice as specified in § 27.105, to which may be added not more than 10 percent by volume of the unfermented juice obtained from mature oranges of the species *Citrus reticulata* or hybrids thereof. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) are removed. Orange oil and pulp may be adjusted in accordance with good manufacturing practice. Liquid condensate recovered from the deoiling operation may be added back. One or more of the optional sweetening ingredients named in paragraph (b) of this section may be added, in a quantity that reasonably compensates for deficiency, if any, of the Brix-acid ratio of the orange juice used. The food is sealed in containers and so processed by heat, either before or after sealing, as to prevent spoilage. The finished canned orange juice tests not less than 10° Brix, and the ratio of the Brix reading to the percent by weight of acid, calculated as anhydrous citric acid, is not less than ten to one.

(b) The optional sweeting ingredients referred to in paragraph (a) of this section are sugar, invert sugar, dextrose, dried corn sirup, dried glucose sirup.

(c) The name of the food is "canned orange juice." If it does not purport to be chilled pasteurized orange juice or frozen pasteurized orange juice, the word "canned" may be omitted from the name.

(d) If one or more of the sweetening ingredients specified in paragraph (b) of this section is added to the canned orange juice, the label shall bear the statement "---------- added to reduce tartness," the blank being filled in with the name or an appropriate combination of the names of the sweetening ingredients used. However, for the purpose of this section, the name "sweetener" or "sweeteners" may be used in lieu of the specific name or names of the sweetening ingredients.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section for naming the optional ingredients used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

§ 27.109 Frozen concentrated orange juice, frozen orange juice concentrate; identity; label statement of optional ingredients.

(a) Frozen concentrated orange juice is the food prepared by removing water from the juice of mature oranges as provided in § 27.107, to which juice not more than 5 percent by volume of the unfermented juice obtained from mature oranges of the species *Citrus aurantium* may have been added. The concentrate so obtained is frozen. In its preparation, seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) and excess pulp are removed, and a properly prepared water extract of the excess pulp so removed may be added. Orange oil, orange essence (obtained from the evaporation of orange juice during concentration in the evaporators), orange juice and other orange juice concentrate as provided in this section or concentrated orange juice for manufacturing as provided in § 27.110, water, and one or more of the optional sweetening ingredients specified in paragraph (b) of this section may be added to adjust the final composition. Any of the ingredients of the finished concentrate may have been so treated by heat as to reduce substantially the enzymatic activity and the number of viable microorganisms. The finished food is of such concentration that when diluted according to label directions the reconstituted article will contain not less than 11.8 percent by weight of orange juice soluble solids, exclusive of the solids of any added optional sweetening ingredients. The dilution ratio shall be not less than three to one. For the purposes of this section and § 27.111, the term "dilution ratio" means the whole number of volumes of water per volume of frozen concentrate required to produce reconstituted orange juice having orange juice soluble solids of not less than 11.8 percent.

(b) The optional sweetening ingredients referred to in paragraph (a) of this section are sugar, sugar sirup, invert sugar, invert sugar sirup, dextrose, corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup.

(c) If one or more of the sweetening ingredients specified in paragraph (b) of this section is added to the frozen concentrated orange juice, the label shall bear the statement "---------- added to reduce tartness," the blank being filled in with the name or an appropriate combination of names of the sweetening ingredients used. However, for the purpose of this section, the name "sweetener" or "sweeteners" may be used in lieu of the specific name or names of the sweetening ingredients.

(d) The name of the food concentrated to a dilution ratio of three to one is "frozen concentrated orange juice" or "frozen orange juice concentrate." The name of the food concentrated to a dilution ratio greater than three to one is "frozen concentrated orange juice, ---------- to 1" or "frozen orange juice concentrate, ------ to 1," the blank being filled in with the whole number showing the dilution ratio; for example, "frozen orange juice concentrate, 4 to 1." However, where the label bears directions for making 1 quart of reconstituted orange juice (or multiples of a quart), the blank in the name may be filled in with a mixed number; for example, "frozen orange juice concentrate, 4⅓ to 1." For containers larger than 1 pint, the dilution ratio in the name may be replaced by the concentration of orange juice soluble solids in degrees Brix; for example, a 62° Brix concentrate in 3½-gallon cans may be named on the label "frozen concentrated orange juice, 62° Brix."

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this section for naming the optional ingredients used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

§ 27.110 Concentrated orange juice for manufacturing, orange juice concentrate for manufacturing; identity; label statement of optional ingredients.

(a) Concentrated orange juice for manufacturing is the food that complies with the requirements for composition and labeling of optional ingredients prescribed for frozen concentrated orange juice by § 27.109, except that it is either not frozen or it is less concentrated, or both; *Provided, however,* That the concentration of orange juice soluble solids is not less than 20° Brix.

(b) The name of the food is "concentrated orange juice for manufacturing, ----------" or "---------- orange juice concentrate for manufacturing," the blank being filled in with the figure showing the concentration of orange juice soluble solids in degrees Brix.

§ 27.111 Canned concentrated orange juice, canned orange juice concentrate; identity; label statement of optional ingredients.

(a) Canned concentrated orange juice complies with the requirements for composition, definition of dilution ratio, and labeling of optional ingredients prescribed for frozen concentrated orange juice by § 27.109, except that it is not frozen and it is sealed in containers and so processed by heat, either before or after sealing, as to prevent spoilage.

(b) The name of the food concentrated to a dilution ratio of three to one is "canned concentrated orange juice" or "canned orange juice concentrate." The name of the food concentrated to a dilution ratio greater than three to one is "canned concentrated orange juice, ----- to 1" or "canned orange juice concentrate, ------ to 1," the blank being filled in with the whole number showing the dilution ratio; for example, "canned orange juice concentrate, 4 to 1." However, where the label bears directions for making 1 quart of reconstituted orange juice (or multiples of a quart) the blank in the name may be filled in with a mixed number; for example, "frozen orange juice concentrate, 4½ to 1." If the food does not purport to be frozen concentrated orange juice, the word "canned" may be omitted from the name.

§ 27.112 Reconstituted orange juice, orange juice from concentrate; identity; label statement of optional ingredients.

(a) Reconstituted orange juice is the food prepared by mixing water with frozen concentrated orange juice as defined in § 27.109, or with concentrated orange juice for manufacturing as defined in § 27.110. To such mixture may be added: Orange juice as defined in § 27.105, frozen orange juice as defined in § 27.106, pasteurized orange juice as defined in § 27.107, orange oil, one or more of the sweetening ingredients listed in paragraph (b) of this section. The finished reconstituted orange juice contains not less than 11.8 percent orange juice soluble solids, exclusive of the solids of any added optional sweetening ingredients. It may be so treated by heat as to reduce substantially the enzymatic activity and the number of viable microorganisms.

(b) The sweetening ingredients referred to in paragraph (a) of this section are sugar, sugar sirup, invert sugar, invert sugar sirup, dextrose, corn sirup, dried corn sirup, glucose sirup, dried glucose sirup.

(c) The name of the food is "reconstituted orange juice" or "orange juice from concentrate."

(d) When reconstituted orange juice contains any optional sweetening ingredient as listed in paragraph (b) of this section, whether added directly as such or indirectly as an added ingredient of any orange juice product used, the label shall bear the statement "---------- added to reduce tartness," the blank being filled in with the name or an appropriate combination of the names of the sweetening ingredients added. However, for the purposes of this section the name "sweetener" or "sweeteners" may be used in lieu of the specific name or names of the sweetening ingredients.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this section for naming the optional ingredients used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

§ 27.113 Orange juice with preservative; identity.

(a) Orange juice with preservative is the food prepared for further manufacturing use. It is prepared from unfermented juice obtained from mature oranges as provided in § 27.107. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) are removed, and pulp and orange oil may be adjusted, in accordance with good manufacturing practice. It is heat-treated to reduce substantially the enzymatic activity and the number of viable micro-organisms. The preservative specified in paragraph (b) of this section is added to inhibit spoilage.

(b) The preservative referred to in paragraph (a) of this section is benzoate of soda, which is used in an amount not to exceed 0.2 percent by weight.

(c) The name of the food is "orange juice with preservative."

(d) The label shall bear the statement "---------- benzoate of soda (or sodium benzoate) added as preservative," the blank being filled in with the percentage

of the preservative used; for example, "0.2 percent sodium benzoate added as a preservative."

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in the paragraph (d) of this section for naming the preservative ingredient used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

§ 27.114 Concentrated orange juice with preservative; identity; label statement of optional ingredients.

(a) Concentrated orange juice with preservative complies with the requirements for composition and labeling of optional ingredients prescribed for concentrated orange juice for manufacturing by § 27.110, except that a preservative is added to inhibit spoilage.

(b) The preservatives referred to in paragraph (a) of this section are benzoate soda and sorbic acid. Benzoate of soda or sorbic acid may be used in an amount not exceeding 0.2 percent, by weight.

(c) The name of the food is "concentrated orange juice with preservative, ----------," the blank being filled in with the figure showing the concentration of orange juice soluble solids in degrees Brix.

(d) The label shall bear the statement "---------- ---------- added as a preservative" the first blank being filled in with the percent by weight of the preservative used and the second blank by the name sorbic acid or sodium benzoate (or benzoate of soda) as appropriate.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in paragraph (d) of this section for naming the preservative ingredient used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

Any interested person may, within 30 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the findings of fact and proposed order, and shall contain specific references to the pages of the transcript of testimony or to the exhibits on which the exceptions are based. Exceptions may be accompanied by memoranda or briefs in support thereof. Exceptions and accompanying briefs should be submitted in quintuplicate.

Dated: October 23, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-10774; Filed, Oct. 26, 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1447]

LOCKHEED AIRCRAFT

Proposed Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the elevator balance weight arms on Lockheed 188 Series aircraft and replacement of any found cracked.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 27, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423.)

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all Model 188 Series aircraft.

Compliance required as indicated.

To permit early detection of cracks in both the closed and open section type elevator balance weight arms and to assure rework of uncracked arms and replacement of cracked arms, the failure of which can induce a flutter condition, the following shall be accomplished:

(a) Unless already accomplished within the last 200 hours' time in service prior to the effective date of this AD, all elevator balance weight arms shall be inspected within the next 100 hours' time in service following the effective date of this AD and at intervals thereafter not to exceed 300 hours' time in service from the last inspection as follows:

(1) Place the elevator in the full up position and, with the elevator access doors at the trailing edge of the horizontal stabilizer in the open position, visually inspect all elevator balance weight arms for cracks using a magnifying glass of at least 3× magnification.

(2) Rework, prior to further flight, all elevator balance weight arms which, at the first required inspection after the effective date of this AD are found not to be cracked, in accordance with Lockheed Service Bulletin 88/SB-567, paragraphs B(2) through B(6) or FAA approved equivalent, unless already reworked in accordance with the above Lockheed Service Bulletin.

(3) Replace, prior to further flight, closed section type elevator balance weight arms which are found to be cracked with new open section type elevator arms or FAA approved equivalent. Refer to Lockheed Field Service letter FS/24993IL for replacement part numbers. Replacement shall be accomplished in accordance with Lockheed Service Bulletin 88/SB-567 or FAA approved equivalent.

(4) Replace, prior to further flight, open section type elevator balance weight arms with new open section type arms of the same part number or FAA approved equivalent. Replacement shall be accomplished in accordance with Lockheed Service Bulletin 88/SB-567 or FAA approved equivalent.

(b) The repetitive inspections of (a) may be discontinued for those balance weight arms which exhibit no signs of cracks after 1,000 hours' time in service following compliance with the rework and replacement requirements of (a).

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Field Service Letters FS/249031L, dated September 9, 1960, FS/250044L, dated November 28, 1960, and Service Bulletin 88/SB-567, dated May 9, 1962, cover this same subject.)

Issued in Washington, D.C., on October 22, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-10757; Filed, Oct. 26, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-KC-48]

CONTROL ZONE

Withdrawal of Proposal for Modification

In a notice of proposed rule making published in the FEDERAL REGISTER on September 2, 1960 (25 F.R. 8492) it was stated that the Federal Aviation Agency was considering a proposal initiated by the Department of Air Force to modify the Minot, N. Dak. (Minot AFB) control zone.

Subsequent to the publication of the notice the FAA adopted Amendment 60-21 (26 F.R. 570) and Amendment 60-29 (27 F.R. 4012) to the Civil Air Regulations, Part 60, Air Traffic Rules. As the modification of the Minot AFB control zone as proposed in the notice would not be consistent with current criteria for the designation of control zones developed in conjunction with the aforementioned amendments, and in view of the amount of time which has elapsed since the close of the period for comments on the notice without Final Rule action having been taken, the FAA, with the concurrence of the Department of Air Force, has determined that a more current review of controlled airspace requirements in the Minot area is necessary.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13) notice is hereby given that the proposal contained in Airspace Docket No. 60-KC-48 is withdrawn.

(Sec. 307(a) of the Federal Aviation Agency Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Washington, D.C., on October 22, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-10758; Filed, Oct. 26, 1962; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 207]

[Reg. G]

NONCASH ITEMS

Proposed Definition

The Board of Governors is considering adding a new paragraph (d) to § 207.1, which contains the definition of noncash items under Part 207, relating to the collection of noncash items. This amendment will necessitate the redesignation of the present paragraphs (d) through (f) as paragraphs (e) through (g). The proposed effective date for this amendment would be June 1, 1963.

The purpose of this amendment is to reduce the volume of items presented to the Federal Reserve Banks as "cash items" which, because of their nature, require special handling.

The proposed amendment to § 207.1 is as follows:

§ 207.1 Definition of noncash items.

* * * * *

(d) Checks, drafts, and other items with special instructions or requiring special handling;

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.1). The proposed change is authorized under the authority cited at 12 CFR Part 207.

To aid in the consideration of the foregoing matter the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district, which will forward it to the Board for consideration. All such material should be submitted in writing to be received not later than November 19, 1962.

Dated at Washington, D.C., this 22d day of October 1962.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-10766; Filed, Oct. 26, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

FIRST AND MERCHANTS NATIONAL BANK AND FIRST NATIONAL BANK OF NEWPORT NEWS

Notice of Decision Granting Application To Merge

On August 6, 1962, the First and Merchants National Bank of Richmond, Richmond, Virginia, applied to the Comptroller of the Currency to merge with the First National Bank of Newport News, Newport News, Virginia, under the charter and title of the former.

On October 19, 1962, the Comptroller of the Currency granted this application, effective on or after October 26, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 23, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-10779; Filed, Oct. 26, 1962; 8:47 a.m.]

Office of the Secretary

[Treasury Dept. Order 167-48]

[CGFR 62-34]

COMMANDANT, U.S. COAST GUARD

Delegation of Functions

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, there are transferred to the Commandant, United States Coast Guard, the functions of the Secretary of the Treasury under Public Law 87-620, approved August 31, 1962 (amending 46 U.S.C. 85-85g and 88-88i) regarding load lines for oceangoing, coastwise, and Great Lakes vessels.

The Commandant may make provision for the performance by subordinates in the Coast Guard of any of the functions transferred except those of prescribing rules and regulations.

Dated: October 19, 1962.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-10782; Filed, Oct. 26, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

PACIFIC FAR EAST LINE, INC.

Notice of Application

Notice is hereby given that Pacific Far East Line, Inc., has filed an application for extension of a waiver previously granted under section 804 of the Merchant Marine Act, 1936, as amended, whereby Pacific Far East Line, Inc., is permitted to render husbanding agency services at North and Central American ports and at ports in the Philippine Islands to foreign-flag vessels owned, chartered, or under the control of Far Eastern Marine Transport Company, Ltd., a Korean steamship company. The waiver is limited to entrance and clearance of vessels, taking care of disbursements and such other husbanding activities as are usually performed by a ship agent who does not solicit or book cargo or passengers.

Any person, firm, or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Deputy Maritime Administrator should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C., by close of business November 2, 1962. The Deputy Maritime Administrator will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

Dated: October 24, 1962.

By order of the Deputy Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-10777; Filed, Oct. 26, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11879; Order E-18942]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Relating to Specific Commodity Rates

OCTOBER 24, 1962.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement (Agreement C.A.B. 16500, R-2), between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreement, adopted pursuant to unprotested notices to the carriers, names an additional specific commodity rate, as follows:

Item 0525—Ice Cream Cones. Rate 60 cents per kilogram, minimum weight 100 kilograms, from Auckland to Honolulu.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the above-described agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered, That:

Agreement C.A.B. 16500, R-2 is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for the purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petition within ten days after the date of the service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-10784; Filed, Oct. 26, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands; Correction

OCTOBER 22, 1962.

F.R. Doc. 62-10095 appearing in the FEDERAL REGISTER for October 10, 1962, at page 9956, is hereby corrected to read as follows:

Sixth Principal Meridian, Colorado, T. 2 S., R. 75 W., Section 28, should read "Section 23: NW¼, W½SW¼";

Section 27 should read "E½" instead of "W½."

ANDREW J. SENTI,
Acting Chief, Division of Lands and Minerals.

[F.R. Doc. 62-10787; Filed, Oct. 26, 1962; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

BULL-INSULAR LINE, INC., AND TURNER AND BLANCHARD, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8875, between Bull-Insular Line, Inc. (Bull), and Turner and Blanchard, Inc. (Company), provides for the preferential use of certain terminal facilities by Bull and vessels for which the Star Line Agency, Inc., acts as agents in Brooklyn, New York. Other cargo moving over the facilities shall be assessed the same wharfage as that assessed against Bull and Star Line Agency, Inc. Wharfage and demurrage in excess of $375,900 per year collected from all vessels will be divided on the basis of 75 percent to Carrier and 25 percent to Company. The Company will perform stevedoring services on all vessels owned by Bull or its subsidiaries using the facilities.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 24, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-10785; Filed, Oct. 26, 1962; 8:47 a.m.]

PORT OF SEATTLE AND ALASKA TERMINAL AND STEVEDORING CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8905, between the Port of Seattle (Port) and Alaska Terminal and Stevedoring Company (Company), provides for a five (5) year and four (4) month lease of certain pier and terminal property in Seattle, Washington, to be operated in the conduct of a general steamship terminal stevedoring and related warehouse business and for the maintenance and repair of vessels of Alaska Steamship Company. In consideration therefore, the Company agrees to pay $4,456.25 per month for certain of the area, and 100 percent of all revenues from dockage, wharfage, and wharf demurrage, subject to a maximum annual rental of $150,000. The Company further guarantees the Port a minimum annual rental of $100,000. The Port reserves the right to order the berthing of other than Alaska Steamship Company vessels, provided such operations do not interfere with the rights of the Company.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 24, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-10786; Filed, Oct. 26, 1962; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP62-261, CP62-309]

COLORADO INTERSTATE GAS CO. AND KANSAS-COLORADO UTILITIES, INC.

Notice of Postponement of Hearing

OCTOBER 23, 1962.

Take notice that the hearing in the above-designated proceedings heretofore scheduled to commence on October 31, 1962, by notice issued September 25, 1962, is hereby postponed to a date to be fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10763; Filed, Oct. 26, 1962; 8:45 a.m.]

[Project No. 2320]

NIAGARA MOHAWK POWER CORP.

Notice of Application for License

OCTOBER 23, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Niagara Mohawk Power Corporation (correspondence to: Lauman Martin, Vice President and General Counsel, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse 2, N.Y.) for license for constructed Project No. 2320, located on Raquette River, St. Lawrence County, N.Y.

The project, known as the Raquette River Project, consists of: Higley Development, located about 47 miles upstream from Raquette River's confluence with the St. Lawrence River, and consisting of a concrete gravity dam 34 feet high and about 207 feet long; a reservoir having an area of about 700 acres with normal pool elevation of 883.6 feet (USGS datum); an open concrete flume; and a reinforced concrete powerhouse containing three hydroelectric units with a total generating capacity of 4,480 kw; Colton Development, located just below the Higley Development, and consisting of a concrete gravity dam 27 feet high and 205 feet long; a reservoir having an area of 152 acres with a normal pool of 837 feet; a steel pipeline; a surge tank; steel penstocks; and a brick and structural steel powerhouse containing three hydroelectric units with a total generating capacity of 29,520 kw; Hannawa Development, located just below the Colton Development, and consisting of a stone and concrete gravity dam 40 feet high and 215 feet long; a reservoir having an area of 168 acres with a normal pool elevation of 552 feet; an open canal; steel penstocks; and a stone and structural steel powerhouse containing two hydroelectric units with a total generating capacity of 7,200 kw; and the Sugar Island Development, located just below the Hannawha Development, and consisting of a concrete gravity dam 37 feet high and 181 feet long; a reservoir having an area of 29 acres with normal pool elevation of 470 feet; a steel pipeline; a surge tank; steel penstocks; and a brick and structural steel powerhouse containing two hydroelectric units with a total generating capacity of 4,800 kw.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 3, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10764; Filed, Oct. 26, 1962; 8:45 a.m.]

[Docket No. G-7637 etc.]

SOCONY MOBIL OIL CO., INC., ET AL.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity, Accepting Notices of Succession and Redesignating FPC Gas Rate Filings, Substituting Respondent, Redesignating Rate Proceedings and Accepting Successors' Undertaking

OCTOBER 22, 1962.

In the matter of Socony Mobil Oil Company, Inc. (successor to Republic Natural Gas Company), Socony Mobil Oil Company, Inc., (Operator) (successor to Republic Natural Gas Company, et al.), Socony Mobil Oil Company, Inc. (Operator), et al (successor to Republic Natural Gas Company, (Operator), et al.), Docket No. G-7637, et al.

On December 13, 1961, Socony Mobil Oil Company, Inc. (Socony Mobil) filed (1) a motion to amend the orders listed in Appendix I hereto, which granted certificates of public convenience and necessity to Republic Natural Gas Company (Republic), by substituting Socony as certificate holder in lieu of Republic;[1] (2) notices of succession to the rate schedules of Republic, listed in Appendix II hereto together with their new designations; (3) a motion to be substituted as respondent in Republic's rate suspension proceedings listed in Appendix III

[1] The subject motion also requested substitution in certain pending certificate applications of Republic. Such substitution was recognized by letter dated March 12, 1962, which granted Socony Mobil temporary authorization to continue sales in such cases. Thus any final orders in such proceedings have recognized (CI62-362) or will recognize (G-18344, CI61-290, and CI61-659) Socony Mobil as certificate holder and no action thereon is being taken in this order.

hereto, together with an agreement and undertaking assuming total liability thereunder for all refunds which may be ordered in such proceedings; (4) motions to be substituted for Republic in the Area Rate Proceedings in Docket Nos. AR61-1 and AR61-2, and (5) a motion to be substituted for Republic in the proceeding in Docket No. RP61-12.

The above documents filed by Socony Mobil relate to its purchase of all of Republic's producing properties and assets. By letter of January 17, 1962, Socony Mobil advised the Commission that the transfer and assignment of Republic properties and assets to Socony Mobil took place on December 28, 1961.

Socony Mobil proposes that the succession filings be effective on December 28, 1961, the date of transfer of Republic's properties to Socony Mobil.

Socony Mobil's motion to be substituted as respondent in Republic's pending rate suspension proceedings includes the proceedings in Docket Nos. G-15858, G-16491, and G-16897 which relate to the invalidated Louisiana gathering tax. These proceedings have previously been terminated.[3] Accordingly, Socony Mobil's motion for substitution, insofar as it pertains to such dockets, is moot.

Additionally, Socony Mobil requests to be substituted as a party in lieu of Republic in the proceedings in Docket No. RP61-12. This proceeding concerns a complaint filed by Northern Natural Gas Company (Northern) to enjoin Republic from continuing to prosecute a litigation against Northern in a District Court of Kansas. In this litigation Republic alleges that Northern failed to comply with the terms of a gas purchase contract between Republic and Northern.

The Commission finds:

(1) It is in the public interest and appropriate in carrying out the provisions of the Natural Gas Act to amend the respective orders issuing certificates of public convenience and necessity to Republic Natural Gas Company listed in Appendix I attached hereto, to reflect Socony Mobil Oil Company, Inc., as the certificate holder in each of the docketed proceedings.

(2) The notices of succession filed by Socony Mobil should be accepted and the related FPC Gas Rate Schedules redesignated as shown on the table which is Appendix II to this order.

(3) Socony Mobil should be substituted in the pending rate proceedings listed in Appendix III to this order, said proceedings should be redesignated accordingly, and the undertaking submitted by Socony Mobil should be accepted for filing.

(4) Socony Mobil should be substituted as party in lieu of Republic in the proceeding in Docket No. RP61-12 and the proceeding should be redesignated accordingly.

(5) Socony Mobil should be substituted for Republic in the Area Rate Proceedings in Docket Nos. AR61-1 and AR61-2.

The Commission orders:

(A) The orders of the Commission listed in Appendix I hereto, which appendix is hereby made a part of this order, be and the same are hereby amended by substituting the name of Socony Mobil Oil Company, Inc., as holder of the certificates of public convenience and necessity thereunder in lieu of Republic Natural Gas Company.

(B) The notices of succession filed by Socony Mobil are hereby accepted and the related FPC Gas Rate Schedules are hereby redesignated as shown on the table which is Appendix II hereto, which appendix is hereby made a part of this order.

(C) Socony Mobil be and the same is hereby substituted as Respondent in lieu of Republic in the pending rate proceedings listed in Appendix III hereto, which appendix is hereby made a part of this order; said proceedings are hereby redesignated accordingly, and the undertaking submitted by Socony Mobil on December 13, 1961, to assume the duties and obligations under undertakings heretofore filed by Republic is accepted for filing in the proceedings listed in Appendix III.

(D) Socony Mobil is substituted for Republic in the proceeding in Docket No. RP61-12 and said proceeding is redesignated accordingly.

(E) Socony Mobil is hereby substituted for Republic in the Area Rate Proceedings in Docket Nos. AR61-1 and AR61-2.

(F) In all respects other than set out in paragraph (A) above, the orders of the Commission referred to therein and listed in Appendix I to this order shall remain in full force and effect.

By the Commission.

JOSEPH A. GUTRIDE,
Secretary.

APPENDIX I

Certificate Authorization Orders (as amended) to be amended by substituting the name of Socony Mobil Oil Company, Inc., as certificate holder:

Order issued April 24, 1956, In the Matters of William O. Ziebold, et al., Docket Nos. G-7629, et al., in Docket Nos. G-7635 through G-7644, G-7646, G-7647, G-7649, and G-7650.

Order issued October 24, 1956, In the Matters of Phillips Petroleum Company, et al., Docket Nos. G-2603, et al., in Docket No. G-7645.

Order issued April 30, 1956, In the Matters of Republic Natural Gas Company, et al., Docket Nos. G-7648, et al., in Docket No. G-7648.

Order issued May 21, 1956, In the Matters of Houston Natural Gas Production Company, et al., Docket Nos. G-8512, et al., in Docket No. G-8832.

Order issued June 3, 1957, In the Matters of Republic Natural Gas Company, et al., Docket Nos. G-9080, et al., in Docket No. G-9080.

Order issued June 26, 1959, In the Matters of Keener Oil Company, et al., Docket Nos. G-12575, et al., in Docket No. G-13207.

Order issued August 12, 1959, In the Matters of Republic Natural Gas Company, et al., Docket Nos. G-13335, et al., in Docket No. G-13335.

Order issued September 4, 1958 (Opinion No. 315), In the Matters of Transcontinental Gas Pipe Line Corporation, et al., Docket Nos. G-13143, et al., in Docket No. G-13642.[1]

Order issued August 12, 1959, In the Matters of Parker Petroleum Company, Inc. (Operator), et al., Docket Nos. G-13828, et al., in Docket No. G-13889.

Order issued November 17, 1959, In the Matters of Transcontinental Gas Pipe Line Corporation, et al., Docket Nos. G-16603, et al., in Docket No. G-16540.[1]

Order issued March 18, 1960, In the Matters of James D. Madole, et al., Docket Nos. G-10559, et al., in Docket No. G-17047.

Order issued September 18, 1959, In the Matters of Phillips Petroleum Company, et al., Docket Nos. G-17897, et al., in Docket No. G-18008.

Order issued June 27, 1961, In the Matters of W. E. Bakke, Agent for Bruce Walkup, et al., Docket Nos. G-11789, et al., in Docket No. CI61-18.

Order issued October 31, 1960, In the Matters of Paul F. Barnhart, et al., Docket Nos. G-13831, et al., in Docket No. CI60-252.

Order issued September 20, 1961, In the Matters of Tidewater Oil Company, et al., Docket Nos. G-14986, et al., in Docket No. CI61-1398.

APPENDIX II

Redesignation of FPC gas rate schedules.

Related certificate docket No.	Prior rate schedule designation: Republic Natural Gas Co. FPC Gas Rate Schedule No.	New rate schedule designation: Socony Mobil Oil Co., Inc., FPC Gas Rate Schedule No.
G-7637	[1] 1	[1] 275
G-7638	2	276
G-7639	3	277
G-7635	[1] 4	[1] 278
G-7639	5	279
G-7641	7	280
G-7642	[2] 8	[2] 281
G-7643	[2] 9	[2] 282
G-7645	[1] 11	[1] 283
G-7646	[1] 12	[1] 284
G-7649	[1] 14	[1] 285
G-7648	15	286
G-7650	[2] 16	[2] 287
G-8832	[2] 17	[2] 288
G-9080	18	289
G-13207	19	290
G-13335	20	291
G-13642	[1] 21	[1] 292
G-13889	22	293
G-16540	[2] 23	[2] 294
G-17047	[1] 24	[1] 295
G-7640	25	296
G-18008	26	297
CI61-18	27	298
G-7644	[2] 28	[2] 299
CI60-252	30	301
G-7647	[1] 32	[1] 303
CI61-1398	34	305

[1] (Operator), et al.
[2] Et al.

[1] By order issued March 7, 1962, in Docket Nos. G-13169, et al., the proceedings in Docket Nos. G-13642 and G-16540 were severed from those in Docket Nos. AR 61-2, et al., and were consolidated for the limited purpose of determining the public interest initial price or prices applicable thereto. By order issued June 30, 1962, in Docket Nos. G-13169, et al., the Commission approved proposed settlements and conditionally reissued Certificates of Public Convenience and Necessity in the proceedings in Docket Nos. G-13642 and G-16540.

[3] Commission order of March 5, 1962, in Docket Nos. G-15546, et al.

APPENDIX III

Pending rate proceedings to be amended by substituting Socony Mobil Oil Co., Inc., as respondent for Republic Natural Gas Co.[1]

Suspension docket No.	Republic Natural Gas Co. R.S. No.	Republic Natural Gas Co. Supp. No.	Socony Mobil Co., Inc. R.S. No.	Socony Mobil Co., Inc. Supp. No.
G-16857	[2] 1	4	[2] 275	4
G-18416	2	7	276	7
G-13311	7	4	280	4
R160-10	7	5	280	5
G-15451	[2] 8	5	[2] 281	5
G-15451	[2] 9	7	[2] 282	7
G-13062	11	6 and 7	283	6 and 7
R161-422	11	9 and 10	283	9 and 10
G-16896	[2] 12	10	[2] 284	10
G-20209	[2] 14	2	[2] 285	2
G-19153	[2] 18	2	[2] 289	2
G-19325	[2] 25	1	[2] 296	1
R160-264	[2] 25	2	[2] 296	2

[1] Socony's motion to be substituted as respondent in the above-rate proceedings also included Docket Nos. G-15858, G-16491, and G-16897. However, these proceedings have been terminated.
[2] Et al.
[3] (Operator), et al.

[F.R. Doc. 62-10765; Filed, Oct. 26, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4079]

METROPOLITAN EDISON CO.

Notice of Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

OCTOBER 23, 1962.

Notice is hereby given that Metropolitan Edison Company ("Meted"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transaction. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Meted proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $15,000,000 principal amount of First Mortgage Bonds, ____ percent Series due 1992. The interest rate of the new bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Meted (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the Indenture dated as of November 1, 1944, between Meted and Morgan Guaranty Trust Company of New York (formerly Guaranty Trust Company of New York), Trustee, as heretofore supplemented and amended, and as to be further supplemented and amended by a Supplemental Indenture to be dated as of December 1, 1962.

Meted's 1962 construction program contemplates the expenditure of approximately $18,000,000 for property additions. Meted expects to finance its construction program with approximately $6,000,000 produced from operations and with approximately $12,000,000 of the proceeds from the sale of the new bonds, either by direct expenditures for such construction or by reimbursement of its treasury for expenditures therefrom for such purpose. The balance of the proceeds from the sale of the new bonds, or approximately $3,000,000, will be used to reimburse the company's treasury in part for construction expenditures prior to 1962. On reimbursement of its treasury, Meted will repay its short-term bank borrowings outstanding at the date of sale of the new bonds (which borrowings amounted to $7,500,000 at July 31, 1962). The premium, if any, received from the sale of the new bonds will be added to Meted's general funds and will be used for general corporate purposes, including the payment of the expenses of this financing.

Fees and expenses incident to the proposed transaction are estimated as follows:

Filing Fees—Securities and Exchange Commission	$1,545
Legal Fees:	
Ryan & Russell	10,000
Berlack, Israels & Liberman	7,500
Accounting Fees—Lybrand, Ross Bros. & Montgomery	4,500
Federal Original Issue Tax	16,500
Printing and engraving	27,500
Indenture Trustee charges	6,600
Miscellaneous	2,855
Total	77,000

The fees and disbursements of counsel for the underwriters, to be paid by the successful bidder, will be supplied by amendment.

The application states that the issuance and sale of the new bonds are subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which Meted is organized and doing business. It is further stated that no other State commission and no Federal commission, other than this commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 13, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption for such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-10769; Filed, Oct. 26, 1962; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

APPLICATIONS FOR LOANS IN EXCESS OF $200,000

Notice of Necessity for Certificate as Defense-Oriented Small Business Concern; Cancellation

Notice is hereby given that this notice, dated December 1, 1961 (26 F.R. 12017, F.R. Doc. 61-11818), as corrected (26 F.R. 12098, F.R. Doc. 61-12015, dated December 15, 1961), is cancelled in its entirety without prejudice to any actions taken thereunder.

Effective date: October 15, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-10770; Filed, Oct. 26, 1962; 8:46 a.m.]

VETERANS ADMINISTRATION

STATEMENT OF ORGANIZATION

Miscellaneous Amendments

The Veterans Administration statement of organization (25 F.R. 5197 and 26 F.R. 5539) is amended to read as follows:

1. The introductory statement and Section 1 are amended in their entirety to read as follows:

Sec.
1. General.
2. Central Office.
3. Field stations.
4. Addresses of Veterans Administration installations and jurisdictional areas of insurance centers.

SECTION 1. *General*—(a) *Authority and functions.* (1) The Veterans Administration administers laws authorizing benefits for former members of the Armed Forces and for the dependents and other beneficiaries of deceased former members of such forces. The Veterans Administration benefits available under various acts of Congress include: Compensation for service-connected disability or death; pension for non-service-connected disability or death; dependency and indemnity compensation; vocational rehabilitation for service-connected disability; education and training; war orphans' educational assistance; guaranty or insurance of home, farm, and business loans, and, under cer-

tain conditions, direct home loans; United States Government and National Service Life Insurance; insurance indemnity; hospitalization; domiciliary care; outpatient medical and dental care for service-connected disability; prosthetic and other appliances; special housing for certain seriously disabled veterans; automobiles or other conveyances for certain disabled veterans; World War I adjusted service certificates, a guardianship program for the protection of estates derived from Veterans Administration benefits paid to incompetent or minor beneficiaries; burial allowances; and burial flags. In addition the Veterans Administration administers the insurance section of the Soldiers' and Sailors' Civil Relief Act for persons in the active military service.

(2) The Veterans Administration was established as an independent agency under the President by Executive Order 5398, of July 21, 1930, in accordance with the act of July 3, 1930 (46 Stat. 1016). This act authorized the President to consolidate and coordinate Federal agencies especially created for or concerned in the administration of laws providing benefits for veterans.

(b) *General description of organization.* (1) The Veterans Administration is under the charge of the Administrator of Veterans Affairs, who is responsible for the administration of all laws governing the Veterans Administration.

(2) The Veterans Administration is organizationally divided as follows: (i) *The Central Office.* The central office of the Veterans Administration consists of the following staff offices and departments, the heads of which are directly responsible to the Administrator of Veterans Affairs for the proper performance of all the functions assigned to them:

STAFF OFFICES

Office of the Director, Information Service.
Office of the Controller.
Office of the General Counsel.
Office of the Assistant Administrator for Management Services.
Office of the Assistant Administrator for Appraisal.
Office of the Assistant Administrator for Construction.
Office of the Assistant Administrator for Personnel.
Office of the Manager, Administrative Services.

DEPARTMENTS

Department of Medicine and Surgery.
Department of Insurance.
Department of Veterans Benefits.

(ii) *The Field Stations.* This term applies to Veterans Administration installations located in the field, and includes the following:

Insurance center.
Regional offices.
Veterans Benefits Office (D.C.).
Hospitals.
Centers.
Outpatient clinics.
Domiciliaries.
VA offices.
Supply depots.
Forms and publications depot.
Data processing centers.

2. In section 2, paragraph (a) through (h) are amended to read as follows:

SEC. 2. *Central Office*—(a) *The Administrator.* The Administrator is responsible to the President for the administration of veterans' affairs and the laws which govern them. In him is vested the authority to operate Veterans Administration. He is directly responsible for the establishment of the basic policies governing agency operation; the development and maintenance of its basic organization structure; the interpretation of laws pertaining to veterans' affairs, and the establishment of supplementary regulations; the stimulation and approval of long-range plans; and the development and maintenance of favorable relations with important organizations, groups, and individuals interested in veterans' affairs. As head of an independent agency of the executive branch of the Government, the Administrator is the adviser to the President on veterans' affairs.

(a–1) *Executive Assistant to the Administrator.* The Executive Assistant presents to the Administrator matters requiring his personal attention. As directed by the Administrator, monitors special projects and assignments and insures that required action is controlled and coordinated. He discharges for the Administrator all matters of an administrative nature within the Administrator's office.

(b) *The Deputy Administrator.* The Deputy Administrator is the principal assistant to the Administrator in the overall administration of the Veterans Administration. He takes independent action for the Administrator on all problems affecting the Veterans Administration which do not require the Administrator's personal attention and acts for the Administrator in the latter's absence.

(c) *Associate Deputy Administrator.* (1) The Associate Deputy Administrator assists the Administrator and the Deputy Administrator in the overall administration of the Veterans Administration. He takes independent action for the Administrator on all problems affecting the Veterans Administration in the areas of office methods and administration, supply management, budget, construction, fiscal, personnel, management audits, and investigation and security, which do not require the personal attention of the Administrator or the Deputy Administrator.

(2) He acts for the Deputy Administrator in the latter's absence and for the Administrator in the absence of both the Administrator and the Deputy Administrator.

(3) The Assistant Administrator for Management Services, Appraisal, Construction, Personnel, the VA Controller, and the Manager, Administrative Services, report to the Administrator and the Deputy Administrator through the Associate Deputy Administrator.

(d) *Assistant Deputy Administrator.* The Assistant Deputy Administrator, as full assistant to the Administrator and the Deputy Administrator, participates in high-level policy discussions and contributes recommendations regarding solutions of problems and decisions to be made on all programs administered by Veterans Administration. As directed, he represents the Administrator with the Congress, other Federal agencies, and the Bureau of the Budget. He also acts for the Associate Deputy Administrator in the latter's absence and for the Deputy Administrator in the absence of both the Deputy Administrator and the Associate Deputy Administrator. The Assistant Deputy Administrator directs the activities of the Operations Evaluation Staff in the office of the Administrator. He makes independent recommendations to the Administrator as to areas which should receive priority in substantive research, recommends approval, disapproval or revision of plans submitted by the department heads and staff offices, recommends action to be taken to solve individual operating problems. He is the Administrator's top planning officer and director of substantive research.

(d–1) *Operations Evaluation Staff.* This staff, under a director responsible to the Assistant Deputy Administrator, acts as the point of contact for operating matters coming to the office of the Administrator. It is the responsibility of this staff to do for the Administrator, Deputy Administrator and Associate Deputy Administrator what they would do for themselves in their official capacity if they had the time. This staff represents the last line of review before an action is taken or a decision is made in the operations of the agency. The members of this staff:

(1) Represent the Administrator, Deputy Administrator and Associate Deputy Administrator in making inquiry into operating matters of interest.

(2) Evaluate proposals for changes in operating policies and recommend to the Administrator, Deputy Administrator, and Associate Deputy Administrator approval, disapproval, further study or other appropriate action.

(3) Coordinate proposals with departments and staff offices to assure their presentation for decision in the form desired.

(4) Follow up to assure that decisions once made are implemented.

(e) *Contract Appeals Board.* The Contract Appeals Board is an integral part of the Office of the Administrator. Under the chairman, this board, by delegation of authority from the Administrator, acts as his authorized representative:

(1) To ascertain the facts and circumstances attending appeals by contractors from decisions of Veterans Administration contracting officers under construction architect-engineer and supply conracts.

(2) To render final decisions on such appeals in accordance with contract provisions.

(f) *Administrator's Advisory Council.* The Administrator's Advisory Council under a chairman advises the Administrator on policies, plans, research programs, organization, and whether established programs are meeting their objectives. The chairman of the Administrator's Advisory Council is assisted by a deputy chairman who is a member of the council and also director of planning. The council is concerned with such matters as how veterans compare with nonveterans, what are the handicaps and needs of veterans in various categories, what new programs are needed, and what changes to established programs should be made, the long-range impact of both existing and proposed programs upon sociological and economic welfare of the veteran population as a whole.

(g) *Board of Veterans Appeals.* (1) The Chairman: Pursuant to statute, has jurisdiction over and is responsible to the Administrator for the activities of the Board of Veterans Appeals in the consideration and determination of appeals for benefits under all laws administered by the Veterans Administration. In the course of appellate responsibility, identifies for the Administrator policies, practices and legislative provisions relating to veterans' benefits considered to be in need of study or modification.

(2) The Vice Chairman: (i) Serves as assistant to the Chairman in the discharge of his responsibilities, as directed, and acts for him in his absence, and in addition:

(ii) Responsible to the Chairman for direction of the professional activities and administration of Appellate Service I.

(iii) Formulates and recommends guidelines for the technical operation of the appellate program.

(iv) Identifies and makes recommendations to the Chairman on matters of policy and practice considered to be in need of study and/or corrective action.

(v) Responsible for development, implementation and supervision of a continuing professional training program designed to achieve optimum uniformity and quality of decisions.

(vi) Responsible for quality review program in Appellate Service I.

(h) *Staff offices*—(1) *Office of the General Counsel.* (i) The General Counsel: (*a*) Serves as chief officer of the Veterans Administration in all matters of law and legislation.

(*b*) As the chief law officer of the Veterans Administration, is responsible to the Administrator for the interpretation of all laws administered by or pertaining to the Veterans Administration, and for establishing precedents thereon through Administrator's decisions, binding upon all officers and employees of the Veterans Administration and upon all claimants and other persons concerned.

(*c*) Renders legal advice (formal and informal) and other legal services upon request to all department heads and top staff officers. Is the attorney for the Administrator in all civil actions in State courts and in independent actions in the Federal courts, and represents the Administrator in all actions in the Federal courts in cooperation with the Department of Justice, and keeps all interested Veterans Administration officials informed. Makes final disposition of tort claims within the limitations of the Federal Tort Claims Act, and renders cooperative assistance to the Department of Justice on all actions arising therefrom involving the Veterans Administration or any official thereof.

(*d*) Cooperates informally with all department heads and top staff officers in the formulation of governing regulations and amendments thereto and reviews for legal correctness all such regulations or directives.

(*e*) Serves as the point of contact with all governmental offices on legal and legislative matters, including, in addition to the Department of Justice, the Office of the Comptroller General, and the Judge Advocate General of the Armed Forces. Reports to the Department of Justice all matters arising in the Veterans Administration involving probable violation of Federal penal statutes and cooperates with the Department of Justice as requested in the disposition thereof.

(*f*) Is legal officer in security proceedings.

(*g*) Supervises and coordinates all matters pertaining to proposed legislation, Executive orders, and proclamations affecting the Veterans Administration, including the preparation of proposed legislation, Executive orders, and proclamations, and the preparation of all reports concerning such matters to committees of Congress, the President, the Bureau of the Budget, and other executive agencies.

(*h*) Develops and coordinates Veterans Administration policy pertaining to proposed legislation, Executive orders, and proclamations; and records such policy upon approval by the Administrator.

(*i*) Serves as a member of the Administrator's Policy Committee.

(*j*) Represents the Administrator in congressional committee and other hearings and in interdepartmental conferences on legislative matters.

(*k*) Receives and as directed by the Administrator disposes of all requests from congressional committees and subcommittees (other than appropriations) or their staffs, except oral requests for purely routine administrative data, and clears all letters and other communications to such committees initiated in the Veterans Administration.

(*l*) Collaborates and coordinates with the Controller legislative language in drafts of appropriation bills, amendments thereto, and related communications.

(*m*) Receives and as directed by the Administrator disposes of all requests on the Veterans Administration for preparation of drafts of bills or comment, formally or informally, on proposed legislation or to furnish information concerning pending legislation.

(*n*) Arranges for attendance of Veterans Administration personnel as witnesses or observers at meetings of congressional committees (other than appropriations). Receives and disposes of all requests for detail or assignment of personnel to work with congressional committees or their staffs.

(*o*) Prepares compilations of Federal laws pertaining to veterans, annotated, indexed, and cross-referenced, in accordance with 38 U.S.C. 215, or as otherwise authorized; and pamphlets, resumes, releases, and documents pertaining to veterans' legislation, as required.

(*p*) Maintains liaison with the Senate and House Committees and contact activities in both Houses of Congress.

(*q*) Maintains legislative historical records and service therefrom.

NOTE: By agreement with the Chief Benefits Director and in the interests of economy, the services of Chief Attorneys will be utilized by the General Counsel in connection with litigation, claims under the Federal Tort Claims Act, legal questions or services concerning Veterans Administration components other than the Department of Veterans Benefits, and other legal matters within the jurisdiction of the General Counsel. In connection with these matters, direct communication between the General Counsel and the respective Chief Attorney is authorized.

(ii) The Deputy General Counsel acts as full assistant to the General Counsel in the discharge of his responsibilities and acts for the General Counsel in the latter's absence.

(2) *Information Service.* The Director, Information Service: (i) Formulates and recommends to the Administrator basic policies governing Veterans Administration public information programs.

(ii) Counsels and advises the Administrator and other levels of management where public interest is involved in the determination of Veterans Administration policy.

(iii) Reviews and coordinates programs for informing the public of Veterans Administration's activities in areas of special interest to operating departments.

(iv) Keeps informed of and appraises for the Administrator the results of public information programs.

(v) Develops and maintains relationships with national information outlets and contacts.

(vi) Obtains, assembles, prepares, and coordinates information for release through press, radio, and other media to advise veterans and dependents on benefits administered by the Veterans Administration and to provide information concerning the offices where applications for benefits may be made.

(vii) Obtains, assembles, prepares, and coordinates information for release through press, radio, and other media concerning operations of the Veterans Administration.

(viii) Reviews for possible policy conflicts and renders technical advice on the preparation of speeches, articles, pamphlets, posters, transcriptions, films, and other material for public distribution.

(3) *Office of the Controller.* The Controller: (i) Formulates and recommends to the Administrator policies, plans and basic procedures for agency-wide application in the following controllership areas:

(*a*) Budgeting
(*b*) Financial management
(*c*) Reports management
(*d*) Research statistics

(ii) Provides advice and assistance to departments and staff offices in the application of approved controllership policies, plans and procedures in their ad-

ministrative and operational programs, including those for automatic data processing, and appraises for the Administrator the current and potential effectiveness and economy of these applications.

(iii) Reviews, evaluates and coordinates the Veterans Administration construction program.

(iv) Advises the Administrator on fiscal status, progress and problems currently existent or potentially imminent in and between Veterans Administration programs, and makes recommendations for needed adjustments in funding, policies, and existing operational financial plans, in keeping with over-all Veterans Administration objectives and funding availability.

(v) Maintains over-all agency financial accounts; controls the allocation, apportionment, and intra-agency transfer and adjustment of funds; and controls agency funding transactions with the Department of the Treasury, including the evaluation of antideficiency violations and the reporting actions required thereon to the President and to the Congress.

(vi) Formulates and recommends to the Administrator standards, policies and plans pertaining to the operation of the Veterans Administration integrated reporting system and the control of the creation of reports, including periodic review of data requirements. Provides for the consolidation and submission of consolidated, agency-wide, fiscal, funding and other resource reports, estimates, and requests, pertinent to the controllership activities of the department and staff offices as required by the Administrator, by other Governmental agencies, Congressional committees, Members of Congress, and other authorized individuals.

(vii) Collaborates with the General Counsel on the financial and budgetary aspects of proposed or pending legislation for Veterans Administration, and recommends to the Administrator legislation required to improve controllership functions.

(viii) Interprets for the Administrator and staff office heads, in fiscal terms, the laws and the regulatory measures of other Governmental bodies which have a direct bearing on Veterans Administration controllership activities.

(ix) Serves as the principal representative of the Veterans Administration with other Governmental agencies and offices and the Congress on controllership matters, and in the coordination of Veterans Administration controller activities and programs with all authorized external agencies.

(x) Provides for staff support in the methodology of statistical research, the conduct of and collaboration in statistical research studies of the effectiveness of substantive programs, and the development of official veteran population estimates and socio-economic data on veterans, their dependents and survivors for use in current and long-range program planning.

(4) *Office of the Assistant Administrator for Management Services.* The Assistant Administrator for Management Services: (i) Formulates and recommends to the Administrator general policies and plans of VA-wide application pertaining to the following activities: manpower utilization, purchasing and suply, data processing systems, electronic communications, paperwork management, work analysis and improvement, mechanization of operations, and civil defense and disaster relief.

(ii) Coordinates and directs functional surveys, special studies and research into programs, practices, and techniques relating to the above activities to evaluate their possible application within the Veterans Administration.

(iii) Advises and assists the Administrator, departments and staff offices in connection with these activities, and appraises their effectiveness and economy for the Administrator.

(iv) Serves as principal representative of the Veterans Administration with other organizations, public and private, on matters pertaining to the above activities.

(5) *Office of Assistant Administrator for Appraisal.* The Assistant Administrator for Appraisal: (i) Directs the conduct of investigations, surveys, inspections, and special studies authorized by the Administrator, Deputy Administrator, or Associate Deputy Administrator of Veterans Affairs.

(ii) Directs the conduct of internal audits of all activities and elements of Veterans Administration as a basis for protective and constructive service to management.

(iii) Directs the security program of the Veterans Administration. Designates sensitive positions and grants emergency interim security clearances authorized by the Administrator pending the completion of a full field investigation.

(iv) Advises and assists the Administrator on all matters involving:

(*a*) The establishment and continuation of appraisal programs agency-wide.

(*b*) The appraisal of all activities of Veterans Administration through internal audit or investigation.

(*c*) The operation of the security program VA-wide.

(v) Furnishes advice, guidance and assistance to department heads and top staff officials in connection with their appraisal program.

(vi) Submits appraisals for the use of the Administrator, Deputy Administrator, or Associate Deputy Administrator of Veterans Affairs; disseminates information from these reports to the heads of departments and other top officials; and maintains controls to assure that corrective action is accomplished by the responsible officials in accordance with instructions of the Administrator.

(vii) As Employment Policy Officer for the Veterans Administration represents and acts for the Administrator in all matters coming within the purview of Executive Order 10590.

(viii) Maintains liaison and acts in cooperation with the officials of other departments and agencies of the Government on these matters.

6. *Office of Assistant Administrator for Construction.* (i) The Assistant Administrator for Construction: (*a*) As Chief Engineer of the Veterans Administration, formulates and recommends to the Administrator general policies and plans of VA-wide application pertaining to the following activities:

(*1*) Design, construction, maintenance, and operation of buildings, structures, and utilities.

(*2*) Real property management, including acquisition, economical utilization protection, and disposal of real property and interests therein.

(*3*) Accident and fire prevention, fire protection, and station emergency planning.

(*b*) Advises and assists the staff and the heads of the departments in connection with these activities, and appraises for the Administrator the effectiveness and economy of these activities.

(*c*) Interprets administratively, for the Administrator and staff and the Chief Medical Director, the Chief Insurance Director, and the Chief Benefits Director, regulations, decisions, and directives of other governmental bodies concerned with these activities.

(*d*) Upon consultation with heads of operating departments concerned, develops and takes action to obtain necessary approvals of fiscal year construction programs to provide, convert, and preserve facilities (except operational maintenance and repair), meeting requirements of the operating departments, and consistent with current legislative and executive policy and Veterans Administration responsibility for preservation of real property assets.

(*e*) Formulates, for inclusion in the consolidated Veterans Administration budget, annual estimates for Veterans Administration construction programs, and participates, with the Controller and department heads concerned, in presentation of the budget for construction programs before the Bureau of the Budget and the Congress.

(*f*) Directs and controls design and construction of hospital, domiciliary, and other facilities, major alterations, improvements, and repairs (exclusive of operational maintenance and repair), in conformation with professional standards and operating requirements as defined in collaboration with the operating departments concerned, and within established program and appropriation limitations.

NOTE: In the interest of economy, station services will be made available to the Assistant Administrator for Construction in furtherance of construction operations under his direction. In accordance with approved policy and upon request by the Assistant Administrator, the Chief Medical Director or the Chief Benefits Director or the Chief Insurance Director may direct a station Director or Manager to provide administrative and/or supervisory services, as specified, and as authorized by the Assistant Administrator, in connection with construction projects to be accomplished, by contract or by purchase and hire, at or in the vicinity of the station. Such services will be provided under technical guidance of the Assistant Administrator for Construction, including required project reports to him or his designee, and project costs will be charged to indicated allotments or accounts under his control.

(*g*) Takes action for the Veterans Administration to acquire real property and property interests in fee, in accordance with approved program requirements, and to dispose of such real property and interests where excess to the needs of the Veterans Administration (not including transactions within the veteran's Loan Guaranty program).

(*h*) Acts as duly authorized representative of the Administrator under provisions of contracts related to assigned activities except hearing and decision appeals from the decisions of Veterans Administration contracting officers. Provides counsel to represent the Government in appeals under supply contracts.

(ii) The Executive Assistant: (*a*) Assists the Assistant Administrator in the direction and planning of the Veterans Administration's construction program.

(*b*) Acts for the Assistant Administrator during his absence.

(*c*) Functions as an engineering consultant on special and critical areas of operations.

(*d*) Represents the Assistant Administrator by serving on technical boards and committees and in a liaison capacity with other Government agencies.

(7) *Office of the Assistant Administrator for Personnel.* The Assistant Administrator for Personnel: (i) Serves as the top Personnel Officer of the Veterans Administration.

(ii) Advises and assists the Administrator on all matters involving personnel administration and personnel management.

(iii) Plans, formulates, and recommends agencywide personnel policies, programs, concepts, and approaches.

(iv) Develops agencywide objectives which will enable the Veterans Administration to obtain, develop, and maintain a contented and effective work force.

(v) Furnishes advice, guidance, and assistance to department heads and other program officials in connection with these activities.

(vi) Provides agency leadership in the establishment of positive and aggressive programs including career development, management-employee relations, and awards activities.

(vii) Conducts and coordinates research leading towards more effective selection, utilization, and training of Veterans Administration personnel.

(viii) Serves as the principal representative of the Veterans Administration with the Civil Service Commission, employee organizations, and other groups on all matters relating to personnel management.

(8) *Office of the Manager, Administrative Services.* The Manager: (i) Responsible to the Associate Deputy Administrator for the provision of general administrative services, including:

(*a*) Fiscal services for Central Office.

(*b*) Data processing services to the departments and staff offices.

(*c*) Central Office mail and messenger services, claimant identification and locator file information, files maintenance systems for Central Office records, Central Office telecommunications, language translation, and records development and liaison.

(*d*) Centralized printing and reproduction program.

(*e*) Central Office supply services.

(*f*) VA-wide visual aids presentation program.

(*g*) Planning and direction of Central Office civil defense exercises and safety and fire protection programs.

(*h*) Building, equipment and space utilization improvements, maintenance and repairs in Central Office.

(ii) Formulates and recommends to the Associate Deputy Administrator policies relating to the above operations.

(iii) Conducts continuing evaluation and control of these operations to insure effective and economical operations.

(iv) Provides guidance and assistance to staff offices and departments in the above operations.

(v) Maintains liaison with General Services Administration, Joint Committee on Printing, other Government agencies, public utilities, and other public and private organizations to coordinate and improve service in these activities.

3. In section 2, paragraph (i) (1), subdivisions (i) and (iii) (*a*) are amended to read as follows:

(i) *Office of the Assistant Chief Medical Director for Professional Services.* (*a*) Formulates and recommends to the Chief Medical Director policies and plans of departmentwide application pertaining to professional services in hospitals, domiciliaries and clinics. Coordinates the activities of the professional services and collaborates with the Assistant Chief Medical Directors for Operations, Dentistry, and Research and Education in Medicine, to achieve unified planning.

(*b*) Develops and recommends to the Chief Medical Director standards governing the kinds and quality of staff, facilities, equipment and supplies needed for an integrated program of medical and domiciliary care. Studies and recommends the geographic distribution of beds, by type.

(*c*) Advises and assists the Assistant Chief Medical Director for Operations on professional matters related to the operation of hospitals, domiciliaries and clinics.

(*d*) Appraises for the Chief Medical Director the effectiveness of policies and plans pertaining to professional services, and the validity of professional standards.

(*e*) Collects and disseminates information of a purely professional, nondirective nature, dealing with clinical and scientific matters, to professional staffs of hospitals, domiciliaries and clinics, and area medical offices.

(*f*) Formulates and recommends policies, plans and objectives pertaining to administrative assistants to Chiefs of Staff, departmentwide.

(*g*) Formulates and recommends policies, plans and objectives for medical illustration activities, departmentwide.

(ii) *Office of the Assistant Chief Medical Director for Operations.* * * *

(iii) *Office of the Controller, Department of Medicine and Surgery.* (*a*) Formulates and recommends to the Chief Medical Director general policies, plans and standards, of departmentwide application, including those for the General Post Fund, pertaining to the following activities:

(*1*) Budgetary activities.

(*2*) Fiscal and cost accounting.

(*3*) Statistics.

(*4*) Fiscal auditing.

(*5*) Finance management.

* * * * * *

4. In section 2, paragraph (i), subparagraph (2) is amended to read as follows:

(2) *Department of Veterans Benefits.* The Chief Benefits Director: Has jurisdiction over, directs, and is responsible to the Administrator for the conduct of the activities of the Department of Veterans Benefits. Insures the effective execution of an integrated program of veterans benefits consisting of compensation and pension, vocational rehabilitation and education, loan guaranty, guardianship, and contact activities of the Veterans Administration.

The Deputy Chief Benefits Director serves as the full assistant to the Chief Benefits Director in the discharge of his responsibilities, acts for him in his absence, and participates fully in the direction of all activities of the Department of Veterans Benefits. Is responsible to the Chief Benefits Director for the department's operations.

Each Area Field Director for assigned geographic area is responsible to the Deputy Chief Benefits Director for: Effective, efficient, and economical operation of the complete departmental program of benefits and services; continuing control and evaluation of field station management and operations; and providing assistance and guidance to field station Managers, or Center Directors.

The Evaluation Staff is responsible to the Chief Benefits Director for the following: Develops policies and plans for processing and utilization of all data relating to effectiveness of field station operations; develops policies and plans for audits, surveys and evaluation of field station operations and management; and Central Office, Department of Veterans Benefits activities; evaluates overall department effectiveness in applying management control, management reporting, measurement and evaluation techniques; plans audit and reporting requirements under ever-changing organizational realignments and electronic and mechanical processing; coordinates evaluation, reporting and inspection activities in the department; provides guidance and assistance to Central Office services in development of methods and standards for evaluation; evaluates department effectiveness in implementing Veterans Administration and department policies and plans for all standards; evaluates effectiveness of and necessity for department reports, surveys and inspections; audits and evaluates performance of Central Office, Department of Veterans Benefits staff and line elements; and performs special assignments as directed by the Chief Benefits Director.

(i) *Compensation and Pension Service.* The Director: (*a*) Formulates and recommends to the Chief Benefits Direc-

tor plans, regulations, procedures, and standards of departmentwide application within the limitations of VA-wide policies and plans pertaining to the following activities:

(1) Disability compensation and pension claims.

(2) The schedule for rating disabilities.

(3) Claims for automobiles or other conveyances.

(4) Special housing claims.

(5) Emergency officers' retirement claims and Reserve officers' retirement pay under laws administered by the Veterans Administration.

(6) Eligibility determinations for other services or Government agencies.

(7) Death compensation and pension claims.

(8) Claims for dependency and indemnity compensation.

(9) Claims for reimbursement for burial, funeral, and transportation expenses of deceased veterans.

(10) Claims for accrued compensation, pension, retirement pay, subsistance and training allowances, and readjustment allowances.

(11) Waivers of overpayments (except loan guaranty).

(12) Forfeiture of rights and benefits.

(13) Claims for Government insurance by beneficiaries of deceased veterans.

(14) Claims for servicemen's indemnity.

(15) Claims for adjusted compensation in death cases.

(b) Appraises for the Chief Benefits Director the effectiveness, efficiency, and economy of policies, regulations, procedures and standards in implementing public laws and attaining program objectives and the significant effect of the compensation and pension program nationally.

(c) Reviews proposed legislation and Executive orders to determine the specific effect upon the program and comments and recommends with respect thereto; also recommends changes to existing laws affecting compensation and pension benefits. Participates in congressional hearings on proposed legislation, when requested.

(d) Maintains liaison with agencies and organizations interested in compensation and pension.

(e) Develops long-range plans, policies, and objectives for the compensation and pension program.

(f) Renders staff coordination and technical assistance to insure that automatic data processing programs and procedures are consistent with compensation and pension program substantive and procedural requirements.

(g) In collaboration with Department of Veterans Benefits Controller, performs budgetary administrative functions relating to the compensation and pension program.

(ii) *Vocational Rehabilitation and Education Service.* The Director: (a) Formulates and recommends to the Chief Benefits Director policies, plans, procedures, and standards of department-wide application within the limitations of VA-wide policies and plans pertaining to the following programs whereby the Veterans Administration effectuates the provisions of 38 U.S.C. chs. 31, 33, and 35 and section 12(a), Public Law 85–857 and other related directives relating to the vocational rehabilitation, education, and training of disabled and nondisabled veterans, and war orphans.

(1) A program for (i) the determination of eligibility for and extent of entitlement to education or training benefits and basic eligibility for vocational rehabilitation, (ii) the authorization of benefit payments to veterans and war orphans under those laws, and (iii) the application of the statutory provisions and limitations which govern the pursuit of courses or programs of education and training.

(2) A program for (i) securing from the appropriate agency of each State a list of approved education and training institutions, (ii) conducting business relationships with institutions to establish bases for payment of tuition fees and other allowable charges for the training of veterans, (iii) reimbursing States and local agencies for services rendered in connection with the inspection, approval, and supervision of establishments and institutions, maintaining cooperative relationships with such agencies, (iv) maintaining liaison between the various agencies of the Federal Government the services of which are used in connection with the education and training of veterans and war orphans under 38 U.S.C. chs. 33 and 35.

(3) A program for providing counseling services to veterans including (i) determining need for vocational rehabilitation to restore employability lost by reason of service-connected disability; determining feasibility of training or employment; and providing counseling services to assist disabled veterans in selecting suitable employment objectives; (ii) providing counseling services for eligible veterans who desire such services in connection with education and training and for those for whom counseling is required by Veterans Administration regulations; (iii) providing counseling services for eligible war orphans to assist in selecting and developing a program of education; (iv) the operation of Veterans Administration guidance centers in educational institutions or other establishments.

(4) A program for prescribing and providing for disabled veterans courses of vocational rehabilitation to restore employability lost by reason of service-incurred disabilities; preparing individual training programs to provide such courses including special courses to overcome the handicaps of severe disabilities; locating and negotiating agreements with suitable training facilities to furnish the training indicated by the individual training program; supervising disabled veterans throughout training; declaring disabled veterans rehabilitated when employability has been restored, referring the veteran to the appropriate State and/or Federal employment agency for assistance in obtaining employment and assisting in the placement of seriously disabled veterans in employment.

(5) A program to assure that the conditions under which veterans and war orphans pursued education or training are in accord with the provisions of the appropriate law.

(b) In accordance with specific delegation of authority, acts with respect to the following matters:

(1) Approval of educational institutions and training establishments under 38 U.S.C. ch. 31 and section 12(a), Public Law 85–857, and programs of education and training under 38 U.S.C. ch. 33, where approval by the Administrator is required under the law, including courses and programs given by educational institutions in foreign countries and courses of training given by agencies of the Federal government.

(2) Conflict of interest waivers under 38 U.S.C. 1664, and 38 U.S.C. 1764.

(3) Final administrative determination on requests for review of decisions of Regional Office Committees on Educational Allowances.

(4) Negotiation and execution of contracts or agreements with State agencies to reimburse such agencies for reasonable and necessary expenses of salaries and travel incurred by employees of such agencies in rendering necessary services in ascertaining the qualification of educational institutions and training establishments for furnishing courses of education and training to eligible veterans.

(c) Analyzes proposed legislation relating to the vocational rehabilitation of veterans or their dependents or survivors and prepares comments and recommendations for the Chief Benefits Director. Advises the Chief Benefits Director concerning the need for legislative revisions applicable to existing vocational rehabilitation and education benefits and the status of current legislative proposals.

(d) Renders staff coordination and technical assistance to insure that electrical accounting machine programs and procedures are consistent with Vocational Rehabilitation and Educational program procedural requirements, and provide the necessary operational data.

(e) Maintains cooperative working relations with national agencies, organizations, and associations which deal with or have a bearing on vocational rehabilitation and education of veterans and war orphans.

(f) Appraises for the Chief Benefits Director the effectiveness, efficiency and economy of policies, regulations, procedures, and standards in implementing public laws and attaining program objectives and the significant effect of the vocational rehabilitation and education program nationally.

(g) Cooperates with the Controller, Department of Veterans Benefits, in the preparation for publication of program analysis data pertaining to the Vocational Rehabilitation and Education program and in the conduct of research projects to:

(1) Provide a basis for evaluation of the results of the Vocational Rehabilitation and Education program in terms of its objective and the actual benefit accruing to veterans and war orphans as a result of training provided.

(2) Provide a basis for testing effectiveness of current practices, policies and procedures in terms of vocational rehabilitation and education objectives.

(3) Provide sound basis for adjustments in current practices, policies and procedures.

(4) Provide the content of vocational rehabilitation and education status records and all reports of vocational rehabilitation and education activities (including performance, program status and other special recurring reports) required for program evaluation, planning, policy determination and other essential purposes.

(h) Develops budget information in coordination with the Department of Veterans Benefits Controller relating to the Vocational Rehabilitation and Education Division activities at field stations, including personnel and workload requirements as follows:

(1) Maintains detailed statistics on program workloads and manpower needs for each individual field station for budget purposes. Provides staff assistance in formulation of budgetary requirements for all field Vocational Rehabilitation and Education Divisions. When budget limitations are imposed by higher authority, recommends Vocational Rehabilitation and Education Division manpower adjustments to meet the overall current year limitations.

(2) Conducts analyses and evaluations of operating budget estimates submitted by the Department of Veterans Benefits Controller for the entire Vocational Rehabilitation and Education program in the field. Recommends changes in budget estimates, when so indicated, and notifies the Department of Veterans Benefits Controller.

(3) Performs such other budgetary duties for the program as may be required to assure the maintenance of quality and service to veterans and their dependents.

(iii) *Loan Guaranty Service.* The Director: (a) Formulates and recommends to the Chief Benefits Director, policies, plans, procedures and standards of department-wide application within the limitations of VA-wide policies and plans, pertaining to programs whereby Veterans Administration effectuates the provisions of Title III of the Servicemen's Readjustment Act of 1944, as amended, and other statutes and implementing Executive Orders and comparable directives relating to direct and indirect Government financial assistance for the purchase or construction of homes, and the acquisition, management, and operation of business and farming enterprises by veterans, and related activities consequent upon the default, sale, or other disposition of the veterans' contractual obligations and properties.

(b) Advises the Chief Benefits Director as to approved precedent interpretations of laws and regulations and the application of policies and procedures on loan guaranty programs, and prepares decisions in relation thereto for release through appropriate channels to industry groups, trade associations, and program participants as well as for Members of Congress and field officials of Veterans Administration.

(c) Directs a program of financial research to evaluate the effect of Government and private housing, lending, fiscal and underwriting policies and programs on loan guaranty activities, the adequacy of the interest rate on veterans' loans, the levels and capacity of the housing market, and the significance of proposed related legislation.

(d) Directs the continuous analysis and evaluation of economic data and trends affecting residential, business and farm financing, including availability of mortgage funds, residential construction, money market, interest rates, and factors bearing on the default and foreclosure rate on mortgage loans.

(e) Subject to established precedents (opinions of the Solicitor, General Counsel, etc.) furnishes legal advice to all elements of the Department pertaining to activities incident to or consequent upon the guaranty, insurance and making of loans.

(f) Directs action on all appeals received from lenders and builders suspended from the program; arranges and schedules hearings; reviews the transcripts thereof and the recommendations of hearing boards; and formulates appropriate action and recommends disposition.

(g) Reviews proposed legislation and Executive Orders pertaining to loan guaranty programs and recommends thereon. Recommends proposals for consideration of changes in existing laws relating to loan guaranty programs.

(h) Maintains top level liaison with other components of Federal Government and other organizations and associations interested in the loan guaranty program.

(i) Appraises for the Chief Benefits Director the effectiveness, efficiency, and economy of policies, regulations, procedures and standards in implementing Public Laws and attaining program objectives.

(iv) *Guardianship Service.* The Director: (a) Formulates and recommends to the Chief Benefits Director, policies, plans, procedures, and standards of department-wide application within the limitations of VA-wide policies and plans pertaining to the following activities:

(1) The Veterans Administration guardianship program under 38 U.S.C. 3202, an act to safeguard the estates of minors and incompetents entitled to benefits under acts administered by the Veterans Administration, including courts in which the Administrator of Veterans Affairs is represented by his duly authorized attorney.

(2) Field examination program, including field examinations in guardianship cases; compensation, pension, retirement, insurance, and indemnity cases; vocational rehabilitation and education cases, loan guaranty cases, and other matters.

(b) Furnishes legal advice and assistance to the Chief Benefits Director with respect to the application of the Federal and State laws, and Veterans Administration regulations and instructions pertaining to Guardianship and Field Examination activities.

(c) Advises the Chief Benefits Director on matters involving State legislation affecting the guardianship program and commitment of mentally ill veterans.

(d) Maintains liaison with agencies and organizations interested in these activities.

(e) Appraises for the Chief Benefits Director the effectiveness, efficiency, and economy of policies, plans, procedures, and standards in implementing public laws and attaining program objectives, and the significant effect thereof on the Guardianship activities nationally.

(f) Formulates and recommends to the Chief Benefits Director work-rate and quality performance standards and related work measurement reporting system for all activities of the Office of the Chief Attorney; conducts studies to assure continued validity of the standards and reliability of the work measurement system.

(v) *Administration and Data Processing Service.* The Director: (a) Formulates and recommends to the Chief Benefits Director policies, plans, procedures, and standards of department-wide application within the limitations of VA-wide policies and plans pertaining to the following activities:

(1) Correspondence improvement; publications control; forms and form letter control; work simplification; control and use of office machines and equipment including ADP (automatic data processing) equipment; records management; transportation of persons; telecommunications; preservation of essential records; real and personal property management; safety and fire protection; and regional office space management.

(2) Long-range plans; organization of the department and its field stations; quality standards and measurements; management control, measurement and evaluation techniques; and studies and research in management techniques and systems.

(3) Data processing including automatic, electronic, mechanical and manual systems; systems studies of potential application of ADP; development and coordination of the installation of ADP systems; selection of appropriate ADP equipment.

(4) Formulates plans and policies relating to the development and maintenance of procedural administrative issues; development of procedural administrative issues related to the implementation and application of ADP; coordination of all new or revised systems and methods; and Machine Records Accounting activities.

(b) Responsible for the management and operations of the Data Processing Center, Hines, Illinois.

(c) Formulates and recommends to the Chief Benefits Director work-rate and quality performance standards and related work measurement systems for the field station activities for which the service is responsible; conducts periodic studies to assure continued validity of the standards and reliability of the work measurement system.

(d) Maintains liaison with Veterans Administration officials, other agencies,

and organizations on matters of mutual interest.

(e) Advises and assists the Chief Benefits Director in connection with the foregoing activities and appraises for him the effectiveness, efficiency and economy of policies, plans and procedures for these activities.

(vi) *The Controller—Department of Veterans Benefits.* The Controller: (a) Formulates, upon consultation where appropriate with staff officials, and recommends to the Chief Benefits Director policies, plans, and procedures within the limitations of VA-wide policies and plans pertaining to the following activities of the Department of Veterans Benefits:

(1) The budgetary programs.

(2) The accounting, budgetary, and fiscal systems.

(3) An integrated system of financial and statistical reporting.

(4) The department-wide establishment and maintenance of work measurement (work-rate) standards.

(5) Research activities.

(b) Appraises for the Chief Benefits Director the effectiveness, efficiency, and economy of policies, regulations, procedures, and standards in implementing public laws and attaining program objectives.

(c) Recommends to the Chief Benefits Director with respect to allotments to be made from funds under control of department and allots funds within overall approved budgetary programs of the department.

(d) Maintains department-wide accounting and budgetary control records.

(e) Is responsible for the development of cost consciousness on the part of all executives of the department and promotion of better management through a program of improved accounting.

(f) Formulates and recommends to the Chief Benefits Director work-rate and quality performance standards and related work measurement reporting systems for Finance activities; conducts periodic studies to assure continued validity of the standards and reliability of the work measurement system.

(g) Serves as the principal point of contact with Office of the Controller (Veterans Administration) and, in conjunction with the latter, with the General Accounting Office, Bureau of the Budget, and other Government agencies on these activities.

(h) Directs the coordination of formal research activities for the Department of Veterans Benefits. Directs the planning, recommendation for, and conduct of, special research studies to develop, analyze and provide pertinent information to Veterans Administration officials for their use or their release to other governmental officials, the Congress or the general public concerning the appropriateness and impact of the benefits administered by the Department of Veterans Benefits.

(vii) *Personnel Service.* The Director: (a) Serves as technical advisor on personnel matters in the Department of Veterans Benefits and formulates and recommends to the Chief Benefits Director policies, plans, procedures, and standards of department-wide application within the limitations of VA-wide policies and plans pertaining to personnel management, including administration of the Incentive Awards program.

(b) Appraises for the Chief Benefits Director the effectiveness, efficiency, and economy of policies, plans, procedures, and standards in implementing public laws and attaining program objectives.

(c) Exercises technical personnel authorities within limitations imposed by current delegations and restrictions.

(d) Formulates and recommends to the Chief Benefits Director work-rate and quality performance standards and related work measurement reporting systems for personnel functions; conducts periodic studies to assure continued validity of the standards and reliability of the work measurement system.

(viii) *Contact and Foreign Affairs Service.* The Director: (a) Formulates and recommends to the Chief Benefits Director, policies, plans, procedures, and standards of department-wide application within the limitations of VA-wide policies and plans pertaining to the following activities:

(1) Providing information, advice, and assistance to veterans, their dependents and beneficiaries, their representatives, and others in preparing, developing, and presenting applications and claims under laws administered by the Veterans Administration.

(2) Establishing and the continuance, relocation, or inactivation of Veterans Administration offices and the provision of away-from-the-office contact service.

(3) Determining, in collaboration with officials of the Defense Establishment, centers or points under Armed Forces jurisdiction to which contact personnel should be assigned.

(4) Providing veterans' services in all foreign countries and in those U.S. possessions not having Veterans Administration regional office activity.

(5) Providing Veterans Administration services in the Isthmus of Panama and adjoining territories by personnel of the Office of the Director stationed at Balboa, Canal Zone.

(6) Administering the Grants to the Philippines program pursuant to 38 U.S.C. 631, and the negotiation of reciprocal agreements for veterans' services pursuant to 38 U.S.C. 109.

(7) Providing assistance on veterans' programs conducted by American embassies and legations.

(b) Advises and assists the Chief Benefits Director in connection with these activities and appraises for him the effectiveness, efficiency, and economy of the policies, plans, procedures, and standards in implementing public laws and attaining program objectives.

(c) Maintains liaison and consults with officials of all Veterans Administration departments on benefits and related matters bearing upon Contact and Foreign Affairs activities and coordinates matters relating to the administration of the Manila regional office.

(d) Provides information, advice, and assistance to veterans, their dependents and beneficiaries, their representatives, and others who contact the Central Office concerning benefits provided by laws and regulations administered by the Veterans Administration.

(e) Formulates and recommends to the Chief Benefits Director, work-rate and quality performance standards and related work measurement reporting systems for Contact activities; conducts studies to assure continued validity of the standards and reliability of the work measurement systems.

5. In section 2, paragraph (i), subparagraph (3) is amended to read as follows:

(3) *Department of Insurance.* The Chief Insurance Director has jurisdiction over, directs, and is responsible to the Administrator for the management, operation, organization, and conduct of the nationwide Veterans Administration insurance program; directs the development and execution of the department-wide policies and plans covering all functions of the integrated insurance programs; appraises the effectiveness and economy of all activities under the jurisdiction of the department.

The Deputy Chief Insurance Director serves as the full assistant to the Chief Insurance Director in the discharge of his responsibilities, acts for him in his absence, and participates fully in the direction of all activities of the Department of Insurance; serves as Chairman of the Policy Board, Department of Insurance.

The Chief, Evaluation Staff develops and conducts for the Chief Insurance Director a continuing program of surveys of the internal management of the department and all aspects of the field station operations and management for which the department is responsible; evaluates the effectiveness and economy of operations of the field and Central Office on the basis of visits, management audit reports, etc.; as a result of these studies, develops and follows up on reports and recommendations to the Chief Insurance Director; performs special assignments for the Chief Insurance Director; and conducts inspections of improper or unethical conduct of employees of the Department of Insurance; serves as a member of the Policy Board, Department of Insurance.

(i) *Underwriting and Insurance Claims Service.* The Director: (a) Formulates and recommends to the Chief Insurance Director policies and plans of department-wide application within the limitations of VA-wide policies and plans pertaining to underwriting, insurance correspondence, insurance claims and insurance accounting.

(b) Advises the Chief Insurance Director and other staff officials in connection with the above functions and appraises the technical and operational effectiveness of these activities; also field operations dealing with mail, indexing, insurance folders and records, including record location or transfer.

(c) Serves as a member of the Policy Board, Department of Insurance.

(d) Reviews evidence, makes determinations of fact, develops evidence, prepares recommendations and makes decisions dealing with protest or unusually complicated cases involving insurance claims, accounts and underwriting. Directs Administrative Review Board activities.

(e) Responsible for the department's security program relating to department-wide civil defense planning, including relocation plans and maintenance of emergency key personnel rosters.

(ii) *Chief Actuary.* The Chief Actuary: (a) Formulates and recommends to the Chief Insurance Director policies and plans of department-wide application within the limitation of VA-wide policies and plans pertaining to insurance actuarial activities.

(b) Serves as a member of the Policy Board, Department of Insurance.

(c) Conducts mortality and disability studies and analyses of experience, establishes and calculates policy rates and values, determines surplus and apportionment of dividends, and compiles actuarial statements.

(d) Determines the status of the United States Government Life Insurance Fund, the National Service Life Insurance Fund, the Service Disabled Veterans' Insurance Fund, and the Veterans' Special Term Insurance Fund.

(e) Performs special studies relating to actuarial matters as requested by the Chief or Deputy Chief Insurance Director.

(f) Works with Actuarial Advisory Committee in developing solutions to technical actuarial problems.

(g) Responsible for carrying out the provisions of title IV of the Soldiers' and Sailors' Civil Relief Act of 1940, in guaranteeing premium payments to insurance companies on private life insurance policies carried by servicemen in active service; this includes approving or disapproving applications, maintaining policy records and authorizing payments.

(iii) *Controller, Department of Insurance.* The Controller: (a) Formulates and recommends to the Chief Insurance Director policies and plans of department-wide application within the limitation of VA-wide policies and plans pertaining to the following activities of the Department of Insurance.

(1) The budgetary and work measurement programs.

(2) The accounting, funding, and fiscal systems.

(3) An integrated system of financial and management reporting.

(4) A continuing program of fiscal audit.

(b) Advises the Chief Insurance Director and other staff officials in connection with the above functions and appraises the technical effectiveness of these activities.

(c) Serves as a member of the Policy Board, Department of Insurance.

(d) Recommends with respect to budget formulation and the control of departmental funds within overall approved budgetary programs.

(e) Participates in the justification of the budget estimates of the Department of Insurance before the Bureau of the Budget representatives and congressional committees.

(iv) *Management Services.* The Director: (a) Formulates and recommends to the Chief Insurance Director policies and plans of department-wide application within the limitation of VA-wide policies and plans pertaining to the following activities: The development of new or revised methods and systems including the exploration and application of mechanical and electronic techniques; the development of procedural manuals, issues, and guides; the conduct of research into commercial and other management practices for possible adaptation to the insurance program; correspondence management; office operations and administration; work simplification; office machines management; records management; publications and forms management; real and personal property management; safety and fire protection; and supply liaison.

(b) Advises the Chief Insurance Director and other staff officials in connection with the above functions and appraises the technical effectiveness of these activities.

(c) Serves as a member of the Policy Board, Department of Insurance.

(d) Works with the several staff elements in the technical development of new or revised methods and procedures.

(e) Serves as liaison with the service departments on insurance program matters.

(v) *Personnel Service.* The Director: (a) Formulates and recommends to the Chief Insurance Director policies and plans of department-wide application within the limitation of VA-wide policies and plans pertaining to all personnel management activities such as: Position classification, recruitment, placement, management development training, employees relations, incentive awards, and personnel research.

(b) Advises the Chief Insurance Director and other staff officials in connection with the above functions and appraises the technical effectiveness of these activities.

(c) Serves as a member of the Policy Board, Department of Insurance.

6. In section 3, paragraphs (e) and (i) are amended to read as follows:

(e) *Center.* A Veterans Administration center is an organizational element consisting of a combination of activities of two or more of the following Veterans Administration field stations under jurisdiction of one manager or director: insurance center, regional office, hospital, or domiciliary.

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(i) *Other field installations.* In addition to the installations referred to in the above paragraphs, there are 3 supply depots, 2 data processing centers, and a forms and publications depot.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-10778; Filed, Oct. 26, 1962; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to 29 CFR 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region II

Lamston-Hackensack Corp., 341 Main Street, Hackensack, N.J.; effective 10-1-62 to 9-30-63 (variety store; 47 employees).

Region IV

Kuhn's 5-10-25¢ Store, 306 South First Avenue East, Cullman, Ala.; effective 10-3-62 to 10-2-63 (variety store; 23 employees).

Richbourg's Shoppers Fair, Inc., 1400 East River Street, Anderson, S.C.; effective 10-4-62 to 10-3-63 (food store; 88 employees).

Region V

Neisner Bros., Inc., No. 12, 332 Broadway, Lorain, Ohio; effective 10-5-62 to 9-30-63 (variety store; 21 employees).

Neisner Bros., Inc., No. 18, 241 West Western Avenue, Muskegon, Mich.; effective 10-1-62 to 9-30-63 (variety store; 22 employees).

Region VI

Oshkosh Kline Co., Oshkosh, Wis.; effective 10-4-62 to 10-3-63 (apparel store; 21 employees).

Region VIII

Grayson's Shops, Inc. of Texas, No. 448, 324 East Houston Street, San Antonio, Tex.; effective 10-3-62 to 10-2-63 (apparel store; 57 employees).

Region X

Kuhn's 5–10–25¢ Store, 124 Franklin Street, Clarksville, Tenn.; effective 9–28–62 to 9–27–63 (variety store; 27 employees).

Kuhn's 5–10–25¢ Store, 129 North Main Street, Dickson, Tenn.; effective 9–28–62 to 9–27–63 (variety store; 24 employees).

Kuhn's 5–10–25¢ Store, 4816 Charlotte Avenue, Nashville, Tenn.; effective 9–28–62 to 9–27–63 (variety store; 33 employees).

Kuhn's 5–10–25¢ Store, East Lincoln Street, Tullahoma, Tenn.; effective 9–28–62 to 9–27–63 (variety store; 18 employees).

Kuhn's 5–10–25¢ Store, Front Street Public Square, Winchester, Tenn.; effective 9–28–62 to 9–27–63 (variety store; 31 employees).

North Carolina

Peebles-Kimbrell Co., 123 South Main Street, Roxboro, N.C.; effective 10–5–62 to 10–4–63 (department store; 18 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates below $1.00 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Colonial Stores, Inc., No. 4101, No. 2 Pittman Plaza Shopping Center, Lynchburg, Va.; effective 11–6–62 to 4–24–63; checking, stocking, grocery clerk, meat clerk, produce clerk, counter man; between 0.8 percent and 4.9 percent (food store; 58 employees).

Geiger Leipold Grocery Co., 1110 East Main Street, Streator, Ill.; effective 11–5–62 to 5–27–63; checker, carryout boy, stock clerk; 10 percent each month (food store; 13 employees).

Geiger Leipold Grocery Co., 500 State Street, Ottawa, Ill.; effective 11–5–62 to 5–27–63; checker, carryout boy, stock clerk; 10 percent each month (food store; 11 employees).

H. E. B. Food Store, No. 18, Kostorys and Collihar, Corpus Christi, Tex.; effective 10–3–62 to 10–2–63; package boy, bottle boy, sack boy; 10 percent each month (food store; 42 employees).

Jupiter 1135 Market Street, Wheeling, W. Va.; effective 10–3–62 to 10–2–63; sales clerk; between 6.4 percent and 10 percent (variety store; 16 employees).

S. S. Kresge Co., No. 720, 8209 West Colonial Drive, Orlando, Fla.; effective 10–5–62 to 10–4–63; sales clerk; between 5 percent and 10 percent (variety store; 27 employees).

S. S. Kresge Co., Bangor Shopping Center, 625 Broadway, Bangor, Maine; effective 10–5–62 to 10–4–63; sales clerk; 10 percent each month (variety store; 33 employees).

S. S. Kresge, Milner Center, 6397 Camp Bowie Boulevard, Fort Worth, Tex.; effective 10–5–62 to 10–4–63; sales clerk; between 4.9 percent and 10 percent (variety store; 19 employees).

Milner-Aycock's, Monroe, Ga.; effective 10–8–62 to 10–7–63; sales clerk, cashier; between 1.3 percent and 10 percent (department store; 16 employees).

J. J. Newberry Co., 24 North Broadway, Billings, Mont.; effective 10–30–62 to 3–25–63; sales clerk, marker, stock clerk, janitor; between 0 percent and 2.5 percent (variety store; 17 employees).

Richbourg Bros. Markets, Inc., 1622 North Main Street, Anderson, S.C.; effective 10–8–62 to 10–7–63; bag boy; 10 percent each month (food store; 22 employees).

F. W. Woolworth Co., No. 30 Cache Road Square, 38th and Cache Road, Lawton, Okla., effective 10–1–62 to 9–30–63; stock clerk, sales clerk; between 5.6 percent and 10 percent (variety store; 26 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 19th day of October 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–10716; Filed, Oct. 25, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 24, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38004: *Commodity rates—Sea-land service.* Filed by Sea-Land Service, Inc. (No. 39), for itself and interested carriers. Rates on automobile glass, metal rolling mill machinery and parts, petroleum products and zinc or zinc alloy plate, sheet or strip, noi, loaded in highway trailers transported by motor carriers over the highways and loaded in containerships to move via water, from points in Pennsylvania also Buffalo, N.Y., N.Y., to points in California.

Grounds for relief: Rail competition.

Tariff: Supplement 7 to Sea-Land Service, Inc., tariff I.C.C. 14.

FSA No. 38005: *Salt from points in Michigan and Ohio.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2638), for interested rail carriers. Rates on salt or rock salt, in packages, in bulk, in carloads, from specified points in Michigan and Ohio, to Quincy and East St. Louis, Ill., also St. Louis, Mo.

Grounds for relief: Market competition.

Tariff: Supplement 105 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4198 (Hinsch series).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–10776; Filed, Oct. 26, 1962; 8:46 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 23, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38003: *Lumber articles from southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B–8286), for interested rail carriers. Rates on poles, piling, posts, crossarms, paving blocks, ties, mine ties and sections, railroad crossing, in carloads, from points in southwestern territory, to Milwaukee and Monroe, Wis., and points grouped therewith.

Grounds for relief: Market competition.

Tariff: Supplement 135 to Southwestern Freight Bureau tariff I.C.C. 4262.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–10732; Filed, Oct. 25, 1962; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—OCTOBER

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Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (12) of paragraph (a) of § 6.342 is amended as set out below.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* • • •

(12) One Special Assistant to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 62-10799; Filed, Oct. 29, 1962; 8:46 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (29) of paragraph (a) of § 6.342 is revoked, subparagraphs (20) and (31) of paragraph (a) are amended, and subparagraph (41) is added as set out below.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* • • •

(20) One Secretary to the Congressional Liaison Officer.

• • • • • •

(31) One Assistant to the Congressional Liaison Officer.

• • • • • •

(41) One Congressional Liaison Officer.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 62-10801; Filed, Oct. 29, 1962; 8:46 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (12) of paragraph (b) of § 6.342 is revoked and subparagraph (26) is added to paragraph (b) as set out below.

§ 6.342 Housing and Home Finance Agency.

• • • • • •

(b) *Federal Housing Administration* • • •

(26) One Assistant Commissioner for Congressional Liaison and Public Information.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 62-10800; Filed, Oct. 29, 1962; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[ACP-1963]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1963

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, Public Law 87-732, Public Law 87-879, Public Law 85-58, Public Law 85-170, and Public Law 85-766, the provisions of §§ 701.1 to 701.93 (26 F.R. 6881), as amended, shall be effective for the 1963 National Agricultural Conservation Program for the period July 1, 1962, through December 31, 1963, except for the following changes and such other changes as may hereafter be made.

1. For purposes of the 1963 program, references to the years 1961, 1962, and 1963 shall be construed as references to the years 1962, 1963, and 1964, respectively.

§ 701.5 [Amendment]

2. The third sentence of paragraph (b) of § 701.5 is amended, for purposes of the 1963 program, to read: "The program for the county shall be that recommended by the county ACP development group and approved by the State ACP development group."

§ 701.10 [Amendment]

3. The second sentence of paragraph (a) of § 701.10 is amended, for purposes of the 1963 program, to read: "This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, and with respect to drainage practices, a finding as to whether any land proposed for drainage is Wetland Type 3, 4, or 5, as described in U.S. Department of the Interior, Fish and Wildlife Service Circular 39, 'Wetlands of the United States,' published in 1956, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance for all requirements of the practice except those for which a certification by the farmer or rancher is to be accepted in accordance with instructions issued by the Deputy Administrator, Conservation, ASCS."

4. Section 701.42 is amended, for purposes of the 1963 program, to read:

§ 701.42 Authority.

The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U.S.C. 590g–590q), and the Department of Agriculture and Related Agencies Appropriation Act, 1963.

§ 701.44 [Amendment]

5. Paragraph (b)(4) of § 701.44 is amended, for purposes of the 1963 program, by deleting the words "the Federal Farm Mortgage Corporation."

6. Headnote of § 701.54 is amended, for purposes of the 1963 program, to read:

§ 701.54 Improvement or protection of vegetative cover on rangeland by artificial reseeding, deferred grazing or other measures to promote stand improvement, or firebreaks.

§ 701.72 [Amendment]

7. Section 701.72 is amended, for purposes of the 1963 program, by adding the following at the end thereof: "Cost-sharing or technical assistance shall not be authorized for draining land described as Wetland Type 3, 4, or 5 in the U.S. Department of the Interior, Fish and Wildlife Service Circular 39, 'Wetlands of the United States,' published in 1956. This practice is also subject to the provisions of Public Law 87-732."

§ 701.73 [Amendment]

8. Section 701.73 is amended, for purposes of the 1963 program, by adding the following at the end thereof: "Cost-sharing or technical assistance shall not be authorized for draining land described as Wetland Type 3, 4, or 5 in the U.S. Department of the Interior, Fish and Wildlife Service Circular 39, 'Wetlands of the United States,' published in 1956. This practice is also subject to the provisions of Public Law 87-732."

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Paragraph (b) of § 6.342 is revoked and responsibility shall include (1) a find- visions of Public Law 87-732."

§ 701.74 [Amendment]

9. Section 701.74 is amended, for purposes of the 1963 program, by adding the following at the end thereof: "Cost-sharing or technical assistance shall not be authorized for draining land described as Wetland Type 3, 4, or 5 in the U.S. Department of the Interior, Fish and Wildlife Service Circular 39, 'Wetlands of the United States,' published in 1956. This practice is also subject to the provisions of Public Law 87-732."

(Sec. 4, 49 Stat. 164, secs. 7 to 17, 49 Stat. 1148, as amended, 76 Stat. 606, 76 Stat. 1203, 71 Stat. 176, 71 Stat. 426, 72 Stat. 864; 16 U.S.C. 590d, 590g-590q)

Signed at Washington, D.C., on October 25, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-10843; Filed, Oct. 29, 1962; 8:52 a.m.]

[ACP-1961, Supp. 5]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1961

STATE FUNDS

Paragraph (a) of § 701.1002 is amended, for purposes of the 1961 program, to read:

§ 701.1002 State funds.

(a) Funds available for conservation practices will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1960 distribution. The allocation of funds among the States is as follows:

Alabama	$6,136,000
Alaska	63,000
Arizona	1,584,000
Arkansas	4,933,000
California	5,879,000
Colorado	3,289,000
Connecticut	486,000
Delaware	328,000
Florida	2,797,000
Georgia	7,369,000
Hawaii	162,000
Idaho	1,830,000
Illinois	8,834,000
Indiana	5,751,000
Iowa	9,675,000
Kansas	6,380,000
Kentucky	7,145,000
Louisiana	4,334,000
Maine	979,000
Maryland	1,275,000
Massachusetts	560,000
Michigan	5,145,000
Minnesota	6,231,000
Mississippi	6,600,000
Missouri	9,083,000
Montana	3,881,000
Nebraska	6,440,000
Nevada	390,000
New Hampshire	536,000
New Jersey	709,000
New Mexico	1,939,000
New York	4,623,000
North Carolina	6,582,000
North Dakota	4,447,000
Ohio	6,086,000
Oklahoma	7,334,000
Oregon	2,295,000
Pennsylvania	4,908,000
Puerto Rico	866,000
Rhode Island	$81,000
South Carolina	3,640,000
South Dakota	4,633,000
Tennessee	5,180,000
Texas	20,213,000
Utah	1,374,000
Vermont	1,113,000
Virgin Islands	13,000
Virginia	4,567,000
Washington	2,449,000
West Virginia	1,548,000
Wisconsin	5,590,000
Wyoming	2,141,000
Total	210,396,000

(Sec. 4, 49 Stat. 164, secs. 7-17, 49 Stat. 1148, as amended, 74 Stat. 232; 16 U.S.C. 590d, 590g-590q)

Signed at Washington, D.C., on October 24, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-10812; Filed, Oct. 29, 1962; 8:47 a.m.]

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Farm Marketing Quotas and Acreage Allotments]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1963 Crop of Upland Cotton

The provisions of §§ 722.611 to 722.633 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). These provisions govern the establishment of State, county, and farm allotments for the 1963 crop of upland cotton and the determination of the acreage planted to upland cotton on individual farms in 1963. The latest available statistics of the Federal Government are used in making the determinations required to be made in connection with §§ 722.611 to 722.633. Notice of proposed formulation of acreage allotment regulations for the 1963 crop of upland cotton was published in the FEDERAL REGISTER on October 11, 1962 (27 F.R. 9996) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and the data and recommendations received in response to such notice have been duly considered.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their functions in an orderly manner and establish farm allotments as early as possible prior to the holding of the cotton referendum, it is essential that §§ 722.611 to 722.633 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.611 to 722.633 shall be effective upon filing this document with the Director, Office of the Federal Register.

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AUTHORITY: §§ 722.611 to 722.633 issued under secs. 301, 361, 362, 365-368, 373, 374, 375, 388, 52 Stat. 38, 62-66, as amended, 68, secs. 342-344, 345-346, 347; 63 Stat. 670, as amended, 674, 675, as amended, sec. 377; 70 Stat. 206, as amended, sec. 378, 72 Stat. 995, as amended; 7 U.S.C. 1301, 1342-1344, 1345-1347, 1361, 1362, 1365-1368, 1373-1375, 1377, 1378, 1388.

GENERAL

§ 722.611 Applicability.

The provisions of §§ 722.611 to 722.633 apply to the 1963 crop of upland cotton.

§ 722.612 Definitions.

As used in §§ 722.611 to 722.633 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number.

(a) *General terms.* (1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore or hereafter made.

(2) The terms "Secretary," "Deputy Administrator," "State committee," "county committee," "community committee," "State executive director," "county office manager," "operator," "person," "cropland," "county," "farm," "farm serial number," and "representative of the State committee," as defined in Part 719 of this chapter, as amended, shall apply to the regulations in §§ 722.611 to 722.633.

(3) "Director" means the Director, or Acting Director, Cotton Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(4) "Review committee" means three farmers appointed by the Secretary as members of a panel to review quotas under section 363 of the act.

(5) "Upland cotton" (referred to in §§ 722.612 to 722.633 as "cotton") means any cotton other than extra long staple cotton.

(6) "Extra long staple cotton" means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates, as provided under section 347(a) of the act.

(7) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom) adversely affecting the planting of cotton which conditions must have been of sufficient duration and intensity to prevent the seeding of land to cotton and must have continued until the end of the planting season for the area.

(8) "State and county code" means the applicable number assigned by the Agricultural Stabilization and Conservation Service to each State and county for the purpose of identification.

(9) "Expiration of time limitations" as set forth in Part 720 of this chapter (24 F.R. 4233) shall apply to the regulations in §§ 722.611 to 722.633.

(b) *Terms relating to farms.* (1) "Owner" or "landlord" means a person who owns farmland and rents or leases such land to another person or one who owns and operates such land.

(2) "Cash tenant," "standing-rent tenant," or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a fixed amount of cotton to be paid as rent.

(3) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the cotton or of the proceeds thereof.

(4) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the cotton or of the proceeds thereof.

(5) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant or sharecropper on a farm, is entitled to all or a share of the 1963 crop of cotton produced thereon or of the proceeds thereof.

(6) "Farm allotment" means the cotton acreage allotment established for a farm under §§ 722.611 to 722.633. Farm allotments are initially established on the basis of the data for farms as constituted at the time such allotments are established. Where a farm is subsequently reconstituted for 1963, the farm allotment will be redetermined in accordance with the regulations pertaining to reconstitution of farms in Part 719 of this chapter, as amended.

(7) "Old cotton farm" means a farm having an acreage planted to cotton in any one or more of the years 1960, 1961, and 1962, and a cotton allotment other than zero was established for the farm for the year cotton was planted. Released allotments shall not be considered as acreage planted to cotton for purposes of determining eligibility of the farm for allotment as an old cotton farm.

(8) "New cotton farm" means a farm on which cotton is to be planted in 1963 but such farm is not eligible for an allotment as an old cotton farm.

(9) "Small farm" means a farm for which an allotment, exclusive of allocations to the farm from State and county reserves for 1963, is 15 acres or less.

(10) "Normal yield" means the average yield per harvested acre of lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year, actual yield data are not available or there was no actual yield, the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. In the case of new cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of cotton. The determination made by the county committee under this subparagraph shall be subject to the approval of a representative of the State committee.

(11) "Normal production" of any number of acres means the normal yield per acre of lint cotton for the farm multiplied by such number of acres.

(12) "Actual production" of cotton on the farm means the total number of pounds of lint cotton determined to have been produced on the farm in 1963.

(13) "Acreage planted to cotton in the State and county" (excluding acreage devoted to production of extra long staple cotton) for use in establishing State and county allotments means:

(i) *For 1957, 1958, and 1959.* The sum of the farm allotments for 1957 and 1958 and the 1959 Choice (A) farm allotment excluding any allotment released from the farm or reapportioned to the farm plus acreage history for released allotments which were reapportioned and planted to cotton: *Provided, however,* That the acreage planted to cotton for each year in a State shall not exceed the State's share of the 1957, 1958, and 1959 national allotments, respectively, as adjusted for transfers of farm allotments between States and counties.

(ii) *For 1960.* The sum of Choice (A) farm allotments including any allotments released from such farm allotments, excluding any allotment reapportioned to farms (as adjusted under section 377 of the act): *Provided, however,* That the acreage planted to cotton for 1960 in a State shall not exceed the State's share of the 1960 national allotment as adjusted for transfers of farm allotments between States and counties.

(iii) *For 1961.* The sum of the 1961 farm allotments including any allotment released from such farm allotments, excluding any allotment reapportioned to farms (as adjusted under section 377 of the act): *Provided, however,* That the acreage planted to cotton for 1961 in a State shall not exceed the State's share of the 1961 national allotment as adjusted for transfers of farm allotments between States and counties.

(14) "Acreage planted to cotton on the farm for 1960, 1961, and 1962" (excluding acreage devoted to production of extra long staple cotton) for use in determining eligibility of farms for allotments in subsequent years and for establishing acreage planted to cotton in the State and county means the farm allotment (Choice (A) allotment for 1960) for the respective year, including any allotment released from the farm, excluding any allotment reapportioned to the farm, and also excluding any allotment not entitled to acreage history under section 344(f)(7) of the act; *Provided, however,* That if less than 75 percent of the farm allotment for the respective year and for each of the two years preceding such year (Choice (A) allotment for 1959 and 1960), after release and before reapportionment, was seeded to cotton or devoted to the production of cotton but seeded prior to such year or was regarded as planted to cotton under the Soil Bank Act or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, the farm acreage history for the respective year shall be the sum of the acreage seeded to cotton on the farm in such year and the acreage devoted to the production of cotton on the farm in such year but seeded prior to such year, and acreage regarded as planted under the Soil Bank Act or the Great Plains program, and released allotment for the year but excluding any allotment not entitled to acreage history under section 344(f)(7) of the act and subject to the limitation that no history credit results from overplanting the farm allotment. The foregoing proviso does not apply to the allotment for farms owned by the Federal Government with a restrictive lease prohibiting the planting of cotton or to farms for which allotments have been pooled because of acquisition by an agency having the right of eminent domain.

NOTE: Farm base adjustments under section 344(f)(8) of the act not included in above which is limited to definition of farm acreage history.

(15) "Acreage planted to cotton on the farm in 1963" for purposes of determining compliance with the farm allotment, shall be the acreage seeded to cotton on the farm in 1963 and the acreage devoted to the production of cotton on the farm for 1963 but seeded prior to 1963, excluding any acreage in excess of the farm allotment which is destroyed or disposed of in accordance with the regulations for Determination of Acreage and Performance in Part 718 of this chapter, as amended.

(c) *Terms relating to national reserve and State reserve for minimum farms.*

(1) "National reserve" means that portion of the 310,000 acres provided in section 344(b) of the act available for apportionment to States.

(2) "State's share of the national reserve" means the part of the national reserve allocated to the State on the basis of estimated State needs for additional allotments to establish minimum farm allotments except for Nevada for which 1,000 acres shall be allocated from the national reserve as provided by the act.

(3) "State reserve for minimum farm allotments" means that part of the State reserve allocated to counties to assist in establishing minimum farm allotments.

(4) "County allocation for minimum farm allotments" means the allocations to the county from the State's share of the national reserve and from the State reserve for minimum farm allotments which become a part of the county allotment for reapportionment to farms.

§ 722.613 Issuance of forms and instructions.

Forms and instructions with respect to internal management necessary for carrying out §§ 722.611 to 722.633 shall be prepared under the direction of the director and shall be issued by the deputy administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the director.

§ 722.614 Extent of calculations and rule of fractions.

Farm allotments shall be rounded to tenths of acres. Computations shall be carried to two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example:

6.732=6.7	6.751=6.8
6.750=6.7	6.782=6.8

STATE AND COUNTY ALLOTMENTS

§ 722.615 Apportionment of national allotment and national reserve among States.

(a) *National allotment.* The national allotment proclaimed for the 1963 crop of cotton, less the acreage required pursuant to section 344(k) of the act to provide any State an allotment not less than the smaller of 4,000 acres or the highest acreage planted to cotton in any of the years 1960, 1961, and 1962, shall be apportioned among the other States on the basis of the average acreage planted to cotton in each such State for the years 1957, 1958, 1959, 1960, and 1961, with adjustments in such acreage for failure to seed cotton because of abnormal weather conditions. Such adjustments for abnormal weather conditions shall be made in the acreages planted to cotton in the States on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to cotton in a State shall be the amount established by reference to available information and data as the net reduction of planted acreage in the State attributed solely to abnormal weather conditions.

(b) *National reserve.* The need for additional acreage for establishing minimum farm allotments under section 344(f)(1) of the act for 1963, together with the 1,000-acre allocation to Nevada provided under section 344(b) of the act will be estimated after taking into consideration the needs for such additional acreage for the 1962 crop and the size of the 1962 national allotment. This paragraph will be amended at a later date to establish such additional acreage. Such additional acreage from the national reserve shall be apportioned among States as provided by section 344(b) of the act, on the basis of the needs of each State for additional acreage for establishing minimum farm allotments under section 344(f)(1) of the act for 1962 (except that the amount apportioned to Nevada shall be 1,000 acres). Acreage apportioned to a State from the national reserve shall not be taken into account in establishing future State allotments.

(c) *Total allotment in acres available for distribution in each State.* There is set forth below the State's share of the national allotment. This paragraph will be amended at a later date to establish the State's share of the national reserve and the total allotment available for distribution in each State for the 1963 crop of upland cotton.

State:	*State allotment*
Alabama	936,711
Arizona	331,041
Arkansas	1,315,673
California	736,322
Florida	33,153
Georgia	815,530
Illinois	2,909
Kansas	20
Kentucky	6,995
Louisiana	556,908
Maryland	14
Mississippi	1,519,697
Missouri	352,691
Nevada	2,522
New Mexico	170,714
North Carolina	437,786
Oklahoma	744,908
South Carolina	667,954
Tennessee	528,860
Texas	6,824,006
Virginia	15,586
United States	16,000,000

§ 722.616 Apportionment of State allotment among counties.

(a) *State reserve—(1) State reserve for minimum farm allotments.* It is hereby determined that the additional acreage which will be made available for allocation to a State from the national reserve will meet the requirements for additional acreage for establishing minimum farm allotments for the State under section 344(f)(1) of the act and accordingly, the State committee is not required to establish a State reserve for minimum farm allotments pursuant to section 344(e) of the act.

(2) *State reserve for all other categories.* The State committee shall determine what portion of the State allotment is to be reserved for each of the following categories:

(i) Adjusting computed county allotments for trends in acreage.

(ii) Adjusting computed county allotments for abnormal conditions affecting plantings.

(iii) Establishing allotments for new cotton farms.

(iv) Adjusting farm allotments to correct inequities and to prevent hardships, and

(v) Adjusting allotments determined for small farms. The State committee may, in its discretion, determine that no acreage shall be established for any one or more of the categories of the State reserve set forth in this subparagraph.

(3) *Limitation of size of State reserve.* The total State reserve established for the several categories under subparagraph (2) of this paragraph shall not exceed 10 percent of the State allotment (15 percent in the case of Oklahoma).

(b) *Computed county allotments.* The State allotment for the 1963 crop of cotton, less the State reserve established pursuant to paragraph (a) of this section, shall be apportioned among counties on the basis of the average acreage planted to cotton in each county in 1957, 1958, 1959, 1960, and 1961 (herein referred to as the "base years"), with adjustments in such acreage for failure to see cotton because of abnormal weather conditions. Such adjustments for abnormal weather conditions shall be made in the acreages planted to cotton in the county on the basis of recommendations of the State committee and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to cotton in a county shall be the amount established by reference to available information and data as the net reduction of planted acreage in the county attributed solely to abnormal weather conditions. The acreage allotted to a county pursuant to the provisions of this paragraph is herein referred to as the "computed county allotment."

(c) *Use of State reserve.* The State reserve, if any, established for each designated purpose under paragraph (a) of this section shall be used by the State committee for such purpose as provided in subparagraphs (1) to (5) of this paragraph.

(1) *To adjust computed county allotments for trends in the acreage of cotton.* Any acreage allocated pursuant to paragraph (a)(2)(i) of this section shall be used by the State committee to adjust the computed county allotments for trends in acreage in the counties during recent years (the period of years may include the year 1962 but shall not include any year prior to 1957). The State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) *To adjust computed county allotments for counties adversely affected by abnormal conditions affecting plantings of cotton.* (i) Any acreage allocated pursuant to paragraph (a)(2)(ii) of this section shall be used by the State committee to adjust the computed county allotments for abnormal conditions adversely affecting plantings in the counties during the base years. The State committee shall examine the acreage planted to cotton in the county in each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions.

(ii) In determining whether an adjustment should be made for abnormal conditions adversely affecting plantings in a county, the State committee shall take into consideration abnormal weather conditions such as floods and droughts during the planting season which caused plantings during such season to be abnormally low in comparison with normal and any other abnormal conditions which adversely affected plantings in the county to a greater extent than in other counties. In determining any adjustment for abnormal weather conditions, the State committee shall take into consideration any adjustment made for abnormal weather conditions pursuant to paragraph (b) of this section.

(3) *To make adjustments in allotments determined for small farms.* Any acreage allocated pursuant to paragraph (a)(2)(v) of this section shall be allocated by the State committee to counties to supplement that part of the county reserve established as provided in subparagraphs (1) and (2) of § 722.617(c) for adjusting indicated farm allotments for old cotton farms established at 15 acres or less under § 722.617(d). Such reserve acreage shall be used by the county committee only for adjustments in small farm allotments.

(4) *To establish 1963 allotments for new cotton farms.* Any acreage allocated pursuant to paragraph (a)(2)(iii) of this section shall be allocated by the State committee to counties to establish allotments for new cotton farms. Where the State committee determines that the needs for acreage to establish allotments for new cotton farms are generally uniform in counties throughout the State, the State committee shall determine whether all the acreage required to establish allotments for new cotton farms shall be provided from the State reserve or the county reserve, or from both such reserves. In determining the source of acreage, if any, for new cotton farms the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.617(e)(3). Where it is determined by the State committee that the entire county reserve for any county is needed for making adjustments pursuant to subparagraphs (1) and (2) of § 722.617(e), the State committee may consider allocating acreage from the State reserve as provided in paragraph (a)(2) of this section to supplement the acreage, if any, set aside by the county committee from the county reserve for establishing allotments for new cotton farms. In determining the estimated acreage to be set aside for establishing allotments for new cotton farms, on the basis of the factors set forth in § 722.617(e)(3), the State committee shall take into consideration the experience of State and county committees in establishing allotments for new cotton farms under previous acreage allotment programs and any other available information. The acreage made available to any county under this subparagraph shall be used by the county committee only for new cotton farms.

(5) *To correct inequities in farm allotments and to prevent hardship.* Any acreage allocated pursuant to paragraph (a)(2)(iv) of this section shall be allocated by the State committee to counties to correct inequities in farm allotments and to prevent hardships. Such reserve may also be used for establishing and adjusting farm allotments as provided in § 722.617(i).

(d) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested cotton producer: (1) The amount of the State reserve; (2) the formula, if any, and data developed and used under paragraph (c)(1) and (2) of this section; and (3) the total acreage set aside from the State reserve for the purposes set forth in paragraph (c)(3), (4), and (5) of this section.

(e) *County allotment.* The county allotment shall be the sum of (1) the computed county allotment determined under paragraph (b) of this section, (2) the acreages from the State reserve which are added to the computed county allotment under paragraph (c)(1) and (2) of this section, and (3) the allocation, if any, to the county from the national reserve.

(f) *Apportionment of excess released acreage to counties.* The acreage surrendered to the State committee pursuant to § 722.618 shall be apportioned by the State committee to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings or for small or new farms or to correct inequities in farm allotments and to prevent hardship.

(g) *Apportionment of State's share of national reserve among counties.* Each State's share of the national reserve shall be apportioned among counties on the basis of the estimated needs for additional allotment to establish minimum farm allotments under section 344(f)(1) of the act for 1963 as determined by the State committee, except that the additional allotment of 1,000 acres for Nevada from such reserve shall be apportioned among counties on the same basis that the State allotment, less the State reserve, is apportioned among counties pursuant to paragraph (b) of this section. In making such determination, the State committee shall take into consideration the needs for such additional allotment for 1962, the size of the 1962 and 1963 county allotments without regard to the State and county reserves, the portion of the 1962 county allotment received from the 1962 national reserve, and adjustments in 1963 farm allotment bases in the county under section 344(f)(8) of the act. The allotment apportioned to each county pursuant to this paragraph shall become a part of the county allotment. Acreage apportioned to a county from the State's share of the national reserve shall not be taken into account in establishing future county allotments.

(h) *County allotments; allocations to counties from State's share of national reserve and from State reserve; remainder of the State reserve; and county reserve—(1) County allotment showing components thereof; allocations to counties from State reserve for small farms and to correct inequities and prevent hardships; and remainder of the State reserve.* This subparagraph will be amended at a later date to establish county allotments showing components thereof (computed county allotment, allocation from State's share of national reserve, adjustments from State reserve for trends, abnormal conditions, and minimum farm allotments); allocations to counties from State reserve for small farms and to correct inequities and prevent hardship; and the remainder of the State reserve which is available for allocation to counties for new farms, missed and reconstituted farms and correction of errors.

(2) *County reserve.* This subparagraph will be amended at a later date to establish county reserves.

ESTABLISHMENT OF FARM ALLOTMENTS

§ 722.617 Apportionment of county allotment among farms.

(a) *Determination of method to be used in apportioning county allotment among farms.* Section 344(f)(8) of the act provides that if allotments were in effect in 1962, the method for apportioning the county allotment among farms under section 344(f)(8) of the act shall be used for 1963. Since allotments were in effect in 1962, the method under section 344(f)(8) of the act shall be used in all counties and not the cropland method under section 344(f)(2) of the act or the historical method under section 344(f)(6) of the act.

(b) *Determination of county reserve and adjusted county allotment.* (1) The county committee shall establish a county reserve which may be used to adjust indicated farm allotments for old cotton farms determined under paragraph (d) of this section and to establish allotments for new cotton farms under paragraph (e)(3) of this section. Except as provided under subparagraph (2) of this paragraph, the county reserve so established may be increased to include the estimated additional acreage required to establish minimum farm allotments under paragraph (c)(8) of this section.

(2) The State committee may coordinate the establishment of county reserves by county committees in the State in such manner as to provide a uniform county allotment factor for all or groups of counties in the State. The adjusted county allotment resulting by the establishment of such reserve shall be sufficient to provide factored farm allotments equal to the product of the farm allotment base times the uniform county allotment factor for all old cotton farms in the State plus the additional acreage that would be required to provide minimum farm allotments to applicable farms.

(3) The county reserve established under subparagraph (1) or (2) of this paragraph for any county shall not ex-

ceed 15 percent of the sum of (i) the computed county allotment and (ii) the allotment allocated to the county pursuant to § 722.616(c) (1) and (2).

(4) The adjusted county allotment shall be the county allotment remaining after deducting the county reserve.

(c) *Determination of farm allotment bases and minimum allotment requirements.* The following terms shall apply in connection with establishment of farm allotment bases and minimum allotment requirements:

(1) "1962 farm allotment" means the allotment established for the farm for 1962 prior to release of allotment from the farm or reapportionment of released allotment to the farm. It is hereby determined that for purposes of establishing 1963 farm allotment bases it will not be necessary under section 344(f)(8) of the act to adjust 1962 farm allotments for any change in the acreage of cropland available for the production of cotton.

(2) "The acreage regarded as planted to cotton on the farm for 1962" means the acreage determined to have been diverted for 1962 from cotton production under the conservation reserve of the Soil Bank Act or Great Plains program plus the acreage released from the farm for 1962 only.

(3) "The maximum farm allotment base for 1963 for each old cotton farm for which a 1958 allotment was established" shall be determined by subtracting from the 1962 farm allotment that part, if any, of such allotment which was added by increasing it to the smaller of 10.0 acres or the 1958 farm allotment under the minimum allotment provisions of the act, except that in the case of a permanent release of allotment from the farm, the maximum base shall be the 1962 farm allotment remaining with the farm after such release.

(4) "A 1963 preliminary allotment base" shall be established for each old cotton farm as follows:

(i) Except as provided in subdivision (iv) of this subparagraph (4), if the total of the acreage planted to cotton for 1962 plus the acreage regarded as planted to cotton is 75 percent or more of the 1962 farm allotment, such 1962 farm allotment shall be the 1963 preliminary allotment base for the farm.

(ii) The 1962 farm allotment shall be the 1963 preliminary allotment base for each farm on federally owned land with a restrictive lease prohibiting the planting of cotton, and for each farm for which the allotment has been pooled because of acquisition by an agency having the right of eminent domain.

(iii) Except as provided in subdivisions (ii), (iv), and (v) of this subparagraph (4), if the total of the acreage planted or regarded as planted to cotton is less than 75 percent of the 1962 farm allotment, the 1963 preliminary allotment base for the farm shall be the average of the 1962 farm allotment and the 1962 acreage planted to cotton (including acreage regarded as planted to cotton).

(iv) For a 1962 new cotton farm, the preliminary allotment base shall be the acreage planted to cotton if less than 75 percent of the 1962 farm allotment is planted or if such acreage is 75 percent or more of the 1962 farm allotment, the preliminary allotment base shall be the 1962 farm allotment.

(v) Adjustments provided in subdivision (iii) of this subparagraph (4) shall not be made, and the 1962 farm allotment shall be the preliminary allotment base for the farm, if the county committee determines that failure to plant at least 75 percent of the 1962 farm allotment was due to excessive rain, flood, hail, drought, lack of water on irrigated farms resulting from the effect of drought on the water supply, or illness of the farm operator or any other producers on the farm, which are hereby determined to be conditions beyond the control of producers on the farm. The farm operator was required under § 722.519(a)(2) of the 1962 acreage allotment regulations for upland cotton (26 F.R. 9987), as amended, to file an application in writing with the county committee not later than September 15, 1962, showing that failure to plant at least 75 percent of the farm allotment in 1962 was due to one or more of such conditions, if such was the case, except in certain specified cases of general underplanting in an area of a county.

(5) "A 1963 farm allotment base" for each old cotton farm for which a 1958 allotment was determined shall be established as the smaller of the maximum allotment base or the 1963 preliminary allotment base and for each other old cotton farm the 1963 farm allotment base shall be established as the 1963 preliminary allotment base.

(6) "The 1958 farm allotment" means the allotment established for the farm for 1958 prior to release of allotment from the farm or reapportionment of released allotment to the farm.

(7) "The adjusted 1958 farm allotment for 1963" for a farm means the smaller of:

(i) The adjusted 1958 farm allotment determined under § 722.517(c)(7) of the 1962 acreage allotment regulations, or

(ii) The 1963 preliminary allotment base for the farm.

(8) "The 1963 minimum allotment for each old cotton farm for which a 1958 farm allotment was established" shall be the smaller of:

(i) 10 acres, or

(ii) The adjusted 1958 farm allotment for 1963.

(9) "The total minimum farm allotment requirements for a county" shall be the sum of the minimum farm allotments for all old cotton farms in the county.

(d) *Indicated allotments for old cotton farms in all counties.* The adjusted county allotment shall be apportioned among old cotton farms in accordance with applicable subparagraph (1) or (2) of this paragraph.

(1) *Indicated allotments for old cotton farms in counties where the adjusted county allotment is equal to or less than the total minimum farm allotment requirements for the county.* If the adjusted county allotment is equal to or smaller than the total minimum farm allotment requirements for the county, the indicated allotment for each old cotton farm in the county for which a 1958 farm allotment was established shall be the minimum allotment for the farm. The allotment, if any, required in excess of the adjusted county allotment shall be in addition to the county, State, and national allotments and shall not be taken into account in establishing future State, county, or farm allotments. The indicated allotment for each old cotton farm in the county which was a new cotton farm for 1960, 1961, or 1962 shall be zero; however, reserve acreage, to the extent available, shall be used to adjust such allotment to not less than the 1963 allotment base adjusted to reflect the change in the 1963 State allotment from the 1962 State allotment in accordance with paragraph (e) (1), (2), and (4) of this section.

(2) *Indicated allotments for old cotton farms in counties where the adjusted county allotment is larger than the total minimum farm allotment requirements for the county.* If the adjusted county allotment is larger than the total minimum farm allotment requirements for the county, indicated farm allotments for old cotton farms shall be established as follows:

(i) An allotment base shall be established for each old cotton farm in the county.

(ii) A county factor shall be determined by dividing the adjusted county allotment by the sum of the farm allotment bases established for old cotton farms in the county. If required, additional county allotment factors shall be determined in the same manner until the adjusted county allotment is apportioned to old cotton farms, except that each old cotton farm for which the factored allotment determined by applying the preceding county factor was less than the minimum allotment for the farm shall be excluded in computing each additional factor.

(iii) A factored allotment shall be computed for each old cotton farm by multiplying the allotment base by the county factor.

(iv) The indicated allotment for each old cotton farm shall be the larger of the factored allotment or the minimum allotment for the farm, except that, if a 1958 allotment was not established for the farm, the indicated allotment shall be the factored allotment.

(v) Except for farms for which minimum allotments are established, the indicated allotment shall not exceed the cropland on the farm available for the production of cotton, as determined by the county committee. The allotment regained by application of this limitation shall be added to the county reserve and used by the county committee in adjusting farm allotments; however, the total acreage used from the county reserve shall not exceed 15 percent of the county allotment.

(e) *Use of county reserve.* The county reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm allotments of 15 acres or less.* Not less than 20 percent of the county reserve shall, to the extent required, be used by the county committee to adjust indicated farm allotments determined under paragraph (d) of this section to be 15 acres or less, excluding minimum indicated farm allotments established under section 344(f)(1)(B) of the act. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community taking into consideration for the farm the acreages planted to cotton in 1960, 1961, and 1962, the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production. Farms covered by contracts under the conservation reserve or Great Plains program shall receive the same consideration as other comparable farms in the county in the adjustment of allotments from the county reserve.

(2) *Adjustments in indicated allotments for other farms.* The remainder of the acreage in the county reserve, after meeting or determining the requirements under subparagraphs (1), (3), and (4) of this paragraph, shall be used by the county committee to adjust indicated farm allotments which are more than 15 acres and minimum indicated farm allotments established under section 344(f)(1)(B) of the act. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community, taking into consideration for the farm, the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production. In the absence of specific data relating to the labor and equipment available for the production of cotton and to the crop-rotation practices followed on a farm, the county committee may consider the acreage planted to cotton on the farm in 1960, 1961, or 1962 as reflecting such factors and use such acreages as the basis for adjusting the indicated farm allotment under this subparagraph. Farms covered by contracts under the conservation reserve or Great Plains program shall receive the same consideration as other comparable farms in the county in the adjustment of allotments from the county reserve.

(3) *Allotments for new cotton farms—*(i) *Determination of acreage needed for establishing allotments for new cotton farms.* If any part of the State reserve or the county reserve is to be used for establishing allotments for new cotton farms, the county committee, with the assistance of the community committees, may estimate from county office records and other available sources of information the number of new cotton farms in the county and an estimate may be made of the cropland on new cotton farms. Such estimates may be used by the State and county committees as a basis for determining the acreage, if any, that will be allocated for establishing allotments for new cotton farms. In determining the acreage, if any, from the county reserve which is to be used for establishing allotments for new cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State reserve pursuant to § 722.616(c)(4) for establishing allotments for new cotton farms. The total acreage reserved for establishing allotments for new cotton farms in the county, including any acreage allocated to the county for new cotton farms from the State reserve, shall not exceed 75 percent of the total of the farm allotments which the county committee estimates will be determined for the same number of old cotton farms in the county which are similar except for the acreage planted to cotton during the years 1960, 1961, and 1962. The State committee shall establish a closing date for filing an application for a new cotton farm allotment with the county committee which shall be no earlier than February 15, 1963, and no later than the date on which the planting of cotton normally becomes general on farms in the county. Such closing date and the amount of reserve acreage available in the county for new cotton farms shall be posted in the county office and, to the extent practicable, such information shall be given general publicity in the county.

(ii) *Eligibility of a new cotton farm for a cotton allotment.* A cotton allotment for a new cotton farm may be established by the county committee if each of the following conditions is met:

(a) An application for a cotton allotment is filed by the farm operator with the county committee by the closing date established by the State committee.

(b) Neither the farm operator nor the farm owner owns or operates any other farm in the United States for which a cotton allotment is established for 1963.

(c) The available land, type of soil and topography of the land is suitable for the production of cotton and such production ordinarily will not result in an undue erosion hazard under continuous production.

(d) The farm operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water in irrigated areas) necessary to produce cotton on the farm.

(e) The farm operator expects to obtain during 1963 more than 50 percent of his income from the production of agricultural commodities or products from the farm excluding the estimated income from the production of cotton requested for the farm. Where the farm operator is a partnership, each partner must expect to obtain during 1963 more than 50 percent of his income from the production of agricultural commodities or products from the farm excluding the estimated income from the production of cotton requested for the farm. Where the farm operator is a corporation, it must have no major corporate purpose other than operation, and ownership where applicable, of such farms, and the officers and general manager of the corporation must expect to obtain during 1963 more than 50 percent of their income, whether dividends or salary, from the production of agricultural commodities or products from the farm excluding the estimated income from the production of cotton requested for the farm. In estimating the income of the farm operator from the farm, the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm shall be included.

(iii) *Establishment of allotments for new cotton farms.* If the applicant's farm is eligible for a cotton allotment, such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton. The allotment so determined for any such farm shall not exceed the smaller of (a) the indicated allotments established pursuant to paragraph (c) of this section for old cotton farms in the county which are similar except for the acreages planted to cotton during the years 1960, 1961, and 1962, or (b) the allotment requested by the applicant. The sum of the allotments determined by the county committee for new cotton farms shall not exceed the reserves available for such farms in the county under this subparagraph. The allotments for new cotton farms shall be subject to review and approval by a representative of the State committee, as provided in § 722.631. If the acreage planted to cotton on the new cotton farm is less than 75 percent of the cotton allotment established for the farm pursuant to this subparagraph, such allotments shall be automatically reduced to the acreage planted to cotton on the farm.

(iv) *Reduction or cancellation of new cotton farm allotments.* If a new cotton farm allotment is established under this subparagraph and it is later determined by the county committee or State committee, or the deputy administrator, that the new farm allotment was obtained by misrepresentation by or on behalf of the farm operator, the new farm allotment established for the farm shall be cancelled if the farm is not eligible for a new cotton farm allotment or reduced to the amount which would be proper on the basis of the facts and a notice of revised allotment shall be issued. Any reduction or cancellation of a new cotton farm allotment by the county committee shall be subject to the approval of the State committee. A cotton allotment established for a farm in any year subsequent to the establishment of a new cotton farm allotment for such farm shall be revised to reflect any reduction or cancellation of the new farm allotment and a notice of revised allotment shall be issued. The county committee shall issue any notice of marketing quota and penalty as may be required by the regulations pertaining to marketing quotas for upland cotton (§§ 722.1 to 722.51; 26 F.R. 3672), as amended.

(4) *Adjustments in farm allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the

State reserve to correct inequities in farm allotments and to prevent hardship. Such reserves may also be used for establishing and adjusting farm allotments as provided in paragraph (i) of this section and to provide fair and reasonable allotments where the county committee had insufficient information to make proper adjustments at the time the original allotment for the farm was established. Any acreage from the county reserve and any allocation to the county from the State reserve which is made pursuant to § 722.616(e)(5) may be used by the county committee for making adjustments in farm allotments to correct inequities and to prevent hardship, taking into consideration for the farm the acreages planted to cotton in 1960, 1961, and 1962, the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production and any other factors for correcting inequities and preventing hardship.

(f) *Use of acreage allocated to county from State reserve for adjusting allotments for small farms.* The acreage allocated to a county from the State reserve for small farms shall be used by the county committee to adjust indicated farm allotments of 15 acres and less for old cotton farms on the basis of the factors set forth in paragraph (e) (1) and (2) of this section for adjusting small farm allotments.

(g) *Reconstitution of farms.* The reconstitution of farms under §§ 722.611 to 722.633 shall be governed by the regulations pertaining to reconstitution of farms in Part 719 of this chapter, as amended.

(h) *Allotments for missed and reconstituted farms and correction of errors.* The reserves provided for in paragraph (e) (4) of this section and in § 722.616 (c)(5) shall be used by the county committee for the purposes specified therein and also (1) for establishing allotments for old cotton farms for which allotments were not established at the time allotments were originally established for old cotton farms in the county because of oversight on the part of the county committee, (2) for correcting errors in farm allotments, and (3) for use in establishing allotments for farms which are divided or combined for 1963 under paragraph (g) of this section. If the reserves authorized to be used under this paragraph have been exhausted, acreage authorized under section 344(f)(7)(A) of the act may be used for establishing minimum farm allotments.

(i) *Equitable adjustments from State reserve for all old cotton farms.* Under section 112(2) of the Soil Bank Act and the Great Plains program under section 16(b)(4) of the Soil Conservation and Domestic Allotment Act, as amended, acreage diverted from the production of cotton shall be considered acreage devoted to cotton for purposes of establishing future State, county, and farm allotments. In order to prevent inequitable allotments on farms included in such programs, the State reserve for categories other than new farms shall not be larger than that acreage required to give all old cotton farms equal consideration, whether the farm history resulted from actual seeding of cotton or from acreage history required by law.

§ 722.618 Release and reapportionment of cotton allotments.

(a) *Conditions under which farm allotments cannot be released.* The following farm allotments shall not be released in whole or in part:

(1) Allotments for new cotton farms.

(2) The allotment for an old cotton farm which is owned by the Federal Government and which was leased by an agency of the Federal Government as lessor on condition that no land on the farm shall be planted to cotton.

(3) The allotment for any farm where such release is opposed by the owner or operator.

(b) *Allotments which may be released and reapportioned.* (1) *Release of allotments for 1963 only.* Except as provided otherwise in paragraph (a) of this section, all or any part of any 1963 farm allotment for an old cotton farm, including allotments pooled for farms acquired by agencies having the right of eminent domain, which will not be used in 1963 may be voluntarily released in writing to the county committee by the farm owner or operator by the applicable closing date. Released acreage shall be deducted from the farm allotment and a revised notice of farm allotment shall be issued in accordance with § 722.622.

(2) *Permanent release of allotments.* Except as provided otherwise in paragraph (a) of this section and except for pooled acreage allotments, all or any part of any 1963 farm allotment for an old cotton farm may be permanently released in writing to the county committee by the owner and operator by the applicable closing date. Released acreage shall be deducted from the farm allotment and a revised notice of farm allotment shall be issued in accordance with § 722.622.

(3) *Reapportionment of allotments.* (i) The State committee may establish standards and guidelines to the extent necessary to assure uniform application of the basic factors required to be considered under section 344(m)(2) of the act listed in subdivision (iii) of this subparagraph in the reapportionment of released allotments to farms.

(ii) An oral or written request by the farm operator or owner shall be made to the county committee by the applicable closing date as a condition of eligibility for consideration by the county committee to have released acreage reapportioned to the farm: *Provided, however,* That the State committee may require a written request as a condition of eligibility.

(iii) Released allotments may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of cotton, land, labor, and equipment available for the production of cotton; crop-rotation practices; and soil and other physical facilities affecting the production of cotton and approved standards and guidelines, if any, established by the State committee. *Provided, however,* That any allotment released from a farm which is covered in whole or in part by a Soil Bank Conservation Reserve Contract, or for which an application is pending for a Conservation Reserve Contract, shall not be reapportioned by the county committee to any other farm or surrendered to the State committee for reapportionment to other counties.

(4) *Surrender of released acreage to the State committee.* If all of the released acreage in a county is not needed, the county committee may surrender; except for released acreage from pooled acreage allotments or acreage released from soil bank farms, the unused released acreage to the State committee for reapportionment to counties as provided in § 722.616(f).

(5) *Closing dates.* The State committee shall establish closing dates for release of allotments, requests for reapportionment of allotments and reapportionment of allotments for the entire State or for areas consisting of one or more counties in the State taking into consideration the normal planting dates within the State. The closing date for release of allotments shall be no later than the date on which the planting of cotton normally becomes general on farms in the State, area, or county. The closing date for reapportionment of allotments to other farms shall be no later than the latest date on which cotton can normally be planted on farms in the State, area, or county with reasonable expectation of producing an average crop. The closing date for requests for reapportionment of allotments shall be a date from the closing date for release of allotments to the closing date for reapportionment of allotments, both dates inclusive. Closing dates under this subparagraph may be extended by the State committee to a date by which cotton could be planted with a reasonable expectation of producing a crop. In establishing closing dates, the State committee shall also take into consideration the time required for reapportionment of surrendered acreage to counties and farms.

(6) *Acreage history.* For the purpose of determining future State and county allotments, released allotments will be credited to the State and county in which such allotments were released. In determining future farm allotments, the planting in 1963 of reapportioned allotments shall not be considered. Any farm allotment released for 1963 only, shall, in determining future farm cotton allotments, be regarded as having been planted on the farm from which such allotment was released if cotton was planted or regarded as planted on such farm under section 377 of the act or section 106(a) or 112(2) of the Agricultural Act of 1956 or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, in at least one of the years 1961 or 1962.

(7) *Public notice.* The county committee shall post in the county office the applicable closing dates and the amount of released allotments available in the county for reapportionment and to the extent practicable, such information shall be given general publicity in the county.

(c) *Apportionment of surrendered acreage allocated to county by State committee.* The acreage apportioned to the county under § 722.616(f) may be used by the county committee for establishing and adjusting farm allotments for new cotton farms or small farms or to correct inequities and to prevent hardship in accordance with the provisions of paragraph (e) and (f) of § 722.617.

§ 722.619 Adjustment of allotment bases and determination of acreage history.

(a) *Farm base adjustments under section 344(f)(8) of the act applicable to 1963 plantings of cotton.* Section 344 (f)(8) of the act provides for adjustment of the farm base if 1963 plantings of cotton are reduced below a specified percentage. The following items are set forth so that farm operators in 1963 may be fully advised and take any necessary action:

(1) Farm base adjustments are required in connection with establishing 1964 allotments, if marketing quotas are in effect, and the acreage actually planted (or regarded as planted under the Soil Bank Act, Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, and the release and reapportionment provisions of section 344(m)(2) of the act) to cotton on the farm in 1963 was less than 75 percent of the 1963 farm allotment, in lieu of using the 1963 farm allotment as the farm base, the base shall be the average of (i) the cotton acreage actually planted or regarded as planted for the farm in 1963 and (ii) the 1963 farm allotment. Similarly, the 1958 farm allotment (as adjusted under section 344(f)(8) of the act for the prior years) used for establishing the minimum farm allotment shall be adjusted to the average acreage so determined. However, the farm acreage history for 1963 shall be limited to the extent required under section 344(f)(7) of the act. Notwithstanding the provisions of this subparagraph, the farm base on federally owned land with a restrictive lease prohibiting the planting of cotton and for each farm for which the allotment has been pooled because of acquisition of an agency having the right of eminent domain shall not be adjusted under section 344(f)(8) of the act.

(2) Adjustments provided in subparagraph (1) of this paragraph shall not be made if the county committee determines that failure to plant at least 75 percent of the farm allotment was due to excessive rain, flood, hail, drought, lack of water on irrigated farms resulting from the effect of drought on the water supply, or illness of the farm operator or any other producers on the farm which are hereby determined to be conditions beyond the control of producers on the farm. The farm operator or owner shall file an application in writing with the county committee not later than September 15, 1963, showing that failure to plant at least 75 percent of the farm allotment in 1963 was due to one or more of such conditions: *Provided, however,* That no written application by the farm operator or owner shall be required if the county committee finds that one or more of such conditions at planting time generally caused underplanting of allotments on a number of farms in an area of the county, and in such cases, the county committee, with the approval of a representative of the State committee, may determine that 75 percent or more of the 1963 farm allotment would have been planted to cotton on any farm in such area if at least 75 percent of the farm allotment minus any acreage history earned under the conservation reserve program for one or more of the years 1961 or 1962 was actually planted to cotton. A written record of the determinations of the county committee on each of the applications filed under this subparagraph or made under the proviso of this subparagraph shall be filed in the records of the county office showing the reason for failure to plant at least 75 percent of the farm allotment, the percent of allotments planted to cotton in 1961 and 1962, where applicable, the county committee's approval or disapproval of an application, and where applicable, its reasons for disapproval.

(b) *Preservation of acreage history under section 377 of the act.* Section 377 of the act provides for preservation of acreage history under certain circumstances. The farm allotment for 1963, excluding any allotment released from the farm or reapportioned to the farm, shall be considered for purposes of future State, county, and farm allotments to have been planted to cotton (acreage history for released allotment shall be determined in accordance with § 722.618 (b)): *Provided, however,* That the farm allotment for 1963, except for such allotment on farms owned by the Federal Government with a restrictive lease prohibiting the planting of cotton and pooled allotment farms, shall not be preserved as history acreage unless an acreage equal to 75 percent or more of the farm allotment, after release and before reapportionment, in one of the years 1961, 1962, or 1963 was seeded to cotton or devoted to the production of cotton but seeded prior to such year or was regarded as planted to cotton under the Soil Bank Act or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended; and in cases where the farm allotment for 1963 shall not be preserved under this proviso, the acreage considered to have been planted to cotton in such cases shall be the sum, subject to the limitation under § 722.629, of (1) acreage seeded to cotton on the farm in 1963, (2) acreage devoted to the production of cotton on the farm in 1963 but seeded prior to 1963, and (3) acreage regarded as planted on the farm in 1963 under the Soil Bank Act or the Great Plains program under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(c) *Farm acreage history.* Farm acreage history for the purpose of establishing future State and county allotments shall be the sum of the acreage considered to have been planted to cotton under paragraph (b) of this section plus the acreage released for 1963 only from the farm: *Provided, however,* That such acreage history for the State, county, and farm shall be limited to the extent required under sections 344(b) and 344(f)(7) of the act.

§ 722.620 Allotments for special farms.

(a) *Where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain.* Where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain, farm allotments for such acquired land and determination of other farm allotment for such owner shall be governed by section 378 of the act and the regulations pertaining to reconstitution of farms in Part 719 of this chapter, as amended.

(b) *Publicly owned agricultural experiment stations*—(1) *Allotments for farms operated by publicly owned agricultural experiment station.* A farm allotment shall be established pursuant to the provisions of § 722.617 for a farm operated by a publicly owned agricultural experiment station.

(2) *Conditions under which production is exempted from penalty.* The marketing penalty shall not apply to the marketing of any cotton of the 1963 crop which is grown for experimental purposes only on a farm operated by a publicly owned agricultural experiment station and produced at public expense by employees of the experiment station. Where the acreage planted to cotton on a farm operated by a publicly owned agricultural experiment station is in excess of the farm allotment, the acreage used for determining the marketing excess, if any, for the farm shall be the smaller of (i) the acreage planted to cotton on the farm in excess of the farm allotment, or (ii) the acreage planted to cotton on the farm which is not for experimental purposes. Also, the marketing penalty shall not apply to cotton produced for experimental purposes on other land by a person pursuant to a written agreement with a publicly owned agricultural experiment station whereby the experiment station bears the costs and risks incident to the production of the cotton and the proceeds from the crop inure to the benefit of the experiment station and such agreement is approved by the State committee. Such approval will be given if the State committee finds that the agreement conforms to the requirements of this subparagraph.

EXTRA LONG STAPLE COTTON

§ 722.621 Conditions of exemption of extra long staple cotton.

(a) *If marketing quotas under section 347 of the act are in effect for 1963 crop.* If marketing quotas for extra long staple cotton are in effect for the 1963 crop, the provisions of this subpart relating to upland cotton shall not apply to those types of extra long staple cotton which are subject to marketing quotas under the provisions of section 347 of the act.

(b) *If marketing quotas under section 347 of the act are not in effect for the 1963 crop.* If marketing quotas for extra long staple cotton are not in effect for the 1963 crop:

(1) All of the 1963 crop of American-Egyptian cotton which is produced from pure strain seed in Cochise, Gila, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; and Imperial and Riverside Counties, California; and Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, and Ward Counties, Texas; shall be exempted from all provisions of the regulations in this subpart with respect to marketing quotas for the 1963 crop of upland cotton; provided the American-Egyptian cotton is ginned on a roller-type gin, or the deputy administrator authorizes such cotton to be ginned on another type gin for experimental purposes, or to prevent loss of such cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on the farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain American-Egyptian cottonseed is to be planted, and (ii) that roller-type gin facilities are available in the area for the ginning of such cotton, and that such facilities will be used in the ginning of all cotton produced from such seed. In connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the American-Egyptian seed to be planted showing that such seed is of pure strain.

(2) All of the 1963 crop of Sea Island and Sealand cotton which is produced from pure strain seed in Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Levy, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwannee, Union, and Volusia Counties, Florida; and Berrien, Cook, and Lanier Counties, Georgia; and all of the 1963 crop of Sea Island cotton which is produced from pure strain seed in Puerto Rico, shall be exempted from all provisions of the regulations in this subpart with respect to marketing quotas for the 1963 crop of upland cotton; provided the Sea Island and Sealand cotton is ginned on a roller-type gin, or the deputy administrator authorizes such cotton to be ginned on another type gin for experimental purposes or to prevent loss of such cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on the farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain Sea Island cottonseed or pure strain Sealand cottonseed is to be planted, and (ii) that roller-type gin facilities are available in the area for the ginning of such cotton, and that such facilities will be used in the ginning of all cotton produced from such seed. In connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the Sea Island seed and the Sealand seed to be planted showing that such seed is of pure strain.

(3) Any cotton produced from the 1963 crop which staples one and one-half inches or more in length and which is ginned on a roller-type gin, or the deputy administrator authorizes the cotton to be ginned on another type gin for experimental purposes, or to prevent loss of the cotton due to frost or other adverse conditions, shall be excepted from the provisions of the regulations in this subpart with respect to marketing quotas for the 1963 crop of upland cotton regardless of where the cotton is produced in the United States or the variety of cotton from which such cotton is produced.

FARM MARKETING QUOTAS AND FARM MARKETING EXCESS

§ 722.622 Notices of farm allotment and marketing quota.

Immediately after farm allotments in a county are established and approved pursuant to § 722.631(b), the county committee shall mail to the operator of each such farm a written notice of the farm allotment and marketing quota for the farm. The county committee shall also mail to the operator of each new cotton farm for which application for an allotment is made but for which it is determined that no farm allotment and marketing quota will be established a similar written notice showing "None" as the allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof substantially the following statement: "To all persons who as operator, landlord, tenant, or sharecropper will for the crop year shown above be interested in the cotton produced on the farm for which this allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. Such notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. A copy of each notice containing a notation thereon of the date of mailing the notice to the operator of the farm shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper, is interested in the cotton produced in 1963 on the farm for which the notice is given. Insofar as practicable, the notice for each old cotton farm shall be prepared and mailed to the operator so as to be received prior to the referendum to determine whether cotton farmers favor or oppose marketing quotas for the 1963 crop. Farm allotments shall not become effective unless (a) proper approval is obtained as provided under § 722.631 and (b) written notice of farm allotment is issued as provided under §§ 722.611 to 722.633. The farm operator shall immediately notify the county committee of any change in the ownership, operation, or control of the farm, or any part thereof, for which a notice of farm allotment is issued for 1963. Revised notices of allotment shall be issued where an erroneous allotment was established or the farm allotment is adjusted by release and reapportionment.

§ 722.623 Referendum for 1963 crop.

A referendum of the farmers who were engaged in the production of cotton in the calendar year 1962 will be held on December 11, 1962, pursuant to the provisions of section 343 of the act and the Regulations Governing the Holding of Referenda on Marketing Quotas set forth in Part 717 of this chapter, as amended, to determine whether such farmers are in favor of or opposed to the 1963 quota. If two-thirds or more of the cotton farmers voting in the cotton referendum favor the quota, such quota will be in effect for the 1963 crop of cotton. If more than one-third of the cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the 1963 crop of cotton; however, farm allotments established for such crop pursuant to section 344 of the act will remain in effect and compliance with such farm allotments will be a condition of eligibility of producers for price support at 50 percent of the parity price of cotton.

§ 722.624 Amount of farm marketing quota and farm marketing excess.

The farm marketing quota for any farm for the 1963 crop of cotton shall be the actual production of lint cotton on the farm less the farm marketing excess. The farm marketing excess for the 1963 crop of cotton shall be the normal production of the acreage of cotton on the farm in excess of the farm allotment: *Provided*, That such farm marketing excess shall not be larger than the amount by which the actual production of cotton on the farm exceeds the normal production of the farm allotment if the producer established such actual production in accordance with the regulations pertaining to marketing quotas for upland cotton (§§ 722.1 to 722.51; 26 F.R. 3672), as amended.

§ 722.625 Publication of farm allotments and marketing quotas.

One copy of each notice of the farm allotment and marketing quota for farms in the county mailed under § 722.622 shall be placed in binders or folders, or in lieu thereof a listing of such allotments and quotas shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period, the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. Either the copies of the notices or the listing referred to in this section shall be maintained in the county office by the county office manager for the use of the chairmen of the community committees.

§ 722.626 Successors-in-interest.

Any person who succeeds to the interest of a producer in a farm, or in a cotton crop, or in cotton for which a farm marketing quota and farm marketing excess were established shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of cotton.

§ 722.627 Marketing quotas not transferable.

A farm marketing quota is established for a farm and except as specifically provided for in §§ 722.618 and 722.620(a) may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.628 Measurement of farms to determine compliance with allotments.

For purposes of determining compliance with allotments, premeasurement of farms, measurement of farms after planting, notice of measured acreage, disposition of excess acreage, and remeasurement shall be governed by Part 718 of this chapter, as amended.

§ 722.629 No credit for overplanting the farm allotment.

Any acreage planted to cotton in 1963 in excess of the farm allotment for the 1963 crop of cotton shall not be taken into account in establishing State, county, and farm allotments for the 1964 and subsequent crops of cotton.

§ 722.630 Availability of records.

The State and county committees shall make available for inspection by owners or operators of farms receiving cotton allotments, all records pertaining to cotton allotments and marketing quotas, including the allocations to the county from the State reserve and the total amount and the distribution of the county reserve.

§ 722.631 Approval of determinations and additional authority for determination of farm allotments and farm marketing quotas.

(a) *Approval of State reserves, county allotments, and county reserves.* Determination of State reserves and county allotments as provided for in § 722.616 (a) and (e), and of county reserves, as provided in § 722.617(b), shall be subject to review and approval by the Secretary and such allotments and reserves as approved by the Secretary shall be published at a later date in an amendment to § 722.616(h).

(b) *Approval of county committee determinations.* A representative of the State committee shall review all farm allotments prior to issuance thereof and may revise or require revisions of any determinations made under §§ 722.617 to 722.628: *Provided, however,* That such prior review shall not be required where revised farm allotments resulting from reconstitution of farms or from release and reapportionment of farm allotments do not require additional acreage for allocation, except in the case of reapportionment of allotments, the State committee may require approval by its representative prior to issuance thereof. Cotton allotments for both old and new cotton farms shall be approved by a representative of the State committee. No official notice of farm allotment and marketing quota shall be mailed to a farm operator until such approval has been obtained.

(c) *Additional authority for determination of farm allotments and farm marketing quotas.* In addition to the authority established in §§ 722.611 to 722.633 for determination of farm allotments and farm marketing quotas for both old and new farms, including revised allotments to correct errors, such determinations may be made by the Secretary and Assistant Secretary of Agriculture, or the Administrator of Agricultural Stabilization and Conservation Service. A notice conforming to the requirements of § 722.622 executed by any of the foregoing officials and mailed to the operator of the farm shall be deemed to meet the requirements of § 722.622. A copy of each notice shall be kept among the permanent records of the appropriate county committee and copies thereof shall be made available in accordance with the provisions of § 722.622 to any person who as operator, landlord, tenant, or sharecropper, is interested in the cotton produced in 1963 on the farm for which the notice is given.

(d) *Supervisory authority of State committee.* The State committee may take any action required to be taken by the county committee under §§ 722.611 to 722.633 which the county committee fails to take. The State committee may also correct or require the county committee to correct any action taken by such county committee which is not in accordance with §§ 722.611 to 722.633, or require the county committee to withhold taking any action which is not in accordance with §§ 722.611 to 722.633.

§ 722.632 Review of farm allotment.

Any producer who is dissatisfied with the farm allotment established for his farm, or in the case of a new cotton farm with the action of the county committee in refusing to establish a farm allotment for such farm, may, by making application in writing within fifteen days after the mailing to him of the notice provided for in § 722.622, have such allotment reviewed by a review committee pursuant to section 363 of the act and the Marketing Quota Review Regulations set forth in Part 711 of this chapter, a copy of which may be obtained from the county committee.

§ 722.633 Erroneous notices.

(a) *Erroneous notice of cotton allotment.* In any case where through error the producer is officially notified in writing of a farm allotment larger than the final approved farm allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, planted an acreage to cotton in excess of the final approved farm allotment, the producer will not be considered to have exceeded the farm allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. Before a producer can be said to have relied upon the erroneous notice the circumstances must have been such that the producer had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of cotton customarily planted; and all other pertinent facts should be taken into consideration. The determination by the county committee under this section shall be subject to the approval of the State committee or the State executive director. The acreage planted to cotton on the farm in excess of the final approved allotment shall be considered as excess acreage for purposes of § 722.629.

(b) *Erroneous notice of planted acreage.* In any case where it is discovered after all the cotton acreage on the farm has been picked one or more times that the farm operator was officially notified in writing through error of an acreage planted to cotton which is less than the acreage actually planted but the acreage actually planted is in excess of the farm allotment, the county committee shall determine whether or not the following conditions are met:

(1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous official notice of measured acreage.

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with § 722.628.

(3) The incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording the cotton acreage for upland cotton for the farm.

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error.

(5) The extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

If the county committee determines that all five of the conditions are met, and the State executive director concurs upon review of the county committee determination, the acreage planted to cotton on the farm will be considered as an acreage equal to the farm allotment.

The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 24, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-10847; Filed, Oct. 29, 1962; 8:52 a.m.]

[Amdt. 2]

PART 776—WHEAT STABILIZATION PROGRAM

Subpart—1962 Wheat Stabilization Program Regulations

The regulations governing the 1962 Wheat Stabilization Program Regulations 26 F.R. 11347, as amended, are further amended as follows:

§ 776.7 [Amendment]

1. Section 776.7(c) is amended by changing the first sentence thereof to read as follows: "The designated diverted acreage shall not be grazed after May 1, 1962, and such acreage approved for double cropping shall not be grazed during the entire year of 1962: *Provided*, That the Secretary may permit the diverted acreage to be grazed when he considers it necessary in order to alleviate a shortage of forage for use in the area resulting from severe drought, flood, or other natural disaster: *Provided further*, That the designated diverted acreage may be grazed in the fall of 1962 to the extent approved by the Deputy Administrator."

§ 776.18 [Amendment]

2. Section 776.18(a) is amended by changing the second sentence thereof to read as follows: "To be eligible for payment the producer must complete Form ASCS–656 not later than May 1, 1963, unless otherwise approved by the State committee."

§ 776.18 [Amendment]

3. Section 776.18(b)(5)(ii) is amended to read as follows: "(ii) the acreage devoted in 1962 to soil bank base crops, excluding designated diverted acreage under the Feed Grain Program and this program which is devoted to soil bank base crops in lieu of conservation uses in accordance with the provisions of § 776.1, is approved for double cropping in accordance with the provisions of § 776.7(b)(2), or on which soil bank base crops are planted as a conservation use in accordance with the provisions of § 776.6."

4. Section 776.18(b) is further amended by deleting the period at the end of the last sentence thereof, and by inserting at the end a comma and the following: "or (iii) non-compliance with such provisions resulted solely because of the failure of the producers on the farm to meet the requirements of § 776.5(b)(4) and the county committee determines that the producers on the farm attempted in good faith to comply with the requirements of such § 776.5(b)(4) and substantially complied with such requirements."

5. A new § 776.26 is hereby added to read as follows:

§ 776.26 Performance in reliance on advice or action of county or State committee.

Notwithstanding any other provisions of law, performance rendered in good faith in reliance upon action or advice of any authorized representative of a county or State committee may be accepted by the Deputy Administrator as meeting the requirements of these regulations and payment may be made therefor in accordance with such action or advice to the extent the Deputy Administrator deems it desirable in order to provide fair and equitable treatment.

(Sec. 124(i), 75 Stat. 300)

Issued at Washington, D.C., on 24th day of October 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-10844; Filed, Oct. 29, 1962; 8:52 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 10]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1962

Basis and purpose and bases and considerations. The purpose of this amendment to Sugar Regulation 811 (26 F.R. 11963; 27 F.R. 3733, 4585, 5255, 6863, 7951, 8208, 8530, 8821, and 9883) is to revise the determination and allocation of quota deficits pursuant to the Sugar Act of 1948, as amended, and as further amended by Public Law 87–535 and Public Law 87–539 (hereinafter referred to as the Act).

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota. On the basis of quotas herein established for domestic areas for the calendar year 1962 in § 811.2, the quotas herein established for foreign countries in § 811.4 for the six-month period ending December 31, 1962, and the supply of sugar expected to be available from each area and country for marketing in the continental United States during such periods, it is herein found that the following areas and countries will be unable to fill their respective quotas by the quantities, in short tons, raw value, as follows: Domestic Beet Sugar Area—245,769; Mainland Cane Sugar Area—149,231; Hawaii—30,000; Puerto Rico—250,000; Virgin Islands—4,000; Mexico—27,045; British Honduras—4,104 and Panama—6,215. The supply of sugar expected to be available from these areas is based on recent government reports of crop prospects for the Domestic Beet Sugar Area and Mainland Cane Sugar Area, sugar production reports from Puerto Rico and the Virgin Islands, forecasts of production and shipments of the Hawaiian sugar industry and information on available supplies from Mexico, Panama and British Honduras received through official government channels. The extent to which the named areas are unable to fill their established quotas, amounting to a total of 716,364 short tons, raw value of sugar plus 4,680 short tons, raw value, which represents the quantities withheld from the Netherlands, Canada, the United Kingdom and Hong Kong as provided in § 811.4(c)(1), is herein determined to be a deficit in quotas for proration and allocation to foreign countries pursuant to section 204(a) of the Act.

The ability of the Republic of the Philippines to fill its share of the deficit now appears to be less than the 70,000 short tons, raw value, previously determined. Based upon recent information received from the United States Embassy in the Republic of the Philippines concerning sugar supplies available for importation into the United States in 1962 from that country, it is herein determined that the Republic of the Philippines can supply no more than 20,000 tons within its share of deficits and such quantity, accordingly, is prorated to that country in accordance with the provisions of section 204(a) of the Act. The remainder of the deficit amounting to 701,044 short tons, raw value, is allocated as provided in section 204(a) of the Act to Western Hemisphere countries having quota prorations established pursuant to section 202(c) of the Act.

This action increases by 200,000 short tons, raw value, the quota deficit quantity that may be authorized for importation from Western Hemisphere countries as a group. In view of the limited time remaining in the quota year, this quantity will be allocated for importation from countries in the Western Hemisphere for which quotas are established pursuant to section 202(c)(3)(A) in the order of priority as specified in Part 817 of this Chapter except that applications covering sugar for importation after December 15 will not be eligible for consideration until the opening of business November 6, 1962.

In order to obtain needed supplies of sugar imports without delay and to promote orderly marketing, it is essential at this time that all persons selling and purchasing sugar for consumption in the continental United States be informed as soon as possible of the changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when filed for public inspection in the Office of the Federal Register.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this Chapter is hereby amended by amending paragraph (a)(2) of § 811.2, paragraph (a) of § 811.3, paragraphs (b) and (d) of § 811.4 and paragraph (e) of § 811.5 as follows:

1. Paragraph (a)(2) of § 811.2 is amended to read as follows:

§ 811.2 Quotas for domestic areas.

* * * * *

(a) * * *

(2) It is hereby determined pursuant to section 204(a) of the Act, that for the calendar year 1962 the domestic areas will be unable to fill the quotas established for such areas in subparagraph (1) of this paragraph by the following quantities in short tons, raw value: Domestic Beet Sugar Area—245,769; Mainland Cane Sugar Area—149,231; Hawaii—30,000; Puerto Rico—250,000; Virgin Islands—4,000. Pursuant to section 204(b) of the Act the determination of deficits shall not affect the quota established in subparagraph (1) of this paragraph.

2. Paragraph (a) of § 811.3 is amended to read as follows:

§ 811.3 Proration and allocation of deficits and quotas in effect.

(a) The deficits in quotas determined in paragraph (a)(2) of § 811.2 and in paragraph (c)(1) of § 811.4 amounting to a total of 716,364 short tons, raw value, plus 4,680 short tons, raw value, withheld from net importing countries as provided in paragraph (c)(1) of § 811.4 are hereby prorated, pursuant to section 204(a) of the Act, between the Republic of the Philippines and Western Hemisphere countries named in section 202(c)(3)(A) of the Act which have quota prorations established for them in this Part, by prorating 20,000 tons to the Republic of the Philippines, which is herein determined to be the extent of its ability to fill its share of the deficit, and by allocating the remainder of the deficit amounting to 701,044 short tons, raw value, to such Western Hemisphere countries as a group on the following basis:

(1) 100,000 short tons, raw value, for importation into the United States on or before September 30, 1962, in order of priority as specified in Part 817 of this chapter except that applications received on or before August 17 will receive equal consideration for priority as of that date; and 135,000 short tons, raw value, for importation into the United States on or before October 31, 1962, in order of eligibility for authorization and priority as specified in Part 817 of this chapter, except that applications received on or before August 29, 1962, will be considered as though received at the same time on such date and except that first priority will be given to applications for release or setaside covering sugar to be imported from any Western Hemisphere country which has filled its quota proration established in § 811.4(c)(1).

(2) 187,678 short tons, raw value, for importation into the United States by giving consideration to the following factors with respect to each such country, in accordance with the procedures set forth in § 811.8, for purposes of giving special consideration to Western Hemisphere countries purchasing United States agricultural commodities.

(i) Supplies of sugar on hand to fill the allocation of deficit in addition to the quantity required to fill the present quota;

(ii) The time that the sugar to fill the allocation of deficit can be imported into the United States on or before but no later than November 30, 1962, with special consideration being given to importations which can be made prior to November 1; and

(iii) The extent to which the sugar exporting country agrees to utilize the receipts derived from the sale of sugar imported to fill the deficit allocation for purchase and export of United States agricultural commodities prior to July 1, 1963.

(3) 78,366 short tons, raw value, for importation into the United States by giving consideration to the following factors with respect to each such country, in accordance with the procedures set forth in § 811.8, for purposes of giving special consideration to Western Hemisphere countries purchasing United States agricultural commodities.

(i) Supplies of sugar on hand to fill the allocation of deficit in addition to the quantity required to fill the present quota and any previously assigned deficit allocation.

(ii) The time that the sugar to fill the allocation of deficit can be imported into the United States on or before but no later than November 15, 1962, with special consideration being given to importations which can be made prior to November 1; and

(iii) The extent to which the sugar exporting country agrees to utilize the receipts derived from the sale of sugar imported to fill the deficit allocation for purchase and export of United States agricultural commodities prior to July 1, 1963.

(4) 200,000 short tons, raw value, for importation into the United States on or before December 31, 1962, in order of priority as specified in Part 817 of this chapter except that applications covering sugar to be imported after December 15, 1962, will not be eligible for consideration until the opening of business November 6, 1962, and applications received on or before October 30, 1962, covering sugar for importation on or before December 15, 1962, will receive equal consideration for priority as of that date.

3. Paragraphs (b) and (d) of § 811.4 are amended to read as follows:

§ 811.4 Quotas for foreign countries.

* * * * *

(b)(1) For the calendar year 1962 the quota for the Republic of the Philippines is 1,050,000 short tons, raw value, and the quantity established in subparagraph (2) of this paragraph. Of the quantity of 1,050,000 short tons, raw value, 59,920 short tons, raw value, may be filled by direct-consumption sugar.

(2) In addition to the quantity of 1,050,000 short tons, raw value, for the Republic of the Philippines in subparagraph (1) of this paragraph a quantity of 20,000 short tons, raw value, representing a proration of a quota deficit as provided in § 811.3(a), is added to and established as part of the quota for such country. Such quantity of 20,000 short tons, raw value of sugar may be imported only as raw sugar and upon the condition that the import fee set forth in paragraph (b) of § 811.5 is paid with respect to such quantity as provided in such section.

* * * * *

(d) For the six-month period ending December 31, 1962, the amount of each proration and allocation established in paragraph (c) of this section that may be filled by direct-consumption sugar pursuant to Section 207(e) of the Act is as follows:

Country:	*Short tons, raw value*
Nicaragua	10,319
Ireland	5,000
Republic of China	3,795
Costa Rica	1,944
Haiti	1,175
Belgium	91
Guatemala	3
Ecuador	3

4. Paragraph (e) of § 811.5 is amended to read as follows:

§ 811.5 Import fee.

* * * * *

(e) The applicable fee established in paragraphs (a), (b), or (c) of this section shall be paid by the person applying to the Secretary for authorization for release of sugar for consumption in the continental United States. With each application submitted as provided in § 817.4 of Part 817 of this chapter covering sugar to be imported within the quota prorations and quantity established in § 811.3 and paragraphs (b)(2), (c), and (e) of § 811.4, the applicant shall make an initial payment in an amount determined by multiplying the quantity of sugar stated in pounds as shown on the application by 1.05 and multiplying the result by the applicable fee per pound as established in paragraph (a) or (b) of this section. With each application submitted as provided in § 817.4 of Part 817 covering direct-consumption sugar to be imported within the direct-consumption limitation established in paragraph (d) of § 811.4, the applicant shall make an initial payment in an amount determined by multiplying the quantity of sugar stated in pounds as shown in the application by 1.07 and multiplying the result by the applicable fee per pound as established in paragraph (c) of this section. Upon receipt of such an application and initial payment, the Secretary may issue an authorization for release by a Collector as provided in § 817.6 of Part 817 of this chapter of the quantity of sugar covered by the application. The payment required under this paragraph shall be made in the form of a certified check payable to the Agricultural Stabilization and Conservation Service and mailed to the Sugar Division of such Service. Any application submitted for the purpose of changing the date of departure to a subsequent date of not more than fifteen days after the date stated on the application, the port of departure or the port of arrival in the continental United States, the identity of the vessel or carrier, or the identity of the receiver as shown on the original application shall be considered as an amendment to the original application and no initial payment is re-

ments."

government reports of crop prospects for

of § 811.2, paragraph (a) of § 811.3,

sphere countries purchasing United States agricultural commodities.

established as part of the quota for such country. Such quantity of 20,000 short

original application shall be considered as an amendment to the original application and no initial payment is re-

quired to accompany the amendatory application.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies secs. 201, 202, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 927, as amended and 928, as amended; sec. 213 as added by Public Law 87-535; 7 U.S.C. 1111, 1112, 1117, 1118 and 1119; Public Law 87-539)

Issued at Washington, D.C., this 25th day of October 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-10845; Filed, Oct. 29, 1962; 8:52 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 94]

PART 1094—MILK IN NEW ORLEANS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New Orleans marketing area (7 CFR Part 1094), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the months of October and November 1962:

(1) In the introductory text of § 1094.14(c) the provisions "Except as provided in subparagraphs (1) and (2) of this paragraph" and "but not more than 15 days' production of any dairy farmer during any such month: *Provided*, That if this limit is exceeded for any dairy farmer, such dairy farmer shall be a producer only with respect to that milk physically received at pool plants during such month:" and

(2) Subparagraphs (1) and (2) of § 1094.14(c) in their entirety:

(1) A cooperative association may divert for its account the milk of any member producer without limit during the month if the total volume of milk so diverted does not exceed 20 percent of its member producer milk received by all pool handlers during the month: *Provided*, That if this percentage limitation is exceeded all diversions by such association during the month shall be subject to the 15-day limitation prescribed above.

(2) A handler in his capacity as the operator of a pool plant may divert for his account the milk of any nonmember producer without limit during the month if the total volume of nonmember milk so diverted does not exceed 20 percent of the nonmember producer milk received at such pool plant during the month: *Provided*, That if this percentage limitation is exceeded all diversions by such handler during the month shall be subject to the 15-day limitations prescribed above.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension action was requested by Gulf Milk Association, Inc., the major cooperative association representing producers on the market.

(4) This suspension action will permit the economic movement of milk in excess of fluid milk requirements to manufacturing plants in the production area during this period of favorable production conditions and at the same time preserve producer status for dairy farmers who normally supply the market. Without this action to suspend the limitations on diversions during the months of October and November 1962, producers who constitute the regular supply of milk for this market will lose producer status. Also, the months of October and November are part of the base-forming period and loss of producer status at this time will seriously affect a producer's return during the base-operating period of February through July 1963.

Therefore, good cause exists for making this order effective October 1, 1962.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period October 1, 1962, through November 30, 1962.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: October 1, 1962.

Signed at Washington, D.C., on October 24, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-10846; Filed, Oct. 29, 1962; 8:52 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 16—MARKING, BRANDING AND IDENTIFYING PRODUCTS

PART 17—LABELING

PART 18—REINSPECTION AND PREPARATION OF PRODUCTS

Addition of Smoke Flavorings in Meat Food Products

On June 2, 1962, there was published in the FEDERAL REGISTER (27 F.R. 5195) a notice of proposed amendments of §§ 16.13, 17.8 and 18.7 of the Federal Meat Inspection Regulations (9 CFR 16.13, 17.8 and 18.7), relating to the use of smoke flavorings and artificial smoke flavorings in the preparation of certain meat food products, and marking and labeling requirements to identify such products, pursuant to the authority of the Meat Inspection Act, as amended (21 U.S.C. 71 et seq.) and section 306(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1306(b)). Interested persons were allowed 30 days to submit written data, views or arguments concerning the proposed amendments.

On August 7, 1962, there was published in the FEDERAL REGISTER (27 F.R. 7793) a notice of 30 days additional time to be allowed for submitting comments on the proposed amendments so that further consideration could be given to alternate proposals for marking and labeling the products involved in a manner that would be fully informative.

After due consideration of all relevant material in connection with such notices and under the authority of the Meat Inspection act, as amended (21 U.S.C. 71-91), and section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306), §§ 16.13, 17.8, and 18.7 of the Meat Inspection Regulations (9 CFR 16.13, 17.8, and 18.7) are amended as follows:

1. Section 16.13 *Marking of meat food products in casings*, is amended by designating the present provisions of paragraph (e) as subparagraph (1) and adding to paragraph (e) a new subparagraph (2) to read:

(2) When an approved artificial smoke flavoring or an approved smoke flavoring is added to meat food products in casings, as permitted in Part 18 of this subchapter, the product shall be legibly and conspicuously marked in an approved manner to show the statement "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added", whichever may be applicable.

2. Section 17.8 *False or deceptive labeling and practices*, is amended by adding to paragraph (c) a new subparagraph (58) to read:

(58) When an approved artificial smoke flavoring or an approved smoke flavoring is added to meat food products as permitted in Part 18 of this subchapter, there shall appear on the label, in a prominent manner contiguous to the product name, the statement "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added", as may be applicable.

3. Section 18.7 *Use in preparation of meat food products of chemicals, antioxidants, coloring matter, flavoring, water, ice, cereal, vegetable starch, nonfat dry milk, etc.*, is amended by adding thereto new paragraphs (u) and (v) to read, respectively:

(u) With appropriate declarations as required by Parts 16 and 17 of this subchapter, approved artificial smoke flavoring in an approved solvent or on an approved carrier may be used in the preparation of meat food products which are of kinds not usually processed by exposure to smoke generated in the burning of hardwood or hardwood sawdust, and which were not in fact so processed.

(v) With appropriate declarations as required by Parts 16 and 17 of this subchapter, approved smoke flavoring produced by the controlled burning of hardwood and absorption of the smoke in an approved solvent or on an approved carrier may be used in the preparation of meat food products which are of kinds not usually processed by exposure to smoke generated in the burning of hardwood or hardwood sawdust, and which were not in fact so processed.

The foregoing amendments differ from the proposed amendments as originally published, principally as to marking and labeling requirements. The changes made were based on comments and suggestions received and consideration of marking and labeling to assure that the products involved are not offered for sale under any false or deceptive name. The Department has given the matter careful consideration and it does not appear that new information would be made available to the Department by further public rule-making procedure. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further notice and other public procedure with respect to the amendments are unnecessary and, since the amendments relieve restrictions, they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of October 1962.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 62-10842; Filed, Oct. 29, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Reg. Docket No. 1274; Airspace Docket No. 61-WA-63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Correction

In F.R. Doc. 62-10612, appearing at page 10352 of the issue for Wednesday, October 24, 1962, the following correction is made in Subpart B—Low Altitude Colored Federal Airways and Control areas: The second occurrence of "§ 71.-103 *Low altitude green Federal airways.*" should be changed to read "§ 71.105 *Low altitude amber Federal airways.*".

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1247; Amdt. 500]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-8 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring a hardness check and inspection of the main landing gear actuating cylinder upper attach brackets on Douglas DC-8 Series aircraft was published in 27 F.R. 5818.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment suggested that a probable error was made in specifying a 350-hour interval in paragraph (c)(1) instead of the 440-hour interval stipulated in paragraph (a). The airplane manufacturer has advised the FAA that they do not intend to substantiate the repetitive inspection period beyond 350-hours and, therefore, no change is made to the 350 hour period specified in paragraph (c)(1). An operator may obtain an extension to this time under paragraph (d). Another comment requested that the Rockwell hardness reading be changed from C40.0 to C39.0. Data provided by the airplane manufacturer has substantiated that such a change will provide the necessary level of safety and the AD has been changed accordingly.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to DC-8 aircraft Serial Numbers 45252 to 45289 inclusive, 45291 to 45306 inclusive, 45376 to 45393 inclusive, 45408 to 45418 inclusive, 45416 to 45431 inclusive, 45433 to 45437 inclusive, 45442 to 45445 inclusive, 45526, 45565 to 45570 inclusive, 45588 to 45606 inclusive, 45609 to 45614 inclusive, 45616 to 45629 inclusive, 45636, and 45638.

Compliance required as indicated.

To prevent failure of the main landing gear actuating cylinder upper attach bracket accomplish the following:

(a) Within 440 hours' time in service after the effective date of this AD, unless already accomplished, on attach brackets, P/N's 5641950-1, -2, -501 or -502 having 4,000 or more hours' time in service and, prior to the accumulation of 4,440 hours' time in service on brackets having less than 4,000 hours' time in service, conduct a hardness check on the attach bracket following the procedures described in the accomplishment instructions, paragraphs B(4), B(5), and C of Douglas Alert Bulletin No. A32-76, Reissue No. 1, Revision No. 1, dated April 5, 1962, or later, or an FAA approved equivalent.

NOTE: To gain access to the bracket it is necessary to remove the hydraulic lines from the rework area, remove swivel glands as applicable, remove the retract cylinder upper bolt and swing the cylinder down out of the way.

(b) Brackets testing within Rockwell C39.0 (175,000 p.s.i.) and C43.0 (200,000 p.s.i.) range are acceptable for further use and may be continued in service provided they are not otherwise defective. These brackets shall be identified by applying a ¼ to ½ inch stripe of Cat-A-Lac, yellow No. 443-3-129 enamel or equivalent on the bracket. The identification stripe should be located in a place on the bracket so that it is clearly visible without having to remove the retract cylinder to observe the stripe.

(c) Brackets testing outside the C39.0 to C43.0 heat-treat range shall be inspected for cracks in the area of the junction of the grease fitting hole and the actuating cylinder attach hole using a dye penetrant or equivalent inspection method. The bushing, Douglas P/N 2641952 must be removed to conduct this inspection.

(1) Any of these brackets found to be free of cracks during inspection, and not otherwise defective, may be continued in service provided the inspection is repeated at intervals not exceeding 350 hours' time in service thereafter.

(2) Replace cracked parts prior to further flight with an appropriate part (Douglas P/N's 5641950-1 or -2, 5641950-501 or -502) falling within the C39.0 to C43.0 heat-treat limits and marked with the yellow stripe for identification, with new P/N's 5774066-501 or -502, or with an FAA approved equivalent.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Douglas Alert Service Bulletin No. A32-76, Reissue No. 1, Revision No. 1, dated April 5, 1962, covers this same subject.)

This amendment shall become effective November 29, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423.)

Issued in Washington, D.C., on October 23, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-10791; Filed, Oct. 29, 1962; 8:45 a.m.]

[Reg. Docket No. 1449; Amdt. 501]

PART 507—AIRWORTHINESS DIRECTIVES

Lycoming Engines

There have been cases of loss of propeller control and inadvertent propeller feathering on certain Lycoming engine models resulting from excessive wear of the propeller shaft oil seal rings. As this condition is likely to develop in other such engines, an airworthiness directive is being issued to require inspection of

engines until new part number oil seal rings are installed.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LYCOMING. Applies to all GO, IGO, GSO, and IGSO Series Lycoming engines listed in Lycoming Service Bulletin No. 290 when installed in twin engine aircraft with full feathering Hartzell propellers:

NOTE: The list of engines in Lycoming Service Bulletin No. 290 may also be found in the applicable FAA Airworthiness Directive Card.

Compliance required within 10 hours' time in service after the effective date of this AD; 25 hours' time in service after the first inspection; 25 hours' time in service after the second inspection, and every 100 hours' time in service thereafter.

To detect excessive wear of the propeller shaft oil seal rings, a propeller oil leakdown inspection shall be made in accordance with the instructions contained in Lycoming Service Bulletin No. 290. These inspections shall be continued until Lycoming P/N 67722 propeller shaft oil seal rings are installed in the reduction gear assembly at which time the inspections may be discontinued. Reduction gear assemblies incorporating P/N 67722 oil seal rings shall be identified by stamping an "M" following the reduction gear serial number on the machined pad to the right side of the timing plug in the reduction gear housing.

(Lycoming Service Bulletin No. 290 covers this subject.)

This amendment shall become effective November 14, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 23, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-10792; Filed, Oct. 29, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-5]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Area Extension

On July 28, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 7458) stating that the Federal Aviation Agency was considering the designation of a control area north of Fairbanks, Alaska, extending upward from 20,000 feet MSL to provide controlled airspace for turbojet aircraft conducting transpolar operations.

The Department of the Air Force, Alaskan Air Command, submitted a comment recommending the proposed control area be designated from 20,000 feet MSL to flight level 450. No other comments were received. The Federal Aviation Agency concurs in part with the Alaskan Air Command recommendation. Capping the proposed control area extension at flight level 450 would not derogate the control or movement of aircraft conducting transpolar operations.

In addition, the Federal Aviation Agency has concluded that scheduled flight operations conducted between Fairbanks, Alaska, and Barter Island, Alaska, at 19,000 and 20,000 feet MSL should also be provided controlled airspace within which to conduct their operation. Accordingly, action is being taken herein to designate the proposed control area to extend from 18,500 feet MSL to flight level 450. The Departments of State and Defense concur with the amended control area floor.

The Administrator has concluded that due to increased utilization of the airspace to be encompassed by the proposed control area, expeditious action is necessary in the interest of safety and that, therefore, good cause exists for making this amendment effective on less than 30 days notice.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, Part 601 (14 CFR Part 601) is amended by adding the following:

§ 601.1485 Control area extension (Fairbanks, Alaska).

That airspace N of Fairbanks, Alaska, extending from 18,500 feet MSL to flight level 450 bounded by a line beginning at: Latitude 72°00'00" N., longitude 141°00'00" W.; to latitude 70°28'40" N., longitude 141°00'00" W.; to latitude 64°39'30" N., longitude 145°50'00" W.; to latitude 65°00'00" N., longitude 149°10'00" W.; to latitude 72°00'00"N., longitude 144°13'15" W.; to the point of beginning.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on October 25, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-10615; Filed, Oct. 29, 1962; 8:48 a.m.]

[Airspace Docket No. 62-WA-112]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Reporting Points

The purpose of these amendments to §§ 601.4101, 601.4102, and 601.4103 is to revoke and modify some existing reporting points.

Air traffic control requirements periodically change with regard to specific reporting points due to modifications to operating procedures or alterations to airway configurations. Recent changes of this nature obviate the requirement for the Flat Rock, Va., VORTAC to be designated as a reporting point and require that the Houlton, Maine, VOR, be designated. They also require that the reporting point designation be modified for the Flint Stone VHF intersection, Cambridge, N.Y., VOR, Albany, N.Y., VORTAC, Richmond, Va., VOR, Pine Bluff, Ark., VOR, Bradford, Ill., VOR, Naperville, Ill., VOR, Santa Barbara, Calif. VORTAC, North Platte, Nebr., VORTAC, Hayes Center, Nebr., VORTAC, San Diego, Calif., VOR and the Nodine, Minn., VOR. Therefore, action is taken herein to designate, cancel or modify, as appropriate, these reporting points.

Since these amendments are procedural in nature and do not involve the designation of airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 601.4101 (27 F.R. 5760) "Pine Bluff, Ark.; VOR Federal airway No. 16, VOR Federal airway No. 16N, VOR Federal airway No. 16S, VOR Federal airway No. 69, VOR Federal airway No. 887, VOR Federal airway No. 830.", "Santa Barbara, Calif.; VOR Federal airway No. 12, VOR Federal airway No. 25, VOR Federal airway No. 183." and "Flint Stone INT: The INT of the Grantsville, Md., 082° and the Martinsburg, W. Va., 297° radials." are deleted and "Pine Bluff, Ark.", "Santa Barbara, Calif." "Flint Stone INT: The INT of the Grantsville, Md., 086° and the Martinsburg, W. Va., 297° radials." and "Houlton, Maine; VOR Federal airway No. 471 eastbound." are added.

2. In the text of § 601.4102 (27 F.R. 5762) "Cambridge, N.Y.; VOR Federal airway No. 1502, VOR Federal airway No. 1693.", "Albany, N.Y.", "Richmond, Va.; VOR Federal airway No. 1505.", "Flat Rock, Va.; VOR Federal airway No. 1731.", "Bradford, Ill.; VOR Federal airway No. 1514.", "Naperville, Ill.; VOR Federal airway No. 1508, VOR Federal airway No. 1512, VOR Federal airway No. 1518, VOR Federal airway No. 1714.", "North Platte, Nebr.; VOR Federal airway No. 1508, VOR Federal airway No. 1510, VOR Federal airway No. 1543.", "Hayes Center, Nebr." and "Nodine, Minn.; VOR Federal airway No. 1518 northwestbound." are deleted and "Cambridge, N.Y.", "Albany, N.Y.; VOR Federal airway No. 1691, VOR Federal airway No. 1689, VOR Federal airway No. 1740.", "Richmond, Va.", "Bradford, Ill.", "Naperville, Ill.", "North Platte, Nebr.", "Hayes Center, Nebr.; VOR Federal airway No. 1652, VOR Federal airway No. 1512, VOR Federal airway No. 1666." and "Nodine, Minn." are added.

3. In the text of § 601.4103 (27 F.R. 5764) "San Diego, Calif.; Jet Route Nos. 1 and 3 north bound, Jet Route No. 2 east bound." is deleted and "San Diego, Calif." is added.

These amendments shall become effective 0001 e.s.t. December 13, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 24, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-10790; Filed, Oct. 29, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-252]

PART 13—PROHIBITED TRADE PRACTICES

Debutante Furs, Inc., etc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation;* § 13.1255-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Debutante Furs, Inc., etc., et al., New York, N.Y., Docket C-252, Oct. 11, 1962]

In the Matter of Debutante Furs, Inc., a Corporation Trading Under its Own Name and as Schiaparelli Furs, and Louis Brown, and Harry Brown, Individually and as Officers of Said Corporation

Consent order requiring manufacturing furriers in New York City to cease violating the Fur Products Labeling Act by labeling and invoicing as "natural", fur that was in fact artificially colored, and failing to disclose on labels and invoices when furs were artificially colored.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Debutante Furs, Inc., a corporation trading under its own name or as Schiaparelli Furs or under any other trade name, and its officers and Louis Brown and Harry Brown, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution, of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing directly or by implication on labels that the fur contained in fur products is natural, when such fur is pointed, bleached, dyed, tipdyed or otherwise artificially colored.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Representing, directly or by implication, on invoices that the fur contained in fur products is natural when such fur is pointed, bleached, dyed, tipdyed or otherwise artificially colored.

B. Failing to furnish invoices to purchasers of fur products showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 11, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-10839; Filed, Oct. 29, 1962; 8:51 a.m.]

[Docket 8209 C.O.]

PART 13—PROHIBITED TRADE PRACTICES

Pure Gold, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Pure Gold, Inc., Redlands, Calif., Docket 8209, Oct. 10, 1962]

In the Matter of Pure Gold, Inc., a Corporation

Consent order requiring packers of citrus fruit in Redlands, Calif., to cease paying unlawful commissions or discounts to brokers and direct buyers on purchases for their own accounts for resale.

The order to cease and desist is as follows:

It is ordered, That the respondent, Pure Gold, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent Pure Gold, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist in the initial decision.

Issued: October 10, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-10802; Filed, Oct. 29, 1962; 8:46 a.m.]

[Docket 7042 o.]

PART 13—PROHIBITED TRADE PRACTICES

Sandura Co.

Subpart—Coercing and intimidating: § 13.358 *Distributors.* Subpart—Cutting off supplies or service: § 13.635 *Refusing sales to, or same terms and conditions.* Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements;* § 13.1165 *Systems of espionage.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sandura Company, Philadelphia, Pa., Docket 7042, Sept. 26, 1962]

In the Matter of Sandura Company, a Corporation

Order requiring the Philadelphia manufacturer of "Sandura" vinyl plastic floor and wall coverings and counter tops to cease using restrictive trade practices which unreasonably restrained competition in the interstate sale of its products, including restricting the geographical areas of sale and purchase of its dealers and distributors, fixing and requiring

maintenance of its resale prices, refusing to sell to dealers or distrubutors suspected of noncooperation, and policing and enforcing its said policies by a variety of practices, as in the order below more specifically set forth.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is further ordered, That respondent Sandura Company, a corporation, and its officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of floor-covering, wall-covering, and counter-top products, and related products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Putting into effect, maintaining, or enforcing any merchandising or distribution plan or policy under which contracts, agreements, or understandings are entered into with dealers in or distributors of its products which have the purpose or effect of:

(a) Limiting, allocating, or restricting the geographical area in which, or the persons or classes of persons to whom, any dealer or distributor may sell such products; or

(b) Limiting, allocating, or restricting the geographical area in which, or the persons or classes of persons from whom, any dealer or distributor may buy such products; or

(c) Fixing, establishing, or maintaining the prices at which such products may be sold by dealers or distributors; or

(d) Requiring or inducing any dealer or distributor to refrain from selling such products in any specified geographical area or to any specified persons or classes of persons; or

(e) Requiring or inducing any dealer or distributor to refrain from buying such products in any specified geographical area or from any specified persons or classes of persons; or

(f) Requiring or inducing any dealer or distributor to assist respondent, by means of reports or otherwise, in preventing or restricting any dealer or distributor from selling respondent's products to any person or class of persons, or in any geographical area, or at any price; or

(g) Requiring or inducing any dealer or distributor to assist respondent, by means of reports or otherwise, in preventing or restricting any dealer or distributor from buying from any person or class of persons, or in any geographical area, or at any price; or

(h) Requiring or inducing any dealer or distributor to resell to respondent any unsold stock of respondent's products in the event that business relations between respondent and the distributor or dealer are terminated, provided that respondent shall not be prohibited from repurchasing such unsold stock at the request of a distributor or dealer or from obtaining an option from a distributor or dealer to repurchase such unsold stock in the event that the distributor or dealer is unable to meet his financial obligations to respondent.

2. Entering into, continuing, or enforcing, or attempting to enforce, any contract, agreement, or understanding with any dealer in or distributor of its products for the purpose or with the effect of establishing or maintaining any merchandising or distribution plan or policy prohibited by paragraph 1 of this order.

3. Engaging, either as part of any contracts, agreements, or understandings with any dealers in or distributors of its products, or individually and unilaterally, in the practice of:

(a) Issuing franchises or licenses to dealers or distributors for a period of two years following the effective date of this order; or

(b) Circulating lists of dealers or distributors of its products to such dealers or distributors; or

(c) Affixing to its products numbers or other identifying marks which designate specific wrapper rolls or other commercially sized items sold as individual units to distributors or dealers; or

(d) Refusing to sell to dealers or distributors for the reason that they are known to be, or suspected of, selling respondent's products at any price, or to any person, or in any geographical area; or

(e) Refusing to sell to dealers or distributors for the reason that they are known to be, or suspected of, buying respondent's products elsewhere at any price, or from any person, or in any geographical area.

Provided, however, That nothing contained in this Order shall be construed to prohibit respondent, provided it obtains the Commission's prior aproval, from establishing, by contract, agreement, or understanding, with any of its distributors a merchandising or distribution plan or policy whereby any distributor is assigned a geographical area of primary responsibility in the distribution of respondent's products.

And further provided, however, That nothing contained in this Order shall be construed to prohibit respondent from petitioning the Commission to reopen and alter, modify, or set aside, in whole or in part, any provision of this Order on the ground that conditions of fact have so changed as to require such action in the public interest.

It is further ordered, That respondent, Sandura Company, a corporation, shall, within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Issued: September 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10803; Filed, Oct. 29, 1962; 8:47 a.m.]

[Docket 7267]

PART 13—PROHIBITED TRADE PRACTICES

Standard Stores, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices*: § 13.155-40 *Exaggerated as regular and customary*; § 13.255 *Surveys*. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Standard Stores, Inc., et al., Dallas, Tex., Docket 7267, Oct. 2, 1962]

In the Matter of Standard Stores, Inc., a Corporation, and Thomas L. Hall and Jo Ann Hall, Individually and as Officers of Said Corporation

Order requiring two individuals in Dallas, Tex., to cease representing falsely that they were conducting a survey to select a pattern of flatware for their table flatware club, and that an exaggerated amount was the regular price for their package of eight place settings and additional pieces; and to cease furnishing sales literature making the same deceptive claims to individuals selling the flatware in various states.

The order to cease and desist is as follows:

It is ordered, That Associate Import Corporation, a corporation, whose name was Standard Stores, Inc. at the time of the issuance of the complaint herein, its officers, and respondents Thomas L. Hall and Jo Ann Hall, individually and as officers of said corporation, and respondents' representatives, agents and employees, under the name of American Silver Club or any other name, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of table flatware, or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication, that respondents are conducting a survey to select and adopt any specified pattern of table flatware for their table flatware club, unless such is a fact.

2. Representing, directly or by implication, that respondents are conducting a survey for any purpose or that the results of a survey will be tabulated for a specified purpose unless such is a fact.

3. Representing directly or by implication, that any price is the regular price of merchandise when it is in excess of the price at which said merchandise is regularly and customarily sold by respondents in the normal course of business.

4. Furnishing the means and instrumentalities to others, by or through which others may mislead the public with respect to any of the matters set out above.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents, Thomas L. Hall and Jo Ann Hall, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision.

Issued October 2, 1962.

By the Commission.

JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10840; Filed, Oct. 29, 1962; 8:51 a.m.]

[Docket C-253]

PART 13—PROHIBITED TRADE PRACTICES

Sterling Drug, Inc., and Winthrop Laboratories

Subpart—Advertising falsely or misleadingly: § 13.195 *Safety*: § 13.195-60 *Product.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sterling Drug, Inc., trading as Winthrop Laboratories, New York, N.Y., Docket C-253, Oct. 12, 1962]

In the Matter of Sterling Drug, Inc., a Corporation, Trading as Winthrop Laboratories

Consent order requiring New York City distributors to cease representing falsely, in advertising in magazines and otherwise, that their "Isuprel" drug "for oral inhalation only" was safe for use when, in fact, it had potentially adverse effects on cardiac action and might cause tachycardia, palpitation, nausea, headache, nervousness, weakness, and other toxic side effects.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That respondent Sterling Drug, Inc., a corporation, trading as Winthrop Laboratories or under any other name, and its officers, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Isuprel Solution 0.25 percent", "Isuprel Solution 0.5 percent", "Isuprel Solution 1 percent", "Isuprel Glossets 10 mg.", "Isuprel Glossets 15 mg.", "Isuprel Compound Elixir" or any other preparation that contains the drug isoproterenol whether designated "Isuprel" or any other name, or any other preparation of substantially similar composition, do forthwith cease and desist from, directly or indirectly:

A. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that any such preparation has no potentially adverse effect on cardiac action.

B. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondent's preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph I.A. hereof.

II. *It is further ordered*, That respondent Sterling Drug, Inc., a corporation, trading as Winthrop Laboratories or under any other name, and its officers, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Isuprel Solution 0.25 percent", "Isuprel Solution 0.5 percent", "Isuprel Solution 1 percent", "Isuprel Glossets 10 mg.", "Isuprel Glossets 15 mg.", "Isuprel Compound Elixir" or any preparation that contains the drug isoproterenol whether designated "Isuprel" or any other name, or any other preparation of substantially similar composition, do forthwith cease and desist from, directly or indirectly:

A. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, through use of the word safe, or other word or words of similar import or meaning, or in any other manner, that any such preparation can be used without risk of toxic side effect.

B. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondent's preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph II.A. hereof.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: October 12, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10841; Filed, Oct. 29, 1962; 8:52 a.m.]

[Docket C-251]

PART 13—PROHIBITED TRADE PRACTICES

Warren Fruit Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Warren Fruit Company, Inc., Lutz, Fla., Docket C-251, Oct. 10, 1962]

In the Matter of Warren Fruit Company, Inc., a Corporation

Consent order requiring citrus fruit packers in Lutz, Fla., to cease paying illegal commissions or discounts on a large number of sales made to brokers and direct buyers purchasing for their own accounts for resale.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Warren Fruit Company, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith case and desist from:

Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: October 10, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10804; Filed, Oct. 29, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER G—CIVIL DEFENSE

PART 231—CIVIL DEFENSE IDENTIFICATION FOR FEDERAL EMPLOYEES, RESERVISTS AND NON-FEDERAL SUPPORT PERSONNEL

Sec.

231.1 Purpose.
231.2 Background.
231.3 Description of card.
231.4 Issuance authority.
231.5 Issuance criteria.
231.6 Procedure for procurement of Standard Form 138.
231.7 Responsibilities.
231.8 Related functions of Assistant Secretary of Defense (Civil Defense).
231.9 Exceptions from coverage.
231.10 Rescissions.
231.11 Effective date.

AUTHORITY: §§ 231.1 to 231.10 issued under secs. 201, 204, and 401 of the Federal Civil

Defense Act of 1950 (64 Stat. 1245–1257), as amended; 50 U.S.C. App. 2251–2297; Reorganization Plan No. 1 of 1958 (72 Stat. 1799) as amended and Executive Order 10952 of July 20, 1961 (26 F.R. 6577); Organizational Statement, Assistant Secretary of Defense (Civil Defense) September 14, 1961 (26 F.R. 8604).

§ 231.1 Purpose.

The purpose of the regulations in this part is to establish a uniform identification system for Federal, and non-Federal support, civilian personnel designated to perform essential duties during a civil defense emergency period or upon attack on the United States.

§ 231.2 Background.

Upon declaration of a civil defense emergency by the President or the Congress, or upon attack on the United States, certain Federal civilian personnel, members of the National Defense Executive Reserve and other national defense civilian reserve groups, and certain non-Federal support personnel have been designated to report to civil defense emergency duty assignments. To facilitate movement of these emergency duty designees, a uniform means of identification is required to enable State and local civil defense authorities and law enforcement officials to readily recognize such personnel. Accordingly, this part establishes a uniform identification card which is prescribed for issuance by authorized Federal departments, agencies and officials, in accordance with definitive issuance criteria, to emergency duty designees.

§ 231.3 Description of card.[1]

(a) A red-bordered, laminated, numbered identification card, overall size 2⅜ inches x 3⅝ inches has been prescribed for this purpose. Printed on the face in the top red-border in black type are the words "Federal Emergency Assignee." The left part of the card contains a photograph of the bearer (black and white or color photograph is acceptable) and, immediately under the photograph, the bearer's name and signature appears. The right portion of the card contains the following:

The person described on this card has been assigned essential emergency duties for the Federal Government. It is imperative that the bearer be assisted in travel by the fastest possible means to this emergency assignment.

This is overprinted on the Civil Defense insignia. Immediately under this appears the name of the issuing agency, followed by the signature and title of the issuing official. The bottom red-border contains the words "Identification Card" in black type.

The reverse side of the card bears in the upper left portion, the legend Standard Form 138 (Rev 6/62) OCD Reg. 231, with a reference to this part, and the Department of Defense Seal appears immediately below. The right portion shows date of birth, height, weight, color of hair, color of eyes and the date the card was issued.

[1] Sample of Identification Card filed with the original document. Immediately below, the Government contractor or Federal agency's name is shown and the official signature and title. The next line contains a preprinted card number. Below this is the Government penalty statement on misuse, counterfeiting or alteration of the card. Immediately above the bottom red-border of the card the return postage guarantee statement appears.

§ 231.4 Issuance authority.

(a) The departments, agencies and Federal officials listed below are authorized to issue the identification card described in this part:

Agency for International Development.
Department of Agriculture.
Atomic Energy Commission.
Bureau of the Budget.
Central Intelligence Agency.
Civil Aeronautics Board.
Civil Service Commission.
Council of Economic Advisors.
Department of Commerce.
Department of Defense.
Export-Import Bank.
Farm Credit Administration.
Federal Aviation Agency.
Federal Bureau of Investigation.
Federal Communications Commission.
Federal Deposit Insurance Corporation.
Federal Home Loan Bank Board.
Federal Power Commission.
Federal Reserve System Board of Governors.
General Services Administration.
Housing and Home Finance Agency.
Department of Health, Education, and Welfare.
Department of Interior.
Interstate Commerce Commission.
Department of Justice.
Department of Labor.
National Aeronautics and Space Administration.
Office of Emergency Planning.
National Science Foundation.
National Security Council.
Post Office Department.
Railroad Retirement Board.
Securities and Exchange Commission.
Selective Service System.
Small Business Administration.
Department of State.
Tennessee Valley Authority.
Department of Treasury.
U.S. Information Agency.
Veterans Administration.
The Naval Aide to the President, for the White House Staff; The Clerk, United States Supreme Court; the Director, Administrative Office of the United States Courts for the Judicial Branch of the Federal Government; The Architect of the Capitol, for the Legislative Branch of the Federal Government.

(b) *Additions to the authorized list.* Departments, agencies or Federal officials not included in the list in paragraph (a) of this section, may request the Assistant Secretary of Defense (Civil Defense), to authorize use of the identification card prescribed by this regulation. Approval of such requests will be based on adequate justification of the need for such identification. The above list of the departments, agencies and Federal officials authorized to issue these cards will be amended to include additionally authorized departments, agencies or Federal officials.

§ 231.5 Issuance criteria.

The identification card described in § 231.3, will only be issued by the authorized departments, agencies and Federal officials to personnel meeting any of the following criteria:

(a) *Federal employees and civilian reservists.* Personnel designated to perform emergency duties for the Federal Government at an emergency duty assignment following the declaration of a civil defense emergency by the President or the Congress or upon attack on the United States.

(b) *Non-Federal support personnel.* Personnel designated by a Government contractor, and approved by the contracting Federal department, agency or official, to perform emergency duties for the Federal Government at an emergency duty assignment following the declaration of a civil defense emergency by the President or the Congress or upon attack on the United States. Where non-Federal personnel perform services for two or more Federal Departments or Agencies, the principal contracting agency will be responsible for issuing identification cards to designated emergency personnel. Where service is performed equally for two or more departments or agencies, such agencies will cooperatively agree which Department or agency shall be responsible for issuing identification cards to designated emergency personnel.

§ 231.6 Procedure for procurement of Standard Form 138.

(a) Each department, agency and official listed in § 231.4, and those later approved by the ASD (CD) for inclusion under the provisions of this part, will review the issuance criteria prescribed in § 231.5 and determine the number of Federal employees, reservists and non-Federal support personnel requiring an emergency identification card.

(b) The name of the department, agency or official issuing the identification card shall not be printed on the card. Each issuing department, agency and official will be responsible for assuring that all spaces on the cards are properly filled in by typewriter.

(c) Blank identification cards will be pre-numbered in sequence, beginning with "CD 1001." Issuance control will be maintained by the GSA Federal Supply Service. The cards will be stocked and issued as a regular item of supply by the Federal Supply Service, Region 3, Washington, D.C. Issues will be restricted to the departments, agencies and officials authorized in § 231.4 to issue such cards. The Federal Supply Service will make a quarterly report of such issues to the Statistics and Reports Division, Office of the Comptroller, Office of Civil Defense, Department of Defense.

(d) Each authorized issuing department, agency and official will submit a separate purchase order for necessary supplies of Standard Form 138 to the Standard Forms Service Officer, Region 3, FSS, who will approve the order for the processing and delivery.

§ 231.7 Responsibilities.

Each department, agency or official authorized to issue the prescribed emergency identification card is responsible for:

(a) Strict adherence to the established issuance criteria prescribed in § 231.5. These cards may be issued only to persons designated to perform emergency duties.

(b) Completion of entries and affixing of photographs, laminating the cards, and maintaining records to enable the issuing official to trace the card to the individual to whom it is issued.

(c) Maintaining an accountability record for all blocks of cards received. An entry indicating ultimate disposition by the activity will meet the OCD requirements.

(d) Reviewing annually the assignments of all personnel to whom such cards have been issued, to determine if the holders continue to qualify under the prescribed issuance criteria.

(e) Recalling cards issued to personnel whose emergency assignments are withdrawn. Cards recalled need not be cancelled, if the employee is still employed by the issuing department or agency. These may be placed in safekeeping for possible future use.

(f) Insuring that cards issued to personnel required to report to a state control center or other locally controlled emergency center are authenticated by the appropriate State or local official to permit access to such centers in an emergency. This may be accomplished by the perforation of the identification card or issuance of a supplementary card by appropriate authorities.

(g) Reporting annually to the Assistant Secretary of Defense (Civil Defense), as of the first of January of each year:

(1) The number of cards issued and outstanding to:

(i) Federal employees.

(ii) Reservists.

(iii) Non-Federal support personnel.

(2) Total number of cards recalled and in safe-keeping.

(3) Total number of cards destroyed.

(4) Cards available for issue.

(h) Recalling and destroying all superseded Standard Forms 138 and 139, and reporting such disposition to the Statistics and Reports Division, Office of the Comptroller, Office of Civil Defense, Department of Defense. This report will be made within 180 days after the effective date of this part.

§ 231.8 Related functions of Assistant Secretary of Defense (Civil Defense).

(a) Assure that all Federal authorities are familiar with and will recognize the emergency identification cards issued under the provisions of this part.

(b) On an annual basis request the State Civil Defense Directors to bring this part to the attention of local civil defense authorities, and all law enforcement officials.

(c) Act on requests of departments, agencies and Federal officials who apply for authority to issue Standard Form 138 to employees designated to perform emergency duties during a civil defense emergency.

(d) Periodically review the criteria and controls established by this part and issue revisions, as necessary.

(e) Review reports submitted on number of cards issued or outstanding, and where necessary, request additional information on the need for the number of cards issued by a department, agency or official.

§ 231.9 Exceptions from coverage.

Active and reserve military and Coast Guard personnel, in or out of uniform, under orders to report to an emergency duty post or installation, will not be provided the identification card prescribed by this part. Such personnel will rely on the identification provided by the appropriate military department.

§ 231.10 Rescissions.

In order to provide continuity during the transition period, the existing Standard Forms 138 and 139 are valid for not to exceed 120 days from the effective date of this part, at which time they shall be superseded by the June 1962 edition of Standard Form 138.

§ 231.11 Effective date.

This part is effective upon the date of its issuance.

STEUART L. PITTMAN,
Assistant Secretary of Defense (Civil Defense).

OCTOBER 24, 1962.

[F.R. Doc. 62-10891; Filed, Oct. 29, 1962; 9:04 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1923]

[Wyoming 031283]

WYOMING

Withdrawing Lands in National Forests for Use of Forest Service as Recreation Areas, Roadside Zones and Administrative Sites

Correction

In F.R. Doc. 59-6209, appearing at page 6047 of the issue for Wednesday, July 29, 1959, the following corrections are made in the land description under Teton National Forest, Blackrock Addition Administrative Site:

1. The line reading "T. 45 N., R. 113 W.," should read "T. 45 N., R. 112 W.,".
2. The line reading "T. 45 N., R. 13 W.," should read "T. 45 N., R. 113 W.,".

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Sand Lake National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres or 93 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants only during the season specified below. The hunting of upland game species, as may be otherwise authorized by South Dakota State regulations, is prohibited.

(b) Open season: From 9:00 a.m. to sunset daily from December 10 through December 19, 1962.

(c) Daily bag limit: Four male birds.

(d) Methods of hunting:

(1) Weapons—shotguns or bow and arrow. Arrows must be at least 24 inches long, have a broad head steel blade, and two untrimmed feathers. No field points, target points, shotgun or exploding points may be used.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 20, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 22, 1962.

[F.R. Doc. 62-10794; Filed, Oct. 29, 1962; 8:45 a.m.]

PART 32—HUNTING

Tewaukon National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Tewaukon National Wildlife Refuge, North Dakota, will not be permitted in 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 23, 1962.

[F.R. Doc. 62-10796; Filed, Oct. 29, 1962; 8:46 a.m.]

pears.

the following criteria:

§ 231.5. These cards may be issued only

or official.

lication in the FEDERAL REGISTER.

[F.R. Doc. 62-10796; Filed, Oct. 29, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Certain Foreign Entities

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 15-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

The Income Tax Regulations (26 CFR Part 1) under sections 318 and 6038 of the Internal Revenue Code of 1954 are hereby amended to reflect the amendments made by section 20 (a) and (d) of the Revenue Act of 1962 (Public Law 87-834, 76 Stat. 960).

PARAGRAPH 1. Section 1.318 is amended by revising section 318(b) (5) and (6), by adding section 318(b)(7), and by revising the historical note. These revised and added provisions read as follows:

§ 1.318 Statutory provisions; constructive ownership of stock.

SEC. 318. Constructive ownership of stock—
(a) General rule. • • •
(b) Cross references. • • •
(5) Section 382(a)(3) (relating to special limitations on net operating loss carryovers);
(6) Section 856(d) (relating to definition of rents from real property in the case of real estate investment trusts); and
(7) Section 6038(d)(1) (relating to information with respect to certain foreign corporations).

[Sec. 318 as amended by sec. 10(h), Act of Sept. 14, 1960 (Public Law 86-779, 74 Stat. 1009), and sec. 20(d), Revenue Act 1962 (Public Law 87-834, 76 Stat. 960)]

PAR. 2. Section 1.318-1 is amended by revising subparagraphs (5) and (6) of paragraph (a), by adding a new subparagraph (7) to paragraph (a), by revising subparagraphs (3) and (4) of paragraph (b), and by adding a new subparagraph (5) to paragraph (b). These revised and added provisions read as follows:

§ 1.318-1 Constructive ownership of stock; introduction.

(a) • • •

(5) Section 382(a)(3) (relating to special limitations on net operating loss carryovers);

(6) Section 856(d) (relating to definition of rents from real property in the case of real estate investment trusts); and

(7) Section 6038(d)(1) (relating to information with respect to certain foreign corporations).

• • • • • •

(b) • • •

(3) In determining the 50-percent requirement of section 318(a)(2)(C) all of the stock owned actually and constructively by the person concerned shall be aggregated;

(4) Under section 856(d) (relating to rents received by a real estate investment trust) "10 percent" shall be submitted for "50 percent" in subparagraph (C) of section 318(a)(2) in determining actual and constructive ownership of stock, assets, or net profits; and

(5) Under section 6038(d)(1) (relating to information with respect to certain foreign corporations)—

(i) The second sentence of subparagraphs (A) and (B), and clause (ii) of subparagraph (C), of section 318(a)(2) shall not be applied so as to consider a United States person as owning stock which is owned by a person who is not a United States person, and

(ii) In applying clause (i) of subparagraph (C) of section 318(a)(2), the phrase "10 percent" shall be substituted for the phrase "50 percent" used in subparagraph (C).

PAR. 3. Section 1.6038 and the historical note at the end thereof are amended to read as follows:

§ 1.6038 Statutory provisions; information with respect to certain foreign corporations.

SEC. 6038. *Information with respect to certain foreign corporations*—(a) *Requirement*—(1) *In general.* Every United States person shall furnish, with respect to any foreign corporation which such person controls (within the meaning of subsection (d)(1)), such information as the Secretary or his delegate may prescribe by regulations relating to—

(A) The name, the principal place of business, and the nature of business of such foreign corporation, and the country under whose laws incorporated;

(B) The accumulated profits (as defined in section 902(c)) of such foreign corporation, including the items of income (whether or not included in gross income under chapter 1), deductions (whether or not allowed in computing taxable income under chapter 1), and any other items taken into account in computing such accumulated profits;

(C) A balance sheet for such foreign corporation listing assets, liabilities, and capital;

(D) Transactions between such foreign corporation and—

(i) Such person,

(ii) Any other corporation which such person controls, and

(iii) Any United States person owning, at the time the transaction takes place, 10 percent or more of the value of any class of stock outstanding of such foreign corporation; and

(E) A description of the various classes of stock outstanding, and a list showing the name and address of, and number of shares held by, each United States person who is a shareholder of record owning at any time during the annual accounting period 5 percent or more in value of any class of stock outstanding of such foreign corporation.

The Secretary or his delegate may also require the furnishing of any other information which is similar or related in nature to that specified in the preceding sentence.

(2) *Period for which information is to be furnished, etc.* The information required under paragraph (1) shall be furnished for the annual accounting period of the foreign corporation ending with or within the United States person's taxable year. The information so required shall be furnished at such time and in such manner as the Secretary or his delegate shall by regulations prescribe.

(3) *Limitation.* No information shall be required to be furnished under this subsection with respect to any foreign corporation for any annual accounting period unless such information was required to be furnished under regulations in effect on the first day of such annual accounting period.

(b) *Effect of failure to furnish information*—(1) *In general.* If a United States person fails to furnish, within the time prescribed under paragraph (2) of subsection (a), any information with respect to any foreign corporation required under paragraph (1) of subsection (a), then—

(A) In applying section 901 (relating to taxes of foreign countries and possessions of the United States) to such United States person for the taxable year, the amount of taxes (other than taxes reduced under subparagraph (B)) paid or deemed paid (other than those deemed paid under section 904(d)) to any foreign country or possession of the United States for the taxable year shall be reduced by 10 percent, and

(B) In applying sections 902 (relating to foreign tax credit for corporate stockholder in foreign corporation) and 960 (relating to special rules for foreign tax credit) to any such United States person which is a corporation (or to any person who acquires from any other person any portion of the interest of such other person in any such foreign corporation, but only to the extent of such portion) for any taxable year, the amount of taxes paid or deemed paid by each foreign corporation with respect to which such person is required to furnish information during the annual accounting period or periods with respect to which such information is required under paragraph (2) of subsection (a) shall be reduced by 10 percent.

If such failure continues 90 days or more after notice by the Secretary or his delegate to the United States person, then the amount of the reduction under this paragraph shall be 10 percent plus an additional 5 percent for each 3-month period, or fraction thereof, during which such failure to furnish information continues after the expiration of such 90-day period.

(2) *Limitation.* The amount of the reduction under paragraph (1) for each failure to furnish information with respect to a foreign corporation required under subsection (a)(1) shall not exceed whichever of the following amounts is the greater:

(A) $10,000, or

(B) The income of the foreign corporation for its annual accounting period with respect to which the failure occurs.

(3) *Special Rules*—(A) No taxes shall be reduced under this subsection more than once for the same failure.

(B) For purposes of this subsection, the time prescribed under paragraph (2) of subsection (a) to furnish information (and the beginning of the 90-day period after notice by the Secretary) shall be treated as being not earlier than the last day on which (as shown to the satisfaction of the Secretary or his delegate) reasonable cause existed for failure to furnish such information.

(C) In applying subsections (a) and (b) of section 902, and in applying subsection (a) of section 960, the reduction provided by this subsection shall not apply for purposes of determining the amount of accumulated profits in excess of income, war profits, and excess profits taxes.

(c) *Two or more persons required to furnish information with respect to same foreign corporation.* Where, but for this subsection, two or more United States persons would be required to furnish information under subsection (a) with respect to the same foreign corporation for the same period, the Secretary or his delegate may by regulations provide that such information shall be required only from one person. To the extent practicable, the determination of which person shall furnish the information shall be made on the basis of actual ownership of stock.

(d) *Definitions.* For purposes of this section—

(1) *Control.* A person is in control of a corporation if such person owns stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote, or more than 50 percent of the total value of shares of all classes of stock, of a corporation. If a person is in control (within the meaning of the preceding sentence) of a corporation which in turn owns more than 50 percent of the total combined voting power of all classes of stock entitled to vote of another corporation, or owns more than 50 percent of the total value of the shares of all classes of stock of another corporation, then such person shall be treated as in control of such other corporation. For purposes of this paragraph, the rules prescribed by section 318(a) for determining ownership of stock shall apply; except that—

(A) The second sentence of subparagraphs (A) and (B), and clause (ii) of subparagraph (C), of section 318(a)(2) shall not be applied so as to consider a United States person as owning stock which is owned by a person who is not a United States person, and

(B) In applying clause (i) of subparagraph (C) of section 318(a)(2), the phrase "10 percent" shall be substituted for the phrase "50 percent" used in subparagraph (C).

(2) *Annual accounting period.* The annual accounting period of a foreign corporation is the annual period on the basis of which such corporation regularly computes its income in keeping its books.

(e) *Cross references*—(1) For provisions relating to penalties for violations of this section, see section 7203.

(2) For definition of the term "United States person", see section 7701(a)(30).

[Sec. 6038 as added by sec. 6, Act of Sept. 14, 1960 (Public Law 86-780, 74 Stat. 1014) and amended by sec. 20(a), Rev. Act 1962 (Public Law 87-834, 76 Stat. 960)]

PAR. 4. Paragraph (a) of § 1.6038-1 is amended to read as follows:

§ 1.6038-1 Information returns required of domestic corporations with respect to annual accounting periods of certain foreign corporations beginning before January 1, 1963.

(a) *Requirement of return.* For taxable years beginning after December 31, 1960, every domestic corporation shall make a separate annual information return on Form 2952, in duplicate, with respect to each foreign corporation which it controls, as defined in paragraph (b) of this section, and with respect to each foreign subsidiary, as defined in paragraph (c) of this section, for each annual accounting period (described in paragraph (d) of this section) of each such controlled foreign corporation or foreign subsidiary beginning after December 31, 1960, and before January 1, 1963. Such information shall not be required to be furnished, however, with respect to a corporation defined in section 1504(d) of the Code which makes a consolidated return for the taxable year. For annual accounting periods beginning after December 31, 1962, see § 1.6038-2.

PAR. 5. Section 1.6038-2 is added after § 1.6038-1 and reads as follows:

§ 1.6038-2 Information returns required of United States persons with respect to annual accounting periods of certain foreign corporations beginning after December 31, 1962.

(a) *Requirement of return.* Every United States person shall make a separate annual information return on Form 2952, in duplicate, with respect to each foreign corporation which that person controls, as defined in paragraph (b) of this section, for each annual accounting period (described in paragraph (e) of this section) of each such foreign corporation beginning after December 31, 1962. Such information shall not be required to be furnished, however, with respect to a corporation defined in section 1504(d) of the Code which makes a consolidated return for the taxable year.

(b) *Control.* A person shall be deemed to be in control of a foreign corporation if at any time during that person's taxable year it owns stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote, or more than 50 percent of the total value of shares of all classes of stock of the foreign corporation. A person in control of a corporation which, in turn, owns more than 50 percent of the combined voting power, or of the value, of all classes of stock of another corporation is also treated as being in control of such other corporation. The provisions of this paragraph may be illustrated by the following example:

Example. Corporation A owns 51 percent of the voting stock in Corporation B. Corporation B owns 51 percent of the voting stock in Corporation C. Corporation C in turn owns 51 percent of the voting stock in Corporation D. Corporation D is controlled by Corporation A.

(c) *Attribution rules.* For the purpose of determining control of domestic or foreign corporations the constructive ownership rules of section 318(a) shall apply, except that:

(1) Stock owned by or for a partner or a beneficiary of an estate or trust shall not be considered owned by the partnership, estate, or trust when the effect is to consider a United States person as owning stock owned by a person who is not a United States person;

(2) A corporation will not be considered as owning stock owned by or for a 50 percent or more shareholder when the effect is to consider a United States person as owning stock owned by a person who is not a United States person; and

(3) If 10 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, subparagraph (C)(i) of section 318(a)(2) shall apply.

The constructive ownership rules of section 318(a) apply only for purposes of determining control as defined in paragraph (b) of this section.

(d) *United States person.* For the definition of United States person, see section 7701(a)(30) of the Code and the regulations thereunder.

(e) *Period covered by return.* The information required under paragraphs (f) and (g) of this section with respect to a foreign corporation shall be furnished for the annual accounting period of the foreign corporation ending with or within the United States person's taxable year. For purposes of this section, the annual accounting period of a foreign corporation is the annual period on the basis of which that corporation regularly computes its income in keeping its books. The term "annual accounting period" may refer to a period of less than one year, where, for example, the foreign income, war profits, and excess profits taxes are determined on the basis of an accounting period of less than one year as described in section 902(c)(2). If more than one annual accounting period ends with or within the United States person's taxable year, separate annual information returns shall be submitted for each annual accounting period.

(f) *Contents of return.* The return on Form 2952 shall contain the following information with respect to each foreign corporation:

(1) The name, address, and employer identification number, if any, of the corporation;

(2) The principal place of business of the corporation;

(3) The date of incorporation and the country under whose laws incorporated;

(4) The name and address of the foreign corporation's statutory or resident agent in the country of incorporation;

(5) The name, address, and identifying number of any branch office or agent of the foreign corporation located in the United States;

(6) The name, address, and identifying number, if any, of the person (or persons) having custody of the books of account and records of the foreign corporation, and the location of such books and records if different from such address;

(7) The nature of the corporation's business and the principal places where conducted;

(8) As regards the outstanding stock of the corporation—

(i) A description of each class of the corporation's stock, and

(ii) The number of shares of each class outstanding at the beginning and end of the annual accounting period;

(9) A list showing the name, address, and identifying number of, and the number of shares of each class of the corporation's stock held by, each United States person who is a shareholder owning at any time during the annual accounting period 5 percent or more in value of any class of the corporation's outstanding stock;

(10) For the annual accounting period, the amount of the corporation's:

(i) Current earnings and profits;

(ii) Foreign income, war profits, and excess profits taxes paid or accrued;

(iii) Distributions out of current earnings and profits for the period;

(iv) Distributions other than those described in subdivision (iii) of this subparagraph and the source thereof;

(11) A summary showing the total amount of each of the following types of transactions of the corporation, which took place during the annual accounting period, with the person required to file this return, any other corporation controlled by that person, or any United States person owning at the time of the transaction 10 percent or more of the value of any class of stock outstanding of the foreign corporation, or of any corporation controlling that foreign corporation:

(i) Sales and purchases of stock in trade, except in the ordinary course of business where neither party to the transaction is a United States person;

(ii) Purchases of property of a character which is subject to the allowance for depreciation;

(iii) Compensation paid and compensation received for the rendition of technical, managerial, engineering, construction, scientific, or like services;

(iv) Commissions paid and commissions received;

(v) Rents and royalties paid and rents and royalties received;

(vi) Amounts loaned and amounts borrowed (other than open accounts which arise and are collected in the ordinary course of business);

(vii) Dividends paid and dividends received;

(viii) Interest paid and interest received; and

(ix) Premiums received for insurance or reinsurance.

If the United States person is a bank, as defined in section 581, or is controlled within the meaning of section 368(c) by a bank, the term "transactions" shall not, as to a corporation with respect to which a return is filed, include banking transactions entered into on behalf of customers; in any event, however, deposits in accounts between a foreign corporation, controlled (within the meaning of paragraph (b) of this section) by a United States person, and a person described in this subparagraph and withdrawals from such accounts shall be summarized by reporting end-of-month balances.

(g) *Financial statements.* The following information with respect to the foreign corporation shall be attached to and filed as part of the return required by this section:

(1) A statement of the corporation's profit and loss for the annual accounting period;

(2) A balance sheet as of the end of the annual accounting period of the corporation showing—

(i) The corporation's assets,

(ii) The corporation's liabilities,

(iii) The corporation's net worth;

(3) An analysis of changes in the corporation's surplus accounts during the annual accounting period including both opening and closing balances.

The statements listed in subparagraphs (1), (2), and (3) of this paragraph shall be prepared in conformity with generally accepted accounting principles, and in such form and detail as is customary for the corporation's accounting records.

(h) *Method of reporting.* All amounts furnished under paragraphs (f) and (g) of this section shall be expressed in United States currency with a statement of the exchange rates used. All statements submitted on or with the return required under this section shall be rendered in the English language.

(i) *Time and place for filing return.* Returns on Form 2952 required under paragraph (a) of this section shall be filed with the United States person's income tax return on or before the date required by law for the filing of that person's income tax return.

(j) *Extension of time for filing.* District directors are authorized to grant reasonable extensions of time for filing returns on Form 2952 in accordance with the applicable provisions of § 1.6081–1 of this chapter. An application for an extension of time for filing a return of income shall also be considered as an application for an extension of time for filing returns on Form 2952.

(k) *Two or more persons required to submit the same information.* If two or more persons are required to furnish information with respect to the same foreign corporation for the same period, such persons may in lieu of filing several returns jointly execute and file one return. Any minor child required to sign such a return solely by reason of the attribution to the child of stock owned by his parent is excused from such requirement. Any person required to furnish information under this section with his return who does not do so by reason of this paragraph shall file a statement with his return indicating that such liability has been satisfied and identifying the return with which the information was filed and the time and place of filing.

(l) *Failure to furnish information—*(1) *Effect on foreign tax credit.* (i) Failure of a United States person to furnish, in accordance with the provisions of this section, any return or any information in any return, required to be filed for a taxable year under authority of section 6038 on or before the date prescribed in paragraph (i) of this section (determined with regard to any extension of time for such filing) shall affect the application of section 901 as provided in subparagraph (2) of this paragraph and shall affect the application of sections 902 and 960 as provided in subparagraph (3) of this paragraph. Such failure shall affect the application of sections 902 and 960 to any such United States person which is a corporation or to any person who acquires from any other person any portion (but only to the extent of such portion) of the interest of such other person in any such foreign corporation.

(ii) Where a United States person, having filed the return required by this section except for an omission of, or error with respect to, some of the information referred to in paragraphs (f) and (g) of this section, establishes to the satisfaction of the Commissioner that such omission or error was inadvertent or for reasonable cause and that such person has substantially complied with this section, such omission or error shall not constitute a failure under this section.

(2) *Application of section 901.* In the application of section 901 to a United States person referred to in subdivision (i) of subparagraph (1) of this paragraph, the amount of taxes paid or deemed paid by such person for any taxable year, with or within which the annual accounting period of a foreign corporation for which such person failed to furnish information required under this section ended, shall be reduced by 10 percent. However, no tax reduced under subparagraph 904(d) shall be reduced under subparagraph (3) of this paragraph or deemed paid under section 904(d) shall be reduced under the provisions of this subparagraph.

(3) *Application of sections 902 and 960.* In the application of sections 902 and 960 to a United States person referred to in subdivision (i) of subparagraph (1) of this paragraph for any taxable year, the amount of taxes paid or deemed paid by each foreign corporation for the accounting period or periods for which such person was required for the taxable year of the failure to furnish information under this section shall be reduced by 10 percent. The 10-percent reduction is not limited to the taxes paid or deemed paid by the foreign corporation with respect to which there is a failure to file information but shall apply to the taxes paid or deemed paid by all foreign corporations controlled by that person. In applying subsections (a) and (b) of section 902, and in applying subsection (a) of section 960, the reduction provided by this paragraph shall not apply for purposes of determining the amount of accumulated profits in excess of income, war profits, and excess profits taxes.

(4) *Reduction for continued failure.* (i) If the failure referred to in subdivision (i) of subparagraph (1) of this paragraph continues for 90 days or more after date of written notice by the district director to such United States person, then the amount of the reduction referred to in subparagraphs (2) and (3) of this paragraph shall be 10 percent plus an additional 5 percent for each 3-month period, or fraction thereof, during which such failure continues after the expiration of such 90-day period.

(ii) No taxes shall be reduced under this paragraph more than once for the same failure. Taxes paid by a foreign corporation when once reduced for a failure shall not be reduced again for the same failure in their status as taxes deemed paid by a corporate shareholder. Where a failure continues, each additional periodic 5-percent reduction, referred to in subdivision (i) of this subparagraph, shall be considered as part of the one reduction.

(iii) The effects of section 6038(b) and of this paragraph on the computation of foreign tax credit under section 902(a) of the Code and, where applicable, on the computation of the amount equal to taxes deemed paid which is includible in gross income under section 78 of the Code, may be illustrated by the following examples:

Example (1). M, a domestic corporation, owns 100 percent of the stock of N, a foreign corporation which is a less developed country corporation within the meaning of section 902(d) of the Code. Both M and N use the calendar year as a taxable year and all of the following events occur after January 1, 1965. The dividend from N Corporation is the only dividend from a foreign corporation received by M Corporation during the taxable year.

(a) Gains, profits, and income of N Corporation	$100,000
(b) Foreign tax paid with respect to such gains, profits, and income by N Corporation	40,000
(c) Reduction of foreign tax paid by N Corporation resulting from M Corporation's failure to file information with respect to N Corporation as required under section 6038(a): 90-day failure to file, 10-percent reduction; additional 3 months failure to file, 5-percent reduction; total reduction, 15 percent. ($40,000 times 15 percent)	6,000
(d) Foreign tax paid by N Corporation after section 6038(b)(1)(B) reduction	34,000
(e) Dividend paid by N Corporation to M Corporation	45,000
(f) Accumulated profits of N Corporation as defined in section 902(c)(1)(B) (determined without regard to the section 6038(a)(1)(B) reduction)	60,000
(g) M Corporation is deemed to have paid the same proportion of foreign taxes paid (reduced as provided under section 6038(b)) on or with respect to the accumulated profits (determined without regard to the reduction provided under section 6038(b)) as the amount of dividends bears to the amount of such accumulated profits	$15,300

$$\frac{60,000}{100,000} \times \frac{45,000}{60,000} \times 34,000$$

The above example illustrates that the reduction in foreign taxes paid by the foreign corporation provided under section 6038(b) and this paragraph are not taken into account in computing accumulated profits for purposes of determining the amount of foreign taxes deemed paid with respect to a particular dividend.

Example (2). The facts are the same as in example (1) except that N Corporation is not a less developed country corporation within the meaning of section 902(d) of the Code.

(a) Gains, profits, and income of N Corporation	$100,000
(b) Foreign tax paid by N Corporation with respect to such gains, profits, and income	40,000
(c) Reduction of foreign tax paid by N Corporation resulting from M Corporation's failure to file information with respect to N Corporation as required under section 6038(a): 90-day failure to file, 10-percent reduction; additional 3 months failure to file, 5-percent reduction; total reduction, 15 percent. ($40,000 times 15 percent)	6,000
(d) Foreign tax paid by N Corporation after section 6038(b)(1)(B) reduction	34,000
(e) Dividend paid by N Corporation to M Corporation	45,000
(f) Accumulated profits of N Corporation as described in section 902(c)(1)(A) (determined without regard to the section 6038(b)(1)(B) reduction	100,000
(g) Accumulated profits of N Corporation as described in section 902(a)(1) (determined without regard to the section 6038(b)(1)(B) reduction)	60,000
(h) M Corporation is deemed to have paid the same proportion of foreign taxes paid (reduced as provided under section 6038(b)) with respect to the accumulated profits (determined without regard to the reduction provided under section 6038(b)) as the amount of the dividend (determined without regard to section 78) bears to such amount of accumulated profits	25,500

$$\frac{45,000}{60,000} \times 34,000$$

M Corporation must include $25,500 in gross income as a dividend under the provisions of section 78 of the Code. The above example illustrates that the reductions in foreign taxes paid by the foreign corporation provided under section 6038(b) are taken into account in determining the amount included in gross income of the domestic corporation as foreign taxes deemed paid under section 78 of the Code but such reductions are not taken into account in computing accumulated profits for purposes of determining the amount of foreign taxes deemed paid with respect to a particular dividend.

(5) *Limitation on reduction.* The amount of the reduction under this paragraph for each failure to furnish information with respect to a foreign corporation as required under this section shall not exceed the greater of:

(i) $10,000, or

(ii) The income of the foreign corporation for its annual accounting period with respect to which the failure occurs.

For purposes of this section if a person is required to furnish information with respect to more than one foreign corporation, controlled (within the meaning of paragraph (b) of this section) by that person, each failure to submit information for each such corporation constitutes a separate failure.

(6) *Reasonable cause.* For purposes of subsection (b) of section 6038 and this section, the time prescribed for furnishing information under this paragraph, and the beginning of the 90-day period after notice by the district director, shall be treated as being not earlier than the last day on which (as shown to the satisfaction of the district director) reasonable cause existed for failure to furnish such information.

(7) A person, who wishes to avoid the reductions provided in subparagraphs (2), (3), and (4) of this paragraph for failure to furnish information in accordance with this section, must make an affirmative showing under subparagraph (1)(ii) or (6) of this paragraph of all facts alleged as a reasonable cause for such failure in the form of a written statement containing a declaration that it is made under the penalties of perjury.

(8) *Penalties.* The information required by section 6038 of the Code must be furnished even though there are no foreign taxes which would be reduced under the provisions of this section. For criminal penalties for failure to file a return and filing a false or fraudulent return, see sections 7203, 7206, and 7207 of the Code.

[F.R. Doc. 62–10873; Filed, Oct. 29, 1962; 8:52 a.m.]

[26 CFR Parts 1, 301]

INCOME TAX, TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953; PROCEDURE AND ADMINISTRATION

Returns as to Organization or Reorganization of Foreign Corporations and as to Acquisitions of Their Stock

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 15 days from the

date of publication of this notice in the FEDERAL REGISTER. Any persons submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 15-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) to the amendments made to the Internal Revenue Code of 1954 by section 20 (b) and (c) of the Revenue Act of 1962 (76 Stat. 1061, 1062), such regulations are amended as follows:

PARAGRAPH 1. Section 1.6046 is amended to read as follows:

§ 1.6046 Statutory provisions; returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock.

SEC. 6046. *Returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock*—(a) *Requirement of return.* A return complying with the requirements of subsection (b) shall be made by—

(1) Each United States citizen or resident who is on January 1, 1963, an officer or director of a foreign corporation, 5 percent or more in value of the stock of which is owned by a United States person (as defined in section 7701(a)(30)), or who becomes such an officer or director at any time after such date,

(2) Each United States person who on January 1, 1963, owns 5 percent or more in value of the stock of a foreign corporation, or who, at any time after such date—

(A) Acquires stock which, when added to any stock owned on January 1, 1963, has a value equal to 5 percent or more of the value of the stock of a foreign corporation, or

(B) Acquires an additional 5 percent or more in value of the stock of a foreign corporation, and

(3) Each person who at any time after January 1, 1963, becomes a United States person while owning 5 percent or more in value of the stock of a foreign corporation.

(b) *Form and contents of returns.* The returns required by subsection (a) shall be in such form and shall set forth, in respect of the foreign corporation, such information as the Secretary or his delegate prescribes by forms or regulations as necessary for carrying out the provisions of the income tax laws, except that in the case of persons described only in subsection (a)(1) the information required shall be limited to the names and addresses of persons described in subsection (a)(2).

(c) *Ownership of stock.* For purposes of subsection (a), stock owned directly or indirectly by a person (including, in the case of an individual, stock owned by members of his family) shall be taken into account. For purposes of the preceding sentence, the family of an individual shall be considered as including only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

(d) *Time for filing.* Any return required by subsection (a), shall be filed on or before the 90th day after the day on which, under any provision of subsection (a), the United States citizen, resident, or person becomes liable to file such return.

(e) *Limitation*—(1) *General rule.* Except as provided in paragraph (2), no information shall be required to be furnished under this section with respect to any foreign corporation unless such information was required to be furnished under regulations which have been in effect for at least 90 days before the date on which the United States citizen, resident, or person becomes liable to file a return required under subsection (a).

(2) *Exception.* In the case of liability to file a return under subsection (a) arising on or after January 1, 1963, and before June 1, 1963—

(A) No information shall be required to be furnished under this section with respect to any foreign corporation unless such information was required to be furnished under regulations in effect on or before March 1, 1963, and

(B) If the date on which such regulations become effective is later than the day on which such liability arose, any return required by subsection (a) shall (in lieu of the time prescribed by subsection (d)) be filed on or before the 90th day after such date.

(f) *Cross reference.* For provisions relating to penalties for violations of this section, see sections 6679 and 7203.

[Sec. 6046 as amended by sec. 7(a), Act of Sept. 14, 1960 (Public Law 86-780, 74 Stat. 1016); sec. 20(b) Revenue Act 1962 (76 Stat. 1061)]

PAR. 2. Section 1.6046-1 is redesignated § 1.6046-3 and is amended by revising the heading and paragraphs (a), (c), and (e) thereof to read as follows:

§ 1.6046-3 Returns as to formation or reorganization of foreign corporations prior to September 15, 1960.

(a) *Requirement of returns.* Every attorney, accountant, fiduciary, bank, trust company, financial institution, or other person, who, on or before September 14, 1960, aids, assists, counsels, or advises in, or with respect to, the formation, organization, or reorganization of any foreign corporation shall file an information return on Form 959 (as in use prior to the October 1960 revision). The return must be filed in every such case regardless of—

* * * * *

(c) *Information required to be shown on return.* The return required by section 6046, prior to its amendment by section 7(a) of the Act of September 14, 1960, and this section shall set forth the following information to the extent the information is within the possession or knowledge, or under the control, of the person filing the return:

* * * * *

(e) *Time and place for filing return*—(1) *Time for filing.* Returns required by section 6046, prior to its amendment by section 7(a) of the Act of September 14, 1960, and this section shall be filed within 30 days after the first performance of any of the functions referred to in paragraph (a) of this section. If in a particular case, the aid, assistance, counsel, or advice given by any person extends over a period of more than one day, such person, to avoid multiple filing of returns, shall file a return within 30 days after either of the following events:

PAR. 3. Immediately preceding § 1.6046-3 as redesignated there is inserted the following new section:

§ 1.6046-2 Returns as to foreign corporations which are created or organized, or reorganized, on or after September 15, 1960, and before January 1, 1963.

(a) *Requirement of returns.* In the case of any foreign corporation which is created or organized, or reorganized, on or after September 15, 1960, and before January 1, 1963—

(1) Each United States citizen or resident who was an officer or director of such corporation at any time within 60 days after such creation or organization, or reorganization, and

(2) Each United States shareholder of such corporation by or for whom, at any time within 60 days after such creation or organization, or reorganization, 5 percent or more in value of such corporation's then outstanding stock was owned directly or indirectly (including, in the case of an individual stock owned by members of his family),

shall file a return on Form 959 (Rev. Oct. 1960), United States Information Return With Respect to the Creation or Organization, or Reorganization, of a Foreign Corporation.

(b) *Information required to be shown on return.* The return required by section 6046, prior to its amendment by section 20(b) of the Revenue Act of 1962, and this section shall set forth the following information:

(1) The name and address of the person (or persons) filing the return, and an indication that he is a United States shareholder, officer, or director;

(2) The name and business address of the foreign corporation;

(3) The name of the country under the laws of which the foreign corporation was created or organized, or reorganized;

(4) The name and address of the foreign corporation's statutory or resident agent in the country of incorporation;

(5) The date of the foreign corporation's creation or organization, or reorganization;

(6) A statement of the manner in which the creation or organization, or reorganization, of the foreign corporation was effected;

(7) A complete statement of the reasons for, and the purposes sought to be accomplished by, the creation or organization, or reorganization, of the foreign corporation;

(8) A statement showing the classes and kinds of assets transferred to the foreign corporation in connection with its creation or organization, or reorganization, including a list completely describing each asset or group of assets, its value, date of transfer, and the name and address of person (or persons) owning such asset or group immediately prior to the transfer;

(9) A statement showing the assets transferred and the securities issued by the foreign corporation in its creation or

organization or reorganization, as well as the name and address of each person to whom such a transfer or issuance was made;

(10) A statement specifying the amount and type of any indebtedness due from the foreign corporation to each of its shareholders and the name of each such shareholder;

(11) The names and addresses of the shareholders of the foreign corporation at the time of its creation or organization or reorganization, and the classes of stock and number of shares held by each;

(12) The names and addresses of subscribers to the stock of the foreign corporation, and the number of shares subscribed to by each; and

(13) The name and address of the person (or persons) having custody of the books of account and records of the foreign corporation, and the location of such books and records if different from such address.

(c) *Time and place for filing return.* The return required by section 6046, prior to its amendment by section 20(b) of the Revenue Act of 1962, and this section shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D.C., on or before the 90th day after such foreign corporation is created or organized, or reorganized.

PAR. 4. Immediately preceding § 1.6046-2 there is inserted the following new section:

§ 1.6046-1 Returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock, on or after January 1, 1963.

(a) *Officers or directors*—(1) *When liability arises on January 1, 1963.* Each United States citizen or resident who is on January 1, 1963, an officer or director of a foreign corporation shall make a return on Form 959 (Rev. Jan. 1963) showing the name, address, and identifying number of each United States person (as defined in section 7701(a)(30)) who, on January 1, 1963, owns 5 percent or more in value of the outstanding stock of such foreign corporation.

(2) *When liability arises after January 1, 1963*—(i) *Requirement of return.* Each United States citizen or resident who is at any time after January 1, 1963, an officer or director of a foreign corporation shall make a return on Form 959 (Rev. Jan. 1963) setting forth the information described in subdivision (ii) of this subparagraph with respect to each United States person (as defined in section 7701(a)(30)) who at any time after January 1, 1963—

(a) Acquires (whether in one or more transactions) outstanding stock of such corporation which has, or which when added to any such stock then owned by him (excluding any stock owned by him on January 1, 1963, if on that date he owned 5 percent or more in value of such stock) has, a value equal to 5 percent or more in value of the outstanding stock of such foreign corporation, or

(b) Acquires (whether in one or more transactions) an additional 5 percent or more in value of the outstanding stock of such foreign corporation.

(ii) *Information required to be shown on return.* The return required under subdivision (i) of this subparagraph shall contain the following information:

(a) Name, address, and identifying number of each shareholder with respect to whom the return is filed;

(b) A statement showing that the shareholder is either described in subdivision (i)(a) or (i)(b) of this subparagraph; and

(c) The date on which the shareholder became a person described in subdivision (i)(a) or (i)(b) of this subparagraph.

(3) *Special rule.* For purposes of subparagraphs (1) and (2) of this paragraph, if a United States citizen or resident is or becomes an officer or director of a foreign corporation with no United States persons owning 5 percent or more in value of the outstanding stock of such corporation, such citizen or resident shall file a return setting forth such fact.

(4) *Application of rules.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A, a United States citizen, is, on January 1, 1963, a director of M, a foreign corporation. X and Y, on January 1, 1963, are United States persons each owning 5 percent in value of the outstanding stock of M Corporation. A must file a return under the provisions of subparagraph (1) of this paragraph.

Example (2). The facts are the same as in example (1) except that X owns only 2 percent in value of the outstanding stock of M Corporation on January 1, 1963. On July 1, 1963, X acquires 2 percent in value of the outstanding stock of M Corporation and on September 1, 1963, he acquires an additional 2 percent in value of such stock. The July 1, 1963, transaction does not give rise to liability to file a return; however, A must file a return as a result of the September 1, 1963, transaction because X's holdings now exceed 5 percent.

Example (3). The facts are the same as in Example (2) and, on September 15, 1963, X acquires an additional 4 percent in value of the outstanding stock of M Corporation (X's total holdings are now 10 percent). On November 1, 1963, X acquires an additional 2 percent in value of the outstanding stock of M Corporation. The September 15, 1963, transaction does not give rise to liability to file a return since X has not acquired 5 percent in value of the outstanding stock of M Corporation since A last became liable to file a return. However, A must file a return as a result of the November 1, 1963, transaction because X has now acquired an additional 5 percent in value of the outstanding stock of M Corporation.

Example (4). The facts are the same as in Examples (2) and (3) and, in addition, B, a United States citizen, becomes an officer of M Corporation on October 1, 1963. B is not required to file a return either as a result of the facts set forth in Example (2) or as a result of the September 15, 1963, transaction described in Example (3). However, B is required to file a return as a result of November 1, 1963, transaction described in Example (3) because X has acquired an additional 5 percent in value of the outstanding stock of M Corporation while B is an officer or director.

(b) *Returns required of United States persons when liability to file arises on January 1, 1963.* Each United States person, as defined in section 7701(a)(30), who, on January 1, 1963, owns 5 percent or more in value of the outstanding stock of a foreign corporation, shall make a return on Form 959 (Rev. Jan. 1963) with respect to such foreign corporation setting forth the following information:

(1) The name, address, and identifying number of the shareholder (or shareholders) filing the return;

(2) The name, business address, and employer identification number, if any, of the foreign corporation and the name of the country under the laws of which it is incorporated;

(3) The date of organization and, if any, of each reorganization of the foreign corporation;

(4) The name and address of the foreign corporation's statutory or resident agent in the country of incorporation;

(5) The name, address, and identifying number of any branch office or agent of the foreign corporation located in the United States;

(6) If the foreign corporation has filed a United States income tax return, or participated in the filing of a consolidated return, for any of its last three calendar or fiscal years immediately preceding January 1, 1963, state each year for which a return was filed, the type of form used, the internal revenue office to which it was sent, and the amount of tax, if any, paid;

(7) The name, address, and identifying number, if any, of the person (or persons) having custody of the books of account and records of the foreign corporation, and the location of such books and records if different from such address;

(8) The names, addresses, and identifying numbers, if any, of the principal officers (for example, president, vice-president, secretary, treasurer, and comptroller) and of the members of the board of directors of the foreign corporation as of January 1, 1963;

(9) A certified copy of the charter or articles of incorporation and a copy of the bylaws (or copies of documents serving similar purposes) of the foreign corporation;

(10) A complete description of the actual business activities of the foreign corporation and, if the foreign corporation is a member of a group constituting a chain of ownership, a copy of the group's organizational chart showing the foreign corporation's position in the chain of ownership and the percentages of ownership (including all relationships where the interest is 5 percent or more in value of the outstanding stock);

(11) A copy of the following statements prepared in accordance with generally accepted accounting principles and in such form and detail as is customary for the corporation's accounting records:

(i) The corporation's profit and loss statement for the most recent complete annual accounting period; and

(ii) The corporation's balance sheet as of the end of the most recent complete annual accounting period;

(12) A statement showing as of January 1, 1963, the amount and type of any indebtedness of the foreign corporation to any of its shareholders, together with

the name, address, and identifying number, if any, of each such shareholder;

(13) A statement, as of January 1, 1963, showing the name, address, and identifying number, if any, of each subscriber to the stock of the foreign corporation, and the number of shares subscribed to by each;

(14) A statement showing the number of shares of stock of the foreign corporation owned by each shareholder filing the return, the dates of acquisition, the amounts paid or value given therefor, and the method of acquisition, i.e. by original issue, purchase on open market, direct purchase, gift, inheritance, etc., and from whom acquired; and

(15) A statement showing as of January 1, 1963, the name, address, and identifying number, if any, of each shareholder who owns 5 percent or more in value of the outstanding stock of the foreign corporation, the classes of stock held, the number of shares held, including the name, address, and identifying number, if any, of each beneficial owner if such person is different from the shareholder of record and a statement of the nature and amount of the interests of each such beneficial owner.

(c) *Returns required of United States persons when liability to file arises after January 1, 1963*—(1) *United States persons required to file.* A return on Form 959 (Rev. Jan. 1963), relating to the organization or reorganization of a foreign corporation and to the acquisition of its stock, containing the information required by subparagraph (3) of this paragraph, shall be made by each United States person, as defined in section 7701 (a) (30), when at any time after January 1, 1963—

(i) Such person acquires (whether in one or more transactions) outstanding stock of such foreign corporation which has, or which when added to any such stock then owned by him (excluding any stock owned by him on January 1, 1963, if on that date he owned 5 percent or more in value of such stock) has, a value equal to 5 percent or more in value of the outstanding stock of such foreign corporation, or

(ii) Such person, having already acquired the interest referred to in paragraph (b) of this section or in subdivision (i) of this subparagraph—

(*a*) Acquires (whether in one or more transactions) an additional 5 percent or more in value of the outstanding stock of such foreign corporation,

(*b*) Owns 5 percent or more in value of the outstanding stock of such foreign corporation when such foreign corporation is reorganized (as defined in paragraph (f)), or

(c) Disposes of sufficient stock in such foreign corporation to reduce his interest to less than 5 percent in value of the outstanding stock of such foreign corporation.

The provisions of this subparagraph may be illustrated by the following examples:

Example (1). On January 15, 1963, A, a United States person, acquires 5 percent in value of the outstanding stock of M, a foreign corporation. A must file a return under the provisions of this subparagraph.

Example (2). On January 1, 1963, B, a United States person, owns 2 percent in value of the outstanding stock of M, a foreign corporation. B is not required to file a return under the provisions of this section because he does not own 5 percent or more in value of the outstanding stock of M Corporation. On February 1, 1963, B acquires an additional 3 percent in value of the outstanding stock of M Corporation. B must file a return under the provisions of this subparagraph.

Example (3). On January 1, 1963, C, a United States person, owns 6 percent in value of the outstanding stock of M, a foreign corporation. C must file a return under the provisions of paragraph (b) of this section. On February 1, 1963, C acquires an additional 2 percent in value of the outstanding stock of M Corporation in a transaction not involving a reorganization. C is not required to file a return under the provisions of this subparagraph.

Example (4). The facts are the same as in Example (3) except that, in addition, on April 1, 1963, C acquires 2 percent in value of the outstanding stock of M Corporation in a transaction not involving a reorganization. (C's total holdings are now 10 percent.) C is not required to file a return under the provisions of this subparagraph because he has not acquired 5 percent or more in value of the outstanding stock of M Corporation since he last became liable to file a return. On May 1, 1963, C acquires 1 percent in value of the outstanding stock of M Corporation. C must file a return under the provisions of this subparagraph.

Example (5). On June 1, 1963, D, a United States person, owns 12 percent in value of the outstanding stock of M, a foreign corporation. Also, on June 1, 1963, M Corporation is reorganized and, as a result of such reorganization, D owns only 6 percent of the outstanding stock of such foreign corporation. D must file a return under the provisions of this subparagraph.

Example (6). The facts are the same as in Example (5) except that, in addition, on November 1, 1970, D donates 2 percent of his outstanding stock of M Corporation to a charity. Since D has disposed of sufficient stock to reduce his interest in M Corporation to less than 5 percent in value of the outstanding stock of such corporation, D must file a return under the provisions of this subparagraph.

(2) *Shareholders who become United States persons.* A return on Form 959 (Rev. Jan. 1963), relating to the organization or reorganization of a foreign corporation and to the acquisition of its stock, containing the information required by subparagraph (3) of this paragraph, shall also be made by each person who at any time after January 1, 1963, becomes a United States person while owning 5 percent or more in value of the outstanding stock of such foreign corporation.

(3) *Information required to be shown on return*—(i) *In general.* The return on Form 959 (Rev. Jan. 1963), required to be filed by persons described in subparagraphs (1) and (2) of this paragraph shall set forth the same information as is required by the provisions of paragraph (b) of this section except that where such provisions require information with respect to January 1, 1963, such information shall be furnished with respect to the date on which liability arises to file the return required under this paragraph.

(ii) *Additional information.* In addition to the information required under subdivision (i) of this subparagraph, the following information shall also be furnished in the return required under this paragraph:

(*a*) The date on or after January 1, 1963, if any, on which such shareholder (or shareholders) last filed a return under this section with respect to the corporation;

(*b*) If a return is filed by reason of becoming a United States person, the date the shareholder became a United States person;

(c) If a return is filed by reason of the disposition of stock, the date and method of such disposition and the person to whom such disposition was made; and

(*d*) If a return is filed by reason of the organization or reorganization of the foreign corporation on or after January 1, 1963, the following information:

(*1*) A statement showing a detailed list of the classes and kinds of assets transferred to the foreign corporation including a description of the assets (such as a list of patents, copyrights, stock, securities, etc.), the adjusted basis of each asset transferred and its fair market value, the date of transfer, the name, address, and identifying number, if any, of the owner immediately prior to the transfer, and the consideration paid by the foreign corporation for such transfer;

(2) A statement showing the assets transferred and the securities issued by the foreign corporation, the name, address, and identifying number, if any, of each person to whom such transfer or issue was made, and the consideration paid to the foreign corporation for such transfer or issue;

(3) A statement showing the amount and type of any indebtedness of the foreign corporation to each of its shareholders, together with the name, address, and identifying number, if any, of each such shareholder; and

(*4*) An analysis of the changes in the corporation's surplus accounts.

(iii) *Exclusion of information previously furnished.* In any case where any identical item of information required to be filed under this paragraph by a shareholder with respect to a foreign corporation has previously been furnished by such shareholder in any return made in accordance with the provisions of this section, such shareholder may satisfy the requirements of this paragraph by filing Form 959 (Rev. Jan. 1963), identifying such item of information, the date furnished, and stating that it is unchanged.

(d) *Associations, etc.* Returns are required to be filed in accordance with the provisions of this section with respect to any foreign association, foreign joint-stock company, or foreign insurance company, etc., which would be considered to be a corporation under § 301.7701-2 of this chapter (Regulations on Procedure and Administration). Persons who would qualify by the nature of their functions and ownership in such associations, etc., as officers, directors, or shareholders thereof will be treated as such for purposes of this section without regard to their designations under local law.

(e) *Special provisions*—(1) *Return jointly made.* Any two or more persons required under paragraph (a) of this section to file a return with respect to one or more shareholders of the same corporation, or under paragraph (b) or (c) of this section to file a return with respect to the same corporation, may in lieu of filing several returns, jointly execute and file one return.

(2) *Separate return for each corporation.* When returns are required with respect to more than one foreign corporation, a separate return must be filed for each corporation.

(f) *Meaning of terms.* For purposes of this section—

(1) *Acquisition.* Stock in a foreign corporation shall be considered acquired when a person has an unqualified right to receive such stock, even though such stock is not actually issued. For example, when under the law of a foreign country, all the necessary steps for incorporation are completed but stock in the corporation will not be issued within 30 days, every United States citizen or resident who is an officer or a director of such corporation, provided a United States person has an interest of 5 percent or more in such corporation, and every such United States person shall, within 90 days of the date of incorporation, file the returns required under section 6046 and this section. In the case of a reorganization, stock owned following the reorganization shall be deemed to be new stock acquired in the reorganization, whether or not any stock certificates are surrendered or exchanged or the designation of such stock is altered.

(2) *Reorganization.* With respect to a foreign corporation, the term "reorganization" shall mean not only a transaction described in section 368(a)(1) and the regulations thereunder but also any other transaction or series of transactions which has the same effect or which makes a substantial change in—

(i) The ownership of either the number of shares or the value of the outstanding stock of, or the total value of the interests, in the corporation,

(ii) The capital account of the corporation,

(iii) The ownership or the value of such corporation's securities (other than stock) that are issued and outstanding, or

(iv) The total amount owed by or to the corporation (other than indebtedness evidenced by securities or other than open accounts which arise and are collected in the ordinary course of business).

(g) *Method of reporting.* All amounts furnished in returns prescribed under this section shall be expressed in United States currency with a statement of the exchange rates used. All statements required to be submitted on or with returns under this section shall be rendered in the English language.

(h) *Actual ownership of stock.* If any shareholder, referred to in this section, is not the actual owner of the stock of the foreign corporation, the information required under this section shall be furnished in the name of and by such actual owner. For example, in the case of stock held by a nominee, the information required under this section shall be furnished by the actual owner of such stock.

(i) *Constructive ownership of stock*—(1) *In general.* Stock owned directly or indirectly by or for a foreign corporation, foreign partnership or a foreign estate, or foreign trust (as defined in section 7701(a)(31)) shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries. Thus, any United States person who is a member of a nonresident foreign partnership which becomes a shareholder in a foreign corporation shall be considered to be a shareholder in such foreign corporation to the extent of his proportionate share in such partnership.

(2) *Members of family.* An individual shall be considered as owning the stock owned directly or indirectly by or for his brothers and sisters (whether by the whole or half blood), his spouse, his ancestors, and his lineal descendants. However, when stock is treated as owned by an individual under the rule provided in this subparagraph, it shall not be treated as owned by him for the purpose of again applying such rule in order to make another the constructive owner of such stock. The provisions of this subparagraph may be illustrated by the following example:

Example. H, W, and HF are United States citizens. W, wife of H, owns 20 percent of the value of the outstanding stock of X Corporation. X Corporation owns 90 percent of the value of the outstanding stock of Y Corporation, a foreign corporation. Y Corporation becomes the owner of 50 percent of the value of the outstanding stock of each of two newly organized foreign corporations, M and N. In applying the "members of family" rule, H is considered to own 20 percent of the value of the outstanding stock of X Corporation, and 18 percent of the value of the outstanding stock of Y Corporation, and 9 percent of M Corporation and N Corporation. However, HF, the father of H, is not considered to own stock of X, Y, M, or N since his son, H, is not treated as the owner of such stock for purposes of again applying the "members of family" rule.

(j) *Time and place for filing return*—(1) *Time for filing.* Any return required by section 6046 and this section shall be filed on or before the 90th day after the day on which a United States citizen, resident, or person becomes liable to file such return under any provision of section 6046(a) and of paragraphs (a), (b), or (c) of this section.

(2) *Place for filing.* Returns required by section 6046 and this section shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D.C.

(k) *Penalties.* (1) For criminal penalties for failure to file a return and filing a false or fraudulent return, see sections 7203, 7206, and 7207.

(2) For civil penalty for failure to file return, or failure to show information required on a return, under this section, see section 6679.

PAR. 5. At the end of the regulations in Part 301 relating to Additions to the Tax, Additional Amounts, and Assessable Penalties, there are inserted the following new sections:

§ 301.6679 Statutory provisions; failure to file returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock.

SEC. 6679. *Failure to file returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock*—(a) *Civil penalty.* In addition to any criminal penalty provided by law, any person required to file a return under section 6046 who fails to file such return at the time provided in such section, or who files a return which does not show the information required pursuant to such section, shall pay a penalty of $1,000, unless it is shown that such failure is due to reasonable cause.

(b) *Deficiency procedures not to apply.* Subchapter B of chapter 63 (relating to deficiency procedure for income, estate, and gift taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).

[Sec. 6679 as added by sec. 20(c), Revenue Act 1962 (76 Stat. 1062)]

§ 301.6679–1 Failure to file returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock.

(a) *Civil penalty*—(1) *In general.* In addition to any criminal penalty provided by law, each person required to file a return under section 6046, and the regulations thereunder, who fails to file such a return within the time provided, or who files a return which does not show the required information, shall pay a penalty of $1,000, unless such failure is shown to be due to reasonable cause.

(2) *Joint return.* The penalty imposed by section 6679 and this section shall apply to each United States citizen, resident, or person filing a joint return pursuant to the provisions of section 6046 and § 1.6046-1, which does not show the required information.

(3) *Showing of reasonable cause.* The penalty imposed by section 6679 shall not apply if it is established to the satisfaction of the Director of International Operations that such failure was due to a reasonable cause. An affirmative showing of reasonable cause must be made in the form of a written statement, containing a declaration that it is made under the penalties of perjury, setting forth all the facts alleged as a reasonable cause.

(b) *Deficiency procedures not to apply.* The penalty imposed by section 6679 may be assessed and collected without regard to the deficiency procedures provided by subchapter B of chapter 63 of the Code.

[F.R. Doc. 62-10890; Filed, Oct. 29, 1962; 8:52 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket Nos. 62-EA-38, 62-EA-67]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Designation, Extension and Revocation of Federal Airways and Associated Control Areas, and Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below:

1. Low altitude VOR Federal airway No. 471 and its associated control areas which are designated from the Bangor, Maine, VOR to the United States/Canadian Border would be extended southeastward from the Bangor VOR to the intersection of the Bangor VOR 132° and the Princeton, Maine, VOR 208° True radials.

2. Low altitude VOR Federal airway No. 302 and its associated control areas would be designated from the Augusta, Maine, VOR to the intersection of the Augusta VOR 123° and the Bangor VOR 192° True radials.

3. Low altitude Blue Federal airway No. 84 is designated from Augusta to Bangor. The Federal Aviation Agency is considering the revocation of Blue 84. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Augusta to Rockland would be adequately served by Victor 302 proposed herein and that the route from Bar Harbor to Bangor would be adequately served by the extension of Victor 471 proposed herein. The latest Federal Aviation Agency IFR peak-day airway traffic survey for the segment of Blue 84 from Rockland to Bar Harbor shows no aircraft movements. Therefore, it appears that the retention of Blue 84 is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Blue 84 and its associated control areas from Augusta to Bangor. Adoption of this proposal will not result in the discontinuance of the Federal low frequency navigational aids associated with Blue 84. Any proposals to discontinue one or more of these Federal aids would be circularized separately and interested persons would be afforded an opportunity to comment.

4. If the above actions are taken, it will be necessary to redefine the Brunswick, Maine, control area extension (§ 601.1324) by substituting Victor 302 for Blue Federal airway No. 84 in the description of the control area extension.

The base of the control areas associated with the proposed actions would remain at 700 feet above the surface. Separate actions would be initiated to implement on an area basis Amendments 60-21 and 60-29 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 24, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-10789; Filed, Oct. 29, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 4]

[Docket No. 14744]

NEW CLASS OF EDUCATIONAL TELEVISION SERVICE

Proposed Establishment; Order Extending Time for Filing Reply Comments

In the matter of Amendment of Parts 2 and 4 of the Commission rules and regulations to establish a new class of educational television service for the transmission of instructional and cultural material to multiple receiving locations on channels in the 1990-2110 Mc/s or 2500-2690 Mc/s frequency band.

1. In a petition, filed October 16, 1962, the National Educational Television and Radio Center (NET) requests that the time for filing reply comments in the above-captioned proceeding be extended from November 1, 1962, to November 19, 1962. The time for filing comments in the proceeding was extended from September 17, 1962, to October 17, 1962, and for reply comments, from October 1, 1962, to November 1, 1962, by the Commission's Order of September 17, 1962, in response to a request of the Electronic Industries Association.

2. NET states that numerous comments have already been filed in the proceeding and many more may be expected to be filed by the October 17th closing date. It urges that the additional time requested for filing reply comments is needed to secure copies of all the comments filed and to be filed, to analyze their contents and to formulate a responsive position, which entails circularization of its affiliates, and that it will make possible the preparation of more meaningful reply comments and not unduly delay the Commission's resolution of the instant proceeding.

3. Upon consideration of petitioner's representations, and the nature of the proposed amendments to the rules upon which comments were invited herein, the Commission believes that extending the closing date for the submission of reply comments is desirable to afford adequate time for the preparation and filing of helpful comments and that the public interest would be served by the extension requested by NET.

4. *Accordingly, it is ordered,* This 22d day of October 1962, that the aforesaid request of the National Educational Television and Radio Center is granted, and that the time for filing reply comments in this proceeding is extended from November 1, 1962, to November 19, 1962.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.241(d)(8) of the Commission's rules.

Released: October 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10830; Filed, Oct. 29, 1962; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CHEHALIS, KOOTENAI, LUMMI AND MAKAH INDIAN RESERVATIONS LAND RECORDS

Transfer to Portland Area Office

In accordance with 25 CFR 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given that all source title documents and land records pertaining to trust or restricted Indian-owned lands on the Chehalis, Lummi and Makah Indian Reservations in the State of Washington, and the Kootenai Indian Reservation in the State of Idaho, have been transferred from the City of Washington, D.C., to the Portland Area Office, Bureau of Indian Affairs, 1002 Northeast Holliday Street, Portland 3, Oregon.

Effective November 1, 1962, the Portland Area Office will be the office for the maintenance of records for all such trust and restricted lands.

JOHN O. CROW,
Deputy Commissioner.

OCTOBER 24, 1962.

[F.R. Doc. 62-10795; Filed, Oct. 29, 1962; 8:45 a.m.]

Bureau of Land Management

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 22, 1962.

The Department of the Army, Corps of Engineers, Walla Walla, Washington, has filed an application, serial number Washington 03124, for the withdrawal of 1,668 acres of public land from all forms of appropriation under the public land laws, including the mining laws. The land is located along the Columbia River in the sections and townships described below.

The applicant desires the land for the construction of the John Day Lock and Dam to provide power, flood control, navigation facilities, and for recreational development. The mineral resources and grazing will continue under the jurisdiction of the Bureau of Land Management.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 680 Bon Marche Building, Spokane 1, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

WILLAMETTE MERIDIAN

T. 3 N., R. 17 E.,
Sec. 22.
T. 3 N., R. 18 E.,
Secs. 22, 27, and 36.
T. 3 N., R. 19 E.,
Secs. 31 and 32.
T. 3 N., R. 20 E.,
Secs. 23, 24, and 28.
T. 3 N., R. 21 E.,
Secs. 2, 3, and 4.
T. 4 N., R. 22 E.,
Secs. 24, 27, 28, and 32.
T. 4 N., R. 23 E.,
Secs. 12, 14, and 18.
T. 4 N., R. 24 E.,
Secs. 4, 6, and 8.
T. 4 N., R. 25 E.,
Secs. 2 and 4.
T. 5 N., R. 24 E.,
Secs. 32 and 34.
T. 5 N., R. 25 E.,
Secs. 12, 14, 22, 24, 28, and 34.
T. 5 N., R. 26 E.,
Secs. 8, 12, 13, 14, and 15.

J. E. BURT, JR.,
Officer in Charge.

[F.R. Doc. 62-10796; Filed, Oct. 29, 1962; 8:45 a.m.]

DEPARTMENT OF STATE

Agency for International Development

STANLEY I. GRAND

Delegation of Authority; Latin American Financing Transactions

Pursuant to the authority delegated to the Deputy Assistant Administrator for Capital Development by the U.S. Coordinator, Bureau for Latin America, on January 12, 1962, March 20, 1962, and October 15, 1962, I hereby delegate to you, Stanley I. Grand, Special Assistant to the United States Coordinator for the Alliance for Progress, subject to the limitations on my authority as contained in said delegations and in Delegations of Authority Nos. 5 and 12 of the Administrator of the Agency for International Development, authority to:

(1) Negotiate, execute and implement:

(a) All loan and guaranty agreements authorized under the Foreign Assistance Act of 1961, as amended;

(b) All loan and guaranty agreements authorized by the Board of Directors of the corporate Development Loan Fund;

(c) All guaranty agreements which have been authorized pursuant to section 413(b)(4) of the Mutual Security Act of 1954, as amended;

(d) All loan agreements authorized pursuant to that portion of section 104(e) of the Agricultural Trade Development and Assistance Act of 1954, as amended, added by the Act of August 13, 1957, 71 Stat. 343.

(e) All loan and guaranty agreements authorized under the Act to provide for assistance in the Development of Latin America and in the Reconstruction of Chile, and for other purposes (74 Stat. 869; 22 U.S.C. 1942 et seq.).

(2) Negotiate, execute and implement all amendments of, and ancillary agreements with respect to, the loans and guaranties enumerated in (1) above, and those agreements relating to any such loans entered into heretofore by the Export-Import Bank of Washington, as you may deem necessary or desirable.

This Delegation of Authority shall be deemed to have become effective October 3, 1962. The authority herein delegated to you may be redelegated as appropriate.

PHILIP GLAESSNER,
Deputy Assistant Administrator for Capital Development.

OCTOBER 16, 1962.

[F.R. Doc. 62-10805; Filed, Oct. 29, 1962; 8:47 a.m.]

DEPUTY UNITED STATES COORDINATOR FOR ALLIANCE FOR PROGRESS AND DEPUTY ASSISTANT ADMINISTRATOR FOR CAPITAL DEVELOPMENT, LATIN AMERICA

Delegation of Authority; Latin American Financing Transactions

Pursuant to the authority delegated to me in Delegation of Authority No. 5.1, dated September 18, 1962, of the Administrator of the Agency for International Development, I hereby delegate to you, Deputy United States Coordinator, Alliance for Progress, and Deputy Assistant Administrator for Capital Development, Latin America, subject to the limitations set by the Administration on Delegation of Authority No. 5, as amended, authority to:

(1) Negotiate, execute and implement all loan and guarantee agreements authorized under the Act to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes (74 Stat. 869, 22 U.S.C. 1942 et seq.);

(2) Negotiate, execute and implement all amendments of, and ancillary agreements with respect to, the loans and guarantees enumerated in (1) above as you may deem necessary or desirable, provided that the foregoing authority may not be utilized to approve amend-

ments which would increase the maximum total amount of a loan or potential liability of the United States under a guarantee.

This delegation shall be deemed to have become effective December 29, 1961. The authority herein delegated may be redelegated as appropriate.

TEODORO MOSCOSO,
United States Coordinator,
Alliance for Progress.

OCTOBER 15, 1962.

[F.R. Doc. 62-10806; Filed, Oct. 29, 1962; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 62-33]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document, during the period from July 17 to August 31, 1962. These actions were taken in accordance with procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-15 dated January 3, 1955 (20 F.R. 840), 167-20 dated June 18, 1956 (21 F.R. 4894), CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), or 167-38 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333 (e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/11/1, Ammonia gas mask No. BM-1452, Bureau of Mines Approval No. BM-1452 consisting of Canister BM-1452, Face Piece BM-1408F, Canister Harness BM-1408, for use against ammonia vapors only, manufactured by Davis Emergency Equipment Co., Inc., 45 Halleck Street, Newark 4, New Jersey, effective August 31, 1962. (It supersedes Approval No. 160.011/11/0 dated July 31, 1962.)

COMPASSES, LIFEBOAT

Approval No. 160.014/1/0, Type LMC-101D, compensating mariners liquid-filled magnetic lifeboat compass with mounting, Assembly Drawing No. D-1 dated July 18, 1945, manufactured by John E. Hand & Sons Co., Atlantic and Washington Avenues, Haddonfield, New Jersey, effective July 31, 1962. (It is an extension of Approval No. 160.014/1/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

MIRRORS, EMERGENCY SIGNALING

Approval No. 160.020/2/0, 4" x 5" metal, emergency signaling mirror, Type SMC identified by specification No. 2 and drawing No. 2 dated July 23, 1962, manufactured by Safety Mirror Co., 30 Front Street, New York 4, New York, effective July 31, 1962. (It is an extension of Approval No. 160.020/2/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

LIFEBOATS

Approval No. 160.035/424/0, 28.0' x 8.46' x 3.79' steel oar-propelled, 55-person capacity, identified by construction and arrangement dwg. No. 28-10B, Rev. A dated July 23, 1962, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective August 9, 1962.

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/50/0, Sound powered telephone station, selective ringing, common talking, bulkhead mounting, watertight, deep box cover for stowage of 50 ft. handset cord, with attached 3", 6" or 8" hand generator bell, Type 8WB, 8 stations maximum and Type 17WB, 17 stations maximum, dwg. No. B-171-1, Alt. 1 dated August 2, 1956, manufactured by Sig-Trans, Inc., Haverhill Road, Amesbury, Massachusetts, effective August 3, 1962. (It is an extension of Approval No. 161.005/50/0 dated August 3, 1957.)

BOILERS (HEATING)

Approval No. 162.003/23/1, Model No. 29M2, steel plate steam heating boiler, dwg. No. 266.091, revision F, dated May 20, 1952, maximum design pressure 30 p.s.i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division of Crane Corp., P.O. Box 780, Johnstown, Pennsylvania, effective July 17, 1962. (It is an extension of Approval No. 162.003/23/1 dated July 17, 1957, and published in FEDERAL REGISTER August 31, 1957, and a change of name and address of manufacturer.)

Approval No. 162.003/24/1, Model No. 29M3, steel plate steam heating boiler, dwg. No. 266.091, revision F, dated May 20, 1952, maximum design pressure 30 p.s.i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division of Crane Corp., P.O. Box 780, Johnstown, Pennsylvania, effective July 17, 1962. (It is an extension of Approval No. 162.003/24/1 dated July 17, 1957, and published in FEDERAL REGISTER August 31, 1957, and a change of name and address of manufacturer.)

Approval No. 162.003/25/1, Model No. 29M4, steel plate steam heating boiler, dwg. No. 266.091, revision F, dated May 20, 1952, maximum design pressure 30 p.s.i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division of Crane Corp., P.O. Box 780, Johnstown, Pennsylvania, effective July 17, 1962. (It is an extension of Approval No. 162.003/25/1 dated July 17, 1957, and published in FEDERAL REGISTER August 31, 1957, and a change of name and address of manufacturer.)

Approval No. 162.003/37/1, Model No. 33M1, steel plate steam heating boiler, dwg. No. 264.091, revision E, dated May 20, 1952, maximum design pressure 30 p.s.i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division of Crane Corp., P.O. Box 780, Johnstown, Pennsylvania, effective July 17, 1962. (It is an extension of Approval No. 162.003/37/1 dated July 17, 1957, and published in FEDERAL REGISTER August 31, 1957, and a change of name and address of manufacturer.)

Approval No. 162.003/38/1, Model 33M2, steel plate steam heating boiler, dwg. No. 264.091, revision E, dated May 20, 1952, maximum design pressure 30 p.s.i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division of Crane Corp., P.O. Box 780, Johnstown, Pennsylvania, effective July 17, 1962. (It is an extension of Approval No. 162.003/38/1 dated July 17, 1957, and published in FEDERAL REGISTER August 31, 1957, and a change of name and address of manufacturer.)

Approval No. 162.003/39/1, Model No. 33M3, steel plate steam heating boiler, dwg. No. 264.091, revision E, dated May 20, 1952, maximum design pressure 30 p.s.i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division of Crane Corp., P.O. Box 780, Johnstown, Pennsylvania, effective July 17, 1962. (It is an extension of Approval No. 162.003/39/1 dated July 17, 1957, and published in FEDERAL REGISTER August 31, 1957, and a change of name and address of manufacturer.)

Approval No. 162.003/40/1, Model No. 33M4, steel plate steam heating boiler, dwg. No. 264.091, revision E, dated May 20, 1952, maximum design pressure 30 p.s.i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division of Crane Corp., P.O. Box 780, Johnstown, Pennsylvania, effective July 17, 1962. (It is an extension of Approval No. 162.003/40/1 dated July 17, 1957, and published in FEDERAL REGISTER August 31, 1957, and a change of name and address of manufacturer.)

Approval No. 162.003/41/1, Model No. 40M1, steel plate steam heating boiler, dwg. No. 265.091, revision E, dated May 20, 1952, maximum design pressure 30 p.s.i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division of Crane Corp., P.O. Box 780, Johnstown, Pennsylvania, effective July 17, 1962. (It is an extension of Approval No. 162.003/41/1 dated July 17, 1957, and published in FEDERAL REGISTER August 31, 1957, and a change of name and address of manufacturer.)

FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/8/0, Figure No. 50, Varec flame arrester, aluminum body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, dwg. No. C-746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/8/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/9/0, Figure 50A, aluminum body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, dwg. No. C-746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/9/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/10/0, Figure No. 50ACU, Varec flame arrester, semi-steel body, copper multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, dwg. No. C-746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/10/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/11/0, Figure No. 20ABCU, Varec flame arrester, semi-steel body, copper multiple plate bank, vertical type, female pipe threaded connections, fitted with extensible banks and removable cover plate, dwg. No. C-746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/11/0 dated July 11, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/12/0, Figure No. 50ACCU, Verac flame arrester, semi-steel body, copper multiple plate bank, vertical type, flanged and screwed connections, fitted with extensible banks and removable cover plate, dwg. No. C-746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/12/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/13/0, Figure No. 50AN, Varec flame arrester, semi-steel and aluminum body, aluminum multiple plate bank, vertical type, square flange connections, fitted with extensible banks and removable cover plate, dwg. No. C-746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/13/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/14/0, Figure No. 50B, Varec flame arrester, aluminum body, aluminum multiple plate bank, vertical type, female threaded connections, fitted with extensible banks and removable cover plate, dwg. No. C-746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/14/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/15/0, Figure No. 50C, Varec flame arrester, aluminum body, aluminum multiple plate bank, vertical type, flanged and screwed connections, fitted with extensible banks and removable cover plate, dwg. No. C-746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Almeda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/15/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/16/0, Figure No. 50CU, Varec flame arrester, semi-steel body, copper multiple plate bank, vertical type, flanged connections fitted with extensible banks and removable cover plate, dwg. No. C-746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/16/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/17/0, Figure No. 50S, Varec flame arrester, semi-steel body, aluminum multiple plate bank, vertical type, flanged connection, fitted with extensible banks and removable cover plate, dwg. No. C-746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/17/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/18/0, Figure No. 50SA, Varec flame arrester, semi-steel body, small aluminum multiple plate bank, vertical type, flanged connections,

fitted with extensible banks and removable cover plate, dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/18/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/19/0, Figure No. 50SG, Varec flame arrester, semi-steel body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/19/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/20/0, Figure No. 50SB, Varec flame arrester, semi-steel body, aluminum multiple plate bank, vertical type, threaded connections, fitted with extensible banks and removable cover plate, dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/20/0, dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/21/0, Figure No. 50SC, Varec flame arrester, semi-steel body, aluminum multiple plate bank, vertical type, flanged and screwed connections fitted with extensible banks and removable cover plate, dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/21/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/22/0, Figure No. 53, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, dwg. No. C–749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/22/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/23/0, Figure No. 53A, Varec flame arrester, aluminum body, aluminum multiple plate tank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, dwg. No. C–749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/23/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/24/0, Figure No. 53B, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, screwed connections, fitted with extensible banks and removable cover plate, dwg. No. C–749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/24/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/25/0, Figure No. 53C, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, flanged and screwed connections, fitted with extensible banks and removable cover plate, dwg. No. C–749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/25/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/26/0, Figure No. 53S, Varec flame arrester, semi-steel body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, dwg. No. C–749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/26/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/27/0, Figure No. 53SA, Varec flame arrester, semi-steel body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, dwg. No. C–749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/27/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/28/0, Figure No. 53SB, Varec flame arrester, semi-steel body, aluminum multiple plate bank, horizontal type, screwed connections, fitted with extensible banks and removable cover plate, dwg. No. C–749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/28/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

Approval No. 162.016/29/0, Figure No. 53SC, Varec flame arrester, semi-steel body, aluminum multiple plate bank, horizontal type, flanged and screwed connections, fitted with extensible banks and removable cover plate, dwg. No. C–749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Inc., 2820 North Alameda Street, P.O. Box 231, Compton, California, effective July 31, 1962. (It is an extension of Approval No. 162.016/29/0, dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957, and a change of name and address of manufacturer.)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/101/0, Model No. 44–40 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–75–1.001, manufactured by Welbilt Corp., Garland Division, Welbilt Square, Maspeth, New York, effective August 3, 1962. (It is an extension of Approval No. 162.020/101/0, dated August 3, 1957.)

Approval No. 162.020/102/0, Model No. 45–40 range for liquefied petroleum gas service, approved by the American Gas Association, Inc. under Certificate No. 11–75–4.001, manufactured by Welbilt Corp., Garland Division, Welbilt Square, Maspeth, New York, effective August 3, 1962. (It is an extension of Approval No. 162.020/102/0, dated August 3, 1957.)

Approval No. 162.020/103/0, Model No. 46–40 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(73–1.2 & –3.2).001, manufactured by Welbilt Corp., Garland Division, Welbilt Square, Maspeth, New York, effective August 3, 1962. (It is an extension of Approval No. 162.020/103/0, dated August 3, 1957.)

Approval No. 162.020/104/0, Model No. 47–40 range for liquefied petroleum gas service, approved by the American Gas Association, Inc. under Certificate No. 11–(73–1.2 and –3.2).001, manufactured by Welbilt Corp., Garland Division, Welbilt Square, Maspeth, New York, effective August 3, 1962. (It is an extension of Approval No. 162.020/104/0 d dated August 3, 1957.)

DECK COVERINGS

Approval No. 164.006/2/0, "Selhalith," magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG–3610–1215; F.R. 1779 dated July 2, 1940, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Selby, Battersby & Co., 5220 Whitby Avenue, Philadelphia 43, Pennsylvania, effective July 31, 1962. (It is an extension of Approval No. 164.006/2/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.006/7/0, "Armorite," magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–72; F.R. 1836 dated March 29, 1941, approved for use without other insulating material as meeting Class A–60 requirements in thicknesses as follows:

Underlayment only, 1¾ inches, or
Underlayment 1¼ inches plus top coat ½ inch

manufactured by National Tile & Marble Corp., 529 West Forty-sixth Street, New York 36, New York, effective July 31, 1962. (It is an extension of Approval No. 164.006/7/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.006/9/0, "Raecolith," magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–76; F.R. 1866 dated August 9, 1941, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾ inch thickness, manufactured by Raecolith Flooring Company, 5622 Corson Avenue, Seattle 8, Washington, effective July 31, 1962. (It is an extension of Approval No. 164.006/9/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.006/15/0, "Moulstone," magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–85; F.R. 1957 dated April 15, 1942, approved for use without other insulating material as meeting Class A–60 requirements in a 1¼-inch thickness manufactured by Thos. Moulding Floor Co., Inc., 325 West Huron Street, Chicago 10, Illinois, effective July 31, 1962. (It is an extension of Approval No. 164.006/15 0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.006/17/0, Kompolite Plastic Composition Flooring," magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–88; F.R. 1978 dated July 1, 1942, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by Kompolite Co., Inc., 11–25 44th Road, Long Island City 1, New York, effective July 31, 1962. (It is an extension of Approval No. 164.006/17/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.006/20/0, "Hubbellite," magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–95; FR 2017 dated November 28, 1942, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Hubbellite Corporation, 141 Gulf Building, Pittsburgh 19, Pennsylvania, effective July 31, 1962. (It is an extension of Approval No. 164.006/20/0 dated July 31, 1957 and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.006/23/0, "Dex-O-Tex Magnabond No. 1," composite mastic and magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–116; FR 2395 dated July 11, 1945, approved for use without other insulating material as meeting Class A–15 requirements in the thickness of Dex-O-Tex Subkote No. 1" underlay ¼-inch thick, plus magnesite overlay ⅜-inch thick, manufactured by Crossfield Products Corp., 140 Valley Road, Roselle Park, New Jersey, effective July 31, 1962. (It is an extension of Approval No. 164.006/23/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

STRUCTURAL INSULATIONS

Approval No. 164.007/1/0, "48" C. G. Felt, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3610–1372; FR–2235 dated April 1, 1944, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows:

3 inches at 8 pounds per cubic foot density
4 inches at 6 pounds per cubic foot density

manufactured by Forty-Eight Insulations, Inc., Aurora, Illinois, effective July 31, 1962. (It is an extension of Approval No. 164.007/1/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.007/3/0, "Eagle Felt M–2," mineral wool type structural insulation identical to that described in National Bureau of Standards Letter, File III–6/ITF dated November 24, 1939, bats, blankets, or fill approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows:

3 inches at 10 pounds per cubic foot density (loose fill)
4 inches at 8 pounds per cubic foot density (loose fill)
3 inches at 8 pounds per cubic foot density (bats or blankets)
4 inches at 6 pounds per cubic foot density (bats or blankets)

manufactured by Acoustics, Inc., Commercial Trust Building, Philadelphia 2, Pennsylvania, effective July 31, 1962. (It is an extension of Approval No. 164.007/4/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.007/10/0, "Rockwool," mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated May 17, 1939, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows:

3 inches at 8 pounds per cubic foot density
4 inches at 6 pounds per cubic foot density

manufactured by The Philip Carey Manufacturing Co., Lockland, Cincinnati 15, Ohio, effective July 31, 1962. (It is an extension of Approval No. 164.007/10/0 dated July 31, 1957 and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.007/11/0, "Bacite" cold set cement, plaster type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated May 17, 1939, approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 30 pounds per cubic foot density, manufactured by The Bird-Archer Co., 4337 North American Street, Philadelphia 40, Pennsylvania, effective July 31, 1962. (It is an extension of Approval No. 164.007/11/0 dated July 31, 1957 and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.007/13/0, "Sprayed limpet asbestos," sprayed asbestos fiber type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3619–36; FR–1404 dated May 17, 1939, approved for use without other insulating material to meet Class A–60 requirements in a 3-inch thickness and 12 pounds per cubic foot density, manufactured by Keesbey & Mattison Co., Ambler, Pennsylvania, effective July 31, 1962. (It is an extension of Approval No. 164.007/13/0 dated July 31, 1957 and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.007/18/0, "B–E–H 6-pound felt," mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III–6/26, dated July 16, 1943, approved for use without other insulating material to meet Class A–60 requirements in a 4-inch thickness and 6 pounds per cubic

Approval No. 164.007/4/0, "Fibrespray," plaster type structural insulation identical to that described in National Bureau of Standards letter, File III–6/36 dated June 25, 1943, approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows:

3 inches at 12 pounds per cubic foot density
4 inches at 8 pounds per cubic foot density

foot density, manufactured by Baldwin-Ehret-Hill, Inc., 500 Breunig Avenue, Trenton 2, New Jersey, effective July 31, 1962. (It is an extension of Approval No. 164.007/18/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.007/19/0, "B–E–H loose wool," mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III–6/36 dated July 16, 1943, approved for use without other insulating material to meet Class A–60 requirements in a 3-inch thickness and 11 pounds per cubic foot density, manufactured by Baldwin-Ehret-Hill Inc., 500 Breunig Avenue, Trenton 2, New Jersey, effective July 31, 1962. (It is an extension of Approval No. 164.007/19/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

BULKHEAD PANELS

Approval No. 164.008/2/0, "Aetna Type FSI-Class B," hollow steel, insulation filled bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 128 dated November 19, 1945, approved as meeting Class B–15 requirements in a 2-inch thickness when filled with two 1-inch blankets of type TW–MC Fiberglass insulation having a density of 3¼ pounds per cubic foot, manufactured by Arnot-Jamestown Division, Aetna Steel Products Corp., 730 Fifth Avenue, New York 19, New York, effective July 31, 1962. (It is an extension of Approval No. 164.008/2/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.008/3/0, "Aetna Type FAI-Class B," hollow aluminum, insulation filled bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 141 dated October 7, 1946, approved as meeting Class B–15 requirements in a 2-inch thickness when filled with two 1-inch blankets of J–M BX–4M insulation having a density of 4 pounds per cubic foot; this panel shall not be used in Class A–60 construction without the approval of the Commandant for the specific location, manufactured by Arnot-Jamestown Division, Aetna Steel Products Corp., 730 Fifth Avenue, New York 19, New York, effective July 31, 1962. (It is an extension of Approval No. 164.008/3/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.008/6/0, "Dietz Marine," hollow steel, insulation filled identical to that described in National Bureau of Standards Test Report No TG 3619–33; FR–1364 dated March 31, 1939, approved as meeting Class B–15 requirements in a 1-inch thickness when filled with 8-ply air cell fill 1¼ inches thick, manufactured by L.F. Dietz, Marine Building, 40 Grand Avenue, Englewood, New Jersey, effective July 31, 1962. (It is an extension of Approval No. 164.008/6/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.008/7/0, "Seaporcel," hollow steel, insulation filled bulkhead panel identical to that described in Porcelain Metals, Inc., Dwg. entitled "Typical Size Sections Showing General Application of Seaporcel Flush Bulkhead and Ceiling," dated December 29, 1941, approved as meeting Class B–15 requirements in a minimum thickness of 1½ inches when filled with a structural insulation in a density as approved by the Coast Guard and a thickness of one-half that listed to meet Class A–60 requirements, manufactured by Seaporcel Metals, Inc., 28–20 Borden Avenue, Long Island City 1, New York, effective July 31, 1962. (It is an extension of Approval No. 164.008/7/0, dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.008/19/0, "Martin-Parry marine," hollow steel type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG 3619–34; F.R.–1365, dated March 31, 1939, approved as meeting Class B–15 requirements in a 2⅜-inch thickness with two 1/16-inch asbestos paper inserts, manufactured by Martin-Parry-Marine Division, Ward Industries Corporation, 415 Madison Avenue, New York 17, New York, effective July 31, 1962. (It is an extension of Approval No. 164.008/19/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/1/0, "Firefoil sheathing," corrugated asbestos board type incombustible material, approved in a 1½-inch thickness with a steel veneer on one side, manufactured by the Philip Carey Manufacturing Co., Lockland, Cincinnati 15, Ohio, effective July 31, 1962. (It is an extension of Approval No. 164.009/1/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.009/2/0, "Careystone asbestos-cement wallboard," asbestos-cement board type incombustible material identical to that described in National Bureau of Standards letter, File III–6, dated March 2, 1943, approved in a 3/16-inch thickness, manufactured by the Philip Carey Manufacturing Co., Lockland, Cincinnati 15, Ohio, effective July 31, 1962. (It is an extension of Approval No. 164.009/2/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.009/3/0, "Careystone sheathing," asbestos cement board type incombustible material identical to that described in National Bureau of Standards letter, File III–6, dated September 24, 1942, approved in a 3/16-inch thickness, manufactured by The Philip Carey Manufacturing Co., Lockland, Cincinnati 15, Ohio, effective July 31, 1962. (It is an extension of Approval No. 164.009/3/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.009/4/0, "APAC," asbestos cement board type incombustible material identical to that described in Keasbey & Mattison Company, letter of December 30, 1942, manufactured by Keasbey & Mattison Co., Ambler, Pennsylvania, effective July 31, 1962. (It is an extension of Approval No. 164.009/4/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.009/7/0, "Gold bond A–C board," asbestos cement board type incombustible material identical to that described in National Gypsum Co. letter dated June 4, 1943, manufactured by National Gypsum Co., Buffalo 2, New York, effective July 31, 1962. (It is an extension of Approval No. 164.009/7/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

Approval No. 164.009/9/0, U.S.G. Marine board," gypsum board, metal veneered type incombustible material identical to that described in National Bureau of Standards Test Report No. TG–3610–1348; FR–2131 dated August 23, 1943, approved in 3/8-inch minimum thickness with steel or aluminum veneer one side, manufactured by United States Gypsum Co., 300 West Adams Street, Chicago 6, Illinois, effective July 31, 1962. (It is an extension of Approval No. 164.009/9/0 dated July 31, 1957, and published in FEDERAL REGISTER October 4, 1957.)

PART II—TERMINATION OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS: REPAIRING AND CLEANING

Termination of Approval No. 160.-006/19/0, Garden City Cleaning Process for kapok life preservers of all types as outlined in Garden City Renovating Co. letter dated October 12, 1949, manufactured by Hays Mattress Co., P.O. Box 555, Morgan Hill, California, effective August 17, 1962. (Termination of Approval No. 160.006/19/0 dated November 19, 1959 and published in FEDERAL REGISTER March 16, 1960. Manufacturer no longer in business.)

DECK COVERINGS

Termination of Approval No. 164.-006/8/0, "Case Magnesite," magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–73; F.R. 1842 dated April 30, 1941, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by L. S. Case Co., Seventh and Daggett Streets, San Francisco 7, California, effective July 31, 1962. (Expiration and termination of Approval No. 164.006/8/0 dated July 31, 1957.)

Dated: October 23, 1962.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard
Commandant.

[F.R. Doc. 62–10828; Filed, Oct. 29, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87–128 (7 U.S.C. 1961) it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Bastrop.	Hunt.
Bell.	Johnson.
Caldwell.	Lavaca.
Colorado.	Lee.
Delta.	Montgomery.
DeWitt.	Rockwall.
Falls.	Starr.
Fannin.	Travis.
Fayette.	Williamson.
Gonzales.	Wilson.
Harris.	Zapata.
Hays.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 24th day of October 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–10813; Filed, Oct. 29, 1962; 8:48 a.m.]

WASHINGTON

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87–128 (7 U.S.C. 1961) it has been determined that in the hereinafter-named counties in the State of Washington a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WASHINGTON

Clark.	Pacific.
Cowlitz.	Skamania.
Grays Harbor.	Thurston.
Lewis.	Wahkiakum.
Mason.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 24th day of October 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–10814; Filed, Oct. 29, 1962; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

DEPUTY MARITIME ADMINISTRATOR

Redelegation of Authority

SECTION 1. *Redelegation of authority.*

1.01 Department Order No. 117 and other Department Orders and issuances on specific matters, established the authorities of the Maritime Administrator and give him the authority to redelegate such authorities and to prescribe necessary limitations, restrictions, and conditions on the exercise of such authority.

1.02 All authorities delegated to the Maritime Administrator by the Secretary of Commerce and which may be redelegated are hereby redelegated to the Deputy Maritime Administrator, to be exercised in the absence or preoccupation of the Maritime Administrator.

SEC. 2. *Assignment of responsibility and redelegation of authority for specific activities.*

2.01 In addition to the general redelegation of authority to act in the absence or preoccupation of the Maritime Administrator, contained in section 1 of this order, the Deputy Maritime Administrator also is hereby assigned the responsibility and authorized to take final action in the following specific areas of activity which the Maritime Administrator has not otherwise redelegated to any other official:

1 Approve and sign legal documents implementing decisions or actions of the Maritime Administrator, including contracts, agreements, and related documents, and amendments thereto, relating to the following activities of the Maritime Administration: Title XI loan and/or mortgage insurance, ship construction, research and development, ship exchanges, ship sales, preferred ship mortgages, trade-in of ships, use agreements, general agency or chartering agreements, ship repair and maintenance, claims, marine insurance, maritime training, procurement, and property and supply activities.

2 Approve all actions including correspondence and recommendations, pertaining to Title XI loan and/or mortgage insurance activities, except the following actions which shall be reserved to the Maritime Administrator: approvals and denials of insurance, declarations of default due to non-payment of principal and/or interest and/or insurance premiums, release of ships involving waivers of default, deferments and advances of payments, changes of mortgagor, and the establishment of new or revised policies and regulations under the program.

3 Approve all actions, including correspondence and recommendations, pertaining to ship sales and ship exchange activities, except the following actions which shall be reserved to the Maritime Administrator: the determination that ships have insufficient value for commercial purposes to warrant preservation, or are of commercial type or capable of conversion to commercial type; the determination that ships will be sold for operation and the conditions governing such sales; declarations of default; waivers of violations and defaults; approvals of ship exchange applications and the conditions governing such exchanges; and the establishment of new or revised policies and regulations under these programs.

4 Approve and sign reports and correspondence to Department of Commerce officials below an Under Secretary, and to officials of other government agencies below the head thereof or his full deputy, except reports and correspondence giving factual information on activities of the agency, which would not have the effect of altering agency policy, program or position, which exceptions have been delegated to Office Chiefs or other officials having assigned responsibility in the area covered by the report.

5 Approve and sign correspondence and documents on the National Defense Executive Reserve program, including invitations to individual reservists, requests for employer releases and for approval of designation by the Secretary of Commerce, and letters of designation to reservists.

6 Approve or disapprove, pursuant to sections 9 and 37, Shipping Act, 1961, as amended:

(1) The sale, mortgage, lease, charter, delivery or transfer to a person not a citizen of the United States, or the placing under foreign registry and flag of any U.S. privately owned ship of over 5,000 gross tons owned in whole or in part by a citizen of the United States, except any Liberty-type ship or Great Lakes-type overage ship (20 years of age or over); the sale or transfer to a non-citizen of any shipyard, drydock, shipbuilding or ship repair plant or facilities, with a capacity to handle ships of over 5,000 gross tons, or any interest therein owned by a citizen of the United States; and any agreement or understanding vesting in or for the benefit of a non-citizen, the controlling interest or a majority of the voting power in a United States corporation which owns any such ship, shipyard, drydock, or shipbuilding or ship repair plant or facilities.

(2) Applications for the bareboat charter of U.S. privately owned ships of over 5,000 tons to aliens.

(3) Applications for transfers from one foreign flag to another of ships, except Liberty-type ships, previously transferred foreign and continuing under Maritime Administration contractual control.

(4) The transfer of stock in a foreign corporation by a United States citizen, if by such transfer, the controlling interest in the corporation is vested in aliens.

(5) Rescissions of above types of actions.

7 Approve changes in the ownership of ships on which the Maritime Administration holds a mortgage; approve the new owner and the assumption of mortgage obligations executed by the new owner; and approve changes in the ownership of stock in companies owning such ships.

8 Approve extensions of time of delivery of ships constructed under trade-out-and-build program.

9 Approve and sign closing agreements with General Agents.

10 Execute for the Maritime Administrator his residual powers as Director, National Shipping Authority, including signing of all National Shipping Authority Orders.

11 After award of an operating-differential subsidy contract, approve the granting of waivers, permissions and consents to subsidized operators, pur-

suant to sections 804 and 805 of the Merchant Marine Act, 1936, as amended. (This is exclusive of any actions under sections 805(a) and 805(f) reserved to the Maritime Subsidy Board.)

12 Approve projects involving the furnishing of statistical data to public or private parties pursuant to Administrator's Order No. 191, when the estimated cost thereof exceeds $250,000.

13 Approve transfers of marine equipment to foreign-flag ships or to shipyards for the construction or repair of foreign-flag ships, under the provisions of Administrator's Order No. 169.

14 Approve donations of personal property to museums, schools and other public institutions, provided the value thereof does not exceed $5,000.

15 Authorize the solicitation of proposals and the negotiation and execution of research and development type contracts that are within the programs approved in the fiscal plans for the Office of Research and Development, provided that the cost thereof exceeds $50,000 but does not exceed $100,000 in any one instance.

16 Approve and sign the monthly report on significant activities of the Maritime Administration to the Under Secretary for Transportation.

17 Give administrative approval to the selection of division chiefs and assistant division chiefs.

18 Approve leave of office chiefs for one day or more.

19 Such other actions as may be authorized in other Administrator's and Management Orders or by other directives of the Maritime Administrator.

2.02 The Deputy Maritime Administrator may in his discretion redelegate the authorities in section 2.01 to subordinate personnel of his office. The Deputy Maritime Administrator retains full responsibility for actions taken by his subordinates under any authority he may have redelegated to them.

Effective date. This redelegation is effective as of September 17, 1962.

Dated: October 23, 1962.

DONALD W. ALEXANDER,
Maritime Administrator.

[F.R. Doc. 62-10829; Filed, Oct. 29, 1962; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13959]

DALLAS-FORT WORTH REGIONAL AIRPORT INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on November 27, 1962, at 10 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ross I. Newmann.

In order to facilitate conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before November 17, 1962, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., October 25, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-10816; Filed, Oct. 29, 1962; 8:48 a.m.]

[Docket No. 14100]

LINEAS AEREAS COSTARRICENSES, S.A.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on November 7, 1962, at 10 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredericks.

Dated at Washington, D.C., October 24, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-10817; Filed, Oct. 29, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14811]

JOHN K. BOYD

Order To Show Cause

In the matter of John K. Boyd, Manchester, New Hampshire; order to show cause why there should not be revoked the license for radio station WIYVK in the Amateur Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed on February 14, 1962, alleging that on February 11, 1962, Amateur Radio Station WIYVK was observed in violation of § 12.113 of the Commission's rules in that the side band frequencies were outside the authorized Amateur band; and

It further appearing that, the above-named licensee did not reply thereto, whereupon the Commission, by letter dated October 4, 1962, and sent by Certified Mail—Return Receipt Requested (Cert. No. 97046), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that the licensee did not reply to the Commission's letter of October 4, 1962; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 23d day of October 1962, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at 409 Central Street, Manchester, New Hampshire.

Released: October 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10831; Filed, Oct. 29, 1962; 8:50 a.m.]

[Docket Nos. 14815-14817; FCC 62M-1414]

WILLIAM S. COOK ET AL.

Order Scheduling Hearing

In re applications of William S. Cook, Colorado Springs, Colorado, Docket No. 14815, File No. BP-14198; Charles W. Stone (KCHY), Cheyenne, Wyoming, Docket No. 14816, File No. BP-15080; Frances C. Gaguine & Bernice Schwartz, d/b as Denver Area Broadcasters (KDAB), Arvada, Colorado, Docket No. 14817, File No. BMP-9769; for construction permits.

It is ordered, This 23d day of October 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 11, 1962, in Washington, D.C.

It is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, November 19, 1962.

Released: October 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10832; Filed, Oct. 29, 1962, 8:50 a.m.]

[Docket Nos. 14813, 14814; FCC 62M-1413]

OSAGE PROGRAMERS AND CHEROKEE BROADCASTING CO.

Order Scheduling Hearing

In re applications of Bedwin H. Steely and Richard J. Houser, d/b as Osage Programers, Bartlesville, Oklahoma, Docket No. 14813, File No. BP-14696; Cherokee Broadcasting Company, Pawhuska, Oklahoma, Docket No. 14814, File No. BP-15294; for construction permits.

It is ordered, This 23d day of October 1962, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 11, 1962, in Washington, D.C.

It is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, November 19, 1962.

Released: October 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10835; Filed, Oct. 29, 1962; 8:51 a.m.]

[Docket Nos. 14626, 14627, FCC 62M-1399]

REDDING-CHICO TELEVISION, INC., AND NORTHERN CALIFORNIA EDUCATIONAL TELEVISION ASSOCIATION, INC.

Order Continuing Hearing

In re applications of Redding-Chico Television, Inc., Redding, California, Docket No. 14626, File No. BPCT-2875; for a construction permit for a new commercial television broadcast station (Channel 9); Northern California Educational Television Association, Inc., Redding, California, Docket No. 14267, File No. BPCT-2890; for a construction permit for a new commercial educational television broadcast station (Channel 9).

The Hearing Examiner having under consideration a Petition filed October 12, 1962, on behalf of Northern California Educational Television Association, Inc. (NCETA), requesting an extension of time for the exchange of direct cases from October 24, 1962, to November 21, 1962, and continuance of hearing from November 13, 1962, to December 11, 1962, and opposition thereto filed October 18, 1962, on behalf of Redding-Chico Television, Inc., and

It appearing that in a prehearing conference held on July 26, 1962, the dates referred to above were scheduled in this proceeding, and

It further appearing in its opposition Redding-Chico pleads that it would be agreeable to an extension of approximately ten days for both the exchange of written cases and the commencement of the evidentiary hearing, making the date for the commencement of the evidentiary hearing to be on or about November 26, 1962, and

It further appearing that the Hearing Examiner has an evidentiary hearing scheduled to commence November 26, 1962, and

It further appearing that good cause exists why the dates for the exchange of the written direct cases and the commencement of the evidentiary hearing should be rescheduled,

Accordingly, it is ordered, This 22d day of October 1962, that the motion of NCETA is granted in part and denied in part, and

It is further ordered, That the exchange of the direct written cases shall be accomplished on or before November 21, 1962, in lieu of October 24, 1962, and that the evidentiary hearing will commence on December 3, 1962, 2:00 p.m., in the offices of the Commission, Washington, D.C., in lieu of November 13, 1962.

Released: October 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10836; Filed, Oct. 29, 1962; 8:51 a.m.]

[Docket Nos. 14719, 14720; FCC 62M-1412]

WYMAN N. SCHNEPP ET AL.

Order Scheduling Hearing

In re applications of Wyman N. and Willa M. Schnepp, Joint Tenants, Abilene, Kansas, Docket No. 14719, File No. BP-14587; Valley Broadcasting Company, Beloit, Kansas, Docket No. 14720, File No. BP-14592; for construction permits.

It appearing that the Review Board has waived that portion of § 1.362(b) of the Commission's rules which requires publication "immediately following release of the Commission's Order specifying the time and place of hearing" and that a date for the evidentiary hearing should accordingly be specified:

It is ordered, This the 23rd day of October 1962, that the evidentiary hearing in the above-entitled proceeding is scheduled to commence on Tuesday, November 27, 1962, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: October 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10837; Filed, Oct. 29, 1962; 8:51 a.m.]

[Docket No. 14294, FCC 62M-1403]

STORER BROADCASTING CO. (WJBK)

Order Scheduling Hearing

In re application of Storer Broadcasting Company (WJBK), Detroit, Michigan, Docket No. 14294, File No. BP-14275; for construction permit.

Pursuant to agreements reached at a prehearing conference on October 22, 1962:

It is ordered, This 23d day of October 1962, that the following procedures shall govern the further conduct of this proceeding:

Applicant shall serve upon the parties and the Examiner copies of its further proposed exhibits and testimony relating to nighttime interference and with respect to interference involving Community Service Broadcasters, Incorporated, on or before October 29, 1962.

Applicant's proposed testimony and exhibits with respect to Issue No. 13 shall be served upon the parties and the Examiner on or before November 13, 1962. The parties herein shall convene an informal engineering conference on November 14, 1962, for the purposes of reviewing the proposed testimony and exhibits of the applicant, with the objective of arriving at mutual agreement concerning the matters therein proposed to be established.

The parties shall report informally to the Examiner (such report to be made by counsel for the Broadcast Bureau) on November 15, 1962, concerning the status of the agreements and disagreements, if any, established at the engineering conference on November 14. In the event it appears necessary and desirable, following such report, the Examiner will order a further prehearing conference herein.

In any event, the hearing herein shall convene at 10:00 a.m. at the Commission's offices, Washington, D.C., on November 19, 1962, at which time the applicant will make its showing with respect to daytime interference. Cross-examination and presentation of rebuttal evidence relating to daytime interference shall be completed by the other parties to this proceeding at such hearing session. In the event that no further prehearing conference is necessary, it is expected that the applicant and other parties will, following completion of the daytime interference aspects of this case, thereupon proceed to the trial of the remainder of this case.

If a further prehearing conference is ordered by the Examiner, the presentation of matters other than those relating to daytime interference will be deferred to a subsequent hearing date to be hereafter announced.

The issues to be tried in this proceeding are those numbered, respectively, 2, 4, 5, 10, 13, 18, 19, 20, 27, and 32.

Released: October 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10838; Filed, Oct. 29, 1962; 8:51 a.m.]

[Docket No. 14654, FCC 62M-1411]

THORNELL BARNES CO. AND ILLINOIS BELL TELEPHONE CO.

Order Scheduling Hearing

In the matter of Andrew T. Barnes, tr/as Thornell Barnes Company, complainant vs. Illinois Bell Telephone Company, defendant.

It is ordered, This 23d day of October 1962, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 10, 1962, in Washington, D.C.

It is further ordered, That a prehearing conference in the proceeding will

be convened by the presiding officer at 9:00 a.m., Thursday, November 15, 1962.

Released: October 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10833; Filed, Oct. 29, 1962; 8:50 a.m.]

[Docket Nos. 14818-14823; FCC 62M-1415]

TIPTON COUNTY BROADCASTERS (WKBL) ET AL.

Order Scheduling Hearing

In re applications of Robert C. Whiteley, Jr. & Katharine Whiteley d/b as Tipton County Broadcasters (WKBL), Covington, Tennessee, Docket No. 14818, File No. BR-2982; Shelby County Broadcaster's, Inc. (WHEY), Millington, Tennessee, Docket No. 14819, File No. BR-3656; for renewal of license; Earl W. Daly, tr/as Jonesboro Broadcasting Service, Jonesboro, Arkansas, Docket No. 14820, File No. BP-13617; Day-Phil Broadcasting Company, Blytheville, Arkansas, Docket No. 14821, File No. BP-13705; Earl W. Daly, tr/as West Helena Radio Service, West Helena, Arkansas, Docket No. 14822, File No. BP-14063; Huntingdon Broadcasting Company, Huntingdon, Tennessee, Docket No. 14823, File No. BP-14556; for construction permits.

It is ordered, This 23d day of October 1962, that Arthur A. Gladstone will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 23, 1963, in Millington, Tennessee.

It is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., Friday, November 23, 1962, in the Offices of the Commission, Washington, D.C.

Released: October 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10834; Filed, Oct. 29, 1962; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

MEMBERS OF PERSIAN GULF OUTWARD FREIGHT CONFERENCE

Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 7700-6, between member lines of the Persian Gulf Outward Freight Conference in the trade from United States Atlantic and Gulf ports to ports of the Persian Gulf between Aden and Karachi (both excluded) modifies the basic agreement of that conference (No. 7700) in the following respects:

(a) That the results of any investigations undertaken by the Secretary to determine violations of the agreement shall be reported to the conference members;

(b) Increase from $15,000 to $50,000 as the sum the "Conference may assess * * * for each violation" of the agreement;

(c) Increases from $15,000 to $50,000 as the amount required to be posted by each conference member as a "guarantee of faithful performance."

(d) That the conference secretary shall submit to the Federal Maritime Commission full and complete reports of all "complaints, disputes and matters presented to, and actions taken by, the * * * secretary, member lines and/or arbitrators"; that all records * * * shall be available for inspection by the Commission or its representatives"; that nothing contained in the agreement shall interfere with the rights of a member line under the provisions of the Shipping Act, 1916 * * * nor the jurisdiction of the Federal Maritime Commission";

(e) That "All new members shall contribute" the sum of $2,500 to the "general fund" of the conference and agree to "share in the expense of maintaining the conference";

(f) That subsequent to any approval by the Federal Maritime Commission, the conference "may provide specific contract/noncontract rates" with the Secretary and/or member lines empowered to negotiate contracts on behalf of the conference.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-10818; Filed, Oct. 29, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI63-127]

J. P. OWEN ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates

OCTOBER 23, 1962.

On September 28, 1962, J. P. Owen (Operator), et al., (Owen)[1] tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated September 27, 1962.
Rate schedule designation: Supplements No. 1 to J. P. Owen (Operator), et al., FPC Gas Rate Schedules Nos. 7 and 8.
Purchaser and producing area: United Fuel Gas Company from North Crowley Field, Acadia Parish,[2] and Duson Field, Lafayette Parish,[3] S. Louisiana.
Effective date: November 1, 1962 (effective date is the effective date proposed by Respondent).
Proposed rate: 20.7 cents per Mcf.
Effective rate: 20.3 cents per Mcf.
Annual increase: $10,695[2] and $1,950.[3]
Pressure base: 15.025 psia.

The proposed periodic rate increases exceed the applicable area price level as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

The proposed increased rates may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that Supplements No. 1 to Owen's FPC Gas Rate Schedules Nos. 7 and 8 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act [18 CFR Ch. I], a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplements No. 1 to Owen's FPC Gas Rate Schedules Nos. 7 and 8.

(B) Pending such hearing and decision thereon, said supplements be and are hereby suspended and the use thereof deferred until April 1, 1963, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 4, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10793; Filed, Oct. 29, 1962; 8:45 a.m.]

[1] Address is: P.O. Box 1423, Lafayette, Louisiana.

[2] Relates to Rate Schedule No. 8.
[3] Relates to Rate Schedule No. 7.

[Docket No. E-7069]

ARKANSAS POWER AND LIGHT CO.

Notice of Application

OCTOBER 25, 1962.

Take notice that on October 22, 1962, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Arkansas Power and Light Company (Applicant), a corporation organized under the laws of the State of Arkansas and doing business in the States of Arkansas, Louisiana, Missouri and Tennessee, with its principal business office at Ninth and Louisiana Street, Little Rock, Arkansas, seeking an order authorizing the purchase by it of 250 shares of issued and outstanding common stock of Elaine Utilities Company, Inc. (Elaine), being all of the capital stock of Elaine, a corporation organized under the laws of the State of Arkansas and which owns facilities for the production and distribution of electric energy in and around the City of Elaine, Arkansas. Under the terms of the Stock Purchase Agreement, Applicant will immediately upon the acquisition of the stock of Elaine cause Elaine to be liquidated so as to acquire in its own name and right all of the electric properties of Elaine. The electric plant, consisting solely of distribution facilities and related general property of Elaine, has been leased and operated by Applicant since November 25, 1947, under the terms and provisions of an Agreement and Indenture dated November 25, 1947, by which Elaine leased said properties to Applicant. The electric plant is presently being used for the distribution of electric power and energy in the City of Elaine and in rural areas of Phillips and Desha Counties, Arkansas, adjacent to or surrounding the said City of Elaine. The facilities would be purchased for a cash consideration of $150,000. Applicant states that both the lease rental and the stock purchase price were arrived at by arm's-length negotiation between the parties.

Applicant renders electric service in the States of Arkansas, Louisiana, Missouri, and Tennessee. Substantially all of its operations are in the State of Arkansas, where it renders service in 61 of the 75 counties in the State, including more than 700 communities. Applicant serves 233 customers in Louisiana, 5 in Missouri, and 78 in Tennessee, all located near the boundary lines of Arkansas. According to the application, upon consummation of the proposed transaction, Applicant will continue to operate the property so acquired in the same manner it is now being operated and at the same approved rates until lawfully changed. Applicant states that the proposed acquisition will not affect any contract for the purchase, sale or interchange of electric energy, and will be consistent with the public interest.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 16th day of November 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10819; Filed, Oct. 29, 1962; 8:49 a.m.]

[Docket No. CI63-4]

COLUMBIAN CARBON CO.

Notice of Application and Date of Hearing

OCTOBER 24, 1962.

Take notice that on July 2, 1962, Columbian Carbon Company (Applicant), 380 Madison Avenue, New York 17, New York, filed in Docket No. CI63-4 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon natural gas service to Hope Natural Gas Company (Hope) from certain acreage in Mingo, McDowell and Logan Counties, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject sale was authorized in Docket No. G-3872 on January 3, 1955. The contract between Applicant and Hope was an excess gas contract whereby Applicant agreed to sell gas in excess of 20,000 Mcf per day produced from the dedicated acreage to Hope. The first 20,000 Mcf of gas per day was subject to a prior contract with Union Carbide and Carbon Company. Applicant states that the field has been depleted to the point where excess gas is no longer available. By an agreement dated April 23, 1962, Applicant and Hope cancelled the gas sales contract.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 21, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 19, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10821; Filed, Oct. 29, 1962; 8:49 a.m.]

[Docket No. E-7067]

IDAHO POWER CO.

Notice of Application

OCTOBER 24, 1962.

Take notice that on October 10, 1962, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Idaho Power Company (Applicant), a corporation organized under the laws of the State of Maine and doing business in the States of Idaho, Oregon and Nevada, with its principal business office at Boise, Idaho, for authorization to issue unsecured Promissory Notes in the aggregate principal amount of $30,000,000 at any one time outstanding. Applicant states that the Notes will be issued to evidence bank loans; will have maturity dates of probably six months but not to exceed one year from the dates of their respective issuances; and, will bear interest at rates equal to the current interest rate for commercial bank loans of the same form and character in New York, New York at the time of each borrowing.

By order issued December 24, 1959, and supplemented December 29, 1960, in Docket No. E-6907, the Commission authorized the issuance by Applicant of up to $40,000,000 principal amount of short-term promissory notes, the authorization to expire on December 31, 1962. Applicant expects that prior to December 31, 1962, it will have outstanding notes aggregating approximately $9,600,000, and now requests additional authorization so that it will have a continuing outstanding short-term borrowing authorization aggregating $30,000,000 until December 31, 1963.

Applicant states that the proceeds from the proposed issuance of Promissory Notes will be applied to the construction, extension, and improvement of its operating facilities. The cost of Applicant's construction program for the balance of 1962 and 1963 is currently estimated at $24,400,000—described, as follows: Snake River Development (Project No. 1971), $8,830,000; other production facilities, $500,000; Brownlee-Boise 230 kv line No. 3, $4,438,000; other transmission lines, $1,513,000; substation facilities, $3,130,000; distribution lines and facilities, $4,900,000; and, general plant and facilities, $1,089,000. Applicant contemplates the issuance and sale of additional fixed capital securities, including equity securities, in the Fall of 1963, to be applied to the payment of short-term Notes then outstanding; however, Applicant states that the kinds and amounts of securities to be issued, as well as the time or times of issuance thereof, will depend upon market and other conditions which may exist during 1963 at the time of any such issuance.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 19th day of November 1962 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10822; Filed, Oct. 29, 1962; 8:49 a.m.]

[Docket Nos. E-7064, E-7065]

KANSAS GAS AND ELECTRIC CO. AND THE CANEY ELECTRIC CO.

Notice of Application

OCTOBER 25, 1962.

Take notice that on October 5, 1962, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Kansas Gas and Electric Company (Kansas) for authorization, pursuant to section 204 of the Federal Power Act, to issue 16,775 additional shares of its Common Stock, without par value, as consideration for its acquisition of all of the facilities of The Caney Electric Company (Caney), a corporation organized under the laws of the State of Kansas and doing business in that State. A further application was filed, on October 5, 1962, with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, jointly, by Kansas and Caney, for authorization for Kansas to acquire and to integrate with its existing facilities all of the existing facilities of Caney, and for Caney to dispose of all of its facilities subject to the jurisdiction of the Commission.

Kansas is engaged principally in the generation, purchase, distribution and sale of electric power and energy in the southeastern portion of the State of Kansas, supplying electric service at retail to 143 communities (including Wichita), having an aggregate estimated population in excess of 474,000 in a service area of approximately 8,000 square miles, and supplying electric service at wholesale to 14 communities and to The Kansas Power and Light Company for its Parsons division of 14 communities. Caney is engaged principally in the distribution and sale of electric energy at retail in the southwest portion of Montgomery County, Kansas, serving customers in the incorporated Cities of Caney, Dearing, and Tyro, the unincorporated community of Jefferson, and rural areas between and in the vicinity of the aforementioned communities.

The proposed transaction will be in accordance with the terms of an Agreement dated August 29, 1962, which Kansas and Caney state arrived at through arms-length bargaining between representatives of the two companies. The consideration of 16,775 shares of the Common Stock of Kansas will be given a value on its books of $25.875 per share, for a total value of $434,053.13—based upon the market value of the outstanding Common Stock of Kansas on August 29, 1962. According to the applications, Caney will, as soon as practical after the Closing Date, distribute solely to its shareholders all of the 16,775 new shares of the Common Stock of Kansas in exchange for and in complete cancellation of their shares of Caney stock, in the proportion of 16,775 shares of Kansas Common Stock for one share of Caney common stock and one-half share of Caney preferred stock.

Kansas and Caney state that in the judgment of their directors and stockholders it would be to the best interests of the area served and of all parties concerned to integrate the operations of Caney with those of Kansas; that their territories are well situated for integrated operation; and, that Kansas, which has been supplying the greater part of the energy purchased by Caney, is better equipped to serve the area through the merger.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 20th day of November 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10823; Filed, Oct. 29, 1962; 8:49 a.m.]

[Docket No. CI62-1213]

LONE STAR PRODUCING CO.

Notice of Application and Date of Hearing

OCTOBER 24, 1962.

Take notice that on April 12, 1962, Lone Star Producing Company (Producing), 301 South Harwood Street, Dallas 1, Texas, filed in Docket No. CI62-1213 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Lone Star Gas Company (Gas Company) from Producing's interest in the R. E. Glover Unit, Chickasha Field, Grady County, Oklahoma, and for certificate authorization to sell natural gas from the aforesaid interest to Arkansas Louisiana Gas Company (Arkla), all as more fully set forth in the subject application which is on file with the Commission and open to public inspection.

Producing states that the reservoir pressure in the area herein involved has declined to such an extent that the producing wells are no longer able to deliver against the normal working pressures maintained in Gas Company's pipeline system, as a result of which Producing and Gas Company entered into an agreement dated September 21, 1961, cancelling the original gas purchase contract dated January 1, 1953, as amended, which covered the service herein sought to be abandoned and which was part of the service for which Producing received certificate authorization in Docket No. G-5917.

Producing further states that it has adopted and ratified on February 27, 1962, a certain gas sales contract under which it requests authorization to sell the subject low pressure gas to Arkla. This contract, dated November 19, 1952, between Little Nick Oil Company (Little Nick) and Arkla, as supplemented, provides for the sale of natural gas to Arkla from the property involved herein, the R. E. Glover Unit, of which Little Nick is co-owner with Producing, at a currently effective rate of 12.0 cents per Mcf at 14.65 psia.

Concurrently with the subject application, Producing filed a notice of cancellation of its FPC Gas Rate Schedule No. 54 and a proposed initial rate schedule to cover the proposed new service to Arkla.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 27, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10824; Filed, Oct. 29, 1962; 8:49 a.m.]

[Docket No. CI61-1573 etc.]

SINCLAIR OIL AND GAS CO. ET AL.

Notice of Applications and Date of Hearing

OCTOBER 24, 1962.

Sinclair Oil and Gas Company, Docket No. CI61-1573; Shell Oil Company, Docket No. CI62-206; Cabot Corporation, Docket No. CI62-939; J. M. Huber Corporation, Docket No. CI62-1137; Phillips Petroleum Corporation, Docket No. CI62-1283; Phillips Petroleum Corporation, Docket No. CI62-1303.

Take notice that each of the above Applicants has filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon natural gas service as hereinafter described and as more fully set forth in the respective applications which are on file with the Commission and open to public inspection.

In each case the Applicant states that the volume of gas available for delivery under the basic contract has declined to the point where it is no longer economically feasible to continue the operation. A notice of cancellation of the related FPC gas rate schedule has been filed in each case.

The pertinent facts in each application are as follows:

Docket Nos.; Purchaser; Location of Sale; Docket Nos. in Which Sales Were Authorized

CI61-1573; Colorado Interstate Gas Co.; State A-1 Unit, Greenwood Field, Boca County, Colo.; G-13656.

CI62-206; Lone Star Gas Co.; William Tucker No. 5 Well, Fox-Graham Pool, Carter County, Okla.; G-5048.

CI62-939; Natural Gas Pipeline Co. of America; Camrick Southeast Gas Pool, Beaver County, Okla.; CI60-48.

CI62-1137; Colorado Interstate Gas Co.; Dreyer No. 1 Unit, Morton County, Kans.; G-14742.

CI62-1283; El Paso Natural Gas Co.; Waddell No. 2 Lease, Wheeler Field, Winkler County, Tex. (R.R. District No. 8); G-2603.

CI62-1303; Lone Star Gas Co., John Daugherty No. 5 Well, Fox Pool, Carter County, Okla.; G-3446.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 4, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 23, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10825; Filed, Oct. 29, 1962; 8:49 a.m.]

[Docket No. E-6468]

SOUTH CAROLINA ELECTRIC & GAS CO.

Order Fixing Oral Argument

OCTOBER 24, 1962.

On June 4, 1962, the Presiding Examiner issued his decision in the above-entitled proceeding under section 10(f) of the Federal Power Act. Exceptions have been filed by South Carolina Electric & Gas Company (the Company) and the Secretary of the Interior (Intervener). The Company has requested oral argument.

It is appropriate and in the public interest that the parties, including staff counsel, be given opportunity to present oral argument before the Commission respecting the issues involved in this proceeding. The Commission is particularly interested in hearing argument concerning the respective methods presented by the parties for apportioning the annual charges for interest, maintenance and depreciation on the Clark Hill headwater improvement to the Clark Hill and the downstream Stevens Creek power plants.

The Commission orders:

(A) Oral argument shall be held before the Commission at 10 a.m., e.s.t. on January 7, 1963, in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the issues involved in this proceeding.

(B) Any party to this proceeding desiring to participate in the oral argument shall advise the Secretary of the Commission on or before December 17, 1962, to that effect and shall state the amount of time they wish to have allotted to them for argument.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10826; Filed, Oct. 29, 1962; 8:49 a.m.]

[Docket No. G-12446 etc.]

EASTERN TEXAS TRANSMISSION CORP. AND CONTINENTAL OIL CO.

Order Fixing Date for Oral Argument

OCTOBER 24, 1962.

Texas Eastern Transmission Corporation, Docket Nos. G-12446 and G-12447; Continental Oil Company, Docket No. G-12432.

On September 14, 1962, parties in the above-entitled proceeding filed exceptions to the Presiding Examiner's initial decision therein issued June 29, 1962. Texas Eastern Transmission Corporation, in its exceptions has requested oral argument before the Commission.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act that oral argument be had before the Commission in these matters as hereinafter ordered and provided.

The Commission orders:

(A) Oral argument shall be had before the Commission on November 29 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C., concerning the matters and issues presented by the above-mentioned exceptions to the Presiding Examiner's decision herein.

(B) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of the Commission on or before November 5, 1962, of such intention and of the time required for presentation of their arguments.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10827; Filed, Oct. 29, 1962; 8:49 a.m.]

TARIFF COMMISSION

[E.O. 10401-3]

CLINICAL THERMOMETERS

Continuation of Investigation

On the date of enactment of the Trade Expansion Act of 1962 (October 11, 1962) there was in progress an investigation under paragragh 2 of Executive Order 10401 with respect to clinical thermometers. The purpose of the investigation is to determine the extent to which the "escape clause" action increasing the duty on clinical thermometers, resulting from a Tariff Commission investigation under section 7 of the Trade Agreements Extension Act of 1951, remains necessary. Public notice of the investigation and of a hearing to be held in connection therewith was published in 27 F.R. 4971. The public hearing was held on August 28, 1962, but the investigation has not been completed.

Section 351(d) of the Trade Expansion Act of 1962, which deals with the review of escape-clause actions, provides that the Tariff Commission, after investigation (including a hearing) instituted on its own motion or upon request of the President, shall advise the President of its judgment as to the probable economic effect on the industry concerned of the reduction or termination of an increase in duty pursuant to section 7 of the Trade Agreements Extension Act of 1951. In so advising the President, the Commission must take into account "all economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment."

In view of the enactment of the Trade Expansion Act of 1962, the investigation with respect to clinical thermometers initiated under Executive Order 10401 is being continued under the provisions of subsection 351(d) of that Act.

No additional hearing is scheduled in connection with this investigation. However, any interested party may request an additional hearing, stating his reasons therefor. Such request shall be in writing and shall be filed with the Secretary of the Tariff Commission within 20 days after the date of publication of this notice in the FEDERAL REGISTER. Parties desiring to supplement the information presented at the hearing of August 28, 1962, need not for this reason request an additional hearing, but may submit such information to the Commission in writing not later than November 30, 1962. Such written supplemental information will be made a part of the records of the investigation.

Issued: October 24, 1962.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 62-10797; Filed, Oct. 29, 1962; 8:46 a.m.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Apportionment of Food Assistance Funds Pursuant to National School Lunch Act, as Amended, Fiscal Year 1963

Pursuant to section 4 of the National School Lunch Act, as amended (Public Law 87–823) food assistance funds available for the fiscal year ending June 30, 1963, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$3,194,217	$3,115,399	$78,818
Alaska	91,717	91,717	
Arizona	867,347	818,143	49,204
Arkansas	1,793,761	1,744,656	49,105
California	6,249,993	6,249,993	
Colorado	951,757	881,604	70,153
Connecticut	989,577	989,577	
Delaware	185,919	182,166	3,753
District of Columbia	199,217	199,217	
Florida	3,191,085	3,082,591	108,494
Georgia	3,630,992	3,630,992	
Guam	66,764	42,397	24,367
Hawaii	464,266	432,478	31,788
Idaho	529,604	515,179	14,425
Illinois	4,138,330	4,138,330	
Indiana	2,635,923	2,635,923	
Iowa	1,767,576	1,555,520	212,056
Kansas	1,274,114	1,274,114	
Kentucky	2,729,077	2,729,077	
Louisiana	3,428,852	3,428,852	
Maine	640,861	561,891	78,970
Maryland	1,526,977	1,446,853	80,124
Massachusetts	2,263,464	2,263,464	
Michigan	3,990,575	3,467,996	522,609
Minnesota	2,194,145	1,888,633	305,512
Mississippi	2,733,103	2,733,103	
Missouri	2,320,220	2,320,220	
Montana	438,897	403,848	35,049
Nebraska	793,642	660,931	132,711
Nevada	105,136	103,126	2,004
New Hampshire	332,113	332,113	
New Jersey	2,248,407	1,894,306	354,101
New Mexico	750,630	750,630	
New York	6,540,885	6,540,885	
North Carolina	4,348,127	4,348,127	
North Dakota	585,776	517,180	68,596
Ohio	4,932,301	4,289,840	642,461
Oklahoma	1,557,405	1,557,405	
Oregon	1,003,946	1,003,946	
Pennsylvania	5,543,536	4,717,271	826,265
Puerto Rico	3,505,508	3,505,508	
Rhode Island	380,559	380,559	
South Carolina	2,720,655	2,690,497	30,158
South Dakota	472,054	472,054	
Tennessee	3,065,891	3,005,694	60,197
Texas	6,009,146	5,764,823	244,323
Utah	704,260	700,114	4,146
Vermont	249,476	249,476	
Virginia	2,764,421	2,690,086	74,335
Virgin Islands	48,917	48,917	
Washington	1,514,291	1,452,875	61,416
West Virginia	1,520,635	1,479,642	40,993
Wisconsin	2,192,392	1,672,019	520,373
Wyoming	196,567	196,567	
American Samoa	25,000	25,000	
Total	108,600,000	103,873,494	4,726,506

(Secs. 2–12, 60 Stat. 230–233, as amended, 76 Stat. 944; 42 U.S.C. 1751–1760, Pub. Law 87–823)

Dated: October 26, 1962.

ROY W. LENNARTSON,
Acting Administrator.

[F.R. Doc. 62-10862; Filed, Oct. 30, 1962; 8:47 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAM

[Bulletin NSCP 2701]

PART 706—NAVAL STORES CONSERVATION

Subpart G—1963

The purpose of the Naval Stores Conservation Program (hereinafter referred to as this program") is to restrict turpentining to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water and timber resources.

Through the 1963 program the Federal Government will share with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1959 season, except as provided under § 706.118.

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706.131 Authority.
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AUTHORITY: §§ 706.101 to 706.134 issued under sec. 4, 49 Stat. 164, secs. 7–17, 49 Stat. 1148, as amended, 76 Stat. 1203; 16 U.S.C. 590d, 590g–590q.

GENERAL PROVISIONS

§ 706.101 General requirements.

No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 706.115, 706.116, and 706.118. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum from the current year's working.

§ 706.102 Required performance.

(a) *Approved conservation practices.* Each participating producer shall carry out at least one of the approved conservation practices in every tract or drift of faces operated by him during the 1963 turpentine season. This requirement will not apply if the Forest Service determines that the condition of a particular tract or drift does not warrant carrying out approved conservation practices as a practical or economic matter, in which case the Forest Service may approve face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practice components.* Cost-sharing may be approved under the 1963 program for only the component parts of the practices which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of each practice.

(c) *Dual cupping.* The installation of two cups on trees less than 14 inches

d.b.h. in any tract or drift cupped under the provisions of §§ 706.109, 706.110, 706.111, 706.112, or § 706.114 may be approved by the Forest Service as meeting the requirements of these practices where the Forest Service has determined that such action conforms to sound conservation practice.

(d) *First year working.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i.e., faces installed for the first working during the 1963 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 60 days after the producer is notified by the Forest Service, or the tract or drift will be considered only for qualification for cost-shares under the next lower practice for which qualified.

(e) *Second, third, fourth, of fifth year working.* The cost-shares for working of faces for second, third, fourth, or fifth years are applicable under the 1963 program to faces which were installed and met the eligible face requirements during the 1959, 1960, 1961, or 1962 season. Such cost-shares may also be allowed to new participating producers working tracts or drifts which had some undersized trees from which cups have been removed by the time of first elevation. New faces installed in 1963 and those installed in 1963 or prior years contrary to the requirements for eligible faces will disqualify the tracts or drifts for cost-sharing, unless the cups and tins on such faces shall be removed within 60 days after the producer is notified by the Forest Service. If such faces are not removed within the period approved by the Forest Service there may be withheld or required to be refunded the entire cost-shares for the tract or drift previously paid to the producer who installed the improper faces.

(f) *Practices under §§ 706.109, 706.110, 706.111, 706.112, 706.113, 706.114, 706.115, or § 706.117 which require more than one year for completion.* Cost-shares may be approved under this program for the completion of a component of a practice only on the condition that the producer agrees in writing to complete the remaining components of the practice according to program provisions and within the time prescribed by the Forest Service, unless prevented from doing so by reasons beyond his control, or refund the cost-shares paid to him. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

§ 706.103 Double-headed nails requirement.

Use of double-headed nails is required in the elevation of all cups and tins.

§ 706.104 Fire protection.

Each producer shall during the 1963 turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

§ 706.105 Bark-bar requirement.

No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1963 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to 1963. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

§ 706.106 Inspection assistance.

Each producer shall assist representatives of the Forest Service in the administration of this program by:

(a) Giving them free access to his turpentine farm or farms;

(b) Counting all faces and reporting separately thereon by tracts and drifts to the local inspector (Area Forester);

(c) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;

(d) Furnishing competent labor to assist the local inspector (Area Forester) in counting faces;

(e) Submitting an application for payment of Federal cost-shares (Form NSCP–3200–1) and other prescribed forms;

(f) Notifying the Forest Service promptly of any change in ownership, control, or number of faces worked; and

(g) Otherwise facilitating the work of the inspector (Area Forester) in checking compliance with the terms and conditions of this program.

CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

§ 706.109 Practice 1: Working only 9 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d.b.h. and only one face on trees less than 14 inches d.b.h. except as provided in § 706.102(c).

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 9 inch d.b.h. or larger trees; 2 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; ½ cent per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.115 is used.

§ 706.110 Practice 2: Working only 10 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 706.102(c).

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 10 inch d.b.h. or larger trees; 4 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.115 is used.

§ 706.111 Practice 3: Working only 11 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 11 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 706.102(c).

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 11 inch d.b.h. or larger trees; 6 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.115 is used.

§ 706.112 Practice 4: Working only 12 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 706.102(c).

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 12 inch d.b.h. or larger trees; 7 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.115 is used.

§ 706.113 Practice 5: Restricting turpentining to previously worked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins over a period of two to five years only on trees having a previously worked face.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of faces on previously worked trees; 7 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.115 is used.

§ 706.114 Practice 6: Working only selectively marked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of two to five years.

(b) *Eligible faces.* Only trees 9 inches or more d.b.h. which should be removed to improve the timber stand may be cupped. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the Forest Service: *Provided,* That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the Forest Service in its Minimum Stocking Guide issued June 4, 1956, as amended, and be well distributed over the area.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of selectively marked trees; 8 cents per face. If faces have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices specified in §§ 706.109, 706.110, 706.111, or 706.112.

(2) Working of faces for second, third, fourth, or fifth year; 4 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.115 is used.

§ 706.115 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.

(a) *Purpose.* To minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutters or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 706.109, 706.110, 706.111, 706.112, 706.113, 706.114, and 706.117 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Component of practice and rate of cost-sharing.* (1) Initial use of spiral gutters or Varn aprons in the virgin installation or in the first elevation of cups and tins; 2 cents per face.

(i) The cost-share rate established for initiating this practice is limited to tracts or drifts having only virgin working faces, i.e., faces installed for the first working during the 1963 season or faces upon which the cups and tins are elevated for the first time during the 1963 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(ii) Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for virgin installation exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

§ 706.116 Practice 8: Removal of cups and tins from faces on small trees.

(a) *Purpose.* To encourage producers who have not participated in the 1961 or 1962 programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, and to improve productivity of the woodland.

(b) *Description of practice.* This practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces installed for the first working in 1963 on trees under 9 inches d.b.h. and all but one face on trees between 9 and 14 inches d.b.h. having two or more faces. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 60 days after the producer is notified by the Forest Service to meet the eligible face requirements of § 706.109. Only producers who did not participate in the 1961 or 1962 programs are eligible for cost-sharing under this practice.

(d) *Component of practice and rate of cost-sharing.* (1) Removal of cups and tins on trees under 9 inches d.b.h. and on trees between 9 and 14 inches d.b.h. having more than one face; 8 cents per face. The cost-share for this component is applicable to faces discontinued by removal of cups and tins to permit the tract or drift to meet the eligible face requirements of § 706.109.

§ 706.117 Practice 9: Pilot plant tests of new methods and equipment.

(a) *Purpose.* To conduct controlled demonstrations or experiments to test values of management practices, new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of management practices, new methods or equipment according to requirements of the Forest Service.

(c) *Eligible faces.* Only faces or check trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the Forest Service are eligible for cost-sharing.

(d) *Components of practice and rates of cost-sharing.* (1) Eight cents per face for faces meeting the requirements of § 706.109.

(2) Eleven cents per face for faces meeting the requirements of §§ 706.110, 706.111, 706.112, 706.113, and 706.114.

§ 706.118 Practice 10: Hardware removal.

(a) *Purpose.* To encourage producers to remove all hardware to conserve the worked section of the tree for use in other products.

(b) *Description of practice.* This practice consists of removing all cups, nails, and tins by the producer who last worked the face.

(c) *Eligible faces.* All faces last worked in 1962 or 1963 on which no subsequent work will be done and from which all hardware is removed by December 31, 1963.

(d) *Component of practice and rate of cost-sharing; 2 cents per eligible face.* Use of this practice is optional. To qualify for cost-shares under this component in tracts or drifts having in excess of 5 percent of back-faced timber, all hardware must also be removed from the old faces or all trees with such old faces must be cut out of the tracts or drifts. No cost-share will be approved for the removal of hardware in any tract or drift unless all hardware is removed from all remaining trees with eligible faces.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 706.119 Increase in small Federal cost-shares.

The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Agricultural Conservation Program shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to $1.00; (b) any Federal cost-sharing amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of cost-shares computed:	Increase in cost-shares
$1.00 to $1.99	$0.40
$2.00 to $2.99	0.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 706.120 Maintenance of practices.

The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices as long as the timber remains under his control. There may be withheld or required to be refunded all cost-shares on tracts or drifts in which failure to maintain any or all practices occurs, except as modified by this section or § 706.102(e). The producer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control. Measures which will be considered as failure to maintain practices in accordance with good forestry practices shall include, but are not restricted to, the following:

(a) The cutting contrary to good forestry practices of turpentine trees in tracts or drifts (including current nonworking areas) on which costs have been or would be shared under this or the 1959, 1960, 1961, or 1962 program. There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1959, 1960, 1961, 1962, or 1963 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practice:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the Forest Service June 4, 1956, as amended, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre: 9 inches or over d.b.h.—6 trees, 8 inches d.b.h.—9 trees, or 7 inches d.b.h.—12 trees, shall be left uncut and undamaged, or if clearcut, artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1966.

(b) Raising cups and tins without double-headed nails. There may be withheld or required to be refunded all of the cost-shares earned under this or previous programs on the tracts or drifts in which such improper raising occurs.

(c) Picking up additional faces after the first year's working will disqualify the tract or drift for any further cost-sharing, unless the hardware is removed to limit the working to one age class of faces. Such removal must be accomplished within 60 days of notification by the Forest Service.

(d) Failure to meet bark-bar requirement. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper chipping occurs.

(e) The burning by the producer on any tract or drift of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper burning occurs.

(f) The installation of new faces on round trees less than 9 inches d.b.h. or more than one face on round trees less than 14 inches d.b.h. in tracts or drifts having working faces installed during or prior to the 1958 turpentine season. There may be withheld or required to be refunded 2 cents per face for each working face installed during or prior to 1958 in the tracts or drifts in which such installation occurs.

§ 706.121 Practices defeating purposes of programs.

If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program, except as modified by § 706.102(e) or § 706.120.

§ 706.122 Federal cost-shares not subject to claims.

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 706.123 and except for indebtedness to the United States subject to set-off under order issued by the Secretary (Part 13 of this title)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 706.123 Assignments.

Any producer who may be entitled to any Federal cost-share under the 1963 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1963, including the carrying out of soil and water conserving practices. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 709 of this chapter), witnessed, however, by an inspector or the Program Supervisor of the Forest Service and filed with the Forest Service, Valdosta, Georgia.

§ 706.124 Death, incompetency, or disappearance of producer.

In case of death, incompetency, or disappearance of any producer, his share of cost-sharings shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122 as amended (Part 707 of this chapter).

§ 706.125 Maximum Federal cost-shares limitation.

The total of all cost-shares under the 1963 Naval Stores Conservation and the 1963 Agricultural Conservation Programs to any person with respect to farms, ranching units, and turpentine places in the United States, Puerto Rico, and the Virgin Islands for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

§ 706.126 Evasion.

All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade, or which has the effect of evading, the provisions of § 706.125.

APPLICATIONS FOR PAYMENT OF FEDERAL COST-SHARES

§ 706.127 Persons eligible to file application for payment of Federal cost-shares.

An application for payment of Federal cost-shares may be filed by any producer who contributed to the performance of any approved Naval Stores Conservation practice and is working faces for the production of gum naval stores, during the 1963 turpentine season, which were installed during or after the 1959 season. If it is determined that two or more producers contributed to carrying out the practice the Federal cost-shares shall be divided among such producers in the proportion which the Program Supervisor determines they contributed to carrying out the practice. In making this determination, the Program Supervisor shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the Program Supervisor that their respective contributions thereto were not in equal proportion. The furnishing of land, trees, or the right to use water will not be considered as a contribution to the carrying out of any practice.

§ 706.128 Time and manner of filing applications and required information.

Payment of Federal cost-shares will be made only when a report of performance is submitted to the Forest Service on or before January 1, 1964, on the prescribed form (NSCP-3200-1) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

§ 706.129 Appeals.

Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Regional Forester in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine farm. The Regional Forester shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the Forest Service to review the case and render his decision, which shall be final.

DEFINITIONS

§ 706.130 Definitions.

(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum rosin produced from living trees.

(b) *Producer or turpentine farmer.* Any person, firm, partnership, corporation, or other business enterprise doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (Pinus palustris) or slash pine (Pinus elliottii Engelm).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D.b.h.* Diameter breast height; i.e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

(o) *Back face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* Double-headed nails specially designed for naval stores use are produced commercially by several manufacturers. The use of a double-headed nail meeting the following minimum specifications is required where this practice is used: The over-all length shall be 1⅜ inches; distance between heads a minimum of ¼ inch; its wire gauge no smaller than 13; the driving head shall be of the flat "Common Nail" type with diameter between 5/32 and ¼ inches and diameter of clinching head ¼ inch. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.

(s) *Virgin streak.* The first chipping of the tree following initial installation of the face.

(t) *Hardware.* All gutters, aprons, or metal strips of any kind whatsoever together with nails used to support same and nails used to support cups for the collection of raw gum resin.

AUTHORITY, AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

§ 706.131 Authority.

This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Related Agencies Appropriation Act, 1963.

§ 706.132 Availability of funds.

(a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1964.

(c) If the total estimated cost-shares under the Naval Stores Conservation Program exceed the total funds available for cost-sharing, such cost-shares will be reduced equitably.

§ 706.133 Applicability.

(a) The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the

Forest Service or the Soil Conservation Service of the Department of Agriculture, or by the Bureau of Land Management or the Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to:

(1) Turpentine farms on privately owned lands;

(2) Lands owned by a State or political subdivision or agency thereof; or

(3) Lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes.

Of the lands covered by subparagraph (3) of this paragraph only turpentine farms on lands meeting eligibility provisions of subparagraph (3) of this paragraph that are administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U.S. Department of Defense, shall be considered eligible unless the Forest Service finds that land administered by any other agency complied with all of the foregoing provisions for eligibility.

§ 706.134 Administration.

The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program, pursuant to the provisions of this bulletin, and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, 50 Seventh Street NE., Atlanta 23, Georgia. Information concerning this program may be secured from the Forest Service, Valdosta, Georgia, or from any local Area Forester of the Forest Service.

Done at Washington, D.C. this 25th day of October 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-10863; Filed, Oct. 30, 1962; 8:47 a.m.]

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—1963 National Marketing Quota, National Acreage Allotment, Apportionment of National Acreage Allotment to States, and Date of Marketing Quota Referendum

Sec.
729.1401 Basis and purpose.
729.1402 Proclamation of national marketing quota, normal yield per acre, and national acreage allotment for the crop of peanuts to be produced in 1963.
729.1403 Apportionment of the national acreage allotment to States.
729.1404 Marketing quota referendum date.

AUTHORITY: §§ 729.1401 to 729.1404 issued under sec. 358, 375, 55 Stat. 88, as amended. 52 Stat. 66, as amended; 7 U.S.C. 1358, 1375.

§ 729.1401 Basis and purpose.

(a) Subsection 358(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), hereinafter referred to as the Act, provides that between July 1 and December 1 of each calendar year the Secretary of Agriculture shall proclaim a national marketing quota for the crop of peanuts to be produced in the next succeeding calendar year. The quota for such crop shall be a quantity of peanuts which will make available for marketing a supply equal to the average quantity of peanuts harvested for nuts during the immediately preceding five years, adjusted for current trends and prospective demand conditions. Subsection 358(a) further provides that the national marketing quota may not be less than a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

(b) Except for the 1,610,000 acres minimum, the national marketing quota for the 1963 crop would be 752,700 tons and the national acreage allotment, computed by dividing the national quota by the normal yield per acre, would be 1,204,320 acres. In order to obtain the minimum national acreage allotment of 1,610,000 acres, the national marketing quota must be set at 1,006,250 tons. Subsection 358(a) also provides that the national marketing quota shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre for the United States.

(c) Subsection 358(c) of the Act provides that the national acreage allotment, less the acreage to be allotted to new farms under subsection 358(f), shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made.

(d) Section 729.1402 of this proclamation establishes the national marketing quota, the normal yield per acre, and the national acreage allotment for the 1963 crop of peanuts. Section 729.1403 apportions the 1963 national acreage allotment among the several peanut-producing States. Section 729.1404 establishes December 11, 1962 as the date for a referendum for producers to determine whether marketing quotas will be in effect for the 1963, 1964 and 1965 crops of peanuts. The determinations contained herein are based on the latest available statistics of the Federal Government.

(e) Public notice of the proposed determination of the 1963 national marketing quota, the national acreage allotment, and apportionment of such allotment among the States, and of the intention to establish December 11, 1962 as the referendum date was given (27 F.R. 9456) in accordance with the Administrative Procedure Act (5 U.S.C. 1001 et seq.). This proclamation is made after due consideration of recommendations and views submitted in response to such notice. In order that State allotments may be made available for the determination of farm allotments for 1963 and that arrangements for holding the referendum may be made in an orderly manner and as much advance notice as possible be given of the date of the referendum, it is essential that the provisions of this document be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest.

§ 729.1402 Proclamation of national marketing quota, normal yield per acre, and national acreage allotment for the crop of peanuts to be produced in 1963.

(a) *National marketing quota.* The amount of the national marketing quota for peanuts for the crop to be produced in the calendar year 1963 is 1,006,250 tons.

(b) *Normal yield per acre.* The normal yield per acre of peanuts for the United States is 1,250 pounds.

(c) *National acreage allotment.* The national acreage allotment for the crop to be produced in the calendar year 1963 is 1,610,000 acres.

§ 729.1403 Apportionment of the national acreage allotment to States.

The national peanut acreage allotment proclaimed in § 729.1402 is hereby apportioned as follows:

State	1963 State acreage allotment
Alabama	218,013
Arizona	716
Arkansas	4,213
California	938
Florida	55,243
Georgia	527,835
Louisiana	1,960
Mississippi	7,545
Missouri	247
New Mexico	5,281
North Carolina	168,777
Oklahoma	138,400
South Carolina	13,869
Tennessee	3,613
Texas	356,282
Virginia	105,458
Total Apportioned to States	1,606,390
Reserve for New Farms	1,610
Total, United States	1,610,000

§ 729.1404 Marketing quota referendum date.

A referendum of the farmers who were engaged in the production of peanuts in the calendar year 1962 will be held on December 11, 1962, pursuant to the provisions of section 358 of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas, as amended (23 F.R. 3432, 7825, 25 F.R. 5907, 26 F.R. 7258, 7693, 10208), to determine whether said farmers are in favor of or opposed to peanut marketing quotas for the crops of peanuts to be produced in the calendar years 1963, 1964 and 1965. If two-thirds or more of the peanut farmers voting in the referendum favor marketing quotas, marketing quotas will be in effect for the 1963, 1964 and 1965 crops of peanuts. If more than one-third of the peanut farmers voting in such referendum oppose marketing quotas, marketing quotas will not be in effect for the 1963 crop of peanuts; however, farm acreage allotments for the 1963 crop of peanuts established pursuant to the provisions of the Act will be in effect and compliance with such acreage allotments will be a condition of eligibility for price support at 50 percent of the parity price for peanuts.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on October 26, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-10889; Filed, Oct. 30, 1962; 8:49 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 6]

PART 775—FEED GRAINS

Subpart—1961 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1961 Feed Grain Program, 26 F.R. 5356, as amended, are further amended as follows:

§ 775.17 [Amendment]

1. Section 775.17(a) is amended by changing the second sentence thereof to read as follows: "To be eligible for payment, a producer must complete such form not later than May 1, 1962, unless otherwise approved by the State committee."

2. Section 775.17(b) is amended by changing the next to the last sentence thereof to read as follows: "The provisions of the foregoing sentence and the minimum diversion requirement of § 775.5(b)(2) shall not apply if (1) the farm is covered by a Soil Bank Conservation Reserve Contract and the total acreage upon which payment is based is equal to the number of permitted acres under such contract; (2) noncompliance with such provisions was caused solely by (i) an error made in good faith by producers in supplying data to the county committee, or (ii) an error, and the county committee determines that (a) producers on the farm were in no way responsible for the error, (b) the extent of the error was such that the producers would not reasonably be expected to question it, and (c) the producers in good faith complied with the program on the basis of the error; or (3) noncompliance with such provisions resulted solely because of the failure of the producers on the farm to meet the requirements of § 775.5(b)(4) and the county committee determines that the producers on the farm attempted in good faith to comply with the requirements of such § 775.5(b)(4) and substantially complied with such requirements."

3. A new section designated § 775.44 is hereby added to read as follows:

§ 775.44 Performance in reliance on action or advice of county or State committee.

Notwithstanding any other provision of law, preformance rendered in good faith in reliance upon action or advice of any authorized representative of a county or State committee may be accepted by the Deputy Administrator, State and County Operations, ASCS, as meeting the requirements of these regulations, and payment may be made therefor in accordance with such action or advice to the extent the Deputy Administrator deems it desirable in order to provide fair and equitable treatment.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on October 26, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-10887; Filed, Oct. 30, 1962; 8:49 a.m.]

[Amdt. 2]

PART 775—FEED GRAINS

Subpart—1962 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1962 Feed Grain Program, 27 F.R. 146, as amended, are further amended as follows:

§ 775.107 [Amendment]

1. Section 775.107(c) is amended by changing the first sentence thereof to read as follows: "The designated diverted acreage shall not be grazed after May 1, 1962, and such acreage approved for double cropping shall not be grazed during the entire year of 1962: *Provided*, That the designated diverted acreage may be grazed in the fall of 1962 to the extent approved by the Deputy Administrator."

§ 775.121 [Amendment]

2. Section 775.121(a) is amended by changing the second sentence thereof to read as follows: "To be eligible for payment the producer must complete Form 477-2 not later than May 1, 1963, unless otherwise approved by the State committee."

3. Section 775.121(b)(5)(c) is amended to read as follows: "the acreage devoted in 1962 to soil bank base crops, excluding designated diverted acreage under the Wheat Stabilization Program and this program which is devoted to soil bank base crops in lieu of conservation uses in accordance with the provisions of § 775.101, is approved for double cropping in accordance with the provisions of § 775.107(b)(2), or on which soil bank base crops are planted as a conservation use in accordance with the provisions of § 775.106."

4. Section 775.121(b) is further amended by changing the third from the last sentence thereof beginning with the word "Notwithstanding" to read as follows: "Notwithstanding subparagraphs (1) through (5) of this paragraph, a reduction in diverted acreage otherwise eligible for payment will be made for each acre of non-cropland which is planted to crops for harvest in 1962 (excluding non-cropland planted to perennial grasses and legumes on which no nurse crop is harvested for grain or oilseed) that is not replaced by cropland retired as provided in § 775.108."

5. Section 775.121(b) is further amended by changing the last sentence thereof to read as follows: "The provisions of the foregoing sentence shall not apply if (i) the farm is covered by a soil bank conservation reserve contract and the provisions of the second sentence in § 775.105(b)(2) are applicable; (ii) noncompliance with such provisions was caused solely by (a) an error made in good faith by producers in supplying data to the county committees or (b) an error, and the county committee determines that (1) producers on the farm were in no way responsible for the error, (2) the extent of the error was such that the producers would not reasonably be expected to question it, and (3) the producers in good faith complied with the program on the basis of the error; or (iii) noncompliance with such provisions resulted solely because of the failure of the producers on the farm to meet the requirements of § 775.105(b)(4) and the county committee determines that the producers on the farm attempted in good faith to comply with the requirements of such § 775.105(b)(4) and substantially complied with such requirements."

6. A new section designated § 775.129 is hereby added to read as follows:

§ 775.129 Performance in reliance on advice or action of county or State committee.

Notwithstanding any other provisions of law, performance rendered in good faith in reliance upon action or advice of any authorized representative of a county or State committee may be accepted by the Deputy Administrator, State and County Operations, ASCS, as meeting the requirements of these regulations, and payment may be made therefor in accordance with such action or advice to the extent the Deputy Administrator deems it desirable in order to provide fair and equitable treatment.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on October 26, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-10888; Filed, Oct. 30, 1962; 8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Treasury Department

Effective upon publication in the FEDERAL REGISTER, subparagraph (14) of paragraph (a) of § 6.303 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 62-10871; Filed, Oct. 30, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-366]

PART 288—EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS

Minimum Cabin Loads for DC-8 Aircraft and Reporting of Total Revenue for Each Charter Trip Operated

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of October 1962.

Part 288 of the Board's Economic Regulations, 14 CFR Part 288, exempts air carriers, subject to certain conditions, limitations and requirements, from sections 401 and 403 of the Federal Aviation Act of 1958, and from certain regulations of the Board, to enable such carriers to perform charter services for the Military Air Transport Service (MATS) on short notice.

The Board, by publication in the FEDERAL REGISTER of a notice of proposed rule making, 27 F.R. 8627, and by issuance of EDR-42[1] dated August 24, 1962, Docket 13970, proposed to amend Part 288 by establishing, (1) minimum cabin loads for DC-8, 51 series aircraft, and DC-8F aircraft, and (2) a requirement that air carriers report their total revenues for each charter trip operated.

Comments in response to the notice were received from Trans International Airlines, Inc., Pan American World Airways, Inc., The Slick Corporation, World Airways, Inc., and the Douglas Aircraft Company, Inc. No adverse comments were received with respect to the proposals to establish a 147 passenger minimum cabin load for the DC-8, 51 series aircraft, and to require air carriers to report their total revenues received for each trip operated. Accordingly, these proposals are adopted herein as final rules.

With respect to the proposed minima for DC-8F aircraft, comments were received contending that the proposed minima were too low in view of the anticipated capability of the aircraft. Comments were also received urging the Board to defer final action on the proposal until more definitive information is obtained on the capability of the aircraft. In this regard it is noted that the DC-8F aircraft will not be introduced in MATS operations until the spring of 1963, at the earliest. In the light of the foregoing, the Board has decided to defer establishing minimum cabin loads for the DC-8F aircraft.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 288 of the Economic Regulations (14 CFR Part 288) effective December 1, 1962, as follows:

1. Amend paragraph (b) of § 288.7 by adding under the appropriate column headings the following:

Aircraft types	*Number of passengers*
DC-8, Series 51 or similar series	147

2. Amend paragraph (a) of § 288.8 by adding a new subparagraph (8) to read:

(8) Total revenues received for each trip operated.

(Secs. 204(a), 407, 416, Federal Aviation Act of 1958; 72 Stat. 743, 766, 771; 49 U.S.C. 1324, 1377, 1386)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-10872; Filed, Oct. 30, 1962; 8:48 a.m.]

[1] A supplemental notice of proposed rule making, EDR-42A, dated September 26, 1962, was issued extending the time for filing comments from September 27 to October 5, 1962.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8199]

PART 13—PROHIBITED TRADE PRACTICES

Consumer Laboratories, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15-235 *Producer status of dealer or seller:* § 13.15-235(k) *Laboratory;* § 13.20 *Comparative data or merits;* § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.90 *History of product or offering;* § 13.170 *Qualities or properties of product or service:* § 13.170-74 *Reducing, non-fattening, low-calorie, etc.;* § 13.170-78 *Renewing, restoring.* Subpart—Using misleading name—Vendor: § 13.2445 *Producer or laboratory status of seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Consumer Laboratories, Inc. (Los Angeles, Calif.), et al., Docket 8199, Oct. 4, 1962]

In the Matter of Consumer Laboratories, Inc., a Corporation, and A. Richard Diebold, Harold S. Heldfond, and Robert D. Jones, Individually and as Officers of Consumer Laboratories, Inc., and Albert H. Diebold, Individually and as Director and Sole Stockholder of Consumer Laboratories, Inc.

Order requiring distributors of drug products, with general offices in Los Angeles, to cease representing falsely—in newspaper and magazine advertising, by radio and television broadcasts, and otherwise—that their "Oragen" tablets were weight reducing and a new reducing discovery, were made exclusively from oranges and by respondents; and that their caffeine-containing product "Tirend" was a new, rapid invigorator, among other deceptive claims; and to cease using the word "Laboratories" in their trade name.

The order to cease and desist is as follows:

It is ordered, That respondents, Consumer Laboratories, Inc., a corporation, and its officers, and Harold S. Heldfond, individually and as an officer of said corporation, and A. Richard Diebold and Robert D. Jones as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the products designated "Oragen" and "Tirend," or any other product of substantially similar composition, or possessing substantially similar properties, whether sold under said names, or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement:

A. Represents, directly or indirectly, that:

(1) "Oragen" is a new reducing discovery or that it has any weight reducing properties in itself;

(2) Any specific predetermined weight reduction can be achieved by using respondents' product "Oragen" for a prescribed period of time;

(3) "Oragen" will cause weight loss from specific parts of the body or is effective in spot reducing;

(4) The product "Oragen" or the product "Tirend" is guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform are clearly set forth;

(5) The ingredients in "Oragen" are derived exclusively from oranges;

(6) "Oragen," itself, is the result of research by a department or division of Sunkist Growers;

(7) The product "Oragen" or the product "Tirend" is manufactured by Consumer Laboratories, Inc., or that respondents manufacture any other product when they do not own, operate or control the plant in which the products are manufactured;

(8) The benefits afforded by the use of "Tirend" will occur in less than one hour;

(9) "Tirend" was developed by a research institute or that it represents the combined efforts of scientists and military research and recent advances in medicine; or misrepresenting in any manner the origin or development of said product;

(10) "Tirend" is similar to, or as effective as, the amphetamines;

(11) "Tirend" is a new invigorator or any other kind of a new product;

(12) "Tirend" will be of benefit in the treatment of tiredness unless limited to tiredness of a temporary nature caused by overexertion or loss of sleep.

B. Uses such words as "amazing," "wonder-working," or any other words or terms of the same import, to describe "Tirend" or its properties.

2. Disseminating, or causing the dissemination of, any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said products, which advertisement contains any of the representations prohibited in Paragraphs 1A. and 1B. hereof.

It is further ordered, That respondents, Consumer Laboratories, Inc., a corporation, and its officers, and Harold S. Heldfond, individually and as an officer of said corporation, and A. Richard Diebold and Robert D. Jones, as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the products designated "Oragen" and "Tirend," or any other preparation or product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Laboratories", or any other word of the same import or meaning as a part of their corporate name, or representing in any other manner that respondents own, operate or control a laboratory.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Albert H. Diebold as an individual, director, and sole stockholder, and as to respondents A. Richard Diebold and Robert D. Jones as individuals.

By "Final Order", report of compliance was required as follows:

It is further ordered, That Consumer Laboratories, Inc., a corporation, and A. Richard Diebold and Robert D. Jones as officers of said corporation, and Harold S. Heldfond shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist as set forth herein.

Issued: October 4, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-10852; Filed, Oct. 30, 1962; 8:45 a.m.]

[Docket 8028]

PART 13—PROHIBITED TRADE PRACTICES

Enterprise Stores, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary;* § 13.155-60 *List or catalog as regular selling.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Frank G. Feldman et al., Boston, Mass, Docket 8028, Oct. 5, 1962]

In the Matter of Enterprise Stores, Inc., a Massachusetts Corporation, J. M. Fields of Orlando, Inc., a Delaware Corporation, J. M. Fields of Worcester, Inc., a Massachusetts Corporation, J. M. Fields of Holyoke, Inc., a Massachusetts Corporation, J. M. Fields of Tampa, Inc., a Delaware Corporation, J. M. Fields of Hartford, Inc., a Massachusetts Corporation, J. M. Fields of Rochester, Inc., a Massachusetts Corporation, and Frank G. Feldman, Frank M. Beckerman, and Hyman S. Glass, Individually and as Officers of Said Corporations

Order requiring the Boston operators of chains of department stores selling electrical appliances and other merchandise to the public, to cease their practice of using amounts designated as "list", "mfr's list", "orig. list", and "reg." together with lesser amounts in their advertising, representing falsely thereby that the higher amounts were the usual retail prices in their trade areas and that the difference represented a saving to the purchaser.

The order to cease and desist is as follows:

It is ordered, That respondents, Frank G. Feldman, Frank M. Beckerman, and Hyman S. Glass, in connection with the offering for sale, sale, and distribution of any merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) Through the use of the term "Manufacturer's List" or any other term of the same import, or in any other manner, that any amount is the price of merchandise in respondents' trade areas when it is in excess of the price at which merchandise is usually and customarily sold at retail in said trade areas.

(b) That any price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise advertised was usually and customarily sold at retail by the respondents unless such advertised merchandise was in fact usually and customarily sold at retail at such price by the respondents in the recent past.

(c) That any saving is offered in the purchase of merchandise from the respondents unless the price at which the merchandise is offered constitutes a reduction from the price at which said merchandise was usually and customarily sold by the respondents at retail or at which said merchandise was usually and customarily sold at retail in the trade area involved.

2. Misrepresenting, in any manner, the amount of savings available to purchasers of respondents' merchandise or the amount by which the prices of said merchandise have been reduced from the prices at which it is usually and customarily sold by the respondents at retail or in the trade area or areas where the representations are made.

And it is further ordered, That the complaint herein against the corporate respondents, Enterprise Stores, Inc., a Massachusetts corporation, J. M. Fields of Orlando, Inc., a Delaware corporation, J. M. Fields of Worcester, Inc., a Massachusetts corporation, J. M. Fields of Holyoke, Inc., a Massachusetts corporation, J. M. Fields of Tampa, Inc., a Delaware corporation, J. M. Fields of Hartford, Inc., a Massachusetts corporation, and J. M. Fields of Rochester, Inc., a Massachusetts corporation, be, and the same hereby is, dismissed without prejudice to the right of the Commission to take such further action as may be warranted in the future.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents Frank G. Feldman, Frank M. Beckerman and Hyman S. Glass shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 5, 1962.

By the Commission, Commissioner Kern not participating.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-10853; Filed, Oct. 30, 1962; 8:46 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-209; Order 256]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Municipal Electric Utilities; Annual Report Form

OCTOBER 24, 1962.

Promulgation of Annual Report Form prescribed for municipal electric utilities having annual electric operating revenues of $250,000 or more subject to the requirements of the Federal Power Act, F.P.C. Form No. 1-M, Docket No. R-209.

This Commission has under consideration in this proceeding the promulgation of a new Annual Report Form, F.P.C. No. 1-M, to be prescribed for Municipal Electric Utilities having annual electric operating revenues of $250,000 or more, and a new section of its Regulations under the Federal Power Act prescribing that Form, § 141.7, Part 141, Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations (CFR). That Report Form is prescribed hereinafter effective for use in reporting for the calendar year beginning January 1, 1961, or an established fiscal year be-

ginning or ending during the calendar year 1961, and years thereafter. As set forth in annexed Appendix A,[1] portions of the Report Form appear in typed and handscript forms. The new Report Form, in printed format, will be prepared hereafter. Copies in that form will be supplied by the Commission to respondents for reporting purposes.

Heretofore municipally owned electric utility systems classifiable in Classes A or B as defined in the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees were obligated to file an annual financial and statistical report on FPC Form No. 1 with certain alternate schedule forms. Until December 7, 1961, that Form was prescribed for the use of all electric utilities, licensees and others classifiable as Class A or Class B utilities.[2] On that date the Commission by Order No. 238, Docket No. R-198 (26 F.R. 11897, December 13, 1961; 26 FPC 798), revised the format and substantive provisions of that Form and limited its application by excluding from those for which it is prescribed municipalities as defined in the Federal Power Act, i.e., a city, county, irrigation district, drainage district, or other political subdivision or agency of a state competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power. Previously, the Commission by Order No. 209, issued December 11, 1958 (23 F.R. 9710, December 17, 1958; 20 FPC 809), revoked the annual financial and statistical Report Forms formerly prescribed for use, among others, by smaller municipally owned electric systems; FPC No. 1-A (Class C) and FPC No. 1-C (Class D).[3] Report Form FPC No. 1-M, as prescribed herein is intended to serve the purposes formerly served by FPC Form No. 1, as respects municipally owned electric systems having annual electric operating revenues of $250,000 or more. No report form is prescribed for smaller municipally owned systems having annual operating revenues of less than $250,000.

FPC Form No. 1-M contemplates the use of commercial or enterprise type accounting procedures by the reporting municipal systems rather than budget or fund accounting procedures which may be followed for certain municipal or governmental purposes. The proposed form was devised for use by all municipal systems having annual electric revenues of $250,000 or more, and generally reflects a substantial simplification of reporting requirements prescribed in FPC Form No. 1. As a result parts of the new form may not follow in every detail the accounting procedures and operational practices followed by every municipal system for which the Report Form is prescribed. Changes in accounting systems are not contemplated by the FPC Report Form since the Commission is without authority to prescribe an accounting system for municipalities.[4]

Comments received in response to the notice of rule making initiating this proceeding suggest that at least two of the larger municipal systems may prefer a more detailed report form in reporting their electric utility operations. They are the Los Angeles Department of Water and Power, Los Angeles, California, and the Department of Public Utilities, Tacoma, Washington. Section 141.7 of the Commission's regulations under the Federal Power Act, as adopted herein, permits any municipally owned electric system having annual electric operating revenues of $250,000 or more to elect to use FPC Form No. 1 together with the schedule from Form No. 1-M, Taxes, Tax Equivalents, Contributions and Services During the Year (page 6), in lieu of FPC Form No. 1-M.

The notice of proposed rule making initiating this proceeding was served upon interested parties, including State and Federal regulatory agencies, and by publication in the FEDERAL REGISTER on March 15, 1962 (27 F.R. 2481). Copies of all Schedules comprising the proposed FPC Form No. 1-M were served upon the aforesaid interested parties as part of that notice and were filed as part of the notice submitted to the FEDERAL REGISTER for publication. The notice of rule making requested the submission of data, views and comments on or before April 9, 1962. Comments and suggestions were filed with the Commission by the following classes of respondents:

State Auditor (Washington)	1
Municipal Electric Utilities	5
Public Power Association	1
Total	7

After consideration of all responses to the aforesaid notice, the Commission proposed additional changes, chiefly widening the application of the form to include municipal utilities with annual electric operating revenues of $250,000, or more. As proposed in the initial notice of rule making Form 1-M was designed to cover municipally owned electric systems with annual electric operating revenues of $1,000,000 or more. In terms of the classification of utilities set forth in the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees effective January 1, 1961, that coverage would correspond to Classes A and B; Class A being utilities having annual electric operating revenues of $2,500,000 or more and Class B being utilities having annual electric operating revenues of $1,000,000 or more but less than $2,500,000. Under the classification of utilities set forth in the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees effective January 1, 1937, the comparable annual electric operating revenue categories were Class A $750,000 or more and Class B $250,000 or more but less than $750,000. An amended notice of proposed rule making was issued August 20, 1962, and published in the FEDERAL REGISTER August 24, 1962 (27 F.R. 8497). Copies of all Schedules comprising the proposed FPC Form No. 1-M were again served upon the aforesaid interested parties as part of that notice. The amended notice requested the submission of data, views and comments on or before September 19, 1962. Comments and suggestions were filed with the Commission in response to the amended notice by the following classes of respondents:

Municipal Electric Utilities	19
Public Power Association	1
Total	20

The majority of all comments, criticisms or suggestions received are addressed to the format of certain schedule pages. A number of correspondents suggest additions or deletions of columns, widening of columns or revisions of line or column captions. In general, suggestions of this type have been incorporated in the Schedule pages of the Report Form as proposed.

Several respondents object to filing reports with the Commission on the ground that costly modification of accounting systems would be required. No such changes in accounting systems are contemplated in connection with the completion and filing of the proposed FPC Report Form No. 1-M. To avoid misunderstanding on this point, the words "completed in the best manner possible from available records" have been substituted for "properly filled out" in the General Instructions on page 1 of the form.

Several conflicting suggestions were received with respect to the blocking of columns in the Utility Plant Schedule, line 15, "Construction Work in Progress." As a result of those suggestions, the reporting of Additions, Retirements, and Transfers and Adjustment of plant accounts has been limited to Electric Plant in Service only.

Uncertainty as to the type of taxes and equivalents to be reported in the schedule, Taxes, Tax Equivalents, Contributions and Services During Year is indicated by one respondent. Instructions respecting amounts to be included in Taxes and a definition of Tax Equivalents have been added to the schedule (page 6). Certain editorial changes have also been made in the schedule.

One respondent suggested that municipalities in lieu of reporting on Form 1-M, be permitted to follow report forms submitted to the Tennessee Valley Authority and another respondent suggested that this Commission's Report Form be patterned after that prescribed by a State Commission. Reports on similar but not identical forms do not lend themselves to statistical processing without considerable special effort. Therefore, these suggestions were deemed to be impractical. Additionally, some correspondents suggested a number of proposals which, if adopted, would tend to modify the commercial or enterprise type of accounting format upon which the proposed Report Form is predicated, thereby resulting in a loss of comparability of financial and statistical data otherwise obtainable from all Report Forms filed with this Commission. For that reason, those suggestions have not been adopted in the Report Form as prescribed herein. They include a proposal to eliminate the earned surplus classification, and proposed revisions designed to provide additional topical classification for reporting transactions among various municipal departments.

Other suggestions not specifically adopted are met by the revisions which are adopted or are deemed to be of insufficient import to warrant further modification of the Report Form as proposed.

The Commission finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matters presently before the Commission through the submission, in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 4 of the Administrative Procedure Act.

(2) In view of the foregoing, and upon consideration of all relevant matters presented, it is necessary and appropriate for the purposes of the Federal Power Act that:

(a) The Report Form as set forth in annexed Appendix A be adopted and promulgated as this Commission's F.P.C. Form No. 1-M effective for use in reporting for the calendar year beginning January 1, 1961 or for a year beginning or ending during the calendar year 1961 if an established fiscal year is other than a calendar year commencing January 1, and years thereafter; all as hereinafter provided.

(b) Part 141, Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations be amended by adding a new § 141.7 to read as hereinafter provided.

(3) Good cause exists for adoption and promulgation of the matters referred to above immediately upon issuance of this order; all as hereinafter provided.

The Commission acting pursuant to the Federal Power Act, as amended, particularly sections 3, 4, 304, 309 and 311 thereof (16 U.S.C. 796, 797, 825c, 825h, 825j) orders:

(A) The Report Form as set forth in annexed Appendix A as hereby adopted and promulgated as this Commission's F.P.C. Form No. 1-M effective for use in reporting for the calendar year beginning January 1, 1961, or for a year beginning or ending during the calendar year 1961 if an established fiscal year is other than a calendar year commencing January 1, and years thereafter.

(B) Part 141, Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations is amended by adding a new § 141.7 to read as follows:

§ 141.7 Form 1-M, Annual Report for municipal electric utilities having annual electric operating revenues of $250,000 or more.

(a) The form of Annual Report for municipal electric utilities having annual electric operating revenues of $250,000 or more, designated herein as F.P.C. Form No. 1-M, is prescribed for the calendar year beginning January 1, 1961, or for a year beginning or ending during the calendar year 1961 if an established fiscal year is other than a calendar year commencing January 1, and years thereafter: *Provided however*, That any municipality owning or operating an electric utility system having annual electric operating revenues of $250,000 or more may, at its election, submit in lieu of F.P.C. Form No. 1-M, a report on F.P.C. Form No. 1 together with the schedule, Taxes, Tax Equivalents, Contributions and Services During Year, from F.P.C. Form No. 1-M.

(b) Each "municipality" as defined in section 3 of the Federal Power Act, (city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under laws thereof to carry on the business of developing, transmitting, utilizing or distributing power) which is engaged in generation, transmission, distribution or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of $250,000 or more, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission for the calendar year beginning January 1, 1961, or for a year beginning or ending during the calendar year 1961 if its established fiscal year is other than a calendar year commencing January 1, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year (except that such reports for the calendar year 1961 or a fiscal year beginning or ending during 1961 may be filed on or before December 31, 1962, or three months after the close of the fiscal year, whichever is later) an original and two conformed copies all properly filled out and verified. One copy of the report should be retained by the respondent in its files. The conformed copies may be carbon copies.

(c) This Annual Report contains the following schedules:

Identification.
General Instructions.
Excerpts From the Law.
Verification.
General Information.
Balance Sheet.
Condensed Income Statement.
Earned Surplus.
Electric Sales Data for the Year.
Sales of Electricity for Resale.
Operation and Maintenance Expenses.
Purchased Power.
Utility Plant.
Accumulated Provisions for Depreciation of Utility Plant.
Long-Term Debt.
Taxes, Tax Equivalents, Contributions and Services During Year.
Generating Station Statistics.
Steam Generating Stations.
Hydroelectric Generating Stations.
Transmission Line Statistics.
Transmission Lines Added During the Year.
Electric Energy Account.

(Secs. 3, 4; 41 Stat. 1063 as amended by 49 Stat. 838, 839; secs. 304, 309, 311; 49 Stat. 855, 858, 859; 16 U.S.C. 796, 797, 825c, 825h, 825j)

(C) This order shall be effective upon the date of issuance thereof.

(D) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-10851; Filed, Oct. 30, 1962; 8:45 a.m.]

[1] Report filed as part of original document.

[2] Pursuant to sections 3, 4, 301, 302, 304, 309 and 311 of the Federal Power Act, §141.1 of the Commission's regulations under the Federal Power Act prescribed FPC Form No. 1 for each Class A and Class B utility, licensee and each private, municipal or public corporation engaged in the generation, transmission, distribution or sale of electric energy, however produced, throughout the United States and its possessions whether or not the jurisdiction of the Commission was otherwise involved.

[3] Act of August 15, 1953, Public Law No. 278, 83d Cong., 1st Sess. (67 Stat. 587; 16 U.S.C. 828) exempted States and municipalities which are licensees under the Federal Power Act from inter alia accounting requirements of this Commission under that Act.

[4] Municipal electric systems which do not maintain enterprise type of accounting records will be expected to fill out the form in the best manner possible, and it is anticipated that such municipals will be able to furnish substantially all of the information required by the form.

Title 29—LABOR

Chapter XI—Office of Welfare and Pension Plans, Department of Labor

PART 1309—PROHIBITION AGAINST BONDING BY PARTIES INTERESTED IN THE PLAN

Pursuant to section 13(e) of the Welfare and Pension Plans Disclosure Act of 1958 (29 U.S.C. 301 et seq.), as amended by section 16 of the Welfare and Pension Plans Disclosure Amendments of 1962 (sec. 16, Pub. Law 87-420) and Secretary's Order No. 15-62 (27 F.R. 4977), I hereby amend Chapter XI of Title 29 of the Code of Federal Regulations by adding thereto a new Part 1309 to read as set forth herein.

As these are interpretative rules, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by section 4 of the Administrative Procedure Act (5 U.S.C. 1003). They shall become effective upon publication in the FEDERAL REGISTER.

The new 29 CFR Part 1309 shall read as follows:

Sec.
1309.1 Introductory statement.
1309.2 General.
1309.3 Disqualification of agents, brokers and sureties.
1309.4 Application of 13(c) to "party in interest".

AUTHORITY: §§ 1309.1 to 1309.4 issued under sec. 16, Pub. Law 87-420.

§ 1309.1 Introductory statement.

(a) This part discusses the meaning and scope of section 13(c) of the Welfare and Pension Plans Disclosure Act of 1958 (sec. 16, Pub. Law 87-420) (hereinafter referred to as the Act). This provision makes it unlawful "for any person to procure any bond [required by the Act] from any surety or other company or through any agent or broker in whose business operations such plan or any party in interest in such plan has any significant control or financial interest, direct or indirect." Because the prohibi-

tion contained in this provision is broadly stated, it becomes a matter of importance to determine more specifically the types of arrangements intended to be prohibited.

(b) The provisions of section 13 of the Act, including 13(c) are subject to the general investigatory authority of the Secretary of Labor embodied in section 9 of the Act. The correctness of an interpretation of these provisions can be determined finally and authoritatively only by the courts. It is necessary, however, for the Secretary to reach informed conclusions as to the meaning of the law to enable him to carry out his statutory duties of administration and enforcement. The interpretations of the Secretary contained in this part, which are issued upon the advice of the Solicitor of Labor, indicate the construction of the law which will guide the Secretary in performing his duties unless and until he is directed otherwise by authoritative rulings of the courts or unless and until he subsequently decides that his prior interpretation is incorrect. Under section 12 of the Act, the interpretations contained in this part, if relied upon in good faith, will constitute a defense in any action or proceeding based on any Act or omission in alleged violation of section 13(c) of the Act. The omission, however, to discuss a particular problem in this part, or in interpretations supplementing it, should not be taken to indicate the adoption of any position by the Secretary with respect to such problem or to constitute an administrative interpretation or practice. Interpretations of the Secretary with respect to 13(c) are set forth in this part to provide those affected by the provisions of the Act with "a practical guide * * * as to how the office representing the public interest in its enforcement will seek to apply it" (Skidmore v. Swift & Co., 323 U.S. 134, 138).

(d) To the extent that prior opinions and interpretations relating to 13(c) are inconsistent with the principles stated in this part, they are hereby rescinded and withdrawn.

§ 1309.2 General.

The purpose of section 13(c), as shown by its legislative history, is similar to a closely related provision contained in section 502(a) of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 536; 29 U.S.C. 502(a)). The fundamental purpose of Congress under 13(c) is to insure against potential abuses arising from significant financial or other influential interests affecting the objectivity of the plan or parties in interest in the plan and agents, brokers, or surety or other companies, in securing and providing the bond specified in section 13(a). As will be explained more fully below, this prohibition, however, was not intended to preclude the placing of bonds through or with certain parties in interest in plans which provide a variety of services to the plan, one of which is a bonding service.

§ 1309.3 Disqualification of agents, brokers and sureties.

Since 13(c) is to be construed as disqualifying any agent, broker, surety or other company from having a bond placed through or with it, if the plan or any party in interest in the plan has a significant financial interest or control in such agent, broker, surety or other company, a question of fact will necessarily arise in many cases as to whether the financial interest or control held is sufficiently significant to disqualify the agent, broker or surety. Although no rule of guidance can be established to govern each and every case in which this question arises, in general, the essential test is whether the existing financial interest or control held is incompatible with an unbiased exercise of judgment in regard to procuring the bond or bonding the plan's personnel. In regard to the foregoing, it is also to be pointed out that lack of knowledge or consent on the part of persons responsible for procuring bonds with respect to the existence of a significant financial interest or control rendering the bonding arrangement unlawful will not be deemed a mitigating factor where such persons have failed to make a reasonable examination into the pertinent circumstances affecting the procuring of the bond.

§ 1309.4 Application of 13(c) to "party in interest".

(a) Under 13(c), an agent, broker or surety or other company is disqualified from having a bond placed through or with it if a "party in interest" in the plan has any significant control or financial interest in such agent, broker, surety or other company. Section 3(13) of the Act defines the term "party in interest" to mean "any administrator, officer, trustee, custodian, counsel, or employee of any employee welfare benefit plan or employee pension benefit plan, or a person providing benefit plan services to any such plan, or an employer any of whose employees are covered by such a plan or officer or employee or agent of such employer, or an officer or agent or employee of an employee organization having members covered by such plan."

(b) A basic question presented is whether the effect of 13(c) is to prohibit persons from placing a bond through or with any "party in interest" in the plan. The language used in 13(c) appears to indicate that in this connection the intent of Congress was to eliminate those instances where the existing financial interest or control held by the "party in interest" in the agent, broker, surety or other company is incompatible with an unbiased exercise of judgment in regard to procuring the bond or bonding the plan's personnel. Accordingly, not all parties in interest are disqualified from procuring or providing bonds for the plan. Thus where a "party in interest" or its affiliate provides multiple benefit plan services to plans, persons are not prohibited from availing themselves of the bonding services provided by the "party in interest" or its affiliate merely because the plan has already availed itself, or will avail itself, of other services provided by the "party in interest." In this case, it is inherent in the nature of the "party in interest" or its affiliate as an individual or organization providing multiple benefit plan services, one of which is a bonding service, that the existing financial interest or control held is not, in and of itself, incompatible with an unbiased exercise of judgment in regard to procuring the bond or bonding the plan's personnel. In short, there is no distinction between this type of relationship and the ordinary arm's length business relationship which may be established between a plan-customer and an agent, broker or surety company, a relationship which Congress could not have intended to disturb. On the other hand, where a "party in interest" in the plan or an affiliate does not provide a bonding service as part of its general business operations, 13(c) would prohibit any person from procuring the bond through or with any agent, broker, surety or other company, with respect to which the "party in interest" has any significant control or financial interest, direct or indirect. In this case, the failure of the "party in interest" or its affiliate to provide a bonding service as part of its general business operations raises the possibility of less than an arm's length business relationship between the plan and the agent, broker, surety or other company since the objectivity of either the plan or the agent, broker or surety may be influenced by the "party in interest".

(c) The application of the principles discussed in this section is illustrated by the following examples:

Example (1). B, a broker, renders actuarial and consultant services to plan P. B has also procured a group life insurance policy for plan P. B may also place a bond for P with surety company S, provided that neither B nor P has any significant control or financial interest, direct or indirect, in S and provided that neither P nor any other "party in interest" in P, e.g., an officer of the plan, has any significant control or financial interest, direct or indirect, in B or S.

Example (2). I, a life insurance company, has provided a group life insurance policy for plan P. I is affiliated with S, a surety company, and has a significant financial interest or control in S. P is not prohibited from obtaining a bond from S since I's affiliation with S does not ordinarily, in and of itself, affect the objectivity of P in procuring the bond or the objectivity of S in bonding P's personnel. However, if any other "party in interest" as defined in Section 3(13) of the Act, such as the employer whose employees are covered by P, should have a significant financial interest or control in S, S could not write the bond for P, since the employer's interest affects the objectivity of P and S.

Signed at Washington, D.C., this 26th day of October 1962.

JAMES J. REYNOLDS,
Assistant Secretary of Labor.

[F.R. Doc. 62-10864; Filed, Oct. 30, 1962; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2806]

[Sacramento 069093]

CALIFORNIA

Partly Revoking Reclamation Withdrawals; Jess Valley Reservoir, Pitt River Project

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of January 28, 1904, October 8, 1907, November 1, 1919, and any other order or orders which withdrew lands for reclamation purposes in connection with the Jess Valley Reservoir, Pitt River Project, California, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

T. 39 N., R. 14 E.,
Secs. 1 and 2;
Sec. 10, E½;
Secs. 11, 12, and 13;
Sec. 14, N½ and SE¼;
Sec. 23, E½;
Sec. 24, N½ and SW¼.

The areas described aggregate approximately 4,800 acres. The lands are nonpublic lands, and national forest lands in the Modoc National Forest.

2. At 10 a.m. on November 30, 1962, the national forest lands shall be open to such forms of disposition as may by law be made of such lands.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 25, 1962.

[F.R. Doc. 62-10856; Filed, Oct. 30, 1962; 8:46 a.m.]

[Public Land Order 2807]

[New Mexico 0292749]

[1872385]

NEW MEXICO

Revoking Executive Order No. 8874 of August 28, 1941

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8874 of August 28, 1941, which has heretofore been revoked in part by Public Land Orders No. 496 and No. 682, and which withdrew lands for use of the War Department as a practice bombing range, is hereby revoked in its entirety. The following-described lands were not included in the revocations made by Public Land Orders No. 496 and No. 682:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 N., R. 1 E.,
Sec. 1, lots 1 to 8, incl.;
Sec. 3, lots 1 to 8, incl.;
Sec. 5, lots 1 to 8, incl.
T. 11 N., R. 1 E.,
Sec. 13, lots 1 to 4, incl.;
Sec. 15, lots 1 to 4, incl.;
Sec. 16, lots 1 to 4, incl.;
Sec. 17, lots 1 to 4, incl.;
Secs. 21, 23, 25, and 27;
Sec. 29, lots 1, 2, 3, E½, and NE¼NW¼;
Sec. 32, lots 1, 2, 3, E½, SW¼SW¼, and E½SW¼;
Secs. 33, 35, and 36.
T. 11 N., R. 2 E.,
Secs. 19, 30, and 31.

The areas described are all in private ownership and contain, in the aggregate, approximately 9,051.40 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 25, 1962.

[F.R. Doc. 62-10857; Filed, Oct. 30, 1962; 8:46 a.m.]

[Public Land Order 2808]

[Montana 048696 (SD)]

SOUTH DAKOTA

Partly Revoking Reclamation Withdrawals; Belle Fourche Project

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of July 18, 1903, March 3, 1909, and any other order or orders which withdrew lands for reclamation purposes under the provisions of the act of June 17, 1902, supra, are hereby revoked so far as they affect the following described lands:

BLACK HILLS MERIDIAN

T. 9 N., R. 6 E.,
Sec. 11, N½SE¼;
Sec. 12, SW¼NE¼, N½SW¼, and NW¼SE¼.

Containing approximately 240 acres.

2. The lands are included in allowed entries under ordinary provisions of the homestead laws.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 25, 1962.

[F.R. Doc. 62-10858; Filed, Oct. 30, 1962; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-1128]

PART 0—COMMISSION ORGANIZATION

Common Carrier Bureau

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of October 1962;

The Commission having under consideration the matter of certain organizational changes in its Common Carrier Bureau in order to more effectively perform its regulatory functions under Title II and Title III of the Communications Act of 1934, as amended, and under the Communications Satellite Act of 1962; and

It appearing, that §§ 0.21 to 0.28, inclusive, of the Commission's Statement of Organization should be amended as set forth below; and

It further appearing, that authority for these amendments is contained in sections 4(i), 5(b), and 303(r) of the Communications Act of 1934, as amended; and

It further appearing, that these amendments affect solely matters of agency organization and hence that the notice, procedural, and effective date provisions of section 4 of the Administrative Procedures Act are inapplicable;

It is ordered, Effective January 1, 1963, that Part O of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: October 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Sections 0.21 to 0.28 are deleted and new §§ 0.21 to 0.29 are added, to read as follows:

§ 0.21 Functions of the Bureau.

The Common Carrier Bureau develops, recommends, and administers the program of the Commission with respect to the regulation of the rates, services, accounting and facilities of communication common carriers under applicable statutes, including the Communications Act of 1934, as amended, and the Communications Satellite Act of 1962, international agreements, and rules and regulations. The Bureau performs the following functions:

(a) Initiates rules and regulations, except as otherwise specifically provided in the functions of the other Bureaus or Staff offices.

(b) Collaborates with representatives of State regulatory commissions and with the National Association of Railroad and Utilities Commissioners in the conduct of cooperative studies of regulatory matters of common concern to this Commission and State commissions.

(c) Participates in international conference work involving common carrier matters.

(d) Assists, advises and makes recommendations to the Commission and represents the Commission in matters pertaining to common carrier regulation and licensing.

(e) Exercises such authority as may be assigned or referred to it by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

§ 0.22 Responsibilities of the Bureau Chief.

Subject to the policy determinations of the Commission, the Chief of the Bureau plans, directs, and coordinates the common carrier functions of the Commission listed in § 0.21.

§ 0.23 Units in the Bureau.

The Common Carrier Bureau is divided into the following units:

(a) Office of the Bureau Chief.
(b) International Division.
(c) Rates Division.
(d) Services and Facilities Division.
(e) Domestic Radio Division.
(f) Accounting Division.

§ 0.24 The Office of the Bureau Chief.

The Office of the Chief of the Bureau includes:

(a) Office of Satellite Communications, which is responisble for the administration and implementation of those regulatory functions conferred upon the Commission by the Communications Satellite Act of 1962.

(b) Office of Planning and Special Projects, which is responsible for the conduct of studies and special proceedings with respect to the formulation or revision of common carrier regulatory policies and programs, common carrier rules (except accounting and financial reporting rules), and other special projects as assigned by the Bureau Chief.

(c) Office of Field Coordinator, which is responsible for coordinating the work of the Common Carrier Bureau Field Offices. The field offices are located at 90 Church Street, New York 7, New York; 180 New Montgomery Street, San Francisco 5, California; and 815 Olive Street, St. Louis 1, Missouri. These offices are responsible for conducting investigations and studies, as assigned by the Office of the Chief of the Bureau, to assure that there is adherence to the Communications Act and the Commission's rules and regulations. These offices also represent the Commission in contacts with the public and the carriers.

(d) Office of Administrative Assistant, which assists the Bureau Chief in performing the administrative functions of the Bureau and has administrative supervision over the Public Reference Room and the Mail and Files Unit.

§ 0.25 International Division.

The International Division is responsible for the Bureau's functions pertaining to international common carrier services, except international telephone rate matters.

§ 0.26 Rates Division.

The Rates Division is responsible for the Bureau's functions pertaining to domestic telegraph rates and tariffs and domestic and international telephone rates and tariffs, the revenue requirements of carriers, the cost of rendering services, and the depreciation rates used by carriers.

§ 0.27 Services and Facilities Division.

The Services and Facilities Division is responsible for the Bureau's functions pertaining to the adequacy and efficiency of domestic telephone and telegraph services and facilities and to all matters arising under Sections 214 and 221 of the Communications Act with respect to common carriers engaged in such services.

§ 0.28 Domestic Radio Division.

The Domestic Radio Division is responsible for the Bureau's functions pertaining to the regulation of the radio services of domestic communications common carriers, including the licensing of such carriers and the processing of radio applications.

§ 0.29 Accounting Division.

The Accounting Division is responsible for the Bureau's functions pertaining to the formulation and interpretation of, and the compliance with, the Commission's uniform systems of accounts, preservation of records rules, financial reporting requirements, and for processing statistical data.

[F.R. Doc. 62-10884; Filed, Oct. 30, 1962; 8:48 a.m.]

[Docket No. 14688 (RM-330); FCC 62-1126]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Cambridge and Salisbury, Md.

1. The Commission has before it for consideration its notice of proposed rule making released June 21, 1962 (FCC 62-666), proposing that Channel 22, presently assigned to Cambridge, Maryland, be reassigned to Salisbury, Maryland, as follows:

City	Channel No.	
	Present	Proposed
Cambridge, Md.	22+	----
Salisbury, Md.	16+	16+, 22+

2. Channel 16 in Salisbury is presently used by Station WBOC-TV. There is no authorization for use of Channel 22 in Cambridge, and no application for it is pending. The assignment of Channel 22 to Salisbury would meet the spacing requirements of the Commission rules.

3. According to the 1960 U.S. Census, the population of Salisbury is 16,302 and that of Wicomico County, in which it is located, is 49,050. The same source also shows the population of Cambridge to be 12,239 and that of Dorchester County, in which it is located, is 29,666. The 1960 American Research Bureau television coverage study indicated that there were 14,300 households in Wicomico County of which 12,600 (88 percent) were television households. Of the latter, 12,200 (97 percent) were indicated as having UHF conversion. It also reported that in the contiguous counties of Somerset and Worcester there were 5,500 and 7,100 households respectively of which 3,900 (71 percent) had television sets in Somerset and 5,400 (76 percent), in Worcester. Of the television households in Somerset, 3,800 (97 percent) were UHF converted and of television households in Worcester, 5,200 (97 percent) were UHF converted. The net weekly circulations of Station WBOC-TV in the counties of Wicomico, Somerset, and Worcester are shown to be 97 percent, 91 percent and 91 percent respectively.

4. William H. Porter, petitioner for the rule making proposed herein, has indicated that because of the rapid growth of population and industry in and around Salisbury he believes that it is economically feasible to establish a second television station in Salisbury to serve that city and the surrounding area. If the proposal herein is adopted, he intends, together with associates, to file an application for a construction permit for a second station at Salisbury to operate on Channel 22.

5. No formal comments in opposition to the proposal were filed in the proceeding. However, the State Superintendent of Schools of Maryland submitted two letters to the Commission, one of which was accompanied by a resolution of the Maryland State Board of Education adopted on July 17, 1962. The resolution and the letters state that the Maryland State Department of Education has been developing a plan for a statewide network of educational television which is expected to be finished in the near future. They further express the opinion that the recent all-channel legislation passed by the Congress is likely to increase the demand for television channels and request that the Commission withhold further assignments of television channels in Maryland until the State Board of Education has presented to the Commission its plan for the educational utilization of channels in that state. No tentative date for the filing of such a plan is submitted.

6. We are of the opinion that Channel 22 should be assigned to Salisbury where a demand for the channel has been manifested. A second local service in that city would, we believe, create a healthful competitive climate and encourage the further utilization of UHF. Moreover, any strengthening of the commercial television situation will probably also prove beneficial to the future development of educational broadcasting in the area.

7. Although the aforementioned communications received from the educational interests did not comply with the rules of the Commission and are not considered as formal comments in this proceeding, we may observe, nevertheless, that sufficient channels will no doubt be available for educational use at such time as a plan for a state-wide educational network may be submitted to the Commission for consideration. Therefore, even had the educators filed formal comments, we would not be justified in withholding action that would bring additional television service to a significant number of people, especially without a definite target date having been set for completion of the educational network plan.

8. In requesting this rule making proceeding, petitioner suggested that Channel 32 be substituted in Cambridge for Channel 22. Such a substitution would be in accordance with the mileage separation requirements of the Commission rules. However, we observed in the notice of rule making released herein that, unless an active interest were manifested in a substitute UHF channel for Cambridge, action to make one available would be deferred until decisions are reached in Docket No. 14229 which is concerned with future methods of assigning stations on UHF channels. Since no immediate interest for such a substitute channel was manifested, we defer action on the matter. This will afford the Maryland State Board of Education or any other qualified educational organization time in which to complete plans which may involve an educational channel in Cambridge.

9. The action herein is taken pursuant to authority found in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

10. In view of the foregoing: *It is ordered*, Effective December 3, 1962, That the Table of Assignments contained in § 3.606 of the Commission rules and regulations is amended to (1) change the Salisbury entry under the State of Maryland to read:

City	*Channel No.*
Salisbury, Md.	16+, 22+

and (2) delete the entry for Cambridge, Md.

(Sec. 4, 48 Stat/1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: October 24, 1962.

Released: October 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10885; Filed, Oct. 30, 1962; 8:48 a.m.]

[FCC 62-1112]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Certain Frequencies for Public Correspondence

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 24th day of October 1962;

The Commission having under consideration the above-captioned matter;

It appearing, that, in accordance with Docket No. 14375, § 8.354 of the Commission's rules, "Frequencies below 5000 kc/s for public correspondence", was amended; and

It further appearing, that such amendment has inadvertently deleted certain provisions of the rule pertaining to stations on board aircraft and in addition has resulted in redundant and superfluous language; and

It further appearing, that, the public interest would be served by amending § 8.354 to read in accordance with the Commission's rules prior to Docket No. 14375; and

It further appearing, that, the amendment herein ordered is non-substantive in nature, and therefore compliance with the public notice and rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act is unnecessary, and for the same reason compliance with section 4(c) of the Administrative Procedure Act is not required;

It is ordered, That, pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 8 of the Commission's rules is amended as set forth below, effective November 1, 1962.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: October 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 8 is amended as follows:

Section 8.354(b)(2) is amended to read:

§ 8.354 Frequencies below 5000 kc/s for public correspondence.

* * * * * * *

(b) * * *

(2) Stations on board aircraft may not use the frequency 2638 kc/s for communication with coast stations except in the event of distress.

[F.R. Doc. 62-10886; Filed, Oct. 30, 1962; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-40 (Sub-No. 1)]

PART 195—HOURS OF SERVICE OF DRIVERS

Maximum Driving and On-Duty Time

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 5th day of October A.D. 1962.

It appearing, that by report and order of March 29, 1962, the entire Commission, among other things, revised § 195.3 *Maximum driving and on-duty time*, as set forth in paragraph (a) of that section on Sheet 3 of the said order reading as follows:

(a) Except as provided in paragraph (c) of this section and in § 195.10, no motor carrier shall permit or require any driver used by it to drive nor shall any such driver drive more than 10 hours following 8 consecutive hours off-duty or drive more than 2 hours after having been on duty 13 hours following 8 consecutive hours off-duty: *Provided, however*, That drivers using sleeper berth equipment may cumulate the aforementioned total of at least 8 hours off-duty in two periods, of at least 2 hours each, resting in a sleeper berth, as defined in § 195.2(g).

It further appearing that the entire Commission, by order of August 3, 1962, insofar as here pertinent, denied certain petitions for reconsideration and oral argument;

It further appearing that by joint petition, filed August 27, 1962, Petroleum Equipment Suppliers Association, The Dowell Division of the Dow Chemical Company, The Otis Engineering Corporation, Schlumberger Well Surveying Corporation, Lane-Wells Company, a Division of Desser Industries, Inc., Permain Basin Petroleum Association, and B. J. Service, Inc., and by separate petition filed August 27, 1962, Halliburton Company, interveners, seek consideration and other further relief with respect to the Commission's order of August 3, 1962;

Upon consideration of the record in this proceeding, and of said petitions; and good cause appearing therefor:

It is ordered, That the above quoted paragraph (a) of § 195.3 be, and it is hereby eliminated and the following paragraph be, and it is hereby, substituted in lieu thereof:

(a) Except as provided in paragraph (c) of this section and in § 195.10, no motor carrier shall permit or require any driver used by it to drive nor shall any such driver drive more than 10 hours following 8 consecutive hours off-duty or drive more than 2 hours after having been on duty 13 hours following 8 consecutive hours off-duty: *Provided, however*, That drivers using sleeper berth equipment, or off-duty at a natural gas or oil well location, may cumulate the aforementioned total of at least eight hours off-duty in two periods of at least two hours each, resting in a sleeper berth, as defined in § 195.2(g), or resting while off-duty in other sleeping accommodations at a natural gas or oil well location.

It is further ordered, That said petitions in all other respects be, and they are hereby, denied;

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register (49 Stat. 546, as amended; 49 U.S.C. 304).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-10870; Filed, Oct. 30, 1962; 8:48 a.m.]

Proposed Rule Making

FEDERAL TRADE COMMISSION

[16 CFR Part 75]

HOUSEHOLD FURNITURE INDUSTRY

Proposed Trade Practice Rules; Notice of Hearing and of Opportunity to Present Views, Suggestions or Objections

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the proposed trade practice rules for the Household Furniture Industry (which constitute a proposed revision of the rules for the Household Furniture and Furnishings Industry promulgated on May 10, 1932) to present to the Commission their views concerning said rules, including such pertinent information, suggestions or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than November 28, 1962. Opportunity to be heard orally will be afforded at the hearing beginning at 10:00 a.m., e.s.t., on November 28, 1962, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW., Washington, D.C., to any such persons, firms, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally the Commission will proceed to final action on the proposed rules.

The industry is composed of persons, firms, corporations and organizations engaged in the manufacture, sale or distribution of articles of utility, convenience, or decoration which are suitable for use as furniture in a house, apartment, or other dwelling place. Such articles would include, but are not limited to, all kinds and types of chairs, tables, cabinets, desks, davenports, bedsteads and bureaus. The following products are not to be considered as coming within the purview of this definition: Bed mattresses, bedsprings, metal cots, studio couches, sofa beds, cedar chests, mirrors, musical instruments, radio, and television receiving sets and venetian blinds. These products are covered by sets of trade practice rules heretofore promulgated. Also excluded from the purview of these rules are pictures, lamps, clocks, rugs, draperies as well as appliances and fixtures such as refrigerators and air conditioners.

These proceedings were instituted on the Commission's own motion and have for their purpose the establishment of a comprehensive set of trade practice rules directed to the maintenance of fair competitive conditions in the industry and to the elimination and prevention of such acts or practices as are deemed violative of statutes administered by the Federal Trade Commission. Sessions of a general trade practice conference for the industry were held in Los Angeles, California, Chicago, Illinois and High Point, North Carolina, at which a draft of suggested rules prepared by a member of the staff of the Commission's Division of Trade Practice Conferences was considered and discussed. The announced hearing constitutes a further step in the proceedings.

Authorized: October 2, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-10919; Filed, Oct. 30, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

[Ex Parte No. MC-30]

CINCINNATI, OHIO, COMMERCIAL ZONE

Proposed Redefinition; Hearing

OCTOBER 26, 1962.

Petitioners: Hennis Freight Lines, Inc., I. R. C. & D. Motor Freight, Inc., Dance Freight Lines, Inc., Schroder's Express, Inc., Wilson Freight Forwarding Co.

Petitioners' attorneys: James E. Wilson and Edward G. Villalon, 716 Perpetual Building, 1111 E Street NW., Washington 4, D.C.

By petition filed April 24, 1962, petitioners request the Commission to reopen this proceeding for the purpose of redefining the Cincinnati, Ohio, commercial zone which was last defined on February 2, 1953, reported at 46 M.C.C. 733, (49 CFR 170.7). As presently defined, the commercial zone of Cincinnati includes points in Springfield and Sycamore Townships, Hamilton County, Ohio, north of Cincinnati and extending to the Hamilton-Butler County line. The instant petition requests the Commission to enlarge and redefine the Cincinnati, Ohio, commercial zone to include points in a contiguous portion of Butler County within an area bounded by a line "beginning at the Hamilton County-Butler County, Ohio, line at State Road 4, thence northerly and northwesterly on State Road 4 to its junction with Port Union Road; thence northeasterly and easterly on Port Union Road to its intersection with Port Union-Rialto Road; thence southeasterly on Port Union-Rialto Road to its intersection with Rialto Road; thence northeasterly, northerly, and easterly on Rialto Road to its intersection with Beckett Road; thence easterly on Beckett Road to its intersection with U.S. Highway 25; thence southerly on U.S. Highway 25 to its intersection with the Hamilton County-Butler County line; thence westerly on the Hamilton County-Butler County line to the point of beginning." This proceeding is assigned for oral hearing on December 3, 1962, before Examiner Saltzman at The Netherland Hilton, Cincinnati, Ohio. Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-10869; Filed, Oct. 30, 1962; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 954) has been filed by The Dow Chemical Company, Abbott Road Buildings, Midland, Michigan, proposing the amendment of § 121.207 of the food additive regulations to provide for the addition of 0.005 percent of 3-nitro-4-hydroxyphenylarsonic acid to zoalene-medicated chicken feeds.

Dated: October 24, 1962.

J. K. KIRK, *Assistant Commissioner of Food and Drugs.*

[F.R. Doc. 62-10861; Filed, Oct. 30, 1962; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

LIBERTY BANK AND TRUST CO. AND FIRST NATIONAL BANK OF BATAVIA

Notice of Report on Competitive Factors Involved in Merger Application

On September 5, 1962, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested that the Comptroller of the Currency report on the competitive factors involved in the proposed merger of the $15.6 million First National Bank of Batavia, Batavia, New York into the $242 million Liberty Bank and Trust Company, Buffalo, New York under the charter and title of the latter.

On October 15, 1962, the Comptroller of the Currency reported that continued merging of the banks in Western New York will ultimately result in a banking structure not consonant with the public interest; that the public is well served by existing facilities in Genesee County and the application presents no compelling necessity which would counterbalance the unfavorable aspects of the application. The Comptroller concluded that the effect of the proposal on competition would be adverse.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 24, 1962.

[SEAL] A. J. FAULSTICH, *Administrative Assistant to the Comptroller of the Currency.*

[F.R. Doc. 62-10865; Filed, Oct. 30, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Correction, Partial Termination, Amendment of and Adjustment to Official Plat of Survey for Proposed Withdrawal and Reservation of Lands

OCTOBER 23, 1962.

Notice of an application Serial No. Sacramento 047049, for withdrawal and reservation of lands, which was published as Federal Register Document No. 57-7081 on pages 6995 and 6996 of the issue for August 30, 1957, is corrected as follows: That portion of the land description to protect a roadside zone along the Sonora Pass Highway Project 38-H, State of California Route 108, in Sec. 28, T. 5 N., R. 18 E., M.D.M., which reads N½NE¼, N½SE¼, SW¼SE¼, is corrected to read E½NE¼, N½SE¼, SW¼SE¼; that portion of the land description for Mill Creek Campground in Sec. 12, T. 5 N., R. 18 E., M.D.M., which reads SE¼NE¼, E½, SW¼NE¼, N½NE¼, SE¼, is corrected to read SE¼NE¼, E½SW¼NE¼, N½NE¼SE¼.

The applicant agency has cancelled its application insofar as it involves withdrawal of the lands for roadside purposes as described below, but the SE¼SW¼ Sec. 20, T. 3 N., R. 17 E., M.D.M., S½ NW¼ Sec. 21, NE¼NE¼ Sec. 29, T. 4 N., R. 18 E., M.D.M., SE¼NE¼, E½SW¼ NE¼ Sec. 12, W½SW¼SW¼ Sec. 14, T. 5 N., R. 18 E., M.D.M., remain in the application for the Long Barn, Old Strawberry Addition, North Fork Tuolumne Administrative Sites, and Mill Creek and Cascade Campgrounds, as set forth in the notice published as the above-mentioned Federal Register Document. Therefore, pursuant to the regulations contained in 43 CFR Part 295, the lands described immediately below will be at 10:00 a.m., on relieved of the segregative effect of the aforementioned application.

MOUNT DIABLO MERIDIAN, CALIFORNIA

STANISLAUS NATIONAL FOREST

Recreation Area

T. 2 N., R. 19 E.,
Sec. 20: NW¼NE¼SE¼.

As set forth in the notice published as the above-mentioned Federal Register Document, amended by publication in Federal Register Document 61-3035 on page 2878 of the issue for April 6, 1961, the applicant agency has cancelled certain portions of relotted areas and has amended its application insofar as it involves withdrawal of the lands for roadside purposes as described below in order that conflicting Forest Exchange Application Serial No. Sacramento 065505 may be processed. The lands described immediately below will be at 10 a.m., on Nov. 28, 1962, relieved of the segregative effect of the agency's Proposed Withdrawal and Reservation of Lands Sacramento 047049.

The land involved in this notice of termination is:

MOUNT DIABLO MERIDIAN, CALIFORNIA

STANISLAUS NATIONAL FOREST

Roadside Zone

T. 4 N., R. 18 E.,
Sec. 17: That portion of Lot 1 lying south of California State Highway 108 and Lot 3 (which tracts have been adjusted to official plat of survey filed in the Sacramento Land Office September 10, 1962, and which have been relotted and designated as Lots 5 and 6) excepting therefrom Lot 5 which remains in the above-identified withdrawal in its entirety; being only 150 feet wide.

The following listed lands remaining in the notice of proposed withdrawal located in the above-mentioned section, adjusted to the official plat of survey are:

That portion of Lot 1, Sec. 17, remaining in the agency's Application Sacramento 047049 which lies north of the California State Highway 108 is hereby amended to read: a strip of land 150 feet wide commencing from the centerline of the Sonora Pass Highway Project 38-H, State of California Route 108 through the following legal subdivision as adjusted to the official plat of survey filed in the Sacramento Land Office September 10, 1962:

MOUNT DIABLO MERIDIAN, CALIFORNIA

STANISLAUS NATIONAL FOREST

Roadside Zone

T. 4 N., R. 18 E.,
Sec. 17: Lot 4.

WALTER E. BECK, *Manager, Land Office Sacramento.*

[F.R. Doc. 62-10854; Filed, Oct. 30, 1962; 8:46 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 24, 1962.

The Forest Service of the United States Department of Agriculture has filed an application, Serial Number Colorado 083368 for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as campgrounds, picnic grounds, a roadside rest stop, and recreation areas. The specific areas are:

Crystal Beds, North Clear Creek, Cathedral, Comstock, Elk Creek, Park Creek, and Highway Springs Campgrounds.
Spring Creek Reservoir, Cross Creek, Beaver Creek and Blue Creek Picnic Grounds.
Crystal Beds Geological Site.
Lake Fork Roadside Rest.
Big Meadows and Stunner Recreation Area.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Gas and Electric Building, 910 15th Street, Denver 2, Colo.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

RIO GRANDE NATIONAL FOREST

T. 38 N., R. 2 E.,
In Secs. 4, 9, 17, 18, and 19.

T. 39 N., R. 2 E.,
In Sec. 26.
T. 41 N., R. 2 E.,
In Sec. 30.
T. 42 N., R. 2 E.,
In Secs. 10 and 15.
T. 39 N., R. 3 E.,
In Secs. 17, 20, 21, 28, 29 and 34.
T. 36 N., R. 4 E.,
In Secs. 8 and 17.
T. 33 N., R. 5 E.,
In Sec. 1.
T. 37 N., R. 6 E.,
In Secs. 18 and 19.
T. 41 N., R. 3 W.,
In Secs. 1, 2, 12 and 24.

The above described areas in Rio Grande National Forest aggregate approximately 2151 acres.

J. ELLIOTT HALL,
Land Office Manager.

[F.R. Doc. 62-10855; Filed, Oct. 30, 1962; 8:46 a.m.]

BUREAU OF THE BUDGET

CERTAIN LANDS AND LAND RIGHTS IN CHEROKEE NATIONAL FOREST

Transfer of Use, Possession, and Control From Department of Agriculture to Tennessee Valley Authority

By virtue of the authority vested in the President of the United States by section 7(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831f(b)), and delegated to the Director of the Bureau of the Budget by section 1(i) of Executive Order No. 10530 of May 10, 1954, it is ordered that the use, possession, and control of the lands and land rights hereinafter described be, and they are hereby, transferred from the Department of Agriculture to the Tennessee Valley Authority, such transfer being deemed necessary and proper for the purposes of the Authority as stated in the Tennessee Valley Authority Act of 1933, as amended:

Certain lands in the Cherokee National Forest lying in Sullivan County, Tennessee, designated on TVA land records as Tracts SH-368, SH-662, SH-663, SH-664, SH-665, SH-666, and SH-667, the said land being described as follows:

TRACT No. SH-368

A portion of a tract of land lying in the First Civil District of Sullivan County, State of Tennessee, said portion lying on the left bank of the South Holston River immediately south of the South Holston Dam site, and more particularly described as follows:

Beginning at a concrete monument (Coordinates: N. 797,333; E. 3,148,502) at a corner to the land of Owen Dallas Stophel and at the most westerly corner of the portion herein described; thence with Owen Dallas Stophel's line N. 59°06' E., 1624 feet to a point in the west right of way line of the Holston Valley Railway Company, a corner of the lands of Owen Dallas Stophel and the Holston Valley Railway Company; thence with the said Company's right of way line and along the west side of the Bristol-Big Creek Road, in a southerly direction approximately 1190 feet to a point near a road junction, a corner of the lands of the Holston Valley Railway Company and Sarah J. Booher et al.; thence with Sarah J. Booher et al.'s and Amanda Booher's lines and a line of marked trees, bearing away from the road, N. 88° W., 700 feet to U.S. Forest Service Monument No. 198; thence continuing with Amanda Booher's line and a line of marked trees S. 7° E., 730 feet to a stone, a corner of the lands of Amanda Booher and Alice Booher; thence with Alice Booher's line and a line of marked trees S. 19° E., 50 feet to a point; thence with a severance line S. 79° W., 995 feet to a point in Owen Dallas Stophel's line; thence with Owen Dallas Stophel's line N. 12°04' W., 1249 feet to the point of beginning.

Also beginning at a point in the east right of way line of the Holston Valley Railway Company near the east side of the Bristol-Big Creek Road, a corner of the lands of Sarah J. Booher et al. and the Holston Valley Railway Company, said point being S. 88° E., 65 feet from the most southeasterly corner of the land described above; thence with the said Company's east right of way line along the east side of the road in a northerly direction approximately 1230 feet to a point, a corner of the lands of the Holston Valley Railway Company and Spiro Dianapolis; thence with Spiro Dianapolis' line, bearing away from the road, N. 60° E., 20 feet to the South Holston River at a point witnessed by a stake; thence with the river as it meanders upstream approximately 1010 feet to a point at the mouth of Riddle Creek, a corner to the land of Julia W. Johns Harder; thence with Julia W. Johns Harder's line and the center line of the creek as it meanders upstream approximately 290 feet to a point, a corner of the lands of Julia W. Johns Harder and Sarah J. Booher et al.; thence with Sarah J. Booher et al.'s line, leaving the creek, N. 88° W., 85 feet to the point of beginning.

Furthermore, such right, title, and interest as the Department may have in the bed of the South Holston River.

All the land described above contains a total of 48.3 acres, more or less, as shown on Tennessee Valley Authority Land Map 21MS421K504-3 R.10 for South Holston Reservoir.

TRACT No. SH-662

That portion of the following described tract of land which lies below elevation 1747 (MSL), the said tract being located in the Nineteenth Civil District of Sullivan County, State of Tennessee, being a portion of the Cherokee National Forest, lying on both banks of Little Jacob Creek, approximately ⅝ mile south of the South Chapel Baptist Church, and being more particularly described as follows:

Beginning at a pine tree at a fence intersection, a corner of the lands of the Thomas Arnold Heirs and H.R. Russel, and the most southeasterly corner of the tract herein described; thence with H. R. Russel's line N. 56° W., 130 feet to a point; thence due north, 80 feet to a point; thence N. 21° W., 100 feet to a point; thence N. 32° W., 280 feet to an 8-inch red oak tree at a fence corner and at the top of a ridge; thence with a fence line and the top of the ridge S. 60° W., 210 feet to a fence angle; thence S. 83° W., 275 feet to a stone at a fence angle; thence bearing away from the top of the ridge S. 51° W., 130 feet to a dead chestnut tree at a fence corner; thence N. 79° W., 245 feet, leaving the fence line at approximately 80 feet, to a 20-inch maple tree at the top of a ridge; thence with the top of the ridge approximately along the following bearings and distances: N. 58° W., 100 feet and N. 40° W., 305 feet to a stone; thence bearing away from the top of the ridge N. 82° W., 200 feet to a chestnut post in a fence line; thence with the fence line N. 52° E., 535 feet to a stone at a fence angle; thence N. 30°11' E., 113 feet to U.S. Forest Service Monument No. 603, a corner of the lands of H. R. Russel and Charley Arnold; thence leaving the fence line and with Charley Arnold's line N. 83° E., 220 feet to a point; thence N. 80° E., 355 feet, crossing the Jacob Creek Road at approximately 220 feet, to a point; thence S. 86° E., 120 feet to a point in the road; thence S. 87° E., 120 feet to a point at or near the south edge of the road; thence N. 82° E., 70 feet to a point at or near the south edge of the road; thence N. 14° E., 110 feet, crossing Little Jacob Creek at approximately 40 feet, to a point; thence S. 85° E., 120 feet to a point in the center line of Bee Suck Branch, a corner of the lands of Charley Arnold and Bessie Stewart; thence with Bessie Stewart's line S. 61° E., 135 feet to an 18-inch hemlock tree at or near the east edge of the Jacob Creek Road; thence, leaving Bessie Stewart's line, S. 2°30' W., 1160 feet (bearing and distance both approximate) to the point of beginning, and containing 24.4 acres, more or less, of which 1.2 acres, more or less, lie below elevation 1747 as shown on Tennessee Valley Authority Land Map 21MS421K504-13 R.6 for South Holston Reservoir.

TRACT No. SH-663

That portion of the following described tract of land which lies below elevation 1747 (MSL), the said tract being located in the Nineteenth Civil District of Sullivan County, State of Tennessee, being a portion of the Cherokee National Forest, lying on the northeast side of Little Jacob Creek approximately 2¼ miles east of the U.S. Highway 421 bridge across the South Holston River, and being more particularly described as follows:

Beginning at U.S. Forest Service Monument No. 573 in a fence line, a corner of the lands of Lawrence D. Lowe et ux. and Pearlie Wallace and the most westerly corner of the tract herein described; thence with Pearlie Wallace's line and the fence line N. 86° E., 100 feet to a fence angle; thence S. 85° E., 240 feet to a fence angle at the top of a ridge; thence with the top of the ridge and the fence line approximately along the following bearings and distances: N. 62° E., 190 feet to an 8-inch black oak tree, N. 23° E., 435 feet to a stake, N. 75° E., 200 feet to a fence angle, and N. 47° E., 230 feet to a stone at a fence intersection, a corner of the lands of Pearlie Wallace and W. G. Trivett et ux.; thence with W. G. Trivett et ux.'s line and a fence line, bearing away from the top of the ridge, S. 73° E., 198 feet to a stone at a fence angle; thence, leaving W. G. Trivett et ux.'s line and the fence line, S. 48° E., 3745 feet (bearing and distance both approximate) to a stone, a corner of the lands of Hester G. Sneed and Alvilda Carver Peters; thence with Alvilda Carver Peters' line N. 63° W., 1100 feet to a 10-inch beech tree; thence S. 28° W., 895 feet to U.S. Forest Service Monument No. CA485 in a fence line, a corner of the lands of Alvilda Carver Peters and Josephine Dulaney Fleenor et al.; thence with Josephine Dulaney Fleenor et al.'s line N. 31° W., 1595 feet to an 8-inch hickory tree; thence S. 68° W., 415 feet to an 8-inch black oak tree; thence S. 13° W., 385 feet to a 14-inch black oak tree; thence N. 44° W., 255 feet to a point in a fence line, a corner of the lands of Josephine Dulaney Fleenor et al. and Lawrence D. Lowe et ux.; thence with Lawrence D. Lowe et ux.'s line N. 44° W., 1588 feet to the point of beginning, and containing 80.6 acres, more or less, of which 5.6 acres, more or less, lie below elevation 1747, as shown on Tennessee Valley Authority Land Map 21MS421K504-11 R.9 for South Holston Reservoir.

TRACT No. SH-664

That portion of the following described tract of land which lies below elevation 1747 (MSL), the said tract being located in the Nineteenth Civil District of Sullivan County, State of Tennessee, being a portion of the Cherokee National Forest, lying on the left side of the South Holston River approximately 1 mile east of the U.S. Highway 421 bridge across the said river, and being more particularly described as follows:

Beginning at an iron pin (FS No. 10) in a fence line, a corner of the lands of Louis H. Rouse et ux. and John A. Muse, and the most southwesterly corner of the tract herein described; thence with John A. Muse's line N. 43° E., 570 feet to a stone (FS No. 11); thence N. 45° W., 1371 feet to a stone (FS No. 12); thence N. 74°04' E., 490 feet to a point in the center line of a branch, a corner of the lands of John A. Muse and Mrs. O. V. Matthews; thence with Mrs. O. V. Matthews' line N. 74°04' E., 845 feet to a stone (FS No. 13); thence N. 0°52' E., 739 feet to a stone (FS No. 14) at the base of an oak stump, a corner of the lands of Mrs. O. V. Matthews and George C. Rogers et ux.; thence with George C. Rogers et ux.'s line S. 81° E., 872 feet to a stone (FS No. 15) in a fence line; thence with the fence line S. 33° W., 50 feet to U.S. Forest Service Monument No. CA574 at a fence intersection; thence S. 56° E., 350 feet to a fence angle; thence S. 68° E., 255 feet to a fence angle; thence S. 55° E., 150 feet to a 20-inch oak tree at a fence angle; thence S. 35° E., 185 feet to a 20-inch pine tree at a fence intersection; thence S. 72° E., 220 feet to a fence angle; thence S. 58° E., 155 feet to a stone at a fence angle; thence S. 71° E., 215 feet to a fence angle; thence S. 64° E., 190 feet to a fence angle; thence S. 42° E., 210 feet to a post at a fence corner, a corner of the lands of George C. Rogers et ux. and W. M. & Willie Osborne; thence with W. M. & Willie Osborne's line and a fence line S. 23° W., 130 feet to a fence angle; thence S. 30° W., 235 feet to a stake at a fence angle; thence S. 17° W., 535 feet to a 16-inch hickory tree at a fence intersection, a corner of the lands of W. M. & Willie Osborne and Clarence Trivett et ux.; thence, leaving the fence line and property line, S. 77° W., 1,625 feet (bearing and distance both approximate) to a point; thence S. 86°00' W., 1,280 feet to the point of beginning, and containing 122. acres, more or less, of which 33.0 acres, more or less, lie below elevation 1747 as shown on Tennessee Valley Authority Land Map 21MS421K504-11 R.9 for South Holston Reservoir.

TRACT No. SH-665

That portion of the following described tract of land which lies below elevation 1747 (MSL), the said tract being located in the Nineteenth Civil District of Sullivan County, State of Tennessee, being a portion of the Cherokee National Forest, lying on both banks of Lucy Creek approximately ½ mile east of the confluence of Sharps Creek and Lucy Creek, and being more particularly described as follows:

Beginning at an auto axle driven in the center line of Shady Rond and in the prolongation of a fence line, a corner of the lands of M. E. Harless et ux. and the Aaron Harless Heirs, and the most southwesterly corner of the tract herein described; thence with the Aaron Harless Heirs' line and a line marked by fences for portions of its length N. 22°30' E., 1,460 feet, crossing Lucy Creek at approximately 1,400 feet, to a stone in a fence line, a corner of the lands of the Aaron Harless Heirs and the W. B. Ford Heirs; thence with the W. B. Ford Heirs' line S. 43° E., 156 feet to U.S. Forest Service Monument No. 570 in the center line of a trail at the top of a ridge; thence with the center line of the trail and the top of the ridge approximately along the following bearings and distances: N. 80° E., 395 feet and N. 59° E., 165 feet to a point; thence, leaving the W. B. Ford Heirs' line and the trail and top of the ridge, S. 41° E., approximately 445 feet to a point in the center line of Lucy Creek; thence S. 24°30' W., 1,140 feet (bearing and distance both approximate) to a 24-inch chestnut tree at a fence corner, a corner to the land of Thomas Rouse et ux.; thence with Thomas Rouse et ux.'s line and the fence line and its prolongation S. 18° W., 620 feet to a point in the center line of Shady Road witnessed by U.S. Forest Service Monument No. 278, a corner of the lands of Thomas Rouse et ux., George Clark et ux., and M. E. Harless et ux.; thence with M. E. Harless et ux.'s line and the center line of the road in a northwesterly direction approximately 1,020 feet to the point of beginning, and containing 35.8 acres, more or less, of which 1.9 acres, more or less, lie below elevation 1,747, as shown on Tennessee Valley Authority Land Map 21MS421K504-10 R.5 for South Holston Reservoir.

TRACT No. SH-666

That portion of the following described tract of land which lies below elevation 1,747 (MSL), the said tract being located in the First and Nineteenth Civil Districts of Sullivan County, State of Tennessee, being a portion of the Cherokee National Forest, lying on the southeast side of the South Holston River, extending from the Riddle Creek area in a northeasterly direction approximately 4 miles to the Underwood Branch area, and being more particularly described as follows:

Beginning at a point in the west line of Alice Booher's land, said point being approximately 1,130 feet southwest of the mouth of Riddle Creek and S. 19° E., 50 feet from the stone at the common corner of the lands of the United States of America (Forest Service), Amanda Booher and Alice Booher; thence with Alice Booher's line and a line of marked trees S. 19° E., 540 feet to a stone in a fence line, a corner of the lands of Alice Booher and Pernia W. Hensley; thence with Pernia W. Hensley's line, leaving the line of marked trees, S. 15° E., 815 feet to a point; thence S. 88° E., 665 feet, crossing Riddle Creek at aproximately 500 feet and crossing the Riddle Creek Road at approximately 530 feet, to a 30-inch beech tree; thence N. 87° E., 525 feet to a point in a fence line, a corner of the lands of Pernia W. Hensley and Kate Duncan; thence with Kate Duncan's line and the fence line S. 18° E., 405 feet to a persimmon snag at a fence angle; thence S. 4° W., 475 feet to a stone at a fence angle; thence due south, 140 feet to a 14-inch gum tree; thence S. 59° E., 240 feet to a 16-inch gum tree at a fence angle; thence S. 47° E., 125 feet to a 16-inch gum tree at a fence corner; thence N. 59° E., 275 feet to a 3-inch beech tree at a fence intersection, a corner of the lands of Kate Duncan and Nellie Duncan Smithson et vir.; thence with Nellie Duncan Smithson et vir.'s line and with a fence line for the first approximate 130 feet N. 59° E., 219 feet, crossing a dam at approximately 200 feet, to U.S. Forest Service Monument No. 561 at a corner of the lands of Nellie Duncan Smithson et vir., H. C. Duncan et ux. and O. D. Hamrick; thence with O. D. Hamrick's line S. 46° E., 120 feet to a point in the center line of the Big Creek Road and in the prolongation of a fence line, a corner of the lands of O. D. Hamrick and H. C. Duncan et ux.; thence with H. C. Duncan et ux.'s line and the fence line S. 44° E., 1,300 feet to a stone at a fence corner;

thence N. 41° E., 885 feet to a point in the center line of the Left Prong of Big Creek; thence with the center line of the creek as it meanders downstream approximately 1,550 feet to a point witnessed by a stone, a corner of the lands of H. C. Duncan et ux., the Robert Gray Heirs, and J. W. Moore et al.; thence with J. W. Moore et al.'s line, leaving the creek, S. 75° E., 827 feet to a stake; thence N. 4°30' W., 372 feet to a point, a corner of the lands of J. W. Moore et al. and J. A. Duncan; thence with J. A. Duncan's line N. 4°30' W., 300 feet to an iron pin; thence with J. A. Duncan's, the H. O. Bun Heirs' and C. A. Vuille & H. F. Henderson's lines N. 5° W., 829 feet to a 24-inch black oak tree in a fence line, a corner of the lands of C. A. Vuille & H. F. Henderson and H. G. Lavinder; thence with H. G. Lavinder's line and the fence line N. 72° E., 122 feet to a 15-inch chestnut tree at a fence corner; thence S. 42° E., 689 feet to a 10-inch red oak tree at a fence corner; thence S. 83° E., 205 feet to an 8-inch red oak tree at a fence angle; thence S. 44° E., 126 feet to a 5-inch dogwood tree at a fence angle; thence S. 12° E., 90 feet to a 2-inch sourwood tree at a fence angle; thence S. 23° W., 51 feet to a 5-inch dogwood tree at a fence angle; thence S. 10° E., 772 feet to a fallen 6-inch white oak tree at a fence corner; thence S. 88° E., 2,321 feet, passing U.S. Forest Service Monument No. 194 at 661 feet and passing a 30-inch beech tree on or near the west bank of the Walnut Hollow Branch at 1,020 feet, to a pine stump; thence, leaving the fence line, N. 10° W., 563 feet to a point in a fence line at a post and stone; thence N. 40° E., 15 feet to a point in the center line of the Josiah Branch Road, a corner of the lands of H. G. Lavinder and James L. Bolling et ux.;

thence with James L. Bolling et ux.'s line N. 40° E., 99 feet to a stake; thence with a fence line for the last approximate 380 feet N. 17° W., 980 feet to a 30-inch white oak tree at a fence corner, a corner of the lands of James L. Bolling et ux. and John Gross et ux.; thence leaving the fence line and with John Gross et ux.'s line N. 17° W., 850 feet to U.S. Forest Service Monument No. 550; thence N. 13° W., 201 feet to a 12-inch maple tree, a corner of the lands of John Gross et ux. and John M. Peters et ux.; thence with John M. Peters et ux.'s line N. 8° E., 140 feet to a 20-inch white oak tree, a corner of the lands of John M. Peters et ux. and W. D. Peters; thence with W. D. Peters' line S. 89°11' E., 1254 feet to a point; thence N. 2°35' E., 777 feet to a stake at a fence corner, a corner of the lands of W. D. Peters and John F. Stewart et ux.; thence with John F. Stewart et ux.'s line and a fence line N. 47° E., 1117 feet to a stone at a fence intersection, a corner of the lands of John F. Stewart et ux. and Robert A. Stewart; thence with Robert A. Stewart's line and a fence line S. 27°25' E., 880 feet to a pine stump at a fence angle; thence S. 14°31' E., 1010 feet to a 15-inch black gum tree at a fence angle; thence S. 23°19' E., 405 feet to a post at a fence angle; thence, leaving the fence line, S. 26°18' W., 79 feet to U.S. Forest Service Monument No. 551; thence N. 84°49' E., 102 feet to a point in a fence line and at the top of a ridge; thence with the top of the ridge and the fence line approximately along the following bearings and distances: S. 48° E., 265 feet, S. 33° E., 255 feet, and S. 85° E., 245 feet to a triple chestnut tree, a corner of the lands of Robert A. Stewart and Charles C. Greer et ux.; thence leaving the fence line and with Charles C. Greer et ux.'s line and the top of the ridge as it meanders approximately along the following bearings and distances: N. 41° E., 310 feet, N. 78° E., 360 feet, and N. 30° E., 460 feet to a 12-inch oak tree at a fence angle, a corner of

the lands of Charles C. Greer et ux. and Sanford Pickle;

thence leaving the top of the ridge and with Sanford Pickle's line and a fence line S. 72° E., 585 feet to a stake at a fence angle; thence N. 80° E., 240 feet, to a stake at a fence angle; thence N. 32° E., 210 feet to a stake at a fence angle; thence N. 13° E., 260 feet to a stake at a fence corner; thence, leaving the fence line, N. 56° E., 340 feet to a stake at the top of a ridge; thence with the top of the ridge as it meanders approximately along the following bearings and distances: N. 31° W., 220 feet, N. 47° W., 460 feet to a 6-inch dogwood tree, N. 13° W., 360 feet, and N. 26° W., 240 feet to U.S. Forest Service Monument No. 548 at a fence intersection, a corner of the lands of Sanford Pickle and John A. Peters; thence with John A. Peters' line and a fence line N. 52° E., 132 feet to a fence angle; thence N. 44° E., 160 feet to a fence angle; thence N. 40° E., 136 feet to a stone at a fence angle; thence N. 11° E., 251 feet to a 24-inch beech tree at a fence intersection, a corner of the lands of John A. Peters and Mrs. Hannah Trivett; thence with Mrs. Hannah Trivett's line and a fence line S. 79° E., 220 feet to a fence angle; thence S. 83° E., 280 feet to a fence angle at the top of a ridge; thence along the top of the ridge N. 79° E., 260 feet to a fence angle; thence N. 68° E., 245 feet to a fence angle; thence N. 52° E., 155 feet to a fence angle; thence N. 22° E., 100 feet to a 14-inch oak tree at a fence angle, a corner of the lands of Mrs. Hannah Trivett and Earnest Bolling et ux.; thence leaving the fence line and with Earnest Bolling et ux's line S. 85° E., 204 feet to a 6-inch chestnut oak tree, a corner of the lands of Earnest Bolling et ux and Hubert E. King; thence with Hubert E. King's line S. 85° E., 710 feet, crossing Fish-Dam Creek at approximately 620 feet, to an iron pin, a corner of the lands of Hubert E. King and James Pickle;

thence with James Pickle's line S. 85° E., 259 feet to a 24-inch pine tree; thence N. 6° E., 1,756 feet, crossing the Big Creek-Fishdam Road at approximately 1,675 feet, to U.S. Forest Service Monument No. 563; thence N. 82°-30' W., 1,206 feet, crossing and recrossing the said road, to a 10-inch red oak tree, a corner of the lands of James Pickle and Mrs. Kathryn McNeil; thence with Mrs. Kathryn McNeil's line N. 82°30' W., 1,075 feet to a stake, a corner of the lands of Mrs. Kathryn McNeil and John N. & Lillie Whitlock; thence with John N. & Lillie Whitlock's line N. 3° E., 197 feet to the South Holston River at a point witnessed by a 5-inch sycamore tree; thence with the river as it meanders upstream approximately 960 feet to a point witnessed by a 24-inch sycamore tree, a corner to the land of the City of Bristol; thence, leaving the river and with the City of Bristol's line N. 67° E., 341 feet to a 12-inch hemlock tree; thence N. 16° W., 3,144 feet to U.S. Forest Service Monument No. 549 in a fence line and at the top of a ridge, a corner of the lands of the City of Bristol and Walter T. Comerford et al.; thence with Walter T. Comerford et al.'s line and the fence line and the top of the ridge approximately along the following bearings and distances: N. 20° E., 735 feet, N. 39° E., 1,050 feet to a dead 8-inch oak tree at a fence angle and N. 71° E., 370 feet to a stone at a fence intersection, a corner of the lands of Walter T. Comerford et al. and Ralph Hopkins; thence with Ralph Hopkins' line and a fence line and the top of a ridge approximately along the following bearings and distances: S. 16° E., 390 feet, S. 22° E., 360 feet to a fence corner and N. 59° E., 370 feet to an 8-inch double red oak tree, a corner of the lands of Ralph Hopkins and the Asa Minton Heirs; thence leaving the fence line and the top of the ridge and with the Asa Minton Heirs' line S. 30° E., 1,104 feet to a stone in a line of painted trees, a corner of the lands of the Asa Minton Heirs and Loid Hodges; thence with Loid Hodges' line and the painted line S. 63° W., 812 feet to a 10-inch pine tree; thence S. 82°30' W., 1,138 feet to a 14-inch chestnut oak tree at the top of a ridge; thence with the top of the ridge and the line of painted trees approximately along the following bearings and distances: S. 46° E., 470 feet, S. 29° E., 220 feet, S. 30° E., 425 feet and S. 12° E., 465 feet to an 8-inch white oak tree;

thence, leaving the top of the ridge and the painted line, S. 89° E., 395 feet, crossing Underwood Branch at approximately 340 feet, to a point; thence N. 18° E., 334 feet to a stone; thence N. 46° E., 715 feet to U.S. Forest Service Monument No. 564; thence N. 61° E., 618 feet to a stake; a corner of the lands of Loid Hodges and the Asa Minton Heirs; thence with the Asa Minton Heirs' line S. 33° E., 1,895 feet to U.S. Forest Service Monument No. 89 at the top of a ridge; thence with the top of the ridge as it meanders approximately along the following bearings and distances: N. 59° E., 315 feet, N. 30° E., 275 feet, N. 83° E., 370 feet, N. 44° E., 335 feet, due north 310 feet, N. 42° E., 235 feet, N. 12° E., 390 feet, N. 75° E., 290 feet, N. 59° E., 220 feet and N. 16° E., 445 feet to U.S. Forest Service Monument No. 202 at an intersection of ridges, a corner of the lands of the Asa Minton Heirs and W. B. Cox; thence with W. B. Cox's line and the top of a ridge as it meanders approximately along the following bearings and distances: S. 61° E., 410 feet, S. 36° E., 435 feet to a pine snag, S. 63° E., 130 feet, and N. 47° E., 230 feet to a 4-inch maple tree, a corner of the lands of W. B. Cox and Bruce Simerly et ux.; thence, leaving the property line and the top of the ridge, S. 78° E., 2,290 feet to a point; thence S. 24° W., 4,100 feet to a point; thence S. 35°30' W., 5,935 feet to a point; thence S. 48° W., approximately 1,540 feet to a point in the center line of a drain; thence S. 85° W., 1,830 feet to a point; thence S. 44°30' W., 6,000 feet to a point; thence S. 89° W., 1,510 feet to a point; thence S. 70° W., approximately 2,780 feet to a point on the east edge of the Big Creek Road; thence S. 46°30' W., approximately 2,240 feet to a point in the center line of a drain;

thence S. 74° W., approximately 1,835 feet to a point in the center line of a drain; thence S. 63° W., 6,190 feet (bearing and distance both approximate) to a 30-inch beech tree, a corner of the lands of George E. Comer and C. A. Taylor et ux; thence with C. A. Taylor et ux.'s line N. 46° E., 1,740 feet to a point; thence S. 80° E., 165 feet, crossing Riddle Creek at approximately 40 feet, to a stake; thence N. 44° E., 1,840 feet to a stake; thence N. 25° E., 223 feet to a stake; thence N. 78° W., 345 feet, crossing Riddle Creek at approximately 220 feet, to a point, a corner of the lands of C. A. Taylor et ux and the M. J. Morrell Heirs; thence with the M. J. Morrell Heirs' line N. 25° E., 1,160 feet to an 18-inch cedar tree at the top of ridge, a corner of the lands of the M. J. Morrell Heirs and H. G. Miller; thence with H. G. Miller's line N. 25°18' E., 325 feet, passing a 10-inch walnut tree at approximately 170 feet, to an 18-inch beech tree; thence N. 81°31' E., 421 feet, crossing Riddle Creek at approximately 340 feet, to an 18-inch beech tree; thence N. 88°03' E., 560 feet to a stone pile; thence S. 89°21' E., 354 feet to a stake; thence N. 1°19' E., 606 feet to a 10-inch pine tree; thence N. 85°36' E., 117 feet to a 24-inch beech stump; thence N. 17°03' E., 249 feet to a stone, a corner of the lands of H. G. Miller and Vastle Cross; thence with Vastle Cross' line N. 2°54' E., 633 feet to a 3-inch dogwood tree, a corner of the lands of Vastle Cross and C. J. Pressnell et ux.; thence with C. J. Pressnell et ux.'s line N. 0°37' E., 657 feet to a point; thence N. 86°44' E., 351 feet to a stone; thence N. 45°31' E., 632 feet, crossing Riddle Creek at approximately 160 feet, to a stone; thence S. 86°53' E., 276 feet, crossing Riddle Creek at approximately 70 feet, to a 30-inch beech tree; thence S. 73°26' E., 165 feet to a 14-inch pine tree; thence N. 40°08' E., 175 feet to a 24-inch spruce pine tree; thence N. 16°16' E., 1,099 feet to a 4-inch dogwood stump, a corner of the lands of C. J. Pressnell et ux. and J. F. Smith; thence with J. F. Smith's line N. 10° E., 166 feet to a dead 14-inch chestnut tree at a fence corner, a corner of the lands of J. F. Smith and H. G. Miller; thence with H. G. Miller's line N. 19° E., 635 feet to a 10-inch gum tree at a fence corner, a corner of the lands of H. G. Miller and Albert Dodson; thence with Albert Dodson's line N. 17° E., 500 feet to a point;

thence N. 63° E., 425 feet to a 6-inch sourwood tree in a fence line, a corner of the lands of Albert Dodson and the R. M. Booher Heirs; thence with the R. M. Booher Heirs' line N. 59°30' E., 1,205 feet to U.S. Forest Service Monument No. 284; thence N. 49° W., 715 feet to a 14-inch maple tree; thence S. 89°30' W., 1,625 feet to a 20-inch ash tree near a drain, a corner of the lands of the R. M. Booher Heirs and Albert Dodson; thence with Albert Dodson's line S. 39° W., 780 feet to a 6-inch beech tree, a corner of the lands of Albert Dodson and H. G. Miller; thence with H. G. Miller's line S. 35°17' W., 860 feet to a 4-inch hickory tree, a corner of the lands of H. G. Miller and J. F. Smith; thence with J. F. Smith's line N. 52°28' W., 97 feet to an oak stump at the top of a ridge, a corner of the lands of J. F. Smith and C. J. Pressnell et ux.; thence with C. J. Pressnell et ux.'s line and the top of the ridge as it meanders approximately along the following bearings and distances: N. 8° E., 480 feet and N. 19° W., 660 feet to U.S. Forest Service Monument No. 189, a corner of the lands of C. J. Pressnell et ux., William Oscar Stophel and Owen Dallas Stophel; thence leaving the top of the ridge and with Owen Dallas Stophel's line N. 69°00' E., 1,342 feet to a point; thence N. 12°04' W., 2,000 feet to a point; thence with a severance line N. 79° E., 995 feet to the point of beginning.

Except, therefrom, 25.6 acres, more or less, for four tracts of land lying within the above described tract, located along the Big Creek Road approximately 1¼ miles southeast of the south end of South Holston Dam, the boundary of the said land to be excepted being described as follows: Beginning at a stone at a common corner of the lands of D.C. Boling et ux., Walter V. Nuckolls, Jr. & Herbert Cross and the U.S. Forest Service; thence with the line between the lands of D.C. Boling et ux. and the Forest Service S. 42° E., 745 feet to a 12-inch white oak tree; thence S. 24° E., 730 feet, passing an oak tree at approximately 330 feet, to a 6-inch white oak tree; thence S. 51° W., 445 feet to a stone in a fence line; thence with a line marked by a fence S. 23° W., 355 feet to a point in the center line of Bryson Hollow Branch witnessed by a stone; thence with the center line of the said branch as it meanders downstream approximately 370 feet to a point near the right bank of Big Creek and witnessed by a twin cedar tree; thence, leaving the branch, N. 14° W., 620 feet, crossing Big Creek, to a stone in a fence line, a corner of the lands of D.C. Boling et ux., J. W. Boling & Cecil D. Griffin and the Forest Service; thence with the line between the lands of J. W. Boling & Cecil D. Griffin and the Forest Service and with the fence line S. 60° W., 107 feet to an 8-inch chestnut tree at a fence corner; thence N. 20° E., 237 feet to an iron pin at a fence angle; thence N. 40° W., 195 feet to a stake at a fence angle; thence N. 1° E., 171 feet, crossing Big Creek, to a fence intersection, a corner of the lands of J. W. Boling & Cecil D. Griffin, D.C. Boling et ux. and the Forest Service; thence with the line between the lands of D.C. Boling et ux. and the Forest Service and with a fence line N. 1° E., 144 feet to an 8-inch pine tree at a fence corner, a corner of the lands of D.C. Boling et ux., Hugh M. Bunn et ux. and the Forest Service; thence leaving the fence line and with the line between the lands of Hugh M. Bunn et ux. and the Forest Service N. 1° E., 105 feet to a stake; thence N. 45° E., 127 feet to a point in the center line of Big Creek Road, a corner of the lands of Hugh M. Bunn et ux., Walter V. Nuckolls, Jr. & Herbert Cross and the Forest Service; thence with the line between the lands of Walter V. Nuckolls, Jr. & Herbert Cross and the Forest Service N. 45° E., 280 feet to the point of beginning of the exception.

The above described land, after giving effect to the exception above noted, contains 3093. acres, more or less, of which 1104. acres, more or less, lie below elevation 1747 as shown on Tennessee Valley Authority Land Maps 21MS421 K504–3 R. 10, 21MS421K504–4 R. 7, 21MS 421K504–6 R. 6, and 21MS421K504–7 R. 7 for South Holston Reservoir.

TRACT NO. SH–667

That portion of the following described tract of land which lies below elevation 1747 (MSL), the said tract being located in the Nineteenth Civil District of Sullivan County, State of Tennessee, being a portion of the Cherokee National Forest, lying on the left bank of Little Jacob Creek, approximately 2½ miles east of the U.S. Highway 421 bridge across the South Holston River, and being more particularly described as follows:

Beginning at an 8-inch black oak tree at a fence angle and at the top of a ridge, a corner of the lands of Mrs. Mary E. Ford and the Charles Warren Fleenor Heirs, and the most westerly corner of the tract herein described; thence with the Charles Warren Fleenor Heirs' line N. 35° E., 395 feet, crossing a road at approximately 350 feet, to a point in the center line of Little Jacob Creek, a corner of the lands of the Charles Warren Fleenor Heirs and Alvilda Carver Peters; thence with Alvilda Carver Peters' and Hester G. Sneed's lines and the center line of the creek as it meanders upstream approximately 1,160 feet to a corner of the lands of Hester G. Sneed and Sarah Letta Penley; thence, leaving the creek and the property line, S. 40° W., 1,290 feet (bearing and distance both approximate) to a fence angle at the top of a ridge, a corner of the lands of Charles Warren Fleenor, Jr., and the S. D. Johnson Heirs; thence with the S. D. Johnson Heirs' line and the top of the ridge, and with a fence line for the first approximate 240 feet, approximately along the following bearings and distances: N. 6° E., 460 feet and N. 47° W., 520 feet to a stone at a fence corner, a corner of the lands of the S. D. Johnson Heirs and Mrs. Mary E. Ford; thence with Mrs. Mary E. Ford's line and a fence line N. 68° W., 155 feet to the point of beginning, and containing 12.2 acres, more or less, of which 1.8 acres, more or less, lie below elevation 1747 as shown on Tennessee Valley Authority Land Map 21MS421 K504–11 R. 9 for South Holston Reservoir

The above described Tracts SH–368, –662, –663, –664, –665, –666, and –667 contain a total of 1195.8 acres, more or less.

Also the following described permanent easement rights to wit: The permanent right to construct, operate and maintain highways, including appurtenances, over and upon and through the following described strips of land identified in TVA's land records as Tracts SHCR–18, SHSR–21, SHSR–26 and SHSR–33:

TRACT NO. SHCR–18

NINETEENTH CIVIL DISTRICT, SULLIVAN COUNTY, TENNESSEE

Parcel No. 1. A strip of land lying on each side of a surveyed base line for the relocation of the Sharps Creek Road, said strip extending between the west line of the land of the United States of America under the jurisdiction of the Forest Service at survey station 8+03 and the south line of the right of way for the relocation of State Highway 34 at survey station 1+07, and having the following widths:

95 feet between survey stations 8+03 and 6+12.9, lying 50 feet on the northeast side and 45 feet on the southwest side of the base line;

130 feet between survey stations 6+12.9 and 4+00, lying 50 feet on the north side and 80 feet on the south side of the base line;

An average width of approximately 160 feet between survey stations 4+00 and 3+00, being bounded on the northeast by the southwest line of the right of way for the relocation of State Highway 34 and on the southwest side by a line 80 feet southwest of and parallel to the base line;

An average width of approximately 90 feet between survey stations 3+00 and 1+07, being bounded on the north by the south line of the right of way for the relocation of State Highway 34 and on the southeast by a line 30 feet southeast of and parallel to the base line.

The surveyed base line is described as follows:

Beginning at a point on the boundary line between the land of the United States of America under the jurisdiction of the Forest Service and the land of the Aaron Harless Heirs at survey station 8+03 on the surveyed baseline, from which point the bearing and distance to a corner of the lands of the United States of America under the jurisdiction of the Forest Service and the land of the Aaron Harless Heirs is N. 22°30' E., 307 feet, more or less; from said corner the bearing and distance to USFS Monument 570 is S. 43° E., 156 feet.

From survey station 8+03,

Southeasterly 1.6 feet along a 7 degree curve to the right to the tangent point of the curve at survey station 8+01.4;

S. 44°53'30" E., 81.8 feet to the tangent point of a 50 degree curve to the left at survey station 7+19.6;

Easterly, 106.7 feet along the curve to the tangent point of the curve at survey station 6+12.9;

N. 81°46'30" E., 49.0 feet to the tangent point of a 50 degree curve to the right at survey station 5+63.9;

Easterly, 90.0 feet along the curve to the tangent point of the curve at survey station 4+73.9;

S. 53°14' E., 134.0 feet to the tangent point of a 46 degree curve to the left at survey station 3+39.9;

Easterly, 232.9 feet along the curve to a point in the south line of the right of way for the relocation of State Highway 34 at survey station 1+07.

The right of way as described contains 1.7 acres.

Parcel No. 2. A strip of land lying on each side of the surveyed base line for the relocation of Sharps Creek Road between the south line of the land of the United States of America under the jurisdiction of the Forest Service at survey station 44+16.1 and the west line of the land of the United States of America under the jurisdiction of the Forest Service at survey station 28+21.5, and having the following widths:

An average width of approximately 70 feet between survey stations 44+16.1 and 43+92.6, being bounded on the south by the center line of a county road, which is the boundary line between the land of the United States of America under the jurisdiction of the Forest Service and the land in dispute between M. E. Harless et ux (Sadie) and the J. A. Harless Heirs, and on the east by a line 120 feet east of and parallel to the base line;

An average width of approximately 40 feet between survey stations 28+36.6 and 28+21.5, being bounded on the west by the boundary line between the land of the United States of America under the jurisdiction of the Forest Service and the land of the Aaron Harless Heirs, and on the east side by a line 60 feet east of and parallel to the base line.

The surveyed base line is described as follows:

Beginning at a point in the center line of an existing county road, which is the boundary line between the land of the United States of America under the jurisdiction of the Forest Service and the land in dispute between M. E. Harless et ux (Sadie) and the J. A. Harless Heirs, at survey station 44+16.1 on the surveyed base line, from which point USFS Monument 278 is located 990 feet, more or less, southeasterly along the center line of the existing county road and from which point a corner of the land under the jurisdiction of the Forest Service, the land in dispute, and the land of the Aaron Harless Heirs is located 30 feet westerly along the center line of the existing county road.

From survey station 44+16.1,

N. 25°21'W., 23.5 feet to the tangent point of a 28 degree curve to the right where there is an equation in stationing on the base line survey, survey station 43+92.6 on the line back of this point being equal to survey station 28+36.6 on the line ahead;

Northerly, 15.1 feet along the curve to a point in the boundary line between the land of the United States of America under the jurisdiction of the Forest Service and the land of the Aaron Harless Heirs at survey station 28+21.5, from which point the above mentioned corner of the land of the United States of America under the jurisdiction of the Forest Service, the land in dispute between M. E. Harless et ux (Sadie) and the J. A. Harless Heirs, and the land of the Aaron Harless Heirs bears S. 22°30' W., 36 feet;

Northerly, 59.4 feet along the curve through the land of the Aaron Harless Heirs to the tangent point of the curve at survey station 27+62.1 where the bearing of the tangent on the base line becomes N. 4°29' W.

The strip of land as described contains 0.3 acre.

Furthermore, the right to construct the following:

1. An inlet ditch within an area lying south of and adjacent to the south line of the right of way strip at or near survey station 2+65, the area extending approximately 100 feet along the right of way line and having a width of approximately 25 feet.

2. An outlet ditch within an area lying north of and adjacent to the north line of the right of way strip at or near survey station 6+60, the area extending approximately 40 feet in a northerly direction and having a width of approximately 40 feet.

3. An inlet ditch within an area lying south of and adjacent to the south line of the right of way strip at or near survey station 6+65, the area extending approximately 50 feet along the right of way line and having a width of approximately 25 feet.

TRACT No. SHSR–21

NINETEENTH CIVIL DISTRICT, SULLIVAN COUNTY, TENNESSEE

A strip of land lying on each side of a surveyed base line for the relocation of Tennessee State Highway 34, said strip extending between points in the south line of the land of the United States of America under the jurisdiction of the Forest Service opposite survey stations 222+89 and 233+02 and being bounded on the south by the said south line of the land of the United States of America under the jurisdiction of the Forest Service and on the north by a line 75 feet north of and parallel to the base line, the base line being more particularly described as follows:

Beginning at a point on the surveyed base line at survey station 222+89 opposite the intersection of the south line of the land of the United States of America under the jurisdiction of the Forest Service with a line 75 feet north of and parallel to the base line.

From survey station 222+89,

Easterly, 128 feet along a 150-foot cubic spiral for a 20 degree curve to the left to the boundary line between the land of the United States of America under the jurisdiction of the Forest Service, and the land of Lewis H. Rouse at survey station 224+17, from which a corner of the land of the United States of America under the jurisdiction of the Forest Service, and the lands of Lewis H. Rouse and John A. Muse bears N. 67° W., 208 feet;

Entering the land of the United States of America under the jurisdiction of the Forest Service easterly, 21.13 feet along the spiral to the S.T. of the spiral at survey station 224+88.13;

N. 74°42'20" E., 41.37 feet to the T.S. of a 150-foot cubic spiral for a 24 degree curve to the right at survey station 224+79.50;

Easterly, 150.00 feet along the spiral to the S.C. of the curve at survey station 226+29.50;

Easterly, 69.58 feet along the curve to the C.S. of a 150-foot cubic spiral for the curve at survey station 226+99.08;

Easterly, 150.00 feet along the spiral to the S.T. of the spiral at survey station 228+49.08;

S. 52°35'40" E., 1.13 feet to the T.S. of a 150-foot cubic spiral for a 17 degree curve to the left at survey station 228+50.21;

Southeasterly, 150.00 feet along the spiral to the S.C. of the curve at survey station 230+00.21;

Easterly, 2.45 feet along the curve to the C.S. of a 150-foot cubic spiral for the curve at survey station 230+02.66;

Easterly, 133.34 feet along the spiral to the top of a ridge, which is the boundary line between the land of the United States of America under the jurisdiction of the Forest Service and the land of Bryant Ford, at survey station 231+36, from which a corner of the land of the United States of America under the jurisdiction of the Forest Service, and the lands of Bryant Ford, and Lewis H. Rouse is located approximately 295 feet westerly along the top of the ridge;

Leaving the land of the United States of America under the jurisdiction of the Forest Service easterly, 16.66 feet along the spiral to the S.T. of the spiral at survey station 231+52.66;

S. 78°30'40" E., 14.55 feet to a point where there is an equation in stationing on the base line survey, survey station 231+67.21 on the line back of this point being equal to survey station 231+69.90 on the line ahead;

S. 78°30'40" E., 33.24 feet to the T.S. of a 150-foot cubic spiral for a 20 degree curve to the right at survey station 232+03.14;

Easterly, 96.86 feet along the spiral to survey station 233+02 opposite the intersection of the south line of the land of the United States of America under the jurisdiction of the Forest Service with the line that is 75 feet north of and parallel to the base line.

The right of way as described contains 2.9 acres.

TRACT No. SHSR–26

NINETEENTH CIVIL DISTRICT, SULLIVAN COUNTY, TENNESSEE

A strip of land lying on each side of a surveyed base line for the relocation of Tennessee State Highway 34, said strip extending between a point in the northeast line of the land of the United States of America under the jurisdiction of the Forest Service opposite survey station 269+11 and survey station 324+92, and having the following widths:

An average width of approximately 10 feet between survey stations 269+11 and 269+84, being bounded on the northeast by the boundary line between the land of the United States of America under the jurisdiction of the Forest Service and the land of the W. B. Ford Heirs, and on the west by a line 100 feet west of and parallel to the base line;

200 feet between survey stations 269+84 and 273+58.66, lying 100 feet on each side of the base line;

175 feet between survey stations 273+58.66 and 277+00, lying 100 feet on the north side and 75 feet on the south side of the base line;

200 feet between survey stations 277+00 and 285+00, lying 125 feet on the north side and 75 feet on the south side of the base line;

150 feet between survey stations 285+00 and 285+44.84, lying 75 feet on each side of the base line;

175 feet between survey stations 285+44.84 and 288+33.86, lying 75 feet on the north side and 100 feet on the south side of the base line;

275 feet between survey stations 288+33.86 and 291+21.15, lying 150 feet on the north side and 125 feet on the south side of the base line;

225 feet between survey stations 291+21.15 and 292+00, lying 150 feet on the north side and 75 feet on the south side of the base line;

150 feet between survey stations 292+00 and 324+92, lying 75 feet on each side of the base line.

The surveyed base line is described as follows:

Beginning at a point on the surveyed base line at survey station 269+11 opposite the intersection of the northeast line of the land of the United States of America under the jurisdiction of the Forest Service with a line 100 feet west of and parallel to the base line.

From survey station 269+11,

Southerly, 73 feet along a 170-foot cubic spiral for a 15 degree curve to the left to the top of a ridge, which is the boundary line between the land of the United States of America under the jurisdiction of the Forest Service and the land of the W. B. Ford Heirs at survey station 269+84, from which a corner of the land of the United States of America under the jurisdiction of the Forest Service, and the land of the W. B. Ford Heirs is located 79.4 feet westerly along the top of the ridge;

Entering the land of the United States of America under the jurisdiction of the Forest Service southerly, 72.33 feet along the spiral to the S.C. of the curve at survey station 270+56.33;

Southeasterly, 302.33 feet along the curve to the C.S. of a 170-foot cubic spiral for the curve at survey station 273+58.66;

Easterly, 170.00 feet along the spiral to the S.T. of the spiral at survey station 275+28.66;

N. 89°56'20" E., 247.39 feet to the P.C. of a 56 minute curve to the right at survey station 277+76.05;

Easterly, 280.36 feet along the curve to the P.T. of the curve at survey station 280+56.41;

S. 87°26'40" E., 206.43 feet to the T.S. of a 280-foot cubic spiral for a 4 degree and 15 minute curve to the left at survey station 282+64.84;

Easterly, 280.00 feet along the spiral to the S.C. of the curve at survey station 285+44.84;

Easterly, 9.02 feet along the curve to the C.S. of a 280-foot cubic spiral for the curve at survey station 285+53.86;

Easterly, 280.00 feet along the spiral to the S.T. of the spiral at survey station 288+33.86;

N. 80°16'20" E., 287.29 feet to the T.S. of a 180-foot cubic spiral for a 12 degree curve to the right at survey station 291+21.15;

Easterly, 180.00 feet along the spiral to the S.C. of the curve at survey station 293+01.15;

Easterly, 132.64 feet along the curve to the C.S. of a 180-foot cubic spiral for the curve at survey station 294+33.79;

Easterly, 180.00 feet along the spiral to the S.T. of the spiral at survey station 296+13.79;

S. 62°12'40" E., 203.54 feet to the T.S. of a 170-foot cubic spiral for a 15 degree curve to the left at survey station 298+17.33;

Easterly, 170.00 feet along the spiral to the S.C. of the curve at survey station 299+87.33;

Easterly, 59.83 feet along the curve to the C.S. of a 170-foot cubic spiral for the curve at survey station 300+47.16;

Easterly, 170.00 feet along the spiral to the S.T. of the spiral at survey station 302+17.16;

N. 83°18'50" E., 114.22 feet to the T.S. of a 180-foot cubic spiral for a 12 degree curve to the right at survey station 303+31.38;

Easterly, 180.00 feet along the spiral to the S.C. of the curve at survey station 305+11.38;

Easterly, 124.51 feet along the curve to the C.S. of a 180-foot cubic spiral for the curve at survey station 306+35.89;

Easterly, 180.00 feet along the spiral to the S.T. of the spiral at survey station 308+15.89;

S. 60°08'40" E., 792.26 feet to the T.S. of a 280-foot cubic spiral for a 5 degree curve to the left at survey station 316+08.15;

Easterly, 280.00 feet along the spiral to the S.C. of the curve at survey station 318+88.15;

Easterly, 156.33 feet along the curve to the C.S. of a 280-foot cubic spiral for the curve at survey station 320+44.48;

Easterly, 280.00 feet along the spiral to the S.T. of the spiral at survey station 323+24.48;

S. 81°57'40" E., 134.78 feet to the T.S. of a 260-foot cubic spiral for a 6 degree curve to the right at survey station 324+59.26;

Easterly, 32.74 feet along the spiral to the boundary line between the land of the United States of America under the jurisdiction of the Forest Service and the land of Mrs. Mae Henry at survey station 324+92, from which a corner of the land of the United States of America under the jurisdiction of the Forest Service, and the lands of J. A. Henry, and Mrs. Mae Henry bears N. 34°19'47" E., 261.3 feet.

The right of way as described contains 21.7 acres.

Furthermore, the right to construct a channel change within an area lying south of and adjacent to the south right of way line of the relocation at or near survey station 272+60, the area extending approximately 130 feet along the right of way line and having a width of approximately 40 feet.

TRACT No. SHSR–33

NINETEENTH CIVIL DISTRICT, SULLIVAN COUNTY, TENNESSEE

Parcel No. 1. A strip of land lying on each side of a surveyed base line for the relocation of Tennessee State Highway 34, said strip extending between survey station 363+60 and a point in the southeast line of the land of the United States of America under the jurisdiction of the Forest Service opposite survey station 364+41, and being bounded on the west and southeast by the respective west and southeast lines of the land of the United States of America under the jurisdiction of the Forest Service and on the north by a line 75 feet north of and parallel to the base line, the base line being more particularly described as follows:

Beginning at a point in the boundary line between the land of the United States of America under the jurisdiction of the Forest Service and the land of the A. M. Johnson Heirs at survey station 363+60, from which a point in the center line of an existing county road at a corner of the land of the United States of America under the jurisdiction of the Forest Service, and the lands of John Elbert Ford, George E. Bookholtz et ux. (Georgia N.) and the A. M. Johnson Heirs bears S. 12°32' E., 21 feet.

From survey station 363+60,

S. 85°39'40" E., 13.70 feet to the T.S. of a 200-foot cubic spiral for a 9 degree curve to the right of survey station 363+73.70;

Easterly, 12.30 feet along the spiral to a point in the center line of the existing county road, which is the boundary line between the land of the United States of America under the jurisdiction of the Forest Service and the land of John Elbert Ford, at survey station 363+86, from which the above-mentioned corner of the land of the United States of America under the jurisdiction of the Forest Service, and the lands of John Elbert Ford, George E. Bookholtz et ux., and the A. M. Johnson Heirs is located approximately 30 feet westerly along the center line of the existing county road;

Leaving the land of the United States of America under the jurisdiction of the Forest Service, easterly, 55 feet along the spiral to survey station 364+41 opposite the intersection of the southeast line of the land of the United States of America under the jurisdiction of the Forest Service with the line that is 75 feet north of and parallel to the base line.

The right of way as described contains 0.1 acre.

Parcel No. 2. A strip of land lying on each side of the surveyed base line for the relocation of Tennessee State Highway 34, said strip extending between a point in the south line of the land of the United States of America under the jurisdiction of the Forest Service opposite survey station 365+07 and a line at right angles to the base line through survey station 390+50, and having the following widths:

An average width of approximately 30 feet between survey stations 365+07 and 368+96, being bounded on the south by the center line of an existing county road, which is the boundary line between the land of the United States of America under the jurisdiction of the Forest Service and the land of John Elbert Ford, and on the north by a line 75 feet north of and parallel to the base line;

150 feet between survey stations 368+96 and 378+82.54, lying 75 feet on each side of the base line;

250 feet between survey stations 378+82.54 and 380+57.76, lying 175 feet on the west side and 75 feet on the east side of the base line;

An average width of approximately 270 feet between survey stations 380+57.76 and 390+50, the strip being bounded on the right side of the base line by a line that bears S. 70°19'10" E. and extends from a point 75 feet east of and opposite survey station 380+57.76 to a point 75 feet east of and opposite survey station 390+50 on the base line ahead, and being bounded on the left side of the base line by a line 175 feet from and parallel to the base line between survey stations 380+57.76 and 384+00, and by a line 75 feet from and parallel to the base line between survey stations 384+00 and 390+50.

The surveyed base line is described as follows:

Beginning at a point on the surveyed base line at survey station 365+07 opposite the intersection of the south line of the land of the United States of America under the jurisdiction of the Forest Service with a line 75 feet north of and parallel to the base line.

From survey station 365+07,

Easterly, 66.70 feet along a 200-foot cubic spiral for a 9 degree curve to the right to the S.C. of the curve at survey station 365+73.70;

Easterly, 1.02 feet along the curve to the C.S. of a 200-foot cubic spiral for the curve at survey station 365+74.72;

Easterly, 200.00 feet along the spiral to the S.T. of the spiral at survey station 367+74.72;

S. 67°34'10" E., 15.22 feet to the T.S. of a 180-foot cubic spiral for a 12 degree curve to the left at survey station 367+89.94;

Easterly, 106.06 feet along the spiral to a point in the center line of the existing county road, which is the boundary line between the land of the United States of America under the jurisdiction of the Forest Service and the land of John Elbert Ford, at survey station 368+96, from which a corner of the land of the United States of America under the jurisdiction of the Forest Service and the land of John Elbert Ford is located approximately 220 feet southerly along the center line of the road;

Entering the land of the United States of America under the jurisdiction of the Forest Service, easterly, 73.94 feet along the spiral to the S.C. of the curve at survey station 369+69.94;

Easterly, 246.25 feet along the curve to the C.S. of a 180-foot cubic spiral for the curve at survey station 372+16.19;

Easterly, 180.00 feet along the spiral to the S.T. of the spiral at survey station 373+96.19;

N. 61°16'50" E., 139.68 feet to the T.S. of a 180-foot cubic spiral for a 12 degree curve to the left at survey station 375+35.87;

Northeasterly, 180.00 feet along the spiral to the S.C. of the curve at survey station 377+15.87;

Northeasterly, 166.67 feet along the curve to the C.S. of a 180-foot cubic spiral for the curve at survey station 378+82.54;

Northerly, 180.00 feet along the spiral to the S.T. of the spiral at survey station 380+62.54;

N. 19°40'50" E., 116.34 feet to the T.S. of a 150-foot cubic spiral for a 30 degree curve to the right at survey station 381+78.88;

Northerly, 150.00 feet along the spiral to the S.C. of the curve at survey station 383+28.88;

Easterly, 450.00 feet along the curve to the C.S. of a 150-foot cubic spiral for the curve at survey station 387+78.88;

Southerly, 150.00 feet along the spiral to the S.T. of the spiral at survey station 389+28.88;

S. 19°40'50" W., 121.12 feet to a point in an existing highway at survey station 390+50 where the strip terminates at the above mentioned line that bears S. 70°19'10" E. and extends from a point 75 feet east of and opposite survey station 390+50 on the line back to a point 75 feet east of and opposite survey station 390+50.

The right of way as described contains 10.7 acres.

Furthermore, the right to construct the following:

1. A channel change within an area lying east of and adjacent to the east right of way line of the relocation at or near survey station 380+20, the area extending approximately 160 feet in an easterly direction and having a width of approximately 90 feet.

2. An outlet ditch within an area lying west of and adjacent to the west right of way line of the relocation at or near survey station 381+00, the area extending approximately 380 feet along the right of way line and having a width of approximately 75 feet.

Tract SHCR–18 is shown on a map entitled "Sharps Creek Road", and Tracts SHSR–21, –26, and –33 are shown on a map entitled "Tennessee Highway 34 Holston Valley to Delaney Mountain", both of which are to be filed in the office of the Register of Sullivan County, Tenn.

Tracts SHCR–18 and SHSR–33 are subject to such rights as may be vested in the state and county to public road rights of way.

NOTE: The positions of corners and directions of lines are referred to the Tennessee Coordinate System. The contour elevation is based on MSL Datum as established by the USC&GS Southeastern Supplementary Adjustment of 1936.

ELMER B. STAATS,
Acting Director
of the Bureau of the Budget.

OCTOBER 18, 1962.

[F.R. Doc. 62–10648; Filed, Oct. 30, 1962; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 62–EA–4]

POTOMAC ELECTRIC POWER CO.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace.

The Potomac Electric Power Company proposes to construct two double circuit 230,000 volt transmission lines and supporting steel towers near Mitchellville, Md., aligned in a north/south direction near latitude 38°56'00" N., longitude 76°46'00" W., at an overall height of 285 feet above mean sea level (125 feet above ground).

Based upon the aeronautical study, it is the finding of the Agency that the proposed structures, which would be constructed within a 250-foot-wide strip of property adjoining the Freeway Airport, Mitchellville, Md., would render the East-West and Northwest-Southeast runways unusable, would derogate the

use of the Northeast-Southwest runway, and would have a substantial adverse effect upon aeronautical operations at the Freeway Airport.

Pursuant to the authority delegated to me by the Administrator (14 CFR 626.33) it is found that the proposed structure would have a substantial adverse effect upon aeronautical operations at the Freeway Airport, and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (14 CFR 626.34). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on October 19, 1962.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-10849; Filed, Oct. 30, 1962; 8:45 a.m.]

[OE Docket No. 62-SO-5]

SHELBYVILLE BROADCASTING CO., INC.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace.

The Shelbyville Broadcasting Company, Inc., Shelbyville, Tenn., proposes to construct a radio antenna structure near Shelbyville at latitude 35°30'46" N., longitude 86°25'12" W. The overall height of the structure would be 1,370 feet above mean sea level (178 feet above ground). Subsequent to the circularization of the proposal, the structure was constructed.

Based upon the aeronautical study, it is the finding of the Agency that the structure, which is located approximately 3.5 miles south southeast of the Bomar Airport, Shelbyville, Tenn., does not require an increase in Instrument Flight Rules minimum altitudes; it is not located in proximity to specific routes generally used by Visual Flight Rules operations; it is clear of the Bomar Airport traffic pattern; and it has no substantial adverse effect upon aeronautical operations at the Bomar Airport.

Pursuant to the authority delegated to me by the Administrator (14 CFR 626.33) it is found that the structure has no substantial adverse effect upon the safe and efficient utilization of airspace, and it is hereby determined that the structure is not a hazard to air navigation provided that it is obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (14 CFR 626.34). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on October 19, 1962.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-10850; Filed, Oct. 30, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 7-2243]

BELL AND HOWELL CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 25, 1962.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange, for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Bell and Howell Company, File 7-2243.

Upon receipt of a request, on or before November 9, 1962, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-10859; Filed, Oct. 30, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14341-14344; FCC 62M-1425]

COLLIER ELECTRIC CO.

Order Continuing Prehearing Conference

In re applications of Collier Electric Company, Docket No. 14341, File No. 848-C1-R-61; for renewal of the license for Station KAQ79, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fort Morgan, Colorado; Docket No. 14342, File No. 849-C1-R-61; for renewal of the license for Station KAQ80, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sterling, Colorado; Docket No. 14343, File No. 2670-C1-R-61; for renewal of the license for Station KAQ81, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sidney, Nebraska; Docket No. 14344, File No. 2710-C1-R-61; for renewal of the license for Station KAS41, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Bridgeport, Nebraska.

The Hearing Examiner having under consideration a Motion for Continuance filed by counsel for Collier Electric Company (Collier), wherein it is requested that the further prehearing conference now scheduled to be held on October 26, 1962, be postponed to November 2, 1962;

It appearing, that it is alleged in the motion that urgent matters which have arisen since the date for the further conference was fixed would make it very difficult for counsel for Collier to be present at the conference as now scheduled;

It further appearing, that it is alleged that the other parties to the proceeding have no objection to a grant of the continuance nor to a waiver of the provisions of 47 CFR 1.43 relating to the deferral of action on pleadings of this type for a four-day period; and

It further appearing, that good cause has been shown for a prompt grant of the motion;

It is ordered, This 25th day of October 1962, that the Motion for Continuance is granted and that the further prehearing conference heretofore scheduled for October 26, 1962, is hereby rescheduled for November 2, 1962, at 9:00 a.m., at the Offices of the Commission in Washington, D.C.

Released: October 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10879; Filed, Oct. 30, 1962; 8:48 a.m.]

[Docket Nos. 14269, 14270; FCC 62M-1430]

HERSHEY BROADCASTING CO., INC., AND READING RADIO, INC.

Order Continuing Hearing

In re applications of Hershey Broadcasting Company, Inc., Hershey, Pennsylvania, Docket No. 14269, File No. BPH-3246; Reading Radio, Inc., Reading, Pennsylvania, Docket No. 14270, File No. BPH-3322; for construction permits.

It is ordered, This 25th day of October 1962, that, upon the Hearing Examiner's own motion, the hearing in the above-entitled matter now scheduled for November 5, 1962 be and it hereby is continued indifinitely.

Released: October 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10880; Filed, Oct. 30, 1962; 8:48 a.m.]

[Docket No. 14826]

PHYLLIS F. KAISER

Order To Show Cause

In the matter of Phyllis F. Kaiser, Oakland, California, order to show cause why there should not be revoked the license for Radio Station 12W2215 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned radio station;

It appearing, that pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed April 25, 1962, alleging that on April 14, 1962, Class D Citizens radio station 12W2215 was operated in violation of § 19.61(a) of the Commission's rules, in that non-substantive messages were being transmitted, and in violation of § 19.61(f)—failure to observe two-minute silent periods at five-minute intervals;

It further appearing, that the licensee did not reply to the above-mentioned Official Notice of Violation, whereupon follow-up letters dated July 12 and September 19, 1962, were sent to her by Certified Mail—Return Receipt Requested—again calling attention to the foregoing violations and also calling attention to the fact that she appeared to have assigned or transferred control of the license of Class D Citizens radio station 12W2215 to another without authority from the Commission in violation of section 310(b) of the Communications Act of 1934, as amended, and requesting a reply within ten days, but the said licensee did not reply to either of these letters;

It further appearing, that in view of the foregoing the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 24th day of October 1962, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order by Certified Mail—Return Receipt Requested—to the said licensee at 2975 El Monte Avenue, Oakland, California.

Released: October 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10881; Filed, Oct. 30, 1962; 8:48 a.m.]

[Docket Nos. 14196, 14194; FCC 62M-1420]

SMACKOVER RADIO, INC., AND MAGNOLIA BROADCASTING CO. (KVMA)

Order Continuing Hearing

In re applications of Smackover Radio, Inc., Smackover, Arkansas, Docket No. 14193, File No. BP-14663; Magnolia Broadcasting Company (KVMA), Magnolia, Arkansas, Docket No. 14194, File No. BP-14717; for construction permits.

The Chief Hearing Examiner having under consideration a petition in behalf of the Commission's Broadcast Bureau, filed October 22, 1962, for continuance of hearing in the above-entitled proceeding;

It appearing, that the petition states good and sufficient cause, and that all parties to the proceeding have agreed to a waiver of the provisions of § 1.43 of the rules to permit immediate consideration of the matter and have informally advised that they do not oppose the continuance sought:

It is ordered, This 24th day of October 1962, that the petition is granted and that the hearing in the above-entitled proceeding, which is presently scheduled to commence November 1, 1962, is continued without date.

Released: October 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10882; Filed, Oct. 30, 1962; 8:48 a.m.]

[Docket Nos. 14818-14823]

TIPTON COUNTY BROADCASTERS (WKBL) ET AL.

Correction

In re applications of Robert C. Whiteley, Jr. & Katharine Whiteley d/b as Tipton County Broadcasters (WKBL), Covington, Tennessee, Docket No. 14818, File No. BR-2982; Shelby County Broadcaster's Inc. (WHEY), Millington, Tennessee, Docket No. 14819, File No. BR-3656; for renewal of license. Earl W. Daly tr/as Jonesboro Broadcasting Service, Jonesboro, Arkansas, requests: 1600 kc, 500 w, Day; Docket No. 14820, File No. BP-13617; Day-Phil Broadcasting Company, Blytheville, Arkansas, requests: 1300 kc, 500 w, DA-Day; Docket No. 14821, File No. BP-13705; Earl W. Daly tr/as West Helena Radio Service, West Helena, Arkansas, requests: 1520 kc, 250 w, Day; Docket No. 14822, File No. BP-14063; Huntingdon Broadcasting Company, Huntingdon, Tennessee, requests: 1580 kc, 250 w, Day; Docket No. 14823, File No. BP-14556; for construction permits.

The Commission's Memorandum Opinion and Order (FCC 62-1103, Mimeo 26141) designating the above-captioned applications for hearing was released October 23, 1962. In the seventh line of paragraph 9, page 7 "Day-Phil proposal will not afford" should be deleted, and "Day-Phil proposal will now afford" inserted in lieu thereof.

Released: October 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-10883; Filed, Oct. 30, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI63-130—RI63-154]

BLANCO OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 24, 1962.

Blanco Oil Company (Operator), et al., Docket No. RI63-130; Sinclair Oil & Gas Company, Docket No. RI63-131; Placid Oil Company (Operator), et al., Docket No. RI63-132; Russell Maguire (Operator), et al., Docket No. RI63-133; George R. Brown, Docket No. RI63-134; The Atlantic Refining Company (Operator), et al., Docket No. RI63-135; Forest Oil Corporation (Operator), et al., Docket No. RI63-136; Humble Oil & Refining Company, Docket No. RI63-137; Pan American Petroleum Corporation, Docket No. RI63-138; Pan American Petroleum Corporation (Operator), Docket No. RI63-139; William Herbert Hunt Trust Estate, Docket No. RI63-140; Crescent Oil and Gas Corporation (Operator), et al., Docket No. RI63-141; Joseph G. Kluthe (Operator), et al., Docket No. RI63-142; Texas Gulf Producing Company (Operator), et al., Docket No. RI63-143; Pan American Petroleum Corporation (Operator), et al., Docket No. RI63-144; Austral Oil Company Incorporated (Operator), Agent for Oil Participations Incorporated, Docket No. RI63-145; Austral Oil Company Incorporated (Operator), et al., Docket No. RI63-146; Sohio Petroleum Company, Docket No. RI63-147; Gulf Oil Corporation, Docket No. RI63-148; Nelson Bunker Hunt Trust Estate, Docket No. RI63-149; Lamar Hunt Trust Estate, Docket No. RI63-150; Lamar Hunt, Docket No. RI63-151; Jack W. Grigsby, Docket No. RI63-152; Sun Oil Company, Docket No. RI63-153; Austral Oil Company Incorporated, Agent for Oil Participations Incorporated, Docket No. RI63-154.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI63-130	Blanco Oil Co. (Operator), et al., c/o J. E. Kendall, Vice President, P.O. Box 2641, 1031 Navarro St., San Antonio 6, Tex.	7	3	United Gas Pipe Line Co. (Redfish Bay, Northeast Field., Neuces County, Tex.) (R.R. District No. 4).	$7,074	9-24-62	[1] 11-1-62	4-1-63	[2] [11] 14.8000	[3] [11] 17.7478	
RI63-131	Sinclair Oil & Gas Co. P.O. Box 521, Tusla 2, Okla.	192	5	H. L. Hunt and William Herbert Hunt, Independent Executors (North Lansing Field, Harrison County, Tex.) (R.R. District No. 6).	2,511	9-27-62	[1] 11-1-62	4-1-63	[4] 14.7	[5] [6] 14.9	R162-152
RI63-132	Placid Oil Co. (Operator), et al., 600 Heck Bldg., Shreveport, La.	30	2	H. L. Hunt, et al. (North Lansing Field, Harrison County, Tex.) (R.R. District No. 6).	374	9-27-62	[1] 11-1-62	4-1-63	[4] 14.7	[5] [6] 14.9	R162-144
	Placid Oil Co. (Operator), et al.	29	2	H. L. Hunt, et al. (Whelan Field, Harrison County, Tex.) (R.R. District No. 6).	599	9-28-62	[1] 11-1-62	4-1-63	12.7	[4] [6] 12.9	R162-104
	do	26	10	Texas Eastern Transmission Corp. (Lucky Field, Bienville Parish, La.).	14,785	10-1-62	[1] 11-1-62	4-1-63	16.4161	[4] [7] 16.6212	R162-144
RI63-133	Russell Maguire (Operator), et al., 2110 Republic National Bank Bldg., Dallas 1, Tex.	2	9	Texas Eastern Transmission Corp. (Alco-Mag Field, Harris County, Tex.) (R.R. District No. 3).	3,600	9-27-62	[1] 11-1-62	4-1-63	[4] 15.2	[5] [6] 15.4	R162-218
	Russell Maguire (Operator), et al.	4	7	Texas Eastern Transmission Corp., (Barb-Mag Field, Fort Bend County, Tex.) (R.R. District No. 3).	120	9-27-62	[1] 11-1-62	4-1-63	[4] 15.2	[5] [6] 15.4	R162-218
RI63-134	George R. Brown, 1201 San Jacinto Bldg., Houston, Tex.	3	7	Texas Eastern Transmission Corp. (Lockridge Field, Brazoria County, Tex.) (R.R. District No. 3).	730	9-27-62	[1] 11-1-62	4-1-63	15.2	[4] [6] 15.4	R162-123
RI63-135	The Atlantic Refining Co. (Operator), et al., P.O. Box 2819 Dallas 21, Tex.	187	7	Texas Eastern Transmission Corp. (Willow Springs Field, Gregg County, Tex.) (R.R. District No. 6).	178	9-28-62	[1] 11-1-62	4-1-63	[4] 15.2	[5] [6] 15.4	R162-78
	The Atlantic Refining Co. (Operator), et al.	181	10	Texas Eastern Transmission Corp. (Carthage Field, Rusk County, Tex.) (R.R. District No. 6).	1,396	9-28-62	[1] 11-1-62	4-1-63	15.2	[4] [6] 15.4	R162-78
RI63-136	Forest Oil Corp. (Operator), et al., National Bank of Commerce Bldg., San Antonio 5, Tex.	11	5	Texas Eastern Transmission Corp. (Sal Del Rey and La Jara Fields, Hidalgo, and Willacy Counties, Tex.) (R.R. District No. 4).	1,968	9-28-62	[1] 11-1-62	4-1-63	15.2	[4] [6] 15.4	R162-69
	Forest Oil Corp. (Operator), et al.	3	7	United Fuel Gas Co. (Ellis Field, Acadia Parish, (South) La.).	14,784	9-28-62	[1] 11-1-62	4-1-63	[8] 20.30	[9] [7] 20.70	R162-60
	do	2	14	United Fuel Gas Company (Bourg and North Bourg Fields, Lafourche and Terrebonne Parishes (South) La.).	82,320	9-28-62	[1] 11-1-62	4-1-63	[10] 20.30	[9] [7] 20.70	R162-68
RI63-137	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	15	19	Texas Eastern Transmission Corp. (Silsbee Field, Hardin County, Tex.) (R.R. District No. 3).	1,101	9-28-62	[1] 11-1-62	4-1-63	15.2	[4] [6] 15.4	R162-82
	Humble Oil & Refining Co.	19	19	Texas Eastern Transmission Corp. (Carthage Field, Panola County, Tex.) (R.R. District No. 6).	17,278	9-28-62	[1] 11-1-62	4-1-63	15.2	[4] [6] 15.4	R162-82
RI63-138	Pan American Petroleum Corp., P.O. Box 3092, Houston, Tex.	241	3	Texas Eastern Transmission Corp. (West Puerto Bay Field, Aransas and San Patricio Counties, Tex.) (R.R. District No. 4.)	662	9-28-62	[1] 11-1-62	4-1-63	[11] 15.2	[4] [11] 15.4	R162-96
	Pan American Petroleum Corp.	198	4	United Fuel Gas Company (Valentine Field, Lafourche Parish (South) La.).	4,500	9-28-62	[1] 11-1-62	4-1-63	[10] 20.30	[9] [7] 20.70	R162-96
	do	240	4	United Fuel Gas Company (Florence Field, Vermilion Parish (South) La.).	2,285	9-28-62	[1] 11-1-62	4-1-63	[10] 20.30	[9] [7] 20.70	R162-96
	do	39	18	Hassie Hunt Trust (Northeast Lisbon Field, Clairborne Parish, La.).	262	9-28-62	[1] 11-1-62	4-1-63	[12] 16.4161	[9] [7] 16.6212	R162-151
	do	149	17	do	16	9-28-62	[1] 11-1-62	4-1-63	[13] 16.4161	[9] [7] 16.6212	R162-151
	do	172	7	Texas Eastern Transmission Corp. (Bethany-Longstreet Field, DeSoto Parish, La.).	234	9-28-62	[1] 11-1-62	4-1-63	[13] 16.4161	[9] [7] 16.6212	R162-151
	do	208	5	Texas Eastern Transmission Corp. (Fort Lynn Field, Miller County, Ark.).	537	9-28-62	[1] 11-1-62	4-1-63	[14] 14.34375	[4] [15] 14.675	R162-314
RI63-139	Pan American Petroleum Corp. (Operator).	8	22	Texas Eastern Transmission Corp. (Hastings, Tyrtle Bay and Chocolate, Bayaur Field, Galveston, et. al., Counties(Texas)(R.R. District No. 3).	9,838	9-28-62	[1] 11-1-62	4-1-63	15.2	[4] [6] 15.4	R162-97
RI63-140	William Herbert Hunt Trust Estate, 700 Mercantile Bank Bldg., Dallas 1, Tex.	1	11	Texas Eastern Transmission Corp. (North Cottonwood Field, Liberty County, Tex.) (R.R. District No. 3).	1,178	9-28-62	[1] 11-1-62	4-1-63	15.2	[4] [6] 15.4	R162-140
	William Herbert Hunt Trust Estate.	10	10	Texas Eastern Transmission Corp. (Lucky Field, Bienville Parish, La.).	545	9-28-62	[1] 11-1-62	4-1-63	16.4161	[4] [7] 16.6212	R162-140
RI63-141	Crescent Oil and Gas Corp. (Operator), et al. P.O. Box 412, Tulsa 3, Okla.	1	12	Texas Eastern Transmission Corp. (Waskom Field, Panola County, Tex.) (R.R. District No. 6).	966	10-1-62	[1] 11-1-62	4-1-63	15.2	[4] [6] 15.4	R162-51
RI63-142	Joseph G. Kluthe (Operator), et al. Elgin, Nebr.	2	1	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (R.R. District No. 8).	6,020	9-24-62	[16] 10-25-62	3-25-63	8.108	[4] [16] 13.68225	
RI63-143	Texas Gulf Producing Co. (Operator), et al. P.O. Box 2199, Houston 1, Tex.	10	11	United Fuel Gas Co. (Lake Long Field, Lafourche Parish, (South) La.).	14,000	9-26-62	[1] 11-1-62	4-1-63	[10] 20.30	[9] [7] 20.70	R162-75

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI63-144	Pan American Petroleum Corp. (Operator), et al.	174	16	United Fuel Gas Co. (Church Point-Northwest Branch Fields, Acadia Parish (South) La.).	$18,250	9-28-62	[1] 11-1-62	4-1-63	[10] 20.30	[9] [7] 20.70	R162-99
	do	190	13	United Fuel Gas Co. (Thornwell Field, Cameron et al., Parishes (South) La.).	74,598	9-28-62	[1] 11-1-62	4-1-63	[10] 20.30	[9] [7] 20.70	R162-99
	do	150	17	Texas Eastern Transmission Corp. (Greenwood-Waskon Field, Caddo Parish, La.).	3,308	9-28-62	[1] 11-1-62	4-1-63	16.4161	[4] [7] 16.6212	R162-150
RI63-145	Austral Oil Co., Inc. (Operator), Agent for Oil Participations Inc., 300 San Jacinto Bldg., Houston 2, Tex.	9	8	United Fuel Gas Co. (Thornwell Field, Jefferson Davis, and Cameron Parishes, (South) La.).	10,442	9-28-62	[1] 11-1-62	4-1-63	[10] 20.30	[9] [7] 20.70	R162-94
RI63-146	Austral Oil Co., Inc. (Operator), et al.	2	8	United Fuel Gas Co. (South Lake Arther Field, Jefferson Davis, Cameron, and Vermilion Parishes (South) La.).	2,920	9-28-62	[1] 11-1-62	4-1-63	[10] 20.30	[9] [7] 20.70	R162-93
RI63-147	Sohio Petroleum Co., 970 First National Office Bldg., Oklahoma City 2, Okla.	54	3	Southern Natural Gas Co. (Felice Bayou Field, Plaquemine Parish (South), La.).	1,422	9-26-62	[1] 12-1-62	5-1-63	[17] [18] 20.75	[4] [7] 22.75	
RI63-148	Gulf Oil Corp., P.O. Drawer 2100, Houston 1, Tex.	182	4	H. L. Hunt, et al. (Harleton (Whelan) Field, Harrison County, Tex.) (R.R. District No. 6).	318	9-27-62	[1] 11-1-62	4-1-63	12.7	[4] [6] 12.9	R162-114
RI63-149	Nelson Bunker Hunt Trust Estate, 700 Mercantile Bank Bldg.	7	10	Texas Eastern Transmission Corp. (Lucky Field, Bienville Parish, La.).	350	9-28-62	[1] 11-1-62	4-1-63	16.4161	[4] [7] 16.6212	R162-139
RI63-150	Lamar Hunt Trust Estate.	8	10	do	545	9-28-62	[1] 11-1-62	4-1-63	16.4161	[4] [7] 16.6212	R162-105
RI63-151	Lamar Hunt	9	10	do	13	9-28-62	[1] 11-1-62	4-1-63	16.4161	[4] [7] 16.6212	R162-137
RI63-152	Jack W. Grigsby, 700 Commercial National Bank Bldg., Shreveport, La.	4	8	Texas Eastern Transmission Corp. (Bethany-Longstreet Field, DeSoto Parish, La.).	1,786	10-1-62	[1] 11-1-62	4-1-63	[19] 16.4161	[4] [7] 16.6212	R162-128
RI63-153	Sun Oil Co., 1608 Walnut St., Philadelphia 3, Pa.	76	8	United Fuel Gas Co. (North Chalkley Field, Calcasieu and Jefferson Davis Parishes, La.).	5,183	10-1-62	[1] 11-1-62	4-1-63	20.30	[4] [7] 20.70	R162-[illegible]
	Sun Oil Co.	38	11	United Fuel Gas Co. (Ellis Field, Acadia Parish, La.).	18,326	10-1-62	[1] 11-1-62	4-1-63	20.30	[4] [7] 20.70	R162-101
	do	75	8	United Fuel Gas Co. (Branch Field, Acadia Parish, La.).	690	10-1-62	[1] 11-1-62	4-1-63	20.30	[4] [7] 20.70	R162-101
RI63-154	Austral Oil Co., Inc., Agent for Oil Participations Inc.	17	1	United Fuel Gas Co. (Florence Field, Vermilion Parish, La.).	411	9-28-62	[1] 11-1-62	4-1-63	20.30	[4] [7] 20.70	R162-484

[1] The stated effective date is the effective date proposed by respondent.
[2] Redetermined rate increase.
[3] Contract includes take-or-pay provisions.
[4] Pressure base is 14.65 psia.
[5] Periodic rate increase.
[6] Includes 0.75 cent per Mcf for compression deducted by buyer.
[7] Pressure base is 15.025 psia.
[8] Includes 0.5 cent per Mcf for facilities amortization deducted by buyer.
[9] Includes 0.5 cent per Mcf line rental deducted by buyer.
[10] Includes 1.5 cents per Mcf tax reimbursement.
[11] Subject to downward Btu adjustment below 1,000 Btu's.
[12] Includes 0.5 cent per Mcf gathering charge deducted by buyer.
[13] Includes reimbursement of 0.13125 cent per Mcf severance tax and 0.04375 cent per Mcf conservation tax.
[14] Includes 0.04375 cent per Mcf conservation tax reimbursement.
[15] The stated effective date is the first day after expiration of the required statutory notice.
[16] Renegotiated rate increase.
[17] Includes 1.75 cents per Mcf reimbursement for severance tax.
[18] Initial rate.
[19] Includes 0.5 cent per Mcf line amortization charge deducted by buyer.
[20] Includes 1.93275 cents per Mcf handling charge deducted by buyer.
[21] Includes 1.18275 cents per Mcf handling charge deducted by buyer.

The proposed increased rates of Placid Oil Company (Operator), et al. (Placid), and Gulf Oil Corporation (Gulf) are below the 14.0 cents per Mcf ceiling for increased rates in Texas Railroad Commission District No. 6. However, such increased rates are related to the buyer's, H. L. Hunt, et al., proposed increased resale rate of 15.7 cents per Mcf which has been suspended.

With the exception of the proposed periodic rate increase of Pan American Petroleum Corporation for the sale of natural gas to Texas Eastern Transmission Corporation from the Fort Lynn Field, Miller County, Arkansas [2] and the aforementioned increases of Placid and Gulf, the proposed rate increases listed herein exceed the applicable area price levels as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 10, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-10820; Filed, Oct. 30, 1962; 8:45 a.m.]

[2] There is no established ceiling for increased rates for gas sold in Arkansas.

OFFICE OF EMERGENCY PLANNING

WASHINGTON

Notice of Major Disaster

OCTOBER 24, 1962.

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Execu-

tive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated October 20, 1962, reading in part as follows: "I hereby determine the damage in the various areas of the State of Washington, adversely affected by severe storms beginning on or about October 11, 1962, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts."

I do hereby determine the following areas of the State of Washington to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 20, 1962:

The counties of:

Clallam.	Mason.
Clark.	Pacific.
Cowlitz.	Pierce.
Grays Harbor.	San Juan.
Island.	Skagit.
Jefferson.	Skamania.
King.	Snohomish.
Kitsap.	Thurston.
Klickitat.	Wahkiakum.
Lewis.	Whatcom.

Dated, October 24, 1962.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 62-10874; Filed, Oct. 30, 1962; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

COMMUNITY FACILITIES COMMISSIONER

Delegation of Authority With Respect to Public Facility Loans Program and Accelerated Public Works Program

The Community Facilities Commissioner is hereby authorized:

1. To execute the powers and functions vested in the Housing and Home Finance Administrator with respect to the public facility loans program authorized under section 202(a)-(d) of the Housing Amendments of 1955, as amended (42 U.S.C. 1492(a)-(d)), except the powers (a) to determine the rate of interest on loans, (b) to issue notes or other obligations for purchase by the Secretary of the Treasury, and (c) to make loans for transportation facilities and equipment under section 202(a)(2);

2. To execute the powers and functions vested in the Housing and Home Finance Administrator with respect to the program of grants-in-aid authorized under section 202(e) of the Housing Amendments of 1955, as amended by section 5(b) of the Public Works Acceleration Act (42 U.S.C. 1492(e));

3. To redelegate to one or more employees in the Community Facilities Administration any of the authority herein delegated except the power to authorize loans or grants-in-aid.

This delegation supersedes the delegation to the Community Facilities Commissioner effective November 28, 1955 (20 F.R. 9981, 12-24-55).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 24th day of October 1962.

[SEAL] JACK T. CONWAY,
Acting Housing and
Home Finance Administrator.

[F.R. Doc. 62-10875; Filed, Oct. 30, 1962; 8:48 a.m.]

REGIONAL ADMINISTRATORS

Delegation of Authority With Respect to Public Facility Loans Program and Accelerated Public Works Program

Each Regional Administrator of the Housing and Home Finance Agency is hereby authorized:

1. To approve applications, authorize loans, and enter into or amend or modify contracts, involving public facility loans under section 202(a)-(d) of the Housing Amendments of 1955, as amended (42 U.S.C. 1492(a)-(d));

2. To approve applications, authorize grants-in-aid, and enter into or amend or modify contracts, involving grants-in-aid under section 202(e) of the Housing Amendments of 1955, as amended by section 5(b) of the Public Works Acceleration Act (42 U.S.C. 1492(e));

3. To redelegate to the Regional Director of Community Facilities the authority delegated herein except the authority to approve applications, authorize loans or grants-in-aid, or amend or modify the terms of loans or grants-in-aid;

4. In the case of the Regional Administrator, Region VI (San Francisco), to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Washington, any of the authority delegated herein.

This delegation supersedes the delegation effective July 1, 1960 (25 F.R. 5801, 6-23-60).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 24th day of October 1962.

[SEAL] JACK T. CONWAY,
Acting Housing and
Home Finance Administrator.

[F.R. Doc. 62-10876; Filed, Oct. 30, 1962; 8:48 a.m.]

COMMUNITY FACILITIES COMMISSIONER

Delegation of Authority With Respect to Advances for Public Works Planning; Third Advance Planning Program

The Community Facilities Commissioner is hereby authorized to execute the powers and functions vested in the Housing and Home Finance Administrator with respect to advances for public works planning under subsections 702 (a), (c), and (g) of the Housing Act of 1954, as amended (40 U.S.C. 462 (a), (c), and (g)).

This delegation supersedes the delegation effective January 4, 1956 (21 F.R. 45, 1/4/56).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 24th day of October 1962.

[SEAL] JACK T. CONWAY,
Acting Housing and
Home Finance Administrator.

[F.R. Doc. 62-10877; Filed, Oct. 30, 1962; 8:48 a.m.]

REGIONAL ADMINISTRATORS

Delegation of Authority With Respect to Advances for Public Works Planning; Third Advance Planning Program

Each Regional Administrator of the Housing and Home Finance Agency in carrying out the program of advances for public works planning under subsections 702 (a), (c), and (g) of the Housing Act of 1954, as amended (40 U.S.C. 462 (a), (c), and (g)), is hereby authorized:

1. To approve applications, authorize advances, and execute offers to public agencies, involving advances to aid in planning proposed public works;

2. To amend or modify contracts resulting from the acceptance of such offers;

3. To determine the amount of partial repayment due if the public agency undertakes construction of only a portion of the planned public work;

4. To redelegate to the Regional Director of Community Facilities the authority delegated herein except the authority to approve applications, authorize advances, and amend or modify contracts resulting from the acceptance of offers;

5. In the case of the Regional Administrator, Region VI (San Francisco), to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Washington, any of the authority delegated herein.

This delegation supersedes the delegation effective July 1, 1960 (25 F.R. 5801, 6/23/60).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 24th day of October 1962.

[SEAL] JACK T. CONWAY,
Acting Housing and
Home Finance Administrator.

[F.R. Doc. 62-10878; Filed, Oct. 30, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 710]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 26, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65241. By order of October 24, 1962, the Transfer Board approved the transfer to Eldon H. Collins, doing business as Humboldt Bus Association, Humboldt, Iowa, of a portion of the operating rights in Certificate No. MC 58084 Sub 5, issued November 15, 1954, to Sioux Lines, Inc., Sioux City, Iowa; authorizing the transportation of: Passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, over regular routes, between Algona, Iowa, and Fort Dodge, Iowa, serving all intermediate points; and between Fort Dodge, Iowa, and Spirit Lake, Iowa, serving all intermediate points. D. C. Nolan, 405 Iowa State Bank Building, Iowa City, Iowa, attorney for Applicants.

No. MC-FC 65254. By order of October 23, 1962, the Transfer Board approved the transfer to Ralph C. Island, doing business as Island Freight, Box 147, Deadwood, S. Dak., of Permit No. MC 113025, issued October 28, 1953, to George P. Roesler and Ralph C. Island, a partnership, Box 147, Deadwood, S. Dak., authorizing the transportation of: Such merchandise as is dealt in by wholesale food business houses, over irregular routes, from Deadwood, S. Dak., to Broadus, Boyes, Hammond, Biddle, Ranch Creek, Ridge, Alzada, Albion, Capitol, Mill Iron, Bell Tower, Chalk Buttes, and Ekalaka, Mont., and Rocky Point, New Haven, Oshoto, Colony, Hulett, Alva, and Aladdin, Wyo.; damaged, defective, rejected or returned shipment, of the above-specified commodities, over irregular routes, from the destination points specified immediately above to Deadwood, S. Dak.

No. MC-FC 65315. By order of October 23, 1962, the Transfer Board approved the transfer to Harold Queck, Fontanelle, Iowa, of Certificate No. MC 65650, issued September 25, 1950, to Louis McCall, Bridgewater, Iowa, authorizing the transportation of livestock and grain, over a regular route between Bridgewater, Iowa, and Omaha, Nebr., serving intermediate and off-route points within 15 miles of Bridgewater, for pick-up only; and livestock, feed, grain, building materials, and farm machinery, over regular route, on return. J. E. Don Carlos, 113 West Iowa Street, Greenfield, Iowa, attorney for Applicants.

No. MC-FC 65323. By order of October 24, 1962, the Transfer Board approved the transfer to Harold D. Fischer, doing business as Fischer Trucking, Wakefield, Neb., of Certificate No. MC 52062 issued August 12, 1957, to Maurice S. Ward, Allen, Nebr., and acquired by transferor, Dick Brawner, Elsie Brawner, Executrix, pursuant to transfer proceeding No. MC-FC 64776, consummated February 10, 1962, authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Allen, Nebr., and Sioux City, Iowa and clay products, between Sergeant Bluff, Iowa and Allen, Nebr. Phyllis M. Verzani, P.O. Box 194, Ponca, Nebr., attorney for Applicants.

No. MC-FC 65347. By order of October 24, 1962, the Transfer Board approved the transfer to Bernsie's Express, a Corporation, Lyndhurst, N.J., of Certificate No. MC 19317, issued March 7, 1960, to George Vannozzi, doing business as Vannozzi's Express, Trenton, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between Philadelphia, Pa., and Princeton, N.J., serving the intermediate points of Briston and Morrisville, Pa., and Trenton and Lawrenceville, N.J. Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J., attorney for Applicants.

No. MC-FC 65384. By order of October 23, 1962, the Transfer Board approved the transfer to Clyde R. Sauers, Pittsburgh, Pa., of Certificate No. MC 8278, issued February 11, 1941, to Fred C. Held, doing business as North Side Transfer, Pittsburgh, Pa., authorizing the transportation of: Building materials and equipment and paper and paper products, over irregular routes, between Pittsburgh, Pa., on the one hand, and, on the other, points in West Virginia on and north of U.S. Highway 50. Edward M. Larkin, 1221 Grant Building, Pittsburgh, Pa., attorney for Transferee.

No. MC-FC 65387. By order of October 23, 1962, the Transfer Board approved the transfer to Hahn Transportation, Inc., New Market, Md., of Certificates Nos. MC 56388, MC 56388 Sub 5, MC 56388 Sub 6, MC 56388 Sub 8, MC 56388 Sub 14, MC 56388 Sub 16, and MC 56388 Sub 18, issued by the Commission April 11, 1943, July 26, 1950, September 30, 1948, November 8, 1961, October 11, 1961, September 25, 1959, and January 16, 1962, respectively, to James R. Hahn, New Market, Md., authorizing the transportation, over irregular routes, of canned goods, agricultural commodities, coal, livestock, silos, tanks, forest products, transformers and such construction materials as are used by telephone and electric power companies, farm products, agricultural limestone in bulk, lime, cement, cement blocks, and cinder blocks, in bulk, ground burned lime, in bulk, dry cement, lime and limestone products, in bulk, or in bags, and portland and masonry cement, in bags, or in packages, processed marine shells, in bulk, in tank or hopper-type vehicles, and in bags, packages, or other containers, and general commodities, excluding household goods, commodities in bulk, and other specified commodities, from, to, and between specified points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia, varying with the commodities transported. Francis J. Ortman, 1366 National Press Building, Washington 4, D.C., attorney for Applicants.

No. MC-FC 65391. By order of October 24, 1962, the Transfer Board approved the transfer to Rowe Moving & Storage Company, Inc., Knoxville, Tenn., of that portion of Certificate No. MC 4405 Sub 391, issued May 25, 1962, to Dealers Transit, Inc., Chicago, Ill., authorizing the transportation of household goods, over irregular routes, between Knoxville, Tenn., and points in Tennessee within 100 miles of Knoxville, on the one hand, and, on the other, points in Georgia, South Carolina, North Carolina, and Kentucky. Hugh A. Tapp, 500 Burwell Building, Knoxville 2, Tenn., Applicants' attorney.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-10868; Filed, Oct. 30, 1962; 8:48 a.m.]

[Notice 489]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 26, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 868 (Sub-No. 4), filed July 16, 1962. Applicant: SIGNAL TRUCKING SERVICE, LTD., 4455 Fruitland Avenue, Los Angeles 58, Calif. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude rubber*, between points in the Los Angeles Harbor Commercial Zone, as defined in *Los Angeles Harbor Commercial Zone*, 3 M.C.C. 248, on the one hand, and, on the other, points within ten (10) miles of Hanford, Calif.

NOTE: Applicant states that it is in control of C. A. Worth & Co., which conducts operations under the Second Proviso of section 206(a)(1), in Docket No. MC 99930.

HEARING: December 12, 1962, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75 or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 1705 (Sub-No. 2), filed August 22, 1962. Applicant: ALLIED TRANSFER & STORAGE, INC., 821 Jeanette Street, Parkersburg, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and waste paper*, between Parkersburg, W. Va., and Oil City, Pa.

HEARING: December 12, 1962, at Room 5405–7 U.S. Court House and Federal Office Building, 500 Quarrier Street, Charleston, W. Va., before Joint Board No. 59 or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 1827 (Sub-No. 41), filed September 28, 1962. Applicant: K. W. McKEE INCORPORATED, 2811 Highway 55, St. Paul 18, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks*, in secondary movements, in truckaway service, from St. Paul, Minn., to points in North Dakota.

NOTE: Applicant states the proposed operations will be under a continuing contract with Ford Motor Company of Dearborn, Mich. It is further noted that common control may be involved.

HEARING: December 6, 1962, at the Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 24.

No. MC 2130 (Sub-No. 55), filed September 12, 1962. Applicant: RED BALL MOTOR FREIGHT (SOUTHEAST), INC., 1214 Airport Boulevard (P.O. Box 7035), Shreveport, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Crossett, Ark., and El Dorado, Ark.; from Crossett over U.S. Highway 82 to El Dorado, and return over the same route, serving no intermediate points.

NOTE: Applicant states that it is controlled by Red Ball Motor Freight, Inc., of Dallas, Tex., who owns all of the capital stock of applicant.

HEARING: December 6, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 215, or, if the Joint Board waives its right to participate before Examiner William R. Tyers.

No. MC 2202 (Sub-No. 231) (REPUBLICATION), filed May 16, 1962, published FEDERAL REGISTER, issue of July 4, 1962, and republished this issue. Applicant: ROADWAY EXPRESS, INC., Akron, Ohio. Applicant's attorney: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C. By application filed May 16, 1962, applicant sought authority to operate as a common carrier, by motor vehicle, over a regular route, transporting: General commodities, (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Muncie, Ind., and Logansport, Ind., as follows: From Muncie over U.S. Highway 35 to Logansport, and return over the same route, serving no intermediate points but serving junction of Indiana Highway 37 and U.S. Highway 35 for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations. The application was referred to Joint Board No. 72 for hearing; Hearing was held on September 21, 1962, at Indianapolis, Ind. At the hearing the application was amended to read between Kokomo, Ind., and Logansport, Ind., and between Muncie and Kokomo, Ind. A Recommended Report and Order, served October 1, 1962, found that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over regular routes, of *general commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Muncie, Ind., and Kokomo, Ind., over U.S. Highway 35, serving the junction of U.S. Highway 35 and Indiana Highway 9 for the purpose of joinder only, serving no other intermediate points, as an alternate route, for operating convenience only, in connection with applicant's authorized regular-route operations; and (2) between Kokomo, Ind., and Logansport, Ind., over U.S. Highway 35, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations, subject to republication in the FEDERAL REGISTER, and the issuance of a certificate shall be withheld until the elapse of 30 days from the date of such republication, during which period any interested party may file a petition for further hearing.

No. MC 2202 (Sub-No. 235), filed July 18, 1962. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission and those requiring special equipment), between Richmond, Va. and Charleston, W. Va.; from Richmond over U.S. Highway 250 to the junction of U.S. Highway 250 and U.S. Highway 340, thence over U.S. Highway 340 to the junction of U.S. Highway 340 and U.S. Highway 11, thence over U.S. Highway 11 to the junction of U.S. Highway 11 and U.S. Highway 60, thence over U.S. Highway 60 to Charleston, and return over the same route, serving no intermediate points (with service at Charleston for the purpose of joinder only), as an alternate route for operating convenience only.

HEARING: December 4, 1962, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 245.

No. MC 3474 (Sub-No. 5), filed September 20, 1962. Applicant: MUNDY MOTOR LINES, P.O. Box 331, Roanoke, Va. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). (1) Between Clifton Forge, Va., and Lexington, Va., as follows: from Clifton Forge, over U.S. Highway 60 to Lexington, and return over the same route. (2) Between Clifton Forge, Va., and Harrisonburg, Va., as follows: from Clifton Forge over U.S. Highway 60 to junction U.S. Highway 60 and Virginia Highway 42, thence over Virginia Highway 42 to Harrisonburg, and return over the same route. (3) Between Clifton Forge, Va., and Staunton, Va., as follows: from Clifton Forge over U.S. Highway 60 to junction U.S. Highway 60 and Virginia Highway 42, thence over Virginia Highway 42 to junction Virginia Highway 42 and Virginia Highway 254 at or near Buffalo Gap, Va., thence over Virginia Highway 254 to Staunton, Va., and return over the same route.

NOTE: Applicant states that the proposed operation will be over alternate routes for operating convenience only in connection with carrier's authorized regular route operations.

HEARING: December 5, 1962, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 108.

No. MC 7832 (Sub-No. 1), filed August 1, 1962. Applicant: SAM LOWENSTEIN AND STANLEY LOWENSTEIN, a partnership, doing business as SUPER M FOODS DELIVERY, 204 Franklin Street. Applicant's representative: Charles H. Taryford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery food business houses*, between Linden, N.J., on the one hand, and, on the other, Babylon, Huntington, and Bay Shore, Long Island, N.Y.

NOTE: Applicant states the proposed operation will be under a contract with Food Fair Stores, Inc., Stiles Street, Linden, N.J.

HEARING: November 30, 1962, at the Hotel Dixie, 250 West 43d Street, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 10761 (Sub-No. 128), filed September 24, 1962. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210–12, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant site of the Atwood Vacuum Machine Co., located at or near Havana, Ill., as an off-route point in connection with applicant's present authorized regular-route operations between Chicago, Ill., and Kansas City, Mo.

HEARING: December 10, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 17745 (Sub-No. 5), filed March 2, 1962. Applicant: CONTRACTORS CARGO COMPANY, a corporation, 5001 East Firestone Boulevard, South Gate, Calif. Applicant's attorney: Henry J. Bischoff, 614 South Hope Street, Los Angeles 17, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* and *contractor's machinery, supplies and equipment*, between points within a radius of 100 miles of all rail heads in California, Arizona, New Mexico, Oregon, Washington, and Nevada, and construction projects or other points of use within a radius of 100 miles of all rail heads in California, Arizona, New Mexico, Oregon, Washington, and Nevada.

HEARING: December 13, 1962, at the Federal Office Building, Los Angeles, Calif., before Examiner F. Roy Linn, to be heard concurrently with MC–C–3628, CONTRACTORS CARGO CO., INVESTIGATION AND REVOCATION OF PERMIT AND MC–C–3607, ASBURY TRANSPORTATION CO., ET AL., VS. CONTRACTORS CARGO CO.

No. MC 20783 (Sub-No. 61), filed October 24, 1962. Applicant: TOMPKINS MOTOR LINES, INC., 638 Langley Place, Decatur, Ga. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing houses*, from Terre Haute, Ind., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: Applicant states the proposed operations are restricted against tacking or interchange at Terre Haute, Ind.

HEARING: November 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 25798 (Sub-No. 75) (REPUBLICATION), filed July 12, 1962, published FEDERAL REGISTER, issue of July 18, 1962, and republished this issue. Applicant: CLAY HYDER TRUCKING LINES, INC., Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, Suite 912, Federal Bar Building, Washington 6, D.C. By application filed July 12, 1962, applicant sought authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from Deerfield, Ill., to points in Alabama, Florida, Georgia, and Tennessee (except Memphis). Hearing was held on August 2, 1962, at Chicago, Ill., Hearing Examiner Bernard J. Hasson, Jr., presiding. A Report and Order, served September 13, 1962, effective October 15, 1962, found that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *frozen prepared foods* from the plant site of The Kitchens of Sara Lee at Deerfield, Ill., to all points in Alabama, Florida, Georgia, Virginia, West Virginia, and Tennessee (except Memphis), subject to the following restrictions: The service authorized herein is subject to the following conditions: The authority granted herein shall not be joined directly or indirectly with any authority otherwise held by carrier for the purpose of performing through transportation. The service herein authorized is restricted against the transportation of shipments (a) received from other carriers at Deerfield, Ill., or points within the Deerfield, Ill., Commercial Zone, or (b) delivered to other carriers for movement to destinations outside of the destination territory authorized herein, subject to republication of the application in the FEDERAL REGISTER, in order that any party affected by the addition to the application of the States of Virginia and West Virginia may, within 30 days of such republication, petition for further hearing or such other relief as may be found warranted by the Commission.

No. MC 30837 (Sub-No. 291), filed August 16, 1962. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cutting machines* (for cutting, trimming, and mowing brush, grass, trees, etc.), and *chipping machines* (for chipping and pulverizing such material as brush and tree limbs), in initial movements by the truckaway method, from Pomona, Calif., to points in the United States (except those in Hawaii).

HEARING: December 11, 1962, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 34804 (Sub-No. 1) (AMENDMENT), filed August 23, 1962, published in FEDERAL REGISTER issue of October 3, 1962, amended October 17, 1962, and republished as amended this issue. Applicant: RIVERSIDE TRUCKING CO., a corporation, 2013 McCarter Highway, Newark, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper products*, from Newark, N.J., to points in Connecticut, Delaware, Pennsylvania, Maryland, Massachusetts, and New York (except New York, N.Y., and points in Orange, Rockland, Nassau, and Suffolk Counties, N.Y.) and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *materials, supplies, and equipment* used in the manufacture of corrugated paper products, on return.

NOTE: Applicant states the proposed operations are to be performed under a continuing contract with Schiffenhaus Bros., Newark, N.J. The purpose of this republication is to include Delaware and Massachusetts as destination points.

HEARING: December 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 35320 (Sub-No. 75), filed July 16, 1962. Applicant: T.I.M.E. FREIGHT, INC., 2604 Texas Avenue (P.O. Box 1120), Lubbock, Tex. Applicant's attorney: W. D. Benson, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati, Ohio, and Oklahoma City, Okla.; from Cincinnati over U.S. Highway 50 to St. Louis, Mo.; thence over Interstate Highway 44 and U.S. Highway 66 to Springfield, Mo.; thence over Interstate Highway 44 and U.S. Highway 166 to the Missouri and Oklahoma state line; thence over Interstate Highway 44 to Oklahoma City, serving no intermediate point and as an alternate route for operating convenience only in connection with applicant's regular-route operations between Cincinnati, Ohio, and Oklahoma City, Okla.

NOTE: Applicant states no duplicate authority is sought.

HEARING: December 5, 1962, at the Netherland Hilton, Cincinnati, Ohio, before Examiner Frank R. Saltzman.

No. MC 37248 (Sub-No. 14), filed September 20, 1962. Applicant: VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED, P. O. Box 832, Martinsville, Va. Applicant's attorney: Spencer T. Money, Mills Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Paper, pulpboard and woodpulp*, from West Point, Va., to York, Pa., and *refused, returned and damaged shipments*, on return.

HEARING: December 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 37830 (Sub-No. 10), filed August 15, 1962. Applicant: COHENNO,

INC., 57 Lambert Avenue, Stoughton, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, on flat-bed vehicles, between Boston, Mass., and points in Maine.

HEARING: December 4, 1962, at the Hotel Essex, Boston, Mass., before Joint Board No. 69.

No. MC 41404 (Sub-No. 34), filed September 27, 1962. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, P. O. Box 151, Fulton Highway, Martin, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as defined in sections A, B, C, and D of appendix I to the Commission's decision in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272–273, from points in Louisiana, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Wisconsin.

HEARING: December 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 45657 (Sub-No. 28), filed June 14, 1962. Applicant: PIC-WALSH FREIGHT CO., a corporation, 731 Campbell Avenue, St. Louis, Mo. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (A) over *regular routes*, (1) between St. Louis, Mo., and Vandalia, Ohio, serving no intermediate points: From St. Louis over U.S. Highway 40 to junction with Ohio Highway 440, thence over Ohio Highway 440 to Vandalia, and return over the same route; (2) between Indianapolis, Ind., and Vandalia, Ohio, serving no intermediate points; from Indianapolis over U.S. Highway 40 to junction with Ohio Highway 440, thence over Ohio Highway 440 to Vandalia, and return over the same route; and (B) over *irregular routes*, between Vandalia, Ohio, and points in Ohio, with service restricted against traffic originating at or destined to Vandalia, Ohio.

NOTE: Applicant states that it is presently authorized to operate between Lebanon, Ohio, and all points in Ohio. Vandalia is sought to be served only as "an additional gateway".

HEARING: December 11, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 45736 (Sub-No. 4), filed July 13, 1962. Applicant: WINECOFF MOTOR LINES, INC., 505 Highway 29, Concord, N.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime cement, lime or plaster, building lime, agricultural lime, plaster or lime plaster*, and *dehydrated lime*, in bags, from Knoxville, Tenn., to points in North Carolina and South Carolina.

NOTE: Applicant states it is presently performing the service by tacking its existing operating rights at Concord, N.C.

HEARING: December 6, 1962, at the U.S. Court Rooms Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 289.

No. MC 51255 (Sub-No. 20), filed August 16, 1962. Applicant: HAECKL'S EXPRESS, INCORPORATED, doing business as HAECKL, 2345 South 13th Street, Terre Haute, Ind. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes. By Certificate dated February 6, 1958, in No. MC 51255 applicant is authorized to transport *general commodities* (with certain exceptions), over specified regular routes, serving certain specified points in Ohio, Kentucky, Indiana, and Illinois, restricted as follows: "Restriction: The regular-route authority hereinabove described is restricted against the transportation of (1) soap, soap powder, soap products, lard substitute and compounds, and advertising matter and/or premiums when shipped with these items between Cincinnati, Ivorydale, and St. Bernard, Ohio, on the one hand, and, on the other, Fort Wayne, Ind., and points in that part of Indiana south of U.S. Highway 24, and (2) groceries, and, in connection therewith, premiums and advertising material, from the plant sites of The Proctor and Gamble Company at Cincinnati, Ivorydale, and St. Bernard, Ohio, to Fort Wayne, Ind., and points in that part of Indiana south of U.S. Highway 24," and over irregular routes, between Cincinnati, Ohio, on the one hand, and, on the other, Covington, Newport, Ludlow, Fort Mitchell, Fort Thomas, Dayton, Bellevue, Erlanger, and Latonia, Ky., when the transportation from and to such points is not exempt from such grant of authority under section 203(b)(8) of the Interstate Commerce Act, and between Speedway, Ind., on the one hand, and, on the other, points in Hamilton County, Ohio, other than Cincinnati and those on U.S. Highway 127 and U.S. Highway 52 located in Hamilton County, Ohio, restricted as follows: "Restriction: The irregular-route authority hereinabove described is restricted against the transportation of (1) soap, soap powder, soap products, lard substitute and compounds, and advertising matter and/or premiums when shipped with these items between Cincinnati, Ivorydale, and St. Bernard, Ohio, on the one hand, and, on the other, Fort Wayne, Ind., and points in that part of Indiana south of U.S. Highway 24, and (2) groceries, and, in connection therewith, premiums and advertising matter from the plant sites of The Proctor and Gamble Company at Cincinnati, Ivorydale, and St. Bernard, Ohio, to Fort Wayne, Ind., and points in that part of Indiana south of U.S. Highway 24." In No. MC 51255 (Sub-No. 13) dated January 23, 1958, applicant is authorized to transport *general commodities* (with certain exceptions) over irregular routes, between Harrison, Ohio-Ind., and points within ten (10) miles thereof, on the one hand, and, on the other, points in Indiana east of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 31 to junction Alternate U.S. Highway 31, thence along Alternate U.S. Highway 31 to junction U.S. Highway 31 and thence along U.S. Highway 31 to the Indiana-Kentucky State line; those in Ohio west of U.S. Highway 23; and those in Kentucky bounded by a line beginning at Louisville, Ky., and extending along U.S. Highway 60 to Lexington, Ky.; thence along U.S. Highway 68 to Maysville, Ky., and thence along the Ohio River to the point of beginning, including points on the indicated portions of the highway specified. "Restriction: The service authorized herein is restricted against the transportation of soap, soap powder, soap products, lard substitutes and compounds, and advertising matter and/or premiums when shipped with these items, between Cincinnati, Ivorydale, and St. Bernard, Ohio, on the one hand, and, on the other, Fort Wayne, Ind., and points in that part of Indiana south of U.S. Highway 24 and east of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 31 to junction Alternate U.S. Highway 31, thence along Alternate U.S. Highway 31 to junction U.S. Highway 31 and thence along U.S. Highway 31 to the Indiana-Kentucky State line."

NOTE: The purpose of this application is to request that the above quoted restrictions in both the regular and irregular route authorities be removed. Applicant's authority was restricted in the aforesaid manner because applicant was in control of Lenox Trucking, Inc., a contract carrier, who was authorized to perform the service against which applicant is restricted. Applicant is no longer in control of Lenox Trucking, Inc., and therefore this request is submitted to remove the herein set forth restrictions.

HEARING: December 7, 1962, at The Netherland Hilton, Cincinnati, Ohio, before Examiner Frank R. Saltzman.

No. MC 52743 (Sub-No. 12), filed August 8, 1962. Applicant: MIAMI TRANSPORTATION COMPANY, INC., OF INDIANA, 1220 Harrison Avenue, Cincinnati 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), over the following alternate routes, for operating convenience only: (1) Between Kenova, W. Va., and Louisville, Ky., (a) from Kenova over U.S. Highway 60 to Louisville and return over the same route, serving no intermediate points, and (b) from Kenova over Interstate Highway 64 to Louisville and return over the same route, serving no intermediate points; (2) between Cincinnati, Ohio and Indianapolis, Ind., (a) from Cincinnati over U.S. Highway 52 to Indianapolis and return over the same route, serving no intermediate points, (b) from Cincinnati over U.S. Highway 52 and Indiana Highway 46 near Longnecker, Ind., thence over Indiana Highway 46 to Greensburg, Ind., and thence over U.S. Highway 421 to Indianapolis, and return over the same route, serving no intermediate points, and (c) from Cincinnati over Interstate Highway 74, to Indianapolis and return over the same route, serving no intermediate points; (3) between Charleston, W. Va., and Cleveland, Ohio, (a) from Charleston over U.S. Highway 21 to Cleveland, and return over the same route, serving no intermediate points, (b) from Charleston over Interstate Highway 77 to Cleveland, and return over the same route, serving no intermediate points; (4) between Charleston, W. Va., and Cincinnati, Ohio, from Charleston over U.S. Highway 35 to Chillicothe, Ohio, thence over U.S. Highway 50 to Cincinnati, and return over the same route, serving no intermediate points; (5) between Jeffersonville, Ind., and the junction of Indiana Highways 62 and 56, from Jeffersonville over Indiana Highway 62 to the junction of Indiana Highways 56 and 62, and return over the same route, serving no intermediate points.

HEARING: December 6, 1962, at The Netherland Hilton, Cincinnati, Ohio, before Examiner Frank R. Saltzman.

No. MC 52917 (Sub-No. 43), filed August 9, 1962. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and processed foods*, between points in the New York, N.Y., Commercial Zone, Jersey City, and Newark, N.J., Philadelphia, Pa., and Baltimore, Md., and points in Anne Arundel, Baltimore, Calvert, Charles, Prince Georges, and St. Marys Counties, Md.

HEARING: December 4, 1962, at the Hotel Dixie, 250 West 43d Street, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 52917 (Sub-No. 44), filed August 9, 1962. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and processed foods*, in vehicles equipped with mechanical refrigeration, (1) between New York, N.Y., including points in the Commercial Zone thereof, Jersey City and Newark, N.J., Philadelphia, Pa., and Baltimore, Md., and points in Allegany County, Md., and that part of Washington County, Md., west of U.S. Highway 11, and Berkeley Springs, W. Va., and (2) between Baltimore, Md., and points in Newcastle County, Del.

HEARING: December 4, 1962, at the Hotel Dixie, 250 West 43d Street, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC–52917 (Sub-No. 45), filed August 27, 1962. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Fresh meats and processed foods*, between New Brunswick, N.J., and Baltimore, Md., and Washington, D.C.

HEARING: December 4, 1962, at the Hotel Dixie, 250 West 43d Street, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 59271 (Sub-No. 10), filed September 6, 1962. Applicant: BOSTON TRUCK CO., INC., 194 First Street, Cambridge, Mass. Applicant's attorney: Francis P. Barrett, Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated, uncrated furniture frames and uncrated new home furnishings*, between points in Suffolk and Middlesex Counties, Mass., on the one hand, and, on the other, points in Vermont.

NOTE: Applicant states that empty containers or other such incidental facilities (not specified), used in transporting the above-specified commodities, will be transported, on return.

HEARING: December 11, 1962, at the Hotel Essex, Boston, Mass., before Joint Board No. 187.

No. MC 59940 (Sub-No. 3), filed August 8, 1962. Applicant: P. SALDUTTI & SON, INC., Raymond Boulevard, Newark, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant site of Atlantic Cement Company, Inc., Bayonne, N.Y., to points in Connecticut, New Jersey, New York, and Pennsylvania within 125 miles of Bayonne, N.J.

NOTE: Applicant states the proposed operations are to be limited to a transportation service to be performed under a contract or continuing contracts with Atlantic Cement Co., Inc., New York, N.Y.

HEARING: December 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 64932 (Sub-No. 322), filed September 26, 1962. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the site of the Shell Oil Company Terminal located approximately three and one-half (3½) miles northwest of Bradley, Ill., to points in Indiana located on and north of U.S. Highway 40.

HEARING: December 11, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 64994 (Sub-No. 42), filed August 8, 1962. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Covington, Va., and Roanoke, Va., (2) between Damascus, Va., and Marion, Va., (3) between Piney River, Va., and Lynchburg, Va., and (4) between Fredericksburg, Va., and Richmond, Va.

NOTE: Applicant states it intends to tack the above-described authority with its existing certificates for transportation to or from points beyond.

HEARING: December 6, 1962, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 108.

No. MC 66562 (Sub-No. 1901), filed June 27, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Boston, Mass., and Auburn, Mass., as follows: Over streets of Boston to Massachusetts Highway 9, thence westward on Massachusetts Highway 9 to junction with Massachusetts Highway 20, thence westward on said Highway 20 to Millbury Street in Auburn, thence northward on Millbury Street to Central Street, thence northward on Central Street to Southbridge Street, thence northeastward on Southbridge Street to Auburn Industrial Park on Sword Street; and as alternate route: Over streets of Boston to Massachusetts Highway 9, thence to Massachusetts Highway 128, thence northward to Massachusetts Turnpike, thence over Massachusetts Turnpike westward to Auburn Interchange No. 10, and over Massachusetts Highway 12 to Auburn Industrial Park on Sword Street, returning over the same route or alternate route.

NOTE: Applicant is wholly owned by 34 rail carriers.

RESTRICTION: Applicant states that the service to be performed will be limited to shipments moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air.

HEARING: December 3, 1962, at the Hotel Essex, Boston, Mass., before Joint Board No. 231.

No. MC 66562 (Sub-No. 1920), filed September 20, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, The Citizens & Southern National Bank Building, Suite 1220, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express

service, between Hartford, and Evergreen, Ala.

NOTE: Applicant states the proposed service will be restricted to that which is auxiliary to or supplemental of air or rail express service of Railway Express Agency, Inc.; shipments to be transported will be limited to those moving on through bills of lading or express receipts covering, in addition to the motor carrier movement by applicant, an immediately prior or an immediately subsequent movement by rail or air; and such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary to or supplemental of air or rail express service of Railway Express Agency, Inc.

HEARING: December 14, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 100 or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 69116 (Sub-No. 72), filed October 21, 1962. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment or those injurious or contaminating to other lading), serving Odenton, Md., as an off-route point in connection with applicant's authorized regular route operation.

HEARING: December 4, 1962, at the U.S. Appraisers' Stores Building, Baltimore, Md., before Joint Board No. 112.

No. MC 69833 (Sub-No. 63), filed September 10, 1962. Applicant: ASSOCIATED TRUCK LINES, INC., 15 Andre Street NE., Grand Rapids, Mich. Applicant's attorney: Walter F. Jones, Jr., 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicles, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, and those injurious or contaminating to other lading), (1) between the junction U.S. Highway 20 and Indiana Highway 15 and the junction of Indiana Highway 15 and U.S. Highway 33, over Indiana Highway 15, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points and serving the junction of U.S. Highway 20 and Indiana Highway 15 as a point of joinder only. (2) Between the junction of U.S. Highway 33 and U.S. Highway 6, as follows: From Auburn, Ind., over U.S. Highway 27 to its junction with U.S. Highway 6, thence over U.S. Highway 6 to its junction with U.S. Highway 33 and return over the same route, as an alternate route, for operating convenience only, serving no intermediate points.

HEARING: December 7, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 69876 (Sub-No. 11), filed September 27, 1962. Applicant: BURKSPELZ TRANSFER, INC., 801–B North Wabash Street, Evansville, Ind. Applicant's attorney: William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Soups, including broths and chowder*, not frozen, in cans, in boxes, and (b) *bakery goods*, in cartons, from the plant site of Mead Johnson & Company at Evansville, Ind., to Chicago, Ill.

NOTE: Applicant states the proposed transportation will be under continuing contract with Mead Johnson & Company.

HEARING: December 7, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 21.

No. MC 71096 (Sub-No. 44), filed October 17, 1962. Applicant: NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio. Applicant's representative: Marion M. Emery (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the intermediate point of Edgerton, Ohio, in connection with applicant's authorized regular route operations between Cleveland, Ohio, and Chicago, Ill.

NOTE: Common control may be involved.

HEARING: December 3, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 69876 (Sub-No. 11), filed September 27, 1962. Applicant: BURKSPELZ TRANSFER, INC., 801–B North Wabash Street, Evansville, Ind. Applicant's attorney: William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Soups, including broths and chowder*, not frozen, in cans, in boxes, and (b) *bakery goods*, in cartons, from the plant site of Mead Johnson & Company at Evansville, Ind., to Chicago, Ill.

NOTE: Applicant states the proposed transportation will be under continuing contract with Mead Johnson & Company.

HEARING: December 7, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 21.

No. MC 71096 (Sub-No. 44), filed October 17, 1962. Applicant: NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio. Applicant's representative: Marion M. Emery (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the intermediate point of Edgerton, Ohio, in connection with applicant's authorized regular route operations between Cleveland, Ohio, and Chicago, Ill.

NOTE: Common control may be involved.

HEARING: December 3, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 73165 (Sub-No. 171), filed September 24, 1962. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413–414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, machinery, and machinery parts, contractors' equipment, materials and supplies, commodities which by reason of size of weight, require the use of special equipment or special handling, and related contractors' materials and supplies when transported in connection with commodities, which, by reason of size or weight, require the use of special equipment or special handling*, (1) from points in Alabama, to railheads in Alabama, for subsequent movement by rail and, (2) from railheads in Alabama, after prior transportation by rail to points in Alabama and, *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: December 13, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 100 or if the Joint Board waives its right to participate before Examiner Allen W. Hagerty.

No. MC 80272 (Sub-No. 2), filed August 6, 1962. Applicant: AUER'S VAN & EXPRESS CO., INC., 1327 York Avenue, New York 21, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Virginia.

HEARING: December 3, 1962, at the Hotel Dixie, 250 West 43d Street, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 81968 (Sub-No. 22), filed October 5, 1962. Applicant: B & L MOTOR FREIGHT, INC., 171 Riverside, Newark, Ohio. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglas materials and fiberglas products, fibrous glass mineral wool products, fibrous glass textile materials, fibrous glass textile products, plastic materials and plastic products, calcium silicate insulating materials and calcium silicate insulating products, and raw materials, supplies, machinery and equipment (except commodities in bulk, in tank, hopper or dump vehicles) used in the manufacture, packing installation and erection of such commodities*, (1) between the plant site or warehouse of Owens-Corning Fiberglas Corporation located in Atlanta, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia, (2) between the plant site or warehouse of Owens-Corning Fiberglas Corporation located in Atlanta, Ga., on the one hand, and, on the other, plants of Owens-Corning Fiberglas Corporation located at Kansas City, Kans., Newark, Ohio, Huntingdon, Pa., Barrington, and Berlin, N.J.

NOTE: Applicant states the proposed service will be under continuous contract with Owens-Corning Fiberglas Corporation. Applicant has common carrier authority under MC 123255; therefore, dual operations may be involved. It is further noted that common control may be involved.

HEARING: December 5, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Allen W. Hagerty.

No. MC 94265 (Sub-No. 93), filed October 18, 1962. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388—Thomas Corner Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by packinghouses*, as described in Parts A and C, Appendix I, 61 M.C.C. 209, from Harlan, Iowa, to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland,

Virginia, West Virginia, North Carolina, and the District of Columbia.

HEARING: December 5, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Francis A. Welch.

No. MC 97906 (Sub-No. 1), filed August 6, 1962. Applicant: JOE P. JOHNSON AND ALBERT JOHNSON, a partnership, doing business as FEDERAL MOTOR EXPRESS, P.O. Box 111, Route 5, Mount Airy, N.C. Applicant's attorney: Vaughn S. Winborne, Capital Club Building, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Winston-Salem, N.C., and Fries, Va.; from Winston-Salem over U.S. Highway 52 to Mount Airy, N.C., thence over North Carolina and Virginia Highway 89 to Galax, Va., thence over U.S. Highway 58 to its intersection with Virginia Highway 94, thence over Virginia Highway 94 to Fries, and return over the same route, serving all intermediate points and serving the off-route points of Level Cross, Siloam, and Dodson, N.C., and United Elastic Corporation plant near Francisco, N.C.

NOTE: Applicant conducts property operations under the second proviso of section 206(a)(1) by virtue of a Form BMC 75 Statement filed and assigned docket No. MC 97906.

HEARING: December 10, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 99629 (Sub-No. 3), filed September 4, 1962. Applicant: SHULMAN, INC., 20th Street and Washington Avenue, Philadelphia 46, Pa. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities and commodities of unusual value* (except household goods, articles contaminating to other lading, explosives, and commodities requiring special equipment), between points in Massachusetts.

NOTE: Common control may be involved.

HEARING: December 7, 1962, at the Hotel Essex, Boston, Mass., before Joint Board No. 231.

No. MC 100666 (Sub-No. 48), filed September 25, 1962. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7295, Shreveport, La. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum wall board, gypsum lath, gypsum wall board products, metal lath, metal studs, clips, nails, tape, joint cement, joint systems, and miscellaneous materials used with or in connection with the installation of gypsum wall board or gypsum lath and when accompanying gypsum wall board or gypsum lath*, from Briar, Ark. (located five (5) miles east and seven (7) miles north of Center Point in Howard County) and points within five (5) miles thereof, to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas and (2) *paper and waste paper, tape, joint cement and joint systems used in the manufacture and installation of gypsum board*, from points in Louisiana, Texas, Oklahoma, Kansas, Missouri, Mississippi, Kentucky, and Tennessee to Briar, Ark.

HEARING: December 10, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner William R. Tyers.

No. MC 102174 (Sub-No. 3), filed September 4, 1962. Applicant: J. H. ALLEN, 808 East Main Street, Roanoke, Ala. Applicant's attorneys: J. Haden Alldredge, Hill Building, Montgomery, Ala., and R. S. Richard, 57 Adams Avenue, Montgomery, Ala. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Yarn and cotton thread*, from the plant sites of Wehadkee Yarn Mills located at Talladega, Ala., to Dalton, Ga.; from Talladega over Alabama Highway 21 to Oxford, Ala., thence over U.S. Highway 78 to Tallapoosa, Ga., thence over Georgia Highway 100 to Cedartown, Ga., thence over U.S. Highway 27 to Rome, Ga., thence over Georgia Highway 53 to Calhoun, Ga., thence over U.S. Highway 41 to Dalton, and return over the same route, serving the intermediate points of Rome, Calhoun, Kingston, Resaca, Adairsville and Sugar Valley, Ga.

NOTE: Applicant holds common carrier authority in MC 103271 and 2 Subs; therefore, dual operations may be involved.

HEARING: December 11, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 157 or, if the Joint Board waives its right to participate before Examiner Allen W. Hagerty.

No. MC 101075 (Sub-No. 77), filed September 6, 1962. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Ronald B. Pitsenbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Superior, Wis., and points within 10 miles thereof, to points in Kittson, Roseau, Marshall, Pennington, Red Lake, and Polk Counties, Minn., and that part of Minnesota beyond 200 miles of Superior, located south of Polk County and west and south of Mahnomen, Becker, Otter Tail, Douglas, Pope, Kandiyohi, Renville, Redwood, Brown, Nicollet, LeSeur, Rice, Goodhue, and Wabasha Counties, Minn., and *rejected shipments*, on return.

HEARING: December 4, 1962, at the Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 103378 (Sub-No. 245), filed August 17, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry crude sulphate of soda* (better known as salt cake), in bulk, in hopper and tank vehicles, from points in Decatur County, Ga., to points in Florida and Alabama.

HEARING: December 18, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 99 or, if the Joint Board waives its right to participate before Examiner Allen W. Hagerty.

No. MC 103378 (Sub-No. 246), filed August 20, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlanta Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Hillsborough County, Fla., to points in Georgia and points in Tennessee on and east of U.S. Highway 27.

HEARING: December 18, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 102 or, if the Joint Board waives its right to participate before Examiner Allen W. Hagerty.

No. MC 103880 (Sub-No. 270), filed September 26, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Mosherville, Mich., and points within five (5) miles thereof, to points in Indiana.

HEARING: December 5, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 23.

No. MC 104523 (Sub-No. 22), filed June 15, 1962. Applicant: WILLIAM HAROLD HUSTON, doing business as HUSTON TRUCK LINES, Friend, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds, ingredients used in animal and poultry feeds, animal and poultry mixtures, insecticides, and premiums and advertising matters relating to all such products, and rejected shipments* of the commodities specified, between points in Illinois, Oklahoma, and Texas.

HEARING: December 12, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 105457 (Sub-No. 48), filed August 13, 1962. Applicant: THURSTON MOTOR LINES, INC., 601 Johnston Road, Charlotte, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), (1) between Beaufort, N.C., and Greenville, N.C.; from Beaufort over U.S. Highway 70 to New Bern, N.C., thence over U.S.

Highway 17 to Vanceboro, N.C., thence over North Carolina Highway 43 to Greenville, and return over the same route, serving all intermediate points, (2) between Williamston, N.C., and Plymouth, N.C.; from Williamston over U.S. Highway 64 to Plymouth, and return over the same route, serving all intermediate points, (3) between Williamston, N.C., and Elizabeth City, N.C.; from Williamston over U.S. Highway 17 to Elizabeth City, and return over the same route, serving all intermediate points, (4) between Asheboro, N.C., and Charlotte, N.C.; from Asheboro over North Carolina Highway 49 to Charlotte, and return over the same route, serving all intermediate points, and (5) between junction North Carolina Highway 49 and North Carolina Highway 8 and Charlotte, N.C.; from junction North Carolina Highway 49 and North Carolina Highway 8 over North Carolina Highway 8 to junction U.S. Highway 52, thence over U.S. Highway 52 to Albermarle, N.C., thence over North Carolina Highway 27 to Charlotte, and return over the same route, serving all intermediate points.

NOTE: Applicant states that it is operating Union Storage and Warehouse Co., doing business as North South Lines pursuant to authority granted in MC–F 7217.

HEARING: December 12, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 105813 (Sub-No. 68) (REPUBLICATION), filed May 10, 1962, published FEDERAL REGISTER, issue of June 13, 1962, and republished this issue. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. By application filed May 10, 1962, applicant sought authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from Deerfield, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis). Hearing was held on August 2, 1962, at Chicago, Ill., Hearing Examiner Bernard J. Hasson, Jr., presiding. A Report and Order, served September 13, 1962, effective October 15, 1962, found that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *frozen prepared foods*, from the plant site of The Kitchens of Sara Lee, at Deerfield, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, and Tennessee (except Memphis), and subject to the following restriction: The service authorized herein is subject to the following conditions: The authority granted herein shall not be joined directly or indirectly with any authority otherwise held by carrier for the purpose of performing through transportation. The service herein authorized is restricted against the transportation of shipments (a) received from other carriers at Deerfield, Ill., or points within the Deerfield, Ill., Commercial Zone, or (b) delivered to other carriers for movement to destinations outside of the destination territory authorized herein, subject to republication of the application in the FEDERAL REGISTER, in order that any party affected by the addition to the application of the States of Virginia and West Virginia, may, within 30 days of such republication petition for further hearing or such other relief as may be found warranted by the Commission.

No. MC 106920 (Sub-No. 18), filed June 20, 1962. Applicant: RIGGS DAIRY EXPRESS, INC., West Monroe Street, New Bremen, Ohio. Applicant's attorneys: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio, and Carroll V. Lewis, Ohio Building, Sidney, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined by the Commission in 46 M.C.C. 23, between points in Illinois on the one hand, and, on the other, points in Florida, Georgia, Alabama, Mississippi, Kentucky, and Tennessee.

NOTE: Applicant states that *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities will be transported on return trips, and further states that it controls Foodway Express, Inc.

HEARING: December 14, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 107107 (Sub-No. 211) (REPUBLICATION), filed April 13, 1962, published FEDERAL REGISTER, issue of June 13, 1962, and republished this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami, Fla. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago, Ill. By application filed April 13, 1962, applicant sought authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from Deerfield, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis). Hearing was held on August 2, 1962, at Chicago, Ill., Hearing Examiner Bernard J. Hasson, Jr., presiding. A Report and Order, served September 13, 1962, effective October 15, 1962, found that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *frozen prepared foods* from the plant site of the Kitchens of Sara Lee, at Deerfield, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, and Tennessee (except Memphis), and subject to the following restrictions: The service authorized herein is subject to the following conditions: The authority granted herein shall not be joined directly or indirectly with any authority otherwise held by carrier for the purpose of performing through transportation. The service herein authorized is restricted against the transportation of shipments (a) received from other carriers at Deerfield, Ill., or points within the Deerfield, Ill., Commercial Zone, or (b) delivered to other carriers for movement to destinations outside of the destination territory authorized herein, subject to republication of the application in the FEDERAL REGISTER, in order that any party affected by the addition to the application of the States of Virginia and West Virginia may, within 30 days of such republication, petition for further hearing or such other relief as may be found warranted by the Commission.

No. MC 107107 (Sub-No. 214) (SECOND AMENDMENT), filed May 14, 1962, published in FEDERAL REGISTER of October 10, 1962, republished, as amended October 17, 1962, further amended October 22, 1962, and republished, this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: H. R. Marlane (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, beauty and barber supplies and equipment*, in vehicles equipped with mechanical refrigeration, from points in the Chicago, Ill., Commercial Zone, to points in Florida and Georgia.

NOTE: The purpose of this second republication is to add "*beauty and barber supplies and equipment*" to the proposed commodity description.

HEARING: Remains as assigned December 3, 1962, at The Midland Hotel, Chicago, Ill., before Examiner Warren C. White.

No. MC 107403 (Sub-No. 422), filed August 30, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulphate*, in bulk, from Parkersburg, W. Va., to Nitro, W. Va.

NOTE: Common control may be involved. The applicant states the proposed service will have "a subsequent movement by barge to points beyond West Virginia".

HEARING: December 11, 1962, at Room 5405–7, U.S. Court House and Federal Office Building, 500 Quarrier Street, Charleston, W. Va., before Joint Board No. 118 or if the Joint Board waives its right to participate before Examiner Frank R. Saltzman.

No. MC 107544 (Sub-No. 52), filed September 25, 1962. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P. O. Box 580, Marion, Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, and fuel oil*, in bulk, in tank vehicles, from Knoxville and Warcer, Tenn., and Huntington, and Charleston, W. Va., to points in Kentucky, on and east of U.S. Highway 31W.

NOTE: Applicant has contract carrier authority under MC 113959 and Sub-No. 2 thereunder; therefore dual operations may be involved.

HEARING: December 10, 1962, at Room 5405–7, U.S. Court House and Federal Office Building, 500 Quarrier Street, Charleston, W. Va., before Examiner Frank R. Saltzman.

No. MC 107555 (Sub-No. 3), filed October 10, 1962. Applicant: CLARENCE ALLEN, JR., doing business as BROWN'S TRANSFER, 405 East Main Street, Ronceverte, W. Va. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precision industrial electronic equipment, instruments, parts and accessories thereof*, from Ronceverte, W. Va., to points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

HEARING: December 12, 1962, at Room 5405–7 U.S. Court House and Federal Office Building, 500 Quarrier Street, Charleston, W. Va., before Examiner Frank R. Saltzman.

No. MC 107589 (Sub-No. 3), filed August 7, 1962. Applicant: CONNECTICUT AND NEW YORK EXPRESS CORPORATION, 990 East 17th Street, Brooklyn, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Television receiving sets, phonographs and radios, and combinations thereof*, from Glendale, N.Y., to Woodbridge, Conn., Roxbury, Mass., and Providence, R.I., and (2) *parts and materials* used in the manufacture of the commodities shown above, from Chicopee Falls and Holyoke, Mass., to Glendale, and Long Island City, N.Y., and *returned shipments* in connection with (1) and (2) above, on return.

NOTE: Applicant states the proposed operation will be under contract with Olympic Radio and Television of Lear-Siegler Corporation.

HEARING: December 7, 1962, at the Hotel Dixie, 250 West 43d Street, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 107818 (Sub-No. 25), filed June 13, 1962. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Pompano Beach, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Minnesota and Wisconsin to points in Florida.

NOTE: Applicant states all duplicating authority will be eliminated.

HEARING: December 10, 1962, at the Conrad Hilton, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 107839 (Sub-No. 51), filed October 19, 1962. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products, and canned fruit juices*, in mixed shipments with citrus products, frozen, and citrus products, not canned and not frozen, from points in Florida to points in Colorado, Wyoming, Utah, Oregon, Washington, Idaho, Montana, Nevada, and to Scottsbluff, Nebr.

HEARING: November 12, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner Abraham J. Essrick.

No. MC 108053 (Sub-No. 43), filed October 1, 1962. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., Post Office Box 709, Fremont, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, as defined in section A in the Appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, from Portland, Oreg., to points in Massachusetts, Maryland, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Maine, and Washington, D.C.

HEARING: December 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 110698 (Sub-No. 235), filed October 22, 1962. Applicant: RYDER TANK LINE, INC., Winston Salem Road (P.O. Box 457), Greensboro, N.C. Applicant's attorney: Dale Woodall, Assistant Commerce Counsel, Ryder System, Inc., Law Department, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, between points in Lowndes and Monroe Counties, Miss., and Calcasieu Parrish, La., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE: Common control may be involved.

HEARING: December 3, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James O'D. Moran.

No. MC 110804 (Sub-No. 4), filed September 30, 1962. Applicant: INGRAM TRUCKING CO., INC., Box 88, Ball Ground, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217, Grant Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Marble*, finished, unfinished, crushed, ground, or pulverized, from Sylacauga, Ala., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: December 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 111045 (Sub-No. 29), filed September 18, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the Dixie Pipeline Terminal near Opelika, Ala., to points in Georgia.

HEARING: December 13, 1962, at the Georgia Public Service Commission 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 157.

No. MC 111397 (Sub-No. 48), filed September 10, 1962. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Box 1282, Avondale Station, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from points in Marion County, Mo., to points in Illinois on and west of U.S. Highway 51, and points in Iowa on and south of U.S. Highway 30, and on and east of U.S. Highway 69, and *refused and rejected shipments*, on return.

HEARING: December 12, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 46.

No. MC 111812 (Sub-No. 180), filed September 20, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* as defined in section A, Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Portland, Oreg., to points in Massachusetts, Maryland, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Maine, and the District of Columbia.

HEARING: December 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 111897 (Sub-No. 5), filed September 17, 1962. Applicant: HIX TRUCKING COMPANY, INC., 633 North Elm Street, Commerce, Ga. Applicant's representative: James L. Flenuats (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), between points in Georgia, Tennessee, and Kentucky.

HEARING: December 10, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 388.

No. MC 112020 (Sub-No. 183), filed October 13, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil, and fish byproducts*, in bulk, in tank, and hopper type vehicles, from points in Texas, Louisiana, and Mississippi, to points in Alabama, Arkansas, Louisiana, Mississippi, Georgia, South Carolina, Tennessee, Oklahoma, Indiana, Missouri, Illinois, Colorado, Iowa, Kentucky, Kansas, Nebraska, Texas, and New Mexico.

NOTE: Common control may be involved.

HEARING: December 3, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Alton R. Smith.

No. MC 112020 (Sub-No. 184), filed October 18, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, (1) between points within a seventy-five (75) mile radius of New Orleans, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (2) between points within a seventy-five (75) mile radius of Orange, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE: Common control may be involved.

HEARING: December 10, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James O'D. Moran. This assignment is for applicant's presentation only.

No. MC 112020 (Sub-No. 185), filed October 18, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acids and chemicals*, in bulk, in tank vehicles, from Texas City, Tex., to points in North Dakota.

NOTE: Common control may be involved.

HEARING: December 7, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Alton R. Smith.

No. MC 112020 (Sub-No. 186), filed October 22, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Ringwood, Ill., to points in Texas, Tennessee, and Louisiana.

NOTE: Applicant states that it is owned and controlled by the same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc.

HEARING: December 6, 1962, at the Federal Office Building 701 Loyola Avenue, New Orleans, La., before Examiner James O'D. Moran.

No. MC 112020 (Sub-No. 187), filed October 22, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, between points in Lowndes and Monroe counties, Miss., and points in Calcasieu Parish, La., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE: Common control may be involved.

HEARING: December 3, 1962, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James O'D. Moran.

No. MC 112020 (Sub-No. 189), filed October 23, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices, grape and prune juices, fruit and fig concentrates, tomato juice, tomato paste, tomato puree, and vegetable concentrates*, fresh and frozen, in bulk and hopper type vehicles, (1) between points in California, Washington, and Oregon and (2) between points in California, Oregon, and Washington on the one hand, and, on the other, points in the United States on and east of U.S. Highway 85.

NOTE: Common control may be involved.

HEARING: November 15, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 112497 (Sub-No. 192), filed September 20, 1962. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid*, in bulk, in tank vehicles, from Tupelo, Miss., to points in Alabama, Arkansas, Louisiana, Missouri, and Tennessee.

HEARING: December 6, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Allen W. Hagerty.

No. MC 112520 (Sub-No. 80), filed October 5, 1962. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, including but not limited to *rosin size*, in bulk, in tank vehicles, from Mobile, Ala., to Moss Point, Miss.

HEARING: December 13, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 14 or, if the Joint Board waives its right to participate before Examiner Allen W. Hagerty.

No. MC 113255 (Sub-No. 37), filed August 13, 1962. Applicant: MILK TRANSPORT, INC., P.O. Box 398, New Bridgton, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washing, scouring, and cleansing compounds*, in bulk, in tank vehicles, from Jersey City, N.J., to Minneapolis, Minn., and *exempt commodities*, on return.

HEARING: December 7, 1962, at Room 393 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner W. Elliott Neffen.

No. MC 113267 (Sub-No. 81), filed October 22, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, from points in Sumter County, Ga., to points in Alabama, Arkansas, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, points in the Lower Peninsula of Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Common control may be involved.

HEARING: December 4, 1962 at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 113362 (Sub-No. 14), filed August 16, 1962. Applicant: ELLSWORTH FREIGHT LINES, INC., Eagle Grove, Iowa. Applicant's attorney: Stephen Robinson, 412 Equitable Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used and distributed by packinghouses*, as defined in Appendix I, A, B, and C to the report in *Descriptions in Motor Carrier Certificates*, Ex Parte No. MC 45, 61 M.C.C. 209, and 61 M.C.C. 766, from Austin, Minn., to points in Pennsylvania on and west of U.S. Highway 15 and to points in Marshall, Ohio, Brooke, and Hancock Counties, W. Va.; and *hooks and racks* used in transporting the above specified commodities, on return.

HEARING: December 5, 1962, at Room 393 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner W. Elliott Neffen.

No. MC 113828 (Sub-No. 11) (AMENDMENT), filed April 2, 1962, published in FEDERAL REGISTER issue of June 6, 1962, republished as amended this issue. Applicant: O'BOYLE TANK LINES, INCORPORATED, Arlington Towers, Arlington, Va. Applicant's attorney Dale C. Dillon, 1835 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk and in bags, from Winston-Salem, N.C., to points in South Carolina and points in Pittsylvania, Henry, Patrick, Carroll, Grayson, Floyd, Franklin, Fairfax, Wythe, and Smith Counties, Va.

NOTE: Common control may be involved. The purpose of this republication is to add destination points in Virginia.

HEARING: December 4, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 113843 (Sub-No. 53), filed September 24, 1962. Applicant: REFRIGERATED TRANSPORT EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared, and preserved foodstuffs*, from points in Delaware, Maryland, and Virginia to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia, and *rejected, returned and damaged shipments*, on return.

NOTE: Common control may be involved.

HEARING: December 3, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 113855 (Sub-No. 69), filed June 18, 1962. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New wooden poles and posts, wooden piling, and lumber*, from points in Washoe County, Nev., to points in Iowa, Wisconsin, and Illinois.

HEARING: December 13, 1962, at the Conrad Hilton, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 113908 (Sub-No. 105), filed October 3, 1962. Applicant: ERICKSON TRANSIT CORPORATION, MPO Box 706, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White, III, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from points in Christian, Lawrence, and Greene Counties, Mo., and points in Benton County, Ark., to points in Oklahoma, Texas, Louisiana, Mississippi, Alabama, Arkansas, Kansas, Indiana, Iowa, Ohio, Colorado, Illinois, Tennessee, and Missouri.

HEARING: December 5, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner William R. Tyers.

No. MC 114019 (Sub-No. 100), filed October 11, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, meat, meat products, and meat byproducts*, from Piqua, Ohio, to points in Maryland, North Carolina, and Virginia.

HEARING: December 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 115311 (Sub-No. 33), filed September 4, 1962. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 894, Americus, Ga. Applicant's attorney: Otis E. Stovall, Suite 214–217, Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* from Bainbridge, Ga., to points in Alabama, Florida, and Georgia.

HEARING: December 12, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 99.

No. MC 115668 (Sub-No. 4), filed September 7, 1962. Applicant: WARREN G. HARDING, Box 394, Avilla, Ind. Applicant's attorney: Walter F. Jones, Jr., 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Handi-pie* (a small packaged pie) from the Continental Baking Co. plant in Detroit, Mich., to the Continental Baking Co. plant in Indianapolis, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: December 5, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 23.

No. MC 115818 (Sub-No. 3), filed August 8, 1962. Applicant: WESTBURY TRANSPORT, INC., 751 Summa Avenue, New Cassel, Long Island, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail furniture stores*, uncrated and crated, between Glen Burnie, Towson, and Baltimore, Md., on the one hand, and, on the other, points in Delaware, the District of Columbia, Maryland, New Jersey, Pennsylvania, and Virginia. RESTRICTION: Limited to a transportation service to be performed under a continuing contract with H. L. Klion, Inc., of New Cassel, N.Y.

NOTE: Applicant states "Emanuel J. Casamassima, controlling stockholder of applicant, is also controlling stockholder of Acres Transport, Inc., which holds I.C.C. Permit MC 124405 providing transportation service for same shipper between Pennsauken, N.J., and points in Delaware, Pennsylvania and New Cassel, N.Y."

HEARING: December 3, 1962, at the Hotel Dixie, 250 West 43d Street, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 115831 (Sub-No. 3), filed July 24, 1962. Applicant: TIDEWATER TRANSIT COMPANY, INC., 114 North Queen Street Kinston, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Hopewell, Va., to points in counties in North Carolina on and east of U.S. Highway 21 from the Virginia state line to the South Carolina state line.

HEARING: December 7, 1962, at the U. S. Court Rooms Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 116014 (Sub-No. 4), filed October 3, 1962. Applicant: RALPH OLIVER AND MRS. SCOTT OLIVER, a partnership, doing business as OLIVER TRUCKING CO., 117 Buckner Street, Winchester, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from Winchester, Ky., to West Hazelton, Pa., and (2) between Winchester, Ky., and points in West Virginia, Tennessee, North Carolina, Georgia, Alabama, and Mississippi.

HEARING: December 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 116254 (Sub-No. 11), filed August 13, 1962. Applicant: CHEM-HAULERS, INC., P.O. Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, 515 Nashville Trust Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydroflourosilicic acid*, in bulk, in tank vehicles, from Tupelo, Miss., to points in Alabama, Arkansas, Tennessee, Missouri, and Louisiana, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: December 6, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Allen W. Hagerty.

No. MC 116791 (Sub-No. 13), filed July 30, 1962. Applicant: Leonard R. Green, doing business as FARMERS ELEVATOR, Kensington, Minn. Applicant's representative: A. R. Fowler, Associated Motor Carriers Tariff Bureau, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, in bags and in bulk, from New Richmond, Wis. to points in North Dakota on and east of U.S. Highway 83.

HEARING: December 6, 1962, at the Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 219.

No. MC 117206 (Sub-No. 4), filed September 17, 1962. Applicant: NATIONAL TRUCKING COMPANY, a corporation, P.O. Box 1137, Jacksonville, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Traction engines or tractors, steam or internal combustion, with or without attachments*, between points in Florida and those points in Georgia on and south of U.S. Highway 78.

HEARING: December 12, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 64.

No. MC 117542 (Sub-No. 3), filed October 3, 1962. Applicant: R. M. HENDERSON, doing business as HENDERSON AUTO TRANSIT, 411 Poinsette Highway, Greenville, S.C. Applicant's attorney: Donald E. Cross, Munsey Building, Washington 4, D.C. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled automobiles and trucks*, between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, on the one hand, and, on the other, points in North Carolina, South Carolina, and Georgia.

HEARING: December 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 118242 (Sub-No. 1), filed October 22, 1962. Applicant: WHITE'S TRUCKING SERVICE, INC., 1200 Northwest 22d Street, P.O. Box 52–565, Miami 52, Fla. Applicant's attorney: William J. Lippman, 1824 R Street NW., Washington 9, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Miami, Tampa, West Palm Beach, Port Everglades, and Jacksonville, Fla., to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and ports of entry on the International Boundary line between the United States and Canada in connection with shipments to points in Ontario and Quebec Provinces, Canada, and *exempt commodities*, on return.

NOTE: Applicant states duplication to be eliminated.

HEARING: December 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 118416 (Sub-No. 1), filed September 17, 1962. Applicant: GREEN MOTOR LINES, INCORPORATED, 1420 East Ninth Street Road, Richmond, Va. Applicant's attorney: Jno. G. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in cans, cases, drums, packages, and other small containers (but not in bulk), from Bradford, Pa., to point in Virginia (except Roanoke).

NOTE: Applicant is also authorized to conduct operations as contract carrier in Permit No. MC 109654 and subs thereunder; therefore dual operations may be involved.

HEARING: November 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 118831 (Sub-No. 21), filed October 1, 1962. Applicant: CENTRAL TRANSPORT, INC., East College Drive, High Point, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, in tank or hopper type vehicles, from Wilmington, N.C., to points in South Carolina and Virginia.

NOTE: Common control may be involved.

HEARING: December 5, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 119245 (Sub-No. 2), (REPUBLICATION), filed April 20, 1962, published FEDERAL REGISTER, issue of July 11, 1962, and republished this issue. Applicant: E. J. PAULETTE, doing business as PAULETTE'S DELIVERY SERVICE, 1155 Joseph Street, Shreveport, La. Applicant's attorney: John W. Haygood, 406 Petroleum Tower, Shreveport, La. By application filed April 20, 1962, applicant sought authority to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Cosmetic products, from New Orleans, La., to Shreveport, La., and points in Caddo, Bossier, Webster, Claiborne, Union, Morehouse, West Carroll, East Carroll, DeSoto, Red River, Bienville, Lincoln, Jackson, Ouachita, Richland, Madison, Sabine, Nachitoches, Winn, Caldwell, Franklin, Tensas, Vernon, Rapides, Grant, LaSalle, Catahoula, and Concordia Parishes, La., having a prior out-of-state movement, for the account of Avon Products, Inc. Hearing was held on September 17, 1962, at Baton Rouge, La., Joint Board No. 164 presiding. The application was amended at the hearing to show that the commodities would move from Shreveport, La., rather than from New Orleans, La., as shown in the original application. A Report and Order, served October 3, 1962, found that applicant is fit, willing, and able properly to perform the transportation as a *contract carrier*, by motor vehicle, under a continuing contract with Avon Products, Inc., of *cosmetic products*, from Shreveport, La., to points in Caddo, Bossier, Webster, Claiborne, Union, Morehouse, West Carroll, East Carroll, DeSoto, Red River, Bienville, Lincoln, Jackson, Ouachita, Richland, Madison, Sabine, Natchitoches, Winn, Caldwell, Franklin, Tensas, Vernon, Rapides, Grant, LaSalle, Catahoula, and Concordia Parishes, La., limited to the transportation of shipments having a prior interstate movement, subject to republication in the FEDERAL REGISTER of the application as amended, and that the issuance of a permit should be withheld pending republication with a period of 30 days for any interested parties to file protests.

No. MC 119268 (Sub-No. 15), filed October 7, 1962. Applicant: OSBORN, INC., 228 North Fourth Street, Gadsden, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue South, Birmingham 5, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts and pineapples*, (1) from Jacksonville, Fla., to Birmingham, Ala., and (2) from Tampa, Fla., and Charleston, S.C., to points in Alabama (except Montgomery), Arizona, California, Ohio, Texas, Utah, and Wisconsin.

HEARING: December 19, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Allen W. Hagerty.

No. MC 119391 (Sub-No. 2), filed August 16, 1962. Applicant: AJAX TRANSFER COMPANY, a corporation, 550 East Fifth Street South, South St. Paul, Minn. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packing houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, points in Minnesota, those in Price, Oneida, Vilas, Forest, Florence, Marinette, Langlade, Shawano, Lincoln, Taylor, Clark, Marathon, Wood, Portage, Buffalo, Trempealeau, Jackson, La Crosse, Monroe, Juneau, Adams, Vernon, Crawford, Richland, Sauk, Grant, Burnett, Washburn, Sawyer, Polk, Barron, Rusk, St. Croix, Dunn, Chippewa, Eau Claire, Pepin, and Pierce Counties, Wis., those in Howard, Winneshiek, Allamakee, Clayton, Fayette, Chickasaw, Worth, Cerro Gordo, Mitchell, and Floyd Counties, Iowa, and points in Marquette, Dickinson, Menominee, Delta, Alger, School Craft, Luce, Mackinac, and Chippewa Counties, Mich., (2) between Marshfield, Wis., on the one hand, and, on the other, points in Price, Oneida, Vilas, Forest, Florence, Marinette, Langlade, Shawano, Lincoln, Taylor, Clark, Marathon, Wood, and Portage Counties, Wis., (3) between Winona, Minn., and La Crosse, Wis., on the one hand, and, on the other, points in Howard, Winneshiek, Allamakee, Clayton, Fayette, and Chickasaw Counties, Iowa and those in Wabasha, Winona, Fillmore, Houston, and Olmsted Counties, Minn., and those in Buffalo, Trempealeau, Jackson, La Crosse, Monroe, Juneau, Adams, Vernon, Crawford, Richland, Sauk, and Grant Counties, Wis., (4) between Green Bay, Wis., on the one hand, and, on the other, points in Marinette, Oconto, Shawano, Waupaca, Outagamie, Brown, Kewaunee, Door, Calumet, Winnebago, Fond Du Lac, Sheboygan, and Manitowoc Counties, Wis., and points in Menominee County, Mich., (5) between Milwaukee, Wis., on the one hand, and on the other, points in Waushara, Winnebago, Green Lake, Marquette, Fond Du Lac, Sheboygan, Columbia, Dodge, Washington, Ozaukee, Waukesha, Milwaukee, Racine, Kenosha, and Walworth Counties, Wis., (6) between Madison, Wis., on the one hand, and, on the other, points in Sauk, Columbia, Iowa, Dane, Jefferson, Walworth, Rock, Green, and Lafayette Counties, Wis., and those in Winnebago, Boone, McHenry, Lake, and Stephenson, Counties, Ill., (7) between Marquette and Escanaba, Mich., on the one hand, and, on the other, points in Marquette, Dickinson, Menominee, Delta, Alger, School Craft, Luce, Mackinac, and Chippewa Counties, Mich., and those in Florence County, Wis., and (8) between Grand Rapids, Mich., on the one hand, and, on the other, points in Emmet, Sheboygan, Presque Island, Charlevoix, Antrim, Otsego, Montmorency, Alpena, Leelanau, Benzie, Grand Traverse, Kalkaska, Crawford, Oscoda, Alcona, Manistee, Wexford, Missaukee, Roscommon, Ogemaw, Iosco, Mason, Lake, Osceola, Clare, Gladwin, Arenac, Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, Huron, Sanilac, Tuscola, Saginaw, Gratiot, Montcalm, Kent, Muskegon, Ottawa, Ionia, Clinton, Shiawassee, Genesee, Lapeer, St. Clair, Allegan, Barry, Eaton, Ingham, Livingston, Oakland, Macomb, Van Buren, Kalamazoo, Jackson, Washtenaw, Wayne, Cass, St. Joseph, Branch, Hillsdale, Lenawee, Monroe, and Berrien Counties, Mich.

NOTE: Applicant states that the proposed authority herein requested will be performed under an individual contract with Armour & Company.

HEARING: December 3, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner W. Elliott Neffen.

No. MC 119749 (Sub-No. 6), filed August 30, 1962. Applicant: RIPON TRUCKING CO., a corporation, Oshkosh Street, Ripon, Wis. Applicant's attorney: Edward Solle, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such materials, equipment, and supplies as are used or useful in bakeries*, from Minneapolis and St. Paul, Minn., and Chicago, Ill., to Ripon, Wis., restricted to pickup only, and (2) *machinery*, from Ripon, Wis., to Chicago, Ill.

NOTE: Applicant states that it is presently authorized to transport all of the named commodities between the involved points via specified regular routes in its Certificate MC 119749. The purpose of this application is to change such presently authorized regular route operation to an irregular route operation transporting the same commodities between the same points.

HEARING: December 6, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner W. Elliott Neffen.

No. MC 119778 (Sub-No. 19), filed September 6, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413–414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Moundville, Ala., and points within a radius of ten (10) miles thereof, to points in Mississippi, Florida, Georgia, and Tennessee (except jet fuel and aviation fuels, to the U.S. Air Force Base located at Columbus, Miss.), and *only empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Common control may be involved.

HEARING: December 11, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Examiner Allen W. Hagerty.

No. MC 121107 (Sub-No. 2), filed October 16, 1962. Applicant: PITT COUNTY TRANSPORTATION COMPANY, INC., South Main Street, Farmville, N.C. Applicant's attorney: John Hill Paylor, 108 East Wilson Street, Farmville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, other than in bulk and in tank vehicles, from Norfolk and Portsmouth, Va., and points in Norfolk County, Va., to points in North Carolina, and *exempt commodities*, on return.

HEARING: December 6, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 123251 (REPUBLICATION), filed November 30, 1960, published in the FEDERAL REGISTER, issue of December 21, 1960, republished issue of December 29, 1960, and republished this issue. Applicant: EAST-WEST TRANSPORT, LTD., 570 Nairn Avenue, Winnipeg, Manitoba, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those contaminating to other lading, between points on the International Boundary line between the United States and Canada and the ports of entry at Blaine and Oroville, Wash., Eastport, Idaho, Sweet Grass and Raymond, Mont., Portal and Pembina, N. Dak., Noyes, Minn., and Sault Ste. Marie, Port Huron, and Detroit, Mich.

NOTE: Applicant states that the proposed service will not involve pick up or delivery in the United States but will involve traffic originating at, or destined to, points in the United States.

FUTURE HEARING: December 7, 1962, at the Federal Office Building, Seattle, Wash., before Examiner Joseph A. Reilly.

No. MC 123293 (Sub-No. 3), filed August 20, 1962. Applicant: FRY SALES AND EQUIPMENT CO., a corporation, Box 120, Mercersburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from Arkwright Mine, located approximately two (2) miles from Maidsville, W. Va., to the plant site of Pennsylvania Glass Sand Corporation, located two (2) miles north of Berkeley Springs, W. Va., on U.S. Highway 522.

NOTE: Applicant states the proposed service will be performed under a continuing contract with Martin-Marietta Corporation (Fry Coal and Stone Division).

HEARING: December 11, 1962, at Room 5405–7, U.S. Court House and Federal Office Building, 500 Quarrier Street, Charleston, W. Va., before Joint Board No. 118, or if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 123407 (Sub-No. 7), filed October 1, 1962. Applicant: SEURING TRANSIT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's attorney: Alan Foss, The First National Bank Building., Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granules*, used in the manufacture of roofing, in bulk, from Wausau and Kremlin, Wis., to Minneapolis and St. Paul, Minn.

NOTE: Common control may be involved.

HEARING: December 5, 1962, at the Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 123902 (Sub-No. 1), filed October 4, 1962. Applicant: NORTH JERSEY TRANSFER, INC., P.O. Box 292, Sparta, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foam rubber*, loose or in packages, from Franklin and Newton, N.J., to points in Ohio, Michigan, Indiana, and Illinois.

NOTE: Applicant states the proposed operations will be under continuing contract with American Urethane, Inc., Franklin, N.J.

HEARING: December 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 124048 (Sub-No. 5), filed September 13, 1962. Applicant: SCHWERMAN TUCKING CO., OF INDIANA, INC., 630 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, and in packages, between points in Indiana.

NOTE: Common control may be involved. It is further noted that applicant states "The Interstate Commerce Commission in docket MC 124048 has approved applicant's conversion from contract to common carriage—insofar as the transportation of cement is concerned—and applicant is awaiting issuance of its Certificate. On July 26, 1962, applicant filed a conversion application with the Commission seeking to convert its remaining Permits to a Certificate and the matter is now pending before the Commission. Thus, dual operations may be involved."

HEARING: December 6, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 124319 (Sub-No. 1), filed July 25, 1962. Applicant: Clinton Schultz, doing business as LE SUEUR TAXI, 345 North Fourth Street, Le Sueur, Minn. Applicant's representative: A. R. Fowler, Associated Motor Carrier Tariff Bureau, 2288 University Avenue, Saint Paul 14, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and frozen vegetable samples, advertising material, advertising art, and paper labels* between Minneapolis-St. Paul Airport, Wold Chamberlain Field, Minneapolis-St. Paul, Minn., on the one hand, and, on the other, Le Sueur, Minn.

NOTE: Applicant states the proposed service will be restricted to shipments having a prior or subsequent movement by aircraft; also, operations will be performed under a continuing contract with the Green Giant Company.

HEARING: December 5, 1962, at the Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145.

No. MC 124437 (Sub-No. 1), filed June 20, 1962. Applicant: DEMPSEY BOYD, doing business as BOYD TRUCK LINE, Clayton, Ala. Applicant's attorney: Hugh R. Williams, 3020 West Fairview Avenue, Montgomery 2, Ala. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Insecticides and ingredients thereof, pesticides and ingredients thereof, and fungicides and ingredients thereof*, (1) from Troy, Ala., to points in Georgia, Florida, North Carolina, South Carolina, Tennessee, Mississippi, Louisiana, and Arkansas, (2) from Cleveland, Miss., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Louisiana, and Arkansas. (B) *Ingredients for insecticides and pesticides*, (1) from Gantts Quarry, Ala. (near Sylacauga, Ala.), to Cleveland, Miss., (2) from Macon, Ga., to Decatur, Ala., Troy, Ala., and Cleveland, Miss., (3) from points in Moore County, N.C., to Decatur, Ala., Troy, Ala., Cleveland, Miss., Pine Bluff, Ark. and Tifton, Ga., and (4) from Brunswick, Ga., to Troy, Ala., Decatur, Ala., Cleveland, Miss., and Pine Bluff, Ark.

NOTE: Applicant proposes to transport exempt commodities, on return.

HEARING: December 12, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Examiner Allen W. Hagerty.

No. MC 124492 (Sub-No. 1), filed October 5, 1962. Applicant: LOYD CLABURN, doing business as CLABURN TRUCKING CO., 2574 Fillmore, Memphis, Tenn. Applicant's attorney: R. Connor Wiggins, Jr., 824 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, and clay products*, from the plant sites of Southern Brick and Tile Co. and Clay Products, Inc., at Byhalia and Holly Springs, Miss., to points in Arkansas, Tennessee, Illinois, Mississippi, Alabama, Louisiana, Missouri, Indiana, and Kentucky, and *rejected shipments* of the above-specified commodities, on return.

HEARING: December 3, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner William R. Tyers.

No. MC 124538 (Sub-No. 1), filed September 21, 1962. Applicant: OKLAHOMA FURNITURE TRANSPORT, INC., 308 West College Street, Guthrie, Okla. Applicant's attorney: Wm. L. Peterson, Jr., Suite 929, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture, springs and bed parts, mattresses and jobbed hard surface carpeting, baby strollers, ironing boards, baby cribs, and all materials necessary and incidental to the manufacture of new furniture, and machinery and parts thereof, jobbed ironing boards, hard surface carpeting, baby strollers and baby cribs*, between Guthrie, Okla. and Columbia, Miss., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: December 13, 1962, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Examiner William R. Tyers.

No. MC 124618 (Sub-No. 2), filed September 21, 1962. Applicant: WILLARD SAND AND GRAVEL, INC., 4311 Powder Mill Road, Beltsville, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, in dump or hopper-type vehicles, from Quarry at Travilah Road and Piney Meeting House Road, Montgomery County, Md., to points in the Washington, D.C., Commercial Zone.

HEARING: December 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 124630, filed July 20, 1962. Applicant: G & W TRANSFER, 7230 Male Street, Los Angeles 1, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture, fixtures, equipment and furnishings*, uncrated, for stores, restaurants, bars, cocktail lounges, commercial establishments, institutions, hotels and churches, and (2) *furniture fixtures* and *restaurant* and *store equipment*, uncrated for military installations, from points in Los Angeles and Orange Counties, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Wyoming, and Washington and (3) *new furniture, appliances* and *furnishings*, uncrated, between points in Los Angeles and Orange Counties, Calif., on the one hand, and, on the other, points in Clark County, Nev.

NOTE: Applicant states it proposes to transport "rejects, trade-ins and returned merchandise", on return. Applicant holds contract carrier authority in MC 118714 Sub 2; therefore dual operations may be involved.

HEARING: December 10, 1962, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 124688, filed August 9, 1962. Applicant: INDEPENDENT DELIVERY INC., 1331 Stewart Street, Seattle 9, Wash. Applicant's attorney: George Kargianis, 609–11 Norton Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet and drug preparations, drugs, medicines, chemicals, prescription items and ingredients and other commodities sold in drug stores*, in packages not exceeding 25 pounds, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between points in King, Pierce, Snohomish, Island, Kitsap, Thurston, Skagit, Mason, Clallam, and Jefferson Counties, Wash.

HEARING: December 6, 1962, at the Federal Office Building, Seattle, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner Joseph A. Reilly.

No. MC 124691, filed August 9, 1962. Applicant: ROLAND HALL LEASING OF YONKERS, INC., 170 North Avenue, New Rochelle, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel reels, air conditioners and parts* (uncrated), between Ossining, Brooklyn, and Farmingdale, N.Y., and Linden, N.J., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Pennsylvania, New Jersey, and New York.

HEARING: December 6, 1962, at the Hotel Dixie, 250 West 43d Street, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 124672, filed August 3, 1962. Applicant: JOHN C. HUNT, P.O. Box 66, Layton, N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed, feed ingredients, feed additives* and *grain products*, from Middletown, N.Y., to points in Pike, Wayne, and Monroe Counties, Pa., and to points in Sussex, Passaic, Bergen, Warren, Morris, and Essex Counties, N.J.; and (2) *returned and rejected shipments* of the above commodities on return.

HEARING: November 30, 1962, at the Hotel Dixie, 250 West 43d Street, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 124697, filed August 13, 1962. Applicant: GERALD DACHEL AND ALFRED DACHEL, a partnership, doing business as DACHEL BROTHERS TRUCKING, Route No. 3, Chippewa Falls, Wis. Applicant's attorney: W. P. Knowles, 103 North Main Street, New Richmond, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cottage cheese, butter, powdered milk and other dairy products*, between Chippewa Falls, Wis., and points in Illinois, Indiana, Missouri, Iowa, and Wisconsin, and (2) *cheese*, from Holy Cross and Bettendorf, Iowa, to Chippewa Falls, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states the proposed operation is for the accounts of Bowman Dairy Company, only.

HEARING: December 7, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner W. Elliott Neffen.

No. MC 124703 (Sub-No. 2), filed September 10, 1962. Applicant: ALVIN N. VOIGT AND LOWELL E. RUDY, a partnership, doing business as RUDY TRUCKING, 81 Fifth Street North, Sauk Rapids, Minn. Applicant's attorney: Gordon Rosenmeier, 72 Broadway, Little Falls, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine, baler and binder*, from the port of entry on the international boundary of the United States and Canada at Detroit, Mich., to points in Minnesota and Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: December 6, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner W. Elliott Neffen.

No. MC 124708 (Sub-No. 1), filed August 27, 1962. Applicant: MEAT PACKERS EXPRESS, INC., 605 South 14th, Lincoln, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in Appendix I to *Descriptions* in 61 M.C.C. 209, from Perry, Iowa, to points in California, Arizona, Nevada, Oregon, and Washington, and *exempt commodities*, on return.

NOTE: Applicant states that all service is to be limited to a transportation service to be performed under continuing contract with Pork Company.

HEARING: December 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 124708 (Sub-No. 2), filed August 27, 1962. Applicant: MEAT PACKERS EXPRESS, INC., 605 South 14th Street, Lincoln, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Denison and Fort Dodge, Iowa, to points in California, Arizona, Nevada, Oregon, and Washington, and *exempt commodities*, on return.

NOTE: Applicant states that all service to be limited to a transportation service to be performed under continuing contracts with Farm Best, Inc., and Iowa Beef Co.

HEARING: December 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 124720, filed August 17, 1962. Applicant: JOSEPH R. WALDRIP, doing business as WALDRIP WRECKER SERVICE, 1701 Mulberry Street, Montgomery, Ala. Applicant's attorney: Hugh R. Williams, 3020 West Fairview Avenue, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Abandoned, wrecked, disabled, inoperative and repossessed motor vehicles, replacement motor vehicles for abandoned, wrecked, disabled, inoperative and repossessed motor vehicles, abandoned, wrecked, disabled, inoperative and repossessed trailers, semitrailers, boats, boat trailers and house trailers, and replacements therefor, by wreckers and tow-trucks only*, between points in Alabama, Florida, Mississippi, Louisiana, Tennessee, Georgia, North Carolina, and South Carolina.

HEARING: December 10, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Examiner Allen W. Hagerty.

No. MC 124724, filed August 16, 1962. Applicant: ERNEST A. COSSETTE, doing business as ERNIE'S STANDARD SERVICE, 1301 South University Drive, Fargo, N. Dak. Applicant's attorney: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed or stolen motor vehicles* (except trailers designed to be drawn by passenger automobiles), and *tractors for replacement of wrecked or disabled tractors*, between points in North Dakota and Minnesota, and that part of South Dakota on and east of the Missouri River.

HEARING: December 7, 1962, at the Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 143.

No. MC 124765, filed September 10, 1962. Applicant: JAMES C. KELLY, 35 Red Schoolhouse Road, Spring Valley, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime and limestone*, from Franklin, and Newton, N.J., to points in Rockland County, N.Y., and (2) *fertilizer and agricultural chemicals*, from South Kearny, N.J., to points in Rockland County, N.Y.

NOTE: Applicant states the proposed operations will be under a continuing contract with Arthur W. Jones, Rockland County Agent for Cooperative G. L. F. Exchange, Inc., Spring Valley, N.Y.

HEARING: December 7, 1962, at the Hotel Dixie, 250 West 43d Street, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 124796 (Sub-No. 1), filed September 27, 1962. Applicant: CONTINENTAL CONTRACT CARRIER CORPORATION, 300 Avery Street, Los Angeles 13, Calif. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery items, and advertising material*, in mechanically refrigerated vehicles, from Hershey, Pa., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE: Applicant states that all the transportation in the proposed service will be performed under a continuing contract with H. B. Reese Candy Company, Hershey, Pa.

HEARING: December 3, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 124834, filed October 4, 1962. Applicant: COFFEE TRANSPORT CORPORATION, 345 Butler Street, Brooklyn 17, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nuts (edible)*, (1) from piers in New York Harbor, to Carlstadt, N.J., and (2) from Carlstadt, N.J., to Brooklyn, N.Y.

NOTE: Applicant states the proposed operation will be under continuing contract with Chock Full O'Nuts.

HEARING: December 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 124835, filed October 4, 1962. Applicant: PRODUCERS TRANSPORT CO., a corporation, 1301 Hannah Avenue NW., Knoxville, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, from points in Tennessee, to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Virginia, West Virginia, and Tennessee, and (2) *cement*, on which there has been a prior movement by rail, between points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Virginia, West Virginia, and Tennessee.

NOTE: Common control may be involved.

HEARING: December 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 124840, filed October 8, 1962. Applicant: McDERMITT, INC., Lincolnway East, Gettysburg, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, from the plant sites of Teeter Stone, Inc., in Cumberland and Liberty Townships, Adam County, Pa., to the plant site of Harry T. Campbell Sons' Corporation at White Marsh, Md.

HEARING: December 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

MOTOR CARRIERS OF PASSENGERS

No. MC 287 (Sub-No. 7), filed September 28, 1962. Applicant: PLYMOUTH & BROCKTON STREET RAILWAY CO., a corporation, 109 Sandwich Street, Plymouth, Mass. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip operations, beginning and ending at Brockton, Avon, Randolph, Dedham, and Stoughton, Mass., and extending to Salem, Nashua, Hudson, Derry, Pelham, and Exeter, N.H.

NOTE: Applicant states the authority herein is restricted to transportation of passengers who, at the time, are traveling for the purpose of participating in beano or bingo games.

HEARING: December 6, 1962, at the Hotel Essex, Boston, Mass., before Joint Board No. 20.

No. MC 453 (Sub-No. 19), filed October 1, 1962. Applicant: THE GRAY LINE, INC., 1010 I Street NW., Washington, D.C. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations in round trip sightseeing or pleasure tours from Washington, D.C., to all points in the United States, including Alaska (but excluding Hawaii), and return.

HEARING: December 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 13300 (Sub-No. 75), filed August 3, 1962. Applicant: CAROLINA COACH COMPANY, a corporation, 1201 South Blount Street, Raleigh, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E. Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers*, in same vehicle with passengers, between Norfolk, Va., and Richmond, Va., from Norfolk over Interstate Highway 64 to and over Virginia Highway 168 to and over U.S. Highway 60 to Richmond, and return over the same route, as an alternate route for operating convenience only and serving no intermediate points.

NOTE: Common control may be involved.

HEARING: December 7, 1962, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 108.

No. MC 60325 (Sub-No. 4), filed September 4, 1962. Applicant: JEFFERSON TRANSPORTATION CO., a corporation, 1114 Currie Avenue, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Rochester, Minn., and Winona Junction, Wis., from Rochester, over U.S. Highway 14, thence over Wisconsin Highway 54, to Winona Jct., and return over the same route, serving the Burlington and Milwaukee Railroad Stations, in Winona, Minn., and the Burlington Railroad Station located at Winona Jct., Wis.

NOTE: Applicant states the proposed service will be for the purpose of transporting rail passengers and their baggage only, to and from Rochester, Minn., and the Burlington and Milwaukee Railroad Trains, at Winona and Winona Junction, Wis.

HEARING: December 3, 1962, at the Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 124654, filed August 15, 1962. Applicant: Vivian Rehbein, doing business as REHBEIN TRANSIT COMPANY, 6152 Hodgson Road, Circle Pines, Minn. Applicant's attorney: Thomas W. Walsh, 314 Minnesota Building, Saint Paul 1, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in special and charter operations between St. Paul, White Bear, Circle Pines, and New Brighton, Minn., on the one hand, and, on the other, Rice Lake, Osceola, Barron, Hudson, New Richmond, Ellsworth, St. Croix, River Camp, Elmwood, and La Crosse, Wis.

HEARING: December 3, 1962, at the Federal Building and U. S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 124804, filed September 24, 1962. Applicant: RUTH CAIRNS, Dunstaffnage, Prince Edward Island, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, (1) between the Port of Entry on the International boundary line, between the United States and Canada at Houlton, Maine, and Boston, Mass.; from Houlton over U.S. Highways 2a and 2 to Bangor, Maine, thence over U.S. Highway 2 to Newport, Maine, thence over Maine Highway 100 to Fairfield, Maine, thence over Maine Turnpike (Interstate Highway 95) to Boston, Mass., and return over the same route, serving all intermediate points, and (2) between the Port of Entry on the International boundary line, between the United States and Canada at Calais, Maine, and Boston, Mass.; from Calais, over Maine Highway 9 to Augusta, Maine, thence over Maine Turnpike (Interstate Highway 95) to Boston, Mass., and return over the same route, serving all intermediate points.

HEARING: December 5, 1962, at the Hotel Essex, Boston, Mass., before Joint Board No. 69.

No. MC 124808, filed September 24, 1962. Applicant: DUNCAN A. MACCANNELL, 146 Great George Street, Charlottetown, Prince Edward Island, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, (1) between the Port of Entry on the International boundary line, between the United States and Canada at Houlton, Maine, and Boston, Mass.; from Houlton over U.S. Highways 2a and 2 to Bangor, Maine, thence over U.S. Highway 2 to Newport, Maine, thence over Maine Highway 100 to Fairfield, Maine, thence over Maine Turnpike (Interstate Highway 95) to Boston, Mass., and return over the same route, serving all intermediate points, and (2) between the Port of Entry on the International boundary line, between the United States and Canada at Calais, Maine, and Boston, Mass.; from Calais over Maine Highway 9 to Augusta, Maine, thence over Maine Turnpike (Interstate Highway 95) to Boston, Mass., and return over the same route, serving all intermediate points.

HEARING: December 5, 1962, at the Hotel Essex, Boston, Mass., before Joint Board No. 69.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12813, filed July 2, 1962. Applicant: SNOW EAGLE TOURS, LTD., a corporation, 277 Broadway, c/o Mr. David Edelman, New York 7, N.Y. Applicant's attorney: David Edelman, 277 Broadway, New York 7, N.Y. For a license (BMC 5) authorizing operations as a *broker* at New York, N.Y., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, both as individuals and groups, in round-trip all-expense package tours, beginning and ending at New York, N.Y., and extending to points in New York, Vermont, Massachusetts, New Hampshire, Connecticut, Pennsylvania, and New Jersey.

HEARING: November 28, 1962, at 346 Broadway, New York, N.Y., before Examiner David Waters.

No. MC 12822, filed August 9, 1962. Applicant: EMILE J. DUBE, doing business as DUBE TRAVEL AGENCY, 557 Main Street, Lewiston, Maine. Applicant's attorney: Frederick G. Taintor, 465 Main Street, Lewiston, Maine. For a license (BMC 5) to engage in operations as a *broker* at Lewiston, Maine, in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, both as individuals and in groups, between points in the United States, including Alaska and Hawaii.

HEARING: December 13, 1962, at the State House, Augusta, Maine, before Joint Board No. 70.

No. MC 12823, filed August 9, 1962. Applicant: JOHN WILLIAM WEAVER, doing business as PLEASURE TOURS, P.O. Box 967, Shelby, N.C. For a license (BMC 5) to engage in operations as a *broker* at Shelby, N.C., in arranging for transportation in interstate or foreign commerce of *Passengers and their baggage*, in the same vehicle, both as individuals and in groups, in special and charter operations, in round-trip tours, beginning and ending at points in North Carolina, South Carolina, and Georgia and extending to points in the United States, including Alaska and Hawaii.

HEARING: December 11, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 12825, filed August 30, 1962. Applicant: J. CARLTON BOND AND BORIS WINSTON, doing business as TAN TOURS OF BOSTON, 977 Tremont Street, P.O. Box 225, Roxbury Crossing, Roxbury 20, Mass. For a license (BMC–5) to engage in operations as a *broker* at Roxbury, Mass., in arranging for the transportation in interstate or foreign commerce of *Passengers and their baggage*, both as individuals and groups, in round-trip, all-expense tours, between points in the United States, including ports of entry on the International Boundary Line between the United States and Canada.

HEARING: December 10, 1962, at the Hotel Essex, Boston, Mass., before Joint Board No. 231.

MOTOR CARRIERS OF PROPERTY

No. MC 12834, filed October 11, 1962. Applicant: FOX & GINN MOVING & STORAGE COMPANY, a corporation, 195 Thatcher Street, Bangor, Maine. For a license (BMC 4) to engage in operations as a *broker* at Presque Isle, Bangor, Brunswick, and Portland, Maine, and at Boston, Mass., in arranging for the transportation in interstate or foreign commerce of *Household goods*, between points in the United States, including Alaska and Hawaii.

HEARING: December 14, 1962, at the State House, Augusta, Maine, before Joint Board No. 70.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

No. MC 45657 (Sub-No. 32), filed October 22, 1962. Applicant: PIC-WALSH FREIGHT CO., a corporation, 731 Campbell Avenue, St. Louis 15, Mo. Applicant's attorney: John Paul Jones, 189 Jefferson Avenue, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Cedar Hill, Miss., to Memphis, Tenn.

NOTE: Applicant states that Cedar Hill, Miss. is an unincorporated community in northeast Mississippi, about five miles west of Guntown, Miss., on Mississippi Highway 348, near its junction with U.S. Highway 45.

No. MC 102616 (Sub-No. 708), filed October 17, 1962. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, dry, in bulk, in tank and hopper-type pneumatic vehicles, from Wilmington, Del., and points within five (5) miles of Wilmington, to points in Maryland, New Jersey, New York, Pennsylvania, and West Virginia.

No. MC 109506 (Sub-No. 8), filed October 21, 1962. Applicant: FREEMAN PACK AND DAN D. PACK, a partnership, doing business as PACK TRUCK LINE, 334 East 13th, Idaho Falls, Idaho. Applicant's attorney: Jay F. Bates, P.O. Box 177, Rigby, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Bannock County, Idaho, to points in Sweet Grass, Park, Gallatin, Madison, Beaverhead, Silver Bow, Deer Lodge, Ravalli, and Missoula Counties, Mont., Teton, Lincoln, Sweetwater, Sublette, and Fremont Counties, Wyo., and Yellowstone National Park, Wyo., and points in Elko, Lander, Eureka, and White Pine Counties, Nev.

No. MC 109637 (Sub-No. 218), filed October 3, 1962. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 10, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Franklin, Pa., to points in Pike County, Ky.

No. MC 113024 (Sub-No. 24), filed October 16, 1962. Applicant: ARLINGTON JOHN WILLIAMS, doing business as A. J. WILLIAMS, 152 Killoran Drive, New Castle, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil and greases*, in packages, from Kansas City, Kans., to Dover, Lewes, Lincoln, and Wilmington, Del., Cape May Courthouse, Mays Landing, Millville, Salem, Clinton, Somerville, Livingston, Newark, Lyndhurst, and Trenton, N.J., Aspers, Carlisle, Gettysburg, Hanover, Harrisburg, Mechanicsburg, New Freedom, New Oxford, Red Lion, Seven Stars, Stewartstown, York, Carbondale, Daleville, Evans Falls, Luzerne, Elkins Park, Willow Grove, Hazelton, Lehighton, Tamaqua, Martinsburg, Montrose, Perkasie, Philadelphia, Phoenixville, Pottstown, Scranton, and Tunkhannock, Pa.

NOTE: Applicant states the proposed service will be for the account of Phillips Petroleum Co.

No. MC 116736 (Sub-No. 2), filed October 18, 1962. Applicant: D. F. PAYNE, doing business as DON PAYNE TRUCKING COMPANY, 223 Echo Dale Lane, Knoxville, Tenn. Applicant's representative: Harry E. Dixon, P.O. Box 211, Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and related articles*, CL. namely: (a) *Blocks*, namely: Building (solid, hollow or perforated), not decorated, enameled, glazed (other than soft glazed, individual blocks not being packed), or otherwise coated, condensing (including condensing rings), facing (solid, hollow or perforated) not enameled or glazed except as provided for below, filter bed (solid, hollow or perforated), shale or fire clay, paving shale or fire clay, polyester glazed, salt glazed, segment (vitrified), and silo, (b) *Brick*, namely: Building (solid, hollow or perforated) not enameled or glazed except as provided for below, cinder cement, facing (solid, hollow or perforated), not enameled or glazed except as provided for below, paving, shale or fire clay, salt glazed, sand, cement, sand, lime, slag, lime, zinc or lead, glazed, (c) *Clay*, namely: Clay, (crude) and clay, (ground), (d) *Clay condensing balls*, (e) *Conduits*, not lined, clay or shale or clay and cement combined (will not apply on conduits having bell ends), (f) *Curbing*, clay or shale, street (vitrified), (g) *Slabs*, namely: Slabs (including silo slabs), clay or shale, not enameled, not roofing or ornamental, loaded loose in cars, or packed in crates, or barrels, not individually packed, shipped in same manner as building or facing brick (h) *Tile*, namely: Clay, hollow building, salt, lead or zinc, glazed, when shipped in same manner as building or facing brick, individual tile not being packed, fireproofing, fireproofing or hollow building, broken, crushed or ground, hollow building, not decorated, enameled, glazed (other than salt, lead or zinc glazed, individual tile not being packed) or otherwise coated, promenade or quarry, when packed in fibreboard cartons with double-faced strawboard partitions or fillers, or when packed in wooden crates, (i) *Concrete or mortar mixes*, (j) *Flue lining* and (k) *Wall coping*, from Knoxville, Tenn., to points in Kentucky and North Carolina, and *rejected and refused shipments*, on return.

No. MC 119638 (Sub-No. 3), filed October 19, 1962. Applicant: J. W. HOFACKET, Box 220, Marathon, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar ore*, in bulk, (1) from port of entry on the United States-Mexico boundary line at Boquillas, Tex., to Marathon, Tex., and (2) from port of entry on the United States–Mexico boundary line at Heath Crossing, Tex., to Marathon, Tex.

NOTE: Applicant states the transportation service proposed herein to be performed under a continuing contract with The Delhi Foundry Sand Co.

No. MC 120956 (Sub-No. 1), filed September 27, 1962. Applicant: NYLE E. FINCH AND LYLE E. FINCH, doing business as N. E. FINCH, 1120 West Camp Street, East Peoria, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from Peoria, Ill., to points in Illinois, Missouri, Iowa, Minnesota, Wisconsin, Michigan, Indiana, and Kentucky, and *coal, grain, sand and gravel*, on return.

No. MC 124614 (Sub-No. 2), filed October 15, 1962. Applicant: RAY H. WOODYARD, CARL C. WOODYARD, AND ROBERT COMBS, a partnership, doing business as PULASKI COAL CO., Poplar Hill, Va. Applicant's attorney: E. Griffith Dodson, Jr., 509–514 State and City Building, Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in McDowell, Mercer, and Wyoming Counties, W. Va., to points in Pulaski County, Va.

No. MC 124706 (Sub-No. 1), filed October 19, 1962. Applicant: JAMES C. SARTAIN, doing business as SARTAINS WRECKER & TOWING SERVICE, 957 Barton Street, Memphis, Tenn. Applicant's attorney: Donald A. Hitchcock, 1208 Home Federal Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged and disabled motor vehicles and trailers, and replacement vehicles therefor*, using wrecker equipment only, between points in Shelby County, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, North Carolina, Missouri, Ohio, Oklahoma, South Carolina, Texas, Virginia, and West Virginia.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 326), filed May 2, 1962. Applicant: PUBLIC

SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) between Green Creek and Rio Grande, N.J., from Green Creek over New Jersey Highway 47 (formerly 49) to Rio Grande, and return over the same route, serving all intermediate points and (2) between Fishing Creek, N.J., and Cape May, N.J., from Fishing Creek over unnumbered highways through North Cape May, Cold Spring, and West Cape May to Cape May, and return over the same routes, serving all intermediate points.

No. MC 58522 (Sub-No. 7), filed October 21, 1962. Applicant: RIVER TRAILS TRANSIT LINES, INC., 340 Central Avenue, Dubuque, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, parcel express, and newspapers*, in the same vehicle with passengers, between Dubuque, and Davenport, Iowa, from Dubuque over U.S. Highway 61, to Davenport, and return over the same route, serving all intermediate points.

No. MC 120554 (Sub-No. 4), filed October 11, 1962. Applicant: NICK ENCAPERA, doing business as CALIFORNIA BUS SERVICE, Wood Street, California, Pa. Applicant's attorney: Ernest S. Burch, Bergner Building, 6 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, mail, newspapers and baggage*, in the same vehicle with passengers, between Morgantown, W. Va., and Steubenville, Ohio; from Morgantown, over U.S. Highway 19 to Westover, W. Va., thence over West Virginia Highways 7 and 100 to latter's junction with U.S. Highway 19, thence over U.S. Highway 19 to Washington, Pa., thence over Pennsylvania Highway 31 to the Pennsylvania-West Virginia State line, thence over West Virginia Highway 27 to Wellsburg, W. Va., thence over West Virginia Highway 2 to East Steubenville, W. Va., thence over Market Street Bridge across Ohio River to Steubenville, Ohio and return over the some route, serving all intermediate points and the offroute point of Avella, Pa.

NOTE: Applicant states he proposes to operate these routes in conjunction with his Washington, Pa.-Uniontown, Pa. Route, MC 120554 (Sub-No. 3).

No. MC 124855, filed October 15, 1962. Applicant: SANDUSKY RAPID TRANSIT, INC., 732 Garfield Avenue, Sandusky, Ohio. Applicant's attorney: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Erie and Huron counties, Ohio, and extending to points in Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTICE OF FILING OF PETITION SEEKING MODIFICATION OF COMMODITY DESCRIPTION IF PERTINENT ACTIVE OPERATING AUTHORITY HELD BY PETITIONER

In a report on reconsideration, decided October 16, 1961, and served November 9, 1961, in No. MC 109637 (Sub-No. 74), *Southern Tank Lines, Inc., Extension—St. Bernard, Ohio*, the Commission concluded generally that the commodity descriptions utilized in granting operating authority to motor carriers of liquid chemicals, including those prescribed in *Descriptions in Motor Carrier Certificates*, 61 M.C.C., 209, 766, and *Maxwell Co., Extension—Addyston*, 63 M.C.C., 677, should be revised for use in making future grants, and as a basis for modifying outstanding certificates and permits upon application of the holders thereof in accordance with approved procedure. The Commission found with respect to the commodity descriptions at issue, that the generic heading "liquid chemicals, in bulk, in tank vehicles," is a proper and reasonable commodity description for use in motor carrier operating authorities issued by the Commission; and that where such commodity description described is utilized, the following will be reasonable and proper definition thereof for determining the commodities which are embraced in such description:

Liquid chemicals, as used in the foregoing commodity description are those substances or materials resulting from a chemical or physical change induced by processes employed in the chemical industry, including uniting, mixing, blending, and compounding.

The subject report provided: "All motor carriers holding certificates or permits authorizing the transportation in bulk, in tank vehicles, of 'liquid chemicals as defined in the *Maxwell* case', of 'acids and chemicals as described in the *Descriptions* case', or of liquid chemicals under any other commodity description, are hereby notified that petitions will be entertained requesting the modification of such authorities to reflect the revised commodity descriptions promulgated herein. Such petitions should refer to the specific authority which the carrier desires to have modified, and should contain a certification that there is, in fact, traffic available for the transportation from and to the points it is authorized to serve, and that its operations are not dormant. The petitions should be filed in the proceedings in which the authority held was granted, these petitions will be published in the FEDERAL REGISTER, and if no objections are filed thereto, they will be disposed of without extended further proceedings. If protests are received, a hearing may be required for their disposition; but, in such event, every effort will be made to conclude the proceedings promptly." The following petition seeking modification of pertinent operating authority has been received:

No. MC 114890 (Sub-Nos. 12, 22, 25, and 26, filed February 1, 1962. Petitioner: KENNETH CHILDRESS, doing business as C. E. REYNOLDS GASOLINE AND CHEMICAL TRANSPORT COMPANY, Joplin, Mo. Any person or persons desiring to participate in this proceeding may file replies to said petition (original and fourteen (14) copies each) within 30 days from the date of this publication in the FEDERAL REGISTER. In the event it is deemed necessary or desirable, informal conferences between our staff members and the tank truck carriers, and any other persons who may have an interest in the matter, can be arranged for the purpose of implementing the matter. Persons responding to this publication should specifically advise whether an informal conference is desired.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8266. Authority sought for control by GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla., of C. W. KELLEY TRANSPORT, INC., 2212 East Fourth Street, Hutchinson, Kans., and for acquisition by INLAND, INC., 1111 Grand Avenue, Kansas City, Mo., of control of C. W. KELLEY TRANSPORT, INC., through the acquisition by GROENDYKE TRANSPORT, INC. Applicants' representative: Kay Meese, President, Groendyke Transport, Inc., 2510 Rock Island Boulevard, Enid, Okla. Operating rights sought to be controlled: *Petroleum, petroleum products*, and *filling station equipment and supplies*, as a *common carrier*, over irregular routes, from points in that part of Oklahoma bounded by a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 66 to Oklahoma City, Okla., thence along U.S. Highway 270 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Kansas-Oklahoma State line, and thence along the Kansas-Oklahoma State line to point of beginning, to points in that part of Kansas south and west of a line beginning at the Kansas-Missouri State line, near Ft. Scott, Kans., and extending along U.S. Highway 54 to El Dorado, Kans., thence along U.S. Highway 77 to Junction City, Kans., thence along U.S. Highway 40 to Salina, Kans., thence along U.S. Highway 81 to Belleville, Kans., and thence along U.S. Highway 36 to the Kansas-Colorado State line, and those in that part of Colorado east of U.S. Highway 87, including

points on the indicated portions of the highways specified, from points in the above-specified Kansas territory to Kansas City, Mo., and points in the above-specified Colorado territory, and from Kansas City, Mo., to points in the above-specified Kansas and Colorado territories; *lubricating oil*, in bulk, in tank vehicles, and *petroleum products*, in containers, from Okmulgee, Okla., to points in Kansas on and west of U.S. Highway 81 and on and south of U.S. Highway 36, and those in Colorado, on and east of U.S. Highway 87; *petroleum products*, in containers, from El Dorado, Kans., to points in Nebraska; and *petroleum* and *petroleum products*, from Kansas City, Kans., to points in Colorado on and east of U.S. Highway 87. GROENDYKE TRANSPORT, INC., is authorized to operate as a *common carrier* in Oklahoma, Kansas, Colorado, Texas, Mississippi, New Mexico, Louisiana, Tennessee, Missouri, Arizona, Arkansas, Nebraska, Utah, Wyoming, Iowa, Kentucky, Alabama, Illinois, and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8268. Authority sought for purchase by INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind., of a portion of the operating rights of YEARY TRANSFER COMPANY, INC., Winchester Road, Winchester, Ky., and for acquisition by RODNEY TETRAULT, R.R. No. 1, Eaton, Ind., JOHN HARTMEYER, 11 Oak Road, Hamilton Park, Muncie, Ind., and LILLIAN TETRAULT, Matthews, Ind., of control of such rights through the purchase. Applicants' attorney: Harry Ross, 920 Warner Building, Washington 4, D.C. Operating rights sought to be transferred: *Frozen fruits, frozen berries* and *frozen vegetables*, as a *common carrier* over irregular routes from Detroit, Michigan to Miami, Florida, from Seabrook, N.J., to Fort Wayne, Ind., Chattanooga and Nashville, Tenn., Akron and Toledo, Ohio, Birmingham, Ala., St. Louis, Mo., Salem, Va., Charleston, W. Va., and Dallas, Tex., and from Seabrook, N.J., to Louisville, Ky., Charlotte, N.C., and points in Ohio; *frozen vegetables*, from Hammond, La., to Atlanta, Ga., Columbia, S.C., Raleigh, N.C., Jersey City, N.J., and New York, N.Y., from Seabrook, N.J., to Columbia, S.C., from Hammond, La., to Springfield, Watertown, and North Abbington, Mass., and from points in Wicomico County, Md., to Indianapolis, Ind., Chicago, Ill., Detroit, Mich., and Cleveland, Ohio; *frozen berries*, from Knoxville, Tenn., to Wilmington, Del., Baltimore, Md., Clermont, N.Y., and Beckley, W. Va. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Alabama, Florida, Georgia, Louisiana, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Kentucky, Maryland, Missouri, Maine, New Hampshire, Connecticut, Delaware, Vermont, Iowa, Ohio, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8269. Authority sought for merger into R. C. MOTOR LINES, INC., 2500 Laura Street, Jacksonville, Fla., of the operating rights of COTTON STATES MOTOR LINES, INC., doing business as R. C. MOTOR LINES OF GEORGIA, 2500 Laura Street, Jacksonville, Fla., and for acquisition by B. S. REID and G. T. MILLER, both of 2500 Laura Street, Jacksonville, Fla., of control of such rights through the transaction. Applicant's attorney: McCarthy Crenshaw, 512 Barnett National Bank Building, Jacksonville, Fla. Operating right sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Augusta, Ga., and Columbia, S.C., between Augusta, Ga., and Charleston, S.C., between Aiken, S.C., and Barnwell, S.C., between Aiken, S.C., and Leesville, S.C., between Aiken, S.C., and Wagener, S.C., serving all intermediate and certain off-route points; *general commodities*, excepting, among others household goods and commodities in bulk, over irregular routes between Columbia, S.C., on the one hand, and, on the other, points in Georgia, RESTRICTION: The service authorized herein is restricted to traffic moving from, to, or through Atlanta, Ga.; *general commodities*, excepting, among others, household goods but not excepting commodities in bulk between Augusta and Savannah, Ga., on the one hand, and on the other, points in Georgia and South Carolina and between Augusta and Savannah, Ga., Richmond, Va., and points in North Carolina, on the one hand, and, on the other, points in Richland, Lexington, and Calhoun Counties, S.C.; *glass bottles and glass food containers*, from Laurens, S.C., to Birmingham, Dothan, Montgomery, Opelika, and Roanoke, Ala., Dover and Wilmington, Del., Chattanooga, Johnson City, Knoxville, and Morristown, Tenn., and points in Florida, Georgia, Maryland, Virginia, North Carolina and the District of Columbia; *canned foodstuffs*, from points in Maryland and those in that part of Virginia east of the Chesapeake Bay, to Augusta, Ga., and points in South Carolina; *veneer*, from Elloree, Denmark, and Orangeburg, S.C., and points within 10 miles of each, to Mount Airy, Lenoir, Hickory, North Wilkesboro, Thomasville, Greenville, Morganton, High Point and Winston-Salem, N.C. R. C. MOTOR LINE, INC., is authorized to operate as a *common carrier* in New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8270. Authority sought for purchase by ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, of the operating rights of JORDAN'S TRUCK LINE, Hartsville, S.C., and for acquisition by GALEN J. ROUSH, 147 Park Street, Akron, Ohio, of control of such rights through the purchase. Applicants attorneys: John R. Turney or Russell R. Sage, 2001 Massachusetts Avenue NW., Washington 6, D.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, from Charleston, S.C., to points in Marlboro, Chesterfield, Darlington, and Dillon Counties, S.C., between points in Marlboro, Chesterfield, Darlington, and Dillon Counties, S.C., on the one hand, and, on the other, points in North Carolina within 150 miles of Bennettsville, S.C., RESTRICTION: This operation is restricted against the transportation of *tobacco* between Darlington and Dillon Counties, on the one hand, and, on the other, points in North Carolina east of U.S. Highway 21 within 150 miles of Bennettsville, S.C.; and between Cheraw, S.C., and points in North Carolina and South Carolina within 50 miles of Cheraw, on the one hand, and, on the other, points in North Carolina on and west of U.S. Highway 15; *livestock*, from points in Marlboro County, S.C., to Charlottesville, Lexington, and Staunton, Va., and points in North Carolina; *gin machinery*, from Atlanta and Columbus, Ga., to points in Marlboro and Dillon Counties, S.C.; *composition roofing*, from Augusta, Ga., to Bennettsville, S.C.; *paper products and pulpboard products*, from Rockingham, N.C., and Hartsville, S.C., to points in North Carolina, South Carolina, Virginia, Georgia, and Alabama; *materials* used in the manufacture of paper products and pulpboard products, from points in Tennessee and the destination points specified next above to Hartsville, S.C., and Rockingham, N.C.; *cotton yarn*, from Cheraw, S.C., to Martinsville, Va.; *cotton*, between Danville, Martinsville, and Roanoke, Va., points in that part of South Carolina north of a line beginning at Charleston, S.C., and extending along U.S. Highway 78 to junction U.S. Highway 178, thence along U.S. Highway 178 to junction U.S. Highway 76, thence along U.S. Highway 76 to the South Carolina-Georgia State line, and those in North Carolina, including points on the indicated portions of the highways specified. Vendee is authorized to operate as a *common carrier* in Ohio, Texas, Indiana, Illinois, Oklahoma, Missouri, Michigan, Kansas, Tennessee, Alabama, Georgia, North Carolina, South Carolina, West Virginia, Virginia, New Jersey, New York, Pennsylvania, Kentucky, Maryland, Connecticut, Wisconsin, Mississippi, Louisiana, Arkansas, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8271. Authority sought for merger into SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, of the operating rights and property of THE LIBERTY HIGHWAY COMPANY, 1100 King Avenue, Columbus 12, Ohio, and for acquisition by JAMES R. RILEY, 1100 King Avenue, Columbus 12, Ohio, of control of such rights and property through the transaction. Applicants' attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus 15, Ohio. Operating rights sought to be merged: *General commodities*, except dangerous explosives, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a

common carrier over regular routes including routes between Chicago, Ill., and Cleveland, Ohio, Detroit, Mich., Waukegan, Ill., between Elkhart, Ind., and Bristol, Ind., between South Bend, Ind., and Cassapolis, Mich., between Bryan, Ohio, and Lansing, Mich., between Detroit, Mich., and Flint, Mich., and between Norwalk, Ohio, and Akron, Ohio, serving all intermediate and certain off-route points; three alternate routes for operating convenience only; *general commodities*, with exceptions as specified above, over irregular routes, between points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and those in Wayne County, Mich., on the one hand, and, on the other, certain points in Ohio; *glass and glass products, materials and supplies and machinery* used or useful in the manufacture of glass and glass products, between Ottawa, Ill., and points within five miles of Ottawa, on the one hand, and, on the other, Toledo, Ohio, and points within ten miles of Toledo. SUBURBAN MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Ohio, Indiana, Illinois, West Virginia, Michigan, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8272. Authority sought for purchase by FOOD HAUL, INC., 1050 Union Commerce Building, Cleveland 14, Ohio, of the operating rights and property of THE OHIO CARTAGE COMPANY, 886 West Goodale Boulevard, Columbus, Ohio, and for acquisition by CHARLES DURKIN, 223 Pulaski Street, Syracuse, N.Y., of control of such rights and property through the purchase. Applicants' attorney: Ewald E. Kundtz, Falsgraf, Kundtz, Reidy, and Shoup, 1050 Union Commerce Building, Cleveland 14, Ohio. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, as a *contract carrier* over irregular routes, between points within the territory bounded by a line beginning at Pikeville, Ky., and extending in a northeasterly direction through Mullens, W. Va., Hinton, and Roncerverte to Marlinton, W. Va., thence west to Richwood, W. Va., thence in a northwesterly direction through Gassaway and Pennsboro to St. Marys, W. Va., thence north through Barnesville, Ohio, to Cadiz, Ohio, thence in a northwesterly direction through Uhrichsville, and Dover to Orrville, Ohio, thence west to Plymouth, Ohio, thence a southwesterly direction through Upper Sandusky, to St. Marys, Ohio, and thence in a southeasterly direction through Sidney, Piqua, Troy, Tipp City, Xenia, Greenfield, and Portsmouth, Ohio, to Pikeville, including the points named, and between points in the above-described territory and Lebanon, Ohio. Vendee holds no authority from this Commission. However, its controlling stockholder, Charles Durkin, is also in control of A. C. RICE STORAGE CORPORATION, 607-615 Railroad Avenue, Elmira, N.Y., which is authorized to operate as a *common carrier* in New York and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-10867; Filed, Oct. 30, 1962; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 26, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38006: *Chemicals from Texas points to Chicago, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-8288), for interested rail carriers. Rates on acetone, butyl acetate, butyl alcohol, denatured alcohol, isobutyl alcohol, methanol (methyl alcohol), methyl acetone, vinyl acetate, mixture of butyl and isobutyl alcohol, lacquer solvent and mixture of butyl and isobutyl alcohol, in tank-car loads, from Freeport, Longview, North Seadrift and Texas City, Tex., to Chicago, Ill. (applicable only for deliveries on railroad tracks serving the Lake River Terminals at Crawford, Ill., or Union Carbide Chemicals Co., at Whiting, Ind.).

Grounds for relief: Market competition.

Tariff: Supplement 253 to Southwestern Freight Bureau tariff I.C.C. 4064.

FSA No. 38007: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 450), for interested rail carriers. Rates on aluminum or tin foil, resin compounds, feather meal, fish meal or fish scrap, chemicals and roofing material and sheathing, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same condition.

Tariff: Supplement 34 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

AGGREGATE-OF-INTERMEDIATES

FSA No. 38008: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 451), for interested rail carriers. Rates on aluminum or tin foil, resin compounds, etc., in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 34 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-10866; Filed, Oct. 30, 1962; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to 29 CFR 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region I

Ward Bros., Inc., 72 Lisbon Street, Lewiston, Maine; effective 10-1-62 to 9-30-63 (apparel store; 89 employees).

Region III

W. T. Grant Co., 81 West Main Street, Waynesboro, Pa.; effective 10-6-62 to 10-5-63 (department store; seven employees).

W. T. Grant Co., 345-51 Market Street, Sunbury, Pa.; effective 10-1-62 to 9-30-63 (department store; 65 employees).

Region IV

W. T. Grant Co., No. 849; 736 North Edgewood Avenue, Jacksonville, Fla.; effective 10-11-62 to 10-10-63 (department store; 35 employees).

Region VII

P. N. Hirsch Co., Moberly, Mo.; effective 10-4-62 to 10-3-63 (department store; 13 employees).

Tri-State Distributing Co., d/b/a Outlaw Trading Post, Winner, S. Dak.; effective 10-4-62 to 10-3-63 (general store; 30 employees).

Region VIII

Mac's Super Market, Inc., d/b/a Mac's Superetts, Aspermont, Tex.; effective 10-10-62 to 10-9-63 (food store; eight employees).

Mac's Supermarket, Inc., d/b/a Mac's Food Market, Ralls, Tex.; effective 10-10-62 to 10-9-63 (food store; five employees).

Mac's Food Market, Inc., Spur, Tex.; effective 10-10-62 to 10-9-63 (food store; 14 employees).

RGS Super Markets, Inc., 1009 Barrow Street, Houma, La.; effective 10-10-62 to 10-9-63 (food store; 44 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates below $1.00 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

The J. S. Dillon & Sons Stores Co., Inc., 614 West Sixth, Junction City, Kans.; effective 10-8-62 to 10-7-63; cashier, clerk, carryout, wrapper, maintenance; 10 percent each month (food store; 42 employees).

Dyche Jones Food Store, North Main Street, London, Ky.; effective 10-10-62 to 10-9-63; bagger-carryout, stock clerk, cashier, produce cleaner; between 4.7 percent and 10 percent (food store; 12 employees).

S. S. Kresge Co., Capital Plaza Shopping Center, 5431 Interregional Highway, Austin, Tex.; effective 10-8-62 to 10-7-63; sales clerk; between 0.7 percent and 10 percent (variety store; 21 employees).

S. S. Kresge, Caprock Shopping Center, 50th Street at Canton Avenue, Lubbock Tex.; effective 10-8-62 to 10-7-63; sales clerk; between 0.8 percent and 9.8 percent (variety store; 23 employees).

S. S. Kresge Co., #561, Winchester Shopping Center, 2260 Valley Avenue, Winchester, Va.; effective 10-8-62 to 10-7-63; sales clerk; between 4.2 percent and 10 percent (variety store; 36 employees).

Younker Bros., Inc., 1550 East Douglas, Des Moines, Iowa; effective 10-15-62 to 10-14-63; stock clerk, messenger, clerical, wrapping, cashier, cleaning, selling, making signs; between 2.8 percent and 9.5 percent (department store; new store).

The following certificates were issued to establishments under paragraph (k) of § 519.6 of 29 CFR, Part 519. These certificates supplement certificates issued pursuant to other paragraphs of that section, but do not authorize the employment of full-time students at rates below $1.00 an hour in additional occupations. The certificates contain limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The additional allowances apply to the specified months and vary from month to month between the minimum and maximum figures indicated.

Hested Stores Co., #787, 4259 West Florida Avenue, Denver, Colo.; effective 10-28-62 to 12-29-62; between 3.4 percent and 9.3 percent for the months of November and December (variety store; 16 employees).

Hested Stores Co., #769, 4922 South 24th Street, Omaha, Nebr.; effective 10-28-62 to 9-29-63; between 1.0 percent and 10 percent for the months of November, December, March, April, August, and September (variety store; 20 employees).

G. C. Murphy Co., #91, Frederick Avenue Shopping Center, Frederick Avenue, Baltimore, Md.; effective 10-15-62 to 9-30-63; between 2.9 percent and 10.8 percent for the months of October, December, June, July, August, and September (variety store; new store).

G. C. Murphy Co., #134, 1200-02-04 West Baltimore Street, Baltimore, Md.; effective 10-15-62 to 9-30-63; between 1.0 percent and 9.1 percent for the months of October, November, December, January, March, April, May, June, July, August, and September (variety store; 80 employees).

G. C. Murphy Co., #147, 7737 Eastern Boulevard, Baltimore, Md.; effective 10-15-62 to 9-30-63; between 1.0 percent and 10.6 percent for the months of October, December, January, February, March, April, May, June, July, August, and September (variety store; 131 employees).

G. C. Murphy Co., #152, 6863 Loch Raven Boulevard, Baltimore, Md.; effective 10-15-62 to 9-30-63; between 1.0 percent and 16.2 percent for the months of October, November, December, January, February, March, April, May, June, July, August, September (variety store; 61 employees).

G. C. Murphy Co., #224, 3411 Dundalk Avenue, Baltimore, Md.; effective 10-15-62 to 9-30-63; between 1.0 percent and 9.9 percent for the months of October, November, December, January, April, May, June, July, August, and September (variety store; 49 employees).

G. C. Murphy Co., #238, 2027 Mondawmin Mall, Baltimore, Md.; effective 10-15-62 to 9-30-63; between 2.3 percent and 12.7 percent for the months of October, November, December, January, February, March, April, May, June, July, August, and September (variety store; 123 employees).

G. C. Murphy Co., #285, 3901-03 Erdman Avenue, Baltimore, Md.; effective 10-15-62 to 9-30-63; between 2.7 percent and 10.8 percent for the months of October, December, June, July, August, and September (variety store; 52 employees).

G. C. Murphy Co., #271, 1836 Stefko Boulevard, Bethlehem, Pa.; effective 10-15-62 to 9-30-63; between 1.0 percent and 14.3 percent for the months of October, November, December, January, February, March, April, May, June, August, and September (variety store; 52 employees).

G. C. Murphy Co., #228, West Chester Pike and Eagle Road, Havertown, Pa.; effective 10-15-62 to 9-30-63; between 1.0 percent and 12.6 percent for the months of October, November, December, January, March, April, May, June, July, August, and September (variety store; 58 employees).

G. C. Murphy Co., #232, 1200 Market Street, Lemoyne, Pa.; effective 10-15-62 to 9-30-63; between 1.3 percent and 4.8 percent for the months of October, December, May, July, August, and September (variety store; 57 employees).

G. C. Murphy Co., #246, 62d and Woodland, Philadelphia, Pa.; effective 10-15-62 to 9-30-63; between 1.0 percent and 5.7 percent for the months of October, December, July, August, and September (variety store; 69 employees).

S. H. Kress and Co., 580 Central Avenue, East Orange, N.J.; effective 10-15-62 to 9-30-63; between 1.0 percent and 14.8 percent for the months of October, November, December, January, February, March, April, June, July, August, and September (variety store; 78 employees).

S. H. Kress and Co., 343 Springfield Avenue, Summit, N.J.; effective 10-15-62 to 9-30-63; between 2.7 percent and 20.0 percent for the months of October, November, December, January, February, March, April, May, June, July, August, and September (variety store; 22 employees).

S. H. Kress and Co., 1508 Main Street, Columbia, S.C.; effective 10-15-62 to 9-30-63; between 3.6 percent and 17.9 percent for the months of October, November, December, May, June, July, August, and September (variety store; 61 employees).

S. H. Kress and Co., 311 Main Street, Greenwood, S.C.; effective 10-15-62 to 9-30-63; between 6.0 percent and 20.0 percent for the months of October, November, December, March, April, May, June, July, August, and September (variety store; 44 employees).

Newberry Wabash Inc., 1-15 North Jefferson Street, Martinsville, Ind.; effective 10-30-62 to 8-27-63; between 1.0 percent and 5.5 percent for the months of November, December, June, July, and August (variety store; 28 employees).

J. J. Newberry Co., 21-23 Main Street, Leominister, Mass.; effective 10-17-62 to 9-24-63; between 2.3 percent and 7.4 percent for the months of October, November, and September (variety store; 17 employees).

J. J. Newberry Co., North Attleboro, Mass.; effective 10-17-62 to 9-24-63; between 5 percent and 10 percent for the months of October, November, December, May, June, July, and September (variety store; 16 employees).

J. J. Newberry Co., 112 Main Street, Nashua, N.H.; effective 10-30-62 to 4-29-63; between 3.8 percent and 9.0 percent for the months of November, December, and April (variety store; 19 employees).

E & F Corp., d/b/a Ramey Super Market No. 1, 1812 South Glenstone, Springfield, Mo.; effective 8-13-62 to 6-10-63; 5 percent each month (food store; 42 employees).

H & J Corp., d/b/a Ramey Super Market No. 3, 1844 South Campbell, Springfield, Mo.; effective 10-20-62 to 9-30-63; between 1.2 percent and 10 percent for the months of October, November, December, January, February, March, May, June, July, August, and September (food store; 33 employees).

Rose's Stores, Inc., No. 80, 117-119 South Wayne Street, Milledgeville, Ga.; effective 10-15-62 to 10-14-63; between 4.0 percent and 20 percent for the months of November, December, January, June, July, August, September, and October (variety store; 18 employees).

Rose's Stores, Inc., No. 61, Main Street, Clinton, N.C.; effective 10-15-62 to 9-30-63; between 3.8 percent and 7.9 percent for the months of October, November, December, June, July, August, and September (variety store; 32 employees).

Rose's Stores, Inc., No. 43, 102 Main Street, Clinton, N.C.; effective 10-15-62 to 9-30-63; between 2.7 percent and 20 percent for the months of October, November, December, June, July, August, and September (variety store; 20 employees).

Rose's Stores, Inc., No. 8, West Avenue, Lenoir, N.C.; effective 10-21-62 to 10-14-63; between 8.0 percent and 20.0 percent for the months of November, December, June, July, August, and September (variety store; 24 employees).

Rose's Stores, Inc., #4, Main Street, Roxboro, N.C.; effective 10-15-62 to 9-30-63; between 3.5 percent and 18.2 percent for the months of October, November, December, June, July, August, and September (variety store; 14 employees).

Rose's Stores, Inc., No. 76 Broad Street, Camden, S.C.; effective 10-15-62 to 9-30-63; between 5.7 percent and 20.0 percent for the months of October, November, December, June, July, August, and September (variety store; 30 employees).

Rose's Stores, Inc., No. 48, Main Street, Newberry, S.C.; effective 10-15-62 to 10-8-63; between 4.6 percent and 19.2 percent for the months of November, December, June, July, August, September, October (variety store; 23 employees).

Rose's Stores, Inc., No. 49 Main Street, Union, S.C.; effective 10-15-62 to 9-30-63; between 4.4 percent and 20.0 percent for the months of October, November, December, June, July, August, and September (variety store; 22 employees.

Rose's Stores, Inc., #129, West 21st Street, Norfolk, Va.; effective 10-15-62 to 9-30-63; between 1.0 percent and 6.8 percent for the months of October, December, June, July, August, and September (variety store; 32 employees).

Rose's Stores, Inc., #20, Town & Country Shopping Center, Portsmouth, Va.; effective 10–15–62 to 10–7–63; between 1.0 percent and 9.8 percent for the months of October, November, December, June, July, August, and September (variety store; 37 employees).

Rose's Stores, Inc., #107, 1904 Atlantic Avenue, Virginia Beach, Va.; effective 10–15–62 to 10–1–63; between 1.0 percent and 20.0 percent for the months of October, November, December, January, August, and September (variety store; 10 employees).

Sterling's-Park, Inc., University Avenue and Markham, Little Rock, Ark.; effective 10–20–62 to 9–30–63; between 1.0 percent and 20.0 percent for the months of October, November, December, March, April, May, June, July, August, and September (variety store; 25 employees).

Sterling's-Airway, Inc., 2240 Lemar Avenue, Memphis, Tenn.; effective 10–20–62 to 9–30–63; between 3.6 percent and 20.0 percent for the months of October, November, December, March, April, May, June, July, August, and September (variety store; 24 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 25th day of October 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–10860; Filed, Oct. 30, 1962; 8:46 a.m.]

TARIFF COMMISSION

[87–456–3]

TARIFF SCHEDULES

Proposed Changes; Notice of Hearing and Opportunity To Present Written Views

Pursuant to sections 101(b)(4) and 101(c) of the Tariff Classification Act of 1962 (Public Law 87–456, approved May 24, 1962), the United States Tariff Commission gives notice of the release in proposed form of a Fourth Supplemental Report of changes in the Tariff Schedules of the United States[1] necessary to reflect changes made in the tariff treatment of imported articles by the following statutes and administrative and judicial rulings:

Statutory enactments:	*Products*
P.L. 87–455	Foreign business data.
P.L. 87–456 (Tariff Classification Act of 1962).	
P.L. 87–497	Natural graphite.
P.L. 87–514	Metal scrap.
P.L. 87–567	Aluminum oxide and bauxite.
P.L. 87–602	Silk yarns.
P.L. 87–604	Articles for religious institutions.
P.L. 87–606	Casein.
P.L. 87–607	Lathes for shoe lasts.
P.L. 87–770	Fowling nets.
P.L. 87–790	Personal effects. / Monofilament gill nets.
P.L. 87–794 (Trade Expansion Act of 1962).	
P.L. 87–859	Processing tax on coconut, palm, and palm-kernel oils.
P.L. 87–878	Dried or bleached grasses, etc.
Decisions of the United States Court of Customs and Patent Appeals:	
CAD 788	Ferrites.
CAD 795	Blank pistols.
CAD 804	Electrical measuring instruments.
Decisions of the United States Customs Courts:	
CD 2251	Plastic teeth.
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Treasury Decisions:	
TD 55506 / TD 55621	Wooden window blinds.
TD 55624(14)	Electric clocks, and clock and watch movements.

A public hearing has been ordered to be held beginning at 10 a.m., e.s.t., on Friday, the 16th day of November 1962, in the Hearing Room of the Tariff Commission Building, 8th and E Streets NW., Washington, D.C.

Information and views may also be submitted in writing. Fifteen (15) copies of written statements must be submitted. Each such statement should be submitted as early as possible, and, in order to assure due consideration, must be submitted not later than November 19, 1962. Written statements and oral testimony must be limited to the issues raised in this notice.

Request for appearance at the public hearing. Request to appear at the hearing must be filed in writing with the Secretary of the Commission. Any such request must include (1) the name, address, telephone number, and organization of the person filing the request, and the name of any witness who will testify; (2) the particular provision on which testimony will be presented. Parties who have properly entered an appearance by November 12, 1962, will be notified individually of the date on which they are scheduled to appear.

All communications regarding this notice should be addressed to the Secretary, United States Tariff Commission, Washington 25, D.C.

Issued: October 30, 1962.

By order of the Commission.

DONN N. BENT,
Secretary.

[F.R. Doc. 62–10951; Filed, Oct. 30, 1962; 8:48 a.m.]

[1] The Tariff Schedules of the United States are set forth in the report of the Tariff Commission entitled "Tariff Classification Study, Proposed Revised Tariff Schedules of the United States", dated November 15, 1960, as changed by the "First Supplemental Report" of January 1962, the "Second Supplemental Report" of June 1962, and a third supplement issued in proposed form October 1, 1962 (not yet final). Copies of the above mentioned Tariff Schedules are available for inspection at the office of the Tariff Commission in Washington, D.C., and at its New York office, at United States customhouses, at Department of Commerce field offices, and at most large libraries in the United States; copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

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